



# CITY OF MORRO BAY CITY COUNCIL AGENDA

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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.

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## Regular Meeting Tuesday, August 23, 2022 – 5:30 P.M. Veterans Memorial Hall 209 Surf St., Morro Bay, CA

Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted in a hybrid format with both in-person and virtual public participation. Ways to watch this meeting and submit public comment are provided below.

### **Public Participation:**

Public participation is allowed in the following ways:

- Community members may attend the meeting in person at the Morro Bay Veterans Hall.
- 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.

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>

Password: 135692

- Or Telephone Attendee: 1 (408) 638-0968 or 1 (669) 900 6833 or 1 (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \*9 to “Raise Hand” for Public Comment

- Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).
- Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the City Council at [council@morrobayca.gov](mailto:council@morrobayca.gov) prior to the meeting. Agenda Correspondence received at [council@morrobayca.gov](mailto:council@morrobayca.gov) by 10 a.m. on the meeting day will be posted on the City website.

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE  
RECOGNITION  
CLOSED SESSION REPORT  
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS  
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS

#### PRESENTATION

- Lighthouse Century Bicycling Event Presentation by Mary Ann Gustafson

#### PUBLIC COMMENT

Members of the audience wishing to address the Council 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 Council 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 City respectfully requests the following guidelines and expectations be followed:

- Those desiring to speak are asked to complete a speaker slip, which are located at the entrance, and submit it to the City Clerk. However, speaker slips are not required to provide public comment.
- When recognized by the Mayor, 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 Mayor, comments are to be limited to three minutes.
- All remarks should be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.
- The Council in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

#### A. CONSENT AGENDA

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion. The public will also be provided an opportunity to comment on consent agenda items.

- A-1 RESOLUTION MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING FOR PUBLIC HEALTH AND SAFETY THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY VIA REMOTE TELECONFERENCING (INCLUDING PARTIALLY REMOTE) FOR A 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361; (CITY ATTORNEY)

**RECOMMENDATION:** Staff recommends Council consider adoption of attached Resolution No. 78-22 reauthorizing for public health and safety the conduct of public meetings of the legislative bodies of the City via remote teleconferencing (including partially remote) for 30 days, thereby allowing the City Council and the City's advisory bodies to meet remotely (including partially remote) through September 22, 2022.

**With approval of this motion and until such further notice, City Council and advisory bodies will continue to hold their meetings in public at the Veterans Hall, with the option for individual Councilmembers and advisory body members to teleconference.**

A-2 APPROVAL OF SB1 FUNDING PROJECT LIST FOR FY 22/23 PAVEMENT MANAGEMENT PLAN PROJECT; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION: Adopt Resolution No. 79-22 approving the Fiscal Year 2022/23 project list for use of Senate Bill 1 (Road Repair and Accountability Act of 2017) Road Maintenance and Rehabilitation Account (RMRA) funds.**

A-3 CONSIDERATION OF A FREE PUBLIC CONCERTS AT TIDELANDS PARK IN PARTNERSHIP WITH MORRO BAY SENIOR CENTER, INC.; (CITY MANAGER/RECREATION SERVICES)

**RECOMMENDATION: Staff recommends City Council approve a proposed free public concert series in fall of 2022 at Tidelands Park and direct staff to move forward with the support and planning for such a series in partnership with Morro Bay Senior Center, Inc. (MBSCI) and return to City Council at fiscal Midyear with a budget amendment to cover City costs up to \$10,000.**

A-4 DESIGNATION OF VOTING DELEGATE AND ALTERNATE(S) AT LEAGUE OF CALIFORNIA CITIES 2022 ANNUAL CONFERENCE BUSINESS MEETING; AND, AUTHORIZE THE VOTING DELEGATES TO APPROVE PROPOSED CAL CITIES BYLAWS AMENDMENTS; (CITY CLERK)

**RECOMMENDATION: Staff recommends the City Council:**

**1) Select Mayor Headding, as the voting delegate, and Council Members Barton and Ford, as the alternate voting delegates, for the upcoming annual business meeting to be held at the League of California Cities Annual Conference; and 2) Authorize City Clerk to sign the League of California Cities' form affirming the selection of the voting delegate and the alternate voting delegates (page 4 of Attachment 1); and 3) Authorize the selected voting delegate (or selected alternates as needed) to approve the proposed Bylaws Amendments provided as Attachment 2.**

B. PUBLIC HEARING ITEMS

B-1 AN APPEAL WAS FILED MAY 24, 2022, IN RESPONSE TO PLANNING COMMISSIONS DENIAL ON MAY 17, 2022, OF CONDITIONAL USE PERMIT (CUP19-20), COASTAL DEVELOPMENT PERMIT (CDP19-047) AND VARIANCE REQUEST (VAR20-001); FOR A SMALL NEW HOME ON A RESIDENTIALLY ZONED PARCEL. THE APPELLANT IS REQUESTING THE PROJECT BE RECONSIDERED BY CITY COUNCIL AND THE PLANNING COMMISSION DECISION OVERTURNED. THE PROJECT SITE IS IN THE R-1/PD WITH A PORTION IN THE WF/PD ZONING DISTRICT AND IS LOCATED WITHIN THE COASTAL COMMISSION APPEAL JURISDICTION; (COMMUNITY DEVELOPMENT DEPARTMENT)

**RECOMMENDATION: 1) Uphold the appeal and overturn the Planning Commission denial of the CUP/CDP/VAR approving the project pursuant to the findings and conditions of approval included in Attachment 1; or 2) Deny the appeal and uphold the Planning Commission decision for denial of the project by adopting Attachment 2.**

C. BUSINESS ITEMS

C-1 LAND USE & ZONING MAP AUTHORIZATION; (COMMUNITY DEVELOPMENT DEPARTMENT)

**RECOMMENDATION:** Staff recommends the City Council direct staff to work on processing of a change to the General Plan/LCP Coastal Land Use Map and Zoning Map for the properties north of Hwy 1 and west of South Bay Blvd from Low Density Residential to Medium Density Residential; and direct staff to return with a Midyear Budget Amendment to authorize \$13,900 in General Fund expenditures for this work.

C-2 APPROVE WRF CONTRACT AMENDMENTS AND REVIEW AND COMMENT ON FISCAL YEAR 21-22 Q4 WRF QUARTERLY REPORT; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION:** Staff recommends the City Council review and provide input on the Fiscal Year (FY) 21-22 4<sup>th</sup> Quarter (Q4) WRF Quarterly Report and authorize the City Manager to execute the following Water Reclamation Facility (WRF) contract amendments:

1. Amendment No. 4 to the agreement with Waterworks Engineers (Waterworks) for engineering services during construction of the WRF Lift Station and Offsite Pipelines for a total amount of \$108,706 and to extend the contract expiration date to December 31<sup>st</sup>, 2022, resulting in a total not to exceed amount of \$2,540,113.
2. Amendment No. 7 to the agreement with Carollo Engineers, Inc. (Carollo) for Program Management Services for the Water Reclamation Facility Program for a total of \$1,700,000, resulting in a total not to exceed amount of \$13,508,401.
3. Amendment No. 2 to the agreement with Kevin Merk Associates (KMA) for biological monitoring, reporting, and mitigation services the WRF Lift Stations and Offsite Pipelines construction for a total of \$15,000 resulting in a total not to exceed amount of \$86,310 for KMA.
4. Amendment No. 5 to the agreement with Anvil Builders, Inc. (Anvil) for the WRF Lift Stations and Offsite Pipelines construction for \$1,253,667, which results in a total not to exceed contract value for Anvil of \$34,196,581.
5. Revised Amendment No. 7 to the agreement with FBV Morro Bay Joint Venture (FBV) for the Water Reclamation Facility Construction project for \$553,371, therefore, increasing the Guaranteed Maximum Price (GMP) to \$77,251,366.

C-3 CONSIDERATION OF CALIFORNIA STATE REVOLVING FUND (SRF) LOW-INTEREST LOAN AMENDMENT TO INCREASE MAXIMUM CONSTRUCTION LOAN AMOUNT TO \$87,770,000 FOR THE WATER RECLAMATION FACILITY (WRF) AND REVIEW CHANGES IN WRF PROJECT COSTS; (CITY MANAGER/ADMIN SERVICES DEPARTMENT/PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION:** Staff recommends the City Council adopt Resolutions Nos. 80-22 and 81-22 to support an application for a State Revolving Fund construction loan amendment in the amount of \$21,172,000 to cover the full Water Reclamation Facility program cost and authorize a maximum SRF construction loan amount of \$87,770,000; and review changes in WRF project costs over the life of the project.

C-4 APPROVAL OF WATER RECLAMATION FACILITY INDIRECT POTABLE REUSE PROGRAM UPDATE AND AUTHORIZATION OF A CONTRACT AMENDMENT WITH CONFLUENCE ENGINEERING SOLUTIONS; (PUBLIC WORKS DEPARTMENT)

**RECOMMENDATION:** Staff recommends the City Council: 1) Receive and file the Water Reclamation Facilities (WRF) Indirect Potable Reuse (IPR) Program Update; and 2) Approve Confluence Engineering Solutions' proposal to provide IPR Program Management, WRF and Engineering Support Services for Fiscal Year (FY) 2022/23 and authorize a contract amendment in the amount of \$582,619 for a not to exceed contract amount of \$627,619.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, September 13, 2022 at 5:30 p.m.**

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 CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 805-772-6205 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST BY CALLING THE CITY CLERK'S OFFICE AT 805-772-6205.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.

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**AGENDA NO: A-1**

**MEETING DATE: August 23, 2022**

# Staff Report

**TO: Honorable Mayor and City Council**

**DATE: August 16, 2022**

**FROM: Chris F. Neumeyer, City Attorney**

**SUBJECT: Resolution Making Findings Related to the Continued Existence of a State of Emergency Due to COVID-19 and Re-Authorizing for Public Health and Safety the Conduct of Public Meetings of the Legislative Bodies of the City via Remote Teleconferencing (including partially remote) for a 30-Day Period Pursuant to the Ralph M. Brown Act as Amended by Assembly Bill No. 361**

## **RECOMMENDATION**

Staff recommends Council consider adoption of attached Resolution No. 78-22 reauthorizing for public health and safety the conduct of public meetings of the legislative bodies of the City via remote teleconferencing (including partially remote) for 30 days, thereby allowing the City Council and the City’s advisory bodies to meet remotely (including partially remote) through September 22, 2022.

With approval of this motion and until such further notice, City Council and advisory bodies will continue to hold their meetings in public at the Veterans Hall, with the option for individual Councilmembers and advisory body members to teleconference.

## **ALTERNATIVES**

Do not consider adoption of the attached resolution and/or provide further direction to staff.

## **FISCAL IMPACT**

No immediate fiscal impact.

## **BACKGROUND**

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California because of the spread of COVID-19. Beginning in March, 2020 the Governor also issued a number of Executive Orders (e.g., N-25-20, N-29-20, N-35-20) (the “Brown Act Orders”) for the public health and safety that waived requirements in the Brown Act that expressly or impliedly required the physical presence of City Councilmembers, staff, or the public at meetings of the City Council, Planning Commission and other City boards, commissions and committees (“legislative bodies”) that are subject to the Brown Act. The Brown Act Orders allowed City legislative bodies that are subject to the Brown Act to modify how meetings were conducted to protect the health and safety of staff and the public while ensuring transparency and accessibility for open and public meetings. The most recent Brown Act Order expired on September 30, 2021.

**Prepared By: CFN      Dept Review: \_\_\_\_\_**  
**City Manager Review: SC      City Attorney Review: CFN**

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”) into law. AB 361 was made effective on October 1, 2021, on an urgency basis, to correspond to the timing of expiration of the Brown Act Orders. AB 361 provides for the ability to teleconference (whether completely or hybrid) Brown Act meetings of City legislative bodies for public health and safety reasons under certain conditions, akin to the authority to do so under the Brown Act Orders.

## **DISCUSSION**

Assembly Bill 361 allows City legislative bodies to utilize remote/virtual platforms for public meetings (consistent with certain statutory requirements) during a state of emergency proclaimed by the Governor that includes the City if certain conditions are met.

On October 26, 2021, the City Council adopted Resolution No. 70-21 making findings related to the continued existence of a state of emergency due to COVID-19 and re-authorizing for public health and safety the conduct of public meetings of City’s legislative bodies via remote teleconferencing for an initial 30-day period pursuant to the Ralph M. Brown Act as amended by Assembly Bill No. 361. On November 9, 2021, and no later than every 30 days thereafter, through June 28, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City’s legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted resolutions authorizing such meetings for an additional thirty days. AB 361 Resolution No. 61-22, which was adopted on June 28, 2022, expired by its own terms on July 28, 2022, as AB 361 resolutions are active for thirty days. On August 9, 2022, the City Council upon making necessary findings adopted Resolution 72-22, reauthorizing the use of remote teleconferencing by City’s legislative bodies for public health and safety, as authorized by AB 361.

If a state of emergency remains active, or State or local officials have imposed or recommended measures to promote social distancing, AB 361 imposes certain requirements to continue use of its provisions after the initial 30-day period, or a 30-day period thereafter, has elapsed.

Government Code section 54953(e)(3) provides that “not later than 30 days after teleconferencing for the first time pursuant” to AB 361, “and every 30 days thereafter,” the City Council shall make the following findings by majority vote for the City to continue using the teleconferencing provisions of AB 361:

1. The City Council has reconsidered the circumstances of the state of emergency; **and**
2. Either of the following circumstances exist:
  - a. The state of emergency continues to directly impact the ability of the members to meet safely in person, **or**
  - b. State or local officials continue to impose or recommend measures to promote social distancing.

At the March 22, 2022 Meeting, the City Council directed staff to continue bringing AB 361 resolutions to provide a remote option for Council Members and Advisory Board members should the need occur.

## **CONCLUSION**

Staff recommends Council consider adoption of the proposed Resolution No. 78-22 making the findings required to re-authorize use of AB 361. Doing so will allow meetings of the City Council, City boards and City commissions to occur by teleconference (including under a hybrid format) for the public health and safety. Continued reliance on AB 361 will require adoption of a new resolution

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making the required findings every 30 days thereafter.

**ATTACHMENT**

1. Resolution No. 78-22

**RESOLUTION NO. 78-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF  
EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING FOR PUBLIC HEALTH AND  
SAFETY THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE  
CITY VIA REMOTE TELECONFERENCING FOR A  
30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT  
AS AMENDED BY ASSEMBLY BILL NO. 361**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City Council of the City of Morro Bay (“City”) is committed to preserving and nurturing public access and participation in meetings of the Legislative Bodies (as that term is defined in Government Code §54952, including the City Council, commissions, boards and committees subject to the Brown Act) of the City; and

**WHEREAS**, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, codified as Government Code §§ 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Legislative Bodies conduct their business; and

**WHEREAS**, the Brown Act, at Government Code § 54953(e), as amended by Assembly Bill (AB) 361 effective October 1, 2021, makes provision for remote teleconferencing participation in public meetings by members of a Legislative Body without compliance with the provisions of Government Code § 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition under Government Code § 54953(e) for its initial use is that the meeting is held during a state of emergency that has been declared by the Governor pursuant to Government Code § 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code § 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters

**WHEREAS**, a required condition under Government Code § 54953(e) for its initial use is that state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body is meeting to determine or has previously determined that meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor proclaimed a state of emergency for the State of California and thereafter issued a number of executive orders aimed at containing COVID-19; and

**WHEREAS**, on March 19, 2020, the City Council adopted Resolution No. 23-20, proclaiming and affirming the existence of a local emergency, and confirming and ratifying proclamation by City's Director of Emergency Services of Existence of a Local Emergency, in response to COVID-19 (Coronavirus). The Legislative Bodies have since conducted meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor; and

**WHEREAS**, the executive orders issued by the Governor, among other things, for the public health and safety waived requirements of the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which rescinded the modifications made by the aforementioned executive orders, effective September 30, 2021. On September 16, 2021, the Governor signed AB 361, creating a modified set of provisions for local agencies for compliance with the Brown Act relative to remote meetings. AB 361 was made effective on October 1, 2021; and

**WHEREAS**, on October 26, 2021, the City Council adopted Resolution No. 70-21 making findings related to the continued existence of a state of emergency due to COVID-19 and re-authorizing for public health and safety the conduct of public meetings of City's legislative bodies via remote teleconferencing for an initial 30-day period pursuant to the Ralph M. Brown Act as amended by Assembly Bill No. 361; and

**WHEREAS**, On November 9, 2021, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 78-21 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On November 18, 2021, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 81-21 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On December 14, 2021, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 84-21 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On January 11, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 03-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On January 25, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 07-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On February 22, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 16-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On March 22, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 25-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On April 12, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 29-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On May 10, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 40-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On May 24, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 43-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On June 14, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 50-22 authorizing such meetings for an additional thirty days; and

**WHEREAS**, On June 28, 2022, the City Council reviewed the need for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for public health and safety as authorized by AB 361, and upon making necessary findings, adopted Resolution No. 61-22 authorizing such meetings for an additional thirty days, and by its own terms Resolution No. 61-22 expired on July 28, 2022; and

**WHEREAS**, On August 9, 2022, the City Council adopted Resolution No. 72-22 making findings related to the continued existence of a state of emergency due to COVID-19 and re-authorizing for public health and safety the conduct of public meetings of City's legislative bodies via remote teleconferencing (including partially remote) for a 30-day period pursuant to the Ralph M. Brown Act as amended by Assembly Bill No. 361; and

**WHEREAS**, the Governor's proclaimed state of emergency and the City's proclaimed local emergency related to COVID-19 remain in effect and encompass the jurisdictional boundaries of the City; and

**WHEREAS**, the California Department of Public Health continues to impose or recommend measures to promote social distancing, and the Centers for Disease Control and Prevention ("CDC") continues to impose or recommend measures to promote social distancing; and

**WHEREAS**, Government Code Section 54953(e)(3) requires that the City Council review the need and make findings for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency; and

**WHEREAS**, for the public health and safety the Council wishes to affirm the need and findings necessary for continuing the conduct of public meetings of City's legislative bodies via remote teleconferencing as authorized by AB 361; and

**WHEREAS**, the City Council does hereby intend that, as a consequence of the persisting state of emergency and the imposed or recommended social distancing measures, the Legislative Bodies shall be authorized to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code § 54953, as authorized by subdivision (e) of Government Code § 54953, and that the Legislative Bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code § 54953; and

**WHEREAS**, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies meeting pursuant to the requirements of Government Code § 54953(e)(2) and their staff will give notice of the manner by which members of the public may access the Legislative Bodies' meetings and offer public comment; identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option; and allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the Legislative Body directly.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and are incorporated herein by reference.

**SECTION 2.** The City Council hereby acknowledges and affirms the continued effectiveness of the Governor's proclaimed state of emergency and the City's proclaimed local emergency (as may have been amended since their initial proclamation) which encompass their jurisdictional boundaries.

**SECTION 3.** The City Council finds as follows: 1) they have reconsidered the circumstances of the state of emergency; 2) the state of emergency remains active within their jurisdictional boundaries; 3) the state of emergency continues to directly impact the ability of the City Council, the City's Legislative Bodies, City staff and the public to meet safely in person; and 4) State officials continue to impose or recommend measures to promote social distancing.

**SECTION 4.** The Legislative Bodies and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting all open and public meetings of the Legislative Bodies in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act.

**SECTION 5.** This Resolution shall take effect immediately upon its adoption by the City Council and shall be effective for until the earlier of (i) September 22, 2022, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code § 54953(e)(3) to extend the time during which the Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code § 54953.

**SECTION 6.** Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**SECTION 7.** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of August 2022 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk



AGENDA NO: A-2  
MEETING DATE: August 23, 2022

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** August 15, 2022  
**FROM:** Eric Riddiough, P.E. – City Engineer  
**SUBJECT:** Approval of SB1 Funding Project List for FY 22/23 Pavement Management Plan Project

## RECOMMENDATION

Adopt Resolution No. 79-22 approving the Fiscal Year 2022/23 project list for use of Senate Bill 1 (Road Repair and Accountability Act of 2017) Road Maintenance and Rehabilitation Account (RMRA) funds.

## ALTERNATIVE

The alternative would be to not recommend approval of use of Senate Bill 1 (SB-1) funding. If a resolution is not approved by City Council before the September 30, 2022 deadline, project funds will not be eligible for use until the next opportunity when a resolution can be accepted by the California Transportation Commission (CTC) which would be in the following calendar year. The City may lose its ability to receive SB-1 funds from the State if projects have not been identified through a resolution passed by City Council.

## FISCAL IMPACT

Funding from multiple sources, including SB1 funds, for the Annual Pavement Management Project is included in the proposed Budget for Fiscal Year 2022/23 (FY22/23). The City anticipates approximately \$266,623 in revenue from the State due to the continued implementation of SB-1 for the upcoming fiscal year. This updated amount is higher than what was budgeted, and staff will return to Council with a midyear budget amendment to reflect the updated revenue and project expenditure budgets. No local matching funds are required in order to receive this year’s SB-1 funding allocation; however, the City must keep in good standing with its commitment on MOE (Maintenance of Effort) over time to qualify for the continued receipt of SB-1 funds.

## BACKGROUND/ DISCUSSION

The Road Repair and Accountability Act of 2017, SB-1, was passed by the State Legislature and signed into law by the Governor in April 2017. The purpose of the bill is to help State and local agencies address transportation funding shortfalls. SB-1 has generated revenue through increases in gas tax, vehicle registration fees, and fees on zero emission vehicles. The tax and fee rate increases was initiated on November 1, 2017, with final implementation of all the rate and fee increases completed in July 2020.

One of the major components of SB-1 is the Road Maintenance and Rehabilitation Account (RMRA),

Prepared By: ER Dept Review: GK  
City Manager Review: SC City Attorney Review: CFN

which is the revenue stream set aside for the maintenance and rehabilitation of roadways. SB-1 is expected to generate over \$5 billion annually at full implementation, \$1.5 billion of which will be distributed to local agencies and counties through the RMRA. The City of Morro Bay is projected to receive \$266,623 in revenue from the RMRA for FY22/23.

SB-1 includes accountability and transparency provisions to enable local residents to remain aware of the projects proposed to be funded by SB-1 in their local area. As part of these provisions, it is a requirement for local agencies to adopt project lists before the start of every fiscal year. The project list must include all projects proposed to receive funding from the RMRA. The required list includes a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. Per the requirements of SB-1, the list must be approved by the City Council through resolution and sent to the California Transportation Commission (CTC) no later than September 30, 2022, in order to be eligible for RMRA funding for the current fiscal year.

The primary focus of the RMRA is maintenance of the existing infrastructure within the City's rights-of-way. Other transportation funding sources, such as Measure Q and E, General Fund, Growth Mitigation, and other grant programs are available for capital expenditures through the normal budget process. The City deferred spending SB1 RMRA funds for fiscal years FY20/21 and 21/22 due to revenue uncertainties, low staffing levels, and potential economic impacts of the COVID-19 global pandemic. Staff is proposing to expend an estimated \$300,000 - \$400,000 of the previously disbursed SB1 RMRA funding from fiscal years 2020/21 and 2021/22 for expenditures in the FY 22/23 road maintenance Capital Improvement Budget and report those expenditures to the California Transportation Commission as required.

Project selection is developed by the Public Works Department utilizing the City's pavement management system, StreetSaver, in coordination with recommendations from Public Works staff and engineering/pavement consultants. Streets that are heavily traveled generally will be prioritized because of the high volume of usage by the public. Moreover, roads that have not been surface sealed in the last five years will be prioritized for treatment. Critical point management, which targets treating roads that are at the bottom of one category of maintenance before they fall into another more costly treatment category, is widely used by many jurisdictions and is what also contributes heavily to street selection. These strategies are standard best practices for pavement management and are incorporated to utilize the limited funds on streets that will have the best possible impact on the pavement condition index (PCI) of the City's collective road network. Additionally, when possible, the City will make efforts to distribute projects equitably geographically in the community.

The FY 21/22 Annual Pavement Project design is complete and has been advertised to bid with construction to follow in September / October of 2022. Staff plans to provide a broader discussion on paving in Morro Bay to City Council at the same time the contract for the FY 21/22 project is presented to Council for review (Sept/Oct 2022). The FY 22/23 project will follow shortly after. In total, between the FY 21/22 and FY 22/23 projects, the City will spend approximately \$2.9 million in pavement management in FY 22/23.

The following project list is proposed for use of SB-1 funds in FY22/23 and illustrates the City has sufficient work to justify the SB1 allocation:

**Annual Pavement Management Project (FY 22/23)**

*Description:*

This project consists of placing a chip seal, slurry seal or other surface treatments for pavement preservation and installing pavement markings on various City streets in the City of Morro Bay. The project will provide a surface treatment for approximately 10-15 centerline miles of City streets.

*Location:*

Various Streets throughout the City, some of which include: South Bay Blvd from City Limits to Quintana, Harbor Blvd from Morro Bay Blvd to Embarcadero, Pacific Street from Kern to Embarcadero, Main Street from SR-41 to State Park Road, Main Street from San Jacinto to Yerba Buena, Beach Street from Main Street to Embarcadero, Sequoia Street from Hemlock to Main, Coral Avenue from Indigo Circle to Emerald Circle, Embarcadero from Marina Street to South End, Quintana from South Bay to City Limits, Morro Bay Blvd from Roundabout to Market Ave., and various other collector and residential streets.

*Cost and Funding:*

Preliminary Engineer's Estimate:	\$ 1,771,188
SB-1 (FY 22/23):	\$ 266,623*
Measure Q&E	\$ 1,380,000
Bike Path and LTF Funds	\$ 124,565

\*Note: The SB-1 estimated revenue is an updated number from the CTC and amount is higher than what was budgeted. Staff will return to Council with a midyear budget amendment to reflect the updated revenue and project expenditure budgets.

*Estimated Project Schedule:*

Start design (08/22)  
Complete construction (07/23)

*Estimated Useful Life:*

4-6 years (slurry, microsurface)  
5-10 years (chip seal)

**Annual Pavement Management Project (FY 21/22)**

*Description:*

This project consists of heavy maintenance including rehabilitation of failed areas of select arterial and collector streets in the City of Morro Bay. The rehabilitation includes full depth replacement of hot mix asphalt (HMA) in areas where road structure has failed due to loading.

*Location:*

Original location – Main Street from SR-41 to Morro Bay Blvd (extents modified to State Park Road)  
Additional locations added as part of the same project – Harbor Street, Pacific Street and South Bay Blvd.

*Cost and Funding:*

Preliminary Engineer's Estimate:	\$ 1,064,600
SB-1 (FY 19/20 - 21/22):	\$ 300,000

Measure Q&E \$ 764,600

*Estimated Project Schedule:* Complete design (07/22)  
Complete construction (11/22)

*Estimated Useful Life:* 20-25 years for digout areas repaired

**CONCLUSION**

In order to meet the SB1 funding requirements for FY22/23, staff will submit to the California Transportation Commission (CTC) the proposed project and adopted resolution once approved. Submittal of this list to the CTC does not preclude the City from making modifications due to changes in circumstances and scope, such as budget, addition and subtraction of streets from final list, and bidding or Council priorities. The final project details will be reported to the CTC in the project completion expenditure report after the project is complete. The obligation by the City is to spend SB1 funds appropriately and to not reduce the amount of general fund expenditures due to the Maintenance of Effort requirements.

**ATTACHMENT**

1. Resolution No. 79-22

**RESOLUTION NO. 79-22**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
APPROVING THE FISCAL YEAR 2022/23 PROJECT LIST FOR SENATE  
BILL 1 (ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017) ROAD  
MAINTENANCE AND REHABILITATION ACCOUNT FUNDING**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, Senate Bill 1 (SB-1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB1 includes accountability and transparency provisions that will ensure the residents of Morro Bay are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

**WHEREAS**, the City of Morro Bay must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB-1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

**WHEREAS**, the City of Morro Bay will receive an estimated \$266,623 in funding in Fiscal Year 2022/23 from the RMRA of SB-1; and

**WHEREAS**, this is the sixth year in which the City of Morro Bay is receiving RMRA funding which will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB-1; and

**WHEREAS**, staff has undergone a robust public process to ensure public input into our community's transportation priorities/the project list including public meetings with the City of Morro Bay's Public Works Advisory Board City Council's and their review of the capital improvement program and Operating and Capital Budget; and

**WHEREAS**, the City of Morro Bay used "StreetSaver," a Pavement Management System tool, along with its Streets and Engineering staff, to develop the SB-1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

**WHEREAS**, the funding from SB-1 will help the City of Morro Bay maintain and rehabilitate approximately 10-15 centerline miles of roadway segments this fiscal year and additional street segments each year into the future, as SB-1 funds remain available; and

**WHEREAS**, the 2020 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in an "at-risk" condition, and this revenue both will help us increase the overall quality of our road system, as well as over the next decade, with additional local funds, may help bring our streets and roads into a better condition; and

**WHEREAS**, the SB-1 project list and overall investment in our local streets and roads infrastructure, with a focus on basic maintenance and safety, and investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California,

1. The foregoing recitals are true and correct.
2. The following is the proposed project that will be funded in-part or solely with fiscal year 2022/23 Road Maintenance and Rehabilitation Account revenues:

**Annual Pavement Management Project (FY 22/23)**

*Description:*

This project consists of placing a chip seal, slurry seal or other surface treatments for pavement preservation and install pavement markings on various City streets in the City of Morro Bay. The project will provide a surface treatment for approximately 10-15 centerline miles of City streets.

*Location:*

Various Streets throughout the City, some of which include:  
South Bay Blvd from City Limits to Quintana, Harbor Blvd from Morro Bay Blvd to Embarcadero, Pacific Street from Kern to Embarcadero, Main Street from SR-41 to State Park Road, Main Street from San Jacinto to Yerba Buena, Beach Street from Main Street to Embarcadero, Sequoia Street from Hemlock to Main, Coral Avenue from Indigo Circle to Emerald Circle, Embarcadero from Marina Street to South End, Quintana from South Bay to City Limits, Morro Bay Blvd from Roundabout to Market Ave., and various other collector and residential streets.

*Cost and Funding:*

Preliminary Engineer's Estimate:	\$ 1,771,188
SB-1 (FY 22/23):	\$ 266,623
Measure Q&E	\$ 1,380,000
Bike Path and LTF Funds	\$124,565

*Estimated Project Schedule:*

Start design (08/22)  
Complete construction (07/23)

*Estimated Useful Life:*

4-6 years (slurry, microsurface)  
5-10 years (chip seal)

3. The City Council may approve funding more than the SB-1 allocation for the Project List in the FY 2022/23 budget, as funding is available, in accordance with City Council goals and priorities.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay, California, at a regular meeting held on the 23<sup>rd</sup> day of August 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:



AGENDA NO: A-3

MEETING DATE: August 23, 2022

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 18, 2022

**FROM:** Scott Collins, City Manager  
Kirk Carmichael, Recreation Services Manager

**SUBJECT:** Consideration of a Free Public Concerts at Tidelands Park in Partnership with Morro Bay Senior Center, Inc.

## RECOMMENDATION

Staff recommends City Council approve a proposed free public concert series in fall of 2022 at Tidelands Park and direct staff to move forward with the support and planning for such a series in partnership with Morro Bay Senior Center, Inc. (MBSCI) and return to City Council at fiscal Midyear with a budget amendment to cover City costs up to \$10,000.

## FISCAL IMPACT

The cost of this proposed first-time four-event concert series is estimated between \$20,000 - \$25,000, not including City staff time. MBSCI have agreed to cover \$10,000 of the anticipated costs. Staff recommends the City of Morro Bay cover \$10,000 with additional expenses to be offset by sponsorships and other revenues, in addition to staff time dedicated to the event. These costs are not currently included in the Fiscal Year (FY) 2022-23 Adopted Budget. Thus, if City Council approves this concert series, staff will bring forward a budget adjustment at fiscal mid-year and use funds from the Economic Development Fund to support the event costs.

## BACKGROUND/DISCUSSION

At its June 22, 2021 meeting, City Council directed staff to work with a Cloisters resident group to develop a potential musical event series concept to take place in Cloisters Park later that fall. This music series was supported in concept by former Councilmember Red Davis, who was a member of the original Cloisters organizing group.

At that time, the one-time pilot concert event was envisioned to include curated music offerings that typically cannot be found at surrounding music venues, to include jazz, world music and dance, etc. The goal was to expose the community to a diverse array of musical offerings at no charge, in a neighborhood-oriented outdoor setting that Cloisters Park provides. Council approved a \$10,000 budget and City staff time for the trial event. Unfortunately, the proposed trial concert date was postponed due to inclement weather, and City staff determined it was too late in the year to reschedule so the event was cancelled.

Prepared By:     KC    

Dept Review:       

City Manager Review:     SC    

City Attorney Review:    CFN

Since that time, City staff has discussed internally and with the MBSCI the option of creating a concert series at Tidelands Park. This was based upon the success of the recent City 4<sup>th</sup> of July event at Tidelands Park where two local bands played to a large audience. It was a well-received event numbering well over 1,000 attendees. Further, the reimagined Avocado and Margarita food and drink festival has proposed to hold several musical events at Tidelands Park September 9-11. Thus, staff believes this venue is situated well to host a concert series, without the impacts a concert series may have in a neighborhood park like Cloisters.

### **DISCUSSION**

Following these informal discussions, City staff met formally with MBSCI about their interest in hosting and sponsoring a concert series geared towards locals and our senior population playing mostly 50's and 60's era music and using local musical talent. MBSCI has agreed to be the underwriting sponsor and manage all aspects of the series, working closely with the City. MBSCI will enter into contract with Project XO who will act as the event coordinator managing talent, equipment needs, sponsorships, food and beverage, and marketing. MBSCI will be responsible for managing finances – payments to contractor, talent, supplies and equipment – and will also be the recipient of any revenues generated by the series. These funds will come from food and beverage sales as well as sponsorships with the intent to reinvest the revenue back into a 2023 series. The concerts will take place on each Thursday from September 22 to October 13.

Staff would bring back to Council the assessment of the trial series event following completion of the last concert as well as a budget adjustment, if necessary, at fiscal mid-year. At that point in time, Council could decide to create a concert program for 2023, hold another trial event, make changes to the format, seek additional funding partners, or choose to not host future concerts, among other options.

### **CONCLUSION**

City staff recommend Council approve this concert event series, directing staff to work closely with MBSCI and contributing up to \$10,000 in City funding for the series. Staff will bring back a fiscal Midyear budget amendment as well as results of the concert series to Council in early 2023.

### **ATTACHMENT**

None.



AGENDA NO: A-4

MEETING DATE: August 23, 2022

## Staff Report

TO: Honorable Mayor and City Council

DATE: August 16, 2022

FROM: Dana Swanson, City Clerk

SUBJECT: **Designation of Voting Delegate and Alternate(s) at League of California Cities 2022 Annual Conference Business Meeting; and, Authorize the Voting Delegates to Approve Proposed Cal Cities Bylaws Amendments**

### RECOMMENDATION

Staff recommends the City Council:

1. Select Mayor Heading, as the voting delegate, and Council Members Barton and Ford, as the alternate voting delegates, for the upcoming annual business meeting to be held at the League of California Cities Annual Conference; and
2. Authorize City Clerk to sign the League of California Cities' form affirming the selection of the voting delegate and the alternate voting delegates (page 4 of Attachment 1); and
3. Authorize the selected voting delegate (or selected alternates as needed) to approve the proposed Bylaws Amendments provided as Attachment 2.

### ALTERNATIVES

1. The Council may choose to disapprove the proposed Bylaws Amendments.
2. The Council may choose not to select any delegates; however, the City would not have voting rights at the annual business meeting.

### BACKGROUND

In order to conduct the annual League of California Cities' business meeting, held in conjunction with the League of California Cities Annual Conference, every represented city must have its city council designate a voting representative who will be registered at the conference and present at the annual business meeting (the General Assembly). Each member city may also appoint up to two alternates, one of whom may vote in the event the designated voting delegate is unable to serve in that capacity.

Conference attendance provides an exceptional opportunity for elected officials to hear from leading experts, expand their knowledge regarding municipal government, and view innovative resources that could benefit the delivery of services, enhance resources, and strengthen the City.

### DISCUSSION

The League of California Cities 2022 Annual Conference and Expo is being held September 7-9, 2022, in Long Beach, California. The Opening General Session is tentatively scheduled at 1:30 p.m. on Wednesday, September 7, with education sessions Wednesday afternoon through noon Friday. The League's Annual Business Meeting and General Assembly will be held at 11:30 a.m. on Friday, September 9. The delegates in attendance at the General Assembly are typically asked

Prepared By: DS Dept Review:       
City Manager Review: SC City Attorney Review: CFN

to vote on resolution(s) submitted by member agencies and developed for the Assembly's consideration. If adopted, then the resolutions are used to set League policy or to provide direction for the League's work efforts in the coming year. At this time, no resolutions have been offered for membership consideration; however, members will be asked to consider and vote on amendments to the Cal Cities Bylaws during the business meeting. Amendments include enhancements to Cal Cities' governance through formalizing more oversight and a more inclusive Nominating Committee, and various non-substantive revisions. The Proposed Bylaws Amendments are provided as Attachment 2.

In order to vote at the League of California Cities 2022 Annual Conference Business Meeting, the City Council must select a voting delegate. In the event the designated voting delegate is unable to serve in this capacity, the City Council may appoint up to two alternate voting delegates. The voting delegate must be registered to attend the conference; however, they may register for Friday only. Currently, Mayor Headding, Council Member Barton and Council Member Ford are registered to attend the League of California Cities Annual Conference.

### **CONCLUSION**

Staff recommends the City Council select Mayor Headding, as the voting delegate, and Council Members Barton and Ford, as the alternate voting delegate, for the upcoming annual business meeting to be held at the League of California Cities Annual Conference and authorize the voting delegates to approve the proposed Cal Cities Bylaws Amendments.

### **ATTACHMENTS**

1. Informational materials from the League of California Cities regarding designation of voting delegate and alternate(s).
2. 2022 Proposed Bylaws Amendments



LEAGUE OF  
**CALIFORNIA  
CITIES**

RECEIVED  
City of Morro Bay

JUN 13 2022

Administration

Council Action Advised by August 31, 2022

**DATE:** June 1, 2022

**TO:** City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference & Expo – September 7-9, 2022**

Cal Cities 2022 Annual Conference & Expo is scheduled for September 7-9, 2022 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 9. At this meeting, Cal Cities membership considers and acts on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to Cal Cities office no later than Friday, September 2. This will allow us time to establish voting delegate/alternate records prior to the conference.**

**Please view Cal Cities' [event and meeting policy](#) in advance of the conference.**

- Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by June 1 on the Cal Cities website. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.



LEAGUE OF  
**CALIFORNIA  
CITIES**

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, September 7, 8:00 a.m. – 6:00 p.m.; Thursday, September 8, 7:00 a.m. – 4:00 p.m.; and Friday, September 9, 7:30 a.m.–12:30 p.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Friday, September 2. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



LEAGUE OF  
**CALIFORNIA  
CITIES**

## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



**CITY:** \_\_\_\_\_

**2022 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to Cal Cities office by Friday, September 2, 2022. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ Email \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_  
(circle one) (signature)

**Please complete and return by Friday, September 2, 2022 to:**

Darla Yacub, Assistant to the Administrative Services Director  
E-mail: [dyacub@calcities.org](mailto:dyacub@calcities.org); Phone: (916) 658-8254



*2022 Annual Conference and Expo*

***PROPOSED BYLAWS AMENDMENTS***

*General Assembly  
September 9, 2022*

If you have any questions regarding these materials, please contact Norman Coppinger at [ncoppinger@calcities.org](mailto:ncoppinger@calcities.org) or by phone at 916.658.8277.



2021-2022  
CAL CITIES OFFICERS

August 2022

**President**  
Cindy Silva  
Mayor Pro Tem,  
Walnut Creek

To: Cal Cities General Assembly  
From: Cindy Silva, President  
Carolyn Coleman, Executive Director and CEO  
Re: Proposed Cal Cities Bylaws Amendments

**First Vice President**  
Ali Taj  
Council Member,  
Artesia

On July 15, 2022, the League of California Cities (Cal Cities) Board of Directors (Board) voted to present proposed bylaws amendments to the General Assembly at the 2022 Cal Cities Annual Conference and Expo. This memorandum outlines the history of the proposed amendments, summarizes the amendments, and provides an explanation of the process for adopting amendments to the bylaws.

**Second Vice President**  
Daniel Parra  
Council Member,  
Fowler

### **Background**

**Immediate Past President**  
Cheryl Viegas Walker  
Council Member,  
El Centro

Beginning in 2017, the Board directed Cal Cities to undertake a strategic planning process that resulted in the adoption of the “Powering Up for California Cities Strategic Growth Plan 2018-2021” (Strategic Growth Plan). The Strategic Growth Plan set forth goals to enhance Cal Cities’ governance to: (a) achieve even higher levels of engagement and effectiveness; (b) ensure optimal engagement by members and effectiveness in supporting fulfillment of the Cal Cities’ mission; and (c) ensure the pathway to leadership is transparent and inclusive.

**Executive Director  
and CEO**  
Carolyn M. Coleman

In furtherance of its governance goals, the Board engaged an association governance consultant (Consultant) to evaluate the Cal Cities governance system and make recommendations for enhancing Cal Cities’ governance. The Consultant gathered and considered input from more than 350 Cal Cities members through advisory groups, roundtable discussions, interviews, and surveys. On July 8, 2021, the Consultant produced a report (Governance Report) detailing 49 recommendations to the Board to deepen the engagement of Cal Cities Member Cities and ensure Cal Cities’ governance is operating at peak performance.

The Governance Report included findings indicating that Cal Cities is a strong organization, with a high level of member engagement, but also highlighted opportunities for Cal Cities to enhance its governance. The opportunities for enhancement included: (a) improving the clarity, ease, and consistency in how the governance system works; (b) clarifying the guidelines for position qualifications and performance expectations; (c) identifying ways to deepen member engagement and enhance the quality of the experience of involvement; and (d) ensuring Cal Cities has an intentional, consistent organizational culture at all levels of the governance system.

The findings and recommendations from the Governance Report were presented to the Board during the July 2021 Board meeting. Following a robust exchange of ideas and input, the Board decided to move forward with many of the recommendations, referred other recommendations to a “to be established” board subcommittee for further study, and deferred consideration of the remaining recommendations.

Following Board approval, in September 2021 during the Cal Cities Annual Conference and Expo, the General Assembly voted to approve the following bylaws amendments:

1. Adjust the composition of the Board to achieve a higher impact and be more representative by adding Director seats to the Board for each of the five Diversity Caucuses, and transitioning members of the National League of Cities Board from Cal Cities Directors to one non-voting advisor to the Cal Cities Board.
2. Recognize the Cal Cities Diversity Caucuses in the Cal Cities bylaws to reflect the full contribution the caucuses make to Cal Cities’ mission and vision.

Those amendments became effective on Nov. 24, 2021.

Among the recommendations the Board decided was a priority to move forward was the establishment of a standing Governance Committee to assist the Board in fulfilling its governance function.

At its February 2022 meeting, the Board voted to approve Board policy establishing the Governance Committee with the task of regularly reviewing the governance structures, policies, and practices of Cal Cities and reporting its findings and recommendations to the Board. The Board also approved a one-year work plan for the Governance Committee that established priority governance issues to focus on in its first year.

Following the Board meeting, President Cindy Silva appointed the following Board members to serve on the Governance Committee:

- Cheryl Viegas Walker, Immediate Past President and Council Member, El Centro, Chair
- Walt Allen, Council Member, Covina
- Jan Arbuckle, Vice Mayor, Grass Valley
- LaTanya Bellow, Deputy City Manager, Berkeley
- Pippin Dew, Council Member, Vallejo
- Lynne Kennedy, Mayor Pro Tem, Rancho Cucamonga
- Karen Goh, Mayor, Bakersfield
- Jim Lewis, City Manager, Pismo Beach
- Lisa Middleton, Mayor, Palm Springs
- John Minto, Mayor, Santee
- David Pollock, Council Member, Moorpark

The Governance Committee met in April 2022, and following engaging and productive discussions, brought forward to the Board at its May 2022 meeting several recommendations to further enhance Cal Cities' governance. Among the recommendations approved by the Board during that meeting are two that require bylaws amendments:

1. Formalize oversight of the **Resolutions Committee** by establishing the Second Vice President as the chair of the committee, while retaining the President's authority to appoint the vice chair of the committee.
2. To ensure a more inclusive **Nominating Committee**, add one committee member appointed from among the Caucus Directors and one additional committee member appointed from among the At-Large Directors for a total of 13 committee members.<sup>1</sup>

In addition to those recommendations identified by the Governance Committee and approved by the Board, Cal Cities staff identified various non-substantive revisions to the Cal Cities bylaws:

1. Clarify that, unless the Board establishes otherwise, the **Cal Cities President appoints the chair of Board-established committees**.
2. To avoid confusion and clarify organizational responsibilities, remove "Treasurer" from the **title of the Second Vice President**.<sup>2</sup>
3. To promote consistency, replace the term "Board member(s)" with "**Director(s)**."<sup>3</sup>

On July 15, 2022, the Board voted to present these proposed bylaws amendments to the General Assembly at the 2022 Cal Cities Annual Conference and Expo.

While the work to enhance Cal Cities' governance is a process being implemented in phases over several years, the Board believes these proposed amendments constitute important next steps toward ensuring Cal Cities' governance is operating at peak performance.

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<sup>1</sup> Under the current bylaws, the Nominating Committee is comprised of 11 Directors. Two committee members are appointed from among At-Large Directors and one from a Department. Divisions participate on a rotation, with Directors residing within eight of the Divisions appointed in even-numbered years and Directors from the other eight appointed in odd-numbered years.

<sup>2</sup> Under the current bylaws, the Second Vice President is referred to as "Second Vice President/Treasurer." However, in practice the Second Vice President does not serve as treasurer of Cal Cities. Rather, that function is performed by the Chief Financial Officer designated in Article VIII, section 5, subdivision b(2), of the Cal Cities bylaws.

<sup>3</sup> The current bylaws primarily refer to members of the Cal Cities Board of Directors as "Directors." However, there are instances in which they are referred to as "Board members."

### **Procedure for Amending the Cal Cities Bylaws**

Amendments to the Cal Cities bylaws may be proposed by the Cal Cities Board and may be adopted: (a) by vote of the Cal Cities General Assembly, or (b) by mail ballot to Member Cities.<sup>4</sup> In this case, the amendments will be considered by the General Assembly. Bylaws amendments need to be approved by 2/3 of those voting,<sup>5</sup> and the number that constitutes 2/3 of those voting (a) cannot be less than a majority of the voting delegates present if there is a quorum at the time the vote is taken;<sup>6</sup> or (b) cannot be less than a majority of a quorum if the meeting started with a quorum but a quorum is not present when the vote is taken.<sup>7</sup>

If approved by the General Assembly, the amendments to the bylaws will go into effect after the expiration of a 60-day protest period.<sup>8</sup> If, within 60 days after the adoption of the amendments, one-third or more of Member Cities submit a written protest against such amendments, the amendments are automatically suspended until the next Annual Conference and Expo, when they may be taken up again for reconsideration and vote.<sup>9</sup> If the amendments are approved by the General Assembly and no protest is lodged, the effective date of the bylaws amendments will be Nov. 9, 2022.

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<sup>4</sup> Article XVII, Section 1.

<sup>5</sup> Article XVII, Section 2.

<sup>6</sup> Cal. Corp. Code 7512, subd. (a).

<sup>7</sup> Cal. Corp. Code 7512, subd. (d).

<sup>8</sup> Article XVII, section 6.

<sup>9</sup> Article XVII, section 7.

**RESOLUTION RELATING TO AMENDMENTS TO THE CAL CITIES BYLAWS  
(2/3 vote at General Assembly required to approve)**

*Source: League of California Cities Board of Directors*

WHEREAS, the League of California Cities (Cal Cities) is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the Cal Cities Board of Directors (Board) periodically reviews the Cal Cities bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership needs and interests; and

WHEREAS, beginning in 2017, the Board directed Cal Cities to undertake a strategic planning process that resulted in the adoption of the “Powering Up for California Cities Strategic Growth Plan 2018-2021” (Strategic Growth Plan); and

WHEREAS, the Strategic Growth Plan set forth goals to enhance Cal Cities’ governance to: (a) achieve even higher levels of engagement and effectiveness; (b) ensure optimal engagement by members and effectiveness in supporting fulfillment of the Cal Cities’ mission; and (c) ensure the pathway to leadership is transparent and inclusive; and

WHEREAS, in furtherance of its governance goals, the Board engaged an expert in association governance who gathered and considered input from more than 350 Cal Cities members through advisory groups, roundtable discussions, interviews, and surveys to evaluate the Cal Cities governance system and make recommendations for enhancing Cal Cities’ governance; and

WHEREAS, in July 2021 the Board decided to move forward with certain recommendations made as a result of that governance evaluation, including a recommendation to establish a standing Governance Committee of the Board to assist the Board in fulfilling its governance function; and

WHEREAS, in February 2022 the Board approved Board policy establishing the Governance Committee and charging it with regularly reviewing the governance structures, policies, and practices of Cal Cities, and reporting its findings and making recommendations to the Board; and

WHEREAS, in 2022 the Governance Committee recommended, and the Board, approved certain changes to the bylaws that: (1) formalize the oversight of the Resolutions Committee; (2) ensure a more inclusive Nominating Committee by adding one committee member appointed from among Caucus Directors and one additional committee member appointed from among At-Large Directors; (3) clarify that, unless the board establishes otherwise, the Cal Cities President appoints the chair of board-established committees; and (4) make various non-substantive revisions; and

WHEREAS, the Cal Cities Board offers the following proposed amendments and additions to the bylaws, as set forth in the attached redlined version of the bylaws specified below, which is hereby incorporated by reference:

1. Amend Article VI, section 3(c) to designate the Second Vice-President as the Resolutions Committee chair, while retaining the President's authority to appoint the vice chair of the Resolutions Committee;
2. Amend Article VII, section 5(b) to adjust the composition of the Nominating Committee by adding one At-Large Director and one Caucus Director for a total of 13 Nominating Committee members;
3. Amend Article VII, Section 10(d) to provide that, *unless the Board establishes otherwise*, the Cal Cities President appoints the chair of board-established committees;
4. Replace the title "Second Vice-President/Treasurer" with "Second Vice President" in Article VII, sections 2(a), 5(e), and 10(b); and Article VIII, sections 1, 2(c), and 4;
5. Replace the term "board member(s)" with "Director(s)" in Article VII, sections 5(b), 5(e), and 8; Article XII, section 5(c); and Article XV, section 4; and

now therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled during the Annual Conference in Long Beach on September 9, 2022, that the proposed bylaws amendments are hereby approved and Cal Cities shall make the specified amendments to the Cal Cities bylaws set forth in the attached redlined version of the bylaws.

See ATTACHMENT 1 for redline of proposed changes to the bylaws.
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**ATTACHMENT 1**  
**Redline of Proposed Changes to Bylaws**

# Bylaws for the League of California Cities

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## Article VI. Resolutions

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### Section 3: Resolutions Committee for Annual Conference Resolutions.

**(a) Resolutions Committee Composition.** The Cal Cities President establishes a Resolutions Committee sixty days prior to each Annual Conference, which committee shall consist of:

- (i) One elected official from each regional division, appointed by the regional division;
- (ii) One elected official from each policy committee, appointed by the policy committee;
- (iii) One member from each functional department, appointed by the department;
- (iv) One elected official from each caucus, appointed by the caucus; and
- (v) Up to ten additional members (at least five of whom are elected officials) as the Cal Cities President deems necessary to achieve geographic and population balance, as well as recognize the multiplicity of city functions not represented by the other appointments, including, but not limited to, the perspectives of board and commission members as well as professional staff.

**(b) Presidential Appointments.** In the event a regional division, policy committee, functional department, or caucus does not make its appointment to the Resolutions Committee, the Cal Cities President may make the appointment on the regional division's, policy committee's, functional department's, or caucus's behalf.

**(c) Chair.** The Cal Cities ~~President shall also appoint to the Resolutions Committee a committee chair and vice chair~~Second Vice-President shall serve as committee chair. The Cal Cities President shall also appoint to the Resolutions Committee a vice chair.

**(d) Minimum Committee Size and Composition.** In the event the full committee is not in attendance at the Annual Conference, the Cal Cities President shall appoint a sufficient number of city officials in attendance to achieve a total of thirty. No less than two-thirds of the members of the Resolutions Committee shall be elected officials.

- (e) Committee Consideration of Proposed Resolutions.** Except for resolutions of courtesy, commendation, appreciation or condolence, no resolution expressing the opinion or policy of Cal Cities on any question may be considered or discussed by Cal Cities' General Assembly, unless it has been first submitted to, and reported on, by the Resolutions Committee.

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## Article VII: Board of Directors

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### Section 2: Composition.

The Cal Cities Board is composed of the following:

- (a) A President, First Vice-President and Second Vice-President/~~Treasurer~~, who each serve a term of one year;
- (b) The Immediate Past President who serves for a term of one year, immediately succeeding his or her term as President;
- (c) Twelve Directors-at-Large,
  - (i) Who serve staggered two-year terms, and
  - (ii) At least one of whom is a representative of a small city with a population of 10,000 or less;
- (d) One Director to be elected from each of the regional divisions, functional departments, and caucuses of Cal Cities, each of whom serves for a term of two years; and
- (e) Ten Directors that may be designated by the mayors of each of the ten largest cities in California to serve two-year terms.
- (f) For purposes of this section, the population of each city is the most current population as determined by the California Department of Finance, Demographic Research Unit, or its successor agency or unit. If no successor agency or unit is named, the most current population used to determine these dues shall be used to determine future dues until such time as these bylaws are amended to designate a new source for determining city population.
- (g) Directors hold office until their successors are elected and qualified.

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## Section 5: Nomination Process.

- (a) **Timing.** The Cal Cities President, with the concurrence of the Cal Cities Board, shall establish a nominating committee at the first Board meeting of the calendar year in which the election is to occur.
- (b) **Composition.** The nominating committee shall be comprised of ~~eleven~~ thirteen ~~Board members~~ Directors. ~~Three~~ Two nominating committee members shall be At-Large Directors, ~~and one~~ shall represent a functional department, ~~and one shall represent a caucus~~. Regional divisions shall be represented on the nominating committee on the following rotating basis:
- (i) **Even-Numbered Years:** In even-numbered years, the Central Valley, Imperial County, Monterey Bay, North Bay, Orange County, Redwood Empire, Sacramento Valley and San Diego County Regional Divisions shall be represented on the nominating committee.
  - (ii) **Odd-Numbered Years:** In odd-numbered years, the Channel Counties, Inland Empire, Desert-Mountain, East Bay, Los Angeles County, Peninsula, Riverside County, and South San Joaquin Regional Divisions shall be represented on the nominating committee.
- (c) **Nominating Committee Chair.** The Cal Cities President shall appoint the chair of the nominating committee.
- (d) **Candidates for Positions Ineligible.** Candidates for officer and at-large positions on the Cal Cities Board are not eligible to serve on the nominating committee. In the event a regional division representative on the nominating committee wishes to be a candidate for an officer or at-large position, the Cal Cities President will appoint a substitute nominating committee member from the same regional division, if available. If one is not available, the President shall appoint a substitute from a nearby regional division.
- (e) **Duties.** The duties of the nominating committee are to:
- (i) **Member Outreach.** Publicize the qualifications for the offices of Second ~~Vice-Vice~~-President/~~Treasurer~~ and the at-large members of the Cal Cities Board to Cal Cities' Member Cities;
  - (ii) **At-Large and Second Vice-President Recommendations.** Make recommendations to the Cal Cities Board on the following year's Cal Cities officers and at-large ~~board members~~ Directors; and
  - (iii) **President and First Vice President Recommendation.** Recommend whether the previous year's First Vice President

becomes President and the previous year's Second Vice-  
President/~~Treasurer~~ becomes First Vice President.

- (f) **Notice to Members.** An explanation of the nomination process and relevant deadlines for submitting nominations to the nominating committee shall be publicized in Cal Cities publications and communications throughout the year, along with the identity of nominating committee members once such members are appointed. In addition, the nominating committee shall inform the membership of the opening of the nominations for the following year when it makes its report to the general membership as provided in Article VI, Section 5(g) below.
- (g) **Decision and Report.** The nominating committee's recommendations shall be communicated to the Cal Cities Board not later than 30 days prior to the date of Cal Cities' Annual Conference and again at the Annual Conference. In addition, the nominating committee shall make its report to the membership at the opening general session of the Annual Conference.
- (h) **Election.** The election of Cal Cities Board officers and Directors-at-Large shall occur at a Cal Cities Board meeting at the Annual Conference as provided in Article VII, Section 4(c) and Article VII, section 3.

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#### Section 8: Meetings and Meeting Notice.

- (a) **Regularly Scheduled Board Meetings.** The Cal Cities Board shall meet no fewer than four times a year. Notice of regularly scheduled Board meetings shall be mailed to each Director at least 14 days before any such meeting.
- (b) **Emergency Board Meetings.** A good faith effort shall be made to provide notice of any emergency board meetings (for example, by first-class mail, personal or telephone notification, including a voice messaging system or other system or technology designed to record and communicate messages, telegraph, facsimile, electronic mail, or other electronic means).
- (c) **Telephonic or Electronic Participation.** Members of the Cal Cities Board may participate in any meeting through the use of conference telephone or similar communications equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting by this means constitutes presence in person at such meeting.
- (d) **Notice Content.** All meeting notices shall include the meeting date, place, time, and, as applicable, the means by which a Cal Cities ~~Board~~ member Director may participate electronically.

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## Section 10: Committees.

**(a) General.** The Cal Cities Board may establish committees to study city problems, advise on Cal Cities educational efforts, make recommendations with respect to Cal Cities advocacy efforts, or to engage in other appropriate Cal Cities service.

### **(b) Executive Committee.**

**(i) Composition.** The Executive Committee of the Cal Cities Board consists of the following: the Cal Cities President, First Vice-President, Second Vice-President, ~~Treasurer~~, Immediate Past President and Executive Director.

**(ii) Authority.** The Executive Committee has authority to act for the Cal Cities Board between Board meetings, provided that no action of the Executive Committee is binding on the Cal Cities Board unless authorized or approved by the Board.

### **(c) Standing Policy Committees.**

**(i) Charge.** Cal Cities shall have a series of standing policy committees, whose charge shall be to make recommendations to the Cal Cities Board on matters within the committees' jurisdiction, as well as fulfill other duties specified in these bylaws (see, for example, Article VI, section 4(b)).

**(ii) Membership.** Each Cal Cities Policy Committee shall be comprised of the following:

- Two members appointed by each regional division president;
- One member appointed by each functional department president;
- One member appointed by each caucus president;
- No more than 16 members appointed by the Cal Cities President, to provide population and geographic balance, as well as expertise; and
- Such representatives of affiliate organizations in the capacity authorized by the Cal Cities Board.

**(iii) Feedback.** Policy committees shall receive information on actions taken on committee recommendations and the reasons for those actions.

- (d) Committee Chairs and Vice Chairs.** Unless the Cal Cities Board establishes otherwise, ~~the~~ Cal Cities President appoints the chair of all Cal-Cities-wide committees. The term of such appointments coincides with the Cal Cities President's term. The Cal Cities President may appoint vice chairs for such committees, as the Cal Cities President deems necessary.

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## Article VIII: Officers

### Section 1: Identity.

The officers of Cal Cities are a President, a First Vice-President, a Second Vice-President/~~Treasurer~~, an Immediate Past President, and an Executive Director.

### Section 2: Duties of Cal Cities Officers.

- (a) President.** The President presides at all Cal Cities Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the Cal Cities Board.
- (b) First Vice-President.** The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the Cal Cities Board.
- (c) Second Vice-President/~~Treasurer~~.** The Second Vice-President/~~Treasurer~~ carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/~~Treasurer~~ has such other powers and duties as may be prescribed by these bylaws or the Cal Cities Board.

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### Section 4: Vacancies.

A vacancy in the office of President is filled by the Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/~~Treasurer~~, is filled for the un-expired term by appointment by the Cal Cities Board of a member of the Cal Cities Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

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## Article XII: Voting

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### Section 5: Mail Balloting.

In addition to voting at Cal Cities meetings, Cal Cities may solicit member input by mail ballot.

**(a) Mailing.**<sup>10</sup> The question(s) to be voted upon, along with explanatory materials and a ballot, shall be mailed by first class mail to each Member City for consideration and action.

**(b) Time Frame for Action.** Member Cities shall have at least 45 days to cast their vote. Ballots shall be cast by returning the Member City's ballot to Cal Cities' principal office in Sacramento.

