



# CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

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

209 Surf Street, Morro Bay  
Monday July 19, 2010

Nancy Johnson - Chairperson  
Vice-Chairperson - Gerald Luhr  
Commissioner - Michael Lucas  
Commissioner - John Diodati  
Commissioner - Jamie Irons  
Rob Livick - 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 Planning Commission meeting held on July 6, 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. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

**X. PUBLIC HEARINGS**

**A. Site Location:** 3390 Main Street, R-1/S.1 and MCR/R-4(SP, North Main Area A) and ESH

**Applicant:** Johnnie Medina

**Request:** Consideration of a Mitigated Negative Declaration and Coastal Development Permit for a 2 parcel subdivision map and a 2,497 square foot two story single-family residence with attached two car garage. There is also a request to reduce the buffer from the Environmentally Sensitive Habitat area from 50 feet to 25 feet. This site is located inside the Coastal Commission Appeals Jurisdiction.

**Recommended CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Review and take action on the Parcel map (S00-089) and the Coastal Development Permit (CPO-276)

**Staff Contact:** Kathleen Wold, Planning Manager, 772-6211

**B. Site Location:** 2718 Alder Ave.

**Applicant:** John Saurwein

**Request:** The applicant requests approval for construction of a new single family residential unit. The new residential unit consists of approximately 1,377 square feet of new habitable space and approximately 434 square feet of garage space. The applicant is also requesting a variance to reduce the exterior side yard setback.

**Recommended CEQA Determination:** Categorically Exempt, Class 3, Section 15303.

**Staff Recommendation:** Review and take action on the Coastal Development Permit #CPO-331 and Variance #AD0-055

**Staff Contact:** Sierra Davis, Assistant Planner, 772-6297

**XI. OLD BUSINESS**

A. Current Planning Processing List/Advanced Work Program.

**XII. NEW BUSINESS**

A. Commissioner Diodati's request to be absent from the July 19<sup>th</sup> 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, August 2, 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:

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

**APPEALS**

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

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

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  
July 06, 2010

Vice-Chairperson Gerald Luhr Commissioner Jamie Irons	Chairperson Nancy Johnson  Rob Livick, Secretary	Commissioner Michael Lucas Commissioner John Diodati
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I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Rob Livick led the pledge.

III. ROLL CALL

Livick took roll and noted that Commissioner Diodati is absent but all other Commissioners are present.  
Staff Present: Rob Livick, Kathleen Wold and Sierra Davis.

IV. ACCEPTANCE OF AGENDA

MOTION: Luhr moved to accept the Agenda as presented. The motion was seconded by Irons and carried 4-0.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on action taken at the June 28, 2010 City Council meeting and also on items scheduled for the July 12, 2010 City Council meeting.

VI. PUBLIC COMMENT

Johnson opened the public comment period.

- Susan Brown, General Manager of the Transit and the Trolley, explained the new transit fixed route schedule and Call-a-Ride service that started July 1, 2010.

Hearing no further comment, Johnson closed the public comment period.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on June 7, 2010

MOTION: Irons moved the Planning Commission approve the minutes. The motion was seconded by Luhr and carried 4-0.

VIII. PRESENTATIONS - None

IX. FUTURE AGENDA ITEMS

A. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

Commissioners reviewed future agenda items and did not add any new items.

## X. PUBLIC HEARINGS

A. **Site Location:** 2330 Hemlock Ave.

**Applicant:** John Christie

**Request:** The applicants request approval of an addition to the first story and new construction of a second story to an existing non-conforming single-family residential unit. The addition would add approximately 657 square feet of habitable space and 55.25 square feet for a laundry room accessed from the exterior of the residential unit.

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

**Staff Recommendation:** Review and take action on the Conditional Use Permit #UP0-259.

**Staff Contact:** Sierra Davis, Assistant Planner.

Davis presented the staff report.

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

- John Christie, Applicant, thanked Sierra Davis for her work and said he was available to answer any questions.
- Nina Litvanoff, resident of Morro Bay, spoke against the project due to the loss of their ocean view if the Applicant's project is approved and requested the Planning Commission deny the project.

Luhr stated concern about the layout of the plans. He noted the plans seem to be laid out with intent to add additional square footage, convert the wet bar or possibly convert to multiple units in the future without adding additional parking. Applicant replied the layout of the plans is due to the engineering and also the deed restriction will prevent conversion of property to include second unit utilizing the wet bar.

Luhr asked if the Applicant would agree to future review of the property to ensure it is not being converted to multiple units for a period of two to five years. Applicant said he was not willing if he would have to pay the engineering costs.

Commissioners had discussion with applicant regarding:

- The intent of the second story floor space including the function of the wet bar
- The porch area design and ensuring no exclusive access to the second story through additional exterior doors
- Garage access and driveway
- The design of the laundry room with an exterior door
- Concern about the ease at which this property could be converted to multiple units and the impact on the neighborhood
- The feasibility of placing a condition on this project that it be re-inspected by a third party over time to verify that the plans are followed

Johnson noted the City does not have a view protection ordinance, so the project cannot be denied for that reason.

Irons asked about the possibility of continuing the project in order to allow the Applicant to revise his plans for resubmittal.

Applicant stated he believes the design is more aesthetically pleasing as it is currently.

Hearing no further comment, Johnson closed the Public Hearing.

Commissioners had further discussion regarding:

- Their concerns regarding the potential for conversion into multiple units and support for third party verification and how to not make it overly burdensome
- The outdoor space and view corridor
- The hip roof design

**MOTION:** Lucas moved the Planning Commission approve the project as presented to include the following action(s):

- A. Adopt the Findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA); and
- B. Approve Conditional Use Permit, subject to the Conditions included as Exhibit "B" and the site development plans dated June 29, 2010.

Luhr requested an amendment to the motion to require a third party verification of the proposed conditions and plans at a two year time period.

Lucas did not accept the proposed amendment. The motion was seconded by Irons and carried 3-1.

#### XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program

No discussion.

- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.

Wold presented the staff report.

Commissioners discussed with staff existing gates or chains that cover residential and commercial driveways and the associated traffic safety issues and pedestrian risk.

#### XII. NEW BUSINESS – None

Johnson asked Livick if a sign ordinance workshop would be scheduled soon. Livick said yes. Johnson also asked if the court decision on the Colmer project on Quintana affects the City. Wold said yes, because the project cannot go forward without a coastal permit.

#### XII. ADJOURNMENT

Johnson adjourned the meeting at 7:52 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, July 19, 2010 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Rob Livick, Secretary

CITY OF MORRO BAY  
PUBLIC SERVICES DEPARTMENT  
MEMORANDUM

TO: Planning Commission  
FROM: Kathleen Wold, Planning Manager  
DATE: July 19, 2010  
RE: 3390 Main Street, Coastal Development Permit, Parcel Map and ESH

FILE NUMBER SOO-089/CPO-276 Subdivision Map and Coastal Development Permit

LOCATION: 3390 Main Street Morro Bay, CA (APN 065-085-019)

APPLICANT Johnie Medina,

AGENT Westland Engineering, Inc. 3480 S. Higuera Street, Suite 130 San Luis Obispo, Ca 93401

**STAFF RECOMMENDATION**

It is recommended that the Planning Commission **CONDITIONALLY APPROVE THE PROJECT** by adopting a motion including the following action(s):

- A. Adopt the Findings for Approval for the Vesting Tentative Map and Coastal Development Permit included as Exhibit "A" of the staff report and the Findings for Denial of the reduction of the ESH buffer.
- B. Adopt Mitigated Negative Declaration (SCH 2009061049) .
- C. Approve Tentative Parcel Map dated January 26, 2010 and Coastal Development Permit based on site development plans received by the Public Services Department on January 5, 2008 and subject to the Conditions of Approval included as Exhibit "B" of the staff report.
- D. Deny the request for reduction of the ESH buffer from 50 feet to 25 feet.

**DISCUSSION**

A public hearing for this project was held on July 20, 2009. At this meeting the Planning Commission voted to indefinitely continue the item until such time as the following issues were addressed:

- Staff to determine if any conditions remain outstanding from the original development on the site.
- Staff to investigate the drainage problem to the creek.

- Provide assurance that the applicant understands what LID technology is and has generated a plan to reduce urban runoff into the creek.
- Have Staff research the willow trees, natural vegetation history and current status.
- Provide additional information on the 50 foot buffer requirement from the ESH area and provide a recommendation of whether the buffer should be reduced.

**ISSUES AND UNRESOLVED PERMIT CONDITIONS FOR USE PERMIT SUBJECT:  
CASE NO: CUP 18-01/LM 05-01/CDP 26-01R**

A condition was placed on the first house built at 3390 N. Main Street that required the following:

Roof and driveway runoff shall be directed to the street in a non-erosive manner and not concentrate runoff onto adjacent properties or the unnamed creek. The applicant may be required to submit a grading and/or drainage plan with calculations to demonstrate the proposed on-site drainage will handle the peak run-off from a 25-year storm. If deemed necessary by the Building Official, a grading and drainage plan shall be submitted by the Applicant for approval by the Public Works Division and City Engineer prior to issuance of a building permit.

According to City records on September 12, 2002 a letter was sent to Rand Waterworth (the agent for Mr. Medina) indicating that Mr. Waterworth had requested to deviate from the City's standard drainage requirement as it related to the first house built at 3390 Main Street. In lieu of requiring surface runoff discharging to the street, it was agreed upon to allow the storm water to flow north to the adjacent creek. The letter goes on to further document that all historic flows from 3350 needed to be accommodated with the improvements for 3390 Main Street and that at the time of the letter (9/12/2002) this had not been accomplished thus creating a potential for 3350 Main Street to flood. On September 4, 2003 a letter was submitted to City regarding the drainage issues at 3350 Main Street requesting that the improvements as originally agreed to be installed. There is no documentation in the file that the necessary modifications were ever made those modifications being either lowering the driveway at 3390 Main Street or installing a culvert.

The applicant's engineer has responded to the question regarding historic flow patterns. His response states that there appears to have been a low area near the street at the westerly corner of the neighboring property that filled during storms and then overtopped a low band near the creek. Larger flow would have emptied to the creek along this path. This low area appears to have been partially filled with the street improvements and the lawn area. The lawn area and street improvements appear to drain without issue. The street improvements have raised the flow path to the creek. The flow path is open though the lawn area and across the paved driveway and there is an alternate flow path southerly.

It would appear that from the engineer's report that the improvements required in the letter sent on September 12, 2002 were never constructed and therefore the concerns over flooding issues for 3350 Main Street are still valid.

Another condition of approval was to implement a Creek Restoration Plan. The condition specifically required the applicant to do the following:

Creek Restoration Plan: Prior to the issuance of a building permit, the landscape plan shall be reviewed by a City approved biologist verifying the following:

- The landscaping plan includes native riparian species, and
- Non-native species are identified by the biologist and shall be removed from the creek vicinity.

Documentation in the historic files indicate that a letter was sent on September 30, 2002 which states that after taking occupancy of the new home an unapproved landscape plan was started at 3390 Main Street. The City requested that the work cease and it did. There is no additional information that demonstrates that there was ever compliance with the condition. Onsite conditions as detailed by the applicant's biologist in his report dated May 3, 2008 indicate that the undeveloped portion of the lot contains a mosaic of primarily exotic vegetation. A variety of invasive species are also present on the lot that includes Ice plant, Rip gut brome and Cheeseweed. He further states that the property supports very little native vegetation. Therefore it would appear unlikely that all non-native species were removed from the creek vicinity (ESH area). In addition there are some plans on file that indicate a proposal to introduce an extensive amount of sod into the project area. As stated above all landscaping on the project site was to be native riparian species, sod would not qualify.

## **STORM WATER, FLOODING AND DRAINAGE ISSUES**

City staff has worked diligently with the applicant's engineer (Westland Engineer) to educate them on LID methodology and to assist them in revising their drainage report to ensure that it addressed the Planning Commission's issues. There have been numerous versions of the drainage plan and we have included the final version dated August 10, 2009 for your consideration.

## **WETLAND ISSUE**

The Vesting tentative map as well as, the Biologist report originally submitted for the project indicated the project site contained a wetland area within the ESH area. Pursuant to section 17.40.040.d.6.a wetland ESH areas are not subject to having the required buffer reduced. The applicant had indicated to staff that the wetland notations had been listed in error. Staff requested that the applicant have his biologist submit an addendum to his report indicating that the area is not a wetland. The biologist told staff that he was not qualified to determine whether this area was a wetland although he did offer his opinion that the presence of willows on site could be an indicator of a wetland area. Staff indicated to the applicant that he would need to provide city staff a letter indicating the area was not a wetland from a qualified source.

The applicant has submitted numerous emails for the U.S. Department of Fish and Wildlife. As noted in the correspondence, many of the emails had qualifiers such as the determination was based on information submit to the department by the applicant and not based on a site inspection. The series of emails are provided for your consideration in the supplemental materials.

Ultimately the Planning Commission will have to make a determination if this documentation is sufficient information to make the determination that the land is not a wetland as defined by the Morro Bay Municipal Code. Wetlands as defined in the Zoning Ordinance means:

*lands which may be covered periodically or permanently with shallow water, including saltwater marshes freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.*

If the Commission determines that the area is not a wetland but falls under the Stream Corridor category then a request to reduce the buffer is allowed.

## **REDUCING BUFFER**

Section 17.40.040.d.6. provides for the requirements and procedures for reducing buffers to an ESH area. The Municipal Code states that the buffer may be reduced in accordance with the following standards if the application of the buffer specified in Section 17.40.040(D)(4) on a previously subdivided parcel would render that subdivided parcel unusable for its designated use. If the Planning Commission determines that the ESH area on the subject property is a stream corridor then the required setback would be 50 feet in an urban area. Staff also notes that the provision for reducing the buffer is applicable to previously subdivided parcels and not new maps such as this one. Staff has allowed the applicant's request to continue processing forward based on the fact that there are currently three lots on the subject site and with the recording of the map there will be two lots, therefore ultimately there will be no additional lot created.

Staff has received an exhibit from the applicant demonstrating both a 50 foot buffer and a reduced 25 foot buffer. Staff analyzed the exhibit and was able to determine that the building area remaining after allowing for the 50 foot buffer is approximately 1400 square feet and after deducting the required setbacks the building area would be approximately 900 square feet. This would allow for a 900 square foot first floor and 900 square foot second floor or 1800 square foot allowance for the living unit and garage. As such staff feels that the second criteria (rendering the subdivided parcel unusable for its designated use) cannot be met and therefore the reduction in the buffer should not be granted.

## **WILLOW TREES AND NATURAL VEGETATION HISTORY**

Staff has conducted research on the site as it relates to the willow trees and the overall vegetation history. Staff was able to determine that the only record of the vegetation is the historic photographs and a few maps. Staff has compiled all the historic photographs and maps including the date of these photographs and maps when available into a supplemental exhibit for your consideration.

Maps were submitted as part of a proposal for the 3390 Main Street site which indicate that the riparian vegetation (Willows) was within 16 feet of the flood line at its closest point. The current map indicates the willows to be approximately 90 feet back for the same point or a reduction of 74 feet.

Staff was unable to determine who cut the willows but it would appear that the reduction did take place sometime after 1993. City staff is permitted to clear the willows from inside the creek and along the public right-of-way, but would not have been responsible for the removal of the

riparian vegetation on the bank or upland. It should be noted that the Willows do come back even when cut, therefore it would appear that the cutting of the Willows would have to occur continually or the roots of the willow be removed in their entirety in order to have the reduction in the vegetation we see today. In addition, staff would like to reiterate that the original house built on the subject site was conditioned to perform restoration work within the ESH area and therefore if the conditions were to have implemented by the applicant, today we should see a more healthy ESH area and not one where the Riparian vegetation has been reduced.

**PUBLIC NOTICE:**

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on July 9, 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**

Staff has revised the recommendation and the conditions of approval to reflect the analysis provided within the staff memo dated July 19, 2010 and the new information that has come to light.

### California Environmental Quality Act (CEQA)

That for purposes of the California Environmental Quality Act, Case No. S00-089/CPO-276 is subject to a Mitigated Negative Declaration. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigations required as conditions of approval.

### Subdivision Map Act Findings

- A. The proposed map to create a two lot subdivision project is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- B. The design and improvements to create two lot subdivision project is consistent with the General Plan and Coastal Land Use Plan.
- C. The site is physically suitable for the type and density of development proposed because the site is zoned for single-family residential low to medium density (4-7 du/ac) and consistent with the land use designation.
- D. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project has been condition which includes environmental mitigations to ensure all impacts are less than significant. An adequate buffer can be provided from the ESH area on site.
- E. The design of the subdivision and improvements will not cause serious public health problems.
- F. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public.

### Coastal Development Permit Findings

That the approved or conditionally approved project is consistent with the applicable provisions of the certified local coastal program.

### Buffer reduction Findings

The ESH buffer is not needed to ensure that the parcel is usable for its designated use (single family residence) and therefore cannot be granted.

EXHIBIT B  
CONDITIONS OF APPROVAL  
S00-089/CP0-276 Subdivision Map and Coastal Development Permit.  
3390 Main Street

Vesting Subdivision Parcel Map and Coastal Development Permit for the creation of two parcels and the development of a single family residence.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated July 20, 2009 for the project depicted on the attached plans labeled "Exhibit C", dated January 05, 2008 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
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 Planning and Building 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 Planning and Building 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 here on shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building 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. **Undergrounding of Utilities:** Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
8. **Construction Hours:** Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
9. **Dust Control:** Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
10. **Parkland In-Lieu Fees:** Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.13.005).
11. **Archaeology:** In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
12. **Property Line Verification.** It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.

### 13. Environmental Conditions

**Geology/Soils:** The proposed project shall be designed in a manner that is compliant with the California Building Code to ensure that the structures are as seismically sound as is feasible.

**Hydrology/Water Quality:** 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. 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. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

**Land Use and Planning:** 1) At publicly noticed hearing, the Planning Commission shall consider the requested exceptions and determine whether it is compatible with applicable land use patterns, and fence/wall height concerns as they relate to the required findings being made.

**Cultural:** An approved cultural monitor who is a qualified professional archaeologist knowledgeable in Salinan and Chumash culture shall monitor the site during any ground disturbance. At the conclusion of the cultural resource monitoring, the archaeologist should complete a report of the results and submit said report to the City of Morro Bay and the Information Center at the University of California at Santa Barbara.

If during construction excavation, any bones, concentrations of sea shells, angular chert rocks, burnt rock or other unusual cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and Native American and appropriate recommendations made as outlined in California Environmental Quality Act of 1970, and the City of Morro Bay Cultural Resource Guidelines.

If any archaeological resources are found, grading or excavation shall cease immediately in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage.

**Transportation/Circulations:** The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs on the frontage of the alley where applicable.

**Biology:** All structural development must be setback a minimum of 50 feet for the stream/ESHA corridor per the LCP including 50 feet from the drip line of the willows. To the extent that the proposed driveway access or other improvements might encroach into the ESHA buffer, commensurate amount of restoration must be included. Restoration shall include only native non-invasive plant species. All plantings shall be done within 90 days after the retaining walls are installed.

**Utilities and Service Systems:** Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee at a future date towards the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The applicant and future lot owners shall agree to this fair share payment and waive any rights to challenge the fees by signing an agreement.

### **FIRE CONDITIONS**

1. **Access Road.** An approved fire access shall be provided for every building or portion thereof, and shall extend to within 150 ft. of all portions of the building and exterior walls, as measured by an approved route around the exterior of the building. (CFC 503.1.1) This requirement may be modified if the structure is protected by an automatic fire sprinkler system.(CFC 503.1.1 Exception 1)
2. **Dead Ends.** Dead-end fire access roads in excess of 150 feet shall be provided with an approved area for turnaround fire apparatus. (CFC 503.2.5) This requirement may also be modified is if the structure is protected with fire sprinklers.
3. **Fire Sprinkler.** All new buildings exceeding on thousand square feet regardless of separation walls, shall be protected with automatic fire sprinklers.(MBMC 14.60.200910 and CFC 903.2)
4. **Required Water Supply.** An approved water supply capable of supplying the required fire flow for fire protection shall be provided. (CFC 508.1) Presently, it is unknown what the fire flow requirements will be for the project, 2007 CFC Appendix B will determine it. An additional fire hydrant may be required.

### **PUBLIC WORKS CONDITIONS**

1. The existing driveway approach shall be upgraded to meet ADA requirements, 4 foot wide path of travel behind the approach per City standards (B-6).
2. The new driveway approach shall meet ADA requirements, 4 foot wide path of travel behind the approach per City standards (B-6).
3. Submit a Conditional Letter of Map Revision (CLOMR) followed up with a Letter of Map Revision (LOMR) prior to issuance of a building permit.

4. Reconstruct AC curb on Tide Ave and replace existing oversized CMP (corrugated metal pipe) drain with a City standard curb inlet with inlet protection.
5. Parcel 2 shall meet the current stormwater requirements with the building permit application.

#### PLANNING CONDITIONS

1. 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 structures are in accordance with the approved plans and complies with the height requirement of 25 feet above average natural grade as accepted by the City Engineer.
2. Fence Height –All proposed fencing and retaining walls shall meet the City of Morro Bay’s Zoning Ordinance requirements for height. Any new retaining wall shall match the character and color of the existing retaining to provide continuity in character
3. House Size. Applicant shall submit a new house design that fits within the building pad area created by the property lines, all easements and the 50 foot ESH buffer (approximately 900 square feet) for review and approval.
4. Creek Restoration Plan: Prior to the issuance of any building permit or the recordation of the map, a restoration plan for the ESH area shall be submitted to the City for review and approval. A qualified biologist shall produce the plan and the plan shall contain milestones to ensure that the initial plantings thrive. In addition once the plan is approved, the removal of all non-native species shall be removed from the creek and buffer area prior to the issuance of any building permit or the recordation of the map. Prior to any final granted on the project all restoration work shall be completed except for the ongoing maintenance required. (LCP policy 11.10)
5. Conservation of the ESH area. The ESH area including the buffer shall be placed into a conservation easement. (LCP policy 11.04)

#### PLANNING COMMISSION CONDITIONS

1. ESHA. The ESH area shall be defined by surveyed coordinates with markers easily identified and permanent and visible.
2. ESHA . The shall be no activity allowed in the ESH area that would be detrimental to the native habitat.
3. Drainage. The drainage from the adjacent properties across parcel one and two shall be evaluated and remedied.

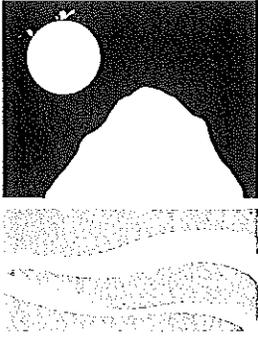
**EXHIBITS**

- A. Findings for Approval
- B. Conditions of Approval
- C. Graphics/Plan reductions
- D. Materials from Previous Planning Commission Meeting of July 20, 2009
- E. Correspondence from Bill Kirchner, U.S. Fish and Wildlife Services
- F. Historic and current photographs of the site.
- G. Applicant's response to LID issues
- H. Information from the file on the original house built at 3390 Main Street.
- I. Letters
- J. Additional materials submitted by the applicant on July 14, 2010



EXHIBIT D

HISTORIC INFORMATION  
REGARDING ONSITE  
VEGETATION AND MITIGATION  
FOR REDUCTION OF BUFFER



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

November 24, 1993

Gary Swauger  
Post Office Box 1177  
Cambria, California 93428

RE: 3390 Main Street, 8 unit Affordable Housing Project (Moderate)  
Response to your Letter of September 28, 1993

Dear Gary,

Please excuse the delay in the response to the questions posed in the above referenced letter received in this office on September 28, 1993. Staff could support a reduction in the front setback for a small portion of the building, meaning a corner of the building (10-20% of footprint), not meaning orienting the entire edge of the building along the property line. Staff could also support a limited amount of encroachment of the roof structure (such as you propose) above the height limit in the MCR district where the exception constitutes a diversity of roof forms (specify the percentage of the roof area above the 25 foot limit). Be aware that the portion of the site located within the R-1 district has a maximum building height limit of 25 feet.

In response to your question about the view corridor requirements of the Specific Plan, staff does not believe the subject site is within a view corridor area. You could check with adjacent neighbors/property owners to determine whether they have objections to the project massing and if it limits their existing views. At this time, the recovery costs for the preparation of the specific plan are not being required (17.71.040.G). Installation of street trees located behind the six foot sidewalk will be recommended by staff for this type of project. The previous review of the project's itemized list of fee waiver requests to determine the equivalent financial value did not include the intersection or landscape improvement fees. At this time staff will recommend these fees be paid. The intersection improvement fee will be determined by the City Engineer based on the trip generation of the project.

The storage requirements appear to be met with the latest information submitted. Your proposed partial use of the ESH buffer area as common open space is not consistent with the intent of the limitations of the

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC WORKS  
695 Harbor Street

HARBOR DEPARTMENT  
1275 Embarcadero

COMMUNITY DEVELOPMENT  
535 Harbor Street

POLICE DEPARTMENT  
850 Morro Bay Boulevard

RECREATION AND PARKS  
1001 Kennedy Way

ESH district. Hopefully the remaining areas on either side of the creek that are outside of the ESH and riparian buffers will provide sufficient area. As previously stated, the ESH buffer can not be reduced less than 25 feet without amendment to the Local Coastal Plan and Zoning Ordinance. You are correct that the City Council review of your project included waiver of the Tide Street improvements. Whether the current City Engineer and Council agree this is a prudent waiver is not known. Some type of improvements may be recommended as necessary by the City Engineer. You are correct in that the previously accessed values submitted were for \$79,424.00.

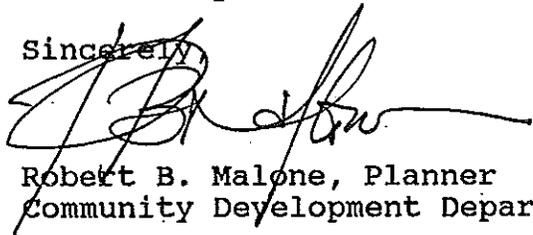
As a follow-up to the SRB/DRC meeting of November 3, 1993, staff has addressed some relevant issues raised. Staff has evaluated the site during field inspections and determined the approximate location of the south creek bank. Staff has posted six (6) lathe stakes along the edge of the bank, beginning at the culvert opening at Tide Street, they are lettered "A-F" (numbers indicate feet to south property line) and end to the west at the previously agreed 45 foot contour interval. Please verify the location of the bank and incorporate this information into the plan. The 50 foot ESH setback is measured from this point and can be reduced to a minimum of 25 feet by the Planning Commission with consultation from the State Department of Fish & Game.

The Riparian setback must also be reduced to allow driveway and building encroachments as proposed. Reductions to the riparian habitat have been allowed in the past through approval of enhancement plans. A recent enhancement plan approved by the City used a restoration factor of 3:1, as recommended by Fish & Game for the Cloister's project. An enhancement plan needs to be prepared and approved by Fish & Game that will address both the ESH and Riparian issues. As part of determining the application complete a letter from F&G will need to be submitted recommending a reduction in the ESH setback to 25 feet, support for the reduction of the riparian habitat setback, and review and approval of an enhancement and restoration plan for the riparian area.

The proposal to vacate a portion of the public ROW along Main Street for the purposes of open parking would be an appropriate use and would remove the need for a front setback variance request. The Community Development and Public Works Departments have indicated conceptual support of this idea.

If you have any questions regarding these matters, please contact this office at your earliest convenience.

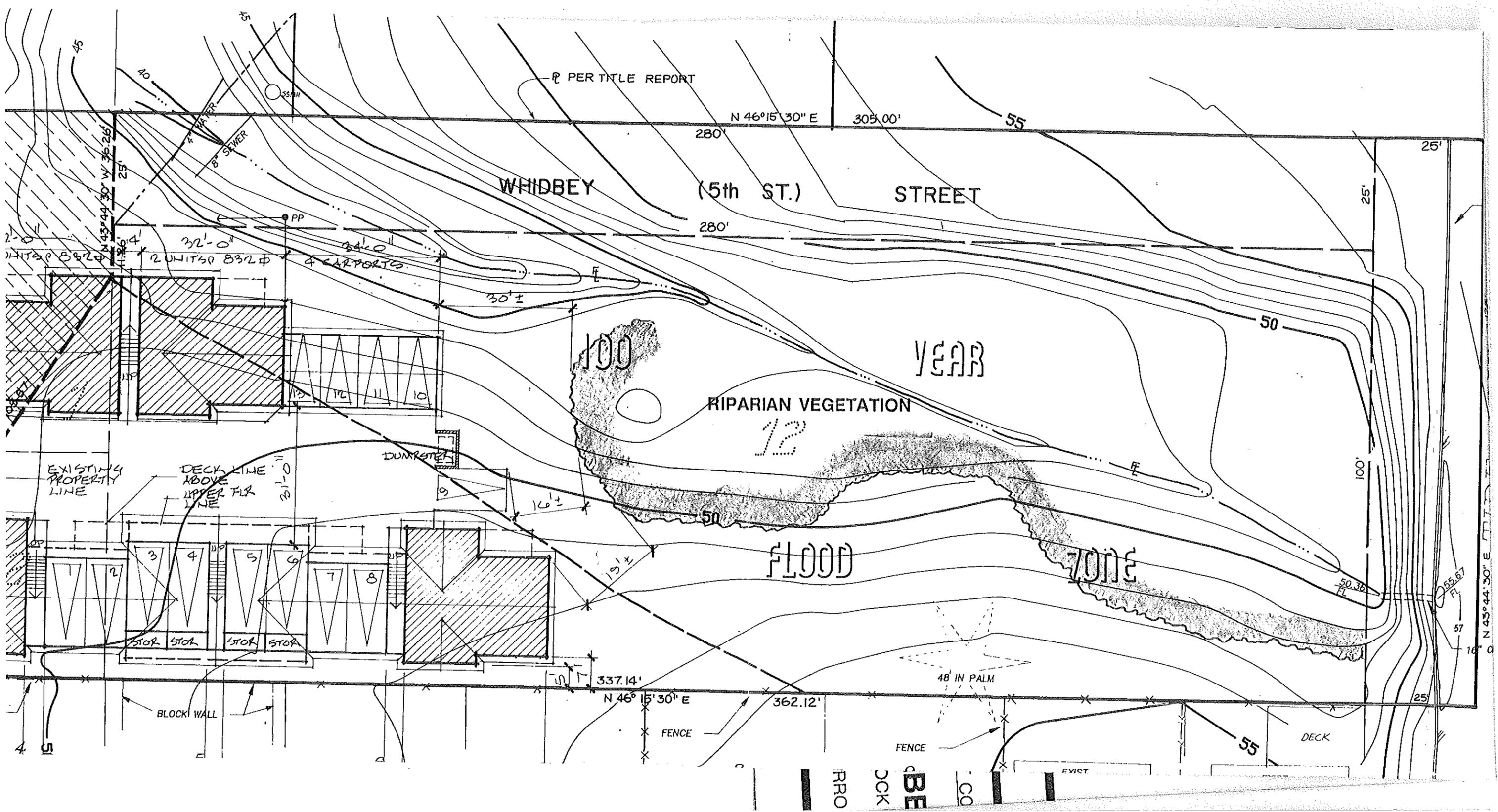
Sincerely,



Robert B. Malone, Planner  
Community Development Department

cc: Jon Crawford, City Engineer.

Copy of plan submitted as part of a project in 1989 on the project site. Plan shows riparian vegetation as of 1989. 1" = 20'



Copy of Plan submitted as part of a project (Sept 1993)  
Showing the delineated ESH area as of 1993.

1/20 = 1.0

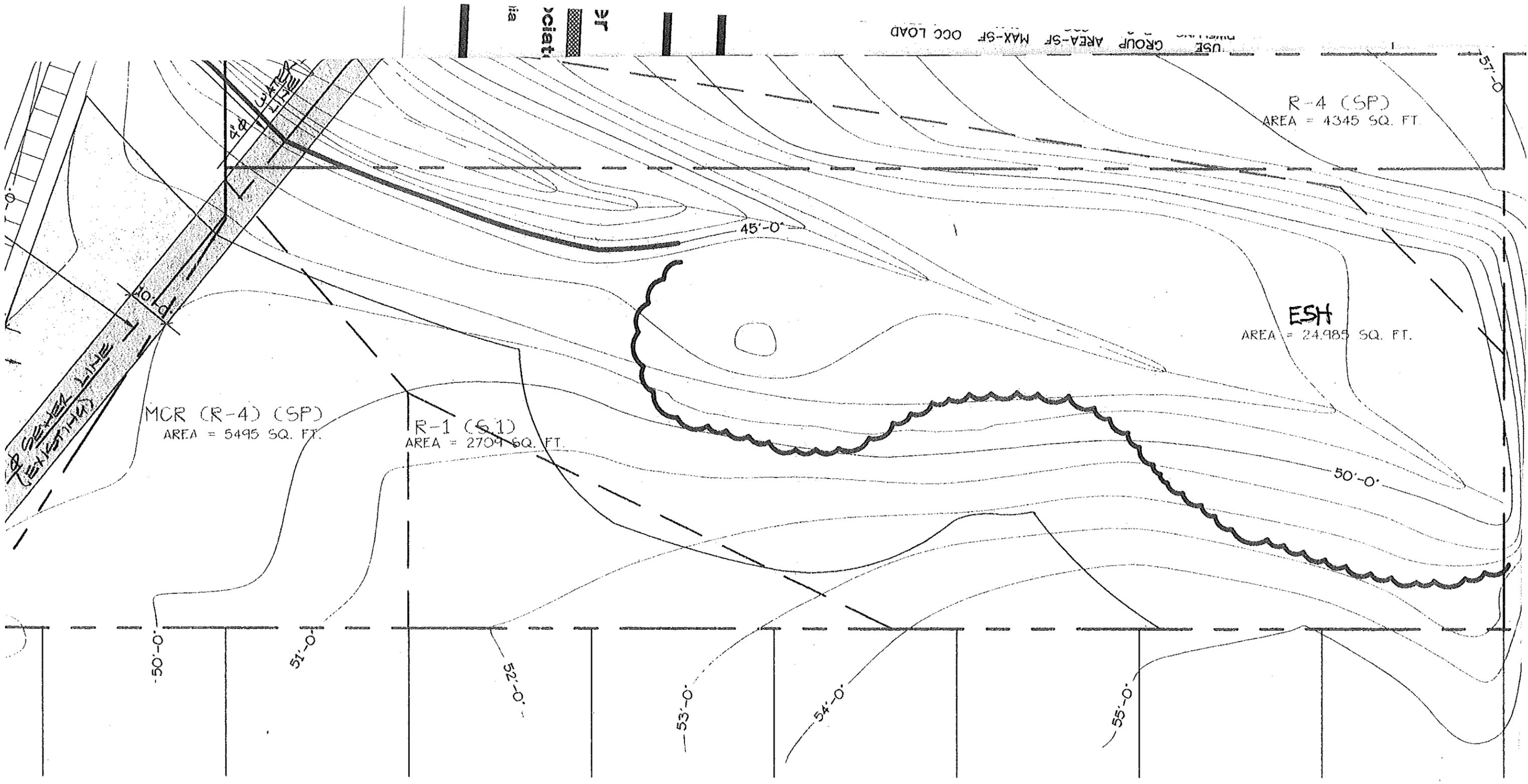


EXHIBIT E

Chronological List of Events at  
3390 Main Street

Projects on 3390 Main Street  
Chronological List

*Medina Project (#1)*

10/3/2002 – Department of Fish and Game allowed the stackable brick wall that is located close to the ephemeral creek channel. DFG recommends 100-foot setback, but allows the wall in this case.

9/30/2002 – After taking occupancy of new home an unapproved landscape plan was started. Stop work order was issued, because 2/3 of creek wall on City property and in the flood zone. Homeowner (Medina) was issued a Conditional Use Permit with conditions. Conditions were not followed.

11/26/2001 – Conditional Use Permit Issued for a lot merger and a Regular Coastal Development Permit to construct a new 2,585 square foot single-family house with conditions.

11/19/2001 – Staff report for Planning Commission Meeting. Staff recommendation: conditionally approve the project.

10/29/2001 – State Clearinghouse submitted the above named Negative Declaration to state agencies and there were no comments.

4/6/1994 (reference material) – Memo to applicant from planning department detailing preliminary list of items to be included with formal application:

- Indicate existing drainage (including flood)
- Existing vegetation on more accurate site plan
- Proposed fencing and landscape
- Provide a botanical study for the site justifying the request for a reduced stream corridor buffer to 25 feet.
- Archaeological surface study

4/5/01 – Ventura Fish and Wildlife Office Branch Chief of SLO County determined the project would not affect the issue of disturbing the California red-legged frog. Applicant told if frogs are seen on site, to not disturb or kill frogs.

9/17/01 – Mitigated Negative Declaration – finding: the project will not have a significant effect on the environment. Summary of required mitigated measures:

- Protection of red-legged frog, project shall be carried out in the dry season
- Protection of cultural resources
- Grading and Drainage: roof and driveway runoff shall be directed to the street in a non-erosive manner and not concentrate run off onto adjacent properties or unnamed creek.
- Finished floor elevation to be one foot above base flood elevation.

- Creek restoration plan – The plan shall include, the following measures; landscaping shall be with native riparian species, Non-native species shall be removed from the creek vicinity.

*7 unit Moderate Cost Condominium Project*

6/30/1994 – Project withdrawal letter

4/14/1994 - Gary Michael Swauger, architect on project requests for the city to resolve the creek setback issue.

‘The ESH zone will either need to be considered as an overlay of the location of the ESH zone realigned to accurately reflect the top of the bank. Until this is clarified, the project you reviewed could not be approved. The current ESH zoning boundary unnecessarily limits the developable area to the extent that the project becomes infeasible’.

11/24/1993 – Letter to Swauger addressing ESH districts.

- ‘The ESH buffer can not be reduced to less than 25 feet without amendment to the local Coastal Plan and Zoning Ordinance’
- ‘Staff has evaluated the site during field inspections and determined the approximate location of the south creek bank. Staff has posted six lathe stakes along the edge of the bank, beginning at the culvert opening at Tide street, they are lettered “A-F” and end to the west at the previously agreed 45 foot contour interval. The 50 foot ESH setback is measured from this point and can be reduced to a minimum of 25 feet by the Planning Commission with consultation from the State Department of Fish and Game.’
- ‘Reductions to the riparian habitat have been allowed in the past through approval of enhancement plans. A recent enhancement plan approved by the used a restoration factor of 3:1, as recommended by Fish & Game for the Cloister’s project. An enhancement plan needs to be prepared and approved by Fish and Game that will address both the ESH and Riparian issues’.

EXHIBIT F

INFORMATION FROM THE FILE  
ON THE ORIGINAL HOUSE  
BUILT AT 3390 MAIN STREET

**MEMORANDUM**

September 30, 2002

**TO:** Frank Cunningham, Engineering  
Gary Kaiser, Planning

**CC:** Al Sengstock, P.D.  
Clyde Ganes, Building

**FROM:** ENGINEERING DIVISION, N.M.

**RE:** Block Wall - 3390 Main - Johnnie & Dianne Medina, Owner

After taking occupancy of the new home an unapproved landscape plan was started. As requested by the city, work was stopped a few weeks ago. Per attached Owner's Exhibit 'A' and 'B', 2/3 of the creek wall is on City property and in a 100 year flood zone. The height of the proposed wall starts at 6" at back of sidewalk then rising to 31" and ending at 6".

Please provide your comments and any permits or process you may require. Exclusive of FEMA requirements, and per Planning/Zoning, could you show a line on the Exhibit representing the nearest acceptable wall location to the creek. We are unclear as to what creek setback lines were established for the new home structure. Engineering will address the FEMA/Flood Zone concerns, and special encroachment permit including sprinklers and plumbing in the front right of way.

The Owner said that Fish & Game will provide comments to the City by this Friday October 4<sup>th</sup>. The attached color copy of a GeoSolutions, Inc. SITE PLAN is old and, was found in the planning file, and provides more topo info. It does not depict the home in its current location.

*Per the letter below from the City, the Owner is now at step 1) awaiting 2) from Fish & Game.*

**From:** Nick Muick  
**To:** johnmedina@petejohnston.com  
**Date:** 9/24/02 2:31PM  
**Subject:** 3390 Main - Proposed Landscape Plan

September 24, 2002

Dear Johnnie & Dianne,

A copy of this email is being USPS mailed to your home at 3390 Main.

As you know, portions of your proposed landscape plan are on City property, in/near an ESH

zone, in a 100 year flood zone, and in/near a creek setback area.

I have reviewed your Planning file and the Landscape Plan there does not show the encroachments or block wall in your current proposal.

In the Planning file I also noted the following related conditions (Conditional Use Permit) for your project which were sent to Randy Watterworth, the Applicant, on November 26, 2001.

#19 Creek Restoration Plan  
#28 100 Year Flood Zone

You should have them, but if you would like to see the text of the conditions, please ask for the file at our counter.

*To enable us to evaluate your current proposal, please note the following process . If you have any questions please call me.*

1) At your Exhibit 'A' plan please show how high the block wall is above the original grade such as 24", 31", etc. (In plan the wall is composed of three arcs. Show the height above original grade at the beginning and center of each arc. So starting from the back of sidewalk, to the termination of the wall at rear of home, there should be seven heights provided)

2) Provide the names and phone numbers of contacts you have made regarding the wall with Fish and Game and the Army Corps.

3) Your revised Exhibit 'A' will be transmitted to and reviewed by: State Fish and Game, U.S. Army Corps of Eng., Morro Bay Planning, and Morro Bay Engineering & Flood Plain Administration since most of the wall is in a Special Flood Hazard Area (100 year flood zone per FEMA's Map)

4) We will reply to you following reception of comments from Fish and Game and the Army corps.

5) Your landscape plan will require a Special Encroachment Permit for those portions on City property including:

- a. the sod, sprinklers and related plumbing
- b. the block retaining wall

*For your information, if the current proposed landscape plan was submitted as part of the initial plan check, the following standard condition would have been included :*

Flood Hazard Development in Creek Areas:

The creek on and adjacent to the property is in a Special Flood Hazard Area. If the applicant

proposes any work affecting the creek, the following shall apply:

The National Flood Insurance Rate Map for the City of Morro Bay (Panel No. 060307 0005 C, November 1, 1985), prepared by the Federal Emergency Management Agency (FEMA), identifies Applicant's project as being in a 100 year Flood Zone.

MBMC Section 14.72, Flood Damage Protection, requires the Applicant pay a Flood Hazard Development Fee (currently \$102.60+cost), plans showing the extent to which any watercourse will be altered as a result of the proposed construction, and review by the City Engineer to determine that the proposed development does not adversely affect the carrying capability of the floodplain (where "adversely affect" means that the cumulative effect of the proposed project when combined with all other existing and anticipated construction will not increase the water surface elevation of the base flood more than one foot at any point and that adjacent properties are not adversely impacted). The cumulative combined effect resulting in an increase of more than one foot elevation or to the existing limits of the 100-year flood zone would need to be reflected on a revised NFIP Rate Map that would be prepared at the applicant's expense.

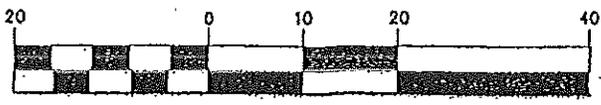
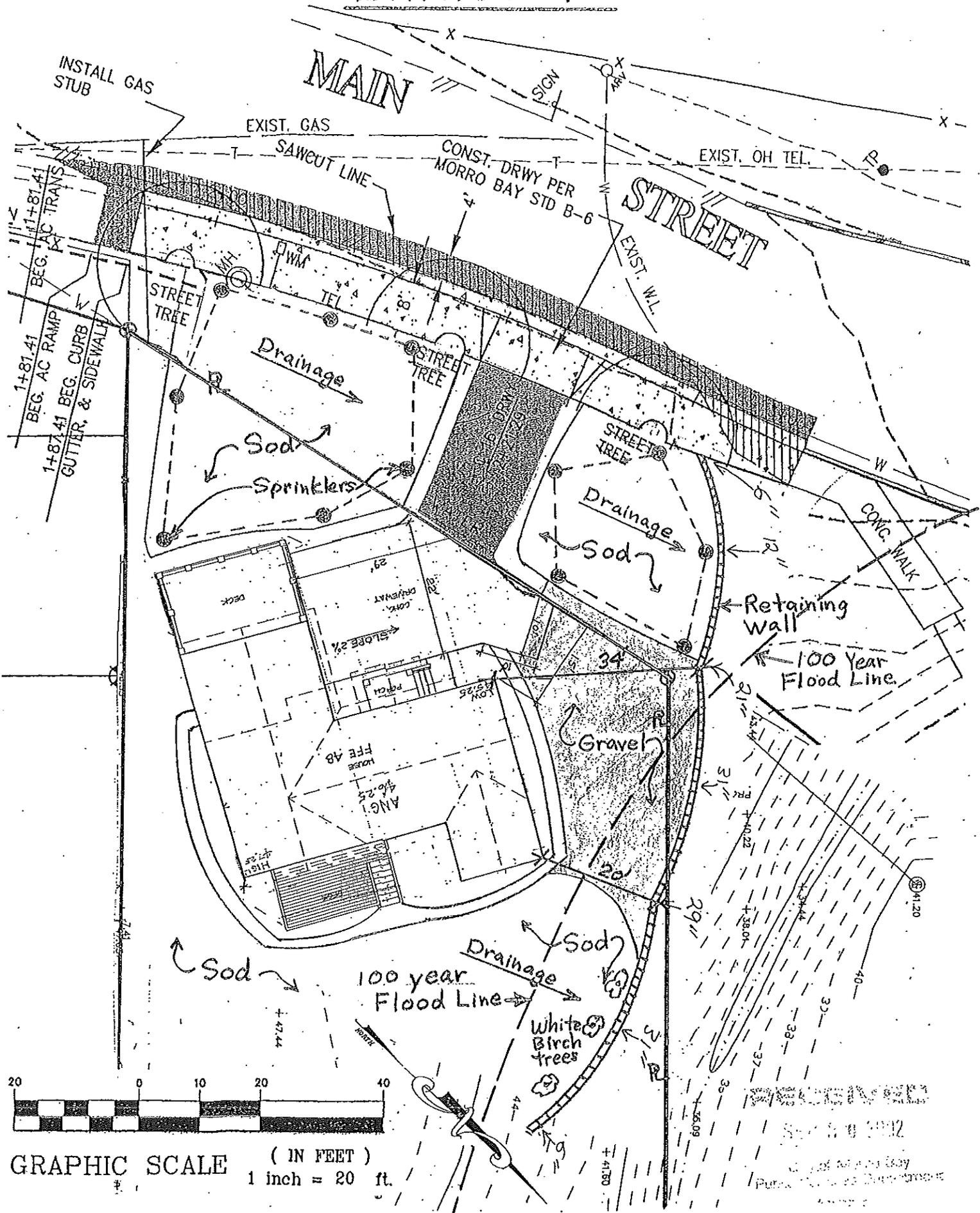
The Applicant's registered civil engineer shall provide the City with a hydraulic and geometric analysis for the proposed project. The engineer shall also verify that erosion or existing flooding conditions at other locations will not increase as a result of the proposed project. The base flood elevations have already been determined on the Rate Map pursuant to the Flood Insurance Study by FEMA. A copy of the Study is on file at the Engineering Division.

The applicant shall obtain a grading permit. The grading plan permit submittal shall include drainage calculations by the engineer and all items as required by the Uniform Building Code. Upon completion of construction and prior to final acceptance the engineer shall submit an "as-built" grading plan of the completed construction, and shall submit a statement that to the best of his knowledge the work was done in accordance with the final approved grading plan.

Other permits and approvals required for creek projects may include State Department of Fish and Game #1601, and Federal Corps of Engineers #404, Water Quality Control Board Certification and State Coastal Zone Management Act compliance. It is the applicant's responsibility to be aware of and obtain all necessary permits.

CC: Clyde Ganes; Dan Doris; Frank Cunningham; Gary Kaiser; Greig Cummings;  
Michael Prater

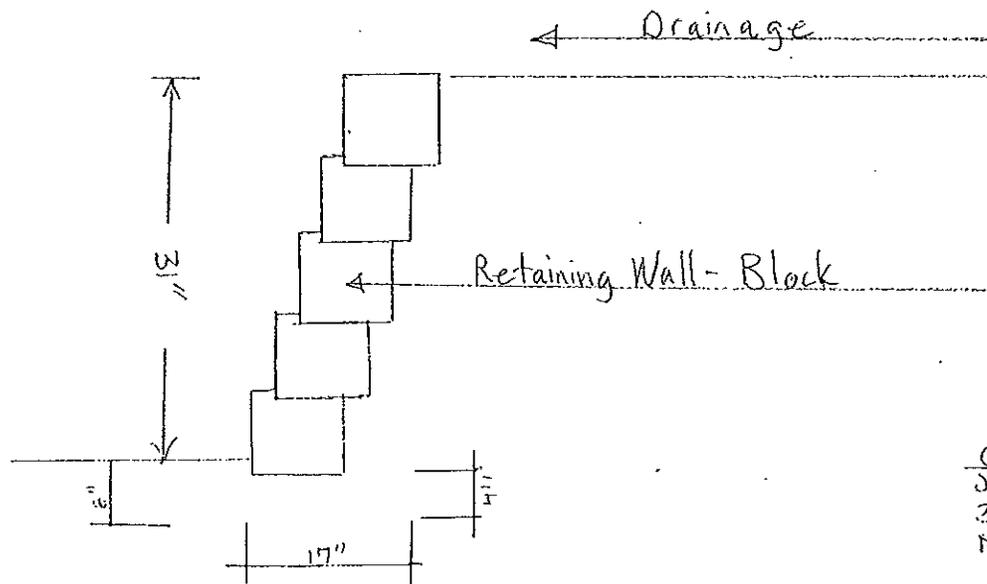
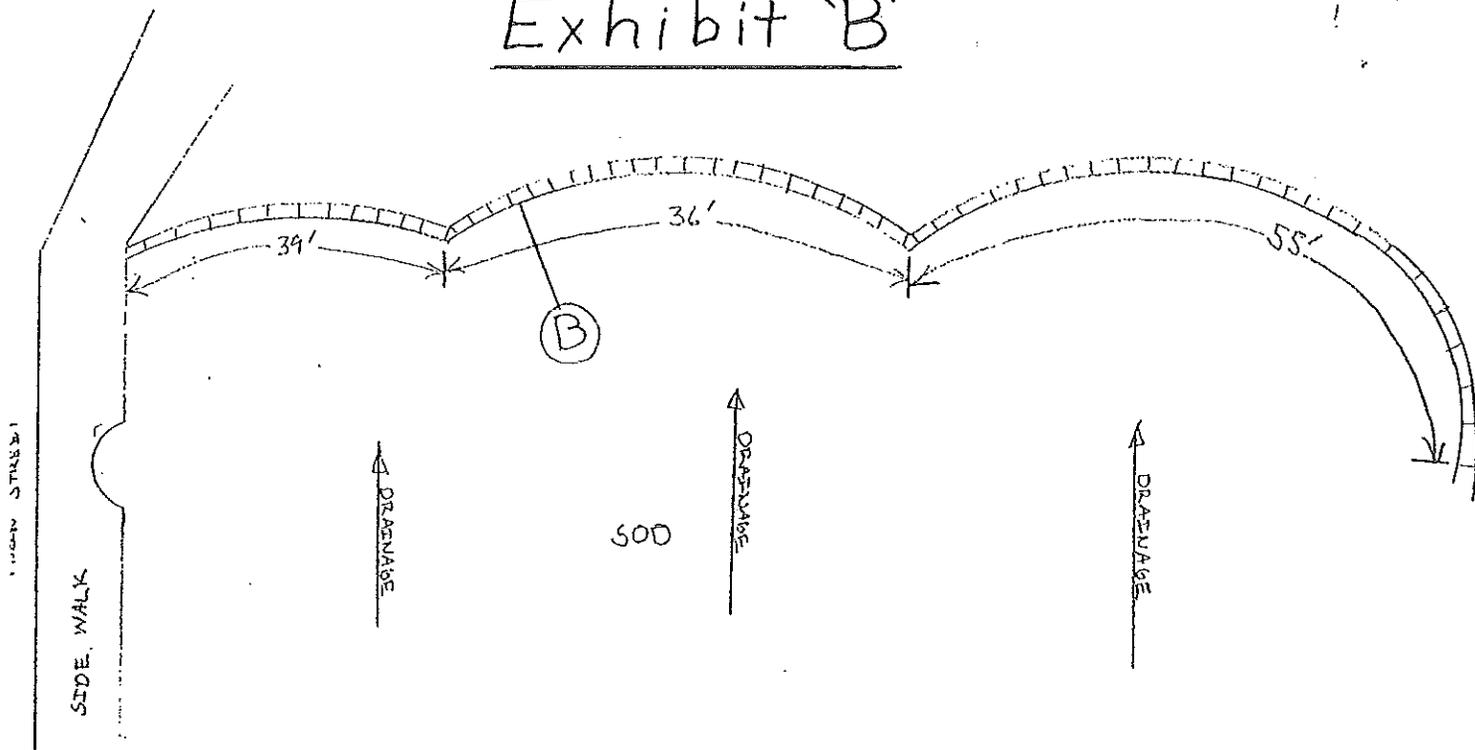
# Exhibit 'A'



GRAPHIC SCALE ( IN FEET )  
1 inch = 20 ft.

APPROVED  
JUL 10 1992  
City of Morro Bay  
Public Works Department

# Exhibit 'B'



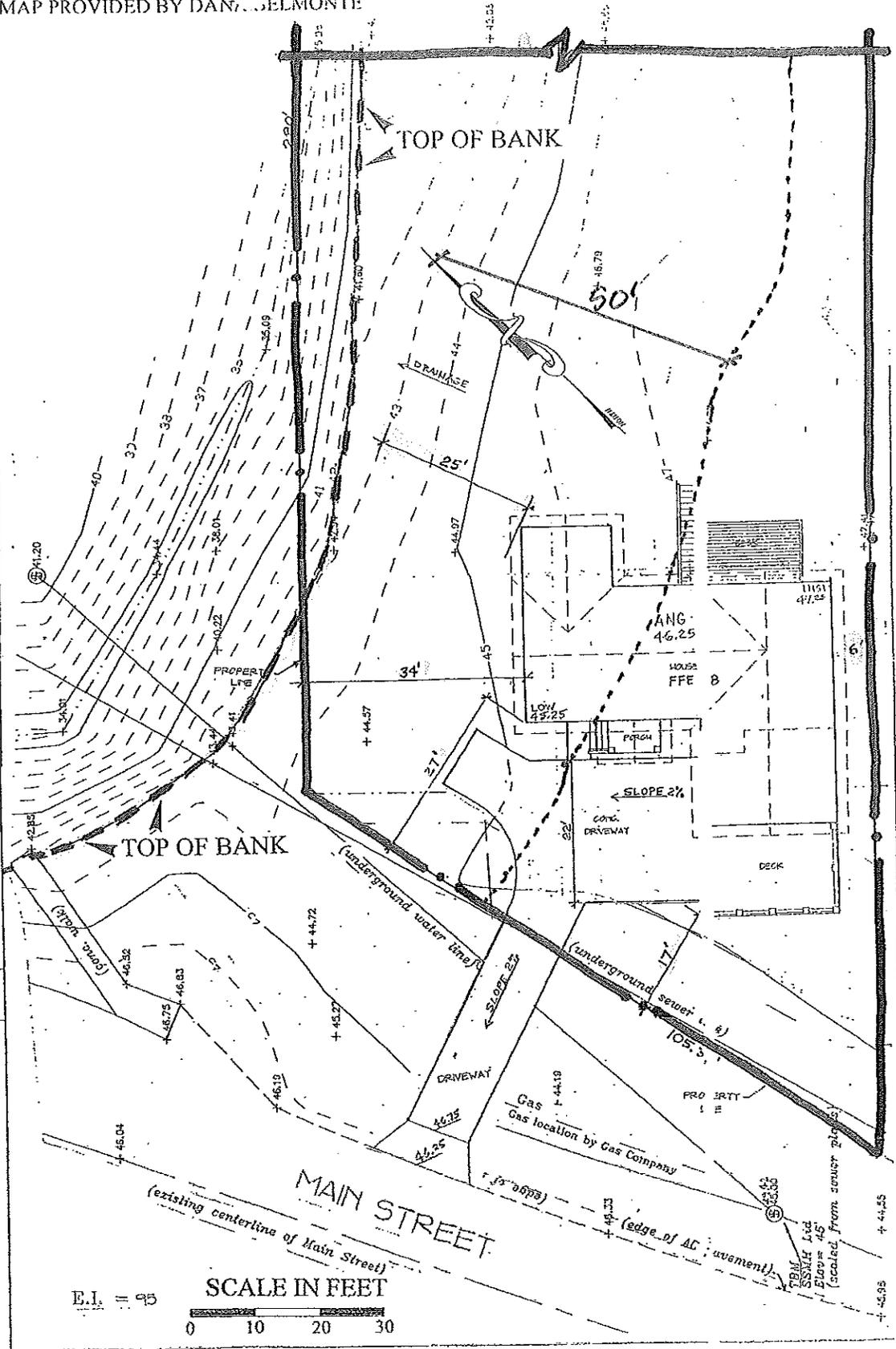
SITE PLAN  
ACTUAL FOOTAGE

OWNER:  
JOHNNIE + OLGA MEDINA  
3390 NORTH MAIN  
MORRO BAY, CA

(B)

WALL SECTION

BASE MAP PROVIDED BY DAN DELMONTE



**GeoSolutions, Inc.**

220 High Street  
San Luis Obispo, CA 93401  
(805) 543-8539 Fax: (805) 543-2171

**SITE PLAN**

3390 MAIN STREET  
MORRO BAY, CALIFORNIA

**FIGURE**  
2

**PROJECT**  
SL01969-2

*File  
Copy*

**MEMORANDUM**

October 3, 2002

**TO:** Frank Cunningham, Engineering  
Gary Kaiser, Planning

**CC:** Al Sengstock, P.D.  
Clyde Ganes, Building

**FROM:** ENGINEERING DIVISION, N.M.

**RE:** Block Wall - 3390 Main - Johnnie & Dianne Medina, Owner

Per the previous (September 30) Memo to you on this matter, at first page 3<sup>rd</sup> paragraph.....

“The Owner said that Fish & Game will provide comments to the City by this Friday October 4<sup>th</sup>.”

Attached is the letter from Fish and Game.

We would like to receive your comments by October 9.

Thanks



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47  
YOUNTVILLE, CALIFORNIA 94599  
(707) 944-5500



September 30, 2002

**RECEIVED**

OCT 03 2002

City of Morro Bay  
Public Services Department

Mr. Johnie Medina  
3390 North Main Street  
Morro Bay, California 93442

Dear Mr. Medina:

Stackable Brick Wall  
3390 North Main Street  
Morro Bay, San Luis Obispo County

On September 26, 2002, Department of Fish and Game (DFG) personnel reviewed the construction of a stackable brick wall at your residence located at the above address. The wall is located near an ephemeral creek channel that drains storm water runoff to the Pacific Ocean, and is intended to allow for placing additional fill material behind the wall to raise the level of the rear and side yards at the above address. While the wall's location is close to the channel, it is not located within the stream channel and is not within the Department's jurisdiction under the Streambed Alteration Agreement.

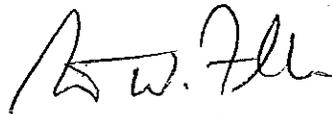
While DFG typically recommends a 100-foot setback from the top of the creek bank in order to protect riparian resources and to allow for changes in the channel course, it appears that construction of the wall will not impact the creek channel or the flow of water through the creek. It also appears that significant efforts have been taken to avoid placement of any fill, sediment, or other material in the channel. Based on this information, it is unlikely that sensitive resources or riparian vegetation have been or would be impacted by this project.

Please contact DFG prior to any future projects that are located close to the stream channel. Any construction that may alter the bed, bank, or channel of a stream may require a Streambed Alteration Agreement prior to initiation or

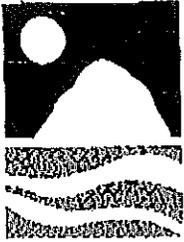
Mr. Johnie Medina  
September 30, 2002  
Page 2

construction. If you have any questions or need additional information regarding the Streambed Alteration Agreement program or this letter, please contact Mike Hill, Associate Fisheries Biologist, at (805) 489-7355; or Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Floerke". The signature is fluid and cursive, with the first name "R." and last name "Floerke" clearly distinguishable.

