



AGENDA NO: CS-2

MEETING DATE: March 14, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Heather Goodwin

From: Karl Levy [REDACTED]
Sent: Monday, March 13, 2023 10:32 AM
To: Council
Cc: Anthony Mastro; Jim Shuler; Karl Levy
Subject: Input for consideration in closed session on March 14, 2023
Attachments: NPMBHOA letter 031323 for MBCC.pdf; 220624 FINAL_MB_2_Cayucos EIR Addendum (2).pdf

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Morro Bay City Council,

Please see the attached letter representing our 10 home owners on Toro Lane in Morro Bay. Also attached is the EIR addendum summary for the Cayucos-MB Trail Connector which was filed June 24, 2022. The EIR addendum documents were not made publicly available and were difficult to find and obtain.

Please consider our opinions in your deliberation today in closed session. I would like to have joined in person but have schedule conflicts with the time window provided for public comment. Some of our residents may choose to attend.

Thank you very much for your dedication and service.

Best regards,

Karl Levy

Karl Levy
President, NPMBHOA
[REDACTED]
Morro Bay, CA 93442
[REDACTED]

Morro Bay City Council
Morro Bay, CA
March 13, 2023

Karl Levy
President, NPMBHOA

[REDACTED]
Morro Bay, CA 93442
[REDACTED]
[REDACTED]

Dear Morro Bay City Council members,

Congratulations and welcome to Mayor Wixom and the new City Council members. Thank you for your dedication and service to our great community.

Thank you for the opportunity to provide input to the city council again for the matter of the Cayucos-Morro Bay Connector Trail. We have provided input at a prior meeting (October 11, 2022) with the prior City Council.

I currently represent the 10 homeowners of the North Point Morro Bay HOA on Toro Lane. Our HOA owns and maintains the private section of Toro Lane (for private and public benefit) as well as providing labor and funding for items like new lighting and upkeep of the park at the end of our road. Our development funded the property exchange and development that enabled the North Point Natural area through agreements with the city, SLO county and the California Coastal Commission. Our HOA feels proud of the beauty, access and community harmony derived from our cooperative investment with Morro Bay.

Background

- The NPMBHOA has fully supported the concept of the trail connector since its inception in 2010. If implemented thoughtfully, it will add much to the communities and public experience.
- The trail design was changed recently to use Toro Lane as the primary conduit for the connector (instead of the land neighboring SR1). We were never notified nor asked to provide an easement for the expansion of use (thoroughfare) and increase in traffic density on our road. We became aware of this intention on or about 7/4/2022.
- There was an addendum to the EIR (ED 22-088, 6/24/22, not publicly circulated, attached) which indicated that the trail should be widened (to 16 ft) to handle expected high traffic and that Toro Lane would be used to save cost. There was no study of the effect on traffic, parking, safety and burden to the homeowners in this addendum.
- The private part of Toro Lane is a dead-end Fire Lane with curbing and no walkways. It is a narrow road (~23 ft), with 10 driveways and its easement-specified public use is limited for pedestrians, dogs, bikes, trucks and cars to reach the parking lot and beach. It is currently at its limit for harmony and safety between all.

Concerns with the current design plan

- The plan to use Toro Lane as the sole conduit for the trail thoroughfare has a host of public safety issues which have not been considered per CEQA guidelines. This is a unanimous opinion of the HOA residents who have lived here more than 20 years.
- The original plan (on record for >10 years) is a much safer and scenic alternative (above Toro Lane) is no longer being considered apparently due to the cost of engineering or construction.
- Expansion of the use of Toro Lane is an unfair change in the terms of the original land grants/easement agreement between the HOA and the city, county and state.
- The expansion of use for Toro Lane to include recreational use, passage to/from Cayucos and resulting higher intensity violates the current easement across our property.
- The use of Toro Lane as the conduit for the thoroughfare creates unfair additional burdens for the residents.

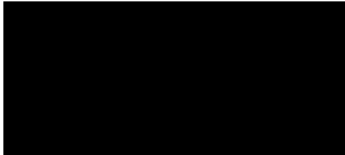
Request to the Morro Bay City Council

- Please recommend that the SLO County Parks Department amend the planned route of the trail connector to the space above Toro Lane.
- Please insist that there is sufficient consideration of safety of the bikeway and roadway wherever the trail will wind up. There has no study to date of the needed space and conflicts for cars, emergency vehicles, delivery and service trucks, people, dogs, bikes and e-bikes. This is a requirement per CEQA guidelines.

