CITY OF MORRO BAY
CITY COUNCIL
AGENDA

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

Regular Meeting - Tuesday, May 23, 2017
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
RECOGNITION - None
CLOSED SESSION REPORT
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS
PRESENTATIONS - None

PUBLIC COMMENT PERIOD
Members of the audience wishing to address the Council on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Council at this time.

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 city of residence 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.

A. CONSENT AGENDA

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

A-1 APPROVAL OF REVISED MINUTES FOR THE APRIL 25, 2017 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF MINUTES FOR THE APRIL 26, 2017 SPECIAL CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 APPROVAL OF MINUTES FOR THE MAY 9, 2017 SPECIAL CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-4 APPROVAL OF MINUTES FOR THE MAY 10, 2017 SPECIAL CLOSED SESSION CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-5 APPROVAL OF MINUTES FOR THE MAY 12, 2017 SPECIAL CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-6 WATER RECLAMATION FACILITY (WRF) PROGRAM UPDATE; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-7 REAPPOINTMENT OF VALERIE SEYMOUR TO THE VISIT SAN LUIS OBISPO COUNTY (VSLOC) BOARD OF DIRECTORS; (ADMINISTRATION)

RECOMMENDATION: Council reappoint Valerie Seymour as the City's representative on the VSLOC Board of Directors for a 3-year term ending June 20, 2020.

A-8 ADOPTION OF RESOLUTION NO. 25-17 APPROVING THE RECORDS RETENTION SCHEDULE; (ADMINISTRATION)

RECOMMENDATION: Council adopt Resolution No. 25-17 rescinding Resolutions No. 37-83 and 03-02 and approving the City of Morro Bay Records Retention Schedule.

A-9 AUTHORIZATION TO SIGN A LETTER TO SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED COUNTY FORMATION OF A GROUNDWATER SUSTAINABILITY AGENCY (SUSTAINABLE GROUNDWATER MANAGEMENT ACT); (PUBLIC WORKS)

RECOMMENDATION: Council authorize the Mayor, on behalf of the City Council, to sign a letter to the San Luis Obispo County Board of Supervisors opposing the use of County General Funds for the proposed County Groundwater Sustainability Agency (Sustainable Groundwater Management Act – SGMA).

B. PUBLIC HEARINGS

B-1 ADOPT RESOLUTION NO. 22-17 CONTINUING THE PROGRAM AND LEVYING THE ASSESSMENTS FOR THE 2017/18 FISCAL YEAR FOR THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID); (DEPUTY CITY MANAGER)

RECOMMENDATION: Council adopt Resolution No. 22-17 continuing the MBTBID activities and assessments for Fiscal Year 2017/18.

B-2 ADOPTION OF RESOLUTION NO. 23-17 APPROVING MAJOR MODIFICATION TO CONDITIONAL USE PERMIT NO. UP0-359 FOR ROSE'S LANDING, 725 EMBARCADERO. PROJECT INCLUDES A 10-UNIT HOTEL WITH CONVERSION OF SECOND-FLOOR AND FIRST-FLOOR HOTEL LOBBY. PROJECT INCLUDES PREVIOUSLY APPROVED PUBLIC ACCESS IMPROVEMENTS AND 7 NEW FLOATING DOCK SLIPS AND GANGWAY; (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Council adopt Resolution No. 23-17, making necessary findings for approval of Major Modification to Conditional Use Permit No. UP0-359 Concept Plan approval.

B-3 APPEALS OF THE PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT NO. UP0-468 FOR CONTINUED OPERATION OF AN EXISTING AUTO-BODY REPAIR AND PAINT SHOP IN OPERATION SINCE 1981 AND LOCATED WITHIN THE R-1/S.1 RESIDENTIAL ZONING DISTRICT AT 340 JAMAICA STREET. (APPELLANTS: ROY CINOWALT, EVANS COWAN, DANIEL KNIGHT, DARYL DOBSON) (APPLICANT: JASON PALL); (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Council deny all appeals and uphold the Planning Commission approval of Conditional Use Permit No. UP0-468 for Auto-body Builders at 340 Jamaica Street by adopting City Council Resolution No. 24-17 with the associated Findings and Conditions of Approval.

C. BUSINESS ITEMS

C-1 APPROVAL OF PURCHASE AND SALE AGREEMENT FOR REAL PROPERTY IDENTIFIED AS 1 JORDAN TERRACE (CERRITO PEAK); APN: 066-221-001; (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Council authorize (i) the purchase of the property located at 1 Jordan Terrace, (APN: 066-221-001) and otherwise known as Cerrito Peak and (ii) the expenditure of $350,000 from the City's General Fund Emergency Reserve.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

There will be a Special Closed Session Council Meeting on **Wednesday, May 24, 2017, at 3:30 p.m.** in the City Hall Conference Room located at 595 Harbor Street, Morro Bay, California. The next Regular Meeting will be held on **Tuesday**, **June 13, 2017 at 6:00 p.m.** at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

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

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MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 25, 2017
VETERAN'S MEMORIAL HALL – 6:00 P.M.

AGENDA NO: A-1

MEETING DATE: May 23, 2017

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF:	Dave Buckingham	City Manager
	Chris Neumeyer	Assistant City Attorney
	Dana Swanson	City Clerk
	Ikani Taumoepeau	Deputy City Manager
	Craig Schmollinger	Finance Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Jody Cox	Acting Police Chief
	Steve Knuckles	Fire Chief
	Eric Endersby	Harbor Director
	Jennifer Little	Tourism Manager

ESTABLISH QUORUM AND CALL TO ORDER
The meeting was called to order at 6:01 p.m., with all members present.

MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
RECOGNITION -None
CLOSED SESSION REPORT – No Closed Session Meeting was held.
MAYOR AND COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS
CITY MANAGER REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PRESENTATIONS
https://youtu.be/zVTEyxRSgws?t=12m37s

- Morro Bay Transit Week Proclamation – A Proclamation declaring May 1 – May 6, 2017 "Morro Bay Transit Week" was presented to Camille Watson from MV Transportation.
- SLOCOG Rideshare Bike Month Presentation – Sarah Trauger, SLOCOG Rideshare Coordinator, announced Bike Month events planned during the month of May.

PUBLIC COMMENT
https://youtu.be/zVTEyxRSgws?t=24m8s

Richard Sadowski, Morro Bay, spoke regarding the Water Reclamation Facility stating alternatives are available, including a potential joint project with Cayucos. He suggested the City continue to consider the most economical options.

Meredith Bates, Morro Bay, appreciated the input and information provided at Council Member Headding's town hall. Regarding Item C-1, she was concerned the proposed timing would limit advisory board input and urged the Council to keep the project within budget.

Jeff Heller, Morro Bay, expressed concern regarding the City's financial condition and asked the Council how it plans to address the $4M General Fund deficit.

John Solu, Morro Bay resident and business owner, announced the upcoming Kite Festival and Morro Bay Car Show. Regarding Item B-1, he appreciated the City increasing its contribution to tourism and shared the TBID has recommended the City incorporate vacation rentals and RV parks into the business improvement district. Regarding Item C-1, he was concerned the proposed rates would have a negative impact on commercial properties.

Rigmor, Morro Bay, had listened to the 3:30 Council Meeting regarding economic development and agreed the City needs an ombudsman to assist those who want to start a business, or who own commercial property and need assistance. She also attended the town hall meeting and believes more information is needed regarding the WRF.

Homer Alexander, Morro Bay, provided historical information regarding the City's participation in State Water, including the City's portion in the Chorro valley pipeline which will be retired in five years. He suggested the City not walk away from that investment.

Bill Martony, Morro Bay, commented on the economic benefit of a joint project with Cayucos and suggested the current WWTP would be perfect for mariculture.

The public comment period was closed.

The Council and staff responded to points raised during the public comment period.

A. CONSENT AGENDA
https://youtu.be/zVTEyxRSqws?t=49m26s

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

A-1 PROCLAMATION HONORING MORRO BAY TRANSIT'S 40TH ANNIVERSARY AND DECLARING MAY 1 THROUGH MAY 6, 2017, AS "MORRO BAY TRANSIT WEEK"; (PUBLIC WORKS)

RECOMMENDATION: Approve as submitted.

A-2 PROCLAMATION DECLARING THE MONTH OF APRIL "FAIR HOUSING MONTH"; (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Approve as submitted.

A-3 WATER RECLAMATION FACILITY (WRF) PROGRAM UPDATE; (PUBLIC WORKS)

RECOMMENDATION: Receive and file.

A-4 ADOPTION OF RESOLUTION NO. 17-17 AUTHORIZING SUBMISSION OF APPLICATION TO THE FEDERAL FISCAL YEAR 2017 FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5339 DISCRETIONARY BUS PROGRAM AND EXECUTION OF RELATED DOCUMENTS UPON AWARD; (PUBLIC WORKS)

RECOMMENDATION: Council adopt Resolution No. 17-17.

A-5 APPROVAL OF WEBCAM LICENSE AGREEMENT BETWEEN THE CITY OF MORRO BAY AND SURFLINE, INC.; (HARBOR)

RECOMMENDATION: Council approve the renewed webcam license agreement between the City and Surfline, Inc.

Mayor Irons pulled Item A-3.

MOTION: Council Member Headding moved the Council approve Items A-1, A-2, A-4 and A-5. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

A-3 WATER RECLAMATION FACILITY (WRF) PROGRAM UPDATE; (PUBLIC WORKS)
https://youtu.be/zVTEyxRSgws?t=50m

Mayor Irons requested the full project history be included in future monthly update staff reports, and asked staff to verify both the Los Osos and Cayucos wastewater plants will be included as alternates in the evaluation process.

MOTION: Council Member McPherson moved for approval of Item A-3. The motion was seconded by Council Member Makowetski and carried unanimously, 5-0.

The public comment period for the Consent Agenda was opened.

Jeff Heller, Morro Bay, felt the staff report needed more depth, particularly in terms of soft costs. He urged the Council to not receive and file the report until more information was provided.

The public comment period for the Consent Agenda was closed.

The Council took a brief recess at 6:55 p.m. The meeting reconvened at 7:04 p.m.

B. PUBLIC HEARINGS

B-1 ADOPTION OF RESOLUTION NO. 18-17 DECLARING THE INTENTION TO CONTINUE THE PROGRAM AND LEVY ASSESSMENTS FOR THE FISCAL YEAR 2017/18 FOR THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID) AND SCHEDULING A PUBLIC HEARING TO LEVY THE ASSESSMENTS; (DEPUTY CITY MANAGER)
https://youtu.be/zVTEyxRSgws?t=57m10s

Deputy City Manager Taumoepeau and Tourism Manager Little presented the staff report and responded to Council inquiries.

The public comment period for Item B-1 was opened; seeing none, the public comment period was closed.

There was Council consensus to support the staff recommendation then begin outreach to consider bringing in vacation rentals and RV parks into the assessment district next fiscal year. Staff confirmed the Council was not approving the budget outlined in the annual report at this time as it would be brought forward during the budget process.

MOTION: Mayor Irons moved the Council adopt Resolution No. 18-17 approving the MBTBID FY 2017/18 annual report as presented in the staff report, and set the public hearing for May 23, 2017, to continue the MBTBID activities and assessments for FY 2017/18. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

C. BUSINESS ITEMS

C-1 DISCUSSION OF PRELIMINARY FINDINGS FROM THE DRAFT SEWER AND WATER RATE STUDY UPDATE; (PUBLIC WORKS)
https://youtu.be/zVTEyxRSqws?t=1h41m36s

WRF Program Deputy Manager Rickenbach, City Manager Buckingham, Program Manager Nunley, and Alex Handlers of Bartle Wells presented the report and responded to Council inquiries.

Mayor Irons provided background information on the WRF project, information gleaned through his work with Council Member McPherson on the WRF Council subcommittee, and desired items to be completed at this meeting.

The Council took a brief recess at 9:30 p.m. The meeting reconvened at 9:37 p.m.

The public comment period for Item C-1 was opened.

Bill Alpert, Morro Bay resident and business owner, urged the Council to provide an opportunity for all residents to participate in the process and to explore every alternative.

Ed Griggs, Morro Bay, appreciated the Council's sensitivity to those on fixed income. Based on the proposed cost, he would oppose the project.

Carole Truesdale, Morro Bay, asked the Council to step back and consider other project alternatives.

Alice Kolb, Morro Bay, asked the Council to seek a second opinion on the cost of the facility and its operation, and to find a project that is more affordable.

Bill Martony, Morro Bay, urged the Council to consider other alternatives, including Los Osos, Cayucos, or the portion of Tri-W that is within the City limits.

Kerrigan Mahan, Morro Bay, spoke in opposition to the project and urged the Council to consider other alternatives.

Terry Simons, Morro Bay, urged the Council to move forward with the proposed project and believes a phased approach would be more expensive.

Betty Winholtz, Morro Bay, stated the estimated cost for the base plant is the issue, not the additional cost for reclamation. She recommended changing the goals to support a more cost-effective project.

The public comment period for Item C-1 was closed.

Following discussion regarding information gleaned from the rate study and concerns about community affordability, there was Council consensus to consider moving forward with a phased approach, focusing on the wastewater treatment facility (phase 1) with a recycling component added later. There was also interest in revisiting the proposed technology and costs for phase 1, and gathering input from the WRFCAC, Citizens Finance Advisory Committee and Public Works Advisory Board.

MOTION: Mayor Irons moved the meeting go past 11:00 p.m. The motion was seconded by Council member Davis, provided it was limited to a time certain of 11:30 p.m. Mayor Irons approved the amended motion, which passed unanimously, 5-0.

Council Member Davis preferred moving forward with the full project, stating the value of water independence could be achieved for an incremental cost of $35 per month. He also noted there was a better chance of receiving grant funding for the project if recycling were included and that financial assistance may be available through the utility discount program.

MOTION: Council Member McPherson moved the meeting go past 11:30 p.m. The motion was seconded by Mayor Irons.

The motion was amended to set a time certain of 12:00 a.m. The amended motion passed unanimously, 5-0.

MOTION: Council Member McPherson moved the Council direct staff to assemble team of local experts to review current project, then return with two revised cost proposals for Phase 1 of the WRF project only, with cost basis analysis and user rate implications, and based on a careful examination of the Facilities Master Plan to identify cost savings. The two alternatives are: 1) full secondary treatment that at some future date could become tertiary with additional treatment; and 2) full tertiary. The proposals should also include a revised timeline that includes robust public outreach, including two public workshops and flyers/notices, and a proposed date for the Prop 218 hearing. The motion was seconded by Mayor Irons.

Upon request, Council Member McPherson repeated the motion and clarified the two alternatives are full secondary treatment that with additional treatment in the future (so we could become reclaimable at a later date), and full tertiary (which is additional treatment now). Staff clarified the team of experts would provide direction on key aspects of the cost estimates for consultant review and assessment.

The motion carried 3-2 with Council Members Davis and Headding voting no.

MOTION: Council Member Headding moved the Council direct staff to focus solely on building a treatment plant at that the new site. The motion was seconded by Mayor Irons.

Staff clarified that based on the Council action, certain project goals would be considered in phase 2 and others would be removed.

The motion passed 5-0.

C-2 REVIEW OF PREFERRED LAND USE ALTERNATIVES FOR THE GENERAL PLAN/ LOCAL COASTAL PROGRAM UPDATE AND REVIEW OF PROJECT TIMELINE AND FUNDING; (COMMUNITY DEVELOPMENT)
https://youtu.be/zVTEyxRSgws?t=5h36m48s

Mayor Irons confirmed the presentation would focus only on the portion of the item related to project timeline and funding.

Community Development Director Graham briefly presented the staff report and responded to Council inquiries.

The public comment period for Item C-2 was opened; seeing none, the public comment period was closed.

MOTION: Mayor Irons moved the Council approve adding funding for approximately 12 additional GPAC meetings and 6 Planning Commission and/or Council meetings for a total cost of $29,340 to be paid from the General Fund accumulation fund. The motion was seconded by Council Member Davis and carried unanimously, 5-0.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS
https://youtu.be/zVTEyxRSgws?t=5h43m46s

Council Member Headding requested the Council agendize discussion regarding implementation of the Economic Development Strategic Plan. There was full Council support for this item.

E. ADJOURNMENT

The meeting adjourned at 11:56 p.m. The next Regular Meeting will be held on Tuesday, May 9, 2017 at 6:00 p.m. at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

Recorded by:

Dana Swanson
City Clerk

AGENDA NO: A-2

MEETING DATE: May 23, 2017

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
APRIL 26, 2017
CITY HALL CONFERENCE ROOM–3:30 P.M.

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF PRESENT:	Dave Buckingham	City Manager
	Chris Neumeyer	Assistant City Attorney
	Craig Schmollinger	Finance Director
	Eric Endersby	Harbor Director
	Dana Swanson	City Clerk / Risk Manager
	Colin Tanner	Special Labor Counsel *(via teleconference)*

ESTABLISH QUORUM AND CALL TO ORDER – A quorum was established and the meeting was called to order at 3:32 p.m., with all members present.

SUMMARY OF CLOSED SESSION ITEMS - The Mayor read a summary of Closed Session items.

CLOSED SESSION PUBLIC COMMENT - Mayor Irons opened the meeting for public comment for items only on the agenda.

Susan McElhinney spoke on behalf of her client, Stan Trapp, explaining it is not possible to retroactively change rental agreements with his tenants and requested the City Council amend the lease to remove language requiring past gross sales reporting and continue as per past practice.

Stan Trapp stated he had polled his tenants and they are unwilling to provide retroactive gross sales reports.

The public comment period was closed.

The City Council moved to Closed Session and heard the following items:

CS-1 GOVERNMENT CODE SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property:	Lease Site 71-74/71W-74W & 75-77/75W-77W, Marina Square, 601 & 699 Embarcadero
Property Negotiators:	Morro Bay Marina, a general partnership (Stan Trapp)
Agency Negotiators:	Eric Endersby, Harbor Director and Joseph Pannone, City Attorney
Under Negotiation:	Price and Terms of Payment
Property:	307/315 Morro Bay Blvd.
Property Negotiators:	Scott Meisterlin

Agency Negotiators: Dave Buckingham, City Manager and Joseph Pannone, City Attorney
Under Negotiation: Price and Terms of Payment

CS-2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Two Matters

CS-3 CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representative: Colin Tanner, Special Labor Counsel
Employee Organizations: Morro Bay Firefighters' Association; Morro Bay Police Officers' Association; Service Employee's International Union - SEIU Local 620

RECONVENE IN OPEN SESSION - The City Council reconvened in Open Session. The Council did not take any reportable action pursuant to the Brown Act.

ADJOURNMENT

The meeting adjourned at 5:27 p.m.

Recorded by:

Dana Swanson
City Clerk

AGENDA NO: A-3

MEETING DATE: May 23, 2017

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – MAY 9, 2017
VETERANS MEMORIAL HALL
209 SURF STREET – 3:30 P.M.

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF:	Dave Buckingham	City Manager
	Joe Pannone	City Attorney
	Dana Swanson	City Clerk
	Ikani Taumoepeau	Deputy City Manager
	Craig Schmollinger	Finance Manager
	Eric Endersby	Harbor Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Eric Endersby	Harbor Director
	Steve Knuckles	Fire Chief
	Jody Cox	Acting Police Chief

ESTABLISH QUORUM AND CALL TO ORDER
Mayor Irons established a quorum and called the meeting to order at 3:02 p.m. with all Members present.

PUBLIC COMMENT
Mayor Irons opened the public comment period for items on the agenda; seeing none, the public comment period was closed.

SPECIAL MEETING AGENDA ITEM:

I. FY 2017-18 BUDGET STUDY SESSION
https://youtu.be/12SLwbLL9JI?t=1m56s

Staff presented the draft budget for FY 2017-18 and responded to Council inquiries. (The presentation is available here.)

The public comment period was reopened:

Carole Truesdale, Morro Bay, noted the budgeted cost for outsourced dispatch is $376,000 and asked for a cost comparison to in-house dispatch. Regarding legal fees, she asked why a portion of the cost was allocated to Human Resources, but not to other departments.

Bart Beckman, Morro Bay, asked if the CalPERS contribution is a discretionary item the City could choose not to fund. He also commented on consultant costs related to the WRF project and encouraged finding creative ways to fund the project. He supported partnering with Cayucos.

The public comment period was closed.

The Council provided individual feedback and acknowledged one-on-one or two-on-one meetings would be held with staff the week of May 15 to answer remaining questions.

ADJOURNMENT
The meeting adjourned at 5:33 p.m.

Recorded by:

Dana Swanson
City Clerk

AGENDA NO: A-4

MEETING DATE: May 23, 2017

MINUTES – MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
MAY 10, 2017
CITY HALL CONFERENCE ROOM–3:30 P.M.

PRESENT:	Jamie Irons	Mayor
	Robert Davis	Council Member
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
STAFF PRESENT:	Dave Buckingham	City Manager
	Joe Pannone	City Attorney
	Craig Schmollinger	Finance Director
	Dana Swanson	City Clerk / Risk Manager
	Colin Tanner	Special Labor Counsel *(via teleconference)*

ESTABLISH QUORUM AND CALL TO ORDER – A quorum was established and the meeting was called to order with all members present.

SUMMARY OF CLOSED SESSION ITEMS - The Mayor read a summary of Closed Session items.

CLOSED SESSION PUBLIC COMMENT - Mayor Irons opened the meeting for public comment for items only on the agenda; seeing none, the public comment period was closed.

The City Council moved to Closed Session and heard the following items:

CS-1 CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representative: Colin Tanner, Special Labor Counsel
Employee Organizations: Morro Bay Firefighters' Association; Morro Bay Police Officers' Association; Service Employee's International Union - SEIU Local 620

CS-2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

CS-3 CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: Colin Tanner, Special Labor Counsel and Joseph W. Pannone, City Attorney.
Unrepresented Employee: City Manager

RECONVENE IN OPEN SESSION - The City Council reconvened in Open Session. The Council did not take any reportable action pursuant to the Brown Act.

ADJOURNMENT

The meeting adjourned at 6:19 p.m.

Recorded by:

Dana Swanson
City Clerk

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AGENDA NO: A-5

MEETING DATE: May 23, 2017

MINUTES - MORRO BAY CITY COUNCIL
SPECIAL MEETING – MAY 12, 2017
COMMUNITY CENTER MULTI-PURPOSE ROOM
1001 KENNEDY WAY – 3:00 P.M.

PRESENT:	Jamie Irons	Mayor
	John Headding	Council Member
	Matt Makowetski	Council Member
	Marlys McPherson	Council Member
ABSENT:	Robert Davis	Council Member
STAFF:	Craig Schmollinger	Acting City Manager
	Dana Swanson	City Clerk
	Ikani Taumoepeau	Deputy City Manager
	Eric Endersby	Harbor Director
	Rob Livick	Public Works Director
	Scot Graham	Community Development Director
	Eric Endersby	Harbor Director
	Steve Knuckles	Fire Chief
	Jody Cox	Acting Police Chief

SPECIAL MEETING AGENDA ITEM:

I. EMERGENCY OPERATION CENTER ("E.O.C.") POLICY MAKERS TRAINING

Fire Chief Knuckles provided the Council an overview of the EOC Center and guidance on their role as Policy Makers in the event of an emergency.

No formal action was taken by the City Council.

ADJOURNMENT:
The meeting adjourned at 4:32 p.m.

Recorded by:

Dana Swanson
City Clerk

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AGENDA NO: A-6
MEETING DATE: May 23, 2017

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 15, 2017**

FROM: **Mike Nunley, PE – Water Reclamation Facility (WRF) Program Manager**
Rob Livick, Public Works Director

SUBJECT: **Water Reclamation Facility Program Update**

RECOMMENDATION
Staff recommends City Council receive and file the status report of the Water Reclamation Facility (WRF) program.

ALTERNATIVES
No alternatives are recommended.

FISCAL IMPACT
No additional fiscal impact is proposed within this update. All work is proceeding within the City's fiscal year budget for the WRF.

DISCUSSION
With the denial of the permit for the WWTP project in its current location, the City has embarked on a process for a new WRF. This staff report provides the following:

- Update on the April 25, 2017 City Council direction
- Review of what has occurred to date. See the list of major milestones or accomplishments since the last update to City Council below. This summary is typically provided each month. Attachment 1 provides an updated WRF Project Timeline which provides the general project history since 2003.
- Update on program schedule

Update on April 25th Council Direction
At the April 25, 2017 City Council meeting, City Council made two motions regarding the WRF Project, as follows:

1. Direct staff to assemble team of local experts to review current project for potential cost savings recommendations, then return with two revised engineer's opinion of probable cost for Phase 1 of the WRF project only, with cost basis analysis and user rate implications, and based on a careful examination of the Facilities Master Plan to identify cost savings. The two alternatives that will be reviewed are: full secondary treatment that at some future date could become tertiary with additional treatment; and full tertiary. The proposals should also include a revised timeline that includes robust public outreach, including two public workshops and flyers/notices, and a proposed date for the Prop 218 hearing.

Prepared By: ___MN_____	**Dept Review: _RL___**
City Manager Review: _____	**City Attorney Review: ___JWP___**

2. Direct staff to focus solely on building only a treatment plant at that the new site. Staff clarified that based on the Council action, certain project goals would be considered in Phase 2 and others would be removed. The following table provides a summary of the goals and their current status:

Goal	Status as of April 24, 2017	Current Status
Produce Tertiary Disinfected Wastewater	WRF designed accordingly	Looking at option for phased Tertiary Treatment with first phase producing Secondary Treated wastewater to be discharged to the Ocean
Produce Reclaimed Wastewater Cost-Effectively	Master Reclamation Plan addresses this Including reclamation as early as possible reduces long-term costs	Reviewing as a future phase. This limits the viability of the project to receive grant support through current programs
Allow for Onsite Composting	Onsite composting is not recommended, regional facility will be more cost-effective	No Change
Design for Energy Recovery	Considered in the FMP	No Change
Design to Treat for Contaminants of Emerging Concern	Included in FMP treatment evaluation	Will only be included in the phase that produces reclaimed water
Allow for other Municipal Uses (at WRF)	Site planning in FMP allows for this possibility	Removed from consideration. Only a Treatment Plant or Reclamation Facility
Ensure Compatibility with Neighboring Land Uses	Considered in siting study FMP utilized for siting and architecture EIR will analyze further	No Change
Operational within 5 years	Project on schedule for WRF operation in 2021 Potential to construct recycled water project concurrently	Slight delay from May to August of 2021

After the peer review makes its recommendations, the program management team perform a preliminary analysis of those recommendations, including engineer's cost opinions to estimate potential cost savings. This work will be considered by the peer review committee prior to publishing results from the Council direction on April 25, pending the results of the peer review. An update will be provided at a future City Council meeting.

Accomplishments and Milestones

The City's Program Management team and technical consultants performed the following tasks since the April program update:

- Presented the draft Rate Study Update to City Council on April 25, 2017.
- Completed the Executive Summary of the Draft Master Water Reclamation Plan. Final formatting was underway at time of this staff report, and it is anticipated to be published on the Project website before the May 23, 2017 City Council meeting.
- Coordinated with the recommended consultant for the WRF Lift Station and Pipelines Design Engineering Project to develop the scope and fee for City staff review

- Continued developing feasibility study to comply with USBR WaterSmart funding requirements (Program can award grants for 25% of construction costs up to $20M)
- Updated WRF Project Timeline (attachment 1)

Program Schedule Update
FY 16/17 activities are primarily planning, permitting, and procurement of consultants for elements of the Phase I WRF. Specific objectives include completion of the Facility Master Plan, Master Reclamation Plan, initial review and procurement activities for the design-build team, preliminary design, technical studies and initial drafts of the Environmental Impact Report, and procurement of the State Revolving Fund Planning and Design Loan.

The anticipated schedule for significant milestones and Council decisions is summarized below, showing the anticipated schedule impact resulting from the April 25, 2017, City Council direction to review the project for potential cost reduction. We are estimating an overall schedule impact of approximately three months.

Item	Previous Date	Updated Date
Confirmation of WRF Budget	April 2017	June 2017
Peer review of project costs	N/A	June 2017
Revised Wastewater Rate Impact Review with WRFCAC/CFAC/PWAB and City Council	April 2017	July 2017
Council to Authorize Mailing of Wastewater Rate Notice for Proposition 218 Process	May 2017	August 2017
Proposition 218 Public Hearing on Wastewater Rates	June 2017	October 2017
Council Selection and Award for Design of Lift Station and Pipelines	May 2017	October 2017
RFQ for Design/Construction of Phase I WRF Onsite Improvements	June 2017	October 2017
Release of Public Draft EIR	August 2017	December 2017
RFP for Design/Construction of Phase I WRF Onsite Improvements	October 2017	February 2018
Certification of Final EIR (Critical Timeline for Grant Pursuit)	November 2017	March 2018
Complete purchase of preferred WRF site (30 days or more after Certification of EIR)	December 2017	April 2018
Negotiation/Award of Contract for Phase I WRF Onsite Improvements	May 2018	September 2018
Award of Contract for Construction of Phase I Offsite Improvements (Lift Station and Pipelines)	April 2019	May 2019
Completion of Phase I WRF Improvements	May 2021	August 2021

ATTACHMENTS
1. WRF Project History and Timeline 2003 - 2017
2. Updated Program Schedule (as of May 12, 2017)

WRF Project History and Timeline 2003-2017

Date	Action
April 25, 2017	City Council - Consideration of Draft Rate Study - Council passed motion to review current project to identify potential cost savings for Phase 1 WRF only with two alternatives: 1) full secondary with allowance for additional treatment later; and 2) full tertiary. Second motion passed to focus solely on building a treatment plant at the new site.
April 2017	Draft Rate Study released
March 2017	Draft Master Water Reclamation Plan released
February 7, 2017	WRFCAC Meeting - Progress Update, Master Water Reclamation Plan
January 3, 2017	WRFCAC Meeting - Progress Update
December 13, 2016	City Council - Consideration and Acceptance of Draft FMP
December 6, 2016	WRFCAC Meeting - Progress Update
November 2016	Draft Facilities Master Plan released
November 14, 2016	Community Workshop - Consideration of Draft FMP
November 1, 2016	WRFCAC Meeting - Consideration of Draft FMP
October 24, 2016	MOU with South Bay Blvd. Property owner signed and executed
October 4, 2016	WRFCAC Meeting - Progress Update
August 16, 2016	CEQA Process - NOP EIR Scoping Meeting
August 8, 2016	CEQA Process - Release of Notice of Preparation (NOP) for EIR
August 2, 2016	WRFCAC Meeting - Progress Update
June 14, 2016	City Council - WRF Site Selection; South Bay Boulevard selected for further study
May 5, 2016	Report to City Council on Potential WRF Sites Released
May 3, 2016	WFRCAC Meeting - WRF Site Selection
April 9 and 14, 2016	Farmers Market - WRF Site Selection
April 7 and 10, 2016	Community Workshop - WRF Site Selection
March - June 2016	Stakeholder Interviews and Community Outreach - WRF Site Selection
March 1, 2016	WRFCAC Meeting - Consideration of Potential WRF sites
February 25, 2016	Neighborhood Workshop - Righetti site study session
December 1, 2015	City Council meeting - liquid treatment technologies
November 17, 2015	WRFCAC Meeting - Facility Master Plan Technical Memorandum 7 (Liquid Treatment)
November 3, 2015	WRFCAC Meeting - Program Update, Facility Master Plan Technical Memorandum 6 (Solids Treatment), Comments on Technical Memoranda 2 and 3
October 29, 2015	Community Workshop - Topics: Architectural themes, other community facilities for WRF site
October 20, 2015	WRFCAC Meeting - Facility Master Plan Technical Memoranda 2 (Flows, Loads, and Water Quality) and 3 (WWTP Decommissioning)
October 17, 2015	Technical Workshop - Alternative Delivery Methods (Design-Build, Design-Build-Operate, Design-Build-Operate-Finance, Construction Management at Risk)
October 6, 2015	WRFCAC Meeting - Scope and budget for CEQA/NEPA consulting (ESA), Schedule for workshops and public meetings
September 22, 2015	City Council - Outreach Plan
September 8, 2015	City Council - Council approves SWRCB Recycled Water Facilities Planning Grant resolution authorizing Public Works Director to execute grant application
September 1, 2015	WRFCAC Meeting - Program update, Discussion of outreach plan
August 24 and 26, 2015	Interviews with CEQA and NEPA Compliance firms - AMEC, ESA, Rincon Consultants, and Dudek
August 21, 2015	FMP Technical Memorandum 2 (Working Draft - Waste Characteristics, Flow Projections, and Effluent Discharge Requirements) submitted for discussion with City prior to finalizing analysis
August 18, 2015	First Biweekly Staff/PM Program Meeting

Date	Action
August 17, 2015	City Council Work Session - WRF Program Overview
August 13, 2015	FMP Technical Memorandum 1 (Summary of Existing Documents Reviewed) submitted
August 11, 2015	City Council Award of PM Contract
August 5, 2015	WRFCAC Meeting - Review of scope of work, fees and schedule for MKN as WRF Program Management/Construction Management Consultant
July 29, 2015	City staff met with representatives from Rancho Colina to discuss the terms of the MOU for the potential property Purchase.
July 28, 2015	Interview with the PM team of MKN/Rickenbach. Committee recommends selection of MKN as PM
July 22, 2015	PM selection Team met to discuss one proposal received for PM and recommend that they interview the one proposer
July 21, 2015	Environmental Review Selection Committee met to review the six SOQs submitted. The Committee Recommends the City Interview four teams: Dudek, ESA, Rincon, AMEC
July 15, 2015	Kickoff Meeting with Black and Veatch FMP Consultant
July 14, 2015	Proposals due for Program Management Services
July 14, 2015	SOQ due for Environmental Review Services
July 14, 2015	City Council Meeting - Award of FMP Contract
July 8, 2015	WRFCAC Meeting - Recommend for B&V as FMP consultant
July 1, 2015	New water and Wastewater Rates in effect
June 30, 2015	Staff Review of Black and Veatch Final Scope of Work
June 22, 2015	Discussions with Black and Veatch regarding Scope of Work
June 19, 2015	Pre Proposal Meeting for Project Management RFP
June 19, 2015	Pre SOQ Meeting for Environmental Review SOQ
June 18, 2015	The CSD BOD approved the FY 15/16 WWTP operating budget
June 17, 2015	Presentation to the Realtor group regarding project status
June 16, 2015	Prospective FMP consultant interviews -Carollo Engineers and Black and Veatch. Selection Committee unanimously recommends Black and Veatch
June 11, 2015	Joint Meeting with the Cayucos Sanitary District for Budget Approval and Audit results - Cancelled
June 9, 2015	City Council adopted Resolution 31-15, approving the FY 15/16 Budget including wastewater
June 1, 2015	Meeting with WRFCAC subcommittee for initial review of FMP proposals
May 29, 2015	Released RFP for Environmental Review (CEQA/NEPA) for the new WRF
May 26, 2015	Public Hearing for Increases in Water and Sewer Rates held. Received 933/2707 required protests. City Council adopted resolution 30-15 setting new water and sewer rates for the next five years
May 12, 2015	City Council adopted Resolution 25-15 providing direction to staff.
May 12, 2015	Proposal received from Black and Veatch and Carollo responding to Facilities Master Plan RFP
May 7, 2015	Special WRFCAC Meeting to discuss recommendations to the City Council regarding moving forward with the project.
May 4, 2015	Morro Bay Staff issued an addendum to the WRF FMP RFP, eliminating the CSD from the review process and establishing a two party contract.
April 30, 2015	Joint Meeting of the CSD Board of Directors and Morro Bay City Council for continued discussion regarding the MOU for the New WRF. CSD Presented Resolution 2015-1 suspending participation with Morro Bay on a New WRF at the Rancho Colina Site
April 8, 2015	Rate Notices to be Mailed out to all City property owners and residents
April 8, 2015	WRFCAC Meeting to appoint members to WRF FMP review committee
March 24, 2015	City Council Approves Proposition 218 Notice for Water and Sewer Rate Adjustments and Schedules Public Hearing for May 26, 2015
March 19, 2015	Issued Contract to KMA for Preliminary Biological Assessment of Rancho Colina site and pipeline corridor.

WRF Project Timeline
January 2003 - Present

Date	Action
March 19, 2015	Release RFP for WRF Facilities Master Planning
March 11, 2015	Joint Meeting of Morro Bay City Council and Cayucos Sanitary District Board of Directors in Cayucos
February 25, 2015	JFR Contract Amendment #4 for $44,279.00 to assist with fatal flaw analysis
February 25, 2015	Facilities Master Plan RFP Completed for internal staff review
February 23, 2015	CSD Legal Council transmitted CSD DRAFT MOU to City
February 19, 2015	Letter from Ken Harris, RWQCB regarding the New WRF project and deadline for operations.
February 19, 2015	Public Works Advisory Board – Second Water and Sewer Rate Study Workshop
February 11, 2015	WRFCAC Meeting to review MOU for Now
February 11, 2015	Scheduled Joint Meeting of Morro Bay City Council and Cayucos Sanitary District Board of Directors in Cayucos was canceled
February 5, 2015	Meeting between Morro Bay Council Subcommittee and Cayucos Sanitary District Board Sub Committee to Discuss the MOU for Now
January 29, 2015	Public Works Advisory Board – Water and Sewer Rate Study Workshop
January 26, 2015	Meeting with between Morro Bay and Cayucos Staff to discuss next steps and "MOU for Now"
January 26, 2015	Meeting with between Morro Bay Staff, JFR/MKN and City Council sub-committee to discuss next steps and "MOU for Now"
January 13, 2015	City Council to review "Next-Steps" and provide direction to Staff.
January 8, 2015	Staff presentation of the "Next-Steps" to the City Council and CSD Board
December 11, 2014	Staff presented to the City Council and the CSD Board of Directors the Final JFR report, including the CMC evaluation by Carollo Engineers. The csd Board of Directors concurred that based on the information presented that the Rancho Colina site appeared the most viable and cost effective.
December 9, 2014	City Council meets to review the Final JFR report, including the CMC evaluation by Carollo Engineers. The City Council expresses their preference for Rancho Colina as their preferred site for the New WRF. The cost estimates indicated that the CMC site was nearly double that of the Rancho Colina site.
December 8, 2014	Carollo Engineers releases their Technical Memorandum regarding CMC WWTP capacity and necessary facility expansion to accommodate increase flows from City and CSD.
December 8, 2014	Meeting between MBNEP and City staff to discuss concerns regarding the siting of the WRF at CMC and increased pollutant loads to Chorro Creek.
December 8, 2014	Meeting between City staff and the WRF Technical Committee (Irons/Smukler) to review the project status.
December 1, 2014	Tour of the existing CMC facility with representatives from CDCR, CSD and the City.
November 19, 2014	Conference call between CDCR, CSD and Morro Bay staff regarding the logistics of siting at the CMC location.
November 18, 2014	Meeting between City and California Coastal Coastal Commission staff regarding a variety of projects in Morro Bay including the WRF siting.
November 13, 2014	Staff presented to the City Council and the CSD Board of Directors the status of the CMC Capacity Analysis and also updated the CSD Board on the City Council meeting of November 12, 2014
November 12, 2014	The City Council reviewed the draft report from John Rickenbach Consulting regarding final site preference. As the result of the report being incomplete, without the Carollo CMC engineering analysis including comparable cost estimates, the City Council choose to delay their decision on final site preference until such time that the report is complete and the WRFCAC has had a chance to review and make a recommendation.

Date	Action
November 5, 2014	The WRFCAC met and reviewed the draft report from John Rickenbach Consulting regarding final site preference. As the result of the report being incomplete, without the Carollo CMC engineering analysis including comparable cost estimates, the WRFCAC moved to recommend to City Council to delay their decision on final site preference until such time that the report is complete and the WRFCAC has had a chance to review and make a recommendation to the City Council.
October 28, 2014	Cleath-Harris and Associates presented the Hydrogeological Technical Memoranda regarding the relative benefits of a Creek discharge in the Chorro Valley and In-Lieu recharge in the Morro Valley to the City Council at their regular meeting.
October 22, 2014	Meeting of the WRFCAC where they reviewed the Hydrogeological Technical Memoranda by Cleath-Harris and Associates and toured the Rancho Colina site.
October 20, 2014	A conference call between Morro Bay, CSD, CMC, Regional Board and CDCR was held to discuss the viability and timing of a regional facility at CMC. At that meeting CDCR authorized the release of WWTP data to Carollo for their process modeling.
October 10, 2014	A project kick off meeting was held at the City's Public Services offices for the Carollo CMC work, City and CSD staff along with the City's consultants were in attendance.
October 9, 2014	Meeting between the Morro Bay City Council and the Cayucos Sanitary District Board of Directors Meeting in Cayucos. City Council directed, by motion, City staff to work cooperatively with Cayucos Sanitary District staff.
October 8, 2014	Meeting of the WRFCAC where they reviewed the LWA report regarding permitting constraints, Kestrel Consulting report regarding financing and grants and they formed three technical subcommittees.
October 2, 2014	Meeting of the Morro Bay City Council Technical/Executive Committee and the Cayucos Sanitary District Board of Directors in Morro Bay
September 30, 2014	The Public Services director executed a contract with Carollo Engineers for the study of capacity and expansion capability at the CMC site.
September 26, 2014	Meeting with Bartle Wells (Sewer and Water Rate Consultant) regarding hearing schedule and additional data needs
September 25, 2014	Received final scope and estimated fee ($101,945) from Carollo Engineers for the evaluation of the CMC option, Carollo requested changes to the standard City contract which are being reviewed by the City Attorney
September 23, 2014	City Council Special Meeting reviewed the Report by Larry Walker and Associates regarding the Water Quality permitting implications at each of the two final proposed sites. Council also discussed the potential of joint City Council/WRFCAC meetings and status of the CMC evaluation
September 11, 2014	Joint meeting of the Morro Bay City Council and the Cayucos Sanitary District Board of Directors Meeting in Morro Bay.
September 10, 2014	First Meeting of the WRFCAC
August 12, 2014	City Council confirmed Citizen Appointments to the WRFCAC
July 16, 2014	Kick off meeting with Larry Walker Associates regarding discharge permit requirements for various disposal/reuse options for the new WRF project.
July 10, 2014	Meeting with Cayucos Sanitary District staff to discuss the scope of work for the proposed Carollo Engineers CMC capacity evaluation study.
July 9, 2014	City Council conducted interviews for positions on the WRF Citizens Advisory Committee (WRFCAC). City Council appointed seven members to the WRFCAC.
June 30, 2014	Staff met internally to gather preliminary information for Bartle Wells Rate Study. Staff will have all info to Bartle Wells by the end of July.
June 27, 2014	Kick off meeting with Kestrel Consulting to discuss funding strategies for the new WRF project.
June 27, 2014	Meeting with Cleath-Harris to review draft Chorro Creek discharge study and effect on City water supply. Authorized Cleath-Harris to perform a similar study for the Morro Valley.

Date	Action
June 25, 2014	Meeting with John Rickenbach and Mike Nunley to discuss project schedule for the WRF project
June 20, 2014	City executed a contract with Larry Walker Associates in the amount of $24,970 to advise the City regarding discharge permit requirements for various disposal/reuse options for the new WRF project.
June 15, 2014	City executed a contract with Kestrel Consulting in the amount of $20,530 to develop funding strategies for the new WRF project.
June 14, 2014	Staff has met with a variety of alternative project delivery method firms to explore the requirements for this process, firm include: Carollo, CDMSmith; and Black and Veatch.
May 27, 2014	City Council adopted Resolution 34-14 that provides direction to staff regarding the "Rancho Colina" site, continuing parallel path discussion regarding the CMC site, and forming a Citizen's Advisory Committee.
May 23, 2014	Selected Bartle Wells as Water and Sewer Rate Study consultant. The estimated fee for the study is not to exceed $67,440.
May 22, 2014	The City Clerk posted the notice of the formation of a new, limited term and scope, i.e. Water Reclamation Facility Citizen's Advisory Committee. Applications are due to the Clerk by Friday, June 13, 2014.
May 13, 2014	Council Approved New Water Reclamation Facility Project Report on Reclamation and Council Selection of a WRF Site and provided direction to staff to return to Council with a resolution that captured the motions made.
May 8, 2014	May JPA Meeting cancelled.
May 1, 2014	Scheduled site visit at Giannini site with WRF Subcommittee, JRF Consulting and Property Owner.
April 23, 2014	Meeting to review the "Rancho Colina" site with the Morro Bay and CSD Sub-Committees along with Water Board staff.
April 21, 2014	"Rancho Colina" site visit with staff and Council persons Leage and N. Johnson.
April 18, 2014	Letter sent to property owners of potential WRF sites, inviting a discussion regarding siting potential
April 11, 2014	"Rancho Colina" site visit with staff and Council person C. Johnson.
April 10, 2014	April JPA Meeting cancelled
March 21, 2014	Meeting between City of Morro Bay (Irons/Smukler) and CSD (Enns/Lloyd) Sub-Committees along with Morro Bay and CSD County and Water Board Staff to discuss overall project status and the CMC option.
March 20, 2014	WRF Sub-Committee meeting along with staff and property owner at the "Rancho Colina" Morro Valley site to get an overview of the potential for it as a project location.
March 10, 2014	March JPA Meeting cancelled.
March 6, 2014	Scheduled WRF Subcommittee meeting with staff to discuss grant opportunities and schedules.
February 28, 2014	Received a revised scope of work for a contract amendment received from Rickenbach recognizing the accelerated time schedule for the WRF. Estimated fees not to exceed $76,129.
February 25, 2014	City Council received a status update on the New WRF and adopted Resolution 17-14 prescribing a 5-year time frame for the construction of the New WRF.
February 24, 2014	City Council Discussion of Eater and Sewer Rates at special Workshop and Council discussion and direction regarding City DRAFT MOU and CSD DRAFT MOU.
February 13, 2014	WRF Sub-Committee meeting to discuss the 5 year time schedule and grant opportunities.
February 13, 2014	February JPA Meeting held.
February 11, 2014	Mid-year Budget adjustment to include additional funding for WRF alternative site analyses. $100,000 was approved.

Date	Action
January 31, 2014	Status report preparation assigned to Public Services Director.
January 29, 2014	Received proposal from Rickenbach for a contract amendment to perform due diligence on alternative WRF sites for final site selection. Estimated fees not to exceed $63,806.
January 23, 2014	Onsite staff meeting with property owner at Rancho Colina to tour a potential location.
January 23, 2014	Telephone discussion with City's Water Attorney regarding water rights to creek discharge of wastewater.
January 20, 2014	Received proposal from Cleath-Harris to study Chorro Creek discharge and effect on City water supply. Estimated fees not to exceed $7,500.
January 16, 2014	January JPA Meeting canceled.
December 19, 2013	December JPA Meeting held – Verbal update by both CMB and CSD.
December 10, 2013	Presentation of Revised Draft Options Report to City Council.
November 19, 2013	Meeting with RWCQB Staff regarding project Status and Permit Renewal.
November 14, 2013	November 2013 JPA Meeting Cancelled.
November 12, 2013	Presentation of First Draft Options Report to City Council.
November 5, 2013	Second Public Workshop – Presentation of Options Report for Public Feedback.
November 4, 2013	Public Works Advisory Board – Options Report to Board for Public Feedback.
October 29, 2013	Release of Public Draft – Options Report.
October 21, 2013	Quarterly Coastal Commission/City of Morro Bay Meeting.
September 27, 2013	October 2013 JPA Meeting cancelled.
September 16, 2013	Biosolids and Treatment Options Workshop at MB Veteran's Hall.
September 12, 2013	September JPA Meeting held.
August 19, 2013	Workshop Summary posted on City's website. Comments Form available on City's website for additional comments on the workshop and/or project.
August 15, 2013	Community Workshop #1 held at MB Veteran's Hall.
August 8, 2013	August JPA Meeting Cancelled.
July 25, 2013	Stakeholder Interviews conducted by Rickenbach team.
July 19, 2013	WSC Report entitled Conceptual Wastewater Treatment Alternatives Technical Memorandum commissioned by the Cayucos Sanitary District (CSD) released on the CSD website and delivered to the City. Report located at the following address: www.cayucossd.org/documents/Conceptual%20WW%20Treatment%20AltTM_CSD.pdf
July 18, 2013	Quarterly Coastal Commission/City of Morro Bay meeting, Rickenbach Team participated in review and discussion of the status of the WRF project.
July 11, 2013	July JPA Meeting Cancelled.
July 3, 2013	Tentative Schedule from Rickenbach for the New WRF posted online and available.
July 3, 2013	Working with Coastal Commission staff to finalize date for quarterly meeting/teleconference.
June 28, 2013	Work with Rickenbach to determine updated schedule pursuant to the scope of work in the RFP. Determination of Stakeholder groups/individuals.
June 24, 2013	Kick-off Meeting with John Rickenbach and team members.
June 13, 2013	JPA Meeting – Cayucos Veteran's Hall.
May 28, 2013	Closed Session Item scheduled to discuss Righetti appraisal.
May 15, 2013	Public Services staff continues to work with John F. Rickenbach, Consulting to finalize the consultant contract
May 14, 2013	City Council meeting – Approval of John F. Rickenbach, Consulting as the Preliminary Planning Consultant for the WRF project.
May 9, 2013	May JPA meeting held, "Verbal Report by the City and District on the Progress of the future WWTP" was on the agenda and discussed.
May 2, 2013	Interviews to recommend the individual/team for the WRF project manage.
April 29, 2013	WRF Study Session at Veteran's Hall.

WRF Project Timeline
January 2003 - Present

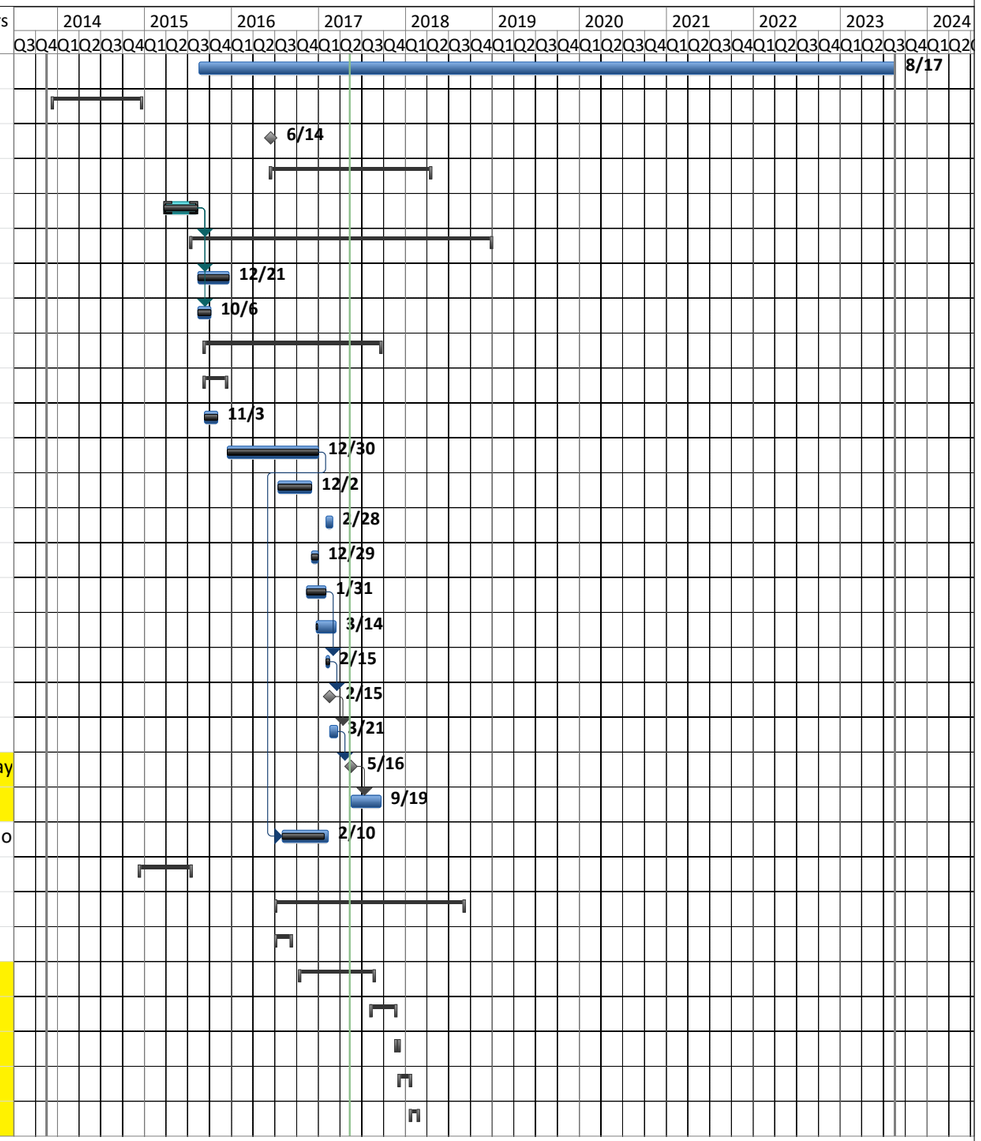
Date	Action
April 25, 2013	Quarterly Meeting with California Coastal Commission staff, WRF discussion and status report on the meeting agenda.
April 25, 2013	Initial meeting with Selection Committee for the RFP for Planning Services for the WRF.
April 23, 2013	City Council meeting for the reaffirmation of 5 members of citizen selection committee.
April 16, 2013	Study Session on WRF facility announced for April 29, 2013.
April 15, 2013	RFP due.
April 11, 2013	April JPA meeting held, "Verbal Report by the City and District on the Progress of the future WWTP" and Discussion and Approval to Terminate the Consultant Services Agreements with Delzeit; Dudek, McCabe and Company; and Montgomery Watson Harza (MWH)" were on the agenda and discussed.
April 10, 2013	Addendum to RFP issued, re: selection committee
April 9, 2013	City Council meeting - appointment of 5 citizens for the RFP selection committee at City Council meeting.
April 5, 2013	Citizen selection committee deadline.
March 27, 2013	Announcement placed on City website, etc. regarding citizen selection committee application period.
March 26, 2013	City Council meeting - City Council approves citizens to serve on the RFP selection committee.
March 18, 2013	RFP issued.
March 14, 2013	City Council goal session, WRF established as Essential City Goal.
March 14, 2013	March JPA meeting held, "Status Report on the Discussion with RWQCB Staff Renewal Process for the WWTP NPDES Permit No. CA0047881" and "Verbal Report by the City and District on the Progress of the future WWTP" were on the agenda and discussed.
March 11, 2013	City Council goal session, WRF established as Essential City Goal.
February 26, 2013	City Council meeting - draft schedule/project timeline presented to City Council.
February 26, 2013	City Council directed staff to prepare an RFP for a project manager.
February 14, 2013	February JPA meeting held, "Discussion and Consideration of Next Steps for the WWTP Upgrade Project" was on the agenda and discussed.
January 24, 2013	City Staff, Morro Bay JPA Sub-Committee, Cayucos SD representatives, staff and attorney meet and discuss strategy and moving forward.
January 10, 2013	WWTP Project denied by the California Coastal Commission (CCC).
January 10, 2013	January JPA not held due to CCC meeting.
January 3, 2013	Special City Council meeting – City Adopted Resolution No. 07-13 supporting the California Coastal Commission staff recommendation for denial.
November 2011	Dudek Report - Fine Screening Analysis
September 2011	Dudek Report - Rough Screening Analysis
April 2010	MBCSD directs staff to prepare RFP for Project Management Services
March 2010	Contract with MWH executed for Engineering Design Services
October 2009	Revised NOP Released for EIR for WWTP Upgrade
March 2009	MBCSD receives renewed 301(h) permit, valid until March 2014
January 2009	CCC detemrines that the 301(h) modified permit complies with California Coastal Zone Mgmt Act
October 2008	NOP Released for EIR for WWTP Upgrade
November 2007	MBCSD approves RFP for CEQA serviecs for WWTP upgrade project
September 2007	MBCSD adopts final FMP for WWTP upgrade project
June 2006	MBCSD contracts with Carollo Engineers for FMP for WWTP upgrade project
April 2006	MBCSD agrees to shorten time schedule to complete upgrade project to 8 years after public input
May 2005	MBCSD establishes 9.5-year timeframe to complete WWTP upgrade project

WRF Project Timeline
January 2003 - Present

Date	Action
June 2004	MBCSD approves 15-year timeframe to complete the WWTP upgrade project
February 2004	RWQCB extends 301(h) permit to allow completion of renewal process
June 2003	MBCSD submits aplication to RWQCB to renew 301(h) modified discharge permit
January 2003	City and CSD form subcommittee to study long-range future of WWTP
January 2003	RWQCB sends letter to MBCSD to look to upgrade WWTP to avoid need for 301(h) discharge permit

Morro Bay Water Reclamation Facility Project
Program Schedule

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		Task Group 100 - Program Management	104.45 mons	Mon 8/17/15	Thu 8/17/23	
2		Preliminary Project Planning/Site Studies	269 days	Tue 12/10/13	Fri 12/19/14	
16		**City Council Decision on WRF Site**	**0 days**	**Tue 6/14/16**	**Tue 6/14/16**	
17		Property Negotiation	480 days	Tue 6/14/16	Mon 4/16/18	
23		RFP/Selection of Program Management Consultant	20.4 wks	Mon 3/23/15	Tue 8/11/15	
24		**Task 106 - Grant and Loan Pursuit and Management**	**903 days**	**Wed 7/15/15**	**Fri 12/28/18**	**23**
44		Task 108 - Select and Implement PM System	94 days	Wed 8/12/15	Mon 12/21/15	23
45		Task 109 - Development of Program Office	8 wks	Wed 8/12/15	Tue 10/6/15	23
46		**Task 201 - Master Reclamation Plan**	**530 days**	**Wed 9/9/15**	**Tue 9/19/17**	
47		**Phase 2 Task 4 - Feasibility Screening of Lower Morro Valley**	**68 days**	**Wed 9/9/15**	**Fri 12/11/15**	
50		Phase 2 Task 5 - Subsurface Investigation	40 days	Wed 9/9/15	Tue 11/3/15	
51		Reconnaissance of Reuse Opportunities in Morro and Chorro Valleys	55 wks	Mon 12/14/15	Fri 12/30/16	49
52		Market Assessment & Supply Availability	102 days	Thu 7/14/16	Fri 12/2/16	
53		Legal and institutional issue review	4 wks	Wed 2/1/17	Tue 2/28/17	
54		Environmental checklist	4 wks	Fri 12/2/16	Thu 12/29/16	
55		Internal administrative draft Master Reclamation Plan	58 days	Fri 11/11/16	Tue 1/31/17	
56		Implementation/financing plan	12 wks	Wed 12/21/16	Tue 3/14/17	
57		City staff review of internal administrative draft MRP	11 days	Wed 2/1/17	Wed 2/15/17	55
58		Administrative draft MRP submittal to SWRCB	0 days	Wed 2/15/17	Wed 2/15/17	57
59		Public Release Draft Master Reclamation Plan	24 days	Thu 2/16/17	Tue 3/21/17	58
60		Mid-course meeting with SWRCB	0 days	Tue 5/16/17	Tue 5/16/17	59FS+40 day
61		Draft Final Master Reclamation Plan	90 days	Wed 5/17/17	Tue 9/19/17	60
62		Expanded Groundwater Modeling	7 mons	Mon 8/1/16	Fri 2/10/17	51FS-5.5 mo
63		RFP/Selection of Facilities Master Plan Consultant	155 days	Thu 12/11/14	Wed 7/15/15	
71		Tasks 202-203 - Coordination of CEQA/Permitting	565 days	Tue 7/5/16	Mon 9/3/18	
72		**Notice of Preparation and Initial Study**	**47 days**	**Tue 7/5/16**	**Wed 9/7/16**	
79		**Prepare EIR Project Description**	**223 days**	**Fri 10/14/16**	**Tue 8/22/17**	
86		**Administrative Draft EIR**	**75 days**	**Wed 8/9/17**	**Tue 11/21/17**	
93		**Prepare Screencheck Public Draft EIR**	**10 days**	**Wed 11/22/17**	**Tue 12/5/17**	
97		**Publish Public Draft EIR**	**33 days**	**Wed 12/6/17**	**Sun 1/21/18**	
102		**Response to Comments**	**25 days**	**Mon 1/22/18**	**Fri 2/23/18**	



MB WRF Project Schedule
Date: Fri 5/12/17

Task	Inactive Milestone	Deadline	Path Predecessor Summary Task		
Split	Inactive Summary	Path Successor Milestone Task	Path Driving Predecessor Summary Task		
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Summary	Duration-only	Path Driven Successor Summary Task	Path Driving Predecessor Normal Task		
Project Summary	Manual Summary Rollup	Path Successor Normal Task	Path Driven Successor Milestone Task		
External Tasks	Manual Summary	Path Driven Successor Normal Task	Progress		
External Milestone	Start-only	Path Predecessor Milestone Task			
Inactive Task	Finish-only	Path Driving Predecessor Milestone Task			

Morro Bay Water Reclamation Facility Project
Program Schedule

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
107		**Prepare Final EIR**	**16 days**	**Mon 2/26/18**	**Mon 3/19/18**	
111		LCP/General Plan Amendment (Tentative)	26 wks	Tue 11/28/17	Mon 5/28/18	110FS-4 mor
112		RWQCB/CDFG/NOAA Permit Application/Negotiation	12 mons	Tue 10/3/17	Mon 9/3/18	110FS-6 mor
113		**Task 204 - Facilities Master Plan Coordination**	**703 days**	**Wed 7/15/15**	**Fri 3/23/18**	
148		**Task 204 - Salinity Identification and Control Plan**	**600 days**	**Fri 5/15/15**	**Thu 8/31/17**	
154		**Task 206 - Rate Study Update and PM Support**	**173 days**	**Fri 2/10/17**	**Tue 10/10/17**	
155		Draft Rate Study	49 days	Fri 2/10/17	Wed 4/19/17	
156		Staff/Public Review	6 days	Tue 4/18/17	Tue 4/25/17	155FS-2 days
157		**Outreach and Update**	**75 days**	**Wed 4/26/17**	**Tue 8/8/17**	
158		Plan and Participate in Peer Review Workshop	26 days	Wed 4/26/17	Wed 5/31/17	156
159		Compile Report from Panel	10 days	Thu 6/1/17	Wed 6/14/17	158
160		Present Options to Council	1 day	Tue 6/27/17	Tue 6/27/17	
161		Revise Rate Study	10 days	Wed 6/28/17	Tue 7/11/17	160
162		Present to Advisory Committees/Boards	10 days	Wed 7/12/17	Tue 7/25/17	161
163		Council Consideration of New Rate Study	1 day	Tue 8/8/17	Tue 8/8/17	
164		Council sets hearing date	0 days	Tue 8/22/17	Tue 8/22/17	163FS+10 da
165		Council mails hearing notices	0 days	Fri 8/25/17	Fri 8/25/17	164FS+2 day
166		Public hearing	0 days	Tue 10/10/17	Tue 10/10/17	165FS+33 da
167		**Task 207 - Caltrans Coordination and Encroachment Permit Applications**	**190 days**	**Wed 3/1/17**	**Tue 11/21/17**	
172		Task 301 - Outfall Evaluation and Management Strategy - Technical Memorandum	60 days	Wed 10/11/17	Tue 1/2/18	228
173		**Task 302A - RFQ for Design/Construct Team - WRF Onsite Improvements (Phase I)**	**105 days**	**Wed 8/16/17**	**Tue 1/9/18**	
174		Develop Draft RFQ for DB Team	3 wks	Wed 8/16/17	Tue 9/5/17	193FS-70 da
175		City Staff Review of Draft RFQ	2 wks	Wed 9/6/17	Tue 9/19/17	174
176		Update RFQ	1 wk	Wed 9/20/17	Tue 9/26/17	175
177		City Council Review and Approval of Final RFQ	2 wks	Wed 9/27/17	Tue 10/10/17	176
178		Circulate RFQ	9 wks	Wed 10/11/17	Tue 12/12/17	177
179		Prepare materials for Addenda to RFQ (as needed)	9 wks	Wed 10/11/17	Tue 12/12/17	177
180		Qualifications Submittals Due	0 days	Tue 12/12/17	Tue 12/12/17	179
181		Review Qualification Submittals	4 wks	Wed 12/13/17	Tue 1/9/18	180
182		**Task 302A - RFP for Design/Construct Team - WRF Onsite Improvements (Phase I)**	**205 days**	**Wed 11/22/17**	**Tue 9/4/18**	
183		Prepare Draft RFP	4 wks	Wed 11/22/17	Tue 12/19/17	180FS-3 wks

MB WRF Project Schedule
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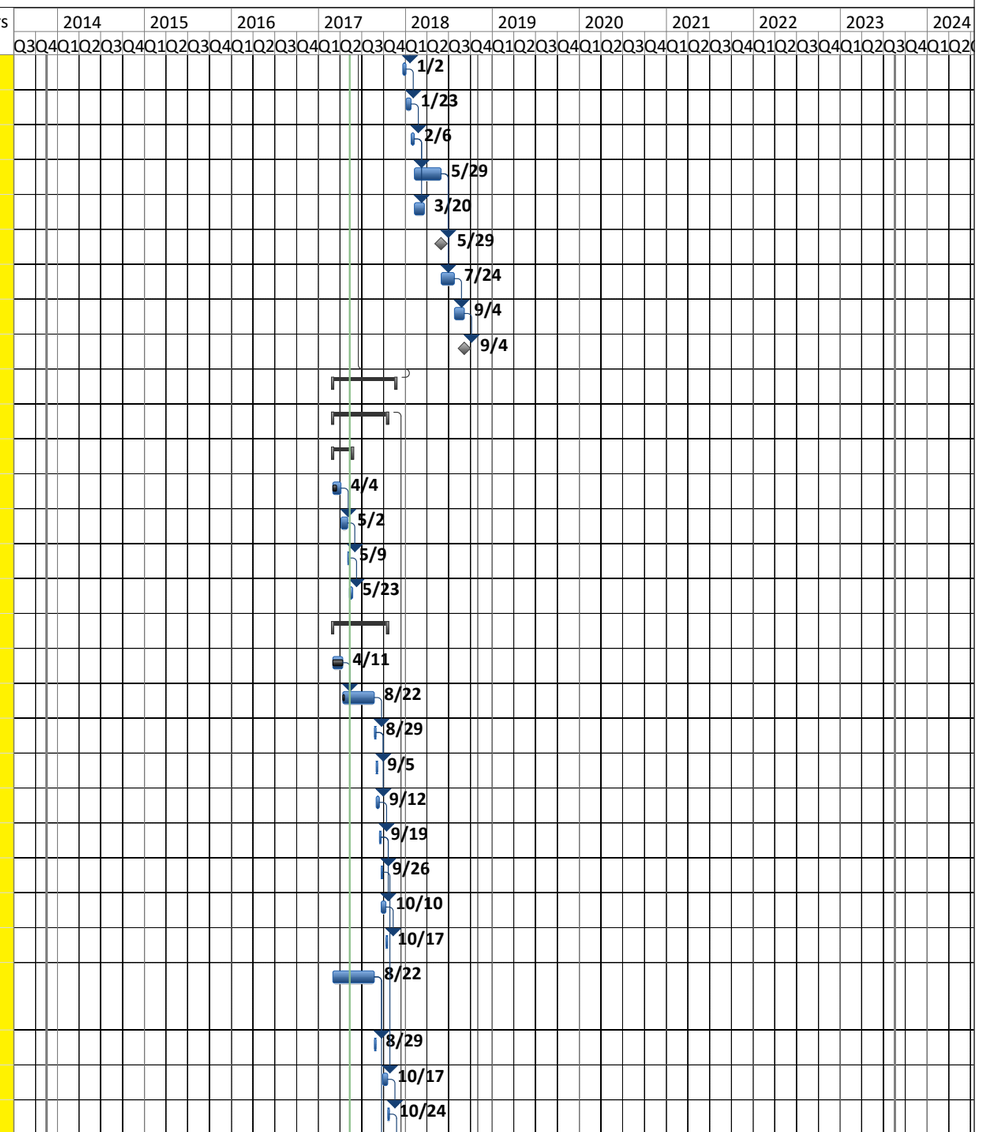
External Milestone	Start-only	Path Predecessor Milestone Task			
Inactive Task	Finish-only	Path Driving Predecessor Milestone Task			

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
184		City Staff Review of Draft RFP	2 wks	Wed 12/20/17	Tue 1/2/18	183
185		Update RFP	3 wks	Wed 1/3/18	Tue 1/23/18	184
186		City Council Review and Approval of Final RFP	2 wks	Wed 1/24/18	Tue 2/6/18	185
187		Circulate RFP	16 wks	Wed 2/7/18	Tue 5/29/18	186
188		Prepare materials for Addenda to RFP (as needed)	6 wks	Wed 2/7/18	Tue 3/20/18	186
189		Proposals Due	0 days	Tue 5/29/18	Tue 5/29/18	187
190		Review Proposals	8 wks	Wed 5/30/18	Tue 7/24/18	187
191		Contract Negotiations	30 days	Wed 7/25/18	Tue 9/4/18	190
192		Contract Award	0 days	Tue 9/4/18	Tue 9/4/18	191
193		**Task 302B - Development of Bridging Documents/Performance Criteria**	**190 days**	**Wed 3/1/17**	**Tue 11/21/17**	
194		Prepare Draft (50%) Functional Requirements and Performance Specifications	165 days	Wed 3/1/17	Tue 10/17/17	
195		**302B-1 Geotechnical Baseline Report**	**60 days**	**Wed 3/1/17**	**Tue 5/23/17**	
196		Field investigation	5 wks	Wed 3/1/17	Tue 4/4/17	
197		Draft Report	20 days	Wed 4/5/17	Tue 5/2/17	196
198		Staff/PM Review	5 days	Wed 5/3/17	Tue 5/9/17	197
199		Final Report	10 days	Wed 5/10/17	Tue 5/23/17	198
200		**302B-2 Architectural Performance Criteria**	**165 days**	**Wed 3/1/17**	**Tue 10/17/17**	
201		Data Gathering	30 days	Wed 3/1/17	Tue 4/11/17	
202		Draft Architectural Program (Refinement per City Council direction 4/25/17)	95 days	Wed 4/12/17	Tue 8/22/17	201
203		Staff/PM Review	5 days	Wed 8/23/17	Tue 8/29/17	202
204		Final Architectural Program	5 days	Wed 8/30/17	Tue 9/5/17	203
205		Draft Adjacency and Site Fit Diagrams	10 days	Wed 8/30/17	Tue 9/12/17	203
206		Staff/PM Review	5 days	Wed 9/13/17	Tue 9/19/17	205
207		Final Adjacency and Site Fit Diagrams	5 days	Wed 9/20/17	Tue 9/26/17	206
208		Draft Landscape and Architecture Architectural Guidelines and Specifications	15 days	Wed 9/20/17	Tue 10/10/17	206
209		Staff/PM Review	5 days	Wed 10/11/17	Tue 10/17/17	208
210		302B-5 Draft Civil/Process Performance Criteria (Refinement per City Council Direction 4/25/17)	125 days	Wed 3/1/17	Tue 8/22/17	
211		Staff review	5 days	Wed 8/23/17	Tue 8/29/17	210
212		302B-3 Draft Structural Performance Criteria	15 days	Wed 9/27/17	Tue 10/17/17	207
213		Staff/PM review	5 days	Wed 10/18/17	Tue 10/24/17	212



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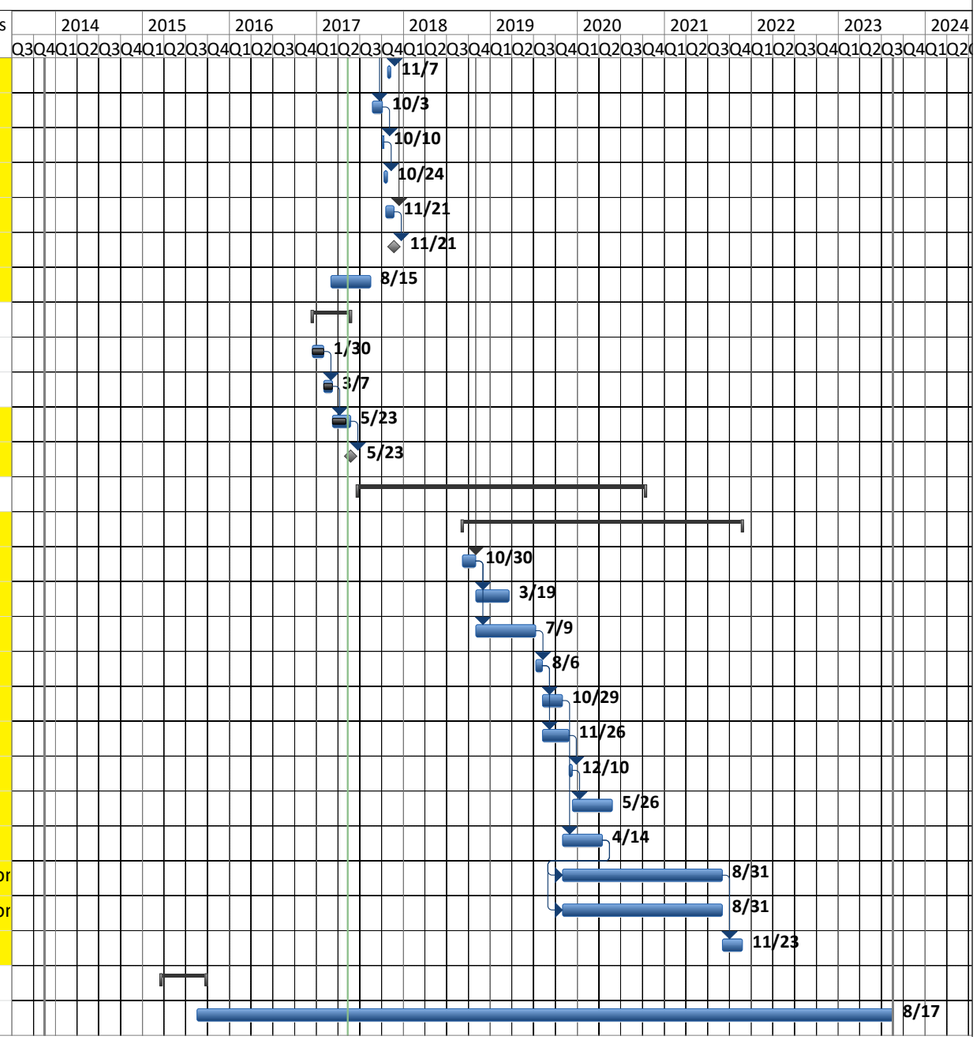
Inactive Task	Finish-only	Path Driving Predecessor Milestone Task			

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
214		302B-3 Final Structural Performance Criteria	10 days	Wed 10/25/17	Tue 11/7/17	213
215		302B-4 Draft Electrical Performance Criteria	30 days	Wed 8/23/17	Tue 10/3/17	210
216		Staff/PM review	5 days	Wed 10/4/17	Tue 10/10/17	215
217		302B-4 Final Electrical Performance Criteria	10 days	Wed 10/11/17	Tue 10/24/17	216
218		Update Draft Performance Criteria and Specifications	25 days	Wed 10/18/17	Tue 11/21/17	194
219		Submit Final Functional Requirements and Performance Specifications	0 days	Tue 11/21/17	Tue 11/21/17	218
220		Electrical Service - Coordination with PG&E	120 days	Wed 3/1/17	Tue 8/15/17	
221		Task 303 - Procurement of Lift Station/Transmission Mains Design Consultant	115 days	Wed 12/14/16	Tue 5/23/17	
222		Develop RFP	34 days	Wed 12/14/16	Mon 1/30/17	146
223		Circulate RFP	26 days	Tue 1/31/17	Tue 3/7/17	222
224		Proposal Opening, City Review, negotations	11 wks	Wed 3/8/17	Tue 5/23/17	223
225		Selection of LS/Pipelines Design Consultant	0 days	Tue 5/23/17	Tue 5/23/17	224
226		**Design/Bid/Build Lift Station and Transmission Mains**	**865 days**	**Wed 6/21/17**	**Tue 10/13/20**	
245		**Phase I Design/Construction - WRF Onsite Improvements (Phase I)**	**840 days**	**Wed 9/5/18**	**Tue 11/23/21**	
246		Supplemental Survey	2 mons	Wed 9/5/18	Tue 10/30/18	182
247		Geotechnical Engineering/Soils Report	5 mons	Wed 10/31/18	Tue 3/19/19	246
248		Draft Concept Design Report (30%)	9 mons	Wed 10/31/18	Tue 7/9/19	246
249		City Staff Review	1 mon	Wed 7/10/19	Tue 8/6/19	248
250		Final Concept Design Report	3 mons	Wed 8/7/19	Tue 10/29/19	249
251		Report of Waste Discharge	4 mons	Wed 8/7/19	Tue 11/26/19	249
252		City Staff Review	2 wks	Wed 11/27/19	Tue 12/10/19	251
253		RWQCB Review/Issuance Draft NPDES/WDRs (finaled after EIR certification)	6 mons	Wed 12/11/19	Tue 5/26/20	252
254		Design Development	6 mons	Wed 10/30/19	Tue 4/14/20	250,110
255		Construction - Reclamation Ready WRF	24 mons	Wed 10/30/19	Tue 8/31/21	254FS-6 mor
256		Construction Management	24 mons	Wed 10/30/19	Tue 8/31/21	254FS-6 mor
257		Startup and Commissioning - Reclamation Ready WRF	3 mons	Wed 9/1/21	Tue 11/23/21	255
258		RFQ/Selection of EIR/EA/Permitting Team	136 days	Fri 3/20/15	Fri 9/25/15	
263		City Staff Support	104.45 mons	Mon 8/17/15	Thu 8/17/23	



MB WRF Project Schedule
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AGENDA NO:	**A-7**
MEETING DATE:	**May 23, 2017**

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 12, 2017**

FROM: **Dana Swanson, City Clerk/Risk Manager**

SUBJECT: **Reappointment of Valerie Seymour to the Visit San Luis Obispo County (VSLOC) Board of Directors**

RECOMMENDATION

Staff recommends the Council reappoint Valerie Seymour as the City's representative on the VSLOC Board of Directors (Board) for a 3-year term ending June 20, 2020.

ALTERNATIVES

The Council may choose to direct staff to conduct an open recruitment to fill the seat, and may direct that appointment be made either by the Council or City Manager.

FISCAL IMPACT

There is no fiscal impact associated with the recommended action. Should the Council choose to conduct an open recruitment, the cost for a Bay News ad is $250.

BACKGROUND

In December 2014, the City Council adopted Resolution No. 82-14 consenting to the inclusion of the City within the proposed San Luis Obispo County Tourism Marketing District (SLOCTMD). The SLOCTMD Management District Plan (Plan) provides each community has one representative of an assessed lodging business on the VSLOC Board of Directors, a nonprofit corporation, which serves as the Owners' Association for the SLOCTMD.

In May 2015, the City Council appointed Valerie Seymour as the City's representative on VSLOC for an undetermined length of time. The Board of Directors serve for staggered three-year terms. When the initial Board was formed in 2015, members drew lots to determine the initial one-year, two-year, or three-year term, to create those staggered terms. Ms. Seymour drew a two-year term, which ends June 20, 2017. It is necessary for the City to either reappoint Ms. Seymour, or appoint a new representative before the June 21 Board meeting. The Plan provides the following selection process:

- One lodging business representative from each of the cities shall be appointed by the respective jurisdiction's city council or tourism organization, as each city determines.
- One lodging business representative shall be appointed by the County Board of Supervisors
- One additional representative at-large shall be appointed by the County Board of Supervisors.
- Nominations shall be sought from the assessed lodging businesses for the remaining six seats. Nominations will be verified by the nominating committee, and a slate provided to the Board of Directors for election. The slate will take into consideration the requirement for various business types.

Prepared By: ___DS_____	**Dept Review: ____**
City Manager Review: ___CS__	**City Attorney Review: __JWP____**

Given the latitude provided in the Plan, it is appropriate for the Council to reappoint Ms. Seymour to the Board for a new 3-year term ending June 20, 2020. If the Council wishes to further discuss the appointment process for this seat, then staff recommends that discussion be included during the upcoming review of the Advisory Board Bylaws.

ATTACHMENTS

1. Resolution No. 82-14 (Exhibit A not included – replaced by June 2015 Marketing Plan provided via Attachment 2)
2. Link to June 10, 2015 SLOCTMD Marketing District Plan

RESOLUTION NO. 82-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY CONSENTING TO THE INCLUSION OF THE CITY WITHIN THE PROPOSED SAN LUIS OBISPO COUNTY TOURISM MARKETING DISTRICT (SLOCTMD)

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, tourism is an important contributor to the economy of the City and the promotion of the City's tourist lodging establishments serves an important public purpose; and

WHEREAS, Visit San Luis Obispo County (VSLOC), is a non-profit organization that promotes San Luis Obispo County through advertising, marketing, public relations and group sales and wishes to establish a sustainable funding source to further those efforts; and

WHEREAS, the County of San Luis Obispo has initiated the formation of the proposed SLOCTMD pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code sections 36600 *et seq.*, to promote lodging businesses in San Luis Obispo County; and

WHEREAS, Streets and Highways Code section 36620.5 provides a county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city; and

WHEREAS, the proposed SLOCTMD is an assessment district designed to provide specific benefits directly to those entities being assessed; and

WHEREAS, marketing, advertising, promotions and sales efforts for assessed businesses will increase overnight tourism which will then increase the demand for hotel/motel rooms, RV spaces and vacation rentals; and

WHEREAS, the proposed SLOCTMD would include all lodging businesses located within the boundaries of San Luis Obispo County that currently also pay transit occupancy taxes, and

WHEREAS, the Morro Bay hotel/motel/B&B owners, RV park owners and vacation rental owners that (i) would be levied through the SLOCTMD and (ii) account for 53.6% of the total gross receipts reported in 2013 by those lodging properties support the formation of the proposed SLOCTMD, as providing a means to collectively market the San Luis Obispo County area and remain competitive with comparable markets; and

WHEREAS, at its meeting of November 17, 2014, the Morro Bay Tourism Bureau passed a motion of support for the SLOCTMD.

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

1. The recitals set forth herein are true and correct.

2. Pursuant to Streets and Highways Code section 36620.5, the City Council consents to the inclusion of the City of Morro Bay within the proposed San Luis Obispo County Tourism Marketing District, and as set forth in the attached SLOCTMD Management Plan (Exhibit A).

3. The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Clerk of the SLO County Board of Supervisors.

4. This Resolution is effective upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 9th day of December 2014 on the following vote:

AYES: Headding, Johnson, Makowetski, Smukler
NOES: None
ABSENT: None
RECUSED: Irons

JAMIE L. IRONS, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

AGENDA NO: A-8
MEETING DATE: May 23, 2017

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 11, 2017**

FROM: **Dana Swanson, City Clerk/Risk Manager**

SUBJECT: **Adoption of Resolution No. 25-17 Approving the Records Retention Schedule**

RECOMMENDATION

Council adopt Resolution No. 25-17 rescinding Resolutions No. 37-83 and 03-02 and approving the City of Morro Bay Records Retention Schedule.

ALTERNATIVES

No alternatives are being recommended at this time.

FISCAL IMPACT

The FY 2016/17 goals spending list identified $6,000 to be put toward this project. Additional funds of $2,250 were identified in the City Clerk budget.

Over time, the effective implementation of the proposed Records Retention schedule will result in significant savings both in labor and document storage expenses.

BACKGROUND

In 2002, the City Council adopted Resolution No. 03-02 approving the City's Records Retention schedule (Attachment 2). That document was developed based on a records retention schedule adopted by the City of Pismo Beach in 1999, and whose basic framework was taken by a document entitled, "Local Government Retention Schedule Guidelines (RRG). The purpose of that document was to provide the minimum legal requirements for the retention of local government needs. Staff has found that document lacking in sufficient detail to properly identify the retention period for the wide range of documents maintained by City staff and over time that has led to poor records management practices. An upgrade to the existing policy was necessary to reduce current and future records storage costs, eliminate duplication of effort, increase efficiency and take advantage of current technology and changes in law.

The Council adopted FY 2016/17 Goal #10 c) stated:
***Records Management**. Develop a prioritized, budgeted short- and long-term plan for improving records management policies and procedures, including development of a trustworthy electronic records system, and staff education regarding legal requirements and best practices. Begin digital scanning of Harbor Dept records.*

The City selected Gladwell Governmental Services, Inc., an expert in local government records, to upgrade its records management program. Diane Gladwell visited all City facilities in April 2016 and interviewed department staff to assess the overall filing and records storage practices. The

Prepared By: ___DS_____	Dept Review: ____
City Manager Review: __CS___	City Attorney Review: __JWP____

resulting report provided the following recommendations:

1. Revise Records Retention Schedules, Records Destruction Policies & Procedures and develop employee training.
2. Hire a part-time Records Management Office Assistant in the City Clerk's office.
3. Develop prioritized plans for Trustworthy Electronic Records Compliance for each department.
4. Re-scan Planning and Building records (address files) in Laserfiche.
5. Hire a full-time position to manage records in Building and Planning to locate and organize records currently maintained in five different system and either re-scan into Laserfiche, or go back to a fully paper-based system.
6. Prepare and scan Harbor records (currently stored in three departments)
7. Hire a full-time position to manage records in Public Works / Engineering
8. Review and properly manage Public Works / Engineering records in office areas
9. Review, destroy or re-index records currently stored at Docuteam.
10. Use a temporary "strike team" to process records stored in-house for compliance with new Records Retention Schedule.
11. Update E-mail Policy and provide employee training.
12. Develop electronic records filing and naming convention standards / training
13. Develop new employee training / annual training on records management
14. Develop and implement a records management audit program

Given the limited budget, staff focused on the important first steps to improving records management and contracted with Gladwell Governmental Services, Inc. to complete Items 1, 11 and 13. With the adoption of this new policy, staff will have the tools to prepare and scan Harbor records as identified in Goal 10 c) and #6 above.

As a side note, during staff research: Resolution No. 37-83 was identified as having not been rescinded by the adoption of Resolution No. 03-02, and as a clean-up item is also recommended to be rescinded at this time.

DISCUSSION

The upgrade of the current records management systems are driven by many factors, including:

- Very limited space in City facilities
  - Many Departments reported they are out of space to store their records.
- Many departments are filing and storing copies of the same records
- Morro Bay produces and manages many permanent records
- Escalating records storage expenses
- Technology advancements
- Changes in law

The purpose of the program is to apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of all records managed by the City.

The new retention schedules were written interactively with representatives from all departments participating in the project. They provide clear, specific records descriptions and retention periods, and apply current law and technology to the management of Morro Bay's records. By identifying which department is responsible for maintaining the original record, and by establishing clear retention periods for different categories of records, the City will realize significant savings in labor costs, storage costs, free filing cabinet and office space, and realize operational efficiencies.

It is standard business practice for California cities to authorize the routine destruction of records that have exceeded their adopted retention period, upon the request of the Department Head and with the consent in writing of the City Clerk and City Attorney, which is provided in Section 2 of the resolution.

It is also standard business practice for California cities to authorize updates to the schedule without further action of the City Council; however, we have presented a more conservative approach: Authorizing only minor updates. Section 3 states, "Minor updates include changes in Department or Division names, improvements in descriptions, changes in comments, deleting records series that are no longer applicable, and/or what is scanned. Changes in the Total Retention and/or adding new records series must be presented to the City Council of the City of Morro Bay prior to taking affect."

CONCLUSION

The adoption of Resolution No. 25-17 is the first step to improving the City's records management practices. New employee and annual training are necessary to ensure the policies are understood and strictly adhered to.

ATTACHMENTS

1. Resolution No. 25-17 – proposed Records Retention Schedule
2. Resolution No. 03-02 – current Records Retention Schedule
3. Resolution No. 37-83 – procedure for destruction of Police records

RESOLUTION NO. 25-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, ADOPTING A RECORDS RETENTION SCHEDULE, AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS, AND RESCINDING PREVIOUS RESOLUTIONS NO. 37-83 AND 03-02

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the maintenance of numerous records is expensive, slows document retrieval, and is not necessary after a certain period of time for the effective and efficient operation of the government of the City of Morro Bay; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any City record which has served its purpose and is no longer required may be destroyed; and

WHEREAS, the State of California has adopted guidelines for retention period for various government records; and

WHEREAS, the City Council adopted Resolution No. 37-83 authorizing a procedure for destruction of police records; and

WHEREAS, the City Council of the City of Morro Bay adopted Resolution No. 03-02**,** adopting a records retention schedule on January 28, 2002; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES HEREBY RESOLVE:

Section 1. Resolution Nos. 37-83 and 03-02 are hereby rescinded.

