



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, May 19, 2020 - 6:00 P.M.
Held Via Teleconference**

Vice-Chairperson Jesse Barron
Commissioner Michael Lucas

Chairperson Gerald Luhr

Commissioner Joseph Ingraffia
Commissioner Susan Stewart

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

➤ <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzdwTHlRTk9xaTlmWVNWRWFUQT09>

Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “**Raise Hand**” for Public Comment*

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 18, 2020.
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS – NONE

C. NEW BUSINESS

C-1 Project Description: Planning Commission review of General Plan conformity for purchase of two vacant lots located on the West side of Highway 1 at the north edge of the City, also known as Dog Beach. The southern most lot is located within City limits (Lot 6SW, 8.96 acre portion of APN: 065-022-008) and a second 6.27 acre lot is located in the unincorporated County of San Luis Obispo, but within the City’s Sphere of Influence (Lot 6NW, APN: 073-075-016)
CEQA Determination: Categorically Exempt, per section 15601(b)(3)
Staff Recommendation: Adopt Resolution 12-20, finding acquisition of the subject property consistent with the City of Morro Bay adopted General Plan
Staff Contact: Scot Graham, Community Development Director: (805) 772-6291

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on June 2, 2020 at 6:00 p.m. via teleconference.

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.

This Agenda may be found on the Internet at: 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 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 present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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 with 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 May 19, 2020

#	Applicant/ Property Owner	Project Address	Application 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
Hearing or Action Ready Projects:										
1	HASLO	405 Atascadero Road	9/24/19	CUP19-12/ PKG19-05/ CDP	CUP, CDP and PKG approval for of a proposed 35 unit affordable housing project	Scheduled for Planning Commission for conceptual review 11/5/19. PC provided input, waiting for resubmittal. Project deemed complete. MND public draft circulation(3/6 through 4/6/2020) complete. MND finalized and PC hearing scheduled for June 2, 2020		PN-Conditionally Approved 10/10/2019		NH
2	Olsen	2290 Juniper	3/13/20	CDP20-004	Interior space conversion into a 468 sf JADU. No expansion of the existing home. Redesign of front stairway to provide better access to JADU.	Planning comment letter sent 4/2/20 requesting clarification of details. Resubmittal received, project deemed complete. Preparing for administrative public noticing. Public notice period ended 5/10/20. Permit ready to issue.				nh
3	Shorey	1110 Marengo	12/20/19	CDP19-048	Coastal Development Permit for a new 2-story home behind an existing home which will be expanded by 450 sf.	Project deemed incomplete, comment letter sent January 7, 2020. Resubmittal received 3/10/20, under review. Applicant requested resubmittal to change classification of lower level living space as JADU for future use. Deemed complete. public notice period under way				nh
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
4	Post	2445 Greenwood	4/20/20	CDP20-006	Demo existing older home and replace with new 2-story home	Project deemed incomplete, comment letter sent 5/12/20. Need resubmittal				nh
5	Bean	Unaddressed Main Street (AKA 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-047	CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street	Project deemed incomplete, comment letter sent January 7, 2020 Biological and ESHA setback reports received 3/9/20, under review.				nh
6	Brebes	495 Driftwood	6/14/19	CDP19-022/PKG19-07	New duplex residential units - attached 2 story buildings with 2 car garages.	Project deemed incomplete 12/31/19. Applicant changing project density, waiting for resubmittal. Resubmittal received 5/11/20, under review.				nh
7	Lawrence	2590 Hemlock Ave	10/25/19	CDP19-040	Admin CDP for Demo of existing residence, rebuild new with ADU.	Submittal under review. Correction letter sent 11/25/19.				wu
8	Gambriel	571 Embarcadero	10/14/19	MAJ19-006	Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit.	CUP Amendment reviewed by PC on 12/18/18. Major Modification Request under review. Submitted correction response letter 11/13/19. cj		PN-Conditionally Approved 10/16/2019		cj
9	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	After the fact permit application for removal of 3 sheds and possible siding treatment for transformer building.	Submittal is under review. Deemed incomplete 8-29-19. Resubmitted information received, applicant to complete all close out requirements prior to scheduling PC hearing.				nh
10	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	CDP for removal of major vegetation.	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				wu

#	Applicant/ Property Owner	Project Address	Application 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
11	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	Final Parcel map	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received, review comments provided 6-5-19. Disapproved 11-5-19. Waiting for revised submittal to remove improvements not requested by CalTrans		PN- Disapproved 11-6-2019		nh
12	Najarian	1339 Berwick	11/30/18	CDP 18-014	Admin CDP for new construction of SFR and ADU with attached garage	Application deemed incomplete, comments sent to applicant on 12/27/18. Followed up with application 2/3/20, applicant is planning on a resubmittal.				nh
13	Fields	731 Butte	6/14/18	CP0-582/UP0-534	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	Under Initial Review. Correction letter sent 7/11/18. Resubmitted 10/22/18. Correction Letter sent 11/14. Followed up with applicant 2/3/20 - no response.				nh
14	T-Mobiile	1478 Quintana	2/26/18	A00-056	Modification to UP0-052/CP0-073 for upgrade to existing wireless site	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. Update: Project determined to only require building permit.		JW approved		wu
15	Morgan	101 Fig St.	4/12/17	UP0-476	Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project. Project Inactive as of 10/2018. Followed up with applicant 2/3/20 to see if they want to continue this application, no response.		PN-Conditionally approved 5/11/17		nh
Projects Appealed to Planning Commission or PC Continued projects:										
16	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	Coastal Development Permit & Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park	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. Followed up with applicant 2/3/20 - they are waiting for reports prior to resubmittal.		PN- Approved 9/4/2018		nh
17	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. 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
Projects Appealed or Forwarded to City Council:										

#	Applicant/ Property Owner	Project Address	Application 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
18	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. 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
Environmental Review										
19	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	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
Final Map Under Review Projects										
Projects requiring coordination with another jurisdiction:										
20	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	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		
21	City of Morro Bay Desal Plant	170 Atascadero			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.	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.		

#	Applicant/ Property Owner	Project Address	Application 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
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										
22	City of Morro Bay	Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project	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 www.morrobayca.gov/planmb . Project to be complete with documents ready for adoption and certification by end of 2019. Public draft of combined General Plan/ LCP released May 2018 for review. Working with Coastal staff on CCC input.				
23	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	Zoning Text Amendment - Second Unit	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. 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	No review performed.			wm
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:										
24	Verizon / Knight	484 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	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
Grants										
25	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		\$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. Round 6 funding of \$60,000 received Mar 2020.	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. Additional LCP grant funding received in 2020 under Round 6 for \$60,000 to complete LCP update.	No review performed.	N/A		sg
26	City of Morro Bay	City-wide			Community Development Block Grant/HOME Program - Urban County Consortium	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. City Council to review new Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting.	No review performed.	N/R		ci

