



# CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

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

209 Surf Street, Morro Bay  
Wednesday, October 5, 2011

Chairperson Rick Grantham  
Vice-Chairperson John Solu  
Commissioner Paul Nagy  
Commissioner Jamie Irons  
Commissioner Jessica Napier  
Rob Livick, Secretary

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
- III. PLANNING COMMISSIONER ANNOUNCEMENTS
- IV. 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.

- V. CONSENT CALENDAR

- A. Approval of minutes from Planning Commission meeting held on September 21, 2011

- VI. PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

- A. None

- VII. PUBLIC HEARINGS

- A. **Case No.:** CP0-295  
**Site Location:** 3060 Ironwood Avenue  
**Applicant/Project Sponsor:** City of Morro Bay/Barry Rands, Associate Engineer  
**Request:** Construction of two public, soft-surface tennis courts at Del mar Park, a nine-acre park located in north Morro Bay. The tennis courts have been master planned for Del Mar Park since the original conception of the park, prior to 1980. The courts are not located adjacent to residences and are bordered by an elementary school playground on one side and the park's roller hockey rink on the other. The courts are also located in a bowl-depression area that creates berms on each side. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.  
**CEQA Determination:** Mitigated Negative Declaration  
**Staff Recommendation:** Conditionally Approve Conditional Use Permit #UP0-336 and Coastal Development Permit #CP0-295 and adopt Mitigated Negative Declaration.

**Staff Contact:** Sierra Davis, Assistant Planner (805) 772-6270

B. **Case No.:** UP0-223/CP0-285

**Site Location:** Elliptical shaped lot including the top of Cerrito Peak; APN 066-221-001

**Applicant/Project Sponsor:** Dan Reddell / Cathy Novak

**Request:** Construction of a new 2-story, split level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 745-square feet of decking decks, and a 711-square foot secondary living unit. Other improvements include two uncovered parking spaces for the secondary unit and guest parking, an approximately 400-foot long driveway and hammer-head turn around, retaining walls, and associated tree and vegetation removal. The project relies upon allowance of uncovered parking within a front yard setback, removal of major vegetation on-site and within the public right-of-way, fencing within the public right-of-way, and waiver of requirements for frontage improvements on Alta Street and Jordan Terrace.

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Conditionally Approve Conditional Use Permit #UP0-223 and Coastal Development Permit #CP0-285 and adopt the Mitigated Negative Declaration.

**Staff Contact:** Kathleen Wold, Planning Manager (805) 772-6211

**VIII. UNFINISHED BUSINESS**

A. Current and Advanced Planning Processing List

**IX. NEW BUSINESS**

A. None.

**X. DECLARATION OF FUTURE AGENDA ITEMS**

**XI. ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday, October 19, 2011 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.

**This Agenda is available for copying at ASAP Reprographics and at the Public Library**

**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 with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

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

The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Administrative Technician at (805) 772-6261. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**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.

**This Agenda is available for copying at ASAP Reprographics and at the Public Library**

**ON THE INTERNET:** This agenda may be found on the Internet at: [www.morro-bay.ca.us/planningcommission](http://www.morro-bay.ca.us/planningcommission) or you can subscribe to Notify Me for email notification when the agenda is posted on the City's website. To subscribe, go to [www.morro-bay.ca.us/notifyme](http://www.morro-bay.ca.us/notifyme) and follow the instructions.

AGENDA ITEM: VI-A

DATE: October 5, 2011

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

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 pm

209 Surf Street, Morro Bay  
September 21, 2011

Chairperson Rick Grantham

Vice-Chairperson John Solu  
Commissioner Paul Nagy

Commissioner Jamie Irons  
Commissioner Jessica Napier

Rob Livick, Secretary

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 pm and noted all Commissioners are present.

Staff Present: Rob Livick, Kathleen Wold and Sierra Davis

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Susan Stewart, local business owner, led the pledge.

III. PLANNING COMMISSIONER ANNOUNCEMENTS

Grantham announced Community Action Partnership of SLO has a free senior health screening every last Monday of the month from 9am to noon. A sign ordinance workshop will be held on Thursday, September 29<sup>th</sup> and Tuesday, October 4<sup>th</sup> at the Veteran's Hall from 9am to noon and invited all to attend to provide input.

IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick thanked all who participated in Coastal Cleanup Day on Saturday, September 17<sup>th</sup>. Livick briefed the Commission on Public Services activities including:

- Taco Bell reconstruction underway and due to be finished in mid-November.
- Rarig Construction as the Fire Station contractor has been given a Notice to Proceed and anticipates starting construction of the new Fire Station on Monday, September 26<sup>th</sup>.
- A public workshop was held to provide input into the Wastewater Treatment Plant Alternatives Analysis Fine Screening and Draft Rough Screening Report at the Cayucos Veteran's Hall on September 19<sup>th</sup>. A link is available on the City's website to view materials, report and provide comments.

V. PUBLIC COMMENT - None.

VI. CONSENT CALENDAR

A. Approval of minutes from the Planning Commission meeting held on September 7, 2011

**MOTION:** Irons moved to approve the Consent Calendar. Nagy seconded the motion. Motion passed 5-0.

VII. PRESENTATIONS – None.

VIII. PUBLIC HEARINGS

A. **Case No.:** UP0-293

**Site Location:** 550 Morro Bay Boulevard

**Applicant/Project Sponsor:** Dan Reddell / Cathy Novak

**Request:** An application was filed requesting a Conditional Use Permit for three separate outdoor activities at 500 and 550 Morro Bay Blvd. The 1<sup>st</sup> activity will be to allow vending activity as a farmers market within the paved parking area during the weekend (vending from Saturday 1 pm to 7 pm and Sunday from 10 am to 3 pm). Vendors can include hot and cold food, fruits, vegetables and arts & crafts (including paintings, photos, woodworking, pottery and sculptures) The 2<sup>nd</sup> activity will be to allow a produce stand as a permanent building adjacent to the street selling produce, cut flowers and plants; and a separate vendor will sell barbeque food. These vending activities will take place daily from 8 am to 7 pm The 3<sup>rd</sup> activity will be to allow events in the outdoor patio area at the Caccia House at 550 Morro Bay Blvd. This may include barbeque set up in the parking lot, catered food services, alcohol sales and live music.

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

**Staff Recommendation:** Conditionally Approve Conditional Use Permit #UP0-293

**Staff Contact:** Sierra Davis, Assistant Planner (805) 772-6270

Commissioner Irons recused himself due to being within 500 feet of the project.

Davis presented the staff report.

Grantham opened Public Comment period:

- Cathy Novak, representative for the Applicant, explained the project objectives and requested the Commission remove Planning conditions 6-11 regarding the landscaping due to the historic use of the lot.
- Don Lest of the Bay Theater spoke in favor of the project but expressed concern regarding the hours of operation and potential parking impacts to the senior customers of the Bay Theater.
- Susan Stewart, local business owner, spoke in favor of the project.
- Cathy Novak stated the Applicant is willing to change the weekend hours of operation to 9-4 in order to accommodate parking needs for the neighboring business owners.

Grantham closed Public Comment period.

Commissioners discussed:

- The need to have alternate parking for vendors so that sufficient street parking is available for customers.
- The two hour parking spots on Morro Bay Blvd. and whether a drop off unloading zone could be created for neighboring business, the Bay Theater.
- Commissioners expressed their support for the proposed project and the vitality it can bring to the commercial area.
- Grantham also stated that the Chamber of Commerce had contacted him before the meeting to express their support.
- Landscaping and the suggestion by Commissioner Solu to condition the project to maintain the existing landscaping.

**MOTION:** Solu moved to adopt UP0-293 at 550 Morro Bay Blvd with the following conditions:

Delete Planning

- **Parking:** At no time shall the 13 required parking spaces for the Caccia House and patio be encumbered when events are held at the Caccia House. Two spaces shall be open and available during business hours for Bayshore Rental.
- **Parking Configuration:** The Planning Commission accepts the parking lot as it currently exists. The applicant shall maintain the existing landscaping in the parking area.
- **Weekend Vending:** Weekend vending on Saturday and Sunday shall be limited to the hours of 9:00 am to 4:00 pm

Commissioners discussed parking for vendors and agreed that vendors and business owners should self-police parking enforcement. Chairperson Grantham encouraged the Applicant to forge an agreement with the nearby banks for vendors to be able to use the parking lot after dropping off materials for the weekend Farmers Market..

Commissioner Grantham asked if there is a point person for this farmers market. Applicant said he is the project manager.

Nagy seconded the motion. Motion passed 4-0.

Irons rejoined the Planning Commission meeting.

**B. Case No.:** UP0-326

**Site Location:** 1169 Market Street

**Applicant/Project Sponsor:** Sharon Moores / Cathy Novak

**Request:** Applicant proposes a 1,540 square foot workshop in an existing retail unit for a workshop with machinery and storage of potentially hazardous materials in limited quantities, rental rod, and reel space and additional storage for boat supplies. Work to be done onsite

includes metal work, wood work and mechanic work. Welding equipment will be stored onsite, however no welding or hot work will be done onsite.

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

**Staff Recommendation:** Conditionally Approve Conditional Use Permit UP0-326

**Staff Contact:** Sierra Davis, Assistant Planner (805) 772-6270

Davis presented the staff report.

Commissioners asked staff to clarify issues concerning:

- Fire Department inspections for safety;
- Whether materials would be stored on site; and
- The prior use of the storage area.

Grantham opened the Public Comment period:

- Cathy Novak, representative for the Applicant spoke, and explained the proposed project.

Grantham closed the Public Comment period.

Commissioners discussed their support of the project.

**MOTION:** Napier moved to adopt the findings included as Exhibit “A”, and approve the Conditional Use Permit UP0-326, subject to the Conditions included as Exhibit “B” and the site development plans dated June 28, 2011.

Napier seconded the motion. Motion passed 5-0.

#### IX. UNFINISHED BUSINESS

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

Wold reviewed the Work Program with Commissioners. Wold stated the sign workshops will be held on Thursday, September 29<sup>th</sup> and again on Tuesday, October 4<sup>th</sup>, 2011 at the Veteran’s Hall from 9am to noon.

#### X. NEW BUSINESS

##### A. Advisory Boards Handbook and By-Laws approved by City Council Resolution 62-11

Commissioners reviewed and had no discussion.

#### XI. DECLARATION OF FUTURE AGENDA ITEMS – None.

#### XII. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 7:10pm to the next regularly scheduled Planning Commission meeting at the Veteran’s Hall, 209 Surf Street, on Wednesday, October 5, 2011 at 6:00 pm

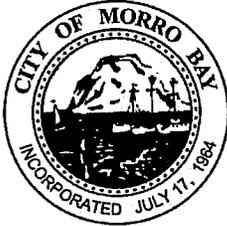
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Rick Grantham, Chairperson

ATTEST:

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Rob Livick, Secretary



AGENDA NO: VII-A

MEETING DATE: October 5, 2011

## Staff Report

**TO:** Planning Commissioners

**DATE:** October 5, 2011

**FROM:** Sierra Davis, Assistant Planner

**SUBJECT:** Coastal Development Permit #CP0-295 for two soft-top tennis courts at Del Mar Park at 3060 Ironwood Avenue.

**RECOMMENDATION:**

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

- A. Adopt the Findings included as Exhibit "A";
- B. Adopt the Mitigated Negative Declaration included as Exhibit "D";
- C. Conditionally approve Coastal Development Permit #CP0-295, subject to the Conditions included as Exhibit "B" and the site development plans dated September 26, 2011.

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration was prepared for the project. The environmental document was posted for review and comment for a thirty day period begin on August 12, 2011 and ending on September 12, 2011. The applicant agreed to implement the mitigation measures proposed in the Mitigated Negative Declaration that would reduce impacts to a level of insignificance. The Planning Commission may only approve the project if the applicant signs the agreement to perform the mitigation measures, which the applicant signed on August 9, 2011. The Planning Commission shall adopt the Mitigated Negative Declaration unless the Commission makes findings that Mitigated Negative Declaration is insufficient.

**PROJECT DESCRIPTION:** Construction of two public, soft-surface tennis courts at Del mar Park, a nine-acre park located in north Morro Bay. The proposed project would add two (2) new "soft-surface" (i.e. astro turf) tennis courts adjacent to the roller hockey rink in the southwest quadrant of Del Mar Park. The tennis courts will be encompassed within a typical chain link fence and not include nighttime lighting.

Prepared By: \_\_\_\_\_

SP

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**APPLICANT:** The City of Morro Bay/ Barry Rands, Associate Engineer

**BACKGROUND:** The City of Morro Bay currently has two unlit public tennis courts at Monte Young Park that are available for a population of approximately 10,000 residents. The courts are used for numerous scheduled programs such as the City sponsored "Tennis Playday", City sponsored tennis lessons, league play, tournaments, as well as drop-in-play. The next closest public tennis court include two in Los Osos approximately five miles to the south and four in Cayucos approximately nine miles to the north. Due to the lack of tennis courts in the area, the proposed tennis courts at Del Mar Park are in high demand.

The proposed tennis courts are a part of the master plan for Del Mar Park since the original conception of the park, prior to 1980. During the many public hearings regarding the park and subsequent to the development of the park, the public has not voiced concern regarding the recreation facilities. The courts are not located adjacent to residences and are bordered by an elementary school playground on one side and the park's roller hockey rink on the other. The courts are also located in a bowl-like depression that creates berms on each side. As evidenced with the roller hockey rink the berms successfully keep sound from traveling into the surrounding neighborhood.

**SITE CHARACTERISTICS:**

<b><u>Site Characteristics</u></b>	
Site Area	10.42 acres
Existing Use	Del Mar Park
Terrain	Gently rolling hills with flat areas.
Vegetation/Wildlife	Landscaped with recreational amenities.
Archaeological Resources	The project site is located within 300 feet of an archeological resources, please refer to the Mitigated Negative Declaration.
Access	Ironwood Avenue and Island Street/Panorama Drive

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Public Open Space/Recreation
Base Zone District	Open Area 2 (OA-2)
Zoning Overlay District	n/a
Special Treatment Area	Planned Development
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Not located in the Coastal Commission's Original or Appeals Jurisdiction

<b>Adjacent Zoning/Land Use</b>			
North:	Single Family Residential (R1(S.1)) / Residences	South:	Suburban Residential (R-4)/Residences Duplex Residential (R-2)/ School
East:	County Land / Open Space	West:	Multiple-Family Residential (R-3/PD/SP) / Vacant Land

**DISCUSSION:** The tennis courts have been proposed at this site since the park area was master planned prior to 1980. The project has come forward because of a State funding source that the City applied for and received funding. The project shall be complete by March 31, 2012; however construction on site shall only occur in a 4 to 6 week time period. The work is not anticipated to substantially disrupt other recreation activities in the park.

**FINDINGS:** The Planning Commission shall make the finding that the project is consistent with the applicable provisions of the certified local coastal program.

Pursuant to the Local Coastal Land Use Plan the project is located in Area 3, Del Mar. The plan states that the major coastal issues in this area include visual and hazards concerns, housing, rehabilitation, locating and planning new development, and community character considerations. The plans does not substantially address the Del Mar area because of its lack of coastal access and the commercial and residential characteristics of the area. The proposed project does fit with development goals of the area. More specifically Chapter 3 of the California Coastal Act addresses public recreation facilities.

Chapter 3 of the California Coastal Act deals with public access and public recreation for all areas in the Coastal Zone, in which Del Mar Park is located. Review of the California Coastal Commission Act (2010) the following sections apply to the proposed tennis courts.

**Section 30210 Access; recreational opportunities; posting**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

**Section 30250 Location; existing developed area**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The findings for the project can be made because the proposed tennis courts are located in an existing public park that is currently served by existing utilities. The addition of the tennis courts would offer additional public recreation facilities which the California Coastal Act has determined in of significant importance.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on September 23, 2011, and all property owners of record within 300 feet 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 site is located at 3060 Ironwood within the Open Space 2 zoning district. The Coastal Development Permit can be granted pursuant to the Municipal Code and the findings for a Coastal Development Permit can be made because the use will not be detrimental to surrounding uses.

**ATTACHMENTS:**

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C
5. Mitigated Negative Declaration and State Clearinghouse Letter, Exhibit D
4. Comment Letter received August 31, 2011, Exhibit E

**EXHIBIT A**

**FINDINGS**

COASTAL DEVELOPMENT PERMIT #CP0-295  
SITE: 3060 IRONWOOD AVENUE

Construction of two public, soft-surface tennis courts at Del mar Park, a nine-acre park located in north Morro Bay. The proposed project would add two (2) new “soft-surface” (i.e. astro turf) tennis courts adjacent to the roller hockey rink in the southwest quadrant of Del Mar Park. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.

**California Environmental Quality Act (CEQA)**

- A. A Mitigated Negative Declaration was prepared for the project. The environmental document was posted for review and comment for a thirty day period begin on August 12, 2011 and ending on September 12, 2011. The applicant agreed to implement the mitigation measures proposed in the Mitigated Negative Declaration that would reduce impacts to a level of insignificance. The Planning Commission may only approve the project if the applicant signs the agreement to perform the mitigation measures.

**Coastal Development Permit Findings**

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the tennis courts are a permitted use within the zoning district applicable to the project site and said workshop is in an existing park that was constructed in accordance with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the tennis courts are consistent with the City regulations applicable to this use.
- C. The project will not be injurious or detrimental to the general welfare of the City because the tennis courts are a permitted use within the zone district and plan designation applicable to the site is in accordance with all applicable project conditions and City regulations.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL COASTAL DEVELOPMENT PERMIT #CP0-295 SITE: 3060 IRONWOOD AVENUE**

Construction of two public, soft-surface tennis courts at Del mar Park, a nine-acre park located in north Morro Bay. The proposed project would add two (2) new “soft-surface” (i.e. astro turf) tennis courts adjacent to the roller hockey rink in the southwest quadrant of Del Mar Park. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.

### **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report referenced above, dated October 5, 2011, for the project depicted on the attached plans dated September 26, 2011, labeled “Exhibit C”, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable

requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

### **PLANNING CONDITIONS**

1. Conditions of Approval: Conditions of Approval shall be included as a full sheet in the building plan submittal.
2. Lighting: The project shall not include lighting of any kind. If lighting is deemed necessary a photometric plans shall be submitted to the Director of Public Services for review.

### **ENGINEERING CONDITIONS**

1. Provide a standard erosion control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debri from migrating off-site.

## ENVIRONMENTAL CONDITIONS

### CULTURAL RESOURCES

At the time the archeological survey was conducted in May 2007, the recommended mitigation was to minimize subsurface disturbance, all the grass cover in the area of the new tennis court(s) plus the additional distance of a 2:1 or 3:1 slope around the court area should be removed by back-dragging a dozer blade or with a Gannon scraper. The surface then should be scarified with dozer ripper blades to a depth no greater than 15". Non expansive fill material should be imported and compacted to a depth of three feet. The 2:1 or 3:1 slope should be covered with six to twelve inches of top soil. All construction of the tennis courts including fence and fence posts should be done on top the fill material. These construction methods, will minimize any adverse effect to the intact cultural resources. All, grass removal, scarification and initial soil import/compaction should be monitored by an archaeologist.

In addition to all mitigation measures that was already been required by past development, as new development or ground disturbing activities shall adhere to the following mitigation measures.

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98. The monitoring report shall be submitted to the City prior to the operation of the tennis court facilities.
3. The following actions must be taken immediately upon the discovery of human remains: Stop immediately and contact the County Coroner. The coroner has two working

days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party

**Monitoring:** Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.





# EXHIBIT D

**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

August 5, 2011

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.: Conditional Use Permit #UP0- 336 & Coastal Development Permit #CP0-295

PROJECT TITLE: 3060 Ironwood Avenue

APPLICANT / PROJECT SPONSOR: City of Morro Bay

### PROJECT DESCRIPTION:

Construction of two public, soft-surface tennis courts at Del mar Park, a nine-acre park located in north Morro Bay.

The City of Morro Bay currently has two unlit public tennis courts at Monte Young Park available for a population of approximately 10,000 residents. The courts are used for numerous scheduled programs such as City sponsored "Tennis Playday", City sponsored tennis lessons, league play, tournaments, as well as drop-in-play. The next closest public tennis court include two in Los Osos approximately five miles to the south and four in Cayucos approximately nine miles to the north. Due to the lack of tennis courts in the area, the proposed tennis courts at Del Mar Park are in high demand.

The tennis courts have been master planned for Del Mar Park since the original conception of the park, prior to 1980. During the many public hearings regarding the park and subsequent to the development of the park, the public has not voiced concern regarding the recreation facilities. The courts are not located adjacent to residences and are bordered by an elementary school playground on one side and the park's roller hockey rink on the other. The courts are also located

3060 Ironwood Avenue  
CASE NO. CP0-295 and UP0-336  
DATE: August 5, 2011

in a bowl-depression area that creates berms on each side. As evidenced with the roller hockey rink the berms successfully keep sound from traveling into the surrounding neighborhood.

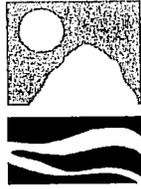
The proposed project would add two (2) new "soft-surface" (i.e. astro turf) tennis courts adjacent to the roller hockey rink in the southwest quadrant of Del Mar Park. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.

#### PROJECT LOCATION:

The project site is located in Del Mar Park at 3060 Ironwood Avenue within the Open Area 2 zoning district (OA-2), with a Planned Development (PD) overlay. Del Mar Park is situated in north Morro Bay approximately six blocks from Highway 1 but not visible from the highway. The project area lies on the gently sloping plain near the northern end of Morro Bay east of highway 1. The park is at the edge of the foothills, bounded on the north by Alva Paul Creek, the east by open range land owned by Chevron Oil, and on the south by Del Mar School. The project is not located within the Coastal Commission's Original Jurisdiction or Appeals Jurisdiction, therefore the project is in the City's permitting jurisdiction for Coastal Development Permits.

#### FINDINGS OF THE: Environmental Coordinator

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



**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:** 3060 Ironwood Avenue, Del Mar Tennis Courts

**Case Number:** Coastal Development Permit CP0-295

**LEAD AGENCY:** City of Morro Bay Phone: (805) 772-6270  
955 Shasta Ave. Fax: (805) 772-6268  
Morro Bay, CA 93442  
Contact: Sierra Davis

**PROJECT APPLICANT:** City of Morro Bay Phone: (805) 772-6200  
595 Harbor Street Fax: \_\_\_\_\_  
Morro Bay, CA 93442

**PROJECT LANDOWNER:** City of Morro Bay Phone: (805) 772-6200  
595 Harbor Street Fax: \_\_\_\_\_  
Morro Bay, CA 93442

**PROJECT DESCRIPTION:** The proposed project would add two (2) new “soft-surface” (i.e. astro turf) tennis courts adjacent to the roller hockey rink in the southwest quadrant of Del Mar Park. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.

The City of Morro Bay currently has two unlit public tennis courts at Monte Young Park available for a population of approximately 10,000 residents. The courts are used for numerous scheduled programs such as City sponsored “Tennis Play Day”, City sponsored tennis lessons, league play, tournaments, as well as drop-in-play. The next closest public tennis court include two in Los Osos approximately five miles to the south and four in Cayucos approximately nine miles to the north. Due to the lack of tennis courts in the area, the proposed tennis courts at Del Mar Park are in high demand.

The tennis courts have been master planned for Del Mar Park since the original conception of the park, prior to 1980. During the many public hearings regarding the park and subsequent to the development of the park, the public has not voiced concern regarding the recreation facilities. The courts are not located adjacent to residences and are bordered by an elementary school playground on one side and the park’s roller hockey rink on the other. The courts are also located

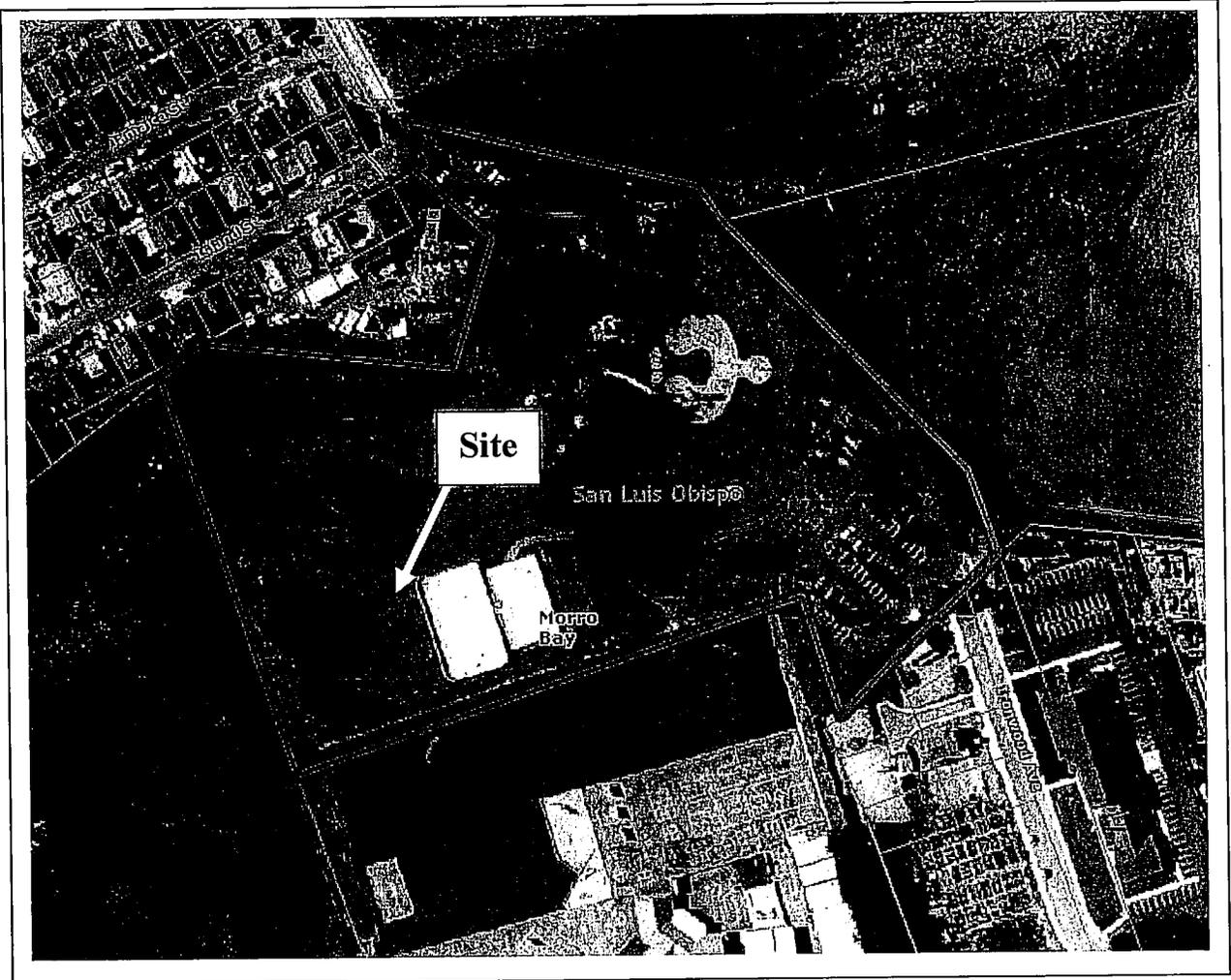
3060 Ironwood Avenue  
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DATE: August 5, 2011

in a bowl-depression area that creates berms on each side. As evidenced with the roller hockey rink the berms successfully keep sound from traveling into the surrounding neighborhood.

**PROJECT LOCATION:** The project is located within the City of Morro Bay, San Luis Obispo County, California. The project address is 3060 Ironwood Avenue at the northerly terminus of Ironwood Avenue in Del Mar Park.

**ASSESSOR PARCEL NUMBER(S):** 065-149-017

### VICINITY MAP



## 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 "Less than Significant with Mitigation Incorporated", as indicated by the Environmental Checklist:

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

**Environmental Setting:** The project area lies on the gently sloping coastal plain near the northern end of Morro Bay east of Highway 1. The Pacific Ocean lies about one-half mile to the west, to the south is Morro Bay and Morro Rock, and to the east are the hills of the Santa Lucia Range. The park is at the edge of the foothills, bounded on the north by Alva Paul Creek, on the east by open rangeland owned by Chevron Oil, and on the south by Del Mar School.

Surrounding Land Use			
North:	Single Family Residential (R-1)	East:	Open Space Land in County
South:	Duplex Residential (R-2) and Suburban Residential (R-A)	West:	Multiple-Family Residential (R-3)

### III. ENVIRONMENTAL CHECKLIST

1. AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	

Environmental Setting: The City's General Plan defines a scenic vista as a sweeping view of large visually attractive areas. Policies contained within the Local Coastal Plan and General Plan also address other scenic values including scenic views, scenic corridors, scenic backdrops and the scenic highway. The site is bounded by an undeveloped multiple family residential parcel to the west and undeveloped County land to the east.

Impact Discussion: (a.-d.). The project is the construction of two new unlit tennis courts in Del Mar Park, an established park in north Morro Bay. The courts are located away from the surrounding residences and are bordered by an elementary school playground on one side and the park's roller hockey rink on the other. The courts are also located in a bowl-depression area with berms on each side, therefore the addition of the two new tennis courts will minimally affect the views to and from the site.

Mitigation and Residual Impact: No mitigations proposed as there are no impacts to aesthetics.

Monitoring: Not applicable.

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

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

Environmental Setting: The site is recognized on the San Luis Obispo County Important Farmland Map of 2006 as Urban and Built Up land therefore there will be no conversion of farmland or forest of any status. There are no properties adjacent to the subject parcel under agricultural use or under Williamson Act therefore no conflicts will occur. The subject site and the adjacent properties are not zoned for forest land, timberland or timberland production therefore there will be no conflicts or loss of forestland through conversion. The project site is located within an urbanized area surrounded with properties fully developed.

Impact Discussion: a.-e.) The project is located in an established park in which tennis courts and other recreational activities are an appropriate use. Because the site is not located on or near agricultural land there will be no impacts to agricultural resources.

Mitigation and Residual Impact: No mitigations as the project as proposed will have no impact of agricultural resources.

Monitoring: Not Applicable.

3. AIR QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
Would the project:					
a.	Conflict with or obstruct implementation of the applicable air quality plan?			X	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d.	Expose sensitive receptors to substantial pollutant concentrations?			X	
e.	Create objectionable odors affecting a substantial number of people?				X

Environmental Setting: The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological

conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, Morro Bay is considered a non-attainment area for particulate matter less than 10 microns in diameter (PM10) and ozone (O<sub>3</sub>). The proposed project area is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Serpentine is a very common rock and has been identified by the ARB as having the potential to contain naturally occurring asbestos. Projects that would potentially disturb serpentine rocks subject to the ARB Asbestos Airborne Toxics Control Measure (ATCM) for construction, Grading, Quarrying, and Surface Mining Operations.

Impact Discussion: a.-e.) San Luis Obispo County is a non-attainment area for the State PM10 (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD "CEQA Air Quality Handbook" (2009), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, .25 PPD of reactive organic gases, oxides or nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly. The project is a size that is below APCD's air quality significance thresholds and will not conflict with or obstruct implementation of any air quality plan. The proposed project will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

Mitigation and Residual Impacts: No mitigations as the project as proposed will result in no impact to air quality.

Monitoring: Not Applicable

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

e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			X	

Environmental Setting: The project site is an established park environment with recreational improvements, a dog park, and urbanized landscaping. The project consists of the construction of two new unlit soft surface tennis courts with chain link fencing around the courts.

Impact Discussion: (a.-e.) The project will not adversely affect any species identified as a candidate, sensitive, or special status because tennis court location currently have landscaped grass and does not offer a special habitat. The site is adjacent to a riparian habitat however the tennis courts will not affect the riparian habitat. The City of Morro Bay does not have any adopted policies for tree preservation or habitat conservation plan.

Mitigation and Residual Impact: No biological resources will be affected by the project; therefore no mitigation measures are required.

Monitoring: Not Applicable.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?		X		
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?		X		
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X		

Environmental Setting: There are over 30 surveyed archaeological sites in the incorporated boundaries of the City. 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 required for projects within the city that are within 300 feet of a known cultural resource and it is not unusual that mitigation measures are required.

Impact Discussion: a., b., d.) The proposed project is within 300 feet of known archaeological resources. According to Section 17.48.310 Protection of Archaeological Resources of the Zoning Ordinance, any site within 300 ft. of a known archaeological site is considered a potential archaeological site, and as a result, staff required that an archaeological survey be prepared. The site was previously developed and at that time a report was prepared. Since the tennis courts have always been a part of the project, but not constructed due to funding, they were included as a part of a phase one archeologist study conducted in 2007. The site has not changed since 2007 and the area where the tennis courts are to be located has been covered with grass and has remained undisturbed, therefore the report is still valid.

c.) Pursuant to the Zoning Ordinance, the site location is identified as a potential archaeological site and a archeological report was required. The site is bordered by Alva Paul Creek however, the site does not contain any other unique geologic features.

Mitigation and Residual Impact:

At the time the archeological survey was conducted in May 2007, the recommended mitigation was to minimize subsurface disturbance, all the grass cover in the area of the new tennis court(s) plus the additional distance of a 2:1 or 3:1 slop around the court area should be removed by back-dragging a dozer blade or with a Gannon scraper. The surface then should be scarified with dozer ripper blades to a depth no greater than 15". Non expansive fill material should be imported and compacted to a depth of three feet. The 2:1 or 3:1 slope should be covered with six to twelve inches of top soil. All construction of the tennis courts including fence and fence posts should be done on top the fill material. These construction methods, will minimize any adverse effect to the intact cultural resources. All, grass removal, scarification and initial soil import/compaction should be monitored by an archaeologist.

In addition to all mitigation measures that was already been required by past development, as new development or ground disturbing activities shall adhere to the following mitigation measures.

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98. The monitoring report shall be submitted to the City prior to the operation of the tennis court facilities.
3. **The following actions must be taken immediately upon the discovery of human remains:** Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendent's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party

Monitoring: Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.

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

Environmental Setting: The site is an established park and the project is to construct two new tennis court facilities. The park is not located in an area with known earthquake faults, strong seismic ground shaking, liquefaction, landslides is of concern, and therefore the project will not expose people to new adverse affect beyond that already existing onsite.

Impact Discussion: The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed site is not located within an area of potential ground shaking, liquefaction or landslide risk.

ai. – aiv.) The site is not located across an active fault, as designated by 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. Therefore, no significant impacts would occur in association with rupture of a known earthquake fault. The San Andreas Fault is located approximately 41 miles at its closest point from the City. The project site is not subject to landslides or other types of slope failure.

b.-d.) There will not be a substantial loss of topsoil as an erosion control plan are required for projects that expose topsoil to the elements.

e.) Neither septic tanks nor alternative wastewater disposal systems are proposed in association with the project; therefore, no impacts would occur.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

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

b. Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
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**Impact Discussion:** The United States Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act. Prior to 2007, the EPA did not have regulations addressing Green House Gases (GHGs). The U.S. Supreme Court ruled on April 2, 2007 that Carbon Dioxide (CO2) is an air pollutant as defined under the Clean Air Act (CAA), and that EPA has the authority to regulate emissions of GHGs. However, there are no federal regulations or policies regarding GHG emissions applicable at the time of writing. Several bills related to greenhouse gas emissions and climate change including AB 1493 (passenger vehicle GHG emission reductions), AB 32 (the California Global Warming Solutions Act of 2006), SB 1368 (utility GHG emission reductions), SB 97 (requiring climate change analysis under CEQA), the California Climate Action Registry, SB 1078 (electricity from renewable sources), SB 375 (land use and transportation planning), Executive Order S-3-05 (acknowledges potential impacts of climate change on state), and Executive Order S-13-08 (the Climate Adaptation and Sea Level Rise Planning Directive) have been passed.

No federal, state or regional regulatory agency has provided methodology or criteria to determine the significance of local greenhouse gas emissions on global climate change. Therefore, the lead agency is unable to provide a scientific or regulatory-based conclusion in regard to whether the project's contribution to climate change is cumulatively considerable. The proposed project is consistent with the land use diagram and policy provisions of the City's General Plan.

a.-b.) The project consists of the construction of two new unlit tennis courts. The tennis courts are not anticipated to release greenhouse gases because they do not involve the use of mechanical or fuel powered equipment. The activities on site are for recreational purposes and do not include a use that would increase residential or commercial density that would create additional gas emission points. There will be a minor release of gases associated with traffic trips from people driving to access the tennis courts. As such, a minimal new impact would occur and this impact is considered less than significant.

**Mitigation and Residual Impact:** No mitigation measures are required.

**Monitoring:** Not applicable.

8. HAZARDS/HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X

e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Environmental Setting: Human caused hazards often occur as a result of modern activities and technologies. These potential hazards can include the use of hazardous materials and buildings that may be unsafe during a strong earthquake. The project site is not located in the vicinity of any known hazardous material sites and is not listed as having been a hazardous site. The project has not been associated with hazardous waste or materials disposal.

Impact Discussion: a.-h.). The project as proposed will not create any significant hazard to the public through unforeseeable upset. The project is located within ¼ mile of a school, however the project is not anticipated to create a hazardous conditions since the site is proposed for further recreational development that does not include the use of hazardous materials. It will not create any interference with emergency response plans, create any potential public health or safety hazard, or expose the public 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. The project would not expose the public or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts would be less than significant.

Mitigation and Residual Impact: With the implementation of the City’s standard operating procedures, the potential impacts of hazards or hazardous materials that could result from the project would be less than significant levels.

Monitoring: Not applicable.

9. HYDROLOGY/WATER QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?			X	

Environmental Setting:

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

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

Impact Discussion: a.) The project entails new development of recreational facilities therefore no new permanent structure to house residential or commercial uses will be constructed. The sewage that will be generated will be from people using the tennis court facilities, which will be a minimal increase in waste generated or collected and disposed of in the City's sewage system. The tennis courts will be a new hard surface in the park however it is not a substantial amount of new impermeable surface. The tennis courts will be surrounded by grass that will be able to accommodate the runoff. No new runoff will be conveyed via storm drains to the bay.

b.) The project will not result in an increase in water usage, because the project does not propose any new construction of water facilities. In addition, 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.-f.) The permeable surface of the site will increase minimally however the runoff can be captured by the surrounding vegetation. The addition of the tennis courts will not substantially alter the existing drainage pattern because the location of the proposed tennis courts is currently landscaped grass and the runoff from the tennis courts

will still drain into the grass. Therefore, the proposed project would not substantially alter existing drainage on the site, nor result in substantial erosion or siltation on or off site.

g.-i.) The project site is located in the 100-year flood zone and flood zone A which means it has a 1% annual chance of flooding. Recreational facilities such as parks can be located in flood zones because they do not place any permanent habitable structures in flood zones therefore the proposed development would not subject people or structures to significant risk of loss, injury or death resulting from flooding. The tennis courts would not impede or redirect flood flows as the proposed impervious surface is minimal in relationship to the pervious surface remaining on the site.

j.) Since the project site is located near the coast, a potential hazard from tsunamis exists. There is not enough evidence, however, to predict recurrence intervals of tsunamis. The last known tsunami warning occurred in the mid-1960's. Although the sand dunes offer some protection from tsunamis and the potential for such a geohazard is low and past history suggests that the project site is still vulnerable to large tsunamis. As discussed in the Safety Element of the General Plan, the most feasible protection in the event of a tsunami is a warning system and evacuation plan. The warning is handled by the United States Weather Service and the Safety Element outlines safety preparedness measures. Therefore, the hazard presented by tsunamis is less than significant.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

10. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Environmental Setting: The project is located in Del Mar Park an established recreational facility in the City of Morro Bay at the northern terminus of Ironwood, zoned Open Area 2 (OA-2), and within the City's coastal permitting jurisdiction. The existing recreational uses are an allowed use in the OA-2 zone district.

Impact Discussion: a.-c.) The proposed project consists of adding new tennis court facilities in an established park and would not physically divide an established community. The use is also consistent with the General Plan, Municipal Code and the Master Plan for Del Mar Park. In addition, the City of Morro Bay does not have an adopted habitat conservation plan; therefore, the project would not conflict with applicable habitat conservation plan or a natural community conservation plan.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

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

Environmental Setting: The General Plan and the Division of Oil, Gas, and Geothermal Resources do not delineate any resources in the area. Further, the State Mining and Geology Board has not designated or formally recognized the statewide or regional significance of any classified mineral resources in the County of San Luis Obispo.

Impact Discussion: a.-b.) The project is not proposed where significant sand and gravel mining has occurred or will occur and there are no oil wells within this area of the City, where the project is located. San Luis Obispo County has not been designated to be regionally significant with regard to mineral resources. In addition, the area is not delineated as a mineral resource recovery site in the general plan, any specific plan or other land use plan. This area of the city is fully built up and the general plan does not provide for mining. Therefore the project will not result in the loss of a known mineral resource of value to the region and impacts would be less than significant.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

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

Environmental Setting: The most significant source of noise to the project is projected to be from people utilizing the tennis court facilities. The City's Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. Sensitive receptors within the vicinity of the project include residential uses and the elementary school to the south of the project site.

Impact Discussion: a.-d.) The project will not add noise levels that are inconsistent with the surrounding uses nor be in conflict with standards in the General Plan, Local Coastal Plan or Zoning Ordinance. The project proposes new uses that are consistent with recreational uses allowed on site, therefore noise from recreational activities is anticipated and consistent with surrounding uses. Title 17 table 17.52.030(1) provides performance standards as it relates to noise levels allowed to occur at the site.

**Mitigation and Residual Impact:** Because no significant impacts of noise would result, no mitigation measures are required. Therefore, there will be no residual impacts to surrounding properties.

**Monitoring:** Not applicable.

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

**Environmental Setting:** The project site is Del Mar Park and does not provide any residential structures or temporary lodging facilities.

**Impact Discussion:** a.-c.)The park does not provide nor propose any residential opportunities therefore the project will not replace permanent housing or induce substantial growth and would result in less than significant impacts to housing and population.

**Mitigation and Residual Impact:** Because no significant impacts on population and housing would result, no mitigation measures are required. The residual impact on population and housing would be less than significant.

**Monitoring:** Not applicable.

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

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

**Impact Discussion:** a.-b.) In the event of an emergency, the Fire Department and the police Department would be required to provide protection or other emergency services.

c.-d.) The project does not involve the establishment of new residences, therefore there will be no demand for schools.

e.) No other governmental services will be affected.

**Mitigation and Residual Impact:** As proposed, City-provided services are not expected to be affected by the project. Because no significant impacts on public services would result, no mitigation measures are required. The residual impact on public services would be less than significant.

**Monitoring:** Not applicable.

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

**Environmental Setting:** A variety of recreational opportunities including parks, hiking, sightseeing, bird watching, etc. are available within Morro Bay. The City of Morro Bay is bordered by the Pacific Ocean and has nearly 10 miles of accessible shoreline which approximately 95% has public lateral access. These walkways provide active recreational activities for visitors and residents.

**Impact Discussion:** a.-b.) The project is located in a park and will provide additional tennis court recreational facilities. The project itself will not induce the need for additional recreational facilities.

**Mitigation and Residual Impact:** Because no significant impacts on recreation would result, no mitigation measures are required. The residual impact on recreation would be insignificant.

**Monitoring:** Not applicable.

16. TRANSPORTATION/CIRCULATION		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?				X
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?				X

c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?				X

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

Impact Discussion: a.-b.) The site will not be altered in any way that would create additional traffic in the area.

c.) The City does not have a public or private air strip within the City limits, therefore there would not be any impacts on airborne traffic in the City.

d.) The project is located inside a park and will not increase any hazards and will remain the same. The existing area conforms to acceptable design criteria that limit the potential for increased hazards due to limited sight visibility, sharp curves or dangerous intersections.

e.) The existing site currently meets emergency services access requirements. There are no additional structures or structural additions proposed on site, therefore emergency access will not change.

f.) The proposed project would not eliminate any parking on site and will not conflict with adopted policies supporting alternative transportation. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact: No significant impacts on transportation and circulation would result, therefore no mitigation measures are required. The residual impact on transportation and circulation would be insignificant.

Monitoring: Not applicable.

17. UTILITIES & SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Environmental Setting: The proposed project would be served by the Morro Bay Wastewater Treatment Plant. The treatment plant is designed to accommodate up to 2.36 million gallons per day (MGD) of wastewater, and as of 2006, the plant receives 1.18 MGD of wastewater. The project would also be served by local waste collection services that dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its services area. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Impact Discussion:

a.-g.) The project is located in a park that has existing facilities that serve the park, therefore there will not be a substantial amount of additional waste water generated on site. The project will not induce the need to expand existing utility and service systems in the City of Morro Bay. The City water and sewer systems have been reviewed pursuant to capacity studies that have determined that there is sufficient capacity for build out.

Mitigation and Residual Impact: No significant impacts on utilities and service systems would result, therefore no mitigation measures are required. The residual impact on utilities will be insignificant.

Monitoring: Not applicable.

**IV. INFORMATION SOURCES:**

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

City of Morro Bay Public Works Department, Fire Department, Building Division, City Engineer.  
San Luis Obispo Air Pollution Control District

**B. General Plan**

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

**C. Other Sources of Information**

x	Field work/Site Visit	x	Ag. Preserve Maps
	Calculations	x	Flood Control Maps
x	Project Plans		Other studies, reports
	Traffic Study	x	Zoning Maps
x	Records	x	Soils Maps/Reports
	Grading Plans		Plant maps
x	Elevations/architectural renderings	x	Archaeological maps and reports
x	Published geological maps	x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009
x	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):

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Potential to degrade:</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
<b>Cumulative:</b> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
<b>Substantial adverse:</b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Impact Discussion: The project is consistent with the Local Coastal Program, including the General Plan, Local Coastal Plan and Zoning Ordinance. As such, the project, as mitigated, does not 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 a self-sustaining level, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory as evidenced in the preceding discussions.

## VI. DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

With Public Hearing

Without Public Hearing

**Previous Document:** N/A

**Project Evaluator:** Sierra Davis, Assistant Planner

Sierra Davis  
Signature

August 5, 2011  
Initial Study Date

Sierra Davis, Assistant Planner  
Printed Name

City of Morro Bay  
Lead Agency

## VII. ATTACHMENTS

A – Summary of Mitigation Measures and Applicant’s Consent to Incorporate Mitigation into the Project Description.

## Attachment A

### SUMMARY OF REQUIRED MITIGATION MEASURES

#### CULTURAL RESOURCES

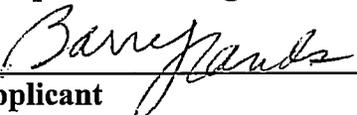
At the time the archeological survey was conducted in May 2007, the recommended mitigation was to minimize subsurface disturbance, all the grass cover in the area of the new tennis court(s) plus the additional distance of a 2:1 or 3:1 slop around the court area should be removed by back-dragging a dozer blade or with a Gannon scraper. The surface then should be scarified with dozer ripper blades to a depth no greater than 15". Non expansive fill material should be imported and compacted to a depth of three feet. The 2:1 or 3:1 slope should be covered with six to twelve inches of top soil. All construction of the tennis courts including fence and fence posts should be done on top the fill material. These construction methods, will minimize any adverse effect to the intact cultural resources. All, grass removal, scarification and initial soil import/compaction should be monitored by an archaeologist.

In addition to all mitigation measures that was already been required by past development, as new development or ground disturbing activities shall adhere to the following mitigation measures.

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98. The monitoring report shall be submitted to the City prior to the operation of the tennis court facilities.
3. **The following actions must be taken immediately upon the discovery of human remains:** Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party

Monitoring: Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.

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

  
Applicant

  
Date



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

RECEIVED

September 12, 2011

SEP 13 2011

City of Morro Bay  
Public Services Department

Kathleen Wold  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442

Subject: Del Mar Park Tennis Courts  
SCH#: 2011081036

Dear Kathleen Wold:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on September 9, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2011081036  
**Project Title** Del Mar Park Tennis Courts  
**Lead Agency** Morro Bay, City of

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**Type** Neg Negative Declaration  
**Description** Construction of two public, soft-surface tennis courts at Del mar Park, a nine-acre park located in north Morro Bay.

The City of Morro Bay currently has two unlit public tennis courts at Monte Young Park available for a population of approximately 10,000 residents. The courts are used for numerous scheduled programs such as City sponsored "Tennis Playday," City sponsored tennis lessons, league play, tournaments, as well as drop-in-play. The next closest public tennis court includes two in the area, the proposed tennis courts at Del Mar Park are in high demand.

The tennis courts have been master planned for Del Mar Park since the original conception of the park, prior to 1980. During the many public hearings regarding the park and subsequent to the development of the park, the public has not voiced concern regarding the recreation facilities. The courts are not located adjacent to residences and are bordered by an elementary school playground on one side and the park's roller hockey rink on the other. The courts are also located in a bowl-depression area that creates berms on each side. As evidenced with the roller hockey rink the berms successfully keep sound from traveling into the surrounding neighborhood.

The proposed project would add two (2) new "soft-surface" (i.e. astro turf) tennis courts adjacent to the roller hockey rink in the southwest quadrant of Del Mar Park. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.

**Document Details Report  
State Clearinghouse Data Base**

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**Lead Agency Contact**

**Name** Kathleen Wold  
**Agency** City of Morro Bay  
**Phone** (805) 772-6211 **Fax**  
**email**  
**Address** 955 Shasta Avenue  
  
**City** Morro Bay **State** CA **Zip** 93442

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**Project Location**

**County** San Luis Obispo  
**City** Morro Bay  
**Region**  
**Lat / Long**  
**Cross Streets** Ironwood  
**Parcel No.** 065-149-017  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways** Hwy 1, 41  
**Airports**  
**Railways**  
**Waterways** Morro Creek  
**Schools** MB HS, Del Mar ES  
**Land Use** The project site is located in Del Mar Park at 3060 Ironwood Avenue within the Open Area 2 zoning district (OA-2), with a Planned Development (PD) Overlay.

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**Project Issues** Archaeologic-Historic

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received** 08/11/2011 **Start of Review** 08/11/2011 **End of Review** 09/09/2011

# EXHIBIT E

RECEIVED

DEL MAR PARK TENNIS COURTS

AUG 31 2011

City of MORRO BAY  
Public Services Department

Great and needed!

Would suggest imposing a PICKLEBALL court on top of the tennis court.

(see diagram) Tennis court in black, Pickleball court in blue.

This is a game that has been around  $\pm$  25 years and is especially good for seniors whose knees are not what they used to be. It retains some of the same qualities that tennis have.

Check it out on Internet (USA Pickleball Association)

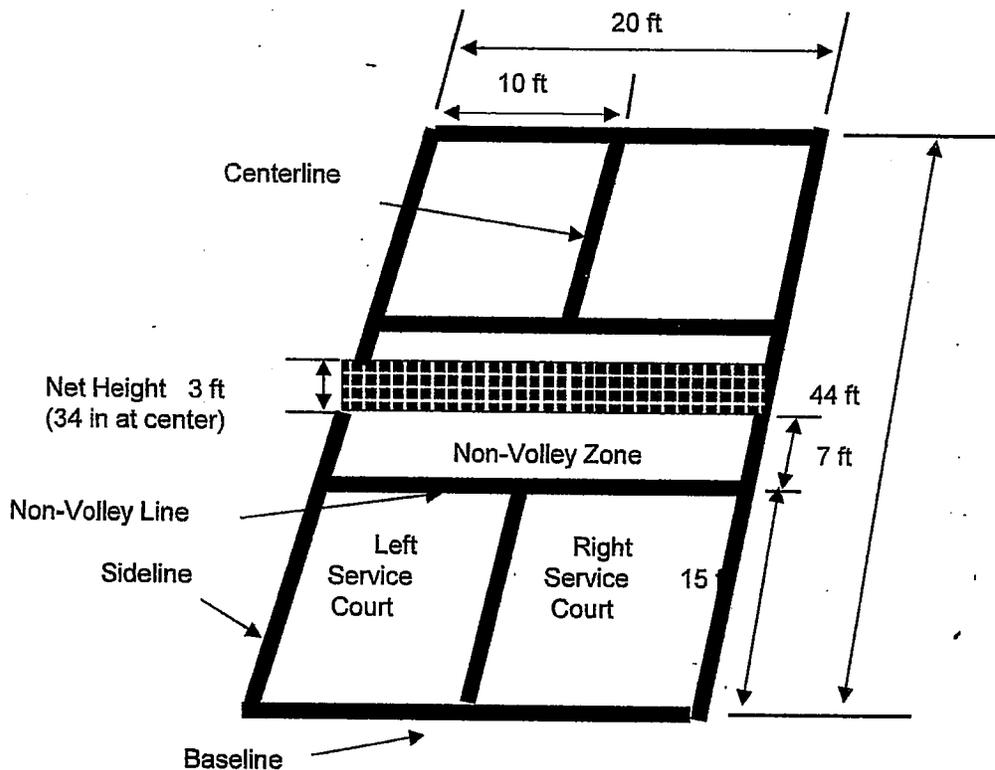
Chuck Rose (772-1812) North Morro Bay

AUG 31 2011

City of ...  
Public Services Department

**Section 2 – Court and Equipment**

Revised 2006, 4/1/09, 8/9/09 and 8/19/10



**Figure 2-1 The Court**

2.A. **Court Specifications.** The dimensions and measurements for the standard pickleball court are:

2.A.1. The court shall be a rectangle 20 feet (6.10 m) wide and 44 feet (13.41 m) long for both singles and doubles matches. See Figure 2-1.

2.A.2. A total playing area 30 feet (9.14 m) wide and 60 feet (18.28 m) long is the minimum size that is recommended. A total size of 34 feet (10.36 m) by 64 feet (19.5 m) is preferred.

2.A.3. Court measurements shall be made to the outside of the lines. The lines should be 2 inches (5.1 cm) wide and the same color, clearly contrasting with the color of the court surface.

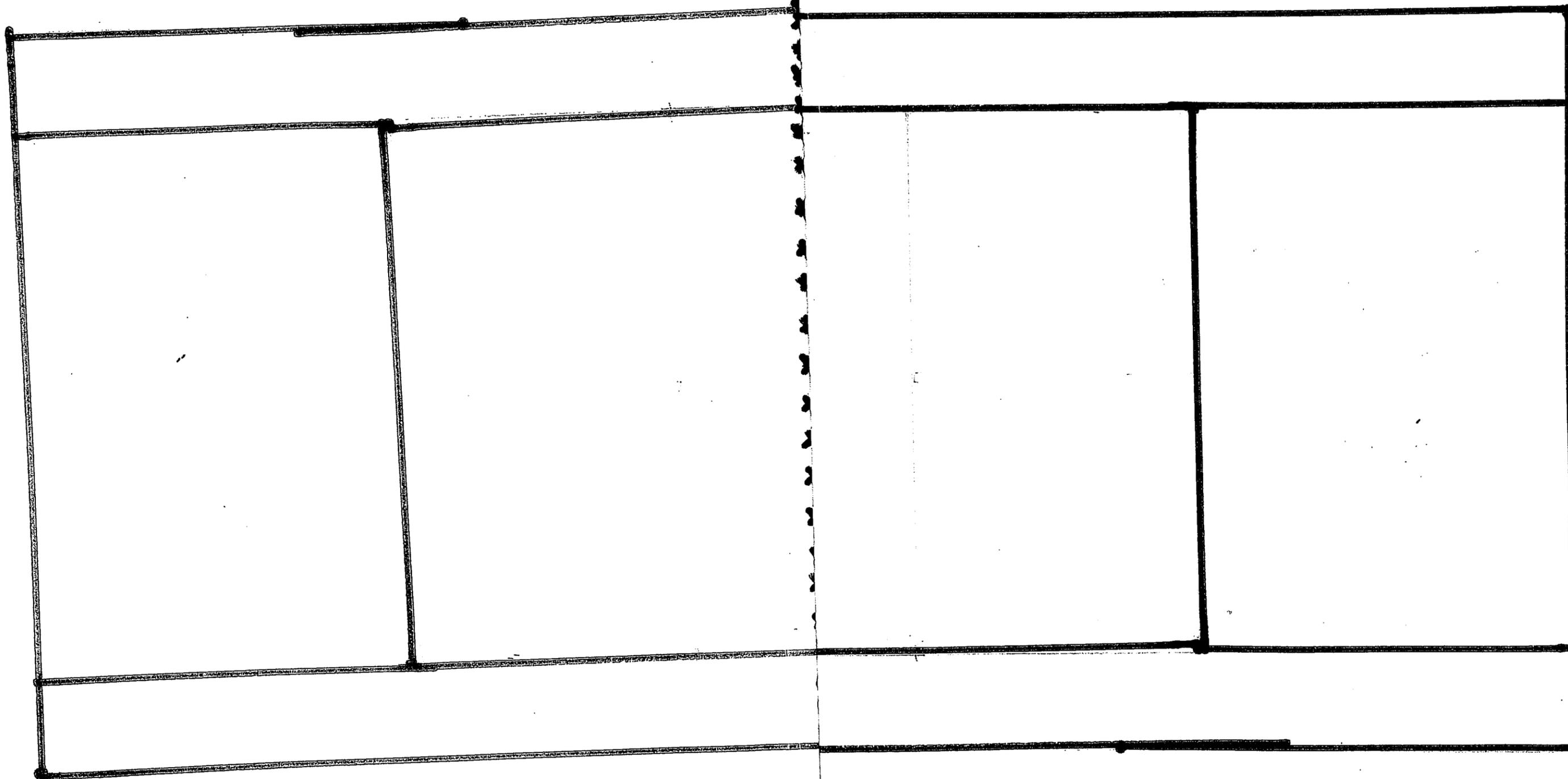
2.B. **Lines and Areas.** The lines and areas of the standard pickleball court are:

2.B.1. **Baselines.** The baselines are the lines parallel to the net at each end of the court.

RECEIVED

AUG 31 2011

City of Morro Bay  
Public Services Department





AGENDA NO: VII-B

MEETING DATE: October 5, 2011

## Staff Report

**TO:** Planning Commissioners

**DATE:** September 26, 2011

**FROM:** Kathleen Wold, Planning and Building Manager

**SUBJECT:** Conditional Use Permit #UP0-223 and Coastal Development Permit #CP0-285

**RECOMMENDATION:**

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

- A. Adopt the Findings included as Exhibit "A";
- B. Adopt the Mitigated Negative Declaration included as Exhibit "D"
- C. Approve, subject to the Conditions included as Exhibit "B" and the site development plans dated February 16, 2011, Use Permit UP0-223 and Coastal Development Permit CP0-285.

**APPLICANT:** Dan Reddell

**AGENT:** Cathy Novak

**LEGAL DESCRIPTION/APN (ADDRESS) :**

Irregularly shaped parcel in Cerrito Addition to Town of El Morro, map filed March 14, 1888 in Book A page 34 of maps in the San Luis Obispo County Recorder's office and further described in the Certificate of Compliance CC DR 06-022125 located in said office/ 066-221-001 (1 Jordan Terrace)

**PROJECT SETTING:** The project site is a 47,806 square foot (1.1 acres) parcel, surrounded by an undeveloped paper street known as Jordan Terrace and existing residences. The site itself is an undeveloped parcel that includes Cerrito Peak, numerous rock outcroppings, trees and other vegetation. The proposed building area is located on the top of Cerrito Peak, a hilltop that slopes down approximately 25 degrees in all directions, equivalent to a gradient of 2-to-1 (horizontal-to-vertical). The project site is designated Moderate Density Residential, and is zoned Single Family Residential (R-1).

**PROJECT DESCRIPTION:** Construction of a new 2 story- split level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 745-square feet of decking, and a 711-square foot secondary living unit. Other improvements include two

Prepared By: \_\_\_\_\_

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

uncovered parking spaces for the secondary unit and guest parking, an approximately 400-foot long driveway and hammer-head turn around, retaining walls, and associated tree and vegetation removal. The project relies upon a parking exception to allow uncovered parking within a front yard setback, removal of major vegetation on-site and within the public right-of-way, fencing within the public right-of-way, and a deferment of the requirements for frontage improvements on Alta Street and Jordan Terrace.

**ENVIRONMENTAL DETERMINATION:**

An initial study was conducted for the project. The determination of this document was a recommendation of a Mitigated Negative Declaration incorporating mitigations. The incorporation of mitigations brings the level of environmental impact to less than significant. This Mitigated Negative Declaration (Exhibit D) was circulated on May 20, 2010 with a review period that ended June 21, 2010. The issues identified and subsequently mitigated are: Aesthetics Resources, Air Quality Resources, Biological Resources, Cultural Resources, Geology Soils, Public Services, Transportation and Traffic. The State Clearinghouse indicated that no state agencies submitted comments during the review period. Staff did receive to following letters during the review period:

Received	Commenting party	Issues
June 3, 2010	Nicole and Brian Dorfman	Removal of vegetation resulting in a loss of shelter for owls, hawks and Monarch Butterflies. Site plan submitted is not accurate.
June 8, 2010	Sam Studer	Removal of vegetation resulting in loss of Monarch Butterfly habitat.
June 15, 2010	Northern Chumash Tribal Council	Issues concerning the mitigations placed on the project to protect Cultural Resources. States that the mitigations are lacking and promote cultural genocide, discrimination, ethnic cleansing and will deprive the Chumash Community of unobstructed religious freedom and civil rights.

June 21, 2010	Kevin Elder, Sinsheimer, Juhnke, Lebens and McIvor (SJLM), representing Nancy Mellen.	<p>States the Mitigated Negative Declaration (MND) is inadequate based on the following:</p> <ol style="list-style-type: none"> <li>1. The City's Initial Study ignores and fails to identify or analyze all potential impacts of the proposed project.</li> <li>2. The City's proposed mitigation measures fail to adequately mitigate the proposed project impacts which are identified.</li> </ol> <p>The MND is incomplete and internally contradictory in significant respects.</p> <p>The City's file and information is incomplete and internally contradictory in significant respects.</p>
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In addition to the four broad issues the SJLM contains 16 pages of specific details.

SJLM Issues	Staff's response
Discrepancy between noticed dates for public review period	<p>The document had the minimum 30 day review period which meet the requirements under CEQA. Comments were accepted beyond the close of the review period (see DFG comments).</p> <p>The public review period and the state agency review period may, but are not required to, begin and end at the same time in accordance with CEQA guidelines.</p>
Discrepancy in project description	<p>In accordance with CEQA guidelines section 15071 a brief summary description of the project must be provided. Descriptions associated with project documents comply with CEQA requirements.</p>

Findings of the Environmental Coordinator	The findings indicate reasons for supporting a finding of no significant effect are found within the Initial Study document and can include mitigation measures.
Project Information, cites too many exceptions to standards and discusses issues with drainage	The project requests a parking exception to allow the parking for the secondary unit to occur within the front yard setback, deferment of frontage improvements and the allowance via a special encroachment permit to allow minor private improvements within the Public Right of Way
Incorrect Vicinity Map	The small map included within the Initial Study does not include the site; however the document clearly states the correct location. Maps are optional under CEQA section 15071.b .
Elevations: Not specific enough to provide sufficient details for environmental review	Under CEQA Article 6 15071 states that the contents of a Negative Declaration shall include a brief description of the subject including commonly used name for project, location of project, name of project proponent, proposed findings that the project will not have a significant effect on the environment and attached Initial Study document, the reasons to support the finding and the mitigations. The environmental document prepared for this project complies with these requirements.
Environmental Setting/Issues concerning development within the public right of way	Letter assumes that full public improvements would have less environmental impacts than allowing a narrower fire apparatus road to the proposed home. Full public improvements would require additional drainage requirements, removal of additional trees and an increase in overall site disturbance.
Surrounding Land Use: descriptions regarding surrounding land uses are vague	The description meets CEQA requirements.

Environmental Checklist multiple issues see letter	The letter does not provide any expert or technical materials which validates the opinions expressed within the letter. The analysis contained within the Initial Study is consistent with the requirements of CEQA including the level of detail provided.
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In addition, staff did receive a letter from the Department of Fish and Game outside the review period.

June 23, 2010	Department of Fish and Game (Brandon Sanderson)	<p>Notes the lack of a rare plant survey, the Initial Study/MND dismisses the presence of species based on presence/absence of “potential habitat”. DFG recommends appropriate botanical surveys be conducted during the time when sensitive resources could be detected before impact analysis occurs.</p> <p>Recommends changing the mitigation measures for tree removal be amended to state that removal of vegetation or any other ground disturbance activities should be avoided from February to September 15<sup>th</sup> to avoid impacts to native breeding and nesting birds, if work during the breeding/nesting season cannot be avoided, a qualified biologist should survey all breeding and nesting habitat within the project site and adjacent to the project site for breeding or nesting birds no more than two weeks prior to the construction or site preparation activities. Documentation of surveys and findings, including negative findings should be submitted to the Department for review and concurrence. If no breeding or nesting birds are observed and concurrence has been received from the Department, site preparation and construction activities may begin. If breeding activities and/or active bird nests are located appropriate protection measures shall be developed in consultation with the Department.</p>
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All letters are provided for your review as an attachment to the staff report. Staff recommends that a finding be made that there would not be a potential for significant impacts with the implementation of the recommended mitigation measures.

**PROJECT SETTING:** The project site is a 47,806 square foot (1.1 acres) parcel, surrounded by an undeveloped paper street known as Jordan Terrace and existing residences. The site itself is an undeveloped parcel including Cerrito Peak, numerous rock outcroppings, and trees and other vegetation. The proposed building area is located on the top of Cerrito Peak, a hilltop that slopes down approximately 25 degrees in all directions, equivalent to a gradient of 2-to-1 (horizontal-to-vertical). The project site is designated Moderate Density Residential, and is zoned Single Family Residential (R-1).

<b>Site Characteristics</b>	
Site Area	47,806 square feet (1.1 acres)
Existing Use	Vacant
Terrain:	Approximately 25 degrees downward slope in all directions
Vegetation/Wildlife	Eucalyptus groves with non-native annual grassland understory
Archaeological Resources	A previously recorded site including five bedrock mortars with possible midden association
Access	Cerrito Place

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Moderate Density Residential
Base Zone District(s)	Single Family Residential (R-1)
Zoning Overlay District	n/a
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Yes, non-appealable area

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

**PROJECT EVALUATION**

<i>R-1 Development Standards</i>	<b>Proposed Plan</b>	<b>Ordinance Requirement</b>
<b>Setbacks</b>		
Front yard	<ul style="list-style-type: none"> <li>• 21 ft to structure/4 ft to rear of uncovered parking</li> </ul>	<ul style="list-style-type: none"> <li>• 20 Feet</li> </ul>
Side yard (Interior)	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• 10% of average lot width with 5-ft max and 3-ft min</li> </ul>
Side yard (Exterior)	<ul style="list-style-type: none"> <li>• 30+ ft</li> </ul>	<ul style="list-style-type: none"> <li>• 10% of average lot width with 5-ft max and 3-ft min</li> </ul>
Rear yard	<ul style="list-style-type: none"> <li>• 100+ ft</li> </ul>	<ul style="list-style-type: none"> <li>• 10% of average lot depth with 10-ft. max and 6-ft min</li> </ul>
<b>Lot Coverage</b>	Residential Footprint: 6.8%	45% Maximum Coverage
<b>Building Height</b>	<ul style="list-style-type: none"> <li>• 25 ft above average natural grade</li> <li>• 21 ft max wall height</li> </ul>	<ul style="list-style-type: none"> <li>• 25 ft above natural grade max</li> <li>• 30 ft. max wall height</li> </ul>
<b>Landscaping</b>	n/a	n/a
<b>Public Improvements</b>	Private driveway within the public rights-of-way with public access easement. (Fire apparatus road)	Curb, gutter and paving to centerline of Alta Street and Jordan Terrace
<b>Visual Resources</b>	The project sits below the crest of the peak and takes advantage of the existing tree cover for screening	Projects must be designed to not detract from public views
<b>Uses</b>	Single-family residence and secondary dwelling unit	Single-family residence and secondary dwelling unit
<b>Parking</b>	<ul style="list-style-type: none"> <li>• 2 covered spaces for primary</li> <li>• 2 uncovered guests parking spaces for secondary unit and guest parking</li> </ul>	<ul style="list-style-type: none"> <li>• 2 covered spaces for primary unit</li> <li>• 1 uncovered space for secondary unit</li> </ul>

The project complies with all height and coverage standards, but does rely on the approval of a parking exception to allow the required parking to be provided within the “front yard” setback, deferment of frontage improvements along Alta Street and Jordan Terrace, and encroachment permits to allow fencing and a vehicle-access gate within the undeveloped right-of-way. In order to develop the residence and secondary unit with the required 20-foot access way, a total of 34 healthy trees, four

dead trees, two fallen trees, and one stump would be removed. The majority of these trees (23) are within the undeveloped right-of-way and would be considered major vegetation under City guidelines. The remaining 11 living trees, nine of which are considered major vegetation, are on the private property. The entire site, including the undeveloped rights-of-way, currently support approximately 350 trees, approximately 200 of which would be considered major vegetation. Removal of major vegetation is allowed with approval of a Coastal Development Permit, and is subject to the specific findings discussed below.

The Local Coastal Plan includes goals that new projects be compatible with existing surrounding development and acknowledge site context to maintain an aesthetically pleasing community and not detract from the natural environment. With the incorporation of recommended conditions and mitigation measures, staff feels that the design of the proposed residence achieves these goals by acknowledging the site topography to minimize site disturbance and using existing vegetation for screening purposes. The following discussion provides an evaluation of consistency with City policies and standards, and the requested entitlements, including: 1) General Plan, Local Coastal Plan and Zoning Regulation Policies and Standards, 2) Secondary Dwelling Unit, 3) Removal of major vegetation on-site and within the public rights-of-way, 4) Waiver of requirements for improvements of Alta Street and Jordan Terrace and public access within the rights-of-way, 5) Allowing uncovered parking within the street yard, 6) Granting encroachment permits for fencing within the public right-of-way, and 7) Environmental Review.

#### 1. General Plan, Local Coastal Plan and Zoning Regulations Consistency

The site is designated in the General Plan as Low-Medium/Moderate Density Residential, and is zoned R-1. This area is anticipated to accommodate single family and secondary residential uses.

#### 2. Secondary Dwelling Unit

In conjunction with the primary residence, the applicant has proposed to incorporate an attached secondary dwelling unit into the building design. The proposed unit is located above the garage, and is accessed by both an external stairway on the northwest side of the residence and through an internal connection on the main living level. A condition has been placed on the project to restrict access from the primary unit in order to have the units comply with code. The secondary unit is an approximately 711-square foot studio unit, consistent with the standards of Section 17.48.320 which sets the maximum size of a secondary unit at 900-square feet, or no more than 50% of the living area of the primary unit. The required uncovered parking space for the unit is proposed to be at the northeast corner of the structure, within the "front yard" setback. This exception to allow parking within the required setback is subject to approval of a Conditional Use Permit (Parking Exception, section 17.44.050), as discussed in section 5 (Parking), below. All other aspects of the secondary dwelling unit, including compliance with development standards, architectural compatibility, and emergency access are consistent with City standards. Requirements for owner

occupancy of either the primary or secondary unit have been incorporated into the recommended conditions of approval.

### 3. Major Vegetation Removal

The project site is currently vegetated with seasonal grasses, sparse shrubs, and several clusters of both large and small trees, which are predominantly eucalyptus. There are approximately 350-trees both on-site and within the affected public right-of-way, about 200 of which would qualify as major vegetation under City policy.

On-site trees greater than six-inches in diameter at four and one-half feet vertically above ground are considered major vegetation, and are subject to the City's Major Vegetation Removal, Replacement and Protection Guidelines; of the eleven onsite trees proposed for removal, nine meet this criteria. Because the removal of nine-trees exceeds the two removals allowed for in a 12-month period the request is subject to review and approval of a Coastal Development Permit. Removal of on-site major vegetation requires mandatory replacement, which may occur on the applicant's site, on other privately held lands with the property owner's permission, or presented to the City to plant on public lands. Given the significant site area available a mitigation measure has been recommended in the Initial Study that the replacement plantings occur on-site, in areas where they will provide additional screening of the proposed improvements so as to reduce any adverse affects of the character of the site and surrounding neighborhood.

Development of residential uses on the site also has the potential to spur removal of additional on-site trees in the future, leading to potentially significant impacts on reliant bird species, soil retention, and neighborhood character. A second mitigation measure has been recommended to ensure that future tree removals are limited to those necessary to alleviate potential hazards.

The project also includes the removal of 23 trees (all considered major vegetation under City policies) and one stump within the public right-of-way for the development of the private access driveway and turn-around. This is a unique case, where proposed removals in the right-of-way are being requested to facilitate private development (in contrast to public improvements), which is not directly addressed in the City Tree Regulations. As a request by a private property owner to remove trees within the right-of-way for private improvements, it would be consistent with the intent of City policies to require that the applicant mitigate impacts to the community and neighborhood caused by the removal of the trees. A mitigation measure has been recommended that replacement plantings occur on-site, at the rate prescribed for trees removed as part of construction projects.

### 4. Right-of-Way Improvements & Public Access

The project includes an exception to City standards to defer requirements for public improvements on Alta Court and Jordan Terrace. Frontage improvements include curb and gutter and paving to the centerline of the undeveloped right-of-way. As an R-1 site, sidewalks would not generally be

required. The applicant has proposed to develop portions of Alta Street and Jordan Terrace with a 20-foot wide access way (fire apparatus road) to approach the planned residence. No additional improvements on Alta Street or Jordan Terrace as it circumnavigates the site would be developed at this time. This proposal will limit alteration of the existing topography and rock outcroppings, and alleviate the need for additional tree removals. Continued public access along access way within the public rights-of-way would be ensured through a covenant agreement, as required by a recommended mitigation measure in the Initial Study. Approximately 40-feet from the property line (and 20-feet back from the proposed vehicle access gate), a small set of stairs would be integrated into the retaining wall on the north side of the driveway to direct pedestrians to the existing trails that follow the unimproved portions of Jordan Terrace. Signage would be required both at the base of Alta Street and near the upper limit of the private improvements indicating that continued public access within the public right-of-way was allowed.

Additionally, there are several undeveloped, undersized parcels that if developed would require access from both Alta Street and Jordan Terrace. Although development of these lots is unlikely due to their small size, topography, and other constraints, access must not be precluded by proposed improvements within the right-of-way. A second mitigation measure has been recommended to ensure continued potential for access consistent with City standards should these parcels be developed in the future.

#### 5. Parking

The property is uniquely situated at the top of Cerrito Peak, where it is completely surrounded by undeveloped right-of-way. The right-of-way was shown on an 1888 Subdivision map and accepted by the San Luis Obispo County Board of Supervisors in 1935. In absence of any clear street-, side- or rear-yards, or identifiable neighborhood pattern that would be applicable to this unique elliptical lot, for purposes of review of the site layout the property line parallel to the entrance of the proposed residence has been considered the street yard. The applicant has requested an exception to City standards to allow for uncovered secondary dwelling unit and guest parking stalls to be within this front-yard location. Locating the additional parking within street-yard setback area at the top of the driveway access will minimize the need for additional grading, alteration of rock outcrops, and tree removals. This exception would not adversely affect public health, safety, or welfare of the general public, as there are no traffic safety concerns given the relative isolation of the site from adjacent development and traffic.

#### 6. Fencing Plan

The project also includes a request for encroachment permits to allow fencing within the Jordan Terrace right-of-way. Because of the increasingly rugged terrain of the site as one goes westward towards Cerrito Peak, the residence has been sited as far east as practicable given City setbacks and other development standards. To provide some private outdoor space and security for the residence, as well as to allow the required vehicle turn-around to be optimally placed between natural features, a

fencing plan has been proposed which would enclose both on-site and portions of the public right-of-way to the east of the home. The proposed fencing, which would have a solid stucco and natural stone base with black rod iron pickets above, would have a combined height of 6-feet. The fencing would wrap from the northeastern corner of the house, near the garage, along the northern retaining wall, across the driveway, and continue around to the southeastern corner of the home. The rear portion of the site would remain unfenced. This exception would not adversely affect public health, safety, or welfare of the general public, as there are no traffic safety concerns given the relative isolation of the site from adjacent development. Additionally, the open design of the fence is consistent with fencing in the immediate vicinity, and will retain open view corridors while providing some security and private outdoor space. Mitigation measures have been recommended in the Initial Study to ensure that these improvements will be removed by the property owner should Jordan Terrace be developed in the future and that adequate emergency service access is retained

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on September 23, 2011, and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:**

Considerable effort has been made by the applicant to design a project that is consistent with the General Plan and applicable property development standards, and to minimize site alteration to the greatest extent practicable. Given the unusual site topography vegetation, and other associated constraints, the requested vegetation removal and other exceptions can be considered relatively minor and would not be considered a grant of special privilege. With the incorporation of recommended conditions of approval and mitigation measures included in the Mitigated Negative Declaration, the design of the residence, attached secondary unit, and associated improvements will avoid injury to sensitive resources and provide housing in an area anticipated by the General Plan for development with single family residences. For these reasons, staff recommends the Planning Commission adopt the Mitigated Negative Declaration of Environmental Impacts, and approve the project including requested removal of major vegetation, and exceptions to City standards to allow uncovered parking in the "street yard", fencing within the right-of-way, and deferment of frontage improvements.

**ATTACHMENTS:**

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C
4. Reports, Exhibit D
5. Mitigated Negative Declaration and State Clearinghouse Letter, Exhibit E
6. Responses to Comment Period, Exhibit F
7. Correspondence, Exhibit G

**EXHIBIT A:**

**FINDINGS**

Conditional Use Permit #UP0-223 & Coastal Development Permit #CP0-285

Site: 1 Jordan Terrace

**California Environmental Quality Act (CEQA)**

- A. A Mitigated Negative Declaration was prepared for the project. The environmental document was posted for review and comment for a thirty day period. With the incorporation of conditions of approval and mitigation measures listed in the Mitigated Negative Declaration of Environmental Impact and incorporated herein, the establishment, maintenance, or operation of the proposed project will not create any significant environmental impacts as mitigations have been incorporated into the document and agreed to by the applicant which reduces all impacts to less than significant. In adopting the Mitigated Negative Declaration the Planning Commission finds that the project is in compliance with the California Environmental Quality Act.

**Parking Exception Findings**

- B. The granting of an exception to allow uncovered parking within the front yard setback will not constitute the granting of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity as the site is uniquely situated surrounded by undeveloped right-of-way and the alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use.
- C. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity because no traffic safety problems will result from the proposed modification of parking standards.
- D. The exception is reasonable necessary for applicant's full enjoyment of uses similar to those upon the adjoining real property. The granting of the exception is necessary to the allow the applicant the same enjoyment or full use of the property similar to those in similar properties due to the topography of the property.

**Coastal Development Permit Findings**

- E. With the incorporation of conditions of approval the project is consistent with applicable provisions of the certified Local Coastal Program, as all potential inconsistencies with the code and potentially significant impacts associated with aesthetics, air quality, biological

and cultural resources, geology & soils, public services and transportation & traffic have been addressed.

**Conditional Use Permit Findings**

- F. The proposed single family residence and secondary dwelling unit, and associated major vegetation removal, fencing, and other improvements within the undeveloped public right-of-way will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood or adjacent properties and improvements because with the incorporation of conditions of approval the project will comply with all applicable regulations of the zoning district and other applicable City standards, accept where specific exceptions have been granted.
- G. The proposed single family residence and secondary dwelling unit are allowable uses in the zoning district and are in accordance with the certified Coastal Land Use plan for the City of Morro Bay, and in conformance with the coastal access policies of Chapter 3 of the California Coastal Act.
- H. The development of this single family residence and secondary dwelling unit is consistent with the neighborhood character, scale, and historic development patterns and will not create a significant impact on the adjacent neighbors access to light, air, and privacy. (Ordinance 535)

**EXHIBIT B:**

**CONDITIONS OF APPROVAL**

Conditional Use Permit #UP0-223 & Coastal Development Permit #CP0-285

Site: 1 Jordan Terrace

**STANDARD CONDITIONS:**

1. This permit is granted for the improvements as described in the staff report, discussed at the October 5, 2011 hearing, and as depicted on plans received by the Public Services Department on February 16, 2010, except as modified by the following conditions:
2. Inaugurate Within Two Years: If the approved use is not established within two (2) years of the effective date of this approval, this approval will automatically become null and void. However, upon written request by the applicant prior to the expiration date of this approval, up to two (2) one-year time extensions may be granted. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project shall be subject to review and approval by the Public Services Director. Any changes to the approved project determined not to be minor by the Director shall require the filing of an amendment subject to Planning Commission review.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval. This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. **Compliance with Conditions:** Compliance with and execution of all conditions listed here in shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. **Screening of Equipment/Utility Meters/Fencing:** No roof-mounted air conditioning, heating equipment, vents, ducts or other mechanical equipment shall be allowed to extend above the parapet walls. All utility meters shall be suitably screened from public view as approved by the Public Services Department. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.
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. to seven p.m. during the weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
9. **Utility Services:** All fees, including water and sewer impact fees, shall be paid at the time the building permit is issued unless otherwise noted.
10. **UBC Compliance.** The entire project, including all setbacks, exterior wall openings and handicapped accessible issues, shall comply with the Uniform Building Code, as determined by the Public Services Department.

**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. **Use Limitation:** The secondary dwelling unit shall not be rented independent of the main residence when neither is occupied by the owner. The primary and secondary units may be rented together under a single rental agreement if the owner is not

occupying either unit. The terms of the single rental agreement shall not allow sub-lease of one unit. An owner is deemed to occupy a unit if they hold it off of the rental market for their own use.

3. **Separate Entrance for Secondary Unit:** The Secondary unit shall not ingress/egress through the primary residence. **Landscape Plan:** A Landscape Plan including size, species, quantities and layout of planting materials shall be developed, with planting palette limited to California native plantings endemic to the region and appropriate for the rocky hillside site. Landscape Plans shall be submitted to the City with construction documents. The Public Services Planning Divisions shall be responsible for review and approval of these details prior to issuance of permits for any site or construction work, as applicable.
4. **Lighting Plan:** All exterior lighting shall be designed and operated to avoid light being directed or allowed to spill out onto neighboring properties or the public right-of-way. Lights shall be of minimum wattage and height to achieve safety or aesthetic purposes, and shall be properly screened to avoid illumination of the sky. The lighting plan shall identify the location, height, design and wattage of any proposed exterior lights. Lighting Plans shall be submitted to the City with construction documents. The Public Services Planning Division shall be responsible for review and approval of these details prior to issuance of permits for any site or construction work, as applicable.

#### **ENVIRONMENTAL CONDITIONS:**

1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, Diesel Particulate Matter, and Fugitive Particulate Matter (PM10). The following standard mitigation measures required by the APCD Clean Air Plan shall be included as notes on project-related plans, to the satisfaction of the Public Services Department. Public Services staff shall verify compliance during routine site inspections:
  - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
  - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
  - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation.
  - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with

the State On-Road Regulation.

- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
  - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
  - i. Electrify equipment when feasible.
  - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
  - k. Use alternatively fueled construction equipment on-site where feasible.
  - l. Reduce the amount of disturbed area where possible.
  - m. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency is required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used if available.
  - n. All dirt stock-pile areas shall be sprayed daily as needed.
  - o. All access ways to be paved shall be completed in the initial project phases, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - p. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
2. All required mitigation measures shall be included as notes on project-related plans, to the satisfaction of the Public Services Department
  3. Tree removal shall be conducted pursuant to the adopted City of Morro Bay Major Vegetation Guidelines.
  4. On-site major vegetation removed shall be replaced in-kind at a ratio of two 5-gallon trees and shall have a minimum caliper of 1 inch and a minimum height of 6 feet or one 15-gallon tree ( 2 inches in caliper and 10 feet in height) for every tree removed. Tree replacements shall be in-kind and occur on-site in locations where they will

provide additional screening of proposed improvements, subject to approval of the Public Services Director.

5. Trees removed from within the public right-of-way shall be replaced at not less than a ratio of two-to-one for every tree removed. Location and type of replacement tree plantings shall be subject to approval of the Public Services Director. If trees are replaced on unimproved portions of Alta Street or Jordan Terrace they shall be replaced in-kind; if other locations within the public right-of-way are authorized then trees shall be of the type specified in the Master Tree List for that particular location. If the applicant is able to substantiate that there is insufficient space on-site that can accommodate the planting of additional trees without disturbing the rock on-site (boring into the rock etc) or jeopardizing the health of the existing tree (tree canopies growing into each other etc.). Placement of any tree off-site that was required as mitigation shall be submitted for review and approval by the Public Services Director prior to installation.
6. All future requests for the removal of trees greater than six-inches in diameter at four and one-half feet vertically above ground shall be subject to the City of Morro Bay's Major Vegetation Guidelines for the removal of any trees that are diseased, damaged or otherwise constitute a potential hazard. Removal of healthy trees shall not be allowed specifically any tree removed for the purpose of establishing or enhancing views.
7. Prior to issuance of encroachment, tree removal, or construction permits any nesting bird surveys or project-related plans, including recommended replacement planting plans, shall be submitted to and accepted by the Public Services Department. Plans shall include notes indicating the time of year tree removals may occur, or referencing the findings and recommendations of the nesting bird surveys.
8. A subsurface evaluation of the site (Phase 2 Cultural Resource Evaluation) shall be conducted to more firmly establish the condition, integrity, extent and content of archeological deposits on the property, to determine if it qualifies as significant. The Phase 2 Cultural Resource Evaluation shall include findings and any recommended additional studies or mitigation measures, and may result in additional studies and/or project conditions as determined by the Public Services Department. The Phase 2 Cultural Resource Evaluation and any additional studies or mitigation shall be accepted by the Public Services Department prior to issuance of any project related permits, including but not limited to tree removals, grading, or construction. All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department.

9. All ground disturbing activities shall be monitored by an archeologist, even if no archaeological remains are recovered during the evaluation study. If archeological resources are discovered during construction all activities shall cease, resuming only once the Public Service Director makes findings established in Section 17.48.310 of the Municipal Code. All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department.
10. Access to Cerrito Peak and the recorded on-site archaeological sites shall be permitted to local Native American tribal groups, upon 48-hour notification of the property owner and/or primary resident. Prior to the issuance of construction-related permits, a covenant agreement shall be recorded on-title notifying all future property owners that local Native American tribal groups shall be provided with access to Cerrito Peak and the recorded on-site archaeological sites upon 48-hour notification of the property owner and/or primary resident.
11. A detailed rock-fall investigation and mitigation plan shall be prepared by a qualified geotechnical engineer identifying the geologic design parameters for rock-fall mitigation, and, as appropriate, risk-reduction measures on adjacent properties, and need for long-term maintenance. This investigation report and mitigation plan shall be submitted, reviewed and approved by the Public Services Department prior to the issuance of any building permit or on-site ground work.
12. A detailed erosion and sediment control plan consistent with the City's Erosion and Sediment Control Manual shall be prepared. It shall include control measures for protection against erosion of adjacent property and prevention of sediment or debris from entering the City right-of-way, adjacent properties, any harbor, waterway, or ecologically sensitive area. The plan shall be submitted to the Public Services Department with construction documents. The Public Works and Building divisions shall be responsible for review and approval of these details prior to issuance of permits for any site or construction work, as applicable.
13. Recommendations of the Soils Engineering Update Report prepared by Geosolutions, Inc. (October 10, 2008) shall be incorporated into the project design. Structural details consistent with recommendations of the Soils Engineering report shall be submitted to the Public Services Department with construction documents. The Public Works and Building Divisions shall be responsible for reviewing and approval of these details prior to issuance of permits for any site or construction work, as applicable.
14. A Knox box shall be installed at the vehicle access gate to ensure that emergency

service access is retained.

15. A covenant agreement shall be recorded on title acknowledging that all private access improvements within the public right-of-way shall be available to the public for continued use along Alta Street and Jordan Terrace. All required covenant agreements shall be accepted by the Public Services Department and recorded with the San Luis Obispo County Clerk prior to issuance of project related permits, including but not limited to those for tree removals, grading, or construction.
16. Where retaining walls and other private improvements within the public rights-of-way may preclude adequate public access design features such as stairs, railings, etc. shall be provided. Construction plans submitted to the City shall include details of all access improvements and signage, to be determined adequate by the Public Services Director and Fire Marshall.
17. The applicant shall install signage both at the base of Alta Street and upper limit of private improvements indicating the continued public access within the public rights-of-way is allowed. Design and placement of the signage shall be subject to the approval of the Public Services Director. Construction plans submitted to the City shall include details of all access improvements and signage, to be determined adequate by the Public Services Director and Fire Marshall.
18. A covenant agreement shall be recorded on title acknowledging that at the time of development of adjacent parcels accessed via Alta Street and Jordan Terrace the owner of said property may be required to remove some or all private improvements within the public rights-of-way and complete public improvements to the centerline of right-of-way, as determined necessary by the City Engineer. All required covenant agreements shall be accepted by the Public Services Department and recorded with the San Luis Obispo County Clerk prior to issuance of project related permits, including but not limited to those for tree removals, grading, or construction.
19. The access road gradient shall not exceed 20% (CCFPA FC&S #09-011, and Morro Bay City Engineering Standards).
20. The required access road pavement will vary by gradient; areas less than 12% must utilize an approved all-weather surface; 12% to 16% an approved non-skid surface such as asphalt, concrete or an approved material; and areas 16% or greater gradient must utilize an engineered non-skid surface for all-weather access roadway/driveway, such as asphalt, concrete or an approved material. All driving surfaces shall be capable of supporting a 20-ton, single-axle, live load, retaining a minimum of 90% compaction. Compaction tests and certification by a Registered Civil Engineer may be

required to determine adequacy of the driving surface. Minimum 90% compaction is required.

#### **FIRE DEPARTMENT CONDITIONS:**

1. Access Road: An approved fire apparatus road shall extend to within 150 feet of all portions of the exterior walls of the first story as measured by an approved route around the exterior of the building. (CFC 503.1.1) Provide an approved fire access road, to extend from Cerrito Place, across Jordan Terrace property (if permissible), and to within 150 feet of all portions of the exterior of the proposed structure. The approved access road is illustrated on Sheet G-1 of plan.
2. Dead Ends: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (CFC 503.2.5). The approved fire apparatus turnaround is illustrated on Sheet G-1.
3. Access Road Dimensions-Width and Gradient: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (CFC 503.2.1), unobstructed vertical clearance of not less than 13 feet 6 inches (CFC 503.2.1), and access road gradient shall not to exceed 20% (CCFPA FC&S #09-011, and Morro Bay City Engineering Standards).
4. Access Road Grade and Construction: The maximum approved gradient for a fire apparatus access road or driveway is not addressed in CFC 503.2.7. Therefore, the type of pavement will determine the allowable steepness of the access road or driveway as follows:
  - a. Allowable Grade (Design status of 10% grade/angle of departure)
  - b. Less than 12% - Use an approved all-weather surface.
  - c. 12% to 16% - Use an approved non-skid surface, for all-weather access roadway/driveway. The driving surface shall be asphalt, concrete or an approved material.
  - d. 16% or Greater – An engineered non-skid surface may be allowed for an all-weather access roadway/driveway. The driving surface shall be asphalt, concrete or an approved material.
  - e. Design and Maintenance – Driving surface shall be capable of supporting a 20-ton, single-axle, live load, retaining a minimum of 90% compaction. (CFC 503.2.3 and CCFPA FC&S # 99-011)
  - f. Testing – Compaction tests and certification by a Registered Civil Engineer may be required to determine adequacy of the driving surface. Minimum 90% compaction is required.

