



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.  
The City shall be committed to this purpose and will provide a level of municipal service and safety  
consistent with and responsive to the needs of the public.*

**Regular Meeting - Wednesday, January 4, 2012  
Veteran's Memorial Building - 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Rick Grantham

Vice-Chairperson John Solu  
Commissioner Paul Nagy

Commissioner Jamie Irons  
Commissioner Jessica Napier

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so at this time. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the 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. There are devices for the hearing impaired available upon request at the staff's table.

## PRESENTATIONS

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

### A. CONSENT CALENDAR

- A-1 Approval of minutes from Planning Commission meeting held on December 7, 2011  
**Staff Recommendation:** Approve minutes as submitted.

### B. PUBLIC HEARINGS

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

#### B-1 *Continued Item from the December 7, 2011 Meeting*

**Case No.:** #A00-013

**Site Location:** Citywide

**Applicant/Project Sponsor:** City of Morro Bay

**Request:** Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations.

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Forward a favorable recommendation to the City Council to approve the proposed Zoning Text Amendment and adopt the Mitigated Negative Declaration.

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

#### B-2 **Case No.:** #S00-109 and #AD0-065

**Site Location:** 821 Pacific and 700, 710 and 710 ½ Bernardo

**Applicant/Project Sponsor:** Ruth Viau/ Cathy Novak

**Request:** Requesting Planning Commission to amend the previously approved project conditions by deleting Planning Commission Condition 1, which requires parking to be provided on parcel two east of the power pole.

**CEQA Determination:** Categorically Exempt Section 15305, Class 5

**Staff Recommendation:** Conditionally approve amendment to #S00-109 and #AD0-065

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

#### B-3 **Case No.:** #SP0-141

**Site Location:** Off premise signs at: Corner of Beach and Market, entry to parking lot of former Virg's location on the Embarcadero, boat launch ramp.

**Applicant/Project Sponsor:** Sharon Moores (Virg's Sport Fishing) / Cathy Novak

**Request:** Requesting sign exception to place four off-premise signs on the public right-of-way for Virg's Sport Fishing to advertise the sale of fishing licenses. The proposed signs located at Beach and Embarcadero locations will be mounted to the existing poles within the City right-of-way, the launch ramp sign will be posted on the existing wood sign, and Walker's Mobile Home Park on the existing sign supports.

**CEQA Determination:** Categorically Exempt, Section 15305, Class 5.

**Staff Recommendation:** Conditionally approve #SP0-141.

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

- B-4 **Case No.:** Amendment to #S00-089 and #CP0-276  
**Site Location:** 3390 Main Street  
**Applicant/Project Sponsor:** Johnnie Medina  
**Request:** Amend the approved Subdivision Permit #S00-089 and Coastal Development Permit #CP0-276 for 2 parcel subdivision map and to construct a two story single-family residence with attached two car garage. The applicant requests an amendment to the previous Planning Commission approval requiring a 50 foot buffer from the ESH (Environmentally Sensitive Area) allowing only a bio swale with this area. The applicant requests a second driveway approximately 133 feet long, with an area of approximately 2,700 square feet (1,400 square feet of paved area and 1,300 square feet of pavers). The proposed driveway will encroach into the 50 foot buffer setback and 25 foot buffer setback. This site is located inside the Coastal Commission Appeals Jurisdiction.  
**CEQA Determination:** Mitigated Negative Declaration has been adopted for the previously approved for the project. State Clearinghouse #2009061049  
**Staff Recommendation:** Conditionally approve the amendment to #S00-089 and #CP0-276  
**Staff Contact:** Sierra Davis, Assistant Planner, (805) 772-6270

C. UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- C-2 Discussion on Title 16 (Subdivision Ordinance) Streamlining Procedures and Identifying Issues with Document Implementation  
**Staff Recommendation:** Per City Council direction, provide comments to staff.

D. NEW BUSINESS

- D-1 Discussion on Planning Commission Bylaws  
**Staff Recommendation:** Review bylaws in Exhibit A and provide recommendations to the City Council.
- D-2 Schedule of Meeting Dates  
**Staff Recommendation:** Approve schedule of 2012 meeting dates.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday, January 18, 2012 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Public Services Department, 955 Shasta Avenue, for any revisions or call the department at 772-6261 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Public Services Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, Planning Division. Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill's/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Public Services Department during normal business hours or at the scheduled meeting.

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

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

### **APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

AGENDA ITEM: A-1

DATE: January 4, 2012

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

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – DECEMBER 7, 2011  
VETERANS MEMORIAL HALL – 6:00 P.M.

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Jamie Irons	Commissioner
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
STAFF:	Rob Livick	Public Services Director
	Sierra Davis	Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
PUBLIC COMMENT – None.  
PRESENTATIONS

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 Approval of minutes from the Planning Commission meeting held on November 2, 2011

**STAFF RECOMMENDATION: Approve minutes as submitted.**

**MOTION:** Commissioner Irons moved to approve the Consent Calendar. The motion was seconded by Commissioner Nagy and carried unanimously. (5-0)

B. PUBLIC HEARINGS

B-1 **Case No.: #A00-012 (Amendment to Conditional Use Permit) & #CP0-361 (Conditional Use Permit)**  
**Site Location:** 399 Errol  
**Applicant/Project Sponsor:** Mission Linen  
**Request:** Proposes awning over existing outdoor loading area to protect loading activities from the weather.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – DECEMBER 7, 2011

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Conditionally Approve Amendment #A00-012 to Conditional Use Permit and Coastal Development Permit #CP0-361 and adopt Mitigated Negative Declaration.

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

Chairperson Grantham opened the Public Comment period.

Josh Offill, General Manager of Mission Linen, presented a brief background of the proposed project requesting approval from the Planning Commission.

Hearing no further comment, Chairperson Grantham closed the Public Comment period.

Davis presented the staff report.

Commissioners stated their support for the project.

**MOTION:** Commissioner Nagy moved to conditionally approve the project with the Conditions listed in Exhibit B. The motion was seconded by Commissioner Solu and carried unanimously. (5-0)

**B-2 Case No.: #UP0-212 time extension**

**Site Location:** 801-833 Embarcadero

**Applicant/Project Sponsor:** Burt Caldwell (Embarcadero 801 LLC)

**Request:** Applicant has requested a time extension for the time period allowed to submit a Precise Plan. The request is for a one year extension with the expiration date to be December 11, 2012.

**CEQA Determination:** None required

**Staff Recommendation:** Approve the one year time extension.

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

Davis presented the staff report.

Chairperson Grantham opened the Public Comment period and hearing no comment, closed the Public Comment period.

Commissioners stated their support for the extension request.

**MOTION:** Chairperson Grantham moved to grant a one-year extension for the time period allowed to submit a precise plan until December 11, 2012. The motion was seconded by Commissioner Irons and carried unanimously. (5-0).

**B-3 Case No.: #CP0-359**

**Site Location:** 2 State Park Road

**Applicant/Project Sponsor** State of California

**Request:** Install a 2,500 square foot pre-fab modular office building at the Eucalyptus grove complex within the State Park at Morro Bay.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – DECEMBER 7, 2011

**CEQA Determination:** Categorically exempt for CEQA under Class 3  
**Staff Recommendation:** Approve Coastal Development Permit #CP0-359  
**Staff Contact:** Kathleen Wold, Planning and Building Manager (805) 772-6211

Davis presented the staff report.

Chairperson Grantham opened the Public Comment period.

Doug Barker, Applicant Representative, presented a brief background of the proposed project and noted that the request to install the pre-fab office building is due to State budget cuts. Additionally, Mr. Barker noted the favorable economic impact that will be created from the 8-10 employees who will now be working in Morro Bay rather than Los Osos.

Hearing no further comment, Chairperson Grantham closed the Public Comment period.

Commissioners stated their support for the project.

**MOTION:** Chairperson Grantham moved to approve #CP0-359 stipulating a 2,500 square foot pre-fab modular office building. The motion was seconded by Commissioner Solu and carried unanimously. (5-0)

**B-4 Case No.: #A00-013**

**Site Location:** Citywide

**Applicant/Project Sponsor** City of Morro Bay

**Request:** Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations.

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Forward a favorable recommendation to the City Council to approve the proposed Zoning Text Amendment and adopt the Mitigated Negative Declaration.

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

Livick and Davis presented the staff report.

Davis noted that secondary units, previously known as granny units, required a minor use permit and deed restriction, but that does not meet State Code. Davis explained the purpose of the Zoning Text Amendment is to bring the City's Zoning Ordinance in conformance with the State's requirements. Davis continued to explain the proposed changes to the Zoning Text Amendment including areas such as progressive zoning, lot coverage, design, size, parking, compliance with Title 14, and use limitation.

Commissioners discussed with Davis the various details of the Zoning Ordinance which cover secondary units and why the current ordinance is not currently in conformance with State code.

Commissioners Irons read from the State code language and questioned the interpretation stating the Zoning Ordinance is out of conformance. Irons stated the State code just says cannot build more than 1,200 square feet, but it also says that the City can impose standards on the second

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – DECEMBER 7, 2011

unit, including maximum size of the unit. Davis responded that City Council has directed to impose the maximum allowable square footage. Livick responded that the State dictates that a jurisdiction cannot limit how a property is rented.

Commissioner Irons asked if the Housing Element currently states a conditional use permit is needed, will that require a General Plan amendment to modify the Housing Element. Livick replied yes and stated the Planning Commission can choose to vote to recommend approval, but a General Plan amendment will have to be brought back at a later date.

Chairperson Grantham opened the Public Comment period.

Roger Ewing, resident of Morro Bay, spoke against the proposed changes urging the Planning Commission not to approve. Ewing stated the reasons we have the current code was due to past overbuilding and in order to give the City a sense of community. Mr. Ewing also stated that 1,200 square feet is too big and said the City Attorney should be here.

Hearing no further comment, Chairperson Grantham closed the Public Comment period.

Commissioners discussed continuing this item to allow the City Attorney to be present and to also allow additional time to review the proposed zoning changes.

**MOTION:** Chairperson Grantham moved to continue this item to the January 4, 2012 Planning Commission meeting and to have the City Attorney present to answer any of the technical questions. The motion was seconded by Commissioner Solu.

Commissioner Irons suggested making a different motion to continue on working through the proposed changes. No consensus was reached for that suggestion.

VOTE: The motion passed 3-2 with Commissioners Napier and Irons voting no.

UNFINISHED BUSINESS

C-1 Current Planning Processing List/Advanced Work Program

Livick reviewed the Work Program with Commissioners.

NEW BUSINESS

D-1 Terms of current Planning Commissioners, application procedures for open positions and procedures/timing for the nomination of officers.

Chairperson Grantham reviewed the terms expiration dates of the Commissioners.

D-2 Discussion on Streamlining Procedures within Title 16 (Subdivision Ordinance) and identifying issues with implementing the document.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – DECEMBER 7, 2011

Commissioner Irons started the discussion and stated the Subdivision Ordinance was first brought up at the Joint City Council/ Planning Commission meeting. Irons noted that resolving internal inconsistencies within the Subdivision Ordinance would help to streamline projects. Irons stated by forming a subcommittee which can have discussions with Kathleen Wold, the Planning and Building Manager, the areas that need improvement can then be identified so this background information will be done when the Subdivision Ordinance is ready to be redrafted.

Chairperson Grantham suggested that since Commissioner Irons' term is expiring, to meet with Wold before the second meeting in January.

DECLARATION OF FUTURE AGENDA ITEMS

Commissioners agreed to agendize again the discussion on streamlining procedures in the Subdivision Ordinance.

ADJOURNMENT

The meeting adjourned at 8:00 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, January 4, 2012 at 6:00 pm.

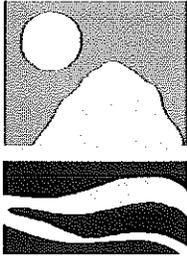
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Rick Grantham, Chairperson

ATTEST:

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Rob Livick, Secretary



## Memorandum

**TO:** PLANNING COMMISSION **DATE:** January 4, 2012

**FROM:** KATHLEEN WOLD, PLANNING AND BUILDING MANAGER

**SUBJECT:** REQUEST IS TO MODIFY PLANNING COMMISSION CONDITION #1 FOR LOT LINE ADJUSTMENT #S00-109 AND VARIANCE #AD0-065 TO REMOVE THE REQUIREMENT THAT PARKING BE PROVIDED ON PARCEL TWO EAST OF THE POWER POLE. THE PROJECT IS LOCATED AT 821 PACIFIC AND 700, 710 AND 710 1/2 BERNARDO.

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**RECOMMENDATION:**

*Approve the modification* to Planning Commission Condition #1 by making the following motion:

- A. Approve Lot Line Adjustment #S00-109 and Variance #AD0-065, subject to the modified conditions of approval as stated in Exhibit B.

**BACKGROUND:**

The Planning Commission at their November 2, 2011 meeting held a public hearing at which it was their decision to conditionally approve the project. At this meeting the Planning Commission added the following condition:

1. New structures or additions shall require setbacks and parking standards meet the regulations of the Municipal Code. Parking shall be provided on parcel two east of the power pole.

This condition was placed on the project due to the concerns expressed at the hearing regarding the fact that a nine foot by twenty foot parking stall would encroach into the public right of way if provided as an open tandem parking stall in the existing driveway. Commissioner Irons suggested that the parking stall could be relocated to the east of the existing structure providing enough space for the stall without the need to encroach into the public right of way. This condition was presented to the applicant's representative, Ms. Novak, who agreed to have the condition placed on the project.

**PROJECT ANALYSIS:**

The applicant has requested the removal of the requirement to provide a parking stall on parcel two east of the power pole. As stated in the original staff report the existing house is nonconforming as it relates to required parking. Section 17.44.020.C.1.c. requires all Single-family dwellings have two parking spaces which shall be covered and enclosed. There are exceptions for certain overlay zone districts however this project is zoned R-4 and does not have an overlay zone. Because the house has nonconforming status further development of the lot or expansion of the house will require adherence to Section 17.56. However, applying for a lot line adjustment does not trigger a requirement to bring the house up to current parking requirements. In other words, the property can remain as is with only one covered parking space. Because the applicant had requested a parking exception for the changes to the parking on parcel 1, parcel 2's parking was also addressed under the same parking exception. It was the decision of the Planning Commission to not approve the request to allow open tandem parking but to require parking east of the home. The Planning Commission may remove the condition at this time with the knowledge that when future development of the property is pursued, the property will have to adhere with Section 17.56.

Section 17.56.160.A.5.b. states: Parking/Residential Structures. A residential structure that is nonconforming because two spaces have not been previously required by this title may be altered or expanded with only one covered space, provided that such alterations or expansions of an individual dwelling shall not cumulatively exceed twenty-five percent of the habitable floor area at the time of the first expansion or alteration.

In the letter submitted by Ms. Novak, she indicates that meeting this condition will be difficult. She gave the following reasons:

1. There are two slopes that run in differing directions from the Pacific Street entry and the sidewalk parallel to Pacific Street. A significant amount of grading will be necessary to create an approach to the space.
2. A utility pole with a guy wire exists between the existing driveway and a new approach to the space. There is approximately 14 feet between the utility pole and existing retaining wall however, a vehicle will need to be careful to negotiate a turn into the space.
3. A small retaining wall will need to be constructed on the property line and will necessitate modifications to the end of the existing sidewalk to prevent a trip and fall.
4. The area where the parking space would be located is not level and will require grading for the space.
5. Locating a 10 foot by 23 foot parking space within the property boundaries will result in an area approximately  $\frac{3}{4}$  the length of the existing house be disturbed with asphalt or other materials.
6. The parking space will not be very functional.
7. There is considerable width (approximately 20 feet) of unpaved area parallel to Pacific Street for additional parking and tandem parking within the existing driveway.

8. The original project for the Lot Line Adjustment did not trigger the need for this condition.

Staff has reviewed Ms. Novak's letter and the issues contained therein and offers the following analysis:

Section 17.44.020.C.1.c. requires all Single-family dwellings have two spaces which shall be covered and enclosed. There are exceptions for certain overlay zone districts however this project is zoned R-4 and does not have an overlay zone.

Section 17.44.020.3.e . provides that the minimum parking stall shall be nine feet by twenty feet.

Generally, as with most new development, there will need to be grading and site improvements made to construct the parking space, staff did not find any improvements stated above that would be out of the ordinary.

**CONCLUSION:**

Staff recommends removing the condition at this time and allowing the applicant/property owner to deal with the issue at such time that property is further developed.

**ATTACHMENTS:**

Exhibit 1-Minutes and Staff Report from November 5, 2011.

Exhibit 2-Applicant's letter and materials

## CONDITIONS OF APPROVAL

*Revised by Planning Commission on November 2, 2011*

SITE: 821 Pacific and 700, 710 and 710 1/2 Bernardo

Project description: Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property line from under an existing building. Project also includes a parking exception to allow tandem parking and a variance to provide for existing reduced setbacks, lot size and a reduce setback for the existing building adjacent to the adjusted property line

### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated October 26, 2011, for the project depicted on the preliminary lot line adjustment map date stamped October 12, 2011 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. The variance approved shall be as follows:

Lot Size	Parcel 1, 5,620 square feet	Parcel 2, 5,152 square feet
Accessory Structure located on Parcel 2		Reduced side setback (west side) 1 foot  Reduced rear setback 4.22 feet
Front yard setback	Parcel 1 reduced front yard setback for existing structure 9.52 feet	Parcel 2 reduced front yard setback for existing structure 9.64 feet

2. The variance granted shall be for existing structures only; any new structure proposed on either site shall conform to all current standards in place at the time.

**ENGINEERING CONDITIONS**

1. Each parcel shall be serviced by a separate sewer lateral, if an existing sewer lateral is going to be used the existing sewer lateral shall be video inspected for City approval prior to the final parcel map or certificates.
2. Prior to the recordation of the final parcel map or certificates each parcel shall be serviced by separate water meters.
3. The final parcel map or certificates shall provide easements for all shared utilities, except sewer and water.
4. The applicant shall provide the City evidence that the property taxes have been prepaid

on all of the subject parcels.

**BUILDING CONDITIONS**

1. The applicant shall obtain a building permit for the conversion and modification of the existing garage to comply with the California Residential Code.
2. Prior to recordation of the parcel map or certificates, the existing garage building shall be modified so as to be setback a minimum of one foot from the property line, with no openings, eaves or other projections. The west wall shall have a minimum fire-resistance rating of 1 hour from both sides.
3. The parcel map or certificates shall demonstrate compliance with the applicable building codes, to the satisfaction of the Building Official.

**PLANNING COMMISSION CONDITIONS**

2. New structures or additions shall require setbacks and parking standards meet the regulations of the Municipal Code.

# EXHIBIT 1

AGENDA ITEM: A-1

DATE: December 7, 2011

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 2, 2011  
VETERANS MEMORIAL HALL – 6:00 P.M.

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Jamie Irons	Commissioner
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning and Building Manager

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
PUBLIC COMMENT - None.  
PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

## A. CONSENT CALENDAR

A-1 Approval of minutes from the Planning Commission meeting held on October 19, 2011

**STAFF RECOMMENDATION: Approve minutes as submitted.**

**MOTION:** Commissioner Solu moved to approve the Consent Calendar. The motion was seconded by Commissioner Irons and carried unanimously. (5-0)

## B. PUBLIC HEARINGS

B-1 **Case No.:** S00-109 and AD0-065  
**Site Location:** 821 Pacific and 700, 710 and 710 ½ Bernardo  
**Applicant/Project Sponsor:** Ruth Viau/ Cathy Novak  
**Request:** Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property line from under an existing building. Project also includes a parking

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 2, 2011

exception to allow tandem parking and a variance to provide for existing reduced setbacks, lot size and a reduced setback for the existing building adjacent to the adjusted property line.

CEQA Determination: Categorically Exempt Section 15305, Class 5

Staff Recommendation: Conditionally Approve Lot Line Adjustment (S00-109) and Variance (AD0-065).

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

Wold presented the staff report.

Commissioners discussed with staff the request for tandem parking. The variance granted is for existing not future development. Wold clarified that anything added in the future such as a demo/reconstruct will be required to be conforming.

Chairperson Grantham opened the Public Comment period.

Cathy Novak, Applicant's Representative, presented a brief background of the proposed project.

Bill Fritsch, neighbor and resident of Morro Bay, questioned why the orientation of the lots is east west, but the two houses are showing north south.

Hearing no further comment, Chairperson Grantham closed the Public Comment period.

Commissioner Irons expressed concern regarding the proposed tandem parking going into the public right of way. Irons offered a suggestion to utilize the open space to the right of the structure instead which could allow area for parking. Commissioner Irons also expressed concern regarding the one foot setback of the accessory structure and suggested this structure be moved back to conform to the five foot setback.

Commissioners asked Novak to return to the podium to address these concerns.

Novak clarified the following:

- The accessory structure is cinderblock concrete and would be difficult to move back to five feet.
- The existing garage, without vehicle access, will be used for storage.
- The shrubbery near the utility power could be cleared to make that a parking space.

Commissioners continued to discuss the non-conforming status of the rear setback of parcel 1. Irons stated it is not unreasonable to request the wall to be pushed back to five feet. Novak disagreed and stated the type of construction makes it too difficult and as an older structure, it should be allowed the exception request.

Wold clarified for Commissioners that the Applicant did not submit documents illustrating building construction, but noted the main issue is the property line going under the building and moving it back one foot does remedy that.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 2, 2011

Commissioners Nagy, Napier and Solu stated their support for the one foot setback and expressed support for including language that a new structure or addition would be required to be conforming.

**MOTION:** Commissioner Nagy moved to adopt the findings included as Exhibit A and conditionally approve Lot Line Adjustment S00-109 and Variance AD0-065 subject to the Conditions included as Exhibit “B” and the preliminary lot line adjustment map date stamped October 12, 2011 with the following conditions:

1. New structures or additions shall require setbacks and parking standards meet the regulations of the Municipal Code and parking shall be provided on parcel two east of the power pole.

The motion was seconded by Commissioner Irons and carried unanimously. (5-0)

UNFINISHED BUSINESS

C-1 Current Planning Processing List/Advanced Work Program

Wold reviewed the Work Program with Commissioners.

NEW BUSINESS - None

DECLARATION OF FUTURE AGENDA ITEMS

Commissioner Irons requested to agendize a discussion of changes to the Subdivision Ordinance at the next Planning Commission meeting.

ADJOURNMENT

The meeting adjourned at 7:00pm to the next regularly scheduled Planning Commission meeting at the Veteran’s Hall, 209 Surf Street, on Wednesday, December 7, 2011 at 6:00 pm.

\_\_\_\_\_  
Rick Grantham, Chairperson

ATTEST:

\_\_\_\_\_  
Rob Livick, Secretary

AGENDA ITEM: A-1

DATE: December 7, 2011

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 2, 2011  
VETERANS MEMORIAL HALL – 6:00 P.M.

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Jamie Irons	Commissioner
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning and Building Manager

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
PUBLIC COMMENT - None.  
PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 Approval of minutes from the Planning Commission meeting held on October 19, 2011

**STAFF RECOMMENDATION: Approve minutes as submitted.**

**MOTION:** Commissioner Solu moved to approve the Consent Calendar. The motion was seconded by Commissioner Irons and carried unanimously. (5-0)

B. PUBLIC HEARINGS

B-1 **Case No.:** S00-109 and AD0-065

**Site Location:** 821 Pacific and 700, 710 and 710 ½ Bernardo

**Applicant/Project Sponsor:** Ruth Viau/ Cathy Novak

**Request:** Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property line from under an existing building. Project also includes a parking

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 2, 2011

exception to allow tandem parking and a variance to provide for existing reduced setbacks, lot size and a reduced setback for the existing building adjacent to the adjusted property line.

CEQA Determination: Categorically Exempt Section 15305, Class 5

Staff Recommendation: Conditionally Approve Lot Line Adjustment (S00-109) and Variance (AD0-065).

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

Wold presented the staff report.

Commissioners discussed with staff the request for tandem parking. The variance granted is for existing not future development. Wold clarified that anything added in the future such as a demo/reconstruct will be required to be conforming.

Chairperson Grantham opened the Public Comment period.

Cathy Novak, Applicant's Representative, presented a brief background of the proposed project.

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Hearing no further comment, Chairperson Grantham closed the Public Comment period.

Commissioner Irons expressed concern regarding the proposed tandem parking going into the public right of way. Irons offered a suggestion to utilize the open space to the right of the structure instead which could allow area for parking. Commissioner Irons also expressed concern regarding the one foot setback of the accessory structure and suggested this structure be moved back to conform to the five foot setback.

Commissioners asked Novak to return to the podium to address these concerns.

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Commissioners continued to discuss the non-conforming status of the rear setback of parcel 1. Irons stated it is not unreasonable to request the wall to be pushed back to five feet. Novak disagreed and stated the type of construction makes it too difficult and as an older structure, it should be allowed the exception request.

Wold clarified for Commissioners that the Applicant did not submit documents illustrating building construction, but noted the main issue is the property line going under the building and moving it back one foot does remedy that.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 2, 2011

Commissioners Nagy, Napier and Solu stated their support for the one foot setback and expressed support for including language that a new structure or addition would be required to be conforming.

**MOTION:** Commissioner Nagy moved to adopt the findings included as Exhibit A and conditionally approve Lot Line Adjustment S00-109 and Variance AD0-065 subject to the Conditions included as Exhibit “B” and the preliminary lot line adjustment map date stamped October 12, 2011 with the following conditions:

1. New structures or additions shall require setbacks and parking standards meet the regulations of the Municipal Code and parking shall be provided on parcel two east of the power pole.

The motion was seconded by Commissioner Irons and carried unanimously. (5-0)

UNFINISHED BUSINESS

C-1 Current Planning Processing List/Advanced Work Program

Wold reviewed the Work Program with Commissioners.

NEW BUSINESS - None

DECLARATION OF FUTURE AGENDA ITEMS

Commissioner Irons requested to agendize a discussion of changes to the Subdivision Ordinance at the next Planning Commission meeting.

ADJOURNMENT

The meeting adjourned at 7:00pm to the next regularly scheduled Planning Commission meeting at the Veteran’s Hall, 209 Surf Street, on Wednesday, December 7, 2011 at 6:00 pm.

\_\_\_\_\_  
Rick Grantham, Chairperson

ATTEST:

\_\_\_\_\_  
Rob Livick, Secretary



AGENDA NO: B-1

MEETING DATE: November 5, 2011

# Staff Report

**TO:** Planning Commissioners

**DATE:** October 26, 2011

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

**SUBJECT:** Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property lines from under existing buildings. Project includes a parking exception to allow tandem parking and a variance to provide for reduced setbacks and reduced lot sizes

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by making the following motion:

- A. Adopt the Findings included as Exhibit "A";
- B. Conditionally approve Lot Line Adjustment S00-109 and Variance AD0-065, subject to the Conditions included as Exhibit "B" and the preliminary lot line adjustment map date stamped October 12, 2011.

**APPLICANT:** Ruth Viau

**AGENT:** Cathy Novak

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

066-075-026 & 27, LOTS 13, 14, 15, 16, 17 in Block 3 of the Resubdivisions of Block 2 and 3 of Morro Heights, in the City of Morro Bay, County of San Luis Obispo, State of California, according to Map recorded February 5, 1925 in Book 3, Page 52 Maps.

**PROJECT DESCRIPTION:**

Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property lines from under existing buildings. Project includes a parking exception to allow tandem parking and a variance to provide for reduced setbacks and reduced lot sizes.

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	R-4 (Multiple-Residential District)	South:	R-1 (Single Family Residential District)
East:	R-4 (Multiple-Residential District)	West:	R-4 (Multiple-Residential District)

<b><u>Site Characteristics</u></b>	
Site Area	10,772 Square feet
Existing Use	Single family residence, triplex and an accessory building.
Terrain	Split level lot. Portion of lot adjacent to each street is level and then the rear portion of the lot drops off approximately 6 feet to another flat area.
Vegetation/Wildlife	Ornamental/None
Archaeological Resources	None
Access	Pacific Street and Bernardo

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	High Density
Base Zone District	R-4 (Multiple-Residential District)
Zoning Overlay District	NA
Special Treatment Area	NA
Combining District	NA
Specific Plan Area	NA
Coastal Zone	Yes, outside of the Coastal Appeal area

**PROJECT ANALYSIS:**

*Background*

The project site consists of three legal lots (lots 15, 16 and 17) created by a subdivision map (3 MAPS 52) in 1925. The site currently has one residential structure that is a triplex, a single family home and one accessory structure. The triplex consists of two units which have two bedrooms and one unit which has one bedroom. Staff was unable to verify the age of these units but it would appear that the units are older. At the time the units were built they crossed property lines placing portions of the structures on lot 15, 16 and 17. In order to facilitate the sale of the units the property lines must be adjusted so that all structures are clearly on one parcel only.

*Project analysis*

The project proposes to adjust the orientation of the lines from a horizontal location parallel to Pacific Street to a vertical position perpendicular to Pacific Street. This configuration will establish two parcels eliminating one parcel. Parcel 1 is proposed to be 5,620 square feet and Parcel 2 is proposed to be 5,152 square feet. The minimum lot size for parcels in the R-4 zone district is 6,000 square feet. Since the proposed lot size and setbacks established by this proposal do not meet minimum Zoning Ordinance requirements the applicant has submitted a request for a variance. The existing garage will be converted into an accessory building by removing the garage door (vehicle access).

*Zoning Requirements*

<i>Development Standards</i>	R-4 Zone District Requirements	Proposed Setbacks Lot 1	Proposed Setbacks Lot 2	Variance Request
<b>Front yard setback</b>	15 feet	9.52 feet	9.64 feet	Variance request to allow the reduction in front yard setback to accommodate existing structures. Orientation of the lots change with the adjustment of property lines making Pacific the front of the properties.
<b>Side yard (Interior) setback</b>	5 feet	5 feet	5 feet, 16.83 feet	None
<b>Side yard (Exterior) setback</b>	20% of width of lot with 15 feet maximum and 10 feet minimum.	22.97 feet	N/A	None
<b>Rear yard setback</b>	5 feet except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies.	18 feet	43 feet	None
<b>Lot Coverage</b>	60%	37%	27%	None
<b>Minimum Lot Area Per Unit</b>	1,800 square feet	1,806 square feet per unit.	5,152 square feet per unit.	None
<b>Lot Size</b>	6,000 square feet	5,620 square feet	5,152 square feet	Variance to allow reduced lot size.
<b>Building Height</b>	30 feet above average natural grade	Existing building. No height submitted.	Existing one story building.	None
<b>Landscaping</b>	n/a	n/a	n/a	n/a

<b>Parking</b>	<p>Single family dwellings: two spaces for each dwelling, which shall be covered and enclosed.</p> <p>Studio apartments, one space per unit; for units with one or more bedrooms, one and one-half for the first bedroom plus one-half space for each additional bedroom not to exceed two spaces per unit, plus one space for each five units in development of five or more units for guest parking. All spaces except for those reserved for guest parking shall be covered.</p>	<p>Three spaces provided in garages. Proposed project will eliminate one garage space.</p>	<p>One enclosed garage.</p>	<p>Parking exception proposal is to allow one enclosed garage space and one tandem space for parcel 2 and two enclosed garage spaces and two tandem parking spaces for the one bedroom units and one open space to the north of the existing building for the studio unit.</p>
<b>Accessory structure</b>	<p>A detached accessory building in an R district shall meet the setback, height and coverage requirements of the zone and be at least six feet from any dwelling existing or under construction on the same lot or any adjacent lot except temporary, nonpermanent buildings.</p>	<p>N/A</p>	<p>Front setback—64 feet, Side setback—1 foot and 39 feet. Rear Setback—4.22 feet. Distance from dwelling on parcel 1-6 feet, dwelling on parcel 2-25 feet and adjacent parcel —9 feet.</p>	<p>Variance requested to allow reduced setback for the accessory structure including rear and side setbacks.</p>

*Variance*

The proposed adjustment of the property lines will change the orientation of the properties making Pacific the front of each lot. When this occurs what historically had been the exterior side yard now becomes the front yard. The existing structures are approximately 9.50 feet away from the property line. Since the structures have existed at this location for many years it is anticipated that there will no negative impacts from the adjusting the lots lines and the orientation of the lots. Staff supports the request for a variance to the front yard setback for all existing structures and will condition the variance that any further development of the lot will be to the R-4 standards.

The main issue with the project is the disposition of the existing garage situated on the northeast side of the property. Currently the garage is accessed from the driveway located on what is proposed to be Parcel 1. The applicant proposes to convert this structure from a garage to an accessory structure by removing the vehicle door. This will eliminate the need for access to the structure from Parcel 1. In addition in order to remove the property line from underneath this structure modifications to the building are proposed. The applicant proposes to remove enough of the structure to allow for a one foot separation from the property line to the structure. While this will meet the requirements of the building code it will not meet the zoning requirements. Current code requires a 5 foot setback from the property line. The applicant has requested a variance to this requirement. Staff has reviewed this request as finds that a variance is warranted in this situation as the applicant is seeking to remedy an existing situation (property lines under buildings) and while modifications to the building are proposed requiring the applicant to remove 5 feet of an existing building would be excessive.

The lot line adjustment will result in the two lots which will not meet minimum lot standards of 6,000 square feet. The applicant has proposed a variance to the minimum lot standard to allow for a 5,162 square foot lot and a 5,620 square foot lot. Staff supports this request as the only way to meet the 6,000 square foot minimum would be to merge all parcels together creating a 10,772 square foot parcel and eliminating the potential for the single family home currently existing from being sold separately. In addition, staff would like to highlight that the current proposal does eliminate one parcel creating parcels more in line with the minimum size requirements.

#### *Parking Exception*

The applicant has proposed a parking exception to allow one enclosed garage space and one tandem space for parcel 2 in lieu of providing two enclosed spaces. Two enclosed garage spaces and two tandem parking spaces for the one bedroom units are proposed and one open space to the north of the existing building for the studio unit in lieu of providing the spaces not in tandem. Staff has reviewed this proposal and finds that that the approval of this request will allow the full enjoyment of the property while still providing adequate parking facilities for the project as a whole. Modification of the property to provide parking not in tandem is not feasible as the property is fully developed and as developed does not provide for additional parking opportunities beyond providing the parking in tandem.

#### **ENVIRONMENTAL DETERMINATION**

The project has been found to be categorically exempt from CEQA pursuant to Section 15305, Class 5. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on October 21, 2011, and all property owners of record within 300 feet and occupants within 100

## EXHIBIT A

### FINDINGS

SITE: 821 Pacific and 700, 710 and 710 1/2 Bernardo

**Project description:** Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property line from under an existing building. Project also includes a parking exception to allow tandem parking and a variance to provide for existing reduced setbacks, lot size and a reduce setback for the existing building adjacent to the adjusted property line

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

A. The project has been found to be categorically exempt from CEQA pursuant to Section 15305, Class 5. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel. The project as proposed is within an area characterized as a relatively flat residential area. The project proposes a lot line adjustment as well as a variance both of which qualify under this exemption as no new lot will be created.

#### **Variance Findings**

A. That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and

*The granting of the variance will not be contrary to the intent of this title or the public safety, health and welfare. The project proposed seeks to remedy a situation where lot lines exist under buildings. There is no proposal to add onto the building therefore granting a variance to existing structures will not change the physical environment but will allow the applicant to adjust the property lines establishing two parcels without building crossing property lines.*

B. That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship; and  
*The strict application of this title would result in the applicant being required to merge all lots into one or removing large portions of buildings. Either of these situations would create practical difficulties and unnecessary hardships.*

C. That the variance request is consistent with the intent of the Coastal Land Use Plan and the General Plan.

*The reduction in the front yard setback for the main structures and the side and rear setbacks for the accessory structure will allow the physical environment to remain and will not create any new inconsistencies. The variance request does not affect any Coastal Land Use Plan or*

*General Plan policies but rather is involves minor reductions in setbacks.*

**Parking Exception findings**

1. Special Circumstances. The exceptions will not constitute a grant of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use.  
*The parking proposed will not constitute the granting of a special privilege as many properties in the vicinity utilize tandem parking if they are able to demonstrate that the project site cannot feasibly accommodate non-tandem parking. The parking proposed will be sufficient to meet all needs on site as there is no reduction in the number of spaces provided only a request to provide them in tandem.*
  
2. Health Safety and General Welfare. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards.  
*Request to provide required parking spaces in tandem will not affect the health, safety or general welfare of the persons working or residing in the vicinity and will not create traffic safety problem.*
  
3. Applicant's Full Enjoyment. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property.  
*Modification of the property to provide parking not in tandem is not feasible as the property is fully developed and as developed does not provide for additional parking opportunities beyond providing the parking in tandem therefore the exception is necessary for the applicant's full enjoyment of the property.*

**Lot Line Adjustment Findings**

- A. The proposed lot line adjustment is consistent with the General Plan and Coastal Land Use Plan, and the given parcel sizes are allowed under the land use designation and zoning and subdivision ordinance, and it meets all applicable provisions of the Morro Bay Municipal Code.

## EXHIBIT B

### **CONDITIONS OF APPROVAL**

SITE: 821 Pacific and 700, 710 and 710 1/2 Bernardo

Project description: Lot line adjustment between 821 Pacific and 700, 710 and 710 1/2 Bernardo to remove property line from under an existing building. Project also includes a parking exception to allow tandem parking and a variance to provide for existing reduced setbacks, lot size and a reduce setback for the existing building adjacent to the adjusted property line

### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated October 26, 2011, for the project depicted on the preliminary lot line adjustment map date stamped October 12, 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. : The variance approved shall be as follows:

Lot Size	Parcel 1, 5,620 square feet	Parcel 2, 5,152 square feet
Accessory Structure located on Parcel 2		Reduced side setback (west side) 1 foot  Reduced rear setback 4.22 feet
Front yard setback	Parcel 1 reduced front yard setback for existing structure 9.52 feet	Parcel 2 reduced front yard setback for existing structure 9.64 feet

2. The variance granted shall be for existing structures only, any new structure proposed on either site shall conform to all current standards in place at the time.

**ENGINEERING CONDITIONS**

1. Each parcel shall be serviced by a separate sewer lateral, if an existing sewer lateral is going to be used the existing sewer lateral shall be video inspected for City approval prior to the final parcel map or certificates.

2. Prior to the recordation of the final parcel map or certificates each parcel shall be serviced by separate water meters.
3. The final parcel map or certificates shall provide easements for all shared utilities, except sewer and water.
4. The applicant shall provide the City evidence that the property taxes have been prepaid on all of the subject parcels.

**BUILDING CONDITIONS**

1. The applicant shall obtain a building permit for the conversion and modification of the existing garage to comply with the California Residential Code.
2. Prior to recordation of the parcel map or certificates, the existing garage building shall be modified so as to be setback a minimum of one foot from the property line, with no openings, eaves or other projections. The west wall shall have a minimum fire-resistance rating of 1 hour from both sides.
3. The parcel map or certificates shall demonstrate compliance with the applicable building codes, to the satisfaction of the Building Official.



# EXHIBIT D

## Viau Project Variance Application Supplement 871 Pacific Street, Morro Bay

### II. Explanation of Findings:

#### A.

This variance request does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category.

The Pacific & Bernardo project is zoned R-4. The surrounding area is a higher density neighborhood however; there are a mixture of single family residences, condos, apartment style buildings, and duplexes. This variance does not authorize a use that would not otherwise be permitted within this land use category. This variance is also consistent with the City's LCP.

#### B.

There is a special circumstance applicable to this property related to the size, shape and surroundings that do not apply to other properties governed by strict interpretation of City standards related to the setbacks (front and rear), and lot size. This would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category.

This project has three legal underlying lots in which the triplex and a single family home straddle the property lines. A voluntary parcel merger along with a lot line adjustment will result in a better design with the triplex on parcel 1 and the single family home on parcel 2.

The R-4 zoning districts require the following setbacks and lot size as compared to the proposed project:

<b>R-4 District</b>	<b>Proposed Project</b>
Front: 15'	9.5 on Parcel 1 9'.7' on Parcel 2
Interior Side: 5'	5'
Exterior Side: 10'	22.9' on Parcel 1
Rear: 5'	4.2' on Parcel 2
Lot size: 6,000 sq. ft.	Parcel 1 = 5,620 sq. ft. Parcel 2 = 5,152 sq. ft.

The intended purpose of multi-family residential is to allow for home or condominium style living where the building construction is a zero lot line or

common wall. With the proposed project, the existing triplex and single family home will be very close to meeting the setback requirements for this zoning district with the exception of the front setback on Parcel 2 which is approximately 5.5' from meeting the requirements. The right-of-way along Pacific Street is wide and with the other development in the surrounding area, there is sufficient area for the addition of the sidewalk in the future. Furthermore, the City's zoning Ordinance requires the front to be the shortest distance facing a public street. Since this is the case, then Parcel 1 cannot conform to the front yard setbacks. Taking into consideration that the majority of the surrounding area properties have zero lot lines and that the existing homes were built over the property lines a strict application of the setbacks would deprive the owner privileges that are currently enjoyed by other properties.

**C.**

The granting of this variance does not adversely affect public health or safety or would it be detrimental to nearby property or improvements. The zoning designation of R-4 multi-family properties allows for this type of density and is consistent with neighboring properties.

CATHY • NOVAK

consulting

City of Morro Bay  
Public Services Department

OCT 12 2011

RECEIVED

October 12, 2011

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: 871 Pacific Street Variance

Dear Kathy,

Based upon our recent conversation, the applicant would like to revise the project description for the above mentioned project. Below is a list of the modifications that will help bring this project into better conformity with the City standards.

1. Existing garage will be remodeled so that it will be one foot from the new property line on Parcel 2.
2. The Remodeled garage will have a one hour fire rated wall along the property line for Parcels 1 and 2.
3. Parking for the triplex units will be as follows:
  - a. 710 ½ Bernardo is a one bedroom unit and will have one uncovered parking space alongside the unit.
  - b. 710 & 700 Bernardo are each two bedroom units with a single car garage. Each unit will have a tandem parking space located in front of the garage. The tandem spaces will be 11 feet by 20 feet. This area is paved and has been used for parking for many years.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Sincerely,



Cathy Novak  
Project representative

cc: Mrs. Ruth Viau  
Mr. Dan Reddell

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET



877-4-SEASIDE ☎ 805-772-2241 ☎ 805-772-2242  
317 Morro Bay Blvd. • Morro Bay, CA 93442 • [www.seasidehomesandrentals.com](http://www.seasidehomesandrentals.com)

October 14, 2011

To whom this may concern:

During a recent visit to the properties at 700-710 Bernardo, I found these two properties to be Two bedroom units, while the property at 710-1/2 Bernardo is a one bedroom unit.

Thank you.

A handwritten signature in black ink, appearing to read "C. [unclear]".

Don Hudson-Broker, CEO, ePRO  
CA dno #01798883  
Seaside Real Estate & Property Management  
817 Morro Bay Blvd.  
Morro Bay, Ca 93442  
877-4seaside (toll free)  
805-772-2241 office  
805-704-2322 cell  
805-772-2242 fax  
[www.seasidehomesandrentals.com](http://www.seasidehomesandrentals.com)

CATHY • NOVAK

RECEIVED

consulting

NOV 28 2011

City of Morro Bay  
Public Services Department

November 28, 2011

Ms. Kathy Wold  
 City of Morro Bay Public Services Department  
 955 Shasta Street  
 Morro Bay, CA 93442

RE: 821 Pacific Street

Dear Kathy,

I would like to respectfully request that Planning Commission Condition #1 be modified to delete the requirement for creating a parking space alongside the existing house.

After receiving the Planning Commission approvals I discovered that the house is a one-bedroom house and not two as previously stated. During the Planning Commission meeting when we were asked about the parking space, we thought it would be relatively simple to add the space and agreed to the condition. However upon further evaluation, it has been determined that creating this parking space will be a lot more difficult. The follow are the reasons for this request:

1. There are two slopes that run in differing directions from the Pacific Street entry and the sidewalk parallel to Pacific Street. A significant amount of grading will be necessary to create an approach to the space.
2. A utility pole with a guy wire exists between the existing driveway and a new approach to the space. There is approximately 14 feet between the utility pole and existing retaining wall however, a vehicle will need to be careful to negotiate a turn into the space.
3. A small retaining wall will need to be constructed on the property line and will necessitate modifications to the end of the existing sidewalk to prevent a trip and fall.
4. The area where the parking space would be located is not level and will require grading for the space.
5. Locating a 10 foot by 23 foot parking space within the property boundaries will result in an area approximately  $\frac{3}{4}$  the length of the existing house be disturbed with asphalt or other materials.
6. The parking space will not be very functional.

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POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

7. There is considerable width (approximately 20 feet) of unpaved area parallel to Pacific Street for additional parking and tandem parking within the existing driveway.
8. The original project for the Lot Line Adjustment did not trigger the need for this condition.

In conclusion, the added condition does not warrant the need for this additional and costly expenditure to provide a parking space for a one bedroom house.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Novak".

Cathy Novak  
Project Representative

# PARCEL 2

5152 SQ. FT.  
LOT COVERAGE 27%

EXISTING CONCRETE PATIO

EXISTING SINGLE LEVEL RESIDENCE  
THRESHOLD LOWER=153.02'

EXISTING AC DRIVEWAY

EXISTING CURB, GUTTER & SIDEWALK

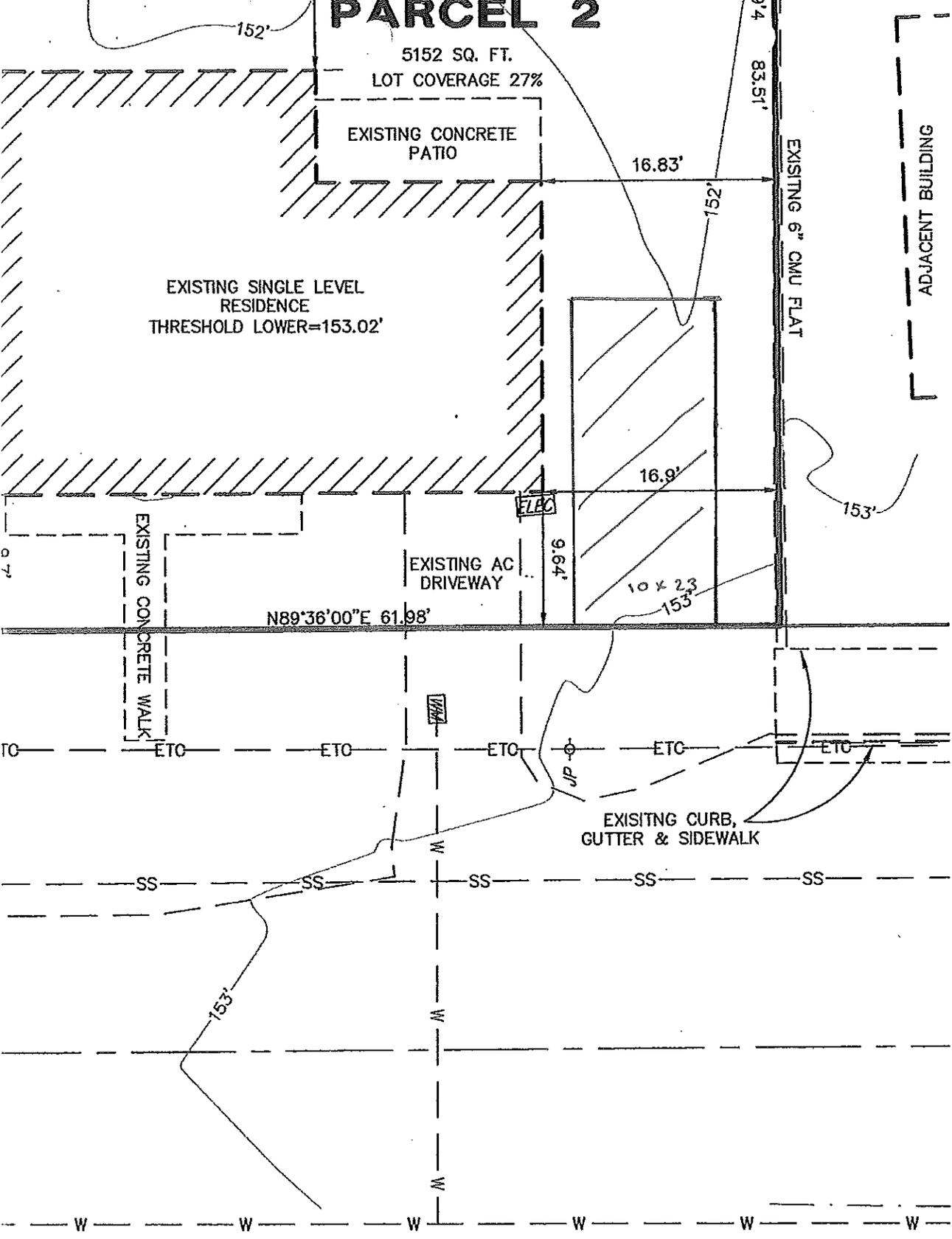
ADJACENT BUILDING

EXISTING 6" CMU FLAT

10 x 23

N89°36'00"E 61.98'

EXISTING CONCRETE WALK

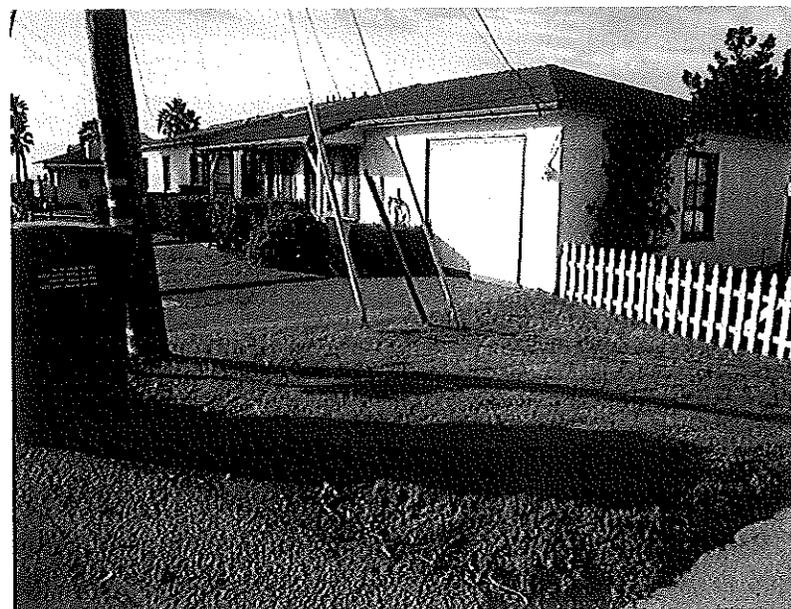


- AC
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# Bayshore Realty

560 Morro Bay Blvd. Morro Bay, CA 93442

November 28, 2011

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: 821 Pacific Street

Dear Kathy,

It has come to my attention that the 821 Pacific Street application was originally submitted as a two-bedroom house. However, I have recently listed the property for sale and would like to confirm that it is a one-bedroom house. Please let me know if you have any further questions.

Sincerely,

Dan Reddell  
Bayshore Realty  
560 Morro Bay Blvd.  
Morro Bay, CA 93442  
(805) 431-7565

cc: Cathy Novak



AGENDA NO: B-3

MEETING DATE: January 4, 2012

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 28, 2011

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

**SUBJECT:** Sign Exception #SP0-141 to allow the placement of four off-premise signs at various locations throughout the city

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by making the following motion:

- A. Adopt the Findings included as Exhibit "A";
- B. Conditionally approve sign permit exception #SP0-141 subject to the Conditions included as Exhibit "B".

**APPLICANT:** Sharon Moores, Virg's Sport Fishing      **AGENT:** Cathy Novak

**PROJECT DESCRIPTION:**

The applicant is requesting approval of a sign exception to allow the placement of four off-premise signs at various locations throughout the community. The applicant desires to place these signs throughout the community to provide guidance to the fishing public as to where fishing licenses can be purchased.

The four locations will be at:

- Beach and Market Streets;
- Embarcadero Road to be located at the entry to the parking lot near the business' former location (1215 Embarcadero);
- At the boat launch ramp at Tidelands Park;
- Walker's Mobile Home Park at 1105 Morro Ave.

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

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

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

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

The proposed signs at the Beach and Embarcadero locations will be mounted to the existing poles within the City Right-of-Way and the launch ramp sign will be posted on the existing wood sign. The sign advertising Virg’s Sportfishing is proposed to be placed on the existing Walker’s Mobile Home Park sign.

**PROJECT SETTINGS:**

Location #1 Beach and Market Streets	
Zoning	R-2 (PD/SP)
Existing Use	Trailer Park

Location #2 Embarcadero Road to be located at the entry to the parking lot near the business’ former location (1215 Embarcadero).	
Zoning	CF (PD)
Existing Use	Parking Facilities

<ul style="list-style-type: none"> <li>Location #3 At the boat launch ramp at Tidelands Park.</li> </ul>	
Zoning	OA-2 (PD)
Existing Use	Boat Launch and parking facilities.

<ul style="list-style-type: none"> <li>Location #4. 1105 Morro Avenue at Walker’s Mobile Home Park on private property</li> </ul>	
Zoning	R-2 (PD/SP)
Existing Use	Trailer Park

**ENVIRONMENTAL DETERMINATION:**

CEQA Determination: The project is Categorically Exempt under the Class 5. Class 5 Minor Alteration in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to issuance of minor encroachment permits.

**BACKGROUND:**

City Business License records indicate that Virg’s Landing Inc. relocated to 1169 Market Avenue on June 8, 2011. The business includes general retail, charter sport fishing and a work shop to conduct minor work associated with the maintenance of the fishing fleet. Use Permit (#UP0-318) which provided for the transfer of a type 20 Alcohol beverage license for the sale of liquor was approved on June 5, 2011 and Use Permit (#UP0-326) which provided for a 1,540 square foot workshop was

approved on September 21, 2011.

**PROJECT ANALYSIS:**

Section 17.68.120 provides that directional and community promotional display programs advertising, directing or informing pedestrians of a business service or community events and services not related to or located on the site shall be permitted on private property in commercial use areas of the city, and on public lands or rights-of-way upon granting of an exception permit.

In accordance with the above mention section staff finds that signs 1, 2 and 3 which advertise where fishing licenses can be obtained provide a benefit to the community. The size of the signs proposed is 4 square feet or less and at such a size provide information to the public without overloading the public capacity to receive information. Staff can support a sign exception for these three signs.

The fourth sign is proposed to be located on private property zoned for residential use and as such is not provided for under section 17.68.120. Staff does not support a commercial sign being placed on residential property. It is clear that the sign is being used to direct traffic off Beach Street onto Market Street and ultimately to Virg's new location 1169 Market Street. There may be a need for this type of information until such time that the Virg's new location becomes well known. If the Planning Commission wishes to approve this sign it would be staff's recommendation that the sign be approved only for a specific period of time only.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on December 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:**

The proposed sign exception if approved will allow the installation of off-premise signs under section 17.68.120.C. Three of the signs proposed will provide public information regarding obtaining fishing licenses and therefore should be approved. The fourth sign provides additional information regarding the location of the business on residential property and does not qualify for a sign exception under section 17.68.120.C.

**ATTACHMENTS:**

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C

## **EXHIBIT A**

### **FINDINGS**

**Site Locations:** Beach and Market Streets, Embarcadero Road to be located at the entry to the parking lot near the business' former location (1215 Embarcadero), at the boat launch ramp at Tidelands Park and Walker's Mobile Home Park at 1105 Morro Ave.

**Project description:** The applicant is requesting approval of a sign exception to allow the placement of four off-premise signs at various locations throughout the community.

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

The project has been found to be categorically exempt from CEQA pursuant to Section 15305, Class 5. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to issuance of minor encroachment permits. The project as proposed is to install four off-premise signs at various locations.

## EXHIBIT B

### CONDITIONS OF APPROVAL

**SITE LOCATIONS:** Beach and Market Streets, Embarcadero Road to be located at the entry to the parking lot near the business' former location (1215 Embarcadero), at the boat launch ramp at Tidelands Park and Walker's Mobile Home Park at 1105 Morro Ave.

**PROJECT DESCRIPTION:** The applicant is requesting approval of a sign exception to allow the placement of four off-premise signs at various locations throughout the community.

### STANDARD CONDITIONS

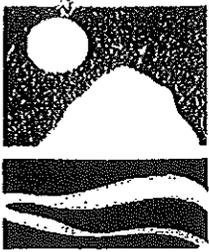
1. This permit is granted for the signs #1, #2 and #3 as described in the staff report referenced above, dated December 29, 2011 and as depicted in the application submitted by the applicant dated November 1, 2011 as modified by these conditions of approval.
2. Inaugurate Within Two Years: Unless the 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. Applicant shall apply for all other permits necessary to implement the sign exception including but not limited to a building permit, encroachment permit and sign permit if necessary.



CITY OF MORRO BA

EXHIBIT C

PUBLIC SERVICES DEPARTMENT

590 MORRO BAY BLVD. MORRO BAY, CA 93442

805-772-6261

SIGN EXCEPTION PERMIT APPLICATION

Case No. SPO-141 Fee: 833.00 Receipt #: 5988

Property address: SEE ATTACHED - 3 LOCATIONS

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_ APN: \_\_\_\_\_

Building frontage/linear feet: \_\_\_\_\_

Total existing sign area: \_\_\_\_\_ Proposed sign area: SEE ATTACHED

Applicant: Ving's (SHARON MOORES) Day phone: 772-1222

Address: 1169 MARKET ST City: MORRO BAY State/Zip code: CA 93442

Agent (if any): Cathy Nounk Day phone: 772-9499

Address: PO Box 296 City: MORRO BAY State/Zip code: CA 93442

Property owner: City of MORRO BAY Day phone: \_\_\_\_\_

Address: 595 Harbor St City: CA State/Zip code: CA 93442

Acceptance of this application does not imply approval/authorization of this request. I realize that this application may be denied or that conditions may be attached to this request to assure compliance with applicable Municipal Code requirements.

Applicant's signature: \_\_\_\_\_ Date: 11/1/11

Property owner's signature: \_\_\_\_\_ Date: 11/1/11

### **Virg's Sign Exception:**

Virg's Fishing is requesting an exception to the Sign Ordinance to place signs in three locations to direct the boating public towards the tackle shop in order to purchase fishing licenses. The three locations are at Beach & Market Streets (two back to back signs), the Embarcadero Road at the entry to the parking lot near the former shop, and the boat launch ramp at Tidelands Park. The proposed signs at the Beach and Embarcadero locations will be mounted to the existing poles within the City Right-of-Way and the launch ramp sign will be posted on the existing wood sign.

For many years the boating public has become reliant on Virg's to obtain fishing licenses when they come to Morro Bay. Virg's relocated the tackle shop in March 2011 after 57 years in the same location without the benefit of placing a sign in the former location to direct fisher folk to the new location. This has caused difficulty and frustration for the fisher folk so, some private boaters are taking their boats to Avila Beach to launch. Additionally some charter boat folks are going to other sport fishing landings outside Morro Bay due to their inability to find the tackle shop.

Fishing licenses are mandatory for persons fishing on boats or from the shoreline with the exception of the public piers. This service is extremely important to Morro Bay so that fisher folk will continue to bring their business to Morro Bay rather than going to other communities.

The Department of Fish and Game (DFG) implemented a new fishing license program this year that requires licensed agents to sell fishing licenses through the Automated License Data System (ALDS). This system is an internet-based computer system with point of sale equipment to issue the license. In addition to the ALDS, the agents are required to provide weekly accounting and electronic funds transfers to the DFG.

Requirements to become a DFG agent have become increasingly more rigid over the last few years as well. The DFG requires a minimum annual sales volume, equipment deposits (\$1,000), weekly fees, high speed internet connections, and more.

Due to the complexity of the ALDS, cost associated with the equipment, manpower and DFG restrictions, very few businesses have an interest in selling licenses. Virg's estimates that four to five hours per week are dedicated towards bookkeeping alone, not to mention the other employees needed specifically for issuing licenses. Licensed agents receive minimal collection fees to offset the manpower and other fees charged by the DFG to administer the license program.

Virg's is one of the nine DFG licensed agents in the County however the one and only in Morro Bay. The nearest location to purchase a license is in San Luis Obispo but they do not open their shops until 9 and 10 a.m. Patriot Sportfishing in Avila Beach sells

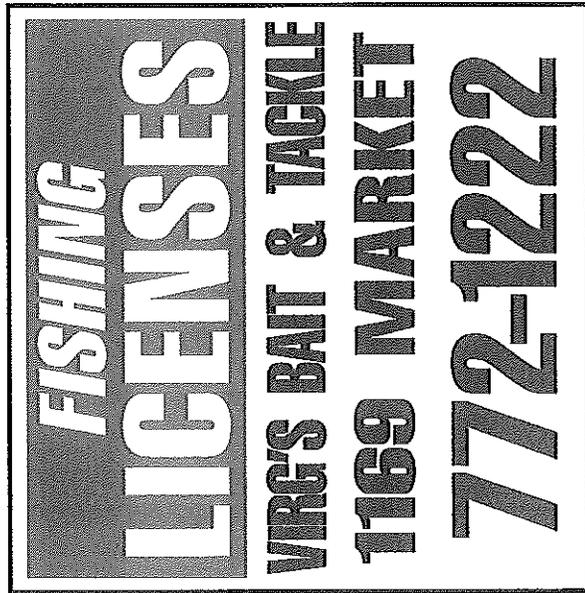
fishing licenses however they do not sell licenses to private parties until 8 a.m. after their sport fishing boat departs. This precludes the fisher folk from going on a charter trip (boat departs at 7 a.m.) or getting an early start for private trips from Morro Bay. Attached is a DFG generated list of agents for review.