Section 2. The records of the City of Morro Bay, as set forth in the Records Retention Schedule Exhibit A, attached hereto and incorporated herein by this reference, are hereby authorized to be destroyed as provided by Section 34090 *et seq*. of the Government Code of the State of California and in accordance with the provision of said schedule upon the request of the Department Head and with the written consent of the City Clerk and City Attorney, without further action by the City Council.

Section 3. With the written consent of the City Clerk, City Manager, and City Attorney,

minor updates, as defined below, are hereby authorized to be made to the Records Retention Schedule without further action of the City Council. Minor updates include changes in Department or Division names, improvements in descriptions, correction of non-substantive errors, changes in comments, deletion of records series that are no longer applicable, and changes in what is scanned. Such changes shall be reflected in a revised Exhibit A, to be attached hereto.

Section 4. The term "records" as used herein shall include documents, instructions, books, microforms, electronic files, magnetic tape, optical media, or papers, as defined by the California Public Records Act.

Section 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 6. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 23rd day of May 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JAMIE L. IRONS, Mayor

ATTEST:

_____
DANA SWANSON, City Clerk

RESOLUTION NO. 03-02

A RESOLUTION ADOPTING THE CITY OF MORRO BAY RECORDS RETENTION SCHEDULE

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City of Morro Bay, incorporated in 1964, has accumulated an unmanageable amount of records, documents, and papers over that period; and

WHEREAS, it is necessary for the efficient operation of the City to follow a procedure for the retention of certain vital City documents and other records; and

WHEREAS, the systematic destruction of records that are no longer required expedites the filing and retrieval of documents needed for current operations; and

WHEREAS, the State of California and the Federal Government have specified time periods in which public records are required to be retained; and

WHEREAS, the provisions of Government Code §34090 prohibits destruction of records to title or lien on real property; court records; records required to be kept by statute; records less than two years old; and minutes, ordinances and resolutions of this Council and the City's Boards and Commissions; and

WHEREAS, various sections of the Codes of the State of California set forth procedures and conditions for the destruction of certain City records, including the use of microfilm or electronic media; and

WHEREAS, City staff developed the City of Morro Bay Records Retention Schedule after review and consideration with each department in the City and the office of the City Attorney; and

WHEREAS, each City department will only destroy records that are no longer required, in strict compliance with the retention periods set forth in the City of Morro Bay Records Retention Schedule; and

WHEREAS, it is understood that each City Department shall periodically prepare a list of those records to be destroyed pursuant to the City of Morro Bay Records Retention Schedule and the City Clerk shall prepare a Certificate of Destruction to be kept in the permanent file; and

WHEREAS, it is understood that the office of the City Attorney will be consulted concerning a specific records retention requirement when there is a City record for which no reference in the City of Morro Bay Records Retention Schedule seems to apply.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Morro Bay hereby approves the adoption of the City of Morro Bay Records Retention Schedule as attached in Exhibit A and incorporated as part of this document.

BE IT FURTHER RESOLVED, that the City Council of the City of Morro Bay approves the destruction of records no longer required, in strict compliance with the retention periods set forth in the City of Morro Bay Records Retention Schedule, and rescinds Resolution Nos. 23-97 and 27-97.

PASSED AND ADOPTED by the Morro Bay City Council at a regular meeting thereof held on this 28th day of January, 2002 by the following vote:

AYES: Anderson, Crotzer, Peirce, Peters
NOES: None
ABSENT: Elliott
ABSTAIN: None

RODGER ANDERSON, Mayor

ATTEST:

BRIDGETT BAUER, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Administration

Record Series Title	Retention	Citation	Descriptor	Comments
AUDIT				
Annual Financial Report	Current + 2	GC §34090	Independent auditor analysis	GC §34090, "Destruction of city records; excepted records, construction," "Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required." This does not authorize the destruction of "(a) Records affecting the title of real property or liens thereon. (b) Court records. (c) Records required to be kept by statute. (d) Records less than two years old. (e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission." §34090.5, "Destruction of Records, conditions," deals with what records must be kept, options concerning how to store, how long, and who has discretion, etc.
Bonds	Current + 10	GC §34090; CCP §337.5	Final bond documentation	See GC §34090 comments above. CCP §337.5 opens with "Within ten years treating a variety of periods for actions on bonds or coupons issued by a subdivision of the State of California or general obligation bonds or coupons issued by a subdivision of the State of California, or an action on a judgment or decree of any court of the U.S. or of any other state of the U.S.
Budget	Permanent	GC §34090	Annual operating budget approved by Legislative Body	See GC §34090 comments above.
Budget Operating (copies)	Supersede	GC §34090	Departmental Reference	See GC §34090 comments above.
Hearing or Review	Audit + 2	GC §34090; OMB A-128	Documentation created and or received in connection with an audit hearing or review	See GC §34090 comments above. OMB reference unavailable.

Record Series Title	Retention	Citation	Descriptor	Comments
AUDIT				
Reports	Audit + 4	GC §34090; OMB A-128	Internal and/or external	See GC §34090 comments above.
Reviews, Internal/External Periodic	Current	GC §34090; GC §6250	Daily, weekly, monthly, quarterly, or other summary, review, evaluation, log, list, statistics, except a report	See GC §34090 comments above. GC §6250 does not by itself mention retention periods although subsequent sections do.
ELECTIONS				
Affidavit Index	Closed; Completion + 5	EC §17001		EC §17001 specifies "...election officials shall keep a copy of the index to the affidavits of registration...on file as a public record for election, political research, and governmental purposes for a period of five years."
Applications, Absentee Ballots and Envelopes	Election + .5	EC §17505; EC §17302	From date of election	EC §17302 requires keeping ballots and identification envelopes for 6 months or one-half year from an election and longer if warranted. EC §17305 requires keeping ballots and identification envelopes for 6 months or one-half year from an election and longer if warranted rather than .6 years.
Assisted, Challenged Voters List	Election + .5	EC §17304	From date of election	EC §17304 obliges 'The elections official' to preserve for six months "(1) Two tally sheets. (2) The copy of the index used as the voting record. (3) The challenge lists. (4) The assisted voters list." If no contests commence within 6 months, they may be destroyed. If there are questions about fraudulent use, marking, or falsification of ballots they may be kept longer.
Ballots	Election + .5	EC §17302	From date of election; ballots submitted to precincts/City Clerk that were not used - unless contested (EC §17302(c) retention by court order)	EC §17302 has similar provision to EC §17304 above concerning destruction of packages for state or local elections.

Record Series Title	Retention	Citation	Descriptor	Comments
ELECTIONS				
Ballots Prop. 218 (Assessment Districts)	Permanent	California Constitution Article XIII	Property related fees (Assessment Ballot Preceeding)	
Calendar	C + 2	GC §34090		See GC §34090 comments above.
Canvass	Permanent		Notifications and Publication of Election; Records used to compile final election results, including tally sheets, voting machine tabulation, detailed breakdown of results; special election results.	There is no GC §22932, and EC §2653 and 17130 were repealed by Stats. 1994, C. 920 (S.B. 1547) §1. However, GC §2653, "Public records open to inspection...time limits" may have been intended here, which concerns general access to public records.
Certificates of Election	Termination + 4	GC §81009 (a) & (d)	Certificates of election; original reports and statements.	GC §81009. "Preservation of reports and statements," (a) a variety of statements pertaining to elective officers "shall be retained by filing officers indefinitely." (d) "Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely."
Charter Amendments Measures	Permanent	GC §34090; GC §34458-60	Chapter designations by Secretary of State following adoption of voters.	GC §34458 gives an alternative procedure for proposals for charter revisions to that specified in §34450-34457; and §34459 concerns the significance of a vote in favor of such "charter proposal, amendment, or repeal." §34460, "Certification; authentication; filing; contests," concerns matters named and where and how these documents and votes should be recorded. See GC §34090 comments above.
FAIR POLITICAL PRACTICES (FPPC)				
Administration/ Campaign Statements and Conflict of Interest	Current + 5		FPPC Opinions.	

Record Series Title	Retention	Citation	Descriptor	Comments
FAIR POLITICAL PRACTICES (FPPC)				
Campaign Disclosure - Elected	Permanent	GC §81009 (b) & (g)	FPPC Filings.	See GC §81109 comments above, (b) concerns "Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely" with 5 years for unsuccessful; (g) concerns microfilm or other space-saving techniques for storage for public inspection after two years instead of keeping original reports, statements, or copies.
Campaign Disclosure - Not Elected	Election + 5	GC §81109 (b)	FPPC Filings.	See GC §81109 (b) comments above.
Campaign Disclosure - Unsuccessful (All other committees)	Election + 7	GC §81009 (c)	FPPC Filings.	GC §81009 (c) asserts 7 year retention period after the election.
Candidate Statements	Election + 4		Sample ballot retained permenantly.	
History	Permanent	GC §34090	History of elections, sample ballots, certificates of destruction, other resolutions re: elections.	See GC §34090 comments above.
Statement of Economic Interest - Elected Officials	Permanent	GC §81009 (d)	FPPC Filings.	See GC §81009 comments above, (d) concerns "Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely."
Statement of Economic Interest - Elected Officials	Election + 5	GC §81009 (b)	FPPC Filings.	See GC §81009 (b) comments above.
Lobbyist Registration	Permanent	GC §81009 (b)	Statements.	Likely GC rather than CEC which does not appear in 'Citations' and does not correspond to any code; if so, see GC §81009 (b) comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
FAIR POLITICAL PRACTICES (FPPC)				
Maps, Precincts/Voter Information	Election + 2	GC §34090; EC §17501; EC §17301		See GC §34090 comments above. EC §17501 concerns precinct maps which are to be filed and for which the "Secretary of State shall maintain a file of all the copies for 12 years and shall, upon request, make them available for examination." §17301 concerns 'packages' of elections materials for President, Vice President, United States Senator, and United States Representatives which are to be retained for at least 22 (twenty-two) months or longer if needed for criminal prosecution.
Nomination Papers Successful Unsuccessful	 Election + 4 Election + 2	 EC §17100; GC §81009 (b)		EC §17100 concerns preservation for five years of 'canceled original affidavits of registration' or 'by filming or other suitable method...' See GC §81009 (b) comments above.
Notifications and Publications	Election + 2	GC §34090	Proof of publication or posting, certification and listing notice or posting; copy of newspaper notice and certification of offices to be voted for at forthcoming election	See GC §34090 comments above.
Oaths of Office	Termination + 6	GC §34090; 29 USC 1113	Elected Officials.	See GC §34090 comments above. USC reference OK.
Petitions	0.66	EC §17200; EC §17400	From the date of election; Initiative, referendum, recall, Charter Amendments.	EC §17200 concerns retention of Initiative and Referendum petitions for 8 (eight) months, i.e. 0.66 rather than 0.75 years, after certification of results of the election for which the petition was qualified. EC §17400 concerns retention of recall petitions for 8 months after the results of the election for which the petition qualified. There is no GC §7253.5 or EC §7253.5. EC §14700 was repealed by Stats. 1994, c. 920 (S.B. 1547) §1. There is no GC §3756 ir 3756.8 or 3756:8; likewise for EC.

Record Series Title	Retention	Citation	Descriptor	Comments
FAIR POLITICAL PRACTICES (FPPC)				
Precinct Records	Election + 0.5	EC §17503	From date of election: Precinct official material; declaration of intention, precinct board member applications, orders appointing members of precinct boards and designating polling places. Includes notice of appointment of office and record of service.	EC §17503 concerns records which 'elections officials shall preserve...reflecting the appointment of precinct officials until six months from the date of an election' for 'candidates for state or local office.'
Roster (Of Voters)	Election + 5	EC §17300	From date of election; Initiative, referendum recall, general municipal election, Charter Amendments.	EC §17300, 'Preservation of rosters of voters, combined rosters, and indexes; destructions; filming,' concnerns what it says for five (5) years after the date of the election after which they can be destroyed.
Voter Affidavits	Closed / Completion +5	EC §17000		EC §17000 asserts 'elections official shall preserve all canceled original affidavits of registration for a period of five years, after which they may be destroyed.'
Voter Registration Signature Copy	Current + 5	EC §17000	Fire, special, or school district.	See EC §17000 comments above.
GENERAL SUBJECT				
Administration	Permanent	GC §34090		See GC §34090 comments above.
Biographies	Current + 2	GC §34090		See GC §34090 comments above.
Classifications and Appointments	Permanent	GC §34090; GC §12946; 29 CFR 516.6(2);	Includes supplemental personnel records. Wage rate tables 2 years.	See GC §34090 comments above. GC §12946 requires retention of "any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received, or for employers to fail to retain personnel files of applicants or terminated employees for a minimum period of two years after the employment action taken." 29 CFR 516.6(2) has no clear retention requirements.

Record Series Title	Retention	Citation	Descriptor	Comments
GENERAL SUBJECT				
Correspondence / Originating Department	Current + 2	GC §34090 (d)	If not attached to agreement or project file.	GC §34090(d) concerns retaining records for at least two years.
Goals & Objectives	Current + 2	GC §34090	Departmental goals and objectives.	See GC §34090 comments above.
Policies & Procedures, Departmental	Current + 5	GC §34090 (d)	Retain while current.	See GC §34090 comments above.
Promotional Marketing External Internal	Current + 7 2			
Reports Departmental	Current + 2	GC §34090	Special/or final summary, review or evaluation.	See GC §34090 comments above.
Reports Staff	Current + 2	GC §34090	Non-agenda related, includes supporting documentation	See GC §34090 comments above.
Special Projects	Current + 2	GC §34090		See GC §34090 comments above.
Support Services	Current + 2	GC §34090	Reproduction; printing; postal / mailing services, other internal resources	See GC §34090 comments above.
Travel Records	Current + 2	GC §34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
GRANTS				
Community Development Block Grant and Urban Development (CDBG)	Termination + 4	GC §34090; 24 CFR 570.502; 24 CFR 85.42	Applications, reports, contracts, supporting documents. *OMB Cir. A-102, A-110, A-128	See GC §34090 comments above. 24 CFR 570.502 obliges retention of records for up to 3 years concerning Block Grants. No retention periods are clear for 24 CFR 85.42.
Federal and State	Closed / Completion + 5	GC §34090	Refer to grant application close-out procedure.	See GC §34090 comments above.
Financial Records	Closed / Completion + 5	GC §34090	Refer to grant application close-out procedure.	See GC §34090 comments above.
Unsuccessful	Closed / Completion + 2	GC §34090	Applications no entitled.	See GC §34090 comments above.
HUMAN RESOURCES				
Benefit Plan Claims	Permanent	GC §6250 et seq.; 29 CFR 1602.30, 32	May include dental, disability, educations, health, life and vision including dependent care and Employee Assistance. *29 CFR 1637.3; 29 USC 1027; 29 CFR 1113	GC §6250 gives findings and short title for the California Public Records Act. §6253 states "Public records are open to inspection at all times during office hours of the state or local agency and every person has a right to inspect any public record..." See CFR 1602.30 comments above. OMB A-129 unavailable locally.
Benefit Plan Enrollment, Denied	Closed / Completion + 4	GC §34090		See GC §34090 comments above. OMB reference unavailable locally.
Bond, Personnel Fidelity	Termination + 2	GC §34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
HUMAN RESOURCES				
Employee Handbook	Supersede + 2	GC §34090		See GC §34090 comments above.
Employee Programs	Closed / Completion + 2	GC §34090	Includes EAP and Recognitions.	See GC §34090 comments above. See GC §12946 comments above.
Employee Rights General Employees Safety (Police)	Termination + 2 Termination + 5	GC §12946; 29 CFR 1602 29 USC 211(e), 203(m) and 207(g)	May include arbitration, grievances, union requests, sexual harassment and civil rights complaints, disciplinary actions.	See comments for appropriate sections above. 29 CFR 1602.14 obliges records retention of 1 year or until resolution. 29 USC 211(c) obliges records retention in keeping with Regulations or Orders; there is no (e). 29 USC 203(m) concerns "Wages." 29USC 207(g) does not appear to give a records retention period.
Hourly Employees	Termination + 6	GC §12946 GC §34090	*29 CFR 1627.3, Labor Relations Section 1174	See comments above for appropriate sections.
Medical Leave	Closed / Completion + 30	29 CFR 1910.20*	May include family leave; certifications; tests; W-4s. *29 CFR 1602.30, 32; 49CFR 193-9; 1910.20	References unavailable locally. 29 CFR 1910.20 does not appear to give records retention periods.
Motor Vehicle Pulls (DMV)	Closed / Completion + 7	GC §12946*	8 USC 1324(a)	See GC §12946 comments above.
Negotiation	Permanent	29 USC Sections 211(c), 203(m), 207(g)	Notes, notebooks, correspondence, contracts and Memorandums of Agreements.	See comments above for appropriate sections.
Personnel Records (copies)	Current + 2	GC §34090; GC §6250	Attendance; evaluations; drafts; worksheets; postings.	See comments above for appropriate sections.

Record Series Title	Retention	Citation	Descriptor	Comments
HUMAN RESOURCES				
Non-Safety Employees	Termination + 3	Reference: 29 CFR 1627.3; 29 CFR 1602.30 GC §6250 et seq.; GC §12946 GC §34090*	Non-safety employees may include; Release Authorizations; Certifications; Reassignments, outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations - pre-employee medicals; fingerprints; identification cards (ID's).* 1607.4; 29 CFR 655; 202; 29 CFR 516.6 et seq.; 45 CFR 1068.6(a)	29 CFR 1627.3 obliges records retention for 3 years. See comments above for other appropriate sections. Incomplete reference for 29 CFR.
PERS, Social Security, SSI	Permanent	29 CFR 1627.3(2) GC §12946 GC §34090	EEOC/ADEA	29 CFR 1629.3(2) obliges records retention for 1 year after termination of plan. See comments above for other appropriate sections.
Recruitment	Closed / Completion + 2	GC §12946; 6250 et seq.; 29 CFR 1602 et seq.		
Recruitment	Closed / Completion + 2	GC §12946; 6250 et seq.; 29 CFR 1602 et seq. 29 CFR 1607; 29 CFR 1627.3	Applications, resumes, alternate lists/logs, indicies; ethnicity disclosures; examination material; examination answer sheets; job bulletins; eligibility; electronic database.	See comments above for appropriate sections. CFR citation not found; appears to be in error or mistaken.
Reports	Current + 2	GC §34090	Employee statistics, benefit activity; liability loss.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
HUMAN RESOURCES				
Safety Employees	Termination + 5	29 CFR 1627.3; 29 CFR 1627.3; 29 CFR 1607.4	Police, fire, emergency employees may include Release Authorizations; Certifications Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations - pre-employee medicals. *29 CFR 1602.30, 32; 29 CFR 655.202; 29 CFR 516.6 et seq.; 45 CFR 1068.6(a)	See comments above for 29 CFR 1627.3. See comments above for appropriate sections.
Surveys and Studies	Current + 2	GC §12946, 34090; 29 CFR 516.6(2); 29 CFR 1602.14	Includes classification, wage rates.	See comments above for appropriate sections.
Training Records Non-Safety	Current + 7	GC §6250 et seq.	Employee applications, volunteer program training, class training materials, internships	See GC §6250 et seq. comments above.
Training Records Personnel (by name)	Termination + 7	GC §34090	Paperwork documenting officers' internal and external training.	See GC §34090 comments above.
Training Records Safety	Current + 2	GC §34090	Certifications/designations.	See GC §34090 comments above.
Vehicle Mileage Reimbursement Rates	Supersede + 2	GC §34090	Annual mileage reimbursement rates.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INFORMATION SERVICES				
Internet, World Wide Web	Supersede + 2	GC §34090	Management/policies and supporting documentation.	See GC §34090 comments above.
Inventory, Information Systems	Supersede + 2	GC §34090	Hardware/software inventory logs; systems manual.	See GC §34090 comments above.
Network Information Systems (LAN/WAN)	Current + 4	GC §34090 CCP §337.2; 343	Configuration maps and plans.	See GC §34090 comments above. CCP §337.2 concerns actions for breach of written leases for real property under C.C. 195612 i.e., at least four years. CCP §343 concerns a four year period within which actions for relief not otherwise specified must be brought.
Program Files and Directories	Current + 2 Current +.16 Current + 1 Current + .5	GC §34090 GC §34090.7	Annual backup. Daily backup. Monthly backup. Weekly backup.	See GC §34090 comments above. GC §34090.7 concerns length of time to retain various duplicate records including video recording media, i.e., must be kept at least 90 days after events recorded.
Tapes Information System	Current + 2	GC §34090	System Generation.	See GC §34090 comments above.
Agendas	Current + 2	GC §34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions.	See GC §34090 comments above.
Agenda Reports (Master, Subject Files)	Current + 2	GC §34090 (d)	Documentation received, created and/or submitted to Council.	See GC §34090 comments above.
Appeals, Civil	Current + 3	GC §34090 CCP §583.320 (a)(3)		See GC §34090 comments above. CCP §583.320(a)(3) concerns an action remanded for new trial on appeal "within three years after remittitur if filed...".

Record Series Title	Retention	Citation	Descriptor	Comments
INFORMATION SERVICES				
Applications, Boards, Commissions, Committees	Closed / Completion + 2	GC §34090	Not selected.	See GC §34090 comments above.
Applications, Boards, Commission, Committees	Termination + 2	GC §34090 GC §40801	Selected.	See GC §34090 comments above. GC §40801 required "The city clerk shall keep an accurate record of the proceeding of the legislative body..." but does not specify how long the records should be retained.
Articles of Incorporation	Permanent	GC §34090 CCP §337.2		See GC §34090 comments above. See CCP §337.2 comments above.
LEGAL/LEGISLATIVE				
Case Log	Closed / Completion + 7	CCP §337.2 CCP §343	From Close of cases listed; chronological listing of cases.	See comments above for appropriate sections.
Case Records (High Profile)	Permanent	GC §6254	Significant cases, which have importance/or, set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs.	GC §6254 exempts particular records and allows other items but does not specify an overall retention period although three years and one year are included for different matters.
Case Records (Routine)	Closed / Completion + 7	42 USC 1983	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18).	Civil Rights - OK.
Contracts and Agreements Excluding Capitol Improvement	Termination + 5	CCP §337.2 CCP §343 B&P7042.5*	Includes leases, equipment services or supplies. *PU 786.5; 48 CFR 2; GC §53066	See comments above for appropriate sections. B&P §7042.5 concerns cable tv but does not mention retention periods.

Record Series Title	Retention	Citation	Descriptor	Comments
LEGAL/LEGISLATIVE				
Contracts and Agreements Including Capitol Improvement	Permanent		Construction *GC §37090(a); 4004; H&S §19850	Incomplete reference.
Index, Attorney Case	Life	GC §6254	Including notation on activities related to case.	See GC §6254 comments above.
Legal Advertising	Current + 4	CCP §343, 349 et seq.; GC §911.2 GC §34090	Includes public notices, legal publications.	See CCP §343 comments above. CCP §349 provides 30 days to contest an assessment under the Local Improvement Act of 1901. GC §911.2 specifies limits for filing claims for death or injury within six month or a year of accrual of cause for other actions. See GC §34090 comments above.
Logs, Attorney Service Request	Current + 2	GC §34090	Service request, summaries of monthly requests.	See GC §34090 comments above.
Minutes	Permanent	GC §34090 (d); 36814; 40801	Official minutes and hearing proceedings of governing body or board, commission or committee.	See GC §34090(d) comments above. GC §36814 obliges city council to "cause the clerk to keep a correct record of its proceedings" but does not mention retention periods. GC §40801 provides "the city clerk shall keep an accurate records of the proceeding of the legislative body and the board equalization in books bearing appropriate Titles and devoted exclusively to such purposes, respectively..." but does not mention retention periods.
Notices, Meeting	Current + 2	GC §34090.7 GC §54960.1 (c)(1)	Special meetings.	CG §34090.7 provides how "duplicates of city or county records less than two years old may be destroyed if they are no longer required." GC §54960.1(c)(1) allows up to 90 days to demand action when a legislative body has taken an unlawful action.
Opinions	Supersede + 2	GC §34090; 6254	Confidential.	See comments above for appropriate sections.

Record Series Title	Retention	Citation	Descriptor	Comments
LEGAL/LEGISLATIVE				
Ordinances	Permanent	GC §34090 (d); 40806	Charter amendments; municipal code.	See GC §34090(d) comments above; seems with keeping of exceptions to general 2 year retention period. GC §40806 requires the city clerk to keep a book marked "Ordinances" and record in it all city ordinances but does not mention retention periods.
Petitions	Current + 1	GC §50115; 6253	Submitted to legislative bodies.	GC §50115, "destruction of papers or documents filed more than one year previously," provides "Unless another provision of law requires a longer retention period, the clerk of the legislative body may destroy or otherwise dispose of any papers or document filed with or submitted to the legislative body more than one year previously, unless the legislative body determines that there is a need for its retention. GC §6253 provides "Public records are open to inspection at all time during the office hours of the state or local agency and every person has a right to inspect any public record,..." and specifies response periods to public requests but does not give retention periods.
Resolutions	Permanent	GC §34090 (d); 40801	Legislative actions.	See comments above for appropriate sections; this seems within keeping of exceptions to general 2 year retention period of GC §34090.
Tapes, Audio/Video	Current + .25	GC §34090.7	When used for minute preparation and may have historical value.	As with GC §34090.7 comments above.
MUNICIPAL CLERK				
Assessment Districts	Permanent	GC §34090	Original documentation.	See GC §34090 comments above; this seems within keeping of exceptions to general 2 year retention period of GC §34090.
Inventory, Records	Current + 2	GC §34090 80 OPS Atty Gen 106	Inventory of non-current or inactive records holdings and location, indicies. Tapes may be recycled.	See GC §34090 comments above. No records retention periods are given in 80 OPS Atty Gen 106, but this may be an incorrect citation.
Municipal Code	Permanent	GC §34090	Supplements included.	See GC §34090 comments above, but this seems within keeping of exceptions to general 2 year retention period of GC §34090.

Record Series Title	Retention	Citation	Descriptor	Comments
MUNICIPAL CLERK				
Public Records Request	Closed / Completion + 2	GC §34090		See GC §34090 comments above.
Records Management	Closed / Completion + 2	GC §34090	Document includes retrieval, transfers - inactive.	See GC §34090 comments above.
Records Management Disposition Certification	Permanent	GC §34090	Documentation of final disposition of records.	See GC §34090 comments above, but this seems within keeping of exceptions to general 2 year retention period of GC §34090.
Records Retention Schedules	Supersede + 4	CCP §343		See CCP §343 comments above.
POLICIES/PROCEDURES				
General Administrative	Supersede + 2	GC §34090	All City policies and procedures	See GC §34090 comments above.
Policy, Council / Proclamations	Supersede + 2	GC §34090	Policies, directives rendered by Council not assigned a resolution or ordinance number.	See GC §34090 comments above.
PUBLIC FINANCING AUTHORITY				
Administration	Permanent	GC §34090		See GC §34090 comments above.
Management Reports	2	GC §34090		See GC §34090 comments above.
Financial Records	Permanent	GC §34090; 40802		See GC §34090 comments above. GC §40802, "Accounting officer, Financial Records" establishes "the City Clerk is the accounting officer of the city and shall maintain records readily reflecting the financial condition of the city" but does not mention retention periods.

Record Series Title	Retention	Citation	Descriptor	Comments
PUBLIC INFORMATION				
Brochures, publications, newsletter, bulletins	Supersede + 2	GC §34090		See GC §34090 comments above.
Calendar, City	Current + 2	GC §34090		See GC §34090 comments above.
Media Relations	Current + 2	GC §34090	Includes cable, newspaper, radio, message boards, and presentations.	See GC §34090 comments above.
RISK MANAGEMENT				
Accident Reports - City Assets	Closed / Completion + 7	29 CFR 1904.2; 29 CFR 1904.6	Reports and related records.	No retention periods clear for these sections.
Bonds, Insurance	Permanent	CCP §337.2; 343	Bonds and insurance policies insuring City property and other assets	See comments above for appropriate sections.
Incident Reports	Closed / Completion + 7	29 CFR 1904.2; 29 CFR 1904.6	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement).	See comments above for appropriate sections.
Claims, Damage	Closed / Completion + 5	GC §34090; 25105.5	Paid/Denied.	See comments above for appropriate sections. GC §24105.5 provides "The clerk of the Board of Supervisors may, without complying with any other provision of law, destroy records consisting of claims against the county and claims against special districts for which the Board of Supervisors is the governing body, whenever the claims have been retained by the clerk for a period of not less than five years after the final actions on the claim..."
Insurance, ACCEL JT Powers Agreement	Permanent	GC §34090	(Authority California Cities Excess Liability Insurance) - Accreditation / MOU's / agreement agendas.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
RISK MANAGEMENT				
Insurance, Certificates	Permanent	GC §34090	Insurance - certificates filed separately from contracts, includes insurance filed by licensees.	See GC §34090 comments above.
Insurance, Liability / Property	Permanent	GC §34090	May include liability, property, Certificates of Participation, deferred, use of facilities.	See GC §34090 comments above.
Insurance, Workers Compensation	Permanent	GC §6410; 29 CFR 1910.20	Indemnity; PERS - working files - originals with Administrator.	See comments above for appropriate sections.
Photographs, Negatives, Film	Closed / Completion + 2	GC §34090		See GC §34090 comments above.
Risk Management Reports	Closed / Completion + 5	29 CFR 1904.4; GC §34090	Federal OSHA forms; Loss Analysis Report; safety reports, Actuarial Studies.	See comments for appropriate sections above.
Workers Compensation	Permanent	CCR §14311; §15400.2	Claim Files, reports, incidents working files, originals filed with Administrator.	CCR references OK.

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Development

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Benchmark Data	Current + 2	GC §34090 (d)	Horizontal, vertical and control.	See GC §34090 (d) comments above.
Bids & Proposals (Unsuccessful)	Closed / Completion + 2	GC §34090 (d)		See GC §34090 (d) comments above.
Bonds Development	Closed / Completion + 10	CCP §337.5	Housing; Industrial Development.	CCP §337.5 calls for retention for 10 years.
Bonds Security	Closed / Completion + 2	GC §34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work.	See GC §34090 comments above.
Code Books	Permanent	GC §34090 (c)	National Electric Code, Uniform Building, Fire, Mechanical, Plumbing & Supplements	As with GC §34090 comments concerning (c), minutes, ordinance, or resolutions of the legislative body or a city board or commission; thus, seems in keeping with exceptions to general 2 year retention period of GC §34090.
Contractor	Current + 2	GC §34090 (d)	Current listing.	See GC §34090 (d) comments above.
Correspondence	Current + 2	GC §34090 (d)	Working documentation.	See GC §34090 (d) comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Development Conditions	Life	GC §34090	Mitigation measures; filed with case files.	See GC §34090 (d) comments above.
Development Agreements	Permanent	CCP §337; 337.1(a); 337.15; GC 34090; 48 CFR 4.703	Infrastructure contracts, franchises. Original maintained for 7 years.	CCP §337 provides 4 year statute of limitations (s.o.l.); §337.1(a) otherwise provides 4 years, and §337.15 provides for 10 year statute of limitations.
Development Standards	Permanent	GC §34090 (a)	Landscape mediums, parkway landscape development, public works construction.	As with GC §34090 comments concerning (a), records affecting title to real property or liens thereon is in keeping with exceptions to general retention period of 2 years of GC §34090.
Drawings, Project Plan	Current + 2	GC §34090 (d)	Does not include those usually filed with case or project.	See GC §34090(d) comments above.
Franchises	Permanent	GC §35864, 35869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable grant or easements and/or involving construction of improvements. *CCP §337.2, 343; CAC 16023.	GC §65684, "Legislative findings and declarations," concerns development projects but does not mention retention periods. GC §35869.5 obliges modification or suspension of development agreements to comply with state or federal laws or regulations. See GC §34090 comments above.
General Subject Files	Current + 2	GC §34090 (d)	Internal working files including correspondence.	See GC §34090(d) comments above.
Grants, Community / Urban Development (includes CDBG)	Closed / Completion + 4	24 CFR 570.502 (b)(3); 24 CFR 85.42	Project files, contracts, proposals, statements, reports, sub-recipient dockets, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 loan guarantee. *OMB Cir. A-102 & 128, HUD regulations.	See comments above for appropriate sections. There appears to be no 241 CFR 85.42; however, 24 CFR 85.42 may have been intended; if so, see comments above concerning 24 CFR 85.42 - 3 year retention period. OMB Circulars unavailable locally. Other Fed Reference locally unavailable.

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Historic Preservation Inventory	2	GC §34090 (d)	Historic structures and landmarks.	See GC §34090(d) comments above.
Incident Files	2	GC §34090 (d)	Emergency call outs.	See GC §34090(d) comments above.
Land Uses, nonconforming	Permanent	GC §34090 (a)	Building or site usage which does not conform to current standards.	See GC §34090 comments above concerning (a), records affecting title or real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Logs	Current + 5		Logs, registers or similar records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility.	No authority cited.
Maps and Plats	Permanent	GC §34090 (a)	Engineering and field notes and profiles; cross-section of roads, streets, right-of-way, bridges, may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire hydrants, base maps, etc.	See GC §34090(a) concerning matters which affect real property or liens thereon consistent with extension beyond minimum 2 year retention period.
Master Plans, Annual	Supersede + 2	GC §34090	Special or long range program plan for municipalities - coordination of services; strategic planning.	See GC §34090 comments above.
Permits, Construction	Permanent	GC §34090 (a); H&S 19850; 4003; 4004	Plans, building, signs, grading, encroachment, including blueprints and specifications.	See GC §34090(a) concerning matters which affect real property or liens thereon consistent with extensions beyond minimum 2 year retention period.

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Permits, Other	Closed / Completion + 2	GC §34090 (d)	Alterations, encroachment, excavations, road, street, sidewalks and curb alterations, transportation, swimming pool drainage, temporary uses, etc.	See GC §34090(d) comments above.
Photographs	Supersede + 2	GC §34090 (d)	Aerial photographs.	See GC §34090(d) comments above.
Projects, Not Completed or Denied	Closed / Completion + 2	GC §34090 (d)	Building, engineering, planning.	See GC §34090(d) comments above.
Reports	Current + 2	GC §34090	Activity, periodic	See GC §34090 comments above.
Seismic Retrofit Program	Permanent	GC §34090 (a)	Includes Certificates of Compliance	See GC §34090 comments above concerning (a), records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC§34090.
Street Names and House Numbers	Permanent	GC §34090 (a)	Street dedications, closings, address assignments/changes	See GC §34090 comments above concerning (a), records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Studies, Special Projects and Areas	Closed / Completion + 2	GC §34090 (d)	Engineering, joint powers, noise, transportation	See GC §34090(d) comments above.
Surveys	Permanent	GC §34090 (a)	Recording data and maps.	See GC §34090 comments concerning (a), records affecting title to real property or liens therein in keeping with exceptions to general retention period of 2 years of GC §34090.

Record Series Title	Retention	Citation	Descriptor	Comments
BUILDING				
Blueprints, Specifications	Closed / Completion + 2	GC §34090 (d)	Submitted by contractors with application for permit and builds for Certificate of Occupancy.	See §34090 (d) comments above.
Certificates	Life	GC §34090 (a)	Compliance, elevation, occupancy which affect real property.	See GC §34090 (a) comments above.
Construction (Approved)	Permanent	GC§34090 (a); 4003; 4004; H&S 19850; 19853	New commercial and residential construction, tenant improvements, room additions, spa, signs, block wall, remodel including security bonds.	See GC §34090 comments concerning (a), records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. GC §4003 provides that engineers "shall keep an accurate account of the cost of the public work" which they are supervising. §4004 provides engineer shall "prepare and file..." plans and specifications or authorization approved by the engineer. Neither one of these mention retention periods. See H&S §19850 comments above. H&S §19583, "Holidays;..." provides for what it says but does not mention retention periods.
Inspection	Closed / Completion + 2	GC §34090 (d)	Correspondence, fees, appeal requests, reports.	See GC §34090(d) comments above.
Permits	Permanent	GC§34090 (a); H&S§19580, 4003, 4004	Plans, building, signs, grading, encroachment permits.	See GC§34090 comments concerning (a), records affecting title to real property or liens thereon, in keeping with exceptions to general retention period of 2 years of GC§34090.
Signs (Temporary)	Supersede + 2	GC§34090 (d)	Home occupation, off-premise signs.	See GC§34090(d) comments above.
Soils Reports	Permanent	GC§34090 (a)		See GC§34090 comments concerning (a), records affecting title to real property or liens thereon, in keeping with exceptions to general retention period of 2 years of GC§34090.

Record Series Title	Retention	Citation	Descriptor	Comments
CODE ENFORCEMENT				
Abandoned Vehicles	Closed / Completion + 2	GC§34090 (d)		See GC§34090(d) comments above.
Case Files	Closed / Completion + 2	GC§34090 (d)	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and week abatement, citations, massage parlor permits, general.	See GC§34090 comments above and comments concerning (a), records affecting title to real property or liens thereon, in keeping with exceptions to general retention period of 2 years of GC See GC§34090.
Liens and Releases - Supporting Recorded	Closed / Completion + 2 Permanent	GC§34090	Utilities, abatement, licenses.	See GC§34090 comments above and comments concerning (a), records affecting title to real property or liens thereon, in keeping with exceptions to general retention period of 2 years of GC See GC§34090.
Logs	Current + 2	GC§34090 (d)	Lien Recovery, citations, complaints	See GC§34090(d) comments above.
Reports, Federal and State	Permanent	GC§34090 (a)	Code enforcement statistics; may contain records affecting title to real property or liens thereon.	See GC§34090 comments above and comments concerning (a), records affecting title to real property or liens thereon, in keeping with exceptions to general retention period of 2 years of GC See GC§34090.
Violations, Building, Property & Zoning	Closed / Completion + 2	GC§34090 (d)	Supporting code enforcement activity.	See GC§34090(d) comments above.
Traffic Signals	Closed / Completion + 2	GC §34090 (d)	Counts, collisions, accidents.	See GC §34090 (d) comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
ENGINEERING				
Capital Improvement Projects	Closed / Completion + 10	CCP §337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.	See CCP §337.15 comments above, provides for 10 year statute of limitations on actions.
Construction Tracking, Daily	Permanent	CCP §337.15	Assesses value of real property.	See CCP §337.15 comments above.
Drawings, Traffic Control Plan	Permanent	GC §34090 (a)	Signs, signing and striping, road construction.	See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Flood Control	Closed / Completion + 2	GC §34090 (d)	Storm drains.	See GC §34090(d) comments above.
Special Districts	Permanent	GC §34090 (a)	Supporting documents re: improvement, lighting, underground utility; bonds, taxes and constructions.	See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Street/Alley (Abandonment / Vacation)	Closed / Completion + 2	GC §34090 (d)	Relinquishment of rights and fee title.	See GC §34090 (a) and (d) comments above.
ENVIRONMENTAL QUALITY				
Air Quality (AGMD)	Current + 7	CCP §338(k) GC §34090	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities; Commute Alternative.	See CCP §338 comments above, (k) provides "Three years" for "an action commenced under Division 26...of the Health and Safety Code..." See GC §34090 comments above.
Asbestos	Permanent	GC §34090 (a)	Documents abatement projects, public, buildings.	See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.

Record Series Title	Retention	Citation	Descriptor	Comments
ENVIRONMENTAL QUALITY				
California Environmental Quality Act (CEQA)	Permanent	GC §34090 (a) + CEQA Guidelines	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations.	CEQA has many retention periods. See GC§34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Congestion Management	Current + 2	GC §34090 (d)	Ride sharing, trip reduction.	See GC §34090 (d) comments above.
Environmental Review	Closed / Completion + 2	GC §34090 (d)	Correspondence, consultants, issues, conservation.	See GC §34090 (d) comments above.
Pest Control	Current + 2	GC §34090 (d)	Pesticide applications, inspections & sampling documents.	See GC §34090 (d) comments above.
Soil	Closed / Completion + 2	GC §34090 (d)	Analysis, construction recommendation.	See GC §34090 (d) comments above.
Soil Reports	Permanent	GC §34090 (d)	Final reports.	See GC §34090 (d) comments above.
HOUSING				
Bonds	Closed / Completion + 4	CCP §337	Revenue Bond Documentation.	See CCP §337 comments above.
Programs	Closed / Completion + 3	24CFR 570.502 (b)(3); 24 CFR 85.42	Includes comprehensive Housing Authority Strategy, Meeting Credit Certificate, Housing Bond Advisory, HOME, In-Lieu Housing Mitigation, Low/Moderate Housing, Rental Housing Assistance.	See comments above for appropriate sections. OMB Circulars locally unavailable.

Record Series Title	Retention	Citation	Descriptor	Comments
HOUSING				
Redevelopment Budgets Bond issues	 Permanent Permanent	 GC §34090, 40802, 53901; GC §43900 et seq.	Includes annual audit.	See comments above for appropriate sections. GC §53901 obliges auditor to file budget within 60 days of beginning fiscal year. GC §43900 concerns destruction of unsold city bonds but does not mention retention period, rather a four week notice period.
MUNICIPAL FACILITIES				
Capital Improvements, Construction	Permanent	GC §34090 (a); 4004; H&S §19850	Contains records re: Planning, design, construction, conversion or modification of local government-owned facilities, structures & systems Public Facilities Corporation.	Unclear reference. See comments above for appropriate sections. See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Facility Rentals/Use	Current + 2	GC §34090	Permits, contracts, diagrams, schedules, insurance binders.	See GC §34090 comments above.
Maintenance & Operations	Current + 2	GC §34090 (d)	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal.	See GC §34090 (d) comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
PLANNING				
Case Files, Planning and Zoning	Permanent	GC §34090 (a); H&S §19850, 4003, 4004	Pertains to real property. May include blueprints, drawings, maps, plans, reports, evaluations, correspondence, uses, permits, variances, studies, appeals, compliance certificates, lot line adjustments or other planning-related matters brought before legislative body.	See comments above for appropriate sections. See comments above for appropriate sections. See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Certificates	Life	GC §34090	Retain during life of structure.	See GC §34090 comments above. See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090 for Life of building.
Flood Records	Current + 2	GC §34090		See GC §34090 comments above.
General Plan and Elements	Permanent	GC §34090	Includes sphere of influence §.	See GC §34090(a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090 for Life of building.
General Plan Amendments Approved Denied	 Closed / Completion + 2 Current + 3	 GC §34090 GC §65103*	 *GC §50110	 See GC §34090 comments above. GC §65103 concerns Planning agencies and their functions but does not mention retention periods.
Interpretations	Current + 2	GC §34090		See GC §34090 comments above.
Maps, Plans, Drawings, Exhibits, Photos	Permanent	GC §34090, 34090.7; H&S§19850	Zoning, tentative subdivision, parcel, land use map, aerial photos, specific plans.	See comments above for appropriate sections. See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090 for Life of building.

Record Series Title	Retention	Citation	Descriptor	Comments
PROPERTY				
Abandonment	Permanent	GC §34090 (a)	Buildings, Condemnation, Demolition.	See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090 for Life of building.
Acquisition/ Disposition	Closed / Completion + 10	GC §34090 (a), 6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City.	See comments above for appropriate sections.
Annexation Case Files	Permanent	GC §34090 (a)	Reports, agreements, public notices.	See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090 for Life of building.
Appraisals	Closed / Completion + 2	GC §4090, 3254 (h)	Exempt until final acquisition or contract agreement obtained.	See comments above for appropriate sections.
Deeds & Promissory Notes	Permanent	GC §34090 (a)	*24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110	See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Maps, City Boundary	Permanent	GC §34090 (d)	Recorded maps, surveys, monuments.	See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Lot Split Cases	Permanent	GC §34090		See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Relocation Files	Closed / Completion + 2	GC §34090	E.g., Redevelopment	See GC §34090 comments above.
Retrofit Files	Permanent	GC §34090 (a)		See GC §34090 (a) comments concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Finance

Record Series Title	Retention	Citation	Descriptor	Comments
ACCOUNTING				
Accounts Payable	Audit + 4	GC §34090	Invoices, check copies, supporting documents.	See GC §34090 comments above.
Accounts Receivable	Audit + 4	GC §34090		See GC §34090 comments above.
Applications	Closed / Completion + 2	GC §34090	Utility connections, disconnects, registers, service.	See GC §34090 comments above.
Assessment Districts	Permanent	GC §34090	Collection information; original documentation files with municipal clerk.	See GC §34090 (a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090.
Bank Reconciliations	Audit + 5	GC §34090	Statements, summaries for receipts, disbursements & reconciliations.	See GC §34090 comments above.
Billing Records	Audit + 2	GC §34090	Customer name, service address, meter reading, usage, payments, applications/cancellations.	See GC §34090 comments above.
Budget	Audit + 2	GC §34090		See GC §34090 comments above.
Budget Adjustments, Journal Entries	Audit + 2	GC §34090	Account transfers.	See GC §34090 comments above.
Checks	Audit + 5	GC §34090	Includes payroll, canceled and voided checks.	See comments above for appropriate sections.

Record Series Title	Retention	Citation	Descriptor	Comments
ACCOUNTING				
Deposits, Receipts	Audit + 4	GC §34090 CCP §337	Checks, coins, currency.	See comments above for appropriate sections.
Invoices	Audit + 2	GC §34090	Copies sent for fees owed, billing, related documents	See GC §34090 comments above.
Journals Utility Billing	Current + 2	GC §34090	Billing, including monthly activity.	See GC §34090 comments above.
Journals Ledger, General	Permanent	GC §34090*	*CCP §337	See GC §34090 (e) comments above concerning records.
Journals Voucher	Audit + 4	GC §34090 CCP §337	Account postings with supporting documents	See comments above for appropriate sections.
Taxes, Receivable	Audit + 3	CCP §338		See CCP §338 comments above.
Warrant Register	Audit + 2	GC §34090.7		See GC §34090.7 comments above.
ADMINISTRATIVE SERVICES				
Budget Operating (copies)	Supersede	GC §34090	Departmental reference.	See GC §34090 comments above.
Budget Proposed	Current + 2	GC §34090	Presented to Council.	See GC §34090 comments above.
Budget Adopted	Permanent	GC §34090		See GC §34090(e) comments concerning records of public acts.
FIXED ASSETS				
Inventory	Audit + 4	GC §34090 26 CFR 301	Reflects purchase date, cost, account number; Public Facilities Corporation.	CFR reference OK but other Fed reference unclear. See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
SURPLUS PROPERTY				
Auction	Audit + 2	GC §34090	Listing of property.	See GC §34090 comments above.
Disposal	Audit + 4	GC §34090	Sealed bid sales of equipment.	See comments above for appropriate sections.
Vehicle Ownership & Title	Life	VC § 9900 et seq.	Title transfers when vehicle sold.	VC §9900 concerns "transfer of title or any interest in or to an undocumented vessel" but does not mention retention periods although §9901 specifies a 10 day period.
LICENSE				
Business	Termination + 4	GC §34090 CCP §337	Paid and reports.	See comments above for appropriate sections.
PAYROLL				
Adjustments	Audit + 4	GC §34090 29 CFR 516.5-516.6	Audit purposes.	See GC §34090 comments above. CFR references OK but revisions not available.
Employee Time Sheets	Audit + 6	GC §34090 29 CFR 516.2*	Signed by employee for audit & FEMA Reports. *20CFR516.6(1); IRS Reg. 31.60001-1(e)(z); R&T 19530; LC §1174(d)	See GC §34090 comments above. CFR references OK.
PERS Employee Deduction Reports	Termination + 4	GC §34090 CAC 22-1085-2	Record of deductions (PERS Public Employee Retirement System). *26CFR31.6001-1; 29CFR516.5, 516.6, LC §1174(d)	See GC §34090 comments above. CAC 22-1085-2 obliges a variety of records be kept concerning employees.
Salary Records	Permanent	GC §34090 29CFR 516.2	Deduction authorization, eneficiary designations, unemployment claims, garnishments.	See comments above for appropriate sections.

Record Series Title	Retention	Citation	Descriptor	Comments
PAYROLL				
Register	Permanent	GC §34090; 37207	Labor costs by employee and program.	See GC §34090 comments above. GC §37207 asserts "Department heads shall certify or approve departmental pay rolls or attendance record for the employees in their departments. The City Clerk shall certify or approve pay rolls or attendance records of other officers and employees." Retention periods not specified. See GC §34090(e) concerning records.
PURCHASING				
Bids, RFQ's, RFP's Successful Unsuccessful	Audit + 4 Audit + 5 Audit + 2	GC §34090 CCP §337*	Requests for Qualifications; Requests for Proposals regarding goods and services. *GC§24105-1, GC §34090	See comments above for appropriate sections.
Requisitions Purchase Orders Stores	 Audit + 4 Current + 2	 GC §34090 CCP §337 GC §34090	 Original documents. Completed forms for ordering.	 See comments above for appropriate sections. See GC §34090 comments above.
Vendor Register	Permanent	GC §34090	Alpha vendor listing of purchase orders, invoices, account numbers and check date.	See GC §34090 comments concerning records.
REPORTS				
Audits	Permanent	GC §34090		See GC §34090 (e) comments concerning records.
Deferred Compensation	Termination +5	GC §34090	Records of employee contributions and city payments, *29 CFR 1627.3 (2)	See GC §34090 comments above.
Financial, Annual	Audit + 7	GC §34090.7	Public Facilities Corporation	See GC §34090.7 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
REPORTS				
Federal and State Tax	Audit + 5	GC §34090 29 USC 436	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2); R&T §19530; 29 CFR 516.5-516.6	See GC §34090 comments above. *29 USC 436 obliges 5 year retention period.
Investment Transactions	Permanent	GC §53607, 34090; CCP §337	Summary of transactions, inventory and earnings report.	See comments above for appropriate sections. GC §53607, "Delegation of duties to treasurer, monthly reports," does not mention retention periods. See GC §34090(3) comments concerning records.
Labor Distribution	Audit + 2	GC §34090	Costs by employee and program.	See GC §34090 comments above.
Meter Reading	Current + 2	GC §34090		See GC §34090 comments above.
State Controller	Permanent	GC §34090	Controller may destroy after 5 years.	See GC §34090(e) comments concerning records.
Utility Rebates	Current + 2	GC §34090		See GC §34090 comments above.
TREASURER				
Bank Statements	Audit + 2	FC §3368, 30210; GC § 43900 et seq.	Financing authority	FC §3368 concerns false entries and other culpable acts but does not mention retention periods.
Bonds Account Statements	Closed / Completion + 10	GC §34090 CCP §337.5	Monthly statement of transactions.	See comments above for appropriate sections.
Bonds Administration	Closed / Completion + 10	GC §34090 CCP §337.5	Supporting documents.	See comments above for appropriate sections.
Bonds Bonds & Coupons	Closed / Completion + 2	GC §34090; 53921	Paid/canceled.	See comments above for appropriate sections.

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Public Safety

Record Series Title	Retention	Citation	Descriptor	Comments
EMERGENCY MANAGEMENT				
Mutual Aid, Strategic Plans	Supersede + 2	GC §34090		See GC §34090 comments above.

Fire Safety

ADMINISTRATION				
Books, Fire Code	Supersede + 3	GC §34090.7 CCP §340.5	Includes OPS manuals.	See GC §34090.7 comments above.
General Orders, Policies/Procedures	Supersede + 2			No authority cited.
Inspections, Fire Prevention	Closed / Completion + 3	UFC §103.34	Alarm/sprinkler systems, prevention efforts.	UFC reference OK.
Investigations, Evidence Arson	Permanent	PC §799	Support prosecution resulting in homicide.	PC §799, "Offenses punishable by death or life imprisonment; embezzlement of public money; application to minors..." "...may be commenced at any time."
Investigations, Evidence Arson	Closed / Completion + 6	PC §800	Great bodily harm, inhabited structure or property.	PC §800, "Offenses punishable by imprisonment for eight years or more..." "...shall be commenced within six years after commission of the offense."
Journals, Fire Station	Current + 2	GC §34090	Activities, personnel, engine company.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Permits, Uniform Fire Code	Closed / Completion + 2	GC §34090		See GC §34090 comments above.
PERSONNEL				
Exposure	Termination + 30	29 CFR 1910.1020	Sampling results, collection methodology, background.	See comments above concerning this CFR section - does not appear to have a retention period specified.
Exposure	Termination + 1	29 CFR 1910.1020	Laboratory reports and worksheets	See comments above concerning this CFR section - does not appear to have a retention period specified.
Medical	Termination + 30	29 CFR 1910.1020		See comments above concerning this CFR section - does not appear to have a retention period specified.
Medical	Termination + 2	29 CFR 1910.1020	Employees less than one year. *GC §34090	See comments above concerning this CFR section - does not appear to have a retention period specified.
Training	Termination + 2	GC §34090	Certifications/designations.	See comments above concerning this CFR section - does not appear to have a retention period specified, but GC§34090 provides 2 years.
PROPERTY				
Apparatus/Vehicle	Current + 3	GC §34090 CCP §340.5*	Repair and Maintenance *8 CAL Code Reg. 3203 (b)(1)	See GC §34090 comments for appropriate sections above.
Inventory, Equipment and Supplies	Current + 2	GC §34090		See GC §34090 comments above.
Logs, Fire Equipment/ Gear	Current + 2	GC §34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
REPORTS				
Incident	Closed / Completion + 3	GC §34090 CCP §338* *CCP §340.5	Dispatch and daily logs.	See comments above for appropriate sections.
Field, Non-fire and Logs	Current + 2	GC §34090		See GC §34090 comments above.
Fire, Non-arson and Logs	Current + 2	GC §34090		See GC §34090 comments above.
Investigations, Evidence Arson	Closed / Completion + 3	PC §801 UFC §104.32	Structure	PC §801, "Offenses punishable by imprisonment..." "...shall be commenced within three years after commission of the offense." UFC references OK.
Weed Abatement	Closed / Completion + 2	GC §34090	Reports, assessments, resolutions, documentation.	See GC §34090 comments above.

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Hazardous Materials

Record Series Title	Retention	Citation	Descriptor	Comments
Hazardous Waste Disposal	Current + 10	CAL OSHA; 40 CFR 122.21	Documentation re: handling and disposal of hazardous waste.	Various retention periods. 40 CFR 122.21 obliges 3 or 5 year retention for records concerning different materials.
Permits, Hazardous Materials Storage	Current + 2	GC §34090	Departments consistently recommend permanent retention of environmentally sensitive materials.	See GC §34090 comments above.
Programs, Household Hazardous Waste	Supersede + 2	GC §34090		See GC §34090 comments above.
Training Materials	Supersede + 2	*CAC 3204(d)	Standards and Administration *CAC3204(d), et seq.	Citation uncertain.
Underground Storage Tank				
Compliance	Permanent	GC§34090 (a)	Documents re: storage, location, installation, removal, remediation.	See GC §34090 (a) comments above and GC§34090 comments as well.
Maintenance and Operation	Current + 2	GC§34090		

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Law Enforcement

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Accounting/Cash Reconciliations	Current + 2	GC§34090		See GC §34090 comments above.
Alarm Records	Current + 2	GC§34090		See GC §34090 comments above.
Claim Files	Closed / Completion + 6	PC§832.5	Claim copy, correspondence, photographs, supporting documents relative to incidents involving the Police Department filed by citizens.	PC§832.5(b) asserts "Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years."
Department Manual	Supersede		Changes to manual are recorded in the General Orders (Permanent).	No authority cited.
Equipment Communication	Termination + 2	GC§34090	Retained until termination of equipment use; manuals, instructions, procedures.	See GC §34090 comments above.
Inventory	Supersede + 2	GC§34090	Listing of equipment assigned to division, to whom it is assigned.	See GC §34090 comments above.
Reports Activity	Current + 2	GC§34090	Weekly, monthly, quarterly, annual activity, statistical reports by division. Retain only one form for retention period.	See GC §34090 comments above.
Reports Chemical Emissions	Current + 2	GC§34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Reports Survey Response Files	Current + 2	GC§34090	Surveys, responses, correspondence with other agencies requesting statistical data.	See GC §34090 comments above.
INVESTIGATIONS				
Administrative / Internal	Closed / Completion + 5	PC§832.5 EC§1045 GC§12946 PC§801.5; 803(c) VC§2547	Initiated by citizens complaints or internally initiated; includes complaint reports, findings.	See PC§832.5(b) comment above. EC§1045(b)(1) prescribed examination in chambers excluding records of complaints concerning peace officers more than 5 years before the event or transaction subject of litigation. See GC§12946 comments above. GC§803(c), VC§2547, "Period for filing accusations," provides for a three year period after the act or omission alleged as the ground for disciplinary action."
Asset Forfeiture Investigations/ Proceedings Case File	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Asset Forfeiture Notifications	Current + 2	GC§34090	To legal property owner prior to case filing that property is subject to asset forfeiture proceedings. If case if filed, notification becomes part of forfeiture case file.	See GC §34090 comments above.
Case Books, Investigation	Closed / Completion + 2	GC§34090	Retained by division until a case is suspended/closed; transfer to Records Division to be filed with associated Daily Report file.	See GC §34090 comments above.
Case Files Homicide Investigator's File	Permanent	PC§799		See PC §799 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Case Files Narcotics (no arrest, Narcotics Cases)	Closed / Completion + 2	GC§34090	Retained by division until no longer useful for investigative purposes.	See GC §34090 comments above.
Officer Involved Shootings	Closed / Completion + 25	GC§34090		See GC §34090 comments above.
Court Daily Schedule	Current + 1	GC§34090.7	Printouts of daily court scheduling.	See GC §34090.7 comments above.
Court Sign-in Logs	Current + 2	GC§34090	Logs officers' names, time in/out for court appearances.	See GC §34090 comments above.
Tracking System Records	Current + 2	GC§34090	Database records subpoena number, officer name, case number, defendant name, district attorney name, court information disposition.	See GC §34090 comments above.
Evidence, Disposition Forms			Attach to duplicate Property Report, file w/ Daily Report in Records Division.	
Fingerprint Application Files	Termination + 2	GC§34090	Paperwork authorizing fingerprinting and background checks for city employment applicants and business license applicants	See GC §34090 comments above.
Fingerprint Inked/Palm Cards	Active + 20		Persons booked into detention facility; (Copies distributed to county, state, federal agencies).	No authority cited.
Fingerprint Records Latents		Approp. PC Section	1) Retain for applicable case statute of limitation; 2) or until evidence in case is destroyed; Hard copy and digitized.	

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Fingerprint Suspect, Adult / Juvenile	Closed / Completion	Law Enforcement Management Guide by POST	Adults/Juveniles suspected of a crime, taken for comparison. Destroy after original purpose achieved.	
Guns, Dealers Record of Sale	Current + 6	PC §12070	Applicants, Monthly Gun Audits, Applications Denied, Stolen (DOJ File)	PC §12070 mention s periods of time for various circumstances but not any specific record retention time for the City. Parties are obliged to keep specified records and to transmit them to State and Federal authorities. City is mentioned only implicitly for notifications concerning denials of gun purchase permits, e.g., PC §12076, although dealers must keep original or register for three years and keep it available for inspection.
Informant Files	Termination + 10		Legal notifications, identification information, payment information, activities information.	No authority cited.
Jail Daily Logs	Current + 6	GC §34090	Daily report of staffing, bookings / releases, transfers, transportation.	See GC §34090 comments above.
Jail Inmate Record			Dependent on facility's classification; see Laws and Guidelines for Local Detention Facilities by Board of Corrections (State of California).	
Jail Inspection Files	Closed / Completion + 6		Inspections by various agencies.	No authority cited.
Jail Surveys	Closed / Completion + 2	GC §34090	Prepared quarterly, forwarded to State Board of Corrections	See GC §34090 comments above.
Licenses - Bicycle	Current + 2	GC §34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Licenses - Bingo, Mace	Current + 2	GC §34090		See GC §34090 comments above.
Licenses - Business License Review Board Administrative Files	Termination + 1	GC §34090		See GC §34090 comments above.
Duplicate (Pink) Secondhand Dealer, Pawn Brokers	Current + 2	GC §34090	Original to licensee; Blue duplicate to agency; pink duplicate retained by agency; renewal issued annually by local agency.	See GC §34090 comments above.
Logs - Auto Theft	Supersede			No authority cited.
Logs - Case Assignment	Current + 1			No authority cited.
Logs - Daily Activity	Current + 2	GC §34090		See GC §34090 comments above.
Logs - Officer	Current + 2	GC §34090	Daily activity of incidents not reported by use of official report.	See GC §34090 comments above.
Logs - Report Summary	Current + 2	GC §34090	Report numbers, type, names, dates retained for research value.	See GC §34090 comments above.
Logs - Investigative (Pre-arrest)	Closed / Completion + 10	GC §34090	Retained by division until cases are suspended and closed.	See GC §34090 comments above.
Logs - Juvenile Detention	Current + 2	GC §34090	Logs document juvenile processing per CYA.	See GC §34090 comments above.
Logs - Property Control	Current + 2	GC §34090	Logs items coming into and going out of property room.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Logs - Rap Sheet	Closed / Completion + 2	GC §34090	Requests for criminal history.	See GC §34090 comments above.
Logs - Subpoena	Current + 2	GC §34090	Subpoenas received/served daily.	See GC §34090 comments above.
Pawn Slips / Tickets	Current + 3	B&P §21628		B&P §21628 requires secondhand or coin dealers to "report daily, or on the first working day after receipt or purchase of the property, on forms either approved or provided" by the Department of Justice.
Photographs			Crime scene, registrant/applicant, photo file, accident. Retain according to practical and functional association	
Photographs Daily Report (Negatives)	Termination	GC §34090	Assigned DR number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed.	See GC §34090 comments above.
Photographs Inmates (Negatives)	Current + 20		By prisoner number.	See GC §34090 comments above.
Registration Files, Arson, Sex and Narcotics	Life of registrant within jurisdiction		Fingerprint Card, photo, information also forwarded to DOJ.	No authority cited, but RRG asserts a Life retention period, i.e., life of registrant within jurisdiction.
Arrest/Conviction H&S§11360(b), (c), (d), (e) or H&S §11360(b) violations (Occurring after Jan. 1, 1996)	2 (Mandatory destruction from date of conviction or date of arrest with no conviction)	H&S §11361.5	Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: H&S §11357(e), the record shall be retained until a juvenile offender at the age of 18 then destroyed pursuant to 11361.5.	H&S §11361.5 provides "Records of any court of this state, any public or private agency...or any state agency pertaining to the arrest or conviction of any person for" violations of statutes specified "shall not be kept beyond two years from the date of the convictions, or from the date of the arrest if there was no convictions..."

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Arrest/Conviction H&S §11357(b), (c), (d), (e) or H&S § 11360(b) violations (Occurring before Jan. 1, 1996)	Mandatory Destruction (Upon notice from DOJ)	H&S §11361.5(c)	Applicable to convictions occurring prior to Jan. 1, 1996 or arrests not followed by a convictions occurring prior to Jan. 1, 1996 for violations of H&S Code 11357, 11364, 11365 and 11550.	H&S §11361.5(c) provides "Destruction of records of arrest or conviction pursuant to (a) or (b) shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest or conviction, and the records shall be prepared again so that it appears that the arrest or conviction never occurred."
Crime Felony Crimes With Or Without Arrests	See descriptor	PC §800; 801	Prosecution for an offense punishable by imprisonment in state prison for eight years or more must commence within 6 years after offense commission. Commencement of prosecution defined in PC 804. Exception: See PC 803 - Tolling/Extension of time periods and "Three Strikes" also considerations in assigning retention.	See comments above for appropriate sections.
Crime Misdemeanor / Infractions	Closed/ Completion + 2	GC §34090	No arrests, identifiable property or missing persons (See Note 1)	See GC §34090 comments above.
Crime Supplemental, Felony Capital Crimes, Crimes Punishable by Death, Life Imprisonment	Permanent	PC §799	No statutory limitation for prosecution. Includes murder, kidnaping for ransom, treason, procuring execution by perjury, train wrecking, assault with a deadly weapon by a life-term prisoner, bombing resulting in death or bodily injury, making defective war materials that cause death.	See comments above for appropriate sections.
Destruction Guns Narcotics	Permanent			

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Auction & Lien Sale Receipts	Permanent	GC §34090 (a)		See GC §34090 (a) comments above.
Disposition of Arrest / Court Action			Retention determined by action taken; i.e., record able arrest or detention (released no arrest).	
False Alarm (Duplicate)	Current + 2	GC §34090		See GC §34090 comments above.
Non-Criminal Occurrences	Current + 2	GC §34090	Injured or sick persons; missing persons where person has been returned; traffic collision reports not used as the basis for criminal charges.	See GC §34090 comments above.
Property Original	Until case is adjudicated / disposition determined		Copy retained in records case file; Refer to Managing Property in Law Enforcement Agencies (By POST)	
Range Inventory	Supersede + 2	GC §34090	Quarterly reports of inventories of weapons and ammunition held by Department Range.	See GC §34090 comments above.
Reports	Current + 2	GC §34090	Arrest & Citation Register; Arson Offenses; Crimes Against Senior Citizens; Death in Custody; Domestic Violence; FBI Include Return A/Supp; Hate Crime Incidents; Homicide Reports; Supp.; Officers Killed or Assaulted; Original to FBI - DOJ; Uniform Crime Reports.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Statistical (Crime Analysis)	Current + 2	GC §34090	Internally generated information using activity logs, citizen calls, current and past crime statistic reports, finance dept expenditure and budget records; citations, crime reports, permits, receipts. Reports created for variety of purposes including increases/decreases in criminal activity; officer workload, deployment, time usage.	See GC §34090 comments above.
Statistical (UCR), Uniform Crime Reports Mandatory to DOJ (LEIC); FBI Include Return A/supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Known to Law	Current + 2	GC §34090	Originals sent to FBI, DOJ	See GC §34090 comments above.
Research Project Files	Closed / Completion + 2	GC §34090	May include request forms, background materials, staff reports, final project reports and supporting data.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Sealed Adult Found Factually Innocent	Mandatory Destruction Upon and Pursuant to Court Order	PC §851.8	General provision: Upon petition, records or agency must be sealed and destroyed in accordance with the provisions set by court record; exceptions.	PC §851.8 provides "In any case where a person has been arrested and no accusatory pleading has been filed, the person arrested may petition the law enforcement agency having jurisdiction over the offense to destroy its records of the arrest." On determination of factual innocence the jurisdiction shall seal the records for three years and thereafter destroy them."
Sealed Juvenile	Mandatory Destruction Upon and Pursuant to Court Order	WIC §826(a), (b); §781(a)	Upon petition, local law enforcement records within WIC §826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving assets, detention and/or petitioning juvenile before juvenile court.	WIC §826(a) provides "After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated the probation officer may destroy all records and papers in the proceedings concerning the minor." The minor may petition the court to release the record to their custody.
Subpoenas (Duplicate)	Current + 2	GC §34090		See GC §34090 comments above.
Tapes Audio, Telephone and Radio Communications	Current +180 days	GC §34090.6	Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims	GC §34090.6 provides the "head of a department of a city...after 100 days may destroy recordings of telephone and radio communications maintained by the department..." unless they provide evidence for any claim or pending litigation.
Tapes Surveillance / Security Video (Jail)	Current +3 months	GC §34090.6		GC §34090.6(c) covers this instance of 'routine video monitoring'
Use of Force Supervisory Review Files	Current + 2	GC §34090	Includes review forms, arrest report copies, logs.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
INVESTIGATIONS				
Warrants Felony	Recall after 10 years. Exception: Murder / Escape		Recommended by the California Law Enforcement Warrant Officer's Association	
Warrants Misdemeanor Criminal	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association	
Warrants Served	Current		Includes Warrant Service Information Card, alpha index card.	
Warrants Unserved (Local)	Until served, recalled or purged			
PATROL				
Cards Dispatch	Current + 2	GC §34090		See GC §34090 comments above.
Cards Field Interview	Closed / Completion + 2	GC §34090		See GC §34090 comments above.
Citations H&S 11357(e) Juvenile	Closed / Completion + 2	H&S §11361.5		See H&S §11361.5 comments above.
Citations H&S 11357(b), (c), 11360(b) Violations	Closed / Completion + 2	H&S §11361.5	CAC 708	See H&S §11361.5 comments above.
Citations Cite and Release	Closed / Completion + 2	GC §34090		See GC §34090 comments above.

Citations California Vehicle Code Infractions (Duplicates)	Current + 90 days	GC §34090	Original is forwarded to court.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
PATROL				
Citations Parking/Traffic (Duplicates)	Current + 2	GC §34090.7	Originals are forwarded to court after agency processing; includes citations electronically created.	See GC §34090.7 comments above.
Citations Transmittals	Current + 2	GC §34090	Listing of citations forwarded to court, filed for reference.	See GC §34090 comments above.
Equipment Radio Logs (Communication)	Current + 2	GC §34090	Documents problems, malfunctions, resolution to provide equipment performance history.	See GC §34090 comments above.
General Orders	Permanent			
Patrol Requests (Correspondence)	Current + 2	GC §34090	From citizens for patrol presence.	See GC §34090 comments above.
Radar Calibration Records	Termination + 2	GC §34090	Documentation of Radar instruments retained during use/ownership.	See GC §34090 comments above.
Reports Accident	Closed / Completion + 2	GC §34090	Non-Jury	See GC §34090 comments above.
Reports Traffic Collision Fatalities	Permanent			
Uniform Voucher (by name)	Current + 2	GC §34090	Authorize purchase.	See GC §34090 comments above.
Vehicle Assignment Reports	Supersede		Record of assignments.	
Vehicle Down Reports	Current + 1		Printouts reporting which vehicles are down for repair, maintenance, etc.	
Vehicle Repossession / Private Impounds	Current + 2	GC §34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
PATROL				
Vehicle Service Schedules	Supersede	GC §34090		See GC §34090 comments above.
Vests, Bulletproof Letters	Current + 2	GC §34090	Authorization to purchase.	See GC §34090 comments above.
Warrants Parking	Recall after 1 year		Recommended by the California Law Enforcement Warrant Officers' Association	
Warrants Traffic	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officers' Association	
Weapons, Database	Permanent		Departmentally-owned weapons, personal weapons, alternate weapons, secondary handguns; produces inventory reports.	
Chemicals / Film Inventories	Supersede			
Equipment Inventory/Sign-out Cards - Photo Lab	Termination			
Equipment Operational Files - Photo Lab	Termination			
Grievance Files	Closed / Completion + 2	GC §34090	Grievance filed by employees, supporting documentation.	See GC §34090 comments above.
Investigations Background	Closed / Completion + 2	GC §34090	Non-hired	See GC §34090 comments above.
Investigations Background Hired	Permanent		Include original reports re: PC §832.5 investigations	

Record Series Title	Retention	Citation	Descriptor	Comments
PATROL				
Parades and Special Events File	Closed / Completion + 2	GC §34090	Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation.	See GC §34090 comments above.
Permits Alcoholic Beverage Control License	Life + 2	GC §34090	Approval process.	See GC §34090 comments above.
Permits Concealed Weapons	Closed / Completion + 2	GC §34090		See GC §34090 comments above.
Photographs Personnel	Supersede + 2	GC §34090		See GC §34090 comments above.
Photographs Negative Log	Current + 2	GC §34090		See GC §34090 comments above.
Photographs Negative, Misc.	Current + 2	GC §34090	Not case-related (Public relations, promotions, events, ceremonies, staff photos).	See GC §34090 comments above.
Press Releases	Current + 2	GC §34090		See GC §34090 comments above.
Press, Video Programs (Community Relations)	Current + 2	GC §34090	Collection of videos of programs and events; outside press coverage of department	See GC §34090 comments above.
Property Files	Current + 2	GC §34090	Original reports and supplemental documentation (Lost, Found, Safekeeping).	See GC §34090 comments above.
Property, Pawn Broker/Secondhand	Current + 2	GC §34090	Sales, slips. Dealer required to file duplicate with agency.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
PATROL				
Reports Dealer of Gun Sales (Duplicates)	Current + 6 months	GC§34090.7	Original maintained by DOJ. Dealer required to file duplicate with agency.	See GC §34090.7 comments above.
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	Current		Destroy after law enforcement actions described in PC§237.5, 273.6, 646.9, 12028.5, 13700 and Family Code §6380-6383 are fulfilled and effective date of restraining order has expired.	
Rosters (Divisional)	Supersede + 2		Personnel assigned to division	
Schedules Daily	Current + 2	GC§34090	Schedules of Officers on duty.	See GC §34090 comments above.
Schedules Watch Assignment/ Timekeeping Records	Current + 2	GC§34090	Community and business requests for public appearances, speakers.	See GC §34090 comments above.
Speaker Requests	Current + 2	GC§34090		See GC §34090 comments above.
Tests, Densitometer Results (Photo Lab)	Termination + 2		Daily tests of development chemicals / processes for quality control.	
Training Bulletins	Permanent			
Training Event Files	Current + 2	GC§34090	Correspondence, brochures, promotional materials, info on speakers, guests, supporting documents.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
PATROL				
Training Lesson Plans, Range	Closed / Completion + 15		Scope, content, time period of courses.	
Personnel (by name)	Termination + 7	GC§34090	Paperwork documenting officers' internal and external training.	See GC §34090 comments above.
Schedules, Ranges	Current + 2	GC§34090	Daily, Weekly, monthly schedules of training events at range.	See GC §34090 comments above.
Volunteer Card Files	Termination + 2	GC§34090	Volunteers' identification, contact information.	See GC §34090 comments above.

Note: The destruction of felony, misdemeanor and infraction Crime/Supplemental Reports is permitted providing:

1. They do not relate to an unadjudicated arrest except for H&S §11357 or H&S§11360 violations;
2. They do not relate to unserved warrants;
3. They do not involve identifiable items that have not been recovered;
4. They do not relate to PC§290, PC§457.1, or H&S§11590 registrants;
5. They do not relate to violations listed in PC§799, 800, 801, 801.5, 802 and 803;
6. The cases are not presently involved in either a civil or criminal litigation;
7. They do not relate to a criminal death; or
8. They do not involve outstanding missing persons or runaway juveniles.

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Public Works

Record Series Title	Retention	Citation	Descriptor	Comments
PARKS				
Agenda, Board	Current + 2	GC§34090		See GC §34090 comments above.
Grants (refer to Admin.)				
Inventory, Equipment	Audit + 2	GC§34090	Warranties, purchase orders.	See GC §34090 comments above.
Landscape	Current + 2	GC§34090	Drawing, contracts, complaints, specifications, photos, reports.	See GC §34090 comments above.
Maintenance / Operations	Current + 2	GC§34090	Includes work orders, inspection, repairs, cleaning, reports, complaints.	See GC §34090 comments above.
Maps	Permanent	GC§34090	Irrigation, plot plans.	See GC §34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Minutes, Board	Permanent	GC§34090		See GC §34090(e) treating board actions.
Photographs	Supersede + 2	GC§34090		See GC §34090 comments above.
Plans, Proposed	Current + 2	GC§34090	Future plans, new sites, expansions	See GC §34090 comments above.
Policies & Procedures	Supersede + 2	GC§34090	Includes rules & regulations	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
PARKS				
Railroad Right-of-Way	Closed / Completion + 3	36 CFR 64.11	Land acquisitions, correspondence, improvements statutory records.	
Reports - Accidents	Closed / Completion + 2	GC§34090	Patrons, employees.	See GC §34090 comments above.
Reports - Others	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Reports - Studies	Closed / Completion + 2	GC§34090	Future sites, expansions	See GC §34090 comments above.
Resolutions, Board	Permanent	GC§34090		Specifically covered by exceptions to two year general retention periods, i.e., See GC§34090(e) treating board actions.
Schedules, Class & Events	Current + 2	GC§34090	Enrollment, liability releases, evaluations attendance, flyers.	See GC §34090 comments above.
SANITATION / SOLID WASTE / WASTEWATER				
Collections/Landfill	Current + 2	GC§34090	Daily records, usage.	See GC §34090 comments above.
Facilities	Current + 2	GC§34090	Correspondence, maps, patron list.	See GC §34090 comments above.
History, Sanitation	Permanent	GC§34090	Where City-owned.	Specifically covered by exceptions to two year general retention periods, i.e., See GC§34090(e) treating board actions.
Incineration Plants, Sludge	Current + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content.	
Incinerator Operations, Treatment Plant	Current + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids.	

Record Series Title	Retention	Citation	Descriptor	Comments
SANITATION / SOLID WASTE / WASTEWATER				
Maintenance and Operations	Current + 2	GC§34090	Includes work orders, inspection, repairs, cleaning, reports, complaints.	See GC §34090 comments above.
Maps, Septic Tank	Permanent	GC§34090	Location maps.	Specifically covered by exceptions to two year general retention period, i.e., See GC §34090(a) treating real property and liens and (e) treating board actions.
Permits: Air Pollution – EPA Bio-Solids ELAP Lab Certif. NPDES	Permanent	GC§34090 (a)		See GC §34090 (a) comments above.
Rates	Current + 2	GC§34090		See GC §34090 comments above.
Recycling Programs	Supersede + 2	GC§34090		See GC §34090 comments above.
Regulations	Supersede + 2	GC§34090	Includes legislation.	See GC §34090 comments above.
Reports - Studies	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Reports - Tonnage	Current + 2	GC§34090		See GC §34090 comments above.
STREETS / ALLEYS				
Abandonments / Vacations	Permanent	GC§34090		See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC§34090. Also (e).
Closures	Permanent	GC§34090		See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC§34090. Also (e).

Record Series Title	Retention	Citation	Descriptor	Comments
STREETS / ALLEYS				
Easements, Dedications, Right-of-Way	Permanent	GC§34090		See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC§34090. Also (e).
Field Books	Permanent	GC§34090		See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC§34090. Also (e).
Grants (see Admin.)				
Intersection Records	Current + 2	GC§34090	Includes correspondence, volume counts, accident history.	See GC §34090 comments above.
Inventory, Traffic Control Device	Supersede +2	GC§34090	Signs, lights.	See GC §34090 comments above.
Landscaping	Current + 2	GC§34090	Plants, tree maintenance, work orders.	See GC §34090 comments above.
Lighting	Current + 2	GC§34090	Maintenance work orders.	See GC §34090 comments above.
Maintenance / Operations	Current + 2	GC§34090	Includes work orders, inspection, repairs, cleaning, reports, complaints, signals, striping.	See GC §34090 comments above.
Maps	Permanent	GC§34090	Fire hydrants, lighting districts, wheel chair ramps, storm drains, streets, sidewalks, sewers.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Master Plans	Current + 2	GC§34090	Copies	See GC §34090 comments above.
Parking - Lots	Current + 2	GC§34090		See GC §34090 comments above.
Parking - Regulations	Supersede + 2	GC§34090		See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
STREETS / ALLEYS				
Reports / Studies	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Permits - Encroachment	Permanent	GC§34090		See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Permits - Improvements	Closed / Completion + 2	GC§34090	May include curbs, sidewalks; applications for excavation, fill alterations.	See GC §34090 comments above.
Permits - Oversize Load	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Permits - Parking	Closed / Completion + 2	GC§34090	Residential	See GC §34090 comments above.
Parking - Paving	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Permits - Use (Temporary)	Current + 2	GC§34090	Includes Special Events.	See GC §34090 comments above.
Photographs	Supersede + 2	GC§34090	Includes aerials.	See GC §34090 comments above.
Plans, Capital Improvement, Projects	Permanent	GC§34090	Streets, curbs, gutters, sidewalks, storm drains.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Policies and Procedures	Supersede + 2	GC§34090	Includes rules, regulations, standards.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
STREETS / ALLEYS				
Policies & Procedures Naming and Numbering	Permanent	GC§34090		See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Policies & Procedures Speed Limits	Supersede + 2	GC§34090		See GC §34090 comments above.
Programs Federal Aid Urban	Closed / Completion + 3	23 CFR 633(a) & (c)		
Programs Traffic Safety	Supersede + 2	GC§34090	Drivers Educations, Pedestrian Safety, Bicycle Lanes.	See GC §34090 comments above.
Reports Bridges and Overpasses	Life	GC§34090	Life of structure.	See GC §34090 comments above.
Reports Inspection	Current + 2	GC§34090	Includes intersection, sidewalks. Bridges and overpasses, keep life of structure.	See GC §34090 comments above.
Reports Studies	Closed / Completion + 2	GC§34090	Traffic volume, accident history, requests, statistics, drawings supporting traffic devices.	See GC §34090 comments above.
Reports Traffic Count	Closed / Completion + 2	GC§34090	Evaluation of traffic volume.	See GC §34090 comments above.
Reports Vehicle Accident	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Routes, School Bus and Truck	Supersede + 2	GC§34090	Truck routes, access ramps, rest areas.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
STREETS / ALLEYS				
Signage	Life + 2	GC§34090	Log books, index register cards, inventory lists, records of traffic signs.	See GC §34090 comments above.
Traffic Signals	Life		Logs, drawings, writing diagrams, codes, circuit numbers, installation records, testing and maintenance.	
Weigh Scales	Supersede + 2	GC§34090		See GC §34090 comments above.
UTILITIES				
Facilities	Termination + 2	GC§34090	If City-owned.	See GC §34090 comments above.
Gas & Electric Rates	Supersede + 2	GC§34090		See GC §34090 comments above.
Undergournd	Permanent	GC§34090	GC§4003, 4004; H&S §19850	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
WATER				
Billing / Customer Records	Current + 2	GC§34090	Billings, correspondence, complaints.	See GC §34090 comments above.
Connection Records	Permanent	GC§34090	Maps, water line connections.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Flood Control Drainage Facilities	Permanent	GC§34090	Includes dams, lakes, basins, creeks.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).

Record Series Title	Retention	Citation	Descriptor	Comments
WATER				
Flood Control Flood Zones	Permanent	GC§34090	Includes flood maps.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Flood Control Insurance Program	Supersede + 2	GC§34090	Includes copies of policies, rules, programs.	See GC §34090 comments above.
Flood Control Policies/Procedures	Supersede + 2	GC§34090	Rule and Regulations.	See GC §34090 comments above.
Flood Control Reports/Studies	Closed / Completion + 2	GC§34090		See GC §34090 comments above.
Grants (see Admin.)				
Inventory, Equipment	Current + 2	GC§34090		See GC §34090 comments above.
Locations	Permanent	GC§34090	Mains, valves, hydrants, wells.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Maintenance and Operations	Current + 2	GC§34090	Includes work orders, inspection, repairs, cleaning, reports, complaints.	See GC §34090 comments above.
Maintenance and Operations - Service	Current + 2	GC§34090	Includes work orders, entry cards, manholes, service to property owners.	See GC §34090 comments above.
Maintenance and Operations - Well & Pumping	Current + 2	GC§34090	Includes work orders, entry cards, manholes, service to property owners.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
WATER				
Maps	Permanent	GC§34090	Line location; easements.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Master Plans	Current + 2	GC§34090	Copies.	See GC §34090 comments above.
Meter Operations	Current + 2	GC§34090	Reader reports, orders, test, maintenance reports.	See GC §34090 comments above.
Permits National Pollutant Discharge Elimination System (NPDES)	Permanent	40 CFR 122.28	Municipalities of 100,000 or more compliance with Clean Water Act re: pollutants.	
Permits - Others	Current + 2	GC§34090	May depend on term of state or federal agency.	See GC §34090 comments above.
Policies & Procedures	Supersede + 2	GC§34090	Includes rules and regulations.	See GC §34090 comments above.
Rates	Supersede + 2	GC§34090		See GC §34090 comments above.
Reclamation	Current + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.	
Reports Conservation	Current + 2	GC§34090		See GC §34090 comments above.
Reports Consumption	Current + 2	GC§34090		See GC §34090 comments above.
Reports Corrosion Control	Current + 12	40 CFR 141.91	Compliance documentation	
Reports Discharge Monitoring	Current + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.	

Record Series Title	Retention	Citation	Descriptor	Comments
WATER				
Reports Drinking Water Corrections	Current + 10	40 CFR 141.33		
Reports Hydrograph	Permanent	GC§34090	Daily flow of streams.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).
Reports Lead Service Line	Current + 12	40 CFR 141.91	Compliance documentation.	
Reports Public Education	Current + 12	40 CFR 141.91	Compliance documentation.	
Reports Quality Parameters	Current + 12	40 CFR 141.91	Compliance documentation.	
Reports Sanitary Surveys	Current + 10	40 CFR 141.33	Statistics, reports, correspondence.	
Reports Source Water	Current + 12	40 CFR 141.91	Compliance documentation, e.g. lead and copper.	
Reports State Certification	Current + 12	40 CFR 141.91	Compliance documentation.	
Reports Variances, Water System	Current + 5	40 CFR 141.33		
Reports Well Level	Current + 2	GC§34090		
Sources	Current + 2	GC§34090	May include wells, rivers, lakes, and districts.	See GC§34090 comments above.
Surveyor Field Notes	Permanent	GC§34090	Notes preparatory to maps of water installations.	See GC§34090(a) comments above concerning records affecting title to real property or liens thereon in keeping with exceptions to general retention period of 2 years of GC §34090. Also (e).

Record Series Title	Retention	Citation	Descriptor	Comments
WATER				
Surveys, Water System Sanitary	Current + 10	40 CFR 141.33	Statistics, reports, correspondence.	
Tests - Bacteriological Analysis	Current + 5	40 CFR 141.33	Compliance records include locations, date, method and results; corrections, analysis of bacterial content.	
Tests - Chemical Analysis	Current + 10	40 CFR 141.33	Compliance records include locations, date, method and results; corrections, analysis of chemical content.	
Tests - Quality	Current + 12	40 CFR 141.91	Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedule, valves, etc.	
Tests - Valve Main Records	Permanent	GC§34090		See GC§34090 comments above; may be specifically covered by exceptions to GC§34090 two year general retention period.
Tests - Violations, Drinking Water	Current + 3	40 CFR 141.33		

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
Transportation

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Agreements	Termination + 4	CCP §337	Including concessionaire, slip rental, facility storage.	See CCP §337 comments above.
Applications Aircraft Storage Parking Slip Renal	Termination + 2	GC §34090	Payment invoices, inventory listings, billing correspondence and other related documents.	See GC §34090 comments above.
Applications Special Events	Current + 2	GC §34090	Permits, correspondence, related documents re: use of rights-of-way	See GC §34090 comments above.
Fueling	Audit + 3	CCP §337	Meter readings, fuel consumption reports, invoices, receipts and records pertaining to refueling options.	See CCP §337 comments above.
Grants and Loans	Closed / Completion +5	GC§34090		See GC §34090 comments above.
Hazardous Waste Disposal	Current + 10	CAL OSHA; 40 CFR 122.21	Documentation re: the handling and disposal of hazardous waste.	See comments for appropriate sections.
Inventory, Equipment Parts & Supplies	Life + 2		Includes vehicles, aircraft, vessels and related documents re: repairs.	
Inventory, Vehicle Ownership and Title	Life + 2		Owner's manual, warranty documents, Department of Motor Vehicle title and registration, and related documents.	
Licenses, Permits	Current + 2	GC§34090	Forms, related documentation re: licenses and permits required by federal and state agencies.	See GC §34090 comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
ADMINISTRATION				
Maintenance / Operations	Life + 2	GC §34090	Related to requests for service and work orders for fuel, vehicle and equipment maintenance and repairs.	See GC §34090 comments above.
Report, Accident (Copies)	Current + 2	GC §34090	Memos and working documents.	See GC §34090 comments above.
Vehicle Assignment	Current + 2	GC §34090	Log books, request forms, lists.	See GC §34090 comments above.
GROUND TRANSPORTATION				
Auto for Hire	Termination + 4	GC §34090	License, permits for taxicabs, shuttles, etc.	See GC §34090 comments above.
HARBOR				
Anchor Memorial File	Permanent	GC §34090 (a)		See GC §34090 (a) comments above.
Collection Information	Audit + 4	GC §34090 (a)	Correspondence, memos regarding accounts sent to collection agency.	See GC §34090 (a) comments above.
Corps of Engineers Dredging Maps	Current +2	GC §34090		See GC §34090 comments above.
Corps of Engineers Dredging Reports	Permanent	GC §34090 (a)		See GC §34090 (a) comments above.
Department of Boating & Waterways Reimbursement Requests	Audit + 4	GC §34090 (a)	Training and classes taken by Harbor Patrol Officers.	See GC §34090 (a) comments above.
Dockage Cards, Registers, Transient Vessel Reservation	Audit + 3	GC §34090	Reservation applications, receipts, and index registers, relating to boats in transit, temporarily moored.	See GC §34090 comments above.
Dockage Sheets	Audit + 4	GC §34090 (a)		See GC §34090 (a) comments above.

