

# City of Morro Bay

## City Council Agenda

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### *Mission Statement*

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

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**REGULAR MEETING – JULY 10, 2012**

**CLOSED SESSION**

**CITY HALL CONFERENCE ROOM - 5:00 P.M.  
595 HARBOR ST., MORRO BAY, CA**

**CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR.** Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

**CS-2 GOVERNMENT CODE SECTION 54956.8; PROPERTY TRANSACTIONS:** Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to two (2) parcels.

- **Property: Rose's Landing – Lease Site 82-85/82W-85W**  
Negotiating Parties: Doug Redican and City of Morro Bay  
Negotiations: Lease Terms and Conditions
- **Property: Sea One Solution LLC- Lease Site 124-128/124W-128W & 113W**  
Negotiating Parties: Sea One Solutions, LLC and MMBS, LLC and City of Morro Bay  
Negotiations: Lease Terms and Conditions

**CS-3 CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(c):**

- Parties: Martony and City of Morro Bay

**IT IS NOTED THAT THE CONTENTS OF CLOSED SESSION MEETINGS  
ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE.**

**PUBLIC SESSION – JULY 10, 2012  
VETERANS MEMORIAL HALL - 6:00 P.M.  
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE  
MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS  
CLOSED SESSION REPORT

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on City business matters (other than Public Hearing items under Section B) may do so at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and address for the record. Comments are to be limited to three minutes.
- All remarks shall 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.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR MEETING OF JUNE 26, 2012; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 AUTHORIZATION TO FILL ONE RECREATION AND PARKS DEPARTMENT MAINTENANCE LEAD WORKER POSITION – BUILDINGS/INFRASTRUCTURE; (RECREATION & PARKS)

**RECOMMENDATION: Authorize staff to hire a replacement for the upcoming vacancy of a Maintenance Lead Worker.**

A-3 AUTHORIZATION TO FILL THE RECENTLY VACATED ASSISTANT PLANNER POSITION; (PUBLIC SERVICES)

**RECOMMENDATION: Authorize filling the recently vacated Assistant Planner position.**

A-4 AWARD OF CONTRACT FOR MAINTENANCE OF THE CLOISTER ASSESSMENT DISTRICT; (RECREATION & PARKS)

**RECOMMENDATION: Award the project contract to K.D. Janni Landscaping Inc. in the amount of \$80,928.00.**

A-5 AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR THE DEL MAR TENNIS COURTS; (RECREATION & PARKS)

**RECOMMENDATION: Authorize staff to File Notice of Completion for the Del Mar Tennis Courts Project.**

A-6 UPDATE ON CONTRACT FOR AUDITING 2009 – 2011 TRANSIENT OCCUPANCY TAX AND LEASE SITES REVENUES; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: No action is recommended as this is an informational item only.**

A-7 RESOLUTION NO. 36-12 ESTABLISHING THE ANNUAL PROPOSITION 4 APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2012/13; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 36-12.**

A-8 AWARD OF CONTRACT TO SPECIALTY CONSTRUCTION, INC. OF SAN LUIS OBISPO, CA FOR THE PROJECT NO. MB-2012-WC01: LIFT STATION 3 UPGRADE SANITARY SEWER FORCE MAIN; (PUBLIC SERVICES)

**RECOMMENDATION: Award the project contract to Specialty Construction, Inc. in the amount of \$1,191,052.**

A-9 NORTH T-PIER REPAIR PROJECT UPDATE; (HARBOR)

**RECOMMENDATION: No action is recommended as this is an informational item only.**

A-10 AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR PROJECT NO. MB2011-WC01: SEWER SECTION 6 REHABILITATION; (PUBLIC SERVICES)

**RECOMMENDATION: Authorization to file Notice of Completion for Sewer Section 6 Lining Rehabilitation Project.**

A-11 APPROVAL OF LICENSE AGREEMENT BETWEEN THE CITY OF MORRO BAY AND DYNEGY REGARDING THE USE OF THREE PARKING LOTS OWNED BY DYNEGY; (CITY ATTORNEY)

**RECOMMENDATION: Approve the lease agreement with Dynegy for the use of three parking lots for public purposes.**

A-12 REQUEST FOR APPROVAL OF ASSIGNMENT OF LEASE AGREEMENT FOR LEASE SITES 124-128/124W-128W & 113W FROM SEA ONE SOLUTIONS, LLC TO MMBS, LLC AND APPROVAL OF AMENDMENT #3 TO THE LEASE AGREEMENT FOR LEASE SITE 124-128/124W-128W & 113W (1215 EMBARCADERO); (RECREATION & PARKS)

**RECOMMENDATION: Approve the Assignment of the Lease Agreement for Lease Sites 124-128/124W-128W & 113W from Sea One Solutions, LLC to MMBS, LLC and approve Amendment # 3 to the lease to allow for the phasing of water improvements.**

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 579 REPEALING, AMENDING AND REENACTING CHAPTER 14.72 OF THE CITY OF MORRO BAY MUNICIPAL CODE, ENTITLED FLOOD DAMAGE PREVENTION; (PUBLIC SERVICES)

**RECOMMENDATION: Accept public comment and then move for introduction and first reading of Ordinance No. 579, by number and title only.**

B-2 APPEAL OF CONDITIONAL USE PERMIT #UP0-348 AND COASTAL DEVELOPMENT PERMIT #CP0-372 FOR NEW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT 281 MAIN STREET; (PUBLIC SERVICES)

**RECOMMENDATION: Deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372.**

C. UNFINISHED BUSINESS

C-1 RESOLUTION NO. 38-12 ADOPTING THE FISCAL YEAR 2012/13 OPERATING BUDGETS OF THE HARBOR DEPARTMENT; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 38-12, approving the fiscal year 2012/13 budgets for the Harbor Department, with amendments made at this meeting, if any.**

C-2 CONSIDERATION OF PURCHASING BIG BELLY SOLAR POWER TRASH COMPACTOR GARBAGE RECEPTACLES FOR THE ROCK PARKING LOT; (RECREATION & PARKS)

**RECOMMENDATION:** Authorize purchasing Big Belly solar powered trash compactor garbage receptacles with recycling units for the Rock parking lot and restroom as well as identify a potential funding source for implementation.

C-3 RECOMMENDATION ON THE PAPERLESS AGENDA CONCEPT; (ADMINISTRATION)

**RECOMMENDATION:** Purchase iPads utilizing monies from both the General Fund (1/2) and the Enterprise Funds (1/2) with the monies coming from either Account Reserves or preferably through a mid-year budget amendment.

D. NEW BUSINESS

D-1 RESOLUTION NO. 37-12 ADOPTING 2012/13 REVISIONS TO THE MASTER FEE SCHEDULE; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION:** Adopt Resolution No. 37-12.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

**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 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 AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL'S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS.**

**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 THAT REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.**

**AGENDA NO: A-1**

**MEETING DATE: 07/10/2012**

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – JUNE 26, 2012  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchart	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Director

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session.

Mayor Yates read the Closed Session Statement.

**CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR**. Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

**CS-2 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS**: Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one (1) parcel.

- **Property: Sea One Solutions LLC - Lease Site 124-128/124W-128W & 113W**  
Negotiating Parties: Neil and City of Morro Bay  
Negotiations: Terms and Conditions of Lease

The meeting adjourned at 5:50pm.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – JUNE 26, 2012  
VETERAN’S MEMORIAL HALL – 6:00P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Susan Slayton	Administrative Services Director
	Rob Livick	Public Services Director
	Mike Pond	Fire Chief
	Mike Lewis	Interim Police Chief
	Eric Endersby	Harbor Operations Manager
	Joe Woods	Recreation & Parks Director
	Janeen Burlingame	Management Analyst

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS & PRESENTATIONS

CLOSED SESSION REPORT – City Attorney Robert Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Christian Jacob, speaking on behalf of his son, Dane Jacob, owner of the Red Anchor Charters, a new business in town located in front of Estero Inn. They offer sail boat tours of the bay – “an experience you won’t want to miss” as it gives people a new feeling of the bay as well as the City. They are excited to bring this service to our waterfront.

Larry Newland with the Maritime Museum Association announced that the submarine was here and is parked in the Front Street parking lot. He thanked everybody for coming together to make this happen.

Diana Hotak, an Island Street resident spoke in support of Item D-3, the traffic calming pilot program being proposed. She feels the streets are unsafe and feels this program will help the neighborhood.

Dan Reddell spoke contesting the public comment presented at the June 12<sup>th</sup> Council meeting by Cynthia Hawley, Attorney for “Save the Park”. Mr. Reddell, owner of the single family residential lot in question, refuted each argument made by Ms. Hawley, point by point, claiming them all false. He encouraged those wanting to read the lawsuit to confirm his allegations, come by his office as he has copies.

Kyle Buller, spoke on the Fuel Dock incident stating that he felt that the actions of the officers were wrong and could have been handled much differently. He asked for an apology from the officers.

Eric Donnelly also spoke on the Fuel Dock incident stating that he feels we need to recognize that we have a problem with some of our officers and urged the City to organize a Police Oversight Commission that would provide for community participation and overall better relations.

Diana Salgado asked people to drive slower, especially up in the Island Streets’ neighborhoods where she and her friends play. She also said that the potholes up in that area create safety hazards.

Betty Winholtz spoke on 3 items the first being the Adoption of the SEIU contract hoping that Council is ensuring that Management and Confidential groups are following in the footsteps of employees paying their own PERS. She also has grave concerns regarding the Harbor Department deficit and feels we are jeopardizing safety by not allowing the Harbor to purchase the needed truck and rescue sled; she opposes the idea of allowing RV’s to park on the Embarcadero and concessionaires at the Rock. She feels instead that we should be looking for revenues with lease holders and dock rentals. And finally she spoke on the Vegetation Management Plan that utility companies are to abide by feeling that the staff report as presented is incomplete.

Nancy Castle spoke advertising the 4<sup>th</sup> of July event being held at Tidelands Park. You can watch the entire event on [slospan.org](http://slospan.org) .

Garry Johnson was afraid that building would actually stop if the “Save the Park” lawsuit prevailed. He is also fearful of the costs of the sewer bills if the wastewater treatment plant was moved.

Jim Hayes thanked his wife and supporters in his bid for a City Council seat in the June 5<sup>th</sup> election. He also has grave concerns for the City and the ratepayers if the wastewater treatment plant was to be moved. He stated that there are no good logical, economical or environmental reasons to move the plant.

Dana Blair, an employee of the Fuel Dock and working the night of the incident feels that our officers need to conduct themselves more professionally.

Myles Dunn feels like he is a target of the police department and is tired of it. He also feels that poor procedure was used in the Fuel Dock incident.

Chris Christenson is concerned with the “Save the Park” lawsuit in that it may be taking somebody’s private property; he is also disheartened if the threat of stopping building permits is real. He feels that this lawsuit is frivolous and hopes it can be resolved without going to the extreme.

Mayor Yates closed the public comment period.

A. CONSENT CALENDAR

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR MEETING OF JUNE 12, 2012; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF MORRO BAY ON THE 5<sup>th</sup> DAY OF JUNE, 2012; DECLARING THE RESULTS THEREOF, AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution 34-12.**

A-3 RESOLUTION PROHIBITING STREET WORK IN COMMERCIAL AREAS BETWEEN MEMORIAL DAY AND LABOR DAY; (CITY COUNCIL)

**RECOMMENDATION: Adopt Resolution 27-12.**

A-4 RESOLUTION NO. 30-12 ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 620, MISCELLANEOUS AND HARBOR SAFETY EMPLOYEES, AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 30-12, approving the Memorandum of Understanding with SEIU, Local 620.**

A-5 RESOLUTION NO. 31-12 AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR THE MORRO BAY SEIU MISCELLANEOUS AND HARBOR SAFETY EMPLOYEES; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 31-12, authorizing paying and reporting the value of EPMC at 0%.**

A-6 INFORMATIONAL REPORT ON THE ENFORCEMENT OF LAWS/ORDINANCES GOVERNING SKATEBOARDING; (POLICE)

**RECOMMENDATION: Receive and file.**

A-7 STATUS REPORT ON THE JODY GIANNINI FAMILY DOG PARK; (RECREATION & PARKS)

**RECOMMENDATION: Review the status of the Jody Giannini Family Dog Park and allow staff to continue working with the Morro Bay Pups in providing the operation and maintenance of the off leash dog area within Del Mar Park.**

A-8 RESOLUTION NO. 35-12 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 35-12.**

Councilmember Johnson pulled Item A-6 and Mayor Yates pulled Item A-8 from the Consent Calendar.

MOTION: Councilmember Borchard moved the City Council approve Items A-1, A-2, A-3, A-4, A-5 and A-7 of the Consent Calendar. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

A-6 INFORMATIONAL REPORT ON THE ENFORCEMENT OF LAWS/ORDINANCES GOVERNING SKATEBOARDING; (POLICE)

Councilmember Johnson pulled Item A-6 stating she thinks we need to look at updating the Ordinance as she feels that skateboarding rules should be more like rules pertaining to bicycles. There was no action taken on this item as it will be brought forth as an item in “Future Agenda Items” and dealt with at a future meeting.

A-8 RESOLUTION NO. 35-12 AUTHORIZING SAN LUIS OBISPO COUNTY ASSESSOR TO ASSESS AMOUNTS DUE ON DELINQUENT SOLID WASTE COLLECTION ACCOUNTS AS TAX LIENS AGAINST THE PROPERTIES; (ADMINISTRATIVE SERVICES)

Mayor Yates pulled Item A-8 stating that he would be voting no as he is ethically opposed to placing liens on people’s properties as a result of delinquent garbage bills.

MOTION: Councilmember Borchard moved the City Council approve Item A-8 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried 3-2 with Mayor Yates and Councilmember Leage voting no.

**B. PUBLIC HEARINGS, REPORTS & APPEARANCES**

**B-1 RESOLUTION NO. 32-12 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods presented his staff report.

Mayor Yates opened the hearing for public comment.

Dawn Beattie questioned how long the Cloisters residents were supposed to fund a public park. She is asking the City for two things - invest some general fund monies into Cloister's maintenance and that significant supervision be required by staff with regards to Cloister's maintenance.

Carol Denolfo has owned property at the Cloisters since 2002 and asked staff to consider the following observations – she feels the City spends too much time and money on the public park and not enough on the Cloister properties; safety must come before aesthetics; and, stressed the importance of establishing a reserve fund.

Robert Bacon has lived at the Cloisters for 4 years and has been speaking for the last 3. He is concerned that in May or June there are improvements made to the Cloisters area but after that time, it's back to the same neglect. He would like the citizens who are paying into the assessment have a say in how the money is spent.

Gar Salzky concurs with the previous speakers and feels the biggest problem is lack of communication. He would like to see some changes.

Mayor Yates closed the hearing for public comment.

Councilmember Borchard asked if the residents of the Cloisters had input into the current contract/RFP. Mr. Woods responded that since the Engineer's Report, which was previously approved, dictated the duties outlined in the RFP but that next year input will be taken.

Councilmember Johnson wondered if this year's expenditures allowed for a reserve fund. Mr. Woods responded that this year's monies have been spent but that the bids for the next maintenance year have come in lower than anticipated and as such, should allow for the beginning of a reserve fund.

Mayor Yates stated that he is philosophically against assessments and so will be voting no.

**MOTION:** Councilmember Borchard moved the City Council adopt Resolution No. 32-12 confirming the levy of assessment for Fiscal Year 2012/13 for the Cloisters Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Johnson and carried 4-1 with Mayor Yates voting no.

**B-2 RESOLUTION NO. 33-12 DIRECTING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods presented his staff report.

Mayor Yates opened the hearing for public comment; seeing none, Mayor Yates closed the hearing for public Comment.

MOTION: Councilmember Johnson moved the City Council adopt Resolution No. 33-12 confirming the levy of assessment for Fiscal Year 2012/13 for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Smukler and carried 4-1 with Mayor Yates voting no.

C. UNFINISHED BUSINESS

C-1 RESOLUTION NO. 29-12 ADOPTING THE FISCAL YEAR 2012/13 OPERATING BUDGETS; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton presented her staff report.

Councilmember Smukler had safety concerns with not purchasing the previously requested truck and sleds for the Harbor Department. Harbor Director Eric Endersby assured Council that they would be fine for the year and in fact had been allocated some monies in a grant and were able to purchase one of the requested sleds.

Council then went through staff's revenue generating ideas for the Harbor Department, item by item.

There was Council majority support for the installation of coin-operated water meters on all domestic water supplies on the T-Piers and Tidelands Side-Tie Dock.

There was not Council majority support to pursue dry storage of boats at the end of the Embarcadero extended near the Fisherman's/Harbor Department Gear Storage at least for now; possibly wait until it is determined what is to happen with the power plant property.

There was Council majority support for the recommendation not to purchase a new truck and replacement rescue sled and instead place those monies into the operating budget. There was no final decision from Council regarding placing the \$10,000 savings from the updated repair estimate for the storage shed roof into the operating budget.

There was a lack of Council consensus about moving the requested \$89,600 from Harbor reserves to the Harbor operating budget; however, it is understood that some Harbor Reserves will have to be used to balance the overall Harbor budget.

There was Council majority support to approach the Coast Guard for reviewing their lease for the use of City property.

Initially the Council majority was not in favor of the pilot project which would allow overnight RV parking along the Embarcadero extended. Councilmember Johnson was a proponent of it as in her research, she has discovered many cities that do this and are making money at it. She also checked with local private RV Park owners and their parks have all recently been full; she also

noted that Morro Strand has been full. After discussion, Council agreed to a study of the pilot project concept, along the Embarcadero extended.

There was not Council majority support for a study to be done to look at the possibility of concessions at the Rock Parking lot area.

There was Council majority support for an RFP for the four existing unused lease sites for development.

Council then discussed staff's request to reclassify a current employee from an Office Assistant IV to a Harbor Business Coordinator. Councilmember Smukler has concerns with reclassifications this year as there is too much uncertainty with the budget which both Mayor Yates and Councilmember Lege concurred with. Councilmember Borchard had concerns with spending the extra monies on the reclassification, if the department needs a Harbor Business Coordinator then maybe it can be accomplished through the Finance Department or by filling the position on a half or three quarter time basis. Mayor Yates doesn't feel the need for the extra position. It was unanimously decided to postpone any decisions on the Harbor Budget and requested it be continued to the July 10, 2012 meeting. Staff is to bring back staffing recommendations at that meeting.

Discussions then moved to the General Fund where staff is requesting the purchase of a new Command Vehicle for the Fire Chief out of the General Government Vehicle Replacement Fund. There was unanimous Council consensus for this purchase.

Councilmember Smukler voiced his continued concerns for spending the \$73,000 in excess reserves on street rehabilitation.

**MOTION:** Councilmember Johnson moved for approval of Resolution 29-12 adopting all Fiscal Year 2012/13 Operating Budgets with the exception of those pertaining to the Harbor Department and authorized the continuation of the Harbor Departments 2011-12 budgets. The motion was seconded by Councilmember Lege and passed unanimously 5-0.

**C-2 PROGRESS REPORT ON THE UTILIZATION OF BIG BELLY GARBAGE RECEPTACLES AT THE MORRO ROCK PARKING LOT; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods presented his staff report. He had a correction to his staff report and instead recommends the implementation of a pilot program whereby the City would purchase 1 big belly garbage receptacle (which would replace 4 garbage cans).

Councilmember Smukler wondered why a pilot program as he is in favor of full replacement at the Rock.

Mayor Yates also would support the full replacement, utilizing reserves, as long as there is a guaranteed plan for the monies to be paid back.

Additional cost information was needed from Morro Bay Garbage Company and as such, no action taken other than to request staff come back to the July 10, 2012 Council Meeting with a

report on the costs and potential savings of purchasing the big belly garbage receptacles. The report should not include panel advertisement potential.

D. NEW BUSINESS

D-1 DISCUSSION OF FY 2012/2013 TROLLEY SEASON; (PUBLIC SERVICES)

Management Analyst Janeen Burlingame presented her staff report.

Councilmember Borchard noted that ridership has been down the last 3 years and as such, why haven't we made any adjustments to the hours of operation. Money saved from these adjustments could have been reallocated to other transit services.

Councilmembers Borchard and Johnson both voiced their frustrations at not having any input to this program, requesting staff bring back a program recommendation early in the calendar year for discussions on the next season's schedule.

Mayor Yates and Councilmember Leage both love the trolley and feel they give Morro Bay a sense of personality.

Councilmember Smukler spoke of the package available to hotels whereby those enrolling/participating allow their customers the ability to ride the trolley for free. Councilmember Leage hoped that this program could also be offered to the local restaurants.

There was no action taken as this item was provided for information only; this item has been added to the City's Agenda Planning Guide on an annual basis to occur at the beginning of each calendar year.

D-2 REVIEW OF REGULATIONS AND POLICY REGARDING VEGETATION MANAGEMENT BY PACIFIC GAS AND ELECTRIC (PG&E) IN PROXIMITY TO THEIR POWER LINE FACILITIES; (PUBLIC SERVICES)

Public Services Director Rob Livick presented his staff report.

Councilmember Smukler was very concerned that the \$50 PG&E provided the City to replant trees that they removed was not close to enough money for the actual replacement and management of the tree's growth. He would like to see this fee increased.

Councilmember Johnson thinks that part of the problem is in the City's planting choices of the past.

**ACTION:** There was no motion, however City Attorney Rob Schultz volunteered to do research on what other cities are receiving from PG&E for tree removals and then write a memo to Council with the results.

D-3 PILOT NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN ON ISLANDS STREETS; (CITY COUNCIL)

Councilmember Noah Smukler presented the staff report.

Councilmember Johnson had concerns with the amount of staff time that this pilot project might take. Public Services Director Rob Livick hoped that a majority of the staff time needed would be from a free Cal Poly intern with limited time from paid staff. She also questioned why the entire City wasn't included in this study as we have traffic problems in many parts of the City.

Councilmember Borchard sees the value in the concept but thinks that it should be put on the planning track with Public Services where they could evaluate the need.

MOTION: Councilmember Leage motioned that this item be tabled. The motion was seconded by Councilmember Johnson and passed 3-2 with Councilmember Smukler and Councilmember Borchard voting no.

E. DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested a status report on the North T-Pier Project; Councilmembers Johnson and Borchard concurred.

Councilmember Johnson requested a new Municipal Code Section updating and modernizing our Skateboard regulations, including electric scooters and Segways, to allow for their use in all parts of town; Mayor Yates and Councilmember Borchard concurred.

ADJOURNMENT

The meeting adjourned at 10:38 p.m.

Recorded by:

Jamie Boucher  
City Clerk



AGENDA NO: A-2

MEETING DATE: 7/10/2012

## Staff Report

**TO:** Honorable Mayor and City Council   **DATE:** July 3, 2012  
**FROM:** Joe Woods, Recreation and Parks Director  
**SUBJECT:** Authorization to Fill One Recreation and Parks Department  
Maintenance Lead Worker Position – Buildings/Infrastructure

### **RECOMMENDATION:**

It is recommended that the City Council authorize staff to hire a replacement for the upcoming vacancy of a Maintenance Lead Worker at the end of July.

### **FISCAL IMPACT:**

The requested position to be filled is a General Fund position. There will be no additional financial impact on the General Fund resulting from this action, as the allocation is present in the adopted FY 2012/13 budget. General Fund savings may occur as the position currently is funded at step five and participates in the City's first retirement tier. The new hire would begin at a lower step within the job classification and would participate in the City's second tier retirement benefit.

### **BACKGROUND:**

The City Council instituted a hiring freeze, when the Fiscal Year 2004 / 2005 budget was adopted that has been continued with ensuing budgets. This policy requires City Council approval for the filling of any new or vacant positions while the freeze is in effect. This position will become vacant as Dan Robertson, Maintenance Lead Worker within the Building Maintenance Division, will be retiring at the end of the month.

### **DISCUSSION**

The Maintenance Lead Worker position provides a skill level essential for maintaining the City's current building systems and infrastructure. The continued funding of this position will allow the Department to maintain the current expected level of service to the Morro Bay community and City Departments as well as, provide for Council's desired infrastructure improvements.

Prepared By: JMW

Dept Review: JMW

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

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

The Lead Worker for Facilities leads and participates in the work of the facilities crew who are engaged in the repair and maintenance of city facilities to include electrical systems, HVAC, plumbing systems, roof, painting, and custodial services. This position receives division assignments and appropriates resources to complete work orders for city-wide facility maintenance related activities. Often the Lead Worker will coordinate the details of assigned maintenance activities when related or involve other City departments or divisions.

### **CONCLUSION**

There is a distinct advantage to having a Lead Worker directly in the field with the maintenance crew. The Lead Worker provides oversight on safety and the consistent awareness of quality before, during and post maintenance activities. In house staff also extends their expertise in fulfilling vital roles in the City's emergency response team. Therefore it is staff's recommendation to authorize the hiring of a permanent employee at the Maintenance Lead Worker level.



AGENDA NO: A-3

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Mayor and Councilmembers **DATE:** July 1, 2012  
**FROM:** Rob Livick, PE/PLS – Public Services Director  
**SUBJECT:** Authorization to Fill the Recently Vacated Assistant Planner Position

## **RECOMMENDATION**

It is recommended that the City Council authorize the hiring of the recently vacated position of the Assistant Planner.

## **FISCAL IMPACT**

The Assistant Planner position has been budgeted in the 2012-2013 adopted budget. Should the Council choose not to fill this position, contracting for this level of expertise will cost approximately \$85 - \$105 per hour as compared to \$36 - \$42 per hour for a staff Assistant Planner including benefits. Additionally the new Assistant Planner will also fall under the City's new retirement formula.

## **BACKGROUND**

The City Council instituted a hiring freeze when the FY 04-05 budget was adopted. The policy set forth in the hiring freeze requires Council approval for the filling of any new or vacant positions while the freeze is in effect. A vacancy now exists with the resignation of the existing Assistant Planner, Sierra Davis.

## **DISCUSSION**

With only one permanent planner, the Building and Planning Manager, administering the duties of the Planning Division and the Building Division; it is literally impossible to continue operating under these conditions without placing the City at considerable risk due to a number of factors including, but not limited to, compliance with the State Permit Streamlining Act, timeframes set forth in the California Environmental Quality Act (CEQA), Coastal Development Permits, analysis of development proposals, plan check accuracy, planning inspections, code compliance, business license review, zoning inquires and general public assistance.

The City does outsource planning services to meet the peaks of the planning worklog for the preparation of CEQA documents and specialized studies. This work is performed at the consultants' offices making them unavailable for routine planning activities that come up with drop in customers. For a few months in 2009 consultant "on-premises" staff support was necessary; the cost was

Prepared By: RL

Dept Review: RL

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

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

approximately \$9,000 a month for 25 hours a week (\$84 per hour).

Recently there have been a number of advanced planning projects under consideration. Generally current planning projects take priority over advanced projects as they are applicant sponsored and represent immediate development or new business opportunities. As such, it is often difficult to find windows of time to work on advanced planning projects and many times the projects become fractionalized and take many years to complete. Staffing the Planning Division with two full-time planners would help in providing a fixed number of hours available for both current and advanced projects. The following is a list of advance planning projects staff is working on:

- General Plan and Local Coastal Plan Update
- Zoning Ordinance Update
- New Sign Ordinance
- Updating CEQA Guidelines
- Greenhouse Gas Inventory/Climate Action Plan
- Climate Action Plan Grant Administration in coordination with APCD

Staff also tracks all current planning projects on the Advanced and Current Tracking log. This log is updated twice a month and is given to both the Planning Commission and the City Council. The log indicates that there are approximately 28 active projects currently under planning review and 20 building plan checks needing planning review.

### **CONCLUSION**

There is an advantage to having consistent long-term employees in the City. As a Planner becomes more familiar with the Morro Bay Municipal Code, the General Plan, the Master Plans and overlay districts, projects move forward faster and more work is produced. Conversely training temporary/contract consultant planners consumes additional work hours from the Planning Manger's schedule resulting in less project work being performed. Therefore it is staff's recommendation to authorize the hiring of a permanent employee at the Assistant Planner level.



AGENDA NO: A-4

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** July 2, 2012  
**FROM:** Joe Woods, Recreation and Parks Director  
**SUBJECT:** Award of Contract for Maintenance of the Cloister Assessment District

## RECOMMENDATION

Staff recommends the City Council award the Project contract to K.D. Janni Landscaping Inc. in the amount of \$80,928.00.

## FISCAL IMPACT

The Cloisters Landscaping and Lighting Maintenance Assessment District is levied at \$148,944 annually and has been approved to continue for FY 12/13. The estimated cost for the described maintenance in the RFP was \$94,000, with the remainder of the funds allowing for the cost of utilities, non-routine maintenance and in-house staff related support. Fund balance would remain dedicated to the District and applied to deferred maintenance whenever available.

## BACKGROUND

Each year since its formation, the City has used the same assessment rates and methodology and assessed the Cloisters homeowners \$148,944 for the continued maintenance and operation of the public park, bicycle pathway, right of way landscaping, coastal access ways, ESH restoration areas and coastal access ways as required by the conditions of approval and pursuant to the Landscape and Lighting Act of 1972. By outsourcing the maintenance of the District, staff has provided a competitive market opportunity which will allow for a decrease in labor costs and should allow for an increase in service directly related to District amenities.

## DISCUSSION

The Project was advertised for bids in mid May with the bid opening date on June 8, 2012. One Addenda (Addendum #1) to the project plans and specifications was issued which changed the term of the contract from a two year to a one-year contract. All bidders provided evidence of receipt of these addenda.

Bids were opened on the bid date of June 8, 2012. Three bids were received, the lowest being submitted by K.D. Janni Inc. of San Luis Obispo, California, in the total amount of \$80,928; below the Engineer's estimate of \$94,000. The bid documents were checked for compliance with bidding requirements and no irregularities were found. No subcontractors were identified in the proposal and the bidder confirmed in person that they have the capability to execute all phases of the project.

Prepared By:   JMW  

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

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

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





AGENDA NO: A-5

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** July 2, 2012

**FROM:** Joseph M. Woods, Recreation and Parks Director

**SUBJECT:** Authorization to File Notice of Completion for the Del Mar Tennis Courts.

**RECOMMENDATION:**

Authorize staff to File Notice of Completion for the Del Mar Tennis Courts Project.

**FISCAL IMPACT:**

The Project is funded in the amount of \$387,608 consisting of Roberti' Z Berg Grant Funds and City of Morro Bay General Funds. The projected fiscal impact of the project is summarized in the table below:

<b>Funding Component</b>	<b>Amount</b>
Roberti' Z Berg	\$237,608
General Fund	\$150,000
<b>Total Revenue</b>	\$387,608
Expenses - Construction	\$332,697.81
Engineering/Admin/Testing....	\$ 54,557.50
<b>Balance</b>	<b>\$352.69</b>

**SUMMARY:**

Filing of a Notice of Completion is a routine task for public works projects.

**DISCUSSION:**

At the December 5, 2011 regular meeting, City Council awarded a construction contract for this project to Malibu Pacific Tennis Courts Inc. of Westlake Village, California at the base bid amount of \$297,650. Construction work commenced in March 1, 2012 and was substantially completed in June 2012. After the project was substantially completed, the City required the Contractor to provide additional work gluing down the turf material using manufacture's approved product. Furthermore, the Contractor was required to establish and maintain the landscaping along the outside perimeter of the courts; and was asked to return to complete this requirement. The Contractor has satisfied this requirement and was released from any further landscaping obligation.

The final construction contract totaled \$332,697.81 with a total project cost of \$387,255.31 including

Prepared By: JMW

Dept Review: JMW

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

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

design, construction admin, surveying and geotechnical engineering. There were a number of items that arose during the course of work that added value to the project and provided additional amenities not contemplated with the initial design and these items incurred additional costs.

Additions to the project included the revision of the retaining wall between the Roller Hockey rink and the new Tennis Courts; revision of the trench drain/drywell system; changes to the access gates and the addition of an access ramp with retaining wall. These additional components resulted in a more accessible recreation element and improved site drainage at Del Mar Park.

Staff will now be working with the California Parks Department, Office of Grants and Local Services to finalize reimbursements and complete the financial reconciliation.

**CONCLUSION:**

The Project has been completed by Malibu Pacific Tennis Courts Inc., and staff recommends the City Council accept the Project and authorize the filing of a Notice of Completion.

ATTACHMENT: Notice of Completion



# City of Morro Bay

Public Services Department

955 Shasta Ave

Morro Bay, CA 93442

(805) 772-6261

[www.morro-bay.ca.us](http://www.morro-bay.ca.us)

June 12, 2012

## NOTICE OF COMPLETION AND ACCEPTANCE

PROJECT MB-2011-RP1

MORRO BAY DEL MAR PARK TENNIS COURT IMPROVEMENTS

CONTRACTOR: MALIBU PACIFIC TENNIS COURTS, INC.

The improvements specified in the above project documents, together with extra work items identified during the course of construction, have been given final inspection and approval. All materials and documents have been submitted. As the construction of these improvements and the fulfillment of other contractual items have been completed, it is recommended that Project MB-2011-RP1 be accepted as complete by the City Council and forwarded to the County Recorder for recording.

A handwritten signature in black ink, appearing to read "Rob Livick", is written over a horizontal line.

Rob Livick, PE/PLS, Public Services Director/City Engineer

A handwritten signature in blue ink, appearing to read "Joe Woods", is written over a horizontal line.

Joe Woods, Recreation & Parks Director



**AGENDA NO: A-6**

**MEETING DATE: 07/10/12**

# Staff Report

**TO: Honorable Mayor and City Council      DATE: June 20, 2012**

**FROM: Susan Slayton, Administrative Services Director**

**SUBJECT: Update on Contract for Auditing 2009 – 2011 Transient Occupancy Tax and Lease Sites Revenues**

## **RECOMMENDATION**

No action required.

## **FISCAL IMPACT**

Cost for Transient Occupancy Tax (TOT) audit: \$47,700 paid with current year TOT revenues  
Cost for Lease Sites audit: \$37,500 paid with cash reservations made in 2011/12 and 2012/13 plus one that will be made in 2013/14

## **DISCUSSION**

It is Council's direction that TOT audits occur every three years, coinciding with the records retention period stipulated in the Municipal Code Section 3.24.120. The 2012/13 fiscal year is the time period for the next audit to occur, reviewing the calendar years 2009, 2010 and 2011 to ensure compliance with TOT collecting, reporting and remitting.

For the lease site revenues audit, past practice has been to audit every five years. This audit reviews those leases subject to the annual percentage of gross revenues received for compliance with the calculating and remitting of those funds.

Staff chose to put the two audits together in one Request for Proposal for Auditing Services, and released that RFP on April 16, 2012. Submittals were received and reviewed on May 21, and of the three proposals submitted, Pressley and Associates was the lowest responsible bid. The cost of the TOT audit will be deducted from the 2012/13 TOT revenues. The cost of the lease sites audit will be paid for cash reservations that have been made in the 2011/12 and 2012/13 fiscal years, and the anticipated reserve in 2013/14.

Staff is presenting this information item to the City Council to ensure that they are aware of the audits that will begin in July 2012.

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

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

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

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



AGENDA NO: A-7

MEETING DATE: 07/10/12

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** June 20, 2012

**FROM:** Susan Slayton, Administrative Services Director

**SUBJECT:** Resolution No. 36-12 Establishing the Annual Proposition 4 Appropriations Limit for the Fiscal Year 2012/13

**RECOMMENDATION**

Adopt Resolution No. 36-12.

**FISCAL IMPACT**

None

**SUMMARY**

State law requires the adoption of an annual appropriations limit, which restricts the growth of tax-funded programs and services by limiting the appropriation of proceeds of taxes. As permitted by law, the City has chosen to use the most advantageous factor in calculating this limit for the City of Morro Bay, which is the County of San Luis Obispo population growth combined with the CPCPI. For the fiscal year 2012/13, the City of Morro Bay continues to remain well under its appropriations limit.

**BACKGROUND:**

Proposition 4, more commonly known as the Gann Initiative, was approved by the California electorate in November 1979. It is intended to restrict growth of tax-funded programs and services by limiting the appropriation of the proceeds of taxes to the 1978/79 base year limit, as adjusted annually for changes in population and inflation. Proceeds of taxes in excess of the appropriations limit, with some exceptions, must be returned to the taxpayers by refund or reduction in tax rates unless an extension of the limit is approved by majority popular vote. Proceeds of taxes include tax revenues and investment earnings related to those tax revenues, proceeds from licenses and users/charges to the extent that they exceed the cost to cover those services, and discretionary tax funds used for contingency, emergency, unemployment, reserve and retirement sinking funds, trust, or similar funds.

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

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

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

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

In June 1990, the California voters approved Proposition 111, amending the Gann Initiative to provide local agencies with the option of using either the city or county population change percentage (whichever is greater). Another provision of the amendment states that the Gann limit would be triggered only if tax proceeds exceed the limit for two consecutive fiscal years. Additionally, the proposition requires an annual review of the appropriations limit calculation by a qualified independent auditor in conjunction with the annual financial audit.