#	Applicant/ Property Owner	Project Address	Application 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
27	City of Morro Bay	City-wide			Climate Action Plan - Implementation	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
Projects in Building Plan Check:										
28	Gulley	679	Atascadero	2/27/20	B20-0042	Add 135 sq. ft. bathroom addition.	Ready to issue			sg
29	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. Requested permit extension.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.
30	Auerbach	3200	Beachcomber Dr.	12/30/19	B19-0277	Convert 100 sf of enclosed sun-room area to living space and add 67 sq ft of new living area. Demo kitchens and add 3 beams, new windows, siding, update electrical, water heater and forced air unit, misc, clean up.	Disapproved Jan 14, 2020, additional information provided and Planning approved building permit 4/7/20	Bldg - Disapproved 1/31/20		nh
31	Voss	3302	Beachcomber Dr.	4/20/20	B20-0070	New 120 s.f. 1-story addition to existing 1200 s.f. 1-story residence.		Bldg - Disapproved 4/30/20		sg
32	Jones	1362	Berwick Dr	8/5/19	B19-0169	Interior remodel, remove existing roof over existing garage and replace with 352 sf deck.	Disapproved 9/11/19. Awaiting resubmittal.	Bldg - Disapproved 9/4/19		wu
33	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior remodel.	Under review. Planning disapproved 1/31/20.	Bldg - Disapproved 1/15/20		wu
34	Brebes	495	Driftwood	12/20/19	B19-0269	New 3778 sf duplex homes including garages on lot with existing SFH	Pending approval of planning permits, applicant changing potential density on the site in CDP permit process.	Bldg - Disapproved 2/7/20		nh
35	City of Morro Bay	595	Embarcadero	12/31/19	B19-0278	Commercial T.I. to former Aquarium building to meet accessibility requirements, remove asbestos from 1st floor, update electrical, mechanical and plumbing, new structural shear wall, repair concrete columns, new raised deck, stairs & railing for tasking room & brewery (Three tasks, S.A. Peak Brewing Company)	Approved.	Bldg - Disapproved 1/29/20		sg
36	City of Morro Bay	1279	Embarcadero	5/4/20	b20-0076	Construct 800 sq ft single story addition to USCG Motor Life Boat Station at Morro Bay.	Under review. cj.	Bldg - Plancheck		cj
37	Wilkie	476-A	Hill	3/26/20	B20-0057	ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit.	Pending planning permit approval.	Bldg. - 4/8/20		wu
38	Soares	2400	Ironwood Ave.	4/27/20	B20-0074	2400 IRONWOOD AVE, Morro Bay, CA, 93442		Bldg - Disapproved 4/30/20		wu
39	Olson	2290-A	Juniper	3/16/20	B20-0053	Convert existing workshop into ADU, repair upper level deck due to dry rot and construct new entry landing w/stairs.	CDP 20-004 approval pending noticing. Building permit conditionally approved 4/26/2020	Bldg. Approved - 4/20/20		nh
40	Friesen	2390	Juniper	3/5/20	B20-0043	Build new observation deck over existing roof top.		Bldg - Approved 3/12/20		sg
41	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 4/15/19	sg

#	Applicant/ Property Owner	Project Address		Application 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
42	Sonic	1840	Main St.	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. Requested permit extension. Awaiting resubmittal. Requested Permit Extension. Planning permit extension requested and granted	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	cj
43	Shorey	1110	Marengo Dr	12/20/19	B19-0270	450 sq ft addition to guesthouse.	Disapproved pending approval of CDP19-048	Bldg - Disapproved 4/28/20			nh
44	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20.	Bldg - Disapproved 1/30/20			wu
45	Moss Lane Ventures, LLC	839	Morro Bay Blvd	3/4/20	B20-0046	New modular building for commercial coffee drive-through (Human Bean)	Under review, missing a planning requirement, expect to receive 3/10/20. Planning approved.	Bldg - Disapproved 3/18/20			nh
46	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg - Approved 3/27/19			wu
47	Tabrizi	1000	Quintana	12/29/20	B19-0274	Commercial remodel for cannabis dispensary to include new interior walls, doors, ceilings, casework, mechanical, electrical and plumbing.		Bldg - Disapproved 1/24/20			sg
48	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
49	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Conditionally approved 1/3/20	Bldg - Disapproved 1/7/20			nh
51	Anouck Ce Bris	516-A	Shasta	12/9/19	B19-0261	520 sf st ADU with studio below; addition to SFR	Planning permits issued. Waiting for resubmittal. Planning approved 5/10/20	Bldg - Disapproved 12/26/19			nh
52	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane,, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg - Approved 3/27/19			wu
53	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg - Approved 7/10/19			nh
54	Weaver	448	Yerba Buena	1/10/20	B20-0007	Rebuild existing deck & add 48 sq ft existing deck-85 sq ft. New deck 48 sq ft. Total 133 sq ft.		Bldg - Disapproved 2/3/20			sg

Planning Projects & Permits with Final Action:

#	Applicant/ Property Owner	Project Address	Application 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
1	DeGarimore	1001 Front St	4/24/20	MIN 20-003	Minor Modification to Precise Plan CUP #UP0-284 for minor amendments to site plan to improve public access circulation and establish master sign program. Project consistent with original approvals.	Reviewed by PC on 2/18/2020 for compliance with conditions of approval related to public access. UP0-284 was approved by PC on 5/16/2012 and amended on 6/24/2018. Applicant is proposing minor amendments to site plan to improve public access to be further in compliance with established conditions of approval. Project also proposes establishment of master sign program for existing signs on site and improved coastal access signage. PC reviewed with comments at 2/18/2020 meeting. Agendized as public hearing for 5/5/2020 meeting and conditionally approved on 5/5/2020 meeting.				cj
2	Wilkie	476 Hill Street	3/25/20	CDP20-005	ADU - Conversion of existing attached garage to a 344 sf Accessory Dwelling Unit.	Submittal under review. Deemed complete. Admin noticing to begin as Staff time allows. Approved 5/1/2020.				wu
3	Angelucci	953 Pacific	8/20/19	CUP19-10	459 sf 2nd story addition, new 246 sf detached garage with auto lift, 167 sf 2nd story deck, and 87 sf 2nd story view deck off of garage.	Submittal under review. Correction letter sent 9/19/19. Resubmittal under review. Discussed issues with garage setback with Applicant. Letter from soils engineer under review. Resubmittal 12/5/19 under review. Deemed complete. Project requires additional environmental review. Scheduled for 4/21/20 PC Meeting. PC Approved.		PN- Conditionally Approved 9/10/2018		wu
Staff Directory: Scot Graham - sg Cindy Jacinth - cj Willow Urquidi - wu Nancy Hubbard - nh Chad Ouimet - co Pam Newman - pn Herb Edwards - he										

AGENDA ITEM: <u> A-2 </u>
DATE: <u> MAY 19, 2020 </u>
ACTION: <u> DRAFT </u>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 18, 2020
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr Jesse Barron Michael Lucas Susan Stewart Joe Ingraffia	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Cindy Jacinth	Community Development Director Senior Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENT PERIOD - NONE

PRESENTATIONS

- Join the Conversation
- The City Councilmember, Marlys McPherson will be presenting the Planning Commission with an update on the recently adopted changes to the Advisory Bodies Handbook and Bylaws document.
<https://youtu.be/RqXuRzFTktM?t=98>

A. CONSENT CALENDAR
<https://youtu.be/RqXuRzFTktM?t=1473>

- 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 07, 2020.
Staff Recommendation: Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of January 21, 2020.
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Lucas moved to approve the Consent Calendar. Commissioner Stewart seconded, and the motion passes 5-0.

B. PUBLIC HEARINGS - NONE

C. NEW BUSINESS

C-1 1001 Front St – Review of Conditional Use Permit #UP0-284.

Staff Recommendation: Review staff report, and provide direction to staff and/or permittee/lease site holder as applicable

<https://youtu.be/RqXuRzFTktM?t=1512>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – Commissioner Stewart spoke to staff and other people who had projects on the waterfront.

Jacynth presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/RqXuRzFTktM?t=3598>

Cathy Novak, representative for the applicant, thanked staff and the Planning Commission for allowing her time to explain the events which have led to the concerns regarding the lateral access and other items. Novak then presented her report to the Commissioners.

Giovanni DeGarimore, applicant, apologized for the misunderstanding regarding opening the gate for the waterfront access. DeGarimore stated he would be opened for any questions and noted he is concerned with the safety of the public when work is going on in the waterfront access.

Sean Green, Morro Bay resident, stated he respects the parcel holder for being concerned for the public safety and proposing how to mitigate some of the concerns the Planning Commission is aware of. Green noted his concerns for specific locations on the public access way.