Record Series Title	Retention	Citation	Descriptor	Comments
HARBOR				
Live Aboard Permits	Closed / Completion +2	GC §34090 (a)		See GC §34090 (a) comments above.
Parking Permits	Termination +2	GC §34090		See GC §34090 comments above.
Percentage Gross Reports		GC §34090 (a)		See GC §34090 (a) comments above.
Slip Rental Index	Current + 5	GC §34090	Annual and periodic reports of slip renters.	See GC §34090 comments above.
Slip and Mooring Rental Agreements	Termination +4	GC §34090		See GC §34090 comments above.
Slip Rental Permits	Closed / Completion + 2	GC §34090	Applications, statement of rental conditions, vessel inspection check sheets, copy of DMV registration, boat owner information, and other documents re: dock slip spaces.	See GC §34090 comments above.
Slip Rental Waiting List	Current + 2	GC §34090		See GC §34090 comments above.
Slip Qualification Data	Termination +4	GC §34090	Confidential.	See GC §34090 comments above.
South T-Pier Hoist Certification	Current + 2	GC §34090		See GC §34090 comments above.
Wharfage Reports	Audit + 4	GC §34090 (a)		See GC §34090 (a) comments above.

CITY OF MORRO BAY
RECORDS RETENTION SCHEDULE
GLOSSARY

ACTIVE	Records that are required for day-to-day business and are subject to frequent use; generally referred to more than once per month per file drawer.	The "Active" in the records "Retention" column entries in the above Table.
ADMINISTRATIVE VALUE	A record that assists in the operation of government, and insures administrative consistency and continuity, serving a particular purpose for that office at that particular time. In appraisal, the usefulness of records for the conduct of current and/or future administrative business needs.	
ADOPTION	Final action by a legislative body.	The "Adoption" in the records "Retention" column entries in the above Table.
AGENCY-SPECIFIC SCHEDULE	Retention schedule which specifies the approved disposition of a record series unique in purpose and function to its creating agency.	
APPRAISAL	The process of determining the value and thus the disposition of records based on their current administrative, fiscal, and legal value; their evidential and informational value; their arrangement and condition; their intrinsic value; and their relationship to other records.	
ARCHIVAL RECORDS	Records identified as having archival value or potential archival value on the agency records retention schedule.	
AUDIT	Review for acceptance of records relating to operations, policies and procedures, financial documentation and historical documents by regulating agencies.	The "Audit" in the records "Retention" column entries in the above Table.
CLOSED/COMPLETION	A file or record on which action has been completed and to which an audit or further action is not likely to occur.	The "Closed/Completion" of the records "Retention" column entries in the above Table.
COPY	A reproduction of the contents of an original document which is not the official file copy of the agency. Copies are usually identified by their function, i.e., action copy, reading file copy, tickler file copy, etc. In most instances, copies will have a shorter retention than the official file copy (see Record Copy) of a record series.	

CURRENT	Records when specified as the minimum retention period means that superseded, rescinded, expired, or no longer useful records may be removed from the files and may be destroyed.	The "Current" of the records "Retention" column entries in the above table.
DATE OF BIRTH	The date on which the birth of a person is documented.	"DOB" means Date of Birth.
DEPARTMENT OF RECORD	The department that created or is responsible for retaining the official record or record copy.	
DISPOSITION	The predetermined action taken with regard to inactive records including form of retention (hard copy or image), period of time retained (archive or destroy) where to store (on-site or off-site), and method of destruction (recycle, burn, shred).	
DUPLICATE	A document produced at the same time the original is made by use of a carbonized process (OCR or carbon paper).	
ELECTION	The act of choosing a candidate or proposition by vote of the electors, those duly registered to vote.	
EVIDENTIAL VALUE	In appraisal, the value of a record that documents the activities of an organization or agency.	
FILE INTEGRITY	Accuracy and completeness of the file/records.	
FISCAL VALUE	Documents and accounts for receipt of or expenditure of public funds; such as budget, ledgers of accounts receivable and payable, payrolls and vouchers. Documents availability of funds for operational purposes. In appraisal, records required until a financial audit is completed or financial obligations are fulfilled.	
HISTORICAL VALUE	In appraisal, the value attributed to a record that preserves documentation on significant historical events including the City's operations, origin, policies, authorities, functions, and organizations, as well as significant administrative decisions.	
LEGAL VALUE	In appraisal, value attributed to a record series that documents business ownership, agreements, and transactions.	
LIFE	A record that has continuing value to the organization.	The "Life" in the records "Retention" column entries in the above table.
MINIMUM RETENTION PERIOD	The least amount of time a record must be kept DETERMINED BY ASSESSMENT OF ADMINISTRATIVE, LEGAL, FISCAL, AND HISTORIC VALUES.	
PERMANENT	Recorded information which is required by law to be retained; or which has been designated for continuous preservation because of its administrative or historical significance.	The "Permanent" in the records "Retention" column entries in the above table.
RECORD COPY	The original or official copy of a record maintained by an agency, sometimes referred to as the designated original, or blue ribbon copy.	

RECORD	Any documentary material, regardless of physical form or characteristic, made or received by an organization in pursuance of law or in connection with the transaction of business, and used by that organization or its success or evidence of activities or because of informational value.	
RECORDS RETRIEVAL	Locating documents and delivering them for use.	
RETENTION PERIOD	The period of time that records must be kept according to legal and/or organizational requirements.	
SUPERSEDE	The replacement of an existing document.	The "S" in the records "Retention" column entries in the above table.
TERMINATION	Designated end of a specific term, e.g., appointed, elected officials' terms; employment; training, course. Program; use or ownership.	
VITAL RECORDS	Those records containing information necessary to continue the operation of government, affirm the powers and duties of government and to protect the rights and interests of persons.	
VITAL RECORDS RETENTION SCHEDULE	The document that identifies those records and record series that are classified as vital, specifies the means for the protection of those records, and provides each department with a complete listing of all vital records for which the department is responsible.	

CITATIONS

B&P	Business and Professions
CAC	California Administrative Code
CCP	Code of Civil Procedure
CCR	Code of California Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
EC	Election Code
EVC	Evidence Code
FMLA	Family & Medical Leave Act, 1993
GC	Government Code
H&S	Health & Safety
HUD	Housing and Urban Development
OMB	Office of Management and Budget
OPS ATTY GEN	Opinions of the Attorney General
OSHA	Occupational Safety & Health Act
PC	Penal Code
POST	Police Officers Standards Training
PU	Public Utilities Code
UFC	Uniform Fire Code
USC	United States Code
VC	Vehicle Code
WIC	Welfare & Institutions Code

RESOLUTION NO. 37-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY AUTHORIZING A PROCEDURE FOR DESTRUCTION OF POLICE RECORDS

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City of Morro Bay is in need of a police record destruction procedure as precribed by law; and

WHEREAS, Government Code Section 34090 provides that the head of a City Department may destroy certain City records, documents, or instruments under his charge, without duplication, with the approval of the City Council by resolution and with the written consent of the City Attorney; and

WHEREAS, it has been determined that certain records are no longer required for retention and an accumulation of police records has become unduly cumbersome;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby resolve as follows:

Section 1. The Council of the City of Morro Bay hereby adopts the following policy with respect to records of the Morro Bay Police Department after same is no longer needed and is no longer required by law, without making a copy thereof:

A. The following records will be retained for one year and subsequently destroyed:

1. Daily logs;
2. Officer activity cards;
3. Field interview cards.

B. The following records will be retained for two years and subsequently destroyed:

1. Bail receipts;
2. Citations;
3. Arrest reports for out of county warrant arrests (felony or misdemeanor) when there are no local charges;
4. Recovered vehicle reports (CHP Form 180) involving recovered vehicles, license plates, or vehicle parts for other jurisdictions;
5. Incident reports;
6. Property reports;
7. Missing person/runaway juvenile reports when the subject has been returned or been located and the case is closed;

8. Crime reports when the offense is a misdemeanor and no suspect has been arrested;

9. Concealed weapons permits if not renewed;

10. Marijuana arrest reports/citations with related offender files for 11357(b) and (c); 11360(b), after 1977, and 11360 (c) prior to 1977, of the Health and Safety Code;

11. Master cards with only citations or non-criminal entries;

12. Records on deceased subjects with only citations or non-criminal entires should be purged one year from the date of their death;

13. Private patrol I.D. files if not currently in business;

14. Taxi permits after license is revoked or business closes.

C. The following records will be retained for three years and subsequently destroyed:

1. Misdeamor and infraction offenses resulting from California Vehicle Code violations not involving injury or death;

2. Felony crime reports with no related arrests and when the statute of limitations has expires, except when:

a. It has an unserved warrant;
b. It includes a stolen vehicle, or firearm which has not been recovered;
c. It is classified under 290 PC or 11590 H & S;
d. It is a case involving a criminal death;
e. It is a violation listed under 800 PC;
f. The case is presently in civil or criminal litigation.

D. The following records will be retained for seven years and subsequently destroyed:

1. Misdemeanor crime/arrest reports involving an arrest (retention period starts on date of arrest), except when:

a. An unserved warrant exists;
b. A related stolen vehicle or firearm has not been recovered;
c. The offense is classified under 290 PC or 11590 H & S;
d. It involves a criminal death;
e. It does include violations listed under 800 PC;
f. The case is presently in civil or criminal litigation;

g. A subsequent arrest for an offense where a prior conviction constitutes a felony (retention period begins on the date of subsequent arrest).

2. Felony crime/arrest reports which did not result in a conviction, or for which no disposition was received, or where the charge was reduced to a misdemeanor (retention period begins on the date of arrest).

3. Offender files where a felon was not convicted, a disposition was not received, or the charge was reduced to a misdemeanor (retention period begins on the date of arrest).

E. Modified life records will be destroyed after the following criteria has been met:

1. When the record indicates the subject has reached age 70 and has had no arrests since age 60, the record will be purged. If the individual has been arrested after age 60, the record will be maintained until the subject is at least 70, or in the case of a felony conviction, for a ten year period commencing with the date of release from supervision. This procedure will be implemented except when:

a. It has an unserved warrant;
b. It includes a stolen vehicle or firearm which has not been recovered;
c. It is classified under 290 PC or 11590 H & S;
d. It is a case involving a criminal death;
e. It is a violation listed under 800 PC;
f. The case is presently in civil or criminal litigation.

F. Records concerning homicide cases, embezzlement of public monies, falsification of public records, and missing persons will be retained for the life of the individual.

Records on subjects convicted of offenses requiring registration under Section 290 of the Penal Code will be retained for the life of the individual, or until he is 100 year old. Purge criteria for 290 PC registrants does not apply to records of persons who obtain a certificate of rehabilitation as specified under Section 290.5 PC.

G. Records of juveniles committed by a juvenile court to a California Youth Authority facility will be retained until age twenty-four (24) or five (5) years from the date of release, whichever is longer.

Committment by an adult court to a California Youth Authority facility will be retained as conviction for a misdemeanor or felony charge.

Records of juveniles not committed to a California Youth Authority will be retained until the juvenile achieves eighteen (18) years of age.

Section 2. The records specified in this resolution do not include any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Police Department, to internal affairs investigation files.

Section 3. The City Council finds that the City Attorney has given his written consent to the destruction of the records described in Section 1 of this resolution, and the Chief of Police is authorized to destroy the police records described in Section 1 of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 14th day of March, 1983, by the following roll call vote:

AYES: Anderson, Lemons, Risley, Zeuschner, Shelton

NOES: None

ABSENT: None

EUGENE R. SHELTON, MAYOR

ATTEST:

PEGGY BUCHANAN, DEPUTY CITY CLERK

AGENDA NO:	**A-9**
MEETING DATE:	**May 23, 2017**

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 17, 2017**

FROM: **Rob Livick, PE/PLS – Public Works Director/City Engineer**

SUBJECT: **Authorization to Sign a Letter to San Luis Obispo County Board of Supervisors Regarding Proposed County Formation of a Groundwater Sustainability Agency (Sustainable Groundwater Management Act)**

RECOMMENDATION

Staff recommends the Council authorize the Mayor, on behalf of the City Council, to sign a letter to the San Luis Obispo County Board of Supervisors (BOS) opposing the use of County General Funds for the proposed County Groundwater Sustainability Agency (Sustainable Groundwater Management Act - SGMA).

ALTERNATIVES

The Council may choose not to authorize the letter, or authorize a letter of support.

FISCAL IMPACT

There is no direct fiscal impact associated with the recommended action. The indirect impact is discussed below.

DISCUSSION

The San Luis Obispo County Board of Supervisors (BOS) has become a Groundwater Sustainability Agency (GSA) within certain unincorporated portions of 6 groundwater basins subject to management under the Sustainable Groundwater Management Act (SGMA). On April 4, 2017, the County Board directed that County and Flood Control District general funds be used to pay for management activities to be undertaken by these GSAs.

The City understands the previous County policy was for those who benefitted from the groundwater pumping in those basin areas should pay for the management of their groundwater resources. The previous policy was simple equity, as well as the intent of SGMA, and directed those who benefit from a groundwater resource pay for managing it.

The County's proposed FY 2017-18 budget recommends a combined total of $2M be spent next year for the benefit of the few residents served by those GSAs and the concerns for Morro Bay tax payers are these:

- The County's (and Flood Control District) General Fund is in large part composed of property tax revenues collected throughout the County, including inside Morro Bay's city limits.

- Morro Bay's tax payers, who are already paying for water resources management through

Prepared By: ___RL_____	**Dept Review: ____**
City Manager Review: ___CS__	**City Attorney Review: _____**

the City's water rates, will also be funding groundwater management in other areas of the County where Morro Bay receives no benefit.

- This apparent diversion of County general funds means other important initiatives of County-wide benefit may not get funded – for instance, public safety, affordable housing support, homeless services, and mental health and addiction therapy programs.

- Based on estimates, provided by Supervisor Gibson's office, using a total county population of 280,000, the proposed $2M appropriation amounts to $7.14 per capita. Thus, the annual per capita contributions spread across the Cities are as follows:

Arroyo Grande	17,736	$126, 035
Atascadero	30,900	$220,626
Grover Beach	13,438	$95,947
Morro Bay	**10,722**	**$76,555**
Paso Robles	31,745	$226,659
Pismo Beach	8,247	$58,884
San Luis Obispo	46,724	$333,609

That amount represents the indirect cost to the Morro Bay community for general services provided by the County; it does not imply a loss in property tax revenue to the City of Morro Bay, or a direct cost increase to the City of Morro Bay.

CONCLUSION

This diversion of general funds to specific areas of the County for this special benefit is not equitable and Staff opines the County's action should be opposed by the City of Morro Bay.

ATTACHMENTS

1. Draft letter to the County Board of Supervisors opposing the use of County General Funds for the formation of the GSA

DRAFT LETTER TO THE SLO COUNTY BOS

May 23, 2017

The Honorable John Peschong, Chair and
Members of the Board of Supervisors
County of San Luis Obispo
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

Subject: Proposed County Formation of a Groundwater Sustainability Agency (Sustainable Groundwater Management Act)

Dear Honorable Chair Peschong and Members of the Board of Supervisors:

This letter is intended to convey to you the official position of the City of Morro Bay City Council ("Council"), adopted at the meeting of May 23, 2017, regarding the Board of Supervisors proposal to fund the creation of a Groundwater Sustainability Agency ("GSA") pursuant to the state Sustainable Groundwater Management Act ("SGMA"). For the reasons discussed below, the Council is opposed to formation and funding of a GSA as currently proposed.

The Council believes County formation of a GSA represents a sharp departure from the SGMA Strategy adopted by the Board of Supervisors on January 13, 2015 and revised on May 24, 2016.

Specifically, the adopted SGMA Strategy relies on local stakeholders to formulate plans for and manage the groundwater basins that require formulation of plans and management under the SGMA. As proposed, Policy No. 1 in the SGMA Strategy Addendum will be amended to state that, "The County intends to form a GSA to represent all of the interests [within the affected groundwater basin] in a manner consistent with all other policy statements."

As currently proposed, the GSA would manage the Paso Robles Groundwater Basin, among other matters. The Council believes the stakeholders within the Paso Robles Groundwater Basin, including, but not limited to, landowners, public water agencies and consumers of groundwater should work collaboratively to create a GSA to manage the basin. We understand the current proposal would require the annual expenditure of between $1.6 Million and $2.2 Million of County General Fund money for three years to develop a plan for management of the basin. After the plan is adopted, there would be

ongoing General Fund expenditures to manage the basin and enforce the provisions of the plan.

We note the Board of Supervisors spent considerable time, effort and money on a proposal to manage the Paso Robles Groundwater Basin. The Board of Supervisors, Local Agency Formation Commission and the State Legislature developed the proposal, including the means to pay for creation of a plan for management of the basin groundwater in accordance with the SGMA. Unfortunately, the County proposal was rejected during a special election in March of 2016.

The Council believes, as a policy, that would be an inappropriate use of general funds for this special benefit. Any GSA expenditures should to be paid for by the direct beneficiaries of a GSA and its groundwater management plan. The stakeholders within the Paso Robles Groundwater Basin should bear the financial burden for groundwater management within the basin because they will benefit from creation and implementation of a plan. The County General Fund money that would be allocated to the proposed GSA and formulation of a groundwater management plan for the Paso Robles Groundwater Basin should be used instead to pay for more urgently needed projects throughout the County, including projects that benefit the citizens of Morro Bay.

As the agency charged with development and management of water resources for the City of Morro Bay, the Council believes it is inappropriate for the Board of Supervisors to use County General Fund money for special benefit to only the stakeholders within a specific watershed in the County. Morro Bay receives no such subsidy. With limited resources, Morro Bay is developing its own “OneWater” plan, that will develop operational and strategic water policy and plans to manage its water resources for the benefit of the citizens of Morro Bay. We are aware of no rational public policy that justifies Morro Bay citizens subsidizing the stakeholders within the Paso Robles Groundwater Basin, as the proposed GSA will do.

We, the City Council of Morro Bay do hereby urge the Board of Supervisors to reject the strategy changes for funding and creation of a GSA as proposed and to confirm the policies set forth in the SGMA Strategy as adopted.

Sincerely,

Jamie L. Irons, Mayor

AGENDA NO: B-1

MEETING DATE: May 23, 2017

Staff Report

TO: **Honorable Mayor and Council Members** **DATE:** **May 15, 2017**

FROM: **Ikani Taumoepeau, Deputy City Manager**

SUBJECT: **Adopt Resolution No. 22-17 Continuing the Program and Levying the Assessments for the 2017/18 Fiscal Year for the Morro Bay Tourism Business Improvement District (MBTBID)**

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 22-17 continuing the MBTBID activities and assessments for Fiscal Year (FY) 2017/18.

ALTERNATIVES

No alternatives are recommended.

FISCAL IMPACT

Preliminary revenue estimates from assessments for FY 2017/18 are $1,046,791, including carryover from FY 2016/17 and other revenue sources.

BACKGROUND

This is the last of two Council meetings that will take place in the annual MBTBID renewal process (1989 Law) and reauthorization of the 3% assessments, as required by State law – Streets and Highway Code (SHC) sections 36530 to 36537 *(see steps below)*.

The 1989 Law – Annual Improvement District Renewal Process:

1. Completed in two City Council sessions:
    - **a.** Step 1: The Annual Report (CA Code 36533) is produced by the MBTBID and filed with the City Clerk for Council consideration and approval. At the first Council session, the Council may approve or modify the annual report. The Council shall also adopt a resolution of intention to continue the program and levy assessments for FY 2017-18. That Resolution shall state the date and time of the public hearing (CA code 36534). The public hearing must not be held less than 10 days after the adoption of the resolution of intention. The resolution of intention must be published once in the newspaper of general circulation in the City, and not less than 7 days before the public hearing. That resolution was adopted at the Council meeting of April 25, 2017 (Resolution No. 18-17).
    - **b.** Step 2: The second Council session is a public hearing, which follows the negative protest procedure and is held pursuant to SHC sections 36524 and 36525. If 50

Prepared By: ___IT	Dept Review:_____
City Manager Review: __CS	City Attorney Review: __

percent or more of the hotel owners in the assessment area do not protest at the public hearing, then at the conclusion of the hearing, the Council may adopt the resolution to continue the MBTBID program and assessments as currently levied.

If 50 percent or more of the hotel owners in the assessment area decide to protest, then no further proceedings to renew the improvement district shall be taken for a period of one year term from the date of the protest at the public hearing.

The MBTBID assessment is a crucial, protected revenue stream that allows the City to market Morro Bay to tourists. Morro Bay Municipal Code (MBMC) Chapter 3.60 outlines the creation of the MBTBID, the assessment, and the way assessment funds can be used.

The use of funds is designed to enhance tourism to the community, which should increase overall Transient Occupancy Tax revenues that are utilized in the City's General Fund, and directly benefit the community's hotels, which will see an increase in overnight stays.

The City Council adopted MBMC Chapter 3.60 to provide explicit uses for the funding as follows:

A. The general promotion of tourism within the district is to include costs as specified in the business plan to be adopted annually;
B. The marketing of conference, group, and film business that benefits local tourism and the local hotel industry in the district; and
C. The marketing of the district to the travel industry in order to benefit local tourism and the local hotel industry in the district.

The TBID Advisory Board unanimously recommended approval of the assessment report as well as the continuation of the 3% assessment for FY 2017/18. The City Council unanimously approved the assessment report, including Resolution of Intention 18-17, and set the public hearing for this meeting at the April 25, 2017 Council meeting.

DISCUSSION

For the TBID assessment to continue, State law requires the City Council approve and renew business improvement district assessments each fiscal year.

This funding source is crucial to marketing Morro Bay to tourists and has greatly enhanced revenue collections to the community from Transient Occupancy Taxes. Retaining a protected revenue stream to be used specifically for tourism promotions and marketing gives Morro Bay the best opportunity to maximize its potential as a tourist destination that will benefit the local hoteliers along with the rest of the community.

The scheduled public hearing is the opportunity to hear from the community and hotelier stakeholders regarding this crucial protected revenue source for tourism marketing and operations.

CONCLUSION

Staff recommends the City Council adopt Resolution No. 22-17 continuing the MBTBID activities and assessments for FY 2017/18.

ATTACHMENTS

1. Resolution No. 18-17
2. Resolution No. 22-17

RESOLUTION NO. 18-17

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, DECLARING THE INTENTION TO CONTINUE THE PROGRAM AND LEVY ASSESSMENTS FOR THE 2017/18 FISCAL YEAR FOR THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID); AND SETTING A DATE FOR A PUBLIC HEARING TO RECEIVE PROTESTS TO THAT ASSESSMENT

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the Parking and Business Improvement Area Law of 1989, Sections 36500 *et seq.*, of the California Streets and Highway Code, authorizes cities to establish and review business improvement areas for the purpose of promoting tourism; and

WHEREAS, on April 13, 2009, City Council held a public hearing for the introduction and first reading of Ordinance 546 amending the Morro Bay Municipal Code (MBMC) to add a new Chapter 3.60 to establish the Morro Bay Tourism Business Improvement District ("MBTBID"), and adopted Ordinance 546 at its April 27, 2009 meeting, which set the MBTBID assessments at 3% from June 1, 2009 to May 31, 2010, and 2% from June 1, 2010 and thereafter; and

WHEREAS, on June 1, 2010, the MBTBID assessments returned to the 2% level, as established by Ordinance 546; and

WHEREAS, on September 13, 2010, the City Council held a public hearing and first reading of Ordinance 562 to amend MBMC section 3.60.050, changing the assessment percentage to 3%, and adopted Ordinance 562 at its September 27, 2010, meeting; and

WHEREAS, on April 20, 2017, at a duly noticed public meeting, the advisory board, formed pursuant to MBMC, section 3.60.100, recommended the renewal of the TBID for Fiscal Year (FY) 2017-18 to continue its activities, and the City Council has approved that renewal for the past seven years; and

WHEREAS, all other findings of Ordinances 546 and 562 remain unchanged; and

WHEREAS, on April 25, 2017, City Council conducted a public meeting where staff presented the annual assessment report, which provides a full and detailed description of the activities to be provided during the FY 2017-18, as provided in the proposed budget for that Fiscal Year, which are attached to this Resolution as Exhibit A and available for review in the City Clerk's office; and

WHEREAS, the budget generally describes the funded activities to be marketed, which attract and extend overnight stays in Morro Bay hotels, and are consistent with the authorized uses for the assessment revenue set forth in MBMC, section 3.60.030; and

WHEREAS, it is the intention of the City Council to levy and collect 3% assessments from the hoteliers within the TBID for the FY 2017-18; and

WHEREAS, at the public meeting held on April 25, 2017, City Council additionally set the public hearing, for the intent to levy the TBID assessment for Fiscal Year 2017/18, to be held at the Morro Bay Veterans Memorial Hall located at 209 Surf Street, Morro Bay, California, in accordance with the California Streets and Highway Code, sections 36534 and 36535.

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

1. The above recitations are true and correct, and incorporated herein by reference.

2. The City Council approves the attached Annual Assessment Report and declares its intention to renew the Morro Bay Tourism Business Improvement District for the 2017/18 Fiscal Year, and to levy and collect 3% assessments from hoteliers calculated in the manner set forth in MBMC, section 3.60.050.

3. The City Council sets the date of the public hearing to adopt a Resolution to reaffirm the MBTBID, and levy and collect the 3% assessments from hoteliers as Tuesday, May 23, 2017. Before or at this public hearing written protests to the continuation of the MBTBID and the levy of the assessment may be made, consistent with the requirements of Streets & Highways Code, sections 36524 and 36525 and MBMC, section 3.60.060.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 25th day of April 2017, by the following vote:

AYES:	Irons, Davis, Headding, Makowetski, McPherson
NOES:	None
ABSENT:	None
ABSTAIN:	None

Jamie L. Irons
JAMIE L. IRONS, Mayor

Dana Swanson
DANA SWANSON, City Clerk

RESOLUTION NO. 22-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, CONTINUING THE PROGRAM AND LEVYING THE ASSESSMENTS FOR THE 2017/18 FISCAL YEAR FOR THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID)

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the Parking and Business Improvement Area Law of 1989, Sections 36500 *et seq*., of the California Streets and Highway Code, authorizes cities to establish and review business improvement areas of the purpose of promoting tourism; and

WHEREAS, on April 13, 2009, the City Council held a public hearing and first reading of Ordinance 546 amending the Morro Bay Municipal Code (MBMC) to add a new Chapter 3.60 to establish the Morro Bay Tourism Business Improvement District (MBTBID), and adopted Ordinance 546 at its April 27, 2009 meeting, which set the MBTBID assessments at 3% from June 1, 2009 to May 31, 2010, and 2% from June 1, 2010 and thereafter;

WHEREAS, Ordinance 546 added Chapter 3.60 to the Morro Bay Municipal Code (MBMC); and

WHEREAS, on June 1, 2010, the MBTBID assessments returned to the 2% level, as established by then MBMC section 3.60.050; and

WHEREAS, on September 13, 2010, the City Council held a public hearing and first reading of Ordinance 562 to amend MBMC section 3.60.050, changing the assessment percentage to 3%, and adopted Ordinance 562 at its September 27, 2010 meeting; and

WHEREAS, on April 20, 2017, the advisory board requested the renewal of the TBID for the 2017/18 fiscal year to continue its activities, and the City Council has approved this renewal for the past five years; and

WHEREAS, all other findings of Ordinances 546 and 562 remain unchanged; and

WHEREAS, on April 25, 2017, staff presented the annual assessment report for Fiscal Year 2017/18, which provides a full and detailed description of the activities to be provided during the 2017/18 fiscal year, as provided in the proposed budget for that Fiscal Year, which are attached to this Resolution as Exhibit A; and

WHEREAS, the budget plan generally describes the funded activities to be marketed, which attracts and extends overnight stays in Morro Bay hotels, and are consistent with the authorized uses for the assessment revenue set forth in MBMC, section 3.60.030; and

WHEREAS, it is the intention of the City Council to levy and collect 3% assessments from the hoteliers within the TBID for the 2017/18 fiscal year; and

WHEREAS, Resolution No. 18-17 declaring the intention to continue the program and levy assessments from the hoteliers and notifying them of the May 23, 2017, public hearing was

adopted by the Council at the April 25, 2017, meeting and published in the Tribune on May 7, 2017; and

WHEREAS, that public hearing was held at the Morro Bay Veterans Memorial Hall located at 209 Surf Street, Morro Bay, California for the final public hearing to consider testimony for and against renewal of the TBID assessment, in accordance with the California Streets and Highway Code sections 36534 and 36535; and

WHEREAS, at that public hearing regarding the renewal of the TBID for the 2017/18 fiscal year affected businesses had the opportunity to protest the TBID renewal, with the following results:

FOR:

AGAINST:

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

1. The above recitations are true and correct, and incorporated herein by reference.

2. The City Council, having affirmed the annual report and proposed budgets at its regular meeting held on April 25, 2017, and considered all testimony, reports and opinions presented at the May 23, 2017, public hearing, hereby declares the renewal of the Morro Bay Tourism Business Improvement District for the 2017/18 fiscal year, and instructs the hoteliers to levy and collect 3% assessments for overnight stays of 30 days or less.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 23rd day of May 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JAMIE L. IRONS, Mayor

_____
DANA SWANSON, City Clerk

EXHIBIT A

DISCOVER MORRO BAY

TBID Report FY 17-18

CA State Code: 36533 – TBID Annual Report Requirements

(a) The advisory board shall cause to be prepared a report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The report may propose changes, including, but not limited to, the boundaries of the parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following:

(1) Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area.

There are no proposed changes in the boundaries of the parking and business improvement area or in any of the benefit zones within the area. The boundaries will remain the same as fiscal year 2016-17.

(2) The improvements and activities to be provided for that fiscal year.

To ensure Morro Bay achieves its growth awareness goals for the FY 2017-18, we conducted two interactive planning sessions with key Morro Bay tourism stakeholders. In addition, we researched current tourism trends, analyzed current fiscal year campaign results, database profiles, and key findings from a 2016 Visit SLO Cal awareness study Morro Bay Tourism commissioned that focused on where our visitors are coming from and what they spend their money on.

As a result new ideas were generated, new Morro Bay stories are waiting to be told and new approaches are being formulated for FY 2017–18 campaigns. We know that we have to remain nimble and stay up to date on market forces that can be a factor in decision making when implementing programs and tactics. For example, after Highways 41 and 1 were closed due to rain and mudslides, our team worked hard to analyze target audiences and refocus marketing outreach to best reflect Morro Bay's accessibility. Our team is working hard to increase events in Morro Bay that generate overnight stays and help increase occupancy during mid-week and shoulder season. We are actively working with our tourism partner retail, restaurant and rental businesses to create passports that help increase their sales and city sales tax during slower times. We strive and make sure that the dollars we spend on tour and travel trade shows draw the best results possible to increase group business and media awareness.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

A detailed budget has been provided below.

(4) The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.

There are no changes or updates in this area. The funding mechanism for the tourism department is the process through a 3 percent self-assessment with the Morro Bay hotels and motels. This system is made possible by the formation of the Morro Bay Tourism Business Improvement District (TBID) through the City of Morro Bay. The tourism department intends to utilize the revenue below and translate it into sales and marketing activities to fulfill annual goals and objectives.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

As of April 12, 2017 there is fund balanced rolled over from the previous Tourism Bureau funds. This is located in the General Fund Code 007-3170-3990 (Other Misc. Revenues) for $38,070.87.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

In the 2016-17 budget, there will be alternative revenue sources in relationship with advertising in the Official Morro Bay Visitor Guide ad sales, General Fund and TOT (proposed City contributions) transfers totaling ~$134,928.

Proposed City Contribution includes $60k transfer, per Resolution 3-16, and the 20% proposed incremental amount above $3M total TOT base. Through current mid-year budget adjustments, TOT for current year will end at $3,374,639. Based on this figure of 20% above $3M, which is $74,928, in addition to the annual contribution of $60k, amounts to the proposed FY18 city contribution of $134,928.

(c) The city council may approve the report as filed by the advisory board or may modify any particular contained in the report and approve it as modified. The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments.

Proposed Budget Overview FY 17-18			
Revenues			
Proposed BID Tax		$	907,863
Proposed City Contribution		$	134,928
Grand Total		**$**	**1,042,791**
Tourism Administration			
Expenses			
Administration & Payroll		$	179,892
Office Supplies		$	3,104
Meetings & Conferences		$	4,850
Postage & Utilities		$	11,846
Sub Total		$	199,692
Destination Marketing			
Consulting & Contractual Services		$	130,121
Promotion & Advertisting		$	378,560
Ad Buys		$	53,350
Media Promotions		$	168,759
Tradeshows & Roadshows		$	52,623
Sub Total		$	783,413
Grand Total		**$**	**983,105**

- As of April 12, 2017

AGENDA NO:	**B-2**
MEETING DATE:	**May 23, 2017**

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 11, 2017**

FROM: **Cindy Jacinth, Associate Planner**

SUBJECT: **Adoption of Resolution No. 23-17 approving Major Modification to Conditional Use Permit No. UP0-359 for Rose's Landing, 725 Embarcadero. Project includes 10-unit hotel with conversion of second-floor and first-floor hotel lobby. Project includes previously approved public access improvements and 7 new floating dock slips and gangway.**

RECOMMENDATION

Council adopt Resolution No. 23-17, making the necessary findings for approval of Major Modification to Conditional Use Permit No. UP0-359 Concept Plan approval.

ALTERNATIVES

Alternative 1. The City Council may move to modify the project or conditions of approval from the Planning Commission's favorable recommendation.

Alternative 2. The City Council could move to deny the Conditional Use Permit modification request.

FISCAL IMPACT

Positive fiscal impact anticipated: The proposed work is the result of the master lease negotiations between the Applicant and the Harbor Department, which manages all City Embarcadero lease sites. The conversion of the second-floor restaurant-use to a hotel-use and rental of monthly dock slips will likely yield higher lease site revenue.

BACKGROUND/ SUMMARY

The proposed project was reviewed by the Planning Commission on March 21, 2017, as a major modification to the Concept Conditional Use Permit (#UP0-359) which was previously approved by City Council on February 23, 2016. The Planning Commission has forwarded a favorable recommendation with conditions to the City Council for final consideration (PC Resolution 11-17, Attachment B). Attachment E contains a complete copy of the 3/21/17 Planning Commission staff report, which discusses the project in greater detail, and is also available on the City's website at the links provided on the last page of the staff report.

Project Description:

The Applicant is seeking a major Amendment to Concept approval of Conditional Use Permit #UP0-359 for conversion of Rose's Landing second-floor restaurant-use to a 10-room boutique hotel with hotel lobby on south side of first floor. Change of use includes relocation of the Family Fun Zone arcade business to the Psychic gift shop lease suite in order to accommodate a new lobby location. Building façade alterations to include addition of three outdoor decks for hotel use, and changes to second-floor outdoor view deck to include 3 hotel unit patios, and partial dedicated public view deck. Additional

Prepared By: ___CJ____	**Dept Review: ___SG__**
City Manager Review: __CS____	**City Attorney Review: ___JWP___**

changes improving public bayside and vertical access previously approved. Project includes the previously approved proposal for 7 boat slips and new gangway. The project site is located in the original jurisdiction of the California Coastal Commission.

DISCUSSION

At its the March 21, 2017 meeting, the Planning Commission (PC) reviewed the project and adopted PC Resolution No. 11-17 (Attachment B). Included within the Resolution are additional conditions added by the Planning Commission. PC deleted staff-recommended conditions 10 and 14, modified condition 13, and added conditions 15- 21 with a recommendation to modify City Council condition 24 to clarify "self-closing" doors.

In addition to the specific conditions, PC also provided general recommendation/feedback to the Applicant as noted in the City's after-action letter dated March 23, 2017, regarding parking, the south plaza/outdoor area, lateral access, use, and building design (Attachment C).

Modified by PC 3/21/17:

13. ***Applicant shall remove the downstairs hotel unit to retain the 1st floor commercial lease space in order to maintain the pedestrian activity of the Embarcadero with hotel units limited to second floor only. A portion of first floor space may however be utilized as a hotel office/reception area or mixed reception/office/retail space if the Applicant so desires.***

24. ***The outdoor trash receptacles located to the south of the building shall be redesigned with a cover and self-closing doors in order to be screened from the public view with a height not to exceed 5 feet. The redesign shall be included for approval with the Precise Plan submittal.***

Added by PC 3/21/17:

15. ***Improve connections between lateral access on north side of building and existing public view deck seaward of the Front Street terminus. Improvements to include a bridge from the viewing deck to the existing lateral access way.***

16. ***Public access space and private dining shall be clearly delineated and enclosed with railing as required by Waterfront Master Plan.***

17. ***Glass windscreen and roof of the bayside lateral access walkway shall be removed along its length north of the outdoor first floor dining facilities located at southwest end of building.***

18. ***Precise Plan shall include a specific sign plan with both commercial tenant and public access signs shown, including but not limited to, plans denoting size and material of sign, location of signs and method of attachment.***

19. ***Plans shall be revised to the greatest extent feasible, to ensure lateral access at the south end of the lease site is able to accommodate a connection point to future lateral access to Lease Site 18.***

20. ***No unpermitted outdoor display of merchandize shall be allowed in any landscaped area.***

21. ***Remove the 3' ramp and replace with a 10' wide ramp that extends from the public lateral access way up to the plaza area on the south side of the building.***

Since the March 21, 2017, PC meeting, the Applicant has submitted revised plans to reflect both the PC's recommended conditions, as well as direction denoted in the City's after-action letter. (Attachment C). Those changes are outlined in the table summary below and also summarize the original 2016 CUP

approvals. Following the table below is a summary of the additional Applicant plan changes proposed based on PC feedback.

Table Summary of Project Changes from 2016 to 2017:

	2016 Approval	PC 3/21/17	Council 5/23/17
Building 2nd floor	Dining Deck Expansion & portion of southern public view deck.	8 hotel units, hotel office, 3 patios, and partial public view deck	10 hotel units, 3 patios, and partial public view deck.
Building 1st floor	No 1st floor changes	1 downstairs hotel unit on north side of building, no internal hotel circulation from 1st to 2nd floor. Also discussed potential lobby on 1st floor north side.	Hotel lobby on south side opening to plaza with internal hotel circulation from 1st to 2nd floor. Includes relocation of Arcade business to Psychic gift store on north side of building
Public Access/ Lateral Access	Bayside lateral access to include angled "bridge" or accessway connecting lease site access to adjacent City observation deck.. Remove dining tables and widen southwest access to accommodate outdoor dining plus 10 ft. requirement.	Angled accessway proposed consistent with 2016 approval.	Angled accessway removed to include extension of parallel bayside lateral access to connect to adjacent City public observation deck.
Outdoor Plaza/ View Corridor	10-foot wide paved corridor in center of 30% view corridor to emphasize public access awareness.	3 benches & 6 tables proposed. Maintains paved coastal access walkway leading to bay.	Removed additional tables – only 3 benches and 2 round concrete public tables proposed. Maintains paved coastal access walkway leading to bay.
7 dock slips, gangway	7 slips & gangway	No change	No change

Parking:

During the hearing, the PC discussed the Applicant's request to reserve 9 parking spaces in the City parking lot immediately across the street. The PC did not support that request and, in fact, deleted recommended condition 14 regarding parking. The PC did agree one loading space should be designated on the west side of the Embarcadero in front of the lease site and that space is now shown on the plans. (Attachment D).

As stated in the PC staff report, staff evaluated the parking request, which would reserve nine spaces in the public parking lot across from the lease site from 6pm to 10am daily. Until 2003, Rose's Landing had an on-site 15-space parking lot, which was removed to accommodate the addition of the existing building and creation of the outdoor plaza area. As part of that permit approval (CUP #72-00), the

Applicant paid for 20 in-lieu parking spaces, more than was required and has 87 historic parking credits, which when added to the 20 in-lieu spaces totals 107 spaces. The project as proposed has a parking demand 81 spaces. As a proposed hotel mixed-use project, the Applicant is requesting ten spaces (one for each hotel unit) be provided to accommodate overnight hotel guests. Given the City parking lot has noticeably less use in the evening hours than during daytime hours, staff's recommendation is to allow reservation and lease of the 10 parking spaces from 6pm to 10am which would be off-peak hours.

Although the PC was not supportive of reserved parking spaces, staff's recommendation is an Embarcadero-wide parking strategy for hotel uses will be necessary as additional lease sites come up for renewal or proposed hotel rooms. Placing a time restriction on reserved parking spaces will not create a parking shortage, nor cause adverse impacts because the use is allowed in this zone district, and the parking requirement for hotel use is not only met, but it is a lesser requirement than the existing restaurant use as further described in the 3/21/17 PC staff report.

South Plaza/Outdoor Area:

PC discussion centered on maintaining this area as public and avoiding the impression it is for use by the ground floor commercial businesses. The Applicant has submitted revised plans, which reduce the number of tables in this area, maintain the landscape planter's concrete border and provide a direct paved pathway to emphasize public awareness of this as a public space. In addition, in order to better screen the existing trash receptacles, the plan now includes self-closing doors and new concrete planters with landscape screening not to exceed the height of the trash receptacles.

PC's adopted Resolution No. 11-17 condition 12 requires the 10-foot vertical access pathway be moved north and be maintained free and clear. In the plans revised since the 3/21/17 PC meeting, staff notes the stained paved pathway has not been moved north, but instead the plans proposed to remove part of the circular concrete planter that is in the center of the courtyard (plan sheet P1.1 of Attachment D). Staff has reviewed that and has no objection to that alternative, as the intent of the PC's requirement for a free and clear courtyard is met with minimal seating to the north and open walkway to the south. So, condition 12 has been worded to reflect that change.

Lateral Access:

Revised plans show the roof windscreen removed from the bayside lateral access with a 42"-inch cable railing proposed instead, consistent with bayside access at other Embarcadero lease sites. The previous angled "bridge" feature at the northwest corner is now been straightened to run parallel to the shore and connect with the adjacent public observation deck. In addition, an ADA-compliant 10-foot wide ramp now extends from the public lateral accessway up to the south plaza area. The PC also recommended the Applicant provide for connectivity to the neighboring lease site to the south. That was previously included as Planning condition 14 in Council adopted Resolution No. 09-16. The neighboring lease site (Dutchman's) is a commercial fishing pier and is not up for renewal until 2032, so it is currently unknown what the extent of lease site changes will be; though in any case provision of bayside lateral access will be a requirement.

Use:
The revised plans incorporate the comments received from the PC. The hotel now proposes a first-floor lobby, which has access from both the existing main entrance off Embarcadero Rd and also the outdoor plaza to the south. The lobby would be located in the area of the existing Family Fun Zone Arcade, which would relocate to the north side of the building to the Psychic Gift Shop lease suite. In addition, the downstairs hotel unit has been removed and relocated to the second floor with an additional room added for a total of 10 hotel rooms.

Low Cost Visitor Serving Accommodations (LCVSA)
The PC recommended the City Council not impose this condition if feasible. However, the City's Coastal Land Use Policy 2.07 requires provision of a range of rooms and room prices in order to serve all income ranges. Staff recently met with California Coastal Commission (CCC) staff for guidance regarding this policy. CCC staff noted, in many cases, implementation of this policy can be handled on a case-by-case basis and were amendable to staff's recommendation to propose a condition, which would require 25 percent of rooms be established with room rates based on the average daily rate (ADR) of coastal cities and community services districts (CSDs) in San Luis Obispo County. That condition has been added as Planning condition 10 and is consistent with PC discussion on the topic, which supported meeting the requirement by determining cost of rooms based on comparable waterfront cities nearby, not calculating low cost rates as 80% of the City's existing hotels.

Building Design:
The Applicant's revised plan reflect the PC's comments on architectural treatment of the 3 west-facing balconies and the proposed second-floor outdoor view deck.

Environmental
The revised plans now show the lateral access configuration parallel to the bay versus the previous proposal, which angled the accessway in order to avoid encroachment to unvegetated eelgrass habitat. The minor changes to the lateral access in the northwest area result in an additional 144sf of encroachment, which does not create any significant impacts beyond those mitigated for in the adopted Mitigated Negative Declaration. The Applicant will be required to comply with the California Eelgrass Mitigation Policy, which requires both a pre-construction survey and a post-construction survey to determine impacts and corresponding mitigation requirement.

CONCLUSION
The Waterfront (WF) District is intended to "provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas" and the proposed project advances that goal by creating a mixed-use project that includes visitor-serving accommodations, commercial retail, new floating dock slips as well as increasing public access along the bayside and improves the public appearance of the outdoor plaza/ courtyard vertical access to the south of the building.

The PC has reviewed the Concept Plan modification and has forwarded a favorable recommendation with added conditions for final approval by City Council. The attached Council Resolution No. 23-17 reflects the recommendation of the PC. Modification of the concept CUP approval is consistent with applicable provisions of the General Plan/ Local Coastal Program, and Zoning Ordinance. As a concept plan approval, the Applicant would be required to obtain Precise Plan approval from the PC after CCC approval of the coastal development permit.

ATTACHMENTS:

A. City Council Resolution No. 23-17
B. Planning Commission Resolution No. 11-17 (adopted March 21, 2017)
C. City After-Action Letter to Applicant dated March 23, 2017
D. Plans/ Plan Reductions dated January 3, 2017
E. Planning Commission Staff Report, March 21, 2017 meeting

ONLINE DOCUMENTS

*Complete staff report & attachments for the 3/21/2017 Planning Commission meeting available at the following link:
http://www.morro-bay.ca.us/DocumentCenter/View/10801

*Planning Commission meeting draft minutes, 3/21/2017
http://www.morro-bay.ca.us/DocumentCenter/View/10803

*Complete staff report & attachments for the 2/23/2016 City Council meeting available at the following link:
http://www.morro-bay.ca.us/DocumentCenter/View/10802

RESOLUTION NO. 23-17

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING A MAJOR AMENDMENT (#A00-041) TO CONCEPT PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-359) FOR CONVERSION OF SECOND-FLOOR RESTAURANT-USE TO 10-UNIT HOTEL, CONSTRUCTION OF NEW GANGWAY, DOCK, AND SEVEN (7) BOAT SLIPS, AND IMPROVEMENTS TO PUBLIC ACCESS ON BOTH NORTH, WEST AND SOUTH SIDES OF LEASE SITE AT 725 EMBARCADERO, ALSO KNOWN AS LEASE SITE 82-85/82W-85W.

T H E C I T Y C O U N C I L
City of Morro Bay, California

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 21, 2017, for the purpose of considering a Major Amendment to the Concept Plan approval of Conditional Use Permit #UP0-359 (the "Proposed Project") and adopted PC Resolution 11-17 to forward a favorable recommendation with conditions to the City Council for Concept Plan amendment approval; and

WHEREAS, the City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 23, 2017, pursuant to the Planned Development regulations (Morro Bay Municipal Code (MBMC) section 17.40.030), for the purpose of considering the Proposed Project for 725 Embarcadero Road, also known as land lease site 82-85 / 82W-85W (APN #066-351-012, 013, 014, 015) in an area within the original jurisdiction of the California Coastal Commission; and

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

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

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

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

California Environmental Quality Act (CEQA)

1. For purposes of the California Environmental Quality Act, Case No. UP0-359 is subject to a Mitigated Negative Declaration (MND) based upon potentially significant impacts to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, and Hydrology/Water Quality. Any impacts associated with the proposed development will be brought to a less than significant level through the MND. The revised plans did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.

2. The City Council finds the Applicant's revised bayside lateral access plan which shows an additional 139sf encroachment of unvegetated eelgrass habitat will not caause significant impacts, because it avoids vegetated habitat and also because the access will be required to comply with eelgrass habitat requirements, pursuant to the California Eelgrass Mitigation Policy (CEMP) as implemented by National Marine Fisheries Service (NMFS).

Conditional Use Permit Findings

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the conversion of the existing second floor restaurant use to a 10 unit boutique hotel use along with improvements to public access and new gangway, dock, seven (7) boat slips at 725 Embarcadero are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed hotel use, public access and floating dock and new slips will provide a visitor-serving recreational opportunity which will provide additional benefit and improvement to a visitor-serving commercial use and is consistent with the character of the existing development. In addition, because the project's relocated hotel lobby location provides for internal/external hotel guest circulation both from the southern open plaza and the Embarcadero Road street entrance.

C. The City Council also finds providing 10 reserved parking spaces in the City-owned parking lot across the street, at off-peak hours will not cause adverse impacts to parking availability or create a parking shortage because the hotel use is allowed in this zone district and the parking requirement for hotel use is not only met, but it is a lesser requirement than the existing restaurant use.

Waterfront Master Plan Findings

A. The proposed project makes a positive contribution to the visual and public accessibilty to the bay while increasing and maintaining commercial fishing industry:

1. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.

2. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the bayside lateral access is improved to allow for easier pedestrian access, enjoyment and better bay views. It preserves and enhances the views as seen from street-ends and around the building in that the second floor view deck is removing the glass windscreen at the southwest corner and first floor windscreen along the bayside lateral access.

3. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the availability of boat slips in the bay for recreational or commercial boat rental and also with the creation of an public view deck which will maintain and enhance views of the bay.

4. The proposed project maintains the pedestrian orientation of the Embarcadero by maintaining commercial visitor-serving retail on the ground floor and limiting hotel uses to second floor occupancy and also in that the project will provide improved lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront as well as create a second floor public view deck open to the public is consistent with the character of the existing development.

5. The project gives its occupants and the public some variety in materials and/or application in that the project, including the rear second floor addition and façade improvements retains the original building character.

6. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new docks and public lateral access will be accessible to the public and also in that the second floor hotel use, related façade improvements, and public view deck provides articulation that is consistent with the character of the existing development.

7. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the bayside lateral access is existing and will be enhanced by opening up the northerly entrance to make the lateral access more inviting to pedestrians. and conversion of second floor use to hotel use along with new construction of dock and slips is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Architectural Consideration Finding

The City Council finds the architectural treatment and general appearance of all buildings, structures and open areas of the Proposed Project are in keeping with the character of the surrounding waterfront area, are compatible with the Waterfront Master Plan design theme adopted by the City, and are not detrimental to the orderly and harmonious development;of the City or to the desirability of investment of occupation in the area.

Section 2. Action. The City Council does hereby approve a Major Amendment (#A00-041) to Concept Conditional Use Permit #UP0-359 subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 11, 2017, for the project at 725 Embarcadero depicted on plans dated April 4, 2017, on file with the Community Development 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 City Council approved plans submitted for Major Amendment (#A00-041) to UP0-359, 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "CDM") upon finding the project complies with all applicable provisions of the MBMC, General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and conditions of approval shall be subject to review and approval by the CDM. Any changes to this approved permit determined, by the CDM, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal

actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the CDM or as authorized by the Planning Commission or City Council. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the CDM, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

Building Conditions:

Prior to construction, the applicant shall submit a complete building permit application and obtain all required building permits.

Fire Conditions:

1. Standpipe Plan Submittal. Marinas and boatyards shall be equipped throughout with standpipe systems in accordance with NFPA 303. Systems shall be located such that no point on the pier or float system exceeds 150 feet from the standpipe hose connection. (CFC 3604.2, 905, and MBMC 14.52.060).
    a. Applicant shall submit plans for a Class 1 Standpipe System, for protection of the floating dock system and boat slips, in accordance with MBMC 14.52.060 CFC 904 and NFPA 303, to Moro Bay Community Development Department for review.

2. Portable fire extinguishers. One portable fisher extinguisher of ordinary (moderate) hazard type shall be provided at each required standpipe hose connection. Additional portable fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with CFC 906. (CFC 4504.4).

    a. Applicant shall provide one (2A-10BC) fire extinguisher and cabinet on the floating dock and depicted on Sheet 1.

3. Construction and operations of marinas, boatyards, yacht clubs, boat condominiums, docking facilities, multiple-docking facilities and all associated piers, docks, and floats shall be in accordance with NFPA 303.

4. Installation and Acceptance Testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service

mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before required acceptance testing. (CFC 901.5).

5. Occupancy. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. (CFC 901.5.1).

6. Fire sprinklers. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards. (CFC 901.4).

7. Applicant shall submit sprinkler plans for upstairs dining room bar modifications and the new dining deck expansion, to Morro Bay Community Development Department for review.

Public Works Conditions:

The following Public Works conditions shall be satisfied prior to Building Plan submittal:

1. If water service to the dock is planned, then an appropriate backflow prevention device is required to installed, routinely inspected and maintained per MBMC Chapter 13.08 Water Cross-Connections.

2. Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan per MBMC Chapter 14.48: 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. Encroachment Permits: A standard encroachment permit may be required if utility connections are required within the City Right of Way. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.

Add the following Items/Notes to the Plans:

4. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

    a. 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.

Harbor Department Conditions:

1. Applicant shall request in writing to the City to adjust the lease lines as applicable at the appropriate time.

2. The bridge material shall be submitted for review and approval to the Harbor Director and the Community Development Manager prior to issuance of a building permit. Applicant shall retain responsibility for maintenance and legal responsibility if the bridge is made of wood or other highly perishable material.

Planning Conditions:

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.

2. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.

3. Bayside Lateral Public Accessway. The existing semi-enclosed public accessway along west side of building shall maintain a minimum 10 foot wide coastal access with open unobstructed access in order to maximize public use and enjoyment. Any uses that obstruct the accessway such as private uses or barriers such as furniture, planters, ropes, or restaurant seating and specifically table seating within the 8 foot coastal accessway shall be prohibited.

4. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).

5. Final precise plans shall be revised to include coastal public access signs on the northeast and southeast face of the building on Embarcadero Road (street entrance). Signs announcing public coastal access shall be placed at both north and south entry points to the semi-enclosed public access way or as consistent with a Public Access Management Plan as approved by the California Coastal Commission.

6. Shading of eelgrass – No part of any floating dock, boat structure or other portion thereof shall be located vertically above any existing eelgrass bed as identified on the approved site plan. Nothing shall be allowed to dock, for any length of time, above any existing eelgrass bed. Translucent grating shall be used to the greatest extent feasible on the floating dock area over the unvegetated 5 meter eelgrass buffer, or as otherwise required by the California Eelgrass Mitigation Policy (CEMP).

7. The Mitigation and Monitoring Plan, previously adopted by the City Council on February 23, 2016, shall remain in full force and effect which has been incorporated as conditions of approval.

8. Second-Floor Public View Deck. Signage shall be added to entrance of public view deck

and at street level announcing public access and no purchase required. Form and design of signage shall be consistent with the approved public coastal access signs as approved by the California Coastal Commission. Precise plans submitted for approval to the City shall denote all signage locations.

9. The open courtyard area to the south of the Rose's Landing building shall maintain a 10 foot wide lateral access to provide public access from Embarcadero Road west to the bay. Any existing public tables and benches which impinge on the 10 foot requirement shall be moved to allow for open pedestrian access. Any existing outdoor dining tables on the lease site shall have table signs permanently affixed informing the public that no purchase is required.

10. Twenty five percent of hotel rooms shall be set at no more than 80% of Average Daily Rate (ADR) of coastal zone cities and community services districts (CSDs) in San Luis Obispo County for the preceding calendar year as determined by the City's Finance Department.

11. The 30% view corridor located along the south side of the building shall be maintained with no furniture item, table umbrellas, landscaping, hostess stands, or other objects to exceed 30 inches in height per the Waterfront Master Plan.

12. Applicant shall maintain the landscape concrete planter on the south side of the lease site and remove part of the circular concrete planter that is in the center of the courtyard (plan sheet P1.1 of Attachment D). That pathway shall be maintained free and clear. Public benches shall number no more than 4 in the plaza and table seating shall be limited to no more than 3.

13. Applicant shall remove the downstairs hotel unit to retain the 1st floor commercial lease space in order to maintain the pedestrian activity of the Embarcadero with hotel units limited to second floor only. A portion of first-floor floor space may, however, be utilized as a hotel office/reception area or mixed reception/office/retail space if the Applicant so desires.

14. The applicant shall enter into a lease agreement with the City for use of ten City owned parking spaces in the City lot across the street from Rose's Landing. Said lease agreement shall reserve the ten parking spaces, from 6pm to 10am daily, for hotel guests only. In addition, 1 permanent and signed passenger loading/unloading parking zone space shall be provided in the public right of way immediately in front of the Rose's Landing main entrance.

15. The Applicant shall participate toward the development of Centennial Plaza. The amount of contribution to be negotiated as part of future lease site negotiations.

16. Improve connections between lateral access on north side of building and existing public view deck seaward of the Front Street terminus.

17. Public access space and private dining shall be clearly delineated and enclosed with railing as required by Waterfront Master Plan.

18. Glass windscreen and roof of the bayside lateral access walkway shall be removed along its length north of the outdoor first floor dining facilities located at southwest end of building.

19. Precise Plan shall include a specific sign plan with both commercial tenant and public access signs shown, including but not limited to, plans denoting size and material of sign, location of signs and method of attachment.

20. Plans shall be revised to the greatest extent feasible, to ensure lateral access at the south end of the lease site is able to accommodate a connection point to future lateral access to Lease Site 18.

21. No unpermitted outdoor display of merchandize shall be allowed in any landscaped area.

22. Remove the 3' ramp and replaced with a 10' wide ramp that extends from the public lateral access way up to the plaza area on the south side of the building.

City Council Conditions added 2/23/2016:

1. To the greatest extent feasible, the project plans shall consider, include and identify additional stormwater management and educational components to improve stormwater runoff for the project beyond those impacts related to just the construction phase of the project.

2. Plans shall be revised to include a minimum of two benches to be located on the second floor public observation deck.

3. The outdoor trash receptacles located to the south of the building shall be redesigned with a cover and self-closing doors in order to be screened and covered from the public view and maintain the view corridor to the satisfaction of the Community Development Director. The redesign shall be included for approval with the Precise Plan submittal.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 23rd day of May, 2017 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST

DANA SWANSON, City Clerk

RESOLUTION NO. PC 11-17

Items noted in red are changes or deletions adopted by Planning Commission on 3-21-17

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR AMENDMENT (#A00-041) TO CONCEPT PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-359) FOR CONVERSION OF SECOND FLOOR RESTAURANT USE TO AN 8-UNIT HOTEL, IMPROVEMENTS TO PUBLIC ACCESS AND CONSTRUCTION OF NEW GANGWAY, DOCK, AND SEVEN (7) BOAT SLIPS (6 PRIVATE RENTALS AND 1 PUBLIC SLIP) AT 725 EMBARCADERO, ROSE'S LANDING

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 21, 2017, for the purpose of considering a major amendment (#A00-041) to the Concept Plan approval of Conditional Use Permit #UP0-359; and

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

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

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

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

California Environmental Quality Act (CEQA)

A. That for purposes of the California Environmental Quality Act, Case No. UP0-359 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, and Hydrology/Water Quality. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration (MND). Additional mitigation has been added as a result of review during the comment period by the California Coastal Commission and has been highlighted in red in the mitigation and monitoring plan. The revised plans did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.

Conditional Use Permit Findings

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the conversion of the existing second floor restaurant use to a 8 unit boutique hotel use along with improvements to public access and new gangway, dock, seven (7) boat slips at 725 Embarcadero are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed hotel use, public access and floating dock and new slips will provide a visitor-serving recreational opportunity which will provide additional benefit and improvement to a visitor-serving commercial use and is consistent with the character of the existing development.

Waterfront Master Plan Findings

A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:

a. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.

b. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the bayside lateral access is improved to allow for easier pedestrian access, enjoyment and better bay views. It preserves and enhances the views as seen from street-ends and around the building in that the second floor view deck is removing the glass windscreen at the southwest corner and first floor windscreen along the bayside lateral access.

c. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the availability of boat slips in the bay for recreational or commercial boat rental and also with the creation of an public view deck which will maintain and enhance views of the bay.

d. The proposed project maintains the pedestrian orientation of the Embarcadero by maintaining commercial visitor-serving retail on the ground floor and limiting hotel uses to second floor occupancy and also in that the project will provide improved lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront as well as create a second floor public view deck open to the public is consistent with the character of the existing development.

e. The project gives its occupants and the public some variety in materials and/or application in that the project, including the rear second floor addition and façade improvements retains the original building character.

f. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new docks and public lateral access will be accessible to the public and also in that the second floor hotel use, related façade improvements, and public view deck provides articulation that is consistent with the character of the existing development.

g. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the bayside lateral access is existing and will be enhanced by opening up the northerly entrance to make the lateral access more inviting to pedestrians. and conversion of second floor use to hotel use along with new construction of dock and slips is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Architectural Consideration

A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

Section 2. Action. The Planning Commission does hereby recommend for City Council approval a major amendment (#A00-41) to Concept Conditional Use Permit #UP0-359 subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated March 15, 2017, for the project at 725 Embarcadero depicted on plans dated January 19, 2017, on file with the Community Development 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 Planning Commission approved plans submitted for UP0-359, 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General

Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

Building Conditions:

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

Fire Conditions:

1. Standpipe Plan Submittal. Marinas and boatyards shall be equipped throughout with standpipe systems in accordance with NFPA 303. Systems shall be located such that no point on the pier or float system exceeds 150 feet from the standpipe hose connection. (CFC 3604.2, 905, and MBMC 14.52.060).

    a. Applicant shall submit plans for a Class 1 Standpipe System, for protection of the floating dock system and boat slips, in accordance with MBMC 14.52.060 CFC 904 and NFPA 303, to Moro Bay Community Development Department for review.

2. Portable fire extinguishers. One portable fisher extinguisher of ordinary (moderate) hazard type shall be provided at each required standpipe hose connection. Additional portable fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with CFC 906. (CFC 4504.4).

    a. Applicant shall provide one (2A-10BC) fire extinguisher and cabinet on the floating dock and depicted on Sheet 1.

3. Construction and operations of marinas, boatyards, yacht clubs, boat condominiums, docking facilities, multiple-docking facilities and all associated piers, docks, and floats shall be in accordance with NFPA 303.

4. Installation and Acceptance Testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before required acceptance testing. (CFC 901.5).

5. Occupancy. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. (CFC 901.5.1).

6. Fire sprinklers. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards. (CFC 901.4).

    a. Applicant shall submit sprinkler plans for upstairs dining room bar modifications and the new dining deck expansion, to Morro Bay Community Development Department for review.

Public Works Conditions:

The following Public Works conditions shall be satisfied prior to Building Plan submittal:

1. If water service to the dock is planned, an appropriate backflow prevention device is required to installed, routinely inspected and maintained per MBMC Chapter 13.08 Water Cross-Connections.

2. Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan per MBMC Chapter 14.48: 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. Encroachment Permits: A standard encroachment permit may be required if utility connections are required within the City Right of Way. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.

4. Water Equivalency Units: Due to a change in usage (existing restaurant water use to hotel water use) the Water Equivalency Table (MBMC 13.20.070) will apply when calculating the amount of water equivalency units for this project.

Add the following Items/Notes to the Plans:

5. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

6. 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.

7. Due to mandatory water conservation requirements and stormwater requirements no pressure washing is allowed unless it is directly due to professional preparation of exterior painting of property. No discharge of non-stormwater is allowed into the municipal storm drain system and contractor must provide measures to prevent any discharge for entering the stormwater system.

Harbor Department Conditions:

1. Applicant shall request in writing to the City to adjust the lease lines as applicable at the appropriate time.

Planning Conditions:

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.

2. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.

3. Bayside Lateral Public Accessway. The existing semi-enclosed public accessway along west side of building shall maintain a 10-foot wide coastal access with open unobstructed access in order to maximize public use and enjoyment. Any uses that obstruct the accessway such as private uses or barriers such as furniture, planters, ropes, or restaurant seating and specifically table seating within the 10 foot coastal accessway shall be prohibited.

4. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).

5. Final precise plans shall be revised to include coastal public access signs on the northeast and southeast face of the building on Embarcadero Road (street entrance). Signs announcing public coastal access shall be placed at both north and south entry points to the semi-enclosed public access way or as consistent with a Public Access Management Plan as approved by the California Coastal Commission.

6. Shading of eelgrass – No part of any floating dock, boat structure or other portion thereof shall be located vertically above any existing eelgrass bed as identified on the approved site plan. Nothing shall be allowed to dock, for any length of time, above any existing eelgrass bed. Translucent grating shall be used to the greatest extent feasible on the floating dock area over the unvegetated 5 meter eelgrass buffer.

7. The Mitigation and Monitoring Plan, previously adopted by the City Council on February 23, 2016 shall remain in full force and effect which has been incorporated as conditions of approval.

8. Second Floor Public View Deck. Signage shall be added to entrance of public view deck and at street level announcing public access and no purchase required. Form and design of signage shall be consistent with the approved public coastal access signs as approved by the California Coastal Commission. Precise plans submitted for approval to the City shall denote all signage locations.

9. The open courtyard area to the south of the Rose's Landing building shall maintain a 10 foot wide lateral access to provide public access from Embarcadero Road west to the bay. Any existing public tables and benches which impinge on the 10 foot requirement shall be moved to allow for open pedestrian access. Any existing outdoor dining tables on the lease site shall have table signs permanently affixed informing the public that no purchase is required.

10. ~~Twenty-five percent of hotel rooms shall be set at no more than 80% of ADR for the preceding calendar year as determined by the City's Finance Department .~~

11. The 30% view corridor located along the south side of the building shall be maintained with no furniture item, table umbrellas, landscaping, ~~or~~ hostess stands, or other objects to exceed 30 inches in height per the Waterfront Master Plan.

12. Applicant shall maintain the landscape concrete planter on the south side of the lease site and relocate north the stained 10 foot vertical accessway path. Pathway shall be maintained free and clear. Public benches shall number no more than 4 in the plaza and table seating shall be limited to no more than 3.

13. Applicant shall remove the downstairs hotel unit to retain the 1st floor commercial lease space in order to maintain the pedestrian activity of the Embarcadero with hotel units limited to second floor only. A portion of first floor floor space may however be utilized as a hotel office/reception area or mixed reception/office/retail space if the Applicant so desires.

~~14. The applicant shall enter into a lease agreement with the City for use of nine City owned parking spaces in the City lot across the street from Rose's Landing. Said lease agreement shall reserve the nine parking spaces, from 6pm to 10am daily, for hotel guests only. In addition, 1 permanent and signed passenger loading/unloading parking zone space shall be provided in the public right of way immediately in front of the Rose's Landing main entrance.~~

~~15.~~14. The Applicant shall participate toward the development of Centennial Plaza. The amount of contribution to be negotiated as part of future lease site negotiations.

Planning Commission Conditions added 1/5/2016:

~~16.~~15. Improve connections between lateral access on north side of building and existing public view deck seaward of the Front Street terminus. Improvements to include a bridge from the viewing deck to the existing lateral access way.

~~17.~~16. Public access space and private dining shall be clearly delineated and enclosed with railing as required by Waterfront Master Plan.

~~18.~~17. Glass windscreen and~~/or~~ roof of the bayside lateral access walkway shall be removed along its length north of the outdoor first floor dining facilities located at southwest end of building.

~~19.~~18. Precise Plan shall include a specific sign plan with both commercial tenant and public access signs shown, including but not limited to, plans denoting size and material of sign, location of signs and method of attachment.

19. Plans shall be revised to the greatest extent feasible, to ensure lateral access at the south end of the lease site is able to accommodate a connection point to future lateral access to Lease Site 18.

20. No unpermitted outdoor display of merchandize shall be allowed in any landscaped area.

~~20.~~21. Remove the 3' ramp and replaced with a 10' wide ramp that extends from the public lateral access way up to the plaza area on the south side of the building.

City Council Conditions added 2/23/2016:

~~21.~~22. To the greatest extent feasible, the project plans shall consider, include and identify additional stormwater management and educational components to improve stormwater runoff for the project beyond those impacts related to just the construction phase of the project.

~~22.~~23. Plans shall be revised to include a minimum of two benches to be located on the second floor public observation deck.

~~23.~~24. The outdoor trash receptacles located to the south of the building shall be redesigned with a cover and self-closing doors in order to be screened from the public view with a height not to exceed 5 feet. The redesign shall be included for approval with the Precise Plan submittal.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 21st day of March, 2017 on the following vote:

AYES: Lucas, Sadowski, Luhr, Ingraffia + Tefft.
NOES:
ABSENT:
ABSTAIN:

Chairperson Robert Tefft

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 21st day of March, 2017.

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

March 22, 2017

Steve Puglisi
Puglisi Architects
569 Higuera Street, Ste. A
San Luis Obispo, CA 93401

RE: Rose's Landing, 725 Embarcadero, Case #A00-041 (Major Amendment to #UP0-359)

Dear Steve,

On March 21, 2017, the Planning Commission (PC) held a public hearing to review the above referenced major amendment to conditional use permit #UP0-359. The Planning Commission adopted PC Resolution 11-17 which forwards a favorable recommendation to the City Council for final review of the major amendment of the CUP.

In addition to the resolution, the PC provided additional suggestions for Council considerations with direction listed below:

Parking:

1. The PC was not supportive of reserved hotel parking spaces in lot across street.
2. Loading/unloading space adjacent to the office - The consensus was 1 loading space should be designated.

South Plaza/Outdoor Area:

1. Keep the landscape planter with concrete border as is.
2. The consensus by PC was dining tables are a risk to creating impression of a private area. Lower height tables are okay.
3. Outdoor merchandise displayed within landscaped areas particularly in the front of building is not acceptable.
4. Add requirement for self-closing doors to Council condition requiring trash receptacles to have both a cover and door.

Lateral Access:

5. Remove the roof and windscreen from the bayside lateral access
6. Provide for connectivity to neighboring lease site to the south. Agree to accommodate future extension of lateral access improvements to the lease site to the south, when such

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

improvements are proposed. Such a connection may involve improvements on the subject lot. Requirement to be included in future lease agreement.

7. Remove the 3' ramp and replace with a 10' wide ramp that extends from the public lateral access way up to the plaza area on the south side of the building.

Use:

8. The PC was not supportive of a first floor hotel room. They were supportive of relocating the 2nd floor office to first floor lease space and relocating the 9th hotel room to the second floor. That proposal would not be inconsistent with the Waterfront Master Plan.
9. Low Cost Visitor Serving Accommodations (LCVSA) – If feasible, the PC recommends Council not impose condition but if CCC requires this, then LCVSA can be met by determining cost of rooms based on comparable waterfront cities nearby, not calculating low cost rates as 80% of the City's existing hotels.

Building Design:

10. West elevation – The PC agreed there should be a unified architectural treatment for the three balconies, either trellis, or awning with corbels.
11. Proposed upstairs deck – The PC was supportive of the proposal.

The next step in the process will be to schedule this project as a public hearing for City Council consideration. Prior to City Council review, the Applicant shall review the recommendations and direction provided by the Planning Commission and submit revised plans reflecting the above items.

Please contact me if you have any questions at 805-772-6577.

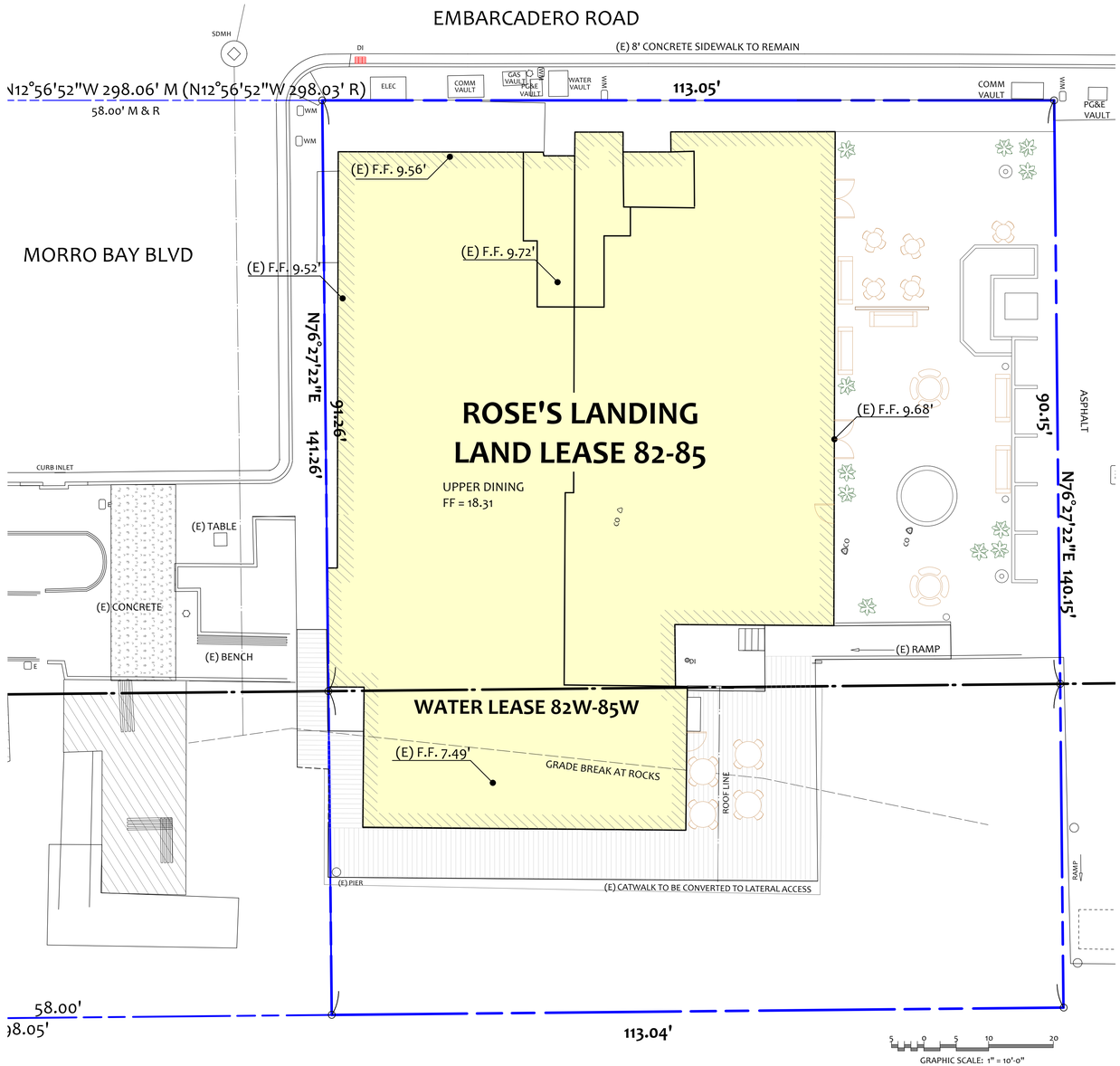
Sincerely,

Cindy Jacinth
Associate Planner

Attachment: Resolution 11-17 (signed version to follow)

Copy: Doug Redican, Applicant
Copy: Eric Endersby, Harbor Director

Rose's Landing
Embarcadero Hotel Remodel



EXISTING ARCHITECTURAL SITE PLAN

Scale: 1" = 10'

DIRECTORY

LEASEES: DOUG REDICAN
725 EMBARCADERO ROAD
MORRO BAY, CA 93442
PH: (805) 704-7771

ARCHITECT: STEVEN PUGLISI ARCHITECTS, INC.
569 HIGUERA STREET, SUITE A
SAN LUIS OBISPO, CA 93401
PH: (805) 595-1962
FAX: (805) 595-1980

LAND SURVEYOR: MBS LAND SURVEYS
3563 SUELDO STREET, SUITE Q
SAN LUIS OBISPO, CA 93401
(805) 594-1960

PROJECT DESCRIPTION

A PROPOSAL TO REPLACE THE EXISTING UPPER FLOOR RESTAURANT WITH A 10-ROOM BOUTIQUE HOTEL, AS WELL AS, A PROPOSAL FOR 7 BOAT SLIPS AND NEW GANGWAY FOR NON-COMMERCIAL PURPOSES. ADDITIONALLY, THE HOTEL LOBBY SHALL REPLACE THE CURRENT LEASE SPACE OCCUPIED BY THE ARCADE. WE REQUEST APPROVAL FOR THE ARCADE TO BE MOVED OVER TO THE EXISTING LEASE SPACE OCCUPIED BY THE PSYCHIC GIFT SHOP.

DOCKS WILL BE AVAILABLE FOR MONTH-TO-MONTH RENTING. SLIP 1 WILL BE CONTROLLED BY THE MORRO BAY HARBOR DEPARTMENT.

THE PROJECT INCLUDES:
*EXPANSION OF WATER LEASE SITE 82-85W
*THE EXPANSION OF THE NORTHERLY COASTAL ACCESS BOARDWALK
*NEW COASTAL ACCESS SIGNAGE

THE ORIGINAL BUILDING CHARACTER WILL REMAIN WITH ALTERNATIONS FOR NEW WINDOW LOCATIONS, THE ADDITION OF THREE OUTDOOR DECKS SERVING HOTEL ROOMS TOWARDS THE BAY, AND REMOVAL OF A PORTION OF THE HALF-HEIGHT WALL AND GLASS WIND SCREEN ON THE SOUTH-SIDE OBSERVATION DECK. THE WALL WILL BE REPLACED WITH A 42" HIGH CABLE RAIL SYSTEM.

A 10'-0" WIDE PORTION ON THE UPPER FLOOR OUTDOOR DECK WILL REMAIN DEDICATED TO PUBLIC OBSERVATION AREA.

GENERAL SITE INFORMATION

PROJECT ADDRESS: 725 EMBARCADERO ROAD
MORRO BAY, CALIFORNIA

LEASE SITE A.P.N.:
LAND LEASE 82-85
WATER LEASE 82W-85W 066-352-047

ZONING: WATERFRONT (WF)
PLANNED DEVELOPMENT OVERLAY DISTRICT (PD)
AREA 3: EMBARCADERO VISITOR AREA - PER WMP

LAND LEASE LOT SIZE: 10,252.68 S.F.

LAND LEASE LOT COVERAGE 10,252.68 X 70% = 7,176.8 S.F. ALLOWED (BUILDING AREA)
PROPOSED 6,582 SF (64%)

UPPER FLOOR LOT COVERAGE 6582 X 70% = 4,607.4 S.F. ALLOWED (BUILDING AREA)
FLOOR AREA RATIO
PROPOSED 4,006 S.F. (61%)

LAND LEASE EXISTING BUILDING AREA

LOWER FLOOR
BUILDING AREA 6582 **square feet**

UPPER FLOOR
BUILDING AREA 3520 **square feet**
OBSERVATION DECK 1879 **square feet**

TOTAL EXISTING BUILDING AREA **10102 square feet**

LAND LEASE PROPOSED BUILDING AREA

LOWER FLOOR
BUILDING AREA 6076 **square feet**
(N) HOTEL LOBBY 506 **square feet**

UPPER FLOOR
(E) BUILDING AREA 3520 **square feet**
(N) HOTEL ROOM ADDITION 486 **square feet**
(N) OPEN PATIOS 647 **square feet**
OBSERVATION DECK 1484 **square feet**

TOTAL PROPOSED BUILDING AREA **10082 square feet**

WATER LEASE EXISTING BUILDING AREA

LOWER FLOOR
BUILDING AREA 754 **square feet**
(E) COASTAL ACCESS 969 **square feet**

TOTAL EXISTING BUILDING AREA 754 **square feet**

UPPER FLOOR
(N) OPEN PATIOS 252 **square feet**
(N) COASTAL ACCESS 1596 **square feet**

TOTAL PROPOSED BUILDING AREA NA

SHEET INDEX

P1.0 TITLE SHEET, STATISTICS AND EXISTING ARCHITECTURAL SITE PLAN
P1.1 PROPOSED ARCHITECTURAL SITE PLAN
P2.0 EXISTING LOWER and UPPER FLOOR PLANS
P2.1 PROPOSED LOWER and UPPER FLOOR PLANS
P3.0 EXISTING EXTERIOR ELEVATIONS
P3.1 PROPOSED EXTERIOR ELEVATIONS AND BUILDING SECTION
P4.0 EXISTING BUILDING/SITE PHOTOS AND PROPOSED RENDERINGS
P4.1 DOCK DETAILS AND PHOTO SIMULATIONS

PARKING CREDITS and REQUIREMENTS

CURRENT PARKING CREDITS

Historical Parking Credits	87
Paid In-Lieu Parking Spaces	20
Total Parking Credits	**107**

EXISTING BUILDING PARKING CALCULATION

Building Use/Lease Space	Square Footage	Zoning Ordinace Space per s.f.	Required Parking
Arcade	638 s.f.	100 s.f. gross	6
Kelly's Kandies	780 s.f.	300 s.f. gross	3
Retail Shop	1605 s.f.	300 s.f. gross	5
Psychic	707 s.f.	300 s.f. gross	2
Lower Floor Restaurant & Bar	1135 s.f.	60 s.f. customer use area	19
Lower Outdoor Patio	563 s.f.	60 s.f. customer use area	5
Upper Floor Restaurant	1547 s.f.	60 s.f. customer use area	26
Observation Deck/Outdoor Dining*	1744 s.f.	60 s.f. customer use area / 2	18
Removed Street Parking	-	-	15
		Total Parking Required for Building	**99**

*Note Outdoor Dining Area at Observation Deck to be removed.
See Calculation below

TOTAL PARKING REDUCTION FOR UPPER RESTUARANT / BOAT SLIP AND OUTDOOR DINING AREA REMOVAL

Upper Floor Restaurant	1547 s.f. removed	60 s.f. customer use area	-26.0
Outdor Dining Area	668 s.f. removed	60 s.f. customer use area/2	-6.0
Phychic	400 s.f. removed	300 s.f. customer use area/2	-1.0
		Total Parking Reduction	**-33**

PROPOSED HOTEL PARKING CALCULATION

Hotel Guests	1 per Room	10.0
1 add'l space per 10 rooms		0.0
Employee Parking		2.0
Total Parking Required for Proposed Hotel		**12**

PROPOSED BOAT SLIP PARKING CALCULATION

Boat Slips	1 per 35 lineal ft	2.7
Total Parking Reduction		**3.0**

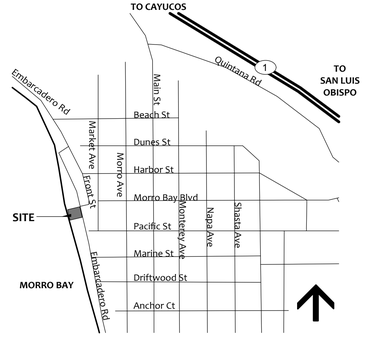
TOTAL PARKING REQ'D FOR (E) BUILDING & PROPOSED HOTEL ADDITION **81**

PROPOSED PARKING STRATEGY FOR HOTEL:

TRANSIENT OCCUPANTS OF THE HOTEL WILL REQUIRE A MINIMUM OF TEN PARKING SPACES AND ONE PERMANENT AND APPROPRIATELY DESIGNATED PASSENGER LOADING ZONE LOCATED DIRECTLY ADJACENT TO THE ENTRANCE OF ROSE'S LANDING. THE APPLICANT REQUESTS THE TEN PARKING SPACES, ONE SPACE BEING A VAN ACCESSIBLE PARKING SPACE, TO BE LOCATED IN THE PARKING LOT ACROSS THE EMBARCADERO WHICH SHALL BE PROVIDED SIGNAGE READING "RESERVED FOR HOTEL GUESTS FROM 3PM TO 10 AM DAILY".

CITY OF MORRO BAY PUBLIC WORKS GENERAL NOTE:

1. ANY DAMAGE, AS A RESULT OF CONSTRUCTION OPERATIONS FOR THIS PROJECT, TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATER LINE, OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF MORRO BAY



ATTACHMENT D

Steven Puglisi
ARCHITECTS
INC
569 Higuera Street
Suite A
San Luis Obispo, CA
93401
Ph: 805.595.1962
Fx: 805.595.1980

LICENSED ARCHITECT STEVEN PUGLISI C 12938 RENEWAL 08.31.17 STATE OF CALIFORNIA

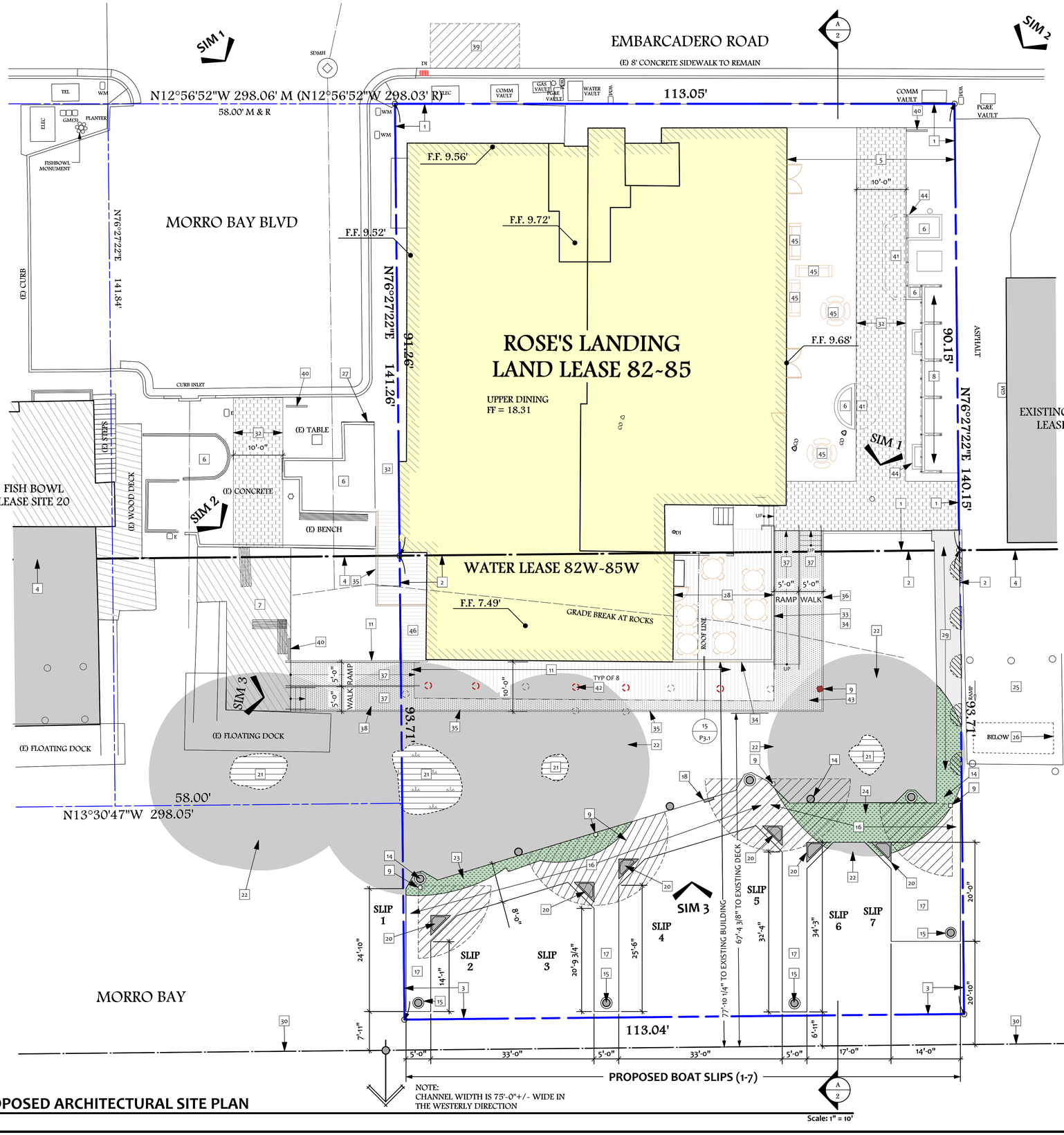
PROJECT: **ROSE'S LANDING**
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET: **TITLE SHEET, STATISTICS and EXISTING ARCHITECTURAL SITE PLAN**

All ideas, designs, arrangements and plans indicated or represented by the drawings are owned by, and the property of, Steven Puglisi, ARCHITECTS, INC. and were created and developed for use, and in conjunction with, the specific project described herein. None of these ideas, designs and arrangements or plans shall be used by, or disclosed to any person, firm, or corporation for any purpose without permission of Steven Puglisi, ARCHITECTS, INC.. Filing these drawings with a public agency is not a publication of same, and no copying, reproduction or use thereof is permissible without the consent of Steven Puglisi, ARCHITECTS, INC.