Government Code Section 7910(a) states: "Each year, the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit and make other necessary determinations for the following fiscal year, pursuant to Article XIII B of the California Constitution, at a regularly scheduled meeting or noticed special meeting. Fifteen days prior to the meeting, documentation used in the determination of the appropriations limit and other necessary determinations shall be available to the public. The determinations made pursuant to this section are legislative acts." Staff prepared the documentation on June 19, 2012, and it is available at City Hall, upon request.

**DISCUSSION:**

According to the estimates received from the California State Controller's office, the population of Morro Bay decreased by 0.19 percent between January 1, 2011 and January 1, 2012, while the San Luis Obispo County population increased by 0.47 percent for that same time period. It is most advantageous for the City to use the larger of the two percentages, which is the County population growth factor this year. The California Per Capita Personal Income (CPCPI) increased by 3.77 percent. Applying these factors to last year's limit of \$20,329,315 results in a 2012/13 appropriations limit of \$21,194,880. The fiscal year 2012/13 budget estimate of revenues from the proceeds of taxes is \$8,957,191, which is below the appropriations limit by \$12,237,689.

The calculation of estimated proceeds of taxes for fiscal year 2012/13 is shown in detail in Attachment A. The calculation of the fiscal year 2012/13 Appropriations Limit is shown in Attachment B, along with a historical listing of prior year limits. Attachment C is a copy of the State Controller's change in population estimates between January 1, 2011 and January 1, 2012. Attachment D is a copy of the State Controller's published CPCPI price factor.

**RESOLUTION NO. 36-12**

**RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MORRO BAY, CALIFORNIA,  
ESTABLISHING THE ANNUAL PROPOSITION 4  
APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2012/13**

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

**WHEREAS**, Article XIII B of the California Constitution restricts the appropriation of tax proceeds that the City receives in any given fiscal year; and

**WHEREAS**, the City has calculated the 2012/13 appropriations limit in accordance with the provisions of Article XIII B of the California Constitution; and

**WHEREAS**, Proposition 111 of June 1990 requires an annual election of the methodology used in the calculation of the current year appropriations limit.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, to accept the calculation as prepared by the Finance Department, and establish the fiscal year 2012/13 appropriations limit at \$21,194,880.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 10<sup>th</sup> day of July 2012, by the following vote:

AYES:  
NOES:  
ABSENT:

---

WILLIAM YATES, Mayor

ATTEST:

---

JAMIE BOUCHER, City Clerk



AGENDA NO: A-8

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** July 2, 2012  
**FROM:** Dylan Wade, Utilities/Capital Projects Manager  
**SUBJECT:** Award of Contract to Specialty Construction, Inc. of San Luis Obispo, CA for the Project No. MB-2012-WC01: Lift Station 3 Upgrade Sanitary Sewer Force Main

## RECOMMENDATION

Staff recommends the City Council waive any minor irregularities in the bid and award the Project contract to Specialty Construction, Inc. in the amount of \$1,191,052.

## FISCAL IMPACT

The Project is fully funded from accumulated Sewer Revenues. Funds allocated in the amount of \$1,238,219 in the 10/11 budget are adequate to cover the winning bid of \$1,191,052.

## BACKGROUND and DISCUSSION

This Project entails the construction of a wet well style lift station to replace the existing 1960's vintage wet well/dry well lift station located at the intersections of the Quintana Road and South Bay Boulevard, in Morro Bay. The existing facilities will remain in service while the upgraded facilities are constructed and then the existing facilities will be abandoned. There will be an above grade electrical and chemical building constructed as a replacement for the subsurface chemical containment structure. This project is a substantial construction effort with deep excavations extending 23 feet below existing surface and a replacement pumping line extending on Quintana Road from South Bay Boulevard to Morro Bay Boulevard. The upgraded lift station will eliminate approximately 280 confined space entries per year.

Project bids were opened on June 29, 2012 with a total of 14 bids received. The low bid was submitted by Specialty Construction, Inc. of San Luis Obispo in the amount of \$1,191,052. Bids ranged from the low bid to a high bid of \$1,612,580. Based on the number of bids received, and the range between bidders, staff believes the bid to be competitive. See the attached bid analysis for additional information.

## CONCLUSION

Staff recommends the City Council waive any minor irregularities in the bid and award the Project contract to Specialty Construction, Inc. in the total bid amount of \$1,191,052.

Attachment: (Bid Analysis)

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



7/2/2012

Mr. Dylan Wade  
Utilities/Capital Projects Manager  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442

**SUBJECT: RECOMMENDATION OF AWARD FOR LIFT STATION 3 AND SANITARY SEWER FORCE MAIN UPGRADES**

Dear Mr. Wade,

This letter recommends awarding the construction contract for Morro Bay Lift Station 3 and Sanitary Sewer Force Main Upgrades to Specialty Construction, Inc.

The project was advertised for bid in May, 2012. On June 29<sup>th</sup>, 2012, the City of Morro Bay received and publicly opened bids from fourteen (14) bidders: Specialty Construction, Inc., Whitaker Construction Group, Inc., RSH Construction, D-Kal Engineering, Inc., R. Baker, Inc., MGE Underground, Inc., Raminha Construction, Inc., Spiess Construction Co., Inc., Arthurs Contracting, Inc., HPS Mechanical, Inc., John Madonna Construction Co., Inc., Brough Construction, Inc., R. Burke Corporation, and Wysong Construction.

WSC determined that Specialty Construction was the lowest responsive bidder. Specialty Construction used the correct bid forms and was responsive to Addendum 1 and Addendum 2. Specialty Construction completed the Procurement Form Supplements (00 43 00) in its entirety, provided the requisite bond forms, fully executed and sealed, including the proper acknowledgements, plus the appropriate bid certificate.

A summary of Specialty Construction's bid is provided below, and detailed bid tabulation is included as Attachment 1.

Specialty Construction, Inc.

Bid Opening: June 29<sup>th</sup>, 2011

Total Base Bid: \$ 1,191,052.00

Upon review of Specialty Construction's Bid, it includes the requisite materials and is deemed responsive to the request. On this basis, I recommend awarding the Lift Station 3 and Sanitary Sewer Force Main Upgrades construction contract to Specialty Construction, Inc.

Sincerely,

Water Systems Consulting, Inc.

A handwritten signature in blue ink, appearing to read "Joshua H. Reynolds".

Joshua H. Reynolds, PE  
Project Manager



		Bidder		Specialty Construction		Whitaker Construction Group		RSH Construction		D-Kal Engineering	
		License Classification(s)		A, B		A, HAZ		A		A	
		License Number		619361		902179		806747		653307	
Item No.	Description	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization, Demobilization and Cleanup	LS	1	\$25,100	\$25,100	\$100,000	\$100,000	\$100,000	\$100,000	\$129,000	\$129,000
2	Storm Water Pollution Control	LS	1	\$18,500	\$18,500	\$5,000	\$5,000	\$10,000	\$10,000	\$6,700	\$6,700
3	Construction Survey	LS	1	\$10,200	\$10,200	\$8,000	\$8,000	\$10,000	\$10,000	\$14,000	\$14,000
4	Site Demolition	LS	1	\$15,500	\$15,500	\$21,000	\$21,000	\$52,000	\$52,000	\$44,650	\$44,650
5	Modify Existing Chemical Vault Floor and Existing Wetwell	LS	1	\$10,750	\$10,750	\$6,500	\$6,500	\$15,000	\$15,000	\$11,450	\$11,450
6	Pre-cast Wetwell, Base and Lid	LS	1	\$60,000	\$60,000	\$85,000	\$85,000	\$367,000	\$367,000	\$116,600	\$116,600
7	Valve/Meter/Bypass Vault	LS	1	\$14,000	\$14,000	\$42,000	\$42,000	\$35,000	\$35,000	\$12,500	\$12,500
8	Interior Coating of New and Modified Wetwells	LS	1	\$18,000	\$18,000	\$22,000	\$22,000	\$15,000	\$15,000	\$20,200	\$20,200
9	Facility Building	LS	1	\$95,500	\$95,500	\$104,000	\$104,000	\$58,000	\$58,000	\$134,770	\$134,770
10	Electrical and Communication Service	LS	1	\$78,400	\$78,400	\$55,000	\$55,000	\$112,000	\$112,000	\$71,050	\$71,050
11	Sheeting, Shoring and Bracing	LS	1	\$16,200	\$16,200	\$20,000	\$20,000	\$25,000	\$25,000	\$18,860	\$18,860
12	Earthwork	LS	1	\$23,500	\$23,500	\$7,000	\$7,000	\$45,000	\$45,000	\$16,900	\$16,900
13	Hot Mix Asphalt	Ton	400	\$260	\$104,000	\$178	\$71,200	\$135.50	\$54,200	\$334.50	\$133,800
14	Class 2 Aggregate Base	CY	650	\$73	\$47,450	\$58	\$37,700	\$50	\$32,500	\$51.25	\$33,312.50
15A	Remove Existing AC Road, Station 1+64.15 to Station 24+00	SY	1150	\$7.30	\$8,395	\$8	\$9,200	\$6	\$6,900	\$24.71	\$28,416.50
15B	Remove Existing AC and PCC Road, Station 24+00 to Station 52+00	LF	2800	\$19.50	\$54,600	\$10	\$28,000	\$5	\$14,000	\$13.78	\$38,584
16	PCC Roll Curb	LF	30	\$57	\$1,710	\$50	\$1,500	\$50	\$1,500	\$130.75	\$3,922.50
17	Concrete V-Gutter	LF	50	\$44	\$2,200	\$40	\$2,000	\$40	\$2,000	\$95.11	\$4,755.50
18	Concrete Apron	SF	90	\$20	\$1,800	\$20	\$1,800	\$10	\$900	\$52.84	\$4,755.60
19	Retaining Wall	LS	1	\$2,000	\$2,000	\$2,000	\$2,000	\$10,000	\$10,000	\$2,860	\$2,860
20A	12" SDR 35 PVC Sewer	LF	25	\$107	\$2,675	\$500	\$12,500	\$200	\$5,000	\$121	\$3,025
20B	8" SDR 35 PVC Sewer	LF	1444	\$81	\$116,964	\$61	\$88,084	\$75	\$108,300	\$56.34	\$81,354.96
21	New Gravity Sewer Manhole	EA	4	\$8,000	\$32,000	\$6,500	\$26,000	\$4,000	\$16,000	\$8,800	\$35,200
22	Ductile Iron Sewer Force Main, Valves and Fittings	LS	1	\$42,500	\$42,500	\$17,000	\$17,000	\$0	\$0	\$42,400	\$42,400
23	6" Magnetic Flow Meter	EA	1	\$4,100	\$4,100	\$3,500	\$3,500	\$10,000	\$10,000	\$4,680	\$4,680
24A	8" PVC C900 DR 18 Force Main	LF	2180	\$65	\$141,700	\$68	\$148,240	\$95	\$207,100	\$70.50	\$153,690
24B	8" PVC C900 DR 14 Force Main	LF	1332	\$94	\$125,208	\$72	\$95,904	\$115	\$153,180	\$102.50	\$136,530
25	Force Main Access MH	EA	5	\$6,900	\$34,500	\$12,000	\$60,000	\$6,000	\$30,000	\$5,960	\$29,800
26	Sewer Force Main Culvert Crossing (Jack & Bore)	LS	1	\$33,500	\$33,500	\$54,000	\$54,000	\$32,000	\$32,000	\$24,400	\$24,400
27	Submersible Sewage Pumps	LS	1	\$50,100	\$50,100	\$57,000	\$57,000	\$40,000	\$40,000	\$63,020	\$63,020
<b>Total Base Bid Calculated</b>					<b>\$1,191,052</b>		<b>\$1,191,128</b>		<b>\$1,567,580</b>		<b>\$1,421,186.56</b>
<b>Total Base Bid Reported</b>					<b>1,191,052</b>		<b>1,191,128</b>		<b>1,612,580</b>		<b>1,421,186.56</b>
<b>Subcontractors</b>					Fluid Resource Mangement, WCB, Inc., Electricraft		Fluid Resource Mangement, Pacific Boring, Electricraft		Fluid Resource Mangement, Apodaca, Electricraft		Hydroquip Pump & Dewatering, Toste, West Coast Boring, FRM, Electricraft, Romtec
								<b>No amount bid for Item 22</b>			



		Bidder		R. Baker		MGE Underground		Raminha	
		License Classification(s)		A, HAZ, C-16		A, HAZ, B, C-31, ASB		A, HAZ	
		License Number		372751		765025		469531	
Item No.	Description	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization, Demobilization and Cleanup	LS	1	\$51,845	\$51,845	\$134,010	\$134,010	\$100,000	\$100,000
2	Storm Water Pollution Control	LS	1	\$9,500	\$9,500	\$3,158	\$3,158	\$6,000	\$6,000
3	Construction Survey	LS	1	\$16,500	\$16,500	\$14,880	\$14,880	\$10,000	\$10,000
4	Site Demolition	LS	1	\$19,000	\$19,000	\$16,034	\$16,034	\$16,000	\$16,000
5	Modify Existing Chemical Vault Floor and Existing Wetwell	LS	1	\$10,900	\$10,900	\$5,183	\$5,183	\$7,000	\$7,000
6	Pre-cast Wetwell, Base and Lid	LS	1	\$45,900	\$45,900	\$101,162	\$101,162	\$83,000	\$83,000
7	Valve/Meter/Bypass Vault	LS	1	\$21,480	\$21,480	\$10,727	\$10,727	\$12,000	\$12,000
8	Interior Coating of New and Modified Wetwells	LS	1	\$23,000	\$23,000	\$36,196	\$36,196	\$40,000	\$40,000
9	Facility Building	LS	1	\$94,600	\$94,600	\$83,369	\$83,369	\$90,000	\$90,000
10	Electrical and Communication Service	LS	1	\$78,200	\$78,200	\$90,914	\$90,914	\$67,000	\$67,000
11	Sheeting, Shoring and Bracing	LS	1	\$10,950	\$10,950	\$40,125	\$40,125	\$29,000	\$29,000
12	Earthwork	LS	1	\$93,950	\$93,950	\$2,197	\$2,197	\$15,000	\$15,000
13	Hot Mix Asphalt	Ton	400	\$195	\$78,000	\$210	\$84,000	\$220	\$88,000
14	Class 2 Aggregate Base	CY	650	\$93.50	\$60,775	\$54	\$35,100	\$65	\$42,250
15A	Remove Existing AC Road, Station 1+64.15 to Station 24+00	SY	1150	\$29.70	\$34,155	\$11	\$12,650	\$30	\$34,500
15B	Remove Existing AC and PCC Road, Station 24+00 to Station 52+00	LF	2800	\$15.50	\$43,400	\$10	\$28,000	\$12	\$33,600
16	PCC Roll Curb	LF	30	\$60	\$1,800	\$44	\$1,320	\$50	\$1,500
17	Concrete V-Gutter	LF	50	\$34	\$1,700	\$44	\$2,200	\$50	\$2,500
18	Concrete Apron	SF	90	\$30.50	\$2,745	\$19	\$1,710	\$50	\$4,500
19	Retaining Wall	LS	1	\$2,000	\$2,000	\$3,018	\$3,018	\$3,000	\$3,000
20A	12" SDR 35 PVC Sewer	LF	25	\$280	\$7,000	\$327	\$8,175	\$350	\$8,750
20B	8" SDR 35 PVC Sewer	LF	1444	\$119	\$171,836	\$56	\$80,864	\$65	\$93,860
21	New Gravity Sewer Manhole	EA	4	\$8,300	\$33,200	\$9,119	\$36,476	\$3,500	\$14,000
22	Ductile Iron Sewer Force Main, Valves and Fittings	LS	1	\$55,010	\$55,010	\$53,247	\$53,247	\$55,000	\$55,000
23	6" Magnetic Flow Meter	EA	1	\$4,540	\$4,540	\$11,922	\$11,922	\$4,000	\$4,000
24A	8" PVC C900 DR 18 Force Main	LF	2180	\$106	\$231,080	\$54	\$117,720	\$68	\$148,240
24B	8" PVC C900 DR 14 Force Main	LF	1332	\$112	\$149,184	\$88	\$117,216	\$85	\$113,220
25	Force Main Access MH	EA	5	\$7,850	\$39,250	\$5,997	\$29,985	\$3,500	\$17,500
26	Sewer Force Main Culvert Crossing (Jack & Bore)	LS	1	\$59,480	\$59,480	\$30,491	\$30,491	\$40,000	\$40,000
27	Submersible Sewage Pumps	LS	1	\$65,950	\$65,950	\$55,799	\$55,799	\$55,000	\$55,000
		<b>Total Base Bid Calculated</b>			<b>\$1,516,930</b>		<b>\$1,247,848</b>		<b>\$1,234,420</b>
		<b>Total Base Bid Reported</b>			<b>1,516,930</b>		<b>1,247,848</b>		<b>1,234,420</b>
<b>Subcontractors</b>				Hydroquip Pump & Dewatering, Allstate Boring, Rain for Rent, Electricraft, Fluid Resource Management, Triad/Holmes Assoc		DMS Electric, West Coast Boring, National Coatings & Lining		DMS Electric, West Coast Boring, National Coatings & Lining	



		Bidder		Spiess Construction Co.		Arthurs Contracting		HPS Mechanical		John Madonna Construction	
		License Classification(s)		A, B, C33, C27		A		A, B, C2, C4, C10, C16, C20, C34, C36, C42, C43, C46		A, B, C12	
		License Number		333989		861429		793014		358030	
Item No.	Description	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization, Demobilization and Cleanup	LS	1	\$58,000	\$58,000	\$57,389	\$57,389	\$80,000	\$80,000	\$46,000	\$46,000
2	Storm Water Pollution Control	LS	1	\$18,500	\$18,500	\$6,532	\$6,532	\$6,000	\$6,000	\$6,900	\$6,900
3	Construction Survey	LS	1	\$13,000	\$13,000	\$12,322	\$12,322	\$18,000	\$18,000	\$12,900	\$12,900
4	Site Demolition	LS	1	\$57,200	\$57,200	\$41,395	\$41,395	\$46,000	\$46,000	\$14,000	\$14,000
5	Modify Existing Chemical Vault Floor and Existing Wetwell	LS	1	\$14,000	\$14,000	\$5,497	\$5,497	\$32,000	\$32,000	\$9,800	\$9,800
6	Pre-cast Wetwell, Base and Lid	LS	1	\$19,000	\$19,000	\$125,968	\$125,968	\$82,000	\$82,000	\$93,000	\$93,000
7	Valve/Meter/Bypass Vault	LS	1	\$6,000	\$6,000	\$18,011	\$18,011	\$43,000	\$43,000	\$43,000	\$43,000
8	Interior Coating of New and Modified Wetwells	LS	1	\$39,500	\$39,500	\$39,428	\$39,428	\$30,000	\$30,000	\$22,000	\$22,000
9	Facility Building	LS	1	\$79,000	\$79,000	\$87,000	\$87,000	\$103,000	\$103,000	\$119,000	\$119,000
10	Electrical and Communication Service	LS	1	\$73,000	\$73,000	\$91,289	\$91,289	\$90,000	\$90,000	\$57,000	\$57,000
11	Sheeting, Shoring and Bracing	LS	1	\$26,200	\$26,200	\$35,926	\$35,926	\$50,000	\$50,000	\$30,000	\$30,000
12	Earthwork	LS	1	\$92,631	\$92,631	\$6,348	\$6,348	\$12,000	\$12,000	\$6,000	\$6,000
13	Hot Mix Asphalt	Ton	400	\$138.60	\$55,440	\$275	\$110,000	\$140	\$56,000	\$298	\$119,200
14	Class 2 Aggregate Base	CY	650	\$84	\$54,600	\$50.50	\$32,825	\$36	\$23,400	\$40	\$26,000
15A	Remove Existing AC Road, Station 1+64.15 to Station 24+00	SY	1150	\$34.50	\$39,675	\$12	\$13,800	\$33	\$37,950	\$2	\$2,300
15B	Remove Existing AC and PCC Road, Station 24+00 to Station 52+00	LF	2800	\$42.50	\$119,000	\$17.60	\$49,280	\$6	\$16,800	\$14	\$39,200
16	PCC Roll Curb	LF	30	\$30	\$900	\$88	\$2,640	\$60	\$1,800	\$70	\$2,100
17	Concrete V-Gutter	LF	50	\$24	\$1,200	\$62	\$3,100	\$60	\$3,000	\$60	\$3,000
18	Concrete Apron	SF	90	\$13	\$1,170	\$29	\$2,610	\$36	\$3,240	\$30	\$2,700
19	Retaining Wall	LS	1	\$1,300	\$1,300	\$6,371	\$6,371	\$4,200	\$4,200	\$2,600	\$2,600
20A	12" SDR 35 PVC Sewer	LF	25	\$200	\$5,000	\$133	\$3,325	\$810	\$20,250	\$200	\$5,000
20B	8" SDR 35 PVC Sewer	LF	1444	\$80.50	\$116,242	\$66.50	\$96,026	\$50	\$72,200	\$100	\$144,400
21	New Gravity Sewer Manhole	EA	4	\$6,000	\$24,000	\$7,891	\$31,564	\$8,900	\$35,600	\$18,000	\$72,000
22	Ductile Iron Sewer Force Main, Valves and Fittings	LS	1	\$66,150	\$66,150	\$38,932	\$38,932	\$33,200	\$33,200	\$17,000	\$17,000
23	6" Magnetic Flow Meter	EA	1	\$4,500	\$4,500	\$5,105	\$5,105	\$8,800	\$8,800	\$4,000	\$4,000
24A	8" PVC C900 DR 18 Force Main	LF	2180	\$81	\$176,580	\$55	\$119,900	\$86.50	\$188,570	\$53	\$115,540
24B	8" PVC C900 DR 14 Force Main	LF	1332	\$88.50	\$117,882	\$86	\$114,552	\$50	\$66,600	\$86	\$114,552
25	Force Main Access MH	EA	5	\$6,800	\$34,000	\$5,680	\$28,400	\$5,300	\$26,500	\$9,050	\$45,250
26	Sewer Force Main Culvert Crossing (Jack & Bore)	LS	1	\$33,100	\$33,100	\$33,495	\$33,495	\$30,000	\$30,000	\$35,000	\$35,000
27	Submersible Sewage Pumps	LS	1	\$53,130	\$53,130	\$38,263	\$38,263	\$62,000	\$62,000	\$64,000	\$64,000
	<b>Total Base Bid Calculated</b>				<b>\$1,399,900</b>		<b>\$1,257,293</b>		<b>\$1,282,110</b>		<b>\$1,273,442</b>
	<b>Total Base Bid Reported</b>				<b>1,399,900</b>		<b>1,257,293</b>		<b>1,252,410</b>		<b>1,273,442</b>
<b>Subcontractors</b>				St. Dennis Electric, FRM, Pacific Boring, Toste Paving		WCB, Inc., Electricraft, Fluid Resource Management		Triad-Holmes Assoc., Fluid Resource Management, Electricraft, Pacific Boring  <i>Corrected for math error on Item 15A</i>		Pacific Boring, Fluid Resource Management, Electricraft, Hydroquip	



		Bidder		Brough Construction		R. Burke Corporation		Wysong Construction	
		License Classification(s)		A		A, B		A, B	
		License Number		851220		264193		471850	
Item No.	Description	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization, Demobilization and Cleanup	LS	1	\$72,400	\$72,400	\$144,000	\$144,000	\$30,000	\$30,000
2	Storm Water Pollution Control	LS	1	\$3,600	\$3,600	\$30,000	\$30,000	\$5,750	\$5,750
3	Construction Survey	LS	1	\$14,100	\$14,100	\$15,000	\$15,000	\$8,400	\$8,400
4	Site Demolition	LS	1	\$25,300	\$25,300	\$75,000	\$75,000	\$48,000	\$48,000
5	Modify Existing Chemical Vault Floor and Existing Wetwell	LS	1	\$18,000	\$18,000	\$9,200	\$9,200	\$12,500	\$12,500
6	Pre-cast Wetwell, Base and Lid	LS	1	\$141,000	\$141,000	\$75,600	\$75,600	\$63,800	\$63,800
7	Valve/Meter/Bypass Vault	LS	1	\$9,469	\$9,469	\$35,400	\$35,400	\$6,210	\$6,210
8	Interior Coating of New and Modified Wetwells	LS	1	\$49,900	\$49,900	\$20,500	\$20,500	\$20,125	\$20,125
9	Facility Building	LS	1	\$101,200	\$101,200	\$126,000	\$126,000	\$103,350	\$103,350
10	Electrical and Communication Service	LS	1	\$76,416	\$76,416	\$77,300	\$77,300	\$46,000	\$46,000
11	Sheeting, Shoring and Bracing	LS	1	\$37,600	\$37,600	\$39,000	\$39,000	\$69,000	\$69,000
12	Earthwork	LS	1	\$23,300	\$23,300	\$9,700	\$9,700	\$13,200	\$13,200
13	Hot Mix Asphalt	Ton	400	\$224	\$89,600	\$175	\$70,000	\$220	\$88,000
14	Class 2 Aggregate Base	CY	650	\$167	\$108,550	\$110	\$71,500	\$66	\$42,900
15A	Remove Existing AC Road, Station 1+64.15 to Station 24+00	SY	1150	\$17.50	\$20,125	\$48	\$55,200	\$16.50	\$18,975
15B	Remove Existing AC and PCC Road, Station 24+00 to Station 52+00	LF	2800	\$16.80	\$47,040	\$34	\$95,200	\$11	\$30,800
16	PCC Roll Curb	LF	30	\$50	\$1,500	\$34	\$1,020	\$108	\$3,240
17	Concrete V-Gutter	LF	50	\$50	\$2,500	\$50	\$2,500	\$85	\$4,250
18	Concrete Apron	SF	90	\$28	\$2,520	\$14	\$1,260	\$15	\$1,350
19	Retaining Wall	LS	1	\$2,100	\$2,100	\$5,000	\$5,000	\$4,404	\$4,404
20A	12" SDR 35 PVC Sewer	LF	25	\$516	\$12,900	\$90	\$2,250	\$110	\$2,750
20B	8" SDR 35 PVC Sewer	LF	1444	\$49.50	\$71,478	\$72	\$103,968	\$99	\$142,956
21	New Gravity Sewer Manhole	EA	4	\$4,375	\$17,500	\$5,700	\$22,800	\$9,500	\$38,000
22	Ductile Iron Sewer Force Main, Valves and Fittings	LS	1	\$54,000	\$54,000	\$16,500	\$16,500	\$56,000	\$56,000
23	6" Magnetic Flow Meter	EA	1	\$3,500	\$3,500	\$5,200	\$5,200	\$4,400	\$4,400
24A	8" PVC C900 DR 18 Force Main	LF	2180	\$55.50	\$120,990	\$60	\$130,800	\$120	\$261,600
24B	8" PVC C900 DR 14 Force Main	LF	1332	\$60	\$79,920	\$75	\$99,900	\$110	\$146,520
25	Force Main Access MH	EA	5	\$6,300	\$31,500	\$9,000	\$45,000	\$8,800	\$44,000
26	Sewer Force Main Culvert Crossing (Jack & Bore)	LS	1	\$68,500	\$68,500	\$37,000	\$37,000	\$27,000	\$27,000
27	Submersible Sewage Pumps	LS	1	\$68,436	\$68,436	\$65,000	\$65,000	\$56,000	\$56,000
	<b>Total Base Bid Calculated</b>				<b>\$1,374,944</b>		<b>\$1,486,798</b>		<b>\$1,399,480</b>
	<b>Total Base Bid Reported</b>				<b>1,374,944</b>		<b>1,486,798</b>		<b>1,399,480</b>
<b>Subcontractors</b>				Romtec, Electricraft, Pacific Boring, Fluid Resource Management		Electricraft, FRM, Pacific Boring		Mike Bray Construction, Electricraft, FRM	



AGENDA NO: A-9

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council

**DATE:** July 3, 2012

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** North T-Pier Repair Project Update

## RECOMMENDATION

None – informational item only.

## FISCAL IMPACT

The project is currently funded at \$717,000 based on preliminary and conservative cost estimates derived for the 2011/2012 budget year. No further funding needs are anticipated.

## BACKGROUND

Records indicate that extensive repair/maintenance projects on the North T-Pier were made in 1952, 1972, and 1992.

The 1992 reconstruction project entailed the replacement of 48 structural stringers, 10 structural piles, 7 fender piles, 3 batter piles, replacement of all of the decking and bull rail, reattachment of 15 fender piles, complete electrical system replacement, and water system modifications. In 1993 a complete automatic fire sprinkler system was installed. The Engineer's Estimate for both of those projects combined was approximately \$315,000.

In 2004 a Coastal Development Permit (CDP) was applied for to undertake repairs to the North T-Pier. A conditioned permit waiver was issued in October that year. At that time, the project scope included replacing up to 30 pilings, numerous sections of cross-bracing, and removing various abandoned electrical services conduits. Unfortunately, due to funding constraints, the entire project was not completed; only the cross bracing replacement and electrical services removal were undertaken at a cost of approximately \$18,000. That CDP waiver is now expired.

In 2010 a dive inspection revealed major to severe damage to several adjacent piles on the south leg of the pier. As a result, that leg of the pier was deemed off-limits to vehicular traffic; however, vessel tie-up and foot traffic was and continues to be allowed.

Prepared By: EE Dept Review: \_\_\_\_\_

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

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

In July of 2011 the services of Shoreline Engineering and Halcrow Engineering/Diving were retained to conduct a complete underwater and partial above-water routine inspection, a structural conditional assessment of the pier, provide guidelines for current and future repair and maintenance, and document the pier's structural and ancillary elements in a modern computer-based format for future use and planning.

## **DISCUSSION**

The 2011 Shoreline assessment broke the pier down into segments and assigned a condition rating to each segment. From best to worse, the assessment ratings are Good, Satisfactory, Fair, Poor, Serious, and Critical. The base leg of the pier, or Access Trestle, is rated at Poor condition primarily due to severe deterioration of several piles, one rotten pile cap, and a rotten edge beam. The North Segment of the pier is rated at Poor condition due to severe deterioration of several piles, one rotten edge beam, and a discontinuous cap at one section. The South Segment of the pier is rated at Serious due to several pile bents (rows) with more than one pile rated as Severe.

Shoreline has recommended priority repairs that when completed will get the entire pier structure to a generally Fair rated condition. It is these repairs that staff is currently underway with. They entail replacement of approximately 52 piles with major or severe damage, shimming numerous piles with loss of bearing, replacement of severely corroded hardware, and replacement of various deteriorated pile caps, stringers, edge beams, and wales. As the cost estimate is refined by our Engineering Consultant, the scope of work will be adjusted as funding allows. Hidden or unknown items in need of repair will be addressed if/when they are revealed during the repair project. Staff is confident that sufficient funding is in place to reach at least a Fair rating for the pier after this project is completed. In the future, the pier will be inspected at 3-5 year intervals and projects funded and completed as they are identified and prioritized.

Staff has begun the CDP process and is confident that this current project, although larger in scope to the proposed 2004 repair, will get a conditioned permit waiver from the Coastal Commission as was the case in 2004. Coastal Commission review/approval is expected sometime in September.

## **SUMMARY**

The North T-Pier has historically undergone periodic major repair and maintenance projects every 20 years. Since it is not cost-effective or practical to piecemeal small projects on a short term-interval basis, larger projects on longer intervals, based on an overall condition assessments are generally indicated. This project fits that modality.

Staff began working on this current project in earnest starting with the 2011/2012 budget requisition from Reserves of \$450,000 to the project, bringing the total capital allocation for the project to \$717,000. Since then, the engineering assessment and scope of work have been identified, and the technical specifications are nearly completed by Shoreline. The construction management consultant MarWal Construction has been retained and is beginning work on bid document scoping as well as solidifying a project timeline. Once these are complete, the bid documents will be finalized and married to the technical specifications and the project put out to bid. This process is running parallel to the CDP process.

While staff is moving the project forward, it must be noted that progress has been greatly hampered by the passing of the Harbor Business Manager early this year as she had taken the lead on the \$1.4M State Park Marina dredging project, a longer-term project that is further along in progress and which has grant funding deadlines that must be met or the City risks losing funding. As a result, due to the continuing staffing shortfalls, the bulk of the remaining staff time able to be dedicated to capital projects has gone to the State Park Marina project.

The full Structural Condition Assessment and draft Technical Specifications for the proposed project are available at the Harbor Department for review.



AGENDA NO: A-10

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** June 28, 2012

**FROM:** Dylan Wade, Utilities/Capital Projects Manager  
Jarrod Whelan, Assistant Engineer

**SUBJECT:** Authorization to File Notice of Completion for Project No. MB2011-WC01:  
Sewer Section 6 Rehabilitation

## RECOMMENDATION

Authorization for staff to file Notice of Completion for Sewer Section 6 Lining Rehabilitation Project.

## FISCAL IMPACT

The Project was funded from accumulated Sewer Revenues. The 2010/11 budget originally allocated project funds in the amount of \$64,570. Contract change orders added \$37,039.20 from the sewer reserve funds. Total cost of this project is \$101,609.20.

## SUMMARY

Filing of a Notice of Completion is a routine task for public works projects.

## DISCUSSION

The City of Morro Bay has 14 sections within the sewer system. In 2008, the Utilities Division prepared a rehabilitation program for the City's sewer infrastructure. Upon categorizing the most severe sewerline defects in Morro Bay, the rehabilitation operations were initiated. The first repairs in this program were carried out in Section 1 (Yerba Buena Zanzibar, Trinidad Streets), using the traditional "open/cut" trench method of spot repairs in 2009.

Section 6 (Quintana Road, Balboa Street) was identified as having several severely damaged sewer pipes. Rehabilitation methods were researched and the best promising solution for these particular repairs was the Cured-In-Place-Pipe (CIPP). On December 5, 2011, Council awarded the Sewer Section 6 Lining Rehabilitation project. In February 2012, a pre-repair video of the sewer main commenced. Following the pre-repair video procedure, 6 specific areas required open-trench repairs that resulted in 2 Contract Change Orders totaling \$37,039.20. The majority of the repairs were performed on Quintana Road, south of South Bay Boulevard. Additional repairs were performed on Balboa and Koa Streets

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

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

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

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

D-Kal Engineering performed the necessary pre-lining repairs. Upon manufacturing of the CIPP, the liners were installed. Daily inspection and post-construction video verified that the sewer liner rehabilitation has been a success. These rehabilitated pipes should provide an additional 50 years or more of service.

The next sections slated for repair restoration are Section 2 (Beachcomber Avenue) and Section 4 (Nutmeg, Juniper, and Laurel Streets). These repairs should begin in late 2012 or early 2013.

**CONCLUSION**

D-Kal Engineering, Inc. has completed the Project and staff recommends the City Council accept the Project and authorize the filing of a Notice of Completion.

Recording requested by: and  
When recorded mail to:  
City of Morro Bay – City Engineer  
595 Harbor Street  
Morro Bay, Ca. 93442-1957

**NOTICE OF COMPLETION  
CITY OF MORRO BAY**

**TO WHOM IT MAY CONCERN:**

**NOTICE IS HEREBY GIVEN** by the undersigned City Clerk of the City of Morro Bay, 595 Harbor Street, Morro Bay, County of San Luis Obispo, California, 93442, having the sole interest in fee, that the construction of the

**SEWER SECTION 6 LINING REHABILITATION**

in the City of Morro Bay, has been completed by

**D-KAL ENGINEERING, INC**

and was accepted on July 10, 2012.

\_\_\_\_\_  
Jamie Boucher, City Clerk  
City of Morro Bay, California

The undersigned hereby deposes and says:

That she is the City Clerk of the City of Morro Bay, County of San Luis Obispo, California; that she has read the foregoing Notice and knows the contents thereof and that the same is true of her own knowledge.

I declare the foregoing to be true under penalty of perjury.

Executed at Morro Bay, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Jamie Boucher, City Clerk

CITY OF MORRO BAY

**CERTIFICATE OF COMPLETION**

The undersigned hereby certifies that the construction of

**SEWER SECTION 6 LINING REHABILITATION**

by **D-KAL ENGINEERING, INC**

has been inspected and found to substantially comply with the approved plans and specifications and has been accepted as having been completed in accordance therewith.

It is, therefore, requested that the City Clerk file a Notice of Completion.

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By:   
Rob Livick, PE/PLS – City Engineer

Date: June 4, 2012



terms and conditions of the Original PG&E License Agreement, however the Original PG&E License Agreement expired by its terms. Dynergy and the City of Morro Bay have agreed to enter into the attached License Agreement to address the respective rights and obligations of Licensee with respect to its continued operations, maintenance and repair of the parking lots.

In addition to the two parking lots stated above, Dynergy has agreed to allow the City to use the triangle shaped property adjacent to the Power Plant and the Embarcadero and Front Street Parking Lot (Exhibit B-4) for parking purposes during the following time periods: (i) from Memorial Day to Labor Day, inclusive; (ii) Easter, Mother's Day, Harbor Festival and Christmas Boat Parade; and (iii) Saturdays, Sundays and holidays during the months of May and September.

**CONCLUSION**

Staff recommends that the City Council approve the attached License Agreement.

## LICENSE AGREEMENT

This License Agreement ("Agreement") is entered into as of July \_\_\_\_, 2012 ("Effective Date") by **Dynegy Morro Bay, LLC**, hereinafter called Licensor, and **City of Morro Bay**, a Public Body of the State of California, hereinafter called Licensee.

