



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.*

**Regular Meeting -Tuesday, April 2, 2019  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Vice-Chairperson Michael Lucas  
Commissioner Jesse Barron

Chairperson Gerald Luhr

Commissioner Joseph Ingraffia  
Commissioner Susan Stewart

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 City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Commission at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the Commission respectfully requests the following guidelines and expectations be followed:

- When recognized by the Chair, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Chair, comments are to be limited to three minutes.
- All remarks should be addressed to Commission, as a whole, and not to any individual member thereof.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any 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 Planning Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Planning Commission meetings is welcome and your courtesy will be appreciated.
- The Commission in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

## PRESENTATIONS

### A. CONSENT CALENDAR

- A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- A-2** Approval of minutes from the Planning Commission meeting of February 19, 2019.  
**Staff Recommendation:** Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of March 5, 2019.  
**Staff Recommendation:** Approve minutes as submitted.

**B. PUBLIC HEARINGS**

- B-1 Case No.:** Appeal of CDP18-009  
**Site Location:** 461 Fairview Avenue, Morro Bay, CA  
**Proposal:** Appeal of the Director’s approval of Administrative Coastal Development Permit (CDP18-009) at 461 Fairview for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence. The project includes a 432 sq. ft. attached garage and 432 sq. ft. of decking. The parcel is located within the R-1 district and outside the Coastal Commission Appeal Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3.  
**Staff Recommendation:** Deny the appeal and uphold Director’s approval.  
**Staff Contact:** Willow Urquidi, Assistant Planner, (805) 772-6270

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on April 16, 2019 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 Community Development Department, 955 Shasta Avenue, for any revisions, or call the Department at 805-772-6264 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 Community Development 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 Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development 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 Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morrobayca.gov/planningcommission](http://www.morrobayca.gov/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.morrobayca.gov/notifyme](http://www.morrobayca.gov/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 Community Development 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 a \$277 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.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



City of Morro Bay  
 Community Development Department  
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions

New Planning items or items recently updated are highlighted in yellow.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date April 2, 2019

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready Projects:</b>										
1	Stavros	461 Fairview	9/14/18	CDP 18-009	<b>Admin CDP for demo of existing non-conforming SFR (955SFR and 297sf garage) and construct new 2203sf 2-story residence with new 432 sf garage</b>	Incomplete Letter Sent 10/10. Project resubmitted 10/26. Discussion with agent about project design 11/9. All required application submittal documents received 1/3 and project is under review. Action taken 1/31. Project appealed 2/8. Scheduled for PC on April 2, 2019				wu
2	Claasen	1700 Embarcadero	2/21/19	MAJ 19-002	<b>Major modifcaiton of existing permit to add solar cover over stored RV's (on city owned property)</b>	Submittal is under review. Project deemed complete and on the PC hearing agenda for April 16, 2019				nh
3	Morro94, LLC and Rhine, L.P.	3300 Panorama	2/24/19	MIN19-001	<b>Minor modification of existing permit to remove small sheds and fire hydrants from the site.</b>	Administratively reviewed, noticed and approved. Permit issued on 2/14/19. Project appealed to PC on 2/24/19. Pending hearing date - Appellant and applicant agreed to PC hearing date of May 7, 2019.				nh
4	Griggs	495 Atascadero Ave	2/25/19	CUP19-03	<b>Conditional use permit to approve as-built shed on RV park site.</b>	Under review. Additional information requested 3/14/19. Project deemed complete 3-28-19, will be scheduled for PC hearing				nh
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
1	Ranat	2598 Main	2/19/19	VAR 19-001	<b>Variance request to allow approval of an as-built bathroom parcially within the site yard setback.</b>	Submittal is under review. Deemed incomplete 2/4/19. Applicant considering alternative to resolve issues.				nh
2	Ryan	1170 Marengo	2/26/19	LLA19-001	<b>Lot line adjustment to reconfigure 3 5000 sf residential lots into 2 larger residential lots.</b>	Submittal is under review. Project deemed incomplete 3-21-19. Requires resubmittal				nh
3	Garcia	532 Kings Ave	2/22/19	CDP19-005	<b>New SFR, 2474 sf of living space, 528 sf garage and 190 sf decking with shared driveway</b>	Submittal is under review. Planning deemed incomplete 3/15/19				nh
4	Villalobos	625 Harbor St	2/28/19	TUP19-01	<b>Touch-A-Truck Event @ Morro Bay Library</b>	Correction letter sent 3/14. Resubmittal 3/15. Deemed complete and noticing began 3/25.				wu
5	Martinez	978 Quintana	3/6/19	MIN19-003	<b>Minor amendment to 2006 CUP/CDP approval for commercial complex</b>	Submittal is under review				nh
6	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	<b>Final Parcel map</b>	Submittal is under review. Planning disapproved 3/14/19				nh

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7	Tench	1001 Front St.	3/15/19	MUP19-02	Annual Waterfront Market	Submittal is under review.				wu
8	Patel	2790 Indigo	1/31/19	CDP19-004 and CUP19-01	<b>CDP / CUP for new 2,424 SFR, 420 sf garage</b>	Under review. Incomplete letter sent 2/19/19. Resubmittal 3/6 currently under review.				wu
9	Wilson	1141 Main Street	1/31/19	CUP19-02	<b>Proposed Change in use; partial commercial retail &amp; partial apartment</b>	Deemed incomplete 3/1/19. Project requires CUP and CDP with Parking Exception, need resubmittal for additional planning permits.				nh
10	Brebes	493 Oahu	1/16/19	CDP19-002	<b>Admin. CDP for conversion of existing interior space to create a 561sf accessory dwelling unit.</b>	Incomplete letter sent 2/1/19. Awaiting resubmittal.				wu
11	Thayer	464 Bernardo	12/20/18	CDP18-018	<b>Admin Coastal Development Permit for SFR &amp; ADU</b>	Under review. Correction letter sent 1/11/19. Resubmittal on 2/19/19 currently under review.				wu
12	U.S. Coast Guard	1279 Embarcadero	12/17/18	CUP18-10	<b>Conditional Use Permit for 800sf addition to existing US Coast Guard Station</b>	Incomplete letter sent 1/17/19. Resubmittal on 2/19/19. Project under review. Will also require City Council approval.				cj
13	Najarian	1339 Berwick	11/30/18	CDP 18-014	<b>Admin CDP for new construction of SFR and ADU with attached garage</b>	Application deemed incomplete, comments sent to applicant on 12/27/18.				nh
14	Hobab	982 Carmel	9/19/18	CDP 18-010/MUP 18-04/PKG 18-03	<b>Coastal Development, Minor Use, and Parking Exception for the construction of an Accessory Dwelling Unit</b>	Incomplete letter sent 10/17. Resubmittal rcv'd 11/27. Application deemed incomplete 12-21-18. Applicant to resubmit on or before April 3, 2019. Resubmittal received 3-21-19, under review.				nh
15	Kenney	1130 Scott	9/7/18	CUP 18-06 and CDP 18-008 and PKG 18-01	<b>Conditional Use and Coastal Development permits for 1416 sf commercial garage/shop with 2200 sf caretaker's unit. Parking exception for increased driveway width for small lots</b>	Incomplete letter sent 10/23. Resubmittal received 1/23/19, under review. Disapproval letter sent 2/25/19. Resubmittal March 12, 2019, under review.				nh
16	Henry	411 Trinidad	7/5/18	CP0-584	<b>CDP for construction of a new single-family residence on a vacant lot</b>	Under Initial Review. Correction letter sent 7/16/18. Additional review and correspondence with owners on March 7, 2019. Waiting for resubmittal		PN- conditionally Approved 7/19/2018		nh
17	Fields	731 Butte	6/14/18	CP0-582/UP0-534	<b>CDP and CUP for Multi-Family residences. A 1,500 sq. ft. manufactured residence, a 448 sq. ft. studio unit above a 441 sq. ft. garage with an attached 220 sq. ft. carport</b>	Under Initial Review. Correction letter sent 7/11/18. Resubmitted 10/22/18. Correction Letter sent 11/14				nh

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18	Patel	233 Atascadero	6/13/18	CP0-581/UP0-533	<b>CDP and CUP for New 83 room hotel on vacant 2 acre lot</b>	Under Initial Review. Incomplete letter sent 7/13/18. Resubmitted 9/11/18. Comment letter sent 10/19/18. Environmental review required. Cj. Met with Applicant's Agents 11-8-18 to review flood plain and height requirements. Project currently overheight and does not meet parking requirements. Story poles erected on 1/3/19 and scheduled for Conceptual Review by PC to evaluate height, parking, and findings of significant public benefit as allowed under the Planned Development (PD) overlay zone. PC comments provided to Applicant after 1-15-19 meeting. Applicant considering project revisions.				cj
19	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	<b>Coastal Development Permit &amp; Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots</b>	Under initial review. Incomplete letter sent 6/4/18. Resubmittal received 7/3/18. Additional comments sent to Applicant's Agent 8/3/18, and 8/22/18. Proposals received for environmental review. Reimbursement agreement sent to applicant for environmental review on 10/15/18. Awaiting resubmittal.		PN- Conditionally Approved 7/17/2018		cj
21	Wood	361 Main	4/6/18	AD0-134 / UP0-526	<b>Conditional Use Permit and Parking Exception for Addition to existing residence; 2nd floor addition 386 sq. ft.; 2nd floor deck 329 sq. ft. with variance AD0-134</b>	Under Initial Review. Correction letter sent 5/1. Applicant notified 1-4-19 that Project requires a CUP and CDP, needs new application, fees and resubmittal for processing. Waiting for resubmittal.				nh
22	T-Mobile	1478 Quintana	2/26/18	A00-056	<b>Modification to UP0-052/CP0-073 for upgrade to existing wireless site</b>	Under initial review. Correction Letter sent 3/30. Unauthorized work completed by owner. Spoke with the agent 11/5 about process moving forward. Spoke with agent again 2/7. Resubmittal 2/26. Correction letter sent 3/13. Awaiting resubmittal.		JW approved		wu
23	Morgan	101 Fig St.	4/12/17	UP0-476	<b>Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.</b>	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project. Project inactive as of 10/2018		PN-Conditionally approved 5/11/17		nh
24	Gambriel	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	<b>New construction of 10,000sf commercial retail on vacant lot</b>	WM. Under review. Will need Arch and Traffic reports. Resubmittal received 8/11/15. Incomplete letter sent 9/4/15. Resubmitted 2/13/18. Under Review. Incomplete letter sent 3/13/18. Resubmittal received 3/26/18. Under Review. RFP for environmental consultant concluded. Consultant selected, preparing contract documentation. Consultant engaged and has begun work on initial study. Draft MND in staff review. Applicant reviewing site work changes to minimize site disturbance.		PN-Conditionally Approved 2/28/2018		nh
<b>Projects Appealed to Planning Commission or PC Continued projects:</b>										
25	Stavros	461 Fairview	9/14/18	CDP 18-009	<b>Admin CDP for demo of existing non-conforming SFR (955SFR and 297sf garage) and construct new 2203sf 2-story residence with new 432 sf garage</b>	Incomplete Letter Sent 10/10. Project resubmitted 10/26. Discussion with agent about project design 11/9. All required application submittal documents received 1/3 and project is under review. Action taken 1/31. Project appealed 2/8. Scheduled for PC on April 2, 2019				wu

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26	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	<b>Coastal Development Permit &amp; Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park</b>	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans. Plans resubmitted with additional information on 10-26-18. Project deemed complete. Scheduled for PC on December 18, 2018. Continued to date uncertain by PC on 12/18/18. Applicant to provide additional information.		PN- Approved 9/4/2018		nh
27	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		cj
<b>Projects Appealed or Forwarded to City Council:</b>										
29	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg
<b>Environmental Review</b>										

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28	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
<b>Final Map Under Review Projects - No pending applications currently.</b>										
<b>Projects requiring coordination with another jurisdiction:</b>										
29	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
30	City of Morro Bay Desal Plant	170 Atascadero			<b>Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.</b>	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
31	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . Project to be complete with documents ready for adoption and certification by end of 2018. Public draft of combined General Plan/ LCP released May 2018 for review.				

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32	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.</b>	No review performed.			wm
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
33	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		jg
<b>Grants</b>										
34	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg
35	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
36	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj

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<b>Projects in Building Plan Check:</b>										
1	AJ Wright and Phil Davis	2996	Alder	9/28/18	B18-0033	New 3 story 3-unit apartment building, 2 story housing over ground level garage	Submitted 9-28-18. Not approved, comments sent on 10-11-18. Resubmitted March 6, 2019, under review. Planning disapproved submittal 3/19/19.	Disapproved on 10/30/18		nh
2	Guesno	220	Atascadero Rd.	11/26/18	B18-0085	Commercial Alteration- parking lot reconfig, kitchen remodel, install non bearing walls, add 2 restrms.	Submitted 11-26-18. Planning disapproved submittal 12/14/18.	BLDG - Disapproved 12/27/18		nh
3	Kudla	399	Beach	9/13/18	B18-0021	Commercial tenant improvement to Hungry Fisherman. Remodel, correct plumbing in bathroom and kitchen		Ready to issue		
4	LaPlante	3093	Beachcomber	4/24/17	B-31487	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. cj.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.
5	Borchard	508	Blanca	9/5/18	B18-0015	New Single Family Residence-1800sq. Ft living, 453 sf garage + 364 decking	Approved by planning 10-4-18	Disapproved on 10/04/18.		nh
6	Hobab	982-A	Carmel St.	3/22/19	B19-0049	409 sf attached ADU and 137 sf addition at rear of existing SFR. 112 sf second story deck at front of SFR, and new front door at entry.	No planning review before approval of CUP and Parking Exception - See CUP18-07 and PKG18-03.	Bldg - Plancheck		nh
7	Redican	725	Embarcadero	11/29/18	B18-0086	Remodel existing two story commercial building, creating a 10 room hotel on upper floor with lobby on lower floor (adding 837 sf). Also repair/extension of the existing Harborwalk	Corrections sent 1-3-19.			
8	Branch	885	Embarcadero	3/12/19	B19-0043	Addendum #1 to B18-0043 - Minor framing alterations (interior), confirm slopes per ADA requirements, and install siding at west elevation (previously stone).	Plng approved - cj.	Bldg - Plancheck		
9	Branch	885	Embarcadero	3/25/19	B19-0052	Addendum #2 to B18-0024, changes to Lighting Plan.	Plng approved - cj.	Bldg - Plancheck		
10	Tilley	370	Fairview Ave.	8/3/18	B32119	Addition to Existing Residence; 720 sq. ft.	Dissapproved 8/17/18. sg. Resubmittal 12/4. Disapproved 1/24. Resubmittal 2/19/19 under review. Correction letter sent 3/13.	Disapproved by co on 12/7/18. (see memo). Mf	PN-Disapproved 9/4/2018	wu
11	Funk	672	Fresno	10/15/18	B18-0049	Add 665 sf to an existing front deck.	Disapproved on 11/27/18. Resubmittal 2/14/19. Disapproved 2/20/19. Resubmittal 3/8. Disapproved 3/21.	Disapproved on 11/27/18 by co.		
12	Mathias	2515 & 2525	Greenwood	2/16/18	B-31888	New SFR with ADU- 1384 sq. ft. living, 405 sq. ft. garage, 126 sf porch	Conditionally approved 2/27/18. Need COA attached to plan set	BLDG -Approved by co 1-2-19. mf	PN- Disapproved per memo dated 3/5/18	jg

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
13	Barbis	165	Hatteras	1/24/19	B19-0011	Add 236 sq. ft. to SFR, Convert family room to master bed & bath, add diningroom.	Disapproved 2/4/19. Resubmittal 2/27/19. Approved 3/6/19.	Ready to issue			
14	Scott	2940	Hemlock	8/28/18	B18-0006	New Single Family Residence-1626sq. Ft living, 462 sf garage +500 decking	Disapproved 9/18/18. Resubmittal received 12/21/18. Under review. Disapproved 1/14/19. Awaiting resubmittal.	Approved by co 1-7-19.			wu
15	Scott	2940-A	Hemlock	8/29/18	B18-0008	235 sq. ft attached ADU	Disapproved 9/18/18. Resubmittal received 12/21/18. Under review. Disapproved 1/14/19. Awaiting resubmittal.	Approved by co 10/9/2018			
16	Gelman	2784	Indigo Circle	5/15/18	B - 32002	New SFR 2110 sq. ft., 663 sq. ft. garage, 275 sq. ft. patio	Approved 6/6/18	Ready to issue			
17	Smothers	570	Kings	2/5/19	B19-0019	Demo 988sfSFR, build 1000sf SFR	Disapproved 2/19/19.				
18	Smothers	570-a	Kings Ave.	2/7/19	B19-0021	Add attached 430sq. Ft ADU	Disapproved 2/19/19.				
19	Linker	594 D	Kings	7/3/18	B-32081	New SFR 3000 Sq. Ft. home and 1000 Sq. Ft. garage.	Disapproved 8-2-18. Resubmitted 9-27-18. Disapproved 10-11-18. Resubmitted 11-19-18, Planning disapproved 12-10-18. Resubmittal received 1-3-19, however, project requires an amendment to the original CUP/CDP - not yet submitted. Building plans resubmitted 1/3/19. Requires a minor amendment to the CUP/CDP prior to final approval of building plans. Building permit disapproved 2-22-19. Resubmittal received March 8, 2019 and is under review	BLDG - Final Corrections Approved by co on 1-10-19.	PN-Disapproved 8/2/2018		nh
20	Hilton -Limited Partnership	430-A	LA Jolla	1/24/19	B19-0013	Enclose interior stairs to create ADU. Add closet on upper level, new french doors, new exterior door and new kitchen on lower level.	Planning approval 2/4/19.	BLDG- Disapproved by co on 1/30/19.			
21	Richardson	441	LA Jolla	3/8/19	B19-0040	Kitchen, bathroom and laundry room remodel in existing dwelling.	Submittal under review. Approved 3/19/19				nh
22	Rogers	1127-A	Las Tunas	1/9/19	B19-0002	Demo garage and replace w/473 sq. ft ADU	Disapproved 2/4/19. Resubmittal 3/5/19. Disapproved 3/21/19.	BLDG- Disapproved by co on 1/31/2019			wu
23	Vogal	948	Marina	9/5/18	B18-0014	Addition / construct new 400sf gargage demo & replaced existing driveway.	Correction letter sent 10/15.	Disapproved on 10-4-18.			jg
24	Henderson	958	Marina	10/18/17	B-31732	Replace interior finish, repair & reinforce existiing structure & replace electrical mechan.& plumbing systems on 2ndary unit	Under review Disapproved by rr on 11-1-17. Project requires planning entitlements.	Ready to issue	Approved by jb on 10-23-17.		
25	Verma	316-A	Main St.	3/22/49	B19-0051	Construct 724 sf ADU (attached addition) creating new upper level above existing SFR. Add 121 sf bathroom on main level and install elevator in existing garage.		Bldg - Plancheck			