**(c) Ballot Tabulation and Results Announcement.** The Cal Cities President will appoint a counting committee of three ~~board members~~Directors to count the votes cast by mail ballot. The counting committee will submit its count to the Cal Cities Board, which shall canvass the vote and announce the results.

**(d) Functional Departments, Regional Divisions, and Caucuses.** Departments, divisions, and caucuses may also use mail balloting under procedures specified in their respective bylaws.

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## Article XV: Prohibited Transactions

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### Section 4: Ethical Considerations.

These restrictions, of course, represent the floor, not the ceiling, for ethical conduct as a Cal Cities ~~board member~~Director or policy committee member. If a ~~board member~~Director or policy committee member believes that there are circumstances under which Cal Cities' members might reasonably question the ~~board member's~~Director's or policy committee member's ability to act solely in the best interests of Cal Cities and its member cities, the prudent course is to abstain. As an example, typically Cal Cities ~~board members~~Directors have abstained from participating in decisions on legislation that would affect organizations for which they work. Another example is legislation that would uniquely benefit a ~~board member's~~Director's city. Policy committee members should also consider abstaining in similar circumstances.

<sup>10</sup> The Administrative Services Committee recommends Cal Cities also include notice of the upcoming ballot in a variety of Cal Cities communications to alert Member Cities to make inquiry in the event a city's ballot is lost in the mail.

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AGENDA NO: B-1

MEETING DATE: August 23, 2022

## Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 15, 2022

**FROM:** Nancy Hubbard, Contract Planner

**SUBJECT:** An appeal was filed May 24, 2022, in response to Planning Commissions denial on May 17, 2022, of Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001); for a small new home on a residentially zoned parcel. The appellant is requesting the project be reconsidered by City Council and the Planning Commission decision overturned. The project site is in the R-1/PD with a portion in the WF/PD Zoning District and is located within the Coastal Commission Appeal Jurisdiction

### **RECOMMENDATION**

1. Uphold the appeal and overturn the Planning Commission denial of the CUP/CDP/VAR approving the project pursuant to the findings and conditions of approval included in Attachment 1; or
2. Deny the appeal and uphold the Planning Commission decision for denial of the project by adopting Attachment 2.

### **ALTERNATIVES**

1. Remand the project back to Planning Commission for review with direction.
2. Continue appeal and provide direction to staff regarding desired changes/actions

**APPELLANT:** Sandy Bean

**APPLICANTS:** Sandy Bean, property owner/Applicant/Appellant

**LEGAL DESCRIPTION/APN:** 197 MAIN STREET/066-391-001

### **SUMMARY:**

On May 17, 2022, Planning Commission (PC) denied the proposed project for a small new home on a residentially zoned parcel with the following vote: 3 in favor of denial; 1 abstain, 1 against denial. The proposed project included 4 variance requests to:

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Prepared By:     NH    

Department Review:     SG    

City Manager Review:     SC    

City Attorney Review:     LNL

1. Allow an uncovered parking space on the west side of the home instead of the required covered and enclosed space. Note: Parking variances are commonly granted to minimize the area devoted to parking for situations expected to have lower parking demand (proposed zoning code Section 17.27.020 E) The draft zoning code standards allow open and uncovered parking in association with single family homes.
2. Allow a two-foot side yard setback along two small sections of the north side, where 3 feet is otherwise required, to allow two second level 'pop-out' sections of the building (one is 3.5 feet in length and the other 6.5 feet in length); and a two-foot setback along the south side of the building, where 3 feet is required, to allow a pop-out that extends 8 feet in length. The Applicant could remove these pop-outs to eliminate this variance request, but the result would be a less attractive design with a reduction in living space.
3. Allow a roof height that ranges from just under 14 feet to just under 17 feet for the portion of the home located within the 50-foot bluff buffer. The 50-foot buffer area has a 14-foot height limit, but allows up to 17 feet for a 4/12 pitched roof. The proposed roof type is a shed roof, but does not meet the 4/12 pitch requirement. The design could be modified to eliminate this variance request but would result in a less attractive roofline and reduced functionality in the interior of the home.
4. Allow a screening trellis (i.e., support for climbing vines) along the northerly property line to screen headlights and provide privacy from the adjacent access easement. Under the current zoning code, there is no provision for a decorative trellis feature, so this would fall under fencing standards with a maximum height of 6 ½ feet. However, there is a provision in the MBMC Section 17. 48.100 B3 that allows deviations from the standards based on site conditions. Additionally, the new zoning code will allow this feature under Section 17.23.060 A3, so the Applicant could remove this from the current plan and add this feature back when the new zoning code is adopted.

The project is located above the coastal bluff, and the submittal design complies with all the bluff related requirements and has provided the required geotechnical/geologic studies to support those findings. For an expanded discussion of the project please see the PC Staff report from the May 17, 2022 Staff Report found in Attachment 5.

An Appeal of this action was filed on May 24, 2022, by Sandy Bean, the property owner and Applicant.

### **GROUND FOR APPEAL AND STAFF RESPONSES**

The stated grounds for the appeal are listed below, followed by a staff response. *Note: The grounds for appeal below have been paraphrased, the full text of each of the stated grounds for appeal are in Attachment 2:*

1. The PC decided to defer the decision to City Council rather than address the project, which they thought was not appropriate for this site.

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**Staff response:** The Applicant has been working with staff on this project for almost 4 years. It is a unique site, measuring approximately 2500 square feet in size and is roughly triangular in shape such that the project requires a correspondingly unique design to fit the home to the site. Three of the planning Commissioner's expressed concern related to the overall design and how it fit into the location, specifically noting awkward site location, the need for the project to be considerate of the neighbors and the integrity of the City. Three of the Commissioners were concerned with the exterior look of the home and its compatibility with the neighborhood; concerns were also expressed in relation to potential detrimental effects on the bluff and the impression that this site should never have been a building site. Three of the Commissioners indicated these issues could not be resolved by a redesign or changes in the conditions of approval and therefore the Commission thought it more appropriate for City Council to make the decision.

2. The PC denied the project because they did not think the site should have a residential use.

**Staff response:** The site has a residential land use designation and is zoned single family residential at the top of the bluff where the home is proposed. The lot has no frontage on any public street, but rather has access on a City owned strip of land that provides driveway access to the waterfront businesses west of the property. The easement strip is 17 feet in width and has been in existence since 1924. This site, like many other adjacent sites, has legal rights to use the access easement for ingress/egress, which is what is proposed. Some of the public testimony objected to this development because they believed it would restrict or interfere with the access easement area, but the project is entirely on its own legal parcel and does not alter or encroach on the access easement area.

3. The PC denied the project because it was not affordable when affordability was not proposed and is not a requirement.

**Staff response:** The project is a 459 sf 2 story home with a footprint of 276 sf. The project is proposed as a single-family home for occupancy by the property owner. The project was never proposed, nor do any City policies require it to include, an affordability component. There was general discussion by the Commissioners about the size of the home indicating that it was 'affordable by design' (i.e., the size would have a positive effect on affordability). There is no provision in our existing or proposed zoning code that would require a single-family home to have affordability restrictions.

4. The project was denied because minor variances were requested, and the PC preferred to send this to City Council rather than requesting changes in the plans or conditions of approval.

**Staff response:** The project design is unique and through working with staff achieved a project that had form, function and satisfied the living area desired by the property owner. The project includes a few deviations from the development standards that, in staff's opinion, resulted in a better design and lower impact on the site, neighbors, etc. Deviations from the development standards require a Variance Request.

The PC did not provide an opportunity to the Applicant to revise the design or suggest possible changes that may be acceptable and potentially result in approval of the project. The PC also did not recommend the Applicant reduce the number or nature of the proposed variances. The variances requested make a big difference to the livability of this small home, but very little, if any impact on any surrounding properties. The overall design of the home differs from the surrounding homes because of the size, location, topography, and shape of the lot. These site constraints are unique to this lot and similar situations do not exist in the immediate vicinity of the lot. There are no real design changes that will make the home look and feel like others in the immediate vicinity due to the aforementioned constraints.

The pop-outs on the north and south sides (i.e., the request for a 1-foot setback variance in those three specific areas) were added to create more architectural articulation to the building, at staff's suggestion. The parking variance for an open parking space was required to preserve the bluff buffer from a structure, but still provide a parking space on site. Allowing an uncovered parking space is a very common exception granted for other residential projects when they have extreme site constraints (and open, uncovered parking for single family homes will be allowed under the proposed zoning code). The height limit for the bluff buffer area, located between 20 feet and 50 feet from the top of bluff is 14 feet, unless the roof type is a 4/12 pitched roof, then 17 feet is allowed. The subject property has a shed roof style with a height ranging from just under 14 feet to just under 17 feet within this 20-50ft bluff buffer area. The variance request is to allow the 14-17 foot range in height for the proposed shed-style roof. The height outside of the 50-foot bluff buffer area can be up to 25 feet. A change in the project's roof design to a 4/12 pitch would be less appealing than the current design and would reduce the interior space of the second floor. Finally, the trellis was also a suggestion by staff to screen more of the home from the easement area, block impacts from headlights and provide privacy in the home from easement users. The draft new zoning code would allow this trellis as designed.

#### **APPEAL REQUESTED ACTION**

Below are the requested relief or actions requested by Appellant followed by staff response:

1. Request that City Council review the project. The Appellant believes there was misinformation about the project in the PC hearing, and it was being reviewed under different standards and conditions than has been required of other recently approved

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homes also on the coastal bluff.

**Staff response:** It does appear that there was a lack of understanding or confusion by some Commissioners about aspects of the project. The design complies with most of the development standards and all the bluff setback requirements, other than the variance request to allow the bluff buffer range in roof heights (14 ft to 17 ft) to apply to this project's shed roof. The Applicant provided all the required studies to ensure that the bluff stability would not be detrimentally impacted by the proposed development and that the soil conditions were suitable for the proposed foundation type/design. The project has no affordability requirement and the General Plan/Land Use Plan (2021), and the Zoning code (existing and proposed) allow residential uses on this site, above the bluff.

Staff believes that a PC approval with suggestions for variance reductions or changes in the conditions of approval would have allowed the Applicant to address the concerns and proceed with the project. Three Commissioners expressed significant concern with the number/type of variances requested, the home design and compatibility with the neighborhood. However, their primary concern was the overall existence of a residence in this location and three of the Commissioner's indicated that a reduction in the number or type of variances or change in architectural design would not be enough to gain their vote for approval.

#### **REGULATORY REQUIREMENTS FOR APPEALS TO CITY COUNCIL**

The function and duties of the City Council as the appellate 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 that is relevant to the City decision to approve a Conditional Use Permit, Coastal Development Permit and Variance Request, remand the matter back to staff for further review and action.

The City Council, 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 Planning Commission.

#### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act, the project meets the requirements for a categorical exemption under CEQA Guidelines Section 15303, Class 3a, for a single-family home on a residentially zoned parcel. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

01181.0005/718458.3

**PUBLIC NOTICE**

Notice of this item was published in the San Luis Obispo Tribune newspaper on August 12, 2022, and all property owners of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this appeal or related to the proposed project.

**CONCLUSION**

The City of Morro Bay's processing of this application was thorough and in compliance with the requirements of the zoning code and land use designations. The variances requested were minor and although they improved the design and function of the project, they were not unlike variances granted to other projects and, other than the parking variance, were not essential to the existence of a home on the site. The Applicant is willing to modify or eliminate all the variance requests, other than parking, if that would allow the home to be approved. The resulting home design would be less appealing and functional as a result, but the Applicant was not provided any opportunity to make modifications to address the PC concerns. Three of the Planning Commissioners did not think a residential use was appropriate on the site and therefore did not provide the Applicant with any comments or suggestions that would result in approval for the proposed residential project on this residentially zoned site.

Staff recommends that the City Council uphold the appeal and overturn the Planning Commission denial and approve the project subject to the findings and conditions of approval as specified in Attachment 1. Alternatively, Council could choose to deny the appeal and uphold the Planning Commission decision for denial of the project by adopting Attachment 2.

**ATTACHMENTS**

1. Resolution XX-22 (uphold appeal)
2. Resolution XX-22 (deny appeal)
3. Appeal received from Appellant dated May 24, 2022
4. Planning Commission Resolution 05-22
5. Planning Commission staff report – May 17, 2022
6. Staff Presentation

**RESOLUTION NO. XX-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
UPHOLDING AN APPEAL, OVERTURNING THE PLANNING  
COMMISSION DENIAL OF A CONDITIONAL USE PERMIT  
(CUP19-20) A COASTAL DEVELOPMENT PERMIT (CDP19-047)  
AND A VARIANCE REQUEST (VAR20-001) FOR A SMALL NEW  
HOME ON A RESIDENTIALLY ZONED PARCEL LOCATED AT  
197 MAIN STREET.**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on May 17, 2022, for the purpose of considering approval of Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001); for a proposed new small home to be located at 197 Main Street (“the Project”); and

**WHEREAS**, on May 17, 2022, the Planning Commission of the City of Morro Bay adopted Resolution 05-22 to deny the Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001); and

**WHEREAS**, on May 24, 2022, an appeal of the Planning Commission action to deny the project was filed with the City of Morro Bay by Sandy Bean specifically requesting the City Council review and approve the project; and

**WHEREAS**, the City Council conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on August 23, 2022, to consider an appeal of the Planning Commission’s denial of the project; and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law; and

**WHEREAS**, the City Council has duly considered all evidence, including the previous decisions made by the Planning Commission, the testimony of the Appellants and the evaluation and recommendations by staff, presented at said hearing.

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

**Section 1: Findings to overturn the Planning Commission Denial:** Based upon all the written and oral testimony and evidence presented to the Council at and for the above public hearing, the City Council makes the findings:

California Environmental Quality Act (CEQA) Findings:

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3a, for new construction of a single-family home on a residentially zoned parcel. Additionally, none of the Categorical Exemption Exceptions,

noted under Section 15300.2, apply to the project.

Coastal Development Findings:

1. The City Council finds that the project is consistent with applicable provisions of the Local Coastal Program and Chapter 3 of the California Coastal Act for a residential use.
2. The City Council finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. The project is surrounded by compatible uses of moderate density residential development; and is of a design, mass and scale suitable for the location.

Conditional Use Findings:

3. The project will not be detrimental to the health safety or general welfare of persons residing or working in the neighborhood.
4. The project will not be injurious or detrimental to property in the neighborhood or the general welfare of the city.
5. The project is in conformance with the general plan and certified local coastal program.

Variance Findings:

1. Variances granted are subject to conditions that assure that the adjustments do not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with similar site constraints and in the same zoning district.
2. Because of special circumstances applicable to the subject property, including size, shape, topography and location, the strict application of this title would deprive the subject property of privileges enjoyed by other properties in the vicinity under identify zone classifications.
3. The project is consistent with the General Plan and Land Use Plan within the Local Coastal Plan.

**Section 2. Action.** The City Council does hereby uphold the appeal filed on May 24, 2022, by Sandy Bean, the property owner and overturns the Planning Commission denial of Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001); hereby approving the project subject to the conditions of approval below.

**STANDARD CONDITIONS**

1. This permit is granted to allow development of a new home on irregularly shaped parcel with frontage on a city owned access easement. The proposed home is a two-story home with a total of 459 square feet of living area and a proposed maximum height of 17 feet above the average natural grade. The site is approximately 2500 square feet in size and the project is subject to the Coastal Bluff setback requirements. Due to the unusual site constraints, this permit grants variances for the following: Surface parking for one car, reduced north and south setbacks (3 feet, narrowing to 2 feet in the locations where there are architectural pop-outs) and a roof height in the 20–50-foot bluff setback that ranges between 14 feet and 17 feet in height. The site is located in an R-1/PD zoning district above the bluff and a portion below the bluff in a WF/PD zoning district. The property is within the Coastal Appeals Jurisdiction.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution 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. Any extension may be granted by the City's Community Development Manager (the "Manager"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed here on shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

## **PLANNING CONDITIONS**

1. 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.
2. Construction Hours: Pursuant to MBMC subsection 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.

3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. 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.
5. Architecture: Building color and materials shall be as shown on plans approved by the City Council and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
6. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. 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.
7. Landscaping: Landscape plans shall be revised to add restoration plantings along the disturbed bluff area (pursuant to the recommendations of the Geotechnical Report) and shall include landscaping over all bare earth areas using drought tolerant, native plants and trees that will reach a 90% coverage within 5 years. Landscape plan reflecting these changes shall be included with the building permit submittal plan set.
8. Existing commercial building in Waterfront Commercial zoning district: The applicant is prohibited from using the existing office building for any short- or long-term residential occupancy.
9. Screening along access easement and bluff. A screening structure for landscaping along the north side of the home has been approved as shown on the CDP/CPO/VAR approved plans (placed on top of a retaining wall and can be a graduated height from 5 feet to 8 feet east to west) to provide privacy and reduce the impact of the headlights from autos using the access easement. Partial screening of the southwest portion along the bluff shall be allowed to a maximum height of 4 feet following recommendations of the Geotechnical report for bluff setback of the structural support of the proposed screening structure and compliance with the bluff development standards. Screening and fencing along the south property line must comply with the fencing requirements in the MBMC Section 17.48.100.
10. Reduced setbacks. A variance request for a 3-foot setback (narrowing to 2 feet on the south side of the lower level and in two places on the north side at the second-floor level to accommodate the pop-out sections of the building) on the north and south sides of the proposed home has been approved.

11. Increase Roof Height in Bluff Buffer. A variance request for a roof height ranging from 14-17 feet from average natural grade within the bluff 20–50-foot buffer area has been approved.
12. Restriction on development along the bluff: The geotechnical recommendation is for a retaining wall on the west side of the parking space to provide additional stability to the bluff. The civil plans show the retaining wall at the top of bluff, which is prohibited by MBMC 17.45.040. Building permit submittal shall setback the retaining wall 4-5 feet east of the bluff face or other location as recommended by an updated geologic report addressing this issue.

## **BUILDING DIVISION CONDITIONS**

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

- 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 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 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.) 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. Alternatively, submit a completed City of Morro Bay soils report waiver request.
- 6.) Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.

- 7.) **BUILDING PERMIT APPLICATION:** To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
- 8.) The Title sheet of the plans shall include, but not limited to:
- Street address, lot, block, track, and Assessor Parcel Number
  - Occupancy Classification(s)
  - Construction Type
  - Maximum height of the building allowed and proposed
  - Floor area of the building(s)
  - Fire sprinklers proposed or existing
  - Minimum building setback allowed and proposed

All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

(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:**

- 1.) **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
- 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.) **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some lot types.

- 4.) **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some site-specific projects.
- 5.) **EXISTING BUILDINGS:** Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2019 California Residential Code.

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

- 1.) Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be 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. This permit card shall then be turned into the building division for scheduling of the final building inspection.
- 2.) Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
- 3.) If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
- 4.) If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
- 5.) Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
- 6.) Final T-24 energy reports (Certificates of Installation).

**PUBLIC WORKS CONDITIONS**

1. **Stormwater Management:** The City has adopted Low Impact Development (LID) and Post Construction requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to determine if any requirements should be submitted. 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) (MBMC 14.48.140) The submitted Performance Requirement Determination Form identifies this project as exempt.
2. **Frontage Improvements:** The installation of frontage improvements is required. Show the installation of a city driveway approach per City standard detail B-7. An encroachment permit is required for any work within the Right of Way. (MBMC 14.44.020)

3. Sewer Lateral: Indicate and label new private sewer lateral pipe. (MBMC 14.07.030)
4. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A backwater valve, extended to and accessible from grade for maintenance, shall be installed on every Building sewer. Exception: Installation of backwater valve shall not be required when, to the satisfaction of Building Official, it is determined that the intent and purpose of this section is otherwise met.
5. 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, adjacent properties, any harbor, waterway, or ecologically sensitive area.
6. Water Meter: Indicate and label new water meter on plans and include size of meter.
7. 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.
8. 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.

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 permit application and requirements are available on the City's website at the following location: <https://www.morro-bay.ca.us/197/Public-Works>.
  - A standard encroachment permit shall be required for the proposed driveway; 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 a temporary encroachment permit within the City right-of-way.
  - Any temporarily blocked off parking space(s) or street requires an encroachment permit. A traffic control plan is also required for any temporary lane closures or street traffic adjustments.

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

1. Fire Safety during Construction and Demolition shall be in accordance with 2019 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)

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on this 23rd day of August 2022 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST

\_\_\_\_\_  
DANA SWANSON, City Clerk

**RESOLUTION NO. XX-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
DENYING AN APPEAL, AND UPHOLDING THE PLANNING  
COMMISSION DENIAL OF A CONDITIONAL USE PERMIT  
(CUP19-20) A COASTAL DEVELOPMENT PERMIT (CDP19-047)  
AND A VARIANCE REQUEST (VAR20-001) FOR A SMALL NEW  
HOME ON A RESIDENTIALLY ZONED PARCEL LOCATED AT  
197 MAIN STREET.**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on May 17, 2022, for the purpose of considering approval of Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001); for a proposed new small home to be located at 197 Main Street (“the Project”); and

**WHEREAS**, on May 17, 2022, the Planning Commission of the City of Morro Bay adopted Resolution 05-22 to deny the Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001); and

**WHEREAS**, on May 24, 2022, an appeal of the Planning Commission action to deny the project was filed with the City of Morro Bay by Sandy Bean specifically requesting the City Council review and approve the project; and

**WHEREAS**, the City Council conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on August 23, 2022, to consider an appeal of the Planning Commission’s denial of the project; and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law; and

**WHEREAS**, the City Council has duly considered all evidence, including the recommendations made by the Planning Commission, the testimony of the Appellants and the evaluation and recommendations by staff, presented at said hearing.

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

**Section 1: Findings to uphold the Planning Commission Denial.** Based upon all the written and oral testimony and evidence presented to the Council at and for the above public hearing, the City Council makes the following findings:

1. The project, as proposed, is not in conformance with Zoning Ordinance Section 17.48.190 which implements the General Plan and is part of the Local Coastal Program. Specifically, the project as proposed is not visually compatible with the character of the surrounding

neighbourhood, in terms of home design, layout, size configuration and scale. The development is not subordinate in character to its surroundings.

2. The project does not fit in or blend in with its surroundings and is different in architecture and design from surrounding development and is therefore inconsistent with General Plan/Local Coastal Land Use Plan policy CD-1.2, which requires new development projects to be compatible with the vision for the area, including ensuring the new development is built in a manner that respects and responds to the unique natural and built environmental where the project is located.

3. The design of the home and overall project is not complementary to the landscape, and adjoining and nearby development in that the home design is not similar to surrounding development and is therefore inconsistent with General Plan/Local Coastal Land Use Plan Policy CD1.12.

**Section 2. Action.** The City Council does hereby deny the appeal filed on May 24, 2022, by Sandy Bean, the property owner and upholds the Planning Commission denial of Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001).

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on this 23rd day of August 2022 on the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST

\_\_\_\_\_  
DANA SWANSON, City Clerk



RECEIVED

# CITY OF MORRO BAY

MAY 24 2022

## APPEAL FORM

Community Development Department  
 Planning Division  
 955 Shasta Avenue  
 Morro Bay, CA 93442  
 (805) 772-6261

### In CCC Appeals Jurisdiction?

YES – No Fee  
 NO – Fee Paid:  Yes  No

Project Address being appealed: <b>197 Main Street, Morro Bay</b>	
Appeal from the decision or action of (governing body or City officer): <input type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: Denial/deferment of decision (to CC) to approve a very small home to be constructed on a residentially zoned lot.	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): CUP19-20/CPO19-04/VAR20-001	
Date decision or action rendered: <b>May 17, 2022</b>	
Grounds for the appeal (attach additional sheets as necessary): 1. PC decided to defer to CC to make a decision, rather than address a home they thought was not appropriate on the site. 2. The project was denied because PC did not think a home should be allowed on the parcel (zoned for residential). 3. The project was denied because it was not affordable, when affordability is not a requirement. 4. The project was denied because minor variances requested were preferred to be deferred to CC instead of considering additional changes or modifications	
Requested relief or action: Request City Council consider the Project. The reason why this home's small size and odd shape was unacceptable to PC is because of changes made to the Bluff Line in order to comply with new Coastal Commission requirements. Three other neighbors' homes were given permits based on a historical bluffline, which is now not acceptable. If those neighbors were applying for a permit today, their homes would probably not be acceptable to PC either. Small sizes & Odd shapes should NOT deny use of a property.	
Appellant (please print): <b>Sandra Bean</b>	Phone: <b>805-528-3475</b>
Address: <b>1928 12th, Los Osos / PO Box 1888, Morro Bay, CA 93443</b>	
Appellant Signature:  Date: <b>5/23/2022</b>	

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

RESOLUTION NO. PC 05-22

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
APPROVING CONDITIONAL USE PERMIT (CUP19-20), COASTAL DEVELOPMENT  
PERMIT (CPO19-047) AND VARIANCE REQUEST (VAR20-001)  
FOR A PROPOSED NEW HOME TO BE LOCATED AT 197 MAIN STREET LOCATED  
WITHIN THE COASTAL COMMISSION APPEAL JURISDICTION

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Veterans Memorial Building at 209 Surf Street, Morro Bay, CA on May 17, 2022, for the purpose of considering approval of a Coastal Development Permit, Conditional Use Permit and Variance request to allow a new single-family home on a residentially zoned portion of a parcel (“Project”); 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) Findings:

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3a, for new construction of a single-family home on a residentially zoned parcel. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

Coastal Development Findings:

1. The Planning Commission finds that the project is consistent with applicable provisions of the Local Coastal Program and Chapter 3 of the California Coastal Act for a new single-family home.
2. The Planning Commission finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. The project is surrounded by compatible uses of moderate density residential development; and is of a design, mass and scale suitable for the location.

Conditional Use Findings:

3. The project will not be detrimental to the health safety or general welfare of persons residing or working in the neighborhood.

4. The project will not be injurious or detrimental to property in the neighborhood or the general welfare of the city.
5. The project is in conformance with the general plan and certified local coastal program.

Variance Findings:

1. Variances granted are subject to conditions that assure that the adjustments do not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with similar site constraints and in the same zoning district.
2. Because of special circumstances applicable to the subject property, including size, shape, topography and location, the strict application of this title would deprive the subject property of privileges enjoyed by other properties in the vicinity under identify zone classifications.
3. The project is consistent with the General Plan and Land Use Plan within the Local Coastal Plan.

**Section 2. Action.** The Planning Commission does hereby approve Coastal Development Permit (CPO19-047), Conditional Use Permit (CUP19-20) and Variance requests (VAR20-001) for property located at 197 Main Street subject to the following conditions:

**STANDARD CONDITIONS**

1. This permit is granted to allow development of a new home on irregularly shaped parcel with frontage on a city owned access easement. The proposed home is a two-story home with a total of 459 square feet of living area and a proposed maximum height of 17 feet above the average natural grade. The site is approximately 2500 square feet in size and the project is subject to the Coastal Bluff setback requirements. Due to the unusual site constraints, this permit grants variances for the following: Surface parking for one car, reduced north and south setbacks (3 feet, narrowing to 2 feet in the locations where there are architectural pop-outs) and a roof height in the 20–50-foot bluff setback that ranges between 14 feet and 17 feet in height. The site is located in an R-1/PD zoning district above the bluff and a portion below the bluff in a WF/PD zoning district. The property is within the Coastal Appeals Jurisdiction.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution 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. Any extension may be granted by the City's Community Development Manager (the "Manager"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor

shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

### **PLANNING CONDITIONS**

1. 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.
2. Construction Hours: Pursuant to MBMC subsection 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.

3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. 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.
5. Architecture: Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
6. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. 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.
7. Landscaping: Landscape plans shall be revised to add restoration plantings along the disturbed bluff area (pursuant to the recommendations of the Geotechnical Report) and shall include landscaping over all bare earth areas using drought tolerant, native plants and trees that will reach a 90% coverage within 5 years. Landscape plan reflecting these changes shall be included with the building permit submittal plan set.
8. Existing commercial building in Waterfront Commercial zoning district: The applicant is prohibited from using the existing office building for any short- or long-term residential occupancy.
9. Screening along access easement and bluff. A screening structure for landscaping along the north side of the home has been approved as shown on the CDP/CPO/VAR approved plans (placed on top of a retaining wall and can be a graduated height from 5 feet to 8 feet east to west) to provide privacy and reduce the impact of the headlights from autos using the access easement. Partial screening of the southwest portion along the bluff shall be allowed to a maximum height of 4 feet following recommendations of the Geotechnical report for bluff setback of the structural support of the proposed screening structure and compliance with the bluff development standards. Screening and fencing along the south property line must comply with the fencing requirements in the MBMC Section 17.48.100.
10. Reduced setbacks. A variance request for a 3-foot setback (narrowing to 2 feet on the south side of the lower level and in two places on the north side at the second-floor level to accommodate the pop-out sections of the building) on the north and south sides of the proposed home has been approved.

11. Increase Roof Height in Bluff Buffer. A variance request for a roof height ranging from 14-17 feet from average natural grade within the bluff 20–50-foot buffer area has been approved.
12. Restriction on development along the bluff. The geotechnical recommendation is for a retaining wall on the west side of the parking space to provide additional stability to the bluff. The civil plans show the retaining wall at the top of bluff, which is prohibited by MBMC 17.45.040. Building permit submittal shall setback the retaining wall 4-5 feet east of the bluff face or other location as recommended by an updated geologic report addressing this issue.

## **BUILDING DIVISION CONDITIONS**

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

- 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 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 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.) 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. Alternatively, submit a completed City of Morro Bay soils report waiver request.

- 6.) Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
- 7.) **BUILDING PERMIT APPLICATION:** To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
- 8.) The Title sheet of the plans shall include, but not limited to:
  - Street address, lot, block, track, and Assessor Parcel Number
  - Occupancy Classification(s)
  - Construction Type
  - Maximum height of the building allowed and proposed
  - Floor area of the building(s)
  - Fire sprinklers proposed or existing
  - Minimum building setback allowed and proposed

All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

(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:**

- 1.) **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
- 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.) **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some lot types.
- 4.) **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some site-specific projects.
- 5.) **EXISTING BUILDINGS:** Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2019 California Residential Code.

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

- 1.) Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be 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. This permit card shall then be turned into the building division for scheduling of the final building inspection.
- 2.) Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
- 3.) If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
- 4.) If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
- 5.) Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
- 6.) Final T-24 energy reports (Certificates of Installation).

**PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID)

and Post Construction requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to determine if any requirements should be submitted. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morrobay.ca.us/EZmanual](http://www.morrobay.ca.us/EZmanual) (MBMC 14.48.140) The submitted Performance Requirement Determination Form identifies this project as exempt

2. Frontage Improvements: The installation of frontage improvements is required. Show the installation of a city driveway approach per City standard detail B-7. An encroachment permit is required for any work within the Right of Way. (MBMC 14.44.020)
3. Sewer Lateral: Indicate and label new private sewer lateral pipe. (MBMC 14.07.030)
4. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A backwater valve, extended to and accessible from grade for maintenance, shall be installed on every Building sewer. Exception: Installation of backwater valve shall not be required when, to the satisfaction of Building Official, it is determined that the intent and purpose of this section is otherwise met.
5. 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, adjacent properties, any harbor, waterway, or ecologically sensitive area.
6. Water Meter: Indicate and label new water meter on plans and include size of meter.
7. 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.
8. 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.

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 permit application and requirements are available on the City's website at the following location: <https://www.morrobay.ca.us/197/Public-Works>.

- A standard encroachment permit shall be required for the proposed driveway; 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 a temporary encroachment permit within the City right-of-way.
- Any temporarily blocked off parking space(s) or street requires an encroachment permit. A traffic control plan is also required for any temporary lane closures or street traffic adjustments.

**FIRE DEPARTMENT CONDITIONS:**

1. Fire Safety during Construction and Demolition shall be in accordance with 2019 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)

DENIED by the Morro Bay Planning Commission at a regular meeting thereof held on 17 the day of May 2022 on the following vote:

AYES: Stewart

NOES: Rodriguez, Roschen, Ingraffia

ABSENT:

ABSTAIN: King

  
Chairperson Stewart

ATTEST

  
Scot Graham, Community Development Director

The foregoing resolution was DENIED this 17<sup>th</sup> day of May 2022



AGENDA NO: B-1

MEETING DATE: May 17, 2022

## Staff Report

**TO:** Planning Commissioners

**DATE:** May 17, 2022

**FROM:** Nancy Hubbard, Contract Planner

**SUBJECT:** **Application** for a Conditional Use Permit No. CUP19-20, Coastal Development Permit No. CP019-047 and Variance Request VAR20-001 for approval of a new single-family dwelling on parcel APN 066-391-001 with the address of 197 Main Street. The site is in an R-1/PD zoning district with a portion below the bluff in a WF/PD zoning district. The property is within the Coastal Appeals Jurisdiction.

**RECOMMENDATION:**

*APPROVE THE PROJECT* by approving Planning Commission **Resolution 05-22** that includes findings and conditions of approval for the project, as depicted on site development plans submitted to the City on March 2, 2022.

**LEGAL DESCRIPTION/APN:**

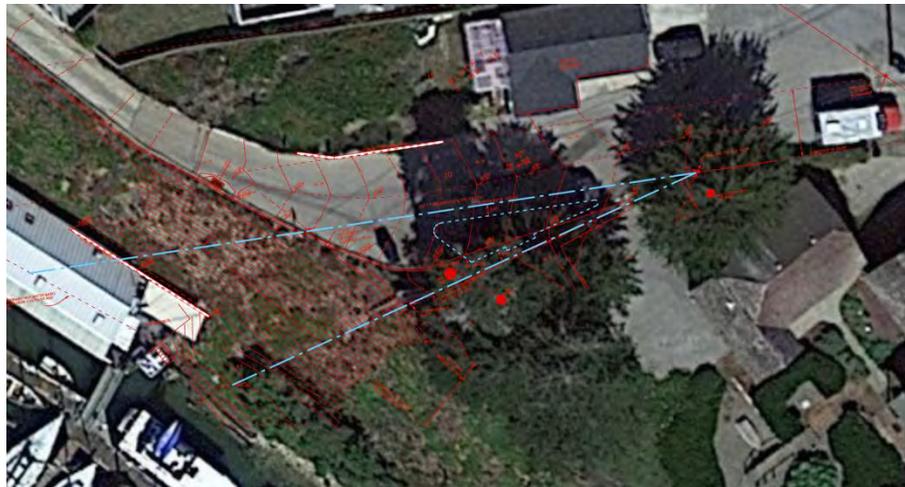
**LEGAL DESCRIPTION:** PORTION OF GOVT LOT 5 OF SECTION 36, TWNSP 19 SOUTH IN BLOCK 1 OF MORRO BAY PARK

**APN:** 066-391-001

**ADDRESS:** 197 Main Street

**PROJECT DESCRIPTION:**

The Applicant is requesting approval of a Coastal Development Permit, a Conditional Use Permit, and a Variance Request to allow a new home on an irregularly shaped parcel with frontage on a city owned access easement. The proposed home is 2 stories with a total of 459 square feet of living space. The project has a proposed maximum



height of 17 feet above average natural grade. The site is approximately 2500 square feet in size and is subject to the Coastal Bluff setback requirements.

The site is pie shaped and extends from with narrowest portion closest to Main Street and runs west to the water line. The site contains two distinct zoning districts with the portion above the bluff (closer to Main Street) designated as R-1/PD zoning district. The portion below the bluff is designated as a WF/PD zoning district. The site has no frontage on a public street but has access rights to the easement on the north side owned by the City of Morro Bay. Due to the unusual site constraints, the applicant is asking for variances for the following:

- One surface parking space (instead of any garage parking),
- reduced north and south setbacks (3 feet each reducing to 2 feet in the areas of the one pop out on the ground floor and the two small pop-outs on the second floor),
- a roof height ranging from 14 ft to 17 ft within the 20–50-foot bluff setback (requirement is a max of 14 feet, unless a 4/12 pitched roof is proposed, then allows a max of 17 feet) and
- special consideration of the screening trellis structure located on the northerly property line which ranges from 5 feet to 8 feet east to west contouring with the slope of the site.

The home design follows the 'pie shape' of the site to avoid the site constraints which include the top of bluff and the related required bluff setbacks (which prohibits development of any structure within 20 feet from top of bluff). The secondary bluff setback (20ft to 50 ft from top of bluff), requires a reduced height limitation (no more



than 14 ft above average natural grade, unless a 4/12 pitched roof is proposed, then 17 feet above ANG is allowed). The proposed design meets the 20-foot bluff setback requirement assuming an average bluff edge determination (see note in development standards table), but has a shed roof that ranges from just under 14 feet to just under 17 feet within 20ft – 50 ft bluff buffer area.

**PERMITS REQUIRED:**

This project requires a Conditional Use Permit because it is in a PD overlay area. The Planned Development Overlay allows special consideration of unique site conditions and allows reductions in development standards to result in a better project. The project also requires a regular Coastal Development Permit because it is adding a new housing unit and because it is located within the Coastal Appeals Jurisdiction. Because of the site constraints and challenges of the unique shape of the site, the project, as designed, also required a Variance Request for Planning Commission review and approval of the variances noted above, which are required to achieve this small, custom home on this site.

**PROJECT ANALYSIS**

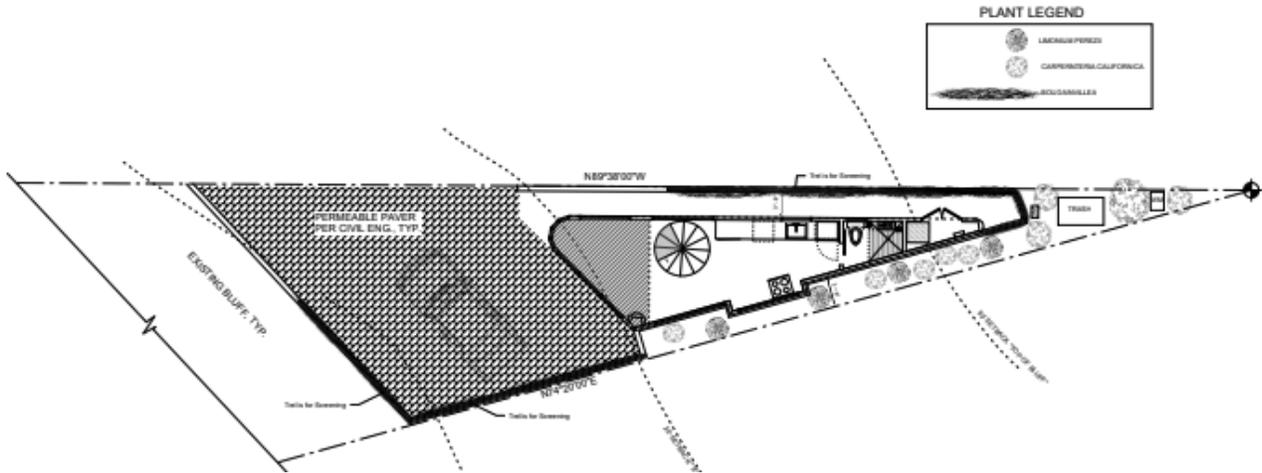
**BACKGROUND:**

The site is a pie shaped parcel sharing a property line with the 17-foot-wide access easement parcel to the north. The access easement parcel, created in a subdivision dated 1924, was originally owned by SLO county and now is city owned, but remains an easement, not a public street. The subject site was provided documented access rights for use of the easement in 1958, together with rights to other adjacent property owners in order to have access to the commercial/waterfront buildings along the boat docks to the west. The existing commercial building on the lower portion of the site was built with a SLO County permit in the 1950's.

There is no record of any previous development on the subject site above the bluff, however, a portion of this site was paved with a curb making it appear to be part of the easement. Additionally, the property owner to the south also created access to the back of their property across the top portion of the subject site. Many original homes surrounding the site were built in the late 1930's and early 1940's as well as more recent homes built in 2008 and 2015, likely replacing the original homes.



The site includes a single car parking space on the west side of the home, a trash enclosure on the east side and a trellis along the north and east as well as a proposed trellis along the south/west corner of the top of bluff area. The trellis along the west is at the top of bluff and staff recommends that the structure be restricted to 4 feet in height and be setback from the bluff face. The trellis on the south side can be up to 6 feet, 6 inches in height to follow the provisions of the zoning code.



**DEVELOPMENT STANDARDS/ VARIANCE REQUESTS:**

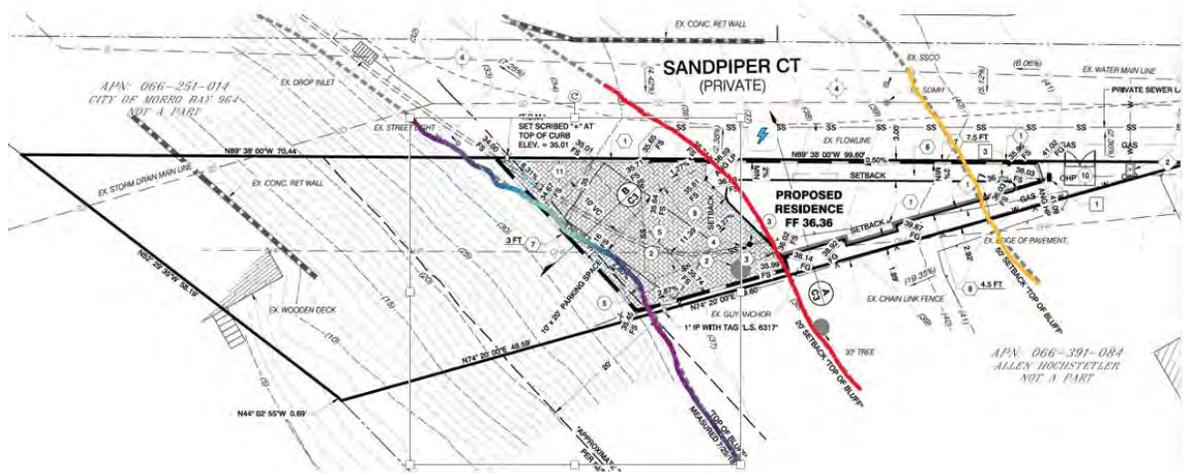
	<b>R-1/PD Standards</b>	<b>Proposed Home</b>
<b>Front Setback</b>	20 feet	20 feet (from point of lot closest to Main Street)
<b>Side-Yard Setback</b>	5 ft max/3 ft min	3 feet on south and north side . 2 feet for the architectural pop-outs
<b>Rear Setback</b>	10ft max/6 ft min	65+ feet
<b>Height (from ANG)</b>	25 feet (see also Bluff Buffer height restrictions below)	17 feet
<b>Bluff Buffer: No structures</b>	20 feet from top of Bluff	About 5 square feet of the west wall of the home is within 20 feet of the top of bluff (reduced to about 2 sq ft using an average bluff line determination)
<b>Height between 20–50-foot buffer</b>	14 ft (allows up to 17 ft for 4/12 pitched roof or greater)	Ranges from 14-17 feet in height with 1/12 pitch shed roof

The proposed new home is on a very challenging parcel, with no frontage on a public street. For purposes of determining frontage for the site, the easterly point of the site

was used since it is closest to Main Street, the closest public street. That determination results in the rear setback applicable to the west (determined by the top of bluff) and the north and south sides of the upper portion of the site become subject to the side yard setbacks. The project is requesting a reduced setback on the north and south sides, necessary to have space for this small home on this constrained site. The existing home to the north that is also along the access easement also appears to be located about 3 feet from the property line (along the easement parcel). They have a short retaining wall protecting the edge of their property.

The proposed home is requesting a variance for roof height for a portion of the area between the 20 foot and 50-foot bluff buffer setback, which encompasses most of the home. The Bluff standards would allow 17-foot height for roof pitches that are 4/12 or greater. However, the proposed home has a sloped shed roof (1/12 pitch) with a height that varies from just under 14 feet to a maximum height of just under 17 feet. The design allows a westerly row of windows at the second-floor level of the home, providing light and a view from the loft bedroom. Pursuant to the current *MBMC Section 17.45.040, Development within the Bluff Buffer Areas: the bluff buffer may be reduced for existing parcels where said setback would render that parcel unusable for its designated use.* In this case, the request is for the bluff height requirement to be allowed for the shed roof rather than require a pitched roof, which would reduce the livable area within the structure. Additionally, this design includes about 5 square feet of the west face of the home that is inside of the 20-foot bluff buffer area. However, if the methodology in MBMC 17.12.058 Average Bluff Edge Elevation (stated specifically related to height determinations) is used in this situation, the entire west wall of the home is behind the 20 foot bluff buffer.

The geotechnical update letter dated 10/22/21 states that with the support of a small retaining wall, the parking space will not affect the stability of the bluff. The civil plans show the retaining wall at the top of bluff, which in accordance with the development standards (MBMC 17.45.040) will not be allowed. The project is conditioned to move the supporting retaining wall east away from the top of bluff and obtain a geologic update providing the recommended location for the retaining wall that ensures the stability of the bluff, provides the support for the parking space and complies with the bluff development standards.



**PROJECT ZONING/LAND USE DESIGNATION:**

The project site is zoned R-1 with a PD overlay and is in the Mixed-use Land Use area. The proposed new zoning code clarifies that the “mixed use” designation in this area indicates the requirement for commercial and waterfront supporting businesses along the bottom of the bluff and single-family residential uses above the bluff. The proposed project is consistent with the land use plan and designated uses in the zoning code.

The applicant engaged Mid Coast Engineering to provide an updated Geotechnical Engineering report (dated February 26, 2021) with an update letter confirming top of bluff and made a determination that the proposed parking space on the west side of the home would not affect stability of the bluff when supported with a small retaining wall (update letter October 22, 2021). The report provided a confirmation of the top of the bluff determined in 2018 by Joann Head Land Surveying firm. See plan image above for the Bluff buffer overlay on the site plan for the proposed small home.

The proposed design also includes a screening trellis along the north side of the home to provide privacy as well as block the headlights from cars on the access easement. The current zoning code does not address functional screening outside of commercial/industrial uses but allows review and approval of screening requirements to ensure proposed screening is in conformance with the intended purpose or function. The proposed new zoning code includes the following provision to allow this feature: Section 17.23.060 A.3: Decorative Features: One pedestrian entry gate, trellis or other entry structure is permitted in the required front or street-facing side yard of each lot, provide that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.

**(P) PRIVACY TRELLIS CONCEPTS**



**Adjacent Zoning/Land Use**

<b>North:</b>	R-1/PD Single Family Residential	<b>South:</b>	R-1/PD Single Family Residential
<b>East:</b>	R-1 Single Family Residential	<b>West:</b>	WF/PD Waterfront Commercial

**Site Characteristics**

<b>Site Area</b>	2500 square feet
<b>Existing Use</b>	Vacant land in R-1 portion/existing commercial warehouse in WF portion
<b>Terrain</b>	Bluff with slight slope from east to west
<b>Vegetation/Wildlife</b>	Some trees
<b>Archaeological Resources</b>	N/A
<b>Access</b>	City owned access easement off of Main Street

**General Plan, Zoning Ordinance, & Local Coastal Plan Designations**

<b>General Plan/Coastal Plan Land Use Designation</b>	Mixed use (residential above bluff/waterfront commercial below bluff)
<b>Base Zone District</b>	R-1
<b>Zoning Overlay District</b>	PD
<b>Special Treatment Area</b>	n/a
<b>Combining District</b>	n/a
<b>Specific Plan Area</b>	n/a
<b>Coastal Zone</b>	Within the Coastal Commission Appeal Jurisdiction

**RESIDENTIAL DESIGN GUIDELINES AND MATERIALS BOARD:**



**ROOFING:**



GAF TIMBERLINE SHINGLES  
 IN  
 "NATURAL SHADOW CHARCOAL"

**MAIN EXTERIOR**



HARDIEPLANK LAP SIDING  
 SELECT CEDARMILL  
 IN  
 "AGED PEWTER"  
 ColorPlus Technology

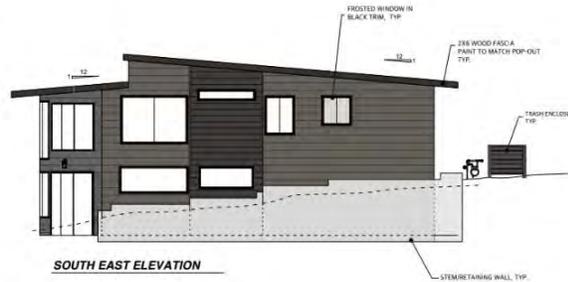
**ACCENT**



HARDIEPLANK LAP SIDING  
 SELECT CEDARMILL  
 IN  
 "RICH ESPRESSO"  
 ColorPlus Technology



**SOUTH WEST ELEVATION**



**SOUTH EAST ELEVATION**

**(P) EXTERIOR LIGHTING**

NAUTICAL-INSPIRED EXTERIOR LIGHT FIXTURES WHERE REQUIRED AT EXTERIOR ACCESS DOORWAYS.  
 TO BE ACCORDANCE WITH 'APPLICABLE CODES' LISTED ON SHEET T.I.D. IN ACCORDANCE WITH REGULATIONS AND REQUIREMENTS NOTE(S), THIS SHEET



EXAMPLE DEPICTED AT LEFT  
 James Allen Raydon Collection OUTDOOR WALL SCONCE  
 FINISH: "Village Black"  
 MODEL: VXX9374874VBL



The General Plan/Local Coastal Plan Land Use Policy LU-1.6 is very applicable to this application. It states: *Remove barriers to and create opportunities for innovative or non-traditional housing forms, such as tiny homes, cohousing, and intergenerational housing.* The exterior finishes allow the new house to blend into the trees and the shadows above the bluff and fit into neighborhood meeting the intent of the Residential Design Guidelines.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on May 6, 2022, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303, Class 3a, for a new residential dwelling in a residential land use and zoning district. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

**CONCLUSION:**

The project as proposed with the conditions of approval, including approval of the variance requests, is consistent with all required development standards of the Zoning Ordinance and all applicable provisions of the General Plan and Local Coastal Plan with incorporation of the recommended conditions of approval.

**RECOMMENDATION:**

Staff recommends the Planning Commission conditionally approve Conditional Use Permit CUP19-20, Coastal Development Permit CPO19-047 and Variance request VAR20-001 for the project at 197 Main Street, as shown on plans submitted to the City on March 2, 2022, by adopting Planning Commission **Resolution 05-22** which includes the findings and conditions of approval of the project.

**EXHIBITS:**

- Exhibit A – Planning Commission Resolution 05-22
- Exhibit B – Graphics/Plans
- Exhibit C – Geotechnical Engineering Letter update

RESOLUTION NO. PC 05-22

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
APPROVING CONDITIONAL USE PERMIT (CUP19-20), COASTAL DEVELOPMENT  
PERMIT (CPO19-047) AND VARIANCE REQUEST (VAR20-001)  
FOR A PROPOSED NEW HOME TO BE LOCATED AT 197 MAIN STREET LOCATED  
WITHIN THE COASTAL COMMISSION APPEAL JURISDICTION

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Veterans Memorial Building at 209 Surf Street, Morro Bay, CA on May 17, 2022, for the purpose of considering approval of a Coastal Development Permit, Conditional Use Permit and Variance request to allow a new single-family home on a residentially zoned portion of a parcel (“Project”); 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) Findings:

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3a, for new construction of a single-family home on a residentially zoned parcel. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

Coastal Development Findings:

1. The Planning Commission finds that the project is consistent with applicable provisions of the Local Coastal Program and Chapter 3 of the California Coastal Act for a new single-family home.
2. The Planning Commission finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. The project is surrounded by compatible uses of moderate density residential development; and is of a design, mass and scale suitable for the location.

Conditional Use Findings:

3. The project will not be detrimental to the health safety or general welfare of persons residing or working in the neighborhood.

4. The project will not be injurious or detrimental to property in the neighborhood or the general welfare of the city.
5. The project is in conformance with the general plan and certified local coastal program.

Variance Findings:

1. Variances granted are subject to conditions that assure that the adjustments do not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with similar site constraints and in the same zoning district.
2. Because of special circumstances applicable to the subject property, including size, shape, topography and location, the strict application of this title would deprive the subject property of privileges enjoyed by other properties in the vicinity under identify zone classifications.
3. The project is consistent with the General Plan and Land Use Plan within the Local Coastal Plan.

**Section 2. Action.** The Planning Commission does hereby approve Coastal Development Permit (CPO19-047), Conditional Use Permit (CUP19-20) and Variance requests (VAR20-001) for property located at 197 Main Street subject to the following conditions:

**STANDARD CONDITIONS**

1. This permit is granted to allow development of a new home on irregularly shaped parcel with frontage on a city owned access easement. The proposed home is a two-story home with a total of 459 square feet of living area and a proposed maximum height of 17 feet above the average natural grade. The site is approximately 2500 square feet in size and the project is subject to the Coastal Bluff setback requirements. Due to the unusual site constraints, this permit grants variances for the following: Surface parking for one car, reduced north and south setbacks (3 feet, narrowing to 2 feet in the locations where there are architectural pop-outs) and a roof height in the 20–50-foot bluff setback that ranges between 14 feet and 17 feet in height. The site is located in an R-1/PD zoning district above the bluff and a portion below the bluff in a WF/PD zoning district. The property is within the Coastal Appeals Jurisdiction.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution 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. Any extension may be granted by the City's Community Development Manager (the "Manager"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor

shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

### **PLANNING CONDITIONS**

1. 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.
2. Construction Hours: Pursuant to MBMC subsection 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.

3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. 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.
5. Architecture: Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
6. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. 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.
7. Landscaping: Landscape plans shall be revised to add restoration plantings along the disturbed bluff area (pursuant to the recommendations of the Geotechnical Report) and shall include landscaping over all bare earth areas using drought tolerant, native plants and trees that will reach a 90% coverage within 5 years. Landscape plan reflecting these changes shall be included with the building permit submittal plan set.
8. Existing commercial building in Waterfront Commercial zoning district: The applicant is prohibited from using the existing office building for any short- or long-term residential occupancy.
9. Screening along access easement and bluff. A screening structure for landscaping along the north side of the home has been approved as shown on the CDP/CPO/VAR approved plans (placed on top of a retaining wall and can be a graduated height from 5 feet to 8 feet east to west) to provide privacy and reduce the impact of the headlights from autos using the access easement. Partial screening of the southwest portion along the bluff shall be allowed to a maximum height of 4 feet following recommendations of the Geotechnical report for bluff setback of the structural support of the proposed screening structure and compliance with the bluff development standards. Screening and fencing along the south property line must comply with the fencing requirements in the MBMC Section 17.48.100.
10. Reduced setbacks. A variance request for a 3-foot setback (narrowing to 2 feet on the south side of the lower level and in two places on the north side at the second-floor level to accommodate the pop-out sections of the building) on the north and south sides of the proposed home has been approved.

11. Increase Roof Height in Bluff Buffer. A variance request for a roof height ranging from 14-17 feet from average natural grade within the bluff 20–50-foot buffer area has been approved.
12. Restriction on development along the bluff. The geotechnical recommendation is for a retaining wall on the west side of the parking space to provide additional stability to the bluff. The civil plans show the retaining wall at the top of bluff, which is prohibited by MBMC 17.45.040. Building permit submittal shall setback the retaining wall 4-5 feet east of the bluff face or other location as recommended by an updated geologic report addressing this issue.

## **BUILDING DIVISION CONDITIONS**

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

- 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 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 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.) 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. Alternatively, submit a completed City of Morro Bay soils report waiver request.

- 6.) Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
- 7.) **BUILDING PERMIT APPLICATION:** To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
- 8.) The Title sheet of the plans shall include, but not limited to:
  - Street address, lot, block, track, and Assessor Parcel Number
  - Occupancy Classification(s)
  - Construction Type
  - Maximum height of the building allowed and proposed
  - Floor area of the building(s)
  - Fire sprinklers proposed or existing
  - Minimum building setback allowed and proposed

All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

(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:**

- 1.) **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
- 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.) **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some lot types.
- 4.) **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some site-specific projects.
- 5.) **EXISTING BUILDINGS:** Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2019 California Residential Code.

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

- 1.) Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be 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. This permit card shall then be turned into the building division for scheduling of the final building inspection.
- 2.) Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
- 3.) If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
- 4.) If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
- 5.) Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
- 6.) Final T-24 energy reports (Certificates of Installation).

**PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID)

and Post Construction requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to determine if any requirements should be submitted. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morrobay.ca.us/EZmanual](http://www.morrobay.ca.us/EZmanual) (MBMC 14.48.140) The submitted Performance Requirement Determination Form identifies this project as exempt

2. Frontage Improvements: The installation of frontage improvements is required. Show the installation of a city driveway approach per City standard detail B-7. An encroachment permit is required for any work within the Right of Way. (MBMC 14.44.020)
3. Sewer Lateral: Indicate and label new private sewer lateral pipe. (MBMC 14.07.030)
4. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A backwater valve, extended to and accessible from grade for maintenance, shall be installed on every Building sewer. Exception: Installation of backwater valve shall not be required when, to the satisfaction of Building Official, it is determined that the intent and purpose of this section is otherwise met.
5. 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, adjacent properties, any harbor, waterway, or ecologically sensitive area.
6. Water Meter: Indicate and label new water meter on plans and include size of meter.
7. 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.
8. 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.

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 permit application and requirements are available on the City's website at the following location: <https://www.morrobay.ca.us/197/Public-Works>.

- A standard encroachment permit shall be required for the proposed driveway; 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 a temporary encroachment permit within the City right-of-way.
- Any temporarily blocked off parking space(s) or street requires an encroachment permit. A traffic control plan is also required for any temporary lane closures or street traffic adjustments.

**FIRE DEPARTMENT CONDITIONS:**

1. Fire Safety during Construction and Demolition shall be in accordance with 2019 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)

DENIED by the Morro Bay Planning Commission at a regular meeting thereof held on 17 the day of May 2022 on the following vote:

AYES: Stewart

NOES: Rodriguez, Roschen, Ingraffia

ABSENT:

ABSTAIN: King

  
Chairperson Stewart

ATTEST

  
Scot Graham, Community Development Director

The foregoing resolution was DENIED this 17<sup>th</sup> day of May 2022

# BEAN PROJECT PROPOSED RESIDENCE

Revisions:

A	4/03/2020
B	4/27/2021
C	10/18/2021
D	

## BUILDING DATA

**LOCATION:**  
197 MAIN ST.  
MORRO BAY, CA 93412

**APN:** 066-391-001  
Lot 5/Block 36/Tract 729

**LOT SIZE:** 2,500 SF

**ZONING:** R-1/PD/WF/PD

**OCCUPANCY:** R-1/PD

**CONSTRUCTION TYPE:** V

**SCOPE OF WORK:**  
NEW CONSTRUCTION OF SINGLE FAMILY DWELLING ON UNDEVELOPED PARCEL.

## CONSTRUCTION

**PROPOSED BUILDING AREAS:**

- (P) FLOOR: 459 SF
- (P) BUILDING FOOTPRINT: 276 SF
- (P) PARKING: 0210 SF
- (P) NO. OF FLOORS: 2
- (P) PATIO: 109 SF

**HEIGHT CALCS:**

LOWEST POINT @ GRADE: 36.93'  
HIGHEST POINT @ GRADE: 40.8'  
77.73/2 =

AVERAGE NATURAL GRADE: 38.87'

(P) PEAK HEIGHT: 55.87'  
(17'-0" ABOVE A.N.G.)