5. Fire Flow Requirements for Buildings: One- and two-family dwellings, the minimum fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than that specified in CFC Table B105.1.
6. Fire Hydrants: The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted (CFC C103.1). One fire hydrant is required and the approved location is illustrated on Sheet G-1.
7. Automatic Fire Sprinkler System: The project shall provide fire sprinklers for all structures, in accordance with NFPA 13. (Morro Municipal Code 14.60.200(1)).
8. Wildland-Urban Interface Fire Area: Construction methods and requirements to mitigate wildfire exposure shall be applied within geographical areas where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses (CFC 4705.1).
9. Construction Methods and Requirements Within Established Limits: Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with California Building Code Chapter 7A, and this chapter (CFC 4705.2).
10. New Buildings located in any Fire Hazard Severity Zone within State Responsible: Areas or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after December 1, 2005, shall comply with all sections contained in 2007 California Building Code Chapter 7A (CBC 701A.3).

**BUILDING DEPARTMENT CONDITIONS:**

1. The project shall comply with the Building Codes, Standards, and regulations in effect on the date of complete Building Permit submittal.

**PUBLIC WORKS CONDITIONS:**

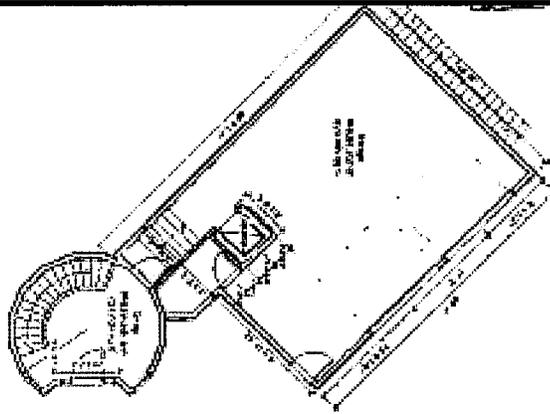
1. The project shall provide the following Stormwater BMPs with the Building Plan submittal, and the Stormwater BMPs shall be substantially in conformance with the

preliminary plans submitted for the Use Permit:

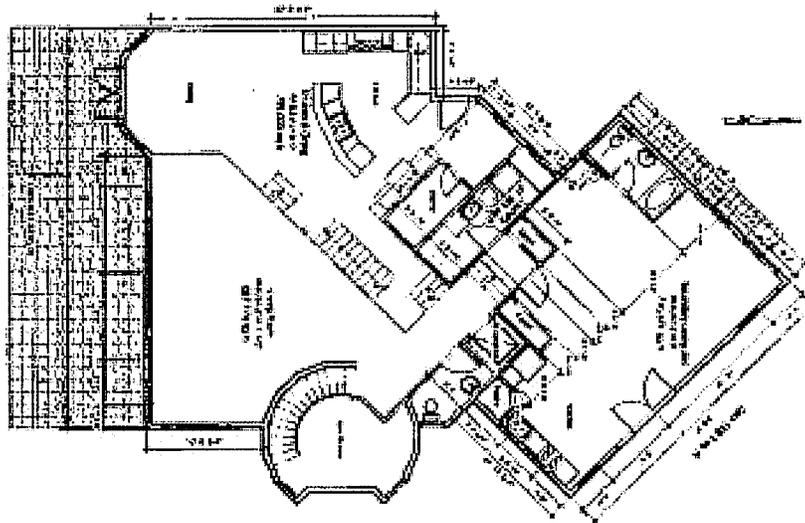
2. Water quality treatment for the runoff resulting from a two year storm event either through retention (infiltration) or an alternative Water Quality BMP such as biofiltration, mechanical filtration or hydrodynamic separation.
3. Provide peak runoff rate control for the runoff resulting from the two through hundred year rainfall events. For the purposes of stormwater management the pre-construction condition shall be natural soil and vegetation.
4. Final 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 and storage systems for site suitability.
5. The Building Plan submittal shall provide a detailed erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right-of- way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
6. Prior to the issuance of a Building Permit the Developer shall process a Special Encroachment permit for the construction of non-standard improvements within the public right-of-way for Alta Street and Jordan Terrace (ie driveway and private drainage facilities). Additionally, the developer shall construct and maintain an eight foot wide asphalt public pathway and emergency vehicle access within the remaining portion of Jordon Terrace, where possible, to the satisfaction of the City Engineer.



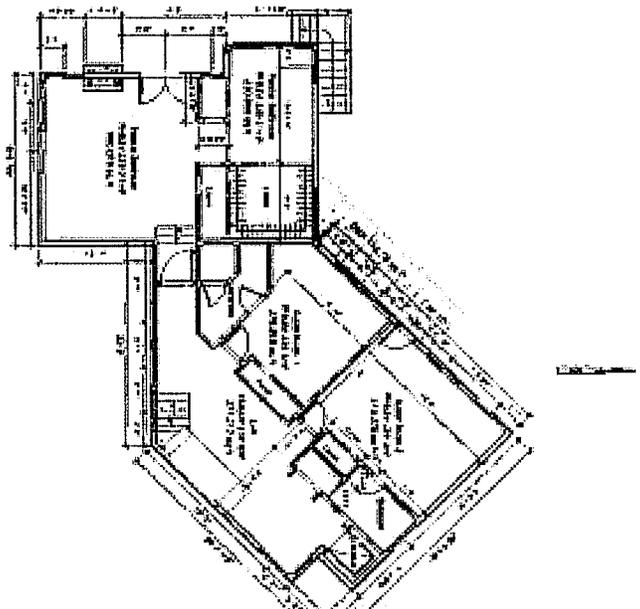
1 - General and Section Elevations



2 - First Floor Plan, Section, Detail, Elevation, and Section



3 - Second Floor Plan, Section, Detail, Elevation, and Section



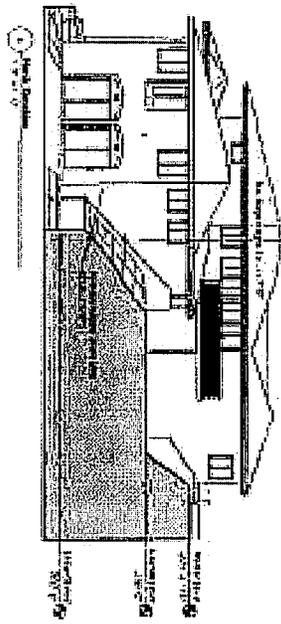
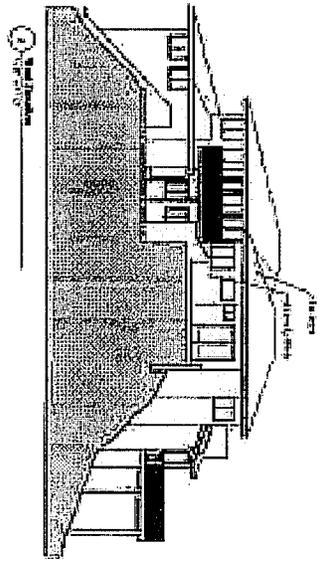
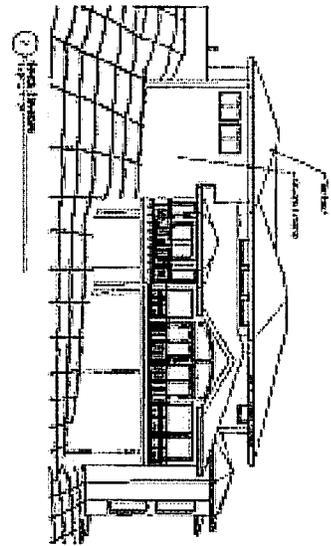
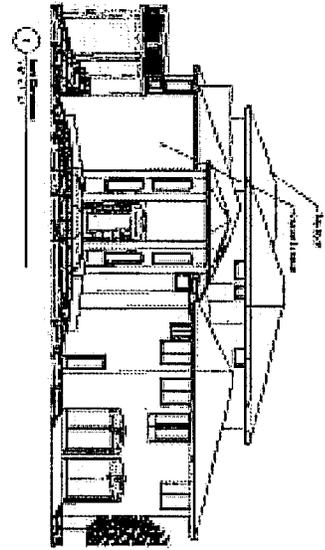
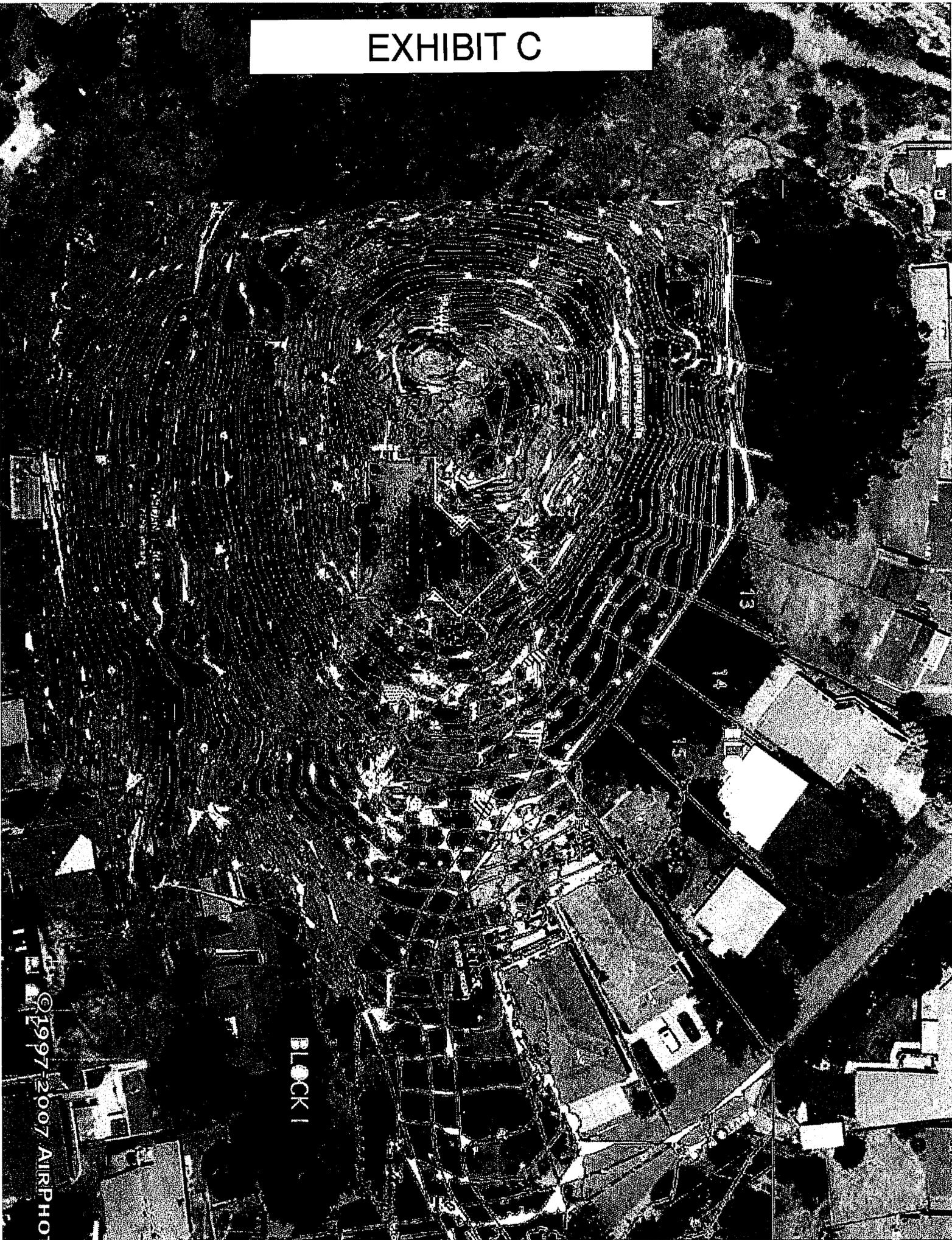


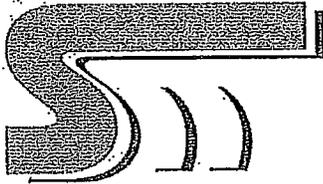
EXHIBIT C



BLOCK 1

©1997-2007 AIRPHOTO

# EXHIBIT D



## Sage Institute Inc.

October 16, 2008

Mr. Dan Reddell  
560 Morro Bay Blvd.  
Morro Bay, CA 93442

**SUBJECT: Review of Biological Assessment for the Cerrito Peak-Jordan Terrace Single Family Residence in the City of Morro Bay (UPO 223/CPO-285)**

Dear Mr. Reddell:

Sage Institute, Inc. (SII) is pleased to provide this review and analysis of applicability of the June 30, 2005 David Wolff Environmental (DWE) Biological Assessment letter report for the Cerrito Peak-Jordan Terrace Vesting Tentative Map, Parcel Map MB 03-0370 to the subject project in the City of Morro Bay. I am focusing this analysis to respond to item #14 in the City of Morro Bay's August 19, 2008 Letter of Incompleteness for your currently proposed single family residence. The City's comments specifically relate to the seasonal appropriateness of the previous study and the elimination of the open space parcel for your reduced project (two homes down to one).

The June 30, 2005 DWE Biological Assessment (DWE BA) indicated that no special-status plant species were observed or expected to occur given the on-site soils and habitat types. The DWE BA did not recommend any further surveys for rare, threatened, or endangered plants given the lack of observation in June 2005 and the lack of suitable habitat for special-status plant species recorded in the CNDDDB or known from the region. The observation of a non-native annual grassland ground cover, overstory of eucalyptus, and mostly rock outcrop with shallow loam soils were the basis of these findings. As such, the DWE BA should stand to support a less than significant impact on vegetation or other plant resources without the need for further surveys.

The DWE BA did document observations of a variety resident and migratory bird species on the site commonly known from the region with some observed nesting activity. None of observed birds were special-status species and no other special-status wildlife species would be expected on the site based on vegetation, habitat, and field observations. The standard tree removal mitigation was recommended to either avoid tree removal during the nesting season, or conduct pre-tree removal surveys and avoid any active nests should they be encountered until the birds are no longer reliant on the nest site for survival. I would recommend that this mitigation measure be included in the current project as tree removal is still proposed for the development of the one single family residence.

The DWE BA evaluated a project that included two houses and the dedication of an open space parcel. I understand the open space parcel is no longer being offered for the project that has been reduced to only one single family residence. Given the lack of any special-status species or other significant biological resources on the property, it would be my opinion that the development of one single-family residence would not have a substantial affect on biological resources. With the implementation of the mitigation measures to avoid direct impacts on nesting birds, project implementation would result in a less than significant impact on biological resources.

4  
2. A TOWNSGATE ROAD, SUITE 213  
WESTLAKE VILLAGE, CA 91361  
805.497.8557  
FAX 805.496.4939  
sage@sageii.com  
www.sageii.com

RECEIVED

DEC 15 2009

City of Morro Bay  
Public Services Department



While dedication of private property to the City of Morro Bay for open space would be beneficial to the overall conservation of biodiversity, I would further opine the proposed single family residence does not trigger a significant impact on biological resources to require it as mitigation.

Thank you for the opportunity to assist with the environmental review process for this project. Please call me directly if you have any questions or need additional information.

Very truly yours,

David K. Wolff  
Principal Ecologist  
Certified Professional Wetland Scientist

C: Cathy Novak

RECEIVED

June 30, 2005

Mr. Dan Reddell  
Bayshore Realty  
560 Morro Bay Blvd.  
Morro Bay, CA 93442

JUL 25 2008

City of Morro Bay  
Public Services Department

**SUBJECT: Biological Assessment for the Cerrito Peak-Jordan Terrace Vesting Tentative Map, Parcel Map MB 03-0370, City of Morro Bay, California**

Dear Mr. Reddell:

David Wolff Environmental (DWE) is pleased to submit this Biological Assessment (BA) letter report for the Cerrito Peak-Jordan Terrace Vesting Tentative Map, Parcel Map MB 03-0370 in the City of Morro Bay. The purpose of this study was to determine, to the extent feasible based on the seasonal timing of the study, the potential for the site to support special-status species or other significant biological or wetland resources. This letter report presents the methods and results of this study.

## 1.0 METHODS

DWE reviewed available background information and searched the California Natural Diversity Data Base (CNDDB) within an approximately five-mile radius of the proposed project site. The CNDDB provided a list of observed locations of special-status plant and wildlife species that have been recorded in the vicinity of the project site to focus the field survey effort on specific species issues. David Wolff, DWE Principal Ecologist, conducted a field reconnaissance of the project site on June 3 and 21, 2005 to document the existing conditions of the site in terms of habitat for plants and wildlife species, and wetland and/or riparian habitats. Early morning and dusk/twilight surveys were conducted on June 21<sup>st</sup> to see if the eucalyptus trees serve as a significant roost site for birds. The field surveys evaluated the entire site but focused primarily on the Parcel 1 and Parcel 2 home site lots up to the top of Cerrito Peak. Plant species were identified to the level feasible given the somewhat late growing season timing of the surveys conducted for this study. The on-site habitats were described by the composition and structure of the dominant vegetation observed at the time field reconnaissance was conducted. The survey data collected on plant and wildlife species presented in this BA is a result of a reconnaissance level effort on the dates listed above and does not constitute a special-status species protocol survey that requires more specific seasonal timing parameters and multiple surveys visits over time.

## 2.0 RESULTS

### 2.1 GENERAL SETTING, PLANTS & WILDLIFE

The proposed project is located on Cerrito Peak with rock outcrop, eucalyptus trees, and annual grassland habitat understory composed of native and non-native grasses and broadleaf herbaceous plant species. A network of trails on the site suggests casual recreational use of the site by people. The peak is surrounded on all sides by residential development.

The Natural Resources Conservation Service soils survey has the soils on site mapped, along with most of south Morro Bay, as Baywood fine sand. However, based on the field observations, it appears that the onsite soils are more in concert with the Rock Outcrop-Lithic Haploxerolls complex similar to that mapped on Black Hill. The general habitat setting of the site can be best characterized as a substantial amount of rock outcrop and sandy loam soils supporting the eucalyptus grove and non-native annual grassland understory.

Plant species observed during field reconnaissance included eucalyptus trees with an herbaceous understory composed of oats, barely, riggut brome, wild radish, sorrel, bedstraw, phacelia, and German ivy. In general, the site supports mostly non-native plant species and does not represent a diverse native plant species habitat.

Wildlife species observed during field reconnaissance were common species of coastal areas around Morro Bay. Bird species observed included the pacific slope flycatcher, bushtit, mourning dove, dark-eyed junco, European starling, tree swallow, turkey vulture, great-horned owl, northern mockingbird, and scrub jay. Several tree swallow nests and one starling nest were observed in dead trees on top of Cerrito Peak. Evidence of roosting birds below a dead tree (piles of guano) was observed in Parcel 1 during the initial field reconnaissance on June 3<sup>rd</sup>. The follow up field visit on June 21<sup>st</sup> during early morning and twilight hours did not reveal any observation of roosting birds to confirm what species or potential frequency of use could be. Evidence of gopher was also observed throughout the site. These observations are based on the limited field time and do not represent an exhaustive list of wildlife species occurrence on the site. There are likely additional common vertebrate species that could be found on the site.

## 2.2 SPECIAL-STATUS SPECIES

The CNDDDB identified 49 special-status plant and wildlife species and six natural communities of special concern as occurring within an approximately five-mile radius of the project site. A list of these species with scientific and common names, and listing status is attached to this letter. None of the occurrences recorded in the CNDDDB were identified on the project site. None of the natural communities of special concern (Central Dune Scrub, Central maritime Chaparral, Coastal Brackish Marsh, Coastal and Valley Freshwater Marsh, Northern Coastal Salt Marsh, or Valley Needlegrass Grassland) were observed on the project site.

The special-status plant species listed in the CNDDDB typically require specialized habitat types or soil conditions such as sand dunes, serpentine rock outcrops, clay soils, seeps, springs, marsh, or other wetlands. As discussed above, the site is composed of non-serpentine rock outcrop with presumably shallow sandy loam soils. No dune, chaparral, salt marsh, wetland, seeps, or springs were observed during field reconnaissance of the site. In addition, no scrub habitat, manzanita or other special-status shrub species were observed during field reconnaissance of the site. While this study does not constitute a rare plant survey, based on observed habitat type and soils, no special-status plant species are expected to occur on the project site.

The special-status wildlife species listed in the CNDDDB, similar to the plants, also require specialized habitat types or soil conditions to occur. The coastal, marsh, wetland, or stream species would not be expected to occur as none of the required habitat elements occur on the site. This includes the snowy

plover, tidewater goby, red-legged frog, pond turtle, steelhead, clapper rail, sandy beach tiger beetle, and brackish water snail.

The CNDDDB has several listings for the monarch butterfly winter aggregation sites in and around the City of Morro Bay. None of the CNDDDB monarch butterfly occurrences were recorded on Cerrito Peak. In general, eucalyptus trees can provide roosting and food resources for wintering monarch butterflies. The somewhat open distribution of the trees on top of Cerrito Peak that are exposed to the wind and storm elements generally do not present ideal habitat conditions for monarchs that seek protection from the wind and elements for winter roost sites. The Morro blue butterfly requires the lupine host plant in coastal dune habitat for food and reproduction. The habitat elements for the Morro blue butterfly were not observed on the project site.

The Morro shoulderband snail is known to occur on pure sandy soils in coastal scrub habitat around Morro Bay. The Morro shoulderband snail would not be expected to occur in the eucalyptus grove and rock outcrop soils observed on site that does not support coastal scrub plant species. Similarly, the coast horned lizard and legless lizard prefer coastal scrub and chaparral habitats with sandy soils for quick escape cover. They would not be expected in the eucalyptus grove on rock outcrop soils that occurs on the site.

The Cooper's hawk is a wide ranging raptor that could nest in the eucalyptus trees or move through the site in winter. The big free-tailed bat uses rock outcrops for roost sites but is known from arid regions of California and would not be expected to occur on the site. The San Diego desert woodrat uses woodlands and rock outcrops for nest sites. No evidence of woodrat nests was observed during field reconnaissance.

### 3.0 ANALYSIS & RECOMMENDATIONS

It is my understanding that the proposed project includes development of two home sites and driveway/road access on two parcels covering the eastern side of Cerrito Peak, and the dedication of an open space parcel on the western portion of the site. Implementation of the project would require the removal of a number of eucalyptus trees, grading, and conversion of existing habitat as described above to residential use. As a result, impacts on biological resources could include the loss of nesting and roosting habitat for resident and migratory birds, and the conversion of habitat for common plant and wildlife species to residential uses. I would suggest that the dedication of the open space lot that includes eucalyptus trees, rock outcrops, and herbaceous plant species understory would offset the loss of tree and habitat resources for common species that would result from project implementation. If feasible and within the limits of safety, leaving the standing dead trees within the open space parcel would provide a habitat benefit for hole nesting species such as the tree swallow that was observed nesting on site and for roost sites for vultures or other birds.

Given the observation of a number of bird species using the site for foraging and nesting, project implementation could result in impacts resident and migratory birds. The destruction of birds, nests and eggs is prohibited by the Fish and Game Code of California and Migratory Bird Treaty Act. In order to comply with these regulations, tree removal should be conducted outside the bird breeding season typically considered to be March 1<sup>st</sup> to August 31<sup>st</sup>. Given the observation of a great horned owl that generally begins nesting earlier in the year, the tree removal should be avoided during the month of February as well. If it is not feasible to conduct the tree removal during the September

through January time frame, then a pre-construction nesting bird survey should be conducted by a qualified biologist in the trees proposed for removal. If no nests are observed, then no further measures would be necessary. Should an active bird nest be observed, then the tree removal should be postponed until the adults and young are no longer reliant on the nest site as determined by a qualified biologist. Under these circumstances, a non-disturbance buffer zone of 25 to 100 feet may be appropriate around the nest tree to avoid nest abandonment. Appropriate buffer zones can be established by a qualified biologist and may need to be in consultation with the California Department of Fish and Game.