Lastly, Virg's sold approximately 168,000 fishing licenses last year. This year for the equivalent amount of time Virg's would expect to sell approximately 123,000 licenses. While some of the significant drop can be attributed to economic times, the other is clearly related to the shop location change and the inability for fisher folk to find the new location.

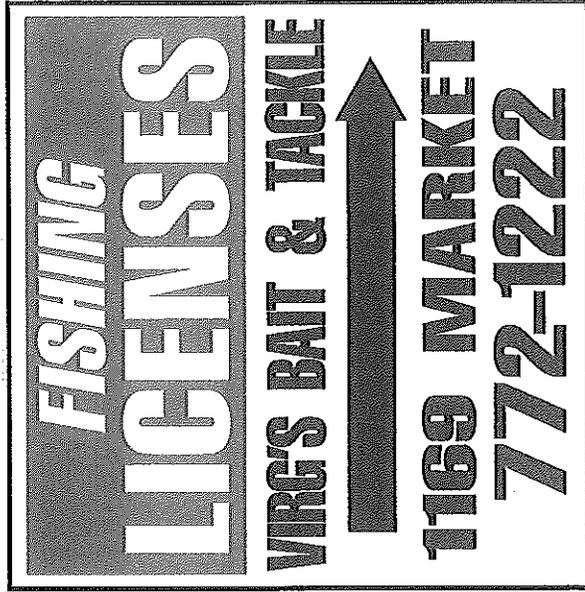
Therefore, directional signage is vital to assisting the visiting fisher folk to a location where they can buy their licenses without exasperation or worst case of losing them to our competing communities.

The City Zoning Ordinance section 17.68.120 allows for directional signage informing the public of business services located off-site and to place the signage within the rights-of-way. Virg's is requesting an exception to the City's Sign Ordinance under Section 17.68.100 because the sign locations proposed will not be materially detrimental to the health, safety, comfort or general welfare of persons residing in the neighborhood or detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

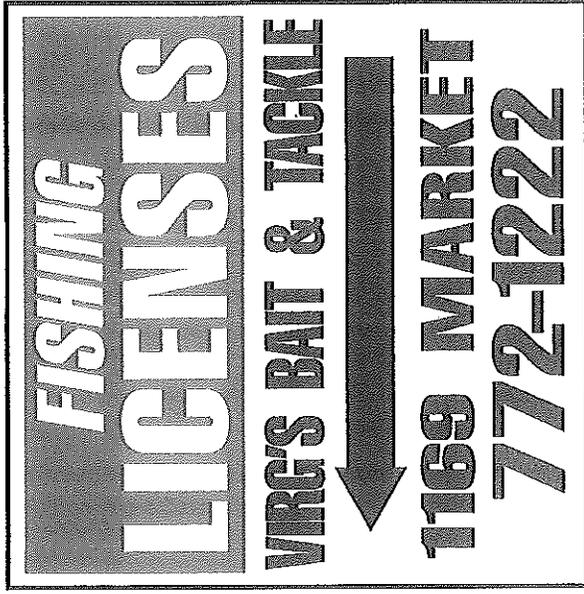
SIGN #2



SIGN #3



SIGN #1



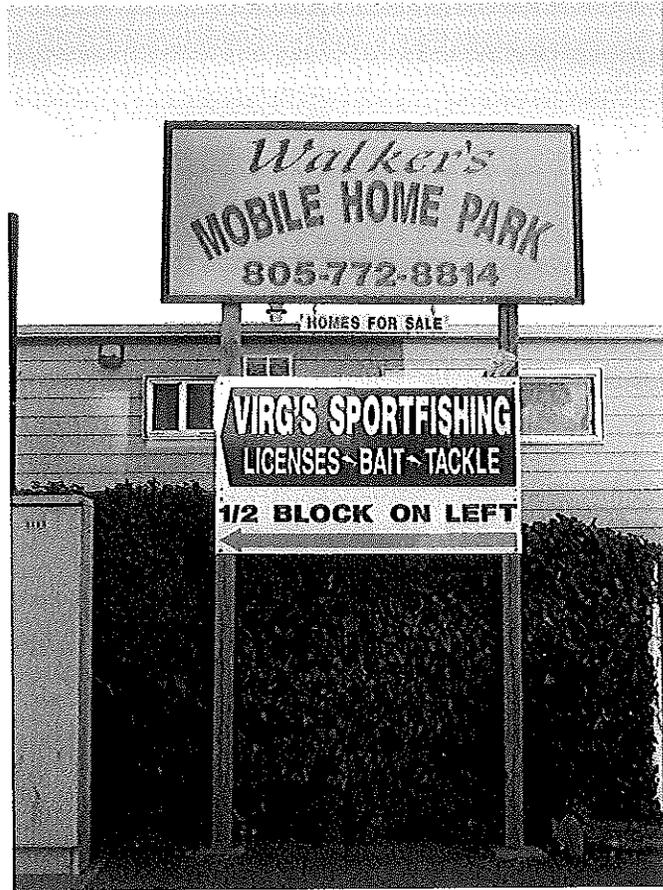
Sign Locations:

Embarcadero and Boat Launch Ramp  
24" x 24" 24" x 18"

Sign Location:

Beach & Market Streets  
24" x 24"

SIGN #4



Fishing Lic

11/21/11 10:21 AM in SDO County  
http://dfginternal5.dfg.ca.gov/lasweb/find\_agent.jsp

<u>SPORTS AUTHORITY #675</u>	3501 MCHENRY STE G7	MODESTO	95356	STANISLAUS	CA
<u>WAL MART STORE #1587</u>	2225 PLAZA PKWY	MODESTO	95350	STANISLAUS	CA
<u>WAL MART STORE #5710</u>	3848 MCHENRY AVE	MODESTO	95350	STANISLAUS	CA
<u>SPORTS AUTHORITY #643</u>	5445 MORENO ST	MONTCLAIR	91763	SAN BERNARDINO	CA
<u>BIG 5 SPORTING GOODS #374</u>	2259 N FREMONT ST	MONTEREY	93940	MONTEREY	CA
<u>CHRIS'S TACKLE SHOP</u>	48 MUNICIPAL WHARF	MONTEREY	93940	MONTEREY	CA
<u>CVS #09320</u>	686 LIGHTHOUSE AVE	MONTEREY	93940	MONTEREY	CA
<u>DFG Monterey Office - Marine Region</u>	20 Lower Ragsdale Drive Suite 100	MONTEREY	93940	MONTEREY	CA
<u>OUTDOOR WORLD INC #02</u>	2222 N FREMONT ST	MONTEREY	93940	MONTEREY	CA
<u>RANDY'S FISHING TRIPS</u>	66 OLD FISHERMANS WHARF	MONTEREY	93940	MONTEREY	CA
<u>WEST MARINE STORE #0577</u>	2024 DEL MONTE AVE STE A	MONTEREY	93940	MONTEREY	CA
<u>BIG 5 SPORTING GOODS #150</u>	2062 S ATLANTIC BLVD	MONTEREY PARK	91754	LOS ANGELES	CA
<u>EZ SPORTING GOODS</u>	936 E GARVEY AVE	MONTEREY PARK	91755	LOS ANGELES	CA
<u>CVS #09203</u>	580 MORAGA RD	MORAGA	94556	CONTRA COSTA	CA
<u>BIG 5 SPORTING GOODS #145</u>	23901A SUNNYMEAD BLVD	MORENO VALLEY	92553	RIVERSIDE	CA
<u>SPORTS AUTHORITY #645</u>	12500 DAY ST	MORENO VALLEY	92553	RIVERSIDE	CA
<u>WAL MART STORE #5193</u>	12721 MORENO BEACH DR	MORENO VALLEY	92555	RIVERSIDE	CA
<u>BIG 5 SPORTING GOODS #149</u>	150 COCHRANE RD	MORGAN HILL	95037	SANTA CLARA	CA
<u>VIRGS LANDING #1</u>	1215 EMBARCADERO	MORRO BAY	93442	SAN LUIS OBISPO	CA
<u>KAHUNA SPORTFISHING</u>	Sandholdt Rd Moss Landing Harbor	MOSS LANDING	95039	MONTEREY	CA
<u>M &amp; L LIQUORS</u>	10971 POTRERO RD	MOSS LANDING	95039	MONTEREY	CA
<u>CANNON'S LIQUOR</u>	1004 S MT SHASTA BLVD	MOUNT SHASTA	96067	SISKIYOU	CA
<u>MT SHASTA DO IT BEST HARDWARE</u>	128 MORGAN WAY	MOUNT SHASTA	96067	SISKIYOU	CA
<u>RITE AID #6103</u>	310 W LAKE ST	MOUNT SHASTA	96067	SISKIYOU	CA
<u>LAKE HEMET MARKET</u>	56571 Hwy 74 Suite 3	MOUNTAIN CENTER	92561	RIVERSIDE	CA
<u>SENDERS MARKET</u>	8111 GARABALDI ST	MOUNTAIN RANCH	95246	CALAVERAS	CA
<u>MURPHYS VILLAGE MART</u>	138 EAST HWY 4	MURPHYS	95247	CALAVERAS	CA
<u>BIG 5 SPORTING GOODS #185</u>	25274 MADISON AVE	MURRIETA	92562	RIVERSIDE	CA
<u>SPORTS AUTHORITY #651</u>	24490 VILLAGE WALK PL	MURRIETA	92562	RIVERSIDE	CA
<u>WAL MART STORE #2952</u>	41200 MURRIETA HOT SPRINGS RD	MURRIETA	92562	RIVERSIDE	CA
<u>BIG 5 SPORTING GOODS #122</u>	1305 TRANCAS ST	NAPA	94558	NAPA	CA
<u>DFG Yountville Office - Region 3</u>	7329 Silverado Trail	NAPA	94558	NAPA	CA
<u>SWEENEYS SPORTS INC</u>	1537 IMOLA AVE W	NAPA	94559	NAPA	CA
<u>WAL MART STORE #2925</u>	681 LINCOLN AVE	NAPA	94558	NAPA	CA
<u>WAL MART STORE #5023</u>	1200 HIGHLAND AVE	NATIONAL CITY	91950	SAN DIEGO	CA

6:00 AM

<u>88 FISHING TACKLE</u>	2360 SAN BRUNO AVE	SAN FRANCISCO	94134	SAN FRANCISCO	CA
<u>BIG 5 SPORTING GOODS #156</u>	1533 SLOAT BLVD	SAN FRANCISCO	94132	SAN FRANCISCO	CA
<u>SPORTS AUTHORITY #679</u>	1690 FOLSOM ST	SAN FRANCISCO	94103	SAN FRANCISCO	CA
<u>JEFFS SPORTING GOODS</u>	303 E VALLEY BLVD	SAN GABRIEL	91776	LOS ANGELES	CA
<u>WAL MART STORE #5425</u>	1861 S SAN JACINTO AVE	SAN JACINTO	92583	RIVERSIDE	CA
<u>ANY WATER SPORTS</u>	1344 SARATOGA AVE	SAN JOSE	95129	SANTA CLARA	CA
<u>BIG 5 SPORTING GOODS #031</u>	3132 STEVENS CREEK BLVD	SAN JOSE	95117	SANTA CLARA	CA
<u>BIG 5 SPORTING GOODS #032</u>	946 BLOSSOM HILL RD	SAN JOSE	95123	SANTA CLARA	CA
<u>BIG 5 SPORTING GOODS #041</u>	2249 TULLY RD	SAN JOSE	95122	SANTA CLARA	CA
<u>FISHERMANS WAREHOUSE #1</u>	1140B S DE ANZA BLVD	SAN JOSE	95129	SANTA CLARA	CA
<u>FISHERY SUPPLY</u>	978 STORY RD	SAN JOSE	95122	SANTA CLARA	CA
<u>LY'S SPORTING &amp; FISHING GOODS</u>	1051 E CAPITOL EXPRESSWAY	SAN JOSE	95121	SANTA CLARA	CA
<u>MEL COTTONS RENTALS INC</u>	1266 W SAN CARLOS ST	SAN JOSE	95126	SANTA CLARA	CA
<u>SPORT CHALET #065</u>	2190 EASTRIDGE LOOP STE 1402	SAN JOSE	95122	SANTA CLARA	CA
<u>SPORTS AUTHORITY #662</u>	680 BLOSSOM HILL RD	SAN JOSE	95123	SANTA CLARA	CA
<u>SPORTS AUTHORITY #718</u>	5170 STEVENS CREEK BLVD	SAN JOSE	95129	SANTA CLARA	CA
<u>WEST MARINE STORE #0008</u>	375 SARATOGA AVE STE C	SAN JOSE	95129	SANTA CLARA	CA
<u>CVS #09876</u>	699 LEWELLING BLVD	SAN LEANDRO	94579	ALAMEDA	CA
<u>K-MART #3276</u>	250 FLORESTA BLVD	SAN LEANDRO	94578	ALAMEDA	CA
<u>SPORTS AUTHORITY #661</u>	1933 DAVIS ST	SAN LEANDRO	94577	ALAMEDA	CA
<u>WAL MART STORE #2648</u>	1919 DAVIS ST	SAN LEANDRO	94577	ALAMEDA	CA
<u>ZETCO INTL CO</u>	16563 E 14TH ST	SAN LEANDRO	94578	ALAMEDA	CA
<u>BIG 5 SPORTING GOODS #052</u>	15556 HESPERIAN	SAN LORENZO	94580	ALAMEDA	CA
<u>BIG 5 SPORTING GOODS #075</u>	281C MADONNA RD	SAN LUIS OBISPO	93405	SAN LUIS OBISPO	CA
<u>FOUR SEASONS OUTFITTERS</u>	432 HIGUERA	SAN LUIS OBISPO	93401	SAN LUIS OBISPO	CA
<u>SPORT CHALET #067</u>	177 S LAS POSAS DR	SAN MARCOS	92078	SAN DIEGO	CA
<u>TURNER'S OUTDOORSMAN #16</u>	2085 MONTIEL RD STE 104	SAN MARCOS	92069	SAN DIEGO	CA
<u>WAL MART STORE #3494</u>	732 CENTER DR	SAN MARCOS	92069	SAN DIEGO	CA
<u>BIG 5 SPORTING GOODS #092</u>	2825 S EL CAMINO REAL	SAN MATEO	94403	SAN MATEO	CA
<u>K-MART #3595</u>	1700 S DELAWARE ST	SAN MATEO	94402	SAN MATEO	CA
<u>SPORTS AUTHORITY #672</u>	2250 BRIDGEPOINTE PKWY	SAN MATEO	94404	SAN MATEO	CA
<u>RALEYS MARKET #321</u>	3360 SAN PABLO DAM RD	SAN PABLO	94806	CONTRA COSTA	CA
<u>WAL MART STORE #3455</u>	1400 HILLTOP MALL RD	SAN PABLO	94806	CONTRA COSTA	CA
<u>22ND STREET LANDING</u>	141 W 22ND ST	SAN PEDRO	90731	LOS ANGELES	CA
<u>BIG 5 SPORTING GOODS #139</u>	529 S GAFFEY	SAN PEDRO	90731	LOS ANGELES	CA
<u>LA HARBOR SPORTFISHING</u>	1150 NAGOYA WY BERTH 79	SAN PEDRO	90731	LOS ANGELES	CA
<u>RUSTY HOOK, THE</u>	245 N GAFFEY ST	SAN PEDRO	90731	LOS ANGELES	CA

*Open*  
*NOAN*  
*10:00 A.*  
*9:00 A.*

<u>BIG 5 SPORTING GOODS #346</u>	829 OAK PARK BLVD	PISMO BEACH	93449	SAN LUIS OBISPO	CA
<u>BIG 5 SPORTING GOODS #113</u>	4701 CENTURY BLVD	PITTSBURG	94565	CONTRA COSTA	CA
<u>BS BAIT &amp; TACKLE</u>	1001 MCAVOY ROAD	PITTSBURG	94565	CONTRA COSTA	CA
<u>CVS #09875</u>	230 ATLANTIC AVE	PITTSBURG	94565	CONTRA COSTA	CA
<u>WAL MART STORE #1615</u>	2203 LOVERIDGE RD	PITTSBURG	94565	CONTRA COSTA	CA
<u>PIXLEY AUTO PARTS &amp; FARM SUPP</u>	418 S MAIN ST	PIXLEY	93256	TULARE	CA
<u>BIG 5 SPORTING GOODS #236</u>	284 PLACERVILLE RD	PLACERVILLE	95667	EL DORADO	CA
<u>CVS #09184</u>	3964A MISSOURI FLAT RD	PLACERVILLE	95667	EL DORADO	CA
<u>K-MART #7471</u>	3968A MISSOURI FLAT RD	PLACERVILLE	95667	EL DORADO	CA
<u>RALEYS MARKET #422</u>	166 PLACERVILLE DR	PLACERVILLE	95667	EL DORADO	CA
<u>WAL MART STORE #2418</u>	4300 MISSOURI FLAT RD	PLACERVILLE	95667	EL DORADO	CA
<u>CREATIVE SPORTS</u>	1924 C OAK PARK BLVD	PLEASANT HILL	94523	CONTRA COSTA	CA
<u>K-MART #3053</u>	77 CHILPANCINGO PKWY	PLEASANT HILL	94523	CONTRA COSTA	CA
<u>SPORT CHALET #036</u>	4500 ROSEWOOD DR	PLEASANTON	94566	ALAMEDA	CA
<u>WAL MART STORE #2161</u>	4501 ROSEWOOD DR	PLEASANTON	94588	ALAMEDA	CA
<u>SHENANDOAH VILLAGE MART</u>	17699 VILLAGE DR	PLYMOUTH	95669	AMADOR	CA
<u>BUILDING SUPPLY CENTER</u>	11280 STATE RTE 1	POINT REYES STATION	94956	MARIN	CA
<u>CVS #09490</u>	6450 PONY EXPRESS TRAIL	POLLOCK PINES	95726	EL DORADO	CA
<u>POLLOCK PINES TRUE VALUE HARDWARE</u>	6416 PONY EXPRESS TRAIL	POLLOCK PINES	95726	EL DORADO	CA
<u>BIG 5 SPORTING GOODS #017</u>	696 W HOLT	POMONA	91768	LOS ANGELES	CA
<u>WAL MART STORE #2288</u>	80 RIO RANCHO RD	POMONA	91766	LOS ANGELES	CA
<u>SPORT CHALET #021</u>	19817 RINALDI ST	PORTER RANCH	91326	LOS ANGELES	CA
<u>BIG 5 SPORTING GOODS #158</u>	1287 W HENDERSON AVE	PORTERVILLE	93257	TULARE	CA
<u>LAKE EXPRESS MARKET</u>	28779 HWY 190	PORTERVILLE	93257	TULARE	CA
<u>SUCCESS MARKET</u>	28420 HWY 190	PORTERVILLE	93257	TULARE	CA
<u>WAL MART STORE #1877</u>	1250 W HENDERSON AVE	PORTERVILLE	93257	TULARE	CA
<u>J&amp;J GRIZZLY STORE &amp; CAMPING RESORT</u>	7552 LAKE DAVIS RD	PORTOLA	96122	PLUMAS	CA
<u>TOMS SIERRA CO INC #36</u>	349 E SIERRA ST	PORTOLA	96122	PLUMAS	CA
<u>WAL MART STORE #1700</u>	13425 COMMUNITY RD	POWAY	92064	SAN DIEGO	CA
<u>CVS #09399</u>	29412 AUBERRY RD	PRATHER	93651	FRESNO	CA
<u>BLUE SKY PETROLEUM</u>	151 CRESCENT	QUINCY	95971	PLUMAS	CA
<u>FUEL STAR</u>	106 CRESCENT ST	QUINCY	95971	PLUMAS	CA
<u>K-MART #3678</u>	1855 MAIN ST	RAMONA	92065	SAN DIEGO	CA
<u>BIG 5 SPORTING GOODS #294</u>	10755 FOLSOM BLVD	RANCHO CORDOVA	95670	SACRAMENTO	CA
<u>DFG Rancho Cordova Office - Region 2</u>	1701 Nimbus Road	RANCHO CORDOVA	95670	SACRAMENTO	CA

WAL MART STORE #2333	20251 HWY 18	APPLE VALLEY	92307	SAN BERNARDINO	CA
ALSCO GEYER/ACE HARDWARE	600 5TH ST	ARBUCKLE	95912	COLUSA	CA
SPORT CHALET #035	400 S BALDWIN AVE STE 910L	ARCADIA	91007	LOS ANGELES	CA
CVS #09482	600 F ST	ARCATA	95521	HUMBOLDT	CA
EBBETTS PASS SPORTING GOODS	925 HIGHWAY 4 Bldg A	ARNOLD	95223	CALAVERAS	CA
K-MART #7552	1570 W BRANCH ST	ARROYO GRANDE	93420	SAN LUIS OBISPO	CA
LOPEZ LAKE MARINA & STORE	6820 LOPEZ DR	ARROYO GRANDE	93420	SAN LUIS OBISPO	CA
WAL MART STORE #2556	1168 W BRANCH ST	ARROYO GRANDE	93420	SAN LUIS OBISPO	CA
BIG 5 SPORTING GOODS #091	11310 183RD ST	ARTESIA	90701	LOS ANGELES	CA
AMGS CORP, INC	300 Bear Mountain Blvd	ARVIN	93203	KERN	CA
BIG 5 SPORTING GOODS #379	2130 EL CAMINO REAL	ATASCADERO	93422	SAN LUIS OBISPO	CA
K-MART #7619	3980 EL CAMINO REAL	ATASCADERO	93422	SAN LUIS OBISPO	CA
BIG 5 SPORTING GOODS #408	1231 COMMERCE AVE	ATWATER	95301	MERCED	CA
K-MART #7481	1085 BELLEVUE RD	ATWATER	95301	MERCED	CA
BIG 5 SPORTING GOODS #179	2556 GRASS VALLEY HWY	AUBURN	95603	PLACER	CA
CVS #03947	10045 COMBIE ROAD	AUBURN	95602	PLACER	CA
CVS #09150	388 ELM ST	AUBURN	95603	PLACER	CA
CVS #09914	2140 GRASS VLY HWY	AUBURN	95603	PLACER	CA
K-MART #9608	2505 BELL RD	AUBURN	95603	PLACER	CA
RALEYS MARKET #229	13384 LINCOLN WY	AUBURN	95603	PLACER	CA
WILL FISH TACKLE	11944 MASTERS CT	AUBURN	95603	PLACER	CA
HIGH TIDE TRADERS	415 CRESCENT AVE	AVALON	90704	LOS ANGELES	CA
PATRIOT SPORTFISHING INC	3975 Avila Beach Dr	AVILA BEACH	93424	SAN LUIS OBISPO	CA
SHOP N GO MINIMART	166 W SIERRA MADRE AVE	AZUSA	91702	LOS ANGELES	CA
BEAR MOUNTAIN SPORTS	8032 DI MILLER D	BAKERSFIELD	93307	KERN	CA
BIG 5 SPORTING GOODS #042	3214 MING AVE	BAKERSFIELD	93304	KERN	CA
BIG 5 SPORTING GOODS #272	3203 MALL VIEW RD	BAKERSFIELD	93306	KERN	CA
BOBS BAIT BUCKET	2131 S CHESTER AVE	BAKERSFIELD	93304	KERN	CA
BOBS KERN RIVER BAIT	8011 Niles Street	BAKERSFIELD	93306	KERN	CA
BUENA VISTA CONCESSION STAND	13601 IRON RD	BAKERSFIELD	93311	KERN	CA
FLOYDS STORES INC #2	3650 N CHESTER AVE	BAKERSFIELD	93301	KERN	CA
FLOYDS STORES INC #3	2020 S CHESTER AVE	BAKERSFIELD	93304	KERN	CA
HAPPY GAS & MINI MART	3221 TAFT HWY	BAKERSFIELD	93313	KERN	CA
JR FOOD MART	9741 S ENOS LN	BAKERSFIELD	93311	KERN	CA
MESA MARIN CHEVRON	11101 HWY 178	BAKERSFIELD	93306	KERN	CA
OLE BOY OUTDOORS, INC	12556 Jomani DR	BAKERSFIELD	93314	KERN	CA
SECOND AMENDMENT SPORTS	2523 MOHAWK ST	BAKERSFIELD	93308	KERN	CA
SPORT CHALET #070	5200 STOCKDALE HWY	BAKERSFIELD	93309	KERN	CA
SPORTS AUTHORITY #676	4821 MING AVE	BAKERSFIELD	93309	KERN	CA
THE AMMO DUMP	4040 EASTON DR 1	BAKERSFIELD	93309	KERN	CA
WAL MART STORE #1574	6225 COLONY STREET	BAKERSFIELD	93307	KERN	CA

8:00 AM

7:00 AM

7:00 AM

10:00 AM

8:00 AM

8:00 AM



**DEPARTMENT OF FISH AND GAME**

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

License and Revenue Branch  
1740 North Market Boulevard  
Sacramento, CA 95834  
(916) 928-6882  
Fax (916) 419-7587



November 25, 2009

Dear License Agent:

RE: New Automated License Data System (ALDS)

The Department of Fish and Game (DFG) is pleased to announce that 2010 will be the year that the much anticipated new licensing system known as the Automated License Data System (ALDS) is implemented. This effort will include the phasing out of the current paper licenses and the implementation of new set of business rules and requirements for License Agents. The purpose for this letter is to provide you with information you will need to consider and plan for as the project progresses. In addition, this letter requires that you respond to the survey and indicate if you wish to continue to be a license agent under the new ALDS.

**Background:**

The ALDS is an internet-based computer system, the Point of Sale (POS) equipment consists of a 15" touch screen color monitor with an embedded CPU, a magnetic card reader, a bar code scanner and a direct thermal printer. The ALDS will print licenses instantly on highly durable paper and eliminate the need for pre-printed license inventory. The ALDS provides License Agents unlimited inventory and the ability to sell all recreational items including several items that are only available from DFG offices.

The ALDS is intuitive, using a touch screen monitor and familiar Internet commands to complete a sales transaction. Customer personal data entry will be minimal as most will be entered directly into the system by either swiping the customer's driver license or scanning a prior year ALDS issued license. The ALDS in "real time" will validate the customer, determine what that customer is eligible to purchase, verify prerequisites, and prompt for accompanying items as needed. The ALDS will perform all accounting tasks and produce fiscal reports based on license agent needs. The collection of monies from license buyers, as part of the sales process, will not change. What will change is License Agents will remit license sales revenues to DFG via Electronic Fund Transfers (EFT). License gift vouchers will be offered when complete customer data is not available. The ALDS will also include Internet and Telephone sales channels that will enhance DFG overall sales network.

The DFG will provide qualified License Agents, at no additional cost, initial and on-going training; toll-free access to 24-hour Help Desk; remote equipment diagnostics; one day replacement of failed equipment; all consumables such as license papers and one set of the POS equipment per location. DFG has also arranged for License Agents to purchase or lease additional equipment based on their own business needs.

**Status:**

The ALDS project has completed the development phase and is currently in the testing phase. The project is on schedule to meet the following milestones:

- Pilot Testing of Point of Sale Begins .....August 2010
- Deploy POS at License Agent Locations Statewide ..... October 2010 – January 2011
- Implementation Phase Ends & Operations Phase Begins ..... January 2011

The ALDS Pilot Testing will include DFG license sales offices and 15 representative License Agents to test the POS system to ensure it operates correctly and efficiently.

**NEW License Agent Requirements**

This information is provided for your consideration and for planning purposes. Under ALDS License Agents will be required, at their cost, to provide the following:

1. At a minimum, a dedicated telephone line. However, DFG highly recommends broadband connectivity (cable, DSL or Satellite).
2. Counter space of approximately 12” Height x 27” Width x 14” Deep. Note: POS equipment cabling is minimal, however, cabling for Internet connection and a power source must be considered when locating the new system.
3. A bank account for remittance of license sales revenues via EFT to the DFG. EFTs will be processed on a weekly basis. License Agents will be required to provide specific bank account information to the DFG at the time of enrollment. Currently License Agents are required to maintain DFG license sales revenues separate from all other funds.
4. Completion of a new license agent application and license agent contract/agreement.

In addition, DFG will require a minimum license sales volume of \$6,000 per year to qualify for the ALDS equipment at no cost to the License Agent. All License Agents not meeting this minimum sales volume requirement will have the choice to discontinue as an authorized license agent or continue upon the purchase or lease the ALDS equipment.

**Next Steps:**

This letter is the first of many contacts DFG will make to License Agents. Your response to the enclosed survey/questionnaire as well as any questions and comments is important to us in our efforts to refine the enrollment process and other items that affect all License Agents. The following is our timeline related to License Agents:

December 7, 2009 – DFG mails announcement and Survey/ Questionnaire for License Agent input and indication of intent to continue in the new system (this letter).

January 15, 2010—Due Date for License Agent Survey (must be received by DFG in order to be consider as a License Agent under ALDS).

March 2010 - DFG will finalize license agent requirements and enrollment procedures.

May/July 2010 - DFG will send notice and begin the enrollment process. License Agents will be required to complete a new application and agent contract/agreement and provide bank

account information.

October – December 2010

- DFG will provide regional classroom training statewide for License Agents.
- DFG will ship new POS equipment to each License Agent location. Upon receipt, License Agents can install, connect, and activate equipment. All licenses should be sold using the ALDS.
- License agents will immediately complete a final sales report and return all inventory items to the DFG within 10 days from implementation.

January 2011 – ALDS will be fully deployed and current paper license sales will cease.

The DFG will continue to involve and work with you through this on-going process. Your timely response to the attached survey/questionnaire is **required** by close of business **January 15, 2010**. Go to [www.regonline.com/dfg\\_alds\\_prep](http://www.regonline.com/dfg_alds_prep) to input your responses electronically to DFG, or submit your response by mail, fax or scan/email to the addresses listed below.

Mail:  
License and Revenue Branch  
Attention: License Agent Survey  
1740 N. Market Boulevard  
Sacramento, CA 95834

Fax:  
(916) 419-7587

Primary Contact:  
Brent George (916) 928-6882

Email: [BGeorge@dfg.ca.gov](mailto:BGeorge@dfg.ca.gov)

Sincerely,



Richard Reyes, Program Manager ALDS  
Department of Fish and Game



[Home](#) » [Licensing](#) » [Agents](#) » [New Accounts](#)

## Prospective License Agents

Thank you for your interest in becoming an authorized License Agent (Agent) for the California Department of Fish and Game (DFG). DFG recently converted to an Automated License Data System (ALDS). To be considered as an Agent the following prerequisites must be provided:

1. A high speed Internet connection (cable, DSL or satellite) at the outlets (locations) wishing to provide license sales.
2. A bank account for weekly (Wednesday) Electronic Fund Transfer (EFTs) of DFG funds. Agents are required to provide specific bank account information to DFG at the time of application.
3. Counter space approximately 12" High x 27" Wide x 14" Deep. Note: ALDS Internet Point of Sale (IPOS) equipment cabling is minimal; however, cabling for Internet connection and a power source must be considered when locating the IPOS equipment.
4. The completion of a web-based Agent application and signed License Agent Contract.
5. A refundable \$1,000 equipment deposit, per outlet, due upon contract completion. Payment must be submitted in the form of a check or money order.
6. A \$15.00 weekly License Agent Terminal and Support Fee (LATS). The LATS fee is waived upon reaching the minimum sales threshold of \$6,000 in license sales and is reviewed annually.

Finally, there are also business rules such as: staff training, proper care of the IPOS equipment and proper handling of customer and ancillary data information. For more information about ALDS refer to [ALDS License Agent Information](#).

If you meet the conditions above and want to be considered for an Agent Account at this time or if you have any questions, contact the **New Agent Account desk: (916) 928-5981**, [agent@dfg.ca.gov](mailto:agent@dfg.ca.gov).

[Conditions of Use](#) | [Privacy Policy](#)

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

**License Agent Survey / Questionnaire**

Due by January 15, 2010



License Agent Name:

Account #:

Primary Contact Person: Phone number: Email address:	Secondary Contact Person: Phone number: Email address:
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**YOUR INPUT IS VERY IMPORTANT TO US!**

<p><b>1. Do you plan to continue as a License Agent under the Automated License Data System (ALDS)?</b></p> <p>Yes No</p> <p>If not, please explain below:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>2. Do you currently have a high speed Internet connection? Please indicate type.</b></p> <p>Yes ( DSL, Cable, Satellite) No</p> <p><b>2a. Do you intend to obtain a high speed Internet connection prior to implementation of the ALDS? (highly recommended)</b></p> <p>Yes No</p> <p><b>3. What is your sales environment? (i.e., Where do you sell licenses from?)</b></p> <p>Retail store open to the general public From a home or private office From a boat Other, please explain:</p> <p>_____</p> <p>_____</p> <p><b>4. Do you sell licenses from more than 1 location in your facility?</b> Yes, How many and why _____? No</p>	<p><b>5. Does your facility sell licenses 12 months out of the year?</b></p> <p>Yes No, please indicated month(s) closed:</p> <table> <tr> <td>January</td> <td>February</td> <td>March</td> </tr> <tr> <td>April</td> <td>May</td> <td>June</td> </tr> <tr> <td>July</td> <td>August</td> <td>September</td> </tr> <tr> <td>October</td> <td>November</td> <td>December</td> </tr> </table> <p><b>6. When are your peak sales periods?</b></p> <p>Hours of the Day: _____</p> <table> <tr> <td>06:01 – 10:00 am</td> <td>10:01 – 14:00 pm</td> </tr> <tr> <td>14:01 – 18:00 pm</td> <td>18:01 – 22:00 pm</td> </tr> <tr> <td>22:01 – 02:00 am</td> <td>02:01 – 06:00 am</td> </tr> </table> <p>Days of the week:</p> <table> <tr> <td>Monday</td> <td>Tuesday</td> <td>Wednesday</td> </tr> <tr> <td>Thursday</td> <td>Friday</td> <td>Saturday</td> </tr> <tr> <td>Sunday</td> <td></td> <td></td> </tr> </table> <p>Month(s):</p> <table> <tr> <td>January</td> <td>February</td> <td>March</td> </tr> <tr> <td>April</td> <td>May</td> <td>June</td> </tr> <tr> <td>July</td> <td>August</td> <td>September</td> </tr> <tr> <td>October</td> <td>November</td> <td>December</td> </tr> </table> <p><b>7. Approximately how many licenses do you sell in your peak hour? _____</b></p>	January	February	March	April	May	June	July	August	September	October	November	December	06:01 – 10:00 am	10:01 – 14:00 pm	14:01 – 18:00 pm	18:01 – 22:00 pm	22:01 – 02:00 am	02:01 – 06:00 am	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday			January	February	March	April	May	June	July	August	September	October	November	December
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Please add your comments, questions, concerns and issues that we can address on the DFG web site and during License Agent Training

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Please return this page to DFG using any of the following methods:

- Go to [www.regonline.com/dfg\\_alds\\_prep](http://www.regonline.com/dfg_alds_prep) to input your responses directly to DFG. Please have your License Agent account number, primary and secondary contact information including email address ready.
- Mail, Fax or Email (scan) to 1740 N. Market Blvd. Sacramento CA 95834; (916) 419-7587 or [BGeorge@DFG.CA.Gov](mailto:BGeorge@DFG.CA.Gov)



[Home](#) » [Licensing](#) » [Agents](#) » [Questions and Answers](#)

## License Agent Questions and Answers

DFG has converted from the manual paper-based license system to our Automated License Data System (ALDS). ALDS is an automated licensing data system that electronically links to a central database.

### General Questions

#### 1. How does converting to ALDS impact you?

New and continuing license agents have new requirements and are required to follow a new set of business rules and sign a new License Agent Contract. Also, see Question 9.

#### 2. How do License Agents benefit from the Automated License Data System (ALDS)?

Overall, ALDS provides license agents the ability to improve the quantity and quality of services to your license customers. For example:

- » Your customers will be properly licensed as the system automatically enforces most licensing regulations.
- » The license sales process is faster and easier.
- » You have the ability to sell all recreational license items and never run out of inventory.
- » DFG is able to provide you timely information through ALDS by sending messages and alerts.
- » ALDS provides the potential for increased revenue. License items that were only available at DFG license sales offices in the past are now available for sale at license agents.

Compared to the old paper based licensing system, being a license agent takes less overall time and effort.

- » No more paper license inventory to order and manage.
- » All license sales accounting and reporting is performed by the system.
- » ALDS enforces most licensing rules and provides license agents with relevant and timely information such as changes in regulations, requirements, costs, or rules.
- » License agents have reduced risk of penalties and/or interest charges since there are no physical books or license inventory.

- » The Internet Point of Sale (IPOS) terminals feature a training mode.

Finally, ALDS provides DFG the ability to better know our mutual customers as well as assess and provide services and products that meet their needs and interests. Furthermore, ALDS will improve our resource management and enforcement capabilities, which will ultimately provide for the long-term use and enjoyment of recreational activities by the public.

### **3. Is there an option to continue selling paper licenses?**

No. All licenses are now processed through ALDS. Preprinted inventory has been eliminated.

### **4. Will Collect On Delivery (COD) License Agent types be available under ALDS?**

No. All license agents must supply a bank account for weekly electronic fund transfers of license sales revenue.

### **5. How will the DFG accommodate charter/party boats who currently sell numerous one-day fishing licenses and do not have the environment to support the new system?**

It is DFG's goal to process all license sales and collect all mandatory customer data using ALDS. However, DFG is aware of the unique business needs that charter/party boat captains face. To help mitigate such specialized needs, ALDS will have the flexibility to offer the following licensing alternatives:

1. ALDS Internet license sales are available 24-7, so that customers can print their licenses at any hour, anywhere they can access and print from the Internet.
2. ALDS IPOS terminals include a "Quick Sale" mode that is only available for landings and Commercial Passenger Fishing Vessels. This mode is nearly automatic – with a swipe of the customer's driver's license a fishing license is printed. The system does the rest. This type of transaction takes approximately 30 seconds to complete on a DSL or faster Internet connection. The "Quick Sale" mode is limited to One-Day Sport Fishing Licenses only. This solution is ideal for charter boat businesses and landings that have access to an Internet connection with an ALDS terminal, but need to license a large number of people in a short amount of time.
3. Anglers can now call 800-565-1458 for DFG's 24 hour, seven day a week telephone sales service to obtain a one-day sport fishing license for fishing from a charter or six pack boat. The transaction requires phone connectivity and the angler must provide complete personal data and a credit/debit card. The entire call can take up to approximately five-eight minutes. At the end of the call, the angler will be issued a Temporary Authorization Number or TAN. The angler must write down the TAN and keep it with them to present it to a Fish and Game Warden or Charter Boat Captain. The TAN must be obtained before departing from the dock. This option is considered a last resort with our emphasis being to get your license before arriving at the dock.

### **6. As a License Guide, how will I provide clients a license in the field?**

As discussed in Question 5, ALDS Internet licensing provides continued customer service to license guides that today sell one or two licenses books a year. This approach also applies to

license agents and charter/party boat captains that today, sell very few licenses a year.

**7. Are One-Day licenses available by the book?**

No. However, the ALDS Online License Sales site is available 24x7. Customers can purchase and print their licenses at any hour, anywhere they can access the Internet.

**8. Can License Agents sell One-Day licenses to Party Boat captains with the dates to be completed later by the Party Boat Captain?**

This practice is not allowable under current laws and regulations. Also, see response to Question 5.

**9. Are there new requirements to qualify as a License Agent under the new system?**

Yes. All license agents must complete a new license agent contract and provide a high speed Internet connection and a bank account that allows electronic fund transfers (EFT). Additionally, new License Agents may have to submit a refundable \$1,000 IPOS equipment deposit and pay a \$15.00 weekly license agent terminal and support fee until the minimum annual sales threshold of \$6,000 is met.

**10. Will License Agents be required to pay for the ALDS Internet Point of Sale (IPOS) equipment?**

License agents may be subject to pay a \$15 weekly License Agent Terminal and Support Fees (LATS fee) for each ALDS IPOS terminal. However, the weekly LATS fee for one ALDS IPOS terminal is waived for qualifying outlets who meet the \$6,000 minimum annual sales threshold. The LATS fee for a second ALDS POS terminal may be waived for high volume qualifying outlets that have \$125,000 in annual sales.

**11. Can License Agents obtain more than one set of the ALDS POS equipment? If yes, how much will it cost?**

Yes. The price to lease an additional ALDS IPOS terminal is \$15.00 a week.

**12. Is a dedicated telephone line or broadband (cable/DSL) be required?**

New license agents must provide a high speed Internet connection. A number of license agents have told us that satellite connectivity is becoming more available and less expensive.

**13. How much counter space does ALDS IPOS equipment require?**

To accommodate the ALDS IPOS equipment approximate counter space required is 12" Height x 27" Width x 14" Deep. Note: ALDS IPOS equipment cabling is minimal, however, cabling for Internet connectivity and power must also be considered when locating the new system.

**14. How will DFG collect license sales revenues from License Agents with ALDS?**

License agents remit license sales revenues to DFG via electronic fund transfer (EFT) on a weekly basis. License agents are required to provide a bank account that allows EFTs to the DFG at the time of enrollment.

**15. Will there be any change in the 5% handling fee License Agents currently receive from selling licenses?**

No. The current license agent handling fee of 5% remains the same with ALDS.

**16. What types of ALDS training is available to License Agents?**

License agents are provided an [ALDS Installation Guide](#) and an [IPOS Retail User Manual](#). DFG will also be providing license agents with video training materials on DVD by summer 2011. For specific questions, license agents may contact the DFG ALDS Help Line at (916) 928-ALDS (2537) or email [Agent@dfg.ca.gov](mailto:Agent@dfg.ca.gov).

**License Sales Process Questions****17. How does ALDS sell and issue a license (i.e. Collect customer data and issue a license?)**

For most resident license sales transactions, ALDS will collect customer data from their California Drivers License (CDL) or California Identification Card (CID).

1. Swipe the CDL or CID through the card reader. ALDS reads the magnetic stripe and populates customer information automatically.
2. Complete Customer Information. License agents will use the touch screen to update customer addresses, enter the customer's hunter education information, telephone number and additional information (as needed).
3. Select items for purchase. Using the touch screen, license agents can select items for purchase. ALDS automatically limits items available, based on customer qualifications, such as age, residency and previous purchases.
4. Verify purchase. Prior to finalizing the sale, license agents should verify the purchase to ensure the customer has everything they need.
5. Print license(s). All licenses, tags, and harvest report cards will immediately print out on the printer. License agents will continue to collect monies from license buyers to conclude the sales process.

**18. Who processes the transaction, the customer or License Agents?**

The license agent will process the transaction, collect the appropriate funds from the customer and act as an agent of the State to ensure a complete and accurate transaction.

**19. What does a license look like?**

All licenses, permits, validations, tags and other entitlements will print from the IPOS on generic waterproof, tear-resistant paper at the time of purchase. Licenses can fold to credit card size or smaller. Customers making purchases via the Internet will be able to print a temporary license from home until they receive their annual license by mail.

**20. What forms of identification can the License Agent accept for purposes of selling a**

**license?**

The following are acceptable forms of identification required for the first license purchase through ALDS:

- » Any license document or **GO ID number** previously issued via ALDS
- » A valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile
- » US Birth Certificate
- » US Certificate or Report of Birth Abroad
- » INS American Indian Card or Tribal Identification Card
- » Birth Certificate or passport issued from a US Territory
- » US Passport
- » US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel)
- » Certificate of Naturalization or Citizenship.
- » A foreign government issued photo identification

Customers less than 18 years of age can also provide any form of identification described above; or a parent or legal guardian's identification as described above.

**21. Will identification be required each time that a license or tag is purchased?**

No, for subsequent purchases, the customer must provide ID or a previous ALDS license, which can be scanned to retrieve the customer record.

**22. What will be the minimum customer information required to sell a license?**

Customer ID, name, address, physical description, phone number and DOB are required for all license sales. Fishing license vouchers may be sold for those customers where full information is not available.

**23. Is a prior California license enough?**

Yes, provided it was issued through ALDS.

**24. Does the License Agent have any responsibility for verifying that purchasers are who they say they are?**

Yes. In accordance with the License Agent Contract, license agents agrees to comply with all applicable laws, rules, processes, policies and issuing instructions provided by DFG. The License Agent agrees that if he/she has a question or concern related to the issuance of DFG Items or the collection of data and dissemination of customer information, he/she will promptly contact DFG LRB for instructions.

**25. How will “declarations” be handled for hunting licenses?**

Declarations are no longer accepted. In order to purchase hunting items online, hunters must have proof of hunter education on file in ALDS. Hunters who have purchased hunting items via ALDS or applied during the last five years in the annual Big Game Drawing will have proof of hunter education on file. Customers not meeting these requirements, may visit a DFG License Sales Office or a License Agent to have hunter education added to their profile and purchase a hunting license.

**26. How will “denials” be handled for licenses? For tags?**

Customers who have restrictions on file may not be able to purchase certain license items and should be instructed to contact DFG at the number provided on the IPOS terminal.

If an item does not appear on the IPOS terminal, the customer most likely does not qualify for the item based upon age or residency requirements.

If the item appears but is grayed out, the customer may not have met the prerequisite (i.e. hunter education) to obtain that item or already has the max quantity for that item.

**27. Is it harder for customers to obtain a license under the new system?**

No. It is easier for people to obtain a license under the new system. Items previously restricted to DFG license sales offices are now available at license agents. License agents will no longer run out of inventory. Once entered, customer information can be retrieved from the database for subsequent purchases, eliminating the need to capture full customer information for each license sale.

**28. How do I sell licenses if the system is not working?**

License agents should immediately call the ALDS Help Desk to diagnosis and resolve problems with their system. There are two possible types of outages: Local to your point of sale and system wide.

**Local outages:** the ALDS IPOS system is offline due to a local power outage, failed internet connectivity, and/or equipment failure, and a customer needs to be licensed immediately, license agents should direct the customer to purchase the license through another venue (another license agent, internet, or telephone sales). License agents are also encouraged to place the IPOS system and network equipment on an interruptible power supply (UPS) or battery backup.

**System-wide outages:** In the event the ALDS IPOS system has a system-wide outage, license agents can call the ALDS Help Desk.

**29. How does the system handle multiple licenses being purchased as gifts, as is common at Christmas?**

Vouchers are available for purchase when full customer information is not available. An individual may redeem the voucher by providing customer information at any license agent location or DFG license sales office. At this time DFG sells only sport fishing license vouchers.

**30. What is the estimated time for handling typical transactions under the new system?**

Transaction times will vary from seconds to a minute or more based on several variables. DFG will continue to monitor and adjust the system and business processes to optimize the speed of transactions.

### Accounting Questions

**31. Is a separate bank account required for license revenues collected by License Agents?**

No. However, an account must be set up at the time of application that allows for weekly Electronic Fund Transfers (EFTs).

**32. Can License Agents review and approve fund transfers prior to the fund transfer from an Agent's account to the State?**

Yes. There is a three-day review period to allow the license agent to notify DFG of any discrepancy prior to the EFT processing.

**33. What is the frequency of the accounting period for reconciling license sales with the amount owed?**

License Agents can access daily and weekly sales reports via the IPOS terminal or the Agent Services Website to reconcile sales. A Statement Report is generated and available to view on Monday and includes the sales detail and amount DFG will EFT on Wednesday.

**34. How are reconciliation problems handled?**

When license agents notify DFG of disputed items and/or discrepancies, DFG will adjust the agent's account and remove items from the scheduled EFT. DFG and the license agent will work to resolve the problem ASAP and adjust the license agent's account accordingly.

**35. How and in what time-frame are the fund transfers processed?**

The EFT (sweep) is performed weekly (Wednesday) and includes all DFG item fees collected from sales occurring from 12:00 a.m. Saturday through 11:59 p.m. Friday, as well as any outstanding charges (i.e. terminal fees, unreturned cancel document charges, etc.). There are three components to the process: the Sales Period; Weekly Statement; and EFT (sweep).

For Example: the license sales period is from Saturday through Friday. A weekly Statement report is generated on Sunday and can be viewed via the IPOS terminal or Agent Services Website. License agents have Monday and Tuesday to review, reconcile and notify DFG of any discrepancy prior to the EFT (sweep) on Wednesday.

**36. When credit cards are used to purchase a license, does it go through our account or a DFG account? Who covers the fees associated with a credit card purchase?**

License agents will continue to be responsible for their own sales and associated credit card processing fees.

**37. Does DFG offer a grace period for errors during the implementation of this new system? If so, how long will this grace period extend?**

The system should minimize issuance errors because customers are only offered licenses for which they qualify. If a customer is sold the wrong item, the license agent has up to 4 hours to cancel the license document(s) after the sale. Once canceled, the license document(s) are inactive and the license agent is not charged for the sale. However, license agents are required to mail canceled document(s) to DFG's License and Revenue Branch, within 45 days; if canceled documents are not received by DFG the license agents will be charged for the unreturned canceled document(s).

License Agents should contact DFG's License Agent Help Desk by telephone at (916) 928-ALDS (2537) for license documents sold outside of the four hour cancel period.

**38. Is there be an appeal process for penalty and interest charges applied to agent accounts where either a bank transfer error, internal accounting error, or other unforeseen error occurs that causes the agent's account to have an incorrect amount of funds available?**

Consistent with current statute and practice, penalty and interest charges may be appealed and waived under certain instances and circumstances.

**39. If DFG sweeps too little or too much from an agent's account, what process is in place to correct this problem?**

License agents have the ability to generate daily and weekly sales reports, plus review the weekly statement report that coincides with the weekly sweep. License Agents must notify DFG of any discrepancies by Tuesday 5:00 pm for the funds not to be swept. If funds are swept incorrectly, DFG will review and adjust a license agent account as necessary.

**40. Are returns permitted? If so, on what basis and how will credit be given to the agent?**

Yes. If the document was sold outside of the four hour timeframe, the license agent should contact the DFG's License Agent Help Desk by telephone at (916) 928-ALDS (2537). Once DFG receives the license document a credit will be applied towards a license sales EFT. Also, see response to Question 38.

For additional information contact the License Agent Help Desk at (916) 928-2537 or email [agent@dfg.ca.gov](mailto:agent@dfg.ca.gov).

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[Home](#) » [Licensing](#) » [ALDS](#) » [General Q&A](#)

## Automated License Data System

### General Questions and Answers

#### What is the Automated License Data System (ALDS)?

ALDS is an automated licensing data system that electronically links to a central database. ALDS replaced the manual paper-based licensing system used by DFG and license agents.

#### Why make the change?

For many years the public has requested a streamlined more efficient and simpler licensing system. ALDS improves customer service, business processes and governmental efficiencies. The ALDS:

- » Improves customer service to the public by providing faster easier license purchases;
- » Enables license agents to sell all sport fishing and hunting licenses and related items;
- » Provides license sales 24-hours a day seven days a week by telephone or on the Internet;
- » Streamlines the license sales and accounting process by eliminating license inventory and sales reporting requirements (all license sales revenue are electronically transferred to DFG at predetermined dates and times);
- » Provides timely and accurate accounting of DFG revenues and speeds the collection of license revenues and
- » Provides license buyer data for resource management purposes and the opportunities to make better decisions based on better data.

#### What will my new license look like?

All licenses, permits, validations, tags and other entitlements will print from the IPOS on generic waterproof, tear-resistant paper at the time of purchase. Licenses can fold to credit card size or smaller. Customers making purchases via the Internet will be able to print a temporary license from home until they receive their annual license by mail.

#### How will the Department pay for ALDS?

DFG will redirect the savings and increased revenues and reimbursements created by ALDS to fund the design, development, implementation and operation over a multi-year period. Regulations authorize a three percent license buyer surcharge which is applied to each item. The surcharge is capped at \$7.50 per item. The surcharge will help operate and maintain the

new automated system.

### How does ALDS impact me?

The two main constituent groups most affected by ALDS are license buyers and license agents (independent businesses that sell licenses on behalf of DFG, which include bait shops, sporting goods stores, etc.).

- » **License Buyers:** Under ALDS the actual sales process is easier and quicker. Barriers such as license agents running out of inventory or not carrying the item the customer needs is eliminated. In addition, more services and special items that were previously only available from a DFG license sales office (i.e., drawing entries, bear and deer tags) are available at license agents. Also, licenses are available, 7-days a week 24-hours a day, using the Internet and eventually the telephone. ALDS provides real time data to help DFG better understand our customers and their needs, thus enabling us to develop and deliver products and services that benefit our customers.
- » **License Agents:** License agents benefit from ALDS by providing a simpler licensing process that decreases the time it takes to manage and maintain license inventory and complete many of the manual sales and reporting processes. In addition, there is a reduced risk of penalties and interest assessment experienced with the prior system. License agents will never run out of inventory and can sell all our recreational items which may increase the number of potential customers to their businesses.

### Where can I get more information?

Write to DFG, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA, 95834, or call Mr. Brent George at (916) 928-6882.

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[Home](#) -> [Licensing](#) -> [ALDS](#) -> [License Agent Information](#)

## Automated License Data System

### Information for License Agents

Previously, DFG mailed out a letter and survey to all license agents which provides the information needed for license agents to consider and plan for ALDS implementation. In addition, the letter requires that all license agents respond by January 15, 2010 to a survey and indicate if they wish to continue as a license agent under the new ALDS. If you did not receive the [ALDS License Agent Letter and Survey](#), please contact Brent George at (916) 928-6882 or Suzi Wilson at (916) 928-5836 immediately.

License agents should refer to [ALDS General Information](#) and the [License Agent Q&A](#) pages for additional information.

### PROJECT STATUS: ON SCHEDULE

### PROJECT MILESTONES

- > Procurement/vendor selection: February 7, 2005 to January 28, 2006 **(Complete)**
- > Issue Notice of Intent to Award, last date to protest: February 3-8, 2006 **(Complete)**
- > Obtain final project approvals and clearances: February 3 to June 16, 2006 **(Complete)**
- > Contract effective date: July 12, 2006 **(Complete)**
- > Launch of on-line license sales (E-Licensing) - May 26, 2009 **(Complete)**
- > System design and development phase - October 21, 2009 **(Complete)**
- > Pilot of ALDS at DFG offices and at selected license agents - August 2010 **(Complete)**
- > Pilot acceptance of ALDS - October 2010 **(Complete)**
- > Point of Sale (POS) deployment to all license agent locations - January 2011 **(Complete)**

### AGENT AND CUSTOMER BENEFITS

- > License purchases are faster and easier, increasing efficiency and reducing wait times.
- > Most sport fishing and hunting licenses and related items will be available through license agents, including those that were previously only available from a DFG office (i.e.,

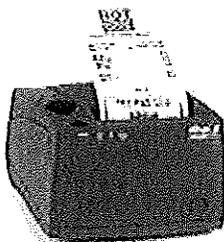
drawing entries and bear and deer tags).

- » License agents will never run out of inventory.
- » License sales will be available 24/7 via the Internet and the telephone.
- » The license sales and accounting process will be quicker, streamlined by eliminating license inventory and sales reporting requirements.
- » No more hand filling out multiple license documents.

## ALDS Equipment

- » 15" color touch screen monitor screen with embedded CPU
- » direct thermal printer
- » durable paper stock
- » card swiper (CDLN)
- » bar code scanner

## Point of Sale Equipment (card swiper and bar code scanner not shown)



(H x W x D): 6.25" x 8.5" x 5.87"



(H x W x D): 16.1" x 15.7" x 10.2"

## System Capabilities

- » Real time system utilizing Internet connectivity,
- » License buyer information is entered by swiping the magnetic stripe on DMV-issued driver's licenses and/or CA Identification Cards through the card swipe or by key entry,
- » Customer's data is validated by the database; using the eligibility and prerequisites rules that are intergrated in the system. These rules will determine the logic for the balance of the transaction. For example:
  - » ALDS will verify that a person was licensed before they can obtain a duplicate license
  - » Non-residents will be offered only non-resident items
  - » A Second-Deer Tag will be offered only after a First-Deer tag is selected
- » Licenses print instantly on highly durable paper, foldable to credit card size,
- » Provides new offerings from license agent locations, i.e. deer tags and drawing entries.

## Space Requirements

The assembled system will occupy approximately (H x W x D): 17" x 36" x 12".

## Power Requirements

The system will require one (1) grounded power outlet within 6 feet of the devices; a surge suppressor with 6 outlets will be provided as part of the package.

**Recommended:** DFG recommends that license agents utilize a battery backup (UPS) to allow for the completion of sales during power outages. This is especially important if your store frequently experiences power interruptions.

## Communication Requirements

The system will allow two types of internet connections: Broadband or Dialup.

- » **Broadband:** If you already have a Broadband connection at your store, ALDS equipment can simply be connected to an Ethernet port. Be sure you have an Ethernet connection where the equipment will be set up.
- » **Dialup:** If you do not have your own Broadband, then ALDS can connect to the Internet via dialup. You will have to provide a dedicated phone line. Be sure you have a telephone connection where the equipment will be set up.

**Recommended:** DFG recommends a Broadband Internet connection to ensure that the optimum transaction speed is maintained.

## New Sales Process

For over 90% of ALDS license sales transactions, customer data will be collected from their California Drivers License (CDL) or California Identification Card (CID).

1. Swipe the CDL or CID through the card reader.

The ALDS reads the magnetic stripe and populates customer information automatically.

2. Complete Customer Information.

License agents will use the touch screen to update customer addresses, enter the customer's hunter education information, telephone number and additional information (as needed).

3. Select items for purchase.

Using the touch screen, license agents can select items for purchase. ALDS automatically limits items available, based on customer qualifications, such as age, residency and previous purchases.

4. Verify purchase.

Prior to finalizing the sale, license agents can verify the purchase to ensure the customer has everything they need.

5. Print license.

All licenses, tags, and harvest cards will immediately print out on the printer.