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
26	Sonic	1840	Main	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	
27	Kaishar	2460	Main	8/2/18	B32117	Comm. Alteration Remove Wall and expand lobby.		BLDG - Emailed comments to owner 12-28-18			
28	Najarian	479	Nevis St.	3/22/19	B19-0050	New two story SFR, 1686 sf living, 507 sf garage, and 192 sf decking.		Plancheck			
29	Mills	2481 and 2481-A	Nutmeg	12/19/18	B18-0104	Construct 634 sf ADU	Disapproved 1/3/2019. Resubmittal 1/25/19. Pending admin CDP approval.	BLDG - Disapproved 1/2/19			wu
30	Luhr	2620	Nutmeg	1/22/19	B19-0006	3912 Sq. Ft. SFR, 547 SF garage, 110 sq. ft. deck	Planning approved 1/25/19	BLDG-Disapproved by co 2/13/2019			nh
31	Luhr	2620-A	Nutmeg	1/22/19	B19-0007	521 sq. ft ADU	Planning approved 1/25/19				nh
32	Freisen	196	Panay St.	3/15/19	B19-0045	Additional 1000 sf to SFR		Bldg - Plancheck			
33	Morro94 LP	3300	Panorama	2/11/19	B19-0023	Additional scope to remove small sheds and fire hydrants	Work was done without a permit. Post demo conditions applied. Project appealed - see MIN19-001.				nh
34	Lewis	290	Piney Ln.	9/26/18	B32-151	Addendum - Adding stucco finish in lieu of ledgestone		Ready to issue			
35	Osborne	450	Piney Way	3/22/19	B-32176	Addendum to: B00-031-905 - Install elevator where approved plans only show the elevator shaft for a future elevator.	Planning approval 3/26	BLDG - Resubmitted 3-22-19, routed to wu. PB			wu
36	Johnson	128	Rennell	3/8/19	B9-0041	Demo existing home, build new SFR 1344 sf living space and 456 sf garage with covered front porch and roof top deck.	Submittal under review. Planning conditionally approved on 3/14/19				nh
37	Erlendson	299-A	Sienna St.	1/22/19	B19-0005	Convert Garage to 435 sq. Ft. ADU	Planning approval 2/4/19	BLDG- Disapprove by co 2/1/2019.			nh

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
38	Coogan	175	Tahiti St.	3/21/19	B19-0048	Reconfigure existing floor plan & garage. Reduce 29 sf of garage and add to SFR.	Submittal under review.	Bldg -Plancheck			wu
39	Stollmeyer	300 & 300-A	Tahiti	10/31/18	B18-0063	Demo and Reconstruction- 1279 Sq. Ft. SFR, 546 garage, 227 sf deck	Approved 1/7/19 nh	Ready to issue			nh
40	Stollmeyer	310 & 310-A	Tahiti	10/31/18	B18-0064	New SFR / 146sf SFR with 636sf attached garage.	Approved 1/7/19 nh	BLDG - Approved 1-7-19.			nh
41	Stollmeyer	300-A	Tahiti	11/5/18	B18-0066	New ADU- 634 sq. ft. attached ADU	Approved 1/7/19 nh	Ready to issue			nh
42	Stollmeyer	310-A	Tahiti	11/5/18	B18-0067	New ADU - 648 sq. ft. attached ADU	Approved 1/7/19 nh	BLDG-Approved 1-7-19			nh
43	Reeves	1169	West	1/6/19	B19-0004	In ground shortcrete Swimming Pool + Spa		BLDG-Disapproved by co 2/4/19			
44	Foster	1169	West	7/3/18	B32080	New SFR -	Disapproved 12/14/18 nh. Resubmitted 1-18-19, under review. Planning disapproved 2/14/19. Needs resubmittal. Approved 3/18/19.	Ready to issue			nh
<b>Planning Projects &amp; Permits with Final Action:</b>											
1	Fletcher	435 Napa		8/22/18	CUP 18-05 and CDP 18-005	<b>Conditional Use and Coastal Development Permit for a 740 sq.ft. addition to nonconforming sfr and new 460 sq. ft. attached accessory dwelling unit</b>	Under initial review. Correction letter sent 9/27. Parking exception application received 10/22. Agendized for 2/19/19 PC mtg. Conditionally approved by PC 2/19/19				wu
2	Najarian	479 Nevis		8/31/18	CDP 18-007	<b>New 1,686 sq. ft. SFR</b>	Under review. Correction Letter sent 10/1. Resubmittal Received 10/31. Correction Letter sent 11/27. Resubmittal 12/3. Action taken 2/4.				wu
13	Smith	2481 Nutmeg		12/17/18	CDP18-016	<b>Admin Coastal Development Permit for construction of 634sf Accessory Development Unit by converting existing unconditioned crawlspace under SFR.</b>	Incomplete letter sent 1/16. Resubmittal 1/25 under review. Deemed complete 3/5. Permit issued 3/19.				wu
20	Carter	2035 Bayview		4/10/18	CP0-574	<b>Administrative CDP for Demo reconstruct. New 1,931 sq. ft. SFR with an attached 460 sq. ft. garage</b>	Under Initial Review. Correction letter sent 5/1. Resubmittal rcv'd 11/8. Discussion with Agent who hasn't decided how to move forward as of 12/10. Discussion with agent again on 1/3. Waiting for resubmittal. Resubmittal received 2/11. Deemed complete and noticed 3/1. Permit issued 3/12.				wu

**ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – FEBRUARY 19, 2019  
VETERANS MEMORIAL BUILDING – 6:00 PM**

PRESENT:	Gerald Luhr Jesse Barron Joe Ingraffia Susan Stewart	Chairperson Commissioner Commissioner Commissioner
ABSENT:	Michael Lucas	Vice-Chairperson
STAFF:	Scot Graham Willow Urquidi Nancy Hubbard	Community Development Director Assistant Planner Contract Planner

**ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE**

Chairperson Luhr welcomed new Commissioner Susan Stewart.

**PLANNING COMMISSIONER ANNOUNCEMENTS – NONE**

**ELECTION OF CHAIR AND VICE CHAIR**

<https://youtu.be/qgbzCJHjBk8?t=2m18s>

Commissioner Stewart nominated Chairperson Luhr as Chairperson. Commissioner Barron seconded, and the election passed 3-0. Chairperson Luhr abstained.

Commissioner Barron nominated Vice-Chairperson Lucas as Vice-Chairperson. Commissioner Stewart seconded, and the election passed 4-0.

**PUBLIC COMMENT PERIOD - NONE**

**PRESENTATIONS - NONE**

**A. CONSENT CALENDAR**

<https://youtu.be/qgbzCJHjBk8?t=4m21s>

**A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.

**A-2** Approval of minutes from the Planning Commission meeting of December 18, 2018.  
**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Commissioner Ingraffia moved to accept the Consent Calendar. Commissioner Stewart seconded, and the motion passed (4-0).

**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 B-1 Case No.:** Amendment (MAJ 19-001) to CUP 08-94  
**Site Location:** 787 Main Street, Morro Bay, CA  
**Proposal:** Amendment to Conditional Use Permit 08-94 to allow reduction in previously required 16 off-street parking spaces to require only 12 off-street parking spaces. The reduction is being requested based on the current parking requirements using the square footage of the current customer serving area. Thirteen spaces, including one accessible space are required, however, the applicant is requesting approval of a parking exception to reduce the calculated number (13) to 12 spaces which would allow parking, trash facilities and required vehicular circulation to fit within this parcel.  
**CEQA Determination:** Categorically Exempt, Section 15301, Class 1.  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Nancy Hubbard, Contract Planner, (805) 772-6211  
<https://youtu.be/qgbzCJHjBk8?t=4m59s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/qgbzCJHjBk8?t=4m59s>

Cathy Novak, representative for the applicant, congratulated Luhr & Lucas for being appointed as Chairperson and Vice-Chairperson. Novak also welcomed Stewart to the Commission.

Novak spoke about the issues with the parking area and commented she didn't have anything to add because the staff did a great job with the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/qgbzCJHjBk8?t=24m49s>

Comments and questions from the Commissioners.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/qgbzCJHjBk8?t=32m16s>

Novak answered questions from the Commissioners.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/qgbzCJHjBk8?t=40m20s>

Discussion between Commissioners.

**MOTION:** Commissioner Barron moved to approve the amendment to CUP-08 94 and MAJ19-001 for the 1994 Conditional Use permit to allow a reduction in parking spaces to twelve from fourteen, given the other two conditions as described by Hubbard. Commissioner Ingrassia seconded and the motion passes 4-0.

<https://youtu.be/qgbzCJHjBk8?t=53m15s>

**Planning Conditions added on 02-19-19 by the Planning Commission:**

Parking Lot Signage: Applicant shall add signage at the entrance to the Pizza Port informing customers that there is a parking lot behind the building for customers that includes an accessible parking space. A sign permit may be required.

Accessibility Access: Applicant shall engage a California Certified Accessibility Specialist (CASP) to provide a written evaluation related to ADA compliance for the ADA parking space, path of travel, and entrance to the building including recommendations for improvements to bring the referenced improvements into compliance with ADA. Said evaluation shall be provided to the Community Development Director for review and approval.

- B-2 Case No.** CUP18-05, CDP18-005, and PKG18-04  
**Site Location:** 435 Napa Avenue, Morro Bay, CA  
**Proposal:** Conditional Use Permit, Coastal Development Permit and Parking Exception approval request for construction of a 460 sf accessory dwelling unit and a 740 sf addition to an existing non-conforming 1,318 sf single-family home. The property is zoned for duplex residential (R-2) and located outside the Coastal Commission appeal jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15301, Class 1 and Section 15303, Class 3  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Willow Urquidi, Assistant Planner, (805) 772-6270  
<https://youtu.be/qgbzCJHjBk8?t=54m16s>

Urquidi notified the Commissioners there was an error in her staff report. Urquidi stated the square footage for the proposed addition was inadvertently switched with the proposed Additional Dwelling Unit (ADU). Urquidi provided the correct square footage.

Urquidi presented the staff report.

The Commissioners presented their questions to staff.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Chairperson Luhr stated he is an acquaintance of the architect but had no communication with him regarding the project.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/qgbzCJHjBk8?t=1h1m57s>

Greg Barker, applicant's architect noted the staff report was excellent. Barker added comments about the project's accessibility due to the applicant's husband using a wheelchair.

The Commissioners presented their questions to the applicant.

Comments from the Commissioners.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/qgbzCJHjBk8?t=1h8m41s>

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/qgbzCJHjBk8?t=1h15m52s>

Barker responded to the Commissioners questions.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/qgbzCJHjBk8?t=1h21m16s>

Discussion between the Commissioners.

**MOTION:** Commissioner Ingraffia moved to adopt resolution PC 03-19, Coastal Development permit CDP18-005, Conditional Use permit CUP18-05 with added condition regarding revising the floor plan of the kitchen area to include an electrical outlet in the floor for use with movable island. Commissioner Stewart seconded.

<https://youtu.be/qgbzCJHjBk8?t=1h25m27s>

Discussion on the motion. Motion passes 4-0.

C. NEW BUSINESS

**C-1** Discussion and Appointment of one Planning Commissioner as Representative to the Water Reclamation Facility Advisory Committee (WRFAC).  
<https://youtu.be/qgbzCJHjBk8?t=1h30m13s>

Chairperson Luhr nominated Commissioner Barron as the Planning Commission liaison for the Water Reclamation Facility Advisory Committee (WRFAC). Commissioner Stewart seconded, and the motion passes 3-0.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENT  
<https://youtu.be/qgbzCJHjBk8?t=1h32m14s>

Commissioner Stewart commented about an email received from a citizen regarding ocean acidification. Commissioner Stewart wanted to let the public know the Commission has acknowledged the email, and as a community they were doing what they could to address it.

Commissioner Barron proposed a discussion on fire sprinklers be agendized to a future meeting. The Commission agreed to agendize a discussion on fire sprinklers.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT - NONE

Chairperson Luhr followed up with Graham regarding placing Electric Vehicle Charging stations on along the Embarcadero.

Graham responded to Luhr's question.

Commissioner Barron asked about Farmer's Market being brought to the City Council again.

Graham responded to Barron's question.

G. ADJOURNMENT

The meeting adjourned at 7:52 p.m. to the next special scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on March 5, 2019 at 6:00 p.m.

\_\_\_\_\_  
Gerald Luhr, Chairperson

ATTEST:

\_\_\_\_\_  
Scot Graham, Secretary



**A-1** Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

**A-2** Approval of minutes from the Planning Commission meeting of January 15, 2019.

**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Commissioner Barron moved to accept the Consent Calendar. Commissioner Stewart seconded, and the motion passed 5-0.

<https://youtu.be/zb0pfyXeJps?t=33m7s>

**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.

<https://youtu.be/zb0pfyXeJps?t=33m27s>

**B-1 Case No.:** S00-130

**Site Location:** 787 Main Street, Morro Bay, CA

**Proposal:** Abandonment of public right of way along Morro Bay Blvd from the corner of Main Street to the end of the parcel that is 787 Main Street, and along Main Street in front of 787 Main Street, 775 Main Street and 767 Main Street. Abandonment request is for approximately 135 square feet (1-foot-wide and approximately 134 feet in length) of right of way along Morro Bay Blvd and 400 square feet of Main Street right of way (2-feet-wide and approximately 200 feet in length) in front of these three parcels. The abandonment is necessary to resolve a long-standing historic building encroachment in the public right of way (The Barber shop on Morro Bay Blvd near the corner of Main Street and the Pizza Port building, constructed prior to 1920).

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

**Staff Recommendation:** Conditionally approve and make finding of consistency with General Plan

**Staff Contact:** Nancy Hubbard, Contract Planner, (805) 772-6211

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/zb0pfyXeJps?t=43m46s>

Jane Heath, representative for the applicant, presented her report to the Commission.

The Commissioners presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/zb0pfyXeJps?t=55m47s>

The Commissioners presented their questions to staff.

Discussion between Commissioners and staff.

**MOTION:** Commissioner Stewart moved to approve PC Resolution 04-19; the resolution of the Morro Bay Planning Commission recommending approval to the City Council to adopt a resolution of intention to abandon a portion on Main Street and Morro Bay Boulevard, S00-130. Chairperson Luhr seconded.

<https://youtu.be/zb0pfyXeJps?t=1h23m10s>

The Commissioners discuss the motion, and the motion does not pass 2-3, with Vice-Chairperson Lucas, Commissioner Barron, and Commissioner Ingrassia voting no.

Graham suggested that the Commissioners could approve the ROW Abandonment but only as to lot one since that parcel had the 2 encroaching buildings.

Chairperson Luhr opened the Public Comment

<https://youtu.be/zb0pfyXeJps?t=1h30m33s>

Heath clarified to the Commissioners what the applicant was asking for, to correct a lot line encroachment which needs to be corrected in order to complete the lot line adjustment process.

Chairperson Luhr closed the Public Comment

<https://youtu.be/zb0pfyXeJps?t=1h37m35s>

Discussion between the Commissioners and staff.

**MOTION:** Commissioner Stewart move to approve PC Resolution 04-19; the resolution of the Morro Bay Planning Commission recommending approval to the City Council to adopt a resolution of intention to abandon a portion on Main Street and Morro Bay Boulevard, S00-130. The approval approved the ROW abandonment only related to Lot one (1). Vice-Chairperson Lucas seconded, and the motion passes 5-0.

<https://youtu.be/zb0pfyXeJps?t=1h47m11s>

## C. NEW BUSINESS

**C-1 Planning Commission FY 19/20 Work Plan.** The Planning Commission will discuss and provide direction for potential items to be included in their FY 19/20 work plan. Items discussed may also help inform the Council goal setting process.

**Staff Contact:** Scot Graham, Community Development Director, (805) 772-6291

<https://youtu.be/zb0pfyXeJps?t=1h49m10s>

Graham presented the staff report.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/zb0pfyXeJps?t=1h52m27s>

Crawford read a letter the Chamber of Commerce submitted to the City Council which consists the Chamber goals and objectives.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/zb0pfyXeJps?t=1h55m11s>

Discussion between Commissioners and staff.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS - NONE

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT - NONE  
<https://youtu.be/zb0pfyXeJps?t=2h20m57s>

Graham notified there were no items on the agenda for the next Planning Commission meeting and noted the meeting will most likely canceled.

G. ADJOURNMENT  
The meeting adjourned at 8:21 p.m. to the next special scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on March 19, 2019 at 6:00 p.m.

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Gerald Luhr, Chairperson

ATTEST:

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Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: April 2, 2019

## Staff Report

**TO:** Planning Commissioners

**DATE:** March 28, 2019

**FROM:** Willow Urquidi, Assistant Planner

**SUBJECT:** Appeal of Administrative Coastal Development Permit CDP18-009 for demolition of an existing single-family residence and new construction of a 2,203 square-foot single-family residence with a 432 square-foot garage at 461 Fairview.

**RECOMMENDATION:**

*Deny the appeal, adopt the Class 3(a) Categorical Exemption, and uphold the Director's approval of Coastal Development Permit CDP18-009 for 461 Fairview and development plans stamped approved January 31, 2019 by adopting Planning Commission Resolution 05-19.*

**ALTERNATIVES:**

1. Uphold the appeal, thereby reversing the Director's approval and deny CDP18-009.
2. Continue review to a date certain and provide direction to staff and the applicant regarding desired revisions to project design.

**APPELLANT:** Nancy Bast

**APPLICANTS:** Chris and Jill Stavros

**LEGAL DESCRIPTION/APN:** 066-205-010

**SUMMARY:**

An Administrative Coastal Development Permit was issued on January 31, 2019 for the demolition of an existing 922 sq. ft. single-family residence and new construction of a 2,203 sq. ft. single-family residence with a 432 sq. ft. garage, and 432 sq. ft. of decking at 461 Fairview. An appeal of this action was submitted by Nancy Bast on February 8, 2019.