The Commissioners presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/RqXuRzFTktM?t=6776>

Discussion & comments from the Commissioners.

Chairperson Luhr re-opened the Public Comment period.

<https://youtu.be/RqXuRzFTktM?t=7946>

Novak gave her response comments to the Commissioners and answered the Commissioners questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/RgxuRzFTktM?t=8468>

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS
<https://youtu.be/RgxuRzFTktM?t=8740>

Commissioner Stewart asked if the Commission would agree to creating a list of public benefits.

Chairman Luhr suggested a Subcommittee or Adhoc committee to start the preliminary Commercial Guideline process.

Vice-Chairperson Barron asked staff to agendize a discussion for fire sprinkler requirements in Trailer Parks.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE

G. ADJOURNMENT

The meeting adjourned at 8:40 p.m. to the next scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on March 3, 2020 at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: C-1

MEETING DATE: May 19, 2020

Staff Report

TO: Planning Commissioners

DATE: May 13, 2020

FROM: Scot Graham, Community Development Director

SUBJECT: Planning Commission review of General Plan conformity for purchase of two vacant lots located on the West side of Highway 1 at the north edge of the City, also known as Dog Beach.

RECOMMENDATION:

Adopt Resolution 12-20 finding the acquisition of the subject property consistent with the City of Morro Bay General Plan

APPLICANT/AGENT: City of Morro Bay

PROPERTY DESCRIPTION/APN: The lots are located at the northern edge of the City, with one lot located within City limits (Lot 6SW, 8.96 acre portion of APN: 065-022-008) and a second 6.27 acre lot located in the unincorporated County of San Luis Obispo, but within the City's Sphere of Influence (Lot 6NW, APN: 073-075-016). The lots comprise a portion of Dog Beach (See Maps Exhibit 3). The lots are identified on the Map below as lots 6SW and 6NW.

Prepared By: SG

Department Review: _____



PROJECT DESCRIPTION:

Planning Commission review of General Plan conformance in association with the City purchase of the two Dog Beach lots, currently owned by the Cayucos Sanitary District. The City is in the process of acquiring the two Dog Beach lots and prior to City purchase of property for public purposes, California Government Code Section 65402(a) requires the Planning Commission to review and report on the property acquisition as to conformity with the City's General Plan.

BACKGROUND

The City has been involved in discussions for many years with Chevron, Trust for Public Lands (TPL), the Cayucos Sanitary District (CSD), the Cayucos Land Conservancy, the Land Conservancy of San Luis Obispo and San Luis Obispo County looking into various conservations options for several of the Chevron Estero Marine Terminal lots. On January 28, 2020 the City Council authorized City Manager signature on a nonbinding Memorandum of Understanding (MOU) to address the preservation process for the first phase of conservation for some of the Chevron lots (See MOU provided as Exhibit 2, including map of all referenced lots). The MOU addresses the following four items:

1. Acquisition of lot 6SW (Southern portion of Dog Beach) by the City of Morro Bay.

Lot 6SW is currently owned by the CSD, who previously purchased it from Chevron. TPL is proposing to purchase the property from the CSD and convey it to the City of Morro Bay through a purchase agreement.

2. Amendment of the City's Sphere of Influence (SOI) to include 5 lots above Panorama. Those lots are owned by Chevron, and it is Chevron's intention to annex the lots into the City. Each of the lots would accommodate one single-family residence, for a total of no more than 5 single-family homes in that area. The homes would be restricted to the lower portions of each lot leaving the remainder of the hillside above Panorama undeveloped.
3. Detachment of lot 6NE from within the City's boundary, resulting in lot 6NE being under County jurisdiction. That process requires authorization by Council for submittal of an application for Detachment to LAFCO and subsequent approval by LAFCO. Lot 6NE is owned by the CSD and contains a sewer lift station operated by the CSD.
4. Annexation into the City of Lot 6NW (Continuation of Dog Beach). Lot 6NW is currently located in the County but is within the City's SOI. The intent behind Lot 6NW's location within the City's SOI was to facilitate its future annexation into the City for preservation of Dog Beach. Lot 6NW is currently owned by the CSD and is proposed to be purchased by TPL and conveyed to the City. The annexation requires Council authorization and subsequent approval by LAFCO.

The State Coastal Conservancy is making \$150,000 available to the City, through their grant process, to assist in the purchase of the Dog Beach lots (Lots 6SW and 6NW). As noted in items 1 & 4 above, the Dog Beach lots are currently owned by the CSD and will be purchased by TPL and conveyed to the City via a purchase agreement. Total cost for the two lots is approximately \$338,050. The remainder of the purchase price (\$188,050) will come from already secured philanthropic funds. A Map showing lot 6SW and 6NW can be found in Exhibit 3.

DISCUSSION:

The City Council will be reviewing a purchase agreement for the two lots at a Council meeting in the near future. Before the City can purchase the property, California government Code Section 65402(a) requires review of the property by the Planning Commission for conformance with the City's General Plan. This section of the government code was enacted more for the purpose of evaluating public right of way dedications and acquisitions and street abandonments; however, it is also utilized in situation where entire parcels of land are being conveyed.

The proposed acquisition of the property would make the property available for uses consistent with the General Plan Land Use category of Open Space/Recreation. The Planning Commission is reviewing the property against General Plan policies related to land use and any other policies in the City's General Plan that might raise issues with purchase of the property. The intended use of the property will remain a public beach.

Section 65402(a) of the California Government Code Reads as follows:

If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Lot 6SW is zoned OA-1/PD (Open Area 1/Planned Development) with a General Plan land use designation of Open Space Recreational. Lot 6NW is located in the County and maintains a land use designation of Recreation. Lot 6NW is located within the City's Sphere of Influence and it is staff's understanding the reason for the lot remaining in the City SOI was for preservation and future annexation into the City.

There are no other policies in the General Plan that suggest any other use for the property and as such the Planning Commission can make the requisite findings that the property is consistent with the General Plan.

ENVIRONMENTAL DETERMINATION

The acquisition of property is exempt from the California Environmental Quality Act consistent with Section 15601(b)(3) of the guidelines covering the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The activity in question is not a project, but instead is the purchase of property for continued public use.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 12-20 finding that acquisition of the subject property is in conformance with the City of Morro Bay General Plan.

EXHIBITS:

Exhibit 1 – Planning Commission Resolution 12-20

Exhibit 2 – MOU

Exhibit 3 – Maps

EXHIBIT 1

RESOLUTION NO. PC 12-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FINDING THAT THE ACQUISITION OF TWO LOTS PROPOSED FOR PURCHASE BY THE CITY OF MORRO BAY IS CONSISTENT WITH THE MORRO BAY GENERAL PLAN

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a hearing on May 19, 2020 for the purpose of considering General Plan conformance related to City future purchase of two vacant lots owned by the Cayucos Sanitary District; APN: 073-075-016; and portion of APN: 065-022-008 and

WHEREAS, pursuant to California Government Code Section 65402(a), the Planning Commission shall determine that the proposed acquisition of property for public purposes is in conformance with the adopted General Plan; and,

WHEREAS, the Planning Commission has duly considered all evidence, including public testimony, testimony of 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) Findings

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15601(b)(3) of the guidelines consistent with the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The activity in question is not a project, but instead is the purchase of property.
2. The exceptions to the categorical exemptions identified in Section 15300.2 of the guidelines do not apply.

Section 2. Finding. The Planning Commission of the City of Morro Bay has evaluated the suitability of the lots for continued use as public open space and finds the use consistent with the adopted City Morro Bay General Plan.

Section 3. Action. The Planning Commission does hereby find that the acquisition of the Dog Beach lots is in conformance with the adopted City of Morro Bay General Plan.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 19th day of May, 2020 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gerry Luhr, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 19th day of May, 2020.