### RECITALS

A. Pacific Gas and Electric Company, a California corporation ("PG&E"), as Licensor, and Licensee, entered into that certain License Agreement with Licensee on February 24, 1997 ("Original PG&E License Agreement") relating to Licensee's right to use certain property owned by PG&E, upon and subject to the terms and conditions therein.

B. The property subject to the Original PG&E License Agreement consisted of two (2) existing public parking lots on two (2) locations on the real property located within the City of Morro Bay, commonly known as the Morro Bay Power Plant, hereinafter called "Property", shown on Exhibits B-2 and B-3 attached hereto and made a part hereof.

C. The two (2) property locations which are subject to the Original PG&E License Agreement are: (1) the parking lot at the rock revetment adjacent to the water and the submerged area beneath the water between the "Great American Fish Company" and the "Harbor Hut" restaurants, more particularly described as the "Future Intake Structure Site", and (2) the parking lot in front of the existing Intake Structure building and adjacent to the Embarcadero, more particularly described as the "Existing Intake Structure Site." The Future Intake Structure Site and the Existing Intake Structure Site are also designated as State Board of Equalization Map Number 135-40-10B, Parcels 2, 4 & 5, and are sometimes hereinafter referred to collectively as the "Premises," and are specifically designated on Area 2 and 3 on Exhibit B-2 and B-3 attached hereto.

D. Since the execution of the Original PG&E License Agreement, the Property was transferred by PG&E to Duke Energy, then by Duke Energy to LS Power, then by LS Power to Licensor, which acquired the Property in April 2007, and which continues to operate the power plant on the Property. Licensee's use and operation of the Premises has continued uninterrupted upon the terms and conditions of the Original PG&E License Agreement, however the Original PG&E License Agreement expired by its terms. Licensor and Licensee have agreed to enter into this Agreement to address the respective rights and obligations of Licensee with respect to its continued operations, maintenance and repair of the Premises.

E. In addition to the two (2) property locations which are subject to the Original PG&E License Agreement set forth in Paragraph C, Licensor and Licensee have agreed to enter into this Agreement to allow the Licensee the right to use certain other property owned by Dynegy known as the triangle shaped property adjacent to the Power Plant and the

Embarcadero and Front Street Parking Lot, sometimes hereinafter referred to collectively as the "Premises," and are specifically designated as Area 4 on Exhibit B-4 attached hereto.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and conditions contained herein, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Licensor hereby grants to the Licensee, the non-exclusive permission to use, operate, maintain and repair the Premises, upon and subject to the following terms and conditions:

1.           **ALLOWED USE OF PREMISES; CONDITION OF THE PREMISES:**  
Licensee is allowed to use, repair and maintain the Premises as public parking lots, and for no other purpose. Licensee acknowledges that Licensee shall use, repair, operate, and maintain the Premises at Licensee's own risk, and that neither Licensor, nor any of its officers, employees, agents, representatives or other licensees, has made any warranty or representation, express or implied, to Licensee with regard to the condition of the Premises. Licensor shall not be responsible for any loss or damage to Licensee's property or equipment within the Premises, or for injuries to persons or property as a result of any exercise of the License granted pursuant to this Agreement. In regard to the triangle shaped property adjacent to the Power Plant and the Embarcadero and Front Street Parking Lot the use period shall be from Memorial Day to Labor Day, inclusive, and (ii) Easter, Mother's Day, Harbor Festival and Christmas Boat Parade and (iii) Saturdays, Sundays and holidays during the months of May and September. Licensee shall furnish at its expense all personnel necessary to operate the Licensed Premises, and shall provide at its own expense all security necessary for use of the Licenses Premises. Licensee shall comply with all security and safety polices and measures of Licensor, as provided from time to time, during the term of the License.
  
2.           **TERM:** The term of this Agreement shall be for a period of three (3) years from the Effective Date and shall thereafter automatically renew for succeeding twelve (12) month periods, unless terminated by either party, by notice in writing to the other, not later than thirty (30) days prior to the next scheduled expiration.
  
3.           **TERMINATION:** Licensee acknowledges that the Property was acquired for, and is devoted to, power generation purposes by Licensor. Licensee also acknowledges that Licensor reserves the right to revoke this Agreement with or without cause upon thirty (30) days' prior written notice and without liability to Licensee. Licensee further acknowledges that Licensor's right to revoke this Agreement shall not be affected by any improvements which Licensee has made to the Premises, regardless of the nature or extent of those improvements.

Upon the expiration or earlier termination of this Agreement, Licensee, at its sole cost, expense and liability, shall remove all of Licensee's personal property and improvements and restore the Premises paved, free of debris and in broom-clean condition. Licensor may request that Licensee leave improvements in place, if one of the following occurs: (1) if Licensor chooses to utilize said improvements; (2) if said removal and restoration is impractical, economically prohibitive or infeasible; or (3) if said removal will adversely

affect Licensor's operations being conducted on the Property. In the event Licensee fails to remove its personal property or fails to restore the Premises to the condition contemplated herein, after Licensor has requested said removal or restoration, Licensor may elect to remove Licensee's personal property or improvements, and effect such removal or restoration as necessary, and recover the costs and expenses therefor from Licensee:

In addition to the foregoing, Licensor shall have the right to terminate the License immediately by written notice to Licensee upon any default by Licensee in the performance of any of its obligations under this Agreement.

4. NO ACQUIRED RIGHTS: Licensee's use of the Premises hereunder shall not ripen into any title or property right in and to the Premises, and Licensee shall not make any claim of right or title, nor resist or assail Licensor's title, to the Premises or to the Property.
5. CONDITION OF PREMISES: Licensee acknowledges that Licensee shall enter the Premises at Licensee's own risk, and that neither Licensor nor any of its officers, employees, agents, representatives or other licensees has made any warranty or representation, express or implied, to Licensee with regard to the condition of the Premises. Although Licensor has no specific knowledge of any of the following potential environmental hazards, Licensee acknowledges that there may be solid or hazardous wastes, asbestos, polychlorinated biphenyls (PCBs), radon gas, formaldehyde, lead-based paint, other lead contamination, fuel or chemical storage tanks, electric and magnetic fields or other substances, materials, products or conditions present on or about the Premises, hereinafter collectively referred to as "potential environmental hazards." Licensee accepts the Premises "as is" but is advised by Licensor to consider, if it has not already done so, the condition and suitability of all aspects of Premises and all matters affecting its suitability for the uses specifically contemplated herein, including, but not limited to, the potential environmental hazards described herein.

In addition, Licensee acknowledges that as a result of the operation of Licensor's facilities at the Property (including but not limited to the Morro Bay Power Plant), said facilities may from time to time, emit noise or by-products of combustion which may flow and pass over, under or about the Premises. Licensee therefore agrees that Licensor shall not be required to reduce or otherwise diminish said noise level or by-products of combustion in any manner whatsoever.

6. LICENSEE'S CONDUCT ON PREMISES: Licensee shall:  
use, repair, operate, and maintain the Premises at its sole cost, expense and liability; comply with all local, state, and federal laws and regulations including, but not limited to, those laws, whether existing or new, which relate to the use, handling, treatment, or disposal of toxic or hazardous substances and relating to the control of rodents, other vermin, or noxious weeds on or about the Premises; not in any way interfere with or permit any interference with Licensor's use of the Property for power generation purposes; not in any way interfere with or permit any interference with the other existing licensed uses of the Property by other licensees of Licensor that are adjacent to and contiguous with Premises, or which

might reasonably be affected by the use, repair or maintenance of the Premises.

7. INDEMNITY: Licensee agrees to indemnify and hold harmless Licensor, its officers, directors, agents and employees ("Licensor Indemnified Parties") from and against all claims, demands, losses, damages, expenses and liabilities, including, without limitation, attorneys' fees, arising out of, relating to, resulting from, or in any way connected with (a) Licensee's exercise of the rights herein granted, including, without limitation, any acts or omissions of Licensee, its agents, employees, licensees, sublicensees and any person or entity having a contract with any of them, and (b) the use of the Premises by the public. Notwithstanding any provision of this Agreement to the contrary, Licensee agrees that it is strictly liable for and shall, without limit and at its sole cost, expense and liability, release, indemnify, defend and hold the Licensor Indemnified Parties harmless from and against all claims, demands, losses, damages, expenses and liabilities, including, without limitation, attorneys' fees, arising out of, relating to or resulting from, or in any way connected with Licensee's use, operation, maintenance or repair of the Premises (including the use of the Premises by the public) resulting in, or alleged to have resulted in (x) the injury, illness or death of any member of the public, any employee or agent of Licensee, or any licensee, sublicensee or representative of Licensee, or (y) the loss of or damage to any property of any member of the public, Licensee, any employee or agent of Licensee, or any licensee, sublicensee, or representative of Licensee. This indemnity shall apply whether or not any of Licensor Indemnified Parties was or is claimed to be or has been passively, actively, solely, jointly or concurrently negligent, and regardless of whether liability without fault is imposed or sought to be imposed on any Licensor Indemnified Party.

Licensee shall promptly advise Licensor of any damage to any property or injury or death of any person, occurring on or about the Premises as a result of Licensee's operation, maintenance or repair of the Premises, including the public's use of and access to the Premises.

In the event this indemnity is not enforceable to the extent provided, Licensee shall indemnify and hold harmless Licensor to the maximum extent allowed by law. Nothing in the foregoing shall be deemed or construed to constitute an admission, acknowledgement or assertion by Licensee or Licensor that the execution of this indemnity may not be enforceable under applicable California law.

8. INSURANCE: Licensee, and any contractor(s) and subcontractor(s) of Licensee, performing any type of maintenance, repair or operation of the Premises, shall maintain in effect during the term of this Agreement, insurance policies as set forth on Exhibit C, attached hereto and made a part hereof.
9. TAXES: Licensee shall pay any personal property assessments, if any, levied by the City of Morro Bay, the County of San Luis Obispo, or the State of California, for Licensee's personal property installed on or used in connection with the use, operation, maintenance or repair of the Premises.
10. NOTICES: All notices required herein shall be given in writing and delivered personally, or sent by facsimile transmission, certified mail (return

receipt requested) of the United States Postal Service, or nationally-recognized overnight courier service and addressed as follows:

LICENSOR:

Dynegy Morro Bay, LLC  
Steve Goschke  
Plant Manager  
1290 Embarcadero  
Morro Bay, California 93442  
Telephone: 805-595-4214  
Fax: 805-595-4267  
[Steve.Goschke@dynegy.com](mailto:Steve.Goschke@dynegy.com)

with copy to

Legal Department: Gas Operations  
Dynegy Inc.  
1000 Louisiana, Suite 5800, 62<sup>nd</sup> Floor  
Houston, Texas 77002  
Telephone: 713-767-8008  
Fax: 713-507-6834  
Email: [jason.a.buchman@dynegy.com](mailto:jason.a.buchman@dynegy.com)

LICENSEE:

City Manager  
City of Morro Bay  
595 Harbor Street  
Morro Bay, CA 93422  
Attn.: Harbor Director  
Telephone Number: (805) 772-6255  
Fax Number: (805) 772-6258

And

City Attorney  
City of Morro Bay  
595 Harbor Street  
Morro Bay, CA 93422  
Attn.: Harbor Director  
Telephone Number: (805) 772-6568  
Fax Number: (805) 772-6572

11. NO WASTE OR NUISANCE. In addition to paragraph 6 of this Agreement, Licensee shall not commit or permit, waste or a nuisance on Premises, or commit or permit any other act that could disturb the quiet enjoyment of Licensor or of any other licensee of Licensor using other portions of the Property. Licensee shall not, nor shall

Licensee permit, the dumping of waste water, sewage or other materials considered hazardous or toxic on, under or about the Premises, by its agents, employees, licensees, sublicensees or other persons.

12. **HAZARDOUS MATERIALS.** In addition to paragraph 6 of this Agreement, Licensee shall, at Licensor's request, provide proof that hazardous materials or chemicals have not been disposed of on, under or about the Premises. This proof may include a report of laboratory analysis by a Department of Health Services-Certified Hazardous Waste Laboratory of soil samples from the Premises.
13. **NO ASSIGNMENT:** This agreement is personal to Licensee and is not assignable in whole or in part without the prior written consent of Licensor, which consent may be granted, withheld or conditioned in the sole and entire discretion of Licensor.
14. **ATTORNEY'S FEES:** In the event any party commences a proceeding for the interpretation, enforcement, termination, cancellation or rescission of this Agreement, or for damages for the breach hereof, including appeals, the prevailing party shall be entitled to, in addition to any award or judgment, reasonable attorneys' fees and court and other costs incurred.
15. **COUNTERPARTS:** This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
16. **PRIOR LICENSES AND LEASES:** This agreement supersedes any prior agreements, leases, licenses or permits between Licensor, or any predecessor in interest in the Property of Licensor, and Licensee respecting the Premises, and any such agreements, leases, licenses or permits are hereby terminated.

**THIS AGREEMENT** is made by and between the parties hereto this \_\_\_\_ day of July, 2012,

**LICENSEE**

**CITY OF MORRO BAY**

By: \_\_\_\_\_  
Name: Andrea Lueker  
Title: City Manager

**LICENSOR**

**Dynegy Morro Bay, LLC**

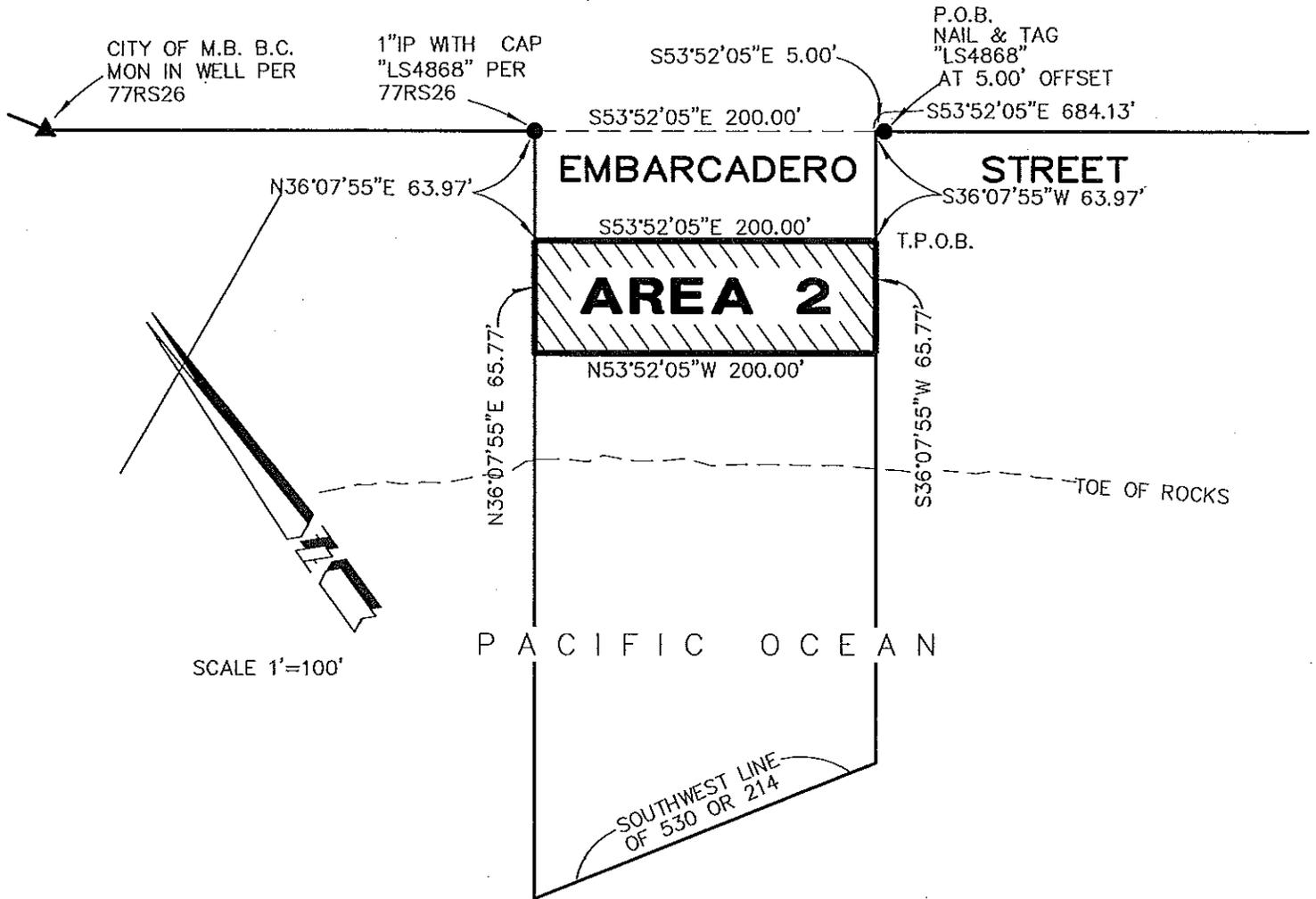
By: \_\_\_\_\_  
Name: Daniel P. Thompson  
Title: Vice President for Plant Operations  
West Region

Los Padres Division  
7.295., R.10E., M.D.B.&M.  
Section 25.SE: 1/4 OFNW 1/4  
SBE Map No.: 135-10.108. Parcels 2.4&5  
Ref: LD# 2229-10-0033: SD# 055IL82234  
Future and Existing Intake Structure Sites - Morro Bay Power Plant fee property

# EXHIBIT "B-2"

LOT 1 - LLA 01-97  
 MBAL 97-239  
 DOC No. 1998-010270

## MORRO BAY POWER PLANT



Morro Bay Power Plant - UN. SKUNKDUNO.WG.Morro.Pov. - Dynegy Plant - MBS EAST MAP.dwg, R.5X11 EXH B-2, Nov. 30, 2011 8:43am, mbstanton



MICHAEL B. STANTON, PLS 5702  
 3563 SUELDO ST. UNIT Q  
 SAN LUIS OBISPO, CA 93401  
 805-594-1960

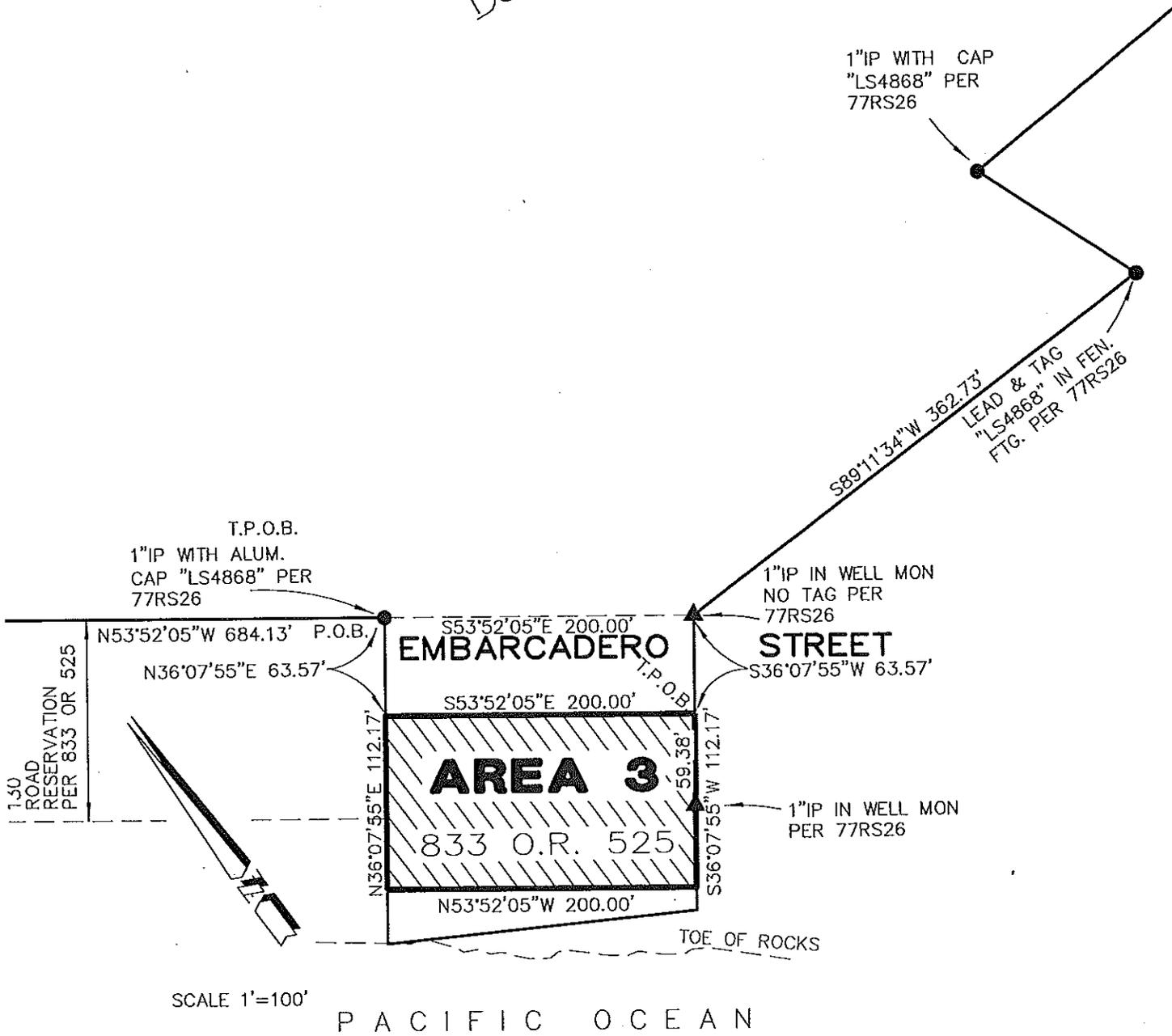
DYNEGY POWER PLANT  
 MORRO BAY

# EXHIBIT "B-3"

MORRO BAY  
POWER PLANT

LOT 1 - LLA 01-97  
MBAL 97-239  
DOC No. 1993-010270

M:\11-146 Morro Bay Power Plant - ON GROUND.dwg - Morro Bay - Dynegy Plant - MBS BASE MAP.dwg - 8.5X11 EXH B-3 - Nov 30 - 2011 9:58am mpstanton



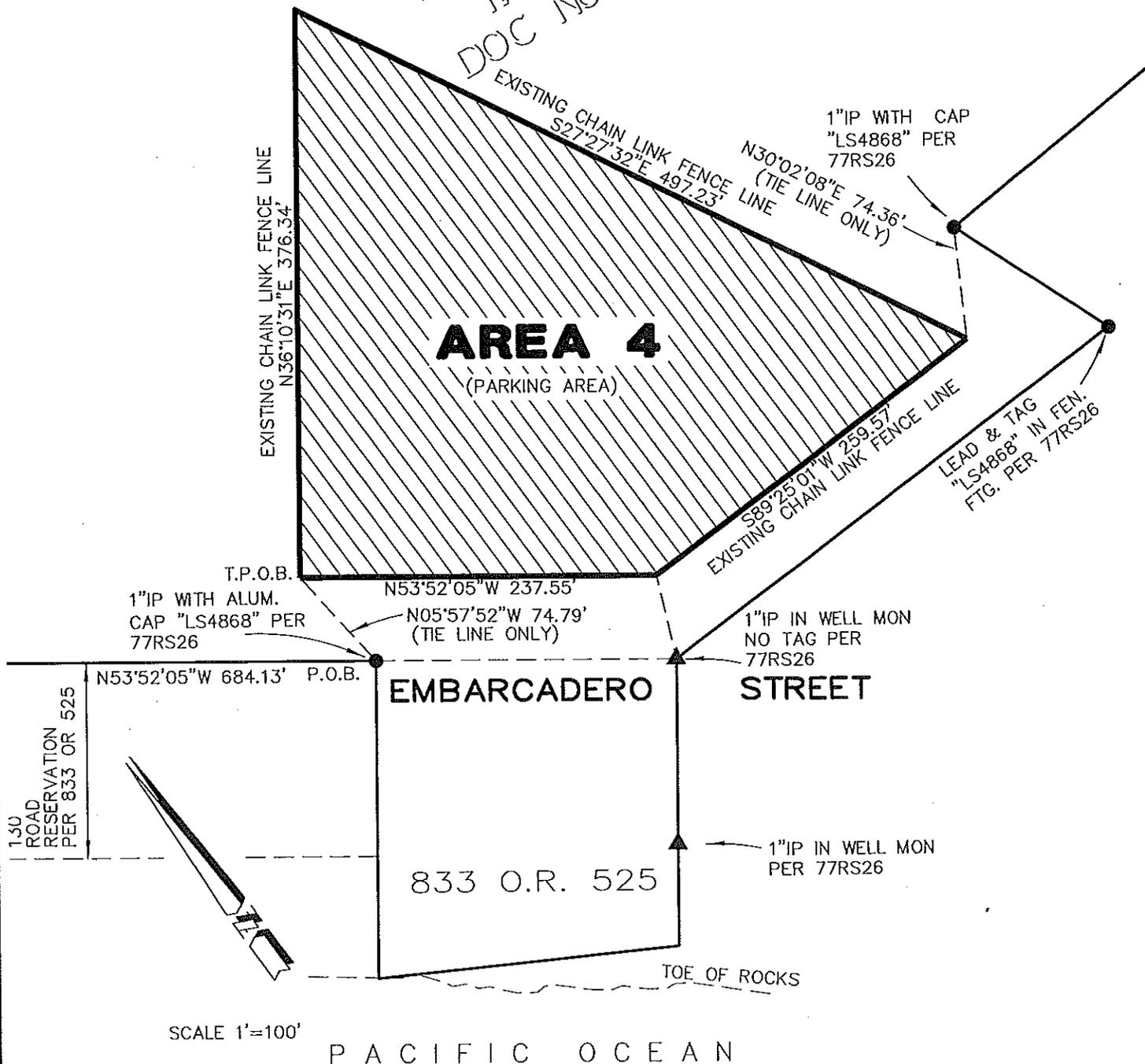
MICHAEL B. STANTON, PLS 5702  
3563 SUELDO ST. UNIT Q  
SAN LUIS OBISPO, CA 93401  
805-594-1960

DYNEGY POWER PLANT  
MORRO BAY

# EXHIBIT "B-4"

## MORRO BAY POWER PLANT

LOT 1 - LLA 07-97  
MBAL 97-239  
DOC No. 1998-010270



**MBS**  
LAND SURVEYS

MICHAEL B. STANTON, PLS 5702  
3563 SUELDO ST. UNIT Q  
SAN LUIS OBISPO, CA 93401  
805-594-1960

**DYNEGY POWER PLANT  
MORRO BAY**

## EXHIBIT C

### INSURANCE REQUIREMENTS FOR LICENSEE

(a) Licensee agrees to procure and maintain insurance coverages with reputable insurers. All insurance policies procured and maintained by licensee must be written with insurance companies licensed to do business in the state where the work will be performed, and carry a rating of A- V-II or better as shown in the most current issue of A.M. Best's Key Rating Guide, under forms of policies satisfactory to Dynegy, in the kinds and amounts as set forth below:

(i) Worker's Compensation Insurance, including occupational disease coverage, in accordance with the benefits afforded by the statutory worker's compensation acts applicable to the state, territory or district of hire, supervision or place of accident and including, when applicable, full coverage for maritime obligations, the United States Longshoremen's and Harbor Worker's Compensation Act, Outer Continental Shelf Lands Act, the Jones Act, Death on the High Seas Act, and the Federal Employer's Liability Act. (Sole proprietorships with no employees falling within the jurisdiction of any statutory worker's compensation act must so certify to Dynegy in writing.)

(ii) Employer's Liability Insurance to include alternate employer, all states and in rem (if applicable) coverage, in an amount not less than \$1,000,000 each accident, \$1,000,000 disease each employee and \$1,000,000 disease policy limit, except for offshore work or other work entailing maritime or U.S. Longshoremen's and Harbor Worker's Compensation Act obligations, in which case limits shall be carried of not less than \$1,000,000 each accident, \$1,000,000 disease each employee and \$1,000,000 disease policy limit.

(iii) Commercial General Liability Insurance with a single limit of liability for bodily injury or property damage of \$1,000,000 per occurrence (\$2,000,000 Aggregate) on ISO Coverage Form CG 00 01 (or equivalent), such coverage to include products/completed operations liability, premises/operations, independent Consultants, broad form bodily injury and property damage, personal injury, in rem (if applicable), explosion, blanket contractual liability covering the obligations assumed by Licensee herein and sudden and accidental pollution liability with respect to Licensee. The Employer's Liability exclusion shall not apply to Dynegy as an Additional Insured.

(iv) Business Automobile Liability Insurance covering all owned, non-owned (including Dynegy vehicles), leased, rented, and hired motor vehicles, including coverage for loading and unloading, used in the performance of this Agreement, with limits of not less than \$1,000,000 combined single limit.

(v) Excess Liability Insurance with limits of not less than \$5,000,000 per occurrence and in the aggregate providing additional limits of insurance to the coverage described in subsections ii, iii and iv above.

(b) All required insurance shall:

(i) unless Worker's Compensation or Employer's Liability insurance, name each Licensor Indemnified Party an Additional Insured with CG 20101185 or equivalent Additional Insured Endorsement;

(ii) not contain exclusions for claims arising out of the negligence of any Licensor Indemnified Party as an Additional Insured;

(iii) be endorsed to be Primary to any other insurance policies carried by Dynegy with respect to Licensee's operations;

(iv) require 30 days' prior notice to Dynegy for cancellation or major change to be effective;

(v) if 'Claims-Made' coverage, have a three(3) year reporting period extension from completion of Services;  
all as reasonably satisfactory to Dynegy.

(c) Except where prohibited by law, all policies of insurance pertaining to this Agreement which are procured, held or maintained by Licensee, whether required by this Agreement or not, shall be endorsed to provide that the underwriters or insurers waive any and all rights of subrogation against the Licensor Indemnified Parties.

(d) Licensee shall:

(i) immediately notify Dynegy upon learning of a possible damage claim that might cause a reduction below seventy-five percent (75%) of any aggregate limit of any policy;

(ii) provide to Dynegy Certificates of Insurance for itself on a standard ACORD form signed by an authorized representative evidencing the coverages, limits, endorsements and extensions required herein for Dynegy and each entity required to be named as an Additional Insured herein: and

(ii) deliver, or require to be delivered, to Dynegy a renewal certificate not less than ten (10) days before policy expiration.

(e) Except where prohibited by law, Licensee may, at its election and upon prior written approval of Dynegy, self-insure as to any of the insurance coverages required by this Exhibit, and in such case shall administer any claims in the same manner as would be adjusted and administered under an industry standard form policy meeting the above coverage requirements.

(f) Licensee shall supply proper evidence of Commercial General Liability Insurance required by Section (a)(ii) above (excluding sudden and accidental pollution liability). Such insurance shall:

(i) add the Collateral Agent and the Collateral Trustees as additional insureds;

(ii) be primary as respects insurance provided by any Licensor Indemnified Party and the Collateral Agent and the Collateral Trustees;

(iii) waive rights of subrogation against the Licensor Indemnified Parties and the Collateral Agent and the Collateral Trustees; and

(iv) continue in force until obligations of Licensee are fulfilled.

The documentation must be signed by a person authorized by that insurer to bind coverage on its behalf and shall be submitted to:

Dynegy Morro Bay, LLC  
Steve Goschke  
Plant Manager  
Morro Bay Power Plant  
1290 Embarcadero  
Morro Bay, California 93442  
Telephone: 805-595-4214  
Fax: 805-595-4267  
[steve.goschke@dynegy.com](mailto:steve.goschke@dynegy.com)

A copy of all such insurance documents shall also be sent to:

Clay Smith  
Senior Counsel  
Dynergy Inc.  
1000 Louisiana, Suite 5800, 62<sup>nd</sup> Floor  
Houston, Texas 77002  
Telephone: 713-507-6955  
Fax: 713-507-6986  
Email: clay.l.smith@dynergy.com



are completed by 2014 as these docks and gangway need to be reconstructed. Without the amendment, the Tenant has stated they cannot obtain financing to complete the entire waterside improvements and therefore will not have the ability to comply with the 2014 deadline that currently exists for completion of the entire waterside improvements. If the City were to put the Tenant in default in 2015 it would be at least until 2018 before the City saw any improvements to the waterside leases.

The amendment also provides the City with an opportunity to clean up and clarify language regarding Measure "D" and acceptable boats to be docked at the slips.

**CONCLUSION**

Staff recommends that the City Council approve the Assignment of the Lease Agreement for Lease Sites 124-128/124W-128W & 113W from Sea One Solutions, LLC to MMBS, LLC and approve Amendment # 3 to the lease to allow for the phasing of water improvements.

This document is recorded for the Benefit of the City of Morro Bay and is exempt from recording fees, pursuant to Government Code Sections 6103 and 27383.

RECORDING REQUESTED BY:  
City of Morro Bay

WHEN RECORDED MAIL TO:  
City of Morro Bay  
City Attorney  
595 Harbor Street  
Morro Bay, CA 93442

Space above reserved for use of  
County Recorder

## ASSIGNMENT AND ASSUMPTION AGREEMENT

This assignment is made and entered into this \_\_\_ day of \_\_\_\_\_, 2012, by and between Sea One Solutions LLC, a California Limited Liability Corporation (hereinafter referred to as "Assignor") and MMBS, LLC (hereinafter referred to as "Assignees").

1. The City Council of Morro Bay has approved lease assignment; Assignor hereby assigns all rights, title and interest they have in the lease from the City of Morro Bay, known as Morro Bay Lease Site 124-128/124W-128W and 113W, under the Master Lease dated October 19, 2010, Amendment #1 approved May 24, 2011, Agreement for Deferral of Improvements dated August 26, 2011, and Amendment #1 to the Lease Agreement dated December 6, 2011.
2. Assignees acknowledge that the City of Morro Bay has leased the premises to Assignor under the Master Lease dated October 19, 2010. Assignee acknowledges that any assignment of the Master Lease is subject to prior approval by the City of Morro Bay City Council and is also subject to prior execution between Assignor and Assignees.
3. Assignees agree to comply with terms and conditions of the Master Lease dated October 19, 2010, Amendment #1 approved May 24, 2011, Agreement for Deferral of Improvements dated August 26, 2011, and Amendment #1 to the Lease Agreement dated December 6, 2011 and to assume all liabilities under the Master Lease, to defend, indemnify and hold the City free and harmless from and against, any and all claims, lawsuits, costs and expenses, including reasonable attorney's fees and court costs arising from, or in any way related to, holding, using or operating the leased premises, and further agree to maintain liability insurance in the manner, form and amount required by the Master Lease dated October 19, 2010, with the City of Morro Bay included as an additional insured without the offset against the City's insurance.

Assignor confirms to the City that he has no actual knowledge or reasonable cause to believe that any release of hazardous substance has come to be located on/or beneath the real property during the term of Assignor's occupation of the lease that has not been reported pursuant to Health & Safety code #253597.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Darby Neil, President – Sea One Solutions LLC

\_\_\_\_\_  
Jana Neil, Secretary – Sea One Solutions LLC

Consent to Assignment & Assumptions of all liabilities under the Lease Agreement

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bob Fowler, MMBS, LLC

The City of Morro Bay, Lessor named in the Master Lease, consents to the Assignment upon the conditions set forth above. The City also consents to the agreement by Assignees to assume, after \_\_\_\_\_, the payment of rent and performance of all duties and obligations including all percentage of gross sales rent as set forth in the Master Lease which has been approved by the Morro Bay City Council prior to this agreement.

City of Morro Bay

Dated: \_\_\_\_\_

\_\_\_\_\_  
By: William Yates, Mayor  
City of Morro Bay

**AMENDMENT #3 TO LEASE AGREEMENT FOR  
LEASE SITE 124-128/124W-128W AND 113W**

This amendment is made and entered into as of this \_\_\_ day of \_\_\_\_\_ 2012 by and between the City of Morro Bay, a municipal corporation of the State of California (hereinafter "City") and MMBS, LLC, (hereinafter "Tenant") to amend that certain lease agreement for Lease Site 124-128/124W-128W and 113W (hereinafter Lease) between City and Tenant dated October 19, 2010.

**WHEREAS**, Tenant has been working on finalizing plans for long-term waterside and landside improvements on the Lease Site; and,

**WHEREAS**, the existing Lease has language relating to deadlines for completion of the entire water site improvements requiring completion by July 1, 2014; and,

**WHEREAS**, the existing Tenant on Lease Site 124-128/124W-128W and 113W is requesting to phase the water improvements and complete only the construction of waterside improvements on Lease Site 124W-128W by the deadline of July 1, 2014; and,

**WHEREAS**, due to planning, permitting and financing complexities, it is in the City's and Tenant's best interest to allow for a phased improvement schedule for the waterside improvements; and,

**WHEREAS**, City and Tenant have agreed to an amendment of the lease agreement in order to coordinate improvements on the Lease Sites.