**REGULATORY SETTING:**

The function and duties of the Planning Commission as the appellant body are to review the appeal, administrative record and written correspondence received by staff and included in the staff report, and take one of the following actions:

- A. Conduct a public hearing considering the concerns raised by the appellant, and uphold or deny the appeal; or
- B. If new evidence comes to light at the hearing that was not previously reviewed by staff, remand the matter back to staff for further review and action.

The Planning Commission, under option A above, shall conduct a de novo review in that the appellant body shall consider only the same application, plans and related materials that were the subject of the original decision, and is not required to give any deference to the original determination of the Director.

**PROJECT SETTING:**

The project is located in the Morro Heights residential neighborhood in Planning Area 7 (Central Morro Bay), west of Morro Bay State Park, south of Carmel Street, north of Ridgway Street and east of Kings Avenue. The nearly 4,000 square-foot lot is designated Low-Medium Density Residential and zoned R-1. Housing in the surrounding area includes a mix of one- and two-story homes ranging from 456 to 3,028 square feet.

<b>Adjacent Zoning/Land Use</b>			
North:	R-1/ Single-family residential	South:	R-1/ Single-family residential
East:	R-1/ Single-family residential	West:	R-1/ Single-family residential

<b>Site Characteristics</b>	
Site Area	Approximately 4,000 square feet
Existing Use	Residential
Terrain	Primarily flat, gently sloping to the north west
Vegetation/Wildlife	Ornamental landscaping
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Fairview Avenue

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Low-Medium Density Residential
Base Zone District	R-1
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone, however not in the Appeals Jurisdiction nor Original Jurisdiction

<b>Zoning Ordinance Standards</b>			
	<b>Standards</b>	<b>Existing</b>	<b>Proposed</b>
<b>Front Setback</b>	20 feet	13 feet 11 inches	20 feet
<b>Side-Yard Setback</b>	5 feet	Approx. 13 feet (north) Approx. 4 feet (south)	5 feet (north) 5 feet (south)
<b>Rear Setback</b>	6 feet 9 inches	6 feet 4 inches	6 feet 9 inches
<b>Height</b>	25 Feet	Approx. 13.25 feet	24'8"
<b>Lot Coverage</b>	Max 45%	Approx. 36%	43.3%
<b>Parking</b>	2 Car Garage	1 Car Carport	2 Car Garage

**PROJECT DISCUSSION:**

Staff considered the proposed project in light of the City’s General Plan, Local Coastal Plan (LCP) and the Zoning Ordinance. The requested development was found to be consistent with the applicable City documents listed above and a Coastal Development Permit was issued on January 31, 2019 (the approved development plans can be found in Exhibit D attached below). This approval was subsequently appealed to the Planning Commission by the neighbors to the east, Nancy Bast, based on concerns regarding noticing, view protection, and neighborhood compatibility. The Appellants’ grounds for appeal and staff’s response to said appeal is presented below with Appellant’s information placed as bold type, followed by staff response in regular print.

**APPEAL ISSUES:**

Appellant Nancy Bast’s bases an appeal of the project on the following grounds (See Exhibit B attached below for the full appeal form):

**Appeal Issue #1:**

**The permit must be supported by a finding that the project is consistent with the Morro Bay Local Coastal Program and no such finding exists in the permit issued.**

***Staff Response:***

The project was reviewed and found consistent with the certified Local Coastal Plan. Given the concern noted in the appeal item, the Planning Commission resolution contains several findings related to consistency with the City's Local Coastal Program and General Plan and Zoning Code.

**Appeal Issue #2:**

**The proposed project is not consistent with Morro Bay Coastal Land Use Plan Policy 12.06 because there has been no consideration of height and bulk in relation to the character of the surrounding area.**

***Staff Response:***

Policy 12.06 of the Coastal Land Use Plan (Title XIII, p. 214) applies to new development in "areas of visual significance," which includes Morro Heights, and states that such development "shall include as appropriate ... Height/bulk relationships compatible with the character of surrounding areas or compatible with neighborhoods or special communities which, because of their unique characteristics, are popular visit destination points for recreation." This project, as designed, was found to be consistent with the regulations and policies set forth in both the Zoning Ordinance for development standards and the City's Residential Design Guidelines. The design is thoughtful and balanced, while incorporating the second floor into the overall design of the home, using various textures and materials, slop the roof away from the adjacent homes, and limits the second story size relative to the first story. Additionally, the bulk, scale, and overall design of the home were found visually compatible with the surrounding neighborhood.

**Appeal Issue #3:**

**The project violates Policy 9.02 of the City's Section X Land Use Plan because it does not ensure that it shall not create or contribute to erosion or geologic instability.**

***Staff Response:***

Policy 9.02 of the Coastal Land Use Plan (Title X, p. 168) states: "All new development shall ensure structural stability while not creating nor contributing to erosion or geologic instability or destruction of the site or surrounding area." The proposed project is located in an area that has been defined in the Coastal Land Use Plan as an "Area of Potential Groundshaking." (See

Title X, Figure 23, p. 160.) The project is required to meet California Building Code requirements. Structural integrity of the site is analyzed and accounted for during the building permit stage of the development process, and Building condition No. 1 specifically requires evaluation of the retaining wall, which appears to be Appellant's primary concern (See Exhibit C).

**Appeal Issue #4 and #5:**

**The City of Morro Bay is subject to Coastal Act §30624.**

**Coastal Act §30624 and CCR §13328.2 do not allow the Planning Director to issue an administrative CDP for either the proposed demolition or the proposed residence and he is required by §30624 to notify the applicants that they must apply for a regular CDP.**

***Staff Response:***

In issuing the administrative CDP to the Applicant, the Director followed the requirements in Morro Bay Municipal Code section 17.58.040. This section allows the Director to process an administrative CDP for, among other things, "Any single-family dwelling" and "Demolition of less than three units," as long as the project is not located in the coastal development permit appeal area (which it is not).

Appellant's essential contention is that when the City issues administrative CDPs, it must follow the requirements of Title 14 of the California Code of Regulations (CCR), Section 13328.2, rather than MBMC Section 17.58.040. The Appellant is incorrect.

14 CCR Section 13328.2 is located in Article 1 of Subchapter 1.5 of Chapter 7 of Division 5.5 of Title 14 of the California Code of Regulations ("Article 1"). The first section of Article 1 – Section 13328 – entitled "Scope of the Article," states as follows:

This article governs special procedures for processing applications for permits by a local government pursuant to the requirements of Public Resources Code Section 30624 where the coastal development permit authority has been delegated to a local government pursuant to Public Resources Code Section 30600.5. ***prior to the certification of its local coastal program.*** It shall apply to the issuance of administrative permits by an appropriate local official so designated by resolution of the governing body of a local government that has been delegated coastal development permit authority. (Emphasis Added)

The City of Morro Bay's local coastal program was certified in October 1982. Consequently, 14 CCR Section 13328.2 does not apply.<sup>1</sup>

State law further clarifies that after the certification of a City's local coastal program, the City may issue permits in accordance with the requirements of the local coastal program. California Public Resources Code (PRC) Section 30600(d) states: "After certification of its local coastal program ... a coastal development permit shall be obtained from the local government." PRC Section 30604(b) further states: "After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the certified local coastal program." Therefore, in processing the application, it was proper for the Director to make his determination based on the requirements in MBMC Section 17.58.040 – which is part of the City's certified local coastal program.

<sup>1</sup> Appellant also makes an argument based on the language of Public Resources Code (PRC) Sections 30624 and 30600.5, which is also incorrect. Essentially, Appellant argues that the language of these sections makes them applicable both before *and after* the certification of a City's local coastal program.

Appellant first notes that Section 30624(a) applies "where the coastal development permit authority **has been delegated** to a local government pursuant to Section 30600.5." (Appellant's emphasis.) This is irrelevant because the delegation of authority to issue permits does not require the certification of the local coastal program – in other words, the former does not imply the latter.

Appellant then argues that Section 30600.5 applies both before *and after* certification of the local coastal program on the basis of the following language from Section 30600.5(a): "Prior to the certification of a local coastal program **and** notwithstanding the provisions of subdivision (a) of Section 30519, **after the effective date of this section**, the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section 30600) shall be delegated to local governments pursuant to the provisions of this section." (Appellant's emphasis.) Appellant then argues that "after the effective date of this section" means "after that local government's local coastal program has been certified." Appellant cites Section 30600.5(i) as support for this assertion, but Section 30600.5(i) says nothing about the Section's effective date – rather, it says when the Section will "have no further force or effect." The effective date of a statute is the date that it takes legal effect, which in this case was sometime in 1981.

**Appeal Issue #6:**

**Improper Notice**

The City of Morro Bay is required to provide adequate notice to surrounding neighbors of proposed development. This includes posting a high-visibility sign of certain color, height and dimension that includes a drawing of basic plans, can be read from the street and allows sufficient time for the community to respond before the statutory deadline. In this case, the sign was posted with only a few days to respond and there was no drawing of the proposed changes to the property.

In this case, the neighborhood did not know anything of the project until the yard sign Notification of Development was obscurely placed on the property on Jan. 15, 2019, citing Jan. 28, 2019 as the date for issuance of the permit.

How does the statement in the Design Guidelines "*By applying the Design Guidelines as part of the project review process, the City of Morro Bay has the opportunity to provide positive, constructive direction to development within the City*" fit into the above Administrative Permitting process?

With a regular coastal development permit, the City of Morro Bay is required to mail a postcard to neighbors within a predetermined boundary area that describes the address of the development, a deadline to respond and information about how to contact the City for further information. When asked about notice, City staff insisted that over 100 postcards were mailed and then blamed the federal government shutdown for failed delivery. Mail delivery was not affected by the government shutdown and not one neighbor received the postcard notification.

Thus there was NO opportunity for neighbors to learn about or have a public review of the development prior to issuance of the administrative permit.

The only avenue available for affected or interested neighbors to learn about the development is to file a \$250 appeal for which the Planning Dept. would only then provide a written analysis of the project for interested parties' evaluation.

The appeal must be filed within 10 days of issuance of the permit.

Ironically, to fill out an appeal application, details of the development are necessary in order to provide the reasons for appeal.

This project is of such a scope and scale that a coastal development permit is appropriate.

***Staff Response:***

Noticing procedures are set forth in MBMC Section 17.58.040.C which describes noticing requirements for administrative permits. The City exceeded these requirements by noticing owners and occupants within 500 feet. Notice was sent by the City to all owners and occupants located within 500 feet of the project site. A standard yellow noticing board measuring 18" x

24” was posted at the site on January 15, 2019 (See Exhibit E) and the comment period extended for ten calendar days, closing at 5:00pm on January 25, 2019. Staff met with members of the public multiple times during the public comment period. The permit was then issued on January 31, 2019.

**Appeal Issue #7:**

**Administrative Permitting Process leaves out neighborhood consideration.**

The proposed demolition and new house construction at 461 Fairview is a poster child for the inequity of the Administrative Permitting Process and incompatibility, as proposed, with the neighborhood.

This development is inappropriate in this location for the following reasons:

- The Administrative Permitting Process by which Demolition/build is allowed does not provide for adequate public input;
- The proposed house is incompatible with the neighborhood;
- Loss to neighboring property values;
- Loss of neighboring viewsheds, privacy and a degraded quality of life.
- Loss of neighbors’ congenial relationships.

The authority to demolish an existing house and build a new house lies solely with the Planning Director and is not reviewed or heard publicly by the Planning Commission.

No details were given on the yard sign and NO staff report exists on the project at the Planning Department. The only information Planning Department staff could provide was a look at Architectural plans, difficult for most people to understand or extrapolate placement relative to adjacent and surrounding houses.

***Staff Response:***

The project was reviewed and noticed in a manner consistent with Morro Bay’s General Plan, certified Local Coastal Plan, and Residential Design Guidelines. The City frequently processes administrative Coastal Development Permits for demolition / reconstruction of single-family homes in existing single-family neighborhoods, which is consistent with all current zoning regulations and policies. The City’s General Plan, Local Coastal Program and Zoning code do not contain policies that protect private views across private property.

**Appeal Issue #8:**

**The Land Use Plan and General Land Use Policies.**

The Land Use Plan and General Land Use Policies provide the following:

*XIII Visual Resources Local Coastal Plan.*

**6. Protection of Neighborhood Character.**

*One of the priorities of the Coastal Act is protection of the character of the community and its neighborhoods. Morro Bay recognizes the need to preserve the unique character of its varied neighborhoods and to create a higher quality visually within them.*

*The current allowable height and bulk for residential development is not appropriate for some portions of the community. Such building would in many cases block important views and conflict with the character of individual neighborhoods.*

***Staff Response:***

The project as designed is consistent with the regulations and policies set forth in the General Plan, Local Coastal Plan, Zoning Code and Residential Design Guidelines. The project significantly reduces the impact of the added square footage by incorporating the second story into the overall design of the building and angling the roof, and provides an overall tasteful and balanced design that is not out of scale with properties in the surrounding neighborhood.

**Appeal Issue #9:**

**Design Guidelines - Neighborhood Compatibility**

The City of Morro Bay's Design Guidelines provides the following:

*Neighborhood Compatibility is generally represented by how a neighborhood looks and feels.*

- 1. Proposed new construction should be consistent with the overall pattern of perceived scale and mass in the surrounding neighborhood. Compatibility cannot be achieved merely by demonstrating other selected residences*

- nearby may be similar in size or larger than proposed project, particularly if the selected examples are atypical of the neighborhood.*
- 2. The perceived scale, mass and design should be appropriate to the original home.*
  - 3. Blocks where single story or small two story homes are the predominant block pattern, a second story may require special attention.*
    - a. Limit the house profile of the new home to an area generally consistent with the profiles of existing homes.*
    - b. Siting the second floor back from the front and sides of the first story a distance sufficient to reduce overall scale of building.*
    - c. Limit the size of the second story relative to the first story.*
    - d. Increase the front/side setback of the entire structure.*
    - e. Place at least 60 or 70% of second floor over the back half of first story.*

The proposed new house does not adhere to the above guidelines.

The proposed new development design at 461 Fairview is quite modern in appearance and markedly different from all the older homes in the neighborhood. The Design Guidelines are clear that Protection of Neighborhood Character "*should pay particular attention to the adjacent homes while remaining visually compatible with the immediate neighborhood.*"

#### **Design Guidelines - Privacy**

In addition, the proposed plans do not comply with the Design Guidelines provisions for privacy.

- I. Minimize privacy intrusions on adjacent residence. While it may not be possible to insure complete privacy between homes given the small lot sizes in the city, designs should attempt to lessen impact.*
  - 1. Windows should be placed so as to minimize views into the living spaces and yard spaces near neighboring homes. In particular, window placement*
    - a. Limit the house profile of the new home to an area generally consistent with the profiles of existing homes.*
    - b. Siting the second floor back from the front and sides of the first story a distance sufficient to reduce overall scale of building.*
    - c. Limit the size of the second story relative to the first story.*
    - d. Increase the front/side setback of the entire structure.*
    - e. Place at least 60 or 70% of second floor over the back half of first story.*

The proposed new house does not adhere to the above guidelines.

The proposed new development design at 461 Fairview is quite modern in appearance and markedly different from all the older homes in the neighborhood. The Design Guidelines are clear that Protection of Neighborhood Character "*should pay particular*

***Staff Response:***

The project as designed is consistent with the regulations and policies set forth in the General Plan, Local Coastal Plan, and Residential Design Guidelines. Staff determined that the design, bulk, scale, and mass are consistent with the surrounding neighborhood. Not only is this a modest two-story home, but also the design is thoughtfully balanced. The City's Residential Design Guidelines provide tools for lessening the impact on two-story buildings on the immediate neighborhood. This project in particular incorporates the second floor into the overall design of the home, uses various textures and materials, slopes the roof away from the adjacent homes, and limits the second story size relative to the first story. With regards to privacy and view blockage, the City does not protect private views across private property. The City does protect public views and the project as a demolition / reconstruction of a single-family home in an existing single-family neighborhood is consistent with both zoning regulations as well as policies within the General Plan and Local Coastal Plan.

**Appeal Issue #10:**

**Obstruction of Visibility of Driveways or Intersections**

Another concern is that 461 Fairview is on a significant street grade and a curve as Fairview veers off Kings Ave. The property has landscaping to the roadway with no available right of way parking. Visitors often park in the roadway, making vehicles coming from the opposite direction obscured. The family currently has three cars necessitating street parking that adds additional congestion and hazards for neighbors exiting from their driveways. This condition will be greatly exacerbated during demolition and construction by those large vehicles, more so in this constricted location than most streets.

Below is a comparison of the building square footage and the lot square footage of 52 properties in the surrounding area of 461 Fairview taken from SLO County Assessor records.

Please note 461 Fairview is the **smallest** lot in the area, while applicant proposes a 2635 s.f. structure larger than any surrounding houses except for a few houses built on much larger lots.

Without including the 432 s.f. garage (which is an inseparable part of the 2 story bulk and mass) the proposed new house is 2203 s.f., still larger than a large majority of surrounding houses.

In 2015, a similar project at Ridgeway and Fairview was denied on appeal. That project also involved demolition and new house construction under an approved administrative permit. Planning Commission's denial cited two findings; namely Zoning Ordinance section 17.48.190, "Protection of visual resources and compatible design" and the Land Use Element Policy LU-15. Specifically,

*Coastal Development Permit Findings for Denial (Planning Commission Resolution #15-14, Exhibit F):*

1. *The project as proposed is not visually compatible with the character of the surrounding neighborhood in terms of bulk, size and scale.*
2. *Project is not consistent with Land Use Element Policy LU-15 which states: "The present human scale and leisurely, low-intensity appearance of Morro Bay should be maintained through careful regulation of building height, location and mass. Though the neighborhood presents a mix of 1 and 2 story homes, the existing 2 story homes are modest in bulk and scale consistent with this land use element policy".*

These two findings apply directly to the current proposed project at 461 Fairview.

***Staff Response:***

The project as designed is consistent with the regulations and policies set forth in the General Plan, Local Coastal Plan, and Residential Design Guidelines. Morro Bay's current zoning ordinance requires two covered and enclosed parking spaces to alleviate some of the parking concerns in the driveway and street. On-street parking is permitted on Fairview; however, if cars park in some sort of perceived illegal manner, neighbors should contact Morro Bay Police Department. Public Works reviewed the project prior to permit issuance to ensure compliance with City street standards. Furthermore, Staff determined that the house is appropriate in size with regards to the challenging shape of the project site.