## APPLICABLE CODES

NO CONSTRUCTION SHALL BE STARTED WITHOUT PLANS AND PERMITS APPROVED BY THE COUNTY. ALL PLANS AND CONSTRUCTION SHALL CONFORM TO THE FOLLOWING:

- \* 2019 CALIFORNIA BUILDING CODE VOLS 1 & 2
- \* 2019 CALIFORNIA RESIDENTIAL CODE
- \* 2019 CALIFORNIA ELECTRICAL CODE
- \* 2019 CALIFORNIA MECHANICAL CODE
- \* 2019 CALIFORNIA PLUMBING CODE
- \* 2019 CALIFORNIA ENERGY CODE
- \* 2019 CALIFORNIA REFERENCE STANDARDS CODE
- \* 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
- \* TITLE 24 - CALIFORNIA STATE ENERGY AND ACCESSIBILITY STANDARDS
- \* COUNTY BUILDING AND CONSTRUCTION ORDINANCE - TITLE 19
- \* COUNTY COASTAL ZONE LAND USE ORDINANCE-TITLE 23
- \* COUNTY FIRE CODE ORDINANCE - TITLE 16
- \* COUNTY LAND USE ORDINANCE
- \* CURRENT CITY ENGINEERING STANDARDS + SPECIFICATIONS
- \* CURRENT RECOMMENDATIONS FROM THE SOILS ENGINEER

## GENERAL NOTES

1. ALL WORK SHALL CONFORM TO (A) THE MINIMUM STANDARDS OF THE LATEST EDITION (OR THE CURRENT EDITION IN EFFECT) OF THE UNIFORM BUILDING CODE AND ALL RELATED DOCUMENTS THAT ARE PUBLISHED BY THE IBCO WHICH HAVE BEEN ADOPTED BY THE LOCAL GOVERNING AGENCY, (B) ALL REGULATIONS AND ORDINANCES OF ALL LOCAL GOVERNING AGENCIES, AND (C) ANY SPECIAL CONDITIONS REQUIRED BY THE LOCAL GOVERNING AGENCIES.
2. THE CALIFORNIA ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL BUILDINGS HAVE BEEN REVIEWED AND THE BUILDING DESCRIBED ON THESE DRAWINGS IS IN SUBSTANTIAL CONFORMANCE.
3. A CERTIFICATE OF CONSTRUCTION COMPLIANCE, SIGNED BY THE GENERAL CONTRACTOR BASED UPON HIS OBSERVATION OF THE CONSTRUCTION WORK SHALL BE SUBMITTED TO THE INSPECTING BUILDING OFFICIAL PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY
4. ALL WORK DESCRIBED IN THESE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, AND EXTENT OF COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES OR UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE DESIGNER'S ATTENTION IMMEDIATELY. DO NOT PROCEED WITH THE WORK IN THE AREA OF THE DISCREPANCY UNTIL DISCREPANCY IS RESOLVED.
5. OMISSIONS FROM THE DRAWINGS AND SPECIFICATIONS OR THE MIS-DESCRIPTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATION, OR WHICH IS CUSTOMARILY PERFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR MIS-DESCRIBED DETAILS OF THE WORK AS IF FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.
6. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DRAWING SCALE OR PROPORTION. LARGER SCALE DRAWINGS SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS.
7. IF THE STRUCTURE IS LOCATED WITHIN 5'-0" OF THE MINIMUM SETBACK FROM THE PROPERTY LINE: AT THE FOUNDATION INSPECTION, PROVIDE CERTIFICATION FROM A LICENSED LAND SURVEYOR OR CIVIL ENGINEER THAT THE STRUCTURE MEETS THE SETBACK REQUIREMENTS IF THE LOT LINE MONUMENTS ARE NOT AVAILABLE.
8. PROJECT OWNER SHALL BE RESPONSIBLE FOR, OR BE RESPONSIBLE FOR NAMING RESPONSIBLE PARTY THAT WILL IMPLEMENT AND MONITOR THE APPROVED EROSION CONTROL PLAN.
9. PROVIDE REQUIRED ITEMS PER UP-TO-DATE GREEN BUILD CODE.

## PROJECT DIRECTORY

**PROJECT OWNER:**  
SANDY BEAN  
PH. (805) 528-3475

**GENERAL CONTRACTOR:**  
CRIZER CONSTRUCTION, INC.  
ROBERT C. CRIZER  
PO BOX 6952  
LOS OSOS, CA 93412  
PH. (805) 528-4812

**DESIGN:**  
CRIZER DESIGN, INC.  
ROBERT C. CRIZER  
PO BOX 6952  
LOS OSOS, CA 93412  
PH. (805) 528-4812

**SITE SUREVEY:**  
JOANN HEAD  
LICENSED LAND SURVEYOR  
LIC. 6317  
PO BOX 887  
SANTA MARGARITA, CA 93453  
PH. (805) 674-1530

**GEOTECHNICAL ENGINEERING:**  
MID-COAST GEOTECHNICAL, INC.  
PO BOX 2220  
ATASCADERO, CA 93423-2220  
PH. (805) 461-0965

**CIVIL ENGINEERING:**  
DANIEL A. SOTELO  
ENGINEERING DESIGN PROFESSIONALS, INC.  
PO BOX 4456  
SAN LUIS OBISPO, CA 93403  
(805) 602-6167

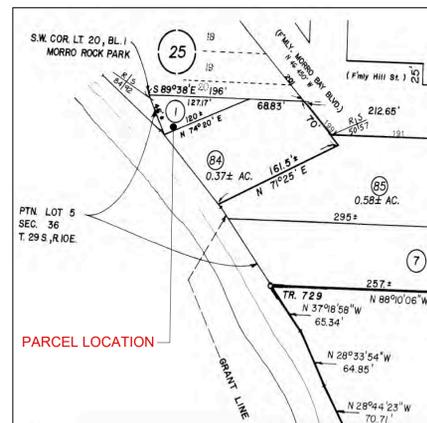
## ABBREVIATIONS

A/C	AIR CONDITIONING	J. BOX	JUNCTION BOX
A.C.	ASPHALT CONCRETE	JT.	JOINT
A.D.A.	AMERICAN DISABILITIES ACT	KIT.	KITCHEN
ADMIN.	ADMINISTRATION	L.	LENGTH
A.F.F.	ABOVE FINISHED FLOOR	LAM.	LAMINATE
AGGR.	AGGREGATE	LAV.	LAVATORY
ALUM.	ALUMINUM	MATL.	MATERIAL
ALT.	ALTERNATE	MAX.	MAXIMUM
ANOD.	ANODIZED	MECH.	MECHANICAL
APPROX.	APPROXIMATE	MEMB.	MEMBRANE
ARCH.	ARCHITECTURAL	MFR.	MANUFACTURER
AUTO.	AUTOMATIC	MIN.	MINIMUM
BD.	BOARD	MISC.	MISCELLANEOUS
BLDG.	BUILDING	MTD.	MOUNTED
BLKG.	BLOCKING	MTL.	METAL
BM.	BEAM	(N)	NEW
BOT.	BOTTOM	NO.	NUMBER
CAB.	CABINET	NOM.	NOMINAL
CEM.	CEMENT	N.T.S.	NOT TO SCALE
CER.	CERAMIC		
C.I.	CAST IRON	o/	OVER
CLG.	CEILING	O.C.	ON CENTER
CLO.	CLOSE	O.D.	OUTSIDE DIAMETER
CLR.	CLEAR	O.H.	OVERHEAD
C.M.U.	CONCRETE MASONRY UNIT	(P)	PROPOSED
CNTR.	CENTER	PL.	PLATE
COL.	COLUMN	PLAS.	PLASTER
CONC.	CONCRETE	PLYWD	PLYWOOD
CONST.	CONSTRUCTION	PR.	PAIR
CONT.	CONTINUOUS	PT.	POINT
		P.T.	PRESSURE TREATED
DBL.	DOUBLE	PVC	POLYVINYL CHLORIDE
DEMO.	DEMOLITION	Q.T.	QUARRY TILE
DEPT.	DEPARTMENT		
DET.	DETAIL	RAD.	RADIUS
DIA.	DIAMETER	REF.	REFERENCE
DIAG.	DIAGONAL	REFR.	REFRIGERATOR
DN.	DIMENSION	REQ.	REQUIRED
DN.	DOWN	RM.	ROOM
DR.	DOOR	R.W.L.	RAINWATER LEADER
DWG.	DRAWING		
(E)	EXISTING	SCHED.	SCHEDULE
EA.	EACH	S.F.	SQUARE FOOT
EL.	ELEVATION	S.F.M.	STATE FIRE MARSHALL
ELEC.	ELECTRICAL	SHT.	SHEET
ELEV.	ELEVATION	SHTG.	SHEATHING
EQ.	EQUAL	SIM.	SIMILAR
EQUIP.	EQUIPMENT	S.M.	SHEET METAL
EXP.	EXPANSION	S.M.S.	SHEET METAL SCREWS
EXT.	EXTERIOR	SPEC.	SPECIFICATION
		SQ.	SQUARE
F.D.	FLOOR DRAIN	S.S.	STAINLESS STEEL
F.E.	FIRE EXTINGUISHER	STD.	STANDARD
F.F.	FINISHED FLOOR	STL.	STEEL
FIN.	FINISHED	STOR.	STORAGE
FL.	FLOOR	STRUCT.	STRUCTURAL
FLASH.	FLASHING	SUSP.	SUSPENDED
FLUOR.	FLUORESCENT	SYM.	SYMMETRICAL
F.O.	FACE OF	T.B.B.	TOP AND BOTTOM
F.O.B.	FACE OF BUILDING	T.B.R./D.	TO BE REMOVED/DEMOLISHED
F.O.C.	FACE OF CONCRETE	TEMP.	TEMPERED
F.O.F.	FACE OF FINISH	T.&G.	TONGUE AND GROOVE
F.O.M.	FACE OF MASONRY	THK.	THICK
F.O.S.	FACE OF STUD	THRES.	THRESHOLD
F.O.W.	FACE OF WALL	T.O.	TOP OF
FTG.	FOOTING	T.O.B.	TOP OF BEAM
FURR.	FURRING	T.O.C.	TOP OF CONCRETE
		TOIL.	TOILET
GA.	GAUGE	T.O.W.	TOP OF WALL
GALV.	GALVANIZED	T.V.	TELEVISION
G.B.	GYP SUM BOARD	TYP.	TYPICAL
GL.	GLASS	V.C.T	VINYL COMPOSITION TILE
GYP. BD.	GYP SUM WALLBOARD	VERT.	VERTICAL
		VTR.	VENT THRU ROOF
H.B.	HOSE BIB	w/	WITH
H.C.	HOLLOW CORE	W.C.	WATER CLOSET
HDR.	HEADER	WD.	WOOD
HDWD.	HARDWOOD	W.H.	WATER HEATER
HDW.	HARDWARE	w/o	WITHOUT
H.M.	HOLLOW METAL	WP.	WATERPROOFING
HR.	HOUR		
HT.	HEIGHT		
H.V.A.C.	HEATING/VENTILATION/AIR CONDITIONING		
ID.	INSIDE DIAMETER		
IN.	INCH		
INCL.	INCLUDE		
INFO.	INFORMATION		
INSUL.	INSULATION		
INT.	INTERIOR		

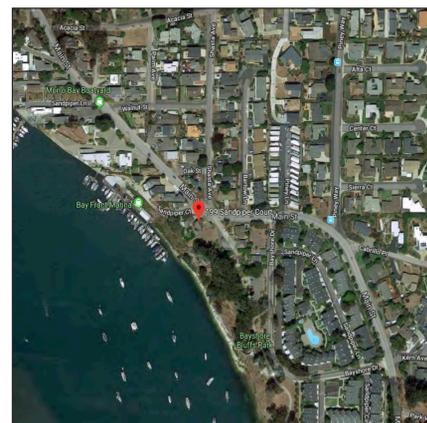
## SYMBOLS

- DETAIL CALL-OUT**  
DETAIL NUMBER + SHEET NUMBER
- SECTION CALL-OUT**  
SECTION-CUT LETTER + SHEET NUMBER
- DOOR CALL-OUT**  
REFER TO DOOR SCHEDULE
- WINDOW CALL-OUT**  
REFER TO WINDOW SCHEDULE

## PARCEL MAP



## LOCATION MAP



## DRAWING INDEX

**T - PROJECT INFO**

- T 1.0 PROJECT DATA**
- T 1.1 (E) ENVIRONMENTAL SETTING & SURVEYOR MAP SITE OVERLAY**
- T 1.2 SITE TOPO OVERLAY WITH AERIAL**
- T 1.3 SITE PLAN/ LANDSCAPING PLAN**

**C - CIVIL**

- C1 NOTE SHEET (ENG. DESIGN PROF.)**
- C2 GRADING AND UTILITY PLAN (ENG. DESIGN PROF.)**
- C3 DETAIL SHEET (ENG. DESIGN PROF.)**
- EX1 SWEEP PATH ANALYSIS, PARKING (ENG. DESIGN PROF.)**
- C4 EROSION CONTROL PLAN (ENG. DESIGN PROF.)**

**A - ARCHITECTURAL**

- A 0.0 ARCHITECTURAL CONCEPT**
- A 1.0 (P) FLOOR PLANS**
- A 1.1 (P) ELEVATIONS &**
- CB COLOR BOARD**

## PUBLIC WORKS NOTES

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 permit application and requirements are available on the City's website at the following location:  
<https://www.morro-bay.ca.us/1977/Public-Works>.  
\* A standard encroachment permit shall be required for the proposed driveway; 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 a temporary encroachment permit within the City right-of-way.  
\* Any temporarily blocked off parking space(s) or street requires an encroachment permit. A traffic control plan is also required for any temporary lane closures or street traffic adjustments.

Legal Description:  
APN: 066-391-001  
City of Morro Bay

Bean Project

Owner/ Site Address:  
Sandy Bean  
197 Main st.  
Morro Bay, CA 93412

Crizer Design  
Company, Inc.  
P.O. Box 6952 Los Osos, CA 93412  
Ph. (805) 528-4812 Fax 528-2325

Date: 1/21/20  
Drawn By: DN  
Scale: 1/4" = 1'-0"  
u.n.o.

T 1.0



## ENVIRONMENTAL SETTING

Revisions:	
A	4/03/2020
B	4/27/2021
C	10/18/2021
D	

Legal Description:  
 APN: 066-391-001  
 City of Morro Bay

# Bear Project

Owner/Site Address:  
 Sandy Bear  
 197 Main St.  
 Morro Bay, CA 93412

Crizer Design  
 Company, Inc.  
 P.O. Box 6952 Los Osos, CA 93412  
 Ph. (805) 528-4812 Fax 528-2325

Date: 1/21/20  
 Drawn By: DN  
 Scale: 1/4" = 1-0'  
 u.n.s.

T 1.1



Revisions:

A	4/03/2020
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 APN: 066-391-001  
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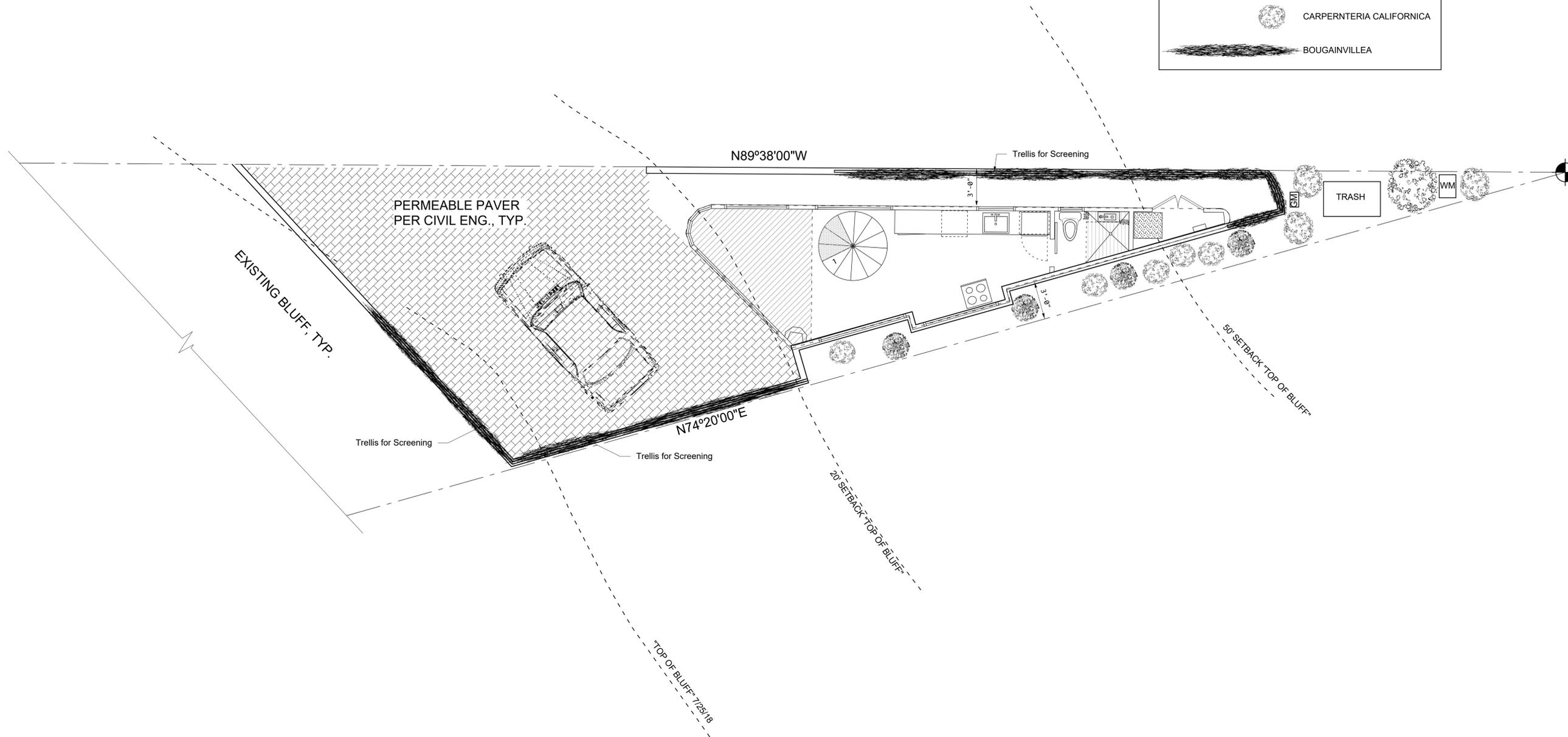
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Date: 1/21/20  
 Drawn By: DN  
 Scale: 1/4" = 1'-0"  
 u.n.o.

**T 1.3**

### PLANT LEGEND

	LIMONIUM PEREZII
	CARPERNTERIA CALIFORNICA
	BOUGAINVILLEA



## (P) SITE PLAN / LANDSCAPING PLAN

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

GENERAL NOTES

- 1. NO CONSTRUCTION SHALL BE STARTED WITHOUT PLANS APPROVED BY THE CITY BUILDING DEPARTMENT...
2. FOR ANY CONSTRUCTION PERFORMED THAT IS NOT IN COMPLIANCE WITH PLANS OR PERMITS APPROVED FOR THE PROJECT...
3. ALL CONSTRUCTION WORK AND INSTALLATIONS SHALL CONFORM TO THE MOST CURRENT CITY OF MORRO BAY BUILDING DEPARTMENT STANDARDS...
4. THE PROJECT OWNER AND CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND/OR MAINTAINING ALL WEATHER ACCESS AT ALL TIMES TO EXISTING PROPERTIES...
5. ON-SITE HAZARDS TO PUBLIC SAFETY SHALL BE SHIELDED BY CONSTRUCTION FENCING...
6. SOILS TESTS SHALL BE DONE IN ACCORDANCE WITH THE CITY PUBLIC IMPROVEMENT STANDARDS...
7. ROADWAY COMPACTION TESTS SHALL BE MADE ON SUBGRADE MATERIAL...
8. SUBGRADE MATERIAL SHALL BE COMPACTED TO A RELATIVE COMPACTION OF 95% IN THE ZONE BETWEEN FINISHED SUBGRADE ELEVATION AND A MINIMUM OF ONE FOOT BELOW...
9. A REGISTERED CIVIL ENGINEER SHALL CERTIFY THAT THE IMPROVEMENTS WHEN COMPLETED ARE IN ACCORDANCE WITH THE PLANS PRIOR TO THE REQUEST FOR A FINAL INSPECTION...
10. AN ENGINEER OF WORK AGREEMENT AND AN ENGINEER CHECKING AND INSPECTION AGREEMENT ARE REQUIRED PRIOR TO THE START OF CONSTRUCTION...
11. ALL UTILITY COMPANIES SHALL BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION...
12. A CITY ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK DONE WITHIN THE CITY RIGHT-OF-WAY...
13. THE CITY INSPECTOR ACTING ON BEHALF OF THE CITY BUILDING DEPARTMENT MAY REQUIRE REVISIONS IN THE PLANS TO SOLVE UNFORESEEN PROBLEMS...
14. HYDROSEEDING OR OTHER PERMANENT EROSION CONTROL SHALL BE PLACED AND ESTABLISHED WITH 90% COVERAGE ON ALL DISTURBED SURFACES...
15. FOR ANY PUBLIC IMPROVEMENTS TO BE MAINTAINED BY THE CITY...
15.a. SUBMIT A COPY OF ALL SUCH COMPLETED PERMITS TO THE CITY BUILDING DEPARTMENT OR...
15.b. DOCUMENT THAT THE REGULATORY AGENCIES DETERMINED THAT SAID PERMIT IS NOT REQUIRED...
16. WHEN THE PROJECT SITE EARTHWORK IS NOT INTENDED TO BE BALANCE THEN A SEPARATE GRADING PERMIT FOR THE SENDING OR RECEIVING PROPERTY MAY BE REQUIRED...
17. EXISTING SEWER MAIN THE IN LOCATION TO BE PROJECT AND INVERT ELEVATION TO BE FIELD VERIFIED BY CONTRACTOR FOR MINIMUM LATERAL SLOPE PRIOR TO CONSTRUCTION.

PROJECT REPORT REQUIREMENTS

FINAL REPORTS
FINAL REPORTS SHALL BE REQUIRED IN ACCORDANCE WITH U.B.C. SECTION 3318.1

PAD CERTIFICATION REQUIREMENT
A SOIL OR CIVIL ENGINEER SHALL DETERMINE GRADING PERFORMED FOR THIS PROJECT IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS AND IS SUITABLE TO SUPPORT THE INTENDED STRUCTURE(S).

SOIL REPORT REQUIREMENTS
THE SOIL REPORT 18514 DATED FEBRUARY 26, 2021 BY MID-COAST GEOTECHNICAL, INC., OBSERVATIONS AND RECOMMENDATIONS SHALL BE FOLLOWED. A REPRESENTATIVE OF THE GEOTECHNICAL SERVICES SHALL OBSERVE ALL APPLICATIONS REGARDING GENERAL GRADING, PAD GRADING, SLOPE CONSTRUCTION, UTILITY TRENCHES AND FOUNDATION CONSTRUCTION.

CITY OF MORRO BAY NOTICES

- 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.

FLOOD ZONE INFORMATION

THE ENTIRE PROPERTY LIES WITHIN ZONE X, AN AREA OF MINIMAL FLOOD HAZARD PER FEMA PANEL NO. 06079C1026H, EFFECTIVE DATE 5/16/2017.

BENCHMARK

NGS PID FV041 - BRASS CAP SET IN THE TOP OF A CONCRETE BLOCK CONTAINING A CENTENNIAL STAIRWAY BRASS PLAQUE STAMPED 'S 1935'
ELEVATION = 36.5 (NAVD 88 DATUM)
NOTE: THERE IS NO PUBLISHED ACCURACY FOR THIS BENCHMARK. IT HAS BEEN USED ONLY TO PROVIDE A RETRIEVABLE REFERENCE POINT.

ON SITE 'T.B.M.':
SET SCRIBED '+' IN TOP OF CURB AS SHOWN.
ELEVATION = 35.01 FEET.

DISCLAIMER NOTE:

EXISTING UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL EXISTING UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.

PROJECT PRE-CONSTRUCTION MEETING

PRIOR TO START OF CONSTRUCTION, A PRE-CONSTRUCTION MEETING SHALL BE SCHEDULED WITH THE REPRESENTATIVE OF THE CITY OF MORRO BAY, THE CIVIL ENGINEER OF RECORD, THE SOILS ENGINEER OF RECORD, THE GRADING CONTRACTOR OF RECORD, THE OWNER/DEVELOPER, AND OTHERS REQUIRED TO IMPLEMENT AND TO SUPPORT THIS PROJECT. THE OWNER/DEVELOPER SHALL COORDINATE THIS MEETING WITH THE CITY REPRESENTATIVE AND OTHER PARTIES.

OBSERVATION AND TESTING PROGRAM

THE SOILS ENGINEER OF RECORD SHALL OBSERVE THE FOLLOWING TASKS:
1. PLACEMENT, BACKFILL, AND COMPACTION OF FILL MATERIAL.
BI-WEEKLY REPORTS ARE REQUIRED BY THE SOILS ENGINEER OF RECORD TO THE GRADING INSPECTOR, MONITORING THE JOB PROGRESS INCLUDING THE STATUS OF EROSION & SEDIMENTATION MONITORING.

A FINAL REPORT IS REQUIRED FOR ENGINEERING GRADING INCLUDING ALL COMPACTION REPORTS.

PROJECT SURVEY MONUMENTS

EXISTING SURVEY MONUMENTS SHALL BE TIED OUT OR REPLACED IN ACCORDANCE WITH CITY STANDARDS AND SPECIFICATIONS

GRADING NOTES

- 1. ALL GRADING CONSTRUCTION SHALL CONFORM TO THE APPLICABLE CODES AS NOTED UNDER 'APPLICABLE CODES' HEADING.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR SCHEDULING A PRE-CONSTRUCTION MEETING WITH THE COUNTY AND OTHER AFFECTED AGENCIES. THE CONTRACTOR SHALL NOTIFY THE COUNTY BUILDING DEPARTMENT AT LEAST 24 HOURS PRIOR TO ANY WORK BEING PERFORMED, AND ARRANGE FOR INSPECTION.
3. GRADING SHALL COMPLY WITH THE RECOMMENDATIONS OF THE PRELIMINARY SOILS REPORT 18514 BY MID-COAST GEOTECHNICAL, INC., DATE FEBRUARY 26, 2021 FILED WITH THE CITY OF MORRO BAY.
4. SOILS ENGINEER TO DETERMINE THE SOIL IS SUITABLE TO SUPPORT THE INTENDED STRUCTURE. SUCH REPORT INCLUDING PROGRESS AND/OR COMPACTION REPORTS SHALL BE SUBMITTED TO THE FIELD INSPECTOR PRIOR TO FINAL INSPECTION WHEN A SOILS REPORT IS OBTAINED. THE COUNTY POLICY REGARDING PAD CERTIFICATION SHALL BE FOLLOWED. WHEN APPLICABLE THE ENGINEER SHALL OBSERVE THE GRADING OPERATION(S) AND PROVIDE THE FIELD INSPECTOR WITH REQUIRED COMPACTION REPORTS AND A REPORT STATING THAT THE GRADING PERFORMANCE HAS BEEN OBSERVED AND IS IN CONFORMANCE WITH THE UBC AND COUNTY ORDINANCES.
5. NO CUT OR FILL SLOPES WILL BE CONSTRUCTED STEEPER THAN TWO HORIZONTAL TO ONE VERTICAL (2:1).
6. DUST CONTROL IS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
7. AREAS OF FILL SHALL BE SCARIFIED, BENCHED AND RECOMPACTED PRIOR TO REPLACING FILL AND OBSERVED BY A SOIL OR CIVIL ENGINEER.
8. FILL MATERIAL WILL BE RECOMPACTED TO 90% OF MAXIMUM DENSITY.
9. REMOVE ANY DELETERIOUS MATERIAL ENCOUNTERED BEFORE PLACING FILL.
10. ALL DISTURBED AREAS SHALL BE HYDRO SEEDED OR PLANTED WITH APPROVED EROSION CONTROL VEGETATION AS SOON AS PRACTICAL AFTER CONSTRUCTION IS COMPLETE.
11. MINIMUM SETBACK TO CREEKS AND BLUFFS SHALL BE MAINTAINED. MINIMUM SETBACK OF TWO FEET FROM ALL PROPERTY LINES WILL BE MAINTAINED FOR ALL GRADING.
12. MINIMUM SLOPE AWAY FROM BUILDINGS SHALL BE 5% FOR THE FIRST TEN FEET AROUND PERIMETER.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SURVEY MARKERS DURING CONSTRUCTION. ALL SUCH MONUMENTS OR MARKERS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
14. ALL CONTRACTORS AND SUBCONTRACTORS WORKING WITHIN THE RIGHT OF WAY SHALL HAVE AN APPROPRIATE CONTRACTOR'S LICENSE, A LOCAL BUSINESS LICENSE, AND SHALL OBTAIN AN ENCROACHMENT PERMIT.
15. ENGINEERING REPORTS FOR CUT OR FILL SLOPE STEEPER THAN 2:1 SHALL BE SUBMITTED TO THE FIELD INSPECTOR.

SPECIAL INSPECTOR

SOILS SPECIAL INSPECTOR:
A. DANE JENSEN

EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES FOR WIND, WATER, MATERIAL STOCKPILES, AND TRACKING SHALL BE IMPLEMENTED ON ALL PROJECTS AT ALL TIMES AND SHALL INCLUDE SOURCE CONTROL, INCLUDING PROTECTION OF STOCKPILES, PROTECTION OF SLOPES, PROTECTION OF ALL DISTURBED AREAS, PROTECTION OF ACCESSSES, AND PERIMETER CONTAINMENT MEASURES. EROSION CONTROL SHALL BE PLACED PRIOR TO THE COMMENCEMENT OF GRADING AND SITE DISTURBANCE ACTIVITIES UNLESS THE BUILDING DEPARTMENT DETERMINES TEMPORARY MEASURES TO BE UNNECESSARY BASED UPON LOCATION, SITE CHARACTERISTICS OR TIME OF YEAR. THE INTENT OF EROSION CONTROL MEASURES SHALL BE TO KEEP ALL GENERATED SEDIMENTS FROM ENTERING A SWALE, DRAINAGE WAY, WATERCOURSE, ATMOSPHERE, OR MIGRATE OUTO ADJACENT PROPERTIES OR ONTO THE PUBLIC RIGHT-OF-WAY.

2. PLACE INSPECTIONS AND APPROPRIATE MAINTENANCE OF ALL EROSION CONTROL MEASURES/DEVICES SHALL BE CONDUCTED AND DOCUMENTED AT ALL TIMES DURING CONSTRUCTION AND ESPECIALLY PRIOR TO, DURING, AND AFTER RAIN EVENTS.

3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PLACEMENT AND MAINTENANCE OF ALL EROSION CONTROL MEASURES/DEVICES AS SPECIFIED BY THE APPROVED PLAN UNTIL SUCH TIME THAT THE PROJECT IS ACCEPTED AS COMPLETE BY THE BUILDING DEPARTMENT OR UNTIL RELEASED FROM THE CONDITIONS OF APPROVAL OF THEIR GENERAL PERMIT. EROSION CONTROL MEASURES/DEVICES MAY BE RELOCATED, DELETED OR ADDITIONAL MEASURES/DEVICES MAY BE REQUIRED DEPENDING ON THE ACTUAL CONDITIONS ENCOUNTERED DURING CONSTRUCTION. ADDITIONAL EROSION CONTROL MEASURES/DEVICES SHALL BE PLACED AT THE DISCRETION OF THE ENGINEER OF WORK, CITY INSPECTOR, SWPPP MONITOR, OR RWOCB INSPECTOR. GUIDELINES FOR DETERMINING APPROPRIATE EROSION CONTROL DEVICES SHALL BE INCLUDED IN THE PLANS WITH ADDITIONAL MEASURES/DEVICES NOTED FROM THE APPENDIX OF THE PUBLIC IMPROVEMENT STANDARDS.

4. WET WEATHER EROSION CONTROL MEASURES/DEVICES SHALL BE AVAILABLE, INSTALLED, AND/OR APPLIED BETWEEN OCTOBER 15 AND APRIL 15 OR ANYTIME WHEN THE RAIN PROBABILITY EXCEEDS 30%.

5. THE CONTRACTOR, DEVELOPER, AND ENGINEER OF WORK SHALL BE RESPONSIBLE TO REVIEW THE PROJECT SITE PRIOR TO OCTOBER 15 (RAINY SEASON) AND TO COORDINATE AN IMPLEMENTATION PLAN FOR WET WEATHER EROSION CONTROL DEVICES. A LOCALLY BASED STANDBY CREW FOR EMERGENCY WORK SHALL BE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON (OCTOBER 15 THROUGH APRIL 15). NECESSARY MATERIALS SHALL BE AVAILABLE AND STOCK PILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OR MAINTENANCE OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.

6. IN THE EVENT OF A FAILURE, THE DEVELOPER AND/OR HIS REPRESENTATIVE SHALL BE RESPONSIBLE FOR CLEANUP AND ALL ASSOCIATED COSTS OR DAMAGE. IN THE EVENT THAT DAMAGE OCCURS WITHIN THE RIGHT-OF-WAY AND THE CITY IS REQUIRED TO PERFORM CLEANUP, THE OWNER SHALL BE RESPONSIBLE FOR CITY REIMBURSEMENT OF ALL ASSOCIATED COSTS OR DAMAGE.

7. IN THE EVENT OF FAILURE AND/OR LACK OF PERFORMANCE BY THE OWNER AND/OR CONTRACTOR TO CORRECT EROSION CONTROL RELATED PROBLEMS THE BUILDING DEPARTMENT MAY REVOKE ALL ACTIVE PERMITS AND RECOMMEND THAT CITY CODE ENFORCEMENT PROVIDE A WRITTEN NOTICE OR STOP WORK ORDER.

8. PERMANENT EROSION CONTROL SHALL BE PLACED AND ESTABLISHED WITH 90% COVERAGE ON ALL DISTURBED SURFACES OTHER THAN PAVED OR GRAVEL SURFACES. PRIOR TO FINAL INSPECTION, PERMANENT EROSION CONTROL SHALL BE FULLY ESTABLISHED PRIOR TO FINAL ACCEPTANCE. TEMPORARY EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL PERMANENT MEASURES ARE ESTABLISHED.

9. THE COUNTY AIR POLLUTION CONTROL DISTRICT (APCD) MAY HAVE ADDITIONAL PROJECT SPECIFIC EROSION CONTROL REQUIREMENTS. THE CONTRACTOR, DEVELOPER, AND ENGINEER OF WORK SHALL BE RESPONSIBLE FOR MAINTAINING SELF-REGULATION OF THESE REQUIREMENTS.

10. ALL PROJECTS INVOLVING SITE DISTURBANCE OF ONE ACRE OR GREATER SHALL COMPLY WITH THE REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). THE DEVELOPER SHALL SUBMIT A NOTICE OF INTENT (NOI) TO COMPLY WITH THE GENERAL PERMIT FOR CONSTRUCTION ACTIVITY WITH THE REGIONAL WATER QUALITY CONTROL BOARD (RWQCB). THE DEVELOPER SHALL PROVIDE THE CITY WITH THE WASTE DISCHARGE IDENTIFICATION NUMBER (WID#) OR WITH VERIFICATION THAT AN EXEMPTION HAS BEEN GRANTED BY RWQCB.

WOID NO: N/A LESS THAN ONE ACRE SITE DISTURBANCE
PERSON TO CONTACT 24 HOURS A DAY IN THE EVENT THERE IS AN EROSION CONTROL/SEDIMENTATION PROBLEM (STORM WATER COMPLIANCE OFFICER):
NAME: XXXXXXXX
LOCAL PHONE: (805) XXX-XXXX

GRADING AND VEGETATION REMOVAL

TO CONTROL EROSION, ACTUAL GRADING SHALL BEGIN WITHIN 30 DAYS OF VEGETATION REMOVAL OR THAT AREA SHALL BE PLANTED, NO VEGETATION REMOVAL OR GRADING WILL BE ALLOWED WHICH WILL RESULT IN THE SILTATION OF WATER COURSE OR UNCONTROLLABLE EROSION.

EROSION CONTROL & INSPECTIONS

EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES MUST BE IN PLACE AND FUNCTIONAL PRIOR TO THE FIRST INSPECTION. NO INSPECTIONS CAN BE PERFORMED IF THEY ARE NOT IN PLACE OR HAVE FAILED TO PROVIDE EROSION CONTROL. FAILURE TO MAINTAIN EROSION CONTROL WILL CAUSE INSPECTIONS TO BE DELAYED UNTIL EROSION CONTROL MEASURES ARE FUNCTIONAL.

PRE-STORM INSPECTIONS SHALL BE CONDUCTED TO ENSURE THAT BEST MANAGEMENT PRACTICES (BMPs) ARE APPROPRIATELY INSTALLED AND MAINTAINED POST-STORM INSPECTIONS SHALL BE CONDUCTED TO ENSURE THAT BMPs HAVE FUNCTIONED ADEQUATELY. BMPs SHALL BE EVALUATED FOR ADEQUACY AND PROPER IMPLEMENTATION AND WHETHER ADDITIONAL BMPs ARE REQUIRED IN ACCORDANCE WITH THE TERMS OF THE GENERAL PERMIT. QUALIFIED PERSONNEL SHALL CONDUCT INSPECTIONS OF THE SITE:

- 1. PRIOR TO ANTICIPATED STORM EVENTS
2. DURING EXTENDED STORM EVENTS IN 24-HOUR INTERVALS
3. AFTER ACTUAL STORM EVENTS

SPECIAL INSPECTIONS

- 1. ALL CONSTRUCTION & INSPECTIONS SHALL CONFORM TO 2019 CALIFORNIA BUILDING CODE (CBC) CHAPTER 17.
2. SPECIAL INSPECTION REQUIREMENT ARE REQUIRED FOR THIS PROJECT. THE OWNER OR REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE ACTING AS THE OWNER'S AGENT SHALL EMPLOY ONE OR MORE SPECIAL INSPECTORS TO PROVIDE INSPECTIONS DURING CONSTRUCTION ON ALL TASKS IDENTIFIED BELOW.
3. SPECIAL INSPECTORS SHALL BE A QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE, TO THE SATISFACTION OF THE CITY BUILDING DEPARTMENT, NAMES AND QUALIFICATIONS OF SPECIAL INSPECTOR(S) SHALL BE SUBMITTED TO THE CITY BUILDING DEPARTMENT FOR APPROVAL.
4. EACH CONTRACTOR RESPONSIBLE FOR THE CONSTRUCTION OF COMPONENTS LISTED IN THE SPECIAL INSPECTIONS SHALL SUBMIT A WRITTEN STATEMENT OF RESPONSIBILITY TO THE CITY BUILDING DEPARTMENT AND THE OWNER PRIOR TO THE COMMENCEMENT OF WORK. THE STATEMENT SHALL CONTAIN THE ITEMS LISTED IN CBC 1706.1.
5. A FINAL REPORT PREPARED BY A SOIL OR CIVIL ENGINEER SHALL BE SUBMITTED TO THE FIELD INSPECTOR STATING THE WORK PERFORMED IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS, APPLICABLE CODES, AND IS FOUND TO BE SUITABLE TO SUPPORT THE INTENDED STRUCTURE. SUCH REPORT SHALL INCLUDE ANY FIELD PROGRESS REPORTS, COMPACTION DATA ETC.

SECTION 1705, STATEMENT OF SPECIAL INSPECTIONS:

• 1705.1 GENERAL, WHERE SPECIAL INSPECTION OR TESTING IS REQUIRED BY SECTION 1704, 1707 OR 1708, THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE SHALL PREPARE A STATEMENT OF SPECIAL INSPECTIONS IN ACCORDANCE WITH SECTION 1705 FOR SUBMITTAL BY THE PERMIT APPLICATION (SEE SECTION 1704.1.1).

• 1705.2 CONTENT OF STATEMENT OF SPECIAL INSPECTIONS, THE STATEMENT OF SPECIAL INSPECTIONS SHALL IDENTIFY THE FOLLOWING:

- a. THE MATERIALS, SYSTEMS, COMPONENTS AND WORK REQUIRED TO HAVE SPECIAL INSPECTION OR TESTING BY THE BUILDING OFFICIAL OR BY THE REGISTERED DESIGN PROFESSIONAL RESPONSIBLE FOR EACH PORTION OF THE WORK.
b. THE TYPE AND EXTENT OF EACH SPECIAL INSPECTION.
c. THE TYPE AND EXTENT OF EACH TEST.
d. ADDITIONAL REQUIREMENTS FOR SPECIAL INSPECTION OR TESTING FOR SEISMIC OR WIND RESISTANCE AS SPECIFIED IN SECTION 1705.3, 1705.4, 1707 OR 1708.
e. FOR EACH TYPE OF SPECIAL INSPECTION, IDENTIFICATION AS TO WHETHER IT WILL BE CONTINUOUS SPECIAL INSPECTION OR PERIODIC SPECIAL INSPECTION.

SECTION (TABLE) 1704.7, REQUIRED VERIFICATION AND INSPECTION OF SOILS.

- a. VERIFY MATERIALS BELOW FOOTINGS ARE ADEQUATE TO ACHIEVE THE DESIGN BEARING CAPACITY SHALL BE PERFORMED PERIODICALLY DURING TASK.
b. VERIFY EXCAVATIONS ARE EXTENDED TO PROPER DEPTH AND HAVE REACHED PROPER MATERIAL, SHALL BE PERFORMED PERIODICALLY DURING TASK.
c. PERFORM CLASSIFICATION AND TESTING OF CONTROLLED FILL MATERIALS, SHALL BE PERFORMED PERIODICALLY DURING TASK.
d. VERIFY USE OF PROPER MATERIALS, DENSITIES AND LIFT THICKNESSES DURING PLACEMENT AND COMPACTION OF CONTROLLED FILL, SHALL BE PERFORMED CONTINUOUSLY DURING TASK.

• AN EFFORT HAS BEEN MADE TO DEFINE THE LOCATION OF UNDERGROUND FACILITIES WITHIN THE JOB SITE. HOWEVER, ALL EXISTING UTILITY AND OTHER UNDERGROUND STRUCTURES MAY NOT BE SHOWN ON THIS PLAN AND THEIR LOCATION WHERE SHOWN IS APPROXIMATE. THE CONSTRUCTION CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR LOCATING OR HAVING LOCATED ALL UNDERGROUND UTILITIES AND OTHER FACILITIES AND FOR PROTECTING THEM DURING CONSTRUCTION.

2. ALL UTILITY COMPANIES MUST BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION. THE CONSTRUCTION CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT 811 TWO TO TEN DAYS PRIOR TO THE START OF EXCAVATION AND SHALL VERIFY THE LOCATION OF ANY KNOWN UTILITIES AND WHETHER OR NOT A REPRESENTATIVE OF EACH COMPANY WILL BE PRESENT DURING EXCAVATION.

3. ALL UTILITY COMPANIES MUST BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE FINAL UTILITY DESIGN WITH THE UTILITY COMPANIES AND ADDRESS OVERHEAD AND UNDERGROUND DESIGN CONSTRAINTS THAT MAY IMPACT THE PROJECT DESIGN PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY ENGINEERING DESIGN PROFESSIONALS, INC. IN WRITING OF ANY DESIGN CONSTRAINTS THAT MAY IMPACT THE PROJECT IN WRITING PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ON SITE AND OFF SITE UTILITY COORDINATION AND QUANTITY TAKE OFF, AND SHALL BID ACCORDINGLY.

THE SOIL ENGINEER OF WORK SHALL BE DANE JENSEN - 805-461-0965 SOILS REPORT # 18514 THE PROJECT ENGINEER OF WORK SHALL PERFORM THE INSPECTION FOR THE FOLLOWING TASKS:

- ROUGH GRADING & SITE PREPARATION
• FINAL GRADING INSPECTION PRIOR TO FINAL CITY INSPECTION

THE PROJECT ENGINEER OF WORK SHALL BE DANIEL SOTELO OF ENGINEERING DESIGN PROFESSIONALS, INC., RCE 81227, P.O. BOX 4456, SAN LUIS OBISPO, CA 93402, PHONE (805) 602-6167

THE ENGINEER OR WORK SHALL STATE IN WRITING THE WORK IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS.

THE PERSON RESPONSIBLE FOR BMP INSPECTION IS XXXXXX, PHONE (805) XXX-XXXX.

ABBREVIATIONS

Table with 3 columns: Abbreviation, Full Name, and Description. Includes terms like ABAN, AIP, AGG, ALT, etc.

UTILITY NOTES

- 1. AN EFFORT HAS BEEN MADE TO DEFINE THE LOCATION OF UNDERGROUND FACILITIES WITHIN THE JOB SITE. HOWEVER, ALL EXISTING UTILITY AND OTHER UNDERGROUND STRUCTURES MAY NOT BE SHOWN ON THIS PLAN AND THEIR LOCATION WHERE SHOWN IS APPROXIMATE. THE CONSTRUCTION CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR LOCATING OR HAVING LOCATED ALL UNDERGROUND UTILITIES AND OTHER FACILITIES AND FOR PROTECTING THEM DURING CONSTRUCTION.
2. ALL UTILITY COMPANIES MUST BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION. THE CONSTRUCTION CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT 811 TWO TO TEN DAYS PRIOR TO THE START OF EXCAVATION AND SHALL VERIFY THE LOCATION OF ANY KNOWN UTILITIES AND WHETHER OR NOT A REPRESENTATIVE OF EACH COMPANY WILL BE PRESENT DURING EXCAVATION.
3. ALL UTILITY COMPANIES MUST BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE FINAL UTILITY DESIGN WITH THE UTILITY COMPANIES AND ADDRESS OVERHEAD AND UNDERGROUND DESIGN CONSTRAINTS THAT MAY IMPACT THE PROJECT DESIGN PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY ENGINEERING DESIGN PROFESSIONALS, INC. IN WRITING OF ANY DESIGN CONSTRAINTS THAT MAY IMPACT THE PROJECT IN WRITING PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ON SITE AND OFF SITE UTILITY COORDINATION AND QUANTITY TAKE OFF, AND SHALL BID ACCORDINGLY.

SHEET INDEX

Table with 3 columns: No., SHEET, DESCRIPTION. Lists sheets 1 through 5 including Note Sheet, Grading and Utility Plan, Detail Sheet, Swept Path Analysis, and Erosion Control Plan.

EARTHWORK QUANTITIES

AREA OF DISTURBANCE = 0.06 AC
ESTIMATED CUT: 56 CY±
ESTIMATED FILL: 1 CY±
NET = 55 CY± CUT
MAX CUT: 5
MAX FILL: 1

NOTE: EXACT SHRINKAGE, CONSOLIDATION, AND SUBSIDENCE FACTORS AND LOSSES DUE TO CLEARING OPERATIONS ARE NOT INCLUDED. ESTIMATED EARTHWORK QUANTITIES ARE BASED UPON THE DIFFERENCE BETWEEN EXISTING GROUND SURFACE AND PROPOSED FINISH GRADES, AS SHOWN ON THE PLAN, AND SHOULD VARY ACCORDING TO THESE FACTORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SITE INSPECTION AND QUANTITY TAKE OFF, AND SHALL BID ACCORDINGLY.

STORM WATER PROJECT INFORMATION

Table with 2 columns: Field Name and Value. Includes Project Name (Bean Residence), Application Number (CDP19-047), Address and APN (197 Main Street, APN: 066-391-001), Name of Applicant (Sandy Bean), Name of Owner (Sandy Bean), Project Phase Number (N/A), Project Type (Single Family Residence), Project Areas (Total Project Site Area: 2,500 SF, etc.), and Acknowledgement of Performance Requirements that Apply.



Vertical table with columns for Building Permit - 1st Submittal, Building Permit - 2nd Submittal, Building Permit - 3rd Submittal, and a Date column with entries for 8/13/2021, 10/28/2021, and 12/19/2021.

ENGINEERING DESIGN PROFESSIONALS, INC. logo and address: LOS OSOS CA, 805.602.6167 | ED@INCORPORATED.COM

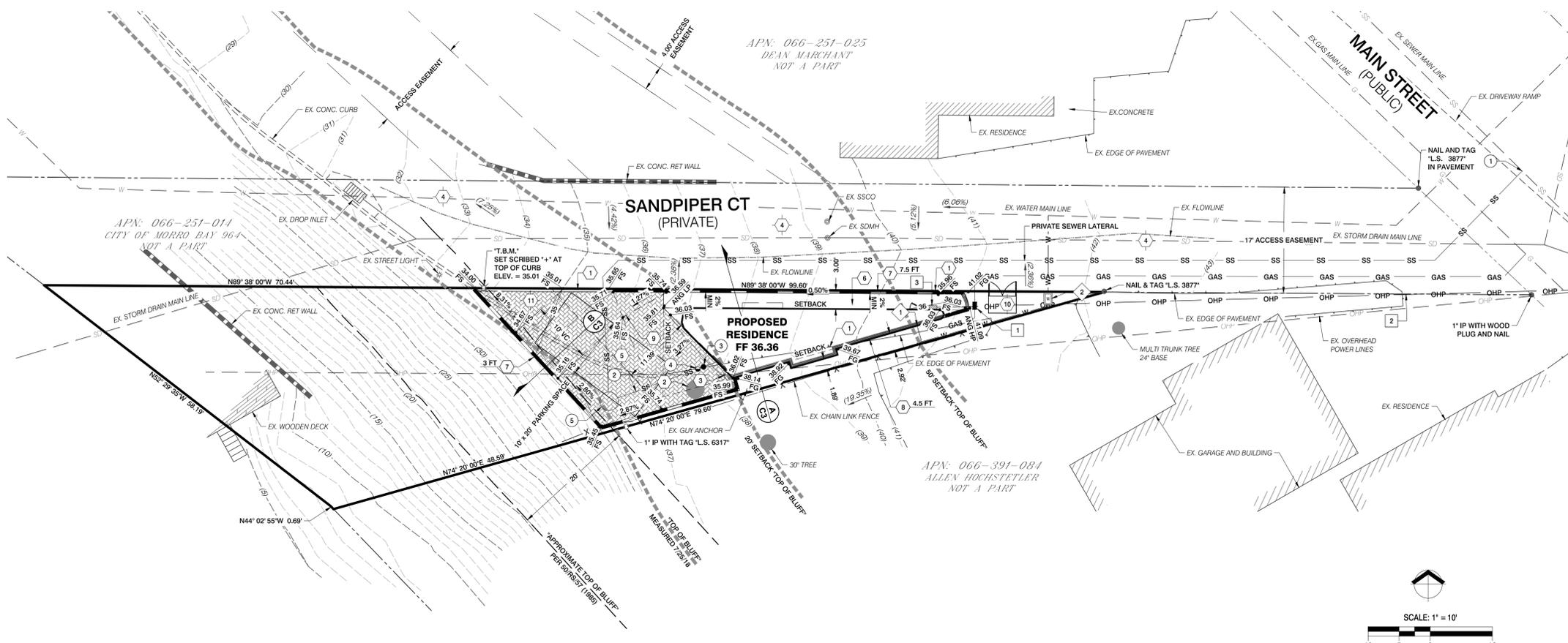
NOTE SHEET, BEAN RESIDENCE, 197 MAIN STREET, MORRO BAY, CA, APN# 066-391-001

Table with columns for Date (12/19/2021), Drafter (DS), Checked (DS), and Scale (NTS).

REGISTERED PROFESSIONAL ENGINEER DANIEL A. SOTELO NO. 81227 CIVIL STATE OF CALIFORNIA EXP. 9/30/23

DATE: 12/19/2021 DRAFTER: DS CHECKED: DS SCALE: NTS

SHEET C1 1 OF 4 SHEETS CDP19-047



**LEGEND**

---	PROPERTY BOUNDARY
---	RIGHT OF WAY
---	PROPERTY LINE
---	SECTION LINE
---	CENTER LINE
---	EASEMENT
---	EXISTING BACK OF CURB
---	EXISTING FACE OF CURB
---	EXISTING LIP OF CURB
---	EXISTING MAJOR CONTOUR LINE
---	EXISTING MINOR CONTOUR LINE
---	EXISTING FENCE
---	EXISTING EDGE OF SIDEWALK
---	BUILDINGS
---	CONCRETE
---	BACK OF CURB
---	FACE OF CURB
---	CURB LIP
---	FLOW LINE
---	GRADE BREAK
---	SAWCUT
---	SIDEWALK
---	SETBACK

**LEGEND**

EXISTING	PROPOSED
000.00 EG	00.00 FG
000.00 EP	00.00 FL
000.00 FL	00.00 HP
000.00 AC	00.00 GB

- CONSTRUCTION NOTES**
- SAWCUT CLEAN EDGE AND REMOVE EXISTING CURB AND ASPHALT.
  - EXISTING TREE TO BE REMOVED.
  - EXISTING POWER POLE TO BE REMOVED AND RELOCATED PER UTILITY COMPANY DIRECTION. CONTRACTOR TO COORDINATE WITH PG&E PRIOR TO CONSTRUCTION.
  - PROTECT IN PLACE.
  - MEET AND MATCH EXISTING ASPHALT WITH WITH PAVER DRIVEWAY PER DETAIL 3, SHEET C3.
  - CONSTRUCT 4" CONCRETE REINFORCED WITH NO. 4 REINFORCING BARS PLACED AT 24 IN O.C. EACH WAY OVER 6" OF APPROVED NON-EXPANSIVE IMPORT OVER 12" OF COMPACTED NATIVE 95% R.C. MATERIAL.
  - CONSTRUCT RETAINING WALL. SEE STRUCTURAL PLANS AND GEOTECHNICAL REPORT FOR DETAILS. CONTRACTOR TO PROVIDE ASPHALTIC WATER PROOFING ON SOIL RETAINING SIDE OF WALL. MAX HEIGHT PER PLAN.
  - STEM WALL. MAX HEIGHT PER PLAN.
  - CONSTRUCT FLOW LINE AS SHOWN.
  - CONSTRUCT TRASH ENCLOSURE PER OWNERS' DIRECTION.
  - CONSTRUCT DRIVEWAY APPROACH PER COMB STANDARD B-7.

- WATER CONSTRUCTION NOTES**
- 2" PVC (SCH 40, OR EQUAL) WITH PRESSURE REGULATOR WATER SERVICE FROM METER TO RESIDENCE PER WATER/GAS SERVICE TRENCH DETAIL 2, SHEET C2. VERIFY IT IS ADEQUATE SIZE WITH FIRE SPRINKLER ENGINEER PRIOR TO CONSTRUCTION, AND ADJUST ACCORDINGLY.
  - INSTALL NEW 1" WATER METER PER CITY OF MORRO BAY STANDARD W-3. CONTRACTOR TO VERIFY WITH FIRE SPRINKLER ENGINEER PRIOR TO CONSTRUCTION.

- SEWER CONSTRUCTION NOTES**
- CONNECT TO EXISTING SEWER MAIN PER COMB DETAIL S-1. CONTRACTOR TO VERIFY THE IN LOCATION AND ELEVATION PRIOR TO CONSTRUCTION. CONTRACTOR TO VERIFY IF SUMP W/ GRINDER PUMP IS REQUIRED PRIOR TO CONSTRUCTION. IF SUMP PUMP AND GRINDER IS NOT REQUIRED THE CONTRACTOR SHALL NOTIFY ENGINEER OF RECORD PRIOR TO CONSTRUCTION.
  - 4" PVC (SDR 35, OR EQUAL) GRAVITY SEWER LATERAL AT 2% MIN. SLOPE FROM POINT OF CONNECTION TO NEW RESIDENCE PER SEWER TRENCH DETAIL 1 AND 4, SHEET C3.
  - SEWER CLEANOUT W/ TRAFFIC RATED LID IF LOCATED IN TRAFFIC AREAS. SEWER CLEAN OUT TO BE PLACED A MINIMUM OF 2' FROM STRUCTURE.
  - BACKWATER VALVE W/ TRAFFIC RATED LID IF LOCATED IN TRAFFIC AREAS. BACKWATER VALVE TO BE PLACED A MINIMUM OF 2' FROM STRUCTURE.
  - INSTALL GRINDER PUMP W/ SEWER MANHOLE AND SUMP PER MANUFACTURER'S SPECIFICATIONS IF REQUIRED.

- UTILITY CONSTRUCTION NOTES**
- INSTALL PE GAS SERVICE (SIZE PER GAS CO.) FROM EXISTING GAS MAIN TO RESIDENCE. TRENCH AND BACK FILL SHALL BE PER WATER/GAS SERVICE TRENCH DETAIL 2, SHEET C3 AND PER COMB STANDARD W-6. VERIFY THE TRENCH DETAIL SATISFIES GAS COMPANY REQUIREMENTS PRIOR TO TRENCHING.
  - OVERHEAD UTILITIES TO BE INSTALLED PER UTILITIES COMPANY DIRECTION. CONTRACTOR TO VERIFY OVERHEAD POWER LINE CLEARANCES PRIOR TO CONSTRUCTION.
  - ELECTRIC METER TO BE SET BY PG&E.

**SITE DATA**

APN No. 066-391-001	ACREAGE: 0.06	ZONING R-1/PD/WF
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**GEOTECHNICAL REPORT**

PROJECT No. 18514	EARTHWORKS CUT = 56 CY
DATED: FEBRUARY 26, 2021	FILL = 1 CY
AS PREPARED BY: MID-COAST GEOTECHNICAL, INC.	NET = 55 CY CUT

**TOPOGRAPHIC SURVEY**

PROJECT No. 133-01
DATED: MARCH, 2019
AS PREPARED BY: JOANN HEAD LAND SURVEYING

**CITY OF MORRO BAY NOTICES**

- 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
- 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.

**FLOOD ZONE INFORMATION**

THE ENTIRE PROPERTY LIES WITHIN ZONE X, AN AREA OF MINIMAL FLOOD HAZARD PER FEMA PANEL NO. 06079C1026H, EFFECTIVE DATE 5/16/2017.

**BENCHMARK**

NGS PID FV0401 - BRASS CAP SET IN THE TOP OF A CONCRETE BLOCK CONTAINING A CENTENNIAL STAIRWAY BRASS PLAQUE STAMPED "S 1935"  
ELEVATION = 36.5 (NAVD 88 DATUM)  
NOTE: THERE IS NO PUBLISHED ACCURACY FOR THIS BENCHMARK. IT HAS BEEN USED ONLY TO PROVIDE A RETRIEVABLE REFERENCE POINT.

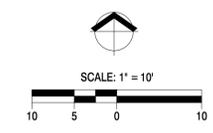
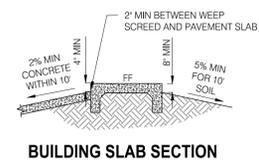
ON SITE "T.B.M.":  
SET SCRIBED "4" IN TOP OF CURB AS SHOWN.  
ELEVATION = 35.01 FEET.

**DISCLAIMER NOTE:**

EXISTING UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL EXISTING UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.

Call before you Dig  
Avoid cutting underground utility lines. It's costly.