DATE: 04 April 2017
JOB: 11-017
DRAWN: m.dammeyer
REV.:
Incomplete Letter Response 10/21/2016

SHEET Nº
P1.0



PROPOSED ARCHITECTURAL SITE PLAN

Scale: 1" = 10'

GRAPHIC SCALE: 1" = 10'-0"

BOAT SLIPS SITE PLAN REFERENCE NOTES

1. (E) LAND LEASE LINE
2. (E) WATER LEASE LINE
3. (N) WATER LEASE LINE PER EXHIBIT 'A' LEASE SITE MAP FOR LEASE SITE 19W PREPARED BY MBS LAND SURVEYS
4. SHORE CONTROL EASEMENT
5. (E) PLAZA TO REMAIN
6. (E) PLANTER TO REMAIN
7. (E)WOOD PIER AND BENCHES TO REMAIN
8. (E) TRASH ENCLOSURE TO REMAIN AND BE PERMANENTLY PAD-LOCKED
9. (N) PILE FOR COASTAL ACCESS EXTENSION
10. (N) COASTAL ACCESSWAY SIGN TO INDICATE THROUGH ACCESS
11. (E) 8'0" COASTAL ACCESS TO BE EXTENDED TO 10'-0" PER COASTAL COMM.
12. HATCH INDICATES THE WIDENING OF THE COASTAL ACCESS PATHWAY
13. DASHED LINE INDICATES (N) 36" SQ. SKYLIGHT. TOTAL OF FOUR (4).
14. (N) PILING AT MAIN DOCK. TOTAL OF SIX (6).
15. (N) PILING AT DOCK FINGERS. TOTAL OF FOUR (4).
16. (N) WOOD OR ALUMINUM DOCK w/ GATOR GRATING (WHERE POSSIBLE)
17. (N) WOOD OR ALUMINMUM DOCK
18. (N) AUTOMATIC WET-CLASS III STANDPIPE SYSTEM HOSE CABINET. 31" X 6" X 48"H
19. (N) 8" DIA. X 36"h PEDESTAL LIGHT. HATCH INDICATES APPROX. LIGHTING PATTERN.
20. (N) DOCK CABINET w/ WATER, POWER & TELEPHONE. 48" X 28" X 31"H. TOTAL OF SIX (6).
21. HATCH INDICATES EXISTING EELGRASS LOCATION PER EELGRASS SURVEY DATED APRIL 2, 2014. TYPICAL
22. SHADED AREA INDICATES THE 5 METER SURROUNDING AREA OF THE EELGRASS HABITAT AREA
23. 145 S.F. 5M HABITAT AREA INTRUSION
24. 354 S.F. 5M HABITAT AREA INTRUSION
25. (E) OBSEVATION DECK TO REMAIN
26. (E) FLOATING DOCK TO REMAIN
27. (N) COASTAL ACCESS SIGN TO INDICATE THROUGH ACCESS. (E) PUBLIC ACCESS AND DINING DECK TO BE REMOVED
28. (E) RESTAURANT DINING PATIO TO REMAIN
29. (N) ALUMINUM GANGWAY
30. LIMIT OF CHANNEL
31. EXISTING SITE FURNITURE LAYOUT (AS OF 12/30/15)
32. (N) PAVERED COASTAL ACCESS PATHWAY
33. (E) GLASS AND WOOD WALL TO BE REMOVED
34. (N) LOW GLASS AND WOOD WALL ALONG (E) RESTAURANT PATIO
35. (N) 42" TALL METAL RAILING TO REPLACE (E) WOOD AND GLASS WALL
36. (N) 42" TALL METAL RAILING ALONG (N) COASTAL ACCESS
37. (N) COASTAL ACCESS WALKWAY. REFER TO PLAN FOR WIDTHS
38. (N) 144 S.F. 5M HABITAT AREA INTRUSION
39. (N) PASSENGER LOADING ZONE
40. IMPROVED COASTAL ACCESS SIGNAGE. FINAL LOCATION AND DETAILS TO BE APPROVED BY COASTAL COMMISSION.
41. PORTION OF (E) CONCRETE PLANTER TO BE REMOVED
42. (E) PIER
43. 47 S.F. 5M HABITAT INTRUSTION
44. (N) 30" TALL CONCRETE PLANTERS AND SUPPORT SYSTEM FOR VINE SCREENING AT TRASH ENCLOSURE. SCREEN SHALL BE LIMITED TO 60" ABOVE PLAZA FINISHED SURFACE
45. (E) CONCRETE FURNITURE APPROVED UNDER CUP 3-01-072
46. (E) WALKWAY TO BE ABANDONED

BOAT SLIP NOTES:

1. ALL FINGERS ARE 5' WIDE, EXCEPT AS NOTED
2. 11 PILES PROPOSED
3. SLIP 1 FOR PUBLIC USE and CONTROLED BY MORRO BAY HARBOR DEPT.
4. SLIPS 2 THRU 7 FOR PRIVATE USE

FIRE PROTECTION FOR WHARVES AND DOCKS

FIREFIGHTING APPLIANCES AND EQUIPMENT SHALL BE PROVIDED AND MAINTAINED IN AN OPERABLE MANNER FOR ALL COMMERCIALLY OPERATED MARINAS AND DOCK FACILITIES, AS SPECIFIED BY ORDINANCES OF THE CITY, AND ALL INSTALLATIONS SHALL BE SUBJECT TO THE APPROVAL OF THE CHIEF OF THE FIRE DEPARTMENT. (MBMC SECTIONS 14.08.090 (K) AND 14.52.060)

FIRE PROTECTION EQUIPMENT-STANDPIPES. MARINAS AND BOATYARDS SHALL BE EQUIPPED THROUGHOUT WITH STANDPIPE SYSTEMS, IN ACCORDANCE WITH NFPA 303. SYSTEMS SHALL BE PROVIDED WITH HOSE CONNECTIONS LOCATED SUCH THAT NO POINT ON THE MARINA PIER OR FLOAT SYSTEM EXCEEDS 150 FEET FROM A STANDPIPE HOSE CONNECTION. (CFC 4504.2)

APPLICANT MUST SUBMIT PLANS FOR THE STANDPIPE SYSTEM AND HOSE CABINET, IN ACCORDANCE WITH NFPA 13, PER THE SUBMITTAL REQUIREMENTS FOR BUILDING PERMIT ISSUANCE

FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

MINIMUM SAFEGUARDS FOR CONSTRUCTION, ALTERATION AND DEMOLITION SHALL BE PROVIDED FOR REASONABLE SAFETY TO LIFE AND PROPERTY FROM FIRE DURING SUCH OPERATIONS PER CFC CHAPTER 14. COMPLIANCE WITH NFPA 241 IS REQUIRED FOR ALL ITEMS NOT SPECIFICALLY ADDRESSED HEREIN.

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LICENSED ARCHITECT STEVEN PUGLISI No. C 12938 EXP. 08.31.17 STATE OF CALIFORNIA

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
PROPOSED ARCHITECTURAL SITE PLAN

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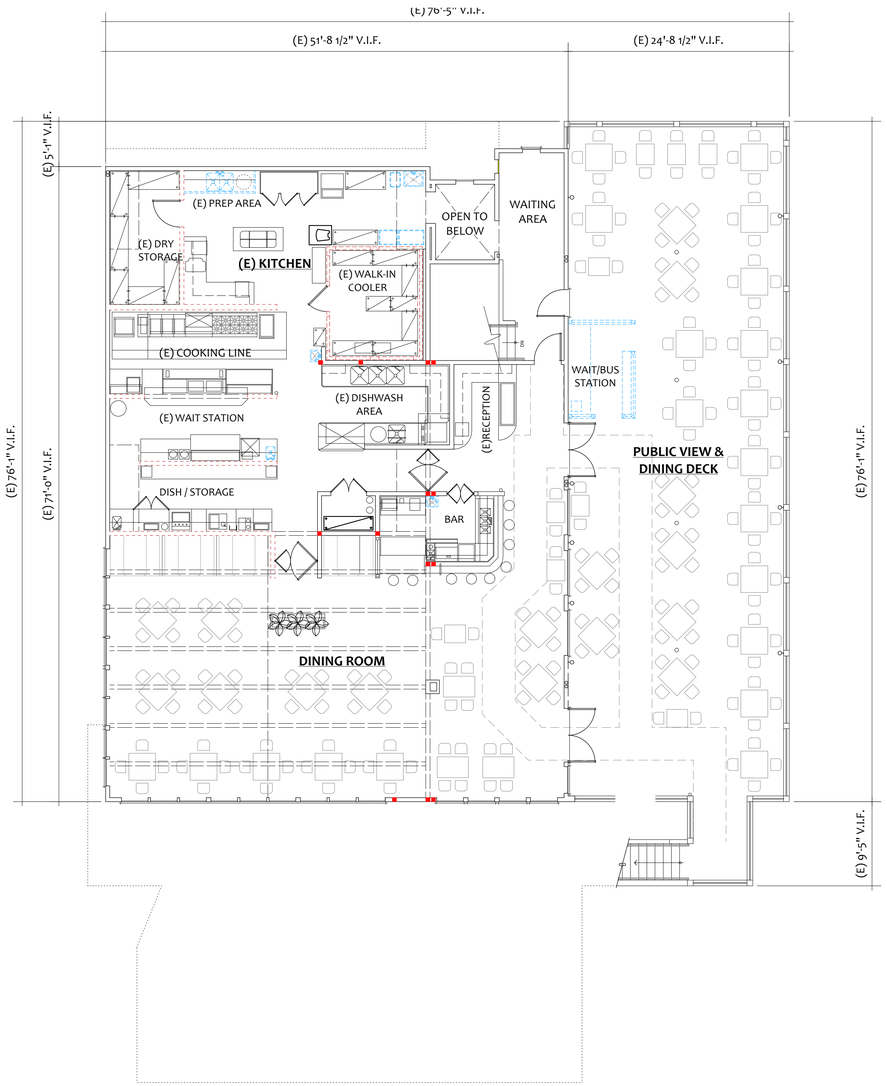
DATE: 04 April 2017
JOB: 11-017
DRAWN: m.dammeyer
REV:
1 Incomplete Letter Response 10/21/2016

SHEET Nº
P1.1

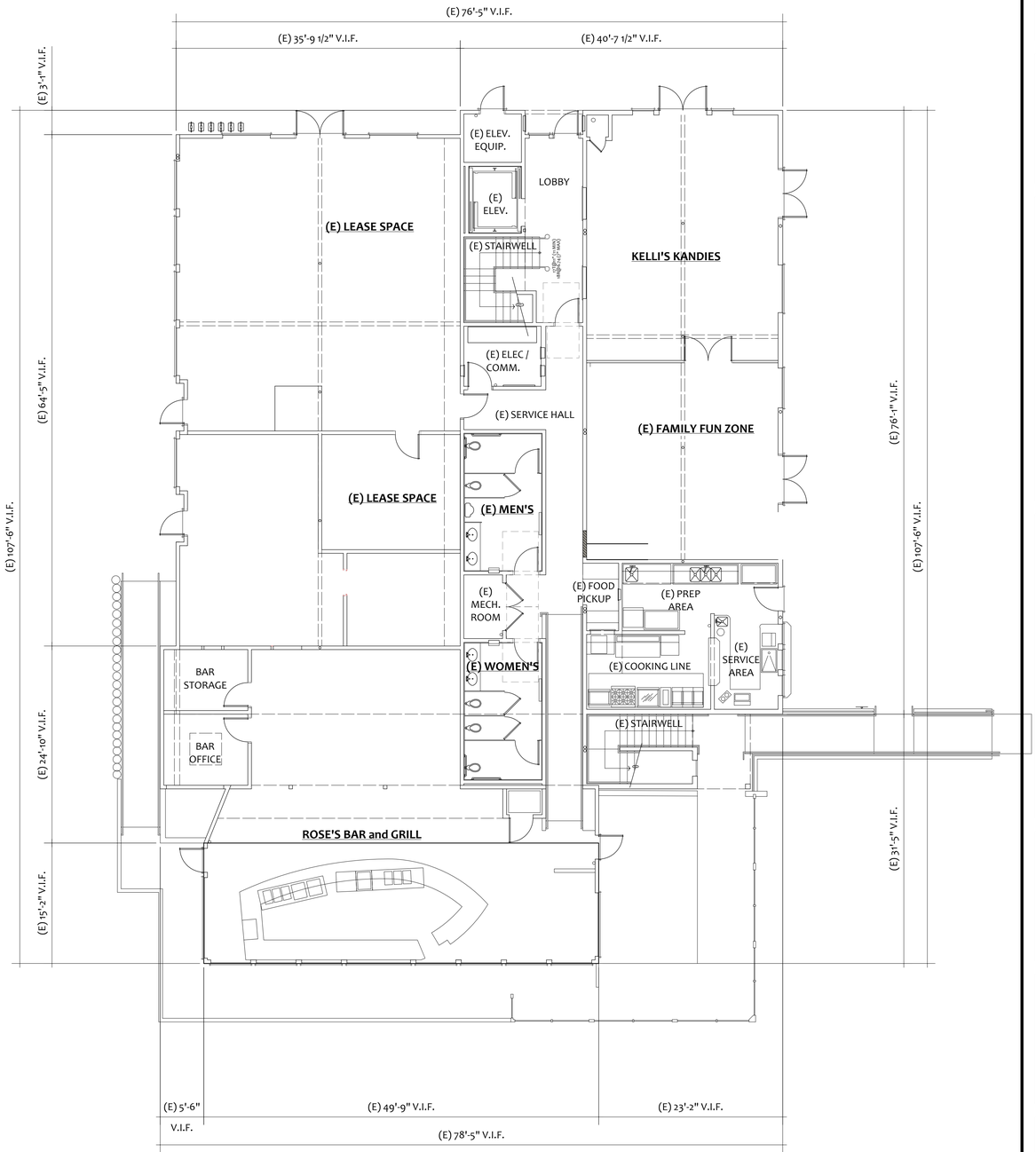
ATTACHMENT D



EXISTING UPPER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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



EXISTING LOWER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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

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LICENSED ARCHITECT STEVEN PUGLISI C 12938 EXP. 08.17 STATE OF CALIFORNIA

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
EXISTING LOWER and UPPER FLOOR PLANS

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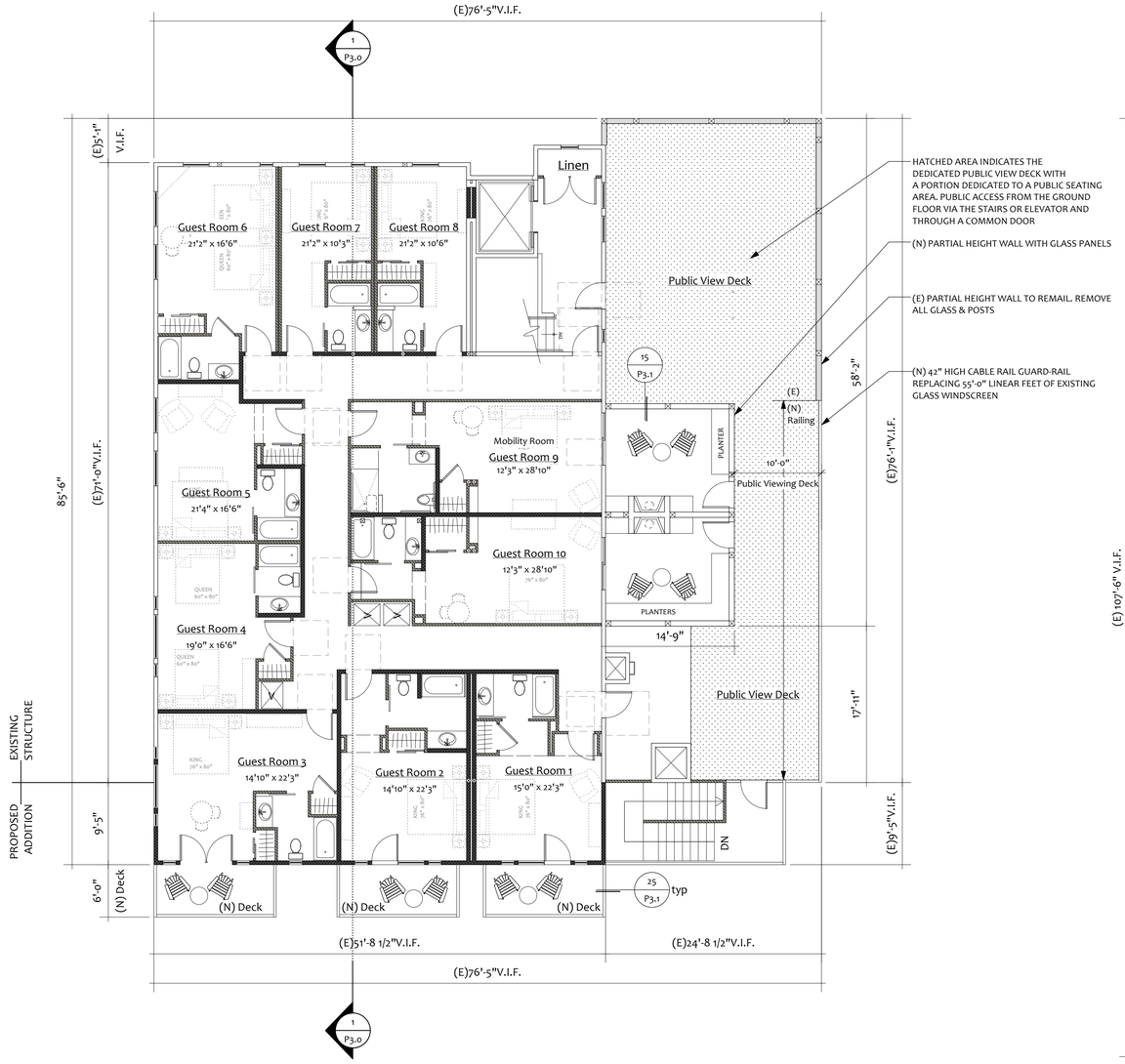
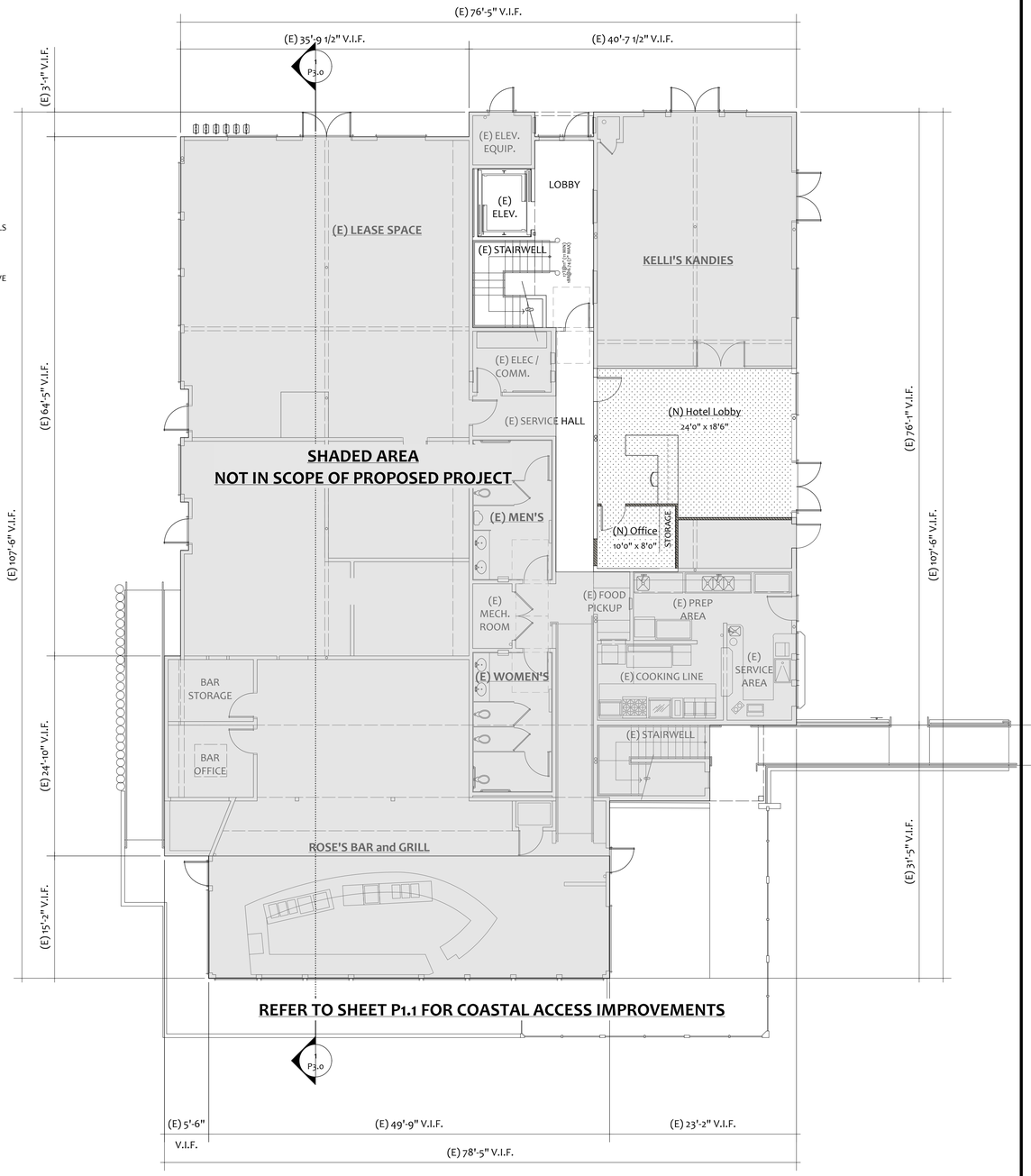


PROPOSED UPPER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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



PROPOSED LOWER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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

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PROJECT:
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EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
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SHEET:
PROPOSED UPPER and LOWER FLOOR PLANS

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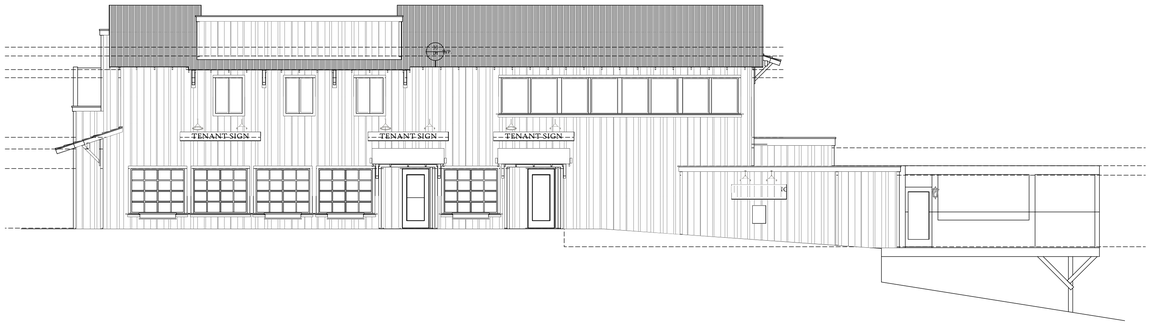
EXISTING EAST/EMBARCADERO ROAD ELEVATION

1/8"=1'-0"

EXISTING SOUTH/LEFT ELEVATION

1/8"=1'-0"



EXISTING NORTH/RIGHT ELEVATION

1/8"=1'-0"

EXISTING WEST/REAR ELEVATION

1/8"=1'-0"

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LICENSED ARCHITECT
STEVEN PUGLISI
C 12938
EXP. 08.31.17
STATE OF CALIFORNIA

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
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SHEET:
EXISTING EXTERIOR ELEVATIONS

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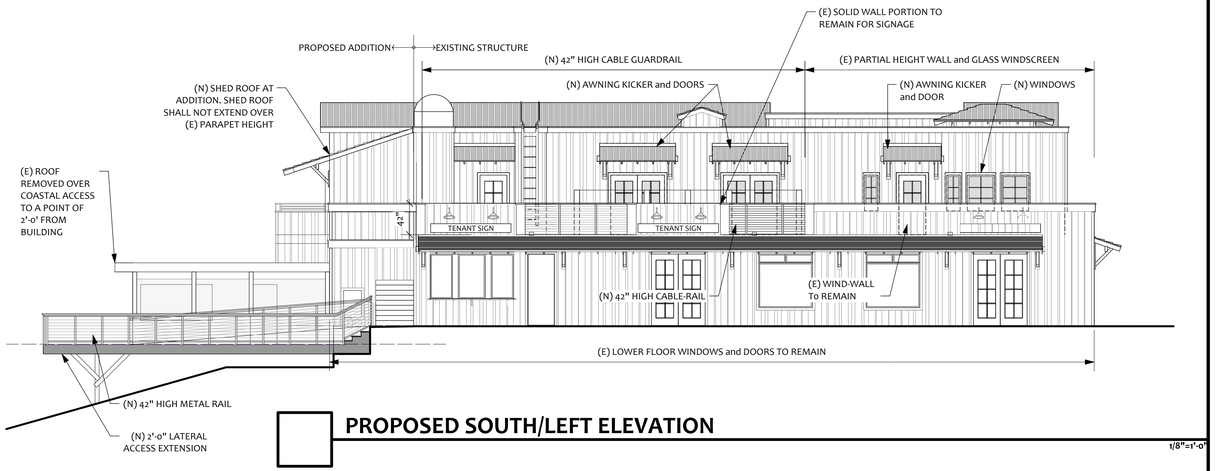
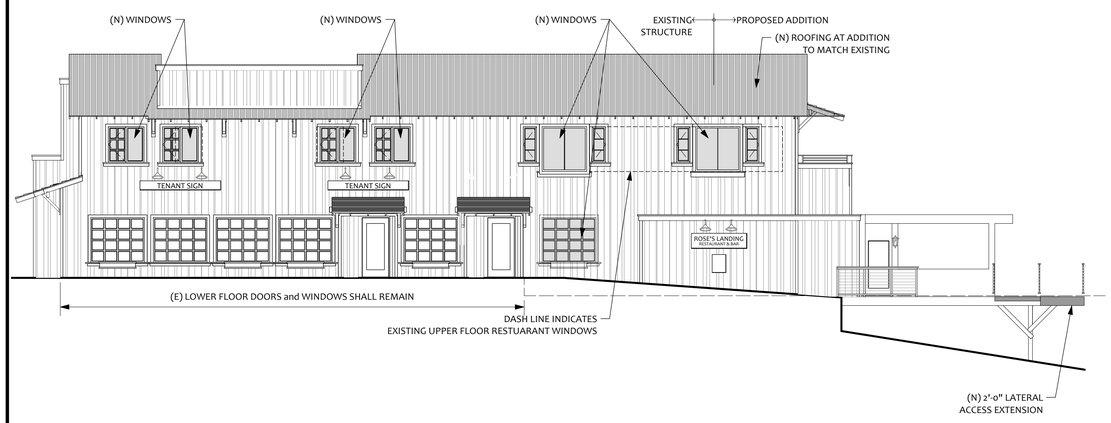
PROPOSED EAST/EMBARCADERO ROAD ELEVATION

1/8"=1'-0"



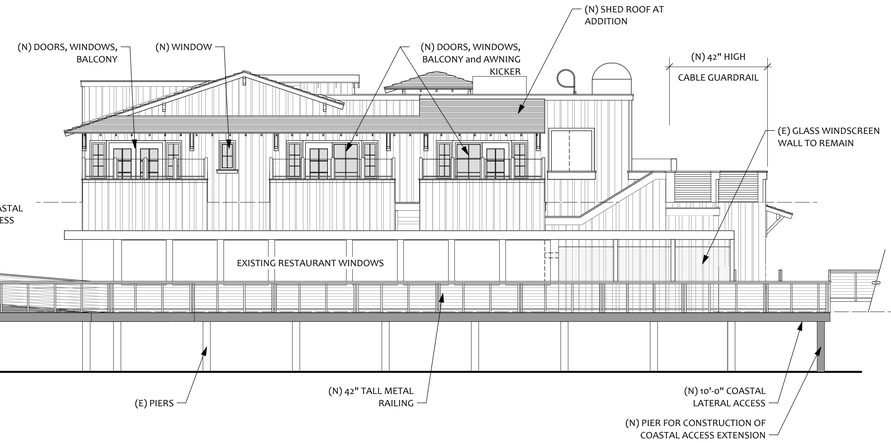
PROPOSED SOUTH/LEFT ELEVATION

1/8"=1'-0"



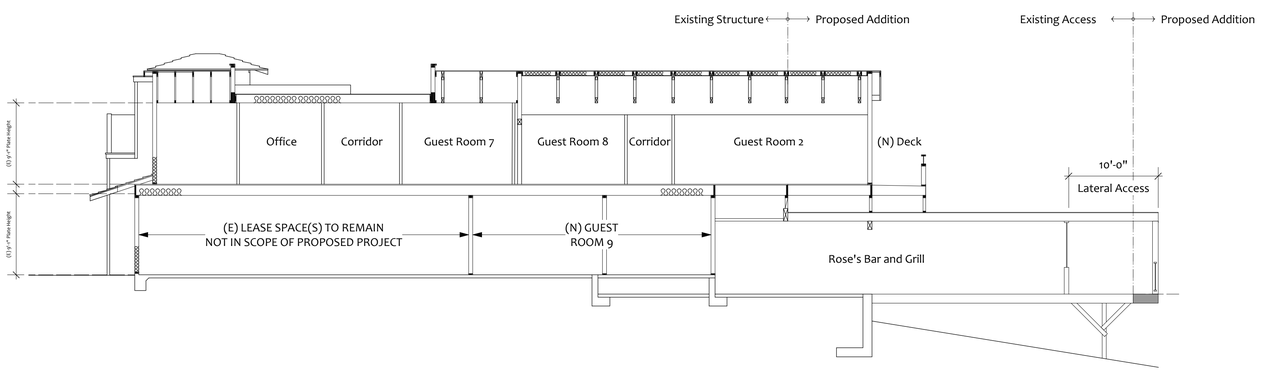
PROPOSED NORTH/RIGHT ELEVATION

1/8"=1'-0"



PROPOSED WEST/REAR ELEVATION

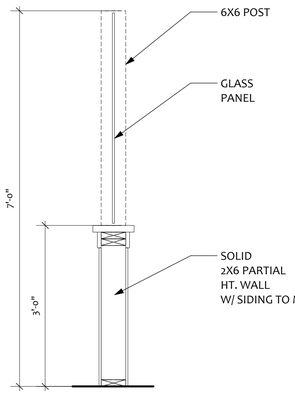
1/8"=1'-0"



PROPOSED BUILDING SECTION

1/8"=1'-0"

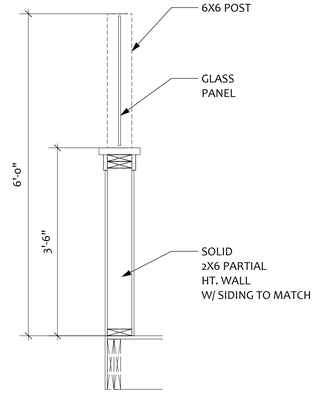
25



TYPICAL WINDSCREEN

3/4"=1'-0"

15



WINDSCREEN @ BAY ROOM

3/4"=1'-0"

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PROJECT:
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SHEET:
PROPOSED EXTERIOR ELEVATIONS & BUILDING SECTION

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EXISTING PHOTO LOOKING SOUTH-WEST

1 PROPOSED BUILDING LOOKING SOUTH-WEST

EXISTING PHOTO LOOKING NORTH-WEST

2 PROPOSED BUILDING LOOKING NORTH-WEST

EXISTING PHOTO LOOKING EAST

3 PROPOSED BUILDING LOOKING EAST

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SHEET:
EXISTING SITE PHOTOS & PROPOSED RENDERINGS

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PHOTO SIMULATION 1

PHOTO SIMULATION 2

PHOTO SIMULATION 3

DOCK BOX

STANDPIPE HOSE CABINET

Mariner Lighting Bollard

Product Focus

The Mariner lighting bollard is available from 18 to 36 inches tall and can be used in various applications from marina docks, to landscaped areas, golf courses, and beyond. The Mariner is designed to withstand the harsh marine environments from Alaska to the tropics.

Product Specifications

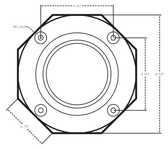
- Can Be Configured with a 7, 9, or 13 Watt Compact Fluorescent Light or LED Lighting
- Mounting Base and Painted Pole Supplied for Desired Height
- Custom Colors Available
- 18, 24 or 36 Inch Total Height

Dimensions

HEAD ASSEMBLY HEIGHT	IN.	MM
7 Watt	7.0	177.8
9 Watt/13 Watt	8.0	203.2
LED	9.0	228.6

MOUNTING BASE AND POLE
18" - 36"

Base Diagram

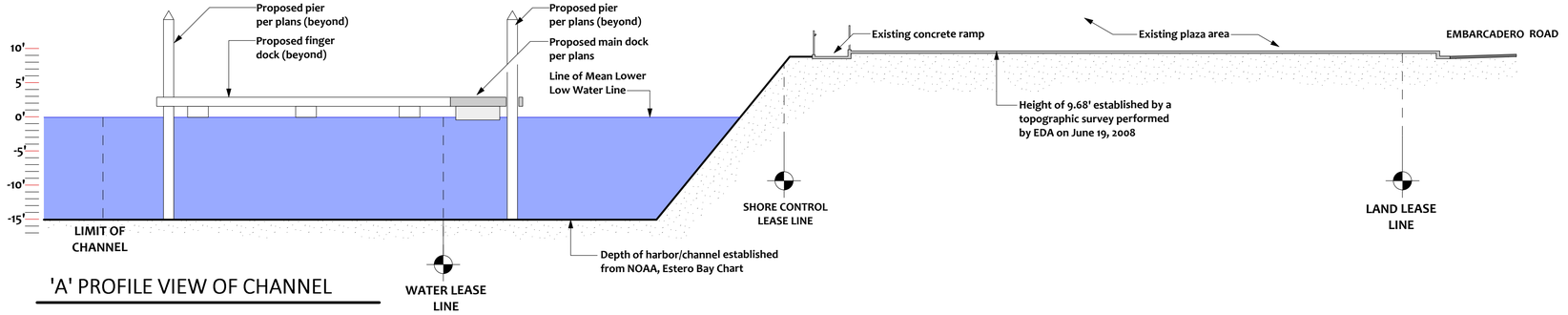


Call Today for More Information

Eaton Corporation
Marina Power & Lighting
149 Warwick Court
Williamsburg, VA 23185
United States

tel: 1-800-723-8009
www.marinapower.com

LIGHT PEDESTAL



'A' PROFILE VIEW OF CHANNEL

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SHEET:
DOCK DETAILS AND SECTION PROFILE

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SHEET Nº
P4.1

AGENDA NO: B-3

MEETING DATE: March 21, 2017

Staff Report

TO: **Planning Commissioners** **DATE: March 15, 2017**

FROM: **Cindy Jacinth, Associate Planner**

SUBJECT: Major Amendment (#A00-041) to Concept Plan approval for Conditional Use Permit (UP0-359) for conversion of second floor restaurant use to 8-boutique hotel units and conversion of one existing first floor commercial lease space to a hotel unit for an overall total of 9 hotel units. Project includes improvements to previously permitted public access as well as construction of new gangway, dock, and seven (7) boat slips (6 private rentals and 1 public slip) at 725 Embarcadero, Rose's Landing.

RECOMMENDATION:

FORWARD A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

Adopt Planning Commission Resolution 11-17 which includes the Findings and Conditions of Approval for the project depicted on site development plans dated January 19, 2017 (Exhibit F).

APPLICANT/AGENT: Doug Redican, 725 Embarcadero LLC/ Steve Puglisi Architects

LEGAL DESCRIPTION/APN: City lease sites 82W-85W and 82-85/ 066-352-047

PROJECT SUMMARY: The Applicant is seeking a Major Amendment to Conditional Use Permit #UP0-359 for conversion of a portion of the existing Rose's Landing commercial development to

Prepared By:___CJ_____ Department Review: _____

a 9-room boutique hotel. The change of use includes conversion of the entire second floor from restaurant use to 8 boutique hotel rooms with a conversion of one of the first floor commercial lease spaces to a hotel unit facing the Morro Bay Blvd street end. Second floor rear addition of 486sf and building façade alterations to include addition of three separate outdoor bayside decks for hotel use which includes 647sf of open patios. Minor changes improving previously-approved public bayside and vertical access. Project includes the proposal for 7 boat slips and new gangway previously approved on February 23, 2016. The project site is located in the original jurisdiction of the California Coastal Commission.

The previous CUP approval for a proposed 487sf second story dining deck expansion along the west side of the restaurant building is deleted from the project.

PROJECT SETTING:

The lease site is occupied with a two-story visitor-serving facility which includes various visitor-serving retail uses and Rose's Landing restaurant, a well-known (first floor) restaurant in existence since the late 1960's. Because the property is a City lease site, managed through the Tidelands trust, the Applicant's lease requirements with the Harbor Department require improvements to the lease site. As a City lease site in a Planned Development (PD) overlay, all projects are required to obtain Concept CUP approval by both Planning Commission and City Council.

Adjacent Zoning/Land Use			
North:	Waterfront (WF/PD, S.4) visitor-serving, commercial, Morro Bay Blvd street end	South	Waterfront (WF/PD, S.4) visitor-serving commercial and fishing dock
East:	Commercial Visitor-Serving(C-VS, PD/S.4), Commercial	West:	Harbor

Site Characteristics	
Overall Site Area	15,906sf (land lease only 10,253)
Existing Use	City land and water lease – Existing use is visitor-serving retail. No existing water uses.
Terrain	Land portion previously developed and paved surface
Vegetation/Wildlife	Sensitive eelgrass within project area. Project designed to avoid eelgrass disturbance.
Access	Embarcadero
Archaeological Resources	No known resources.

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Coastal dependent
Base Zone District	WF, Waterfront Zoning district
Coastal Land Use Plan	Planning Area 6 - Bayfront
Zoning Overlay District	PD, Planned Development overlay (required to also obtain City Council approval of Concept Plan) followed by Precise Plan approval at subsequent Planning Commission hearing.
Special Treatment Area	S.4
Combining District/Spec. Plan	N/A
Coastal Zone	Coastal Commission original jurisdiction. Applicant required to obtain Coastal Development permit from Coastal Commission prior to issuance of any building permit.
Parking Requirements for Docks and Restaurants	Docks: 1 space per 35 lineal feet Retail: 1 space per 300 sf. Hotel: 1 space per room, plus 1 space for each group of 10, 2 spaces for manager's unit. *No parking provided on-site. See parking discussion for proposed parking strategy*.
Development Standards	
Setbacks	No change to front or side setbacks. Rear setback is 0 feet. 10 foot setback required for lateral access. Project provides 10 foot lateral access.
View Corridor	30% of lease site. Public plaza on south side of building.
Sloping Roof, 4 in 12 for 80%	Existing roofline. Proposed rear addition 4 in 12 on northwest and 4 in 12 shed roof on southwest.. New flat roof addition area is 18%
Height	Existing building 25 feet tall, no change to maximum height.
Lot Coverage – 1st floor 70% max. of land portion. 2nd floor is 70% of allowable first floor coverage.	No change in lot coverage to 1st floor. Coverage is 64% 2nd floor addition of 486sf over 1st floor roof on west side of building. Proposed new 2nd lot coverage is 61%.

PROJECT BACKGROUND:

2015 City approval and 2016 Coastal Commission Violation Letter

The conditional use permit for this project was reviewed by Planning Commission on January 5, 2016 which voted 4-1 to forward a favorable recommendation to the City Council with 5 added conditions which were included as Planning conditions 10-14 (Exhibit E). City Council reviewed and approved the project on February 23, 2016 accepting the PC's favorable recommendation and imposing additional conditions which are noted as City Council conditions in Exhibit E.

Upon approval of the conditional use permit (CUP) in 2016, the Applicant applied to the Coastal Commission for their coastal development permit (CDP). During the initial review, Coastal staff determined that the existing Rose's Landing building was not consistent with the approval of past coastal development permits. As a result, a notice of violation letter dated September 19, 2016 was sent to the Applicant by Coastal Commission staff (Exhibit C) which found that deviations were made from the approved CDP permits from 1975 and 2001. The letter details each alleged violation. In summary, the violation issues include expansion of restaurant uses on both the first floor outdoor bayside southwest corner and second floor outdoor restaurant dining deck along the south elevation; as well as obstruction of public viewing/access areas, most notably in the area of the bayside lateral access, construction of unpermitted windscreen and roof; second floor unpermitted awning; unpermitted windscreen; construction of exterior public staircase versus approved interior stairway; obstruction of view corridor/public plaza along south side of building.

It is worth noting that in reviewing the permit record for this project going back to 1975, that some of the violations addressed in the letter are the result of the City's Concept/Precise Plan PD overlay (MBMC 17.40.030) which is part of the Local Coastal Plan. Specifically In 2001, when the Applicant applied for the Precise Plan CUP, *after* obtaining a CDP from Coastal, that several conditions of approval were added to the project by the Planning Commission at that time. It is unclear from the record whether those project changes were forwarded to Coastal Commission staff for concurrence. Additionally, some of the violations noted such as dining tables in public access areas were to be removed as part of the CUP and CDP applications.

Since this letter, the Applicant initially withdrew the application for new docks and boat slips, and worked to remedy the alleged violations by both moving the obstructions and as part of this project, the Applicant is proposing an expanded application which retains the dock and boat slip proposal, improves the public access/removes public obstructions as noted by Coastal and adds to the project by proposing a change of use from restaurant to hotel. City staff have also been in

contact with Coastal Commission staff to facilitate a satisfactory resolution to the Notice of Violation letter as described below in the project description details section.

PROJECT DESCRIPTION DETAILS:

For ease of organization, the staff report discusses first the proposed hotel use and associated details, followed by public access changes, and third the dock slips with relevant response to Coastal violations noted.

Approved UP0-359 (2/23/16)	Amendment to UP0-359	Difference
2nd floor 487sf dining deck expansion	2nd floor 8-unit boutique hotel w/ 1-unit hotel unit downstairs to replace a commercial retail lease space. 486sf rear 2nd floor addition.	New Hotel use proposed where none currently exists.
Lateral & vertical access improvements	Additional lateral & vertical access.	Improvements made to expand public access & awareness in response to Coastal violations notice.
7 boat slips & gangway	7 boat slips & gangway	No change. Project remains subject to environmental mitigation.

1. Proposed Hotel / Design

The proposed project would convert the entire second floor of the existing Rose's Landing building and slightly enlarge the square footage by adding 486sf to the second floor rear of the building and a total of 647sf of new open patio area (which includes both the 3 room balconies and 2 patios). No change in square footage is proposed to the first floor. The second floor would create a second floor 8-room boutique hotel with public view deck and private guest room decks for five of the eight guest rooms. (See plan sheet 2.1 -Exhibit F). The 9th room of the boutique hotel is proposed to be located on the first floor by converting an existing commercial lease space from retail use to hotel use.

Consistent with the Waterfront Master Plan guidelines, and desire to maintain and enhance the pedestrian oriented visitor-serving retail uses, staff requested the Applicant retain the downstairs commercial lease space by removing the downstairs hotel unit with hotel units limited to the 2nd floor only. The Applicant has elected to keep the proposed 9th hotel unit on the first floor with a willingness to be conditioned to remove the hotel unit for retail space at the time of construction

of the Centennial Parkway project (see discussion on page 10), and also based on City permitting of other downstairs hotel units where commercial lease space was permitted for removal and replaced with hotel units (See applicant's response letter, Exhibit D).

Staff is recommending a condition of approval be added to remove the downstairs hotel unit to retain the 1st floor commercial lease space in order to maintain the pedestrian activity of the Embarcadero with hotel units limited to second floor only consistent with the Waterfront Master Plan. (Planning condition 13).

The conversion of the second floor to hotel units would also include creation of a 1200sf dedicated public view deck with a portion dedicated to a public seating area, public access from the ground floor via the stairs on the west side of the building or via the existing interior elevator located adjacent to the Embarcadero Road street side entrance as denoted on plan sheet P2.1 (Exhibit F).

Architectural Design

The architectural character of the building remains largely the same as shown in the visual simulations below with the board and batt articulated wall surfaces; orientation of windows for pedestrian activity; and varied massing with the addition of new window awnings, and outdoor balconies. Elevations plan sheet P3.1 depict the proposed façade changes and deck additions. This includes façade improvements for relocated windows, and kicker awnings on the Embarcadero Road east elevation. On the proposed south/ left elevation, elevations shows removal of the existing glass windscreen wall on the west elevation and 55 linear feet of glass windscreen from the south elevation starting from the southwest corner. A 42" see-through cable guardrail is proposed on the south west corner and the south east corner maintains a portion of the partial height wall and glass windscreen. This is proposed to address Coastal violation #4 (Exhibit C). (See visual simulation below and on plan sheet P4.0).

The Applicant's response to Coastal's violation letter on item #4 regarding the second floor outdoor public viewing deck now removes the outdoor dining service, dedicates 1200sf of public viewing deck for public access and removes the unpermitted windscreen wall which enhances views of Morro Rock when looking northwest. The plans do show a private patio area for 2 of the guest rooms adjacent to the public view deck and separated by a glass wall so as to avoid view obstructions from east to west.

2 PROPOSED BUILDING LOOKING NORTH-WEST

1 PROPOSED BUILDING LOOKING SOUTH-WEST

On the (west) elevations and visual simulation below, the plans show a 486sf addition to the second floor over the existing first floor roof. This addition adds 9.5' to the west rear second floor and also adds three 6 foot deep private balcony decks proposed for the three bayside-facing hotel rooms. This pop-out of square footage would be constructed over existing first floor coverage and provides for a better design by extending over currently visually unappealing flat,

blank rooftop without impact to visual obstructions to significant bay views or views of Morro Rock as noted in the visual simulations shown on project plans (See Exhibit F and site photo on page 12).

3 PROPOSED BUILDING LOOKING EAST

Parking requirement / parking plan

City records show a total of 87 memorialized historical parking credits plus a total of 20 paid in-lieu parking credits for a total of parking count of 107 parking spaces. A parking analysis shown on the site plan page of existing building uses among the various tenants indicates a total parking count for the building of 99 spaces.

Removal of the second floor restaurant use, which is parked at 1 space per 60sf of customer dining area, and removal of the outdoor dining area and downstairs commercial lease lowers the parking requirement by 33 parking spaces. The parking requirement is significantly less for hotel use which totals 11 spaces (1 space per hotel room, plus 1 space for each group of 10 rooms, plus 2 spaces for a manager's unit). Altogether, the proposed project with existing and proposed uses creates a requirement of 80 parking spaces where there is a total of 107 credited spaces and is therefore compliant with parking requirements.

Despite the City's past practice of grandfathering in parking credits based on historic use, as a hotel use, the Applicant is seeking to provide reasonably close physical parking spaces for hotel patrons based on previous payment of City parking in-lieu funds. Prior to the 2001 addition to the Rose's Landing building, a 15-space parking lot existed in the southerly area of the lease site. The Applicant has submitted a proposed parking strategy/ justification request letter dated February 22, 2017 (Exhibit B) requesting that 9 parking spaces be designated in the parking lot directly across the street and 1 passenger loading zone located directly adjacent to the entrance of

Rose's Landing. The Applicant is also requesting that the 9 spaces be signed as reserved for hotel guests from 3pm to 10am daily.

Given that the Applicant paid in-lieu funds for not only the removal of the 15-lot parking lot that previously existed on this lease site, but in actuality paid for a total of 20 in-lieu spaces, staff is supportive of providing for physical parking spaces which could be made available during evening hours for hotel guests when tourism traffic is lower. Although staff's recommendation is that rather than reserved spaces from 3pm to 10am daily, that spaces be made available from 6pm to 10am daily when parking demand is less. Such a program would likely be implemented through a lease agreement authorized by the City Council. This parking program could likely be developed without significant impact to the daily parking demand of the overall City lot, as customarily it would be expected that parking availability would ebb and flow based on a hotel guest's daily activities whether by foot or by car, no different than any other hotel guest in another area of town who would drive to the Embarcadero and park for daily activities. Ultimately, this decision rests with the City Council as it involves lease of existing City Parking Spaces.

LCP Policies on Low-Cost Visitor Serving Accommodations

The City's Local Coastal Plan identifies policies for low-cost visitor serving accommodations which requires room rates to serve all income ranges. Policy 2.07 states "*New hotel/motel developments within the coastal zone shall, where feasible, provide a range of rooms and room prices in order to serve all income ranges. ... Consistent with Coastal Act Section 30213, the City shall in no event (1) require that overnight room rental be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private land; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*"

The Coastal Commission (CCC) is currently producing a guidance document to formalize their approach to implementing this policy. But generally in the past the CCC has interpreted the policy to mean 25 % of rooms need to be "low cost". There appears to be various methodologies on how to determine what is low cost – CCC staff have noted that it is usually considered as the most recent calendar year with other factors considered on a case-by-case basis.

Morro Bay is unlike other coastal towns in that we do not have a high inventory of high-cost hotels, according to the City's Tourism Department. For example, the average daily rate (ADR) for Morro Bay in October 2016 was $122/night (http://www.morro-bay.ca.us/DocumentCenter/View/10320) . In order to be consistent with the LCP and CCC direction, staff is recommending that a condition of approval be added that 25% of hotel rooms

be maintained at a rate not to exceed 80% of the City's average daily room rate for the preceding calendar year as determined by data maintained by the City's Finance Department. (Planning Condition 10).

2. Additional Public Access Improvements

Bayside lateral access: The City's LCP requires a minimum 8ft wide bayside lateral access for the public for new or redevelopment projects. However, it has typically been Coastal Commission practice to require 10ft width on CDP projects that it reviews. The Coastal violation letter (Exhibit C) noted that past CDP No. 75-3 permitted a roofed 8-foot wide lateral accessway which is currently obstructed with tables. Staff has verified that those tables have since been removed. The Applicant is also proposing to extend the width from 8 feet to 10 feet (See Exhibit D for Applicant response to Coastal violation letter).

Second, Coastal's letter noted that the northern connection point to the lateral accessway permitted an open unroofed 5ft wide accessway which is now since roofed with an enclosed windscreen. The Applicant's response proposes removal of windscreen in this northwest area with request for Coastal after-the-fact permit approval for the existing roofed portion as a protection against inclement weather.

Coastal's third violation (#3) stated that CDP No. 75-3 did not allow for obstruction to public access where there is currently dining tables and chairs in the southwest corner of the lease site as well as an unpermitted mesh awning. The Applicant's response, which was part of the City's UP0-359 approval last year, is requesting Coastal Commission approval of a new 10ft public access/view deck off the existing patio, remove the wind screen wall and replace with a low height railing as well as after-the-fact Coastal permitting of the retractable awning. As shown on plan sheet 1.1, the 10-foot extension of public access allows for a more direct bayside lateral access route rather than the current circuitous route which wraps around the building.

Vertical access/ view corridor: The Waterfront Master Plan (WMP) requires a 30% view corridor requirement for 2 story buildings on lease site greater than 50 feet in width. As noted in Coastal's letter, CDP 3-01-072 approved a 34-foot wide view corridor/public plaza on the southern side of the lease site which exists today. However, there are currently obstructions in the form of tables and railings which give the impression that this is not open to the public. As shown in the approved CUP, the Applicant proposes to provide a clearly marked, stained or painted concrete 10ft path to the bayside lateral access as well as clear the obstructions in the view corridor to increase public awareness of public access, while keeping the tables and benches to allow the public free seating to enjoy the plaza.

However, the 10-foot requirement refers to the bayside lateral access. The applicant's vertical

access requirement is the 30% view corridor. In this case as the Coastal violation letter pointed out, there are additional obstruction within this view corridor. The City's WMP also requires that no items taller than 30 inches in height be allowed, and a condition of approval (Planning condition 11) has been added to reflect this which would require removal of the hostess stand, and the patio table umbrellas. The garbage containers exceed the 30 inch requirement but were previously approved by the City Council with the 2001 CUP.

Additionally, the Applicant's plan proposes removal of the southerly landscape planter area in order to provide a delineated 10 foot wide vertical accessway. Based on the minimal landscaping currently on site, staff supports maintaining the landscape planter area and moving the stained concrete path to the north. This can be accomplished by removing the additional tables and concrete bench that is perpendicular to the walkway. There are currently 5 concrete benches and 5 tables for two along with a round fountain that lend a feeling of crowdedness. By adjusting the stained concrete path over to maintain the landscape planter, it avoids visual interruption of the view corridor. (Planning condition 12).

Collectively, the enhancements to the existing bayside lateral access further improves upon the lateral and vertical access improvements as approved by the Planning Commission and City Council in 2016 and as conditioned will greatly enhance the public's visual access consistent with the Waterfront Master Plan.

Signage: The current coastal access signage is dated and not consistent with current sign design standards. The Applicant's original CUP proposal included bringing all coastal access signage up to date and is shown on plans both street side, bayside, and at the second floor view deck.

3. Docks and Gangway

No changes are proposed to the original CUP approval for new gangway, dock, and seven boat slips. The area does have existing eelgrass vegetation as discussed in the MND, and the mitigations/ conditions of approval on the project remain the same which would require pre-construction eelgrass survey prior to building permit issuance.

Environmental Determination

A Mitigated Negative Declaration (MND) was circulated on January 2, 2015 with a review period that ended on February 2, 2015. Mitigation was recommended for biological resources, cultural resources, greenhouse gas emissions, and hydrology/water quality. The MND prepared for this project was adopted by City Council on February 23, 2016. With the environmental review complete, no changes to the project were made that would require additional environmental review or result in additional impacts. The mitigations incorporated as conditions

of approval to the concept plan approval remain on the project.

PROJECT ANALYSIS/ DISCUSSION:

Visual Simulations:

Six simulation viewpoints were submitted by the Applicant as shown on Sheets P4.0 and P4.1 of the plans. These include visual simulations depicting the revised elevations as result of the façade changes related to the hotel use (from Embarcadero looking both northwest and southwest and from the bay with simulation looking east at revised elevation. Sheet P4.1 includes the original simulations for the proposed dock project which was previously approved with the CUP.

Staff's review of the visual simulations determined that public views will not be detracted as shown in the simulation. The views of the bay and views of the Rock will improvet with the changes to the second floor dining deck as shown on Sheet P4.0. Additionally, the second floor rear addition which will extend the building westward will not adversely affect views. The addition is proposed over the existing first floor roof adjacent to the exterior staircase as shown on the floor plan and a site photo taken from the top of the existing staircase shown below demonstrates that views will not be impacted other than the visibility of the adjacent building to the north (Libertine site).

Centennial Stairway / Market Plaza:
As part of the fiscal year 2015/2016 goal setting process, the City Council identified one of its objectives as preparation of a plan that would both widen the Embarcadero sidewalk along the waterfront side of the street and provide a new vision for the Centennial stairway area. At its January 24, 2017 meeting the City Council adopted a concept plan for the Centennial Parkway. Centennial Parkway envisions public improvements extending from the top of the stairway west to the Morro Bay Blvd street end adjacent to the north side of the Rose's Landing lease site, with the aim to revitalize a central part of the Embarcadero. A condition of approval has been added which would require the Applicant to participate toward the development of Centennial Plaza. The amount of contribution to be negotiated as part of future lease site negotiations. (Planning condition 15).

The Market Plaza project refers to City-owned property north of Centennial Parkway wherein the City council at its March 28, 2017 meeting will consider whether to release an RFQ to solicit qualifications for proposals to redevelop the area which is east of the Rose's Landing lease site and potentially includes the public parking lot where the Applicant has requested parking approval for its proposed hotel rooms. Pending Council outcome and direction at the 3/28/17 meeting, additional requirements or conditions may be triggered on the Rose's Landing project, which would affect not only the Rose's Landing lease site redevelopment, but also other nearby lease sites, such as Off the Hook, and Libertine as they come forward for redevelopment or lease renewal negotiation. This would be addressed when the City Council reviews the Amendment to Concept CUP project after Planning Commission review.

PUBLIC NOTICE:
Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on March 10, 2017, and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

CONCLUSION:
The project amendment and overall Rose's Landing project meets City goals of the Waterfront Master Plan by providing for public visual access in maximizing public access, both through the existing bayside lateral and vertical accessway; provision of new floating dock/ boat slips as well as providing an additional source of visitor-serving accommodations while also protecting and enhancing existing views. The change of use to hotel maintains the original architectural character, and as conditioned provides a mixed use building of retail on the first floor and hotel accommodations on the second floor in keeping with the fishing village community theme and will add to the ambiance of the waterfront area. It is consistent with the City's General Plan and

Local Coastal Program (LCP) because it provides for visitor-serving mixed use facilities.

As conditioned, the proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to amend the Concept Plan approval of Conditional Use Permit #UP0-359.

EXHIBITS:

Exhibit A – Planning Commission Resolution 11-17
Exhibit B – Applicant Parking Justification Request Letter dated February 22, 2017
Exhibit C – Coastal Commission Violation Letter dated September 19, 2016
Exhibit D – Applicant Response Letter dated March 14, 2017
Exhibit E – Conditional Use Permit (Concept) #UP0-359 approved February 24, 2016
Exhibit F – Plans/ Reductions dated January 19, 2017

RESOLUTION NO. PC 11-17

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR AMENDMENT (#A00-041) TO CONCEPT PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-359) FOR CONVERSION OF SECOND FLOOR RESTAURANT USE TO AN 8-UNIT HOTEL, IMPROVEMENTS TO PUBLIC ACCESS AND CONSTRUCTION OF NEW GANGWAY, DOCK, AND SEVEN (7) BOAT SLIPS (6 PRIVATE RENTALS AND 1 PUBLIC SLIP) AT 725 EMBARCADERO, ROSE'S LANDING

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 21, 2017, for the purpose of considering a major amendment (#A00-041) to the Concept Plan approval of Conditional Use Permit #UP0-359; and

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

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

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

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

California Environmental Quality Act (CEQA)

A. That for purposes of the California Environmental Quality Act, Case No. UP0-359 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to B**iological Resources, Cultural Resources, Greenhouse Gas Emissions, and Hydrology/Water Quality**. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration (MND). **Additional mitigation has been added as a result of review during the comment period by the California Coastal Commission and has been highlighted in red in the mitigation and monitoring plan. The revised plans did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.**

Conditional Use Permit Findings

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the conversion of the existing second floor restaurant use to a 8 unit boutique hotel use along with improvements to public

access and new gangway, dock, seven (7) boat slips at 725 Embarcadero are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed hotel use, public access and floating dock and new slips will provide a visitor-serving recreational opportunity which will provide additional benefit and improvement to a visitor-serving commercial use and is consistent with the character of the existing development.

Waterfront Master Plan Findings

A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:

a. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.

b. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the bayside lateral access is improved to allow for easier pedestrian access, enjoyment and better bay views. It preserves and enhances the views as seen from street-ends and around the building in that the second floor view deck is removing the glass windscreen at the southwest corner and first floor windscreen along the bayside lateral access.

c. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the availability of boat slips in the bay for recreational or commercial boat rental and also with the creation of an public view deck which will maintain and enhance views of the bay.

d. The proposed project maintains the pedestrian orientation of the Embarcadero by maintaining commercial visitor-serving retail on the ground floor and limiting hotel uses to second floor occupancy and also in that the project will provide improved lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront as well as create a second floor public view deck open to the public is consistent with the character of the existing development.

e. The project gives its occupants and the public some variety in materials and/or application in that the project, including the rear second floor addition and façade improvements retains the original building character.

f. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new

docks and public lateral access will be accessible to the public and also in that the second floor hotel use, related façade improvements, and public view deck provides articulation that is consistent with the character of the existing development.

g. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the bayside lateral access is existing and will be enhanced by opening up the northerly entrance to make the lateral access more inviting to pedestrians. and conversion of second floor use to hotel use along with new construction of dock and slips is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Architectural Consideration

A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

Section 2. Action. The Planning Commission does hereby recommend for City Council approval a major amendment (#A00-41) to Concept Conditional Use Permit #UP0-359 subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated March 15, 2017, for the project at 725 Embarcadero depicted on plans dated January 19, 2017, on file with the Community Development 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 Planning Commission approved plans submitted for UP0-359, 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

Building Conditions:

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

Fire Conditions:

1. Standpipe Plan Submittal. Marinas and boatyards shall be equipped throughout with standpipe systems in accordance with NFPA 303. Systems shall be located such that no point

on the pier or float system exceeds 150 feet from the standpipe hose connection. (CFC 3604.2, 905, and MBMC 14.52.060).

a. Applicant shall submit plans for a Class 1 Standpipe System, for protection of the floating dock system and boat slips, in accordance with MBMC 14.52.060 CFC 904 and NFPA 303, to Moro Bay Community Development Department for review.

2. Portable fire extinguishers. One portable fisher extinguisher of ordinary (moderate) hazard type shall be provided at each required standpipe hose connection. Additional portable fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with CFC 906. (CFC 4504.4).

a. Applicant shall provide one (2A-10BC) fire extinguisher and cabinet on the floating dock and depicted on Sheet 1.

3. Construction and operations of marinas, boatyards, yacht clubs, boat condominiums, docking facilities, multiple-docking facilities and all associated piers, docks, and floats shall be in accordance with NFPA 303.

4. Installation and Acceptance Testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before required acceptance testing. (CFC 901.5).

5. Occupancy. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. (CFC 901.5.1).

6. Fire sprinklers. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards. (CFC 901.4).

a. Applicant shall submit sprinkler plans for upstairs dining room bar modifications and the new dining deck expansion, to Morro Bay Community Development Department for review.

Public Works Conditions:

The following Public Works conditions shall be satisfied prior to Building Plan submittal:

1. If water service to the dock is planned, an appropriate backflow prevention device is required to installed, routinely inspected and maintained per MBMC Chapter 13.08 Water Cross-Connections.

2. Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan per MBMC Chapter 14.48: 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. Encroachment Permits: A standard encroachment permit may be required if utility connections are required within the City Right of Way. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.

4. Water Equivalency Units: Due to a change in usage (existing restaurant water use to hotel water use) the Water Equivalency Table (MBMC 13.20.070) will apply when calculating the amount of water equivalency units for this project.

Add the following Items/Notes to the Plans:

5. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

6. 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.

7. Due to mandatory water conservation requirements and stormwater requirements no pressure washing is allowed unless it is directly due to professional preparation of exterior painting of property. No discharge of non-stormwater is allowed into the municipal storm drain system and contractor must provide measures to prevent any discharge for entering the stormwater system.

Harbor Department Conditions:

1. Applicant shall request in writing to the City to adjust the lease lines as applicable at the appropriate time.

Planning Conditions:

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.

2. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection

clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.

3. Bayside Lateral Public Accessway. The existing semi-enclosed public accessway along west side of building shall maintain a 10-foot wide coastal access with open unobstructed access in order to maximize public use and enjoyment. Any uses that obstruct the accessway such as private uses or barriers such as furniture, planters, ropes, or restaurant seating and specifically table seating within the 10 foot coastal accessway shall be prohibited.

4. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).

5. Final precise plans shall be revised to include coastal public access signs on the northeast and southeast face of the building on Embarcadero Road (street entrance). Signs announcing public coastal access shall be placed at both north and south entry points to the semi-enclosed public access way or as consistent with a Public Access Management Plan as approved by the California Coastal Commission.

6. Shading of eelgrass – No part of any floating dock, boat structure or other portion thereof shall be located vertically above any existing eelgrass bed as identified on the approved site plan. Nothing shall be allowed to dock, for any length of time, above any existing eelgrass bed. Translucent grating shall be used to the greatest extent feasible on the floating dock area over the unvegetated 5 meter eelgrass buffer.

7. The Mitigation and Monitoring Plan, previously adopted by the City Council on February 23, 2016 shall remain in full force and effect which has been incorporated as conditions of approval.

8. Second Floor Public View Deck. Signage shall be added to entrance of public view deck and at street level announcing public access and no purchase required. Form and design of signage shall be consistent with the approved public coastal access signs as approved by the California Coastal Commission. Precise plans submitted for approval to the City shall denote all signage locations.

9. The open courtyard area to the south of the Rose's Landing building shall maintain a 10 foot wide lateral access to provide public access from Embarcadero Road west to the bay. Any existing public tables and benches which impinge on the 10 foot requirement shall be moved to allow for open pedestrian access. Any existing outdoor dining tables on the lease site shall have table signs permanently affixed informing the public that no purchase is required.

10. Twenty five percent of hotel rooms shall be set at no more than 80% of ADR for the preceding

calendar year as determined by the City's Finance Department .

11. The 30% view corridor located along the south side of the building shall be maintained with no furniture item, table umbrellas or hostess stands to exceed 30 inches in height per the Waterfront Master Plan.

12. Applicant shall maintain the landscape concrete planter on the south side of the lease site and relocate north the stained 10 foot vertical accessway path. Pathway shall be maintained free and clear. Public benches shall number no more than 4 in the plaza and table seating shall be limited to no more than 3.

13. Applicant shall remove the downstairs hotel unit to retain the 1st floor commercial lease space in order to maintain the pedestrian activity of the Embarcadero with hotel units limited to second floor only.

14. The applicant shall enter into a lease agreement with the City for use of nine City owned parking spaces in the City lot across the street from Rose's Landing. Said lease agreement shall reserve the nine parking spaces, from 6pm to 10am daily, for hotel guests only. In addition, 1 permanent and signed passenger loading/unloading parking zone space shall be provided in the public right of way immediately in front of the Rose's Landing main entrance.

15. The Applicant shall participate toward the development of Centennial Plaza. The amount of contribution to be negotiated as part of future lease site negotiations.

Planning Commission Conditions added 1/5/2016:

16. Improve connections between lateral access on north side of building and existing public view deck seaward of the Front Street terminus. Improvements to include a bridge from the viewing deck to the existing lateral access way.

17. Public access space and private dining shall be clearly delineated and enclosed with railing as required by Waterfront Master Plan.

18. Glass windscreen and/or roof of the bayside lateral access walkway shall be removed along its length north of the outdoor first floor dining facilities located at southwest end of building.

19. Precise Plan shall include a specific sign plan with both commercial tenant and public access signs shown, including but not limited to, plans denoting size and material of sign, location of signs and method of attachment.

20. Plans shall be revised to the greatest extent feasible, to ensure lateral access at the south end of the lease site is able to accommodate a connection point to future lateral access to Lease Site 18.

City Council Conditions added 2/23/2016:

21. To the greatest extent feasible, the project plans shall consider, include and identify additional stormwater management and educational components to improve stormwater runoff for the project beyond those impacts related to just the construction phase of the project.

22. Plans shall be revised to include a minimum of two benches to be located on the second floor public observation deck.

23. The outdoor trash receptacles located to the south of the building shall be redesigned with a cover and doors in order to be screened from the public view with a height not to exceed 5 feet. The redesign shall be included for approval with the Precise Plan submittal.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 21st day of March, 2017 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Chairperson Robert Tefft

ATTEST

_____
Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 21st day of March, 2017.

Steven Puglisi
ARCHITECTS
INC.

February 22nd, 2017
Parking Entitlement Justification Letter

City of Morro Bay
Planning Department
ATTN: Scot Graham and Cindy Jacinth

To Whom It May Concern,

Our client and lease-holder, Doug Redican, has proposed a change in use to the existing Rose's Landing Land Lease Sites 82-85 and Water Lease Sites 82W-85W.

The applicant currently has 87 historical parking credits and has purchased an additional 20 in-lieu parking spaces in conjunction with the approval of the CUP-72-00, for a total of 107 parking spaces. The existing use, under CUP-72-00, consists of a lower level restaurant, retail shops and a second story restaurant. The project in total requires 99 parking spaces.

The proposed change of use consists of replacing the upper level restaurant with a boutique hotel use, as well as, replacing one retail space on the lower level to convert to a hotel room. This change in use reduces the parking demand from 99 spaces to 80 spaces. The hotel use requires 9 of these parking spaces.

The applicant is requesting of the City, to provide 9 designated parking spaces, in the immediate vicinity of Rose's landing, with signage to restrict the spaces from public use between the hours of 3 pm to 10 am daily. In addition, the applicant is requesting one permanent and appropriately signed passenger loading zone directly adjacent to the entrance of Rose's Landing on Embarcadero.

We appreciate your consideration regarding this decision,

Michael Dammeyer
Project Manager
Steven Puglisi ARCHITECTS, Inc.

556 Higuera St. Suite #A San Luis Obispo, CA 93401 Phone 805.595.1962 fax 805.595.1980

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY
EDMUND G. BROWN, JR, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
Phone (831) 427-4863
FAX (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT

September 19, 2016

Steven Puglisi Architects, Inc.
569 Higuera Street
San Luis Obispo, CA 93401

Violation File Number:	V-3-16-0072
Property location:	725 Embarcadero, City of Morro Bay; Lease Sites 82-3-4-5 East and 82-3-4-5 West; San Luis Obispo County (APN 066-322-001)
Violation[1]:	Deviations from approved plans and project descriptions and non-compliance with terms and conditions of coastal development permits ("CDPs") Nos. 75-3 and 3-01-072, including expansion of restaurant uses into, and obstruction of, public viewing/access areas

Dear Mr. Puglisi:

The California Coastal Act[2] was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats; protect natural landforms; protect scenic landscapes and views of the sea;

[1] Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development. Please further note that the term "violation", as used throughout this letter, refers to alleged violations of the Coastal Act.
[2] The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

Violation

In the course of processing CDP application No. 3-16-0318, Commission staff became aware that current development at Rose's Landing does not conform to previously issued CDPs. As we discussed on July 14, 2016, it appears that various additions and changes from approved CDPs have been made over the years including the following[3]:

1. Eight-foot-wide bayfront public accessway. CDP No. 75-3 permitted a roofed, eight-foot-wide bayfront lateral public accessway with a 42-inch-high railing and no windscreen. CDP No. 75-3 did not allow for any obstruction to public access along this accessway. Currently the accessway is enclosed by a windscreen and is obstructed by tables.
2. Five-foot-wide northern public accessway. CDP No.75-3 permitted an open, unroofed, five-foot-wide public accessway with a 42-inch-high railing. This accessway connects to the eight-foot-wide bayfront lateral public accessway from the north. Currently, this northern public accessway is fully enclosed by an unpermitted windscreen and roof.
3. Public Patio. CDP No. 75-3 permitted an open, 20-foot by 23-foot, unroofed public patio with a 42-inch-high railing at the southwest corner of the building. CDP 75-3 did not allow for any obstruction to public access to this public patio. Currently, however, access to the patio is obstructed by dining tables and chairs belonging to, and being served by, Rose's Landing restaurant. The patio is also covered by an unpermitted retractable mesh awning.
4. Second floor outdoor public viewing deck. CDP No. 3-01-072 permitted a second floor outdoor free public viewing deck with associated public access signage and a 42-inch-high windscreen. The approved access to the deck was either through an elevator located adjacent to the Embarcadero, or through the then-existing second floor restaurant via a flight of stairs from the southern plaza. Currently the second floor public viewing deck is enclosed by an eight-foot-high wood-and-glass windscreen, is mostly occupied by restaurant table service, and is shaded by a retractable mesh awning. Additionally, access to the deck from the public plaza (see #5 below) is via a set of switchback stairs located adjacent to the public patio and also via the elevator located off of the Embarcadero, but not through the second floor restaurant as approved in CDP 3-01-072.
5. View corridor/public plaza. CDP No. 3-01-072 approved a 34-foot-wide view corridor/public plaza at the southern portion of the lease lot. The approved plans show that the plaza would be largely open with only four benches and minimal landscaping. Currently, access through the plaza is obstructed by tables and railings, which create a strong impression that the plaza is not open to the public but instead is for restaurant use. In addition, the required public access signage for the plaza is not readily visible to those who may wish to enter the plaza, i.e. it

[3] Please see an attached site plan that shows each of the referenced areas.

is located on the portion of the building that faces the Embarcadero and can be easily missed by persons who may wish to enter the plaza.

Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

> ***"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....***

The above-described development activities that deviate from approved CDPs constitute development under the Coastal Act and, therefore, require a coastal development permit. Any non-exempt development activity (which is the case here) conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Background

On March 11, 1976 the Regional Commission approved CDP No. 75-3 authorizing development of a new cocktail lounge, deck, and remodel of (addition to) an existing restaurant at 725 Embarcadero. The approved plans depict a covered eight-foot-wide bayfront accessway with open 42-inch-high railings located seaward of the restaurant addition, a five-foot-wide accessway on the north, and a 20-foot by 28-foot uncovered patio on the south. The patio is specified as a "viewing deck." These areas are intended to provide for lateral public access and viewing. The CDP did not approve use of these areas for restaurant/cocktail seating.

On April 6, 2001 the City of Morro Bay Planning Commission conceptually approved Conditional Use Permit ("CUP") No. 72-00 to authorize a remodel of the existing 5,776-square-foot, two-story restaurant and replacement of a parking lot with a new 4,640-square-foot two-story retail/restaurant use and a new public plaza on a City-owned lease site at 725 Embarcadero. On June 11, 2001, the City Council approved the "Concept Plan" approved by the Planning Commission. On November 14, 2001 the Coastal Commission approved CDP No. 3-01-072 authorizing the project as described in the City's approvals. CDP No. 3-01-072 requires that development occur in strict

compliance with the terms of CUP No. 72-00. On March 17, 2003, the City Planning Commission approved the "Precise Plan" to implement the approved Concept Plan thereby making approval of CUP No. 72-00 final.

In order to address impacts to public access and public views, the projects approved pursuant to CUP No. 72-00 and CDP No. 3-01-072 include: a public plaza/view corridor on the south side with benches, planters, trash cans, public art, etc.; a 2nd story public viewing deck, public bathrooms; approved signage, a handicapped access ramp that connects with the existing lateral access; wider sidewalks; payment of parking in-lieu fees, etc.

Public Access Violation

In cases involving violations of the public access provisions of the Coastal Act, which is the case here, Section 30821 authorizes the Commission to impose administrative civil penalties in an amount of up to $11,250 per day for each violation.

In this case, the subject unpermitted development activities including enclosing the public access areas and placing tables and chairs for guest service in those areas, which negatively affects public access by making it appear that these public areas are reserved for paying guests and are not available to the general public. Therefore, the subject unpermitted development activities are violations of the public access provisions of the Coastal Act.

Resolution

As we discussed on July14, 2016, some cases involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources or by obtaining a coastal development permit authorizing the development after-the-fact. When we spoke, it was anticipated that your client, Doug Redican, would address these matters through his pending CDP application (No. 3-16-0318). However, your client has since opted to withdraw said application. Therefore, in order to resolve this matter in a timely manner and reduce the possibility of a monetary penalty or fine, we are requesting that you bring the subject property into strict compliance with the terms, conditions, and approved plans of CDP Nos. 75-3 and 3-01-072 or submit a complete coastal development permit application by **October 19, 2016** to authorize the as-built development. Please contact me by no later than **September 30, 2016** regarding how you intend to resolve this violation.

While we are hopeful that we can resolve this matter amicably, please be advised that in addition to the administrative penalty authority discussed above, the Coastal Act has a number of potential remedies to address violations of the Coastal Act including the following:

Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require

a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. Section 30811 also provides the Coastal Commission the authority to issue a restoration order to address violations at a site. A violation of a cease and desist order or restoration order can result in civil fines of up to $6,000 for each day in which each violation persists.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who undertakes development in violation of the Coastal Act may be subject to a penalty amount that shall not exceed $30,000 and shall not be less than $500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than $1,000 and not more than $15,000 per violation for each day in which each violation persists.

Finally, Section 30812 authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act. If the Executive Director chooses to pursue that course, you will first be given notice of the Executive Director's intent to record such a notice, and you will have the opportunity to object and to provide evidence to the Commission at a public hearing as to why such a notice of violation should not be recorded. If a notice of violation is ultimately recorded against your property, it will serve as notice of the violation to all successors in interest in that property[4].

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me.

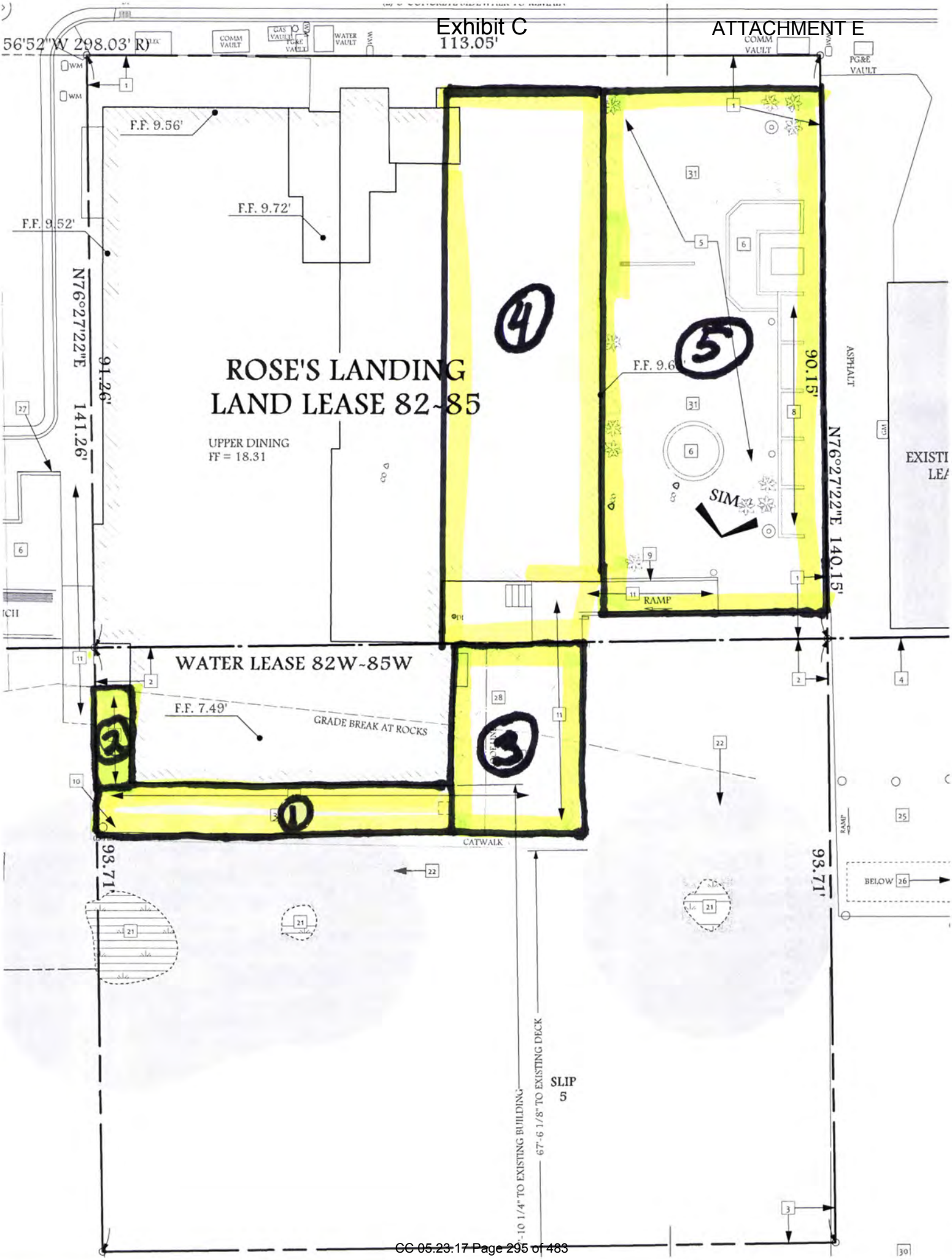
Sincerely,

N. Patrick Veesart
Enforcement Supervisor

[4] Even without such notice, by law, while liability for Coastal Act violations attaches to the person or persons originally responsible for said violations (and continues to do so even if they no longer own the property), liability additionally attaches to whomsoever owns the property upon which a Coastal Act violation persists (see *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* [1984], 153 Cal. App.3d 605, 622). Therefore, any new owner(s) of the subject property will share liability for, and the duty to correct, any remaining violations. Under California Real Estate law, if you plan to sell the subject property, it is incumbent upon you to inform any potential new owner(s) of same.

Attachment: Annotated Site Plan

cc: **Lisa Haage, Chief of Enforcement**
Susan Craig, Central Coast District Manager
Kevin Kahn, Supervisor, Planning and Regulation
Yair Chaver, Coastal Program Analyst
Sharif Traylor, District Enforcement Analyst
Alex Helperin, Senior Staff Counsel
Cindy Jacinth, City of Morro Bay Planning Department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91.26'
ROSE'S LANDING
LAND LEASE 82-85
UPPER DINING
FF = 18.31
90.15'
ASPHALT
N76°27'22"E 140.15'
SIM
RAMP
WATER LEASE 82W-85W
F.F. 7.49'
GRADE BREAK AT ROCKS
CATWALK
93.71'
93.71'
BELOW
SLIP
5
67'-6 1/8" TO EXISTING DECK
4
5
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2
1

Steven Puglisi
ARCHITECTS
INC.

569 Higuera Street, Suite A
San Luis Obispo, CA 93401
Phone 805.595.1962 fax 805.595.1980

14 March 2017

Cindy Jacinth
Associate Planner
City of Morro Bay Planning Department

Project: 725 Embarcadero Rose's Landing Major Amendment to #UP0-359
Re: Response to Incomplete Letter Dated October 21st, 2016

Dear Cindy,

Please find our responses to your incomplete letter below:

Use:

1. We are proposing to maintain the ground level room for reasons of providing an additional room for the hotel. The client is willing to condition the removal of this room with the construction commencement of the "Centennial Parkway" improvement plans. The room would then be replaced with a visitor's serving lobby or retail space. Additionally, as recently as 2009, there have been examples of hotel rooms approved on the lower level of buildings on the Embarcadero, namely, The Estero Inn.

Lateral Access:

1. Existing westerly catwalk has been extended to 10'-0" See Note "11" as well as dimensioning on sheet P1.1.
2. All proposed widening or new coastal lateral access has been dimensioned on sheet P1.1.
3. At this time we are proposing the northerly diagonal lateral access as shown on Sheet P1.1.
4. See Sheet P1.1, note "32" as well as dimensions for the proposed 10'-0" stained or painted concrete coastal access path. Also, per note "40", we will be providing a signage upgrade to improve public awareness of coastal lateral access.
5. Existing wood and glass windscreen to be removed and replaced with a low-height, metal railing to delineate between the 10'-0" public view area and the restaurant patio. See sheet P1.1, notes "33" and "34".

Steven Puglisi
ARCHITECTS
INC.

569 Higuera Street, Suite A
San Luis Obispo, CA 93401
Phone 805.595.1962 fax 805.595.1980

6. The glass wind screen and wall will be replaced with a 42" see-through metal rail on both the west-side and northern side. The roof is to remain with the proposal of large skylights. See sheet P1.1, notes "35" and "11". Please refer to attached letter dated August 13, 1993 clarifying the windscreen issue.

Second Floor:

1. We are proposing to remove all of glass windscreen wall on the west elevation and 55 linear feet of glass windscreen from the south elevation starting from the southwest corner. The existing glass windscreen will only occur at the southeast and east side of the second floor public viewing deck. This will be replaced by a 42" see-through metal railing, increasing the view potential towards the bay. See notations on the Upper Floor Plan, Sheet P2.1, as well as, on the South / Left Elevation on Sheet P3.1.
2. Refer to the hatched area on the Proposed Upper Floor Plan, Sheet P2.1, as well as, the note detailing the use of the area. In total, there is a 1200 sq ft area for public seating and viewing from the second floor deck with direct access from the interior stair and elevator.

Elevations:

1. See Existing elevations sheet P3.1

Response to Coastal Violation Letter Dated September 16th, 2016:

Violation #1.

We are removing said windscreen and removing all tables and chairs from the lateral access.

Violation #2.

We are removing said windscreen and request that the Coastal Commission permit the existing roofed portion as it serves as protection from inclement weather and wildlife happenstance.

Violation #3.

We are extending a new 10'-0" public access / view deck off of the existing patio and removing the wind screen wall and replacing it with a low-height metal railing. This will provide clear delineation between public and

Steven Puglisi
ARCHITECTS
INC.

569 Higuera Street, Suite A
San Luis Obispo, CA 93401
Phone 805.595.1962 fax 805.595.1980

restaurant use. We request that the Coastal Commission permit the retractable awning over the existing patio.

Violation #4.

We are providing 1200 sf of public view area on the second floor. We are removing 55 linear feet of unpermitted windscreen wall and replacing with a 42" low-height railing. This replacement occurs at the west and south-west area of the upper deck, which is the primary view of the bay. We are providing direct access from both the existing switch-back stairs and the stair/elevator from the first floor of Rose's Landing. The public can access the upper view deck through a clearly marked door on the second floor. The retractable mesh awning shall be removed.

Violation #5.

The applicant has agreed to clear the majority of "obstructions" and provide a clearly marked, unobstructed (stained or painted concrete) 10'-0" path to the coastal lateral access. To improve public awareness of access, we are proposing to upgrade easily identifiable signage from the sidewalk on Embarcadero. Removing all seating in the plaza would be contrary to how the public currently enjoys the plaza.

x

The Public Works note has been added to the Title Sheet, P1.0 on the plans.

Respectfully,

Michael Dammeyer
Project Manager
Steven Puglisi Architects, Inc.

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

February 24, 2016

Doug Redican
725 Embarcadero LLC
1427 Doral Ct.
San Luis Obispo, CA 93401

SUBJECT: Case No.: UP0-359

SITE: 725 EMBARCADERO ROAD, LEASE SITES 82-85, 82W-85W

Dear Mr. Redican,

At its regular meeting on February 23, 2016 the City of Morro Bay City Council conditionally approved your request for Conditional Use Permit #UP0-359 as Concept Plan approval for a new floating dock, boat slips, 2nd floor dining deck expansion and improvements coastal public access. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. ***Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.***

Note this approval is a concept plan approval. Precise plan permit approval of the CUP is required within one year of the date of this approval pursuant to MBMC 17.40.030.H1. Because your project is within the original jurisdiction of the California Coastal Commission, you will also be required to obtain a Coastal Development Permit prior to precise plan approval and building permit application. An unsigned resolution with language approved by the City Council is attached. A copy of the signed resolution approving your project is forthcoming.

In addition, a Mitigated Negative Declaration (MND) was approved and adopted by the City Council for your project. A Notice of Determination (NOD) has been prepared and is attached to this permit. ***The NOD is required to be filed with the San Luis Obispo County Recorder's Office within five day of adoption***. California Department of Fish and Wildlife imposes a filing fee of $2,210.25 as well as the Recorder's Office filing fee of $50. These fees can be paid together with the filing of the NOD. If you have any questions, please let me know at 772-6577.

Sincerely,

Scot Graham
Community Development Manager

By: Cindy Jacinth

enc: NOD, Permit, Findings, Conditions of Approval, and Acceptance of Conditions Form

e-copy: Steven Puglisi Architects

Print Form

Notice of Determination

Appendix D

To:

☐ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: San Luis Obispo
Address: _____

From:

Public Agency: City of Morro Bay
Address: 595 Harbor Street, Morro Bay, CA 93442
Contact: Cindy Jacinth, Assoc. Planner
Phone: 805-772-6577

Lead Agency (if different from above):
same as above
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): SCH # 2014111065

Project Title: Rose's Landing Docks Project

Project Applicant: Doug Redican

Project Location (include county): 725 Embarcadero Road, Morro Bay, San Luis Obispo County

Project Description:
CUP (#UP0-342) for construction of new gangway, dock and 7 boat slips , with 487sf second story dining deck expansion. The dock and slips would be supported by 11 new guide piles consisting of 35-55ft x 16in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/ polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. In addition, the project proposes improvements to bayside lateral access, including new pedestrian connections to existing lateral access on northwest & southwest building bayside.

This is to advise that the City of Morro Bay (☒ Lead Agency or ☐ Responsible Agency) has approved the above

described project on February 23, 2016 (date) and has made the following determinations regarding the above described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
City of Morro Bay, Community Development Dept., 955 Shasta Ave, Morro Bay, CA 93442

Signature (Public Agency): Cindy Jacinth Title: Associate Planner

Date: 2-24-2016 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

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

CONDITIONAL USE PERMIT

CASE NO: UP0-359

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 725 EMBARCADERO ROAD, LEASE SITES 82-85,82W-85W. APN #066-352-047

APPLICANT: Doug Redican, 725 Embarcadero LLC

APN/LEGAL: # 066-352-047

DATE APPROVED: February 23, 2016 APPROVED BY: City Council

CEQA DETERMINATION: Mitigated Negative Declaration adopted 2/23/16. SCH # 2014111065.

DESCRIPTION OF APPROVAL CUP (#UP0-342) for construction of new gangway, dock and 7 boat slips with 487sf second story dining deck expansion. The dock and slips would be supported by 11 new guide piles consisting of 35-55ft x 16in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. In addition, the project proposes improvements to bayside lateral access, including new pedestrian connections to existing lateral access on northwest & southwest building bayside.