Robert W. Floerke  
Regional Manager  
Central Coast Region



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

*3 PAGES Total*

*541-2439*

*TERRY*

*RE: 3370 MAIN  
MEDINA*

*Nick  
772-0245*

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

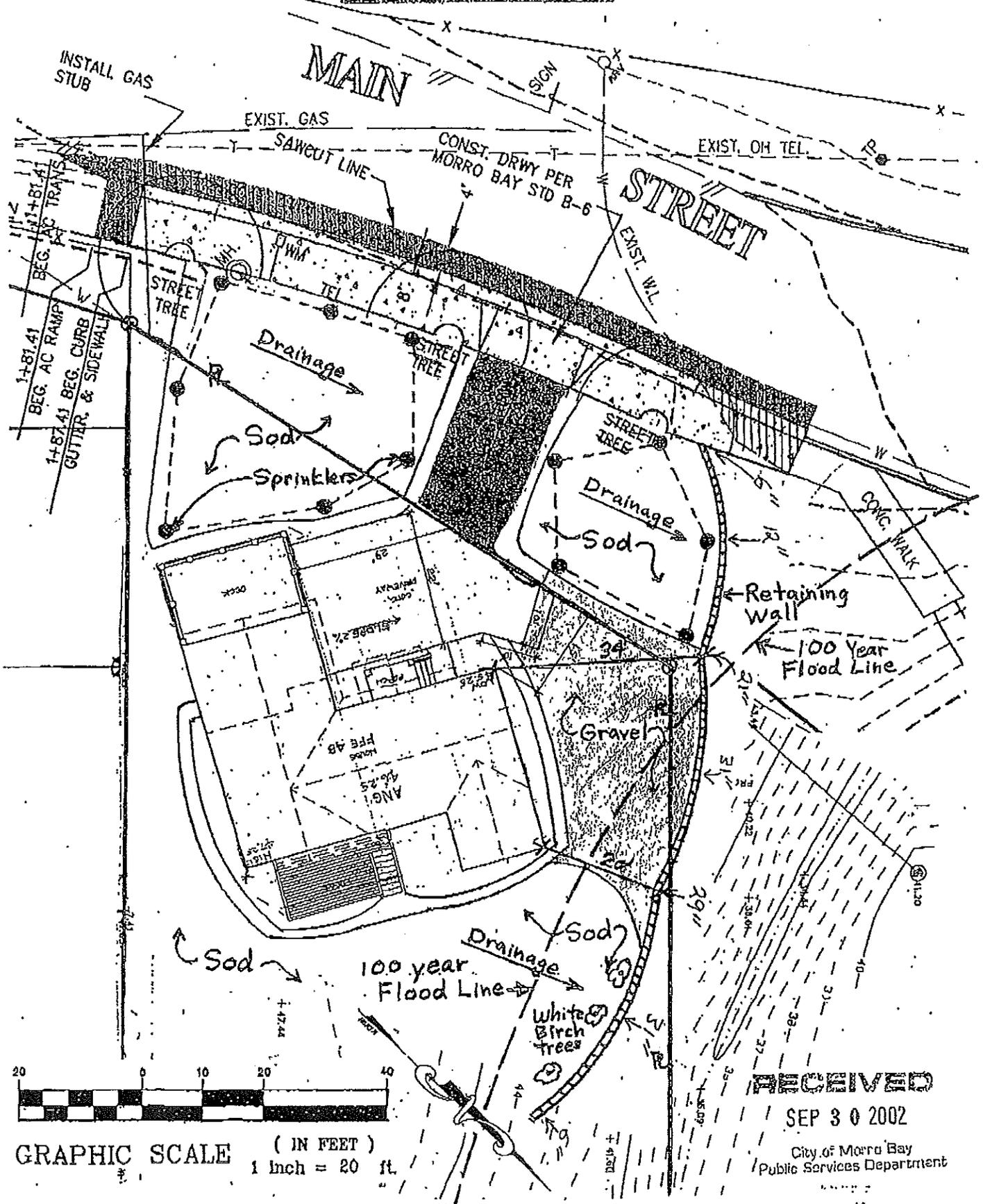
PUBLIC SERVICES  
590 Morro Bay Boulevard

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Boulevard

RECREATION AND PARKS  
1001 Kennedy Way

# Exhibit A

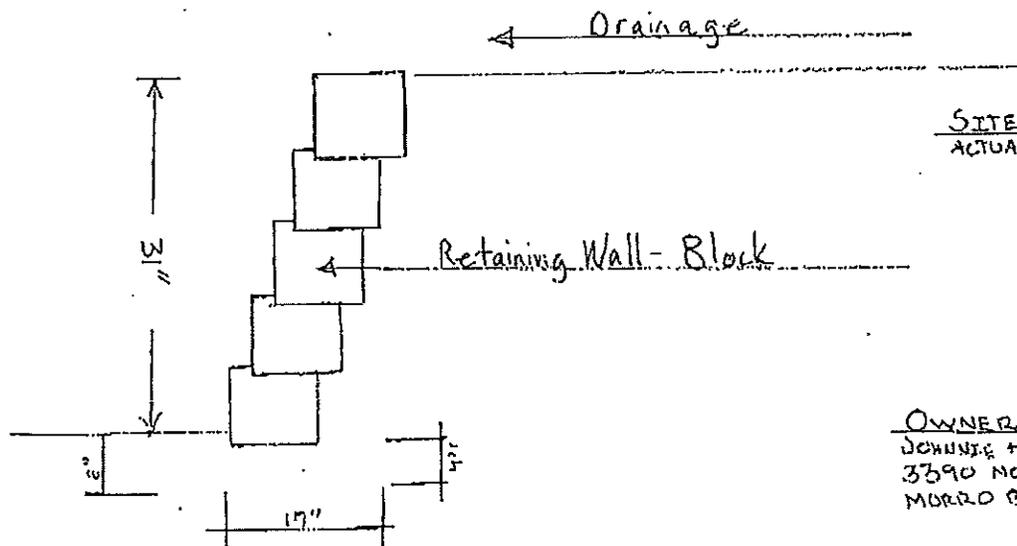
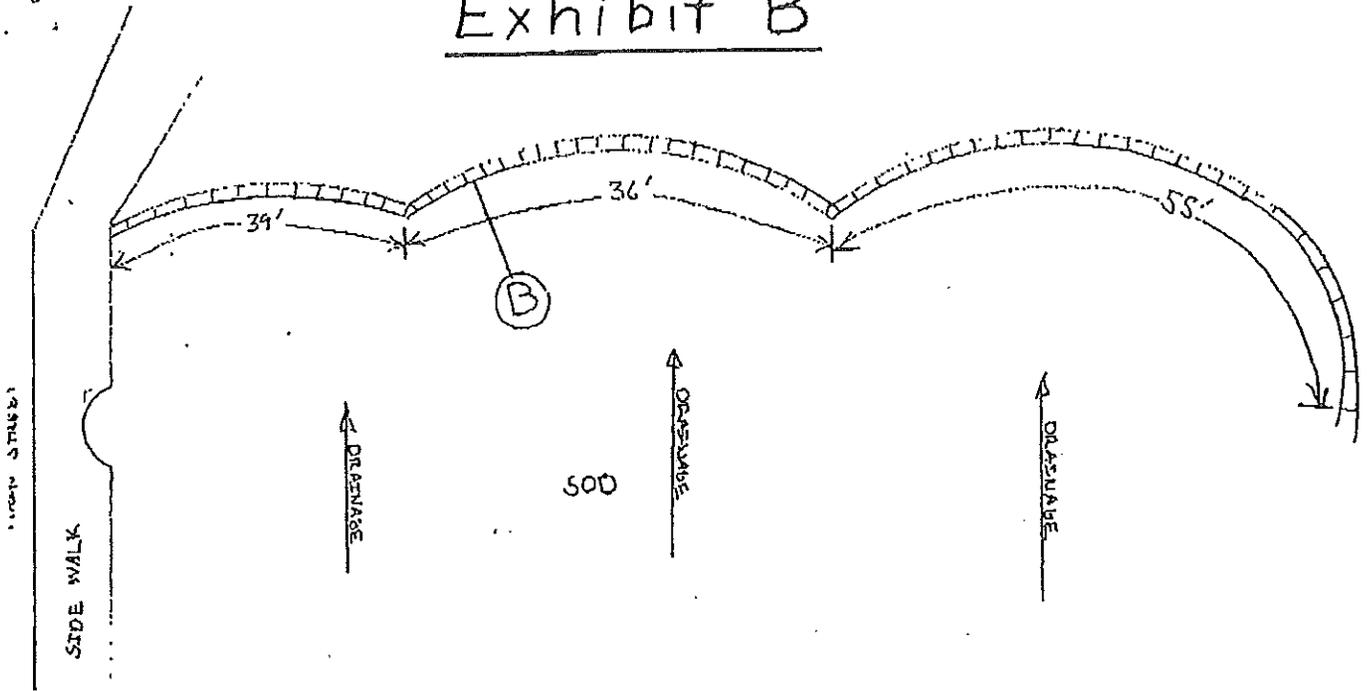


GRAPHIC SCALE (IN FEET)  
1 inch = 20 ft.

**RECEIVED**  
SEP 30 2002  
City of Morro Bay  
Public Services Department

5412439

# Exhibit 'B'

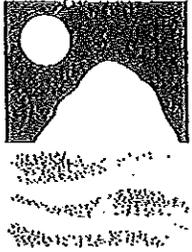


SITE PLAN  
ACTUAL FOOTAGE

OWNER:  
JOHNNIE + DEANE PEDINA  
3390 NORTH MAIN  
MORRO BAY, CA

EXHIBIT G

LETTERS FROM 2002  
CONCERNING DRAINAGE ISSUE



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

September 12, 2002

Waterworth Construction  
Attention; Randy Waterworth

Regarding: 3390 Main Street Improvements, Morro Bay CA 93442

Dear Randy,

The situation at 3350 Main Street is of concern to the City of Morro Bay, and therefore prompts a written dialogue. As you recall, during the construction phase of the permitted improvements at 3390 Main Street, you approached the City with a request to deviate from the City's standard drainage requirements. In lieu of requiring surface runoff discharging to the street, it was agreed upon to allow the storm water to flow north to the adjacent creek. A condition was agreed upon, that since the neighboring house to the south (3350 Main St/J. Masterson) also historically partially drained north to the creek, and that historic storm water flows from 3350 Main Street would be maintained. That left you with the option to either lower the entrance driveway to the new home as required to allow drainage, or place a culvert under the driveway as needed. Neither of these two options was completed as agreed upon, thus creating a potential for flooding next door at 3350 Main Street. We have all met at various times in the last week at the site to discuss how best to resolve this issue. The City does not want be in a position to direct you on how to mitigate the cutoff-drainage condition, but does agree with the concerns of the property owner next door. I would accept that since Eric surveyed the lot and has since graded it to hopefully drain to the south/west corner near Vashon and Main, we test the storm water runoff drainage one of two ways. To properly resolve any doubt, we either apply water as needed, or we wait for an adequate winter storm to demonstrate adequate drainage to the satisfaction of the neighbor (Ms. Masterson). In the meantime, all parties must have a clear understanding of these requirements and consequences.

On another note, I must also address the pre-existing split-rail fence that was also in the neighbors yard. Pictures indicate prior to the improvement construction next door at 3390 Main St, the old fence was intact. As I stated in the field on 9-9-02, I would request that the fence be raised as needed to the existing grade, reconstructed as needed, and an inventory be made of damaged pieces that need to be replaced. I am confident that all parties will successfully be able account for their shared responsibility in damaging the fence. I am also to recently understand that Ms Masterson has agreed to not requiring the fence along the north side because of the new Allan-block retaining wall..

Sincerely

  
Frank Cunningham, City Engineer

cc. Bill Orndorff

City Attorney

J. Masterson

File

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC SERVICES  
590 Morro Bay Boulevard

cc

September 4, 2003

Frank Cunningham, City Engineer  
City of Morro Bay  
955 Shasta Ave.  
Morro Bay, CA 93442

*Jane -  
Here is a copy of  
the letter just sent.  
Carmen*

Subject: 3390 Main Street Improvements, Morro Bay CA 93442

Dear Mr. Cunningham:

It has come to my attention that there is an unresolved drainage problem at 3350 Main Street caused by City-permitted construction. Waterworth<sup>\*</sup> Construction filled and graded the subject property thereby raising the elevation of the lot considerably before constructing a large home. The 3390 property is in-between a drainage channel to the north which eventually drains to the ocean and the adjacent residence at 3350 Main Street owned by Ms Jane Masterson. The new construction has essentially dammed the runoff which historically has flowed north through the Masterson property.

In your letter to Randy of Waterworth Construction, dated September 12, 2002, you stated that the City allowed deviation from the City's standard requirements with the condition that he fix the drainage problem at 3350 by either lowering the entrance driveway to the new home to allow drainage, or place a culvert under the driveway of 3390. Ms Masterson's front yard was then surveyed and graded in the hopes that it would drain to the south/west corner near Vashon and Main. You suggested that the parties wait for an adequate winter storm to demonstrate adequate drainage to the satisfaction of Ms Masterson.

In December 2002, a significant rainfall caused the front yard of Ms Masterson's and the Vashon Road shoulder to flood. When Ms Masterson called your office to inform you about the flooding on her property, she was told you'd come to inspect the flooding but no one from the City ever responded.

On behalf of Ms Masterson, I request that you have Waterworth Construction implement one of the two options that are conditions to his permit: either lower the driveway or install a culvert immediately. Please

respond to me at the address below within 10 calendar days with a time line when the City-conditioned work is to be completed.

If you have any questions regarding this letter or you wish to discuss the matter, please contact me at 528-3782.

Sincerely,

Carmen V. Fojo, P.E.  
1416 Las Encinas Drive  
Los Osos, CA 93402

EXHIBIT H

**WEED ABATEMENT NOTICE OF  
APRIL 1, 2009**

# CITY OF MORRO BAY FIRE DEPARTMENT

715 HARBOR STREET.....MORRO BAY, CA.....772-6242

## NOTICE TO CLEAR WEEDS AND DEBRIS

April 1, 2009

**THE ANNUAL WEED ABATEMENT PROGRAM TARGETS POTENTIAL FIRE HAZARDS IN THE CITY, AND, IS INTENDED TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC THROUGH THE PROVISIONS OF THE MORRO BAY MUNICIPAL CODE (CHAPTERS 1.03 AND 8.12.030) AND, 2007 CALIFORNIA FIRE CODE (SECTION 304).**

This is your notification for the 2009 Weed Abatement Program. **THIS IS THE ONLY NOTIFICATION YOU WILL RECEIVE.** The latest assessor's tax information indicates you are the owner of the parcel number indicated on the address label. Please notify us immediately if you have sold this parcel.

As the owner, you have the responsibility to abate any fire hazardous conditions that may exist on your property by **June 15, 2009**. Due to the extended growing season from Morro Bay's marine climate, we request that owners abate their parcels between **May 15 and June 15**. **Please note that if your parcel is cut early, and the City experiences late rains, which cause the vegetation on the parcel to grow before it is inspected (around June 15), the City may require that it be further abated.** The City **DOES NOT** cut lots that are in violation. **Administrative Citations (Fine Amount \$90 for first offense) will be issued to property owners who fail to comply.** If you need to hire someone to abate hazardous conditions, please refer to the list of contractors on the reverse side of this letter.

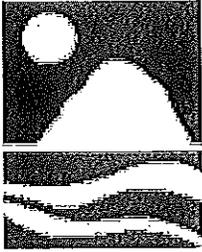
### ABATEMENT GUIDELINES

- Clear empty lots to no more than 4" high by mowing. (No discing or rototilling is allowed) This includes all vegetation that is now green but will dry out later.
- Remove dead bushes, trees, tree limbs, excess trash, wood or other combustibles.
- All cuttings within 10 feet of adjoining properties, streets or sidewalks must be removed, and, sidewalks, gutter and street areas shall be left clean. No piles or clumps shall be left on the property; however, finely cut material can be scattered as long as the above requirements are met and material will not blow onto adjoining properties or street areas.

Your cooperation is greatly appreciated in the interest of keeping Morro Bay a fire-safe community. If you have special problems, questions or need assistance, please contact the Morro Bay Fire Department at (805) 772-6242 (attention Tom Prows).

EXHIBIT I

MATERIALS FROM PREVIOUS  
PLANNING COMMISSION  
MEETING OF JULY 20, 2009



AGENDA ITEM: *X-E*  
ACTION *Continued*

# CITY OF MORRO BAY PLANNING COMMISSION

July 20, 2008

## PROJECT SUMMARY

Request for a Vesting Tentative Map to subdivide an existing 40,119 square foot parcel into two parcels, parcel 1 is approximately 7,189 square feet in size and parcel 2 approximately 32,931 square feet in size. The applicant proposes construction of a 2,487 square foot house on Parcel 2. Parcel 1 has an existing residence.

## FILE NUMBER

SOO-089/CPO-276 Subdivision Map and Coastal Development Permit.

## LEGAL DESCRIPTION

Parcel 1—Lots 12 in Block 2G of Atascadero Beach, in the City of Morro Bay, County of San Luis Obispo, State of California according to the map recorded July 2, 1917 in Book 2, page 15 of maps, in the office of the County recorder of said county.

Parcel—That portion of Lots 1 and 2 in Block 2G of Atascadero Beach, in the City of Morro Bay, County of San Luis Obispo, State of California according to the map recorded July 2, 1917 in Book 2, page 15 of maps, in the office of the County recorder of said county.

## ADDRESS

3390 Main Street

## APN

065-085-019

## APPLICANT

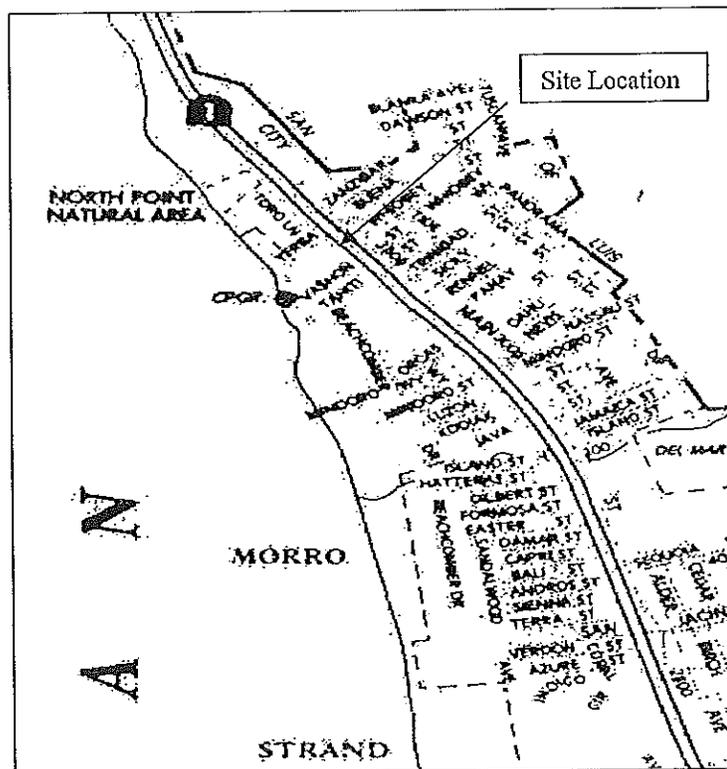
Johnie Medina  
3390 Main Street, Morro Bay, CA

## AGENT

Westland Engineering, Inc.  
3480 S. Higuera Street, Suite 130  
San Luis Obispo, Ca 93401

## EXHIBITS

- A. Findings for Approval
- B. Conditions of Approval
- C. Graphics/Plan reductions
- D. Mitigated Negative Declaration & biological study



Vicinity Map

**STAFF RECOMMENDATION**

It is recommended that the Planning Commission *CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

- A. Adopt Mitigated Negative Declaration (SCH 2009061049)
- B. Adopt the Findings for Approval included as Exhibit "A" of the staff report,
- C. Approve Tentative Parcel Map and Coastal Development Permit based on site development plans received by the Public Services Department on January 5, 2008 and subject to the Conditions of Approval included as Exhibit "B" of the staff report.

**ENVIRONMENTAL DETERMINATION:**

The project qualifies for a Mitigated Negative Declaration (SCH 2009061049) (Exhibit D) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.). The Mitigated Negative Declaration was circulated on June 9, 2009 with a review period that ended on July 13, 2009. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Mitigation was required for Geology, Hydrology, Land Use, Noise, Transportation/Circulation, and Utility/Service. Thus staff recommends that there would not be significant impacts with the implementation of those mitigation measures.

**SETTING**

The project site encompasses 40,119 square feet and is currently occupied by a two-story 2,040 square foot single-family residence. The site also contains a creek and natural vegetation.

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	R1/S.1, Low/Med. Residential & R-4(SP)	East:	R-1(S.1), Low/Med. Residential
South:	R1/S.1, Low/Med. Residential & MCR/R-4(SP)	West:	Highway 1
<b><u>Site Characteristics</u></b>			
Site Area	40,119 Square feet		
Existing Use	Single-family residence		
Terrain:	Gently sloping		
Vegetation/Wildlife	Exotic vegetation and a sparse representation of native vegetation, no special species or wildlife noted.		
Archaeological Resources	Greater than 1,500 feet from any known site and the closest survey was taken 400 feet away (#2819) where no known resources were found.		
Access	Lots will take access from Main Street.		

<b><i>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</i></b>	
General Plan/Coastal Plan Land Use Designation	Low/Med. Residential & Mixed Use Area F
Base Zone District	R-1 & MCR/R-4
Zoning Overlay District	ESH
Special Treatment Area	None
Combining District	S.1 & SP
Specific Plan Area	North Main Street Specific Plan, Area A
Coastal Zone	Inside Coastal Commission Appeal Jurisdiction

**DISCUSSION**

The applicant has submitted a Vesting Tentative Parcel Map to subdivide their property into two parcels. The Parcel Map will divide an existing 40,119 square foot parcel into two parcels, parcel 1 is approximately 7,189 square feet in size and parcel 2 is approximately 32,931 square feet in size. The applicant then proposes construction of a 2,487 square foot house on Parcel 2. Parcel 1 has an existing residence that will remain. Creating four or less parcels only requires a Parcel Map approval, which does not require City Council action, although the Planning Commission’s decision may be appealed to them.

The map has been reviewed and has been conditioned to meet all Title 16 and Title 17 requirements including minimum lot sizes.

Due to the location of the site, within the Coastal Appeals Jurisdiction, the construction of a new home requires a Coastal Development Permit. However, the size of the home at 2,497 square feet does not require any heightened review under separate Conditional Use Permit as it is under the 2,500 square foot maximum.

Staff has received numerous letters and one petition against the project. The main concerns of these letters is the effect of building an additional home within an area in close proximity to an ESH (Environmental Sensitive Habitat) area and an area subject to flooding.

**ENVIRONMENTAL SENSITIVE HABITAT AREA ISSUES**

The project area includes area identified as Environmental Sensitive Habitat Area (ESHA) The ESHA incorporates and straddles an ephemeral creek. A Biological Assessment was conducted for the site on May 3, 2008. The study concluded that the entire lot is significantly disturbed and exhibits a large variety of exotic vegetation and only a sparse representation of native vegetation. The lot offers no appropriate habitat for native botanical species. The plethora of exotic vegetation, particularly the more aggressive invasive species, precludes the opportunity of the establishment of those native species with special listing. The lot is poorly suited for avian species and no habitat for Cooper’s hawk, golden eagle, snowy egret, northern harrier, horned lark, or logger head shrike due to the size of the property, lack of trees, no source of water, and proximity of development. The study concluded that the habitat requirements for the red-legged frog, steelhead trout and the southwest pond turtle can not be met by the creek on the lot in question. The creek is choked by exotic vegetation and contains no opportunity for water to pool and remain in the channel. It is also has a very narrow channel although it may carry significant amounts of water during a severe rain storm. The report concluded that there are no existing fish

or wildlife resources that will be substantially adversely affected by the project. The applicant consulted with California Coastal Commission staff to request a clear delineation of the ESHA area. Coastal Commission staff concurred with the applications delineation with the provision that it be expanded to include the willows on the east side of the property and accordingly all structural development must be setback a minimum of 50 feet for the stream/ESHA corridor per the LCP including 50 feet from the drip line of the willows. The report also provided that to the extent that the proposed driveway access might encroach into the ESHA buffer, commensurate amount of restoration must be included.

### **STORMDRAINAGE AND FLOODING ISSUES**

Prior to building permit issuance for any construction at the site, the applicant shall be required to provide a Grading and Drainage Plan along with an Erosion and Sedimentation Control Plan for the City's review and approval. Said 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, waterway, or ecologically sensitive area.

The improvements for the proposed project including the private road/driveway would be designed to accommodate the existing historic drainage within an easement that leads toward the west across adjacent parcels. An easement will be acquired but the facility will be able to handle the development such that the increase in run-off will not exceed historic flow plus 5 percent increase. In addition, the proposed project and cumulative projects would be required to maintain the sites with permeable surfaces to ensure the run-off does not increase by 5 percent of historical flow. The remaining water flow would be required to drain within the collection facility in a non-erosive manner. Therefore, the proposed project would not substantially alter existing drainage on the site, nor result in substantial erosion or siltation on or off site.

Since the project site is less than one acre, a Construction Activities Storm Water General Permit is not required, per the Federal Clean Water Act. However, the city routinely requires erosion control plans. This is a component of the permit process that can be relied upon to ensure that water quality issues associated with erosion will be suitably addressed. The applicant has submitted documentation indicating that the proposed wall will not negatively affect drainage on site or to the nearby creek.

The project site is within an area designated as a special flood hazard zone AE on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (Map Number 06079C0813F, dated August 28, 2008) and is subject to inundation during a 100 year flood. Pursuant to Chapter 17.42 – Flood Damage Prevention Regulations of the City's Municipal Code, residential development within a flood plain is allowed provided the structure's finish floor elevation is one foot above the 100-year water surface elevation. This requirement is to reduce the potential for flood related impacts to the structure. The applicant's engineer report indicates that the construction of a new retaining wall will not affect the water surface elevation in a 100 year storm. Additionally, the construction of the new home, due to its location in the fringe of the flood plain, will not significantly impact the 100 year water surface elevation and is in conformance within the City's flood damage prevention regulations.

**SINGLE FAMILY HOME**

The new home is proposed on a parcel two. This parcel is extremely large, however the actual building envelope is reduced in size due to the setback requirements from the ESH area, in particular the 50 foot setback requirement from the willows within the ESH area. The main area of concern regarding the construction of the new home is the height limitation. The applicant did not provide drawings that could be scaled to indicate the height of the building he has however, indicated that the building is 24 feet in height. Because the finished floor elevation must be 1 foot over the flood plain elevation it may not leave enough leeway for the home to be 24 feet in height. Staff has placed a condition on the project requiring the height of the new home to be less than 25 feet measured from the average natural grade regardless of the modification needed to meet the flood plain requirements. A two car garage is also being proposed as required by the code.

**Project and Zoning Setbacks.**

Setbacks	Project	R-1/S.1 Required
Front yard	106 feet	10 feet
Rear yard	115+ feet	5 feet
Interior side yard	6'6"feet	3 feet.
Exterior side yard	N/A	6 feet
Lot coverage	8%	45% maximum
Height	24 feet	25 feet
Minimum Lot width required at property line	40 feet	40 feet

**FLOOR TO AREA RATION COMPARISON**

Pursuant to City Council direction on March 30, 2009, staff has compiled the following analysis based upon information provided by a citizen's group on April 8, 2009 that advocates the use of Floor Area Ratios (FAR's). The example FAR calculation which includes the garage,  $(1300+0.30(\text{lot sf}-29885-2000) = 9,665/29,885 = 0.32$ . The project proposes  $2,497/29,885$  or 0.08 FAR.

**CONSISTENCY WITH THE LOCAL COASTAL PROGRAM**

For the proposed project to be approved, findings must be made that the project is consistent with applicable goals, objectives and policies of the Local Coastal Program. The proposed project is consistent with the Zoning and Subdivision regulations and with the various applicable goals, objectives and policies of the LCP for all of the reasons stated above.

**PUBLIC NOTICE:**

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on July 10, 2009, 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 project as proposed has been conditioned including environmental mitigations to meet code requirements and reduce environmental impacts and therefore meets the findings required for approval of the Vesting Subdivision Map and Coastal Development Permit.

Report prepared by: Kathleen Wold, Senior Planner

**EXHIBIT A:**  
**FINDINGS**

SOO-089/CPO-276 Subdivision Map and Coastal Development Permit.  
3390 Main Street

Vesting Subdivision Parcel Map and Coastal Development Permit for the creation of two parcels and the development of a single family residence.

**California Environmental Quality Act (CEQA)**

That for purposes of the California Environmental Quality Act, Case No. S00-089/CPO-276 is subject to a Mitigated Negative Declaration. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigations required as conditions of approval.

**Subdivision Map Act Findings**

- A. The proposed map to create a two lot subdivision project is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- B. The design and improvements to create two lot subdivision project is consistent with the General Plan and Coastal Land Use Plan.
- C. The site is physically suitable for the type and density of development proposed because the site is zoned for single-family residential low to medium density (4-7 du/ac) and consistent with the land use designation.
- D. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project has been condition which includes environmental mitigations to ensure all impacts are less than significant.
- E. The design of the subdivision and improvements will not cause serious public health problems.
- F. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public.

**Coastal Development Permit Findings**

- A. That the approved or conditionally approved project is consistent with the applicable provisions of the certified local coastal program.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**

SOO-089/CPO-276 Subdivision Map and Coastal Development Permit.  
3390 Main Street

Vesting Subdivision Parcel Map and Coastal Development Permit for the creation of two parcels and the development of a single family residence.

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report referenced above, dated July 20, 2009 for the project depicted on the attached plans labeled "Exhibit C", dated January 05, 2008 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
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 Planning and Building 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 Planning and Building 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 Planning and Building 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.

6. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
7. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
8. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
9. Parkland In-Lieu Fees: Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.13.005).
10. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
11. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
12. Environmental Conditions

**Geology/Soils**: The proposed project shall be designed in a manner that is compliant with the California Building Code to ensure that the structures are as seismically sound as is feasible.

**Hydrology/Water Quality**: 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. 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. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

**Land Use and Planning:** 1) At publicly noticed hearing, the Planning Commission shall consider the requested exceptions and determine whether it is compatible with applicable land use patterns, and fence/wall height concerns as they relate to the required findings being made.

**Cultural:** An approved cultural monitor who is a qualified professional archaeologist knowledgeable in Salinan and Chumash culture shall monitor the site during any ground disturbance. At the conclusion of the cultural resource monitoring, the archaeologist should complete a report of the results and submit said report to the City of Morro Bay and the Information Center at the University of California at Santa Barbara.

If during construction excavation, any bones, concentrations of sea shells, angular chert rocks, burnt rock or other unusual cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and Native American and appropriate recommendations made as outlined in California Environmental Quality Act of 1970, and the City of Morro Bay Cultural Resource Guidelines.

If any archaeological resources all found, grading or excavation shall cease immediately in the immediate area, and the find should be left untouched until a qualified professional archaeologist, or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage.

**Transportation/Circulations:** The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs on the frontage of the alley where applicable.

**Biology:** All structural development must be setback a minimum of 50 feet for the stream/ESHA corridor per the LCP including 50 feet from the drip line of the willows. To the extent that the proposed driveway access might encroach into the ESHA buffer, commensurate amount of restoration must be included. Restoration shall include only native non-invasive plant species.

**Utilities and Service Systems:** Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee at a future date towards the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The applicant and future lot owners shall agree to this fair share payment and waive any rights to challenge the fees by signing an agreement.

### FIRE CONDITIONS

17. Access Road. An approved fire access shall be provided for every building or portion thereof, and shall extend to within 150 ft. of all portions of the building and exterior walls, as measured by an approved route around the exterior of the building. (CFC 503.1.1) This requirement may be modified if the structure is protected by an automatic fire sprinkler system.(CFC 503.1.1 Exception 1)
18. Dead Ends. Dead-end fire access roads in excess of 150 feet shall be provided with an approved area for turnaround fire apparatus. (CFC 503.2.5) This requirement may also be modified is if the structure is protected with fire sprinklers.
19. Fire Sprinkler. All new buildings exceeding on thousand square feet regardless of separation walls, shall be protected with automatic fire sprinklers.(MBMC 14.60.200910 and CFC 903.2)
20. Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. (CFC 508.1) Presently, it is unknown what the fire flow requirements will be for the project, 2007 CFC Appendix B will determine it. An additional fire hydrant may be required.

### PUBLIC WORKS CONDITIONS

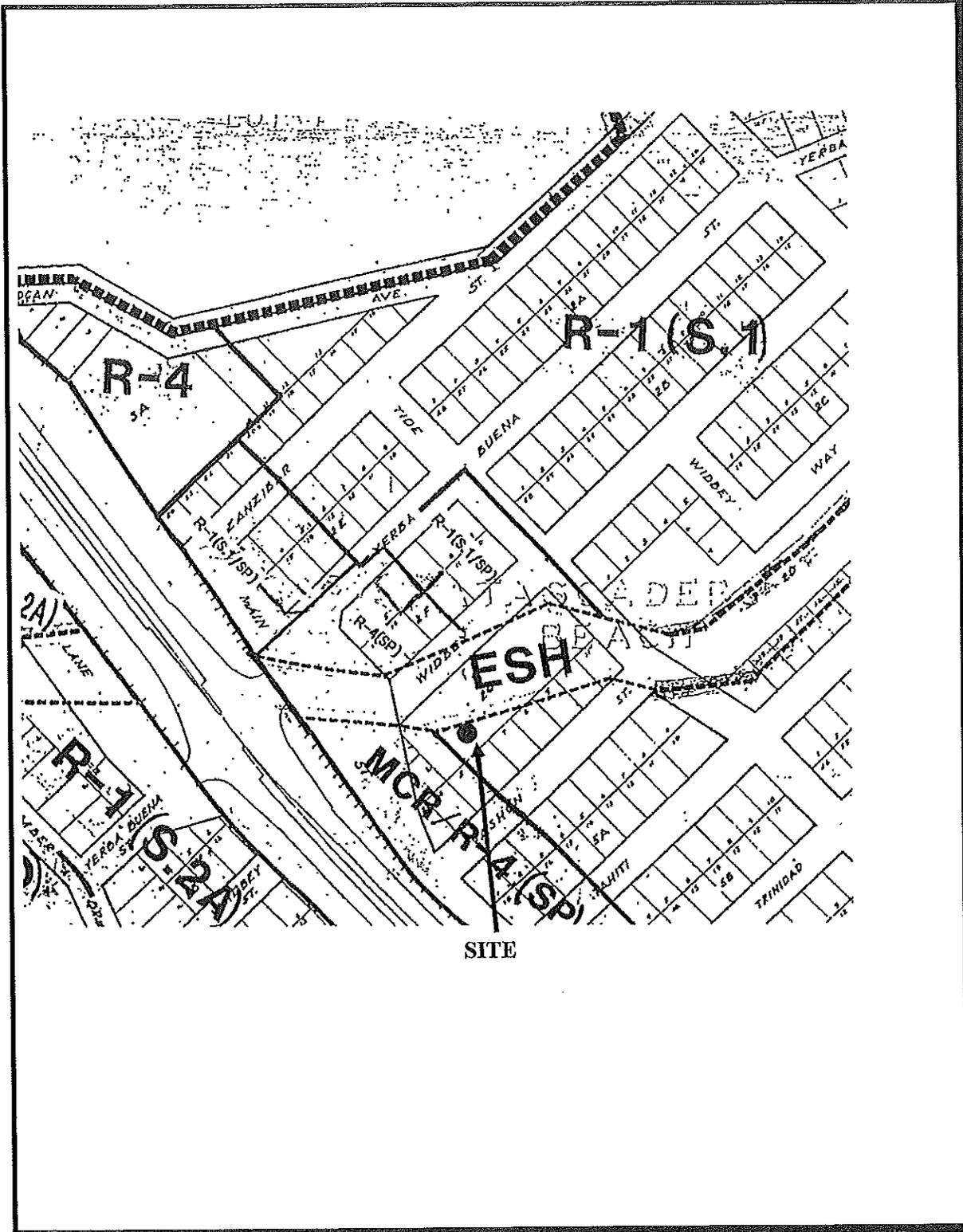
22. The existing driveway approach shall be upgraded to meet ADA requirements, 4 foot wide path of travel behind the approach per City standards (B-6).
23. The new driveway approach shall meet ADA requirements, 4 foot wide path of travel behind the approach per City standards (B-6).
24. Submit a Conditional Letter of Map Revision (CLOMR) followed up with a Letter of Map Revision (LOMR) prior to issuance of a building permit.
25. Reconstruct AC curb on Tide Ave and replace existing oversized CMP (corrugated metal pipe) drain with a City standard curb inlet with inlet protection.
26. Parcel 2 shall meet the current stormwater requirements with the building permit application.

### PLANNING CONDITIONS

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 structures are in accordance with the approved plans and complies with the height requirement of **25 feet above average natural grade as accepted by the City Engineer.**

Fence Height –All proposed fencing and retaining walls shall meet the City of Morro Bay's Zoning Ordinance requirements for height. Any new retaining wall shall match the character and color of the existing retaining to provide continuity in character

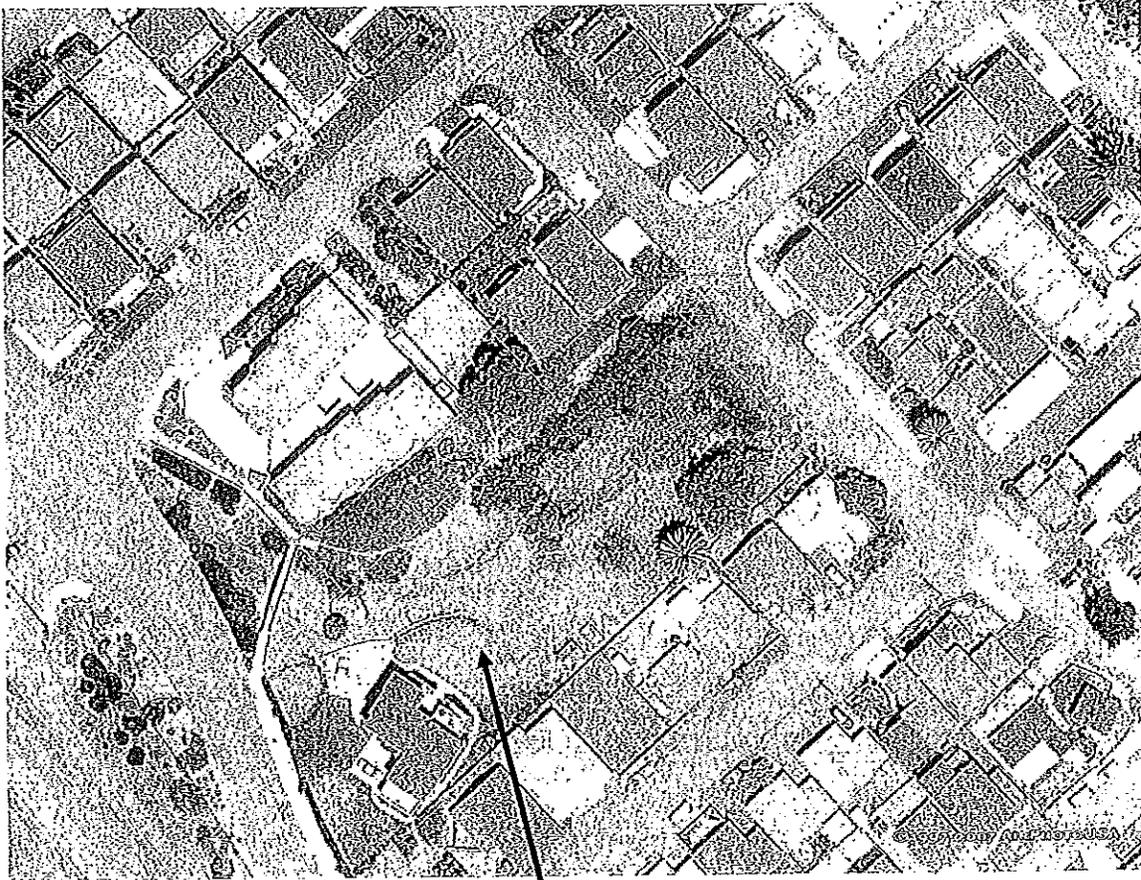
**EXHIBIT C**  
**GRAPHICS/PLAN REDUCTIONS**



SITE

Planning Commission  
Johnie Medina

ZONING MAP

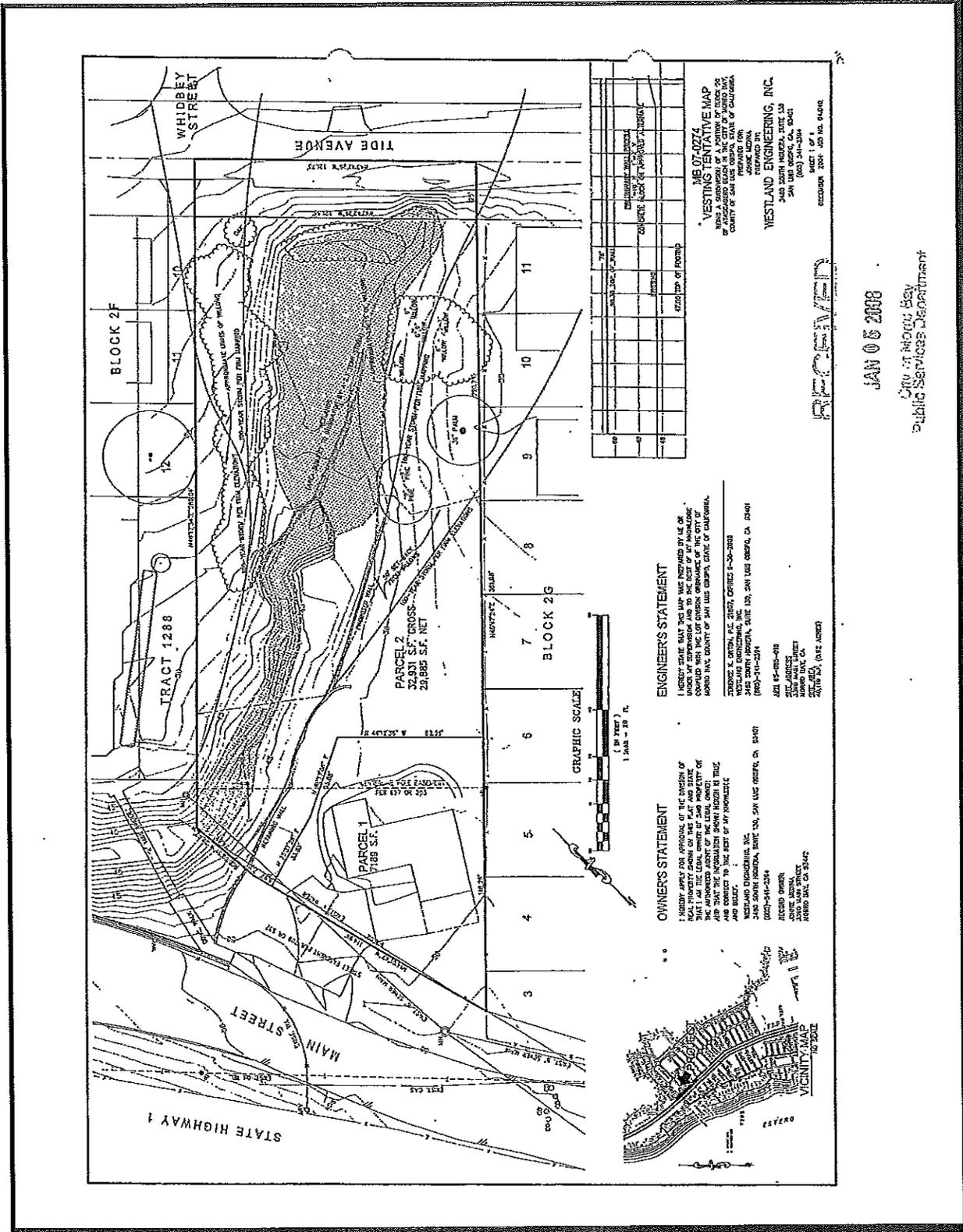


**SITE**

**Planning Commission**

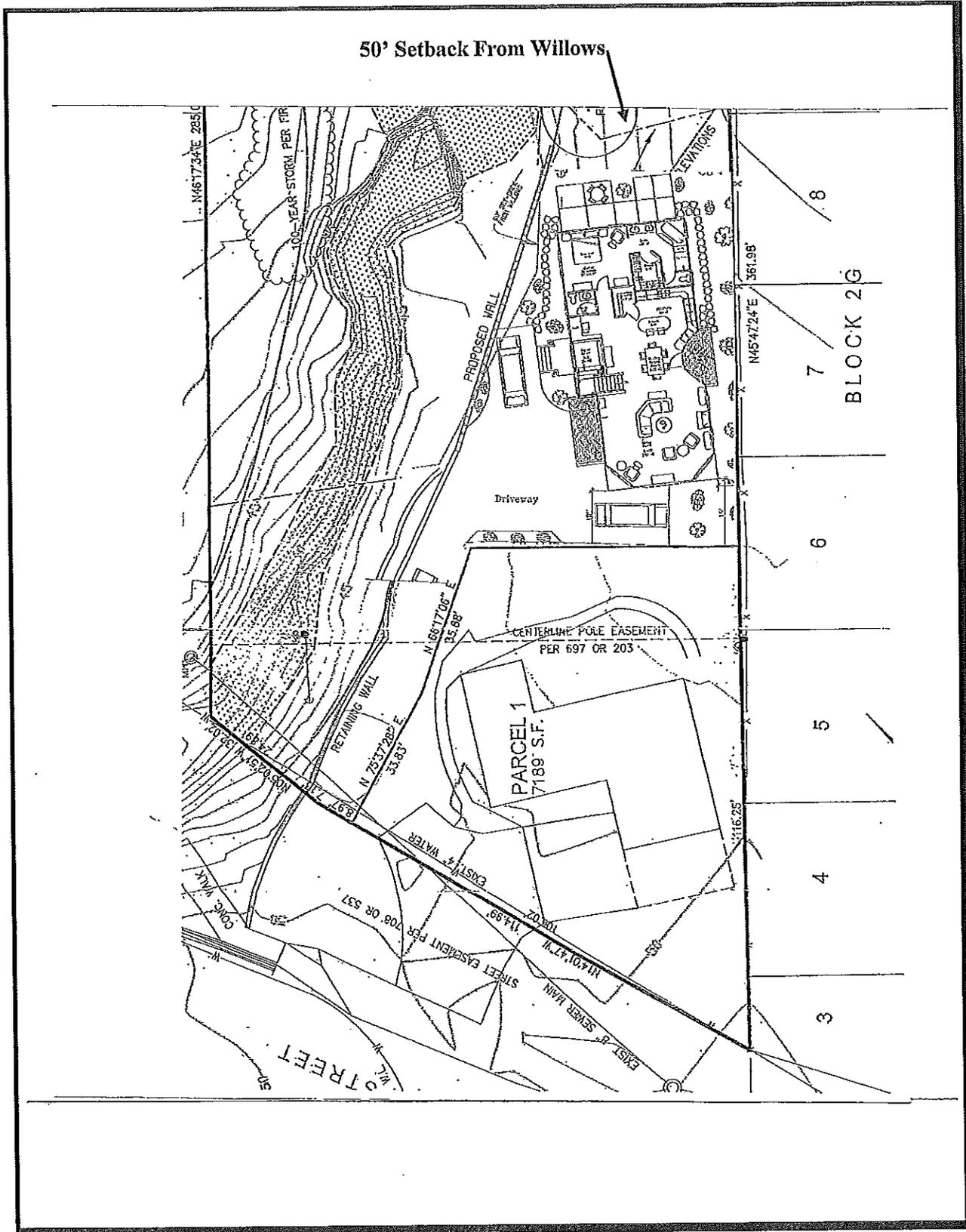
**Johnie Medina**

**Aerial View**



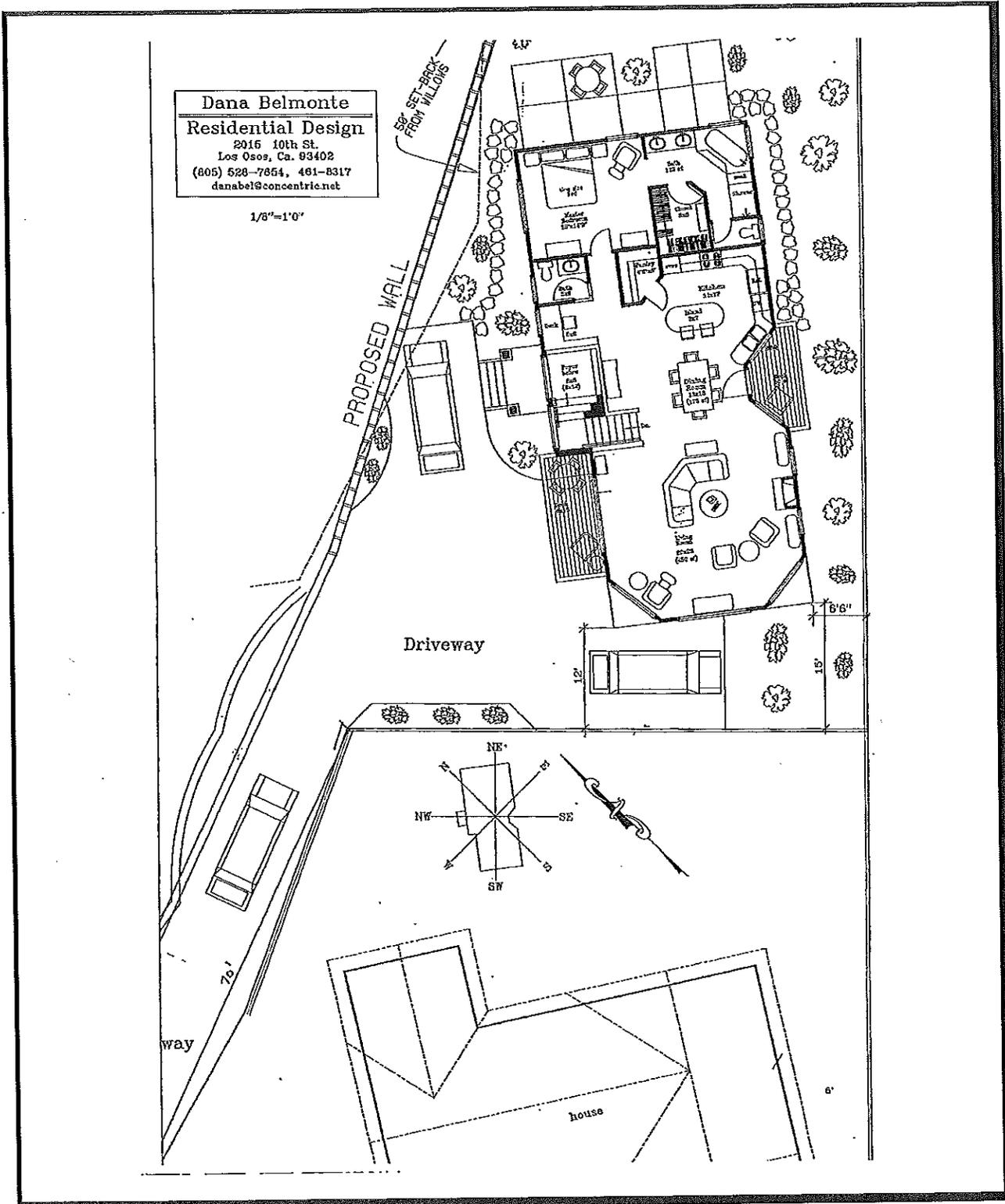
Planning Commission  
Johnie Medina

Subdivision Map



Planning Commission  
Johnie Medina

SITE PLAN

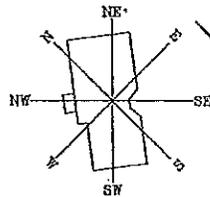


Dana Belmonte  
Residential Design  
2015 10th St.  
Los Osos, Ca. 93402  
(805) 528-7864, 481-8317  
danabel@concentric.net

1/8"=1'0"

PROPOSED WALL

Driveway

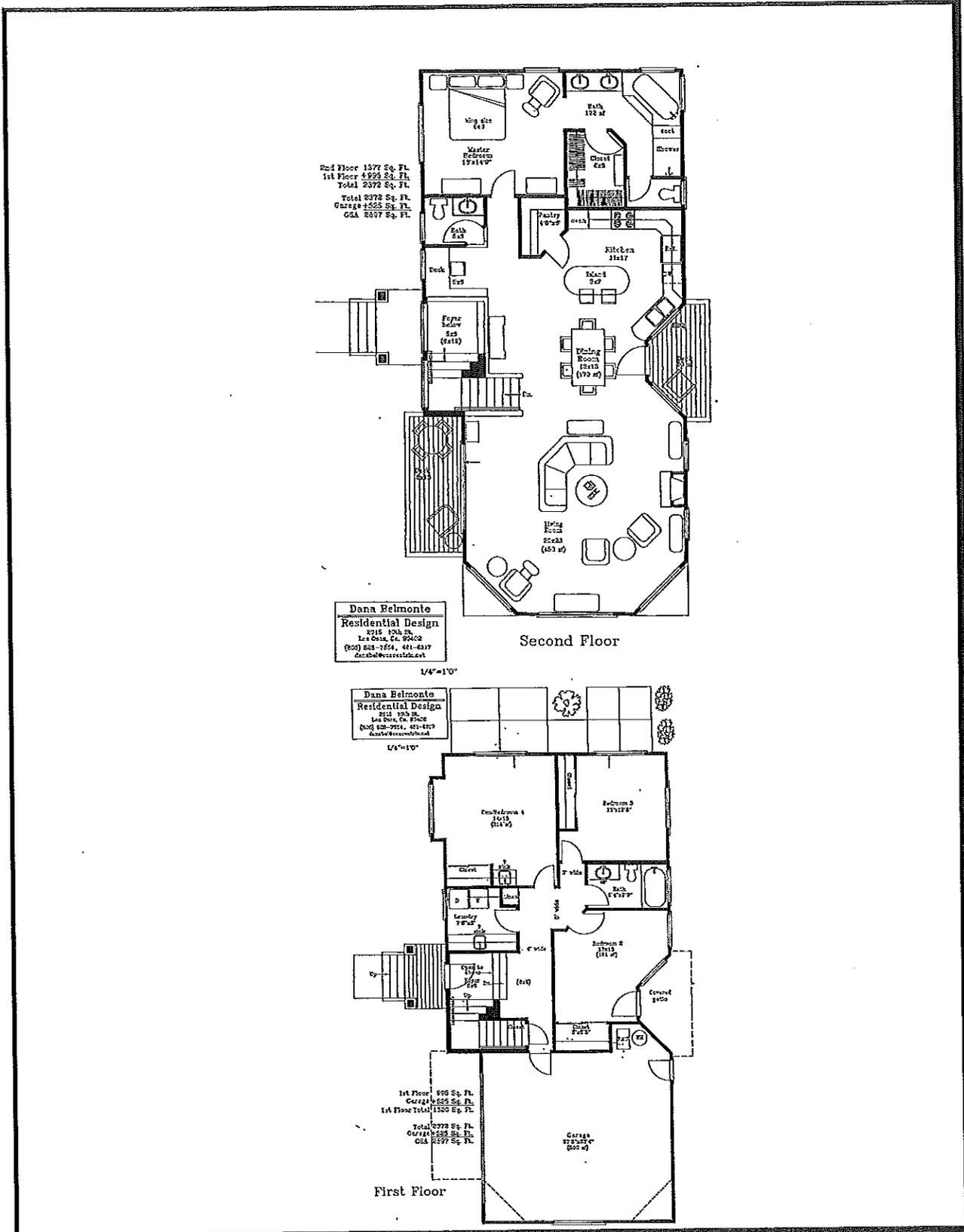


way

house

Planning Commission  
Johnie Medina

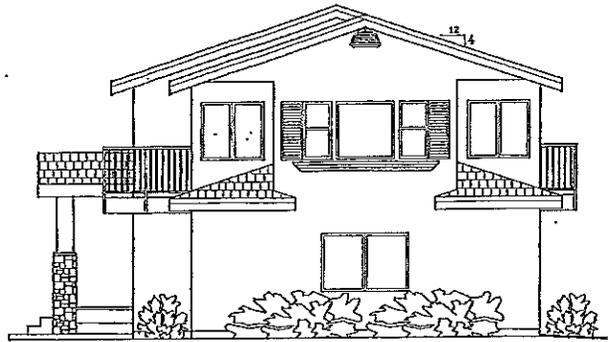
SITE PLAN



Planning Commission  
 Johnie Medina

FLOOR PLAN

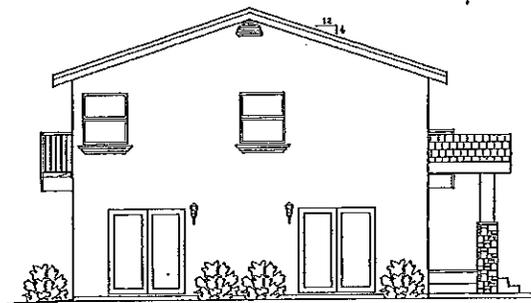
Dana Belmonte  
Residential Design  
14006 Morro Rd.  
Atascadero, Ca  
(805) 461-8317 cell: 975-8933  
danabel@concentric.net



South/West Elevation

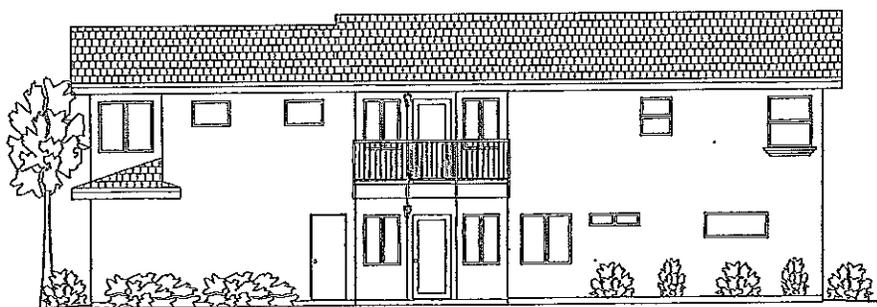


North/West Elevation



North/East Elevation

Dana Belmonte  
Residential Design  
14006 Morro Rd.  
Atascadero, Ca  
(805) 461-8317 cell: 975-8933  
danabel@concentric.net



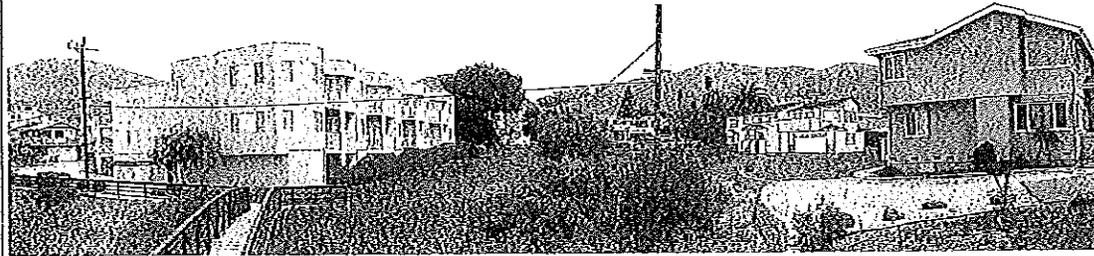
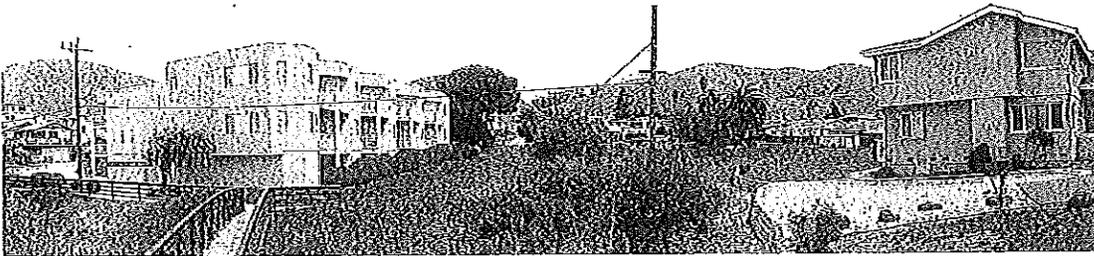
South/East Elevation

Planning Commission

Johnie Medina

ELEVATIONS

**Existing**



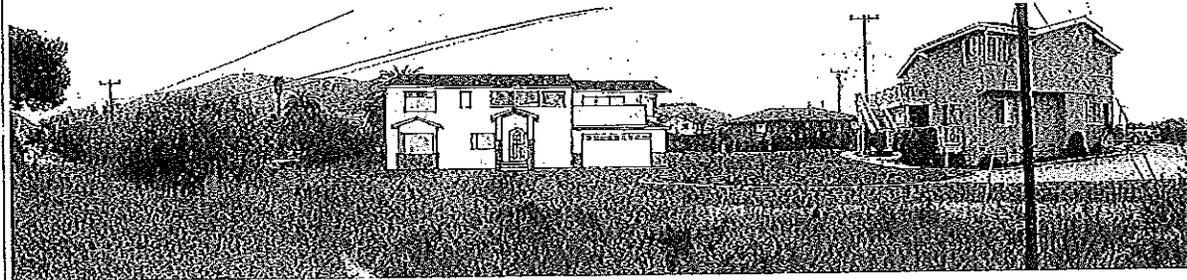
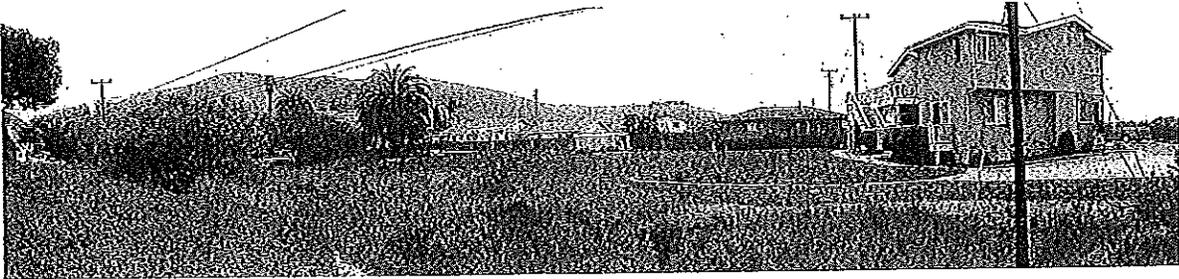
**Proposed**

Planning Commission

Johnie Medina

**PHOTO SIMULATION**  
**View From Main St.**

**Existing**



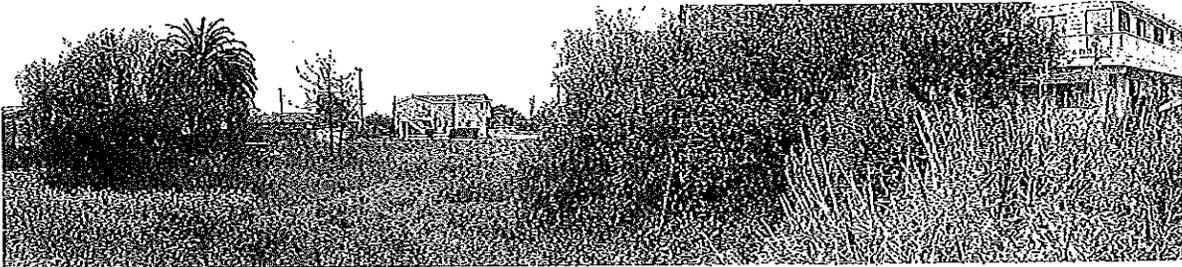
**Proposed**

Planning Commission

Johnie Medina

**PHOTO SIMULATION**  
View From Main St.

**Existing**



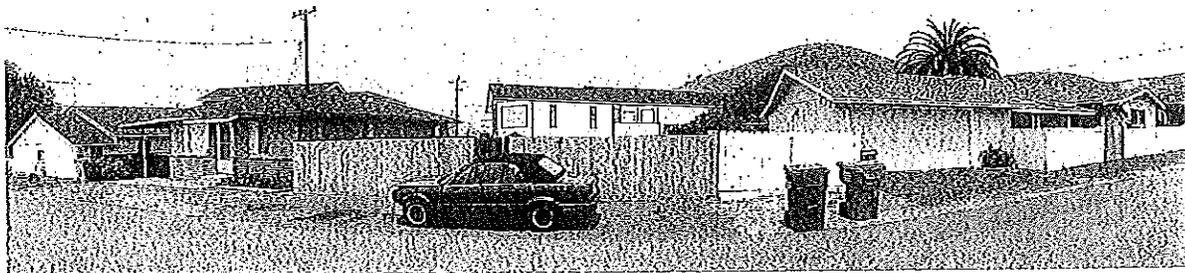
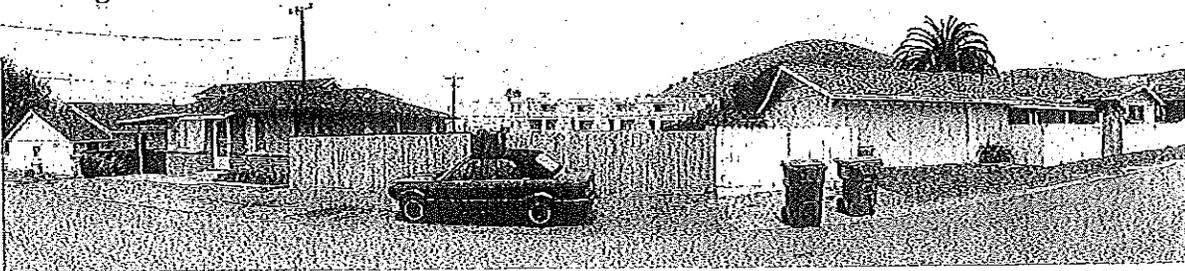
**Proposed**

**Planning Commission**

**Johnie Medina**

**PHOTO SIMULATION  
House from Tide Ave.**

**Existing**



**Proposed**

**Planning Commission**

**Johnie Medina**

**PHOTO SIMULATION  
House from Vashon St.**

**EXHIBIT D**  
**Letters**

# BAY CREEK CONDOMINIUMS

306 Yerba Buena  
Morro Bay, CA 93442  
E-mail: [aparegian@comcast.net](mailto:aparegian@comcast.net)

(805) 772-4232  
(559) 439-1118  
Fax: (559) 440-9358

(Mailing Address) 2705 W. Sample  
Fresno, CA 93711  
June 29, 2009

City of Morro Bay  
Public Services Department  
955 Shasta Avenue  
Morro Bay, CA 93442

RECEIVED

JUL 01 2009

City of Morro Bay  
Public Services Department

**Project Title:** Medina Parcel Map (MB 07-0232)  
**Location:** 3390 Main Street  
**County:** San Luis Obispo  
**City:** Morro Bay  
**Case No.:** S00-089/CP0-276  
**Hearing Date:** July 20, 2009 at 6:00 p.m.  
**Hearing Location:** 209 Surf Street, Morro Bay Vets Hall

Gentlemen:

I would like to voice our concerns regarding the above-referenced proposed subdivision of an existing parcel by Mr. Medina. I represent Bay Creek Homeowners' Association, which is the nine-unit condominium complex directly to the north of Mr. Medina. We are separated only by the creek that runs between us. Our main concern with Mr. Medina's subdivision request is the proposed roadway that will lead off Main Street and run past his home along the north side of his property. That area is narrow and we do not see any way a road could be put there without it being directly on the edge of the creek.