We very much appreciate the efforts of the departing city manager (Scott Collins) and the staff attention from the Public Works Department (Greg Kwolek, Eric Riddiough). They really have attempted to remedy the lack of notification and engagement. The offer to alleviate liability concerns and taking over maintenance of the street are very much appreciated. However, these do not mitigate the underlying consequences that will exist. There simply isn't enough room on the street, at the entrance to the park nor space in the parking lot to handle it. We project a sharp increase in traffic of all kinds in addition to the bikes resulting in parking and public safety issues (multi-use conflicts, speed, ebikes, narrow/tight turns, emergency vehicle accommodation, truck turnarounds, etc). We have been discussing alternatives with this group but have not yet addressed the major issues described above.

Our members are good and caring people and are not just concerned for their own properties. We are advocates of Morro Bay and are community-focused. We cannot, however, accept the current plans and the related issues. We are very concerned about our neighborhood and what our daily challenge would be with this new situation. I think that we all should feel that the solution does more good than harm, certainly. I do hope that you will consider our perspective in your deliberations today.

Sincerely,



Karl B. Levy
President, North Point Morro Bay Homeowners Association

CC: NPMBHOA board and members
Babak Naficy, C. Anthony Boyd, Maribel Aguilera



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
ENVIRONMENTAL IMPACT REPORT ADDENDUM

PLN-2041
06/13/2019

ENVIRONMENTAL DETERMINATION NO. ED 22-088

DATE: June 24, 2022

PROJECT/ENTITLEMENT: Morro Bay to Cayucos Connector Trail

APPLICANT NAME: County of San Luis Obispo, Department of Parks and Recreation

Email: ekavanaugh@co.slo.ca.us

ADDRESS: 1144 Monterey Street, San Luis Obispo, CA. 93402

CONTACT PERSON: Elizabeth Kavanaugh

Telephone: 805/540=9231

PROPOSED USES/INTENT:

The Morro Bay to Cayucos Connector Trail (Trail) project would complete the bikeway network between the City of Morro Bay and the community of Cayucos. The Trail components include: signing existing bikeways in both Morro Bay and Cayucos, and development of a new 1.25-mile dedicated 16 foot wide bikeway and pedestrian corridor completely separated from traffic. Due to linear nature of the project, the trail is broken into five segments. For complete description of these segments see Attachment A.

The Morro Bay to Cayucos Connector Trail connects the two communities' existing bicycle networks and is an important segment in the non-motorized transportation network along Highway 1

On October 19, 2010 the Board of Supervisors certified the Final Environmental Impact Report (FEIR) ED08-252 that analyzed the project's impacts and provided mitigation measures. Since the FEIR's certification, construction plans have been prepared that include widening the 1.25-mile new construction section of the trail from 12 feet wide to 16 feet wide to better accommodate the expected trail traffic, as well as minor adjustments to the alignment as recommended in the FEIR to avoid or minimize impacts. The revised project is the subject of this Addendum.

LOCATION: West of Highway 1 between the Cloisters Park in the City of Morro Bay to Norma Rose Park in the community of Cayucos.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

Findings: Per Section 15164 of the CEQA Guidelines, an addendum to a previously certified EIR shall Be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Section 15164 also states:

- An addendum need not be circulated for public review but can be included in or attached to the FEIR.
- The decision-making body shall consider the addendum with the final FEIR prior to making a decision on the project.

- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 (see Section 3.0) should be included in the addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.

Under CEQA Guidelines Section 15164, an addendum to an adopted EIR shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.

Under Section 15162, the lead agency shall prepare an EIR if there are new significant information or a new significant impact created by the change in project or surrounding area.

With respect to the proposed project, the revisions are minor changes that do not result in any new significant environmental effect(s); therefore, the proposed project does not require a supplemental EIR.

Basis for Addendum: The following describes why the proposed changes will not result in any significant additional impact.

On October 19, 2010 the Board of Supervisors adopted the Final Environmental Impact Report (FEIR) ED08-252 that analyzed the project's impacts and provided mitigation measures for the following issue areas: 1) Aesthetics; 2) Biological Resources; 3) Air Quality; 4); Cultural Resources 5); Hazards; 6) Geology; and 7) Transportation/ Circulation.

Since the FEIR's certification, construction plans are being prepared that include widening the 1.25-mile new construction section of the trail from 12 feet wide to 16 feet wide to better accommodate the expected trail traffic. Most changes made were to minimize impacts identified in the EIR including:

- In Segment 2, the Trail is on the surface of Toro Lane instead of in the Highway 1 ROW removing the need for retaining walls and an interpretive area added per mitigation measure BIO/mm-3.
- In Segment 3, the Trail is dropped down slope away from Highway 1, which minimized the height of the required traffic barrier from 54 inches to 32 inches and shortens the linear length the barrier from 800 feet to 600 feet, per mitigation measure AR-mm1. An interpretive area is added per mitigation measure BIO/mm-3.
- In Segment 4, a minor trail realignment minimizes impact to recently mapped wetlands per mitigation measure BIO/mm-16 and an interpretive area was added per mitigation measure BIO/mm-3.