THIS APPROVAL IS BASED UPON THE ATTACHED FINDINGS AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. Failure to comply with the conditions of this permit shall, at the discretion of the Community Development Manager pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

☒ **YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION. CONDITIONAL USE PERMITS APPROVED BY CITY COUNCIL ARE FINAL AS OF DATE OF APPROVAL. THIS PROPERTY IS LOCATED WITHIN THE ORIGINAL JURISDICTION OF THE CALIFORNIA COASTAL COMMISSION, WHICH RETAINS AUTHORITY FOR ISSUANCE OF COASTAL DEVELOPMENT PERMITS AND RELATED COMPLIANCE REVIEW.**

☐ **YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION:** THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste.300, Santa Cruz, CA 95060, 831-427-4863. If you have any questions, please call the City of Morro Bay Community Development Dept, 772-6261.

ATTEST: Cindy Jacinth DATE: 2/24/16

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

RESOLUTION NO. 09-16

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
TO APPROVE CONCEPT PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-359) FOR CONSTRUCTION OF NEW GANGWAY, FLOATING DOCK, SEVEN BOAT SLIPS, AND 487 SQUARE FOOT SECOND FLOOR DINING DECK EXPANSION AS WELL AS IMPROVEMENTS TO BAYSIDE LATERAL ACCESS ON BOTH NORTH, WEST AND SOUTH SIDES OF LEASE SITE AT 725 EMBARCADERO, ALSO KNOWN AS LEASE SITE 82-85/82W-85W.**

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on January 5, 2016, for the purpose of considering Concept Plan approval of Conditional Use Permit #UP0-359 (the "Proposed Project") and adopted PC Resolution 04-16 to forward a favorable recommendation with conditions to the City Council for Concept Plan approval; and

WHEREAS, the City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on February 23, 2016, pursuant to the Planned Development regulations (Morro Bay Municipal Code (MBMC) section 17.40.030), for the purpose of considering the Proposed Project for 725 Embarcadero Road, also known as land lease site 82-85 / 82W-85W (APN #066-351-012, 013, 014, 015) in an area within the original jurisdiction of the California Coastal Commission; and

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

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

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

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

California Environmental Quality Act (CEQA)

1. That for purposes of the California Environmental Quality Act, Case No. UP0-359 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, and Hydrology/Water Quality. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration (MND). Additional mitigation has been added as a result of review during the comment period by the California Coastal Commission and has been highlighted in red in the mitigation and monitoring plan. The revised plans did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.

2. The City Council finds that the Applicant has revised the dock plans to the greatest extent feasible in order to avoid impact to eelgrass habitat pursuant to the California Eelgrass Mitigation Policy.

Conditional Use Permit Findings

1. The project will not be detrimental to the health, safety, morals,comfort and general welfare of the persons residing or working in the neighborhood in that the construction of new gangway, dock, seven (7) boat slips, dining deck expansion, observation deck, and improved public lateral access at 725 Embarcadero are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

2. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed floating dock and new slips will provide a water-oriented visitor-serving recreational opportunity as well as the dining deck expansion will provide additional benefit and improvement to a visitor-serving commercial use and is consistent with the character of the existing development.

Waterfront Master Plan Findings

A. The proposed project makes a positive contribution to the visual and public accessibilty to the bay while increasing and maintaining commercial fishing industry:

   1. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.

   2. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of

outward views and characteristics of the topography in that the bayside lateral access is improved to allow for easier pedestrian access, enjoyment and better bay views.

3. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the availability of boat slips in the bay for recreational or commercial boat rental and also with the creation of an observation deck and deck expansion will maintain and enhance views of the bay.

4. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and enhanced pedestrian experience in that the project will provide improved lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront as well as create a second floor observation deck open to the public and the deck expansion design is consistent with the character of the existing development.

5. The project gives its occupants and the public some variety in materials and/or application in that the deck expansion and dock construction will be of wood or aluminum material.

6. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new docks and public lateral access will be accessible to the public and also in that the dining deck expansion provides articulation that is consistent with the character of the existing development.

7. The proposed project does not diminish, either directly or by cummulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the bayside lateral access is existing and will be enhanced by creating a bridge connection point, which further opens up the northerly entrance, removes the wood and glass wall and adds roof skylights along the west semi-enclosed lateral access to make it more inviting to pedestrians along with widening the lateral access at the southwest corner to go around existing outdoor dining rather than through the dining area; and new construction of floating dock and slips and dining deck expansion is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Architectural Consideration Finding

The City Council finds the architectural treatment and general appearance of all buildings, structures and open areas of the Proposed Project are in keeping with the character of the surrounding waterfront area, are compatible with the Waterfront Master

Plan design theme adopted by the City, and are not detrimental to the orderly and harmonious development;of the City or to the desirability of investment of occupation in the area.

Section 2. Action. The City Council does hereby approve Conditional Use Permit #UP0-359 subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated February 10, 2016, for the project at 725 Embarcadero depicted on plans dated February 4, 2016, on file with the Community Development 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 City Council approved plans submitted for UP0-359, 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "CDM") upon finding the project complies with all applicable provisions of the MBMC, General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and conditions of approval shall be subject to review and approval by the CDM. Any changes to this approved permit determined, by the CDM, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the CDM or as authorized by the Planning Commission or City Council. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the CDM, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

Building Conditions:

Prior to construction, the applicant shall submit a complete building permit application and obtain all required building permits.

Fire Conditions:

1. Standpipe Plan Submittal. Marinas and boatyards shall be equipped throughout with standpipe systems in accordance with NFPA 303. Systems shall be located such that no point on the pier or float system exceeds 150 feet from the standpipe hose connection. (CFC 3604.2, 905, and MBMC 14.52.060).
    a. Applicant shall submit plans for a Class 1 Standpipe System, for protection of the floating dock system and boat slips, in accordance with MBMC 14.52.060 CFC 904 and NFPA 303, to Moro Bay Community Development Department for review.

2. Portable fire extinguishers. One portable fisher extinguisher of ordinary (moderate) hazard type shall be provided at each required standpipe hose connection. Additional portable fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with CFC 906. (CFC 4504.4).

    a. Applicant shall provide one (2A-10BC) fire extinguisher and cabinet on the floating dock and depicted on Sheet 1.

3. Construction and operations of marinas, boatyards, yacht clubs, boat condominiums, docking facilities, multiple-docking facilities and all associated piers, docks, and floats shall be in accordance with NFPA 303.

4. Installation and Acceptance Testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before required acceptance testing. (CFC 901.5).

5. Occupancy. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. (CFC 901.5.1).

6. Fire sprinklers. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards. (CFC 901.4).

7. Applicant shall submit sprinkler plans for upstairs dining room bar modifications and the new dining deck expansion, to Morro Bay Community Development Department for review.

Public Works Conditions:

The following Public Works conditions shall be satisfied prior to Building Plan submittal:

1. If water service to the dock is planned, an appropriate backflow prevention device is required to installed, routinely inspected and maintained per MBMC Chapter 13.08 Water Cross-Connections.
2. Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan per MBMC Chapter 14.48: 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. Encroachment Permits: A standard encroachment permit may be required if utility connections are required within the City Right of Way. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.

Add the following Items/Notes to the Plans:

4. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

a. 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.

Harbor Department Conditions:

1. Applicant shall request in writing to the City to adjust the lease lines as applicable at the appropriate time.

2. The bridge material shall be submitted for review and approval to the Harbor Director and the Community Development Manager prior to issuance of a building permit. Applicant shall retain responsibility for maintenance and legal responsibility if the bridge is made of wood or other highly perishable material.

Planning Conditions:

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.

2. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.

3. Bayside Lateral Public Accessway. The existing semi-enclosed public accessway along west side of building shall maintain a minimum 8 foot wide coastal access with open unobstructed access in order to maximize public use and enjoyment. Any uses that obstruct the accessway such as private uses or barriers such as furniture, planters, ropes, or restaurant seating and specifically table seating within the 8 foot coastal accessway shall be prohibited.

4. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).

5. Final precise plans shall be revised to include coastal public access signs on the northeast and southeast face of the building on Embarcadero Road (street entrance). Signs announcing public coastal access shall be placed at both north and south entry points to the semi-enclosed public access way or as consistent with a Public Access Management Plan as approved by the California Coastal Commission.

6. Shading of eelgrass – No part of any floating dock, boat structure or other portion thereof shall be located vertically above any existing eelgrass bed as identified on the approved site plan. Nothing shall be allowed to dock, for any length of time, above any existing

eelgrass bed. Translucent grating shall be used to the greatest extent feasible on the floating dock area over the unvegetated 5 meter eelgrass buffer.

7. Observation Deck. Signage shall be added to entrance of observation deck and at street level announcing public access and no purchase required. Form and design of signage shall be consistent with the approved public coastal access signs as approved by the California Coastal Commission. Precise plans submitted for approval to the City shall denote all signage locations.

8. The open courtyard area to the south of the Rose's Landing building shall maintain a minimum of 8 foot wide lateral access to provide public access from Embarcadero Road west to the bay. Any existing public tables and benches which impinge on the 8 foot requirement shall be moved to allow for open pedestrian access. Any existing outdoor dining tables on the lease site shall have table signs permanently affixed informing the public that no purchase is required.

9. The Mitigation and Monitoring Plan, attached to this City Council resolution as Attachment A shall be incorporated as conditions of approval.

10. Improve connections between lateral access on north side of building and existing public view deck seaward of the Front Street street terminus. Improvements to include a bridge from the viewing deck to the existing lateral access way.

11. Public access space and private dining shall be clearly delineated and enclosed with railing as required by Waterfront Master Plan.

12. Glass windscreen and/or roof of the bayside lateral access walkway shall be removed along its length north of the outdoor first floor dining facilities located at southwest end of building.

13. Precise Plan shall include a specific sign plan with both commercial tenant and public access signs shown, including but not limited to, plans denoting size and material of sign, location of signs and method of attachment.

14. Plans shall be revised to the greatest extent feasible, to ensure lateral access at the south end of the lease site is able to accommodate a connection point to future lateral access to Lease Site 18.

City Council Conditions:

1. To the greatest extent feasible, the project plans shall consider, include and identify additional stormwater management and educational components to improve stormwater runoff for the project beyond those impacts related to just the construction phase of the project.

2. Plans shall be revised to include a minimum of two benches to be located on the second floor public observation deck.

3. The outdoor trash receptacles located to the south of the building shall be redesigned with a cover and doors in order to be screened and covered from the public view and maintain the view corridor to the satisfaction of the Community Development Manager. The redesign shall be included for approval with the Precise Plan submittal.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 23rd day of February, 2016 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST

DANA SWANSON, City Clerk

Attachment A
SUMMARY OF REQUIRED MITIGATION MEASURES & MONITORING PLAN

BIOLOGICAL RESOURCES

Mitigation Measure BIO 1 An eelgrass restoration plan shall be prepared in accordance with the California Eelgrass Mitigation Policy and submitted for approval to the Planning and Building Manager. The eelgrass restoratiou plan shall be submitted for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre- construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later. In addition, a pre-and post-construction survey shall be completed to determine the final areas of impact and submitted to the Planning and Building Manager. The pre-construction survey shall be submitted for review prior to issuance of a building permit.

- **Monitoring Plan, BIO 1:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Public Service Department planning staff will responsible for reviewing the pre-construction survey prior to issuance of any building permits. The post-construction survey shall be submitted to the City Planning and Building Manager for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

Mitigation Measure BIO 2 To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to lacing of these screens. All in-water, bottom-disturbing activities should occur within the pre-determined project footprint.

- **Monitoring Plan, BIO 2:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

Mitigation Measure BIO 3: A Mariue Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS- approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The

species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

- **Monitoring Plan, BIO 3:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Marine Wildlife Contingency Plan and documentation that it has been approved by the NMFS, USFWS, and CDFW shall be submitted along with the applications for construction permits. The biological monitor shall submit a weekly monitoring report to the City, including a summary of each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

Mitigation Measure BIO 4 A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs):

1. No refueling of eqnipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
    a. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for nse during pile driving operations)
    b. Barrel Absorbent Pads
    c. Container Absorbent Granules
2. Rainwater runoff pollution from equipment stored on deck shall bc prevented through ongoing equipment maintenance and appropriate double containment.
3. The work area shall be contained within a boom to prevent debris from falling into the water.
4. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
5. An Absorption Tarp shall be placed underneath any portable equipment while in use.
6. No equipment shall be permitted to enter the water with any petroleum products.
7. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
8. Should any equipment begin to leak, that equipment shall be removed immediately from the bargc and repaired or replaced.
9. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted

- **Monitoring Plan, BIO 4:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Oil Spill Response and Recovery Plan shall be submitted along with the applications for building permits and reviewed by the Public Service Department planning staff and Fire Department for adequacy. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

Mitigation Measure BIO 5 Prior to issuance of building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.

- **Monitoring Plan, BIO 5:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Public Service Department planning staff.

Mitigation Measure BIO 6. Pre- and Post-construction surveys. A survey identifying areas of eelgrass within the lease areas shall be completed no earlier than 90 days and no later than 30 days prior to issuance of a building

permit. The survey shall be submitted to the Community Development Manager for review as part of the final plans. If additional eelgrass is identified that would be directly shaded by the proposed project, then the report shall identify remedial measures to offset such reduction within the eelgrass beds at a ratio of 1.2:1 in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy. A post construction survey identifying areas of eelgrass shall be completed on an annual basis with the first report due within 90 days of completion of construction and subsequent reports due at one year increments after that. All annual reports shall at a minimum inclnde a site plan and written description of the status of eelgrass beds in the project area. Annual reporting shall continue for at least three years or until all eelgrass beds to be protected are supporting eelgrass as documented in two consecutive annual reports, whichever is later. Any change in eelgrass extent shall he documented and reported to the Community Development Manager. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage as identified in the Applicant's Site Plan, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a 1.2:1 ratio in liue with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy.

- **Monitoring Plan, BIO 6:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visiblc to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Community Development Manager.

Mitigation Measure BIO 7 Prior to issuance of a building permit, a pile driving plan and hydroacoustical monitoring plan shall be submitted to the Community Development Manager to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).

- **Monitoring Plan, BIO 7:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visiblc to contractors and City staff. The Community Development Department shall verify for required compliance in the field..

CULTURAL RESOURCES

Mitigation Measure CULT 1 If materials (including but not limited to bedrock mortars, historical trash deposits, and paleontological or geological resources) are encountered during excavation, work shall cease until a qualified archaeologist makes determinations on possible significance, recommends appropriate measures to minimize impacts, and provides information on how to proceed in light of the discoveries. All specialist recommendations shall be communicated to the City of Morro Bay Public Services Department prior to resuming work to ensure the project continues within procedural parameters accepted by the City of Morro Bay and the State of California.

- **Monitoring Plan, CULT 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

Mitigation Measure CULT 2 The following actions must be taken immediately upon the discovery of human remains:

Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will

immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

- **Monitoring Plan, CULT 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

GREENHOUSE GAS EMISSIONS

Mitigation Measure GHG 1 Requirements to limit Greenhouse Gas emissions shall apply to this project which includes to the greatest extent feasible: 1) a minimum of six percent of construction vehicles and equipment shall be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor shall limit idling of construction equipment to three signs and post signs to the effect.

- **Monitoring Plan, GHG 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type of construction vehicles to be used shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

HYDROLOGY AND WATER QUALITY

Mitigation Measure HYDRO 1 Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

- **Monitoring Plan, HYDRO 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the catchment netting or fencing shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

Mitigation Measure HYDRO 2 To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

- **Monitoring Plan, HYDRO 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

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

NOTICE OF FINAL ACTION ON CONDITIONAL USE PERMIT

NOTICE OF FINAL CITY ACTION on Conditional Use Permit No. UP0-359

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

Applicant: Doug Redican, 725 Embarcadero LLC

Address: 725 EMBARCADERO ROAD, LEASE SITES 82-85,82W-85W. APN #066-352-047

Project Description: CUP (#UP0-342) for construction of new gangway, dock and 7 boat slips , with 487sf second story dining deck expansion. The dock and slips would be supported by 11 new guide piles consisting of 35-55ft x 16in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. In addition, the project proposes improvements to bayside lateral access, including new pedestrian connections to existing lateral access on northwest & southwest building bayside.

Project Location: 725 Embarcadero Road, Morro Bay, CA 93442

APN/Legal: APN #066-352-047 **Lot Area**: 15,906sf

Zoning: Waterfront / PD (Planned Development) overlay/ S.4

LUP/General Plan: Waterfront/ Harbor / Visitor-Serving Commercial

Filing Date: February 10, 2016 **Action Date**: February 23, 2016

Action By: City Council **Action Taken**: Approved with Conditions

☐ THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

☒ THIS SITE IS WITHIN THE COASTAL COMMISSION ORIGINAL JURISDICTION

☐ This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060,415-427-4863

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. UP0-359

SITE LOCATION: 725 EMBARCADERO ROAD, LEASE SITES 82-85,82W-85W.
APN #066-352-047

APPLICANT NAME: Doug Redican, Embarcadero LLC

APPROVAL BODY:
- ☐ Public Services Director
- ☐ Zoning Administrator
- ☐ Planning Commission
- ☒ City Council

DATE OF ACTION: 2-23-2016

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

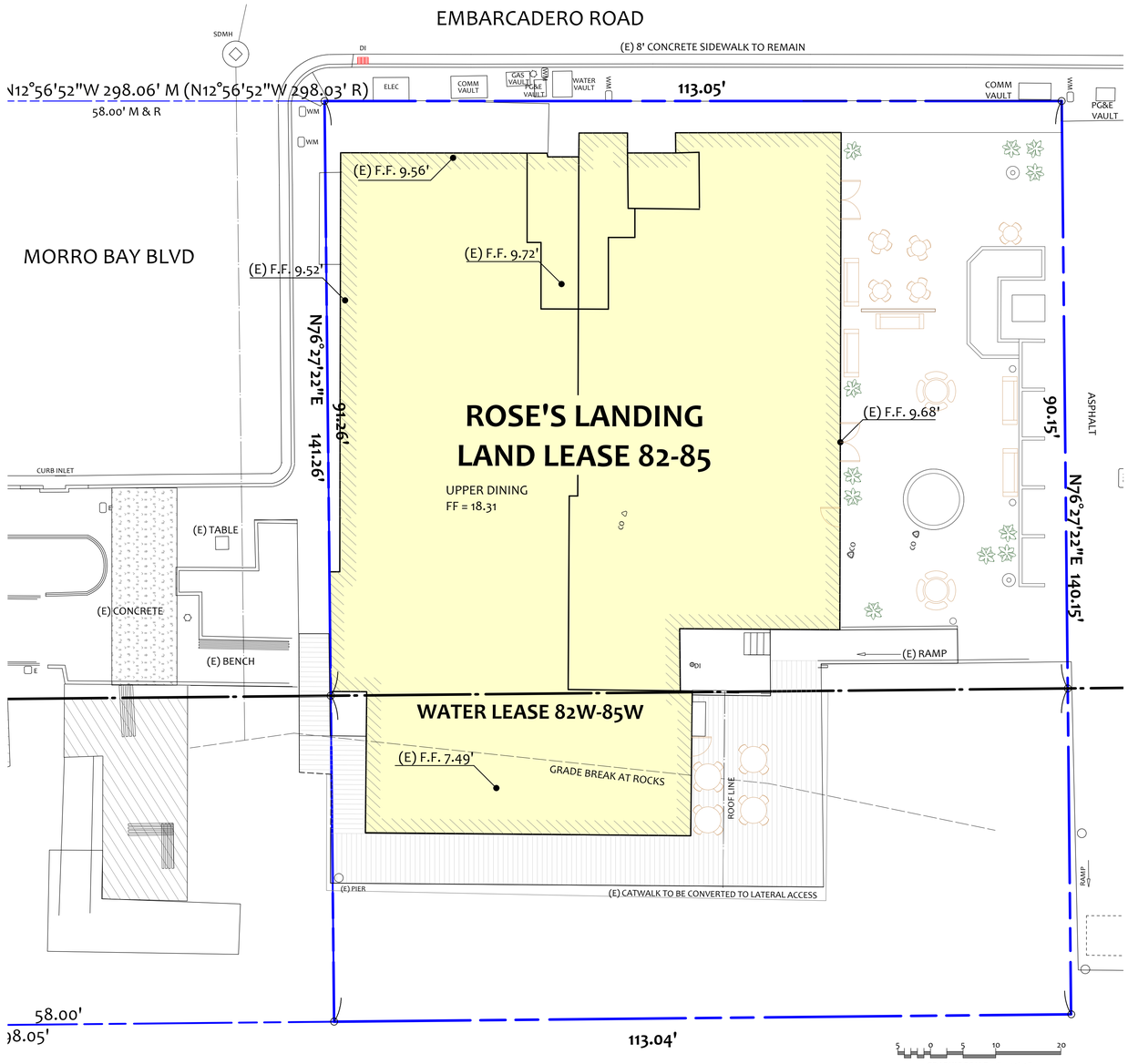
reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: UP0-359

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

_____ _____
APPLICANT'S SIGNATURE DATE:

Rose's Landing
Embarcadero Hotel Remodel



EXISTING ARCHITECTURAL SITE PLAN

Scale: 1" = 10'

DIRECTORY

LEASEES: DOUG REDICAN
725 EMBARCADERO ROAD
MORRO BAY, CA 93442
PH: (805) 704-7771

ARCHITECT: STEVEN PUGLISI ARCHITECTS, INC.
569 HIGUERA STREET, SUITE A
SAN LUIS OBISPO, CA 93401
PH: (805) 595-1962
FAX: (805) 595-1980

LAND SURVEYOR: MBS LAND SURVEYS
3563 SUELDO STREET, SUITE Q
SAN LUIS OBISPO, CA 93401
(805) 594-1960

PROJECT DESCRIPTION

A PROPOSAL TO REPLACE THE EXISTING UPPER FLOOR RESTUARANT WITH AN 8-ROOM BOUTIQUE HOTEL, AS WELL AS, A PROPOSAL FOR 7 BOAT SLIPS AND NEW GANGWAY FOR NON-COMMERCIAL PURPOSES. ADDITIONALLY, 1 HOTEL ROOM TO REPLACE (E) LEASE SPACE ON LOWER FLOOR.

DOCKS WILL BE AVAILABLE FOR MONTH-TO-MONTH RENTING. SLIP 1 WILL BE CONTROLLED BY THE MORRO BAY HARBOR DEPARTMENT.

THE PROJECT INCLUDES:
*EXPANSION OF WATER LEASE SITE 82-85W
*THE EXPANSION OF THE NORTHERLY COASTAL ACCESS BOARDWALK
*NEW COASTAL ACCESS SIGNAGE

THE ORIGINAL BUILDING CHARACTER WILL REMAIN WITH ALTERNATIONS FOR NEW WINDOW LOCATIONS, THE ADDITION OF THREE OUTDOOR DECKS SERVING HOTEL ROOMS TOWARDS THE BAY, AND REMOVAL OF A PORTION OF THE HALF-HEIGHT WALL AND GLASS WIND SCREEN ON THE SOUTH-SIDE OBSERVATION DECK. THE WALL WILL BE REPLACED WITH A 42" HIGH CABLE RAIL SYSTEM.

A 10'-0" WIDE PORTION ON THE UPPER FLOOR OUTDOOR DECK WILL REMAIN DEDICATED TO PUBLIC OBSERVATION AREA.

GENERAL SITE INFORMATION

PROJECT ADDRESS: 725 EMBARCADERO ROAD
MORRO BAY, CALIFORNIA

LEASE SITE A.P.N.:
LAND LEASE 82-85
WATER LEASE 82W-85W 066-352-047

ZONING: WATERFRONT (WF)
PLANNED DEVELOPMENT OVERLAY DISTRICT (PD)
AREA 3: EMBARCADERO VISITOR AREA - PER WMP

LAND LEASE LOT SIZE: 10,252.68 S.F.

LAND LEASE LOT COVERAGE 10,252.68 X 70% = 7,176.8 S.F. ALLOWED (BUILDING AREA)
PROPOSED 6,582 SF (64%)

UPPER FLOOR LOT COVERAGE 6582 X 70% = 4,607.4 S.F. ALLOWED (BUILDING AREA)
FLOOR AREA RATIO
PROPOSED 4,006 S.F. (61%)

LAND LEASE EXISTING BUILDING AREA

LOWER FLOOR
BUILDING AREA 6582 **square feet**

UPPER FLOOR
BUILDING AREA 3520 **square feet**
OBSERVATION DECK 1879 **square feet**

TOTAL EXISTING BUILDING AREA **10102 square feet**

LAND LEASE PROPOSED BUILDING AREA

LOWER FLOOR
BUILDING AREA 6582 **square feet**

UPPER FLOOR
(E) BUILDING AREA 3520 **square feet**
(N) HOTEL ROOM 486 **square feet**
(N) OPEN PATIOS 647 **square feet**
OBSERVATION DECK 1484 **square feet**

TOTAL PROPOSED BUILDING AREA **10588 square feet**

WATER LEASE EXISTING BUILDING AREA

LOWER FLOOR
BUILDING AREA 754 **square feet**
(E) COASTAL ACCESS 969 **square feet**

TOTAL EXISTING BUILDING AREA 754 **square feet**

UPPER FLOOR
(N) OPEN PATIOS 252 **square feet**
(N) COASTAL ACCESS 1596 **square feet**

TOTAL PROPOSED BUILDING AREA NA

SHEET INDEX

P1.0	TITLE SHEET, STATISTICS AND EXISTING ARCHITECTURAL SITE PLAN
P1.1	PROPOSED ARCHITECTURAL SITE PLAN
P2.0	EXISTING LOWER and UPPER FLOOR PLANS
P2.1	PROPOSED LOWER and UPPER FLOOR PLANS
P3.0	EXISTING EXTERIOR ELEVATIONS
P3.1	PROPOSED EXTERIOR ELEVATIONS AND BUILDING SECTION
P4.0	EXISTING BUILDING/SITE PHOTOS AND PROPOSED RENDERINGS
P4.1	DOCK DETAILS AND PHOTO SIMULATIONS

PARKING CREDITS and REQUIREMENTS

CURRENT PARKING CREDITS

Historical Parking Credits	87
Paid In-Lieu Parking Spaces	20
Total Parking Credits	**107**

EXISTING BUILDING PARKING CALCULATION

Building Use/Lease Space	Square Footage	Zoning Ordinace Space per s.f.	Required Parking
Arcade	638 s.f.	100 s.f. gross	6
Kelly's Kandies	780 s.f.	300 s.f. gross	3
Retail Shop	1605 s.f.	300 s.f. gross	5
Psychic	707 s.f.	300 s.f. gross	2
Lower Floor Restaurant & Bar	1135 s.f.	60 s.f. customer use area	19
Lower Outdoor Patio	563 s.f.	60 s.f. customer use area	5
Upper Floor Restaurant	1547 s.f.	60 s.f. customer use area	26
Observation Deck/Outdoor Dining*	1744 s.f.	60 s.f. customer use area / 2	18
Removed Street Parking	-	-	15
		Total Parking Required for Building	**99**

*Note Outdoor Dining Area at Observation Deck to be removed.
See Calculation below

TOTAL PARKING REDUCTION FOR UPPER RESTUARANT / BOAT SLIP AND OUTDOOR DINING AREA REMOVAL

Upper Floor Restaurant	1547 s.f. removed	60 s.f. customer use area	-26.0
Outdor Dining Area	668 s.f. removed	60 s.f. customer use area/2	-6.0
Phychic	400 s.f. removed	300 s.f. customer use area/2	-1.0
		Total Parking Reduction	**-33**

PROPOSED HOTEL PARKING CALCULATION

Hotel Guests	1 per Room	9.0
1 add'l space per 10 rooms		0.0
Employee Parking		2.0
Total Parking Required for Proposed Hotel		**11**

PROPOSED BOAT SLIP PARKING CALCULATION

Boat Slips	1 per 35 lineal ft	2.7
Total Parking Reduction		**3.0**

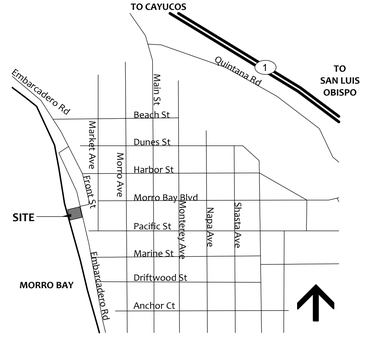
TOTAL PARKING REQ'D FOR (E) BUILDING & PROPOSED HOTEL ADDITION **80**

PROPOSED PARKING STRATEGY FOR HOTEL:

TRANSIENT OCCUPANTS OF THE HOTEL WILL REQUIRE A MINIMUM OF 9 PARKING SPACES AND 1 PERMANENT AND APPROPRIATELY DESIGNATED PASSENGER LOADING ZONE LOCATED DIRECTLY ADJACENT TO THE ENTRANCE OF ROSE'S LANDING. THE APPLICANT REQUESTS THE 9 PARKING SPACES TO BE LOCATED IN THE PARKING LOT ACROSS THE EMBARCADERO WHICH SHALL BE PROVIDED SIGNAGE READING "RESERVED FOR HOTEL GUESTS FROM 3PM TO 10 AM DAILY".

CITY OF MORRO BAY PUBLIC WORKS GENERAL NOTE:

1. ANY DAMAGE, AS A RESULT OF CONSTRUCTION OPERATIONS FOR THIS PROJECT, TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATER LINE, OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF MORRO BAY



ATTACHMENT E

Steven Puglisi
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Ph: 805.595.1962
Fx: 805.595.1980

LICENSED ARCHITECT STEVEN PUGLISI 12-31-18 RENEWAL DATE STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

PROJECT: **ROSE'S LANDING**
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET: **TITLE SHEET, STATISTICS and EXISTING ARCHITECTURAL SITE PLAN**

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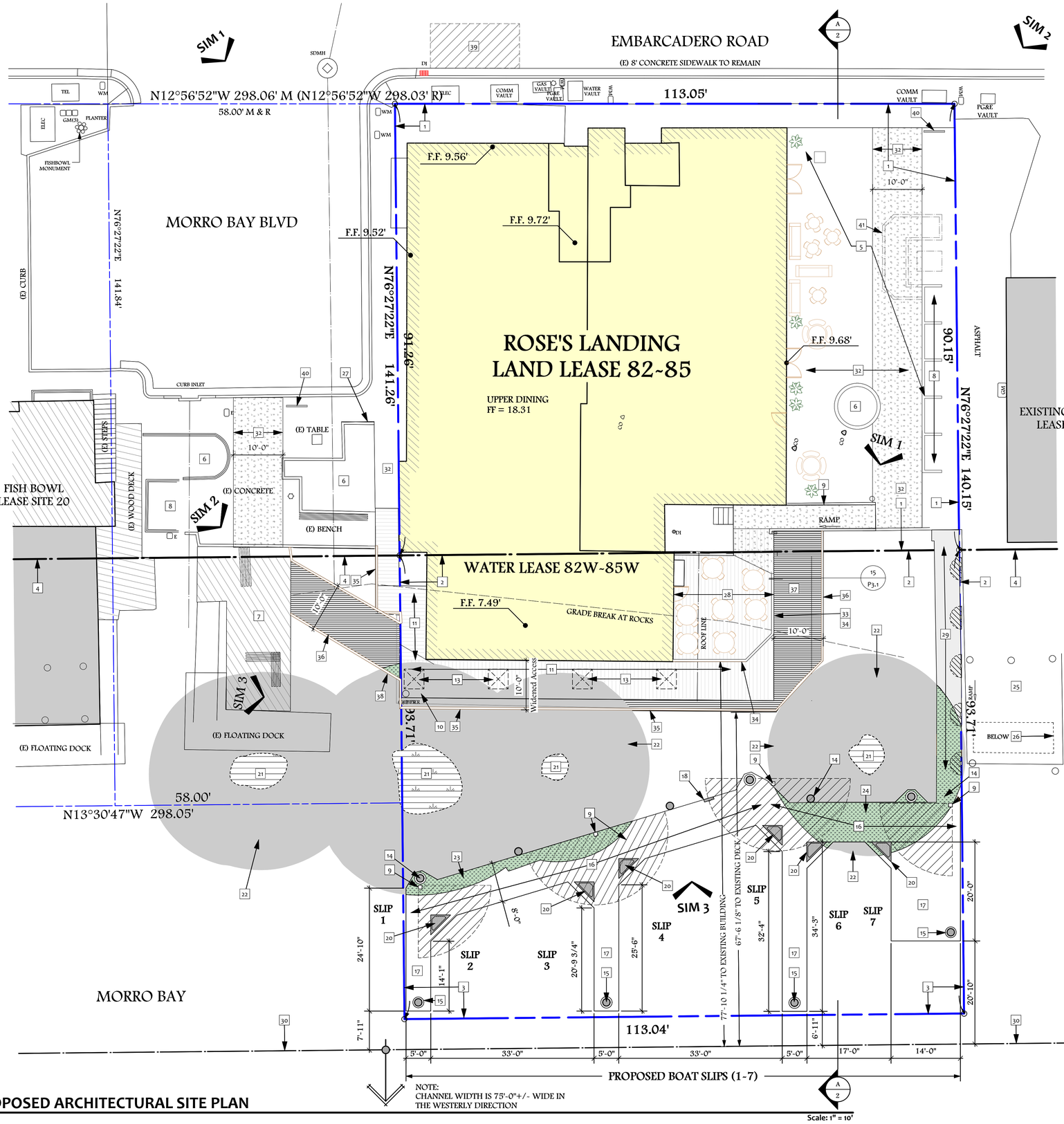
DATE: 19 January 2017
JOB: 11-017
DRAWN: m.dammeyer
REV.: Incomplete Letter Response 10/21/2016

SHEET Nº **P1.0**



PROPOSED ARCHITECTURAL SITE PLAN

Scale: 1" = 10'

GRAPHIC SCALE: 1" = 10'-0"

BOAT SLIPS SITE PLAN REFERENCE NOTES

1. (E) LAND LEASE LINE
2. (E) WATER LEASE LINE
3. (N) WATER LEASE LINE PER EXHIBIT 'A' LEASE SITE MAP FOR LEASE SITE 19W PREPARED BY MBS LAND SURVEYS
4. SHORE CONTROL EASEMENT
5. (E) PLAZA TO REMAIN
6. (E) PLANTER TO REMAIN
7. (E)WOOD PIER AND BENCHES TO REMAIN
8. (E) TRASH ENCLOSURE TO REMAIN
9. (N) COASTAL ACCESSWAY SIGN
10. (N) COASTAL ACCESSWAY SIGN TO INDICATE THROUGH ACCESS
11. (E) 8'0" COASTAL ACCESS TO BE EXTENDED TO 10'-0" PER COASTAL COMM.
12. HATCH INDICATES THE WIDENING OF THE COASTAL ACCESS PATHWAY
13. DASHED LINE INDICATES (N) 36" SQ. SKYLIGHT. TOTAL OF FOUR (4).
14. (N) PILING AT MAIN DOCK. TOTAL OF SIX (6).
15. (N) PILING AT DOCK FINGERS. TOTAL OF FOUR (4).
16. (N) WOOD OR ALUMINUM DOCK w/ GATOR GRATING (WHERE POSSIBLE)
17. (N) WOOD OR ALUMINMUM DOCK
18. (N) AUTOMATIC WET-CLASS III STANDPIPE SYSTEM HOSE CABINET. 31" X 6" X 48"H
19. (N) 8" DIA. X 36"h PEDESTAL LIGHT. HATCH INDICATES APPROX. LIGHTING PATTERN.
20. (N) DOCK CABINET w/ WATER, POWER & TELEPHONE. 48" X 28" X 31"H. TOTAL OF SIX (6).
21. HATCH INDICATES EXISTING EELGRASS LOCATION PER EELGRASS SURVEY DATED APRIL 2, 2014. TYPICAL
22. SHADED AREA INDICATES THE 5 METER SURROUNDING AREA OF THE EELGRASS HABITAT AREA
23. 145 S.F. 5M HABITAT AREA INTRUSION
24. 354 S.F. 5M HABITAT AREA INTRUSION
25. (E) OBSEVATION DECK TO REMAIN
26. (E) FLOATING DOCK TO REMAIN
27. (N) COASTAL ACCESS SIGN TO INDICATE THROUGH ACCESS. (E) PUBLIC ACCESS AND DINING DECK TO BE REMOVED
28. (E) RESTAURANT DINING PATIO TO REMAIN
29. (N) ALUMINUM GANGWAY
30. LIMIT OF CHANNEL
31. EXISTING SITE FURNITURE LAYOUT (AS OF 12/30/15)
32. STAINED CONCRETE PATH INDICATING COASTAL ACCESS
33. (E) GLASS AND WOOD WALL TO BE REMOVED
34. (N) LOW GLASS AND WOOD WALL ALONG (E) RESTAURANT PATIO
35. (N) 42" TALL METAL RAILING TO REPLACE (E) WOOD AND GLASS WALL
36. (N) 42" TALL METAL RAILING ALONG (N) COASTAL ACCESS
37. (N) COASTAL ACCESS WALKWAY. REFER TO PLAN FOR WIDTHS
38. 5 S.F. 5M HABITAT AREA INTRUSION
39. (N) PASSENGER LOADING ZONE
40. IMPROVED COASTAL ACCESS SIGNAGE. FINAL LOCATION AND DETAILS TO BE APPROVED BY COASTAL COMMISSION.
41. (E) CONCRETE PLANTER TO BE REMOVED

BOAT SLIP NOTES:

1. ALL FINGERS ARE 5' WIDE, EXCEPT AS NOTED
2. 11 PILES PROPOSED
3. SLIP 1 FOR PUBLIC USE and CONTROLED BY MORRO BAY HARBOR DEPT.
4. SLIPS 2 THRU 7 FOR PRIVATE USE

FIRE PROTECTION FOR WHARVES AND DOCKS

FIREFIGHTING APPLIANCES AND EQUIPMENT SHALL BE PROVIDED AND MAINTAINED IN AN OPERABLE MANNER FOR ALL COMMERCIALLY OPERATED MARINAS AND DOCK FACILITIES, AS SPECIFIED BY ORDINANCES OF THE CITY, AND ALL INSTALLATIONS SHALL BE SUBJECT TO THE APPROVAL OF THE CHIEF OF THE FIRE DEPARTMENT. (MBMC SECTIONS 14.08.090 (K) AND 14.52.060)

FIRE PROTECTION EQUIPMENT-STANDPIPES. MARINAS AND BOATYARDS SHALL BE EQUIPPED THROUGHOUT WITH STANDPIPE SYSTEMS, IN ACCORDANCE WITH NFPA 303. SYSTEMS SHALL BE PROVIDED WITH HOSE CONNECTIONS LOCATED SUCH THAT NO POINT ON THE MARINA PIER OR FLOAT SYSTEM EXCEEDS 150 FEET FROM A STANDPIPE HOSE CONNECTION. (CFC 4504.2)

APPLICANT MUST SUBMIT PLANS FOR THE STANDPIPE SYSTEM AND HOSE CABINET, IN ACCORDANCE WITH NFPA 13, PER THE SUBMITTAL REQUIREMENTS FOR BUILDING PERMIT ISSUANCE

FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

MINIMUM SAFEGUARDS FOR CONSTRUCTION, ALTERATION AND DEMOLITION SHALL BE PROVIDED FOR REASONABLE SAFETY TO LIFE AND PROPERTY FROM FIRE DURING SUCH OPERATIONS PER CFC CHAPTER 14. COMPLIANCE WITH NFPA 241 IS REQUIRED FOR ALL ITEMS NOT SPECIFICALLY ADDRESSED HEREIN.

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LICENSED ARCHITECT STEVEN PUGLISI 12898 REGISTERED DATE STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
PROPOSED ARCHITECTURAL SITE PLAN

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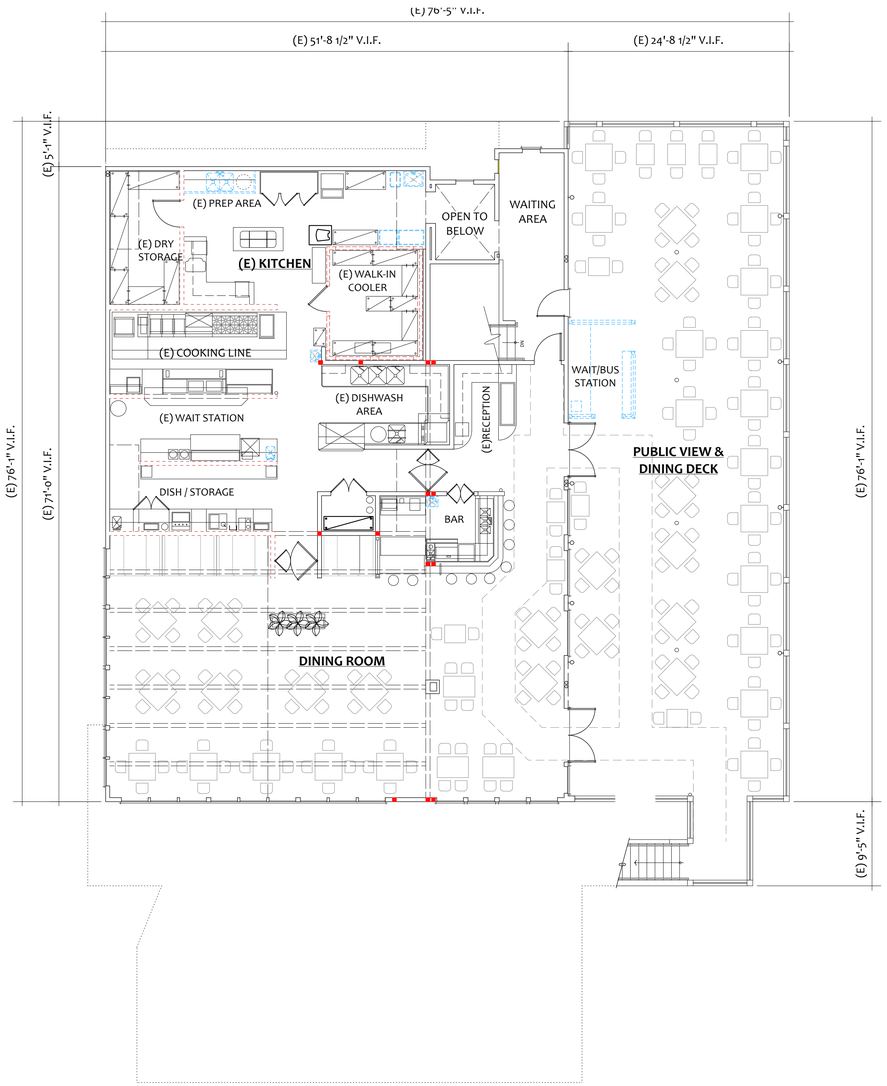
DATE: 19 January 2017
JOB: 11-017
DRAWN: m.dammeyer
REV:
1 Incomplete Letter Response 10/31/2016

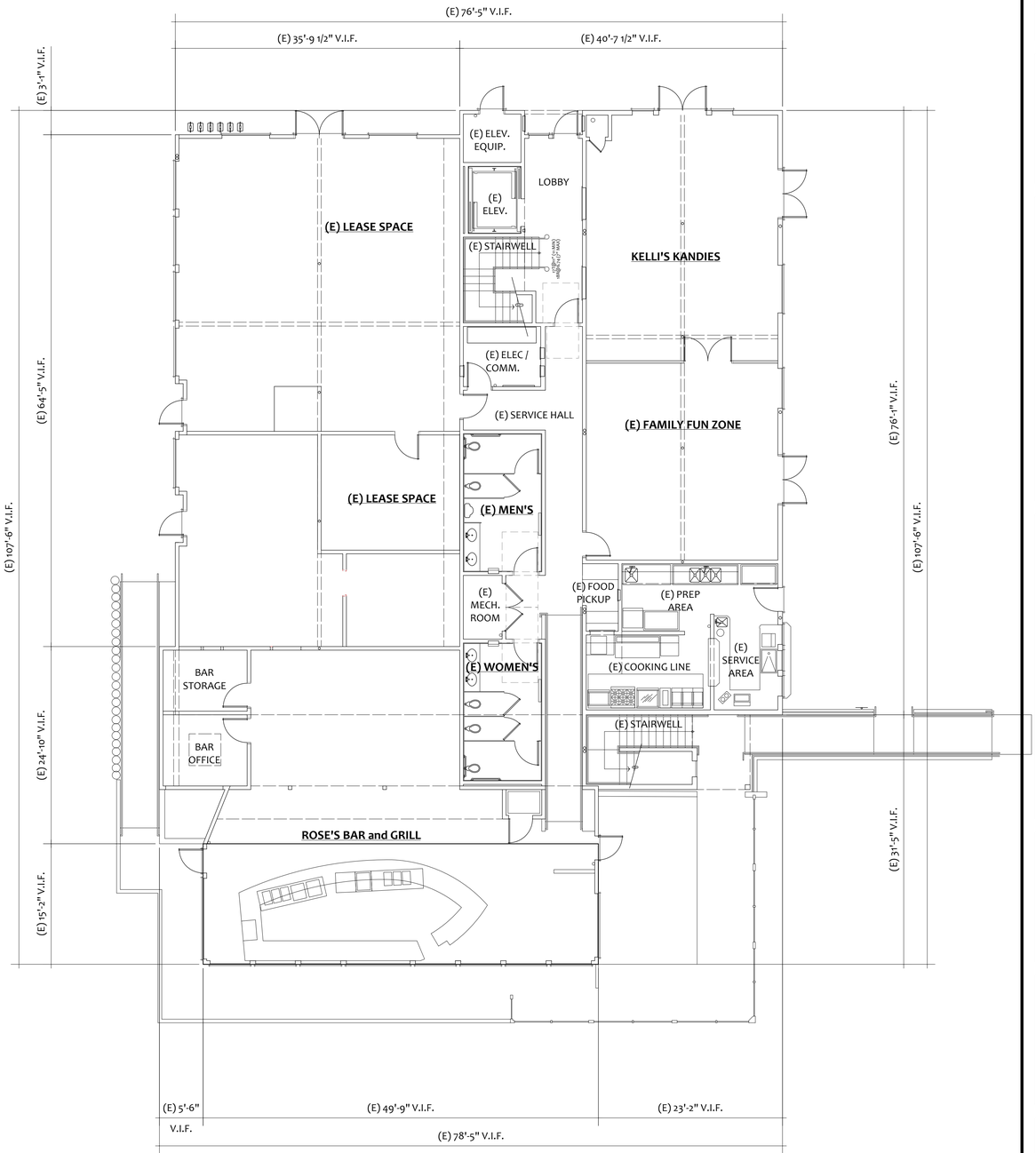
SHEET №
P1.1



EXISTING UPPER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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



EXISTING LOWER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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

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LICENSED ARCHITECT STEVEN PUGLISI 12598 REGISTRATION DATE 06.30.17 STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
EXISTING LOWER and UPPER FLOOR PLANS

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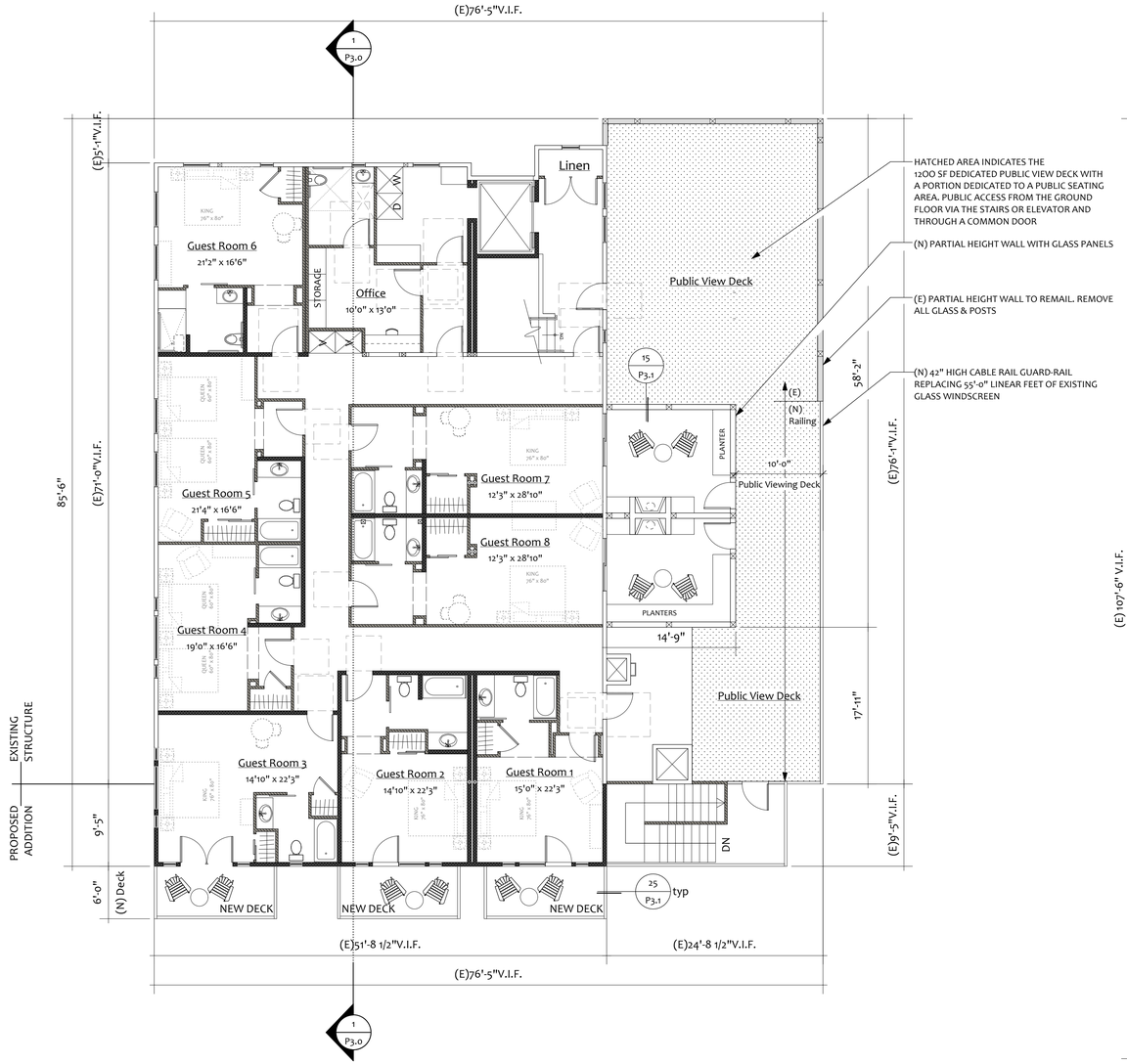
DATE: 19 January 2017
JOB: 11-017
DRAWN: m.dammeyer
REV.:
1 Incomplete Letter Response 10/31/2016

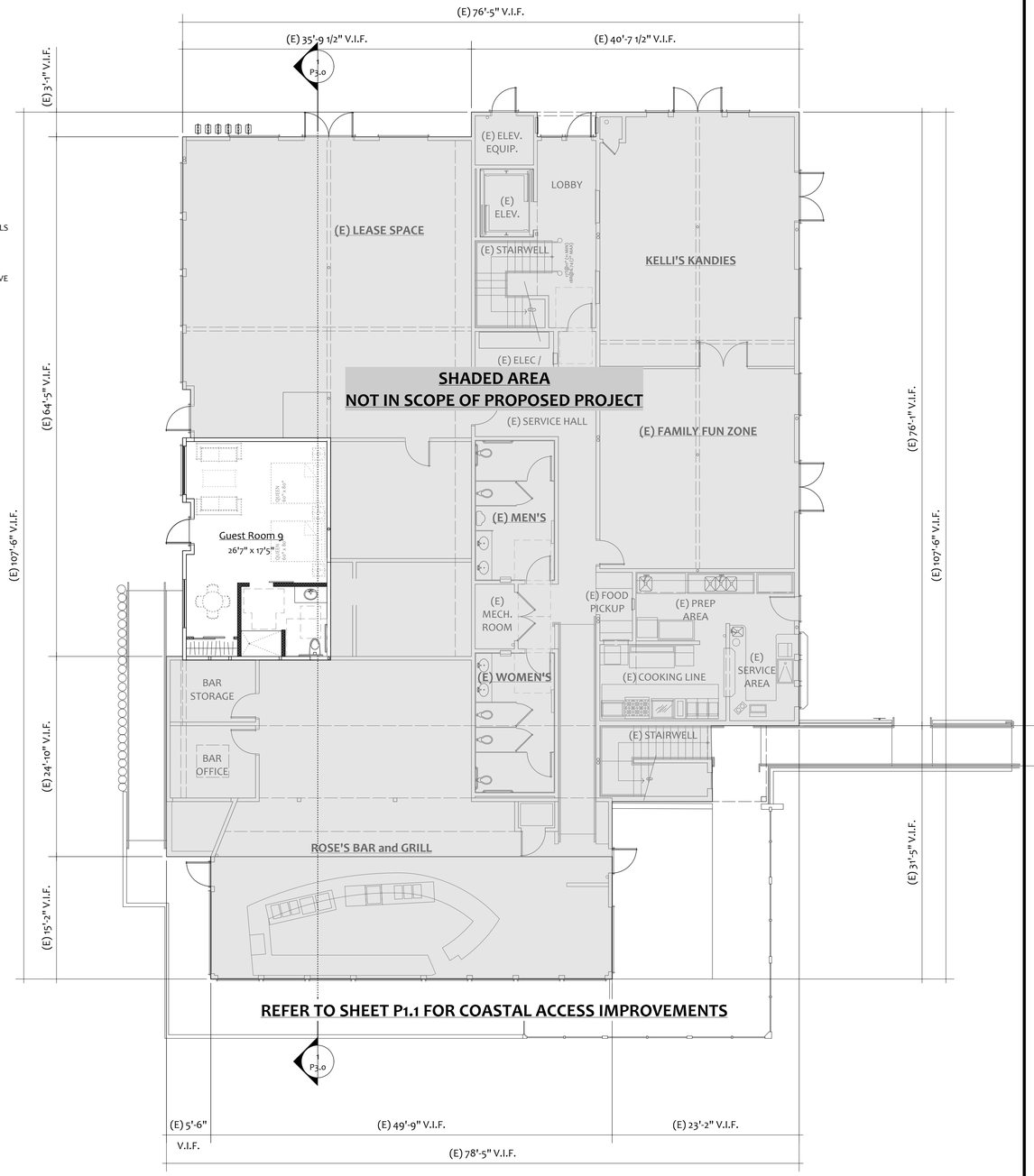
SHEET №
P2.0



PROPOSED UPPER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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



PROPOSED LOWER FLOOR PLAN

GRAPHIC SCALE: 1/8" = 1'-0"

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

ATTACHMENT E

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LICENSED ARCHITECT STEVEN PUGLISI 12998 03.31.17 STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
PROPOSED UPPER and LOWER FLOOR PLANS

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DATE: 19 January 2017
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REV.:
1 Incomplete Letter Response 10/31/2016

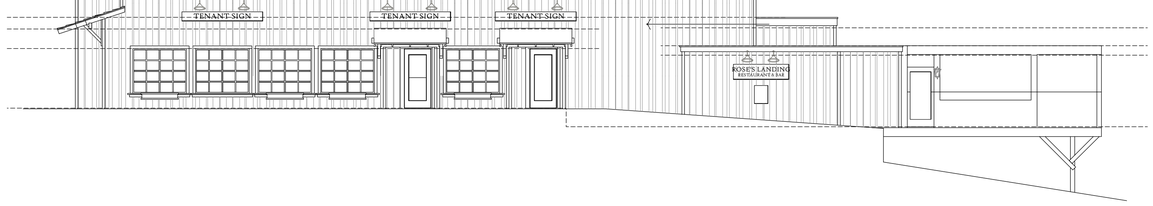
SHEET №
P2.1

EXISTING EAST/EMBARCADERO ROAD ELEVATION

1/8"=1'-0"

EXISTING SOUTH/LEFT ELEVATION

1/8"=1'-0"



EXISTING NORTH/RIGHT ELEVATION

1/8"=1'-0"

EXISTING WEST/REAR ELEVATION

1/8"=1'-0"

ATTACHMENT E

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LICENSED ARCHITECT STEVEN PUGLISI 12958 REN. 08.31.17 STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
EXISTING EXTERIOR ELEVATIONS

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DATE: 19 January 2017

JOB: 11-017

DRAWN: m.dammeyer

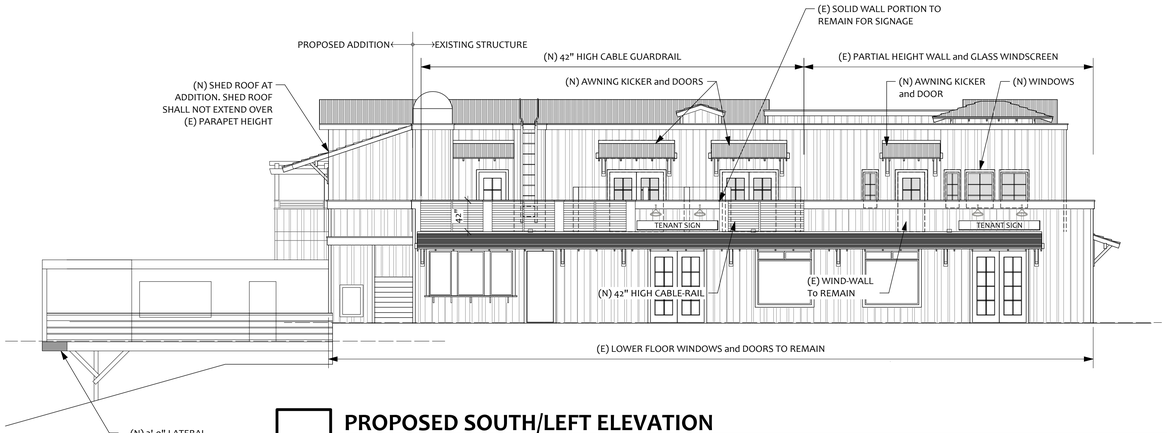
REV.:
1 Incomplete Letter Response 10/21/2016

SHEET Nº

P3.0

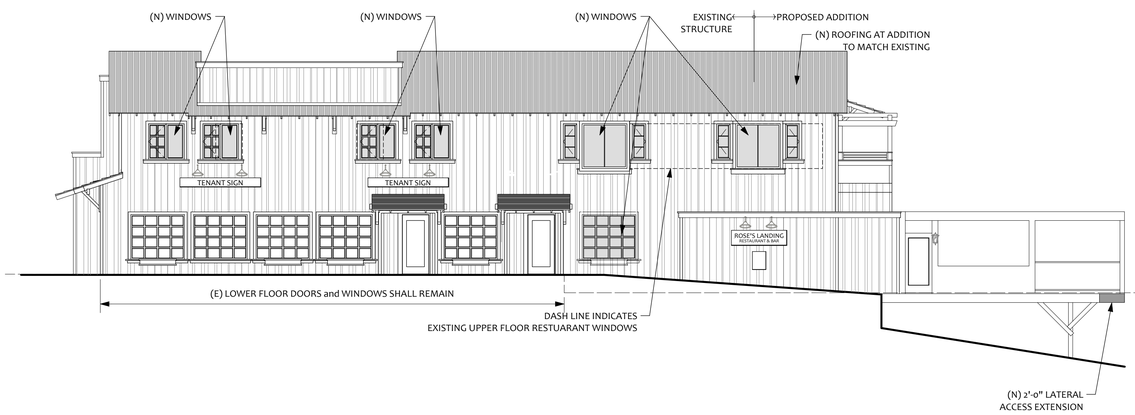
PROPOSED EAST/EMBARCADERO ROAD ELEVATION

1/8"=1'-0"



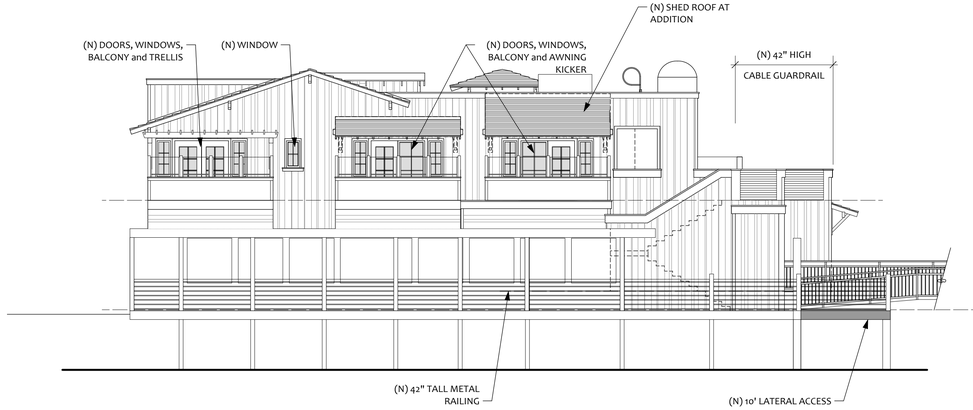
PROPOSED SOUTH/LEFT ELEVATION

1/8"=1'-0"



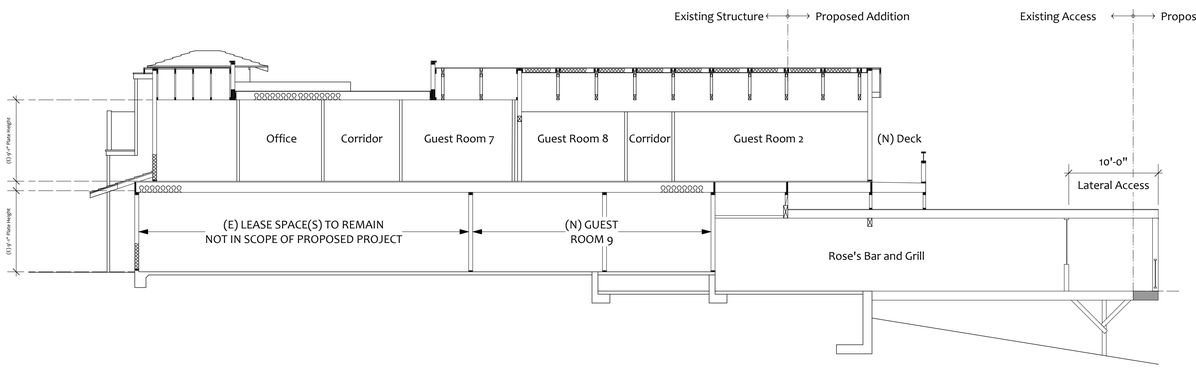
PROPOSED NORTH/RIGHT ELEVATION

1/8"=1'-0"



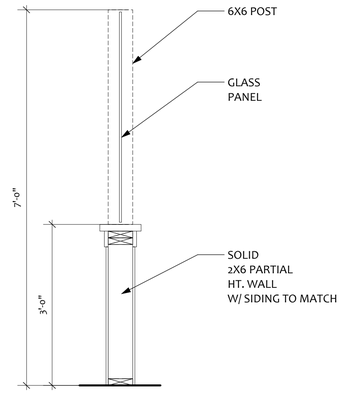
PROPOSED WEST/REAR ELEVATION

1/8"=1'-0"



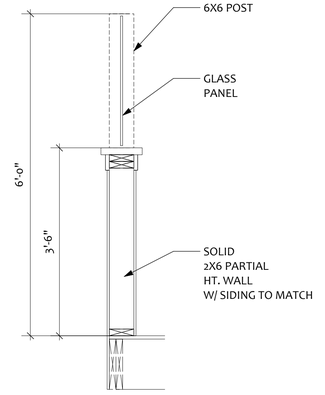
PROPOSED BUILDING SECTION

1/8"=1'-0"



TYPICAL WINDSCREEN

3/4"=1'-0"



WINDSCREEN @ BAY ROOM

3/4"=1'-0"

Steven Puglisi ARCHITECTS INC
569 Higuera Street
Suite A
San Luis Obispo, CA
93401
Ph: 805.595.1962
Fx: 805.595.1980

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
PROPOSED EXTERIOR ELEVATIONS & BUILDING SECTION

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P3.1

EXISTING PHOTO LOOKING SOUTH-WEST

1 PROPOSED BUILDING LOOKING SOUTH-WEST

EXISTING PHOTO LOOKING NORTH-WEST

2 PROPOSED BUILDING LOOKING NORTH-WEST

EXISTING PHOTO LOOKING EAST

3 PROPOSED BUILDING LOOKING EAST

ATTACHMENT E

Steven Puglisi
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LICENSED ARCHITECT STEVEN PUGLISI 12958 REGISTERED DATE STATE OF CALIFORNIA

NOT FOR CONSTRUCTION

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
EXISTING SITE PHOTOS & PROPOSED RENDERINGS

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PHOTO SIMULATION 2

PHOTO SIMULATION 3

DOCK BOX

STANDPIPE HOSE CABINET

Mariner Lighting Bollard

Product Focus

The Mariner lighting bollard is available from 18 to 36 inches tall and can be used in various applications from marina docks, to landscaped areas, golf courses, and beyond. The Mariner is designed to withstand the harsh marine environments from Alaska to the tropics.

Product Specifications

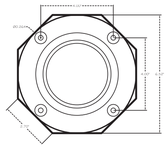
- Can Be Configured with a 7, 9, or 13 Watt Compact Fluorescent Light or LED Lighting
- Mounting Base and Painted Pole Supplied for Desired Height
- Custom Colors Available
- 18, 24 or 36 Inch Total Height

Dimensions

HEAD ASSEMBLY HEIGHT	IN.	MM
7 Watt	7.0	177.8
9 Watt/13 Watt	8.0	203.2
LED	9.0	228.6

MOUNTING BASE AND POLE
18" - 36"

Base Diagram



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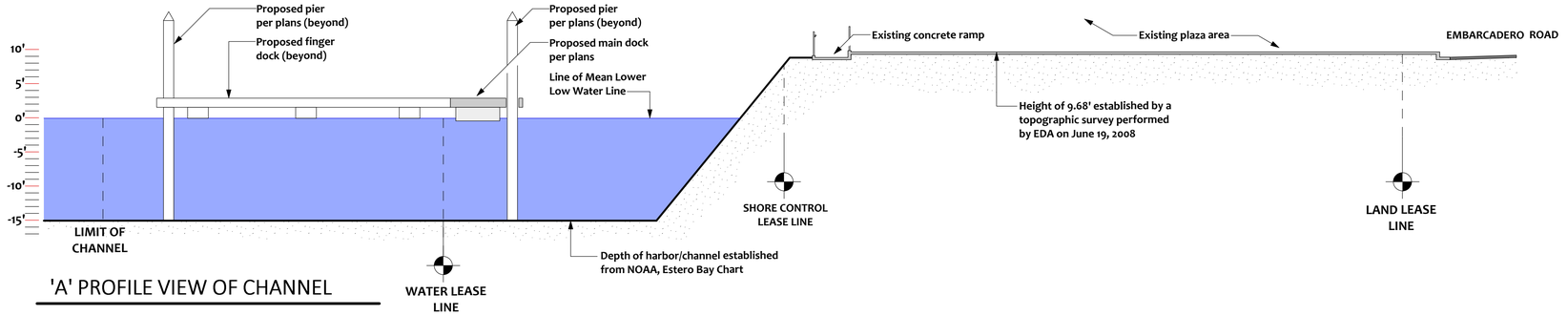

'A' PROFILE VIEW OF CHANNEL

ATTACHMENT E

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LICENSED ARCHITECT STEVEN PUGLISI 12988 REGISTERED STATE OF CALIFORNIA

CONTRACTOR'S COPY

PROJECT:
ROSE'S LANDING
EMBARCADERO HOTEL REMODEL
725 Embarcadero Road, Morro Bay, CA
Doug Redican

SHEET:
DOCK DETAILS AND SECTION PROFILE

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DATE: 19 January 2017
JOB: 11-017
DRAWN: m.dammeyer
REV:
1 Incomplete Letter Response 10/21/2016

SHEET Nº
P4.1

AGENDA NO: B-3

MEETING DATE: May 23, 2017

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 2, 2017**

FROM: **Joan Gargiulo, Assistant Planner**

SUBJECT: **Appeals of the Planning Commission approval of Conditional Use Permit No. UP0-468 for continued operation of an existing auto-body repair and paint shop in operation since 1981 and located within the R-1/S.1 residential zoning district at 340 Jamaica Street. (Appellants: Roy Cinowalt, Evans Cowan, Daniel Knight, Daryl Dobson) (Applicant: Jason Pall)**

RECOMMENDATION

Staff recommends the City Council deny all appeals and uphold the Planning Commission approval of Conditional Use Permit No. UP0-468 for Auto-Body Builders at 340 Jamaica Street by adopting City Council Resolution No. 24-17 with the associated Findings and Conditions of Approval.

ALTERNATIVES

1. Uphold the appeal(s), thereby reversing Planning Commission's approval and denying Conditional Use Permit No. UP0-468.
2. Modify the project as agreed upon by a majority of the Council
3. Refer the project back to the Planning Commission with direction
4. Continue review to a date certain with direction to staff and the applicants.

FISCAL IMPACT

Each of the four appellants paid the $268 appeal fee for a total of $1,072.

SUMMARY

Planning Commission Action: On February 21, 2017, the Planning Commission continued review of a proposed user permit at 340 Jamaica Street to the next available meeting. On March 7, 2017, on a vote of 5 to 0, the Planning Commission concluded that the continued operation of the auto body, repair and paint shop use was consistent with the applicable sections of the Morro Bay Municipal Code and approved the use permit with added conditions (Exhibit F).

Appeals: On March 13, 2017, Roy Cinowalt filed an appeal of the Planning Commission action. On March 17, 2017, Evans Cowan, Daryl Dobson, and Daniel Knight filed an appeal (Exhibits B, C, D, and E). Mr. Cinowalt is the owner of the adjacent apartment building to the west, purchased in 2009. Mr. Cowan is the owner of a home on Island

Prepared By: JG Department Review: SG

Street, purchased in December of 2016. Mr. Dobson is the renter of a home on Island Street adjacent to the business. Mr. Knight represents the interests of the owners of Mr. Dobson's residence. The Knight Trust has owned the property since 1999; Mr. Dobson's length of tenancy is unknown.

BACKGROUND

The Conditional Use Permit was originally approved by the Planning Commission at the duly noticed March 7, 2017 meeting. During this meeting, staff presented a report which detailed the historic use of the site, Air Pollution Control District (APCD) and County Environmental Health Department oversite of hazardous impact to the environment, and investigation of nuisance compliance as it relates to the City of Morro Bay's Municipal Code (MBMC). The Planning Commission also took public testimony which included seventeen (17) individuals speaking in support of the auto-body use and four (4) individuals speaking against the use.

DISCUSSION

The following discussion states the Appellant's grounds for appeal with a statement formulated by staff that examines the validity and comprehensiveness of each ground for appeal. A summary of the Appellant's comments are in italics with staff response following.

Summary of Appellant Cinowalt's Appeal:

Mr. Cinowalt asserts that the area is zoned residential and therefore the industrial use is inappropriate in this location. He states that the vent is discharging hazardous vapors, paint, and odor into nearby homes and requests that the City Council deny the conditional use permit.

Staff Response and Analysis:

The parcel has been utilized as an industrial-type use since before the City was incorporated. In 1981, the City issued a Conditional Use Permit to intensify the use to include paint and body work, recognizing the importance of mitigating any nuisance issues related to the industrial use in a residential zone. According to the APCD and County Environmental Health, the use does not create a hazardous environment and any nuisance issues identified have been either preemptively addressed by the new owner or mitigated through the conditions of approval associated with Conditional Use Permit No. UP0-468 in compliance with the regulations set forth in the MBMC including but not limited to the requirements set forth in Section 17.52 "Performance Standards."

Summary of Appellant Cowan's Appeal:

Mr. Cowan asserts that the auto-body shop is an antiquated building and that current laws and best practices would not allow this business to exist. Mr. Cowan also asserts that his family members are exposed to toxic substances. He is requesting that the Council force the closure of this business, repeal Conditional Use Permit No. UP0-468, and the preparation of an Environmental Impact Report.

Staff Response and Analysis:

This is a nonconforming use in uninterrupted operation since 1981 and therefore is allowed to remain as set forth in Section 17.56.100 of the MBMC "Continuation of Nonconforming Uses." While the paint booth itself has been in operation at this location

since 1981, the Applicant has been directed by the Fire Department to install an up-to-date fire suppression system. In response to the assertion that there is exposure to toxic substances, please see staff response to Appellant Cinowalt's appeal above.

Summary of Appellant Dobson's Appeal:
Mr. Dobson asserts that noise, odors, and toxic fumes are a disruption to the neighborhood. He is therefore requesting that the council reverse the Planning Commission's decision to approve the Conditional Use Permit.
Staff Response and Analysis:
Please see staff responses above.

Summary of Appellant Knight's Appeal:
Mr. Knight asserts multiple claims. In summary, Mr. Knight asserts that the basis for the Planning Commission's decision was improper, the City did not follow proper public hearing procedure, and that staff and the Planning Commission ignored both the requirements set forth in the Morro Bay Municipal Code as well as City policy. Mr. Knight's assertions are as follows:

Issue 1: *The Planning Commission relied on facts and assumptions that were not based on clear evidence.*
Staff Response and Analysis:
Appellant fails to specify which facts and assumptions were not based on clear evidence and instead makes a vague allegation. However, in general, staff notes that the Planning Commission relied on compliance determinations from APCD and County Department of Health which have jurisdiction over air quality, discharge, and disposal compliance. The Planning Commission also considered all relevant factors and evidence submitted when analyzing the permit application, including reliance on APCD and County Environmental Health compliance determination and adherence to the requirements set forth in the MBMC including but not limited to Section 17.56.100 "Continuation of Nonconforming Uses" and Section 17.52 "Performance Standards."

Issue 2: *The assumptions relied on in making zoning declarations were not articulated in a manner that a reasonable person would be able to understand. The intended conditions and outcomes of those conditions are not clear.*
Staff Response and Analysis
The assumptions relied upon by staff and the Planning Commission were presented in a publicly available staff report and resolution and a presentation at a duly noticed public hearing and include information pertaining to the historic uninterrupted use of the site and the continued operation of the business, the City regulations associated with the continuation of nonconforming uses and performance standards, and the compliance determinations from APCD and County Environmental Health. The conditions of approval are clearly articulated in Planning Commission Resolution No. 06-17 (Exhibit G).

Issue 3: *The conditions of the conditional use permit were not made public prior to the end of the appeal period, as requested of City staff, by the Appellant in a time that would give meaningful review before the expiration of the appeal window.*

Staff Response and Analysis
The original conditions of approval were made available upon release of the staff report and associated resolution on Thursday March 2, 2017. The Planning Commission added six conditions of approval, that were expressly outlined by the Commission at the end of the March 7, 2017 meeting. The Resolution was not however finalized during the 10-day appeal period because of a lack of staffing during this timeframe. Mr. Knight was present at the Planning Commission meeting when the added conditions were articulated by the Commission.

Issue 4: *The zoning ordinances were ignored in regards to health, welfare, and safety of the abutting neighborhood.*

Staff Response and Analysis
These issues were extensively discussed at the March 7, 2017 Planning Commission meeting including compliance analysis with the MBMC including, but not limited to Sections 17.24 "Primary Districts", 17.48 "General Regulations, Conditions and Exceptions", 17.52 Performance Standards", 17.56 "Nonconforming Uses and Structures", and 17.60 "Use Permits, Procedures Notices, and Variances". Also, note the responses presented above.

Issue 5: *The zoning ordinances were arbitrarily applied in order to appease a property owner's requests. Decisions were made on the testimony of several persons who work at the shop or were in direct financial relationship with the Applicant as admitted at the Planning Commission.*

Staff Response and Analysis
Staff is unclear on what basis Appellant claims that the Planning Commission acted to simply "appease" a property owner. The Planning Commission based their decision on the regulations and requirements set forth in the Morro Bay Municipal Code, State law and the evidence presented. Appellant provides no specifics in regards to allegations the zoning ordinances were arbitrarily applied, in contrast to the over two-hour meeting held by the Planning Commission for review of this item, and the detailed staff report and documents which are part of the record. Furthermore, members of the public are encouraged to speak at public hearings, and it would be improper for the Planning Commission to prevent members of the public from commenting on a project proposal because of any alleged relationship with the Applicant.

Issue 6: *The Planning Commission with the exception of one commissioner allowed the public to disregard the decorum of an orderly Planning Commission meeting, constructively preventing a meaningful opportunity to be heard. An example being, limiting a property owner's time to speak at 3 minutes while allowing those in support to speak for more than 3 minutes AND speak more than once without being requested to do so by the Planning Commission.*

Staff Response and Analysis
Appellant fails to specify clear examples of the "decorum of an orderly Planning Commission meeting" being disregarded at the meeting, and thus staff cannot address specific examples. However, in general all members of the public were provided with an

opportunity at the public meeting to be heard. All persons speaking at the podium were given three minutes for comment and all persons commenting were timed. No one expressing an interest in speaking at the public hearing was denied an opportunity to speak and be heard. Generally, the Commission tries to limit comments to approximately 3 minutes, only asking the public to wrap up if they surpass the 3-minute window by a significant amount of time. Reasonable flexibility in speaking time was provided to both proponents and opponents of the conditional use permit under discussion. For example, opponent Mr. Cinowalt was allowed to continue speaking over the three-minute window and only at 5 minutes and 50 seconds was Mr. Cinowalt reminded that his time had elapsed.

Below is an itemization of the time used by various speakers at the public hearing, identified as being either proponents of opponents of the conditional use permit.:

Support Project	Meeting Minutes	Time	Oppose Project	Meeting Minutes	Time
Diane, directly next door	33.10-35.20	2 min 10 sec	Evans Cowan	54.54-58.46	3 min 40 sec
Linda, next door to diane	35.33-36.21	0 min 48 sec	Roy Cinowalt	103.21-109.11	**5 min 50 sec**
William 311 Sicily	36.30-39.40	3 min 10 sec	Daryl Dobson	117.29-120.10	2 min 41 sec
Paul Cuney	40.04-41.06	1 min 2 sec	Daniel Knight	128.37-133.18	4 min 41 sec
Bob Tapia, previous Owner	41.17-45.01	3 min 44 sec			
Bob's Daughter, Jenny V.	45.04-47.18	2 min 14 sec			
Rick Young	47.34-48.30	0 min 56 sec			
Rick Hobbs	48.44-53.19	4 min 32 sec			
Jerry Lane, N. MB	53.36-54.44	1 min 8 sec			
Paul Cuney, 2nd	59.04-100.29	1 min 25 sec			
(Corkey Miles)/Barbara Brebes	100.44-103.08	2 min 24 sec			
Rick Young, 2nd	109.23-110.01	0 min 38 sec			
Bob's Daughter, Jenny V., 2nd	110.09-111.14	1 min 5 sec			
Jared Scott, Owner 3 Stacks Brew	111.24-112.34	1 min 10 sec			
Brian Chavez, 331 Jamaica St	112.46-116.16	3 min 30 sec			
Drew Sedaris	116.27-117.19	0 min 52 sec			
Riley Pall, Jason's Daughter	120.16-121.23	1 min 7 sec			
George Wright	123.21-123.59	0 min 38 sec			
Scott Mace	124.09-126.51	2 min 42 sec			
Diane, 2nd	127.10-128.17	1 min 7 sec			
Brian Chavez, 2nd	133.25-134.09	0 min 44 sec			

Total Time of Those Who Spoke Twice (Support Project)	
Paul Cuney	2 min 27 sec
Rick Young	1 min 34 sec
Jenny V.	3 min 19 sec
Diane	3 min 17 sec
Brian Chavez	4 min 14 sec

Issue 7: *The Planning Commission failed to protect the minority's opportunity to speak without being criticized and belittled, with the expectation [sic] of two commissioners, constructively disallowing their testimony. This is in violation of City Council Resolution No. 70-15 10th November 2015 and again in contrivance of City of Morro Bar [sic], Council Policies and Procedures 1.3.4 & 1.3.5.1.1 & 1.3.5.1.2 & 1.3.7.2.3. It can be assumed that an orderly hearing is the desire of the City Council and therefore these minimums should apply to the Planning Commission. We offer these codes as models, however this is not*

an exhaustive list. Our republican form of government guarantees that the minority be protected and heard, this was not meaningfully done.

Staff Response and Analysis

Appellant essentially claims that the "minority" (i.e., those opposing the renewal of the conditional use permit) did not have a meaningful opportunity to "be protected and heard" at the planning commission meeting held on March 7, 2017. However, appellant fails to identify any speakers who were not afforded an opportunity to be meaningfully heard and/or the circumstances of such allegations.

Appellant alleges that the Planning Commission failed to protect "the minority's opportunity to speak without being criticized and belittled," yet fails to provide any specific examples and offers only vague allegations. This failure renders staff unable to respond to any specific claims.

Appellant alleges that the Planning Commission at its meeting held on March 7, 2017 failed to adhere to principles articulated in both City Council Resolution No. 70-15 (10th November 2015) as well as City of Morro Bay Council Policies and Procedures 1.3.4; 1.3.5.1.1; 1.3.5.1.2; and, 1.3.7.2.3, which are summarized as follows:

- City Council Resolution No. 70-15 (10th November 2015) pledges the City Council to follow best practices of civility and civil discourse in all of its meetings.
- City of Morro Bay Council Policies and Procedures 1.3.4 provides for "Parliamentary Procedure."
- City of Morro Bay Council Policies and Procedures 1.3.5.1.1 and 1.3.5.1.2 are concerned with protocol. They provide that, respectively, Council Members and staff shall work earnestly to preserve appropriate order and decorum during all meetings, and that side conversations, disruptions, interruptions or delaying efforts are discouraged.
- City of Morro Bay Council Policies and Procedures 1.3.7.2.3 provides that each person addressing the City Council shall do so in an orderly manner and the Council respectfully requests that speakers refrain from making repetitious, slanderous or irrelevant remarks, or engaging in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council present, be subject to ejection from that meeting.

Appellant provides no examples of the Planning Commission specifically violating at the March 7, 2017 meeting any of the above principles, policies or procedures. Thus, staff is rendered unable to address any specific examples.

Staff reaffirm that the Planning Commission at the March 7, 2017 meeting strove to adhere to the above principles, policies and procedures. Further, even if any of the above principle, policies or rules were not adhered to at the meeting held on March 7, 2017 (which is denied), or even if speakers were criticized or belittled (which is denied),

appellant fails to specify whether such unsubstantiated allegations rise to the level of substantively impacting whether or not the legal requirements for a public hearing were met, the opportunity was present for all members of the public to speak and be heard by the Commissioners at the meeting, or how such alleged failure constitutes a lawful basis for reversal of the Planning Commission's decision.

Issue 8: *Based on paragraphs 1-7 above, we appeal pursuant to Government Code Section 65009(b)(1) appealing all issues decided at the Planning Commission as arbitrary and capricious. [In an action or proceeding to attack, review, set aside, void, or annul a finding, determination, or decision of a public agency made pursuant to this title at a properly noticed public hearing, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the public agency prior to, or at, the public hearing.]*

Staff Response and Analysis

Government Code section 65009(b)(1) provides in full (portions uncited by Appellant being underlined) that:

> (b)(1) In an action or proceeding to attack, review, set aside, void, or annul a finding, determination, or decision of a public agency made pursuant to this title at a properly noticed public hearing, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the public agency prior to, or at, the public hearing, except where the court finds either of the following:
> (A) The issue could not have been raised at the public hearing by persons exercising reasonable diligence.
> (B) The body conducting the public hearing prevented the issue from being raised at the public hearing.

Staff is unclear as to why half of this government code was cited as a basis for appeal. The government code cited by Appellant, when read in its entirety, is concerned with the ability to introduce new issues after the public hearing on the basis of either "persons exercising reasonable diligence" could not raise them at the public hearing, or the planning commission prevented the issues "from being raised at the public hearing." Appellant fails to reference any issues that appellant was unable to raise at the public hearing held by the Planning Commission for this matter under appeal.

Appellant also alleges that "all issues decided at the Planning Commission" are being appealed as "arbitrary and capricious." The "arbitrary and capricious" standard of review seeks a determination as to whether there is a reasonable basis for a decision, or if the decision is "entirely lacking in evidentiary support." (*Am. Coatings Assn., Inc. v. S. Coast Air Quality Dist.* (2012) 54 Cal. 4th 446, 461.) As noted in responses above, there is a reasonable evidentiary basis for the Planning Commission's decision.

Issue 9: *We appeal 1-8 inclusive under Government Code Section 65009(A)&(B)[sic] [A: The issue could not have been raised at the public hearing by persons exercising reasonable diligence. B: The body conducting the public hearing prevented the issue from being raised at the public hearing.]*

Staff Response and Analysis

Appellant appears to be referencing Government Code section 65009(b)(1)(A-B) based on the cited text. See response to Issue No. 8 above which addresses these government code subsections.

Issue 10: *We specifically appeal the contention substantially and wrongfully relied on by the Planning Commission that a non-renewal would be a taking within the context of the 5th amendment. Each of the below authorities cut counter to the statement made that this decision would be a taking I denied. [1: Governor's Office of Planning and Research, Planning Guide: An Introduction to Planning in California. Sacramento, California: Office of Planning and Research, 2005. Print. 2: Penn Central Transportation Co V. New York. U.S. 104.1978. Print. 3: Goldblatt v. Hempstead, 369 U.S. 590 4: Hadacheck v. Sebastian, 239 U.S. 394]*

Staff Response and Analysis

The proposition that a non-renewal would be a taking within the context of the 5th amendment (while not an unreasonable proposition) was not one substantially relied upon the Planning Commission as a basis for its decision to approve the conditional use permit.

The idea that denying this permit request could constitute a taking was brought up by one Commissioner (Ingraffia) during the discussion portion of the hearing. At that moment (approximately 1:55:30 in the meeting minutes) he was describing how because of the existing and extended use of the site, an approval would not set precedent because in his opinion this is an exceptional and unique case and could constitute a taking based on the facts of this particular case. The idea of a taking was not broached again and was not substantially relied upon by the Commission in their decision making.

Issue 11: *We appeal on the grounds that a conditional use permit is not a taking as it is a permit to obtain a variance from existing laws prohibiting a wrongful use and therefore can not be reasonably viewed as an investment-back expectation requiring application of zoning regulation unless clear and convincing evidence exists as to why the use should be granted; not present here. [Robert CONSAUL et al., v. City of San Diego, 6 Cal.App.4th 1781]*

Staff Response and Analysis

Staff is unclear as to the substance of this issue. Appellant appears to be confusing the difference between a conditional use permit and a variance. A conditional use permit is not a variance. A conditional use permit allows the City to consider land uses which are not allowed as a matter of course and is required for certain land uses which may need special conditions to ensure compatibility with and mitigate any nuisance issues that could impact the surrounding land uses.

Additionally (see response to Issue No. 10 above), the issue of whether or not a non-renewal would be a taking was not a substantial basis for the planning commission's

decision, nor do the findings in the Resolution identify takings as a reason necessitating approval of the project

Issue 12: *That the rationale used by the Planning Commission was arbitrary and capricious and not within the purview of the Planning Commission and therefore was an abuse of discretion and requires a De Novo review and hearing by the City Council.*

Staff Response and Analysis

The Planning Commission considered all relevant factors when analyzing the permit application, including reliance on APCD and County Environmental Health compliance determination and adherence to the requirements set forth in the Zoning Ordinance including but not limited to Section 17.56.100 "Continuation of Nonconforming Uses" and Section 17.52 "Performance Standards." Appellant is unclear as to what is "the rationale" alleged to be "arbitrary and capricious." Appellant is also unclear as to what is meant by "not within the purview of the Planning Commission," as there are no specifics which allege that the Planning Commission exceeded its authority when it rendered its decision. Regardless, the Planning Commission decision was not "arbitrary and capricious" as discussed above in response to Issue No. 8. The City Council will review the appeal as presented.

CONCLUSION

The Appellants are requesting that Council overturn Planning Commission approval of Conditional Use Permit No. UP0-468 and deny/discontinue the operation of an auto-body repair and paint shop at 340 Jamaica Street. Staff recommendation based on review and analysis of the appeals and policies within the City's General Plan, Local Coastal Plan, and Zoning Ordinance is to deny the appeals and uphold Planning Commission approval of Conditional Use Permit No. UP0-468 as specified in City Council Resolution No. 24-17.