When we were required in 1989 to install the presently existing foot bridge over the creek, we were advised that the creek was an extremely environmentally sensitive area and any construction and/or changes to the area would be extensively scrutinized. Has the City changed its restrictions and requirements concerning environmentally sensitive areas? We feel that allowing any type of construction that close to the edge and in fact right on the edge of the creek should not be allowed.

Unfortunately, given the situation at present, any roadway next to Mr. Medina's residence would have to be extremely narrow and basically right on top of the edge of the creek. I note the proposed roadway would be adjacent to the existing retaining wall and that wall is presently a little past the edge of the creek and slightly down into the creek itself. We feel any vehicular movement directly on the edge of that creek could cause ecological and environmental problems.

City of Morro Bay  
Public Services Department  
June 29, 2009  
Page Two

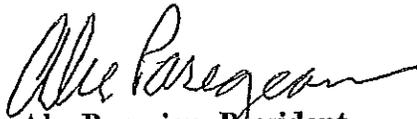
Other than the study done by Mr. Medina's engineer, which indicates CEQA has prepared a "Mitigated Negative Declaration", has an actual Environmental Impact Report (EIR) been made? A Mitigated Negative Declaration indicates that the project does have a significant environmental impact but that the impact "may be mitigated to a level of less than significant". We do not see any way that situation could be made "less than significant" with vehicles driving along the edge of the creek. What has happened to the setback requirements for "minor creeks" which prohibit "parking, driveways, other vehicular surfaces"? We strongly request the City require a full Environmental Impact Report for this project.

We are very concerned about the proposed roadway's impact on the creek for a number of reasons including, among many potential problems, possible bank impairment. Any proposed road that would sit directly on or extremely close to the edge of the bank could cause severe environmental problems. What would happen should the 100-year flood occur? A 100-year flood has approximately a 63.4% chance of occurring in any 100-year period. This entire area is in a "flood zone" and it has always been.

What we do not understand is why access to the proposed developable lot has not been requested from Tide Street? Why should a home that is more closely situate to Tide Street not be granted ingress and egress from that street? That would make more sense and the entire issue of endangering the creek would be negated. We fail to understand why Mr. Medina is attempting to place an unnecessary and ecologically hazardous roadway to the proposed residential lot when such ingress and egress could so easily be constructed from Tide Street.

Please accept this correspondence as our "voice" at the scheduled hearing which is presently set for July 20, 2009 at 6:00 p.m.

Sincerely,



Abe Paregian, President  
Bay Creek Homeowners' Association  
Civil Engineer License No. C 19743

AP:mp

cc - All Bay Creek Home Owners

TO: The City Council  
The Planning Commission

7/10/09

From: ANTHONY TIGLIO  
330 VASHON ST  
M-B

RE: Medina Parcel Map (MB070232)  
3390 Main St., Morro Bay

I am opposed to further subdivision to create a second developable lot on that parcel.

Concern 1: Putting another house will disrupt the natural flow of watershed. Building the house on a pad is not feasible. The height of the house should be limited to one-story.

Concern 2: Privacy, noise & ocean view will be disturbed. No windows or balcony should face Vashon and Tides Sts.

Concern 3: Defacing & disturbing the Env. Sensitive Habitat Area, destroying the wetlands & they are using the area as a trash & rubbish dump.

Concern 4: The Willows on the builders side of the Creek have been repeatedly cut down & removed. They have ridden ATV's throughout the ESA area with total disregard for the environment.

Anthony Tiglio

RECEIVED

JUL 13 2009

Public Services

To: Morro Bay City Council  
and Planning Commission

7-9-9

From:

Re: Medina Parcel Map (MB 07-0232)  
3390 Main St, Morro Bay CA

I am a concerned citizen and neighbor in Morro Bay. I want to state a few facts on how the project isn't feasible.

Concern 1: By putting another house on the property it will disrupt the natural flow of water, it is a FEMA Flood Zone Area, and was entirely under water many times, recently in mid-1990's.

Concern 2: We don't want the wetlands disturbed, as it is a habitat for the red-legged frog and many other species.

Concern 3: Building another house will take away privacy, ocean views and scenic vistas from neighbors.

Concern 4: The Willows have been cut down + bulldozed, by the owners, ATVs were ridden all over the sensitive area with total disregard for the environment. They have killed wildflowers + pine trees. They use the area for dumping ground.

If you do allow this development, I request a height restriction of one-story, no windows or balconies facing Vashon + Tide Sts.

Paul Mills

7-9-9

To: Morro Bay City Council  
and Planning Commission

From: Michele Arête  
361 Vashon St.  
Morro Bay 93442

Re: Medina Parcel Map (MB 07-0232)  
3390 Main St, Morro Bay CA

I am a concerned citizen and neighbor in Morro Bay. I want to state a few facts on how the project isn't feasible.

Concern 1: By putting another house on the property it will disrupt the natural flow of water, it is a FEMA Flood Zone Area, and was entirely under water many times, recently in mid-1990's.

Concern 2: We don't want the wetlands disturbed, as it is a habitat for the red-legged frog and many other species.

Concern 3: Building another house will take away privacy, ocean views and scenic vistas from neighbors.

Concern 4: The Willows have been cut down & bulldozed, by the owners, ATVs were ridden all over the sensitive area with total disregard for the environment. They have killed wildflowers & pine trees. They use the area for dumping ground.

If you do allow this development, I request a height restriction of one-story, no windows or balconies facing Vashon & Tide Sts.

Michele Arête  
361 Vashon  
Morro Bay

RECEIVED

JUL 13 2009

City of Morro Bay  
Public Works Department

TO: The City Council  
The Planning Commission

7/10/09

From: Laura Mounce  
330 Vashon St.  
Morro Bay CA 93442

RE: Medina Parcel Map (MB07-0232)  
3390 Main St., Morro Bay

I am opposed to further subdivision to create a second developable lot on that parcel.

Concern 1: Putting another house will disrupt the natural flow of watershed. Building the house on a pad is not feasible. The height of the house should be limited to one-story.

Concern 2: Privacy, noise & ocean view will be disturbed. No windows or balcony should face Vashon and Tides Sts.

Concern 3: Defacing & disturbing the Env. Sensitive Habitat Area, destroying the wetlands & they are using the area as a trash & rubbish dump.

Concern 4: The willows on the builders side of the creek have been repeatedly cut down & removed. They have ridden ATV's throughout the ESA area with total disregard for the environment.

RECEIVED

JUL 13 2009

City of Morro Bay  
Public Services Department

Sincerely,

Laura Mounce

Duane & Janet Schultz  
42235 315<sup>th</sup> Avenue  
Saint Peter, MN 56082  
1-507-931-4665  
[janschultz@myclearwave.net](mailto:janschultz@myclearwave.net)

Monday, July 6, 2009

RECEIVED

JUL 08 2009

City of Morro Bay  
Public Services Department

City of Morro Bay  
Public Services Department  
955 Shasta Avenue  
Morro Bay, CA 93442

RE: Medina Parcel Map (MB 07-0232)

Dear Sirs,

We are the owners of 314 Yerba Buena Street in Morro Bay, CA, one of the nine-unit condominium complex, and are members of the Bay Creek Homeowners' Association. We are concerned about Mr. Medina's proposal to build on land adjacent to the narrow creek that separates us. Part of Mr. Medina's plan is to construct a roadway that we feel would cause ecological and environmental problems.

I assume an environmental impact study would have been taken, and we wish to know how Mr. Medina's building project would be involved. We believe that Mr. Median could access his developable lot from Tide Street, giving it an equally useful entrance which would protect the creek.

We hope that the Public Services Depart will consider out request to save the creek from environmental damage. We also agree completely with the letter sent to you from Abe Paregian, President of the Bay Creek Homeowners' Association. This letter serves as our input at the scheduled hearing on July 20, 2009. Thank you for your consideration.

Sincerely,



Janet and Duane Schultz

7-12-09

RECEIVED

To: Planning Comm.

Re: 3390 Main St., Morro Bay

JUL 18 2009

Concerned neighbors have a petition <sup>circulating</sup> opposing the proposed sub-division of 3390 Main St.

I am writing today to inform you of recent activity in the ESTHA area.

The Medinas have used the area under the palm tree for a dumping ground for rubbish, broken cement, old <sup>metal</sup> tire place, old swing set, plastic, old park bench, old cement dolphin statue, and piles of misc. metal + plastic rubbish.

This extended out 15+ feet x 14 feet on one side (approx.) + about 6 feet on the right.

Pictures were taken on July 2, 2009 to document this dumping ground. The neighbors that took the pictures were verbally abused by Mr. Medina.

On Sat. July 11, 2009 - Mr. Medina had 2 trucks + a bobcat with bucket scraping the entire area. They removed the trash, (which is good) In the process the Bobcat scraped the area, further removing vegetation, particularly willows on the Creek bank. We are concerned for the ESTHA here.

The owners have cut the willows down for years, + removed them, on their side of the creek.

We believe this has been done in order to establish willow drip-line boundary from across the Creek. Did he have a permit?

These owners have a track record of utter disregard for the Env. Sensitive Habitat area, as proven over the years by their actions of: ATV Riding across + all over the area,

Defacing the ESTHA area by using it as a dumping ground for rubbish, (see attached) photos

Michelle Arto - 361 Vashox - U Bay

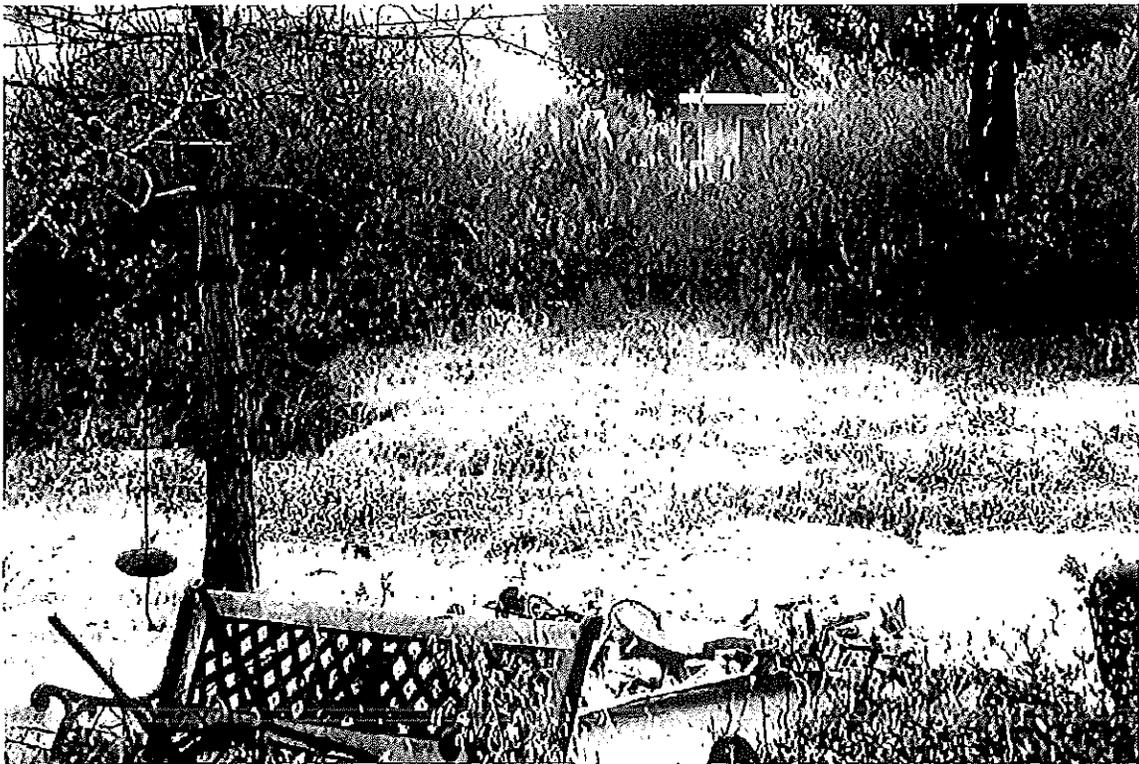
p.2

3390 Main St, MB

WILLOWS cut down



Rubbish/Trash Dumped



JUL 13 2009

City of Montreal  
Public Services Department

Petition to stop Johine Medina: Terri Orton of  
 Westland engineering, inc agent. Building on  
 Parcel mb07-0232 3390 Main street Morro Bay  
 93442 Case # s00-089/cpo-s70

name	address	phone#
1 Anthony Tiglia	330 V. WASHON M-B	805-294-0250
2 Hanna Mauer	330 VASHON ST M-B	805 294-3200
3 Ronni Gates	340 WASHON ST. M-B	661-342-5385
4 Jeff Garton	340 WASHON ST M-B	661 619 9614
5 Paul Willis	PO BOX 116 M6	(805) 598128
6 Don Miller	500 Atascadero Rd	805 772 817
7 Marge Parejan	306 Yerba Buena	772-4232
8	351 YERBA BUENA	1683
9 Michele Crete	361 WASHON	234-3550
10 Daniel Puett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Choum	371 WASHON	748-8666

RECEIVED

JUL 1 2009

City of Morro Bay  
 Public Services Department

Petition to stop John Medina: Terri Orton of  
 Westland engineering, inc agent. Building on  
 Parcel mb07-0232 3390 Main street Morro Bay  
 93442 Case # s00-089/cpo-s70

name	address	phone#
1 Anthony Tigler	330 VASHON M-B	805-294-0250
2 Hannah Mauer	330 VASHON ST M-B	805 294-3200
3 Ronni Gates	340 VASHON ST. M-B	661-342-5385
4 Jeff Gates	340 VASHON ST M-B	661 619 9614
5 Paul Wilks	PO BOX 116 M6	(805) 459 8128
6 Don Miller	500 Adascadero Rd	805 772 8867
7 Margie Paragian	306 Yerba Buena	772-4232
8	351 YERBA BUENA	1683
9 Michele Arate	361 Vashon	234-3550
10 Daniel Puett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Chomur	371 Vashon	748-8666

- 772-7894
- 13 Ann Caffrey 350 Vashon, MORRO Bay CA
- 14 Bill Bush 195 Formosa St, (215-0573) M.B. CA
- 15 Ray beer 371 Whiskey St
- 16 FOELKER KEVIN 387 Vashon St.
- 17 Hazel McKibbin 311 4th Main, Morro Bay, CA.
- 18 Glenn Sparks 46 10th St Cayuse
- 19 Tyler Sites 470 Island
- 20 Haze Stollmeyer 5310 N. Main St 772-2702
- 21 ~~Karl Stollmeyer 320 10th St~~ ~~772-2702~~
- 22 Davik Stollmeyer 340 Widbey 772-2702
- 23 Millie & Van Dusen 772-5334
- 24 Oliver Marks 5425 Olmeda 801-8858
- 25 Gary H. Grotte 1956-9th St, L.O. 801-0097
- 26 ~~Jane Masterson~~ JANE MASTERSON 3350 MAIN 805 772-4013
- 27 Amy Fosterlee 772-1302
- 28 ~~Wendy~~ 772-9123
- 29 ~~Cheryl~~ 771-9320
- 30 ~~Wendy~~ 298-6252

Name	Address	Phone
31 Roger Hoos	175 Andros St Morro Bay	772-3350
32 <del>Michael</del>	371 VASHON MORRO BAY	748-7645
33 Dorothy Tolda	370 VASHON MORRO BAY	(818) 219-0445 cell
34 Anne Schoenauer	390 VASHON ST MORRO BAY	772-7508
35 Lucy Massey Lucy Massey	3348 Tide Ave, Morro Bay	225-1033
36 Wayne Benham	3334 Tide Ave Morro Bay	772-8174
37 Catherine <del>Berna</del>	340 VASHON ST MORRO BAY	none

8

39

40

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

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

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

The City has determined that the following proposal qualifies for a  
 Negative Declaration  Mitigated Negative Declaration.

**PROJECT TITLE:** 3390 Main Street Subdivision (MB 07-0274) and new single family residence.

**PROJECT LOCATION:** 3390 Main Street

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

**CASE NO.:** S00-089/CP0-276

**PROJECT DESCRIPTION:** A request for a 2 Lot Vesting Tentative Map to subdivide an existing parcel to create a second developable lot. The existing 40,119-square foot lot would be divided to create a 7,189-square foot parcel (Parcel 1: already developed with a single-family residence) and a 32,931-square foot parcel (Parcel 2). Discounting the Environmentally Sensitive Habitat Area (ESHA) from the gross area of the site, Parcel 2 would have a net site area of 29,885 square feet. The two lots are in excess of the required 6,000 square feet of gross area required by City standards. Parcel 1 would retain the existing residence and access off of Main Street. Future development of the proposed lot would also take access off of Main Street.

**APPLICANT / PROJECT SPONSOR:** Johnie Medina; Terri Orton of Westland Engineering, Inc, Agent

**LEAD AGENCY:** City of Morro Bay

**CONTACT PERSON:** Kathleen Wold, Senior Planner

**TELEPHONE:** (805) 772-6270

**ADDRESS WHERE DOCUMENT MAY BE OBTAINED:**

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

**PUBLIC REVIEW PERIOD:** *Begins: June 9, 2009 Ends: July 8, 2009*

**SCHEDULED PUBLIC HEARING**

**Date:** July 20, 2009

**Time:** 6:00 p.m.

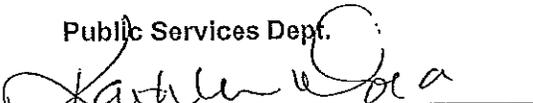
**Location:** 209 Surf St., Morro Bay Veterans Hall

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

Public Services Dept.

Phone: (805) 772-6270

Kathleen Wold, Senior Planner

  
Signature

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

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**DRAFT MITIGATED NEGATIVE DECLARATION**

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

CASE NO.: S00-089/CP0-276

PROJECT TITLE: 3390 Main Street 2-Lot Subdivision (MB 07-0274)

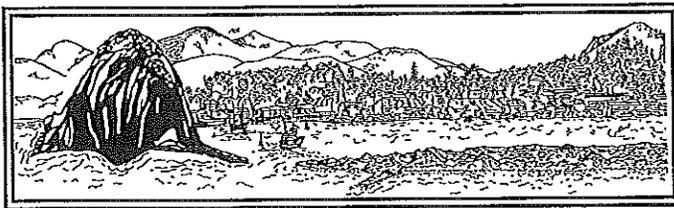
PROJECT LOCATION: 3390 Main Street. Project site is located within an Environmentally Sensitive Habitat Area and within the AE zone of the FEMA Flood Insurance Rate Map.

APPLICANT: Johnie Medina; Terri Orton of Westland Engineering, Inc, Agent

PROJECT DESCRIPTION: A request for a Vesting Tentative Map to subdivide an existing parcel into two lots, creating a second developable lot. The resulting lots include: Parcel 1, with an area of 7,189 square feet, and Parcel 2, with a gross area of 32,931 square feet and net area of 29,885 square feet. The two lots each exceed the required 6,000 square feet of gross area. Parcel 1 would retain the existing residence. A single family residence is proposed for Parcel 2.

FINDINGS OF THE: Environmental Coordinator

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



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

## INITIAL STUDY AND CHECKLIST

### I. PROJECT INFORMATION

**Project Title:** 2-Lot Subdivision (MB 07-0274) and new single family residence

**Case Number:** S00-089/CP0-276

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

**Project Applicant:** Johnie Medina Phone: (808) 388-0173  
3390 Main Street Fax:  
Morro Bay, CA 93442

**Project Landowner::** Johnie Medina Phone:

**Project Designer** Westland Engineering, Inc, Phone: (805) 541-2394  
3480 S. Higuera St., Ste 130 Fax:  
San Luis Obispo, CA 93401

**Project Description:** A request for a Vesting Tentative Map to subdivide an existing parcel into two lots, creating a second developable lot. The existing 40,119-square foot lot would be divided to create a 7,189 -square foot parcel (Parcel 1: already developed with a single-family residence) and a 32,931-square foot parcel (Parcel 2). Discounting the Environmentally Sensitive Habitat Area (ESHA) from the gross area of the site, Parcel 2 would have a net site area of 29,885 square feet. The two lots are in excess of the required 6,000 square feet of gross area required by City standards. Parcel 1 would retain the existing residence and access off of Main Street. The new single family residence will also take access of Main Street.

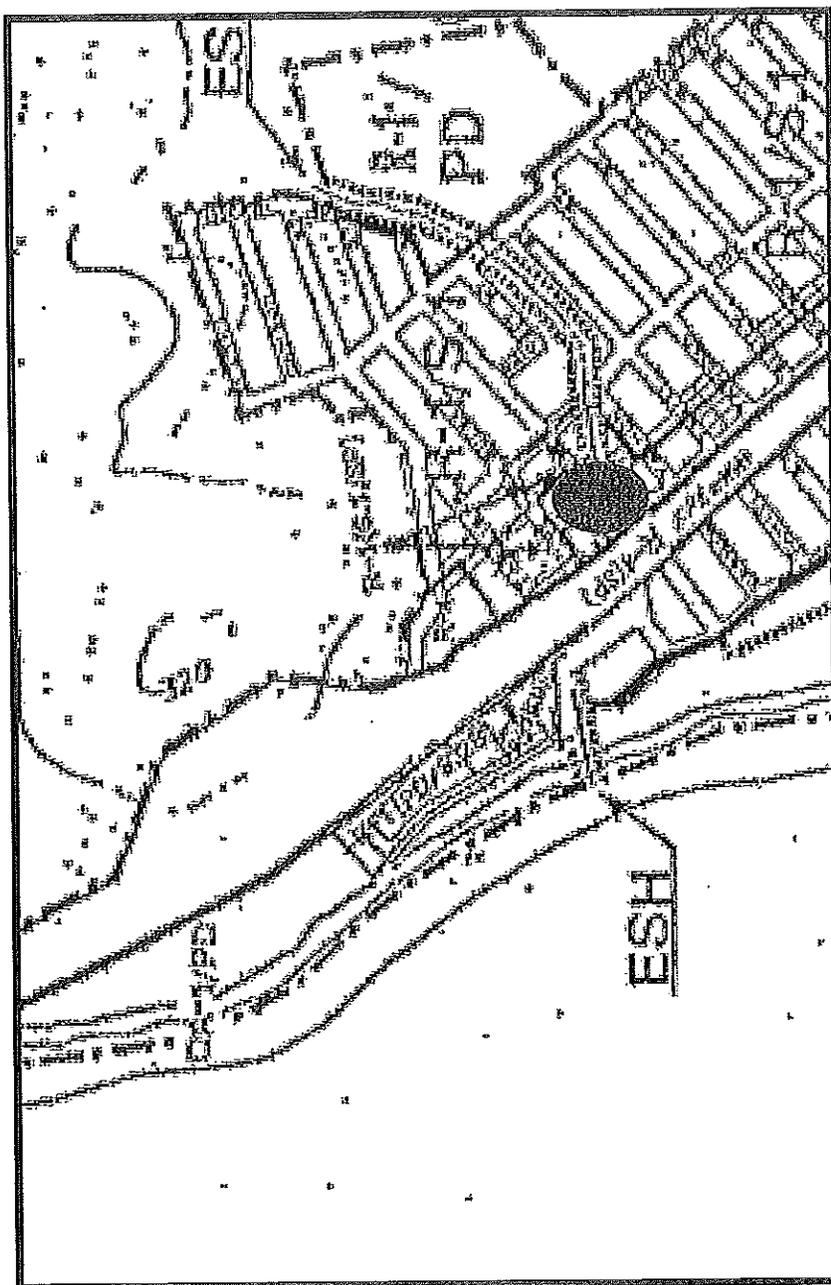
**Project Location:** 3390 Main Street

**Assessor Parcel Number(s)** 065-085-019

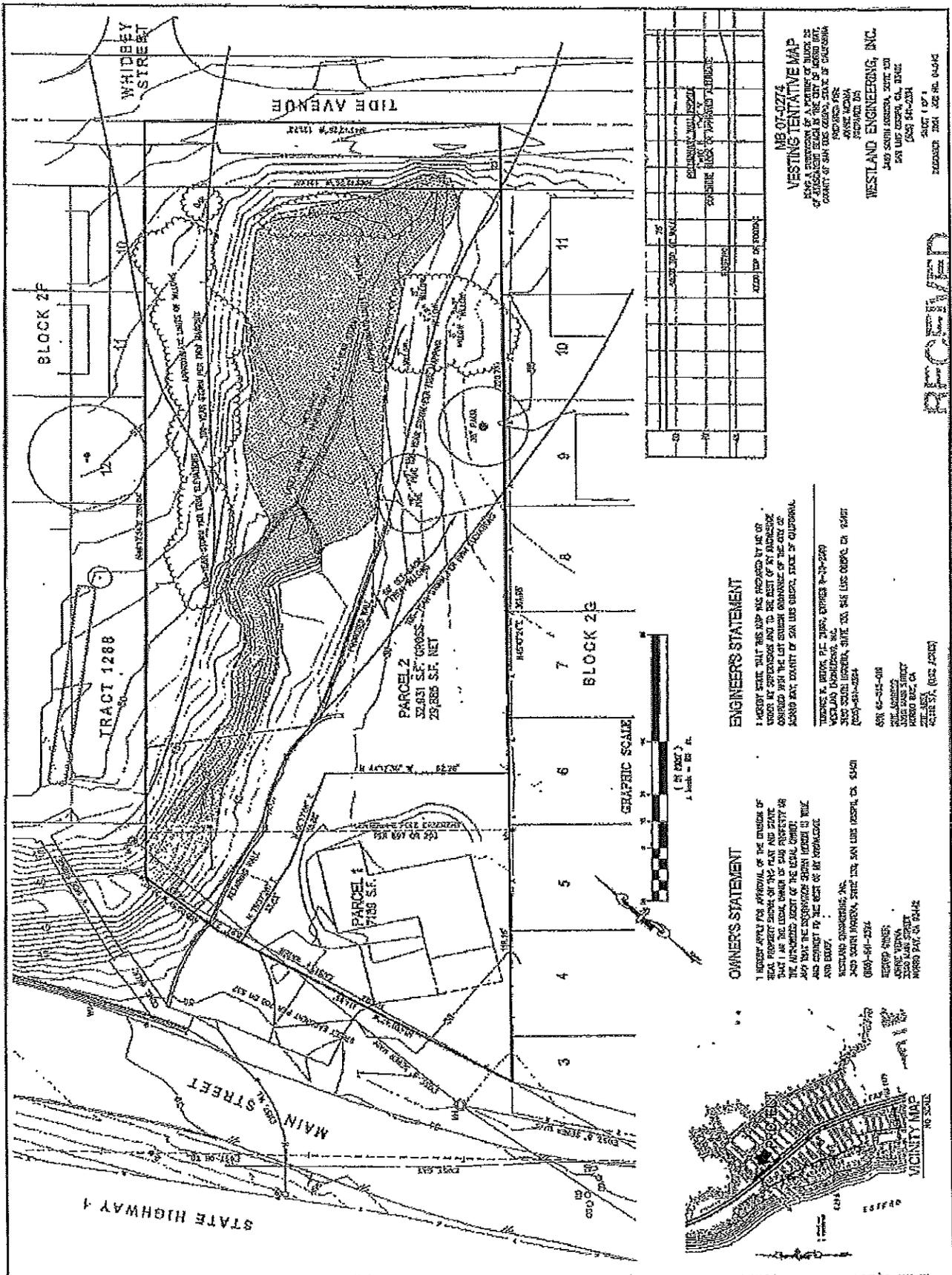
**General Plan Designation:** Low/Medium Density Residential (4-7 du/ac)

**Zoning:** Single-Family Residential (R-1) (S.1)

### ZONING MAP



VESTING TENTATIVE PARCEL MAP



**OWNERS STATEMENT**  
 I HEREBY STATE FOR APPROVAL OF THE DIVISION OF  
 LOCAL AGENCIES AND TO THE BEST OF MY KNOWLEDGE  
 THAT I AM THE LEGAL OWNER OF THIS PROPERTY OR  
 THE AUTHORIZED AGENT OF THE LEGAL OWNER.  
 AND THAT THE INFORMATION SHOWN HEREON IS TRUE  
 AND CORRECT TO THE BEST OF MY KNOWLEDGE  
 AND BELIEF.  
 WESTLAND ENGINEERING, INC.  
 3400 SOUTH LINDEN, SUITE 100, SAN LUIS OBISPO, CA 94901  
 (805) 461-2524  
 KENNETH CHINER  
 OWNER/OWNER  
 3390 MAIN STREET  
 MORRO BAY, CA 94042

**ENGINEERS STATEMENT**  
 I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR  
 UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE  
 CONFORMS WITH THE LATEST EDITIONS OF THE CITY OF  
 MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.  
 THOMAS P. BROWN, P.E., CIVIL ENGINEER # 477-2589  
 WESTLAND ENGINEERING, INC.  
 3400 SOUTH LINDEN, SUITE 100, SAN LUIS OBISPO, CA 94901  
 (805) 461-2524  
 GUY G. SUTS-001  
 JILL JOHNSON  
 WESTLAND ENGINEERING, INC.  
 3400 SOUTH LINDEN, SUITE 100, SAN LUIS OBISPO, CA 94901  
 (805) 461-2524

**VESTING TENTATIVE MAP**  
 MB 07-0274  
 PREPARED FOR:  
 KENNETH CHINER  
 3400 SOUTH LINDEN, SUITE 100  
 SAN LUIS OBISPO, CA 94901  
 (805) 461-2524  
 WESTLAND ENGINEERING, INC.  
 3400 SOUTH LINDEN, SUITE 100  
 SAN LUIS OBISPO, CA 94901  
 (805) 461-2524  
 SHEET 1 OF 1  
 PREPARED: 2004, JOB NO. 04-046

RECEIVED

## II. ENVIRONMENTAL SETTING AND IMPACTS

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

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

**Environmental Setting:** The project site is a 40,119-square foot lot. The lot contains an Environmentally Sensitive Habitat Area (ESHA). A portion of the lot (parcel 1) contains a single family residence. The site also contains some decorative plantings. The general area is designated for residential use. The area directly surrounding the project site consists of single family residences and condominiums. To the south and west of the site are vacant parcels in identical zoning with the ability to subdivide further into smaller lots.

### Surrounding Land Use

North: Single-Family Residential (R-1)                      East: Single-Family Residential (R-1)  
South: Single-Family Residential (R-1)                      West: Single-Family Residential (MCR/R.4)

## III. ENVIRONMENTAL CHECKLIST

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

- Known Significant:            Known significant environmental impacts.
- Unknown Potentially Significant:    Unknown potentially significant impacts, which need further review to determine significance level.
- Potentially Significant and Mitigable:            Potentially significant impacts which can be mitigated to less than significant levels.
- Not Significant:                      Impacts which are not considered significant.
- Impact Reviewed in Previous Document:    Adequate previous analysis exists regarding the issue; further analysis is not required due to tiering process (Section 21094 of CEQA and Section 15162 of the State CEQA Guidelines). Discussion should include reference to the previous documents and identification of mitigation measures incorporated from those previous documents. Where applicable, this box should be checked in addition to one indicating significance of the potential environmental impact.

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

**Impact Discussion:**

- a. The site is not in an identified public view area in the General Plan nor is it identified as an area of visual significance. The future home site will be developed in accordance with municipal code and consistent with the existing aesthetics in the area.
- b. The site is in close proximity to Highway 1, a scenic highway, but existing development obscures the bulk of the view from Highway 1 of the proposed home. The construction of an additional single family residence at this location built to City of Morro Bay's Zoning standards will not damage the scenic resource. The existing residence is not considered a historic building and the new project proposal does not impact the home.
- c. The project site slopes gradually downward towards the west and is surrounded by residential development on all sides. The proposed project should not have a significant impact because it will be consistent in height and character with neighboring development.
- d. The project will not create a substantial source of light or glare due to its small size and the residential nature of the project.

**Mitigation:** No mitigation measures are required.

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

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**Impact Discussion:** (a.-c.)The existing and proposed uses on the site are residential, which is consistent with the zoning designation of the site. The property and surrounding areas are not zoned for agricultural uses and are not suitable for agricultural use because the site is surrounded by residential and commercial development and does not have adequate soil characteristics. The site has not historically been used for farming nor has it been designated as prime or otherwise important farmland. The project does not impact any agricultural lands or uses.

**Mitigation:** No mitigation measures are required.

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

**Impact Discussion:**

- a. The San Luis Obispo County Air Pollution Control District's (APCD) Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review establishes thresholds of significance for air quality impacts. If the air quality impacts of a given project exceed the Tier I threshold, mitigation is required. Projects that would generate less than 10 lbs. of ROG, NO<sub>x</sub>, SO<sub>2</sub>, or PM<sub>10</sub> per day and less than 50 lbs. of Carbon Monoxide per day would be considered as not having significant air quality impacts. The project consists of adding one additional residential unit, as such the Air Pollution Control District Air Quality Handbook indicates that the project is well below the 35 unit size that would exceed the mitigation threshold, therefore no long term impacts will result from this project.
- b. The addition of one residential unit will not create substantial pollution and there are no substantial sources of pollution near the source to cause an impact to this sensitive receptor, therefore there is no long term impact.
- c. The use does not generate substantial pollution and therefore does not violate any air quality standards. No impact will result.
- d. The Air Pollution Control District Air Quality Handbook indicates that a project of this size does not generate significant air pollution.
- e. The proposed project does not generate objectionable smoke, ash, dust or odors affecting a substantial number of people and does not result in a substantial impacts

**Mitigation:** No mitigation measures are required.

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

**Impact Discussion:** (a.-f.)

The project area includes area identified as Environmental Sensitive Habitat Area (ESHA) The ESHA incorporates and straddles an ephemeral creek. A Biological Assessment was conducted for the site on May 3, 2008. The study concluded that the entire lot is significantly disturbed and exhibits a large variety of exotic vegetation and only a sparse representation of native vegetation. The lot offers no appropriate habitat for botanical species. The plethora of exotic vegetation, particularly the more aggressive invasive species, precludes the opportunity of the establishment of those native species with special listing. The lot is poorly suited for avian species and no habitat for Cooper's hawk, golden eagle, snowy egret, northern harrier, horned lark, or logger head shrike due to the size of the property, lack of trees, no source of water, and proximity of development. The study concluded that the habitat requirements for the red-legged frog, steelhead trout and the southwest pond turtle can not be met by the creek on the lot in question. The creek is choked by exotic vegetation and contains no opportunity for water to pool and remain in the channel. It is also has a very narrow channel although it may carry significant amounts of water during a severe rain storm. The report concluded that there are no existing fish or wildlife resources that will be substantially adversely affected by the project. The applicant consulted to the California coastal Commission to request a clear delineation of the ESHA area. CCC concurred with the applications delineation with the provision that it be expanded to include the willows on the east side of the property and accordingly all structural development must be setback a minimum of 50 feet for the stream/ESHA corridor per the LCP including 50 feet from the drip line of the willows. To the extent that the proposed driveway access might encroach into the ESHA buffer, commensurate amount of restoration must be included.

**Mitigation:**

a-d all structural development must be setback a minimum of 50 feet for the stream/ESHA corridor per the LCP including 50 feet from the drip line of the willows. To the extent that the proposed driveway access might encroach into the ESHA buffer, commensurate amount of restoration must be included. Restoration shall include only native non-invasive plant species.

5. CULTURAL RESOURCES  Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed In Previous Document
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?			X		
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?			X		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		
d. Disturb any human remains, including those interred outside of formal cemeteries?			X		

**Impact Discussion:** (a., b., c. and d.) There are over 30 surveyed archaeological sites in the corporate boundaries of the City and there could well be as many, or more, unsurveyed sites. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including one with a cemetery. As a result of these discoveries, cultural resource surveys are frequently required for new development within the city and it is not unusual that mitigation measures are required. In this case however, the project site is located in excess of 1,500 feet from any known archaeological site and the closest survey was taken 400 feet away (#2819) where no known resources were found. A Phase I was conducted for the project site and it was the conclusion of the survey that there is no good evidence of significant cultural resources on the site. The lot split and subsequent grading and construction for a single-family residence with utilities and access, would not have an adverse impact on any known significant cultural resources. This report did recommend cultural resource monitoring accompany initial grading of the lot.

**Mitigation:**

An approved cultural monitor who is a qualified professional archaeologist knowledgeable in Salinan and Chumash culture shall monitor the site during any ground disturbance. At the conclusion of the cultural resource monitoring, the archaeologist should complete a report of the results and submit said report to the City of Morro Bay and the Information Center at the University of California at Santa Barbara.

If during construction excavation, any bones, concentrations of sea shells, angular chert rocks, burnt rock or other unusual cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and Native American and appropriate recommendations made as outlined in California Environmental Quality Act of 1970, and the City of Morro Bay Cultural Resource Guidelines.

If any archaeological resources are found, grading or excavation shall cease immediately in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage.

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

**Impact Discussion:**

- a. The General Plan Safety Element depicts landslide prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed project site is not located within any of these areas; therefore, the proposed project would not expose people or structures to adverse impacts resulting from these risks.
- b. The proposed project would primarily involve filling the lots and retaining along the western property lines, so substantial loss of topsoil would not occur.
- c.-e. In order to ensure that the proposed project will be designed in a manner that will utilize appropriate foundations systems for the soils on site, the applicant will be required to submit a soils report to the City of Morro Bay. This is a standard requirement for residential building permits within the City of Morro Bay and allows the Building Official to ensure that the site is adequately prepared for the proposed development.

**Mitigation:** The proposed project shall be designed in a manner that is compliant with the California Building Code to ensure that the structures are as seismically sound as is feasible.

**Monitoring:** Prior to granting a building/grading permit, the Building Official shall review the plans to ensure compliance with the California Building Code.

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

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

**Mitigation:** No mitigation measures are required.

8. HYDROLOGY/WATER QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:						
a.	Violate any water quality standards or waste discharge requirements?			X		
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?				X	
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	
f.	Otherwise substantially degrade water quality?				X	
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X	
h.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X		
i.	Inundation by seiche, tsunami, or mudflow?				X	

**Impact Discussion:**

- a. The sewage that will be generated by this project will be collected and disposed of in the City's sewage system and runoff will be conveyed via storm drains to the bay. Prior to building permit issuance for any construction at the site, the applicant shall be required to provide an Erosion and Sedimentation Control Plan for the City's review and approval. Said plan shall show control 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.
- b. The City of Morro Bay has sufficient water resources to serve the proposed development. The City's predominant source of water to serve residences is obtained from the State Water Project. Therefore, substantial depletion of ground water would not occur as a result of the proposed project.
- c-d The improvements for the proposed project including the private road/driveway would be designed to accommodate the existing historic drainage within an easement that leads toward the west across adjacent parcels. An easement will be acquired and facility will be able to handle adjacent development potential towards the south such that the increase in run-off will not exceed historic flow plus 5 percent increase. In addition, the proposed project and cumulative projects would be required to maintain the sites with permeable surfaces to ensure the run-off does not increase by 5 percent of historical flow. The remaining water flow would be required to drain within the collection facility in a non-erosive manner. Therefore, the proposed project would not substantially alter existing drainage on the site, nor result in substantial erosion or siltation on or off site.

- e-f. The proposed development would result in a minimal increase in runoff. Since the project site is less than one acre, a Construction Activities Storm Water General Permit is not required, per the Federal Clean Water Act. However, the city routinely requires erosion control plans. This is a component of the permit process that can be relied upon to ensure that water quality issues associated with erosion will be suitably addressed. The applicant has submitted documentation indicating that the proposed wall will not negatively affect drainage on site or to the nearby creek.
- g-i The project site is designated as AE on the FEMA flood maps (special flood area subject to a 100 year flood), however the project proposes to raise the pad height to reduce the potential for flood related impacts to actual home site. The proposed development as constructed would not subject people or structures to significant risk of loss, injury or death resulting from flooding, inundation by seiche, tsunami, or mudflow.

**Mitigation:**

1. The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. 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.
2. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.
3. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

**Monitoring:** Public Services Department staff shall monitor compliance with conditions during the normal course of reviewing improvement plan and building plans and via site inspections to ensure erosion control devices are in place.

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

**Impact Discussion:**

- a - c The proposed project would not physically divide an established community as it is infill in nature. The proposed project would be generally consistent with applicable provisions of local zoning ordinances, the General Plan, and Coastal Land Use Plan. The proposed residential uses would be consistent with the adjacent properties, and in compliance with the zoning ordinance, general plan and land use plan designations applicable to the project site. The retaining wall along the western property lines would raise the pad elevation that could require an exception to the fence/wall heights.

**Mitigation:** 1) At publicly noticed hearing, the Planning Commission shall consider the requested exceptions and determine whether it is compatible with applicable land use patterns, and fence/wall height concerns as they relate to the required findings being made.

**Monitoring:** Public Services Department staff shall hold public hearings before the Planning Commission to discuss the proposed project and the requested exceptions. Staff shall ensure that an agreement approved by the City Attorney is recorded.

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

**Impact Discussion:**

- (a.-c.) The project will not add noise levels that are inconsistent with the surrounding uses or in conflict with standards in the general plan, local coastal plan or zoning ordinance.
- (d.) However, construction noise represents a short-term impact related to the use of construction equipment including trucks, loaders, bulldozers, and backhoes. The peak noise level for most of the equipment that will be used during construction is estimated to reach 80 to 95 dBA at a distance of 50 feet (without mitigation). At 250 feet, the peak construction noise (without mitigations) is estimated to reach approximately 67 to 82 dBA (without mitigation). These noise levels are based upon "worst case" conditions. These potential noise levels are dependent on the location of the equipment on the site as well as the actual number and type of equipment used during construction. The surrounding properties are either vacant or well beyond 60 feet. The short term construction activity would only consist of roadway, pad grading, and utility work and should take substantially less time than it would take to construct a typical single-family residence.

**Mitigation:**

On site construction shall adhere to the following:

Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. weekdays and eight a.m. to seven p.m. on weekends.

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

**Impact Discussion:**

(a.-c.) The site currently has one single family residence that will be retained and one new single family residence to be constructed. No units are proposed for demolition, therefore, neither substantial numbers of people or residential units will be displaced as a result of this project. The small, infill nature of the project or cumulative potential will not induce substantial growth either directly or indirectly.

**Mitigation:** No mitigation measures are required.

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

**Impact Discussion:**

(a.-e.) The project is not expected to cause any change in governmental service levels or trigger the need for new facilities or equipment to maintain existing service levels. The project is within the density allowed and planned for and all existing services are considered adequate to serve the project.

**Mitigation:** No mitigation measures are required.

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

**Impact Discussion:**

(a.-b.) The project is of a small scale and is also required to pay park in-lieu fees for future park construction, thus no significant impacts will result from the project.

**Mitigation:** No mitigation measures are required.

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

**Impact Discussion:**

(a.-c.) Per the Institute of Transportation Engineers the existing site produces one peak hour trip daily and the proposed project will produce three peak hour trips daily with a net increase of two daily peak hour trips. The anticipated increase of two peak hour trips per a day will not have a significant impact on traffic or levels of service. In addition, the proposed project will have no impact on air traffic patterns because the net increase in units will not significantly increase air traffic levels.

(d.-g.) As designed, the project provides all required off-street parking and will improve pedestrian accessibility adjacent to the site via the installation of curb, gutter and sidewalk in accordance with the City Engineer's recommendation. The private driveway will be marked for "No Parking" to ensure adequate emergency access.

**Mitigation:** The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs along the driveway.

**Monitoring:** The Fire Department shall ensure compliance with this condition prior to final building/grading permit approval or public improvement plan release.

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

**Impact Discussion:**

(a-g) Due to the small size of the project, with required mitigations there will be no significant impact to utilities and service systems. The City water system has been reviewed with capacity studies that have determined that there is sufficient capacity for build out. However, the Sewer System Master Plan has identified some deficiencies in the system that must be addressed when new development is proposed. Solid waste is taken to the Cold Canyon Landfill that has been expanded to take increased waste anticipated within its services area.

**Mitigation:**

Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee at a future date towards the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The applicant and future lot owners shall agree to this fair share payment and waive any rights to challenge the fees by signing an agreement.

#### IV. INFORMATION SOURCES:

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

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

##### B. General Plan

<input checked="" type="checkbox"/> Land Use Element	<input type="checkbox"/> Conservation Element
<input checked="" type="checkbox"/> Circulation Element	<input checked="" type="checkbox"/> Noise Element
<input checked="" type="checkbox"/> Seismic Safety/Safety Element	<input checked="" type="checkbox"/> Local Coastal Plan and Maps
<input checked="" type="checkbox"/> Zoning Ordinance	

##### C. Other Sources of Information

<input checked="" type="checkbox"/> Field work/Site Visit	<input type="checkbox"/> Ag. Preserve Maps
<input type="checkbox"/> Calculations	<input checked="" type="checkbox"/> Flood Control Maps
<input checked="" type="checkbox"/> Project Plans	<input type="checkbox"/> Other studies, reports
<input type="checkbox"/> Traffic Study	<input checked="" type="checkbox"/> Zoning Maps
<input checked="" type="checkbox"/> Records	<input checked="" type="checkbox"/> Soils Maps/Reports
<input type="checkbox"/> Grading Plans	<input type="checkbox"/> Plant maps
<input checked="" type="checkbox"/> Elevations/architectural renderings	<input checked="" type="checkbox"/> Archaeological maps and reports
<input checked="" type="checkbox"/> Published geological maps	<input checked="" type="checkbox"/> (Others) APCD Handbook
<input checked="" type="checkbox"/> Topographic maps	

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

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

	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed In Previous Document
<b>Potential to degrade:</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
<b>Cumulative:</b> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
<b>Substantial adverse:</b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

**Impact Discussion:** The project is an in-fill residential development generally consistent with zoning and subdivision regulations. It does not have the potential to substantially degrade the quality of the environment, including wildlife habitat value.

**VI. DETERMINATION**

On the basis of this initial evaluation:

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

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

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

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

With Public Hearing

Without Public Hearing

Previous Document : None

Project Evaluator : Kathleen Wold, Senior Planner

*Kathleen Wold*  
Signature

June 4, 2009  
Initial Study Date

Kathleen Wold  
Printed Name

City of Morro Bay  
Lead Agency

**VII. ATTACHMENTS**

Attachment A – Summary of Required Mitigation Measures.

**ATTACHMENT A  
SUMMARY OF REQUIRED MITIGATION MEASURES**

**Attachment "A"**

**SUMMARY OF REQUIRED MITIGATION MEASURES**

**Geology/Soils:** The proposed project shall be designed in a manner that is compliant with the California Building Code to ensure that the structures are as seismically sound as is feasible.

**Hydrology/Water Quality:** 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. 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. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

**Land Use and Planning:** 1) At publicly noticed hearing, the Planning Commission shall consider the requested exceptions and determine whether it is compatible with applicable land use patterns, and fence/wall height concerns as they relate to the required findings being made.

**Cultural:** An approved cultural monitor who is a qualified professional archaeologist knowledgeable in Salinan and Chumash culture shall monitor the site during any ground disturbance. At the conclusion of the cultural resource monitoring, the archaeologist should complete a report of the results and submit said report to the City of Morro Bay and the Information Center at the University of California at Santa Barbara.

If during construction excavation, any bones, concentrations of sea shells, angular chert rocks, burnt rock or other unusual cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and Native American and appropriate recommendations made as outlined in California Environmental Quality Act of 1970, and the City of Morro Bay Cultural Resource Guidelines.

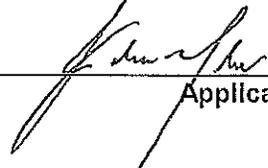
If any archaeological resources are found, grading or excavation shall cease immediately in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage.

**Transportation/Circulations:** The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs on the frontage of the alley where applicable.

**Biology:** All structural development must be setback a minimum of 50 feet for the stream/ESHA corridor per the LCP including 50 feet from the drip line of the willows. To the extent that the proposed driveway access might encroach into the ESHA buffer, commensurate amount of restoration must be included. Restoration shall include only native non-invasive plant species.

**Utilities and Service Systems:** Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee at a future date towards the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The applicant and future lot owners shall agree to this fair share payment and waive any rights to challenge the fees by signing an agreement.

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

  
\_\_\_\_\_  
Applicant  
CITY OF MORRO BAY

08 JUN 09  
Date

# Biological Assessment

For

Mr. John Medina

At

3390 North Main Street  
Morro Bay, California 93442

By

Mike McGovern, Ph. D.

**Biologist / Ecologist**

2060 Varian Circle  
Arroyo Grande, CA 93420

May 3, 2008

RECEIVED

MAY 29 2008

City of Morro Bay  
Public Services Department

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## SUMMARY

Mr. Medina proposes to split his lot within the City of Morro Bay, California. In order to accomplish this he needs to provide a building envelope with a minimum of 6,000 square feet. Establishment of the boundary of a prescribed Environmentally Sensitive Area on the lot is needed to accomplish this. The lot in question is highly disturbed and dominated by exotic vegetation. No species with special listing or habitat for such was observed on the lot. A biological assessment suggests that the location shown on the attached map will cause no significant ecological detriment.

## INTRODUCTION

Mr. John Medina built a home in Morro Bay on a 0.92-acre lot. The constructed home is near the front (west) of the lot and it, the driveway, and the horticultural enhancements consumes approximately 7200 square feet. The remainder of the property is undeveloped with a small creek transecting the property and both are significantly disturbed. Mr. Medina proposes to split his lot into two parcels. The size of the lot that contains the existing house (parcel 1) will be about 7,189 square feet and parcel 2 will be about 32,931 square feet. Parcel two will contain the creek and offer minimal area proposed for a building site. The City of Morro Bay has required that the area designated for building of a house be a minimum of 6,000 square feet. The proposed lot 2 presently contains a designated Environmental Sensitive Area (ESA). Mr. Medina, however, states that the ESA is ill defined. It is proposed by Mr. Medina and Westland Engineering, Inc. of San Luis Obispo, CA that the ESA be defined via surveyed coordinates to permanently establish it. This will allow a more easily managed ESA and also allow Mr. Medina to meet the size requirements imposed.

The proposal is to survey in the location defining the ESA that will not interfere with the creek and will allow the building envelope to contain 6,000 square feet. A 2 to 3-foot high mortarless retaining wall is planned to be put along this proposed surveyed line and backfilled to create a level area. The remainder of the property is to be dedicated as an open space easement.

Ms. Julie Means, Senior Environmental Scientist, from the Fresno office the California Department of Fish and Game (CDFG) has visited the property and viewed the creek. She reviewed the scope of the proposed project and determined that the retaining wall and the development behind it is not within the jurisdiction of the CDFG and a Stream Alteration Notification does not need to be submitted for this project. They also conclude that this proposed project will not impact fish or wildlife resources because none exist on the property.

The city of Morro Bay has requested that a biological assessment be conducted on the property as a requirement for the issuance of a permit. Following is such a report.

## LOCATION AND SETTING

The 0.92 acre property in question is a city lot within the city of Morro Bay, California and located at 3390 North Main Street (figs. 1 & 2). The lot is trapezoidal in shape with its longest axis aligned east / west. It is bound by Tide Avenue on the east and North Main Street on the west. The southern boundary abuts single family residences and a multifamily edifice is along its northern boundary as is a "paper" street that is the extension of Whidbey Street. Presently a pedestrian path substitutes for the paper street.

There is an existing home in the southwest corner of the property. The home is surrounded by ornamental plantings including a lawn and a driveway that allows access to North Main Street. The remainder (eastern portion) of the property is highly disturbed

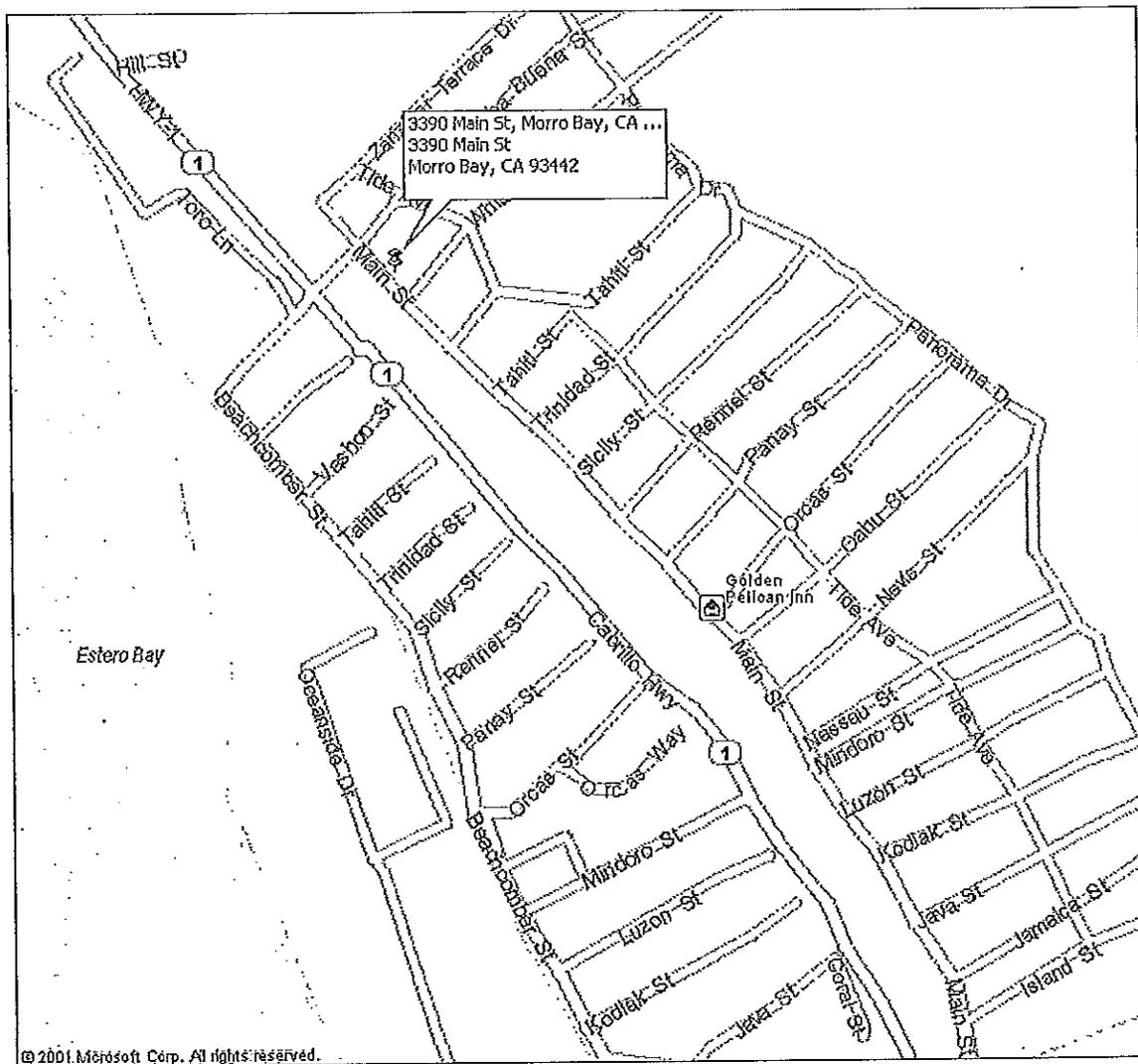


Figure 1: Location of the property in question on N. Main Street, Morro Bay, CA.

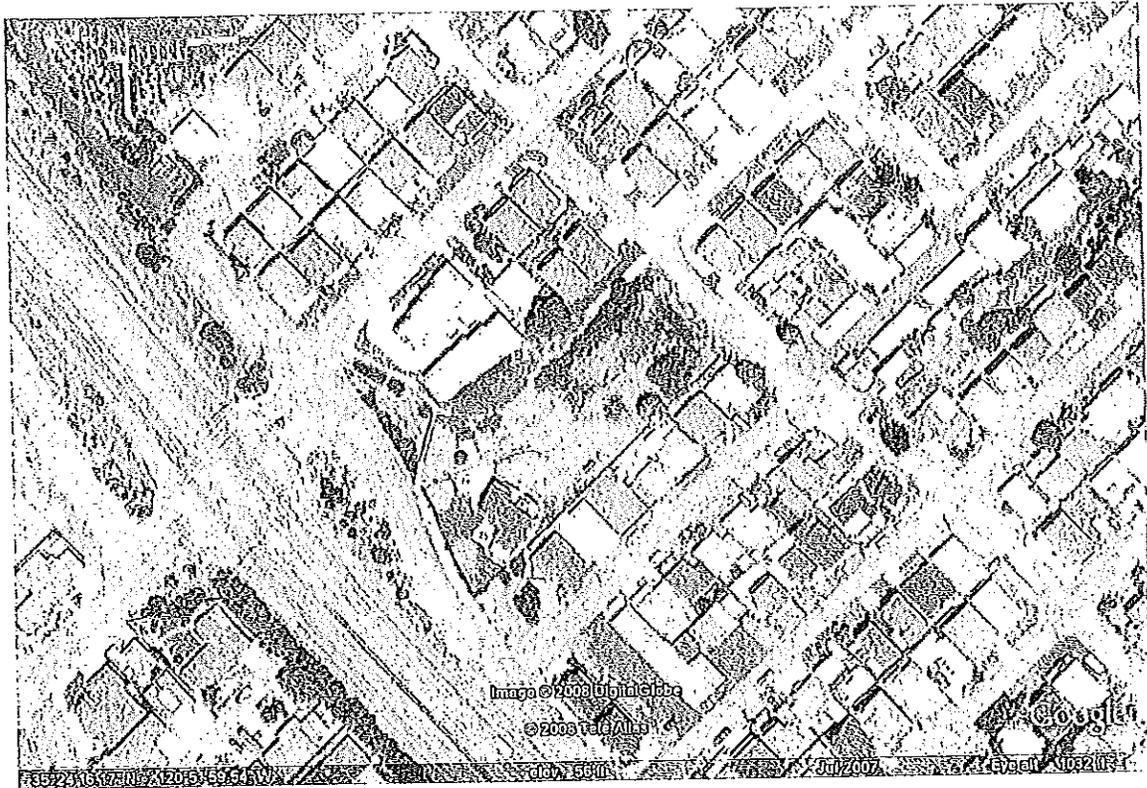


Figure 2: Aerial view of the lot (undeveloped area) in center of the photo. North is up.

but undeveloped. A power line traverses the property at approximately the location of the creek and two pipelines also cross the creek near the western edge of the lot.

The undeveloped portion of the lot has a drainage that, in pristine times, was an ephemeral creek. The drainage emerges from a pipe near the eastern portion of the lot in question and bisects it from the southeast portion of the lot to its northwest corner. The drainage is defined by sloping banks that change into relatively steep banks on either side of the narrow creek. The bottom of the creek contains a small but well defined "V" shaped channel that is approximately 18 inches deep and about the 12 inches wide. The channel is completely soil. The banks of the creek are dominated by introduced grasses including *Zyosia* (*Zyosia matrella*), wild oats (*Avena sp.*), and Italian rye grass (*Lolium multiflorum*).