These changes result in a reduced Aesthetics and Biological impacts. The conclusions and mitigation measures provided in the FEIR prepared for the original project (ED08-252) remain adequate for the revised project, with further discussion on several impact areas below.

Aesthetics

The EIR determined that the Caltrans' required 54-inch-tall highway barrier (needed to separate the Trail from Highway 1) conflicted with the scenic vista of the Pacific Ocean, and was a significant impact. Mitigation measure AR-mm1 required the project to incorporate the shortest barrier allowed by Caltrans, with the least vertical and reflective elements, and to use natural colors in the barrier. Revising the Trail alignment down slope towards the beach has created enough space between Highway 1 and the Trail that a shorter, 32-inch-tall standard highway barrier would be allowed and would protect trail users from traffic along Highway 1. The standard Caltrans barrier has no vertical or reflective elements. The 32 inch barrier is 40% shorter than the previously proposed 54 inch barrier, This change allows more of the scenic vista of the Pacific Ocean to be seen from Highway 1 than what was reviewed in the EIR.. Dropping the trail

down slope also shorten the length of the barrier from 800 feet to 600 feet, 25% less barrier is less of a visual impact than what was identified in the FEIR. The proposed project does not result in any new significant environmental effects and has less of an impact to aesthetics and is consistent with FEIR.

Biological Resources

The 2010 FEIR identified significant and mitigatable, and insignificant impacts to Biological Resources included those to wetlands, foredune habitat, the snowy plover, reg legged frogs, coast horned lizard and nesting birds. No significant unavoidable (Class I) impacts to Biological Resources were identified. Mitigation measures BIO/mm 1 through BIO/mm 20 address these impacts Most of mitigations are protection measures during construction of the Trail. These will be implemented at the time of construction. BIO/MM 3 required interpretive signs, and these are incorporated into the current project. BIO/mm-16 requires the trail to avoid seasonal wetlands. The revised Trail has a small realignment in Segment 4 to avoid seasonal wetland identified in a 2019 biological survey (Terra Verde, 2019, Attachment B).

The Trail was originally proposed to be 12 feet wide (two 4-foot travel lanes and 2 feet shoulders/drainage ways on each side). Based on the anticipated level of use of this oceanside trail the width was expanded to 16 feet wide (two 6-foot-wide travel lanes and 2-foot shoulder/drainage ways on each side). The FEIR identified impacts of the trail on the environment and identified existing mitigations for protection of: wetlands, foredune habitat, the snowy plover, California reg legged frogs, coast horned lizard and nesting birds. These mitigations are adequate to protect and preserve wildlife and habitats along the alignment of a 16 feet wide Trail. The increased width of the Trail by 4 feet will not result in a significant impact with the implementation of the previously identified mitigation measures. The realigned Trail minimizes impacts to seasonal wetlands that offset the impact of the wider Trail. The proposed project does not result in any new significant environmental effects and is consistent with FEIR.

Cultural Resources

The FEIR did not identify direct impacts to Cultural Resources. The FEIR recognized cultural resources in close proximity to the Trail and identified a significant but mitigatable impact to cultural resources because construction of this trail could impact intact subsurface cultural resources. Mitigation measures CR/mm-1 and CR/mm-2 included completion of a Phase II (subsurface testing) cultural investigation to provide verification of the presence or absence of subsurface resources prior to construction. CR/mm3 and CR 4 required a Phase III (data recovery plan) be completed before construction if the Phase II investigation identified subsurface cultural resources that would be impacted. CR/mm 5 through CR/mm7 requires preparation of a cultural resources construction monitoring plan, and implementation of that plan during construction.

In 2017 a Phase II cultural evaluation was completed for this project (Far Western, 2017, Confidential Attachment 3). The evaluation did not identify any significant features and found very few intact cultural resources west of Highway 1. The report concluded that it is unlikely significant features will be encountered during construction, therefore a Phase III (data recovery) plan is not necessary. This satisfies mitigation measure CR/mm-1 and CR/mm-2. CR/mm-3 and CR/mm-4 (Phase III Data Recovery) are not necessary. CR/mm5 through CR/mm7 (cultural monitoring during construction) are still applicable and will be completed at the time of construction of the Trail.

The proposed revised project does not result in any new significant environmental effects that has not been identified in the previous environmental review and is consistent with the conclusions of the FEIR.

Additional Information: Additional information pertaining to this environmental determination may be obtained by contacting the Lead Agency at the above address or telephone number.