**NOW THEREFORE**, City and Tenant mutually agree to amend said Lease as follows:

**Section 3.01 Permitted Uses.**

Add the following to the end of the first paragraph:

"Commercial and recreational fishing vessels" shall mean a vessel that is equipped for fishing and is engaged in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. "Commercial passenger vessels and commercial service vessels" shall mean a vessel that is engaged in a trade or business involving the transportation of goods or individuals. Upon request by the CITY, TENANT shall provide proof that vessels are engaged in fishing, or a trade or business on a regular basis.

**Section 13.01 Construction of Waterside, Docks, Gangway and Marine Service Station Improvements.**

The first paragraph of Section 13.01 shall be deleted and replaced with the following:

CITY and TENANT agree that TENANT will construct the waterside, docks, gangway and marine service station improvements on Lease Site 124W-128W, with the exception of the fueling component, as outlined in CUP #UPO-058 and in CDP 3-08-025 at 1215 Embarcadero, Morro Bay, California. Failure to complete such waterside, docks, gangway, excluding the fueling component, on Lease Site 124W-128W and to comply with all conditions of said CUP as evidenced by issuance of a final building permit inspection as required by the City of Morro Bay by July 1, 2014 shall be a material default of the Lease Agreement and subject to any remedies outlined in Article 11 herein, including termination of the Lease. TENANT acknowledges that construction of TENANT's proposed improvement of the Premises under said CUP requires, but may not be limited to, obtaining a permit from the California Coastal Commission, a City Precise Plan and a City Building Permit. It is the TENANT's obligation to fully investigate the issues and costs in obtaining these permits. Failure to obtain any and all required permits and approvals for said construction shall not be a reason for failure to comply with this Section. TENANT further acknowledges that said CUP and construction of TENANT's improvements may require repair or replacement of all or portions of the docks, existing buildings, revetments, access ways, sidewalk, drainage systems and other current improvements on the Premises to the standards of the City Engineer and TENANT agrees to meet these standards through review and revision of final Building Plans prior to issuance of a Building Permit for the construction of improvements on the Premises.

**Section 13.02 Conditional Twenty Year Option to Renew for Construction of Landside Improvements Including the Fueling Component.**

The first paragraph of Section 13.02 shall be deleted and replaced with the following:

TENANT shall have an option to renew this lease agreement for an additional twenty (20) years, resulting in a forty (40) year lease provided that TENANT completes all land, water, and building improvements, including the water improvements to 113W as outlined in CUP #UPO-058 by July 1, 2019. This option shall only be valid if said improvements for all land, water and building improvements, including the fueling component, as outlined in CUP #UPO-058 are completed and that final building inspections and a certificate of occupancy are obtained by July 1, 2019.

All other terms and conditions of the Lease shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto hereby execute this Amendment.

CITY OF MORRO BAY

TENANT – MMBS, LLC

\_\_\_\_\_  
William Yates, Mayor

\_\_\_\_\_  
Bob Fowler

\_\_\_\_\_  
Andrea Lueker, City Manager

ATTEST:

\_\_\_\_\_  
Jamie Boucher, City Clerk



AGENDA NO: B-1  
MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council                      **DATE:** July 3, 2012

**FROM:** Rob Livick, PE/PLS - Public Services Director/City Engineer  
Barry Rands, PE – Associate Engineer

**SUBJECT:** Introduction and First Reading of Ordinance No. 579 Repealing, Amending and Reenacting Chapter 14.72 of the City of Morro Bay Municipal Code, Entitled Flood Damage Prevention

**RECOMMENDATION**

Staff recommends the City Council accept public comment and then move for introduction and first reading of Ordinance No. 579, by number and title only, repealing, amending and reenacting Chapter 14.72 of the Morro Bay Municipal Code entitled Flood Damage Prevention.

**FISCAL IMPACT**

Ordinance: There are no known direct costs to the City associated with the ordinance, and no additional staff time will be needed to administer and enforce the ordinance, since tasks have been performed under prior versions of this ordinance.

**SUMMARY**

The revised Flood Damage Prevention Ordinance will incorporate all current federal and state requirements, as well as construction requirements from the City’s Local Coastal Plan, which require new construction to build the finish floor two feet above the 100-year flood.

**BACKGROUND**

The Federal Emergency Management Agency (FEMA) provides the National Flood Insurance Program (NFIP) for properties that are vulnerable to damage by flooding. In order for properties within the City of Morro Bay to take part in this insurance program, the City must adopt and administer a floodplain ordinance in compliance with federal guidelines. These guidelines are updated periodically, requiring municipalities to amend their ordinances. The City of Morro Bay’s Flood Damage Prevention Ordinance, originally adopted in 1979, has undergone a number of revisions over the years based on FEMA audits of the City’s Flood Damage Prevention Program. It is currently out of compliance with current federal guidelines and therefore must be

Prepared By: <u>BR</u>	Dept Review: <u>RL</u>
City Manager Review: _____	
City Attorney Review: _____	

revised in order to allow citizens to continue to benefit from this insurance program. In addition to federal requirements, the City's Adopted Local Coastal Plan (LCP) requires that all new development be constructed with a finish floor two feet above the elevation of the 100-year flood. This requirement has also been incorporated into this version of the Flood Damage Prevention Ordinance.

### **DISCUSSION**

The most significant change in this version of the floodplain ordinance is the requirement for new construction to be two feet above the 100-year flood. The previous floodplain ordinance requirement was one foot above. This "new" requirement, based on language in the Local Coastal Plan, has been part of the LCP since 1982, but was not incorporated into the City's Flood Damage Prevention Ordinance until now. It will only pertain to new construction permitted after the adoption of this ordinance.

One change that makes it easier to comply with the ordinance is in regard to recreational vehicles (RVs). The current ordinance requires RVs to "be on the site for fewer than one hundred eighty consecutive days, **and** be fully licensed and ready for highway use". The revised version requires RVs to "be on the site for fewer than one hundred eighty consecutive days, **or** be fully licensed and ready for highway use". This will allow longer term storage of uninhabited RVs in flood zones.

Other changes in the ordinance include new responsibilities and procedures that pertain to the administration of the ordinance and new requirements for attached and detached garages.

Updating the City's Flood Damage Prevention Ordinance will bring the City into compliance with federal regulations and will allow its citizen's with structures located within the 100-year floodplain to participate in the NFIP.

### **CONCLUSION**

Staff recommends the City Council review and move for first reading and introduction of the attached Ordinance 579 by number and title only.

### **ATTACHMENTS**

1. Legislative Draft Flood Damage Prevention Ordinance
2. FEMA ordinance review memorandum

**ORDINANCE NO. 579**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF MORRO BAY, CALIFORNIA;  
REPEALING, AMENDING, AND REENACTING CHAPTER 14.72  
OF THE MORRO BAY MUNICIPAL CODE  
(FLOOD DAMAGE PREVENTION)**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, the City Council adopted Ordinance No. 564, the City's current flood damage prevention regulations on November 8, 2010; and

**WHEREAS**, in order for the City to continue participation in the National Flood Insurance Program, the State of California Department of Water Resources has required the City to periodically revise its flood damage prevention ordinance to comply with current Federal Emergency Management Agency (FEMA) regulations;

**WHEREAS**, the ordinance has been reviewed by FEMA staff and revised to comply with current regulations;

**NOW, THEREFORE**, the City Council of the City of Morro Bay does ordain Section 14.72 of the Morro Bay Municipal Code as follows:

**Sections:**

[14.72.010 - Statutory authorization, findings of fact, purpose and methods.](#)

[14.72.020 - Definitions.](#)

[14.72.030 - General provisions.](#)

[14.72.040 - Administration.](#)

[14.72.050 - Provisions for flood hazard reduction.](#)

[14.72.060 - Variance procedure.](#)

**14.72.010 - Statutory authorization, findings of fact, purpose and methods.**

A. Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the city of Morro Bay does hereby adopt the following floodplain management regulations.

B. Findings of Fact.

1. The flood hazard areas of the city of Morro Bay are subject to periodic inundation

which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

C. Statement of Purpose. It is the purpose of this chapter promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood

damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

#### **14.72.020 - Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part

of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See "Structure."

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 13, 1979.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 14.72.060 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship

building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry. In the City of Morro Bay, this governing unit is the City Council.

"Hardship" as related to Section 14.72.060, of this title means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a constructed facility, usually an earthen embankment, designed and installed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation

design requirements, including, but not limited to:

- a. The flood openings standard in Section 14.72.050(A)(3)(C);
- b. The anchoring standards in Section 14.72.050(A)(1);
- c. The construction materials and methods standards in Section 14.72.050(A)(2);
- d. The standards for utilities in Section 14.72.050 B.

2. For residential structures in special flood hazard areas, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City of Morro Bay substantial damage/improvement procedures. See Chapter 14.72.040 (C.2.a).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after November 13, 1979, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 13, 1979.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year Flood. See "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach

and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 14.72.060 of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance codified in this chapter or otherwise deterring future similar violations, or reducing State or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" - see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one

hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

V Zone. See "Coastal high hazard area."

"Variance" means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this title. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

#### **14.72.030 - General provisions.**

A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Morro Bay.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for San Luis Obispo County, California, and Incorporated Areas dated August 28, 2008, and accompanying Flood Insurance Rate Map (FIRM), dated August 28, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this title and may be supplemented by studies for other areas which allow implementation of this title and which are recommended to the City Council by the floodplain administrator. The study and FIRM are on file at the department of Public Services, 955 Shasta Avenue, Morro Bay.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this title and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this title, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.

G. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid.

H. Standards of Construction. Structure freeboard requirements have increased from one to

two feet above the base flood elevation in the 2012 revision of this ordinance. New construction and substantial improvements to existing structures with start of construction after the adoption of this ordinance must comply with these new requirements.

#### **14.72.040 - Administration.**

A. Establishment of Development Permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 14.72.030(B). Application for a development permit shall be made on forms furnished by the floodplain administrator and shall include the following minimum information:

1. Plans in duplicate drawn to scale showing:
  - a. The nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing;
  - b. Proposed locations of water supply, sanitary sewer, and other utilities;
  - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
  - d. Location of the regulatory floodway when applicable;
  - e. Base flood elevation information as specified in Section 14.72.030(B) or Section 14.72.040(C.2);
  - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 14.72.050(A.3.b) of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 14.72.050(A.3.b).
3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 14.72.050(A.3.c) of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. All appropriate certifications listed in Section 14.72.040(C.4) of this ordinance.

B. Designation of the Floodplain Administrator. The City Engineer is hereby appointed to administer, implement, and enforce this title by granting or denying development permits in accord with its provisions.

C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:

1. Permit Review. Review all development permits to determine that:

- a. Permit requirements of this title have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
- b. All other required state and federal permits have been obtained;
- c. The site is reasonably safe from flooding, and
- d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this title, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point within the City of Morro Bay;
- e. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition

2. Development of Substantial Improvement and Substantial Damage Procedures.

- a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
- b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

3. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.72.030(B), the floodplain administrator may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or State agency, or other source, in order to administer Section 14.72.050. Any such information shall be submitted to the City Council for adoption

NOTE: A base flood elevation shall be obtained using one of the simplified or detailed methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995;

4. Notification of Other Agencies:

- a. In alteration or relocation of a watercourse
  - i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation,
  - ii. Submit evidence of such notification to the Federal Emergency Management Agency, and

iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained;

b. Base Flood Elevation changes due to physical alterations:

i. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

ii. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

c. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

5. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

a. Certification required by Section 14.72.050(A)(3)(a) (lowest floor elevations),

b. Certification required by Section 14.72.050(A)(3)(b) (elevation or floodproofing of nonresidential structures),

c. Certification required by Sections 14.72.050(A)(3)(c) (wet floodproofing standard),

d. Certification of elevation required by Section 14.72.050(C)(2) (subdivision and other proposed development standards),

e. Certification required by Section 14.72.050(F)(1) (floodway encroachments),

f. Information required by Section 14.72.050(G)(6) (coastal construction standards);

g. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency

6. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.72.060

7. Remedial Action. Take action to remedy violations of this title as specified in Section 14.72.030(C).

8. Biennial Report. Complete and submit Biennial Report to FEMA.

9. Planning. Assure community's General Plan is consistent with floodplain management objectives herein.

D. Appeals. The City Council of the City of Morro Bay shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

#### **14.72.050 - Provisions for flood hazard reduction.**

A. Standards of Construction. In all areas of special flood hazards the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements, including manufactured home, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of Section 14.72.050(D).

2. Construction materials and methods. All new construction and substantial improvement shall be constructed.

a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

b. Using methods and practices that minimize flood damage;

c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Elevation and Floodproofing. (See Section 14.72.020, definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement.")

a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

i. In AE, AH, A1-30 Zones, elevated two feet above the base flood elevation.

- ii. In an AO zone, elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified.
  - iii. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated two feet above the base flood elevation; as determined under subsection 14.72.040 (C)(3) .Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor retained by the applicant, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
- b. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 14.72.050(A)(3)(a) or together with attendant utility and sanitary facilities.
  - i. Be floodproofed below the elevation recommended under Section 14.72.050(A)(3)(a) so that the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - iii. Be certified by a registered professional engineer or architect retained by the applicant that the standards of this Section 14.72.050(A)(3)(a) are satisfied. Such certification shall be provided to the floodplain administrator.
- c. Flood Openings. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
  - i. Be certified by a registered professional engineer or architect, or
  - ii. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter.
- d. Manufactured homes shall also meet the standards in Section 14.72.050(D).
- e. Attached Garages.
  - i. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 14.72.050(A.3.c). Areas of the garage below the BFE

must be constructed with flood resistant materials. See Section 14.72.050(A.2).

ii. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

f. Detached garages and low-cost accessory structures. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 14.72.020, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- i. Use of the accessory structure must be limited to parking or limited storage;
- ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
- iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
- v. The accessory structure must comply with floodplain encroachment provisions in Section 14.72.050 (F); and
- vi. The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 14.72.050(A.3.c).

Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 14.72.050(A).

#### B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - a. Infiltration of floodwaters into the systems; and
  - b. Discharge from the systems into floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

#### C. Standards for Subdivisions and Other Proposed Development.

1. All preliminary subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, shall identify the special flood hazard area (SFHA) and the elevation of the base flood (BFE).
2. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If

the site is filled above the base flood elevation, the lowest floor, pad and lowest adjacent grade elevations shall be certified by a registered civil engineer or licensed land surveyor retained by the applicant and provided to the floodplain administrator as part of an application for a Letter of Map Revision based on Fill (LOMR-F).

3. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

4. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

a. Within Zones A1 30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Within Zones V1 30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Section 14.72.050(D)(1) and Section 14.72.050(G).

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, AE, V1 30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 14.72.050(D)(1) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

a. Lowest floor of the manufactured home is at least two feet above the base flood elevation;

b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

E. Standards for Recreational Vehicles.

1. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:

a. Be on the site for fewer than 180 consecutive days; or

b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by

quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the permit requirements of Section 14.72.040 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 14.72.050(D)(1).

2. Recreation vehicles placed on sites within zones V1-30, V, and VE on the flood insurance rate map will meet the requirements of Section 14.72.050(E)(1) and Section 14.72.050(G).

F. Floodways. Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Morro Bay..

2. Within an adopted regulatory floodway, the City of Morro Bay shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge

3. If Section 14.72.050(F)(1) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 14.72.050

G. Coastal High Hazard Areas. Within coastal high hazard areas as established under Section 14.72.030(B), the following standards shall apply:

1. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

2. All new construction and other development shall be located on the landward side of the reach of mean high tide.

3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 14.72.020. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

4. Fill shall not be used for structural support of buildings.
5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
6. The floodplain administrator shall obtain and maintain the following records:
  - a. Certification by a registered engineer or architect that a proposed structure complies with Section 14.72.050(G)(1).
  - b. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

#### **14.72.060 - Variance procedure.**

A. Nature of Variances. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this title would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Appeal Board.

1. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
  - a. Danger that materials may be swept onto other lands to the injury of others;
  - b. Danger of life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. Importance of the services provided by the proposed facility to the community;

- e. Necessity to the facility of a waterfront location, where applicable;
- f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. Compatibility of the proposed use with existing and anticipated development;
- h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
- j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
- k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

2. Variances shall only be issued upon a:

- a. Showing of good and sufficient cause;
- b. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 14.72.020) to the applicant; and
- c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 14.72.020, "Public safety and nuisance"), cause fraud or victimization (as defined in Section 14.72.020) of the public, or conflict with existing local laws or ordinances.

6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (C)(1) through (C)(5) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

7. Upon consideration of the factors of Section 14.72.060(B)(1) and the purposes of this title, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

C. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 14.72.040 and 14.72.050 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 14.72.020) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this title. For example, in the case of variances to an elevation requirement, this means the City Council will not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of the floodplain administrator that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
  - b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Luis Obispo county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
6. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in a newspaper of general circulation printed and published in the City of Morro Bay, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance. Any publication of the Ordinance or summary or posting of the Ordinance shall include the names of the members of the City Council voting for and against the same.

**INTRODUCED** at a regular meeting the of the City Council of Morro Bay, held on the 10<sup>th</sup> of July, 2012 by motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_.

**PASSED AND ADOPTED** on the \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
WILLIAM YATES, Mayor

ATTEST:

\_\_\_\_\_  
JAMIE BOUCHER, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT SCHULTZ, City Attorney

## Chapter 14.72 - FLOOD DAMAGE PREVENTION (LEGISLATIVE DRAFT)

### Sections:

[14.72.010 - Statutory authorization, findings of fact, purpose and methods.](#)

[14.72.020 - Definitions.](#)

[14.72.030 - General provisions.](#)

[14.72.040 - Administration.](#)

[14.72.050 - Provisions for flood hazard reduction.](#)

[14.72.060 - Variance procedure.](#)

### 14.72.010 - Statutory authorization, findings of fact, purpose and methods.

A. Statutory Authorization. The Legislature of the ~~state~~State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government ~~units~~the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the ~~city council~~City Council of the city of Morro Bay does hereby adopt the following floodplain management regulations.

#### B. Findings of Fact.

1. The flood hazard areas of the city of Morro Bay are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also ~~contribute~~contributes to ~~the~~ flood ~~loss~~losses.

C. Statement of Purpose. It is the purpose of this chapter promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by ~~provisions~~legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes ~~methods and provisions~~regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel ~~flood waters~~floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage;~~and~~
5. Prevent or regulate the construction of flood barriers which will unnaturally divert ~~flood waters~~floodwaters or which may increase flood hazards in other areas.-  
(~~Ord. No. 564, 11-8-10~~)

#### **14.72.020 - Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means ~~the~~ point of highest elevation on an alluvial fan, or similar landform below which ~~on undisturbed fans is generally the point where the flow path of~~ the major stream that formed the fan emerges from the mountain front becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor ~~below grade (subgrade - i.e., below ground level)~~ on all sides.

"Breakaway walls" ~~means~~ are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing

any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by ~~flood waters~~floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See "Structure."

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a ~~flood insurance rate map~~Flood Insurance Rate Map (FIRM) as ~~zone~~Zone V1-V30, VE, or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before ~~the effective date of the floodplain management regulations adopted by a community.~~November 13, 1979.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means ~~a~~:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source ~~;~~ and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood ~~boundary~~Boundary and ~~floodway map~~Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.-

~~"Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.-~~

~~"Flood insurance rate map"~~Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.-

"Flood ~~insurance study~~Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the ~~flood insurance rate map~~Flood Insurance Rate Map, the ~~flood boundary~~Flood Boundary and ~~floodway map~~Floodway Map, and the water surface elevation of the base flood.-

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source.- ~~See - see~~ "Flooding."-

"Floodplain ~~administrator~~Administrator" is the ~~individual appointed~~community official designated by title to administer ~~and~~ enforce the floodplain management regulations.-

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.-

"Floodplain management regulations" means ~~the~~this ordinance ~~codified in this title~~ and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "~~regulatory floodway~~Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "~~regulatory floodway~~Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 14.72.060 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the ~~city council~~City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, ~~i.e. county or municipality~~, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry. - In the City of Morro Bay, this governing unit is the City Council.

"Hardship" as related to Section 14.72.060, of this title means the exceptional hardship that would result from a failure to grant the requested variance. The ~~city council~~City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a ~~man-made structure~~constructed facility, usually an earthen embankment, designed and ~~constructed~~installed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "~~basement~~Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable ~~nonelevation~~non-elevation design requirements, including, but not limited to:
  - a. The ~~wet floodproofing~~flood openings standard in Section 14.72.050(A)(3)(C);
  - b. The anchoring standards in Section 14.72.050(A)(1);
  - c. The construction materials and methods standards in Section 14.72.050(A)(2);
  - d. The standards for utilities in Section 14.72.050 B.
2. For residential structures in special flood hazard areas, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Market value" is defined in the City of Morro Bay substantial damage/improvement procedures. See Chapter**

**14.72.040 (C.2.a).**

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after ~~the effective date of floodplain management regulations adopted by this community~~ November 13, 1979, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after ~~the effective date of floodplain management regulations adopted by this community~~ November 13, 1979.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year Flood. See "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 14.72.060 of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with ~~state~~State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance codified in this chapter or otherwise deterring future similar violations, or reducing ~~state~~State or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" - see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area ~~having special flood hazards and~~the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as ~~zone~~Zone A, AO, A1-A30, AE, A99, MAH, V1-V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other ~~proposed new development~~ improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or ~~state~~ State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

V Zone. See "Coastal high hazard area."

"Variance" means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this title. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (North American Vertical Datum (NAVD) of 1988, or other datum, ~~where specified)~~ of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

~~(Ord. No. 564, 11-8-10)~~

**14.72.030 - General provisions.**

A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the ~~city~~ City of Morro Bay.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal ~~Insurance Administration (FIA) of the Federal~~ Emergency Management Agency (FEMA) in the ~~flood insurance study~~ Flood Insurance Study (FIS) ~~for San Luis Obispo County, California, and Incorporated Areas~~ dated ~~November 1, 1985~~ August 28, 2008, and accompanying ~~flood insurance rate map~~ Flood Insurance Rate Map (FIRM), dated ~~November 1, 1985~~ August 28, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this title and may be supplemented by studies for other areas which allow implementation of this title and which are recommended to the ~~city council~~ City Council by the floodplain administrator. The study and FIRM are on file at the department of ~~public works~~ Public Services, 955 Shasta Avenue, Morro Bay.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the ~~term~~ terms of this title and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the ~~city council~~ City Council from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this title, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under ~~state~~ State statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of ~~city council~~ City Council, any officer or employee thereof, the ~~state~~ State of California, or the ~~Federal Insurance Administration~~, Federal Emergency Management Agency, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.

G. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect

the validity of the chapter as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid.

~~(Ord. No. 564, 11-8-10)~~

~~H. Standards of Construction. Structure freeboard requirements have increased from one to two feet above the base flood elevation in the 2012 revision of this ordinance. New construction and substantial improvements to existing structures with start of construction after the adoption of this ordinance must comply with these new requirements.~~

#### **14.72.040 - Administration.**

A. Establishment of Development Permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 14.72.030(B). Application for a development permit shall be made on forms furnished by the floodplain administrator and ~~may~~shall include, ~~but not be limited to: plans~~ the following minimum information:

1. ~~Plans~~ in duplicate drawn to scale showing ~~the~~:

~~a. The nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing;~~

~~Specifically, the following information is required:~~

~~b. 1.—Proposed locations of water supply, sanitary sewer, and other utilities;~~

~~c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;~~

~~d. Location of the regulatory floodway when applicable;~~

~~e. Base flood elevation information as specified in Section 14.72.030(B) or Section 14.72.040(C.2);~~

~~b.f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; ~~and~~~~

~~c.g. 2.—Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, ~~if~~ as required in ~~Sections~~Section 14.72.050(A)(3)(b) of this ordinance and 14.72.050(A)(detailed in FEMA Technical Bulletin TB 3)(c); and ~~93.~~~~

~~3.—All appropriate certifications listed~~

2. ~~Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria~~ in Section 14.72.040(C)(4050(A.3.b)).

~~1.3.~~ For a crawl-space foundation, location and total net area of foundation openings as required in Section 14.72.050(A.3.c) of this chapter, and ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

~~2.4.4.~~ Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5. All appropriate certifications listed in Section 14.72.040(C.4) of this ordinance.

B. Designation of the Floodplain Administrator. The ~~city engineer~~City Engineer is hereby appointed to administer, implement, and enforce this title by granting or denying development permits in accord with its provisions.

C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:

1. Permit Review. Review all development permits to determine that:

a. Permit requirements of this title have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

~~b.~~ All other required state and federal permits have been obtained;

~~c.~~ The site is reasonably safe from flooding, and

~~d.~~ The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this title, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point; within the City of Morro Bay;

~~e.~~ All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition

2. Development of Substantial Improvement and Substantial Damage Procedures.

a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

3. ~~Review and~~ Use and Development of ~~Any~~ Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.72.030(B), the floodplain administrator may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or ~~state~~State agency, or other source, in order to administer Section 14.72.050. Any such information shall be submitted to the ~~city council~~City Council for adoption;

NOTE: A base flood elevation shall be obtained using one of the simplified or detailed methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995;

4. Notification of Other Agencies:

a. In alteration or relocation of a watercourse:

a. i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation,

b. ii. Submit evidence of such notification to the Federal ~~Insurance Administration, Federal~~ Emergency Management Agency, and

c. iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained;

4b. Base Flood Elevation changes due to physical alterations:

i. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

ii. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

c. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

5. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

- a. Certification required by Section 14.72.050(A)(3)(a) (lowest floor elevations),
- b. Certification required by Section 14.72.050(A)(3)(b) (elevation or floodproofing of nonresidential structures),
- c. Certification required by Sections 14.72.050(A)(3)(c) (wet floodproofing standard),
- d. Certification of elevation required by Section 14.72.050(C)(2) (subdivision and other proposed development standards),
- e. Certification required by Section 14.72.050(F)(1) (floodway encroachments),
- f. Information required by Section 14.72.050(G)(6) (coastal construction standards):-

5g. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency

6. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.72.060

67. Remedial Action. Take action to remedy violations of this title as specified in Section 14.72.030(C).-

8. Biennial Report. Complete and submit Biennial Report to FEMA.

9. Planning. Assure community's General Plan is consistent with floodplain management objectives herein.

D. Appeals. The ~~city council~~City Council of the ~~city~~City of Morro Bay shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.-

~~(Ord. No. 564, 11-8-10)~~

#### **14.72.050 - Provisions for flood hazard reduction.**

A. Standards of Construction. In all areas of special flood hazards the following standards are required:

1. Anchoring.

- a. All new construction and substantial improvements, including manufactured home, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. All manufactured homes shall meet the anchoring standards of Section 14.72.050(D).
2. Construction materials and methods. All new construction and substantial improvement shall be constructed.
- a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
  - b. Using methods and practices that minimize flood damage;
  - c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding-; and
  - d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
3. Elevation and Floodproofing. (See Section 14.72.020, definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement.")
- a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
    - i. In ~~an A zone, AE, AH, A1-30 Zones~~, elevated ~~to at least one foot~~ two feet above the base flood elevation, ~~as determined by this community~~.
    - ii. In ~~all other zones, elevated to at least one foot~~ an AO zone, elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified.
    - iii. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated two feet above the base flood elevation-; as determined under subsection 14.72.040 (C)(3). Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional civil engineer or licensed land surveyor retained by the applicant, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

- b. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 14.72.050(A)(3)(a) or together with attendant utility and sanitary facilities.
- i. Be floodproofed below the elevation recommended under Section 14.72.050(A)(3)(a) so that the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - iii. Be certified by a registered professional engineer or architect retained by the applicant that the standards of this Section 14.72.050(A)(3)(a) are satisfied. Such certification shall be provided to the floodplain administrator.
- c. Flood Openings. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
- i. Be certified by a registered professional engineer or architect, or
  - ii. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter.
- d. Manufactured homes shall also meet the standards in Section 14.72.050(D).-
- e. Attached Garages.
- i. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 14.72.050(A.3.c). Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 14.72.050(A.2).
  - ii. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
- f. Detached garages and low-cost accessory structures. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in

Section 14.72.020, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- i. Use of the accessory structure must be limited to parking or limited storage;
- ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
- iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
- v. The accessory structure must comply with floodplain encroachment provisions in Section 14.72.050 (F); and
- vi. The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 14.72.050(A.3.c).

Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 14.72.050(A).

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - a. Infiltration of ~~flood waters~~floodwaters into the systems; and
  - b. Discharge from the systems into ~~flood waters~~floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. Standards for Subdivisions and Other Proposed Development.

1. All preliminary subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, shall identify the special flood hazard area (SFHA) and the elevation of the base flood  ~~(BFE)~~.
2. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor, pad and ~~pad~~lowest adjacent grade elevations shall be certified by a registered ~~professional~~civil engineer or licensed land surveyor retained by the applicant and

provided to the floodplain administrator: as part of an application for a Letter of Map Revision based on Fill (LOMR-F).

3. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

4. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, ~~within zones A1-30 on the flood insurance rate map, on sites located:~~ on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

a. ~~Outside of a manufactured home park or subdivision;~~

b. ~~In a new manufactured home park or subdivision;~~

c. ~~In an expansion to an existing manufactured home park or subdivision; or~~

d. ~~In an existing manufactured home park or subdivision~~ Within Zones A1-30, AH, and AE on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood;

~~shall~~ community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated ~~to~~ at least ~~one foot~~ two feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

~~2. All manufactured homes that are placed or substantially improved on sites located within zones~~ b. Within Zones V1-30, V, and VE on the flood insurance rate map will community's Flood Insurance Rate Map, meet the requirements of Section 14.72.050(D)(1) and Section 14.72.050(G).

~~3. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones~~ Zones A1-30, AH, AE, V1-30, V, and V1-30VE on the ~~flood insurance rate map~~ community's Flood Insurance Rate Map that are not subject to the provisions of Section 14.72.050(D)(1) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

- a. Lowest floor of the manufactured home is at least ~~one foot~~two feet above the base flood elevation;
- b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

E. Standards for Recreational Vehicles.

1. All recreational vehicles placed ~~on sites within zones A1-30 on the flood insurance rate map in Zones A1-30, AH, AE, V1-30 and VE~~ will either:

- a. Be on the site for fewer than ~~one hundred eighty~~180 consecutive days, ~~and be; or~~
- b. Be fully licensed and ready for highway use—~~a.~~ A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- bc. Meet the permit requirements of Section 14.72.040 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 14.72.050(D)(1).

2. Recreation vehicles placed on sites within zones V1-30, V, and VE on the flood insurance rate map will meet the requirements of Section 14.72.050(E)(1) and Section 14.72.050(G).

F. Floodways. ~~Located within areas of special flood hazard established in Section 14.72.030(B) are areas designated as~~ Since floodways. ~~Since the floodway is~~ are an extremely hazardous area due to the velocity of ~~flood waters~~floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. ~~Prohibit~~Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Morro Bay..

2. Within an adopted regulatory floodway, the City of Morro Bay shall prohibit encroachments, including fill, new construction, substantial ~~improvement~~improvements, and other ~~new~~ development, unless certification by a registered ~~professional~~civil engineer ~~or architect~~ is provided demonstrating that ~~encroachments~~the proposed encroachment shall not result in any increase in ~~the base~~ flood ~~elevation~~levels during the occurrence of the base flood discharge—

23. If Section 14.72.050(F)(1) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 14.72.050

G. Coastal High Hazard Areas. Within coastal high hazard areas as established under Section 14.72.030(B), the following standards shall apply:

1. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable ~~state~~State or local building standards.
2. All new construction and other development shall be located on the landward side of the reach of mean high tide.
3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 14.72.020. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
4. Fill shall not be used for structural support of buildings.
5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
6. The floodplain administrator shall obtain and maintain the following records:
  - a. Certification by a registered engineer or architect that a proposed structure complies with Section 14.72.050(G)(1).
  - b. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

~~(Ord. No. 564, 11-8-10)~~

**14.72.060 - Variance procedure.**

~~A. Nature of Variances.~~ A. Nature of Variances. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this title would

create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the ~~city council~~City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Appeal Board.

1. In passing upon requests for variances, the ~~city council~~City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
  - a. Danger that materials may be swept onto other lands to the injury of others;
  - b. Danger of life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. Importance of the services provided by the proposed facility to the community;
  - e. Necessity to the facility of a waterfront location, where applicable;
  - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. Compatibility of the proposed use with existing and anticipated development;
  - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the ~~flood~~waters~~floodwaters~~ expected at the site; and

k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

22. Variances shall only be issued upon a:

a. Showing of good and sufficient cause;

b. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 14.72.020) to the applicant; and

c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 14.72.020, "Public safety and nuisance"), cause fraud or victimization (as defined in Section 14.72.020) of the public, or conflict with existing local laws or ordinances.

6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (C)(1) through (C)(5) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

7. Upon consideration of the factors of Section 14.72.060(B)(1) and the purposes of this title, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. ~~Any applicant to whom a variance is granted shall be given written notice over the signature of the floodplain administrator that:~~

~~a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and~~

~~b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Luis Obispo county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.~~

~~3. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.~~

C. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 14.72.040 and 14.72.050 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 14.72.020) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this title. For example, in the case of variances to an elevation requirement, this means the ~~city council~~City Council will not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the ~~city council~~City Council believes will both provide relief and preserve the integrity of the local ordinance.

55. Any applicant to whom a variance is granted shall be given written notice over the signature of the floodplain administrator that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Luis Obispo county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

6. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

~~Variances shall only be issued upon a:~~

~~a. Showing of good and sufficient cause;~~

~~b. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 14.72.020) to the applicant; and~~

~~c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 14.72.020, "Public safety and nuisance"), cause fraud or victimization (as defined in Section 14.72.020) of the public, or conflict with existing local laws or ordinances.~~

~~6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (C)(1) through (C)(5) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.~~

~~7. Upon consideration of the factors of Section 14.72.060(B)(1) and the purposes of this title, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.~~

~~(Ord. No. 564, 11-8-10)~~



FEMA

DATE: April 23, 2012

MEMORANDUM FOR: File

FROM: Jane Hopkins  
Natural Hazards Program Specialist

SUBJECT: Ordinance Review, City of Morro Bay

Findings of the Code of the City of Morro Bay, California, Ordinance 534, Chapter 14.72, Flood Damage Prevention

1. **Definitions section.** In the definitions section, the, the definitions of “Existing Manufactured Home Park or Subdivision”, “New Construction”, and “New Manufactured Home Park or Subdivision” should be modified to specify the actual date of adoption and/or the name of the community, as specified in the Code of Federal Regulations Section 59.1 (44 CFR§ 59.1) and in the California State Model Ordinance Section (SMO § 2.0).
2. **Adopted ordinance section.** For the adopted ordinance section, the signature of the appropriate official, certification, and ordinance adoption date can be scanned or viewed after adoption of the upcoming ordinance revisions.
3. **Standards for Subdivisions and Other Proposed Development section.** There must be a community requirement in A Zones for BFE development applied to an upper limit on the size of a proposed project of the most stringent of either 5 acres or 50 lots, as per 44 CFR 60.3(b)(3) & SMO §5.3A.
4. **Flood openings section.** Modify the flood openings section as follows: a) include the fact that the flood openings must be on different sides of a building; b- include the requirement that buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or c) consider allowing resident to option of having certified by a registered civil engineer.

5. **Floodways section.** For Zones A1-30 and AE without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than 1 foot. Include this section, as per 44 CFR 60.3(c)(10) & SMO §5.6.A.
6. **Standards for Recreational Vehicles.** This note is not a request for any modification: it is a note stating that the local standard is more conservative than Federal and State requirements as it requires both being onsite for less than 180 days *and* ready for highway use.



# California Ordinance Review Checklist

March 25, 2007

Community: Morro Bay

Level of Regulations: **a b c d**  **e**  
*(If a community has both floodways & coastal high hazard areas, circle d & e.)*

Ordinance Number: 532 CH. 14.72 Adopted on: \_\_\_\_\_ Effective date: \_\_\_\_\_

Date of Review: \_\_\_\_\_ Reviewer: \_\_\_\_\_ (circle one) **FEMA STATE**

**NOTE:** The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Rules and Regulations for complete descriptions of the required standards.