The undeveloped portion of the lot contains a mosaic of primarily exotic vegetation. Besides the aforementioned grasses there are ornamental plantings scattered on the lot including pride of madera (*Echium candicans*), nasturtium (*Tropaeolum majus*), gazania (*Gazania splendens*), naked ladies (*Amaryllis belladonna*), and pampas grass (*Cortaderia selloana*). A variety of invasive species also present on the lot that include ice plant (*Carpobrotus edulus*), rip gut brome (*Bromus diandrus*), and cheeseweed (*Malva parviflora*). The property supports very little native vegetation. The most noticeable

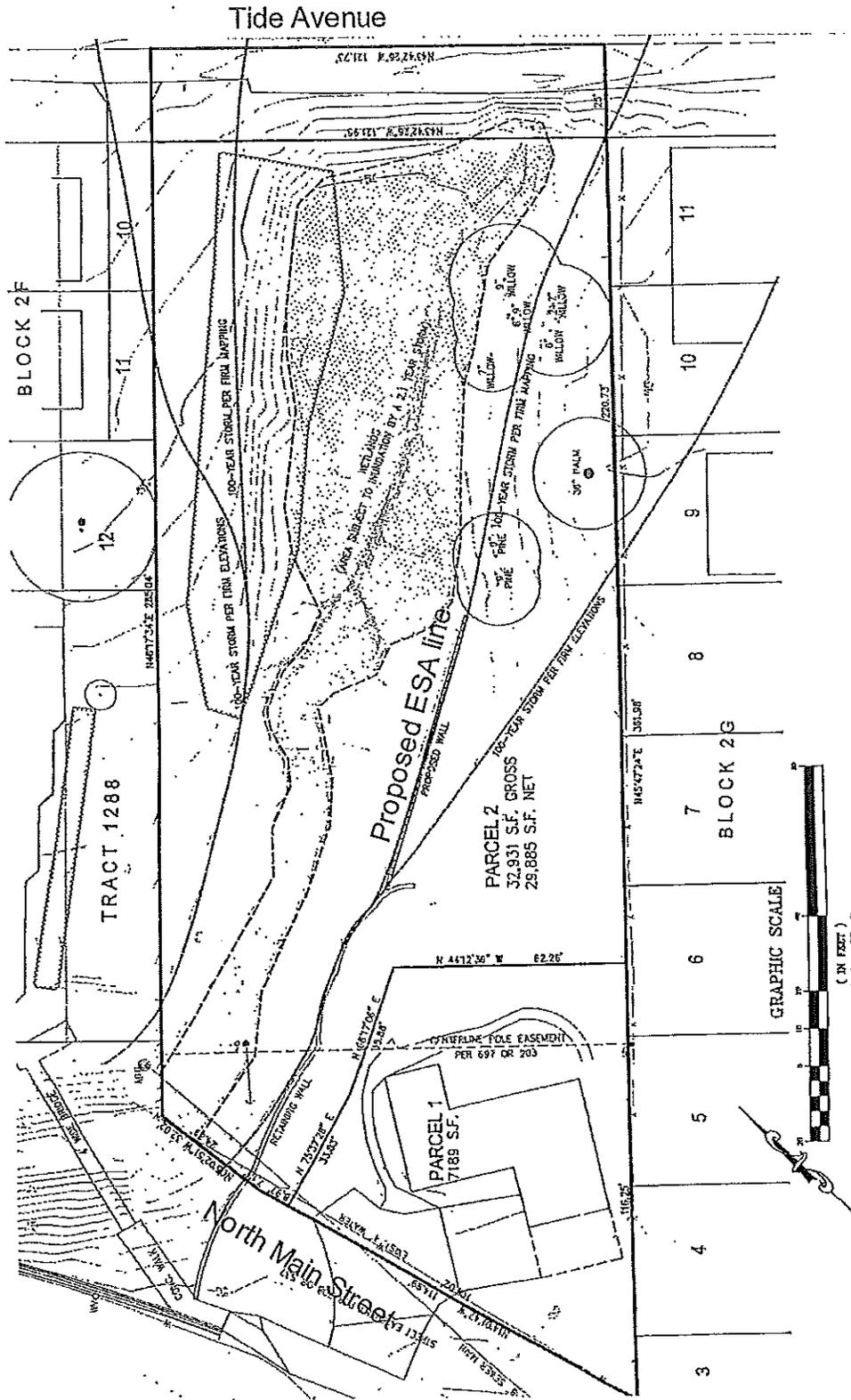


Figure 3: Shape of the lot with proposed ESA line

native flora on the property is arroyo willow (*Salix lepiolepis*) and coyote bush (*Baccharis pilularis*).

The lot in question is completely surrounded by single and multi family dwellings with the exception of the western side. The west side affronts North Main Street with Highway 101 immediately beyond.

## **METHOD**

Prior to my survey I searched the California Natural Diversity Data Base (CNDDDB) reports for the Morro Bay North, Morro Bay South, Cayucus, Atascadero, Cyprus Mountain, York Mountain, Templeton, and San Luis Obispo United States Geological Service (USGS) quadrangles. I also consulted the California Native Plant Society (CNPS) "Inventory".

On the morning of April 26, 2008 I met with Mr. Medina on his lot in Morro Bay. He provided me with a map and a verbal description of what he proposed. Subsequently I spoke with Mr. Terence Orton of Westland Engineering, Inc. of San Luis Obispo, California. Mr. Orton also apprised me of Mr. Medina's proposal and the engineering aspect involved.

I walked the lot in an east / west direction in transects about 20 feet apart on each side of the creek. I also walked down the channel of the drainage. In this manor I was able to make a comprehensive list of all botanical species encountered. Specimens of plants not easily identified were taken to be identified with the help of botanical manuals. Photographs were also taken on the site.

I spent a little over an hour walking the property and taking notes. The weather for the survey was clear and in the 70's F<sup>0</sup> during my visit.

## **RESULTS**

The lot in question contains an existing home on its southwestern corner. The home is surrounded by a lawn, horticultural plantings, and a driveway. The remainder of the property is undeveloped and disturbed.

The property, in general, is a mosaic of introduced exotic vegetation. These exotics are weedy species as well as horticultural cultivars. The dominant weedy species include wild oats, Italian rye grass, and brome grasses. Towards the back (eastern) half of the lot the dominant ground vegetation is zoysia grass that forms a dense mat. Also of significant presence is nasturtium, and ice plant.

There were seven native species observed on the property in question and they were poorly represented with the exception of coyote bush. Appendix 1 is a listing of those species that were discovered on the property with the asterisk denoting indigenous species.

During the survey no botanical species with special listing was discovered. The highly disturbed condition of the property and the plethora of invasive exotic species curtails the opportunity of native species especially those that have a special listing.

The CNDDDB reports also include a variety of zoological species that occur in the above mentioned quadrangles. Of the zoological species noted in Appendix 2 none was noted on the property. Special attention was afforded to inspection of the creek but no habitat for or observation of the red-legged frog (*Rana aurora draytonii*), southwest pond turtle (*Emys marmorata pallida*), or the steelhead trout (*Oncorhynchus mykiss irideus*) was noted.

The lot in question failed to reveal any species with special listing or habitat for such.

## DISCUSSION

The lot in question has a designated Environmentally Sensitive Area (ESA) on a portion of it. The ESA incorporates and straddles the creek. The entire lot is significantly disturbed and exhibits a large variety of exotic vegetation and only a sparse representation of native vegetation. The ephemeral creek emerges from an underground drainage as it enters the property and resubmerges shortly after leaving the property.

The lot offers no appropriate habitat for botanical species as noted in the CNDDDB reports. The plethora of exotic vegetation, particularly the more aggressive invasive species, precludes the opportunity of the establishment of those native species with special listing.

Approximately half of the zoological species that are included on the CNDDDB reports are avian. The lot in question is poorly suited for these avian species. There is no habitat for Cooper's hawk, golden eagle, snowy egret, northern harrier, horned lark, or logger head shrike due to size of the property, lack of trees, no source of water, and proximity of development.

The presence of a creek on the property suggests that there may be habitat of importance for red-legged frog and steelhead trout as noted on the CNDDDB reports and possibly the southwest pond turtle.

The southwest pond turtle (*Emys marmorata pallida*) is losing the population densities it once enjoyed. Because its numbers are declining the United States Fish and Wildlife Service and the California Department of Fish and Game have listed the southwestern pond turtle as a species of concern. Southwestern pond turtles are found in San Luis Obispo County. I have observed them within the county in a sulfur spring on Santa Ysabel Ranch and in San Marcos Creek near Paso Robles, and they have been reported in Arroyo Laguna Creek near San Simeon (Lovell, 1991) and Corral de Piedras Creek near Edna, CA.

Pond turtles prefer large, deep pools with logs, branches, or boulders for sunning areas (Bury, 1972). They are also found in fast and slow moving streams, marshes, irrigation canals, and in springs (Ernst and Barbour 1989). They, however, lay eggs on dry land and have been noted up to one quarter mile from water for this purpose (Storer, 1930). The turtles are active for approximately six months of the year and lay eggs primarily in June and July (Bury, 1972).

There are four native salmonid fish in California streams, the Chinook Salmon (*Oncorhynchus tshawlytscha*), the Coho salmon (*Oncorhynchus kisutch*), the coast cut throat trout (*Oncorhynchus clarkii*), and the steelhead trout (*Oncorhynchus mykiss*) (Flosi, 1991). Steelheads are anadromous rainbow trout and can enter the rivers and creeks in the state at most months of the year. Typically there are runs of steelhead in late summer through October (fall runs), November through April (winter runs), and May through June (spring runs). The steelhead enter a river or stream that can be shared by larger salmonids but they usually occupy smaller tributaries than salmon and use finer beds of river gravel in which to spawn (Flosi 1991). Typically steelhead trout spend one to two years in fresh water before entering the ocean and then return to spawn at three to four years old. In the past few decades, steelhead populations have diminished similarly to those of salmon possibly due to the same reasons. Steelhead, consequently, were listed by the National Marine Fisheries Service as an endangered species in August of 1977.

Steelhead were formerly abundant in many of the streams and rivers of the Central Coast of California. They were a common component of the Salinas River and some of its tributaries but they are now considered to be uncommon (Barclay 1975). A similar phenomenon occurs in the Santa Ynez River, another river of the Central Coast of California (Santa Ynez River Tech. Adv. Comm. 1999). Historically winter runs of steelhead entered streams and rivers of the Central Coast during the months from February to May (in Woodward-Clyde 1998). This corresponds well with the winter rains that are common to this area. Degradation of many streams and rivers has, however, lead to the diminution or demise of steelhead in certain drainages.

The California red-legged frog is listed as a Federally Threatened Species and a California Species of Special Concern. Their present distribution includes Sonoma and Butte counties south to Riverside County. Historically, the California red-legged frog ranged coastally from Marin County inland to Shasta County, southward to northwestern Baja California, Mexico. They have been eliminated from 70% of their historical range due to the spread of exotic predators, such as bullfrogs (*Rana catesbeiana*) and mosquito fish (*Gambusia affinis*) (Allen and Tennant 2000; Lawler et al. 1999), fragmented habitat, isolated populations, degraded streams and they were once hunted for human consumption. Bullfrogs were introduced from Maryland and Florida in 1896 to help satisfy the demand for frogs used for food once California red-legged frog populations declined. Bullfrogs are known predators of California red-legged frogs, preying on eggs, tadpoles and adult frogs.

California red-legged frogs require dense, shrubby riparian vegetation associated with deep (1.7m), still or slow moving water (Hayes and Jennings 1988). Water sources are

usually shaded by overhanging arroyo willow (*Salix lasiolepis*), cattails (*Typha spp.*) and bulrushes (*Scirpus spp.*). Emergent vegetation is required during breeding season for the attachment of eggs. Juveniles favor open, shallow aquatic habitats with dense submergents.

The habitat requirements of the above mentioned three species cannot be met by the creek on the lot in question. The creek is choked by exotic vegetation and contains no opportunity for water to pool and remain in its channel. It is also has a very narrow channel although it may carry significant amounts of water during a severe rain storm. But the nature of the water flowing in the creek is ephemeral. There is no opportunity for the establishment or shelter of red-legged frog, southwest pond turtle, or steelhead trout.

Senior Environmental Scientist Julie Means from the Central Region of the California Department of Fish and Game (CDFG) has viewed the property. Her determination is; "that there is no existing fish or wildlife resource that will be substantially adversely affected" by the project" (Appendix 4). The CDFG, therefore, approved the commencement of the project. I concur. After surveying the lot it caused me to ask why the creek on this lot has a designated ESA. There, indeed, is nothing sensitive or unique about the flora or fauna on the lot in its present state. The proposed project to realign the current ESA boundary and to permanently have it marked will not compromise or significantly affect the biota on the lot. In addition, to extend the existing retaining wall to approximate the new proposed ESA boundary also will have no significant impact on the biota.

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Appendix 1: List of botanical species observed. Asterick denotes a native species.

Agapantha sp.	Lilly of the Nile
Amaryllis belladonna	Naked ladies
Artemisia vulgaris *	Mugwort
Avena fatua	Common wild oat
Baccharis pilularis *	Coyote bush
Brassica nigra	Black mustard
Bromus catharticus	Rescue grass
Bromus diandrus	Ripgut brome
Bromus hordeaceus	Soft chess brome
Carduus sp.	Italian thistle
Carpobrotus edulus	Ice plant
Conium maculatum	Poison hemlock
Cortaderia selloana	Pampas grass
Cynata cardunculuc	Artichoke
Echium candicans	Pride of madera
Foeniculum vulgare	Fennel
Gazania splendens	Gazania
Heteromeles arbutifolia *	Toyon
Hordeum sp.	Wild barley
Hypochaeris glabra	Smooth cat's ear
Kniphofia uvaria	Red hot poker
Lolium multiflorum	Italian rye grass
Malva parviflora	cheeseweed
Medicago polymorpha	Bur clover
Oxalis Pes-capral	Bermuda buttercup
Picris echioides	Bristly ox-Tongue
Plantago erecta *	California plantain
Plantago lanceolata	Narrow leaved plantain
Prunus sp.	Prunus tree
Raphanus sativus	Wild radish
Rubus ursinus	Blackberry
Rumex crispus	Curly dock
Rush *	Juncus sp.
Salix lasiolepis *	Arroyo willow
Sonchus asper	Prickly sow thistle
Trapopogon porrifolius	Salsify
Tropaeolum majus	Nasturtium
Verbena lasiostachys	Vervain
Vicia gigantean *	Giant vetch
Palmae sp.	Palm tree
Vicia sp.	Vetch
Zoysia matrella	Zoysia grass

**Appendix 2:** Species listed on the CNDDDB reports for Morro Bay North, Morro Bay South, Cayucus, Atascadero San Luis Obispo, Cyprus Mountain, York Mountain, and Templeton USGS quadrangles. Asterisk denotes a species of concern.

ZOOLOGICAL SPECIES BINOMIAL	COMMON NAME	FED / CAL	
<i>Accipiter cooperii</i>	Cooper's hawk	None	
<i>Anniella pulchra nigra</i>	black legless lizard	None	
<i>Anniella pulchra pulchra</i>	silvery legless lizard	None	
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	T /	
<i>Circus cyaneus</i>	northern harrier *	None	
<i>Coelus globosus</i>	globose dune beetle	None	
<i>Dipodomys heermanni morroensis</i>	Morro Bay kangaroo rat	End/End	
<i>Egretta thula</i>	snowy egret	None	
<i>Eremophila alpestris actia</i>	California horned lark	None	
<i>Lanius ludovicianus</i>	loggerhead shrike *	None	
<i>Oncorhynchus mykiss irideus</i>	steelhead - south/central California coast ESU *	T /	
<i>Plebejus icarioides moroensis</i>	Morro Bay blue butterfly	None	
<i>Aquila chrysaetos</i>	golden eagle	None	
<i>Rana aurora draytonii</i>	California red-legged frog *	T /	
<i>Sternula antillarum browni</i>	California least tern	End/end	

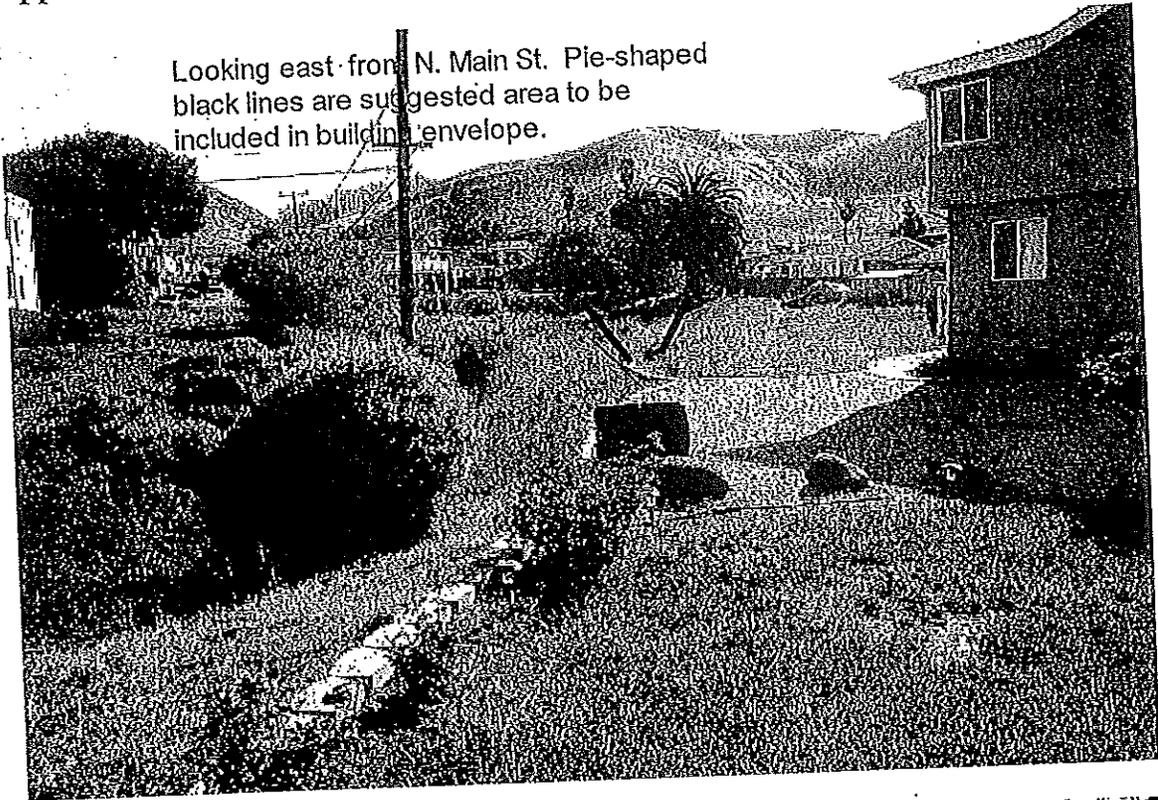
BOTANICAL SPECIES BINOMIAL	COMMON NAME	FED / CAL	CNPS
<i>Amsinckia douglasiana</i>	Douglas' fiddleneck	None	4.2
<i>Arctostaphylos morroensis</i>	Morro manzanita	T /	1B.1
<i>Arctostaphylos obispoensis</i>	Bishop manzanita	None	4.3
<i>Arctostaphylos pilosula</i>	Santa Margarita manzanita	None	1B.2
<i>Aspidotis carlotta-halliae</i>	Carlotta Hall's lace fern	None	4.2

<i>Astragalus macrodon</i>	Salinas milk-vetch	None	4.3
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	Nuttall's milk-vetch	None	4.2
<i>Calochortus clavatus</i> var. <i>clavatus</i>	club-haired mariposa-lily	None	4.3
<i>Calochortus obispoensis</i>	La Panza mariposa-lily	None	1B.2
<i>Calochortus simulans</i>	San Luis Obispo mariposa-lily	None	1B.3
<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	Cambria morning-glory	None	1B.2
<i>Camissonia hardhamiae</i>	Hardham's evening-primrose	None	1B.2
<i>Carex obispoensis</i>	San Luis Obispo sedge	None	1B.2
<i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	San Luis Obispo owl's-clover	None	1B.2
<i>Chorizanthe breweri</i>	Brewer's spineflower	None	1B.3
<i>Chorizanthe palmeri</i>	Palmer's spineflower	None	4.2
<i>Cladonia firma</i>	firm cup lichen	None	
<i>Cupressus macrocarpa</i>	Monterey cypress	None	1B.2
<i>Delphinium gypsophilum</i> ssp. <i>gypsophilum</i>	gypsum-loving larkspur	None	4.2
<i>Dudleya abramsii</i> ssp. <i>murina</i>	mouse-gray dudleya	None	1B.3
<i>Erysimum insulare</i> ssp. <i>suffrutescens</i>	suffrutescent wallflower	None	4.2
<i>Fritillaria agrestis</i>	stinkbells	None	4.2
<i>Fritillaria ojaiensis</i>	Ojai fritillary	None	1B.2
<i>Grindelia hirsutula</i> var. <i>maritima</i>	San Francisco gumplant	None	1B.2
<i>Horkelia cuneata</i> ssp. <i>puberula</i>	mesa horkelia	None	1B.1
<i>Horkelia yadonii</i>	Santa Lucia horkelia	None	4.2
<i>Layia jonesii</i>	Jones' layia	None	1B.2
<i>Lomatium parvifolium</i>	small-leaved lomatium	None	4.2
<i>Malacothamnus jonesii</i>	Jones' bush-mallow	None	4.3
<i>Malacothamnus niveus</i>	San Luis Obispo County bush-mallow	None	4.3
<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Santa Lucia bush-mallow	None	1B.2
<i>Monardella palmeri</i>	Palmer's monardella	None	1B.2

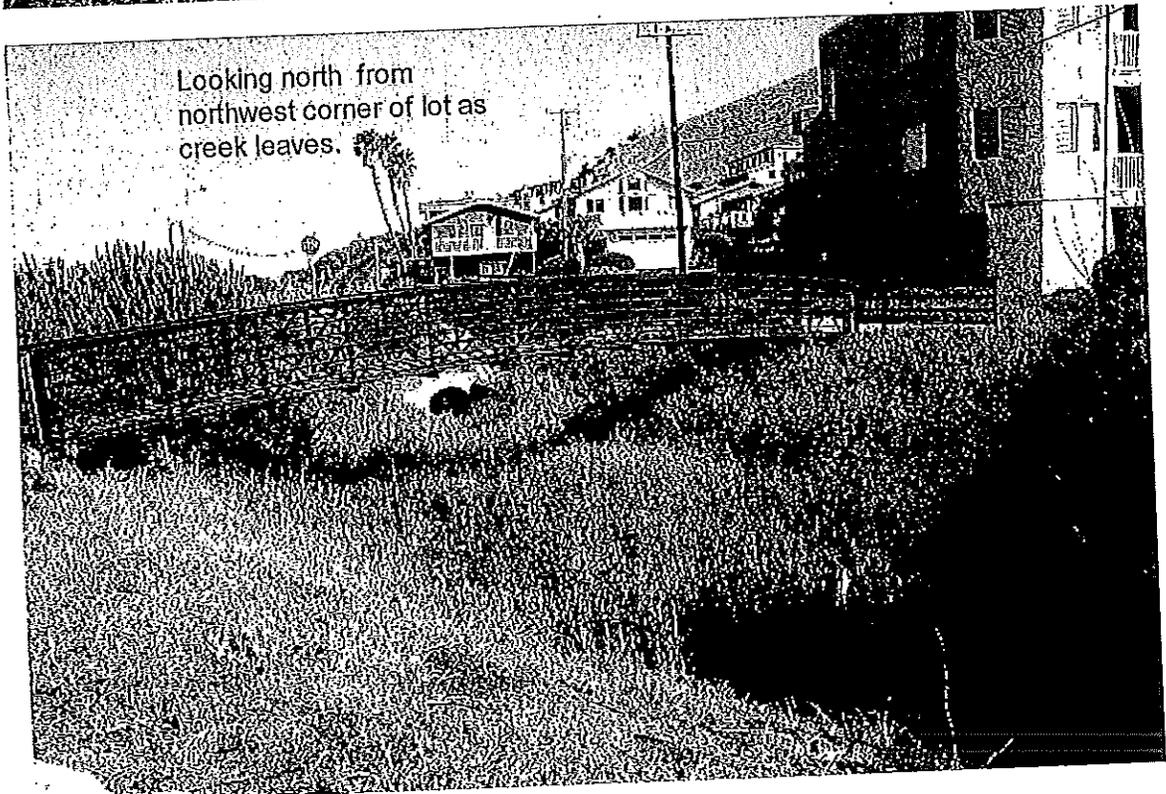
<i>Piperia leptopetala</i>	narrow-petaled rein orchid	None	4.3
<i>Poa diaboli</i>	Diablo Canyon blue grass	None	1B.2
<i>Sanicula hoffmannii</i>	Hoffmann's sanicle	None	4.3
<i>Senecio astephanus</i>	San Gabriel ragwort	None	4
<i>Senecio astephanus</i>	San Gabriel ragwort	None	4
<i>Sidalcea hickmanii</i> ssp. <i>anomala</i>	Cuesta Pass checkerbloom	/ rare	1B.2
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	most beautiful jewel-flower	None	1B.2

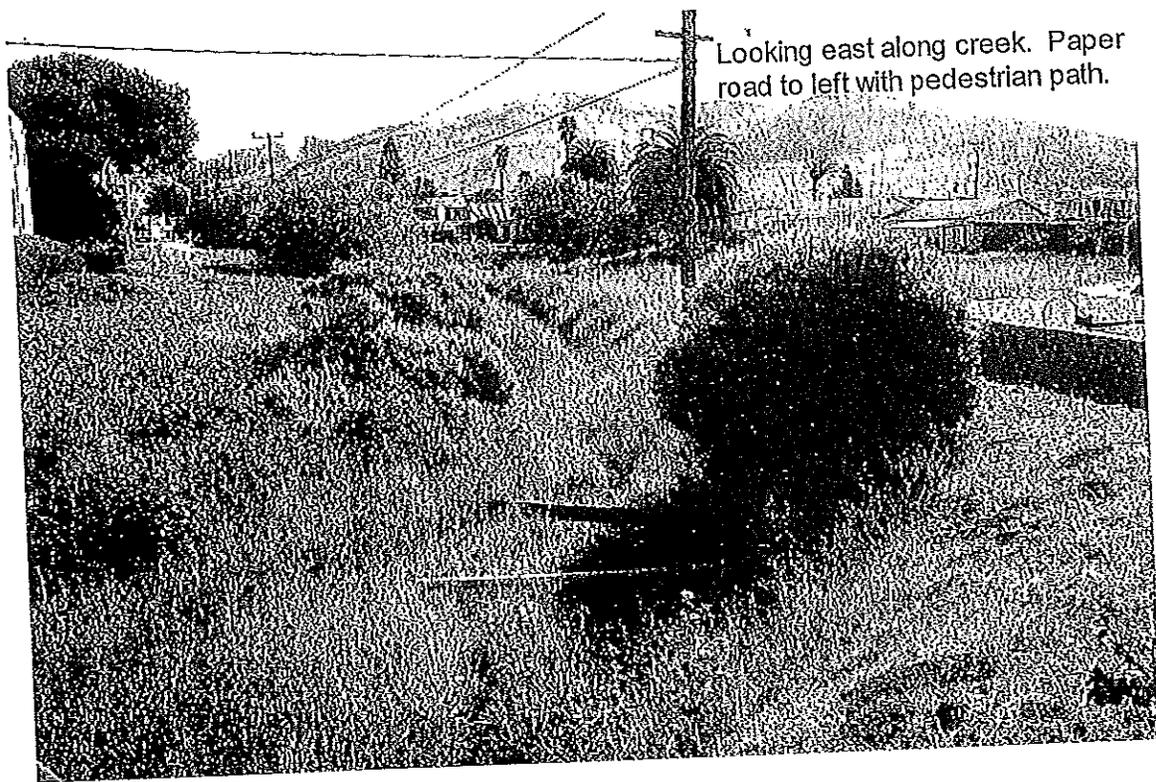
Appendix 3: Photographs of the property

Looking east from N. Main St. Pie-shaped black lines are suggested area to be included in building envelope.

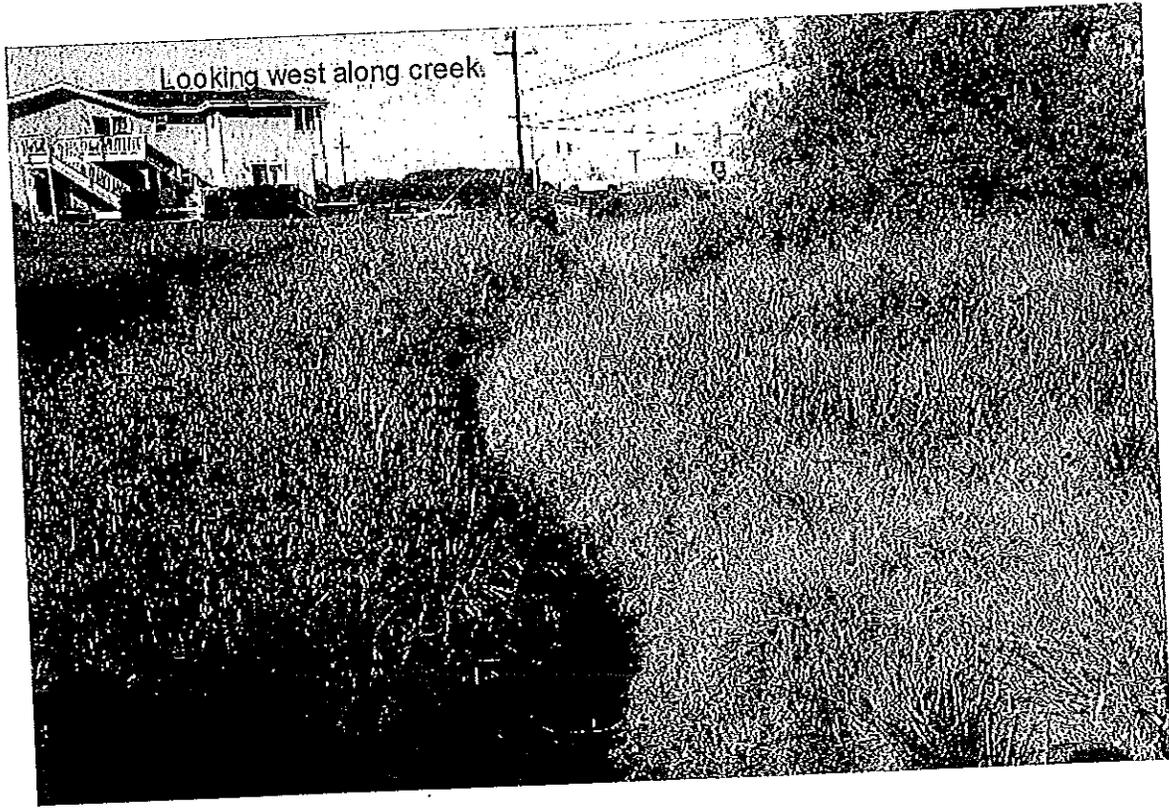


Looking north from northwest corner of lot as creek leaves.





Looking east along creek. Paper road to left with pedestrian path.



Looking west along creek.

Appendix 4: Letter from CDFG



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Central Region  
1234 East Shaw Avenue  
Fresno, CA 93710  
(559) 243-4005



August 13, 2007

John Medina  
3390 North Main Street  
Morro Bay, California 93442

Dear Mr. Medina:

Extension to Stackable Brick Wall  
3390 North Main Street  
Morro Bay, San Luis Obispo County

This is in response to the information you submitted to the Department of Fish and Game (Department) regarding the above referenced Project, which is located near an ephemeral creek channel that drains storm water runoff to the Pacific Ocean. The proposed Project is the 84 foot extension of an existing three (3) foot high stackable brick retaining wall, and is intended to allow for additional fill material behind the wall to raise the level of the rear yard of the property. The extension wall will continue without any change in direction or dimensions from the existing wall. A driveway will be constructed above the wall. The construction location of the existing portion of the retaining wall, and associated fill, was previously determined by the Department to be non-jurisdictional, pursuant to Section 1600 of the Fish and Game Code. The proposed wall extension is also not within the Department's jurisdiction, and therefore a Stream Alteration Notification does not need to be submitted for the Project.

Based on the Department's review of the information you submitted, consultation with you regarding the scope of proposed work, and our knowledge of the Project site, we have determined that there is no existing fish or wildlife resource that will be substantially adversely affected by your Project, if it is constructed in the manner described.

As a result, you may begin your Project or activity if you have obtained all other necessary permits. You are responsible for complying with all applicable local, state, and federal laws in completing your Project or activity.

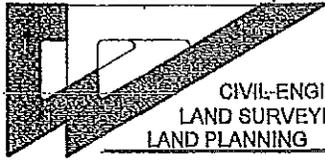
If you have any questions regarding this matter, please contact Julie Means, Senior Environmental Scientist, at the above address or by telephone at (559) 243-4014; extension 240. Thank you for your cooperation.

Sincerely,

*for/Julie Means*  
William Loudermilk  
Regional Manager

*Conserving California's Wildlife Since 1870*

WESTLAND ENGINEERING, INC.



CIVIL-ENGINEERING  
LAND SURVEYING  
LAND PLANNING

3480 Higuera Street, Suite 130 ■ San Luis Obispo, CA 93401

Telephone: (805) 541-2394 ■ Fax: (805) 541-2439

## MEDINA PROPERTY DRAINAGE

January 2008

The Intent of these calculations is to determine the approximate location of the ordinary high water level and the affect of the 100 year storm upon the property. We also want to determine if the proposed wall will affect the water surface elevation during a 100 year storm.

### Determine the flows adjacent to the site.

#### FLOW CALCULATIONS

Annual Rainfall – 17”±

Tributary Area at Main Street – 275 acres

Time in Concentration – 22 minutes±

Coefficient of Run-Off – 40% > 50%

$I_{10}$  – 0.95

$I_{100}$  – 2.30

$Q_{10}$  – 105 cfs – 130 cfs

$Q_{100}$  – 253 cfs – 315 cfs

#### COMPARISONS WITH OTHER STUDIES

	Westland	Wallace	FEMA
Tributary Area	275 ac.	279 ac.	
$Q_{10}$ @ Main	105 cfs/130 cfs	101 cfs	>240 cfs*
$Q_{100}$ @ Main	250 cfs/315 cfs	191 cfs	>340 cfs*

The map show a normal depth solution for a 2 year storm which approximates the ordinary high water line for the creek.

### Determine the flow through the existing culverts at Tide and Main

#### TIDE AVENUE CULVERT

The culvert at Tide Avenue is 48” and has approximately 6’ of available head. Assuming the culvert is 50’ long at 1% with a projecting inlet, the potential flow is 125± cfs through the culvert.

#### MAIN STREET CULVERT

Wallace notes the culvert as being a 54”. Approximately 13’ of head is available. Assuming a length of 150’ at 1%, the culvert would carry approximately 260 cfs. The head at 190 cfs is 8± and the head at 250 cfs is 12±.

## SWALE FLOWS

A detailed analysis of the flow characteristic of the swale was not done. However, some preliminary conclusions can be drawn from the available information. The invert elevation of the Main Street culvert is 34.9. Approximately 8' of head is needed for the 54" culvert. A ponding condition at elevation 43 is needed for culvert flows.

Distance From culvert	On-site Location	Approximate 100-Year Elevation from Review	From FIRM Plot
75'	8' northerly of property	45	46
160'	Near upstream end exist. wall	47	48
225'	At elevation change in swale	49	50
310'	At large willows	52	54

**Determine the 100 year water surface elevation adjacent to the site and find the impact of a wall to be constructed from the existing site wall easterly.**

Our topographic map used a USGS NAVD 29 bench mark as the basis of elevations. Therefore, the elevations on our drawings will correspond to the FEMA elevations. Attached is a copy of the FEMA map for this area. Since the City and Westland Engineering do not have the original calculations for the water surface elevation, I do not know if the grading in the area is different from when the original FEMA work was performed.

Also, since the flow rates for FEMA, Wallace and our offices are different we decided to determine the water surface profiles using HEC-RAS. Attached to the report is a HEC-RAS computer model of the field located grades at the site. We performed two different runs with both critical depth (at the upstream side) and normal depth (at the down stream side). Both runs complimented each other and the higher water surface elevation was used. Table 1 shows the computed water surface elevations.

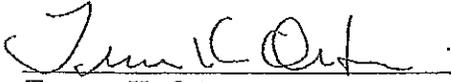
I used the highest number we computed for the 100 year storm (which was not as high as FEMA) since it did not match either ours or Wallace's numbers. At Tide, I determined that approximately 115 cfs went through the culvert and the remainder went over the street.

Station	Computed	Computed
	Water surface elevation subcritical	Water surface elevation supercritical
2300	57.95	57.95
2243	50.49	49.82
2156	47.10	44.50
2084	44.60	44.41
2000	42.82	41.47

**Table 1**

The wall that is built and the proposed wall are below the water surface elevation and do not affect the

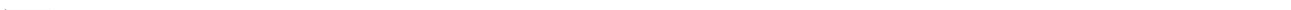
water surface in a 100 year storm. I would still propose building the structure above the FEMA elevation so no LOMA is required for the site.

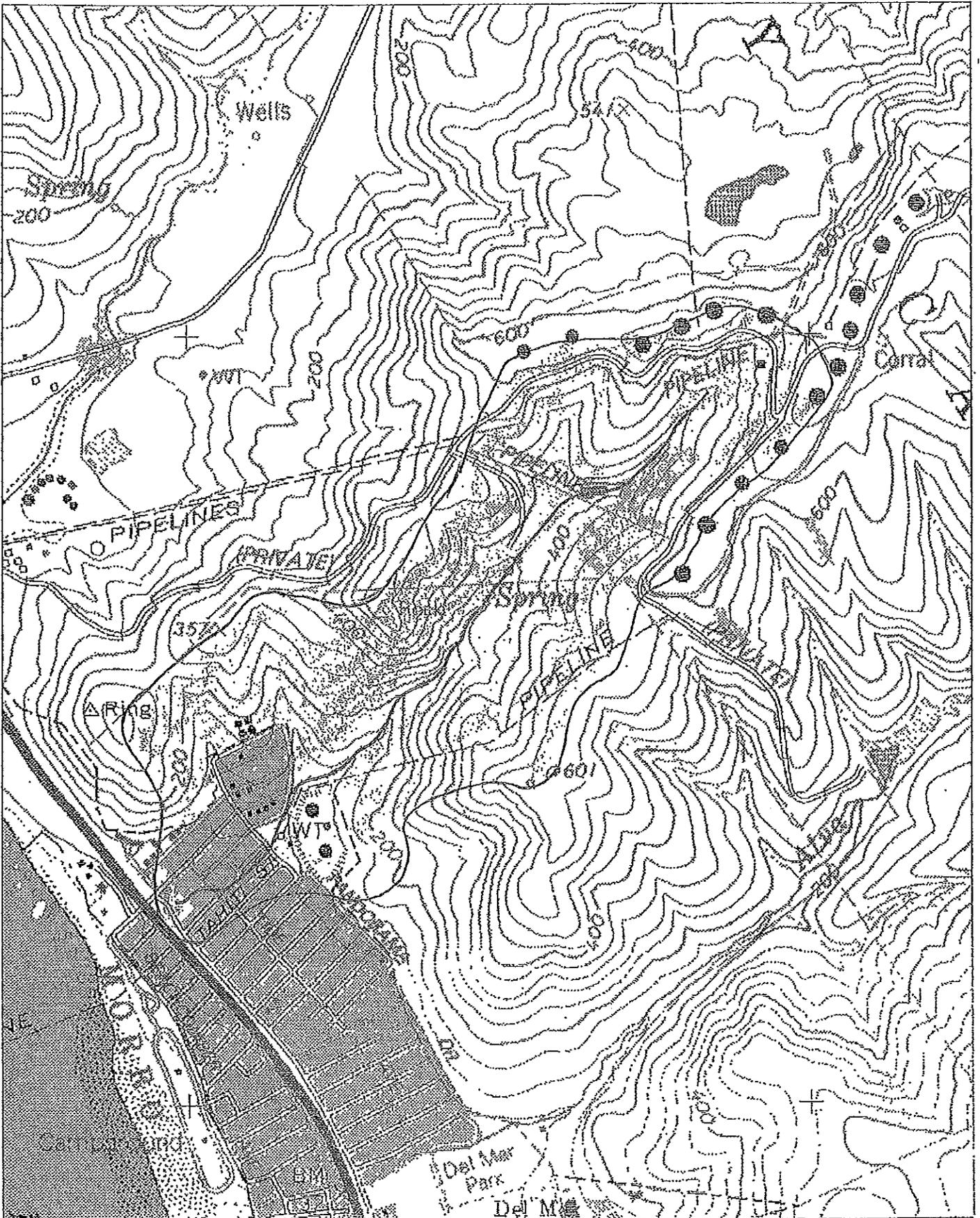


Terence K. Orton  
PE 21,807 (Expires 9-30-09)



Attachments FEMA Map  
HEC-RAS runs  
Area Map





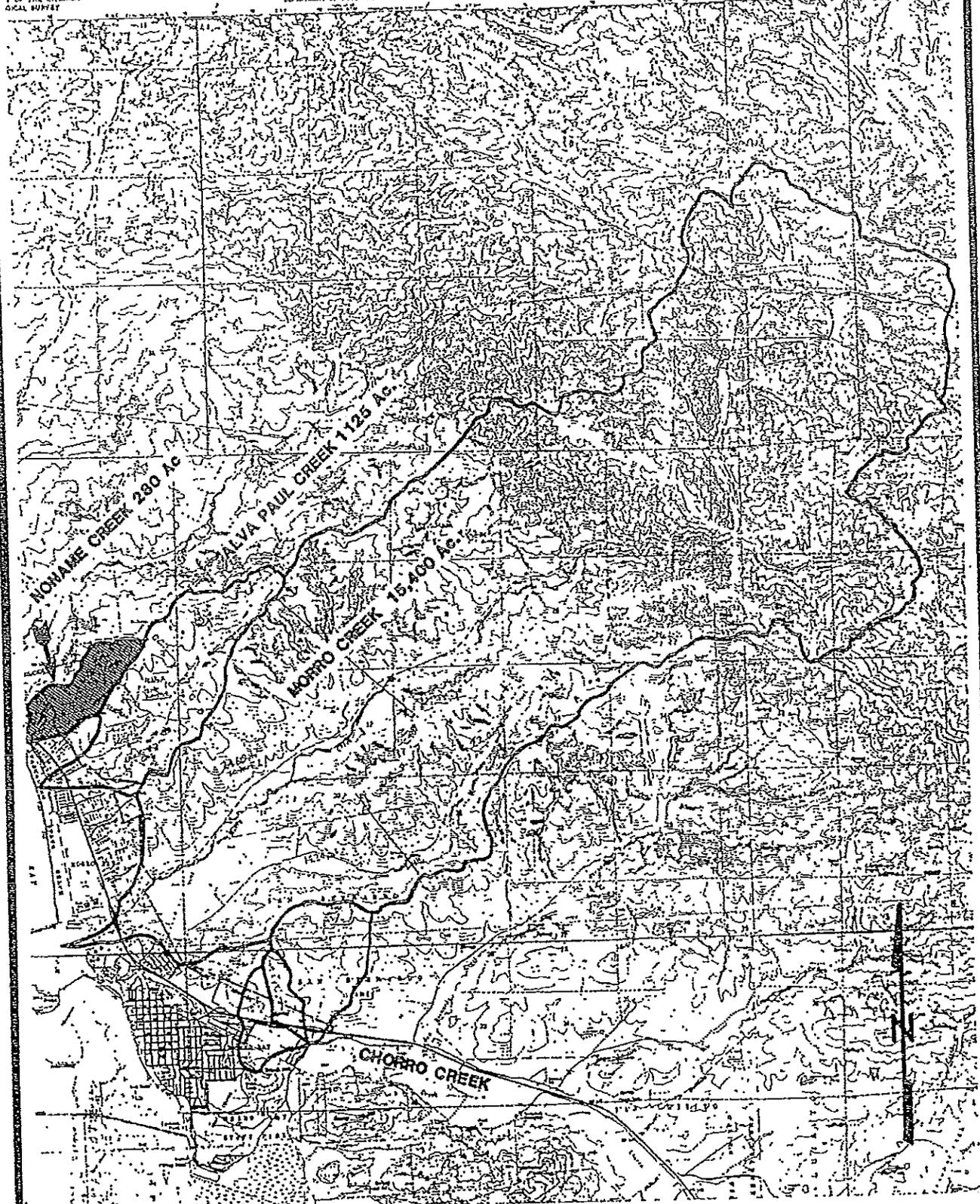


UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES

MORRO BAY NORTH QUADRANGLE  
CALIFORNIA - SAN LEANDRO CO.  
15 MINUTE LEVEL TERRAIN MAP  
1954

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BIOLOGICAL SERVICE



JOHN L. WALLACE  
& ASSOCIATES

MORRO BAY STORM DRAIN MASTER PLAN  
NONAME CREEK

FIGURE  
VIII-3

CITY OF MORRO BAY  
STORM DRAIN MASTER PLAN

PROJECT NUMBER: 1

NONAME CREEK

Noname Creek is located at the northern edge of the City of Morro Bay's residential area. Most of its 279 acre watershed is steep hillside grasslands with a small amount of residential area east of Highway One at the lower end of the watershed. The facilities of this watershed should be designed to carry a 10 year flow with freeboard, and a 25 year storm without freeboard.

The Creek enters a 36" diameter culvert through a flat concrete headwall located at the Navy Fuel Storage Facility. The ground surface is approximately 5.5 feet above the culvert invert. The culvert conveys the flow to the west beneath Panorama Drive and beneath a condominium development adjacent to Panorama Drive. The Creek emerges in a poorly maintained channel west of the condominiums and flows to Tide Avenue where it enters a 48" diameter CMP culvert. The ground surface is approximately 6.6 feet above the culvert invert. The water emerges from the 48" culvert west of Tide Avenue between Whidbey Street and Vashon Street. It then flows through a wide unimproved drainage channel to Main Street where the water enters a 54" diameter RCP CALTRANS culvert through concrete wing walls and drains to the west beneath Highway 1 and discharges to the beach. Main Street is approximately 13.7' above the invert of the 54" diameter culvert. The streets in the vicinity of Noname Creek do not have curbs.

There is a Standard Oil containment basin, consisting of two ponds, near the top of the Noname Creek watershed. This basin has a large diameter overflow pipe as well as a valved drain beneath the dam. If drained prior to a storm, the ponds serve as detention basins, retarding peak flows in the Creek. Standard Oil does operate the basins to be normally empty as to be full would defeat the ability to store and contain oil. As a result, the ponds play an important role in preventing lowering peak stormwater runoff amounts. However, the outlet to the basin is a valved outlet, dependent upon the awareness of an operator to insure that the basin is properly drained. For this reason the beneficial effect of the oil containment basins cannot be always counted upon.

DRAINAGE PROBLEM:

Without considering the role of the oil containment basins as detention basins, the existing 36" culvert beginning in the Navy fuel storage facility yard appears to be too small to accommodate even a 10 year event. Water will surcharge at the inlet and flow across an open field towards Panorama Drive and then to Tahiti

Street. There is the potential for some property damage to the condominiums located at the corner of Tahiti Street and Panorama Drive and possibly to houses along Tahiti Street. Almost all of the excess flow will be deflected by the condominiums toward Tahiti Street.

The channel located between Panorama Drive and Tide Avenue is relatively unimproved and is clogged with foliage. The 48" diameter CMP culvert at Tide Avenue immediately downstream from the unimproved channel is adequate for a 10 year storm but not for a 25 year storm. Overflow from this culvert will have a definite impact on residences immediately west of Tide Avenue and along Vashon Street, the overflow channel.

However, it is not clear exactly how much of the flow from a 25 year event would reach the 48" diameter culvert, since some of the excess flow would continue down Tahiti Street toward Main Street. The unimproved channel located west of Tide Avenue is adequate in size because the adjacent houses are constructed well above and horizontally distant from the channel. However, the channel makes a sharp turn at Main Street, greatly reducing its capacity at that point. The hydraulic characteristics of the channel could be significantly improved with some grading and foliage control. The CALTRANS 54" culvert is adequately sized for a 100 year storm event although water will be significantly higher than the culvert entrance. There should be no property damage adjacent to this culvert as long as the culvert remains clear of debris. A grading and maintenance program is needed for this channel, particularly since houses are located along each side of the channel and will be directly effected by channel surcharging.

The Flood Insurance Rate Map (FIRM) delineates the boundaries of a 100 year flood event passing through the residential area along Noname Creek. The conclusions of the Flood Insurance Study are essentially the same as in this report although the flow may not actually overflow Highway One, as indicated by the FIRM. If there is debris clogging the CALTRANS 54" culvert then the runoff could backup and flow across Highway One. Otherwise the existing culvert is probably sufficiently large. Also, the FIRM shows the excess flood water spreading out along Panorama Street, flowing around the condominiums, and then reentering the Creek. It is more probable that the excess flows will be deflected by the condominiums down Tahiti Street.

Local experience has shown that there has been little of the flooding predicted by traditional methods. This lack of flooding may be attributed to the oil containment ponds serving as detention basins. Runoff analysis of the potential flows originating above and below the basins supports the theory that the ponds are significantly moderating the peak flows. Because of this important relationship, Standard Oil should be encouraged

to maintain the water levels in the ponds as low as possible, to provide the maximum amount of detention volume available, consistent with the requirements of oil containment. If the ponds are inadvertently allowed to remain full during a peak flood event so that no detention occurs, the downstream channel will experience significantly higher peak flows.

According to the City Staff, there is a drainage easement under the condominiums next to Tahiti Street but not elsewhere between Tahiti Street and Highway One. The lack of a drainage easement makes flood control action difficult. Responsibility for the maintenance and improvement of flood routes is not clearly defined relative to existing improvements that may be damaged by flood water. Future improvements and drainage responsibility may be controlled and clearly defined through the permit process. For existing drainage routes without easements, where the City meets with opposition from property owners when attempting to implement drainage improvements and maintenance activities, the City should attempt to clearly document the limits of the City's liability and to inform the property owners of their own liability.

#### POTENTIAL SOLUTIONS:

1. Complete a study delineating the role of the oil containment ponds as detention basins, comparing the relative costs of maximizing the potential of the basins and installing a new storm drain in Tahiti Street to the existing channel west of Tide Avenue.
2. Examine the existing ponds' ability to withstand a major flood event and determine the danger to property and public safety if the ponds are found to be inadequate.
3. Encourage the installation of automatically operating drain inlets that will optimize the detention capacity of the oil containment ponds.
4. Complete a study examining the feasibility of installing a relief storm drain for the existing 36" storm drain.
5. Clean and grade the existing drainage channel between the condominiums and Tide Avenue to maximize the flow capacity of the available area. Building improvements that could contribute to debris within the channels should be removed.
6. Increase the frequency of clearing the drainage channels between Panorama Avenue and Main Street of debris that clogs culverts and restrain flows during a flood. The channels should be observed to determine a cleaning interval that will maintain the channels in a clear state.

7. If other improvements are not considered, provide an interception storm drain in Tahiti Street to direct flood waters flowing down Tahiti Street back to the drainage channel. These improvements will minimize damage caused by overflowing flood waters that are deflected by the Panorama Drive condominiums down Tahiti Street.
8. Clearly define the responsibility for maintaining and improving drainage routes. Document the responsibilities and inform all of the parties involved.

HYDROLOGY:

Noname Creek at Highway 1, without the detention effect of the oil containment ponds

Q10 = 101 cfs  
 Q25 = 136 cfs  
 Q100 = 191 cfs

Noname Creek at 36" CMP culvert, Tahiti Street, without the detention effect of the oil containment ponds.

Q10 = 84 cfs  
 Q25 = 113 cfs  
 Q100 = 158 cfs

Noname Creek at oil containment ponds.

Q10 = 43 cfs                      Q25 = 57 cfs                      Q100 = 79 cfs

Noname Creek between oil containment ponds and 36" CMP culvert, assuming no flow from the ponds.

Q10 = 54 cfs                      Q25 = 71 cfs                      Q100 = 97 cfs

Flood Insurance Study flows at Panorama Drive, not including overflows.

Q10 = 105 cfs                      Q50 = 615 cfs                      Q100 = 1010 cfs

Flood Insurance Study flows at Tide Avenue, not including overflows.

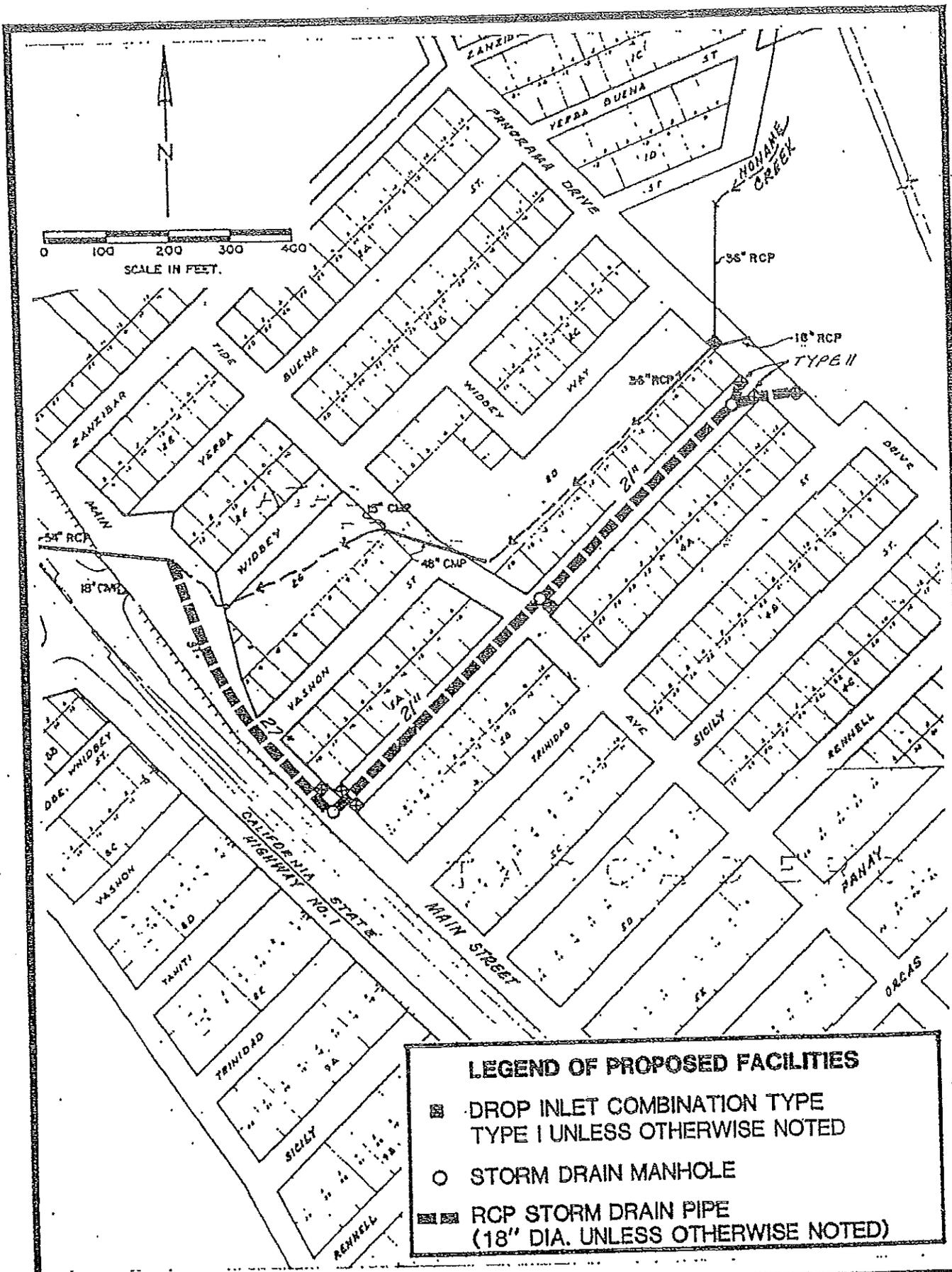
Q10 = 100 cfs      Q50 = 240 cfs      Q100 = 340 cfs

Flood Insurance Study flows at Whidbey Way (extended).

Q10 = 180 cfs      Q50 = 700 cfs      Q100 = 1100 cfs

Flood Insurance Study flows at Yerba Buena Street, not including overflows.