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CATHY • NOVAK

consulting

NOV 2 2011

November 3, 2011

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

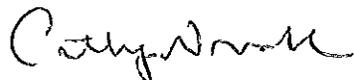
RE: 1169 Market Street sign exception

Dear Kathy,

Based upon our recent conversation, the applicant would like to revise the project description for the above mentioned project. Please add one additional sign to the exception request. This sign is on private property located at Walker's Mobile Home Park, 1105 Morro Ave. and the property owner has provided their consent for the placement of this sign. Also please see attached please photo of the sign.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Sincerely,



Cathy Novak  
Project representative

cc: Sharon Moores, Virg's

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

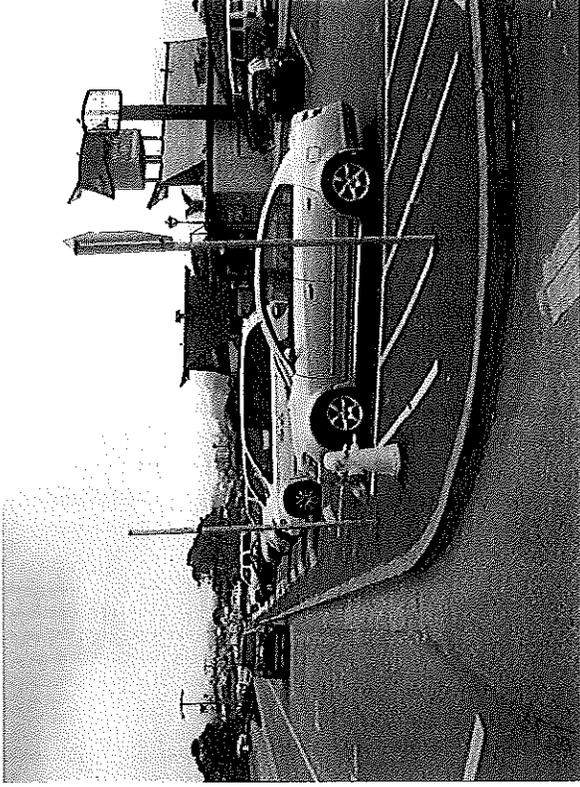
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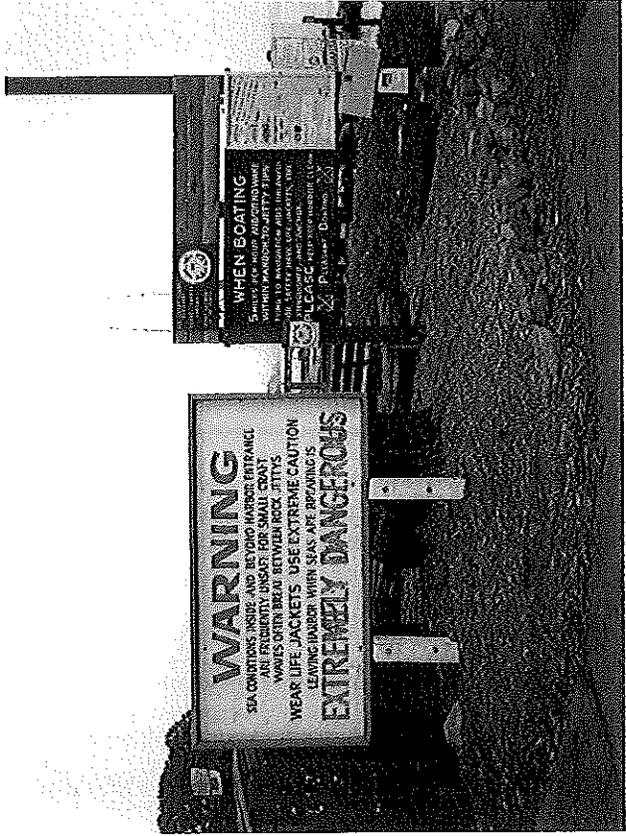
NOVAKCONSULTING@CHARTER.NET



Location 1—Beach & Market Streets



Location 1—Embarcadero Road

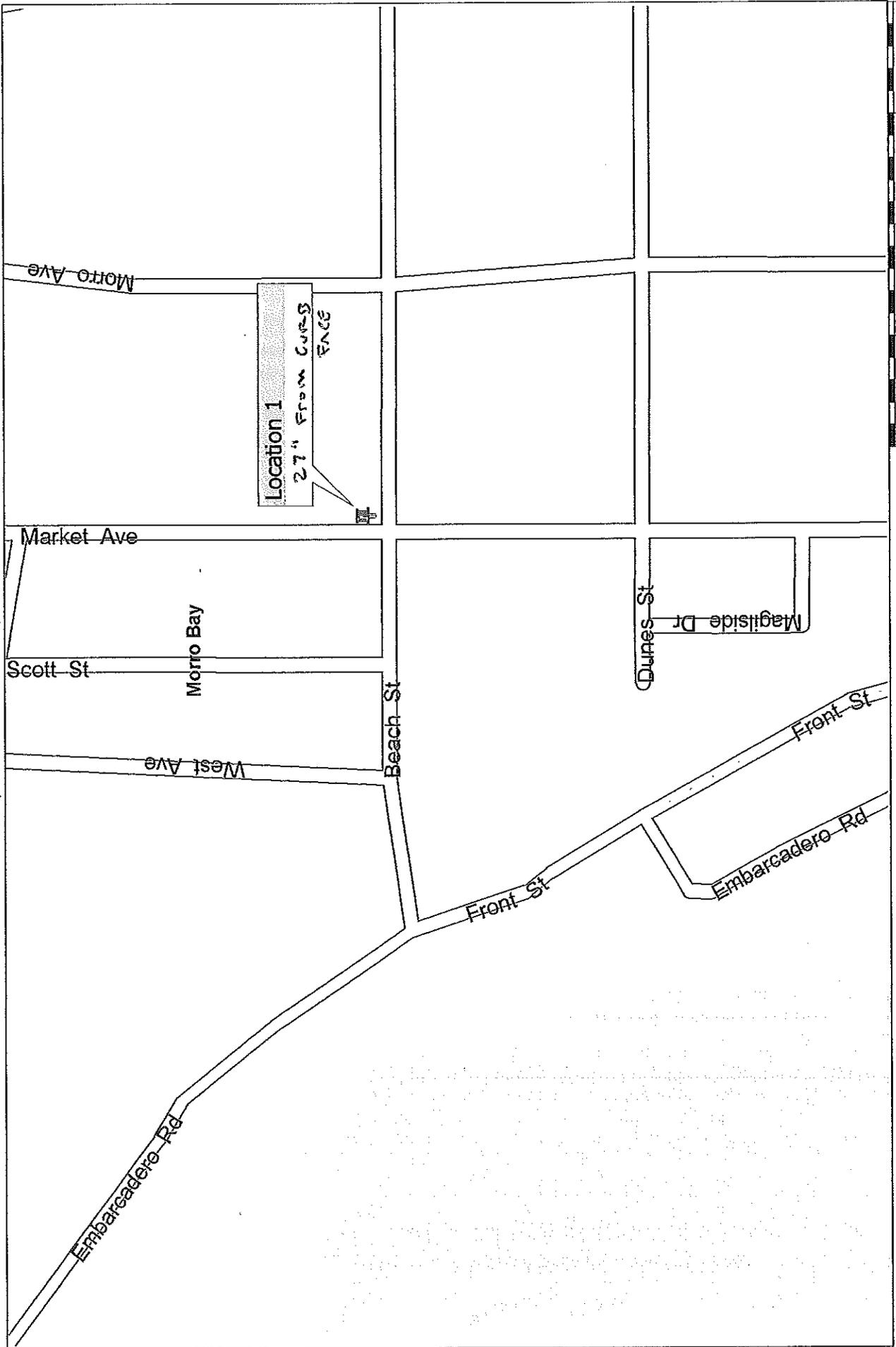


Location 3—Boat Launch Ramp



Location 3—Boat Launch Ramp

California, United States, North America



0 yds 50 100 150 200

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California, United States, North America

Morro Bay

Location 2  
Entry to parking lot  
24'11" FROM  
CURB FACE

Embarcadero Rd

Surf St

Scott St

West Ave

Beach St

0 yds

50

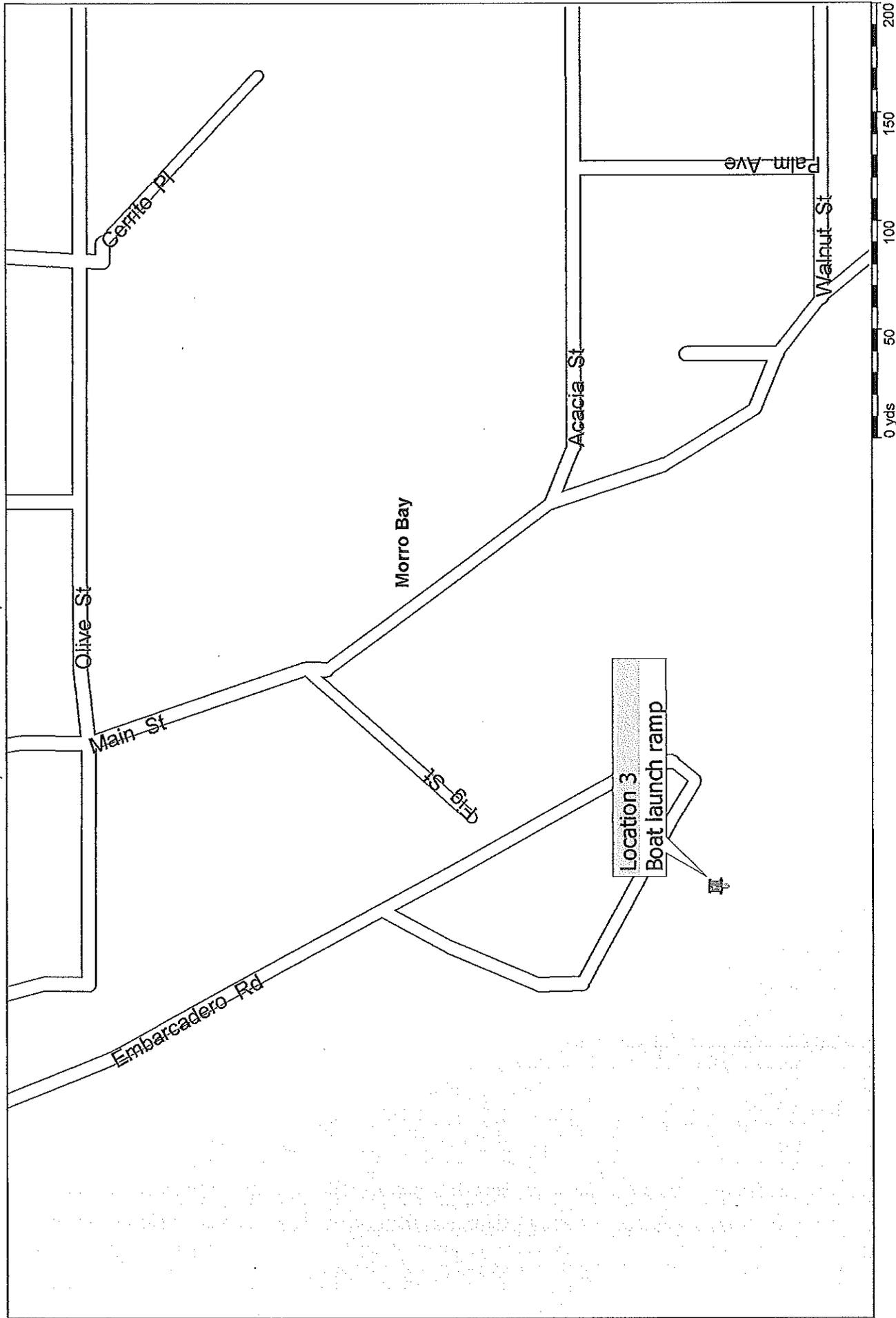
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AGENDA NO: B-4

MEETING DATE: January 4, 2012

# Staff Report

**TO:** Planning Commissioners **DATE:** December 30, 2011

**FROM:** Rob Livick, Public Services Director  
Sierra Davis, Assistant Planner

**SUBJECT:** Amend the approved Subdivision Permit #S00-089 and Coastal Development Permit #CP0-276 by approving a modification to the 50 foot and 25 foot ESH buffer to allow a second driveway approximately 133 feet long that would encroach into the 50 foot buffer setback as well as the 25 foot buffer setback.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by making the following motion:

- A. Adopt the Findings included as Exhibit "A";
- B. Conditionally approve amendment to Subdivision #S00-089 and Coastal Development Permit #CP0-276, subject to the Conditions included as Exhibit "B" and the site development plans dated November 21, 2011.

**APPLICANT:** Johnnie Medina

**LEGAL DESCRIPTION/APN (ADDRESS):** 065-085-019

**PROJECT DESCRIPTION:** The applicant has applied for an amendment to the approved Subdivision Permit #S00-089 and Coastal Development Permit #CP0-276 for a 2 parcel subdivision map and to construct a two story single-family residence with attached two car garage. The applicant requests an amendment to the previous Planning Commission approval modifying the required 50 foot buffer and 25 foot buffer from the ESH (Environmentally Sensitive Area). The applicant requests further modification of these ESH buffers to allow for a second driveway approximately 133 feet long, with an area of approximately 2,700 square feet (1,400 square feet of paved area and 1,300 square feet of pavers). The proposed driveway will encroach into the 50 foot buffer setback as well as the 25 foot buffer setback.

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	R1/S.1, Low/Med. Residential & R-4(SP)	South:	R1/S.1, Low/Med. Residential & MCR/R-4(SP)
East:	R-1(S.1), Low/Med. Residential	West:	Highway 1

<b><u>Site Characteristics</u></b>	
Site Area	40,119 Square feet
Existing Use	Single-family residence
Terrain	Gently sloping
Vegetation/Wildlife	Exotic vegetation and a sparse representation of native vegetation, no special species or wildlife noted.
Archaeological Resources	Greater than 1,500 feet from any known site and the closest survey was taken 400 feet away (#2819) where no known resources were found.
Access	Lots will take access from Main Street.

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

**PROJECT ANALYSIS:**

***Background***

The project was heard at a regularly scheduled Planning Commission public hearing on July 20, 2009 (Exhibit I of Attachment 4) in which the Planning Commission continued the item indefinitely in order to address various issues. The project was brought back before Planning Commission on July 19, 2010. The memo to the Planning Commission on July 19, 2010 (Attachment 4) addresses the issues from the July 20, 2009 meeting and the project was

conditionally approved with the following motion:

- A. Adopt the Findings for Approval for the Vesting Tentative Map and Coastal Development Permit included as Exhibit "A" of the staff report and the Findings for Denial of the reduction of the ESH buffer and allowing the west property line of parcel 2 to be adjusted westward so long as parcel 1 meets the minimum lot requirements and setback of the zone district.
- B. Approve Mitigated Negative Declaration (SCH 2009061049)
- C. Approve Tentative Parcel Map dated January 26, 2010 and Coastal Development Permit based on site development plans received by the Public Services Department on January 5, 2008 and subject to the Conditions of Approval included as Exhibit 'B' of the staff report.
- D. Property Line. The applicant shall be allowed to adjust the west property line of parcel 2 westward, so long as parcel 1 meets the minimum lot requirements and setback of the zone district.
- E. ESHA. The ESH area shall be defined by surveyed coordinates with markers easily identified and permanent and visible. The area defined shall be fenced during construction.
- F. ESHA. There shall be no activity allowed in the ESH area that would be detrimental to the native habitat.
- G. Drainage. Prior to recordation of the parcel map, drainage for parcel 2 shall be evaluated and remedied prior to permit approval.
- H. Landscape Plan. A landscape plan shall be required prior to issuance of a building permit for the residence on parcel 2. The landscape plan shall adhere to the 50 foot buffer and shall consist of only native and drought tolerate plants.
- I. Restoration of Creek Area. The creek restoration plan shall include the buffer area between the 50 foot and 25 foot and there shall be no extension of the retaining wall located in the 50 foot to 25 foot buffer area.
- J. Creek restoration Plan. Prior to the issuance of any permit of the recordation of the map, a restoration plan for the ESH area shall be submitted to the City for review and approval. The City easement including the block wall shall be included and evaluated and corrected in this plan. A qualified biologist shall produce the plan and the plan shall contain milestones to ensure that the initial plantings thrive. In addition once the plan is approved, the removal of all non-native species shall be removed from the creek and buffer area prior to the issuance of any building permit of the recordation of the map. Prior to any final granted on the project all restoration work shall be completed except for the ongoing maintenance required.

The memo to the Planning Commission dated July 19, 2010 discusses the requirements and procedures for reducing buffers in an ESH area (Section 17.40.040.D.6). A stream corridor

buffer may be reduced on a previously subdivided parcel if the 50 foot buffer would render that subdivided parcel unusable for its designated use. Although the parcel in question, parcel 2, is not a previously subdivided parcel, the applicant has been allowed to request a reduction to the buffer due to the fact that there are currently more than one parcels existing on the subject property and the proposed parcel map does not create a larger number of parcels.

Staff has previously determined that parcel 2 would allow for a buildable area of 1,400 square feet and a 900 square foot building pad. Staff has determined that the parcel is still developable for its designated use of a single family property therefore the reduction of the buffer was not supported and was not granted for the development on the property.

### ***Environmental Determination***

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

The environmental document was adopted by Planning Commission at the July 19, 2010 Planning Commission Meeting.

### ***Project Specifics***

The applicant is requesting to amend the approved Subdivision Permit #S00-089 and Coastal Development Permit #CP0-276 for a 2 parcel subdivision map and construction of a single family residence.

The applicant proposes an amendment to the previous Planning Commission by eliminating the condition requiring that the 50 foot buffer from the ESH (Environmentally Sensitive Area) be maintained with only a bio swale and no additional construction. The applicant requests further modification of the 50 foot and the 25 foot ESH buffer to allow a second driveway approximately 133 feet long, with an area of approximately 2,700 square feet (1,400 square feet of paved area and 1,300 square feet of pavers). The proposed driveway will encroach into the 50 foot buffer setback as well as the 25 foot buffer setback.

The applicant is requesting the modification because they have determined that the project as approved (without modification to the 50 foot ESH buffer) does not provide sufficient space outside the 50 foot ESH buffer to allow for a driveway to access the proposed new house. The

existing house on parcel 1 is within the 50 foot buffer and is approximately 11 feet away from the 25 foot buffer boundary.

***LCP Policies***

The following Local Coastal Plan (LCP) guidelines and policies are specific to Environmentally Sensitive Habitat Areas (ESH). The project as proposed and modified by the conditions of approval met the intent of the Local Coastal Plan and Morro Bay Municipal Code in regards to ESH area.

The California Coastal Act of 1976 requires that the biological productivity and quality of coastal waters, streams, wetlands and estuaries be maintained, and where feasible, restored. (LCP, pg. 182)

**Section 30240** “(a) Environmentally sensitive habitat areas shall be protect against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.”

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

**Policy 11.14** A minimum buffer strip along all streams shall be required as follows:  
1. A minimum buffer strip of 100 feet in rural areas;  
2. A minimum buffer strip of 50 feet in urban areas.

If the applicant can demonstrate that the implementation of the minimum buffers on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer may be adjusted downward only to a point where the designated use can be accommodated, but in no case shall the buffer be reduced to less than 50 feet for rural areas and 25 feet for urban areas. Only when all other means to project modifications are found inadequate to provide for both the use and the larger minimum buffer. The lesser setback shall be established in consultation with U.S. Fish and Wildlife and the California Department of Fish and Game and shall be accompanied by adequate mitigations. The buffer area shall be measured landward from the

landward edge of riparian vegetation or from the top of the bank (e.g. in channelized streams). Maps and supplemental information may be required to determine these boundaries.

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

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

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

**Policy 11.15** No structure shall be located within the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of riparian habitat; necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety of to protect existing development; and development where the primary function is the improvement of fish and wildlife habitat. Bridges (when support structures are located outside the critical habitat areas) may be permitted when no alternative route/ location is feasible. All development shall incorporate the most protective mitigation feasible.

**Policy 11.16** All permitted development, including dredging, filling, and grading within stream beds and setback buffer areas shall be limited to activities necessary for the construction of uses specified in Policy 11.15. When such activities require removal of riparian plant species, revegetation with local native riparian species shall be required. Project which would cause the removal of vegetation shall be subject to review and comment by U.S. Fish and Wildlife Service and the Department of Fish and Game.

**Policy 11.23** As a condition of approval of development prior to commencement of any development, property owners/applicants shall dedicate appropriate habitat, such as dunes, beach, wetlands, or riparian corridor.

***Municipal Code***

**17.40.040.C.4. Stream Corridor.** The following are conditionally permitted uses: controlled public access, including public trails within the buffer; necessary pipelines and water supply projects where no alternative location exists; flooding control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; road and bridges where no alternative route/location is feasible and if support structures are not sited in the environmentally sensitive habitat.

**17.40.040.D.1. General application and requirement for uses.** The ESH overlay zone shall be applied to all environmentally sensitive habitat areas and to buffers around such habitat areas necessary to ensure continued protection of the habitat values.

**17.40.040.D.7. Uses in Buffer Areas.**

a. General. The uses permitted in buffers shall generally be limited to those permitted in the adjacent habitat area.

b. Permanent Structures. No permanent structures shall be permitted within buffer areas except for those of a minor nature such as:

i. In residential areas:

- (A.) Fences;
- (B.) Eaves;

ii. In other districts;

- (A.) At grade improvements for pedestrian and equestrian trails.
- (B.) Instructional or informational signs.
- (C.) Designated observation areas, or other public access or education facilities;
- (D.) Fences;
- (E.) Eaves;

Applications for all such improvements shall be submitted to the Department of Fish and Game for review and comment before issuance of a Coastal Development Permit.

***Regulation Analysis***

Review of the project leads to the conclusion that the project shall be reviewed pursuant to the four distinct areas on the property: the ESH area, the 25 foot buffer, the 50 foot buffer and the area outside the buffer.

Existing and Proposed Development

	Existing	Proposed
Between ESH Boundary and 25 foot Buffer	Stacked Block Wall and vegetation	New Retaining wall, asphalt driveway, permeable paver driveway
Between 25 foot buffer and 50 foot buffer	Existing house on parcel 1 and vegetation	Existing house on parcel 1, asphalt driveway, permeable paver driveway, vegetation, stairs to the proposed house on parcel 2
Outside 50 foot buffer	Existing House on parcel 1 and vegetation	Existing House on parcel 1, proposed house on parcel 2

***ESH Area***

The LCP and the Municipal Code do not provide any allowances for development or disturbance within designated ESH area. The project does not propose to locate the house within the ESH area or the required buffers.

***Area Between the ESH Boundary and 25 Foot Buffer***

The Local Coastal Plan and Municipal Code *does not* provide provisions to allow any development between the ESH boundary and the 25 foot buffer. The applicant has proposed the driveway to be located between the ESH boundary and 25 foot buffer, however at no time shall development occur within the 25 foot buffer.

The proposed driveway encroaches into the 25 foot buffer to a maximum point of 16 feet, leaving a distance of 9 feet from development to the ESH boundary. The proposed driveway also requires a new retaining wall to maintain the soil to hold the development. The proposed wall is approximately 4.5 feet past the existing stacked wall within the 25 foot setback. The proposed retaining wall follows the existing stacked block wall except in the area where the road is 20 feet wide pursuant to the Fire Code.

The decision of the previous Planning Commission allowed for the construction of the stormwater mitigation features within the ESH buffer. In keeping with this decision staff recommends that the proposed Low Impact Development (LID) driveway constructed with permeable pavers be allowed within the ESH buffer. This would be in keeping with the purpose of protecting the ESH by providing for storm water filtration prior to entering the stream corridor.

Previous correspondence from the California Department of Fish and Game and the California Coastal Commission staffs, already in the record, indicate that any construction southerly

(beyond) of the existing retaining wall will not have an adverse impact any habitat value of the ESH and no Fish and Game permit is required.

***Area Between the 25 Foot Buffer and 50 Foot Buffer***

The Local Coastal Plan and Municipal Code allows for reducing the required 100 foot buffer from any stream corridor to a 50 foot buffer in urbanized areas. The buffer can further be reduced to 25 feet, (Section 17.40.040.D.6) if the property has been previously subdivided and the resulting parcel with the 50 foot setback would render that subdivided parcel unusable for its designated use. Although the map in process does not meet the requirements pursuant to the municipal code for a reduced buffer, the applicant has been allowed to proceed. The applicant was allowed to process based on the fact that there are currently three lots on the subject site and with the recording of the map there will be two lots, therefore ultimately there will be no additional lots created.

The applicant has previously applied for a buffer reduction to reduce the buffer from 50 feet to 25 feet. The request for the buffer reduction was denied by Planning Commission and all new development shall be located outside the 50 foot buffer boundary. Pursuant to section 17.40.040.D.7. Uses in Buffer Areas, only fences and eaves may be allowed in the buffer area in this case in the area between the 25 foot buffer and the 50 foot buffer. The Local Coastal Plan and Municipal Code do not provide for the allowance of a paved driveway for vehicular access in the buffer area.

In order for the driveway to be allowed in the area between the 25 foot buffer and the 50 foot buffer the Planning Commission would have to amend the previous denial of the buffer reduction and make the findings that the buffer can be reduced to 25 feet. With the reduction of the buffer to 25 feet, that would allow for a clearance of 11 feet between the existing house on parcel 1 and the 25 foot buffer from the ESH boundary.

***Outside the Buffer***

The proposed house was reduced in scope and is proposed to be located outside the 50 foot buffer.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on December 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:** Staff has determined that the 50 foot buffer restricts the applicant from accessing parcel 2, however the driveway as proposed does not meet the intent of the Local Coastal Plan and the Municipal Code. Staff does not have an exhibit to present to the Planning

Commission for a driveway that is located substantially out of the 25 foot buffer and minimally in the 50 foot buffer.

The project as proposed has been conditioned including environmental mitigations to meet code requirements and reduce environmental impacts and therefore meets the findings required for approval of the Vesting Subdivision Map and Coastal Development Permit.

**ATTACHMENTS:**

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C
4. July 19, 2010 Packet and Minutes (July 20, 2009 Packet and Minutes within the July 19, 2010 Packet labeled as Exhibit "I")
5. Applicant's letter
6. Correspondence from the public

**EXHIBIT A**

**FINDINGS**

SUBDIVISION PERMIT #S00-089 AND  
COASTAL DEVELOPMENT PERMIT #CP0-276  
SITE: 3390 MAIN STREET

Subdivision Permit #S00-089 and Coastal Development Permit #CP0-276 for a 2 parcel subdivision map and to construct a two story single-family residence with attached two car garage. The applicant requests an amendment to the previous Planning Commission approval modifying the required 50 foot buffer from the ESH (Environmentally Sensitive Area).

**California Environmental Quality Act (CEQA)**

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

The environmental document was adopted by Planning Commission at the July 19, 2010 Planning Commission Meeting.

**Coastal Development Permit Findings**

- B. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the modular buildings for preschool uses are a permitted use subject to a special use within the zoning district applicable to the project site and said buildings are on an existing church property.
- C. The project will not be injurious or detrimental to property and improvements in the neighborhood because the modular buildings are consistent with the City regulations applicable to this use.
- D. The project will not be injurious or detrimental to the general welfare of the City because the modular buildings 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 AS AMENDED ON JANUARY 4, 2012**

SITE: 3390 MAIN STREET  
SUBDIVISION PERMIT #S00-089 AND  
COASTAL DEVELOPMENT PERMIT #CP0-276

Subdivision Permit #S00-089 and Coastal Development Permit #CP0-276 for a 2 parcel subdivision map and to construct a two story single-family residence with attached two car garage. The applicant requests an amendment to the previous Planning Commission approval modifying the required 50 foot buffer from the ESH (Environmentally Sensitive Area).

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report referenced above, dated January 4, 2012, for the project depicted on the attached plans dated November 21, 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. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use 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.

#### **ENGINEERING CONDITIONS**

1. The proposed driveway and proposed new retaining wall shall not extend beyond the existing staked block wall. Where the proposed driveway/retaining wall encroach into the ESH buffer commensurate amount of restoration shall be required. Encroachment into the 25ft ESH buffer shall be minimized to the maximum extent feasible.

2. The entire proposed driveway shall be constructed using Low Impact Development techniques, specifically permeable pavers to provide filtration of stormwater prior to entering the stream corridor.

## **FIRE CONDITIONS**

**Fire Apparatus Access Road.** The designated fire apparatus access road shall include the first 40 feet of the driveway entering the project site, from Main Street and as illustrated on Sheet 2 of the Grading Plan. (CFC 503.1.1)

**Fire Apparatus Access Road Dimensions.** The fire apparatus access road shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of not less than 13 feet 6 inches. **The first 40 feet of the driveway, from the public street, shall be not less than 20 feet in width.** (CFC 503.2.1)

**Fire Apparatus Access Road Surface.** The fire apparatus access road shall be designed and maintained to support the imposed load of a 20-ton fire apparatus and be surfaced so to provide all-weather driving capabilities. **The first 80 feet of the driveway, from Main Street, shall be designed to support fire apparatus and surfaced for all-weather driving capabilities.** (CFC 503.2.3)

**Fire Lane Markings.** Approved signage and markings that include the words NO PARKING-FIRE LANE shall be provided for the access road to identify and prohibit the obstruction of the access road. **Project shall provide NO PARKING-FIRE LANE signage for the first 40 feet of the driveway.** (CFC 503.3)

## **BUILDING CONDITIONS**

**Grading Permit-** Prior to the start of construction, the applicant shall submit a complete application to the building division and obtain the required permits for grading, utilities, and the construction of other improvements associated with PM MB 07-0274. The application may be submitted separately or in combination with an application for construction of a residence.

**Bonding-** The application shall include an engineer's estimate of the cost to complete the permitted scope of work. Prior to issuance, the applicant shall submit a bond for the amount of 150% of the engineer's estimate, to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

# ATTACHMENT 4

AGENDA ITEM: X-A  
ACTION: \_\_\_\_\_

CITY OF MORRO BAY  
PUBLIC SERVICES DEPARTMENT  
MEMORANDUM

TO: Planning Commission

FROM: Kathleen Wold, Planning Manager

DATE: July 19, 2010

RE: 3390 Main Street, Coastal Development Permit, Parcel Map and ESH

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

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

APPLICANT Johnie Medina,

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

## STAFF RECOMMENDATION

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

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

## DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **WETLAND ISSUE**

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

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

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

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

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

## **REDUCING BUFFER**

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

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

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

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

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

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

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

#### **PUBLIC NOTICE:**

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on July 9, 2010, and all property owners of record within 300 feet of the subject site and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

#### **CONCLUSION**

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

California Environmental Quality Act (CEQA)

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

Subdivision Map Act Findings

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

Coastal Development Permit Findings

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

Buffer reduction Findings

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

EXHIBIT B  
CONDITIONS OF APPROVAL

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

3390 Main Street

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

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated July 20, 2009 for the project depicted on the attached plans labeled "Exhibit C", dated January 05, 2008 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Planning and Building Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. **Hold Harmless:** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. **Compliance with Conditions:** The applicant's establishment of the use and/or development of the subject property constitutes acknowledgment and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed here on shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. **Undergrounding of Utilities:** Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
8. **Construction Hours:** Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
9. **Dust Control:** Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
10. **Parkland In-Lieu Fees:** Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.13.005).
11. **Archaeology:** In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
12. **Property Line Verification.** It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.

### 13. Environmental Conditions

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

**Hydrology/Water Quality:** 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

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

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

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

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

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

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

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

### **FIRE CONDITIONS**

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

### **PUBLIC WORKS CONDITIONS**

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

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

#### PLANNING CONDITIONS

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

#### PLANNING COMMISSION CONDITIONS

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

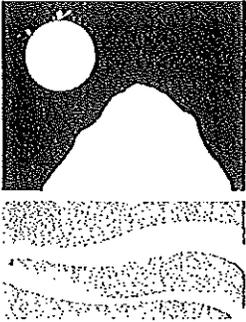
**EXHIBITS**

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



EXHIBIT D

HISTORIC INFORMATION  
REGARDING ONSITE  
VEGETATION AND MITIGATION  
FOR REDUCTION OF BUFFER



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

November 24, 1993

Gary Swauger  
Post Office Box 1177  
Cambria, California 93428

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

Dear Gary,

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

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

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

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC WORKS  
695 Harbor Street

HARBOR DEPARTMENT  
1275 Embarcadero

COMMUNITY DEVELOPMENT  
535 Harbor Street

POLICE DEPARTMENT  
850 Morro Bay Boulevard

RECREATION AND PARKS  
1001 Kennedy Way

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

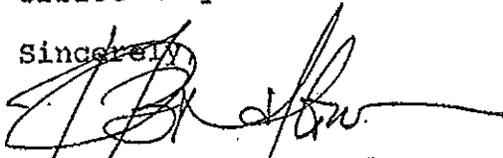
As a follow-up to the SRB/DRC meeting of November 3, 1993, staff has addressed some relevant issues raised. Staff has evaluated the site during field inspections and determined the approximate location of the south creek bank. Staff has posted six (6) lathe stakes along the edge of the bank, beginning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

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

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

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

Sincerely,



Robert B. Malone, Planner  
Community Development Department

cc: Jon Crawford, City Engineer.



1/20 = 1.0

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

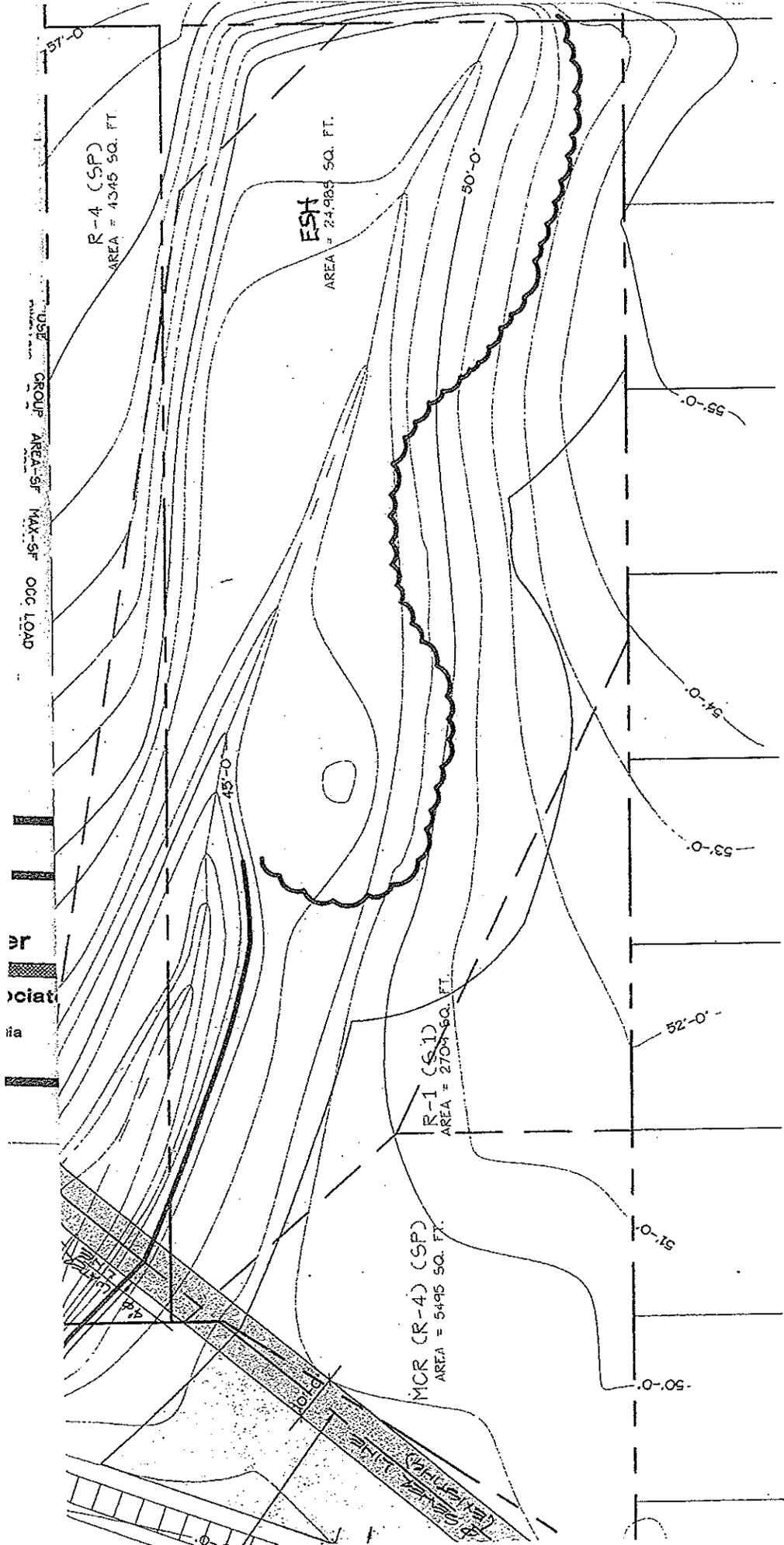


EXHIBIT E

Chronological List of Events at  
3390 Main Street

Projects on 3390 Main Street  
Chronological List

*Medina Project (#1)*

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

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

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

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

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

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

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

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

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

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

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

*7 unit Moderate Cost Condominium Project*

6/30/1994 -- Project withdrawal letter

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

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

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

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

EXHIBIT F

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

**MEMORANDUM**

September 30, 2002

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

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

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

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

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

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

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

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

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

September 24, 2002

Dear Johnnie & Dianne,

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

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

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

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

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

#19 Creek Restoration Plan  
#28 100 Year Flood Zone

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

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

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

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

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

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

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

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

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

Flood Hazard Development in Creek Areas:

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

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

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

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

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

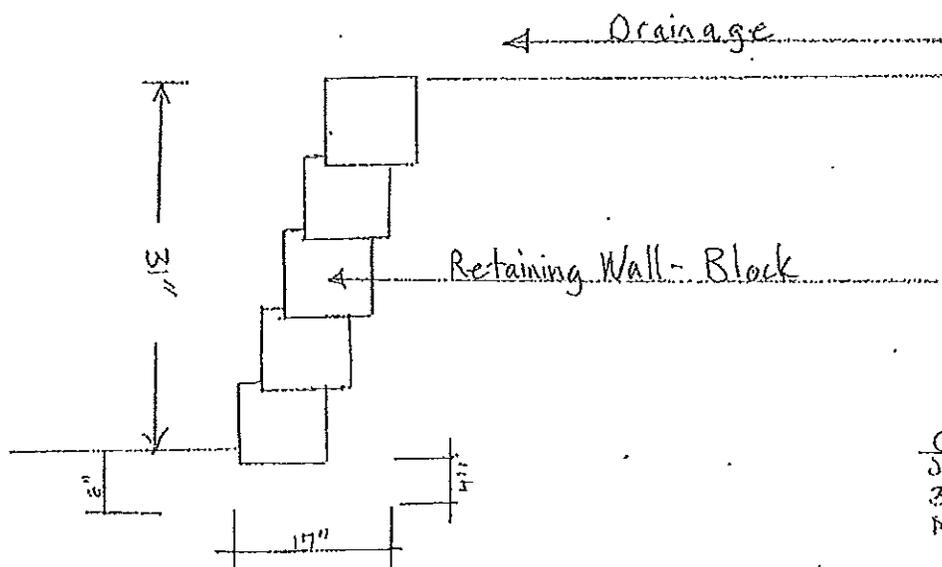
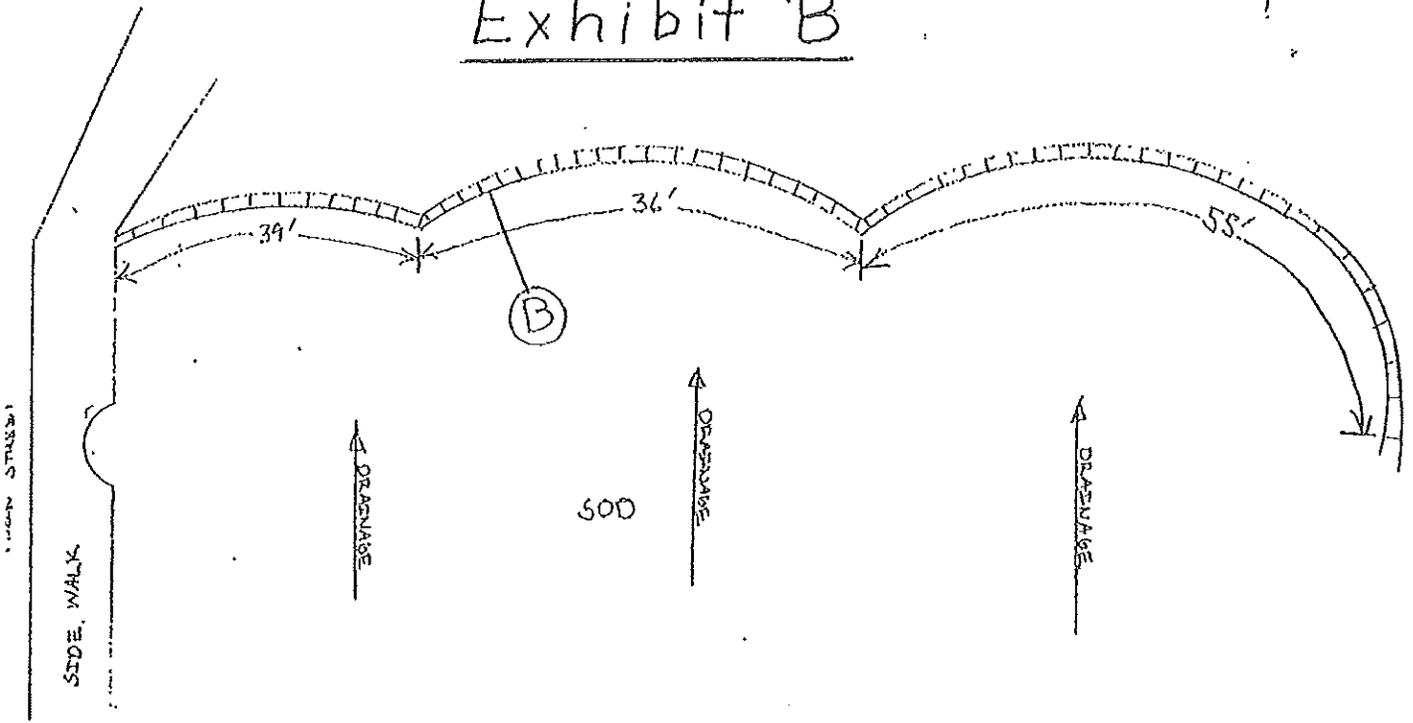
The applicant shall obtain a grading permit. The grading plan permit submittal shall include drainage calculations by the engineer and all items as required by the Uniform Building Code. Upon completion of construction and prior to final acceptance the engineer shall submit an "as-built" grading plan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

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

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



# Exhibit 'B'



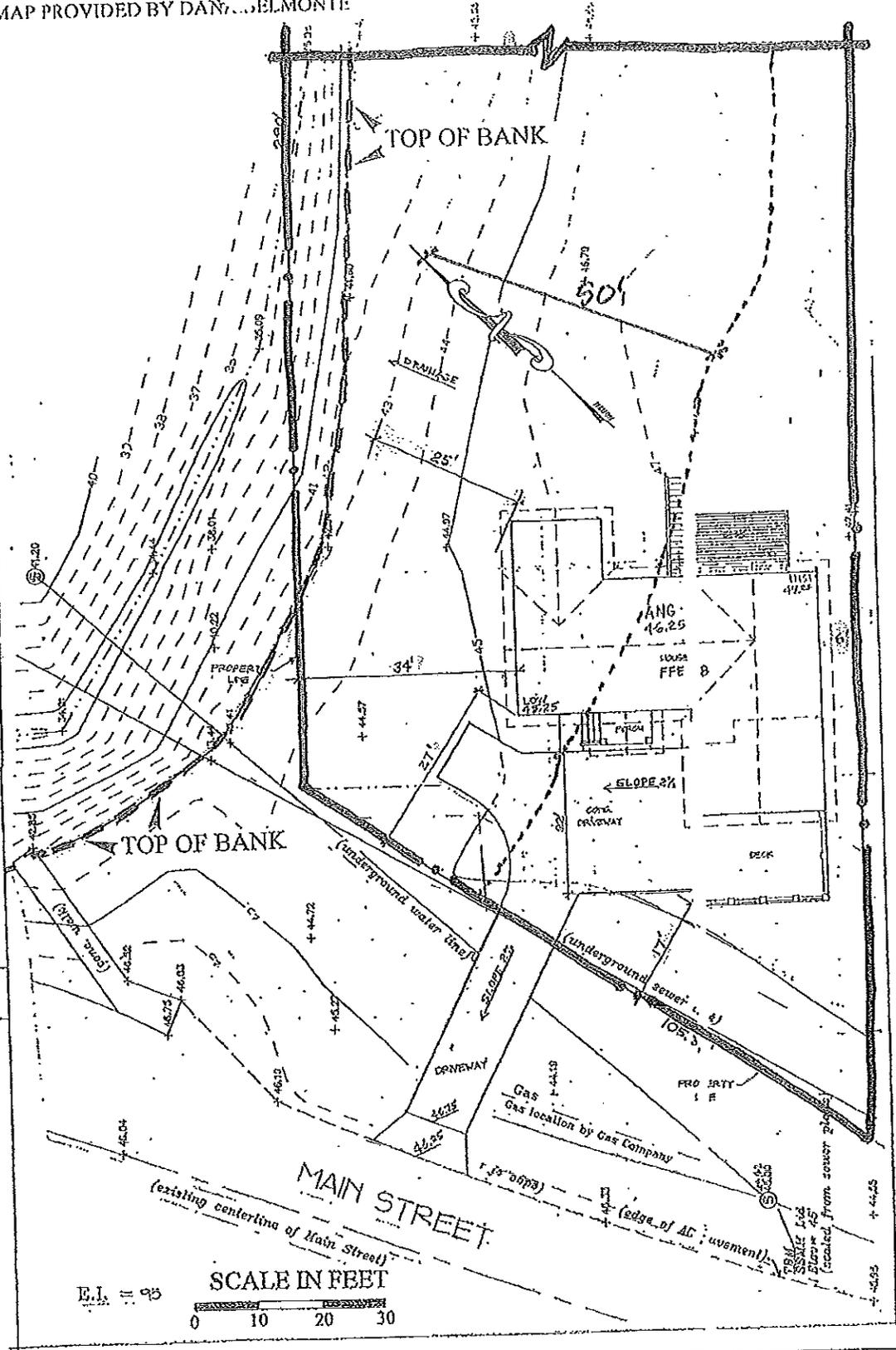
SITE PLAN  
ACTUAL FOOTAGE

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

(B)

PLAN (SEE DRAWING)

BASE MAP PROVIDED BY DAN...ELMONTE



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

**SITE PLAN**  
 3390 MAIN STREET  
 MORRO BAY, CALIFORNIA

**FIGURE**  
 2  
**PROJECT**  
 SL01969-2

File  
copy

**MEMORANDUM**

October 3, 2002

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

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

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

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

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

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

Attached is the letter from Fish and Game.

We would like to receive your comments by October 9.

Thanks



DEPARTMENT OF FISH AND GAME

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

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



September 30, 2002

RECEIVED

OCT 03 2002

City of Morro Bay  
Public Services Department

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

Dear Mr. Medina:

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

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

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

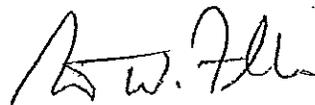
Please contact DFG prior to any future projects that are located close to the stream channel. Any construction that may alter the bed, bank, or channel of a stream may require a Streambed Alteration Agreement prior to initiation or

*Conserving California's Wildlife Since 1870*

Mr. Johnie Medina  
September 30, 2002  
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Floerke". The signature is written in a cursive style with a large initial "R" and "F".

Robert W. Floerke  
Regional Manager  
Central Coast Region



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

*3 PAGES TOTAL*

*541-2439*

*TERRY*

*RE: 3370 MAIN  
MEDINA*

*NICK  
772-0245*

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC SERVICES  
590 Morro Bay Boulevard

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Boulevard

RECREATION AND PARKS  
1001 Kennedy Way



5412439

# Exhibit 'B'

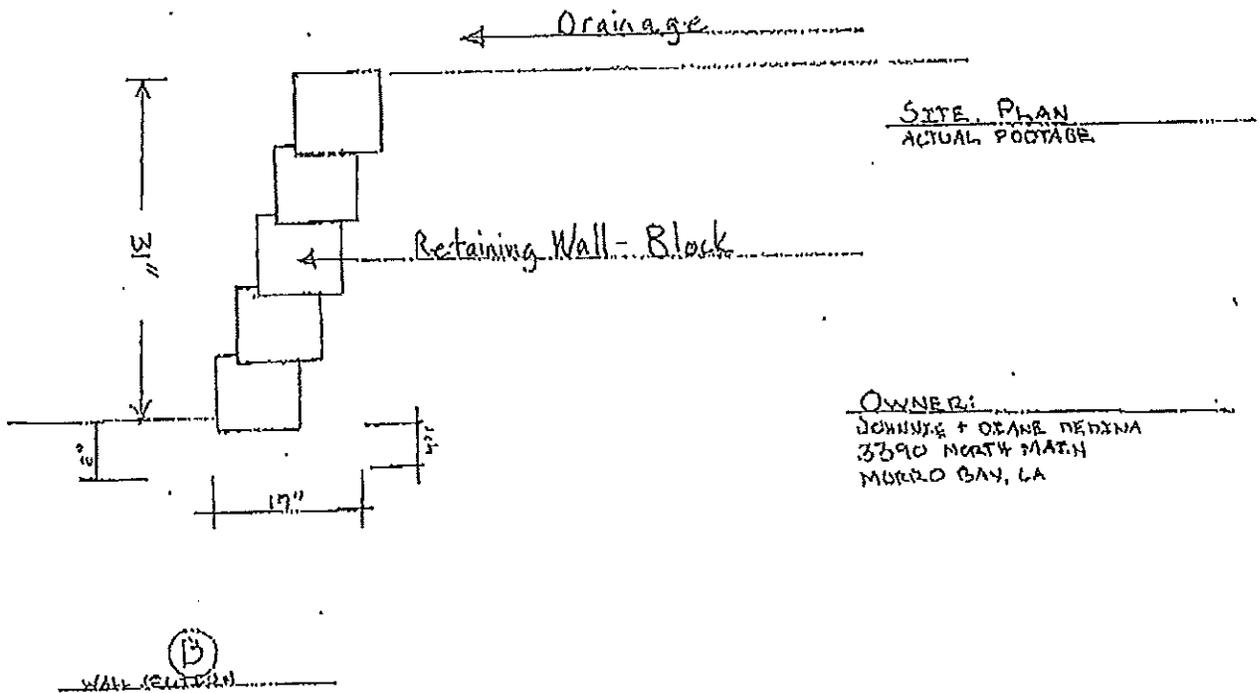
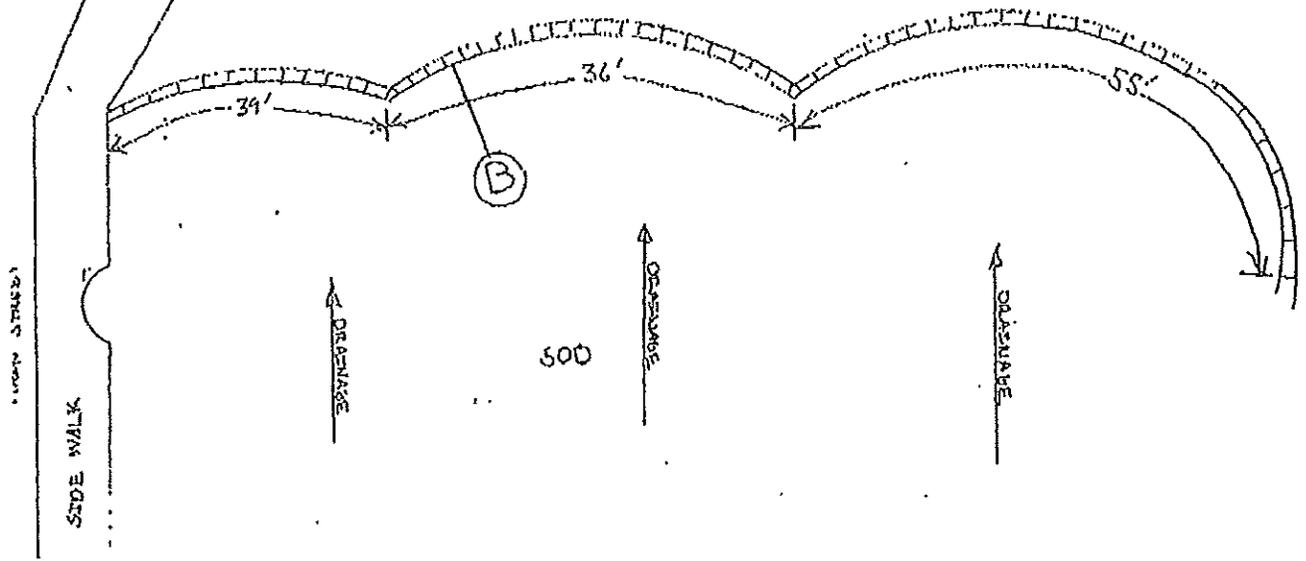


EXHIBIT G

LETTERS FROM 2002  
CONCERNING DRAINAGE ISSUE



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

September 12, 2002

Waterworth Construction  
Attention: Randy Waterworth

Regarding: 3390 Main Street Improvements, Morro Bay CA 93442

Dear Randy,

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

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

Sincerely

A handwritten signature in cursive script that reads "Frank Cunningham".

Frank Cunningham, City Engineer

cc. Bill Orndorff

City Attorney

J. Masterson

File

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC SERVICES  
590 Morro Bay Boulevard

cc

September 4, 2003

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

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

Subject: 3390 Main Street Improvements, Morro Bay CA 93442

Dear Mr. Cunningham:

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

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

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

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

---

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

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

Sincerely,

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

EXHIBIT H

WEED ABATEMENT NOTICE OF  
APRIL 1, 2009

**CITY OF MORRO BAY  
FIRE DEPARTMENT**

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

**NOTICE TO CLEAR WEEDS AND DEBRIS**

April 1, 2009

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

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

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

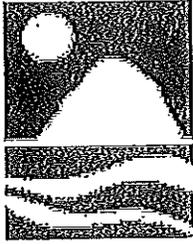
**ABATEMENT GUIDELINES**

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

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

EXHIBIT I

MATERIALS FROM PREVIOUS  
PLANNING COMMISSION  
MEETING OF JULY 20, 2009



AGENDA ITEM: X-E  
ACTION *Continued*

# CITY OF MORRO BAY PLANNING COMMISSION

July 20, 2008

### PROJECT SUMMARY

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

### FILE NUMBER

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

### LEGAL DESCRIPTION

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

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

### ADDRESS

3390 Main Street

### APN

065-085-019

### APPLICANT

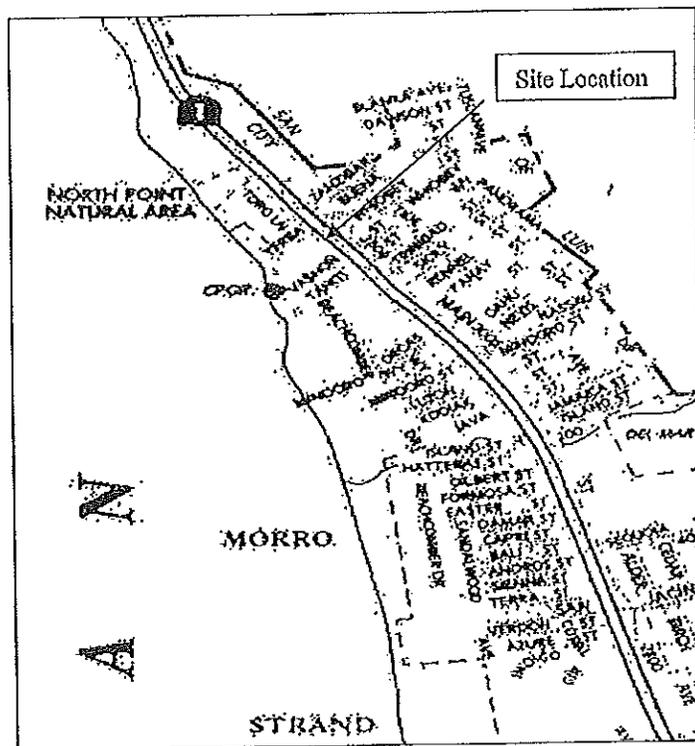
Johnie Medina  
3390 Main Street, Morro Bay, CA

### AGENT

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

### EXHIBITS

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



Vicinity Map

**STAFF RECOMMENDATION**

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

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

**ENVIRONMENTAL DETERMINATION:**

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

**SETTING**

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

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

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

**DISCUSSION**

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

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

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

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

**ENVIRONMENTAL SENSITIVE HABITAT AREA ISSUES**

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

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

### STORMDRAINAGE AND FLOODING ISSUES

Prior to building permit issuance for any construction at the site, the applicant shall be required to provide a Grading and Drainage Plan along with an Erosion and Sedimentation Control Plan for the City's review and approval. Said plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right-of-way, adjacent properties, waterway, or ecologically sensitive area.

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

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

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

### SINGLE FAMILY HOME

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

#### Project and Zoning Setbacks.

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

### FLOOR TO AREA RATION COMPARISON

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

### CONSISTENCY WITH THE LOCAL COASTAL PROGRAM

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

### PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on July 10, 2009, and all property owners of record within 300 feet of the subject site and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION**

The project as proposed has been conditioned including environmental mitigations to meet code requirements and reduce environmental impacts and therefore meets the findings required for approval of the Vesting Subdivision Map and Coastal Development Permit.

Report prepared by: Kathleen Wold, Senior Planner

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

S00-089/CPO-276 Subdivision Map and Coastal Development Permit,  
3390 Main Street

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

**California Environmental Quality Act (CEQA)**

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

**Subdivision Map Act Findings**

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

**Coastal Development Permit Findings**

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

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

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

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

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report referenced above, dated July 20, 2009 for the project depicted on the attached plans labeled "Exhibit C", dated January 05, 2008 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Planning and Building Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of

Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

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

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

**Hydrology/Water Quality**: 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way,

adjacent properties, any harbor, waterway, or ecologically sensitive area. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

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

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

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

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

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

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

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

### FIRE CONDITIONS

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

### PUBLIC WORKS CONDITIONS

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

### PLANNING CONDITIONS

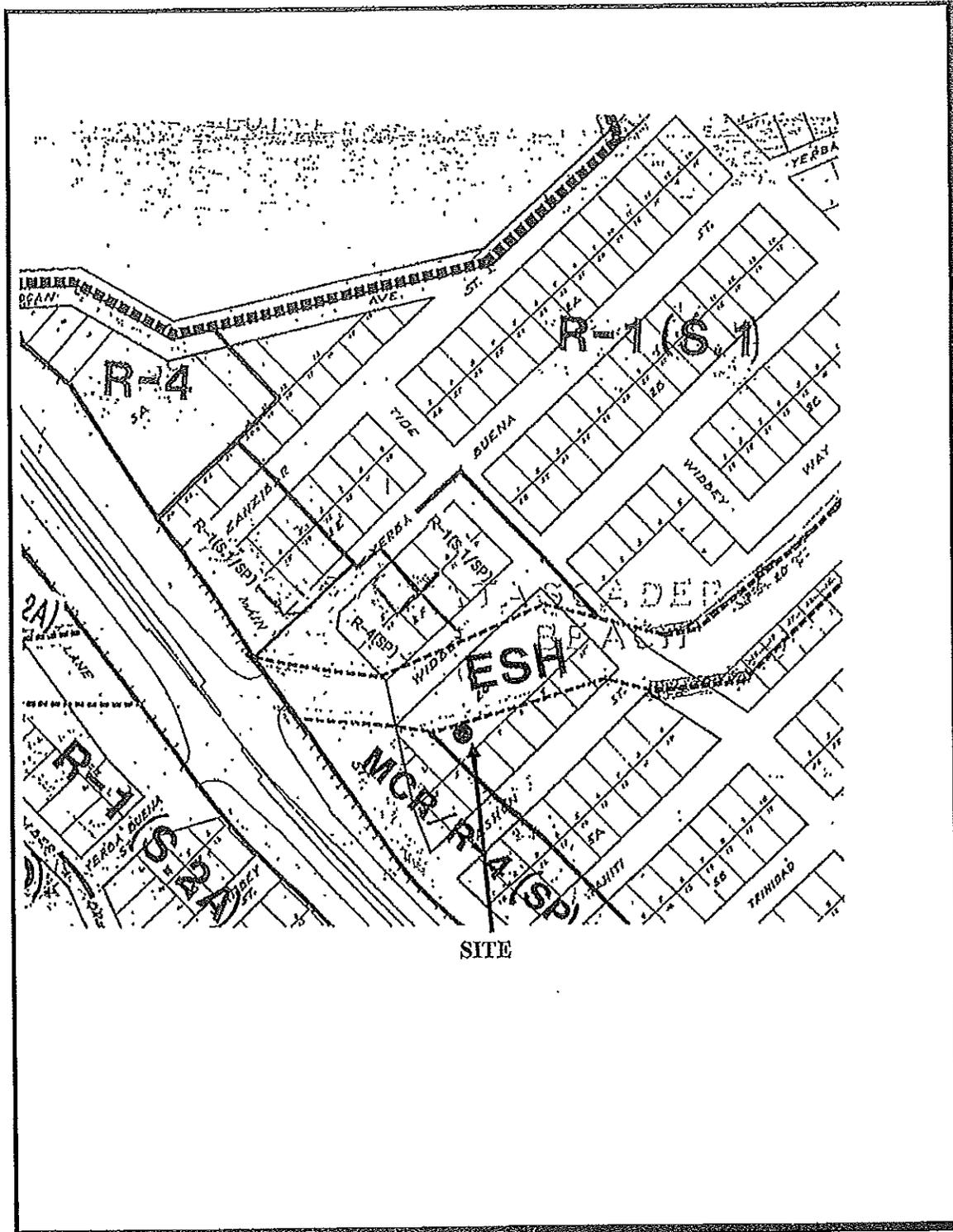
Building Height Verification: Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures are in accordance with the approved plans and complies with the height requirement of 25 feet above average natural grade as accepted by the City Engineer.