Call  
**811**  
OR  
1-800-642-2444



A	1/13/2021	BUILDING PERMIT - 1ST SUBMITTAL	DESCRIPTION
B	10/28/2021	BUILDING PERMIT - 2ND SUBMITTAL	
C	1/21/2022	BUILDING PERMIT - 2ND SUBMITTAL	
REV.	DATE		

**ENGINEERING DESIGN PROFESSIONALS, INC.**  
LOS OSOS CA  
805.602.6167 | EDIPROFESIONAL.COM

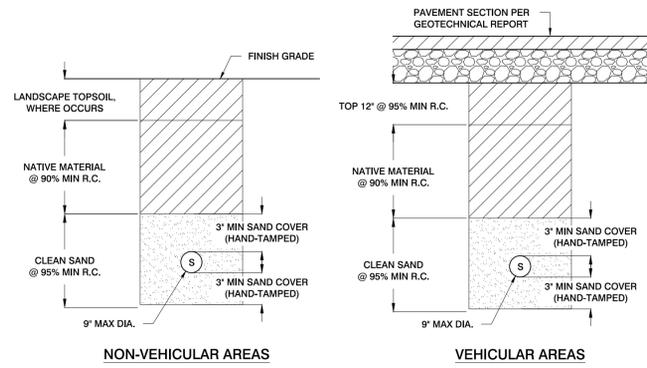
**GRADING AND UTILITY PLAN**

BEAN RESIDENCE  
197 MAIN STREET  
MORRO BAY, CA  
APN# 066-391-001

DATE:	1/21/2022
DRAFTER:	DS
CHECKED:	DS
SCALE:	1"=10'

REGISTERED PROFESSIONAL ENGINEER  
DANIEL A. SOTO  
NO. 81227  
EXP. 9/30/23  
CIVIL  
STATE OF CALIFORNIA

SHEET  
**C2**  
2 OF 4 SHEETS  
CDP19-047

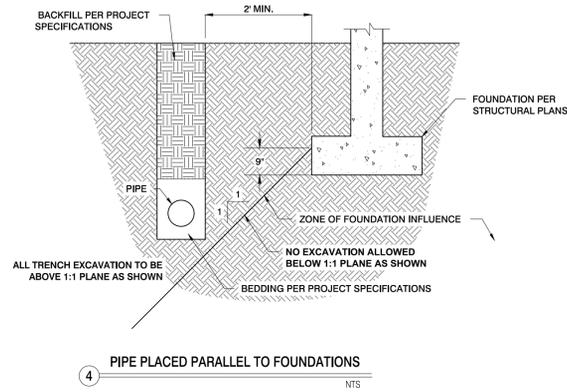


NON-VEHICULAR AREAS

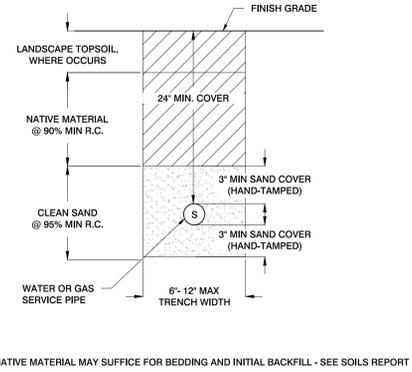
VEHICULAR AREAS

- NOTES:
- NO TREES OR LARGE BUSHES ARE TO BE PLANTED OVER SEWER/STORM DRAIN PIPE
  - NATIVE MATERIAL MAY SUFFICE FOR BEDDING AND INITIAL BACKFILL - SEE SOILS REPORT
  - CONTRACTOR TO INSTALL PIPE PER MANUFACTURER'S SPECIFICATIONS
  - CONTRACTOR TO VERIFY MANUFACTURER'S MIN COVER AND LOADING REQUIREMENTS PRIOR TO CONSTRUCTION
  - ALL PIPES/FITTINGS LOCATED WITHIN OR ABOVE FOUNDATION ZONE OF INFLUENCE SHALL BE WATER TIGHT. CONTRACTOR TO VERIFY ZONE OF INFLUENCE LOCATION WITH GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION

1 STORM DRAIN/SEWER TRENCH (3" DIA. AND LARGER PIPES) NTS



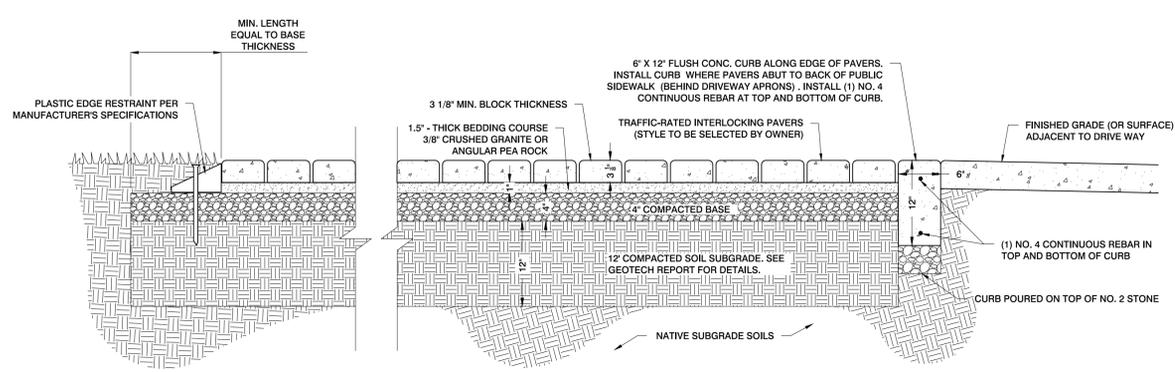
4 PIPE PLACED PARALLEL TO FOUNDATIONS NTS



\*NATIVE MATERIAL MAY SUFFICE FOR BEDDING AND INITIAL BACKFILL - SEE SOILS REPORT

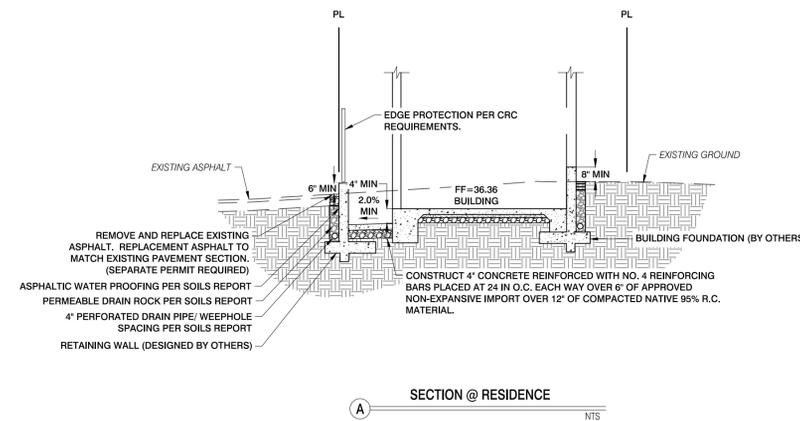
- NOTES:
- NO TREES OR LARGE BUSHES ARE TO BE PLANTED OVER WATER/GAS SERVICES
  - WATER SERVICE PIPE AND FITTINGS ARE TO BE SCHEDULE 40 PVC W/SOLVENT-WELD JOINTS
  - GAS SERVICE PIP/FITTINGS SHALL BE PER THE GAS COMPANY
  - THIS DETAIL IS FOR NON-VEHICULAR AREAS. IN AREAS SUBJECT TO VEHICULAR TRAFFIC, MINIMUM DEPTH SHALL BE INCREASED TO 30" AND BACKFILL REQUIREMENTS SHALL BE AS SHOWN ON THE STORM DRAIN/SEWER TRENCH' DETAIL FOR VEHICULAR AREAS

2 WATER/GAS SERVICE TRENCH (2" DIA. AND SMALLER PIPES) NTS

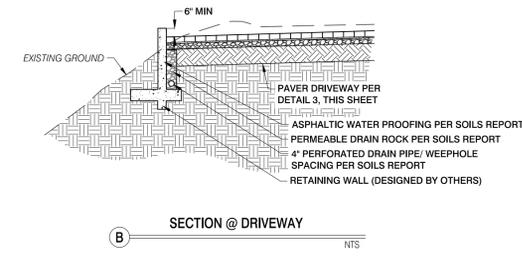


- NOTES:
- PAVING BLOCKS SHALL BE CERTIFIED VEHICLE-LOAD-RATED BY THE MANUFACTURER.
  - SUB-BASE, BASE, AND BEDDING COURSES SHALL BE ADEQUATELY COMPACTED.
  - EDGE RESTRAINT IS REQUIRED AT PERIMETER OF PAVERS - CONCRETE CURBS ARE RECOMMENDED ALONG EDGES OF DRIVEWAYS.
  - PAVER SECTION TO BE REVIEWED FOR APPROVAL BY GEOTECHNICAL ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

3 PAVER PAVING NTS



A SECTION @ RESIDENCE NTS



B SECTION @ DRIVEWAY NTS

REV.	DATE	DESCRIPTION
A	8/13/2021	BUILDING PERMIT - 1ST SUBMITTAL
B	10/28/2021	BUILDING PERMIT - 2ND SUBMITTAL
C	1/21/2022	BUILDING PERMIT - 2ND SUBMITTAL

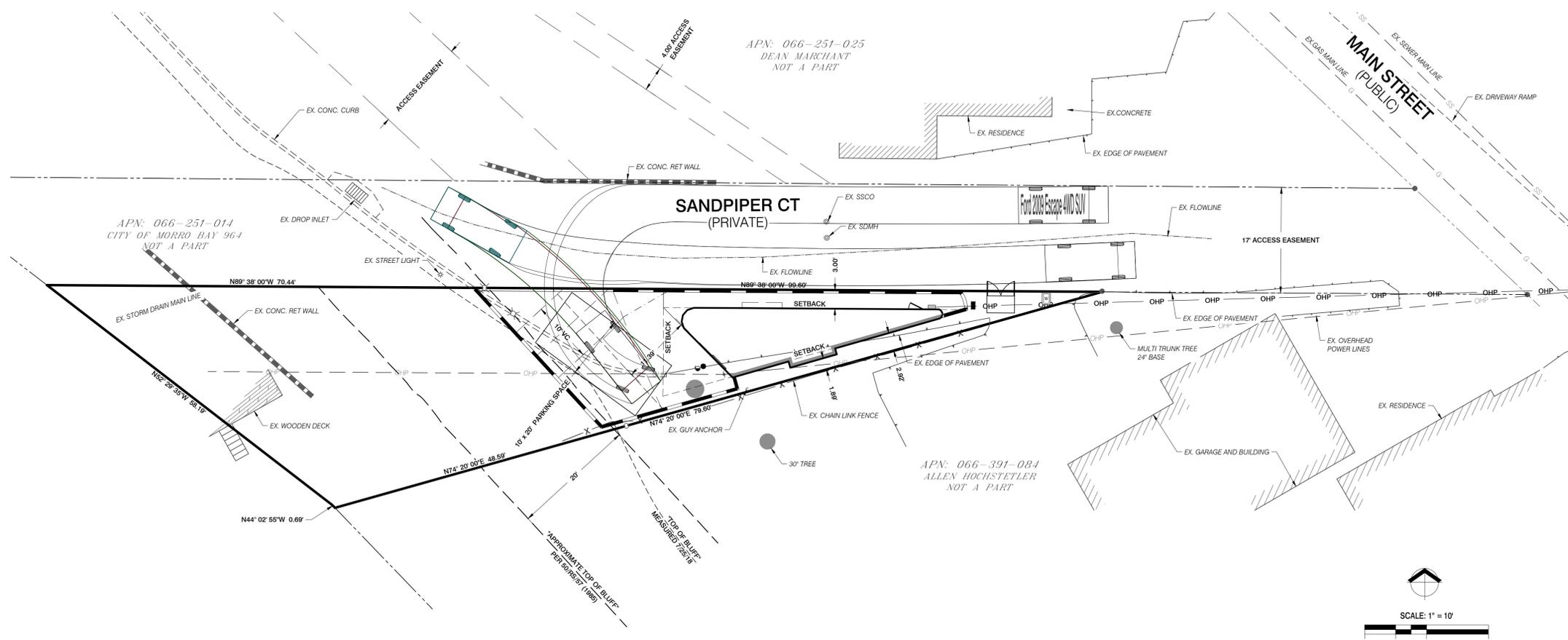
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DESIGN  
PROFESSIONALS, INC.  
LOS ANGELES, CA  
805.602.6167 | EDIPROFESSIONALS.COM

DETAIL SHEET  
BEAN RESIDENCE  
197 MAIN STREET  
MORRO BAY, CA  
APN# 066-391-001

DATE:	1/21/2022
DRAFTER:	DS
CHECKED:	DS
SCALE:	NTS



SHEET  
**C3**  
3 OF 4 SHEETS  
CDP19-047



**LEGEND**

---	PROPERTY BOUNDARY
---	RIGHT OF WAY
---	PROPERTY LINE
---	SECTION LINE
---	CENTER LINE
---	EASEMENT
---	EXISTING BACK OF CURB
---	EXISTING FACE OF CURB
---	EXISTING LIP OF CURB
---	EXISTING MAJOR CONTOUR LINE
---	EXISTING MINOR CONTOUR LINE
---	EXISTING FENCE
---	EXISTING EDGE OF SIDEWALK
---	BUILDINGS
---	CONCRETE
---	BACK OF CURB
---	FACE OF CURB
---	CURB LIP
---	FLOW LINE
---	GRADE BREAK
---	SAWCUT
---	SIDEWALK
---	SETBACK

A	9/13/2021	BUILDING PERMIT - 1ST SUBMITTAL	DESCRIPTION
B	10/28/2021	BUILDING PERMIT - 2ND SUBMITTAL	
C	12/19/2021	BUILDING PERMIT - 3RD SUBMITTAL	
REV.	DATE		

**ENGINEERING DESIGN PROFESSIONALS, INC.**  
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 805.602.6167 | ED@INCORPORATED.COM

**SWEPT PATH ANALYSIS**  
 BEAN RESIDENCE  
 197 MAIN STREET  
 MORRO BAY, CA  
 APN# 066-391-001

DATE:	12/19/2021
DRAFTER:	DS
CHECKED:	DS
SCALE:	1"=10'

**REGISTERED PROFESSIONAL ENGINEER**  
 NO. 81227  
 EXP. 9/30/23  
 CIVIL  
 STATE OF CALIFORNIA  
 12/19/2021

**CITY OF MORRO BAY NOTICES**

- 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
- 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 965 SHASTA AVE. THE ENCROACHMENT PERMIT SHALL BE ISSUED CONCURRENTLY WITH THE BUILDING PERMIT.

**FLOOD ZONE INFORMATION**  
 THE ENTIRE PROPERTY LIES WITHIN ZONE X, AN AREA OF MINIMAL FLOOD HAZARD PER FEMA PANEL NO. 06079C1028H, EFFECTIVE DATE 5/16/2017.

**BENCHMARK**  
 NGS PID FV0401 - BRASS CAP SET IN THE TOP OF A CONCRETE BLOCK CONTAINING A CENTENNIAL STAIRWAY BRASS PLAQUE STAMPED "S 1935"  
 ELEVATION = 36.5 (NAVD 88 DATUM)  
 NOTE: THERE IS NO PUBLISHED ACCURACY FOR THIS BENCHMARK. IT HAS BEEN USED ONLY TO PROVIDE A RETRIEVABLE REFERENCE POINT.

ON SITE "T.B.M."  
 SET SCRIBED "+1" IN TOP OF CURB AS SHOWN.  
 ELEVATION = 35.01 FEET.

**DISCLAIMER NOTE:**  
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 OR  
 1-800-642-2444

**Vehicle Tracking v21.00 - Pool**

<b>Unit Name:</b>	Ford 2009 Escape 4WD SUV Tractor
<b>Type:</b>	Tractor (with driver controlled steering)
<b>Body style:</b>	4x4 Car
<b>Classification:</b>	(Unspecified)
<b>Source:</b>	No data
<b>Description:</b>	No data
<b>Notes:</b>	No data
<b>Datum:</b>	Front Primary Axle
<b>Front Axle(s):</b>	1 Ackerman (axles fixed, wheels turn)
<b>Primary Front Axle Offset:</b>	0.000ft
<b>Effective Front Axle Offset:</b>	0.000ft (Auto Calculated)
<b>Maximum Wheel Angle:</b>	Unlimited
<b>Status:</b>	Active Non Self-Steered
<b>Track Width:</b>	5.925ft
<b>Total Wheels:</b>	2 (positioned at the ends of the axle)
<b>Tire Width:</b>	0.593ft (Auto Calculated - proportion of Track Width)
<b>Tire Diameter:</b>	2.074ft (Auto Calculated - proportion of Track Width)
<b>Rear Axle(s):</b>	1 Fixed
<b>Primary Rear Axle Offset:</b>	8.592ft (Innermost Axle behind Front Primary Axle)
<b>Effective Rear Axle Offset:</b>	8.592ft (Auto Calculated)
<b>Maximum Wheel Angle:</b>	Unlimited
<b>Status:</b>	Active Non Self-Steered
<b>Track Width:</b>	5.925ft
<b>Total Wheels:</b>	2 (positioned at the ends of the axle)
<b>Tire Width:</b>	0.593ft (Auto Calculated - proportion of Track Width)
<b>Tire Diameter:</b>	2.074ft (Auto Calculated - proportion of Track Width)
<b>Steering:</b>	Front Axle(s): 18.350ft (Based upon active axles only) Calculated Maximum Wheel Angle: 39.200deg Lock-to-Lock Time (Fwd/Rev): 4.0sec / 4.0sec Driver / Pilot: 2.105ft (in front of Front Primary Axle) Driver / Pilot Offset Laterally: -1.969ft (Right of Centerline) Driver Height: 5.577ft (Above ground level)
<b>Front Coupling:</b>	None
<b>Rear Coupling:</b>	None
<b>Body outline (plan):</b>	Rectangle Outline Type: 2,817ft, 0.000ft Offset (X,Y): 14.550ft, 5.925ft Length / Width:

Every Effort Has Been Made To Ensure The Accuracy Of This Information  
 Please Check Data From Your Own Sources

Vehicle: Ford 2009 Escape 4WD SUV  
 Scale: 1:100  
 Date: \_\_\_\_\_

**SITE DATA**  
 APN No. 066-391-001    ACREAGE: 0.06    ZONING: R-1/PD/WF

**GEOTECHNICAL REPORT**  
 PROJECT No. 18514  
 DATED: FEBRUARY 26, 2021  
 AS PREPARED BY: MID-COAST GEOTECHNICAL, INC.

**TOPOGRAPHIC SURVEY**  
 PROJECT No. 133-01  
 DATED: MARCH, 2019  
 AS PREPARED BY: JOANN HEAD LAND SURVEYING

SHEET  
**EX1**  
 1 OF 1 SHEETS  
 CDP19-047





**West View**



**East View**

**GOALS AND POLICIES**

**GOAL CD-1:** The individual identity of each of Morro Bay's character areas is embraced and represented by new and renovated development.



LCP

- POLICY CD-1.1:** **Distinct Character Areas.** Consider and maintain the distinctiveness of each character area in planning and design decision-making.
- POLICY CD-1.2:** **Compatible New Development.** Require new development projects to be compatible with the vision for the area in which it is located.
- POLICY CD-1.3:** **Design Guidelines.** Work with residents and business owners to develop and adopt citywide design guidelines that illustrate appropriate form, scale, and massing for buildings while allowing for distinctive design and flexibility.
- POLICY CD-1.4:** **Design Standards.** As part of the Zoning Code, adopt permanent design standards for the city that allow for a wide variety of architectural styles while maintaining the character of each character area and the city as a whole.

Revisions:

A	4/03/2020
B	4/27/2021
C	10/18/2021
D	

Legal Description:  
APN: 066-391-001  
City of Morro Bay

*Bear Project*

Owner/Site Address:  
Sandy Bear  
197 Main st.  
Morro Bay, CA 93412

*Crizer Design Company, Inc.*  
P.O. Box 6952 Los Osos, CA 93412  
Ph. (805)528-4812 Fax 528-2325

Date: 1/21/20  
Drawn By: DN  
Scale: 1/4" = 1'-0"  
u.n.s.

**A 0.0**

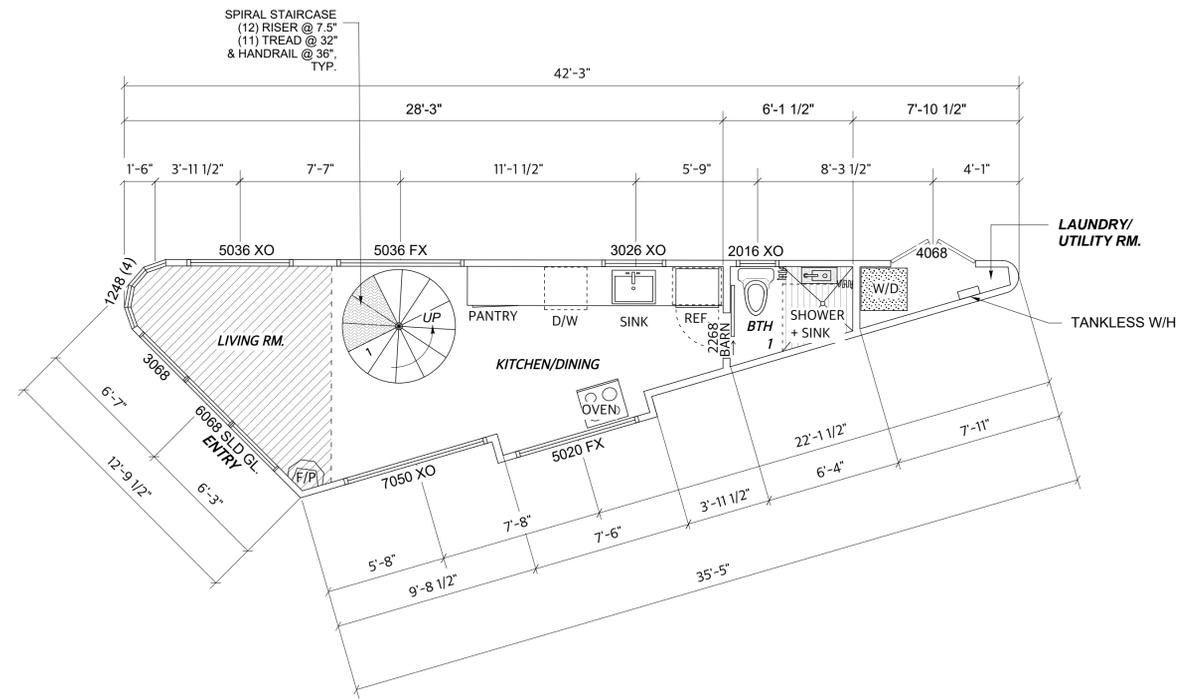
**ARCHITECTURAL CONCEPT**



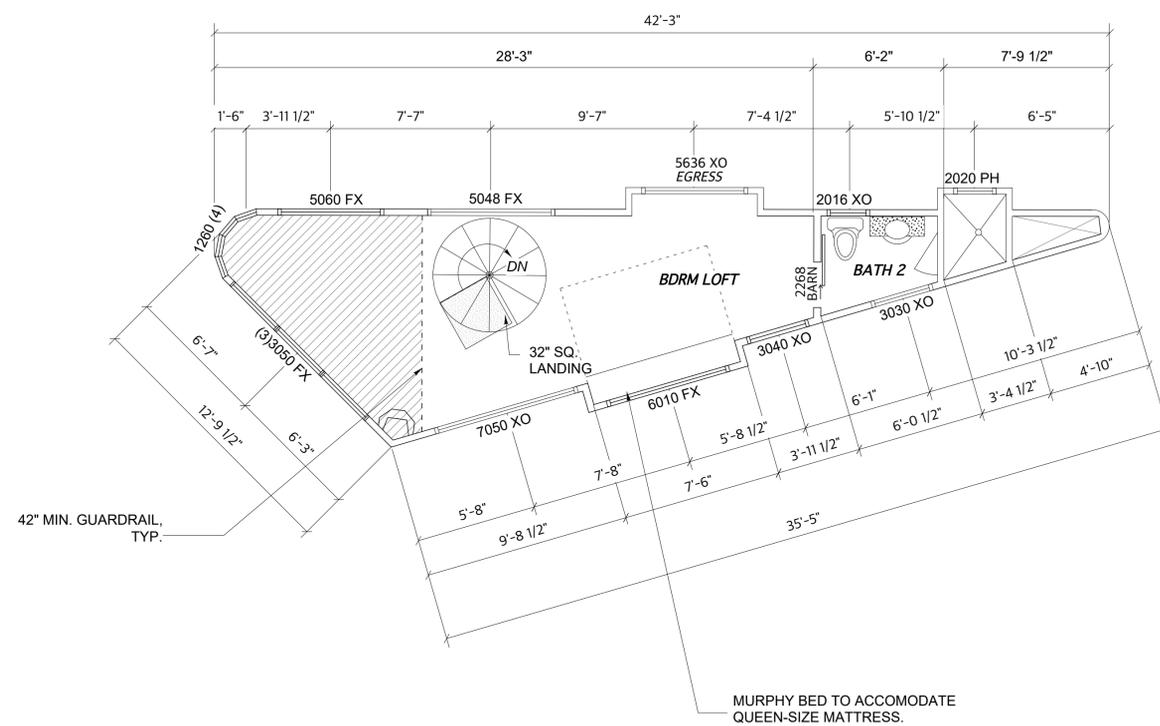
= OPEN TO A ABOVE/BELOW

POLICY LU-1.6: INNOVATIVE HOUSING DESIGN. REMOVE BARRIERS TO AND CREATE OPPORTUNITIES FOR INNOVATIVE OR NONTRADITIONAL HOUSING FORMS SUCH AS TINY HOUSES, COHOUSING, AND INTERGENERATIONAL HOUSING.

Revisions:	
A	4/03/2020
B	4/27/2021
C	10/18/2021
D	



**LOWER LEVEL**



**UPPER LEVEL/LOFT**



# PROPOSED FLOOR PLANS

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

Legal Description:  
APN: 066-391-001  
City of Morro Bay

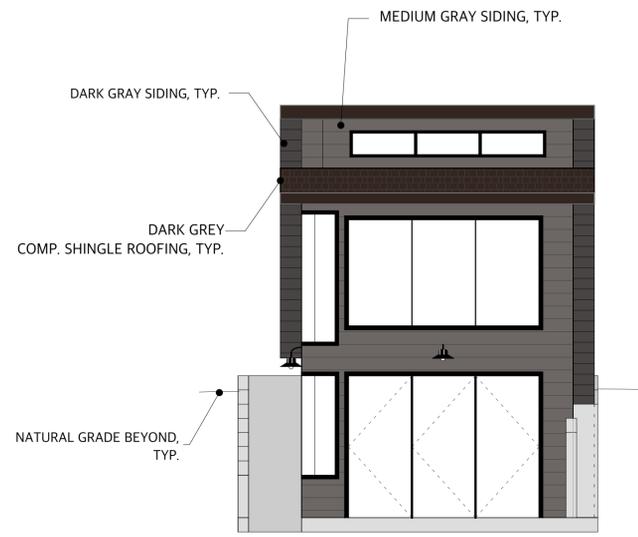
## Bear Project

Owner/Site Address:  
Sandy Bear  
197 Main st.  
Morro Bay, CA 93412

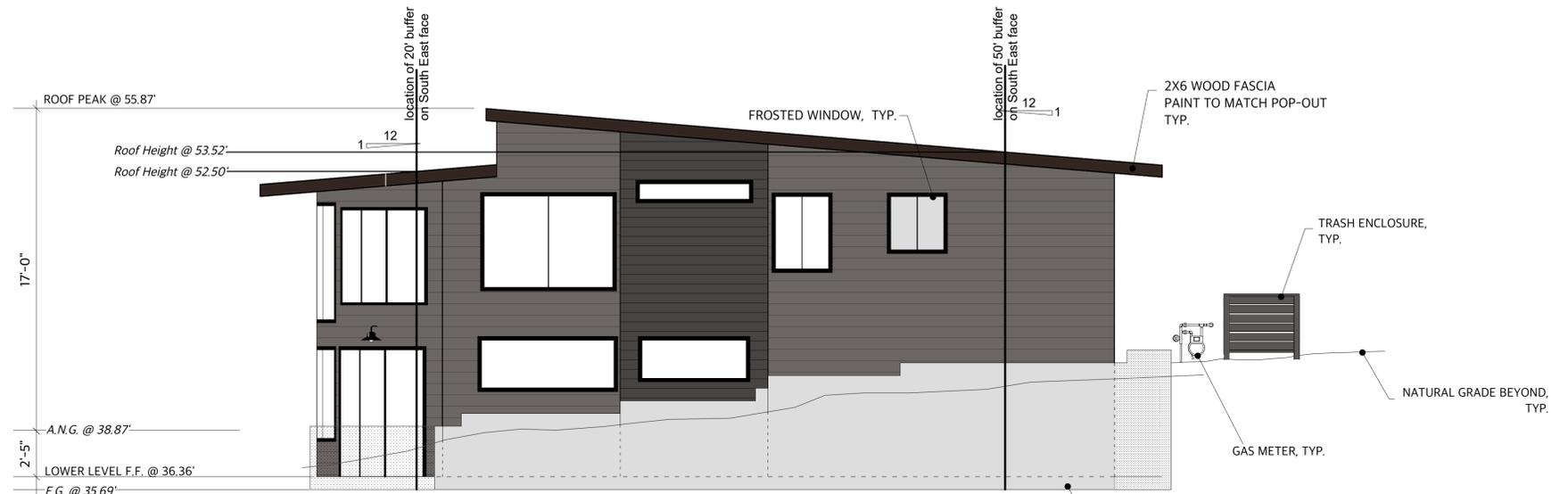
**Crizer Design Company, Inc.**  
P.O. Box 6952 Los Osos, CA 93412  
Ph. (805) 528-4812 Fax 528-2325

Date: 1/21/20  
Drawn By: DN  
Scale: 1/4" = 1'-0"  
u.n.o.

**A 1.0**



**SOUTH WEST ELEVATION**  
SCALE: 1/4" = 1-0'



**SOUTH EAST ELEVATION**  
SCALE: 1/4" = 1-0'



**NORTH ELEVATION**  
SCALE: 1/4" = 1-0'

NORTH RETAINING WALL PRIVACY TRELLIS W/ DROUGHT-RESISTANT FOLIAGE, TYP.  
PLEASE SEE (P) PRIVACY TRELLIS CONCEPTS, THIS SHEET

**PROPOSED ELEVATIONS**

SCALE: 1/4" = 1-0'

- POLICY PS-2.12: Grading and Cut-and-Fill Operations.**  
Require new development to minimize grading and cut-and-fill operations. Require new development projects involving grading to have landscape plans prepared that include the following provisions:
- Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.
  - Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.
  - Noninvasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species in the irrigated zone(s) required for fuel modification nearest approved residential structures.
  - Landscaping or revegetation shall provide 90% coverage within five years.

Revisions:

A	4/03/2020
B	4/27/2021
C	10/18/2021
D	

Legal Description:  
APN: 066-391-001  
City of Morro Bay

**Bear Project**

Owner/Site Address:  
Sandy Bear  
197 Main st.  
Morro Bay, CA 93412

**Crizer Design Company, Inc.**  
P.O. Box 6952 Los Osos, CA 93412  
Ph. (805)528-4812 Fax 528-2325

Date: 1/21/20  
Drawn By: DN  
Scale: 1/4" = 1-0'  
u.n.o.

**A 1.1**



**ROOFING:**



GAF TIMBERLINE SHINGLES  
in  
'NATURAL SHADOW CHARCOAL'

**MAIN EXTERIOR**

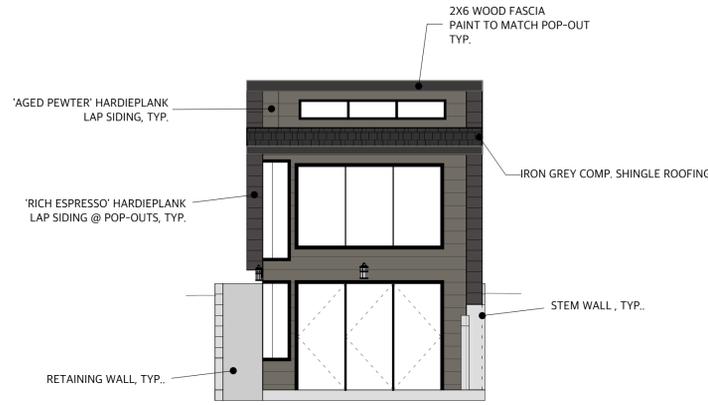


HARDIEPLANK LAP SIDING  
SELECT CEDARMILL  
in  
'AGED PEWTER'  
ColorPlus Technology

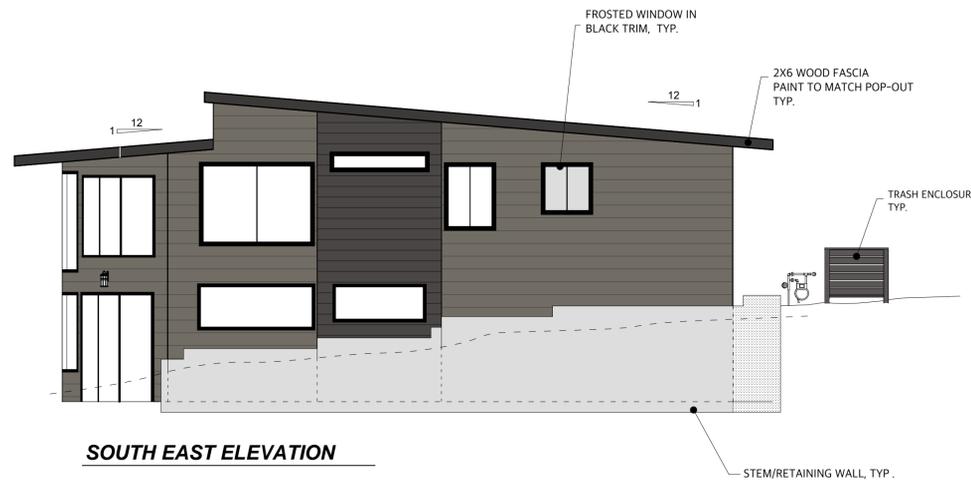
**ACCENT:**



HARDIEPLANK LAP SIDING  
SELECT CEDARMILL  
in  
'RICH ESPRESSO'  
ColorPlus Technology



**SOUTH WEST ELEVATION**



**SOUTH EAST ELEVATION**

**(P) EXTERIOR LIGHTING**

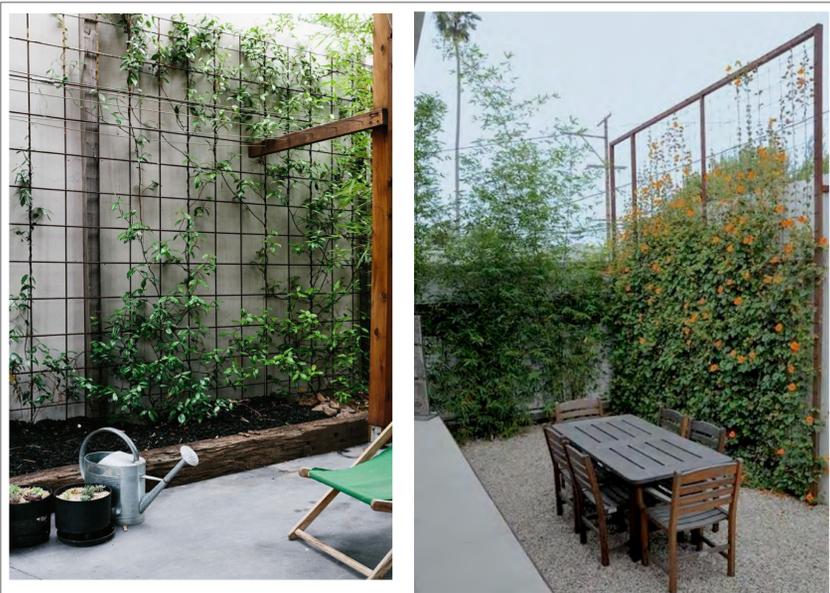
NAUTICAL-INSPIRED EXTERIOR LIGHT FIXTURES WHERE REQUIRED AT EXTERIOR ACCESS DOORWAYS.

TO BE ACCORDANCE WITH 'APPLICABLE CODES' LISTED ON SHEET T 1.0. IN ACCORDANCE WITH REGULATIONS AND REQUIREMENTS NOTE(S), THIS SHEET



EXAMPLE DEPICTED AT LEFT  
James Allan Kayden Collection OUTDOOR WALL SCONCE  
FINISH: 'Vintage Black'  
MODEL: VXWS974874VBL

**(P) PRIVACY TRELLIS CONCEPTS**



**NORTH ELEVATION**

NORTH RETAINING WALL PRIVACY TRELLIS W/ DROUGHT-RESISTANT FOLIAGE, TYP.  
'PLEASE SEE (P) PRIVACY TRELLIS CONCEPTS' THIS SHEET

**NOTES ON REGULATIONS AND REQUIREMENTS**

**CITY OF MORRO BAY ZONING CODE UPATE PLANNING COMMISSION REVIEW DRAFT (2018)**

17.09.040 Supplemental Regulations  
A. Architectural Treatment. Exterior treatment of structures in new development and redevelopment shall be considered though the development review process. The following criteria will be used in the review of applications:  
1. The architectural and landscape design of a project, including materials, shall be consistent with the character of a working fishing village.  
2. The design shall protect aesthetic environmental qualities.  
3. The design shall enhance the desirability and/or enjoyment of the immediate area.  
4. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopment.

17.14.110(C). General Requirements. Outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses shall be compatible with and not directly illuminate nearby residential uses.  
17.14.110(C)(3). Design of Fixtures. Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.  
17.14.110(C)(4). Timing Controls. All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.

**PLAN MORRO BAY MAY 2021**

**POLICY CD-1.11: Minimize Aesthetic Impacts.**

Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect public views and ensure development protects the public viewshed. Public views shall be protected and enhanced as a matter of great public importance, particularly related to public views that include Morro Bay proper, the sandspit, and Morro Rock, and all development shall be sited and designed to be subordinate to such views.

**POLICY CD-1.12: Complementary Design.**

Require building designs, materials, and landscaping that are complementary to the landscape, climate, and existing development.

**POLICY C-9.5: Lighting Standards.**

Development shall be sited and designed to avoid illuminating, reduce glare, protect and enhance skyward nighttime public views, and minimize lighting in open spaces and natural areas. New lighting fixtures shall be mounted at low elevations and fully shielded to direct lighting downward. Lighting along walkways should be mounted on low bollards or ground buttons. Lighting shall be focused on targeted use areas and shall be limited to what is necessary for public safety. Floodlighting shall be prohibited. Exterior lighting fixtures should complement the architectural style of structures.

**POLICY PS-2.12: Grading and Cut-and-Fill Operations.**

Require new development to minimize grading and cut-and-fill operations. Require new development projects involving grading to have landscape plans prepared that include the following provisions:  
• Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.  
• Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.  
• Noninvasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species in the irrigated zone(s) required for fuel modification nearest approved residential structures.  
• Landscaping or revegetation shall provide 90% coverage within five years.

**COLOR BOARD**

SCALE: 3/16" = 1'-0"

Revisions:

A	4/03/2020
B	4/27/2021
C	10/18/2021
D	

Legal Description:  
APN: 066-391-001  
City of Morro Bay

**Bean Project**

Owner/ Site Address:  
Sandy Bean  
197 Main st.  
Morro Bay, CA 93412

Crizer Design  
Company, Inc.  
P.O. Box 6952 Los Osos, CA 93412  
Ph. (805)528-4812 Fax 528-2325

Date: 1/21/20  
Drawn By: DN  
Scale: 1/4" = 1'-0"  
u.n.o.

**CB**

October 22, 2021  
File No. 18-8115  
Report No. 20411

RECEIVED

OCT 28 2021

City of Morro Bay  
Community Development Dept.

Sandy Bean  
PO Box 1888  
Morro Bay, CA 93443

**SUBJECT SITE:** APN: 066-341-001, 197 Main Street, Morro Bay  
**REFERENCES:** 1) Our Geotechnical Engineering Report, dated July 23, 2018.  
2) Our update letter dated February 26, 2021

Dear Ms. Bean:

We have prepared this letter to address the most recent plan check comments prepared by the City of Morro Bay in a letter dated October 4, 2021. During a recent site visit, we compared the existing slope with the topographic survey prepared by Joann Head Land Surveying, dated July 25, 2018. We have determined that, from a geotechnical engineering standpoint, the top of bluff is in conformance with the top of bluff shown on the topographic survey, dated July 25, 2018. Additionally, it is our opinion that the parking area will not affect the stability of the slope due to the construction of a retaining wall on the downhill side of the parking space.



Respectfully submitted,  
MID-COAST Geotechnical, Inc.

*Dane C. Jensen*  
Dane C. Jensen, GE 2846  
Expiration Date 12/31/2022

DCJ:gjr  
Sandy Bean (1 + e-mail)

**GEOTECHNICAL ENGINEERING REPORT**

**Proposed Residence  
APN: 066-391-001, Sandpiper Court  
Morro Bay, CA**

**RECEIVED**

**OCT 28 2021**

City of Morro Bay  
Community Development Dept.

**for:**

**Sandy Bean  
PO Box 1888  
Morro Bay, CA 93443**

**Date: February 26, 2021**

**Report No. 18514**

**File No. 18-8115**

**Revision 2**

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## **1 INTRODUCTION**

This report presents the results of our geotechnical investigation performed at the site of the proposed residence located on Sandpiper Court in the City of Morro Bay. The principal purpose of this investigation was to determine the geotechnical properties of the surface and subsurface soils in order to provide recommendations for general site grading and to design a suitable foundation for the proposed residence. From a geotechnical stand point the site appears to be suitable to support the proposed development when prepared as recommended herein. Research and exploratory work was conducted in accordance with presently accepted procedures consistent with the scope of work you have requested for this development. No warranty regarding the uniformity of subsurface conditions is implied.

## **2 SCOPE OF THE GEOTECHNICAL INVESTIGATION**

The scope of our geotechnical investigation consisted of the following:

- a. 1 hand auger boring extended to a depth of 10 feet. The location and identification of the excavations are shown on the attached drawings.
- b. Observing existing man-made and natural field conditions.
- c. Obtaining and testing representative bulk and undisturbed soil samples and logging the formations encountered.
- d. Analysis of the field observations and laboratory testing.

## **3 SUMMARY OF FINDINGS**

### **3.1 SITE DESCRIPTION**

The proposed residence will be situated on a westerly descending parcel of less than 10 percent slope in the building area. The terrain on the west side of the parcel descends to the west at about 1.5:1 (H:V), is covered with vegetation and is partially retained by a low wall. The slope flattens near the mapped ordinary high water mark. A paved access road is located north of the site and travels to a boat dock located west of the site. Mature eypress trees are located along the south property line. A revised site plan ( dated April 3, 2020 ) showing the proposed and existing elevations is attached in the appendix of this

report. The revised site plan shows the residence sited entirely on native material, with little to no fill needed for the site. It is anticipated that the area just west of the parking space curb/stem wall will be graded to blend in to the slope on the adjacent parcel with minor amounts of material required. However, due to the fact that the vegetation will be removed from the slope during grading, stabilization of the slope and restoration of the vegetation will be vital to maintain stability of the slope.

### **3.2 EXPANSIVE NATURE OF THE SOIL**

The surface and subsurface soils are a very low expansive sandy material.

### **3.3 EXISTING SOIL CONDITIONS**

The loose to medium dense sandy surface soils were encountered to about 3 feet below grade and are underlain with medium dense to hard sandy material.

### **3.4 GROUND WATER CONDITION**

At the time of our investigation no ground water was encountered in the excavations to a depth of 10 feet below existing grade. Due to the sandy nature of the on-site soils, it is anticipated that the groundwater level is controlled by the level of the adjacent bay. The mapped ordinary high water mark is about 25 feet below the existing grade in the area of the proposed residence which is the assumed high groundwater level.

### **3.5 SEISMIC PARAMETERS**

We have reviewed the available information regarding the site locations and soil type. The purpose of our review was to determine the appropriate seismic parameters for the 2019 CBC Section 1613 requirements. The site is underlain with dense sandy material according to the logs available from the area. Density of the soil with respect to blow counts, shear strength, or shear wave velocities to a depth of 100 feet, has not been determined. However, due to the sandy nature of the near-surface material, we recommend that a site class D be used for the project.

Based on information provided in IBC Figures 1613.2.1 (1) and (2) and Tables 1613.2.3, the maximum considered earthquake spectral response acceleration values, adjusted for site class effects, are as follows:

short periods:  $S_{DS} = 0.712g$

1-second periods:  $S_{D1} = 0.451g$

( Confirmed with the USGS website [www.hazards.atcouncil.org](http://www.hazards.atcouncil.org) )

### 3.6 LIQUEFACTION POTENTIAL

We have reviewed the subsurface data to provide an opinion regarding the liquefaction potential of the site. Exploratory borings were extended 10 feet deep in the building area. Dense sandy material was noted within about 3 feet of the existing grade. It is assumed that groundwater could be as high as 25 feet below the existing grade due to tidal influence.

Liquefaction is generally considered a result from development of pore pressure in loose saturated sandy soil during a seismic event. The potential of liquefaction is based on the seismicity of the site, the presence and depth of groundwater, the presence of sandy soil, and density of the soil. We have not extended an exploratory boring more than 10 feet deep in the building area. Historical examples of liquefaction were observed about 1/2 mile north of the site after the San Simeon earthquake (2003). In areas of observed damage, the sea wall which was constructed on sea floor sediments was found to have moved to the west between 6 and 12 inches. However, the site is generally underlain with dense dune sand deposits that were not observed to exhibit seismically induced settlement as a result of the San Simeon earthquake. Due to the size of the parcel, it is anticipated that the proposed structure will be fairly small in footprint with generally low design bearing pressures. Based on the anticipated low bearing pressures, presence of dense dune sands and groundwater at a depth of greater than 25 feet below grade, it is our opinion that the likelihood of foundation distress due to liquefaction of the site is very low.

### 3.7 SLOPE STABILITY

The slope to the west of the building site is approximately 25 feet in height ( the top of the slope is at an elevation of about 34 feet above mean sea level with the ordinary high water mark mapped at about 10 feet above mean sea level) and lays at a gradient of about 1.5:1 (H:V). It is covered with thick vegetation and no signs of slope instability were observed in the area of site. The toe of the slope flattens to about 10 percent gradient between the ordinary high water mark and the mean water level. Due to the existing boat dock and the lack of large wave action in the bay, erosion of the base of the slope is not considered significant.

A brick paver parking space is proposed for the area directly to the west of the residence. It is anticipated that the curb/stem wall proposed for the western edge of the parking space will be designed for a vehicular surcharge. Additionally, the stem wall footing may need to be deepened to account for the distance to daylight requirement noted in section 5.5 of this report. It is our opinion that the curb/stem wall will not contribute to slope instability.

The native sandy material is very erosive when exposed to weather and surface drainage. Due to the fact that the slope is covered with mature vegetation, toe erosion is considered negligible and no surficial drainage will be directed onto the slope, it is our opinion that the slope is stable in its current condition.

### 3.8 SLOPE SETBACK

CBC 1808.7 defines the slope setback as one-third of the slope height as measured between the toe of the slope and the bottom of the foundation. Assuming that the proposed slope height is about 20 feet and the foundation will extend about 1.5 feet below grade, the setback would be about 6 feet. However, due to the steepness of the slope and the requirements of paragraph 5.5, we recommend a 10 feet separation be maintained between the edge of the foundation and the firm material on the slope.

#### **4 GRADING RECOMMENDATIONS**

The following recommendations are made based on your representations that a residential structure will be constructed on the site. It is anticipated that very minor fills will be required beyond the footprint of the residence to create the western parking space. It is your responsibility to notify the geotechnical engineer of any changes to the proposed development. If changes occur, the recommendations contained in this report will be reviewed and may need to be revised.

##### **4.1 GENERAL GRADING RECOMMENDATIONS**

- a. All grading work should be done in a professional manner and in conformance with the current local jurisdiction's grading ordinances and per the grading recommendations stated herein. In addition, all grading work shall be observed by the geotechnical engineers representatives.
- b. All removal areas and footing excavations shall be observed by the representative of the geotechnical engineer before any fill or steel reinforcement is placed. It is your responsibility to notify MID-COAST Geotechnical, Inc. when grading operations or construction begins so that the required observations can be made.
- c. All surface vegetation and debris shall be removed from the work area as grading operations begin.
- d. A careful search shall be made for subsurface debris and abandoned water wells, septic tanks, etc., during grading operations. If any such subsurface cavities are encountered, they shall be removed down to the firm underlying soil and properly backfilled and compacted as directed by a representative of the geotechnical engineer.

e. Special inspections should be performed in accordance with Table 1705.6 below:

**TABLE 1705.6  
REQUIRED VERIFICATION AND INSPECTION OF SOILS**

VERIFICATION AND INSPECTION TASK	CONTINUOUS DURING TASK LISTED	PERIODICALLY DURING TASK LISTED
1. Verify materials below footings are adequate to achieve the design bearing capacity.	----	X
2. Verify excavations are extended to proper depth and have reached proper material.	----	X
3. Perform classification and testing of controlled filled materials.	----	X
4. Verify use of proper materials, densities and lift thicknesses during placement and compaction of controlled fill.	X	----
5. Prior to placement of controlled fill, observe subgrade and verify that the site has been prepared properly.	----	X

\*2016 California Building Code

**4.2 BUILDING AREA REMOVAL DEPTH**

The existing surface soils and any uncertified fill material underlying the proposed building area shall be removed to a minimum depth of 24 inches below the bottom of the proposed footings or down to firm natural material, whichever is deeper.

**NOTE:** Certified structural fill is required for any fill to be used for an engineering purpose. All fill beneath structures, on slopes greater than 5:1, in embankments or other earthen structures, must be certified structural fill. All other fills, deeper than 12 inches, not to be used for structural support should be compacted but in some cases may not require certification. These uncertified fill areas, such as landscape fills, must be approved by this office and the local jurisdiction prior to grading.

#### **4.3 GENERAL SITE REMOVAL DEPTH**

In those areas outside the building area where certified fill will be placed, the surface soils shall be removed to a minimum depth of 30 inches below the existing ground surface as observed at the time of our field investigation or down to firm natural material, whichever is greater. (This removal is applicable to driveways, yards, and all other areas to be certified and receive structural fill.)

#### **4.4 BOTTOM CHECK AND PROCESSING OF REMOVAL AREA**

Field observations will be required to confirm that the removal bottom has been established in firm natural material prior to processing operations.

The exposed material at the bottom of the removal areas shall then be properly prepared and brought to near optimum moisture content before any fill is placed. The removal shall extend a minimum of 5 feet beyond the foundation perimeter or equal to the depth of removal, whichever is greater. The removed soil may be used as backfill providing all the deleterious materials, if any, are picked out.

#### **4.5 PLACEMENT OF FILL**

All fill shall be placed in layers approximately 8 inches in depth, brought to a moisture content near optimum moisture content, and compacted to a minimum of 90 percent of the maximum density (ASTM D1557) up to final pad subgrade. Fill compacted at high moisture content may be subject to yielding. Yielding or pumping grades will not be approved by this office. Material placed as certified fill shall be free of debris and rocks greater than six inches in width across the widest point.

#### **4.6 IMPORT MATERIAL**

All imported material, if any, to be used for structural fills shall be observed and approved by a representative of the geotechnical engineer prior to transport to the site. Imported fill material shall be free of debris and rocks greater than six (6) inches at the widest point. Imported soils shall be similar or less expansive than those existing on the site. The rock-to-soil ratio of the import material shall not exceed 50 percent.

#### **4.7 SITE DRAINAGE**

Small ponds of water near any structure should be eliminated. Final grading shall provide a positive drainage away from the footings. Due to the sandy nature of the on-site material, it is anticipated that the surface drainage will percolation through the permeable surfaces surrounding the building and dissipate into the soil. All other roof drainage should be collected and transferred away from the building and slopes in non-erosive devices. Proper drainage shall also be provided away from the building footings and from the lot during construction. This is especially important when construction takes place during the rainy season. All drainage plans should also be in compliance with the local jurisdictions grading requirements. Due to the sandy nature of the on-site soils, the cuts proposed for the site should not adversely affect the storm water runoff.

### **5 FOUNDATION DESIGN RECOMMENDATIONS**

The foundation design recommended below shall be confirmed or modified, if necessary, after grading operations are completed, depending upon the nature of the soils resulting on the surface of the graded building pad.

#### **5.1 SOIL EXPANSION POTENTIAL**

At a minimum, any foundation design should take into consideration construction on soils in the expansion index range of 0 to 20. The actual expansion index range may vary depending on the nature of the soil resulting after the completion of grading. Structural

details of any foundations, such as footing thickness, concrete strength and the amount of reinforcement should be established by your structural engineer.

### **5.2 SUB-SLAB MOISTURE BARRIER**

In order to reduce the migration of moisture through the foundation and into the living spaces, we recommend that 3/4" or larger clean gravel be placed in a minimum thickness of 4 inches above pad grade. A vapor retarder shall be placed over the gravel with a minimum of 2 inches of sand or gravel placed over the plastic and beneath the slab. The vapor retarder shall conform to the requirements of ASTM E1745-11 and shall be installed in conformance with ASTM E1643.

### **5.3 BEARING CAPACITY: CONTINUOUS FOOTINGS**

Continuous footings supported on certified fill material are adequate for foundation support of the proposed residence and may be designed using a bearing pressure of 1500 psf. The footing depth should meet the minimum recommendations noted above. The recommended bearing values are based on an assumed embedment of a minimum of 18 inches into certified fill material and be a minimum of 12 inches wide. A 5 percent increase of bearing pressure values is allowable for each additional 6-inch increment of width or depth up to a maximum value of 2500 psf.

### **5.4 BEARING CAPACITY: INDEPENDENT FOOTINGS**

Independent footings supported on certified fill material may be designed using a bearing pressure of 1750 psf. They shall be a minimum of 15 inches in width and extend a minimum of 18 inches below the lowest adjacent grade. A 5 percent increase is allowable for each additional 6 inches of width and/or depth up to a maximum value of 3000 psf.

### **5.5 FOUNDATIONS NEAR SLOPES**

All foundations excavated on or adjacent to any existing or proposed slopes will require a minimum 10 feet horizontal distance to daylight or the setback described in paragraph 3.8, whichever is greater. The horizontal distance is measured from the bottom of the footings to daylight on the slope or to the extent of the competent material on the slope, i.e., all slough or loose material on the slope will be discounted when measuring the distance to daylight.

### **5.6 WIND AND SEISMIC LOADS**

The bearing pressures given are for the total of dead and frequently applied live loads and may be increased by one-third for short duration loading which includes the effects of wind or seismic forces.

### **5.7 PASSIVE AND FRICTIONAL RESISTANCE**

Resistance to lateral loading may be provided by friction acting at the base of foundations and by passive earth pressure. An allowable coefficient of friction of 0.35 may be used with the dead load forces in the certified fill material.

Passive earth pressure may be computed as an equivalent fluid having a density of 350 pcf with a maximum earth pressure of 1750 psf. When combining passive and friction for lateral resistance, the passive component should be reduced by one-third.

### **5.8 RETAINING WALLS: ACTIVE EARTH PRESSURE**

Retaining walls may be designed for an equivalent fluid pressure of 30 psf per foot of depth. Additional active pressure should be added for a surcharge condition due to sloping ground, vehicular traffic, or adjacent structures. The allowable bearing, friction, and passive earth pressure may be found in the preceding sections.

All other retaining walls may be designed for the corresponding active pressures shown on the table below:

Surface Slope of Retained Material <u>Horizontal to Vertical</u>	Equivalent Fluid Weight <u>(pcf)</u>
Level	30
5 to 1	32
4 to 1	35
3 to 1	38
2 to 1	43

All walls should be backfilled with a minimum 1-foot wide layer of free draining soil, approved by MID-COAST Geotechnical, Inc., synthetic drain product, or clean, uniform sized gravel placed against the wall up to 18 inches below finish grade. Where the cavity to be filled behind a wall is less than 18 inches at the surface, the use of gravel is allowed without testing if compacted to the satisfaction of the geotechnical engineer. In the case of walls constructed with gravel backfill in areas where subsurface water is anticipated, we recommend that a geotextile fabric be placed between the backfill and cut.

In order to reduce the migration of water behind the wall, the surface of the gravel backfill should be sealed by pavement or covered by 18 inches of compacted soil. The surface water drainage shall be directed away from the wall and shall meet the requirements of the current local jurisdiction's building code. Where weep holes are not used at the base of the retaining wall, a perforated pipe shall be placed within a bed of approved rock at the base of the retaining wall and shall be drained to discharge into an approved drainage course.

**5.9 ESTIMATED SETTLEMENT**

Based upon test results, field observations, and compliance with these recommendations, a total settlement of less than 1 inch and differential settlement of less than 1/4 inch is expected in a distance of 20 feet.

## **6 ADDITIONAL RECOMMENDATIONS**

### **6.1 PERIMETER SLABS AND GARDEN WALLS**

Perimeter slabs (walkways, patios, etc.) and garden walls shall be designed as free-floating and independent of the adjacent structure. Subgrade materials in areas to receive slab-on-grade shall be prepared and presaturated as per the "Foundation" recommendations provided herein.

### **6.2 COMPACTION OF EXCESS SOIL**

Soils generated during footing excavation operations should not be placed across the pads unless the materials are compacted to at least 90 percent relative compaction. This also applies to sand, agricultural, and landscape fill exceeding 12 inches in depth. Compaction tests should be taken in additional fills placed in order to confirm that the minimum relative compaction requirements are achieved. It is your responsibility to notify MID-COAST Geotechnical, Inc. if testing is needed.

### **6.3 ROOF GUTTERS AND DOWN SPOUTS**

We advise that gutters and down spouts be installed on all buildings as a means of improving the flow of run-off away from the foundation and building area. Gutters and down spouts are of particular importance when the structure is located on expansive soil, on sandy soil underlain with low permeability material, on structures with subterranean areas, or other conditions which may be sensitive to excess moisture. Down spouts should be connected to PVC pipe and drained to an approved drainage course such as a street or storm drain.

## **7 OBSERVATIONS AND TESTING**

All foundation excavations should be approved by this firm prior to placing concrete or any steel reinforcement. All removal excavation bottoms shall be observed and approved by a geotechnical engineer or his representative prior to placement of backfill. Any fill placed for engineering purposes should be tested and certified.

Temporary wall excavations should be observed by a representative of this firm. It is your responsibility to notify MID-COAST Geotechnical, Inc. at each stage of the excavations so that observations can be made. If the examination reveals any hazard, appropriate treatment will be recommended. Please advise this office at least 24 hours prior to any required observations.

### **8 LIMITS AND LIABILITY**

Please be aware that our contract fee for our services to prepare this report do not include additional work which may be required such as grading observation and testing, footing observations, presaturation observations, etc. Since the extent of grading and the amount of involvement of our services varies for each project, our services are normally billed on an hourly rate or per-test basis.

This report provides recommendations and comments in accordance with currently accepted practice applicable to the scope of your project. Further requirements may be imposed by the reviewing agency or necessary as a result of changes to your building or grading plans. Where additional services are requested or required, you will be billed for any equipment costs and on an hourly basis for consultation or analysis.

All documents, including maps, plans, drawings, specification and test results which we prepare or furnish or which are prepared or furnished by our independent professional associates and consultants pursuant to this agreement are considered instruments of service with respect to the project, and we will retain an ownership and property interest therein, whether or not the project is completed. Without limiting the foregoing, we reserve the right to make use of all information obtained in the performance of our services in projects for other clients, including without limitation, the right to use all test results and reports in performing services for future owners of your property.

Bean

File No.18-8115 / Report No. 18514R2

The limits of our liability for data contained in this report and our warranty are presented on the following page.

This report is issued with the understanding that it is the responsibility of the owner, or his representative, to assure that the information and recommendations contained herein are called to the attention of the designers and builders for the project.



Respectfully submitted,  
MID-COAST Geotechnical, Inc.

*Dane C. Jensen*  
Dane C. Jensen RCE C60675  
Expiration Date 12/31/2022

DCJ/gjr  
Sandy Bean (1 + e-mail)

## **9 WARRANTY**

This report is based on the development plans provided to our office. In the event that any significant changes in the design or location of the structure(s) as outlined in this report are planned, the conclusions and recommendations contained in this report may not be considered valid unless the changes are reviewed and the conclusions of this report are modified or approved by the geotechnical engineer.

The subsurface conditions, excavations, and characteristics described herein have been projected from individual borings or test pits placed on the subject property. The subsurface conditions, excavation, and characteristics shown should in no way be construed to reflect any variation which may occur between these borings or test pits.

It should be noted that fluctuations in the level of the groundwater may occur due to variation in rainfall, temperature, changes in drainage and grading, and other factors not evident at the time measurements were made and reported herein. MID-COAST Geotechnical, Inc. assumes no responsibility for variations which may occur across the site.

If conditions encountered during construction appear to differ from those disclosed, this office shall be notified so as to consider the need for modifications. No responsibility for construction compliance with the design concepts, specifications or recommendations is assumed unless on-site construction review is performed during the course of construction which pertains to the specific recommendations contained herein.

This report has been prepared in accordance with generally accepted practice. No warranties, either express or implied, are made as to the professional advice provided under the terms of the agreement and included in this report.

**APPENDIX**

**(Laboratory results, maps, and logs)**

**10 LABORATORY TEST RESULTS**

**10.1 MOISTURE-DENSITY DETERMINATIONS**

Maximum Density-Optimum Moisture data were determined in the laboratory from soil samples using the ASTM D-1557-07 Method of Compaction.

<u>SOIL TYPE</u>	<u>SOIL DESCRIPTION</u>	<u>MAXIMUM DRY DENSITY (lbs/cu.ft)</u>	<u>OPTIMUM MOISTURE (%)</u>
S2	Reddish brown silty SAND	111.0	7.5

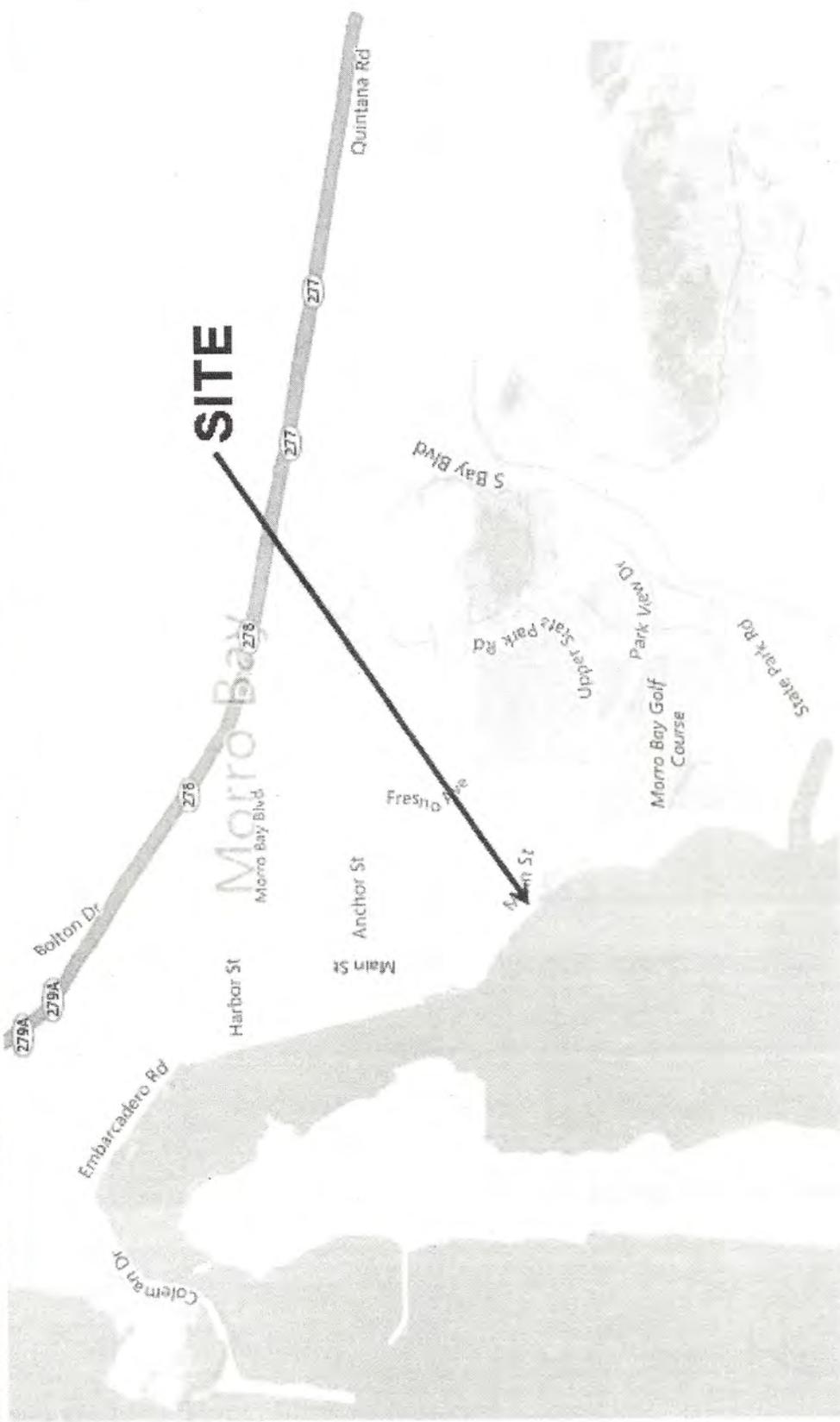
**10.2 FIELD DENSITY SUMMARY (Ring Density Method)**

<u>TEST NO.</u>	<u>DEPTH (FT)</u>	<u>SOIL TYPE</u>	<u>FIELD MOISTURE CONTENT (%)</u>	<u>DRY DENSITY (lbs/cu.ft)</u>	<u>% OF MAX. DRY DENSITY</u>
B1	2	S2	3.9	96.4	87
B1	5	S2	4.6	98.4	89
B1	10	S3	4.6		

**10.3 EXPANSION INDEX TEST**

An Expansion Index Test was performed on a representative bulk sample of the soil collected during our investigation. Expansion index test procedure is performed in accordance with ASTM D4289-03. The results follow:

<u>SOIL TYPE</u>	<u>LOCATION</u>	<u>EXPANSION INDEX</u>
S1	B1 @ 0-2'	0



Vicinity Map \_\_\_\_\_ N.T.S.

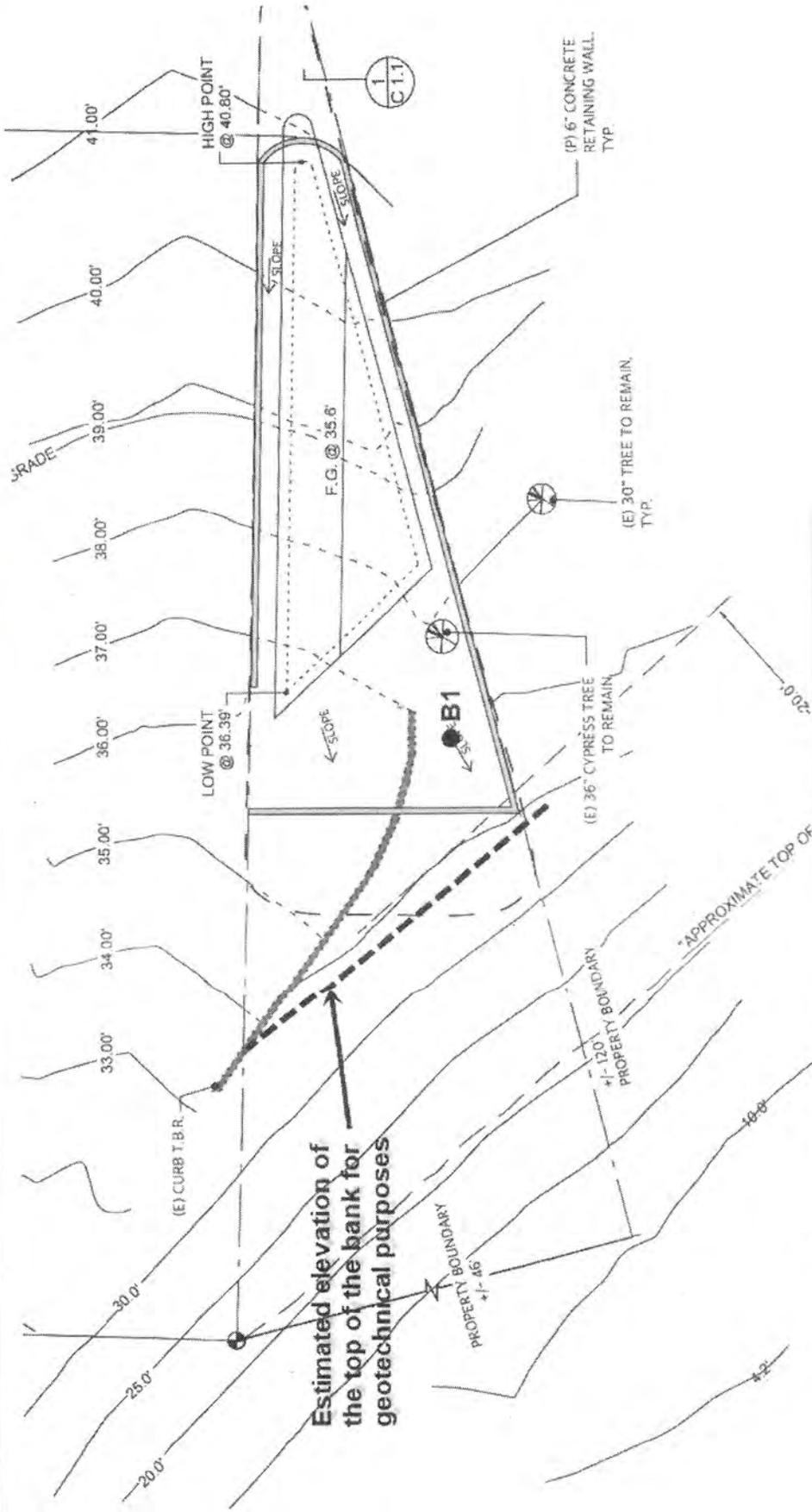
\*MAP PROVIDED BY BING MAPS

Sandy Bean  
 Proposed Residence  
 APN: 066-391-001, Sandpiper Court  
 Morro Bay  
 California

Date: February 26, 2021

Plate 1





Legend \_\_\_\_\_ N.T.S.

- Exploratory Soils Boring

\*PLAN PROVIDED BY OTHERS



Sandy Bean  
 Proposed Residence  
 APN: 066-391-001, Sandpiper Court  
 Morro Bay  
 California

Date: February 26, 2021

Plate 2

LOG OF BORING B1



3124 El Camino Real Atascadero CA 93422  
Telephone: 805-461-0965

CLIENT: Sandy Bean  
PROJECT: Proposed Residence  
LOCATION: Sandpiper Court, Morro Bay  
NUMBER: 18-8115  
DATE(S) DRILLED: 7/12/2018

FIELD DATA		LABORATORY DATA										CLASS.	
DEPTH (FT)	SAMPLES	N: BLOWS/FT P: TONS/SQ FT T: TONS/SQ FT PERCENT RECOVERY/ ROCK QUALITY DESIGNATION	MOISTURE CONTENT (%)	DRY DENSITY POUNDS/CU.FT	RELATIVE COMPACTION (%)	ATTERBERG LIMITS			EXPANSION INDEX	MINUS NO. 200 SIEVE (%)	USCS	SOIL SYMBOL	SOIL TYPE
						LL	PL	PI					
1												S1	Brown silty SAND, loose, damp
2			4	96	87								Reddish brown silty SAND, medium dense, damp
3													
4													
5			5	98	89							S2	
6													
7													Brown silty SAND, medium dense to hard, damp
8													
9													
10			5									S3	Boring terminated at 10' below grade

DRILLING METHOD(S):  
Hand Auger

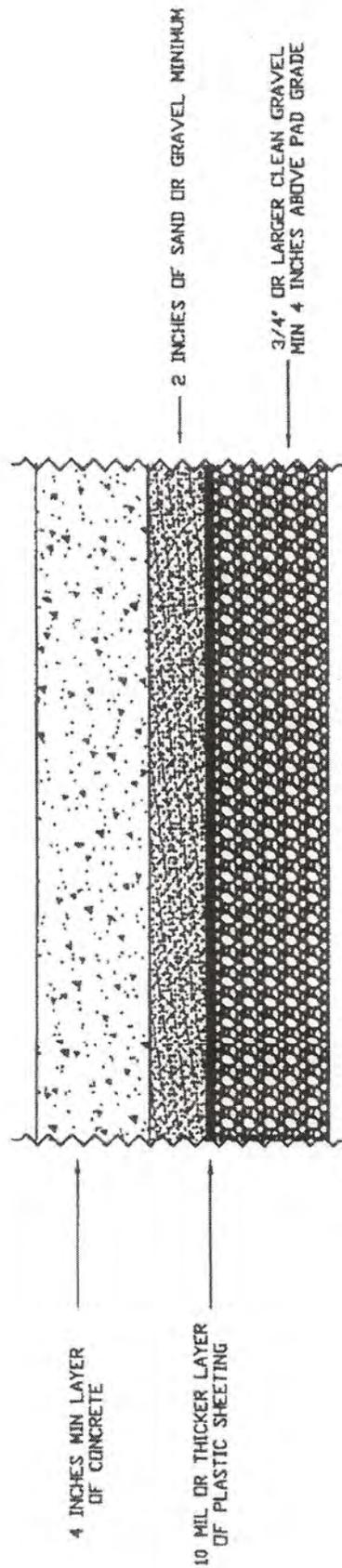
GROUNDWATER INFORMATION:  
No groundwater was encountered at time of drilling

SURFACE ELEVATION:  
DESCRIPTION OF STRATUM

N - STANDARD PENETRATION TEST RESISTANCE  
P - POCKET PENETROMETER RESISTANCE  
T - POCKET TORVANE SHEAR STRENGTH

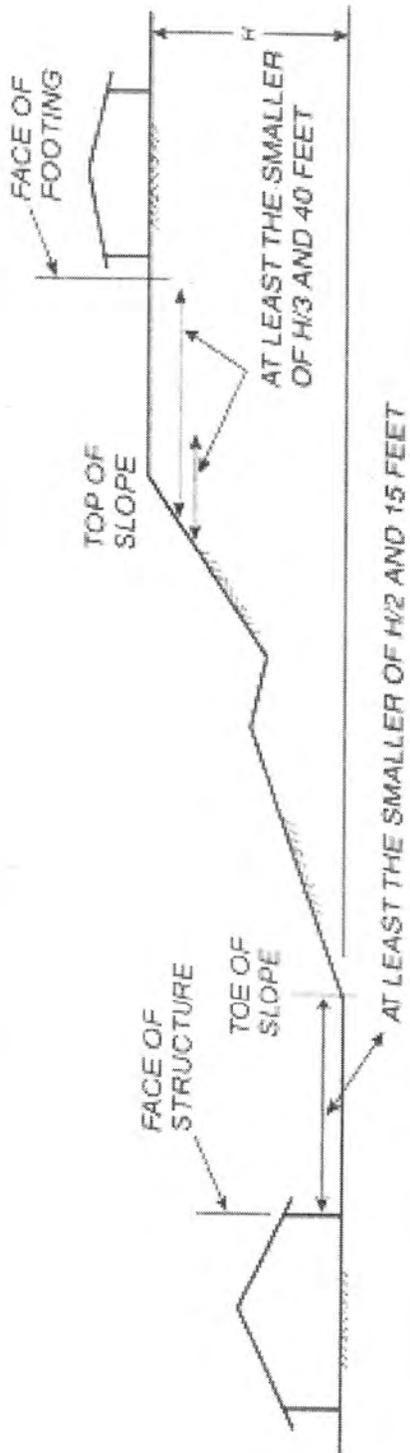
REMARKS:  
Boring was backfilled with auger clippings

LOG OF BORING - MIDCOAST.GDT - 9/27/18 18:10 - G:\GINT\PROJECTS\18-8115 SOILS.GPJ



SUB-SLAB MOISTURE BARRIER  
(Typical)

Plate S



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1

FOUNDATION CLEARANCES FROM SLOPES

Slope Setbacks - Per 1808.7.1

CBC 2019

Plate T





# City Council

**APPEAL OF THE  
PLANNING COMMISSION DENIAL  
ON MAY 17, 2022  
FOR A NEW HOME PROPOSED  
ON THE RESIDENTIALLY ZONED PORTION  
OF THE PROPERTY  
AT 197 MAIN STREET**

**AUGUST 23, 2022**



**MORRO BAY**  
PUT LIFE ON COAST

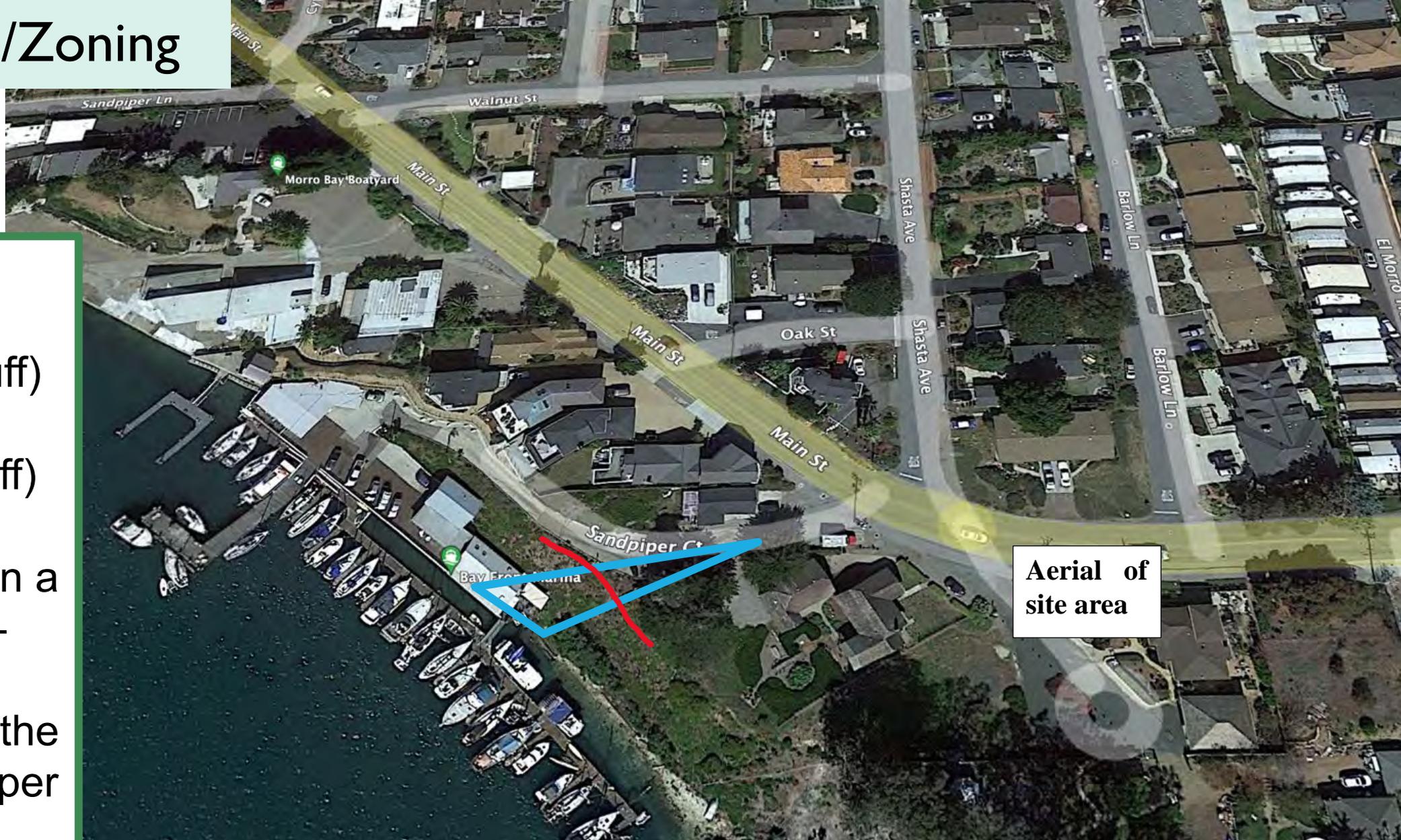
# The Appeal

- **An appeal was filed May 24, 2022 in response to PC's denial on May 17, 2022 of Conditional Use Permit (CUP19-20), Coastal Development Permit (CDP19-047) and Variance Request (VAR20-001). (vote of 3 denials, 1 abstain, 1 against denial)**
- **The appellant is requesting the project and the PC denial be reviewed by City Council. The appellant believes the project was being reviewed under different standards than other proposed single-family homes on residentially zoned property.**



# Site Location/Zoning

- Dual zoning:
  - R-1/PD  
(above bluff)
  - WF/PD  
(below bluff)
- No frontage on a public street – access from easement on the north (Sandpiper Court)

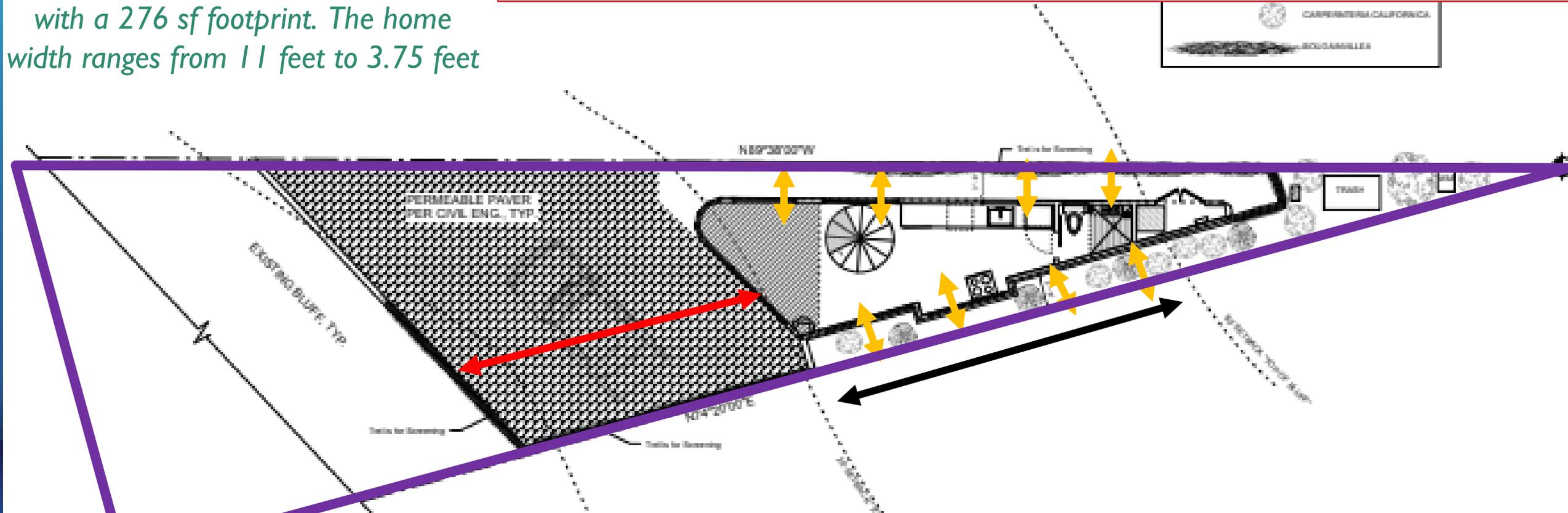


**MORRO BAY**  
PUT LIFE ON COAST

# Site Constraints

- 20 foot bluff setback – no structures allowed
- 14 foot height restriction between 20 ft and 50 ft bluff buffer setback
- 3 foot side yard setbacks

*Proposed Project: 459 sf 2 story home with a 276 sf footprint. The home width ranges from 11 feet to 3.75 feet*



*MBMC Section 17.45.040, Development within the Bluff Buffer Areas: the bluff buffer may be reduced for existing parcels where said setback would render that parcel unusable for its designated use.*



## Grounds for appeal:

- **The PC decided to defer the decision to CC rather than address a project they thought was not appropriate for this site.**

*Staff response: Three planning commissioners were concerned with the exterior look of the home, compatibility with the neighborhood, potential detrimental effects on the bluff and the belief that this site should never have been a “building site”. These Commissioners indicated these issues could not be resolved by a redesign or changes in the conditions of approval and therefore the commission thought it more appropriate for City Council to make the decision.*

## Grounds for appeal - #2:

- The project was denied because PC did not think a home should be allowed on this parcel (zoned for residential)**

*Staff response: The site has a residential land use designation and is zoned single family residential above the bluff where the home is proposed. The land use designation reflects the intent of the city for this parcel and adjacent similarly zoned parcels to be available for residential development. The proposed development does not interfere with or reduce the area or functionality of the adjacent 17 foot wide access easement that has existed since 1924.*

## Grounds for appeal - #3:

- **The project was denied because it was not affordable, when affordability is not a requirement.**

*Staff response: The project is a 459 sf 2 story home with a footprint of 276 sf proposed for occupancy by the property owner.*

*There was a PC discussion about the size of the home indicating that it was 'affordable by design' (i.e. the size would have a positive effect on affordability) but there is no provision in the city's existing or proposed zoning code that would require a single-family home to have affordability restrictions.*



## Grounds for appeal - #4:

- **The project was denied because PC wanted to defer decision to CC rather than suggesting changes or modifications to the project.**

*Staff response: The project includes a few deviations from the development standards that in staff's opinion resulted in a better design and lower impact on the site, neighbors, etc. The variances requested make a big difference to the livability of this small home, but very little, if any impact on any surrounding properties. Some of the commissioners did state that they preferred to send this project for City Council review because they did not feel the site should be developed.*



## Appeal Requested Action or Relief

**The appellant believes there was misinformation about the project in the PC hearing, and it was being reviewed under different standards and conditions than would be required of other recently approved homes also on the coastal bluff.**

### *Staff Response:*

- There did appear to be a lack of understanding or confusion by some commissioners about the project*
- The applicant was not provided any opportunity to modify the plans or accept changes to the conditions of approval to address the PC concerns*
- Three of the planning commissioners did not think a residential use was appropriate on the site and indicated that a reduction in the number or type of variances or change in architectural design would not be enough to gain their vote for approval.*



**MORRO BAY**  
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# Summary of the issues

- *The project is an allowable residential use in the land use plan and zoning district.*
- *The project did ask for minor variance requests, but most of the requests were not essential to the existence of a home on this site. The variances, if granted, allowed a better design and function and were not unlike variances granted to other residential projects with challenging site conditions.*
- *The applicant was provided no opportunity to reduce or modify the design to address PC concerns and would have been willing to modify the design to achieve approval.*

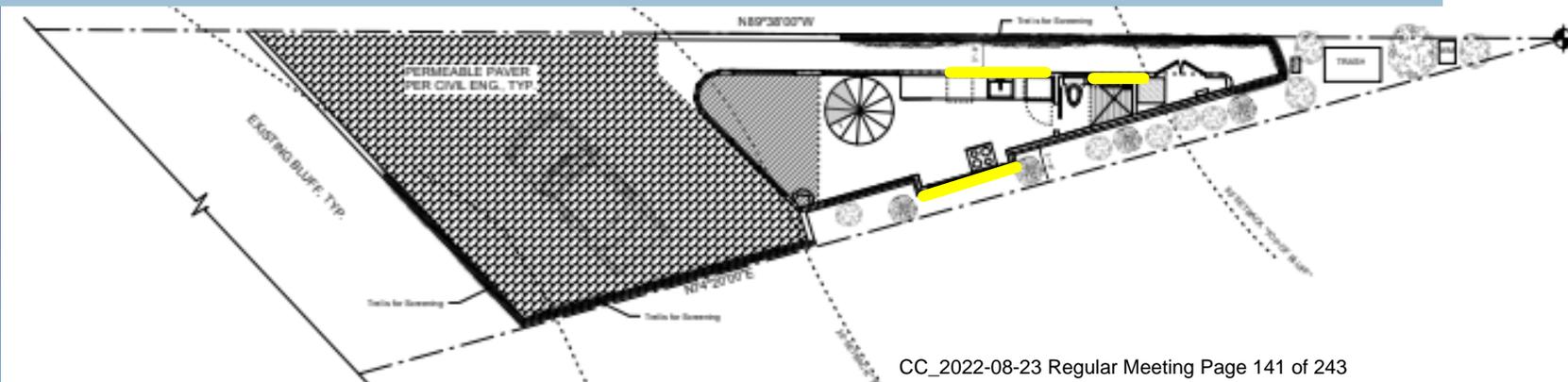


# City Council Options/Alternatives

1. Uphold the appeal and overturn the PC denial of the project
2. Deny the appeal and uphold the PC denial of the project
3. Remand the project back to PC for review.
4. Continue the appeal with direction to staff regarding desired action.

1. One surface parking space (instead of any garage parking)

2. Slight reduction in the side yard setbacks (2 feet instead of 3 feet) for portions of the building with pop-outs (shown in yellow)



# Variance Request – roof height in 20-50 foot bluff buffer area



3. From 20 feet to 50 feet from the top of bluff (bluff buffer), roof heights are limited to 14 feet above ANG, *unless the roof design is 4/12 pitched roof, in which case a 17-foot height is allowed.* This project has a shed type roof which requires approval of a variance to allow a height greater than 14 feet.

# Variance Requests – Screening trellis

## 4. Screening trellis structure located on the northerly property line for privacy and screening

### ***(P) PRIVACY TRELLIS CONCEPTS***



***NORTH ELEVATION***





SHING, TYP.

ARK GREY  
SHING, TYP.

VD,  
YP.



***SOUTH WEST ELEVATION***

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



**MORRO BAY**  
PUT LIFE ON COAST



**AGENDA NO: C-1**

**MEETING DATE: August 23, 2022**

# Staff Report

**TO: Honorable Mayor and City Council      DATE: August 16, 2022**

**FROM: Scot Graham, Community Development Director  
Cindy Jacinth, Senior Planner**

**SUBJECT: Land Use & Zoning Map Authorization**

## **RECOMMENDATION**

Staff recommends the City Council direct staff to work on processing of a change to the General Plan/LCP Coastal Land Use Map and Zoning Map for the properties north of Hwy 1 and west of South Bay Blvd from Low Density Residential to Medium Density Residential; and direct staff to return with a Midyear Budget Amendment to authorize \$13,900 in General Fund expenditures for this work.

## **ALTERNATIVES**

Council could decide not to initiate the recommended Land Use and Zoning Map amendments.

## **FISCAL IMPACT**

Fiscal impact to the City would include the cost of the environmental review to be done by SWCA Consultants (approximately \$13,900) and staff time spent processing the land use and corresponding zoning map amendment, attending and presenting at Planning Commission and City Council meetings, and if approved, preparation and submittal of an LCP Amendment application to the Coastal Commission. This cost to the City, which supports City Council major goals on Housing and adopted Housing Element goals to encourage creation of new housing opportunities, will require a budget appropriation from the General Fund at mid-year.

## **SUMMARY / BACKGROUND**

The City Council adopted its General Plan/LCP Coastal Land Use Plan map on May 25, 2021 which was certified by the Coastal Commission on August 12, 2021. The land use map designates the properties north of Hwy 1 and west of South Bay Blvd as Low Density Residential (0 – 4 units per acre) as illustrated in the image of the Land Use map below. These properties are mostly vacant which include a 45 acre property owned by the Shepard/Martz family, 10 lots of approximately 4.7 acres owned by LJ Steiner LLC (also known as Seashell Cove) and to the east is the existing Bayside Care Center/Casa De Flores five-acre property at 1405 Teresa Drive.

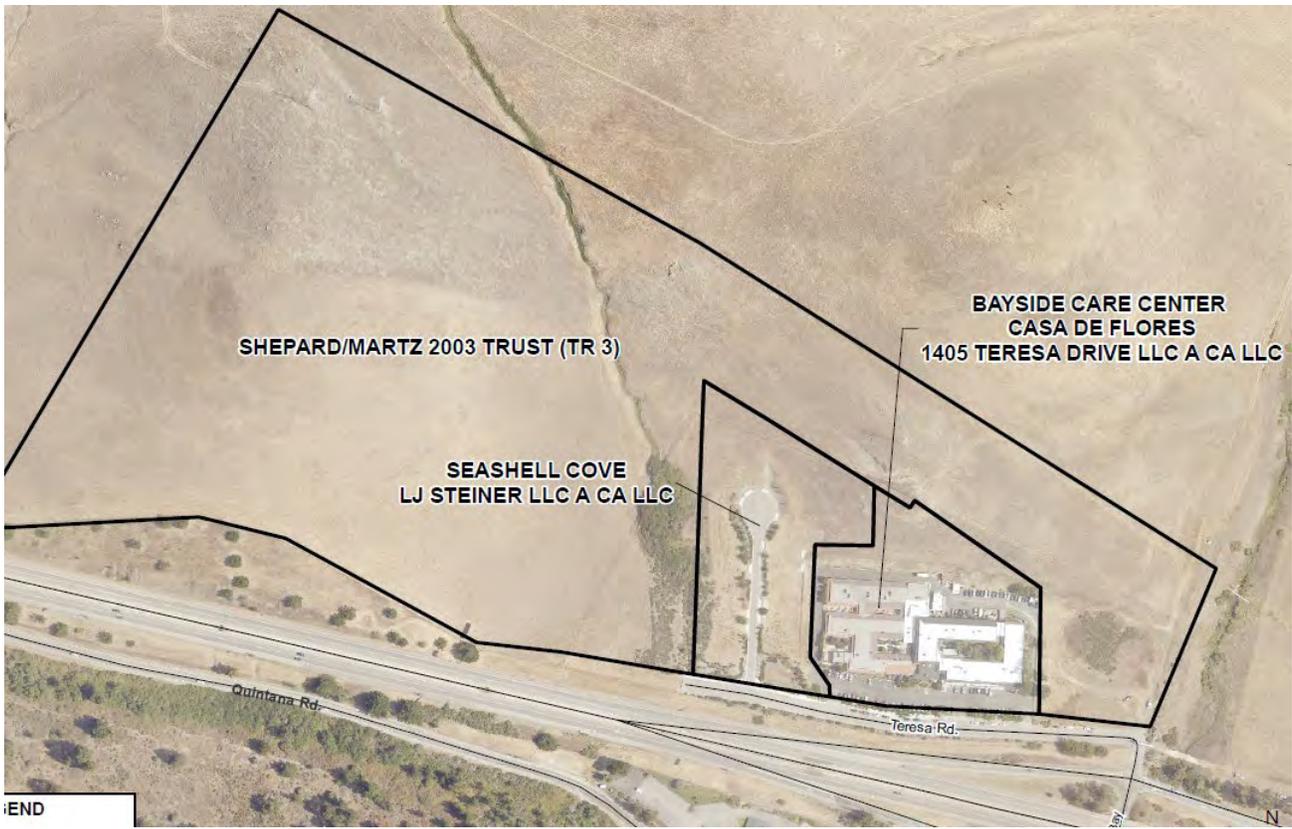
In the previous General Plan and Local Coastal Plan, the land use designation for these properties was low density and did not change during the Plan Morro Bay: General Plan/LCP Update project. Since the new Land Use map was drafted in approximately 2017-2018 and then adopted in 2021, City Council has adopted housing goals to “identify the opportunities for additional housing options and /or explore partnerships to support these efforts” and specifically a Short Term Action Item to “bring a land use amendment forward for the Seashell estates property to increase density to 7 – 15 units per acre for a future multifamily housing project.”

Prepared By:   CJ        Dept Review:   SG    
City Manager Review:   SC        City Attorney Review:   CFN

On June 7, 2022, staff brought forward an application request to Planning Commission for the Seashell Cove properties by the owner, LJ Steiner LLC, to request a land use map amendment change from low density residential to high density residential. Planning Commission did not support the request for a land use change because although they support more housing, they did not want to approve a land use change at this location without an accompanying project. While land use changes are often accompanied by a project, current City goals would appear to support the land use change without need for the project. In fact, having the City take lead on the land use change would show that the City is serious about housing and would again support the City goal of partnering and supporting housing opportunities. The applicant is willing to allow the City to utilize all environmental work previously prepared for the land use and zoning map amendments to support the City taking lead on the amendments.

The owners of the adjacent 45 acre Shepard/Martz property have also expressed interest in a change to the land use designation for their property. They have not yet applied for a land use change but are supportive of a change to the City's Land Use/zoning maps and are working on environmental studies to support this effort. Staff feels there is an opportunity here to "partner" with the landowners to support the land use change and current City housing goals by taking lead on the land use change.





**DISCUSSION**

Under the current low density residential designation, the properties could be developed at up to 4 dwelling units per acre. A medium density residential designation would be up to 15 dwelling units per acre and high density residential is up to 27 dwelling units per acre. However, due to site constraints in this area related to slope, environmentally sensitive habitat (ESH) buffer requirements, Pacific Gas & Electric (PG&E) easement, and drainage easements, a portion of the area would be unbuildable. The City’s Zoning Code calculates density based on net buildable area which would result in smaller development totals than what the dwelling units per acre calculations would otherwise allow. We won’t have an exact number of the units that can be built on the property until we have a map showing existing easements and all of the environmental studies have been completed. However, the City’s Inclusionary Housing Ordinance will require 10% of the units to be affordable to families with incomes in the very low, low and moderate income ranges.

A change to the Land Use/Zoning Maps would also require environmental review pursuant to the California Environmental Quality Act (CEQA). The Seashell Cove owner has already prepared a Mitigated Negative Declaration (MND) that was presented at the June 7, 2022 PC meeting, although not adopted. SWCA Consultants prepared the Initial Study/MND for the Seashell Cove/Steiner project and previously did the MND review for the former Seashell Estates 10 lot subdivision approved in 2009. Because of SWCA’s familiarity with this area, staff requested a proposal from SWCA to provide the environmental review to add in the Shepard/Martz property (See proposal provided as Attachment 1). The proposal for environmental services would be for \$13,842 and would cover the required environmental review needed in order to process a City-initiated land use and zoning map amendment for this area. The SWCA proposal does not include the cost to prepare the individual environmental studies that will be necessary to complete the MND, but the owner has agreed to have those studies prepared at their cost.

Should the Council direct staff to move forward with the land use and zoning map amendments staff would then work with the property owners to complete the environmental work that is necessary for the Shepard/Martz Property and to bring the amendments forward for review by the Planning Commission and City Council review early next year. The environmental work for the Seashell estates amendments are complete and can move forward more quickly, likely within the next couple of months. Once the land use changes for Seashell Estates are complete the owner has indicated they ready to submit an application for development of a multifamily residential project for the site.

### **CONCLUSION**

To support City Council major goals on Housing and adopted Housing Element goals to encourage creation of new housing opportunities, staff is requesting Council direct staff to initiate a General Plan/LCP Coastal Land Use Plan and Zoning Map amendment to change the land use and zoning designations from Low Density Residential to Medium Density Residential for the aforementioned properties. Should Council provide this direction it will not only support current City housing goals, and Housing Element policies, it will also show that the City is doing what it can to support and encourage the development of much needed multifamily housing in the community.

### **ATTACHMENT**

1. SWCA Consultants Proposal for Environmental Services, August 4, 2022.

### **ONLINE LINK:**

Planning Commission June 7, 2022 staff report:

<https://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5934>



ENVIRONMENTAL CONSULTANTS  
Sound Science. Creative Solutions.®

San Luis Obispo Office  
3426 Empressa Drive, Suite 100  
San Luis Obispo, CA 93401  
Phone: 805-543-7095

August 4, 2022

Cindy Jacinth  
City of Morro Bay  
Community Development Department  
955 Shasta Avenue  
Morro Bay, CA 93442

Submitted via email: [cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov)

**Re: Proposal to Prepare the Shepard/Martz Property GPA Initial Study / SWCA No. P72194**

Dear Ms. Jacinth:

Thank you for the opportunity to provide a proposal for preparation of an Initial Study for the proposed City-initiated General Plan Amendment, Local Coastal Plan Amendment, and Zoning Code Change for the Shepard/Martz property located at the western terminus of Teresa Drive in Morro Bay, on the west side of the Seashell Cove property.

The attached scope of work was developed based on information provided by City of Morro Bay (City) staff, our experience conducting environmental and planning services within Morro Bay, and environmental information provided by the property owner. It is our understanding that the project application only includes the General Plan Amendment, Local Coastal Plan Amendment, and Zoning Code Changes, and no specific development has been applied for at this time.

Based on our understanding of the project, anticipated key issues, and our familiarity with the project setting, we are proposing the preparation of an Initial Study to determine the appropriate level of environmental review for the project. The cost to complete the proposed tasks, as described in the attached scope of work, is a time-and-materials, not-to-exceed budget of **\$13,842**. Thank you for providing us with the opportunity to work with you. Should you have any questions regarding our scope of work or cost estimate, please contact me at (805) 786-2550 or [brandi.cummings@swca.com](mailto:brandi.cummings@swca.com).

Sincerely,

A handwritten signature in blue ink that reads "Brandi Cummings". The signature is written in a cursive, flowing style.

Brandi Cummings  
Project Manager

## SCOPE OF WORK

The following scope of work provides a description of the California Environmental Quality Act (CEQA) services that **SWCA Environmental Consultants (SWCA)** will provide to the City of Morro Bay (City) for the proposed General Plan Amendment, Local Coastal Plan Amendment, and Zoning Code Changes, for the Shepard/Martz property (project). It is our understanding that the City is initiating the land use amendments at this time and that the property owner has not applied for any development permits. We understand the land use amendments would change the density of the property from low-density residential (up to 4.0 du/acre) to medium-density residential (up to 15.0 du/acre). Based on the size of the property, approximately 45.37 acres, it appears the land use amendments could result in approximately 680 residential units, depending on the final net buildable area determined by the City. While development plans are not proposed at this time, SWCA would coordinate with the City to determine the scope of Initial Study and whether any specific development features should be analyzed to help facilitate CEQA streamlining of future development.

## ENVIRONMENTAL SERVICES

### TASK 1: PROJECT KICKOFF AND SITE VISIT

SWCA staff will conduct a site visit with City staff to the proposed project site to observe existing environmental conditions. Information collected from the site visit will aid the preparation of the description of the existing setting discussion and impact determinations in the draft Initial Study (IS). During or after the site visit, SWCA will coordinate with the City on the project schedule, our approach to critical issues, options for coordinating with the City frequently throughout preparation of the IS, communication protocols, and other logistical items. This task includes attendance by SWCA Project Manager Brandi Cummings, and SWCA Environmental Planner Cassidy Williams, each of whom will be tasked with preparing substantial portions of the CEQA document.

### TASK 2: ADMINISTRATIVE DRAFT INITIAL STUDY

Based upon our understanding of the project and our preliminary review, SWCA believes this project would qualify for a Mitigated Negative Declaration (MND) under CEQA. SWCA will coordinate closely with the City to prepare a draft project description for the City's review and approval. Upon receipt of the City's comments and finalization of the project description, SWCA will prepare a draft Administrative IS pursuant to State CEQA Guidelines Section 15063. Preparation of the IS Checklist will include an assessment of all resource areas as required by State CEQA Guidelines Appendix G. The analysis will consider all information provided by the City, including any technical studies prepared for the property.

The IS Checklist format will be consistent with the City's preferred format and will include all sections required by CEQA, as identified in Appendix G of the State CEQA Guidelines.

#### *Deliverables*

SWCA will provide one electronic copy of the Administrative Draft IS to the City for review.

### TASK 3: DRAFT INITIAL STUDY AND NOTICING

This task assumes up to two rounds of City review and revision for all sections of the IS. Following receipt of comments from the City, SWCA will finalize the Draft IS/MND and prepare a Mitigation Monitoring and Reporting Program (MMRP). SWCA will prepare all required notices, including the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) and the Notice of Completion (NOC). The IS/MND will be reproduced and submitted to all agencies and interested parties identified on a City-approved mailing list and will be submitted to the State

Clearinghouse for circulation. We assume that the City will be responsible for all public noticing, such as onsite posting, newspaper advertisement listing, filing the NOI with the County Clerk, and mailing public hearing notices.

### ***Deliverables***

SWCA will provide one electronic copy of the Draft IS, in addition to a separate MMRP. Additionally, SWCA will prepare the appropriate noticing documents, including the NOI, NOC, as well as the completed summary form for submittal to the State Clearinghouse. SWCA is available to assist with electronic submittal to the State Clearinghouse if requested.

## **TASK 4: RESPONSE TO COMMENTS AND REVISED INITIAL STUDY**

SWCA is prepared to respond to any comments received in writing during public circulation of the IS/MND. Our scope of work includes preparation of responses to comments on the IS/MND and assumes up to five uniquely substantial comments or comment topics would be received. SWCA will incorporate any necessary clarifications and edits and prepare a Final IS, MMRP, and Notice of Determination (NOD). SWCA assumes the City will be responsible for posting the final NOD with the County Clerk, including payment of the California Department of Fish and Wildlife (CDFW) Environmental Filing Fee.

### ***Deliverables***

SWCA will provide one electronic copy of the Final IS/MND, MMRP, and the NOD.

## **ASSUMPTIONS**

- SWCA assumes that the City and/or property owner will provide technical studies for the following issue areas, assuming a reasonable build-out scenario under the new proposed land use designation: biology, traffic (including VMT analysis), visual resources, cultural resources (Phase 1).
- No additional technical studies will be required from SWCA.
- The City will determine the final net buildable area for purposes of calculating density.
- The City will handle any SB 18 and AB 52 consultation and will not require assistance from SWCA.
- The City will be responsible for any inter-agency coordination (e.g., SLOCOG, Caltrans, etc.).
- The City will be responsible for all public noticing, such as onsite posting, newspaper advertisement listing, filing the NOI with the County Clerk, and mailing public hearing notices.

## SCHEDULE

SWCA is prepared to initiate this scope of work immediately after receiving authorization to proceed. Table 1 sets out anticipated general timeframes for completion of the identified environmental services. All documents will be provided in electronic format. Note that these timeframes are just estimates; we are willing to commit to the overall project schedule developed by the City, and will provide environmental documentation within the timeframes necessary to maintain the overall project schedule to the extent feasible.

*Table 1. Proposed Work Schedule*

TASK	ESTIMATED COMPLETION PERIOD
<b>ENVIRONMENTAL SERVICES</b>	
Task 1: Project Kickoff/Site Visit	10 days following receipt of authorization to proceed
Task 2: Administrative Draft Initial Study	45 days following receipt of necessary technical reports
Task 3: Draft Initial Study and Noticing	5 days following receipt of comments from the City
Task 4: Response to Comments and Revised Initial Study	10 days following receipt of public review comments

## COST ESTIMATE

Based on thoughtful consideration of the project requirements, and a thorough estimate of the attendant labor and direct costs, SWCA’s estimate for completion of the proposed scope of work is a time-and-materials fee of **\$13,842**.

*Table 2. Proposed Scope of Work Cost Estimate*

TASKS	COST
Task 1: Project Kickoff and Site Visit	\$570
Task 2: Administrative Draft Initial Study	\$10,257
Task 3: Draft Initial Study and Noticing	\$1,733
Task 4: Response to Comments and Revised Initial Study	\$1,282
<b>TOTAL</b>	<b>\$13,842</b>



AGENDA NO: C-2

MEETING DATE: August 23, 2022

# Staff Report

**TO:** Honorable Mayor & City Council **DATE:** August 17, 2022

**FROM:** Greg Kwolek – Public Works Director  
Paul Amico, PE – Water Reclamation Facility (WRF) Program Manager

**SUBJECT:** Approve WRF Contract Amendments and Review and Comment on Fiscal Year 21-22 Q4 WRF Quarterly Report

## RECOMMENDATION

Staff recommends the City Council review and provide input on the Fiscal Year (FY) 21-22 4<sup>th</sup> Quarter (Q4) WRF Quarterly Report and authorize the City Manager to execute the following Water Reclamation Facility (WRF) contract amendments:

1. Amendment No. 4 to the agreement with Waterworks Engineers (Waterworks) for engineering services during construction of the WRF Lift Station and Offsite Pipelines for a total amount of \$108,706 and to extend the contract expiration date to December 31<sup>st</sup>, 2022, resulting in a total not to exceed amount of \$2,540,113.
2. Amendment No. 7 to the agreement with Carollo Engineers, Inc. (Carollo) for Program Management Services for the Water Reclamation Facility Program for a total of \$1,700,000, resulting in a total not to exceed amount of \$13,508,401.
3. Amendment No. 2 to the agreement with Kevin Merk Associates (KMA) for biological monitoring, reporting, and mitigation services the WRF Lift Stations and Offsite Pipelines construction for a total of \$15,000 resulting in a total not to exceed amount of \$86,310 for KMA.
4. Amendment No. 5 to the agreement with Anvil Builders, Inc. (Anvil) for the WRF Lift Stations and Offsite Pipelines construction for \$1,253,667, which results in a total not to exceed contract value for Anvil of \$34,196,581.
5. Revised Amendment No. 7 to the agreement with FBV Morro Bay Joint Venture (FBV) for the Water Reclamation Facility Construction project for \$553,371, therefore, increasing the Guaranteed Maximum Price (GMP) to \$77,251,366.

## FISCAL IMPACT

### **Waterworks Engineers**

The cost for Amendment No. 4 is \$108,706. If the amendment is approved, then the total not to exceed amount for the Waterworks agreement will increase from \$2,431,407 to \$2,540,113.

### **Carollo Engineers, Inc.**

The cost of Amendment No. 7 is \$1.7 Million. If the amendment is approved, then the total not to exceed amount for the Carollo agreement will increase from \$11,808,401 to \$13,508,401.

Prepared By: <u>AC</u>	Dept Review: <u>GK</u>
City Manager Review: <u>SC</u>	City Attorney Review: <u>JWP</u>



**Kevin Merk Associates**

The cost of Amendment No. 2 is \$15,000. If the amendment is approved, then the total not to exceed amount for the KMA agreement will increase from \$71,310 to \$86,310.

**Anvil Builders, inc.**

The cost of Amendment No. 5 is \$1,253,667. The PCOs included in Amendment No. 5 are listed in the following table. If the amendment is approved, then the total not to exceed amount for the Anvil Agreement will increase from \$32,942,914 to \$34,196,581.

PCO #	DESCRIPTION	Amount
13	Utility Bridge Abutment Changes	\$500,000.00
17	Add Tracer Wire, Ground Rods, Terminal Stations	\$108,521.00
25	COVID-19 Construction Cost Escalation	\$292,000.00
50	DSC at South Bay & Teresa (Utilities & Bedrock)	\$210,000.00
52	High Level Switch Alarm Termination at Utility Bridge	\$8,743.00
61	City Sales Tax Increase During Project	\$134,403.00
	<b>Total</b>	<b>\$1,253,667</b>

**FBV**

The cost of revised Amendment No. 7 is \$553,371. The PCOs included in revised Amendment No. 7 are listed in the following table. If the amendment is approved, then the guaranteed maximum price will increase from \$76,697,995 to \$77,251,366.

PCO #	DESCRIPTION	Amount
98	Materials Testing & Inspection (3rd Party)	\$143,120
100	Add Thin-Client Licenses and Maint Bldg Work Station	\$17,229
101	COVID-19 Related Material Cost Escalation Claim	\$48,744
102	City Requested SCADA Screen Revisions	\$60,000
103	SRF Reimbursement Request Requirements	\$119,319
105	WRF Monument Entry Sign Modifications	\$23,738
106	DC-33 Add Wash Rack Grease and Sand Interceptor	\$35,287
107	DC 34 Vactor Unloading Facility Revisions	\$38,880
109	Procurement of Teletruck for City Water/Wastewater Operations Staff	\$74,562
110	Chem Facility Fencing Revisions	\$24,767
113	Modify H2O SCADA Screen for RO System	\$13,264
114	RO/UV Building Wall & Ceiling Insulation (DISPUTE)	\$32,025
117	Water Main Connection on Teresa Road	\$37,503
118	Fine Screen LOTO Capability (Disputed Item)	\$26,905
119	Credit for Chemicals Supplied by City	\$(141,972)
	<b>Total</b>	<b>\$553,371</b>

**Overall Fiscal Impact**

Acceptance of all five contract amendments would not result in an increase in the overall WRF Project baseline budget as adopted in the FY 2022-23 City Budget (\$159.84 million). The total revised amount

between Waterworks, Carollo, KMA, Anvil, and FBV falls within the individual WRF budget line items and their respective contingencies. The following table connects the proposed contract amendments to each individual budget item included in the overall WRF Project Budget.

	Amendment Value	FY 22/23 Budget	Contingency Budget	Remaining Budget
<b>Water Reclamation Facility</b>				
FBV Revised Amendment No. 7	\$ 553,371	\$ 735,000	\$ 190,221	\$ 371,850
<b>Conveyance Facilities</b>				
Anvil Builders Inc Amendment No. 5	\$ 1,253,667	\$ 678,105	\$ 626,037	\$ 50,475
Waterworks Amendment No. 4	\$ 108,706	\$ 280,000	\$ -	\$ 171,294
Kevin Merk Associates Amendment No. 2	\$ 15,000	\$ 25,000	\$ -	\$ 10,000
<b>Recycled Water Facilities</b>				
None at this time				
<b>Program Management</b>				
Carollo Engineers, Inc. Amendment No. 7	\$ 1,700,000	\$ 2,626,887	\$ -	\$ 926,887

## **DISCUSSION**

### **Waterworks Engineers**

Amendment No. 4 for Waterworks Engineers includes the following continued engineering services during construction for the WRF Lift Stations and Offsite Pipelines Project.

- Provide additional engineering support services during construction and start-up of pump stations A&B, sewer force mains and effluent pipe (brine line) improvements by October 2022 and substantial completion of these improvements by December 2022;
- Design repurposing of existing Desal Feed line to route future RO-C discharge piping into enhanced air-relief structure;
- Design connection of future Roll Seal discharge system into a PS-A emergency storage flushing line;
- Design upsize of existing 8" RO building sewer line to 12" on PS-A to accommodate roll seal water flows;

### **Carollo Engineers, Inc.**

Amendment No. 7 to the agreement with Carollo Engineers, Inc. (Carollo) in the amount of \$1,700,000 to complete management of major construction of both the WRF and Conveyance Facilities, funding support, program management activities, and permitting support for the FY22/23.

### **Kevin Merk Associates**

Amendment No. 2 for Kevin Merk Associates includes continued biological monitoring and support for the conveyance facilities project to an expected final completion date through December 2022.

## **Anvil Builders, Inc.**

Amendment No. 5 consists of six potential change orders (PCO) that were negotiated between Anvil and the construction management team. The following sections briefly describe each PCO included in Amendment No. 5.

### PCO No. 13 – Utility Bridge Abutment Changes

Anvil is reimbursed and compensated for extra work associated with the treatment plan that is required by the Programmatic Agreement between USEPA and the State Historic Preservation Office (SHPO). Work revisions included: (1) revising trenching and finish grade requirements between Atascadero Road and the North Bridge Abutment, (2) revised slide rail shoring at both Bridge Abutment excavations, (3) mandated dewatering systems regardless of groundwater level/status, (3) and Archeologist-supervised excavations with slower excavation operations between the pipe bridge and Atascadero Road. Anvil is provided a 60-day non-compensable time extension through 11/2/2022. Anvil and the City agree Anvil is entitled to present substantiating documentation of associated with extended overhead impacts for City's review and approval and possible incorporation into a future Amendment.

### PCO No. 17 – Add Tracer Wire, Ground Rods, Terminal Stations

Anvil is reimbursed and compensated for extra work associated with adding Tracer Wire on all project pipelines that are not located in a Joint Trench. This includes: 7 segments of IPR line, 2 segments of BR line, and 4 segments of Relocated Waterlines. Anvil shall provide Tracer Wire starting and/or ending terminals (Tracer Wire Test Stations per Std Det 2060 and Ground Rods per Std Det 16410). Anvil shall also provide Tracer Wire Test Stations at approximately 500' intervals throughout all associated tracer wire systems.

### PCO No. 25 – Construction Cost Escalation Increase from Vendors

Anvil is reimbursed and compensated for construction cost escalation increases from specific vendors resulting from changes in economic conditions after the project was bid. The reimbursement is based on several specific vendors including: Aegion for special HDPE fusing, P&F Distributors for piping materials, Big Wakoo for fencing, Pacific Steel Group for rebar, R&B for construction materials, David Crye for trucking, JB Dewar for diesel fuel, and SC Fuels for diesel fuel. The compensation amount represents a 50/50 settlement split with Anvil.

### PCO No. 50 – Differing Site Conditions at South Bay and Teresa Road (Utilities and Bedrock).

Anvil is reimbursed and compensated for extra work associated with differing site conditions (DSC) encountered while installing project pipelines through the intersection of South Bay Blvd and Teresa Road, including significant impacts for unknown bedrock over about 100-ft of trenching. This change item also includes impacts for utility conflicts encountered, including for AT&T, SoCal Gas, State Water, City Water, and City Sewer. This change item also includes costs to remove and replace segments of existing City Sewer pipe and City Water pipe that were in poor condition and failing due to the adjacent bedrock excavation operations.

### PCO No. 52 – High Level Switch Alarm Termination at Utility Bridge.

Anvil is reimbursed and compensated for extra work associated with eliminating the programmable logic controller (PLC) at the Utility Bridge. The PLC only operated a flood sensor. The flood sensor will now be connected to the PLC at Pump Station A via added twisted shielded pair (control wire) running in one of the innerducts in the 4" FO conduit. The purchased PLC, solar panel, and other related equipment will be provided to the City as spare parts, so no credit for those materials is

provided.

PCO No. 61 – City Sales Tax Increase During Project

Anvil is reimbursed and compensated for extra costs associated with increased local Sales Tax by 1% effective 4/1/2021, essentially just after Anvil started working on the project. This settlement amount is calculated to reflect 1% of all goods and materials purchased within various jurisdictions with California and delivered to the site.

**FBV**

Revised Amendment No. 7 consists of 15 potential change orders. The following sections briefly describe each PCO included in revised Amendment No. 7.

PCO #98 - Materials Testing & Inspection (3rd Party)

FBV is reimbursed for costs associated with 3rd party materials testing and special inspections. Under previous Amendment #3, FBV and the City agreed "... All 3rd party testing and inspection shall be provided by FBV up to \$200,000. Anything in excess of \$200,000 shall be borne by the City." This change amount is based on actual applicable testing and inspection costs above \$200,000.

PCO #100 - Add Thin-Client Licenses and Maintenance Building Work Station

FBV is reimbursed and compensated for extra work associated with additional Control System elements as follows: (1) Add a thin client workstation in the Maintenance Building, including thin client machine with keyboard and mouse, currently there is just a 42" monitor; and (2) Add two additional Wonderware Supervisory Client License w/ Historian Client and one Dell Wyse 570 Thin Client w/ Windows Server.

PCO #101 - COVID-19 Related Material Cost Escalation

FBV is reimbursed for extra costs associated with COVID-19 material cost escalations from EDI (air diffusers), Jensen Precast (vaults and manholes), Miltimore Tile (bathroom tile), Pacific Acoustics (ceiling tiles) and S&M Fire (fire protection systems). FBV is entitled to this material cost escalation reimbursement beyond normal yearly inflation statistics based on provisions of the Design-Build Agreement.

PCO #102 - City Requested SCADA Screen Revisions

FBV is reimbursed for extra work associated with the following City requested SCADA screen upgrades: City and FBV screen development subcontractor shall meet to agree on upgrades to the control screen features, then screen development subcontractor shall implement City preferences including screen readability, graphics use, color use, layout of equipment, use of navigational features, etc. This change item also includes costs for similar modifications to control screens provided by equipment vendors to match the new standard, and costs for two additional empty SCADA server racks in Operations Building for the City's future use.

PCO #103 - SRF Reimbursement Request Requirements

FBV is reimbursed for extra administrative efforts associated with creating very detailed progress payment documentation suitable for submission for State Revolving Fund (SRF) cost disbursements from the State. The work includes a one-time detailed cost breakdown into 16 bid items approved by the State, for all costs incurred from start of project, Invoice #1, through Invoice #31, then continue providing detailed 16 bid item monthly cost breakdowns for each invoice from Invoice #32 through the end of 2022. As of the writing of this description FBV has provided breakdowns through Invoice #44 (June 2022).

#### PCO #105 - WRF Monument Entry Sign Modifications

FBV is reimbursed for extra work associated with upgrading the project entrance sign beyond the simple placard sign called for in the Design-Build Agreement, which would have a service life of about 5 years. The modified sign shall consist of 12' long, 4 ft tall, concrete monument (wall) sign, which includes additional grading/earthwork, concrete footing, concrete wall, raised lettering, and 18" diameter City Seal.

#### PCO #106 – Design Clarification No. 33, Add Wash Rack Grease and Sand Interceptor

FBV is reimbursed for extra work associated with Design Clarification No. 33 including the installation of an oil separator for the Wash Rack. This change was requested by City staff in 2022 and is outside the original GMP scope. As per the 9/12/2019, design meeting, item 2-1.4, "City to check if oil/water separators are required at the maintenance building and wash rack. City believes it will be OK without it." As such, FBV was directed not to design in an oil separator and ultimately they were not required under the IFC drawings.

#### PCO #107 – Design Clarification No. 34, Vactor Truck Unloading Facility Revisions

FBV is reimbursed for extra work associated with Design Clarification No. 34 including, procurement and installation of two 10' sections of concrete k-rail on the vactor drain slab, with stainless steel support brackets; In-house design, fabrication and installation of stainless steel sluice gate within vactor trench drain; Installation of concrete weir wall inside the first downstream sewer manhole, which includes epoxy dowels, forming, rebar, and concrete. The intent of these added features is to reduce the amount of sediment and debris that enters the on-site sewer collection system.

#### PCO #109 - Procurement of Teletruck for City Water/Wastewater Operations Staff

FBV is reimbursed for the procurement of a JCB Teletruck from Central California Power for City staff use after the project. Details of the purchase are encompassed in the quote dated 2/7/22 from Central California Power (JBC Dealer) to the City of Morro Bay (Stock Order/Serial No:3405218 - Model 30G4x4 CON).

#### PCO #110 - Chem Facility Fencing Revisions

FBV is reimbursed for extra work associated with modifying the chain link fencing enclosure at Chemical Facility as per the City's direction. The changes entails widening 6 each double swing gates that had already been installed at each chemical bay. The work required removal of existing fence posts, fencing, and anchors, patching of concrete, re-installation of gate posts, and procurement, delivery, and installation of new wider gate panels (12 total).

#### PCO #113 - Modify H2O SCADA Screen for RO System

FBV is reimbursed for extra work associated with the following City requested SCADA screen upgrades: City and RO System supplier (H2O Innovations) agreed on upgrades to the screens, and H2O Innovations provided additional RO System SCADA screen re-work so that color use and terminologies match the other project SCADA screens.

#### PCO #114 - RO/UV Building Wall & Ceiling Insulation

FBV was directed on 3/3/22 to provide wall and ceiling insulation at Building 16, Storage Shed and Building 50, RO/UV Facility. The City's directive was based upon an ICC Inspection Report dated 10/22/21, from a Certified Deputy Inspector for Code compliance, stating "the R.O. Building has heating, but no insulation at this time, but per Title 24 should be insulated." FBV considered this outside the original GMP scope and submitted original costs of approximately \$109K on 5/2/22. On

7/28/22, FBV notified the City the materials had been purchased and submitted a cost of \$32,025 for insulation materials. Because the City and FBV disagree on whether the installation is included in the GMP, the City has agreed to take possession of the insulation materials until the installation cost matter has been resolved. Materials are currently stored on site.

#### PCO #117 - Water Main Connection on Teresa Road

FBV is reimbursed for extra work associated with providing and additional length of 18" water line piping, fittings, and gate valve for the new WRF City Water service connection. FBV had originally assumed their connection would be near the edge of pavement on Teresa Road. The final installation includes additional trenching, piping, fittings, and a valve extended to a connection point in the center of Teresa Road. This change also includes installing temporary piping and appurtenances to obtain construction water for the project site until the final connection is completed.

#### PCO #118 - Fine Screen LOTO Capability

FBV is reimbursed for work associated with changes to the fine screens control panel and power feed that will facilitate safe and proper Lockout/Tagout procedures as follows: (1) Relocate flow meter transmitter 180 degrees from current position adjacent to fine screens vendor LCP to make room for new enclosures/equipment. (2) Remove fine screens and conveyor starters, circuit breakers, load monitors, and control wiring. (3) Relocate starters, circuit breakers, load monitors, and control wiring to new individual enclosures for each fine screen and conveyor. (4) Install one 480V main fused disconnect switch for local shutdown of existing 480V circuit. (5) Install one 480V fused disconnect on each new starter enclosure for individual load shutdown. Three individual 480V circuits will tap off of existing 480V circuit per NEC tap rule. (6) Install new 120V circuit from electrical building electrical panel, through local plant control panel, and terminate in vendor LCP for new control power. (7) Remove vendor control power transformer and re-wire door switch. (8) Install galvanized anchor based stand and kickers to support new enclosures. (9) Modify vendor LCP shroud to install conduits for extending new 480V power conductors and 120V control wiring. (10). Energize and test.

#### PCO #119 - Credit for Chemicals Supplied by City

The City is credited back and reimbursed for process facility chemicals to be purchased and supplied by the City rather than FBV as was otherwise required by the Design Build Agreement.

### **QUARTERLY REPORT DISCUSSION**

The WRF quarterly report is a document produced quarterly by the WRF project management team to provide status updates on schedule, budget, contract management, cashflow, key activities, and critical path items as they relate to the WRF program. Staff recently received feedback from the WRF Subcommittee regarding the length, clarity, and pertinence of the information presented in the WRF program quarterly report and recommended a variety of changes to its format. In response, staff worked with the Carollo project team to revise the format with the goal of enhancing its consistency and readability to improve accessibility of key information for the City Council, advisory boards, and the general public. This quarterly report is the second report using the new format. Staff is requesting that the Council review and provide feedback on the Q4 FY2022 WRF Quarterly Report and provide feedback on the information presented in this report.

The Q4 FY2022 WRF Quarterly Report covers the period from April 1, 2022, to June 30, 2022, and the major highlights from this period include the following:

- All major construction and final paving at the WRF has been completed.

- The City's Final National Pollution Discharge Elimination System (NPDES) Permit which is required to discharge treated wastewater effluent to the City's existing ocean outfall was approved by the State in early June 2022.
- Most archeological monitoring within Phase 2B of the conveyance facilities is complete.
- The pilot injection well construction contract was awarded to Pacific Coast Well Drilling and is anticipated to be constructed in early August 2022.

The major challenges the City and Carollo project team began working through during Q4 FY 2022 are related to the overall schedule and budget and coordinating the final completion between both the WRF and Conveyance Facilities project. The program team and FBV worked diligently during Q4 to reach agreement on FBV's claim for the delay in Conveyance Facilities completion. City Council approved an amendment to the design-build agreement on June 28 that would have extended FBV's schedule and separates delay costs from the Guaranteed Maximum Price for the WRF. Since FBV did not sign that amendment and pursuant to the provisions of the Design Build Agreement, the City notified FBV of the extended Substantial (January 20, 2023) and Final (March 20, 2023) Completion dates for the project. The costs attributable for those extended dates are still under review and discussion between the City's project management team and FBV. The Conveyance Facilities are on track to be substantially completed by October 1, which will allow FBV to start up the WRF's treatment processes and complete the facility in advance of the State's regulatory deadline. In the meantime, the City and FBV continue to circulate clean water through the WRF to test equipment, train operations staff, and complete programming and testing of the WRF control systems. The Conveyance Facilities construction management team continues to coordinate closely with Anvil to prioritize and streamline work to meet the October 1 deadline and complete critical path items.

The City and program team have also been moving the Recycled Water Facilities (RWF) forward. The pilot injection well installation is the critical path activity that will further characterize the hydrogeologic parameters of the Morro groundwater basin. Drilling of the pilot injection well is scheduled to be completed in early September, with injection testing expected to begin in late September and to be completed in late October. Given the current drought and the construction market, procurement of a drilling contractor was extremely challenging. Additionally, the program team has had extensive siting and permitting challenges associated with the construction of the pilot injection well. The entire pilot well scope of work for the RWF will be completed by early of December.

The current program budget was approved by City Council on June 28, 2022, at \$159.84M and \$111.34M has been spent to-date as of Q4 as of the time of the Q4 report production. Note that the Q4 final numbers will change as some invoices for work completed through June 30, 2022 were invoiced and paid in July/August and will be accrued back to the time services were rendered (Q4). The following table compares the approved budget to the previous project budget:

<b>Component</b>	<b>Q2 2022 Budget</b>	<b>Proposed Budget</b>	<b>Difference</b>
<b>Water Reclamation Facility</b>	75,002,854	79,643,216	4,640,362
<b>Conveyance Facilities</b>	37,141,293	39,774,724	2,633,431
<b>Recycled Water Facilities</b>	7,168,000	9,424,174	2,256,174
<b>Program Management</b>	12,200,000	16,335,288	4,135,288
<b>City Costs</b>	13,162,730	14,662,946	1,500,216
<b>Total</b>	<b>144,674,877</b>	<b>159,840,348</b>	<b>15,165,471</b>

### **CONCLUSION**

The requested contract amendments for Waterworks, Carollo, KMA, Anvil, and FBV have been thoroughly reviewed and refined by the project management team and City staff. With the addition of these Contract modifications, the WRF Plant, Conveyance Facilities, and General Project components will continue to meet the timing and regulatory agency requirements of the entire WRF project.

### **ATTACHMENTS**

1. Waterworks Amendment No. 4
2. Carollo Engineers, Inc. Amendment No. 7
3. Kevin Merk Associates Amendment No. 2
4. Anvil Builders, Inc. Amendment No. 5
5. Revised FBV Amendment No. 7
6. Fiscal Year 21/22 Q4 Quarterly Report

CITY OF MORRO BAY

AMENDMENT NO. 4 TO THE AGREEMENT  
FOR CONSULTANT SERVICES  
BETWEEN THE CITY OF MORRO BAY  
AND WATER WORKS ENGINEERS, LLC

This Amendment No. 4 is entered by and between the City of Morro Bay, a municipal corporation ("City") and Water Works Engineers, LLC, an Arizona limited liability company ("Consultant").

**RECITALS**

WHEREAS, City and Consultant entered into an agreement, as of November 15, 2017, for consulting services related to the Water Reclamation Facility (the "Project") Lift Station and Offsite Pipelines, which was approved by the City Council for a not to exceed amount of \$1,353,574 (the "Agreement").

WHEREAS, the Parties amended the Agreement, as of August 27, 2019, for additional services and an increase in compensation of not to exceed \$691,822.00 (Amendment No. 1);

WHEREAS, the Parties amended the Agreement, as of September 22, 2021, for additional services and an increase in compensation of not to exceed \$168,915.00 (Amendment No. 2);

WHEREAS, the Parties amended the Agreement, as of January 25, 2022, for additional services and an increase in compensation of not to exceed \$217,096 (Amendment No. 3);

WHEREAS, the Agreement and Amendment No. 1, No. 2, and No. 3 are referred to collectively as the "Amended Agreement;"

WHEREAS, the Parties again agree to amend the Amended Agreement to provide for additional engineering services during construction, which said work requires an expansion of the tasks to be provided by Consultant pursuant to the Amended Agreement, as hereby amended;

WHEREAS, Consultant has specific knowledge and experience to provide technical oversight needed to accomplish necessary tasks required to meet the City Council's goals for the Project, and

WHEREAS, due to the expansion of tasks to be provided, the compensation payable pursuant to the Amended Agreement must be increased.

NOW THEREFORE, City and Consultant mutually agree to amend the Amended Agreement as follows:

1. The additional services to be provided by Consultant, pursuant to the Amended Agreement, as hereby amended, shall include Task 8 of the Scope, as set forth in Exhibit A, attached hereto and incorporated herein by this reference (the "Additional Work").

2. The compensation to be paid for the Additional Work: (i) shall be paid in accordance with the amounts and hourly rates set forth in Exhibit A, and the process established by the Amended Agreement on a time and materials basis and (ii) shall not exceed \$108,706.00, for a total not to exceed amount of \$2,540,113.00 for the Amended Agreement, as hereby amended.

3. The Contract expiration date for the Amended Agreement shall be extended from June 30, 2022 to December 31, 2022.

4. Except as expressly stated herein, all terms and conditions in the Amended Agreement shall remain in full force and effect.

5. The effective date of this Amendment No. 3 shall be August 23, 2022.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to be executed by their duly authorized representatives as of the day first written above.

CITY OF MORRO BAY

CONSULTANT

By: \_\_\_\_\_  
Scott Collins,  
City Manager

By: \_\_\_\_\_,  
Its \_\_\_\_\_

Attest:

\_\_\_\_\_  
Dana Swanson, City Clerk

Approved As To Form:

\_\_\_\_\_  
Chris Neumeyer, City Attorney

**AMENDMENT NO. 7 TO THE AGREEMENT  
FOR CONSULTANT SERVICES  
BETWEEN THE CITY OF MORRO BAY  
AND CAROLLO ENGINEER, INC.**

---

This Amendment No. 7 is entered by and among the CITY OF MORRO BAY, a municipal corporation (“City”) and CAROLLO ENGINEERS, INC., a Delaware Corporation (“Consultant”). City and Consultant are sometimes collectively referred to as the “Parties.”

**RECITALS**

WHEREAS, City and Consultant entered into an agreement as of April 10, 2018, for consulting services related to the Program Management for the Water Reclamation Facility Project (WRF Project), which was approved by the City Council for a total not-to-exceed amount of \$292,000 (the “Agreement”); and

WHEREAS, the Parties understood the Agreement was to cover completion of the Project Confirmation phase of the WRF Project (Phase 1); and

WHEREAS, the Parties amended the Agreement on November 27, 2018, to include additional services for a portion of the Project Implementation phase of the WRF Project (Phase 2) and established a total not-to-exceed amount of \$1,898,948.00 for the Agreement; and

WHEREAS, the Parties amended the Agreement on November 7, 2019, to include additional services for a portion of the Project Implementation and Project Oversight phases of the WRF Project (Phase 2 and 3) and established a total not-to-exceed amount of \$4,280,916 for the Agreement; and

WHEREAS, the Parties amended Agreement on June 23, 2020, to include additional services for Project Oversight phases of the WRF Project (Phase 3) and established a total not-to-exceed of \$6,354,049 for the Agreement; and

WHEREAS, the Parties amended Agreement on June 22, 2021, to include additional services for Project Oversight phases of the WRF Project (Phase 3) and established a total not-to-exceed of \$11,808,401 for the Agreement, and

WHEREAS, the Parties amended Agreement as of July 1, 2021, to expand the entities protected by the hold harmless clause in the Agreement; and

WHEREAS, the Parties amended Agreement as of June 14, 2022, to extend the contract expiration date to June 30, 2023 in the Agreement; and

WHEREAS, the Agreement and the November 27, 2018, November 7, 2019, June 23, 2020, June 22, 2021, July 1, 2021, and June 14, 2022 amendments are hereinafter referred to as the “Amended Agreement;” and

WHEREAS, due to the expansion of tasks to be provided, the compensation payable pursuant to the Amended Agreement must be increased.

NOW, THEREFORE, City and Consultant mutually agree to further amend the Amended Agreement as follows:

1. The additional services to be provided by Consultant, pursuant to the Amended Agreement, as hereby amended, shall include Tasks 6 through 19 of the Scope, as set forth in Exhibit A, attached hereto and incorporated herein by this reference (the "Additional Work").
2. The compensation to be paid for the Additional Work: (i) shall be paid in accordance with the amounts and hourly rates set forth in Exhibit A, and the process established by the Amended Agreement on a time and materials basis and (ii) shall not exceed \$1,700,000, for a total not to exceed amount of \$13,508,401 for the Amended Agreement, as hereby amended.
3. Except as expressly stated herein, all terms and conditions in the Amended Agreement shall remain in full force and effect.
4. The effective date of this Amendment No. 7 shall be deemed to be August 23, 2022.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 7 to be executed by their duly authorized representatives.

CITY OF MORRO BAY  
a municipal corporation

CONSULTANT

CAROLLO ENGINEERS, INC.

By: \_\_\_\_\_  
Scott Collins, City Manager

By: \_\_\_\_\_  
Paul Amico, Vice President

Dated: \_\_\_\_\_, 2022

Dated: \_\_\_\_\_, 2022

Attest:

\_\_\_\_\_  
Dana Swanson, City Clerk

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

Approved As To Form:

Its: \_\_\_\_\_

\_\_\_\_\_  
Chris Neumeyer, City Attorney

CITY OF MORRO BAY

AMENDMENT NO. 2 TO THE AGREEMENT  
FOR CONSULTANT SERVICES  
BETWEEN THE CITY OF MORRO BAY AND  
KEVIN MERK ASSOCIATES, LLC.

This Amendment No. 2 is entered by and between the City of Morro Bay, a municipal corporation (“City”) and Kevin Merk Associates, LLC, a California limited liability company (“Consultant”).

**RECITALS**

WHEREAS, City and Consultant entered into an agreement as of January 21, 2021, for consulting services related to the Water Reclamation Facility Lift Stations and Offsite Pipelines (the “Project”) for a not to exceed amount of \$71,310 (the “Agreement”);

WHEREAS, the Parties amended the Agreement to extend the contract expiration date from June 30, 2022 to December 31, 2022 with no increase in compensation (Amendment No. 1);

WHEREAS, the Agreement and Amendment No. 1 are hereinafter referred to as the Amended Agreement;

WHEREAS, Consultant has specific knowledge and experience to provide technical oversight needed to accomplish necessary tasks required to meet the City Council's goals for the Project; and

WHEREAS, due to the expansion of tasks to be provided, the compensation payable pursuant to the Agreement must be increased due to extension in construction schedule.

NOW THEREFORE, City and Consultant mutually agree to amend the Amended Agreement as follows:

1. Consultant shall continue scope of services outlined in the Amended Agreement under phase 2 of Exhibit A. The additional Work shall be satisfactorily commenced immediately after August 23, 2022 and completed no later than December 31, 2022.
2. The compensation for the Additional work shall not exceed \$15,000. With the amount added for satisfactory completion of the Additional Work, the total compensation paid pursuant to the Amended Agreement shall not exceed \$86,310.
3. Except as expressly stated herein, all terms and conditions of the Amended Agreement remain in full force and effect.
4. The effective date of this Amendment No. 2 shall be deemed to be August 23, 2022 (Effective Date).

IN WITNESS WHEREOF, the parties will be deemed to have caused this Amendment No. 2 to be executed by their duly authorized representatives as of the Effective Date.

CITY OF MORRO BAY

CONSULTANT (2 signatures required)

By: \_\_\_\_\_  
Scott Collins  
City Manager

By: \_\_\_\_\_  
\_\_\_\_\_,  
Its \_\_\_\_\_

Attest:

\_\_\_\_\_  
Dana Swanson, City Clerk

By: \_\_\_\_\_  
\_\_\_\_\_,  
Its \_\_\_\_\_

Approved As To Form:

\_\_\_\_\_  
Chris Neumeyer, City Attorney

CITY OF MORRO BAY

AMENDMENT NO. 5 TO THE AGREEMENT  
FOR CONSTRUCTION SERVICES  
BETWEEN THE CITY OF MORRO BAY  
AND ANVIL BUILDERS, INC.

This Amendment No. 5 is entered by and between the City of Morro Bay, a municipal corporation (“City”) and Anvil Builders, Inc., a California corporation (“Contractor”).

**RECITALS**

WHEREAS, City and Contractor (collectively, the “Parties”) entered into an agreement as of November 10, 2020, for construction services for Contractor to complete the work for the Water Reclamation Facility Lift Station and Offsite Pipelines Project, (the “Project”) which was approved by the City Council for a not to exceed amount of \$31,493,675 (the “Agreement”).

WHEREAS, the Parties amended the Agreement, as of October 12, 2021, to expand the tasks to be provided by Contractor and to increase the compensation payable in the amount of \$674,485 (Amendment No. 1), increasing the total compensation payable pursuant to the Agreement to \$32,168,160;

WHEREAS, the Parties amended the Agreement, as of January 11, 2022, to expand the tasks to be provided by Contractor and to increase the compensation payable in the amount of \$587,502 (Amendment No. 2), increasing the total compensation payable pursuant to the Agreement to \$32,755,662;

WHEREAS, the Parties amended the Agreement, as of March 22, 2022, to expand the tasks to be provided by Contractor and to increase the compensation payable in the amount of \$241,317 (Amendment No. 3), increasing the total compensation payable pursuant to the Agreement to \$32,996,979;

WHEREAS, the Parties amended the Agreement, as of June 14, 2022, to expand the tasks to be provided by Contractor which resulted in a reduction to the total contract in the amount of \$54,065 (Amendment No. 4), therefore decreasing the total compensation payable pursuant to the Agreement to \$32,942,914;

WHEREAS, the Agreement, Amendment No. 1, Amendment No. 2, Amendment No. 3, and Amendment No. 4 are referred to collectively as the "Amended Agreement;”

WHEREAS, the Parties again agree to amend the Amended Agreement because the construction services for the Project require an expansion and removal of some of the tasks to be provided by Contractor pursuant to the Amended Agreement;

WHEREAS, due to the expansion and reduction of tasks to be provided, the compensation payable pursuant to the Amended Agreement must be increased.

NOW THEREFORE, City and Contractor mutually agree to amend the Amended Agreement as follows:

1. The additional services to be provided by Contractor, pursuant to the Amended Agreement, as hereby further amended, shall include Change Orders 13, 17, 25, 50, 52, and 61 for the out-of-scope items, as set forth in Exhibit A, attached hereto and incorporated herein by this reference (the "Change Order No. 5"). As indicated in the attached Exhibit A, the final completion of the Amended Agreement shall be extended by 60 days per Change Order No. 13. The Change Order No. 5 activities shall have been already satisfactorily commenced as of the date of this Amendment No. 5 or be satisfactorily commenced immediately after August 23, 2022, and, to the extent not completed by that June date, completed no later than November 2, 2022.
2. The total compensation to be paid for the Amended Agreement, as a result of Change Order No. 4 is increased by \$1,253,667. The activities for Change Order No. 5 shall be paid in accordance with (i) the amounts set forth in Exhibit A, and (ii) the process established by the Amended Agreement on a lump sum basis. With the amounts added for the Additional Work, the total compensation paid pursuant to the Amended Agreement shall be reduced to a not exceed amount of \$34,196,581.00.
3. Contractor shall not be compensated for any services rendered in connection with its performance of the Amended Agreement, which are in addition to those set forth in Change Order No. 5.
4. Except as expressly stated herein, all terms and conditions in the Amended Agreement shall remain in full force and effect.
5. The effective date of this Amendment No. 5 shall be deemed to be August 23, 2022.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 5 to be executed by their duly authorized representatives as of the day first written above.

CITY OF MORRO BAY

CONTRACTOR

By: \_\_\_\_\_  
Scott Collins,  
City Manager

By: \_\_\_\_\_  
Its \_\_\_\_\_

Attest:  
  
\_\_\_\_\_  
Dana Swanson, City Clerk

By: \_\_\_\_\_  
Its \_\_\_\_\_

Approved As To Form:  
  
\_\_\_\_\_  
Chris Neumeyer, City Attorney

**REVISED AND RESTATED AMENDMENT NO. 7 TO THE  
AGREEMENT FOR DESIGN/BUILD SERVICES  
AMONG THE CITY OF MORRO BAY AND  
OVERLAND CONTRACTING INC. AND  
J.R. FILANC CONSTRUCTION COMPANY, INC.**

---

This Revised and Restated Amendment No. 7 is entered by and among the CITY OF MORRO BAY, a municipal corporation (City) and OVERLAND CONTRACTING INC., a Delaware corporation, dba KS OVERLAND CONTRACTING, INC. (OCI) and J.R. FILANC CONSTRUCTION COMPANY, INC., a California corporation (JRF), the latter two acting as FBV Morro Bay Joint Venture (collectively, OCI and JRF are referred to as the “Design Build Entity”). City and Design Build Entity are sometimes referred to individually as “Party” and collectively “Parties.”

**RECITALS**

WHEREAS, City and the Design Build Entity entered into an agreement as of October 23, 2018, to design and construct a new Water Reclamation Facility (Project), which was approved by the City Council for a Cost Plus with Guaranteed Not to Exceed Amount of \$67,234,512 (Agreement);

WHEREAS, the Parties amended the Agreement, as of May 14, 2019, to provide for design and construction of additional elements for the Project and to increase the Cost Plus with Guaranteed Not to Exceed Amount for the construction of the Project to \$68,870,571 (Amendment No. 1);

WHEREAS, the Parties amended the Agreement, as of April 21, 2020, to provide for updated Davis Bacon Wage Requirements for the Project and to increase the Cost Plus with Not to Exceed Amount for the construction of the Project to \$68,934,508 (Amendment No. 2);

WHEREAS, the Parties amended the Agreement, as of May 20, 2020, to provide design and construction of additional elements for the Project and to increase the Cost Plus with Not to Exceed Amount for the construction of the Project to \$74,926,725 (Amendment No. 3);

WHEREAS, the Parties amended the Agreement, as of November 17, 2020, to provide design and construction of additional elements for the Project and to increase the Cost Plus with Not to Exceed Amount for the construction of the Project to \$75,761,822 (Amendment No. 4);

WHEREAS, the Parties amended the Agreement, as of March 9, 2021, to provide changes and adjustments to the design and construction of the Project and to decrease the Cost Plus with Not to Exceed Amount for the construction of the Project to \$75,565,877 (Amendment No. 5);

WHEREAS, the Parties amended the Agreement, as of August 24, 2021, to provide changes and adjustments to the design and construction of the Project and to increase the Cost Plus with Not to Exceed Amount for the construction of the Project to \$76,697,994 (Amendment No. 6); and

WHEREAS, the Agreement, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, Amendment No. 5, and Amendment No. 6 are collectively referred to as the Amended Agreement; and

WHEREAS, on June 14, 2022, the City Council reviewed and approved changes for the Project that resulted in an Amendment No. 7, which was not signed by FBV and is revised and restated as this Amendment No. 7 (Amendment No. 7).

NOW, THEREFORE, City and Design Build Entity mutually agree to further amend the Amended Agreement as follows:

1. The revised scope of services to be provided by the Design Built Entity, pursuant to the Amended Agreement, as hereby amended, shall include the Scope of Work, as set forth in Exhibit A, dated August 23, 2022, attached hereto and incorporated herein by this reference with the Required Changes (together the original Scope of Work and the Required Changes referred to as the “New Scope of Work”). At the direction of the City, the design of the New Scope of Work, including without limitation the Required Changes, has already commenced and shall continue.
2. The compensation to be paid for the New Scope of Work shall be paid in accordance with the terms of the Agreement on a cost plus basis and shall increase the Original Cost Plus with Guaranteed Not to Exceed Amount by a total of \$553,371, for a revised Cost Plus Guaranteed Not to Exceed Amount of \$77,251,366 for the Amended Agreement, as herein amended.
3. The Exhibit A, attached to the Amended Agreement, shall be replaced in its entirety with the new Exhibit A dated August 23, 2022, attached hereto and incorporated herein, as well as into the Amended Agreement as amended herein.
4. Except as expressly stated herein, all terms and conditions in the Amended Agreement shall remain in full force and effect.
5. The effective date of this Amendment No. 7 shall be deemed to be August 23, 2022.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 7 to be executed by their duly authorized representatives.

CITY OF MORRO BAY  
a municipal corporation

DESIGN BUILD ENTITY

OVERLAND CONTRACTING INC.

By: \_\_\_\_\_  
Scott Collins, City Manager

By: \_\_\_\_\_  
Charles B. Mitchell,  
Its Attorney in Fact

Dated: \_\_\_\_\_, 2022

Dated: \_\_\_\_\_, 2022

J.R. FILANC CONSTRUCTION  
COMPANY, INC.

Attest:

By: \_\_\_\_\_  
Omar Rodea,  
Its President

\_\_\_\_\_  
Dana Swanson, City Clerk

Dated: \_\_\_\_\_, 2022

Approved As To Form:

Acting together as FBV Morro Bay Joint  
Venture, PWCR #947773 – Classification A

\_\_\_\_\_  
Chris Neumeyer, City Attorney



City of Morro Bay  
Water Reclamation Facility Program

QUARTERLY REPORT -  
ENDING June 30, 2022

FY 2021-2022 – 4th Quarter  
April 1 through June 30, 2022



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## Executive Summary

“Our Water” is the City of Morro Bay’s (City’s) program to plan and build water and wastewater infrastructure for a sustainable future for the environment, our economy, and the community. This report summarizes key accomplishments and challenges during the fourth quarter (Q4) of the 2021-22 fiscal year (FY22). It includes information and data on the overall program budget and the status of the individual program components.

### ES.1 Progress During Q4 FY22

The Water Reclamation Facility (WRF) is approximately 90.6 percent complete and Conveyance Facilities are approximately 86.2 percent complete. The WRF is anticipated to be completed and operational by January 2022, which will achieve compliance with the State’s Time Schedule Order (TSO) that requires full operation of the WRF by February 2023. The Recycled Water Facilities (RWF) component of the program is approximately 10 percent complete and is anticipated to be completed by Spring 2025. WRF and Conveyance Facilities construction progressed significantly in Q4 FY22, and the major accomplishments are summarized below.

### ES.2 Budget Status

The current program budget was amended by City Council on June 28<sup>th</sup>, 2022 to \$159.84M and \$111.34M has been spent to-date.

### ES.3 Key Q4 FY22 Accomplishments

- All major construction and final paving at the WRF are complete.
- The City’s Final National Pollution Discharge Elimination System (NPDES) Permit which is required to discharge treated wastewater effluent to the City’s existing ocean outfall was approved by the State in early June 2022.
- The majority of archeological monitoring within Phase 2B of the conveyance facilities is complete.
- The pilot injection well construction contract was awarded to Pacific Coast Well Drilling and is anticipated to be constructed in early August 2022.

### ES.4 Challenges and Upcoming Activities

The program team and FBV worked diligently during Q4 to reach agreement on FBV’s claim for the delay in Conveyance Facilities completion. City Council approved an amendment to the design-build agreement on June 28 that extends FBV’s schedule and separates delay costs from the Guaranteed Maximum Price for the WRF. The Conveyance Facilities are on track to be completed by October 1, which will allow FBV to start up the WRF’s treatment processes and complete the facility in advance of the TSO deadline. In the meantime, the City and FBV continue to circulate clean water through the WRF to test equipment, train operations staff, and complete programming and testing of the WRF control systems.

In parallel, the City and program team have been moving the RWF forward, with the pilot injection well drilling scheduled to be completed in August. After completing well construction, the program team’s hydrogeologist and City will conduct injection tests to confirm the modeling that has been performed to select the injection sites. The injection tests and additional modeling will allow the City’s injection well designer to select specific injection well locations and to design the wells, with construction of the full-scale system projected to occur in 2024.

## Section 1 – Program Management Summary

### 1.1 Purpose of the Quarterly Progress Report

The WRF program quarterly progress report describes current budget status, funding agency reimbursements, planning/design and construction activities, and project component schedules. Abbreviations used throughout this quarterly progress report are found in Appendix A.

### 1.2 Program Budget

Table 1 shows the current program budget.

Table 1 WRF Program Budget

Program Component	Baseline <sup>(1)</sup>	FY 21/22	Prior Quarter	FY 22/23 and Current Quarter <sup>(2)</sup>	Current % Change from Baseline
WRF Plant	\$62,414,000	\$77,687,023	\$74,697,995	\$79,643,216	28%
Conveyance Facilities	\$21,087,000	\$37,982,000	\$37,365,582	\$39,774,724	89%
RWF	\$8,593,000	\$6,668,000	\$6,668,000	\$9,424,174	10%
General Project	\$24,403,000	\$15,445,000	\$25,362,730	\$30,998,235	27%
Construction Contingency	\$9,444,000	\$6,892,854	\$580,570	Note 2	N/A
<b>Total</b>	<b>\$125,941,000</b>	<b>\$144,674,877</b>	<b>\$144,674,877</b>	<b>\$159,840,349</b>	<b>27%</b>

Notes:

(1) Baseline budget established 4<sup>th</sup> Quarter of Fiscal Year 2017/2018.

(2) The FY 22/23 budget adopted by City Council on June 28, 2022 was \$159,840,349. As of current Q4, FY 21/22, Construction and Overall Program Contingency in the FY 22/23 budget is included within each Program Component with breakdowns as follows: WRF \$190,221, Conveyance \$626,037, RWF \$304,549, and General Project \$923,421.

Table 2 shows the initial and current contract values by project component.

Table 2 Project Component Contract History

Project Component	Contractor	Initial Contract Value	Current Contract Value	% Change
<b>WRF Plant</b>		<b>\$67,234,512</b>	<b>\$76,697,995</b>	<b>14%</b>
Design/Build	FBV (Overland)	\$67,234,512	\$76,697,995	14%
<b>Conveyance Facilities</b>		<b>\$33,315,112</b>	<b>\$37,701,787</b>	<b>13%</b>
Design	Waterworks Engineers	\$1,360,565	\$2,431,407	79%
Construction (Anvil Builders)	Anvil Builders	\$31,493,675	\$32,942,914	5%
Permitting	Cogstone, Far Western, KMA	\$460,872	\$2,327,466	405%
<b>RWF</b>		<b>\$707,625</b>	<b>\$1,290,275</b>	<b>82%</b>
Planning and Modeling	GSI Solutions, Inc. (GSI)	\$351,000	\$933,650	166%
Pilot Injection Well Construction	Pacific Coast Well Drillings	\$356,625	\$356,625	--
Injection Wells Construction	TBD	--	--	--

Project Component	Contractor	Initial Contract Value	Current Contract Value	% Change
<b>General Project</b>		<b>\$293,000</b>	<b>\$12,230,201</b>	<b>4074%</b>
Program and Construction Management	Carollo Engineers and Subconsultants <sup>(1)</sup>	\$293,000	\$11,808,401	3930%
City Contracts	Note 2	Note 2	\$421,800	--
<b>Total</b>		<b>\$101,193,624</b>	<b>\$127,920,258</b>	<b>--</b>

Notes:

- (1) Program management costs include permitting, public outreach, funding support, and construction oversight/management.
- (2) Initial City Contract values for previous and/or inactive consultants (such as MKN, Black & Veatch, ESA, and Kestrel) are unknown. Current contract values are shown only for currently active consultants including Bartle Wells Associates, Confluence, and JSP.

### 1.3 Cashflow Projections and Actual Expenditures

Figure 1 shows cashflow projections and actual expenditures through the current period.

Table 3 lists actual expenditures for each program component and the percent of the budget expended.

Table 3 WRF Program Expenditures

Program Component	Previous Total	Current Quarter <sup>(1)</sup>	Total To Date	FY 22/23 and Current Quarter Budget <sup>(2)</sup>	Percent Budget Expended
WRF Plant	\$57,675,893	\$5,065,891	\$62,741,784	\$79,643,216	79%
Conveyance Facilities	\$23,309,297	\$4,872,296	\$28,181,593	\$39,774,724	71%
RWF	\$666,589	\$74,853	\$741,442	\$9,424,174	8%
General Project	\$18,825,862	\$847,443	\$19,673,305	\$30,998,235	63%
<b>Total</b>	<b>\$100,477,641</b>	<b>\$10,860,483</b>	<b>\$111,338,124</b>	<b>\$159,840,349</b>	<b>70%</b>

Notes:

- (1) Q4 FY 21/22 total expenditures as tallied on the Accounts Payable Report run on 7/14/2022, which does not include all invoices paid through June 30, 2022 services (to be included with Q1 FY 22/23 report). See Appendix B Note 2 for additional details.
- (2) The FY 22/23 budget adopted by City Council on June 28, 2022 was \$159,840,349.

### 1.4 Program Funding

Table 4 lists WRF program funding sources.

Table 4 WRF Program Funding Sources

Funding Agency	Funding Type	Amount Financed	Initiation Date	Terms
SWRCB – CWSRF Construction Loan	Low interest Loan	\$66,604,638	7/1/2021	0.9%, 30 years
EPA – WIFIA	Low Interest Loan	\$61,700,336	3/9/2020	0.83%, 35 years
SWRCB – CWSRF Planning Loan	Low Interest Loan	\$10,300,000	12/11/2015	0.9%, 30 years
Recycled Water Planning Grant	Grant	\$75,000	9/10/2015	Costs reimbursed upon request
<b>Total</b>		<b>\$138,679,974</b>		

Abbreviations:

CWSRF - Clean Water State Revolving Fund; EPA - Environmental Protection Agency; SWRCB - State Water Resources Control Board; WIFIA - Water Infrastructure Finance and Innovation Act.

Appendix C provides detailed information on funding reimbursements.



## 1.5 Program Schedule Overview

In June 2018, the City received a time schedule order (TSO) from the Regional Water Quality Control Board (RWQCB) that requires the City to achieve full operation of the new WRF by February 2023. The key milestones included in the TSO are included in Appendix D, and the overall program schedule is shown in Figure 2. The current construction progress percent complete to-date is 90.6 percent for the WRF and 86.2 percent for Conveyance. Figure 2 shows percent complete as an average between contract spent and scheduled date of completion. The RWF does not currently have a construction progress percent complete to-date.

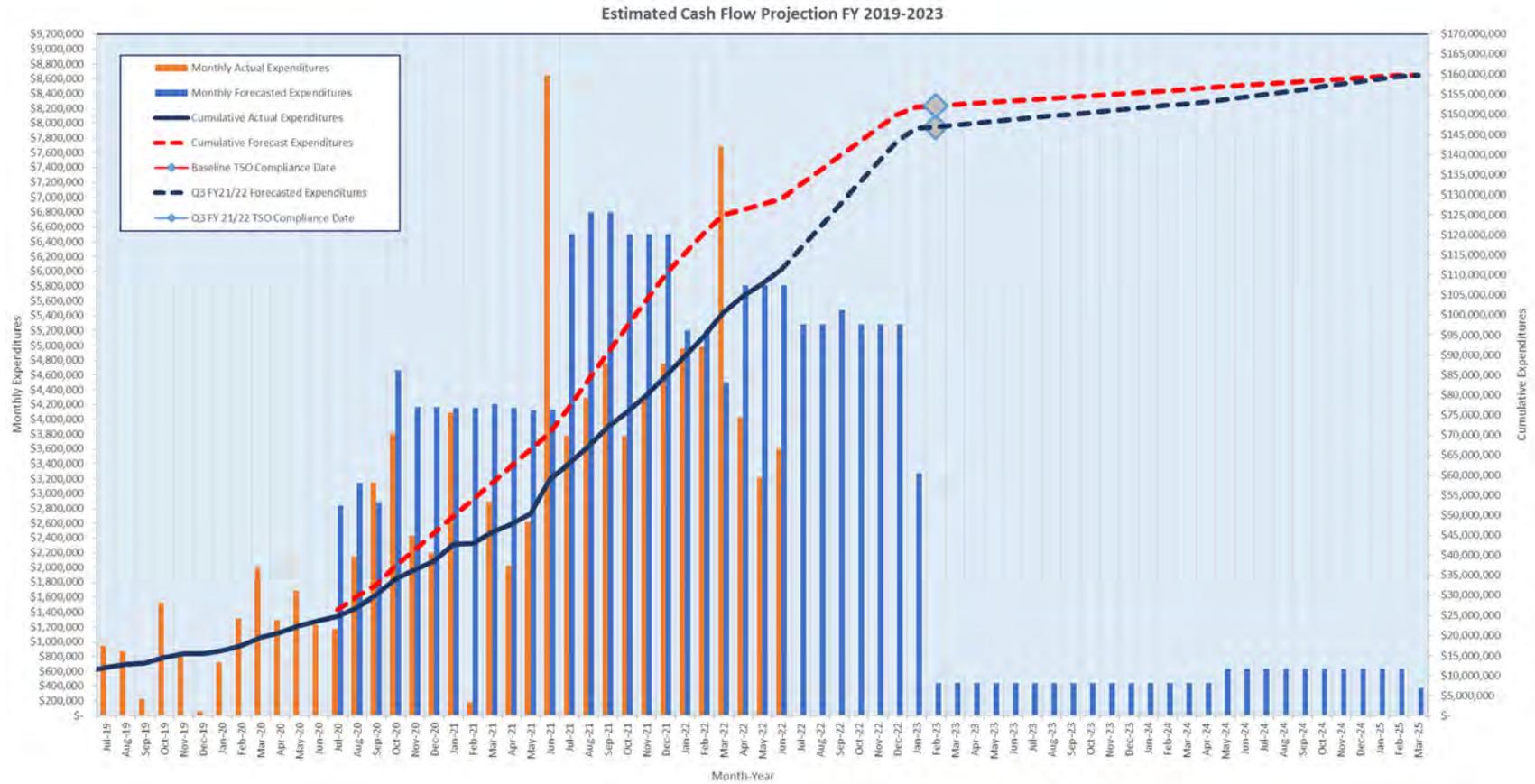


Figure 1 Program Cash Actual and Forecasted Expenditures



Morro Bay WRF Project  
 Program Wide Schedule Summary  
 Updated: 2022 Q2

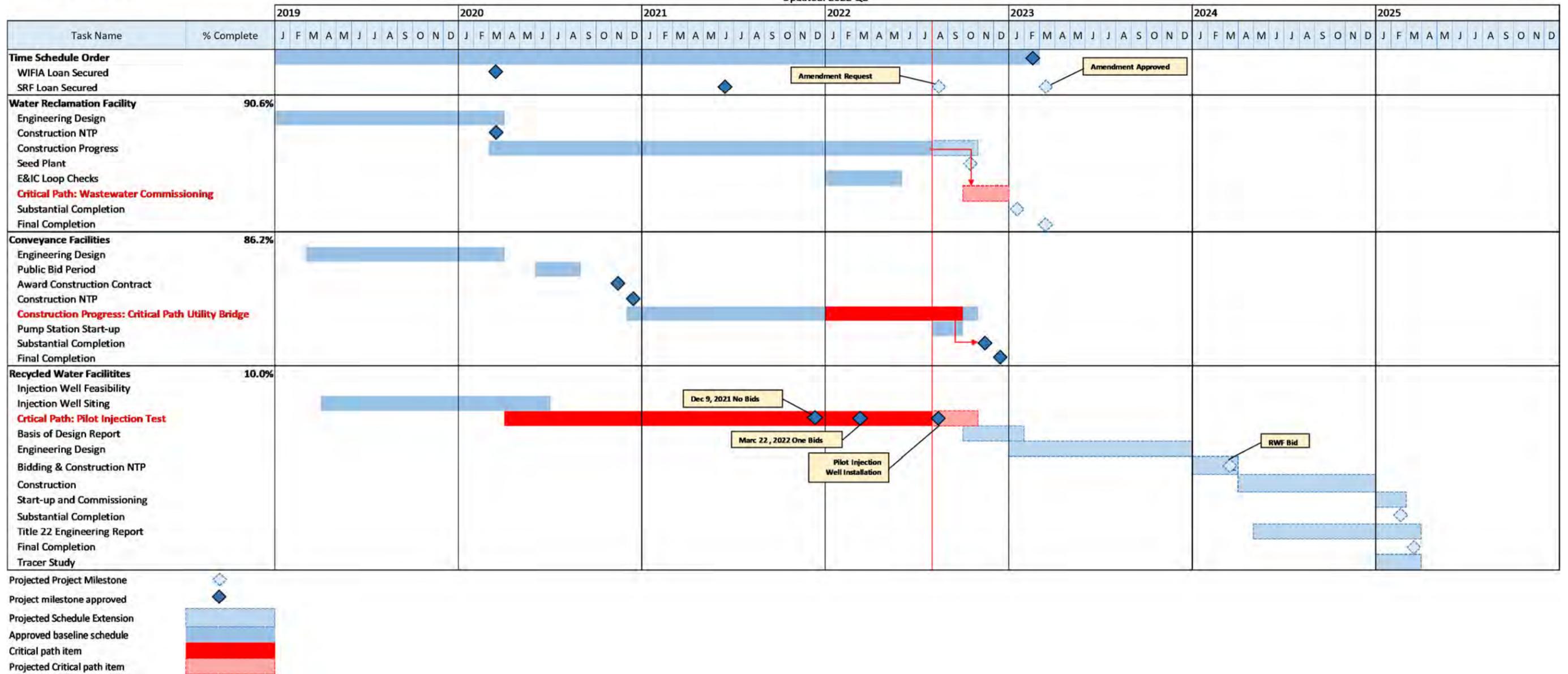


Figure 2 Program-Wide Summary Schedule

## Section 2 – WRF Project

### 2.1 Construction Progress Summary

Major accomplishments during this period are summarized below:

#### *General and Administrative*

- Contractor has nearly completed pre-commissioning activities including point-to-point loop testing, deployment of SCADA system, equipment vendor site visits, training of city staff, and clean water recirculation testing.
- Contractor continues equipment Submittals, Requests for Information, and Design Clarifications:
  - Submittal processing is on-going - 527 items submitted and/or approved to date.
  - DB Team has processed 261 requests for information (RFIs) and 36 Design Clarifications to date.
- Contractor continues to prepare and submit critical path method (CPM) schedule updates monthly.
  - On 2/9/2022, the City issued the DB Team a directive to defer their seed plant activity to an early start of 10/3/2022. The WRF Seed Plant activity is being deferred due to confirmed on-going delays occurring on the Conveyance Facilities project by Anvil. Contractor will resume final pre-commission preparations on site starting in mid-September in advance of the seed plant activity assuming an early start of 10/3/2022.
- The City is still pursuing a grant deed from the easement property near Teresa Road and the WRF access road on behalf of, and as required by, SoCal Gas. This has been an ongoing challenge for the City.
- The WRF Operations building was damaged by onsite internal flooding and the newly installed drywall will require repair prior to building occupation. FBV is responsible for the repair; the damaged dry wall has been removed and is to be replaced in FY 22/23 Q1 at no cost to the City.
- Upon completion of all landscaping and major construction activities, the City will be ready to take a final photograph of the WRF site in order to satisfy the final requirements of the biological opinion for submission to the US EPA and finalize the conservation easement.

#### *Sitework*

- Landscaping installation work around the site is on-going as of the end of the reporting period.
- Contractor completed earthwork operations and placed asphalt in all pavement areas.
- Contractor completed yard piping and pressure testing underground piping systems.
- Contractor completed Chemical Feed vaults and double containment pipes throughout the site.
- Contractor completed concrete flatwork throughout site including sidewalks, curbs, gutters, etc.
- Electrical Subcontractor completed all site electrical work.

#### *Headworks*

- Facility is essentially completed and being tested with clean water pending final auto-mode loop testing and wastewater commissioning in October 2022. Continuing correction of punchlist items.

#### *Biological Nutrient Removal (BNR)/Membrane Bioreactor (MBR) Treatment*

- Facility is essentially completed and being tested with clean water pending final auto-mode loop testing and wastewater commissioning in October 2022. Continuing correction of punchlist items.

#### *Reverse Osmosis (RO)/Ultraviolet Advanced Oxidation Process (UV AOP)*

- Facility is essentially completed and being tested with clean water pending final auto-mode loop testing and wastewater commissioning in October 2022. Continuing correction of punchlist items.

*Purified Water Facilities*

- Facility is essentially completed and being tested with clean water pending final auto-mode loop testing and wastewater commissioning in October 2022. Continuing correction of punchlist items.

*Residuals/Sludge Processing*

- Facility is essentially completed and being tested with clean water pending final auto-mode loop testing and wastewater commissioning in October 2022. Continuing correction of punchlist items.

*Electrical and Controls*

- Facility is essentially completed and being tested with clean water pending final auto-mode loop testing and wastewater commissioning in October 2022. Continuing correction of punchlist items.

*Chemical Storage and Feed*

- Contractor continues installing chemical feed pump skids and storage tanks.
- Electrical subcontractor completed installing conduit and panels at Chemical Facility.

*Operations Building*

- Building exterior completed.
- Landscaping around building is on-going as of the end of the reporting period.
- Contractor has removed damaged drywall from building flood incident. Contractor is preparing repair of building interior under the supervision of a Certified Industrial Hygienist.
- Contractor continues to assemble building furnishings and appliances, etc.
- Building could be ready for occupancy once damaged drywall is repaired and approved by Hygienist.

*Maintenance Building*

- Contractor essentially completed remaining Building work including laboratory interior, appliances, doors, fixtures, HVAC equipment, lighting, electrical, storage racks, fire protection systems, etc.

*City Yard Facilities*

- Completed remaining buildings including roofing and paneling.
- Completed building amenities, etc. at the Storage Shed building.

**2.2 Project Photographs**

The following photos show progress during this period.



June 6, 2022 – Looking North – South Site (Operations Building, Storage, Parking Canopies)



June 6, 2022 – Looking West – North Site (Headworks, BNR, MBR, RWPS, SAFE, Residuals Area, SHT, Elect Bldg)

### 2.3 Contract Amendment Summary

Table 5 contains a summary of the contract amendments for the WRF project component. Each amendment included multiple change orders to address changes in scope from the original proposal. A detailed summary of each amendment is provided in Appendix F.

Table 5 WRF Project Contract Amendment Summary

Amendment No.	Council Approval Date	Amount
1	May 2019	\$1,636,060
2	March 2020	\$63,937
3	May 2020	\$5,992,218
4	November 2020	\$835,097
5	March 2021	\$(195,945)
6	September 2021	\$1,132,117
7	June 2022	\$0
<b>Total</b>		<b>\$9,463,483</b>

### 2.4 Project Schedule

Figure 3 shows the WRF construction and startup schedule.



Morro Bay WRF Project  
Program Wide Schedule Summary  
Updated: 2022 Q2

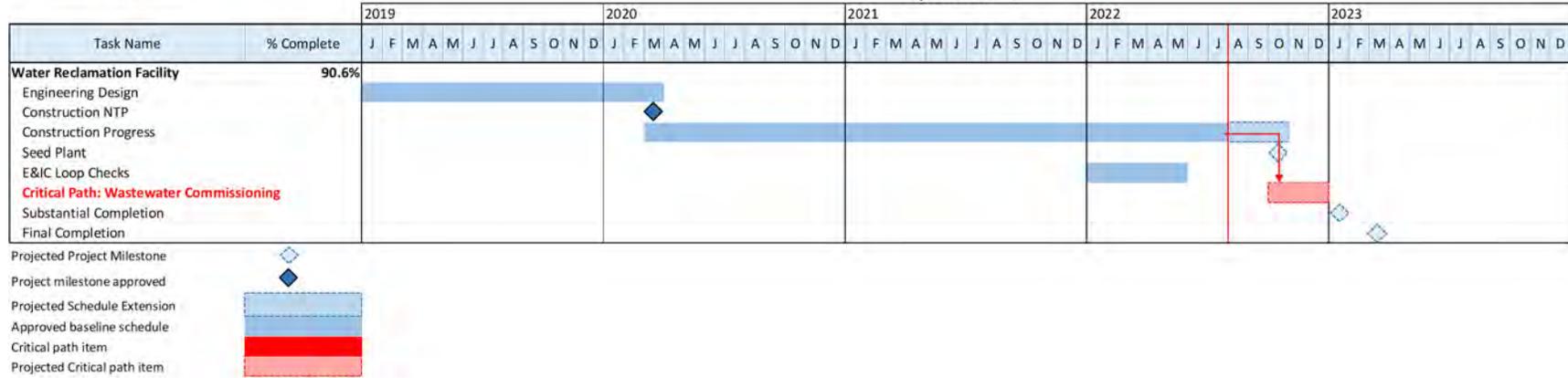


Figure 3 WRF Project Component Schedule

## Section 3 – Conveyance Facilities Project

### 3.1 Construction Progress Summary

Major accomplishments during this period are summarized below:

#### *Pump Station A*

- Contractor continues to install above ground mechanical piping and various site yard piping.
- Contractor completing pump station concrete flatwork, curbs, gutters, etc.
- Contractor completed construction of the Pump Station electrical building as well as installing electrical gear, housekeeping pads, cabinets, building amenities, etc.
- Electrical equipment installation has been approved by PG&E and contractor is waiting for electrical service connection and setting transformer by PG&E (PG&E schedule not confirmed).

#### *Pump Station B*

- Contractor installing above ground mechanical piping and various site yard piping.
- Contractor completing pump station concrete flatwork, curbs, gutters, etc.
- Contractor completed construction of the Pump Station electrical building as well as installing electrical gear, housekeeping pads, cabinets, building amenities, etc.
- Electrical equipment installation has been approved by PG&E and contractor is waiting for electrical service connection and setting transformer by PG&E (PG&E schedule not confirmed).

#### *Pipelines*

Work was performed on the following segments:

- Existing WWTP to Bike Path:
  - As of the end of June, only the last several hundred feet of joint trench on Atascadero Rd. remains to be constructed for pipeline work.
  - Contractor continues installing the joint trench (FM1, FM2, & BR lines) along Atascadero Road.
- Bike Path Between Atascadero Road and Main Street:
  - Anvil has completed most of the major foundational work for the utility bridge spanning Morro Creek. Anvil anticipates that the utility bridge will be installed onto the abutments in early August 2022.
  - Contractor completed installing the joint trench (FM1, FM2, & BR lines) in this segment with archeological monitoring from *Far Western* Anthropological Research Group.
  - Contractor has completed piping work and rough grading within Caltrans right-of-way from Atascadero Road to Station 32+00 with oversight from Far Western.
  - Contractor completed installing the new Junction Manhole (near Lemos Pet Supply) over the existing 8" SS that will eventually connected to new PS-B (note: 8" pass-thru plug installed in MH).
  - Contractor completed branch line to Kitzman Culligan Water property (for future discharge into brine line).
- Main Street Between the Bike Path and Quintana Road:
  - Contractor installing segments of the Indirect Potable Reuse pipeline in this segment.
- Quintana Road Between Morro Bay Boulevard and South Bay Boulevard:
  - Contractor maintaining temporary above-grade sewer by-pass pipe along this segment.
  - Contractor completed pressure testing of joint trench pipes along this segment.
  - Contractor maintaining temporary above-grade sewer by-pass pipe along this segment.
  - Contractor maintaining temporary above-grade waterline by-pass pipe along this segment.

- South Bay Boulevard Between Quintana Road and the WRF:
  - Contractor has completed installing joint trench in this segment along South Bay from Quintana Road to the WRF (approx. Sta 150 to Sta 162).
  - Contractor has installed final paving in the segment on South Bay Blvd.
- Vistra Property (Lift Station 2 Force Main):
  - Work is complete pending final connection to LS-2 and commissioning PS-B.

Planned activities for the next period include the following:

- Progress construction pipe bridge over Morro Creek.
- Progress construction of above ground facilities for both pump stations.
- Continue pipeline pressure testing.
- Coordinate with City staff and FBV on Anvil’s start up plan and connecting the existing wastewater facilities to the Conveyance Facilities.

### 3.2 Project Photographs

The following photos show progress during this period.



June 30, 2022 – Pump Station A (Aboveground Piping Progress / Electrical Bldg Structure Complete)



March 31, 2022 – Segment 5 (IPR Pipeline Installation along Quintana Rd)

### 3.3 Change Order Summary

Table 6 contains a summary of the contract amendments for the Conveyance Facilities project component. Each amendment included multiple change orders to address changes in scope from the original proposal. A detailed summary of each amendment is provided in Appendix F.

Table 6 Conveyance Facilities Contract Amendment Summary

Amendment No.	Council Approval Date	Amount
1	October 2021	\$674,485
2	January 2022	\$587,502
3	March 2022	\$241,317
4	June 2022	\$(54,065)
<b>Total</b>		<b>\$1,449,239</b>

### 3.4 Project Schedule

Figure 4 shows the Conveyance Facilities construction and startup schedule.



Morro Bay WRF Project  
 Program Wide Schedule Summary  
 Updated: 2022 Q2

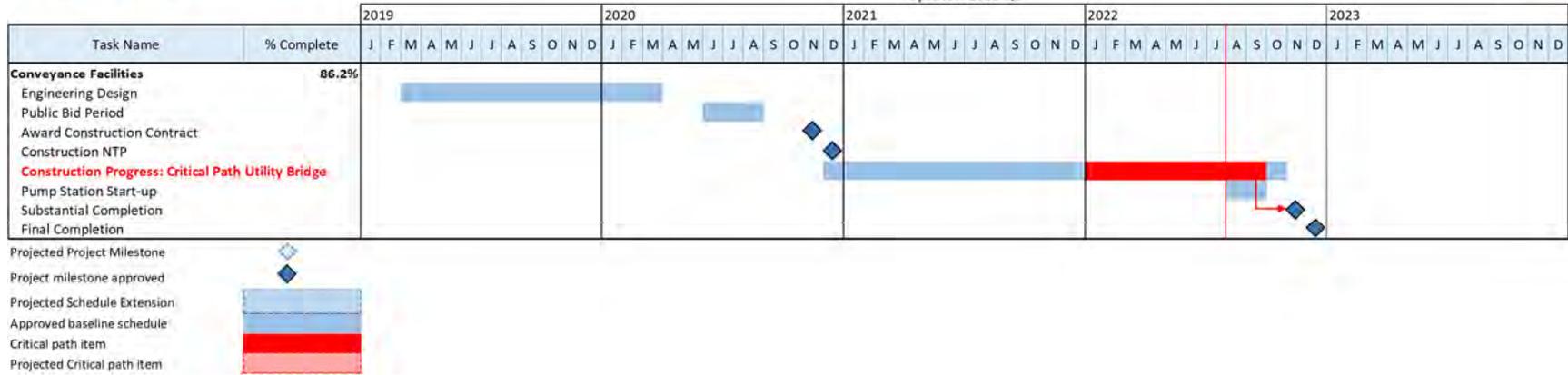


Figure 4 Conveyance Facilities Project Component Schedule

## Section 4 – Recycled Water Facilities Project

### 4.1 Project Progress Summary

The RWF component of the WRF program is currently in the planning and pre-design phase. Major accomplishments during this reporting period include the following:

GSI has completed Phase 1 and is currently working on Phase 2 of the hydrogeological work, which resulted in the selection of the west injection area and preliminary siting of the injection wells. The following activities were completed during this period:

- The injection well No. 1, also known as the Pilot Injection Well, will be constructed to be a full-scale groundwater injection well that will initially be used to perform a pilot injection study. The pilot study will determine injection performance to further characterize the Morro groundwater basin, and the data obtained during the pilot injection study will allow the City to finalize the locations and design characteristics of the other wells that will be included the Recycled Water Facilities component of the WRF Project. The City, Program Management team, and the Project hydrogeologist, GSI solutions, Inc. (GSI) have continued to progress the procurement of a contractor to install and complete the pilot injection well task of the Recycled Water Facilities.
- The City and Program manager hosted a pre-construction conference with Pacific Coast Well Drilling on May 6<sup>th</sup>, 2022. The contractor, City, and Program Manager participated in a site walk to identify additional vegetation removal and siting constraints that need to be addressed prior to performing the work. The Program Team is coordinating with the Conveyance Facilities Construction Manager to have Anvil perform vegetation removal as a PCO to the conveyance facilities project to accelerate this task for the pilot injection well project.
- The Program team has begun coordination meetings with GSI and the City to discuss Recycled Water Facility related items. GSI is performing groundwater modeling scenarios for the initial injection volumes for the Recycled Water Facilities to check the travel times and available groundwater yields from the City's existing wells given a volume of injected water less than 825 AFY.
- Anticipated work: The Pilot Injection Well is anticipated to begin construction in early-August with the injection testing scheduled to start in late August.

Planned activities for the next quarterly report include the following:

- Clear and grub pilot injection well site prior to well installation. The Conveyance Facilities Construction Management Team has directed Anvil to clear and grub portions of the pilot injection well site in order to facilitate the well driller's access to the project site. This is expected to be completed at the beginning of August 2022.
- Begin pilot injection well installation and injection testing.

### 4.2 Project Photographs

Project photos for this component are not yet available.

### 4.3 Project Schedule

Figure 5 shows the Recycled Water Facilities construction and startup schedule.

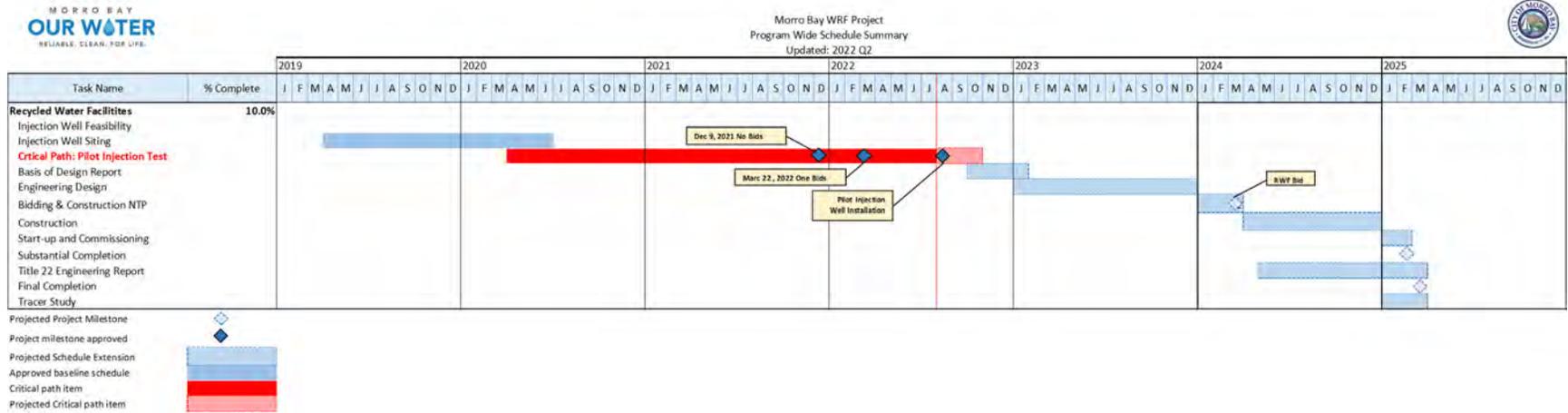


Figure 5 Recycled Water Facilities Project Component Schedule

## Appendix A

### ABBREVIATIONS

AOP	advanced oxidation process
BMP	best management practice
BNR	biological nutrient removal
City	City of Morro Bay
CWRSF	Clean Water State Revolving Fund
EPA	Environmental Protection Agency
FBV	Filanc Black & Veatch
FY22	2021-22 fiscal year
GSI	GSI Solutions, Inc.
HVAC	heating, ventilation, and air conditioning
MBR	membrane bioreactor
NOV	notice of violation
Q3	third quarter
RO	reverse osmosis
RWF	recycled water facility
RWQCB	Regional Water Quality Control Board
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
TSO	time schedule order
UV	ultraviolet
WIFIA	Water Infrastructure Finance and Innovation Act
WRF	water reclamation facility

## Appendix B

# QUARTERLY EXPEDITURES BY BUDGET CODE

City Budget Code <sup>(1)</sup>	Fund Name	Total Q4 FY21/22 Expenditures	Vendor Name	Project Component
4110	Regular Pay	Summarized in Total Personnel Services		
4120	Overtime Pay			
4310	Part-Time Pay			
4910	Employer Paid Benefits			
4911	Pension Normal Cost			
4999	Labor Costs Applied			
<b>Total Personnel Services</b>				
5114	Laboratory Testing Supplies	Summarized in Total Supplies		
5115	Water Distribution System Supplies			
5116	Wastewater Collection System Supplies			
5175	Computer Operating Supplies			
5199	Miscellaneous Operating Supplies			
<b>Total Supplies</b>		<b>\$10,476.69</b>	<b>Various</b>	<b>General Project</b>
6101	Legal Services – General	\$10,032.00	Aleshire & Wynder	General Project
6103	Financial Audits	-	-	-
6107	Promotion & Advertising	-	-	-
6220	Postage	\$21.30	Mechanics Bank	General Project
6301	Electricity	-	-	-
6303	Water	\$35,039.50	City of Morro Bay	General Project
6510	Meetings & Conferences	-	-	-
6513	Meals & Lodging	-	-	-
6514	Travel Expense	-	-	-
6640	Maintenance Contracts	-	-	-
6710	Notices & Publications	-	-	-
6750	Business Equipment Rental	-	-	-
<b>Total Services</b>		<b>\$45,092.80</b>	<b>Various</b>	<b>General Project</b>
6104	Engineering Services	\$74,852.60	GSI Water Solutions	RWF
6105	Consulting Services	\$35,010.00	Confluence Engineering	General Project
6152	Outside Laboratory Testing	\$56.00	Abalone Coast	General Project



City Budget Code <sup>(1)</sup>	Fund Name	Total Q4 FY21/22 Expenditures	Vendor Name	Project Component
6161	Licenses & Permits	-	-	-
6162	Mandated Fees/Inspections	-	-	-
6195	Rate Study	-	-	-
6196	Program Management & DB Procurement	\$595,979.87	Carollo Engineers	General Project
6197	Grant Support	-	-	-
6198	Government Relations	-	-	-
6640	Maintenance Contracts	-	-	-
7101	Land Acquisition	\$90,000.00	Martz 2003 Trust, 1998 Daniel Paul Shepard Trust	General Project
<b>Total Project Soft Costs</b>		<b>\$795,898.47</b>	<b>Various</b>	<b>RWF, General Project</b>
6106	Contractual Services	\$4,357,732.38	Anvil Builders	Conveyance
7103	Water Reclamation Facility (WRF)-Onsite Improv Design/Build	\$15,035.00	JSP Automation	General Project
7104	Design Phase - Lift Station & Force Main	\$170,013.96	Water Works Engineers	Conveyance
7105	Planning & Permitting	\$344,549.77	KMA, Far Western, Cogstone	Conveyance
7106	Design Phase - Injection Wells & Recycled Water Pipeline	-	-	-
7107	WRF - On- Site Imprv - Build	\$5,065,891.28	FBV	WRF
7108	Injection Well Construction - WRF	-	-	-
7109	Lift Station/FM Construction Phase - WRF	-	-	-
7110	Pilot Well Construction - WRF	-	-	-
<b>Total Construction Costs</b>		<b>\$9,953,222.39</b>	<b>Various</b>	<b>Conveyance, WRF, General Project</b>
<b>Total Quarterly Expenditures</b>		<b>\$10,860,482.68</b>		

Notes:

- (1) City Budget Codes are from the latest Accounts Payable Report run on 7/14//2022.
- (2) Total quarterly expenditures shown only include invoices paid by the City in this quarter and are derived from a cash basis of accounting using the Accounts Payable reports provided by the City approximately one week after the end of the quarter. Total quarterly expenditures shown may differ from City fiscal year-end budget performance reports that are based on a modified accrual basis of accounting, which reallocates current quarter expenditures for services rendered in prior fiscal year back to the prior fiscal year.