Q10 = 100 cfs      Q50 = 170 cfs      Q100 = 210 cfs



**JOHN L. WALLACE  
& ASSOCIATES**

**MORRO BAY STORM DRAIN MASTER PLAN  
NONAME CREEK**

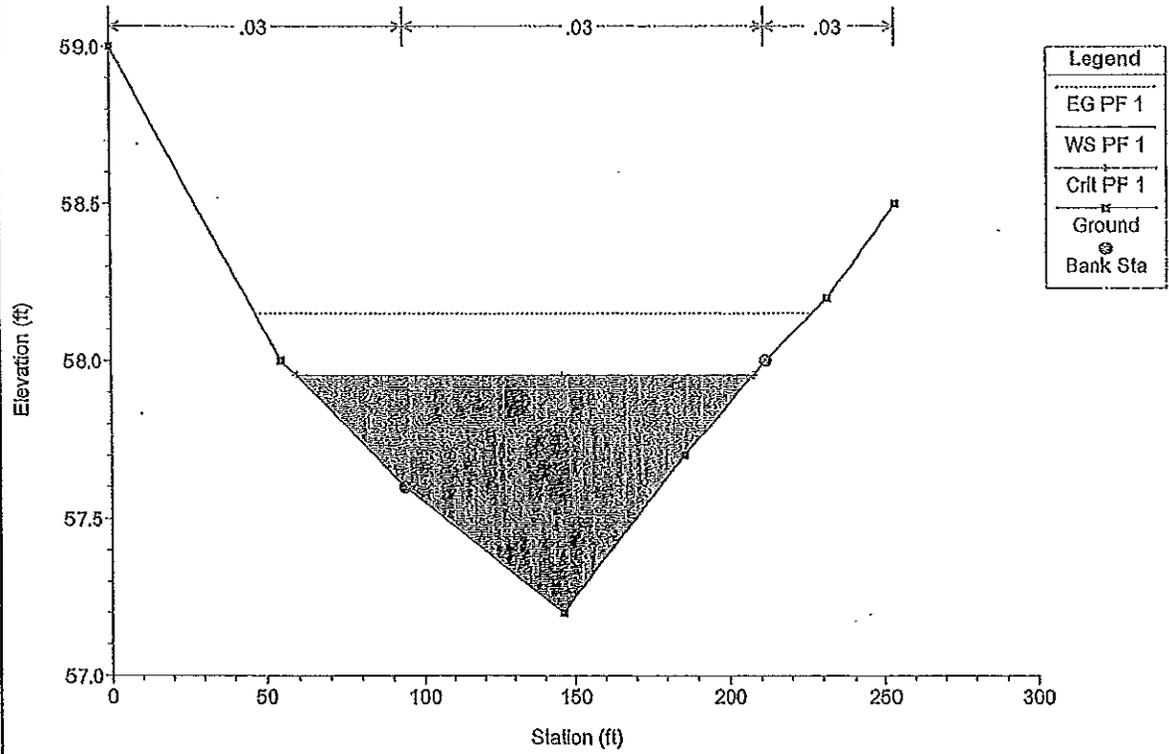
**FIGURE  
VIII-2**

HEC-RAS Plan: cnv-rd River: noname Reach: noname Profile: PF 1 *SUBCRITICAL*

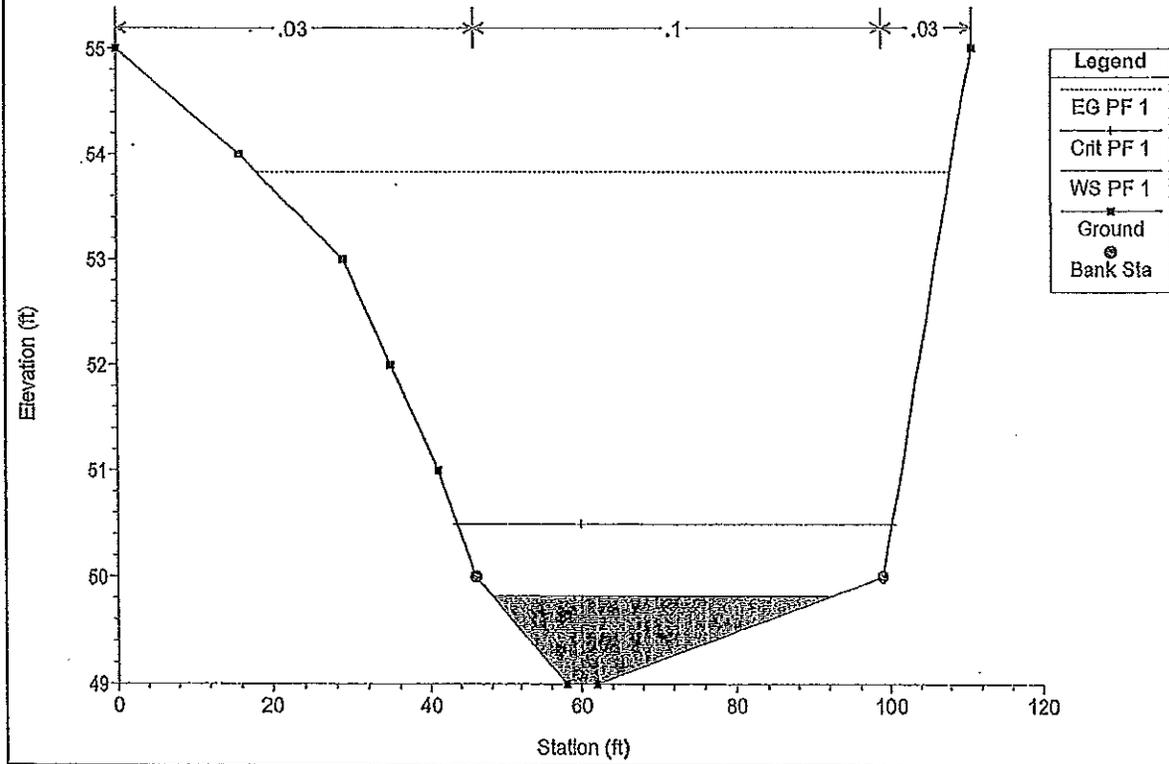
Profile	Reach	Station	Top of Bed	Water Surface Elevation	Channel Bottom Elevation	Water Surface Slope	Channel Bottom Slope	Velocity	Flow Area	Top Width	Friction Coefficient
Profile	Reach	Station	Top of Bed	Water Surface Elevation	Channel Bottom Elevation	Water Surface Slope	Channel Bottom Slope	Velocity	Flow Area	Top Width	Friction Coefficient
noname		200.00	57.20	57.95	57.95	0.015772	0.015772	3.66	57.40	147.95	0.96
noname		315.00	49.00	50.49	50.49	0.140700	0.140700	5.67	55.33	56.62	0.99
noname		315.00	42.00	47.10	47.10	0.012211	0.012211	3.44	91.77	28.05	0.32
noname		315.00	40.00	44.60	44.42	0.053774	0.053774	7.67	39.93	17.97	0.80
noname		315.00	39.00	42.82	41.47	0.016028	0.016028	4.35	72.38	26.83	0.47



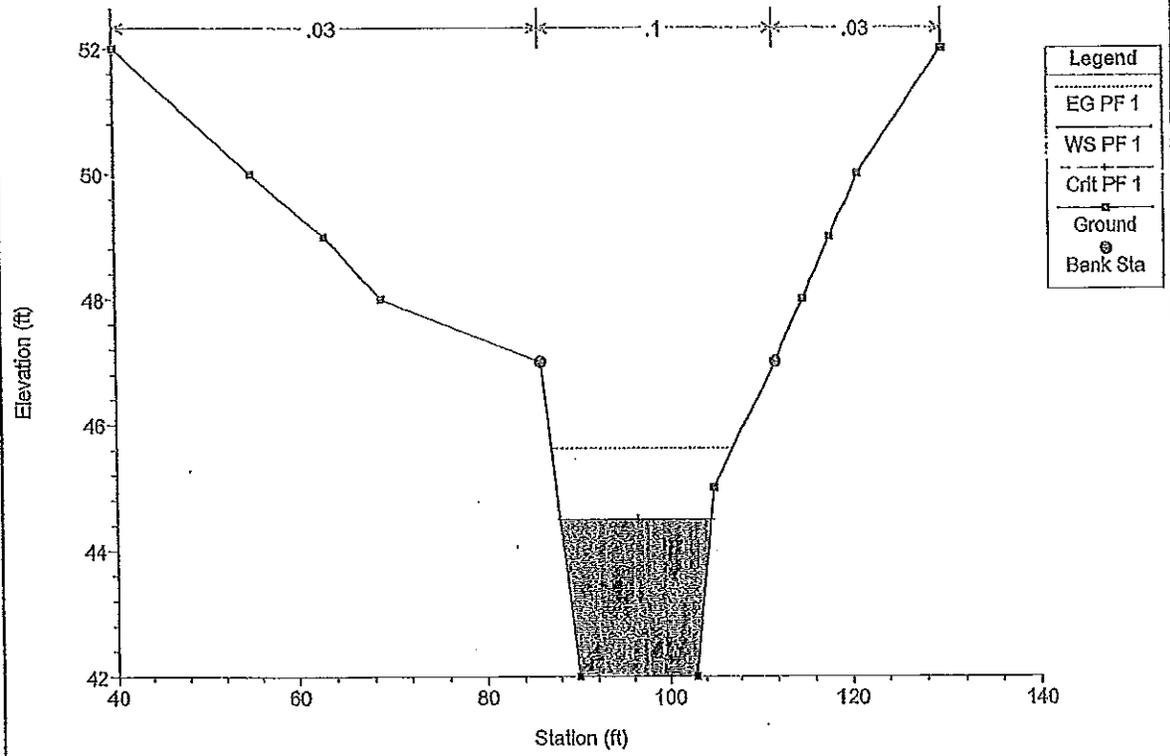
medina Plan: medina3 1/30/2008



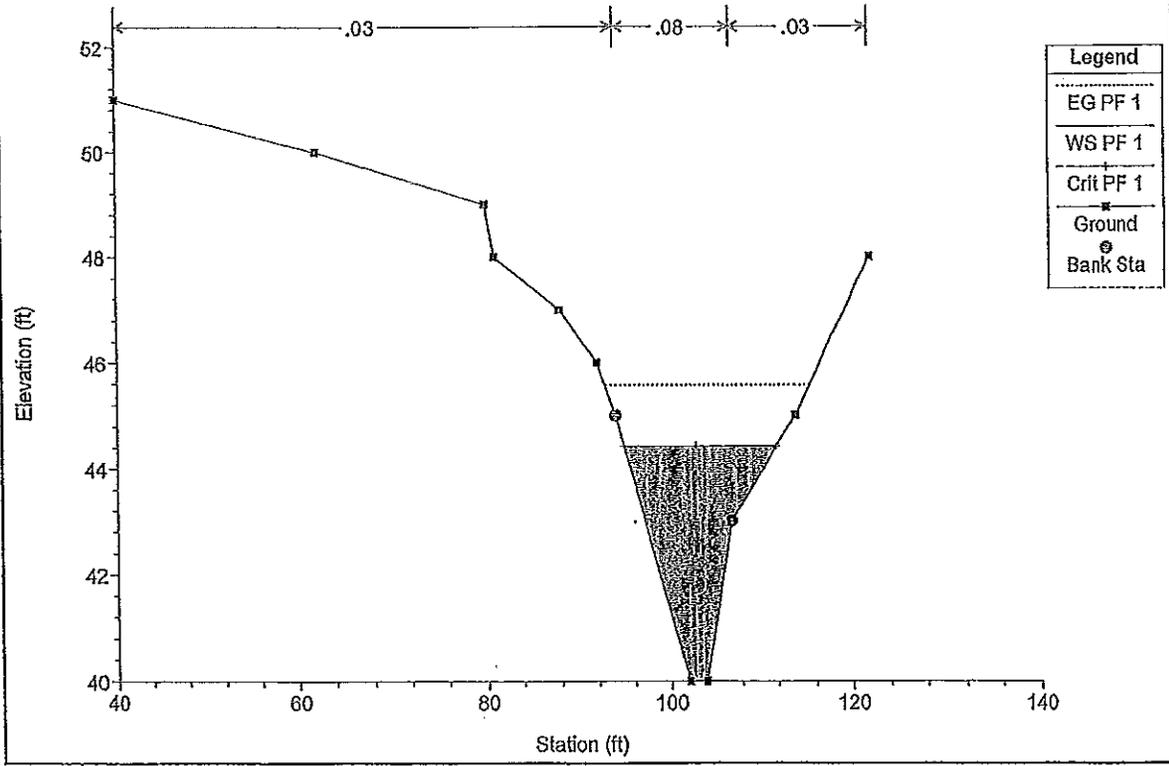
medina Plan: medina3 1/30/2008



medina Plan: medina3 1/30/2008



medina Plan: medina3 1/30/2008



medina Plan: medina3 1/30/2008

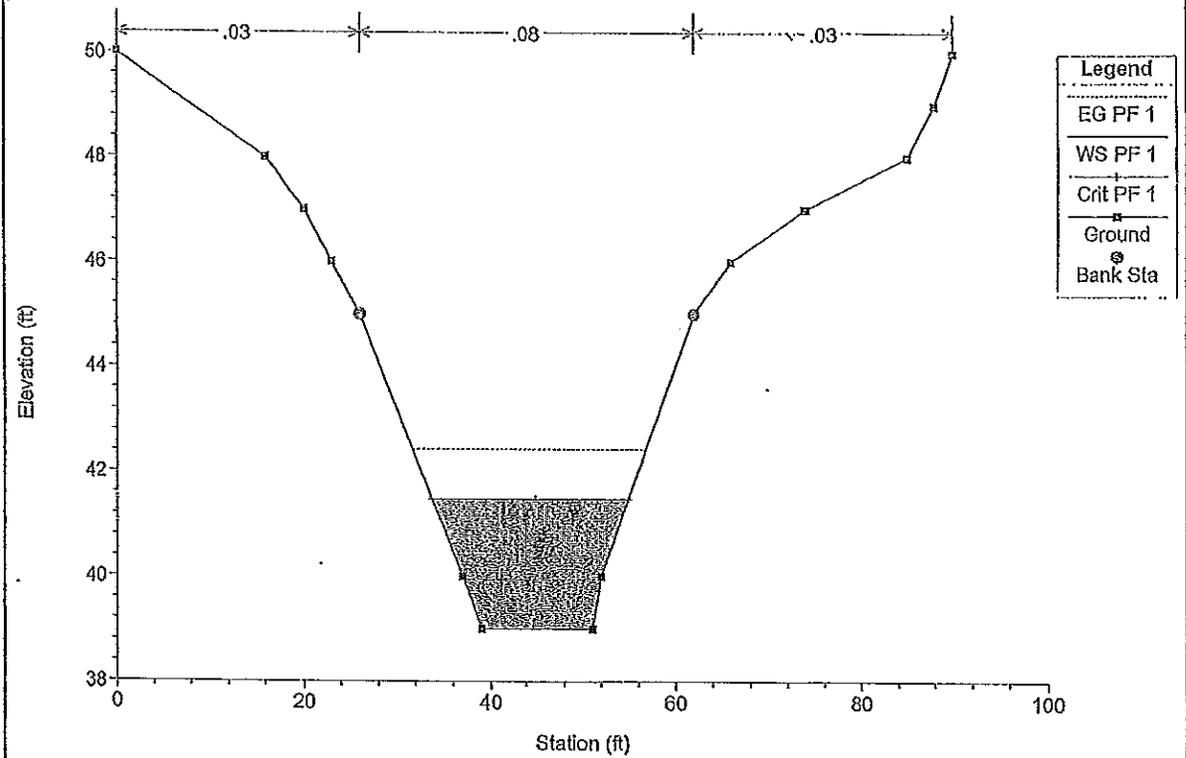


EXHIBIT J

**MINUTES FROM THE JULY 20,  
2009 PLANNING COMMISSION  
MEETING**

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  
Monday, July 20, 2009

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

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Kathleen Wold led the Pledge of Allegiance.

III ROLL CALL

Johnson asked that the record show all Commissioners were present except for Commissioner Lucas.  
Staff Present: Bruce Ambo, Kathleen Wold, Aileen Nygaard, Rob Livick and Kay Miller.

IV. ACCEPTANCE OF AGENDA

Johnson moved to have item E presented first and then proceed in order per the Agenda.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the July 13, 2009 City Council:

- Authorized the Harbor Department to request a Water Resources Control Board Grant for the low impact development of the boatyard proposal and financial assistance.
- Adopted a resolution authorizing the City's participation in the California Energy Commission Partnership Program.
- Heard the appeal for the proposal at 560 Bernardo and upheld the appeal with the condition the project be limited to 2500 sq.ft.
- Adopted amendments to Title 15 in the Municipal Code relating to pump out facilities for boats in the harbor.
- Heard consideration for reactivating the Redevelopment Agency for the City and set a special meeting date for August 10, 2009 at 5:00p.m.
- Continued an item on goal setting as a follow up to the Management Partners Report.
- Heard a status report on waterfront development fees that was continued to a special meeting.

Johnson asked Commission if they had any questions for staff: None.

VI. PUBLIC COMMENT

Johnson opened Public Comment.

- Dorothy Cutter urged the public to attend the Redevelopment Agency Meeting that the City Council will be voting on.

- Bill Martony stated he spoke before the Coastal Commission regarding the zoning south of Tidelands Park, pollution in the bay and the Los Osos Sewer Project. The Whale's Tale lease site is out for bid and Martony suggests holding back the lease.

Seeing no further comments, Johnson closed Public Comment

Johnson announced Dahlia Days on August 15, 2009

VII. CONSENT CALENDAR – None.

VIII. PRESENTATIONS – None.

IX. FUTURE AGENDA ITEMS

- A. Planning Commission interpretation on decks in the front yard setback and what elements are allowed on them.
- B. Gates on the Embarcadero Harborwalk.
- C. Downtown Visioning.

X. PUBLIC HEARINGS

- E. **Site Location:** 3390 Main Street, R-1/S.1 and MCR/R-4(SP, North Main Area A) and ESH  
**Applicant:** Johnie Medina  
**Request:** Coastal Development Permit for 2 parcel subdivision map and for a 2,497 square foot two story single-family residence with an attached two-car garage. This site is located inside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Mitigated Negative Declaration  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Kathleen Wold, Senior Planner, 772-6211

Wold presented the Staff Report. Johnson asked if there were questions of staff.

Woodson asked about the wall.

Wold clarified the existing block wall will remain and clarified the house requires a coastal development permit.

Livick explained the CMP drain will be replaced with a curb inlet with a concrete swale out the backside of the inlet.

Wold clarified where the Environmentally Sensitive Habitat (Area), boundary and the 50 ft. setback are located, and stated weed abatement and the applicant and the City cleared vegetation. Wold stated the house is out of ESH(A).

Regarding stormwater requirements, Livick stated the Project needs to meet municipal code standards and construction is allowed in the flood zone with requirements.

There was discussion in regards to the length and width of the driveway. Livick stated the Chief of the Fire Department makes the final decision based on the California Fire Code.

Diodati stated the cultural condition has changed and Ambo stated this is a condition and the applicant needs to hire a qualified professional archaeologist.

Johnson asked for a definition for a natural creek bed and a drainage ditch.

Livick responded a natural creek bed is from natural erosion and a drainage ditch is constructed.

Wold explained, as stated in the biological assessment, the creek does not provide viable habitat for protected or endangered species.

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

The applicant, Johnie Medina, requested the Planning Commission to approve his project.

Engineer, Terry Orton, took information the biologist had obtained from the project to the Coastal Commission and Fish & Game. The suggestion was to keep the wall dividing ESH(A) and non-ESH(A).

Mike McGovern, the biologist, studied this property and defined the ESH(A) boundary and determined the property did not have habitat that was protected or endangered. The biological habitat is significantly disturbed; there are no native species and the stream/creek supports no wild life.

Michelle Arete is representing herself, neighbors and has a petition from people that are opposed to this project. Arete voiced concern about missing willow trees on the property and asked the Commission to not approve this project.

Laura Mounce on behalf of Ms. Masterson, stated there is unresolved drainage problems at this location and requests the problem to be fixed.

Seeing no further comment, Johnson closed the Public Hearing

Johnson asked if the Planning Commission had questions for the applicant.

Woodson asked if there would be changes to the existing wall.

Orton clarified no changes will be made to the existing driveway retaining wall and the new wall will match the existing wall. The flood area will be raised, not the ESH(A). Landmarks have been delineated on the final map including bearings and distances.

Woodson questioned why is the City encroaching on private property and clearing vegetation and what type of permit does the City have?

Livick responded the City has a blanket permit with the California Fish and Game to clear creeks within the City limits. Livick also clarified the City can trim vegetation but cannot remove vegetation. Livick stated willows are trimmed on an annual basis in all the creeks in Morro Bay. Livick reiterated the City does not remove trees, the City trims trees.

Luhr questioned the drainage problem at the driveway.

Orton responded the driveway would be modified for drainage and all drainage goes to the creek.

Diodati asked how the requirements to maintain permeable surfaces and landscaping would be accomplished?

Medina stated the architect is looking into a permeable driveway and landscaping.

Diodati questioned who mapped the willows?

Wold stated the applicant's engineer, the applicant and City Staff mapped the willows and sent them to The Coastal Commission and the Fish and Game who told Orton to use the 50 ft. set back.

Livick responded to Diodati's question regarding the stormwater ordinance and Livick stated the project meets the current interim stormwater conditions.

Johnson asked if the City has cleaned the creek since last Saturday?

Livick responded no.

Johnson asked the applicant if there is energy saving features in this house?

Applicant responded the entirety of the house will have energy savings features and a tankless water heater will be installed in the garage.

Johnson asked if applicant graded the lot and his response was no.

Woodson asked if the City is liable for clearing vegetation on private property?

Livick responded the City gets permission from the property owner who holds the City harmless.

Luhr asked if there have been any complaints about drainage and should we condition this project to address drainage issues?

Livick stated the only complaints he has heard has been from tonight's meeting and he would need to research the previous project requirements on the other property and it may already be a condition.

Johnson asked if the driveway could be changed from Main Street To Tide Street and Orton replied the Coastal Commission would not allow the change.

During discussion the Commissioners expressed the following opinions and concerns:

Diodati discussed the stormwater ordinance and what the conditions are for the first property, he asked the applicant to work with LID requirements and verify setback at 50 ft. Staff concurred 50 ft. setback is accurate.

Luhr shares the same concerns as Diodati and would like staff to also investigate when and by whom the willows were taken out and check to see if the 50 ft. setback is in the historical willow grove.

Woodson agrees with Staff, the applicant has provided the Commission with adequate plans and the house meets building requirements. Woodson stated the following three items are on the table, insure that the first property conditions were met, require a run off criteria which applies to the first property and confirm the 50 ft. set back as conditioned.

Johnson is concerned about the 50' ft. setback and the willows.

Luhr asked if the building plans would require them to meet the new stormwater management practices and Livick responded that is correct and it applies to all new construction.

Lengthy discussion amongst the Commissioners about the willow grove.

MOTION: Woodson/Luhr 2<sup>nd</sup> to approve the project as with the following changes in Exhibit B:

On page 10 add to the extent that the proposed driveway access or other improvements might encroach on the ESHA buffer commensurate amount of restoration must be included.

Add: "plantings shall be done within 90 days after the retaining walls were installed."

Add: A new section. ESHA - The ESHA shall be defined by surveyed coordinates with markers easily identified and permanent and visible from the property line.

Luhr wants to remove from the property line.

Johnson asked Woodson if he would amend his motion, he responded yes.

Johnson asked Luhr if he would amend his second, he responded yes.

Luhr wants to add a condition that states no activity allowed in the ESHA that would be detrimental to the native habitat.

Johnson asked Woodson if he would accept that amendment, he responded yes.

Luhr wants to include in the condition: drainage to adjacent properties from parcel one and two shall be evaluated and remedied.

Johnson asked Woodson if he would accept this amendment to his motion, he responded yes.

Diodati spoke about the Salinian and Chumash Tribes and Ambo suggested this item be forwarded to an archaeologist.

VOTE: 2-2 MOTION FAILS DUE TO TIE VOTE Woodson and Luhr – Yes. Diodati and Johnson No.

MOTION: Diodati/Johnson 2<sup>nd</sup> for an indefinite continuance with the following conditions:

- Staff to investigate status of two-parcel issue.
- Staff to investigate the drainage problem to the creek.
- Wants assurance that the applicant understands what LID technology is and generate a plan to reduce urban run off into the creek.
- Have Staff research the willow trees and natural vegetation history and current status.

VOTE: 4-0

- A. Site Location:** 2930 Elm Street, R-1/S.2 zone  
**Applicant:** Bill and Linda Mecum  
**Request:** Conditional Use Permit to allow a 776 square foot second story addition to an existing 714 square foot nonconforming single-family residence. The existing two-car garage is to be accessed from Fir Street. This site is located outside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 1, section 15301  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Aileen Nygaard, Associate Planner, 772-6211

Nygaard presented the Staff Report. Johnson asked if there were questions of staff.

Woodson wanted clarification on the width of the deck.

Nygaard responded a 5' width meets code.

Diodati stated this is a simple project and it has inserts and he would like to see more inserts on the more complex projects.

Luhr questioned the garage having two driveways.

Nygaard stated the applicant does not have to have two driveways and could eliminate the Elm Street driveway.

Johnson questioned the length of the driveway and Nygaard stated the applicant is going to remodel the garage from a one-car garage to a two-car garage and will be installing a rolling garage door to as required for an undersized driveway.

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

The applicants, Bill and Linda Mecum stated the garage will be a two-car garage.

Seeing no further comment, Johnson closed the Public Hearing

Woodson asked the applicant if they had a problem changing the cantilever deck from 6' to 5', the applicant replied no.

Luhr commented the project lacked a good design and isn't keeping scale with the neighborhood.

Diodati asked if the photo provided during the presentation was provided by Staff or by the Applicant?

The Applicant responded he provided the photo.

Johnson stated this is a big box house that the City is trying to eliminate with FAR, and suggests keeping existing driveway and to install additional landscaping.

Luhr commented he would like to see a reduction to the scale of the front facade.

Discussion continued amongst the Commissioners and applicant regarding FAR.

MOTION: Woodson/Luhr 2<sup>nd</sup> to approve the project with the following condition:

The second floor deck facing Elm Street shall not exceed 5' into the front setback.

VOTE: 4-0

**B. Site Location:** 3460 Toro Drive, R-1/S.2a zone

**Applicant:** Derrel Ridenour

**Request:** Variance to increase lot coverage from 50% to 54% on R-1/S.2a zoned lot. This site is located inside the Coastal Commission Appeals Jurisdiction.

**Recommended CEQA Determination:** Categorically Exempt, Class 5, section 15305

**Staff Recommendation:** Deny request for variance.

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

Wold presented the Staff Report. Johnson asked if there were questions of staff.

Ambo clarified if the Commission approves this project, everything is approved and the project will not come back to the Planning Commission.

Woodson and Wold conversed in regards to definition of covered porch versus covered patio.

Johnson asked about zoning of this project, why are the zones different?

Ambo responded it is the same reason they are different all over the city.

Diodati is concerned about setting precedence in regards to covered patios versus covered porches.

Wold responded the City's Zoning Ordinance does not exempt a project for aesthetic reasons.

Johnson asked if it is the job of the Commission to look at exceptions for projects?

Wold responded the law states a variance is given to the property not to a home.

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

- Marshall Ochylski, representing the applicant, is asking for an interpretation of ambiguity not for a variance. Are the areas in the project, covered porches? If Commission makes the determination they are not covered porches then no variance is needed. A variance is needed if the Commission determines them to be covered porches. The overhangs should be considered an architectural feature, not covered porches.
- Derrel Ridenour, applicant, stated the project has met all development standards requirements and has been approved on this flag lot. The City Ordinance needs to be interpreted by the Commission.
- John Pryor, design architect, spoke of the project's design and the interior courtyard. The eaves are upswept architectural features, the applicant has worked with neighbors to ensure compatibility in the neighborhood and the structure is within the 50% lot coverage.
- Jacqueline Dallairer, neighbor to the project, approves of the project and stated she was at the meeting when staff previously approved this project.
- Marshall Ochylski reiterated what John Pryor stated and asked Commission for interpretation of covered porches.

Seeing no further comment, Johnson closed the Public Hearing

Johnson asked if the Planning Commission had questions for the applicant.

Woodson asked Staff if the definition of a porch is out of the proposed LCP or from existing code and ordinances?

Ambo responded the applicant is not held to a non-certified zoning ordinance.

Luhr asked Pryor in the contested areas, are there doorways leading from the exterior to the interior?

Pryor responded there are sliding panels to the courtyard, there are no swing doors and the upswept overhang is not considered covered porches.

Diodati wanted to know what does the non-certified LCP say?

Ambo responded it should not have been referenced, and he prefers to not speculate on what it means.

Ambo suggested this project be approved as a variance.

MOTION: Woodson/Luhr 2<sup>nd</sup> to approve the project as a variance.

VOTE: 3-1 Johnson, Woodson and Luhr Yes. Diodati No.

**C. Site Location:** 600 Morro Bay Boulevard, C-1/S.4 zone

**Applicant:** Samuel Gilstrap

**Request:** Tentative tract map for the purpose of creating 19 condominiums with exterior spaces owned in common. This site is located outside the Coastal Commission Appeals Jurisdiction.

**Recommended CEQA Determination:** Mitigated Negative Declaration Adopted 6/13/2005

**Staff Recommendation:** Conditionally approve.

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

Wold presented the Staff Report. Johnson asked if there were questions of staff.

Woodson asked if the recording of the final tract map is required before occupancy is allowed?

Ambo responded tenants can occupy now.

Woodson wants to know about the monies owed to the City from parking-in-lieu fees, affordable housing issues and parking fees?

Wold stated some of the fees have been paid and the applicant has been working with Staff and tentative agreements have been met. Occupancy would not be allowed until final inspection.

Luhr wanted to know why this tentative map expired?

Ambo stated the applicant's let it expire.

Diodati asked about the 10% parking-in-lieu fees and asked Staff if they are confident the City will see payment?

Wold stated payment is spread out over 10 years and Staff feels confident payments will be received.

Johnson asked has Commission already approved this project as condominiums?

Wold responded, yes.

Woodson inquired about the affordable housing at this project.

Ambo responded affordable housing gets recorded and a fee is paid or a unit is reserved and another unit is held until the issue is resolved.

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

Samuel Gilstrap, the applicant, clarified the parking-in-lieu fees will be paid when people move in. The applicant has elected to have two affordable housing units.

Seeing no further comment, Johnson closed the Public Hearing.

Johnson asked if the Planning Commission had questions for the applicant.

Luhr wanted confirmation that the City will be paid.

Diodati was concerned about repetitive writings in the Staff Report.

Wold will correct.

MOTION: Diodati/Luhr 2<sup>nd</sup> to approve the project as presented.

VOTE: 4-0

Johnson made a motion to continue Planning Commission Meeting past 10:00 p.m.

MOTION: Woodson/Diodati 2<sup>nd</sup>

Vote: 4-0

- D. Site Location:** 850 Quintana Road, C-1 zone  
**Applicant:** Bob's Big Boy Restaurant  
**Request:** Conditional Use Permit for Signage Program to include a program of wall and monument signs, and to increase the allowable sign area. This site is located outside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 11, section 15311  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Aileen Nygaard, Associate Planner, 772-6211

Nygaard presented the Staff Report. Johnson asked if there were questions of staff.

Diodati asked if the tree is going to be removed?

Luhr asked does the tree belong to the gas station or the restaurant?

Nygaard replied the tree is on the restaurant's property.

Luhr asked is LED strip lighting considered signage?

Nygaard replied no, not in this instance.

Luhr asked about the yellow architectural element underneath the checkerboard. Is it an awning or stucco projection?

Nygaard replied the applicant can answer that question.

Luhr asked are changeable text signs allowed?

Nygaard stated the code is silent to restaurants and the code applies to movie theatres and motels.

Luhr stated concern about keeping the landscape trimmed.

Diodati asked what was the conclusion in the Staff Report regarding sign two?

Nygaard replied she presented both sides in the report and it is up to the Commission to make a decision.

Woodson asked, where is the tree?

Johnson stated let's open Public Hearing and ask the applicant questions.

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

Luis Rodriquez, representative for the owner stated the tree needs to be trimmed and maintained by the applicant.

Rodriquez stated the checkerboard pattern and the yellow stripe are very important to the applicant's branding and identity.

Seeing no further comment, Johnson closed the Public Hearing.

Johnson asked if the Planning Commission had questions for the applicant.

Diodati asked if continuation of the checkerboard and yellow stripe around the entire building could be done?

Rodriquez replied, yes.

Woodson asked about alternative two and wants the tree trimmed and maintained by applicant.

Luhr was concerned about the size of the sign and restaurants in the area that have signs that are 125 sq.ft. but this one is 500 sq. ft.

Wold replied sign footage is to attract people to the restaurant.

Johnson stated there is a need to encourage business in this town. We need to differentiate between a sit down restaurant and a fast food restaurant. A sit down restaurant qualifies for a larger sign versus a fast food restaurant. Johnson would like a continuation of the checkerboard and yellow stripe around the entire building.

MOTION: Woodson/Johnson 2<sup>nd</sup> to approve the project with the following conditions:

- Wall sign two to have continuation of the checkerboard and yellow stripe around the entire building and to be consistent with the overall design of the perimeter of the building.
- The tree stays and is trimmed and maintained by applicant.

VOTE: 3-1 Johnson, Diodati and Woodson Yes. Luhr No.

XI. OLD BUSINESS

A. Current Planning Processing List

XII. NEW BUSINESS

A. None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 10:35p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, August 3, 2009 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary

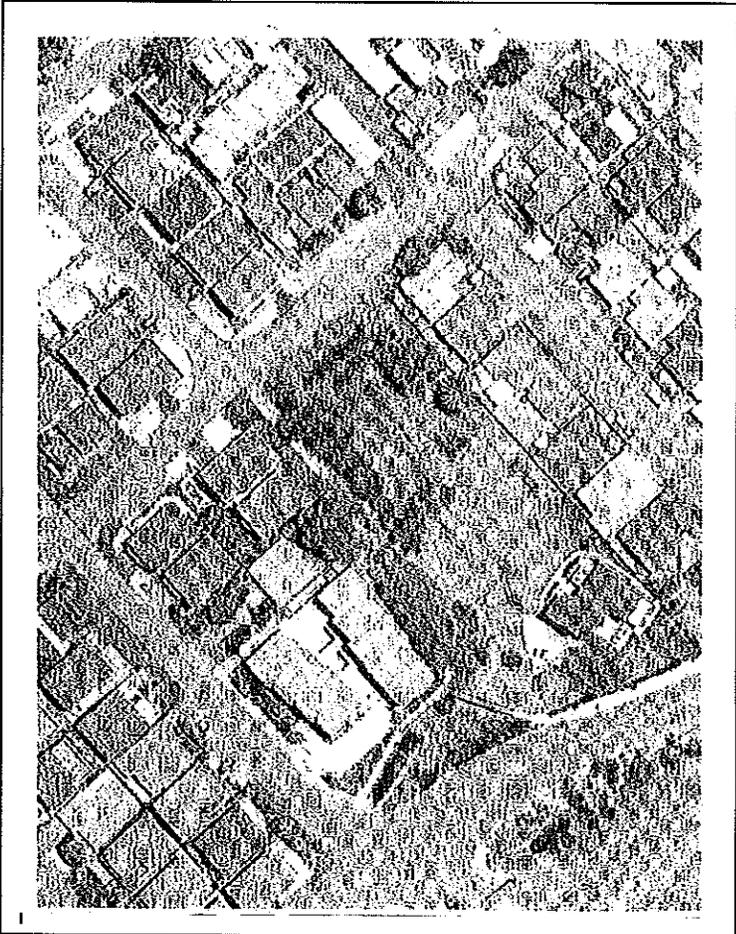
EXHIBIT K

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# Site Photographs



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Date: Unknown



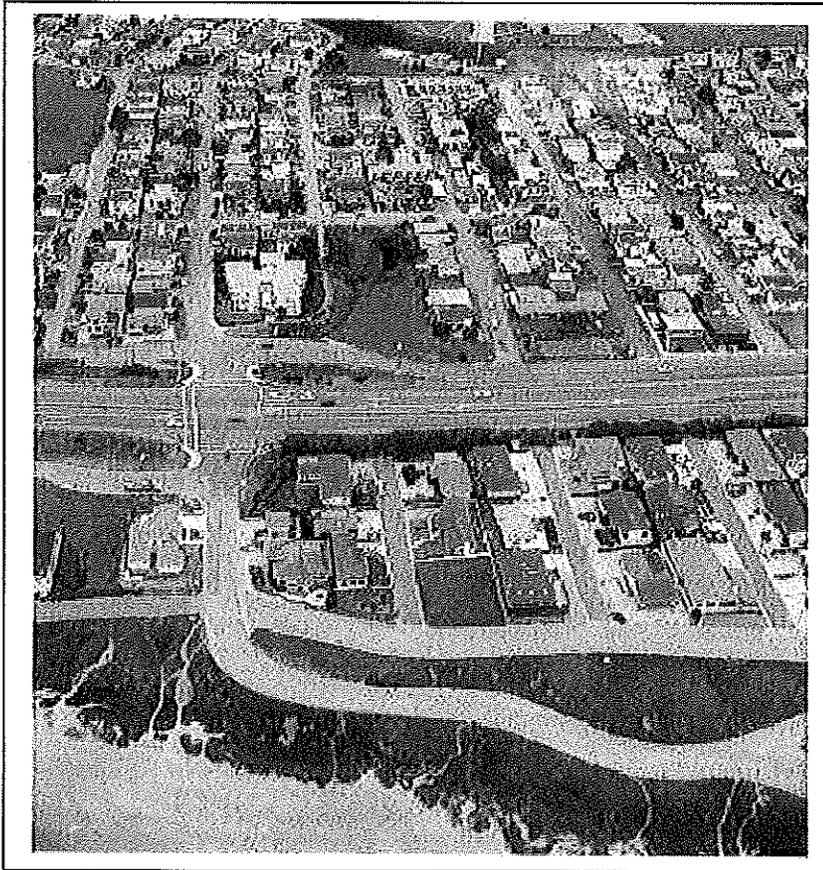
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3/18/94

Date: March 18, 1994

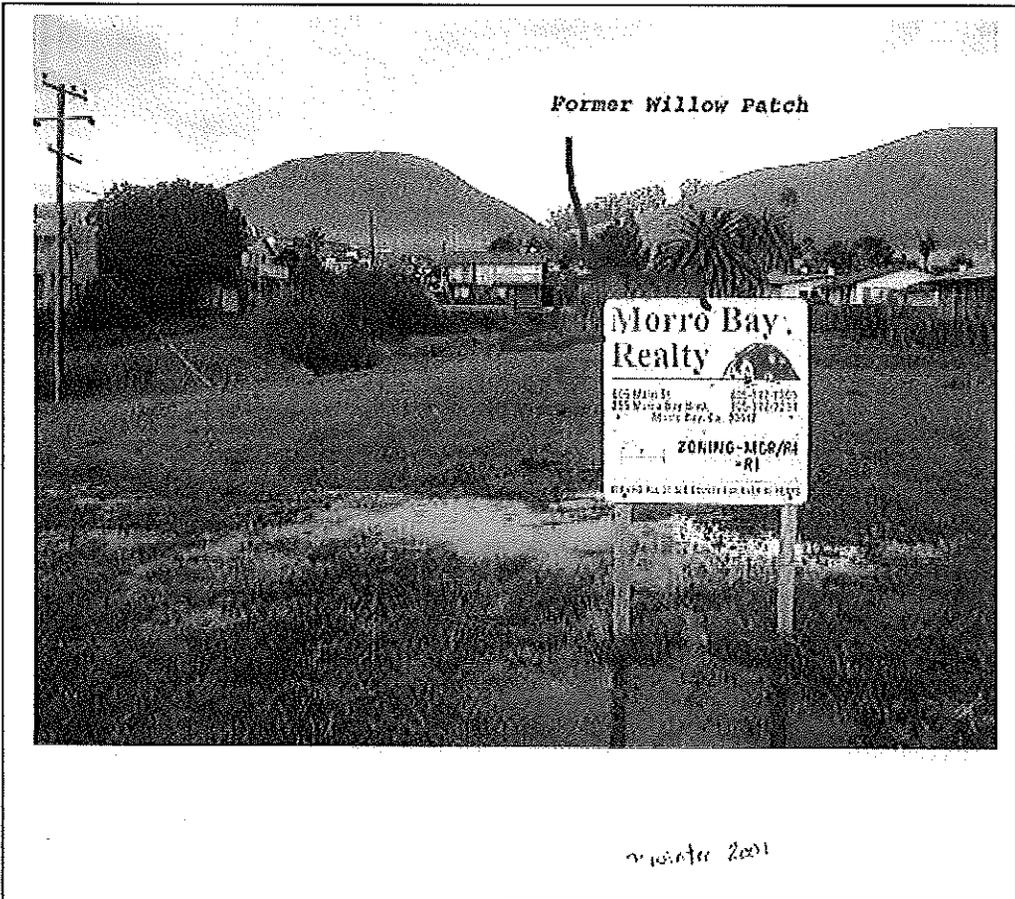


3390 Main - Harbort ①  
3/18/94

Date: March 18, 1994



Date: January 25, 2002

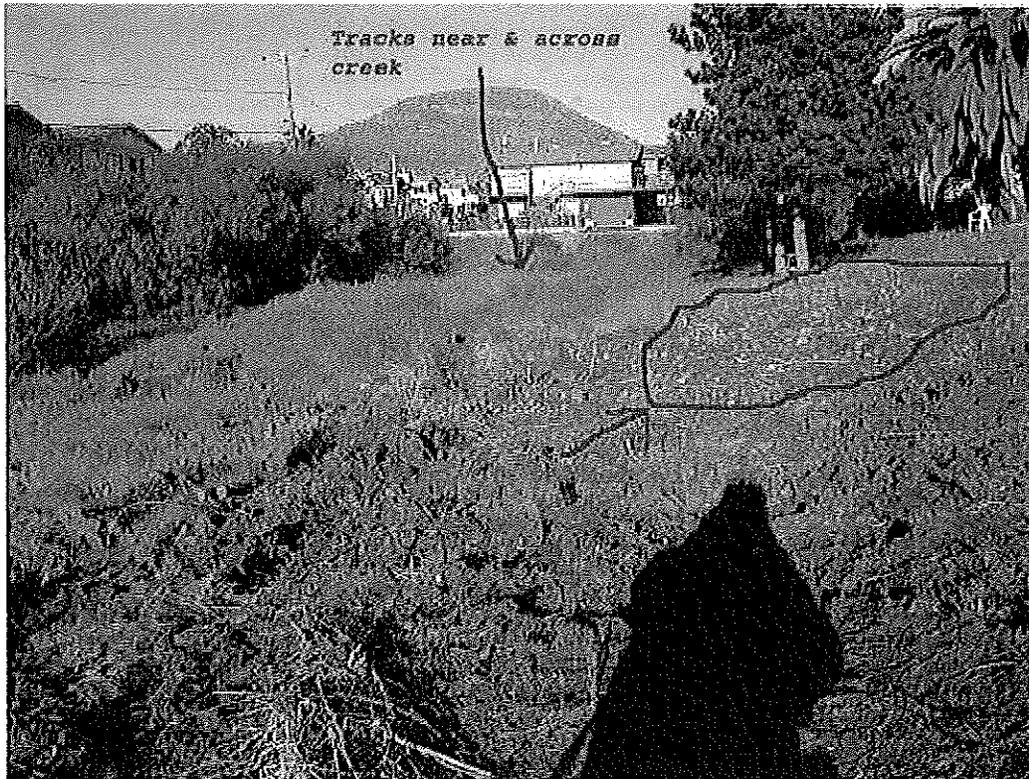


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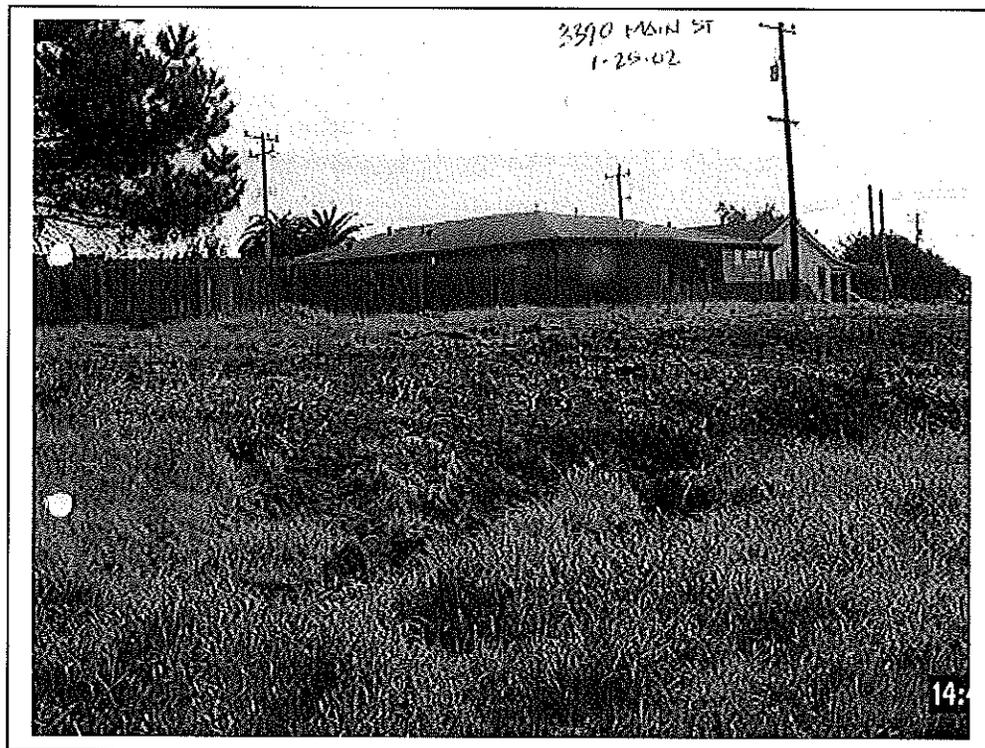
Winter 2001

Date: Winter 2001

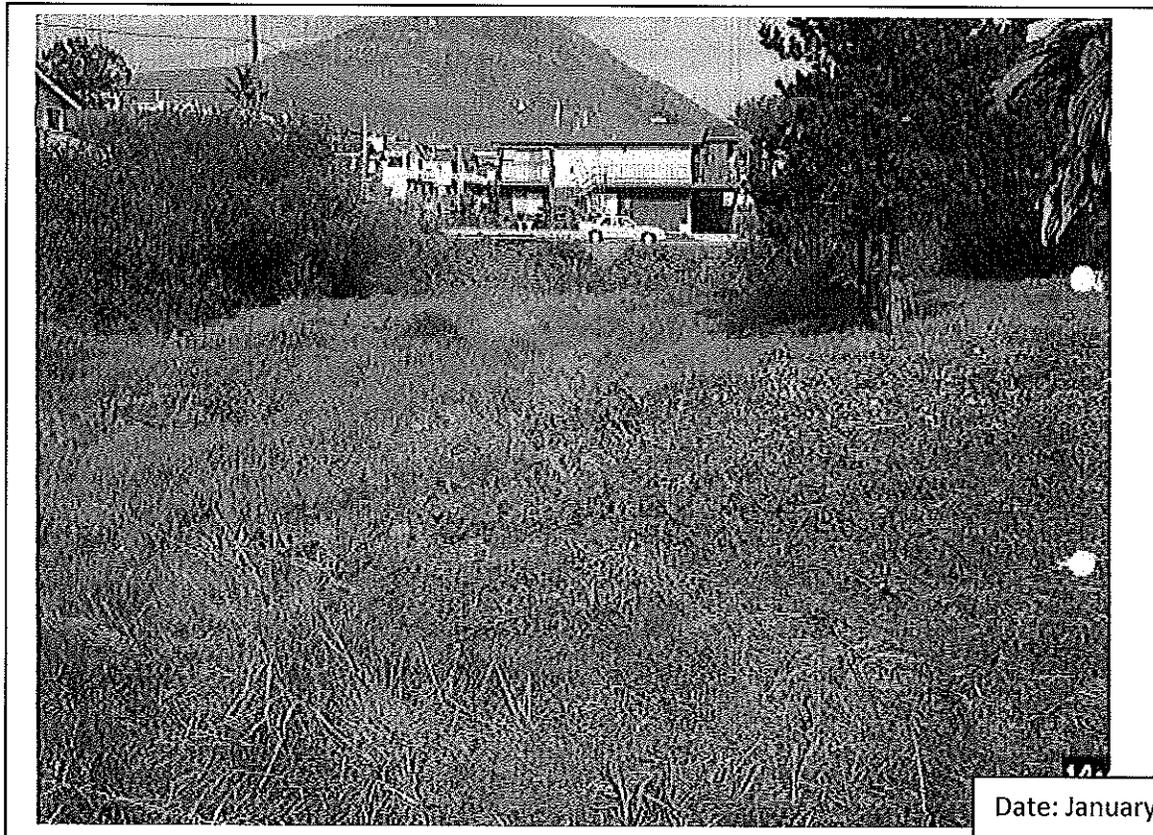


photos taken ~ 1/18/02

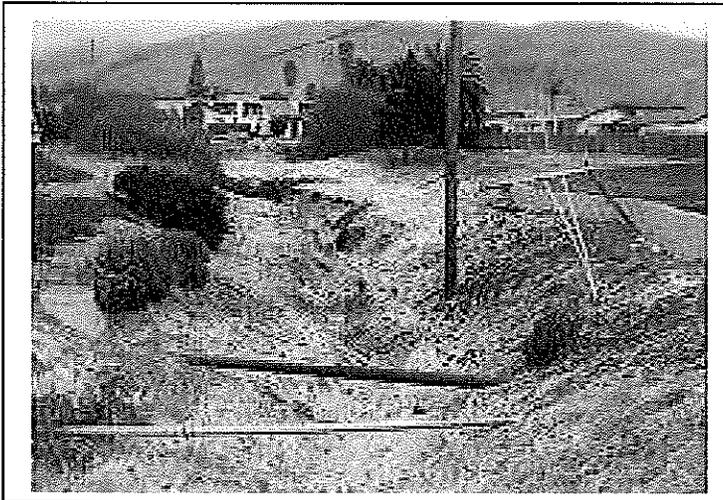
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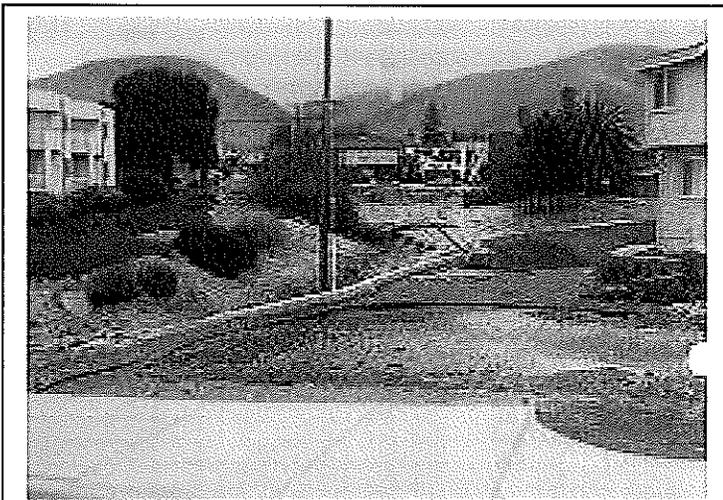
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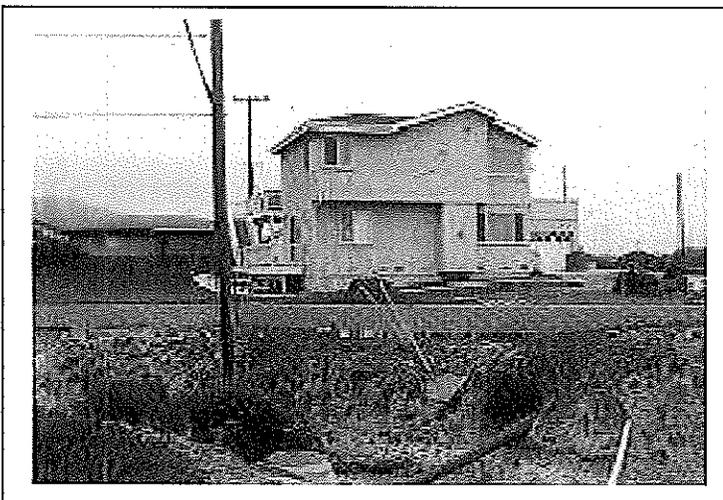
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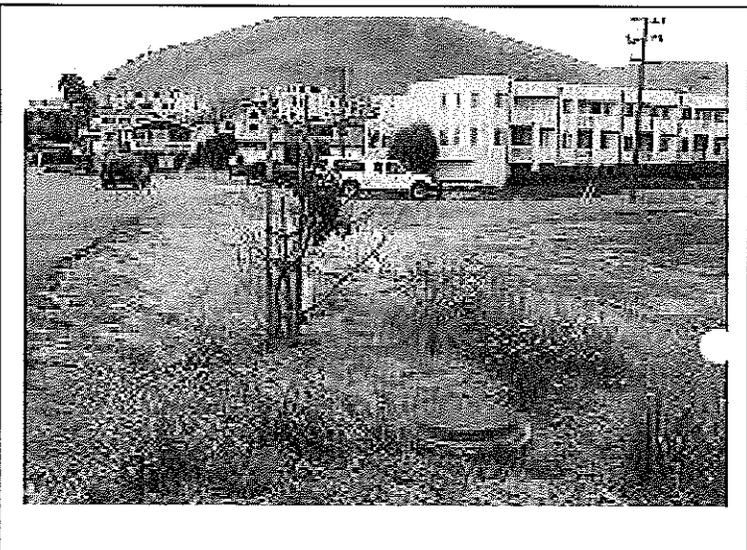
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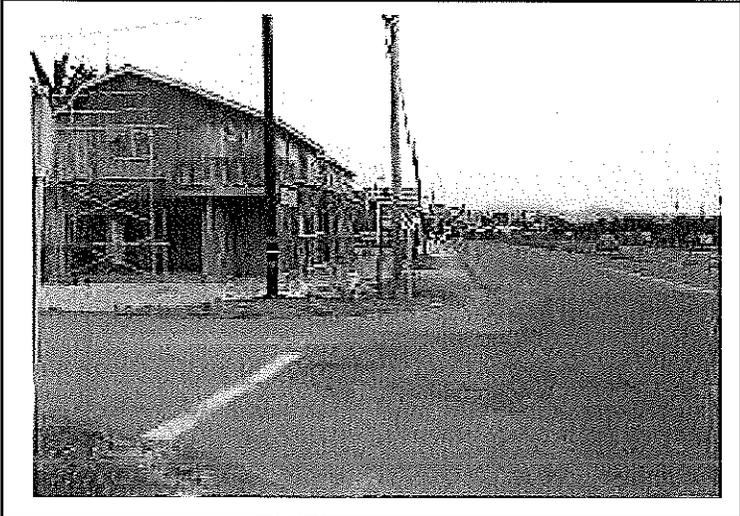
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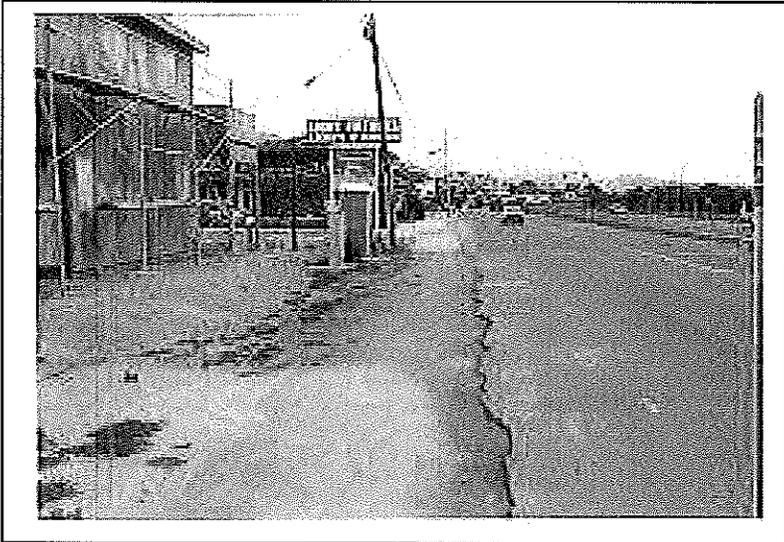
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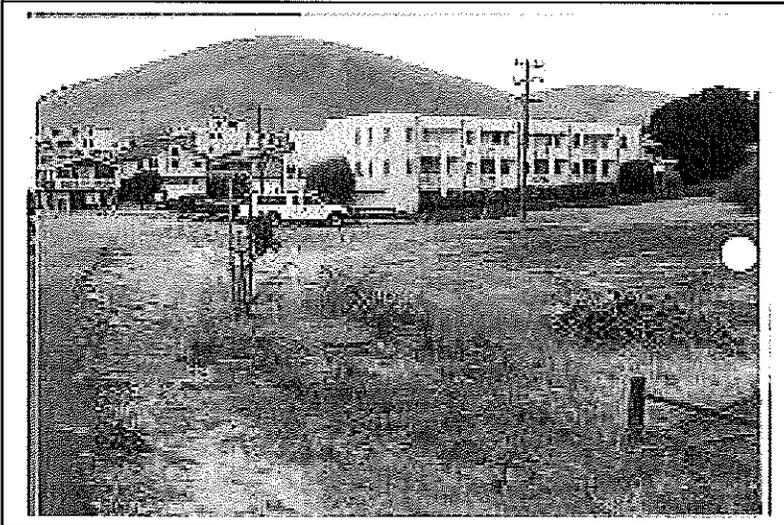
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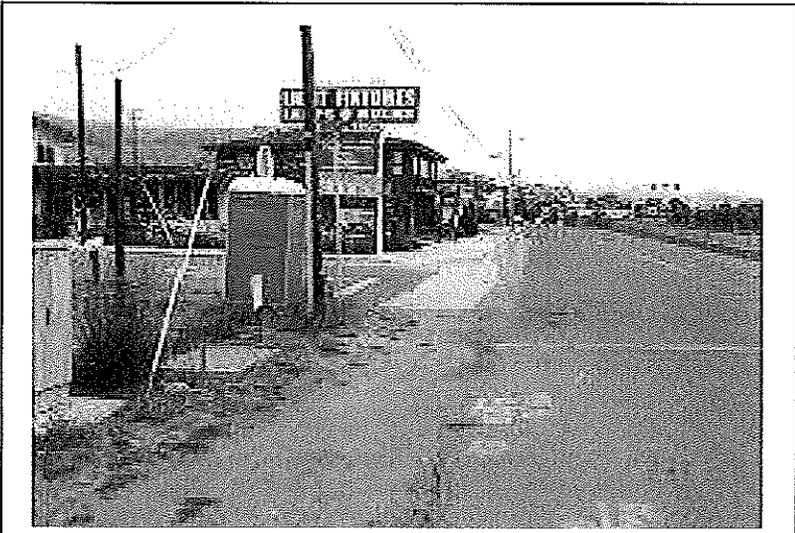
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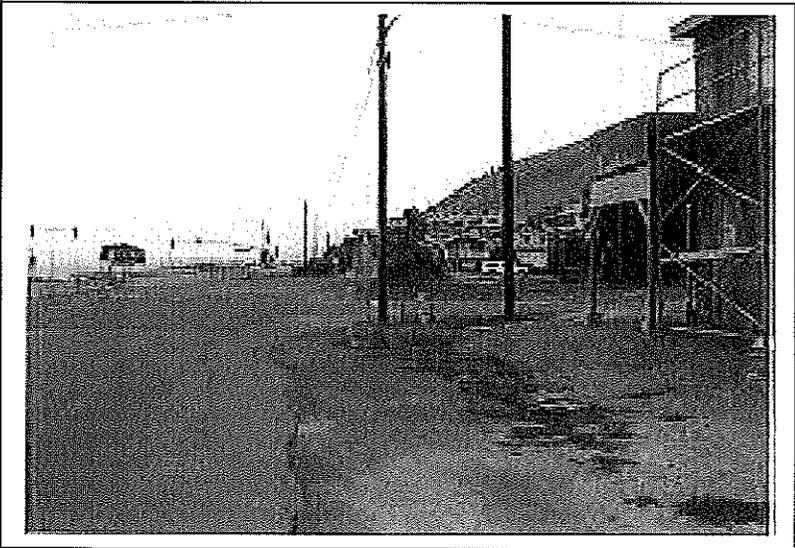
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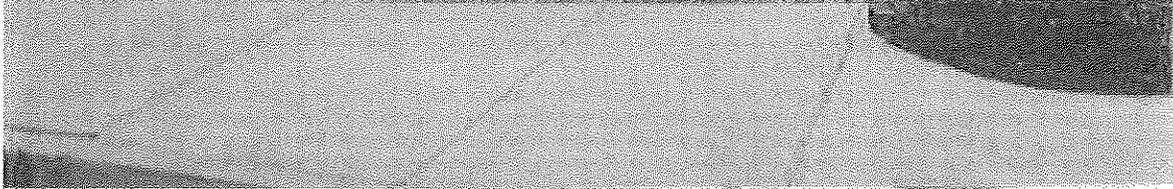
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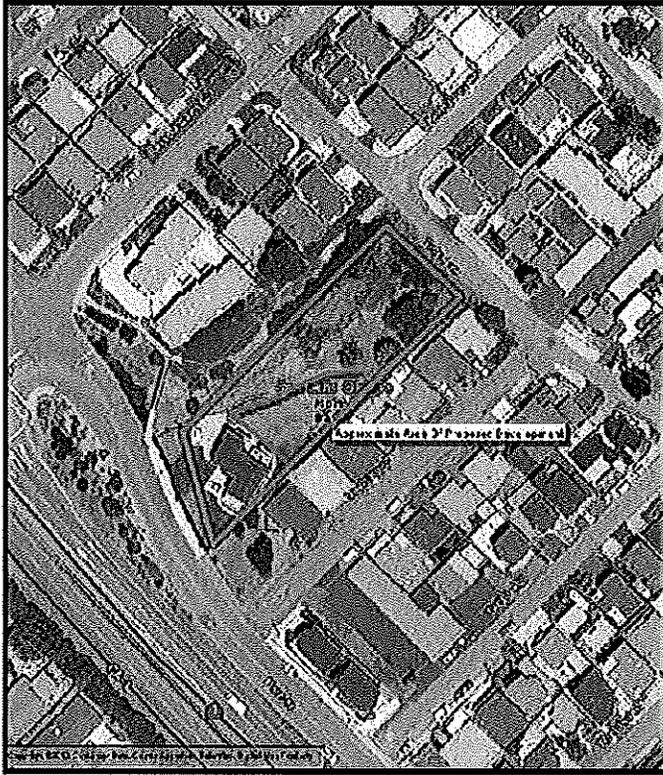
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OCT 2002