Item Description (Section reference of NFIP Regulations follows)	CA State Model Ordinance Section	Applicable Ordinance Section
<b>Required provisions for all ordinances</b>		
1. Citation of Statutory Authorization. <b>[59.22(a)(2)]</b>	1.1	14.72.010.A
2. Purpose section citing health, safety, and welfare reasons for adoption. <b>[59.22(1)]</b>	1.2 & 1.3	14.72.010.B 14.72.010.C
3. Adopt definitions of: <input type="checkbox"/> Base Flood <input type="checkbox"/> Basement <input type="checkbox"/> Development <input checked="" type="checkbox"/> Existing Manufactured Home Park or Subdivision <input type="checkbox"/> Expansion to an Existing Manufactured Home Park or Subdivision <input type="checkbox"/> Flood Insurance Rate Map <input type="checkbox"/> Flood Insurance Study <input type="checkbox"/> Floodproofing <input type="checkbox"/> Floodway <input type="checkbox"/> Highest Adjacent Grade <input type="checkbox"/> Historic Structure <input type="checkbox"/> Lowest Floor <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> New Manufactured Home Park or Subdivision <input type="checkbox"/> Recreational Vehicle <input type="checkbox"/> Special Flood Hazard Area <input type="checkbox"/> Start of Construction <input type="checkbox"/> Structure <input type="checkbox"/> Substantial Damage <input type="checkbox"/> Substantial Improvement <input type="checkbox"/> Violation and other definitions as appropriate. <b>[59.1]</b>	<b>NOTE: Definitions for <u>Existing</u>, <u>Expansion to An Existing</u> or <u>New Manufactured Home Park</u> are not required if community requires elevation of all manufactured homes to the BFE (1986 regulations).</b>  2.0	14.72.020  Refer to memo item #1
4. Adopt or reference correct Flood Insurance Rate Map (and where applicable, Flood Boundary Floodway Map) and date. <sup>1</sup> <b>[60.2(h)]</b>	3.2	14.72.030.B
5. Adopt or reference correct Flood Insurance Study and date. <sup>1</sup> <b>[60.2(h)]</b>	3.2	14.72.030.B
6. Include a reference to all subsequent revisions and amendments to above-referenced flood maps and Flood Insurance Study.	3.2	14.72.030.B
7. Adequate enforcement provisions including a violations/penalty section specifying community actions to assure compliance. <b>[60.2(e)]</b>	3.3	14.72.030.C
8. Abrogation and Greater Restriction section. <b>[60.1(b)]</b>	3.4	14.72.030.D

<sup>1</sup> If a community has annexed territory (e.g. county land) not covered on its flood maps or FIS, the FIS and appropriate FIRM panels (usually County) must be adopted.

Community: \_\_\_\_\_

Level of Regulations: a b c d e

Item Description (Section reference of NFIP Regulations follows)	State Model Ordinance Section	Applicable Ordinance Section
<b>Required provisions for all ordinances (continued)</b>		
9. Disclaimer of Liability (Degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.)	3.6	14.72.030.F
10. Severability section. (If any section, provision or portion of the ordinance is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.)	3.7	14.72.030.G
11. Framework for administering the ordinance (permit system, establish office for administering the ordinance, etc.) <b>[59.22(b)(1)]</b>	4.0	14.72.040
12. Designate title of community Floodplain Administrator <b>[59.22 (b)]</b>	4.1	14.72.040.B City Engineer
13. Requirement to submit new technical data: within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. <b>[65.3]</b>	4.2.D.2	Missing
14. Variance section with evaluation criteria & insurance notice. <b>[60.6(a)]</b>	6.0	14.72.060
15. For adopted ordinance: Signature of Appropriate Official & Certification. Date ordinance adopted: _____	N/A	Refer to memo item #2
<b>60.3 (a) When no SFHA's have been identified, no water surface elevation data has been provided, and floodways and coastal high hazards areas have not been identified and the community applies for participation in the NFIP, the following are required:</b>		
16. Require permits for all proposed construction or other development including placement of manufactured homes. <b>[60.3(a)(1)]</b>	N/A for 60.3(b)-(e) communities	N/A
17. Assure that all other State and Federal permits are obtained. <b>[60.3(a)(2)]</b>	4.2.A.2	Missing
18. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas: <b>[60.3(a)(3)]</b>	4.2.A.3	14.72.040.C.1.b
(a) Anchoring (including manufactured homes) to prevent floatation, collapse, or lateral movement. <b>[60.3(a)(3)(i)]</b>	5.1.A	14.72.050. A.1.a
(b) Use of flood-resistant materials. <b>[60.3(a)(3)(ii)]</b>	5.1.B.1	14.72.050. A.2.a
(c) Construction methods/practices that minimize flood damage. <b>[60.3(a)(3)(iii)]</b>	5.1.B.2	14.72.050. A.2.b
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. <b>[60.3(a)(3)(iv)]</b>	5.1.B.3	14.72.050. A.2.c
19. Review subdivision proposals to assure that:		14.72.050.C.3
(a) Such proposals minimize flood damage. <b>[60.3(a)(4)(i)]</b>	5.3.B	
(b) Public utilities and facilities are located & constructed so as to minimize flood damage. <b>[60.3(a)(4)(ii)]</b>	5.3.C	14.72.050.C.4
(c) Adequate drainage is provided. <b>[60.3(a)(4)(iii)]</b>	5.3.D	14.72.050.C.5
20. Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration. <b>[60.3(a)(5) &amp; (6)]</b>	5.2 A.1 & 2	14.72.050.B.1.a 14.72.050.B.1.b
21. Require on-site waste disposal systems be located to avoid impairment or contamination. <b>[60.3(a)(6)(ii)]</b>	5.2.B	14.72.050.B.2

Item Description (Section reference of NFIP Regulations follows)	State Model Ordinance Section	Applicable Ordinance Section
<b>60.3(b)</b> When SFHA's are identified by the publication of a community's FHBM or FIRM, but water surface elevation data have not been provided or a floodway or coastal high hazard area has not been identified, then all the above ordinance provisions for 60.3(a) and the following are required:		
22. Require permits for all proposed construction and other development within SFHAs on the FIRM. <b>[60.3(b)(1)]</b>	4.3	14.72.040
23. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. <b>[60.3(b)(3)]</b>	5.3.A	Refer to memo item #3
24. In A Zones, in the absence of FEMA BFE data and floodway data, consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. <b>[60.3(b)(4)]</b>	4.2.C	14.72.040.C.2
25. Where BFE data are utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements. <b>[60.3(b)(5)]</b>	4.2.E.1 & 2	14.72.040.C.4.a
26. Notify neighboring communities of watercourse alterations or relocations. <b>[60.3(b)(6)]</b>	4.2.D.1.a	14.72.040.C.4.b
27. Maintain carrying capacity of altered or relocated watercourse. <b>[60.3(b)(7)]</b>	4.2.D.1.c	14.72.040.C.1.c
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. <b>[60.3(b)(8)]</b>	5.1.A, 5.1.C.4, & 5.4	14.72.050. A.1.a; 14.72.050. A.3.d; 14.72.050. D.1.d; +1'
<b>60.3(c)</b> When final flood elevations, but no floodways or coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a) & 60.3(b) and the following are required:		
29. Require all new and substantially improved <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. <b>[60.3(c)(2)]</b>	5.1.C.1.a	14.72.050. A.3.a.2 +1'
30. In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) at or above the highest adjacent grade at least as high as the FIRM's depth number. <b>[60.3(c)(7)]</b>	<b>NOTE: Item 29 is not required if community has no AO zones.</b>	
	5.1.C.1.b	N/A 14.72.050. A.3.a.2 +1'
31. Require that new and substantially improved <u>nonresidential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the base flood elevation. <b>[60.3(c)(3)]</b>	5.1.C.2	14.72.050. A.3.b.1 +1'
32. In AO Zones, require new and substantially improved <u>nonresidential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. <b>[60.3(c)(8)]</b>	<b>NOTE: Item 31 is not required if community has no AO zones.</b>	
	5.1.C.2	N/A 14.72.050. A.3.b.1 +1'
33. Require that, for floodproofed non-residential structures, a registered professional/architect certify that the design and methods of construction meet requirements at (c) (3) (ii). <b>[60.3(c)(4)]</b>	5.1.C.2.c	14.72.050. A.3.b.3

Item Description (Section reference of NFIP Regulations follows)	State Model Ordinance Section	Applicable Ordinance Section
<b>60.3(c) (continued)</b>		
34. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters in accordance with specifications of <b>60.3(c)(5)</b> .	5.1.C.3	14.72.050.A.3.c.2 Refer to memo item #4
35. Within Zones A1-30 and AE without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than 1 foot. <b>[60.3(c)(10)]</b>	<b>NOTE: Item 34 is not required if <u>all</u> streams have floodways designated.</b>	
	4.2.A.4 & 5.6.A	14.72.050.C.1.c & missing. Refer to memo item #5
36. In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. <b>[60.3(c)(11)]</b>	<b>NOTE: Item 35 is not required if community has neither AO nor AH zones.</b>	
	5.1.B.4	N/A
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored: i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. <b>[60.3(c)(6)]</b>	<b>NOTE: Item 36 is not required if community requires elevation of all manufactured homes to the BFE (1986 regulations).</b>	
	5.1.A, 5.4.A.1 (non-coastal) & 5.4.A.2 (coastal)	14.72.050. A.1.b; 14.72.050. D.1; 14.72.050. D.2  +1' >BFE
38. In A1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that: i. the lowest floor is at or above the BFE <u>or</u> ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. <b>[60.3(c)(12)]</b>	<b>NOTE: Item 37 is not required if community requires elevation of all manufactured homes to the BFE (1986 regulations).</b>	
	5.4.B	14.72.050. D.3
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. <b>[60.3(c)(14)]</b>	5.5	14.72.050.E.1
<b>60.3(d) When final flood elevations and floodway delineations have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) &amp; 60.3(c) and the following are required:</b>		
40. In a regulatory floodway, prohibit any encroachment which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge. <b>[60.3(d)(3)]</b>	5.6.B	14.72.050.F

Community: \_\_\_\_\_

Level of Regulations: a b c d e

Item Description (Section reference of NFIP Regulations follows)	State Model Ordinance Section	Applicable Ordinance Section
<p><b>60.3(e)</b> When final flood elevations and coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) &amp; 60.3(c) and the following are required:</p> <p><b>NOTE:</b> If a community has both floodways and coastal high hazard areas, it must meet the requirements of both 60.3(d) and 60.3(e).</p>		
41. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest structural member of the lowest floor of all new and substantially improved structures. <b>[60.3(e)(2)]</b>	4.2.E.6 & 5.7.F.2	14.72.040.C.4.f; 14.72.050(G)(6)
42. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the lowest portion of the lowest horizontal structural member is at or above the BFE. <b>[60.3(e)(4)]</b>	5.7.A	14.72.050(G)(1)
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at (e)(4)(i) and (ii). <b>[60.3(e)(4)]</b>	5.7.F.1	14.72.050(G)(6)(a)
(c) Have the space below the lowest floor constructed with breakaway walls or left open. <b>[60.3(e)(5)]</b>	5.7.C	14.72.050(G)(3)
(d) All new construction is landward of the reach of mean high tide. <b>[60.3(e)(3)]</b>	5.7.B	14.72.050(G)(2)
(e) Prohibit use of fill for structural support. <b>[60.3(e)(6)]</b>	5.7.D	14.72.050(G)(4)
(f) Prohibit alteration of sand dunes and mangrove stands which would increase potential flood damage. <b>[60.3(e)(7)]</b>	5.7.E	14.72.050(G)(5)
43. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. <b>[60.3(e)(8)]</b>	<p><b>NOTE: Item 43 is not required if community requires all manufactured homes meet the V Zone standards (1986 regulations).</b></p>	
	5.4.A.2	14.72.050D)(2)
44. In V1-30, VE and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that: i. the lowest floor is at or above the BFE, <u>or</u> ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. <b>[60.3(e)(8)(iv); 60.3(c)(12)]</b>	<p><b>NOTE: Item 44 is not required if community requires all manufactured homes meet the V Zone standards (1986 regulations).</b></p>	
	5.4.B	14.72.050D)(3)
45. In V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. <b>[60.3(e)(9)]</b>	5.5.B	14.72.050.E.2



AGENDA NO: B-2

MEETING DATE: July 10, 2012

# Staff Report

**TO:** Honorable Mayor and City Council                      **DATE:** June 29, 2012

**FROM:** Kathleen Wold, Planning and Building Manager  
Erik Berg-Johansen, Intern Planner

**SUBJECT:** Appeal of Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 for New Construction of a Single Family Residence at 281 Main Street.

## RECOMMENDATION

Staff recommends the City Council deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 subject to the Findings included as Attachment "A" and the Conditions of Approval as included as Attachment "B".

## FISCAL IMPACT

The appeal was filed on a Coastal Development Permit within the appeals jurisdiction and as such there is no fee associated with this appeal, therefore fees associated with the appeal will be absorbed by the City. The costs associated with processing this appeal are the noticing fees and staff's time writing the report, preparing notices, and attending the City Council meeting.

## SUMMARY

At their May 16, 2012 meeting the Planning Commission granted a Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage. The applicant was required to process a Conditional Use Permit because the residence is located in a Planning Development (PD) overlay and requires a precise plan. The proposed residence is also located on the west side of Main Street within the appeals jurisdiction which requires a regular Coastal Development Permit.

An appeal was filed on May 25, 2012 by Betty Winholtz. Ms. Winholtz's appeal requests that the City Council return the project to the Planning Commission with the direction that the applicant submit with standard detail, required documents; submit other materials that are appropriate for a PD (Planned Development) analysis; have the Planning Commission re-evaluate for consistency with the LCP, PD and other zoning; and, the project is to abide by the codified tree requirements.

Prepared by: KW                      Dept. Review: RL

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

City Attorney's Review: \_\_\_\_\_

## **BACKGROUND**

At its regular meeting on November 25, 2009 the Planning Commission conditionally approved the request for Conditional Use Permit #UP0-269 and Coastal Development Permit #CP0-307 to allow the demolition of the existing garage located on Parcel 3 and the construction of a new 2 car garage (525 square feet) with a Secondary unit (532.6 square feet) to be located on Parcel 2 with the existing residence. The access easement/driveway was constructed at the time that the garage and guesthouse were constructed providing access to the subject lot.

## **DISCUSSION**

The following section states each of the appellant's grounds for the appeal with a statement formulated by staff that examines the validity and comprehensiveness of each ground. The appellants comments are in plain text and staff responses are italicized.

### **Appellant Betty Winholtz bases an appeal of the project on the following grounds:**

1. The project as proposed is inconsistent with the applicable provisions of the certified LCP and the General Plan  
*For staff to review a possible inconsistency with the General Plan and LCP more specific requirements within these documents must be highlighted. The staff report for the May 16, 2012 Planning Commission meeting contains specific information as to the project conformance to land use (single family residential) and the project's compliance with setbacks, lot coverage etc. documenting the projects compliance with the GP/LCP and their implementation document, the Zoning Ordinance.*
2. The PC did not consider the significance of a PD zone, resulting in a lack of substantial analysis in light of PD overlay  
*For staff to sufficiently locate where substantial analysis of the PD overlay is lacking, a more specific requirements within the PD overlay must be highlighted.*
3. Violation of the Zoning Code include but are not limited to Chapter 17.48  
*More specific elements relating to this project within Chapter 17.48 (General Regulations, Conditions and Exceptions) are needed in order to locate a code violation.*
4. Violation of tree requirements  
*The City's Major Vegetation guidelines require that for every tree removed that either one 15 gallon tree or two 5 gallon trees be planted. The project as conditioned by Planning Commission met this requirement.*

*The applicant has submitted a revised landscape plan which shows that no trees will be removed. The original plans showed the removal of two trees on site. With this amendment there is no possible violation. Furthermore, the Landscape Plan includes the planting of species that are native to Area 15 in Sunset and drought tolerant.*

5. My previously submitted comments. They are as follows:

1. Page 2 (of the staff report) identifies the property as graded. Was there a previous permit for grading? I thought grading happened after a permit so the actual elevation and terrain are reflected accurately on the site map. I live in this neighborhood and the previous owner had not graded.

*A grading permit was issued on April 12, 2011. This permit approved grading, driveways, drainage and utilities for all three parcels.*

2. Page 4 lists a discrepancy between what are required submittals and what was actually submitted. In particular, there is no total development plan; the architectural elevations page does not identify orientation; the landscape plan appears to be a shrunken version of the site plan with hand written numbers with no specificity; there is no engineering plan attached; there is no map label "Tentative Tract or Parcel Map.

I assume the Color and Materials Board are submitted for the higher review required of a Planned Development (PD) overlay. This property for 2 blocks either direction will be the only next-to-the-street two story house on the west side (harbor side) of Main Street in the PD area between Bayshore housing development to the south and the Colmer development to the north. (There is one other house just as the road turns away from the harbor that literally sits on the sidewalk and is the eyesore of the neighborhood). Though the grade for the house is 5' lower than the street, according to the site map, it will stand 17' above street elevation for a length of 66'. That is a huge wall effect that does not currently exist in this harbor/sandspit scenic area, ergo the PD. In addition, the height of a retaining wall on the north side of the house is not identified, nor is its exact location.

*Section 17.40.030 provides specifics on what shall be submitted for PD zoned land including if a Concept Plan is required. Because the subject site is less than one acre in size, only a Precise Plan is required, no Concept Plan is required. The following is required for a Precise Plan:*

*Precise Plan Content*

*Plans shall be prepared containing all the general information required of concept plans, which has been further developed to a precise level of detail. Any data or calculations necessary to evaluate the precise plan proposal, shall accompany such plans. A precise plan shall contain the following minimum information:*

*a. Total development plan*

*The total development plan showing the precise dimensions and locations of proposed structures, buildings, streets, parking, yards, pathways, open spaces and other public or private facilities;*

*b. Architectural elevations*

*Fully developed architectural elevations of all buildings, structures, signs and fencing, showing colors and materials of construction.*

*c. Landscaping plan*

*A landscaping plan showing plant materials, type and size of plants at the time of planting, and method of maintenance;*

*d. Engineering plans*

*Engineering plans showing site grading, and amount of cut and fill, including finished grades and proposed drainage facilities;*

*e. Proposed site uses or activities*

*Listing all of proposed site uses or activities to be conducted on the site, with related floor area depicted or calculations of site area to be devoted to such uses;*

*f. Miscellaneous plans*

*Miscellaneous plans (as appropriate) showing any exterior lighting, roof plans, site cross-sections, view sight lines, ESH mitigation plans, archaeological mitigation plans, visual quality plans, public access mitigation plans, or other features necessary to evaluate the specific proposal including the information required of community housing projects;*

*g. Tentative tract or parcel map*

*Tentative tract or parcel map, where lands involved in the proposal are to be divided or joined together.*

*The applicant did not submit all of the materials required above. In particular the landscape plan was incomplete (after the appeal was filed a complete and revised plan was submitted). There was no engineering plan submitted, a detail engineering plan including grading and drainage was submitted and approved prior to the driveway construction, therefore no additional engineering plans are needed at this time. The elevations were not identified as stated in the appeal, there were no simulations submitted and details on the lighting were missing. The project is not proposing to subdivide therefore no map was necessary.*

3. Page 5 address Lighting and Landscaping. Though 2 models of light fixtures are included on the last page of the report, there is no shielding to focus the light down or away from neighbor's houses next door as well as across the street. The photometric review is important.

As mentioned under Page 4, the Landscaping Plan is inadequate. A landscape plan is significant in a PD. Part of the plan is to remove 2 healthy looking, mature trees of stature. If you have driven in our neighborhood, you know that tall trees are the hallmark of our neighborhood. In fact twice before City Council, this stretch of Main Street has been proposed as a scenic route connecting to the State Park Roads aligned with code. Already a number of trees and shrubbery have been removed from this property, which provided continuity with the streetscape and a degree of privacy between neighbors. The owners knowingly moved into a PD overlay; the law is on the side to let the trees be.

*The applicant has revised their landscape plan and now plans to keep the trees slated for removal. The Planning Commission determined that a photometric plan would not be necessary for this residential project.*

4. Page 6 lists the CUP findings with which I disagree. While “use” will not be detrimental, the “establishment, maintenance, or operation” may be detrimental to the character of the neighborhood, i.e. house height and length due to location, cutting of trees, and unknown landscaping and lighting.

*As mentioned previously many of these items have now been addressed although they were not addressed at the public hearing.*

5. Page 9, Planning Condition #2 does not allow for public review nor diversity of planting. I did not know that “native and drought tolerant” was codified.

*Planning Condition #2 is a standard condition placed on all projects.*

6. Page 10, #4 is not possible if the words “replaced in like kind” are included. In addition, 2 years maintenance in a scenic area is only 2 seasons. This should be extend at least 5.

Public Works Condition #1 raises the question, again: Where is the Engineering Report which should include the Drainage Report as well as the Standard Erosion and Sediment control Plan (page 11).?

*The applicant has revised their landscape plan to eliminate any tree removal.*

Staff has concluded that submitted grounds for an appeal of the project’s approval are insufficient based on the above analysis. While the project was not submitted with all the necessary materials required by code it was submitted with sufficient materials to make the necessary findings for approval including that the project is consistent with the City’s General Plan, Local Coastal Plan and the Municipal Code.

## **CONCLUSION**

The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Staff recommends that the City Council deny the appeal and uphold Planning Commission’s motion to issue Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 for new construction of a single family residence at 281 Main Street. The applicant will be required to uphold the conditions of approval (Exhibit B) found in Attachment “B”.

## **Attachments**

Attachment A - Findings for approval

Attachment B - Conditions of approval for Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 as revised by Planning Commission on May 16, 2012.

Attachment C - Appeal

Attachment D - Planning Commission staff report, findings and conditions of approval

Attachment E - Planning Commission minutes from May 16, 2012.

Attachment F - Correspondence from agent

Attachment G - Letter opposing project from neighbor.

Attachment H - Revised landscape plan.

**EXHIBIT A**

**FINDINGS FOR APPROVAL**

**SITE: 281 MAIN STREET**

**PROJECT DESCRIPTION:** Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- A. Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for New Construction or Conversion of Small Structures. The exemption provides for the construction of one single-family residential structure.

**COASTAL DEVELOPMENT PERMIT FINDINGS**

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The property is located to the east of Tidelands Park which provides public access to the water.*

**CONDITIONAL USE PERMIT FINDINGS**

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed project is a residential house and is located in a residential zone; therefore the use will not be detrimental to the surrounding uses.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. *The proposed use will not be injurious or detrimental to the property and improvements in the neighborhood or general welfare, as the project meets the General Plan and Municipal Code.*

## **MIXED USE AREA B FINDINGS**

- A. That any proposed commercial use is generally serving a water-borne clientele or serving a water-oriented purpose. *The proposed project does not have a commercial element; therefore the finding does not apply to this project.*
- B. That the proposed commercial use, by its nature or design, will result in minimal noise, glare, odor, and traffic impacts on other nearby uses. *The proposed project does not have a commercial element; therefore the finding does not apply to this project.*
- C. That any new residential development shall be of a density and design which minimizes potential exposure to and would not unreasonably restrict water-oriented commercial activities. *The project is located on an existing residential lot that was previously subdivided and meets the minimum density. The project will not have a negative effect on water-oriented commercial activities because the property does not provide access to the water and is adjacent to Tidelands Park which provides water access.*
- D. That any new use shall not generate significant traffic/circulation impacts and shall include adequate parking, loading and access (turning and driveway) facilities. *The project is on a lot that meets minimum density with a private access easement off Main Street. Main Street can accommodate the traffic that will result from the development of one-single family residence.*
- E. That any new use shall not result in any harmful (e.g. toxic waste) discharge into the bay. *The single family residence will not discharge any harmful waste from the site nor will the bay be affected.*

## CONDITIONS OF APPROVAL

*As Revised by the Planning Commission at the May 16, 2012 Public Meeting.*

### SITE: 281 MAIN STREET

**PROJECT DESCRIPTION:** Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage.

### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 16, 2012, for the project depicted on plans dated March 16, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

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

City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. 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.

## **PLANNING CONDITIONS**

1. Landscape Plan: A fully developed landscape plan shall be submitted to the Public Services Department. The plans shall include the type, location, quantity of plants, and water usage that is suitable for the Morro Bay, pursuant to *The Sunset Western Garden Book*, zone 15. All plants shall be native and drought tolerant.
2. Building Height Certification: The proposed building shall comply with the maximum height of 25 feet measured from average natural grade. A height certificate shall be provided to the Building Division verifying compliance.
3. Trees: Pursuant to previous approvals an arborist report by a certified arborist shall be submitted to the Public Services Department indicating that the two trees are hazardous. If the trees are deemed hazardous and removed the trees shall be replaced in like kind with a minimum 5 gallon tree at a ratio of two trees for every one tree removed. Trees shall be planted on site prior to the issuance of a certificate of occupancy. Provide maintenance for a period of two (2) years. Should the trees die within the maintenance period they shall be replaced and maintained for an additional two year period.

## **BUILDING CONDITIONS**

1. **Building Permit:** Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

## **FIRE CONDITIONS**

1. **Address Identification:** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (CFC 505.1) **Please provide approved address identification.**
2. **Automatic Fire Sprinkler System:** An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings. (CRC R313.2 & MBMC 14.08.090(I)(1)) **Please provide automatic fire sprinklers, in accordance with NFPA 13-D.**
3. **Carbon Monoxide Alarms:** For new construction, an approved carbon monoxide alarm shall be installed in dwelling units and in sleeping units within which fuel-burning appliances are installed and in dwelling units that have attached garages. (CRC R315.1.1) **Please provide approved carbon monoxide alarms.**

## **PUBLIC WORKS CONDITIONS**

1. **Drainage Report:** Provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications\*. Specifically, this project shall meet the requirements of the following Parts:
  - a. Part 1: Protection of Water Quality - **Exempt**
  - b. Part 2: Runoff Volume Controls (LID) - **Tier 2 requirements**
  - c. Part 3: Peak Runoff Flow Control – **All requirements**
2. **Standard Erosion and Sediment Control Plan:** Provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
3. **Note:** Add the following Notes to the Plans:

Any damage 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.



# ATTACHMENT C

RECEIVED

## CITY OF MORRO BAY PUBLIC SERVICES DEPARTMENT APPEAL FORM

MAY 25 2012  
ADMINISTRATION OFFICE  
CITY OF MORRO BAY

<i>APPEAL FROM THE DECISION OR ACTION OF (GOVERNING BODY OR CITY OFFICER):</i>	
Planning Commission	
<i>APPEAL OF SPECIFIC DECISION OR ACTION:</i>	
Permit to allow the construction of an approximately 2,828 square foot single-family residence in PD zone.	
<i>PERMIT TYPE BEING APPEALED (IE. COASTAL PERMIT, USE PERMIT, TENTATIVE SUBDIVISION):</i>	
Conditional Use Permit #UP0-348 & Coastal Development Permit #CP0-372	
<i>DATE DECISION OR ACTION RENDERED:</i> May 16, 2012	
<i>APPELLANT (PLEASE PRINT):</i> Betty Winholtz	
<i>SIGNATURE:</i> <i>Betty Winholtz</i> <i>May 25, 2012</i>	
<i>ADDRESS:</i> 405 Acacia, Morro Bay	<i>TELEPHONE NUMBER:</i> 772-5912

<i>GROUND FOR THE APPEAL (ATTACH SHEETS AS NECESSARY):</i>
1. The project as proposed is inconsistent with the applicable provisions of the certified LCP and the General Plan.
2. The PC did not consider the significance of a PD zone, resulting in a lack of substantial analysis in light of PD overlay.
3. Violations of the Zoning Code include but are not limited to Chapter 17.48.
4. Insufficient materials were submitted for public review including lighting, landscaping, and drainage.
5. Violation of tree requirements. 6. My previously submitted comments.

<i>REQUESTED RELIEF OR ACTION:</i> 1. Send the application back to the Planning Commission.
2. Have the applicant submit, with standard detail, required documents.
3. Have the applicant submit other materials that are appropriate for a PD analysis.
4. Have the Planning Commission re-evaluate for consistency with the LCP, PD and other zoning.
5. Abide by the codified tree requirements

<i>FOR OFFICE USE ONLY</i>	
<i>DATE APPEAL FILED:</i> 5.25.12	<i>ACCEPTED BY:</i> ANDREA LUEKER
<i>APPEAL BODY:</i>	
<i>DATE OF APPEAL HEARING:</i>	

## Sierra Davis - planning commission meeting b-2 and b-3

**From:** betty winholtz <winholtz@sbcglobal.net>  
**To:** <rgrantham1@charter.net>, <rgrantham1@charter.net>, <thrturk@aol.com>, <...  
**Date:** 5/16/2012 4:12 AM  
**Subject:** planning commission meeting b-2 and b-3  
**CC:** <sdavis@morro-bay.ca.us>

Dear Commissioners:

I am unable to attend your meeting tonight. Please consider my comments for the record regarding the two following items on your agenda.

Sincerely,  
Betty Winholtz

### **B-2, Giovanni's 1001 Front Street, CUP #UPO-284 and CDP #3-11-031**

1. **Lighting**--One of the winning aspects, amenities, of living in Morro Bay is the lack of light pollution that other coastal communities have succumb to. I am pleased that the California Coastal Commission (CCC) has asked for a review of this aspect of the permit and seeks a reduction in lighting as proposed. I am disappointed that the applicant has not submitted a revised lighting plan at this time for public review.
2. **Parking**--I am disappointed that neither the Planning Commission nor the CCC has required the higher amount of required parking. It seems as though all of the new development (at least 4 recent projects) at this end of the Embarcadero are relying on the parking lot north of Beach Street as well as street parking to pick up the slack for increased demand. The cumulative effect of this will overwhelm availability. Even if actual physical spaces are not required at least in lieu payment would increase the possibility of a parking structure or some other strategy to increase parking on the Embarcadero.
3. **Eelgrass**--I am strongly concerned about this aspect of the project. The State Park Marina will be doing work very near eel grass beds; last year's dredging took out the beds at Mothers Beach near the power plant intake facility; other projects in the last 5 years have extended further over the water requiring eelgrass mitigation. Please make sure these past mitigation measures have been successful, and that there is room for more mitigation, before allowing more development to cover up more of our waterway.
4. **Awning**--Though one might think it a minor issue, the awning over the outdoor seating area is reminiscent of that "temporary" awning over the Otter Rock Cafe that became permanent. This is not fair to other businesses that have put in real ceilings and got permits for expanding their indoor businesses. Please guarantee that the outdoor seating stays outdoors.

### **B-3, Hough's 281 Main Street, CUP #UPO-284**

1. **Page 2** identifies the property as graded. Was there a previous permit for grading? I thought grading happened after a permit so the actual elevation and terrain are reflected accurately on the site map. I live in this neighborhood and the previous owner had not graded.
2. **Page 4** lists a discrepancy between what are required submittals and what was actually submitted. In particular, there is no total development plan; the

architectural elevations page does not identify orientation; the landscape plan appears to be a shrunken version of the site plan with hand written numbers with no specificity; there is no engineering plan attached; there is no map label "Tentative Tract or Parcel Map."

I assume the Color and Materials board are submitted for the higher review required of a Planned Development (PD) overlay. This property for 2 blocks either direction will be the only next-to-the-street two story house on the west side (harbor side) of Main Street in the PD area between Bayshore housing development to the south and the Colmer development to the north. (There is one other house just as the road turns away from the harbor that literally sits on the sidewalk and is the eyesore of the neighborhood.) Though the grade for the house is 5' lower than the street, according to the site map, it will stand 17' above street elevation for a length of 66'. That is a huge wall effect that does not currently exist in this harbor/sandspit scenic area, ergo the PD. In addition, the height of a retaining wall on the north side of the house is not identified, nor is its exact location.

3. **Page 5** address Lighting and Landscaping. Though 2 models of light fixtures are included on the last page of the report, there is no shielding to focus the light down or away from neighbors' houses next door as well as across the street. The photometric review is important.

As mentioned under Page 4, the Landscaping Plan is inadequate. A landscape plan is significant in a PD. Part of the plan is to remove 2 healthy looking, mature trees of stature. If you have driven in our neighborhood, you know that tall trees are the hallmark of our neighborhood. In fact twice before City Council, this stretch of Main Street has been proposed as a scenic route connecting to the State Park Roads through Morro Bay State Park. To cut these two trees in inappropriate and not aligned with code. Already a number of trees and shrubbery have been removed from this property, which provided continuity with the streetscape and a degree of privacy between neighbors. The owners knowingly moved into a PD overlay; the law is on the side to let the trees be.

4. **Page 6** lists the CUP Findings with which I disagree. While "use" will not be detrimental, the "establishment, maintenance, or operation" may be detrimental to the character of the neighborhood, i.e. house height and length due to location, cutting of trees, and unknown landscaping and lighting.

5. **Page 9**, Planning Condition #2 does not allow for public review nor diversity of planting. I did not know that "native and drought tolerant" was codified.

6. **Page 10**, #4 is not possible if the words "replaced in like kind" are included. In addition, 2 years maintenance in a scenic area is only 2 seasons. This should be extend to at least 5.

Public Works Condition #1 raises the question, again: Where is the Engineering Report which should include the Drainage Report as well as the Standard Erosion and Sediment Control Plan (page 11).?

# ATTACHMENT D



AGENDA NO: B-3

MEETING DATE: May 16, 2012

## Staff Report

**TO:** Planning Commissioners **DATE:** May 9, 2012  
**FROM:** Sierra Davis, Assistant Planner  
**SUBJECT:** Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 for New Construction of a Single Family Residence at 281 Main Street.

**RECOMMENDATION:**

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Conditional Use Permit #UP0-284, subject to the Conditions included as Exhibit "B" and the site development plans dated April 27, 2012.

**APPLICANT/AGENT:** John and Alair Hough / Cathy Novak

**LEGAL DESCRIPTION/APN:** 066-251-047 Tract: Morro Rock Park, Block: 251 Lot: 47.

**PROJECT DESCRIPTION:** The applicant is requesting a Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage. The applicant is required to process a Conditional Use Permit because the residence is located in a Planning Development (PD) overlay and requires a precise plan. The proposed residence is also located on the west side of Main Street within the appeals jurisdiction and requires a regular Coastal Development Permit to be heard before the Planning Commission.

Prepared By: SD

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

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	Duplex Residential (R-2/PD) /Residences	South:	Single Family Residential (R-1/PD) / Residences
East:	Single Family Residential (R-1/PD) / Residences	West:	Waterfront (WF/PD) / Park

<b><u>Site Characteristics</u></b>	
Site Area	7,693 square feet
Existing Use	Vacant Parcel
Terrain	Graded
Vegetation/Wildlife	Existing landscaping, two trees proposed to be removed.
Archaeological Resources	Parcel is not located within 300 feet of an archeological site
Access	Main Street

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	Mixed Use Area B Low to Medium Density Residential (4-7 unit/acre)
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	Planned Development (PD)
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Appeals Jurisdiction of the California Coastal Commission

**PROJECT ANALYSIS:**

*Background*

The property originally consisted on three lots running from east to west. In 2004 a lot line adjustment was processed that reconfigured the lot lines from an east/west orientation to a north/south orientation. The new configuration resulted in Parcel 2 being land locked without any recorded access easement. The lot line adjustment also resulted in the garage associated with the existing single family residence being located on a separate parcel. In September 2008 Tentative Parcel Map #S00-086 and Coastal Development Permit #CP0-272 were approved for Parcel 3 which split the parcel into two parcels, Parcel A consisting of 7,690 square feet and Parcel B consisting of 8,630 square feet. The parcel map resulted in 4 lots.

The map also recorded the relinquishment of 1,370 square feet of City right-of-way and acquisition of 1,400 square feet of private property for use as right-of-way.

After the lot split the house and existing garage were located on separate parcels, Parcel 2 and Parcel 3. At its regular meeting on November 25, 2009 the Planning Commission conditionally approved the request for a Conditional Use Permit #UP0-269 and Coastal Development Permit #CP0-307 to allow the demolition of the existing garage located on Parcel 3 and the construction of a new 2 car garage (525 square feet) with a Secondary unit (532.6 square feet) to be located on Parcel 2 with the existing residence. The access easement/driveway was constructed at the time that the garage and guesthouse were constructed.

*Environmental Determination*

Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for New Construction or Conversion of Small Structures. The exemption provides for the construction of one single-family residential structure.

*Project Specifics*

The project is proposed adjacent to Main Street on Parcel A of Parcel 3 located north of the access easement. The proposed two story house is approximately 2,829 square feet of habitable floor area with an approximately 700 square foot garage. The residence includes a 360 square feet second story deck on the south side of the residence.

The applicant has designed the house with the front of the house oriented to the west and taking access to the house from the access easement. For the purposes of zoning district setbacks the 20 foot front yard setback is from Main Street and the rear yard setback will be taken from the access easement. When an access easement is created all development shall have yards (setbacks) as required by the zoning regulations, including a ten foot setback along any access way, (Section 16-9.206.A.4). In this case the rear yard setback and the ten foot easement are the same and the design meets the minimum requirements. The interior side yard setbacks meet the minimum requirement of 5 feet.

<b>Single Family Residential District Zoning Designation Requirements</b>		
	<b>Required</b>	<b>Proposed</b>
Front Yard Setback	20 feet	20 feet
Rear Yard Setback	10% of average depth of lot with 10 feet minimum and 6 foot minimum	10 feet
Interior Yard Setback	10% of average width of lot with 5 feet maximum and 3 foot minimum	5 feet (North) 32 feet (South)
Exterior Yard Setback	20% of average width of lot with 10 foot maximum and 5 foot minimum	N/A
Setback from Access Way	10 feet	10 feet
Height	25 feet (No Wall to exceed 30 feet)	24 feet 7 inches
Lot Coverage	45%	39.5%

*Regulations*

The project is located in the Coastal Commission’s Appeals Jurisdiction and pursuant to section 17.59.020 (H.2.b) of the Morro Bay Municipal Code a single family residence within the appeal jurisdiction a regular coastal permit is required for properties located west of Main Street and within the appeal jurisdiction or ESH zone.

The project is located in the Planned Development overlay and requires the plans be reviewed pursuant to a precise plan. A concept plan is not required for this project because the project size does not meet the threshold in order for a concept plan to be required. Although a concept plan is not required all the information for a concept plan shall be presented at the precise plans submittal.