MEMORANDUM OF UNDERSTANDING

Chevron Estero Marine Terminal, Lot 6SW

This Memorandum of Understanding (“MOU”), dated January 31, 2020, constitutes a **non-binding** agreement among The Trust for Public Land, a California nonprofit public benefit corporation (“TPL”), the City of Morro Bay (“**Morro Bay**”), the Cayucos Sanitary District (“CSD”), and Chevron Land and Development Company, a Delaware Corporation (“**Chevron**”), each of which may individually be referred to herein as a “**Party**” and collectively as the “**Parties.**”

RECITALS

- A. The Parties are interested in achieving a common conservation goal and appropriate public ownership (“**Project**”) for Lot 6SW, as shown in Exhibit A (“**Property**”), which has been historically used by the general public and is commonly known as “**Dog Beach.**”
- B. Chevron sold the Property to CSD on September 17, 2019 pursuant to that certain Grant Deed but also subject to that certain Memorandum of Repurchase Rights/Option recorded concurrently with the Grant Deed, which Memorandum contains certain rights in favor of Chevron (“**Residual Rights**”).
- C. CSD is willing to sell the Property to TPL, which will concurrently sell it to Morro Bay, with the ultimate intention that the Property will continue to be used for the benefit of the public.
- D. TPL’s purchase of the Property and concurrent sale to Morro Bay will be contingent on TPL’s receipt of certain public and private funding, which funding and acquisition, in turn, is contingent on Chevron’s termination of the Residual Rights.
- E. Chevron ultimately desires to have its lots shown in Exhibit A in the Estero Marine Terminal (“**Panorama Lots**”) annexed into the City of Morro Bay. Chevron is willing to terminate its Residual Rights upon certain conditions specified below.

The Parties agree as follows:

1. **OPTION AGREEMENT:** TPL and CSD will negotiate in good faith to enter into an option agreement whereby TPL will have the right to purchase the Property from CSD subject to the termination of the Residual Rights and securing funding for the acquisition (“**Option Agreement**”). TPL shall remain the principal Party involved with negotiating the terms and provisions of the Option Agreement and the concurrent sale with Morro Bay.
2. **PUBLIC FUNDING:** TPL will use its best efforts to secure public and philanthropic funding sources to support the acquisition of the Property from CSD and concurrent sale to Morro Bay. TPL shall be solely responsible for all aspects of requesting, securing and reporting associated with the funding sources.
3. **OBLIGATIONS OF CHEVRON:** Chevron agrees to execute and acknowledge and deliver to

Exhibit 2

TPL and Morro Bay a document in a form satisfactory to Chevron, TPL and Morro Bay to terminate or transfer the Residual Rights following Morro Bay's submission of an application to the Local Agency Formation Commission ("**LAFCO**") to place the Panorama Lots within the City's Sphere of Influence and the LAFCO staff indicates support for same ("**LAFCO Application**").

4. **OBLIGATIONS OF MORRO BAY:** Morro Bay shall seek City Council approval to proceed with filing the LAFCO Application. The LAFCO Application shall also seek to annex Lot 6NW into the City of Morro Bay and to de-annex Lot 6NE, both of which respective lots are shown on Exhibit A. Morro Bay will make best efforts to (i) complete the LAFCO Application such that LAFCO can make a decision at its May 2020 meeting, and (ii) file the LAFCO Application as soon as feasible but no later than April 25th, 2020. The Parties understand that nothing in this MOU commits the City Council to approve the LAFCO Application and that such decision must be made by the City Council pursuant to applicable law, including, but not limited to, the Brown Act.
5. **OBLIGATIONS OF ALL PARTIES:** The Parties acknowledge that (i) funding for acquisition of the Property and other Estero properties planned for acquisition and public ownership are interdependent; and (ii) time is of the essence to obtain the LAFCO decision regarding the LAFCO Application. All Parties agree to make best efforts to support the LAFCO Application for review at the LAFCO May meeting or as soon thereafter as feasible.
6. **OBLIGATIONS OF CSD:** CSD agrees to negotiate the terms of the Option Agreement with TPL, which will include standard provisions for the purchase of real property including the issuance of title insurance. CSD and TPL intend that the Option Agreement will be executed by the end of January 2020.
7. **OBLIGATIONS OF MORRO BAY AND TPL:** Concurrently with the negotiations between TPL and CSD as to the Option Agreement, Morro Bay and TPL will negotiate a purchase and sale agreement ("**PSA**") to be consummated concurrently with TPL's acquisition of title to the Property under the Option Agreement.
8. **OPTION TERMINATION:** If the Property is not acquired by TPL pursuant to the terms of the Option Agreement (as may be extended), all Parties shall be relieved of further obligations under this MOU. In such event, TPL shall be solely responsible for returning funds that it raised for the acquisition of the Property where such funds need to be returned in the event the Property is not acquired.
9. **INTENT:** This MOU is intended to memorialize the Parties' intent and desire to work together to perform the tasks required (including the Option Agreement and PSA) in connection with the acquisition of the Property by Morro Bay for continued public use free of the Residual Rights, while Morro Bay concurrently seeks City Council approval to file the LAFCO Application. Chevron intends, after LAFCO approval of the LAFCO Application, to request that Morro Bay annex the Panorama Lots into the City of Morro Bay ("**Annexation**"). The Parties understand that Morro Bay is not committing to approve

the Annexation, as such action must be made by the City Council and in compliance with applicable law, including the City of Morro Bay Municipal Code.

10. NON-BINDING; TERMINATION: This MOU is non-binding and is intended only to provide a framework for continued discussions between the Parties in connection with the Project. It is an expression of the current intent of the Parties but is not intended to constitute an agreement that will be legally binding on any Party. No Party has any obligation, responsibility, or liability to any other Party for failure to complete the items set forth above. This MOU is not binding and may be terminated in accordance with the terms set out in Section 8 above, or by any Party delivering written notice to the other Parties. Upon the termination of this MOU, no Party will have any liability under this MOU to any other Party, and the Parties will be released from all of their obligations under this MOU.

11. COUNTERPART EXECUTION: The Parties may execute this MOU in counterparts which together will constitute the entire MOU.