The referenced 1000 Ridgeway project was dramatically different from the proposed project as it started off at over 6,000 square feet and when revised and reduced in size remained fairly massive at around 5,000 square feet. The project was also in a neighborhood with homes that were largely below 2,000 square feet.

The subject home is in keeping with the home sizes found in the neighborhood. The layout of the lots along Fairview step down the slope and the home has been designed to respect overall height, bulk and scale of the surrounding neighborhood. The Appellant provided a list of neighboring properties and their respective square footages, which Staff spot checked and found to be accurate (See Exhibit B for list of neighboring properties and square footages).

**Appeal Issue #11:**

**Protection of Visual Resources and Design:**

The Visual Resources chapter of the City's LCP further describes protection of neighborhood character and recognizes the need to preserve the unique character of its varied neighborhoods:

*New residences and new residential additions are often out of scale and character with other residences in the vicinity" and;*

*The current allowable height and bulk for residential development is not appropriate for some portions of the community. Such buildings would in many cases block important views and conflict with the character of individual neighborhoods. (LCP Chapter XIII Paragraph D6).*

This is such an important issue that many coastal cities have private view protection in their Municipal Codes including Arroyo Grande, Carmel, Del Mar, Laguna Beach, Monterey, Sausalito, Palos Verdes and Tiburon.

Locally, the City of Arroyo Grande requires that a minor use permit for viewshed review be issued *prior to obtaining a building permit*. That city's fee for a viewshed review is currently \$983 and guarantees its residents that a proposed development will be compatible with the surrounding neighborhood before the applicant applies for a building permit. At the community development director's discretion, cross-sections drawn to scale for both the vertical and horizontal dimensions which include adjacent property and structures must be submitted in order to determine the actual impact of the proposed plan. This is how the existing scope and character of neighborhoods is preserved.

***Staff Response:***

Protecting private views is not a review criteria found in the City's General Plan, Local Coastal Program or Zoning code. The bulk, scale, and overall design of the home were found to be visually compatible with the surrounding neighborhood.

**Appeal Issue #12:**

**Soils Report**

City staff provided the Appellant with architectural drawings for the proposed development. That was the only document made available to Appellant prior to filing this appeal. A soils report is necessary prior to issuing a permit because this property

lies within a seismically active zone and abuts two lots of differing elevations. It is unknown whether the current retaining walls on either side of the proposed development can withstand additional loads.

***Staff Response:***

The proposed project is required to meet California Building Code requirements, per project Building condition of approval 10. Structural integrity of the site is analyzed and accounted for during the building permit stage of the development process and the project coastal development permit includes Building condition 6 requiring submittal of soils investigation.

**ENVIRONMENTAL DETERMINATION**

Environmental review was performed for this project. Staff review resulted in the determination that the project would qualify for a Categorical Exemption under the Class 3(a) exemption for construction of a single-family residence in a residential zone. The project does not meet any of the Exemption Exceptions noted in section 15300.2 of the guidelines. The project constitutes infill development on a lot that is currently developed with a single family home. There are no known unusual circumstances applicable to the lot that do not otherwise apply to the lots in the vicinity. The project is not located adjacent to a Scenic Highway and the existing residence has been evaluated and determined to not qualify as a Historical Resource.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on March 22, 2019 and all property owners of record within 500 feet and occupants within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:** Staff review of the project found the proposal meets all City requirements for General Plan, Local Coastal Plan, and Zoning Ordinance. The project meets or exceeds all requirements for this zoning district, including for lot coverage and building area. In addition, the project is consistent with the City Council approved Residential Design Guidelines. Therefore, staff has concluded that the grounds for an appeal of the project's approval are inadequate to repeal the Director's approval of the Administrative Coastal Development Permit based on the above staff analysis. The project submittal was sufficient to make the necessary findings for approval including that the project is consistent with the City's General Plan, Local Coastal Program and the Municipal Code.

Staff recommends that the Planning Commission deny the appeal, adopt the Class 3(a) Categorical Exemption, and uphold the Director approval of the Administrative Coastal Development Permit #CP0-448 subject to the findings and conditions of approval as specified by Planning Commission Resolution #11-15 attached below as Exhibit A.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 05-19

Exhibit B – Appeal received from Appellants dated 02/08/29

Exhibit C – Administrative Coastal Development Permit CP0-448 approved 01/31/2019

Exhibit D – Approved Plans / Reductions date stamped approved 01/31/2019

Exhibit E – Noticing Board Image posted at 461 Fairview on 01/15/19

RESOLUTION NO. PC 05-19

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING  
THE APPEAL OF ADMINISTRATIVE COASTAL DEVELOPMENT  
PERMIT CDP18-009 ALLOWING DEMOLITION AND  
RECONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT  
461 FAIRVIEW

**WHEREAS**, Chris and Jill Stavros submitted an application for an administrative coastal development permit on October 1, 2018 for demolition of an existing residence and construction of a new 2,203 square foot residence and 432 square foot garage; and

**WHEREAS**, The City of Morro Bay administratively approved coastal development permit CDP 18-009 on January 31, 2019; and

**WEREAS**, Nancy Bast submitted a timely appeal of the City's approval of coastal development permit CDP 18-009 on February 8, 2019; and

**WHEREAS**, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on April 2, 2019, for the purpose of considering the appeal of Administrative Coastal Development Permit CDP18-009 for demolition of an existing 922 sq. ft. single-family residence and construction of a new 2,203 sq. ft. single-family residence; and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the appellant, applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

**Section 1: Findings.** Based upon all the evidence, the Commission makes the following findings:

California Environmental Quality Act (CEQA)

1. The project is exempt from the California Environmental Quality Act, under Class 3, Section 15303(a) for the construction of a single-family residence in an urbanized area and Class 1, Section 15301(l)(1), for demolition of an existing single family residence. Additionally, none of the Categorical Exemption exception, noted under Section 15300.2 apply to the project.

### Coastal Development Permit findings

1. That the project is the construction of a Single-Family Residence in a residential zone. Specifically, the permit is an Administrative Coastal Development Permit for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence at 461 Fairview. The project proposes to add a 432 sq. ft. attached garage and 432 sq. ft. of decking. The project is consistent with the certified Local Coastal Program (LCP) and the General Plan for the City of Morro Bay.
2. The demolition of the existing residence and construction of a new 2,203 sq.f.t residence with 432 square foot attached garage is appropriate in size so as to be compatible with the adjacent structures.
3. The architectural and general appearance of the development is in keeping with the character of the neighborhood. The new 2,203 sq.f.t residence with 432 square foot attached garage is compatible with the visual quality and character of the surrounding area and is compatible with the immediate neighborhood.
4. The proposed new 2,203 sq.f.t residence with 432 square foot attached garage is consistent with the General Plan, Local Coastal Plan and General Plan Land Use Plan category of Residential, and with the requirements of the Zoning Code.
5. The proposed new 2,203 sq.f.t residence with 432 square foot attached garage is compatible with the nearby existing uses and not detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project.
6. The site is physically suitable for construction of project improvements to provide support for a new 2,203 sq.f.t residence with 432 square foot attached garage.
7. The proposed new 2,203 sq.f.t residence with 432 square foot attached garage will not be detrimental to the orderly development of improvements in the surrounding area, and will not be detrimental to the orderly and harmonious development of the City.
8. The proposed new 2,203 sq.f.t residence with 432 square foot attached garage with related improvements will not impair the desirability of investment or occupation in the neighborhood.

**Section 2: Action.** The Planning Commission does hereby deny the appeal of Administrative Coastal Development Permit CDP18-009 for the property located at 461 Fairview avenue subject to the following conditions:

## **STANDARD CONDITIONS:**

1. Permit: This permit is granted for the land described on Assessor Parcel Number 066-205-010 for the construction of a single-family residence as depicted on plans date stamped approved January 31, 2019, and on file with the Community Development Department, as modified by these conditions of approval. 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 Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, 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: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
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 applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the 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. 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.

8. Compliance with Morro Bay Standards: 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.

### **PLANNING CONDITIONS:**

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the County Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form attached to the coastal development permit. This filing has the effect of starting a 35-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
2. Construction Hours: Construction Hours: Pursuant to section 9.28.030.1, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
3. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
4. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. Prior to requesting foundation inspection, a licensed land surveyor shall verify lot boundaries and building setbacks to the satisfaction of the Community Development Director. A copy of the surveyor's *Form Certification* based on a boundary survey shall be submitted with the request for foundation inspection.
5. Building Height Verification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Director certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. 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 is in accordance with the approved plans and zoning ordinance standard.

6. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

**BUILDING CONDITIONS:**

1. The existing retaining wall (North side of property at lot 10, 484 Kings Ave.) shall require a structural assessment, performed by a qualified professional. Specific guidelines shall be incorporated when excavation must be performed at or near this structural element. Structural Engineer of Record and/or Soils Engineer shall provide the City with a detailed report of the assessment, control measures and excavation procedures prior to permit issuance.

**A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

**BUILDING DIVISION:**

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.

6. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided.
9. **BUILDING PERMIT APPLICATION.** To apply for building permits, submit three (3) sets of construction plans to the Building Division.
10. The Title sheet of the plans shall include:
  - a. Street address, lot, block, track and Assessor Parcel Number.
  - b. Description of use.
  - c. Type of construction.
  - d. Maximum Height of the building allowed and proposed.
  - e. Floor area of the building(s).
  - f. Vicinity map.
  - g. Minimum building set back per zoning designation or conditional use approval.
11. All construction will conform to the 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Fire Code (IFC), 2016 California Mechanical Code (CMC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Energy Code, 2016 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

**B. CONDITIONS TO BE MET DURING CONSTRUCTION:**

**BUILDING DIVISION:**

1. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.

3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and/or building height prior to framing inspection when determined necessary by the Planning Division.

**C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

**BUILDING DIVISION:**

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.
2. Title 24 form(s) 2F-6R (Certificate of installation) for building, mechanical, electrical and plumbing systems.

**FIRE CONDITIONS:**

1. Fire safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Automatic Fire Sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903) and Morro Bay Municipal Code (Section 14.08.090)
3. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)
4. Address Identification. All new and existing single family residence and ADU's shall have their own approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property. (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.

**PUBLIC WORKS CONDITIONS:**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/EZmanual](http://www.morro-bay.ca.us/EZmanual). Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to prove compliance.

2. Sewer Lateral: Indicate and label new or existing sewer lateral and connection. If an existing lateral is used, perform a video inspection of the lateral and submit to Public Works via flash drive or DVD, prior to building permit plan approval. If the existing lateral is determined to be deficient, it shall be repaired as necessary and all repairs shall be noted on approved set of plans.
3. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A sewer backwater valve is required on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070).
4. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. Show on plans the control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way or adjacent properties.
5. Water Meter: Indicate and label new or existing water meter on plans. Verify that the meter size is 1" or greater.
6. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.
7. Utilities: Show all existing and proposed locations of the sewer lateral, water service, and water and sewer mains on the building plans. Include sizes where appropriate. Note the location of all overhead utilities and construction underground service entrances per the CBC.
8. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway and any ancillary paved areas within the unimproved right of way; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement. If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit within the City right- of-way.

Add the following Notes to the Plans:

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 2nd day of April 2019 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson Gerald Luhr

ATTEST

\_\_\_\_\_  
Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted on this 2nd day of April 2019.



# CITY OF MORRO BAY

Public Services Department **RECEIVED**  
Planning Division

955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6577

**FEB 08 2019**  
City of Morro Bay  
Community Development Dept.

## APPEAL FORM

**In CCC Appeals Jurisdiction?**

YES - No Fee  
 NO - Fee Paid:  Yes  No

Project Address being appealed: 461 FAIRVIEW AVE.

Appeal from the decision or action of (governing body or City officer):  
 Administrative Decision  Planning Commission  City Council

Appeal of action or specific condition of approval: ISSUANCE OF ADMINISTRATIVE CDP FOR DEMOLITION AND CONSTRUCTION OF RESIDENCE AT 461 FAIRVIEW.

Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision):  
CDP 18-009

Date decision or action rendered:  
JANUARY 31, 2019

Grounds for the appeal (attach additional sheets as necessary):  
SEE ATTACHMENTS 1, 2, 3, & 4

Requested relief or action:  
REVIEW BY REGULAR COASTAL DEVELOPMENT PERMIT AND OVERTURN THE ADMINISTRATIVE PERMIT ISSUED ON JANUARY 31, 2019

Appellant (please print): NANCY BAST Phone: 805 772-4238

Address:  
450 FAIRVIEW AVE. MORRO BAY, CA

Appellant Signature: Nancy Bast Date: 2/8/2019

FOR OFFICE USE ONLY	
Accepted by:	Date appeal filed:
Appeal body:	Date of appeal hearing:

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FEB 08 2019

Appellant Nancy Bast seeks to overturn the Administrative Coastal Development Permit issued on January 31, 2019 for property at 461 Fairview Avenue based in part on the following. Attachment 2 of this appeal is included by reference.

Please note that pursuant to Coastal Act regulations §13328.8 issuance of this administrative permit is within the Coastal Commission's appeal jurisdiction and is appealable to the Coastal Commission as follows.

§ 13328.8. Appeal of Administrative Permit.

(a) **Any person**, the executive director of the California Coastal Commission, or any two members of the California Coastal Commission **may appeal the decision to approve or deny an administrative permit to the commission**. An administrative permit may not be issued until the expiration of the twenty (20) day appeal period. The twenty (20) working day period for appeal shall run from the date of the receipt of a notice of final local government action that contains sufficient information upon which to base an informed appeal.

(b) Processing of an appeal shall be governed by the provisions of Public Resources Code Section 30600.5 and California Administrative Code Sections 13330-13343, and shall be scheduled, heard and processed as priority items where time limits permit.

**The permit must be supported by a finding that the project is consistent with the Morro Bay Local Coastal Program and no such finding exists in the permit issued.**

Both local and state laws require that decisions on coastal development permits must be supported by a finding that the proposed project is consistent with the agency's General Plan Local Coastal Plan.

Coastal Act §30604 subsection requires that:

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the certified local coastal program.

No exception is made in the statute for administrative permits.

Carrying out the Coastal Act, the Morro Bay Municipal Code §17.58.040 explicitly requires that the Planning Director must make a finding that a proposed project is consistent with the Local Coastal Program in order to approve any coastal development permit. Under §17.58.040 the Planning Director may:

1. Deny, Approve or Conditionally Approve. The director may deny, approve or conditionally approve applications for administrative coastal development permits on the same grounds as contained in Section 17.58.030D.
2. Standards. Permits used for such developments shall be governed by the standards used in approving coastal development permits according to this chapter.

§17.58.030D mandates that “In order to approve any coastal development permit, the findings of the planning commission shall be that the approved or conditionally approved project is consistent with the applicable provisions of the certified local coastal program.”

Therefore, the Planning Director is authorized to issue a development permit based on the finding “...that the approved or conditionally approved project is consistent with the applicable provisions of the certified local coastal program.”

California General Plan law requires that development projects must be consistent with the general plan and local agencies are required to make that finding in order to issue a development permit.

“[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements” ..... ‘The consistency doctrine has been described as “the linchpin of California’s land use and development laws; it is the principle which infuse[s] the concept of planned growth with the force of law.” ...’ ” California Native Plant Society v City of Rancho Cordova 172 Cal App 4<sup>th</sup> 603 (2009) citing *Families Unafraid to Uphold Rural etc. County v. Board of Supervisors*(1998) 62 Cal.App.4th 1332, 1336, 74 Cal.Rptr.2d 1 (*FUTURE* ).

The propriety of the Planning Director’s decision to issue this administrative coastal development permit depends on a finding that the project is consistent with the City’s LCP and General Plan and this finding was not made. This finding was not made and the permit is therefore not valid.

**The proposed project is not consistent with Morro Bay Coastal Land Use Plan Policy 12.06 because there has been no consideration of height and bulk in relation to the character of the surrounding area.**

Fairview is at the top of Morro Bay Heights which is identified in Figure 31 of the Coastal Land Use Plan as an Area of Visual Significance.

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

- a. Height/bulk relationships compatible with the character of surrounding areas .....

There is no record showing consideration by the Planning Director that the height and bulk relationships of the proposed structure are compatible with the character of the surrounding areas in spite of the fact that the incompatibility of the height and bulk of the structure has been brought to the Planning Director's attention.

Without this information it is not possible for the Planning Director to form an opinion as to whether the proposed project will be "de minimis" as required under Coastal Act §30624. The appellant contends that it is not de minimis, not minimal as described below, and that the project requires a regular CDP.

**The project violates Policy 9.02 of the City's Section X Land Use Plan because it does not ensure that it shall not create or contribute to erosion or geologic instability.**

Policy 9.02 of Section X of the Land Use Plan on hazards requires that "All new development shall ensure structural stability while not creating nor contributing to erosion or geologic instability or destruction of the site or surrounding area." This same policy is reiterated in the City's Safety Element at page V-26.

Figure 23 (p. 160) of Section X identifies Fairview within the area of potential groundshaking because the area is "underlaid by dune sand or alluvium...".

Section X also states that "Geologic hazards exist in the hillsides forming the eastern backdrop of the City and are characterized by steeply sloping, highly erosive, and landslide prone terrain. (p. 155)

The north side of the applicant's property is bounded by a retaining wall that is 9 feet tall on the east end and 7 feet tall on the west end. The house on the site that was created by the cut into the downward sloping hillside was built in the 1950s. There was nothing provided to the appellant and, therefore presumably, nothing in the City's record related to the construction or stability of the retaining wall and whether it is up to required specifications in the California Building Code.

Under these conditions of geologic hazards and soils, issuance of a development permit for this project is in violation of Policy 9.02 of Section X of the Land Use Plan on hazards because structural stability is certainly not ensured by the information available within the administrative permitting process and the project as designed and sited may create or contribute to geologic instability that could destroy the site or the property below it. A regular CDP is required for generation of this needed data and analysis.

In addition, without data and analysis related to these conditions, consideration by the Planning Director in order to form an opinion as to whether the proposed project will be de minimis is impossible. Appellant contends that construction of this structure presents issues that are not de minimis and that a regular CDP is required.

**The City of Morro Bay is subject to Coastal Act §30624.**

The City Planning Director is not allowed under the Coastal Act to issue an administrative permit for any development that does not meet the criteria listed in Coastal Act §30624. In this case, §30624 prohibits the Planning Director from issuing both a permit for demolition and for development of the residence with an administrative CDP.