Date: October 2002



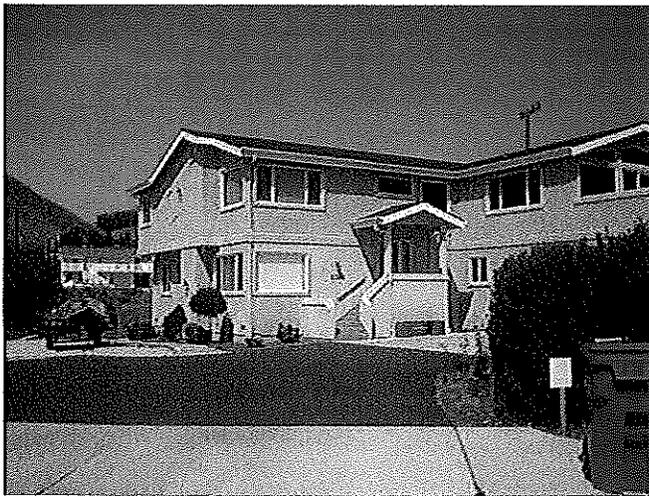
DIGITAL MAP  
BY WEI TEL

**3390 Main Street**  
**Proposed Medina**  
**Development**

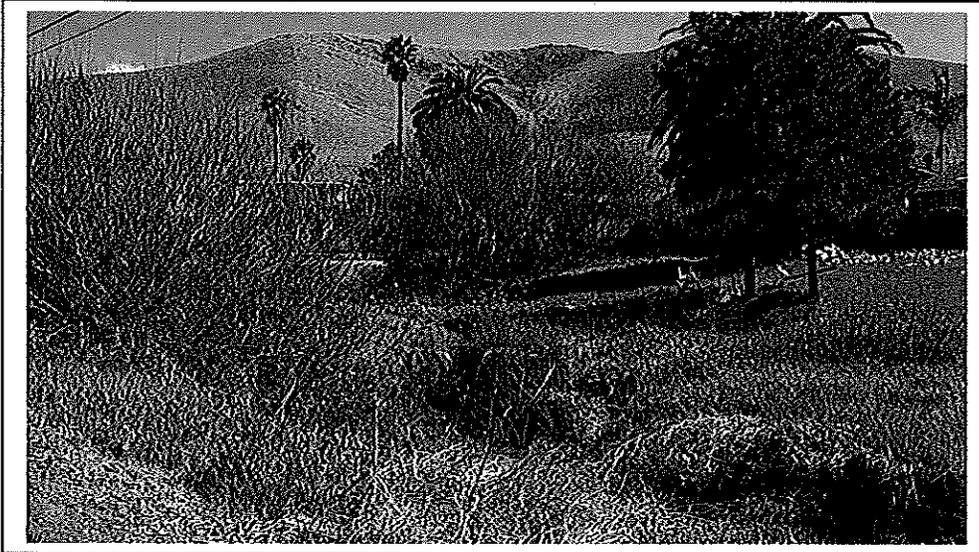


100 ft  
CityGIS

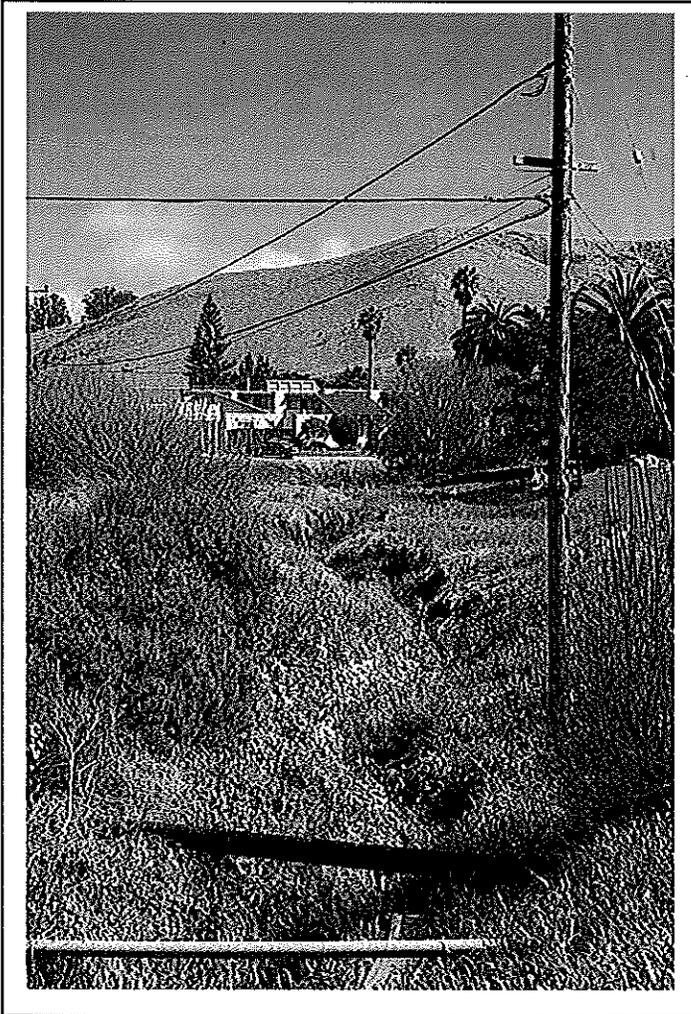
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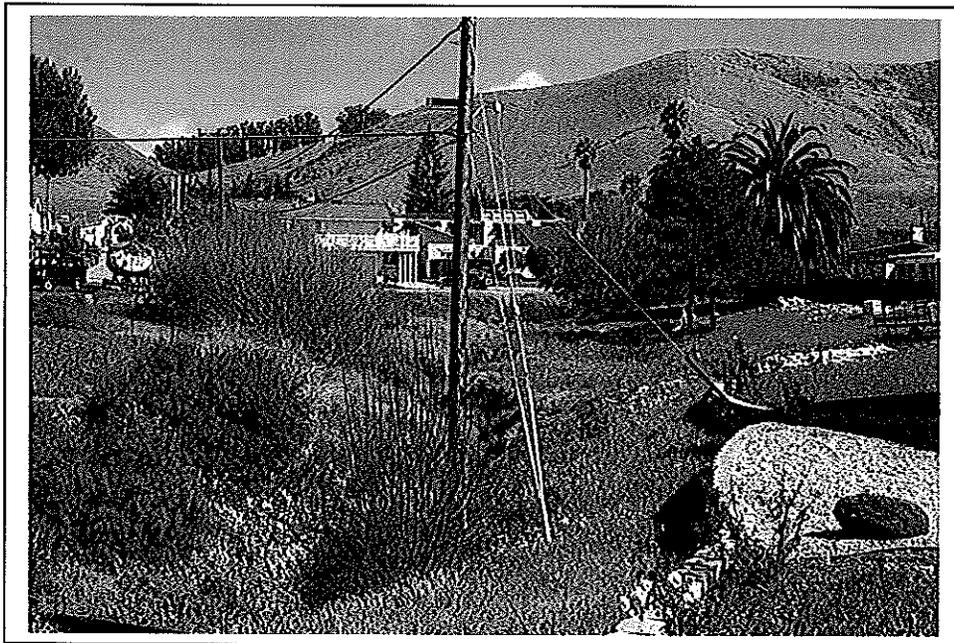
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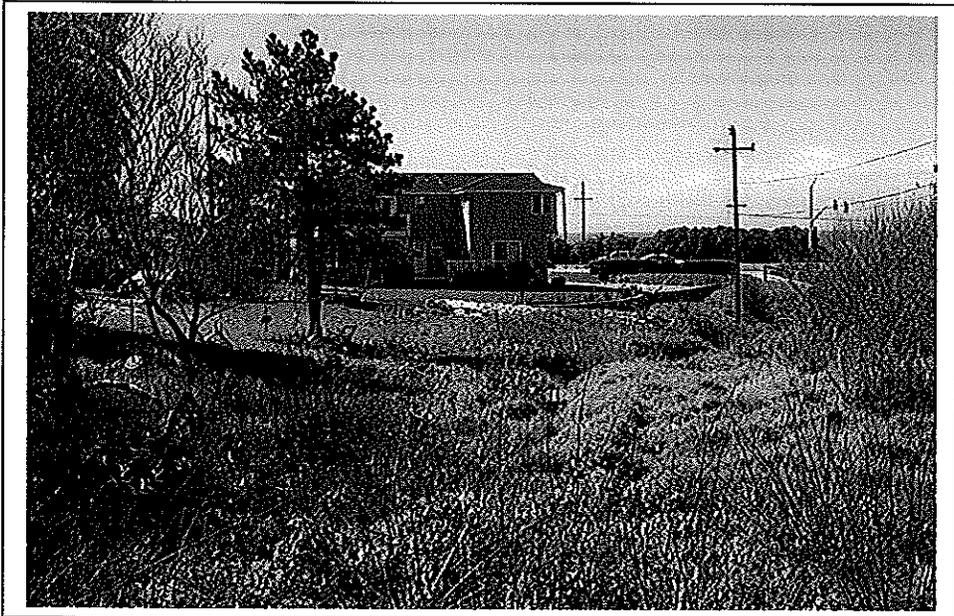
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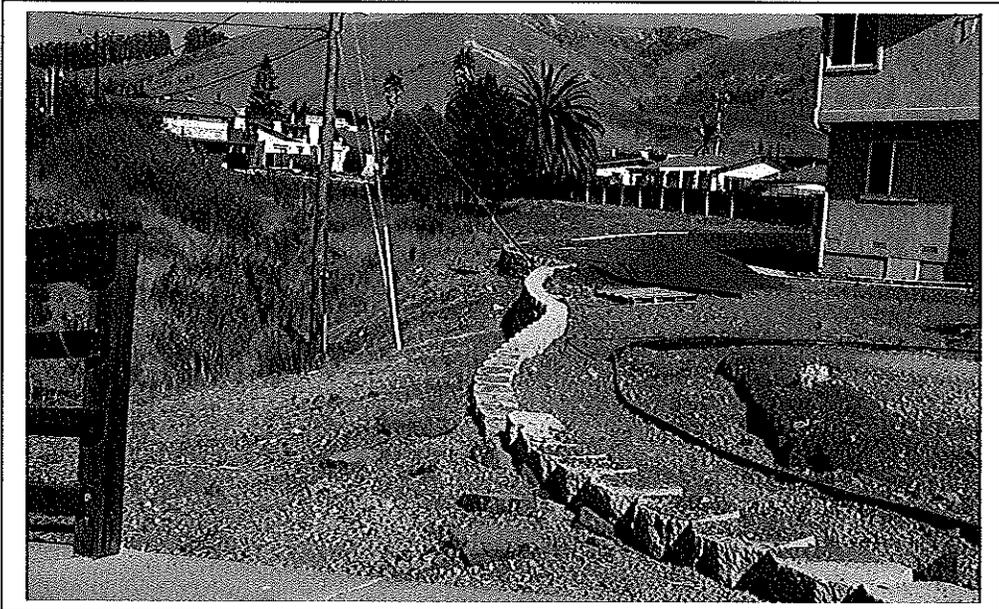
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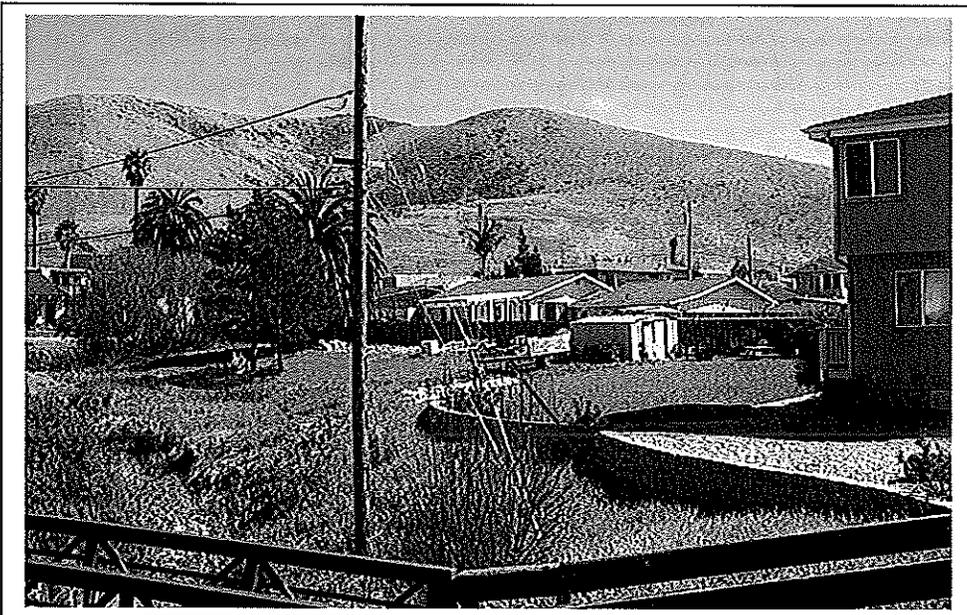
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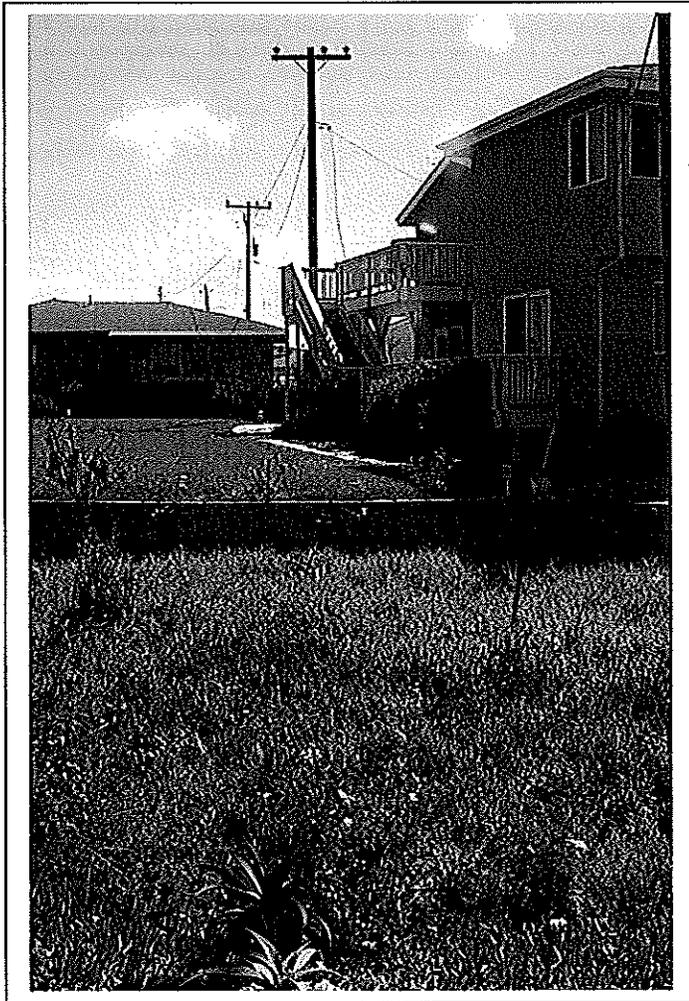
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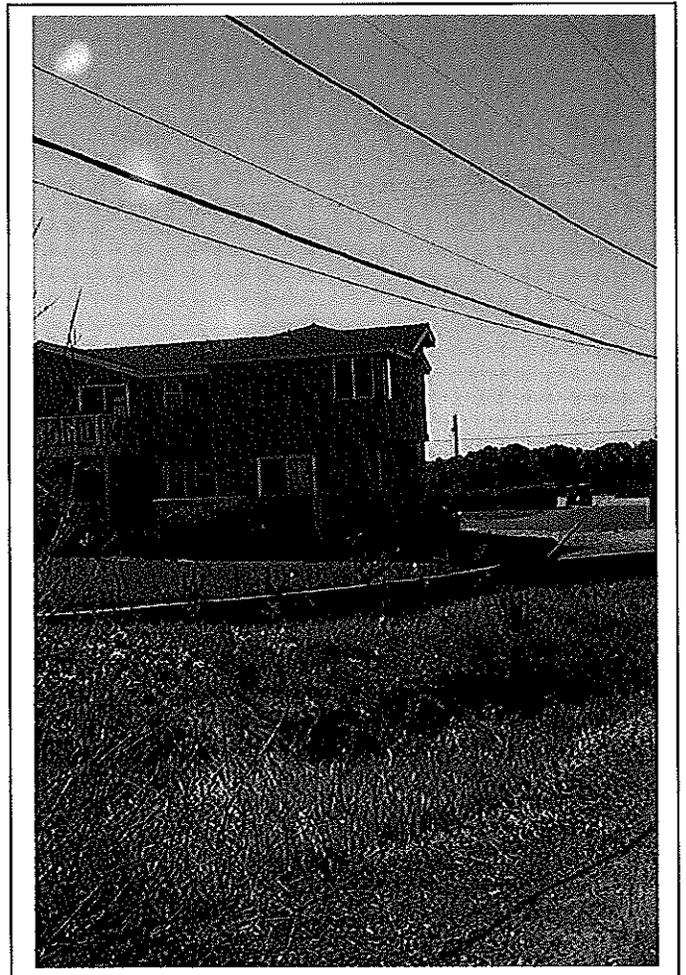
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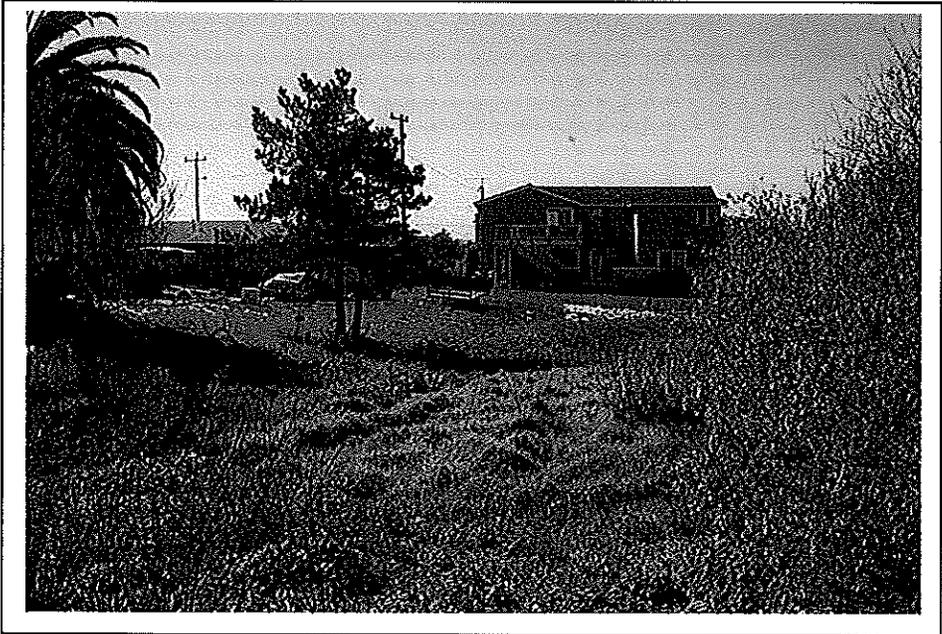
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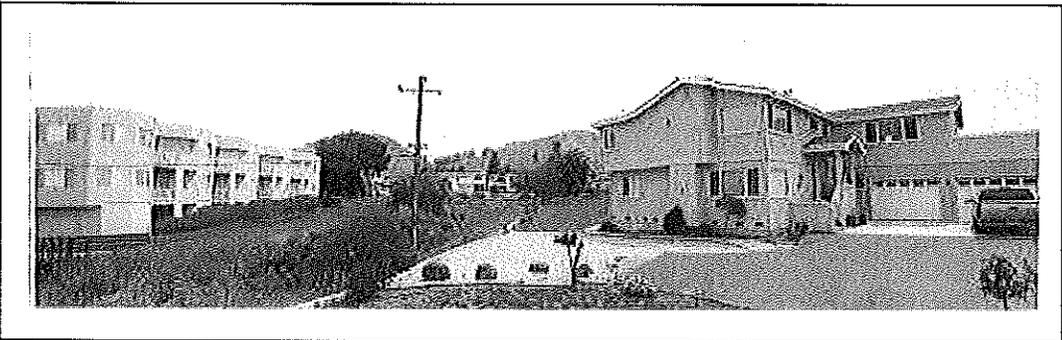
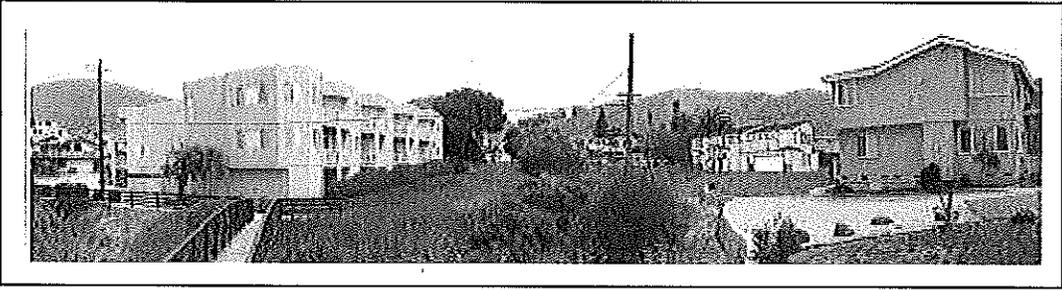
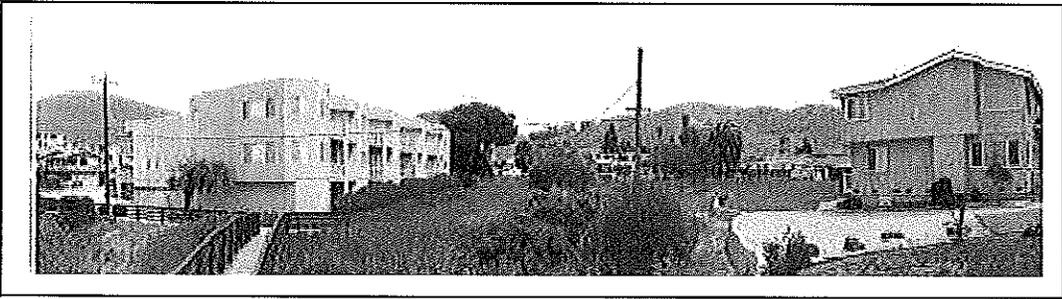
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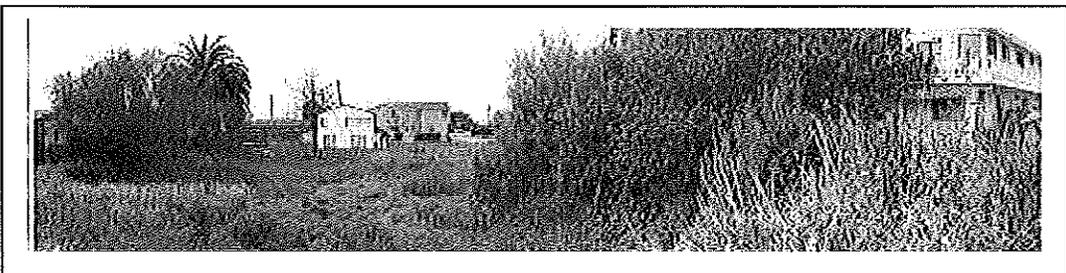
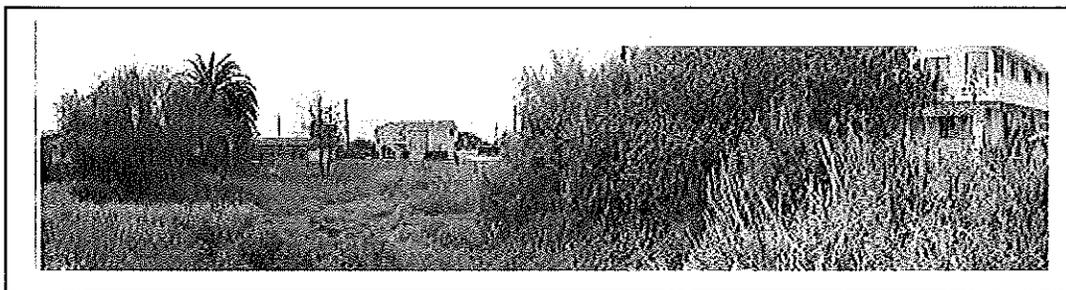
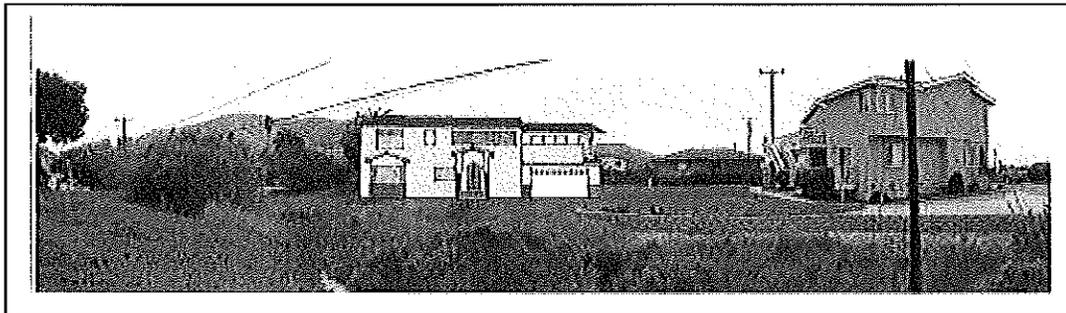
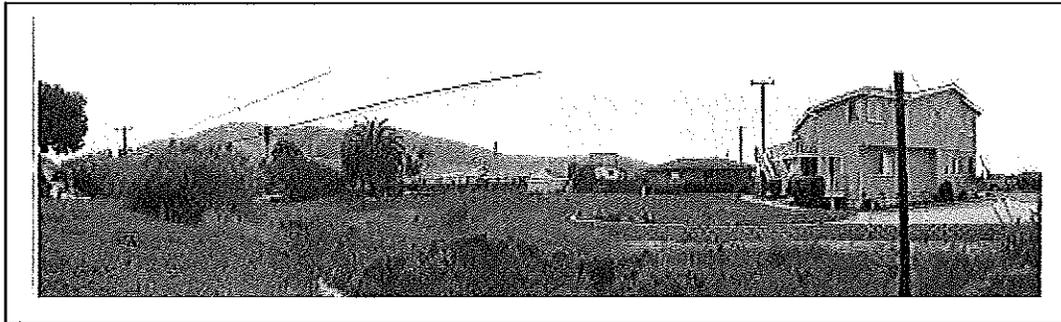
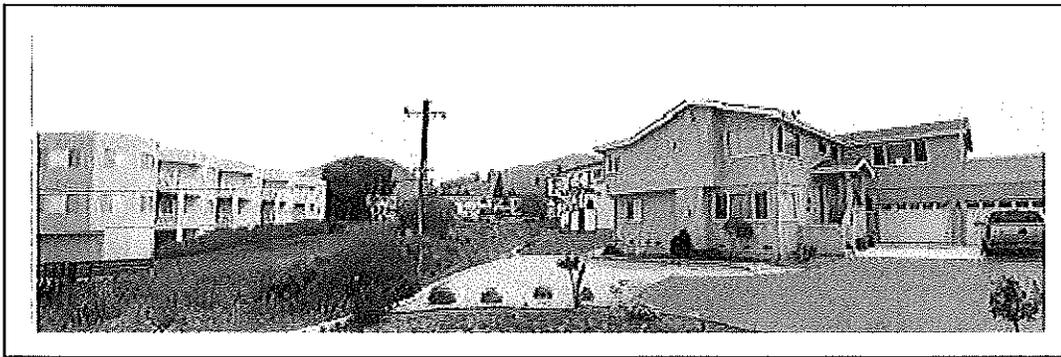
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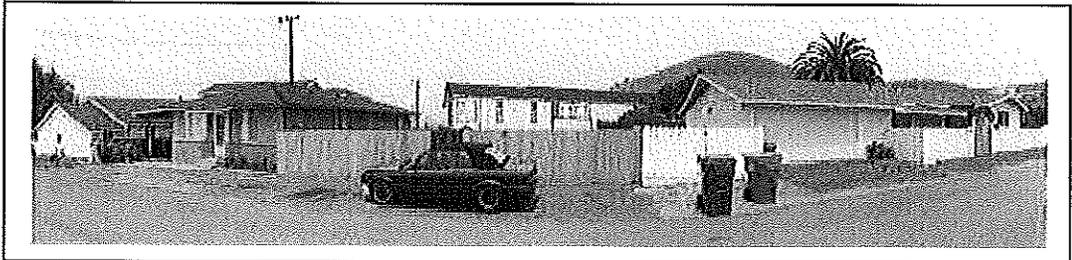
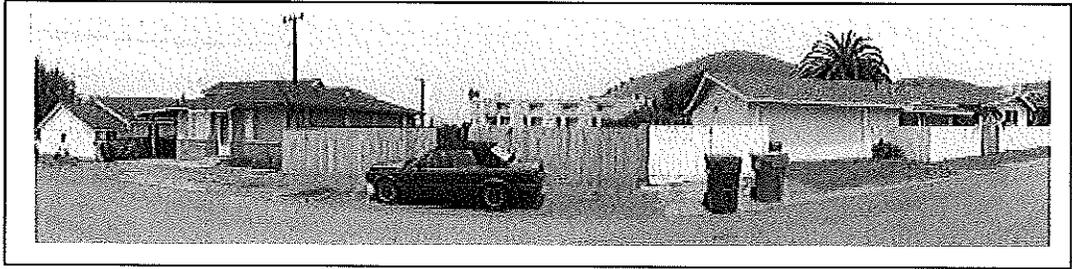
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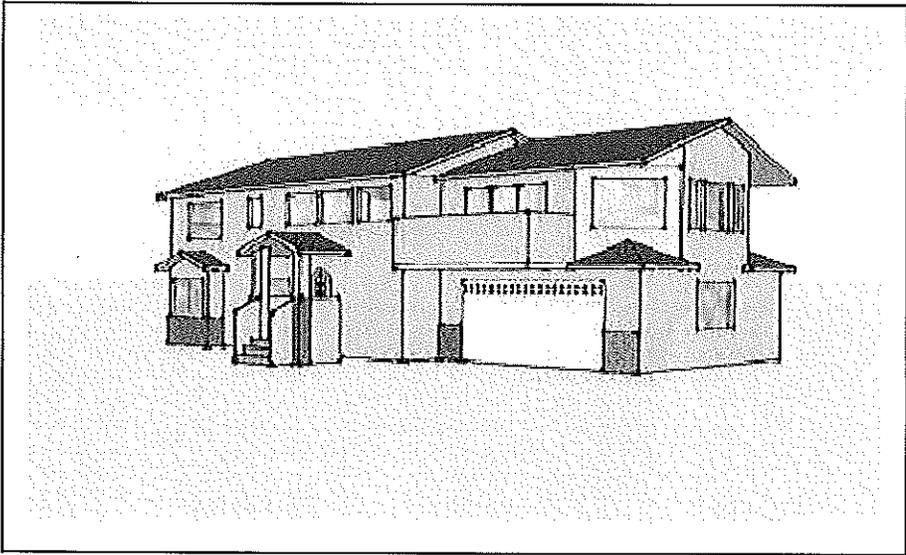
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prior to 100 ft  
City of Tammessee

100 ft  
100 ft

Bob Lutz  
8-06-09

Date: August 6, 2009

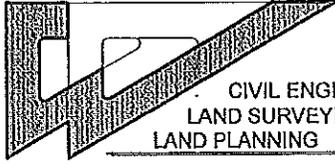
EXHIBIT L

Westland Engineering, Inc.

August 10, 2009

Response to City's Comments

WESTLAND ENGINEERING, INC.



CIVIL ENGINEERING  
LAND SURVEYING  
LAND PLANNING

3480 Higuera Street, Suite 130 ✕ San Luis Obispo, CA 93401  
Telephone: (805) 541-2394 ✕ Fax: (805) 541-2439

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## AUGUST 10, 2009 RESPONSE TO CITY'S COMMENTS FOR TENTATIVE PARCEL MAP MB 07-0274

### ISSUES

1. Low Impact Development (LID) Compliance.
2. Disruption of historical drainage pattern from adjacent (southeasterly) properties.
3. Project Structure Elevation.

### LOW IMPACT DEVELOPMENT

#### ORDINANCE

Reference: Title 14, Chapter 14.48 of the City Code

The referenced City Code requires:

- BMP treatment for all projects with 2500 square feet of impervious surface or more.
- Peak Flow treatment for 28% of a 2-year storm event and volumetric treatment of 1" / 24 hour events.
- No significant increases in downstream flows. Significant being defined as increases in excess of 5%. Roof areas being exempt.
- Erosion control plans are required.

Said ordinance has been amended for this project by the following verbiage from the interim City ordinance:

- Development projects that exceed 500 square feet of new or redeveloped impervious area will be required to provide water quality treatment for the runoff resulting from a two year storm event either through retention (infiltration) or an alternative Water Quality BMP such as biofiltration, mechanical filtration or hydrodynamic separation.
- Additionally, these same development or redevelopment projects that drain to a natural creek, swale or City storm drain either directly or indirectly will be required to provide peak runoff rate control for the runoff resulting from the ten through hundred year rainfall events. For the purposes of stormwater management the pre-construction condition shall be that of native soil and vegetation.
- Drainage analysis, runoff calculations, design and justification of drainage facilities shall be preformed by a Registered Civil Engineer and submitted with the building permit application. The responsible Soils Engineer shall review all proposed infiltration or storage systems for site suitability.

## EXISTING CONDITIONS

See Appendix A which shows the flood elevations as determined by FEMA.

## STORM FLOWS

Three methods were used to determine the flows: The Rational method ( $Q=CIA$ ), Wallace Group's Report, and FEMA. The determination of the flows for the various storms was by interpolation based upon average intensity, where necessary.

## PROJECT

The proposed house and driveway add approximately 2750 square feet of driveway. Approximately 450 square feet of the driveway would be built over the existing gravel driveway for a net increase of 2300± square feet. The house will add approximately 1750 square feet of roof plus the porch and decking. The proposed improvements are shown on an annotated portion of the Tentative Map for the project in Appendix B.

### Creek Flow at Main Street

Interval	Intensity In/Hr	Westland * cfs	Wallace cfs	FEMA (at Tide) cfs	Used cfs
2-Year	0.95	65-75	60**	60**	65
10-Year	1.60	105-130	101	100	100
50-Year	2.30	230-290	175**	240	240
100-Year	2.50	250-315	191	340	315

\*= $CIA=A$  = Coefficient of Run-Off - 40%-50%, times Intensity, times Area - 275 acres

\*\* = Calculated

Estimated flow increases at upstream edge of proposed house. Total Creek Flow  
(The tributary area at the proposed new house is 98.5% of the overall.)

Interval	Flow cfs	Flow Increase cfs	Percent Increase
2-Year	64	0.04	0.06
10-Year	99	0.06	0.06
50-Year	236	0.09	0.04
100-Year	310	0.10	0.03

Increase in flows caused by the project. 2750 square feet of driveway plus 1950 square feet of house, porch, and decking gives 4700 square feet of improvements or 0.11 acres. The run-off coefficient for the existing conditions is 40%. The impervious condition will be 90%. The remainder of the project will be native or landscaping.

Interval	Existing Flow cfs	New Flow cfs	Increase cfs
2-Year	0.06	0.13	0.07
10-Year	0.10	0.23	0.13
50-Year	0.13	0.30	0.17
100-Year	0.14	0.32	0.18

## PROPOSED MITIGATION

See Appendix B. The project has a maximum increase of 0.2 cfs with a maximum flow of 0.3 cfs. The following mitigation is proposed with the preliminary designs:

- Pavers for the driveway to reduce run-off
  - No sheet flow.
  - Flows directed to a bio-swale and then to a detention basin / bio-swale.
- All downspouts directed to either dry wells or the detention basin / bio swale.
- Bio-Swale - Grassy area that pre-treats flows directing flows to the detention basin.
- Detention Basin / Bio-Swale - Treats particulates, partially treats contaminants, and reduces peak flows.
  - County of San Luis Obispo detention method
  - (50-Year developed storm in, 2-Year undeveloped storm out)
  - Developed Coefficient of Run-Off – 90%
  - Undeveloped Coefficient of Run-Off – 40%
  - Area – 0.11 acres
  - Required Storage = 220 cubic feet
  - 2-Year undeveloped outlet flow = 0.06 cfs
  - 220 cubic foot provided in preliminary design. Alternate designs with same storage and treatment capacity could be substituted.
- If the bio-swales treatment are determined to be inadequate to remove particulates and contaminants, outlet flows should be treated with a fossil filter, sand filter, or equivalent BMP.

## HISTORICAL FLOW PATTERN

This office reviewed the following information to determine the historical flow pattern across the site from the southeast:

- Existing contours.
- Contours from an undocumented topographic survey taken prior to improvements being placed.
- Improvement Plans for Main Street.
- Photographs from 2001 for the area along Main Street taken by this office.
- A site visit on August 6, 2009.

This office did not take elevations on the property prior to the existing house being built. A grading plan for the site by another consultant was found. This plan shows elevations and contours that existed prior to grading. Spot elevations on this plan were compared elevations taken by this office to verify accuracy. The undocumented contours on the older plan, when compared to the current contours, indicate that fill was placed along the slope of the creek bank between the existing house and the constructed wall and that the elevation on the southeasterly portion of the lot remained unchanged.

The plans for Main Street indicate that some filling has occurred along Main Street as a part of the curb, gutter, sidewalk installation. Cross Sections with the plans show a low area near the manhole adjacent to Main Street with flow towards the Creek. The area adjacent to the Creek is higher than the flow line and apparently caused ponding.

Field locations taken by this office prior to the street improvements show the low area and the higher elevation near the Creek. Most of the low area was within the Public right-of-way.

Comparisons of photographs taken in 2001 and the recent site visit indicate that a lawn area between the sidewalk and the house has been filled to about the level of the sidewalk. The filled area drains across the constructed driveway in a flat swale.

**CONCLUSIONS:** Based upon the available information, there appears to have been a low area near the street at the westerly corner of the neighboring property that filled during storms and then overtopped a low bank near the Creek. Larger flows would have emptied to the Creek along this path. This low area appears to have been partially filled with the street improvements and the lawn area. The lawn area and street improvements appear to drain without issue. The street improvements have raised the flow path to the Creek. The flow path is open through the lawn area and across the paved driveway. There is an alternate flow path southerly.

### **PROJECT STRUCTURE ELEVATION**

The 100-Year storm elevation noted on the FIRM at the upstream edge of the proposed house is 51+. The proposed finished floor elevation is 52.5, or 1' above the 100-Year flood elevation. From the preliminary plans for the house provided by the applicant, we find that the house will have a finished floor to roof peak difference of 22.5'. Therefore, the roof peak elevation should be 75.0.

# APPENDIX A

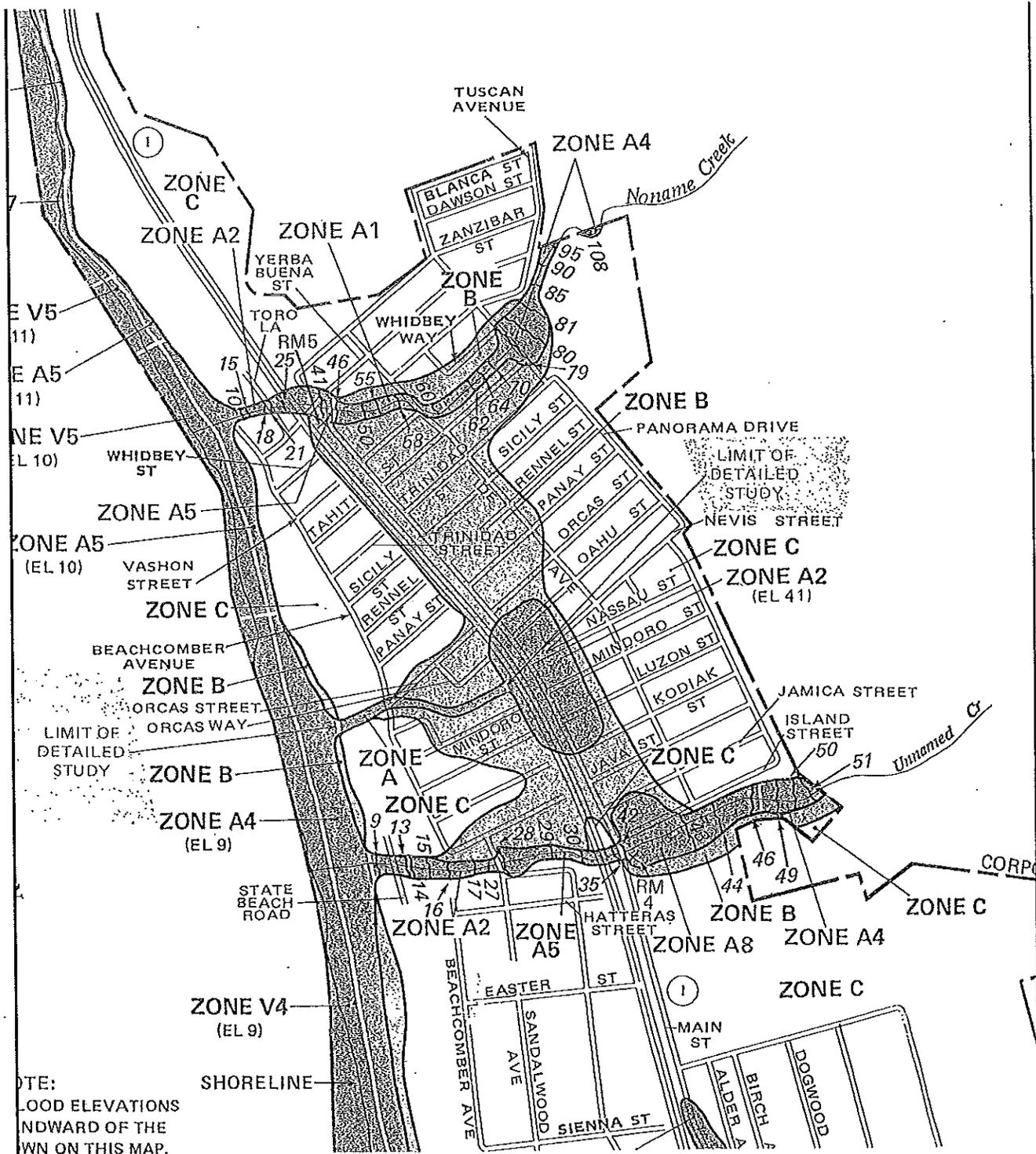


EXHIBIT M

OCTOBER 21, 2009

DEPARTMENT OF FISH AND

GAME LETTER



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4593  
<http://www.dfg.ca.gov>

ARNOLD S. /ARZENEGGER, Governor  
DONALD KOCH, Director



RECEIVED

OCT 26 2009

City of Morro Bay  
Public Services Department

October 21, 2009

John Medina  
3390 North Main Street  
Morro Bay, California 93442

**Re: Extension to stackable brick wall and proposed home site at 3390 North Main Street, Morro Bay, San Luis Obispo County**

Dear Mr. Medina:

This is in response to your request for information regarding the above-referenced Project. Your Project consists of extending an existing stackable block wall and building a home on the lot behind the existing residence at 3390 North Main Street, which is located near an ephemeral creek channel that drains storm water runoff to the Pacific Ocean, in the City of Morro Bay. The Department of Fish and Game (Department) issued two (2) previous letters to you regarding the construction of the wall extension, wherein the determination was stated that the proposed Project would not affect fish and wildlife resources; and in addition was not subject to Section 1600 et seq., of the Fish and Game Code, per the request of the City of Morro Bay. We understand that the City of Morro Bay has again requested a letter from the Department regarding this Project, which now includes the home site. The Department appreciates this opportunity to assist you in this matter.

Mr. Mike Hill, Environmental Scientist, Department of Fish and Game, visited the Project site on September 29, 2009, reviewed the site-specific plans (dated July 15, 2009) prepared by Dana Belmonte and then met with you and your son to evaluate the proposed Project site to determine if the extended wall or home pad would adversely affect the ephemeral stream or other Environmentally Sensitive Habitat (ESH). On October 8, 2009, Mr. Hill discussed your Project with Ms. Kathy Wold, planner for the City of Morro Bay, who stated that the City requires construction to occur a minimum of 50 feet from any ESH unless a waiver is obtained from the Department of Fish and Game.

The proposed wall extension and construction of the home would both occur within the 50-foot setback from the ESH, which in this case consists of a seasonal stream and riparian habitat on your property. However, the proposed wall extension would

John Medina  
October 21, 2009  
Page Two

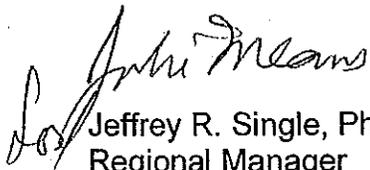
be south of, and several feet from, the stream bank and the ESH. The proposed home site would be farther south and away from the ESH. Based on Mr. Hill's site visit, the Department has determined that construction of the wall extension and home would not adversely affect the ESH; and therefore, the Department does not object to construction of the proposed wall extension and home within 50 feet of the ESH. In addition, the location of the home construction site, retaining wall extension, and associated fill, as determined by the Department, is non-jurisdictional, pursuant to Section 1600 of the Fish and Game Code. Therefore a Stream Alteration Notification does not need to be submitted for the Project.

To ensure that no inadvertent impacts to the ESH occur during construction, the Department recommends that the boundaries of the wall and home site be clearly marked prior to any construction activities, and that silt fencing or similar sediment control measures be placed between the wall extension and the stream channel to prevent soil or other material from entering the ESH. Any such device be removed upon completion of construction, and all cut or fill material not used for backfill should be disposed of at an appropriate off-site location where it cannot enter the ESH or other "Waters of the State".

Based on the Department's review of the site specific plans and other information you submitted, consultation with you regarding the scope of proposed work, consultation with staff of the City of Morro Bay, the site visit conducted by staff, and our knowledge of the Project site, we have determined that there is no existing fish or wildlife resource that will be substantially adversely affected by your Project, if it is constructed in the manner described.

Please be aware that you are responsible for compliance with all applicable local, State, and Federal laws in completing this Project. Thank you again for the opportunity to assist you. If you have any questions regarding this matter, please contact Mr. Mike Hill, Environmental Scientist, at (805) 489-7355.

Sincerely,



Jeffrey R. Single, Ph.D.  
Regional Manager

cc: Kathy Wold  
City of Morro Bay  
955 Shasta Ave  
Morro Bay, California 93442

EXHIBIT N

**BIOLOGIST'S ADDENDUM TO  
REPORT**

RECEIVED

NOV 30 2009

City of Morro Bay  
Public Services Department

Mike McGovern  
2060 Varian Circle  
Arroyo Grande, CA 93420  
441-7208

November 18, 2009

Kathleen Wold  
Associate Planner City of Morro Bay  
955 Shasta Ave.  
Morro Bay, CA 93442

Dear Kathleen Wold,

The purpose of this addendum letter is to clarify a misconception of the ESA delineation in my report of May 3, 2008 for Mr. John Medina of 3390 North Main Street, Morro Bay, CA. In that report it is suggested that a precise delineation of an ESA be established on the property of Mr. Medina. It was proposed that the line be established along the existing brick wall. This was recommended because it was assumed that the delineation would incorporate the ESA and the necessary setback. I also offer a suggestion for the boundary of the ESA. I, in addition, want to establish that the term ESA is equal to ESHA and ESH. All three designations have been used in discussing the property of Mr. Medina. I prefer to use the term ESA (Environmentally Sensitive Area).

It appears that the ESA in question on the property of Mr. Medina may have been established in 1987 or before. A review of the zoning map for the City of Morro Bay: Index Map Post-LCP Certification Permit and Appeal Jurisdiction for the City of Morro Bay indicates that an ESA was established to incorporate a significant portion of the drainage that passes through Mr. Medina's property and beyond. The ESA is shown on the map to commence at the drainage's mouth near the ocean and continue toward the genesis of the drainage with the exception of where it passes under California State Highway 1. There are no coordinates to precisely establish the ESA however. Subsequently, it appears that the ESA designation was ignored and a significant portion of the ESA was encroached upon by development. The drainage channel received a culvert and covered and homes were built over it. The only remaining portion of the ESA without development is on Mr. Medina's property. In essence, the ESA has disappeared with the exception of the portion on Mr. Medina's property.

An ESA is defined by the California Coastal Act as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. It appears that the once existent ESA has succumbed to human activities and development. I have visited the property in question on two occasions and it is my opinion that this remnant of a once larger ESA has also succumbed to human activities. The area in question exhibits no plant or animal life that is rare, threatened, endangered or has zoological species listed as species of concern or botanical species listed by the California Native Plant Society as in jeopardy. There are no species of any kind with special consideration and there is no habitat that is considered valuable, rare, or threatened. On the contrary, the property in question is significantly disturbed. The botanical component on the property consists of primarily exotic vegetation with some being highly invasive. Only seven native species exist. Of those that do they are represented by one or a few members except for the willows. Dr. Jeffrey R. Single, Ph. D. and Mr. William Loudermilk of the California

Department of Fish and Game have determined that there is no existing fish or wildlife resource that will be substantially adversely affected by the project. I agree with their conclusion.

During my investigation I reviewed photos from 1982 and from 2002. The photos from 2002 do not support that the area had vegetation that was more conducive to wildlife. Those photographs suggested that the property has experienced extreme disturbance. The photographs from 1982 were aerial photographs and were more difficult to interpret but it appeared from them that taller vegetation existed in the eastern half of the property in question. The vegetation was most likely willows. Willows can be an important component of the environment in providing shelter and foraging areas for some avian species. It may be that before the development of the ESA willows extended farther up the drainage and thus provided more extensive habitat. It is the case, presently, that this type of habitat is limited to the eastern portion of Mr. Medina's property. In its present, and possibly diminished area, it offers poor habitat for nesting birds due to the adjacent development, the trafficked roadways and footpaths, and general persistent human disturbance.

The establishment of an ESA in former times failed to delineate the precise location of it. This may be a reason why it was ignored by former development. Presently, in the situation at hand, it is necessary to more accurately place the boundaries for the ESA. I must, again, take this opportunity to say that it is to my dismay as to why this area was designated as an ESA because it is biologically uninteresting. Perhaps in former times when the ESA was intact it may have offered a different picture. The most significant aspect of the vacant space on Mr. Medina's property is the drainage from where it emerges from the culvert on the eastern portion of his property until it again submerges into another culvert near Highway 1. It seems that it may be most prudent to incorporate this drainage within the ESA boundary. It is suggested that the ESA follow the creek using the two-year high water mark as its delineation. This was chosen because the two-year high water mark is commonly accepted. In keeping with such practice Mr. Terence Orton of Westland Engineering, San Luis Obispo, CA has included this boundary on his Vesting Tentative Map for MB 07-0274. It is sometimes useful to define such as the Top-of-Bank but this demarcation was illusive. It is also suggested that the eastern portion of the property be designated as open space to enhance the opportunity for the repatriation of willows. City Code asks that a 50-foot buffer zone be utilized from the established ESA boundary. It also states that it is permissible to reduce the buffer zone up to half of the fifty feet. It is my opinion that if this reduced buffer is offered that it will have no additional impact to the biology on the property as the fifty-foot buffer would. I believe this because of the highly disturbed nature of the entire property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike McGovern', with a long horizontal line extending to the right.

Mike McGovern Ph. D.

EXHIBIT O

Correspondence

From

Bill Kirchner, PWS

Chief NWI Branch

U.S. Fish and Wildlife Services

**From:** <Bill\_Kirchner@fws.gov>  
**To:** "Rob Livick" <RLivick@morro-bay.ca.us>  
**CC:** "Andrea Lueker" <ALueker@morro-bay.ca.us>, <Bruce.A.Henderson@usace.army...>  
**Date:** 6/21/2010 11:24 AM  
**Subject:** Re: 3390 North Main Street

Rob,

I was contacted by Mr. Medina who asked me to revise the wording in my statement. Below is the revised statement.

"There are no wetlands on the property based on the information provide by the applicant and the site assessment findings of the California Department of Game and Fish."

Bill

William Kirchner, PWS  
Chief NWI Branch  
911 NE 11th Ave  
Portland OR 97232  
503 231-2070

Bill  
Kirchner/RO/R1/FW  
S/DOI  
06/16/2010 04:18 PM  
"Rob Livick"  
<RLivick@morro-bay.ca.us>  
cc  
"Andrea Lueker"  
<ALueker@morro-bay.ca.us>,  
Bruce.A.Henderson@usace.army.mil,  
Johnnie.Medina@gmail.com, "Kathleen  
Wold" <KWold@morro-bay.ca.us>,  
novakconsulting@charter.net, "Rob  
Schultz" <RSchultz@morro-bay.ca.us>  
Subject  
Re: 3390 North Main Street

Rob et al:

Please except my apologies for the previous response being lost in the transmission. Below are the comments I wanted to convey to the group.

Please let me know if you have questions.

There are no wetlands on the property based on the information provided. There is an ephemeral channel as referenced by the CA Department of Game and Fish and pictured in the site assessment.

The National Wetland Inventory data should not be used to establish local, state or federal regulatory jurisdiction.

My understanding of ESH is that an area has this designation if plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem. The two letters from the CA Department of Game and Fish clearly indicate that there are no fish and wildlife resources that would be impacted by the development. In my opinion, the CA Department of Game and Fish would be the definitive source to determine if ESH habitat is on site or not based on a biological assessment.

I have no comment on the application of the local ordinance rules.

William Kirchner, PWS  
Chief NWI Branch  
911 NE 11th Ave  
Portland OR 97232  
503 231-2070

**From:** <Bill\_Kirchner@fws.gov>  
**To:** "Rob Livick" <RLivick@morro-bay.ca.us>  
**CC:** "Andrea Lueker" <ALueker@morro-bay.ca.us>, <Bruce.A.Henderson@usace.army...>  
**Date:** 6/16/2010 4:18 PM  
**Subject:** Re: 3390 North Main Street

Rob et al:

Please except my apologies for the previous response being lost in the transmission. Below are the comments I wanted to convey to the group. Please let me know if you have questions.

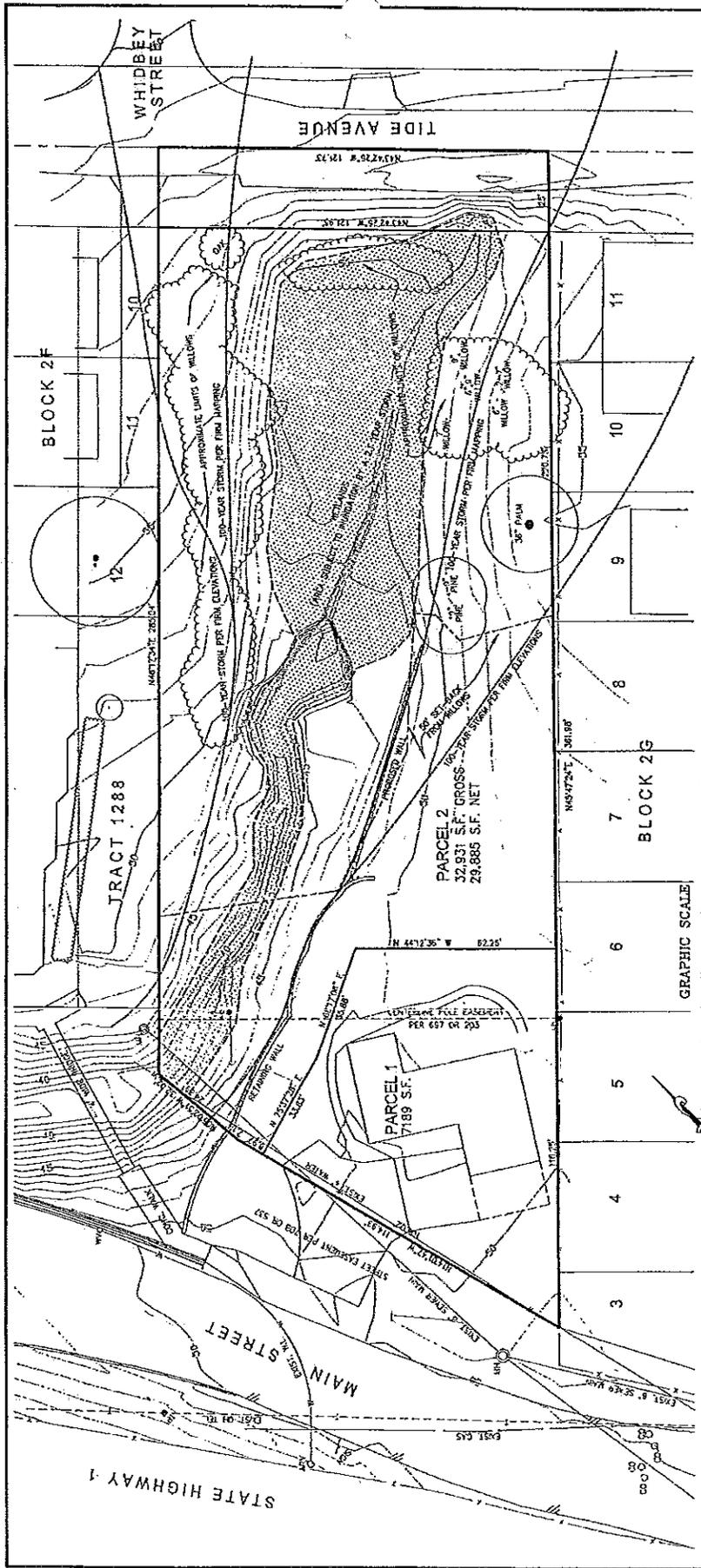
There are no wetlands on the property based on the information provided. There is an ephemeral channel as referenced by the CA Department of Game and Fish and pictured in the site assessment.

The National Wetland Inventory data should not be used to establish local, state or federal regulatory jurisdiction.

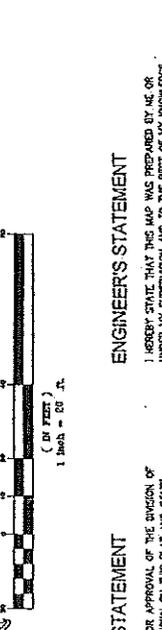
My understanding of ESH is that an area has this designation if plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem. The two letters from the CA Department of Game and Fish clearly indicate that there are no fish and wildlife resources that would be impacted by the development. In my opinion, the CA Department of Game and Fish would be the definitive source to determine if ESH habitat is on site or not based on a biological assessment.

I have no comment on the application of the local ordinance rules.

William Kirchner, PWS  
Chief NWI Branch  
911 NE 11th Ave  
Portland OR 97232  
503 231-2070



48	49	50	51	52	53	54	55	56	57	58	59	60
CONCRETE BLOCK CUR APPROX 12" MINIMUM												
EXHIBIT WALL												
30.00' TOP OF WALL												
7'5"												
47.00' TOP OF FOOTING												



**ENGINEER'S STATEMENT**

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIED WITH THE LATEST ORDINANCE OF THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

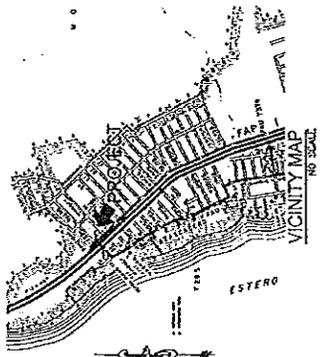
TERENCE A. ORTON, P.E. 21807, EXPRESS 3-30-3000  
 WESTLAND ENGINEERING, INC.  
 3440 SOUTH HIGGERS, SUITE 100, SAN LUIS OBISPO, CA 95401  
 (805)-541-2394

**OWNER'S STATEMENT**

I HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON THIS PLAN AND STATE THAT I AM THE LEGAL OWNER OF SAID PROPERTY OR THE AUTHORIZED AGENT OF THE LEGAL OWNER; AND THAT THE INFORMATION SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WESTLAND ENGINEERING, INC.  
 3440 SOUTH HIGGERS, SUITE 100, SAN LUIS OBISPO, CA 95401  
 (805)-541-2394

RECORD OWNER:  
 JONNE MEDINA  
 3500 MAIN STREET  
 MORRO BAY, CA 95442

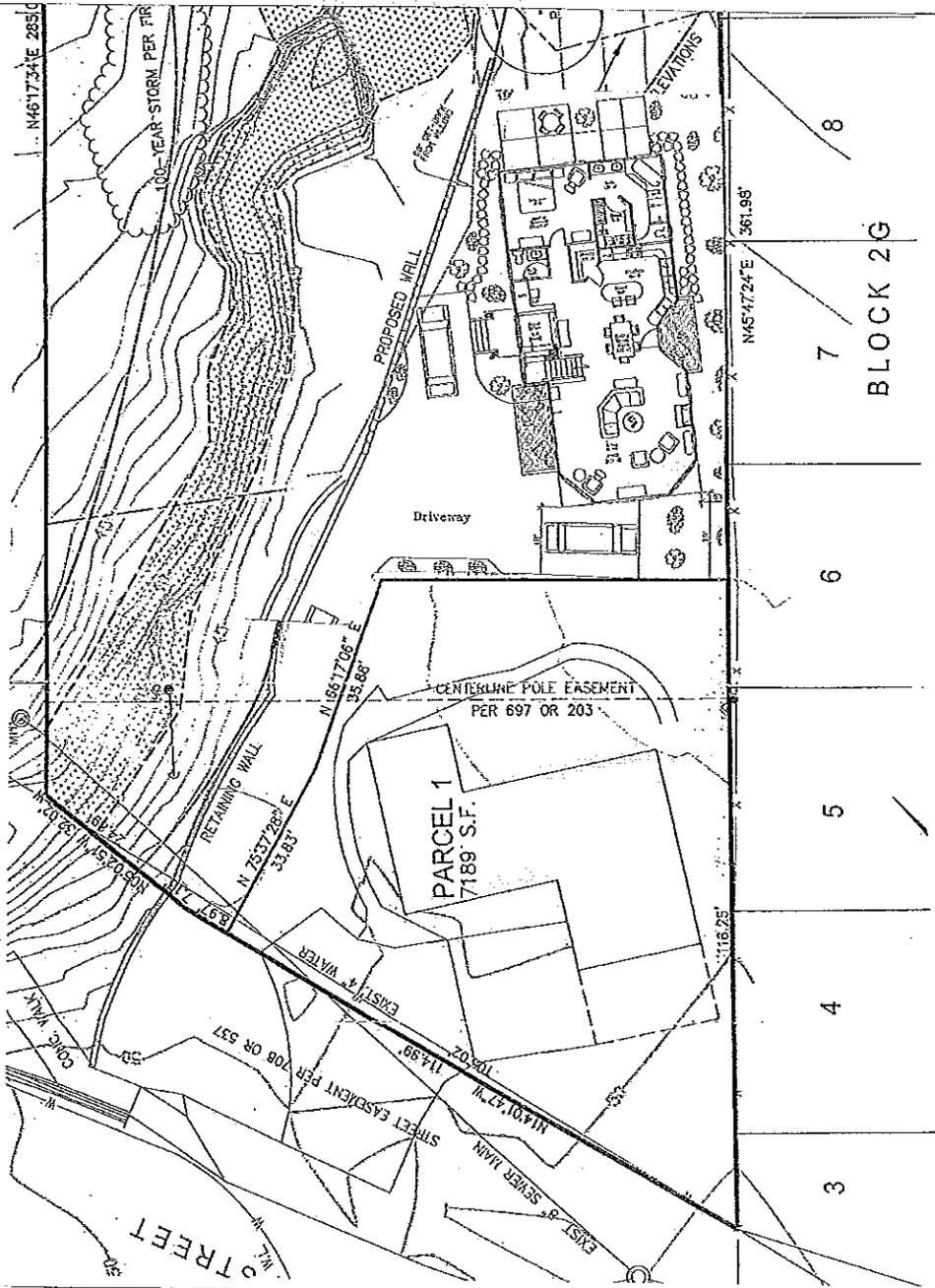
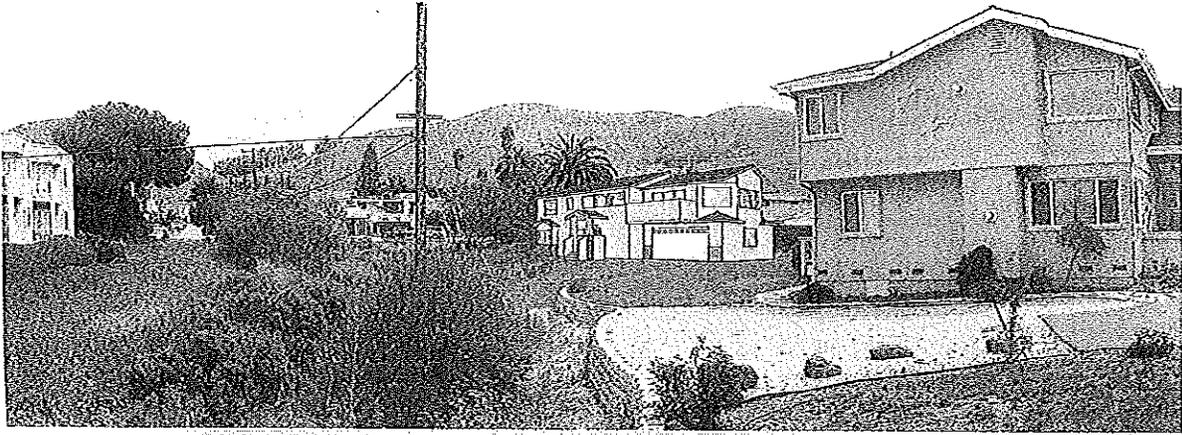


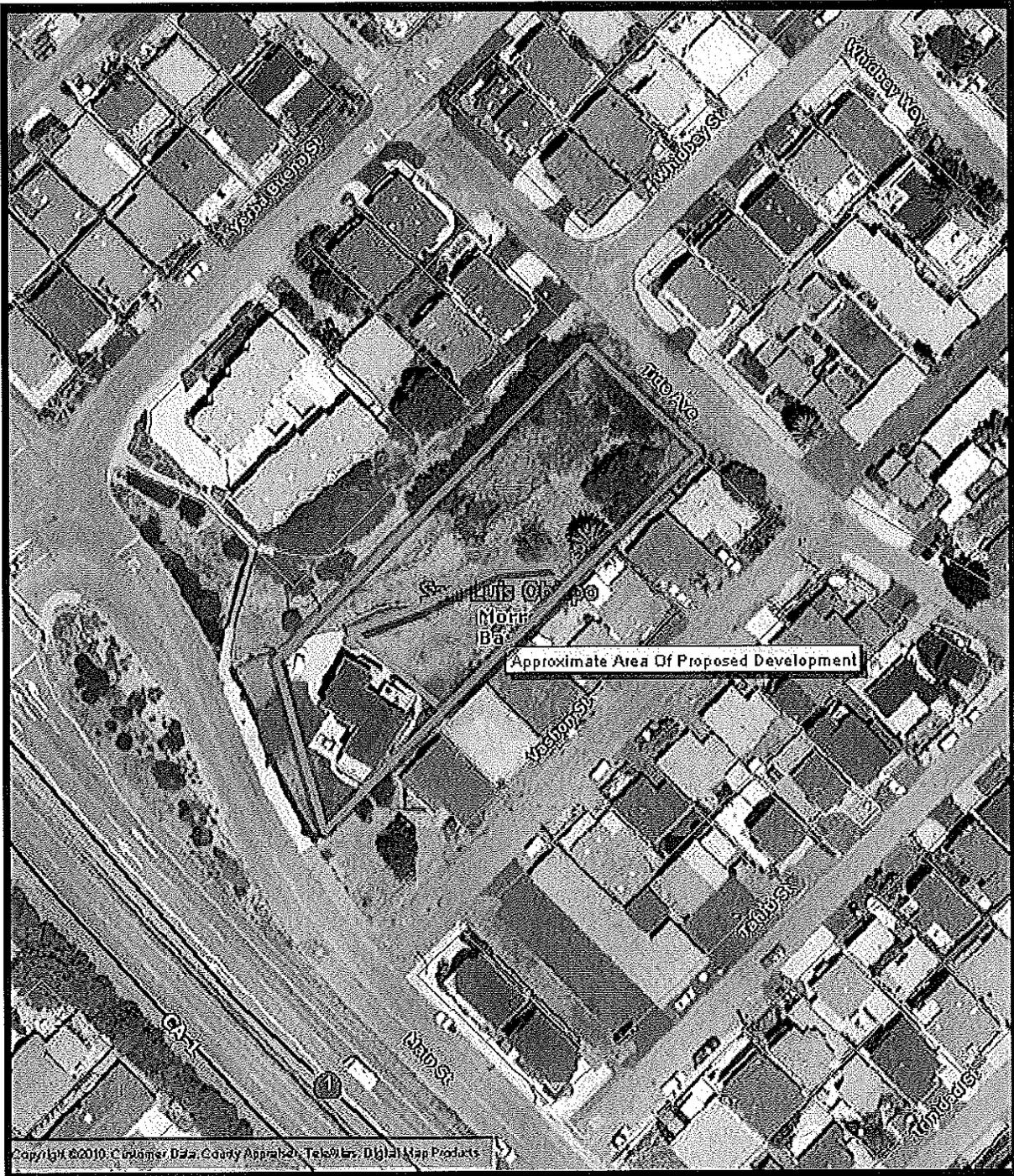
MB 07-0274  
**VESTING TENTATIVE MAP**  
 BEING A SUBDIVISION OF A PORTION OF BLOCK 20  
 TRACT 1288, COUNTY OF SAN LUIS OBISPO,  
 COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
 PREPARED FOR:  
 JONNE MEDINA  
 PREPARED BY:  
 WESTLAND ENGINEERING, INC.  
 3440 SOUTH HIGGERS, SUITE 100  
 SAN LUIS OBISPO, CA 95401  
 (805) 541-2394  
 SHEET 1 OF 1  
 OCCURRENCE: 2004 JOB NO. 04-040

**RECEIVED**

JAN 05 2008

City of Morro Bay  
 Public Services Department





 **DIGITAL MAP**  
PRODUCTS

# 3390 Main Street Proposed Medina Development



 100 ft

CityGIS



**From:** <Bill\_Kirchner@fws.gov>  
**To:** Kathleen Wold <kwold@morro-bay.ca.us>, Rob Livick <RLivick@morro-bay.ca.us>  
**CC:** <Johnnie.Medina@gmail.com>  
**Date:** 6/3/2010 1:20 PM  
**Subject:** 3390 North Main Street

Kathleen and Rob:

Based on the information provided by the California Department of Fish and Game, the Corps of Engineers and site photos; it is my opinion that the area to be filled is not a wetland subject to regulatory jurisdiction under the Clean Water Act. The ephemeral creek does not have sufficient flows to create wetland hydrology (frequency and duration) on the area to be filled. The National Wetland Inventory data is for planning purposes only and should not be used for establishing jurisdiction for local, state or federal regulatory programs.