In summary, it would be my opinion that the proposed development along with the implementation of the nest avoidance measures and dedication of the open space parcel to preserve habitat on site would result in an overall less than significant impact on biological resources.

~~~~~

Thank you very much for the opportunity for DWE to provide biological resources consulting services for this project. Please call if you have any questions or need any additional information.

Very truly yours,



David K. Wolff  
Principal Ecologist  
Certified Professional Wetland Scientist

Attachment: CNDDDB Special-Status Species Table (4 pages)

California Department of Fish and Game  
 Natural Diversity Database  
 CNDDB Wide Tabular Report  
 Morro Bay South and Morro Bay North Quads

| Name (Scientific/Common)                                                  | CNDDB Ranks         | Other Lists             | Listing Status               | Total EOVs | Element Occ Ranks |   |   |   |   |   |                        |                |              |                     | Population Status |   | Presence |  |
|---------------------------------------------------------------------------|---------------------|-------------------------|------------------------------|------------|-------------------|---|---|---|---|---|------------------------|----------------|--------------|---------------------|-------------------|---|----------|--|
|                                                                           |                     |                         |                              |            | A                 | B | C | D | X | U | Historic Recent >20 yr | Recent <=20 yr | Pres. Extant | Poss. Extrp. Extrp. |                   |   |          |  |
| <i>Accipiter cooperii</i><br>Cooper's hawk                                | G5<br>S3            | CDFG: SC                | Fed: None<br>Cal: None       | 74<br>S:1  | 0                 | 0 | 0 | 0 | 0 | 0 | 1                      | 0              | 1            | 0                   | 0                 | 0 |          |  |
| <i>Anniella pulchra nigra</i><br>black legless lizard                     | G3G4T2T3<br>Q<br>S2 | CDFG: SC                | Fed: None<br>Cal: None       | 35<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 0 | 2                      | 0              | 2            | 0                   | 0                 | 0 |          |  |
| <i>Arctostaphylos cruzensis</i><br>Arroyo de la Cruz manzanita            | G2<br>S2.2          | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 18<br>S:9  | 3                 | 2 | 0 | 0 | 0 | 0 | 4                      | 8              | 1            | 9                   | 0                 | 0 |          |  |
| <i>Arctostaphylos morroensis</i><br>Morro manzanita                       | G2<br>S2.2          | CNPS: 1B<br>Code: 2-3-3 | Fed: Threatened<br>Cal: None | 9          | 0                 | 1 | 0 | 0 | 0 | 0 | 8                      | 3              | 6            | 9                   | 0                 | 0 |          |  |
| <i>Arctostaphylos osoensis</i><br>Oso manzanita                           | G1<br>S1.2          | CNPS: 1B<br>Code: 3-2-3 | Fed: None<br>Cal: None       | 2          | 0                 | 0 | 0 | 0 | 0 | 0 | 2                      | 1              | 1            | 2                   | 0                 | 0 |          |  |
| <i>Arctostaphylos pechoensis</i><br>Pecho manzanita                       | G2<br>S2.2          | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 9<br>S:3   | 0                 | 0 | 0 | 0 | 0 | 0 | 3                      | 3              | 0            | 3                   | 0                 | 0 |          |  |
| <i>Arctostaphylos tomentosa ssp. dactilocola</i><br>dactile manzanita     | G4T1<br>S1.1        | CNPS: 1B<br>Code: 3-3-3 | Fed: None<br>Cal: None       | 1          | 0                 | 0 | 0 | 0 | 0 | 0 | 1                      | 1              | 0            | 1                   | 0                 | 0 |          |  |
| <i>Arctostaphylos welsii</i><br>Wells's manzanita                         | G2<br>S2.11         | CNPS: 1B<br>Code: 2-3-3 | Fed: None<br>Cal: None       | 14<br>S:1  | 0                 | 0 | 0 | 0 | 0 | 0 | 1                      | 1              | 0            | 1                   | 0                 | 0 |          |  |
| <i>Astragalus glyymocarpus var. milesianus</i><br>Miles's milk-velch      | G5T2<br>S2.2        | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 11<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 0 | 2                      | 2              | 0            | 2                   | 0                 | 0 |          |  |
| <i>Atriplex joaquiniana</i><br>San Joaquin sparscale                      | G2<br>S2.1          | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 89<br>S:1  | 0                 | 0 | 0 | 0 | 0 | 0 | 1                      | 1              | 0            | 1                   | 0                 | 0 |          |  |
| <i>Calochortus obispoensis</i><br>San Luis manposa lily                   | G2<br>S2.1          | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 28<br>S:1  | 0                 | 1 | 0 | 0 | 0 | 0 | 0                      | 0              | 1            | 1                   | 0                 | 0 |          |  |
| <i>Calyptegia subcaulis ssp. episcopalis</i><br>Cambria morning-glory     | G3T1<br>S1.2        | CNPS: 1B<br>Code: 3-2-3 | Fed: None<br>Cal: None       | 12<br>S:1  | 0                 | 1 | 0 | 0 | 0 | 0 | 0                      | 0              | 1            | 1                   | 0                 | 0 |          |  |
| <i>Carex obispoensis</i><br>San Luis Obispo sedge                         | G2<br>S2.2          | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 19<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 0 | 2                      | 1              | 1            | 2                   | 0                 | 0 |          |  |
| <i>Castilleja densiflora ssp. obispoensis</i><br>Obispo Indian paintbrush | G5T2<br>S2.2        | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None       | 25<br>S:4  | 0                 | 0 | 0 | 0 | 0 | 0 | 4                      | 4              | 0            | 4                   | 0                 | 0 |          |  |
| <i>Central Dune Scrub</i>                                                 | G2<br>S2.2          |                         | Fed: None<br>Cal: None       | 24<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 0 | 2                      | 2              | 0            | 2                   | 0                 | 0 |          |  |

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|-----------------------------------------------------------------------------------|---------------------|-------------------------|------------------------------------|-------------|-------------------|---|---|---|---|-------------------|-----------------|----------------|--------------|---------------|---|
|                                                                                   |                     |                         |                                    |             | A                 | B | C | D | X | U                 | Historic >20 yr | Recent <=20 yr | Pres. Extant | Poss. Extrap. |   |
| <i>Central Maritime Chaparral</i>                                                 | G2<br>S2.2          |                         | Fed: None<br>Cal: None             | 19<br>S:4   | 0                 | 1 | 0 | 1 | 0 | 2                 | 4               | 0              | 4            | 0             | 0 |
| <i>Charadrius alexandrinus nivosus</i><br>western snowy plover                    | G4T3<br>S2          | CDFG: SC                | Fed: Threatened<br>Cal: None       | 110<br>S:2  | 1                 | 0 | 0 | 0 | 0 | 1                 | 0               | 2              | 2            | 0             | 0 |
| <i>Charzanthus breweri</i><br>Brewer's spinnelower                                | G2<br>S2.2          | CNPS: 1B<br>Code: 3-1-3 | Fed: None<br>Cal: None             | 21<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1                 | 1               | 0              | 1            | 0             | 0 |
| <i>Cicindela hirticollis grayida</i><br>sandy beach tiger beetle                  | G6T4<br>S1          | CDFG:                   | Fed: None<br>Cal: None             | 34<br>S:2   | 0                 | 0 | 0 | 0 | 1 | 1                 | 2               | 0              | 1            | 0             | 1 |
| <i>Chisium fontinale</i> var. <i>obispoense</i><br>Chorro Creek bog thistle       | G2T1<br>S1.2        | CNPS: 1B<br>Code: 3-2-3 | Fed: Endangered<br>Cal: Endangered | 12<br>S:2   | 1                 | 0 | 0 | 0 | 0 | 1                 | 0               | 2              | 2            | 0             | 0 |
| <i>Coastal Brackish Marsh</i>                                                     | G2<br>S2.1          |                         | Fed: None<br>Cal: None             | 30<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1                 | 0               | 1              | 1            | 0             | 0 |
| <i>Coastal and Valley Freshwater Marsh</i>                                        | G3<br>S2.1          |                         | Fed: None<br>Cal: None             | 60<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1                 | 1               | 0              | 1            | 0             | 0 |
| <i>Condylanthus maritimus</i> ssp. <i>maritimus</i><br>salt marsh birds-beak      | G4T2<br>S2.1        | CNPS: 1B<br>Code: 2-2-2 | Fed: Endangered<br>Cal: Endangered | 33<br>S:4   | 1                 | 1 | 1 | 0 | 0 | 1                 | 1               | 3              | 4            | 0             | 0 |
| <i>Danaus plexippus</i><br>monarch butterfly                                      | G5<br>S3            | CDFG:                   | Fed: None<br>Cal: None             | 335<br>S:17 | 2                 | 4 | 6 | 0 | 5 | 0                 | 1               | 16             | 12           | 4             | 1 |
| <i>Dipodomys heermanni morroensis</i><br>Morro Bay kangaroo rat                   | G3G4T1<br>S1        | CDFG:                   | Fed: Endangered<br>Cal: Endangered | 11          | 0                 | 2 | 2 | 0 | 6 | 1                 | 11              | 0              | 5            | 1             | 5 |
| <i>Dithyrea maritima</i><br>beach spectaclepod                                    | G2<br>S2.1          | CNPS: 1B<br>Code: 3-3-2 | Fed: None<br>Cal: Threatened       | 24<br>S:2   | 0                 | 0 | 0 | 1 | 0 | 1                 | 1               | 1              | 2            | 0             | 0 |
| <i>Dudleya abramsii</i> ssp. <i>berthae</i><br>San Luis Obispo serpentine dudleya | G3T1<br>S1.2        | CNPS: 1B<br>Code: 3-2-3 | Fed: None<br>Cal: None             | 6<br>S:3    | 0                 | 2 | 0 | 1 | 0 | 0                 | 3               | 0              | 3            | 0             | 0 |
| <i>Dudleya abramsii</i> ssp. <i>murina</i><br>San Luis Obispo dudleya             | G3T2<br>S2.3        | CNPS: 1B<br>Code: 2-1-3 | Fed: None<br>Cal: None             | 26<br>S:1   | 1                 | 0 | 0 | 0 | 0 | 0                 | 0               | 1              | 1            | 0             | 0 |
| <i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i><br>Blochman's dudleya          | G2T2<br>S2.1        | CNPS: 1B<br>Code: 2-3-2 | Fed: None<br>Cal: None             | 30<br>S:2   | 0                 | 0 | 0 | 0 | 0 | 2                 | 2               | 0              | 2            | 0             | 0 |
| <i>Emys (=Clemmys) marmorata pallida</i><br>southwestern pond turtle              | G3G4T2T3<br>Q<br>S2 | CDFG: SC                | Fed: None<br>Cal: None             | 305<br>S:6  | 0                 | 0 | 2 | 0 | 0 | 4                 | 1               | 5              | 6            | 0             | 0 |

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|----------------------------------------------------------------------------|----------------|-------------------------|------------------------------------|------------|-------------------|---|---|---|---|---|-------------------|----------------|--------------|--------------|---|
|                                                                            |                |                         |                                    |            | A                 | B | C | D | X | U | Historic >20 yr   | Recent <=20 yr | Pres. Extant | Poss. Extrp. |   |
| <i>Erygeron blochmaniae</i><br>Blochman's leaty daisy                      | G2<br>S2.2     | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 18<br>S:3  | 0                 | 0 | 0 | 0 | 0 | 0 | 3                 | 0              | 3            | 0            | 0 |
| <i>Eriodictyon altissimum</i><br>Indian Knob mountainbalm                  | G2Q<br>S2.2    | CNPS: 1B<br>Code: 3-3-3 | Fed: Endangered<br>Cal: Endangered | 6<br>S:5   | 0                 | 3 | 1 | 0 | 0 | 1 | 5                 | 0              | 5            | 0            | 0 |
| <i>Eucyclogobius newberryi</i><br>tidewater goby                           | G3<br>S2S3     | CDFG: SC                | Fed: Endangered<br>Cal: None       | 112<br>S:5 | 0                 | 0 | 0 | 0 | 2 | 3 | 2                 | 3              | 3            | 2            | 0 |
| <i>Fritillaria viridica</i><br>San Benito fritillary                       | G3<br>S3.2     | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 16<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 2 | 1                 | 1              | 2            | 0            | 0 |
| <i>Helminthoglypta walkeana</i><br>Morro shoulderband (=banded dune) snail | G1<br>S1       | CDFG:                   | Fed: Endangered<br>Cal: None       | 9          | 1                 | 4 | 0 | 0 | 1 | 3 | 1                 | 8              | 8            | 0            | 1 |
| <i>Icaricia icaroides morroensis</i><br>Morro Bay blue butterfly           | G5T1T3<br>S1S3 | CDFG:                   | Fed: None<br>Cal: None             | 3<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1 | 0                 | 1              | 1            | 0            | 0 |
| <i>Lasthenia glabrata ssp. coulteri</i><br>Coulter's goldfields            | G4T3<br>S2.1   | CNPS: 1B<br>Code: 2-3-2 | Fed: None<br>Cal: None             | 66<br>S:1  | 0                 | 0 | 0 | 0 | 0 | 1 | 1                 | 0              | 1            | 0            | 0 |
| <i>Lateralus jamalensis coturniculus</i><br>California black rail          | G4T1<br>S1     | CDFG:                   | Fed: None<br>Cal: Threatened       | 84<br>S:2  | 1                 | 0 | 0 | 0 | 0 | 1 | 1                 | 1              | 2            | 0            | 0 |
| <i>Layia jonesii</i><br>Jones's layia                                      | G1<br>S1.1     | CNPS: 1B<br>Code: 3-2-3 | Fed: None<br>Cal: None             | 12<br>S:4  | 0                 | 0 | 0 | 0 | 0 | 4 | 4                 | 0              | 4            | 0            | 0 |
| <i>Malacothlamnus palmeri var. palmeri</i><br>Santa Lucia bush mallow      | G3T2Q<br>S2.2  | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 14<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 2 | 2                 | 0              | 2            | 0            | 0 |
| <i>Monardella crispata</i><br>crisp monardella                             | G2<br>S2.2     | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 29<br>S:1  | 0                 | 0 | 0 | 0 | 0 | 1 | 1                 | 0              | 1            | 0            | 0 |
| <i>Monardella frutescens</i><br>San Luis Obispo monardella                 | G2<br>S2.2     | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 28<br>S:1  | 0                 | 0 | 0 | 0 | 0 | 1 | 1                 | 0              | 1            | 0            | 0 |
| <i>Monardella palmeri</i><br>Palmer's monardella                           | G2<br>S2.2     | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 17<br>S:4  | 0                 | 0 | 0 | 0 | 0 | 4 | 1                 | 3              | 4            | 0            | 0 |
| <i>Neotoma lepida intermedia</i><br>San Diego desert woodrat               | G5T3T<br>S3T   | CDFG: SC                | Fed: None<br>Cal: None             | 70<br>S:1  | 0                 | 0 | 1 | 0 | 0 | 0 | 0                 | 1              | 1            | 0            | 0 |
| <i>Northern Coastal Salt Marsh</i>                                         | G3<br>S3.2     |                         | Fed: None<br>Cal: None             | 63<br>S:2  | 0                 | 0 | 0 | 0 | 0 | 2 | 0                 | 2              | 2            | 0            | 0 |

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|--------------------------------------------------------------------------------------|----------------|-------------------------|------------------------------------|-------------|-------------------|---|---|---|---|---|-------------------|----------------|--------------|--------------|---|---|
|                                                                                      |                |                         |                                    |             | A                 | B | C | D | X | U | Historic >20 yr   | Recent <=20 yr | Pres. Extant | Poss. Extrp. |   |   |
| <i>Nyctinomops macrotis</i><br>big free-tailed bat                                   | G5<br>S2       | CDFG: SC                | Fed: None<br>Cal: None             | 24<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1 | 1                 | 0              | 0            | 1            | 0 | 0 |
| <i>Oncorhynchus mykiss irideus</i><br>steelhead - south/central California coast esu | G5T2<br>S2     | CDFG:                   | Fed: Threatened<br>Cal: None       | 27<br>S:5   | 0                 | 1 | 0 | 0 | 0 | 4 | 1                 | 4              | 5            | 0            | 0 | 0 |
| <i>Phrynosoma coronatum (frontale)</i><br>Coast (California) horned lizard           | G4T3T4<br>S3S4 | CDFG: SC                | Fed: None<br>Cal: None             | 62<br>S:3   | 1                 | 2 | 0 | 0 | 0 | 0 | 0                 | 3              | 3            | 0            | 0 | 0 |
| <i>Rallus longirostris obsoletus</i><br>California clapper rail                      | G5T1<br>S1     | CDFG:                   | Fed: Endangered<br>Cal: Endangered | 82<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1 | 1                 | 0              | 1            | 0            | 0 | 0 |
| <i>Rana aurora dreyfoxi</i><br>California red-legged frog                            | G4T2T3<br>S2S3 | CDFG: SC                | Fed: Threatened<br>Cal: None       | 795<br>S:11 | 2                 | 2 | 1 | 1 | 0 | 5 | 0                 | 11             | 11           | 0            | 0 | 0 |
| <i>Streptanthus albidus ssp. peramoenus</i><br>most beautiful jewel-flower           | G2T2<br>S2.2   | CNPS: 1B<br>Code: 2-2-3 | Fed: None<br>Cal: None             | 60<br>S:2   | 0                 | 0 | 0 | 0 | 0 | 2 | 1                 | 1              | 2            | 0            | 0 | 0 |
| <i>Suaeda californica</i><br>California seablite                                     | G1<br>S1.1     | CNPS: 1B<br>Code: 3-3-3 | Fed: Endangered<br>Cal: None       | 15<br>S:8   | 0                 | 0 | 1 | 1 | 0 | 6 | 0                 | 8              | 8            | 0            | 0 | 0 |
| <i>Sulcaria lasidifera</i><br>splitting yarn lichen                                  | G1<br>S1.1     | CNPS:<br>Code:          | Fed: None<br>Cal: None             | 2           | 0                 | 0 | 0 | 1 | 0 | 1 | 2                 | 0              | 2            | 0            | 0 | 0 |
| <i>Trypania imitator</i><br>mimic tryonia (=California brackishwater snail)          | G2G3<br>S2S3   | CDFG:                   | Fed: None<br>Cal: None             | 33<br>S:1   | 0                 | 0 | 0 | 0 | 0 | 1 | 0                 | 1              | 1            | 0            | 0 | 0 |
| <i>Valley Needlegrass Grassland</i>                                                  | G1<br>S3.1     |                         | Fed: None<br>Cal: None             | 45<br>S:3   | 0                 | 1 | 0 | 0 | 0 | 2 | 3                 | 0              | 3            | 0            | 0 | 0 |

**SOILS ENGINEERING REPORT  
PARCEL 1, CERRITO PEAK  
APN: 066-221-001  
MORRO BAY, CALIFORNIA  
PROJECT SL03400-1**

Prepared for

Mr. A. J. Wright  
c/o Dan Reddell  
560 Morro Bay Boulevard  
Morro Bay, California 93442

Prepared by

**GEOSOLUTIONS, INC.**  
220 HIGH STREET  
SAN LUIS OBISPO, CALIFORNIA 93401  
(805) 543-8539

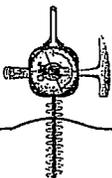
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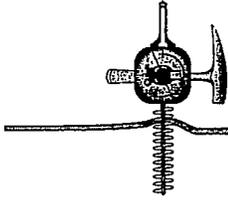
June 24, 2004

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City of Morro Bay  
Public Services Department





## GeoSolutions, INC.

220 High Street, San Luis Obispo, CA 93401  
(805) 543-8539, 543-2171 fax  
info@GeoSolutions.net

June 24, 2004  
Project: SL03400-1

**Mr. A. J. Wright**  
C/o Mr. Dan Reddell  
560 Morro Bay Boulevard  
Morro Bay, California 93442

**Subject: Soils Engineering Report**  
Parcel 1, Cerrito Peak, APN: 066-221-001  
Morro Bay, California

Dear Mr. Wright:

This Soils Engineering Report has been prepared for the proposed single-family residence and granny unit to be located at Parcel 1, Cerrito Peak, APN: 066-221-001, in the City of Morro Bay, California. Geotechnically, the site is suitable for the proposed development provided the recommendations in this report for site preparation, earthwork, foundations, slabs, retaining walls, and pavement sections are incorporated into the design.

Due to the presence of hard rock, it is anticipated that the design for the residence and granny unit will conform to site topography with grading limited for foundation excavation only. The density of the rock will make excavating difficult and will require specialized equipment for excavation. Conventional foundation systems can be used with all foundations founded in uniform competent rock. Building layout must be approved by the project Engineering Geologist to verify the stability of the rocks to be utilized for building support as individual boulders can and do move independently in seismic events. All foundations are to be excavated into uniform competent material to limit the potential for distress of the foundation systems due to differential settlement

Natural seepage at the interface of two materials with different densities is very common. This interface occurs at the Site and may require sub-surface drains. Sub-drains should be placed in established drainage courses and potential seepage areas. The location of sub-drains should be determined during grading by a representative of GeoSolutions, Inc.

Thank you for the opportunity to have been of service in preparing this report. If you have any questions or require additional assistance, please feel free to contact the undersigned at (805) 543-8539.

Sincerely,  
**GeoSolutions, Inc.**

Jonna Louise Otto, PE  
Senior Engineer CE 22056



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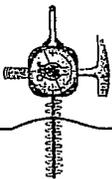
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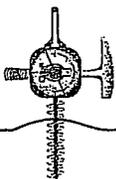
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**SOILS ENGINEERING REPORT  
PARCEL 1, CERRITO PEAK  
APN: 066-221-001  
MORRO BAY, CALIFORNIA**

**PROJECT SL03400-1**

**1.0 INTRODUCTION**

This report presents the results of the geotechnical investigation for the proposed single-family residence and granny unit to be located at Assessor's Parcel No. 1, Cerrito Peak, APN: 066-221-001, in the City of Morro Bay, California. See Figure 1: Site Location Map.

The elliptical shaped property is approximately 320 ft by 190 ft, or 1 acre in size, and includes the top of Cerrito Peak. A private access easement provides site access from Cerrito Place. The nearest intersection is located where Cerrito Place meets the private easement at the easternmost side of the property. The property will hereafter be referred to as the "Site." See Figure 2: Site Plan.

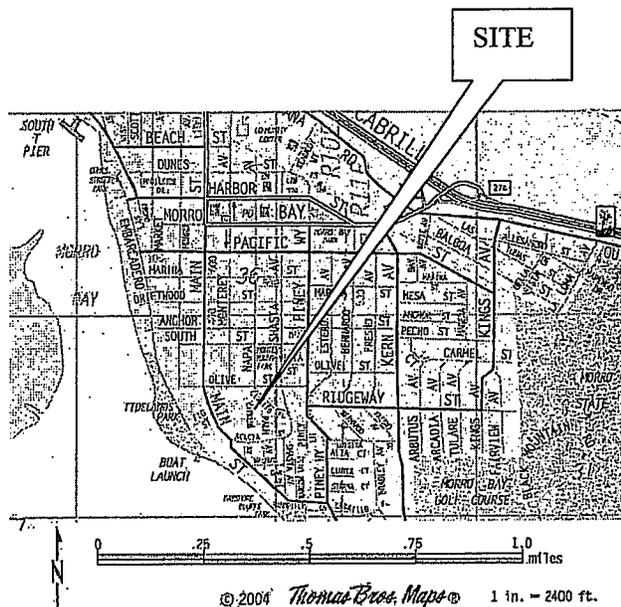
The proposed building area is located on a hilltop that slopes downward at an approximate gradient of 2 to 1 (horizontal to vertical). The lot is currently vegetated with grass, sparse shrubs and trees with many large boulder outcroppings.

It is our understanding that the project will consist of a two-story single-family residence with a granny unit. It is anticipated that the residence and granny unit will utilize a slab-on-grade and/or raised wood lower floor system. Dead and sustained live loads are currently unknown but anticipated to be relatively light with maximum continuous footing and column loads estimated to be on the order of 2.0 kips per lineal foot and 15 kips, respectively.

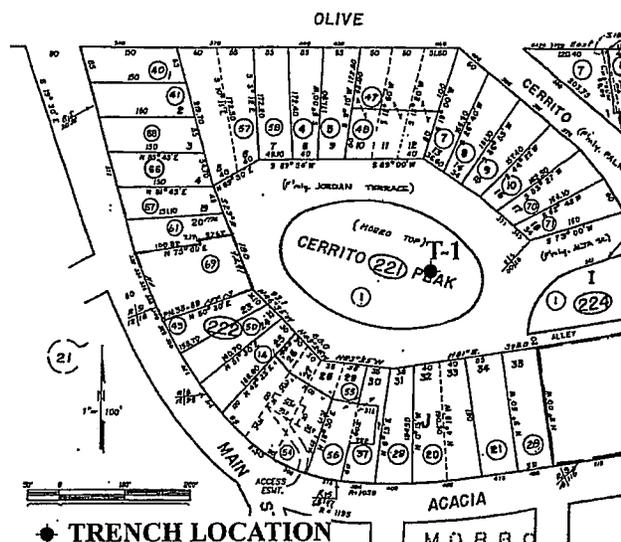
**2.0 PURPOSE AND SCOPE**

The purpose of this study was to explore and evaluate the surface and sub-surface soil conditions at the Site and develop geotechnical information and design criteria. The scope of this study includes the following items:

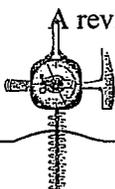
1. A review of available published and unpublished geotechnical data pertinent to the project site.



**Figure 1: Site Location Map**



**Figure 2: Site Plan**



2. A field study consisting of a site reconnaissance and an exploratory excavation program to formulate a description of the sub-surface conditions.
3. A laboratory-testing program performed on representative soil samples collected from our field study.
4. Analysis of the data gathered during our field study and laboratory testing.
5. Development of recommendations for site preparation and grading, and geotechnical design criteria for building foundations, retaining walls, pavement sections, underground utilities and drainage facilities.

**3.0 FIELD AND LABORATORY INVESTIGATION**

The field investigation was conducted on May 14, 2004 using hand-sampling equipment. An exploratory trench excavated to a maximum depth of 18 inches below ground surface (bgs) was placed at the approximate location indicated on the Site Plan.

At the Site substantially areas of hard rock outcroppings were visible at the surface. The hard rock is volcanic lava that is part of the formation of the Morros. Topsoil consisting of light grayish brown SAND (SC) with organics was present in limited areas and is estimated to extend a maximum of 3 feet bgs over the hard rock.

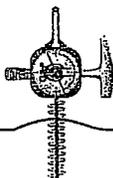
During the excavation operations the soils encountered were continuously examined, visually classified, and sampled for general laboratory testing. A project engineer has reviewed a continuous log of the soils encountered at the time of field investigation.

**Table 1: Engineering Properties**

| Sample Name | Sample Description                   | Specification | Expansion Index | Expansion Potential | Maximum Dry Density, $\gamma_d$ (pcf) | Optimum Moisture (%) |
|-------------|--------------------------------------|---------------|-----------------|---------------------|---------------------------------------|----------------------|
| A           | Grayish Brown Silty SAND w/ Organics | SM            | 10              | Very Low            | 89.4                                  | 13.9                 |

The results of the laboratory tests performed on the soils sampled from the Site during excavation operations are listed below: A detailed explanation of each laboratory test performed is provided in Appendix B.

Structural building design parameters within the 1997 Uniform Building Code (UBC) are dependent upon several factors including site soil characteristics and faults near the Site. This data is presented below in tabular form.



**Table 2: 1997 Uniform Building Code, Chapter 16, Structural Design Parameters**

|                     |                                                                                                                     |
|---------------------|---------------------------------------------------------------------------------------------------------------------|
| Soil Profile Type   | S <sub>C</sub> – Soft Rock                                                                                          |
| Seismic Source Type | Greater than 15 kilometers from an A fault<br>Within 6 kilometers of a B fault.                                     |
| Seismic Zone        | Seismic Zone 4<br>Z = 0.4                                                                                           |
| Near Source Factor  | N <sub>a</sub> = 1.0<br>N <sub>v</sub> = 1.16                                                                       |
| Seismic Coefficient | C <sub>a</sub> = 0.40N <sub>a</sub> = 0.40 (1.0) = 0.40<br>C <sub>v</sub> = 0.56N <sub>v</sub> = 0.56 (1.16) = 0.65 |

**4.0 GENERAL SOIL-FOUNDATION DISCUSSION**

Due to the presence of hard rock, it is anticipated that the design for the residence and granny unit will conform to site topography with grading limited to foundation excavations only. The density of the rock will make excavating difficult and will require specialized equipment for excavation. Conventional foundation systems can be used with all foundations founded in uniform competent hard rock. Building layout must be approved by the project Engineering Geologist to verify the stability of the hard rock to be utilized for building support as individual boulders can and do move independently in seismic events. All foundations are to be excavated into uniform competent material to limit the potential for distress of the foundation systems due to differential settlement.

Natural seepage at the interface of two materials with different densities is very common. This interface occurs at the Site and may require sub-surface drains. Sub-drains should be placed in established drainage courses and potential seepage areas. The location of sub-drains should be determined during grading by a representative of GeoSolutions, Inc.

**5.0 CONCLUSIONS AND RECOMMENDATIONS**

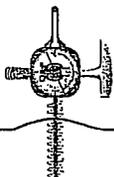
The Site is suitable for the proposed development provided the recommendations presented in this report are incorporated into the project plans and specifications.

The primary geotechnical concerns at the Site are:

1. The potential for groundwater seepage.
2. The potential for seismically induced boulder movement.

**5.1 Preparation of Building Pad**

1. Given the topography and the nature of the site soils, it is anticipated that grading will be limited to foundation excavations.
2. If engineered fill is to be used under slab-on-grade construction, the soil material should be over-excavated to hard rock or one-half the depth of the deepest fill; whichever is greater. The over-excavated material should then be processed as engineered fill. Refer to **Appendix C** for more details on fill placement.
3. If fill areas are constructed on slopes greater than 10 to 1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope. If fill areas



are constructed on slopes greater than 5 to 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Sub-drains shall be placed in the keyway and benches as required. See Appendix C, Detail A, Key and Bench Detail.

**5.2 Preparation of Paved Areas**

1. Pavement areas should be over-excavated 12 inches below existing grade or finished sub-grade; whichever is deeper. The over-excavated soil should then be moisture conditioned to produce a water-content of at least 1 to 2 percent above optimum value and then compacted to a minimum relative density of 90 percent. The top 12 inches of sub-grade soil under all pavement sections should be compacted to a minimum relative density of 95 percent based on the ASTM D1557-91 test method at slightly above optimum.
2. Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

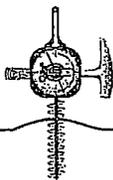
**5.3 Conventional Foundations**

1. Conventional continuous and spread footings may be used for support of the proposed structure. Isolated pad footings are permitted for single floor loads only.
2. Minimum footing and grade beam sizes and depths in uniform competent hard rock should conform to the following table, as observed and approved by a representative of Geosolutions, Inc.

**Table 3: Minimum Footing and Grade Beam Dimensions**

| Building Type | Depth Below Lowest Adjacent Grade | Embedment into Rock | Width     |
|---------------|-----------------------------------|---------------------|-----------|
| One-Story     | 12 inches                         | 12 inches           | 12 inches |
| Two-Story     | 18 inches                         | 12 inches           | 15 inches |

3. Minimum reinforcing for footings should be two No. 4 bars, placed one at the top and one at the bottom, or as directed by the project Structural Engineer.
4. A representative of this firm should observe and approve all foundation excavations for required embedment depth prior to the placement of reinforcing steel and/or concrete. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.
5. Allowable dead plus live load bearing pressure of **3,000 psf** may be used for design for rock. A total settlement of less than ¼ inch and a differential settlement of less than ½ inch are anticipated.
6. Lateral forces on structures may be resisted by passive pressure acting against the sides of shallow footings and/or friction between hard rock and the bottom of the footings. For resistance to lateral loads, a friction factor of **0.65** may be utilized for sliding resistance at the base of footings. A passive resistance of **600-pcf** equivalent fluid weight may be used against the side of shallow footings extending a minimum of 12 inches into uniform

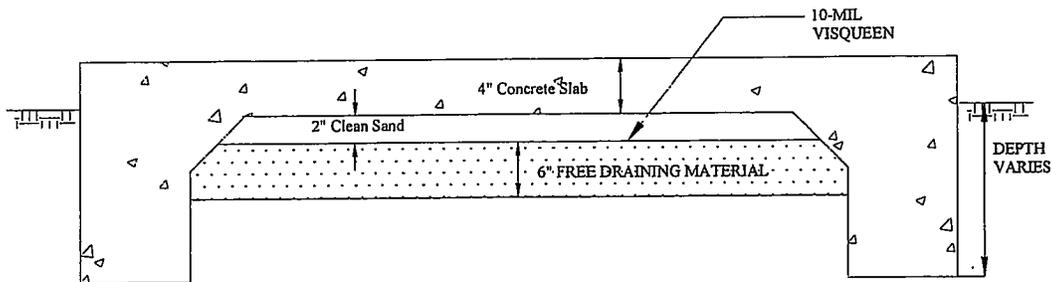


competent hard rock. If friction and passive pressures are combined, the lesser value should be reduced by 50 percent.

7. Foundation design should conform to the requirements of Chapter 18 of the latest edition of the Uniform Building Code.
8. The base of the all footings shall be level and step as required to accommodate the slope of the grade, while maintaining the minimum embedment depth.

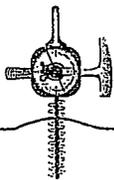
#### 5.4 Slab-On-Grade Construction

1. Concrete slabs-on-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-on-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.



**Figure 3: Underslab Detail**

2. Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-mil Visqueen-type membrane should be placed between the free-draining material and the slab to minimize moisture condensation under the floor covering. See Figure 3, Footing and Slab Detail. It is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete, increasing the depth of the under-slab material to a total of 8 inches. The sand should be lightly moistened prior to placing concrete.
3. Moisture condensation under floor coverings has become critical due to the use of water-soluble adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.
4. Concrete slabs-on-grade should be a minimum of 4 inches thick and should be reinforced with No. 3 reinforcing bars placed at 24 inches on-center both ways at or slightly above the center of the structural section. Reinforcing bars should have a minimum clear cover of 1.5 inches. The aforementioned reinforcement may be used for anticipated uniform floor loads not exceeding 200 psf. If floor loads greater than 200 psf are anticipated, a Structural Engineer should evaluate the slab design.



5. Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

**5.5 Retaining Walls**

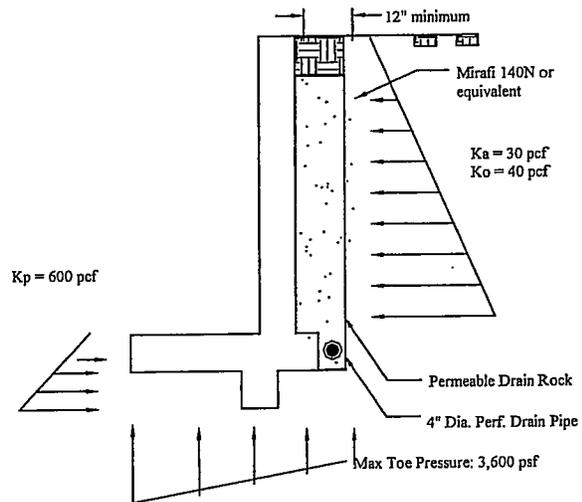
1. Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site. See Table 4: Retaining Wall Design Parameters and Figure 4: Retaining Wall Detail.

**Table 4: Retaining Wall Design Parameters**

| Lateral Pressure and Condition                  | Equivalent Fluid Pressure, pcf |
|-------------------------------------------------|--------------------------------|
| Active Case, Rock or Engineered Fill ( $K_a$ )  | 30                             |
| At-Rest Case, Rock or Engineered Fill ( $K_o$ ) | 40                             |
| Passive Case, Rock ( $K_p$ )                    | 600                            |

2. The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of the wall should be designed for an additional equivalent fluid pressure of 1 pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

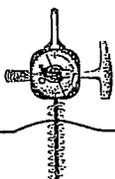
3. Retaining wall foundations should be founded a minimum of 12 inches into hard rock, as observed by a representative of GeoSolutions, Inc. A coefficient of friction of 0.65 may be used between hard rock and concrete footings. Project designers may use a maximum toe pressure of 3,600 psf for hard rock.



**Figure 4: Retaining Wall Detail**

4. In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.

5. The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend



from the bottom of the wall to 12 inches from the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil.

6. A 4-inch diameter perforated drainpipe (Styrene-ASTM D 2729 Performance Sewer Pipe) should be installed near the bottom of the filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a coarse aggregate mix.
7. The filter material should be encapsulated in a permeable geotextile fabric. A suitable permeable geotextile fabric, such as non-woven needle-punched Mirafi 140N or equal, may be utilized to encapsulate the retaining wall drain material and should conform to Caltrans Standard Specification 88-1.03 for underdrains.
8. For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design retaining structures for submerged conditions, the allowed bearing and passive pressures should be reduced by 50 percent. In addition, soil friction beneath the base of the foundations should be neglected.
9. Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.
10. The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

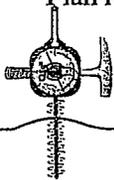
#### **5.6 Pavement Design**

1. All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.
2. As indicated previously, the top 12 inches of sub-grade soil under pavement sections should be compacted to a minimum relative density of 95 percent based on the ASTM D1557-91 test method at slightly above optimum moisture content. Aggregate bases and sub-bases should also be compacted to a minimum relative density of 95 percent based on the aforementioned test method.
3. A minimum of 6 inches of Class II Aggregate Base is recommended. All pavement sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

#### **6.0 ADDITIONAL GEOTECHNICAL SERVICES**

The recommendations contained in this report are based on a limited number of trenches and on the continuity of the sub-surface conditions encountered. It is assumed that GeoSolutions, Inc. will be retained to perform the following services:

1. Consultation during plan development.
2. Plan review of grading and foundation documents prior to construction.

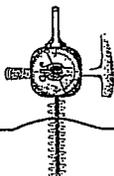


3. Construction inspections and testing as required including, but not limited to, stripping, grading, over-excavating, backfill placement, imported materials, foundation excavation observations and compaction.

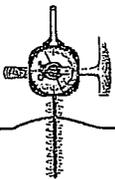
**7.0 LIMITATIONS AND UNIFORMITY OF CONDITIONS**

1. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed during our study. Should any variations or undesirable conditions be encountered during the development of the Site, GeoSolutions, Inc. should be notified immediately and GeoSolutions, Inc. will provide supplemental recommendations as dictated by the field conditions.
2. This report is issued with the understanding that it is the responsibility of the owner or his/her representative to ensure that the information and recommendations contained herein are brought to the attention of the architect and engineer for the project, and incorporated into the project plans and specifications. The owner or his/her representative is responsible to ensure that the necessary steps are taken to see that the contractor and subcontractors carry out such recommendations in the field.
3. As of the present date, the findings of this report are valid for the property studied. With the passage of time, changes in the conditions of a property can occur whether they are due to natural processes or to the works of man on this or adjacent properties. Therefore, this report should not be relied upon after a period of 3 years without our review nor should it be used or is it applicable for any properties other than those studied. However many events such as floods, earthquakes, grading of the adjacent properties and building and municipal code changes could render sections of this report invalid in less than 3 years.

§\Soil Engineering Reports\SL03400-1 Parcel 1, Cerrito Peak\SL03400-1 Parcel 1, Cerrito Peak SER.doc



## REFERENCES



## REFERENCES

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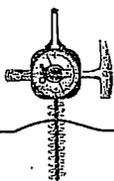
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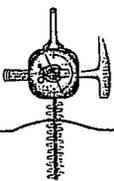
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**APPENDIX A**

**Field Investigation**

**Soil Classification Chart**

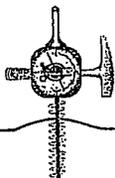


## FIELD INVESTIGATION

The field investigation was performed on May 14, 2004 using hand-sampling equipment. The surface and sub-surface conditions were studied by excavating the surface soils. This exploration was conducted in accordance with presently accepted geotechnical engineering procedures consistent with the scope of the services authorized to GeoSolutions, Inc.

The excavation and field observation was performed under the direction of the project engineer. A representative of GeoSolutions, Inc. maintained a log of the soil conditions and obtained soil samples suitable for laboratory testing. The soils were classified in accordance with the Unified Soil Classification System. See Soil Classification Chart, Appendix A.

A disturbed bulk sample was obtained from cuttings developed during excavating operations. The bulk sample was selected for classification and testing purposes and may represent a mixture of soils within the noted depths. Recovered samples are placed in transport containers and returned to the laboratory for further classification and testing.



# SOIL CLASSIFICATION CHART

| MAJOR DIVISIONS                                                        |                                                                                         | LABORATORY CLASSIFICATION CRITERIA                        |                                                                          | GROUP SYMBOLS                             | PRIMARY DIVISIONS                                                                                 |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>COARSE GRAINED SOILS</b><br>More than 50% retained on No. 200 sieve | <b>GRAVELS</b><br><br>More than 50% of coarse fraction retained on No. 4 (4.75mm) sieve | Clean gravels (less than 5% fines*)                       | $C_u$ greater than 4 and $C_z$ between 1 and 3                           | GW                                        | Well-graded gravels and gravel-sand mixtures, little or no fines                                  |
|                                                                        |                                                                                         |                                                           | Not meeting both criteria for GW                                         | GP                                        | Poorly graded gravels and gravel-sand mixtures, little or no fines                                |
|                                                                        |                                                                                         | Gravel with fines (more than 12% fines*)                  | Atterberg limits plot below "A" line or plasticity index less than 4     | GM                                        | Silty gravels, gravel-sand-silt mixtures                                                          |
|                                                                        |                                                                                         |                                                           | Atterberg limits plot below "A" line and plasticity index greater than 7 | GC                                        | Clayey gravels, gravel-sand-clay mixtures                                                         |
|                                                                        | <b>SANDS</b><br><br>More than 50% of coarse fraction passes No. 4 (4.75mm) sieve        | Clean sand (less than 5% fines*)                          | $C_u$ greater than 6 and $C_z$ between 1 and 3                           | SW                                        | Well graded sands, gravelly sands, little or no fines                                             |
|                                                                        |                                                                                         |                                                           | Not meeting both criteria for SW                                         | SP                                        | Poorly graded sands and gravelly sands, little or no fines                                        |
|                                                                        |                                                                                         | Sand with fines (more than 12% fines*)                    | Atterberg limits plot below "A" line or plasticity index less than 4     | SM                                        | Silty sands, sand-silt mixtures                                                                   |
|                                                                        |                                                                                         |                                                           | Atterberg limits plot above "A" line and plasticity index greater than 7 | SC                                        | Clayey sands, sand-clay mixtures                                                                  |
| <b>FINE GRAINED SOILS</b><br>50% or more passes No. 200 sieve          | <b>SILTS AND CLAYS</b><br>(liquid limit less than 50)                                   | Inorganic soil                                            | $PI < 4$ or plots below "A"-line                                         | ML                                        | Inorganic silts, very fine sands, rock flour, silty or clayey fine sands                          |
|                                                                        |                                                                                         | Inorganic soil                                            | $PI > 7$ and plots on or above "A" line**                                | CL                                        | Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays |
|                                                                        |                                                                                         | Organic Soil                                              | $LL$ (oven dried)/ $LL$ (not dried) $< 0.75$                             | OL                                        | Organic silts and organic silty clays of low plasticity                                           |
|                                                                        | <b>SILTS AND CLAYS</b><br>(liquid limit 50 or more)                                     | Inorganic soil                                            | Plots below "A" line                                                     | MH                                        | Inorganic silts, micaceous or diatomaceous fine sands or silts, elastic silts                     |
|                                                                        |                                                                                         | Inorganic soil                                            | Plots on or above "A" line                                               | CH                                        | Inorganic clays of high plasticity, fat clays                                                     |
|                                                                        |                                                                                         | Organic Soil                                              | $LL$ (oven dried)/ $LL$ (not dried) $< 0.75$                             | OH                                        | Organic silts and organic clays of high plasticity                                                |
|                                                                        |                                                                                         |                                                           |                                                                          |                                           |                                                                                                   |
| Peat                                                                   | Highly Organic                                                                          | Primarily organic matter, dark in color, and organic odor | PT                                                                       | Peat, muck and other highly organic soils |                                                                                                   |

\*Fines are those soil particles that pass the No. 200 sieve. For gravels and sands with between 5 and 12% fines, use of dual symbols is required (i.e. GW-GM, GW-GC, GP-GM, or GP-GC).

\*\*If the plasticity index is between 4 and 7 and it plots above the "A" line, then dual symbols (i.e. CL-ML) are required.

### CLASSIFICATIONS BASED ON PERCENTAGE OF FINES

Less than 5%, Pass No. 200 (75mm) sieve  
 More than 12% Pass N. 200 (75 mm) sieve  
 5%-12% Pass No. 200 (75 mm) sieve

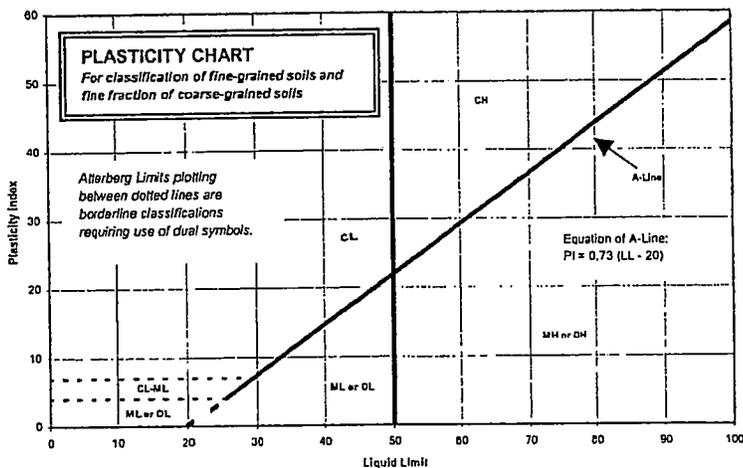
GW, GP, SW, SP  
 GM, GC, SM, SC  
 Borderline Classification requiring use of dual symbols

### CONSISTENCY

| CLAYS AND PLASTIC SILTS | STRENGTH TON/SQ. FT ++ | BLOWS/FOOT + |
|-------------------------|------------------------|--------------|
| VERY SOFT               | 0 - 1/4                | 0 - 2        |
| SOFT                    | 1/4 - 1/2              | 2 - 4        |
| FIRM                    | 1/2 - 1                | 4 - 8        |
| STIFF                   | 1 - 2                  | 8 - 16       |
| VERY STIFF              | 2 - 4                  | 16 - 32      |
| HARD                    | Over 4                 | Over 32      |

### RELATIVE DENSITY

| SANDS, GRAVELS AND NON-PLASTIC SILTS | BLOWS/FOOT + |
|--------------------------------------|--------------|
| VERY LOOSE                           | 0 - 4        |
| LOOSE                                | 4 - 10       |
| MEDIUM DENSE                         | 10 - 30      |
| DENSE                                | 30 - 50      |
| VERY DENSE                           | Over 50      |



### Drilling Notes:

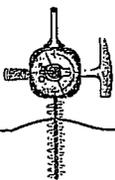
- + Number of blows of a 140-pound hammer falling 30-inches to drive a 2-inch O.D. (1-3/8-inch I.D.) split spoon (ASTM D1586).
- ++ Unconfined compressive strength in tons/sq.ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D1586), pocket penetrometer, torvane, or visual observation.

1. Sampling and blow counts
  - a. California Modified - number of blows per foot of a 140 pound hammer falling 30 inches
  - b. Standard Penetration Test - number of blows per 12 inches of a 140 pound hammer falling 30 inches

- Types of Samples:  
 X - In-Situ  
 SPT - Standard Penetration  
 CA - California Modified  
 N - Nuclear Gauge  
 PO - Pocket Penetrometer (tons/sq.ft.)



**APPENDIX B**  
Laboratory Testing  
Soil Test Reports



## LABORATORY TESTING

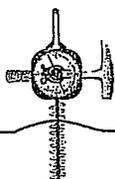
This appendix includes a discussion of test procedures and results of the laboratory-testing program performed. The purposed of the laboratory testing is to assess the soil engineering properties of the soil materials underlying the Site. The program is carried out employing, wherever practical, currently accepted test methods of the American Society for Testing and Materials (ASTM).

Undisturbed and disturbed bulk samples used in the laboratory-testing program are obtained from various locations during the course of the field exploration as discussed in Appendix A of this report. Identification of each sample is by sample letter and depth. The method of identifying and classifying soils according to their engineering properties parallels the Unified Soils Classification System. The various laboratory tests performed are described below.

**Expansion Index Tests** (ASTM D4829-95) are conducted in accordance with the ASTM test method and the Uniform Building Code Standard, and are performed on representative bulk and undisturbed soil samples. The purpose of this test is to evaluate expansion potential of the site soils due to fluctuations in moisture content. The sample specimens are placed in a consolidometer, surcharged under a 144-psf vertical confining pressure, and then inundated with water. The amount of expansion is recorded over a 24-hour period with a dial indicator. The expansion index is calculated by determining the difference between final and initial height of the specimen divided by the initial height.

**Moisture Density Relations Curves** (ASTM D1557-91) are performed to determine the relationship between the moisture content and density of soils and soil-aggregate mixtures when compacted in a standard size mold with a 10-lbf hammer from a height of 18 inches. The test is performed on a representative bulk sample of bearing soil near the estimated footing depth. The procedure is repeated on the same soil sample at various moisture contents sufficient to establish a relationship between the maximum dry unit weight and the optimum water content for the soil. The data, when plotted, represents a curvilinear relationship known as the moisture density relations curve. The values of optimum water content and modified maximum dry unit weight can be determined from the plotted curve.

**Sieve Analysis** (ASTM C136-96a) is used to determine the particle-size distribution of fine and coarse aggregates. In the test method the sample is separated through a series of sieves of progressively smaller openings for determination of particle size distribution. The total percentage passing each sieve is reported and used to determine the distribution of fine and coarse aggregates in the sample.

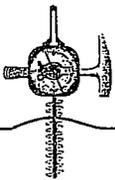




**APPENDIX C**

**Preliminary Grading Specifications**

**Key and Bench Detail**



## PRELIMINARY GRADING SPECIFICATIONS

### A. General

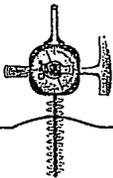
- i. These preliminary specifications have been prepared for the subject site; GeoSolutions, Inc. should be consulted prior to the commencement of site work associated with site development to ensure compliance with these specifications.
- ii. GeoSolutions, Inc. should be notified at least 2 working days prior to site clearing or grading operations on the property in order to observe the stripping of surface materials and to coordinate the work with the grading contractor in the field.
- iii. These grading specifications may be modified and/or superseded by recommendations contained in the text of this report and/or subsequent reports.
- iv. If disputes arise out of the interpretation of these grading specifications, the Soils Engineer shall provide the governing interpretation.

### B. Obligation of Parties

- i. The Soils Engineer should provide observation and testing services and should make evaluations to advise the client on geotechnical matters. The Soils Engineer should report the findings and recommendations to the client or the authorized representative.
- ii. The client should be chiefly responsible for all aspects of the project. The client or authorized representative has the responsibility of reviewing the findings and recommendations of the Soils Engineer. During grading the client or the authorized representative should remain on-site or should remain reasonably accessible to all concerned parties in order to make decisions necessary to maintain the flow of the project.
- iii. The contractor is responsible for the safety of the project and satisfactory completion of all grading and other operations on construction projects, including, but not limited to, earthwork in accordance with project plans, specifications, and controlling agency requirements.

### C. Site Preparation

- i. The client, prior to any site preparation or grading, should arrange and attend a meeting which includes the grading contractor, the design Structural Engineer, the Soils Engineer, representatives of the local building department, as well as any other concerned parties. All parties should be given at least 48 hours notice.
- ii. All surface and sub-surface deleterious materials should be removed from the proposed building and pavement areas and disposed of off-site or as approved by the Soils Engineer. This includes, but is not limited to, any debris, organic materials, construction spoils, buried utility line, septic systems, building materials, and any other surface and subsurface structures within the proposed building areas. Trees designated for removal on the construction plans should be removed and their primary root systems grubbed under the observations of a representative of GeoSolutions, Inc. Voids left from site clearing should be cleaned and backfilled as recommended for structural fill.



- iii. Once the Site has been cleared, the exposed ground surface should be stripped to remove surface vegetation and organic soil. A representative of GeoSolutions, Inc. should determine the required depth of stripping at the time of work being completed. Strippings may either be disposed of off-site or stockpiled for future use in landscape areas, if approved by the landscape architect.

**D. Site Protection**

- i. Protection of the Site during the period of grading and construction should be the responsibility of the contractor.
- ii. The contractor should be responsible for the stability of all temporary excavations.
- iii. During periods of rainfall, plastic sheeting should be kept reasonably accessible to prevent unprotected slopes from becoming saturated. Where necessary during periods of rainfall, the contractor should install check-dams, de-silting basins, sand bags, or other devices or methods necessary to control erosion and provide safe conditions.

**E. Excavations**

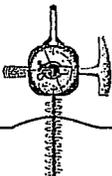
- i. Materials that are unsuitable should be excavated under the observation and recommendations of the Soils Engineer. Unsuitable materials include, but may not be limited to: 1) dry, loose, soft, wet, organic, or compressible natural soils; 2) fractured, weathered, or soft bedrock; 3) non-engineered fill; 4) other deleterious materials; and 5) materials identified by the Soils Engineer or Engineering Geologist.
- ii. Unless otherwise recommended by the Soils Engineer and approved by the local building official, permanent cut slopes should not be steeper than 2:1 (horizontal to vertical). Final slope configurations should conform to Uniform Building Code Chapter 33 unless specifically modified by the Soil Engineer/Engineering Geologist.
- iii. The Soil Engineer/Engineer Geologist should review cut slopes during excavations. The contractor should notify the Soils Engineer/Engineer Geologist prior to beginning slope excavations.

**F. Structural Fill**

- i. Structural fill should not contain rocks larger than 3 inches in greatest dimension, and should have no more than 15 percent larger than 2.5 inches in greatest dimension.
- ii. Imported fill should be free of organic and other deleterious material and should have very low expansion potential, with a plasticity index of 12 or less. Before delivery to the Site, a sample of the proposed import should be tested in our laboratory to determine its suitability for use as structural fill.

**G. Compacted Fill**

- i. Structural fill using approved import or native should be placed in horizontal layers, each approximately 8 inches in thickness before compaction. On-site inorganic soil or approved imported fill should be conditioned with water to produce a soil water content near optimum moisture and compacted to a minimum relative density of 90 percent based on ASTM D1557-91.



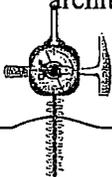
- ii. Fill slopes should not be constructed at gradients greater than 2 to 1 (horizontal to vertical). The contractor should notify the Soils Engineer/Engineer Geologist prior to beginning slope excavations.
- iii. If fill areas are constructed on slopes greater than 10 to 1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope.
- iv. If fill areas are constructed on slopes greater than 5 to 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required, see Detail A, Key and Bench Detail.

## **H. Drainage**

- i. During grading, a representative of GeoSolutions, Inc. should evaluate the need for a sub-drain or back-drain system. Areas of observed seepage should be provided with sub-surface drains to release the hydrostatic pressures. Sub-surface drainage facilities may include gravel blankets, rock filled trenches or Multi-Flow systems or equal. The drain system should discharge in a non-erosive manner into an approved drainage area.
- ii. All final grades should be provided with a positive drainage gradient away from foundations. Final grades should provide for rapid removal of surface water runoff. Ponding of water should not be allowed on building pads or adjacent to foundations. Final grading should be the responsibility of the contractor, general Civil Engineer, or architect.
- iii. Concentrated surface water runoff within or immediately adjacent to the Site should be conveyed in pipes or in lined channels to discharge areas that are relatively level or that are adequately protected against erosion.
- iv. Water from roof downspouts should be conveyed in solid pipes that discharge in controlled drainage localities. Surface drainage gradients should be planned to prevent ponding and promote drainage of surface water away from building foundations, edges of pavements and sidewalks. For soil areas we recommend that a minimum of 4 percent gradient be maintained.
- v. Attention should be paid by the contractor to erosion protection of soil surfaces adjacent to the edges of roads, curbs and sidewalks, and in other areas where hard edges of structures may cause concentrated flow of surface water runoff. Erosion resistant matting such as Miramat, or other similar products, may be considered for lining drainage channels.
- vi. Sub-drains should be placed in established drainage courses and potential seepage areas. The location of sub-drains should be determined after a review of the grading plan. The sub-drain outlets should extend into suitable facilities or connect to the proposed storm drain system or existing drainage control facilities. The outlet pipe should consist of a non-perforated pipe the same diameter as the perforated pipe.

## **I. Maintenance**

- i. Maintenance of slopes is important to their long-term performance. Precautions that can be taken include planting with appropriate drought-resistant vegetation as recommended by a landscape architect, and not over-irrigating, a primary source of surficial failures.



- ii. Property owners should be made aware that over-watering of slopes is detrimental to long term stability of slopes.

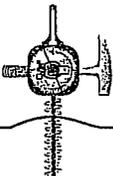
**J. Underground Facilities Construction**

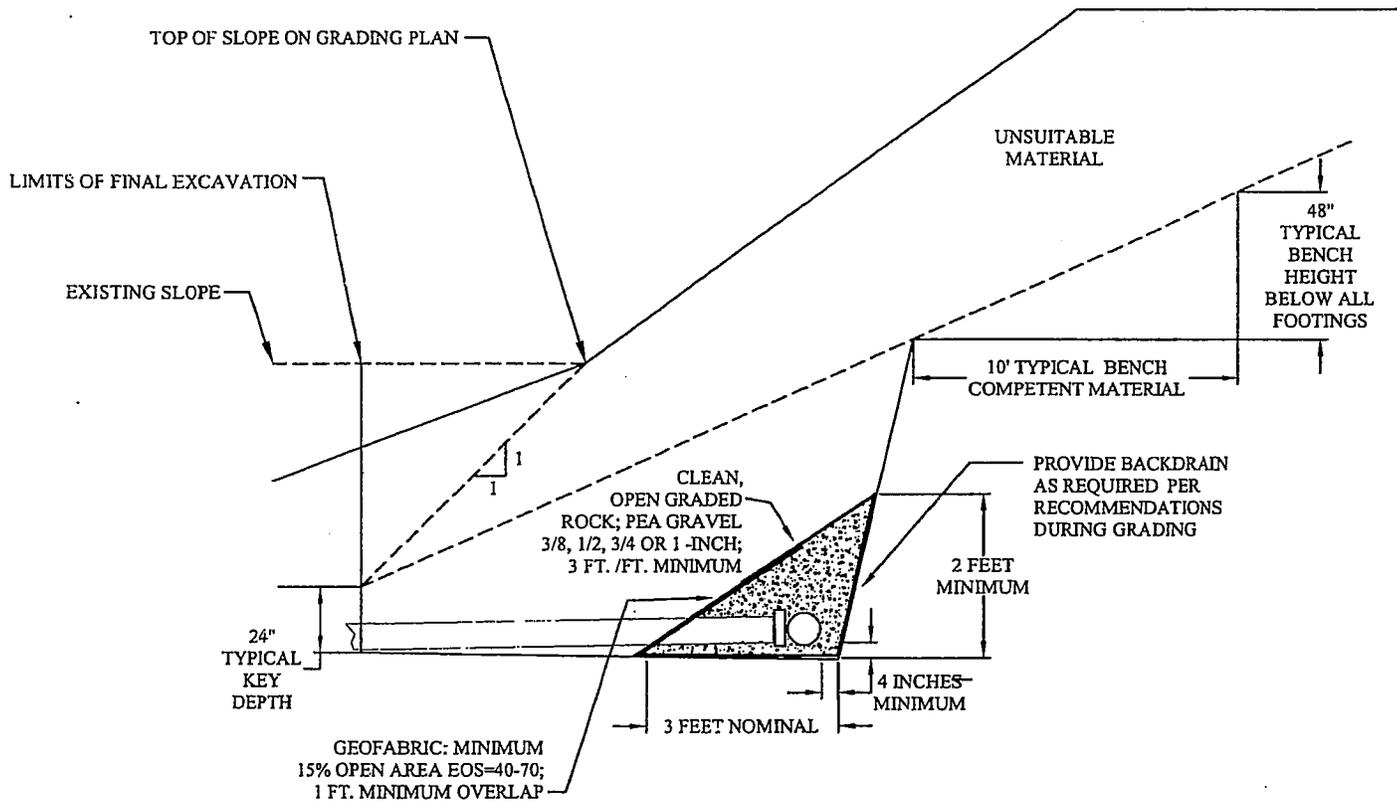
- i. The attention of contractors, particularly the underground contractors, should be drawn to the State of California Construction Safety Orders for "Excavations, Trenches, Earthwork." Trenches or excavations greater than 5 feet in depth should be shored or sloped back in accordance with OSHA Regulations prior to entry.
- ii. Bedding is defined as material placed in a trench up to 1 foot above a utility pipe and backfill is all material placed in the trench above the bedding. Unless concrete bedding is required around utility pipes, free-draining sand should be used as bedding. Sand to be used as bedding should be tested in our laboratory to verify its suitability and to measure its compaction characteristics. Sand bedding should be compacted by mechanical means to achieve at least 90 percent relative density based on ASTM D1557-91.
- iii. On-site inorganic soils, or approved import, may be used as utility trench backfill. Proper compaction of trench backfill will be necessary under and adjacent to structural fill, building foundations, concrete slabs, and vehicle pavements. In these areas, backfill should be conditioned with water (or allowed to dry), to produce a soil water content of about 2 to 3 percent above the optimum value and placed in horizontal layers, each not exceeding 8 inches in thickness before compaction. Each layer should be compacted to at least 90 percent relative density based on ASTM D1557-91. The top lift of trench backfill under vehicle pavements should be compacted to the requirements given in report section 5.2, Preparation of Paved Areas for vehicle pavement sub-grades. Trench walls must be kept moist prior to and during backfill placement.

**K. Completion of Work**

- i. After the completion of work, a report should be prepared by the Soils Engineer retained to provide such services in accordance with Section 3317 of the Uniform Building Code (UBC). The report should including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved Soils Engineering Report.
- ii. Soils Engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions within Chapter 33 of the UBC.

S:\Soil Engineering Reports\SL03400-1 Parcel 1, Cerrito Peak\SL03400-1 Grading Specs.doc





**GeoSolutions, Inc.**

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

**KEY AND BENCH DETAIL WITH BACKDRAIN**

PARCEL 1, CERRITO PEAK  
 MORRO BAY, CALIFORNIA

DETAIL  
 A

PROJECT  
 SL03400-1

# EXHIBIT E

**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**

**May 13, 2010**

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

Negative Declaration     Mitigated Negative Declaration.

**PROJECT TITLE:** Jordan Terrace/Cerrito Peak Residence

**PROJECT LOCATION:** Elliptical shaped lot including the top of Cerrito Peak; APN 066-221-001

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

**CASE NO.:** UPO-223/CPO-285

**PROJECT DESCRIPTION:** Construction of a new 2 story- split level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 745-square feet of decking decks, and a 711-square foot secondary living unit. Other improvements include two uncovered parking spaces for the secondary unit and guest parking, an approximately 400-foot long driveway and hammer-head turn around, retaining walls, and associated tree and vegetation removal. The project relies upon allowance of uncovered parking within a front yard setback, removal of major vegetation on-site and within the public right-of-way, fencing within the public right-of-way, and waiver of requirements for frontage improvements on Alta Street and Jordan Terrace.

**SPONSOR:** Dan Reddell, property owner

**LEAD AGENCY:** City of Morro Bay

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

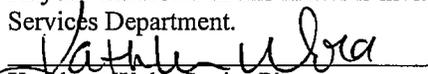
**TELEPHONE:** (805) 772-6211

**ADDRESS WHERE DOCUMENT MAY BE OBTAINED:**

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

**PUBLIC REVIEW PERIOD: Begins: May 17, 2010 Ends: June 16, 2010**

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

  
Kathleen Wold, Senior Planner

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

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

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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.: UPO-223/CPO-285

PROJECT TITLE: Jordan Terrace/Cerrito Peak Residence

PROJECT LOCATION: Elliptical shaped lot including the top of Cerrito Peak; APN 066-221-001

APPLICANT / PROJECT SPONSOR: Dan Reddell, property owner

PROJECT DESCRIPTION: Construction of a new 2 story-split level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 835 square feet of decking, 48 square feet of patio and a 711-square foot secondary living unit. Other improvements include two uncovered parking spaces for the secondary unit and guest parking, an approximately 400-foot long driveway and hammer-head turn around, retaining walls, and associated tree and vegetation removal.

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**

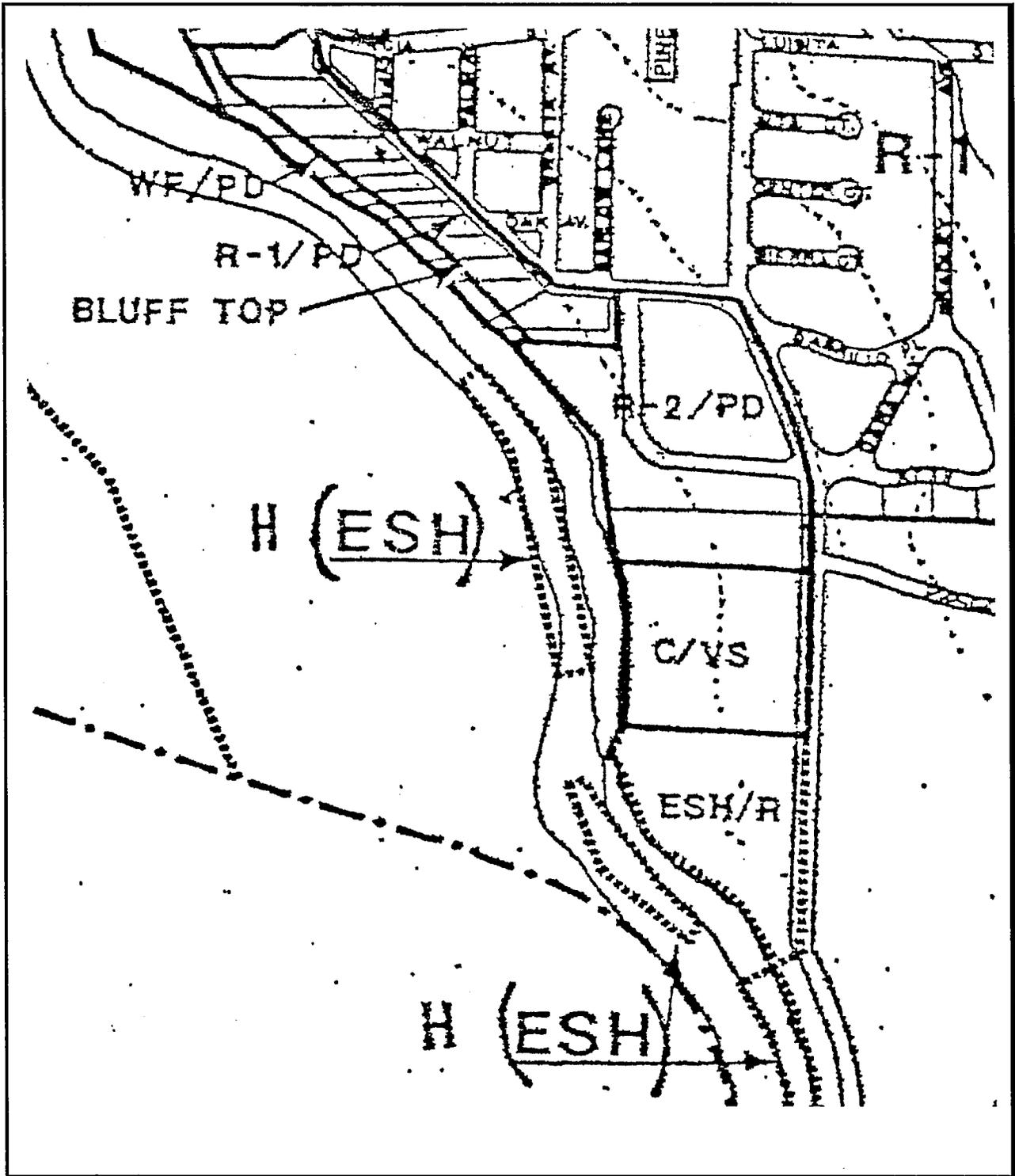
|                           |                                          |        |                       |
|---------------------------|------------------------------------------|--------|-----------------------|
| <b>Project Title:</b>     | <u>Jordan Terrace/Cerrito Peak</u>       |        |                       |
| <b>Case Number:</b>       | <u>UPO-223/CPO-285</u>                   |        |                       |
| <b>LEAD AGENCY:</b>       | <u>City of Morro Bay</u>                 | Phone: | <u>(805) 772-6261</u> |
|                           | <u>955 Shasta Ave</u>                    | Fax:   | <u>(805) 772-6268</u> |
|                           | <u>Morro Bay, CA 93442</u>               |        |                       |
| <b>Project Applicant:</b> | <u>Dan Reddell</u>                       | Phone: | <u>(805) 772-0300</u> |
|                           | <u>560 Morro Bay Boulevard</u>           | Fax:   |                       |
|                           | <u>Morro Bay, CA 93442</u>               |        |                       |
| <b>Project Agent:</b>     | <u>Cathy Novak</u>                       | Phone: | <u>(805) 772-9499</u> |
|                           | <u>PO Box 296</u>                        | Fax:   |                       |
|                           | <u>Morro Bay, CA 93443</u>               |        |                       |
| <b>Project Landowner:</b> | <u>Dan Reddell</u>                       | Phone: | <u>(805) 772-0300</u> |
| <b>Project Designer</b>   | <u>High Sierra Design &amp; Building</u> | Phone: | <u>(559) 542-2382</u> |
|                           | <u>56800 Aspen Drive</u>                 | Fax:   | <u>(559) 542-2027</u> |
|                           | <u>Springville, Ca 93265</u>             |        |                       |

**Project Description:** Construction of a new 2-story split-level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 853 -square feet of decks, 48 square feet of patio and a 711-square foot secondary living unit. Other improvements include two uncovered parking spaces for the secondary unit and guest parking, an approximately 400-foot long driveway and hammer-head turn around, retaining walls and fencing, and associated tree and vegetation removal.

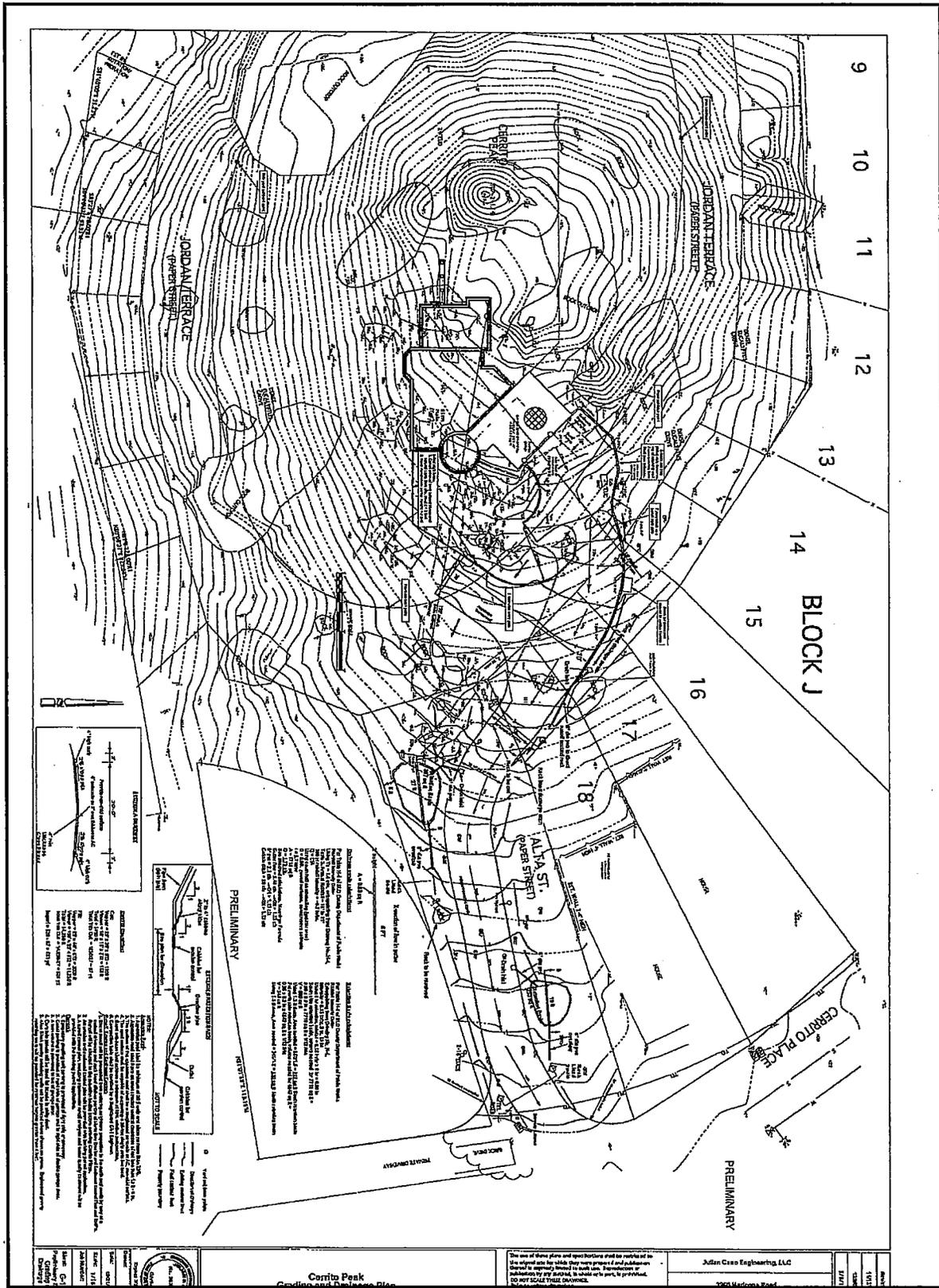
Surrounding the site on all sides are residential dwellings and associated improvements. The site itself is an undeveloped parcel including Cerrito Peak, numerous rock outcroppings, trees and other vegetation. The site is accessed by undeveloped paper streets known as Alta Street and Jordan Terrace, which connect to the closest developed roadway, Cerrito Place. The site is within the Low-Medium/Moderate Density Residential General Plan Designation and is zoned Single Family Residential (R-1). Single family homes necessitating exceptions to development standards (i.e. parking in the front yard, removal of major vegetation) and secondary dwelling units are allowable uses with Conditional Use and Coastal Development Permit (UPO/CDP) approvals.

|                                  |                                                         |
|----------------------------------|---------------------------------------------------------|
| <b>Project Location:</b>         | Elliptical shaped lot including the top of Cerrito Peak |
| <b>Assessor Parcel Number(s)</b> | 066-221-001                                             |
| <b>General Plan Designation:</b> | Low-Medium/Moderate Density Residential                 |
| <b>Zoning:</b>                   | Single-Family Residential (R-1)                         |

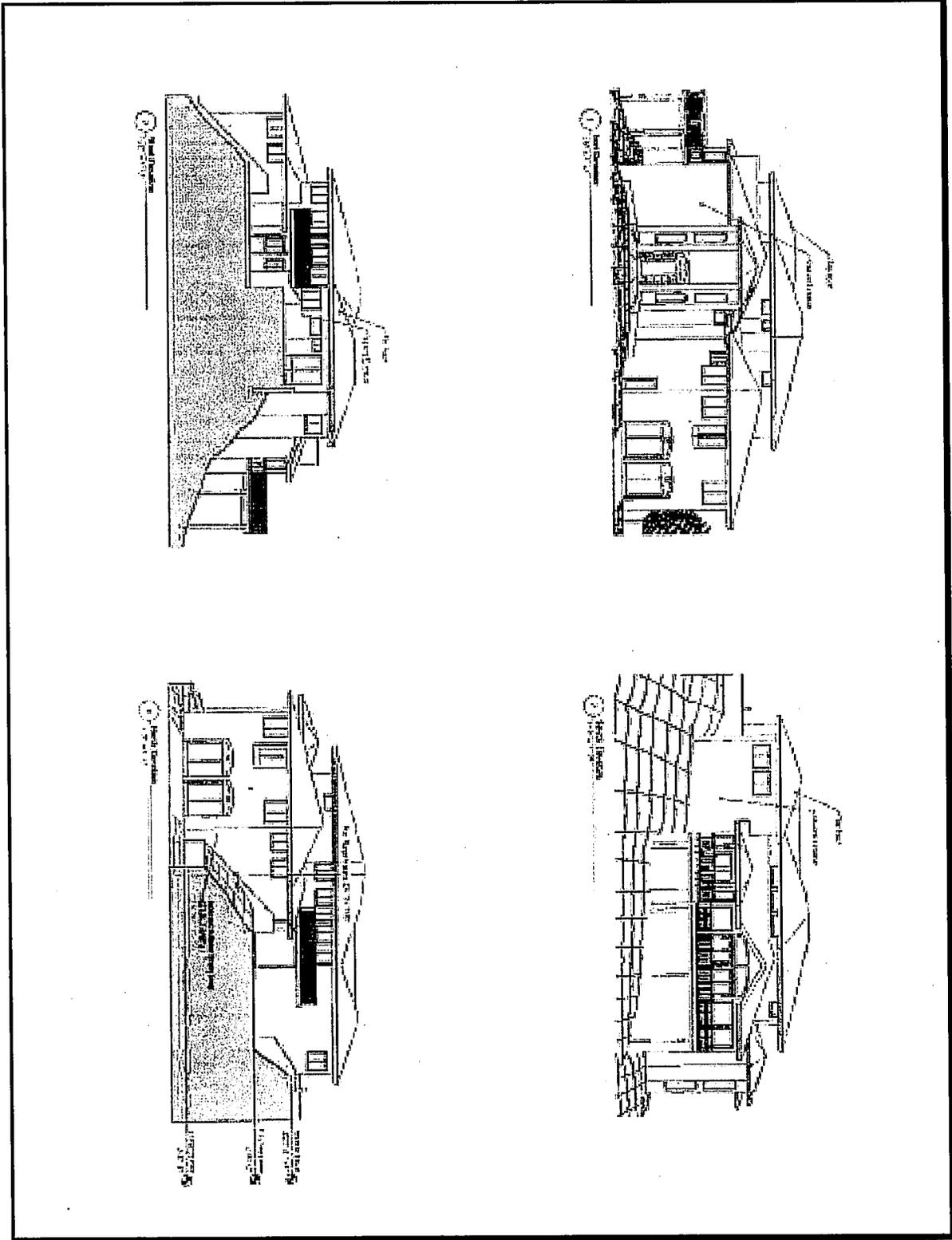
VICINITY MAP



**SITE PLAN**



### ELEVATIONS







INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence  
CASE NO. UPO-223/CPO-285  
DATE: May 13, 2010

**Environmental Discussion:** Policies contained within the Local Coastal Plan and General Plan speak to the need to protect visual resources, particularly along scenic Highway 1 and other designated public viewing points. The project has been designed to sit below the crest of Cerrito Peak, so as to avoid silhouetting against the sky or obstructing views. Additionally, because of the existing Eucalyptus canopy, the proposed improvements will not be readily visible from adjacent properties or developed right-of-way. Nevertheless, proposed improvements must be designed harmoniously with the surrounding neighborhood as to not detract from the surroundings or view. Section 17.48.190 of the Zoning Ordinance requires “protection of visual resources” and “compatible design”. Site layout, architecture and landscaping are discussed in detail below, and are routinely reviewed by the Planning Commission as part of the CUP review process.

**Impact Discussion:**

- a. The proposed improvements have been designed to compliment rather than detract from the natural conditions. The building foundations are designed to closely follow the natural contours of the site, with finish colors chosen in natural hues such as beige, tans and greens, which will draw from tones currently found on the site. The improvements have also been designed to remain below the crest of Cerrito Peak, avoiding any silhouetting against the sky or obstruction of views. The predominant scenic vistas from publicly accessible locations are from the undeveloped Jordan Terrace right-of-way, along the east and south of the building area, where views of the bay are not impeded by the peak itself.
- b. The site is not within view of a designated scenic highway.
- c. The site is characterized by the large number of rock outcroppings of various sizes and thick groves of Eucalyptus trees. Several boulders will be removed or submerged underneath the proposed driveway and structure. However, the majority of the rock outcroppings, including the largest and most visually striking, will remain in place and unaltered. The project entails the removal of 34 living trees (and two fallen, four dead and one stump) both on-site and within the undeveloped public right-of-way. Similar to the treatment of the rock boulders, tree removals are limited to those within or immediately adjacent to the proposed access way or building footprint. No additional tree removals are proposed to increase views onto or from the site. As discussed further in Section 4: Biological Resources, two-to-one on-site replacement for all tree removals is recommended. Additionally, to prevent additional loss of on-site trees and the natural screening they provide, a mitigation measure has been recommended to limit future tree removals to those specimens that are diseased, damaged or otherwise pose a potential hazard. Additionally, to ensure that new landscaping associated with the proposed development does not degrade the existing visual character or quality of the site and its surroundings, a mitigation measure has been proposed requiring that the landscape palate be limited to California native plants endemic to the region be installed and that the bulk of the site be left in a natural and undisturbed state. A small designated area located within the front yard area adjacent to the garage can be planted with non-native but drought tolerant planting but at no time shall any invasive or spreading plants be allowed.
- d. The proposed improvements include primary and secondary residential units and ancillary improvements, including a private driveway. Under normal circumstances such development does not have the potential to create substantial light or glare, which would adversely affect day or nighttime views in the area. However, considering the length of the access way and significantly higher elevation of the building site compared to surrounding improvements, aesthetic and safety lighting could potentially cause light and glare impacts if improperly designed and shielded. A mitigation measure has been proposed to ensure that outdoor site lighting is designed appropriately for the site.

**Mitigation and Residual Impact:**

With the implementation of these mitigation measures and related measures discussed in Section 4: Biological Resources, potential impacts to visual resources resulting from the project would be reduced to less than significant levels. The residual impact on visual resources would be less than significant.

- 1-1. A Landscape Plan including size, species, quantities and layout of planting materials shall be developed, with planting palate limited to California native plantings endemic to the region and appropriate for the rocky hillside site. The landscape plan shall be in keeping with the intent to keep the bulk of the project has an appearance of

INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence  
CASE NO. UPO-223/CPO-285  
DATE: May 13, 2010

being natural and undisturbed. A portion of the project site within the 6' fence line shall be allowed to be planted with non-native, drought tolerant, noninvasive and non spreading plants. The design of this area shall also be included in the landscape plans.

1-2. All exterior lighting shall be designed and operated to avoid light being directed or allowed to spill out onto neighboring properties or the public right of way except lighting adjacent to the public-right-of-way (paper street surrounding property) shall be of minimum wattage and height for safety purposes except as allowed with an encroachment permit. Lights shall be of minimum wattage and height to achieve safety or aesthetic purposes, and shall be properly screened to avoid illumination of the sky. The lighting plan shall identifying the location, height, design and wattage of any proposed exterior lights. All lighting will also be in conformance with Section 17.52.080.

With the implementation of these mitigation measures potential impacts to aesthetic resources resulting from the project would be reduced to less than significant levels.

**Monitoring:** Landscape and Lighting Plans (photometric plan) shall be submitted to the City with construction documents. The Public Services Planning Divisions shall be responsible for review and approval of these details prior to issuance of permits for any site or construction work, as applicable.

| 2 AGRICULTURAL AND FORESTRY RESOURCES:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p> |                                |                                                    |                              |           |
| <p>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?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |                                                    |                              | X         |
| <p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                |                                                    |                              | X         |
| <p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                |                                                    |                              | X         |

INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence

CASE NO. UPO-223/CPO-285

DATE: May 13, 2010

|                                                                                                                                                               |  |  |  |   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|
| d. Result in the loss of forest land or conversion of forest land to non-forest use?                                                                          |  |  |  | X |
| e. Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use? |  |  |  | X |

**Environmental Discussion:** The project site is characterized by its relatively steep topography, numerous rock outcroppings, and tree cover. There are approximately 350 trees on the site and adjacent undeveloped rights-of-way, about 200 of which would meet the City’s criteria for major vegetation.

The project includes the construction of 1 primary residential structure, one secondary unit and associated improvements. To accommodate the proposed primary and secondary units and required access way numerous trees within the unimproved right-of-way and on the site would be removed. Within the right-of-way twenty-three trees, all of which are considered major vegetation, would be removed, as well as one existing stump. On the private property eleven trees, nine of which meet the City’s definition of major vegetation, would be removed. Two fallen trees and four dead trees would also be cleared from the site. All of the trees removed are non-native Eucalyptus.

**Impact Discussion:**

- a. The project site and the surrounding parcels are not zoned or used for prime farmland, unique farmland, or farmland of statewide importance, nor are they covered by a Williamson Act contract.
- c-d. The project site and the surrounding parcels are not zoned or used for forest land, timberland, or timberland zoned Timberland Production or result in the loss of forest land or conversion of forest land to non-forest use, as the site is not suitable for those uses due to the natural topography, soil type, and existing vegetation, and potential for conflicts with surrounding uses. The predominant tree species on-site which would be impacted is Eucalyptus, which is not considered a significant timber resource.
- e. The project is limited to the development of one primary residential unit and one secondary unit and associated improvements, and will not involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland to non-agricultural uses.

**Mitigation and Residual Impact:** As proposed, agriculture and forestry resources are not expected to be affected by the project. Because no significant impacts on these resources would result, no mitigation measures are required. The residual impact on agriculture and forestry resources would be less than significant.

| 3 AIR QUALITY                                                                                                                                                                                                                                                                                   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:                                                                                                                                                                                                                                                                              |                                |                                                    |                              |           |
| a. Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                                 |                                |                                                    | X                            |           |
| b. Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?                                                                                                                                                    |                                | X                                                  |                              |           |
| c. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                              |                                | X                                                  |                              |           |
| d. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? |                                |                                                    | X                            |           |

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|                                                                                             |  |  |  |   |
|---------------------------------------------------------------------------------------------|--|--|--|---|
| e. Create objectionable smoke, ash, dust or odors affecting a substantial number of people? |  |  |  | X |
|---------------------------------------------------------------------------------------------|--|--|--|---|

**Environmental Setting:** The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and that portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, state ambient air quality standards for ozone and particulate matter less than 10 microns in diameter (PM10) are sometimes exceeded in the County. However, Morro Bay is a clean air area. With rare exceptions, Morro Bay does not exceed any state or federal standards.

**Impact Discussion:** Site work and construction activities will result in minor, short-term fugitive dust and exhaust emissions from construction equipment and vehicles. However, the proposed project would not be a substantial source of diesel particulate matter, which is typically assessed over long time periods. Ongoing activities at the site would be limited to residential uses, which would not typically impact local air quality. The site is in close proximity to existing services, and access to the site will be paved, minimizing dust and vehicle emissions from typical residential trips.

a, b, c, e. San Luis Obispo County is a non-attainment area for the State PM10 (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD "CEQA Air Quality Handbook" (2009), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, 25 PPD of reactive organic gases, oxides of nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly. The proposed residential structure and uses are of a size that is below APCD's air quality significance thresholds for new land uses. Therefore, the project will not generate a significant impact on long-term air quality impacts. However, construction operations would potentially result in the emission of ROG, NOx, Diesel Particulate Matter, and Fugitive Particulate Matter (PM10). Site work for the proposed structure and access way includes approximately 67-cubic yards of cut and 528-cubic yards of fill, with total import of 461-cubic yards. Additionally, two onsite retention basins will be constructed; the southern measuring 367-square feet and the northern measuring 230-square feet; both will be limited to 1.5-feet in depth so as to not require fencing. Standard construction mitigation measures required by the APCD are recommended.

The project site is relatively isolated from major roadways and associated vehicle emissions. The project would generate significant roadway traffic only during construction, when workers and trucks would be traveling to and from the project site. Ongoing use of the site for primary and secondary residential uses would be minor and consistent with traffic generation anticipated by the General Plan. Considering this, the project would not be expected to create or contribute substantially to the violation of air standards.

d. The project includes new primary and secondary residential uses and a common access way. Neither the proposed uses nor the construction equipment used will create objectionable odors under normal operating circumstances.

**Mitigation and Residual Impact:**

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- 3-1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, Diesel Particulate Matter, and Fugitive Particulate Matter (PM10). The following standard San Luis Obispo Air Pollution Control District mitigation measures will be required:
- a. Maintain all construction equipment in proper tune according to manufacturer’s specifications.
  - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
  - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation.
  - d. Use on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
  - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
  - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
  - i. Electrify equipment when feasible.
  - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
  - k. Use alternatively fueled construction equipment on-site where feasible.
  - l. Reduce the amount of disturbed area where possible.
  - m. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency is required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used if available.
  - n. All dirt stock-pile areas shall be sprayed daily as needed.
  - o. All access ways to be paved shall be completed in the initial project phases, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - p. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

With the implementation of these mitigation measures potential impacts to air quality resulting from the project would be reduced to less than significant levels.

**Monitoring:** All required mitigation measures shall be included as notes on project-related plans, to the satisfaction of the Public Services Department. Public Services staff shall verify compliance during routine site inspections.

| 4 BIOLOGICAL RESOURCES                                                                                                                                                                                                                                                                                                                            | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| <p>Would the project:</p> <p>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?</p> |                                |                                                    |                              | X         |
| <p>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?</p>                                                                                     |                                |                                                    |                              | X         |

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|    |                                                                                                                                                                                                                                                                  |  |   |  |   |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|--|---|
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means? |  |   |  | X |
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                  |  | X |  |   |
| e. | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                 |  | X |  |   |
| f. | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?                                                                                 |  |   |  | X |

**Environmental Setting:** The project site is located on Cerrito Peak, with the building area just below the crest. The location is characterized by the numerous rock outcroppings, eucalyptus trees, and annual grassland habitat understory composed of native and non-native grasses and broadleaf herbaceous plant species.

A Biological Assessment based on a review of the literature and field study was prepared (DKWEnvironmental, 2005) and follow up (Sage Institute, 2008), identifying the existing conditions of the site and potential for special-status plant and wildlife species. The Natural Resources Conservation Service soils survey has the soils on-site mapped, along with most of south Morro Bay, as Baywood fine sand. However, based on field observations, it appears that the onsite soils are more in concert with the Rock-Outcrop-Lithic Haploxerollis complex similar to that mapped on Black Hill. The general habitat setting of the site can be best characterized as a substantial amount of rock outcrop and sandy loam soils supporting the eucalyptus grove and non-native annual grassland understory.

Plant species observed during field reconnaissance included eucalyptus trees with an herbaceous understory composed of oats, barely, rigput brome, wild radish, sorrel, bedstraw, phacilia, and German ivy. In general, the site supports mostly non-native plant species and does not represent a diverse native plant species habitat. Similarly, wildlife species observed during field observations were common species of coastal areas around Morro Bay. Bird species observed included the pacific slope flycatcher, bushtit, mourning dove, dark-eyed junco, European starling, tree swallow, turkey vulture, great-horned owl, northern mockingbird, and scrub jay. Evidence of roosting birds below a dead tree (piles of guano) was also observed. Evidence of gopher was also observed throughout the site. There are likely additional common vertebrate species that could be found on the site.

**Impact Discussion:**

- a-b. The Center for Natural Diversity Data Base (CNDDB) identified 49 special-status plant and wildlife species and six natural communities of special concern as occurring within an approximately five-mile radius of the project site. None of the special-status plant and wildlife species or the natural communities of special concern recorded in the CNDDB were identified on the project site. While the Biological Assessment does not constitute a rare plant survey, based on observed habitat type and soils, no special-status plant or animal species are expected to occur on the project site.
- c. The site is an upland area with no wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), therefore there is no potential for impacts to wetlands.
- d. Given the large number of bird species using the site for foraging and nesting, project implementation could result in impacts to resident and migratory birds. The destruction of birds, nests and eggs is prohibited by the Fish and Game Code of California and Migratory Bird Treaty Act. In order to comply with these regulations, a mitigation measure has been proposed to conduct tree removals outside the bird breeding season, or conduct

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pre-construction nesting bird surveys in the trees proposed for removal and to defer removal should active bird nests be observed.

- e. The project site is currently vegetated with seasonal grasses, sparse shrubs, and several clusters of both large and small trees, which are predominantly eucalyptus. There are approximately 350-trees both on-site and within the affected public right-of-way, about 200 would qualify as major vegetation under City policies.

On-site trees greater than six-inches in diameter at four and one-half feet vertically above ground are considered major vegetation and are subject to the City's Major Vegetation Removal, Replacement and Protection Guidelines. Of the eleven onsite trees proposed for removal nine meet this criterion. Because the removal of nine trees exceeds the two removals allowed for in a 12-month period the request is subject to review and approval of a Coastal Development Permit. Removal of on-site major vegetation requires mandatory replacement, which may occur on the applicant's site, on other privately held lands with the property owner's permission, or presented to the City to plant on public lands. Given the significant site area available a mitigation measure has been proposed that the replacement plantings occur on-site, in areas where they will provide additional screening of the proposed improvements so as to reduce any adverse affects of the character of the site and surrounding neighborhood.

Development of residential uses on the site also has the potential to spur removal of additional on-site trees in the future, leading to potentially significant impacts on reliant bird species, soil retention, and neighborhood character. A mitigation measure has been proposed that requires all future tree removals be subject to approval to ensure that no detrimental effects occur.

The project also includes the removal of 23 trees (all considered major vegetation under City policies ) and one stump within the public right-of-way for the development of the private access driveway and turn-around. This is a unique case, where proposed removals in the right-of-way are being requested to facilitate private development (in contrast to public improvements), which is not directly addressed in the City Tree Regulations. As a request by a private property owner to remove trees within the right-of-way for private improvements, it would be consistent with the intent of City policies to require that the applicant mitigate impacts to the community and neighborhood caused by the removal of the trees. A mitigation measure has been proposed that replacement plantings occur on-site, at the rate prescribed for trees removed as part of construction projects.

- f. No known habitat conservation plans exist that would be impacted by the project, and through the project design and implementation of the proposed mitigation measures potential impacts to sensitive species and habitats would either be avoided completely or reduced to a level that would be less than significant. Therefore the proposed project would not conflict with local, regional, or state plans.

**Mitigation and Residual Impact:**

4-1. Tree removal shall be conducted pursuant to the adopted City of Morro Bay Major Vegetation Guidelines.

4-2. On-site major vegetation removed shall be replaced in-kind at a ratio of two 5-gallon trees (5 gallons trees shall have a minimum caliper of 1 inch and a minimum height of 6 feet or one 15-gallon tree ( 2 inches in caliper and 10 feet in height) for every tree removed. Tree replacements shall be in-kind and occur on-site in locations where they will provide additional screening of proposed improvements, subject to approval of the Public Services Director.

4-3. Trees removed from within the public right-of-way shall be replaced at not less than a ratio of two-to-one for every tree removed. Location and type of replacement tree plantings shall be subject to approval of the Public Services Director. If trees are replaced on unimproved portions of Alta Street or Jordan Terrace they shall be replaced in-kind; if other locations within the public right-of-way are authorized then trees shall be of the type specified in the Master Tree List for that particular location. If the applicant is able to substantiate that there is insufficient space on-site that can accommodate the planting of additional trees without disturbing the rock on-site (boring into the rock etc) or jeopardizing the health of the existing tree (tree canopies growing into each

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other etc.). Placement of any tree off-site that was required as mitigation shall submitted for review and approval by the Public Services Director prior to installation.

- 4-4. All future requests for the removal of trees greater than six-inches in diameter at four and one-half feet vertically above ground shall be subject to the City of Morro Bay's Major Vegetation Guidelines for the removal of any trees that are diseased, damaged or otherwise constitute a potential hazard. Removal of healthy trees shall not be allowed specifically any tree removed for the purpose of establishing or enhancing views.

With the implementation of these mitigation measures potential impacts to biological resources resulting from the project would be reduced to less than significant levels.

**Monitoring:** Prior to issuance of an encroachment, tree removal, or construction permits any nesting bird surveys or project-related plans, including recommended replacement planting plans, shall be submitted to and accepted by the Public Services Department. Plans shall include notes indicating the time of year tree removals may occur, or referencing the findings and recommendations of the nesting bird surveys.

| 5 CULTURAL RESOURCES |                                                                                                                                   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:   |                                                                                                                                   |                                |                                                    |                              |           |
| a.                   | Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?    |                                |                                                    |                              | X         |
| b.                   | Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? |                                | X                                                  |                              |           |
| c.                   | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                              |                                |                                                    | X                            |           |
| d.                   | Disturb any human remains, including those interred outside of formal cemeteries?                                                 |                                |                                                    | X                            |           |

**Environmental Setting:** The project site is currently undeveloped and includes a recorded bedrock milling site containing five bedrock mortars. Cerrito Peak itself is considered a Sacred Site to local Native American Tribal groups.

**Impact Discussion:**

a. Historic use of the project area included hiking trails and associated refuse, and a portion of bedrock exposure used as a training location for rock climbing. Of greater antiquity was evidence of limited dacite quarrying, which likely occurred in the latter half of the 19<sup>th</sup> century through the mid 20<sup>th</sup> century. This material was used for dressed stone construction, rip-rap and jetty construction. These features do not constitute historical resources which would be effected by the proposed activities. A review of historic maps for the project area did not uncover any information regarding previous structures on the parcel.

b-d. The project location includes a previously recorded site including five bedrock mortars with possible midden association. A separate and distinct site is also located up slope to the east approximately three blocks away. Field investigations initiated as part of this project application also found that prehistoric cultural material remains present on the parcel. Based on a search of archeological records and field work on the site, the archeologist on record concluded that the site may contain a sparse shallow archaeological deposit associated with the bedrock milling features. The proposed construction and associated improvements will create ground disturbance in the vicinity of these mortars; however, little or no evidence of associated archaeological deposits appear in these locations. Based on the results of this investigation, it was determined that intact and potentially significant cultural resources may exist on this property. A mitigation measure has been recommended that a subsurface evaluation (Phase 2 Cultural Resource Evaluation) of the resource be conducted to establish the sites content, integrity, and extent. Investigation shall be completed prior to the initiation of other project-related activities, such as tree removals or site work, so as

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to avoid potential for delays once construction has begun, which would be inconsistent with recommended air quality mitigation measures intended to reduce fugitive dust emissions from the site.

An entirely different quality of cultural resource on the property includes the importance of the location to local Native Americans. This significance is not measured in the artifacts or stratigraphic integrity, but in spiritual importance. Cerrito Peak (also known as Eagle Rock), was identified by representatives of local Native American Tribes as a Sacred Site in the Native American Heritage Commission’s Sacred Lands Inventory. Among the qualities identified with this location are those associated with spiritual worship and ritual, and recognition that Eagle Rock is a powerful sacred area. Placing boundaries around sacred sites is an unachievable and undesirable effort, however possible impacts to the sacred site, as determined by the Native American community, must be resolved. As no disturbance of either the sacred peak or the recorded mortar grinding sites is proposed, the sites of importance will retain their integrity. A mitigation measure has been proposed to insure ongoing access to these sacred sites is maintained for local Native American tribal members or their representatives who wish to exercise their religious and cultural practices at these sacred locations.

**Mitigation and Residual Impact:**

5-1.A subsurface evaluation of the site (Phase 2 Cultural Resource Evaluation) shall be conducted to more firmly establish the condition, integrity, extent and content of archeological deposits on the property, to determine if it qualifies as significant. The Phase 2 Cultural Resource Evaluation shall include findings and any recommended additional studies or mitigation measures, and may result in additional studies and/or project conditions as determined by the Public Services Department. The Phase 2 Cultural Resource Evaluation and any additional studies or mitigation shall be accepted by the Public Services Department prior to issuance of any project related permits, including but not limited to tree removals, grading, or construction.

5-2. All ground disturbing activities shall be monitored by an archeologist, even if no archaeological remains are recovered during the evaluation study. If archeological resources are discovered during construction all activities shall cease, resuming only once the Public Service Director makes findings established in Section 17.48.310 of the Municipal Code.

5-3. Access to Cerrito Peak and the recorded on-site archaeological sites shall be permitted to local Native American representatives, upon 48-hour notification of the property owner and/or primary resident.

With the implementation of these mitigation measure potential impacts to cultural resources, including both those in the physical record and living spiritual sites, resulting from the project would be reduced to less than significant levels.

**Monitoring:** All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department. The Phase 2 Cultural Resource Evaluation shall be accepted by the Public Services Department, and any recommended conditions accepted and/or implemented prior to issuance of project related permits, including but not limited to those for tree removals, grading, or construction. Public Services staff shall verify compliance during routine site inspections. Prior to the issuance of construction-related permits, a covenant agreement shall be recorded on-title notifying all future property owners that local Native American representative shall be provided with access to Cerrito Peak and the recorded on-site archaeological sites upon 48-hour notification of the property owner and/or primary resident.

| 6 GEOLOGY/SOILS                                                                                                                                        | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:<br>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: |                                |                                                    |                              | X         |

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|     |                                                                                                                                                                                                                                                                             |  |   |  |   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|--|---|
| 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 are or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42) |  |   |  | X |
| ii  | Strong Seismic ground shaking?                                                                                                                                                                                                                                              |  |   |  | X |
| iii | Seismic-related ground failure, including liquefaction?                                                                                                                                                                                                                     |  |   |  | X |
| iv  | Landslides?                                                                                                                                                                                                                                                                 |  | X |  |   |
| b.  | Result in substantial erosion or the loss of topsoil?                                                                                                                                                                                                                       |  | X |  |   |
| c.  | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?                                              |  |   |  | X |
| d.  | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?                                                                                                                               |  | X |  |   |
| e.  | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?                                                                                             |  |   |  | X |

**Environmental Setting:** The proposed building area is located at the top of Cerrito Peak, a hilltop that slopes down approximately 25 degrees in all directions. A 25 degree slope is approximately equal to a gradient of 2-to-1 (horizontal-to-vertical). Dacite rock outcrops cover much of the site, with soil areas between rock outcrops consisting of colluvial, Aeolian, and/or residual soil. The surface material at the site generally consists of grayish brown silty SAND (SM) with organics, down to an approximate depth of three-feet.

**Impact Discussion:** Proposed improvements include a two-story residential structure consisting of the main residence, and attached secondary living unit, garage and decks. Additionally, an approximately 400-foot driveway is to be constructed from the proposed residence east to Cerrito Place, including a vehicle turn-around area, hammerhead for emergency vehicles and all utilities, and retaining walls along the northern and western edges of the structure. It is anticipated that the proposed residence will utilize slab-on-grade and/or raised wood lower floor systems.

a-i. The site is not located across the trace of an active fault, as designated by 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. Therefore, no significant impacts would occur in association with rupture of a known earthquake fault.

a-ii – iv, c. The San Andreas Fault is located approximately 41 miles at its closest point from the City. The project site is not subject to landslides or other types of slope failure, and is not within the area for potential ground shaking according to the Safety Element of the General Plan figure S-2. Additionally, the Safety Element of the General Plan figure S-4 does not identify the site as a location of high landslide risk. Therefore the potential for strong seismic ground shaking slope failure is less than significant. However, proposed site work will entail a significant amount of earthwork, which creates a real potential for rock-fall that would be detrimental to neighboring properties. A mitigation measure has been recommended that a screening plan be developed and implemented to reduce the potential for rockfall.

b. A preliminary erosion and sediment control plan has been prepared, indicating that proposed site work and construction activities have been designed to minimize erosion and the loss of topsoil. A mitigation measure has been recommended that a detailed erosion and sediment control plan consistent with the City’s Erosion and Sediment control manual be prepared, identifying control measures to provide protection against erosion of adjacent property and prevention of sediment or debris from entering the City right-of-way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

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d. According to the Soils Engineering Update Report prepared by Geosolutions, Inc. (October 10, 2008) the site is suitable for the proposed development provided the recommendations presented therein are incorporated into the project plans and specifications. These recommendations, which includes details for the preparation of the building pad and paved areas, pavement design, foundations, and retaining walls, will reduce the potential for creating soil instability which could potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. A mitigation measure has been proposed to ensure that the recommendations of the Soils Engineering Update Report are incorporated into the final project design.

e. The project will be served by the municipal sewer, with all connections running beneath the proposed access way. As neither septic tanks nor alternative wastewater disposal systems are proposed, no impacts would occur.

**Mitigation and Residual Impact:**

6-1. A detailed rock-fall investigation and mitigation plan shall be prepared by a qualified geotechnical engineer identifying the geologic design parameters for rock-fall mitigation, and, as appropriate, risk-reduction measures on adjacent properties, and need for long-term maintenance. This investigation report and mitigation plan shall be submitted, reviewed and approved prior to the issuance of any building permit or on-site ground work.

6-2. A detailed erosion and sediment control plan consistent with the City’s Erosion and Sediment Control Manual shall be prepared. It shall include control measures for protection against erosion of adjacent property and prevention of sediment or debris from entering the City right-of-way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

6-3. Recommendations of the Soils Engineering Update Report prepared by Geosolutions, Inc. (October 10, 2008) shall be incorporated into the project design.

With the implementation of these mitigation measures potential impacts associated with geology and soils would be reduced to less than significant levels.

**Monitoring:** The detailed rock-fall and erosion and sediment control plans, and structural details consistent with recommendations of the Soils Engineering report shall be submitted to the Public Services Department with construction documents. The Public Works and Building divisions shall be responsible for reviewing and approval of these details prior to issuance of permits for any site or construction work, as applicable.

| 7 GREENHOUSE GAS EMISSIONS                                                                                                       | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:                                                                                                               |                                |                                                    |                              |           |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      |                                |                                                    | X                            |           |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |                                |                                                    | X                            |           |

**Environmental Setting:** The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and that portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline.

The United States EPA is the federal agency responsible for implementing the Clean Air Act. Prior to 2007, the EPA did not have regulations addressing GHGs. The U.S. Supreme Court ruled on April 2, 2007 that Carbon Dioxide (CO2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. However, there are no federal regulations or policies regarding GHG emissions applicable at the time of writing. The state has, however, passed several bills related to greenhouse gas emissions and climate change

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including AB 1493 (passenger vehicle GHG emission reductions), AB 32 (the California Global Warming Solutions Act of 2006), SB 1368 (utility GHG emission reductions), SB 97 (requiring climate change analysis under CEQA), the California Climate Action Registry, SB 1078 (electricity from renewable sources), SB 375 (land use and transportation planning), Executive Order S-3-05 (acknowledges potential impacts of climate change on state), and Executive Order S-13-08 (the Climate Adaptation and Sea Level Rise Planning Directive).

To date, no state agencies in California have identified a significance threshold for GHG emissions or a methodology for analyzing increased GHG emissions related to climate change. However, in June of 2005, Governor Schwarzenegger issued a landmark Executive Order establishing progressive greenhouse gas emissions targets for the entire state, including reducing GHG emissions to 2000 levels by 2010; to 1990 levels by 2020, and; to 80% below 1990 levels by 2050. To support these reduction targets, the California legislature adopted the California Global Warming Solutions Act of 2006, also known as AB 32. The law requires the California Air Resources Board (CARB) to develop regulatory and market mechanisms that will reduce greenhouse gas emissions to 1990 levels by 2020. In December 2008, CARB approved the AB 32 Scoping Plan outlining regulatory and market mechanisms to achieve the goal of AB 32. The plan cites local government action as an integral partner to achieving the State's goals. Additional bills targeting climate change include SB 97 (Dutton, Chapter 185, Statutes of 2008), which requires the Governor's Office of Planning and Research (OPR) to develop guidelines for the California Environmental Quality Act (CEQA) pertaining to the mitigation of GHG emissions or the effects of GHG emissions.

**Impact Discussion:**

a. Site work and construction activities will result in the emission of a relatively minor amount of greenhouse gases (GHGs) potentially contributing to global climate change, predominantly related to fuel usage by construction equipment. Mitigation measures recommended in Section 3: Air Quality, that stipulate the maintenance and operation of construction equipment would also result in minimized emissions of greenhouse gasses. Ongoing activities at the site would be limited to residential uses, which would not typically impact global climate conditions. Because the site is in close proximity to existing services vehicle emissions from typical residential trips would be relatively minor.

b. No Federal, state, regional or local regulatory agency has adopted a plan, policy or regulation for the purpose of reducing emissions of greenhouse gasses, or provided methodology or criteria to determine the significance of local greenhouse gas emissions on global climate change. Therefore, the lead agency is unable to provide a scientific or regulatory-based conclusion regarding whether the project's contribution to climate change is cumulatively considerable. In the short-term, the proposed project could result in minor increases in emission of greenhouse gases. Such an increase would not individually contribute to global climate change; however, it could contribute considerably to the cumulative or global emission of GHGs. The proposed project is consistent with the land use diagram and policy provisions of the City's General Plan. Ongoing residential activities would not result in a significant long-term source of greenhouse gas emissions, as all structures will be required to comply with building codes in effect at the time, including California Building Code Title 24, which prescribes construction techniques to reduce energy use and the associated greenhouse gas emissions. Additionally, the project site is an infill location, in close proximity to existing infrastructure and services, which reduces the travel distance required for many daily necessities. As such, no new impact would occur and this impact is considered less than significant.

**Mitigation and Residual Impact:** Compliance with Municipal Code standards and mitigation measures included in Section 3: Air Quality, pertaining to vehicle maintenance and operations, will reduce any potential impacts to a level of insignificance. Because no significant impacts associated with greenhouse gases will result, no additional mitigation measures are required.

| 8 HAZARDS/HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:            |                                |                                                    |                              |           |

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|    |                                                                                                                                                                                                                          |  |  |   |   |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|---|---|
| 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 |   |

**Environmental Setting:** The residents of Morro Bay are subject to a variety of natural and human-caused hazards. Natural hazards are processes such as earthquakes, landslides, and flooding, and have been occurring for thousands, even millions of years. These natural processes have played an essential role in shaping the topography and landscape of Morro Bay, and become “hazards” when they disrupt or otherwise affect the lives and property of people. Human caused hazards often occur as a result of modern activities and technologies. These potential hazards can include the use of hazardous materials and buildings that may be unsafe during a strong earthquake. The California Department of Forestry and Fire Protection also designate this site as a High Fire Hazard Severity Zone.

**Impact Discussion:**

a-c. Project involves the construction of a single family residence and secondary unit and associated improvements such as access, parking, and other development-related site work, which under normal occurrences would not entail the upset, transport, use or disposal of hazardous materials. The project will not result in the creation of any potential public health or safety hazard, or include any activities which could result in contamination of a public water supply.

d. No hazardous materials or other such hazardous conditions exist on-site nor are any proposed.

e. The project is located on a privately held parcel, with access taken from currently undeveloped right-of-way. This development will not impair implementation of or physically interfere with any adopted emergency response plan or emergency evacuation plan.

f. The project includes the removal of 34 non-native eucalyptus trees (and two fallen, four dead and one stump) both on-site and within the public right-of-way. Several of these trees are outside of the footprint of the proposed improvements, and have been selected for removal to allow for proper separation from future structures. Because the site is a wildland-urban interface area that has been designated as a High Fire Hazard Severity Zone specific construction codes and requirements are required by the California Fire Code. Conformance with these standards will be reviewed by the Fire Department at the time that construction document are submitted.

**Mitigation and Residual Impact:**

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Because no significant impacts associated with hazards or hazardous materials would result other than those addressed by the California Fire Code, no mitigation measures are required. With compliance with state and local requirements the residual associated with hazards or hazardous materials would be less than significant.

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

**Environmental Setting:** The site is located in the southwestern portion of the Morro Hydrologic Subarea (Morro Basin) of San Luis Obispo County. The Morro Basin is an 810-acre area, extending from the coastline to the convergence of the Morro and Little Morro Valleys. Morro Creek, an ephemeral stream with headwaters in the Santa Lucia Range, is the primary stream draining Morro Basin. Basin recharge is infiltration of precipitation and from tributary watersheds upstream on the Morro and Little Morro Creeks. The project site is not located within the 100 year floodplains defined by Figure S-1 in the City of Morro Bay's Safety Element of the General Plan.

Water supply for the City of Morro Bay has principally been provided by the State Water Project since 1997. However, alternative sources of water can be derived for limited periods of time from groundwater from the Morro and Chorro Basins and/or the City of Morro Bay desalination plant. Groundwater supply wells in the Morro Basin are located southwest of the site.

**Impact Discussion:**

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a, f City standards require installation of a City approved oil/water separator to filter site run-off prior to discharge. Potential impacts will be mitigated with installation of drainage systems and oil/water separators constructed to City standards.

b. The proposed residential uses would be served with public utilities and would not involve extraction from local groundwater basins or changes in quantity or quality of water in local groundwater basins. Development within the City of Morro Bay has been considered in a water allocation model which calls for any net increase in water demand not anticipated under current zoning regulation and allowed uses for any new development to be off-set through alternative source of water. Consequently, no significant impacts on water resources are anticipated as a result of the project.

c-e. The project site is located on the top of Cerrito Peak, a hilltop that slopes down approximately 25 degrees in all directions. While both the proposed residence and access way improvements will alter the existing drainage pattern on the site, the project has been designed for consistency with the City's Waste Water Management Plan, which requires that site runoff be retained, treated, and then conveyed in a manner which would not result in substantial erosion or substantially increase the rate or amount of surface runoff onto adjacent properties. Run-off onto the public right-of-way would be conveyed through off-site improvements to the nearest storm drain to prevent flooding. The implementation of Stormwater and Water Quality BMPs consistent with the draft plan will ensure that final project design adequately addresses both drainage and water quality.

g. 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 the Applicant's project as not being within a 100-year Flood Zone (A-15).

h. The site is at an elevation of approximately 213 feet above mean sea level and is significantly above all neighboring properties. It therefore will not be subject to inundation by seiche, tsunami or mudflow.

**Mitigation and Residual Impact:** Compliance with Municipal Code standards pertaining to erosion and sedimentation control, and filtration, will reduce any potential impacts to a level of insignificance. Because no significant impacts on local hydrology or water quality would result, no mitigation measures are required.

| 10 LAND USE AND PLANNING                                                                                                                                                                                                                                                                                     | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:                                                                                                                                                                                                                                                                                           |                                |                                                    |                              |           |
| a. Physically divide an established community?                                                                                                                                                                                                                                                               |                                |                                                    |                              | X         |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? |                                |                                                    | X                            |           |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan?                                                                                                                                                                                                            |                                |                                                    |                              | X         |

**Environmental Setting:** The project site is located in the Low-Medium/Moderate Density Residential Land Use Area defined by the City's General Plan, an area within the City limits that is reserved for residential uses. The undeveloped site is surrounded by existing residential uses of similar or higher density.

**Impact Discussion:**  
a. The project includes the development of a single-family residence and secondary dwelling unit, and associated improvements including a private access way located within currently undeveloped right-of-way. Pedestrian access within the City-right-of-way which surrounds the site, including both Alta Street and Jordan Terrace, will be

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retained. Mitigation measures have been recommended to ensure that the project will not result in any loss of access or otherwise divide the community (Please refer to Section 15: Recreation).

b. The R-1 area of the City’s Local Coastal Program and General Plan allows for residential uses that are consistent with established development standards, or which receive approval of a Conditional Use Permit for exceptions when warranted. The proposed project includes primary and secondary residential units accessed via a private driveway. The project relies upon exceptions to City standards to allow uncovered parking in the ‘front yard’, fencing within the right-of-way, and waiver of requirements for frontage improvements along the undeveloped rights-of-way known as Alta Street and Jordan Terrace. The proposed site design, including the associated exceptions, will reduce the area required to be graded and eliminate the need for additional tree removals, and will not result in any detrimental effects on the environmental. For additional discussion please refer to Section 16: Transportation/Traffic.