First, contrary to the City Attorney's claim, Coastal Act §30624 encompasses both pre- and post- LCP certification. Section 30624 which states:

“(a) The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or, where the coastal development permit authority has been delegated to a local government pursuant to Section 30600.5, by an appropriate local official ...”

Section 30600.5 encompasses both pre- and post-LCP certification. It states that:

“(a) Prior to the certification of a local coastal program **and** notwithstanding the provisions of subdivision (a) of Section 30519, **after the effective date of this section**, the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section 30600) shall be delegated to local governments pursuant to the provisions of this section.”

Under subsection (i) of §30600.5, “after the effective date of” this section is “**after that local government's local coastal program has been certified ...**”

Therefore, §30600.5 applies to both pre- and post-certification.

Consistent with this meaning, there are two types of “delegation” of permitting authority to local agencies.

One is under §30600.5 which, as noted above, applies to both before and after certification of the local coastal program.

The other is §30519 where after certification the permitting authority is “delegated to the local government that is implementing the local coastal program or any portion thereof”.

Pursuant to the Coastal Commission's authority under §30600.5, it produced regulations for local government issuance of administrative CDPs after both pre- and post-LCP certification delegations of permitting authority. These Title 14 regulations are found in Chapter 7, Subchapter 1.5 “Permits Issued and Reviewed by Local Governments and the

Commission Pursuant to Certified Land Use Plans”<sup>1</sup>, and Article 1 starting with CCR §§13328 “Procedures for the Issuance of Administrative Permits by a Local Official”.

The second sentence in §13328 reiterates that the scope of Article 1 includes regulations that apply both before and after certification of an LCP as follows:

“It shall apply to the issuance of administrative permits by an appropriate local official so designated by resolution of the governing body of a local government that has been delegated coastal development permit authority.”

The City of Morro Bay has been delegated coastal development permit authority and is subject to the Commission’s regulations governing issuance of administrative permits.

**Coastal Act §30624 and CCR §13328.2 do not allow the Planning Director to issue an administrative CDP for either the proposed demolition or the proposed residence and he is required by §30624 to notify the applicants that they must apply for a regular CDP.**

Under §13328.2(a), the City’s Planning Director is allowed to “process an administrative permit for work that”:

- ◆ “conforms to the criteria set forth in Public Resources Code Section 30624”,
- ◆ “**if** the proposed work is, in the opinion of the designated local official, de minimis with respect to the policies and objectives of the local government's certified land use plan portion of its local coastal program.”

Under §13328.2(b) the Planning Director must find that the application meets the criteria of §30624 (not the City’s ordinance) or, if not, must notify the applicant that a regular CDP is required:

“If an application for an administrative permit is filed but the designated local official finds that the application does not meet the criteria of Public Resources Code Section 30624, he or she shall notify the applicant that a regular permit application is required pursuant to the provisions of Public Resources Code Section 30600.5.”

As discussed earlier, the demolition portion of the project may not be issued an administrative permit under Coastal Act §30624 because demolition is not one of the specific projects allowed under §30624.

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<sup>1</sup> While it is understood that it is not the title of a law that trumps the content, in this case the title of the law as it applies to local government with certified land use plans is consistent with the plain language of the law.

While single family dwellings are listed in §30624 and may be issued an administrative permit, it may only be issued an administrative permit **if** the work is “de minimis” in the opinion of the Planning Director. According to Wikipedia, “De minimis is a Latin expression meaning "about minimal things.”

As shown above, the Land Use Element of the City’s LCP shows that the project is proposed on soil subject to shaking. The proposed building site is on an uphill slope within 5 feet of a nine-foot retaining wall of unknown stability that may have been built in the 1950s below which there is a neighboring house.

Without information about grading of the site, the composition of the soil, proximity of the proposed development to the retaining wall of unknown stability, and the load the structure will put on the soil and the retaining wall, it is not possible for the Planning Director to form an opinion as to whether the proposed project will be “de minimis” as required under Coastal Act §30624.

The appellant contends that given

- ◆ the fact that the project violates Policy 9.02,
- ◆ the hazards attributed by the Land Use Plan to the general area,
- ◆ the specific facts related to the proximity of the proposed structure to the exceedingly tall retaining wall of unknown stability, and
- ◆ the LUP’s requirement that “All new development shall ensure structural stability while not creating nor contributing to erosion or geologic instability or destruction of the site or surrounding area”

the proposed project on this site is not de minimis, not minimal, that the project requires a regular CDP under 30624, and that to issue an administrative permit under these conditions amount to malfeasance by the Planning Director and the City.

In addition, the proposed structure will significantly diminish the views and property values of at least two neighboring residences. These losses are not de minimis and the Planning Director is not allowed under state law to issue an administrative CDP for the project and must inform the applicants that a regular CDP is required.

Nancy Bast appellant seeks to overturn the Administrative Coastal Development Permit issued on January 31, 2019 for property at 461 Fairview Avenue. This document includes by reference Attachment 1 to this appeal.

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Community Development Dept.

Appellant requests the following actions be taken:

1. The permit should be rescinded and a regular coastal development permit application made in its place;
2. The current plans must be modified to conform with the City's Land Use Plan, policies and elements;
3. The applicant should submit cross sections drawn to a true scale for both vertical and horizontal dimensions, which include adjacent properties and structures to evaluate privacy and viewshed impacts, with the locations of the cross sections keyed to the site plan by labeled section lines;
4. The applicant should erect story poles so the neighborhood can physically envision and evaluate impacts to adjacent properties.
5. A completed soils report addressing structural support provided by the existing old retaining wall on the north side of the property, which must be approved prior to issuing the permit.

## Grounds for Appeal

### Improper Notice

The City of Morro Bay is required to provide adequate notice to surrounding neighbors of proposed development. This includes posting a high-visibility sign of certain color, height and dimension that includes a drawing of basic plans, can be read from the street and allows sufficient time for the community to respond before the statutory deadline. In this case, the sign was posted with only a few days to respond and there was no drawing of the proposed changes to the property.

In this case, the neighborhood did not know anything of the project until the yard sign Notification of Development was obscurely placed on the property on Jan. 15, 2019, citing Jan. 28, 2019 as the date for issuance of the permit. How does the statement in the Design Guidelines "*By applying the Design Guidelines as part of the project review process, the City of Morro Bay has the opportunity to provide positive, constructive direction to development within the City*" fit into the above Administrative Permitting process?

With a regular coastal development permit, the City of Morro Bay is required to mail a postcard to neighbors within a predetermined boundary area that describes the address of the development, a deadline to respond and information about how to contact the City for further information. When asked about notice, City staff insisted that over 100 postcards were mailed and then blamed the federal government

shutdown for failed delivery. Mail delivery was not affected by the government shutdown and not one neighbor received the postcard notification.

Thus there was NO opportunity for neighbors to learn about or have a public review of the development prior to issuance of the administrative permit.

The only avenue available for affected or interested neighbors to learn about the development is to file a \$250 appeal for which the Planning Dept. would only then provide a written analysis of the project for interested parties' evaluation.

The appeal must be filed within 10 days of issuance of the permit.

Ironically, to fill out an appeal application, details of the development are necessary in order to provide the reasons for appeal.

This project is of such a scope and scale that a coastal development permit is appropriate.

### **Administrative Permitting Process leaves out neighborhood consideration.**

The proposed demolition and new house construction at 461 Fairview is a poster child for the inequity of the Administrative Permitting Process and incompatibility, as proposed, with the neighborhood.

This development is inappropriate in this location for the following reasons:

- The Administrative Permitting Process by which Demolition/build is allowed does not provide for adequate public input;
- The proposed house is incompatible with the neighborhood;
- Loss to neighboring property values;
- Loss of neighboring viewsheds, privacy and a degraded quality of life.
- Loss of neighbors' congenial relationships.

The authority to demolish an existing house and build a new house lies solely with the Planning Director and is not reviewed or heard publicly by the Planning Commission.

No details were given on the yard sign and NO staff report exists on the project at the Planning Department. The only information Planning Department staff could provide was a look at Architectural plans, difficult for most people to understand or extrapolate placement relative to adjacent and surrounding houses.

## **The Land Use Plan and General Land Use Policies.**

The Land Use Plan and General Land Use Policies provide the following:

### *XIII Visual Resources Local Coastal Plan.*

#### *6. Protection of Neighborhood Character.*

*One of the priorities of the Coastal Act is protection of the character of the community and its neighborhoods. Morro Bay recognizes the need to preserve the unique character of its varied neighborhoods and to create a higher quality visually within them.*

*The current allowable height and bulk for residential development is not appropriate for some portions of the community. Such building would in many cases block important views and conflict with the character of individual neighborhoods.*

## **Design Guidelines - Neighborhood Compatibility**

The City of Morro Bay's Design Guidelines provides the following:

*Neighborhood Compatibility is generally represented by how a neighborhood looks and feels.*

- 1. Proposed new construction should be consistent with the overall pattern of perceived scale and mass in the surrounding neighborhood. Compatibility cannot be achieved merely by demonstrating other selected residences nearby may be similar in size or larger than proposed project, particularly if the selected examples are atypical of the neighborhood.*
- 2. The perceived scale, mass and design should be appropriate to the original home.*
- 3. Blocks where single story or small two story homes are the predominant block pattern, a second story may require special attention.*
  - a. Limit the house profile of the new home to an area generally consistent with the profiles of existing homes.*
  - b. Siting the second floor back from the front and sides of the first story a distance sufficient to reduce overall scale of building.*
  - c. Limit the size of the second story relative to the first story.*
  - d. Increase the front/side setback of the entire structure.*
  - e. Place at least 60 or 70% of second floor over the back half of first story.*

The proposed new house does not adhere to the above guidelines.

The proposed new development design at 461 Fairview is quite modern in appearance and markedly different from all the older homes in the neighborhood. The Design Guidelines are clear that Protection of Neighborhood Character "should pay particular

*attention to the adjacent homes while remaining visually compatible with the immediate neighborhood."*

### **Design Guidelines - Privacy**

In addition, the proposed plans do not comply with the Design Guidelines provisions for privacy.

- I. Minimize privacy intrusions on adjacent residence. While it may not be possible to insure complete privacy between homes given the small lot sizes in the city, designs should attempt to lessen impact.*
  - 1. Windows should be placed so as to minimize views into the living spaces and yard spaces near neighboring homes. In particular, window placement in the side wall of a home should be offset to avoid looking directly into a neighboring room.*
  - 2. Decks and balconies should be designed and located with consideration given to privacy of adjoining properties.*
  - 3. Other options include application of appropriate landscaping, use of smaller windows, designing sill height above eye level or utilizing frosted glass.*

In the case of this proposed new construction, the south nextdoor house has their primary view to the unobstructed north from kitchen, dining and living room at the west end of their house, however with the proposed new construction, almost that entire panorama will be blocked by a 43 foot second story wall.

Also of concern, the new house plan has all the same living areas sited at the west end in such a way as to result that both residents will likely be aware of neighbors activity through picture windows and from decks, degrading privacy for both, but mainly for the adjacent south neighbor.

The new construction will house a family of four, including twin boys soon to graduate high school. The family has a very active social life, whereas the south neighbors are elderly who place great value in privacy and quiet. Referring back to the privacy provisions above, the plans do not comply with these requirements.

### **Obstruction of Visibility of Driveways or Intersections**

Another concern is that 461 Fairview is on a significant street grade and a curve as Fairview veers off Kings Ave. The property has landscaping to the roadway with no available right of way parking. Visitors often park in the roadway, making vehicles coming from the opposite direction obscured. The family currently has three cars necessitating street parking that adds additional congestion and hazards for neighbors exiting from their driveways. This condition will be greatly exacerbated during

demolition and construction by those large vehicles, more so in this constricted location than most streets.

Below is a comparison of the building square footage and the lot square footage of 52 properties in the surrounding area of 461 Fairview taken from SLO County Assessor records.

Please note 461 Fairview is the **smallest** lot in the area, while applicant proposes a 2635 s.f. structure larger than any surrounding houses except for a few houses built on much larger lots.

Without including the 432 s.f. garage (which is an inseparable part of the 2 story bulk and mass) the proposed new house is 2203 s.f., still larger than a large majority of surrounding houses.

	Building s.f.	Lot s.f.	
404 Fairview	2470.	6650	
409 Fairview.	1142.	5000	
410 Fairview.	No record.	5600	very long ownership
413 Fairview.	1259.	5000	
418 Fairview.	1235.	6588	
429 Fairview.	1128.	5000	
430 Fairview.	1249.	6550	
437 Fairview.	2493.	5000	
440 Fairview.	2464.	9827	
445 Fairview.	1462.	5000	
450 Fairview.	1545.	10032	
453 Fairview.	1497.	4000	
<b>461 Fairview.</b>	<b>922</b>	<b>3968.</b>	<b>Proposed new building s.f. 2635</b>
480 Fairview.	1640	17314	
410 Kings.	3028.	10000	
413 Kings.	1192.	5000	
421 Kings.	1395.	15000	
429 Kings.	1689.	5000	
437 Kings.	720	5000	
440 Kings.	832.	5000	
444 kings.	2904.	5000	
445 Kings.	1318.	4792	
450 Kings	1241.	5000	
453 Kings	1632.	5616	
461 Kings.	1153.	5000	
462 Kings.	1106.	4500	

465 Kings.	1068	6976
474 Kings.	1405.	4500
477 Kings.	1392.	4792
480 Kings.	456.	3975
483 Kings.	832.	4175
484 Kings.	950.	4662

488 Kings	1068.	6000
956 Carmel.	900.	5450
957 Carmel.	1537.	5000
961 Carmel.	Vacant lot	5000
965 Carmel.	2155.	5000
967 Carmel	1714.	5000
969 Carmel.	2342.	5000
970 Carmel.	1184.	5000
971 Carmel.	1409.	5000
978 Carmel.	1594.	7200
982 Carmel.	1063.	5200
983 Carmel.	1240.	5000
987 Carmel.	1274.	5000
991 Carmel.	960.	5000
992 Carmel.	780.	4550
995 Carmel.	1227.	5266
998 Carmel.	1388.	5000
999 Carmel.	896.	5000
1000 Carmel.	2356.	5000
1005 Carmel.	1352.	5500
1020 Carmel.	2340.	5500
1025 Carmel.	1551.	5000

In 2015, a similar project at Ridgeway and Fairview was denied on appeal. That project also involved demolition and new house construction under an approved administrative permit. Planning Commission’s denial cited two findings; namely Zoning Ordinance section 17.48.190, “Protection of visual resources and compatible design” and the Land Use Element Policy LU-15. Specifically,

Coastal Development Permit Findings for Denial (Planning Commission Resolution #15-14, Exhibit F):

1. The project as proposed is not visually compatible with the character of the surrounding neighborhood in terms of bulk, size and scale.

2. *Project is not consistent with Land Use Element Policy LU-15 which states: "The present human scale and leisurely, low-intensity appearance of Morro Bay should be maintained through careful regulation of building height, location and mass. Though the neighborhood presents a mix of 1 and 2 story homes, the existing 2 story homes are modest in bulk and scale consistent with this land use element policy".*

These two findings apply directly to the current proposed project at 461 Fairview.

### **Protection of Visual Resources and Design:**

The Visual Resources chapter of the City's LCP further describes protection of neighborhood character and recognizes the need to preserve the unique character of its varied neighborhoods:

*New residences and new residential additions are often out of scale and character with other residences in the vicinity" and;*

*The current allowable height and bulk for residential development is not appropriate for some portions of the community. Such buildings would in many cases block important views and conflict with the character of individual neighborhoods. (LCP Chapter XIII Paragraph D6).*

This is such an important issue that many coastal cities have private view protection in their Municipal Codes including Arroyo Grande, Carmel, Del Mar, Laguna Beach, Monterey, Sausalito, Palos Verdes and Tiburon.

Locally, the City of Arroyo Grande requires that a minor use permit for viewshed review be issued *prior to obtaining a building permit*. That city's fee for a viewshed review is currently \$983 and guarantees its residents that a proposed development will be compatible with the surrounding neighborhood before the applicant applies for a building permit. At the community development director's discretion, cross-sections drawn to scale for both the vertical and horizontal dimensions which include adjacent property and structures must be submitted in order to determine the actual impact of the proposed plan. This is how the existing scope and character of neighborhoods is preserved.

### **Soils Report**

City staff provided the Appellant with architectural drawings for the proposed development. That was the only document made available to Appellant prior to filing this appeal. A soils report is necessary prior to issuing a permit because this property

lies within a seismically active zone and abuts two lots of differing elevations. It is unknown whether the current retaining walls on either side of the proposed development can withstand additional loads.

### **Conclusion**

It is my fervent hope that the Planning Commissioners will consider all opinions as to the type of permit issued; improper notice; lack of neighborhood compatibility, privacy, safety, and protection of visual resources of this project, basing their decision on the standards set in the Design Guidelines, Land Use Plan, and local zoning ordinances, in part, "proposed development **shall** be subordinate in character to its surroundings"; and finally, honoring the intent of past City Councils that implemented these documents.

January 28, 2019

RECEIVED  
FEB 08 2019  
City of Morro Bay  
Community Development Dept.

Jill and Chris Stavos  
461 Fairview Ave.  
Morro Bay, CA 93442

Dear Jill and Chris,

We've been neighbors for a very long time, at least 20 years now. During this time, I've watched you become parents, the twins grow from infancy, start school, and start driving cars. They are nearly men now. For me, without children, it's been great to watch their progression to near adulthood.

Since we share so much history with each other in friendship, and with the others around us in our neighborhood, it came as a big shock to see the posted Notification of Development on your property. My next realization was that you must have been working on this plan for a long time. Since the blueprints were presented to the Planning Department last year, engaging the architect would have occurred months before. I remembered that just a few weeks ago, we sat together enjoying catch-up conversation at Nanette's and Chip's holiday gathering. That was after the plans had already been submitted to the City, and yet you didn't mention anything about it. I am sad and disappointed knowing that you felt you needed to hide your intentions from us - your friends and neighbors of so many years.

We have many questions. Wouldn't it be better to meet with us and have a conversation?

As it is, the consequences of tearing down your house will have a serious negative impact on all of your neighbors, albeit a temporary one. Eventually, the construction dust will settle and you will be in your new home. However, many of us feel the lasting consequences are too important to proceed without discussion. We'd like to talk with you. Not at you, but with you, about your plans and the concerns we have. Perhaps you can alleviate some of them and we can support you in your endeavor.