The precise plan requires: total development plan, architectural elevations, landscaping plan, engineering plans, proposed site uses or activities, miscellaneous plans, Tentative Tract of Parcel Map.

The applicant has submitted a site plan, floor plan, elevations, color and material board, landscape plan, lighting fixtures.

*Color and Materials*

The applicant has proposed a board and batten siding with a composition roof. The residence will be painted a green tone with white trim to match windows and doors. The applicant is proposing a range of green colors with the possibility of the house being two tone.

### *Lighting*

An exterior lighting plan is required pursuant to the miscellaneous plans required. The applicant submitted three light fixtures. The cut sheets specify the light type, dimensions and light bulb wattage. Pursuant to section 17.52.080, Lighting, illuminated signs and glare, no illumination may be directed toward the adjacent residential uses and onto streets. The house is 5 feet from a property line and adjacent to an access easement, in which lighting from the proposed house could effect. The architect submitted the electrical plans that depict that there will be one light on the front porch, a ceiling light on the front balcony, and one light on the upper and lower decks on the south side of the residence. In order to determine what affect the proposed lighting will have on the surrounding area a photometric will be required prior to building permit issuance. A condition has been added to the proposed conditions of approval.

### *Landscape Plan*

The applicant submitted a landscape plan because it is a required element of a Precise Plan application. The applicant outlined areas around the property in which certain plants will be located. The Planned Development overlay requires that a fully developed landscape plan be developed. The landscape plan will be required prior to building permit issuance in order to allow time for the applicant to fully develop the plan. A condition has been added to the proposed conditions of approval.

The applicant has proposed removing two trees with this application. As a condition of approval for the 2008 Parcel Map #S00-086 and Coastal Development Permit #CP0-272, condition 16 states that, "No trees shall be removed unless hazardous conditions exist." If the applicant believes that the trees are hazardous, an arborist report shall be submitted to the Public Services Department for review.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on May 4, 2012 and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:** The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Staff recommends that the Planning Commission approve the requested Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 for new construction of a single family residence at 281 Main Street.

### **Exhibits:**

- Exhibit A – Findings
- Exhibit B – Conditions of Approval
- Exhibit C – Graphics/Plan Reductions

## EXHIBIT A

### FINDINGS

#### SITE: 281 MAIN STREET

**PROJECT DESCRIPTION:** Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for New Construction or Conversion of Small Structures. The exemption provides for the construction of one single-family residential structure.

#### COASTAL DEVELOPMENT PERMIT FINDINGS

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General LCP and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The property is located to the east of Tidelands Park which provides public access to the water.*

#### CONDITIONAL USE PERMIT FINDINGS

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed project is a residential house and is located in a residential zone, therefore the use will not be detrimental to the surrounding uses.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. *The proposed use will not be injurious or detrimental to the property and improvements in the neighborhood or general welfare, as the project meets the General Plan and Municipal Code.*

## MIXED USE AREA B FINDINGS

- A. That any proposed commercial use is generally serving a water-borne clientele or serving a water-oriented purpose. *The proposed project does not have a commercial element; therefore the finding does not apply to this project.*
- B. That the proposed commercial use, by its nature or design, will result in minimal noise, glare, odor, and traffic impacts on other nearby uses. *The proposed project does not have a commercial element; therefore the finding does not apply to this project.*
- C. That any new residential development shall be of a density and design which minimizes potential exposure to and would not unreasonably restrict water-oriented commercial activities. *The project is located on an existing residential lot that was previously subdivided and meets the minimum density. The project will not have a negative effect on water-oriented commercial activities because the property does not provide access to the water and is adjacent to Tidelands Park which provides water access.*
- D. That any new use shall not generate significant traffic/circulation impacts and shall include adequate parking, loading and access (turning and driveway) facilities. *The project is on a lot that meets minimum density with a private access easement off Main Street. Main Street can accommodate the traffic that will result from the development of one-single family residence.*
- E. That any new use shall not result in any harmful (e.g. toxic waste) discharge into the bay. *The single family residence will not discharge any harmful waste from the site nor will the bay be affected.*

## EXHIBIT B

### CONDITIONS OF APPROVAL

#### SITE: 281 MAIN STREET

**PROJECT DESCRIPTION:** Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage.

#### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 16, 2012, for the project depicted on plans dated March 16, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

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

for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. 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.

#### PLANNING CONDITIONS

1. Photometric Plan: Pursuant to Precise Plan submittal requirements, the applicant shall submit a photometric plan, in order to determine the affect that exterior lights has on adjacent uses.
2. Landscape Plan: A fully developed landscape plan shall be submitted to the Public Services Department. The plans shall include the type, location, quantity of plants, and water usage that is suitable for the Morro Bay, pursuant to *The Sunset Western Garden Book*, zone 15. All plants shall be native and drought tolerant.

3. Building Height Certification: The proposed building shall comply with the maximum height of 25 feet measured from average natural grade. A height certificate shall be provided to the Building Division verifying compliance.
4. Trees: Pursuant to previous approvals an arborist report by a certified arborist shall be submitted to the Public Services Department indicating that the two trees are hazardous. If the trees are deemed hazardous and removed the trees shall be replaced in like kind with a minimum 15 gallon tree at a ratio of two trees for every one removed, species to be from the City of Morro Bay's approved street tree list. Trees shall be planted on site prior to the issuance of a certificate of occupancy. Provide maintenance for a period of two (2) years. Should the trees die within the maintenance period they shall be replaced and maintained for an additional two year period.

### **BUILDING CONDITIONS**

1. Building Permit: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

### **FIRE CONDITIONS**

1. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (CFC 505.1) **Please provide approved address identification.**
2. Automatic Fire Sprinkler System: An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings. (CRC R313.2 & MBMC 14.08.090(I)(1)) **Please provide automatic fire sprinklers, in accordance with NFPA 13-D.**
3. Carbon Monoxide Alarms: For new construction, an approved carbon monoxide alarm shall be installed in dwelling units and in sleeping units within which fuel-burning appliances are installed and in dwelling units that have attached garages. (CRC R315.1.1) **Please provide approved carbon monoxide alarms.**

### **PUBLIC WORKS CONDITIONS**

1. Drainage Report: Provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications\*. Specifically, this project shall meet the requirements of the following Parts:

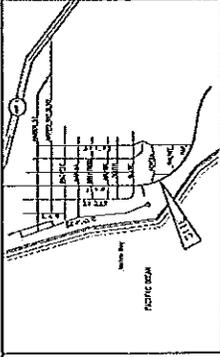
- a. Part 1: Protection of Water Quality - Exempt
  - b. Part 2: Runoff Volume Controls (LID) - Tier 2 requirements
  - c. Part 3: Peak Runoff Flow Control – All requirements
- 
2. Standard Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
  3. Note: Add the following Notes to the Plans:  
Any damage 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.

# EXHIBIT C



DATE: 01/14/14  
 PROJECT NO: 14-001  
 SHEET NO: 1-0  
 SCALE: 1/8" = 1'-0"  
 TITLE: TITLE SHEET  
 CLIENT: CITY OF ST. PAUL  
 PROJECT: HOUGH RESIDENCE

RECEIVED  
 MAY 03 2012  
 City of Morris Bay  
 Public Services Department



**PROJECT DIRECTORY**  
 OWNER: CITY OF ST. PAUL  
 ARCHITECT: THOMAS MARTIN ARCHITECTS, INC.  
 ENGINEER: [Name]  
 CONTRACT NO: [Number]  
 PROJECT NO: [Number]  
 SHEET NO: [Number]

**PROJECT STATISTICS**  
 PROJECT AREA: [Value]  
 TOTAL LOT AREA: [Value]  
 TOTAL PROJECT AREA: [Value]  
 TOTAL PROJECT VALUE: [Value]

**LEGAL DESCRIPTION:**  
 [Detailed legal description of the property, including lot numbers and street names.]

**OCCUPANCY CLASSIFICATION:**  
 [Classification of the building's use.]

**AVERAGE NATURAL GRADE:**  
 [Average elevation of the site.]

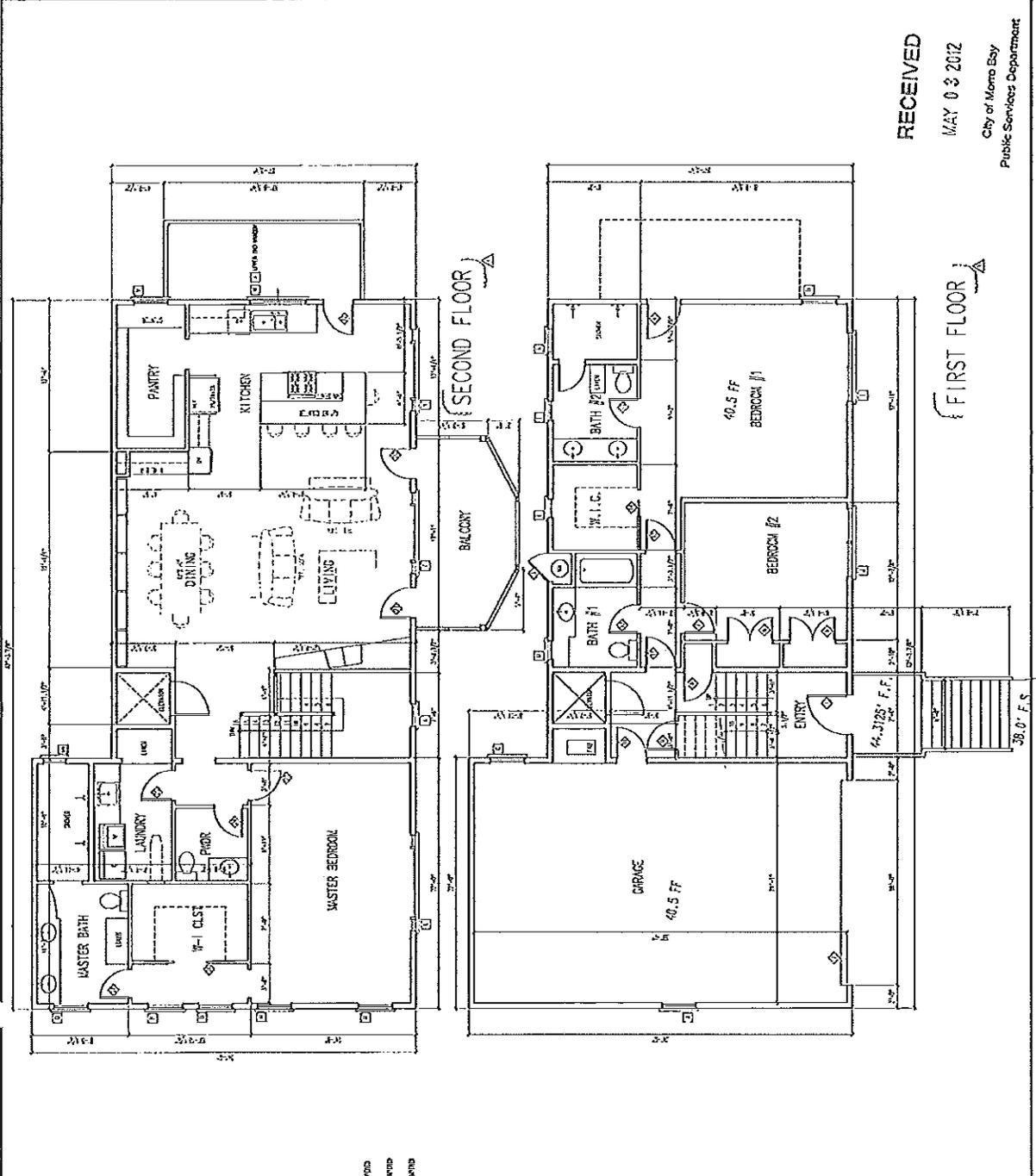
**CONSTRUCTION TYPE:**  
 [Type of construction materials and methods.]

**SHEET INDEX:**  
 1: [Sheet 1]  
 2: [Sheet 2]  
 3: [Sheet 3]



**LEGEND**

- 1. EXISTING BUILDING
- 2. EXISTING DRIVE
- 3. EXISTING SIDEWALK
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**FLOOR PLAN NOTES**

1. All work to be done in accordance with the approved plans.
2. All work to be done in accordance with the approved specifications.
3. All work to be done in accordance with the approved schedule.
4. All work to be done in accordance with the approved budget.
5. All work to be done in accordance with the approved quality control plan.
6. All work to be done in accordance with the approved safety plan.
7. All work to be done in accordance with the approved environmental plan.
8. All work to be done in accordance with the approved risk management plan.
9. All work to be done in accordance with the approved communication plan.
10. All work to be done in accordance with the approved stakeholder engagement plan.
11. All work to be done in accordance with the approved change management plan.
12. All work to be done in accordance with the approved project closure plan.

**DOOR SCHEDULE**

Doors to be installed in new or existing walls.

1. 1/2" x 6" x 8" Solid Core Door
2. 1/2" x 6" x 8" Solid Core Door with Storm Door
3. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms
4. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing
5. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware
6. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware and Paint
7. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware and Paint and Hardware
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**GLAZING NOTE**

Glazing to be installed in new or existing walls.

1. 1/2" x 6" x 8" Solid Core Door
2. 1/2" x 6" x 8" Solid Core Door with Storm Door
3. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms
4. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing
5. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware
6. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware and Paint
7. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware and Paint and Hardware
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**HEADERS**

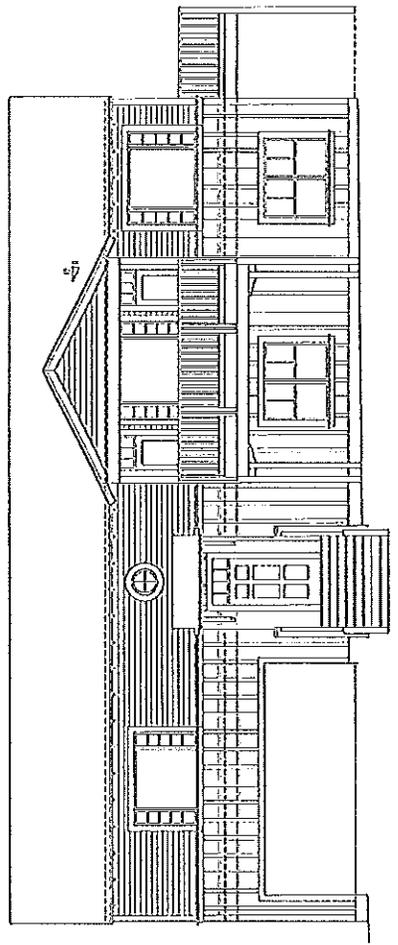
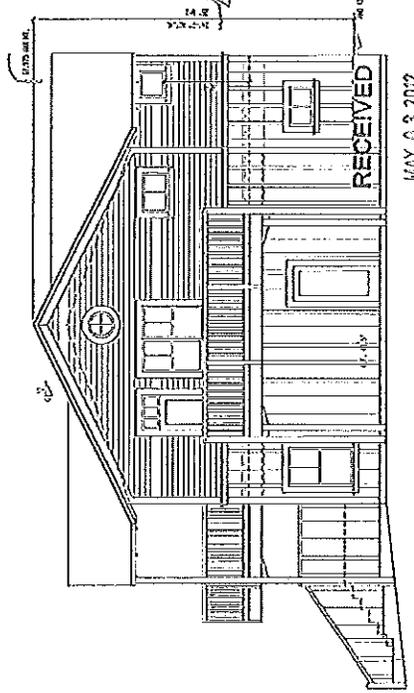
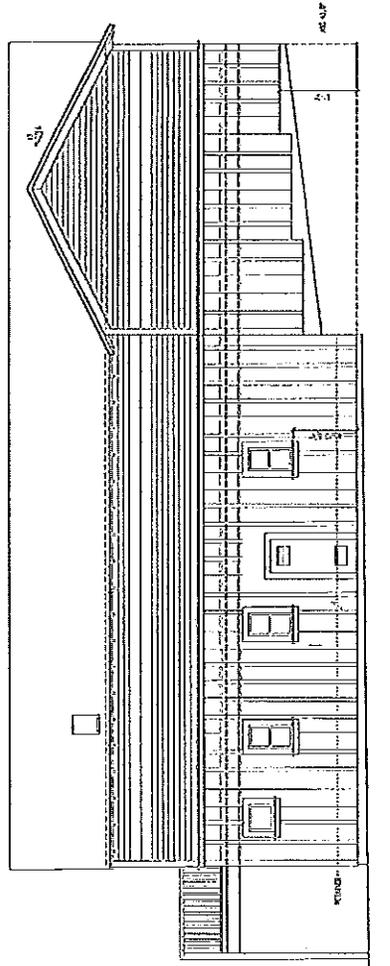
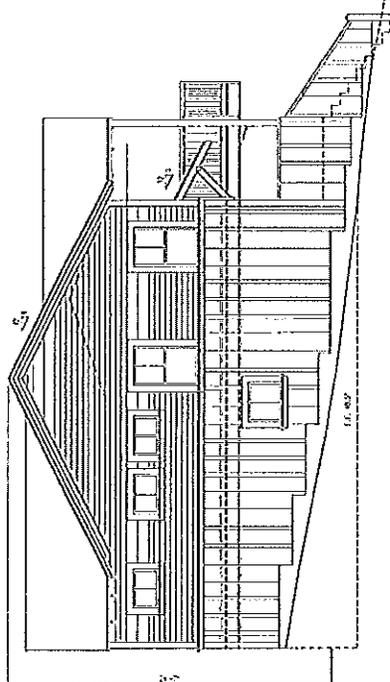
Headers to be installed in new or existing walls.

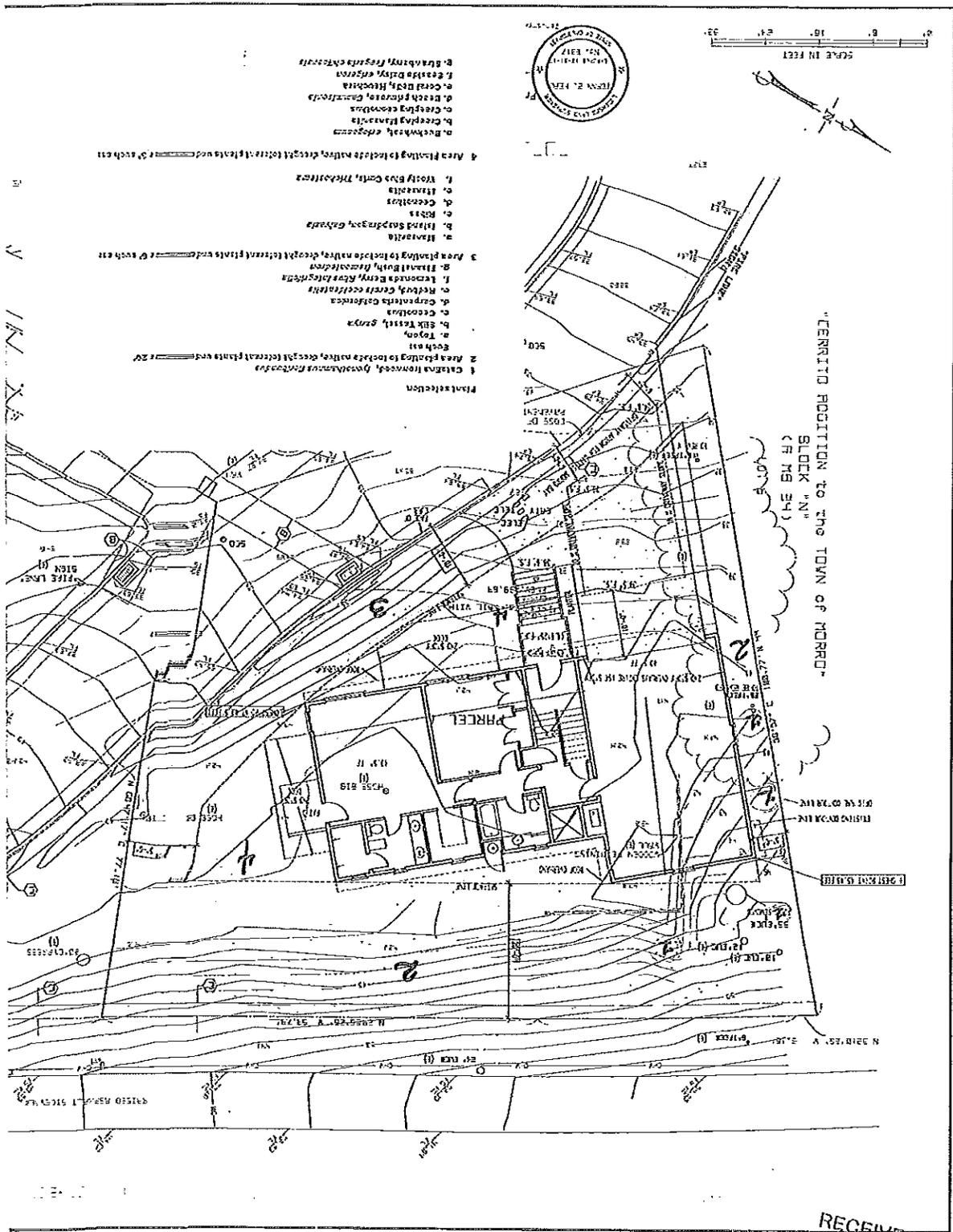
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**WINDOW SCHEDULE**

Windows to be installed in new or existing walls.

1. 1/2" x 6" x 8" Solid Core Door
2. 1/2" x 6" x 8" Solid Core Door with Storm Door
3. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms
4. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing
5. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware
6. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware and Paint
7. 1/2" x 6" x 8" Solid Core Door with Storm Door and Transoms and Glazing and Hardware and Paint and Hardware
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MAY 07 2012  
City of Morro Bay  
Public Services Department

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MAY 07 2012

City of Morro Bay  
Public Services Department

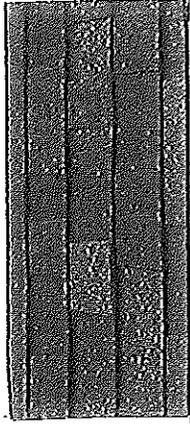
PROJECT ADDRESS:

**HOUGH RESIDENCE**

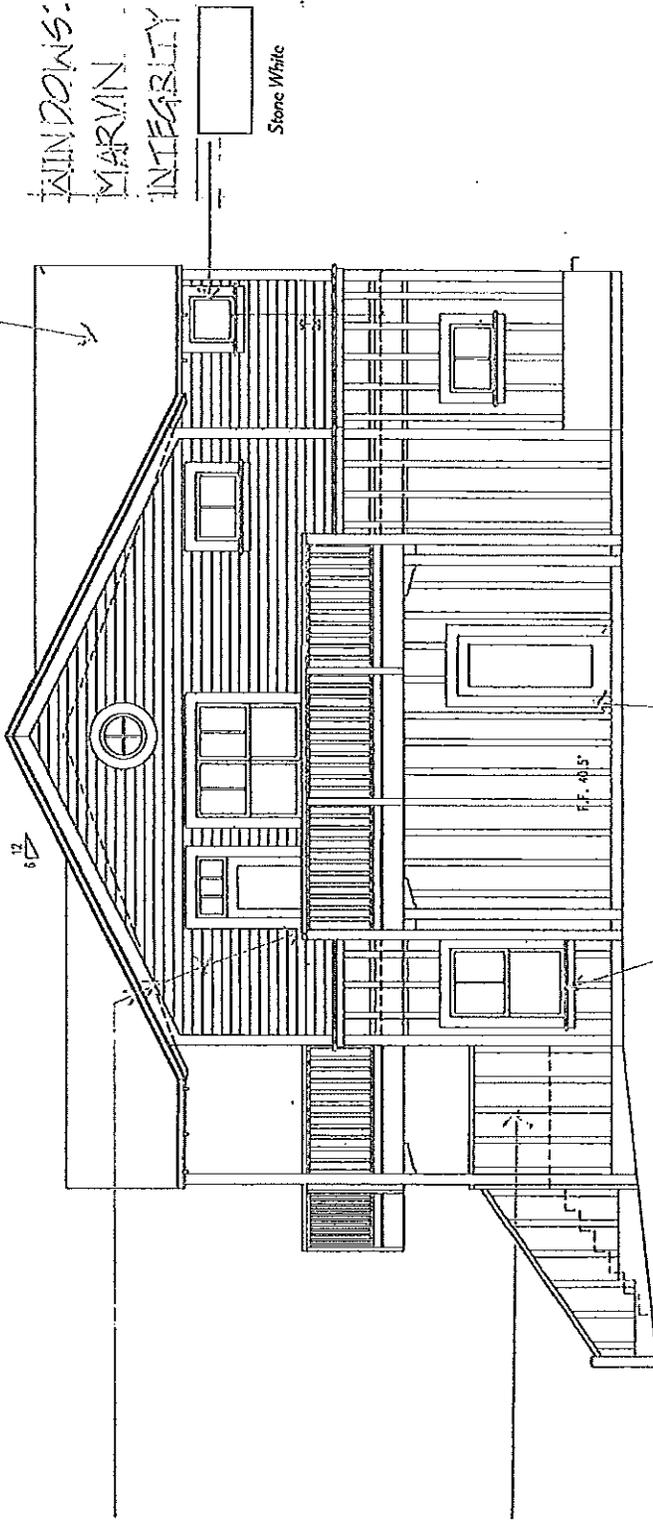
281 Main Street  
Morro Bay, CA 93442

*SIDING & BOARD & BATT  
RANGE, POSSIBLE 2-TONE*

*TOMP ROOF:*



WEATHERED WOOD



*WINDOWS:  
MARVIN  
INTEGRITY*



Stone White

471

tea light

472

argentus green

473

weekend getaway

474

mbstetoc

CW051W Solo White car

*WHITE TRIM COLOR TO  
MATCH WINDOWS & DOORS*



# ATTACHMENT E

AGENDA ITEM: A- 1

DATE: June 6, 2012

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

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012  
VETERANS MEMORIAL HALL – 6:00 P.M.

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

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

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

## PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

Tim Moscardi addressed the status of his attempt to get a planning permit for a project on Alder Street since last November. He stated he has been frustrated with the experience specifically the need for a major modification for a roof deck and asked for Planning Commission assistance.

Ken Vesterfelt, resident of Morro Bay, announced the annual Tip-A-Cop dinner to be held on May 18, 2012 at 5:30pm to benefit the Special Olympics organization. Also, the second annual Canine Walkathon will be held on June 9, 2012 from 10am-2pm at the Rock Parking Lot which is a free event for all. Mr. Vesterfelt also expressed support for Mr. Moscardi's frustration with receiving additional requirements during his third plan check submittal.

John Barta, resident of Morro Bay, addressed the issue of signs and urged the Planning Commission to take the time to consider the various issues associated with signage such as type of signs and construction type.

Amber, Owner of Nibble Nook in Morro Bay, addressed the issue of different sign needs for different zoning and asked the Commissioner to consider the zoning and the different shopping centers on Quintana including to consider the eye level view. She noted that commercial frontages whether on flat land or situated uphill have different needs.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

Chairperson Grantham closed Public Comment period.

Grantham asked Livick to address Mr. Moscardi's concerns. Livick clarified that staff and the City Manager met with Moscardi on April 4, 2012 to provide direction on how to proceed. Staff is currently awaiting a resubmittal from him. Since the roof deck could not be administratively approved, staff recommended to Moscardi that he submit a plan without the roof deck for approval now, and then apply for a modification after the project is in progress. Davis clarified we do not have the approved plans from the project because plans were not proposed with the community housing project.

Chairperson Grantham reopened Public Comment period to allow Mr. Moscardi to comment.

Mr. Moscardi stated his frustration is a result of submitting his application in November and not being told until April about the major modification requirement.

Chairperson Grantham closed Public Comment period.

PRESENTATIONS – None.

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

A. CONSENT CALENDAR

- A-1 Approval of minutes from Planning Commission meeting of May 2, 2012  
**Staff Recommendation:** Approve minutes as submitted.

MOTION: Commissioner Nagy moved to approve the minutes of the May 2, 2012 Planning Commission meetings. Commissioner Fennacy seconded and the motion passed unanimously. (5-0).

B. PUBLIC HEARINGS

- B-1 **Case No.:** Amendment to Special Use Permit #SUP 31-80 and Coastal Development Permit #CDP 56-89  
**Site Location:** 590 Morro Avenue, Twin Dolphin Motel  
**Proposal:** The applicant is seeking an amendment to the existing Use Permit/Coastal Development Permit at 590 Morro Ave to allow modifications to the existing 31 room motel with a manager's unit. The project proposes to eliminate the manager's unit and the manager's garage and remodel these areas to other motel functions.  
**CEQA Determination:** Categorically Exempt, Class 32.  
**Staff Recommendation:** Conditionally approve with conditions.  
**Staff Contact:** Kathleen Wold, Planning and Building Manager, 805-772-6211

Davis presented the staff report.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

Chairperson Grantham opened Public Comment period.

Pretty Patel, Applicant, spoke to say he was available to answer questions on his project.

Chairperson Grantham closed Public Comment period.

Commissioners stated support for the project.

**MOTION:** Commissioner Solu moved to adopt the findings included as Exhibit “A” and conditionally approve the amendment to Special Use Permit #SUP 31-84 and Coastal Development Permit #CDP 56-84 subject to the Conditions included as Exhibit “B” and the site development plans dated May 1, 2012.

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

**B-2 Case No.:** Conditional Use Permit #UP0-284 (Precise Plan)

**Site Location:** 1001 Front Street, water lease sites 105.1W and 105.2W adjacent to 1001 Front Street.

**Applicant/Project Sponsor:** Giovanni DeGarimore / Cathy Novak

**Request:** The applicant seeks Precise Plan approval for the reconfiguring and expansion of the existing dock system. The proposal includes expanding the head-float and installation of four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. The project would include the construction of a new accessible landing and gangway. The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf, this portion of the project is zoned Waterfront (WF). Parking will be accommodated within a parking lot adjacent to Front Street.

Davis presented the staff report.

Chairperson Grantham opened Public Comment period.

Cathy Novak, Applicant’s Representative, spoke to highlight the changes to the Precise Plan review and urged Commission’s approval of the project.

Davis added that the Applicant has submitted a letter to the City dated May 2, 2012 which addresses a three part construction phasing plan which includes: Phase 1 – floating docks and parking lot work; Phase 2 – electrical service to the floating docks; Phase 3 – install awning over patio area. Davis stated this construction phasing plan will have to be approved with the Precise Plan.

Commissioners discussed with staff various details of the Precise Plan including Coastal Commission’s requirements, the public access management plan, parking and lighting. Davis also clarified the project is seeking final approval tonight. The phasing of the project is for the purpose of obtaining building permits in phases.

Grantham closed Public Comment period.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

**MOTION:** Commissioner Napier moved to adopt the findings included as Exhibit “A” and approve the Conditional Use Permit #UP0-284, subject to the Conditions included as Exhibit “B” and the site development plans dated April 27, 2012.

Livick asked if the motion includes the modification requested by the Applicant for the phasing.

Commissioner Napier stated yes.

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

**B-3 Case No.:** Conditional Use Permit #UP0-348 & Coastal Development Permit #CP0-372  
**Site Location:** 281 Main Street  
**Proposal:** The applicant is seeking approval of a Use Permit and Coastal Development Permit to allow the construction of an approximately 2,828 square foot single-family residence.  
**CEQA Determination:** Categorically Exempt, Class 3.  
**Staff Recommendation:** Conditionally Approve.  
**Staff Contact:** Sierra Davis, Assistant Planner, 805-772-6270

Davis presented the staff report.

Commissioners discussed the property’s previous 2009 approvals and the requirements associated with a planned development overlay including:

- The color board;
- Lighting and the photometric plan;
- Landscape plan and the requirement of a 2 to 1 tree replacement ratio.

Commissioner Nagy asked staff if the Applicant can submit an alternative lighting plan in lieu of submitting a photometric plan. Davis clarified that the photometric plan is the only tool available to correctly analyze the lighting impacts on a neighborhood.

Commissioner Napier asked staff to clarify the archaeological issues with this site and the neighboring site and asked staff to clarify the rules for the 300 feet distance. Davis referenced Municipal Code 17.48.310 which addresses the protection of archaeological resources and explained the threshold for requiring a Phase I study is if a property is within 300 feet of an archaeological site. Livick clarified that per State law, archaeological resources are sensitive and are not allowed to be disclosed.

Commissioner Napier also expressed concern about tree removal and the proposal to site the house close to a big tree which may need to be removed.

Chairperson Grantham opened Public Comment period.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

Cathy Novak, Applicant's Representative spoke to clarify the proposal and asked the Commission to modify the tree replacement requirement of 15 gallon tree and replace that with 5 gallon tree for the following reason: inconsistent with major vegetation policy; difficult to purchase native and drought tolerant species in a 15 gallon size.

Chris Christiansen, retired builder, developer landscaper and arborist, addressed the issue of tree removal and stated yes it is a large tree and close to the house, but it is not native to California. He spoke in favor of allowing the applicant to remove the tree and stated a 15 gallon tree would have a harder time to withstand strong winds versus a 5 gallon tree which can be allowed to grow and develop the strength needed to withstand wind.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy asked why this project requires a photometric plan and whether the Applicant can mitigate lighting impacts by agreement. Davis clarified that a photometric plan is the only way we can address light in that Planned Development (PD) overlay district.

Commissioner Solu asked staff to address the tree replacement ratio. Davis clarified the condition is not unique to the Applicant. The 2 to 1 replacement ratio is pursuant to the City's adopted major vegetation guidelines.

Livick added that staff is proposing a modification to the condition to strike the requirement that tree replacement be only from the City's Street Tree list in order to allow the Applicant increased tree choices.

Commissioner Nagy stated he does not support the lighting requirement for a photometric plan.

Livick reviewed the lighting requirements as identified in the PD overlay district and clarified to Commissioners that as long as the Applicant does not vary from the fixtures presented and the locations presented on the map, that that would satisfy the requirement for the lighting plan. Livick added he recommends that detailed photometrics be done for commercial sites based on recent commercial sites that have gone in and are very bright at night.

**MOTION:** Commissioner Nagy moved to adopt the findings included as Exhibit A and approve the Conditional Use Permit #UP0-284, subject to the Conditions included as Exhibit "B" and the site development plans dated April 27, 2012 with the following changes:

1. Strike Planning Commission condition 1 to not require a photometric plan;
2. Modify Planning Commission condition 4 to replace 15 gallon tree with 5 gallon tree; and
3. Strike the requirement that the species be from the City of Morro Bay's approved Street Tree list.

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

Chairperson Grantham called for a five minute break and the meeting resumed at 7:25pm.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

- B-4 **Case No.:** Zoning Text Amendment #A00-015 (continued from May 2, 2012 meeting)  
**Site Location:** Citywide  
**Proposal:** The City of Morro Bay is proposing a Municipal Code Amendment modifying Section 17.68 “Signs”. Recommendations from the previous sign workshops, sign survey results, previous work for the 2004 Planning Commission report and direction from City Council (2012) will be presented at the May 2, 2012 meeting. The Planning Commission will review these items, take public testimony and provide direction to staff.  
**CEQA Determination:** To be determined.  
**Staff Recommendation:** Review documentation, take public testimony and provide direction to staff.  
**Staff Contact:** Kathleen Wold, Planning and Building Manager, 805-772-6211

Chairperson Grantham opened Public Comment period.

Kim Van Norstrand, business owner of ArtSea, spoke of presenting a theme for the Morro Bay community comparing the examples of San Clemente and Laguna Niguel. She also spoke about the need for additional and appropriate signage for retail stores in “off the beaten track” areas.

Chairperson Grantham closed Public Comment period.

Commissioners discussed with staff the following:

Zoning Maps and District Boundaries:

The zoning maps and boundaries of the four districts were reviewed which include Quintana area, North Main, Downtown and Embarcadero areas. Commissioners agreed that the general boundaries for Quintana would include the commercial strip along the freeway. Both sides of Quintana between South Bay Boulevard all the way up to the intersection with Main ending at the freeway overpass. Mixed commercial residential would be included in this area. Properties north of this would be part of the North Main district.

Commissioners agreed that the boundaries of the Downtown area would encompass Morro Bay Blvd from Kern Ave down to just above Front Street and incorporate the businesses within this area with the north boundary expanded from Beach to Surf Street.

Commissioners directed staff to bring back a more detailed map with precise boundaries.

The boundaries agreed upon for the Embarcadero area include the area from Tideland Park up to Coleman Drive on both sides of street and including businesses with Front Street addresses.

The North Main Street boundaries include from where the Quintana district ends all the way north to Yerba Buena Street.

Sign Definitions:

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

Commissioners reviewed the definitions to determine whether any listed need to either be revised, updated or if there are terms missing that should be included. Commissioners accepted the existing definitions and agreed to add sign definitions for the following types of signs: Blow up (inflatable signs); public signs, kiosks or directory signs; kiosk, lease directional signs; fence signs; feather signs; illuminated signs; art, mural or roof art signs; A-frame signs to be added to free-standing sign definition; animated and moving signs; definitions of prohibited types of signs; pub or projecting signs; dock signs; awning signs; all preliminary sign options which should match up with the definitions; and neon open, food/beverage neon signs.