Should you have any questions please feel free to call me!

Bill

William Kirchner, PWS  
Chief R1/8 NWI Branch  
US Fish and Wildlife Service  
911 NE 11th Ave.  
Portland, OR 97232  
503 231-2070 Fax 2050

**From:** <Bill\_Kirchner@fws.gov>  
**To:** "Rob Livick" <rlivick@morro-bay.ca.us>  
**CC:** "Andrea Lueker" <ALueker@morro-bay.ca.us>, "Kathleen Wold" <KWold@morro-...>  
**Date:** 3/2/2010 2:36 PM  
**Subject:** Re: 3390 Main Street Morro Bay - Medina Projects RE:Wetlands  
**Attachments:** Main\_3390\_wetlands\_email\_copy.pdf; Main\_3390\_wetlands\_email\_copy\_map.pdf

Rob, thanks for the phone call and the new information about the dominant plants being willows.

Although the National Wetland Inventory (NWI) map does not reflect a wetland (i.e., hydrology, hydrophytic plants and a hydric soil) at the site, there is a stream bed that can be seen on Google Earth. If you follow the stream bed through the neighborhood it eventually ties to the R4SBC polygon (i.e., Riverine intermittent stream bed, seasonally flooded) uphill from the property. Parts of this stream system are piped underneath roads and it's unclear where it goes from the property towards the ocean, presumably it's piped under Hwy 1.

As you are aware the NWI maps are not meant for jurisdictional purposes due to limitations associated with aerial photo interpretation. In this case if the stream bed has an ordinary high water mark then it may be considered a "water of the US" by the US Army Corps of Engineers. Given the information on the dominant plant, willow, I would recommend that a wetland determination be made by the Corps of Engineers. The land owner should contact Matthew Vandersande, Ventura Field Office of the COE. Mr. Vandersande has responsibilities for San Luis Obispo County and he can be reached at 805 585-2151.

Should you have any questions please call me!

Bill

William Kirchner, PWS  
Chief R1/8 NWI Branch  
US Fish and Wildlife Service  
911 NE 11th Ave.  
Portland, OR 97232  
503 231-2070 Fax 2050

"Rob Livick"  
<rlivick@morro-bay.ca.us>  
02/26/2010  
12:14 AM

To  
<bill\_kirchner@fws.gov>  
cc  
<johnnie.medina@gmail.com>, "Andrea Lueker" <ALueker@morro-bay.ca.us>, "Kathleen Wold" <KWold@morro-bay.ca.us>, "Rob Schultz" <RSchultz@morro-bay.ca.us>  
Subject  
3390 Main Street Morro Bay - Medina Projects RE:Wetlands

Subject: Re: iMedina Project  
Date: Thursday, February 25, 2010 2:42 PM  
From: Bill\_Kirchner@fws.gov  
To: Johnnie Medina <johnnie.medina@gmail.com>

Mr. Medina, below is what I sent to you!

Mr. Medina, as reflected on the attached map there are no wetlands shown on your property located at 3390 North Main, Morro Bay CA.

(See attached file: 3390 N Main Morro Bay CA map30798.pdf)

Let me know if you need additional information!

Bill

William Kirchner, PWS  
Chief NWI and GIS Unit  
US Fish and Wildlife Service  
911 NE 11th Ave.  
Portland, OR 97232  
503 231-2070 Fax 2050

Johnnie Medina  
<johnnie.medina@gmail.com>

02/25/2010 02:39 PM

<Bill\_Kirchner@fws.gov>

To

cc

Subject

Medina Project

My email.

Much thanks again.

**From:** Rob Livick  
**To:** bill\_kirchner@fws.gov  
**CC:** johnnie.medina@gmail.com; Schultz, Rob; Wold, Kathleen; Lueker, Andrea  
**Date:** 2/26/2010 12:14 AM  
**Subject:** 3390 Main Street Morro Bay - Medina Projects RE:Wetlands  
**Attachments:** Main\_3390\_wetlands\_email\_copy.pdf; Main\_3390\_wetlands\_email\_copy\_map.pdf

Mr. Kirchner,

Mr. Medina was tasked with determining the existence of wetlands on his property at 3390 Main St, Morro Bay, Ca 93442. This was required because the map prepared for his development project labeled a portion of the site as wetlands. Mr. Medina and his engineer stated that that label was a typo and the Environmentally Sensitive Habitat Area (ESH) is a just a creek with riparian vegetation, not wetlands. This map has already gone to the City's planning commission with this label (wetlands), therefore we requested the determination prior to recommending a reduction in the ESH buffer, and also told Mr Medina he could have a private biologist make the determination. Mr. Medina requested that if he got a letter from a Federal Agency stating that it was not wetlands would the City accept their determination. City staff agreed with this request.

City staff would like to confirm that your attached email is indeed that determination and that you have concluded that the site in question does not contain wetlands.

Thank you for your time.

Sincerely,

Rob

Rob Livick, PE/PLS - City Engineer  
City of Morro Bay - Public Services  
955 Shasta Avenue  
Morro Bay, CA 93442

rlivick@morro-bay.ca.us  
Phone: (805)772-6569  
Fax: (805)772-6268





# Wetland Regulatory Authority

## Regulatory Requirements

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).



Wetlands subject to Clean Water Act Section 404 are defined as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must show that you have, to the extent practicable:

- Taken steps to avoid wetland impacts;
- Minimized potential impacts on wetlands; and
- Provided compensation for any remaining unavoidable impacts.

Proposed activities are regulated through a permit review process. An *individual permit* is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines. However, for most discharges that will have only minimal adverse effects, a *general permit* may be suitable. General permits are issued on a nationwide, regional, or State basis for particular categories of activities. The general permit process eliminates individual review and allows certain activities to proceed with little or no delay, provided that the general or specific conditions for the general permit are met. For example,

minor road activities, utility line backfill, and bedding are activities that can be considered for a general permit. States also have a role in Section 404 decisions, through State program general permits, water quality certification, or program assumption.

### Agency Roles and Responsibilities

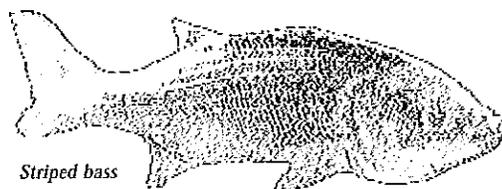
The roles and responsibilities of the Federal resource agencies differ in scope.

#### U.S. Army Corps of Engineers:

- Administers day-to-day program, including individual and general permit decisions;
- Conducts or verifies jurisdictional determinations;
- Develops policy and guidance; and
- Enforces Section 404 provisions.

#### U.S. Environmental Protection Agency:

- Develops and interprets policy, guidance and environmental criteria used in evaluating permit applications;
- Determines scope of geographic jurisdiction and applicability of exemptions;
- Approves and oversees State and Tribal assumption;
- Reviews and comments on individual permit applications;
- Has authority to prohibit, deny, or restrict the use of any defined area as a disposal site (Section 404(c));
- Can elevate specific cases (Section 404(q));
- Enforces Section 404 provisions.



Striped bass

**U.S. Fish and Wildlife Service and National Marine Fisheries Service:**

- Evaluates impacts on fish and wildlife of all new Federal projects and Federally permitted projects, including projects subject to the requirements of Section 404 (pursuant to the Fish and Wildlife Coordination Act); and
- Elevates specific cases or policy issues pursuant to Section 404(q).

**Manual for Identifying Wetlands**

The U.S. EPA and U.S. Army Corps of Engineers use the 1987 *Corps of Engineers Wetlands Delineation Manual* to identify wetlands for the CWA Section 404 permit program. The 1987 manual organizes the environmental characteristics of a potential wetland into three categories: soils, vegetation, and hydrology. The manual contains criteria for each category. Using

this approach, an area that meets all three criteria is considered a wetland.

**Wetlands on Agricultural Lands**

Farmers who own or manage wetlands are directly affected by two important Federal programs—Section 404 of the CWA and the Swampbuster provision of the Food Security Act. The Swampbuster provision withholds certain Federal farm program benefits from farmers who convert or modify wetlands. The U.S. EPA, U.S. Army Corps of Engineers, U.S. Department of Agriculture, and U.S. Fish and Wildlife Service have established procedures to ensure consistency between the programs. Many normal farming practices are exempt from Section 404.



Water lilies

**The Wetland Fact Sheet Series**

EPA843-F-04-001  
Office of Water

Wetlands Overview  
Types of Wetlands  
Threats to Wetlands  
Wetland Restoration  
Funding Wetland Projects

Functions and Values of Wetlands  
Teaching About Wetlands  
Wetland Regulatory Authority  
Wetlands Compensatory Mitigation  
Benefits of Wetland Monitoring

For more information, call EPA's Wetlands Helpline at 1-800-832-7828

**Wetland Resources**

**On the Internet**

- EPA's Wetlands Website ..... [www.epa.gov/owow/wetlands/regs/](http://www.epa.gov/owow/wetlands/regs/)
- Section 404 of the Clean Water Act ..... [www.epa.gov/owow/wetlands/laws/](http://www.epa.gov/owow/wetlands/laws/)
- Wetland Delineation Manual ..... [www.wes.army.mil/el/wetlands/wlpubs.html](http://www.wes.army.mil/el/wetlands/wlpubs.html)
- U.S. Army Corps of Engineers Regulatory Program..... [www.usace.army.mil/inet/functions/cw/cecwo/reg/](http://www.usace.army.mil/inet/functions/cw/cecwo/reg/)
- U.S. Army Corps of Engineers' Waterways  
Experiment Station Environmental Laboratory ..... [www.wes.army.mil/el/wetlands/wetlands.html](http://www.wes.army.mil/el/wetlands/wetlands.html)
- Environmental Law Institute ..... [www.eli.org](http://www.eli.org)

**In Print**

- America's Wetlands: Our Vital Link Between Land and Water.* For a copy, order from EPA's publications web site at <http://yosemite.epa.gov/water/owwrcatalog.nsf> or call the EPA Wetlands Helpline at 1-800-832-7828.
- Wetlands Deskbook*, 2nd Edition, Margaret N. Strand. Available from the Environmental Law Institute. Call 1-800-433-5120; fax your request to (202) 939-3868; or e-mail to [orders@eli.org](mailto:orders@eli.org).
- Our National Wetland Heritage: A Protection Guide*, 2nd Edition, Jon A. Kusler, Ph.D., Executive Director, Association of State Wetland Managers. Available from the Environmental Law Institute. Call 1-800-433-5120; fax your request to (202) 939-3868; or e-mail to [orders@eli.org](mailto:orders@eli.org).

EXHIBIT P

**GRAPHIC SHOWING ESH  
SETBACK AND REMAINING  
BUILDING PAD**



EXHIBIT Q

---

APPLICANT'S LETTER  
REGARDING BUFFER  
REDUCTION JUSTIFICATION

3390 North Main Street  
Morro Bay, CA 93442  
05 July 2010

Mr. Rob Livick  
Public Works Advisory Board  
955 Shasta Avenue  
Morro Bay, CA 93442

Mr. Livick,

Per your request this is my formal request and explanation in regards to my proposed buffer reduction at my project site;

There are policies within the City's Local Coastal Plan that address the buffering setbacks and also the reductions allowed in ESA areas. Specifically the reductions are allowed when the parcels would be rendered unusable for its designated use. Furthermore, the LCP allows for buffer reductions to 25 feet within an urban area. This site is located within an urban area and should be considered as such.

This determination would be consistent with other properties in the same zoning designation that have been constructed near this site and other sites within the City of Morro Bay. With the inclusion of project conditions, his site is suitable for the development proposed and will provide the necessary buffering of any of the habitat area. The access way to the lot will also follow regulations as outlined within the City's Zoning Ordinance.

Thank You,

Johnnie Medina

**RECEIVED**  
**JUL 07 2010**  
City of Morro Bay  
Public Services Department

EXHIBIT R

**ADDITIONAL MATERIALS  
SUBMITTED BY THE APPLICANT  
ON JULY 14, 2010**

# RECEIVED

Petition to allow Johnnie Medina: Terri Orton of Westland Engineering, Inc. agent.  
 Building on Parcel mb07-0232 3390 Main Street Morro Bay 93442 File Number Bay  
 SOO-089/CPO-276. Public Services Department

JUL 14 2010

Name	Address	Phone
CHRIS KNITTEL	421 BAKEMAN LN.	(805) 704-4509
Hunter Garris	1220 bond st	(805) 550-9441
John Tolman	1447 7TH ST	(805) 528-4156
	160 Cecchetti Rd	805 489-5611
Brian Federico	3695 Lawnwood SLO	805 550-8145
Thomas Walton	1075 Muscat Ct Templeton	805 434 0734
Jan Rueda	3860 S. Higuera St. Fl 185 San Luis Obispo	805-541-1948
	12840 SANTA LUCIA MI ATASCATIPO CA 93422	805-703-9204
	790 LOMA WAYS.M	805 705 6860
CENEN SISON	70 Villa Ct. Pismo Beach	773-4956
Steve Zak	749 MAR VISTA DR. Los Osos	805 528-1408
James Kleiman	1501 Kites Cyn RD, Paso Robles	(805) 610-1610
GREGORY L. KNODHE	8942 PALOMAR AVE. ATASCADERO	805 984 2964
RYAN MANUEL	1805 S. MIRASOL WAY ATASCADERO	(805) 471-3860
CHRIS CARBERO	998 SEABRIGHT AVE.	(805) 709-6904
Keith Pedersen	1261 Messing Ct. Grover Beh.	(805) 441-4523
DALE SYLVESTER	765 MESA VIEW DR ARROYO GRANDE CA	805-709-6053
KARL WOODSITT	1436 W TRIMPECA SANTA MARIN	354-3901

Carolyn Johnson	9458 Santa Lucia Atascadero, CA 93422	(805) 660-2731
CHRIS McLaughlin	33150 Rowanview Pl SAN WIS OBISPO, CA	(805) 764-9489
CHRIS Wallace	1500 W. DAKAUC <sup>93401</sup> Lompoc CA 93436	805-286-8786
Sergio Laguna	8220 Corbarril Ave Atascadero, CA 93422	(805) 423-3430
Scott McKinney	10060 Atascadero Ave. Atascadero CA 93422	805 400-9769
Josh Brown	1905 Mesa Rd., Paso Robles, CA 93446	(805) 296-2223
Terri Ose	434 N. 2nd St Grover Beach 93433	(805) 550-3421
Jaime Moya	2722 Nivana Pl Santa Maria, CA 93455	805-459-6632
Frank Diaz	2700 CIENAGA SP 45 OCESIANO, CA 93445	805 801-1261
Tina Williams	805 Warren Rd Paso Robles, CA 93426	805-610-2609
Vickie Mcnary	183 S Elm St PG, CA 93420	805 431 2717

Petition to allow Johnnie Medina: Terri Orton of Westland Engineering, inc. agent.  
Building on Parcel mb07-0232 3390 Main Street Morro Bay 93442 File Number  
SOO-089/CPO-276.

Name	Address	Phone
Pauline Stansbury	145 Java St. Morro Bay	772 4258
<del>Arthur A. Stansbury</del>	145 Java St. Morro Bay	772-4258
<del>[Signature]</del>	390 Vashon St. Morro Bay	772-7508
D. Kelly	456 Panay St. Morro Bay	772-3166
Nolan Kirkley	456 Panay St. Morro Bay	772-3166
Carlo Balvez	1872 6street Los Osos	(805)234-6506
Charlie Balvez	1872 6street Los Osos	(805)234-6586
Nitza Balvez	1872 6street Los Osos	(805)234-6587
<del>[Signature]</del>	1077 9th St Los Osos	(805)534-9551



OCT 2002



RECEIVED  
JUL 14 2010

I clean and cut vegetation through the right of way of Whidbey, Tide, and partially in through the back land area of Tide. When the Willows started growing back on Tide I cut them back.

Walter K. Rogers

12JUL2010

RECEIVED

JUL 14 2010

City of  
Public Services

**EXHIBIT S**

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**MATERIALS SUBMITTED BY THE  
CITIZENS GROUP OPPOSED TO  
THE PROJECT**

RECEIVED

TO: MORRO BAY PLANNING COMMISSION

JUL 14 2010

RE: 3390 MAIN ST., MB

City of Morro Bay  
Public Services Department

July 14, 2010

PETITION ENCLOSED- IS NOW UP TO *120 SIGNATURES* OF CONCERNED CITIZENS OPPOSED TO SUB-DIVIDING CREEK AND ESHA.

*WE ARE REQUESTING DOCUMENTATION THAT THE APPLICANT HAS MEET ALL THE CONDITIONS SET BY THE PLANNING COMMISSION AT LAST YEARS JULY 20, 2009 MEETING.*

ATTACHED ARE PICTURES DOCUMENTING THE FOLLOWING:

- WILLOWS ALONG BOTH SIDES OF CREEK PRIOR TO MEDINAS BUILDING HOUSE
- 2009- WILLOWS COMPLETELY GONE ON SOUTH CREEK BANK BY MEDINAS HOUSE.
- TRASH DUMPED IN ESHA AFTER MEDINAS PROMISED TO ENHANCE THE AREA.
- AUG 2009- WILLOWS STARTING TO GROW BACK.
- JULY 2010- WILLOWS COMPLETELY GONE AGAIN. (WILLOWS ON OTHER SIDE OF CREEK ARE GROWING AND ABOUT 12 PLUS FEET TALL- EVIDENCE THAT WILLOWS ON MEDINAS AREA HAVE BEEN TAMPERED WITH AND ARE NOT ABLE TO GROW.)
- 2010- MEDINAS OLD SWING SET AND LADDER ABANDONED IN ESHA WILLOWS.
- OCT 2009- DOE AND FAWN FEEDING ON CREEK BANK.

THE APPLICANTS, THE MEDINAS HAVE SHOWN BLATANT DISREGARD FOR THE ENVIRONMENTALLY SENSITIVE HABITAT AREA, AS EVIDENCED IN THE PICTURES. USING THE ESHA AS A TRASH DUMP, KILLING THE PINE TREES AND WILLOWS ON THEIR SIDE OF THE CREEK.

WE THE UNDERSIGNED PETITIONERS DO NOT WANT THIS ENVIRONMENTALLY SENSITIVE HABITAT AREA DEVELOPED, AND DO NOT WANT ESHA BORDERS CHANGED. WE ARE CONCERNED WITH DRAINAGE AS THIS NO-NAME CREEK DRAINS DIRECTLY INTO THE OCEAN. THERE ARE RED LEGGED FROGS IN THE AREA, AS WELL AS DEER, RACOONS, SKUNKS, AND BIRDS, CONTRARY TO THE BIOLOGIST HIRED BY MEDINAS.

June 18, 2009

City of Morro Bay  
Public Notice of Availability  
955 Shasta Ave  
Morro Bay, CA 93442

RE: Case#S00-0889/CPO-276 Medina Parcel Map (MB 07-0232)  
Public meeting July 20, 2009 at 6 pm

To whom it may concern,

We are residents at 300 Vashon, Morro Bay, CA and are concerned for our property. We are unable to attend in person the meeting scheduled, but want to be heard.

We are contacting the City in writing per our notice dated 6-9-09. We are **NOT in favor** of this parcel being Subdivided to create a second lot for location 3390 Main Street, Morro Bay, CA. We feel the land in question was originally set up to be a natural drainage point for excess rain/water run off. Allowing another structure on the parcel would really **defeat the natural flow from our homes.** The house's directly beside the parcel in question would really feel the impact of the natural flow of rain/water run off, as the parcel at 3390 was built above the original land level, so the water now drain's back to the area of Vashon, not into the ravine, which cause's flooding.

The city manager has come out to our homes at the corner of Main/Vashon and did an assessment that concluded that we could flood in the invent of a hard rainy season, due to the lack of drainage when the house at 3390 Main was built.

**We do NOT want this parcel subdivided.**

Thank you,

Jeff & Stacy Shinoda  
300 Vashon  
Morro Bay, CA 93442  
APN: 065-041-22



# Save our green belt!

Petition to stop the building of a single-family residence at the property of 3390 Main st.

TOTAL: 108 signatures

- |     |   |   |               |
|-----|---|---|---------------|
| 86  | Name <u>Jelene Davison</u> <sup>103</sup> | Name <u>Bill Murray</u>                   | Name _____    |
|     | Address <u>2790 Main St</u>               | Address <u>2650 Main</u>                  | Address _____ |
| 87  | Name <u>0221E CAMUS</u>                   | Name <u>MIKE K. ORBILLY</u>               | Name _____    |
|     | Address <u>3025 SANRAL</u>                | Address <u>498 B Hill St.</u>             | Address _____ |
| 88  | Name <u>Pamela Hood</u>                   | Name <u>Yarmin Maldonado</u>              | Name _____    |
|     | Address <u>1299 LOS OLIVOS #17</u>        | Address <u>361 Jamaica</u>                | Address _____ |
| 89  | Name <u>Vince Cardenas</u>                | Name <u>Juan Velasco</u>                  | Name _____    |
|     | Address <u>560 Kings Ave.</u>             | Address <u>485 S. 25th Ave</u>            | Address _____ |
| 90  | Name <u>PHYLLIS BALSAM</u>                | Name <u>Amber Daugherty</u>               | Name _____    |
|     | Address <u>3025 SANRAL</u>                | Address <u>185 Shasta Ave</u>             | Address _____ |
| 91  | Name <u>Margaret Gunn</u>                 | Name <u>Michelle Bryon</u> <sup>168</sup> | Name _____    |
|     | Address <u>3025 SANRAL</u>                | Address <u>510 Marina St.</u>             | Address _____ |
| 92  | Name <u>mike mulikin</u>                  | Name _____                                | Name _____    |
|     | Address <u>2306 MESA VISTA CT</u>         | Address _____                             | Address _____ |
| 93  | Name <u>J. HALE</u>                       | Name _____                                | Name _____    |
|     | Address <u>470 JAMAICA</u>                | Address _____                             | Address _____ |
| 94  | Name <u>ROBERT SMITH</u>                  | Name _____                                | Name _____    |
|     | Address <u>771 CIRCAS</u>                 | Address _____                             | Address _____ |
| 95  | Name <u>Marilyn Brandmeyer</u>            | Name _____                                | Name _____    |
|     | Address <u>521 Kensington St</u>          | Address _____                             | Address _____ |
| 96  | Name <u>Frank C. Gutierrez</u>            | Name _____                                | Name _____    |
|     | Address <u>2617 Sunset Ave.</u>           | Address _____                             | Address _____ |
| 96  | Name <u>Anthony Zingales</u>              | Name _____                                | Name _____    |
|     | Address <u>3307 Vashon St</u>             | Address _____                             | Address _____ |
| 97  | Name <u>Heide Grogan</u>                  | Name _____                                | Name _____    |
|     | Address <u>340 Vashon St</u>              | Address _____                             | Address _____ |
| 98  | Name <u>Kunio SHIBATA</u>                 | Name _____                                | Name _____    |
|     | Address <u>391 Kaslo St</u>               | Address _____                             | Address _____ |
| 99  | Name <u>Andy Batty</u>                    | Name _____                                | Name _____    |
|     | Address <u>473 D St</u>                   | Address _____                             | Address _____ |
| 100 | Name <u>Dick Onyiah</u>                   | Name _____                                | Name _____    |
|     | Address <u>70 Batty St</u>                | Address _____                             | Address _____ |
| 101 | Name <u>R Tershaq</u>                     | Name _____                                | Name _____    |
|     | Address <u>390 NEVLS</u>                  | Address _____                             | Address _____ |
| 102 | Name <u>Thomas Moore</u>                  | Name _____                                | Name _____    |
|     | Address <u>1472 11th St.</u>              | Address _____                             | Address _____ |

# Save our green belt!

Petition to stop the building of a single-family residence at the property of 3390 Main st.

- |    |   |                                   |    |                                     |
|----|---|-----------------------------------|----|-------------------------------------|
| 53 | Name <u>KEVIN FOELLER</u>                         | Name <u>Maggie Woods</u>          | 71 | Name <u>Richard Dorflinger</u>      |
|    | Address <u>387 Vashon St.</u>                     | Address <u>620 Aurora</u>         |    | Address <u>340 Tahiti St.</u>       |
| 38 | Name <u>Kim Kaufman</u>                           | Name <u>Wuho Shibata</u>          | 72 | Name <u>Marcy Dorfinger</u>         |
|    | Address <u>451 Whidbey St.</u>                    | Address <u>331 VASHON ST.</u>     |    | Address <u>340 Tahiti St.</u>       |
| 39 | Name <u>Craig Kaufman</u>                         | Name <u>Peter Saki</u>            | 73 | Name <u>Sumio Ouy</u>               |
|    | Address <u>427 Kodiak St.</u>                     | Address <u>2659 Main St.</u>      |    | Address <u>175 Sandhysu ka</u>      |
| 40 | Name <u>Richard M. O'Connell</u>                  | Name <u>Jim Nance</u>             |    | Name <u>Lisa Thayer Allen</u>       |
|    | Address <u>400 Whidbey</u>                        | Address <u>250 Dumar</u>          |    | Address <u>380 Sicily</u>           |
| 41 | Name <u>Nancy M. O'Connell</u>                    | Name <u>Ain Burslar</u>           | 75 | Name <u>Edward P. O'Connell</u>     |
|    | Address <u>400 Whidbey</u>                        | Address <u>477 Ken M.B.</u>       |    | Address <u>300 Sicily</u>           |
| 42 | Name <u>DAN JAMES</u>                             | Name <u>Maggie Mathis</u>         | 76 | Name <u>Eric Fontalis</u>           |
|    | Address <u>277 YERBA BUENA</u>                    | Address <u>270 MAIN ST.</u>       |    | Address <u>28 20th</u>              |
| 43 | Name <u>CAVAN HADLEY</u>                          | Name <u>Jan Mathis</u>            | 77 | Name <u>Holly Rodriguez</u>         |
|    | Address <u>381 Tahiti St.</u>                     | Address <u>2130 Main St.</u>      |    | Address <u>370 Vashon St. MB, C</u> |
| 44 | Name <u>Erin Hadley</u>                           | Name <u>Don Nelson</u>            | 78 | Name <u>Rache Miller</u>            |
|    | Address <u>381 Tahiti St.</u>                     | Address <u>370 Vashon St.</u>     |    | Address <u>671 Fresno Ave</u>       |
|    | Name <u>Michele Arate</u>                         | Name <u>Chris Noto</u>            | 79 | Name <u>Nicole Esparca</u>          |
|    | Address <u>361 Vashon St.</u>                     | Address <u>3st Vashon St.</u>     |    | Address <u>800 B. Napa Ave</u>      |
|    | Name <u>LAURA Mounce</u>                          | Name <u>EMILIE E. BRACHT</u>      | 80 | Name <u>Kailey Langston</u>         |
|    | Address <u>330 Vashon St.</u>                     | Address <u>1182 PACIFIC BLVD</u>  |    | Address <u>1870 Sunny Hill</u>      |
| 45 | Name <u>Pawlik W. U.</u>                          | Name <u>Barbara Volpe</u>         | 81 | Name <u>Brett Ash</u>               |
|    | Address <u>500 A. Ly. and. Rwy</u>                | Address <u>2970 Cedar Ave</u>     |    | Address <u>270 Ironwood</u>         |
| 46 | Name <u>Don W. U.</u>                             | Name <u>Frank Volpe</u>           | 82 | Name <u>Jack G. GATTI</u>           |
|    | Address <u>P.O. Box 116 Murray</u>                | Address <u>2970 Cedar Ave</u>     |    | Address <u>2680 Ironwood</u>        |
| 47 | Name <u>KIRK KONTILIS</u>                         | Name <u>Arleta Synab</u>          | 83 | Name <u>Walt Holt</u>               |
|    | Address <u>28 20th St. City</u>                   | Address <u>2988 Birch Ave</u>     |    | Address <u>3680 Ironwood</u>        |
| 48 | Name <u>Violet Sugii</u>                          | Name <u>Ann Ouy</u>               | 84 | Name <u>Jeff Shwopa</u>             |
|    | Address <u>1150 Monterey <sup>Morro Bay</sup></u> | Address <u>2988 Birch Ave</u>     |    | Address <u>300 Vashon</u>           |
| 49 | Name <u>Luella Hershey</u>                        | Name <u>Adeliza Norton</u>        | 85 | Name <u>Deborah</u>                 |
|    | Address <u>1150 Monterey <sup>Morro Bay</sup></u> | Address <u>3707 Oriskany Blvd</u> |    | Address <u>37 Vashon</u>            |
| 50 | Name <u>BENNER HARRIS</u>                         | Name <u>Cormeyn Wagner</u>        |    | Name                                |
|    | Address <u>2461 KOA AVE</u>                       | Address <u>441 Oahu St.</u>       |    | Address                             |
| 51 | Name <u>FORI OLIVEIRA</u>                         | Name <u>Bill Ziegler</u>          |    | Name                                |
|    | Address <u>281 SHASTA</u>                         | Address <u>441 Oahu St.</u>       |    | Address                             |
| 52 | Name <u>LEROY STOCKSTEDT</u>                      | Name <u>Fred Wilson</u>           |    | Name                                |
|    | Address <u>1900 SUNSET</u>                        | Address <u>2426 Reed Ct.</u>      |    | Address                             |

Name	Address	Phone
31 Roger Haas	175 Andros St Morro Bay	772-3358
32 <del>Michael</del>	371 VASHON MORRO BAY	748 7645
33 Dorothy Tola	370 VASHON MORRO BAY	(818) 219-0445 cell
34 Anne Schoenauer	390 VASHON ST MORRO BAY	772-7508
35 Lucy Massey Lucy Massey	3348 Tide Ave, Morro Bay	225-1033
36 Wayne Brham	3334 Tide Ave Morro Bay	772-8174
37 Catherine Bianna	340 VASHON ST MORRO BAY	None

~~38~~

~~39~~

~~40~~

- 772-7894
- 13 Ann Caffrey 350 Vashon, MORRO BAY CA
  - 14 Bill Bush 195 FORMOSA ST, M.B. CA (215-0573)
  - 15 Ray Good 371 Whiskey St
  - 16 FOELKER KEVIN 387 Vashon St.
  - 17 Hazel McKibbin 311 4th Main, MORRO BAY CA.
  - 18 Glenn Sparks 46 10th St Cayucos
  - 19 Tyler Sites 470 Island
  - 20 Haze Stollmeyer 3310 N. Main St 772-2702
  - 21 ~~Ken Stollmeyer 320 10th St~~ ~~772-2702~~
  - 22 Davik Stollmeyer 340 Wickbay 772-2702
  - 23 Millie & Van Dusen 772-5334
  - 24 Steve Marks 5425 Olmeda 801-8858
  - 25 Gary H. Grotte 1956 9th St, L.O. 801-0097
  - 26 ~~John Western~~ JANE MASTERSON 3350 MAIN 805 772-4013
  - 27 Amy Fooslee 772-1302
  - 28 ~~John Gowan~~ 772-9123
  - 29 ~~Cheryl~~ 771-9320
  - 30 ~~John~~ 298-6252

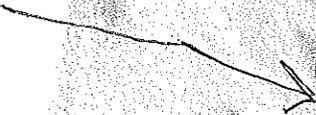
Petition to stop Johine Medina: Terri Orton of  
 Westland engineering, inc agent. Building on  
 Parcel mb07-0232 3390 Main street Morro Bay  
 93442 Case # s00-089/cpo-s70

name	address	phone#
1 Anthony Taylor	330 VASHON M-B	805-294-0250
2 Laura Mance	330 VASHON ST M-B	805 294-3200
3 Ronni Gates	340 VASHON ST. M-B	641-342-5385
4 Jeff Gates	340 VASHON ST M-B	661 619 9614
5 Paul Willis	PO BOX 116 MB	(805) 598 128
6 Don Miller	500 Atascadero Rd	805 772 8867
7 Marge Paregian	306 Yerba Buena	772-4232
8	351 VASHON	1683
9 Michele Areta	361 VASHON	234-3550
10 Daniel Puett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Chomur	371 VASHON	748-8666

WILLOWS BEFORE HOUSE BUILT

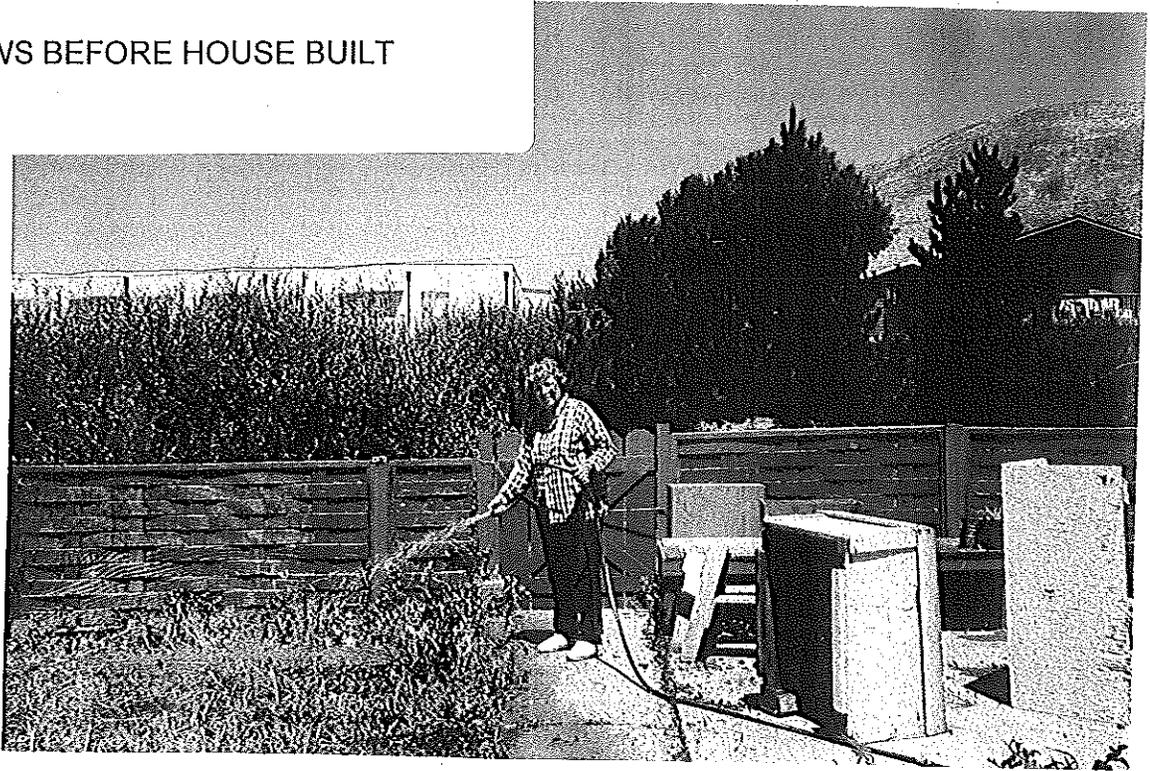
3390 Main

3350  
Main



2000- WILLOWS BEFORE HOUSE BUILT

Willows  
BEFORE



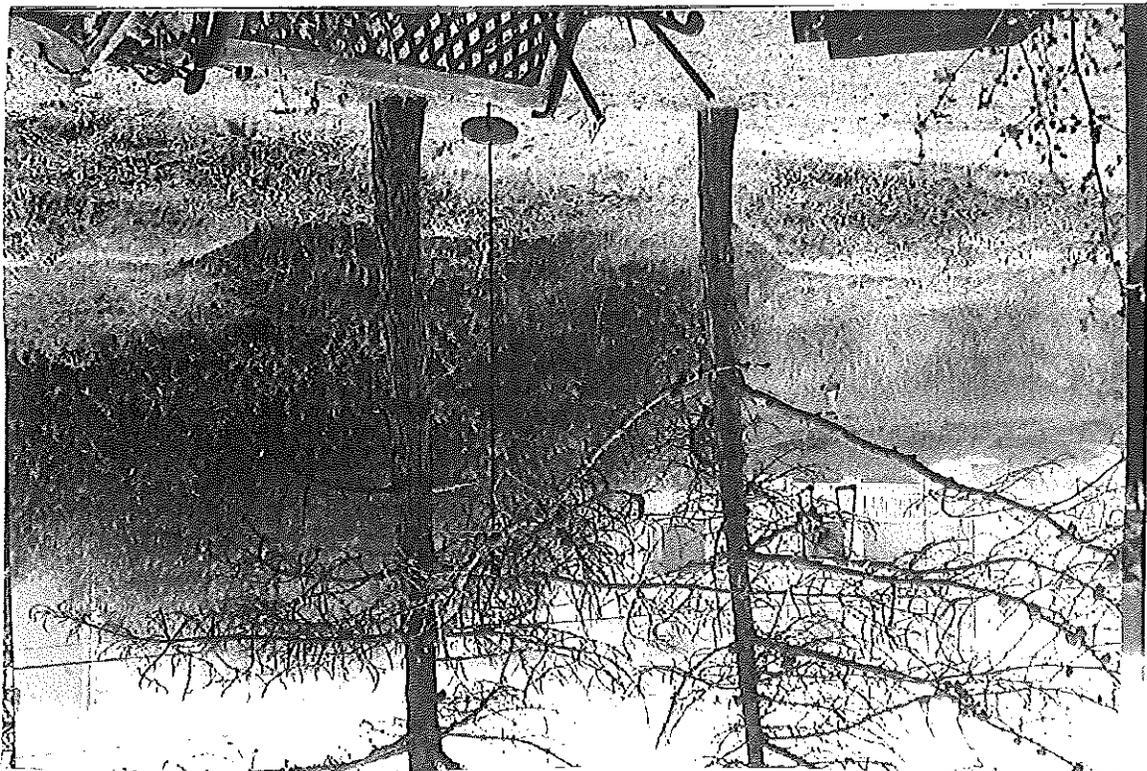
2009- WILLOWS GONE BY MEDINAS HOUSE



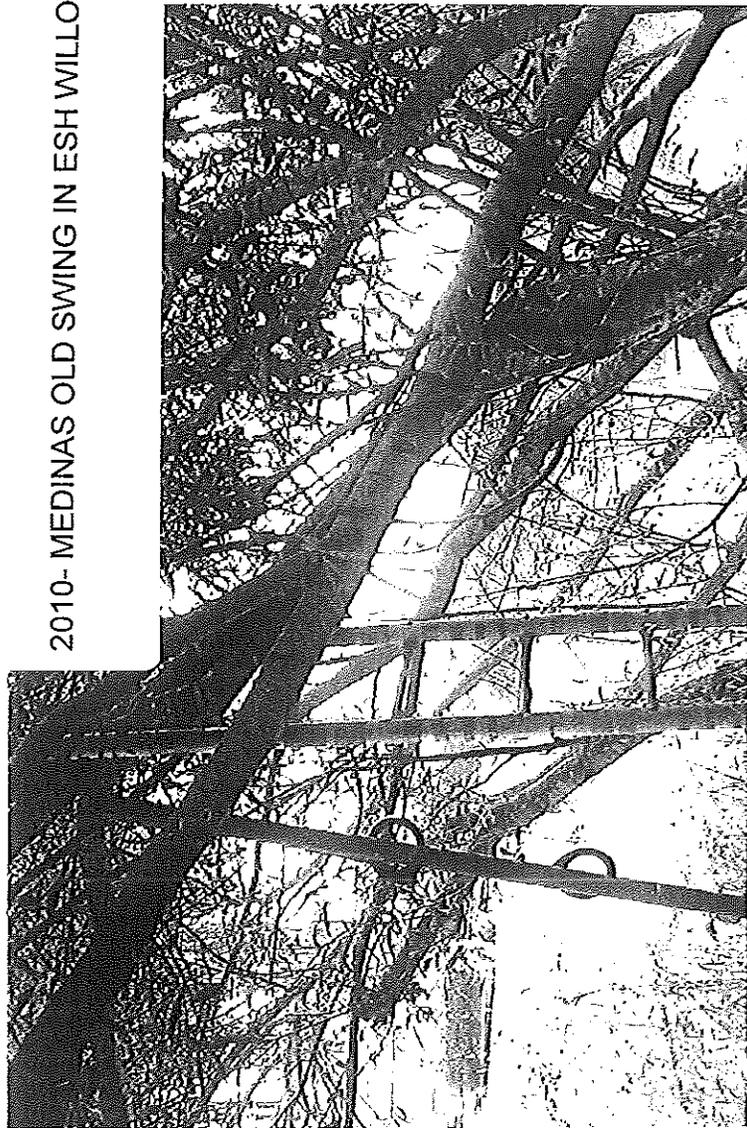
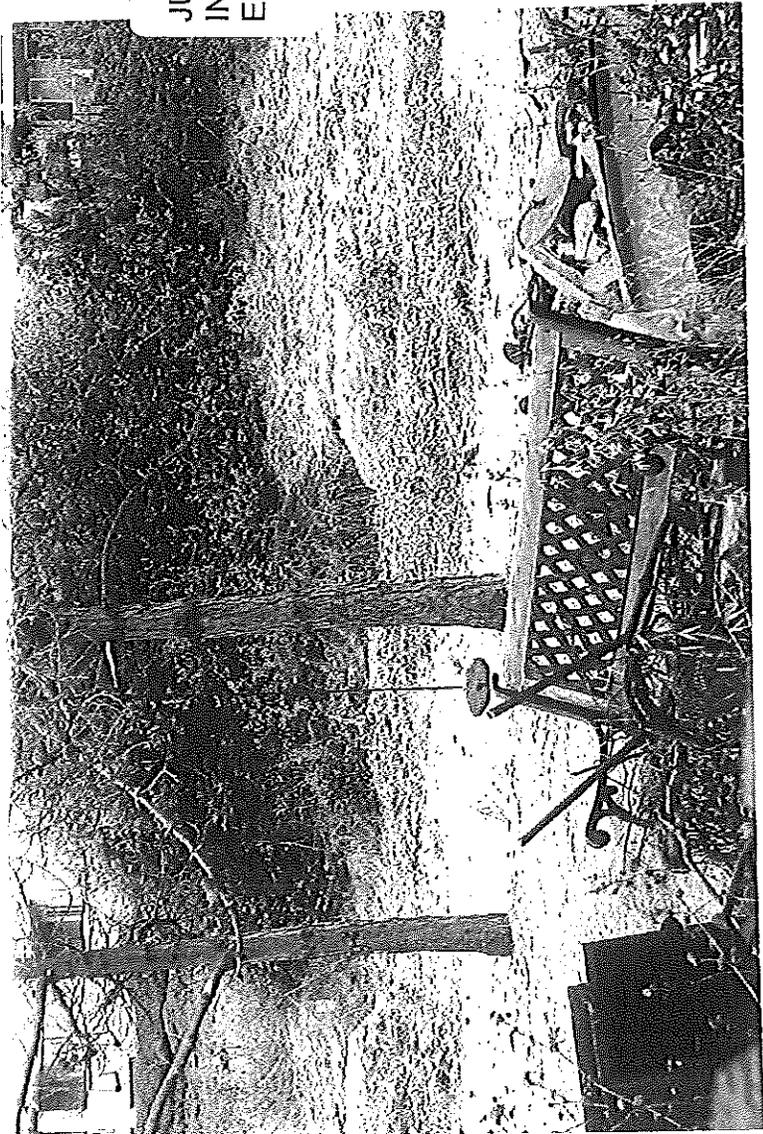
Willows  
After

July 2009

JULY 2009- TRASH DUMPED BY MEDINAS  
IN ESHA, AFTER THEY PROMISED TO  
ENHANCE THE AREA.



2010- MEDINAS OLD SWING IN ESH WILLOWS



OCT 2024 - DOE AND FAWN FEEDING ON  
CREEK BANK

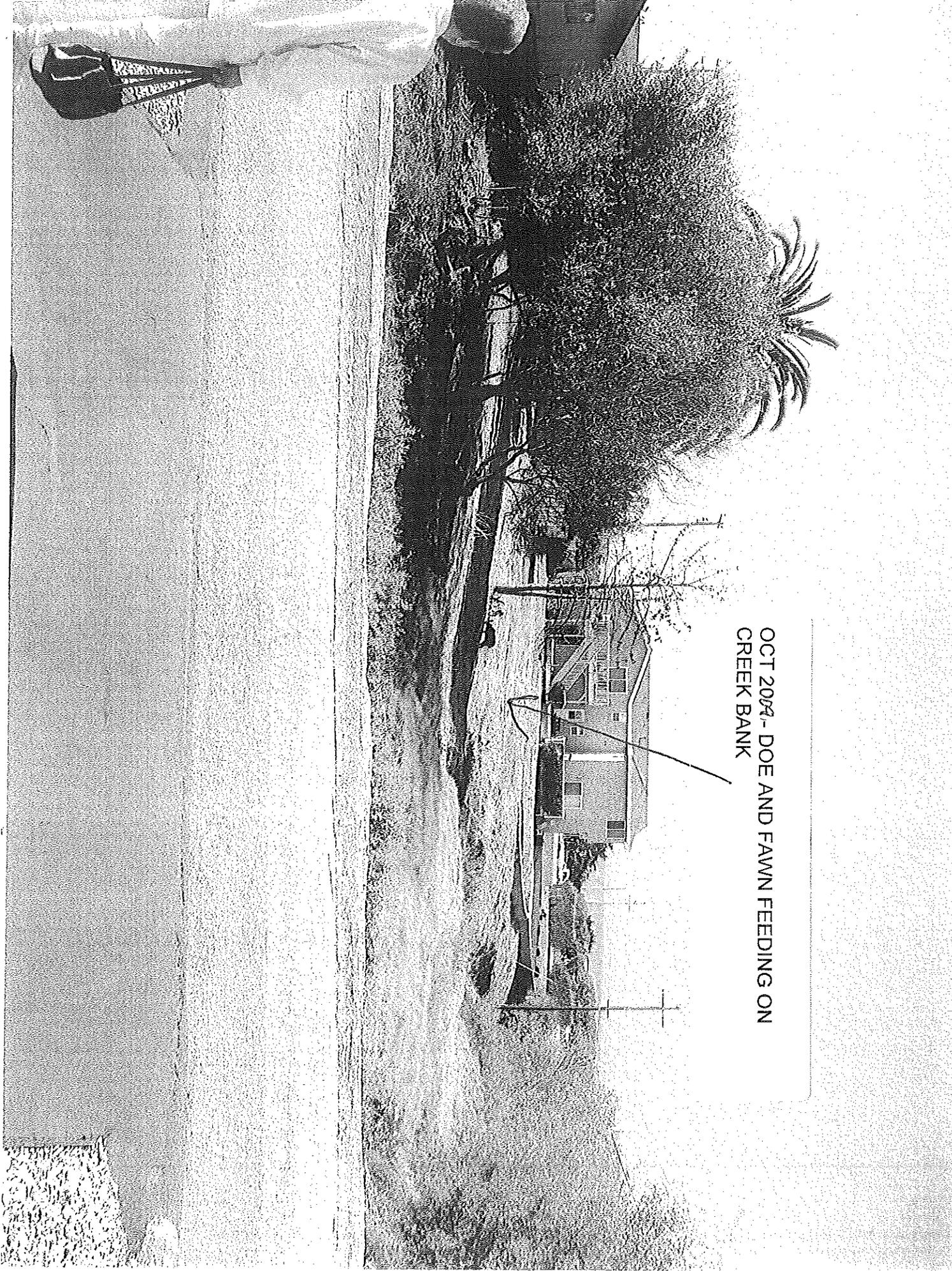


EXHIBIT T

ADDITIONAL MATERIALS  
SUBMITTED BY THE APPLICANT  
ON JULY 15, 2010

RECEIVED

JUL 15 2010

City of Morro Bay  
Public Services Department

WESTLAND ENGINEERING, INC.



CIVIL ENGINEERING  
LAND SURVEYING  
LAND PLANNING

3480 Higuera Street, Suite 130 ■ San Luis Obispo, CA 93401  
Telephone: (805) 541-2394 ■ Fax: (805) 541-2439

**SEPTEMBER 10, 2009 RESPONSE TO CITY'S COMMENTS  
FOR TENTATIVE PARCEL MAP MB 07-0274**

**ISSUES**

1. Low Impact Development (LID) Compliance.
2. Disruption of historical drainage pattern from adjacent (southeasterly) properties.
3. Project Structure Elevation.

**LOW IMPACT DEVELOPMENT**

**ORDINANCE**

Reference: Title 14, Chapter 14.48 of the City Code

The referenced City Code requires:

- BMP treatment for all projects with 2500 square feet of impervious surface or more.
- Peak Flow treatment for 28% of a 2-year storm event and volumetric treatment of 1" / 24 hour events.
- No significant increases in downstream flows. Significant being defined as increases in excess of 5%. Roof areas being exempt.
- Erosion control plans are required.

Said ordinance has been amended for this project by the following verbiage from the interim City ordinance:

- Development projects that exceed 500 square feet of new or redeveloped impervious area will be required to provide water quality treatment for the runoff resulting from a two year storm event either through retention (infiltration) or an alternative Water Quality BMP such as biofiltration, mechanical filtration or hydrodynamic separation.
- Additionally, these same development or redevelopment projects that drain to a natural creek, swale or City storm drain either directly or indirectly will be required to provide peak runoff rate control for the runoff resulting from the ten through hundred year rainfall events. For the purposes of stormwater management the pre-construction condition shall be that of native soil and vegetation.
- Drainage analysis, runoff calculations, design and justification of drainage facilities shall be performed by a Registered Civil Engineer and submitted with the building permit application. The responsible Soils Engineer shall review all proposed infiltration or storage systems for site suitability.

## EXISTING CONDITIONS

See Appendix A which shows the flood elevations as determined by FEMA.

## STORM FLOWS

Three methods were used to determine the flows: The Rational Method ( $Q=CIA$ ), Wallace Group's Report, and FEMA. The determination of the flows for the various storms was by interpolation based upon average intensity, where necessary.

## PROJECT

The proposed house and driveway add approximately 2750 square feet of driveway. Approximately 450 square feet of the driveway would be built over the existing gravel driveway for a net increase of 2300± square feet. The house will add approximately 1750 square feet of roof plus the porch and decking. The proposed improvements are shown on a annotated portion of the Tentative Map for the project in Appendix B.

### Creek Flow at Main Street

Interval	Intensity In/Hr	Rational * cfs	Wallace cfs	FEMA (at Tide) cfs	Used cfs
2-Year	0.95	65-75	60**	60**	65
10-Year	1.60	105-130	101	100	100
50-Year	2.30	230-290	175**	240	240
100-Year	2.50	250-315	191	340	315

\*= $CIA=A$  = Coefficient of Run-Off – 40%-50%, times Intensity, times Area – 275 acres

\*\* = Calculated

Estimated flow increases at upstream edge of proposed house. Total Creek Flow (The tributary area at the proposed new house is 98.5% of the overall.)

Interval	Flow cfs	Flow Increase cfs	Percent Increase
2-Year	64	0.04	0.06%
10-Year	99	0.06	0.06%
50-Year	236	0.09	0.04%
100-Year	310	0.10	0.03%

Increase less than 5%

Increase in flows caused by the project. 2750 square feet of driveway plus 1950 square feet of house, porch, and decking gives 4700 square feet of improvements or 0.11 acres. The run-off coefficient for the existing conditions is 40%. The impervious condition will be 90%. The remainder of the project will be native or landscaping.

Interval	Existing Flow cfs	New Flow cfs	Increase cfs
2-Year	0.06	0.13	0.07
10-Year	0.10	0.23	0.13
50-Year	0.13	0.30	0.17
100-Year	0.14	0.32	0.18

## PROPOSED MITIGATION

See Appendix B. The project has a maximum increase of 0.2 cfs with a maximum flow of 0.3 cfs. The following mitigation is proposed with the preliminary designs:

- Pavers for the driveway to reduce run-off
  - No sheet flow.
  - Flows directed to a bio-swale and then to a detention basin / bio-swale.
- All downspouts directed to either dry wells or the detention basin / bio swale.
- Bio-Swale - Grassy area that pre-treats flows directing flows to the detention basin.
- Detention Basin / Bio-Swale - Treats particulates, partially treats contaminants, and reduces peak flows.

Although the increase in drainage flows caused by the project are less than 5%, as noted above, some mitigation was assumed to be prudent. Therefore, a detention basin that would act as an additional bio-swale is proposed. This would treat the flows from the project letting particulates settle out and would reduce the peak flow. To size the basin the County of San Luis Obispo detention method (50-Year developed storm in, 2-Year undeveloped storm out) was used as a guide.

Developed Coefficient of Run-Off – 90%

Undeveloped Coefficient of Run-Off – 40%

Area – 0.11 acres

Required Storage = 220 cubic feet

2-Year undeveloped outlet flow = 0.06 cfs

220 cubic foot provided in preliminary design. Alternate designs with same storage and treatment capacity could be substituted.

- If the bio-swales treatment are determined to be inadequate to remove particulates and contaminants, outlet flows should be treated with a fossil filter, sand filter, or equivalent BMP.

## HISTORICAL FLOW PATTERN

This office reviewed the following information to determine the historical flow pattern across the site from the southeast:

Existing contours.

Contours from an undocumented topographic survey taken prior to improvements being placed.

Improvement Plans for Main Street.

Photographs from 2001 for the area along Main Street taken by this office.

A site visit on August 6, 2009.

This office did not take elevations on the property prior to the existing house being built. A grading plan for the site by another consultant was found. This plan shows elevations and contours that existed prior to grading. Spot elevations on this plan were compared with elevations taken by this office to verify accuracy. The undocumented contours on the older plan, when compared to the current contours, indicate that fill was placed along the slope of the creek bank between the existing house and the constructed wall and that the elevation on the southeasterly portion of the lot remained unchanged.

The plans for Main Street indicate that some filling has occurred along Main Street as a part of the curb, gutter, sidewalk installation. Cross Sections with the plans show a low area near the manhole adjacent to Main Street with flow towards the Creek. The area adjacent to the Creek is higher than the

flow line and apparently caused ponding.

Field locations taken by this office prior to the street improvements show the low area and the higher elevation near the Creek. Most of the low area was within the Public right-of-way.

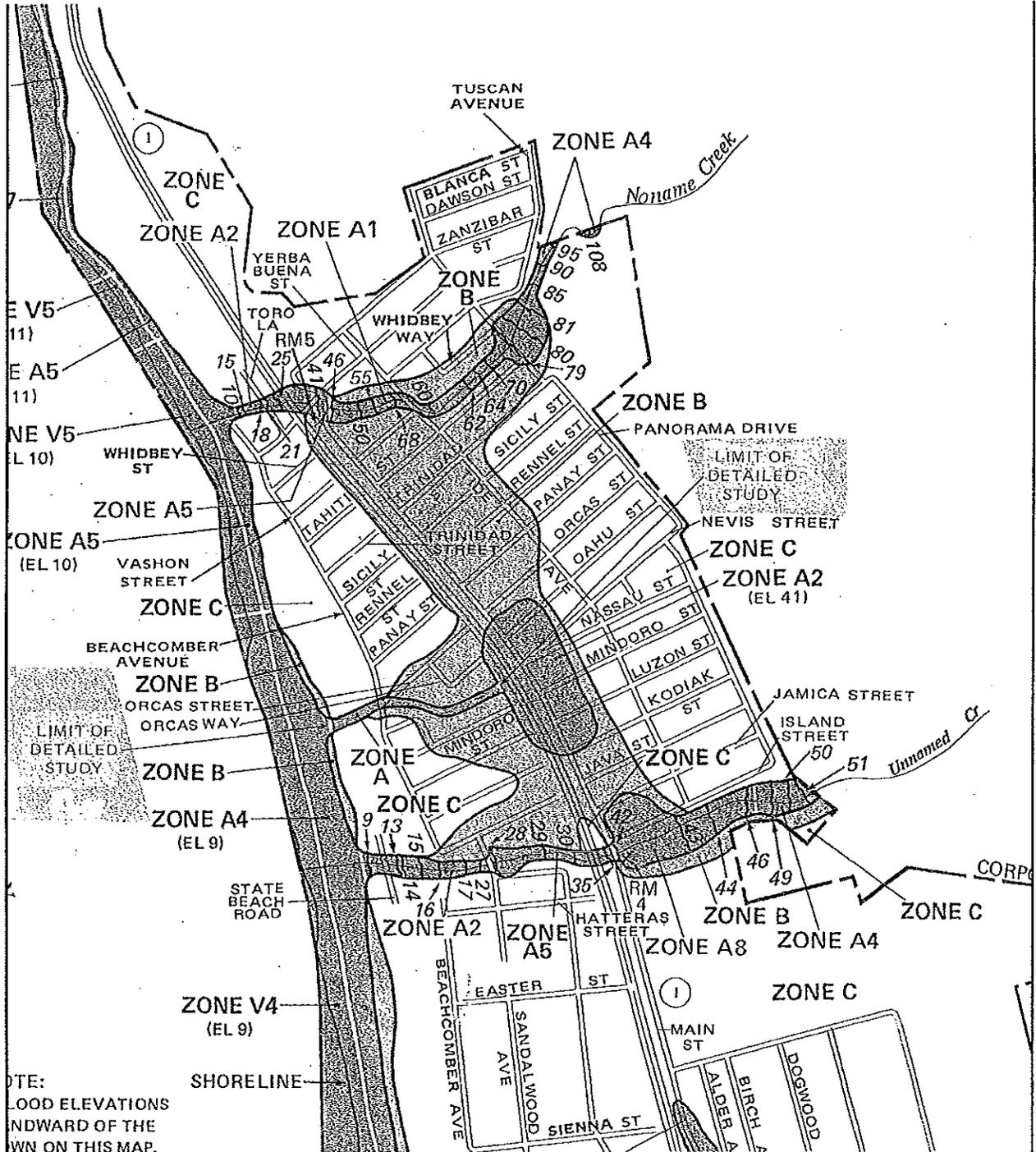
Comparisons of photographs taken in 2001 and the recent site visit indicate that a lawn area between the sidewalk and the house has been filled to about the level of the sidewalk. The filled area drains across the constructed driveway in a flat swale.