TPL

The Trust for Public Land, a California nonprofit public benefit corporation

By: _____
Its: _____

CSD

Cayucos Sanitary District, a political subdivision of the State of California

By: _____
Its: _____

CHEVRON

Chevron Land and Development Company, a Delaware Corporation

By: _____
Its: _____

MORRO BAY

City of Morro Bay, a municipal corporation

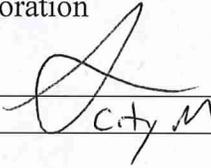
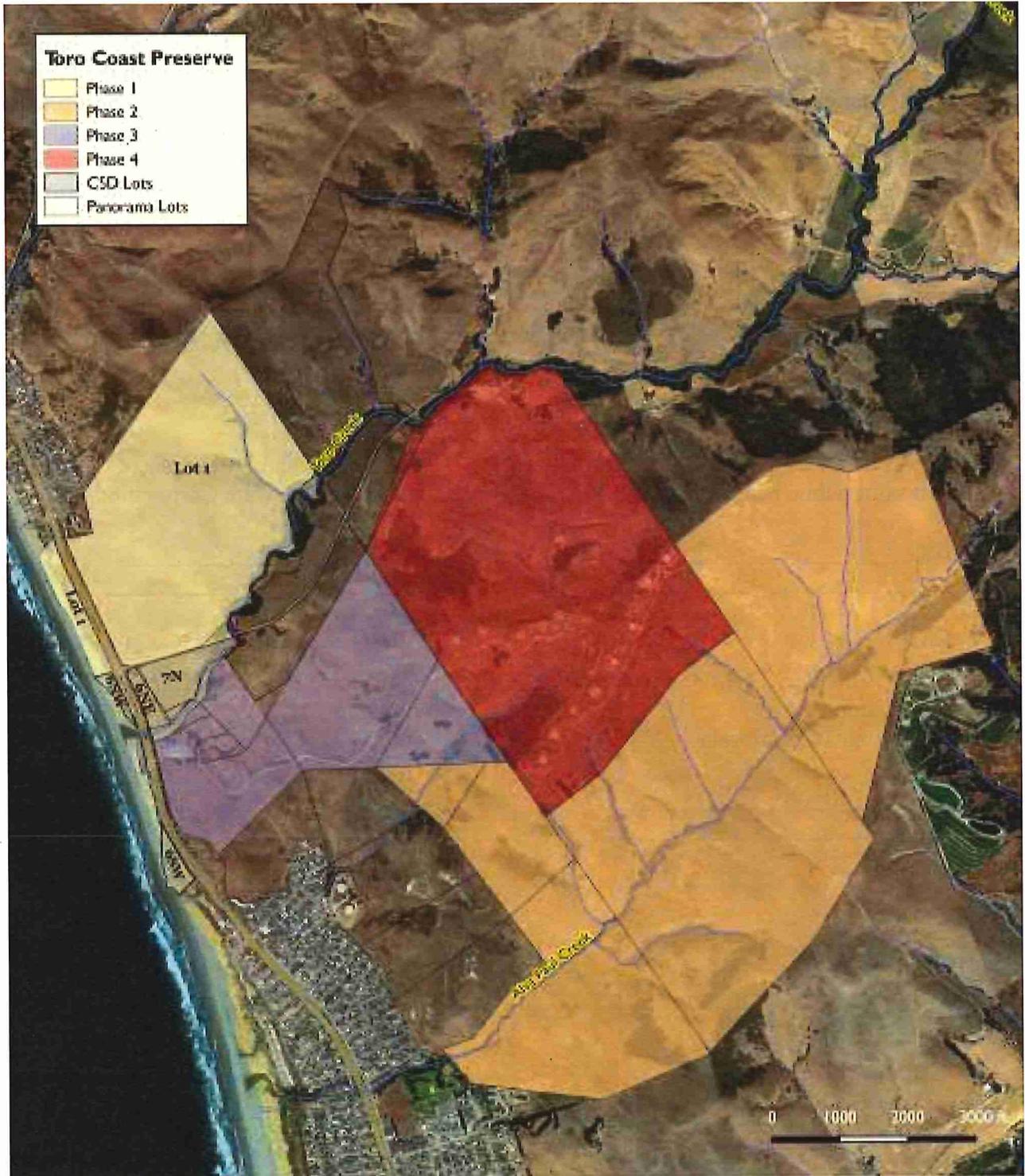
By:  1/31/2020
Its: City Manager

Exhibit A

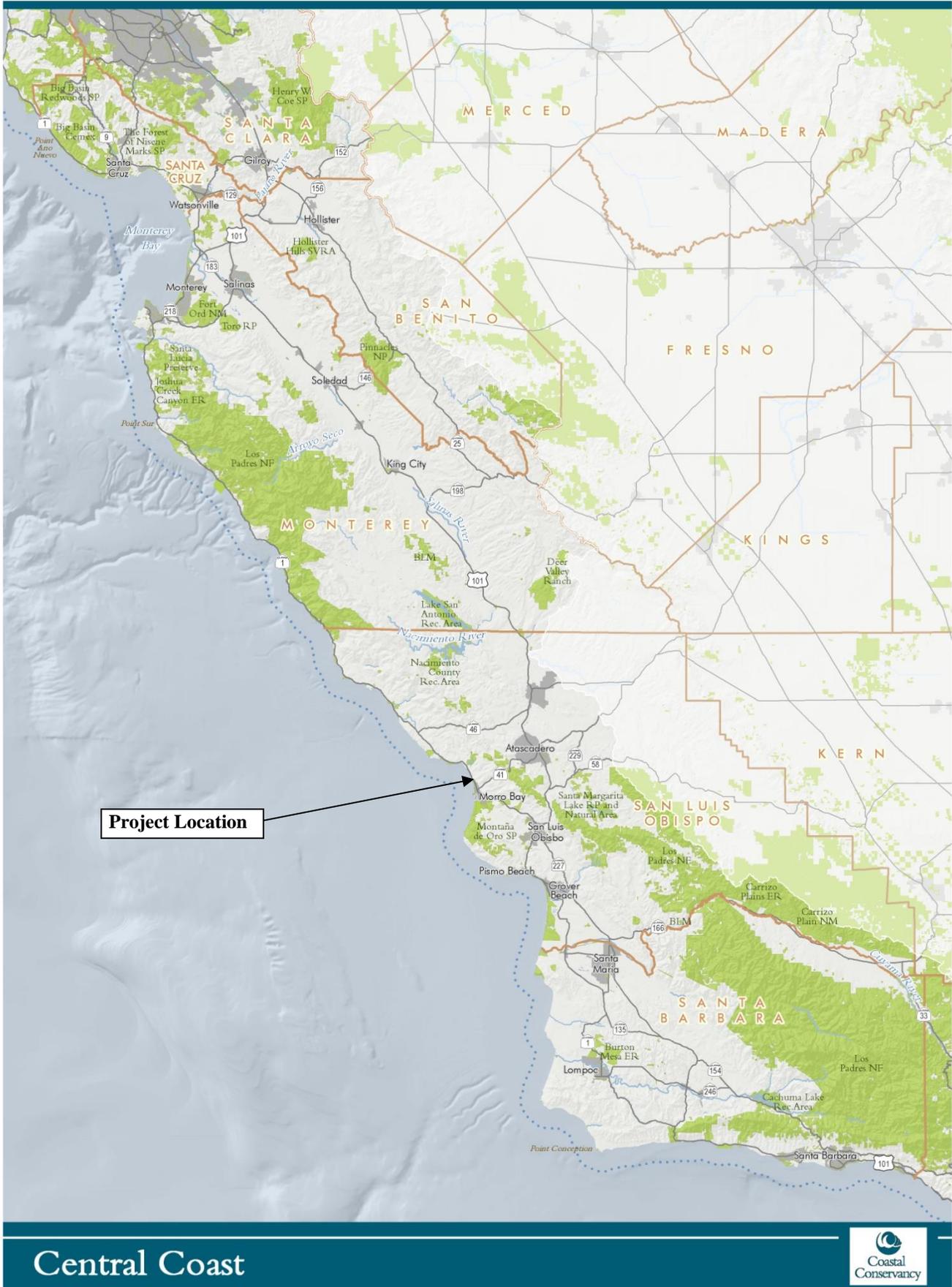


Toro Coast Preserve

SAN LUIS OBISPO COUNTY, CALIFORNIA

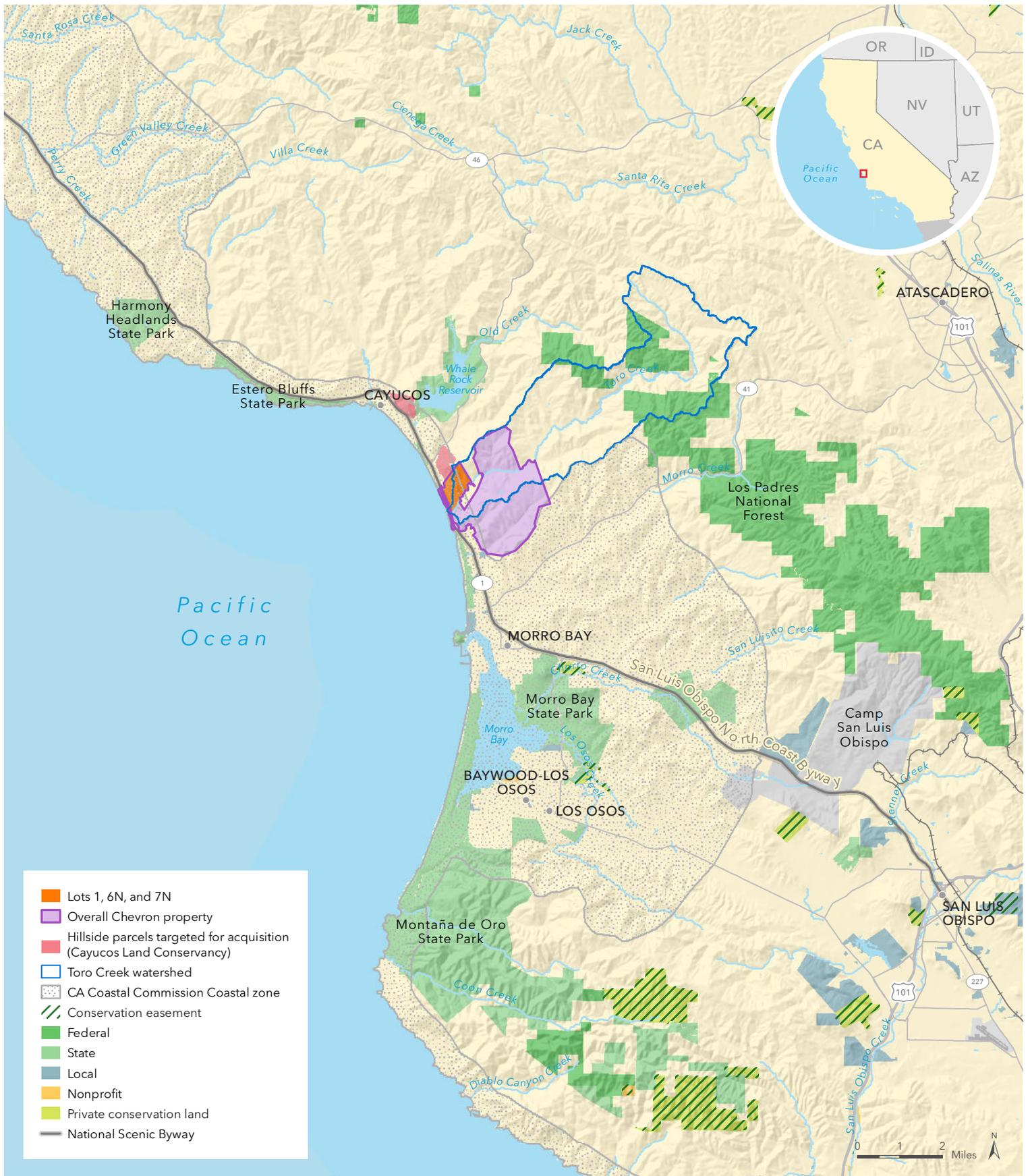


Exhibit 1: Project Location Map



Central Coast



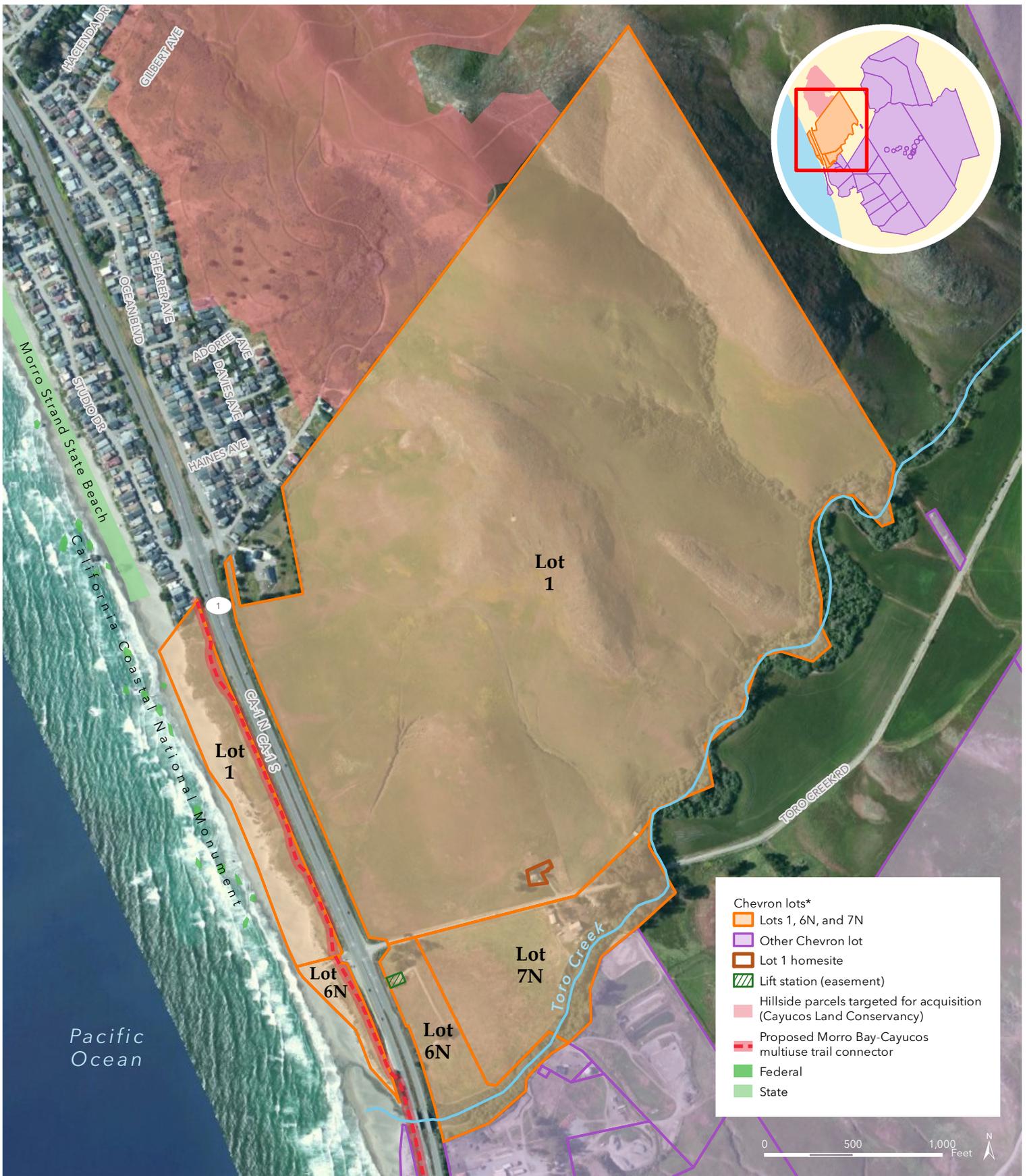


Toro Creek Coast

SAN LUIS OBISPO, CALIFORNIA

March 21, 2018. Copyright © The Trust for Public Land. The Trust for Public Land and The Trust for Public Land logo are federally registered marks of The Trust for Public Land. Information on this map is provided for purposes of discussion and visualization only. www.tpl.org



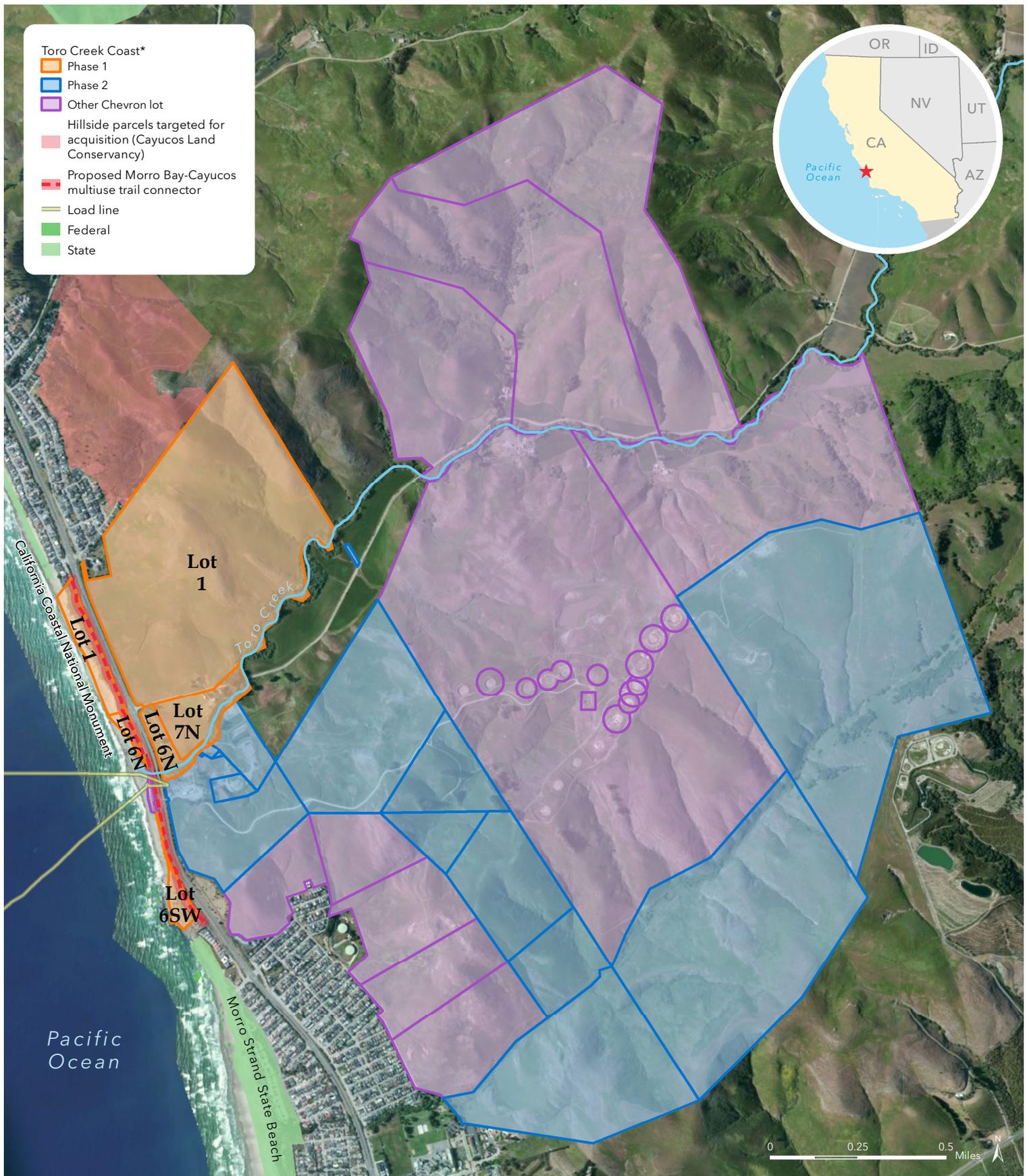


Toro Creek Coast

SAN LUIS OBISPO COUNTY, CALIFORNIA

March 29, 2018. Copyright © The Trust for Public Land. The Trust for Public Land and The Trust for Public Land logo are federally registered marks of The Trust for Public Land. *Lots 6N and 7N will be created as public lots by the Cayucos Sanitary District and have not yet been surveyed. The lots will be substantially similar to the lots depicted here but minor changes may occur. Information on this map is provided for purposes of discussion and visualization only. www.tpl.org
 PC_2020-05-19 Page 27 of 32





Toro Creek Coast

SAN LUIS OBISPO COUNTY, CALIFORNIA

September 19, 2018. Copyright © The Trust for Public Land. The Trust for Public Land and The Trust for Public Land logo are federally registered marks of The Trust for Public Land. *Lots 6N and 7N will be created as public lots by the Cayucos Sanitary District and have not yet been surveyed. Approximate boundary of lot 6SW, not yet surveyed; Chevron to retain sufficient land for access to pipelines. The lots will be substantially similar to the lots depicted here but minor changes may occur. Information on this map is provided for purposes of discussion and visualization only. www.tpl.org



EXHIBIT 3

EXHIBIT "B-1"

LEGAL DESCRIPTION

(LOT 6NW)

That portion of the land described in Certificate of Compliances recorded November 2, 2012 in Document No. 2012063818 and Document No. 2012063819 in the County Recorder's Office, County of San Luis Obispo, State of California, described as follows:

Beginning at a point on the westerly line of the land described in the grant deeds to the State of California recorded in Book 1090 at Page 258 of Official Records and Book 1090 at Page 263 of Official Records in the County Recorder's Office of said County (State Highway One) being an arc distance of 696.64 feet from the northerly terminus of the curve described as Course No. 9 (curve to the left with a radius of 4879 feet through an angle of 11°45'32" for a distance of 1001.32 feet) in said grant deeds to the State of California; thence,

Leaving said westerly line, South 80°34'29" West, a distance of 26.67 feet; thence,

North 73°38'47" West, a distance of 36.70 feet; thence,

North 38°30'11" West, a distance of 75.80 feet; thence,

North 80°39'34" West, a distance of 95.21 feet; thence,

South 72°39'00" West, a distance of 106.64 feet more or less to the mean high water line of Estero Bay; thence,

Northerly along said mean high water line to the intersection with the westerly prolongation of the centerline of Toro Creek Road (County Road)

Easterly along said centerline prolongation to the westerly line of the land described in said grant deeds to the State of California; thence,

Southerly along said westerly line to the Point of Beginning.

The land described contains 6.27 acres more or less and is shown graphically on Exhibit B herein attached.



2/22/19



EXHIBIT "B-1" - 1

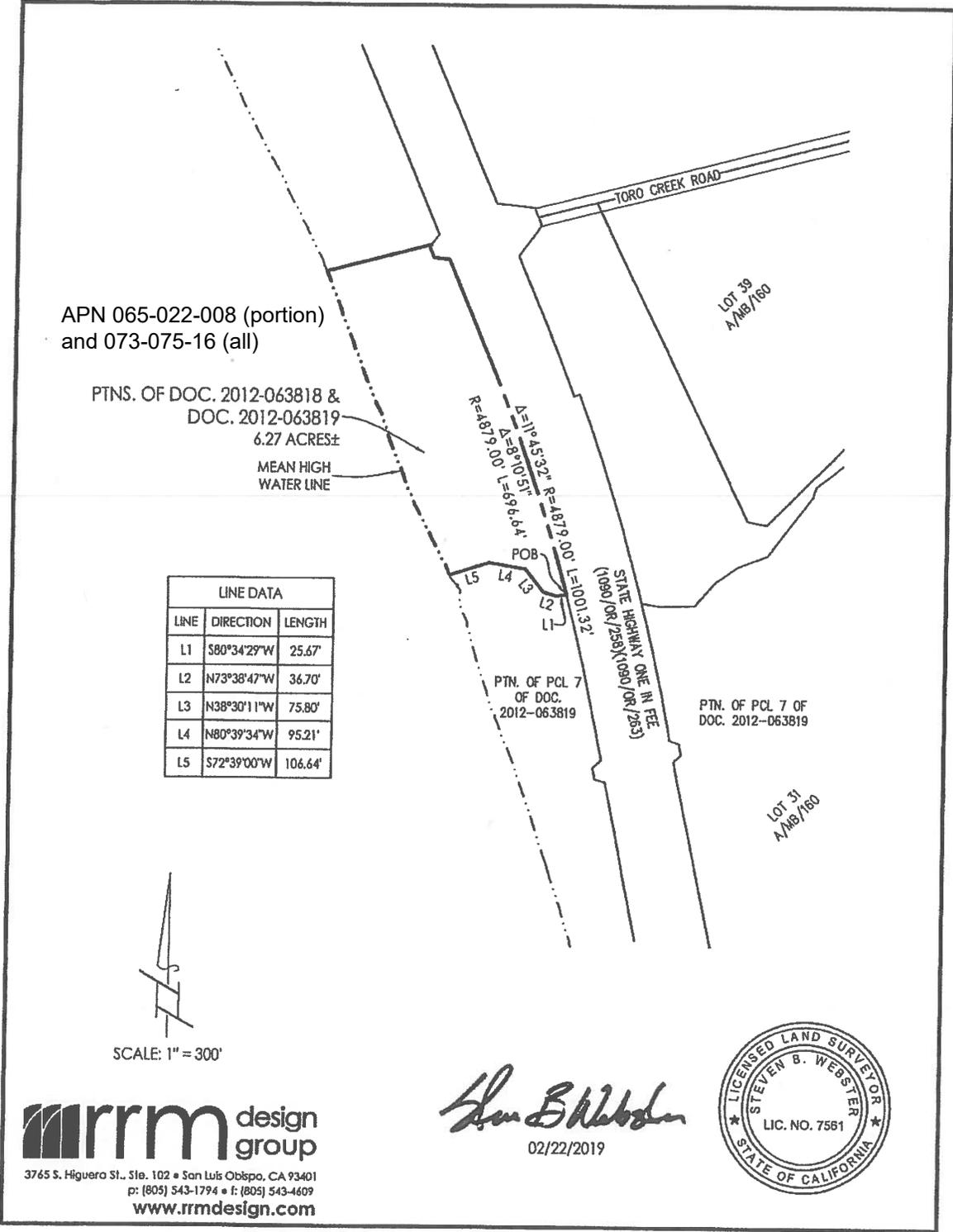


EXHIBIT "B-1" - 2

072452.000143 4812-0188-8921.13

EXHIBIT "B-2"

LEGAL DESCRIPTION

(LOT 6SW)

That portion of the land described in Certificate of Compliances recorded November 2, 2012 in Document No. 2012063818 and Document No. 2012063819 in the County Recorder's Office, County of San Luis Obispo, State of California, described as follows:

Beginning at the intersection of the westerly line of the land described in the grant deed to the State of California recorded in Book 1090 at Page 258 of Official Records in the County Recorder's Office of said County (State Highway One) with the southerly line of Lot 31 according to the map of the subdivision of said Rancho filed in Book A of Maps at Page 160 of Maps in the County Recorder's Office of said County; thence,

Northerly along said westerly line to a point being North $11^{\circ}23'26''$ West, a distance of 612.98 feet from the southerly terminus of the line described as Course No. 4 (North $11^{\circ}23'26''$ West, 817.99 feet) in said grant deed to the State of California; thence,

Leaving said westerly line, South $78^{\circ}36'34''$ West, a distance of 187.20 feet more or less to the mean high water line of Estero Bay; thence,

Southerly along said mean high water line to the southwest corner of said Lot 31; thence,

Northeasterly along the southerly line of said Lot 31 to the Point of Beginning.

The land described contains 8.96 acres more or less and is shown graphically on Exhibit B herein attached.

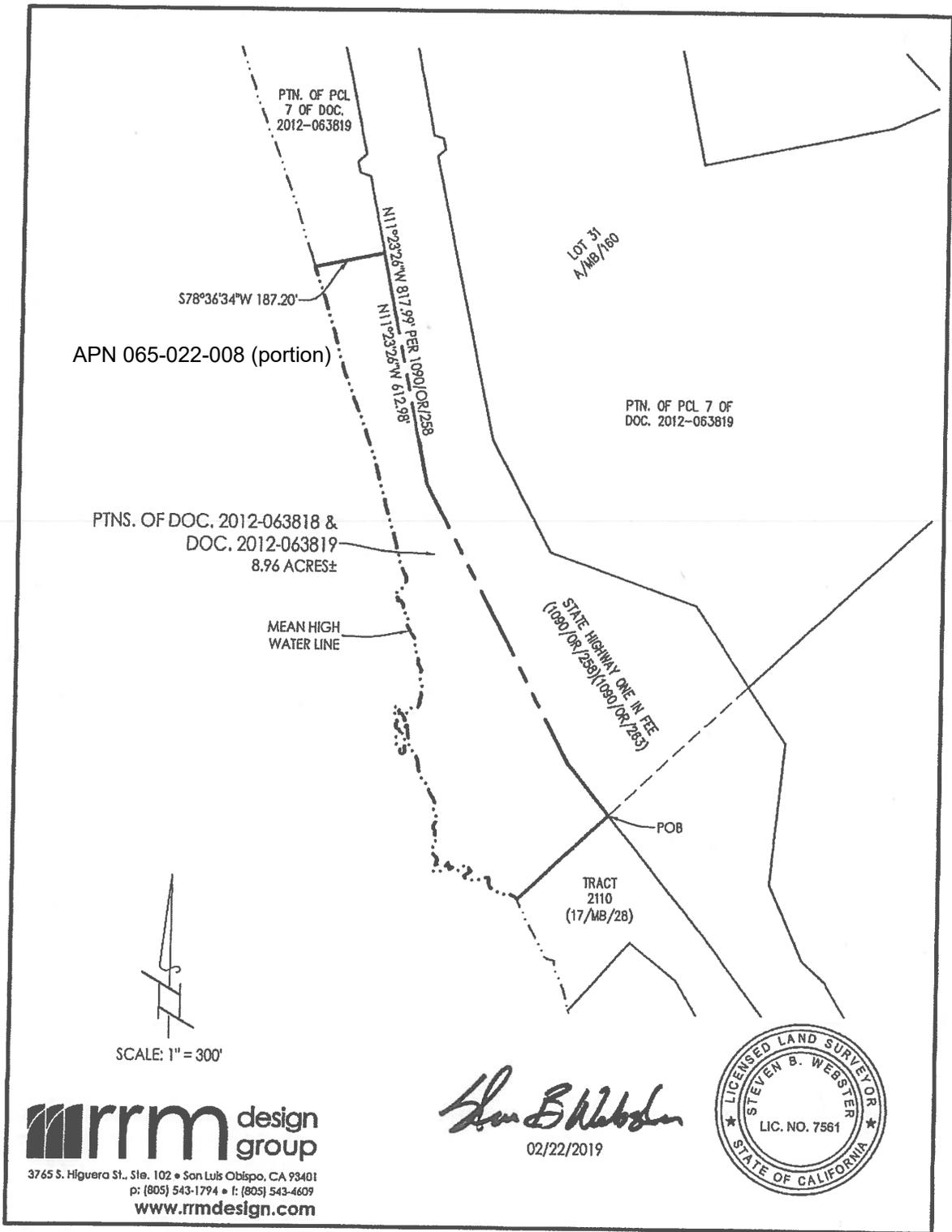
Steven B. Webster

2/22/19



EXHIBIT "B-2" - 1

072452.000143 4812-0188-8921.13



APN 065-022-008 (portion)

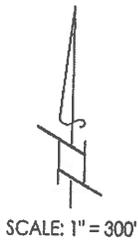
PTNS. OF DOC. 2012-063818 &
DOC. 2012-063819
8.96 ACRES±

MEAN HIGH
WATER LINE

STATE HIGHWAY ONE IN FEE
(1080/OR/255)/(1080/OR/253)

POB

TRACT
2110
(17/MB/28)



rrm design group
3765 S. Higuera St., Ste. 102 • San Luis Obispo, CA 93401
p: (805) 543-1794 • f: (805) 543-4609
www.rmdesign.com

Steven B. Webster
02/22/2019



EXHIBIT "B-2" - 2

072452.000143 4812-0188-8921.13