Commissioners discussed with staff the definitions of signs on vehicles – when they are allowed and when they are prohibited.

Commissioners reviewed the preliminary sign options spreadsheet with staff discussing the categories for the Downtown area:

General Sign Area Calculations: Commissioners directed staff to bring back examples of this in order to visually see the building frontage impact.

A-Frame Signs: Commissioners Napier and Fennacy stated support for A-frame signs. Commissioners Solu, Nagy and Chairperson Grantham stated support against A-frame signs.

Awning Signs: Commissioners stated support for allowing this.

Dock Signs: Commissioners stated support for allowing this.

Flag Signs: Commissioners stated support for not allowing this.

Gateway Signs: Commissioners stated support for allowing this.

Internally and Externally: Commissioners reviewed definitions with staff and agreed more discussion is needed.

Marquee Signs: Commissioners stated support for allowing this.

Monument Signs: Commissioners stated support for allowing this.

Off Premise Signs: Commissioners stated support for allowing this.

Pole Signs: Commissioners stated support for not allowing this.

Pub Signs: Commissioners stated support for allowing this.

Wall Signs: Commissioners stated support for allowing this.

Window Signs: Commissioners directed staff to expand this section to better define different types of window signs.

Time limits for non-conforming signs: Commissioners directed staff to look to other cities for examples that are written much clearer.

Commissioners directed staff to bring back:

1. Further detail on sign area ratio and percentages;
2. Photos of sign types for internal and external illuminated signs;
3. A matrix comparison in a column format to include comparisons to Pismo Beach, all poll results and staff recommendations; and
4. Shopping center definitions.

Planning Commissioners also agreed to direct staff to bring this back to the June 20, 2012 Planning Commission meeting.

UNFINISHED BUSINESS

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 16, 2012

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

Livick reviewed the Work Program with Commissioners.

NEW BUSINESS – None.

DECLARATION OF FUTURE AGENDA ITEMS

Commissioner Napier stated she and Commissioner Nagy would like to give an update on the Subdivision Ordinance Subcommittee, meet with Councilmember Johnson regarding this, agendaize this for an upcoming meeting and will follow up with staff.

ADJOURNMENT

The meeting adjourned at 9:10 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, June 6, 2012 at 6:00 pm.

---

Rick Grantham, Chairperson

ATTEST:

---

Rob Livick, Secretary

CATHY • NOVAK

consulting

June 6, 2012

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

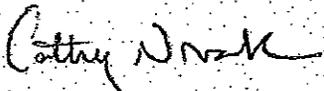
RE: 281 Main Street Tree removal

Dear Kathy and Rob,

The applicant's for the 281 Main Street project have had a chance to re-evaluate their original request to remove the two Eucalyptus trees as indicated on the approved plans. After discussion with the project architect it has been determined that the proposed single family residence can be constructed without the removal of these two trees therefore, this project will remain consistent with all previously approved permits and City policies. A modified site plan, landscape plan and other pertinent plan sets will be revised and submitted to the City when a building permit application is filed.

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

Regards,



Cathy Novak

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

CATHY • NOVAK

consulting

RECEIVED

JUN 18 2012

City of Morro Bay  
Public Services Department

June 15, 2012

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

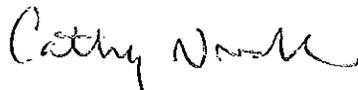
RE: 281 Main Street landscape plan

Dear Kathy,

The conditions of approval require a developed landscape plan at the time of a building permit application for the above mentioned project. Since an appeal has been filed with the City, the applicant would like to provide additional and specific details for the landscaping plan at this time rather than waiting until the building permit time.

It is the applicant's hope that this supplementary information will help with your continued project review. Thank you for your time and consideration I this matter. Please let me know if you have any questions.

Regards,



Cathy Novak

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

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NOVAKCONSULTING@CHARTER.NET

# ATTACHMENT G

RECEIVED  
City of Morro Bay

Donald Wadleigh  
280 Main Street  
Morro Bay, CA 93442

JUL 02 2012

Administration

RE: Case No: UPO-248 and CPO-372

Site Location: 281 Main Street

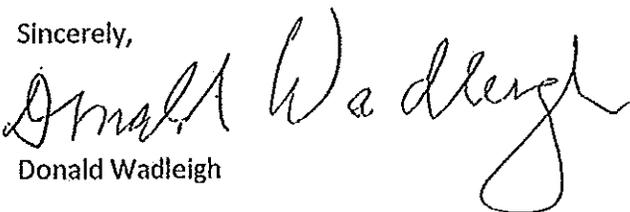
I support Betty Winholtz's request that the City Council overturn the Planning Commission's approval of a single family residence. I also think that the City Council should consider issues of height and appropriateness of one or two stories being permitted. The appellant developer should also not be permitted to continue the project until the Coastal Commission has determined that people of California's right to have a view of the water front has been protected.

"The Environmental Coordinator has reviewed the matter in accordance with the requirements of the California Environmental Quality Act (CEQA) and has determined that the project is either exempt from CEQA, that a Negative Declaration should be adopted, or that an Environmental Impact Report (EIR) should be certified"

Can an environmental report be certified without a public discussion on what the act covers, why a declaration should or should not be made? There must be an EIR before it can be certified.

Summing up, the City Council should resolve issues of height and appropriateness of one or two story buildings, seek the approval of the Coastal Commission, and obtain a valid EIR.

Sincerely,



Donald Wadleigh

# ATTACHMENT H

	Plant	Plan Area #	Size	Comments	Eventual size
A	Arctostaphylos hookeri	5	1 gallon		12" x 10'
B	Salvia leucophylla	7	1 gallon		3' x 6'
C	Galvezia Island Snapdragon	3	4" or 1 gal	as available	3' x 6'
D	Eriogonum grande rubescens	4	4" or 1 gal	as available	2' x 3'
E	Rhamnus crocea redberry	1	1 gallon	already planted and irrigated	4' x 8'
F	Rhamnus californica coffeeberry	2	1 gallon	already planted and irrigated	8' x 8'
G	Quercus agrifolia	2	1 gallon	already planted and irrigated	20' x 20'
H	Heteromeles arbutifolia Toyon	1	1 gallon	already planted and irrigated	9' x 8'
I	Arctostaphylos pajaroensis	2	1 gallon		4' x 4'
J	Garrya elliptica Coast silk-tassel	1	1 or 5 gal	as available	12' x 8'
FC	Fragaria chiloensis Beach strawberry	8	6-Packs	groundcover	
BB	Birdbath				
WC	Wood chips				

After plants and irrigation are installed, all areas will be covered in wood chip mulch.

The bank along the access road is currently juted and will be re-juted as necessary.

All irrigation will be drip and microspray.

All plants are native to the California coast (Area 15 in Sunset) and are drought tolerant.

All plants will be given supplemental summer water first 1-2 years, as necessary.

RECEIVED

JUN 18 2012





**AGENDA NO.:** C-1

**Meeting Date:** 7/10/2012

# **THIS STAFF REPORT**

**(RESOLUTION No. 38-12 ADOPTING THE FISCAL YEAR 2012/13  
OPERATING BUDGETS OF THE HARBOR DEPARTMENT)**

## **WILL BE AVAILABLE**

### **BY**

## **Friday, July 6, 2012**

### **5:00 P.M.**



AGENDA NO: C-2

MEETING DATE: July 10, 2012

## Staff Report

**TO:** Honorable Mayor and Council Members      **DATE:** July 2, 2012

**FROM:** Joe Woods, Recreation & Parks Director  
Janeen Burlingame, Management Analyst

**SUBJECT:** Consideration of Purchasing Big Belly Solar Power Trash Compactor  
Garbage Receptacles for the Rock Parking Lot

### **RECOMMENDATION**

Staff recommends the City Council consider purchasing Big Belly solar powered trash compactor garbage receptacles with recycling units for the Rock parking lot and restroom. In addition, staff recommends the Council identify a potential funding source for implementation.

### **FISCAL IMPACT**

By using the replacement ratio of 1:4; the cost estimate for 4 Big Belly receptacles would be \$29,652. The estimated cost savings per year for reduced garbage collection service is \$14,440. The cost savings could be utilized to offset the initial capital outlay, which would require approximately \$15,000 to begin replacement within FY 2012/13. The initial cost for complete replacement program at the Rock has not been allocated in the General Fund budget for FY12/13; therefore Council's appropriation is required for implementation.

### **BACKGROUND**

At the June 26, 2012 regular meeting, Council discussed utilization of Big Belly solar powered garbage compactors with recycling receptacles at the Morro Rock parking lot due to ongoing trash problems, specifically during heavy visitor traffic in the summer months as well as on holiday weekends. During these times, the City's solid waste management program has been challenged mostly by the volume of generated trash.

Current available resources consist of single user trash receptacles which have proven to be less efficient due to age and access by neighboring scavenging birds and squirrels. Increasing the current waste pick up schedule to include in-house Sunday service is part of the solution with the remaining part being the replacement of the current receptacle design with a more efficient design to facilitate user needs, service reduction and prevention of wildlife infiltration.

At the conclusion of the meeting, Council directed staff to return at the July 10, 2012 meeting

Prepared By: JB/JMW

Dept Review: JMW

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

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

with more detailed information regarding cost and program implementation to utilize Big Belly solar power compactors with recycling receptacles at the Morro Rock parking lot.

### **DISCUSSION**

Current garbage collection service at the Rock parking lot and restroom utilizes 16 32-gallon aggregate receptacles that are collected 3 times a week during the winter months and 6 times a week during the summer months. Sunday collection is performed with an in-house Harbor maintenance employee. The Harbor Department has installed 7 concrete pads which host 13 aggregate receptacles and there are 3 receptacles located at the Rock restroom.

Staff proposes to place 1 Big Belly garbage and recycling unit at 3 of the concrete pads along the Rock parking lot and 1 Big Belly garbage and recycling unit at the Rock restroom, removing all 16 aggregate containers that are currently located at the Rock parking lot and restroom. With the addition of the 4 recycling units, there would be increased recycling opportunities for visitors, as the Rock parking area currently houses 1 3- yard recycling dumpster near the restroom. The 13 receptacles that are currently on the concrete pads are relatively new and can be relocated along the Embarcadero to replace older containers that are past their useful lifespan.

The cost estimate for 4 Big Belly garbage and recycling units, including tax and freight, is \$29,652. Garbage collection based on a single receptacle with the current rate structure and collection frequency at 3x/week collection for Winter (\$75.56/mo.) and 6x/week collection for Summer (\$149.72/mo.) costs \$1203.36 per year for garbage collection.

Proposed replacement ratios would be at 1:4 based on physical layout and current infrastructure, decreasing the amount of collection from 16 receptacles to 4. Cost savings, based on 12 receptacles at the current rate schedule and service level, is estimated to be \$14,440 per year. When service collection savings are applied, the return on investment would be realized in approximately 2.05 years. Return on investment may be reduced based on implementation of a sponsorship program or community donations.

### **CONCLUSION**

Staff recommends the City Council consider purchasing Big Belly solar powered trash compactor garbage receptacles with recycling units for the Rock parking lot and restroom. In addition, staff recommends the Council identify a potential funding source for implementation.



AGENDA NO: C-3

MEETING DATE: 7/10/2012

# Staff Report

**TO:** Mayor and City Council

**DATE:** July 2, 2012

**FROM:** Andrea K. Lueker, City Manager

**SUBJECT:** Recommendation on the Paperless Agenda Concept

## **RECOMMENDATION**

Staff recommends the City Council authorize the purchase iPads to replace the majority of paper agenda packets that are currently created for City Council meetings. Staff further recommends the City Council fund approximately ½ of the cost from the General Fund Reserve and the remaining ½ disbursed through the Enterprise funds, with the funding coming from either Reserves or preferably through a mid-year budget amendment.

## **FISCAL IMPACT**

The fiscal impact will not exceed \$10,000, which allows for the purchase of 12 iPads with AppleCare Protection Plan, Screen Guards and several programs necessary for manipulating the Council Agenda Packet materials..

## **BACKGROUND**

The City Council heard this item on April 10, 2012, and asked staff to come back with a further recommendation. Staff has obtained a quote for 12 iPads with the AppleCare Protection Plan, Screen Guards and several programs necessary for manipulating the agenda materials.

## **DISCUSSION**

Based on research, staff recommends the City Council authorize purchase of iPads for City Council members, as well as Department Heads. The recommended device is the iPad3 with 32 GB of memory. Staff is also recommending using a wireless connection for data instead of individual data plan purchases. Since the City has wireless connections available at both City Hall and the Veteran's Memorial Hall, documents will be able to be downloaded in both those locations as well as from all other areas where wireless is accessible.

Should the City Council authorize this purchase, staff will move ahead with securing training opportunities for users, as well as fine-tune the City's Information Systems Policy to address specifics including how the agenda materials can be distributed to the City Council and staff, and what, if any, restrictions need to be placed on their use.

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

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

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

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



## Staff Report

AGENDA NO: D-1  
MEETING DATE: 07/10/12

**TO:** Honorable Mayor and City Council      **DATE:** July 2, 2012  
**FROM:** Susan Slayton, Administrative Services Director  
**SUBJECT:** Resolution No. 37-12 Adopting 2012/13 Revisions to the Master Fee Schedule

**RECOMMENDATION:**

Council to adopt Resolution No. 37-12.

**FISCAL IMPACT:**

Potential for increased revenue as a result of fee changes, but that amount is unknown.

**DISCUSSION:**

Staff has prepared Resolution No. 37-12 for the annual adoption of the proposed Master Fee Schedule for the 2012/13 fiscal year. An edited version of the 2011/12 schedule is attached for consideration.

All fees that can legally be increased have been adjusted in this draft Schedule. The suggested fee increases for the Public Services divisions are based on the change in the Engineering News Record (ENR) for the period from April 2011 to April 2012. The ENR difference was an increase of 2.73%.

All other suggested adjustments are based on the change in the Consumer Price Index (CPI) for the Los-Angeles-Riverside-Orange County area for the same time period as the ENR. The CPI change was 1.5%.

Staff recommends that the City Council review the report, make changes to the draft Schedule as needed, and adopt Resolution No. 37-12. Any amendments made at this meeting will be included in the final published Schedule.

Prepared By: SS

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

City Manager Review: AS

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

**RESOLUTION NO. 37-12**

**RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MORRO BAY, CALIFORNIA,  
ADOPTING 2012/13 REVISIONS TO THE MASTER FEE SCHEDULE**

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

**WHEREAS**, the City Council finds that fees and charges for City services are annually in need of review for possible updating to reflect changes in the cost of providing those services; and

**WHEREAS**, the California Constitution, in Article 13B Government Spending Limitation Section 8(c), states that proceeds in excess of user charges and user fees that exceed the costs reasonably borne by the City in providing the regulation, product or service are considered proceeds from taxes that are subject to the annual appropriation limit; and

**WHEREAS**, the City has reviewed these fees, and finds that they do not exceed the actual costs of providing related services; and

**WHEREAS**, the City's Municipal Code Section 3.34.020 provides for the annual review of the Master Fee Schedule and revision; and

**WHEREAS**, on August 11, 2008, the City Council adopted Resolution No. 49-08, which stated that "the Master Fee Schedule will be brought back in its entirety for review annually."

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, that the Master Fee Schedule be revised, and published, as amended.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 10<sup>th</sup> day of July 2012, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
WILLIAM YATES, Mayor

\_\_\_\_\_  
JAMIE BOUCHER, City Clerk

# **Adopted Master Fee Schedule For the 2012/13 Fiscal Year**

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# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Preface

All fees, except for those related to Business License, are subject to increase by either the April Consumer Price Index (CPI) for Los Angeles-Riverside-Orange County, or the Engineering News Record (ENR), unless prevented by law. Business License adjusts based on the March CPI, per Municipal Code Section 5.04.050.

ENR for April 2012 = 2.73%

CPI for April 2012 = 1.5%

CPI for March 2012 = 2.02%

The Master Fee Schedule is updated annually in June/July; therefore, any fees adopted after its publication, and prior to the next annual update, may not be included.

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year  
All Departments & Offices**

<b>Photocopies:</b>		
First page	\$	0.75
Each additional page	\$	0.25
<b>Photocopies mailed:</b>		
Cost of postage		Actual
First page	\$	0.75
Each additional page	\$	0.25

**Notes:**

Unless specifically identified elsewhere (e.g., Public Safety), all departments and offices shall use these rates.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Elections

### Filing fee:

Notice of intention to circulate petition - this amount is refundable under Elections Code Section 9202(b), with conditions

\$ 200.00

**do not adj**

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Finance Department

### Copies:

Budget document, per copy	\$ 25.00	<b>25.00</b>
<del>Comprehensive Annual Financial Report</del> Basic Financial Statements <del>document</del> (City Audit), per copy	\$ 25.00	<b>25.00</b>
Master Fee Schedule document, per copy	\$ 25.00	<b>25.00</b>
Returned check charge (CA Civil Code Section 1719):		
First time	\$ 25.00	<b>do not adj</b>
Each subsequent	\$ 35.00	<b>do not adj</b>

### Utility Billing:

Water service application fee	\$ 25.00	<b>do not adj</b>
Physical posting of shut-off notice at customer location	\$ 52.00	<b>53.00</b>
Refundable Utility deposit - residential tenants only <sup>1</sup>	\$ 100.00	<b>do not adj</b>
Reconnection ( <b>MC 13.04.310</b> )	\$ 44.00	<b>45.00</b>

A deposit is required from all residential tenants who sign up for utility service. Existing residential tenants, whose service is terminated due to delinquent non-payment, will be required to pay a deposit, in addition to the service reconnection fee, in order to restore service **ONLY IF THE DEPOSIT HAS NOT PREVIOUSLY BEEN COLLECTED.**

If the residential tenant moves within the City limits, the deposit will transfer with the residential tenant to his/her new address.

The deposit is applied to the closing bill when the residential tenant moves out; any remaining credit balance is refunded. If the tenant's status changes to an owner, the deposit is refunded.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Building (See Notes)

<b>Building &amp; Construction Permits:</b>		
Valuation of from 0 - \$3,000 (including electrical service less than 600 amp, and minor plumbing alternatives)	\$ 79.00	<b>81.00</b>
\$3,001 and up - .025 x total valuation - 50% upon submittal/50% at issuance		
Construction Operation After Hours	\$ 29.00	<b>30.00</b>
Building Re-Address Processing	\$ 28.00	<b>29.00</b>
Demo w/o Asbestos	\$ 63.00	<b>65.00</b>
Demo w/ Asbestos	\$ 127.00	<b>130.00</b>
In-lieu Housing Fee (if unit not affordable housing) - per sq/ft	\$ 0.30	<b>0.31</b>
General Plan Maintenance - 6% Surcharge on all Building Permits <sup>2</sup>		
SMIP Category I (Residential) - .0001 x valuation		
SMIP Category II (Commercial) - .00021 x valuation		
Unsafe Building repair, demolition or moving structure - charged at cost		
<b>Special Inspection and Plan Review Fees:</b>		
Inspection Fees - outside of normal work hours - per hour, 2 hour minimum	\$ 144.00	<b>148.00</b>
Re-Inspection Fees - per hour	\$ 72.00	<b>74.00</b>
Property condition report for Condominium Conversions	\$ 18.00	<b>18.00</b>
Inspection for which no fee is otherwise indicated - per hour, 1/2 hour minimum	\$ 72.00	<b>74.00</b>
Additional Plan Review required by changes, additions, revisions to the approved plans - per hour, 1/2 hour minimum	\$ 72.00	<b>74.00</b>
Use of outside consultants for special plan checking and inspection - charged at actual cost		
Penalty for commencing construction without permit(s) <del>\$100- plus two times the entire permit fee plus \$50 per day, after notice.</del> This is in addition to the standard building permit	\$ 100.00	<b>103.00</b>
	+ 2 times permit fee + \$50.00 per day after notice	<b>51.00</b>
Retrofit upon transfer of sale	\$ 32.00	<b>33.00</b>

<sup>2</sup> General Plan Maintenance surcharge includes 1% for Geographic Information System (GIS) Maintenance

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Building Development Impact Fees <sup>5</sup>

<b>Building fees, per square foot <sup>6</sup>:</b>		
Residential:		
Single Family <sup>7</sup>	\$ 3.80	<b>3.90</b>
Multi-Family <sup>7</sup>	\$ 6.07	<b>6.24</b>
Non-residential:		
Commercial <sup>7</sup>	\$ 3.81	<b>3.91</b>
Office <sup>7</sup>	\$ 2.71	<b>2.78</b>
Industrial <sup>7</sup>	\$ 1.41	<b>1.45</b>
<b>Park fees for residential in-fill lots, per square foot:</b>		
Single Family	\$ 1.17	<b>1.20</b>
Multi-Family	\$ 1.96	<b>2.01</b>
<b>Water fee:</b>		
1" meter	\$ 2,368.00	<b>2,433.00</b>
1-1/2" meter	\$ 4,736.00	<b>4,865.00</b>
2" meter	\$ 7,575.00	<b>7,782.00</b>
3" meter	\$ 15,151.00	<b>15,565.00</b>
<b>Wastewater fee:</b>		
1" meter	\$ 4,347.00	<b>4,466.00</b>
1-1/2" meter	\$ 8,695.00	<b>8,932.00</b>
2" meter	\$ 17,388.00	<b>17,863.00</b>
3" meter	\$ 27,820.00	<b>28,579.00</b>

<sup>5</sup> Adjust annually based on change in Engineering News Record (ENR).

<sup>6</sup> Fees are per square foot including garages (enclosed spaces). Single-family residential additions of 500 square feet or less are exempt (this is for a cumulative five (5) year period).

<sup>7</sup> Plus water **and** wastewater fees, which are based on meter size

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Building Development Impact Fees

### Public Facilities Fees (per square foot):

#### Residential:

##### Single Family Residential:

General Government	\$ 1.12	<b>1.15</b>
Police	\$ 0.38	<b>0.39</b>
Parks	\$ 1.17	<b>1.20</b>
Fire	\$ 0.41	<b>0.42</b>
Storm Drain	\$ 0.05	<b>0.05</b>
Traffic	\$ 1.82	<b>1.87</b>
Water <sup>8</sup>	\$ 0.63	<b>0.65</b>
Wastewater <sup>8</sup>	\$ 1.75	<b>1.80</b>

##### Multi-Family Residential:

General Government	\$ 1.87	<b>1.92</b>
Police	\$ 0.62	<b>0.64</b>
Parks	\$ 1.96	<b>2.01</b>
Fire	\$ 0.68	<b>0.70</b>
Storm Drain	\$ 0.06	<b>0.06</b>
Traffic	\$ 2.84	<b>2.92</b>
Water <sup>8</sup>	\$ 0.95	<b>0.98</b>
Wastewater <sup>8</sup>	\$ 2.60	<b>2.67</b>

<sup>8</sup> Water and Wastewater actual fees are based on the meter size. Amount shown is estimated based on the fees divided by the estimated building square feet.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Building Development Impact Fees

<b>Public Facilities Fees, per square foot (continued):</b>			
Non-residential:			
Commercial:			
General Government	\$	0.22	<b>0.23</b>
Police	\$	0.06	<b>0.06</b>
Parks	\$	0.00	-
Fire	\$	0.21	<b>0.22</b>
Storm Drain	\$	0.03	<b>0.03</b>
Traffic	\$	3.28	<b>3.37</b>
Water <sup>8</sup>	\$	2.36	<b>2.42</b>
Wastewater <sup>8</sup>	\$	4.35	<b>4.47</b>
Office:			
General Government	\$	0.30	<b>0.31</b>
Police	\$	0.08	<b>0.08</b>
Parks	\$	0.00	-
Fire	\$	0.29	<b>0.30</b>
Storm Drain	\$	0.03	<b>0.03</b>
Traffic	\$	1.97	<b>2.02</b>
Water <sup>8</sup>	\$	2.36	<b>2.42</b>
Wastewater <sup>8</sup>	\$	4.35	<b>4.47</b>
Industrial:			
General Government	\$	0.09	<b>0.09</b>
Police	\$	0.03	<b>0.03</b>
Parks	\$	0.00	-
Fire	\$	0.08	<b>0.08</b>
Storm Drain	\$	0.03	<b>0.03</b>
Traffic	\$	1.13	<b>1.16</b>
Water <sup>8</sup>	\$	2.36	<b>2.42</b>
Wastewater <sup>8</sup>	\$	4.35	<b>4.47</b>

<sup>8</sup> Water and Wastewater actual fees are based on the meter size. Amount shown is estimated based on the fees divided by the estimated building square feet.

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Public Services Department  
Business License ~~& Engineering~~  
(See Notes)**

**Business License:**

Business License fee - varies by type of license requested	See Subsequent Pages	
Business License listing, per list	\$ 15.00	<b>15.00</b>
Business License, transfer (MC 5.04.220)	\$ 2.00	<b>do not adj</b>
Business License, duplicate (MC 5.04.230)	\$ 2.00	<b>do not adj</b>
Home Occupation Permit Processing Fee (one time fee)	\$ 60.00	<b>61.00</b>
Home Occupation Basic (annual)	\$ 127.00	<b>130.00</b>
Home Occupation Exception (annual)	\$ 52.00	<b>53.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Business License Exhibit A

### Business License (MC 5.08):

Ambulances				
License	Annum	\$ 103.00		<b>105.00</b>
Apartments, Motel, Hotel, Multiple Dwellings, Rest Homes, Rooming Houses, Hospitals & Sanitariums	Annum	\$ 127.00		<b>130.00</b>
Plus: Each Unit/Person cared for Over 4		\$ 5.00		<b>5.00</b>
Art Hobby or Handicraft Show & Exhibitions				
Minimum Per Salesperson	Annum	\$ 3.00		<b>3.00</b>
Auctioneers				
No Fixed Place of Business	Day	\$ 127.00		<b>130.00</b>
Fixed Place of Business	Annum	\$ 127.00		<b>130.00</b>
Plus: Each Employee	Annum	\$ 31.00		<b>32.00</b>
Bingo		\$ 61.00		<b>62.00</b>
Carnivals and Circuses	Day	\$ 517.00		<b>527.00</b>
3-more sale	Annum	\$ 127.00		<b>130.00</b>
Coin-Operated Vending Machine	Gross Receipts	0.01		<b>DO NOT ADJ</b>
Contractors				
General	Annum	\$ 255.00		<b>260.00</b>
One Job Only	Job	\$ 127.00		<b>130.00</b>
Specialty	Annum	\$ 127.00		<b>130.00</b>
One Job Only	Job	\$ 31.00		<b>32.00</b>
Delivery By Vehicle For One or More Vehicles	Annum	\$ 127.00		<b>130.00</b>
Exhibiting Animals or Trick Riding, Wire Dancing or other Exhibitions (Exception No Fee or Admission)	Day	\$ 51.00		<b>52.00</b>
Fire Wreck or Bankrupt Sale, Each Sale		\$ 180.00		<b>184.00</b>
Plus: In Excess of 3 Days	Day	\$ 103.00		<b>105.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Business License Exhibit A (page 2)

Flea Markets	Daily Gross		
Minimum per Salesperson	Day	\$ 10.00	<b>10.00</b>
Garage Sales		No Fee	
ERR			
Merry-Go-Round, Revolving Wheel Chute, Tobaggan, Slide, Mechanical Riding Contrivance or Pony Ride	Day	\$ 51.00	<b>52.00</b>
Money Lenders & Pawnshops		\$ 517.00	<b>527.00</b>
Non-Profit Organizations		Exempt	
Peddlers, Solicitors, or Itinerant Merchants			
Peddlers	Day	\$ 51.00	<b>52.00</b>
Solicitors	Day	\$ 103.00	<b>105.00</b>
Plus: Each Employee	Day	\$ 51.00	<b>52.00</b>
Itinerant Merchants	Day	\$ 51.00	<b>52.00</b>
	Week	\$ 103.00	<b>105.00</b>
	Month	\$ 154.00	<b>157.00</b>
	Quarter	\$ 203.00	<b>207.00</b>
	180 days	\$ 255.00	<b>260.00</b>
Public Utilities	Annum	\$ 127.00	<b>130.00</b>
Plus: Each Employee	Annum	\$ 31.00	<b>32.00</b>
Exception: When City Franchise Tax is greater than \$80.00			
Private Patrol	Annum	\$ 62.00	<b>63.00</b>
Public Dance (Exception No Fee or Admission)	Day	\$ 51.00	<b>52.00</b>
Real Estate			
Calif. Licensed Broker	Annum	\$ 127.00	<b>130.00</b>
Each Salesman or Agent	Annum	\$ 31.00	<b>32.00</b>
Each Employee	Annum	\$ 23.00	<b>23.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Business License Exhibit A (page 3)

Secondhand Store or Junkdealer	Annum	\$ 127.00	<b>130.00</b>
Plus: Each Employee	Annum	\$ 31.00	<b>32.00</b>
Skating Rink	Annum	\$ 127.00	<b>130.00</b>
Plus: Employee	Annum	\$ 31.00	<b>32.00</b>
<b>Taxicabs</b>			
License Per Cab	Annum	\$ 68.00	<b>69.00</b>
Driver	Annum	\$ 10.00	<b>10.00</b>
Tent Show or Itinerant Show (Exception No Fee or Admission)	Day	\$ 127.00	<b>130.00</b>
<b>Trailer House, RV or Mobile Home Park</b>			
Rental Spaces 1-4	Annum	\$ 127.00	<b>130.00</b>
Plus: Additional Space	Annum	\$ 5.00	<b>5.00</b>
Undesignated Professionals	Annum	\$ 127.00	<b>130.00</b>
Plus: Each Employee	Annum	\$ 31.00	<b>32.00</b>
Wrestling or Boxing Show	Day	\$ 51.00	<b>52.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Engineering (See Notes)

### Engineering:

Subdivisions, commercial or multifamily are typically more complex, and require more review.

### Flood Hazard Development Permit (MC 14.72.040110):

Permit, minimum fee <sup>3&amp;4</sup>	\$ 181.00	<b>186.00</b>
Flood Plain Letter	\$ 91.00	<b>93.00</b>

### Subdivisions:

Final Map - Tract, minimum fee (MC 16.24.040J050B1) <sup>3&amp;4</sup>	\$ 1,163.00	<b>1,195.00</b>
Final Parcel Maps with Improvements, minimum fee <sup>3&amp;4</sup>	\$ 299.00	<b>307.00</b>
Final Maps Amendment Review, minimum fee <sup>3&amp;4</sup>	\$ 250.00	<b>257.00</b>

### Inspections/Plan Review

Inspections	Cost of service	
Public Improvement Plan Check	\$ 428.00	<b>440.00</b>

### Abandonment Process

Street/R-O-W Abandonment Process	\$ 855.00	<b>878.00</b>
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### Encroachment Permits <sup>4</sup> (MC 13.161.140):

Regular	\$ 123.00	<b>126.00</b>
Special - Engineered Structures, minimum fee <sup>3</sup>	\$ 269.00	<b>276.00</b>
Non-Engineered Structures, minimum fee <sup>3</sup>	\$ 123.00	<b>126.00</b>
Annual Utility Encroachment Permit	\$ 189.00	<b>194.00</b>
Wide Load Permit with Traffic Control Plans - Per Year <sup>4</sup>	\$ 90.00	<b>do not adj</b>
Wide Load Permit with Traffic Control Plans - One Time <sup>4</sup>	\$ 16.00	<b>do not adj</b>

### Street & Sidewalks:

Exception Application	\$ 152.00	<b>156.00</b>
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<sup>3</sup> Time and materials costs may be added to minimum, when actual cost exceeds the minimum fee.

<sup>4</sup> With the exception of Wide Load Permits, Encroachment Permits fees adjust annually based on the April Engineering News Record (ENR-CCR)

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Engineering

### Stormwater fees:

#### Single family:

Planning review of preliminary stormwater plan	\$ 135.00	<b>139.00</b>
Building permit review of stormwater plan	\$ 177.00	<b>182.00</b>
Inspection of stormwater facility/erosion control	\$ 94.00	<b>97.00</b>

#### Other (per 6,000 sq ft lot area, or fraction thereof):

Planning review of preliminary stormwater plan	\$ 135.00	<b>139.00</b>
Building permit review of stormwater plan	\$ 177.00	<b>182.00</b>
Inspection of stormwater facility/erosion control	\$ 94.00	<b>97.00</b>

### Trees:

Removal Permit (to trim, brace or remove, MC 12.08.110)	\$ 243.00	<b>250.00</b>
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# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Planning (See Notes)

<b>Affordable Housing In-Lieu Funding Assistance Fee</b>	\$ 529.00	<b>543.00</b>
<p>Applicants requesting assistance for affordable housing projects or programs with affordable housing in-lieu fees shall pay a base deposit fee of \$500 to conduct the necessary financial analysis to determine the justification of the fee assistance. All expenses associated with further financial analyses (real estate financial pro forma) shall be paid by the applicant and deposited into this fund to cover all City expenses. These fees will either be reimbursed to the applicant or credited toward other project fees, if the City Council determines that financial assistance from the housing in-lieu fee fund is justified.</p>		
<b>Coastal Permits:</b>		
Coastal Permit in combination with Conditional Use Permit	No Fee	
Coastal Permit (Administrative)	\$ 688.00	<b>707.00</b>
Single Family Dwelling, Multiple Dwelling, Office, Commercial, Convention, Industrial & Institutional	\$ 2,976.00	<b>3,057.00</b>
Additions greater than 10% to Single Family Dwelling in Coastal Appeals area (Planning Commission)	\$ 494.00	<b>507.00</b>
Emergency Permit (excluding required regular CDP)	\$ 620.00	<b>637.00</b>
Other Administrative:		
Tree Removal, private	\$ 237.00	<b>243.00</b>
<b>Environmental:</b>		
Categorical Exemption	\$ 84.00	<b>86.00</b>
Negative Declaration	\$ 1,024.00	<b>1,052.00</b>
Mitigated Negative Declaration	\$ 3,281.00	<b>3,371.00</b>
Filing Fee - for environmental document as per County	\$ 50.00	<b>51.00</b>
Environmental Impact Report - contract amount plus 25% attorney fees on all discretionary projects - cost	\$ 4,455.00	<b>4,577.00</b>
Department of Fish & Game CEQA document fee (pass through - see <a href="http://www.dfg.ca.gov">www.dfg.ca.gov</a> for fee)		

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Planning (See Notes)

### Other Miscellaneous:

Letter regarding land use confirmation or other research - per hour	\$ 84.00	<b>86.00</b>
Development Agreement	\$ 4,455.00	<b>4,577.00</b>
Applicant Requested Continuance	\$ 109.00	<b>112.00</b>
Street Name/Rename Processing	\$ 394.00	<b>405.00</b>
Fine, in addition to permit - \$100.00 plus two times permit fee; plus \$50 per day - after notice. Deposit required.		
Request for Averaging Front Yard Setbacks (sq ft)	\$ 108.00	<b>111.00</b>
Appeals of City decisions excluding Coastal Permits in Coastal Appeal Jurisdiction - <b>refundable if applicant prevails</b>	\$ 250.00	<b>do not adj</b>
Copy of Planning Commission DVD	\$ 12.00	<b>12.00</b>

### Notification fees:

Planning Commission hearings	\$ 135.00	<b>139.00</b>
Administrative hearings	\$ 85.00	<b>87.00</b>
Copy of Planning Commission DVD	\$ 12.00	

~~Raising Manhole to Grade—cost of providing service~~

~~Sewage Spill Cleanup—cost of providing service~~

~~Spill in Right of Way Cleanup—cost of providing service~~

Special Event - based on actual personnel cost

### Planned Development Zone:

Projects with planned development overlay (for construction of SFR in PD overlay zone) see CUP fees; for all other projects, if within waterfront master plan area, charge time and materials plus a deposit that is to be tiered based on size of the project (Council action 8/23/10).