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

City of Morro Bay  
SOO-089 /CPO-276

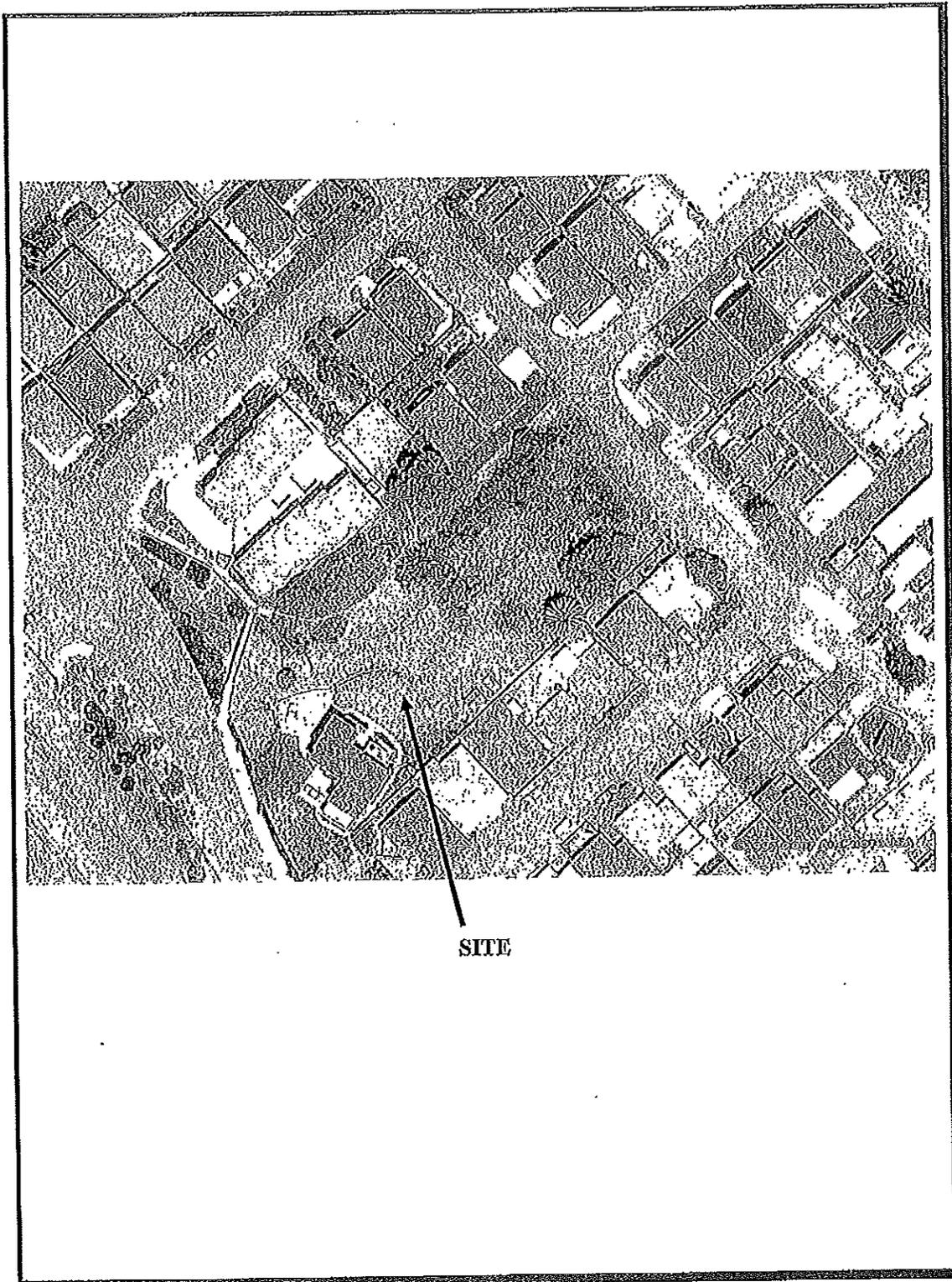
Planning Commission  
July 20, 2009

EXHIBIT C  
GRAPHICS/PLAN REDUCTIONS



Planning Commission  
John Medina

ZONING MAP

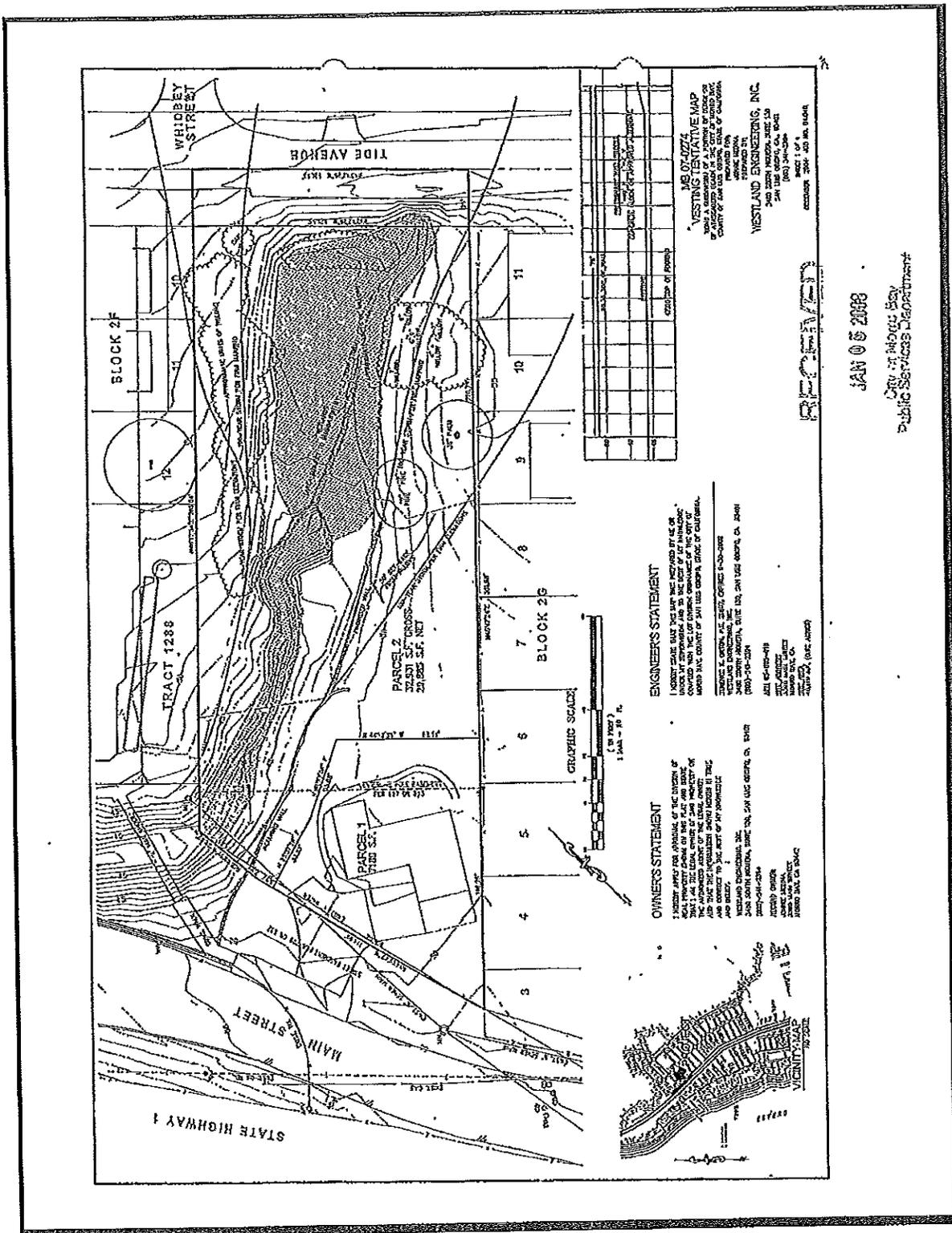


SITE

Planning Commission

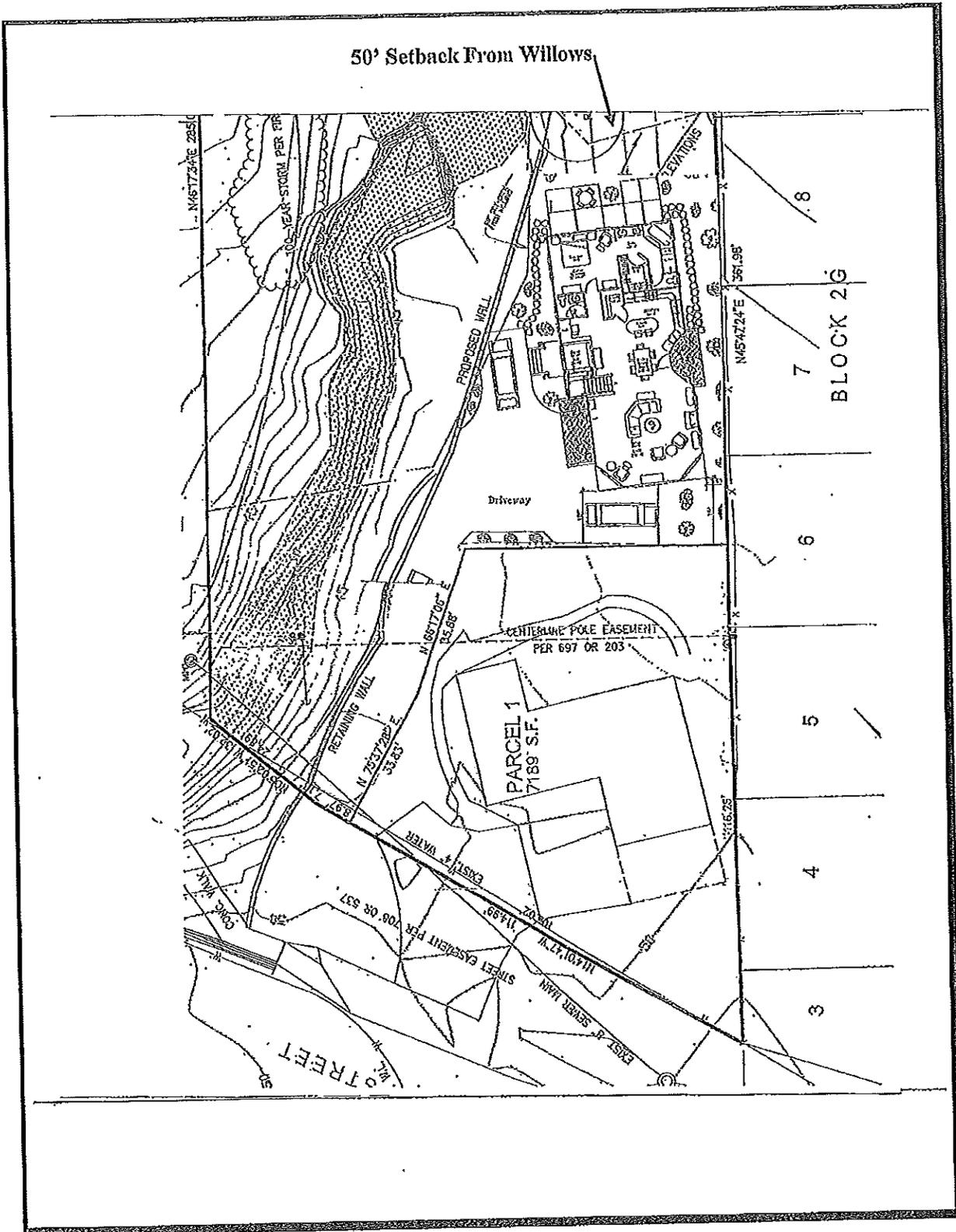
Johnie Medina

Aerial View



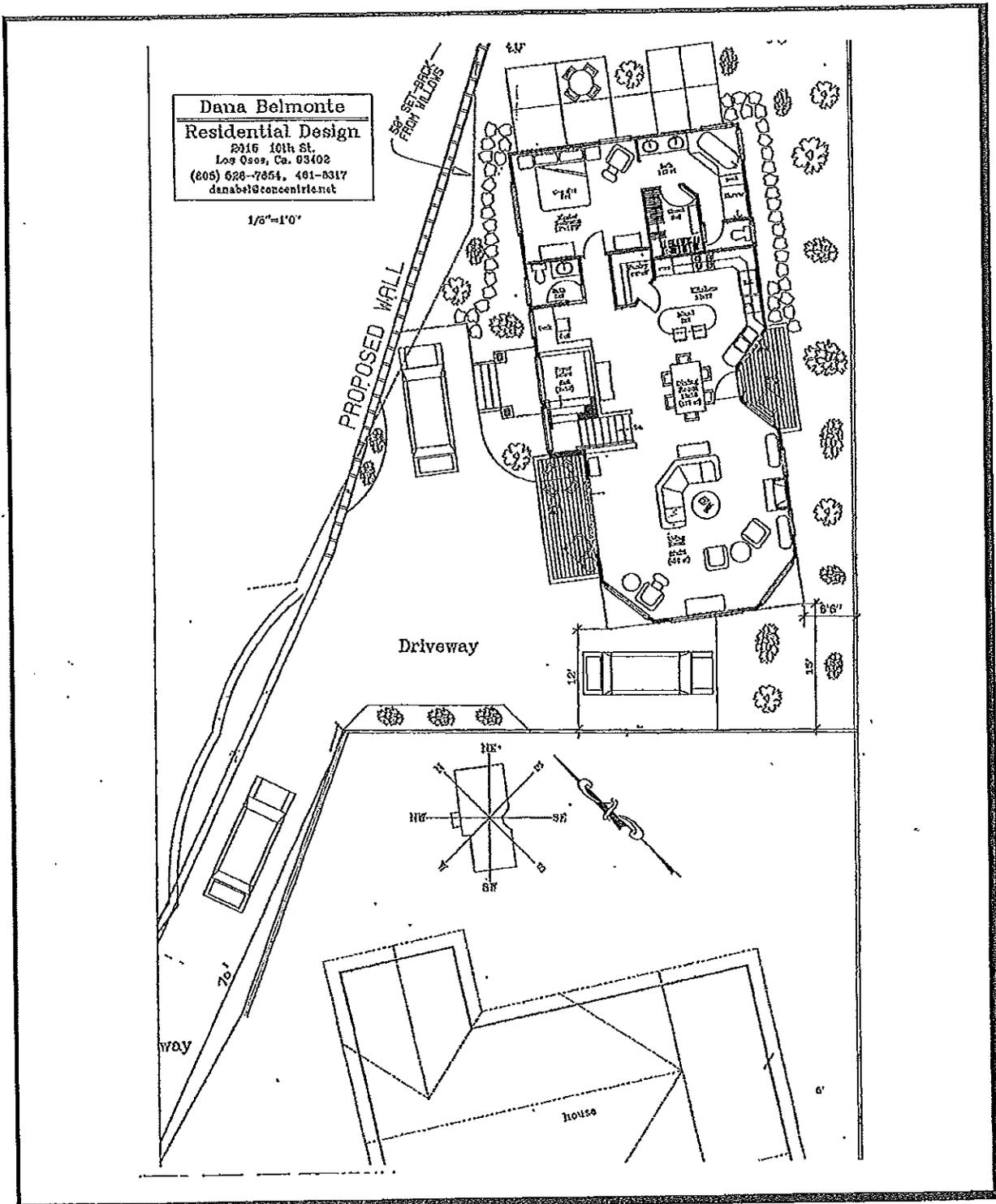
Planning Commission  
 Johnie Medina

Subdivision Map



Planning Commission  
Johnie Medina

SITE PLAN

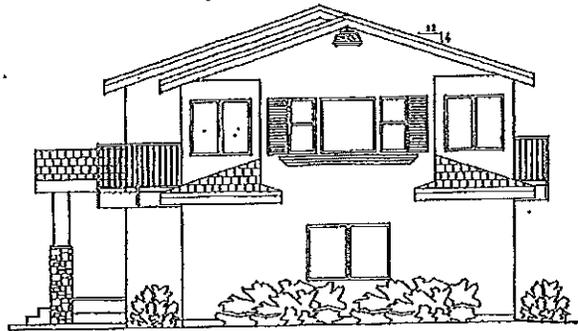


Planning Commission  
Johnie Medina

SITE PLAN



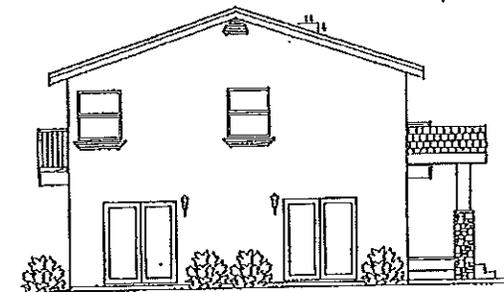
Dana Belmonte  
Residential Design  
14004 Morro Rd.  
Atascadero, Ca  
(805) 481-8317 cell: 976-8933  
danabel@concentric.net



South/West Elevation



North/West Elevation



North/East Elevation

Dana Belmonte  
Residential Design  
14004 Morro Rd.  
Atascadero, Ca  
(805) 481-8317 cell: 976-8933  
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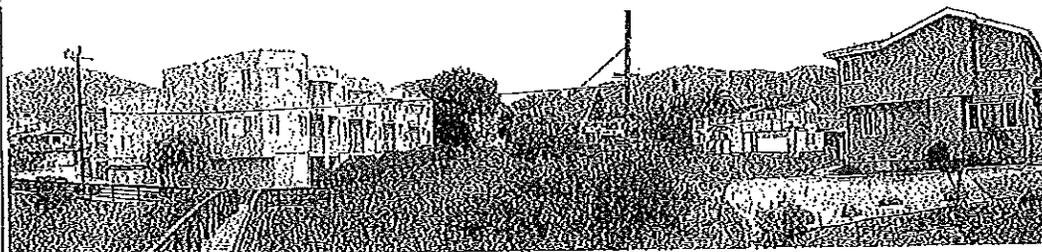
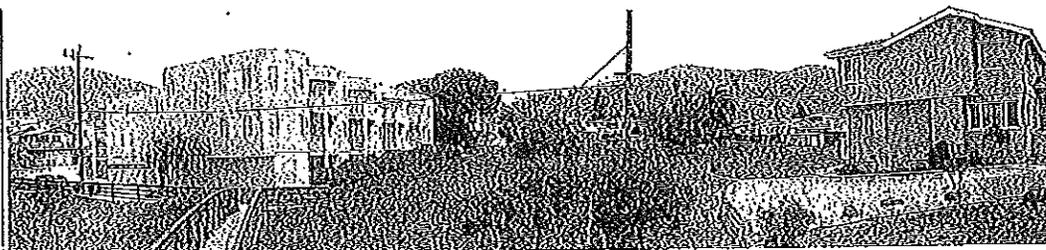
South/East Elevation

Planning Commission

Johnie Medina

ELEVATIONS

Existing



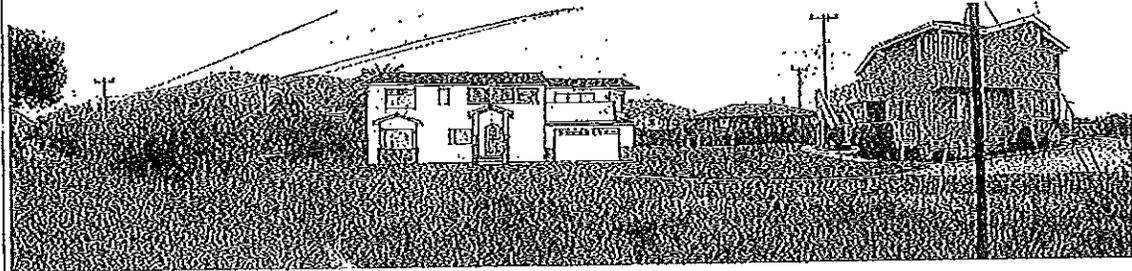
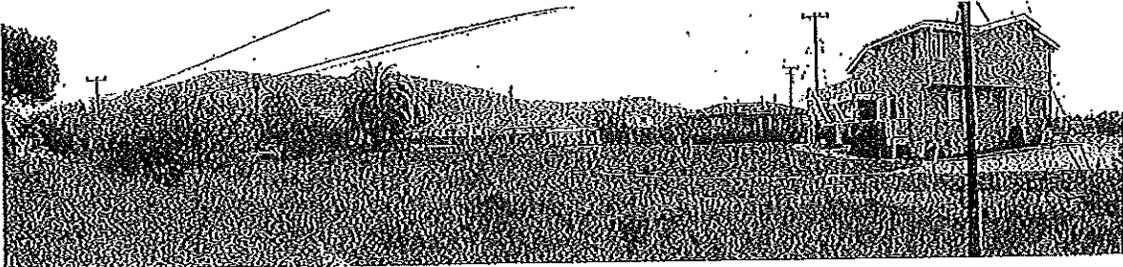
Proposed

Planning Commission

Johnie Medina

**PHOTO SIMULATION**  
View From Main St.

Existing

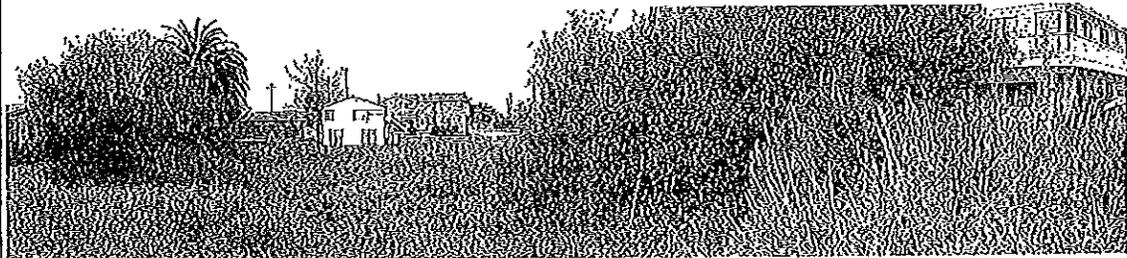
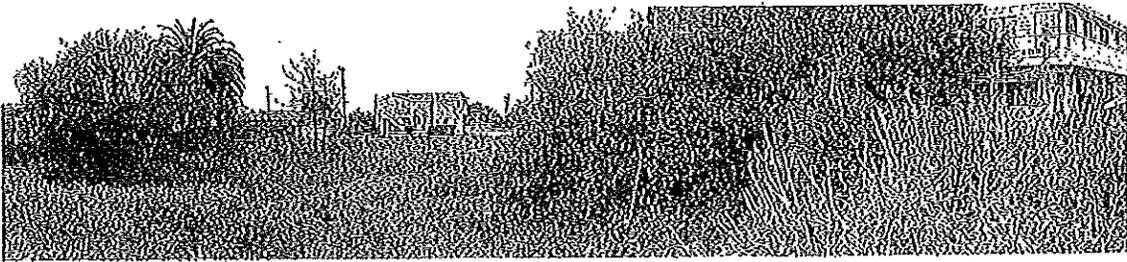


Proposed

Planning Commission  
Johnie Medina

PHOTO SIMULATION  
View From Main St.

**Existing**



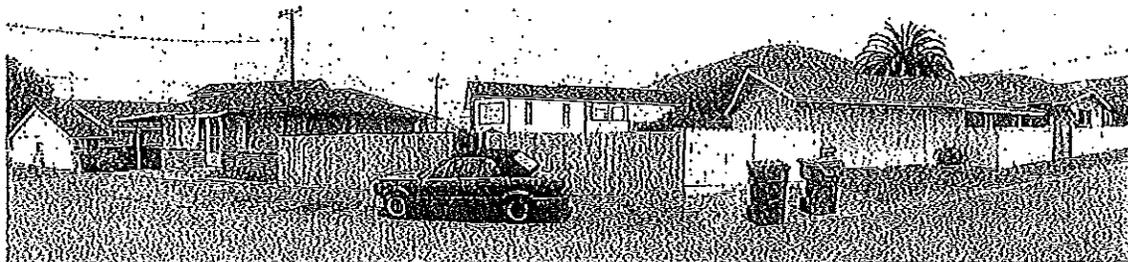
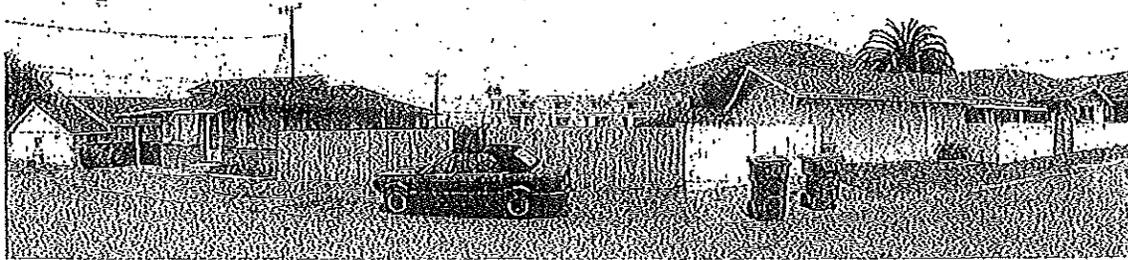
**Proposed**

**Planning Commission**

**Johnie Medina**

**PHOTO SIMULATION  
House from Tide Ave.**

**Existing**



**Proposed**

**Planning Commission**

**Johnie Medina**

**PHOTO SIMULATION  
House from Vashon St.**

City of Morro Bay  
SOO-089 /CPO-276

Planning Commission  
July 20, 2009

**EXHIBIT D**  
**Letters**

# BAY CREEK CONDOMINIUMS

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

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

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

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

RECEIVED

JUL 01 2009  
City of Morro Bay  
Public Services Department

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

Gentlemen:

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

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

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

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

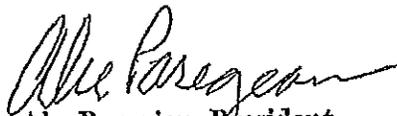
Other than the study done by Mr. Medina's engineer, which indicates CEQA has prepared a "Mitigated Negative Declaration", has an actual Environmental Impact Report (EIR) been made? A Mitigated Negative Declaration indicates that the project does have a significant environmental impact but that the impact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

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

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

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

Sincerely,



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

AP:mp

cc - All Bay Creek Home Owners

TO: The City Council  
The Planning Commission

7/10/09

From: ANTHONY TIGLIO  
330 VASHON ST  
M-B

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

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

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

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

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

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

Anthony Tiglio

RECEIVED

JUL 13 2009

City of Morro Bay  
Public Services

To: Morro Bay City Council  
and Planning Commission

7-9-9

From:

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

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

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

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

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

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

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

Paul Mills

To: Morro Bay City Council  
and Planning Commission

7-9-9

From: Michele Arata  
361 Vashon St.  
Morro Bay 93442

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

I am a concerned citizen and neighbor  
in Morro Bay. I want to state a few facts  
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Concern 1: By putting another house on the property  
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many other species.

Concern 3: Building another house will take away  
privacy, ocean views and scenic vistas from  
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Concern 4: The willows have been cut down & bulldozed,  
by the owners, ATVs were ridden all over the  
sensitive area with total disregard for the  
environment. They have killed wildflowers &  
pine trees. They use the area for dumping ground.

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

Michele Arata  
361 Vashon  
St. Morro Bay

RECEIVED

JUL 13 2009

City of Morro Bay  
Public Works Department

7/10/09

TO: The City Council  
The Planning Commission

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

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

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

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

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

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

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

Sincerely

Laura Mounce

RECEIVED

JUL 13 2009

City of Morro Bay  
Public Services Department

Duane & Janet Schultz  
42235 315<sup>th</sup> Avenue  
Saint Peter, MN 56082  
1-507-931-4665

[janschultz@myclearwave.net](mailto:janschultz@myclearwave.net)

Monday, July 6, 2009

RECEIVED

JUL 08 2009

City of Morro Bay  
Public Services Department

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

RE: Medina Parcel Map (MB 07-0232)

Dear Sirs,

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

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

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

Sincerely,



Janet and Duane Schultz

To: Planning Comm.

7-12-09

RECEIVED

JUL 18 2009

Re: 3390 Main St., Morro Bay

Concerned neighbors have a petition <sup>circulating</sup> opposing the proposed sub-division of 3390 Main St. I am writing today to inform you of recent activity in the <sup>ESTHA</sup> area.

The Medinas have used the area under the palm tree for a dumping ground for rubbish, broken cement, old <sup>metal</sup> fireplace, old swing set, plastic, old park bench, old cement dolphin statue, and piles of misc. metal + plastic rubbish. This extended out 15 feet x 14 feet on one side (approx.) + about 6 feet on the right.

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

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

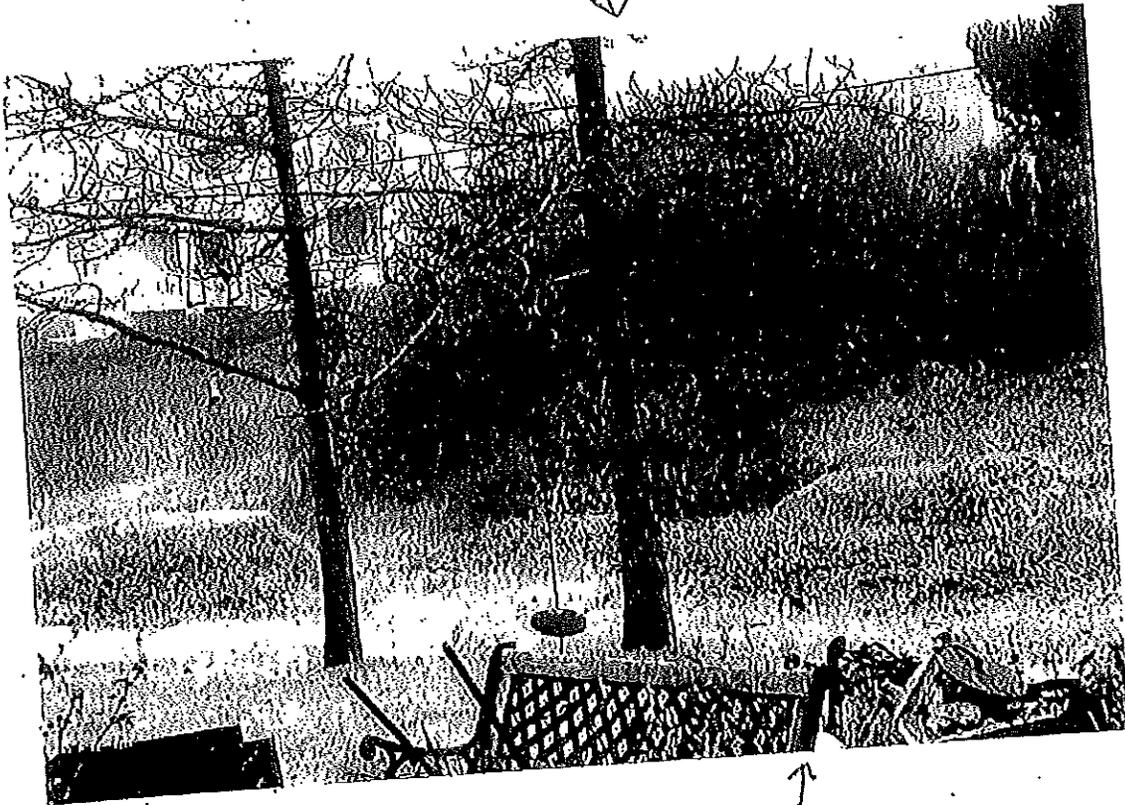
The owners have cut the willows down for years, + removed them, on their side of the creek. We believe this has been done in order to establish willow drip-line boundary from across the creek. Did he have a permit?

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

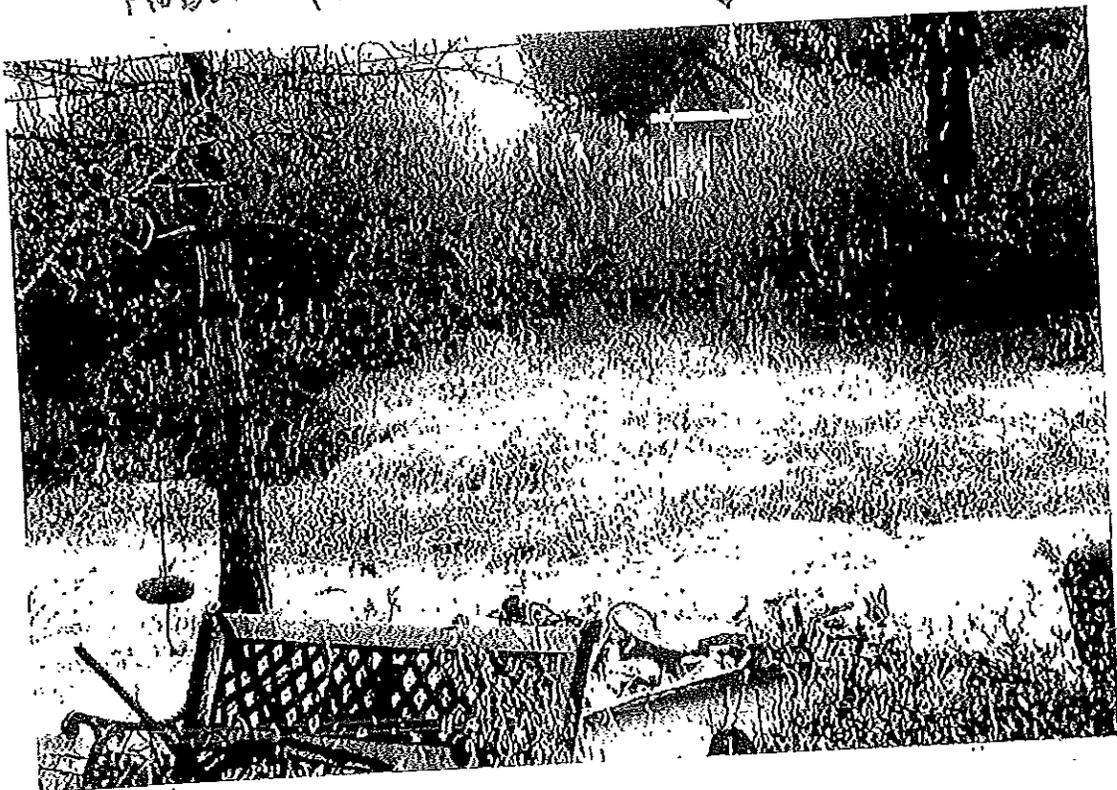
Defacing the ESTHA area by using it as a dumping ground for rubbish, (see attached) photos

Maria Rella Arista - 361 Vashox - M Bay

p.2 3390 Main St, MB  
Willows cut down  
↓



↑  
Rubbish (Trash) Dumped  
↓



JUL 13 2009  
City of Monticello  
Public Services Department

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

name	address	phone#
1 Anthony Tiglia	330 VASHON ST M-B	805-294-0250
2 Hanna Manner	330 VASHON ST M-B	805 294-3200
3 Renwi Gates	340 VASHON ST. M-B	661-342-5385
4 Jeff Foster	340 VASHON ST M-B	661 619 9614
5 Paul Willis	PO BOX 116 MB (805) 598128	
6 Don Miller	San Ardoadero Rd	805 772 8817
7 Mary Parejan	306 Yerba Buena	772-4232
8	351 Yerba Buena	1683
9 Michele Arate	361 Vashon	234-3550
10 Daniel Pruett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Chomur	371 Vashon	748-8666

RECEIVED  
 JUL 1 18 2009  
 City of Morro Bay  
 Public Services Department

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

name	address	phone#
1 Anthony Tigler	330 VASHON ST M-B	805-294-0250
2 Laura Manner	330 VASHON ST M-B	805 294-3200
3 Renwi Gates	340 VASHON ST. M-B	641-342-5385
4 Jeff Gator	340 VASHON ST M-B	661 619 9614
5 Paul Miller	PO BOX 116 MB	(805) 598 128
6 Don Miller	500 Adiscadero Rd	805 772 5867
7 Margie Peregian	306 Yerba Buena	772-4232
<del>8</del>	<del>351 YERBA BUENA</del>	<del>1683</del>
9 Michele Areta	361 VASHON	234-8550
10 Daniel Puett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Chomera	371 VASHON	748-0666

- 772-7894
- 13 Ann Caffrey 350 Washon, Morro Bay CA
- 14 Dick Bush 195 FORMOSA ST, M.B. CA (215-0573)
- 15 Ray boal 371 Whiskey St
- 16 FRELKER KEVIN 387 Washon St.
- 17 Hazel McKibbin 311 4th Main, Morro Bay CA
- 18 Glenn Sparks 46 1st St Cayuse
- 19 Tyler Sites 470 Island
- 20 Haze Stollmeyer 5310 N Main St 772-2702
- 21 ~~Ken Stollmeyer 320 1st St~~ ~~772-2702~~
- 22 Davik Stollmeyer 340 Widbey 772-2702
- 23 Millie & Dan Queen 772-5334
- 24 Oliver Marks 5425 Olmeda 801-8858
- 25 Gary H. Grotte 1956 9th St, L.O. 801-0097
- 26 ~~Jane Masterson~~ JANE MASTERSON 3350 MAIN 805 772-4013
- 27 Amy Foslee 772-1302
- 28 ~~Alma Brown~~ 772-9123
- 29 ~~Alma Brown~~ 771-9320
- 30 ~~Alma Brown~~ 298-6252

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

8

39

40

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

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

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

The City has determined that the following proposal qualifies for a

Negative Declaration  Mitigated Negative Declaration.

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

**PROJECT LOCATION:** 3390 Main Street

**CITY:** Morro Bay

**COUNTY:** San Luis Obispo

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

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

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

**LEAD AGENCY:** City of Morro Bay

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

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

**ADDRESS WHERE DOCUMENT MAY BE OBTAINED:**

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

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

**SCHEDULED PUBLIC HEARING**

**Date:** July 20, 2009

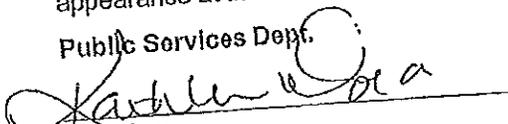
**Time:** 6:00 p.m.

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

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

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

Public Services Dept.

  
Signature

Kathleen Wold, Senior Planner

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

**DRAFT MITIGATED NEGATIVE DECLARATION**

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

CASE NO.: S00-089/CP0-276

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

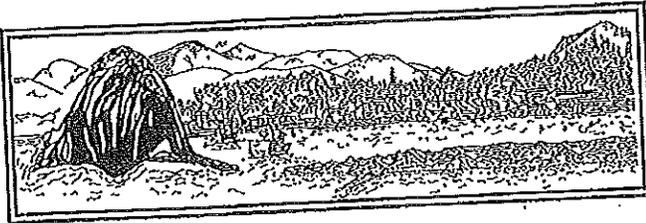
PROJECT LOCATION: 3390 Main Street. Project site is located within an Environmentally Sensitive Habitat Area and within the AE zone of the FEMA Flood Insurance Rate Map.

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

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

FINDINGS OF THE: Environmental Coordinator

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



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

**INITIAL STUDY AND CHECKLIST**

**I. PROJECT INFORMATION**

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

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

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

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

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

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

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

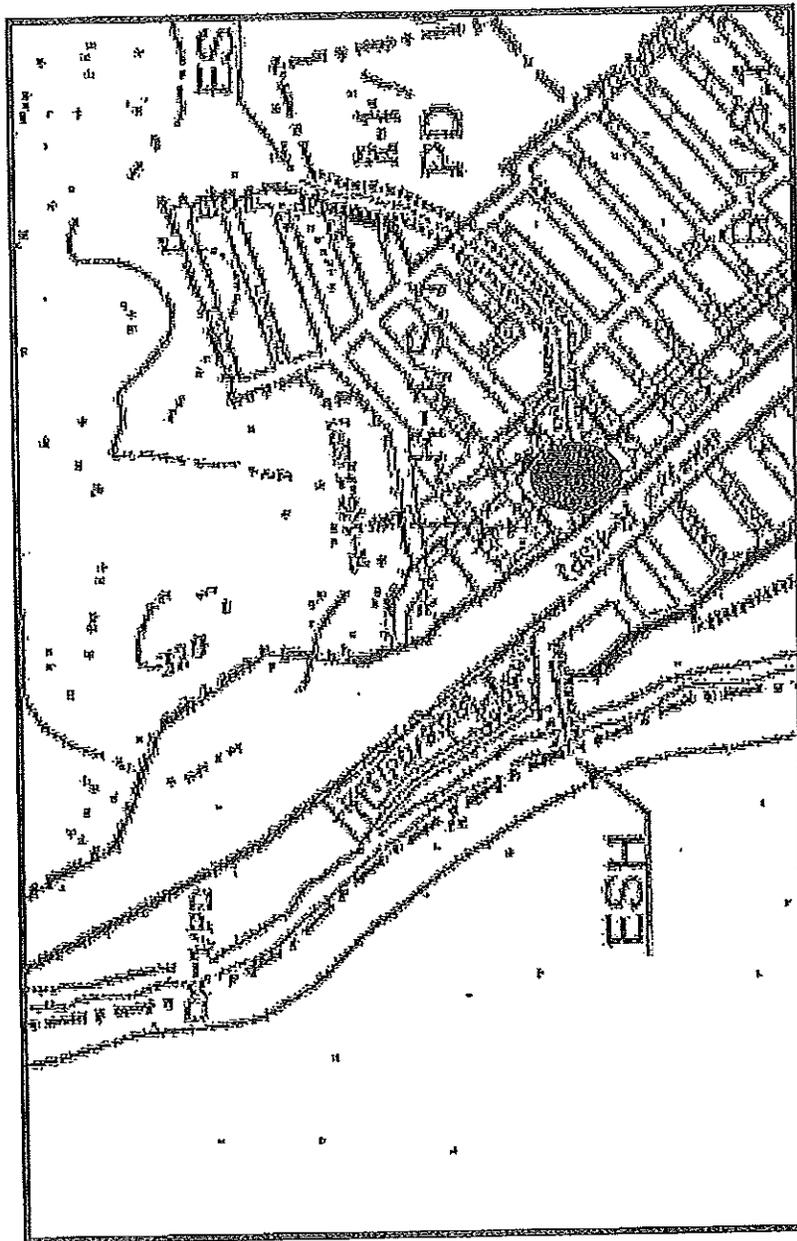
**Project Location:** 3390 Main Street

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

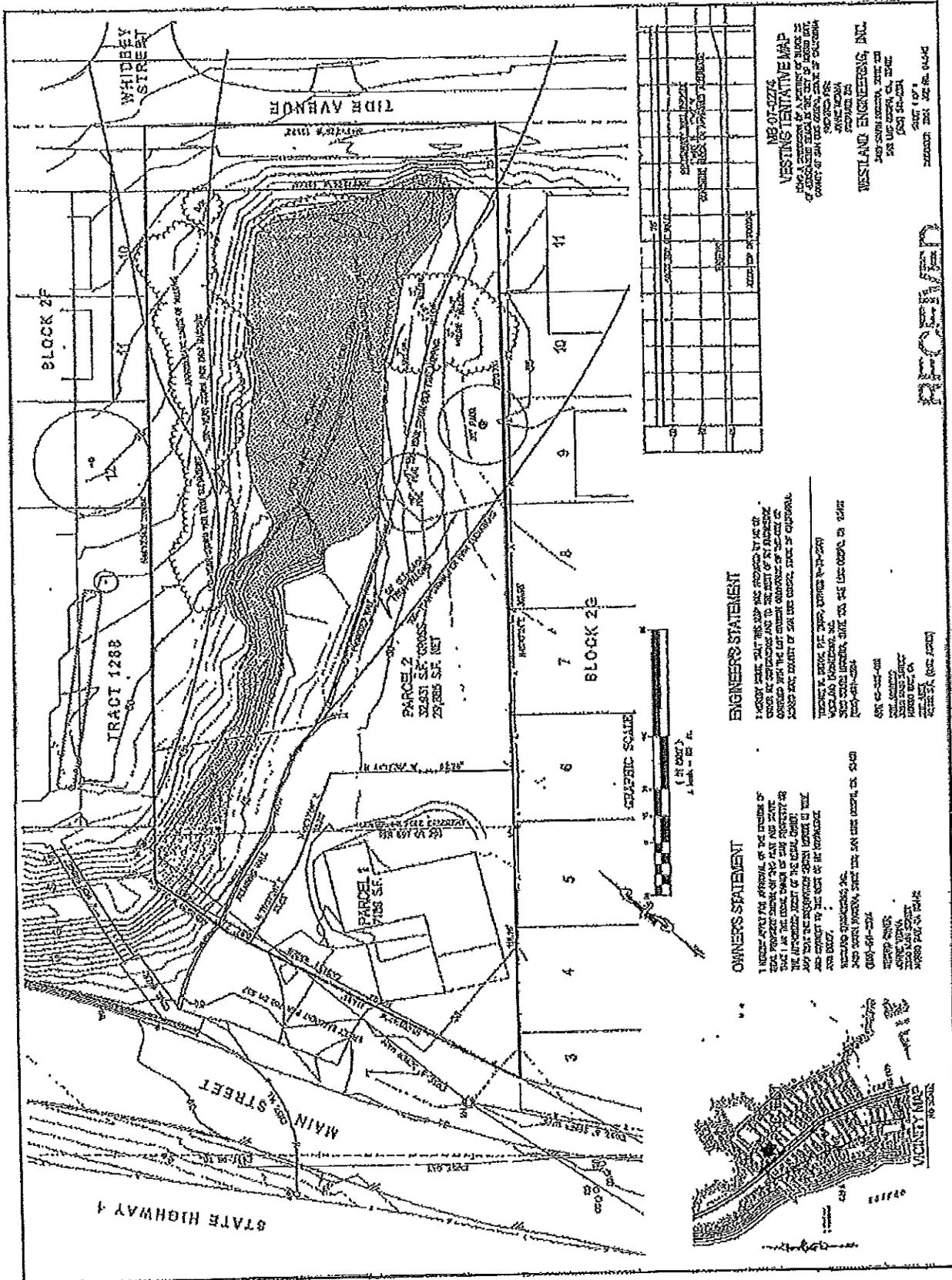
**General Plan Designation:** Low/Medium Density Residential (4-7 du/ac)

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

### ZONING MAP



VESTING TENTATIVE PARCEL MAP



ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMplies WITH ALL APPLICABLE LAWS, ORDINANCES AND REGULATIONS AND THAT I AM THE LICENSED ENGINEER RESPONSIBLE FOR THE PREPARATION OF THIS MAP.

THOMAS R. BROWN, P.E. CIVIL ENGINEER No. 10-10-2001  
 3300 STATE HIGHWAY 1, SUITE 200, MORRO BAY, CA 93920  
 (805) 761-1111

OWNER'S STATEMENT

I HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY SHOWN ON THIS MAP AND THAT I AM THE LICENSED ENGINEER RESPONSIBLE FOR THE PREPARATION OF THIS MAP.

THOMAS R. BROWN, P.E. CIVIL ENGINEER No. 10-10-2001  
 3300 STATE HIGHWAY 1, SUITE 200, MORRO BAY, CA 93920  
 (805) 761-1111

MB 07-0274  
 VESTING TENTATIVE MAP  
 THIS IS A TENTATIVE MAP FOR A PARCEL MAP OF BLOCK 2F OF STATE HIGHWAY 1 IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.  
 WESTLAND ENGINEERING, INC.  
 3300 STATE HIGHWAY 1, SUITE 200  
 MORRO BAY, CA 93920  
 (805) 761-1111  
 SHEET 1 OF 1  
 PREPARED BY: T. BROWN

RECEIVED

## II. ENVIRONMENTAL SETTING AND IMPACTS

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

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

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

### Surrounding Land Use

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

## III. ENVIRONMENTAL CHECKLIST

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

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

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

**Impact Discussion:**

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

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

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

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

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

3. AIR QUALITY		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed In Previous Document
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	
e.	Create objectionable smoke, ash, dust or odors affecting a substantial number of people?				X	

**Impact Discussion:**

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

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

4. BIOLOGICAL RESOURCES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed In Previous Document
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?					
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	

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

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

**Mitigation:**

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

5. CULTURAL RESOURCES		Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed In Previous Document
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		

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

**Mitigation:**

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

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

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

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

**Impact Discussion:**

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

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

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

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

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

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

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

**Impact Discussion:**

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

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

**Mitigation:**

1. The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
2. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.
3. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

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

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

**Impact Discussion:**

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

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

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

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

**Impact Discussion:**

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

**Mitigation:**

On site construction shall adhere to the following:

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

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

**Impact Discussion:**

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

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

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

**Impact Discussion:**

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

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

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

**Impact Discussion:**

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

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

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

**Impact Discussion:**

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

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

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

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

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

**Impact Discussion:**

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

**Mitigation:**

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

#### IV. INFORMATION SOURCES:

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

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

##### B. General Plan

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

##### C. Other Sources of Information

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

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

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

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

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

**VI. DETERMINATION**

On the basis of this Initial evaluation:

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

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

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

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

With Public Hearing  Without Public Hearing

Previous Document : None

Project Evaluator : Kathleen Wold, Senior Planner

*Kathleen Wold*  
Signature

June 4, 2009  
Initial Study Date

Kathleen Wold  
Printed Name

City of Morro Bay  
Lead Agency

**VII. ATTACHMENTS**

Attachment A – Summary of Required Mitigation Measures.

**ATTACHMENT A  
SUMMARY OF REQUIRED MITIGATION MEASURES**

**Attachment "A"**

**SUMMARY OF REQUIRED MITIGATION MEASURES**

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

**Hydrology/Water Quality:** 1) The applicant shall provide an Erosion and Sedimentation Control Plan that shall be approved by the City prior to building permit issuance. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible. All construction proposed onsite shall comply with all building code requirements for construction within a flood plain.

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

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

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

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

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

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

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

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

  
\_\_\_\_\_  
Applicant

08 JUN 09  
Date

# Biological Assessment

For

Mr. John Medina

At

3390 North Main Street  
Morro Bay, California 93442

By

Mike McGovern, Ph. D.

Biologist / Ecologist

2060 Varian Circle  
Arroyo Grande, CA 93420

May 3, 2008

RECEIVED

MAY 29 2008

City of Morro Bay  
Public Services Department

## TABLE OF CONTENTS

SUMMARY	p. 3
INTRODUCTION	p. 3
LOCATION AND SETTING	p. 4
METHOD OF SURVEY	p. 7
RESULTS	p. 7
DISCUSSION	p. 8
REFERENCES	p. 11
Figures and Tables:	
FIGURE 1 Location of the property in question ...	p. 4
FIGURE 2 Aerial view of the lot (undeveloped area) in ...	p. 5
FIGURE 3 Shape of the lot with proposed ESA line	p. 6
APPENDIX 1 List of botanical species observed	p. 12
APPENDIX 2 Species listed on the CNDDDB reports	p. 14
APPENDIX 3 Photographs of the property	p. 17
APPENDIX 4 Letter from CDFG	p. 19

## SUMMARY

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

## INTRODUCTION

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

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

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

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

## LOCATION AND SETTING



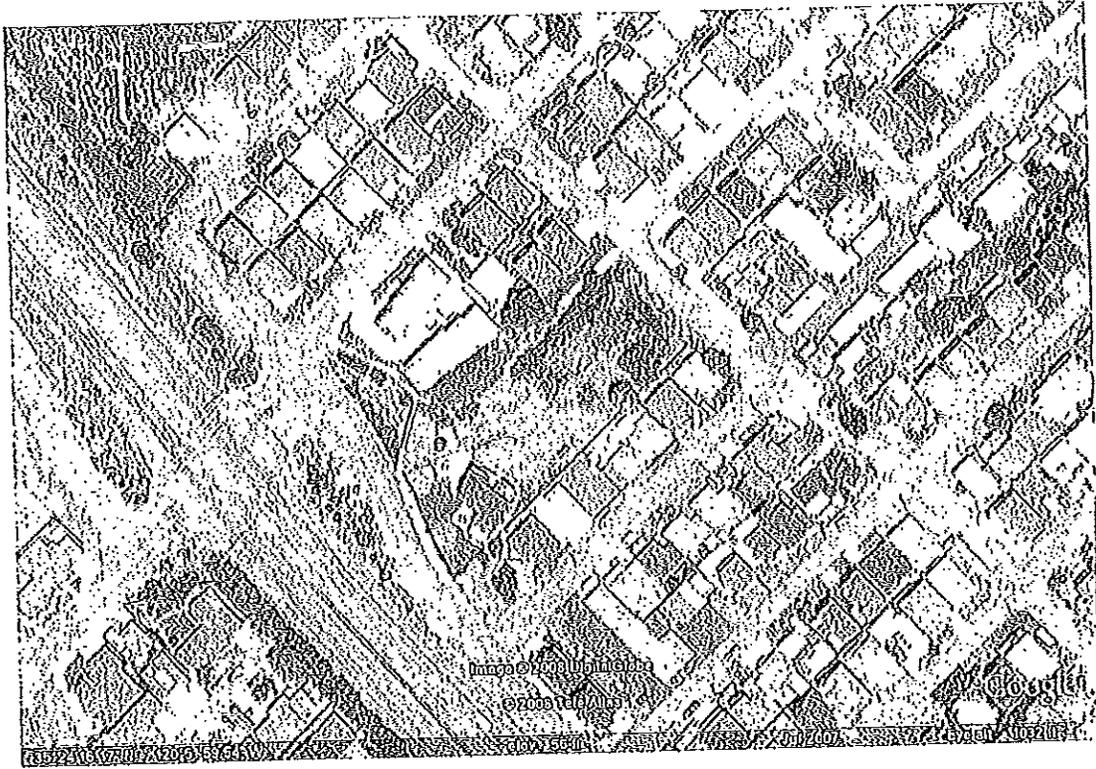


Figure 2: Aerial view of the lot (undeveloped area) in center of the photo. North is up.

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

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

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

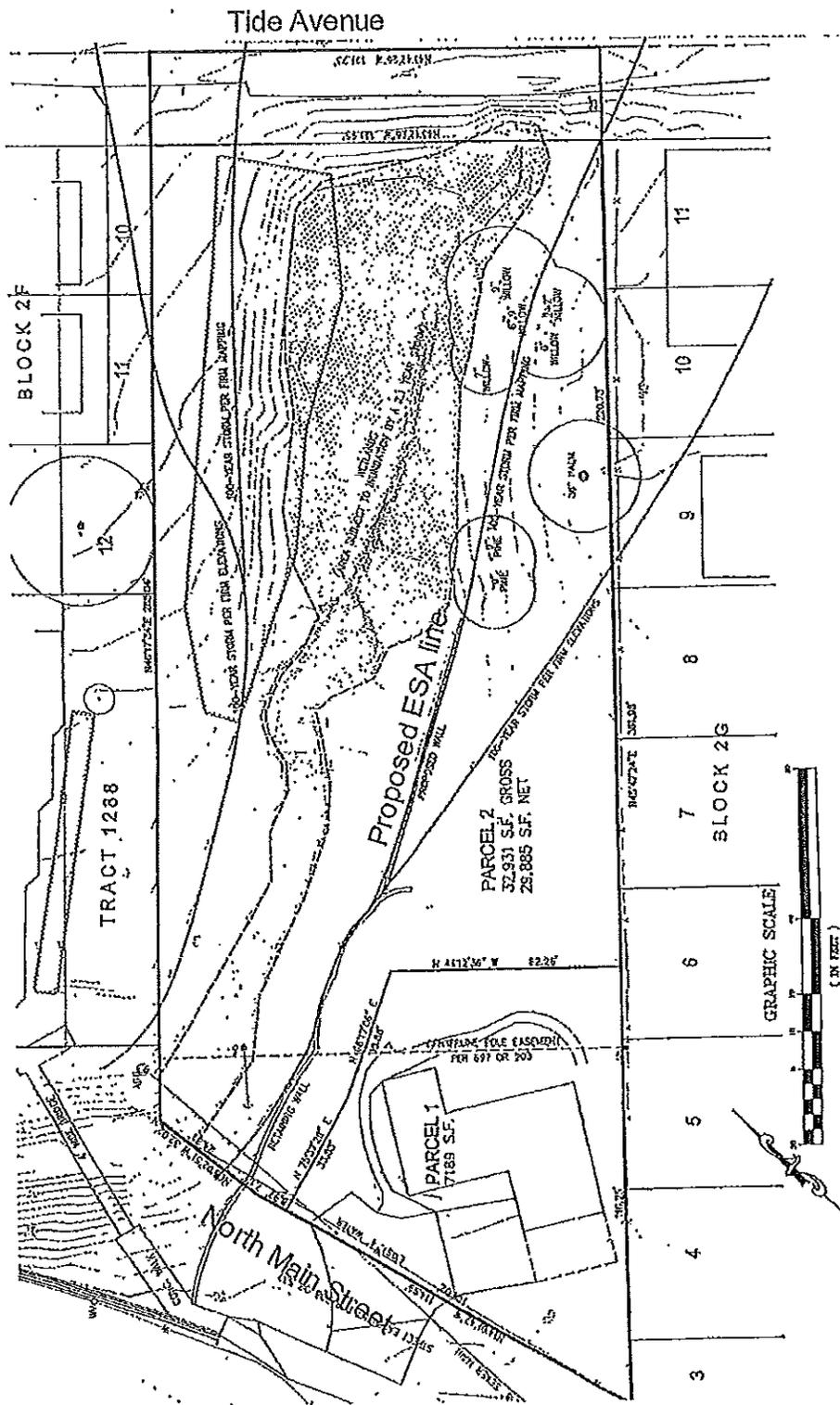


Figure 3: Shape of the lot with proposed ESA line

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

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

## METHOD

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

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

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

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

## RESULTS

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

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

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

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

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

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

## DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

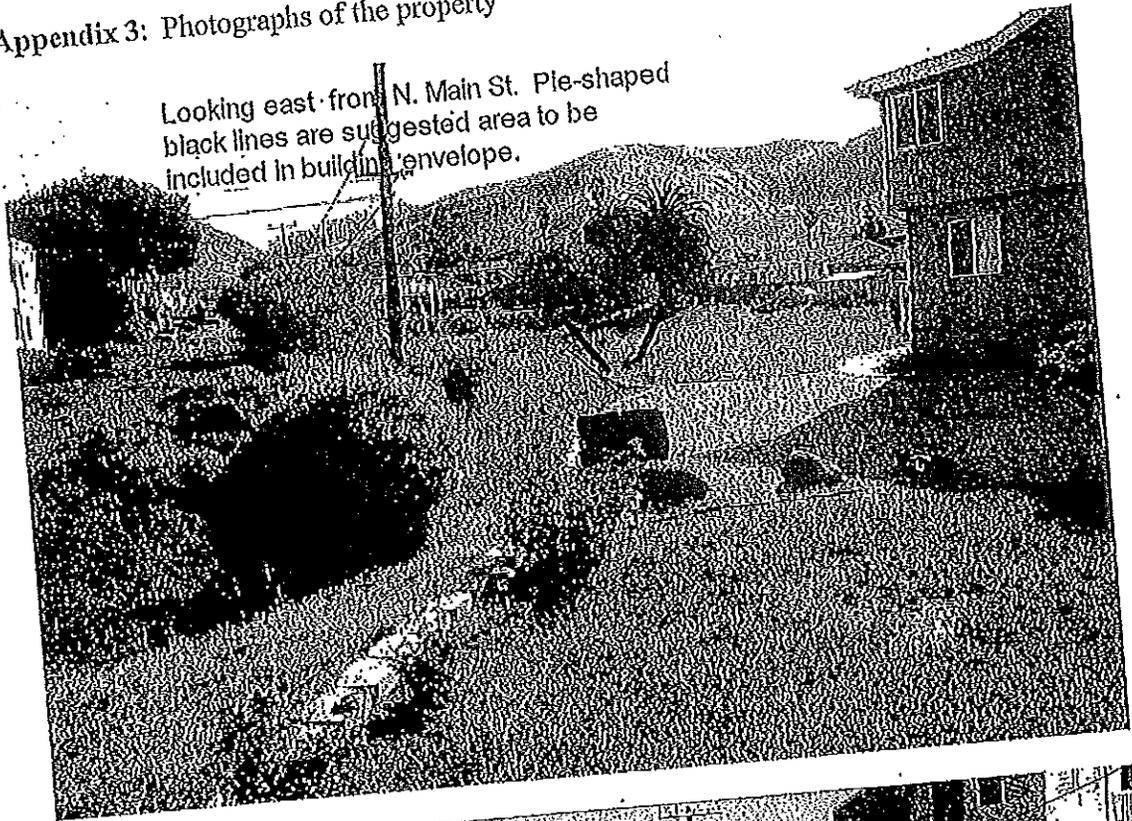
BOTANICAL SPECIES BINOMIAL	COMMON NAME	FED / CAL	CNPS
<i>Amsinckia douglasiana</i>	Douglas' fiddleneck	None	4.2
<i>Arctostaphylos morroensis</i>	Morro manzanita	T /	1B.1
<i>Arctostaphylos obispoensis</i>	Bishop manzanita	None	4.3
<i>Arctostaphylos pilosula</i>	Santa Margarita manzanita	None	1B.2
<i>Aspidotis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

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

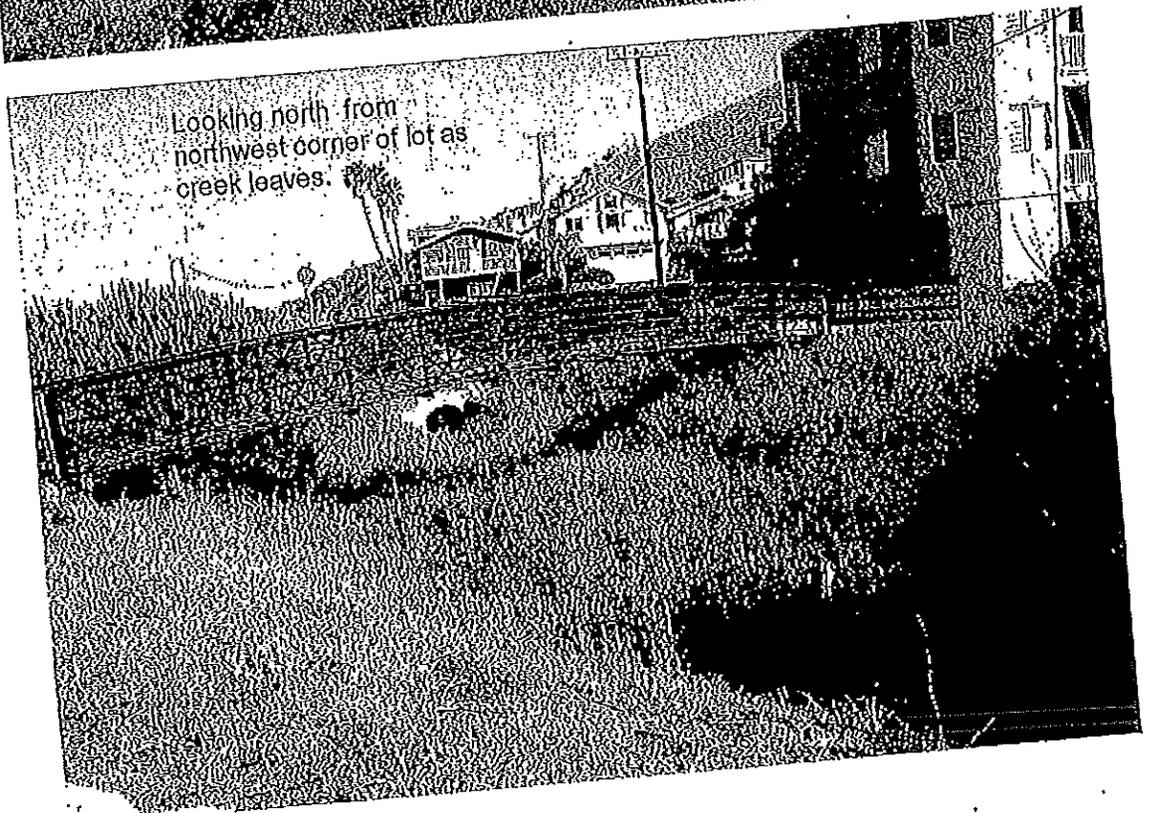
<i>Piperia leptopetala</i>	narrow-petaled rein orchid	None	4.3
<i>Poa diabloi</i>	Diablo Canyon blue grass	None	1B.2
<i>Sanicula hoffmannii</i>	Hoffmann's sanicle	None	4.3
<i>Senecio astephanus</i>	San Gabriel ragwort	None	4
<i>Senecio astephanus</i>	San Gabriel ragwort	None	4
<i>Sidalcea hickmanii</i>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

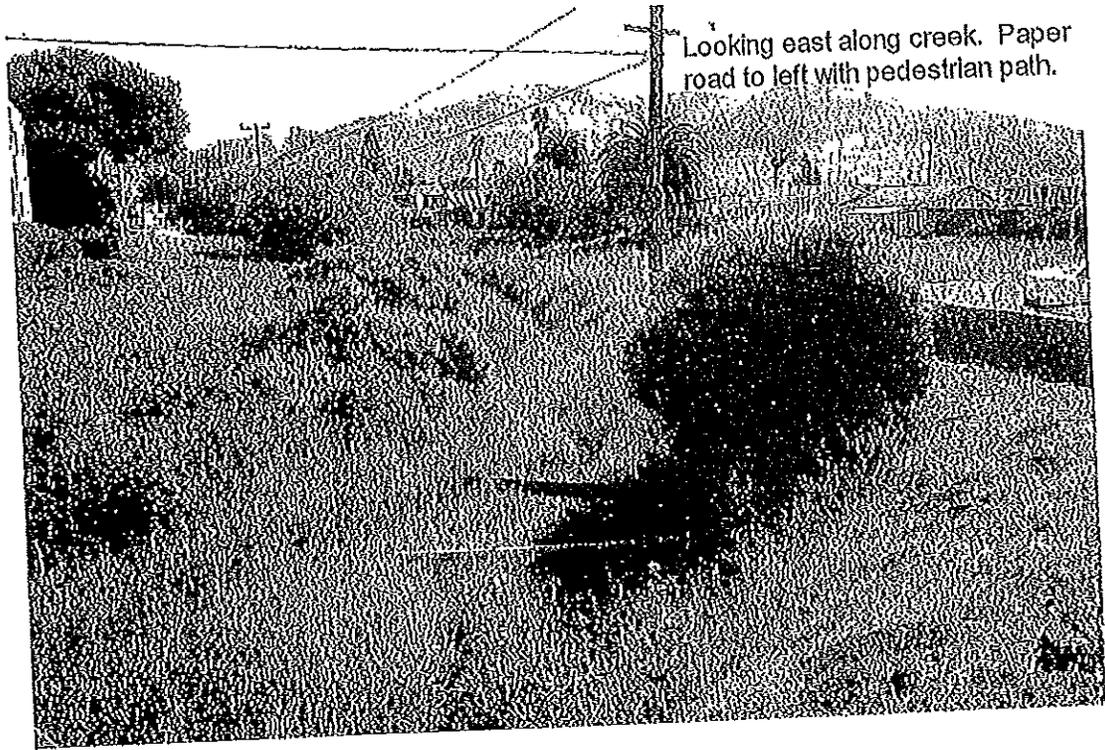
Appendix 3: Photographs of the property

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

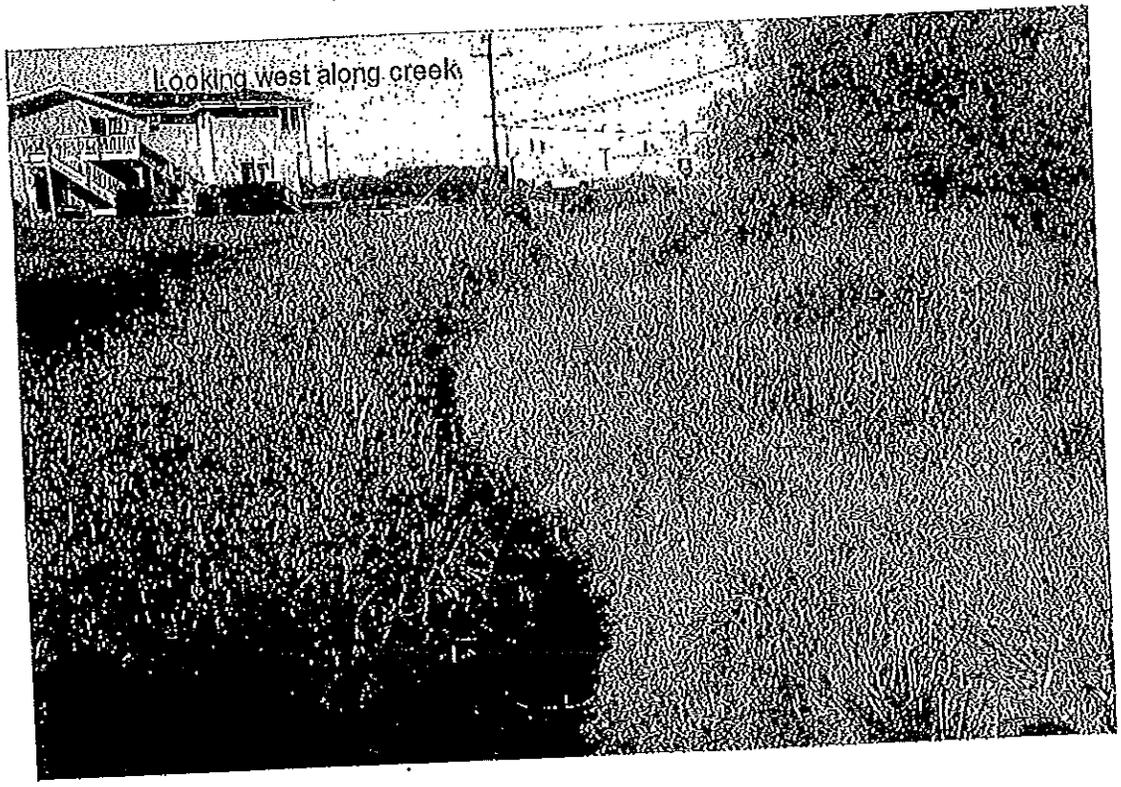


Looking north from  
northwest corner of lot as  
creek leaves.