The deadline for filing an appeal is quickly approaching. If you aren't able to meet with us before the deadline, it seems prudent to file an appeal and then rescind it as needed. However, the filing of an appeal does not mean that we are against you, only that we have concerns which are not being addressed.

Sincerely,

*Nancy Bast 450 Fairview*  
Nancy Bast  
772-4238

Dear Susan, Larry and Nancy,

Thanks for taking the time to reach out concerning the house. I'm busy with work this week, and we both have an obligation on Saturday, all day. We are concerned for your concerns. We would be happy to meet on Sunday afternoon. It would be our pleasure to have you over at 1pm (or later, if it works) to answer any questions about our tentative plans. Let me address a few obvious issues that may answer some of your more immediate concerns.

For background, our house is lovely, but very small. The neighborhood and our neighbors are even lovelier. We are bothered by the need to store items in our front yard and constantly park on the street and driveway. The house has two small bedrooms. Our 17 year old kids, who will be with us for the foreseeable future including through junior college, are sharing bunk beds in an 8x10 room. When our senior aged parents come to visit we have nowhere comfortable for them to sleep. We are embarrassed for that. And cramped despite our efforts to shed-as-we-grow.

Chris has been fortunate that his small business is healthy, and it has afforded us the opportunity to grow from renting in MB in the early 90's, to buying our first home in north MB in the 00's, and finally, relocating here, where our boys have spent most of their lives growing up. While we have considered relocating, as you noted, this is our home, we love it here, and we plan to stay here. We started exploring the possibility of expanding the current house over a year ago - as you observed in the City records - not knowing what it would take or even if we could afford it. These are still open questions today. After early indications that adding on could be made to work, the City surprised us by rejecting our first nearly complete design plan due to conflicts with the existing garage and new, more stringent setback policies. Which, would necessitate basically a new foundation among other issues. An exception was deemed a non-starter by the City due to new policy that was literally coming online at the same time. And, in this case, accommodating the requirements made the design impossible in terms of CA code compliance and engineering feasibility.

We were bummed and considered giving up or moving for a while. This forced us to start over again - from scratch. This time, a whole new list of concerns came up for fit, impact, effort, cost, etc. We agreed to go as far as the architecture design phase to see if we could arrive at a design this is balanced among many considerations including the neighborhood —at the highest level. And, to determine if that design would meet the latest, now more stringent than ever MB planning guidelines, the (nowadays) commercial-grade CA earthquake requirements that come with new construction vs. remodeling, plus the special requirements of the Coastal Commission (in other words: a huge tangle of agency requirements as compared to the crazy unregulated days of MB, which we all recall and have horror stories to note).

To date, this has basically been a feasibility study. Until the beginning of this month, we were still going back and forth on concessions to meet or exceed all established guidelines and requirements. About two weeks ago, we were pleasantly surprised for the news that it was time to post the plans to the neighborhood according to City process. If you had full visibility into the number of fails and iterations we have been through to even understand if we have the option to do this, the still high potential to bail on the project due to many unresolved factors including cost, and are aware of the very long planning and approval process still ahead us, we hope that you understand and will excuse our reservations about bringing it up before there was even a moderate level of confidence we can proceed in the first place. Honestly, IMHO, the notice is premature; we're still figuring out the option to proceed.

While planning approval gives us the OK to proceed with basic confidence, we now have to go through a very expensive and complex study and detailed engineering process before the building would actually be approved for demo and construction. Moreover, we will not know the projected cost of the project until the engineering plan is complete.

So, here we are: We have a floorpan, a concept that works for our needs. Based on concept only, the City says it's good enough to vet for public comment, and has given us just enough confidence to make a decision on more planning costs (sigh). Consider this your friendly notice and explanation of our goals and intentions. :D If you object strongly to the project, now is your chance to raise the concern with us, or the City if you feel it is absolutely necessary - we certainly respect your right to express and appreciate your concern. That is the whole point of the notice process, really.

IF we proceed, please know: this project is not a vacation rental, or a duplex, or a flip project, etc. It is to be our family home, still. The house is considerably under limits in terms of size, and height, by code. At first glance it may look large if you do not pay close attention to the back of the house where there is more yard; the house is actually an "L" shape vs. a big "box". (The 2D renderings are a little hard to visualize on-face and don't do the whole design justice.) The face is also setback from the street further than the current garage due to newer zoning requirements designed to prevent over-sized construction and the huge ugly boxes houses we all hate.

We have spent a lot of time specifically in consideration of everyone's view-shed's and intend to do our best to minimize the impact to everyone during construction as it relates to noise, dust, waste, traffic, etc. It's OK to hate the style but, it will be very hard to argue against the quality or long-term benefit to the neighborhood aesthetically, to our adjacent neighbors structurally, and to everyone in terms of property value, if we proceed as intended. We are now interviewing some of the most reputable builders in the county (think high-end construction in existing neighborhoods with very concerned and empowered neighbors); one of our key selection criteria is the builder's sensitivity and consideration for the neighborhood. Which, also has impact to timeline, and cost. We are all concerned to find a good balance.

Here's what comes next:

We are at a crossroads with this project in the coming month or two: We have invested heavily in a concept and initial confirmation it is "within compliance", fundamentally. From this point forward, the discovery becomes more expensive, and still, slow. Soils studies, and preliminary engineering will give us enough data to know how this can be done, what it will take, if we can truly afford it, and when, realistically, it could occur. At that point -and not until then- we will make an informed decision as to if we can proceed. Then still, there is another formal round of approvals for build permits from the City to satisfy all requirements and hopefully, appease any visceral objections.

We do truly hope for your understanding and support us on this journey. And, we hope that ultimately we are able to achieve this major life goal and long-time dream. If you will kindly excuse the imposition it should ultimately be of benefit to everyone concerned. We're happy to keep you posted as things develop. But frankly, this is still just a wish-plan at this point and the more we get into the engineering specifics we just don't know if we'll take this project to fruition. Time and more research will tell.

Hopefully, this addresses at least the most obvious issues that we would certainly have concern for, in your position. If you have questions, you are welcome to reply to this thread and we'll do our best to respond. Or, if you want to see our existing house and discuss in person, come by, Sunday; you can view the entire place by standing on one place and turning in a circle ;D! Just let us know to expect you.

Also, FYI, I will certainly be reaching out to Jeff and Jim (our other adjacent neighbors) - especially, considering the structural implications we are just discovering, downhill. Jack and Sherie also acknowledged the notice and have already expressed their support for what we promise will be a tasteful but not overbuilt upgrade to the neighborhood. Other more distant neighbors have been equally receptive.

Thanks for your consideration. Please let us know what else we can do to address your concerns. We'll do our best.

Sincerely,  
Chris, Jill, Nick and Jason Stavros  
461 Fairview  
805-748-9641

# Exhibit C



**CITY OF MORRO BAY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
955 Shasta Avenue  
Morro Bay, CA 93442

January 31, 2019

Chris and Jill Stavros  
461 Fairview  
Morro Bay, CA 93442

Emily Baranek  
5120 Sycamore Road  
Atascadero, CA 93422

**SUBJECT: Case No.: CDP18-009**

**SITE: 461 Fairview**

Project Description: Administrative Coastal Development Permit for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence at 461 Fairview. The project proposes to add a 432 sq. ft. attached garage and 432 sq. ft. of decking. The parcel is located within the R-1 district and outside the Coastal Commission Appeal Jurisdiction.

Dear Mr. and Mrs. Stavros and Ms. Baranek:

The City of Morro Bay Community Development Department conditionally approved your request. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. ***Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.***

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals except for those coastal permits in the coastal appeals jurisdiction.

Please also find enclosed the Notice of Exemption for your project. The City of Morro Bay no longer files notices of exemptions. You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing Fee is \$50.00 and the County requires the original Notice of Exemption and at least one copy.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

Scot Graham  
Community Development Director

By:

Willow Urquidi, Assistant Planner

# Exhibit C



## CITY OF MORRO BAY COMMUNITY DEVELOPMENT DEPARTMENT

### Administrative Coastal Development Permit

This approval is based upon the attached findings and is valid only if the attached conditions are met and only after the applicable appeal period. Failure to comply with the conditions of this permit shall, at the discretion of the Community Development Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

CASE NO: CDP18-009

#### THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 461 Fairview

APPLICANT: Chris and Jill Stavros

APN/LEGAL: 066-205-010

DATE APPROVED: January 31, 2019

APPROVED BY: Community Development Director

CEQA DETERMINATION: Categorical Exemption, Class 3, CEQA Guidelines Section 15303

#### DESCRIPTION OF APPROVAL:

Project Description: Administrative Coastal Development Permit for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence at 461 Fairview. The project proposes to add a 432 sq. ft. attached garage and 432 sq. ft. of decking. The parcel is located within the R-1 district and outside the Coastal Commission Appeal Jurisdiction.

**YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) *Calendar days*, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE CITY COUNCIL/PLANNING COMMISSION**

**YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION:** THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice and after expiration of the City of Morro Bay appeal period. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Community Development Department, 772-6264.

**IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: February 11, 2019**

ATTEST:  DATE: January 31, 2019

**THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT**

# Exhibit C

APPLICANT'S ACCEPTANCE  
OF  
CONDITIONS OF APPROVAL

CASE NO. CDP18-009

SITE LOCATION: 461 FAIRVIEW, MORRO BAY

APPLICANT NAME: CHRIS AND JILL STAVROS

APPROVAL BODY: COMMUNITY DEVELOPMENT DIRECTOR

DATE OF ACTION: 1/31/2019

I, \_\_\_\_\_ the undersigned, have read and  
(APPLICANT'S NAME - PLEASE PRINT)

reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: CDP18-009

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

# Exhibit C



## CITY OF MORRO BAY COMMUNITY DEVELOPMENT DEPARTMENT

### NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

DATE OF NOTICE: FEBRUARY 11, 2019

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CDP18-009

THE FOLLOWING PROJECT IS LOCATED IN THE MORRO BAY COASTAL ZONE AND A COASTAL PERMIT APPLICATION HAS BEEN ACTED ON BY THE CITY.

Applicant: Chris and Jill Stavros

Address: 461 Fairview, Morro Bay, CA 93442

**Project Description:**

Administrative Coastal Development Permit for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence at 461 Fairview. The project proposes to add a 432 sq. ft. attached garage and 432 sq. ft. of decking. The parcel is located within the R-1 district and outside the Coastal Commission Appeal Jurisdiction.

Project Location: 461 Fairview, Morro Bay, CA 93442

APN: 066-205-010

Zoning: R-1

Land Use Plan/General Plan: Single-Family Residential

Lot Area: 3,968 square-feet

Filing Date: 10/1/2018

Approval Body: Community Development Director

Action Taken: Approve with Conditions

Action Date: 01/31/2019

THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 531-427-4863.

# Exhibit C



## CITY OF MORRO BAY NOTICE OF EXEMPTION

**TO:**  San Luis Obispo Co. Clerk  
County Government Center  
San Luis Obispo CA 93401

Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

**FROM:** City of Morro Bay  
Community Development Department  
955 Shasta Avenue  
Morro Bay, CA 93442

**Project Title:** Demolition and reconstruction of a Single Family Residence

**Project Location - Specific:** 461 Fairview (APN 066-205-010)

**Project Location - City:** MORRO BAY **County:** SAN LUIS OBISPO

**Description of Project:** Administrative Coastal Development Permit for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence at 461 Fairview. The project proposes to add a 432 sq. ft. attached garage and 432 sq. ft. of decking. The parcel is located within the R-1 district and outside the Coastal Commission Appeal Jurisdiction.

**Name of Public Agency Approving the Project:** CITY OF MORRO BAY, 955 SHASTA AVE, MORRO BAY, CA 93442  
Contact: [wurquidi@morrobayca.gov](mailto:wurquidi@morrobayca.gov), Willow Urquidi, Assistant Planner, 805-772-6270

**Name of Person or Agency Carrying Out Project:** Chris and Jill Stavros, 461 Fairview, Morro Bay CA 93442  
[cstavros@omegabit.com](mailto:cstavros@omegabit.com) (805) 265-5408

### Exempt Status: (Check One)

Reasons why project is exempt: Construction of a one single family residence in a residential zone.

- Ministerial (Sec. 21080(b)(1); 15268);  Categorical Exemption:  
Type and Section Number: 15301 & 15303, Class 3
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Declared Emergency (Sec. 21080(b)(3); 15269(a))  Statuary Exemption Code No. \_\_\_\_\_

**Lead Agency:** City of Morro Bay, 955 Shasta Ave, Morro Bay, CA 93442

**Contact Person:** Willow Urquidi, Assistant Planner **Telephone:** 805-772-6270

**Email:** [wurquidi@morrobayca.gov](mailto:wurquidi@morrobayca.gov)

Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

### Certification:

I hereby certify that the public agency has made the above finding and that the project is categorically exempt from CEQA.

Signature:

Title: Assistant Planner

Date: 1/31/2019

# Exhibit C

CDP18-009  
461 Fairview Avenue

**COASTAL DEVELOPMENT PERMIT  
CASE NO. CDP18-009  
SITE LOCATION: 461 FAIRVIEW, MORRO BAY**

## **I. FINDINGS OF APPROVAL**

The Community Development Director has reviewed this Coastal Development Permit and application and finds the following:

### California Environmental Quality Act (CEQA)

1. The project is exempt from the California Environmental Quality Act, under Class 3, Section 15303(a) for the construction of a single-family residence in an urbanized area and Class 1, Section 15301(I)(1), for demolition of an existing single family residence. Additionally, none of the Categorical Exemption exception, noted under Section 15300.2 apply to the project.

### Coastal Development Permit findings

2. That the project is the construction of a Single-Family Residence in a residential zone. Specifically, the permit is an Administrative Coastal Development Permit for the demolition of the existing 922 sq. ft. residence and construction of a new two-story 2,203 sq. ft. single-family residence at 461 Fairview. The project proposes to add a 432 sq. ft. attached garage and 432 sq. ft. of decking. The parcel is located within the R-1 district and outside the Coastal Commission Appeal Jurisdiction.

## **II. CONDITIONS OF APPROVAL**

### **STANDARD CONDITIONS:**

1. Permit: This permit is granted for the land described on Assessor Parcel Number 066-205-010 for the construction of a single-family residence as depicted on plans date stamped received December 12, 2018, and on file with the Community Development Department, as modified by these conditions of approval. 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 Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, 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: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.

# Exhibit C

CDP18-009

461 Fairview Avenue

4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
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 applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the 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. 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.
8. Compliance with Morro Bay Standards: 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.

## PLANNING CONDITIONS:

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the County Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form attached to the coastal development permit. This filing has the effect of starting a 35-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
2. Construction Hours: Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.

# Exhibit C

CDP18-009

461 Fairview Avenue

3. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
4. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. Storage containers or other equipment shall not encroach into the required setback areas consistent with the zoning district.
5. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

## **BUILDING CONDITIONS:**

### **PROJECT ISSUES:**

- 1.) The existing retaining wall (North side of property at lot 10, 484 Kings Ave.) shall require a structural assessment, performed by a qualified professional. Specific guidelines shall be incorporated when excavation must be performed at or near this structural element. Structural Engineer of Record and/or Soils Engineer shall provide the City with a detailed report of the assessment, control measures and excavation procedures prior to permit issuance.

### **A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

#### **BUILDING DIVISION:**

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.

# Exhibit C

CDP18-009  
461 Fairview Avenue

5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
6. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided.
9. **BUILDING PERMIT APPLICATION.** To apply for building permits, submit three (3) sets of construction plans to the Building Division.
10. The Title sheet of the plans shall include:
  - a. Street address, lot, block, track and Assessor Parcel Number.
  - b. Description of use.
  - c. Type of construction.
  - d. Maximum Height of the building allowed and proposed.
  - e. Floor area of the building(s).
  - f. Vicinity map.
  - g. Minimum building set back per zoning designation or conditional use approval.

All construction will conform to the 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Fire Code (IFC), 2016 California Mechanical Code (CMC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Energy Code, 2016 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

## **B. CONDITIONS TO BE MET DURING CONSTRUCTION:**

### **BUILDING DIVISION:**

1. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and/or building height prior to framing inspection when determined necessary by the Planning Division.

## **C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

# Exhibit C

CDP18-009  
461 Fairview Avenue

## **BUILDING DIVISION:**

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.
2. Title 24 form(s) 2F-6R (Certificate of installation) for building, mechanical, electrical and plumbing systems.

## **FIRE CONDITIONS:**

1. Fire safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Automatic Fire Sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903) and Morro Bay Municipal Code (Section 14.08.090)
3. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)
4. Address Identification. All new and existing single family residence and ADU's shall have their own approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property. (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.

## **PUBLIC WORKS CONDITIONS:**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/EZmanual](http://www.morro-bay.ca.us/EZmanual) Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to prove compliance.
2. Sewer Lateral: Indicate and label new or existing sewer lateral and connection. If an existing lateral is used, perform a video inspection of the lateral and submit to Public Works via flash drive or DVD, prior to building permit plan approval. If the existing lateral is determined to be deficient, it shall be repaired as necessary and all repairs shall be noted on approved set of plans.
3. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A sewer backwater valve is required on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070).
4. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. Show on plans the control

# Exhibit C

CDP18-009  
461 Fairview Avenue

measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way or adjacent properties.

5. Water Meter: Indicate and label new or existing water meter on plans. Verify that the meter size is 1" or greater.
6. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.
7. Utilities: Show all existing and proposed locations of the sewer lateral, water service, and water and sewer mains on the building plans. Include sizes where appropriate. Note the location of all overhead utilities and construction underground service entrances per the CBC.
8. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway and any ancillary paved areas within the unimproved right of way; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement. If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit within the City right-of-way.

Add the following Notes to the Plans:

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

# Exhibit D

New Residence

# STAVROS RESIDENCE

461 Fairview Avenue, Morro Bay, CA

RECEIVED  
DEC 12 2018  
City of Morro Bay  
Community Development Dept.