## Appendix C

# WRF PROGRAM FUNDING REQUESTS AND REIMBURSEMENTS STATUS SUMMARY

Agency	Description	No.	Date Submitted	Requested Amount	Approved Amount	Received
SWRCB	CWSRF Planning Loan	1	Dec-18	\$289,595	\$217,441	Yes
SWRCB	CWSRF Planning Loan	2	Nov-19	\$6,431,295	\$5,312,748	Yes
SWRCB	CWSRF Planning Loan	3	Oct-20	\$3,910,211	\$2,415,669	Yes
SWRCB	CWSRF Planning Loan	4	Oct-21	\$930,385	\$484,617	Yes
SWRCB	CWSRF Planning Loan	5	Apr-22	\$773,331	Pending	No
SWRCB	CWSRF Construction Loan	1	Sep-21	\$11,185,433	\$11,185,433	Yes
SWRCB	CWSRF Construction Loan	2	Nov-21	\$10,886,581	\$10,886,581	Yes
SWRCB	CWSRF Construction Loan	3	Dec-21	\$5,463,514	\$5,463,514	Yes
SWRCB	CWSRF Construction Loan	4	Feb-22	\$5,943,018	\$5,943,019	Yes
SWRCB	CWSRF Construction Loan	5	Mar-22	\$6,095,373	\$6,095,373	Yes
SWRCB	CWSRF Construction Loan	6	May-22	\$3,237,135	Pending	No
SWRCB	CWSRF Construction Loan	7	Jun-22	\$2,145,404	Pending	No
EPA	WIFIA Loan	1	May-20	\$1,100,944	\$1,100,944	Yes
EPA	WIFIA Loan	2	Jun-20	\$61,014	\$50,486	Yes
EPA	WIFIA Loan	3	Jul-20	\$3,489,409	\$3,489,409	Yes
EPA	WIFIA Loan	4	Jul-20	\$2,461,121	\$2,461,121	Yes
EPA	WIFIA Loan	5	Aug-20	\$142,863	\$142,863	Yes
EPA	WIFIA Loan	6	Oct-20	\$1,635,106	\$1,635,106	Yes
EPA	WIFIA Loan	7	Dec-20	\$3,008,572	\$3,008,572	Yes
EPA	WIFIA Loan	8	Dec-20	\$3,671,499	\$3,671,499	Yes
EPA	WIFIA Loan	9	Jan-21	\$5,553,851	\$5,553,851	Yes
EPA	WIFIA Loan	10	Mar-21	\$2,440,399	\$2,440,399	Yes
EPA	WIFIA Loan	11	Apr-21	\$1,621,783	\$1,621,783	Yes
EPA	WIFIA Loan	12	May-21	\$2,988,342	\$2,988,342	Yes
EPA	WIFIA Loan	13	Jun-21	\$3,544,987	\$3,544,987	Yes
EPA	WIFIA Loan	14	Jul-21	\$2,692,977	\$2,692,977	Yes
EPA	WIFIA Loan	15	Aug-21	\$1,328,552	\$1,328,552	Yes
EPA	WIFIA Loan	16	Sep-21	\$488,601	\$488,601	Yes
EPA	WIFIA Loan	17	Oct-21	\$321,117	\$321,117	Yes
EPA	WIFIA Loan	18	Nov-22	\$346,279	\$346,279	Yes
EPA	WIFIA Loan	19	Dec-22	\$1,005,341	\$1,005,341	Yes
EPA	WIFIA Loan	20	Jan-22	\$337,646	\$337,646	Yes
EPA	WIFIA Loan	21	Mar-22	\$956,562	\$956,562	Yes
EPA	WIFIA Loan	22	Apr-22	\$395,308	\$395,338	Yes
EPA	WIFIA Loan	23	May-22	\$1,315,288	\$1,315,288	Yes
EPA	WIFIA Loan	24	Jun-22	\$155,599	\$155,599	No
<b>Total</b>				<b>\$98,354,435</b>	<b>\$89,057,057</b>	

## Appendix D

# PROGRAM MILESTONES

Milestone	Planned Completion Date
<b>General Project</b>	
Compliance with the TSO	2/23/2023
WIFIA Loan Secured	3/9/2020
SRF Loan Secured	7/31/2021
<b>WRF</b>	
Begin Design	11/5/2018
Construction Notice to Proceed	3/20/2020
Plant Seeding	10/4/2022
Substantial Completion	1/20/2023
Final Completion	3/20/2023
<b>Conveyance Facilities</b>	
Deliver 100 Percent Design	6/15/2020
Bid Advertisement	6/16/2020
Award Construction Contract	11/10/2020
Construction Notice to Proceed	12/14/2020
Substantial Completion	11/9/2022
Final Completion	12/24/2022
<b>RWF</b>	
Select Preferred Injection Area	6/17/2020
Pilot Injection Well - Complete	10/1/2022
Basis of Design of Report - Complete	1/31/2023
Engineering Design - Begin	1/1/2023
Construction Notice to Proceed	3/15/2024
Substantial Completion	2/15/2025
Final Completion	3/15/2025

## Appendix E

# FBV AMENDMENT DETAILS



**City of Morro Bay**  
Water Redamation Facility  
CHANGE ORDER DESCRIPTIONS

**CCO Codes (REASON FOR CHANGE):**  
 -CR1: City requested (required for Plant ops)  
 -CR2: City requested (enhanced functionality)  
 -CR3: City requested (to lower project costs)  
 -FBV: DB Team request or claim  
 -OSC: Differing Site Conditions  
 -REG: Required by Regulatory Agency

PCO NO.	TITLE	AMEND NO.	CHANGE ORDER SHORT DESCRIPTIONS	CCO AMOUNT	CAL DAYS	STATUS	REASON FOR CHANGE
1	New Sodium Hypochlorite Feed for Plant Water	1	Add a sodium hypochlorite (disinfection) chem feed pump, add sodium hypochlorite double contained piping from the Chemical Facility to the Recycled Water pumps. Additional electrical and controls for the new sodium hypochlorite pump. The added pump is needed for redundancy.	\$ 78,576.00		Executed Part of GMP	CR1
2	Change Architecture of Operations Building	1	The City requested to change the Operations Building exterior architecture back to a basic style, to delete the clerestory but to include cupolas and solatubes. The City requested the change to reduce project costs.	\$ (21,623.00)		Executed Part of GMP	CR3
4	Headworks Odor Control	1	Adding foul air ducting from the Fine Screens and SAFE Diversion Box to the Headworks Odor Control Biofilter. Cost also includes adding a cover to the SAFE Diversion Box. The ducting and cover were adding to reduce foul air emissions.	\$ 18,422.00		Executed Part of GMP	CR1
5	Remove Canopy and Monorail at MBR	1	The MBR tank was originally design with a canopy cover and monorail/crane hoist. The monorail and crane hoist were originally included to move MBR cassettes in and out of the tank for cleaning and maintenance. The City requested the change to reduce project costs. In the future the City will use a crane or boom truck to remove MBR cassettes when necessary.	\$ (185,434.00)		Executed Part of GMP	CR3
9	Consolidate Chemical Facilities	1	The original design provided chemical feed pumps and storage tanks at various locations where needed on site. The City requested to centralize all chemical storage tanks and feed equipment to one facility. Work includes a larger Chemical Facility structure, and additional chemical ductbanks and double containment piping.	\$ 218,978.00		Executed Part of GMP	CR2
10	Modify Chemical Piping	1	Revise underground chemical piping, to change double containment carrier piping from rigid pipe to flexible ducting. The City accepted this change to reduce project costs.	\$ (15,856.00)		Executed Part of GMP	CR3
15	Remove Solids Dumpster Lid	1	At the Solids Handling Area, delete the Solids Dumpster Lid and delete the Hygalon Splash Guards. Add a canopy / awning structure over the dumpster area by extending the Solids handling Area canopy. The City prefers the open-air solids dumpster while providing the canopy to protect dewatered solids from rain and atmospheric moisture.	\$ 14,543.00		Executed Part of GMP	CR2
16	Modify Outfall Pump Station	3	Increase the guaranteed pump station capacity to 8.14 MGD. Change the original design of 3 medium sized VFD controlled pumps, to a modified configuration using 2 smaller pumps and 2 larger pumps, all with VFDs. Also add and modify pump station manifold piping and valving as necessary. The City requested the change to ensure adequate future flow capacity and maximize pumping efficiency.	\$ 367,632.00		Executed Part of GMP	CR1
17	Add SAFE Settle (Equalization) Tank	1	Add SAFE Settle Tank (water bearing concrete structure) upstream of the SAFE system. The SAFE Settle Tank is added to the Sludge Holding Tank concrete structure. The new SAFE Settle Tank will either overflow to the SAFE System, or be pumped back to the SAFE Diversion Box using Solids Handling Pumps. Various segments of SAFE System diversion piping are upisized as required.	\$ 504,116.00		Executed Part of GMP	CR1
18	Instrumentation and Control Changes	1	The City prepared and issued a SCADA Master Plan for the WRF program. In January 2019, City staff and the DB team met and agreed on multiple technical items to coordinate between the City's SCADA Master Plan requirements and the DB Agreement scope. The PCO #18 proposal document includes a 6 page table of the multiple hardware and software changes.	\$ 75,266.00		Executed Part of GMP	CR1
19	Reduce Size of the Product Water Tank	3	The original DB Agreement included a 500,000 gallon bolted steel glass lined Product Water Tank. The City requested to decrease volume of Tank to 200,000 gallons. This was done to save project costs while also maintaining a suitable Product Water storage capacity on site.	\$ (129,681.00)		Executed Part of GMP	CR3
21	Revise Maintenance Building Layout and Size	1	The Maintenance Building footprint is expanded from 50'x70' to 60'x90' and a second vehicle sized roll-up door is added. The change order also includes revised site grading and eliminating a step in the building foundation slab, such that the new layout providing a larger, single level, vehicle accessible, shop area.	\$ 516,583.00		Executed Part of GMP	CR2
22	Influent Piping and Metering	1	The original design included a single 18" influent raw sewage pipeline from Teresa Rd to the new Headworks and an 18" influent flow meter at the Headworks. The City requested to change the design to parallel 16" and 12" HDPE influent pipelines, each pipeline with a separate flow meter at the Headworks. The City requested the change to add redundancy to the influent piping system.	\$ 411,766.00		Executed Part of GMP	CR2
23	Install Outdoor-Rated PD Blowers at BNR Facility	1	Replace the specified Turbo Blowers with Outdoor Rated Dry Screw Positive Displacement Blowers. The change order includes various revisions to blower controls, valving, and Aeration Air piping. The change was made to reduce project costs while still providing a suitable capacity of Aeration Air for the biological facility process.	\$ (58,210.00)		Executed Part of GMP	CR3
24	Remove Bypass of Coarse Screens	1	Delete the Coarse Screens bypass line, including both above grade and below grade 16" piping, valving, and fittings at the Headworks. The City requested the change to reduce project costs, as the bypass line was deemed not necessary.	\$ (37,137.00)		Executed Part of GMP	CR3
26	SAFE Diversion Box Additions	1	Add a removable FRP cover over the SAFE Diversion Box. The new cover includes multiple FRP panel sections that are removable by hand and structurally rated to support foot traffic. The change also adds an access ladder and handrail to the top of the Diversion Box. The changes were requested by the City to improve access to the Diversion Box.	\$ 58,304.00		Executed Part of GMP	CR2
28	Size Dewatering as a Building in the Future	1	Expand the Solids Handling Area concrete foundation slab and canopy to 36'x45'. The change also includes reconfiguring the dewatering belt press, pumps, piping, etc. This change will allow walls to be added around the equipment in the future. The City requested this change in case excessive foul air is emitted in the future and odor control measure become necessary.	\$ 30,983.00		Executed Part of GMP	CR2
30	Match Sludge Blowers to MBR Air Scour Blowers	4	There are 3 set of air blowers on the project: 2 each for MBR Air Scour, 3 each for BNR Aeration, and 2 each for Sludge Holding Tank mixing. The 2 each MBR Air Scour Blowers are Aerzen Blowers. The City requested that the 3 each BNR Aeration Blowers and 2 each Sludge Holding Tank Blowers also be supplied by Aerzen. The City requested this change for uniformity of equipment providers.	\$ 17,426.00		Executed Part of GMP	CR2
31	Stairs for the Coarse Screens and Grit Basins	1	The original design included various metal ladders to access the Headworks Coarse Screen and Grit Tank platform skids. This change deletes the ladders and adds 2 each 4 ft tall stair sets to the Coarse Screens and adds 2 each 8 ft tall stair sets to the Grit Tank area. This change also extends the Headworks foundation slab as required to provide foundations and landings for the added stairs.	\$ 52,870.00		Executed Part of GMP	CR1
32	Sulfuric Acid System	3	The City requested to add Sulfuric Acid feed pumps and a storage tank at the Chemical Facility. This change includes increasing the size of the Chemical Facility structure, adding double containment piping to both the RO Feed Tanks and the RO/UV Building, and adding all necessary electrical and controls. The City deemed that Sulfuric Acid addition is necessary for pH control/neutralization.	\$ 315,652.00		Executed Part of GMP	CR1
37	PLC/SCADA Software Uniformity	3	This PCO includes the cost to change PLC hardware and SCADA software from the standard offerings of the MBR, RO, and Headworks manufacturers to the City requested Allen Bradley and Wonderware products. This PCO applies to only those three equipment items and a separate PCO will be generated if a similar change is required for future procurements. The City requested this uniformity.	\$ 201,577.00		Executed Part of GMP	CR2
38	IPR Product Water Tank Bypass	1	Delete the Product Water Tank bypass line, including both above grade and below grade 8" piping, valving, and fittings at the Product Water Area. The City requested the change to reduce project costs, as the bypass line was deemed not necessary.	\$ (26,087.00)		Executed Part of GMP	CR3
39	NTP Delay	3	This PCO includes extended general conditions costs due to the delay in receiving construction NTP from April 29, 2019 to March 20, 2020. The amount for the period April 29, 2019 to October 23, 2019 was in dispute and a reduction is provided to reflect the results of a negotiation.	\$ 1,220,532.00		Executed Part of GMP	FBV
40	Headworks Valve Automation	3	The change adds motor operated valving and controls to the Headworks treatment trains. This allows for automated shifting of flows from one treatment train to the other, as may be needed due to equipment malfunction or other alarm conditions, especially during periods when no operators are on site. The change includes adding 8 each motor operated valves, plus electrical and controls.	\$ 249,946.00		Executed Part of GMP	CR1
41	Perimeter Barbed Wire Fence (Plus 8 days w/ EA 18.1)	3	City requested that FBV install a 5-strand barbed wire fence around the entire 27-acre project/property boundary, and along the Temporary Construction Easement (TCE) on the eastern boundary of site. The eastern boundary TCE fence will be relocated to the actual project/property boundary at project completion.	\$ 79,935.00	8	Executed Part of GMP	REG
42	UV/AOP System Modifications	3	The City requested to delete the Standby UV Reactor from the scope of work to reduce project costs. The change includes FBV added costs for: UV system investigation, technical memoranda, development of alternatives, and resulting design revisions for associated mechanical, electrical, and controls.	\$ (33,481.00)		Executed Part of GMP	CR3

44	Tank Access Improvements	3	This Change adds staircases to replace ladders throughout the site for improved access to treatment process basins. The change adds stairs, catwalks, and handrails at the BNR tanks, adds stair and landings at the SHT, add stairs and a grating platform at the MBR tank, and adds stairs, catwalk, and handrails at the SAFE system.	\$	210,327.00	Executed Part of GMP	CR1
45	Maintenance Ceiling Revisions and Automated Roll-Up Door	3	The City requested to add a motor actuator on one of the 14'X14' roll-up door at the Maintenance Building. This change includes the required added electrical and controls.	\$	21,009.00	Executed Part of GMP	CR2
46	Curbed Washdown Areas	3	This change adds containment curbs, sloped slabs, floor drains, and drainage piping to sewer for various wastewater washdown areas. The change adds curbed washdown areas for the MBR cassette maintenance area, the solids/sludge dewatering area, and the Headworks Coarse Screen and Grit Tank area. The City requested the curbed washdown areas to better contain sewage spills.	\$	76,250.00	Executed Part of GMP	CR1
47	Changes to Furnishings and Equipment	3	This Change adds office furnishings and appliances for the Operations and Maintenance Buildings, including desks, chairs, tables, shelves, cabinets, control room console, flat-screen monitors, kitchen and laboratory appliances, lockers, and maintenance building storage racks. The items were discussed and requested by the City during design meetings with the DB team Architect.	\$	85,194.00	Executed Part of GMP	CR2
50	Revisions to Water/Sewer Supply Storage Sheds	3	The original design includes a Water and Collections Storage Shed, with two equal sized rooms each with an exterior double-wide pedestrian door. This change deletes the double doors and adds 10 ft wide roll-up doors and single pedestrian doors for each room.	\$	13,142.00	Executed Part of GMP	CR2
52	Analyzer Relocation and Enclosures	3	Relocate analyzers at Outfall/PPR Pump Station to indoors at the RO/LV Building, including adding 120' of sample piping between the sample point and building. Relocate analyzers at Dechlorination Facility to indoors at the Water/Collections Storage Shed, including adding 70' of sample piping between the sample point and building, and adding 70' of drainage piping to sewer.	\$	76,555.00	Executed Part of GMP	CR2
55	Notice of Dispute - PG&E Temporary Power	3	This PCO addresses the cost paid to PG&E for temporary power service. It has been a disputed item and negotiation has led to an agreement to split the cost 50/50.	\$	13,163.00	Executed Part of GMP	FBV
56	Impacts of Water Quality Changes	3	In September 2019, the City provided updated Influent Water Quality data to use as the basis of design. Multiple parameters were significantly different than listed in the DB Agreement. The revised Water Quality data impacted the RO equipment design. The added costs are for H2O Innovations (RO manufacturer) as well as for electrical and control changes by Electricraft.	\$	282,420.00	Executed Part of GMP	CR1
57	Soil Lateral Earth Pressure	3	This change adds foundation sub-drains around below grade water bearing concrete structures as recommended by FBV and the Geotechnical Engineer. This change adds Miradrain Panels and 4" PVC drain piping around the perimeter of the BNR basin and Sludge Holding Tanks, to relieve lateral soil pressure on the concrete structures.	\$	116,329.00	Executed Part of GMP	FBV
58	Permanent Exclusion Fencing	3	As required by environmental regulatory agencies, a concrete barrier wall for wildlife exclusion is added along the entire Eastern boundary of the site from Teresa Rd to the northern most tip of the site. The concrete barrier wall shall extend 24 inches above grade and 36 inches below grade, and include a nominal 6-inch top lip to serve as a climbing barrier.	\$	855,991.00	Executed Part of GMP	REG
59	Increased Escalation Costs	3	This PCO includes escalation costs due to the delay in receiving construction NTP from October 23, 2019 to March 20, 2020.	\$	1,232,677.00	Executed Part of GMP	FBV
61	PCO Design Impacts	3	This PCO is in response to FBV's claim for engineering redesign costs from changes requested by the City but subsequently reversed due to the cost being too high or otherwise excessive. The PCO also addresses FBV's claim for inefficiencies resulting from "changes in direction throughout the design development process".	\$	158,172.00	Executed Part of GMP	FBV
62	Conduit Alternative Design	3	This change removed the original DB Agreement, Exhibit B, requirement to use PVC coated galvanized rigid steel conduit systems in all exterior and/or process areas on site. FBV proposed to use galvanized rigid steel conduit systems (without PVC coating) in all project locations as a value engineering suggestion. The City accepted the proposal in an attempt to reduce project costs.	\$	(268,400.00)	Executed Part of GMP	CR3
64	Reduce Performance Period	3	The DB Agreement requires 6-months of FBV support during the Performance Test Period. The City requested to delete this requirement as not necessary. Note FBV remains responsible for the 12-month warranty against equipment and/or system malfunctions. The credit amount is taken directly from FBV's original bid proposal document.	\$	(35,450.00)	Executed Part of GMP	CR3
65	Davis Bacon Wage Increases	2	The Contract amount is increased to compensate for the required implementation of CA Wage Determination dated 10/5/2018. FBV's original bid proposal document was based on CA Wage Determination dated 1/5/18	\$	69,937.00	Executed Part of GMP	REG
66	Caltrans Intersection Improvements	3	Delete scope of work to extend intersection at Teresa Road and South Bay Blvd for the new WRF Access Road. Adjust centerline of the WRF Access Road to be offset from the centerline of South Bay Blvd.	\$	(21,893.00)	Executed Part of GMP	CR3
67	BNR System Modifications	3	This change was requested by City to increase Aeration Air systems as required for full nitrification in the biological process. The costs include upsizing 3 each aeration blowers, stainless steel aeration piping, air meters, air valves, and adding aeration diffusers in the BNR basins. The change also adds Ammonium Sulfate pumps, tank, piping, and increases the size of the Chemical Facility.	\$	742,405.00	Executed Part of GMP	FBV
68	SAFE Settle ( Equalization) Tank Drain Piping	3	This change is requested by the City to provide a new pipeline to drain the SAFE Settle Tank. This pipeline will tie in to the existing dewatering feed pumps and will allow draining the tank back to the SAFE Diversion Box. The work includes adding 80 lf of 6" piping and adding 2 each 6" manual valves.	\$	62,215.00	Executed Part of GMP	CR1
69	Third Party Testing and Inspection	3	The responsibility for 3rd party testing and inspection costs were in dispute for several months prior to construction. In April 2020 the City and FBV agreed that the cost of these services would be split 50/50 between the parties, up to a cap of \$200k. The agreement included the provision that if additional services are required above \$200k, it would be paid by the City.	\$	100,000.00	Executed Part of GMP	FBV
71	CDFW Site Restrictions (Direct Costs / Inefficiencies)	4	The construction NTP on 3-20-2020 included restrictions from working in the designated spoils disposal area on site. The restrictions by CDFW were due to an erosional feature and were not resolved until 7-14-2020. As a result of the restrictions, FBV was required to stockpile spoils outside the disposal area, and then haul and grade the material a second time after the restrictions was lifted.	\$	254,443.00	Executed Part of GMP	REG
72	Owner Trailer Utility Hook Ups	4	This change provides utility connections to the Owner/Carollo field office trailer at the WRF. The work includes grading the trailer site, installing a temporary potable water connection, connecting temporary electrical, and providing electrical power through the project duration. The work also includes installing a temporary USPS jobsite mailbox.	\$	19,593.00	Executed Part of GMP	CR2
73	Main Gates in Perimeter Fence	4	This change was requested by the City to add 2 pedestrian gates in the WRF perimeter fence, one north of the Operations Building and one at the northern most tip of site. Along with the pedestrian gate north of the Operation Building, also provide a 4' wide set of concrete stairs and a 4' wide sidewalk between paved areas.	\$	27,031.00	Executed Part of GMP	CR2
74	Parking Canopy Electrical Receptacles	4	This change adds 7 outdoor rated duplex 120VAC electrical outlets on canopy poles around the Vehicle/Equipment Storage Canopy, and the WRF Parking Canopy. The work includes a new 480V circuit from the RO Building Electrical Room, a new 5KVA transformer, and all required underground and exposed power conduits, junction boxes, and outlet receptacles.	\$	42,346.00	Executed Part of GMP	CR2
75	Security Windows at Admin Building	4	This change was requested by the City to add a security window in the lobby of the new Operations Building to separate City staff from members of the public in the lobby (similar to City Hall).	\$	11,079.00	Executed Part of GMP	CR2
76	Additional Sodium Bisulfite Pump	4	This change was requested by the City to provide a redundant (second) Sodium Bisulfite feed pump at the Chemical Facility, including all associated mechanical work, piping, electrical and controls. This change also provides heated tote blankets for the Sodium Bisulfite storage totes to control temperature during cold weather. An electrical outlet is also added for the heated tote blankets.	\$	58,243.00	Executed Part of GMP	CR1
77	COVID-19 Costs	6	The DB Agreement stipulates that an "epidemic" or "quarantine restriction" is a compensable Force Majeure event. FBV originally submitted costs in the amount of \$152k for COVID-19 impacts based on added initial service, added COVID protective supplies, added Safety Officer time, added costs to send infected workers home for quarantine, and loss of efficiency (1 hr. per worker per day from 3/20/20 to 6/1/20 and 10 min. per worker per day from 6/1/20 to 3/20/21. The City was able to negotiate this cost down to \$125k based on a reduction of the assumed inefficiencies, and was able to gain FBV agreement that this cost is considered final (i.e. that any future infections would be based on individuals deciding not to be vaccinated rather than Force Majeure).	\$	125,000.00	Executed Part of GMP	FBV
78	Soil Slip Differing Site Conditions	4	On May 5, 2020 an unidentified ancient landslide was discovered when mass grading the cut slope above the Operations Building. This is a differing subsurface condition per Section 3.10.2 of the Agreement. The costs represent the additional effort associated with remediating the landslide.	\$	280,013.00	Executed Part of GMP	DSC
79	Modify Water/Sewer Supply Storage Sheds (Ref. PCO 50)	4	This item is a continuation of PCO 50. FBV claims that their previous quote did not include all costs associated.	\$	10,847.00	Executed Part of GMP	CR2
82	PLC/SCADA Uniformity - Bal. of Equipment (Ref. PCO #37)	4	This PCO includes the cost to change PLC hardware and SCADA software from the standard offerings of the Belt Press and Cloth Disk Filter (SAFE) manufacturers to the City requested Allen Bradley and Wonderware products. This PCO applies to only those equipment items. PCO #37 was similarly executed for other equipment manufacturers on the project.	\$	108,887.00	Executed Part of GMP	CR2

84	Alternate Red Legged Frog Barrier (Ref. PCO 58)	5	Environmental agencies overseeing the project have allowed an alternate wildlife barrier along the Eastern boundary of site. The PCO 58 concrete barrier is only required from Teresa Rd to the facility gate (400'). The remaining 1700' of exclusionary barrier shall be 2 mm thick HDPE attached to 6' chain link fencing, 24" above grade, 36" below grade, with a rigid 4" FRP top lip climbing barrier.	\$	468,768.00		Executed Part of GMP	CR3
86	Pothole Existing Water Valve in Teresa Road	4	The City requested that FBV pothole an existing City water line and shut off on Teresa Road. On the next day, the City requested FBV pothole the 8" branch line service to the WRF property. The work was on T&M.	\$	5,189.00		Executed Part of GMP	CR2
87	Modify Alternate Conduit Design Scope (Ref. PCO 62)	5	This change provides PVC coated electrical conduit systems (conduits, boxes, accessories) for all wastewater and product water processing and washdown areas, including outdoor process areas and indoors at the RO/UV Building. PVC coated Galvanized Rigid Steel (GRS) conduits provide superior corrosion protection. This PCO essentially reverses previous PCO #62.	\$	272,822.00		Executed Part of GMP	CR1
88	Dead-Front Control Panels	6	City staff requested that all control panels be dead-front type, wherein no controls are exposed, and that a solid front door is furnished (i.e. keyed or with padlock hasp). FBV has submitted costs in the amount of \$37K and the City is in agreement. This change is being implemented on the following system control panels: Kusters (Headworks), Suez (MBR), Aerzen (Blowers), Gierlich-Mitchell (Sanitary Lift Station), Charter Machine (Dewatering), and other minor panels as required.	\$	37,774.00		Executed Part of GMP	CR2
90	24Vdc Digital Output Circuits	6	City staff requested that all control digital output circuits be 24VDC to match the 24VDC input signals as required by the DB Agreement. The City requested this to prevent potential signal interference. FBV had planned to use 120VAC digital outputs as the DB Agreement only stipulated the 24VDC signals on inputs (not outputs). This could potentially cause signal interferences and various control system disruptions. This item was disputed by the City as matching input and output signals is a design standard for some design firms (including Carollo). As part of negotiations the City elected to accept the proposed costs which include additional relays and power supply units in various Motor Control Centers (power distribution panels) for the 24Vdc PLC digital circuits being added.	\$	25,689.00		Executed Part of GMP	CR1
91	Standard Equipment Color (Tnemec 32GR Light Gray)	6	City staff requested that a standard color be established for all manufactured equipment, piping, etc., including for all field applied coatings. This is being implemented so that plant staff only need to maintain supply of one coating color, to simplify coating spot repairs during normal maintenance. The selected color is Tnemec 32R Light Gray or equal. FBV coordinated and made requests to each equipment supplier to change their standard or typical factory color to the Tnemec Light Gray or equal. Some supplier had costs impacts for the equipment color change.	\$	12,500.00		Executed Part of GMP	CR2
92	Soil Slip Differing Site Conditions Claim (2021)	6	On January 28, 2021, the previous cut-slope landslide area reactivated during a major storm. The DB Team has performed extensive site investigation, and develop preliminary remediation drawings, and submitted total costs in the amount of \$825,300 to address the known conditions. The remediation scope of work includes: removal and stockpiling of approximately 17,000 cy of loose material to the mapped slip plane, benching into competent native subgrade material, installing a subdrain system at each bench with drainage to surface, placement and compaction of \$17,000+ cy of engineered fill, surface contours to enhance precipitation run-off, concrete v-ditches to divert run-off from the areas, and the installation of two inclinometer for future monitoring by the City (monitoring not included).	\$	825,300.00		Executed Part of GMP	DSC/FBV
93	NEMA 4X Electrical Enclosures per Exhibit B	6	The City is requiring that all exterior electrical enclosures be NEMA 4X type. FBV submitted costs in the amount of \$97K to provide the NEMA 4X enclosures. The City does not agree with the contractual merits of this cost request. The City's contention is that the DB Agreement calls for all exterior and exposed electrical and control enclosures are to be NEMA 4X rated. FBV has argued that their intention, and the approved IFC design documents indicate reasonable alternatives to NEMA 4X. The City and FBV have agreed to the settlement amount noted herein and all applicable panels will be NEMA 4X rated.	\$	40,000.00		Executed Part of GMP	FBV
94	Security System Revisions	6	The City requested the following improvements to the facility security system: add one exterior security camera to enhance coverage of the facility grounds (6 other cameras already in design), add door detectors and motion sensors at the RO Bldg, Storage Shed, Electrical Bldg (detectors and sensors at Ops Bldg and Maint Bldg are already in design). FBV submitted costs in the amount of \$25K and the City is agreeable to the proposed amount.	\$	25,659.00		Executed Part of GMP	CR2
96	January 2021 Storm Event (1-26 thru 1-29)	6	FBV has submitted costs in the amount of \$40K for actual expenditures associated with the January 2021 major storm (8"+ of precipitation in 48 hours). The work included: actual labor, equipment, and materials to prepare for the storm, maintain the site during the storm while work was otherwise shutdown, and significant post storm efforts to clean and repair storm drain facilities, repair damaged embankments, and repair other erosional damage. The DB Agreement stipulates that "storms" are compensable Force Majeure events. As part of the settlement, City and FBV agree to amend the DB Agreement in that only non-compensable time extensions will be requested by FBV, and/or granted by the City, for any future weather related delay or impact.	\$	40,195.00	7	Executed Part of GMP	FBV

## Appendix F

# ANVIL AMENDMENT DETAILS



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 001**

**Project:** WRF Lift Stations and OffSite Pipelines Project      **Contractor:** Anvil Builders, Inc.  
**Date:** October 12, 2021      **Project Manager:** Gary Silveira

Upon mutual acceptance and execution of this document by the City of Morro Bay (City) and Anvil Builders, Inc. (Contractor), Contractor is hereby directed to make the following changes for the consideration set forth below:

See following page(s) for Descriptions and Reasons for Change

PCO #	DESCRIPTION	Reason For Change	Amount	Contract Time (Calendar Days)
1	SHPO Delay (35 days no dig moratorium)	REG	\$ 443,000.00	40 Days
2	Add 2 Each 10-in Valves and 10-in Tee	CR1	\$ 23,498.00	0 Days
3	PS-B MAS-Relay Pump Protection Module per DC-01	CR1	\$ 13,477.00	0 Days
4	PS-A & PS-B Conduit Changes per DC-02	CR1	\$ 6,436.00	0 Days
7	Extend Waterline Relocation from Sta 71+00 to Sta 77+43	DSC	\$ 131,096.00	0 Days
12	CA-SLO-2232H Work Interruptions from Stat 147 to Sta 150	REG	\$ 56,978.00	0 Days
NET CHANGE ORDER ADJUSTMENT			\$ 674,485.00	40 Days

ORIGINAL CONTRACT AMOUNT	\$ 31,493,675.00
Previous Change Orders	\$ -
Previous Contract Amount	\$ 31,493,675.00
Adjustments by this Change Order	\$ 674,485.00
New Contract Amount	\$ 32,168,160.00

CURRENT FINAL COMPLETION DATE	2/22/2022
Extension Days s (Calendar)	40 Days
NEW FINAL COMPLETION	4/3/2022

Acceptance of this Change Order constitutes an agreement between the City and Contractor, and the work is to be performed subject to the same terms and conditions as are contained in the Agreement with Contractor and for work on the above-mentioned project.

By signature of this Change Order, the Contractor acknowledges that the adjustments to the Contract Cost and Time contained in the Change Order are in full satisfaction and accord and so waives any right to claim any further cost and time impacts at any time during and after completion of the Contract for the changes encompassed by this Change Order.

When signed by the Owner and Construction Manager and received by Contractor, this document becomes effective IMMEDIATELY, and the Contractor shall proceed with the change(s) described above.

ACCEPTED  
 Anvil Builders Inc.  
 Contractor (Company Name)  
 \_\_\_\_\_  
 (Authorized Signature) (Date)  
 Gary Silveira - Project Manager  
 (Print Name and Title)

APPROVED  
 Carollo Engineers Inc  
 Construction Manager  
 \_\_\_\_\_  
 Authorized Signature (Date)  
 Paul Amico - Project Manager  
 (Print Name and Title)

ACCEPTED  
 City of Morro Bay  
 Owner  
 \_\_\_\_\_  
 Authorized Signature (Date)  
 Scott Collins - City Manager  
 (Print Name and Title)



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 001**

**Project:** WRF Lift Stations and OffSite Pipelines Project

**Contractor:** Anvil Builders, Inc.

**Date:** October 12, 2021

PCO #	TILE	DESCRIPTION OF CHANGE	Reason For Change
1	SHPO Delay	Project NTP was issued on 12-14-20. Based on a notification from SHPO, a stop work order was issued by the City on 2-16-21 restricting Anvil from conducting any ground-disturbing activities. Upon resolution of SHPO concerns, Anvil was allowed to begin most project ground-disturbing activities on 3-15-21 (35 calendar days later). This issue arose from the Section 3 Consultation between EPA and SHPO required as part of the City's WIFIA loan. The process included submittal of a Monitoring Plan to EPA that SHPO needed to approve before any ground-disturbing activities could begin. The Monitoring Plan was submitted to EPA on 10-3-2020, and EPA sent the document to SHPO in early November 2020. SHPO has a statutory requirement to provide a response within 30 days. EPA received SHPO comments in February 2021, past the 30 day limit. Under the regulations, EPA and the City could have moved forward since the statutory 30 day requirement was not met. However, EPA was not willing to do so. Consequently, the City was not approved by SHPO to move forward with any ground disturbing activities until 3-15-2021. Anvil subsequently filed a delay claim and time impact analysis resulting in this change order.	REG
2	Add 2 Each 10-in Valves and 10-in Tee	Anvil exposed the existing Waterline near Sta 121+30 as required to relocate the line per Contract. The existing piping configuration was discovered to be different from what was shown on the as-built drawings. After a review, City staff concluded that a new 10" Valve and 10" Tee fitting were needed to replace the existing piping configuration. This change will increase the reliability and operability of the water distribution system.	CR1
3	PS-B MAS Pump Relay Module per DC-01	The electrical Design Engineer issued Clarification No. 1 on 3-12-2021, indicating that the Pump Station B Pumps have been provided with a different pump protection system than shown in the design. The conduit and wire changes are required to incorporate the pump protection module. As a result conduit/wiring revisions were necessary at PS-B on Drawings 20-E-02, 03, 04, 05, 08 & and 20-I-01.	CR1
4	PS-A & PS-B Conduit Changes per DC-02	The electrical Design Engineer issued Clarification No. 2 on 4-19-2021, indicating that isolation of AC and DC signals is desired to prevent potential signal interferences. The following revisions will isolate the AC signals from the DC signals. As a result conduit/wiring revisions were necessary at PS-A on Drawings 10-E-3, 10-E-6, and 10-E-7, and at PS-B on Drawings 20-E-4, 20-E-5, 20-E-8, and 20-E-9.	CR1
7	Extend 12" RO Waterline Relocation	The original Contract includes relocating an existing 12" Waterline on Quintana between Sta 77+43 and Sta 82+05, due to the waterline being in conflict with the main Joint trench. Anvil's trenching crew on Quintana encountered the waterline entering the main Joint Trench alignment at Sta 73+50. After additional potholing, the City decided to extend the water line relocation back to Sta 71+00 (adding approximately 643 LF of waterline relocation).	DSC
12	CA-SLO-2232H Work Interruptions	Trenching operations on Quintana Rd near South Bay Blvd (Sta 147 to Sta 150) was significantly impacted by two known archaeological sites (CA-SLO-2232/H and CA-SLO-1183), one of which contains recently discovered human burials. This area needed to have excavations treated differently in that direct loading of trucks was not allowed without first confirming the soil was negative for resources or remains. These instruction were provided and enforced by State mandated archeological and tribal monitors assigned to the project.	REG

**REASON FOR CHANGE CODES**

**CR1:** City requested (required)

**CR2:** City requested (Optional)

**E&O:** Design Error or Omission

**ABI:** Anvil request / claim item

**DSC:** Differing Site Conditions

**REG:** Regulatory Agency Item



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 002**

**Project:** WRF Lift Stations and OffSite Pipelines Project      **Contractor:** Anvil Builders, Inc.  
**Date:** January 11, 2022      **Project Manager:** Matt Scholfield

Upon mutual acceptance and execution of this document by the City of Morro Bay (City) and Anvil Builders, Inc. (Contractor), Contractor is hereby directed to make the following changes for the consideration set forth below:

See following page(s) for Descriptions and Reasons for Change

PCO #	DESCRIPTION	Reason For Change	Amount	Contract Time (Calendar Days)
9	SoCal Gas Delays and Disruptions	ABI	\$ 43,017.00	0 Days
22	6-Inch Waterline Relocation at Pump Station A	DCS	\$ 20,147.00	0 Days
23	Miscellaneous Unforeseen Utility Work	DSC	\$ 27,198.00	0 Days
27	MTBM Delays and Disruptions - Claim Resolution	ABI	\$ 111,161.00	0 Days
28	SLO County APCD Generator Mandates – Procurements	REG	\$ 301,703.00	0 Days
34	Bike Path Jack & Bore Concrete Debris Obstruction	DSC	\$ 84,276.00	0 Days
NET CHANGE ORDER ADJUSTMENT			\$ 587,502.00	0 Days

ORIGINAL CONTRACT AMOUNT	\$ 31,493,675.00
Previous Change Orders	\$ 674,485.00
Previous Contract Amount	\$ 32,168,160.00
Adjustments by this Change Order	\$ 587,502.00
Change Order to Date	\$ 1,261,987.00
New Contract Amount	\$ 32,755,662.00

CURRENT FINAL COMPLETION DATE	4/3/2022
Extension Days (Calendar)	0 Days
NEW FINAL COMPLETION	4/3/2022

Acceptance of this Change Order constitutes an agreement between the City and Contractor, and the work is to be performed subject to the same terms and conditions as are contained in the Agreement with Contractor and for work on the above-mentioned project.

By signature of this Change Order, the Contractor acknowledges that the adjustments to the Contract Cost and Time contained in the Change Order are in full satisfaction and accord and so waives any right to claim any further cost and time impacts at any time during and after completion of the Contract for the changes encompassed by this Change Order.

ACCEPTED

Anvil Builders Inc.  
 Contractor (Company Name)

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(Authorized Signature) (Date)

Matt Scholfield  
 (Print Name and Title)

When signed by the Construction Manager, and upon execution of source document Amendment by City Council, this document becomes effective IMMEDIATELY, and Contractor shall proceed with the change(s) described above.

APPROVED

Carollo Engineers Inc / MEG Inc.  
 Construction Manager

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Authorized Signature (Date)

Steve Mimiaga - Construction Mngr.  
 (Print Name and Title)



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 002**

<b>Project: WRF Lift Stations and OffSite Pipelines Project</b>			
<b>Contractor: Anvil Builders, Inc.</b>			
<b>Date: January 11, 2022</b>			
<b>PCO</b>	<b>TILE</b>	<b>DESCRIPTION OF CHANGE</b>	<b>Reason For Change</b>
9	SoCal Gas Delays and Disruptions	The project's joint trench, containing multiple pipelines, parallels an existing 16" diameter SoCal Gas high pressure gas main for nearly the entire alignment along Quintana Road. SoCal Gas requires a representative to be on site during all digging activities as well as other work activities occurring within 10 ft of the high pressure gas main (i.e. that could potentially damage or otherwise impact the main). There have been several occurrences where the SoCal Gas representative did not show up for scheduled assignments, which prevented Anvil from performing contract work and/or progressing the joint trench. In these cases Anvil's entire crew was forced to literally stand-by and wait for the SoCal Gas representative to arrive. The City/Carollo have spent considerable time and effort to coordinate between Anvil and SoCal Gas to improve communication and cooperation, but nevertheless, Anvil was negatively impacted on the following days: 5/3/21 for 2 hours, 5/17/21 for 2.5 hours, 5/18/21 for 3 hours, 6/3/21 for 2 hours, 6/17/21 for 2.5 hours for 2 different crews, 8/10/21 for 4 hours.	ABI
22	6" Waterline Relocation at Pump Sta. A	New Pump Station A is located on City property at the City's existing corporation yard on Atascadero Road. As part of the site preparation and demolition work at Pump Station A, an unknown 6" Waterline was discovered and needed to be relocated to construct the pump station. The extra work included potholing and locating the unknown utility, trenching and installation of new by-pass piping, pressure testing and disinfection of the relocated waterline, backfill and other site work.	DSC
23	Miscellaneous Unforeseen Utility Work	During the project work to date, the below noted miscellaneous unforeseen minor utility work was required for contract work to proceed. The following items are acknowledged as unforeseen conditions and as such warrant reimbursement of verified extra costs: (1) potholing unmarked utility at Pump Station A on 5/3/21, (2) emergency work to recover trench caving due to adjacent utilities from Sta 71+75 to Sta 71+85 on 6/13/21, (3) excavating around unmarked 4" (asbestos) Waterline at Sta 146+00 on 7/8/21, (4) Anvil crew standby time during potholing of incorrectly marked telephone conduit on 8/5/21, (5) unknown and unmarked Sanitary Sewer crossing at Sta 88+50, line was struck and repaired on 8/6/21, (6) potholing unknown and unmarked Sanitary Sewer lines on 8/9/21, and (7) unknown and unmarked Sanitary Sewer crossing at Sta 90+50, line was struck and repaired on 8/23/21.	DSC
27	MTBM Delays and Disruptions Claim Resolution	Anvil and their Microtunnel Boring Machine (MTBM) subcontractor, Vadnais Trenchless Services (Vadnais) encountered several unknown utilities, potential obstructions, and differing soil conditions along the MTBM alignment below the Morro Bay Roundabout, including complete equipment stoppages at approximately Sta 98+50 and Sta 98+65. Anvil's subcontractor (Vadnais) claimed delay and equipment standby time for these equipment stoppages that lasted over 8 weeks. During the 8 weeks of work stoppage, Anvil excavated and shored two separate 23 ft deep emergency recovery shafts to clear the apparent obstructions from in front of the MTBM cutting head. However, no actual obstruction was found, located, or confirmed during the recovery shaft excavations. Subsequently, the MTBM casing pipe installation was completed without further incidents. Anvil and Vadnais provided notifications of potential costs under PCO #14 and PCO #27 in excessive \$500,000 for the Vadnais equipment downtime, Vadnais loss of crew efficiencies, and for the cost of the two recovery shafts by Anvil. The City initially denied the claim for stoppages at Sta 98+50 and Sta 98+65, as no obstruction was found. The City does not dispute the other costs related to unknown utilities noted herein. After several meetings between the City, Carollo, Anvil, and Vadnais, a claim settlement was reached in the amount of \$111,161, wherein all other costs and impacts associated with both PCO #14 and PCO #27, are waived or otherwise agreed upon for the final lump sum amount noted herein.	ABI
28	SLO County APCD Emergency Generator Mandates – Procurements	On 9/24/21, the City received a Notice of Incomplete Applications from SLO County Air Pollution Control District (APCD), pursuant to the Pump Station A emergency generator and the Pump Station B emergency generator. It is City staff understanding that both generators were in compliance with APCD requirements at the time of Bid Opening in 2020. However, in late 2020, APCD rules were revised causing the two generators to now need retrofitted emissions reduction components to attain APCD compliance and approval. APCD is now also requiring Health Risk Assessments (HRAs) for both pump station sites which Carollo is undertaking via specialty subconsultant. This change order encompasses the below noted initial known costs for emissions reduction components, however it is acknowledged that there will be a subsequent change order for additional structural, mechanical, electrical, and sitework revisions necessary to implement the changes. This change order includes costs for the following assumed necessary procurement items: At Pump Station A add a Diesel Particulate Filter (DPF); and at Pump Station B add the DPF, plus Selective Catalytic Reduction (SCR) and Diesel Oxidation Catalysts (DOC) technologies.	REG
34	Bike Path Jack & Bore Concrete Debris Obstruction	On 11/11/21, about 3 pm, Anvil and their jack & bore subcontractor (Pacific Boring) encountered a concrete obstruction in the path of the 60" casing pipe. Anvil and Pacific Boring were immediately instructed to suspend the jack & bore mechanical operation and hand excavate to investigate and confirm the size and extent of the concrete obstruction. For the following 6 consecutive days (including Saturday 11/13/21 and Sunday 11/14/21), Anvil and Pacific Boring worked 8 to 10 hour shifts to hand excavate and jack hammer out the concrete obstruction, while simultaneously advancing the casing pipe about 20 ft using the hydraulic jacking equipment. On 11/18/21, the obstruction was cleared and Pacific Boring resumed normal jack & bore operations, finishing the casing installation the same day. Note that the obstruction appears to be an old Caltrans culvert structure from the original CA Route 1 highway. Also note that the jack & bore work through jurisdictional wetlands needed to proceed without delay, working through the weekend, in order to meet a California Department of Fish and Wildlife (CDFW) mandate for the tunnel to be completed by 11/19/21.	DSC

**REASON FOR CHANGE CODES**  
**CR1:** City requested (required)  
**CR2:** City requested (Optional)  
**E&O:** Design Error or Omission  
**ABI:** Anvil request / claim item  
**DSC:** Differing Site Conditions  
**REG:** Regulatory Agency Item



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 003**

**Project:** WRF Lift Stations and OffSite Pipelines Project      **Contractor:** Anvil Builders, Inc.  
**Date:** March 22, 2022      **Project Manager:** Chris Fassari

Upon mutual acceptance and execution of this document by the City of Morro Bay (City) and Anvil Builders, Inc. (Contractor), Contractor is hereby directed to make the following changes for the consideration set forth below:

See following page(s) for Descriptions and Reasons for Change

PCO #	DESCRIPTION	Reason For Change	Amount	Contract Time (Calendar Days)
8	Additional Project Signage Costs	CR2	\$ 9,196.00	0 Days
9.2	SoCal Gas Delays and Disruptions (Part 2)	ABI	\$ 20,750.00	0 Days
13.1	CA-SLO-16 Work Revisions (Time Extension)	REG	\$ -	153 Days
16	Reroute Joint Trench below State Waterline at 121+75	DSC	\$ 144,616.00	0 Days
20	Pothole Utilities for WRF Pilot Injection Well Layout	CR2	\$ 15,291.00	0 Days
32	Broken Waterline at Quintana Road and Kings Avenue	ABI	\$ 6,198.00	0 Days
39	Cultural Monitor Extra Work at MTBM Launch Pit	DSC	\$ 45,266.00	0 Days
NET CHANGE ORDER ADJUSTMENT			\$ 241,317.00	153 Days

ORIGINAL CONTRACT AMOUNT	\$ 31,493,675.00
Previous Change Orders	\$ 1,261,987.00
Previous Contract Amount	\$ 32,755,662.00
Adjustments by this Change Order	\$ 241,317.00
Change Order to Date	\$ 1,503,304.00
New Contract Amount	\$ 32,996,979.00

CURRENT FINAL COMPLETION DATE	4/3/2022
Extension Days (Calendar)	153 Days
NEW FINAL COMPLETION	9/3/2022

Acceptance of this Change Order constitutes an agreement between the City and Contractor, and the work is to be performed subject to the same terms and conditions as are contained in the Agreement with Contractor and for work on the above-mentioned project.

By signature of this Change Order, the Contractor acknowledges that the adjustments to the Contract Cost and Time contained in the Change Order are in full satisfaction and accord and so waives any right to claim any further cost and time impacts at any time during and after completion of the Contract for the changes encompassed by this Change Order.

ACCEPTED

Anvil Builders Inc.

Contractor (Company Name)

(Authorized Signature)

(Date)

Chris Fassari

(Print Name and Title)

When signed by the Construction Manager, and upon execution of source document Amendment by City Council, this document becomes effective IMMEDIATELY, and Contractor shall proceed with the change(s) described above.

APPROVED

Carollo Engineers Inc / MEG Inc.

Construction Manager

Authorized Signature

(Date)

Steve Mimiaga - Construction Mngr.

(Print Name and Title)



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 003**

**Project:** WRF Lift Stations and OffSite Pipelines Project

**Contractor:** Anvil Builders, Inc.

**Date:** March 22, 2022

PCO	TILE	DESCRIPTION OF CHANGE	Reason For Change
8	Additional Project Signage Costs	The original contract included a \$5,000 allowance for additional signage not shown on the plans or required by the specifications. Anvil has exhausted this original budget responding to signage requests from City staff to date. This change order item provides reimbursement of Anvil costs to date to provide additional signage, including custom signs, above the \$5,000 allowance as directed by the City. These additional signs are deemed necessary for public safety, public information, enhanced traffic flow, and/or to enhance access to businesses open during construction.	CR2
9.2	SoCal Gas Delays and Disruptions (Part 2)	The project's joint trench, containing multiple pipelines, parallels an existing 16" diameter SoCal Gas high pressure gas main for nearly the entire alignment along Quintana Road. SoCal Gas requires a representative to be on site during all digging activities as well as other work activities occurring within 10 ft of the high pressure gas main (i.e. that could potentially damage or otherwise impact the main). There have been several occurrences where the SoCal Gas representative did not show up for scheduled assignments, which prevented Anvil from performing contract work and/or progressing the joint trench. In these cases Anvil's entire crew was forced to literally stand-by and wait for the SoCal Gas representative to arrive. The City/Carollo have spent considerable time and effort to coordinate between Anvil and SoCal Gas to improve communication and cooperation, but nevertheless, Anvil was negatively impacted on the following days: 8/25/21 for 2 hours, 8/26/21 for 3.5 hours, 9/16/21 for 1.5 hours, 10/7/21 for 2 hours. This is the second change order to reimburse Anvil for SoCal Gas monitor disruptions, the previous change order amount was \$43,017.00.	ABI
13.1	CA-SLO-16 Work Revisions (Time Extension)	Anvil is provided a 153 day non-compensable time extension due to impacts caused by SHPO mandated work restriction at the Morro Creek Utility Bridge, based on the following analysis and terms: Per Anvil's approved Baseline Schedule, the Utility Bridge was to start Feb 1, 2021 with 23 days of float. Per Anvil's Feb 2022 Update, the Utility Bridge was actually started Feb 24, 2022, now with 153 days of negative float (delay). It is acknowledged that SHPO restrictions prevented Anvil from starting any work at the Utility Bridge prior to Feb 24, 2022. It is acknowledged that the on-going (thru March 2022) archeologist supervised work on site, required by SHPO, continues to impact Anvil's schedule. Direct cost impacts resulting from these circumstances are being tracked separately from this analysis. Anvil is provided the 153 calendar day non-compensable time extension at this time based on the applicable Critical Path Schedule Update negative float duration discuss herein above. Anvil has submitted a Time Impact Analysis requesting 201 calendar days. Anvil and the City agree to allow Anvil to seek additional time extensions if warranted in the future when the full extent of this on-going impact is known. The current Contract completion date is 4/3/2022 (through Amendment No. 3). With 153 calendar days added, the new Contract Completion Date will be Sept 3, 2022. The City currently views the SHPO restrictions at Utility Bridge as concurrent with other Anvil caused delays (i.e. the Pump Station A Electrical Building currently has 164 days of negative float). As such the City considers this delay as non-compensable at this time (no extended overhead merit). Similar to above, Anvil and the City agree to allow Anvil the opportunity to present substantiating documentation of extended overhead merit in the future when the full extent of this on-going impact is known.	REG
16	Reroute Joint Trench below State Waterline at 121+75	Prior to starting the Joint Trench excavation near Sta 121+75, an existing 10" State Waterline was marked incorrectly in the field by the pipeline operator. Anvil excavated (potholed) the pipeline at the location marked in the field to verify its position. The State Waterline was not found at the marked location. The pipeline operator re-marked the line again in the field, this time where shown on the Contract Drawings at Sta 121+75. A pipeline was located at this location and the pipeline operators confirmed the line as the correct pipe in the field. Anvil then began excavating the 8-ft wide by 10-ft deep Joint Trench through the area. While excavating the Joint Trench, Anvil discovered another existing pipeline running adjacent to and below the pipe previously identified as the State Waterline shown on the plans. The pipeline operator subsequently confirmed that the adjacent lower pipe was actually the State Waterline to be protected in place. This caused Anvil to have to move back, re-excavate, and deepen the Joint Trench excavation from 10 ft to approximately 14 ft deep. This would allow the Joint Trench pipelines to pass below the lower pipe with required DDW clearances. In doing so, Anvil was also required to provide additional trench shoring measures and trench dewatering for the deeper trench; then Anvil encountered additional difficulties and inefficiencies installing the Joint Trench pipelines in the deeper trench, with additional groundwater, with increased soil instabilities, and additional shoring to work around, etc. Anvil was subsequently required to also provide additional Controlled Low Strength Material (CLSM) backfill and then additional select fill compaction as well. Anvil's pipe installation operation was significantly impacted over the period from 8/4/21 to 8/16/21.	DSC
20	Pothole Utilities for WRF Pilot Injection Well Layout	Anvil provided additional potholing and utility locating at the request of the City, near Anvil's stockpile and staging area on Vistra property (along Bike Path). This additional potholing and utility locating was required to determine the best location and layout for the future Pilot Injection Well to be installed under a separate City contract, as part of the Recycled Water facilities associated with the Morro Bay "Our Water" program. At the City's direction, Anvil contacted Underground Service Alert (USA), had the area underground utilities marked by utility owners, potholed several critical utilities, backfilled and restored the area, and provided resulting survey data to the City.	CR2



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 003**

**Project:** WRF Lift Stations and OffSite Pipelines Project

**Contractor:** Anvil Builders, Inc.

**Date:** March 22, 2022

PCO	TILE	DESCRIPTION OF CHANGE	Reason For Change
32	Broken Waterline at Quintana Road and Kings Avenue	On Saturday, 10/29/21, City of Morro Bay staff observed a waterline leak where the waterline crosses the Anvil trench in the intersection of Quintana Road at Kings Avenue. The City subsequently confirmed that a 6" Water line, made of Transite (AC) pipe, had deflected and come apart just beyond Anvil's trench line. Anvil had been working in this intersection the previous week and there was strong indication that Anvil activities caused the line brake. Anvil indicated their position that they have no reason to assume they caused the water line break. The City has no reason to believe that the rupture would have occurred if not for Anvil trenching across and backfilling around the existing pipe. After additional discussion and negotiation it was agreed that the City would pay a portion of the Anvil crew expenses for repairs. The settlement amount is less than half of Anvil actual costs. Note that City staff also incurred costs for various activities including temporary repairs made when the leak was first discovered.	ABI
39	Cultural Monitor Extra Work at MTBM Launch Pit	Trenching operations just north of the Microtunnel launch pit on Quintana Road near the Morro Bay Blvd Roundabout (Sta 94 to Sta 95) was significantly impacted by a known archaeological site. Anvil work was significantly impacted by instructions provided and enforced by State mandated archeological and tribal monitors assigned to the project. During trenching in the subject area, all excavated spoils were treated differently in that direct loading of trucks was not allowed without first confirming the soil was negative for resources or remains, by hand investigations performed by the archeological and tribal monitors. Anvil's trenching and shoring operation was significantly impacted over the period from 10/21/21 to 11/8/21.	DSC

**REASON FOR CHANGE CODES**  
**CR1:** City requested (required)  
**CR2:** City requested (Optional)  
**E&O:** Design Error or Omission  
**ABI:** Anvil request / claim item  
**DSC:** Differing Site Conditions  
**REG:** Regulatory Agency Item



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 004**

**Project:** WRF Lift Stations and OffSite Pipelines Project      **Contractor:** Anvil Builders, Inc.  
**Date:** June 14, 2022      **Project Manager:** Chris Fassari

Upon mutual acceptance and execution of this document by the City of Morro Bay (City) and Anvil Builders, Inc. (Contractor), Contractor is hereby directed to make the following changes for the consideration set forth below:

See following page(s) for Descriptions and Reasons for Change

PCO #	DESCRIPTION	Reason For Change	Amount	Contract Time (Calendar Days)
11	Reroute IPR and Water Line Below Sta. 144 Culvert	DSC	\$ 103,893.00	0 Days
19	Remove City's Existing Desalination Iron Media Tank	CR2	\$ 54,189.00	0 Days
28.1	SLO County APCD Generator Mandates (Rescind)	REG	\$ (301,703.00)	0 Days
33	Paving Repairs Near Todd's Garage	CR2	\$ 6,895.00	0 Days
41	Unknown Cementitious Subgrade at South Bay Blvd	DSC	\$ 26,600.00	0 Days
42	Unknown Conduits at South Bay Blvd and Quintana Road	DSC	\$ 7,788.00	0 Days
49	Vistra/PG&E Easements Unknown Extra Work Items	DSC	\$ 48,273.00	0 Days
NET CHANGE ORDER ADJUSTMENT			\$ (54,065.00)	0 Days

ORIGINAL CONTRACT AMOUNT	\$ 31,493,675.00
Previous Change Orders	\$ 1,503,304.00
Previous Contract Amount	\$ 32,996,979.00
Adjustments by this Change Order	\$ (54,065.00)
Change Order to Date	\$ 1,449,239.00
New Contract Amount	\$ 32,942,914.00

CURRENT FINAL COMPLETION DATE	9/3/2022
Extension Days (Calendar)	0 Days
NEW FINAL COMPLETION	9/3/2022

Acceptance of this Change Order constitutes an agreement between the City and Contractor, and the work is to be performed subject to the same terms and conditions as are contained in the Agreement with Contractor and for work on the above-mentioned project.