The property is uniquely situated at the top of Cerrito Peak, where it is completely surrounded by undeveloped right-of-way. The right-of-way was shown on an 1888 Subdivision map and accepted by the San Luis Obispo County Board of Supervisors in 1935. In absence of any clear street-, side- or rear-yards, or identifiable neighborhood pattern that would be applicable to this unique elliptical lot, for purposes of review of the site layout the property line parallel to the entrance of the proposed residence has been considered the front yard. The applicant has requested an exception to City standards to allow for uncovered secondary dwelling unit and guest parking stalls to be within this front-yard location. Locating the additional parking within front-yard setback area at the top of the driveway access will minimize the need for additional grading, alteration of rock outcrops, and tree removals. This exception would not adversely affect public health, safety, or welfare of the general public, as there are no traffic safety concerns given the relative isolation of the site from adjacent development and traffic.

The project also includes a request for encroachment permits to allow fencing within the Jordan Terrace right-of-way. Because of the increasingly rugged terrain of the site as one goes westward towards Cerrito Peak, the residence has been sited as far east as practicable given City setbacks and other development standards. To provide some private outdoor space and security for the residence, as well as to allow the required vehicle turn-around to be optimally placed between natural features, a fencing plan has been proposed which would enclose both on-site and portions of the public right-of-way to the east of the home. The proposed fencing, which would have a solid stucco and natural stone base with black rod iron pickets above, would have a combined height of 6-feet. The fencing would wrap from the northeastern corner of the house, near the garage, along the northern retaining wall, across the driveway, and continue around to the southeastern corner of the home. The rear portion of the site would remain unfenced. This exception would not adversely affect public health, safety, or welfare of the general public, as there are no traffic safety concerns given the relative isolation of the site from adjacent development and traffic. Should Jordan Terrace be developed in the future the property owner would be responsible for removal of these improvements (See Section 10: Transportation/Traffic). Access for emergency services would be retained by the provision of standard equipment required by the Fire Department (See Section 14: Public Services).

c. The proposed project would not conflict with any known habitat conservation plan or natural community conservation plan. Please see the impact discussion in Section 4: Biological Resources.

**Mitigation and Residual Impact:**

Neither the request to locate required parking within the street-yard nor the request to allow fencing within the undeveloped right-of-way project are expected to conflict with land use and planning policies meant to protect the community and natural resources. The residual impact would be less than significant.

|                                                              |                                       |                                                           |                                     |                  |
|--------------------------------------------------------------|---------------------------------------|-----------------------------------------------------------|-------------------------------------|------------------|
| <p><b>11 MINERAL RESOURCES</b></p> <p>Would the project:</p> | <p>Potentially Significant Impact</p> | <p>Less Than Significant with Mitigation Incorporated</p> | <p>Less Than Significant Impact</p> | <p>No Impact</p> |
|--------------------------------------------------------------|---------------------------------------|-----------------------------------------------------------|-------------------------------------|------------------|

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|    |                                                                                                                                                                    |  |  |  |   |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |  |  |  | X |
| b. | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |  |  |  | X |

**Environmental Setting:**

Much of the project site is covered with Dacite (Toi) rock outcroppings of the Oligocene epoch within the Tertiary geologic period. This material is a porphyritic dacite of the Morro Rock complex and is comprised of phenocrysts of several types of materials (known as competent formational material). Soil materials between the rock outcroppings consist of colluvial, aeolian, and/or residual soil, overlying competent formational materials. The surface area at the site consists of grayish brown silty SAND (SM) with organics, extending to a maximum depth of approximately 3.0 feet bgs.

**Impact Discussion:**

a, b. There are no known mineral resources on the site. Additionally, the site is designated for residential uses, which would preclude extraction and mining opportunities.

**Mitigation and Residual Impact:**

Because no significant impacts to mineral resources would result, no mitigation measures are required. The residual impact on mineral resources would be less than significant.

| 12 NOISE                                                                                                                                                                                 | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| Would the project:                                                                                                                                                                       |                                |                                                    |                              |           |
| a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies? |                                |                                                    | X                            |           |
| b. Expose persons to or 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                            |           |

**Environmental Setting:**

The City of Morro Bay may be considered a relatively quiet environment, the most significant sources of noise being related to traffic and transportation. Several noise sensitive uses are located within the vicinity of the project site; specifically residential units to the north, east and south of the proposed project.

**Impact Discussion:**

a, b, d. Activity and equipment associated with site work and construction activities will temporarily increase ambient noise levels. The Municipal Code restricts construction hours to 7:00 am - 7:00 pm Monday thru Friday, and 8:00 am - 7:00 pm Saturday and Sunday. This standard was established to reduce impacts to adjacent residential uses related to noise.

c. The proposed project would not permanently increase noise levels in the vicinity, as use of the site would be limited to residential uses similar to those on adjacent properties.

**Mitigation and Residual Impact:**

Because no significant impacts associated with increased noise levels would result, no mitigation measures are required. The residual impact on sensitive noise receptors would be less than significant.

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

**Environmental Setting:**

The project site is located in the Low-Medium/Moderate Density Residential area defined by the City’s General Plan, as an area within the city limits that is reserved for residential uses at a density of 4-7 dwelling units per acre, and is zoned R-1.

**Impact Discussion:**

- a, b. The site is currently undeveloped and would not displace any existing housing or persons, which would necessitate the construction of replacement housing elsewhere.
- c. The project includes development of a single-family residence and secondary unit; which will house a relatively small number of individuals and is well within the anticipated growth of the City of Morro Bay.

**Mitigation and Residual Impact:**

Because no significant impacts on population and housing would result, no mitigation measures are required. The residual impact on population and housing would be less than significant.

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

**Environmental Setting:**

The project site lies within the sphere of influence of the City of Morro Bay; therefore the City of Morro Bay provides the majority of the public services; The Morro Bay Fire Department provides fire response and prevention services as well as responding to chemical spills, injuries, and vehicle accidents for the City of Morro Bay, and Police protection services are provided by the Morro Bay Police Department. The San Luis Coastal Unified School District operates an elementary school and a high school within the City.

**Impact Discussion:**

- a. Fire protection services for the site are provided by the Morro Bay Fire Department (MBFD). Implementation of the proposed project would not include any fire protection concerns, as access ways, turn-around areas, and water supplies have been designed consistently with Fire Department standards. In the event of an emergency at the site during construction or at the residence, the MBFD would be required to provide fire protection or other emergency services. The proposed project is not expected to require additional fire protection services beyond that necessitated by similar developments, nor is it anticipated that the MBFD would be substantially affected servicing the site. A mitigation measure has been proposed that requires a knock box be installed at the vehicle access gate to ensure that emergency service access to the site is retained.
- b. Police protection services for the site during construction and occupation would be provided by the Morro Bay Police Department. Vandalism, theft of materials and equipment and burglary would be of potential concern. However, the proposed project is not expected to require additional police protection services beyond that necessitated by similar developments, nor is it anticipated that the MBPD would be substantially affected servicing the site.
- c. School services for residents of the site would be provided by the San Luis Coastal Unified School District. The number of school-age children that would be anticipated to live in the proposed single-family residence and secondary unit would be minor and could easily be accommodated at existing school facilities.
- d. Residents of the proposed single-family residence and secondary unit would contribute minimally to the use of existing nearby parks and open space areas, and would not necessitate the improvement of additional facilities.
- e. Residents of the proposed single-family residence and secondary unit would contribute minimally to the service demands of other governmental services.

**Mitigation and Residual Impact:**

14-1. A knock box shall be installed at the vehicle access gate to ensure that emergency service access is retained.

With the proposed mitigation measure to ensure continued access, City-provided services are not expected to be negatively affected by the project. The residual impact on public services would be less than significant.

**Monitoring:** All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department. Construction plans submitted to the City shall include details of all Emergency Service and Fire improvements, to be determined adequate by the City Fire Marshall.

| 15 RECREATION<br><br>Would the project:                                                                                                                                                      | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| 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         |

**Environmental Setting:** There are numerous recreational areas within the Morro Bay City limits and nearby vicinity. Available amenities include both passive and active facilities, such as over 10 miles of ocean and bay front shoreline,

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much of which is publicly-owned with laterally accessed, boat launches, piers, the Black Mountain Golf Course, Morro Bay State Park, Chorro Willows Camp Ground, the Morro Bay Community Center and the Veterans Memorial Building.

**Impact Discussion:**

- a. Residents of the proposed single-family residence and secondary unit will make a small contribution to the use of existing recreational facilities. Ample facilities exist in the vicinity which would be available to accept the additional activity with negligible effect.
- b. The proposed project does not include the development of any recreational facilities. Informal access to the undeveloped portions of Alta Street and Jordan Terrace would remain intact. Pedestrians wishing to access the public rights-of-way would be able to continue to walk up the driveway and cross into the undeveloped area via a small set of stairs just below the location of the access gate (Please refer to Section 16: Transportation/Traffic).

**Mitigation and Residual Impact:**

Because no significant impacts on recreation would result, no mitigation measures are required. The residual impact on recreation would be insignificant.

| 16 TRANSPORTATION/TRAFFIC<br><br>Would the project:                                                                                                                                                                                                                                                                                                                                                                           | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? |                                | X                                                  |                              |           |
| b. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the city 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. Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?                                                                                                                                                                                                                                         |                                |                                                    |                              | X         |

**Environmental Setting:**

The project site is accessed by the currently undeveloped rights-of-way known as Alta Street and Jordan Terrace. These two paper streets are designated in the General Plan Circulation Element as Local Streets. The applicant has proposed to develop a public/private access way up to the planned residence, and exceptions to waive requirements for complete improvements to these rights-of-way. In the R-1 District these improvements would include curb, gutter, and 20-feet of finished right-of-way to the street centerline.

**Impact Discussion:**

- a. The applicant has requested an exception to City standards to waive requirements for public improvements on Alta Court and Jordan Terrace. Frontage improvements include curb and gutter and paving to the centerline of the undeveloped rights-of-way. As an R-1 site adjacent to a residential street sidewalks are not required. The applicant has proposed to develop portions of Alta Street and Jordan Terrace with a 20-foot wide access way to approach the planned residence. No additional improvements on Alta Street or Jordan Terrace as it circumnavigates the site would be developed at this time. This proposal will limit alteration of the existing topography and rock outcroppings, and alleviate the need for additional tree removals. A mitigation measure has been proposed to ensure continued public access along the public rights-of-way. Additionally, there are several undeveloped, undersized parcels that if developed would require access from both Alta Street and Jordan Terrace. Although development of these lots is unlikely due to their small size, topography, and other constraints, access must not be precluded by proposed improvements within the right-of-way. A mitigation measure has been proposed to ensure continued potential for access consistent with City standards should these parcels be developed in the future.
- b. Workman activity and equipment associated with site work and construction will temporarily result in minor increases in traffic to and from the site. Because the streets accessing the site are currently free of congestion, and are designed to function with the proposed additional traffic, impacts related to this increase would be less than significant. Traffic associated with the proposed single family residence and secondary unit will be relatively minor and consistent with adjacent developed properties.
- c. The proposed project would have no impact on airborne traffic.
- d, e. The proposed access road takes a meandering path up to the site as it winds around natural rock outcroppings. The drive has been designed to meet Fire Department access requirements, including a 20-foot wide unobstructed road with 13-foot 6-inch vertical clearance. A hammerhead turn-around area designed to accommodate fire apparatus has also been incorporated into project plans to allow for necessary maneuvering. All equipment will be able to maneuver within this area, without significantly impairing the public right-of-way. Proposed driveway slopes range from 10% to 25%, leveling to just 5% at the parking area. In order to comply with fire apparatus access standards the road gradient will need to be modified so as not to exceed 20%. Required pavement type will vary based on the final gradients.
- f. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, as no such facilities are planned for in the immediate vicinity.

**Mitigation and Residual Impact:**

- 16.1 A agreement shall be recorded on title acknowledging that all private access improvements within the public rights-of-way shall be available to the public for continued use along Alta Street and Jordan Terrace.
- 16.2 Where retaining walls and other private improvements within the public rights-of-way may preclude adequate public access design features such as stairs, railings, etc. shall be provided.
- 16.3 The applicant shall install signage both at the base of Alta Street and upper limit of private improvements indicating the continued public access within the public rights-of-way is allowed. Design and placement of the signage shall be subject to the approval of the Public Services Director.
- 16.4 An agreement shall be recorded on title acknowledging that at the time of development of adjacent parcels accessed via Alta Street and Jordan Terrace the owner of said property may be required to remove some or all private improvements within the public rights-of-way and complete public improvements to the centerline of right-of-way, as determined necessary by the City Engineer.

INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence  
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16.5 The access road gradient shall not exceed 20% (CCFPA FC&S #09-011, and Morro Bay City Engineering Standards).

16.6 The required access road pavement will vary by gradient; areas less than 12% must utilize an approved all-weather surface; 12% to 16% an approved non-skid surface such as asphalt, concrete or an approved material, and; areas 16% or greater gradient must utilize an engineered non-skid surface for all-weather access roadway/driveway, such as asphalt, concrete or an approved material. All driving surfaces shall be capable of supporting a 20-ton, single-axle, live load, retaining a minimum of 90% compaction. Compaction tests and certification by a Registered Civil Engineer may be required to determine adequacy of the driving surface. Minimum 90% compaction is required.

With the implementation of these mitigation measures the potential impacts associated with exceptions to City plans would not conflict with transportation planning and programs developed to avoid or mitigate environmental effects. The residual impact on transportation and traffic would be less than significant.

**Monitoring:** All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department, and all required agreements including any covenants shall be accepted by the Public Services Department and recorded with the San Luis Obispo County Clerk prior to issuance of project related permits, including but not limited to those for tree removals, grading, or construction. Construction plans submitted to the City shall include details of all access improvements and signage, to be determined adequate by the Public Services Director and Fire Marshall.

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

**Environmental Setting:**

INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence  
CASE NO. UPO-223/CPO-285  
DATE: May 13, 2010

The project involves development of a single-family residence and secondary dwelling unit, which will utilize the City's water and wastewater services. Waste and recycling generated during construction and by the residential uses would be collected by Morro Bay Garbage.

**Impact Discussion:**

a, b. A minimal increase in the amount of water used and wastewater generated at the site would result from the proposed residential uses. Adequate capacity in the systems exist, therefore the project would not exceed Regional Water Quality Control Board wastewater treatment requirements or result in the expansion of associated facilities.

c. Two on-site retention facilities are proposed, flanking either side of the access way on the lower portion of the site. These private facilities will reduce flow rates from the site adequately to ensure that increased run-off from the site will not overwhelm existing public storm water drainage facilities or require expansion of those facilities. The basins are sized for six hour rainfall retention, at depths not exceeding 1.5-feet.

d. The proposed residential units would result in an incrementally increased water demand. State water is available to the site, and water impact fees associated with meter size will be required at time of construction. Flow test rates have verified that water pressure at the site will be adequate for domestic and fire suppression purposes, and no ancillary water storage tank facility will be necessary.

f.,g. The majority of waste generated in Morro Bay is transferred to Cold Canyon Landfill, with a minor portion going to Chicago Grade. The amount of solid waste generated by construction activities and the proposed residences would be minimal and could be accommodated at these facilities without significant impact. Pursuant to State and local policies, 50% or more of construction materials (by weight) must be diverted from the landfill, by recycling or reuse.

**Mitigation and Residual Impact:**

The applicant is required by the Morro Bay Municipal Code to pay water impact fees, as determined by the necessary meter size. The residual impact on utilities & service systems would be insignificant. Because no significant impacts on utilities and service systems would result, no mitigation measures are required. The residual impact on utilities would be insignificant.

**IV. INFORMATION SOURCES:**

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

City of Morro Bay Public Services Department (Public Works, Building and Planning Divisions), and the Fire Department

**B. General Plan**

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

**C. Other Sources of Information**

|   |                                      |   |                                                                                                                      |
|---|--------------------------------------|---|----------------------------------------------------------------------------------------------------------------------|
| X | Field Work / Site Visit              | X | Flood Control Maps                                                                                                   |
|   | Calculations                         | X | Zoning Maps                                                                                                          |
| X | Project Plans / Description          | X | Archeological Maps                                                                                                   |
|   | Traffic Study                        | X | Soils Engineering Report: prepared by GeoSolutions, Inc., dated June 24, 2004.                                       |
| X | Grading Plans                        | X | Soils Engineering Update Report: prepared by GeoSolutions, Inc., dated October 10, 2008.                             |
| X | Elevations /Architectural Renderings | X | Biological Assessment Report: prepared by DKWEnvironmental, dated June 30, 2005                                      |
| X | Published Geological Maps            | X | Biological Assessment Update Report: prepared by Sage Institute, Inc., dated October 16, 2008.                       |
| X | Topographic Maps                     | X | Cultural Resource Inventory: prepared by Bertrando & Bertrando Research Consultants, dated June 5, 2001.             |
| X | AG Preserve Maps                     | X | Cultural Resource Assessment Update: prepared by Bertrando & Bertrando Research Consultants, dated January 11, 2009. |

**V. MANDATORY FINDINGS OF SIGNIFICANCE**

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
| <b>Potential to degrade:</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? |                                | X                                                  |                              |           |
| <b>Cumulative:</b> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                                            |                                |                                                    | X                            |           |
| <b>Substantial adverse:</b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                              |                                |                                                    |                              | X         |

**Impact Discussion:** The project site is within the Low-Medium/Moderate Density Residential General Plan Designation and is zoned Single-Family Residential (R-1), where residences are allowable uses. The proposed project includes a single-family residence and secondary unit, and associated site improvements including access driveway, turn-around area, and retention basins. Several potentially significant impacts associated with the project design and construction activities have been identified, where local resources, health or safety could be degraded if specific practices are not employed in the project activities. The proposed mitigation measures address protection of aesthetic, biological and cultural resources, and potential impacts to air quality, geology and soils, and transportation and traffic, and will reduce any potentially significant impacts to a less than significant level when implemented. Because of the temporary nature of the identified potential effects of the project, no cumulative impacts are anticipated. The applicant has agreed to incorporate the mitigation measures and monitoring plan presented herein into the project description.

## **Summary of required mitigation measures**

### **Mitigation and Residual Impact:**

#### **Aesthetic Resources:**

- 1-1. A Landscape Plan including size, species, quantities and layout of planting materials shall be developed, with planting palette limited to California native plantings endemic to the region and appropriate for the rocky hillside site. The landscape plan shall be in keeping with the intent to keep the bulk of the project has an appearance of being natural and undisturbed. A portion of the project site within the 6' fence line shall be allowed to be planted with non-native, drought tolerant, noninvasive and non spreading plants. The design of this area shall also be included in the landscape plans.
- 1-2. All exterior lighting shall be designed and operated to avoid light being directed or allowed to spill out onto neighboring properties or the public right of way except lighting adjacent to the public-right-of-way (paper street surrounding property) shall be of minimum wattage and height for safety purposes except as allowed with an encroachment permit. Lights shall be of minimum wattage and height to achieve safety or aesthetic purposes, and shall be properly screened to avoid illumination of the sky. The lighting plan shall identifying the location, height, design and wattage of any proposed exterior lights. All lighting will also be in conformance with Section 17.52.080.

With the implementation of these mitigation measures potential impacts to aesthetic resources resulting from the project would be reduced to less than significant levels.

*Monitoring:* Landscape and Lighting Plans (photometric plan) shall be submitted to the City with construction documents. The Public Services Planning Divisions shall be responsible for review and approval of these details prior to issuance of permits for any site or construction work, as applicable.

#### **Air Quality Resources:**

- 3-1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, Diesel Particulate Matter, and Fugitive Particulate Matter (PM10). The following standard mitigation measures required by the APCD Clean Air Plan shall be applied:
  - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
  - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
  - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation.
  - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
  - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
  - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
  - i. Electrify equipment when feasible.
  - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
  - k. Use alternatively fueled construction equipment on-site where feasible.
  - l. Reduce the amount of disturbed area where possible.
  - m. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency is required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used if available.
  - n. All dirt stock-pile areas shall be sprayed daily as needed.
  - o. All access ways to be paved shall be completed in the initial project phases, and building pads should be laid

INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence

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DATE: May 13, 2010

- as soon as possible after grading unless seeding or soil binders are used.
- p. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**Monitoring:** All required mitigation measures shall be included as notes on project-related plans, to the satisfaction of the Public Services Department. Public Services staff shall verify compliance during routine site inspections.

**Biological Resources:**

4-1. Tree removal shall be conducted pursuant to the adopted City of Morro Bay Major Vegetation Guidelines.

4-2. On-site major vegetation removed shall be replaced in-kind at a ratio of two 5-gallon trees and shall have a minimum caliper of 1 inch and a minimum height of 6 feet or one 15-gallon tree ( 2 inches in caliper and 10 feet in height) for every tree removed. Tree replacements shall be in-kind and occur on-site in locations where they will provide additional screening of proposed improvements, subject to approval of the Public Services Director.

4-3. Trees removed from within the public right-of-way shall be replaced at not less than a ratio of two-to-one for every tree removed. Location and type of replacement tree plantings shall be subject to approval of the Public Services Director. If trees are replaced on unimproved portions of Alta Street or Jordan Terrace they shall be replaced in-kind; if other locations within the public right-of-way are authorized then trees shall be of the type specified in the Master Tree List for that particular location. If the applicant is able to substantiate that there is insufficient space on-site that can accommodate the planting of additional trees without disturbing the rock on-site (boring into the rock etc) or jeopardizing the health of the existing tree (tree canopies growing into each other etc.). Placement of any tree off-site that was required as mitigation shall submitted for review and approval by the Public Services Director prior to installation.

4-4. All future requests for the removal of trees greater than six-inches in diameter at four and one-half feet vertically above ground shall be subject to the City of Morro Bay's Major Vegetation Guidelines for the removal of any trees that are diseased, damaged or otherwise constitute a potential hazard. Removal of healthy trees shall not be allowed specifically any tree removed for the purpose of establishing or enhancing views.

With the implementation of these mitigation measures potential impacts to biological resources resulting from the project would be reduced to less than significant levels.

**Monitoring:** Prior to issuance of encroachment, tree removal, or construction permits any nesting bird surveys or project-related plans, including recommended replacement planting plans, shall be submitted to and accepted by the Public Services Department. Plans shall include notes indicating the time of year tree removals may occur, or referencing the findings and recommendations of the nesting bird surveys.

**Cultural Resources:**

5-1.A subsurface evaluation of the site (Phase 2 Cultural Resource Evaluation) shall be conducted to more firmly establish the condition, integrity, extent and content of archeological deposits on the property, to determine if it qualifies as significant. The Phase 2 Cultural Resource Evaluation shall include findings and any recommended additional studies or mitigation measures, and may result in additional studies and/or project conditions as determined by the Public Services Department. The Phase 2 Cultural Resource Evaluation and any additional studies or mitigation shall be accepted by the Public Services Department prior to issuance of any project related permits, including but not limited to tree removals, grading, or construction.

5-2. All ground disturbing activities shall be monitored by an archeologist, even if no archaeological remains are recovered during the evaluation study. If archeological resources are discovered during construction all activities shall cease, resuming only once the Public Service Director makes findings established in Section 17.48.310 of the Municipal Code.

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DATE: May 13, 2010

5-3. Access to Cerrito Peak and the recorded on-site archaeological sites shall be permitted to local Native American representatives, upon 48-hour notification of the property owner and/or primary resident.

With the implementation of these mitigation measure potential impacts to cultural resources, including both those in the physical record and living spiritual sites, resulting from the project would be reduced to less than significant levels.

*Monitoring:* All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department. The Phase 2 Cultural Resource Evaluation shall be accepted by the Public Services Department, and any recommended conditions accepted and/or implemented prior to issuance of project related permits, including but not limited to those for tree removals, grading, or construction. Public Services staff shall verify compliance during routine site inspections. Prior to the issuance of construction-related permits, a covenant agreement shall be recorded on-title notifying all future property owners that local Native American representative shall be provided with access to Cerrito Peak and the recorded on-site archaeological sites upon 48-hour notification of the property owner and/or primary resident.

**Geology and Soils:**

6-1. A detailed rock-fall investigation and mitigation plan shall be prepared by a qualified geotechnical engineer identifying the geologic design parameters for rock-fall mitigation, and, as appropriate, risk-reduction measures on adjacent properties, and need for long-term maintenance. This investigation report and mitigation plan shall be submitted, reviewed and approved prior to the issuance of any building permit or on-site ground work.

6-2. A detailed erosion and sediment control plan consistent with the City's Erosion and Sediment Control Manual shall be prepared. It shall include control measures for protection against erosion of adjacent property and prevention of sediment or debris from entering the City right-of-way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

6-3. Recommendations of the Soils Engineering Update Report prepared by Geosolutions, Inc. (October 10, 2008) shall be incorporated into the project design.

With the implementation of these mitigation measures potential impacts associated with geology and soils would be reduced to less than significant levels.

*Monitoring:* The detailed rock-fall and erosion and sediment control plans, and structural details consistent with recommendations of the Soils Engineering report shall be submitted to the Public Services Department with construction documents. The Public Works and Building divisions shall be responsible for reviewing and approval of these details prior to issuance of permits for any site or construction work, as applicable.

**Public Services:**

14-1. A Knox box shall be installed at the vehicle access gate to ensure that emergency service access is retained.

With the proposed mitigation measure to ensure continued access, City-provided services are not expected to be negatively affected by the project. The residual impact on public services would be less than significant.

*Monitoring:* All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department. Construction plans submitted to the City shall include details of all Emergency Service and Fire improvements, to be determined adequate by the City Fire Marshall.

**Transportation and Traffic:**

16.1 A agreement shall be recorded on title acknowledging that all private access improvements within the public rights-of-way shall be available to the public for continued use along Alta Street and Jordan Terrace.

INITIAL STUDY AND CHECKLIST – Jordan Terrace/Cerrito Peak Residence  
CASE NO. UPO-223/CPO-285  
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- 16.2 Where retaining walls and other private improvements within the public rights-of-way may preclude adequate public access, design features such as stairs, railings, etc. shall be provided.
- 16.3 The applicant shall install signage both at the base of Alta Street and near the public stairway indicating the continued public access within the public rights-of-way is allowed. Design and placement of the signage shall be subject to the approval of the Public Services Director.
- 16.4 An agreement shall be recorded on title acknowledging that at the time of development of adjacent parcels accessed via Alta Street and Jordan Terrace the owner of said property may be required to remove some or all private improvements within the public rights-of-way and complete public improvements to the centerline of right-of-way, as determined necessary by the City Engineer.
- 16.5 The access road gradient shall not exceed 20% (CCFPA FC&S #09-011, and Morro Bay City Engineering Standards).
- 16.6 The required access road pavement will vary by gradient; areas less than 12% must utilize an approved all-weather surface; 12% to 16% an approved non-skid surface such as asphalt, concrete or an approved material, and; areas 16% or greater gradient must utilize an engineered non-skid surface for all-weather access roadway/driveway, such as asphalt, concrete or an approved material. All driving surfaces shall be capable of supporting a 20-ton, single-axle, live load, retaining a minimum of 90% compaction. Compaction tests and certification by a Registered Civil Engineer may be required to determine adequacy of the driving surface. Minimum 90% compaction is required.

With the implementation of these mitigation measures the potential impacts associated with exceptions to City plans would not conflict with transportation planning and programs developed to avoid or mitigate environmental effects. The residual impact on transportation and traffic would be less than significant.

*Monitoring:* All required mitigation measures shall be included as notes on project-related plans to the satisfaction of the Public Services Department, and all required agreements including any covenants shall be accepted by the Public Services Department and recorded with the San Luis Obispo County Clerk prior to issuance of project related permits, including but not limited to those for tree removals, grading, or construction. Construction plans submitted to the City shall include details of all access improvements and signage, to be determined adequate by the Public Services Director and Fire Marshall.

**VI. DETERMINATION**

On the basis of this initial evaluation:

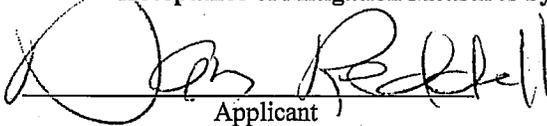
The Public Services Director has found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

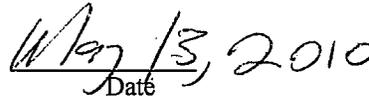
The Public Services Director has found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION**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

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

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

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

  
Applicant

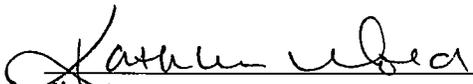
  
Date

With Public Hearing

Without Public Hearing

Previous Document : None

Project Evaluator : Kathleen Wold, Senior Planner

  
Signature

May 13, 2010  
Initial Study Date

Kathleen Wold  
Printed Name

On behalf of Rob Livick, Public Services Director

City of Morro Bay  
Lead Agency



STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
GOVERNOR

June 23, 2010

RECEIVED

JUN 25 2010

Public Services Department

CYNTHIA BRYANT  
DIRECTOR

Kathleen Wold  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442

Subject: Jordan Terrace/Cerrito Peak Residence  
SCH#: 2010051056

Dear Kathleen Wold:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on June 21, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010051056  
**Project Title** Jordan Terrace/Cerrito Peak Residence  
**Lead Agency** Morro Bay, City of

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**Type** MND Mitigated Negative Declaration  
**Description** Construction of a new 2 story split level, 3,256 sf residential structure including an attached 2 car 920 sf garage, 745 sf of decking decks, and a 711 sf secondary living unit. Other improvements include two uncovered parking spaces for the secondary unit and guest parking, an ~400 ft long driveway and hammer-head turn around, retaining walls, and associated tree and vegetation on-site and within the public right-of-way, fencing within the public right-of-way, and waiver of requirements for frontage improvements on Alta Street and Jordan Terrace.

---

**Lead Agency Contact**

**Name** Kathleen Wold  
**Agency** City of Morro Bay  
**Phone** 805-772-6211 **Fax**  
**email**  
**Address** 955 Shasta Avenue  
**City** Morro Bay **State** CA **Zip** 93442

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**Project Location**

**County** San Luis Obispo  
**City** Morro Bay  
**Region**  
**Lat / Long**  
**Cross Streets** Alta St and Jordan Terrace  
**Parcel No.** 066-221-001  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways** Hwy 1  
**Airports**  
**Railways**  
**Waterways** Morro Bay  
**Schools**  
**Land Use** Vacant Site/Single Family Residential (R-1)/Low Medium Moderate Density Residential

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Public Services; Traffic/Circulation

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

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**Date Received** 05/20/2010 **Start of Review** 05/20/2010 **End of Review** 06/21/2010

EXHIBIT F

# Responses to Comment period

(6/2/2010)  
RECEIVED

JUN 3 2010

City of Morro Bay  
Public Services Department

To: Kathleen Wold  
City of Morro Bay

RE: Public Comment on Jordan Terrace/Cerrito Peak Residence

Dear Kathleen,

We are writing with much concern about Dan Reddell's project, titled Jordan Terrace/Cerrito Peak Residence, due to the proposed cutting of nearly 30 mature eucalyptus trees. These trees shelter owls and hawks, among other birds. Monarch butterflies also routinely come to these trees during their winter migration. The trees are a vital, irreplaceable component of the local ecosystem. Their loss would be devastating to the animals, birds and butterflies in this small slice of wilderness. The rule mandating that all trees removed be replaced 2-1 is little consolation for this grove. The replacements will be small 5 gallon trees (or one 15 gallon tree instead of the two smaller ones) that will take many years to mature, by which time the damage to animal life will have long been done.

The pictures of the proposed development, available at the City as part of the building plan, conveniently do not include the driveway, and the trees that will be removed for this drive remain intact. From these deceptive images, the houses look unobtrusive and largely in harmony with the environment. I request that an accurate drawing be rendering for the city and the public to view so that we can see the real scale of damage this project will perpetuate on Cerrito Hill.

Thank you for taking these comments to heart.

Sincerely,

Nicole and Brian Dorfman  
570 Olive Street  
Morro Bay  
805-441-7552  
nicole@briandorfman.com

**From:** Sam Studer <samcarol37@earthlink.net>  
**To:** <KWold@morro-bay.ca.us>  
**Date:** 6/8/2010 9:30 PM  
**Subject:** Eagle Rock Development

Dear Kathleen,  
I am concerned about the upcoming development located at Eagle Rock. Many trees are tagged to be chopped down. These trees are homes to Monarch butterflies. Our family has enjoyed hiking up Eagle Rock and we are sad and concerned that this special place will be destroyed. Thank-you for considering these concerns and please don't approve this development. from, The Studer family, Morro Bay, CA



# Northern Chumash Tribal Council

A Native American Corporation - NorthernChumash.org  
67 South Street, San Luis Obispo, CA 93401 805-528-0806

Kathleen Wold, Senior Planner  
Public Services Department  
955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6211

June 15, 2010

Re: UPO 223/CPO-285

Dear Kathleen,

Please find below in this document the comments of the Northern Chumash Tribal Council (NCTC) the indigenous people of Morro Bay for over 10,000 years.

Additionally please see the preservation laws, referring to the above referenced project, Eagle Rock is a Sacred Chumash Place for over 10,000 years, located in the town of Morro Bay also known as Cerrito Peak. This Sacred Place is a place of worship where the Chumash came to pray and offer ceremony to the Great Mystery.

Eagle Rock is a Sacred Chumash Place that is woven into the Cosmology and Sacred Understanding of the Chumash People and our way of life.

Eagle Rock is a Sacred Chumash Place that must be preserved as it is "Irreplaceable" and "Priceless", any disturbance in this area will cause irreparable harm to the Sacred Spiritual Landscape of this Sacred Cathedral.

*CEQA requires that the Lead Agency, through its initial study, review the whole of a project. A project must not be broken into smaller parts, each of which alone might qualify for a Negative Declaration, in an attempt to avoid preparing an EIR (Association for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151). The decision to prepare a mitigated Negative Declaration (and a Negative Declaration for that matter) must be grounded in an objective, good faith effort on the part of the Lead Agency to review the project's potential for significant impacts (Sundstrom v. County of Mendocino, supra).*

*15355. "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*

*(a) The individual effects may be changes resulting from a single project or a number of separate projects.*

*(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

**ENVIRONMENTAL & LAND-USE CONSULTING  
EDUCATIONAL SERVICES TEACHING NATURE, NATIVE CULTURES &  
FARMING**

*15382. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.*

*A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*

*Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:*

*Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*

*Is associated with the lives of persons important in our past;*

*Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*

*Has yielded, or may be likely to yield, information important in prehistory or history.*

*Code Book: California Penal Code*

*Citation: §622 ½*

*Section Title: Objects of archeological or historical interest*

*Summary:*

*Establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archeological or historical interest or value, whether situated on private or public lands.*

*Code Book: California Penal Code*

*Citation: §623*

*Section Title: Caves*

*Summary:*

*(a)(2) Establishes as a misdemeanor the disturbing or alteration of any archeological evidence in any cave without the written permission of the owner of the cave, punishable by up to one year in the county jail or a fine not to exceed \$1,000, or both.*

*Code Book: California Public Resources Code*

*Citation: § 5020.5*

*Section Title: Historical resources: archeological sites and specimens*

*Summary:*

*Directs the State Historical Resources Commission to develop criteria and methods for determining the significance of archeological sites, for selecting the most significant sites, and for determining whether the most significant sites should be preserved intact or excavated and interpreted. Directs the commission to develop guidelines for the reasonable and feasible collection, storage, and display of archeological specimens.*

*Code Book: California Public Resources Code*

*Citation: § 5097.1 through § 5097.6*

*Section Title: Archeological, paleontological, and historical sites*

*Summary:*

*Requires state agencies proposing any major public works project on state lands to submit general plans for the project to the Department of Parks and Recreation prior to commencement of construction. Allows the Department of Parks and Recreation to conduct archeological site surveys on the affected state lands in order to determine whether such lands may contain any historic or prehistoric ruins, burial grounds, paleontological sites, rock art, or any other archeological, paleontological, or historical feature. Allows the state agency constructing the public works on state lands to undertake surveys, excavation, or other operations on the state lands, or to contract with the Department of Parks and Recreation to do so, as it determines to be necessary to preserve or record any archeological, paleontological, or historical features. Prohibits any archeological program conducted by the Department of Parks and Recreation from impairing, impeding, or delaying any state construction project. Prohibits the removal, destruction, or defacement of any archeological, historical, or paleontological feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.*

*Code Book: California Public Resources Code*

*Citation: § 5097.91 through § 5097.94*

*Section Title: Native American historical, cultural and sacred sites: Native American Heritage Commission*

*Summary:*

*Creates the nine-member Native American Heritage Commission appointed by the governor and directs that at least five members shall be elders, traditional people, or spiritual leaders of California Native American tribes. Directs the commission to identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands, and to perform other duties regarding the preservation and accessibility of sacred sites and burials and the disposition of Native American human remains and burial items.*

*Code Book: California Public Resources Code*

*Citation: § 5097.95*

*Section Title: Native American historical, cultural and sacred sites: cooperation of agencies with Native American Heritage Commission*

*Summary:*

*Directs all state and local agencies to cooperate with the Native American Heritage Commission, including the transmittal of copies of appropriate sections of all environmental impact reports relating to property identified by the commission as of special religious significance to Native Americans, or which is reasonably foreseeable as such property.*

*Citation: § 5097.96*

*Section Title: Native American historical, cultural and sacred sites: inventory of sacred places*

*Summary:*

*Authorizes the Native American Heritage Commission to prepare an inventory of sacred places located on public lands and to review the administrative and statutory protections accorded to such places. Directs the commission to submit a report to the Legislature recommending actions as the commission deems necessary to preserve such sacred places and to protect the free exercise of Native American religions.*

*Code Book: California Public Resources Code*

*Citation: § 5097.97*

*Section Title: Native American historical, cultural and sacred sites: investigations; legal actions*

*Summary:*

*Enables the Native American Heritage Commission to investigate the effect of proposed actions by a public agency if such action may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access thereto by Native Americans. Authorizes the commission to recommend mitigation measures for consideration by the agency if the commission finds, after a public hearing, that the proposed action would result in such damage or interference. Allows the commission to ask the attorney general to take appropriate action if the agency fails to accept the mitigation measures.*

*Secondary Topic:*

*Native American Burial and Other Preservation Issues*

*Code Book: California Public Resources Code*

*Citation: § 5097.98*

*Section Title: Native American historical, cultural and sacred sites: notification of discovery of Native American human remains*

*Summary:*

*Requires the Native American Heritage Commission, upon notification by a county coroner, to notify the most likely descendants regarding the discovery of Native American human remains. Enables the descendants, within 24 hours of notification by the commission, to inspect the site of the discovery of Native American human remains and to recommend to the landowner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. Requires the owner of the land upon which Native American human remains were discovered, in the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or the land owner rejects the recommendation of the descendant, to reinter the remains and burial items with appropriate dignity on the property in a location not subject to further disturbance.*

*Code Book: California Public Resources Code*

*Citation: § 5097.99*

*Section Title: Native American historical, cultural and sacred sites: obtaining or possessing Native American artifacts or human remains*

*Summary:*

*Prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with*

*the Native American Heritage Commission.*

*Code Book: California Government Code*

*Citation: § 6254*

*Section Title: Exemption of public records from disclosure*

*Summary:*

*(r) Exempts from disclosure public records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.*

*Code Book: California Health and Safety Code*

*Citation: § 7050.5*

*Section Title: Removal of human remains from location other than a dedicated cemetery*

*Summary:*

*(c) Requires a county coroner, in the event of the discovery of human remains in any location other than a dedicated cemetery, to contact the Native American Heritage Commission within 24 hours if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American.*

*Code Book: California Government Code*

*Citation: §12600 through §12612*

*Section Title: Attorney General: environmental action*

*Summary:*

*Permits the attorney general to intervene in any judicial or administrative proceeding in which facts are alleged concerning pollution or adverse environmental effects that could affect the public generally. Authorizes the attorney general to maintain an action for equitable relief in the name of the people of the state against any person for the protection of the natural resources of the state from pollution, impairment or destruction. Includes historic sites in the definition of natural resources. Allows a defendant in such an action to show, by way of an affirmative defense, that there is no more feasible and prudent alternative to the defendant's conduct, and that such conduct is consistent with the protection of the public, health, safety and welfare. Authorizes the court, in granting temporary or permanent equitable relief, to impose such conditions upon the defendant as are required to protect the natural resources of the state from pollution, impairment or destruction.*

*Code Book: California Public Resources Code*

*Citation: §21083.2*

*Section Title: California Environmental Quality Act: archeological resources*

*Summary:*

*Directs the lead agency on any project undertaken, assisted, or permitted by the state to include in its environmental impact report for the project a determination of the project's effect on unique archeological resources. Defines a unique archeological resource as one which contains information needed to answer an important scientific research question for which there is a demonstrable public interest; has a particular quality such as being the oldest or best example of a type; or is directly associated with a scientifically recognized important prehistoric or historic event or person. Enables the lead agency to require an applicant to make reasonable efforts to preserve any affected unique archeological resources in place or to undertake mitigation measures if such resources are not preserved in place. Requires the project applicant to guarantee to pay one-half the estimated cost of such mitigation and enables the lead agency to reduce any final mitigation measures to those which can be*

*funded with the money guaranteed by the project applicant plus any money voluntarily guaranteed by any other persons within 60 days of the agency's decision. Restricts excavation as mitigation to those parts of the unique archeological resource that would be damaged or destroyed by the project. Sets specific limits on the amount that a project applicant may be required to pay for mitigation measures. Requires in most cases that the field excavation phase of a mitigation plan shall be completed within 90 days after final approval is given for the physical development of the project. Prohibits any part of this section from nullifying protections for Indian cemeteries under any other provision of law.*

The Cultural Resource mitigation measures on page 17 of the Negative Declaration Document, are the worst mitigation concerning the preservation of a Sacred Site that we have ever seen and are lacking in every aspect and promote cultural genocide, discrimination, ethnic cleansing and will deprive the Chumash Community of unobstructed religious freedom and civil rights. No one has the right to stop or alter the Native American Right to Freedom of Religion. The City of Morro Bay and applicant have known about the Sacred Site issue for many years this is not a new revelation to anyone.

We need to figure out how to save this site. We need to get people together to save this most important Sacred Site.

We urge the Planning Commission, City Council, City Attorney, and Staff to understand the at some point in time everyone needs to wake up, and start caring about other human races, the Native American Chumash Sacred Site that have been destroyed in Morro Bay are too numerous to count, it has been a very difficult experienced to see the destruction and disrespect to the rich Culture of the Native American Chumash in Morro Bay, let's do something right and save our Culture for the future, and in the process teach our children how to respect others, and live on this plant together working for future generations to come.

Thank you for your anticipated cooperation.

Northern Chumash Tribal Council  
Cultural Resource Board



SINSHEIMER JUHNKE LEBENS & McIVOR, LLP  
ATTORNEYS AT LAW

JUN 21 2010

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June 21, 2010

**VIA HAND DELIVERY**

City of Morro Bay  
Public Services Department  
c/o Kathleen Wold, Senior Planner  
955 Shasta Avenue  
Morro Bay, California 93442

Re: Jordan Terrace/Cerrito Peak Residence: Reddell UPO-223/CPO-285: – Attachment  
to Request for Review of Draft Mitigated Negative Declaration and Notice of  
Determination

Dear Ms. Wold:

On behalf of Nancy Mellen, please accept this request for review of the proposed Draft Mitigated Negative Declaration and Notice of Determination dated May 13, 2010 ("MND"), for the above referenced proposed project (the " Proposed Project").

This request for review is made upon the grounds, among others, that the MND is inadequate because it omits or fails to adequately identify, address, and mitigate certain environmental effects of the Proposed Project.

More particularly, review is warranted for each of the following reasons:

1. The City's Initial Study ignores and fails to identify or analyze all potential impacts of the Proposed Project.
2. The City's proposed mitigation measures fail to adequately mitigate those Proposed Project impacts which are identified.
3. The MND is incomplete and internally contradictory in significant respects.
4. The City's file and information is incomplete and internally contradictory in significant respects.

Illustrations of disputed Initial Study conclusions and of specific errors and omissions in the Initial Study and MND are set forth below and include, without limitation:

**Discrepancy Between Noticed Dates for Public Review Period.**

The date on the file copy of the Notice of Determination states that the public review period begins May 17, 2010 and ends June 16, 2010, but the post card sent by the city to residents near the Proposed Project site states the review period begins May 24, 2010, and ends June 22, 2010. This discrepancy may have lead those reviewing only the Notice of Determination to believe that they missed the time to submit comments to the MND and Initial Study.

**Discrepancy in Project Descriptions.**

The Project Description provided in the Notice of Determination and the Postcard on the one hand, and the Project Description for the MND and the Initial Study on the other hand, provide different square footage calculations. Further, neither the Notice of Determination nor the Postcard includes the 48 square foot patio.

It is also unclear from the Project Description how many square feet of ground will be covered/disturbed due to the Proposed Project, as is required to determine whether there will be any significant impact on the environment, and if so, whether the effect can be adequately mitigated.

Further, the significant impacts described in the grading and drainage plans have not been addressed in the Initial Study.

**Findings of the Environmental Coordinator.**

The Findings of the Environmental Coordinator on the MND, page 1, states that the Proposed Project will not have a significant effect on the environment. The paragraph goes on to contradict itself by stating that mitigation "*measures, if necessary and required to assure that there will not be significant effect in the case, are described in the attached Initial Study and Checklist and have been added to the permit conditions of approval.*"

"*If necessary*" and "*conditions of approval*" are used in the same sentence. Clearly if permit conditions of approval are included as mitigation measures, there are at least some significant effects on the environment, otherwise, no mitigation conditions would be included as part of any permit approval. The findings should be amended to accurately reflect that there are potentially significant effects on the environment.

**Project Information.**

The last sentence of text on page 3, summarizing the Project Description raises concerns about the willingness of the City to allow significant exceptions from the City's development

standards. The sentence states: "*Single family homes necessitating exceptions to development standards (i.e. parking in the front yard, removal of major vegetation) and secondary dwelling units are allowable uses with Conditional Use and Coastal Development Permit (UPO/CDP) approvals.*"

It may be allowable to make exceptions to development standards in certain circumstances, but here there seems to be a multitude of exceptions. For example, in locations near the water where space is tight, it is understandable that an accommodation may need to be made with respect to parking.

Here, the site is well over an acre. The exception to allow parking in the front yard is not therefore caused by a lack of area, but is likely due to the Proposed Project comprising nearly 4,000 square feet of living space on a 25 degree slope.

If the City held to its development standards, the Applicant would probably just reduce the size of the structure, and discard the secondary living unit. A residence in the range of 2,000 square feet might provide the Applicant with much needed flexibility in the design and location of a structure on the site, and possibly locate parking in a more traditional manner.

There are many other exceptions to the City's development standards as described in the Initial Study, including "encroachment," although the Initial Study does not describe where the encroachment occurs, removing trees in the public right-of-way, and installing stormwater runoff catch basins in the public right-of-way.

These exceptions are numerous and significant, and are greater in number and impact than would normally be asked for or allowed in relation to the development of a single family residence.

It is also important to note that many of the mitigation measures suggested in the Initial Study just require compliance with the City building codes. Therefore, it is quite possible that additional exceptions to the City's development standards could be allowed as Applicant seeks permits for the Proposed Project.

Due to the large number of exceptions to the City's development standards, the City should not approve the mitigated negative declaration.

The Initial Study is also inadequate in that it completely ignores the grading and drainage associated challenges associated with the Proposed Project. Due to the nature of the Proposed Project, the grading and drainage plan must be properly addressed in the Initial Study.

#### **Incorrect Vicinity Map.**

It does not appear that the Project is shown on the Vicinity Map, which is page 4 of the Initial Study. This may have lead people to believe that Cerrito Peak and the accompanying open space were not actually the site of the Proposed Project, leading to reduced public interest and

participation. This is significant because CEQA is, in part, intended as a means to require public agencies to consider and disclose to the public the environmental implications of their actions. If this is not performed accurately, then the City has failed in satisfying the purpose of CEQA.

### **Elevations.**

The Elevations provided on page 6 of the Initial Study are not sufficient because they do not show the total height of the six foot high fence, combined with retaining walls, that encompasses half of the Proposed Project. While the general location is described as beginning in the northeastern corner of the home, near the garage, continuing along the northern retaining wall, and across the driveway, and around to the southeastern corner of the home, the total height is not included in the Initial Study. *See also* Land Use and Planning discussion.

The fence will require a gate that will run across the upper end of the driveway, and will obviously impact the appearance and viewshed considerations of anyone wishing to know what the Proposed Project will look like. Without depicting the actual appearance of the Proposed Project, the City is again denying the public an opportunity to fully review the Proposed Project as required by CEQA.

The Elevations also fail to show the elevations and heights of many of the structures required to support the project, including such things as the driveway, retaining walls and crib walls.

Further, Public Resources Code Section 21080(c)(2) requires that any changes to a project must be included in the redesigned project prior to approval of any mitigated negative declaration. Therefore, accurate depictions of the Proposed Project must be included in the Initial Study before the MND can be submitted for approval.

### **Environmental Setting and Impacts.**

The third sentence of the second paragraph on page 8 raises concerns about the effect of the development on the public right of way. The sentence states: "*Construction of the residence and associated improvements will also necessitate the issuance of permits for removal of trees within the right-of-way, encroachment and construction.*"

Before even getting into possible mitigation or effects of the Proposed Development, the Initial Study states part of the public right-of-way must be altered to allow for private development, and that "encroachment" will be necessary. The Initial Study must state what encroachments are required by the Applicant.

Another concern with the Proposed Project is the location and path of the private driveway. Judging from the Site Plan on page 5 of the Initial Study, the path of the private driveway appears to come within feet of Ms. Mellen's residence. If the Applicant were required to develop the public right-of-way in accordance with City standards, there would be a sidewalk or landscaping or both

that would be required between the private driveway and neighboring properties. But because of the extreme nature of the slope, it appears the City is willing to allow the Applicant to both forego installation of standard infrastructure and to allow the Proposed Project's private driveway to run within feet of adjacent private property.

Because of the uncertainty of the elevation and exact location of the private driveway, the level of impact on neighboring properties is difficult to properly ascertain and review. However, probable impacts are the glare of headlights shining directly into the private properties adjacent to the site as vehicles come down the private driveway, as well as attendant noise and alteration of the local viewshed.

### **Surrounding Land Use.**

Another concern is the casual description of the surrounding land use. For each of the four directions, the Initial Study merely states "Residential" as the surrounding use. This is concerning because there is a sizeable public right-of-way between the Proposed Project and the residences surrounding Cerrito Peak.

It is unlikely that an interested person in reading this section of the Initial Study would realize that there are a couple of acres of public open space between the Proposed Project site and the nearby residences. This description does not accurately describe the fact that the Proposed Project will sit like a monolith in the middle of public open space. If the site happened to be in the middle of a City park, with residences outside of the park, that fact would be mentioned.

To read this section without viewing the site would be to think that a simple single family residential zoned lot, situated among other similar lots that have previously been developed, is now going to be developed. Instead, a large house, secondary unit, access route, and accompanying parking, fencing and infrastructure is proposed to be constructed in the "donut hole" of the open space known as Cerrito Peak.

Further, it is unclear from the grading and drainage plan how much of the grading will take place in the public open space, and what it will look like when completed. In fact, it appears from the Site Plan that some grading will take place on some of the adjacent residential lots.

### **Environmental Checklist**

#### **Aesthetics.**

Very early in the Environmental Discussion, page 9, concerns are raised about the accuracy of the discussion. The second sentence states: "*Additionally, because of the existing Eucalyptus canopy, the proposed improvements will not be readily visible from adjacent properties or developed right-of-way.*"

This is simply not true. Several of the adjacent properties will have a direct view of the Proposed Project. The number of adjacent properties that will have a direct view of the Proposed Development may increase once part of the "Eucalyptus canopy," boulders and rock outcroppings are removed from the right-of-way and from the Proposed Project site. The replacement of 34 mature trees with small, immature trees, will do little to mitigate the significant effect the Proposed Development will have on the aesthetics of the site and the surrounding area.

This first paragraph of the Section goes on to state: *"Nevertheless, proposed improvements must be designed harmoniously with the surrounding neighborhood as to not detract from the surroundings or view. Section 17.48.190 of the Zoning Ordinance requires 'protection of visual resources' and 'compatible design.' Site layout, architecture and landscaping are discussed in detail below, and are routinely reviewed by the Planning Commission as part of the CUP review process."*

This last part of the paragraph states that the zoning ordinance requires certain actions, and that the Planning Commission will "review" the plans. At what point will the public be informed of what will actually be developed at the Proposed Project? Will further exceptions to the City's development standards be granted as part of the Planning Commission's review?

Subsection c. of the Impact Discussion states: *"Several boulders will be removed or submerged underneath the proposed driveway and structure. However, the majority of the rock outcroppings, including the largest and most visually striking, will remain in place and unaltered."*

The Initial Study should accurately define what constitutes "rock outcroppings" and what a "boulder" is. There are some areas of exposed stone that may be boulders or might be part of the rock outcroppings. Until this is made clear, and the Applicant clearly identifies which boulders will be removed or submerged, and which part of the rock outcroppings will be altered or removed, it is impossible to review the impact of those actions on the aesthetics of the site and the surrounding area.

Note also the great cultural significance of this site to the Chumash nation, which is discussed more fully in the Cultural Resources section.

It is the entirety of the natural landscape, including the boulders, outcroppings, trees and vegetation that constitute the whole of the aesthetics of the site and the surrounding area. Therefore, until it is clear which and how many boulders are to be removed or "submerged," and what part of the rock outcroppings will be destroyed, it is impossible to determine whether the Proposed Project will have a significant impact on the aesthetics of the site and surrounding area.

Concerns are also raised with respect to the six foot high fence that will run around half of the Proposed Project, as described above in Elevations. Since it does not appear that the fence is depicted on the site plans included in the MND and Initial Study, it is impossible to determine the fence's effect on the aesthetics of the Proposed Project. However, it is likely that such a fence will be

a prominent feature of the Proposed Project, and therefore it is important that it is accurately depicted in the site plans, so that the City and the public may review its impact in accordance with CEQA guidelines.

Another issue facing the aesthetics of the Proposed Project is the use of retaining walls. In the February 23, 2009 letter from Kathy Novak Consulting to the City, Ms. Novak states in item 1, that "*the largest cut required for the garage foundation is adjacent to the large outcropping that is hidden from any view with only 5-foot exposed retaining wall.*" A 5-foot high wall is nearly as high as the average person, therefore it will be clearly visible from a considerable distance. Use of other retaining walls and similar structures is also likely, due to the Proposed Project's need to "step up" the 25% grade of the site.

It is also unclear how the private driveway will need to be constructed in order to comply with the maximum 20% grade required by the Fire Department. However, it does seem apparent that the Proposed Project will require a dark asphalt ribbon, raised and supported by retaining walls and crib walls, in order to access the proposed residences.

#### **Air Quality.**

Concerns are raised with regard to discussion of the retention basins. The Impact Discussion states that "*two onsite retention basins will be constructed,*" and that "*both will be limited to 1.5-feet in depth so as to not require fencing.*"

First, it is deceiving to state that the basins will be installed "onsite," when in fact the Site Plan shows they will be installed in the public right-of-way. Second, due to the steep nature of the site, if the basins are 1.5 feet deep on the uphill end of the basin, they will be very shallow on the downhill section, or conversely, very deep on the uphill side in order to be only 1.5 feet deep on the downhill side. Depending on the final layout, the basins may indeed require fencing.

A proper and accurate description of the location and specifications must be included in the Initial Study in order to fully assess their environmental impact as required by CEQA. Note that other concerns are raised below in relation to the retention basins, under the section discussing Utilities & Service Systems.

#### **Section 4, Biological Resources.**

There are also concerns regarding the damage to the biological resources that will be caused by the removal of "*34 living trees (and two fallen, four dead and one stump) both on-site and within the undeveloped right-of-way,*" as noted in subsection c of the Biological Resources section.

A review of the June 30, 2005 Biological Assessment prepared by David Wolff Environmental indicates that removal of trees from the site could lead to detrimental impacts to migratory birds. Also, the Assessment noted that presence of a Great Horned Owl on site.

The Assessment points out that the California Fish and Game Code and Migratory Bird Treaty Act prohibits the destruction of birds, nests and eggs. (Reference page 3 of 4.) Mitigation measures are provided in the Assessment, including but not limited to, consultation with the Department of Fish and Game, surveys, and dedication of an open space lot (which apparently the parcel map proposed). None of these mitigation measures appear in the Initial Study.

Note also that Applicant states in his owner statement that "the Monarch Butterfly habitat will not be affected." The 2005 Biological Assessment states that none "of the CNDDDB monarch butterfly occurrences were recorded on *Cerrito Peak*. In general, eucalyptus trees can provide roosting and food resources for wintering monarch butterflies." (*emphasis added.*) (Reference page 3 of 4.) The monarch butterfly is a species of local concern, and removal of eucalyptus trees could be significant. This needs to be clearly addressed in the Initial Study.

There are recommendations for a two-to-one tree replacement ratio. However, the small size of the recommended replacement trees (5 gallon bucket) will not effectively replace the canopy that is supposed to protect the viewshed, or mitigate the destruction of habitat for migratory birds.

The last sentence of Subsection c. also states that "*at no time shall any invasive or spreading plants be allowed*" as part of the landscaping, but nowhere does it state how future owners of the Proposed Project will be notified of such restriction. A deed restriction must be required as part of the mitigation measure.

Subsection e. on page 15 states "*Development of residential uses on the site also has the potential to spur removal of additional on-site trees in the future . . .*" What future residential uses are planned that will require the removal of additional trees? Does the Applicant intend to subdivide the site in the future or add more units to the site in the future? If the Applicant has no plans for the site in addition to those noted in the Proposed Project, then there shouldn't be any reference to future development.

Page 15, the third paragraph of subsection e., states "*A mitigation measure has been proposed that requires all future tree removals be subject to approval to ensure that no detrimental effects occur.*" Any planned tree removals must be addressed in the MND, and made subject to the City Tree Regulations.

It is also important to note the increase in the number of trees that will be removed each time the Proposed Project is redesigned. In the Applicant's original undated Owner's Statement received by the City on July 25, 2008, the Applicant states that only six trees will be removed. The Novak Letter, dated February 23, 2009, states that 18 trees "*will be affected and replaced,*" but that if the City would agree to a "*reduced driveway width this could potentially save 8 trees.*" The MND, page 9, subsection c states that the "*project entails the removal of 34 living trees (and two fallen, four dead and one stump).*" (*Underline added.*). Note that many of the trees to be removed are not even

on-site, rather they will be removed from the public right-of-way to provide access to a private development. Clearly the extreme steps necessary to access and develop the Proposed Project will exact a significant toll on the biological resources of the site.

In short, there does not appear to be any effective mitigation measures suggested that will address the removal of trees from the site and the public right-of-way, other than the 2-1 replacement of all trees removed by much smaller, immature trees. The replacement trees will not provide adequate replacements for the Eucalyptus Canopy now in place, and sited by the Applicant as cover when addressing the notion of viewshed protection.

### **Section 5, Cultural Resources.**

Please note that the City has received or will receive a letter from Fred Collins on behalf of the Northern Chumash Tribal Council. The Chumash indicate in the letter that as they consider Cerrito Peak, known as Eagle Rock to the Chumash, a sacred site, they oppose any development of the site. The Chumash do not believe that any mitigation measures will be sufficient, and in fact, state that the proposed mitigation measures are the worst they have seen concerning preservation of a sacred site. The City is encouraged to strongly consider the rights of the Chumash with respect to the site, and to follow their recommendation and reject the Proposed Project and any other attempt to develop the site.

Public Resources Code Section 5020.1(j) provides that "Historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic agricultural, educational, social, political, military, or cultural annals of California.

If the Proposed Project is allowed to go forward, it will desecrate the sacred site. As noted below, California law prohibits the desecration of historical sites.

Public Resources Code Section 5020.1(k) states that "Local register of historic resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution. Public Resources Code Section 5020.1(q) defines "Substantial adverse change" as demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired.

Public Resources Code Section 5024.1(b) provides that the California Register shall include historical resources determined by the commission, according to procedures adopted by the commission, to be significant and to meet the criteria in Public Resources Code Section 5024.1(c).

Public Resources Code Section 5024.1(c) states that a resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria, as follows:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

The Initial Study states that Cerrito Peak has been identified as a Sacred Site in the Native American Heritage Commission's Sacred Lands Inventory. Therefore, any development of the site will cause irreparable harm to the area and the rights of the Chumash to preserve this as a sacred site. There is no mitigation measure that can offset the damage development of half of the outcropping will do to the sacredness of the site.

Clearly the site's listing as a Sacred Site in the Native American Heritage Commission's Sacred Lands Inventory, along with the potential archaeological significance identified in the Initial Study, mean at the very least that more must be done to mitigate the significant environmental effect the Proposed Project will have on these resources.

CEQA specifically states that significant resources MUST be mitigated either by avoidance (protection as open space, deeded into a conservation easement, etc.), or by recovering the data that the sites contain before they are disturbed (CEQA sec. 21083.2 (b1), (b2), (b3), (b4), 15126.4c).

Any historic or prehistoric sites that must be disturbed during the project construction process will need to be mitigated according to CEQA (sec. 15126.4c).

In addition to the opposition to development presented by the Chumash, there are additional deficiencies with and concerns about the Initial Study in relation to Cultural Resources.

Even if the proposed mitigation measure were theoretically acceptable, the Chumash shouldn't be required to notify or ask permission of anyone to access a sacred site. The mere fact of requiring such action will chill any use of the site. Further, the Applicant or any future owner of the Proposed Project may use intimidation tactics, such as loud music, parties, or gatherings, to further chill Chumash use of this sacred site. Even just sitting on the patio and "watching" the Chumash when they access the sacred site will have an adverse affect on use of the site.

Therefore, there is really no acceptable mitigation measure that would maintain the sacred nature of the site. The site should be converted to permanent open space or conveyed in trust as a conservation easement.

Assuming without admitting that acceptable mitigation measures can be developed, the Initial Study proposes to develop mitigation measures based on future studies, which is in violation of CEQA.

Mitigation measure 5-1 states that a Phase 2 Cultural Resource Evaluation ("Phase 2") shall be conducted to more firmly establish the archeological deposits on the property, and that the Phase 2 may lead to further studies, and possibly additional conditions as determined by the Public Services Department. Providing that a development might be conditioned on future studies is "in direct conflict with CEQA guidelines." Sundstrom v. County of Mendocino, 202 Cal. App. 3d. 296. In Sundstrom, the court of appeal found that the "county evaded its duty to engage in a comprehensive environmental review by approving the use permit subject to a condition requiring future regulatory compliance." Id. at 296. "Specifically, the use permit required: . . . [that] 'Mitigation measures recommended by the study shall be incorporated as requirements of this use permit.' The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA." Id. at 306. Citing to California Code of Regulations Title 14, Section 15070(b)(1), the court went on to state "that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures *'before* the proposed negative declaration is released for public review. . . .' (Italics added.) Here, the use permit contemplates that project plans may be revised to incorporate needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law." Id. at 306-307.

The court held this to be the case even though the negative declaration required that the county review and approve the additional study, and incorporate the study into the use permit. The court stated that "[e]ven if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." Id. at 307.

Therefore, the City's mitigation measure requiring implementation of the Phase 2, to be performed *after* approval of the MND, not to mention that the Phase 2 may lead to *additional future studies*, clearly runs afoul of the law as stated in Sundstrom.

The reasoning for the holding in Sundstrom is clear: Allowing reference to a study or other information to be gathered and incorporated into a negative declaration after its approval allows the lead agency and applicant to avoid the guarantee of an adequate inquiry into the environmental effects of the project in question. Therefore, reliance on future studies is not a proper mitigation measure.

### Geology/Soils.

The MND states that the recommendations of the Soils Engineering Update Report prepared by Geosolutions, Inc. and dated October 10, 2008 (the "Geosolutions Memo") shall be incorporated into the design of the Proposed Project. However, the Geosolutions Memo was not available for

review or copying, and therefore it is unknown what measures are recommended. If the proposal cannot be adequately reviewed during the public review period, the issue remains open and the MND should not be approved.

However, the grading and drainage plan show that rock outcroppings will have to be removed and there will be fill and cut for the road, with retaining walls. A mitigation measure has been added which requires the road gradient be modified so as not to exceed 20%. This will require more manipulation of this area. This should be analyzed in the Initial Study.

The City will need another report prepared by an engineering geologist for the house and road in order to verify the stability of the rocks due to differential settlement. Again, this must be included and analyzed in the Initial Study.

We do note that the February 23, 2009 letter from Cathy Novak Consulting (the "Novak Letter") to the City does state that the Proposed Project was redesigned. However, like the Initial Study, the Novak Letter gives few if any real details about how the Proposed Project was redesigned.

One of the details in the Novak Letter that does raise concerns is about the method of securing the foundation. It states that *"the remainder of the structure is designed to fit the topography with raised flooring and or special foundations to anchor into the rock."* The concern is that the redesigned Proposed Project will anchor into the rock outcroppings to support the foundations on the upper levels of the structure. This raises concerns about the ability of the rock outcroppings to withstand the loads that may be placed on them to support the structure. This does not seem to be addressed in the soils report or the Initial Study.

The impact discussion on page 18 also describes how the *"proposed site work will entail a significant amount of earthwork, which creates a real potential for rock-fall that would be detrimental to neighboring properties. A mitigation measure has been recommended that a screening plan be developed and implemented to reduce the potential for rockfall."*

Mitigation measure 6-1 purports to deal with this serious safety issue, stating that a *"detailed rock-fall investigation and mitigation plan shall be prepared by a qualified geotechnical engineer"* identifying the potential danger caused by rock-fall, and *"as appropriate risk-reduction measures on adjacent properties, and need for long-term maintenance."*

There are several concerns with this approach.

1. The mitigation measure again calls for a *future study* upon which to base potential mitigation measures. As noted above, the Sundstrom decision holds that use of future studies as mitigation measures violates CEQA.
2. The type of screening that will be involved in any mitigation/risk-reduction measure is not described. Therefore, it is not known whether this will cause further degradation of the

viewshed affecting the Proposed Project. It is hard to imagine screening that will do anything less than be an eyesore to those viewing the site.

3. The mitigation measure states that as appropriate, risk-reduction measures will be placed **on adjacent properties**. Clearly if there is such a danger due to rock-fall that adjacent properties will require installation of screening, the geology is too unstable to support the development of the Proposed Project.

4. It is unclear how boulders and rock outcroppings that are in danger of falling during construction will be sound anchors for the foundation system.

Also, the Initial Study fails to indicate how the development of the Proposed Project will comply with the City's Stormwater Management Plan or Stormwater Pollution Prevention Plan. With the large area of land that will be covered by impermeable surfaces and the potential for soil and debris laden runoff due to the steep, open nature of the site, it seems imperative that plans be required in compliance with both of the City's programs.

Furthermore, there is no evidence provided in the Initial Study that the soils will withstand the removal of boulders and reduction of the rock outcroppings and still retain the structural integrity necessary to support the Proposed Project.

Due to the incomplete analysis provided regarding the ability of the geology and soils to properly support development of the Proposed Project, this section of the Initial Study is incomplete, and should lead to a rejection of the MND.

### **Land Use and Planning.**

There are concerns regarding the Land Use and Planning environmental discussion and the proposed mitigation measures.

Please note again that the description of the site as being surrounded by existing residential uses is misleading. There is a large area of open space (much of which is in the public right-of-way) between the site of the Proposed Project and the surrounding residential development, which should be included in any discussion of the Proposed Project, in order to accurately paint a picture of the significant change to the open space. If the site of the Proposed Project was in the middle of a park, the fact that the park was so located in reference to the Proposed Project would be discussed. The lack of development of the open space/public right-of-way does not reduce its value to the community, or mean that it should not be included in any description of the area.

The third paragraph on page 24 of the Initial Study states that in order to "*provide some private outdoor space and security for the residence, as well as to allow the required vehicle turn-around to be optimally placed between natural features, a fencing plan has been proposed which*

would enclose both on-site and portions of the right-of-way to the east of the home." (Underline added.)

Enclosing public right-of-way with a private fence will in effect give such enclosed land to the Applicant. There is really no other way to see it. A gift of public property to the Applicant is prohibited by the California Constitution. California Constitution, Article 16, Sec. 6.

Even if a gift of public land was not prohibited, public policy (and common sense) militates against giving public open space to an individual for private outdoor space.

The paragraph goes on to state that the fence will be six feet high and will be made of "*solid stucco and natural stone base with black rod iron pickets above.*" A six foot high fence with rod iron pickets, located on top of a raised private driveway will create a virtual castle wall in both appearance and public use deterrence.

Further, the fence will wrap around half of the Proposed Project, running from the "*northeastern corner of the home, near the garage, along the northern retaining wall, across the driveway, and continue around to the southeastern corner of the home.*" The conversion of public land to private use must not be allowed.

Even if the Applicant properly defined boulders and rock outcroppings and identified those slated for removal or alteration, there is concern that such action will be inconsistent with the City's General Plan. Morro Bay Land Use Plan 17.1 states that natural terrain, vegetation, drainage courses and rock outcroppings shall not be disrupted as a result of development, unless found to be necessary to protect the health, safety and welfare of the community (LUE 52).

It does not appear that the Initial Study includes any finding of fact that the removal or alteration of boulders and outcroppings is necessary to protect the community. Based on the discussion in the Initial Study that boulders will need to be removed and perhaps some rock outcroppings will be removed, item 1.b on page 8 should not have been checked "No Impact."

### Noise.

The Initial Study states that there will be no significant environmental effect due to development of the Proposed Project. It may be true that no permanent significant source of noise will be created, but the Applicant may require the use of special equipment in order to remove the boulders/outcroppings that will generate noise far above what is normally associated with development of a single family residence.

Due to the large amount of rock to be altered and/or removed, the Initial Study should include analysis of the effect of such alteration and/or removal on noise levels, and require mitigation measures should the results of the analysis indicate mitigation is necessary. Such mitigation, if

found to be necessary, should go beyond just requiring construction during certain hours, but should also require, without limitation, such measures as completing all removal within a certain number of days.

### **Public Services.**

The only mitigation measure noted in this Section is that Applicant must install a Knox Box at the vehicle access gate located at the top of the private driveway, in order to allow emergency services access to the property. This Section should be amended to include the discussion on page 29 of the Initial Study.

### **Transportation/Traffic.**

Paragraph d, e on page 29 of the Initial Study states that the Proposed Project currently provides that the private driveway slope will range as high as 25%, and that the project must be modified so that the slope will not exceed 20%, to accommodate fire apparatus access standards.

It is difficult to determine from the current Proposed Project renderings what that will mean for the design and construction of the driveway, but it would seem that increased use of retaining and crib walls will be necessary to achieve this requirement. This should be clearly described in the Proposed Project so that it can be adequately reviewed for any potential significant environmental effects, as required by CEQA.

### **Utilities & Service Systems.**

There are concerns related to the provision of utilities to the Proposed Project. While it would seem City ordinances will require that all utilities serving the Proposed Project be extended to the site underground, it does not appear that the Initial Study addresses how much ground disturbance will occur, both in the public right-of-way and on the site. Further, it does not appear that the underground extension of utilities was considered in either the archaeological report or in the soils report.

Therefore, it is impossible to assess from the Initial Study whether there will be a significant environmental impact caused by the installation of the utilities required to serve the Proposed Project.

Paragraph c on page 31 of the Initial Study states that two "*on-site retention facilities are proposed, flanking either side of the access way on the lower portion of the site.*" Are these retention facilities in addition to those noted on page 12 of the Initial Study, and that are to be located near the bottom of the private driveway but in the public right-of-way? If there is to be only one set of retention facilities, the Initial Study must make clear where they will be located, and whether such location is on the site or in the public right-of-way, for review of whether the placement and use of the facilities will create a significant environmental impact as required by CEQA.

One of the retention facilities appears to be near the east end of the private driveway, to be located between the private drive and the neighboring residence. The Initial Study should address how the location of the retention facilities will affect the neighboring residences. For instance, it is likely that adding standing water to the area will create vector issues, and will be an attractive nuisance for children and others.

Concerns are also raised as the Initial Study does not address who will maintain the retention facilities, or that the City will be liable for damage to person or property caused by the retention facilities.

**Draft Housing Element.**

It is also noted that the City's draft housing element contemplates 80% build out of available capacity, and identifies six dwelling units on this site. While not a direct issue with respect to the MND or the Initial Study, there is a concern that the City will allow development of more units on the site in the future to satisfy the housing element.

Based on the numerous issues facing development of the Proposed Project in a way that will not significantly impact the environment, it is respectfully requested that the City decline to approve the MND, and to further deny development of the site in the future.

Sincerely,

SINSHEIMER JUHNKE LEBENS & McIVOR, LLP



KEVIN D. ELDER

**From:** "Brandon Sanderson" <BSANDERSON@dfg.ca.gov>  
**To:** <kwold@morro-bay.ca.us>  
**Date:** 6/23/2010 4:31 PM  
**Subject:** Jordan Terrace/Cerrito Peak Residence (SCH # 2010051056)

Hi Kathleen-

Due to staffing considerations, I did not get a chance to look at this during the CEQA review period (which ended June 21), but wanted to let you know the Departments concerns in brief. The Project proposes to construct a new 2-story 3,256 square foot residential structure and secondary living unit with associated tree and vegetation removal.

The Department finds the discussion of potential Project impacts to be incomplete. The IS/MND Biological Resources Impact Discussion states that no rare plants were detected on the Project site without actual rare plant surveys being conducted. The IS/MND dismisses the presence of species based on presence/absence of "potential habitat". We do not recognize predictive work, such as is presented in the Impact Discussion a-b., to substitute for actual on the ground surveys. We recommend that appropriate botanical surveys be conducted during the time when sensitive resources could be detected before impact analysis occurs; predictive analyses cannot reliably demonstrate the "absence" of a species on the Project site.

Additionally, the IS/MND Impact Discussion d. states that a mitigation measure has been proposed to conduct tree removal outside the bird breeding season or that pre-construction nesting bird surveys will be conducted with deferred tree removal if nesting birds found present. However, the Mitigation and Residual Impact discussion does not include appropriate avoidance measures. The Department recommends that removal of vegetation or any other ground disturbance activities should be avoided from February to September 15th to avoid impacts to native breeding and nesting birds. If work during the breeding/nesting season cannot be avoided, a qualified biologist should survey all breeding and nesting habitat within the Project site and adjacent to the Project site for breeding or nesting birds no more than two weeks prior to construction or site preparation activities. Documentation of surveys and findings, including negative findings, should be submitted to the Department for review and concurrence. If no breeding or nesting birds are observed and concurrence has been received from the Department, site preparation and construction activities may begin. If breeding activities and/or active bird nests are located appropriate protection measures shall be developed in consultation with the Department. The Department generally recommends that breeding habitat and nest sites be fenced, with no disturbance allowed within the area until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the Project.

Thanks, Kathleen, for the opportunity to review the proposed Project.

I hope you will excuse the tardiness of our comments, and the informality of sending an email. Please call me if you have any questions.

Best,  
Brandon

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RECEIVED  
DEC 20 2010  
City of Morro Bay  
Public Services Department

December 20, 2010

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: Cerrito Peak Cultural resources mitigation measures

Dear Kathy,

This letter is in response to our discussions regarding the mitigation measures outlined in the Draft Mitigated Negative Declaration and Initial Study and Checklist. The real question at hand is whether the City has sufficiently addressed the mitigation measures in the Draft MND for Cultural resources.

First, mitigation measures are a wide range of conditions and controls placed on a project to reduce its impacts on the environment. CEQA requires the use of mitigation measures to reduce the magnitude of impacts. When an agency approves a project and adopts mitigation measures for potentially significant impacts disclosed by an MND, the project proponent is required by California state law to establish a monitoring, and reporting program (which includes recovery and analysis of deposits found) to ensure that the mitigation measures are implemented. Additionally, this monitoring and reporting method is an acceptable mitigation measure under CEQA.

Secondly, a Cultural Resource Inventory was prepared by a professional Archeologist, Mr. Ethan Bertrando, in June 2001. In January 2009, an addendum to the June report was provided to the City for review. In this report, Mr. Bertrando concludes "that this site may contain a very sparse shallow archeological deposit associated with the bedrock milling features". Furthermore, he states, "As currently proposed, the residence will not directly impact the bedrock mortars. The construction of the house and driveway will create ground disturbance in a vicinity of these mortars but little or no evidence of associated archeological deposits appear in these locations. From a scientific standpoint there is little evidence to indicate that archeological remains important enough to qualify as significant under criterion 4 in the Public Resources Code, Section 5024.1, Title 14 CCR Section 4852 exist on the parcel." Mr. Bertrando also states that buried deposits may await discovery on the property. However, as with other projects in the City of Morro Bay that have identified cultural resource deposits,

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the City has approved MND's with conditions that require monitoring and reporting programs and provisions for the discovery or recognition of any human remains as provided for in the CA Health and Safety code.

Thirdly Mr. Bertrando, based upon his professional opinion, provides for two options that he believes are consistent with the legal requirements established to address potential impacts to cultural resources. They are 1) implement a Phase 2 Cultural Resource Evaluation or 2) have all ground disturbing activities monitored by an archeologist and provide evaluations and mitigations at the time construction begins. The purpose of the Phase II is to determine if the site is significant as defined in the California Public Resources Code. This determination is required to complete a MND so that adequate mitigation can be calculated. The other option that Mr. Bertrando offered was to acknowledge that the site is already significant. If the site is treated as significant then the MND can be processed because mitigation can be established based upon the assumed significance.

At this juncture, the best approach for this site is to acknowledge the site contains a unique archeological resource as identified in Mr. Bertrando's Cultural Resource Inventory dated June 5, 2001 and letter dated January 11, 2009 and proceed with the appropriate mitigation measures. To that end, the applicant proposes the following additional conditions that will be adequate measures to comply with the CEQA requirements.

1. A mitigation plan will be completed prior to any ground disturbing activities. This will include a data recovery plan that will document, record and remove subsurface archeological deposits from the site in a manner consistent with professional standards and an inventory and documentation record of surface archeological deposits, structural features, unusual amounts of bone or shell, artifacts and other resources of historic or unique importance. A subsequent cataloguing, analysis, identification, dating, interpretation & production report of findings will be prepared and submitted to the City of Morro Bay. Data recovery in general should remain limited to the portions of the property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.
2. All reasonable efforts will be made to preserve unique archeological or historic resources in place or left in an undisturbed state. Monitoring during ground disturbing activities by a qualified archeologist and Native American representative.
3. For responding to the accidental discovery of archaeological resources during construction: With any subsurface cultural resources that are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the City of Morro Bay Public Services Department shall be immediately notified. The City will coordinate any investigation with a qualified specialist (e.g. archaeologist) to assess the significance of the find. If any find is determined to be significant, the project applicant, the City of Morro Bay and the

qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation that is deemed feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Work on other parts of the building site may continue while the historical or unique archeological resource mitigation takes place.

4. Discovery or recognition of any human remains: If human remains are discovered, all work must halt within 50 feet of the discovery. The City of Morro Bay Public Services Department shall be immediately notified and the County Coroner must be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission and the procedures outlined in CEQA Section 15064.5(d) and € shall be followed.

With the inclusion of the above measures, the proposed project will provide for stricter standards and adequately mitigate the impacts, which have been identified, to less than significant.

Thanks for your time and consideration in this matter. Please feel free to contact me with any questions.

Regards,



Cathy Novak  
Project representative

cc: Mr. Dan Reddell  
Mr. Ethan Bertrando

# EXHIBIT G

-----Original Message-----

From: Alex Beattie <[oldfishdog@gmail.com](mailto:oldfishdog@gmail.com)>

To: Alex Beattie <[oldfishdog@gmail.com](mailto:oldfishdog@gmail.com)>

Sent: Sun, Jul 25, 2010 10:15 am

Subject: Cerrito Peak

Hello Neighbors,

On Monday, July 12, about 40 neighbors and other interested persons met with the developer, Dan Reddell, to discuss the development he is proposing to build on Cerrito Peak. Mr. Reddell's presentation was helpful but there were many questions that were left unanswered. I have a copy of a 38 page report done by the City on the project to view if you wish. This report is also available at the City's Building Dept.

The questions were mainly focused about;

1. Where exactly was the development going to be; how big, how high?
2. Which rocks and trees would be removed? Would there be blasting; noise; dust?
3. How would drainage from the development be handled?
4. What about cultural and environmental impacts?
5. Is it possible to do a trade of land? Revise zoning/code requirements to reduce impact?

Have a dedicated conservation area?

Here are my interpretations of his answers and a bit of editorializing.

- I. It was very difficult to tell exactly where the development ( approx 4000 SF plus driveways, decks, etc) was going to be. Mr Reddell did not know exactly where everything was going to go himself but he offered to have his builder come to the site and point out where everything would go. It is not clear if he would (or wants to) provide info on height of development. Let me know if you are interested in being at this meeting with Mr. Reddell's builder
- II. Some 35 trees with diameters up to 36" will be removed. They will be replaced on a 2 for 1 basis with 5 gallon trees. Mr. Reddell said that there would not be blasting and that grades would be set to minimize rock and tree removal. I personally doubt this. I think that there will be dust, noise and ground shaking and significant cutting and filling..
- III. Mr. Reddell was poorly informed on how drainage would be handled and the drawings were inadequate to show this. There is potential for significant erosion due to the steep grades. It is possible that there will increased subsurface drainage to surrounding properties. The location, size and functioning of the "detention" basin is not clearly indicated and most likely undersized. It will probably require some type (chain link?) of fence around it. No street profile is shown so it is not possible to tell where all the water will be going. The street cross section shown on the drawings is wrong.
- IV. Environmental impacts have been pretty well ignored. The site is a registered Salinan tribe sacred site but apparently Mr. Reddell has reached some type of accommodation with them. The Northern Chumash tribe have stated that "any" development of the property will be a desecration of a sacred site but they may not have legal standing. Very little mention is made of wildlife such as owls or butterflies.

V. Apparently the State Fire Code requires a paved twenty foot wide access road to the property. This dictates the removal of an additional 20-25 trees and more rock removal. There is no dedication for permanent access to Cerrito Peak. Mr. Reddell has offered to dedicate some open space in the past but the City did not approve this development for various reasons. The city has already made several building concessions such as parking in front yard, development on city right of way, and probably some others. I think that Mr. Reddell would like to sell or trade this property but his asking price, \$1.2 million, is high. He paid \$600,000 for it about 5 years ago. The SLO Land Conservancy or other similar groups may be interested in the purchase but at a fair market price.

What do we do next?

- This project may go to the planning commission within the next two months. So the first and easiest thing to do is send any and all your comments to the Planning Commission in care of Kathleen Wold ([kwold@morro-bay.ca.us](mailto:kwold@morro-bay.ca.us)) or Rob Livick ([rlivick@morro-bay.ca.us](mailto:rlivick@morro-bay.ca.us)). **Nancy Johnson is chair of the Planning Commission and a candidate for city council so I would be sure to ask her what she thinks** about the project. The planning commission was shown this project over a month ago so she should not show ignorance.
- Attend the planning commission meeting when the project comes before it. I would like to get together with persons planning on making a presentation so we could coordinate our presentations.
- Inquire with local conservancy groups and others as to what it takes to get them to buy the land.
- Send specific questions to the City's Planning department such as "How did you determine the size of the retention basin?" "What methods are being taken by the developer to assure that all drainage stays on his property?" "Will the house look directly into any body elses house or back yard?" "Can it be seen from Main St.?" etc. Go into the Planning Department and ask them to see the plans and other documents associated with the project, such as geological reports, drainage studies, road layouts, building elevations, etc.
- Vote and support candidates for mayor and the city council that will support your position on this project.

I personally think that this is a unique piece of land that should be available for public use. If you agree perhaps you would agree to be part of a group that tries to implement some of the ideas presented above. Please contact me at 772-5694 or [oldfishdog@gamil.com](mailto:oldfishdog@gamil.com) if you are interested.

Cheers,

Alex Beattie



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September 27, 2011

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Planning Commission

c/o Kathleen Wold, Senior Planner  
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VIA ELECTRONIC MAIL  
[KWold@morro-bay.ca.us](mailto:KWold@morro-bay.ca.us)

Re: Jordan Terrace/Cerrito Peak Residence: Reddell UPO-223/CPO-285

Dear Ladies and Gentlemen:

On behalf of our client Nancy Mellen, we respectfully submit this letter in relation to the above referenced matter for consideration prior to the October 5, 2011, planning commission hearing.

Standard of Review.

As we respectfully note to the Planning Commission, the California Environmental Quality Act ("CEQA") has a strong presumption that an environmental impact report ("EIR") will be required prior to project development. We submitted a request for review dated June 21, 2010 (the "SJLM Letter"), a copy of which is attached for your convenience, in relation to the Draft Mitigated Negative Declaration ("MND") and Notice of Determination dated May 13, 2010 for the above referenced project (the "Project"). As noted in the SJLM Letter, there are many issues and concerns that must be addressed in the MND.

The standard for determining whether an EIR is required is based on a "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (*No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82, 118 Cal.Rptr.2d 34; *Quail Botanical Gardens Found., Inc. v City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602, 35 Cal.Rptr.2d 470; *Friends of "B" St. v City of Hayward* (1980) 106 Cal.App.3d 988, 1002, 165 Cal.Rptr. 514.) The fair argument standard applies both to agency decisions and to judicial review of those decisions.

Therefore, the City must apply the fair argument standard as a substantive standard to decide whether an EIR or a negative declaration is required in this case.

Under CEQA, if a project is not exempt and may cause a significant effect on the environment, the lead agency must prepare an EIR. (Cal. Pub. Resources Code, §§21100, 21151; 14 Cal. Code. Regs. §15064(a)(1), (f)(1).) An EIR may be dispensed with only if the lead agency finds no substantial evidence in the initial study or elsewhere in the record that the project may significantly affect the environment. Without such evidence, the agency must adopt a negative declaration. (Cal. Pub. Resources Code, §21080(c)(1); 14 Cal. Code. Regs. §§15063(b)(2), 15064(f)(3).)

This standard sets a "low threshold" for preparation of an EIR. (*Pocket Protectors v City of Sacramento* (2004) 124 Cal.App.4th 903, 928, 21 Cal.Rptr.3d 791; *Bowman v City of Berkeley* (2004) 122 Cal.App.4th 572, 580, 18 Cal.Rptr.3d 814; *Citizen Action to Serve All Students v Thornley* (1990) 222 Cal.App.3d 748, 754, 272 Cal.Rptr. 83; *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 310, 248 Cal.Rptr. 352.) If substantial evidence (public comment is considered substantial evidence) supports a "fair argument" that a project may have a significant environmental effect, the lead agency must prepare an EIR even if it is also presented with other substantial evidence indicating that the project will have no significant effect. (See *Brentwood Ass'n for No Drilling, Inc. v City of Los Angeles* (1982) 134 Cal.App.3d 491, 184 Cal.Rptr. 664; *Friends of "B" St. v City of Hayward* (1980) 106 Cal.App.3d 988, 165 Cal.Rptr. 514. See 14 Cal. Code. Regs. §15064(f)(1).)

Because of the substantial evidence presented in the SJLM Letter that the Project's impact on the environment is not properly addressed in the MND, the Planning Commission must decline to adopt the MND. We respectfully submit that an EIR should be performed instead.

#### Changed Mitigation Measures; Re-Circulation of MND.

It doesn't appear from the City's Project file that there was any response to the SJLM Letter from the Applicant or from the City. However, Kathy Novak Consulting did submit a letter to the City dated December 20, 2010, regarding cultural resources mitigation measures. In the Novak letter, Applicant proposes that Applicant acknowledge that the site contains unique archaeological resources, and then proposes mitigation measures.

It is important to note that the Novak letter does not address or attempt to mitigate the effects of the Project on the site as an on-going, culturally sensitive area for the Chumash people. Rather, the Novak letter merely recommends mitigation measures for potential archaeological finds. It is important to consider all of the culturally significant aspects of the site when determining whether the mitigation measures for Project are acceptable, and therefore the mitigation measures proposed in the Novak letter are unacceptable.

Planning Commission  
September 27, 2011  
Page 3 of 3

If the City plans to accept the revised mitigation measures proposed in the Novak letter, it must first revise the MND to reflect the new measures and re-circulate the MND for public comment. (14 Cal. Code. Regs. §15073.5(a)(b).)

Stale Studies and Reports.

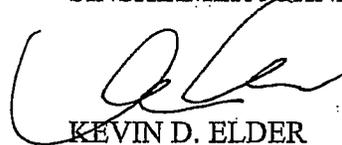
In addition to the specific deficiencies pointed out in the SJLM Letter, it is important to note that many of the studies and reports relied upon as a basis for findings in the MND and in the Applicant's initial application package are quite old and may no longer accurately reflect the actual conditions of the Project site. The City should consider whether the studies remain valid and a proper basis for adoption of the MND.

In conclusion, at the very least the SJLM Letter and this letter raise significant questions that must be addressed prior to adoption of the MND by the City.

Thank you for your time and consideration of this important matter.

Sincerely,

SINSHEIMER JUHNKE LEBENS & McIVOR, LLP



KEVIN D. ELDER

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Enclosure



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June 21, 2010

City of Morro Bay  
Public Services Department  
c/o Kathleen Wold, Senior Planner  
955 Shasta Avenue  
Morro Bay, California 93442

**VIA HAND DELIVERY**

Re: Jordan Terrace/Cerrito Peak Residence: Reddell UPO-223/CPO-285: – Attachment  
to Request for Review of Draft Mitigated Negative Declaration and Notice of  
Determination

Dear Ms. Wold:

On behalf of Nancy Mellen, please accept this request for review of the proposed Draft Mitigated Negative Declaration and Notice of Determination dated May 13, 2010 ("MND"), for the above referenced proposed project (the "Proposed Project").

This request for review is made upon the grounds, among others, that the MND is inadequate because it omits or fails to adequately identify, address, and mitigate certain environmental effects of the Proposed Project.

More particularly, review is warranted for each of the following reasons:

1. The City's Initial Study ignores and fails to identify or analyze all potential impacts of the Proposed Project.
2. The City's proposed mitigation measures fail to adequately mitigate those Proposed Project impacts which are identified.
3. The MND is incomplete and internally contradictory in significant respects.
4. The City's file and information is incomplete and internally contradictory in significant respects.

Illustrations of disputed Initial Study conclusions and of specific errors and omissions in the Initial Study and MND are set forth below and include, without limitation:

**Discrepancy Between Noticed Dates for Public Review Period.**

The date on the file copy of the Notice of Determination states that the public review period begins May 17, 2010 and ends June 16, 2010, but the post card sent by the city to residents near the Proposed Project site states the review period begins May 24, 2010, and ends June 22, 2010. This discrepancy may have lead those reviewing only the Notice of Determination to believe that they missed the time to submit comments to the MND and Initial Study.

**Discrepancy in Project Descriptions.**

The Project Description provided in the Notice of Determination and the Postcard on the one hand, and the Project Description for the MND and the Initial Study on the other hand, provide different square footage calculations. Further, neither the Notice of Determination nor the Postcard includes the 48 square foot patio.

It is also unclear from the Project Description how many square feet of ground will be covered/disturbed due to the Proposed Project, as is required to determine whether there will be any significant impact on the environment, and if so, whether the effect can be adequately mitigated.

Further, the significant impacts described in the grading and drainage plans have not been addressed in the Initial Study.

**Findings of the Environmental Coordinator.**

The Findings of the Environmental Coordinator on the MND, page 1, states that the Proposed Project will not have a significant effect on the environment. The paragraph goes on to contradict itself by stating that mitigation *"measures, if necessary and required to assure that there will not be significant effect in the case, are described in the attached Initial Study and Checklist and have been added to the permit conditions of approval."*

*"If necessary"* and *"conditions of approval"* are used in the same sentence. Clearly if permit conditions of approval are included as mitigation measures, there are at least some significant effects on the environment, otherwise, no mitigation conditions would be included as part of any permit approval. The findings should be amended to accurately reflect that there are potentially significant effects on the environment.

**Project Information.**

The last sentence of text on page 3, summarizing the Project Description raises concerns about the willingness of the City to allow significant exceptions from the City's development

standards. The sentence states: "*Single family homes necessitating exceptions to development standards (i.e. parking in the front yard, removal of major vegetation) and secondary dwelling units are allowable uses with Conditional Use and Coastal Development Permit (UPO/CDP) approvals.*"

It may be allowable to make exceptions to development standards in certain circumstances, but here there seems to be a multitude of exceptions. For example, in locations near the water where space is tight, it is understandable that an accommodation may need to be made with respect to parking.

Here, the site is well over an acre. The exception to allow parking in the front yard is not therefore caused by a lack of area, but is likely due to the Proposed Project comprising nearly 4,000 square feet of living space on a 25 degree slope.

If the City held to its development standards, the Applicant would probably just reduce the size of the structure, and discard the secondary living unit. A residence in the range of 2,000 square feet might provide the Applicant with much needed flexibility in the design and location of a structure on the site, and possibly locate parking in a more traditional manner.

There are many other exceptions to the City's development standards as described in the Initial Study, including "encroachment," although the Initial Study does not describe where the encroachment occurs, removing trees in the public right-of-way, and installing stormwater runoff catch basins in the public right-of-way.

These exceptions are numerous and significant, and are greater in number and impact than would normally be asked for or allowed in relation to the development of a single family residence.

It is also important to note that many of the mitigation measures suggested in the Initial Study just require compliance with the City building codes. Therefore, it is quite possible that additional exceptions to the City's development standards could be allowed as Applicant seeks permits for the Proposed Project.

Due to the large number of exceptions to the City's development standards, the City should not approve the mitigated negative declaration.

The Initial Study is also inadequate in that it completely ignores the grading and drainage associated challenges associated with the Proposed Project. Due to the nature of the Proposed Project, the grading and drainage plan must be properly addressed in the Initial Study.

#### **Incorrect Vicinity Map.**

It does not appear that the Project is shown on the Vicinity Map, which is page 4 of the Initial Study. This may have lead people to believe that Cerrito Peak and the accompanying open space were not actually the site of the Proposed Project, leading to reduced public interest and

participation. This is significant because CEQA is, in part, intended as a means to require public agencies to consider and disclose to the public the environmental implications of their actions. If this is not performed accurately, then the City has failed in satisfying the purpose of CEQA.

### Elevations.

The Elevations provided on page 6 of the Initial Study are not sufficient because they do not show the total height of the six foot high fence, combined with retaining walls, that encompasses half of the Proposed Project. While the general location is described as beginning in the northeastern corner of the home, near the garage, continuing along the northern retaining wall, and across the driveway, and around to the southeastern corner of the home, the total height is not included in the Initial Study. *See also* Land Use and Planning discussion.

The fence will require a gate that will run across the upper end of the driveway, and will obviously impact the appearance and viewshed considerations of anyone wishing to know what the Proposed Project will look like. Without depicting the actual appearance of the Proposed Project, the City is again denying the public an opportunity to fully review the Proposed Project as required by CEQA.

The Elevations also fail to show the elevations and heights of many of the structures required to support the project, including such things as the driveway, retaining walls and crib walls.

Further, Public Resources Code Section 21080(c)(2) requires that any changes to a project must be included in the redesigned project prior to approval of any mitigated negative declaration. Therefore, accurate depictions of the Proposed Project must be included in the Initial Study before the MND can be submitted for approval.

### Environmental Setting and Impacts.

The third sentence of the second paragraph on page 8 raises concerns about the effect of the development on the public right of way. The sentence states: "*Construction of the residence and associated improvements will also necessitate the issuance of permits for removal of trees within the right-of-way, encroachment and construction.*"

Before even getting into possible mitigation or effects of the Proposed Development, the Initial Study states part of the public right-of-way must be altered to allow for private development, and that "encroachment" will be necessary. The Initial Study must state what encroachments are required by the Applicant.

Another concern with the Proposed Project is the location and path of the private driveway. Judging from the Site Plan on page 5 of the Initial Study, the path of the private driveway appears to come within feet of Ms. Mellen's residence. If the Applicant were required to develop the public right-of-way in accordance with City standards, there would be a sidewalk or landscaping or both

that would be required between the private driveway and neighboring properties. But because of the extreme nature of the slope, it appears the City is willing to allow the Applicant to both forego installation of standard infrastructure and to allow the Proposed Project's private driveway to run within feet of adjacent private property.

Because of the uncertainty of the elevation and exact location of the private driveway, the level of impact on neighboring properties is difficult to properly ascertain and review. However, probable impacts are the glare of headlights shining directly into the private properties adjacent to the site as vehicles come down the private driveway, as well as attendant noise and alteration of the local viewshed.

### **Surrounding Land Use.**

Another concern is the casual description of the surrounding land use. For each of the four directions, the Initial Study merely states "Residential" as the surrounding use. This is concerning because there is a sizeable public right-of-way between the Proposed Project and the residences surrounding Cerrito Peak.

It is unlikely that an interested person in reading this section of the Initial Study would realize that there are a couple of acres of public open space between the Proposed Project site and the nearby residences. This description does not accurately describe the fact that the Proposed Project will sit like a monolith in the middle of public open space. If the site happened to be in the middle of a City park, with residences outside of the park, that fact would be mentioned.

To read this section without viewing the site would be to think that a simple single family residential zoned lot, situated among other similar lots that have previously been developed, is now going to be developed. Instead, a large house, secondary unit, access route, and accompanying parking, fencing and infrastructure is proposed to be constructed in the "donut hole" of the open space known as Cerrito Peak.

Further, it is unclear from the grading and drainage plan how much of the grading will take place in the public open space, and what it will look like when completed. In fact, it appears from the Site Plan that some grading will take place on some of the adjacent residential lots.

### **Environmental Checklist**

#### **Aesthetics.**

Very early in the Environmental Discussion, page 9, concerns are raised about the accuracy of the discussion. The second sentence states: *"Additionally, because of the existing Eucalyptus canopy, the proposed improvements will not be readily visible from adjacent properties or developed right-of-way."*

This is simply not true. Several of the adjacent properties will have a direct view of the Proposed Project. The number of adjacent properties that will have a direct view of the Proposed Development may increase once part of the "Eucalyptus canopy," boulders and rock outcroppings are removed from the right-of-way and from the Proposed Project site. The replacement of 34 mature trees with small, immature trees, will do little to mitigate the significant effect the Proposed Development will have on the aesthetics of the site and the surrounding area.

This first paragraph of the Section goes on to state: *"Nevertheless, proposed improvements must be designed harmoniously with the surrounding neighborhood as to not detract from the surroundings or view. Section 17.48.190 of the Zoning Ordinance requires 'protection of visual resources' and 'compatible design.' Site layout, architecture and landscaping are discussed in detail below, and are routinely reviewed by the Planning Commission as part of the CUP review process."*

This last part of the paragraph states that the zoning ordinance requires certain actions, and that the Planning Commission will "review" the plans. At what point will the public be informed of what will actually be developed at the Proposed Project? Will further exceptions to the City's development standards be granted as part of the Planning Commission's review?

Subsection c. of the Impact Discussion states: *"Several boulders will be removed or submerged underneath the proposed driveway and structure. However, the majority of the rock outcroppings, including the largest and most visually striking, will remain in place and unaltered."*

The Initial Study should accurately define what constitutes "rock outcroppings" and what a "boulder" is. There are some areas of exposed stone that may be boulders or might be part of the rock outcroppings. Until this is made clear, and the Applicant clearly identifies which boulders will be removed or submerged, and which part of the rock outcroppings will be altered or removed, it is impossible to review the impact of those actions on the aesthetics of the site and the surrounding area.

Note also the great cultural significance of this site to the Chumash nation, which is discussed more fully in the Cultural Resources section.

It is the entirety of the natural landscape, including the boulders, outcroppings, trees and vegetation that constitute the whole of the aesthetics of the site and the surrounding area. Therefore, until it is clear which and how many boulders are to be removed or "submerged," and what part of the rock outcroppings will be destroyed, it is impossible to determine whether the Proposed Project will have a significant impact on the aesthetics of the site and surrounding area.

Concerns are also raised with respect to the six foot high fence that will run around half of the Proposed Project, as described above in Elevations. Since it does not appear that the fence is depicted on the site plans included in the MND and Initial Study, it is impossible to determine the fence's effect on the aesthetics of the Proposed Project. However, it is likely that such a fence will be

a prominent feature of the Proposed Project, and therefore it is important that it is accurately depicted in the site plans, so that the City and the public may review its impact in accordance with CEQA guidelines.

Another issue facing the aesthetics of the Proposed Project is the use of retaining walls. In the February 23, 2009 letter from Kathy Novak Consulting to the City, Ms. Novak states in item 1, that "*the largest cut required for the garage foundation is adjacent to the large outcropping that is hidden from any view with only 5-foot exposed retaining wall.*" A 5-foot high wall is nearly as high as the average person, therefore it will be clearly visible from a considerable distance. Use of other retaining walls and similar structures is also likely, due to the Proposed Project's need to "step up" the 25% grade of the site.

It is also unclear how the private driveway will need to be constructed in order to comply with the maximum 20% grade required by the Fire Department. However, it does seem apparent that the Proposed Project will require a dark asphalt ribbon, raised and supported by retaining walls and crib walls, in order to access the proposed residences.

#### Air Quality.

Concerns are raised with regard to discussion of the retention basins. The Impact Discussion states that "*two onsite retention basins will be constructed,*" and that "*both will be limited to 1.5-feet in depth so as to not require fencing.*"

First, it is deceiving to state that the basins will be installed "onsite," when in fact the Site Plan shows they will be installed in the public right-of-way. Second, due to the steep nature of the site, if the basins are 1.5 feet deep on the uphill end of the basin, they will be very shallow on the downhill section, or conversely, very deep on the uphill side in order to be only 1.5 feet deep on the downhill side. Depending on the final layout, the basins may indeed require fencing.

A proper and accurate description of the location and specifications must be included in the Initial Study in order to fully assess their environmental impact as required by CEQA. Note that other concerns are raised below in relation to the retention basins, under the section discussing Utilities & Service Systems.

#### Section 4. Biological Resources.

There are also concerns regarding the damage to the biological resources that will be caused by the removal of "*34 living trees (and two fallen, four dead and one stump) both on-site and within the undeveloped right-of-way,*" as noted in subsection c of the Biological Resources section.

A review of the June 30, 2005 Biological Assessment prepared by David Wolff Environmental indicates that removal of trees from the site could lead to detrimental impacts to migratory birds. Also, the Assessment noted that presence of a Great Horned Owl on site.

The Assessment points out that the California Fish and Game Code and Migratory Bird Treaty Act prohibits the destruction of birds, nests and eggs. (Reference page 3 of 4.) Mitigation measures are provided in the Assessment, including but not limited to, consultation with the Department of Fish and Game, surveys, and dedication of an open space lot (which apparently the parcel map proposed). None of these mitigation measures appear in the Initial Study.

Note also that Applicant states in his owner statement that "the Monarch Butterfly habitat will not be affected." The 2005 Biological Assessment states that none "of the CNDDDB monarch butterfly occurrences were recorded on *Cerrito Peak*. In general, eucalyptus trees can provide roosting and food resources for wintering monarch butterflies." (*emphasis added*.) (Reference page 3 of 4.) The monarch butterfly is a species of local concern, and removal of eucalyptus trees could be significant. This needs to be clearly addressed in the Initial Study.

There are recommendations for a two-to-one tree replacement ratio. However, the small size of the recommended replacement trees (5 gallon bucket) will not effectively replace the canopy that is supposed to protect the viewshed, or mitigate the destruction of habitat for migratory birds.

The last sentence of Subsection c. also states that "*at no time shall any invasive or spreading plants be allowed*" as part of the landscaping, but nowhere does it state how future owners of the Proposed Project will be notified of such restriction. A deed restriction must be required as part of the mitigation measure.

Subsection e. on page 15 states "*Development of residential uses on the site also has the potential to spur removal of additional on-site trees in the future . . .*" What future residential uses are planned that will require the removal of additional trees? Does the Applicant intend to subdivide the site in the future or add more units to the site in the future? If the Applicant has no plans for the site in addition to those noted in the Proposed Project, then there shouldn't be any reference to future development.

Page 15, the third paragraph of subsection e., states "*A mitigation measure has been proposed that requires all future tree removals be subject to approval to ensure that no detrimental effects occur.*" Any planned tree removals must be addressed in the MND, and made subject to the City Tree Regulations.

It is also important to note the increase in the number of trees that will be removed each time the Proposed Project is redesigned. In the Applicant's original undated Owner's Statement received by the City on July 25, 2008, the Applicant states that only six trees will be removed. The Novak Letter, dated February 23, 2009, states that 18 trees "*will be affected and replaced,*" but that if the City would agree to a "*reduced driveway width this could potentially save 8 trees.*" The MND, page 9, subsection c states that the "*project entails the removal of 34 living trees (and two fallen, four dead and one stump).*" (Underline added.). Note that many of the trees to be removed are not even

on-site, rather they will be removed from the public right-of-way to provide access to a private development. Clearly the extreme steps necessary to access and develop the Proposed Project will exact a significant toll on the biological resources of the site.

In short, there does not appear to be any effective mitigation measures suggested that will address the removal of trees from the site and the public right-of-way, other than the 2-1 replacement of all trees removed by much smaller, immature trees. The replacement trees will not provide adequate replacements for the Eucalyptus Canopy now in place, and sited by the Applicant as cover when addressing the notion of viewshed protection.

### **Section 5, Cultural Resources.**

Please note that the City has received or will receive a letter from Fred Collins on behalf of the Northern Chumash Tribal Council. The Chumash indicate in the letter that as they consider Cerrito Peak, known as Eagle Rock to the Chumash, a sacred site, they oppose any development of the site. The Chumash do not believe that any mitigation measures will be sufficient, and in fact, state that the proposed mitigation measures are the worst they have seen concerning preservation of a sacred site. The City is encouraged to strongly consider the rights of the Chumash with respect to the site, and to follow their recommendation and reject the Proposed Project and any other attempt to develop the site.

Public Resources Code Section 5020.1(j) provides that "Historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic agricultural, educational, social, political, military, or cultural annals of California.

If the Proposed Project is allowed to go forward, it will desecrate the sacred site. As noted below, California law prohibits the desecration of historical sites.

Public Resources Code Section 5020.1(k) states that "Local register of historic resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution. Public Resources Code Section 5020.1(q) defines "Substantial adverse change" as demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired.

Public Resources Code Section 5024.1(b) provides that the California Register shall include historical resources determined by the commission, according to procedures adopted by the commission, to be significant and to meet the criteria in Public Resources Code Section 5024.1(c).

Public Resources Code Section 5024.1(o) states that a resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria, as follows:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

The Initial Study states that Cerrito Peak has been identified as a Sacred Site in the Native American Heritage Commission's Sacred Lands Inventory. Therefore, any development of the site will cause irreparable harm to the area and the rights of the Chumash to preserve this as a sacred site. There is no mitigation measure that can offset the damage development of half of the outcropping will do to the sacredness of the site.

Clearly the site's listing as a Sacred Site in the Native American Heritage Commission's Sacred Lands Inventory, along with the potential archaeological significance identified in the Initial Study, mean at the very least that more must be done to mitigate the significant environmental effect the Proposed Project will have on these resources.

CEQA specifically states that significant resources MUST be mitigated either by avoidance (protection as open space, deeded into a conservation easement, etc.), or by recovering the data that the sites contain before they are disturbed (CEQA sec. 21083.2 (b1), (b2), (b3), (b4), 15126.4c).

Any historic or prehistoric sites that must be disturbed during the project construction process will need to be mitigated according to CEQA (sec. 15126.4c).

In addition to the opposition to development presented by the Chumash, there are additional deficiencies with and concerns about the Initial Study in relation to Cultural Resources.

Even if the proposed mitigation measure were theoretically acceptable, the Chumash shouldn't be required to notify or ask permission of anyone to access a sacred site. The mere fact of requiring such action will chill any use of the site. Further, the Applicant or any future owner of the Proposed Project may use intimidation tactics, such as loud music, parties, or gatherings, to further chill Chumash use of this sacred site. Even just sitting on the patio and "watching" the Chumash when they access the sacred site will have an adverse affect on use of the site.

Therefore, there is really no acceptable mitigation measure that would maintain the sacred nature of the site. The site should be converted to permanent open space or conveyed in trust as a conservation easement.

Assuming without admitting that acceptable mitigation measures can be developed, the Initial Study proposes to develop mitigation measures based on future studies, which is in violation of CEQA.

Mitigation measure 5-1 states that a Phase 2 Cultural Resource Evaluation ("Phase 2") shall be conducted to more firmly establish the archeological deposits on the property, and that the Phase 2 may lead to further studies, and possibly additional conditions as determined by the Public Services Department. Providing that a development might be conditioned on future studies is "in direct conflict with CEQA guidelines." Sundstrom v. County of Mendocino, 202 Cal. App. 3d. 296. In Sundstrom, the court of appeal found that the "county evaded its duty to engage in a comprehensive environmental review by approving the use permit subject to a condition requiring future regulatory compliance." Id. at 296. "Specifically, the use permit required: . . . [that] 'Mitigation measures recommended by the study shall be incorporated as requirements of this use permit.' The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA." Id. at 306. Citing to California Code of Regulations Title 14, Section 15070(b)(1), the court went on to state "that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures *'before* the proposed negative declaration is released for public review. . . .' (Italics added.) Here, the use permit contemplates that project plans may be revised to incorporate needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law." Id. at 306-307.

The court held this to be the case even though the negative declaration required that the county review and approve the additional study, and incorporate the study into the use permit. The court stated that "[e]ven if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." Id. at 307.

Therefore, the City's mitigation measure-requiring implementation of the Phase 2, to be performed *after* approval of the MND, not to mention that the Phase 2 may lead to *additional future studies*, clearly runs afoul of the law as stated in Sundstrom.

The reasoning for the holding in Sundstrom is clear: Allowing reference to a study or other information to be gathered and incorporated into a negative declaration after its approval allows the lead agency and applicant to avoid the guarantee of an adequate inquiry into the environmental effects of the project in question. Therefore, reliance on future studies is not a proper mitigation measure.

#### Geology/Soils.

The MND states that the recommendations of the Soils Engineering Update Report prepared by Geosolutions, Inc. and dated October 10, 2008 (the "Geosolutions Memo") shall be incorporated into the design of the Proposed Project. However, the Geosolutions Memo was not available for

review or copying, and therefore it is unknown what measures are recommended. If the proposal cannot be adequately reviewed during the public review period, the issue remains open and the MND should not be approved.

However, the grading and drainage plan show that rock outcroppings will have to be removed and there will be fill and cut for the road, with retaining walls. A mitigation measure has been added which requires the road gradient be modified so as not to exceed 20%. This will require more manipulation of this area. This should be analyzed in the Initial Study.

The City will need another report prepared by an engineering geologist for the house and road in order to verify the stability of the rocks due to differential settlement. Again, this must be included and analyzed in the Initial Study.

We do note that the February 23, 2009 letter from Cathy Novak Consulting (the "Novak Letter") to the City does state that the Proposed Project was redesigned. However, like the Initial Study, the Novak Letter gives few if any real details about how the Proposed Project was redesigned.

One of the details in the Novak Letter that does raise concerns is about the method of securing the foundation. It states that *"the remainder of the structure is designed to fit the topography with raised flooring and or special foundations to anchor into the rock."* The concern is that the redesigned Proposed Project will anchor into the rock outcroppings to support the foundations on the upper levels of the structure. This raises concerns about the ability of the rock outcroppings to withstand the loads that may be placed on them to support the structure. This does not seem to be addressed in the soils report or the Initial Study.

The impact discussion on page 18 also describes how the *"proposed site work will entail a significant amount of earthwork, which creates a real potential for rock-fall that would be detrimental to neighboring properties. A mitigation measure has been recommended that a screening plan be developed and implemented to reduce the potential for rockfall."*

Mitigation measure 6-1 purports to deal with this serious safety issue, stating that a *"detailed rock-fall investigation and mitigation plan shall be prepared by a qualified geotechnical engineer"* identifying the potential danger caused by rock-fall, and *"as appropriate risk-reduction measures on adjacent properties, and need for long-term maintenance."*

There are several concerns with this approach.

1. The mitigation measure again calls for a *future study* upon which to base potential mitigation measures. As noted above, the Sundstrom decision holds that use of future studies as mitigation measures violates CEQA.

2. The type of screening that will be involved in any mitigation/risk-reduction measure is not described. Therefore, it is not known whether this will cause further degradation of the

viewshed affecting the Proposed Project. It is hard to imagine screening that will do anything less than be an eyesore to those viewing the site.

3. The mitigation measure states that as appropriate, risk-reduction measures will be placed **on adjacent properties**. Clearly if there is such a danger due to rock-fall that adjacent properties will require installation of screening, the geology is too unstable to support the development of the Proposed Project.

4. It is unclear how boulders and rock outcroppings that are in danger of falling during construction will be sound anchors for the foundation system.

Also, the Initial Study fails to indicate how the development of the Proposed Project will comply with the City's Stormwater Management Plan or Stormwater Pollution Prevention Plan. With the large area of land that will be covered by impermeable surfaces and the potential for soil and debris laden runoff due to the steep, open nature of the site, it seems imperative that plans be required in compliance with both of the City's programs.

Furthermore, there is no evidence provided in the Initial Study that the soils will withstand the removal of boulders and reduction of the rock outcroppings and still retain the structural integrity necessary to support the Proposed Project.

Due to the incomplete analysis provided regarding the ability of the geology and soils to properly support development of the Proposed Project, this section of the Initial Study is incomplete, and should lead to a rejection of the MND.

### **Land Use and Planning.**

There are concerns regarding the Land Use and Planning environmental discussion and the proposed mitigation measures.

Please note again that the description of the site as being surrounded by existing residential uses is misleading. There is a large area of open space (much of which is in the public right-of-way) between the site of the Proposed Project and the surrounding residential development, which should be included in any discussion of the Proposed Project, in order to accurately paint a picture of the significant change to the open space. If the site of the Proposed Project was in the middle of a park, the fact that the park was so located in reference to the Proposed Project would be discussed. The lack of development of the open space/public right-of-way does not reduce its value to the community, or mean that it should not be included in any description of the area.

The third paragraph on page 24 of the Initial Study states that in order to *"provide some private outdoor space and security for the residence, as well as to allow the required vehicle turn-around to be optimally placed between natural features, a fencing plan has been proposed which*

would enclose both on-site and portions of the right-of-way to the east of the home." (Underline added.)

Enclosing public right-of-way with a private fence will in effect give such enclosed land to the Applicant. There is really no other way to see it. A gift of public property to the Applicant is prohibited by the California Constitution. California Constitution, Article 16, Sec. 6.

Even if a gift of public land was not prohibited, public policy (and common sense) militates against giving public open space to an individual for private outdoor space.

The paragraph goes on to state that the fence will be six feet high and will be made of "*solid stucco and natural stone base with black rod iron pickets above.*" A six foot high fence with rod iron pickets, located on top of a raised private driveway will create a virtual castle wall in both appearance and public use deterrence.

Further, the fence will wrap around half of the Proposed Project, running from the "*northeastern corner of the home, near the garage, along the northern retaining wall, across the driveway, and continue around to the southeastern corner of the home.*" The conversion of public land to private use must not be allowed.

Even if the Applicant properly defined boulders and rock outcroppings and identified those slated for removal or alteration, there is concern that such action will be inconsistent with the City's General Plan. Morro Bay Land Use Plan 17.1 states that natural terrain, vegetation, drainage courses and rock outcroppings shall not be disrupted as a result of development, unless found to be necessary to protect the health, safety and welfare of the community (LUE 52).

It does not appear that the Initial Study includes any finding of fact that the removal or alteration of boulders and outcroppings is necessary to protect the community. Based on the discussion in the Initial Study that boulders will need to be removed and perhaps some rock outcroppings will be removed, item 1.b on page 8 should not have been checked "No Impact."

### Noise.

The Initial Study states that there will be no significant environmental effect due to development of the Proposed Project. It may be true that no permanent significant source of noise will be created, but the Applicant may require the use of special equipment in order to remove the boulders/outcroppings that will generate noise far above what is normally associated with development of a single family residence.

Due to the large amount of rock to be altered and/or removed, the Initial Study should include analysis of the effect of such alteration and/or removal on noise levels, and require mitigation measures should the results of the analysis indicate mitigation is necessary. Such mitigation, if

found to be necessary, should go beyond just requiring construction during certain hours, but should also require, without limitation, such measures as completing all removal within a certain number of days.

### Public Services.

The only mitigation measure noted in this Section is that Applicant must install a Knox Box at the vehicle access gate located at the top of the private driveway, in order to allow emergency services access to the property. This Section should be amended to include the discussion on page 29 of the Initial Study.

### Transportation/Traffic.

Paragraph d, e on page 29 of the Initial Study states that the Proposed Project currently provides that the private driveway slope will range as high as 25%, and that the project must be modified so that the slope will not exceed 20%, to accommodate fire apparatus access standards.

It is difficult to determine from the current Proposed Project renderings what that will mean for the design and construction of the driveway, but it would seem that increased use of retaining and crib walls will be necessary to achieve this requirement. This should be clearly described in the Proposed Project so that it can be adequately reviewed for any potential significant environmental effects, as required by CEQA.

### Utilities & Service Systems.

There are concerns related to the provision of utilities to the Proposed Project. While it would seem City ordinances will require that all utilities serving the Proposed Project be extended to the site underground, it does not appear that the Initial Study addresses how much ground disturbance will occur, both in the public right-of-way and on the site. Further, it does not appear that the underground extension of utilities was considered in either the archaeological report or in the soils report.

Therefore, it is impossible to assess from the Initial Study whether there will be a significant environmental impact caused by the installation of the utilities required to serve the Proposed Project.

Paragraph c on page 31 of the Initial Study states that two "*on-site retention facilities are proposed, flanking either side of the access way on the lower portion of the site.*" Are these retention facilities in addition to those noted on page 12 of the Initial Study, and that are to be located near the bottom of the private driveway but in the public right-of-way? If there is to be only one set of retention facilities, the Initial Study must make clear where they will be located, and whether such location is on the site or in the public right-of-way, for review of whether the placement and use of the facilities will create a significant environmental impact as required by CEQA.

One of the retention facilities appears to be near the east end of the private driveway, to be located between the private drive and the neighboring residence. The Initial Study should address how the location of the retention facilities will affect the neighboring residences. For instance, it is likely that adding standing water to the area will create vector issues, and will be an attractive nuisance for children and others.

Concerns are also raised as the Initial Study does not address who will maintain the retention facilities, or that the City will be liable for damage to person or property caused by the retention facilities.

**Draft Housing Element.**

It is also noted that the City's draft housing element contemplates 80% build out of available capacity, and identifies six dwelling units on this site. While not a direct issue with respect to the MND or the Initial Study, there is a concern that the City will allow development of more units on the site in the future to satisfy the housing element.

Based on the numerous issues facing development of the Proposed Project in a way that will not significantly impact the environment, it is respectfully requested that the City decline to approve the MND, and to further deny development of the site in the future.

Sincerely,

SINSHEIMER JUHNKE LEBENS & McIVOR, LLP



KEVIN D. ELDER



City of Morro Bay  
Public Services/Planning Division  
Current Project Tracking Sheet

Agenda Item: VIII-A

Meeting  
Date: 10/5/11

This tracking sheet shows the status of the work being processed by the Planning Division

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                                                                | City of Morro Bay        | 3060 Ironwood       | 5/18/11 | CP0-295                   | <b>Tennis Court Improvements at Dal Mar Park.</b> Environmental document being processed. Sent to Stateclearing House. Environmental Review complete 9/12/11. Scheduled for 10/5/11 Planning Commission Meeting.                                                                                                                                                                   | SD              | PC            |
| 2                                                                | Dan Reddell              | 1 Jordan Terrace    | 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 received on MND. Project scheduled for October 5, 2011. | KW              | PC            |
| 3                                                                | SignCraft                | 1700 Main Street    | 8/25/11 | SP0-138                   | <b>Taco Bell Sign Program.</b> Incomplete letter 9/12/11. Resubmittal 9/13/11. Applicant said that they were going submit additional information. Received additional information, deemed complete for processing.                                                                                                                                                                 | SD              | AD            |
| <b>30 -Day Review, Incomplete or Additional Submittal Review</b> |                          |                     |         |                           |                                                                                                                                                                                                                                                                                                                                                                                    |                 |               |
| 4                                                                | Sturgill                 | 1885 Ironwood       | 3/23/11 | CP0-349 /UP0-316 /S00-107 | <b>Multifamily 16 Townhouses.</b> Incomplete letter 4/21/11. Resubmittal and redesign 7/5/11. Project submitted to consultant to begin environmental. Project redesigned to a 14 townhouse project.                                                                                                                                                                                | KW              | PC            |
| 5                                                                | Hoover/Hough             | 301 Main            | 7/6/11  | S00-108                   | <b>Lot Line Adjustment.</b> Letter sent indicating project can not be supported as submittal advised to redesign. 9/21/11.                                                                                                                                                                                                                                                         | KW              | AD            |
| 6                                                                | Viau                     | 821 Pacific         | 7/7/11  | S00-109/AD0-065           | <b>Lot line adjustment and variance.</b> Met with applicant regarding submittal, applicant indicates they are redesigning.                                                                                                                                                                                                                                                         | KW              | PC            |
| 7                                                                | Chevron Pipeline         | 4600 Hwy1           | 7/11/11 | S00-110                   | <b>Certificate of Compliance.</b> Waiting on applicant to submit property owner authorization                                                                                                                                                                                                                                                                                      | KW              | AD            |
| 8                                                                | Smith/Held               | 901-915 Embarcadero | 7/21/11 | PreApp                    | <b>Pre-application for improvements to existing building.</b> Proposes new unit, bathroom and water improvements. Met with applicant on September 2011                                                                                                                                                                                                                             | SD              | PC            |
| 9                                                                | Methodist Church         | 3000 Hemlock        | 8/17/11 | UP0-338 &CP0-360          | <b>2 Modular School Buildings</b>                                                                                                                                                                                                                                                                                                                                                  | SD              | PC            |
| 10                                                               | Mission Linen            | 399 Errol           | 8/23/11 | A00-012 &CP0-361          | <b>Mission Linen Awning.</b> Proposes awning over outdoor area to facilitate loading and unloading of trucks with protection from weather.                                                                                                                                                                                                                                         | SD              | AD            |
| 11                                                               | Perry                    | 3202 Beachcomber    | 9/8/11  | AD0-067                   | <b>Variance.</b> Demo/Reconstruct. New home with basement in S2.A overlay.                                                                                                                                                                                                                                                                                                         | KW              | PC            |

| #                                            | Applicant/Property Owner    | Project Address | Date     | Permit Numbers    | Project Description/Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Project Planner | Approval Body   |
|----------------------------------------------|-----------------------------|-----------------|----------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| <b>Projects in Process</b>                   |                             |                 |          |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 12                                           | City of Morro Bay           | Citywide        | 5/1/10   | AD0-047           | <b>Text Amendment Modifying Section 17.68 "Signs".</b> Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. A report on the status of this project brought to PC on 2/7/2011. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on May 2011. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. The item shall be brought back to City Council first meeting in November. Workshops scheduled Septmeber 29, 2011 and October 6, 2011.                                                                                                                                                                                                                   | KW              | PC/CC           |
| <b>Environmental Review</b>                  |                             |                 |          |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 13                                           | 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. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Meeting held with city staff and applicants on 2/3/2011. Meeting held with applicant on 2/23/2011. Applicant to provide revised site plan. Staff is processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal | KW              | PC              |
| 14                                           | Chevron                     | 3072 Main       | 12/31/08 | CP0-301           | <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. Requested Information submitted 2/9/11. Submitted requested documents 2/9/11. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11. Accepted proposal 6/29/11. Staff mail request letter for fees 7/19/11. Recieved Environmental Document and is under review 9/16/11.                                                                                                                                                                                                                                                                                                     | SD              | PC              |
| <b>Coordinating with Other Jurisdictions</b> |                             |                 |          |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| 15                                           | 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 renoticing. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010. City Council Meeting on January 11, 2011. Project heard before CCC on March 11, 2011, and additional studies and materials are required. City working with consultant to provide information. Workshops held on 6/27/2011 and 6/28/2011 to receive comments on the proposed Wastewater Treatment Plant (WWTP) Upgrade Project alternatives analysis process, candidate evaluation criteria, and preliminary site identification.                                                                                                        | RL              | PC/CC/RW<br>QCB |

| #                                                                                            | Applicant/Property Owner             | Project Address         | Date     | Permit Numbers            | Project Description/Status                                                                                                                                                                                                                                                                                                                                        | Project Planner | Approval Body |
|----------------------------------------------------------------------------------------------|--------------------------------------|-------------------------|----------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| <b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive</b> |                                      |                         |          |                           |                                                                                                                                                                                                                                                                                                                                                                   |                 |               |
| 16                                                                                           | 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         |
| 17                                                                                           | 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            |
| 18                                                                                           | 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            |
| 19                                                                                           | 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            |
| 20                                                                                           | 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            |
| 21                                                                                           | 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            |
| 22                                                                                           | Burt Caldwell, (Embarcadero 801 LLC) | 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. Applicant has submitted a request for a time extension on November 4, 2010. Extension granted, now expires 12/11/11. No active submittal                              | KW              | PC/CC/CCC     |
| 23                                                                                           | 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            |
| 24                                                                                           | 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            |
| 25                                                                                           | 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            |
| 26                                                                                           | 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    |
| 27                                                                                           | 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. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.                                                                                                                                                            | SD              | PC            |
| 28                                                                                           | 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. Met with agent 7/15/10. Applicant will resubmit addressing fire/building comments.                                                                                                          | SD              | PC            |
| 29                                                                                           | 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. Applicant indicated to staff that the project is on hold until better weather in 2011. Dynegey has assigned new project manager, anticipate demo to commence 5/2011. | SD              | AD            |

| #                                      | Applicant/Property Owner | Project Address       | Date    | Permit Numbers | Project Description/Status                                                                                                                                                                                                                                                        | Project Planner | Approval Body |
|----------------------------------------|--------------------------|-----------------------|---------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| 30                                     | Frantz                   | 499 Nevis             | 9/27/10 | CP0-337        | New SFR. Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Applicant has indicated that he is redesigning project-project placed on hold. Applicant resubmitted building permit plans but has not resubmitted for the Coastal Development Permit. | SD              | PC            |
| 31                                     | Romero                   | 291 Shasta Ave        | 1/19/11 | CDP-341        | Coastal Development Permit for single family residence. Incomplete Letter 2/18/11.                                                                                                                                                                                                | SD              | AD            |
| 32                                     | City of Morro Bay        | 595 Harbor            | 5/13/11 | CP0-355        | Generator to be located at City Hall. Project has been put on hold indefinitely CC 7/12/11.                                                                                                                                                                                       | SD              | AD            |
| <b>Projects in Building Plan Check</b> |                          |                       |         |                |                                                                                                                                                                                                                                                                                   |                 |               |
| 33                                     | Lou McGonagill           | 690 Olive             | 6/7/10  | Building       | SFR Addition. 1,000 sf. addition with garage. Incomplete letter 6/28/10. Resubmittal 9/29/10. Incomplete Memo 11/16/10. Front yard averaging approved. Resubmittal 9/12/11.                                                                                                       | SD              | N/A           |
| 34                                     | Viole/Held               | 575 - 591 Embarcadero | 11/1/10 | Building       | New Commercial Building. Incomplete Memo 12/2/10. No response from applicant (2/3/11). Applicant had issues to resolve with the CCC and those have now been resolved. Based on the CCC's action a redesign is being pursued.                                                      | SD              | N/A           |
| 35                                     | Lapp                     | 1548 Main Street      | 3/1/11  | Building       | Express Check. Wind and solar System. Incomplete Submittal 3/15/11. Resubmittal 3/3/11. Incomplete letter 3/24/11. Resubmittal 3/28/11. Incomplete letter 4/14/11.                                                                                                                | SD              | N/A           |
| 36                                     | Abbot                    | 843 Quintana          | 3/1/11  | Building       | Express Check. Incomplete letter 3/24/11. Resubmittal 3/28/11. Incomplete letter 4/14/11.                                                                                                                                                                                         | SD              | N/A           |
| 37                                     | Rowland                  | 2630 Maple            | 4/14/11 | Building       | Elevator. Denied project because elevator was located in 20'x20' garage, where 2 covered and enclosed parking spaces are required, letter sent 4/18/11. Resubmittal 5/25/11. Incomplete memo 6/9/11.                                                                              | SD              | N/A           |
| 38                                     | Kimbrell                 | 323 Shasta            | 4/15/11 | Building       | Stairs and Railing Replacement. Incomplete Letter 4/18/11.                                                                                                                                                                                                                        | SD              | N/A           |
| 39                                     | Olson                    | 2740 Dogwood          | 5/4/11  | Building       | SFR Remodel and Addition. Incomplete Memo 5/17/11.                                                                                                                                                                                                                                | SD              | N/A           |
| 40                                     | Miller/Andresen          | 2998 Greenwood        | 5/18/11 | Building       | Demo/Reconstruct (House). Issues with filing Deed Restriction, will approved once the Deed Restriction is accepted by the County.                                                                                                                                                 | SD              | N/A           |
| 41                                     | Ridenour                 | 3020 Ironwood         | 7/21/11 | Building       | New Single Family. Incomplete memo 8/12/11, Conditions of Approval shall be included in building plan set.                                                                                                                                                                        | SD              | N/A           |
| 42                                     | Viole/Held               | 575 - 591 Embarcadero | 8/9/11  | Building       | New Dock and Gangway. Incomplete/Clarification Memo 8/19/11. Resubmittal 9/13/11.                                                                                                                                                                                                 | SD              | N/A           |
| 43                                     | Markowity                | 589 Morro Avenue      | 8/17/11 | Building       | Roof Deck. Plans returned to Brian, because the plans were incomplete. Resubmittal 9/20/11.                                                                                                                                                                                       | SD              | N/A           |
| 44                                     | Calandra                 | 2749 Coral            | 8/31/11 | Building       | New SFR in Cloisters.                                                                                                                                                                                                                                                             | SD              | N/A           |
| 45                                     | Hoover                   | 301 Main              | 9/13/11 | Building       | SF Addition.                                                                                                                                                                                                                                                                      | SD              | N/A           |
| 46                                     | Hauck                    | 206 Bradley           | 9/12/11 | Building       | SF Addition.                                                                                                                                                                                                                                                                      | SD              | N/A           |
| 47                                     | Hoover                   | 301 Main              | 9/13/11 | Building       | Single Family Addition to a non-conforming property.                                                                                                                                                                                                                              | SD              | N/A           |
| 48                                     | Ridenour                 | 3020 Ironwood         | 9/15/11 | Building       | New Single Family Residence.                                                                                                                                                                                                                                                      | SD              | N/A           |
| 49                                     | Mclean                   | 2230 Emerald          | 9/20/11 | Building       | Photovoltaic System.                                                                                                                                                                                                                                                              | SD              | N/A           |

| #                                                                                | Applicant/Property Owner | Project Address     | Date    | Permit Numbers | Project Description/Status                                                                                                                                                                                                                                                            | Project Planner | Approval Body |
|----------------------------------------------------------------------------------|--------------------------|---------------------|---------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| <b>Aging Building Permits - No response from applicant in more than 90 days.</b> |                          |                     |         |                |                                                                                                                                                                                                                                                                                       |                 |               |
| 50                                                                               | Don Doubledee            | 360 Morro Bay Blvd  | 5/15/09 | Building       | Mixed Use Project - Ciano. Comments sent 2/25/10.                                                                                                                                                                                                                                     | SD              | N/A           |
| 51                                                                               | Valori                   | 2800 Birch Ave      | 2/10/10 | Building       | Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10                                                                                                                                                                                                                     | SD              | N/A           |
| 52                                                                               | Colhover                 | 2800 Dogwood        | 3/8/10  | Building       | New SFR. Comments sent 3/25/10.                                                                                                                                                                                                                                                       | SD              | N/A           |
| 53                                                                               | Ronald Stuard            | 490 Avalon          | 4/22/10 | Building       | SFR Addition. 79 sf. bedroom addition. Comments sent 4/27/10.                                                                                                                                                                                                                         | SD              | N/A           |
| 54                                                                               | Joe Silva                | 570 Avalon          | 5/12/10 | Building       | SFR Addition. 84 sf. addition. Comments sent 5/17/10.                                                                                                                                                                                                                                 | SD              | N/A           |
| 55                                                                               | Frantz                   | 499 Nevis           | 9/27/10 | Building       | New SFR. Incomplete Memo 10/7/10.                                                                                                                                                                                                                                                     | SD              | N/A           |
| 56                                                                               | Hall                     | 2234 Emerald Circle | 12/2/10 | Building       | New SFR. Incomplete Memo 12/21/10.                                                                                                                                                                                                                                                    | SD              | N/A           |
| 57                                                                               | Romero                   | 291 Shasta Ave      | 1/19/11 | Building       | New single family residence. Incomplete Letter 2/18/11.                                                                                                                                                                                                                               | SD              | N/A           |
| <b>Final Map Under Review</b>                                                    |                          |                     |         |                |                                                                                                                                                                                                                                                                                       |                 |               |
| 58                                                                               | Zinngarde                | 1305 Teresa         | 5/9/11  | Map            | Final Map. Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11. Comments given to applicant, held meeting on 9/27/2011 regarding comments.                                                                                                           | KW              | CC            |
| <b>Projects &amp; Permits with Final Action</b>                                  |                          |                     |         |                |                                                                                                                                                                                                                                                                                       |                 |               |
| 59                                                                               | Dan Reddell              | 550 Morro Bay Blvd  | 6/14/10 | UP0-293        | Farmer's Market. Conditional Use Permit for vendors and events. Resubmittal 6/17/10. Scheduled for                                                                                                                                                                                    | SD              | PC            |
| 60                                                                               | Moore                    | 1169 Market         | 6/23/11 | UP0-326        | Boat Repair, Workshop & Storage. Incomplete letter 7/19/11. Additional information (resubmittal) 7/22/11. Incomplete letter 8/23/11. No new plans, new narrative resubmitted 8/26/11. Deemed complete scheduled for 9/21/11 PC Meeting. Planning Commission approved project 9/21/11. | SD              | PC            |
| 61                                                                               | Ridenour                 | 3460 Toro           | 8/5/11  | UP0-335        | Solar Panels Exceed Height Limit. Incomplete letter 8/12/11. Resubmittal 8/23/11. Deemed complete, MUP noticed on 9/8/11. Permit Issued 9/22/11.                                                                                                                                      | SD              | AD            |



City of Morro Bay  
 Public Services/Planning Division  
 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 |                    |                                                                              |                       |
| 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            |                    |                                                                              | 80                    |
| Annexation Proceeding for Public Facilities                                            |                     | TBD            |                    |                                                                              | TBD                   |
| Sign Ordinance Update                                                                  | 2/16/11             | 11/1/11        |                    | Workshops Scheduled for September 29 and October 6, 2011                     | 50 to 100             |
| <i>Planning Commission Generated Items</i>                                             |                     |                |                    |                                                                              |                       |
| Work Item                                                                              | Requesting Body     |                |                    |                                                                              | Estimated Staff Hours |
| Pedestrian Plan                                                                        | Planning Commission |                |                    | To be incorporated into Bicycle Transportation, currently under preparation. | 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                 |