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Planning (See Notes)

### Sign Permits:

Sign permit	\$ 84.00	<b>86.00</b>
Sign Exception (CUP)	\$ 698.00	<b>717.00</b>
Pole Sign (CUP)	\$ 698.00	<b>717.00</b>
Fines:		
Temporary, beyond time allowed by Ordinance - per day after notice	\$ 10.00	<b>10.00</b>
Permanently attached signs w/o permit - per day after notice	\$ 21.00	<b>22.00</b>

### Subdivisions:

*Note: all subdivisions may be billed at direct cost*

Tentative Parcel Map Application	\$ 3,173.00	<b>3,260.00</b>
Tentative Tract Map Application up to 10 lots/plus \$100.00 per lot over 10	\$ 4,231.00	<b>4,347.00</b>
Amendments to Existing Tract or Parcel Maps	\$ 2,271.00	<b>2,333.00</b>
Lot Line Adjustment	\$ 745.00	<b>765.00</b>
Certificate of Compliance (legal determination) - fee plus a deposit for extensive research as needed	\$ 513.00	<b>527.00</b>
Lot Mergers	\$ 206.00	<b>212.00</b>

### Text Amendments:

Zone Changes - deposit plus cost	\$ 4,455.00	<b>4,577.00</b>
Specific Plan	\$ 4,579.00	<b>4,704.00</b>
General Plan/Local Coastal Plan Amendment deposit plus cost	\$ 4,579.00	<b>4,704.00</b>
Annexations - deposit plus cost	\$ 4,821.00	<b>4,953.00</b>

### Time Extensions:

Time Extensions for CUP, regular Coastal Permits and Variance (Planning Commission)	\$ 513.00	<b>527.00</b>
Time Extensions for Tract Maps and Parcel Maps	\$ 513.00	<b>527.00</b>
Time Extensions - Administrative	\$ 43.00	<b>44.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Planning (See-Notes)

### Use Permits

*Note: All Use Permits may be billed at direct cost at the discretion of the Public Services Director - scheduled fee would then be deemed as a deposit*

*Note: All refund requests must be submitted in writing to the City and must include the permit number.*

Conditional Use Permit	\$ 3,830.00	<b>3,935.00</b>
One SFR in a Planned Developed Zone or Bluff Area	\$ 581.00	<b>597.00</b>
Occupancy changes Commercial/Industrial (no construction)	\$ 494.00	<b>507.00</b>
Additions to non-conforming uses structures, not adding units or new uses	\$ 494.00	<b>507.00</b>
Minor Use Permit	\$ 529.00	<b>543.00</b>
Temporary Use Permit - longer than 10 days	\$ 529.00	<b>543.00</b>
Outdoor Display and Sales and Outdoor Dining	\$ 844.00	<b>867.00</b>
Administrative Temporary Use Permit - 7 consecutive or 10 non-consecutive days per calendar year	\$ 43.00	<b>44.00</b>
Amendments to Existing Permits (Planning Commission)	\$ 1,899.00	<b>1,951.00</b>
Major Modification While Processing	\$ 1,427.00	<b>1,466.00</b>
Minor Amendments to Existing Permits (Administrative)	\$ 180.00	<b>185.00</b>
<b>Variances:</b>		
Variance	\$ 2,359.00	<b>2,423.00</b>
Variances processed with other permits	\$ 709.00	<b>728.00</b>
Minor Variance	\$ 390.00	<b>401.00</b>
Parking Exceptions	\$ 120.00	<b>123.00</b>

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Public Services Department  
General  
(See Notes)**

**Vehicle Registration:**

Prohibited Vehicle Permit \$ 21.00

Advertising Vehicle Permit \$ 38.00

**NOTE: PAGE TO BE DELETED DUE TO FOLLOWING CHANGES:**

Prohibited Vehicle Permit renamed (Wide Load in Engineering section) - 2009 Ordinance Change

Advertising Vehicle Permit eliminated - 2009 Ordinance Change

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Water (See Notes)

### Water Service:

Application (MC 13.04.07)	\$	25.00	<b>Do not adj</b>
Connection - Within City will be charged at cost (MC 13.04.100 <del>14.04.100</del> )			
Connection - Outside City will be charged at 2 x cost (MC 13.04.100 <del>14.04.100</del> )			
Connection - Subdivisions will be charged at owner expense (MC 13.04.100 <del>14.04.100</del> )			
Main Extension Approval will be charged at cost (MC 13.04.120)			
Temporary Service Application will be charged at cost (MC 13.04.150 <del>10</del> )			

### Meter Installations/Connections:

3/4 inch to 5/8 inch meter (water fee plus wastewater fee)	\$	1,285.00	<b>1,320.00</b>
1 inch to 1-1/2 inch meter	\$	1,724.00	<b>1,771.00</b>
2 inch meter and above	\$	Cost of service	
Meter Box Installation	\$	207.00	<b>213.00</b>
Temporary Water Meter Rental	\$	83.00	<b>85.00</b>
Water Meter Re-Read	\$	24.00	<b>25.00</b>
Reconnection (MC 13.04.310)	\$	44.00	<b>45.00</b>
After - Hours Water Meter Turn Off/On	\$	111.00	<b>114.00</b>
"Drop in" meter fee, up to 2 inches	\$	.75 x regular meter fee	<b>Do not adj</b>
Relocation of water meter for customer convenience	\$	1.5 x regular meter fee	<b>Do not adj</b>
Water meter lock - cost of replacing damaged lock	\$	25.00	<b>Lock + \$45</b>

### Circuses, Carnivals & Traveling Shows - Fire Hydrant (MC 13.04.310)

### Fire Hydrants - Contractor Use (MC 13.04.360):

Meter Installation and Removal - per Council Resolution; will be charged at cost

Meter Use - per day	\$	4.00	<b>4.00</b>
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### Water Cross Connection (MC 13.08.070B):

Certificate of Compliance	\$	21.00	<b>22.00</b>
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### Water Usage (MC 13.04.220, sewer rates not included):

Per Council Resolution

### Water Deposit:

Refundable deposit - residential tenants only	\$	100.00	<b>Do not adj</b>
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# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Public Services Department Sewer

**(See Notes)**

**Sewer:**

Connection Permit - <del>\$72</del> fee plus staff time for inspection (MC 13.12.010)	\$ 72.00	<b>74.00</b>
Extension - pro rated - to be charged at cost (MC 13.12.050)		
Use of Existing Sewer Permit - per Council Resolution (MC 13.12.090)		
Use Charges - per Council Resolution (MC 13.12.210)		
Discharge Fee - Recreational Vehicles and Campers (MC 13.12.250A, no charge)		
Discharge Fee - Tank Trucks and Commercial per truck, for each 1,000 gallon capacity (MC 13.12.250B)	\$ 7.00	<b>7.00</b>
Private Facility (MC 13.12.280, no charge)		
Minimum and Availability Charge - per Council Resolution (MC 13.12.090)		
Raising Manhole to Grade - cost of providing service		
Sewage Spill Cleanup - cost of providing service		
Spill in Right-of-Way Cleanup - cost of providing service		

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Public Services Department  
Notes**

**Vehicle Registration:**

Prohibited Vehicle Permit—Municipal Code #10.28.130E

Advertising Vehicle Permit—Municipal Code #10.28.140

**Flood Hazard Development Permit**—Municipal Code #14.72.110

**Subdivisions:**

Final Map—Tract—Municipal Code #16.24.050B1

Per Lot—Municipal Code #16.28.010—no charge listed

**Encroachment Permits**—Municipal Code #13.161.140

**Trees:**

Removal Permit to trim, brace or remove—Municipal Code #12.08.110

**Water Service:**

Application—Municipal Code #13.04.07

Refundable deposit—residential tenants only: see notes on Page 3, Finance Department

Connection—City—Municipal Code #14.04.100

Main Extension Approval—Municipal Code #13.04.120

Temporary Service Application—Municipal Code #13.04.310

**Meter Installation:**

Circuses, Carnivals & Traveling Shows—Fire Hydrant:

Municipal Code #13.04.310

Reconnection—Municipal Code #13.04.310

**Fire Hydrants (Contractor Use)**—Municipal Code #13.04.360

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Public Services Department  
Notes (continued)**

**Water Cross Connection**—Municipal Code #13.08.070B

**Water Usage**—Municipal Code #13.04.220 (sewer rates not included)

**Sewers:**

Connection Permit—Municipal Code #13.12.010

Extension—Pro-rated—Municipal Code #13.12.050

Use of Existing Sewer Permit—Municipal Code #13.12.090

Use Charges—Municipal Code #13.12.210

Recreational Vehicles & Campers—Municipal Code #13.12.250A—no charge

Tank Trucks and Commercial Trucks—Municipal Code #13.12.250B

Private Facility—Municipal Code #13.12.280—no charge

Minimum & Availability Charge—Municipal Code #13.12.090

**Engineering fees:**

Other: subdivisions, commercial or multifamily are typically more complex, and require more review.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Police Department (See Notes)

<b>Permits &amp; Licenses:</b>		
Sex/Narcotic Registrant Fee	\$ 0.00	
Tow/Taxi Service Provider Application Fee	\$ 584.00	<b>593.00</b>
Taxi Operator Permit Application Fee	\$ 372.00	<b>378.00</b>
Taxi Operator Permit Application Renewal Fee	\$ 62.00	<b>63.00</b>
Second Hand Dealer Permit - City Application Fee (does not include Department of Justice fee)	\$ 310.00	<b>315.00</b>
Second Hand Dealer Permit renewal - City Application Fee (does not include Department of Justice fee)	\$ 155.00	<b>157.00</b>
Massage Therapist/Parlor Permit Application Fee	\$ 129.00	<b>131.00</b>
<b>Police Copies:</b>		
Report/Document Copies - per page	\$ 1.00	<b>Do not adj</b>
<b>Support Services Manager Activity:</b>		
Digital Photo Reproduction to CD - per hour, 1 hour minimum	\$ 52.00	<b>53.00</b>
Audio/Video Tape Reproduction - per hour, 1 hour minimum	\$ 52.00	<b>53.00</b>
Record Searches/Reviews/Clearance/Responses - per hour, 1 hour minimum	\$ 52.00	<b>53.00</b>
<b>Officer Activity:</b>		
Equipment Citation Sign Off	\$ 15.00	<b>15.00</b>
VIN Verification	\$ 31.00	<b>31.00</b>
Vehicle Impound Fee Administrative Costs (CVD 22850.5)	\$ 155.00	<b>157.00</b>
Abandoned Vehicle Removal (junk vehicles/parts)	\$ 310.00	<b>315.00</b>
Juvenile In Custody Service - per hour	\$ 67.00	<b>68.00</b>

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Police Department  
(See Notes)**

<b>Other Police Services:</b>		
Firearms - seizure/storage (PC 12021.3)	\$ 52.00	<b>53.00</b>
<b>State Mandated Costs</b>		
Concealed Weapons Permit (does not include DOJ or other fees)	\$ 103.00	<b>105.00</b>
Renewal of Concealed Weapons Permit (does not include cost of ID card)	\$ 26.00	<b>26.00</b>
Subpoena Duces Tecum (does not include costs of report, etc.)	\$ 15.00	<b>15.00</b>
Delinquent Parking Citation Copy	\$ 2.00	<b>2.00</b>
Repossessed Vehicle	\$ 15.00	<b>15.00</b>
Booking Fees (current cost - cost is dependent on charges by County)	\$ 112.00	<b>114.00</b>
Live scan Fingerprint Fees (PC 13300(e))	\$ DOJ + \$20	
Criminal History Review (PC 13322)	\$ 26.00	<b>26.00</b>
<b>Cost Recovery</b>		
DUI Emergency Response	Actual Cost	
False Alarm Response (after 3rd false alarm in a year)	\$ 207.00	<b>210.00</b>
<b>No Cost Services:</b>		
Bicycle License	\$ 0.00	
Voluntary Gun Registration	\$ 0.00	

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Police Department (See Notes)

Parking Fines:	MBMC	Vehicle Code		
Parking within a Parkway	10.40.020		\$ 52.00	<b>53.00</b>
No Parking Areas	10.40.030		\$ 52.00	<b>53.00</b>
Posted Restricted Parking	10.40.040		\$ 52.00	<b>53.00</b>
72-Hour Parking	10.40.060		\$ 62.00	<b>63.00</b>
Vehicle Repair on Public Street	10.40.080		\$ 52.00	<b>53.00</b>
Parking on Grade without Turning Wheels	10.40.090		\$ 52.00	<b>53.00</b>
Parking within Space Marking	10.40.110		\$ 52.00	<b>53.00</b>
Curb Markings (red, yellow, etc.)	10.40.120		\$ 52.00	<b>53.00</b>
Parking in Passenger Loading Zone	10.40.150		\$ 52.00	<b>53.00</b>
Parking in Alley	10.40.160		\$ 52.00	<b>53.00</b>
Limited Time Parking	10.40.170		\$ 52.00	<b>53.00</b>
Violating Diagonal Parking	10.40.190		\$ 52.00	<b>53.00</b>
No Stopping in Designated Area	10.40.200		\$ 52.00	<b>53.00</b>
Failure to Pay Established Fee	10.44.070		\$ 52.00	<b>53.00</b>
Failure to Display Receipt	10.44.070		\$ 52.00	<b>53.00</b>
Overnight Camping	08.24.010		\$ 109.00	<b>111.00</b>
Expired registration		4000(a)	\$ 52.00	<b>53.00</b>
Parking in Fire Lane		22500.1	\$ 165.00	<b>167.00</b>
Blocking Driveway		22500e	\$ 52.00	<b>53.00</b>
Blocking Wheelchair Access		22500L	\$ 106.00	<b>108.00</b>
Parking within 15' of Fire Hydrant		22514	\$ 114.00	<b>116.00</b>
Blocking Sidewalk		22500f	\$ 52.00	<b>53.00</b>
Blocking a Bus Stop		22500i	\$ 88.00	<b>89.00</b>
Blocking Intersection Gridlock		22526	\$ 181.00	<b>184.00</b>
Curb Parking 18" or Wrong Way		22502A	\$ 52.00	<b>53.00</b>
Parking in Bike Lane		21211b	\$ 52.00	<b>53.00</b>
Vehicle Abandonment on Street		22523	\$ 320.00	<b>325.00</b>
Handicap		22507.8A	\$ 294.00	<b>298.00</b>

All parking fees amended by \$5 on 6/22/09, Reso. No. 34-09, and additionally amended by \$5 on 8/24/09, Reso. No. 46-09.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Police Department Notes

### Permits & Licenses:

Tow/Taxi Service Provider application fee is the fee for application by a tow service provider or taxi service applying to do business in the City (does not include a business license fee). The application includes review by police staff, processing of application, inspection of tow/taxi vehicle(s) and in case of two service provider, inspection of impound yard.

Massage Therapist/Parlor permit application fee is an application fee to operate a new massage business (does not include City business license fee or DOJ fee). Includes police staff time to receive and review application, conduct background checks as required, and business inspection.

### Police Copies:

All police copy costs are \$1.00 per page (except citations).

### Support Services Manager Activity:

All record searches, reviews, clearance letters, responses, copies of photos, audio tapes and video tapes - 1 hour minimum charge

### Officer Activity:

Abandoned Vehicle Removal - this is a charge levied against the registered or legal owner of a vehicle who abandons the vehicle or vehicle parts on a public street or place open to the public

Juvenile in Custody - this hourly fee may be charged to parents when a juvenile has been taken into custody, and the officer or employee must "baby-sit" the juvenile until the parent arrives. This hourly fee begins after the juvenile is processed, and the parents, or responsible adult, are called to respond. This fee is intended for parents or responsible adults that have extended response times, which requires an officer or employee to monitor the juvenile.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Police Department Notes

### Other Police Services:

Firearms seizure, storage and release administrative fees - PC 1202.3 was enacted in 2005 and requires any person, who claimed title to any firearm that is in police custody and who wishes to have a firearm returned to him/her, must make application for a determination by DOJ (Department of Justice) as to whether he/she is eligible to possess a firearm. PC Section 12021.3(j)(1) allows the City to charge for administrative costs relating to the seizure, impound, storage or release of firearms.

### State Mandated Costs:

Concealed Weapons Permit - PC Section 12054(a)

Subpoena Duces Tecum - EC 1563 (b)(1)

Delinquent Parking Citation Copy - VC Section 40206.5

Repossessed Vehicle - GC Section 41612

Booking Fees - set by County GC 53150 & 29550.1

Livescan Fingerprint Fees - PC 13300(e)

Criminal History Review - PC 13322

### Cost Recovery:

DUI Emergency Response - MBMC 3.40.030

False Alarms Response - MBMC 9.22.020

### Services:

Acceptance of Civil Subpoena/SDT fees are set by statute or other authority - Code #1563(b)(1)EC

Safekeeping Property Storage beyond 30 day written notice does not include outside storage fees

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Fire Department (See Notes)

### Permits:

#### Permit Inspection Fees:

Any single permit identified in Title 24 CFC and not specifically addressed in the Master Fee Schedule	\$ 62.00	<b>63.00</b>
Any combination of permits shall not exceed	\$ 186.00	<b>189.00</b>
Special Occurrence or Use Permit (equipment & personnel charges additional)	\$ 62.00	<b>63.00</b>

#### Special Permits:

Marine Welding Permit: Vessel, Pier, Wharf, Waterfront	\$ 41.00	<b>42.00</b>
Aircraft Landing Permit, per occurrence (required Fire standby equipment & personnel charges additional)	\$ 62.00	<b>63.00</b>
Knox Box installation/inspection, first box	\$ 41.00	<b>42.00</b>
More than one Knox Box per address, each additional box	\$ 10.00	<b>10.00</b>

### Equipment & Personnel Charges

Engine or Truck: per hour, per vehicle (personnel charges additional)	\$ 119.00	<b>121.00</b>
Squad/Rescue: per hour, per vehicle (personnel charges additional)	\$ 88.00	<b>89.00</b>
Utility/Command Vehicle: per hour, per vehicle (personnel charges additional)	\$ 41.00	<b>42.00</b>
Personnel charges: per hour, per person - 2 hour minimum, unless otherwise specified, at current productive hourly rate		

### Plan Review Fees:

Fire Plan Concept Review - personnel charges as specified in Equipment and Personnel Charges		
Plan Review - A charge of 0.3% of total valuation plus use of outside consultant for Plan Review & Inspection is based on actual cost plus fee	\$ 62.00	<b>63.00</b>
Additional Plan Review required by changes, additions or revisions to approved plans - personnel charges as specified in Equipment & Personnel Charges on a hourly basis plus actual cost of outside consultant for Plan Review		

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Fire Department (See Notes)

<b>Fire Protection:</b>		
System & Equipment Fees:		
Fire Sprinkler System Installation Inspection - (above ground)		
Residential - fee plus \$0.55 per head	\$ 62.00	<b>63.00</b>
Commercial - fee plus \$0.55 per head	\$ 310.00	<b>315.00</b>
Commercial projects or tenant improvements under 1,000 sq ft - fee plus \$.055 per head	\$ 100.00	<b>102.00</b>
Underground water line inspection	\$ 62.00	<b>63.00</b>
Fire Alarm System Installation Inspection		
0 - 15 devices	\$ 62.00	<b>63.00</b>
16 - 50 devices	\$ 103.00	<b>105.00</b>
51 - 100 devices	\$ 196.00	<b>199.00</b>
101 - 500 devices	\$ 284.00	<b>288.00</b>
501 and up, fee plus \$130 for each additional 100 devices	\$ 284.00	<b>288.00</b>
Specialized Fire Protection System Inspection, e.g., Halon, Dry Chemical Commercial Kitchen Hood System	\$ 62.00	<b>63.00</b>
Flammable or Combustible Tank Installation Inspection	\$ 62.00	<b>63.00</b>
On-site Hydrant System Installation Inspection	\$ 62.00	<b>63.00</b>
Use of Outside Consultants for Plan Review & and/or Inspection - fee plus actual cost	\$ 62.00	<b>63.00</b>
Request for Building Fire Flow Calculations	\$ 36.00	<b>37.00</b>
Request for Hydrant Flow Information	\$ 36.00	<b>37.00</b>
Request for Hydrant Flow Test - fee plus personnel & equipment as specified in Personnel and Equipment Charges, 1 hr min.	\$ 36.00	<b>37.00</b>
Engine company business inspection:		
1st and 2nd inspections	\$ 0.00	
3rd and subsequent inspections	\$ 77.00	<b>78.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Fire Department (See Notes)

<b>Fire Prevention:</b>		
New and annual business/facility inspection fees:		
1st and 2nd inspections: no charge	\$ 0.00	
3rd and subsequent inspections	\$ 77.00	<b>78.00</b>
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	\$ 103.00	<b>105.00</b>
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 207.00	<b>210.00</b>
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 517.00	<b>525.00</b>
Annual weed and hazard abatement inspection fees:		
1st inspection for compliance: no charge	\$ 0.00	
2nd and subsequent inspections	\$ 77.00	<b>78.00</b>
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	\$ 103.00	<b>105.00</b>
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 207.00	<b>210.00</b>
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ 517.00	<b>525.00</b>

# Master Fee Schedule For the 2012/13 Fiscal Year

## Fire Department (See Notes)

### Incident Response Fees:

Hazardous Material/Chemical Incident:

No charge first half-hour (excluding negligent/intentional acts)

Each additional hour, or fraction thereof, will be charged as specified in the Personnel and Equipment Charges plus the cost of any materials

Negligent Incidents:

Response due to negligent/malicious act (e.g., DUI traffic accident, climber on Morro Rock, incendiary fire, negligent hazardous material incident, negligent confined space incident, etc.)

Two hour minimum to be charged as specified by Personnel & Equipment Charges plus any material costs and contract services used.

Excessive or malicious false alarms:

Emergency response due to "Failure to Notify" when working on or testing fire/alarm system

0.5 hours minimum to be charged as specified by Personnel & Equipment Charges.

Malicious False Alarms - .5 hour minimum to be charged as specified by Personnel & Equipment Charges plus any material costs.

Alarm system malfunction resulting in 2 in 30 days or 3 in 12 months - charged as specified by Personnel & Equipment Charges plus any material costs.

### Other Fire Services

Copy of response report, per report	\$ 27.00	<b>27.00</b>
Additional copies, per page	\$ 1.00	<b>Do not adj</b>
Cause & Origin investigation reports, per report	\$ 109.00	<b>111.00</b>
Non-renewal of required annual permit - charge double permit fee rate		
Failure to obtain permit - charge double permit fee rate		
Missed site inspection appointment	\$ 40.00	<b>41.00</b>
Failure to meet permit requirements/requiring re-inspection	\$ 40.00	<b>41.00</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Fire Department Notes

### Permits - California Fire Code

See operational and construction permits identified in the California Fire Code, Appendix Chapter 1, Section 105

Special Occurrence or Use Permit includes 1 inspection

### Plan Review Fees

Plan Review Fees are calculated based on total valuation to recover the cost of providing service.

Use of outside consultant for Plan Review and/or Inspection to be \$60 plus actual cost of consultant.

All Plan Review Fees shown are minimum amounts, based on average processing. Large or complex projects may be subject to increased fees based upon time, costs, or equipment costs as shown per Equipment & Personnel Charges.

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Harbor Department (See Notes)

<b>Vessel fees:</b>		
Commercial fishing slips - monthly rate (per foot)	\$ 3.95	<b>4.00</b>
Commercial fishing slip waiting list deposit	\$ 417.00	<b>423.00</b>
Transient slips - monthly rate (per foot)	\$ 7.85	<b>8.00</b>
Transient slips - daily rate (per foot)	\$ 0.90	<b>1.00</b>
Head Float Berth - monthly	\$ 175.00	<b>178.00</b>
Daily T-Pier rate/floating dock - first consecutive 90 days (per foot)	\$ 0.20	<b>0.20</b>
<del>Daily T-Pier rate—over 90 consecutive days (per foot)</del>	<del>\$ 0.35</del>	<del>Deleted</del>
City moorings - monthly	\$ 175.00	<b>178.00</b>
City moorings private tackle - monthly	\$ 77.00	<b>78.00</b>
A1-5 Anchorage Area - 1-5 days (per foot)	\$ 0.00	<b>0.00</b>
A1-5 Anchorage Area - after 5 days (per foot)	\$ 0.18	<b>0.20</b>
City-owned moorings - daily (per foot)	\$ 0.20	<b>0.20</b>
Monthly impound rate (per foot) ( <b>non</b> -impounded vessels)	\$ 6.75	<b>6.85</b>
Impound mooring rate - daily (per foot) (impounded vessels)	\$ 0.60	<b>0.61</b>
Temporary Moorage - large vessels/equipment (per day)	\$ 156.00	<b>158.00</b>
Dry storage - daily	\$ 2.70	<b>2.74</b>
Mooring transfer fee (flat rate)	\$ 1,033.00	<b>1,048.00</b>
<b>Service fees:</b>		
T-Pier electrical - daily	\$ 2.20	<b>2.23</b>
Electric cord rental—daily	\$ 1.50	<b>Replaced below</b>
<b>Electric cord replacement</b>	<b>\$ 150.00</b>	
T-Pier hoist - per use	\$ 10.50	<b>10.70</b>
T-Pier hoist - per day	\$ 19.80	<b>20.10</b>
Fishing unloading - per hour	\$ 69.20	<b>70.20</b>
Wharfage - per ton	\$ 0.75	<b>0.80</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Harbor Department (See Notes)

<b>Liveaboard fees:</b>		
Permit fee - biennial	\$ 52.00	<b>53.00</b>
Inspection fee - biennial (if done by MB Harbor Patrol)	\$ 126.00	<b>128.00</b>
Monthly service fee - moorings	\$ 15.00	<b>15.00</b>
Monthly service fee - slips	\$ 30.00	<b>31.00</b>
<b>Lease site administration/services fees:</b>		
Requiring City Council approval	\$ 390.00	<b>396.00</b>
Departmental approval	\$ 81.00	<b>82.00</b>
<b>Vessel assistance:</b>		
One Patrol Officer, one boat - per hour	\$ 173.00	<b>176.00</b>
Each additional Officer - per hour	\$ 65.00	<b>66.00</b>
<b>Launch Ramp parking fee:</b>		
Per hour	\$ 1.00	<b>1.00</b>
Maximum per day	\$ 5.00	<b>5.00</b>
Failure to pay established fee	\$ 52.00	<b>53.00</b>
Failure to display receipt	\$ 52.00	<b>53.00</b>
Annual fee	\$ 100.00	<b>Do not adj</b>

# **City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year**

## **Harbor Department Notes**

Any account past due over 10 days will be charged a 10% penalty.

Vessels requiring non-emergency assistance more than once in any six-month period may be charged a minimum of 4.5 hours at the set rate.

All dockage is based on a 36' minimum vessel length or length of the slip, whichever is larger.

Temporary moorage related to marine construction equipment or vessels of unusual size - see fees for Temporary Moorage - Large Marine Equip. or Vessel

A 10% discount is available for leased commercial slips and moorings when paid one year in advance. Account must be paid for entire year in advance.

Transient slip users shall be limited to 3 months in any slip as long as there are vessels appropriate to the slip size on the sublease waiting list.

The Harbor Director may waive dockage fees for Tall Ships visiting Morro Bay Harbor for any period less than 30 days with written notice.

Parking fee applies to the boat trailer spaces at the boat launch ramp, and Tidelands Park trailer and towing vehicle spaces.

Any liveaboard application, submitted during the period January 1 through June 30, is good only for that fiscal year and the following fiscal year, but will be prorated by reducing the liveaboard application fee, stated herein, by 25%.

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Recreation and Parks Department  
Facility Rentals**

	<u>Non-Profit and Resident Groups</u>		<u>Non-resident Groups</u>		<u>For Profit Groups</u>	
<b>COMMUNITY CENTER</b>						
Auditorium	\$46/hr	<b>47</b>	\$74/hr	<b>75</b>	\$108/hr	<b>110</b>
Auditorium, one-half	\$30/hr	<b>30</b>	\$44/hr	<b>45</b>	\$65/hr	<b>66</b>
Multi-purpose room	\$25/hr	<b>25</b>	\$39/hr	<b>40</b>	\$60/hr	<b>61</b>
Lounge	\$22/hr	<b>22</b>	\$33/hr	<b>33</b>	\$48/hr	<b>49</b>
Studio	\$17/hr	<b>17</b>	\$25/hr	<b>25</b>	\$36/hr	<b>37</b>
Kitchen *	\$11/hr	<b>11</b>	\$19/hr	<b>19</b>	\$24/hr	<b>24</b>
Kitchen, 8 hours *	\$61	<b>62</b>	\$98	<b>99</b>	\$121	<b>123</b>
<b>VETERAN'S MEMORIAL BUILDING</b>						
Assembly, w/o kitchen	\$24/hr	<b>24</b>	\$33/hr	<b>33</b>	\$42/hr	<b>43</b>
Complete, w/o kitchen	\$27/hr	<b>27</b>	\$36/hr	<b>37</b>	\$48/hr	<b>49</b>
Meeting, w/o kitchen	\$20/hr	<b>20</b>	\$27/hr	<b>27</b>	\$35/hr	<b>36</b>
Kitchen & barbeque <sup>9</sup>	\$11/hr	<b>11</b>	\$19/hr	<b>19</b>	\$24/hr	<b>24</b>
Kitchen & barbeque, 8 hours <sup>9</sup>	\$61	<b>62</b>	\$98	<b>99</b>	\$121	<b>123</b>
<b>TEEN CENTER</b>						
Up to 20 participants	\$310	<b>300</b>	\$310	<b>300</b>	\$310	<b>300</b>
21 - 30 participants	\$413	<b>400</b>	\$413	<b>400</b>	\$413	<b>400</b>
31 - 40 (maximum = 40) participants	\$465	<b>450</b>	\$465	<b>450</b>	\$465	<b>450</b>

**Note: based on number of participants**

<sup>9</sup> Kitchen only rentals permitted Monday - Friday; weekend rentals must be combined with room rental

**ADDITIONAL FEES**

Deposit: \$150, no alcohol or live music	Unscheduled overtime: <del>twice-hourly-rate</del> <b>\$44/hr</b>	
\$500, alcohol and/or live music	Facility attendant(s): \$10/hr each	<b>10</b>
<b>\$50, Bounce House</b>	Security guard(s): \$26/hr each	<b>26</b>
Janitorial, non-refundable, per event based on group size:	Permit processing fee: \$8.00, non-refundable	<b>8</b>
100 - 200 participants: \$52	Insurance: cost based on event size/type	
201 or more participants: \$103	Cancellations: 20% charge of invoiced costs	
Building set-up/breakdown: \$22/hr		<b>22</b>
Veteran's Memorial Building stage use, set-up and breakdown: \$79 flat rate		<b>80</b>

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Recreation and Parks Department Public Area Use Permits

	Non-Profit and Resident Groups		Non-resident Groups		For Profit Groups	
Del Mar Park Hillside or Meadow	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$132/Day+Permit	134	\$132/Day+Permit	134	\$132/Day+Permit	134
Lila Keiser Park BBQ or Fields <sup>10</sup>	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event <sup>10</sup>	\$132/Day+Permit	134	\$132/Day+Permit	134	\$132/Day+Permit	134
Monte Young Tennis Courts <sup>11</sup>	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Tidelands Open Area	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$99/Day+Permit	100	\$99/Day+Permit	100	\$99/Day+Permit	100
Cloisters Open Area	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$99/Day+Permit	100	\$99/Day+Permit	100	\$99/Day+Permit	100
Bayshore Bluffs Open Area	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$66/Day+Permit	67	\$66/Day+Permit	67	\$66/Day+Permit	67
Morro Rock Open Area	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$99/Day+Permit	100	\$99/Day+Permit	100	\$99/Day+Permit	100
City Park Open Area	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$66/Day+Permit	67	\$66/Day+Permit	67	\$66/Day+Permit	67
North Point Overlook	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$66/Day+Permit	67	\$66/Day+Permit	67	\$66/Day+Permit	67
Coleman Park	\$48/Permit	49	\$85/Permit	86	\$212/Permit	215
Multi-Area, Entire Park, Multi Day Event	\$66/Day+Permit	67	\$66/Day+Permit	67	\$66/Day+Permit	67

Deposit - Public Area Use Permit - \$150.00  
Deposit - Organized Sports Facilities - \$500.00

### Hourly and Park Use Fees

Giant Chessboard - use <b>Wooden Pieces</b>	\$25	25	\$39	40	\$105	107
<b>Giant Chessboard - use Plastic Pieces (June, July, August)</b>	\$25 N/C	9	\$39 N/C	10	\$105 N/C	11
<sup>10</sup> Lila Keiser hourly field rental	\$4 without lights \$15 with lights	4 15	\$5 without lights \$17 with lights	5 17	\$6 without lights \$19 with lights	6 19
<sup>10</sup> Lila Keiser field preparation	\$23	23	\$28	28	\$31	31
<sup>11</sup> Monte Young Tennis Court Hourly Rate	\$4.00	4	\$5	5	\$6	6

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Recreation and Parks Department Miscellaneous Property Use

	<u>Non-Profit and Resident Groups</u>		<u>Non-resident Groups</u>		<u>For Profit Groups</u>	
Recreation equipment rental, per bag <sup>12</sup>	\$9.00	<b>9</b>	\$10	<b>10.00</b>	\$11	<b>11</b>
Includes one: Horseshoes, Badminton, Volleyball, Bocce Ball, <del>plastic Chess pieces</del>						
Event tent rental, per day <sup>12</sup>	\$142		\$142		\$227	<b>Deleted</b>
Soccer goal, hourly rate, 2 hr. min. <sup>12</sup>	\$7.00	<b>7</b>	\$8	<b>8.00</b>	\$9	<b>9</b>
Skate park rental, 2 hr. min.	\$103	<b>105</b>	\$103	<b>105.00</b>	\$155	<b>157</b>
Photography/filming, per day <sup>13</sup>	\$109, outdoor	<b>111</b>	N/A		\$215, outdoor	<b>218</b>
	\$145, indoor	<b>147</b>	N/A		\$359, indoor	<b>364</b>
<sup>12</sup> Equipment rental deposit:	\$50					
<sup>13</sup> Photography/filming deposit:	\$1,000					

Insurance cost is dependent on the size/type of event

# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Transit (See Notes)

<b>Fixed Route:</b>		
Regular fare, per ride	\$ 1.25	<b>1.50</b>
Discount fare, per ride [2]	\$ 0.60	<b>0.75</b>
Regular punch pass (11 rides for the price of 10)	\$ 12.50	<b>15.00</b>
Discount punch pass (11 rides for the price of 10)	\$ 6.00	<b>7.50</b>
Regular day pass	\$ 4.00	<b>4.00</b>
Discount day pass	\$ 2.00	<b>2.00</b>
<b>Call-A-Ride:</b>		
Fare, per ride	\$ 2.50	<b>2.50</b>
Call-A-Ride punch pass (11 rides for the price of 10)	\$ 25.00	<b>25.00</b>
<b>Trolley :</b>		
Fares:		
Per ride	\$ 1.25	<b>1.25</b>
Per ride, 5-12 years old	\$ 0.50	<b>0.50</b>
All day pass	\$ 3.00	<b>3.00</b>
Advertising:		
Exterior Side of Trolley (approx. 36"x20") - with supplied sign	\$ 362.00	<b>367.00</b>
Exterior Side of Trolley (approx. 36"x20") - MB Community Foundation supplied sign	\$ 412.00	<b>418.00</b>
Exterior Rear of Trolley (approx. 24"x20") - with supplied sign	\$ 310.00	<b>315.00</b>
Exterior Rear of Trolley (approx. 24"x20") - MB Community Foundation supplied sign	\$ 362.00	<b>367.00</b>
Interior (approx. 26"x12") - with supplied sign	\$ 155.00	<b>157.00</b>
Interior (approx. 26"x12") - MB Community Foundation supplied sign	\$ 182.00	<b>185.00</b>

**City of Morro Bay  
Master Fee Schedule  
For the 2012/13 Fiscal Year**

**Transit  
(See Notes)**

**Trolley (continued):**

Rental rates:

One day, within City Limits, per hour (2 hour minimum):

Transportation of passengers to and from one location to another	\$ 103.00	<b>105.00</b>
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Shuttle transportation (continuous loop with multiple stops); hourly plus cost of fuel	\$ 103.00	<b>105.00</b>
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One day, outside City limits, per hour (3 hour minimum)

Transportation of passengers to and from one location to another	\$ 103.00	<b>105.00</b>
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Shuttle transportation (continuous loop with multiple stops); hourly plus cost of fuel	\$ 103.00	<b>105.00</b>
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Multiple days, 2 consecutive days:

Within City limits	\$ 1,679.00	<b>1,704.00</b>
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Outside City limits; rate plus cost of fuel	\$ 1,679.00	<b>1,704.00</b>
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# City of Morro Bay Master Fee Schedule For the 2012/13 Fiscal Year

## Transit Notes

### Fixed Route:

A child, under 5 years old, may ride free with a fare-paying adult (limit 2 per fare-paying adult).

Senior citizens (65 & over) and mobility-impaired/disabled individuals are eligible for the discount fare. Senior citizens may be required to provide proof of age.

### Call-A-Ride:

Call-A-Ride service is available to **all members of the general public.**

### Trolley

#### Rides:

The trolley is seasonal, and operates weekends only from Memorial Day weekend through the 1st weekend in October, and on Friday and Monday from Memorial Day through Labor Day.

Children, under 5 years old, ride free (limit 2 per fare-paying adult).

#### Advertising:

The City has entered into a revenue-sharing agreement with the Morro Bay Community Foundation (MBCF). MBCF will sell advertising spaces on the trolleys, to include having signs made, and split the revenue, per the agreement. The agreement term is one year. Advertising rates in this Schedule apply to the May 2012 through October **2012** trolley operating season.

Discounts are available when purchasing more than one advertising space. Buy two exterior or interior signs and get a second sign @ 10% off; buy three exterior or interior signs and get the third sign @ 20% off; buy three exterior signs and get one interior sign @ 50% off.

Cost for space with MBCF sign includes the cost to have the sign made.

#### Rentals:

Hourly rate includes driver, fuel, cleaning, standby mechanic and administration, unless otherwise noted.

Trolley seats 30 passengers.

The trolley is only to be operated on paved roads (no dirt or gravel roads).

The trolley is to be returned to the City in the condition it was received by the renter. The renter shall be held responsible for any damages to the trolley resulting from the rental that is not due to the negligence of the City or its transit contractor.