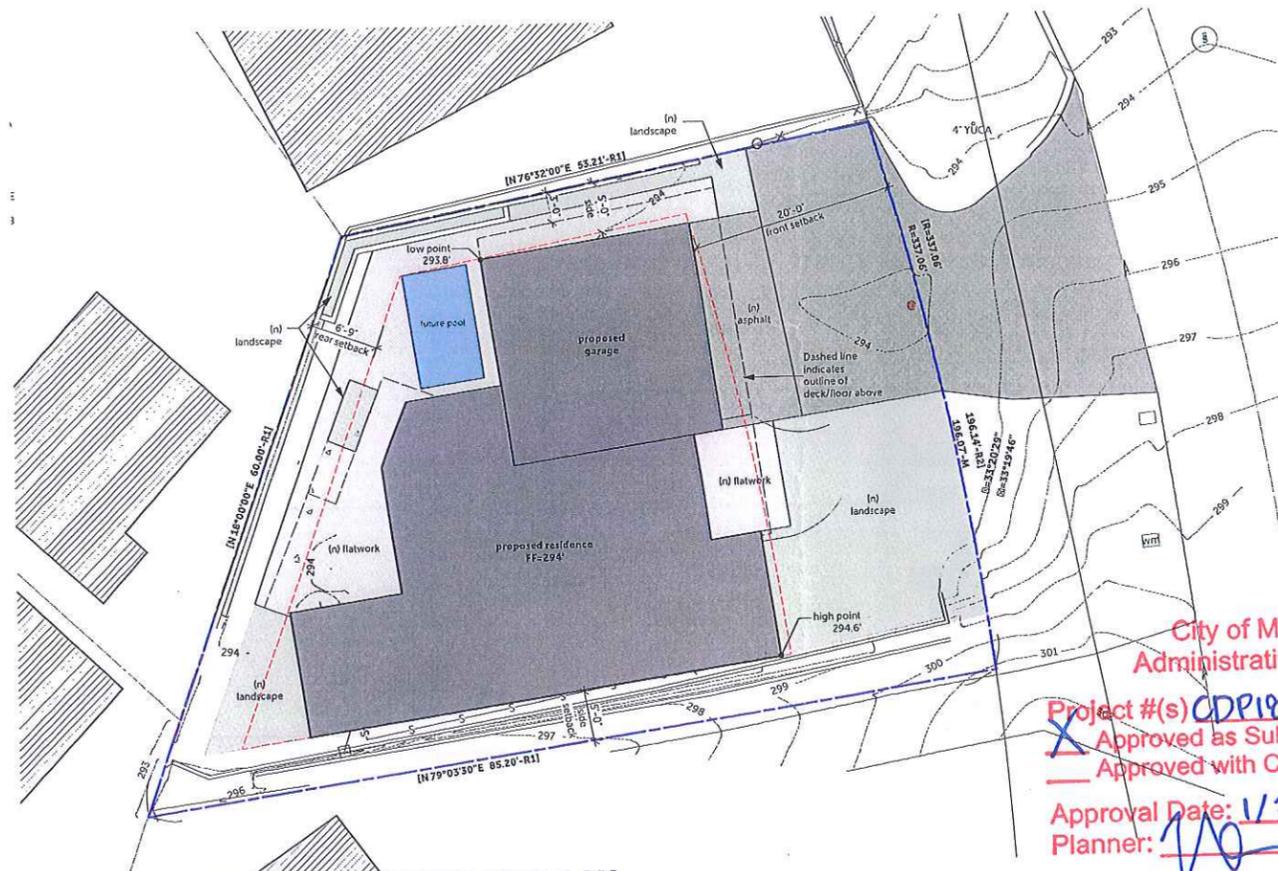
JADE ARCHITECTURE

Alison Edwards  
805.234.0799  
805.466.5327  
alison@jadearchitecture.net  
5120 Sycamore Road  
Atascadero, CA 93422

www.jadearchitecture.net



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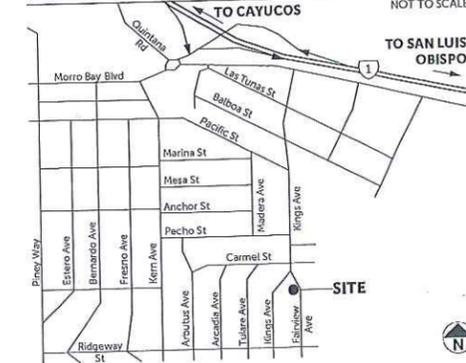


City of Morro Bay  
Administrative Approval  
Project #(s) CDP18-009  
 Approved as Submitted  
 Approved with Changes  
Approval Date: 1/31/19  
Planner: [Signature]

1 PROPOSED ARCHITECTURAL SITE PLAN

Scale: 1/8" = 1'-0"

### VICINITY MAP



### DIRECTORY

Owner: for Chris and Jill Stavros  
461 Fairview Avenue  
Morro Bay, CA  
(805) 748-9641  
Email: jstavr@scomcast.com  
Architect of Record: JADE ARCHITECTURE  
Alison Edwards, C-34194  
5120 Sycamore Road  
Atascadero, CA 93422  
Phone: (805) 234-0799  
Email: alison@jadearchitecture.net

### PROJECT DATA

**SCOPE OF WORK**  
A proposal for a new 2,203 s.f. two-story, single family residence with attached 432 s.f. garage.  
**PROJECT ADDRESS** 461 Fairview Avenue, Morro Bay, CA  
**APN** 066-205-010  
**LEGAL DESCRIPTION** Lot 11, Of Block 4, Morro Bay Vista Tract No. 3 As Filed In Book 3, Page 58, Of Maps In The Office Of The County Recorder, County Of San Luis Obispo, State Of California.  
**LOT SIZE** 3,968 s.f.  
**UTILITIES** Electricity PG&E  
Natural Gas Southern California Gas Company  
Water Service City of Morro Bay  
Sewer Service City of Morro Bay  
Trash Service City of Morro Bay

### PLANNING DATA

**ZONING** R-1 Single Family Zone  
**FIRE INFORMATION** JURISDICTION City of Morro Bay Fire Department  
HAZARD ZONE LRA - Local Responsibility Area  
**SETBACKS/YARDS** Front/Street Setback 20'0"  
Side Yard 5'0"  
10% of average width (5' max 5' min)  
Rear/Other Yard 6'0"  
10% of average depth (0' max 6' min)  
**LOT COVERAGE** ALLOWED Building Coverage 1,785.6 s.f. or 45%  
BUILDING FOOTPRINT 1,440 s.f.  
PROPOSED deck > +10' high 280 s.f.  
Total Proposed Bldg Coverage 1,720 s.f. or 43.3%  
Driveway (concrete) 525 s.f.  
Flatwork 500 s.f.  
Total Impervious Area 2,465 s.f.  
Landscaping 638 s.f.

**MAXIMUM HEIGHT** ALLOWED 25'0" \*Above Average Natural Grade ((294.6'+293.8') / 2 = 294.2')  
PROPOSED 21'9" Refer to Elevations for Building Height Illustration

**BUILDING AREAS**

(n) Lower Floor	1,009 s.f.
(n) Upper Floor	1,193 s.f.
Total Conditioned	2,203 s.f.
(n) Garage	432 s.f.
(n) Deck (lower)	152 s.f.
(n) Deck (upper @ living)	164 s.f.
(n) Deck (upper @ entry)	116 s.f.
EXISTING (e) Residence	922 s.f.
(e) Garage	297 s.f.

### SHEET INDEX

T1.0	TITLE SHEET and ARCHITECTURAL SITE PLAN
1	TOPOGRAPHY MAP
AS1.0	EXISTING/DEMOLITION SITE PLAN
AL.0	EXISTING FLOOR PLAN and EXTERIOR ELEVATIONS
A2.0	PROPOSED FLOOR PLANS
A4.0	PROPOSED ROOF PLAN
AS.0	PROPOSED EXTERIOR ELEVATIONS
*	STREET SIMULATION EXHIBIT (11x17 supporting document)

New Residence  
**STAVROS RESIDENCE**  
for Chris and Jill Stavros  
461 Fairview Avenue,  
Morro Bay, CA

**TITLE SHEET**  
and **ARCHITECTURAL**  
**SITE PLAN**

DATE: October 23, 2018  
JOB NO.: 17-012  
DRAWN BY: A. Edwards  
REVISIONS:

SHEET  
**T1.0**

# Exhibit D

## DESCRIPTION

BLOCK 4, MORRO BAY VISTA TRACT No. 3 AS SHOWN ON MAP 3, PAGE 58, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, CALIFORNIA.

## OF BEARINGS

"OF BEARINGS" FOR THIS MAP AND SURVEY IS GRID BEARINGS. CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS). THE MEAN CONVERGENCE ANGLE FOR THIS SITE IS 1.000031036.

"DISTANCES SHOWN HEREON ARE GRID DISTANCES IN ORDER TO OBTAIN GROUND DISTANCES, MULTIPLY GRID DISTANCES BY 1.000031036.

## MARK

"TIDAL 5" (PID - FV0401) - TIDAL STATION BRASS SET IN CONCRETE. AT THE WEST END OF FAIRVIEW AVENUE, 6.2 METERS WEST OF THE CENTERLINE OF THE AVENUE AND 43.0 FEET WEST OF THE CENTERLINE OF LOT 7. 79.3 FEET SOUTHWEST OF THE SOUTH CORNER OF A SCULPTURE, 19.6 FEET EAST OF THE EAST ODDEN POLE FOR AN OVERHEAD LIGHT (EASTERN END POLES, THE OTHER TWO BEING FLAG POLES), N 9412298.

36.50 FEET (NAVD 1988)

## ARY BENCH MARK

F A MAG NAIL WITH TAG "LS 6317" ALONG FAIRVIEW AVENUE (AS SHOWN)

306.29 FEET (WGS84 - GEOID 03 ORTHOMETRIC) OBSERVATIONS

PHIC SURVEY AND BOUNDARY CHECK WAS PERFORMED.

VISIBLE EASEMENTS AFFECTING PROPERTY ARE SHOWN EXCEPT AS SHOWN. EASEMENT REPORT WAS PROVIDED.

KNOWN UTILITIES SHOWN HEREON (IF ANY) ARE IN ABOVE-GROUND STRUCTURES, USA MARKINGS, AND RECORD DRAWINGS ONLY. ACTUAL LOCATION MAY VARY.

KNOWN UNDERGROUND UTILITY SERVICE LINES TO WHICH THEY MAY BE CONNECTED. FOR INFORMATION REGARDING LOCATIONS, SIZE, DEPTH, CONDITION, AND CAPACITY, CONTACT UTILITY OWNERS.

SURVEY PERFORMED: 07/25/2017

PROPERTY OWNERS: CHRIS & JILL STAVROS

ADDRESS: 461 FAIRVIEW AVENUE  
MORRO BAY, CA 93442  
APN: 066-205-010

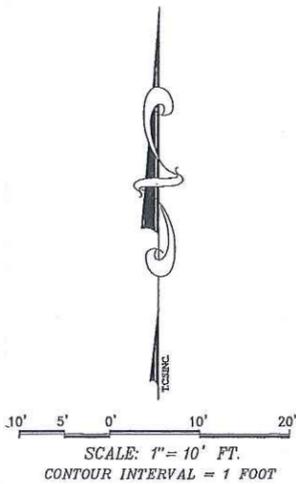
ADDITIONAL INFORMATION SHOWN IS RECORD PER:

RECORD DATA PER 3-MB-58 (1925)  
RECORD DATA PER 57-LS-30 (1983)  
RECORD DATA PER 20-CR-169 (2003)  
RECORD DATA PER 32-CR-94 (2014)  
RECORD DATA PER 32-CR-134 (2014)  
MEASURED DATA

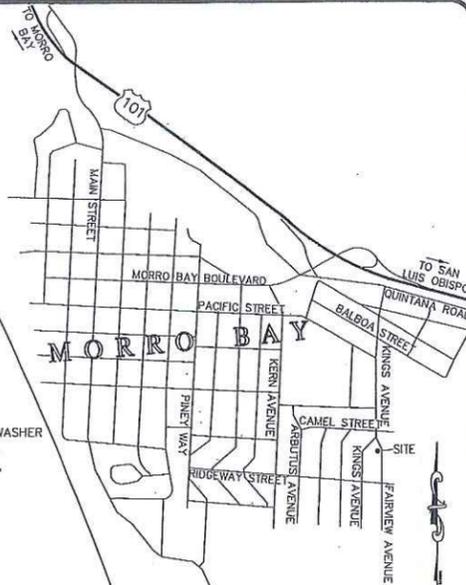
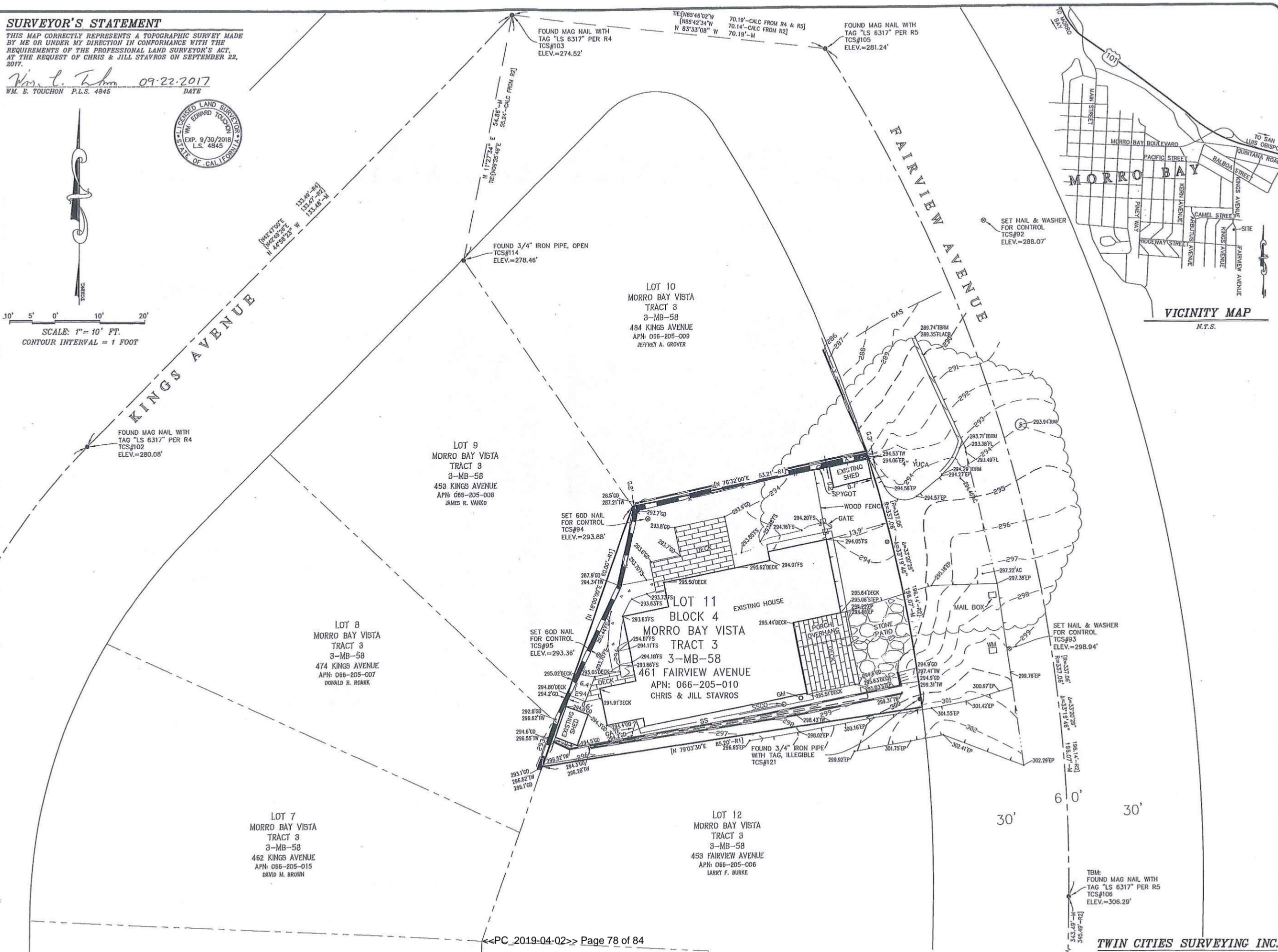
## SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT, AT THE REQUEST OF CHRIS & JILL STAVROS ON SEPTEMBER 22, 2017.