ATTACHMENTS

A: City Council Resolution 24-17
B: Appeal A Cinowalt
C: Appeal B Cowan
D: Appeal C Dobson
E: Appeal D Knight
F: Conditional Use Permit Issued 3-7-2017
G: Planning Commission Resolution 06-17
H: Staff Report with Accompanying Exhibits

AGENDA NO:	**B-3**
ATTACHMENT:	**A**
MEETING DATE:	**May 23, 2017**

RESOLUTION NO. 24-17

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA DENYING THE APPEAL OF THE PLANNING COMMISSION ACTION WHICH APPROVED CONDITIONAL USE PERMIT (UP0-468) TO ALLOW FOR THE CONTINUED OPERATION OF AN AUTO-BODY AND PAINT BUSNIESS AT 340 JAMAICA STREET.

T H E C I T Y C O U N C I L
City of Morro Bay, California

WHEREAS, the Planning Commission of the City of Morro Bay conducted public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 7, 2017 for the purpose of considering Conditional Use Permit (UP0-468) ("the Project"); and

WHEREAS, on March 7, 2017, the Planning Commission of the City of Morro Bay adopted Resolution 06-17 to approve Conditional Use Permit (UP0-468); and

WHEREAS, on March 13, 2017, an appeal of the Planning Commission action to approve the project was filed with the City of Morro Bay by Roy Cinowalt, specifically requesting the City Council overturn the Planning Commission's approval and deny the project; and

WHEREAS, on March 17, 2017, an appeal of the Planning Commission action to approve the project was filed with the City of Morro Bay by Evans Cowan, Daryl Dobson, and Daniel Knight, specifically requesting the City Council overturn the Planning Commission's approval and deny the project; and

WHEREAS, the City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 9, 2017, to consider an appeal of the Planning Commission's approval of the project, located in an area outside of the appeals jurisdiction of the California Coastal Commission; and

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

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

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

Section 1: Findings upholding the Planning Commission Approval

A. The Conditional Use Permit for Project UPO-468 was approved in a manner consistent with the City's General Plan, Local Coastal Program and Zoning Ordinance.
B. The nonconforming auto-body repair and paint shop use has been in continuous operation since 1981.
C. The use does not create a hazardous environmental situation as it currently operates in compliance with the requirements of both the Air Pollution Control District (APCD) and County Environmental Health.
D. Nuisance issues of noise, odors and toxic fumes have been addressed both through the operational requirements of APCD, and County Environmental Health and through project conditions of approval requiring shielding of lighting, extension and filtration applied to the exhaust system, insulation of the compressor and application of limited hours of operation.
E. Approval of the Conditional Use Permit for the proposed use is consistent with the City's nonconforming use policies.
F. The six conditions added by the Planning Commission at the March 7, 2017 meeting were clearly articulated at the end of the hearing item.
G. In general, all members of the public who were interested in speaking on the item were afforded the same 3-minute opportunity to speak at the March 7, 2017 Planning Commission meeting.
H. The Planning Commission did not prevent issues from being raised at the public hearing, nor did the Commission raise new issues after the public hearing was closed, but instead focused their review on the materials presented in the March 7, 2017 staff report, the commentary provided by the applicant and public during the public comment period and the staff presentation.
I. A single Planning Commissioner referred to a possible taking issue during comments, but overall the subject was not broached by other Commissioners nor was it a focus of the Planning Commission decision making process when approving of the CUP.
J. A Conditional Use Permit is not a variance, but instead allows the decision making body to consider land uses which are not allowed by right, but which may be permitted with the application of appropriate conditions to allow the use to better fit into the neighborhood.
K. The Planning Commission relied upon all relevant materials when making the decision to approve the CUP including APCD and County Environmental Health concurrence with the use and operation of the facility, as well as relevant materials related to adherence to the requirements noted in the City's Zoning Code.

Section 2: Findings. Based upon all the written and oral testimony and evidence presented to the Council at and for the above public hearing, the City Council makes the following findings:

California Environmental Quality Act (CEQA)

A. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1 for the continued operation of existing facilities. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

Conditional Use Permit Findings

A. The project is consistent with the General Plan and the Local Coastal Plan which allows for the continued operation of nonconforming uses pursuant to Section 17.56.100 of the Morro Bay Municipal Code.

B. The proposed business 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 contingent upon the Applicant's adherence to the approved plan set date stamped received January 10, 2017 and the Conditions of Approval herewith.

C. The proposed business will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City contingent upon the Applicant's adherence to the approved plan set date stamped received January 10, 2017 and the Conditions of Approval herewith.

Section 3. Action. The City Council does hereby deny the appeals filed on March 13 and 17, 2017 and approve Conditional Use Permit UP0-468 for property located at 340 Jamaica Street subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated March 7, 2017 for the project at 340 Jamaica Street depicted on plans date stamped received January 10, 2017, on file with the Community Development 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "CDM"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director (CDD). Any changes to this approved permit determined, by the CDD, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Noise: The Applicant shall submit an acoustical analysis pursuant to the requirements set forth in MBMC Section 17.52.030(E). The proposed use shall adhere to the guidelines as found in MBMC Section 17.52.030 and as referenced below:

	Daytime (7 a.m. to 10 p.m)	Nighttime (10 p.m. to 7 a.m.)
Hourly L_{eq}, dB(2)	50	45
Maximum level, dB(2)	70	65
Maximum level dB – Impulsive noise (3)	65	60
(1) As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures. (2) Sound level measurements shall be made with slow meter response. (3) Sound level measurements shall be made with fast meter response.		

2. Applicant shall obtain the proper permits through the Air Pollution Control District (APCD) for any updates to air pollution control equipment.

3. All mechanical sanding and grinding shall take place within the existing onsite building.

4. ***All exterior lighting shall be shielded and directed downward to ensure that light fixtures will not direct glare into the street or into the adjacent residential uses as per Section 17.52.080 of the Morro Bay Municipal Code.***

5. ***The Applicant shall investigate the feasibility of raising the exhaust stack to mitigate any potential nuisance odor and present findings to the Director for approval prior to Building permit issuance.***

6. ***The Applicant shall insulate the compressor, including but not limited to the use of isolation pads, to mitigate any potential nuisance noise impacts to adjacent properties. Insulation details shall be provided to the Planning Division for review and approval prior to Building Permit issuance.***

7. ***The Applicant shall install charcoal carbon filters to mitigate any potential nuisance odor impacts to adjacent properties. Filter specifications shall be provided to the Planning Division prior to Building Permit issuance.***

8. ***The parking and or storage of customer vehicles is prohibited in the Public Right-Of-Way. Transient parking is permissible.***

9. ***Approval of the use contemplated herein shall be limited to maintaining business hours only from 7:30 a.m. to 6:00 p.m. Monday through Friday.***

FIRE CONDITIONS:

1. Spray Booth Fire Protection. Spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall also extend to exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used. (CFC 2404.4)

   Applicant shall provide an automatic fire protection system, in accordance with CFC Chapter 24, NFPA 33 (Chapter 9), and NFPA 17 (Section 9.1.1).

   Please submit plans for an automatic fire suppression system, in accordance with NFPA 33 (Chapter 9), to Morro Bay Community Development Department for review.

2. Spray Booth Size. The aggregate area of spray booths in a building shall not exceed the lesser of 10 percent of the area of any floor of a building or the basic area allowed for a Group H-2 occupancy without area increases, as set forth in California Building Code. The area of an individual spray booth in a building shall not exceed the lesser of the aggregate size limit or 1,500 square feet.

Exception: One individual booth not exceeding 500 square feet. (CFC 2404.3.2.6)

3. Spray Booth Construction. Spray booths shall be constructed of approved noncombustible materials. Aluminum shall not be used. Where walls or ceiling assemblies are constructed of sheet metal, single-skin assemblies shall be no thinner than 0.0478 inch (18 gage) and each sheet of double-skin assemblies shall be no thinner than 0.0359 inch (20 gage). Structural sections of spray booths are allowed to be sealed with latex0based or similar caulks and sealants. (CFC 2404.3.2.1)

4. Smoking shall be prohibited in spray finishing areas, mixing rooms, and in the vicinity of dip tanks. “NO SMOKING” signs shall be conspicuously posted in such areas. (CFC 2403.2.6)

   Applicant shall post “NO SMOKING” signage.

5. Welding Warning Signs. Welding, cutting and similar spark-producing operations shall not be conducted in or adjacent to flammable vapor areas or dipping or coating operations unless precautions have been taken to provide safety. Conspicuous signs with the following warning shall be posted in the vicinity of flammable vapor areas. “NO WELDING-THE USE OF WELDING OR CUTTING EQUIPMENT IN OR NEAR THIS AREA IS DANGEROUS BECAUSE OF AND EXPLOSION HAZARDS. WELDING AND CUTTING SHALL BE DONE ONLY UNDER THE SUPERVISION OF THE PERSON IN CHARGE”. (CFC 2403.2.7)

   Applicant shall post above signage.

6. Electrical Wiring and Equipment shall be in accordance with CFC 24, NFPA 33, NFPA 70, and the California Electrical Code. (CFC 2403.2.1)

7. Portable Electric Lamps. Shall not be used in flammable vapor areas during spraying operations. Portable electric lamps used during cleaning or repairing operations shall be of a type approved for hazardous locations. (CFC 2404.6.2.4).

8. Illumination. When spray booths are illuminated, fixed lighting units that transmit light into spray booth through heat-treated or hammered wire glass shall be used. Glass panels shall be arranged to minimized breakage and so that normal accumulation of residue on the exposed surface of a panel will not be raised to 200 degrees F by the heat from the source of the illumination. (CFC 2404.6.2 and CFC 2404.6.2.1)

9. Grounding. Metal parts of spray booths, exhaust ducts and piping systems conveying Class I or Class II liquids shall be electrically grounded, in accordance with California Electrical Code. (CFC 2403.2.5)

10. Ventilation. Mechanical ventilation of flammable vapors shall be provided in accordance with Section 502.7 of the California Mechanical Code. (CFC 2404.7)

11. Operation. Mechanical ventilation shall be kept in operation at all times while spraying operations are conducted and for sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted. (CFC 2404.7.1)

12. Fire Extinguishers. Portable fire extinguishers shall be provided for spraying areas in accordance with the requirements for an extra (high) hazard occupancy (4-A:40-BC) within 30 feet of the booth. (CFC 2404.4.1 and CFC 906)

13. Housekeeping. Maintenance and storage of hazardous materials shall be in accordance with CFC (Sections 2403.3, 2403.4, 2404.5.1, and 2404.5.2). Approved metal waste cans equipped with self-closing lids shall be provided whenever rags or waste are impregnated with finishing materials. Storage, use and handling of flammable and combustible liquids shall be in accordance with this section and CFC Chapter 57.

    Applicant shall provide a certified flammable storage cabinet for flammable liquids and solvents stored on site.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 23rd day of May, 2017 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMIE L. IRONS, Mayor

ATTEST:

DANA SWANSON, City Clerk

RECEIVED

MAR 13 2017

City of Morro Bay
Community Development Dept.

CITY OF MORRO BAY

APPEAL FORM

Public Services Department
Planning Division

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

In CCC Appeals Jurisdiction?

☐ YES – *No Fee*
☑ NO – *Fee Paid:* ☑ Yes ☐ No
See attached. ABuno

Project Address being appealed:
346 JAMAICA, MORRO BAY

Appeal from the decision or action of (governing body or City officer):

☐ Administrative Decision ☒ Planning Commission ☐ City Council

Appeal of action or specific condition of approval:
APPEAL OF CONDITIONAL USE PERMIT

Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision):
UP0468

Date decision or action rendered: 3-7-17

Grounds for the appeal (attach additional sheets as necessary):
① INAPPROPRIATE USE OF ADDRESS FOR INDUSTRIAL USE: AREA IS RESIDENTIAL.
② HAZARDOUS VENT, DISCHARGE OF VAPORS, PAINT, AND ODOR INTO NEARBY HOMES.

Requested relief or action:
DENY RENEWAL OF CONDITIONAL USE PERMIT.

Appellant (please print):	Phone:
ROY CINOWALA	805 952-5119

Address:
3100 MAIN ST, MORRO BAY

Appellant Signature: Roy Cinowala **Date:** 3-13-17

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

RECEIVED
MAR 17 2017
City of Morro Bay
Community Development Dept.

CITY OF MORRO BAY

Public Services Department
Planning Division

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

APPEAL FORM

In CCC Appeals Jurisdiction?

☐ YES – *No Fee*
☐ NO – *Fee Paid:* ☐ Yes ☐ No

Project Address being appealed: 340 Jamaica St, Morro Bay

Appeal from the decision or action of (governing body or City officer):

☐ Administrative Decision ☒ Planning Commission ☐ City Council

Appeal of action or specific condition of approval:
Conditional Use Permit to operate a Auto Body Shop that has been non-compliant for ~~30~~ 50 years.

Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision):
UP0-468

Date decision or action rendered: 3/7/17

Grounds for the appeal (attach additional sheets as necessary):
An appearance exists that the Planning Division and Commission is allowing a band-aid to an antiquated paint and sanding building. New Laws and Established ~~"Best Practices"~~ would not allow this business to exist. See attached docs: A, B, & C

Requested relief or action:
- Cease and Desist painting and sanding
- Retract Conditional use Permit approved on 3/7/17
- Demand Environmental Impact Report on toxins and nuisance of this business in residential neighborhood • Provide Negative Declaration

Appellant (please print): Evans Cowan
Phone: 805-471-6953

Address: 330 Island St. Morro Bay, CA 93442

Appellant Signature: Evans Cowan **Date:** 3/16/17

I live 1½ yo grandson lives at 350 Island & is exposed to these toxins

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

RECEIVED
MAR 16 2017
City of Morro Bay
Community Development Dept.

EVANS COWAN, MS

"A"

Attachment A:

I provided testimony at 3/7/17 Planning commission hearing as to existing case law that planning dipaitments, according to State of CA Goverment training Doc that gives & demands that the welfare and safety of the immediate community (neighbors) be addressed to. The Planning Commission / Division of the City of Morro Bay ignored case law.

Attachment 'B' is The "Pollution Prevention and Compliance Opportunities Checklist" which details Auto Body Shop compliance

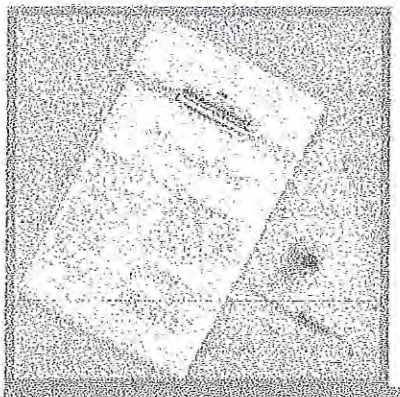
Attach 'C' is "Best Practices for Auto Body"

This Auto Body Shop has been NON-Compliant for past 30 years.

330 Island Street Morro Bay, CA 93442 ⇌ cc.goneccoastal@gmail.com ⇌ 805.471.6953

Doc. No. 801

Pollution Prevention and Compliance Opportunities Checklist



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Auto body and paint shops generate emissions and wastes that can be discharged to the air, land, and water. Shops are regulated by local environmental agencies because the products they use and their work practices may release pollutants to the environment. Using pollution prevention (P2) measures and best management practices in your shop can help you achieve compliance with regulatory requirements, reduce toxic and smog forming volatile organic compounds (VOC) emissions, reduce the time and money spent to manage hazardous wastes, and eliminate contaminated storm water discharges. Implementing P2 may help reduce operating expenses, and may reduce your permit fees and requirements from local enforcement agencies.

P2 can involve simple strategies that are easy to do, but significantly reduce amounts or toxicity of waste and emissions. Many P2 methods cost little or nothing to put into practice. For example:

- Improve inventory control
  - Reduce amount of products in storage,
  - Use first-in, first-out for paint and materials,
  - Inventory storage areas regularly,
- Keep containers closed and inspect for leaks,
- Use good housekeeping practices.

The economic benefit of implementing these measures can be significant, because of their low cost.

Other P2 measures require planning for future investments. For example, you may plan to buy cleaner technology paint spray guns or spray gun cleaners, vacuum systems, or energy efficient compressors to meet waste reduction and compliance goals.

Complete the checklist to assess your shop and find areas where you can take advantage of P2 opportunities for these activities:

- Mixing And Painting
- Paint Gun Cleaning
- Solvent Recycling
- Surface Preparation, Sanding, And Filling
- Vehicle Washing
- Body Work- Vehicle Battery, Fluid, And Refrigerant Removal

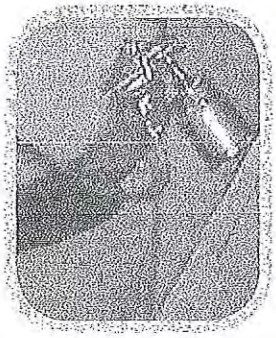
Use the suggestions in the fact sheets to develop waste reduction goals, and to plan needed changes in shop practices to minimize waste generation and hazardous emissions.

Mixing And Painting

Mixing and painting operations generate most of the hazardous air emissions in the shop. They also present the greatest opportunities for reducing the release of VOCs. Most air districts have specific rules for paint application equipment, transfer efficiency, and maximum VOC contents of specific coatings.

Mixing and Painting	Yes	No	P2 and Compliance Opportunities
Do you have all permits required by your local air district?			Many air districts require an authority to construct a spray booth and a permit to operate it. They may also require permits for specific equipment such as paint gun washers. Check with your air district before purchasing equipment. Equipment vendors should be able to provide assistance, but make sure you understand permit requirements.
Are you required to paint in a paint booth? Do you paint in a downdraft spray booth?			Purchase a model with downdraft airflow to provide cleaner paint jobs and a safer worker zone. Models with heated, recirculating airflow decrease cycle times and recirculation conserves heated air.
Do you routinely check the manometer and change your spray booth filters when indicated?			Change exhaust filters when indicated to maintain compliance with permit conditions, for cleaner paint jobs, and a safer worker area. Use high-efficiency, high load filters that are easy to replace by section.
Do you purchase paint booth filters that do not contain toxic compounds?			Check product labels and the Material Safety Data Sheet (MSDS) and select paint booth filters that do not contain toxic compounds.
Have you tested your waste paint booth filters to see if they are hazardous waste?			Whether or not a waste paint booth filter is hazardous depends on the paint system you are using. If testing shows that your booth filters are nonhazardous, you can assume that future spent filters are also non-hazardous as long as you are using the same paint system. See the "Hazardous Waste Fact Sheet" for details.

Mixing and Painting	Yes	No	P2 and Compliance Opportunities
Do you use low VOC coatings and coatings that comply with current and future air district regulations?			Plan for strict air regulations in the future that will require the use of waterborne and low-VOC coatings.
Do you keep records as required by your local air district for coating and solvent usage?			Computerized systems and wall charts simplify recordkeeping and allow painters more production time. Computerized recordkeeping provides the opportunity to review and troubleshoot paint use to minimize paint waste and realize cost benefits.
Does your coating application method and equipment provide at least 65% Transfer Efficiency?			Most air districts require the use of High Volume Low Pressure (HVLP) or other proven application method with 65% or higher transfer efficiency. This technique reduces paint waste, produces better paint jobs, and provides cost savings.
Do you take steps to improve paint estimation?			Mix on a scale and use computerized mixing and compliant mix ratios. Review records to identify estimation errors, then troubleshoot to save paint and reduce waste.
Do you use methods to minimize waste from paint transfers?			Use calibrated disposable paint gun liners or Teflon mixing cups.
Do you encourage paint technicians to get advanced training?			Paint manufacturers require training for their warranty. The Inter-industry Conference on Auto Collision Repair (I-CAR) and community colleges offer hands-on training.
Do you manage your inventory to reduce the need to dispose of aged or off-spec materials?			Use next day or weekly ordering. Store paints in a temperature-controlled environment. Store paints in a temperature-controlled environment. Install a mixing bank to keep paints from separating.
Do you strive to improve color matching?			Mix in small amounts. Use test panels and spray out cards. Get input from other technicians. Keep a color library.



Note that air districts that do not have specific rules for automotive refinishing operations have other rules addressing volatile organic compounds in coatings and solvents. Check with your local air quality management district or air pollution control district for the requirements that apply to your shop. **Carefully review applicable air district rules for complete requirements.**

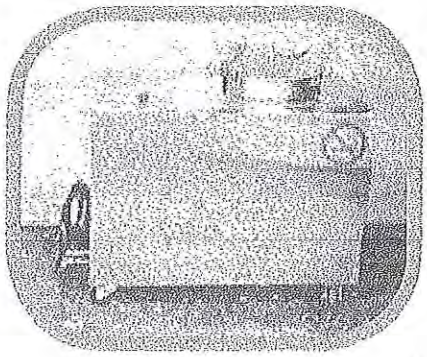
Paint Gun Cleaning

Cleaning paint guns can release smog forming VOCs to the atmosphere, expose workers to toxic compounds, and generate solvent waste. Most air districts regulate spray gun cleaning and limit the VOCs allowed in gun cleaning solutions. Review your air district's rules for gun cleaning processes and allowable VOC limits.

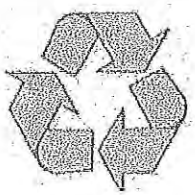
Paint Gun Cleaning	Yes	No	P2 and Compliance Opportunities
Are you using an enclosed automatic gun washing system?			Using an enclosed automatic gun washer will reduce VOC emissions and worker exposure to solvents as well as extend solvent life. Some air districts require enclosed gun cleaning.
Is your gun cleaning solution within the air district's VOC limits?			Some air districts restrict the amount of VOCs in gun cleaning solutions used for manual cleaning or enclosed automatic gun washing.
Is paint gun cleaning done outside the mixing room?			Place cleaning equipment outside the mixing room or make sure the mixing room ventilation system is adequate to vent emissions from paint mixing and gun cleaning.
Do technicians wear appropriate gloves and respirators when cleaning paint guns?			Exposure to cleaning solvents may cause adverse health effects.
Are you using two-stage cleaning or doing an initial solvent rinse before putting your gun into the automatic washer?			Pre-cleaning heavily coated equipment extends the effective life of your cleaning solvent, reduces waste generated, and saves on solvent purchasing and waste disposal costs.
Have you considered using a low-toxicity, low-vapor-pressure cleaning solution in a self-recycling gun washer?			These solutions clean effectively, create a safer work environment, and reduce hazardous waste. However, these cleaning solutions contain VOCs above the limit in some air districts, such as the South Coast Air Quality Management District (SCAQMD).

Solvent Recycling

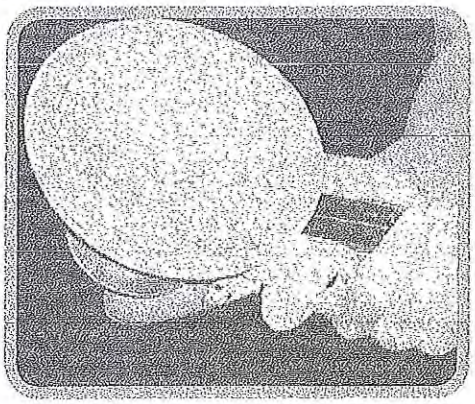
Waste solvent from paint gun cleaning must be managed as hazardous waste. Off-site recycling can be costly and can add to a shops long-term liability. On-site solvent recycling may reduce solvent purchasing, disposal costs, and long-term risk, but may not be allowed in some air districts.



Solvent Recycling	Yes	No	P2 and Compliance Opportunities
Before buying an on-site recycler have you: Checked air district rules for VOC limitations on gun cleaning solvents? Gained approval from your Certified Unified Public Agency (CUPA)? Gained approval from the Fire Department?			Unless you recycle exempt solvents, such as acetone, the VOC content of the recycled solvent may be higher than allowed for gun cleaning in some air districts.
If you recycle solvents and paint waste on-site, are you complying with all generator requirements and recycling laws regarding on-site recycling of hazardous wastes?			Solvent recycler still bottoms are hazardous waste and must be managed as such. Recycling solvents on-site for reuse on-site does not require a hazardous waste treatment permit. However, the shop owner or operator must follow hazardous waste generator requirements.
Are you managing excess recycled solvent appropriately?			Recycled solvent may lose effectiveness over time. If solvent cannot be used for spray gun cleaning, it should be managed as hazardous waste.

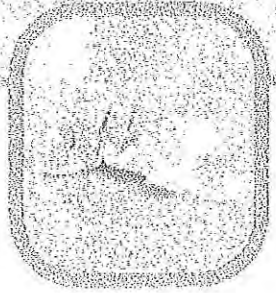


Surface Preparation, Sanding, And Filling

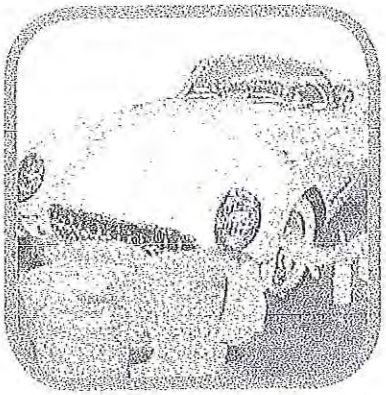


This activity generates emissions from surface preparation and cleaning solutions. You may also generate hazardous wastes in the form of contaminated wipes, rags, and waste solvents. Sanding and filling operations can generate dusts containing hazardous concentrations of toxic metals from paints and polyester resins, and styrene and titanium dioxide from fillers. These dusts pose a respiratory hazard and can contaminate wash water discharged to sewers and storm drains.

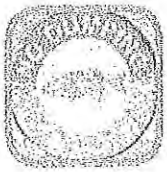
Surface Preparation	Yes	No	P2 and Compliance Opportunities
Do you use methods to control dry sanding dust?			Use a vacuum sander or vacuum dust as soon as possible after sanding. Sand in designated, controlled area. Manage as hazardous waste or test before disposal to show non-hazardous. Do not track dust outside or wash to gutters, streets, or storm drains.
Do you collect and manage non-hazardous sanding dust separately from hazardous sanding waste?			Vacuum or carefully sweep and collect non-hazardous body filler dust before sanding primer coats to minimize mixing non-hazardous and non-hazardous sanding waste.
Are you collecting wet sanding waste in a clarifier?			Do not wash wet sanding waste directly to the sewer. Separate solids by settling and then discharge the water to the sewer. Manage sludge as hazardous waste unless tested.
Do your cleaning solvents meet the local air district's limits on volatile organic compounds (VOCs)?			Use aqueous cleaning solutions instead of solvent-based cleaners. Aqueous cleaners are non-flammable, less toxic and reduce air pollution.
Do you use an industrial laundry service for reusable shop rags?			Reduce the amount of contaminated shop rags disposed of as hazardous waste.
Do you use less toxic products?			Use fillers and surface preparation products that do not contain metals such as lead and zinc. Use aqueous or low-VOC cleaning products.

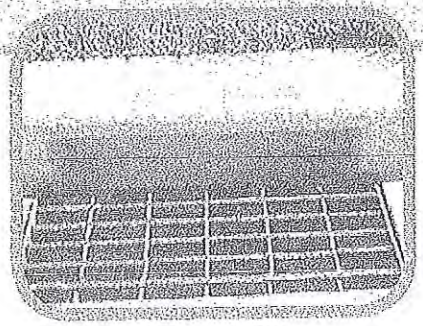


Vehicle Washing

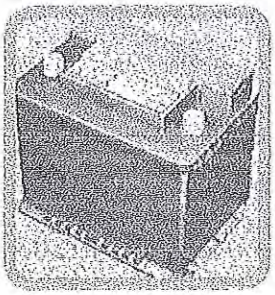


Vehicle washing can generate wash waters contaminated with dust, dirt, oil, grease, and other leaking vehicle fluids. **Do not discharge wash water to gutters, streets or storm drains.** These discharges flow to creeks, rivers, lakes, or the ocean and endanger wildlife and water quality. Most local storm water agencies require vehicle washing to be done in a contained area and discharged to the sanitary sewer. The local industrial sewer agency may require treatment in a clarifier or oil water separator before discharging to the sanitary sewer.

Vehicle Washing	Yes	No	P2 and Compliance Opportunities
Do you know where your floor drains discharge? 			If unsure, check with your local agencies to determine where all drains discharge. No wash water or hazardous waste can go down a storm drain. No hazardous waste should enter the sanitary sewer.
Have you checked with your local sewer agency for restrictions or required permits?			Use a closed-loop water recycling system. Sewer agencies may require a permit to discharge to the sanitary sewer and may require pretreatment in a clarifier or oil-water separator. If you treat oily water, avoid using emulsifying detergents which inhibit the separation of oil and water.
Are vehicles washed in a bermed area plumbed or pumped to a sewer to prevent wash-water from entering storm drains?			Do not allow wash water to flow to streets, gutters, and storm drains. Only clean water should enter the storm drain. Post signs at storm drains warning against discharge of any contaminated waters or materials.
Are hazardous cleaning solvents and vehicle fluids stored away from sanitary sewers or storm drains?			Do not store cleaners or hazardous materials in the wash area. Use less toxic cleaners to wipe down vehicle panels after sanding and aqueous cleaners for car washing.

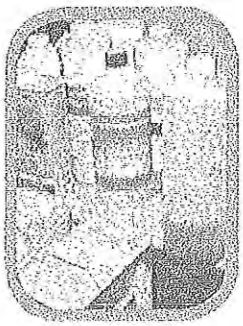


Body Work- Vehicle Battery, Fluid, And Refrigerant Removal



The oil, batteries, antifreeze, and other automobile fluids removed before repairing frames and bodies are generally hazardous wastes and must be managed accordingly. Air conditioning refrigerants must be captured and reused or sent for recycling.

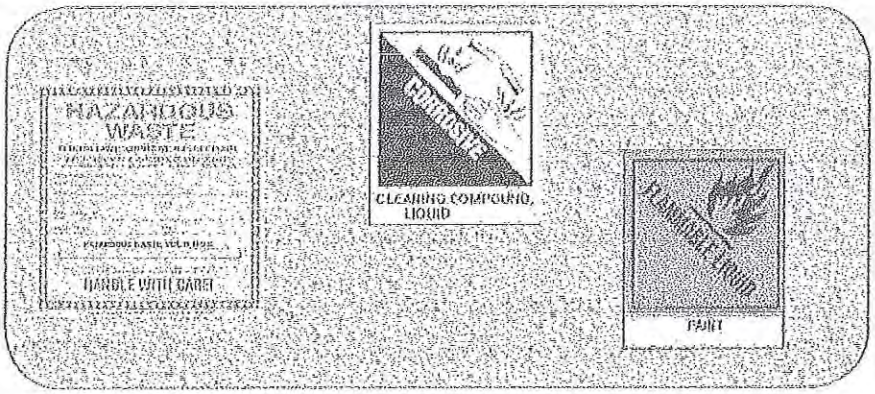
Body Work	Yes	No	P2 and Compliance Opportunities
Are you draining vehicle fluids and removing batteries in a designated area away from storm and sanitary drains?			Use funnels to prevent spills when removing and transferring vehicle fluids. Check parked vehicles for leaks and use drip pans. Clean up small spills right away to prevent tracking or spreading to other areas.
Do you use a certified technician to remove air conditioning refrigerants?			Federal law requires that air conditioning refrigerants be removed by a technician certified by an U.S. EPA-approved program, such as Automotive Service Excellence (ASE).



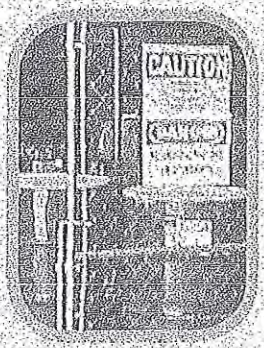
Facility-wide Hazardous Materials And Waste Management

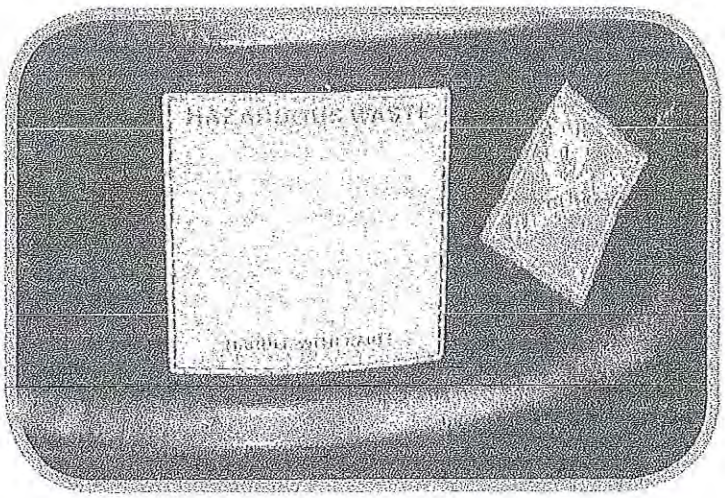
Typical auto body shop hazardous wastes are waste paints and solvents, sanding dust, vehicle fluids, contaminated rags and absorbents, and filters.

Hazardous Waste Management	Yes	No	P2 and Compliance Opportunities
Do you have a hazardous materials/waste permit, as required by your local agency?			Minimize hazardous waste generation and hazardous materials inventory to reduce permit fees and requirements in most areas.
Do you have a hazardous waste identification number (EPA ID number) from the Department of Toxic Substances Control or U. S. EPA?			Hazardous waste generators must have an EPA ID number from U. S. EPA or DTSC depending on the type and amount of waste generated. Call your local CUPA or DTSC at (800) 618-6942.

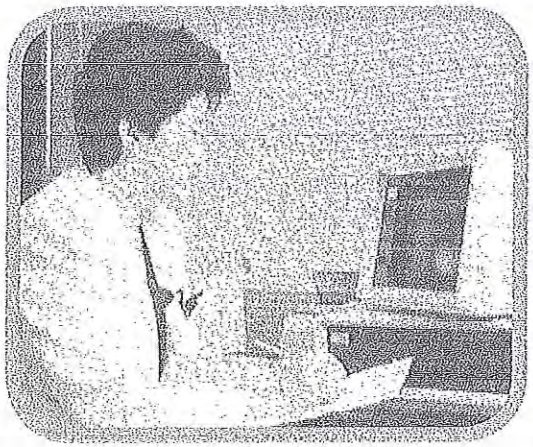


Hazardous Waste Management	Yes	No	P2 and Compliance Opportunities
Have you labeled hazardous waste containers properly?			Labels must be readable and include: • HAZARDOUS WASTE • Composition of the waste • Physical state of the waste • Accumulation start date • Hazardous properties of the waste • Name and address of waste generator Cover labels with clear plastic wrap to keep the label clean and change plastic when needed.
Are all containers closed when not in use?			You are required to keep containers closed when not in use to reduce VOC emissions and spills. Cost savings will result from reduced product loss and waste disposal.
Are your hazardous waste containers in good condition (not leaking or deteriorating) and are they compatible with the hazardous waste stored?			Store indoors or in a covered area to protect from weather, damage, and rainwater run-off.
Do all storage areas have secondary containment?			Secondary containment such as berms around storage areas and spill containment cabinets and pallets prevent spill run-off from contaminating soil and water.
Are you inspecting hazardous materials/wastes storage areas at least weekly for leaks or deteriorating containers?			Use and post a checklist to document each inspection and follow up. If leaks are found during inspection, transfer or overpack container.
Are you storing hazardous waste according to waste accumulation time limits?			Accumulation time limits depend on your generator status. See the Hazardous Waste fact sheet for details on storage times.

Hazardous Waste Management	Yes	No	P2 and Compliance Opportunities
Do you send hazardous waste offsite (away from your facility)? 			Use a hazardous waste manifest and a hazardous waste hauler registered with DTSC. Check transporters current registration at: http://www.dtsc.ca.gov/database/Transporters/Trans000.cfm or call (916) 255-4368. Ship hazardous waste to a facility that is authorized by DTSC to receive it. Check http://www.dtsc.ca.gov/HazardousWaste/upload/HWMP_Reports_Commerical_Facilities2.pdf for a list of permitted hazardous waste recycling, treatment, transfer, storage, disposal facilities; A list of used oil facilities can be found at: http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_List_UsedOilFacilities.pdf
Do you have a hazardous materials business plan and emergency contingency plan?			Check with your local agency for specific requirements. Make sure employees are trained to carry out the contingency plan.
Is your emergency equipment, as required by your emergency contingency plan, in place?			Maintain emergency equipment and spill kits and train employees on what to do during an emergency.
Are your employees trained in handling hazardous materials and wastes?			Conduct initial training for new employees and annual review of training for all employees. Have a training plan and keep training records.



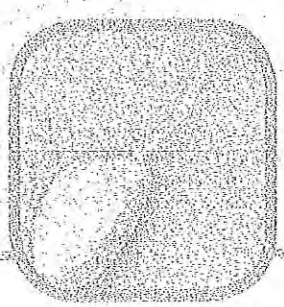
Drum Label



Local Agency Assistance

Auto body and paint shops are regulated by several different agencies. Compliance assistance is provided by your local government agencies.

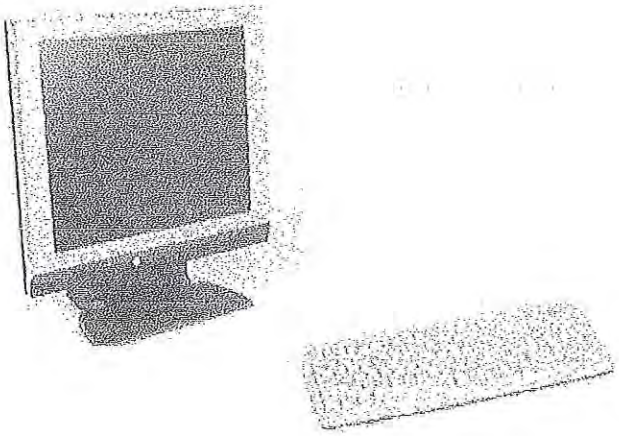
Topic	Agency Contact
General environmental laws and regulations	Local county government environmental contacts http://www.dtsc.ca.gov/InformationResources/local_contacts.cfm
Water quality and sanitary sewer or industrial waste water discharges from sources like a clarifier or floor drains	City, county, or regional sanitation districts or department; water districts or agencies; wastewater agencies; and municipal utility districts http://www.casaweb.org/
Storm water regulations like car washing prohibitions	City or county public works department or public utilities agency; local health departments http://www.casqa.org/links/#california
Air quality, spray equipment, paint application, VOC content in paint systems, cleaning solvents, and other shop products, permitting and recordkeeping, gun cleaning operations and cleaning solvents	Local Air Quality Management District or Air Pollution Control District http://www.arb.ca.gov/capcoa/roster.htm
Hazardous materials and hazardous waste management, materials inventories, waste storage, onsite recycling, business plans and emergency contingency plans	Local Certified Unified Public Agency or Program Agency http://www.calepa.ca.gov/CUPA/CUPAMail.htm
Worker health and safety	The Department of Industrial Relations, Division of Occupational Safety & Health (Cal/OSHA) provides a guide to developing a workplace Injury and Illness Prevention (IIP) Program. http://www.dir.ca.gov/dosh/dosh_publications/iipp.html Cal/OSHA provides assistance through their consultation service. http://www.dir.ca.gov/dosh/consultation.html

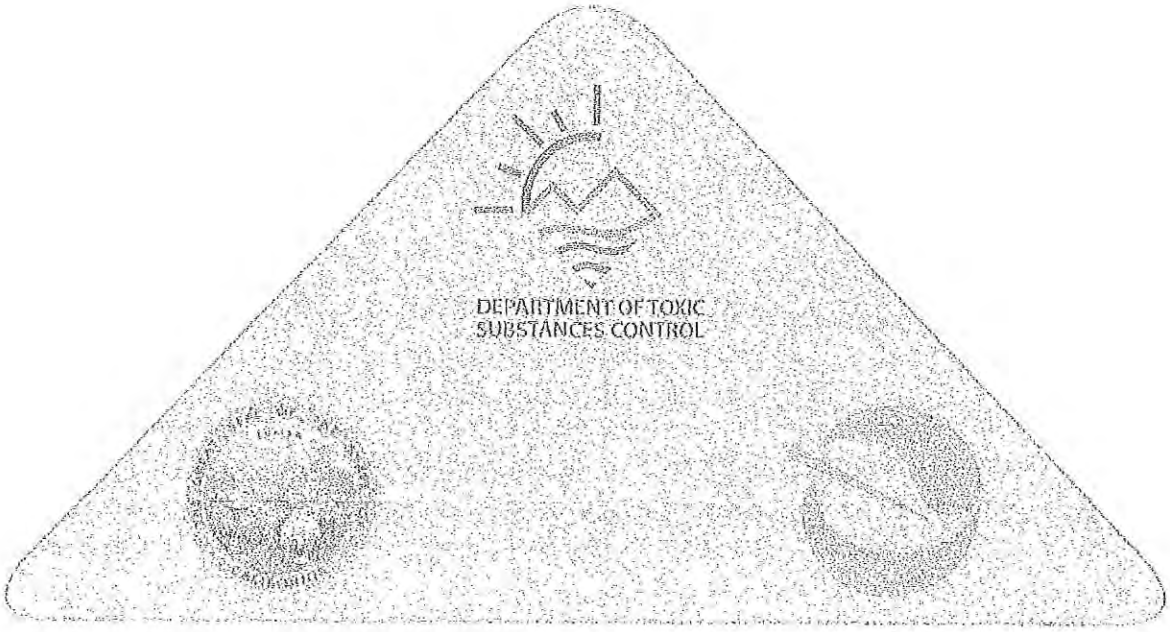


For additional information contact:

DTSC

Office of Pollution Prevention and Technology Development
P.O. Box 806
Sacramento, CA 95812-0806
(916) 322-3670
(800) 700-5854
http://www.dtsc.ca.gov/PollutionPrevention/index.cfm





Printed on recycled paper with at least 15 percent content recycled by consumers.

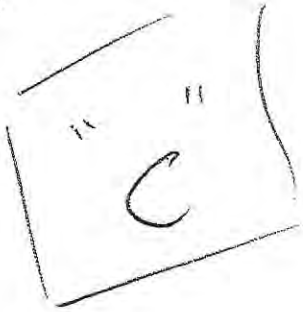
Best Practices for Auto Body and Collision Repair

This compilation of Best Management Practices for the Auto Body and Auto Collision Repair industries covers the following areas:

A. Pollution Prevention
- 1. Shop Maintenance
- 2. Sanding and Waste Management
- 3. Materials Inventory and Waste Reduction
- 4. Reducing Chemical Use for Mixing and Painting
- 5. Paint Gun Cleaning

B. Energy Efficiency
- 1. Equipment/Facility Changes

C. Solid Waste Reduction
- 1. Waste Reduction
- 2. Recycling
- 3. Recycled-Content Products
- 4. Water Conservation
- 5. Employee Awareness



GreenBiz

eBay's Claire Dixon on evolution of product ownership and the circular economy March 13, 2017

PepsiCo's Roberta Barbieri on mitigating water risk down supply chains March 13, 2017
If you look at PepsiCo's line of products — from Tropicana beverages, to Lipton teas, Naked juices, Aquafina and the classic brown fizzy cola — water is clearly a crucial natural resource for the company.

The first smart state? The quest to link up the Land of Lincoln March 13, 2017
Illinois is centralizing investments in technologies such as the Internet of things, while allowing cities to prioritize according to local needs. Texas may be next.

A. Pollution Prevention
- 1. Shop Maintenance
  - Routinely inspect and address all potential sources of leaks, spills, accidents and emissions. (material/waste storage areas, pipes, valves, hoses and process equipment, etc.). Include receiving areas and/or loading docks.
  - Seal shop floor with an impermeable coating such as epoxy.
  - Have no open floor drains in the process area (except designated wash rack). Only wet sand where you can collect sanding waste and where water is routed to the sanitary sewer after pretreatment.
  - All other fluids are cleaned up using dry cleanup methods. Spills are cleaned up with rags if they can be cleaned up with 3 or fewer rags.

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- Larger spills are cleaned up using a hydrophobic mop to collect oil first. Antifreeze is then cleaned up using a regular mop dedicated to antifreeze spills. Rags are then used to dry surface. Oil and antifreeze must be collected and recycled. See **"Four Step" Floor Cleanup Best Environmental Practices**
- Conduct preventative maintenance on your spray booth and components by routinely changing filters when needed. Regularly clean fan blades and follow recommended maintenance schedule. Keep spray booth dirt-free and dust-free, and clean booth after each job or cover with plastic.
- Regularly inspect and clean out separators/clarifiers, at least every six months.
- Store materials near point of use to avoid spills while transporting them.
- Store all hazardous materials and waste (including batteries) away from storm and sanitary sewer drains.
- Place drip trays under leaking autos, such as cars with unclipped hoses, unscrewed filters, or other removed parts, even if you think the leak has ceased. Ideally, drain fluids from the auto immediately upon receiving it and then park it, rather than having a leaking vehicle waiting to be serviced.
- Use material transfer methods that prevent spillage: spout and funnel when adding fluids to waste drums (close container after adding fluids); pump and spigot when dispensing new product (drain residual from pump back into original container).
- Drain and replace motor oil, coolant and other fluids in a designated area which is not connected to the storm drain or sanitary sewer.
- Recover spilled fluids for reuse or recycling (wring from mop, rags or pads/mats, or discharge from vacuum). Place into appropriate waste containers.
- Use a rag and uniform linen service that recycles its wastewater.

2. Sanding and Waste Management
   - Sand inside only and in designated areas to avoid spreading waste around the shop and outdoors.
   - Maintain written guidelines for sanding paint waste cleanup and disposal procedures. Train employees to implement these procedures and other pollution prevention practices.
   - Use "dry clean-up" methods such as high intensity particulate arrestor (HEPA) filtered vacuum systems for sanding/paint dust. Avoid excess sweeping of floors which will send small sanding dust particles into the air. Only mop once floors have been vacuumed and are free of liquid spills. Dispose of mop water into sanitary sewer if it meets local discharge limits.
   - Contain all sanding dust and collect as sanding tasks are completed, to prevent tracking to areas inside and outside the shop. Do not wash dust down sewer or storm drains. Dispose of as hazardous waste unless tested and deemed non-hazardous.
   - When wet sanding is required, use a spray bottle on the panel being sanded to minimize wastewater as well as drips and spills. Wring out sanding rags/sponges and collect in a shallow tray or sanding wastewater settling container.
   - Operate a closed wet-sanding system where water is reused instead of discharged.
   - Settle out sanding wastewater or transfer to separate settling unit. Unit should be able to hold double or triple the daily volume, including mop water.

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- Dispose of wet sanding waste/sludge offsite with other waste collections or as hazardous wastes. Only dispose of in the garbage if you have profiled the waste as non-hazardous.
- Label and appropriately locate settling buckets/units and inform employees to avoid disturbance during settling periods.
- Remove settled sludge before it exceeds ¼ of the container's height (use a valve or spigot located no lower than half way down the side of the unit.

3. Materials Inventory and Waste Reduction
   - Minimize the inventory of fluids and chemicals where feasible. Only stock what you need and order materials on a "just in time" basis.
   - Consider next-day or weekly ordering for custom or slow-moving colors.
   - Require vendors to take back unused samples or off-spec materials and work with vendors to return excess or expired stock.
   - Store materials securely, control access and rotate stock to use oldest product first.
   - Inspect shipments prior to acceptance for opened, damaged or leaking containers. Check expiration date and proper labeling. Store deliveries and supplies under a roof. Recycle empty hazardous materials containers, including drums. Either:
     - Return to supplier for refill.
     - Recondition onsite (permit requirements may apply) or contract with drum reconditioner.
     - Reclaim scrap value onsite or contract with scrap dealer. Recycle and reuse all properly recovered refrigerants from air conditioning systems.
4. Reducing Chemical Use for Mixing and Painting
   - Track paint use from start to finish by recording estimated amount of paint per job, the actual amount mixed and the amount leftover for each job. Compare estimate with the amount used and troubleshoot ways to reduce leftover paint.
   - Perfect custom color-matches and reduce paint waste by mixing small amounts on a scale and spray out on test panels. Check spray out to the vehicle in natural daylight and view color match from all angles.
   - Maintain a color library using spray-out test panels to record color variants/tints /formulas.
   - For popular colors, save mixed paint for later use on jambs or for more coverage under similar based colors.
   - Use water or water-based solutions rather than paint thinner, acetone or methyl acetate to clean.
   - Use low-VOC paints and paint-related materials.
   - Use a computerized mixing system to track product and VOC usage.
   - Install automatic paint/tint dispensers to minimize over-pours.
   - Use a newer technology high performance spray gun.
   - Obtain hands-on training to improve your spray application technique and transfer efficiency, thus reducing paint waste and VOC emissions.
   - Ensure that coating application methods achieve at least 65% transfer efficiency.
   - Install a mixing bank to keep paint from separating while on the shelf.
   - Minimize paint transfers. Use reusable Teflon mixing cups or disposable paint gun liners (dispose of properly).

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- When possible, plan primer and clear coat work on multiple cars back-to-back.
- Schedule water-borne primer work for the end of the day.
- Remove body parts from the vehicle before painting whenever possible for accurate, efficient spraying.
- Eliminate use of products containing chlorinated solvents, n-hexane, n-bromo-propane and or parachlorobenzotriflouride PCBTF (e.g., aerosol degreasers, brake cleaners, strippers and newer paints/reducers).
- Reduce the use of aromatic hydrocarbons in reducers, thinners, paints, aerosol degreasers and brake cleaners.
- Use a brush and rags instead of hose-off degreasers to clean parts prior to painting.
- Use as little water as possible with an acid-based metal cleaner/conditioner and wipe down area with a rag.
- Use re-refined oil and antifreeze.
- Use detergents and scrub wheels instead of using acid-based wheel cleaners.
- Facility maintenance: Use recycled and low VOC paint and products (adhesives, adhesive removers, cleaning agents, degreasers, etc.).
- Buy all supplies and product in optimally sized containers.

5. Paint Gun Cleaning
   - Use disposable cup liners to reduce usage of cleanup solvent, or do the following: Use two-stage spray gun cleaning to extend effectiveness of solvents. Empty paint pot as much as possible, rinse paint pot and equipment with used solvent, and then clean paint equipment with clean solvent. When the two-stage system stops cleaning effectively, replace the first stage solvent with the second stage solvent, and replace the second stage solvent with fresh solvent.
   - Use a system that re-circulates and filters cleaning solution. Enzyme additives can extend life of cleaning solution.
   - Use disposable paint cup liners to avoid the need for cleaning paint guns.
   - Recycle solvent on-site.
   - Use an enclosed automatic gun washing system.
   - Use a low-toxicity, low-vapor pressure cleaning solution in the self-recycling gun washer.
   - Do paint gun cleaning outside the mixing room, or provide adequate ventilation.
   - Use two-stage cleaning or an initial solvent rinse before putting your gun in the automatic rinser to extend the life of the cleaning solvent.
   - Distill or regenerate spent cleaning solutions on-site.

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C. Energy Conservation

1. Equipment/Facility Changes:
   - Provide shade for HVAC condenser, especially roof-top fixtures.
   - Control compressor system to ensure operation only during working hours.
   - Buy energy efficient air-compressors and dryer systems when you need to purchase a new one. Replace compressors at the end of rated life or sooner.
   - Replace leaky fittings on motors and hoses.
   - Install an outside air intake for cool weather use (cool air takes less energy to compress).

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- Install Variable Frequency Drive (VFD) motor systems and/or exhaust fan control systems in paint booths.
- Plug equipment into a time switch to turn off after working hours.

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E. Solid Waste Reduction

1. Waste Reduction
   - Replace single use paper car seat/floor cover protectors with reusable cloth covers from a laundry service or reusable plastic covers.
   - Use refillable and pressurized spray cans (e.g., brake cleaners, lubricants, engine degreasers).
   - Donate furniture, supplies, scrap materials, etc., or use a waste exchange program where another business can take your unwanted items.
2. Recycling
   - Cardboard, newspapers, office/mixed paper, junk mail, glass bottles and jars, metal cans, containers, aluminum foil, plastic bottles and containers
   - Car seat cover and floor mats
   - Empty aerosol cans
   - Tires
   - Metal drums
   - Plastics
   - Scrap metal
   - Pallets
3. Recycled-Content Products
   - Retreaded tires
   - Tire flaps
   - Carpet, carpet under-cushion or floor mats
   - Sell products made with recycled content
4. Water Conservation
   - Stop washing vehicles onsite and send them to a washing service that uses a closed loop recycling (zero discharge) system or install your own closed loop recycling system.
   - For hand wash and detailing services, use high-pressure vehicle washing equipment.
5. Employee Awareness
   - Train your employees on pollution prevention using this checklist. Train new employees upon hire. Keep a log of attendees, training dates and topics.
   - Use employee incentive programs to reduce spills and sloppy work areas (e.g., bonuses/prizes for safety and/or violation-free months, posting photographs of poor/good employee work areas, using employee spill accident record as criteria in determining pay raises).
   - Provide incentive programs to encourage employees to conserve materials and provide their ideas on more efficient use of shop materials such as paint, solvents, masking and sand paper.
   - Give paint technicians advanced training to optimize paint and solvent efficiency.

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Acknowledgement: This compilation of best practices is based upon Green Business Certification Standards provided by the Monterey County Green Business Program.

About WSPPN

The Western Sustainability and Pollution Prevention Network (WSPPN) is a cooperative alliance of pollution prevention (P2) programs throughout EPA Region 9 (Arizona, California, Hawaii, Nevada, Trust Territories, and Tribal Lands). The network serves as a technical resource for regional P2 issues through researching, consolidating, and disseminating P2 information. WSPPN was established in 1997 and is run as a service provided by The Business Environmental Program (BEP) at the University of Nevada, Reno.

Regional News

U.S. EPA Releases Annual Toxic Release Inventory Report for Pacific Southwest (January 13, 2017)

For the First Time in 40 Years EPA to Put in Place a Process to Evaluate Chemicals that May Pose Risk (January 13, 2017)

Call for Papers - 21st Annual Green Chemistry & Engineering Conference (January 6, 2017)

Rapid Response

Search

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MAR 17 2017

City of Morro Bay
Community Development Dept.

CITY OF MORRO BAY

Public Services Department
Planning Division

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

APPEAL FORM

In CCC Appeals Jurisdiction?

☐ YES – *No Fee*
☑ NO – *Fee Paid:* ☑ Yes ☐ No

Project Address being appealed: 340 Jamaca Morro Bay

Appeal from the decision or action of (governing body or City officer):

☐ Administrative Decision ☒ Planning Commission ☐ City Council

Appeal of action or specific condition of approval: Decision to grant a conditional use permit. Decision to grant conditional use permit in part.

Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): UP0-418 Conditional Use Permit

Date decision or action rendered: 3-7-17

Grounds for the appeal (attach additional sheets as necessary): Commission has not served the community well. Noise is constant from commircial compressor. Odors and Toxic fumes are evident in the operation of body shop. all "down winders" are appealing the commissions decision.

Requested relief or action: Reversal of the planning commission decision.

Appellant (please print): Daryl P Dobson	Phone: 805 434-8080
Address: 333 Island St M.Bay 93442	
Appellant Signature: Daryl P. Dobson	**Date:** 3-17-17

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

RECEIVED

MAR 17 2017

City of Morro Bay
Community Development Dept.

CITY OF MORRO BAY

APPEAL FORM

Public Services Department
Planning Division

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

In CCC Appeals Jurisdiction?

☐ YES – *No Fee*
☑ NO – *Fee Paid:* ☑ Yes ☐ No
See Attached

Project Address being appealed: 340 Jamaica, Morro Bay California
Appeal from the decision or action of (governing body or City officer): ☐ Administrative Decision ☒ Planning Commission ☐ City Council
Appeal of action or specific condition of approval: Decision to grant a conditional use permit in whole. Decision to grant conditional use permit in part.
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): UPO-468 Conditional Use Permit
Date decision or action rendered: March 7th 2017
Grounds for the appeal (attach additional sheets as necessary): Please See Exhibit A (Attached 3 pages)
Requested relief or action: Reversal of the planning commission's decision current decision to grant the Conditional Use Permit and denial of the conditional use permits, and to require this lot be used as zoned R-1, matching the City's zoning map.

Appellant (please print):	Phone:
C. Knight Trust (Owner 333 Island St)	805-316-1180

Address:

Representatives Address: 1103 #H Johnson St. San Luis Obispo CA 93401

Appellant Signature: Daniel J. Knight **Date:** 3/17/2017

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

"Goldblatt v. Hempstead, 369 U. S. 590"

"Hadacheck v. Sebastian, 239 U. S. 394"

11. We appeal on the grounds that a conditional use permit is not a "*taking*" as it is a permit to obtain a variance from existing laws prohibiting a wrongful use and therefore can not be reasonably viewed as an investment-back expectation requiring application of zoning regulation unless clear and convincing evidence exists as to why the use should be granted; not present here.

"Robert CONSAUL et al., v. City of San Diego, 6 Cal.App.4th 1781"

12. That the rationale used by the Planning Commission was Arbitrary and Capricious and not within the purview of the Planning Commission and therefore was an abuse of discretion and requires a De Novo review and hearing by the City Council.

Based on the forgoing baseis, we ask that the Planning Commission's decision be reviewed De Novo to address the real property and zoning regulation decisions that were made wrongfully and arbitrarily, relying on inappropriate facts, assumptions, and with disregard for state law and regulation and in contrivance with United States Supreme Court decisions and California Supreme and Appellate Court Decisions. We also preserve the ability to include issues now known that were not known or discovered by exercising reasonable diligence prior to the Planning Commission Meeting Dated March 7, 2017.

commissioners, constructively disallowing their testimony. This is in violation of City Council Resolution No. 70-15 10th November 2015 and again in contrivance of City of Morro Bar, Council Policies and Procedures 1.3.4 & 1.3.5.1.1 & 1.3.5.1.2 & 1.3.7.2.3. It can be assumed that an orderly hearing is the desire of the City Council and therefore these minimums should apply to the Planning Commission. We offer these codes as models, however this is not an exhaustive list. Our republican form of government guarantees that the minority be protected and heard, this was not meaningfully done.

8. Based on paragraphs 1-7 above, we appeal pursuant to Government Code § 65009 (b) (1) appealing all issues decided at the Planning Commission as arbitrary and capricious.

   "In an action or proceeding to attack, review, set aside, void, or annul a finding, determination, or decision of a public agency made pursuant to this title at a properly noticed public hearing, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the public agency prior to, or at, the public hearing,

9. We appeal 1-8 inclusive under Government Code §65009 (A) & (B)

   "(A) The issue could not have been raised at the public hearing by persons exercising reasonable diligence.
   (B) The body conducting the public hearing prevented the issue from being raised at the public hearing."

10. We specifically appeal the contention substantially and wrongfully relied on by the Planning Commission that a non-renewal would be a *"taking"* within the context of the 5th amendment. Each of the below authorities cut counter to the statement made that this decision would be a taking if denied.

    "Governor's Office of Planning and Research, Planning Guide: An Introduction To Planning In California. Sacramento, California: Office of Planning and Research, 2005. Print."
    "Penn Central Transportation Co. V. New York. U.S. 104. 1978. Print."

Exhibit A: UPO-468 [Appeal of Planning Commission Decision March 7th 201]

Dear Mayor and Councilpersons,

We respectfully request an appeal in whole of the Planning Commission's decision to grant a conditional use permit at 340 Jamaica St., Morro Bay, to Auto Body Builders and Jason Pall.

Case number UPO-468, Decided March 7, 2017

We challenge the decision on the following grounds:

1. The Planning Commission relied on facts and assumptions that were not based on clear evidence.
2. The assumptions relied on in making zoning declarations were not articulated in a manner that a reasonable person would be able to understand. The intended conditions and outcomes of those conditions are not clear.
3. The conditions of the Conditional Use Permit were not made public prior to the end of the appeal period, as requested of City Staff, by the appellant in a time that would give meaningful review before the expiration of the appeal window.
4. The zoning ordinances were ignored in regards to the health, welfare, and safety of the abutting neighborhood.
5. The zoning ordnances were arbitrarily applied in order to appease a property owner's requests. Decisions were made based on the testimony of several persons who work at the shop or were in direct financial relationship with the applicant as admitted at the planning commission.
6. The planning commission with exception of one commissioner allowed the public to disregard the decorum of an orderly Planning Commission meeting, constructively preventing a meaningful opportunity to be heard. An example being, limiting a property owner's time to speak at 3 minutes while allowing those in support to speak for more than 3 minutes AND speak more than once without being requested to do so by the Planning Commission.
7. The Planning Commission failed to protect the minority's opportunity to speak without being criticized and belittled, with expectation of two

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

March 7, 2017

Jason Pall
Auto Body Builders
885 Santa Maria Avenue
Los Osos, CA 93402

SUBJECT: Case No.: UP0-468 SITE: 340 Jamaica Street

Project Description: Conditional Use Permit approval for the continued operation of an existing auto-body repair and paint shop located within the R-1/S.1 residential zoning district since 1981. The project site is located outside of the Coastal Commission Appeal Jurisdiction.

Dear Mr. Pall,

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

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals which are not coastal permits.

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

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides: "The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

Scot Graham
Community Development Director

By: _____
Joan Gargiulo, Assistant Planner

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

CONDITIONAL USE PERMIT

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

CASE NO: UP0-468

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 340 Jamaica Street

APPLICANT: Jason Pall

APN/LEGAL: 065-072-004

DATE APPROVED: March 7, 2017 APPROVED BY: Planning Commission

CEQA DETERMINATION: Categorically Exempt under CEQA Guidelines Section 15301 Class 1.
The exemption applies to the operation of existing facilities and will have no potentially significant environmental impacts.

DESCRIPTION
OF APPROVAL: Conditional Use Permit approval for the continued operation of an existing auto-body repair and paint shop located within the R-1/S.1 residential zoning district since 1981. The project site is located outside of the Coastal Commission Appeal Jurisdiction.

Please See Reverse for Effective Date.

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

☐ **YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION:** THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 531-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6261.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: March 18, 2017

ATTEST: _____ DATE: March 7, 2017

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

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. UP0-468

SITE LOCATION: 340 JAMAICA STREET

APPLICANT NAME: JASON PALL

APPROVAL BODY: PLANNING COMMISSION

DATE OF ACTION: MARCH 7, 2017

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

reviewed the conditions of approval imposed by the Approval Body in its action approving Case Number:

UP0-468

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

_____ _____
APPLICANT'S SIGNATURE DATE

CITY OF MORRO BAY

NOTICE OF EXEMPTION

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

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

FROM: City of Morro Bay
Public Services Department
955 Shasta Avenue
Morro Bay, CA 93442

Project Title: **Conditional Use Permit (#UP0-468)**

Project Location - Specific: 340 Jamaica Street

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

Description of Project:

Conditional Use Permit approval for the continued operation of an existing auto-body repair and paint shop located within the R-1/S.1 residential zoning district since 1981. The project site is located outside of the Coastal Commission Appeal Jurisdiction.

Name of Public Agency Approving the Project: CITY OF MORRO BAY, 955 SHASTA AVE., MORRO BAY, CA 93442

Name of Person or Agency
Carrying Out Project (address below): Jason Pall

Address: 885 Santa Maria Avenue, Los Osos, CA 93402

Exempt Status: (Check One)
Reasons why project is exempt: The project is exempt because it is continued operation of an existing facility and will have no potentially significant environmental impacts.

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)

X Categorical Exemption:
Type and Section Number: Class 1
15301

☐ Statutory Exemption Code No. _____

Lead Agency: CITY OF MORRO BAY

Contact Person: Joan Gargiulo Telephone: (805) 772-6270

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

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

Signature Joan Gargiulo Title: Assistant Planner Date: March 7, 2017

RESOLUTION NO. PC 06-17

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A CLASS 1 CATEGORICAL EXEMPTION AND APPROVING CONDITIONAL USE PERMIT (UP0-468) TO ALLOW FOR THE OPERATION OF AN AUTO-BODY REPAIR AND PAINT SHOP LOCATED WITHIN THE R-1/S.1 RESIDENTIAL ZONING DISTRICT AT 340 JAMAICA

WHEREAS, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 7, 2017, for the purpose of considering Conditional Use Permit UP0-468 to allow the operation of auto-body repair and paint located within the R-1/S.1 Residential Zoning District at 340 Jamaica; and

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

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

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

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

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1 for the operation of existing facilities and will have no potentially significant environmental impacts. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which allows for the continued operation of nonconforming uses pursuant to Section 17.56.100 of the Morro Bay Municipal Code.

2. The proposed business 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 contingent upon the Applicant's adherence to the approved plan set date stamped January 10, 2017 and the Conditions of Approval herewith.

3. The proposed business will be not injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City contingent upon the Applicant's adherence to the approved plan set date stamped January 10, 2017 and the Conditions of Approval herewith.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit #UPO-468 for property located at 340 Jamaica subject to the following conditions:

Items in bold italics added by the Planning Commission at the March 7, 2017 Planning Commission Meeting.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated March 7, 2017, for the project at 340 Jamaica depicted on plans date stamped January 10, 2017, as part of conditional use permit file UP0-468, on file with the Community Development 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any

legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Noise: The Applicant shall submit an acoustical analysis pursuant to the requirements set forth in MBMC Section 17.52.030(E). The proposed use shall adhere to the guidelines as found in MBMC Section 17.52.030 and as referenced below:

	Daytime (7 a.m. to 10 p.m)	Nighttime (10 p.m. to 7 a.m.)
Hourly L_{eq}, dB[2]	50	45
Maximum level, dB[2]	70	65
Maximum level dB – Impulsive noise [3]	65	60
[1] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures. [2] Sound level measurements shall be made with slow meter response. [3] Sound level measurements shall be made with fast meter response.		

2. Applicant shall obtain the proper permits through the Air Pollution Control District (APCD) for any updates to air pollution control equipment.

3. All mechanical sanding and grinding shall take place within the existing onsite building.

4. ***All exterior lighting shall be shielded and directed downward to ensure that light fixtures will not direct glare into the street or into the adjacent residential uses as per Section 17.52.080 of the Morro Bay Municipal Code.***

5. ***The Applicant shall investigate the feasibility of raising the exhaust stack to mitigate any potential nuisance odor and present findings to the Director for approval prior to Building permit issuance.***

6. ***The Applicant shall insulate the compressor, including but not limited to the use of isolation pads, to mitigate any potential nuisance noise impacts to adjacent properties. Insulation details shall be provided to the Planning Division for review and approval prior to Building Permit issuance.***

7. ***The Applicant shall install charcoal carbon filters to mitigate any potential nuisance odor impacts to adjacent properties. Filter specifications shall be provided to the Planning Division prior to Building Permit issuance.***

8. ***The parking and or storage of customer vehicles is prohibited in the Public Right-Of-Way. Transient parking is permissible.***

9. ***Approval of the use contemplated herein shall be limited to maintaining business hours only from 7:30 a.m. to 6:00 p.m. Monday through Friday.***

FIRE CONDITIONS:

1. Spray Booth Fire Protection. Spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall also extend to exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used. (CFC 2404.4)

   Applicant shall provide an automatic fire protection system, in accordance with CFC Chapter 24, NFPA 33 (Chapter 9), and NFPA 17 (Section 9.1.1).

   Please submit plans for an automatic fire suppression system, in accordance with NFPA 33 (Chapter 9), to Morro Bay Community Development Department for review.

2. Spray Booth Size. The aggregate area of spray booths in a building shall not exceed the lesser of 10 percent of the area of any floor of a building or the basic area allowed for a Group H-2 occupancy without area increases, as set forth in California Building Code. The area of an individual spray booth in a building shall not exceed the lesser of the aggregate size limit or 1,500 square feet.

   Exception: One individual booth not exceeding 500 square feet. (CFC 2404.3.2.6)

3. Spray Booth Construction. Spray booths shall be constructed of approved noncombustible materials. Aluminum shall not be used. Where walls or ceiling assemblies are constructed of sheet metal, single-skin assemblies shall be no thinner than 0.0478 inch (18 gage) and each sheet of double-skin assemblies shall be no thinner than 0.0359 inch (20 gage). Structural sections of spray booths are allowed to be sealed with latex0based or similar caulks and sealants. (CFC 2404.3.2.1)

4. Smoking shall be prohibited in spray finishing areas, mixing rooms, and in the vicinity of dip tanks. "NO SMOKING" signs shall be conspicuously posted in such areas. (CFC 2403.2.6)

   Applicant shall post "NO SMOKING" signage.

5. Welding Warning Signs. Welding, cutting and similar spark-producing operations shall not be conducted in or adjacent to flammable vapor areas or dipping or coating operations unless precautions have been taken to provide safety. Conspicuous signs with the following warning shall be posted in the vicinity of flammable vapor areas. "NO WELDING-THE USE OF WELDING OR CUTTING EQUIPMENT IN OR NEAR THIS AREA IS DANGEROUS BECAUSE OF AND EXPLOSION HAZARDS. WELDING AND CUTTING SHALL BE DONE ONLY UNDER THE SUPERVISION OF THE PERSON IN CHARGE". (CFC 2403.2.7)

   Applicant shall post above signage.

6. Electrical Wiring and Equipment shall be in accordance with CFC 24, NFPA 33, NFPA 70, and the California Electrical Code. (CFC 2403.2.1)

7. Portable Electric Lamps. Shall not be used in flammable vapor areas during spraying operations. Portable electric lamps used during cleaning or repairing operations shall be of a type approved for hazardous locations. (CFC 2404.6.2.4).

8. Illumination. When spray booths are illuminated, fixed lighting units that transmit light into spray booth through heat-treated or hammered wire glass shall be used. Glass panels shall be arranged to minimized breakage and so that normal accumulation of residue on the exposed surface of a panel will not be raised to 200 degrees F by the heat from the source of the illumination. (CFC 2404.6.2 and CFC 2404.6.2.1)

9. Grounding. Metal parts of spray booths, exhaust ducts and piping systems conveying Class I or Class II liquids shall be electrically grounded, in accordance with California Electrical Code. (CFC 2403.2.5)

10. Ventilation. Mechanical ventilation of flammable vapors shall be provided in accordance with Section 502.7 of the California Mechanical Code. (CFC 2404.7)

11. Operation. Mechanical ventilation shall be kept in operation at all times while spraying operations are conducted and for sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted. (CFC 2404.7.1)

12. Fire Extinguishers. Portable fire extinguishers shall be provided for spraying areas in accordance with the requirements for an extra (high) hazard occupancy (4-A:40-BC) within 30 feet of the booth. (CFC 2404.4.1 and CFC 906)

13. Housekeeping. Maintenance and storage of hazardous materials shall be in accordance with CFC (Sections 2403.3, 2403.4, 2404.5.1, and 2404.5.2). Approved metal waste cans equipped with self-closing lids shall be provided whenever rags or waste are

impregnated with finishing materials. Storage, use and handling of flammable and combustible liquids shall be in accordance with this section and CFC Chapter 57.

Applicant shall provide a certified flammable storage cabinet for flammable liquids and solvents stored on site.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 7th day of March, 2017 on the following vote:

AYES: Lucas, Sadowski, Luhr, Ingraffia, Tefft
NOES: None
ABSENT: None
ABSTAIN: None

_____
Chairperson Robert Tefft

ATTEST

_____
Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7th day of March, 2017.

AGENDA NO: B-1

MEETING DATE: March 7, 2017

Staff Report

TO: **Planning Commissioners** **DATE: March 7, 2017**

FROM: **Joan Gargiulo, Assistant Planner**

SUBJECT: Conditional Use Permit (UP0-468) to allow the continued operation of a nonconforming auto-body repair shop use located within the R-1/S.1 residential zoning district.

RECOMMENDATION:

Review and discuss project proposal and choose one of the following options:

1. Approve UP0-468 by adopting the Findings and Conditions of Approval included in Planning Commission Resolution No. 06-17 (Exhibit A)
2. Continue the review of Conditional Use Permit No. UP0-468 to a date uncertain with direction from the Planning Commission.
3. Deny Conditional Use Permit No. UP0-468 by adopting Planning Commission Resolution No. 07-17 (Exhibit B)

APPLICANT/AGENT:

Jason Pall, Auto Body Builders

LEGAL DESCRIPTION/APN:

065-072-004

PROJECT SUMMARY:

The Applicant proposes to re-permit an auto-body repair shop that has been operational since 1981 within an existing 1,565 sq. ft. building located within the R-1/S.1 Residential Zoning District.

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and staff has determined that it meets the requirements for a Categorical Exemption under CEQA Guidelines Class 1 Section 15301. The exemption applies to the operation of existing facilities.

PROJECT SETTING:

The project is located on Jamaica Street in the R-1/S.1 Residential Zoning District in the Del Mar Neighborhood in North Morro Bay. The virtually level 4,920 sq. ft. parcel is located to the

Prepared By: JG Department Review: SG

east of Highway 1 and north of Del Mar Park with multi-family residential development adjacent to the west and single-family residential development to the north, east, and south.

Adjacent Zoning/Land Use			
North:	R-1/S.2 Residential	South	R-1/S.2 Residential
East:	R-1/S.2 Residential	West:	MCR/R-4/SP Mixed Commercial/Residential

Site Characteristics	
Overall Site Area	4,920 Square Feet
Existing Use	Industrial: Auto-Body Repair and Paint
Terrain	Nearly level
Vegetation	Ornamental
Access	Jamaica Street

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	
Base Zone District	MCR/(R-4)/PD/SP
Zoning Overlay District	
Special Treatment Area	
Coastal Zone	Located in the Coastal Zone outside the appeal jurisdiction
Bluff Property	N/A

PROJECT DISCUSSION:

Background

City records indicate that the historic use of this site has been for auto repair since before the City was incorporated. A Conditional Use Permit (CUP 07-81) was obtained in 1981 for a change in use from automotive repair to automotive body and fender repair (Exhibit D). The original Conditions of Approval associated with permit CUP 07-81 included Condition No. 13 which states:

> "*Approval of the use contemplated herein shall be for a term of five (5) years from the effective date of this action; thereafter, the use of the subject site shall return to general automotive repair, or uses in conformance with the Zoning in existence at that time.*"

It appears that the more intense use as an automotive body and fender repair did not abate in

1986 but has continued uninterrupted since that time, without City issued extension of the CUP.

Neither the City or the Air Pollution Control District (APCD) had received any complaints regarding the use at this location until the summer of 2015. At that time, APCD visited the site as well as the home of the complainant and found no substantial issue. APCD then renewed the permit to operate. Soon thereafter, APCD received an application for a change in ownership and again performed a site visit and evaluated the use of the site. The findings of approval for the APCD permit conclude that the new owner is operating the business in substantially the same manner as the previous owner with no increase in emissions and subsequently approved the change in ownership application (See APCD authorization provided in Exhibit E).

At this time, the Applicant is requesting conditional use permit approval for the continued operation of this business. The Applicant is proposing to remove the noncompliant carport structures currently located on site, install an updated filtration and venting system for the existing paint booth, and install a fire suppression system in the paint booth.

Performance Standards

Compatibility with Nearby Uses

Section 17.52.005 of the Morro Bay Municipal Code (MBMC) states that "Potential conflicts with the adjacent uses shall be minimized particularly with regard to but not necessarily limited to noise, glare, odors, hazards, and screening..." The Applicant proposes to continue the industrial use of this parcel that is zoned for single-family residential use. The conflict between the two uses include issues related to noise, the storage of flammable materials, air pollution, and odor as discussed below.

Noise

The business in question utilizes a compressor which has generated nuisance complaints from the neighborhood. Section 17.52.030 of the MBMC specifies requirements for stationary noise thresholds for daytime decibel levels as follows:

	Daytime (7 a.m. to 10 p.m)
Hourly L_{eq}, dB[(2)]	50
Maximum level, dB[(2)]	70
Maximum level dB – Impulsive noise [(3)]	65

[(1)] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
[(2)] Sound level measurements shall be made with slow meter response.
[(3)] Sound level measurements shall be made with fast meter response.

In order to ensure compliance with Section 17.52.030, staff has included Planning Condition No. 1 in Resolution 06-17 (Exhibit A) that requires the Applicant to adhere to the decibel limits specified above. If the use is approved, the Applicant shall be required to submit an acoustical analysis indicating compliance with this requirement.

Fire and Explosion Hazards

Pursuant to Section 17.52.010 of the MBMC, the storage and handling of flammable and explosive materials shall be reviewed and approved by the Fire Department. The City of Morro Bay Fire Department has conditionally approved the project proposal contingent upon the installation of a dry-chemical fire suppression system in the existing paint booth and the proper storage of flammable materials as shown on the plan set (Exhibit C).

Air Pollution

The APCD has reviewed the proposed project and has found the emission levels to be in substantial conformance with approved air quality and emission standards and has issued the Applicant a permit to operate (See Exhibit E).

Code Enforcement staff has informed the Community Development Department on February 27, 2017 that complaints have been received related to odor from the apartment building located directly adjacent to the subject parcel to the west. The Applicant is proposing to install an updated filtration system for the exhaust associated with the paint booth. This update to equipment will require approval from APCD (See Planning Condition 2).

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. That exemption applies to the operation of existing facilities involving negligible expansion of use. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

PUBLIC NOTICE:

Notice of a public hearing on this item was published in the San Luis Obispo Tribune newspaper on February 11, 2017, and all property owners of record and occupants within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

Staff recommends that the Planning Commission choose one of the following options:

1. Conditionally approve Conditional Use Permit (UP0-468) for the proposed use at 340 Jamaica as shown on the project plans date stamped January 10, 2017 by adopting

Planning Commission Resolution 06-17.

2. Continue the review of Conditional Use Permit No. UP0-468 to a date uncertain with direction from the Planning Commission.
3. Deny Conditional Use Permit No. UP0-468 by adopting Planning Commission Resolution 07-17

EXHIBITS:

Exhibit A – Planning Commission Resolution for Approval No. 06-17
Exhibit B – Planning Commission Resolution for Denial No. 07-17
Exhibit C – Plan Set Date Stamped January 10, 2017
Exhibit D – Conditional Use Permit No. CUP 07-81
Exhibit E – APCD Permit No. 470-3
Exhibit F – Morro Bay Police Department Incident Report
Exhibit G – Public Comment

EXHIBIT A

RESOLUTION NO. PC 06-17

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A CLASS 1 CATEGORICAL EXEMPTION AND APPROVING CONDITIONAL USE PERMIT (UP0-468) TO ALLOW FOR THE OPERATION OF AN AUTO-BODY REPAIR AND PAINT SHOP LOCATED WITHIN THE R-1/S.1 RESIDENTIAL ZONING DISTRICT AT 340 JAMAICA

WHEREAS, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 7, 2017, for the purpose of considering Conditional Use Permit UP0-468 to allow the operation of auto-body repair and paint located within the R-1/S.1 Residential Zoning District at 340 Jamaica; and

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

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

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

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

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1 for the operation of existing facilities and will have no potentially significant environmental impacts. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which allows for the continued operation of nonconforming uses pursuant to Section 17.56.100 of the Morro Bay Municipal Code.

2. The proposed business 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 contingent upon the Applicant's adherence to the approved plan set date stamped January 10, 2017 and the Conditions of Approval herewith.

3. The proposed business will be not injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City contingent upon the Applicant's adherence to the approved plan set date stamped January 10, 2017 and the Conditions of Approval herewith.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit #UPO-468 for property located at 340 Jamaica subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated March 7, 2017, for the project at 340 Jamaica depicted on plans date stamped January 10, 2017, as part of conditional use permit file UP0-468, on file with the Community Development 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Noise: The Applicant shall submit an acoustical analysis pursuant to the requirements set forth in MBMC Section 17.52.030(E). The proposed use shall adhere to the guidelines as found in MBMC Section 17.52.030 and as referenced below:

	Daytime (7 a.m. to 10 p.m)	Nighttime (10 p.m. to 7 a.m.)
Hourly L_{eq}, dB[2]	50	45
Maximum level, dB[2]	70	65
Maximum level dB – Impulsive noise [3]	65	60
[1] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures. [2] Sound level measurements shall be made with slow meter response. [3] Sound level measurements shall be made with fast meter response.		

2. Applicant shall obtain the proper permits through the Air Pollution Control District (APCD) for any updates to air pollution control equipment.

3. All mechanical sanding and grinding shall take place within the existing onsite building.

FIRE CONDITIONS:

1. Spray Booth Fire Protection. Spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall also extend to exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used. (CFC 2404.4)

   Applicant shall provide an automatic fire protection system, in accordance with CFC Chapter 24, NFPA 33 (Chapter 9), and NFPA 17 (Section 9.1.1).

Please submit plans for an automatic fire suppression system, in accordance with NFPA 33 (Chapter 9), to Morro Bay Community Development Department for review.

2. Spray Booth Size. The aggregate area of spray booths in a building shall not exceed the lesser of 10 percent of the area of any floor of a building or the basic area allowed for a Group H-2 occupancy without area increases, as set forth in California Building Code. The area of an individual spray booth in a building shall not exceed the lesser of the aggregate size limit or 1,500 square feet.

   Exception: One individual booth not exceeding 500 square feet. (CFC 2404.3.2.6)

3. Spray Booth Construction. Spray booths shall be constructed of approved noncombustible materials. Aluminum shall not be used. Where walls or ceiling assemblies are constructed of sheet metal, single-skin assemblies shall be no thinner than 0.0478 inch (18 gage) and each sheet of double-skin assemblies shall be no thinner than 0.0359 inch (20 gage). Structural sections of spray booths are allowed to be sealed with latex0based or similar caulks and sealants. (CFC 2404.3.2.1)

4. Smoking shall be prohibited in spray finishing areas, mixing rooms, and in the vicinity of dip tanks. "NO SMOKING" signs shall be conspicuously posted in such areas. (CFC 2403.2.6)

   Applicant shall post "NO SMOKING" signage.

5. Welding Warning Signs. Welding, cutting and similar spark-producing operations shall not be conducted in or adjacent to flammable vapor areas or dipping or coating operations unless precautions have been taken to provide safety. Conspicuous signs with the following warning shall be posted in the vicinity of flammable vapor areas. "NO WELDING-THE USE OF WELDING OR CUTTING EQUIPMENT IN OR NEAR THIS AREA IS DANGEROUS BECAUSE OF AND EXPLOSION HAZARDS. WELDING AND CUTTING SHALL BE DONE ONLY UNDER THE SUPERVISION OF THE PERSON IN CHARGE". (CFC 2403.2.7)

   Applicant shall post above signage.

6. Electrical Wiring and Equipment shall be in accordance with CFC 24, NFPA 33, NFPA 70, and the California Electrical Code. (CFC 2403.2.1)

7. Portable Electric Lamps. Shall not be used in flammable vapor areas during spraying operations. Portable electric lamps used during cleaning or repairing operations shall be of a type approved for hazardous locations. (CFC 2404.6.2.4).

8. Illumination. When spray booths are illuminated, fixed lighting units that transmit light into spray booth through heat-treated or hammered wire glass shall be used. Glass panels shall be arranged to minimized breakage and so that normal accumulation of residue on the exposed surface of a panel will not be raised to 200 degrees F by the heat from the source of the illumination. (CFC 2404.6.2 and CFC 2404.6.2.1)

9. Grounding. Metal parts of spray booths, exhaust ducts and piping systems conveying Class I or Class II liquids shall be electrically grounded, in accordance with California Electrical Code. (CFC 2403.2.5)

10. Ventilation. Mechanical ventilation of flammable vapors shall be provided in accordance with Section 502.7 of the California Mechanical Code. (CFC 2404.7)

11. Operation. Mechanical ventilation shall be kept in operation at all times while spraying operations are conducted and for sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted. (CFC 2404.7.1)

12. Fire Extinguishers. Portable fire extinguishers shall be provided for spraying areas in accordance with the requirements for an extra (high) hazard occupancy (4-A:40-BC) within 30 feet of the booth. (CFC 2404.4.1 and CFC 906)

13. Housekeeping. Maintenance and storage of hazardous materials shall be in accordance with CFC (Sections 2403.3, 2403.4, 2404.5.1, and 2404.5.2). Approved metal waste cans equipped with self-closing lids shall be provided whenever rags or waste are impregnated with finishing materials. Storage, use and handling of flammable and combustible liquids shall be in accordance with this section and CFC Chapter 57.

    Applicant shall provide a certified flammable storage cabinet for flammable liquids and solvents stored on site.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 7th day of March, 2017 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Chairperson Robert Tefft

ATTEST

_____
Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7th day of March, 2017.

EXHIBIT B

RESOLUTION NO. PC 07-17

RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING CONDITIONAL USE PERMIT (CP0-468) FOR THE OPERATION OF AN AUTO-BODY REPAIR AND PINT SHOP LOCATED WITHIN THE R-1/S.1 RESIDENTIAL ZONING DISTRICT AT 340 JAMAICA

WHEREAS, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 7, 2017, for the purpose of considering Conditional Use Permit UP0-468 to allow the operation of auto-body repair and paint located within the R-1/S.1 Residential Zoning District at 340 Jamaica (APN 065-072-004); and

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

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

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

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

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

California Environmental Quality Act (CEQA) Finding

1. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that are disapproved or denied by the approval body.

Conditional Use Permit Findings

1. The establishment, maintenance, or operation of the use applied for will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use based on proximity to the existence of a nearby sensitive residential uses within a residential zone; and

2. The proposed use will be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood because of the noise and odor generated by the use.

EXHIBIT B

3. The use will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the operation of the proposed industrial use within a residential zone could negatively affect property values in the immediate vicinity.

Section 2: Action. The Planning Commission does hereby deny Conditional Use Permit #UP0-468 for property at 340 Jamaica (APN number 065-072-004)

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 7th day of March, 2017 upon motion of Commissioner Sorenson and seconded by Commissioner Lucas on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Chairperson Robert Tefft

ATTEST

_____

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7TH day of March, 2017.

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City of Morro Bay
Community Development Dept.

Explanation of use and remedy for current complaints.

Planned future use would be the same as current and former use for the last 35 years. An auto body collision and paint shop has been in this location since 1981. I bought the operating business approx. 6 months ago. I am having to reapply for a new conditional use permit because of a paper work failure in 1986 by previous owner and the City of Morro Bay. Below I will address complaints from a neighbor, counter his falsified complaints with fact and lay out remedies to the Courtesy Notice I received from Code Enforcement dated November 7th, 2016.

The complainant has called the County, city code enforcement and Morro Bay Police on my business. He has made false accusations to the amount of time we are working, volume of work, type of work we are performing, etc. He had made no earlier complaints until there was a new owner of the business. No other neighbor have made complaints against Auto Body Builders. We only work Monday-Friday 7am till 6pm. The previous owner (Bob Tapia) worked the same hours and is willing to state so. The complainant is saying I have a full blown operation. Yes, it is a functioning business but our volume is the same as the previous owner. I employ 2 full time employees and a part time helper at the location. We focus on small collision type work (1 to 3 small repairs) per week. We then have a couple restorations we work on in between collision jobs. We provide the only body/paint shop in Morro Bay. We provide a needed service for seniors, as we pick up and drop them off. An option they wouldn't have if having to get repairs in San Luis Obispo.

The paint booth has been continually permitted by APCD in San Luis Obispo since 1981 with no fines or actions. I have included copies of the filters we run and booth information that exceed APCD requirements. I have spoken with Brian Unger and he has said that the APCD is waiting for the renewal of the conditional use permit by the City of Morro Bay to complete the paint booth transfer and permit process. Brian has told me there are no hold ups or remedial action required by the county to renew my permit.

I am also currently registered with Environmental Health Services for waste management as a self reporting, self logging business with current C.U.P.A.

In answer to the Code enforcement report. There is no location on property where the compressor can be located 100 feet from a residence. The compressor has been in the same location for 37 years. I can however insulate the compressor for noise to bring it down to an acceptable level per our layout on plans. In regards to the odor complaint, we go above and beyond the requirement from the APCD. We stack fiberglass over sticky foam filters to reduce exhaust from the paint booth.(either of these filters on their own satisfy the APCD requirement). The previous owner did not run filters. He used a Styrofoam diffuser grid which was only about 20% effective in solids retention. The fire department is requiring fire safety in the booth. This was not originally required when permit was issued in 1981. We can however,

EXHIBIT C

EXHIBIT C

install a Kidde stand alone, dry chemical system if required by the Fire Department. It was noted that the paint booth exceeds 10% of the total building footprint. This is the smallest auto paint booth that you can still fit an automobile inside. We are looking to get an OK/variance to continue to operate it at the same size as it has been since installation in 1981. We also are installing a certified flammable storage locker for the solvents stored on premises. I was also advised that I have to remove the temporary tarp structures. I plan on removing them and replacing with car ports that are not flammable and meet current city code.