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



Looking west along creek

Appendix 4: Letter from CDFG



DEPARTMENT OF FISH AND GAME

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

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

August 13, 2007

John Medina  
3390 North Main Street  
Morro Bay, California 93442

Dear Mr. Medina:

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

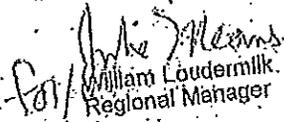
This is in response to the information you submitted to the Department of Fish and Game (Department) regarding the above referenced Project, which is located near an ephemeral creek channel that drains storm water runoff to the Pacific Ocean. The proposed Project is the 84 foot extension of an existing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

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

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

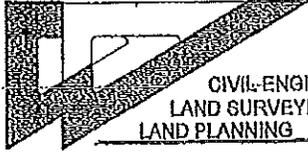
If you have any questions regarding this matter, please contact Julie Means, Senior Environmental Scientist, at the above address or by telephone at (559) 243-4014; extension 240. Thank you for your cooperation.

Sincerely,

  
William Loudermilk  
Regional Manager

Conserving California's Wildlife Since 1870

WESTLAND ENGINEERING, INC.



CIVIL-ENGINEERING  
LAND SURVEYING  
LAND PLANNING

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

## MEDINA PROPERTY DRAINAGE

January 2008

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

### Determine the flows adjacent to the site.

#### FLOW CALCULATIONS

Annual Rainfall - 17"±  
Tributary Area at Main Street - 275 acres  
Time in Concentration - 22 minutes±  
Coefficient of Run-Off - 40% > 50%  
 $I_{10} - 0.95$   
 $I_{100} - 2.30$   
 $Q_{10} - 105 \text{ cfs} - 130 \text{ cfs}$   
 $Q_{100} - 253 \text{ cfs} - 315 \text{ cfs}$

#### COMPARISONS WITH OTHER STUDIES

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

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

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

#### TIDE AVENUE CULVERT

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

#### MAIN STREET CULVERT

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

**SWALE FLOWS**

A detailed analysis of the flow characteristic of the swale was not done. However, some preliminary conclusions can be drawn from the available information. The invert elevation of the Main Street culvert is 34.9. Approximately 8' of head is needed for the 34" culvert. A ponding condition at elevation 43 is needed for culvert flows.

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

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

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

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

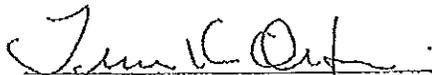
I used the highest number we computed for the 100 year storm (which was not as high as FEMA) since it did not match either ours or Wallace's numbers. At Tide, I determined that approximately 115 cfs went through the culvert and the remainder went over the street.

Station	Computed	Computed
	Water surface elevation subcritical	Water surface elevation supercritical
2300	57.95	57.95
2243	50.49	49.82
2186	47.10	44.50
2084	44.60	44.41
2000	42.82	41.47

Table 1

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

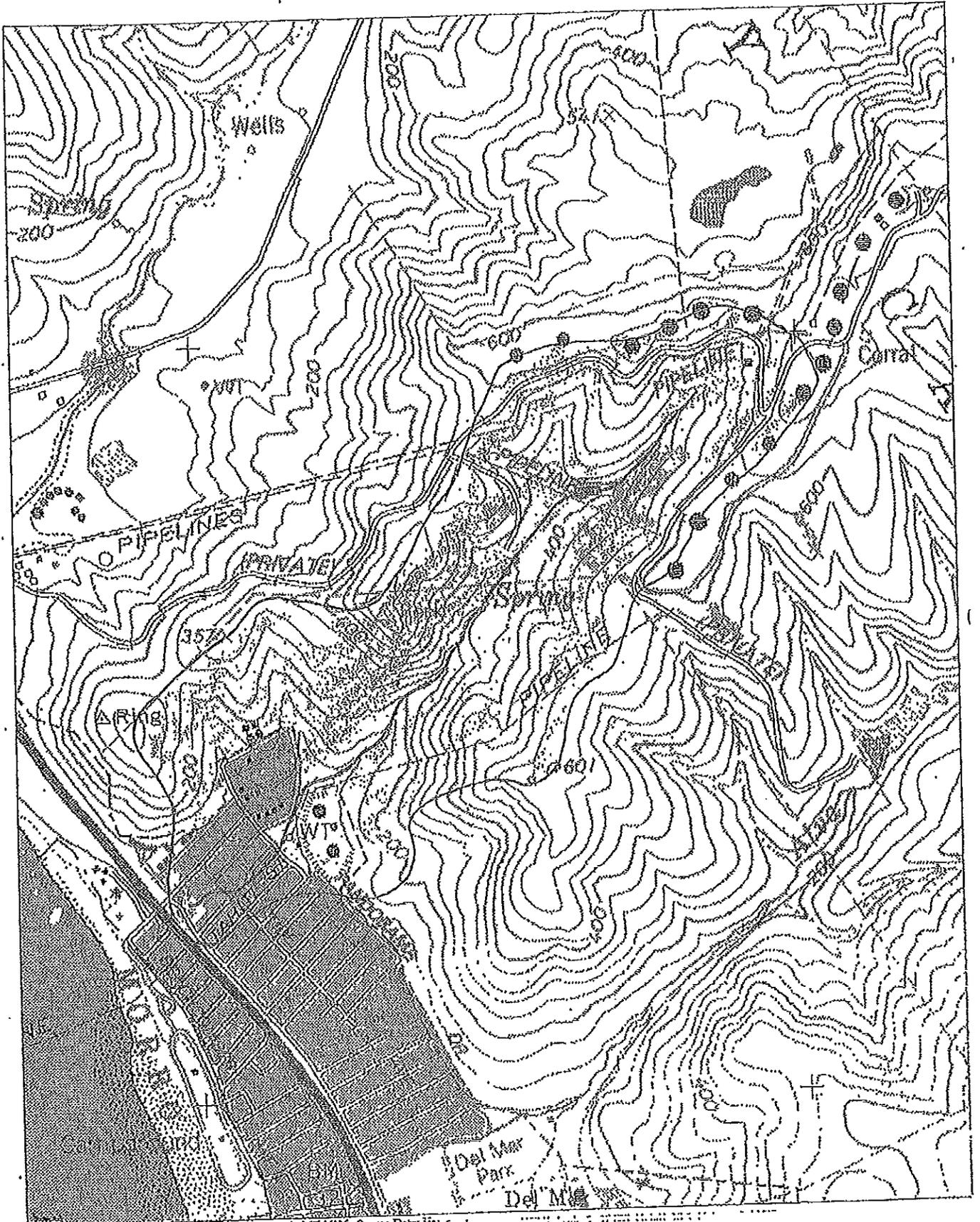
water surface in a 100 year storm. I would still propose building the structure above the FEMA elevation so no LOMA is required for the site.



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



Attachments FBMA Map  
HEC-RAS runs  
Area Map





APPROXIMATE SCALE IN FEET

300 0 300

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
MORRO BAY,  
CALIFORNIA  
SAN LUIS OBISPO COUNTY

ONLY PANEL PRINTED

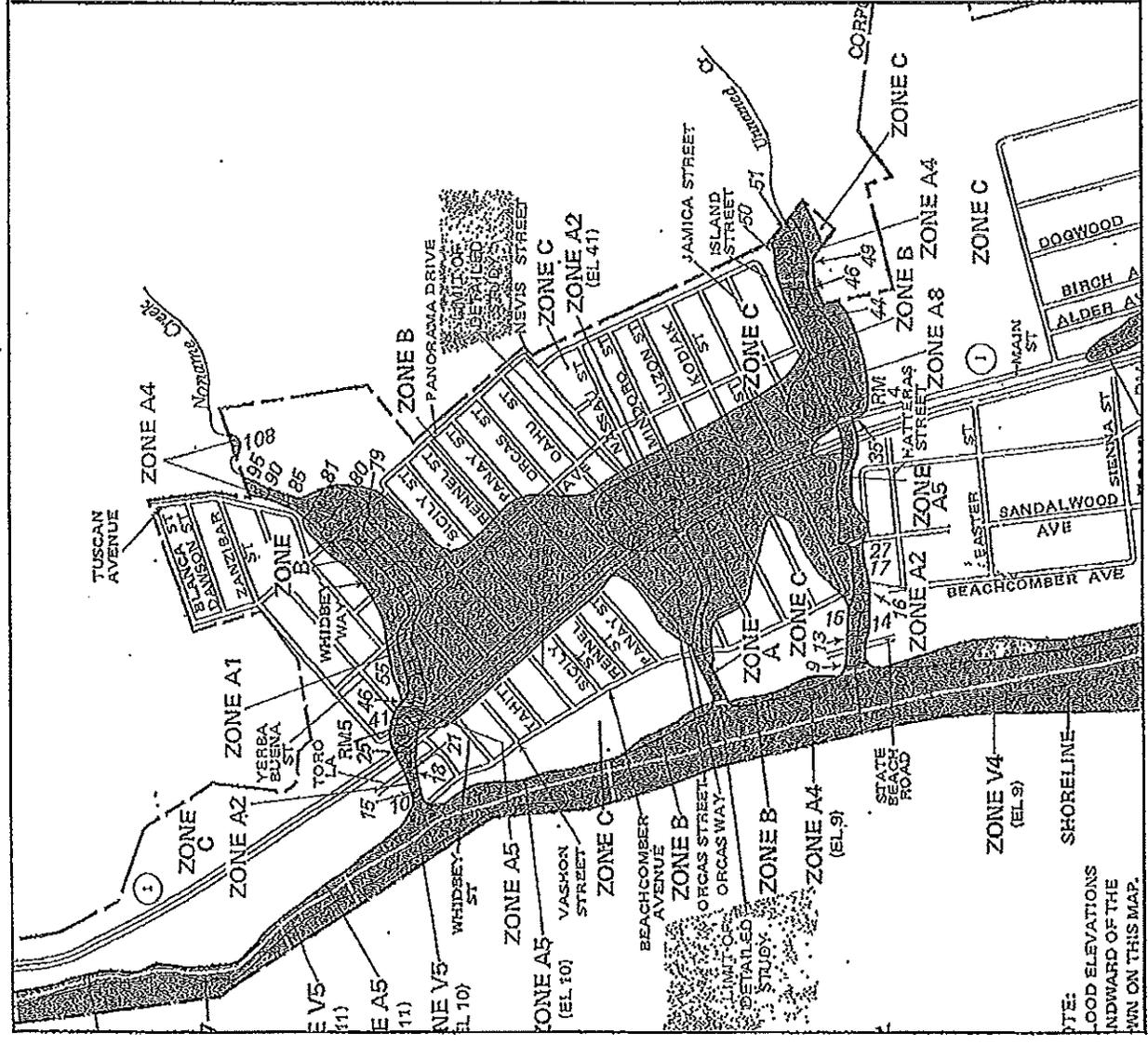
COMMUNITY-PANEL NUMBER  
060307 0095 C

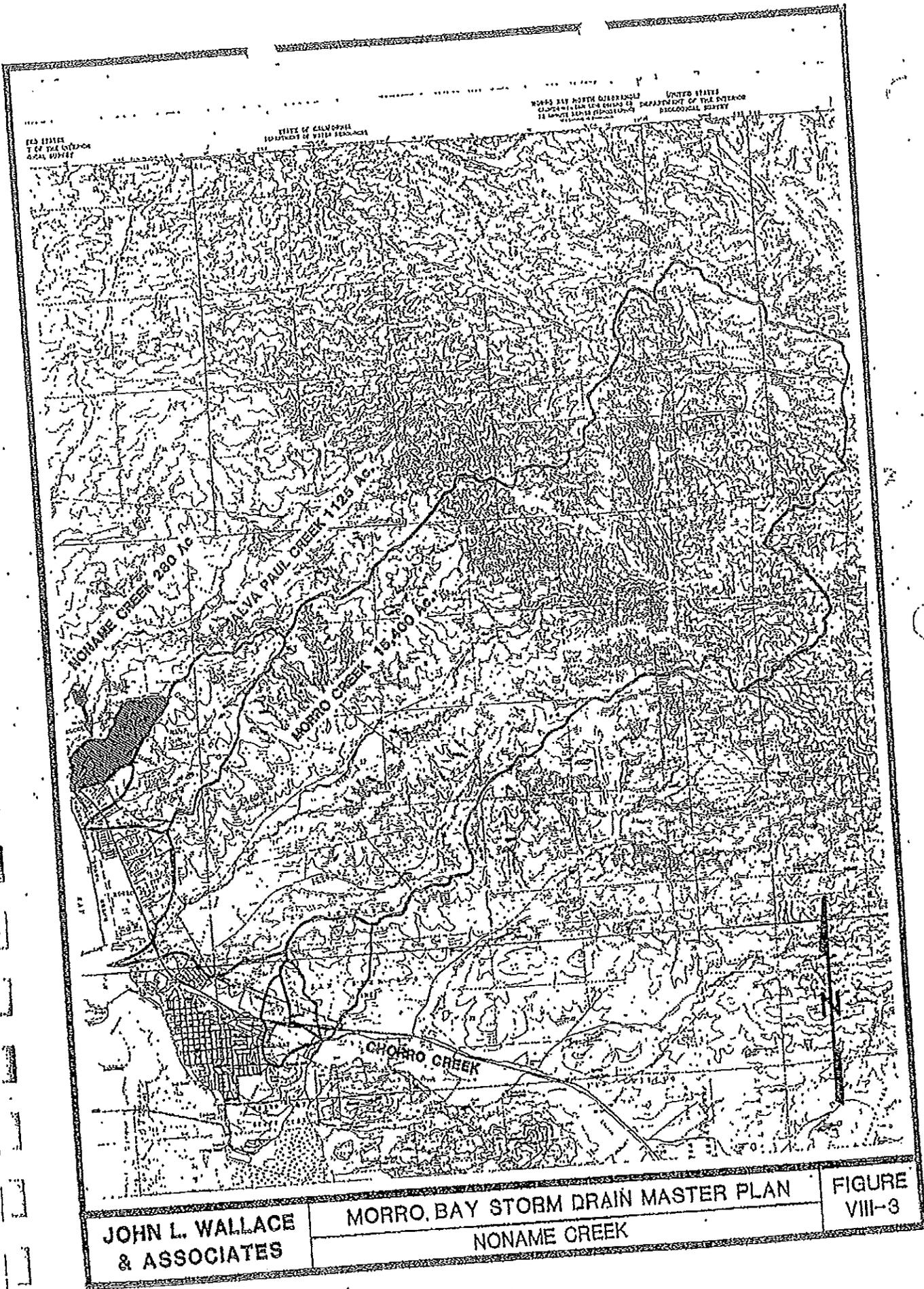
MAP REVISED:  
NOVEMBER 1, 1985



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT Overlay. This map does not reflect changes or amendments which may have been made subsequent to the date of this publication. For the latest product information, contact the Flood Insurance Program flood map office at the FEMA Flood Map Store at [www.fema.gov](http://www.fema.gov).





CITY OF MORRO BAY  
STORM DRAIN MASTER PLAN

PROJECT NUMBER: 1

NONAME CREEK

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

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

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

DRAINAGE PROBLEM:

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

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

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

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

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

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

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

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

#### POTENTIAL SOLUTIONS:

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

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

HYDROLOGY:

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

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

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

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

Noname Creek at oil containment ponds.

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

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

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

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

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

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

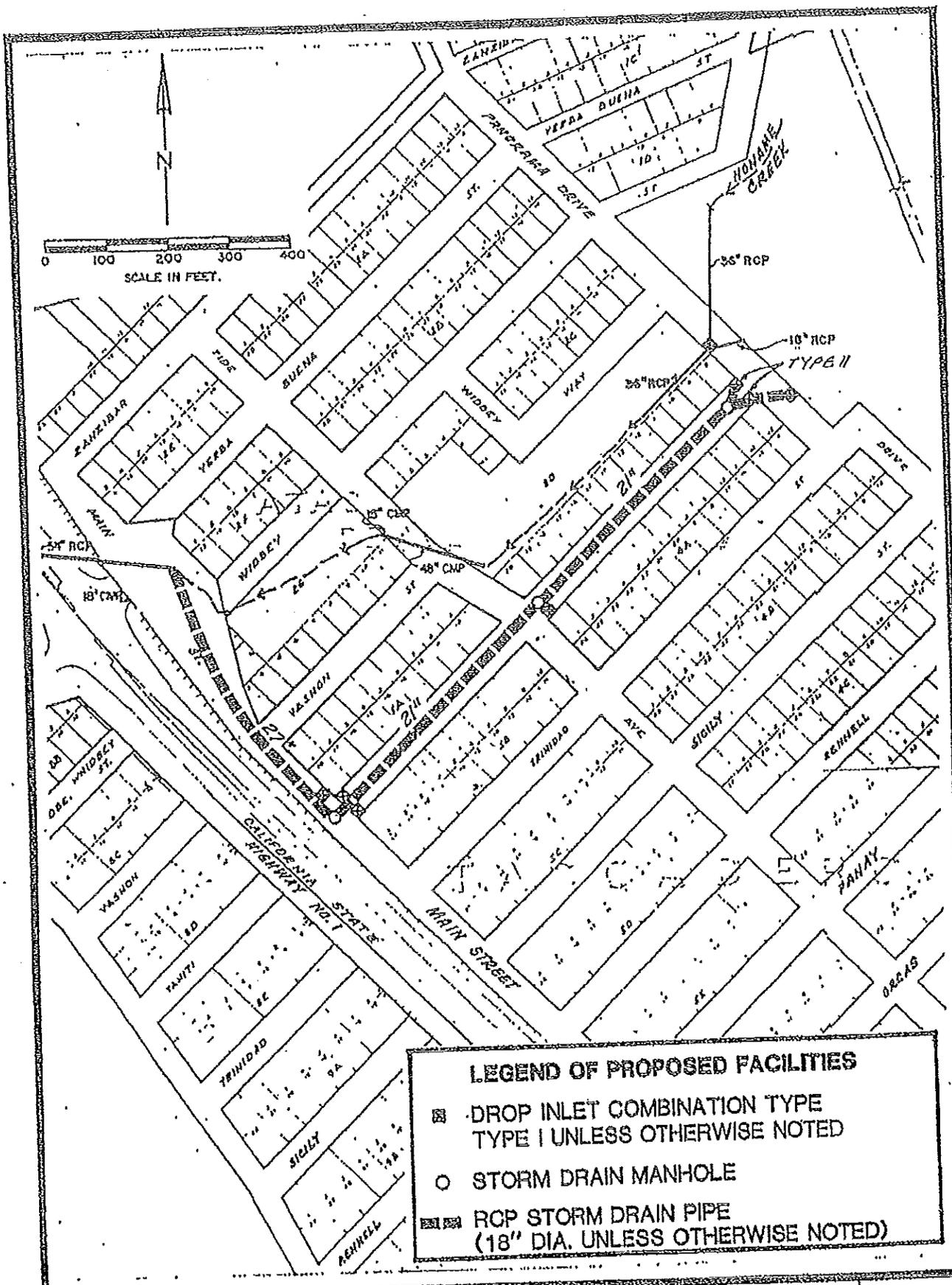
Q10 = 100 cfs      Q50 = 240 cfs      Q100 = 340 cfs

Flood Insurance Study flows at Whidbey Way (extended).

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

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

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



**LEGEND OF PROPOSED FACILITIES**

- ☒ DROP INLET COMBINATION TYPE  
TYPE I UNLESS OTHERWISE NOTED
- STORM DRAIN MANHOLE
- RCP STORM DRAIN PIPE  
(18" DIA. UNLESS OTHERWISE NOTED)

<b>JOHN L. WALLACE &amp; ASSOCIATES</b>	<b>MORRO. BAY STORM DRAIN MASTER PLAN NONAME CREEK</b>	<b>FIGURE VIII-2</b>
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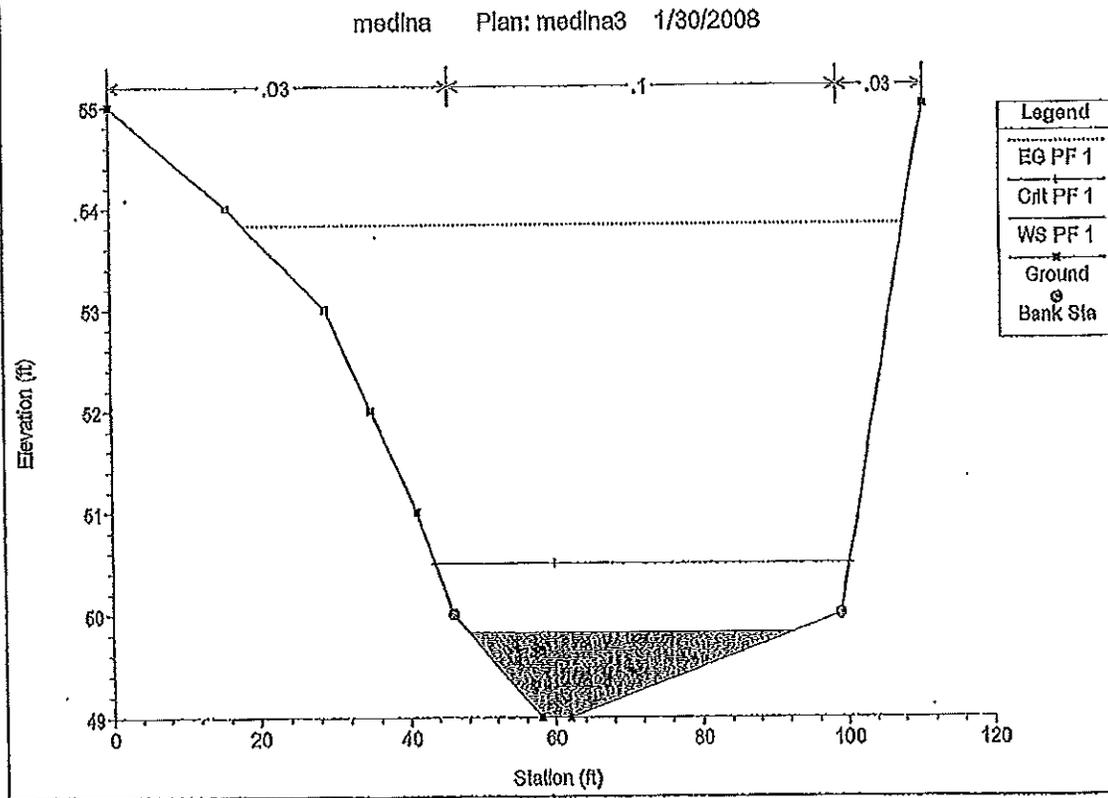
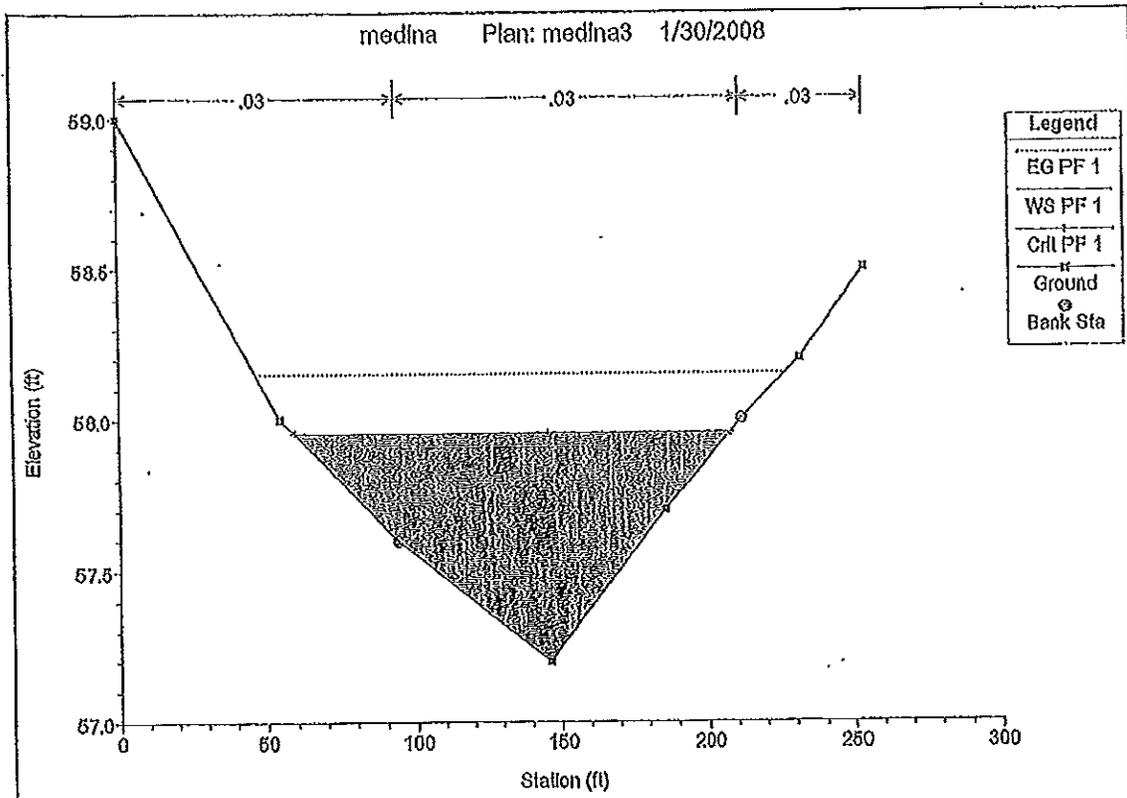
SUBCRITICAL

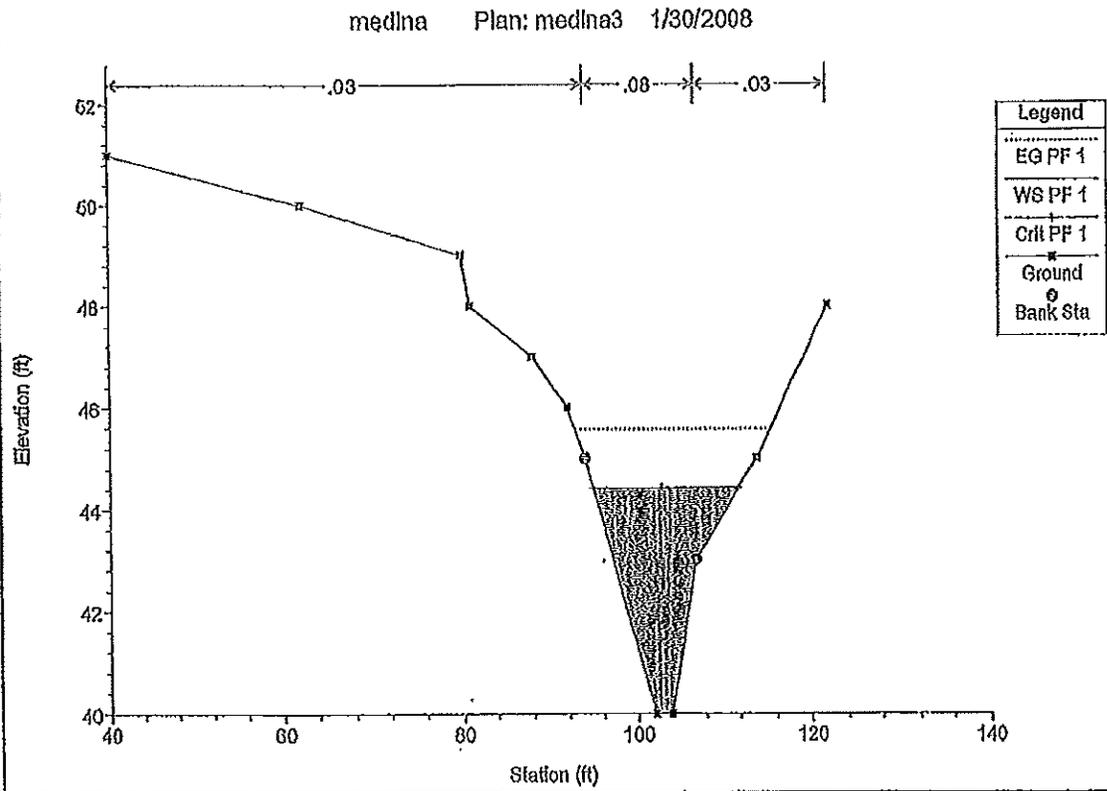
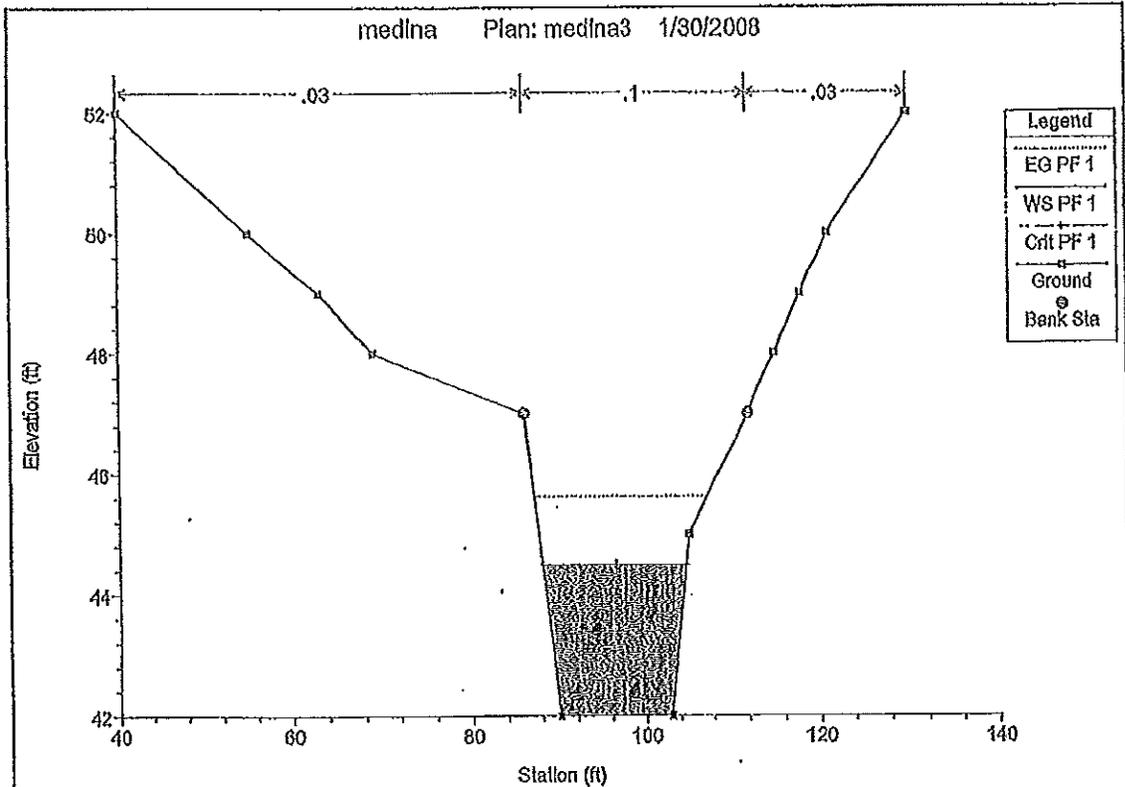
Profile: PF 1

HEC-RAS Plan: crw-rd	River: noname	Reach: noname	SUBCRITICAL									
2000	2000	200.00	57.20	57.95	57.95	58.15	0.015772	3.66	57.40	147.95	0.96	
315.00	315.00	49.00	50.49	50.49	50.99	0.140700	5.57	55.33	56.62	0.99		
315.00	315.00	42.00	47.10	47.29	47.29	0.012211	3.44	91.77	28.05	0.32		
315.00	315.00	40.00	44.50	44.42	45.59	0.053774	7.57	39.93	17.97	0.80		
315.00	315.00	38.00	42.82	41.47	43.11	0.016028	4.35	72.38	26.38	0.47		

HEC-RAS Plant crw-rd River: norname Reach: norname Profile: PF 1 *SUPER CRATLAN*

Station	Water Surface Elevation	Channel Bottom Elevation	Flow Area	Velocity	Discharge	Hydraulic Radius	Wetted Perimeter	Shear Stress	Velocity Head	Water Surface Slope	Channel Bottom Slope
200.00	57.20	57.95	57.95	58.15	0.015429	3.63	57.88	148.54	0.95		
315.00	49.00	49.82	50.49	53.83	3.441925	16.07	19.60	44.01	4.24		
315.00	42.00	44.50	44.50	45.62	0.136599	8.51	37.02	16.88	1.01		
315.00	40.00	44.41	44.41	45.57	0.068900	8.44	36.87	17.02	0.90		
315.00	39.00	41.47	41.47	42.43	0.082365	7.84	40.16	21.19	1.00		





medina Plan: medina3 1/30/2008

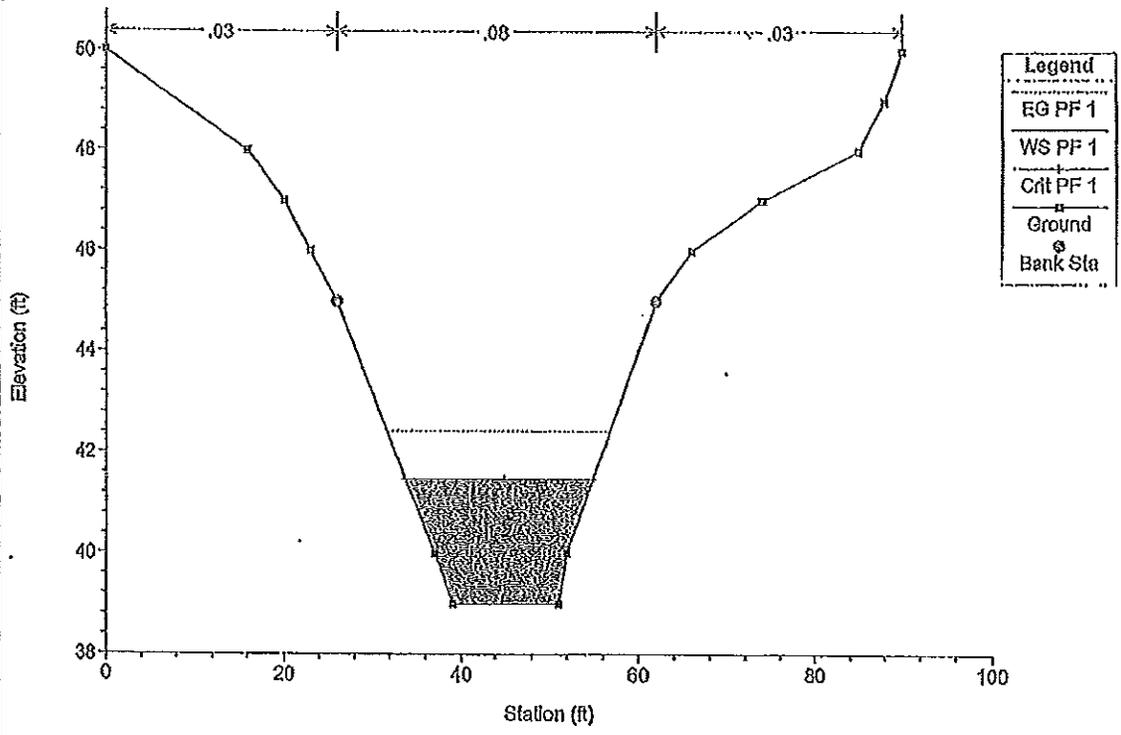


EXHIBIT J

MINUTES FROM THE JULY 20,  
2009 PLANNING COMMISSION  
MEETING

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

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

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

209 Surf Street, Morro Bay  
Monday, July 20, 2009

Vice-Chairperson Bill Woodson  
Commissioner Gerald Luhr

Chairperson Nancy Johnson

Commissioner Michael Lucas  
Commissioner John Diodati

Bruce Ambo, Secretary

I. CALL MEETING TO ORDER  
Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE  
Kathleen Wold led the Pledge of Allegiance.

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

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

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS  
Ambo reported at the July 13, 2009 City Council:

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

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

VI. PUBLIC COMMENT  
Johnson opened Public Comment.

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

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

Seeing no further comments, Johnson closed Public Comment

Johnson announced Dahlia Days on August 15, 2009

VII. CONSENT CALENDAR – None.

VIII. PRESENTATIONS – None.

IX. FUTURE AGENDA ITEMS

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

X. PUBLIC HEARINGS

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

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

Woodson asked about the wall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Seeing no further comment, Johnson closed the Public Hearing

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

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

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

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

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

Luhr questioned the drainage problem at the driveway.

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

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

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

Diodati questioned who mapped the willows?

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

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

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

Livick responded no.

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

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

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

Woodson asked if the City is liable for clearing vegetation on private property?  
Livick responded the City gets permission from the property owner who holds the City harmless.

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

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

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

During discussion the Commissioners expressed the following opinions and concerns:

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

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

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

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

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

Lengthy discussion amongst the Commissioners about the willow grove.

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

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

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

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

Luhr wants to remove from the property line.

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

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

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

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

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

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

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

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

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

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

VOTE: 4-0

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

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

Woodson wanted clarification on the width of the deck.

Nygaard responded a 5' width meets code.

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

Luhr questioned the garage having two driveways.

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

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

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

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

Seeing no further comment, Johnson closed the Public Hearing

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

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

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

The Applicant responded he provided the photo.

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

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

Discussion continued amongst the Commissioners and applicant regarding FAR.

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

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

VOTE: 4-0

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

**Applicant:** Derrel Ridenour

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Seeing no further comment, Johnson closed the Public Hearing

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

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

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

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

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

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

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

Ambo suggested this project be approved as a variance.

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

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

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

**Applicant:** Samuel Gilstrap

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

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

**Staff Recommendation:** Conditionally approve.

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

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

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

Ambo responded tenants can occupy now.

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

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

Luhr wanted to know why this tentative map expired?

Ambo stated the applicant's let it expire.

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

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

Johnson asked has Commission already approved this project as condominiums?

Wold responded, yes.

Woodson inquired about the affordable housing at this project.

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

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

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

Seeing no further comment, Johnson closed the Public Hearing.

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

Luhr wanted confirmation that the City will be paid.

Diodati was concerned about repetitive writings in the Staff Report.

Wold will correct.

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

VOTE: 4-0

Johnson made a motion to continue Planning Commission Meeting past 10:00 p.m.  
MOTION: Woodson/Diodati 2<sup>nd</sup>  
Vote: 4-0

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

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

Diodati asked if the tree is going to be removed?

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

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

Luhr asked is LED strip lighting considered signage?

Nygaard replied no, not in this instance.

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

Nygaard replied the applicant can answer that question.

Luhr asked are changeable text signs allowed?

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

Luhr stated concern about keeping the landscape trimmed.

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

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

Woodson asked, where is the tree?

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

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

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

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

Seeing no further comment, Johnson closed the Public Hearing.

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

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

Rodriquez replied, yes.

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

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

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

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

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

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

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

XI. OLD BUSINESS

A. Current Planning Processing List

XII. NEW BUSINESS

A. None

XIII. ADJOURNMENT

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

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary

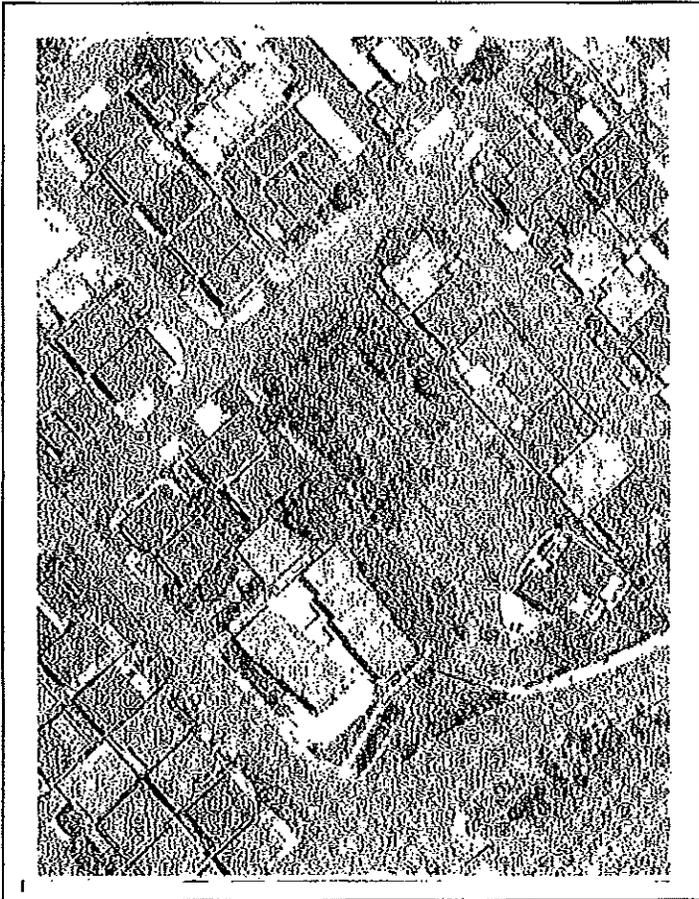
EXHIBIT K

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# Site Photographs



Date: January 25, 2002

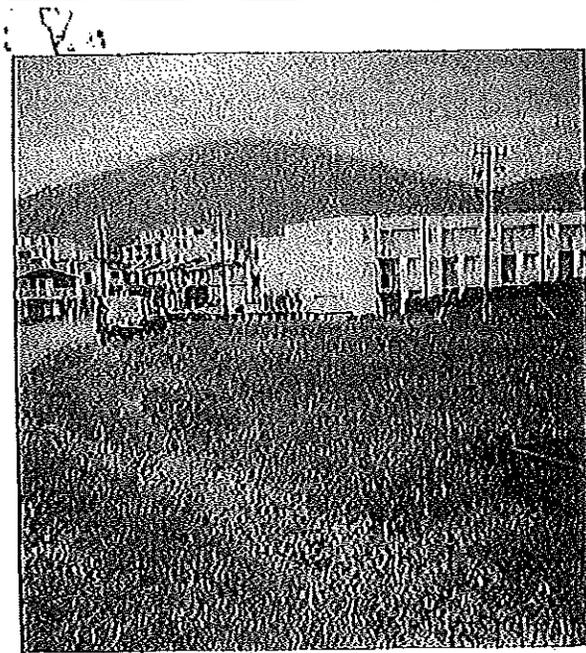


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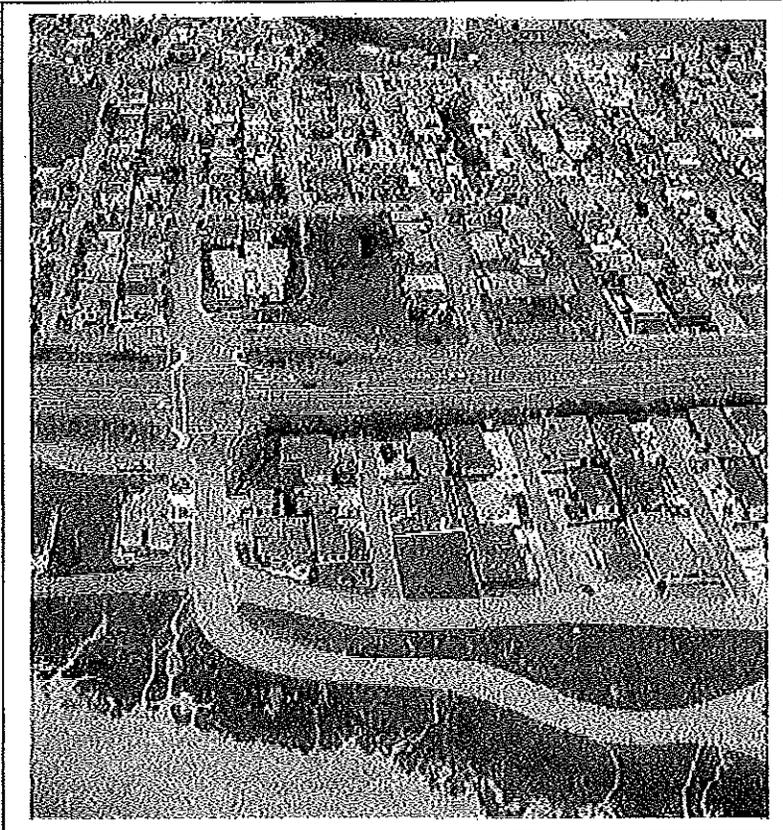
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3/10/94

Date: March 18, 1994

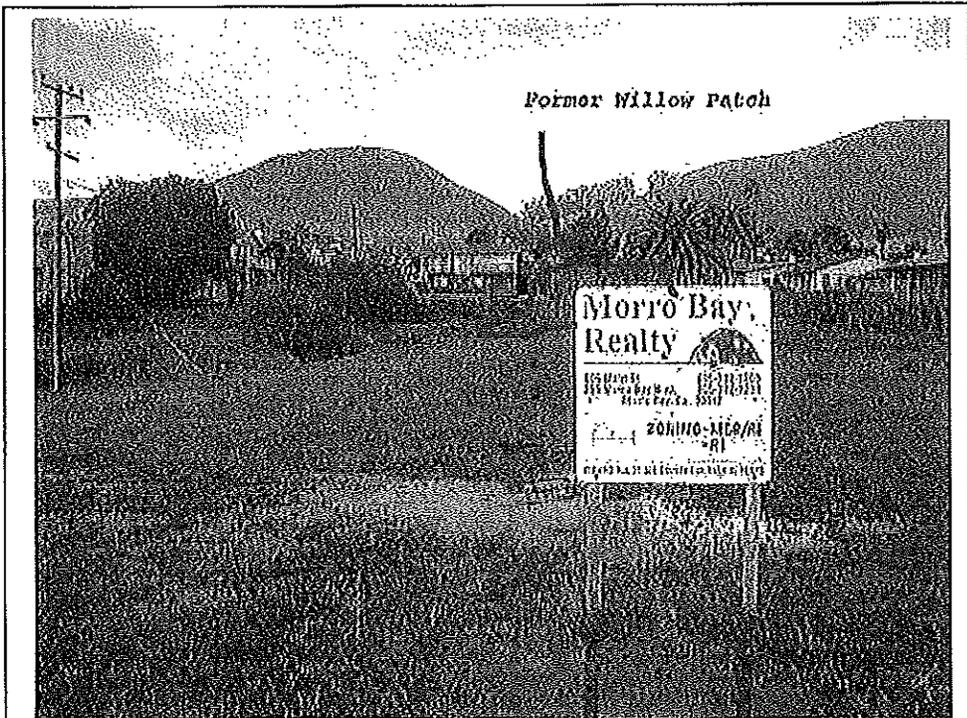


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3/10/94

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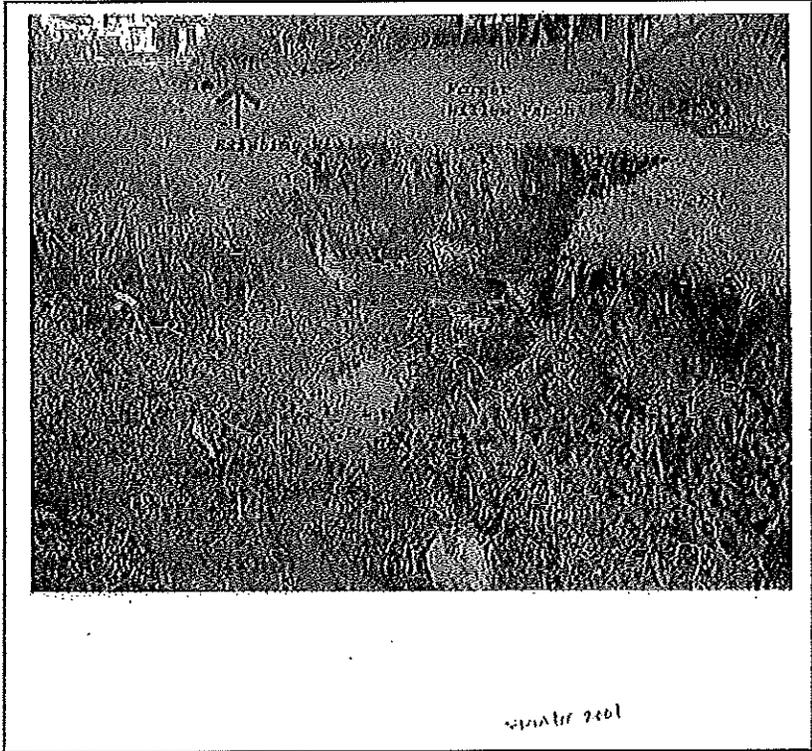


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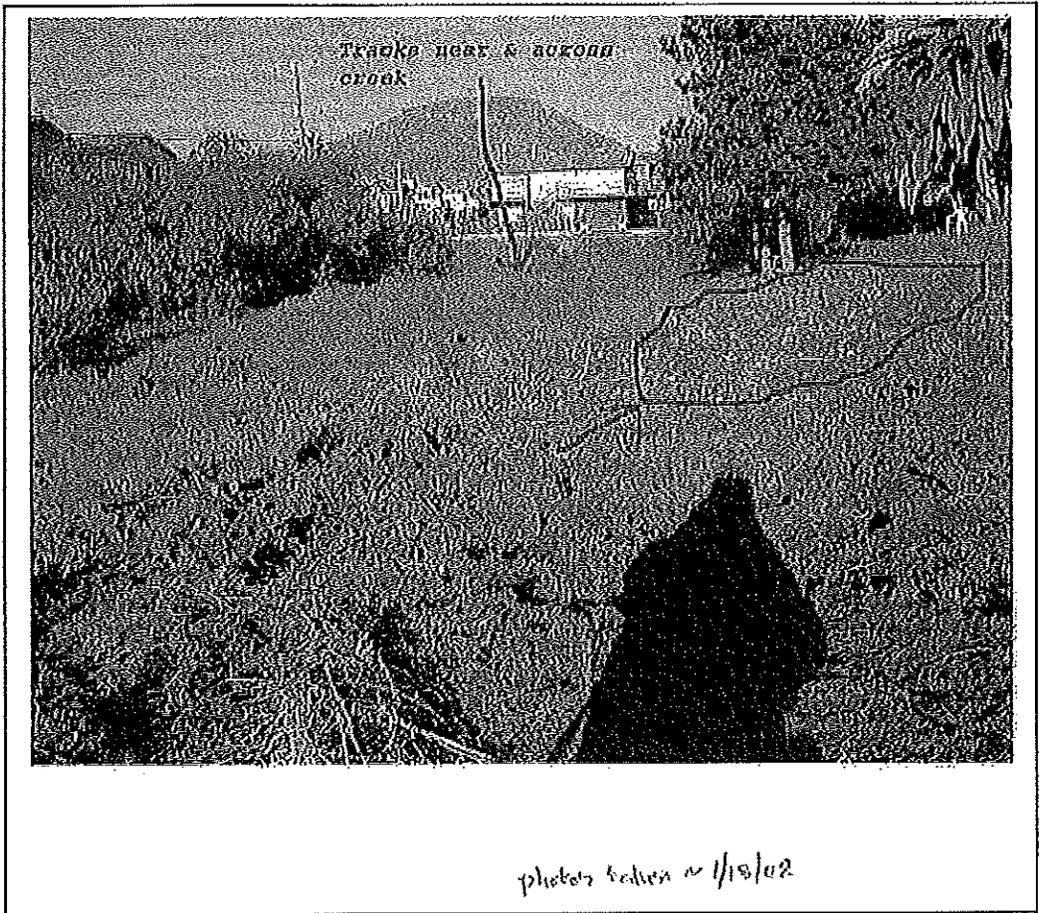
Winter 2001

Date: Winter 2001



Winter 2001

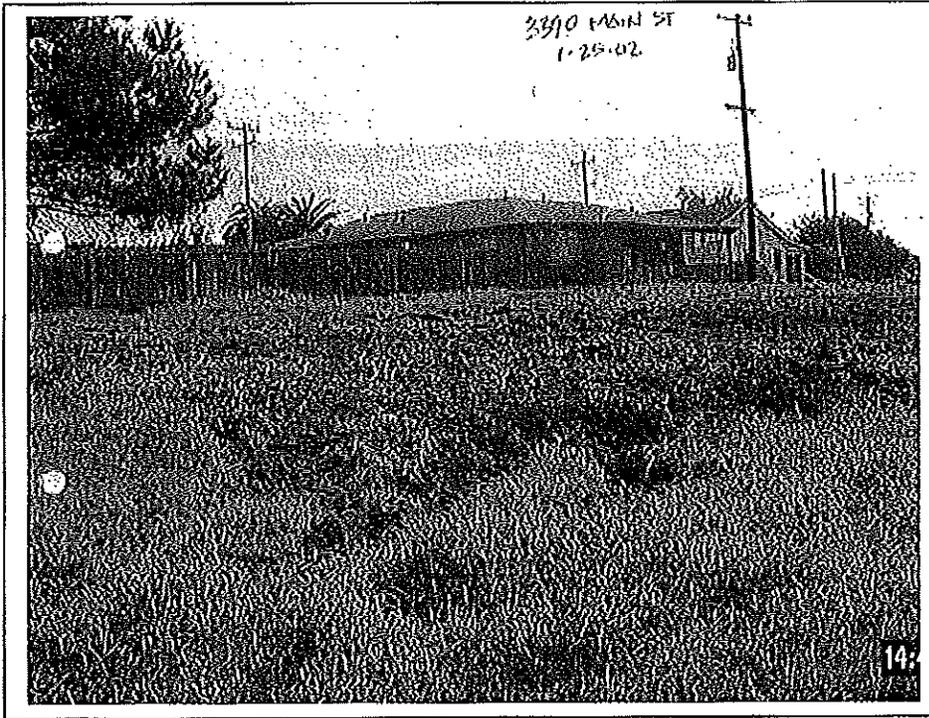
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Tracks near a aukona  
creek

photos taken ~ 1/18/02

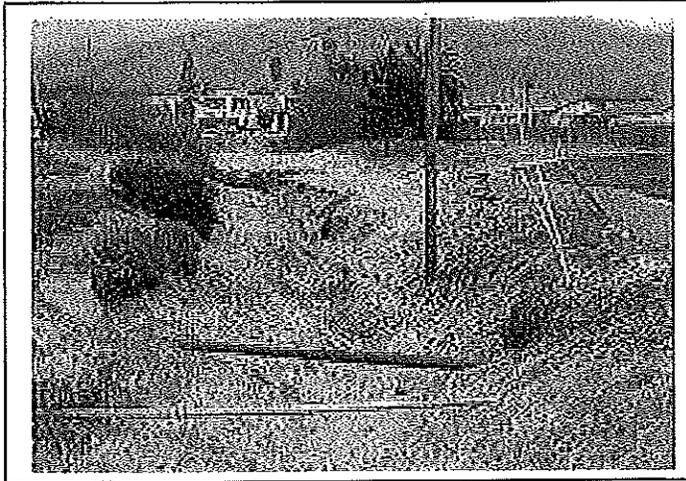
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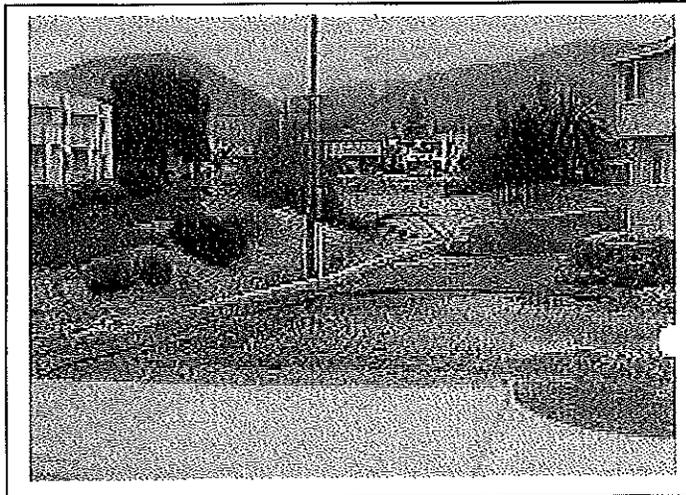
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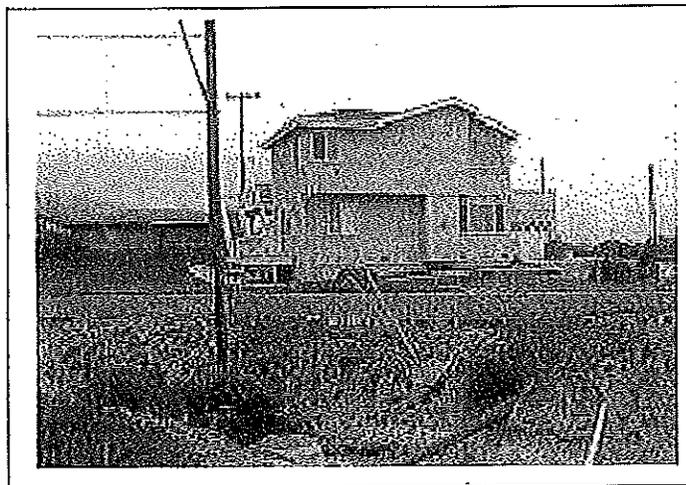
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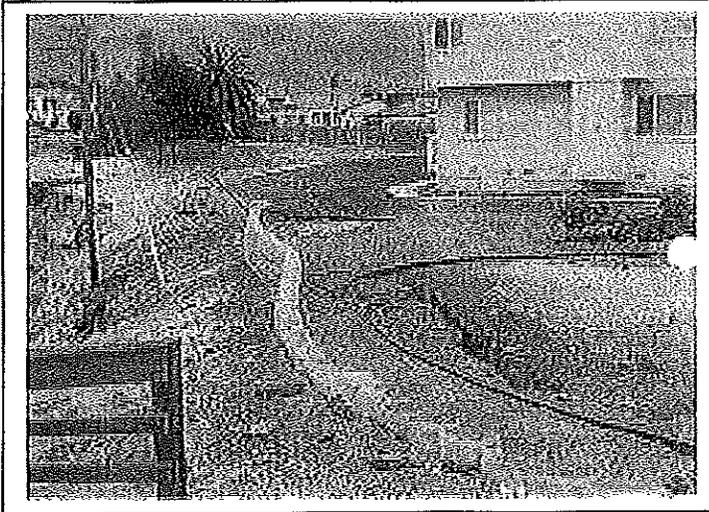
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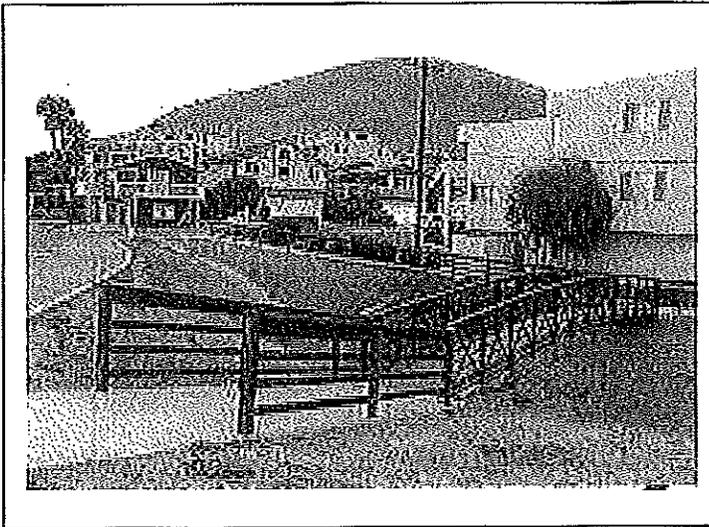
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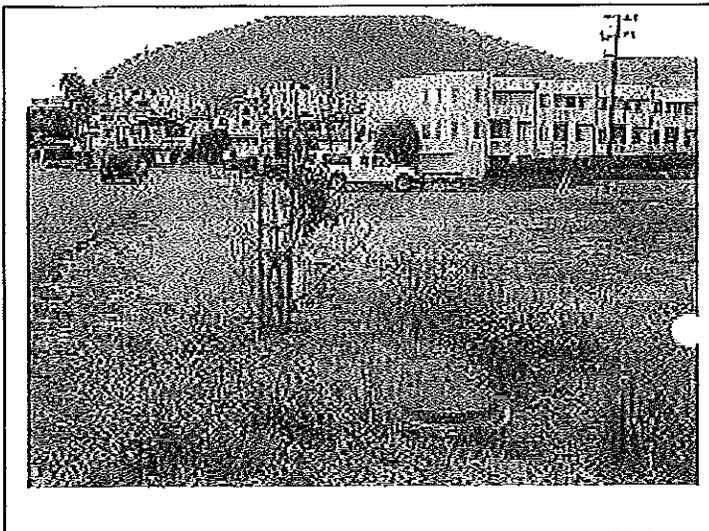
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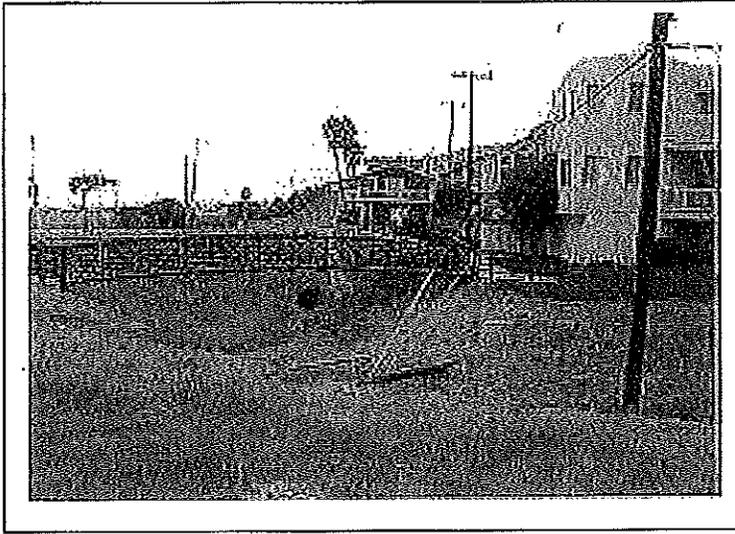
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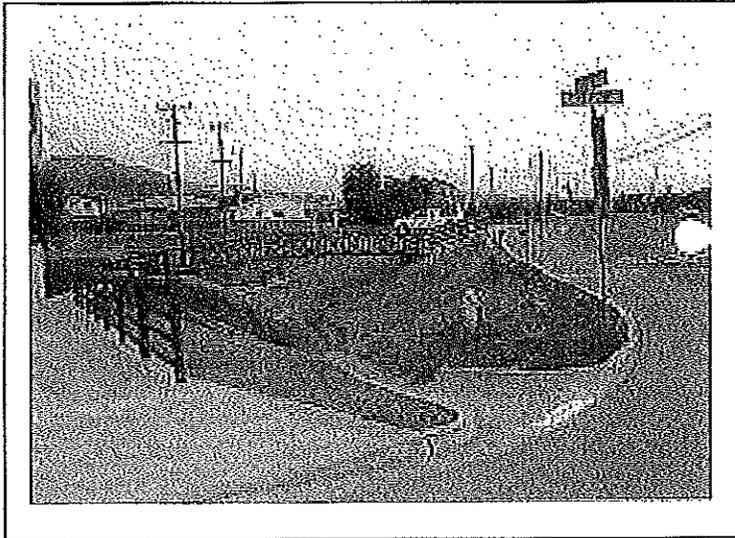
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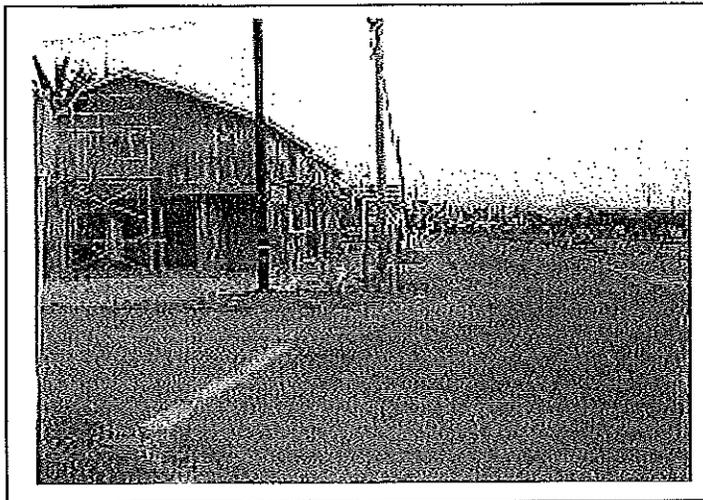
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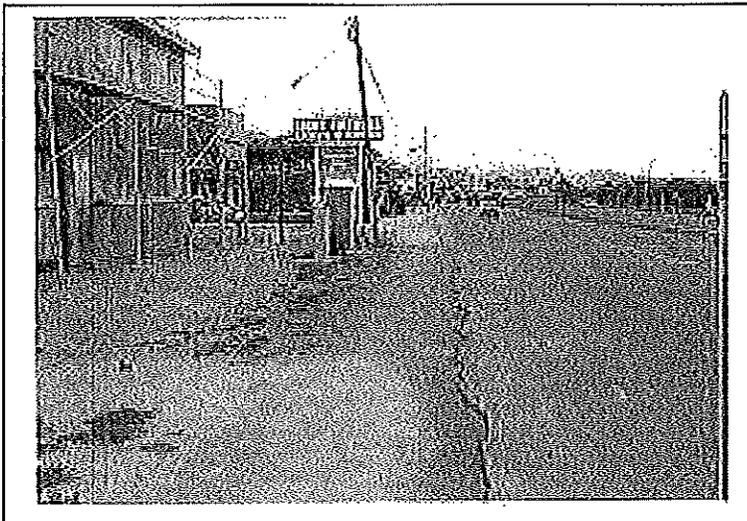
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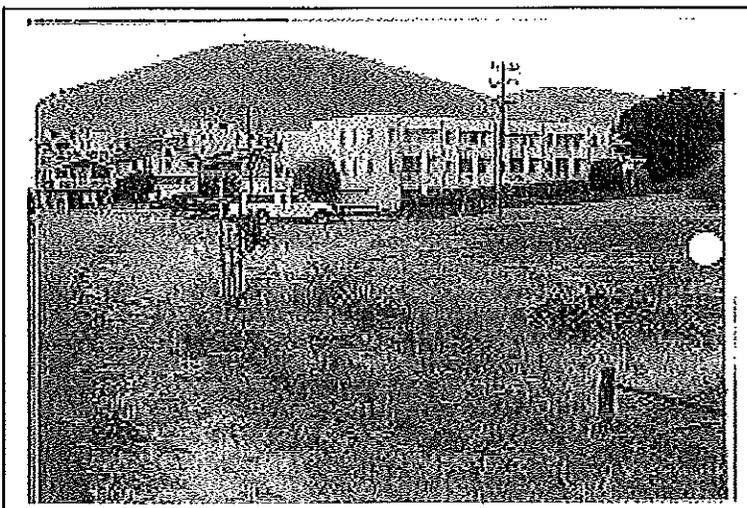
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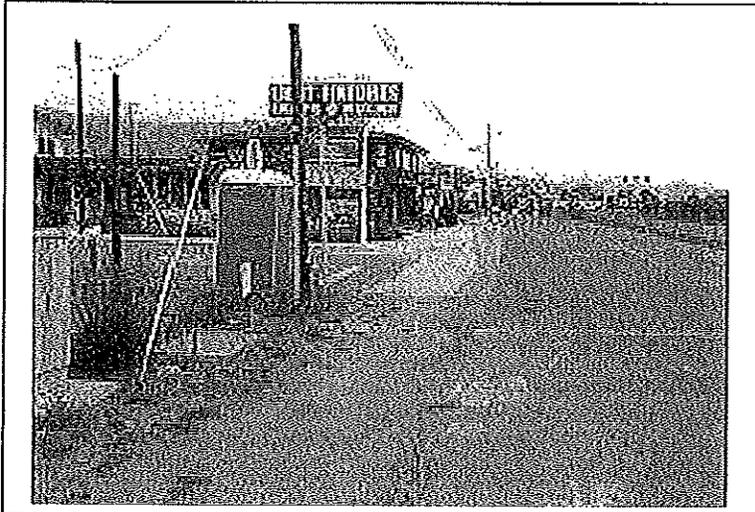
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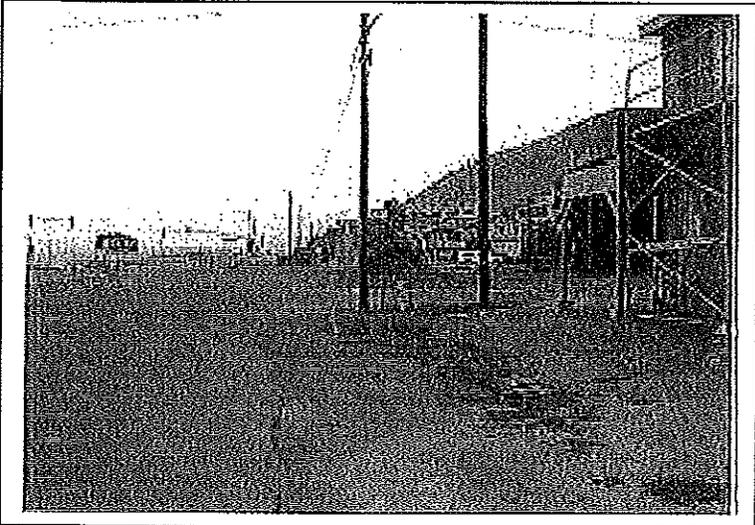
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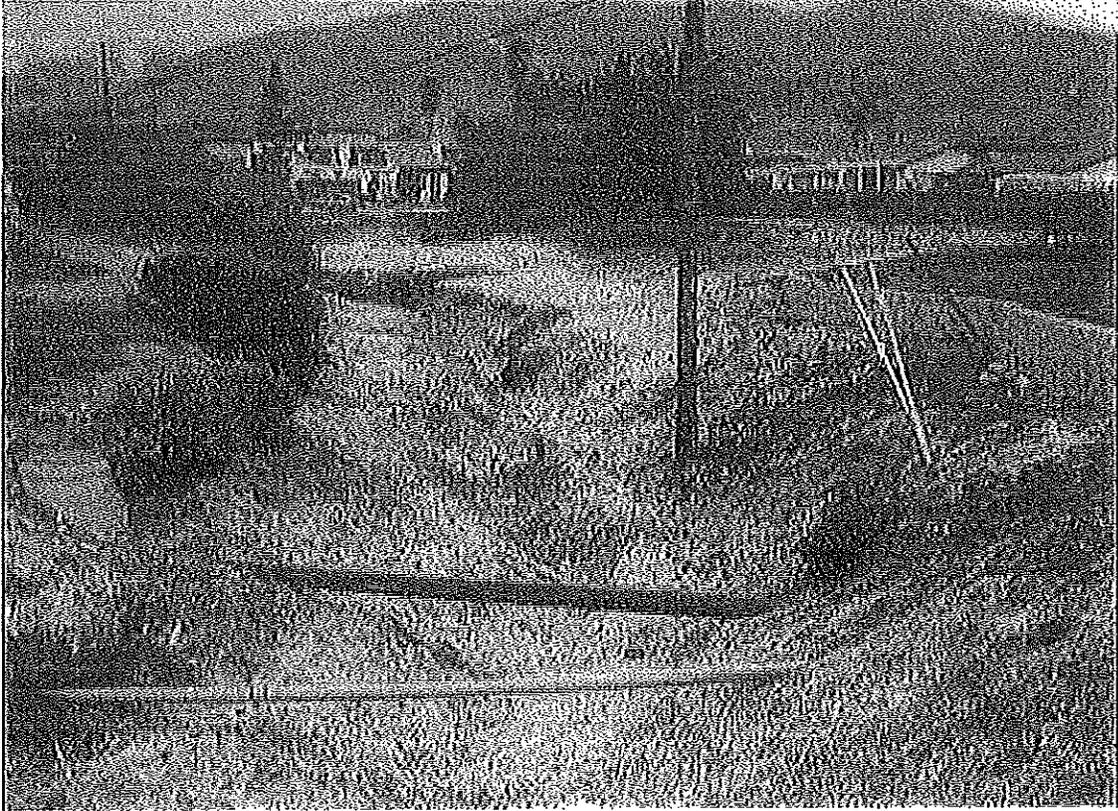
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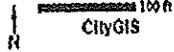


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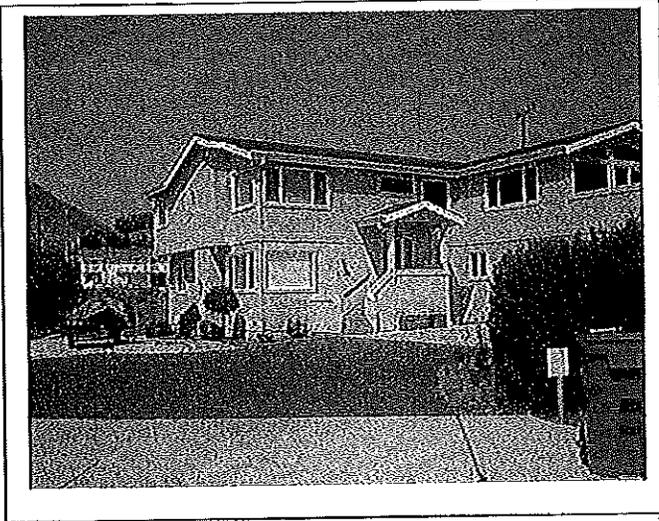


DIGITAL MAP

3390 Main Street  
Proposed Medina  
Development



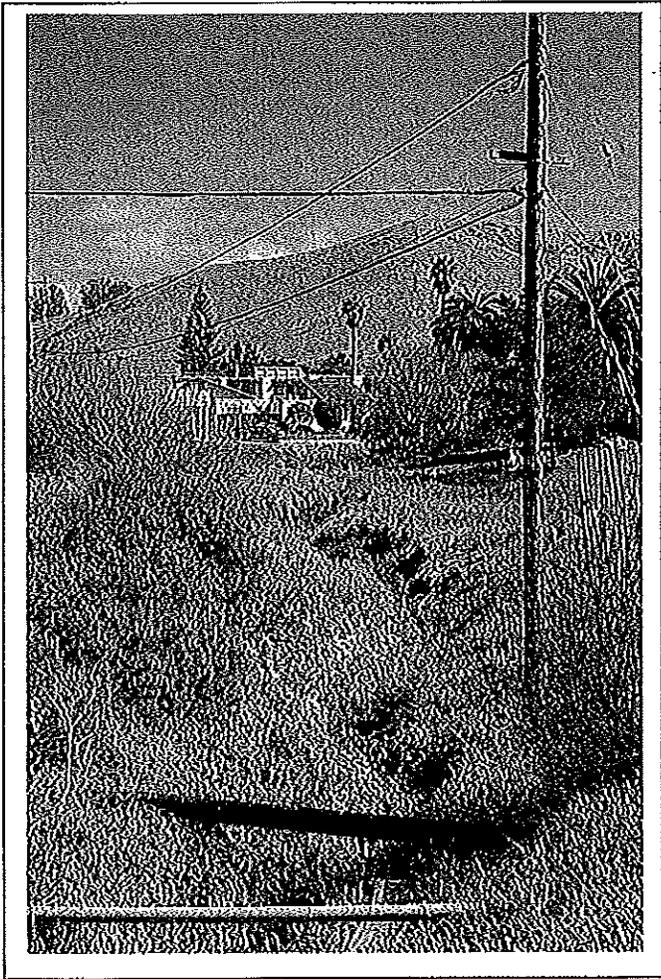
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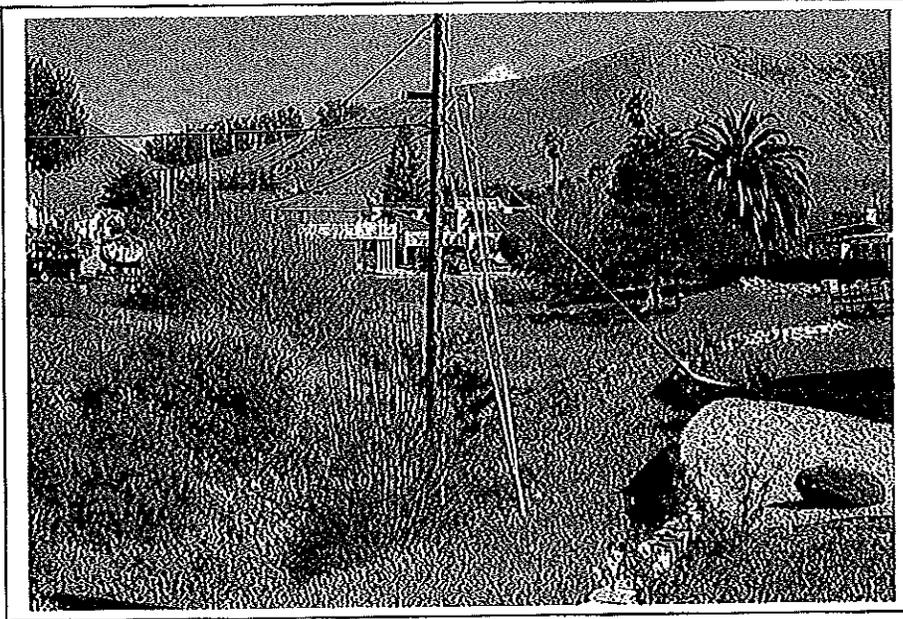
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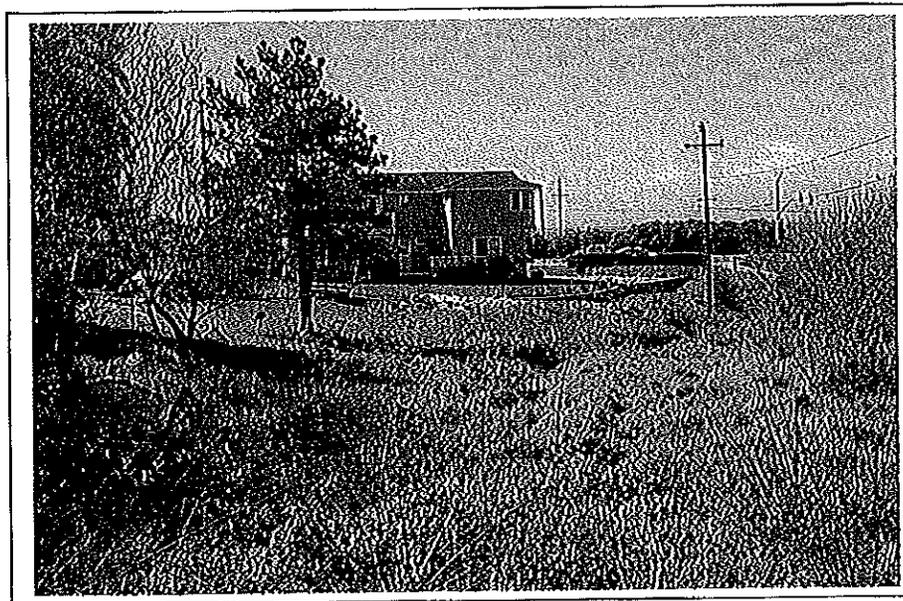
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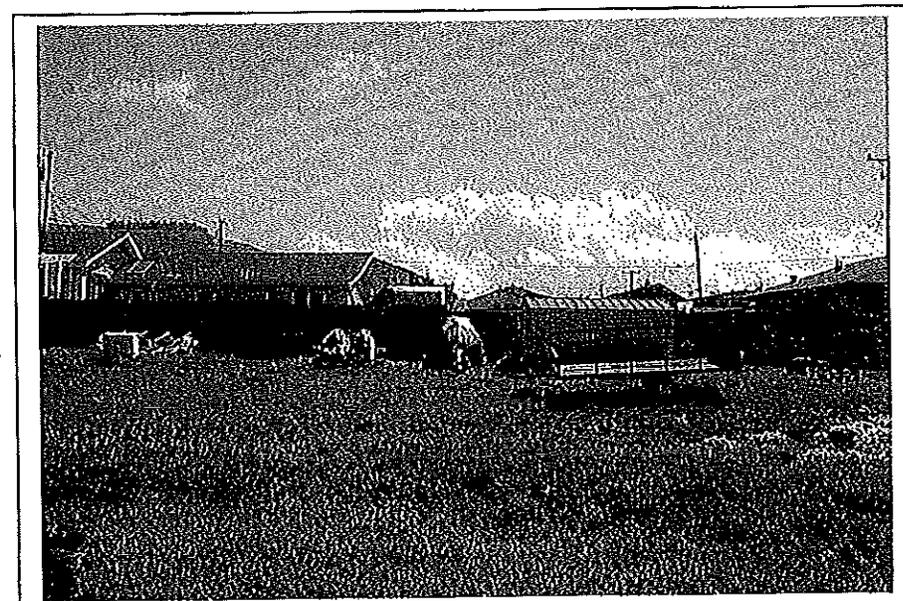
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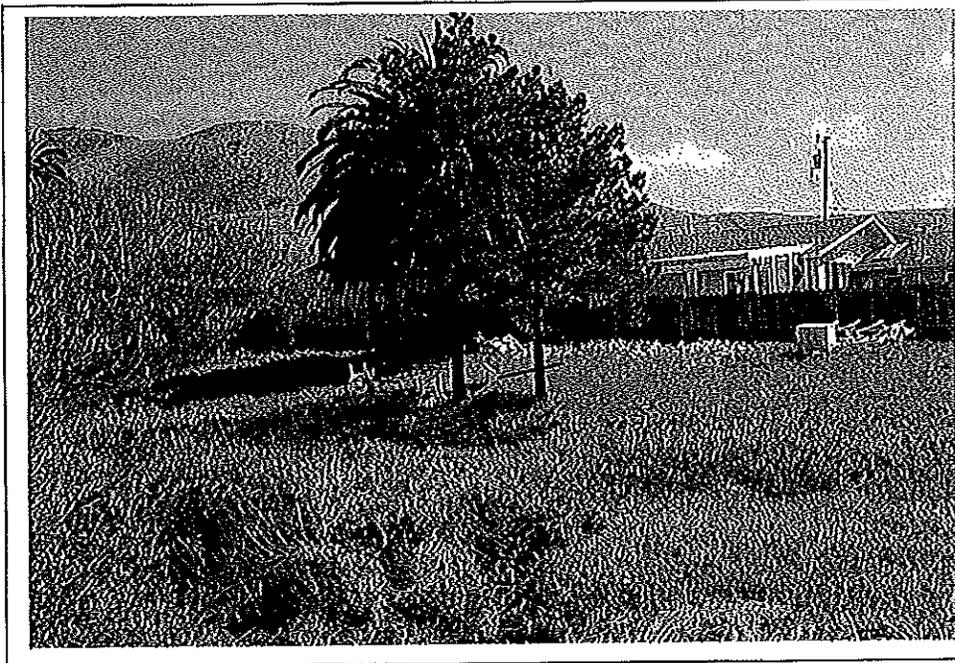
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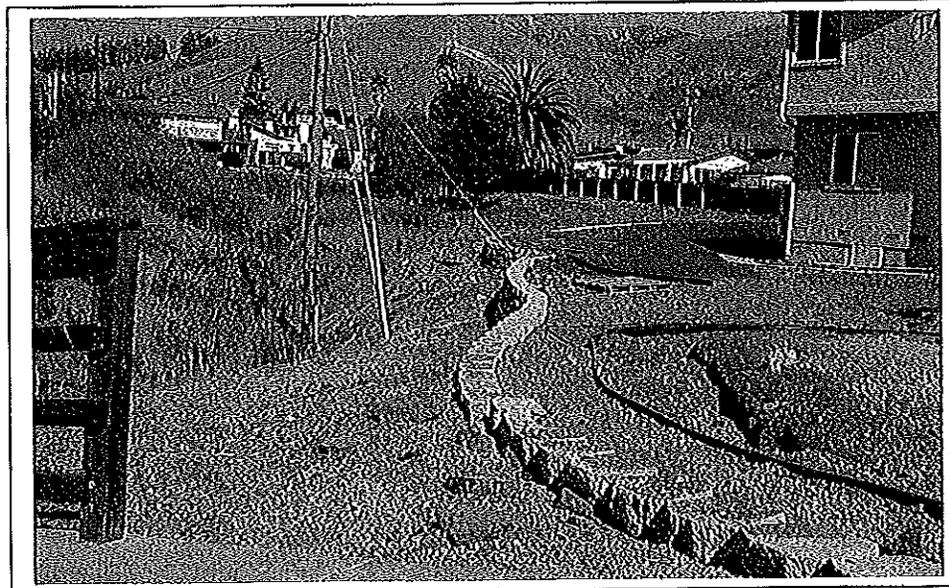
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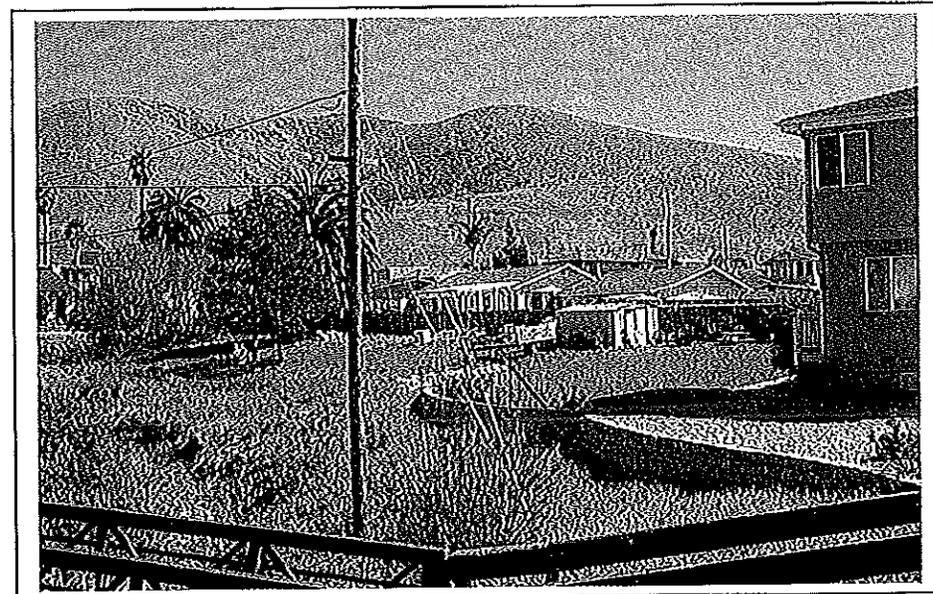
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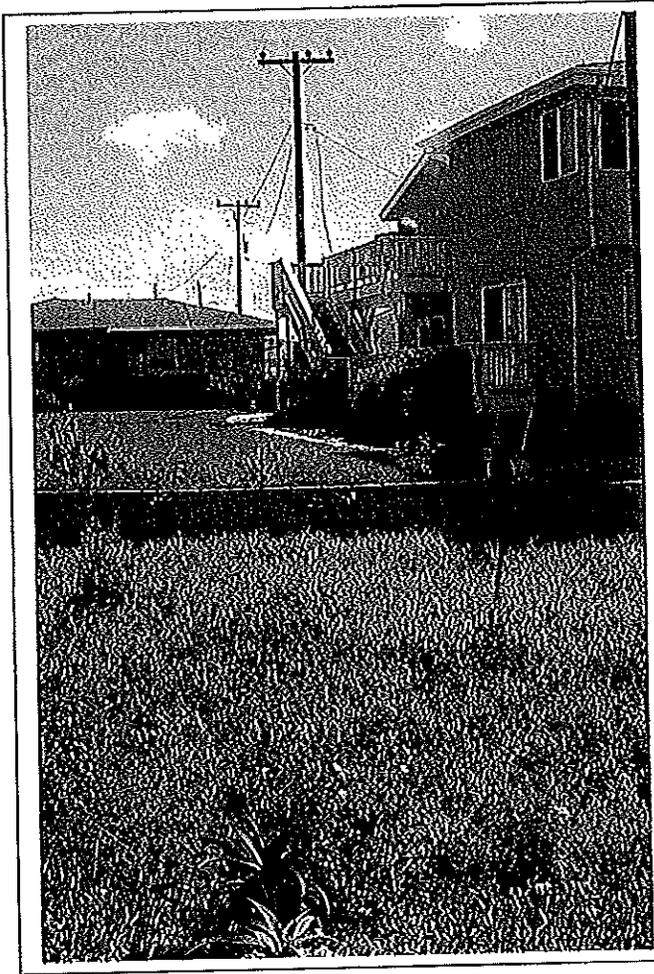
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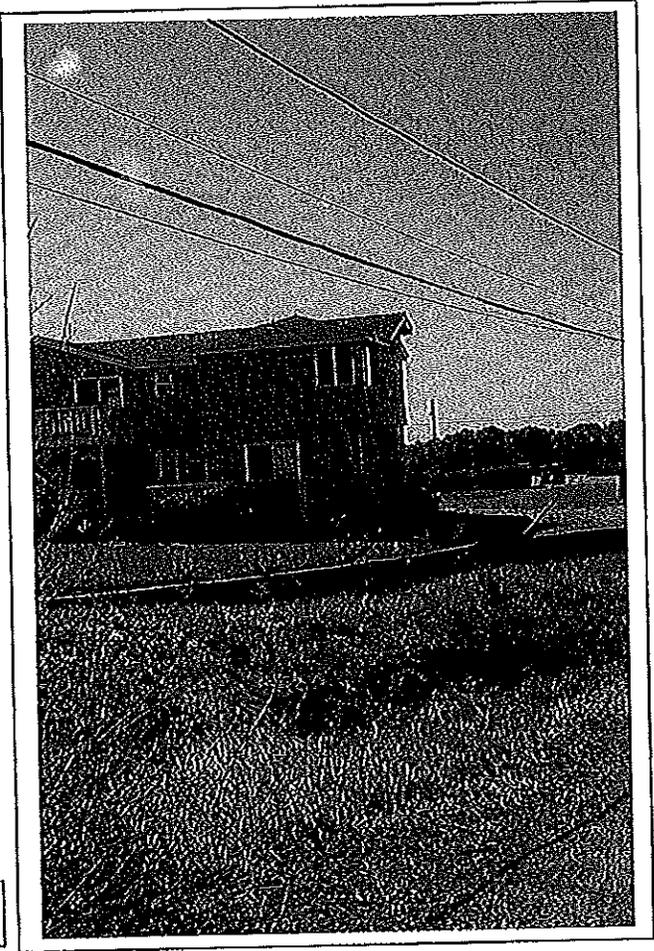
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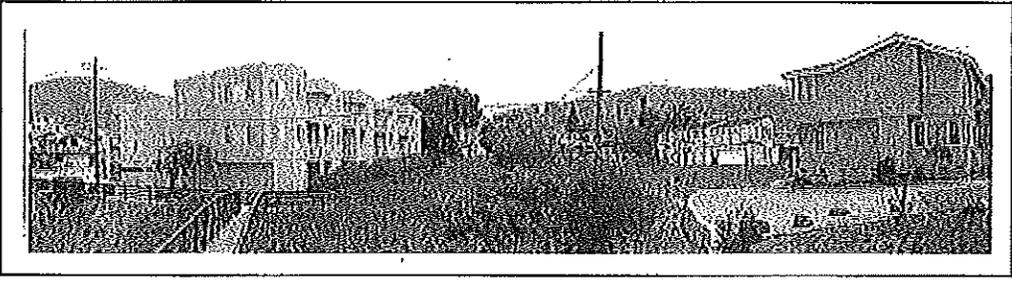
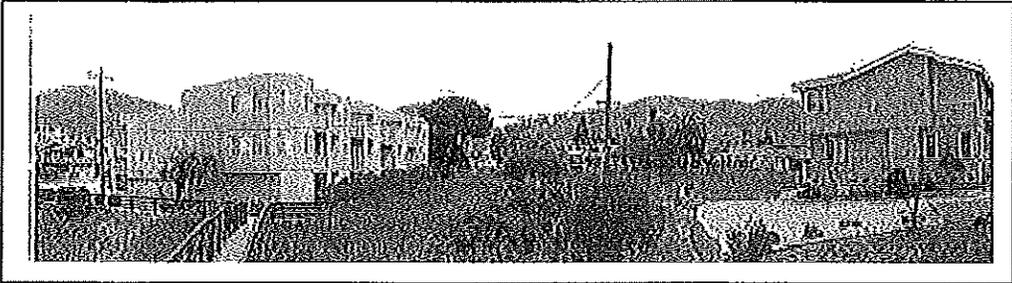
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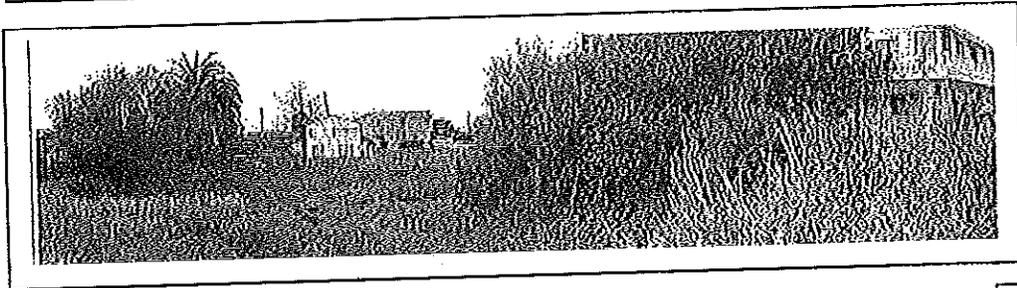
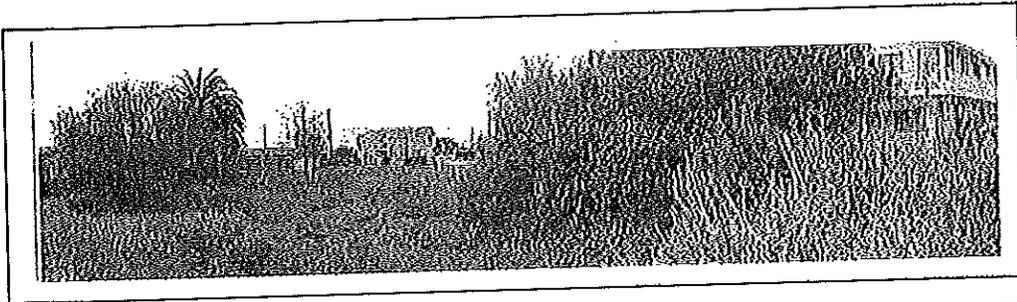
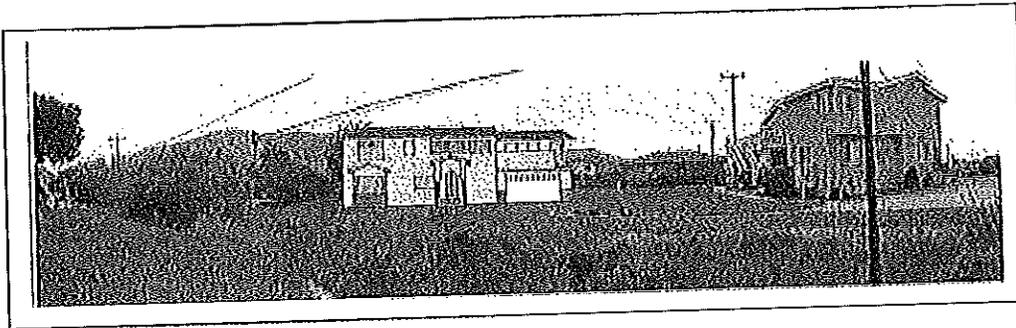
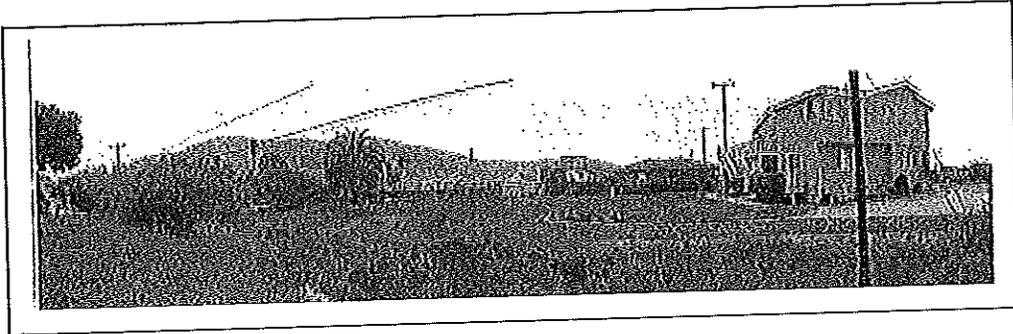
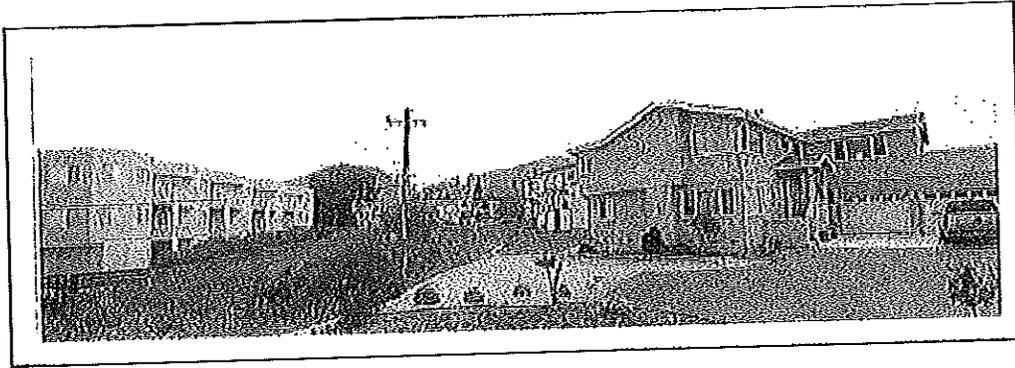
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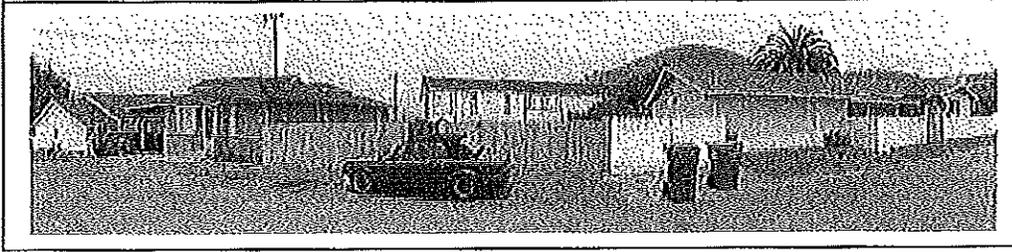
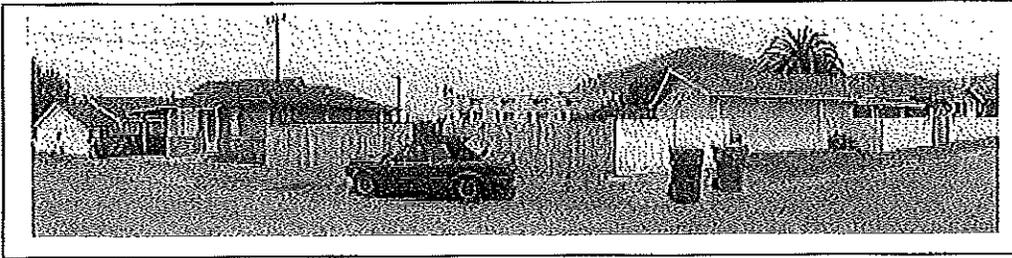
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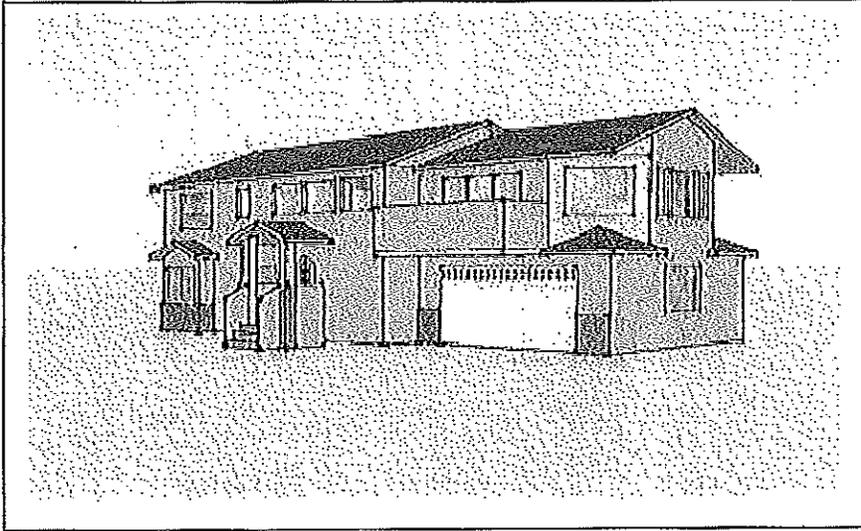
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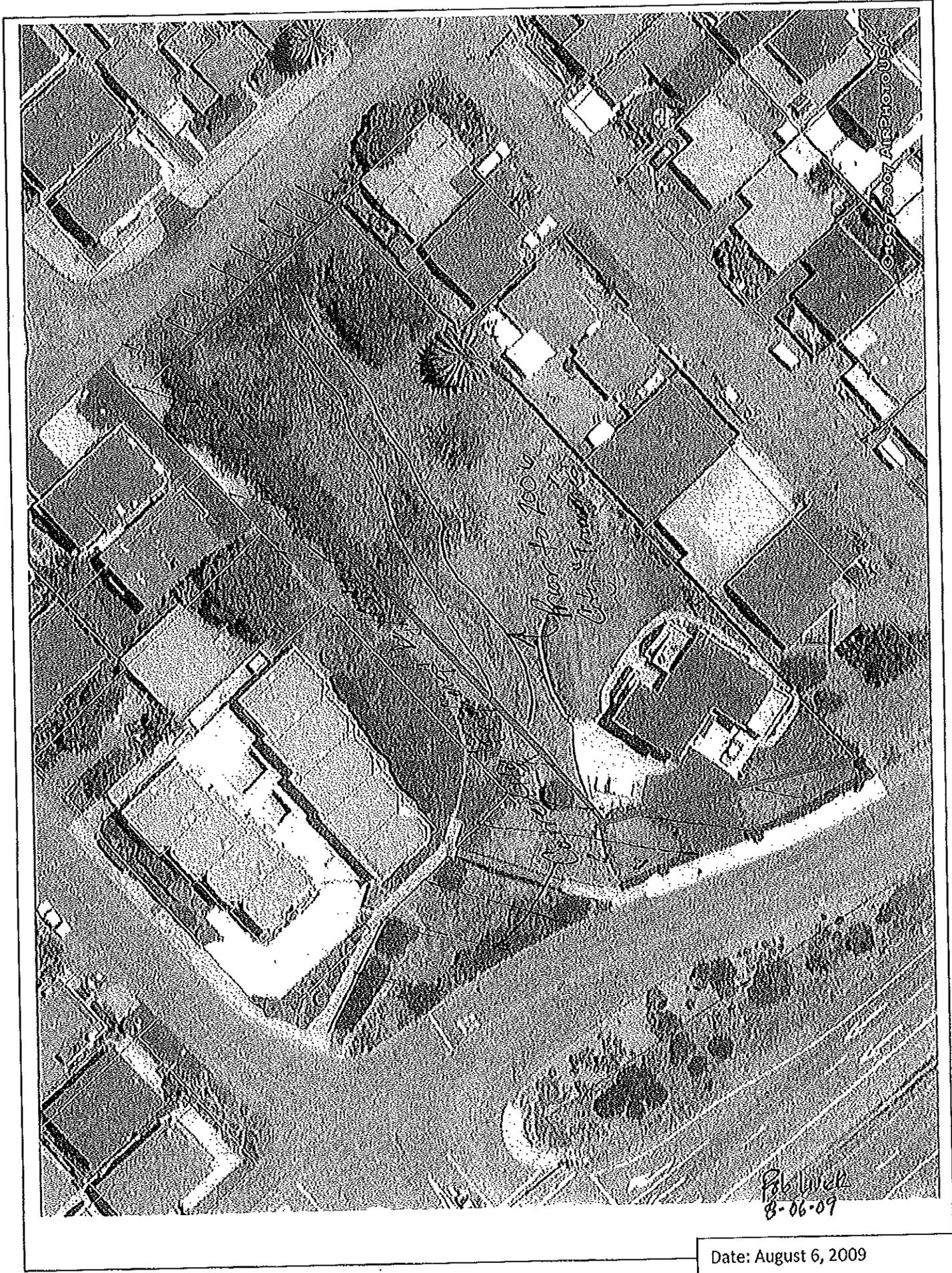
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Date: August 6, 2009

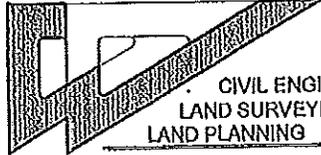
EXHIBIT L

Westland Engineering, Inc.

August 10, 2009

Response to City's Comments

WESTLAND ENGINEERING, INC.



CIVIL ENGINEERING  
LAND SURVEYING  
LAND PLANNING

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

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

### ISSUES

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

### LOW IMPACT DEVELOPMENT

#### ORDINANCE

Reference: Title 14, Chapter 14.48 of the City Code

The referenced City Code requires:

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

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

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

## EXISTING CONDITIONS

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

## STORM FLOWS

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

## PROJECT

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

### Creek Flow at Main Street

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

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

\*\* = Calculated

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

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

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

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

## PROPOSED MITIGATION

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

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

## HISTORICAL FLOW PATTERN

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

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

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

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

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

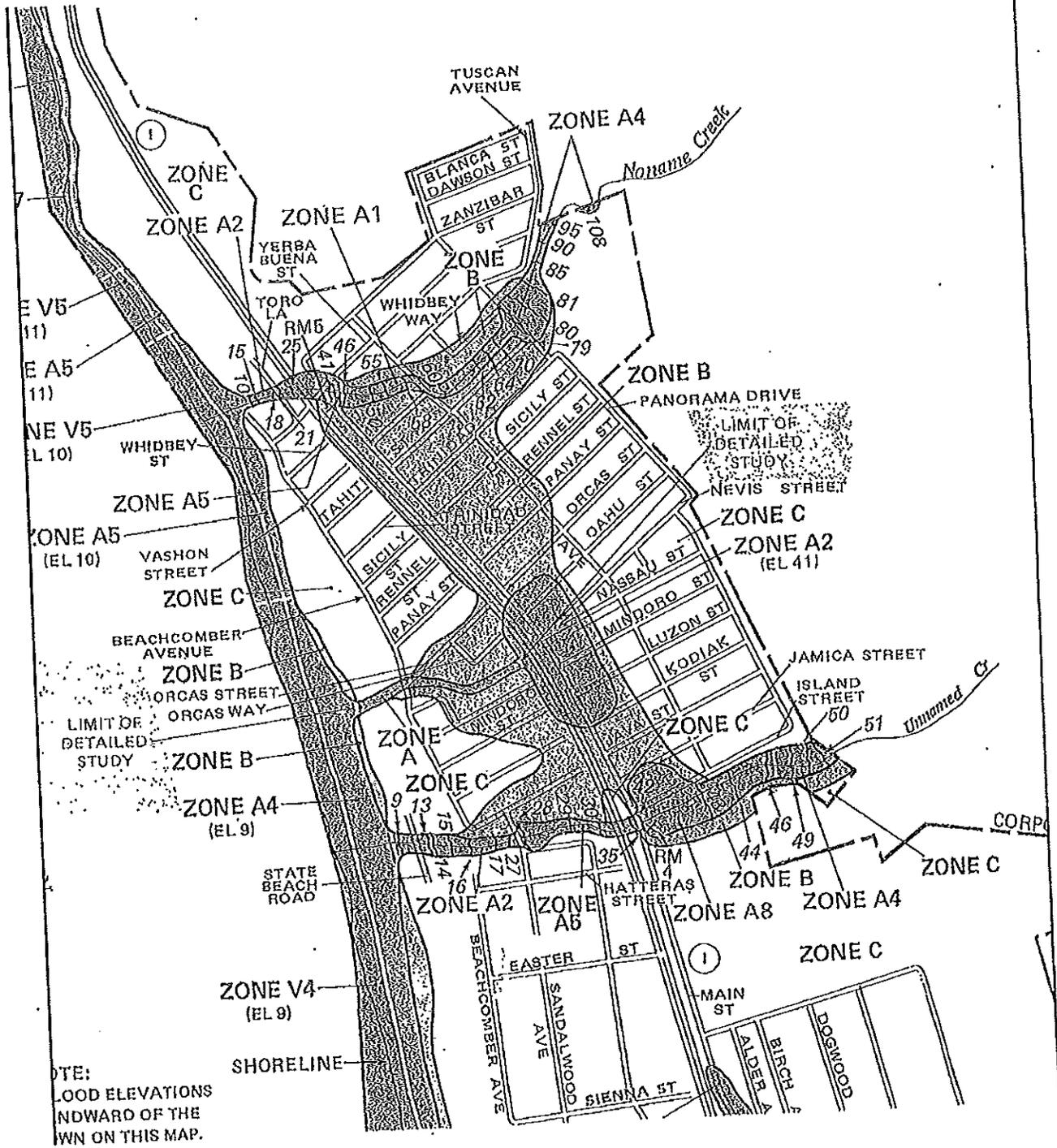
Comparisons of photographs taken in 2001 and the recent site visit indicate that a lawn area between the sidewalk and the house has been filled to about the level of the sidewalk. The filled area drains across the constructed driveway in a flat swale.

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

#### **PROJECT STRUCTURE ELEVATION**

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

# APPENDIX A



NOTE:  
 FLOOD ELEVATIONS  
 SHOWN UPWARD OF THE  
 SHORELINE ON THIS MAP.

EXHIBIT M

OCTOBER 21, 2009

DEPARTMENT OF FISH AND  
GAME LETTER



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

ARNOLD S. ARZENEGGER, Governor  
DONALD KOCH, Director



RECEIVED

OCT 26 2009

City of Morro Bay  
Public Services Department

October 21, 2009

John Medina  
3390 North Main Street  
Morro Bay, California 93442

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

Dear Mr. Medina:

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

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

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

John Medina  
October 21, 2009  
Page Two

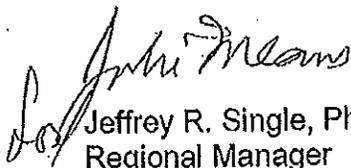
be south of, and several feet from, the stream bank and the ESH. The proposed home site would be farther south and away from the ESH. Based on Mr. Hill's site visit, the Department has determined that construction of the wall extension and home would not adversely affect the ESH; and therefore, the Department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

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

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

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

Sincerely,



Jeffrey R. Single, Ph.D.  
Regional Manager

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

EXHIBIT N

BIOLOGIST'S ADDENDUM TO  
REPORT

RECEIVED

NOV 30 2009

City of Morro Bay  
Public Services Department

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

November 18, 2009

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

Dear Kathleen Wold,

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

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

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

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

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

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

Sincerely,



Mike McGovern Ph. D.

EXHIBIT O

Correspondence

From

Bill Kirchner, PWS

Chief NWI Branch

U.S. Fish and Wildlife Services

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

Rob,

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

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

Bill

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

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

Rob et al:

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

Please let me know if you have questions.

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

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

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

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

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

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

Rob et al:

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

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

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

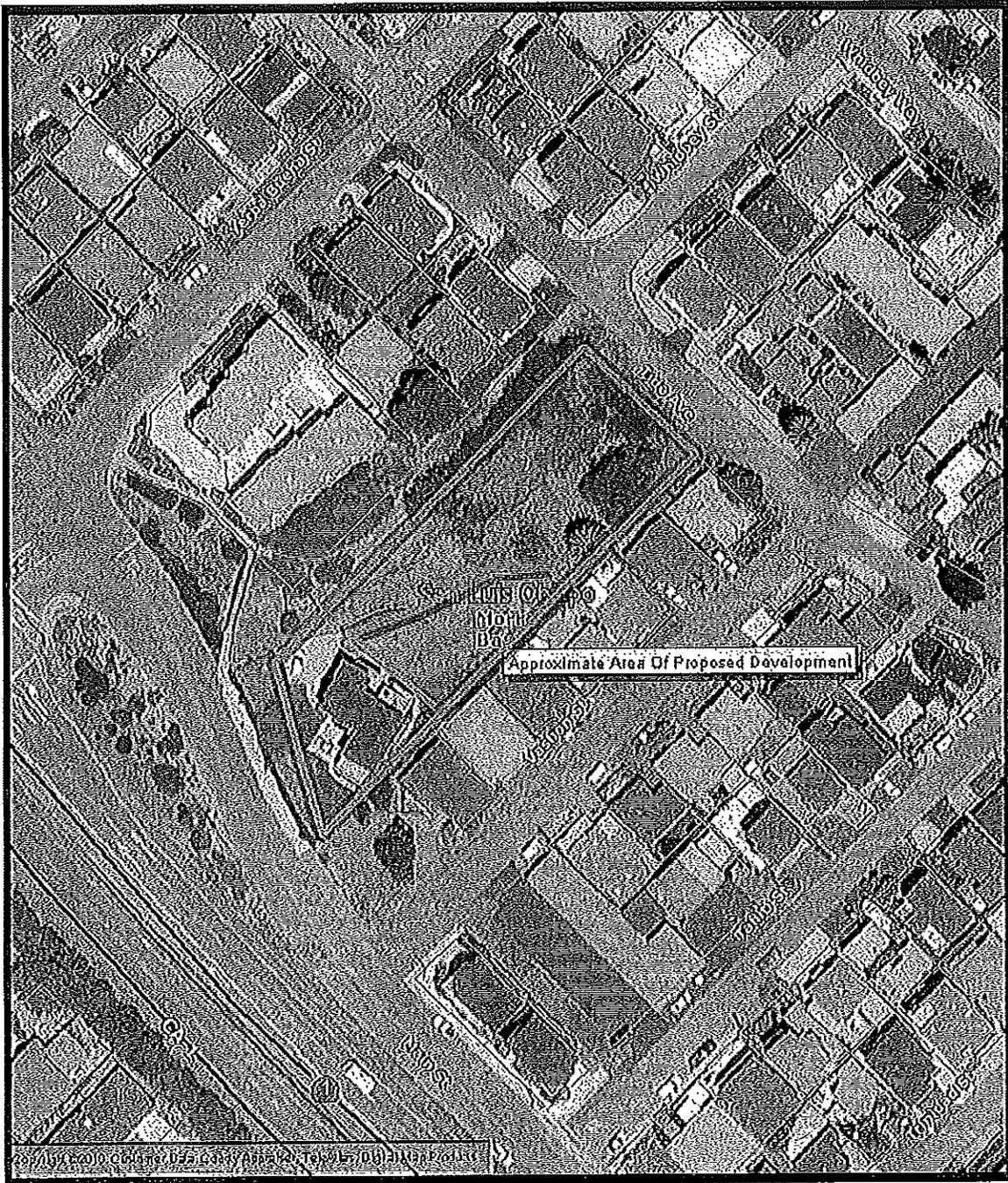
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I have no comment on the application of the local ordinance rules.

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







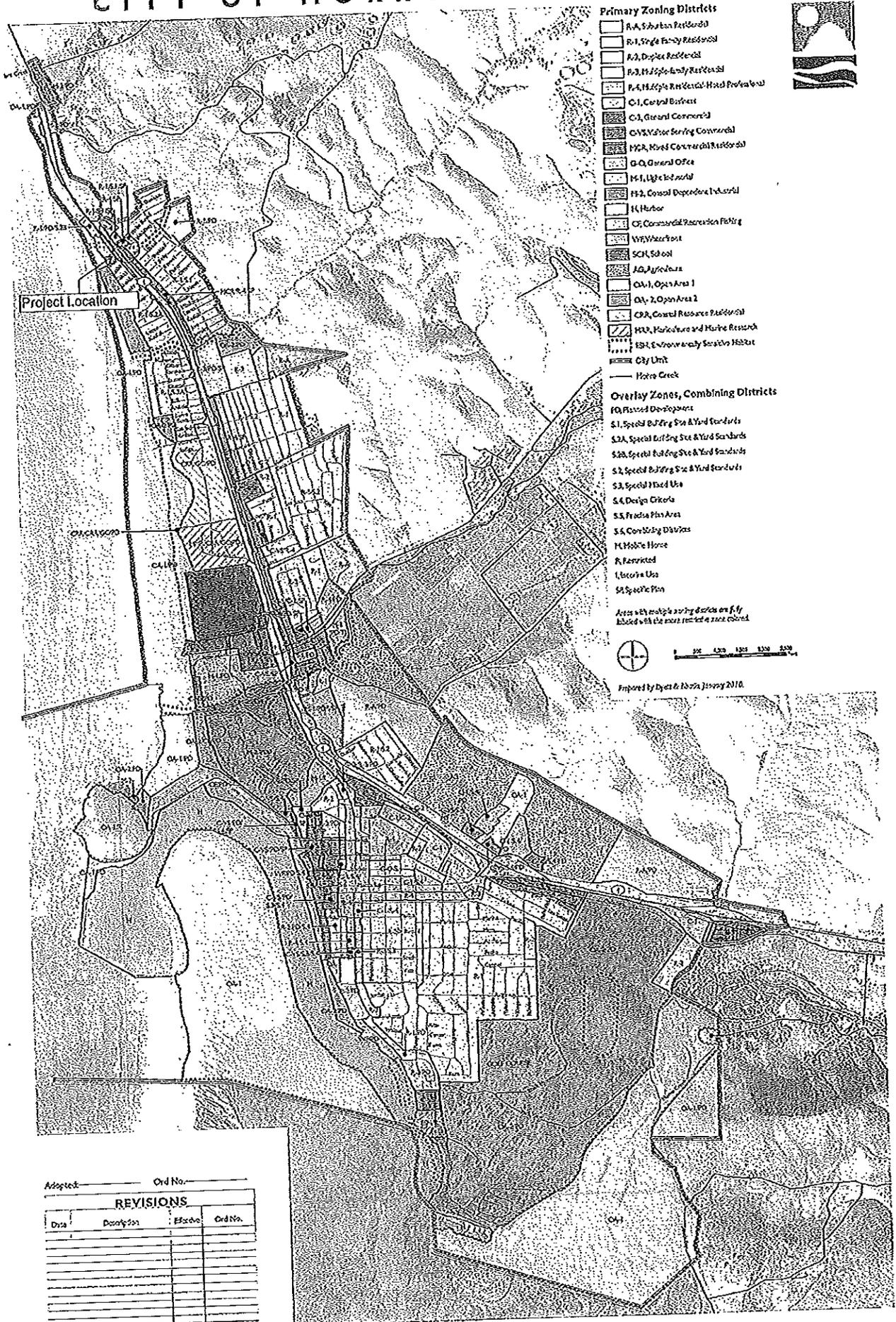
DIGITAL MAP  
PRODUCTS

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



100 ft  
CityGIS

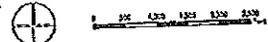
# CITY OF MORRO BAY ZONING



- Primary Zoning Districts**
- RA, Suburban Residential
  - R-1, Single Family Residential
  - R-2, Duplex Residential
  - R-3, Multiple Family Residential
  - R-4, Multiple Residential-Hotel/Provincial
  - CB-1, Central Business
  - CC-1, General Commercial
  - CC-2, Visitor Serving Commercial
  - CC-3, Mixed Commercial/Residential
  - GO, General Office
  - ML, Light Industrial
  - PI-2, Coastal Dependence Industrial
  - H, Harbor
  - CR, Commercial Recreation Fishing
  - WV, Waterfront
  - SCH, School
  - AG, Agriculture
  - OA-1, Open Area 1
  - OA-2, Open Area 2
  - CPA, Coastal Resource Residential
  - HR, Recreation and Marine Research
  - ESR, Environmentally Sensitive Habitat
  - City Limit
  - Morro Creek

- Overlay Zones, Combining Districts**
- FD, Revised Development
  - S-1, Special Building Size & Yard Standards
  - S-2A, Special Building Size & Yard Standards
  - S-2B, Special Building Size & Yard Standards
  - S-2, Special Building Size & Yard Standards
  - S-3, Special Mixed Use
  - S-4, Design Criteria
  - S-5, Prudential Plan Area
  - S-6, Combining Districts
  - M, Mobile Home
  - R, Restricted
  - L, Local Use
  - SP, Specific Plan

Areas with multiple zoning districts are fully shaded with the most restrictive zone colored.



Prepared by Dyett & Dorn, January 2010.

Adopted: _____ Ord No. _____			
REVISIONS			
Date	Description	Effective	Ord No.

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

Kathleen and Rob:

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

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

Bill

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

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

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

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

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

Should you have any questions please call me!

Bill

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

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

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

Thursday, February 25, 2010 2:58 PM

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

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

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

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

Let me know if you need additional information!

Bill

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

Johnnie Medina  
<johnnie.medina@gmail.com>

02/25/2010 02:39  
PM

<Bill\_Kirchner@fws.gov>

To

cc

Subject

Medina Project

My email.

Much thanks again.

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

Mr. Kirchner,

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

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

Thank you for your time.

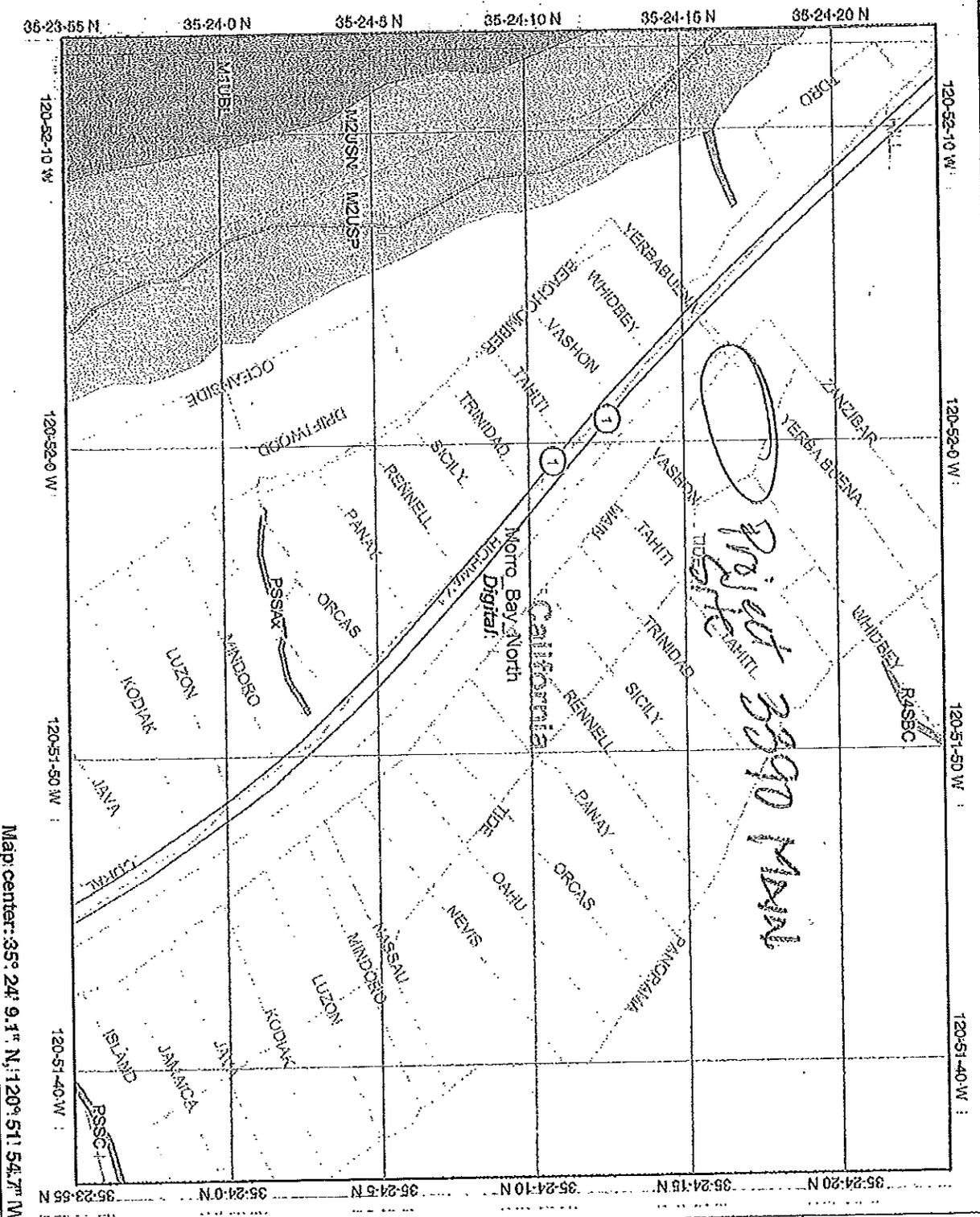
Sincerely,

Rob

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

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

U.S. Fish & Wildlife Service National Wetlands Inventory



This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 35° 24' 9.1" N; 120° 51' 54.7" W



**Legend:**

- Interstate
- Major Roads
- Other Road
- Interstate
- State Highway
- US Highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Decapoda
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties (100K)
- States (100K)
- South America
- North America

Scale: 1:6,134



# Wetland Regulatory Authority

## Regulatory Requirements

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



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

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

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

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

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

### Agency Roles and Responsibilities

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

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

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

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

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



Striped bass

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

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

**Manual for Identifying Wetlands**

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

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

**Wetlands on Agricultural Lands**

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



Water lilies

**The Wetland Fact Sheet Series**

EPA843-F-04-001  
Office of Water

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

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

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

**Wetland Resources**

**On the Internet**

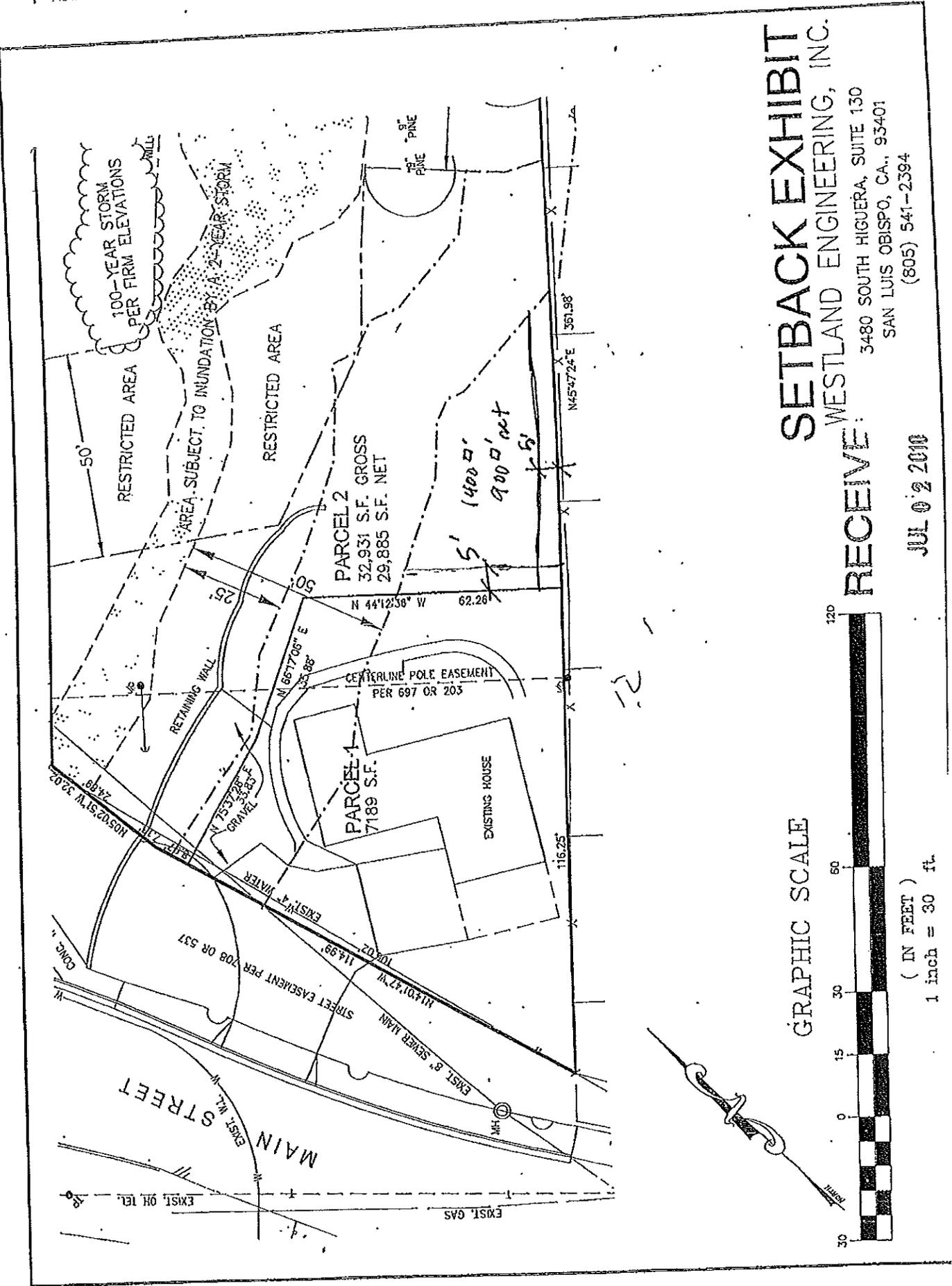
- EPA's Wetlands Website ..... [www.epa.gov/owow/wetlands/regs/](http://www.epa.gov/owow/wetlands/regs/)
- Section 404 of the Clean Water Act ..... [www.epa.gov/owow/wetlands/laws/](http://www.epa.gov/owow/wetlands/laws/)
- Wetland Delineation Manual ..... [www.wes.army.mil/el/wetlands/wlpubs.html](http://www.wes.army.mil/el/wetlands/wlpubs.html)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

**In Print**

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

EXHIBIT P

GRAPHIC SHOWING ESH  
SETBACK AND REMAINING  
BUILDING PAD



**SETBACK EXHIBIT**  
**WESTLAND ENGINEERING, INC.**  
 3480 SOUTH HIGUERA, SUITE 130  
 SAN LUIS OBISPO, CA., 93401  
 (805) 541-2394



JUL 02 2010

RECEIVED

EXHIBIT Q

---

APPLICANT'S LETTER  
REGARDING BUFFER  
REDUCTION JUSTIFICATION

3390 North Main Street  
Morro Bay, CA 93442  
05 July 2010

Mr. Rob Livick  
Public Works Advisory Board  
955 Shasta Avenue  
Morro Bay, CA 93442

Mr. Livick,

Per your request this is my formal request and explanation in regards to my proposed buffer reduction at my project site;

There are policies within the City's Local Coastal Plan that address the buffering setbacks and also the reductions allowed in ESA areas. Specifically the reductions are allowed when the parcels would be rendered unusable for its designated use. Furthermore, the LCP allows for buffer reductions to 25 feet within an urban area. This site is located within an urban area and should be considered as such.

This determination would be consistent with other properties in the same zoning designation that have been constructed near this site and other sites within the City of Morro Bay. With the inclusion of project conditions, his site is suitable for the development proposed and will provide the necessary buffering of any of the habitat area. The access way to the lot will also follow regulations as outlined within the City's Zoning Ordinance.

Thank You,

Johnnie Medina

**RECEIVED**

**JUL 07 2010**

**City of Morro Bay  
Public Services Department**

EXHIBIT R

**ADDITIONAL MATERIALS  
SUBMITTED BY THE APPLICANT  
ON JULY 14, 2010**

RECEIVED

Petition to allow Johnnie Medina: Terri Orton of Westland Engineering, Inc. agent.  
Building on Parcel mb07-0232 3390 Main Street Morro Bay 93442 File Number Bay  
SOO-089/CPO-276. Public Services Department

JUL 14 2010

Name	Address	Phone
CHRIS KNITTEL	421 BAKEMAN LN.	(805) 704-4509
Hunter Garris	1220 bond st	(805) 550-9441
John Tolman	1447 7TH ST	(805) 528-4156
<i>[Signature]</i>	160 Cecchetti Rd	805 489-5611
Brian Federico	3695 Lawnwood SLD	805 550-8145
Thomas Walton	1075 MUSCAT Ct Templeton	805 434 0734
Jim Rueda	3860 S. Higuera St. #185 San Luis Obispo	805-541-1948
<i>[Signature]</i>	12840 SANTA LUCIA MI ATASCANON CA 93422	805-703-9204
<i>[Signature]</i>	290 LOMA VISTA S.M	805 705 6860
CENEN SISON	70 Villa Ct. Pismo Beach	773-4956
Steve Zak	749 MAR VISTA DR. Los Osos	805 528-1408
James Kleiman	1501 Kiler Cyn RD, Paso Robles	(805) 610-1616
GREGORY L. KOVAC	8942 PALOMAR AVE. ATASCADERO	805 904 2964
RYAN MANUEL	1805 S. MIRASOL WAY ATASCADERO	(805) 471-3860
CHRIS CARBERO	948 SEABRIGHT AVE.	(805) 709-6904
Keith Pedersen	1261 Messing Ct. Grover Beh.	(805) 441-4523
DALE SYLVESTER	765 MESA VIEW DR ARROYO GRANDE CA	805-709-6053
KARL WOODSWITH	1436 W TRIPTECA SANTA MARIA	354-3301

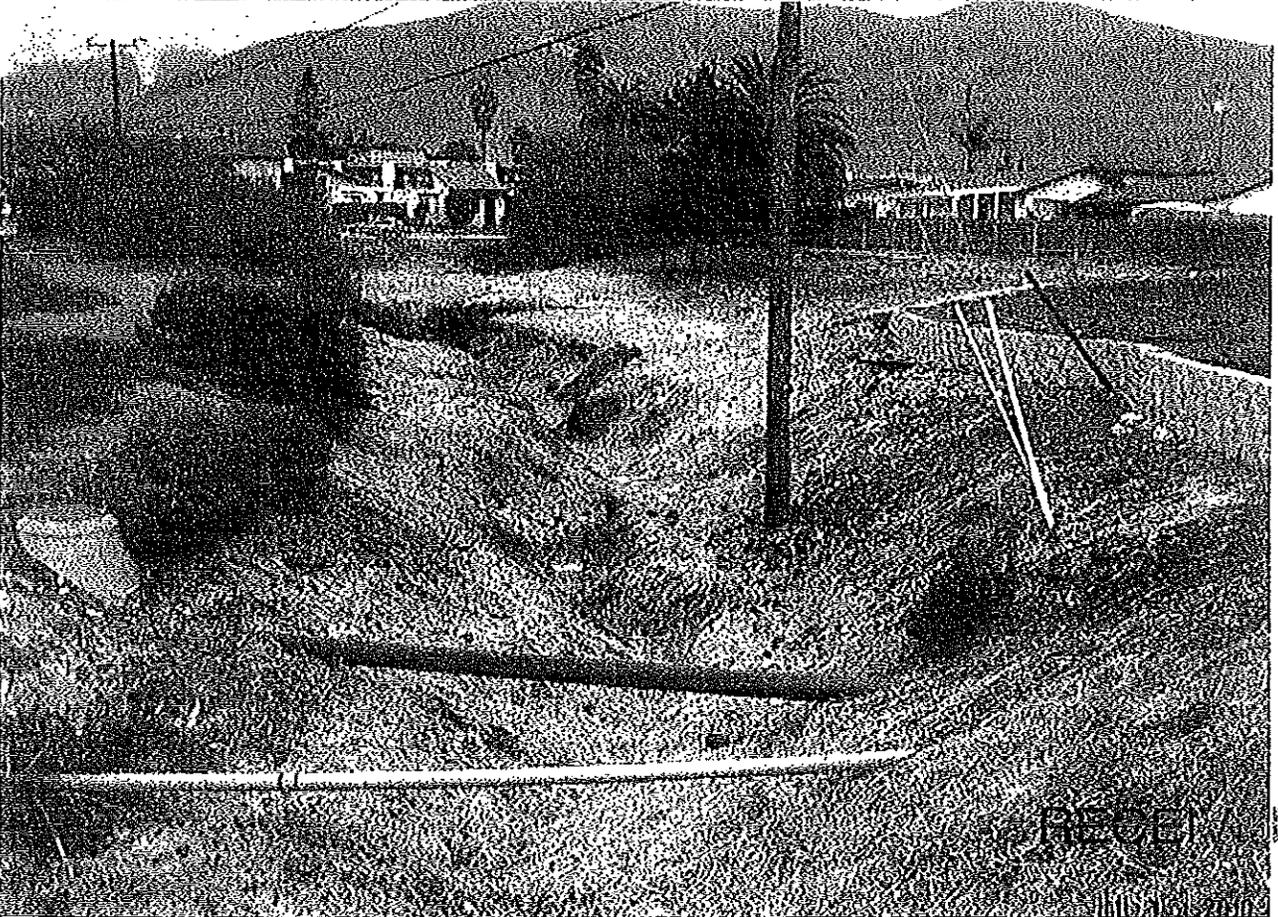
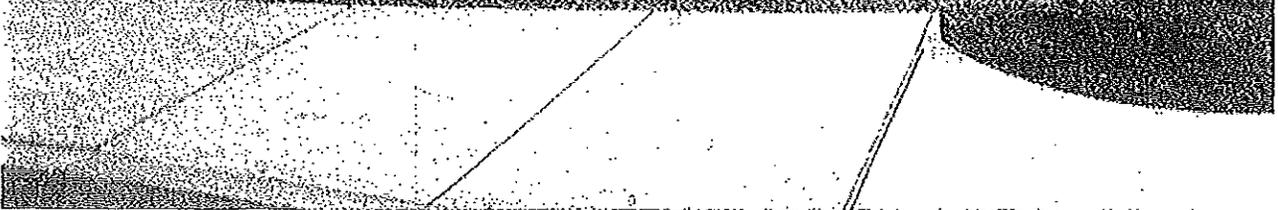
Carolyn Johnson	9458 Santa Lucia Atascadero, CA 93422	(805) 610-2731
CHRIS Michalek	33150 Rockview Pl SAN WIS OBISPO, CA	(805) 764-9489
CHRIS Wallace	1500 W. OAK AVE Lompoc CA 93436	805-286-8786
Sergio Laguna	8220 Corbarril Ave Atascadero, CA 93422	(805) 423-3430
Scott McKinney	10060 Atascadero Ave, Atascadero CA 93422	805 400-9769
Josh Brown	1905 Mesa Rd., Paso Robles, CA 93446	(805) 296-2223
Terri Ose	434 N. 2nd St Grover Beach 93433	(805) 550-3421
Lauren Lynn	2722 Nivola Pl Santa Maria, CA 95485	805-459-6622
Frank Ily	2700 Cienega Sp 45 OCSIANO, CA 93445	805 801-1261
Tina Williams	8105 Warren Rd Paso Robles, CA 93426	805-610-2609
Vickie Mcnary	183 S Elm St PG, CA 93420	805 431 2717

Petition to allow Johnnie Medina: Terri Orton of Westland Engineering, Inc. agent.  
Building on Parcel mb07-0232 3390 Main Street Morro Bay 93442 File Number  
SOO-089/CPO-276.

Name	Address	Phone
Pauline Stansbury	145 Java St. Morro Bay	772 4258
<del>Arthur A. Stansbury</del>	145 Java St. Morro Bay	772-4258
<del>D. Kelly</del>	390 Vashon St. Morro Bay	772-7508
Nolan Kirkley	456 Panay St. Morro Bay	772-3166
Carlo Balvez	456 Panay St. Morro Bay	772-3166
Charlie Balvez	1872 6street Los Osos	(805)234-6506
Nitza Balvez	1872 6street Los Osos	(805)234-6586
<del>General Balvez</del>	1872 6street Los Osos	(805)234-6587
	1077 9th St Los Osos	(805)534-9551



OCT 2002



RECEIVED

JUN 14 2010

I clean and cut vegetation through the right of way of Whidbey, Tide, and partially in through the back land area of Tide. When the Willows started growing back on Tide I cut them back.

Walter R. Rogers

12JUL2010

RECEIVED

JUL 14 2010

City of  
Public Service

EXHIBIT S

---

MATERIALS SUBMITTED BY THE  
CITIZENS GROUP OPPOSED TO  
THE PROJECT

RECEIVED

TO: MORRO BAY PLANNING COMMISSION

RE: 3390 MAIN ST., MB

July 14, 2010

JUL 14 2010

City of Morro Bay  
Public Services Department

PETITION ENCLOSED- IS NOW UP TO *120 SIGNATURES* OF CONCERNED CITIZENS OPPOSED TO SUB-DIVIDING CREEK AND ESHA.

*WE ARE REQUESTING DOCUMENTATION THAT THE APPLICANT HAS MEET ALL THE CONDITIONS SET BY THE PLANNING COMMISSION AT LAST YEARS JULY 20, 2009 MEETING.*

ATTACHED ARE PICTURES DOCUMENTING THE FOLLOWING:

- WILLOWS ALONG BOTH SIDES OF CREEK PRIOR TO MEDINAS BUILDING HOUSE
- 2009- WILLOWS COMPLETELY GONE ON SOUTH CREEK BANK BY MEDINAS HOUSE.
- TRASH DUMPED IN ESHA AFTER MEDINAS PROMISED TO ENHANCE THE AREA.
- AUG 2009- WILLOWS STARTING TO GROW BACK.
- JULY 2010- WILLOWS COMPLETELY GONE AGAIN. (WILLOWS ON OTHER SIDE OF CREEK ARE GROWING AND ABOUT 12 PLUS FEET TALL- EVIDENCE THAT WILLOWS ON MEDINAS AREA HAVE BEEN TAMPERED WITH AND ARE NOT ABLE TO GROW.)
- 2010- MEDINAS OLD SWING SET AND LADDER ABANDONED IN ESHA WILLOWS.
- OCT 2009- DOE AND FAWN FEEDING ON CREEK BANK.

THE APPLICANTS, THE MEDINAS HAVE SHOWN BLATANT DISREGARD FOR THE ENVIRONMENTALLY SENSITIVE HABITAT AREA, AS EVIDENCED IN THE PICTURES. USING THE ESHA AS A TRASH DUMP, KILLING THE PINE TREES AND WILLOWS ON THEIR SIDE OF THE CREEK.

WE THE UNDERSIGNED PETITIONERS DO NOT WANT THIS ENVIRONMENTALLY SENSITIVE HABITAT AREA DEVELOPED, AND DO NOT WANT ESHA BORDERS CHANGED. WE ARE CONCERNED WITH DRAINAGE AS THIS NO-NAME CREEK DRAINS DIRECTLY INTO THE OCEAN. THERE ARE RED LEGGED FROGS IN THE AREA, AS WELL AS DEER, RACOONS, SKUNKS, AND BIRDS, CONTRARY TO THE BIOLOGIST HIRED BY MEDINAS.

June 18, 2009

City of Morro Bay  
Public Notice of Availability  
955 Shasta Ave  
Morro Bay, CA 93442

RE: Case#S00-0889/CPO-276 Medina Parcel Map (MB 07-0232)  
Public meeting July 20, 2009 at 6 pm

To whom it may concern,

We are residents at 300 Vashon, Morro Bay, CA and are concerned for our property. We are unable to attend in person the meeting scheduled, but want to be heard.

We are contacting the City in writing per our notice dated 6-9-09. We are **NOT in favor** of this parcel being Subdivided to create a second lot for location 3390 Main Street, Morro Bay, CA. We feel the land in question was originally set up to be a natural drainage point for excess rain/water run off. Allowing another structure on the parcel would really **defeat the natural flow from our homes.** The house's directly beside the parcel in question would really feel the impact of the natural flow of rain/water run off, as the parcel at 3390 was built above the original land level, so the water now drain's back to the area of Vashon, not into the ravine, which cause's flooding.

The city manager has come out to our homes at the corner of Main/Vashon and did an assessment that concluded that we could flood in the invent of a hard rainy season, due to the lack of drainage when the house at 3390 Main was built.

**We do NOT want this parcel subdivided.**

Thank you,

Jeff & Stacy Shinoda  
300 Vashon  
Morro Bay, CA 93442  
APN: 065-041-22



# Save our green belt!

Petition to stop the building of a single-family residence at the property of 3390 Main st.

TOTAL: 108 signatures

- |     |  |
|-----|--|
| 86  | Name: <u>Leone Davison</u> <sup>103</sup> Name: <u>Bill Murray</u> Name: _____   |
|     | Address: <u>2790 Main St</u> Address: <u>2650 Main</u> Address: _____            |
| 87  | Name: <u>1221 E CAMUS</u> Name: <u>MIKE K. ORBILY</u> Name: _____                |
|     | Address: <u>3025 SANDAL</u> Address: <u>498 B Hill St.</u> Address: _____        |
| 88  | Name: <u>Pamela Hood</u> Name: <u>Yarmin Maldonado</u> Name: _____               |
|     | Address: <u>1299 Los Olivos #17</u> Address: <u>361 Jamaica</u> Address: _____   |
| 89  | Name: <u>Vince Cardenas</u> Name: <u>Jean Valletto</u> Name: _____               |
|     | Address: <u>560 Kings Ave.</u> Address: <u>485 Shore Ave</u> Address: _____      |
| 90  | Name: <u>PHILIP S BALS</u> Name: <u>Amber Daugherty</u> Name: _____              |
|     | Address: <u>3025 SANDAL</u> Address: <u>485 Shore Ave</u> Address: _____         |
| 91  | Name: <u>Margaret Cunn</u> Name: <u>Michelle Ayon</u> <sup>168</sup> Name: _____ |
|     | Address: <u>3025 SANDAL</u> Address: <u>510 Marina St.</u> Address: _____        |
| 92  | Name: <u>mike mullikin</u> Name: _____ Name: _____                               |
|     | Address: <u>2306 MEGA VISTA CT</u> Address: _____ Address: _____                 |
| 93  | Name: <u>J. HALE</u> Name: _____ Name: _____                                     |
|     | Address: <u>470 TAMALOA</u> Address: _____ Address: _____                        |
| 94  | Name: <u>ROBERT SMITH</u> Name: _____ Name: _____                                |
|     | Address: <u>721 CIRCAS</u> Address: _____ Address: _____                         |
| 95  | Name: <u>William Brandmeyer</u> Name: _____ Name: _____                          |
|     | Address: <u>521 Kensington St</u> Address: _____ Address: _____                  |
| 96  | Name: <u>Frank C. Gutierrez</u> Name: _____ Name: _____                          |
|     | Address: <u>2017 Sunset Ave.</u> Address: _____ Address: _____                   |
| 9   | Name: <u>Anthony Zing</u> Name: _____ Name: _____                                |
|     | Address: <u>3307 Achaon St</u> Address: _____ Address: _____                     |
| 97  | Name: <u>Gene Gisson</u> Name: _____ Name: _____                                 |
|     | Address: <u>340 Vashon St</u> Address: _____ Address: _____                      |
| 98  | Name: <u>KIKI OSHIBAYA</u> Name: _____ Name: _____                               |
|     | Address: <u>391 VASSTAD ST</u> Address: _____ Address: _____                     |
| 99  | Name: <u>Andy Bafy</u> Name: _____ Name: _____                                   |
|     | Address: <u>473 D St</u> Address: _____ Address: _____                           |
| 100 | Name: <u>Dick Ann Shank</u> Name: _____ Name: _____                              |
|     | Address: <u>P.O. Box 185</u> Address: _____ Address: _____                       |
| 101 | Name: <u>R. TERSNAY</u> Name: _____ Name: _____                                  |
|     | Address: <u>390 NEVLS</u> Address: _____ Address: _____                          |
| 102 | Name: <u>Thomas Moore</u> Name: _____ Name: _____                                |
|     | Address: <u>1472 11<sup>th</sup> St.</u> Address: _____ Address: _____           |

# Save our green belt!

Petition to stop the building of a single-family residence at the property of 3390 Main st.

- |    |  |  |   |   |
|----|--|--|---|---|
| 53 | Name <u>KEVIN FOELLER</u><br>Address <u>387 VASHON ST.</u>   | Name <u>Maggie Woods</u><br>Address <u>370 Alameda</u>         | 71  | Name <u>Richard Dorfblinger</u><br>Address <u>340 Tahiti St</u> |
| 38 | Name <u>Kim Kaseman</u><br>Address <u>451 W. Idaho St.</u>   | Name <u>Ikuro Shibata</u><br>Address <u>331 VASHON ST.</u>     | 72  | Name <u>Marcy Dorfblinger</u><br>Address <u>340 Tahiti St</u>   |
| 39 | Name <u>Craig Kaseman</u><br>Address <u>427 Bodiak St.</u>   | Name <u>Peter Saki</u><br>Address <u>2659 Main St.</u>         | Name <u>Simon Gray</u><br>Address <u>175 Sandpiper Ln</u>               |   |
| 40 | Name <u>Richard M'Albanel</u><br>Address <u>400 White</u>    | Name <u>Jim Nance</u><br>Address <u>250 Darnat</u>             | Name <u>Linda Hayes Allen</u><br>Address <u>3300 Sycamore</u>           |   |
| 41 | Name <u>Nancy M'Albanel</u><br>Address <u>400 White</u>      | Name <u>Abu Buisla</u><br>Address <u>477 Kan M.B.</u>          | Name <u>Conall P. Allen</u><br>Address <u>340 Sycamore</u>              |   |
| 42 | Name <u>DAN JAMES</u><br>Address <u>327 YERBA BUENA</u>      | Name <u>MAGGIE MATHIS</u><br>Address <u>2345 Main St</u>       | Name <u>Eric Fontalis</u><br>Address <u>28 20th</u>                     |   |
| 43 | Name <u>CAVAN HADLEY</u><br>Address <u>381 Tahiti St.</u>    | Name <u>Jean Mathis</u><br>Address <u>2130 Main St</u>         | Name <u>Holly Rodriguez</u><br>Address <u>3700 Las Posas St. MB, CG</u> |   |
| 44 | Name <u>Erin Hadley</u><br>Address <u>381 Tahiti St.</u>     | Name <u>Don Nelson</u><br>Address <u>370 VASHON ST</u>         | Name <u>Richard Miller</u><br>Address <u>671 Fresno Ave</u>             |   |
|    | Name <u>Michelle Arate</u><br>Address <u>361 Vashon St.</u>  | Name <u>Chris Minto</u><br>Address <u>251 Vashon St</u>        | Name <u>Nicole Esparca</u><br>Address <u>900 B. Napa Ave</u>            |   |
|    | Name <u>Laura Maurice</u><br>Address <u>330 Vashon St</u>    | Name <u>MIKE E. BRACCI</u><br>Address <u>1182 Pacific Blvd</u> | Name <u>Kailey Carney Ston</u><br>Address <u>1870 Sunny Hill</u>        |   |
| 45 | Name <u>Paul Warkli</u><br>Address <u>500 Alameda</u>        | Name <u>Barbara Volpa</u><br>Address <u>2970 Cedar Ave</u>     | Name <u>Brett Ash</u><br>Address <u>2700 Tierrasol</u>                  |   |
| 46 | Name <u>Don Warkli</u><br>Address <u>P.O. box 118 Murray</u> | Name <u>Frank Volpa</u><br>Address <u>2970 Cedar Ave</u>       | Name <u>JACK STAFFORD</u><br>Address <u>2680 Tierrasol</u>              |   |
| 47 | Name <u>KIRK KONTILIS</u><br>Address <u>28 20th St</u>       | Name <u>Arleta Aguilar</u><br>Address <u>2988 Birch Ave</u>    | Name <u>Walt Warkli</u><br>Address <u>3680 Tierrasol</u>                |   |
| 48 | Name <u>Violet Sugii</u><br>Address <u>1150 Monterey</u>     | Name <u>Jean Aguilar</u><br>Address <u>2988 Birch Ave</u>      | Name <u>Jeff Shiroda</u><br>Address <u>300 Vashon</u>                   |   |
| 49 | Name <u>Luella Harshey</u><br>Address <u>1150 Monterey</u>   | Name <u>Adeliza Norman</u><br>Address <u>370 Yorkon Burner</u> | Name <u>Barbara</u><br>Address <u>391 Vashon</u>                        |   |
| 50 | Name <u>BENNER HARRIS</u><br>Address <u>2461 KOA AVE</u>     | Name <u>Cortney Wagnel</u><br>Address <u>411 Dahn St</u>       | Name _____<br>Address _____   |   |
| 51 | Name <u>LORI OLIVERA</u><br>Address <u>281 SHASTA</u>        | Name <u>Bill Ziegler</u><br>Address <u>441 Dahn St.</u>        | Name _____<br>Address _____   |   |
| 52 | Name <u>LEROY STOCK STILL</u><br>Address <u>1900 SUNSET</u>  | Name <u>Fred Wilson</u><br>Address <u>2426 Reed Ct.</u>        | Name _____<br>Address _____   |   |

Name	Address	Phone
31 Roger Haas	175 Andros St Morro Bay	772-3350
32 <del>Michael</del>	371 VASHON market	748 7645
33 Dorothy Trola	370 VASHON Morro Bay	(818) 219-0445 cell
34 Anne Schoenauer	390 Vashon St Morro Bay	772-7508
35 Lucy Massey Lucy Massey	3348 Tide Ave, Morro Bay	225-1033
36 Wayne Brumham	3334 Tide Ave Morro Bay	772-8174
37 Catherine Brumham	340 Vashon St Morro Bay	None

~~38~~

~~39~~

~~40~~

- 772-7894
- 13 Ann Caffrey 350 Vashon, MORRO BAY CA
- 14 Bill Bush 195 FORMOSA ST, M.B. CA (215-0573)
- 15 Ray boat 371 Whiskey St
- 16 FOELKER KEVIN 387 Vashon St.
- 17 Hazel McKibbin 311 4th Main, MORRO BAY CA.
- 18 Glenn Sparks 46 10th St CORVUS
- 19 Tyler Sites 470 Island
- 20 Haze Stollmeyer 3310 N Main St 772-2702
- 21 ~~Ken Stollmeyer 320 10th~~ ~~772-2702~~
- 22 David Stollmeyer 340 Wickburg 772-2702
- 23 Millie & Dan Dusen 772-5334
- 24 Steve Marks 5425 Omeda 801-8858
- 25 Gary H. Grotte 1956 9th St, L.O. 801-0097
- 26 ~~Jane Masterson~~ JANE MASTERSON 3350 MAIN 805 772-4013
- 27 Amy Foslee 772-1302
- 28 Alex Quinn 772-9123
- 29 ~~Greg~~ 771-9320
- 30 ~~W~~ 298-6252

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

name	address	phon#
1 Anthony Taylor	330 VASHON ST. M-B	805-294-0250
2 Karra Mamer	330 VASHON ST. M-B	805 294-3200
3 Ronni Gates	340 VASHON ST. M-B	661-342-5385
4 Jeff Gates	340 VASHON ST. M-B	661 619 9614
5 Paul Willis	PO BOX 116 MB	(805) 459 8128
6 Don Miller	500 Adairadero Rd	805 772 5867
7 Margie Paragon	306 Yerba Buena	772-4232
8	351 Yerba Buena	1683
9 Michele Arata	361 Vashon	234-3550
10 Daniel Puett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Chomch	371 Vashon	772-8666

WILLOWS BEFORE HOUSE BUILT

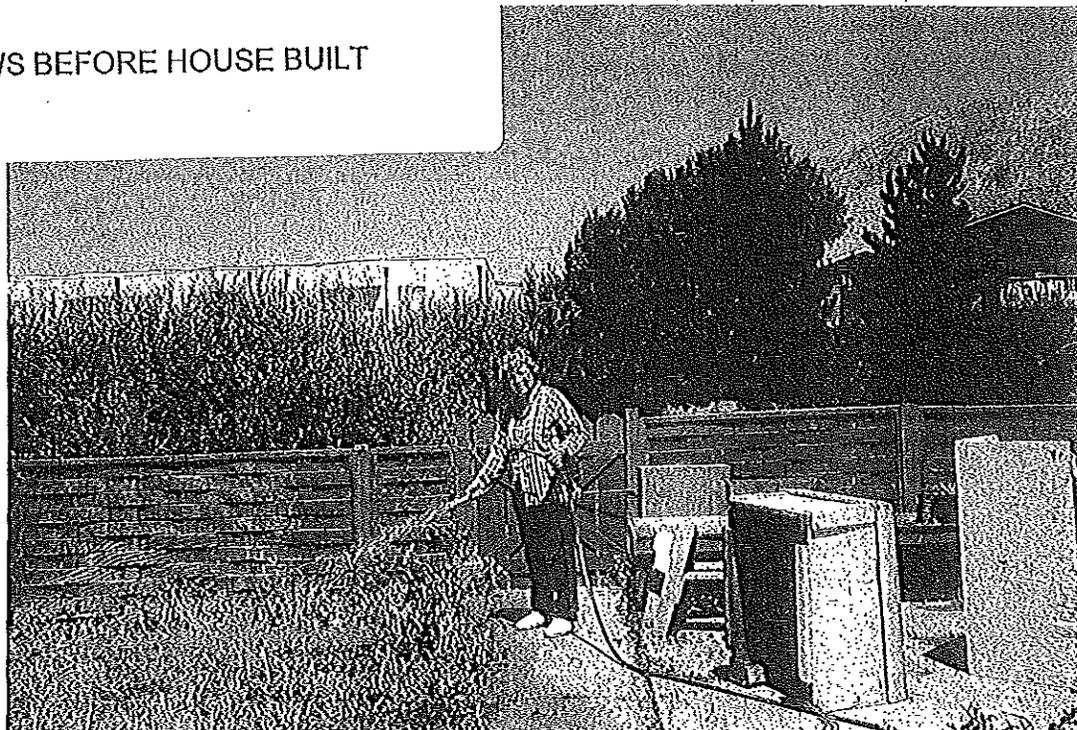
3390 Main

3350 Main



2000- WILLOWS BEFORE HOUSE BUILT

Willows  
BEFORE



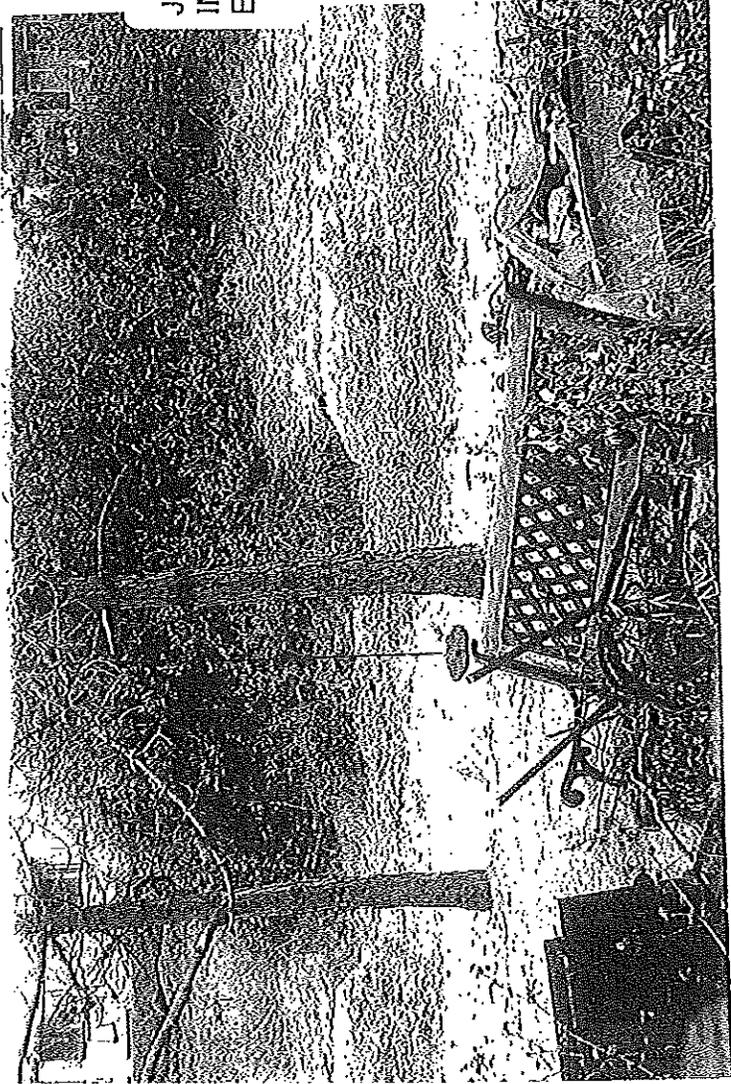
2009- WILLOWS GONE BY MEDINAS HOUSE



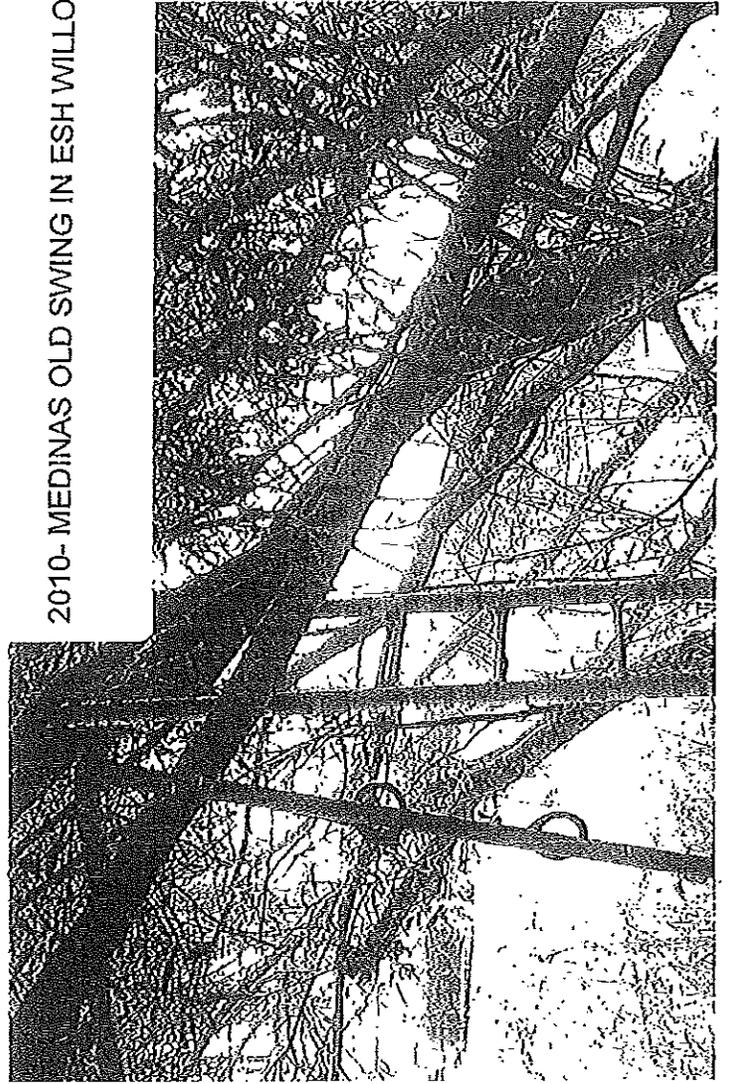
Willows  
After

July 2009

JULY 2009- TRASH DUMPED BY MEDINAS  
IN ESHA, AFTER THEY PROMISED TO  
ENHANCE THE AREA.



2010- MEDINAS OLD SWING IN ESH WILLOWS



OCT 2024 - DOE AND FAWN FEEDING ON  
CREEK BANK

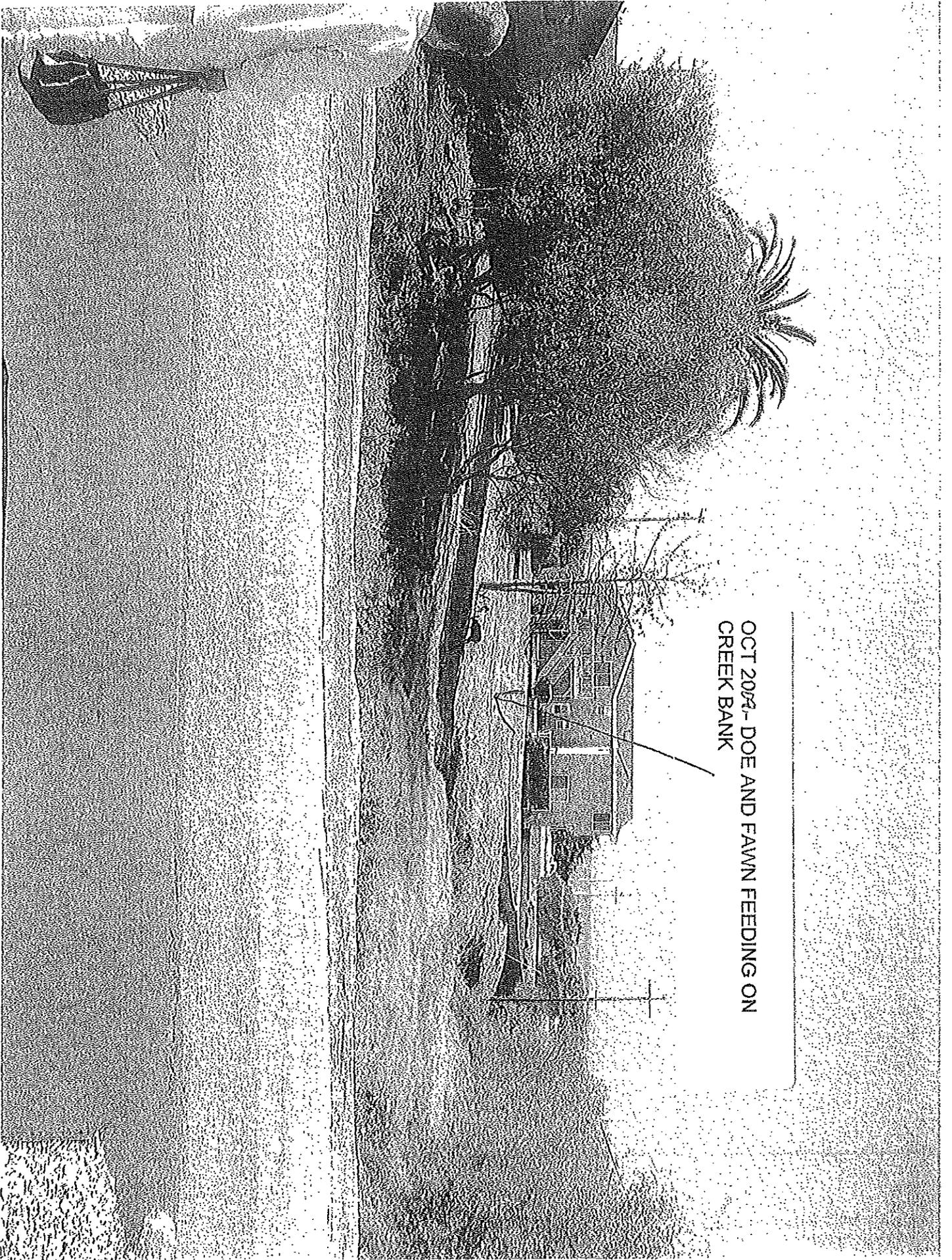


EXHIBIT T

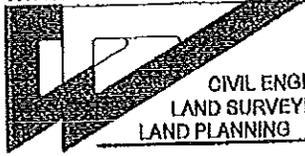
ADDITIONAL MATERIALS  
SUBMITTED BY THE APPLICANT  
ON JULY 15, 2010

RECEIVED

JUL 15 2010

City of Morro Bay  
Public Services Department

WESTLAND ENGINEERING, INC.



CIVIL ENGINEERING  
LAND SURVEYING  
LAND PLANNING

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

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

**ISSUES**

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

**LOW IMPACT DEVELOPMENT**

**ORDINANCE**

Reference: Title 14, Chapter 14.48 of the City Code

The referenced City Code requires:

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

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

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

## EXISTING CONDITIONS

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

## STORM FLOWS

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

## PROJECT

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

### Creek Flow at Main Street

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

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

\*\* = Calculated

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

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

Increase less than 5%

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

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

## PROPOSED MITIGATION

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

- Pavers for the driveway to reduce run-off
  - No sheet flow.
  - Flows directed to a bio-swale and then to a detention basin / bio-swale.
- All downspouts directed to either dry wells or the detention basin / bio swale.
- Bio-Swale - Grassy area that pre-treats flows directing flows to the detention basin.
- Detention Basin / Bio-Swale - Treats particulates, partially treats contaminants, and reduces peak flows.

Although the increase in drainage flows caused by the project are less than 5%, as noted above, some mitigation was assumed to be prudent. Therefore, a detention basin that would act as an additional bio-swale is proposed. This would treat the flows from the project letting particulates settle out and would reduce the peak flow. To size the basin the County of San Luis Obispo detention method (50-Year developed storm in, 2-Year undeveloped storm out) was used as a guide.

Developed Coefficient of Run-Off -- 90%  
Undeveloped Coefficient of Run-Off -- 40%  
Area -- 0.11 acres  
Required Storage = 220 cubic feet  
2-Year undeveloped outlet flow = 0.06 cfs

220 cubic foot provided in preliminary design. Alternate designs with same storage and treatment capacity could be substituted.

- If the bio-swales treatment are determined to be inadequate to remove particulates and contaminants, outlet flows should be treated with a fossil filter, sand filter, or equivalent BMP.

## HISTORICAL FLOW PATTERN

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

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

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

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

flow line and apparently caused ponding.

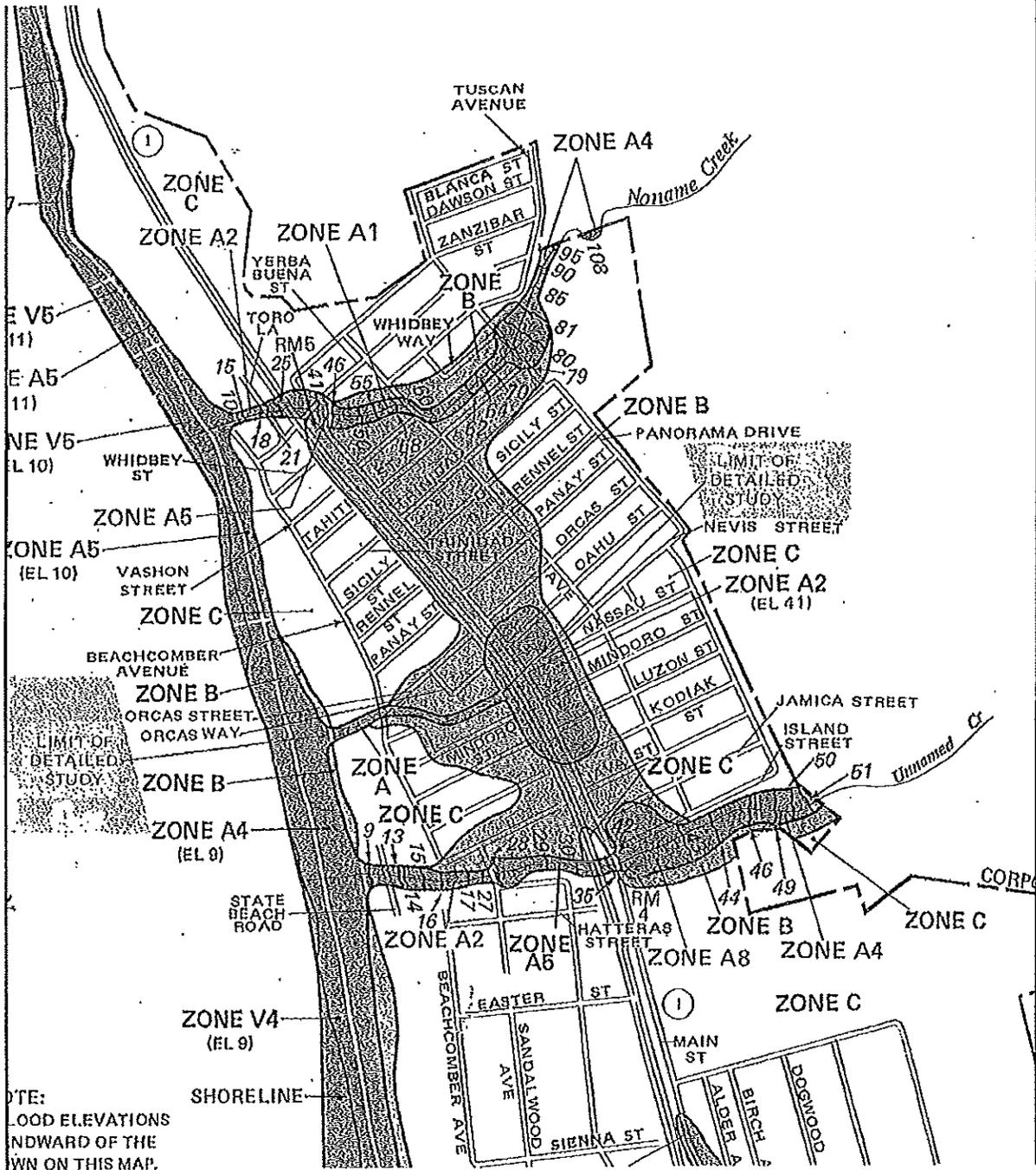
Field locations taken by this office prior to the street improvements show the low area and the higher elevation near the Creek. Most of the low area was within the Public right-of-way. Comparisons of photographs taken in 2001 and the recent site visit indicate that a lawn area between the sidewalk and the house has been filled to about the level of the sidewalk. The filled area drains across the constructed driveway in a flat swale.

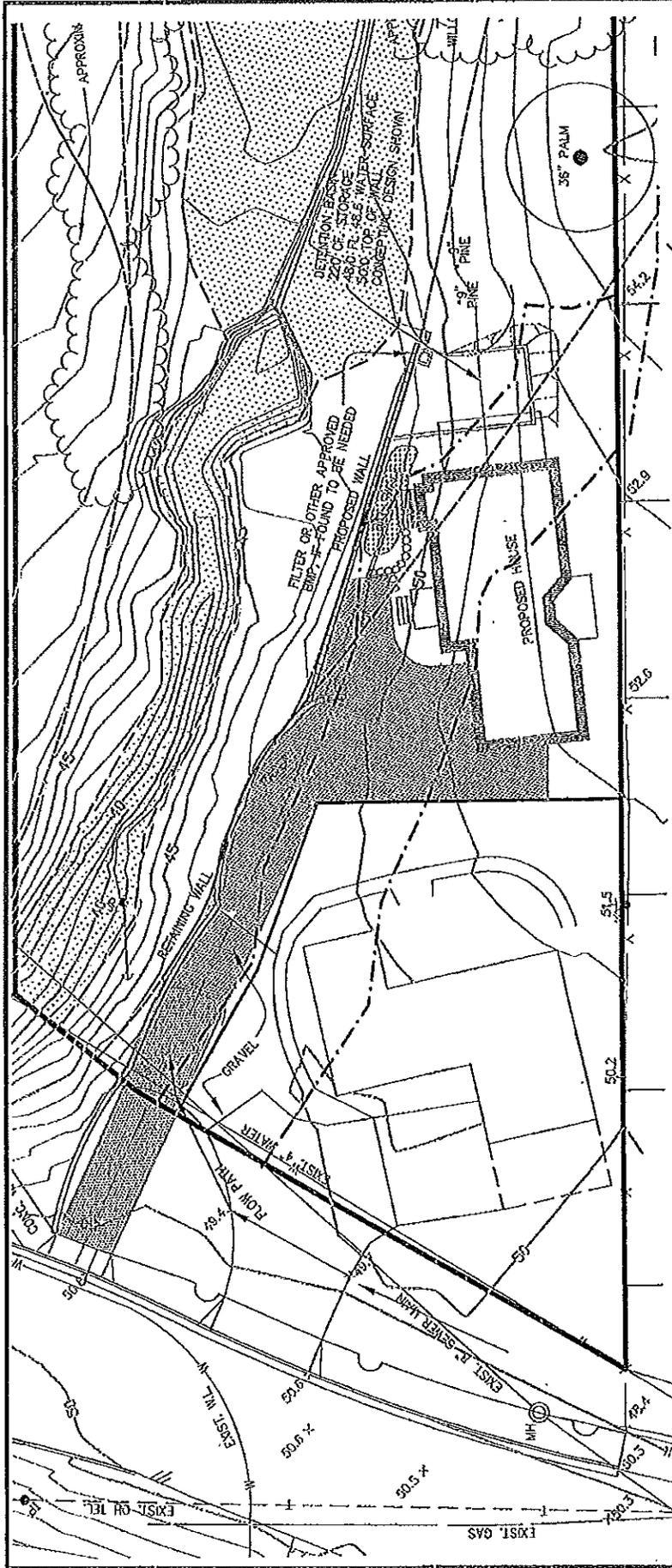
**CONCLUSIONS:** Based upon the available information, there appears to have been a low area near the street at the westerly corner of the neighboring property that filled during storms and then overtopped a low bank near the Creek. Larger flows would have emptied to the Creek along this path. This low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

#### **PROJECT STRUCTURE ELEVATION**

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

# APPENDIX A





- IMPROVEMENTS**
- PAVERS FOR THE DRIVEWAY TO REDUCE RUN-OFF - NO SHEET FLOW, FLOWS DIRECTED TO A BIO-SWALE AND THEN TO A DETENTION BASIN / BIO-SWALE.
  - ALL DOWNSPOUTS DIRECTED TO EITHER DRY WELLS OR THE DETENTION BASIN / BIO-SWALE.
  - BIO-SWALE - GRASSY AREA THAT PRE-TREATS FLOWS DIRECTING FLOWS TO THE DETENTION BASIN.
  - DETENTION BASIN / BIO-SWALE - TREATS PARTICULATES, PARTIALLY TREATS CONTAMINANTS, AND REDUCES PEAK FLOWS.

**FLOW INCREASE**

STORM EVENT	EXISTING CREEK FLOWS	INCREASE
2-YEAR	65 CFS	0.04 CFS = 0.06%
10-YEAR	100 CFS	0.05 CFS = 0.05%
50-YEAR	240 CFS	0.09 CFS = 0.04%
100-YEAR	315 CFS	0.10 CFS = 0.03%

**FLOW INCREASE <5% USE COUNTY OF SAN LUIS OBISPO DETENTION METHOD TO DETERMINE A DETENTION BASIN TO FURTHER MITIGATE FLOWS**

(50-YEAR DEVELOPED STORM IN 2-YEAR UNDEVELOPED STORM CUT)  
 DEVELOPED COEFFICIENT OF RUN-OFF - 9% UNDEVELOPED COEFFICIENT OF RUN-OFF - 40%

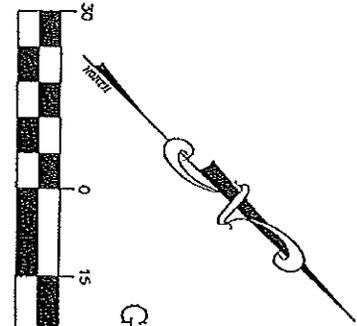
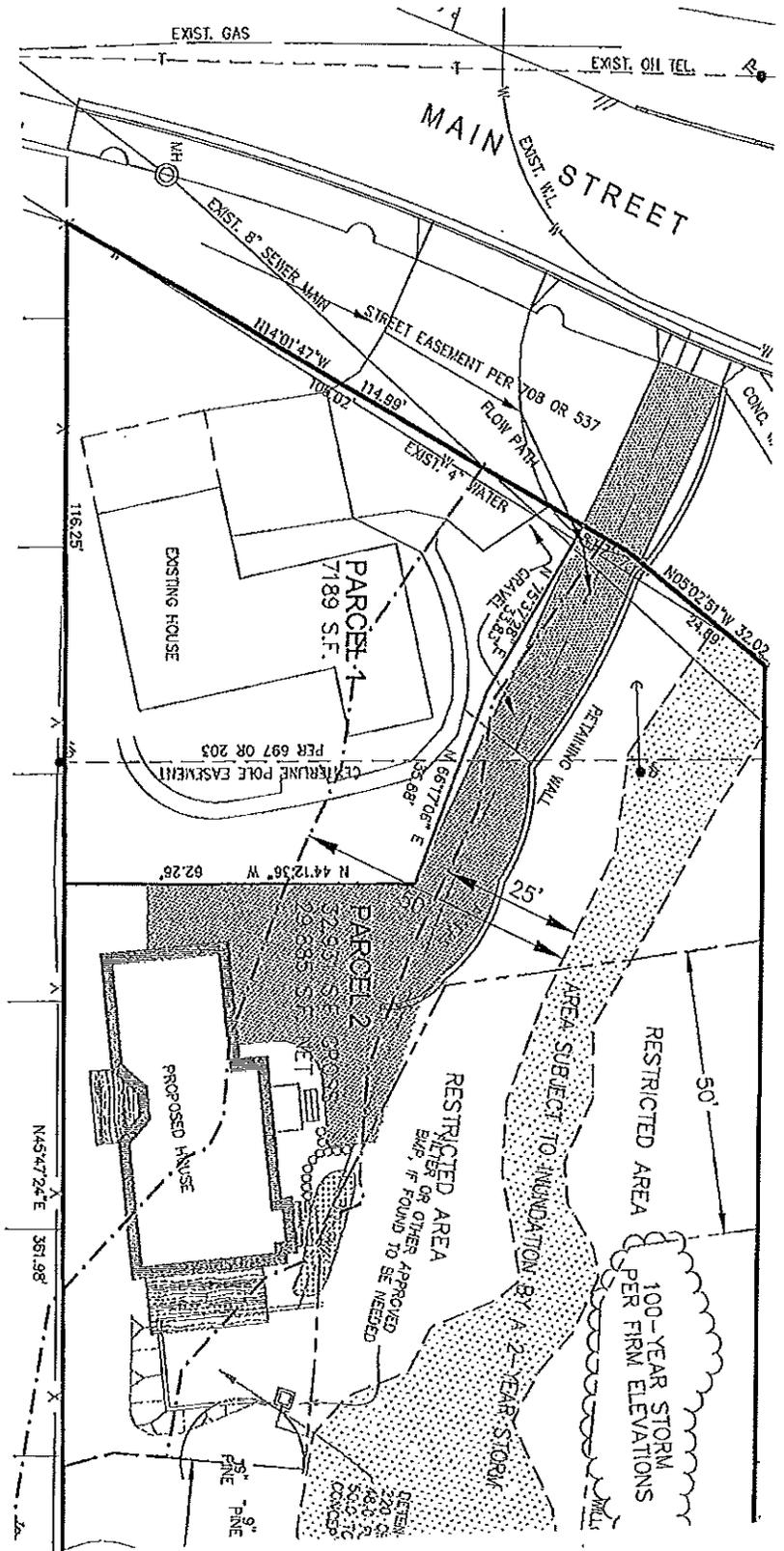
**AREA: 0.11 ACRES REQUIRED STORAGE = 220 CUBIC FEET**

2-YEAR UNDEVELOPED OUTLET FLOW = 0.06 CFS  
 220 CUBIC FOOT PROVIDED IN PRELIMINARY DESIGN. ALTERNATE DESIGNS WITH SAME STORAGE AND TREATMENT CAPACITY COULD BE SUBSTITUTED.  
 IF THE BIO-SWALE TREATMENTS ARE DETERMINED TO BE INADEQUATE TO REMOVE PARTICULATES AND CONTAMINANTS, OUTLET FLOWS SHOULD BE TREATED WITH A FOSSIL FILTER, SAND FILTER, OR EQUIVALENT BMP.

# APPENDIX B

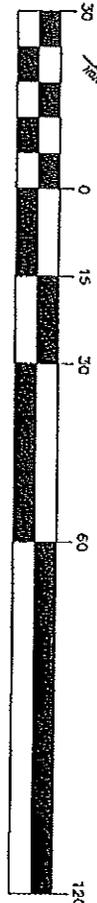
MB 07-0274  
 VESTING TENTATIVE MAP  
 WESTLAND ENGINEERING, INC.  
 3480 SOUTH HIGUERA, SUITE 130  
 SAN LUIS OBISPO, CA. 93401  
 (805) 541-2394

JULY 15, 2010



GRAPHIC SCALE

( IN FEET )  
1 inch = 30 ft.



# SETBACK EXHIBIT

## WESTLAND ENGINEERING, INC.

3480 SOUTH HIGUERA, SUITE 130  
SAN LUIS OBISPO, CA., 93401  
(805) 541-2394

# ATTACHMENT 5

## Driveway Use Permit Request

I am writing this letter to request a Use Permit for my original driveway access plan. The plan with direct access is included for reference. At the previous planning commission meeting in July a consensus was met to keep the driveway outside of the 50 foot ESH buffer area. In order to gain access to the second home the ESH area must be encroached into. During developmental phases a plan was generated showing an arced driveway which would encroach the 50 foot ESH buffer area from a different angle. These plans were terminated upon recommendation and consensus upon the second direct access driveway.

Johnnie Medina  
Cell: 917.409.6043  
Email: Johnnie.Medina@gmail.com

**RECEIVED**

**NOV 15 2011**

City of Morro Bay  
Public Services Department

ATTACHMENT 6

11-30-11

CITY OF MORRO BAY  
PUBLIC SERVICES DEPARTMENT  
955 SIENNA AVE  
MORRO BAY, CA 93442

RECEIVED  
NOV 30 2011  
City of Morro Bay  
Public Services Department

PROJECT: 3390 MAIN ST  
S00-089 & CPD-276

1. I AM OPPOSED TO ALLOWING ANOTHER APPROX 17 FT INTO THE 25 FT BUFFER ZONE FOR THE ADDRESS DRIVE INTO THE NEW RESIDENCE. THE PROJECT SHOULD BE REQUIRED TO USE A COMMON DRIVE WITH THE EXISTING RESIDENCE AS SUGGESTED BY CITY STAFF.
2. WHICH PROPERTY WILL BE REQUIRED TO MAINTAIN THE CONSERVATION EASEMENT THAT IS BEING ESTABLISHED TO FACILITATE THE DEVELOPMENT OF THE SECOND RESIDENCE ON THIS PARCEL? THAT SHOULD BE ESTABLISHED AND ENFORCED FOR WEED ABATEMENT AND ETC.
3. AN ENGINEERED PROPER RETAINING WALL SHOULD BE REQUIRED.
4. OWNER, JOHNNIE MEDINA NEVER INSTALLED PROPER DRAINAGE FOR THE PROPERTIES ON VASHON ST, AS REQUIRED AND OVBLOOKED BY CITY UPON FINAL SIGN OFF FOR 3390 MAIN ST. THIS SHOULD BE FIRST PRIORITY IF THIS PROJECT IS APPROVED.

James A Ross  
JAMES A. ROSS  
301 TRINIDAD ST  
MORRO BAY, CA 93442

**From:** William Dailak <wdailak@yahoo.com>  
**To:** <sdavis@morro-bay.ca.us>  
**Date:** 11/30/2011 3:33 PM  
**Subject:** RE: Permits# S00-089 & CPO-276.

I am opposed to a variance that provides for a reduction in the buffer around the creek and believe a public hearing should take place prior to any approval.

William H Dailak  
3351 Whidbey Way  
Morro Bay, CA 93442

805-238-1262

RE: 3390 Main St Project #S00-089 & CPO-276

Date: 11-29-11

ATTACHED IS A PETITION OF CITIZENS OPPOSED TO THIS PROJECT.

THERE ARE 151 TOTAL SIGNATURES. PLEASE LISTEN TO THE NEIGHBORS WHO ARE IN OPPOSITION TO THIS PROJECT BEING AMENDED.

We ask that the City uphold the decision of the current permit, of the July 19, 2010 Planning Comm. Meeting. We ask that the applicant not be allowed to change buffer zones, setbacks, size of house and size of driveway.

There has been two years of Planning Commission Mtgs. The Planning Commission has given the applicant direction that is fair and they should be required to follow the guidelines everyone has to adhere to.

He has not fulfilled the original conditions of the first permit, and has not fulfilled the conditions of the second permit. We are wondering why the applicant has not been held to the direction of the City and the Planners, and feel it is unfair for him to appeal, when he was told by the Planners, that he had certain conditions to fulfill before he could come back.

Thank You for your attention in this matter. We hope that all the signatures, emails and letters will bring to attention the feelings of the citizens, and that this matter will go back to the Planning Commission and Public Hearing.

We have a total of 151 signatures. With 33 of those signatures currently signed on November 2011. The previous signatures 118 are still very concerned and serious about opposing this project.

Thank You for listening to the Citizens of Morro Bay.

WE THE UNDERSIGNED RESIDENTS OF MORRO BAY, OBJECT TO THE 3390 MAIN ST PROJECT APP. # S00-089 & CPO-276. THE APPLICANT HAS NOT FULFILLED THE CONDITIONS OF THE PRIOR PERMITS, WE WANT THE ESHA PRESERVED, AND THE BUFFERS TO REMAIN. WE ASK THAT THE PROPOSED DEVELOPMENT REMAIN AS APPROVED ON JULY 19, 2010.

11-28-11

NAME

ADDRESS

EMAIL

142. Shawn Kuhn

752 Butte Ave  
Morro Bay, CA 93442

sakuhn22@aol.com

143. Toni Guerra

1847 Alascadero Rd.  
Morro Bay, CA 93442

—

144. MaLa Carmody

311. Vashon St  
Morro Bay, CA 93442

—

145. Sheila Bohay

450 HARBOR ST.  
Morro Bay, CA 93442

146. Sherryl Haynie 550 Main St.

147. John Delgado

308 Main Street, Morro Bay, CA

148. ~~John Delgado~~

308 1/2 Main St

149. Kim Old 206 Main St MB

150. Rull ~~Sherryl~~ 942 Marina MB

151. Kathleen Oukla 942 Marina St M.B.

WE THE UNDERSIGNED RESIDENTS OF MORRO BAY, OBJECT TO THE 3390 MAIN ST PROJECT APP. # S00-089 & CPO-276. THE APPLICANT HAS NOT FULFILLED THE CONDITIONS OF THE PRIOR PERMITS, WE WANT THE ESHA PRESERVED, AND THE BUFFERS TO REMAIN. WE ASK THAT THE PROPOSED DEVELOPMENT REMAIN AS APPROVED ON JULY 19, 2010.

11-29-11

NAME

ADDRESS

EMAIL

131. DAN JAMES 387 YERBA BUENA
132. James Searby 400 Yerba Buena
133. Jeff Dool 356 YERBA BUENA ST.
134. TOM REDDINGER 429 YERBA BUENA ST.
135. David Camilleri 497 Tahiti ST.
136. Bruce Keogh 400 Zanzibar
137. Cecelia Searby 400 Yerba Buena St.
138. JASON BOOKMASTER 420 YERBA BUENA ST
139. JON McALPIN 415 YERBA BUENA ST., MB, CA 93442
140. Terry Nelson 351 " " " "
141. Doreen M. Danton 387 Yerba Buena St. MB, Cal. 93442

WE THE UNDERSIGNED RESIDENTS OF MORRO BAY, OBJECT TO THE 3390 MAIN ST PROJECT APP. # S00-089 & CPO-276. THE APPLICANT HAS NOT FULFILLED THE CONDITIONS OF THE PRIOR PERMITS, WE WANT THE ESHA PRESERVED, AND THE BUFFERS TO REMAIN. WE ASK THAT THE PROPOSED DEVELOPMENT REMAIN AS APPROVED ON JULY 19, 2010.

11-28-11

NAME

ADDRESS

EMAIL

19. GREGORY R DOYLE

1070 ALCEGARD ST.  
MORRO BAY, CA. 93442

11-28-11

20. Margaret E. Whittemore

400 Norwich St.  
Morro Bay, CA 93442

21. Janet J. Giardine

361 WASHON ST  
MORRO BAY, CA 93442

22. Victoria Kelly

414 Yerba Buena  
MB 93442

23. Bill Brewer

414 YERBA BUENA

24. Joan Panker

845 Napa <sup>Switz</sup>

25. R RIOS

PO BOX 356 MB, CA 93443

26. L. SantaCruz

601 Woodland LO Ca 93402

27. Anne Bruce

414 Yerba Buena MB

28. Marlene M. Queen

709 Highland Mrs Ores

29. Bonnie Augales

500 Piney Way MB

30. ~~James~~ Tahiti E.



# Save our green belt!

Petition to stop the building of a single-family residence at the property of 3390 Main st.

TOTAL: 108 signatures

- |     |   |   |               |
|-----|---|---|---------------|
| 86  | Name <u>Jlene Davisson</u> <sup>103</sup> | Name <u>Bill Murray</u>                     | Name _____    |
|     | Address <u>2790 Main St</u>               | Address <u>1650 Main</u>                    | Address _____ |
| 87  | Name <u>022E CAMUS</u>                    | Name <u>MIKE K. ORRILLY</u> <sup>104</sup>  | Name _____    |
|     | Address <u>3025 SANDALWOOD</u>            | Address <u>498 B Hill St.</u>               | Address _____ |
| 88  | Name <u>Pamela Hood</u>                   | Name <u>Yarmin Maldonado</u> <sup>105</sup> | Name _____    |
|     | Address <u>1299 LOS OLIVOS #17</u>        | Address <u>361 Jamaica</u>                  | Address _____ |
| 89  | Name <u>Vince Cardenas</u>                | Name <u>Leon Vallejo</u> <sup>106</sup>     | Name _____    |
|     | Address <u>560 King Ave.</u>              | Address <u>485 Shasta Ave</u>               | Address _____ |
| 90  | Name <u>PHILIP S BALS</u>                 | Name <u>Amber Daugherty</u> <sup>107</sup>  | Name _____    |
|     | Address <u>3025 SANDALWOOD</u>            | Address <u>485 Shasta Ave</u>               | Address _____ |
| 91  | Name <u>Margaret Cum</u>                  | Name <u>Michelle Bryon</u> <sup>108</sup>   | Name _____    |
|     | Address <u>3025 SANDALWOOD</u>            | Address <u>510 Marina St.</u>               | Address _____ |
| 92  | Name <u>mike mulikin</u>                  | Name _____                                  | Name _____    |
|     | Address <u>2300 MESA VISTA CT</u>         | Address _____                               | Address _____ |
| 93  | Name <u>J. HALE</u>                       | Name _____                                  | Name _____    |
|     | Address <u>470 JAMAICA</u>                | Address _____                               | Address _____ |
| 94  | Name <u>ROBERT SMITH</u>                  | Name _____                                  | Name _____    |
|     | Address <u>771 ORCAS</u>                  | Address _____                               | Address _____ |
| 95  | Name <u>Marilynn Brandmeyer</u>           | Name _____                                  | Name _____    |
|     | Address <u>521 Kensington St</u>          | Address _____                               | Address _____ |
| 96  | Name <u>Frank C. Gutierrez</u>            | Name _____                                  | Name _____    |
|     | Address <u>2017 Sunset Ave.</u>           | Address _____                               | Address _____ |
| 9   | Name <u>Anthony Tin Lin</u>               | Name _____                                  | Name _____    |
|     | Address <u>3307A chon st</u>              | Address _____                               | Address _____ |
| 97  | Name <u>Kene Glogan</u>                   | Name _____                                  | Name _____    |
|     | Address <u>340 Vashon St</u>              | Address _____                               | Address _____ |
| 98  | Name <u>KIKUO SHIBATA</u>                 | Name _____                                  | Name _____    |
|     | Address <u>331 VASHON ST</u>              | Address _____                               | Address _____ |
| 99  | Name <u>Andy Batty</u>                    | Name _____                                  | Name _____    |
|     | Address <u>473 Dn St</u>                  | Address _____                               | Address _____ |
| 100 | Name <u>Dickson Brouk</u>                 | Name _____                                  | Name _____    |
|     | Address <u>PA BAY 6485</u>                | Address _____                               | Address _____ |
| 101 | Name <u>R Tershou</u>                     | Name _____                                  | Name _____    |
|     | Address <u>390 NEVLS</u>                  | Address _____                               | Address _____ |
| 102 | Name <u>Thomas Moore</u>                  | Name _____                                  | Name _____    |
|     | Address <u>1472 11th St.</u>              | Address _____                               | Address _____ |

(over →)

# Save our green belt!

Petition to stop the building of a single-family residence at the property of 3390 Main st.

- |    |                                     |                                  |    |                                      |
|----|-------------------------------------|----------------------------------|----|--------------------------------------|
| 53 | Name <u>KEVIN FUELLER</u>           | Name <u>Maggie Woods</u>         | 71 | Name <u>Richard Dorfmuenger</u>      |
|    | Address <u>387 Vashon St.</u>       | Address <u>630 Aurora</u>        |    | Address <u>340 Tahiti St.</u>        |
| 38 | Name <u>Kim Kaufman</u>             | Name <u>Truko Skibata</u>        | 72 | Name <u>Marcy Dorfmuenger</u>        |
|    | Address <u>451 Whidbey St.</u>      | Address <u>331 VASHON ST.</u>    |    | Address <u>340 Tahiti St.</u>        |
| 39 | Name <u>Craig Kaufman</u>           | Name <u>Peter Saiti</u>          | 73 | Name <u>Sonia Gray</u>               |
|    | Address <u>427 Kodiak St.</u>       | Address <u>2659 Main St.</u>     |    | Address <u>115 Sandpiper Ln</u>      |
| 40 | Name <u>Richard M'Connell</u>       | Name <u>Jim Nance</u>            |    | Name <u>Linda Nance Allen</u>        |
|    | Address <u>400 White</u>            | Address <u>250 Duwamish</u>      |    | Address <u>390 Sicily</u>            |
| 41 | Name <u>Nancy M'Connell</u>         | Name <u>Sara Burdick</u>         | 75 | Name <u>Donald P. All</u>            |
|    | Address <u>400 White</u>            | Address <u>477 Ken M.B.</u>      |    | Address <u>350 Sicily</u>            |
| 42 | Name <u>DAN JAMES</u>               | Name <u>Maggie Mathis</u>        | 76 | Name <u>Jane Koutlis</u>             |
|    | Address <u>257 YEEBA BUEHL</u>      | Address <u>270 Main St.</u>      |    | Address <u>28 20th</u>               |
| 43 | Name <u>CAVAN HADLEY</u>            | Name <u>Jane Mathis</u>          | 77 | Name <u>Holly Rodriguez</u>          |
|    | Address <u>381 Tahiti St.</u>       | Address <u>2130 Main St.</u>     |    | Address <u>370 Vashon St. MB, Ca</u> |
| 44 | Name <u>Erin Hadley</u>             | Name <u>Dawn Nelson</u>          | 78 | Name <u>Debra Miller</u>             |
|    | Address <u>381 Tahiti St.</u>       | Address <u>370 Vashon St.</u>    |    | Address <u>671 Fresno Ave</u>        |
|    | Name <u>Misela Arate</u>            | Name <u>Chris Minto</u>          | 79 | Name <u>Nicole Espinoza</u>          |
|    | Address <u>361 Vashon St.</u>       | Address <u>201 Vashon St.</u>    |    | Address <u>900 B Napa Ave</u>        |
|    | Name <u>LAURA Mounce</u>            | Name <u>MIKE ELBRACHT</u>        | 80 | Name <u>Kailey Langston</u>          |
|    | Address <u>330 Vashon St.</u>       | Address <u>1182 PACIFIC Blvd</u> |    | Address <u>1870 Sunny Hill</u>       |
| 45 | Name <u>Paul Wilk</u>               | Name <u>Barbara Volpe</u>        |    | Name <u>Brett Ash</u>                |
|    | Address <u>500 A 1st Ave. Bldg</u>  | Address <u>2970 Cedar Ave</u>    |    | Address <u>270 Ironwood</u>          |
| 46 | Name <u>Don Wilk</u>                | Name <u>Frank Volpe</u>          | 82 | Name <u>JACK GREGORY</u>             |
|    | Address <u>1066 Bay 116 morning</u> | Address <u>2970 Cedar Ave</u>    |    | Address <u>2680 Ironwood</u>         |
| 47 | Name <u>KIRK KONTILIS</u>           | Name <u>Britta Lynch</u>         | 83 | Name <u>Lee Hoyt</u>                 |
|    | Address <u>28 20th SE</u>           | Address <u>2988 Birch Ave</u>    |    | Address <u>3680 Ironwood</u>         |
| 48 | Name <u>Violet Sugi</u>             | Name <u>Ann Curale</u>           | 84 | Name <u>Jeff Shwopa</u>              |
|    | Address <u>1150 Monterey</u>        | Address <u>2988 Birch Ave</u>    |    | Address <u>300 Vashon</u>            |
| 49 | Name <u>Luella Hershey</u>          | Name <u>Adeliza Norton</u>       | 85 | Name <u>Barney</u>                   |
|    | Address <u>1150 Monterey</u>        | Address <u>370 Yorkon Burely</u> |    | Address <u>391 Vashon</u>            |
| 50 | Name <u>BENNER HARRIS</u>           | Name <u>Courtney Wagner</u>      |    | Name                                 |
|    | Address <u>2461 KOP AVE</u>         | Address <u>441 Oahu St.</u>      |    | Address                              |
| 51 | Name <u>LORI OLUCILLA</u>           | Name <u>Bill Ziegler</u>         |    | Name                                 |
|    | Address <u>281 SHASTA</u>           | Address <u>441 Oahu St.</u>      |    | Address                              |
| 52 | Name <u>LEROY STOCK STELL</u>       | Name <u>Fred Wilson</u>          |    | Name                                 |
|    | Address <u>1900 SUNSET</u>          | Address <u>2426 Reno Ct.</u>     |    | Address                              |

Name	Address	Phone
31 Roger Hood	175 Andros St Morro Bay	772-3358
32 <del>Michael</del>	371 VASHON MORRO BAY	748 7645
33 Dorothy Tzola	370 VASHON MORRO BAY	(818) 219-0445 cell
34 Anne Schoenauer	390 VASHON ST MORRO BAY	772-7508
35 Lucy Massey Lucy Massey	3348 Tide Ave, Morro Bay	225-1033
36 WAYNE BENHAM	3334 Tide Ave MORRO BAY	772-8174
37 Catherine Berman	340 VASHON ST MORRO BAY	NONE

- 772-7894
- 13 Ann Caffrey 350 Washon, Morro Bay CA
- 14 Bill Buel 195 Formosa St, (215-0573) M.B. CA
- 15 Ray boat 371 Whiskey St
- 16 FOELKER KEVIN 387 Washon St.
- 17 Hazel McKibbin 311 4th Main, Morro Bay CA.
- 18 Glenn Sparks 46 10th St Coyote
- 19 Tyler Sites 470 Island
- 20 Harve Stollmeyer 3310 N. Main St 772-2702
- 21 ~~Ken Stollmeyer 320 10th St~~ ~~772-2702~~
- 22 Davik Stollmeyer 340 Widbey 772-2702
- 23 Millie & Van Dusen 772-5334
- 24 Oliver Marks 5425 Olmeda 801-8858
- 25 Gary H. Grotte 1956-9th St L.O. 801-0097
- 26 ~~Jane Masterson~~ JANE MASTERSON 3350 MAIN 805 772-4013
- 27 Amy Fooslee 772-1302
- 28 ~~Alma Lewis~~ 772-9123
- 29 ~~Cheryl~~ 771-9320
- 30 ~~My~~ 298-6252

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

name	address	phone#
1 Anthony Tigher	330 VASHON M-B	805-294-0250
2 Laura Mance	330 VASHON ST M-B	805 294-3200
3 Renwi Gates	346 VASHON ST. M-B	641-342-5385
4 Jeff Gator	340 VASHON ST M-B	661 619 9614
5 Paul Willis	PO BOX 116 M-B	(805) 459 8128
6 Don Miller	500 Adascadero Rd	805 772 5867
7 Marge Paregian	306 Yerba Buena	772-4232
8	351 YERBA BUENA	1683
9 Michele Arata	361 Vashon	234-3550
10 Daniel Puett	411 Java Street	(805) 440-7761
11 Joy Pickell	305 Yerba Buena	772-5505
12 Jill Chamer	371 Vashon	748-8666

11-29-11

I am opposed to reining  
the Creek Area, and the View  
Area.

I would request that  
the permits stay the same  
as the City approved on July 19, 2010.  
~~the~~ Please uphold that  
decision.



Celebrating 55 Years  
1956-2011

Sherrye Haynie  
Ambassador  
805.772.4467

Fax: 805.772.6038  
Toll-Free: 800.231.0592  
brownpelican@morrobay.org

845 Embarcadero, Ste. D  
Morro Bay, CA 93442  
www.morrobay.org

Serving the Morro Bay Business Community & Our Visitors

Sincerely  
Abba A. Sherrye Haynie 777-8088  
550 Main St. Morro Bay

**Sierra Davis - 3390 Main Street Project**

**From:** "Abe Paregian" <aparegian@comcast.net>  
**To:** "Sierra Davis" <SDAVIS@MORRO-BAY.CA.US>  
**Date:** 11/29/2011 10:22 AM  
**Subject:** 3390 Main Street Project

**To:** Planning Commission Members

**Re:** 3390 Main Street

Please consider this my formal protest of Mr. Medina's continued requests to build an additional home behind his existing residence. He has come before you twice and was denied permission pending certain requirements - as I understand it he has not met any of those requirements yet continues to file appeals for the second residence.

You currently have on file my previous correspondence to you of June 29, 2009 and the attached email sent to you July 18, 2010 citing many reasons why everyone is so upset about his continued attempts to "get his plan through" regardless of the Planning Commission's requirements and conditions which he has to date not met. I understand he is requesting an even larger home and driveway than before which the Planning Commission and all neighboring residents previously found unacceptable.

I am no longer the President of the Bay Creek Homeowners Association but have purchased a home across the street at 305 Yerba Buena and am therefore still involved. Please read my previous correspondence and email below to fully understand my position and total frustration as to why he has even been allowed to submit his request and why it is simply going to vote among you rather than a public hearing.

Abe Paregian  
305 Yerba Buena  
Morro Bay, CA 93442

----- Original Message -----

**From:** Abe Paregian  
**To:** nanj93442@yahoo.com ; michael a lucas@sbcglobal.net ; luhr@charter.net ; jirons@charter.net  
**Sent:** Sunday, July 18, 2010 1:13 PM  
**Subject:** Application for 3390 Main Street Project

To: Planning Commission Members

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

Applicant: Johnnie Medina

You currently have on file in the above application my previous correspondence to you of June 29, 2009 which I sent as President of the northerly neighbors to Mr. Medina (the 9 unit condominium complex - Bay Creek Condominiums). All owners in our complex are upset and confused as to why this issue is even still before the Planning Commission.

Now Mr. Medina is coming back at you with more requests for modifications to already existing setbacks. I understand he now wishes to reduce the 50' existing requirement to 25' which he refers to as "buffer reduction". In his correspondence to Mr. Livick dated July 5, 2010 he states that the reduction should be allowed when a parcel is rendered unusable for its designated use. He was totally aware of all set backs when he purchased the property - why is it now "unusable for its designated use"?

He also states that this new designation would be consistent with other properties near this site. The Bay Creek Condominium complex constructed in 1989/90 is the newest structure "near this site" and was held specifically to the existing set backs. We were not allowed to have any reduction in those setbacks and fail to understand why Mr. Medina - simply because he has determined the existing setbacks make his property unusable - should be allowed to do so to the detriment of our existing creek area.

He has always known what the existing setbacks and restrictions are but chose to come up with a plan that would require a modification to those restrictions. This makes absolutely no sense to any of our nine owners and we are all very frustrated and concerned that he can simply bend the rules for his own purposes and thereby endanger our creek area.

We are aware that Mr. Medina has employed many experts, etc. to plead his case and that he has been extremely aggressive in his attempts to push forward with his self-serving agenda to the detriment of his neighbors and the existing creek area. We hope you will consider all facts and all interests before making any decisions.

Abe Paregian, President  
BAY CREEK CONDOMINIUMS

RECEIVED

NOV 29 2011

To Moro Bay City Counsel & City Atty.

I have lived in Moro Bay 16 years  
& feel that for the City Council to  
allow variance after variance for the  
property at 3390 main St Moro Bay  
these people have affected our drainage  
on Vashon & causing some flooding  
even heavy rain. I and my neighbors  
are going to sue the City Council for  
the inapproriate way it is handling  
the situation at said address.

Furthermore if construction starts we are  
ready to file our injunction on any  
attempt to start construction on this  
property. the fact is you cannot get  
a fire truck up the proposed driveway  
as well as the loss of privacy for my  
neighbors who border this property. The  
land was purchased at fire sale  
price because of the inability to  
build on it safely & up to code. Why are  
the Medinas pushing this issue? Not up  
to code is not up to code no matter who  
you are. To force this issue is Acinine  
To say the least Anthony Ziglio  
330 VASHON M-B

November 28, 2011

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

RECEIVED  
NOV 29 2011  
City of Morro Bay  
Public Services Department

To Whom It May Concern:

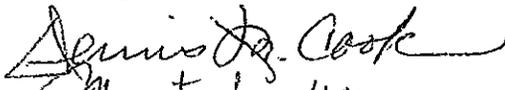
We are writing due to concerns about the Administrative Amendment to Subdivision #S00-089 and Coastal Development Permit 3CP0-276. According to the post card we received, this amendment would allow a private driveway to encroach not only into the 50 foot buffer setback from the stream, but also into the 25 foot buffer setback.

We feel that these buffers were put in place for a purpose: to protect an ESH (Environmentally Sensitive Area) and should be adhered to. During rains, this stream carries a large volume of water and encroaching into the buffer zones would possibly lead to erosion and more runoff downstream. The 1,400 foot square feet of paved area, being impervious, would certainly increase runoff and the 1,300 square feet of pavers, depending on what type of pavers are used, might also add to the runoff volume.

Allowing a private driveway to encroach into an ESH is just not acceptable. As this is located in a coastal zone and inside the Coastal Commission Appeals Jurisdiction, this decision to be made by the Morro Bay Public Services Department should adhere to the regulations set forth in the Coastal Act.

As we recall, this application for amendment was turned down once before and as far as we know, no regulations have been changed. Does the applicant think that the Public Services Department will now change their mind? Any additional information you can provide would be appreciated.

Thank you,


Dennis Cook  
Janet Surbey  
3346 Tide Ave.  
Morro Bay, CA 93442  
(805)459-2013

**From:** dorothycutter <dorothycutter@sbcglobal.net>  
**To:** <sdavis@morro-bay.ca.us>  
**Date:** 11/29/2011 4:07 PM  
**Subject:** Project at Vashon and Main St.

Hil This project needs to have a public hearing because there has been no substantial change to the original, 2. It required mitigation from the original building still not done and is not planned to be as conditioned by the prior hearing and 3. There are incomplete plans for the public to review..

You must follow our zoning codes!

Dorothy Cutter

Morro Bay, Ca. 93442

**From:** Roger <rie42@sbcglobal.net>  
**To:** <sdavis@morro-bay.ca.us>  
**Date:** 11/29/2011 8:36 AM  
**Subject:** Medina project...

Dear Sierra...it has come to my attention that the Medina project is back before you for an administrative approval. Allow me, please, to remind you that when this project was last before the Planning Commission, the Commissioners went to great lengths to keep the project from intruding upon the ESHA. Mr. Medina still has yet to comply with the previous conditions set forth by the PC. To allow him now to receive approval without any input from the Public is nothing short of an end run around the will of the people who sought fairness and an adherence to our zoning laws. I urge you, please, to send this item back to the Commission for a true Public Hearing, as there has been no compliance with the will of the PC, no change to his original plans to invade the ESHA, and thus no basis for legal approval of this project. Do the right thing, please...

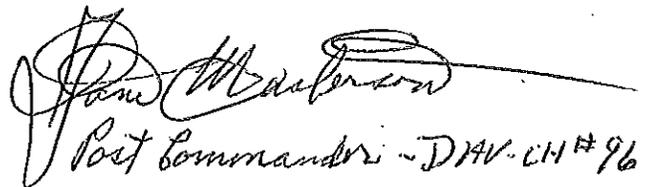
Respectfully...  
Roger Ewing

NOV 29 2011

I am Jane Masterson the owner of 3350  
Main St Morro Bay. I would like to know  
the status of 3390 Main St. Property in regards  
to them fulfilling their original conditions

They have not installed a culvert as they  
were required to do, thus creating a potential flooding  
on my property at 3350 Main St

Lowering their driveway has not & will not drain  
my land to the ravine as it originally did!

  
Post Commander - DAV-CH #96  
3350 MAIN ST.  
MORRO BAY, CA. 93442

RECEIVED

NOV 29 2011

City of Seattle  
Public Works Department

I object the application to amend the approved permits # S00-089 & # CPO-276 at 3390 Main St

I object to the construction of three 2,497 single family residence. As the 1,800 SF should remain the same as the City first proposed in July 26, 2010.

What will happen to the ravine that carry's our rain & storm waters to the ocean. I'm concerned about the flooding of Vashon St ! Thank you for your consideration in this matter

LAURA Mounce  
330 Vashon St  
MB

Laura Mounce

**From:** Eric & Chris' Gmail <eric.chris.lillo@gmail.com>  
**To:** "sdavis@morro-bay.ca.us" <sdavis@morro-bay.ca.us>  
**CC:** "newportgal1@live.com" <newportgal1@live.com>  
**Date:** 11/28/2011 9:32 PM  
**Subject:** Proposed Development at 3390 Main Street, Morro Bay

This correspondence has been prepared to express our opposition to any waiver of the requirement for a 50 foot buffer (creek setback) for the proposed development listed above.

We have these setback requirements for the benefit of everyone in the neighborhood. The other buildings that have been constructed have had to comply with them. There is no reason to have these requirements if they can simply be waived when they are not convenient.

Please maintain the requirements and do not allow a waiver.

Thank you,

-Eric & Chris Lillo

**From:** Jan Goldman <justjan2@charter.net>  
**To:** <sdavis@morro-bay.ca.us>  
**Date:** 11/28/2011 8:03 PM  
**Subject:** 3390 Main Street

I want to express my opposition and concern about Mr. Medina's proposed 2,497 square foot two story home and second driveway on his property at 3390 Main Street. The increased size of the home and the longer driveway will encroach into the 50 foot buffer setback.

I own a condo at 312 Yerba Buena on the other side of the creek. When our development was built there were strict limits on the distance from the creek that any type of building was allowed.

I respectfully ask that Mr. Medina be held to these same restrictions.

Jan Goldman  
312 Yerba Buena Street  
Morro Bay, CA 93442

**Sierra Davis - 3390 MAIN ST.**

**From:** Newport Gal <newportgal1@live.com>  
**To:** <sdavis@morro-bay.ca.us>  
**Date:** 11/28/2011 4:08 PM  
**Subject:** 3390 MAIN ST.

I am opposed to the 3390 Main St. project and its appeal. The applicant has not fulfilled the conditions of the previous permits. I would like to see the ruling be upheld of July 19, 2010. That is a fair decision the Planning Commission made, to keep the future home at 1800 SF, keep it outside of the ESH Boundaries, and move the lot line closer to the existing house. That would be the least intrusive development of that creek bank area. It is a small creek bank, and no place for a large house.

We have 150 people opposed to this development, and would like the Administration to listen to the voice of the people. We will be submitting further objections by Weds.

Thank you,  
Michele Arete  
361 Vashon St.

**Sierra Davis - 3390 Main Street, Morro Bay, CA.**

**From:** Stuart Crisman <stuartercrisman@gmail.com>  
**To:** <SDAVIS@MORRO-BAY.CA.US>  
**Date:** 11/28/2011 7:19 PM  
**Subject:** 3390 Main Street, Morro Bay, CA.

Dear Sirs,

I am writing to express my opposition to the Medina's request to build a 2497 Sq Ft. house and 133 foot driveway at the above location. It appears they are requesting to encroach on the 50 foot buffer setback. It is not acceptable to allow building that close to the creek.

We own a condo at 308 Yerba Buena directly on the other side of the creek. When our development was built there were strict limits on the distance from the creek that any type of building was allowed.

We respectfully ask that their request not be approved.

Stuart & HaeJa Crisman  
308 Yerba Buena  
Morro Bay, Ca. 93442

**Sierra Davis - Re: 3390 Main Street, Morro Bay, CA.**

**From:** Carol Hansen <hnsnstr@att.net>  
**To:** <SDAVIS@MORRO-BAY.CA.US>  
**Date:** 11/28/2011 8:31 PM  
**Subject:** Re: 3390 Main Street, Morro Bay, CA.  
**CC:** <stuartcrisman@gmail.com>

Dear Sirs,

We are also condo owners at 306 Yerba Buena and ask that the Medina's request to build a 2497 sq. ft. house and driveway be denied due to the limitations on building next to the creek.

Thank you,

Doug and Carol Hansen  
306 Yerba Buena  
Morro Bay, Ca 93442

**From:** Stuart Crisman <stuartcrisman@gmail.com>  
**To:** SDAVIS@MORRO-BAY.CA.US  
**Sent:** Mon, November 28, 2011 7:19:31 PM  
**Subject:** 3390 Main Street, Morro Bay, CA.

Dear Sirs,

I am writing to express my opposition to the Medina's request to build a 2497 Sq Ft. house and 133 foot driveway at the above location. It appears they are requesting to encroach on the 50 foot buffer setback. It is not acceptable to allow building that close to the creek.

We own a condo at 308 Yerba Buena directly on the other side of the creek. When our development was built there were strict limits on the distance from the creek that any type of building was allowed.

We respectfully ask that their request not be approved.

Stuart & HaeJa Crisman  
308 Yerba Buena  
Morro Bay, Ca. 93442

TO: MB Planning Comm

RE: 3390 Main St MB

11/28/11

Please be sure that the decisions you make reflect the decisions made last time this issue came up - as the Medina's have NOT done what they were supposed to do, per your requests. Conditions NOT fulfilled on the original permits!

Vicente Kelly  
414 Verba Buena St.  
MB 9412

City of Morro Bay  
Public Notice of Availability  
955 Shasta Ave  
Morro Bay, CA 93442

RE: Case#S00-0889/CPO-276 Medina Parcel Map (MB 07-0232)

To whom it may concern,

We are residents at 300 Vashon, Morro Bay, CA and are concerned for our property.

We are contacting the City in writing per our notice dated 11-11. We are **NOT in favor** of this parcel being Subdivided to create a second lot for location 3390 Main Street, Morro Bay, CA. We feel the land in question was originally set up to be a natural drainage point for excess rain/water run off. Allowing another structure on the parcel would really **defeat the natural flow from our homes**. The house's directly beside the parcel in question would really feel the impact of the natural flow of rain/water run off, as the parcel at 3390 was built above the original land level, so the water now drain's back to the area of Vashon, not into the ravine, which cause's flooding.

The city manager has come out to our homes at the corner of Main/Vashon and did an assessment that concluded that we could flood in the invent of a hard rainy season, due to the lack of drainage when the house at 3390 Main was built.

**We do NOT want this parcel subdivided.**

Thank you,

Jeff & Stacy Shinoda  
300 Vashon  
Morro Bay, CA 93442  
APN: 065-041-22

November 28, 2011

TO: MB Planning Commission

RE: 3390 Main St. Project #S00-089 & CPO-276

I object to amending the approved permits #S00-089 and CPO-276.

The applicant has been denied previously. He has not fulfilled the conditions of the first two permits, as required.

I ask that the 50 foot buffer from the ESH Area remain for the location of the proposed home.

I ask that the driveway remain as allowed in the previous permit, and not encroach into the 50 foot buffer setback and the 25 foot buffer setback.

I also request that the 1,800 SF proposed home size remain the same, with the lot line moved closer to the first parcel, as requested by the Planning Comm. In the last hearing, July 19, 2010.

I request that the creek remain in its natural state, and that a Bio Swale not be allowed here.

Thank you,

A handwritten signature in black ink, appearing to read 'Michele Arete', written in a cursive style.

Michele Arete

361 Vashon St.

Morro Bay CA

11-28-11

TO: MB Planning (Building Dept.)

I object to a larger (2,497) sq house  
being built.

I ~~ask~~ it goes to a Public Hearing

so that citizens may have input,

I ~~ask~~ that current permit S00089/CPO276  
remain the same. It is a fair  
guideline.

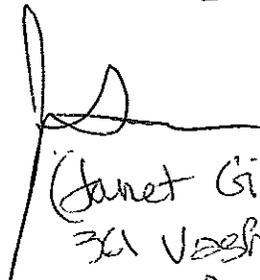
Please preserve the 50 Foot buffer.

Re: S00089

CPO276

3390 Main St

Thank you



(Janet Giardine)  
301 Vashon St  
MB



City of Morro Bay  
Public Services/Planning Division  
Current Project Tracking Sheet

Agenda No: C-1

Meeting

Date: 1/4/12

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	Citywide	3/22/11	A00-013	Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations. Eliminating the need for a conditional use permit and other minor changes. Staff working on environmental review. Environmental complete and at the State Clearinghouse for review period. Project scheduled for 12/7/2011 P.C. Continued to a date certain, 1/4/11 PC Meeting.	KW	PC/CC
2	Virg's	1169 Market	11/1/11	SP0-141	<b>Sign Variance for 4 Off Premise Signs.</b>	KW	PC
3	Medina	3390 Main	11/15/11	S00-089	<b>Amendment to to Driveway Plan.</b> Project Noticed 11/21/11. Received substantive comments, and project was elevated to Planning Commission Hearing. Scheduled for January PC meeting.	SD	PC
4	Viau	821 Pacific	11/28/11	S00-109 and AD0-065	<b>Amendment to PC Approvals.</b> Request to delete condition for parking space.	KW	PC
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>							
5	Frantz	499 Nevis	9/27/10	CP0-337	<b>New SFR.</b> 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 completed the submittal for the Coastal Development Permit 11/14/11. Incomplete letter, applicant needs to submit for CDP and pay associated fees 12/13/11.	SD	AD
6	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. Letter sent by SWCA (consultant). Environmental Noticed for 30 day review.	KW	PC
7	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. Received letter from agent requesting to place project on hold.	KW	AD
8	Chevron Pipeline	4600 Hwy1	7/11/11	S00-110	<b>Certificate of Compliance.</b> Waiting on applicant to submit property owner authorization	KW	AD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
9	Randell	300 Piney	7/20/11	S00-111	Tentative Parcel Map. 4 lot subdivision. SRB. Incomplete letter 10/4/11.	SD	AD
10	Held	901-915 Embarcadero	7/21/11	UP0-342	Application for improvements to existing building. Proposes new unit, bathroom and water improvements. Met with applicant on September 2011 and again in November 2011. Project routed for initial review.	SD	PC
11	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Public Works requested flood study. Planning requested status of CDP for house and LLA for parcels	KW	PC
12	Danta	2890 Ironwood	10/11/11	AD0-068	Variance for decks encroaching into setbacks.	KW	PC
13	Valley	460 Olive	10/24/11	CP0-363	Demo/Rebuild. Resubmittal 11/11/11.	SD	AD
14	Loomis	660 Bay	10/27/11	UP0-340 & AD0-069	Remodel and Addition with a Parking Exception. Incomplete letter 11/23/11.	SD	PC
15	McDonalds	780 Quintana	10/31/11	CP0-364 & UP0-341	Remodel and Addition.	SD	PC
16	LaPlante	3093 Beachcomber	11/3/11	CP0-365	New SFR. Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document.	SD	AD
17	Taylor	3128 Beachcomber	11/9/11	CP0-366	1 Car Garage.	SD	AD
18	Dengate	2230 Hemlock	11/28/11	Cp0-368	Demo/Reconstruct SFR	SD	AD
<b>Projects in Process</b>							
19	City of Morro Bay	Citywide	5/1/2010	AD0-047	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. 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 September 29, 2011 and October 6, 2011. Workshop results going to City Council December 13, 2011.	KW	PC/CC
20	City of Morro Bay	Citywide			City of Morro Bay Bicycle and Pedestrian Master Plan. Administrative Draft Plan was reviewed during a Public Workshop on August 30, 2011. The 2nd draft plan is currently on the October 21, 2011 PWAB agenda. Project being revised.	KW	PC/CC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
<b>Environmental Review</b>							
21	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
22	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. Received Environmental Document and is under review 9/16/11. Sent document back for comments and corrections 10/14/11. Consulting firm making final changes and corrections 10/24/11. APCD submitted comments 11/1/2011. Sent to applicant for review 11/7/11.	SD	PC
<b>Coordinating with Other Jurisdictions</b>							
23	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	<b>WWTP Upgrade</b> . Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent noticing. 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. Adm. draft of fine screen analysis completed.	RL	PC/CC/RW OCB
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive</b>							
24	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 Continuation requested by the applicant to a date uncertain. Building permit routed to planning staff and incomplete memo sent to Cathy Weaver. Project was to address an illegally converted garage. Rob S looking into file	KW	PC
25	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	<b>Appeal of Demo/Rebuild SFR and 2 trees removal</b> . Planning Commission continued to a date uncertain. Project folder given to Rob S.	KW	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
26	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC. 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. Applicant has requested a second one year extension which is scheduled for action at the 12/7/2011 P.C. meeting. Planning Commission approved time extension, will expire on December 11, 2012.	KW	PC
27	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
28	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
29	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
30	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
31	Romero	291 Shasta Ave	1/19/11	CDP-341	<b>Coastal Development Permit</b> for single family residence. Incomplete Letter 2/18/11.	SD	AD
<b>Projects in Building Plan Check</b>							
32	Frantz	499 Nevis	9/27/10	Building	<b>New SFR.</b> Incomplete Memo 10/7/10. Resubmitted 11/14/11. Coastal Development Permit Required. Incomplete Letter sent 12/13/11 requesting CDP submittal.	SD	N/A
33	Viole/Held	575 - 591 Embarcadero	11/1/10	Building	<b>New Commercial Building.</b> 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. Resubmittal 9/13/11.	SD	N/A
34	Lapp	1548 Main Street	3/1/11	Building	<b>Express Check.</b> 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
35	Rowland	2630 Maple	4/14/11	Building	<b>Elevator.</b> 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
36	Kimbrell	323 Shasta	4/15/11	Building	<b>Stairs and Railing Replacement.</b> Incomplete Letter 4/18/11.	SD	N/A
37	Olson	2740 Dogwood	5/4/11	Building	<b>SFR Remodel and Addition.</b> Incomplete Memo 5/17/11. Incomplete Memo 12/12/11.	SD	N/A
38	Viole/Held	575 - 591 Embarcadero	8/9/11	Building	<b>New Dock and Gangway.</b> Incomplete/Clarification Memo 8/19/11. Resubmittal 9/13/11.	SD	N/A
39	Markowity	589 Morro Avenue	8/17/11	Building	<b>Roof Deck.</b> Plans returned to Brian, because the plans were incomplete. Resubmittal 9/20/11. A major modification shall be pursued, incomplete memo 10/3/11.	SD	N/A

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
40	Calandra	2749 Coral	8/31/11	Building	New SFR in Cloisters. Incomplete letter 9/30/11.	SD	N/A
41	Hoover	301 Main	9/13/11	Building	Single Family Addition to a non-conforming property. Lot Line adjustment in process, not shown on plans. Incomplete memo. Resubmittal 11/9/11. Issues were not addressed in incomplete memo. Incomplete memo 11/14/11. Multiple additions to a non-conforming property, CUP required.	SD	N/A
42	McLean	2230 Emerald	9/20/11	Building	Photovoltaic System.	SD	N/A
43	Williams	2920 Cedar	10/27/11	Building	SFR Addition. Does not conform to existing approvals/permits on file. Incomplete Memo 11/14/11.	SD	N/A
44	LaPlante	3093 Beachcomber	11/3/11	Building	New SFR. Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document.	SD	N/A
45	Moscardi	2768 Alder	11/10/11	Building	New SFR.	SD	N/A
46	Ravin	485 Estero	11/13/11	Building	Conversion of Non-habitable Area to Habitable. Incomplete Memo 12/14/11.	SD	N/A
47	Burger King	781 Quintana	11/29/11	Building	Parking Lot. Incomplete Memo 12/19/11.	SD	N/A
48	Botich	206 Main	12/7/11	Building	Addendum: Structural Modification to Deck. Incomplete Memo 12/19/11.	SD	N/A
49	Swanson	690 Sequoia	12/7/11	Building	6ft Extension to an Existing Upper and Lower Deck.	SD	N/A
50	Carlstrom	482 Kern	12/21/11	Building	SFR Demo/Reconstruct.	SD	N/A
<b>Aging Building Permits - No response from applicant in more than 90 days.</b>							
51	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	Mixed Use Project - Ciano. Comments sent 2/25/10.	SD	N/A
52	Valori	2800 Birch Ave	2/10/10	Building	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A
53	Colhover	2800 Dogwood	3/8/10	Building	New SFR. Comments sent 3/25/10.	SD	N/A
54	Hall	2234 Emerald Circle	12/2/10	Building	New SFR. Incomplete Memo 12/21/10.	SD	N/A
55	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>							
56	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. Applicant resubmitted CCRS	KW	CC
57	Ortega	525/527 Atascadero	9/26/11	Map	Final Map. Reviewed Maintenance Agreement and Deed Restriction.	KW	CC
58	Medina	3390 Main	10/7/11	Map	Final Map. Issues with ESH restoration. Meeting with applicant regarding ESH Area and Biological Study. Applicant proposing administrative amendment.	KW	CC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
<b>Projects &amp; Permits with Final Action</b>							
59	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. Staff is currently working on the environmental document for this project. Need additional information. Applicant working on additional information and staff is working on environmental. Environmental complete and at the State Clearinghouse for review. Project scheduled for 12/7/2011 P.C. Planning Commission Approval.	SD	PC
60	State of California	2 State Park Road	7/27/11	CP0-359	Install 2,600 square foot pre-fab, modular office building at the Eucalyptus grove complex in Morro Bay state park. Project scheduled to go to PC on December. Planning Commission Approval 12/7/11.	KW	PC
61	Dan Reddell	1 Jordan Terrance	7/25/08	UP0-223 & CP0-285	<b>New SFR.</b> Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete. Comment review period ends 6/22/10. Comments received on MND. Project scheduled for October 5, 2011. 4 Appeals filed, apeals scheduled to go to C.C. on December 13, 2011. City Coucil Approved 12/13/11.	KW	CC
62	Gekas	540 Madera	12/6/11	Building	<b>2nd Floor Deck with Guardrail and Stairs.</b> Approved 12/15/11.	SD	N/A



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
Subdivision Ordinance Clean up	Planning Commission			Commissioner Irons lead	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



AGENDA NO: D-1

MEETING DATE: January 4, 2012

## Staff Report

**TO: Planning Commission**

**DATE: December 29, 2011**

**FROM: Rob Schultz, City Attorney**

**SUBJECT: Discussion on Planning Commission By-Laws**

### **RECOMMENDATION:**

Staff recommends that the Planning Commission discuss revisions to the By-laws that were requested by Planning Commission, along with comments provided by the City Attorney, and provide recommendations to the City Council.

### **SUMMARY:**

On August, 23, 2011, City Council amended the City of Morro Bay Advisory Boards Handbook and By-Laws. Some of the Planning Commission's recommendations for amendments to the By-Laws were not properly discussed by my office, therefore, the amendments are before you tonight. These changes, along with my comments, are included in Exhibit "A" for your review.

**Exhibit A  
CITY OF MORRO BAY  
PLANNING COMMISSION  
BY-LAWS**

**PURPOSE AND AUTHORITY**

The Planning Commission is established in accordance with the provisions of Government Code Section 65100, et sec. The functions of the Planning Commission shall be as follows:

**(The Planning Commission has proposed deleting the following section)**

- ~~A. To develop a general plan and recommend its adoption by the city council;~~
- ~~B. To maintain the general plan after its adoption by the city council;~~
- ~~C. To develop specific plans as may be necessary to implement the general plan;~~
- ~~D. To periodically review the capital improvement program of the city for recommendations to the city council;~~
- ~~E. To perform such other functions as the city council may direct.~~

**(The Planning Commission has proposed new language for the above section)**

- A. To develop, periodically review, and revise, as necessary the general plan and recommend its adoption by the city council;
- B. To implement the general plan through actions including, but not limited to, the administration of specific plans, zoning and subdivision ordinances after its adoption by the city council;
- C. To periodically review the capital improvement program of the city for their consistency with the general plan and forward recommendations to the city council;
- D. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- E. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it;
- F. The Planning Commission may adopt rules and regulations consistent with state laws and local ordinances to govern procedures;
- G. To perform such other functions as the city council may direct.

**(Comment: The language (A-E) adopted by the City Council came directly from the Municipal Code. The Planning Commission's proposed language, for the most part, states and allows for the same purpose and authority. However, the language proposed by the Planning Commission expands their authority that could be interpreted to allow the Planning Commission to unilaterally create City Policy.)**

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the planning commission shall act in **the public interest and serve** in an advisory capacity to the city council on all matters pertaining to the planning function;
- B. Cooperate with other city boards and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the city;
- C. Formulate policies on planning services for recommendation to the city council;
- D. ~~Upon the request of~~ **Meet with** the City Council **twice annually**, hold a joint meeting with the city council twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation. The city clerk shall in January of each year bring forth an agenda item to the city council to schedule the two joint meetings;
- E. Recommend to the city council the adoption of standards with respect to organization, personnel, facilities, programs and financial support of the planning commission;
- F. Disseminate to the public information concerning the policies and functions of the planning commission.

**(Comment: The “Meet with” requirement to “Upon request” was made to eliminate the situation we had last year. The other change is nondescript.)**

**(The Planning Commission proposed the following new section)**

### **PUBLIC SERVICE VALUES FOR COMMISSIONERS**

Each Planning Commissioner agrees to abide by the League of California Public Service Values for Commissioners as defined in the Planning Commissioners Handbook, these values are;

- Fairness
- Compassion
- Respect for others
- Responsibility
- Integrity
- Public Trust
- Vision

**(Comment: This proposed language would add an additional section that is not included in the other City By-Laws. This lack of consistency between the By-Laws would be counter to the goal of the Advisory Handbook. In addition, the proposed language references documents outside the City and requires inclusion of those documents that may change without City knowledge. If Planning Commission desires to create a policy regarding values and ethics, that policy should be developed by the City Council and be applicable to the City Council and all Boards and Commissions.**

## APPOINTMENT

The Planning Commission shall consist of five members and they shall be qualified electors and residents of the City. ~~Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.~~

**(Comment: Strikeout language would create inconsistency with other By-Laws. This lack of consistency between the By-Laws would be counter to the goal of the Advisory Handbook.)**

## TERMS OF OFFICE

Members of the Planning Commission shall be appointed by and serve at the pleasure of the City Council. Terms shall be for a period of four years; vacancies shall be filled for the unexpired term only. Two-year short terms may be established to stagger terms. Expiration dates of specific terms shall be established by resolution of the City Council.

## QUALIFICATIONS

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

**(The Planning Commission proposed the following new section)**

## ELECTION OF OFFICERS

- A. The Commission shall select a Chairperson and Vice-Chairperson from among its members to serve for a one year term beginning January 1st of each year.
- B. Commissioners shall serve as Chairperson or Vice-Chairperson at the discretion of the Commission.
- C. The Chairperson shall preside at all meetings of the Commission. The Vice-Chairperson is Chairperson in the absence of the Chairperson or in case of inability of the Chairperson to act.
- D. No person shall serve as Chairperson or Vice-Chairperson for more than two consecutive terms.

**(Comment: This proposed language would add an additional section that is not included in the other City By-Laws. This lack of consistency between the By-Laws would be counter to the goal of the Advisory Handbook. The election of officers is covered under ORGANIZATION section below which was eliminated by the Planning Commission. The two sections state the same basic procedures except for term limits.)**

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

**(The Planning Commission proposed the following new section)**

### **PROCEDURE FOR REVIEWING PUBLIC HEARING ITEMS**

- A. After roll call the Chairperson shall announce to the public the procedures to be followed to consider the public hearing items and then proceed as follows:
- B. The Chairperson shall introduce the items and ask for oral staff reports.
- C. The staff report precisely submitted to the Planning Commission shall be placed into the record with all communications received regarding the proposal. Staff reports shall be submitted for all public hearing items in a form acceptable to the commission.
- D. The applicant shall be invited to make a presentation on behalf of the request.
- E. Members of the public wishing to speak in favor or in opposition of the application shall be invited to make a presentation.
- F. The applicant shall have the opportunity at the end of the public hearing to address comments made by the public and address any further commission questions.
- G. The public hearing shall be closed to the public and discussion confined to members of the commission; provided that the commission may reopen the public hearing at any time prior to a decision on an item on an affirmative vote of the majority of those members present .
- H. The commission, upon formal motion, shall take action to dispose of the proposal. The Chairperson shall announce the vote and thereafter, inform the applicant and public of the right of appeal and procedures for filing such appeal.
- I. The commission will follow “Robert’s Rule of Order” through its meeting procedures.

**(Comment: This proposed language would add an additional section that is not included in the other City By-Laws. Therefore, there would be a lack of consistency that was the goal of the Advisory Handbook. In addition, the procedures for public hearing items are set forth in the Council Policies and Procedures which are applicable to all Boards and Commissions.**

**(The Planning Commission proposed to delete the following section)**

### **ORGANIZATION**

~~At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice Chairperson. If both the Chair and Vice Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.~~

**(Comment: This proposed deletion would delete a section that is included in all other City By-Laws. Therefore, there would be a lack of consistency that was the goal of the Advisory Handbook.)**

**(The Planning Commission proposed to delete the following section)**

### **PROCEDURE**

~~Regular meetings shall be held twice a monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.~~

~~All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson" and the term "Councilmember" shall mean "Board Member" or "Commissioner". In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."~~

~~Communication between the Advisory Group, its members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.~~

**(Comment: This proposed deletion would delete a section that is included in all other City By-Laws. Therefore, there would be a lack of consistency that was the goal of the Advisory Handbook. This section is very important as it references our Policies and Procedures Manual and incorporates it into the By-Laws for the Advisory Body)**

### **QUORUM**

A majority of voting members shall constitute a quorum.

(The Planning Commission proposed the following new section)

## **VOTING**

- A. Except as otherwise provided in the Morro Bay Municipal Code and state law, no motion or any other action shall be passed or become effective without receiving the affirmative vote of at least a majority of members present.
- B. Failure to receive such an affirmative vote shall result in failure or denial, as appropriate, of the motion, or other action.
- C. Except as allowed under the Political Reform Action of 1974, any member abstaining due to a declared conflict of interest shall not participate in the discussion of the items or otherwise influence or attempt to influence in any manner the decision on the item.
- D. All members, when present, must vote except when abstaining due to a declared conflict of interest.
- E. Failure or refusal to vote when present, except for a declared conflict of interest shall be counted as an affirmative vote.

**(Comment: This proposed language would add an additional section that is not included in the other City By-Laws. Therefore, there would be a lack of consistency that was the goal of the Advisory Handbook. In addition, the procedures for voting are set forth in the Council Policies and Procedures which are applicable to all Boards and Commissions.**

(The Planning Commission proposed the following new section)

## **SECRETARY**

The Planning Commission shall appoint a secretary who need not be a member of the commission, and who shall serve at the pleasure of the Planning Commission. The secretary shall maintain an accurate public record of the activities and official actions of the Planning Commission. The secretary shall, by the Wednesday preceding each regular meeting of the Planning Commission cause one copy of the agenda and reports for such meeting to be delivered to each planning commissioner.

**(Comment: This proposed language would add an additional section that is not included in the other City By-Laws. Therefore, there would be a lack of consistency that was the goal of the Advisory Handbook.)**

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# 2012 CALENDAR

JANUARY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

■ City Holiday  
■ PC Meeting

JULY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

■ City Holiday  
■ PC Meeting

FEBRUARY						
S	M	T	W	Th	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

■ City Holiday  
■ PC Meeting

AUGUST						
S	M	T	W	Th	F	S
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26	27	28	29	30	31	

■ PC Meeting

MARCH						
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25	26	27	28	29	30	31

■ PC Meeting

SEPTEMBER						
S	M	T	W	Th	F	S
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30						

■ City Holiday  
■ PC Meeting

APRIL						
S	M	T	W	Th	F	S
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29	30					

■ PC Meeting

OCTOBER						
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21	22	23	24	25	26	27
28	29	30	31			

■ PC Meeting

MAY						
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27	28	29	30	31		

■ City Holiday  
■ PC Meeting

NOVEMBER						
S	M	T	W	Th	F	S
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11	12	13	14	15	16	17
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25	26	27	28	29	30	

■ City Holiday  
■ PC Meeting

JUNE						
S	M	T	W	Th	F	S
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24	25	26	27	28	29	30

■ PC Meeting

DECEMBER						
S	M	T	W	Th	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

■ City Holiday  
■ PC Meeting