By signature of this Change Order, the Contractor acknowledges that the adjustments to the Contract Cost and Time contained in the Change Order are in full satisfaction and accord and so waives any right to claim any further cost and time impacts at any time during and after completion of the Contract for the changes encompassed by this Change Order (EXCEPT AS NOTED IN ITEM 13.1 HEREIN WHEREIN DELAY IMPACTS ARE ON-GOING).

ACCEPTED

Anvil Builders Inc.

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Contractor (Company Name)

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(Authorized Signature) (Date)

Chris Fassari

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(Print Name and Title)

When signed by the Construction Manager, and upon execution of source document Amendment by City Council, this document becomes effective IMMEDIATELY, and Contractor shall proceed with the change(s) described above.

APPROVED

Carollo Engineers Inc / MEG Inc.

Construction Manager

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Authorized Signature (Date)

Steve Mimiaga - Construction Mngr.

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(Print Name and Title)



**City of Morro Bay**  
**Water Reclamation Facility**  
**Lift Stations and Offsite Pipelines Project**  
**CHANGE ORDER 004**

**Project:** WRF Lift Stations and OffSite Pipelines Project

**Contractor:** Anvil Builders, Inc.

**Date:** June 14, 2022

PCO	TILE	DESCRIPTION OF CHANGE	Reason For Change
11	Reroute IPR and Water Line Below Sta. 144 Culvert	The original design called for the IPR and Waterline relocation in this area to be placed above the existing stormwater culvert. After the trench was excavated, it was discovered that there was insufficient soil cover over the existing culvert to allow the IPR and Waterline to be installed over the top per Drawings. Consequently, these pipelines needed to be routed under the culvert, which increased the depth of excavations from 2 ft to 8 ft at Sta 143+99, thereby also increasing requirements for trench shoring, excavated spoils, backfill and compaction, , and potential groundwater management, between Sta 142+95 and Sta 144+95. Reference RFI #52.	DSC
19	Remove City's Existing Desalination Iron Media Tank	The City requested a quote from Anvil to remove and dispose of the existing Desalination Iron Media Tank (horizontal pressure filter) located east of Pump Station A, along Atascadero Rd. Anvils quote includes removal of the tank, tank supports, and air vacs atop the tank. Bid includes the removal of a max. of 20 CY of concrete inside the tank. Bid is based on the steel tank weighing a maximum of 55,000 lbs (once concrete is removed). Anvil will remove and replace the existing chain link with barbed wire fence; 50 LF max. Removal of adjacent piping and appurtenances (air-vacs, anchor bolts, etc.) is not included in this work.	CR2
28.1	SLO County APCD Generator Mandates (Rescind)	On 9/24/21, the City received a Notice of Incomplete Applications from SLO County Air Pollution Control District (APCD), pursuant to the Pump Station A emergency generator and the Pump Station B emergency generator. The City subsequently completed and submitted Health Risk Assessments (HRAs) at each Pump Station, as was required by APCD as part of their Notice of Incomplete Applications. After submission of the HRAs, APCD reversed its initial determination and accepted both generators without modifications. As such, the City and Anvil agree to rescind the associated previous change order for added (assumed) emissions control devices included in Amendment No. 2. Reference PCO #28.	REG
33	Paving Repairs Near Todd's Garage	The City requested that Anvil repair existing failing pavement in the City right-of-way adjacent to Anvil's Joint Trench excavation. It was determined that the damaged asphalt was not the fault of Anvil operations but rather the on-going inclement weather and existing deteriorated pavement conditions. This occurred near Todd's Garage at 972 Quintana Rd, Morro Bay. The area was re-paved 12/10/2021.	CR2
41	Unknown Cementitious Subgrade at South Bay Blvd	During Joint Trench and IPR excavation work on South Bay Blvd, the Contractor encountered cement-treated aggregate base-rock material below the existing pavement. This cementitious base material required additional effort and expenses in mechanical removal work and subsequent off-site disposal (material was not re-useable as backfill). This extra work warrants reimbursement of verified extra costs including documented labor, equipment, and other expenses on 2/1/2022, 2/3/2022, 2/4/2022, 2/5/2022, 2/10/2022, 2/11/2022, and 2/14/2022.	DSC
42	Unknown Conduits at South Bay Bvd and Quintana	During Joint Trench excavation work near the South Bay Blvd and Quintana Road intersection, the Contractor encountered and damaged unknown existing conduits which required additional effort and expenses to hand-dig around and repair. This extra work warrants reimbursement of verified extra costs including documented labor, equipment, and other expenses on 1/25/2022. The conduits were not shown on the plans or claimed by any known utility owner.	DSC
49	Vistra/PG&E Easements Unknown Extra Work Items	During the project work within PG&E/Vistra easements to date, the below noted miscellaneous unforeseen minor utility work was required for contract work to proceed. The following items are acknowledged as unforeseen conditions and as such warrant reimbursement of verified extra costs: (1) Excavate "test percolation ponds" at City request along Bike Path on 2/16/2022, (2) Unknown utilities encountered from Sta 53+00 to Sta 54+00 which impacted production on 2/16/2022, (3) Installation of exclusionary fencing along LS-2 as required by SHPO on 2/23/2022, (4) Potholing LS-2 alignment for unknown utilities not shown on plans but marked by utility companies on 3/7/2022, (5) Unforeseen concrete slab not shown on plans along LS-2 alignment impacting production on 3/22/2022, (6) Excavate around utilities not marked on plans along LS-2 alignment, 8 utilities total, between 3/17/2022 and 3/31/2022, (7) Sawcut, remove, and stockpile unknown concrete slab at Sta 21+00 of LS-2 alignment on 3/30/2022, and (8) Excavate and install 4" pipe and fittings to re-route existing Vistra waterline above LS-2 force main pipe on 4/6/2022.	DSC

**REASON FOR CHANGE CODES**  
**CR1:** City requested (required)  
**CR2:** City requested (Optional)  
**E&O:** Design Error or Omission  
**ABI:** Anvil request / claim item  
**DSC:** Differing Site Conditions  
**REG:** Regulatory Agency Item





AGENDA NO: C-3

MEETING DATE: August 23, 2022

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 18, 2022

**FROM:** Scott Collins, City Manager  
Sarah Johnson-Rios, Assistant City Manager/Admin Services Director  
Greg Kwolek, Public Works Director

**SUBJECT:** Consideration of California State Revolving Fund (SRF) Low-interest Loan Amendment to Increase Maximum Construction Loan Amount to \$87,770,000 for the Water Reclamation Facility (WRF) and Review Changes in WRF Project Costs

## **RECOMMENDATION**

Staff recommends the City Council adopt Resolutions Nos. 80-22 and 81-22 to support an application for a State Revolving Fund construction loan amendment in the amount of \$21,172,000 to cover the full Water Reclamation Facility program cost and authorize a maximum SRF construction loan amount of \$87,770,000; and review changes in WRF project costs over the life of the project.

## **ALTERNATIVES**

Provide alternative direction regarding financing the increased costs associated with the Water Reclamation Facility program.

## **FISCAL IMPACT**

Successful receipt of additional SRF loan funding would reduce the need to draw down reserves in the Sewer and Water Funds, but would commit the City to 30 years of debt service payments of approximately \$816,000 per year, pending the final loan amount and debt service calculations. Currently, water and sewer rates can support these debt service payments. Given the low interest rate of 0.9% associated with the SRF loan, the City will save approximately \$12 million through this financing when compared to other financing options, such as a 4% bond.

## **BACKGROUND**

### **WRF Project Background:**

The Water Reclamation Facility (WRF) is the largest capital project in the City of Morro Bay's history and is required in order to comply with a time schedule order (TSO) from the Regional Water Quality Control Board (RWQCB) that mandates the City to achieve full operation of the new WRF by February 2023. Construction for two of its three primary project components, the WRF facility and the conveyance line to transport wastewater and recycled water between the facility and the City's water and sewer network, are approximately 90% complete. The third project component, recycled water, will be starting design later this year, with construction estimated to be completed in early 2025.

Due to a variety of project challenges, the project budget has increased from approximately \$125.9 million at the outset of the project in 2018 to the now projected \$159.8 million, for a total increase of approximately \$33.9 million. The project cost increases have been a source of major frustration for City Council, staff, project team members, and community members alike. City Council and community members have requested a summary of changes to help explain how the project costs

have increased. In response, City staff created a high-level summary of the budget increases. It should be noted that each change has been captured in prior change orders and annual budget processes. In each instance, a multi-layered and thorough vetting and approval process takes place to ensure requested change orders are legitimate and necessary. To do this, potential change orders are initially negotiated by the project team and then reviewed by City staff, the Council sub-committee for the WRF, the Public Works Advisory Board, and City Council. In many cases, the City Attorney team has provided additional review. The changes have also been presented in prior WRF Quarterly Reports to the Citizen Finance Advisory Committee (CFAC) and City Council in public meetings. The WRF Quarterly Reports are archived on the WRF website at: <https://morrobaywrf.com/budget-reports/>.

The increase in budget over the life of the project is outlined by category in Table 1 below, and is segmented into the following five categories briefly described below:

- *Regulatory Requirements:* This category is comprised of change orders resulting from the delay in the notice to proceed due to environmental regulations, delays due to archeological and cultural requirements, and associated modifications in construction approaches and techniques. Also included is additional administrative and professional services costs due to these changes.
- *Negotiated Scope Changes:* This category is comprised of change orders resulting from City requests to building and facilities revisions, City infrastructure improvements, and process/operational enhancements. Also included is additional administrative and professional services costs due to these changes.
- *Differing Site Conditions:* This category is comprised of change orders resulting from the soil slips, incorrect documentation of utility alignments and locations, and differing geological conditions during construction. Also included is additional administrative and professional services costs due to these changes.
- *Adoption of Risk Smart Budgeting Practices:* This category is the result of including full contract amounts as part of the overall contract budget, replenishment of various project contingencies to allow for quick responsiveness of the project management team during required changes in scope, coverage of anticipated extended overhead claims, and legacy charges that include professional services rendered during the planning and pre-design phase of the WRF project. Also included is additional administrative costs due to these changes.
- *Recycled Water Additional Professional Services:* This category is comprised of change orders resulting from the need for injection well design, additional modeling of the Morro Basin to optimize injection well placement to maximize water output of the recycled water facilities, and a peer review the hydrogeological study.

**Table 1. WRF Budget Increases by Category**

Category	Budget Increase	% of Budget Increase
Regulatory Requirements	\$9,708,000	28.6%
Negotiated Scope Changes	\$7,657,000	22.6%
Differing Site Conditions	\$3,075,000	9.1%
Adoption of Risk Smart Budgeting Practices	\$11,719,000	34.6%
Recycled Water Additional Professional Services	\$1,741,000	5.1%
<b>Total:</b>	<b>\$33,900,000</b>	<b>100%</b>

WRF Financing Prior to Budget Increase:

Though the abovementioned cost increases were unanticipated, the City’s success in obtaining low interest financing has made these increases less impactful on the Sewer and Water Funds. Prior to

the project budget increase reflected in the FY 2022-23 Adopted Budget, the WRF project was projected to be funded as outlined in Table 2, utilizing approximately 93% low-interest debt financing, 3% principal loan forgiveness, and 4% cash funding. The City’s efforts to obtain the low-interest financing outlined below will save ratepayers approximately \$54-\$91 million over the lives of all loans when compared to potential bond issuances or other debt if other debt had been issued at a 3-4% interest rate. While program requirements for the state and federal low-interest financing are significant and do involve staff and project management costs to comply, those costs are far outweighed by the savings of the low-interest financing with this size project.

The Water Infrastructure Finance and Innovation Act (WIFIA) loan was obtained at a 0.83% interest with a 35-year repayment term and requires a debt coverage ratio of 1.3, meaning that net operating revenues (rate revenues minus operating expenditures) must equal at least 130% of the annual debt service payment. The WIFIA funding is comprised of two loans, one secured by the Water Fund for \$36.5 million and one secured by the Sewer Fund for \$21.2 million. These loan amounts and terms are fixed and cannot be modified, per guidance from staff at the Environmental Protection Agency, which administers this funding.

The California State Revolving Fund (SRF) financing is administered by the California State Water Board. The City first secured a planning loan for \$10.3 million, which is currently being amended to align with the terms of the subsequently issued construction loan. The construction loan totals \$66.6 million, including \$5 million in principal forgiveness. The construction loan was secured at a 0.9% interest rate and requires a debt coverage ratio of 1.2. The City may apply for an amendment to the construction loan, likely only once. In June of 2021, Council authorized the City to take out an SRF construction loan of up to \$85 million including the \$5 million in principal forgiveness. To date, the City has utilized \$66.6 million of that authority and anticipates fully exhausting WIFIA and SRF loans.

**Table 2. Water Reclamation Facility Projected Financing Sources with Prior Project Budget**

	Total	Water (29%)	Wastewater (71%)
<b>WRF Total Project Costs</b>	<b>\$144,726,000</b>	<b>\$43,416,000</b>	<b>\$101,310,000</b>
<b>Projected Funding Sources</b>			
WIFIA Financing	61,700,000	36,516,000	25,184,000
SRF Loan (Wastewater)	61,605,000	6,837,000	54,768,000
SRF Grant (Principal Forgiveness)	5,000,000	0	5,000,000
SRF Planning Loan	10,300,000	0	10,300,000
USBR Title XVI Grant	0	0	0
Prop 13 Planning Grant	63,000	63,000	0
Cash Funding	<u>6,006,877</u>	<u>0</u>	<u>6,006,877</u>
<b>Total</b>	<b>\$144,674,877</b>	<b>43,416,000</b>	<b>101,258,877</b>

**DISCUSSION**

Staff has evaluated project financing options to cover the project budget increase and recommends the following approach:

- Continue to apply for grant funding where eligible.
- Maximize the use of low-interest financing through federal and state programs while maintaining required debt coverage.
- Use available cash reserves only where financing options are insufficient, either due to

- ineligible project expenses and/or limitations on debt financing capacity.
- Evaluate future CPI rate increases for all sewer and water operational and capital needs; no immediate increases.

Each component of the above recommendation is outlined below:

Continue to Seek Grant Funding:

To date, the City has applied for approximately \$23 million in grant funding related to WRF program activities as described in Table 3 below.

**Table 3. Grants Applied for to Date for the WRF Project**

Funding Agency	Grant	Grant Scope	Grant Request	Grant Match Requirement	Status
CA SWRCB	Recycled Water Planning Grant	Recycled Water Planning	\$75,000	50%	Approved
CA SWRCB	Urban and Multibenefit Drought Relief Grant	Recycled Water Facility Project	\$10,750,000	0%	Not Selected
USBR	Title XVI WIIN Grant	Indirect Potable Reuse Facilities	\$9,310,095	75%	Application Under Review
CA DWR	IRWM Implementation Grant	Indirect Potable Reuse Facilities	\$2,612,915	50%	Application Under Review

The City will continue to review and apply for future grant opportunities, such as additional rounds of United States Bureau of Reclamation (USBR) Title XVI and Drought Resiliency, and California State Water Resources Control Board (CA SWRB) Drought Relief and other grant opportunities.

In the event significant grant funding is received, the City could reduce debt service payments by reducing loan draw downs.

Maximize Use of Low-Interest Financing:

As noted, the WIFIA loan amounts are fixed and cannot be modified. The SRF Planning loan has been almost fully utilized and there are no additional eligible planning costs so therefore no opportunity to increase that loan amount. The SRF construction loan can be modified, likely only once, as indicated by SRF staff. An SRF construction loan amendment requires an arduous process, lengthy review, and an updated credit rating, all of which will likely take up to a year. Approval is not guaranteed, though preliminary discussions with SRF staff regarding a potential amendment have been positive.

However, if the proposed amendment is successful, the City would be able to take out additional financing at the same 0.9% interest rate that exists for the current SRF construction loan. That low interest rate makes the SRF construction loan amendment the preferred option to fund the \$21,172,000 in currently unfinanced project budget. If the City were successful at obtaining a loan amendment in that amount, it would save ratepayers approximately \$12 million in debt service payments over the life of the loan when compared to an alternative debt instrument such as a bond issuance at 4% interest, bringing the total project savings to \$64-\$103 million as compared to traditional financing options.

Staff has worked with and confirmed with a financial consultant that the City could in fact maintain the

required det service coverage with that additional financed amount of \$21,172,000.

This would require the City Council to approve an updated resolution authorizing a total SRF construction loan amount of \$87,777,000, which is \$2,777,000 higher than the resolution Council adopted in June 2021 authorizing an \$85,000,000 construction loan amount. In all cases, these totals include \$5,000,000 in principal loan forgiveness.

Use Cash Reserves Only When Needed:

The Sewer Fund and the Water Fund continue to have robust cash reserves, well in excess of the City’s reserve policy for the funds. Though FY 2021-22 year-end numbers are not yet available, the working capital (near-term assets minus near-term liabilities) in the Sewer Fund as of June 30, 2021 was approximately \$14.8 million, and in the Water Fund it was approximately \$14.3 million. If grant funding and low-interest financing are not sufficient to fully fund the WRF, and/or if there are a small amount of project expenditures that are not eligible for loan disbursement under lender requirements, cash funding is available to cover a potential gap. However, staff recommends fully utilizing low-interest financing loan amendment opportunities for the WRF project so that cash reserves can be saved for other high-priority water and sewer capital projects (commonly referred to as “OneWater projects”).

If cash reserves were used for the WRF now in lieu of a potential SRF loan amendment, among other problematic impacts, the City would then potentially need to issue other debt to fund subsequent OneWater projects, which would certainly come at a higher cost than 0.9% interest and may be challenging to achieve while maintaining the debt coverage ratios required by WIFIA and SRF.

Resulting WRF Project Financing Plan:

Pending approval of an SRF loan amendment, the WRF project would be projected to be financed as follows in Table 3. To the extent that there are some project expenditures that are not eligible for the grant or loan programs outlined below, there may be small amounts of the project that end up needed to be cash funded, but the intent would be to maximize low-interest financing opportunities and additional grant funding, if possible, to minimize any cash funding requirement, thereby leaving cash reserves available for other priority water and sewer capital projects.

**Table 3. Updated Water Reclamation Facility Projected Funding Sources**

	Total	Water (29%)	Wastewater (71%)
<b>WRF Total Project Costs</b>	<b>\$159,840,000</b>	<b>\$46,295,000</b>	<b>\$113,545,000</b>
<b>Projected Funding Sources</b>			
WIFIA Financing	61,700,000	36,516,000	25,184,000
SRF Loan (Wastewater)	61,605,000	9,716,000	51,889,000
SRF Grant (Principal Forgiveness)	5,000,000	0	5,000,000
SRF Planning Loan	10,300,000	0	10,300,000
USBR Title XVI Grant	0	0	0
Prop 13 Planning Grant	63,000	63,000	0
<b>Add'l SRF Loan Funding*</b>	<b>21,172,000</b>	<b>0</b>	<b>21,172,000</b>
Cash Funding	0	0	0

<b>Total</b>	<b>159,840,000</b>	<b>46,295,000</b>	<b>113,545,000</b>
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\*To be requested; not yet secured.

If a loan amendment is approved by SRF in the amount requested by the City, the revised total construction loan amount, including the \$5 million in principal forgiveness, would be \$87,777,000.

This proposed scenario maintains the previously established split of approximately 71% of total project costs being funded by the Wastewater Fund and wastewater rates, and approximately 29% of total project costs being funded by the Water Fund and water rates. This will be achieved through interfund transfers from the Water Fund to the Sewer Fund to cover the portion of debt service associated with Sewer Fund SRF debt once debt service payments begin.

Citizen’s Finance Advisory Committee Input

On Tuesday, August 16, 2022, staff presented the financing proposal outlined above to the Citizen’s Finance Advisory Committee (CFAC). Though concerns were raised regarding project cost overruns, which were answered by staff, the CFAC unanimously (vote: 4-0) supported staff’s recommendation that City Council increase the maximum SRF construction loan amount from \$85 million to \$87,777,000 and request a construction loan amendment of \$21,172,000 from SRF to take advantage of inexpensive financing to fund additional WRF program costs.

**CONCLUSION**

Though completion of the WRF program has required cost increases now estimated at \$33.9 million, the City’s ability to secure low-cost financing has mitigated the financial impacts of these increases on the Water and Sewer Funds. Since the City has the ability to amend a low-interest loan agreement to maintain this favorable position and help absorb the project cost increases, staff recommends the City Council adopt Resolutions No. 80-22 and 81-22 to support an application for a State Revolving Fund construction loan amendment in the amount of \$21,172,000 to cover the full Water Reclamation Facility program cost and authorize a maximum SRF construction loan amount of \$87,770,000.

**ATTACHMENTS**

1. Resolution No. 80-22
2. Resolution No. 81-22

**RESOLUTION NO. 80-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
STATING ITS INTENTION AND REASONABLE EXPECTATION  
TO REIMBURSE EXPENDITURES PAID PRIOR TO THE  
ISSUANCE OF THE OBLIGATIONS OR THE APPROVAL OF  
THE STATE WATER BOARD**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City of Morro Bay (the "Agency") desires to finance the costs of Morro Bay constructing and/or reconstructing certain public facilities and improvements relating to its water system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

**WHEREAS**, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

**WHEREAS**, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

**WHEREAS**, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

**WHEREAS**, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

**NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:**

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$87,777,000

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of August 2022 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

**RESOLUTION NO. 81-22**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
AUTHORIZING THE CITY MANAGER TO APPLY FOR STATE  
REVOLVING FUND FINANCIAL ASSISTANCE, AMENDING, THE SRF  
INSTALLMENT SALE AGREEMENT OR EXECUTING A NEW  
INSTALLMENT SALE AGREEMENT TO INCREASE THE AMOUNT OF  
AVAILABLE FINANCING, AND AUTHORIZING THE EXECUTION OF  
SUCH AGREEMENT, AND ANY OTHER ACTION REQUIRED, FOR  
PURPOSES OF THE LOAN**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City of Morro Bay (the "City") plans to maximize financing available for the acquisition, design, construction and equipping of a new water reclamation facility and related improvements (the "Project"); and

**WHEREAS**, in order to fund the Project, in June of 2021, the City Council authorized the City to take out a State Revolving Fund (SRF) construction loan or installment sale agreement of up to \$85 million including the \$5 million in principal forgiveness from the State of California SRF Loan Program; and

**WHEREAS**, the City now desires to finance the remaining costs of the Project by increasing the maximum loan amount to \$87,777,000; and

**WHEREAS**, the City must provide certain information regarding the ability to meet the debt repayment terms of the amended loan agreement/installment sale agreement or an additional loan agreement/installment sale agreement (herein defined as "Financial Assistance Agreement") and the City will provide such information and good faith estimates; and

**WHEREAS**, amending the construction SRF Installment Sale Agreement to increase the amount of available financing is consistent with the City's debt management policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORRO BAY, AS FOLLOWS:**

SECTION 1. The City Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of Water Reclamation Facility Program (the "Project").

SECTION 2. This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a Financial Assistance Agreement from the State Water Resources Control Board and any amendments or changes thereto.

SECTION 3. The Authorized Representative, or his/her designee, is designated to represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of August 2022 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk



AGENDA NO: C-4  
MEETING DATE: August 23, 2022

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** August 18, 2022

**FROM:** Gregory Kwolek, Public Works Director  
Damaris Hanson, Utilities Division Manager

**SUBJECT:** Approval of Water Reclamation Facility Indirect Potable Reuse Program Update and Authorization of a Contract Amendment with Confluence Engineering Solutions

## **RECOMMENDATION**

Staff recommends the City Council:

1. Receive and file the Water Reclamation Facilities (WRF) Indirect Potable Reuse (IPR) Program Update; and
2. Approve Confluence Engineering Solutions' proposal to provide IPR Program Management, WRF and Engineering Support Services for Fiscal Year (FY) 2022/23 and authorize a contract amendment in the amount of \$582,619 for a not to exceed contract amount of \$627,619.

## **FISCAL IMPACT**

The IPR Program activities described below that are in progress are funded through existing contracts with the Consultant Team and the Drilling Contractor. Activities yet to be completed are either included in existing IPR contracts or included in the City Council approved FY 22/23 Budget for the WRF. The Fee Estimate for Confluence Engineering Solutions, Inc. (ConfluenceES) for FY 2022/23 totals \$582,619. Due to a scope reduction for Carollo program management services related to the recycled water component of the WRF program, approximately \$850,000 is still available for these services, and this amount is sufficient to cover the \$487,881 of costs associated with recycled water program management and WRF related tasks to be performed by ConfluenceES. The Sewer and Water Operating Funds have sufficient budget to cover the \$94,738 of ConfluenceES tasks related to engineering support services for sewer and water projects for FY22/23.

## **BACKGROUND/DISCUSSION**

### **IPR Program Overview**

The Indirect Potable Reuse (IPR Program) component of the Water Reclamation Facility (WRF) Project is a critical component of the City's strategy to reduce its reliance on imported State Water Project (SWP) water and develop a reliable, resilient local water supply. The IPR Program includes advanced treatment facilities (i.e., reverse osmosis and ultraviolet disinfection with advanced oxidation) at the WRF to treat the City's wastewater and produce up to 825 acre-feet per year (AFY) of advanced purified water. The advanced purified water will be conveyed to the Morro Groundwater Basin (Morro Basin) via a series of injection wells to augment groundwater replenishment, prevent seawater intrusion and improve groundwater quality. With implementation of the IPR Program the City will be able to extract up to 80 percent of their average annual water demands from the Morro Basin during periods when SWP water is limited or not available due to extended drought or SWP

Prepared By: <u>  DH  </u>	Dept Review: <u>  GK  </u>
City Manager Review: <u>  SC  </u>	City Attorney Review: <u>  JWP  </u>

shutdown/outage.

A summary and description of the current status of the key elements of the IPR Program is provided below:

### **Hydrogeologic Evaluation**

To inform the design and operation of the IPR Program, extensive analysis of the Morro Basin hydrogeology must be completed. To date, hydrogeologic analysis to support the IPR Program has included:

- Field investigations to improve understanding of Morro Basin hydrogeology
- Development of a conceptual and groundwater flow model for the Morro Basin
- Evaluation of multiple injection/extraction well location alternatives to assess ability to prevent seawater intrusion, improve groundwater water quality and meet State of California water quality “travel time” requirements

Additional hydrogeologic investigations are currently underway or will be performed to inform the design and operation for the IPR Program. These additional investigations include:

**Supplemental Groundwater Modelling** - Initial injection/extraction scenario analysis focused on injection wells located in the Vistra Easement, which was obtained by the City in the past year. Current groundwater modeling scenario analysis, being performed by GSI Water Solutions (GSI), is focused on analyzing alternative alignments for the injection wells that are located more directly between the ocean and the City’s extraction wells to create a more effective barrier against seawater intrusion. Additionally, previous modeling scenarios assumed constant operation of the IPR Program facilities, whereas, current modeling scenarios include intermittent (e.g. only during droughts or SWP shutdowns) to maximize the water supply reliability and resiliency benefits of the IPR Program and minimizing the Operations and Maintenance costs to the City.

**Injection Well No. 1** - Injection Well No. 1, also known as the Pilot Injection Well, will be constructed to be a full-scale groundwater injection well that will initially be used to perform an injection study. The injection study will determine injection performance to further characterize the Morro groundwater basin, and the data obtained during the injection study will allow the City to finalize the locations and design characteristics of the other wells that will be included in the IPR Program. Currently, the City has contracted with Pacific Coast Well Drillers to construct Injection Well No. 1 and initial phases are underway.

To perform the injection study, in September 2021 the City obtained a General Waste Discharge Requirements for Aquifer Storage and Recovery Projects that Inject Drinking Water into Groundwater Permit (ASR Permit). The permit allows the City to inject water from its drinking water system into the Morro Basin for the purposes of improving the understanding of the rates that injected water can enter into the basin, the impact of injection water on water levels and inform the design of the IPR Facilities. Additionally, the ASR permit will allow the City to inject water from the SWP Project into the Morro Basin in advance of the upcoming SWP Shutdown in November 2022 to improve water supply reliability during the shutdown.

**Basis of Design Report** – Based on the results of the injection testing and groundwater modeling, GSI will prepare a Basis of Design Report (BOD Report) for the IPR Program full-scale injection well system. The BOD Report will include recommendations for the number and location of injection wells, injection/extraction rates and operational strategies, predicted water levels and locations of additional monitoring wells. Development of the BOD Report will commence upon completion of the injection test and supplemental groundwater modeling.

**Hydrogeology Peer Review** – Given the criticality and complexity of designing an injection and extraction well network and operational strategy, the City included a peer review of the hydrogeologic analysis component of the IPR Program as part of the budget for Fiscal Year 22/23. For the peer review, a third-party hydrogeologic consultant with knowledge of the Morro Basin and IPR programs will review and provide input to the City and the IPR Program Team on the previously completed hydrogeologic analysis, the BOD Report, injection well design and operational strategies, the Title 22 Engineering Report and the full-scale injection well system design. Inclusion of a peer review for the IPR Program will allow the City to incorporate experience and knowledge from multiple technical experts for the design and operation of the IPR Program to maximize the benefit of this new water supply resource.

### **IPR Facilities Design**

Utilizing the recommendations from the BOD Report, the City will develop 30%, 60%, 90% and Final Design plans, specifications and cost estimates for the injection wellfield and associated conveyance facilities (IPR Facilities). The configuration of the proposed IPR Facilities will take into consideration the results of the injection testing, availability of property for siting of up to four injection wells, proximity to existing City wells, proximity to existing City infrastructure (power, water, wastewater disposal), and other logistical considerations. This may include installation of new City production wells, if beneficial, and repurposing of selected existing City wells to optimize the injection/extraction operations.

### **IPR Facilities Permitting**

Prior to construction of IPR Facilities the City will need to obtain the necessary permits and approvals from the regulatory agencies, described below:

**Land use Permitting** – Construction of the IPR Facilities will require the City to obtain the necessary approvals from the Coastal Commission, as outlined in the City’s Coastal Development Permit (CDP) for the WRF. This will require the submission of a Special Condition-1 Report (Revised Final Plans), Special Condition-2 Report (Construction Plan) and Special Condition-13 Report (Other Authorizations) for the IPR Facilities. These reports will provide the Coastal Commission with additional detail regarding the proposed configuration of the IPR Facilities and are anticipated to be submitted after completion of the 30% Design.

**Resource Regulatory Permitting** – Construction of the IPR Facilities will require the City to obtain various permits from State and Federal resource regulatory agencies. It is anticipated that permits may be required from the following agencies:

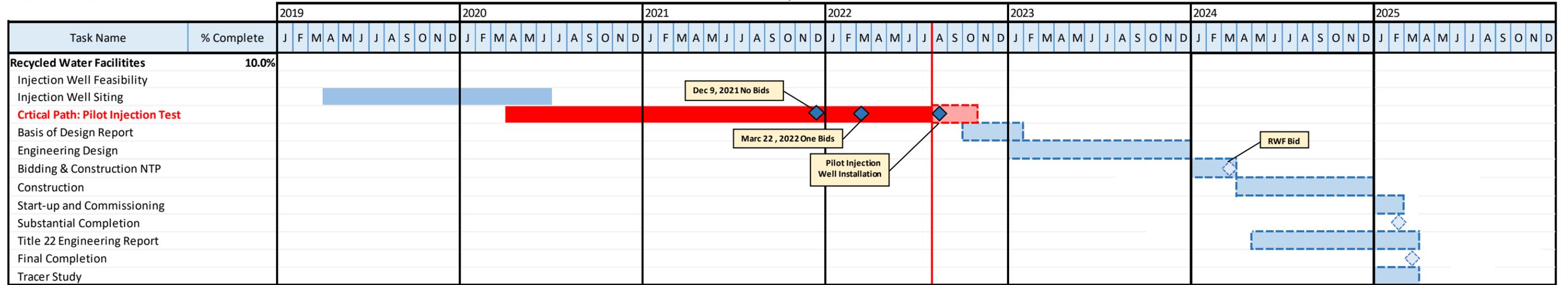
- Environmental Protection Agency (EPA)
- State Historic Preservation Office (SHPO)
- United States Fish and Wildlife Service (USFW)
- California Department of Fish and Wildlife (CDFW)

To optimize the process and streamlining the timeline for preparing applications and gaining the necessary permits/approvals, the City is preparing a CEQA/Permitting Plan for the construction of the IPR Facilities. The intent of this Plan is to leverage the experience, existing regulatory frameworks and agreements that the City developed during the construction of the Conveyance and the WRF components of the WRF Project to streamline the process for obtaining similar approvals for the IPR Facilities.

**RWQCB/DDW Permitting** – Operation of the IPR Facilities will require obtaining a Report of Waste Discharge (ROWD) Permit from the Regional Water Quality Control Board (RWQCB). One component of the RWOD Permit is an approved Engineering Report from the Division of Drinking Water (DDW). The City has submitted a Draft Engineering Report and received initial comments from DDW. The City will be preparing an updated Engineering Report that incorporates the findings from the BOD Report and addresses comments provided by DDW. The approved Engineering Report will be incorporated by the RWQCB into the ROWD Permit for the IPR Program.

**IPR Program Schedule**

The current schedule for the IPR Program is provided on the next page. As described above, the Pilot Injection Test is a critical next step for advancing the hydrogeologic evaluation, IPR Facilities Design and IPR Facilities Permitting. Construction of Injection Well No. 1 has been contracted and initial phases are underway. The IPR Program Team is consistently reviewing the schedule and looking for ways to streamline implementation of the IPR Program.



- Projected Project Milestone 
- Project milestone approved 
- Projected Schedule Extension 
- Approved baseline schedule 
- Critical path item 
- Projected Critical path item 

## **CONFLUENCE ENGINEERING SOLUTIONS PROPOSAL**

In December 2021, ConfluenceES was selected to provide Engineering Services for the City during the transition to a new City Engineer. Subsequently, the City retained ConfluenceES to provide continued engineering and operations support for the WRF Program and the City's Water and Wastewater Systems, including Program Management support for IPR.

With the pending completion of the WRF and the Conveyance components of the WRF Program, the City has an opportunity to streamline the Program Management for the implementation of the IPR Program. The IPR component of the WRF Program is significantly smaller (compared to the WRF facility and Conveyance components) and thus can be managed with a smaller Program Management team to reduce costs to the City. For the delivery of the IPR component of the WRF Program, City Staff proposes to transition the role of Program Management from Carollo Engineers (Carollo) to ConfluenceES.

ConfluenceES is uniquely suited to assist the City with management of the IPR Program. Dan Heimel, President/Principal Engineer for ConfluenceES, has extensive experience supporting Central Coast agencies with their water resource projects and recycled water programs. Dan and ConfluenceES can assist the City in identifying strategies to maximize the value of the IPR Program to provide a reliable, resilient water supply and cost recovery opportunity for its customers. The City would continue to retain Carollo as the Program Manager through the completion and start-up of the WRF and Conveyance components of the WRF Program. Additionally, the City would retain Carollo to lead certain IPR Program tasks (i.e. DDW/RWQCB Permitting and Funding/Financing), under the oversight of the Program Manager, due to their extensive knowledge and experience with these program elements.

ConfluenceES's proposed Scope of Work and Cost Estimate for providing FY 22/23 IPR Program Management, WRF and Engineering Support is attached and summarized below. The proposed scope of work has been developed through close coordination with City Staff and Carollo to provide for efficient delivery of the IPR Program by transitioning the role of Program Manager to ConfluenceES (following completion of the WRF facility and Conveyance components) and retaining Carollo for certain tasks where their technical expertise and program experience are most valuable. Staff believes that transitioning the role of Program Manager of the IPR component of the WRF Program to ConfluenceES provides the City with a local, experienced Program Manager that can cost effectively deliver a recycled water system that will provide the City with a reliable, resilient water supply portfolio.

### **ConfluenceES FY 22/23 Scope of Work Summary**

- Task 0 IPR Program Management
- Task 1 IPR Program Controls
- Task 2 Hydrogeologic Evaluation
- Task 3 IPR Design Management
- Task 4 Environmental & Permitting Support
- Task 5 RWQCB/DDW Permitting Support
- Task 6 Funding/Financing Support
- Task 7 Water/Wastewater Systems Support
- Task 8 Long Term Water Supply Evaluation

### **ConfluenceES FY22/23 Fee Estimate**

\$582,619

**ATTACHMENTS**

1. Confluence Engineering Services Amendment 1
2. Confluence Engineering Services FY 2022/23 IPR Program Management, WRF and Engineering Support Services Scope and Fee Estimate

**AMENDMENT No. 1 TO THE AGREEMENT  
FOR CONSULTANT SERVICES  
BETWEEN THE CITY OF MORRO BAY AND CONFLUENCE ENGINEERING SOLUTIONS**

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This AMENDMENT No. 1 TO THE CONTRACT FOR CONSULTANT SERVICES (“Amendment”) is entered into on the 23<sup>rd</sup> day of August 2022, by and between the CITY OF MORRO BAY, a municipal corporation (“City”), and Confluence Engineering Solutions, Inc. (“Consultant”).

**RECITALS**

WHEREAS, City entered into an Agreement with Consultant, on January 3, 2022, for engineering services related to the Capital Improvements to the City’s Water Distribution and Wastewater Collection Systems (the “Project”) for a not to exceed amount of \$45,000.00 (the “Agreement”); and

WHEREAS, City and Consultant now agree to amend the Agreement to provide additional engineering services detailed in attached Exhibit A; and

WHEREAS, Consultant has specific knowledge and experience to provide technical expertise needed to accomplish necessary tasks required to meet the City Council's goals for the Project; and

WHEREAS, due to the expansion of the tasks to be provided, the term of the agreement must be extended and the compensation payable pursuant to the Agreement must be increased.

NOW THEREFORE, City and Consultant mutually agree to amend the Agreement as follows:

1. The additional services to be provided by Consultant, pursuant to the Agreement, as amended by this Amendment No. 1, shall include the additional Scope of Work, as set forth in Exhibit A, attached hereto and incorporated herein by this reference (the "Additional Work").
2. The compensation to be paid for the Additional Work described in Exhibit A shall not exceed \$582,619, as described in Exhibit A, for a total not to exceed amount of \$627,619 for the Amended Agreement.
3. The term of the Agreement is extended through June 30, 2023.
4. Except as expressly set forth in this Amendment, the terms and conditions of the Agreement shall remain in full force and effect.
5. The effective date of this Amendment No. 1 shall be deemed to be August 23, 2022 (Effective Date).

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be executed by their duly authorized representatives as of the Effective Date.

CITY OF MORRO BAY

CONFLUENCE ENGINEERING SOLUTIONS

By: \_\_\_\_\_  
Scott Collins, City Manager

By: \_\_\_\_\_  
Daniel Heimel, President

Attest:

\_\_\_\_\_  
Dana Swanson, City Clerk

Approved As To Form:

\_\_\_\_\_  
Chris F. Neumeyer, City Attorney

## **Exhibit A**

## Scope of Work

Confluence Engineering Solutions, Inc. (ConfluenceES) is pleased to provide the following scope of work and fee estimate for providing professional engineering services to support the City of Morro Bay (City) with Indirect Potable Reuse (IPR) Program Management, Water Reclamation Facility (WRF) and Water/Wastewater System Engineering Support for Fiscal Year 2022/23. ConfluenceES proposes to provide these services to the City in coordination with Carollo Engineers, Inc. (Carollo), Program Manager for the completion of the WRF Facility and Conveyance Projects. The assumed duration for these services is from 9/1/2022 to 6/30/2023, except where stated differently.

### Task 0 IPR Program Management

#### 0.1 IPR Program Coordination

- Coordinate activities of the internal and external IPR Program Team members, including managing communications, providing work direction, and preparing requested materials and deliverables.
- Prepare and provide monthly invoices and progress reports describing activities completed for IPR Program Management, WRF and Water/Wastewater System Engineering Support.

*It is assumed that the level of effort for Program Coordination will be approximately 55 hours per month.*

#### 0.2 IPR Coordination Meetings

- Prepare for and participate in IPR Program Team Coordination Meetings. Activities for this task are anticipated to include schedule coordination, agenda preparation, meeting facilitation, and action item documentation and follow-up.

*It is assumed that IPR Coordination Meetings will occur weekly from 9/1/22 to 6/30/23, last approximately 1.5 hours and be attended by two ConfluenceES Staff.*

#### 0.3 WRF/City Coordination Meetings

- Prepare for and participate in WRF and City Coordination Meetings (e.g. WRF Conveyance, WRF Start-up, WRF Subcommittee, WRF Funding/Finance, WRF Public Works Coordination, etc.). Activities for this task are anticipated to include schedule coordination, agenda preparation, meeting facilitation, and action item documentation and follow-up.

*It is assumed that three WRF/City Coordination Meetings will occur each week from 9/1/22 to 2/28/23, lasting approximately 1.5 hours and attended by one ConfluenceES Staff. From 3/1/23 to 6/30/23 it is assumed that two WRF/City Coordination Meetings will occur each week lasting approximately 1.5 hours and be attended by one ConfluenceES Staff.*

#### 0.4 Public Meetings

- Prepare for and participate in Public Meetings (e.g. Public Works Advisory Board, City Council, etc.) to support completion of the WRF and IPR projects. Activities for this task are anticipated to include agenda and presentation preparation, meeting participation, and Governing Board direction documentation and follow-up.

*It is assumed that 5 Public Meetings, requiring 4 hours of preparation, 2 hours attendance and 1 hour follow-up for 1 ConfluenceES Staff, will occur over the anticipated duration of this contract.*

#### 0.5 IPR Consultant Coordination

- Prepare and administer contract/agreements with IPR Program Team Consultants.
- Provide oversight of IPR Program Team activities and deliverables.
- Facilitate communication amongst the IPR Program Team to coordinate activities.

*It is assumed that the level of effort for IPR Consultant Coordination will be approximately 16 hours per month.*

#### 0.6 Public Outreach Support

- Support the City with WRF/IPR Public Outreach by providing and reviewing content for press releases, website updates, City/City Council Talking Points and other outreach efforts.
- Support the City in responding to public comment and questions received regarding the IPR and WRF projects.

*It is assumed that the level of effort for Public Outreach Support will be approximately 4 hours per month.*

#### 0.7 WRF Start-up Support

- Support the City and Carollo with the start-up and commissioning of the WRF Water Resources Center treatment facility.

*It is assumed that the level of effort for WRF Start-up Support will be approximately 16 hours per month from 10/1/22 to 1/1/2023.*

#### 0.8 WRF Conveyance Support

- Support the City and Carollo with the completion and start-up and commissioning of the WRF Conveyance Facilities.

*It is assumed that the level of effort for WRF Conveyance Support will be approximately 16 hours per month from 9/1/22 to 1/1/2023.*

### Task 1 IPR Program Controls

#### 1.1 IPR Program Budget

- Compile, monitor and report on the Program Budget information for the IPR component of the WRF Project.
- Develop IPR budget projections for City Budgeting and other purposes.

*It is assumed that IPR Program Budget activities will start upon completion and close-out of the WRF and Conveyance components of the WRF Project, anticipated to be 3/1/2023, and the level of effort will be approximately 16 hours per month.*

## 1.2 IPR Program Schedule

- Develop and maintain an updated Program Schedule for the IPR component of the WRF Project.

*It is assumed that the level of effort for the IPR Program Schedule will be approximately 2 hours per month.*

## 1.3 Quarterly Reports

- Prepare and distribute Quarterly Reports for the IPR component of the WRF Project. Quarterly Reports are anticipated to include updated budget and schedule information, a summary of completed activities for the current quarter and a description of planned activities for the next quarter.

*It is assumed that Quarterly Reports on IPR component activities will start upon completion and close-out of the WRF and Conveyance components of the WRF Project, anticipated to be 3/1/2023.*

## Task 2 Hydrogeologic Evaluation

### 2.1 Injection Test Coordination

- Coordinate with GSI, Pacific Coast Well Drilling, Carollo and City Staff to schedule, initiate, observe and document the injection test for Injection Well No. 1.
- Perform site visits, as necessary, to observe the injection test and coordinate activities.
- Review results of the injection test and provide guidance on future injection testing.

*It is assumed that the level of effort for Injection Test Coordination will be 40 hours.*

### 2.2 Groundwater Modeling Coordination

- Provide oversight and direction to GSI regarding supplemental groundwater modeling to inform the design and operation of the IPR program.
- Develop and review scenarios for evaluation in the groundwater model, analyze scenario results and provide recommendations to City Staff and the IPR Program Team based on groundwater modeling results.

*It is assumed that the level of effort for Groundwater Modeling Coordination will be 40 hours.*

### 2.3 Geochemical Analysis Support

- Review and comment on the Geochemical analysis work performed to-date and the results obtained during the Injection Test.

*It is assumed that the level of effort for providing Geochemical Analysis Support will be 20 hours.*

## Task 3 IPR Design Management

### 3.1 IPR Design Coordination

- Coordinate and oversee the development of the design for the IPR injection, conveyance and supporting facilities (IPR Facilities).
- Provide recommendations regarding the location and layout of the IPR Facilities based on results of the injection test, supplemental groundwater modeling, IPR Basis of Design Report, EIR and permitting (e.g. biological and cultural) constraints and infrastructure requirements.

*It is assumed that the level of effort for IPR Design Coordination will be 150 hours.*

### 3.2 IPR Design Review

- Participate in review of the design of the IPR Facilities, including the 30%, 60%, and 90% Design Plans, Specifications and Cost Estimates.
- Schedule, organize and conduct design workshops with City Staff and the IPR Program Team to review and provide comments on the IPR Facilities design packages.

*It is assumed that the level of effort for IPR Design Review will be 150 hours.*

## Task 4 Environmental & Permitting Support

### 4.1 Coastal Development Permit Support

- Support the City in preparing applications, addressing questions from Coastal Commission Staff and obtaining the necessary approvals for the construction of the IPR Facilities.

*It is assumed that the level of effort for IPR Coastal Development Permit Support will be 100 hours.*

### 4.2 IPR EIR Support

- Support the City in evaluating and determining the level of environmental impact analysis (e.g. EIR Addendum, Supplemental EIR, etc.) required to construct the IPR Facilities.
- Assist the City and EIR Consultant in preparing additional environmental analyses for the IPR Facilities.

*It is assumed that the level of effort for IPR EIR Support will be 100 hours.*

### 4.3 IPR Resource Regulatory Permitting Support

- Support the City in obtaining the necessary permits from regulatory agencies with jurisdiction over the IPR Facilities. It is anticipated that permits may be required from the following agencies:
  - Environmental Protection Agency (EPA)
  - State Historic Preservation Office (SHPO)
  - United States Fish and Wildlife Service (USFW)
  - California Department of Fish and Wildlife (CDFW)

*It is assumed that the level of effort for IPR Environmental Permitting Support will be 100 hours.*

### 4.4 Permitting Agency Coordination Meetings

- Schedule, organize and conduct meetings with Permitting Agency representatives to coordinate preparation of permit applications, application review and permit approvals.

*It is assumed that 5 Permitting Agency Coordination Meetings, requiring 1 hour of preparation, 2 hours attendance and 1 hour follow-up for 2 ConfluenceES Staff, will occur over the anticipated duration of this contract.*

#### 4.5 CDP Special Condition Reports

- Prepare five (5) Special Condition (SC) Reports for compliance with the WRF Coastal Development Permit (CDP). The anticipated SC Reports include:
  - Revised SC-6 Recycled Water Management Plan
  - SC-1 Revised Final Plans, SC-2 Construction Plan, SC-13 Other Authorizations for the IPR Facilities
  - SC-7 WWTP Removal and Restoration Plan

*It is assumed that the level of effort for preparing each SC Report will be 70 hours.*

#### 4.6 Outfall Assessment Plan Support

- Support Carollo in the preparation and implementation of the Outfall Assessment Plan.

*It is assumed that the level of effort for Outfall Assessment Plan Support will be 20 hours.*

### Task 5 RWQCB/DDW Permitting Support

#### 5.1 ESCP Support

- Support Carollo in preparation and implementation of the Enhanced Source Control Program (ESCP) for the City's collection system.

*It is assumed that the level of effort for ESCP Support will be 20 hours.*

#### 5.2 ROWD Support

- Support Carollo with Regional Water Quality Control Board (RWQCB) coordination and preparation and submittal of the Report of Waste Discharge (ROWD) permit application.

*It is assumed that the level of effort for ROWD Support will be 20 hours.*

#### 5.3 Engineering Report Support

- Support Carollo with Division of Drinking Water (DDW) coordination and preparation and submittal of the Engineering Report.

*It is assumed that the level of effort for Engineering Report Support will be 20 hours.*

#### 5.4 RWQCB/DDW Meetings

- Prepare for and participate in meetings with the RWQCB and DDW in support of the ROWD and Engineering Report. Activities for this task are anticipated to include schedule coordination, agenda preparation, meeting facilitation, and action item documentation and follow-up.

*It is assumed that 3 Meetings with the RWQCB/DDW, requiring 1 hour of preparation, 2 hours attendance and 1 hour follow-up for 2 ConfluenceES Staff, will occur over the anticipated duration of this contract.*

## Task 6 Funding & Financing Support

### 6.1 CWSRF Amendment Support

- Support Carollo with the preparation of the Clean Water State Revolving Fund (CWSRF) Amendment Application and development of the Amendment Agreement with the State Water Resources Control Board Division of Financial Assistance.

*It is assumed that the level of effort for CWSRF Amendment Support will be 40 hours.*

### 6.2 FY 22/23 USBR Title XVI WIIN Grant Agreement Support

- Support Carollo with the preparation of the grant agreement for the FY 22/23 USBR Title XVI WIIN Program Grant, if awarded.

*It is assumed that the level of effort for FY 22/23 USBR Title XVI WIIN Grant Agreement Support will be 40 hours.*

### 6.3 FY 23/24 USBR Title XVI WIIN Grant Application Support

- Support Carollo with the preparation of the FY 23/24 Grant Application for USBR Title XVI WIIN Program.

*It is assumed that the level of effort for FY 23/24 USBR Title XVI WIIN Grant Application Support will be 20 hours.*

### 6.4 FY 22/23 USBR Drought Response Grant Agreement Support

- Support Carollo with the preparation of the grant agreement for the FY 22/23 Drought Response Program Grant, if awarded.

*It is assumed that the level of effort for USBR Drought Response Grant Agreement Support will be 20 hours.*

### 6.5 FY 23/24 USBR Drought Response Grant Application Support

- Support Carollo with the preparation of the FY 23/24 Grant Application for USBR Drought Response Program.

*It is assumed that the level of effort for FY 23/24 USBR Drought Response Application Support will be 20 hours.*

### 6.6 Prop 1 Round 2 IRWM Implementation Grant Agreement

- Compile scope, budget, City financial and other supporting information to develop and execute an Integrated Regional Water Management (IRWM) Prop 1 Round 2 Implementation Grant Agreement, if awarded.

*It is assumed that the level of effort for the IRWM Prop 1 Round 2 Implementation Grant Agreement will be 80 hours.*

### 6.7 Funding Opportunities Evaluation

- Support the City in evaluating future grant funding and financing opportunities for the WRF and IPR Programs. Activities for this task are anticipated to include funding opportunity review, grant agency outreach and coordination and development of funding pursuit recommendations.

*It is assumed that the level of effort for Funding Opportunities Evaluation will be 40 hours.*

## Task 7 Water/Wastewater Systems Support

### 7.1 General Engineering Support

- Provide general engineering support for the City for its water and wastewater systems. Activities for this task are anticipated to include CIP project review and implementation support, regulatory compliance support, funding evaluation support for City infrastructure and other as-needed engineering support services.

*It is assumed that the level of effort for General Engineering Support will be 240 hours.*

### 7.2 General Operations Support

- Provide general operations support for the City for its water and wastewater systems. Activities for this task are anticipated to include water quality investigations, hydraulic analysis, regulatory compliance support, systems troubleshooting and other as-needed support services.

*It is assumed that the level of effort for General Operations Support will be 280 hours.*

## Task 8 Long-Term Water Supply Evaluation

### 8.1 Operations Model Update

- Update the Operations Model to incorporate updated hydrology, capacity, demand and other information to represent current City water supply conditions.
- Input updated cost information into the Operations Model to allow for incorporation of cost criteria when evaluating use of the City's different water supplies and the value of potential surplus water for cost recovery.

*It is assumed that the level of effort for the Operations Model Update will be 280 hours.*

### 8.2 Water Supply Scenario Development

- Develop eight (8) water supply alternative scenarios for evaluation in the Operations Model. It is anticipated that the water supply alternative scenarios will include evaluation of the City's use of the following water supplies in various capacities:
  - State Water Project
  - Morro Basin
  - Recycled Water
    - (a) IPR
    - (b) Non-Potable
  - Chorro Basin
  - Regional Transfer/Exchange Agreements

*It is assumed that the level of effort for development of each Water Supply Scenario will be 8 hours.*

### 8.3 Water Supply Scenario Analysis

- Evaluate each of the water supply alternative scenarios utilizing the Operations Model and other water supply analysis tools. Review and summarize finding from the water supply alternatives analysis for presentation to City Staff.

*It is assumed that the level of effort for analysis of each Water Supply Scenario will be 20 hours.*

### 8.4 OneWater Plan Water Supply Section Update

- Prepare a Draft update to the OneWater Plan Water Supply Section. Submit the Draft OneWater Plan Water Supply Section to City Staff for review.
- Prepare a Final Draft update to the OneWater Plan Water Supply Section based on comments received on the Draft update.

*It is assumed that the level of effort for the OneWater Plan Water Supply Section Update will be 120 hours.*

**Attachment:**

ConfluenceES Fee Estimate - FY 22/23 IPR Program Management, WRF and Engineering Support

Fee Estimate Confluence Engineering Solutions FY 22/23 IPR PM, WRF and Engineering Support	ConfluenceES							
	Principal Engineer	Project Engineer	Associate Engineer	Engineering Assistant	Total Hours	Labor	Expenses	ConfluenceES Total
Task/Subtask	\$ 200	\$ 175	\$ 150	\$ 125			1%	
0.1 IPR Program Coordination	150	0	125	0	275	\$ 48,750	\$ 488	\$ 49,238
0.2 IPR Coordination Meetings	100	0	100	0	200	\$ 35,000	\$ 350	\$ 35,350
0.3 WRF/City Coordination Meetings	257.5	0	0	0	257.5	\$ 51,500	\$ 515	\$ 52,015
0.4 Public Meetings	35	0	0	0	35	\$ 7,000	\$ 70	\$ 7,070
0.5 IPR Consultant Coordination	80	0	80	0	160	\$ 28,000	\$ 280	\$ 28,280
0.6 Public Outreach Support	40	0	0	0	40	\$ 8,000	\$ 80	\$ 8,080
0.7 WRF Start-up Support	48	0	0	0	48	\$ 9,600	\$ 96	\$ 9,696
0.8 WRF Conveyance Support	64	0	0	0	64	\$ 12,800	\$ 128	\$ 12,928
Task Total	774.5	0	305	0	1079.5	\$200,650	\$ 2,007	\$ 202,657
<b>Task 1 – IPR Program Controls</b>								
1.1 IPR Program Budget	40	0	40	0	80	\$ 14,000	\$ 140	\$ 14,140
1.2 IPR Program Schedule	20	0	0	0	20	\$ 4,000	\$ 40	\$ 4,040
1.3 Quarterly Reports	20	0	28	0	48	\$ 8,200	\$ 82	\$ 8,282
Task Total	80	0	68	0	148	\$ 26,200	\$ 262	\$ 26,462
<b>Task 2 – Hydrogeologic Evaluation</b>								
2.1 Injection Test Coordination	40	0	0	0	40	\$ 8,000	\$ 80	\$ 8,080
2.2 Groundwater Modeling Coordination	40	0	0	0	40	\$ 8,000	\$ 80	\$ 8,080
2.3 Geochemical Analysis Support	20	0	0	0	20	\$ 4,000	\$ 40	\$ 4,040
Task Total	100	0	0	0	100	\$ 20,000	\$ 200	\$ 20,200
<b>Task 3 – IPR Design Management</b>								
3.1 IPR Design Coordination	50	100	0	0	150	\$ 27,500	\$ 275	\$ 27,775
3.2 IPR Design Review	50	100	0	0	150	\$ 27,500	\$ 275	\$ 27,775
Task Total	100	200	0	0	300	\$ 55,000	\$ 550	\$ 55,550
<b>Task 4 - Environmental &amp; Permitting Support</b>								
4.1 Coastal Development Permit Support	50	0	50	0	100	\$ 17,500	\$ 175	\$ 17,675
4.2 IPR EIR Support	50	0	50	0	100	\$ 17,500	\$ 175	\$ 17,675
4.3 IPR Resource Regulatory Permitting Support	50	0	50	0	100	\$ 17,500	\$ 175	\$ 17,675
4.4 Permitting Agency Coordination Meetings	20	20	0	0	40	\$ 7,500	\$ 75	\$ 7,575
4.5 CDP Special Condition Reports	100	0	250	0	350	\$ 57,500	\$ 575	\$ 58,075
4.6 Outfall Assessment Plan Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
Task Total	280	20	410	0	710	\$121,000	\$ 1,210	\$ 122,210
<b>Task 5 – RWQCB/DDW Permitting Support</b>								
5.1 ESCP Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
5.2 ROWD Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
5.3 Engineering Report Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
5.4 RWQCB/DDW Meetings	12	0	12	0	24	\$ 4,200	\$ 42	\$ 4,242
Task Total	42	0	42	0	84	\$ 14,700	\$ 147	\$ 14,847
<b>Task 6 – Funding &amp; Financing Support</b>								
6.1 CWSRF Amendment Support	20	0	20	0	40	\$ 7,000	\$ 70	\$ 7,070
6.2 FY 22/23 USBR Title XVI Grant Agreement Support	20	0	20	0	40	\$ 7,000	\$ 70	\$ 7,070
6.3 FY 23/24 USBR Title XVI Grant Application Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
6.4 FY 22/23 USBR Drought Response Grant Agreement Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
6.5 FY 23/24 USBR Drought Response Grant Application Support	10	0	10	0	20	\$ 3,500	\$ 35	\$ 3,535
6.6 Prop 1 Round 2 IRWM Implementation Grant Agreement	40	0	40	0	80	\$ 14,000	\$ 140	\$ 14,140
6.7 Funding Opportunities Evaluation	20	0	20	0	40	\$ 7,000	\$ 70	\$ 7,070
Task Total	130	0	130	0	260	\$ 45,500	\$ 455	\$ 45,955
<b>Task 7 - Water/Wastewater System Support</b>								
7.1 General Engineering Support	40	40	0	0	80	\$ 15,000	\$ 150	\$ 15,150
7.2 General Operations Support	40	40	0	0	80	\$ 15,000	\$ 150	\$ 15,150
Task Total	80	80	0	0	160	\$ 30,000	\$ 300	\$ 30,300
<b>Task 8 – Long-Term Water Supply Evaluation</b>								
8.1 Operations Model Update	20	0	20	0	40	\$ 7,000	\$ 70	\$ 7,070
8.2 Water Supply Scenario Development	32	0	32	0	64	\$ 11,200	\$ 112	\$ 11,312
8.3 Water Supply Scenario Analysis	32	0	128	0	160	\$ 25,600	\$ 256	\$ 25,856
8.4 OneWater Plan Update	40	0	80	0	120	\$ 20,000	\$ 200	\$ 20,200
Task Total	124	0	260	0	384	\$ 63,800	\$ 638	\$ 64,438
<b>Total</b>	<b>1,711</b>	<b>300</b>	<b>1,215</b>	<b>-</b>	<b>3,226</b>	<b>\$576,850</b>	<b>\$ 5,769</b>	<b>\$ 582,619</b>