I have enclosed copies of filter spec sheets, APCD previous permit, police report, printout from computer of neighborhood website showing that the complainant is a habitual complainer and problem causer in the neighborhood and the first few pages of a petition signed by our neighbors to the business and Kidde Fire protection information. Please do not run this small business out of town. It fills a need for our residence and provides local jobs.

EXHIBIT C

AIR FILTRATION CO., INC.

FIBERGLASS EXHAUST FILTERS

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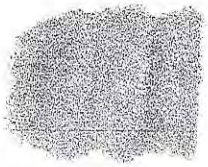
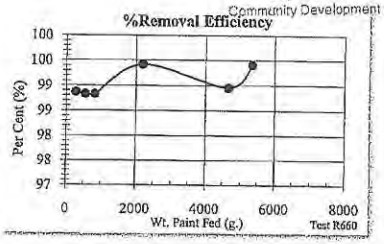
City of Morro Bay
Community Development Dept





GA/PA Series 15 Gram Fiberglass

Product Application

Our most popular arrestor, ideal for use in most spray booth applications and our most economical option. For use where the user requires a good basic filter and cost is a major consideration. Available in pads (GA) and roll media (PA). **Compliant with EPA 6H law.**

Product Specifications

- 2" green, water resistant, 15 gram fiberglass
- 98.81% efficient with an average paint holding capacity of 2.22 pounds in a 20"x20" pad

Item #	Description	Set Qty	Item #	Description	Set Qty
GA10	20"x20" 15 Gram FG Arrestor Pads	50	PA303	30"x300' 15 Gram FG Arrestor Roll	1
GA10-100	20"x20" 15 Gram FG Arrestor Pads	100	PA321	32"x100' 15 Gram FG Arrestor Roll	1
GA20	20"x25" 15 Gram FG Arrestor Pads	50	PA323	32"x300' 15 Gram FG Arrestor Roll	1
GA20-100	20"x25" 15 Gram FG Arrestor Pads	100	PA361	36"x100' 15 Gram FG Arrestor Roll	1
GA24	20"x24" 15 Gram FG Arrestor Pads	50	PA363	36"x300' 15 Gram FG Arrestor Roll	1
GA24-100	20"x24" 15 Gram FG Arrestor Pads	100	PA401	40.5"x100' 15 Gram FG Arrestor Roll	1
GA26	20"x48" 15 Gram FG Arrestor Pads	8	PA403	40.5"x300' 15 Gram FG Arrestor Roll	1
PA201	20"x100' 15 Gram FG Arrestor Roll	1	PA421	42"x100' 15 Gram FG Arrestor Roll	1
PA203	20"x300' 15 Gram FG Arrestor Roll	1	PA423	42"x300' 15 Gram FG Arrestor Roll	1
PA221	22"x100' 15 Gram FG Arrestor Roll	1	PA451	45"x100' 15 Gram FG Arrestor Roll	1
PA223	22"x300' 15 Gram FG Arrestor Roll	1	PA453	45"x300' 15 Gram FG Arrestor Roll	1
PA241	24"x100' 15 Gram FG Arrestor Roll	1	PA481	48"x100' 15 Gram FG Arrestor Roll	1
PA243	24"x300' 15 Gram FG Arrestor Roll	1	PA483	48"x300' 15 Gram FG Arrestor Roll	1
PA251	25"x100' 15 Gram FG Arrestor Roll	1	PA601	60"x100' 15 Gram FG Arrestor Roll	1
PA253	25"x300' 15 Gram FG Arrestor Roll	1	PA603	60"x300' 15 Gram FG Arrestor Roll	1
PA281	28"x100' 15 Gram FG Arrestor Roll	1	PA801	80"x100' 15 Gram FG Arrestor Roll	1
PA283	28"x300' 15 Gram FG Arrestor Roll	1	PA803	80"x300' 15 Gram FG Arrestor Roll	1
PA301	30"x100' 15 Gram FG Arrestor Roll	1			

Stached CT20

EXHIBIT C

AIR FILTRATION CO., INC.

Custom Tacky & 300 Series Tacky Intake Filters

Custom Tacky Series

Product Application

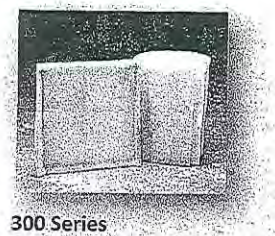
Use in crossdraft applications. The industry favorite, the Custom Tacky® is a long-life filter that is a proven performer at a great price.

stacked GA16

Product Specifications

- 2" blue, 2-ply, self-sealing, tackified polyester media, panels heat sealed around steel frame
- Available in panels, pads, and blankets
- 94% efficient @ 5-10 micron range @ 100 fpm

Item #	Description	Set Qty
CT10	4'x9' Custom Tacky Blanket Filter	2
CT11	2'x9' Custom Tacky Blanket Filter	1
CT12	4.5'x9' Custom Tacky Blanket Filter	2
CT14	4'x13.5' Custom Tacky Blanket Filter	2
CT16	20"x25"Custom Tacky Panel Filter w/ frame	20
CT17	20"x25" Custom Tacky Panel Filter w/o frame	20
CT18	20"x50" Custom Tacky Panel Filter w/ frame	10
CT19	20"x50" Custom Tacky Panel Filter w/o frame	10
CT20	20"x20" Custom Tacky Panel Filter w/ frame	20
CT21	20"x20" Custom Tacky Panel Filter w/o frame	20
CT24	20"x48" Custom Tacky Panel Filter w/ frame	10
CT25	20"x48" Custom Tacky Panel Filter w/o frame	10
CT26	16"x20" Custom Tacky Panel Filter w/ frame	20
CT27	16"x20" Custom Tacky Panel Filter w/o frame	20
CT28	16"x25" Custom Tacky Panel Filter w/ frame	20
CT29	16"x25"Custom Tacky Panel Filter w/o frame	20
CT30	20"x46" Custom Tacky Panel Filter w/ frame	8
CT31	20"x46" Custom Tacky Panel Filter w/o frame	8
CT32	24"x24" Custom Tacky Panel Filter w/ frame	20
CT33	24"x24" Custom Tacky Panel Filter w/o frame	20



300 Series

Product Application

Use in crossdraft applications where the user requires a good basic filter and cost is a major consideration.

Product Specifications

1.5" green, 2-ply, self-sealing, tackified polyester media, panels heat sealed around steel frame
Available in panels, pads, and blankets
83% efficient @ 5-10 micron range @ 100 fpm

Item #	Description	Set Qty
310	4'x9' 300 Series Blanket Filter	2
312	4.5'x9' 300 Series Blanket Filter	2
314	4'x13.5' 300 Series Blanket Filter	2
316	20"x25" 300 Series Panel Filter w/ frame	20
318	20"x50" 300 Series Panel Filter w/ frame	10
320	20"x20" 300 Series Panel Filter w/ frame	20
324	20"x48" 300 Series Panel Filter w/ frame	10
326	16"x20" 300 Series Panel Filter w/ frame	20
328	16"x25" 300 Series Panel Filter w/ frame	20
330	20"x46" 300 Series Panel Filter w/ frame	8
330-14	20"x46" 300 Series Panel Filter w/ frame	14
332	24"x24" 300 Series Panel Filter w/ frame	20

CC 05.23.17 Page 396 of 483

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City of Morro Bay
Community Development Dept.

CONDITIONAL USE PERMIT FOR:

AUTO BODY BUILDERS

340 JAMAICA STREET
MORRO BAY, CA 93442

EXHIBIT C

GENERAL NOTES

1. In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:
   a. Construction activities shall cease, and the County Planning and Building Department shall be notified. If the archeological resources are discovered during construction, all work shall be halted within a 50-meter radius of the discovery until it can be evaluated by a qualified archeologist, and the County Planning and Building Department shall determine what action should be taken.
   b. In the event archeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner shall be notified during all grading activities.
2. All materials, fixtures, finish products and systems provided and installed shall be in accordance with the manufacturer's published instructions unless otherwise noted on these drawings, or otherwise directed by the Owner.
3. All tests required of manufacturers, and equipment and systems, including but not limited to the CBC, CMC, CPC, CEC, IECC, Ordinances, Standards and Regulations of any public agency having jurisdiction, are to be performed by qualified and recognized firms. Certificates of inspection shall be delivered to the Owner before the building is occupied.
4. The Contractor shall visit the site and become familiar with the conditions of the project. The Architect shall not be held liable for any work done, labor performed, or materials furnished that are not in accordance with the plans, specifications, and contract documents.
5. The Contractor is responsible for the means, methods, techniques, sequences, or procedures of construction, and for the safety precautions and programs in connection with the work. The Architect shall not be responsible for the Contractor's failure to carry out the work in accordance with the Contract Documents.
6. Dimensions take precedence over scale. Do not scale drawings. Verify all dimensions at the job site. Notify the Architect of any discrepancies before proceeding with the work.
7. Coordinate all work with that of other trades and provide all openings, chases, blocking, and backing required for the installation of work.
8. Patch, repair, and refinish all surfaces damaged during construction to match adjacent surfaces.
9. Keep the premises and surrounding areas free from accumulation of waste materials and rubbish caused by operations. Remove all debris from the site at least once per week.
10. Provide temporary toilet facilities for workers during construction.
11. Protect all existing improvements, including but not limited to trees, shrubs, lawns, walks, utilities, and adjacent property, from damage during construction. Repair or replace any damaged items to their original condition.
12. Maintain adequate ventilation when using paints, adhesives, or other materials that release fumes.
13. Store flammable materials in approved containers and away from ignition sources.
14. Provide fire extinguishers in accessible locations during construction.
15. Do not burn or bury waste materials on the site.
16. Conduct operations in accordance with all applicable laws, ordinances, rules, and regulations.
17. Obtain all permits required for the work and pay all associated fees.
18. Schedule inspections as required by the authorities having jurisdiction.
19. Maintain a copy of the approved plans and permits on the job site at all times.
20. Provide adequate lighting for safe working conditions.
21. Protect the public from hazards arising from the construction operations.
22. Comply with all applicable OSHA regulations.
23. Maintain a clean and orderly job site.
24. Provide adequate drainage to prevent water from ponding on the site or flowing onto adjacent properties.
25. Coordinate the location of utility connections with the utility companies.
26. Verify the location of underground utilities before excavating.
27. Provide shoring and bracing as necessary to protect excavations.
28. Backfill excavations in compacted layers.
29. Grade the site to drain away from buildings.
30. Install erosion control measures as required.
31. Protect existing trees and vegetation to remain.
32. Provide temporary fencing around the construction area.
33. Maintain access for emergency vehicles at all times.
34. Provide a construction schedule and update it as necessary.
35. Hold a pre-construction meeting with all parties involved.
36. Maintain a log of daily activities and progress.
37. Provide weekly progress reports to the Owner.
38. Submit shop drawings for approval before fabrication.
39. Review and approve or reject shop drawings within a reasonable time.
40. Coordinate the delivery of materials and equipment.
41. Store materials and equipment in a secure location.
42. Protect materials and equipment from damage and theft.
43. Provide a final cleaning of the site and building.
44. Conduct a final inspection with the Owner and Architect.
45. Prepare a punch list of items to be completed or corrected.
46. Complete all punch list items before final payment.
47. Provide as-built drawings to the Owner.
48. Provide operation and maintenance manuals for all equipment.
49. Provide warranties for all work and materials.
50. Assign all warranties to the Owner.

CONTRACTOR RESPONSIBILITIES

1. Prior to commencement of construction, the General Contractor shall schedule a preconstruction meeting at the project site with all parties to review construction procedures, safety requirements, and coordination of work.
2. The General Contractor shall be responsible for verifying all dimensions and conditions at the job site before commencing any construction work. Any discrepancies shall be brought to the immediate attention of the Architect.
3. The General Contractor shall comply with all applicable laws, codes, and regulations, including but not limited to the California Building Code (CBC), California Residential Code (CRC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code, and California Energy Code (Title 24, Part 6). The General Contractor shall obtain all necessary permits and pay all associated fees.
4. The General Contractor shall maintain adequate insurance coverage, including but not limited to general liability, workers' compensation, and automobile insurance, in amounts not less than those required by the Owner. Certificates of insurance shall be provided to the Owner before commencing work.
5. The General Contractor shall indemnify, defend, and hold harmless the Owner, Architect, and their consultants from any claims, damages, losses, or expenses arising out of or resulting from the performance of the work, except for those caused by the sole negligence of the Owner or Architect.
6. The General Contractor shall maintain a safe and secure job site at all times. The General Contractor shall be responsible for the safety of all persons on the job site, including employees, subcontractors, and visitors.
7. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the handling, storage, and disposal of hazardous materials. The General Contractor shall notify the Owner and Architect immediately upon discovery of any hazardous materials on the job site.
8. The General Contractor shall provide adequate temporary facilities, including but not limited to toilets, drinking water, and first aid supplies, for the use of all workers on the job site.
9. The General Contractor shall maintain a clean and orderly job site at all times. All debris and waste materials shall be removed from the site on a regular basis and disposed of in accordance with all applicable laws and regulations.
10. The General Contractor shall protect all existing improvements, including but not limited to trees, shrubs, lawns, walks, utilities, and adjacent property, from damage during construction. Any damage caused by the General Contractor shall be repaired or replaced at the General Contractor's expense.
11. The General Contractor shall coordinate the work of all subcontractors and shall be responsible for the quality and timeliness of their work. The General Contractor shall schedule and conduct regular meetings with subcontractors to review progress, address issues, and ensure compliance with the construction documents.
12. The General Contractor shall submit a construction schedule to the Owner and Architect for review and approval before commencing work. The schedule shall be updated as necessary to reflect changes in the progress of the work.
13. The General Contractor shall maintain accurate records of all work performed, including but not limited to daily logs, photographs, and videos. These records shall be made available to the Owner and Architect upon request.
14. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the employment of workers, including but not limited to minimum wage, overtime, and working conditions. The General Contractor shall maintain records of all employees' hours worked and wages paid.
15. The General Contractor shall provide adequate security measures to prevent theft, vandalism, and unauthorized access to the job site. The General Contractor shall be responsible for any losses due to theft or vandalism.
16. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of cranes, hoists, and other lifting equipment. The General Contractor shall ensure that all operators are properly trained and certified.
17. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of scaffolding, ladders, and other fall protection equipment. The General Contractor shall ensure that all workers are properly trained in the use of fall protection equipment.
18. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of excavation and trenching equipment. The General Contractor shall ensure that all excavations are properly shored and protected to prevent cave-ins.
19. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of confined spaces. The General Contractor shall ensure that all workers are properly trained in the hazards of confined spaces and the procedures for safe entry and exit.
20. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of personal protective equipment (PPE). The General Contractor shall provide all workers with the necessary PPE and ensure that they are properly trained in its use.
21. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of hazardous materials. The General Contractor shall maintain a list of all hazardous materials on the job site and ensure that they are properly labeled and stored.
22. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of flammable materials. The General Contractor shall ensure that all flammable materials are stored in approved containers and away from ignition sources.
23. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of welding and cutting equipment. The General Contractor shall ensure that all welders are properly trained and certified.
24. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of electrical equipment. The General Contractor shall ensure that all electrical equipment is properly grounded and maintained.
25. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of lockout/tagout procedures. The General Contractor shall ensure that all workers are properly trained in these procedures.
26. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of respiratory protection. The General Contractor shall ensure that all workers are properly trained in the use of respirators and that they are fit tested.
27. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of hearing protection. The General Contractor shall ensure that all workers are properly trained in the use of hearing protection and that they are provided with the necessary equipment.
28. The General Contractor shall comply with all applicable laws, codes, and regulations regarding the use of eye protection. The General Contractor shall ensure that all workers are properly trained in the use of eye protection and that they are provided with the necessary equipment.
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FIRE PLAN PROTECTION MEASURES

1. AUTOMATIC SPRINKLER
   All interior and exterior doors providing access to the premises from outside shall be equipped with automatic sprinkler systems, including but not limited to sprinkler heads, piping, valves, and alarms. The sprinkler system shall be designed and installed in accordance with the applicable requirements of the California Building Code (CBC) and the California Fire Code (CFC).
2. FIRE EXTINGUISHERS
   All commercial buildings shall be provided with fire extinguishers in accordance with the CFC. The number and location of fire extinguishers shall be determined by the Fire Department.
3. FIRE DEPARTMENT HOSE
   All fire department hose shall be approved by the Fire Department before installation. The hose shall be tested annually and maintained in accordance with the CFC.
4. FIRE EXTINGUISHERS
   All fire extinguishers shall be installed in accordance with the CFC and the Fire Department's requirements. The number and location of fire extinguishers shall be determined by the Fire Department.
5. FIRE ALARM SYSTEMS
   All commercial buildings shall be provided with a fire alarm system in accordance with the CFC and the Fire Department's requirements. The system shall be monitored by a central station and shall include smoke detectors, heat detectors, and manual pull stations.
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SITE PLAN/FINAL NOTES

1. All electrical, telecommunications, and other utilities shall be installed underground in an approved manner and in accordance with the requirements of the utility companies.
2. All grading shall be performed in accordance with the approved grading plan and the requirements of the City of Morro Bay. A grading permit shall be obtained prior to the commencement of any grading activities.
3. All parking spaces shall be clearly marked and striped in accordance with the City of Morro Bay Parking Ordinance. The number of parking spaces provided shall be in accordance with the requirements of the City of Morro Bay Zoning Ordinance.
4. All signs shall be installed in accordance with the City of Morro Bay Sign Ordinance and shall require a separate sign permit.
5. All landscaping shall be installed in accordance with the approved landscape plan and shall be maintained in a healthy and vigorous condition.
6. All exterior lighting shall be designed and installed to minimize glare and light trespass onto adjacent properties. The lighting shall be directed downward and shielded as necessary.
7. All trash enclosures shall be designed and constructed to prevent access by animals and to minimize odors. The enclosures shall be located in accordance with the requirements of the City of Morro Bay Zoning Ordinance.
8. All fences and walls shall be constructed in accordance with the approved plans and shall not exceed the height limitations specified in the City of Morro Bay Zoning Ordinance.
9. All utility connections shall be made in accordance with the requirements of the utility companies and shall be inspected by the appropriate agencies.
10. All construction activities shall be conducted in accordance with the approved construction management plan, which shall address issues such as traffic control, noise, dust, and hours of operation.
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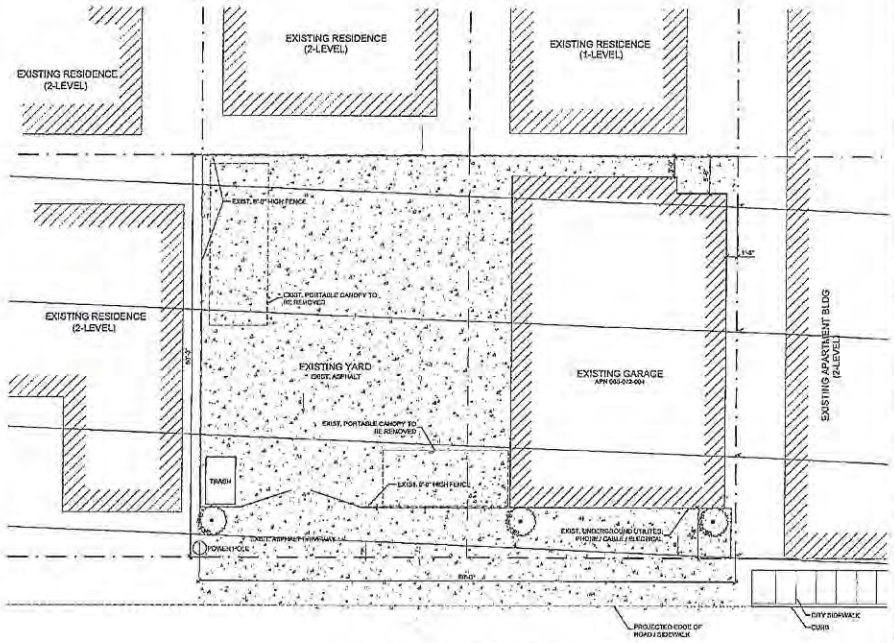


SITE PLAN
NORTH SCALE: 1/8"=1'-0"

PROJECT DESCRIPTION

SCOPE OF WORK:
Applicant seeks Conditional Use Permit approval for an existing auto body shop.
The current use has been unpermitted since 1981 and exists on APN 065-013-004.
Paint sprinklers are required for the Paint Booth.

SHEET INDEX

A1) Title sheet & Site Plan
A2) Floor plan

STATISTICS

PLANNING DATA

A.P.No. 065-013-004
ZONING CLASSIFICATION: M-1(H)

TOTAL LOT AREA: 4,000sf

EXISTING BUILDING: 1,565sf

SETBACKS
* Note: - all existing to remain

LOT COVERAGE
* Note: - all existing to remain

Parking:
* Note: - all existing to remain

Bldg. Ht.=
* Note: - existing to remain

UTILITIES
Electric - PGE
Natural Gas - Pacific Gas & Electric Company
Water Service - Morro Bay & Cayucos Sanitary District - Morro Bay Water Department
Trash Service - Morro Bay Garbage Service

BUILDING CODE DATA

OCCUPANCY
GARAGE - U-1
TYPE OF CONSTRUCTION - VB

SPRINKLERS PROVIDED - yes
(Required for Paint Booth Only)

STORIES - 1
MAX BLDG. HT. - Unchanged

CODES

All work shall conform to: (a) the provisions of and rules of the currently adopted 2013 CALIFORNIA BUILDING STANDARDS and other provisions and rules adopted by the ICC, NFPA & ASTM as adopted by the local jurisdiction, and (b) all other laws, ordinances, regulations, and codes that may be applicable to the work.

2013 CALIFORNIA BUILDING CODE VOLUMES 1 & 2
2014 CALIFORNIA RESIDENTIAL CODE / CA TITLE 24 PART 2.5
(AMENDED, IF SUCH, BY CITY OF MORRO BAY ORDINANCE)
2013 CALIFORNIA ELECTRICAL CODE
2013 CALIFORNIA MECHANICAL CODE
2013 CALIFORNIA PLUMBING CODE
2013 CALIFORNIA FIRE CODE
2013 CALIFORNIA ENERGY CODE
2013 CALIFORNIA EXISTING BUILDING CODE
2013 CALIFORNIA HISTORICAL BUILDING CODE
2013 CALIFORNIA INTERIOR STANDARDS CODE

ACCESSIBILITY STANDARDS INSOFAR APPLICABLE AND ALL CITY / COUNTY CODES AS CITY APPLY TO THIS PROJECT.

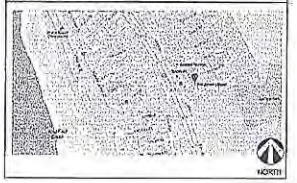
DIRECTORY

Property Owner- Barbara Tovar – Nidia Tenya
Nidia's Kitchen (805-924-0207
Project Representative- Jason Pat (805-440-9353
Lessee/ Tenant- Jason Pat (805-440-9353
Contractor- Ronald Bryden- Jason Pat (805-440-9353
Drafter- Plan View Drafting (805-674-0015

LEGEND

PROPERTY (S)
BUILDING (S)
FENCE LINE (S)
DRAINAGE (S)

VICINITY MAP



PLAN VIEW
Plan View Drafting

Principal designer:
David Young
Plan View Drafting

NOTE:
These plans have been prepared under the provisions of section 5537.2 California Business and Professions code exception of steep & field drawings and systems design by licensed contractor, and section 5538 (prescription of Non-structural interior alterations not affecting structural systems or building safety by persons other than licensed architects). As such, these plans need not bear the stamp of a licensed Architect or Engineer unless the exterior affects these structural elements or otherwise exceeds the scope of work beyond that permitted under the aforementioned sections.

CONDITIONAL USE PERMIT FOR:
AUTO BODY BUILDERS
340 JAMAICA STREET
MORRO BAY, CA 93442

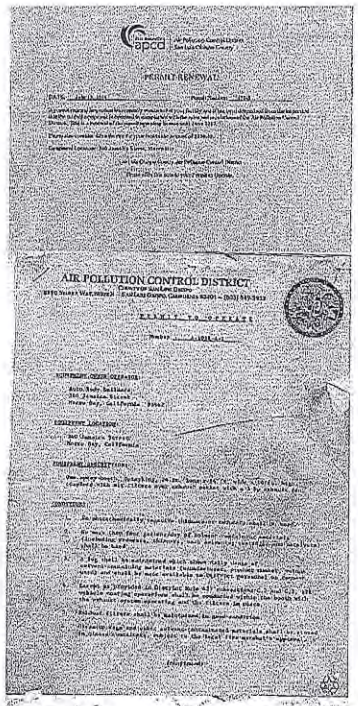
NO.	DATE	BRIEF
1	1/29/17	Final Docs

PROJECT NUMBER

SHEET NAME:
TITLE SHEET & SITE PLAN

SHEET NO:
A1

DRAWN BY: PVD



apcd Air Pollution Control District San Luis Obispo County

PERMIT RENEWAL

Date: ____ Permit Number: ____

AIR POLLUTION CONTROL DISTRICT
County of San Luis Obispo
3433 Roberts Lake Road, Suite 116 · San Luis Obispo, California 93401 · (805) 549-5800

PERMIT TO OPERATE

Name: ____

EQUIPMENT LOCATION:

EQUIPMENT DESCRIPTION:

CONDITIONS:

Page 2
Auto Body Builders (exp. on. 719)
October 7, 1991

CONDITIONS (continued)

7. All solvent-containing material containers shall be kept closed when not in use.

8. Solvent-containing wastes shall either be recycled or disposed of in accordance with applicable federal, state, and local regulations. Solvent-containing wastes shall be hauled by a licensed hazardous waste hauler. Receipts or manifests for hazardous waste hauling shall be kept for at least 2 years and made available to the District upon request.

October 7, 1991
ISSUANCE DATE

Donna R. Bealand, M.D.
Air Pollution Control Officer

EFFECTIVE DATE

By: Robert F. Carr
ROBERT F. CARR, Director

1152.030 – Noise requirements.

A.
General Noise Limitations. Any business operation with sustained or intermittent noise levels exceeding seventy dB Ldn (or CNEL) as described by the noise element including, but not limited to, wood or machine milling, air hammers, generators, or prolonged or excessive truck deliveries, will not be allowed within one hundred feet of residential uses, hospitals, and other noise sensitive land uses unless noise levels are mitigated in compliance with this section.

B.
Operational Hours. All commercial and industrial deliveries and loud commercial activities such as loading and unloading, trash collection, trucks with loudspeakers within one hundred feet of a residential use shall be limited to the hours between seven a.m. and ten p.m.

C.
Review Of Development Projects. The city shall review new public and private development proposals to determine conformance with the policies of the noise element. Where the development of a project may result in land uses being exposed to existing or projected future noise levels exceed the levels specified by the policies of the noise element, the city shall require an acoustical analysis early in the review process so that noise mitigation may be included in the project design. For developments not subject to environmental review, the requirements for an acoustical analysis shall be implemented prior to the issuance of a building permit. The requirements for the content of an acoustical analysis are given in subsection E of this section. At the discretion of the city, the requirement for an acoustical analysis may be waived provided that all of the following conditions are met:

1.
Size of Development. The development is for less than five single-family dwellings or for office buildings, churches or meeting halls having a total gross floor area less than ten thousand square feet;

2.
Noise Source. The noise source in question consists of a single transportation noise source (roadway, railway or airport) for which up-to-date noise exposure information is available. An acoustical analysis will be required when the noise source in question is a stationary noise source or when the noise source consists of multiple transportation noise sources;

3.
Noise Exposure. The existing or projected future noise exposure at the exterior of the buildings which will contain noise sensitive uses or within proposed outdoor activity areas (other than playgrounds and parks) does not exceed sixty-five dB Ldn (or CNEL) prior to mitigation. For playgrounds and parks, the existing or projected future noise exposure may not exceed seventy-five dB Ldn (or CNEL) prior to mitigation.

4.
Topography. The topography in the project area is flat, and the noise source and receiving land use are at the same grade; and

5.
Noise Mitigation. Effective noise mitigation, as determined by the city is incorporated into the project design to reduce noise exposure to the levels specified in Table 1152.050(B) codified at the end of this chapter. Such measures may include the use of building setbacks, building orientation, noise barriers and the standard noise mitigation packages contained within the acoustical design manual. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

D.
Noise Reduction Measures Required. The planning commission shall consider one or more of the following mitigation measures where outdoor noise levels significantly impact existing noise sensitive land uses or where cumulative increases in noise levels resulting from the new development significantly impact noise sensitive land uses:

1.
Relocating Traffic. Relocating traffic, if feasible, onto streets that have low traffic volumes or onto streets that do not adjoin noise sensitive land uses;

2.
Relocating Trucks. Relocating trucks, if feasible, onto streets that do not adjoin noise sensitive land uses;

3.
Noise Barriers. Construction of noise barriers as long as such barriers do not significantly negatively impact coastal or scenic views; and

4.
Acoustical treatment of buildings.

E.
Requirements for an Acoustical Analysis. An acoustical analysis prepared pursuant to the noise regulations shall:

1.
Be the financial responsibility of the applicant;

2.
Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics;

3.
Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions. Where actual field measurements cannot be conducted all sources of information used for calculation purposes shall be fully described. When the use being studied is a commercial use, all noise sources related to the service and maintenance of the facility shall be considered, including parking lot and landscape maintenance, refuse collection and truck loading/unloading activities;

4.
Estimate existing and projected (twenty years) noise levels in terms of the descriptors used in Tables 1152.050(B) and (C), codified at the end of this chapter and compare these levels to the adopted policies of the noise element. Projected future noise levels shall also account noise from planned airports, highways and road connections;

5.
Recommend appropriate mitigation to achieve compliance with the adopted policies of the noise element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise sensitive land uses;

6.
Estimate noise exposure after the prescribed mitigation measures have been implemented; and

7.
Describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures. (Ord. 445 § 2 (part), 1983)

1152.040 – Vibration.
No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line.

(Ord. 445 § 2 (part), 1983)

1152.050 – Smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution.
No smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution emission shall be permitted at any point which exceeds allowable air pollution control district standards. The following standards shall apply to all uses and/or operations except agriculture operations:

A.
Discharge Restrictions. No person shall discharge from any source whatsoever such quantities of air contaminates or other material which may cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public, or which may endanger the comfort, repose, health, or safety of any such persons or the public, or which may cause, or have a natural tendency to cause, injury or damage to business or property.

B.
Discharge Duration. No person shall discharge into the atmosphere from any source whatsoever an air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is:

1.
As dark or darker in shade than is designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or

2.
Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (B)(1) of this section.

(Ord. 445 § 2 (part), 1983)

Insulated compressor box.
The compressor enclosing box shall be constructed with an STC (Sound Transmission Class) rating of 25 or greater. For instance, fiber-cement panel siding with 3/4 pound felt on 7/8" sheathing, or 2"x4" stud walls with R-13 fiber glass batt insulation, a 1/2" layer of interior sound deadening board (Sonoswiss 440 Sound Barrier or equivalent), and a layer of 5/8" Type X gypsum board will provide an STC rating of 35 or greater.

Construction of the enclosure will include the liberal use of non-hardening acoustical sealant at all construction joints, including the footer and footer construction and the edges and corners of the gypsum board (surrounding ceiling walls, and floor, especially behind papered joints. Apply Sonoseals 440 Sound Barrier directly to the interior side of conventional 2"x6" framing, 16"oc, using 3/4 adhesive caulked nail-fastener nails 1/2" from edges, 6" apart at panel edges and 12" apart on each stud in panel field. Conversely, all nails at least 1/2" below surface. Provide a gap of 1/4" between abutting edges, 1/4" between floor and ceiling. Using a good grade drywall trowelable compound and a notched trowel, apply a 6" wide strip down each side, 2" away from edges. Apply the compound coated Gypsum Board directly to the 440 Sound Barrier. Avoid penetrating the joints of Gypsum with 440 Sound Barrier joints. Secure Gypsum with double headed nails, or screws, until laminated compound sets, apply resilient acoustical sealant (Latex Hamerite or equivalent) to apex at intersection walls, ceiling and floor before taping and spackling Gypsum Board in conventional manner.

Acoustic Leaks.
Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, and other breaks in the integrity of the wall, ceiling or roof insulation shall receive special attention during construction. All construction openings and joints through the gypsum board shall be insulated, sealed and covered with expanding foam and resilient, non-hardening caulk material, as appropriate. All such openings and joints shall be caulked to maintain sound insulation.

MAXIMUM ALLOWABLE NOISE EXPOSURE
STATIONARY NOISE SOURCES

	Day (7 am. to 10 pm)	Night (10 pm. to 7 am)
Hourly Leq, dB(2)	50	45
Maximum level, dB(3)	70	65
Maximum level, dB—impulsive noise (3)	60	60

(1) As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
(2) Sound level measurements shall be made with slow meter response.
(3) Sound level measurements shall be made with fast meter response.

SPARTAN NOTES

1 Existing 125amp electrical box to remain

2 Replacement exhaust system.
36"-24" blade 14000 cfm (8 cover patterns
Bosch Systemaire HV14-1400-14 208/3a

3 Fire rate storage lockers for all flammable chemicals associated with paint spraying or any other operation (with body work).

4 Insulate compressor from walls and ceilings. Noise level shall not exceed 70 decibels. Units 4 inch or apple, with oscillation pad under compressor. Anti-vibration mounting bolt per standard compressor bolt sizes.

5 CARBON MONOXIDE DETECTOR, HARDWIRED WITH BACKUP BATTERY

6 SMOKE DETECTOR - HARDWIRED WITH BACKUP BATTERY

7 Portable fire extinguisher Type 3-A 10 lb(5A) @ 0" all

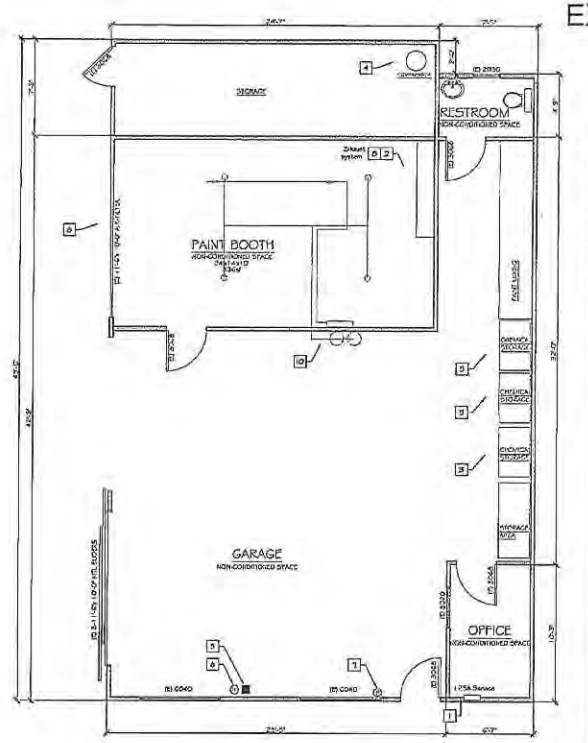
8 Intake Filter
Air Filtration Co. Inc., (SA/FA Series 15 gauge Fiberglass filter, Model GA10 - 94.83 sq ft gross with an average pore holding capacity of 2.22 pounds in a 20"x20" pad. Compliance with ASHRAE 52.1-1992.

9 Exhaust Filter
Air Filtration Co. Inc., (SA/FA Series 15 gauge Fiberglass filter, Model GA10 - 94.83 sq ft gross with an average pore holding capacity of 2.22 pounds in a 20"x20" pad. Compliance with ASHRAE 52.1-1992.
MODEL CTA1- 9HL efficient at 5-10 microns resp @ 400cfm in a 20"x20" custom tarky panel filter w/frame.

10 KIDDE ISIS DRY CHEMICAL FIRE SUPPRESSION SYSTEM.
Meets requirements of NFPA 17, 33 and 34
UL-Listed, ULC-Listed and NYC FD (MEA) Approved

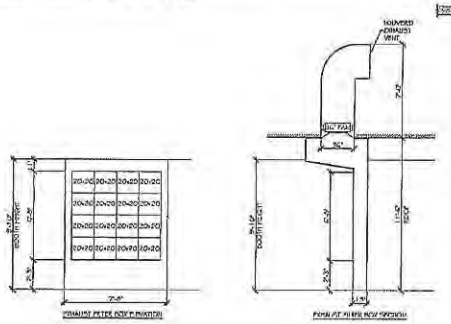
SMOKE DETECTOR / CARBON MONOXIDE

- SMOKE ALARMS MAY BE ACBLE BATTERY-OPERATED WHEN INSTALLED IN EXISTING BUILDINGS WHERE THE LAW DOES NOT REQUIRE ELECTRICAL POWER.
- PROVIDE SINGLE AND MULTIPLE-STATION CARBON MONOXIDE ALARMS THAT COMPLY WITH UL 2034 AND ARE INSTALLED IN ACCORDANCE WITH NFPA 720. AT LEAST ONE IN EACH LEVEL OF THE BUILDING.



FLOOR PLAN
NORTH SCALE: 1/4"= 1'-0"

WALL LEDGEND
2x4 FRAMED WALL @16oc



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

EXHIBIT C

Plan View Drafting
PLAN VIEW

Principal designer:
David Vamer
Plan View Drafting
NOTE:
These plans have been prepared under the provisions of section 5537.2 California Business and Professions code (preparation of shop & field drawings and systems design by licensed contractors), and section 5538 (preparation of non-structural interior alterations not affecting structural systems or affecting safety by persons other than licensed architects). As such, these plans need not bear the stamp of a licensed Architect or Engineer unless the design affects those structural elements or otherwise extends the scope of work beyond that permitted under the aforementioned sections.

CONDITIONAL USE PERMIT FOR:
AUTO BODY BUILDERS
340 JAMAICA STREET
MORRO BAY, CA 93442

PLANS ISSUED

ISS	DATE	REVISION
1	12/8/16	Bldg Dept

PROJECT NO: 1401
SHEET NAME: FLOOR PLAN
SHEET NO. A2
DRAWN BY: PVD

EXHIBIT D

City of Morro Bay

595 Harbor St.
Morro Bay, CA 93442

805-772-1214

PLANNING COMMISSION DETERMINATION

Re: Case No. CUP 07-81

Dear Mr. Tapia:

The Planning Commission, at its meeting of August 3, 1981 reviewed your request for Conditional Use Permit and has taken the following action:

[ ] 1) Recommend for approval by the City Council by Resolution No._____ for the City Council meeting of

[ ] 2) The Planning Commission has continued consideration of this item to the next Planning Commission meeting of

[ ] 3) Denied by Planning Commission Resolution No._____.

[XX] 4) Approved by Planning Commission Resolution No. 33-81.

The Morro Bay Municipal Code provides for an appeal of the action taken by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk, along with a $15.00 processing fee.

Murrel Crump
Planning and Community Development Director

MC/nc
Atts: Conditions and Copy of Resolution

EXHIBIT D

PLANNING COMMISSION RESOLUTION NO. 33-81

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORRO BAY, CALIFORNIA, ANNOUNCING FINDINGS AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CHANGE FROM ONE LEGAL NONCONFORMING USE TO A SIMILAR NONCONFORMING USE
CASE NO. CUP 07-81

WHEREAS, The Planning Commission of the City of Morro Bay, California, did on the 3rd day of August, 1981, hold a duly noticed PUBLIC HEARING to consider the request of BERNARD ROBERT TAPIA for a Conditional Use Permit to allow a change from one legal nonconforming use (general automotive repair) to a similar nonconforming use (automotive body repair) for property in the C-1, S-9 and R-1, S-3 Zones, located at 340 Jamaica Street, on the south side of Jamaica, 120 feet east of Main Street; more particularly described as:

APN 65-072-04
Lots 4 & 5, Block F,
Atascadero Beach Tract

WHEREAS, said project has complied with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act, in that a Negative Declaration has been approved by the Planning Commission.

WHEREAS, at said PUBLIC HEARING, after considering the testimony of all persons if any, wishing to speak, the Planning Commission did find the following facts and reasons to justify the granting of said Conditional Use Permit.

1. The use requested is properly one as provided by the Zoning Ordinance, and is consistent with the objectives of the City of Morro Bay General Plan regarding nonconforming uses;

2. The establishment, maintenance, or operation of the requested use will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of this proposed use as it is now mitigated by conditions, and,

3. The use requested will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City as accepted by its non-conforming status.

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

1. That the above recitations are true and correct and constitute the finding of the Commission in this matter; and

2. That the Commission does hereby grant approval of Conditional Use Permit No. 07-81, subject to the conditions attached hereto.

PASSED, APPROVED AND ADOPTED, on the 3rd day of August, 1981, by the following vote to wit:

AYES: Commissioners Cunningham, Paul and Chairman Elster
NOES: None
ABSENT: Commissioners Hofstead and Opperman

BRUCE ELSTER, Chairman

Attest:
MURREL CRUMP, Secretary

CONDITIONS OF APPROVAL
CASE NO. CUP 07-81

1. The Use Permit is granted for the land use described in the application and any attachments thereto, and as shown on the plot plan submitted labeled Exhibit "A". The location of all buildings, roadways, parking areas, landscaping, and other facilities or features shall be located substantially as shown on the plot plan labeled Exhibit "A", except or unless indicated otherwise herein.

2. Any minor change may be approved by the Planning and Community Development Director. Any substantial change will require the filing of an application for an amendment to be considered by the Planning Commission.

3. 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.

4. All areas shown as parking areas shall be surfaced with asphaltic concrete and shall be visibly marked outlining individual parking spaces and traffic flow. Said surfacing and marking shall be completed prior to final inspection of the structure or structures by the Building Official. The surface shall be kept in a safe state of repair at all times.

5. Prior to obtaining a Building Permit within thirty (30) days hereof, the applicant shall file with the Secretary of the Planning Commission written acceptance of the conditions stated herein.

6. Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Community Development Director and/or as authorized by the Planning Commission.

7. A detailed landscape and sprinkler plan for the property frontage along Jamaica Street shall be submitted to the Planning and Community Development Director for consideration and approval.

8. Prior to final building inspection clearance, all landscaping shall be installed. Said landscaping shall, at all times, be maintained in a manner acceptable to the Planning and Community Development Director.

9. All new utility service lines, including electrical, shall be installed underground and/or shall be completely concealed from view.

10. Complete construction drawings for the paint spray booth shall be submitted to the Planning and Community Development Director for review and approval in accordance with the action of the Planning Commision.

11. A detailed plan for site lighting shall be submitted to the Planning and Community Development Director for review and approval.

12. Approval of the use contemplated herein shall be limited to maintaining business hours only from 7:30 A.M. to 6:00 P.M., Monday through Friday.

EXHIBIT D

13. Approval of the use contemplated herein shall be for a term of five (5) years from the effective date of this action; thereafter, the use of the subject site shall return to general automotive repair, or uses in conformance with the Zoning in existence at that time.

EXHIBIT D

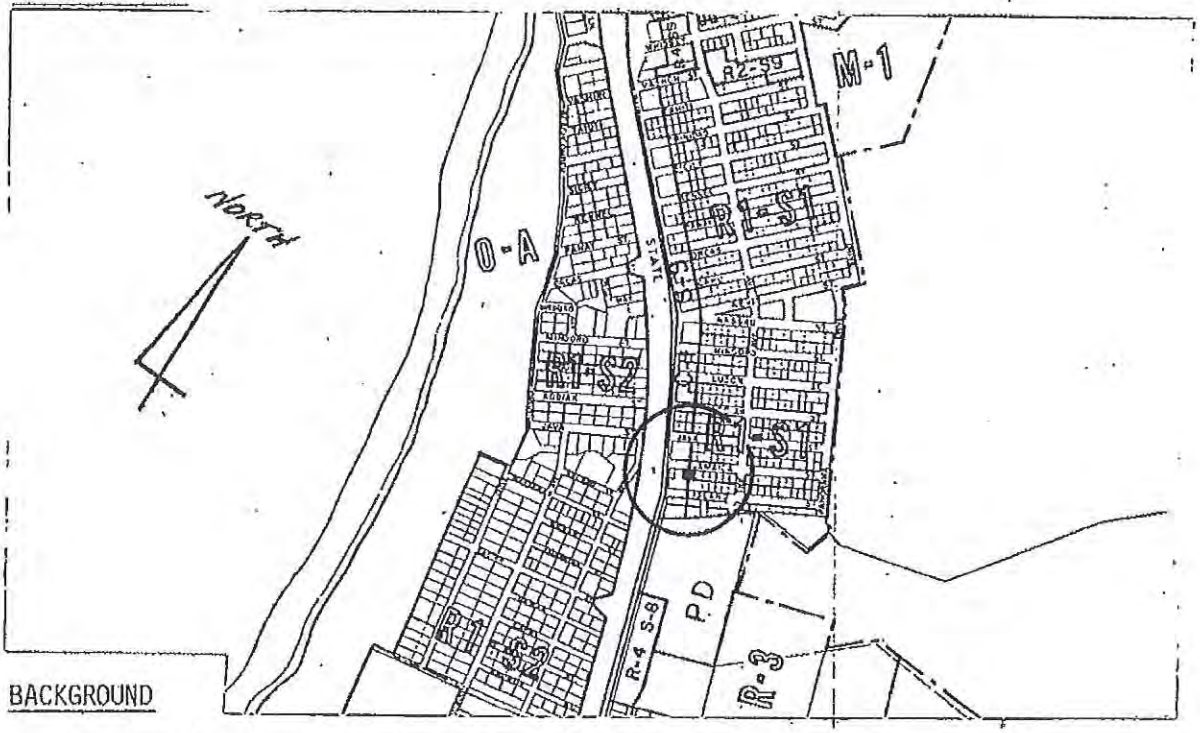
STAFF REPORT

DATE: August 3, 1981
TO: Planning Commission
SUBJECT: Use Permit for Auto Body Repair
APPLICANT: Bernard Robert Tapia, 331 Jamaica Street, Morro Bay, Calif. 93442
(Agent: Dale Reddell, P. O. Box 102, Morro Bay, Calif. 93442)
CASE NO.: CUP 07-81

I. REQUEST

Request for approval of a Use Permit to allow a change from one legal nonconforming use (general automotive repair) to a similar nonconforming use (automotive body repair) for property in the C-1, S-9 and R-1, S-3 Zones, located at 340 Jamaica Street, on the south side of Jamaica, 120 feet east of Main Street.

II. LOCATION MAP



III. BACKGROUND

A. General Plan Land Use Designation:
Mixture: Neighborhood Commercial/High Density Residential

B. Adjacent Zoning:

North	C-1, S-9 and R-1, S-2
East	R-1, S-2
South	C-1, S-9 and R-1, S-2
West	C-1, S-9

C. Environmental Assessment:

The Environmental Coordinator has determined that the subject project will not result in a significant adverse impact on the environment, and therefore, qualifies for the filing of a Negative Declaration. The Commission in their action on this project must approve or disapprove of the Negative Declaration.

IV. DISCUSSION

The Use Permit application now before the Commission is somewhat of a remedial action. The property use changed from general automotive repair to automotive body and fender repair approximately two and one-half years ago. The previous repair shop existed as a legal nonconforming use. As illustrated, the business site straddles the zone boundary, with one-half in the C-1, S-8 Zone and the other half in an R-1, S-1 Zone. The use of the property is nonconforming in that automotive repair shops are first listed as a permitted use by the City Zoning Ordinance in the C-2 Zone; and, auto body and paint shops require a Use Permit in the C-2 Zone.

The operating section of Zoning Ordinance underwhich this application is made provides: "17.56.010. . . . If no structural alterations are made therein, a nonconforming use of a building may be changed to another use of the same or more restrictive classification upon the securing of a Use Permit...." The change of use from general to body repair required no structural alterations to the existing building, the question the Commission must review in consideration of this Use Permit is obviously whether the two activities are in the same broad classification for purpose of this Section.

The requirement for a Use Permit surfaced when the applicant's agent approached the City to locate a prefabricated portable paint spray booth on the business site, and was advised of the need to secure a Use Permit (al beit after the fact). The complete request before the Commission is a Use Permit for the exchange of nonconforming uses, and the new portable spray booth to be located as shown on the plot plan.

Staff would be the first to observe that any type of repair shop would not be a desirable use for the site, but it is noted that the property has a historic use for auto repair which predates the City Zoning. In this instance, it seems that the best opportunity (by means of the subject Use Permit) is to impose conditions which would make the business more compatible with the surrounding neighborhood. Conditions could address the hours of business operation, the site appearance, and potentially the term or life of the Use Permit. A summary of the relevant points of this case is as follows:

* Historic use of the site for automotive repair predates the City.

* The current business has been in existence since January of 1979.

* The Zoning Ordinance provides for a change of use from one legal nonconforming activity to another within the same classification, by means of a Use Permit.

* The Planning Commission may apply conditions to a Use Permit to make an activity more compatible with its surroundings.

V. STAFF RECOMMENDATION

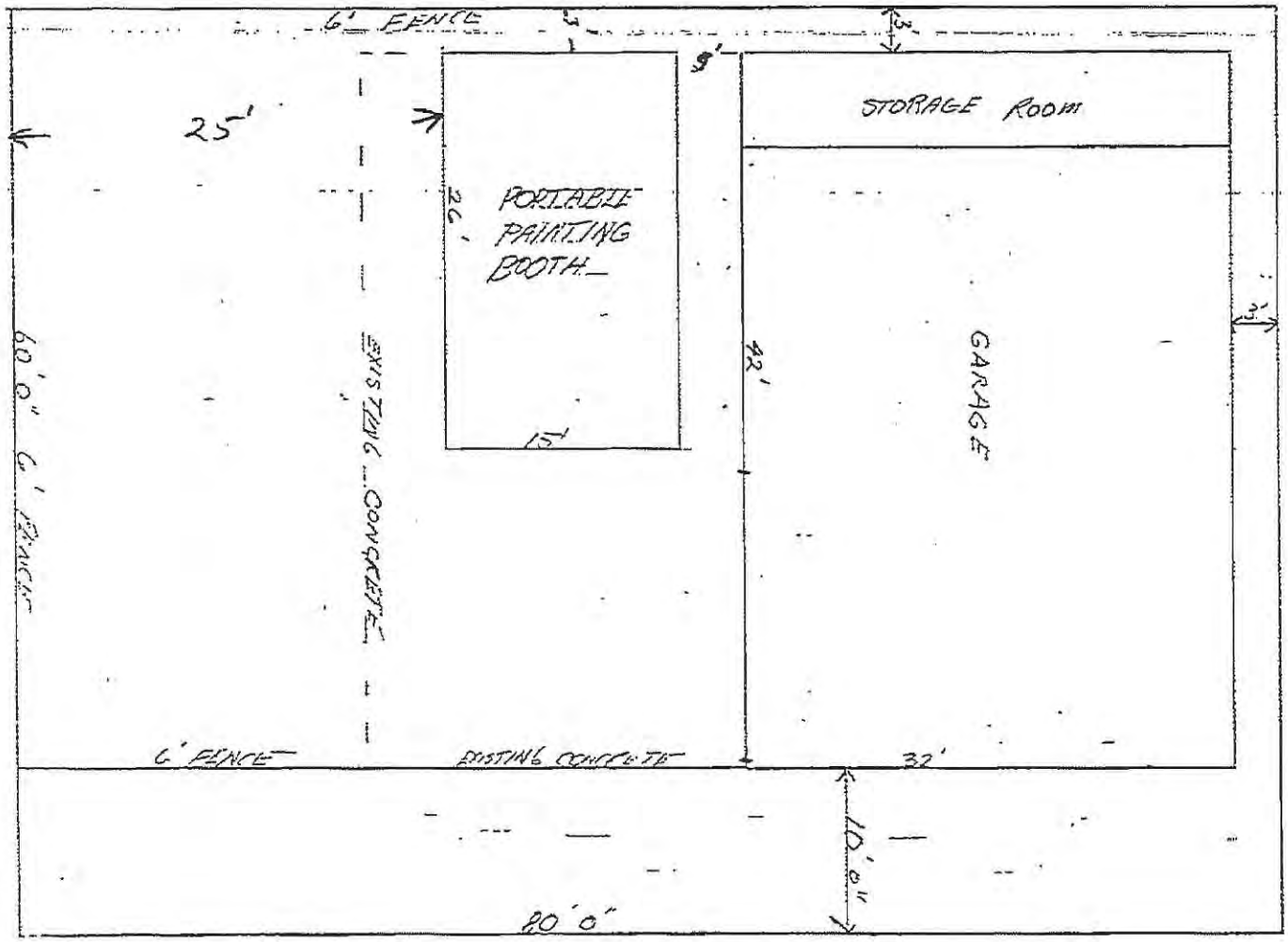
Determine if the nonconforming use change is a similar classification of use, and take action by Resolution.

A draft Resolution has been prepared which may be modified to reflect the Commission action taken. Staff has also furnished a list of suggested approval conditions.

MC/nc

Attachments:
- Plot Plan
- Spray Booth illustration
- Draft Resolution
- Suggested Approval Conditions

EXHIBIT D



340 JAMAICA

DALE REDDELL CONSTRUCTION INC.
P.O. BOX 1026 MIDDLETOWN, CT. 06457

APPROVED
COMMUNITY DEVEL. DEPT.
SRB:
P.C. 8-3-81 RESO. NO. 33-81
C.C. RESO. NO.

CASE NO. CUP 07-81
EXHIBIT 'A' PLOT PLAN

EXHIBIT E

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

RECEIVED
JAN 10 2017
City of Morro Bay
Community Development Dept.

PERMIT RENEWAL

DATE: July 18, 2016 Permit Number: 470-3

A permit renewal inspection was recently conducted at your facility and it has been determined from the inspection that the subject equipment is operated in compliance with the rules and regulations of the Air Pollution Control District. This is a renewal of the permit operating license until **June 2017**.

Please also consider this a receipt for your fees in the amount of **$130.40**.

Equipment Location: **340 Jamaica Street, Morro Bay**

San Luis Obispo County Air Pollution Control District

Please affix this note to your Permit to Operate.

EXHIBIT E

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

CONTACT REPORT

Inspection ID: 21122 **Facility:** 403 **Site:** 156

COMPANY: Auto Body Builders
340 Jamaica Street
Morro Bay CA

DATE OF MEETING: Sep 29, 2016
Follow up : Oct. 6, 2016
Oct. 11, 2016

INSPECTION CONTACT: David Crockett Code Enforcement Officer (805) 235-3721

REASON FOR INSPECTION: Permit to Operate (470)

EQUIPMENT: One (1) Sprayking paint spray booth, 24 ft. long x 14 ft. wide x 10 ft. high, with sixteen, 18" x 18" exhaust filters and one (1) 3hp exhaust fan.

FINDINGS: An office conference was held with David Crockett City of Morro Bay Code Enforcement officer in regard the auto body coating operation at 340 Jamaica Street, Morro Bay CA. District inspection report Number 20961 document a complaint response from the back fence neighbor Darrell Dobson. City of Morro Bay has also been contacted by Mr. Dobson to evaluate the increased use of the coating facility and associated paint odors.

Mr. Crockett explained that the City had approved a use variance for the commercial facility in a residential neighborhood in 1981 with the prevision that the application be renewed every five years; the application has never been renewed. The approval also included a provision that required all painting prep. work be conducted indoors. During a recent inspection by Mr. Crockett and the City Fire Marshal several violations of the current City building and fire codes including sanding being done outside of the building.

Mr. Crockett and I discussed what would trigger reevaluation of both the use permit and the District operating permit. A summary of the District's record of annual coating throughput for this facility follows:

Year	Gallons	Lbs VOC /year
2015	60.5	281.7
2014	35.1	62.4
2013	46.5	84.8
2012	48	88.0
2011	43.9	85
2010	36.6	60.7
2009	19.5	84.92

Jason Pall made an office visit on October 11, 2016 and dropped off the information requested in the October 4, 2016 District incomplete letter for the permit status change, attached. Mr. Pall stressed that he had paid the permit renewal fee and the Change of Status fee.

Mr. Pall explained he had made many improvements to the shop and property. Spray booth exhaust duct was not modified other than the filters described below. Mr. Pall has installed a computerized paint mixer which he expects will reduce his waste. He is purchasing coatings in pint size containers. One of his staff members has worked for NAPA and understands the recordkeeping required for tracking coating inventory and VOC reporting. The main reason he purchased Mr. Tapia's shop was to give him a clean works space separate from his body work/metal shop to do coating work.

Information submitted included:
A surface coating application form including Part II listing estimated coating type and amount.
Mr. Pall estimates he will use approximately 80 gallons of coating a year.

Mr. Pall explained he purchases all coating from NAPA. Included in his submittal were Material Safety Data Sheets (MSDS) for all the coating he expects to use. A summary of the estimated annual VOC emissions based on the Part II estimation and highest VOC content from the MSDS for products with a VOC content follows:

Type of Product	Estimated gallons	VOC lb/gal	Gal X lb/gal
Wax & grease remover	10	6.38	63.8
Pre-coat	5	5.34	26.7
Primer	12	2.11	25.32
Primer Sealer	12	2.05	24.6
Two Stage	6	1.2	7.2
Clear Coat	6	1.05	6.3
Multi-Stage	6	0.99	5.94
Solvent (acetone)	20	0	0
		Total	159.8

The estimated VOC is less than what was reported for the 2015 inventory year by the previous shop owner. All coating meet District Rule 423 requirements.

A manufacturer's technical data sheet describing the filters he recently installed to replace the Styrofoam baffles that were install when he purchased the facility. **The data sheet specifies 94% efficiency; Condition 6 of Mr. Tapia's permit requires 98% efficiency. In addition, the manufactures specifications set this efficiency at a face velocity of 100 fpm.**

COMPLIANCE DETERMINATION/RECOMMENDATIONS: No significant changes are proposed for equipment or throughput.

ENFORCEMENT ACTION: Evaluation for Change of Owner

INSPECTOR'S SIGNATURE: _____ **DATE:** _____
Brian Aunger

H:\OIS\ENFORCE\INSPECT\21122BHA.docx

PERMIT TO OPERATE

Number 470-3

EQUIPMENT OWNER-OPERATOR:

Auto Body Builders
340 Jamaica Street
Morro Bay, CA 93442

EQUIPMENT LOCATION:

340 Jamaica Street, Morro Bay

EQUIPMENT DESCRIPTION:

One (1) Sprayking paint spray booth, 24 ft. long x 14 ft. wide x 10 ft. high, with sixteen, 18" x 18" exhaust filters and one (1) 3hp exhaust fan.

CONDITIONS:

1. All permitted equipment shall be operated and maintained in accordance with manufacturer's specifications and recommendations and kept in good working order. All spray booths shall be approved by the local fire agency.

2. The coatings, solvents, and thinners used in any coating operation shall be limited to those specified in the application or their VOC equivalents. All coatings and solvents used at the facility shall be in compliance with the VOC limits defined in the latest version of District Rule 423, Motor Vehicle and Mobile Equipment Coating Operations.

3. Prohibited Coatings:

   a. Coatings used at this facility shall not contain cadmium, hexavalent chromium or 1,1,1-trichloroethane.
   b. Coatings used at this facility shall not contain any individual target Hazardous Air Pollutant (HAP) that is an OSHA defined carcinogen at a concentration greater than 0.1% by mass, or greater than 1.0% by mass for any other individual target HAP compound. Target HAPs include chromium (Cr), lead (Pb), manganese (Mn), and nickel (Ni).
   c. Before using a coating containing a target HAP, a written application to modify the Permit to Operate shall be submitted to the Air Pollution Control Officer (APCO) and a modified Permit to Operate issued allowing such use.

4. No person shall use a solvent for any cleaning operation if its actual VOC content exceeds 25 g/L (0.21 lb/gal), including spray equipment cleaning and substrate surface preparation. A limited exemption is allowed for the application of surface

CONDITIONS *(continued):*

preparation solvent or wax and grease remover with non-aerosol, hand-held spray bottles provided the total volume of the solvent does not exceed twenty (20) gallons per year per facility and the maximum VOC content does not exceed 780 g/L (6.5 lb/gal).

5. No spraying of coatings shall be conducted outside of the spray booth. This condition shall not apply to repair, touch-up, spot priming or jambing operations which do not exceed a total of nine (9) square feet per vehicle. All such operations shall be conducted in a controlled area such that the potential for posing a public nuisance including particulate overspray and odors is not created.

6. All coating operations, except as noted above, shall be conducted inside of the spray booth with dry filters in place and in good operating condition. The filters shall have a filtering efficiency of at least ninety-eight percent (98%), as determined by manufacturer's technical data sheet or equivalent. The ventilation system shall be in operation during all spraying operations and maintained in good working order, per manufacturer's recommendations.

7. Record Keeping:

   a. Up-to-date records shall be maintained in compliance with Subsection E of District Rule 423, Motor Vehicle and Mobile Equipment Coating Operations.
   b. Records shall be maintained on site of any paint stripper containing Methylene Chloride (MeCl) including the MeCl content and the annual usage.
   c. All required records shall be retained for at least five (5) years and made available for the APCO's review upon request.

8. If chemical paint strippers containing MeCl are used, work practices shall be utilized to minimize emissions of MeCl including:

   a. evaluating the need for paint stripping,
   b. evaluating alternative paint stripping technology that can be used,
   c. reducing exposure to air of all paint strippers containing MeCl,
   d. optimizing application conditions when using paint strippers containing MeCl (e.g. temperature as low as possible),
   e. storing paint strippers containing MeCl in closed, air tight containers, and.
   f. disposing of waste containing MeCl in accordance with all applicable federal, state, and local regulations.

9. Spray equipment shall have a minimum transfer efficiency of sixty-five percent (65%) per manufacturer's technical data sheet, manufacturer's written statement, or equivalent documentation.

10. All VOC and solvent-containing material containers shall be kept closed when not in immediate use.

CONDITIONS *(continued)*:

11. All VOC and solvent-containing materials including cloths, rags and paper from clean-up operations, coating mixing and transfer, and spills shall be stored in closed containers, approved by the local fire agency.

12. All VOC and solvent-containing wastes shall either be recycled or disposed of in accordance with applicable federal, state, and local regulations. Receipts and manifests for solid and hazardous waste hauling shall be retained for at least three (3) years and made available for APCO review upon request.

13. The APCO shall be notified and authorization obtained prior to making any changes in operating procedures, equipment, or materials used which have the potential to increase the emission of any air contaminant or which would change the equipment description or the applicability of a permit condition.

14. If the APCO determines that the operation of this equipment is causing a public nuisance, the operator/owner shall take immediate action and eliminate the nuisance.

15. All information necessary to estimate air pollution emissions shall be provided to the District upon request. This information may consist of, but is not limited to, process and device characteristics, throughput, and pollutant-release characteristics.

16. This permit is not transferable to a new owner or location without the APCO's approval. A change of ownership application shall be submitted to the APCO at least ten (10) working days prior to any change in the person or agency that is responsible for the operation of the equipment described above. An authority to construct application must be submitted and approved by the APCO prior to moving the permitted equipment to a new location.

July 5, 2011
ISSUANCE DATE

June (annually)
ANNIVERSARY

LARRY R. ALLEN
Air Pollution Control Officer

GARY E. WILLEY
Manager, Engineering Division

Application Number: 5583

H:\PERMITS\PO\5583po.doc

NARRATIVE

Source of Activity:

On 11-16-16 at approximately 1624 hours I was dispatched to 333 Island in regards to neighborhood issue over a paint and body shop.

Investigation:

On arrival I contacted (RP) [redacted] who said he has been living in Morro Bay since 1999 and moved here to smell and hear the ocean. He said in the last several years he has not been able to do so because of the paint and body shop directly behind his house.

[redacted] said the shop's air compressor is constantly running and the way the vent to the shop is set up, he can always smell the paint. [redacted] said today he started smelling a fiberglass odor coming from the shop. He asked if I could smell the odor. I advised him I could smell the odor, but I was sure the City of Morro Bay had given the owner of the shop the proper permits to operate his business. [redacted] said he had been in contact with Code Enforcement Officer Dave Crockett and he told him to report the information so it could be documented.

[redacted] said the owner of the paint and body shop took over the business about four or five months ago and is working about five or six days a week and is usually open till 5:00 or 6:00 PM. [redacted] said the prior owner (Bob) only worked about two days a week and was working with his daughter. He said the new owner has a full blown operation going.

While I was at [redacted] residence the air compressor kicked on and I could barely hear it with the door closed, but [redacted] said he usually leaves his door open so he could smell and hear the ocean. [redacted] said he is a supporter of small businesses, but does not think a business should be allowed to set up in a residential district. I advised [redacted] I would contact the owner of the paint and body shop.

On 11-16-16 at 1645 hours I contacted (IN) Jason Shane Pall at Auto Body Builders, 340 Jamica St. I advised Pall of the complaint by [redacted] Pall said this was not the first time [redacted] has complained about the Paint and Body Shop. He said the shop has been in business at the same location since 1981.

While I was in the shop I noticed Pall was not working with fiberglass; but had been sanding down bondo on a Ford Mustang.

Pall said he bought the body shop with the intent to keep it open as a paint and body shop. He said he is in compliance with the city. He said he has been working with the city on fixing other items they wanted taken care of. Pall also said he has been working with Code Enforcement Officer Dave Crockett on what need to be taken care of.

Pall said [redacted] is known as the neighborhood complainer. Pall said he has contacted most of his neighbors and they do not have an issue with the body shop being in that location. He said he has started a petition and plans on taking to a City Council Meeting.

Pall said he has all his Use Permits in order. Pall showed me his Permit Renewal from the San Luis Obispo County Air Pollution Control District, Permit # 470-3 which was posted inside the building and just outside of the enclosed paint booth.

I took photographs of the interior and exterior of the business. Photographs are attached to this case.

Disposition:

Case closed information only. Forward a copy of this report to Code Enforcement.

CONFIDENTIAL
CONTAINS PRIVILEGED INFORMATION

EXHIBIT G

AUTO BODY BUILDERS PETITION

RECEIVED
JAN 10 2017
City of Morro Bay
Community Development Dept.

We want the City of Morro Bay to allow Auto Body Builders to continue operating as a Collision and Paint business. This business has been in operation for over 35 years. The New owners have made many updates and improvements to the building and equipment. They do not impact the neighborhood negatively. We find it is great having a local small business that can fill our automotive needs. It is the only Body shop between Monterey and San Luis Obispo. One complaining neighbor should not be allowed to affect their business. Please do not close this long standing locally owned small business.

NAME	ADDRESS /PHONE	COMMENTS
1. HANK ROTH	3166 MAIN ST. M.B. 772-7586	GOOD NEIGHBORS! SHOW THEM RESPECT!
2.	1500 cork st	
3. PAULA. WILLIAMS	2920 CEDAR AVE. 772-48	

Name	ADRESS/PHONE	COMMENTS

4. Ashley McCoyer 481 Jamaica (537)-689-9195
NO Problems!

5. Duane Playa (East) (805) 888-7171
350 Jamaica St.
Morro Bay, Ca 93442 This place is next door Tommy house NO Problems! LOVE THem! The place looks great.

6. Patricia Boyle
362 Shasta
Morro Bay, CA 93442 "Best Ever"

7. Sierra Butler 2855 San Leisito Creek

8. CAROLE TRUESDALE Carole A Truesdale
331 KODIAK SR MB

9. Joan Fee
472 Panay MB Joan Fee

10. Anthony Barker 8054310769

11. NOLAN W. MEEKS 159 MINDORO ST, MORRO BAY
(406) 781-0435

12. KERRIGAN MAHAN 2225 CORAL AVE.
310-270-8377 MORRO BAY, CA.
93442

13. MELINDA L. Rapp 1345 BOLTON Dr.
Melinda L Rapp Morro Bay, CA

14. Rich Smucker 3100 Main St / Morro Bay, CA

15. alwoandra Lopardo Sipp 375 Gaines St / Cambria CA 93428
Pen Sipp

16. Janis Johnson 922 Pecho St / Morro Bay, CA 93442
Janis Johnson

17. ARBY KITZMAN 1271 LITTLE MORRO CREEK RD
MORRO BAY, CA. 93442

18. PHIL KLEIN 2525 HEMLOCK
MORRO BAY CA 93442

19. BILL HORKEY 3151 TIDE AVE 93442

20. Ron Villette 26 Deer View Ln
Templeton CA 93465
STOP ATTACKING SMALL BUSINESS!

21. Ritchie Wimmer Jim's AUTOMOTIVE
899 PINEY WAY
Shop Owner MORRO BAY, CA 93442

22.

AUTO BODY BUILDERS PETITION

We want the City of Morro Bay to allow Auto Body Builders to continue operating as a Collision and Paint business. This business has been in operation for over 35 years. The New owners have made many updates and improvements to the building and equipment. They do not impact the neighborhood negatively. We find it is great having a local small business that can fill our automotive needs. It is the only Body shop between Monterey and San Luis Obispo. One complaining neighbor should not be allowed to affect their business. Please do not close this long standing locally owned small business.

NAME	ADDRESS /PHONE	COMMENTS
1. Richard Cobbs	1395 Boston Dr. 772-1512	They worked on my car after a fire and did an outstanding job. Nice to have a local paint and
2.		repair shop.
3. Gerald Lane	404 Whidbey St 771-8676	Jason's shop has done work on my car & did an excellent job. I also had work done by the same shop by the previous owner I do not understand the problem once Jason took over. No changes were made.

Name	ADRESS/PHONE	COMMENTS
4.	Aaron Britt	772-7077 this is the only local paint shop in M.B.
5.	Jack Smith 150 Trimdon Morro Bay, CA	we need this long time business in Morro Bay.
6.	(business owner)	
7.	GARY FREEMAN @ BEST AUTO BODY / PAINT SHOP FOR THE MORRO BAY AREA. I WOULD NOT TAKE MY BUSINESS ANY WHERE ELSE. KEEP THIS SHOP IN BUSINESS!	
8.		
9.		
10.		
11.		
12.		

AMOSOS

EXHIBIT G

Diane Playan from North Morro Bay · 28 Sep

Just a heads up to my neighbors. There's a Gentleman on Island Street that called code enforcement on my neighbor and hard worker at Body Builder's on Jamaica Street. He recently took the business over that was already there. They cleaned the place up quit a bit. Put a fresh coat of paint on it and is just doing everything right. This guy on Island has posted city notices on his neighbors garage doors and really has a screw loose. This body shop has been there and employing locals since my Grandparents lived in my house. He gainfully employees and helps 8 families put food on their tables. So if a Code enforcer sees this post PLEASE understand the guy on Island is not playing with a full deck.

RANT COMPLETE :-)

Shared with North Morro Bay + 9 nearby neighborhoods in Recommendations

THANKED! 20 | REPLY 51

You, Lynn, Lori, and 17 others thanked Diane

RECEIVED
JAN 10 2017
City of Morro Bay
Community Development Dept.

Carole Truesdale from North Morro Bay · 28 Sep

Diane,

Thank you for the update; if this biz has been zoned "commercial, commercial-residential" there really is no code issues or violation.

Perhaps the gent on Island does not understand the zoning. Hopefully he will cease the harassment.

In a personal note, how is your son?

Carole T

Thank

Judi thanked Carole

Eric Morgan from East Side · 28 Sep

For him to post "City Notices" on people's garage doors requires him to trespass on private properry. This should necessitate a call to Morro Bay P.D.

Thank

Diane and Judi thanked Eric

Jamaica St.
Next Door Neighbor to the EAST

Diane Playan from North Morro Bay · 28 Sep

He's home in Visalia and I'm back in Morro Back. Thank You Carole

Thank

Judi thanked Diane

Diane Playan from North Morro Bay · 28 Sep

Ohhh, he trespassed alright. I took a photo to send to the owner. This house is Vacant and the owner lives in SLO. The owner said he came by the house a few days before and the guy was mad at him because he put his trash cans in the garage. Apparently the awful neighbor was using them weekly. I just wish everyone could mind their own business.

Thanked!
You, John, and Judi thanked Diane

Diane Playan from North Morro Bay · 28 Sep

Hello MBPD,
Here's your heads up on an unstable neighbor.
TY
Thanked!
You, Carole, Elizabeth, and 1 other thanked Diane

Jason Pall from North Morro Bay · 28 Sep

Thank you Diane. We just want to get along with our neighbors while trying to run a small family owned body shop business. This shop has been operating in this location for 37 years... I've only owned the business for 3 months. We're not doing anything different from what has been done for the the last three decades. Thank you for your support. Jason.
See 3 other comments about Auto Body Builders
Untag business
Diane, Lynn, Elizabeth, and 6 others thanked you

Diane Playan from North Morro Bay · 28 Sep

I get a little protective when it comes down to my neighbors ☹

Thanked!
You, Carole, Caroline, and 2 others thanked Diane

Lex Budge from North Morro Bay · 28 Sep

427 Oahu St.

Grandparents? You are the grand dame!
Thank
Caroline thanked Lex

Diane Playan from North Morro Bay · 28 Sep

Apparently Lex
Thank
Lex thanked Diane

Kodiak St.
N. M.B.

Carole Truesdale from North Morro Bay · 28 Sep

One of the most unique gifts from Nextdoor.com is we have the ability to reach out, help when able and stand tall together to protect our family, friends and neighborhood.
I thank you all for being there for me as I will be there for you too!
Carole T
Thanked!
You, Diane, Lynn, and 4 others thanked Carole

Bill Fageol from Morro Bay Hills · 29 Sep

Didn't the city review the situation when they issued the business license?
Thank

Diane Playan from North Morro Bay · 29 Sep

Apparently not.
Thank

Jason Pall from North Morro Bay · 29 Sep

Yes they did.. I went to the city before purchase. Was told everything is OK and no problem. I received my business license last week in the mail. The booth is certified by the county and passed ... View more

Tag a business

Diane, Carole, and Nolan thanked you

Carole Truesdale from North Morro Bay · 29 Sep

Very sorry for your mental turmoil and harassment. This stress must have taken the "wind out of your happiness" owning your own business and contributing to the economics and family in Morro Bay.
May our business thrive with success.
Kind regards,
Carole T

Thanked!

You thanked Carole

Diane Playan from North Morro Bay · 29 Sep

Jason,
Hopefully the Code Enforcers are just spinning their wheels and all will be fine. It's like they are just looking for something to do now the we hired them. GEEZE, I wish life could be simple here like it use to be :(

Thanked!

You and Hank thanked Diane

EAST Side
NORTH MORRO BAY

Eric Morgan from East Side · 29 Sep

Well we shall just have to make something good come out of this then. Jason, I have a 1997 Ford Explorer with a rusting roof. Can you help?

Thanked!

You and Diane thanked Eric

Jason Pall from North Morro Bay · 29 Sep

Yes we can.. stop on by the shop.
Tag a business
Diane thanked you

Eric Morgan from East Side · 29 Sep

You got it Jason, I'll stop by next week. It's in pretty bad shape though (just on the roof). Would be eternally grateful if you would take it on though.
Thank
Diane thanked Eric

Eric Morgan from East Side · 29 Sep

Do you have anyone that is decent with metalworking?
Thank

Eric Morgan from East Side · 29 Sep

I also have a couple of other projects for you, a 1965 Mustang Coupe and a 1987 Kawasaki Ninja that need varying degrees of attention...
Thank

Jason Pall from North Morro Bay · 29 Sep

That's what we do.. very skilled in metal work..I have a metal fabrication shop also.. stop by and I can explain in more detail..
Tag a business

Eric Morgan from East Side · 29 Sep

In that last statement you answered all of my questions. I will see you next week! I may, also, be able to help with the individual causing you issues. I am the owner of Centurion Private Security and have some good contacts in local law enforcement communities. Look forward to meeting you...
Thanked!

You, Diane, and Judi thanked Eric

← Birch Ave North M.B.

Ellen Radon from North Morro Bay · 20 Oct

Well thank you everyone and Jason because I just found a new auto body shop instead of driving to San Luis in this heat since someone backed into my car while I was on vacation.

Thanked!

You and Judi thanked Ellen

Jason Pall from North Morro Bay · 9 Nov

So the saga continues.. The city gave me a giant packet of papers today.. I have to file for a new conditional use permit and make changes to the building.. they gave me 60 days to comply and make the ... View more

See 3 other comments about Auto Body Builders

Untag business

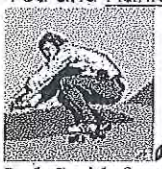
Diane and Carole thanked you

Diane Playan from North Morro Bay · 9 Nov

This is so sad and the worse part is that after the election things will probably not change. I'm so sorry and I will be happy to sign.

Thanked!

You and Hank thanked Diane



← Trinidad St. North M.B. Business owner in M.B.

Jack Smith from North Morro Bay · 9 Nov

Jason, I will stop by and sign your petition.

Thanked!

You, Diane, and Hank thanked Jack

Eric Morgan from East Side · 9 Nov

You should talk to the City Manager and see if there is appeal process. Then you might want to consult a lawyer, as well.

Thanked!

You thanked Eric

Carole Truesdale from North Morro Bay · 9 Nov

Jason,
I am really sorry you are experiencing this issue with the City.
First, you purchased an existing business from a local who had been utilizing this space for many years without issue.
Were you ... View more
Thanked!
You and Jessica thanked Carole

Jason Pall from North Morro Bay · 9 Nov

Carol, the cup was issued in 1981. It was supposed to be renewed in 1986. (30 years ago) apparently the previous owner never did this and the cup fell through the cracks of buerocracy. The previous ... View more
Tag a business

Edited on 9 Nov

Carole Truesdale from North Morro Bay · 9 Nov

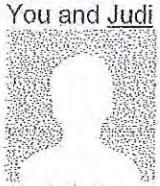
Again, I am truly sorry that you are experiencing this situation. Please seek out a good attorney to protect your interests, there has to be a plan to work with the City of MB and your business ... View more
Thanked!
You and Judi thanked Carole

Eric Morgan from East Side · 9 Nov

Give Adamski Moroski (in SLO) a call. He is an attorney that specializes in this kind of thing and comes highly reccomended by a business associate of mine that I trust implicitly...
Thanked!
You and Carole thanked Eric

Eric Morgan from East Side · 9 Nov

If nothing else he should, at least, be able to point you in the right direction.
Thanked!
You and Judi thanked Eric



Jason Pall from North Morro Bay · 9 Nov

Thanks eric.
Tag a business

Diane Playan from North Morro Bay · 13 Nov

Jason,
Is the petition ready to sign this week? I've had a few neighbor ask if they can come sign it.
Thanked!
You, Hank, and Judi thanked Diane

Jason Pall from North Morro Bay · 13 Nov

It is ready.. I will have it at the body shop to sign.. I appreciate the show of support we are receiving..
Tag a business
Diane, Hank, Judi, and 1 other thanked you

Melinda Rice from Morro Bay View · 13 Nov

I'd like to sign, they do great auto body work
Thanked!
You and Diane thanked Melinda

Melinda Rice from Morro Bay View · 13 Nov

And the convenience of their location here in MB is extra special
Thanked!
You and Diane thanked Melinda

Diane Playan from North Morro Bay · 14 Nov

Just signed the petition. They are located at 340 Jamaica Street. THEY ARE AWESOME NEIGHBORS!!! Please help us keep them.
Thanked!
You, Hank, Judi, and 1 other thanked Diane

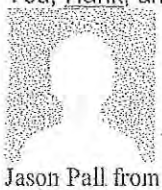
3100 main st.

Laura DeLoye from North Morro Bay · 15 Nov

This is my first post to Nextdoor and it is good to catch this string. We are direct, next door neighbors of Jason's Body Shop (and of the previous owners who we knew) - and I have no complaint on the sound levels or smell. We live upstairs in the apartment complex right next door and my at home office faces Jamaica. I also have a very good idea of the complaining neighbor. :-(I'm so sorry you are having to deal with all of this because of him!!! There have been various issues with his intrusiveness over the past 5 years. I'll come sign the petition this week, too!
Thanked!
You, Diane, Hank, and 2 others thanked Laura

Evanz Cowan from North Morro Bay · 15 Nov

Who is this guy? Does anyone have a name?
Thanked!
You, Hank, and Judi thanked Evanz



Jason Pall from North Morro Bay · 15 Nov

He does have a name.. really don't want to post it on a public forum. The house he rents is on Island and backs up to my shop. Small house with fenced yard. I'll let you guys figure out the rest. I did notify his landlord today of the problems he is causing for my business and our nice neighbors.. the more I deal with this.. the more I hear horror stories about him.. Again.... THANKS FOR ALL THE SUPPORT..
Tag a business
Diane, Hank, and Judi thanked you

Diane Playan from North Morro Bay · 15 Nov

The Code Enforcers should know this Neighbor on Island is not rational. Attorneys are expensive. Our family has own the home nextdoor to this business since 1980. It's zoned Commercial/Residential. We've never had any problems until the neighbor complained, so I think the City should back off. Jason has cleaned this place up and the City should be thanking Him.
But the expensive Code Enforcers that Morro Bay hired are totally not making it easy for our North Morro Bay businesses.
We need to stand together and if the business does go to a City Council Meeting, We need to back him up.
See more about City Council
Thanked!
You and Hank thanked Diane

Jason Pall from North Morro Bay · 15 Nov

The problem we have now is that the ball "giant boulder" is rolling with the city. They are treating it as a New business moving in because of a paperwork error 30 years ago by the previous owner. I have to file a completely new conditional use permit application with multiple sets of plans and listed improvements and need to make many expensive changes to the property. It will require planner meetings and be brought up by city council. All my neighbors will receive a mailer from the city about the apllication for the permit. Please let them know you support us.. The permit by itself is close to 6 thousand dollars and and the changes with permits close 10 thousand dollars. This could end up costing me close to 20k by the time we are done.. Thank you for your support.
Tag a business

Edited on 15 Nov
Hank and Judi thanked you

Diane Playan from North Morro Bay · 15 Nov

I wonder what was there before the previous owner? If it was a body shop They should totally Grandfather it in and call it good. I think they should anyway :-/
Thanked!
You, Hank, and Judi thanked Diane

Jason Pall from North Morro Bay · 15 Nov

It was an automotive service shop and tow yard for many years. In 1981 Bob filed for the conditional use permit was to use it as a body and paint shop. According to the city there is no such thing as

"grandfathered in" we now live in a time that is ruled by few against the wishes of many. People always say "you can't fight city hall" but I will give it one heck of a try..
Tag a business
Diane, Hank, Judi, and 1 other thanked you

Michelle/Rick Cobbs from Morro Bay View · 16 Nov

is it too bizarre to think common sense could prevail...there has to be at least one person at city hall that will realize not everything is black and white...
Thanked!
You, Diane, Hank, and 1 other thanked Michelle/Rick

Jason Pall from North Morro Bay · 16 Nov

The saga continue.. the neighbor decided to call the police on us this afternoon.. complaining about the noise and smell. We had a 4 months new officer introduced to my neighbor and us. The officer came in the shop, looked around, took my statement. We were spraying primer in the paint booth.. the officer could not smell anything. After he left(just after 5 pm) I saw the neighbor had walked around the corner to watch and see if the police came.. I am so frustrated with this guy..
Tag a business
Hank, Judi, and Nolan thanked you

Diane Playan from North Morro Bay · 16 Nov

Uuggh, My daughter and I didn't smell anything today. I must have just left for an errand. Good thing I wasn't home, I have no patience with "Tattle Tells". Especially when you aren't doing what his delusional mind thinks. My kitchen window was open, directly facing your place... couldn't smell a thing.
I probably would have made a scene and gotten into trouble if I saw him peeking around the corner :-/ ☹
Thanked!
You, Hank, and Judi thanked Diane

Diane Playan from North Morro Bay · 16 Nov

Officer Rick,
If the Code Enforcers or the new officer needs to speak with me or my daughter regarding smells or problems with anything pertaining to this call me. I'm happy to help!
I live directly next door....
Thanked!

You, Hank, and Judi thanked Diane

Jason Pall from North Morro Bay · 16 Nov

For the record. I've had a few people ask.. NO Diane Playan is not a relative or business partner etc. I have only known her the 5 months since buying the business. Her family would be the most impacted property by my business. They are directly next door, driveways are next to each other and her 2 story house looks into our shop yard. She has been a very vocal supporter of our small business. If anyone wants to come by and see what we do... feel free. Thanks for all your support neighbors. If we were not in such a great area with great neighbors, this situation would be much more difficult.. Jason

Tag a business

Diane, Hank, and Judi thanked you

Diane Playan from North Morro Bay · 16 Nov

Haha, I'm kind of protective in regards to my neighbors. But if someone's doing something wrong I'll be the first to personally let them know. That how it's suppose to be.

Thanked!

You, Hank, and Judi thanked Diane

EXHIBIT G

RECEIVED
JAN 19 2017
City of Morro Bay
Community Development Dept.

340 Jamaica Street, Morro Bay

From: <Kyle.L.Orth@wellsfargo.com>
Date: 12/08/2016 01:23PM
To: <jason@bearmetalkustoms.com>
Cc: <Nicolas.Kazarian@wellsfargo.com>

Jason,

I received a package in the mail today which included a letter drafted by Code Enforcement Officer David Crockett. The letter addresses the need for a new conditional use permit for the subject building and specifies the permit must be submitted to the City of Morro Bay Planning Department by January 7th, 2017. I am happy to hear you are working on the permit application.

I was concerned with the upcoming deadline so I immediately called Mr. Crockett. I provided Mr. Crockett with my contact information and gave him a background that Wells Fargo Bank, N.A. acquired the First Interstate Bank. Mr. Crockett gave me an overview of the issue and alerted me that a single neighbor continues to complain of noise and odor. According to Mr. Crockett, ever since you took over the company, you are painting multiple cars per day as compared to Bob's ownership and the few cars per month he painted. I am not sure what the basis of this claim was and I get the impression that Mr. Crockett has no evidence of this.

Most concerning to me is that Mr. Crockett claimed he will be advocating for the subject property to turn into residential use. I am not sure how a code enforcement officer can advocate for a specific use rather than making sure rules are followed. He went as far as saying the City of Morrow Bay has contractors ready to purchase vacant parcels for development and Morro Bay vacation rental rates are $150 to $250 per night. My response was that as Landlord I will advocate for the continued use as a auto body shop consistent with the historic use over the last 30 years. I also told Mr. Crockett that he is making the incorrect assumption that the Landlord has the funds available to tear down the existing building and build a conforming residential building. I politely told Mr. Crockett I will be in contact with you and the Landlord will be advocating for continued use as an auto body shop.

The purpose of the email is to relay the content of my conversation with Mr. Crockett and let you know that the Landlord will be advocating for the continued auto body use. Please let me (or Nick Kazarian after the 19th) know if we can help.

Thank you,
Kyle Orth

Real Estate Specialist
Assistant Vice President / Real Estate Asset Management
Wells Fargo Wealth Management | 8405 N. Fresno Street, Suite 210 | Fresno, California 93720
MAC A0827-025
Office 559.437.7648 | Cell 559.801.7322 | Fax 866-517-5916
Kyle.L.Orth@Wellsfargo.com
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EXHIBIT G

RECEIVED

FEB 01 2017

City of Morro Bay
Community Development Dept.

To: Morro Bay City Planner
From: Daryl Olsen - resident
Subj: Quality of Life
Copy to: David Carlett, Code Enforcement officer

Feb 1, 2017

My wife and I have resided on Island St. since 1999. We have enjoyed the quiet seaside life. The smell of the ocean is wonderful.

That quiet life for us is gone. We listen to an industrial compressor go on off for hours a day. The noise forces my wife and I to close many windows and doors in an attempt to lessen the constant disturbing clatter. The quiet life in our home is gone. The compressor is switched on at 8 AM each morning.

I have been in contact with Mr. Carlett for months regarding this matter. Every day for these many months my wife and I have had to endure this condition. Am I going to be forced to flee? Have we forfeited our rights to tranquility? I don't live in an industrial area, we live situated in a quiet residential neighborhood. That peace is gone!

EXHIBIT G

The auto body shop that is responsible for the most pollution also is getting my vote.

Fumes (from paint both) emitted are a daily health concern, not to mention a quality of life matter. The fumes permeate my home constantly. These fumes are toxic and flammable.

Often these fumes are so overwhelming my wife and I are forced to flee our home. Many hours are spent away from our home that we choose of our own. We are getting choked constantly. Sometimes the body shop works with fiberglass, those fumes are terrible.

Everyday we have an industrial zone pollution disrupt our quiet beach home and we must smell toxic fumes emitted from an industrial shop in a residential neighborhood.

HELP!

Daryl P. Hatton
339 Island St 434-6080

EXHIBIT G

RECEIVED

FEB 15 2017

City of Morro Bay
Community Development Dept.

EVANS COWAN, MS

February 15, 2017

To the City of Morro Bay, the City Planning Department, and the City Code Enforcement

Regarding: The offensive toxic smells and the recent increased noise of the Auto Body Builders auto body shop on Jamaica Ave. off of Main Street.

The new owner of the auto body repair shop on Jamaica Ave. just off Main Street in Morro Bay has been operating at an accelerated pace since it took over from the previous owner. The recent increased volume of repair service compared to the more "hobby-like" pattern of auto body repair, since I moved into this neighborhood 16 years ago, has become offensive to me and my family. This new/recent "production-like" pace of operations has created much more noise and often atrocious toxic smells of paint and lacquer thinners as well as the offensive smells of fiberglass resin.

There appears to be some support of this operation by associated auto enthusiasts around Morro Bay and a few sympathetic members of the community. There also appears to be an increased level of minimization by some as to the noise levels and toxic smells that come from this shop. It is a convenience of these people to minimize this so as to gain this support from others to possibly include the City of Morro Bay. It is also my belief that the standards of toxicity may, in fact, exceed the minimum standards of State and Federal EPA or the existing City codes for toxic chemicals used in a residential neighborhood (or at all for that matter). In addition, are there code issues that have been overlooked over the years? It is time to not do this if this is the case.

This is a neighborhood of homes. There are other businesses in this immediate neighborhood but NONE of these businesses emit noise and toxic smells. This auto body shop does, and on a routine basis (unlike the past owners of this body shop). It is my hope that the City of Morro Bay sees the light of this matter and does not permit the continued operation of this auto body shop in my neighborhood.

My home is on Island Street and is in extremely close proximity to Auto Body Builders. The smell and noise is noticeable from my home unlike the operations of the previous owner of this auto body repair shop.

In conclusion, it is my opinion that residents in and around this city would object vehemently to having a full functioning auto body shop operating next door or close to them. Perhaps the operation of a kitchen, a barber shop, a printing company, or even a computer repair shop, but not a auto body shop that is emitting toxic orders, grinding metal, sanding, hammering, and having an air compressor running throughout the day. The reality of this all is that there are a few people absorbed with passion about this and fail to realize that, like second hand smoke, there are extremely toxic chemicals being used, along with the noise, that make this newly operating auto body shop to not be a good fit for my neighborhood.

Evans Cowan, MS

⇌ 350 Island Street Morro Bay, CA 93442 ⇌ ec.gonccoastal@gmail.com ⇌ 805.471.6953 ⇌

EXHIBIT G

February 27, 2017

Jan Gargiulo
Morro Bay Planner

SUBJECT: Auto Body Builders, 340 Jamaica Street, Morro Bay

This morning I received a call from Roy Cinowalt who owns the nine-unit apartment complex at 3100 Main Street in Morro Bay. He has owned the property for seven years. The apartments back up to Auto Body Builders at 340 Jamaica Street.

Mr. Cinowalt called about the nuisance the residents are experiencing from the auto body shop. The vent from the paint booth is about 20 feet from the bedroom windows of the upper units. The tenants have complained to him that they can smell paint fumes during the day. There are five children under six years old that occupy the apartments. Mr. Cinowalt said he has concerns about the paint causing medical problems to people that breathe the fumes.

Mr. Cinowalt also complained about the compressor noise. He said, "The racket is like a barking dog." Some of his tenants work night shifts and sleep during the day. He is afraid he will lose these tenants due to the noise. He is also concerned that the smells, noise and possible fire hazard will diminish the value of his property when it comes time to sell. Every tenant in the complex has complained to him about the noise and the smells. Unit #1, which is the closest to the compressor, has the highest turn-over rate. The last tenant stayed there four months.

He also complained that the shop looks like a junk yard. It can be seen from the adjacent upper story apartments. Also, there are cars parked up and down Jamaica Street taking up parking spots.

He described the body shop being in a residential area as a "obsolete concept and a bad fit." He said the area has changed in the past years with newer homes being constructed and the body shop should find another location.

David Crockett
Code Enforcement Officer

EXHIBIT G

Joan Gargiulo

From:	John Diethelm <john@johndiethelm.com>
Sent:	Tuesday, February 28, 2017 4:09 PM
To:	Joan Gargiulo
Cc:	RAO@dtsc.ca.gov
Subject:	Case UPO-468 Morro Bay Planning commission
Attachments:	TD_FS_ABP2checklist.pdf

Dear Joanne / Morro Bay Planning Dept

Thank you for allowing me to email my written correspondence to you. I wish to comment and express my opposition to the Approval of Case UPO - 486 for the CUP of Auto Body Builders Per the Written advisement I received from the City of Morro Bay on Feb 27 2017. I am unable to attend the Public hearing on March 7th 2017. Should the CUP be approved against wishes of owners and residents I would like file an appeal.

1. I am the owner of 351 Island St, Morro Bay Rented Residence of and the Property Value is adversely effected and the tenants are effected from Noise and Air Pollution from this business that operates in a Residential neighbor hood. The type of business is incompatible in 2017 with the neighborhood where is it located. I believe previously granted exemptions from 1981 using Section 15301 Class 1 exceptions would no longer apply.

Reference
http://resources.ca.gov/ceqa/guidelines/art19.html

15301. Existing Facilities

Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption.

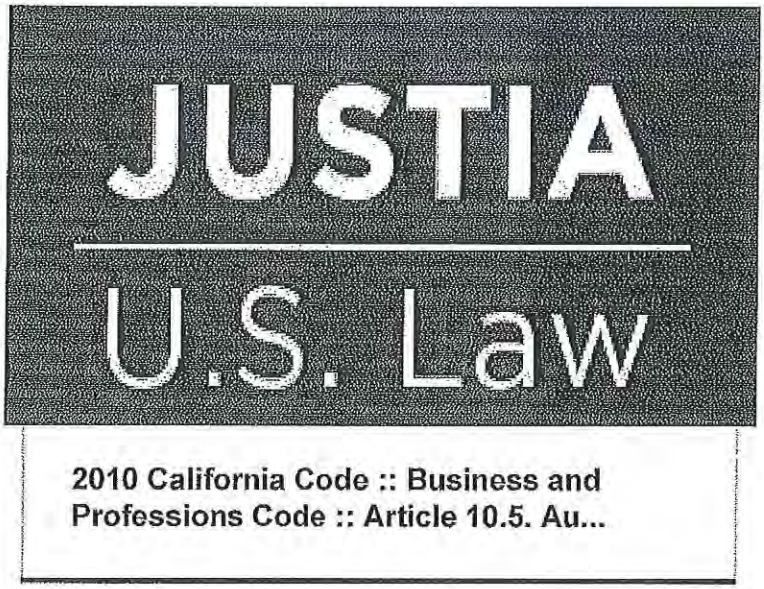
2. There is precedence in other Nearby Counties in the state of California that have ordinances on conducting Major Automotive Repairs in residential neighborhoods. The Activities of Auto Body Builders located on Jamaica St would be considered "Major" per the definitions below. The reasoning of such local codes is referenced below. A commercial Body Shop business conducting "multiple" and "major" repairs located in a residential area is shown to be contrary to all the codes listed below in a nearby county.

Reference

http://www.code-enforcement.saccounty.net/Programs/Pages/AutoRepair.aspx#Q5

It is unlawful for any person to engage in, or permit others to engage in, minor vehicle repair or maintenance in any agricultural, agricultural-residential, residential, interim estate and interim residential zones under any of the following circumstances:

1. Using tools not normally found in a residence;
2. Conducted on vehicles registered to persons, not currently residing on the lot or parcel;



Please confirm receipt of this email so I know that my written comments have been received and will be submitted to the Public Hearing.

Regards

John Diethelm
Direct 310 683 6511
www.millenniummarketingllc.com

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AGENDA NO: C-1

MEETING DATE: May 23, 2017

Staff Report

TO: **Honorable Mayor and City Council** **DATE: May 18, 2017**

FROM: **Scot Graham, Community Development Director**

SUBJECT: **Approval of Purchase and Sale Agreement for Real Property identified as 1 Jordan Terrace (Cerrito Peak); APN: 066-221-001**

RECOMMENDATION

Staff recommends the City Council authorize (i) the purchase of the property located at 1 Jordan Terrace, (APN: 066-221-001) and otherwise known as Cerrito Peak and (ii) the expenditure of $350,000 from the City's General Fund Emergency Reserve.

ALTERNATIVES

1. The Council may decide not to purchase the property.
2. Council may direct staff to alter terms of the purchase agreement in a manner directed by a majority of the Council.

FISCAL IMPACT

The agreed upon purchase price is $350,000 to be sourced from the General Fund Emergency Reserve and paid to the seller; however, at close of Escrow $85,000 will be paid back to the City by the Seller for reimbursement of City legal expenses incurred as part of the litigation involving *Save the Park, et al v. City of Morro Bay*.

Staff obtained a Brokers Price Opinion from Frankie Ciano, dated May 9, 2017, which sets value range for the property at $650,000 to $750,000 as bare dirt, without entitlement (see Attachment A).

BACKGROUND/DISCUSSION

In December of 2011, the City Council approved, on appeal, a new single-family residence on the subject property (UPO-233, CPO-285). Save the Park *et al* subsequently filed a lawsuit challenging the City's approval as not meeting environmental and other requirements. As a result of that lawsuit the land use entitlements were provisionally set aside. The court decision, which was finalized on August 4, 2015, also required several actions from the property owner before the Council could consider whether the suspended land use entitlements should be reinstated, if at all. The existing entitlements will expire, by their own terms, on September 18, 2017.

The current owner of the property is Janne Reddell, as Successor Trustee of The 2014 Daniel and Janne Reddell Revocable Trust Dated January 8, 2014. Ms. Reddell, has not completed those court-required actions, which consisted of additional environmental studies. Instead Ms. Reddell contacted the City to find out if there was any interest from the City to purchase the property.

The subject property is unique and many in the community have expressed a desire to preserve it. Due to that desire, Council directed staff to work with the property owner to purchase the property, with the

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Prepared By: ___SG____ **Dept Review:** ___SG____

City Manager Review: _____ **City Attorney Review:** __JWP_____

intended desire to maintain it in its current undeveloped state and the ultimate goal of selling the property to a private non-profit whose mission is preservation of open spaces. Staff has negotiated a purchase price with the owner of $350,000. However, at the close of escrow, $85,000 of that amount will be paid to the City as reimbursement for the legal fees the City paid to defend the above referenced lawsuit. The purchase agreement is Attachment B to this staff report.

Upon completion of this "safe keeping" deal and prior to its sale to a land preservation non-profit, the City will ask the Planning Commission to review the sale of the subject property for a recommendation on whether that sale would be consistent with the General Plan, similar to the process the City used before recently selling other properties owned by the City.

If the agreement is approved by the City, escrow is anticipated to close on or before June 8, 2017. Staff will return to the Council, at some time in the future, to formally amend the City's budget to reflect the expenditure and receipt of moneys resulting from the approval of this transaction.

CONCLUSION

Staff recommends the City Council authorize City purchase of the Cerrito Peak property for $350,000.

ATTACHMENT(S)

- **A.** Ciano Price Opinion, May 9, 2017
- **B.** Draft Purchase Agreement
- **C.** Assessors Parcel Page Map

SELLER'S REPORT

Cerrito, Morro Bay, CA 93442

Presented by

Frankie Ciano

California Appraisal License: 01412309

Mobile: (805) 748-1026 | Fax: (805) 771-9889

Ciano Real Estate, Inc.
360 Morro Bay Blvd.
Morro Bay, CA 93442

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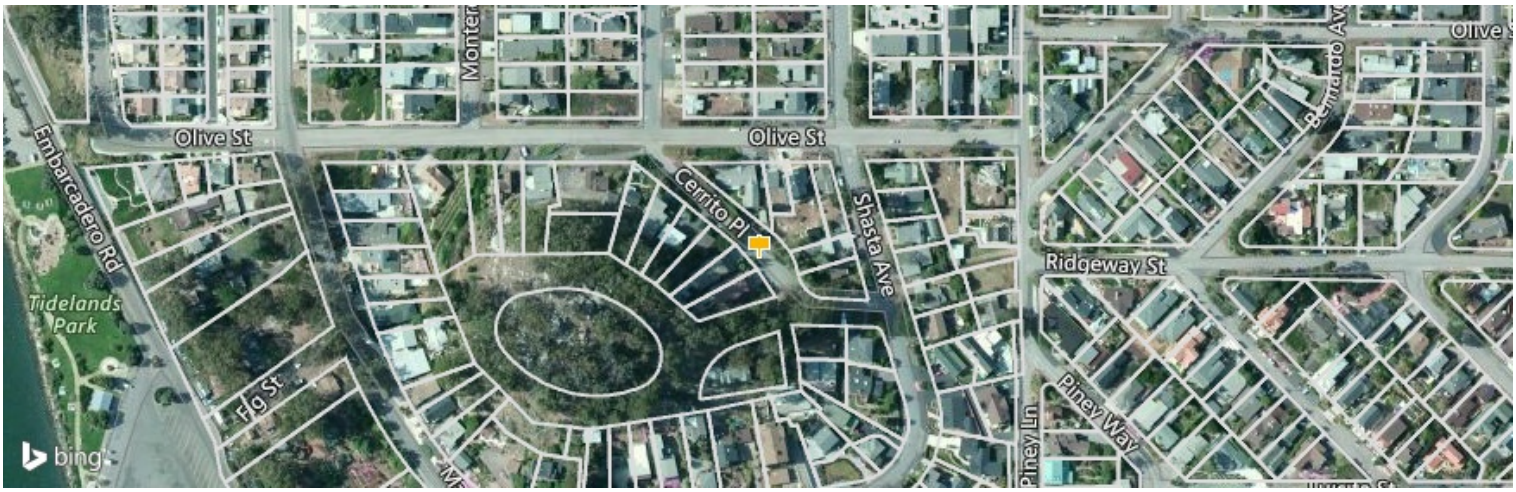
Information Deemed Reliable But Not Guaranteed. Equal Housing Opportunity.

Cerrito, Morro Bay, CA 93442



Legend: Subject Property

OFF MARKET

- *Expired*
- *MLS Listing SC1057579: 7/21/2015*

Your Comp Analysis

$700,000

Last Edited: 5/9/2017

– Price per Sq. Ft.

Your Comp Analysis Range

$650,000 – $750,000

This report contains data and information that is publicly available and/or licensed from third parties and is provided to you on an "as is" and "as available" basis. The information is not verified or guaranteed. Neither this report nor the estimated value of a property is an appraisal of the property. Any valuation shown in this report has been generated by use of proprietary computer software that assembles publicly available property records and certain proprietary data to arrive at an approximate estimate of a property's value. Some portions of this report may have been provided by an RPR user; RPR is not responsible for any content provided by its users. RPR and its information providers shall not be liable for any claim or loss resulting from the content of, or errors or omissions in, information contained in this report.

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Home Facts

Public Remarks

Unique mountain Top Building Site with All City Facilities Nearby. Park-like Setting with Trees and huge boulders. Pano Coast Views. This is A One Acre Site Surrounded by City Road Easement. With Building Plans. Has Conditional Use Permit UPO-233 and Coastal Development Permit CPO-285 . 2 more reports still needed.

Home Facts	Public Facts	Listing Facts	Realtor Refinements
Property Type	–	**Lot/Land**	–
Property Subtype	–	**Land**	–
Bedrooms	–	–	**0**
Total Baths	–	–	**0**
Full Baths	–	–	**0**
Living Area (sq ft)	–	–	**0**
Lot Size	–	**1.01 acres**	**0.82**

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Property Photos

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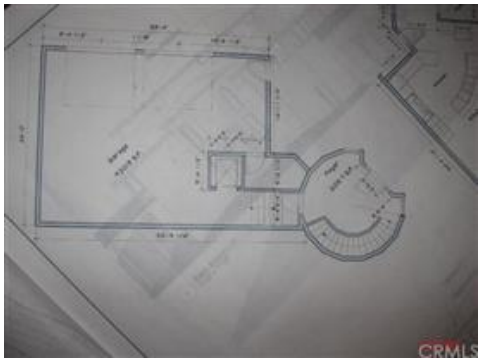

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Historical Photos

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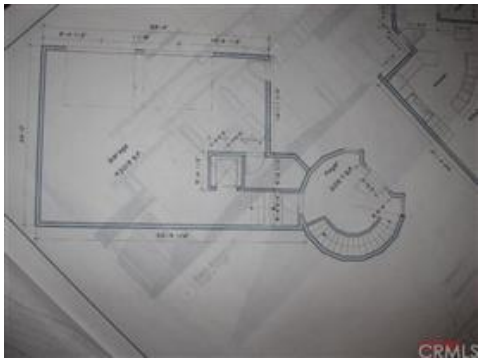

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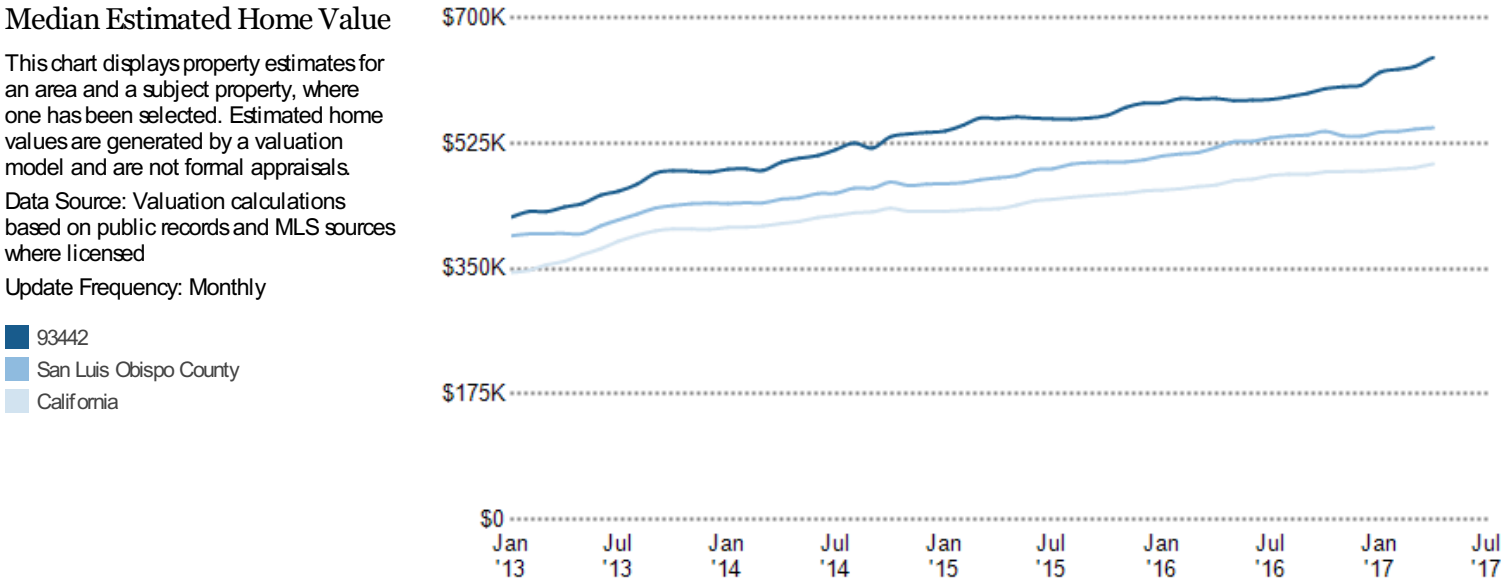
Property History

Median Estimated Home Value

This chart displays property estimates for an area and a subject property, where one has been selected. Estimated home values are generated by a valuation model and are not formal appraisals.

Data Source: Valuation calculations based on public records and MLS sources where licensed

Update Frequency: Monthly

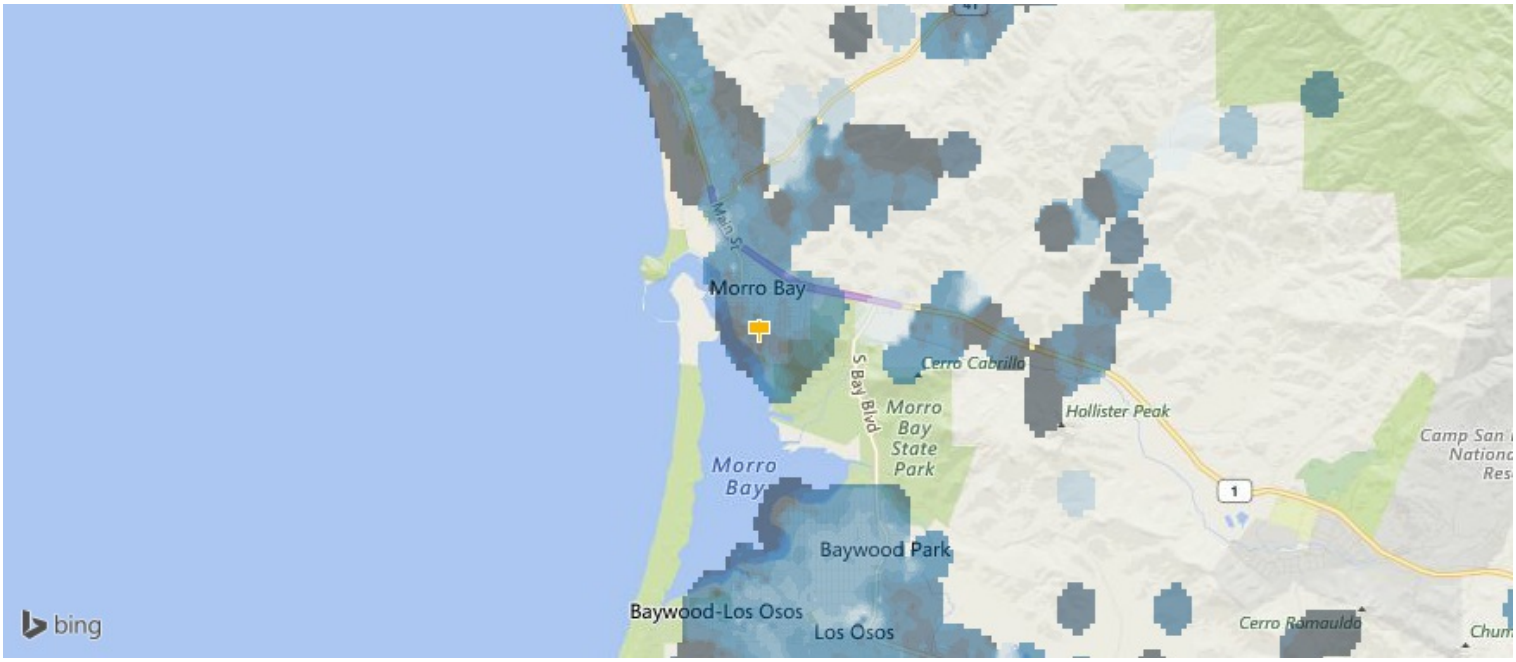


Legal Description

Parcel Number:	Zoning:	Census Tract:	Abbreviated Description:	City/Municipality/Township:
–	–	–	–	Morro Bay, CA 93442

Market Activity for 93442

Estimated Home Values



This map layer shows the average estimated home values, based on the AVMs and RVMs® for properties in an area. Source(s): Public records and MLS data where licensed; updated Quarterly.

Market Snapshot

Compared with Last Year: May 09, 2016 vs. May 09, 2017

Median Est. Home Value	Median Est. Listing Price	Median Days in RPR	Sales Volume
$645K	$649K	100	12
Up 9.7%	Up 10.2%	Up 42.9%	Up 50%

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Listing Price vs. Sales Price

This chart displays the average percentage difference between the listing and selling price, compared by length of time properties were for sale in this market.

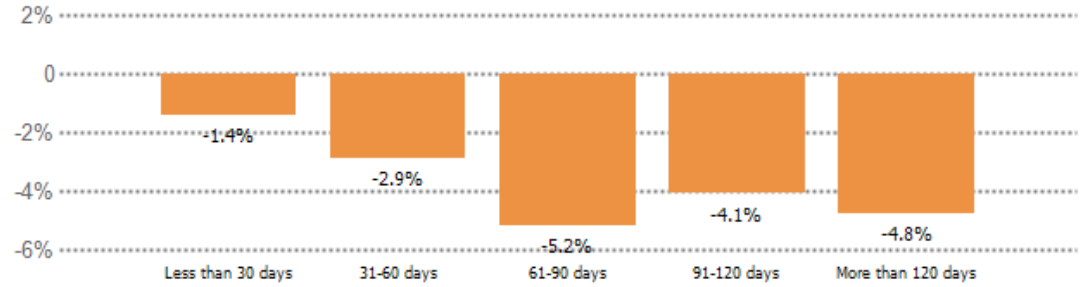
Data Source: On- and off-market listings sources

Update Frequency: Monthly

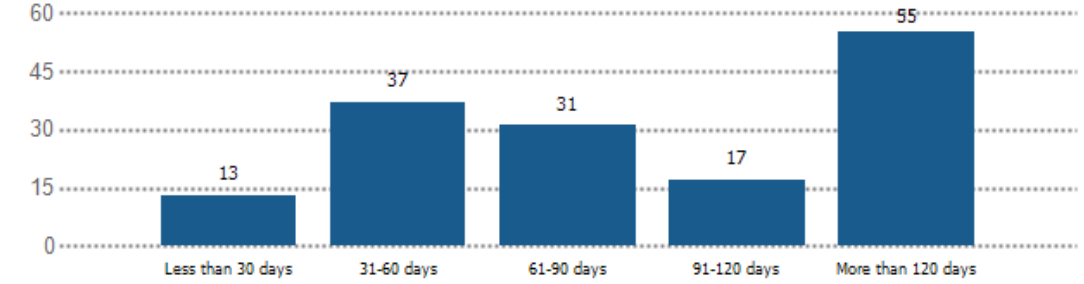
Below Listing Price

Number of Sales

Percentage Difference in Price



Number of Sales



Average Price Adjustments

This chart displays the average percentage adjustment from the original list price, compared by length of time properties have been for sale in this market.

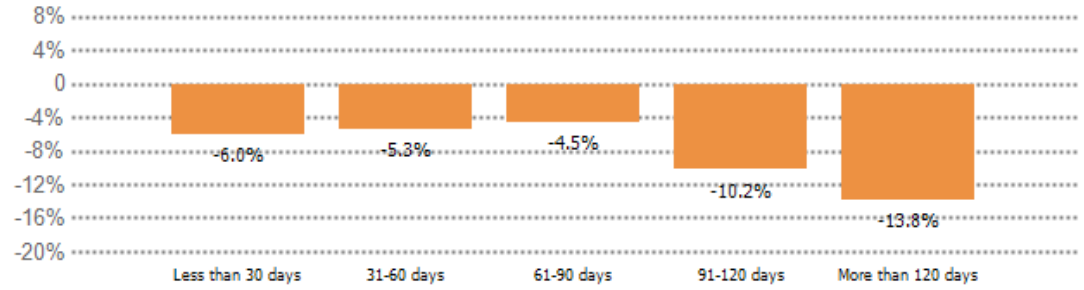
Data Source: On- and off-market listings sources

Update Frequency: Monthly

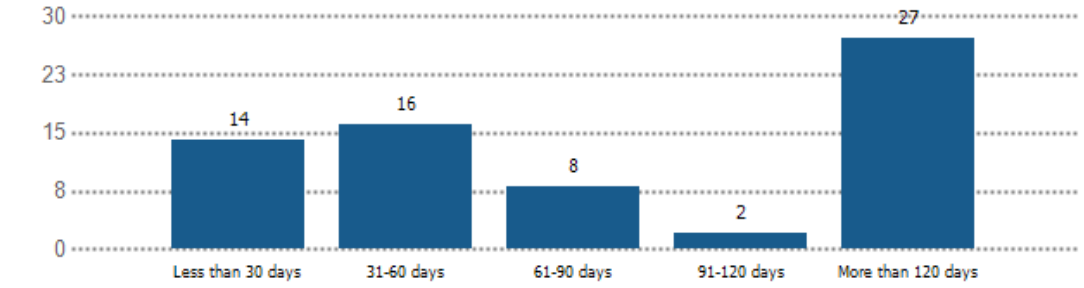
Price Adjustments (-)

Number of Price Adjustments - All Listings

Percentage Change in Listing Price



Number of Price Adjustments - All Listings



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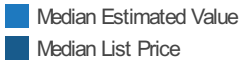
Market Health Charts and Comparisons

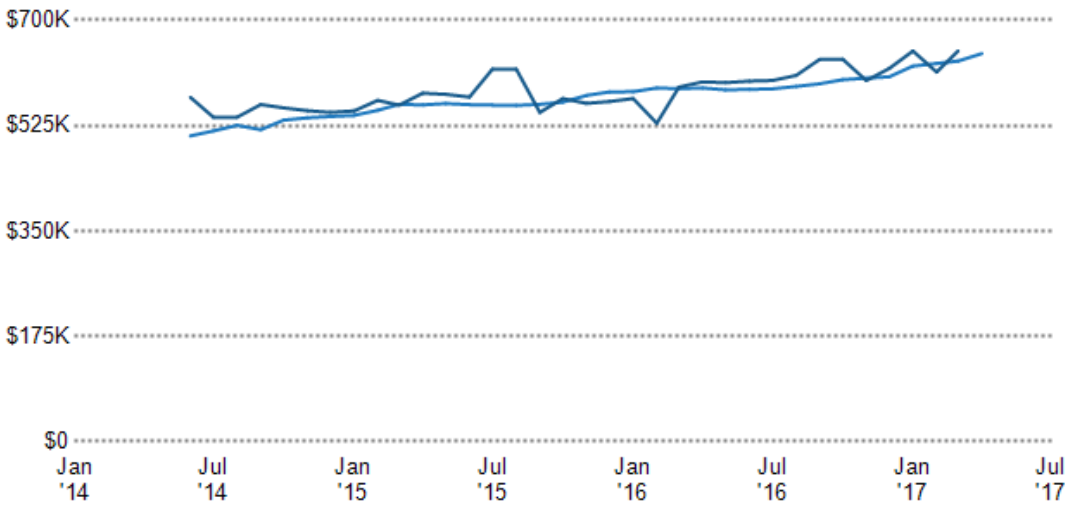
Median Estimated Home Value vs. Median Listing Price

This chart compares a ZIP code's median estimated home value with its median listing price. Estimated home values are generated by a valuation model and are not formal appraisals.

Data Source: Public records data; listing price data from on- and off-market listings sources

Update Frequency: Monthly



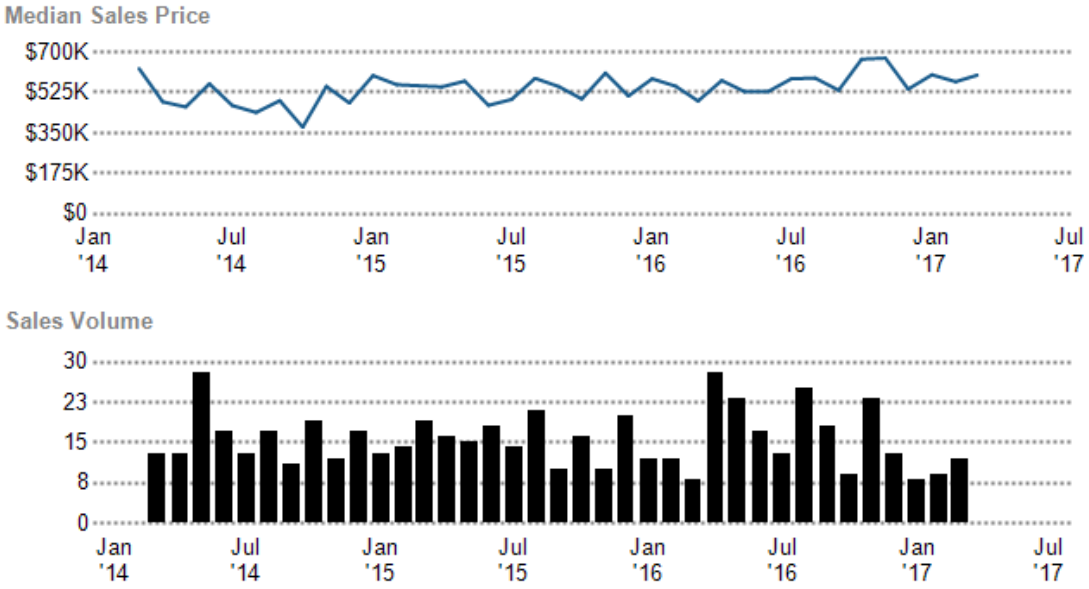


Median Sales Price vs. Sales Volume

This chart compares the price trend and sales volume for homes in an area. Home prices typically follow sales volume, with a time lag, since sales activity is the driver behind price movements.

Data Source: Public records data

Update Frequency: Monthly



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Median Listing Price vs. Listing Volume

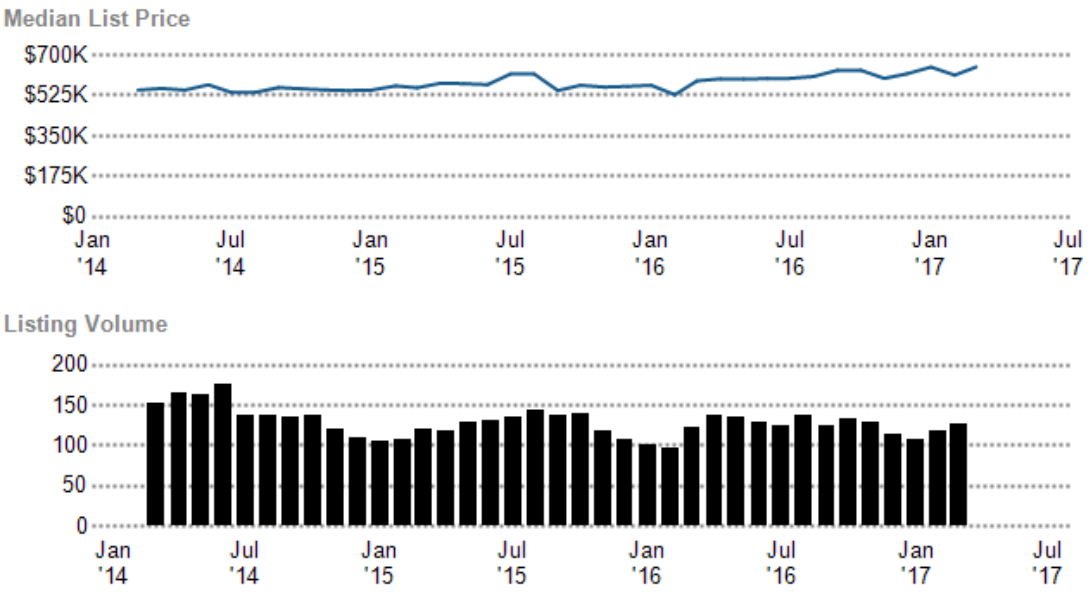
This chart compares the listing price and listing volume for homes in an area. Listing prices often follow listing volume, with a time lag, because supply can drive price movements.

Data Source: On- and off-market listings sources

Update Frequency: Monthly

Median List Price

Listing Volume



Listing Inventory

This chart shows the number of active listings in a ZIP code.

Data Source: On- and off-market listings sources

Update Frequency: Daily

ZIP Count Listings by Property Type

Price Range of Homes Sold

This chart shows the distribution of homes reported sold in the past six months within different price ranges in the area of your search. The amount shown for the subject property is sold data where available, or the property's estimated value when sales data are unavailable (such as a non-disclosure state) or provided in range format.

Data Source: Public records data

Update Frequency: Monthly

Comps

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Number of Bedrooms in Homes Sold

This chart shows the distribution of homes reported sold in the past six months, according to the number of bedrooms, in the area of your search.

Data Source: Public records data

Update Frequency: Monthly

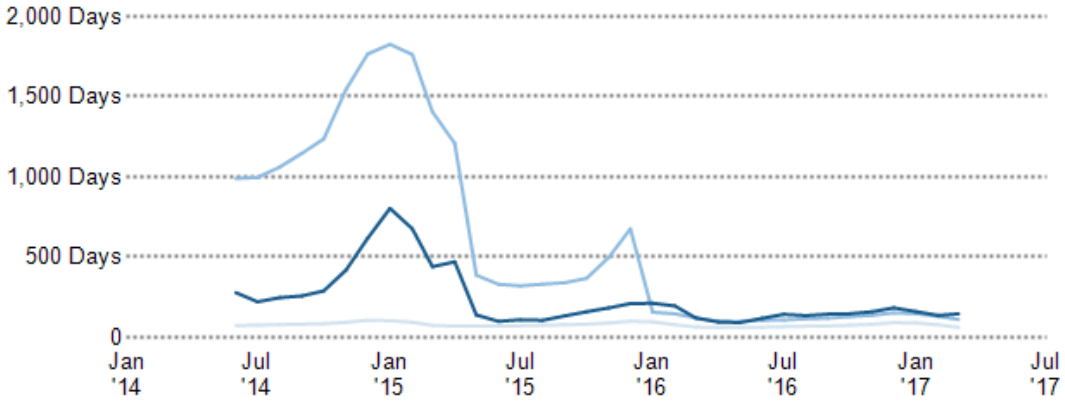
Sales Count by Bedroom

Median Days in RPR

This chart shows how long homes are listed on RPR before their status is converted to sold. The median is calculated for all homes sold in a given month.

Data Source: On- and off-market listings sources

Update Frequency: Monthly



93442

San Luis Obispo County

California

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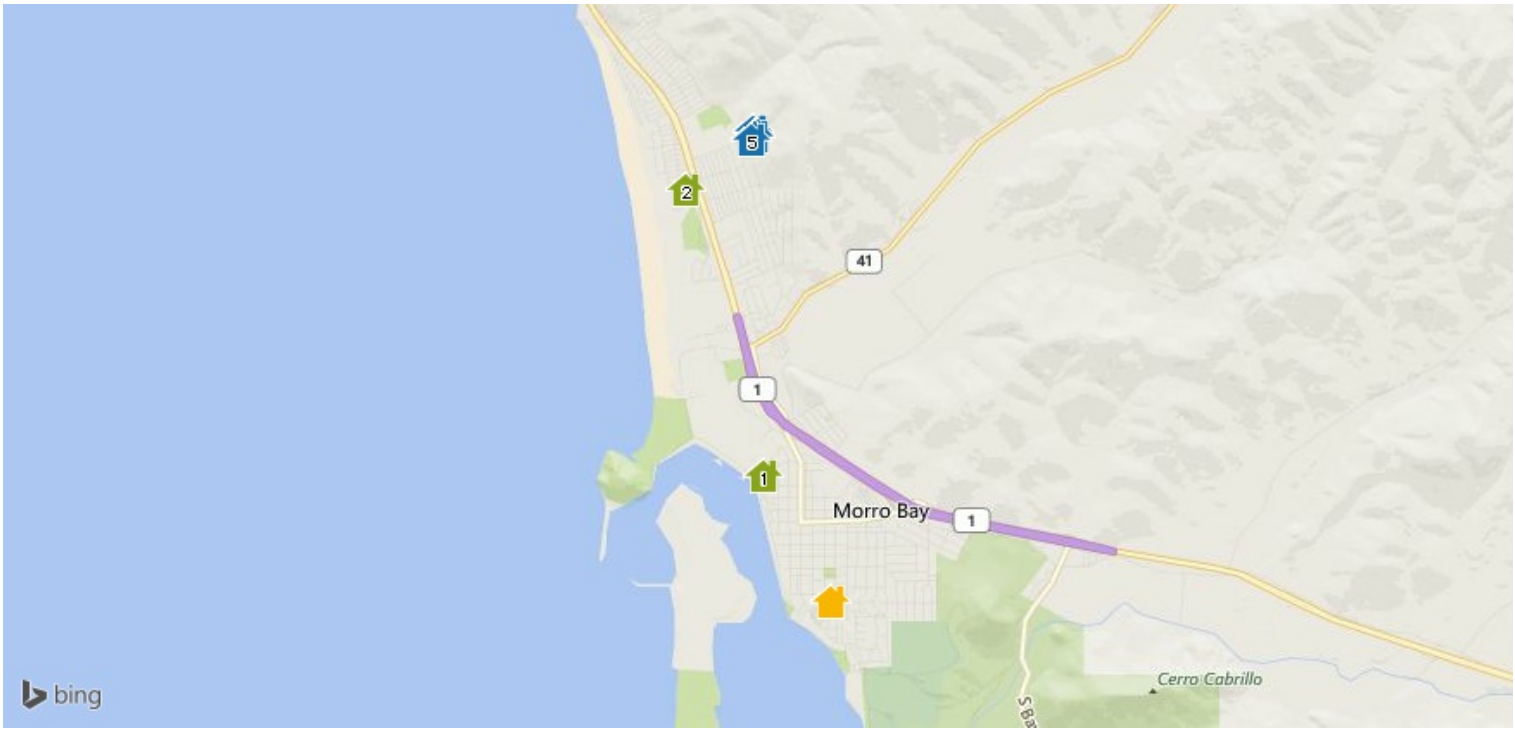
Comps Map



LEGEND: Subject Property | Pending | Active | Distressed | Recent Sale | Off Market

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Comps Selected by Agent

Address	Cerrito Morro Bay, CA 93442	1169 West St Morro Bay, CA 93442	2783 Coral Ave Morro Bay, CA 93442	670 Sequoia Ct Morro Bay, CA 93442	650 Sequoia Ct Morro Bay, CA 93442
Status	Subject Property	1 Recently Sold	2 Recently Sold	3 For Sale	4 For Sale
Amount	–	$550,000 Sold Price	$799,000 Sold Price	$480,000 List Price	$480,000 List Price
Recording Date	–	9/30/2016	10/6/2016	–	–
Days in RPR	300	109	504	218	218
Price Per Sq. Ft.	–	–	–	–	–
Bedrooms	0	–	–	–	–
Total Baths	0	–	–	–	–
Partial Baths	–	–	–	–	–
Total Rooms	–	–	–	–	–
Living Area	0	–	–	–	–
Lot Size	0.82	8,610 sq ft	1.07 acres	0.46 acres	0.58 acres
Year Built	–	–	–	–	–
Living Area Range (low)	–	–	–	–	–
Living Area Range (high)	–	–	–	–	–
Property Type	Lot/Land	Lot/Land	Lot/Land	Lot/Land	Lot/Land
Property Subtype	Land	Land	Land	Land	Land
Proximity	–	.8 Mi.	2.44 Mi.	2.67 Mi.	2.64 Mi.
MLS ID	*SC1057579*	*SC1067947*	*SC1055347*	*SC1071757*	*SC1071759*
Listing Broker	*Listing Courtesy of BAYSHORE REALTY*	*Courtesy of HAVEN PROPERTIES - MAIN STREET*	*Courtesy of CIANO REAL ESTATE INC.*	*Listing Courtesy of FRANKLIN REAL ESTATE & RENTALS*	*Listing Courtesy of FRANKLIN REAL ESTATE & RENTALS*
Description	Unique mountain Top Building Site with All City Facilities Nearby. Park-like Setting with Trees and huge boulders. Pano Coast Views. This is A One Acre Site Surrounded by City Road Easement. With Building Plans. Has Conditional Use Permit UPO-233 and Coastal Development Permit CPO-285 . 2 more reports still needed.	Location, location, location. Views of the ocean, the bay, the rock, and the waterfront from this last vacant lot on west street on the bluff above the embarcadero. Lot is zoned r2pd-sp. A duplex or a large family home with a casita? lot description: 42.86' by 206'	Builders and investors!!! one acre beachside parcel in the renowned custom single family residential cloisters development with huge potential investment opportunity, morro bay's most prestigious neighborhood! featured nationally in coastal living magazine, the cloisters encompasses 84 acres, with 57 acres of open space preserve, a one acre public park, and over two miles in bicycling and walking trails, including beach access. Upon the initial offering, all 120 homes and sites at the cloisters sold in no time. Now, a once in a lifetime opportunity opens up again! call re…	Nice building site for a custom home in a very upscale neighborhood with homes in the million dollar range. Lot description: irregular	Over a half acre available to build your custom home in a million dollar tract. Plans for 3,600 sq ft home included in the purchase price. Lot description: irregular

Highlighted fields were changed by agent to reflect knowledge of this property.

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Comps Selected by Agent

Address	Cerrito Morro Bay, CA 93442	646 Sequoia Ct Morro Bay, CA 93442			
Status	Subject Property	For Sale			
Amount	–	$480,000 List Price			
Recording Date	–	–			
Days in RPR	300	218			
Price Per Sq. Ft.	–	–			
Bedrooms	0	–			
Total Baths	0	–			
Partial Baths	–	–			
Total Rooms	–	–			
Living Area	0	–			
Lot Size	0.82	0.57 acres			
Year Built	–	–			
Living Area Range (low)	–	–			
Living Area Range (high)	–	–			
Property Type	Lot/Land	Lot/Land			
Property Subtype	Land	Land			
Proximity	–	2.62 Mi.			
MLS ID	*SC1057579*	*SC1071760*			
Listing Broker	*Listing Courtesy of BAYSHORE REALTY*	*Listing Courtesy of FRANKLIN REAL ESTATE & RENTALS*			
Description	Unique mountain Top Building Site with All City Facilities Nearby. Park-like Setting with Trees and huge boulders. Pano Coast Views. This is A One Acre Site Surrounded by City Road Easement. With Building Plans. Has Conditional Use Permit UPO-233 and Coastal Development Permit CPO-285 . 2 more reports still needed.	Million dollar homes are the norm for this tract. Got building site with over a half acre. Bring you plans, and build your custom home.			

Highlighted fields were changed by agent to reflect knowledge of this property.

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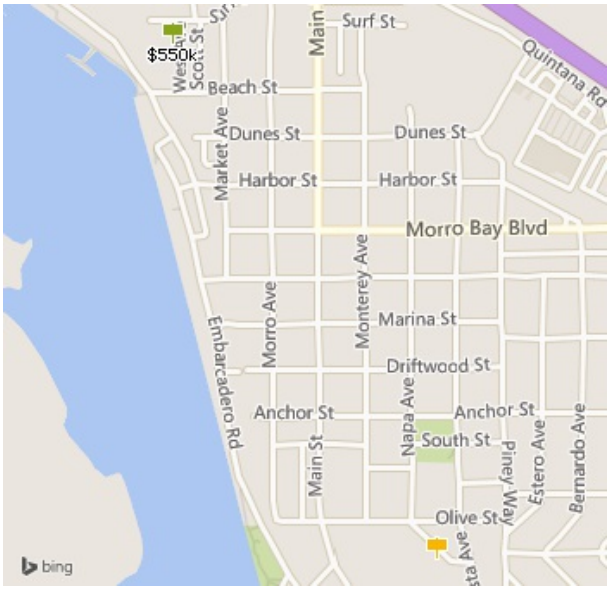
1169 West St, Morro Bay, CA 93442



LEGEND: Subject Property This Property

RECENTLY SOLD

- *Sold Date: 9/30/2016*
- *MLS Listing SC1067947: 6/13/2016*

Sold Price

$550,000

Sold Date: 9/30/2016
Days in RPR: 109

Location, location, location. Views of the ocean, the bay, the Rock, and the waterfront from this last vacant lot on West Street on the bluff above the Embarcadero. Lot is zoned R2PD-SP. A duplex or a large family home with a casita? Lot Description: 42.86' by 206'

Home Facts

Home Facts	Public Facts	Listing Facts
Property Type	–	**Lot/Land**
Property Subtype	–	**Land**
Lot Size	–	**8,610 sq ft**

Courtesy of HAVEN PROPERTIES - MAIN STREET

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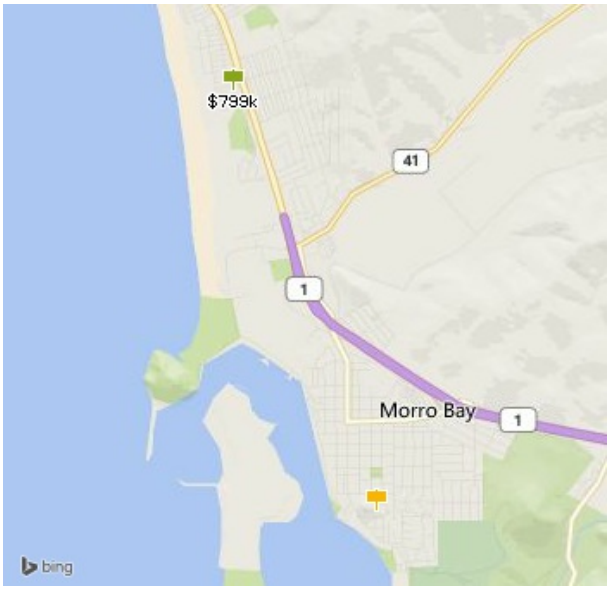
2783 Coral Ave, Morro Bay, CA 93442



LEGEND: Subject Property This Property

RECENTLY SOLD

- *Sold Date: 10/6/2016*
- *MLS Listing SC1055347: 5/21/2015*

Sold Price

$799,000

Sold Date: 10/6/2016
Days in RPR: 504

Builders and Investors!!! One acre beachside parcel in the renowned custom single family residential Cloisters development with huge potential investment opportunity, Morro Bay's most prestigious neighborhood! Featured nationally in Coastal Living magazine, The Cloisters encompasses 84 acres, with…

Home Facts

	Public Facts	Listing Facts
Property Type	–	**Lot/Land**
Property Subtype	–	**Land**
Lot Size	–	**1.07 acres**

Courtesy of CIANO REAL ESTATE INC.

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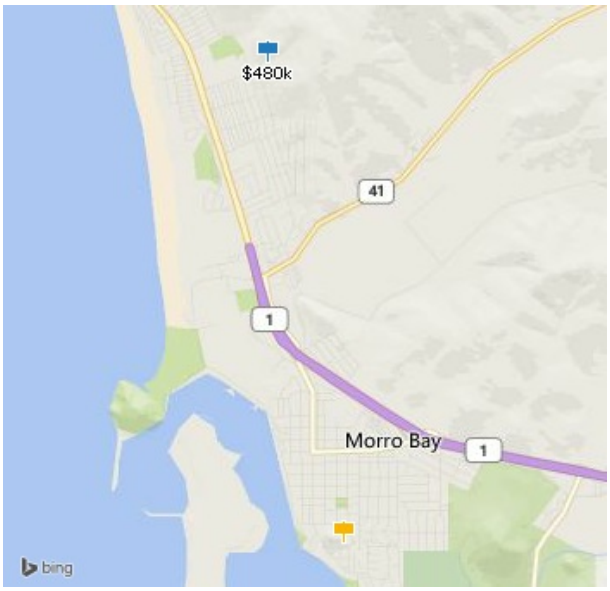
670 Sequoia Ct, Morro Bay, CA 93442



LEGEND: Subject Property This Listing

FOR SALE

• *Active: 10/3/2016*

List Price

$480,000

List Date: 10/3/2016
Days in RPR: 218

Nice building site for a custom home in a very upscale neighborhood with homes in the million dollar range. Lot Description: irregular

Home Facts

	Public Facts	Listing Facts
Property Type	**Lot/Land**	**Lot/Land**
Property Subtype	**Residential-Vacant Land**	**Land**
Lot Size	**0.46 acres**	**0.46 acres**
Lot Dimensions	**20037 SF**	**–**

Listing Courtesy of FRANKLIN REAL ESTATE & RENTALS

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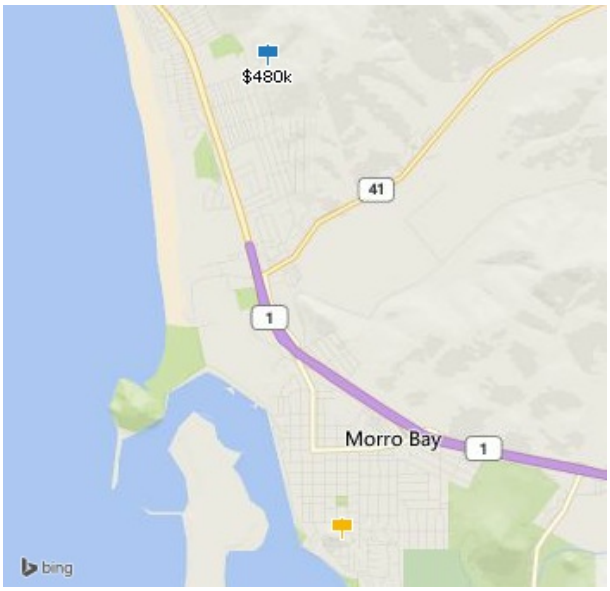
650 Sequoia Ct, Morro Bay, CA 93442



LEGEND: Subject Property This Listing

FOR SALE

• *Active: 10/3/2016*

List Price

$480,000

List Date: 10/3/2016
Days in RPR: 218

Over a half acre available to build your custom home in a million dollar tract. Plans for 3,600 sq ft home included in the purchase price. Lot Description: irregular

Home Facts

	Public Facts	Listing Facts
Property Type	**Lot/Land**	**Lot/Land**
Property Subtype	**Residential-Vacant Land**	**Land**
Lot Size	–	**0.58 acres**

Listing Courtesy of FRANKLIN REAL ESTATE & RENTALS

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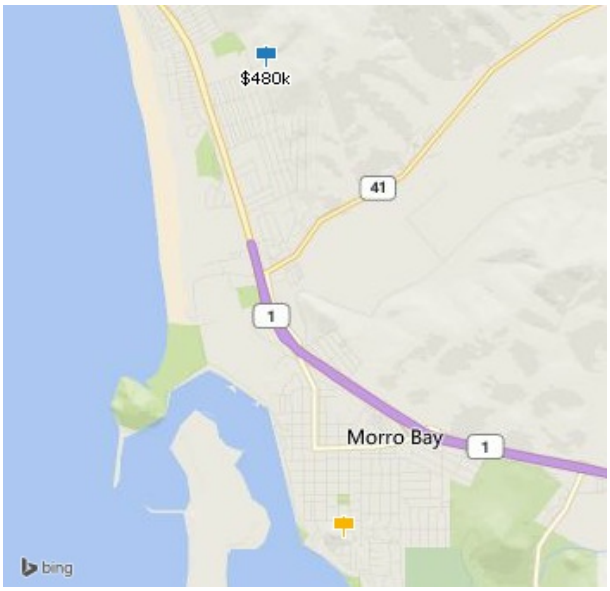
646 Sequoia Ct, Morro Bay, CA 93442



LEGEND: Subject Property This Listing

FOR SALE

• *Active: 10/3/2016*

List Price

$480,000

List Date: 10/3/2016
Days in RPR: 218

Million dollar homes are the norm for this tract. Got building site with over a half acre. Bring you plans, and build your custom home.

Home Facts

	Public Facts	Listing Facts
Property Type	**Lot/Land**	**Lot/Land**
Property Subtype	**Residential-Vacant Land**	**Land**
Lot Size	**–**	**0.57 acres**

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AGREEMENT OF PURCHASE AND SALE
AND JOINT ESCROW INSTRUCTIONS

THIS AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS ("Agreement") is made and entered into as of the ___ day of _____, 2017, by and between Janne Reddell, as Successor Trustee of The 2014 Daniel and Janne Reddell Revocable Trust Dated January 8, 2014 ("Seller") and The City of Morro Bay, a municipal corporation ("Buyer").

Buyer and Seller agree as follows:

1. Definitions For the purposes of this Agreement the following terms shall have the following meanings:

(a) "Buyer's Broker:" None

(b) "Closing" and "Close of Escrow" are terms used interchangeably in this Agreement. The Closing or the Close of Escrow will be deemed to have occurred when the Deed is recorded in the official records of the county in which the Property is located.

(c) "Closing Date" shall mean June 9, 2017; provided, that the Closing Date can be after that date if agreed to by the parties in writing.

(d) "Deed" shall mean a deed to the Property in a form substantially similar to Exhibit "B," attached hereto, conveying the Property to Buyer, duly executed and acknowledged by Seller and accepted by Buyer.

(e) "Due Diligence Investigation" shall mean any and all inquiry, investigation, testing or analysis by Buyer concerning the Property, the condition of the Property, the uses to which the Property may be put and any other information about the Property or the Improvements.

(f) "Due Diligence Period" shall mean that period of time beginning on the Effective Date and ending on June 8, 2017.

(g) "Effective Date" shall mean the date of the Opening of Escrow.

(h) "Escrow" shall mean the arrangement between Buyer, Seller and Escrow Holder under which documents, money and other items described in this Agreement will be held by Escrow Holder until the occurrence of certain events or conditions.

(i) "Escrow Holder" shall mean Fidelity National Title Company.

(j) Exhibits:
Exhibit "A" Legal Description
Exhibit "B" Form of Deed
Exhibit "C" FIRPTA Certificate

(k) "FIRPTA Certificate shall mean a Transferor's Certificate of Non-Foreign Status in the form attached hereto as Exhibit "C."

(l) "Improvements" shall mean any and all improvements constructed on or affixed to the land which comprises the Property as well as all fixtures which are part of or attached to the improvements.

(m) "Opening of Escrow" shall mean the date on which, after the execution of this Agreement by Buyer and Seller, Escrow is opened with Escrow Holder by delivering to Escrow Holder an executed copy of this Agreement and the notice described in Paragraph 4., below, is received by the parties.

(n) "Owner's Broker." None.

(o) "Permitted Exceptions" shall mean a lien for real property taxes and assessments not then delinquent, matters of title respecting the Property approved by Buyer, accepted by Buyer or waived by Buyer in accordance with this Agreement and matters affecting the condition of title to the Property created by or with the written consent of Buyer.

(p) "Property" shall mean that certain real property located in the City of Morro Bay County of San Luis Obispo, State of California, commonly known as Cerrito Peak (APN 066-221-001), and more particularly described in Exhibit "A," attached hereto.

(q) "Purchase Price": The Purchase Price for the Property is $350,000.00.

(r) "Title Company" shall mean Fidelity National Title Company;

(s) "Title Policy" shall mean an ALTA Standard Coverage Policy of title insurance with coverage in an amount equal to the Purchase Price showing title vested in Buyer subject only to the Permitted Exceptions and the standard printed exceptions and conditions in the policy.

2. Purchase and Sale Upon and subject to the terms and conditions set forth in this Agreement, Seller agrees to sell to Buyer and Buyer agrees to buy from Seller the Property and the Improvements and Seller agrees to transfer to Buyer (i) any interest which Seller may have in any of the rights, benefits, privileges, easements, tenements and hereditaments appurtenant to the Property, (ii) Seller's rights, easements or other interests, if any, appurtenant to the Property in and to adjacent streets, alleys and rights-of-way, or other property abutting the Property, and (iii) all of Seller's, interest, if any, in water rights, wells, well rights and well permits, water and sewer taps, sanitary or storm sewer capacity or reservations and rights under utility agreements with any applicable governmental or quasi-governmental entities or agencies with respect to the providing of utility services to the Property. (All references to the Property herein shall also include the Improvements.)

3. Purchase Price and Fulfillment of Obligations Related to *Save the Park, et al v. City of Morro Bay* The Purchase Price for the Property shall be paid by Buyer, to Escrow Holder, in cash, by confirmed wire transfer or by certified or cashier's check collectible in same-day funds, two Buyer-business days prior to Close of Escrow; provided, that the Parties understand and agree $85,000 of the Purchase Price will be paid to Buyer at the Close of Escrow to reimburse Buyer for legal costs incurred due to that certain matter titled and numbered *Save the Park, et al v. City of Morro Bay,* CV 120085. With that payment, all indemnification obligations of Seller related to that matter shall be resolved and met and each and every previous agreement regarding that indemnification shall be null and void. Buyer agrees, subsequent to payment by Seller to Buyer of $85,000 for legal costs incurred by Buyer due to that certain matter referenced above, to indemnify and hold Seller harmless from any liability for reasonable attorney's fees and court costs assessed by a court of competent jurisdiction against the City as a direct result of the lawsuit referred to in this Paragraph 3.

4. Escrow. Escrow Holder is hereby instructed to deliver to Seller and Buyer, immediately after the Opening of Escrow, a written notice which sets forth the date of

Opening of Escrow, which notice shall conclusively establish such date. The purchase and sale of the Property will be completed through Escrow. Buyer and Seller agree to execute any additional instructions reasonably required by Escrow Holder.

5. Cancellation Fees and Expenses. In the event the Closing does not occur at the time and in the manner provided in this Agreement because of the default of one of the parties, the non-defaulting party has the right to cancel Escrow by written notice to the defaulting party and to Escrow Holder. All escrow and title cancellation costs will be paid by the defaulting party.

6. Deliveries to Escrow Holder

6.1 By Seller On or prior to the Closing Date, Seller will deliver or cause to be delivered to Escrow Holder the following items:

(a) The Deed.

(b) The FIRPTA Certificate.

(c) A closing statement executed by Seller consistent with the terms of this Agreement in the form required by Escrow Holder.

6.2 By Buyer On or prior to the Closing Date, Buyer will deliver or cause to be delivered to Escrow Holder the following items:

(a) The Purchase Price in accordance with Paragraph 3.

(b) The amount due Seller, if any, after the prorations are computed in accordance with Paragraph 12.

(c) A closing statement executed by Buyer consistent with the terms of this Agreement in the form required by Escrow Holder.

6.3 By Buyer and Seller. Buyer and Seller will each deposit such other instruments as are reasonably required by Escrow Holder or otherwise required to close Escrow. In addition, Seller and Buyer hereby designate Escrow Holder as the "Reporting Person" for the transaction pursuant to Section 6045(e) of the Internal Revenue Code.

7. Condition of Title

7.1 Preliminary Title Report. Seller shall order a preliminary title report for the Property from Title Company within five Buyer-business days following the Effective Date.

7.2 Buyer's Review of Title. Buyer agrees to review the preliminary title report promptly within ten Buyer-business days after receipt. In the event Buyer objects to an exception contained in the title report, Buyer shall within ten Buyer-business days of receipt of the tile report deliver written notice to Seller specifying any exception to which Buyer reasonably objects. If Buyer fails to deliver such notice within such ten-day period, then Buyer shall be deemed to have approved all exceptions to title contained in the title report. Seller shall have until Close of Escrow to attempt to cure any disapproved title exception but Seller shall have no obligation to expend any sum of money or institute litigation to cure or remove any exception. A disapproved title exception shall be considered to be cured and conclusively be deemed to be an approved title exception if such disapproved title exception (a) is removed as an exception to the title report (and will/does not appear as an exception to the Title Policy), (b) is curable by endorsement or other extended coverage or (c) is otherwise resolved to the satisfaction of Buyer. The following shall not be considered exceptions which cause title to be unmarketable: (i)

easements and encroachments not affecting the value, or restricting Buyer's intended use of the Property and (ii) reserved oil and/or mining rights. If Seller elects not to cure any disapproved title exception specified in the notice of disapproval, then Buyer may either elect to terminate this Agreement or to waive its objection to the title exception. Any exceptions deemed approved by Buyer, accepted by Buyer or waived by Buyer shall be deemed to be part of the Permitted Exceptions.

7.3 Conveyance at Closing. At the Close of Escrow, fee simple title to the Property will be conveyed to Buyer by Seller by the Deed, subject only to the Permitted Exceptions.

8. Conditions to the Close of Escrow

8.1 Conditions Precedent to Buyer's Obligations. The following conditions must be satisfied not later than the Closing Date or such other period of time as may be specified below. The conditions set forth in this Paragraph are solely for the benefit of Buyer and may be waived only by Buyer. Such waiver or waivers must be in writing and delivered to Seller as provided in Paragraph 19 hereof. If any conditions are not satisfied on or before the Closing Date, and Buyer has not waived the unsatisfied conditions, Seller will not be deemed to be in default.

8.1.1 Representations, Warranties and Covenants of Seller. Seller will have duly performed each and every agreement to be performed by Seller hereunder and, subject to the provisions of Paragraph 9, Seller's representations, warranties and covenants set forth in this Agreement will be true and correct as of the Closing Date. Failure to perform any such agreement shall entitle Buyer to cancel Escrow, in which case the cancellation costs shall be borne solely by Seller. In such event, Buyer shall only be entitled to avail itself of the remedy set forth in paragraph 20.1 of this Agreement.

8.1.2 Seller's Deliveries. Seller will have delivered the items described in Paragraph 6.1.

8.1.3 Title Insurance. As of the Close of Escrow, Title Company will issue or have committed to issue to Buyer the Title Policy.

8.2 Conditions Precedent to Seller's Obligations. The following conditions must be satisfied not later than the Closing Date or such other period of time as may be specified below. The conditions set forth in this Paragraph are solely for the benefit of Seller and may be waived only by Seller. At all times Seller has the right to waive any condition. Such waiver or waivers must be in writing and delivered to Buyer as provided in Paragraph 19 hereof.

8.2.1 Representations, Warranties and Covenants of Buyer. Buyer will have duly performed each and every agreement to be performed by Buyer hereunder and Buyer's representations, warranties and covenants set forth in this Agreement will be true and correct as of the Closing Date.

8.2.2 Buyer's Deliveries. Buyer will have delivered the items described in Paragraph 6.2.

9. Property Not Warranted. No person acting on behalf of Seller is authorized to make, and by execution hereof, Buyer acknowledges no person has made any representation, agreement, statement, warranty, guaranty or promise regarding the Property. Buyer acknowledges it is solely responsible for conducting any due diligence with respect to the Property.

9.1 Due Diligence Period.

9.1.1 Matters To Be Reviewed. Buyer must complete its Due Diligence Investigation and approve of the same within the Due Diligence Period. Seller will allow Buyer and/or its agents reasonable access to the Property during normal business hours to perform any and all investigations and inspections desired by Buyer, upon 48-hours' advance request made by Buyer; provided, however, Buyer shall not conduct any invasive testing such as Phase 2 environmental testing, and obtaining and testing core samples of the Improvements except with the prior written consent of Seller, which consent shall not be unreasonably withheld. Any request by Buyer to conduct invasive testing shall be accompanied by a detailed report identifying the agents to be engaged, the testing to be conducted and the purposes to be served by the testing. Following any such entry, unless otherwise directed in writing by Seller, Buyer shall return the Property to the condition it was in prior to such entry, including the recompaction or removal of any disrupted soil or material as Seller may reasonably direct. All such inspections and tests and any other work conducted or materials furnished with respect to the Property by or for Buyer shall be paid for by Buyer as and when due and Buyer shall indemnify, defend, protect and hold harmless Seller and the Property of and from any and all claims, liabilities, demands, losses, costs, expenses (including reasonable attorney's fees), damages or recoveries, including those for injury to person or property, arising out of or relating to any such work or materials or the acts or omissions of Buyer, its agents or employees in connection therewith. Buyer's obligations under this Paragraph 9.1.1 to pay its own investigative costs, restore the Property and indemnify Seller from and against the same shall survive any termination of this Agreement. To the extent Seller is in actual possession of any reports or studies concerning the Property, Seller shall make its files available for Buyer's inspection at Morro Bay City Hall within three (3) business days following the Effective Date and will promptly provide copies of any items requested by Buyer.

Buyer may, at any time prior to the conclusion of the Due Diligence Period terminate the transaction contemplated by this Agreement and shall have no further liability with respect thereto. Any such termination by Buyer must be communicated in writing to Seller, such that it is actually received by Seller by no later than 5:00 p.m. Pacific Time on the last day of the Due Diligence Period. In the event of such termination, or in the event that this Agreement is not consummated for any other reason, any reports generated by Buyer or any of its agents or those retained on Buyer's behalf, respecting the Property and/or the results of any testing or inspections thereof, shall be immediately turned over to Seller, and shall become Seller's property, and shall not be used by Buyer. If Buyer terminates this Agreement as provided in this subparagraph 9.1.1,, then Buyer shall be entitled to cancel Escrow, and any cancellation costs shall be borne solely by Seller.

9.2 Disclaimer by Seller of Any and All Warranties and Representations**.** Except as expressly provided in this Agreement, Seller disclaims any and all representations or warranties, express or implied, about the Property or its value or matters affecting the Property, including, without limitation:

(a) habitability of the Property;

(b) suitability of the Property for any use;

(c) the physical condition of the Property;

(d) title to or the boundaries of the Property;

(e) fitness of materials used on the Property, or that they are free from defects;

(f) maintenance or construction of, or improvements made on the Property were done in workman-like manner, according to sound engineering and construction standards, or in compliance with applicable laws;

(g) pest control matters;

(h) soil condition;

(i) compliance with the Americans With Disabilities Act of 1990 or other building, health, safety, land use or zoning laws, regulations or orders;

(j) structural and other engineering characteristics of the Property;

(k) condition or working order of any wiring, heating, sewage disposal system, appliances, plumbing, well, or utilities;

(l) traffic patterns;

(m) any reports or studies concerning the Property made available by Seller for Buyer's inspection pursuant to Paragraph 9.1.1; and,

(n) all other information pertaining to the Property.

10. Title Insurance At the Close of Escrow, Seller will cause Title Company to issue the Title Policy to Buyer. In the event that Buyer elects to obtain an extended coverage policy of title insurance, Buyer shall pay the difference between the cost of the extended coverage and the standard coverage.

11. Costs and Expenses

11.1 Seller. Seller will pay:

(a) 50% of the escrow fees and costs it has negotiated with Escrow Holder;

(b) Seller's share of prorations, including pro-rated rent paid by tenants currently in possession of the Property with respect to the period after Closing;

(c) Seller will pay $85,000 from the Purchase Price to Buyer pursuant to Paragraph 3., above; and

(d) all real estate transfer taxes;

11.2 Buyer. Buyer will pay:

(a) all premiums for an ALTA Standard Coverage Title Policy;

(b) all document recording charges;

(c) 50% of the escrow fees and costs Seller has negotiated with Escrow Holder.

Buyer and Seller will each pay their own legal and professional fees and fees of other consultants incurred by Buyer and Seller, respectively. All other costs and expenses will be allocated between Buyer and Seller in accordance with the customary practice in the county in which the Property is located.

12. Prorations

12.1 Taxes and Assessments. All non-delinquent real estate taxes and assessments on the Property will be prorated as of the Close of Escrow based on the actual current tax bill, except, however, that Seller will pay the current installments due and payable for any special assessments taxes currently of record on the Property. Buyer will pay all installments on said special assessments taxes that are or become due after the Close of Escrow. If the Close of Escrow takes place before the real estate taxes are fixed for the tax year in which the Close of Escrow occurs, then the apportionment of real estate taxes will be made on the basis of the real estate taxes for the immediately preceding tax year applied to the latest assessed valuation. All delinquent taxes and all delinquent assessments, if any, on the Property will be paid at the Close of Escrow from funds accruing to Seller. All supplemental taxes billed after the Close of Escrow for periods prior to the Close of Escrow will be paid promptly by Seller. Any tax refunds received by Buyer which are allocable to the period prior to Close of Escrow will be paid by Buyer to Seller.

12.2 Method of Proration. All prorations will be made as of the date of Close of Escrow based on a 365-day year, or a 30-day month, as applicable.

13. Disbursements and Other Actions by Escrow Holder. At the Close of Escrow, Escrow Holder will promptly undertake all of the following:

13.1 Funds. Deduct or credit all items chargeable to the account of Seller and/or Buyer pursuant to Paragraph 11 and disburse (i) 85,000.00 from the Purchase Price to Buyer, (ii) the balance of the Purchase Price to Seller and (iii) the remaining balance of the funds, if any, to Buyer promptly upon Close of Escrow.

13.2 Recording. Cause the Deed to be recorded in the official records of the County in which the Property is located (including payment of any fee for recording) and obtain conformed copies thereof for distribution to Buyer and Seller.

13.3 Title Policy. Direct the Title Company to issue the Title Policy to Buyer.

13.4 Documents. Deliver to Buyer the FIRPTA Certificate and any other documents (or copies thereof) deposited into Escrow by Seller and deliver to Seller any documents (or copies thereof) deposited into Escrow by Buyer.

14. Joint Representations Warranties and Covenants In addition to any express agreements of the parties contained herein, the following constitute representations, warranties and covenants of each party in favor of the other:

14.1 Authority. Each party has the legal power, right and authority to enter into this Agreement and the instruments referenced herein, and to consummate this transaction.

14.2 Actions. All requisite action (corporate, trust, partnership or otherwise) has been taken by each party in connection with entering into of this Agreement, the instruments referenced herein, and the consummation of this transaction. No further consent of any partner, shareholder, creditor, investor, judicial or administrative body, governmental authority or other party is required.

14.3 Due Execution. The individuals executing this Agreement and the instruments referenced herein on behalf of each party and the partners, officers or trustees of each party, if any, have the legal power, right, and actual authority to bind each party to the terms and conditions of those documents.

14.4 Valid and Binding. This Agreement and all other documents required to close this transaction are and will be valid, legally binding obligations of and enforceable against each party in accordance with their terms, subject only to applicable bankruptcy, insolvency, reorganization, moratorium laws or similar laws or equitable principles affecting or limiting the rights of contracting parties generally.

14.5 No Marketing. Neither Seller nor Buyer shall market the Property to prospective tenants during the time period between the Effective Date and the Close of Escrow without the prior consent of the other. In addition, Buyer shall not take any action in connection with marketing the Property that would jeopardize Seller's rights or interests as owner of the Property. Neither Seller nor Buyer shall execute any leases or other contracts with respect to the Property without the prior written consent of the other, until and unless Escrow Closes as defined under this Agreement.

15. Seller's Warranties, Representations and Covenants Seller makes the following representations, covenants and warranties and acknowledges Buyer will rely on such representations, covenants, and warranties in acquiring the Property, each of which shall survive the Closing for a period of one (1) year and all claims related thereto shall be made within such one-year period:

15.1 Non-Foreign Entity. Seller is not a "foreign person" within the meaning of Section 1445(f)(3) of the Internal Revenue Code.

15.2 Pre-Closing Covenants.

(a) So long as this Agreement remains in full force and effect, without the prior written consent of Buyer, Seller will not convey any interest in the Property and will not subject the Property to any additional liens, encumbrances, covenants, conditions, easements, rights of way or similar matters after the date of this Agreement, except as may be otherwise provided for in this Agreement.

(b) Seller will not make any material alterations to the Property without Buyer's consent, which consent will not be unreasonably withheld or delayed.

(c) Seller will not enter into any contract or agreements providing for the provision of goods or services to or with respect to the Property or the operation thereof unless (i) such contracts or agreements can be terminated without penalty by the Closing Date, or (ii) Seller first obtains the written consent of Buyer, which will not be unreasonably withheld or delayed. Seller will not enter into any new leases for any portion of the Property or extend the terms of any existing leases (other than existing lease renewal or extension options) without Buyer's written consent.

16. Indemnification

16.1 Indemnification by Seller Seller agrees to indemnify, defend and hold Buyer harmless for, from and against any and all claims, demands, liabilities, costs, expenses, damages and losses, cause or causes of action and suit or suits of any nature whatsoever arising (i) from breach of representation or warranty by Seller set forth in Paragraphs 14 and 15 above or any breach of any covenant of Seller set forth in Paragraphs 14.5 and 15.2 above or (ii) from any misrepresentation or breach of warranty or covenant by Seller in this Agreement. This indemnity does not apply, however, to any item, matter, occurrence or condition which was known to or reasonably discoverable by Buyer prior to the Closing Date.

16.2 Indemnification by Buyer. Buyer agrees to indemnify, defend and hold Seller harmless for, from and against any and all claims, demands, liabilities, costs, expenses, damages and losses, cause or causes of action and suit or suits of any nature whatsoever arising (i) from a breach of any representation or warranty by Buyer set forth in

Paragraph 14 above or any breach of any covenant of Buyer set forth in Paragraph 14.5 above, (ii) out of the ownership and/or operation of the Property after the Closing Date, or (iii) from any misrepresentation or breach of warranty or covenant by Buyer in this Agreement. This indemnity does not apply, however, to any item, matter, occurrence or condition which was known to or reasonably discoverable by Seller prior to the Closing Date.

17. Disputes. To the extent permitted by law, in connection with any claim, cause of action, proceeding or other dispute concerning this Agreement (each, a "Claim"), the parties to this Agreement expressly, intentionally, and deliberately waive any right each may otherwise have to trial by jury. In the event that the waiver of jury trial set forth in the previous sentence is not enforceable under the law applicable to this Agreement, the parties to this Agreement agree any Claim , including any question of law or fact relating thereto, shall, at the written request of any party, be determined by judicial reference pursuant to the state law applicable to this Agreement. The parties shall select a single neutral referee, who shall be a retired state or federal judge. In the event that the parties cannot agree upon a referee, the court shall appoint the referee. The referee shall report a statement of decision to the court. Nothing in this paragraph shall limit the right of any party at any time to exercise self-help remedies or obtain provisional remedies. The parties shall bear the fees and expenses of the referee equally, unless the referee orders otherwise. The referee shall also determine all issues relating to the applicability, interpretation, and enforceability of this paragraph. The parties acknowledge that if a referee is selected to determine the Claims, then the Claims will not be decided by a jury.

18. Notices All notices or other communications required or permitted hereunder must be in writing, and must be personally delivered (including by means of professional messenger service) or sent by e-mail, or by registered or certified mail, postage prepaid, return receipt requested to the addresses set forth below. All notices sent by mail will be deemed received one day following the date of mailing and all notices personally delivered will be deemed received on the date delivered. All notices sent by e-mail will be deemed received on the date sent as shown on the sender's e-mail.

Notices shall be sent as follows to:

Seller: Janne Reddell as Successor Trustee of The
2014 Daniel and Janne Reddell Revocable Trust
Dated January 8, 2014
560 Morro Bay Blvd
Morro Bay, CA 93442
Attn: Janne Reddell, Successor Trustee
Telephone: (805) 772-0300
E-Mail: bayshorejanne@gmail.com

Buyer: The City of Morro Bay
595 Harbor Street
Morro Bay, Ca 93442
Telephone: (805) 772-6291
E-Mail: sgraham@morrobayca.gov

Escrow Holder: Fidelity National Title Company
780 Monterey Avenue, Suite A
Morro Bay, CA 93442
Attn: Reece Benson
Telephone: (805) 771-1920
E-mail: rbenson@fnf.com

19. Legal and Equitable Enforcement of this Agreement

19.1 Default by Seller. In the event the Close of Escrow and the consummation of the transaction contemplated by this Agreement do not occur by reason of willful and material default by Seller, Buyer, as its sole and exclusive remedy and in lieu of any other relief, will be entitled to terminate this Agreement. Buyer specifically waives its right to pursue any other remedies, including actions for damages.

19.2 Default by Buyer. IN THE EVENT THE CLOSING AND THE CONSUMMATION OF THE TRANSACTION HEREIN CONTEMPLATED DOES NOT OCCUR AS HEREIN PROVIDED BY REASON OF ANY DEFAULT OF BUYER, BUYER AND SELLER AGREE IT WOULD BE IMPRACTICAL AND EXTREMELY DIFFICULT TO ESTIMATE THE DAMAGES, WHICH SELLER MAY SUFFER. THEREFORE, BUYER AND SELLER DO HEREBY AGREE A REASONABLE ESTIMATE OF THE TOTAL NET DETRIMENT THAT SELLER WOULD SUFFER IN THE EVENT BUYER DEFAULTS AND FAILS TO COMPLETE THE PURCHASE OF THE PROPERTY, IS AND WILL BE, AS SELLER'S SOLE AND EXCLUSIVE REMEDY (WHETHER AT LAW OR IN EQUITY), AN AMOUNT EQUAL TO $1,000.00 (WHICH INCLUDES ANY ACCRUED INTEREST THEREON). SAID AMOUNT WILL BE THE FULL, AGREED AND LIQUIDATED DAMAGES FOR THE BREACH OF THIS AGREEMENT BY BUYER, ALL OTHER CLAIMS TO DAMAGES OR OTHER REMEDIES BEING HEREIN EXPRESSLY WAIVED BY SELLER. THE PAYMENT OF SUCH AMOUNT AS LIQUIDATED DAMAGES IS NOT INTENDED AS A FORFEITURE OR PENALTY WITHIN THE MEANING OF CALIFORNIA CIVIL CODE SECTIONS 3275 OR 3369, BUT IS INTENDED TO CONSTITUTE LIQUIDATED DAMAGES TO SELLER PURSUANT TO CALIFORNIA CIVIL CODE SECTIONS 1671, 1676 AND 1677. SELLER HEREBY WAIVES THE PROVISIONS OF CALIFORNIA CIVIL CODE SECTION 3389. UPON DEFAULT BY BUYER, THIS AGREEMENT WILL BE TERMINATED AND, NEITHER PARTY SHALL HAVE ANY FURTHER RIGHTS OR OBLIGATIONS HEREUNDER, EACH TO THE OTHER EXCEPT FOR THE RIGHT OF SELLER TO COLLECT SUCH LIQUIDATED DAMAGES FROM BUYER AND ESCROW HOLDER. UPON SUCH TERMINATION, SELLER SHALL BE ENTITLED TO RECEIVE $1,000.00 AS LIQUIDATED DAMAGES AS AFORESAID.

Buyer's Initials _____ Seller's Initials _____

20. Miscellaneous

20.1 Counterparts. This Agreement may be executed in counterparts.

20.2 Partial Invalidity. If any term or provision of this Agreement shall be deemed to be invalid or unenforceable to any extent, the remainder of this Agreement will not be affected thereby, and each remaining term and provision of this Agreement will be valid and be enforceable to the fullest extent permitted by law.

20.3 Waivers. No waiver of any breach of any covenant or provision contained herein will be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision contained herein. No extension of time for performance of any obligation or act will be deemed an extension of the time for performance of any other obligation or act except those of the waiving party, which will be extended by a period of time equal to the period of the delay.

20.4 Successors and Assigns. This Agreement is binding upon and inures to the benefit of the permitted successors and assigns of the parties hereto.

20.5 Professional Fees. In the event any action or proceeding is brought by either party against the other related to this Agreement, the substantially prevailing party shall be entitled to recover from the other party its costs, including but not limited to reasonable attorneys' fees, incurred in such action or proceeding, including any trial, appeal, or bankruptcy proceeding, which amounts shall be included in any judgment entered in such action or proceeding; provided, however, that if more than one matter is disputed and each party prevails as to one or more of the disputed matters, then such costs, expenses and attorneys' fees shall be awarded in proportion to the monetary values of the matters on which each party prevailed.

20.6 Entire Agreement. This Agreement (including all exhibits attached hereto) constitutes the entire contract between the parties hereto regarding the subject matter hereof and may not be modified except by an instrument in writing signed by the party to be charged.

20.7 Time of Essence. Seller and Buyer hereby acknowledge and agree that time is strictly of the essence with respect to each and every term, condition, obligation and provision hereof.

20.8 Construction. This Agreement has been prepared by Seller and its professional advisors and reviewed by Buyer and its professional advisors. Seller and Buyer and their respective advisors believe that this Agreement is the product of all of their efforts, that it expresses their agreement and that it should not be interpreted in favor or against either Buyer or Seller. The parties further agree that this Agreement will be construed to effectuate the normal and reasonable expectations of a sophisticated Seller and Buyer.

20.9 Governing Law. The parties hereto expressly agree that this Agreement will be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year hereinabove written.

"SELLER"	"BUYER"
Janne Reddell, as Successor Trustee of the 2014 Daniel and Janne Reddell Revocable Trust Dated January 8, 2014	The City of Morro Bay By _____ Jamie Irons, Mayor
_____ Jane Reddell, Successor Trustee	

EXHIBIT “A”

LEGAL DESCRIPTION OF PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

AN IRREGULARLY SHAPED PARCEL OF LAND IN THE CERRITO ADDITION TO THE TOWN OF MORRO, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, AS PER MAP FILED MARCH 14, 1888 IN BOOK A, PAGE 34 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED ON THE NORTH, SOUTH, EAST AND WEST SIDES BY JORDAN TERRACE, AS SHOWN ON SAID MAP.

APN 066-221-001

EXHIBIT “B”

FORM OF GRANT DEED

[Immediately behind this page.]

Recorded at the request of the City of Morro Bay, a municipal corporation.

When Recorded Mail to:
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

This document is recorded for the benefit of the City of Morro Bay and is therefore exempt from the payment of the recording fee pursuant to Government code Section 6103 and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

GRANT DEED

Janne Reddell, as Successor Trustee of the 2014 Daniel and Janne Reddell Revocable Trust Dated January 8, 2014 ("**Grantor**"), for and in consideration of the sum of Three Hundred Fifty Thousand and No Cents ($350,000.00) cash and other good and valuable consideration to it paid by the City of Morro Bay, California, a municipal corporation ("**Grantee**"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto the Grantee that certain tract of land ("**Land**") described in **Exhibit "A"** hereto, together with all improvements thereon and all rights and appurtenances appertaining thereto (herein collectively called the "**Property**"), and warrants the title to the same.

TO HAVE AND TO HOLD the Property and all improvements located thereon, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its legal representatives, successors, and assigns forever; and Grantor does hereby bind itself, its legal representatives, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, unto Grantee, its legal representatives, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

This Grant Deed may be executed in one of more counterparts, each of which, when so executed, shall be deemed to be an original. Such counterparts shall together constitute and be one and the same instrument.

IN WITNESS WHEREOF Grantor and Grantee have executed this Grant Deed as of the day of _____, 2017.

GRANTOR

Janne Reddell, as Successor Trustee
of the 2014 Daniel and Janne Reddell
Revocable Trust Dated January 8, 2014

_____
Jane Reddell, Successor Trustee

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

AN IRREGULARLY SHAPED PARCEL OF LAND IN THE CERRITO ADDITION TO THE TOWN OF MORRO, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, AS PER MAP FILED MARCH 14, 1888 IN BOOK A, PAGE 34 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED ON THE NORTH, SOUTH, EAST AND WEST SIDES BY JORDAN TERRACE, AS SHOWN ON SAID MAP.

APN 066-221-001

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF SAN LUIS OBISPO)

On _____ before me, _____
Here, insert Name and Title of Officer

personally appeared

_____
Name(s) of Signer(s)

_____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature of Notary Public

[SEAL]

CERTIFICATE OF ACCEPTANCE
(Government Code, Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the attached subject document to the CITY OF MORRO BAY, a municipal corporation, is hereby accepted consistent with action of the City Council on May 23, 2017 , and the CITY OF MORRO BAY as grantee consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the City's official seal, this _____ day of _____, 2017.

CITY OF MORRO BAY, a municipal corporation

By: _____
Jamie Irons, Mayor

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF SAN LUIS OBISPO)

On _____ before me, _____
Here, insert Name and Title of Officer

personally appeared

_____
Name(s) of Signer(s)

_____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature of Notary Public

EXHIBIT “C”

SELLER'S FIRPTA CERTIFICATE

CERTIFICATION OF NON-FOREIGN STATUS

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest by Union Bank, a national banking association ("Transferor"), the undersigned hereby certifies the following on behalf of Transferor:

1. Transferor is not a foreign corporation, foreign partnership, foreign trust and foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);

2. Transferor's U.S. **[tax identification/social security]** number is _____; and

3. Transferor's office address is _____.

Transferor understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statement contained herein could be punished by fine, imprisonment or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign the document on behalf of the Transferor.

Janne Reddell, as Successor Trustee.
of the 2014 Daniel and Janne Reddell
Revocable Trust Dated January 8, 2014

_____
Janne Reddell, Successor Trustee

066-22

OLIVE ST.

CERRITO (F'MLY. PALM ST.)

SHASTA PLACE

(F'MLY. JORDAN TERRACE)

(F'MLY. ALTA ST.)

(MORRO TOP)

CERRITO 221 PEAK

01 C.C. O.R. 06-022125

C.C. O.R. 11-016648

C.C. O.R. 11-016649

C.C. O.R. 06-056279

C.C. O.R. 96-031630

C.C. O.R. 96-031631

C.C. O.R. 06-037081(1)

C.C. O.R. 06-037081(2)

P.M. 33-68

ALLEY

MAIN ST.

ACCESS ESMT.

ACACIA ST.

MORRO ROCK PARK

SHASTA (F'MLY. MAGNOLIA) AVE.

PINEY WAY

FR. LOT 1 NE'LY LINE LOT 1 BLOCK 5, OF MORRO ROCK PARK

EAST LINE SE 1/4 SEC.36 T29S R10E

NE CORNER LT. 5 SEC.36 T29S R10E

1"= 100'

REVISIONS	
I.S.	DATE
NA	07-17-06
07-126	08-14-06
NA	10-06-06
12-043	07-28-11
12-043	07-29-11
NA	12-14-12
NA	12-30-14

50' 0 100' 200'

JS 06-08-99 THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.

CERRITO ADD. TO THE TOWN OF MORRO, R.M. Bk. A , Pg. 34

CC 5733.1 Page 4 of 4 AR3

CITY OF MORRO BAY
ASSESSOR'S MAP, COUNTY OF SAN LUIS OBISPO, CA.
BOOK 066 PAGE 22