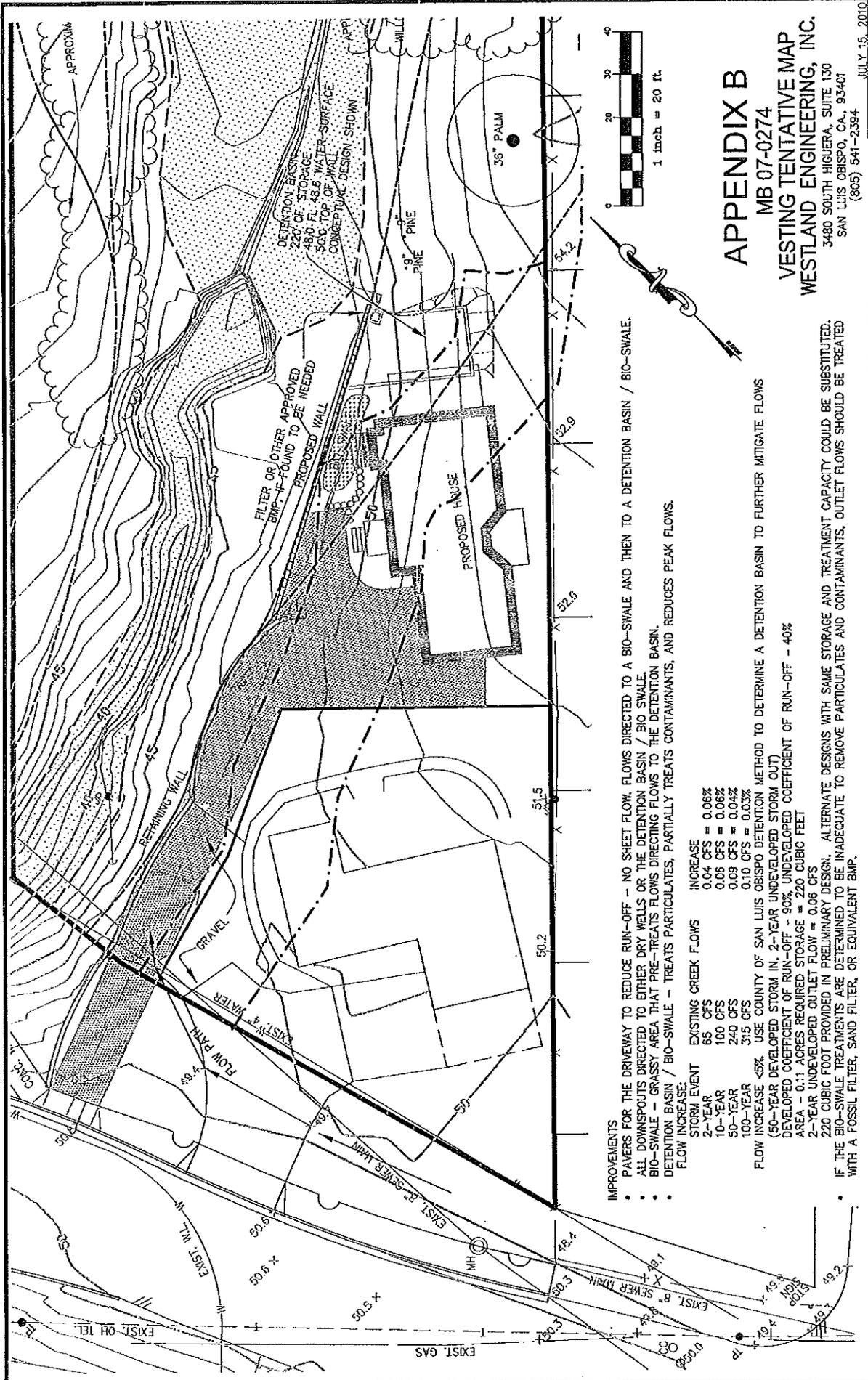
**CONCLUSIONS:** Based upon the available information, there appears to have been a low area near the street at the westerly corner of the neighboring property that filled during storms and then overtopped a low bank near the Creek. Larger flows would have emptied to the Creek along this path. This low area appears to have been partially filled with the street improvements and the lawn area. The lawn area and street improvements appear to drain without issue. The street improvements have raised the flow path to the Creek. The flow path is open through the lawn area and across the paved driveway. There is an alternate flow path southerly.

#### **PROJECT STRUCTURE ELEVATION**

The 100-Year storm elevation noted on the FIRM at the upstream edge of the proposed house is 51+. The proposed finished floor elevation is 52.5, or 1' above the 100-Year flood elevation. From the preliminary plans for the house provided by the applicant, we find that the house will have a finished floor to roof peak difference of 22.5'. Therefore, the roof peak elevation should be 75.0.

# APPENDIX A





# APPENDIX B

MB 07-0274

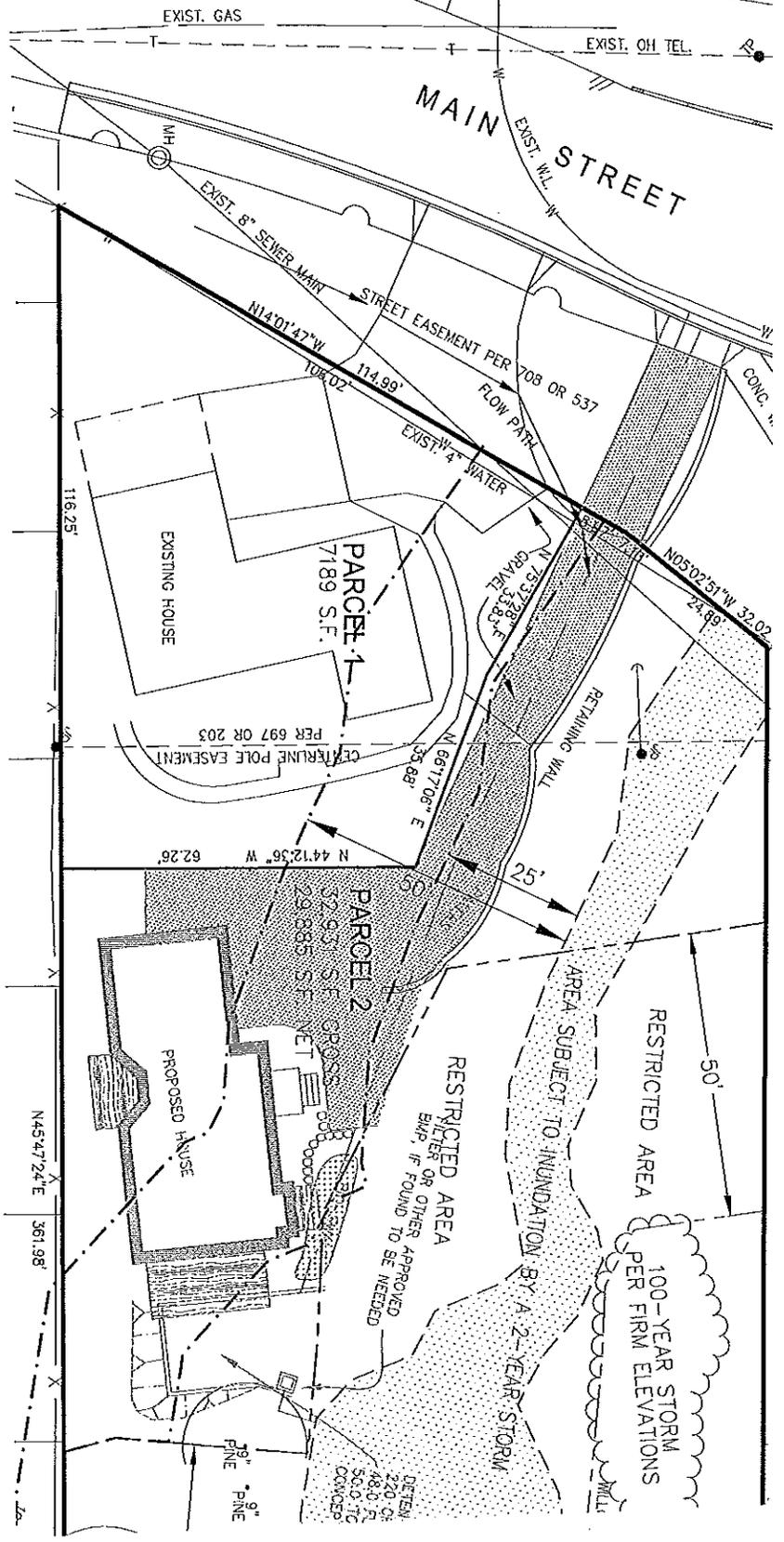
## VESTING TENTATIVE MAP

WESTLAND ENGINEERING, INC.

3480 SOUTH HIGUERA, SUITE 130  
SAN LUIS OBISPO, CA., 93401  
(805) 541-2394

JULY 15, 2010

- IMPROVEMENTS**
- PAVERS FOR THE DRIVEWAY TO REDUCE RUN-OFF - NO SHEET FLOW. FLOWS DIRECTED TO A BIO-SWALE AND THEN TO A DETENTION BASIN / BIO-SWALE.
  - ALL DOWNSPOUTS DIRECTED TO EITHER DRY WELLS OR THE DETENTION BASIN / BIO SWALE
  - BIO-SWALE - GRASSY AREA THAT PRE-TREATS FLOWS DIRECTING FLOWS TO THE DETENTION BASIN.
  - DETENTION BASIN / BIO-SWALE - TREATS PARTICULATES, PARTIALLY TREATS CONTAMINANTS, AND REDUCES PEAK FLOWS.
- FLOW INCREASE:**
- | STORM EVENT | EXISTING CREEK FLOWS | INCREASE         |
|-------------|----------------------|------------------|
| 2-YEAR      | 65 CFS               | 0.04 CFS = 0.06% |
| 10-YEAR     | 100 CFS              | 0.06 CFS = 0.06% |
| 50-YEAR     | 240 CFS              | 0.09 CFS = 0.04% |
| 100-YEAR    | 315 CFS              | 0.10 CFS = 0.03% |
- FLOW INCREASE <5%. USE COUNTY OF SAN LUIS OBISPO DETENTION METHOD TO DETERMINE A DETENTION BASIN TO FURTHER MITIGATE FLOWS (50-YEAR DEVELOPED STORM IN, 2-YEAR UNDEVELOPED STORM OUT)
- DEVELOPED COEFFICIENT OF RUN-OFF - 90% UNDEVELOPED COEFFICIENT OF RUN-OFF - 40%
- AREA - 0.11 ACRES REQUIRED STORAGE = 220 CUBIC FEET
- 2-YEAR UNDEVELOPED OUTLET FLOW = 0.06 CFS
- 220 CUBIC FOOT PROVIDED IN PRELIMINARY DESIGN. ALTERNATE DESIGNS WITH SAME STORAGE AND TREATMENT CAPACITY COULD BE SUBSTITUTED.
- IF THE BIO-SWALE TREATMENTS ARE DETERMINED TO BE INADEQUATE TO REMOVE PARTICULATES AND CONTAMINANTS, OUTLET FLOWS SHOULD BE TREATED WITH A FOSSIL FILTER, SAND FILTER, OR EQUIVALENT BMP.





AGENDA ITEM: X-B  
ACTION: \_\_\_\_\_

# CITY OF MORRO BAY PLANNING COMMISSION

July 19, 2010

## PROJECT SUMMARY

The applicant requests approval for construction of a new single family residential unit. The new residential unit consists of approximately 1,377 square feet of new habitable space and approximately 434 square feet of garage space. The applicant is also requesting a variance to reduce the exterior side yard setback.

## FILE NUMBERS

CP0-331 & AD0-055

## SITE ADDRESS

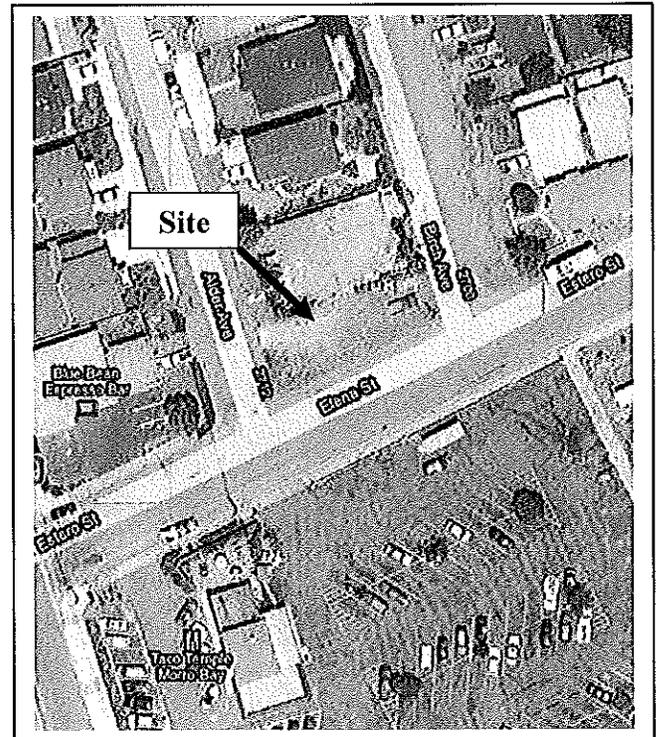
2718 Alder Avenue

## APN(S)

068-222-010

## APPLICANT:

John Saurwein



Vicinity Map

## ATTACHMENTS

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan reductions, Exhibit C
4. Plans, Exhibit D

## STAFF RECOMMENDATION

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

- A. Adopt the Findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA); and
- B. Approve Conditional Use Permit, subject to the Conditions included as Exhibit "B" and the site development plans dated June 23, 2010.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act the project is Categorically Exempt under class 3, section 15303, for new construction or conversion of small structures. Class 3 provides for but not limited to construction and location of limited numbers of new, small facilities or structures.

### **BACKGROUND**

The site where the proposed project is located is currently a vacant lot that has never been developed. The property is currently in escrow and is contingent upon the approval of the project before the Planning Commission at the July 19, 2010 meeting.

### **PROJECT DESCRIPTION**

The proposed project consists of construction of a new single family residential unit on a vacant lot. The proposed residential unit consists of approximately 1,377 square feet of habitable space and approximately 434 square feet of garage space. The house is also designed with a 2<sup>nd</sup> story deck that encroaches an allowable 5 feet into the front yard setback. With the proposed design the applicant is able to meet the required front, interior side yard and rear yard setbacks.

In addition to setbacks the design was reviewed for compliance with building height, lot coverage and line of site for a corner lot. The residence is proposed to be 21.5 feet in a zoning designation with a height limit of 30 feet. The applicant is trying to maximize the site by developing a two story structure that is within the 30 foot height limit and in substantial conformance to the setbacks. The allowable lot coverage for the R-4 designation is a maximum of 60%. The applicant is in conformance with the front, interior side yard and rear setbacks and has applied for a variance to encroach into the side yard setback. With the proposed design maximizing the site, the structure only covers approximately 39% of the lot. The site was also designed with required line of site clearance areas on the corner of Alder Avenue and Elena, and Birch Avenue and Elena. The City Engineer has reviewed the plans in regards to the line of site clearance and finds them to be adequate for public safety.

The applicant also applied for a variance to reduce the 10 foot exterior side yard setback to allow for encroachment of a portion of the two car garage and four corners of the residence. The measurements of the angled 5 corners of the house that encroach into the exterior side yard setback are as follows in a west to east order:

1. 5-feet for garage (1<sup>st</sup> floor) and breakfast nook (2<sup>nd</sup> floor)
2. 2.75-feet for closet (1<sup>st</sup> floor only)
3. 2-feet for entrance (1<sup>st</sup> floor) and hallway (2<sup>nd</sup> floors)
4. 2-feet for hallway (1<sup>st</sup> floor) and doorway for master bedroom (2<sup>nd</sup> floor)
5. 2.5-feet for bedroom #2 (1<sup>st</sup> floor) and master bedroom closet (2<sup>nd</sup> floor)

### **Lot Size and Configuration**

The lot is located in the R-4 district adjacent to the Mixed Commercial/Residential to the west and single family residential to the east. The R-4 and R-1 lots are primarily developed as single family dwelling units and the mixed commercial/residential lots are developed with businesses that front on Main Street.

Staff researched the assessor's parcel maps and found that the proposed development is on the smallest lot in the area, therefore the applicant must comply with smallest building area in order to comply with all required setbacks. The proposed lot measures 36.42 feet on the west property line and 23.97 feet on the east property line with a depth of 80 feet. The total lot area equals 2404.39 square feet which meets the required minimum of 1,800 square foot lot size for a single family residential unit.

The five lots to the north of the site are comparable, in terms of zoning designation and adjacent land uses. The lots have an average width of 50 feet and average depth of 80 feet for a site area of approximately 4,000 square feet.

All of the lots mentioned above, including the proposed project site are required to conform to the required setback for single family residences in the R-4 zoning district. However the proposed project is located on a lot that is approximately 1,596 square feet or 40% less, than the average lot area of comparable lots in the same zoning district, therefore the allowable building area is substantially less.

#### Parking

The proposed project consists of a single family residential unit and pursuant to the Municipal Code a single family residential unit in any zoning district is required to have two covered and enclosed parking space, except as otherwise provided in the zoning ordinance. Section 17.44.020.C.1.c specifically states that, "Single-family dwellings: two spaces for each dwelling, which shall be covered and enclosed except as provided below [Exceptions, 17.44.020.C.1.e]"

The applicant's original proposal consisted of a residential unit of approximately the same size, but with an oversized one-garage and one uncovered tandem parking space in the driveway. The structure complied with all setbacks, but due to the narrowness of the lot the applicant could not design a two car garage to fit within the setbacks on the widest side of the lot on the west site. The applicant was advised that the uncovered tandem space must conform to the standard 20 foot by 11 foot parking space and could not be located in the front yard setback. The tandem space originally proposed did not conform to the standards. The applicant then proposed a new design after discussing with staff the possibility of a two car garage. The applicant resubmitted new plans with a two-car garage and an application for a variance for a reduced exterior side yard setback to meet the requirement of two on-site covered and enclosed parking spaces with no tandem parking space.

To maintain the maximum allowable building area the applicant applied for a variance from the exterior side yard setback to allow for two-car garage to provide two covered and enclosed parking spaces. The proposed project conforms to the front, interior side yard, and rear setbacks and encroaches a maximum of 5 feet into the exterior side yard. The addition of the 5 feet would accommodate the extra space necessary for 20 foot by 20 foot clear (interior) garage for two parking spaces.

The MBMC states that garage and carports shall be set back twenty feet from street property line except as otherwise provided in this title. The required front yard setback for the proposed

project is 15 feet from the front property line and therefore the code states that any garage space located closer than twenty feet from property line shall have an automatic rolling type garage door opener. A conditional of approval shall be placed on the project requiring an automatic rolling type garage door opener to meet this code requirement.

Variance

Pursuant to section 17.60.060 of the Morro Bay Municipal Code the Planning Commission must make the following findings based on the information provided by the applicant and research staff has provided.

*A. Not a Special Privilege. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situation;*

The proposed project is located on a 2,404 square foot lot, which is approximately 1,600 square feet less than the average size lot of 4,000 square feet in the area and more specifically in the R-4 zoning district for lots adjacent to the proposed project. The applicant is requesting relief from the exterior side yard setback to fully utilize the building area and provide the required parking requirement onsite.

The following table demonstrates the existing residential units to the east of the site on comparable lots.

Location	West Property line	East Property line	Garage facilities
2718 Alder Ave.	36.42 feet	23.79 feet	Two Cover and Enclosed Proposed
Corner of Birch and Elena	39.32 feet	26.7 feet	One Car Garage
Corner of Cedar and Elena	42.23 feet	29.61 feet	No On-Site Parking Facilities
Corner of Dogwood and Elena	45.14 feet	32.52 feet	No On-Site Parking Facilities
Corner of Elm and Elena	48.05 feet	35.42 feet	No On-Site Parking Facilities
Corner of Fir and Elena	50.96 feet	38.33 feet	Two Covered and Enclosed

As seen in the table above there is varied on-site parking facilities for the residential units to the east of the proposed project. All are located in the R-1 zoning designation, however they have the same parking requirements as the proposed project in the R-4 zoning designation. The table illustrates that the lots of comparable shape with the west property line proportionally longer than the east side of the site and have historically not provided two covered and enclosed parking

spaces. The proposed project tries to conform to the two covered and enclosed parking requirement on a lot with the smallest area.

*B. Special Circumstances with Property. That because of special circumstance applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications; and*

The applicant is proposing a project that substantially conforms to the code requirements, with the exception of the exterior side yard, on a lot that is 40% smaller than the average size lot in the area. Because of the short length of the property lines and askew shape, the applicant has proposed a project with a diagonal wall that does not allow for usable space on the interior of the structure. With the proposed variance for the 5 corners, the applicant has created corners that minimally encroach into the setback, but create a more habitable interior space.

*C. Consistent with General Plan and LCP. That the variance is found consistent with the intent of the general plan and land use plan of the local coastal program.*

Staff has reviewed this project and found the structure to be in substantial conformance with the intent of the general plan and land use plan of the local coastal program. The structure with the exception on the exterior side yard conforms to all setbacks, height restrictions, lot coverage, and parking requirements.

<b>Adjacent Zoning/Land Use</b>			
North:	Multifamily Residential (R-4/SP)	South	Mixed Commercial/Residential (MCR/R-4/SP)
East:	Single Family Residential (R-1/S.2)	West:	Mixed Commercial/Residential (MCR/R-4/SP)

<b>Site Characteristics</b>	
Existing Use	Vacant Lot
Terrain	Undeveloped, urban lot
Vegetation/Wildlife	Weeds, compact soil
Archaeological Resources	No archaeological resources.
Access	Alder Ave.

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	R-4
Zoning Overlay District	n/a
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	North Main Street Specific Plan
Coastal Zone	Not located in the Coastal Commission Appeals Jurisdiction

**GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY**

Commission must review the project for consistency with the Municipal Code, Local Coastal Plan, California Coastal Act and Waterfront Master Plan. Staff has reviewed the proposal and found the single family residential unit to be consistent with the above mentioned documents and City standards.

**PUBLIC NOTICE**

Notice of this item was published in the San Luis Obispo Tribune newspaper on July 9, 2010, and all property owners of record within 300 feet and residents within 100 feet of the subject site 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 would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. The project is not located within the California Coastal Commission Jurisdiction.

Report prepared by: Sierra Davis, Assistant Planner

**EXHIBIT A**

**FINDINGS**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- A. Pursuant to the California Environmental Quality Act the project is Categorical Exempt under class 3, section 15303, for new construction or conversion of small structures. Class 3 provides for but not limited to construction and location of limited numbers of new, small facilities or structures.

**VARIANCE FINDINGS**

- B. Not a Special Privilege. The variance requested shall be subject to the conditions in Exhibit B of the Staff Report dated July 19, 2010 and such conditions will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situation;
- C. Special Circumstances with Property. That because of special circumstance applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications; and
- D. Consistent with General Plan and LCP. That the variance is found consistent with the intent of the general plan and land use plan of the local coastal program.

## EXHIBIT B

### CONDITIONS OF APPROVAL

#### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated July 19, 2010 for the project depicted on the attached plans labeled "Exhibit D", dated June 23, 2010, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
  - a) The structures 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 Director of Public Services, 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 Director of Public Services. 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 Director of Public Services 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. Acceptance of Conditions: Prior to obtaining a building permit the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

### **PLANNING CONDITIONS**

1. Garage Door: An automatic rolling type garage door shall be installed.
2. Driveway: Due to the short length of the driveway nothing shall be parked in the driveway that will obstruct access along the public right-of-way.
3. Corner Lot sight lines: The line of sight shall be located and designed as shown on the Plans dated June 23, 2010 on file with the Public Services Department. The area located within the line of sight shall be kept clear of visual obstructions from the height of thirty-six inches to seven feet.
4. Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
5. 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 structures are in accordance with the approved plans and complies with the height requirement of 25 feet above average natural grade as accepted by the City Building Official.
6. 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.
7. 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.

### **ENGINEERING CONDITIONS**

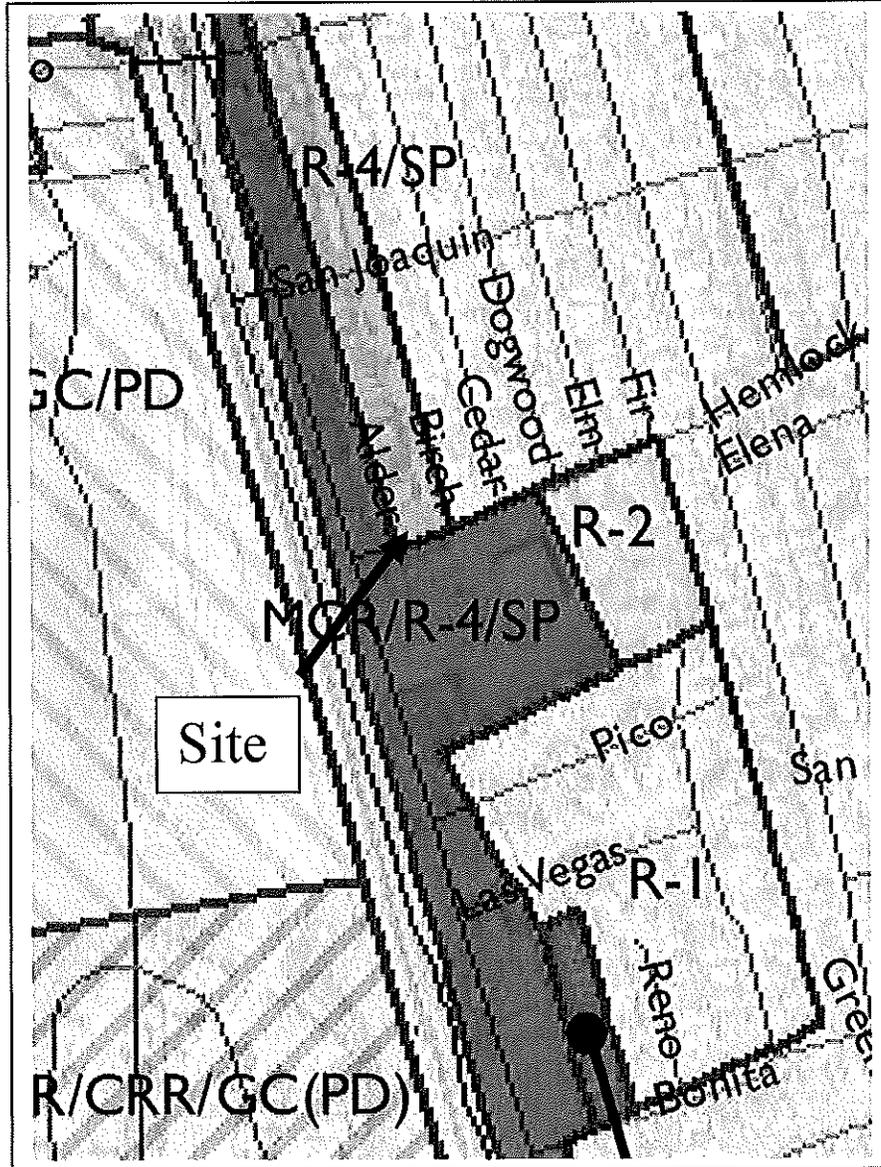
1. Provide water quality treatment for the runoff resulting from a two year storm event either through retention (infiltration) or an alternative water quality BMP such as bio-filtration, mechanical filtration or hydrodynamic separation. Also provide peak runoff rate control for the runoff resulting from the ten through hundred year rainfall events. For the purposes of storm water management the pre-construction condition shall be that of native soil and vegetation. Drainage analysis, runoff calculations, design and justification of drainage facilities shall be performed by a Registered Civil Engineer and submitted with the building permit application. The responsible Soils engineer shall review all proposed infiltration or storage systems for site suitability.
2. At the time of building permit submittal, the applicant shall submit a landscape/hardscape plan for review by staff. Plan shall conform to the engineering drainage plan and include BMP's that will serve to permanently stabilize the site and prevent erosion.
3. Frontage improvements are required per 14.44.020 of Morro Bay's municipal code. The building plans shall provide curb gutter and sidewalk, street trees, ADA driveway approach. Also two handicap ramps are required one at the corner of Birch and Elena and another at the corner of Elena and Alder.
4. Provide an erosion and sediment control plan.
5. The plans shall show all proposed utilities, i.e. water and sewer laterals.

Add the following Notes to the Plans:

1. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
2. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

**EXHIBIT C**

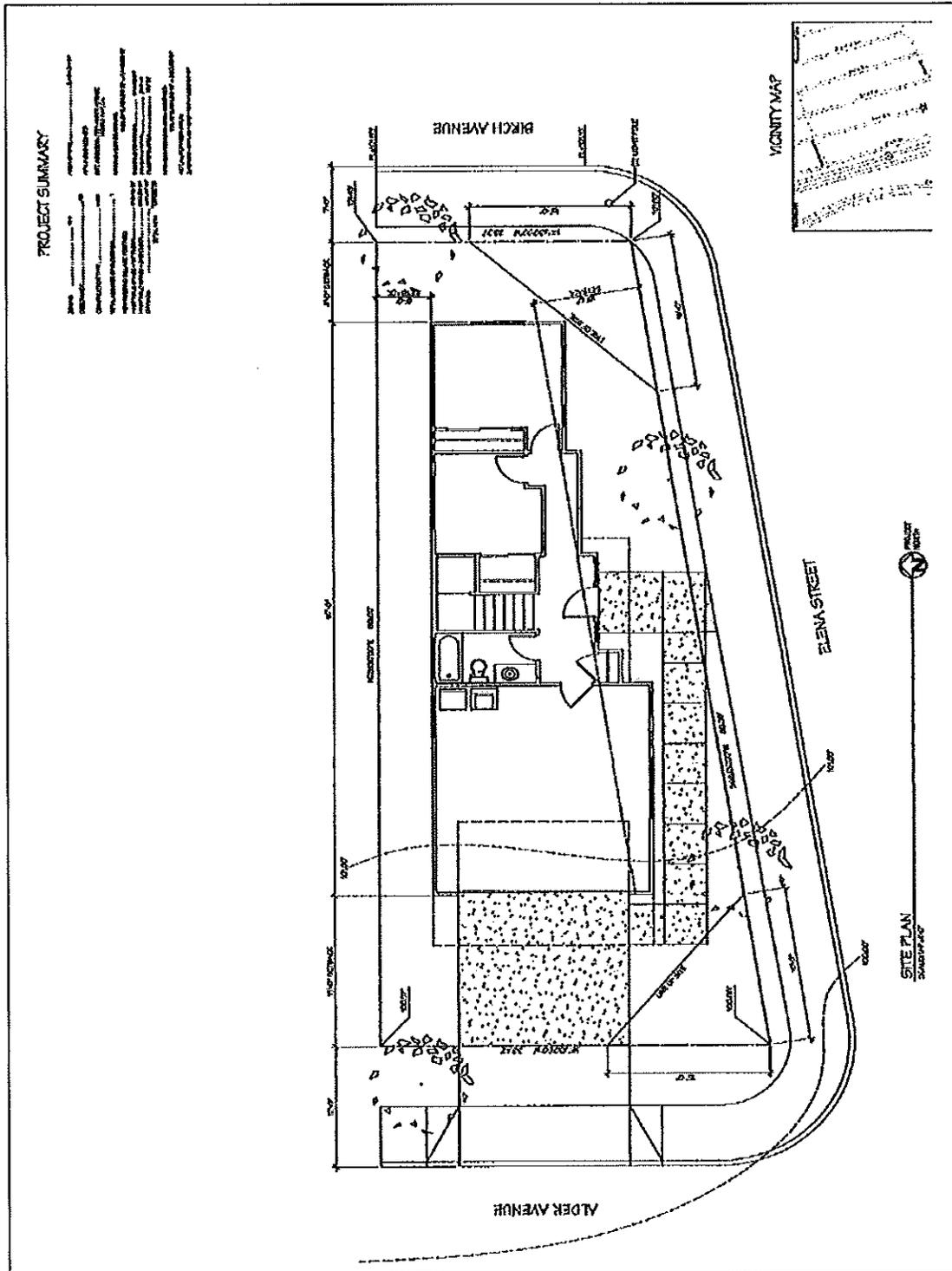
**GRAPHICS/PLAN REDUCTIONS**



Planning Commission  
2718 Alder Ave.



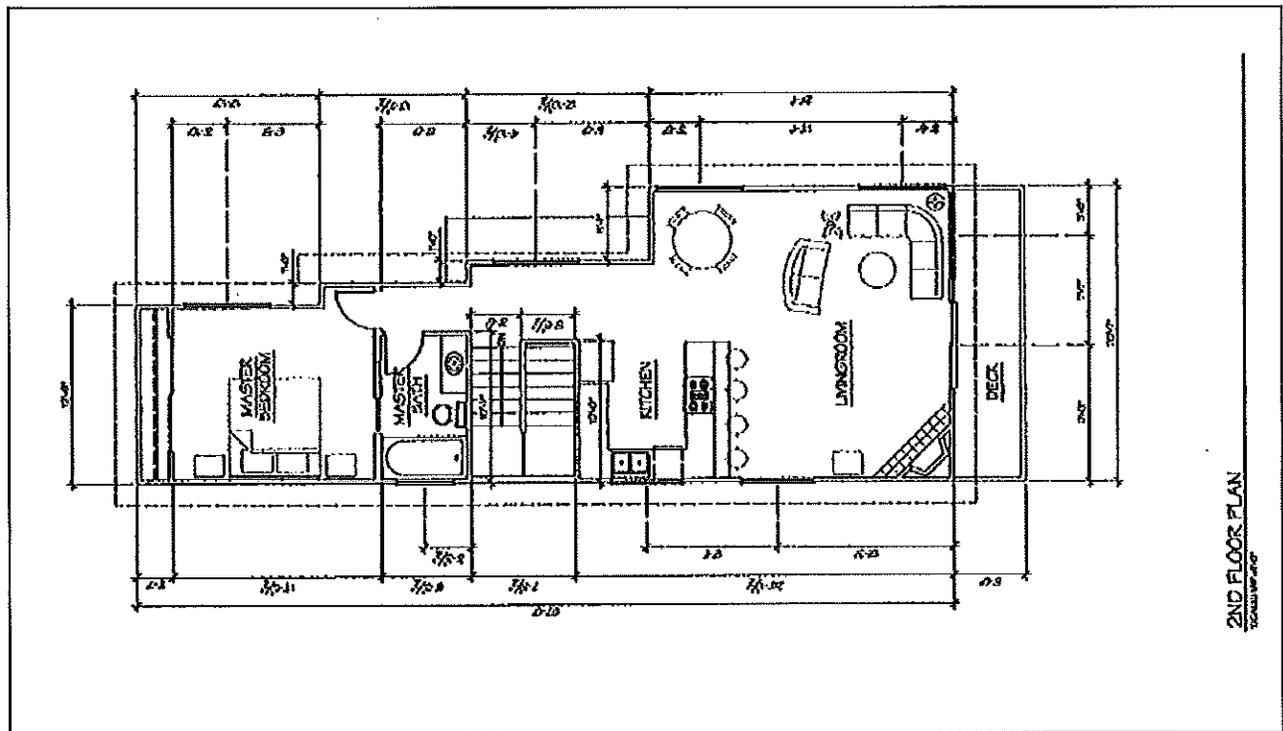
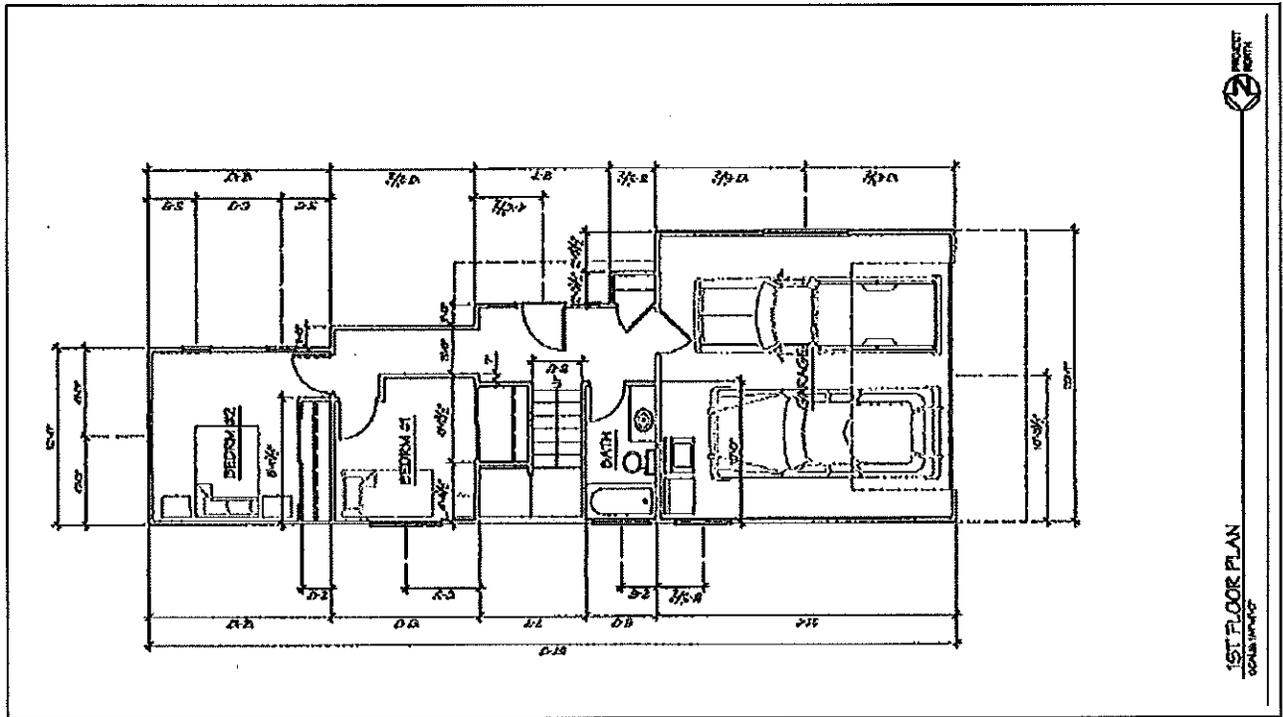
ZONING MAP



Planning Commission  
 2718 Alder Ave.



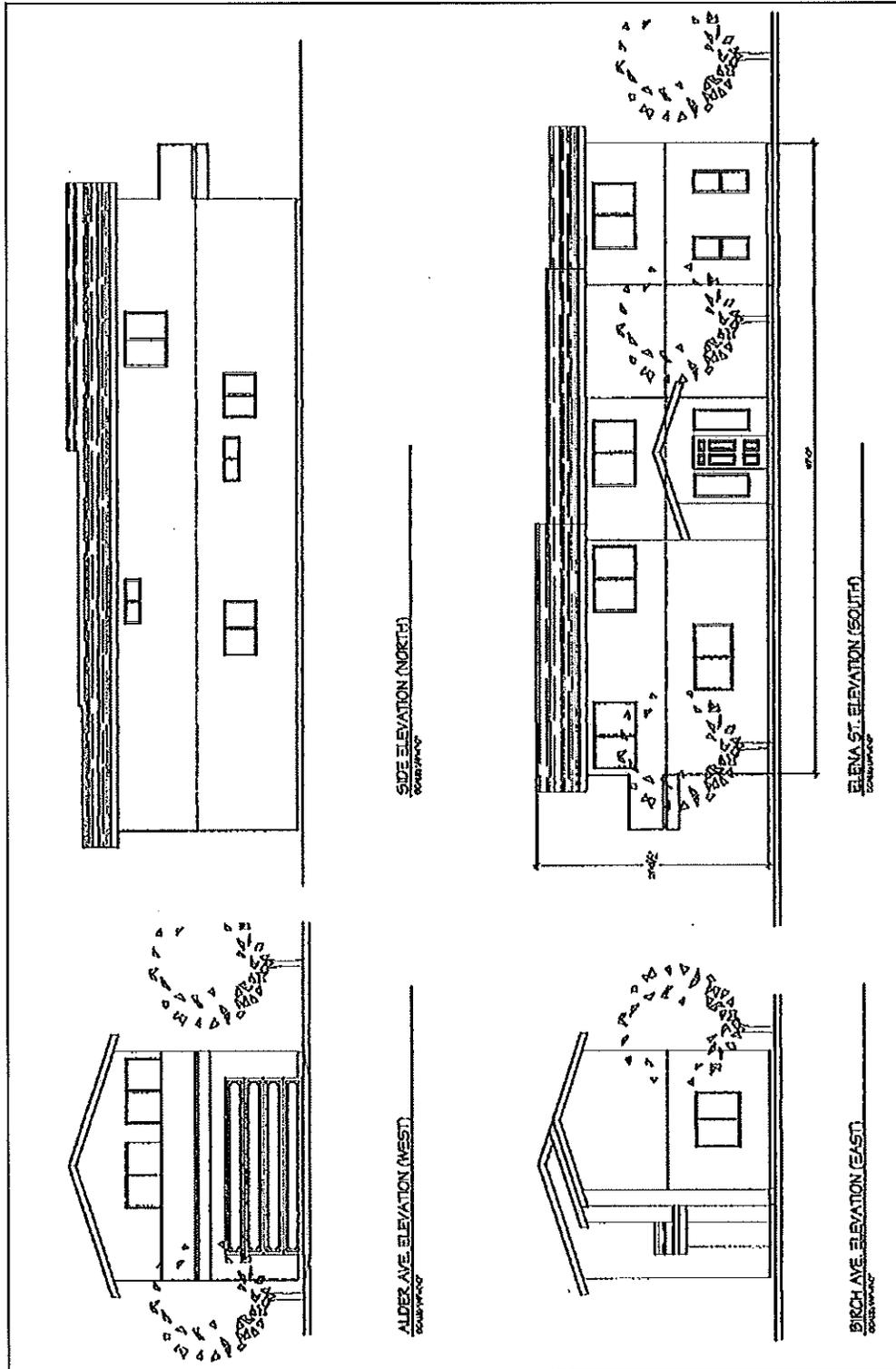
**SITE PLAN**



Planning Commission  
2718 Alder Ave.



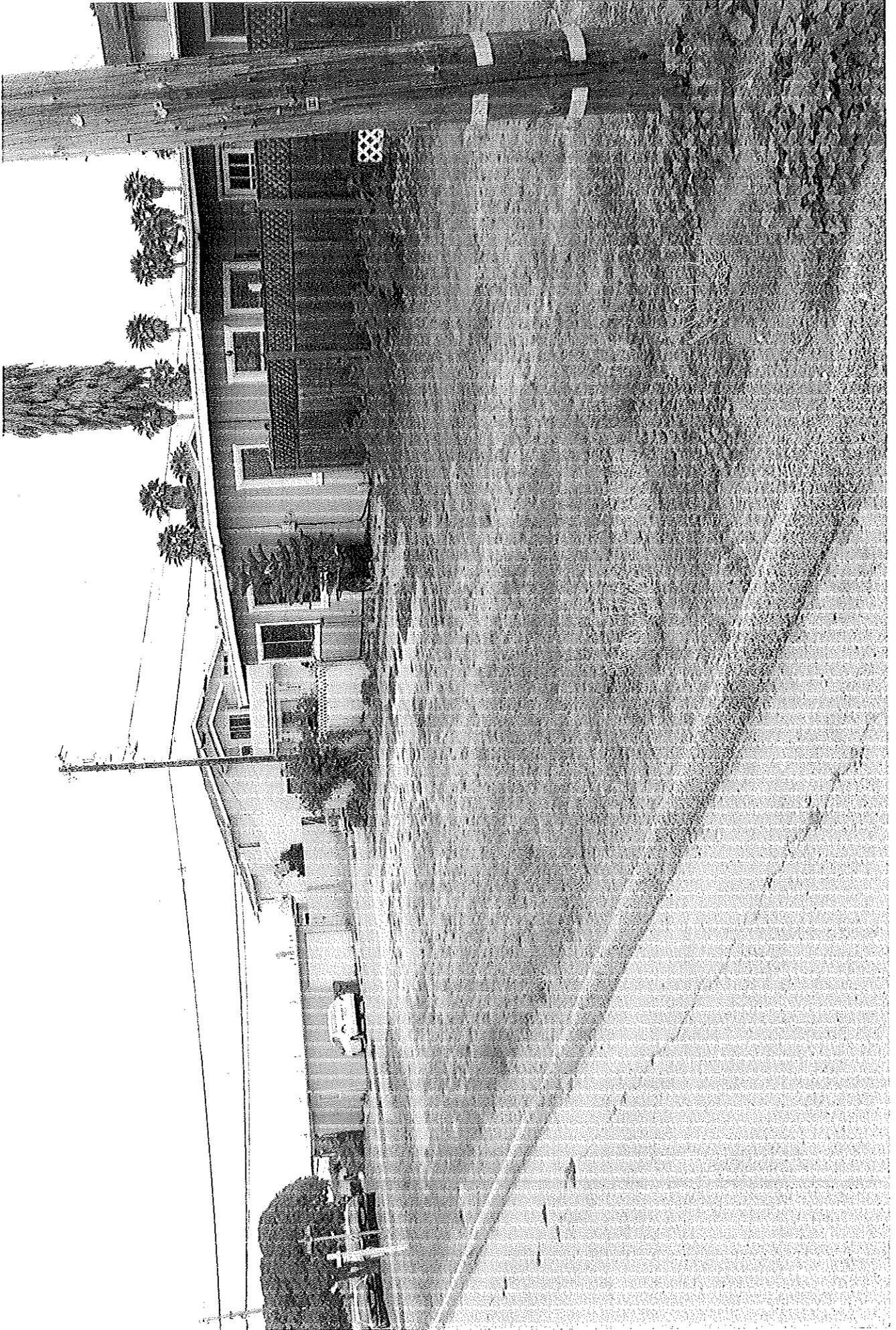
FLOOR PLAN



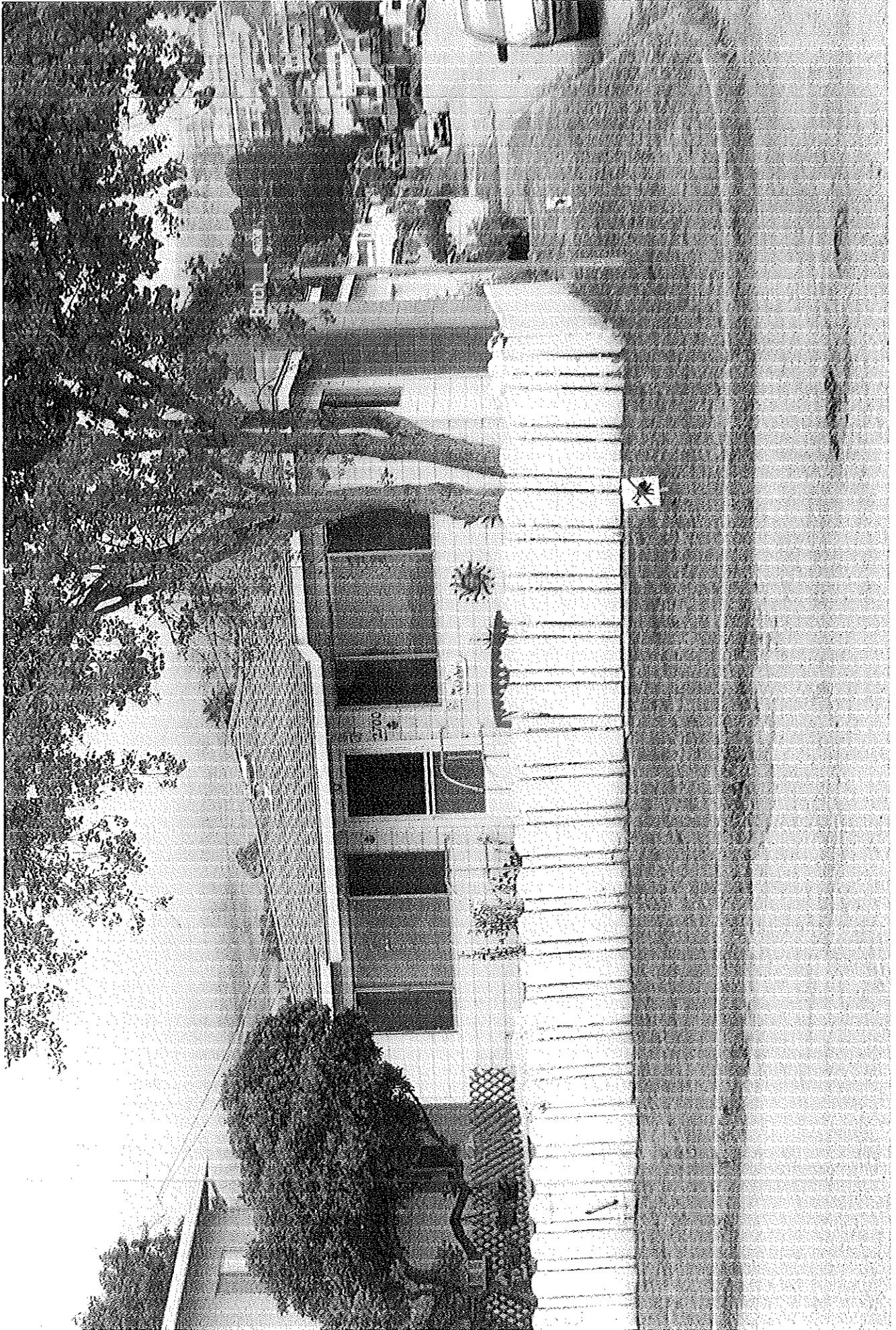
Planning Commission  
2718 Alder Ave.



ELEVATIONS



HOME TO LEFT OF 2718 ALDER, M.B.



Home behind on corner BIRCH (700) & ELENA



# City of Morro Bay Public Services Current Project Tracking Sheet

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

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
<b>Hearing or Action Ready</b>							
1	John Saurwein	2718 Alder	6/1/10	AD0-055 CP0-331	<i>New SFR . Submitted 6/1/10. Met with applicant 6/4/10. Incomplete letter 6/4/10. Resubmittal 6/23/10. Scheduled for 7/19/10 Planning Commission Meeting.</i>	SD	PC
2	Johnnie Medina	3390 Main	5/29/08	CP0-276 & S00-89	<i>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. Applicant submitted email from the U.S. Fish and Wildlife Service regarding wetland status.</i>	KW	PC
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>							
3	Kleinhammer	160, 190 Anchor	7/29/08	S00-100, UP0-279 and CP0-311	<i>Parcel Map dividing one parcel into two with Right of Way abandonment. Incomplete letter sent 8/25/09. Met with applicant's representative regarding a redesign of the project. Pre-application submitted on 3/15/10 for compact infill development. Mtg with applicant 3/25/10. Applicant's agent has indicated the project will be withdrawn.</i>	KW	PC/CC
4	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	<b>Convert commercial space to residential use.</b> Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information. Applicant is considering a redesign of the project.	KW	PC
5	Studio Design Group	962 Piney	10/15/09	CP0-314 & UP0-281	<b>Preapplication Demo</b> , addition and remodel of existing church., application taken to DRT. Incomplete letter sent 12/4/09. Resubmittal 2/8/10. Incomplete letter sent 4/12/10. Resubmittal 6/15/10.	SD	PC
6	Vallely and Crafton	430 Olive	11/23/09	S00-102	<b>Lot Line Adjustment.</b> Incomplete letter sent 12/23/09. Resubmittal 4/16/10. Project does not meet Zoning Standards, letter sent indicating the project is deficient.	SD	AD
7	David Foote	235 Atascadero	12/16/09	CP0-322	<b>CUP and Coastal Development Permit. Solar Arrays.</b> 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. Resubmittal - change in project description 3/16/10. Comments sent 4/16/10. Resubmittal 5/18/2010. Project deemed complete for processing 5/25/2010. Agent indicates that the project has been revised so that no trees will be removed. Resubmittal 6/29/10.	KW	PC
8	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<b>Parcel Map.</b> CDP & CUP for 3 townhomes. Incomplete letter sent 4/20/10. Met with applicant 5/25/10.	KW	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
9	Mark Reisnick	691 Ponderosa	3/17/10	CP0-324	<b>Granny Unit &amp; Garage.</b> CDP for 900 sf unit & 504 sf garage. Incomplete Letter sent 4/19/10. Resubmittal 7/7/10. Incomplete letter 7/13/10.	SD	AD
10	Giovanni DeGarimore	1001 Front	3/22/10	UP0-284	<b>Floating Dock.</b> CUP to reconfigure existing side tie floating dock to include 4 new finger floating docks, 50 ft. x 4 ft. Incomplete letter sent 4/26/10. Resubmittal 6/10/10. Resubmittal 6/29/10.	SD	PC
11	Walter & Karen Roza	595 Driftwood	3/30/10	UP0-285 S00-103 CP0-325	<b>Coastal Development Permit, Use Permit, Parcel Map Demo Reconstruct SFR &amp; 2nd Unit.</b> VPM, CUP & CDP. Pending resubmittal	KW	PC
12	Debbie Dover	500 Quintana	4/21/10	UP0-289	<b>UP0-289, Use Permit Outdoor Fitness Classes.</b> Incomplete letter sent 5/11/010. Applicant resubmitted 5/14/2010. Spoke to Ginger 6/3/10 discussed project. Comment letter 6/3/10. Project Noticed for Admin Action 6/16/10.	SD	AD
13	Mike Wilson	957 Pacific	6/1/10	CP0-330 ADO-053	<b>Demo Garage/Replace with Tandem Structure.</b> Incomplete letter 6/16/10. Resubmittal 6/23/10. Ready for Noticing 7/13/10.	SD	AD
14	Hamrick Associates	1129 Market	6/10/10	UP0-291	<b>Remodel and Addition.</b> Incomplete letter 6/23/10. Submitted additional information 6/30/10. Submitted additional information 7/7/10. Building Comments 7/9/10.	SD	PC
15	Dan Reddell	550 Morro Bay Blvd	6/14/10	UP0-293	<b>Farmer's Market.</b> Conditional Use Permit for vendors and events. Resubmittal 6/17/10	SD	PC
16	Larry & Trish Dooley	565 Marina Street	6/25/10	ADO-056 UP0-294	<b>Remodel and Addition.</b> Conditional Use Permit and Variance. Incomplete letter 7/13/10.	SD	PC
17	Robert and Elizabeth Mastro	582 Zanzibar	6/29/10	CP0-332	<b>New SFR.</b>	SD	AD
<b>Projects in Process</b>							
18	Rudolph Kubes	1181 Main & Bonita	11/23/06	UP0-086 & CP0-130	<b>Morro Mist 20 Lot SFR Subdivision.</b> 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. Applicant considering redesign of project. Change in agent. Project resubmitted on June 29, 2010, project routine to various divisions for comments and conditions. Resubmittal 7/6/10.	KW	PC
19	Frank Loving	247 Main	10/27/07	UP0-192	<b>Docking for Vessels.</b> 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. Met with applicant 5/24/10.	KW	PC
20	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	<b>WWTP Upgrade.</b> Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent noticing.	RL	PC/CC/RW QCB
21	Dan Reddell	1 Jordan Terrance	7/25/08	UP0-223 & CP0-285	<b>New SFR.</b> Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete. Comment review period ends 6/22/10. Comments recieved on MND.	JH/KW	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
22	California State Park	201 State Park Drive	2/11/09	CP0-303 & UP0-254	<b>Solar Panels</b> at the State Park with the addition of one carport structure for support of the panels. Coastal Development Permit and Conditional Use Permit. Comments sent 3/23/10.	SD/KW	PC
23	Tank Farm	1290 Embarcadero	2/27/10	N/A	<b>Tank Demo.</b> Demo of seven tanks at the Morro Bay Power Plant. Materials submitted and under review. All materials submitted to date have been reviewed and sent back to the applicant	SD	AD
24	City of Morro Bay	10 State Park Drive	11/10/09	UP0-278	<b>Marina Dredging.</b> CUP to dredge State Park Marina. Consultant working on Addendum to the EIR.	KW	PC
25	City of Morro Bay	Citywide	5/1/10	AD0-047	<b>Text Amendment</b> modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs.-5/17/2010	KW	PC/CC
<b>Environmental Review</b>							
26	Chevron	3072 Main	12/31/08	C90-301	<b>Remove Underground Pipes.</b> Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested additional documentation 4/29/10.	SD	PC
27	Robert Tefft	395 Acacia	11/10/09	CP0-320	<b>SFR demolition.</b> Incomplete letter sent 12/31/09. Resubmittal 3/15/10. Comments 4/22/10. Applicant filed an appeal on the environmental decision 4/28/10. Appeal withdrawn. Environmental document being prepared.	KW	AD
28	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> 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. Environmental documents being prepared.	KW	PC
<b>Coordinating with Other Jurisdictions</b>							
29	Burt Caldwell	801 Embarcadero	5/15/08	UP0-212	<b>Conference Center.</b> Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC. Waiting for Precise Plan submittal.	SD	PC/CC/CCC
30	City of Morro Bay	887 Atascadero	3/9/09	N/A	<b>Nutmeg Water Tank Upgrade (City of Morro Bay CIP project).</b> Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County
31	John King	60 Lower State Park	7/2/08		<b>Lower parking lot resurface and construction of 2 new stairways.</b> Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC
<b>Projects Continued Indefinitely or No Response to Date on Incomplete Letter</b>							
32	SLO County	60 Lower State Park	09/28/04	CP0-063	<b>Master Plan for Golf Course.</b> 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
33	Cameron Financial	399 Quintana	04/11/07	CP0-233	<b>New Commercial Building.</b> Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD

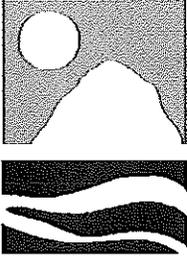
#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
34	West Millennium Homes	895 Monterey	7/10/07	CUP-151 S00-067 & CP0-215	<b>Mixed-use building.</b> 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC
35	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	UP0-178	<b>Addition to nonconforming residence.</b> 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
36	Jeff Gregory	1295 Morro	09/25/07	CP0-254	<b>Coastal Development Permit to allow a second single family residence on lot with an existing home.</b> 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
37	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	<b>Appeal of Demo/Rebuild SFR and 2 trees removal.</b> Continued to a date uncertain.	KW	PC
38	Cathy Novak	263 Main Street	09/12/07	CP0-258/S00-078	<b>Lot line Adjustment.</b> Application has had no activity from the applicant since 2007. A Parcel Map was finalized for the property.	SD	AD
39	Ron McIntosh	190 Olive	8/26/08	UP0-232 & CP0-288	<b>New SFR.</b> Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	SD	PC
40	Candy Botich	206 Main Water Lease Site 34 Main & Oak St.	6/17/09	CP0-310	<b>New Parking.</b> Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW	PC/CC
41	Bob Crizer	206 Main Street, water lease site 34	11/9/09	AD0-047	<b>Oak Street Parking Exception.</b> 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	PC/CC
<b>Projects in Building Plan Check</b>							
42	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	<b>Mixed Use Project - Ciano.</b> Comments sent 2/25/10.	SD	N/A
43	Valori	2800 Birch Ave	2/10/10	Building	<b>Remodel/Repair.</b> Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A
44	John & Alair Hough	285 Main	2/16/10	Building	<b>SFR Addition.</b> Second unit over detached garage. Comments sent 3/19/10. Resubmittal 6/10/10. Comments sent 6/16/10.	SD	N/A
45	Jon Wickstrom	401 Panay	2/5/10	Building	<b>SFR Addition.</b> 1,000 sf. addition. Comments sent 3/17/10.	SD	N/A
46	Costanzo Addition	1202 Bolton Dr	9/18/09	Building	<b>SFR Addition.</b> Add stairs to the existing house. Comments sent 9/24/2009. Comments sent 2/11/10. Resubmittal 7/9/10.	SD	N/A
47	Todd Schnack	2248 Emerald	2/17/10	Building	<b>New Guesthouse Cloisters.</b> Comments sent 3/22/10. Resubmittal 3/30/10. Waiting for recorded covenant to record - 4/22/10.	SD	N/A
48	Colhover	2800 Dogwood	3/8/10	Building	<b>New SFR.</b> Comments sent 3/25/10.	SD	N/A
49	Mark Reisnick	691 Ponderosa	3/17/10	Building	<b>Granny Unit &amp; Garage.</b> CDP for 900 sf unit & 504 sf garage. Comments sent 4/19/10. Talked to applicant 7/2/10. Resubmittal 7/7/10. Incomplete letter 7/13/10.	SD	N/A
50	Tricia Knight	1478 Quintana	3/12/10	Building	<b>MetroPCS Telecom Site on Rock Harbor Church.</b> Comments sent 4/12/10.	SD	N/A
51	Ronald Stuard	490 Avalon	4/22/10	Building	<b>SFR Addition.</b> 79 sf. bedroom addition. Comments sent 4/27/10.	SD	N/A
52	Joe Silva	570 Avalon	5/12/10	Building	<b>SFR Addition.</b> 84 sf. addition. Comments sent 5/17/10.	SD	N/A
53	Lou McGonagill	690 Olive	6/7/10	Building	<b>SFR Addition.</b> 1,000 sf. addition with garage. Incomplete letter 6/28/10.	SD	N/A
53	Taurus Sulaitis	540 Fresno	6/23/10	Building	<b>SFR Addition.</b> Incomplete letter 7/13/10.	SD	N/A

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
54	Paul Sinthilaire	594 Kings #3	7/6/10	Building	SFR New.	SD	N/A
<b>Projects &amp; Permits with Final Action</b>							
55	Kim Van Nordstand	736 Main Street	4/6/10	SP0-130	Sign Permit. Incomplete letter sent 4/28/10. Resubmittal 6/28/10. Approved.	SD	AD
56	Doug Hoppe	2525 Nutmeg	5/7/10	CP0-328	New SFR. 2,640 s.f. Incomplete letter 5/17/10. Resubmittal 5/18/10. Incomplete letter 5/19/10. Spoke with designer, emailed 5/26/10. Resubmittal 6/2/10. Comment Letter 6/9/10. Noticed project. Approved	SD	AD
57	John Christie	2329 Hemlock	4/26/09	UP0-258	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. Resubmittal 5/25/10. Met with applicant 5/28/10. Resubmittal 6/9/10. Scheduled for 7/5/10 PC. Approved.	SD	PC



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	TBD	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
AB811	continuing with updates				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 Received Back From The Coastal Commission</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



## Memorandum

**TO:** PLANNING COMMISSION **DATE:** July 13, 2010  
**FROM:** KATHLEEN WOLD, PLANNING MANAGER  
**SUBJECT:** COMMISSIONER JOHN DIODATI'S REQUEST TO BE EXCUSED FROM  
THE JULY 19, 2010 PLANNING COMMISSION MEETING.

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### **DISCUSSION**

Commissioner Diodati submitted a written request on July 8, 2010 to be excused from the July 19, 2010 Planning Commission meeting. Pursuant to Morro Bay Municipal Code (MBC) Section 2.28.100 a Planning Commissioner wishing to be formally excused from a meeting must submit in writing a request to the Planning Commission for their consideration and action. Pursuant to MBC Section 2.28.100 absence of a member from three regular meeting during the calendar year without formal consent of the Planning Commission noted in its official minutes constitutes the voluntary resignation of such absent member and the position shall be declared vacant. To date Commissioner Diodati has two unexcused absences.

### **RECOMMENDATION**

Grant consent for Commissioner John Diodati to be absent from the July 19, 2010 Planning Commission meeting.

Attachment: Commissioner John Diodati's email request

**Kathleen Wold - July 19th Absence**

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**From:** john diodati <johndiodati@yahoo.com>  
**To:** Nancy Johnson <nanj93442@yahoo.com>  
**Date:** 7/8/2010 4:57 PM  
**Subject:** July 19th Absence  
**CC:** <kwold@morro-bay.ca.us>, <rlivick@morro-bay.ca.us>

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Nancy,

With this email I am requesting to have my absence from the July 19, 2010 regularly scheduled Morro Bay Planning Commission meeting approved by the Planning Commissioners at the July 19, 2010 meeting. I will be missing this meeting due to a scheduled summer vacation with my family.

Regards,

John Diodati