Wm. E. Touchon 09-22-2017  
WM. E. TOUCHON P.L.S. 4846 DATE



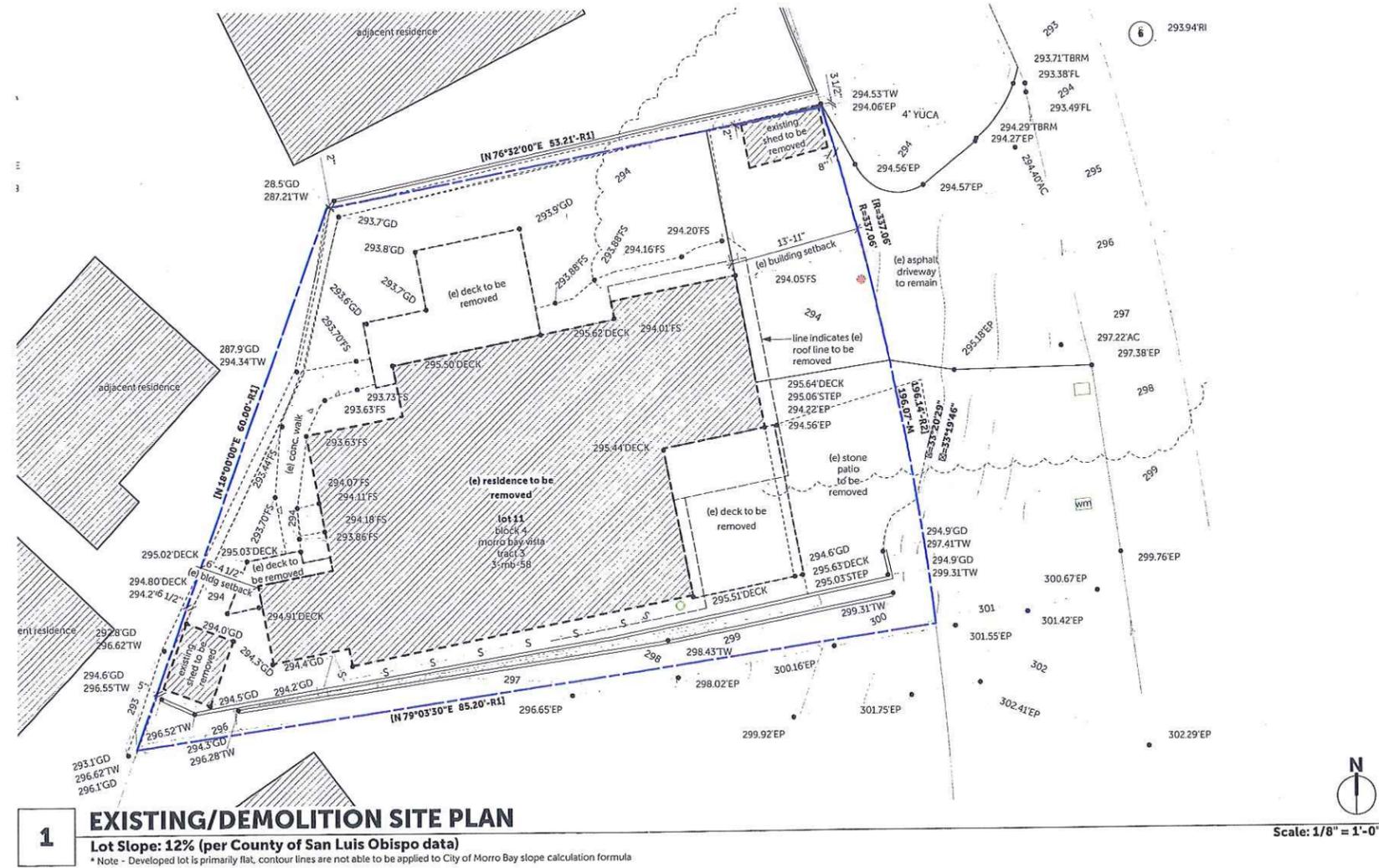
SCALE: 1" = 10' FT.  
CONTOUR INTERVAL = 1 FOOT



VICINITY MAP  
N.T.S.

venue: 17132\dwg\Stavros Fairview Avenue 17132 TOPO.dwg, 9/22/2017 10:26:26 AM, owner:

# Exhibit D



**1 EXISTING/DEMOLITION SITE PLAN**  
 Lot Slope: 12% (per County of San Luis Obispo data)  
 \* Note - Developed lot is primarily flat, contour lines are not able to be applied to City of Morro Bay slope calculation formula

Scale: 1/8" = 1'-0"



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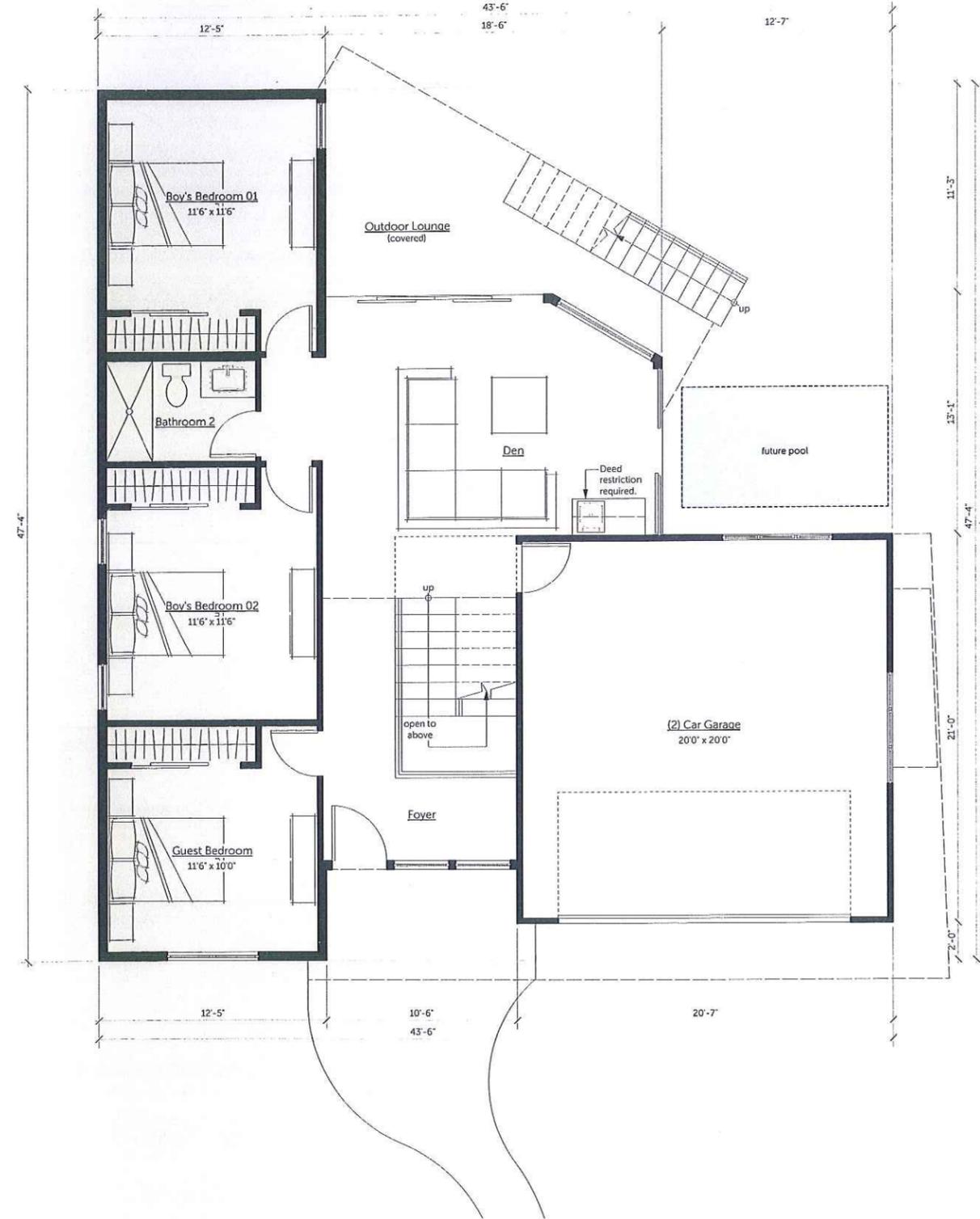
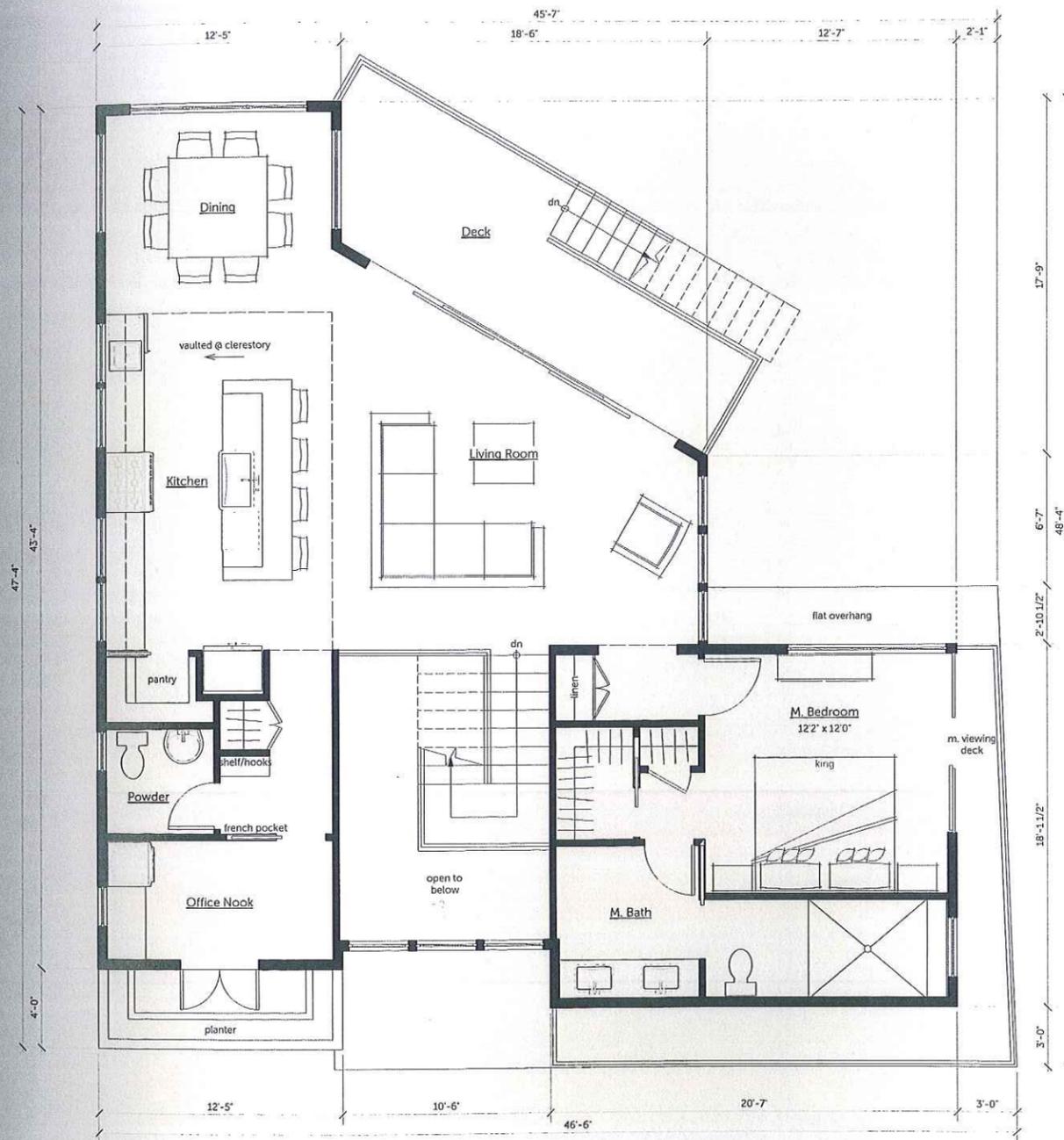
New Residence  
**STAVROS RESIDENCE**  
 for Chris and Jill Stavros  
 461 Fairview Avenue,  
 Morro Bay, CA

**EXISTING/DEMOLITION SITE PLAN**

DATE: October 23, 2018  
 JOB NO: 17-012  
 DRAWN BY: A. Edwards  
 REVISIONS:



# Exhibit D

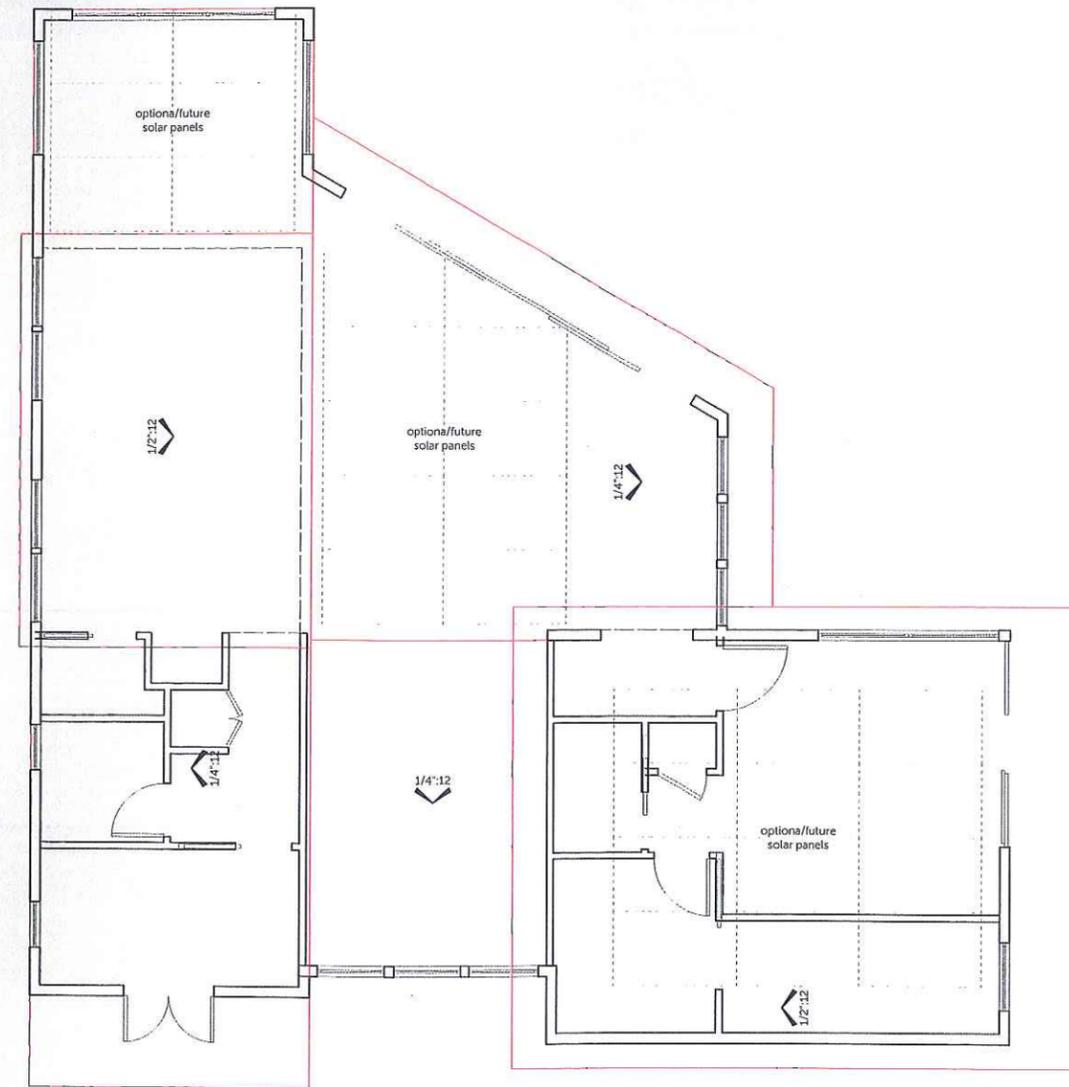


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New Residence  
**STAVROS RESIDENCE**  
 for Chris and Jill Stavros  
 461 Fairview Avenue,  
 Morro Bay, CA

**PROPOSED FLOOR PLANS**

# Exhibit D



**1** ROOF PLAN

Scale: 1/4" = 1'-0"

JADE ARCHITECTURE

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 F: 805.466.5327  
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New Residence  
**STAVROS RESIDENCE**  
 for Chris and Jill Stavros  
 461 Fairview Avenue,  
 Morro Bay, CA

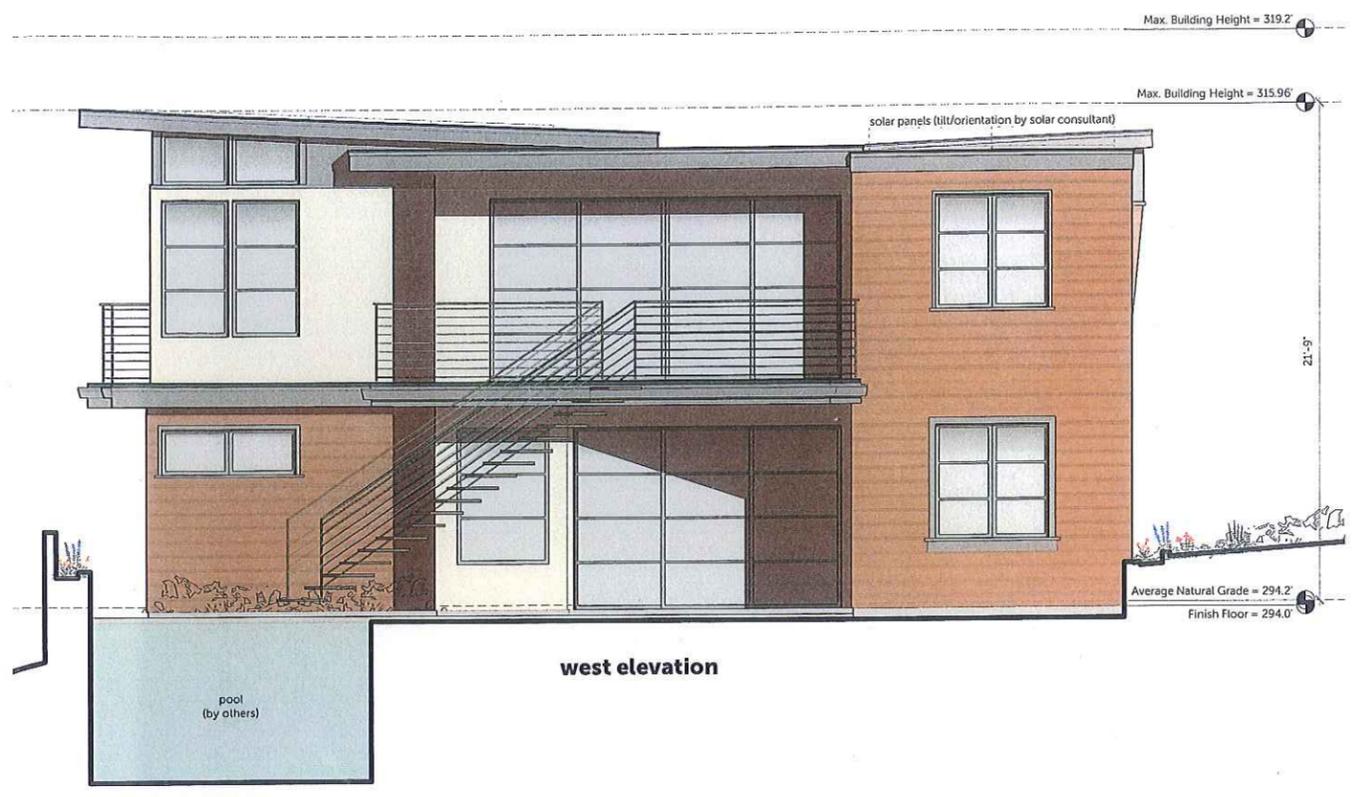
**PROPOSED ROOF PLAN**

DATE: October 23, 2018  
 JOB NO.: 17-012  
 DRAWN BY: A. Edwards  
 REVISIONS:

# Exhibit D



east (street) elevation



west elevation



north elevation



south elevation

JADE ARCHITECTURE

Alison Edwards  
 : 805.234.0799  
 : 805.466.5327  
 : alison@jadearchitecture.net  
 : 5120 Sycamore Road  
 Atascadero, CA 95422

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New Residence  
**STAVROS RESIDENCE**  
 for Chris and Jill Stavros  
 461 Fairview Avenue,  
 Morro Bay, CA

**PROPOSED EXTERIOR ELEVATIONS**

DATE: October 23, 2018  
 JOB NO.: 17-012  
 DRAWN BY: A. Edwards  
 REVISIONS:

