



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Regular Meeting -Tuesday, March 3, 2020
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Vice-Chairperson Jesse Barron
Commissioner Michael Lucas

Chairperson Gerald Luhr

Commissioner Joseph Ingrassia
Commissioner Susan Stewart

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PRESENTATIONS

- Join the Conversation
Community Development Director, Scot Graham, will present information related to an open survey the City is conducting to receive input on citizen priorities in relation to the upcoming budget planning process.

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission 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 Commission at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the Commission respectfully requests the following guidelines and expectations be followed:

- When recognized by the Chair, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Chair, comments are to be limited to three minutes.
- All remarks should be addressed to Commission, as a whole, and not to any individual member thereof.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any 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 Planning Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Planning Commission meetings is welcome and your courtesy will be appreciated.
- The Commission in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

PRESENTATIONS

A. CONSENT CALENDAR

- A-1** Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

B. PUBLIC HEARINGS

- B-1** **Case No.:** CUP19-21 and PKG20-01
Site Location: 2820 Greenwood Avenue, Morro Bay, CA
Project Description: Request for a Conditional Use Permit (CUP19-21) and Parking Exception (PKG20-01) for a 72 sf deck addition and a 211 sf hall and stairway addition to an existing 1,396 sf non-conforming single-family home. The project has an existing non-conforming parking situation where two cars can park open and uncovered in the driveway. The site is a single-family residential property located at 2820 Greenwood Avenue in an R-1/S.2 zone. The project is outside the Coastal Commission appeal jurisdiction.
CEQA Determination: Categorically Exempt, Section 15301, Class 1(e)
Staff Recommendation: Approve with conditions
Staff Contact: Willow Urquidi, Assistant Planner, (805) 772-6270

- B-2** **Prezoning**
Site Locations: 6.27 acre lot, located at the northern edge of the City, south of Toro Creek Road and West of Highway 1 (Dog Beach). A 36.5-acre parcel (APN 073-075-002), located directly north of the City and East of Highway 1, portions of APN 073-076-016 (lots 2, 8, 7 & 6) located directly east of the City's boundary above Panorama Drive in unincorporated San Luis Obispo County (Panorama Lots)
Applicant/Project Sponsor: City of Morro Bay
Request: The City of Morro Bay is proposing to prezone a 6.27 acre portion of the beach to Open Area 1 (OA-1), a 36.5 acre parcel APN 073-075-002, and portion of parcel APN: 073-076-016 (lots 2, 8, 7 & 6) as an Agricultural (AG) zone district. Prezoning is required as a precursor to submitting an application for annexation of the sitse with the San Luis Obispo Local Agency Formation Commission (LAFCO). Once annexed, the Planning Commission will initiate proceedings for permanent zoning within 90 days after the effective date of annexation, unless action has been taken to establish permanent zoning simultaneously with annexation.
CEQA Determination: the prezoning is exempt from the California Environmental Quality Act (CEQA), as outlined in section 15061 (b)(3) as the prezoning will not include actual development and will leave the parcels with similar zoning as currently exists in the unincorporated County. No additional CEQA review is required for the prezoning action.
Staff Recommendation: Recommend approval, and forward this recommendation to the City Council for approval of the prezoning of the site.
Staff Contact: Scot Graham, Community Development Director (805) 772-6291

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on March 17, 2020 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the Department at 805-772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: www.morrobayca.gov/planningcommission or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to www.morrobayca.gov/notifyme and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

APPEALS

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$277 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

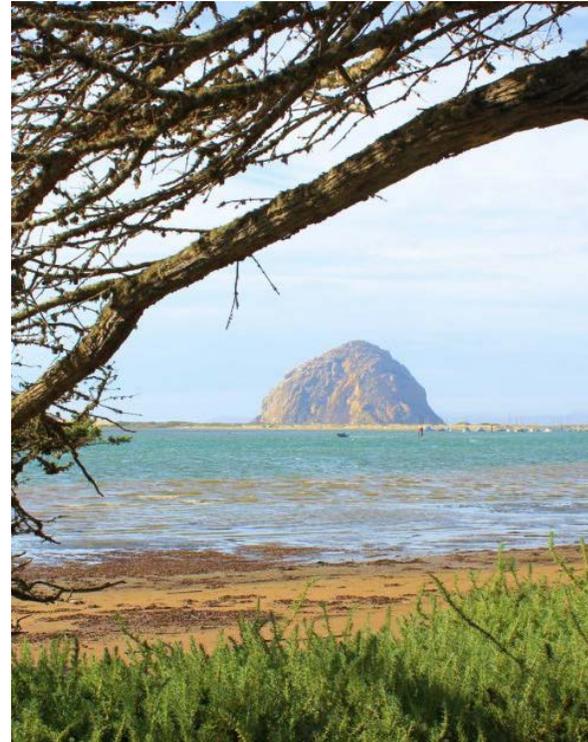
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



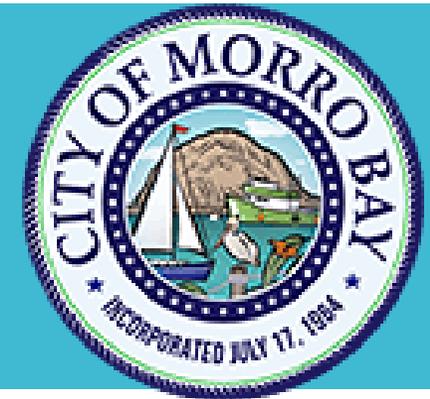
Morro Bay
California



We want to hear from YOU!
Join the Conversation!



Maintaining Our Public Safety & Quality of Life Services



**You have a
voice!**

**We want to
hear it!**

- The City of Morro Bay continually strives to maintain the quality of life you expect and deserve.
- In a survey conducted last year, residents told us that they highly value our public safety and quality of life services.
- Now we want to expand the conversation and hear from you!



Maintaining Morro Bay's Charming Character

- Many of our residents live here because Morro Bay has a small harbor town feel.
- Residents and visitors value the open space, natural areas, parks and outdoor recreational opportunities.
- We must protect Morro Bay's character by keeping our streets and waterfront safe and clean.
- Residents have also told us they want to maintain our own local police and fire departments and preserve open space and local property values.



What are your neighbors saying?

- Recently residents have identified maintaining local public safety services and keeping beaches and public areas safe and clean as top priorities.
- Residents also identified local priorities that they would like the city to continue to address, including:
 - Maintaining 24/7 911 emergency response
 - Maintaining 24/7 paramedic services
 - Maintaining 24/7 police services
 - Maintaining fire protection services
 - Keeping beaches, public areas and public restrooms safe and clean
 - Protecting Morro Bay's financial stability
 - Requiring public disclosure of all spending
 - Keeping the harbor and waterfront clean and safe



Our Locally Controlled Public Safety Services



City of Morro Bay Police & Fire Departments



- Morro Bay has our own, locally controlled Police and Fire Departments.
- Last year's Community Survey showed 81% of respondents preferred maintaining our own local Police and Fire Departments than contracting these services to outside agencies.
- The City strives to maintain these locally controlled public safety services.



Morro Bay's Fire Department Faces Significant Service Reductions

Did you know, nearly 70% of calls to the Morro Bay Fire Department are related to emergency rescue and medical emergencies?

We are actively seeking to prevent significant service reductions of our local Morro Bay Fire Department, so our skilled, local firefighter-paramedics can continue to respond to our local life-threatening emergencies.



Tourist Impacts

- Of course we encourage visitors to our small hometown community to enjoy our beaches and harbors as much as we do.
- In the past, residents have asked that visitors do their part to pay their fair share for using our services roads and beaches.
- We agree! Visitors are welcome to our community and we will continue to evaluate options to have visitors pay their fair share while visiting our community.



Join the Conversation!

- Understanding the community's priorities is a critical part of our responsible City budget and future planning process.
- We are engaging residents and stakeholders to continue to hear your priorities.
- The most important input into this process comes from YOU.



How can you
*Join the
Conversation?*

Join your neighbors and complete a survey today!

Fill out the form and hand it back to us or complete it online at: <https://www.surveymonkey.com/r/2SGTJMC>

Stay Informed and Follow Us!

Visit us at:

www.morrobayca.gov

And follow us on social media!



Dear Neighbor,

As a member of the Morro Bay Planning Commission, I am working with the City on the City's economic viability, financial stability, and the overall quality of life of our residents. The City prides itself on offering great quality of life while maintaining Morro Bay's small harbor town character. Our committee is a partner in the City's effort to continue to provide the essential city services that residents expect and deserve.

Last year, the City conducted a community survey to hear resident feedback on issues facing Morro Bay and identify community needs and service priorities. Residents identified local priorities that they would like the City to continue to address, including:

- maintaining 24/7 911 emergency response,
- maintaining 24/7 paramedic services,
- maintaining 24/7 police services,
- maintaining fire protection services,
- keeping beaches, public areas and public restrooms safe and clean,
- protecting Morro Bay's financial stability,
- requiring public disclosure of all spending, and
- keeping the harbor and waterfront clean and safe.

We live here because Morro Bay has a small harbor town feel with open space, natural areas, parks and outdoor recreational opportunities. We must protect Morro Bay's character by keeping our streets and waterfront safe and clean, maintaining our own local police and fire departments and preserving open space and local property values.

The City has launched *Join the Conversation*– a community engagement survey to hear your feedback on City service needs and priorities. I am helping to spread the word on this engagement opportunity to my networks. *If you live or do business in Morro Bay, please take a moment to share YOUR perspectives and complete a survey online at <https://www.surveymonkey.com/r/2SGTJMC>.* It will only take a couple of moments!

Thank you in advance for taking the time to *Join the Conversation* and I look forward to keeping you updated on our team efforts towards Morro Bay's fiscal stability and economic development.



City of Morro Bay
 Community Development Department
 Current & Advanced Project Tracking Sheet
 This tracking sheet shows the status of the work being processed by the Planning & Building Divisions
 New Planning items or items recently updated are highlighted in yellow.

Agenda No: A-1
 Meeting Date March 3, 2020

Approved projects are deleted on next version of log.

#	Applicant/ Property Owner	Project Address	Application Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
Hearing or Action Ready Projects:										
1	Novick	2820 Greenwood	12/31/19	CUP19-21	Enclosing access to upstairs on 2nd floor	Under review. Deemed Complete. Noticing began 2/21/20. Scheduled for 3/3/20 PC Meeting.				wu
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
2	Angelucci	953 Pacific	8/20/19	CUP19-10	459 sf 2nd story addition, new 246 sf detached garage with auto lift, 167 sf 2nd story deck, and 87 sf 2nd story view deck off of garage.	Submittal under review. Correction letter sent 9/19/19. Resubmittal under review. Discussed issues with garage setback with Applicant. Letter from soils engineer under review. Resubmittal 12/5/19 under review. Deemed complete. Project requires additional environmental review.		PN- Conditionally Approved 9/10/2018		wu
3	Salisbury	375 Cerrito	2/13/20	CDP20-002	Convert existing lower unit to accessory dwelling unit.	Under review.				wu
4	Redican	725 Embarcadero	2/21/20	MIN20-001	Minor Modification to CUP for relocation of hotel lobby, roofline modificatoin to west side of building, and redesign of pier renovation	Under review. Cj.				cj
5	Borges	1930 Main Street	4/11/19	CDP19-009	Conditional Use Permit for new mobile home park with mixed vacation rentals and long term rentals, with managers dwelling unit (permanent construction)	Deemed incomplete 5/13/19. Resubmittal received 12/5/19, under reiew. Comment letter sent 12/13/19, resubmittal requested. Resubmittal received 2/18/2020, under review.				nh
6	Loe	2605 Nutmeg Ave	2/13/20	CDP20-03	Convert Guest house in lower level of existing home to ADU	Application received 2/13/20, under review.				nh
7	Morro Bay Recovery	2460 Main Street	12/2/19	CDP19-043	Small addition to lobby, ADA improvements	Deemed incomplete 12/21/19. Resubmittal received 1/9/20. Applicant has withdrawn their request for this permit. Proceeding with ADA voluntary upgrades via building/encroachment permits)		PN-Disapproved 6/21/2019		nh
8	Shorey	1110 Marengo	12/20/19	CDP19-048	Coastal Development Permit for a new 2-story home behind an existing home which will be expanded by 450 sf.	Project deemed incomplete, comment letter sent January 7, 2020				nh
9	Bean	Unaddressed Main Street (AKA 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-047	CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street	Project deemed incomplete, comment letter sent January 7, 2020				nh

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10	Cleath	2790 Main Street	12/5/19	CUP19-17 / CDP19-044	CDP and CUP for New 8 unit hotel	Correction letter sent December 20, 2019. Resubmittal received January 9 2020, under review. Planning deemed submittal to be incomplete 1/24/2020.				nh
11	Santoianni	675 Paula Street	12/19/19	CDP19-046	CDP for Demolition of an SFR	Under review. Correction letter sent 1/15/20.				wu
12	Vistra	1290 Embarcadero	11/12/19	CDP19-041/CUP19-14	Coastal Development Permit and Conditional Use Permit for Battery Energy Storage System Project (BESS).	Under review. Incomplete Letter sent 12/11/19. Application Withdrawn 2/14/20. Project closed.				cj
13	Lawrence	2590 Hemlock Ave	10/25/19	CDP19-040	Admin CDP for Demo of existing residence, rebuild new with ADU.	Submittal under review. Correction letter sent 11/25/19.				wu
14	Gambriel	571 Embarcadero	10/14/19	MAJ19-006	Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit	CUP Amendment reviewed by PC on 12/18/18. Major Modification Request under review. Submitted correction response letter 11/13/19. cj		PN-Conditionally Approved 10/16/2019		cj
15	HASLO	405 Atascadero Road	9/24/19	CUP19-12/ PKG19-05/ CDP	Conceptual review of a proposed 35 unit affordable housing project, with community space	Scheduled for Planning Commission for conceptual review 11/5/19. PC provided input, waiting for resubmittal. Resubmittal deemed complete (1/2020). MND update in process.		PN-Conditionally Approved 10/10/2019		NH
16	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	After the fact permit application for removal of 3 sheds and possible siding treatment for transformer building.	Submittal is under review. Deemed incomplete 8-29-19. Waiting for resubmittal				nh
17	Boyko	2670 Laurel Ave	7/26/19	CDP19-027	CDP for New SFR - 2135 sf living, 505 sf garage, 160 sf lower balcony and 160 sf upper balcony	Submittal under review. Incomplete letter sent 8/19/19. Awaiting resubmittal. Second correction letter sent 10/24/19. Awaiting issue with driveway slope to be resolved with the Fire Department. Resubmittal under review.				wu
18	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	CDP for removal of major vegetation.	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				wu
19	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	Final Parcel map	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received , review comments provided 6-5-19. Disapproved 11-5-19. Modification in final parcel map required to satisfy CalTrans (2/2020). Waiting for resubmittal.		PN- Disapproved 11-6-2019		nh
20	Najarian	1339 Berwick	11/30/18	CDP 18-014	Admin CDP for new construction of SFR and ADU with attached garage	Application deemed incomplete, comments sent to applicant on 12/27/18. Confirmed that applicant plans to continue this application 1/2020.				nh
21	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	Coastal Development Permit & Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots	Under initial review. Incomplete letter sent 6/4/18. Resubmittal received 7/3/18. Additional comments sent to Applicant's Agent 8/3/18, and 8/22/18. Proposals received for environmental review. Reimbursement agreement sent to applicant for environmental review on 10/15/18. Resubmittal received 5-10-19 - comments returned 5-28-19		PN- Conditionally Approved 7/17/2018		cj

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Projects Appealed to Planning Commission or PC Continued projects:										
22	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	Coastal Development Permit & Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans. Plans resubmitted with additional information on 10-26-18. Project deemed complete. Scheduled for PC on December 18, 2018. Continued to date uncertain by PC on 12/18/18. Applicant to provide additional information.		PN- Approved 9/4/2018		
23	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		nh cj
Projects Appealed or Forwarded to City Council:										
24	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg
Environmental Review										

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25	Patel	233 Atascadero	6/13/18	CP0-581/UP0-533	CDP and CUP for New 83 room hotel on vacant 2 acre lot	Under Initial Review. Incomplete letter sent 7/13/18. Resubmitted 9/11/18. Comment letter sent 10/19/18. Environmental review required. Cj. Met with Applicant's Agents 11-8-18 to review flood plain and height requirements. Project currently overheight and does not meet parking requirements. Story poles erected on 1/3/19 and scheduled for Conceptual Review by PC to evaluate height, parking, and findings of significant public benefit as allowed under the Planned Development (PD) overlay zone. PC comments provided to Applicant after 1-15-19 meeting. Applicant considering project revisions. Environmental review in progress. MND routed to State Clearinghouse 12/23/19. Scheduled for PC review 2/4/2020.				cj
26	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
Final Map Under Review Projects										
Projects requiring coordination with another jurisdiction:										
27	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
28	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		

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Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										
29	City of Morro Bay	Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit www.morrobayca.gov/planmb . Project to be complete with documents ready for adoption and certification by end of 2019. Public draft of combined General Plan/ LCP released May 2018 for review. Working with Coastal staff on CCC input.				
30	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	Zoning Text Amendment - Second Unit	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.	No review performed.			wm
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:										
31	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		ig
Grants										
32	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		\$400,000 Grant for LCP update to address sea level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg

#	Applicant/ Property Owner	Project Address		Application Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
33	City of Morro Bay	City-wide				Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
34	City of Morro Bay	City-wide				Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
Projects in Building Plan Check:											
35	G6 Hospitality Inc.	280	Atascadero Ave.	2/7/20	B20-0025	Repair balcony		Bldg - Conditionally approved 2/10/20			am
36	Vaney	335	Arcadia	12/13/19	B19-0264	130 sq ft addition above existing attached garage & 210 sq ft waterproof deck.	Planning approved 2/20/20.				wu
37	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. cj. Requested permit extension.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
38	Alieberbach	3200	Beachcomber	12/30/19	B19-0277	Convert 100 sf of enclosed sun-room area to living space and add 67 sq ft of new living area. Demo kitchens and add 3 beams, new windows, siding, update electrical, water heater and forced air unit, misc, clean up.	Disapproved Jan 14, 2020, pending redesign or submittal of a CDP for an addition between 10 and 25% of existing home.	Bldg - Disapproved 1/31/20			nh
39	Reed	315	Bernardo Ave	2/24/20	B20-0037	Change in panel size & quantity; change of inverter & optimizer.		Bldg - Plancheck			co
40	Zine	1309	Berwick Dr	7/3/19	B19-0139	New SFR, 2871 sf living, 628 sf attached garage, & 189 sq deck.	Project on hold until planning permit obtained. Resubmittal disapproved 1/3/20. Awaiting resubmittal.	Bldg - Approved 12/16/19			wu
41	Jones	1362	Berwick Dr	8/5/19	B19-0169	Interior remodel, remove existing roof over existing garage and replace with 352 sf deck.	Disapproved 9/11/19. Awaiting resubmittal.	Bldg - Disapproved 9/4/19			wu
42	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior remodel	Under review. Disapproved 2/4/20. Awaiting resubmittal.	Bldg - Disapproved 1/15/20			wu
43	Brebes	495	Driftwood	12/20/19	B19-0269	New 3778 sf duplex homes including garages on lot with existing SFH	Pending approval of planning permits	Bldg - Disapproved 2/7/20			nh
44	McClish	2465	Elm	12/20/19	B19-0273	New detached ADU with decks	Under review. Planning approved 1/20/20.	Bldg - Disapproved 1/14/20			wu

#	Applicant/ Property Owner	Project Address		Application Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
45	City of Morro Bay	595	Embaracadero	12/31/19	B19-0278	Commercial T.I. to former Aquarium building to meet accessibility requirements, remove asbestos from 1st floor, update electrical, mechanical and plumbing, new structural shear wall, repair concrete columns, new raised deck, stairs & railing for tasking room & brewery (Three stacks & A Rock Brewing Company.	Approved. Cj.	Bldg - Disapproved 1/29/20			sg
46	City of Morro Bay	725	Embaracadero	2/21/20	B20-0036	Relocation of the lower floor lobby, modification to the bay side roof, re-design of the pier renovation plans, and redesign of the mechanical system		Bldg - Plancheck			cj
47	Monie	2577	Greenwood	1/7/20	B20-0002	109 sq ft deck replacment and deck expansion on 34 sq ft. Total new deck size shall be 149 sq ft. The project shall include a 49 sq ft staircase off the deck.		Bldg - Disapproved 1/31/20			sg
48	John & Andrea Envgall	580	Harbor	10/24/19	B19-0236	Existing commerical building alteration of a 61 sq ft concrete accessible ramp to rear bldg entrance; including accessible parking striping and signage.	Approved 10-28-19. sg.	Ready to issue			sg
49	Richardson	441	LaJolla	3/8/19	B19-0040	Kitchen, bathroom and laundry room remodel in existing dwelling.	Submittal under review. Approved 3/19/19	Bldg - Disapproved 3/15/19			nh
50	Wood	361	Main St	12/30/19	B19-0276	395 sf 2nd floor addition to existing SFR, with 183 sf of 2nd floor deck	Planning approved 1/2/2020	Bldg - Disapproved 1/29/20			nh
51	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 3/14/19		sg
52	Sonic	1840	Main St.	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
53	Shorey	1110	Marengo Dr	12/20/19	B19-0270	450 sq ft addition to guesthouse.	Disapproved pending approval of CDP19-048	Bldg - Disapproved 1/14/20			nh
54	Ladd	157-A	Mindoro	12/19/19	B19-0267	Convert existing garage space to a bedroom/bath for the main residence	Planning disapproved pending modification of existing planning permits (see MIN19-016). Planning approved.	Ready to issue			nh
55	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Under review. Disaproveed 2/4/20. Awaiting resubmittal.	Bldg - Disapproved 1/30/20			wu

#	Applicant/ Property Owner	Project Address		Application Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
56	Davis	780	Monterey	1/9/20	B20-0004	Tenant improvement, adding walls and re configuring lighting. Add 4 Solar tubes, paint, flooring, and insulation.		Bldg - Disapproved 1/31/20			sg
57	Hale	959	Monterey Ave.	2/6/20	B20-0026	Interior remodel of existing single family dwelling.	Planning approved 2/14/20.	Bldg - Plancheck			wu
58	NHC-MB LLC.	495	Morro Bay Blvd	12/31/19	B19-0275	Commercial remodel for Medical Cannabis dispensary		Bldg - Disapproved 1/27/20			sg
59	Elster	530	Morro Ave	7/9/19	B19-0142	New SFR (three levels), 2613 sf living, 734 sf attached garage, 639 sf basement & bath, 846 sf of open decks, and 318 sf covered decking. The lower level will be recessed into the existing grade to contain garage, parking areas, and basement storage spaces. See B19-0143 for attached ADU with garage.	Disapproved 7/22/19. Awaiting Minor Modification approval.	Bldg - Approved 12/16/19			wu
60	Elster	530-A	Morro Ave	7/9/19	B19-0143	New 636 sf attached Accessory Dwelling Unit (ADU) with 258 sf garage. See B19-0142 for SFR permit.	Disapproved 7/22/19. Awaiting Minor Modification approval.	Bldg - Approved 12/16/19			wu
61	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg - Approved 3/27/19			wu
62	Sinclair	484	Piney	12/10/19	B19-0262	New construction of an SFR	Under review. Planning approved 2/10/20.	Bldg - Approved 2/6/20			wu
63	Tabrizi	1000	Quintana	12/29/20	B19-0274	Commercial remodel for cannabis dispensary to include new interior walls, doors, ceilings, casework, mechanical, electrical and plumbing.		Bldg - Disapproved 1/24/20			sg
64	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
65	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Conditionally approved 1/3/20	Bldg - Disapproved 1/7/20			nh
66	Anouck Ce Bris	516-A	Shasta	12/9/19	B19-0261	520 sf st ADU with studio below; addition to SFR	Planning disapproved pending approval of CDP19-031	Bldg - Disapproved 12/26/19			nh

#	Applicant/ Property Owner	Project Address		Application Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
67	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg - Approved 3/27/19			wu
68	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg - Approved 7/10/19			nh
69	Weaver	448	Yerba Buena	1/10/20	B20-0007	Rebuild existing deck & add 48 sq ft existing deck-85 sq ft. New deck 48 sq ft. Total 133 sq ft.		Bldg - Disapproved 2/3/20			sg
Planning Projects & Permits with Final Action:											
70	Moss Lane Ventures, LLC	839 Morro Bay Blvd		5/6/19	CUP19-04/CDP 19-013	CDP and CUP for Demo existing carwash, construct new 600 sf single sided drive up coffee shop.	Application received 5-6-19 and is under review. Submittal deemed incomplete, letter sent 5-30-19. Resubmitted 6-13-19. Deemed incomplete 6-27-19. Resubmittal received October 22, 2019. Deemed incomplete 11-12-19. Deemed complete, scheduled for Planning Commission January 21, 2020. PC approved and permit was issued and not		PN-Conditionally Approved 5/16/2019		nh
71	Ladd	157 Mindoro Street		12/19/19	MIN19-016	Minor modification to existing CUP/CDP to allow a JADU in a portion of the existing garage. Property already has an ADU	Deemed complete January 2, 2020. Public noticing from January 9-20, 2020. Project approved, permit issued and not appealed.				nh
72	Le Bris	516 Shasta Ave		8/15/19	CDP19-031	New ADU partially over existing garage, storage space below.	Submittal is under review. Deemed incomplete 8-29-19. Resubmittal received 12/30/19, deemed complete. Public notice complete, permit issued, project was not appealed.				nh
73	Elster	530 Morro Avenue		12/4/19	MIN19-015	Minor modification to decks and rear wall	Under review. Deemed complete. Noticing began 1/13/20. Action date 1/24/20.				wu
74	Friesen	196 Panay St		7/23/19	LTM19-03	Addition to existing SFR requiring abandonment of existing easement.	Requires Conditional Use Permit. CUP submittal scheduled for PC 9/17/19. Approved at meeting. Lot merger under review. Correction letter sent 10/24/19. Resubmittal received 12/3/19 under review. Correction letter sent 12/20/19. Resubmittal received 12/30/19 under review. Certificate of Lot Merger recorded with the County, and Conformed Copy received.				wu
75	Sadowski	490 Java		11/21/19	CDP19-042	Admin Coastal Development Permit	Under review. Deemed complete. Action occurred 2/4/20.	Fire cond. Approved 11-26-19. mv			wu
76	Giovanni	1001 Front St		11/25/19	CUP19-15	Conditional Use Permit for Giovanni's Annual Waterfront Market	Application deemed complete. Scheduled for 1/7/20 PC Meeting.	Fire approved 11-26-19. mv	PN- Approved 11-26-2019		wu
Staff Directory: Scot Graham - sg Cidy Jacinth - cj Willow Urqudi - wu Nancy Hubbard - nh Chad Ouimet - co Abbigail Miramontes - am											



AGENDA NO: B-1

MEETING DATE: March 3, 2020

Staff Report

TO: Planning Commissioners **DATE:** February 24, 2020

FROM: Willow Urquidi, Assistant Planner

SUBJECT: **Conditional Use Permit (CUP19-21) and Parking Exception (PKG20-01)** Request for Conditional Use Permit (CUP19-21) and Parking Exception (PKG20-01) for a 72 sf deck addition and a 211 sf hall and stairway addition to an existing 1,396 sf non-conforming single-family home. The project has an existing non-conforming parking situation where two cars can park open and uncovered in the driveway. The site is a single-family residential property located at 2820 Greenwood Avenue in an R-1/S.2 zone. The project is outside the Coastal Commission appeal jurisdiction.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by approving Planning Commission **Resolution 04-20** (Exhibit A) which includes the Findings and Conditions of Approval for the project depicted on site development plans on file with the Community Development Department.

APPLICANT:

Rich and Jennifer Novick

AGENT:

Jason Buckmaster

LEGAL DESCRIPTION/APN:

CY MO OCEAN HTS 1 BL 9 LT 9 /
068-218-009



PROJECT DESCRIPTION:

Request for a Conditional Use Permit (CUP19-21) and Parking Exception (PKG20-01) for a 72 sf deck addition and a 211 sf hall and stairway addition to an existing 1,396 sf non-conforming single-family home with an existing non-conforming parking situation.

PROJECT SETTING:

The project is located within the Del Mar Neighborhood, designated as Planning Area 3 in the Local Coastal Plan, it lies within the R-1/S.2 Single-Family Residential/Special Treatment Overlay Zoning District and outside of the Coastal Commission Appeal Jurisdiction. This 4,000 sq. ft. lot is located to the north of San Joaquin Street, south of San Jacinto, east of Fir Avenue, and to the west of Hemlock Avenue. The project cannot be seen from scenic Highway 1.



Adjacent Zoning/Land Use			
North:	R-1/S.2 (Single-Family Residential/Special Treatment Overlay)	South:	R-1/S.2 (Single-Family Residential/Special Treatment Overlay)
East:	R-1/S.2 (Single-Family Residential/Special Treatment Overlay)	West:	R-1/S.2 (Single-Family Residential/Special Treatment Overlay)

Site Characteristics	
Site Area	4,000 SF
Existing Use	Existing Single-Family Residence

Terrain	Relatively flat
Vegetation/Wildlife	Ornamental Landscaping
Archaeological Resources	N/A
Access	Greenwood Avenue

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Medium Density
Base Zone District	R-1
Zoning Overlay District	S.2
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located outside of the Coastal Commission Appeal Jurisdiction

Zoning Ordinance Standards		
	Standards	Proposed
Front Setback	15'	18'7" (Existing)
Side-Yard Setback	North: 5' Shed: 1' South: 5'	North: 2.4' (Existing) Shed (North): 0' (Existing) South: 5.4' (Existing)
Rear Setback	5'	11.6' (Existing)
Height	25'	21' 3 1/2"
Building Separation	6'	6'
Lot Coverage	50%	38.9%
Parking	2 Car Garage	No garage (Existing) Parking Exception

PROJECT DISCUSSION:

County Assessor records indicate the existing non-conforming single-family residence was constructed in 1953. Since then, the residence has undergone a permitted remodel in 1966, permitted additions in 1967 and 1970, and a permitted roof extension in 1994. Today, the Applicant is proposing an addition that would enclose the stairway access to the second story master bedroom, adding 211 sf of habitable space, and 72 sf of exterior decking.

Setbacks

The existing 1,296 sf primary residence sits 18'7" from the front property line on Greenwood Avenue, 2.4' from the northern side property line, 7.3' from the southern side property line, and 11.6' from the rear property line. The existing garage entry sits 24.7' from the front property line facing Greenwood Avenue. The proposed second story deck posts will be located outside of the required 20' minimum depth for the open and uncovered parking spaces associated with the Parking Exception. Pursuant to Morro Bay Municipal Code (MBMC) Section 17.24.050, non-conforming setbacks exist along the north property line for the both the shed and the residence. The shed setback requirement is 1' and the living structure setback requirement is 5'. All proposed additions are to remain outside of the required setbacks and the shed will be modified to meet the 6' of building separation that is required by MBMC Section 17.48.040.

Parking

The existing residence does not have a garage. According to the permit history, the original home was built with a garage below the second story space. It is unknown when the garage was converted into living space, but it is likely that it was during the permitted remodel from 1966 or around that time. The parking exception will allow the existing non-conforming parking spaces to be located in the driveway. No changes to the current parking situation are proposed, therefore there is no additional impact associated with the proposed addition.

Residential Design Guidelines

1. Relationship to Homes in Immediate Neighborhood

The visual elements and aesthetic design of the home will be modified to suit the proposed addition. The proposed second story will change from a flat to a pitched roof, which is similar to the homes in the immediate neighborhood. The second story will not negatively impact the view from the street, as there is an existing second story there now and the property is between two two-story homes.

2. Scale and Mass

The proposed second story addition is located at the rear of the upper floor and will not negatively impact the street view as it will be similar in scale and mass to the second story that exists now.

3. Surface Articulation

The proposed addition uses similar colors, materials, and design elements to those on the existing primary residence. The added deck also adds surface articulation on the front of the home.

4. Building Orientation

The front entryway is visible from Greenwood Avenue and no changes are proposed.

5. Garage and Driveway Design

The project does not have a garage and is asking for a Parking Exception.

6. Building Materials

The proposed addition is designed to be consistent with the design of the existing residence.

7. Architectural Elements

The doors, windows, and other architectural features will be consistent with the design of the existing primary residence.

Permit Requirements

Title 17 of the MBMC establishes land use and zoning permit requirements. The project at 2820 Greenwood Avenue proposes an addition to an existing non-conforming residence and has already used the one-time addition allowed by MBMC Section 17.56.160. The project is also asking for the two open and uncovered spaces in the driveway to meet the parking requirement for the R-1/S.2 Zone. This project requires Planning Commission approval of a Conditional Use Permit (MBMC Section 17.56.160) and a Parking Exception (MBMC Section 17.44.050).

Conditional Use Permit

The Zoning Ordinance, subsection 17.56.160B, requires approval of a Conditional Use Permit for an addition to a nonconforming structure if the residence has been added onto in the past. The project proposes to add 211 sf square-foot of habitable floor area by enclosing the stairway access to the second floor. As noted above,

the primary residence is non-conforming with regards to the side-yard setback and parking situation. The proposed addition is compliant with all pertinent development standards. Permit approval requires the following findings to be made:

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

The proposed addition is consistent with Zoning Ordinance requirements as detailed above.

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

The Applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

The project adds habitable square footage to an existing single-family residence, which is an allowed use in the R-1/S.2 Residential Zoning District.

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

Major reconstruction would be necessary to meet the required side yard setback and to remedy the parking situation.

Parking Exception

As per Section 17.44.020 of the Zoning Ordinance, single-family residential developments require two covered and enclosed parking spaces. The existing residence provides none, however two cars can fit in the 20'x20' driveway within the front setback (MBMC Section 17.44.050). Exceptions to the parking standards require the following findings to be made:

1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use.

Single-family residences are required to provide two parking spaces. If the parking exception is approved, then the project would meet that requirement. The parking spaces in the front yard setback are adequate in size to accommodate two parked vehicles. Many dwellings in the City have non-conforming parking situations.

2. The exception will not adversely affect the health, safety, or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of the parking standard.

The current parking situation on site is existing and no changes are proposed. No additional parking impacts will be created in association with this addition. Uncovered and unenclosed parking will not result in traffic safety problems at this location because the parking area will be outside of the Public Right-of-Way; sight distance is adequate for vehicles maneuvering into and out of the driveway.

3. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property.

The Applicant's parking proposal is reasonable given similar parking arrangements in the project vicinity and given the footprint and construction of the existing buildings on site.

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Tribune newspaper on February 21, 2020, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1(e). The exemption applies to additions to existing structures. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

CONCLUSION:

The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because housing is a principally allowed use in the Medium Density land use designation and because the Zoning Ordinance allows exceptions to the parking standards (MBMC Section 17.44.050) and additions to non-conforming structures upon approval of a Conditional Use Permit (MBMC Section 17.56.160).

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Conditional Use Permit (CUP19-21), and Parking Exception (PKG20-01) for the proposed project at 2820 Greenwood Avenue, as shown on plans dated February 19, 2020 by adopting Planning Commission **Resolution 04-20** which includes the Findings and Conditions of Approval for the project.

EXHIBITS:

Exhibit A – Planning Commission Resolution 04-20

Exhibit B – Plan Reductions

Exhibit C – Photosimulation

RESOLUTION NO. PC 04-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT (CUP19-21) AND PARKING
EXCEPTION (PKG20-01) FOR AN ADDITION TO A NON-CONFORMING
RESIDENCE WITH A NON-CONFORMING PARKING SITUATION OUTSIDE
THE COASTAL COMMISSION APPEAL JURISDICTION

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 3, 2020 for the purpose of considering Conditional Use Permit (CUP19-21), and Parking Exception (PKG20-01) for an addition to an existing non-conforming residence in the R-1/S.2 zone. The project is outside the Coastal Commission appeal jurisdiction; 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(e) for additions to existing structures. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

Conditional Use Permit and Coastal Development Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.
2. The proposed habitable square footage and deck additions are in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit

- a complete building permit application and obtain the required building permit prior to construction.
4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes an addition to an existing single-family residence, which is an allowed use in the R-1/S.2 zone.
 5. It is not feasible to make the existing primary residence conforming without major reconstruction/demolition to meet the required setbacks or construct a garage.
 6. The Planning Commission finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. It is surrounded by compatible uses of moderate density residential development; has size and scale similar to nearby structures.

Parking Exception Findings

1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the alternative parking design standards of this chapter will be adequate to accommodate on site all parking needs to be generated by the use.
2. The exception will not adversely affect the health, safety, or general welfare of person working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards.
3. The exception is reasonably necessary for the Applicant's full enjoyment of uses similar to those upon the adjoining real property.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit (CUP19-21) and Parking Exception (PKG20-01) for the property located at 2820 Greenwood Avenue subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated February 24, 2020 for the project at 2820 Greenwood as depicted on plans dated February 19, 2020, as part of Conditional Use Permit (CUP19-21) and Parking Exception (PKG20-01) on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development and all installed structures and improvements 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 applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. **Archaeology:** In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. **Construction Hours:** Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
3. **Dust Control:** That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. **Conditions of Approval on Building Plans:** Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
5. **Architecture:** Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
6. **Boundaries and Setbacks:** The property owner is responsible for verification of lot boundaries. A licensed land surveyor shall verify lot boundaries and building setbacks to the satisfaction of the Community Development Director. A copy of the surveyor's *Form Certification* based on a boundary survey shall be submitted with the request for foundation inspection.
7. **Building Height Verification:** Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Director certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. Prior to either roof nail or framing inspection, a licensed surveyor

shall submit a letter to the building inspector certifying that the height of the structures is in accordance with the approved plans and zoning ordinance standard.

BUILDING CONDITIONS:

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
6. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request. [SG1]

7. **BUILDING PERMIT APPLICATION.** To apply for building permits, submit three (3) sets of construction plans to the Building Division.
8. The Title sheet of the plans shall include:
 - a. Street address, lot, block, track and Assessor Parcel Number.
 - b. Description of use.
 - c. Type of construction.
 - d. Maximum Height of the building allowed and proposed.
 - e. Floor area of the building(s).
 - f. Vicinity map.
 - g. Minimum building set back per zoning designation or conditional use approval.

All construction will conform to the 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Fire Code (IFC), 2016 California Mechanical Code (CMC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Energy Code, 2016 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.

3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and/or building height prior to framing inspection when determined necessary by the Planning Division.

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

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.
2. Title 24 form(s) 2F-6R (Certificate of installation) for building, mechanical, electrical and plumbing systems.

PUBLIC WORKS CONDITIONS:

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website www.morro-bay.ca.us/mainmanual. Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements.
2. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. Show on plans the control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

Additional Notes - Add the following notes to the Building Permit plans.

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

FIRE CONDITIONS:

1. Fire Safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 3rd day of March, 2020 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Luhr

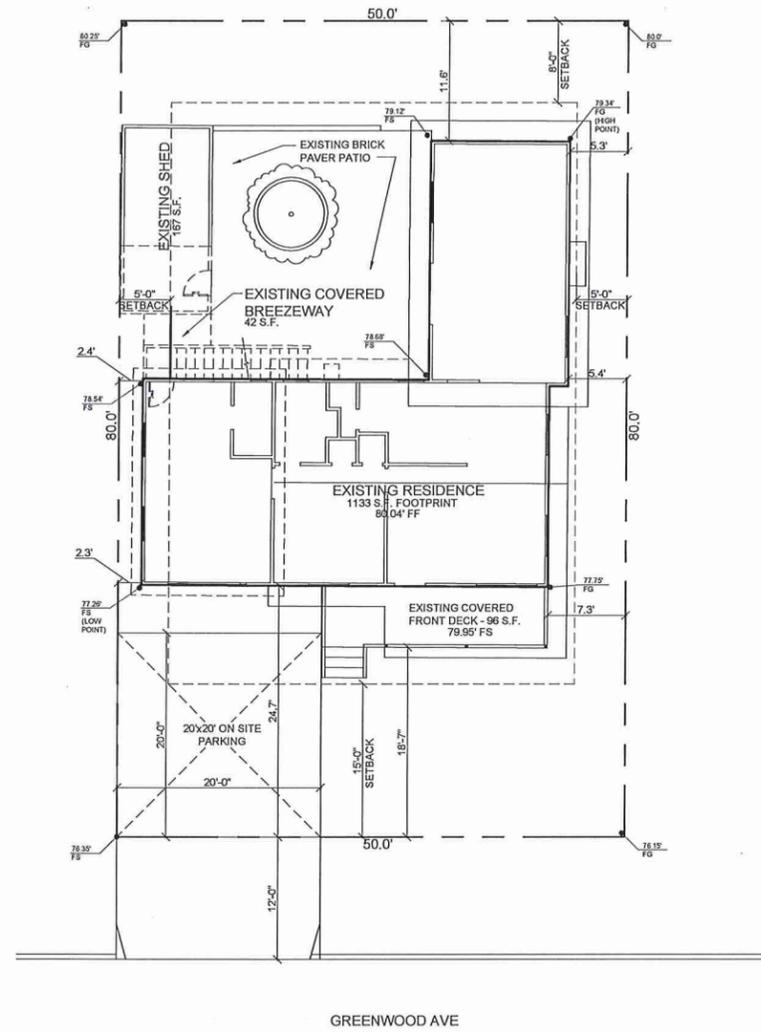
ATTEST

Scot Graham, Planning Secretary

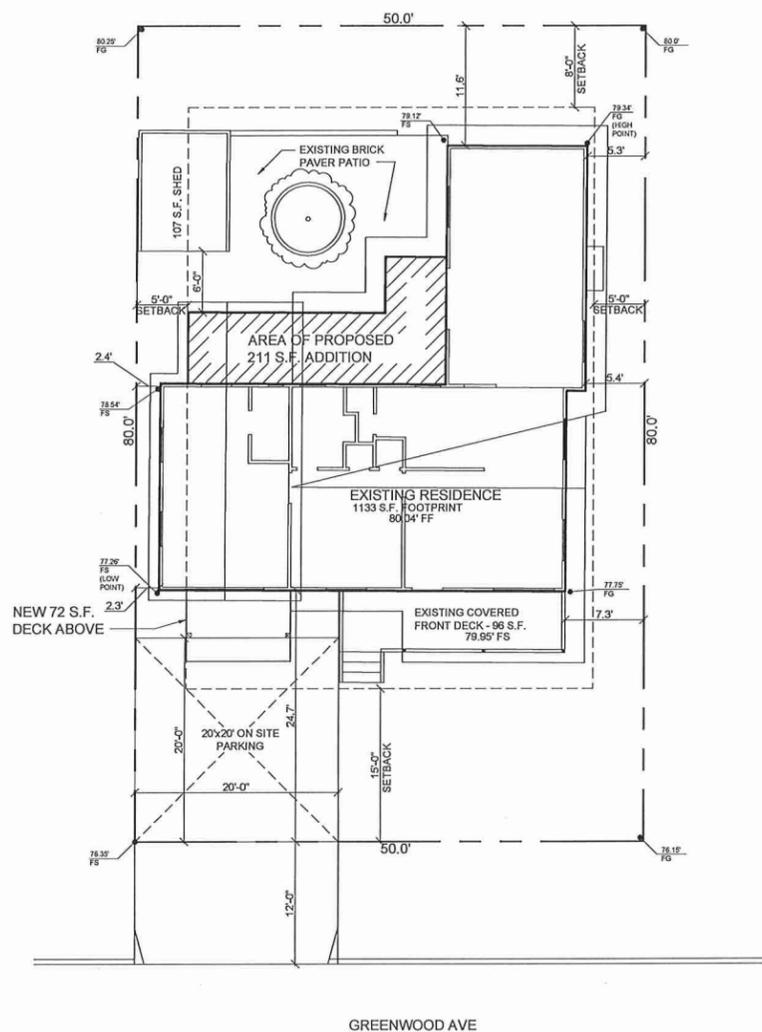
The foregoing resolution was passed and adopted this 3rd day of March, 2020.

Exhibit B

NOVICK ADDITION



EXISTING SITE PLAN
1/8" = 1'-0"



NEW SITE PLAN
1/8" = 1'-0"

PROJECT DESCRIPTION

SITE ADDRESS: 2820 GREENWOOD AVE.
MORRO BAY, CA 93442

APN NUMBER: 068-218-009

DESCRIPTION OF WORK:

DEMOLISH EXISTING DRY ROTTED EXTERIOR STAIR. REPLACE SECOND STORY UNINSULATED FLAT ROOF WITH NEW INSULATED GABLED TRUSS ROOF. DEMOLISH 60 S.F. OF EXISTING SHED.

211 S.F. HALL AND STAIR ADDITION. 72 S.F. NEW DECK TO SINGLE FAMILY RESIDENCE.

USE: SINGLE FAMILY RESIDENCE

LOT INFO

ZONING: R1/S.2
LOT SIZE: 4000 S.F.
LOT COVERAGE (50%MAX): 4000 x .5 = 2000 S.F. (MAX)

EXISTING LOT COVERAGE INFO

EXISTING RESIDENCE FOOTPRINT - 1133 S.F.
EXISTING COVERED FRONT PORCH - 96 S.F.
EXISTING SHED FOOTPRINT - 167 S.F.
EXISTING COVERED BREEZEWAY - 42 S.F.
EXISTING LOT COVERAGE: 1438 S.F.

PROPOSED LOT COVERAGE INFO

EXISTING RESIDENCE FOOTPRINT - 1133 S.F.
EXISTING COVERED FRONT PORCH - 96 S.F.
MODIFIED SHED FOOTPRINT - 107 S.F.
PROPOSED ADDITION - 211 S.F.
PROPOSED LOT COVERAGE: 1547 S.F.

NEW IMPERVIOUS SURFACE AREA: 119 S.F.

BUILDING AREAS:

FLOOR AREA

1ST FLOOR AREA 1133 S.F.
2ND FLOOR AREA 263 S.F.
TOTAL EXISTING LIVABLE AREA 1396 S.F.

NEW FLOOR AREA - 211 S.F.
NEW TOTAL 1607 S.F.

EXISTING DECK

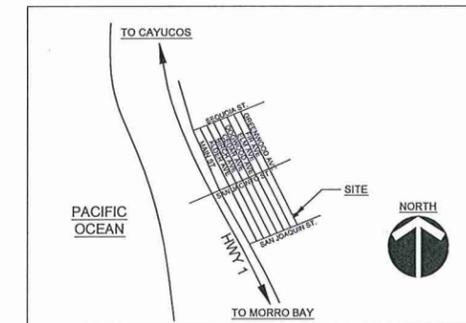
COVERED FRONT DECK 96 S.F.
UNCOVERED FRONT DECK 43 S.F.

NEW DECK

NEW 2ND FLOOR DECK - 72 S.F.

SHEET INDEX

- A1) SITE PLAN
- A2) EXISTING/DEMO FLOOR PLANS
- A3) NEW 1ST & 2ND FLOOR PLANS
- A4) NEW ELEVATIONS
- A5) PHOTO RENDERINGS



VICINITY MAP

HEIGHT CALCULATION

LOW N.G. ADJACENT TO BLD'G - 77.26'
HIGH N.G. ADJACENT TO BLD'G - +79.34'
 $156.6/2 = 78.3'$ A.N.G.
+25.0'
103.3' MAX. BLD'G. HT.

EXISTING BUILDING HIGH POINT - 98.13'
PROPOSED ROOF HIGH POINT - 99.59' < 103.3' O.K.
SEE ELEVATION FOR MORE INFO

RECEIVED
FEB 19 2020
City of Morro Bay
Community Development Dept.

REVISIONS	BY

DESIGNER: **Buckmaster Designs**
GASON BUCKMASTER
473 WHIDBEY WAY
MORRO BAY, CA 93442
E-MAIL: buckmasterdesigns@buckmaster.net
(805)801-4973

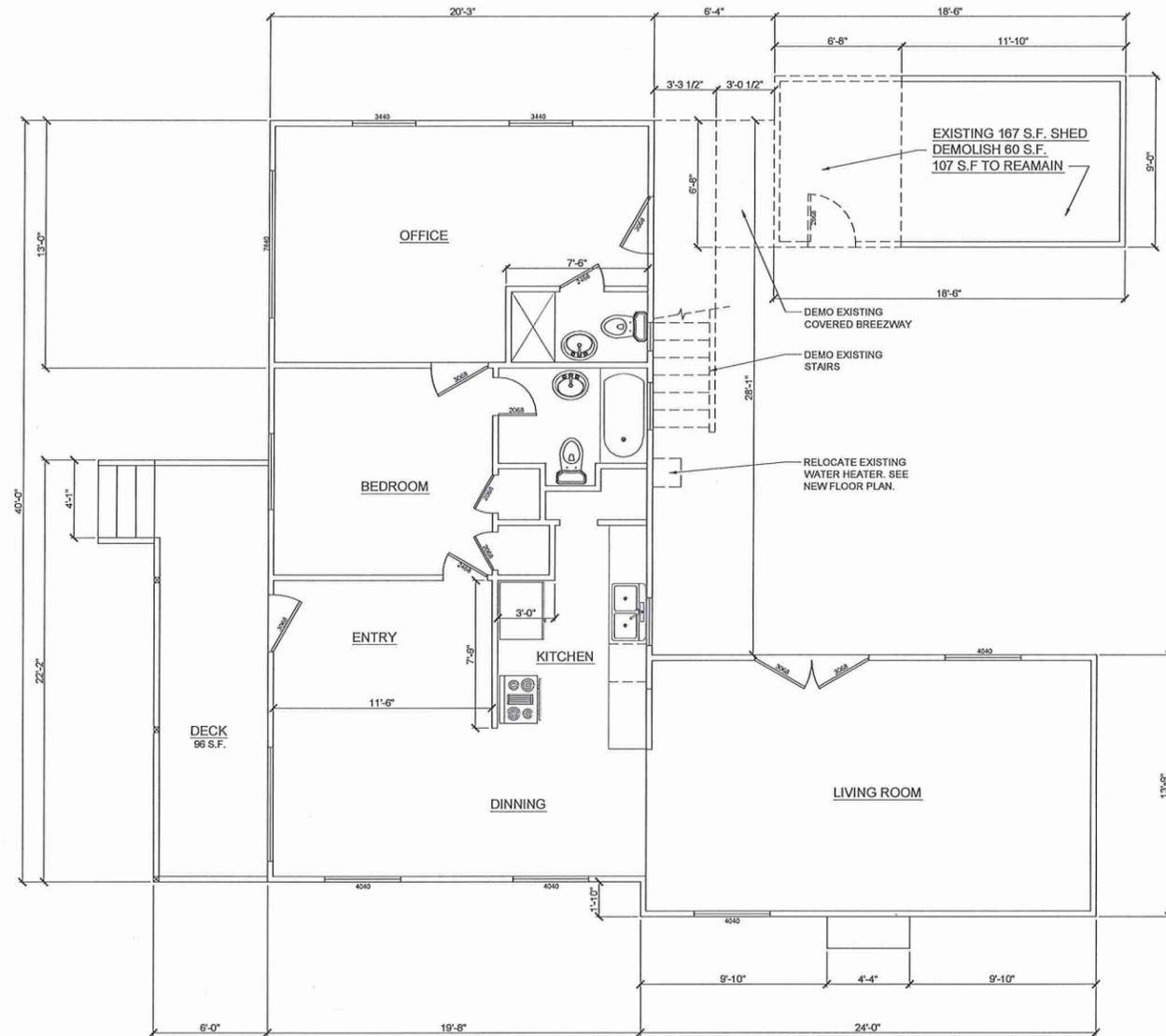
ADDITION FOR:
RICH & JENNIFER NOVICK
2820 GREENWOOD AVE
MORRO BAY, CA 93442
PH: (805) 235-2660

NOVICK ADDITION
TITLE SHEET
2820 GREENWOOD AVE.
MORRO BAY, CA 93442
APN: 068-218-009

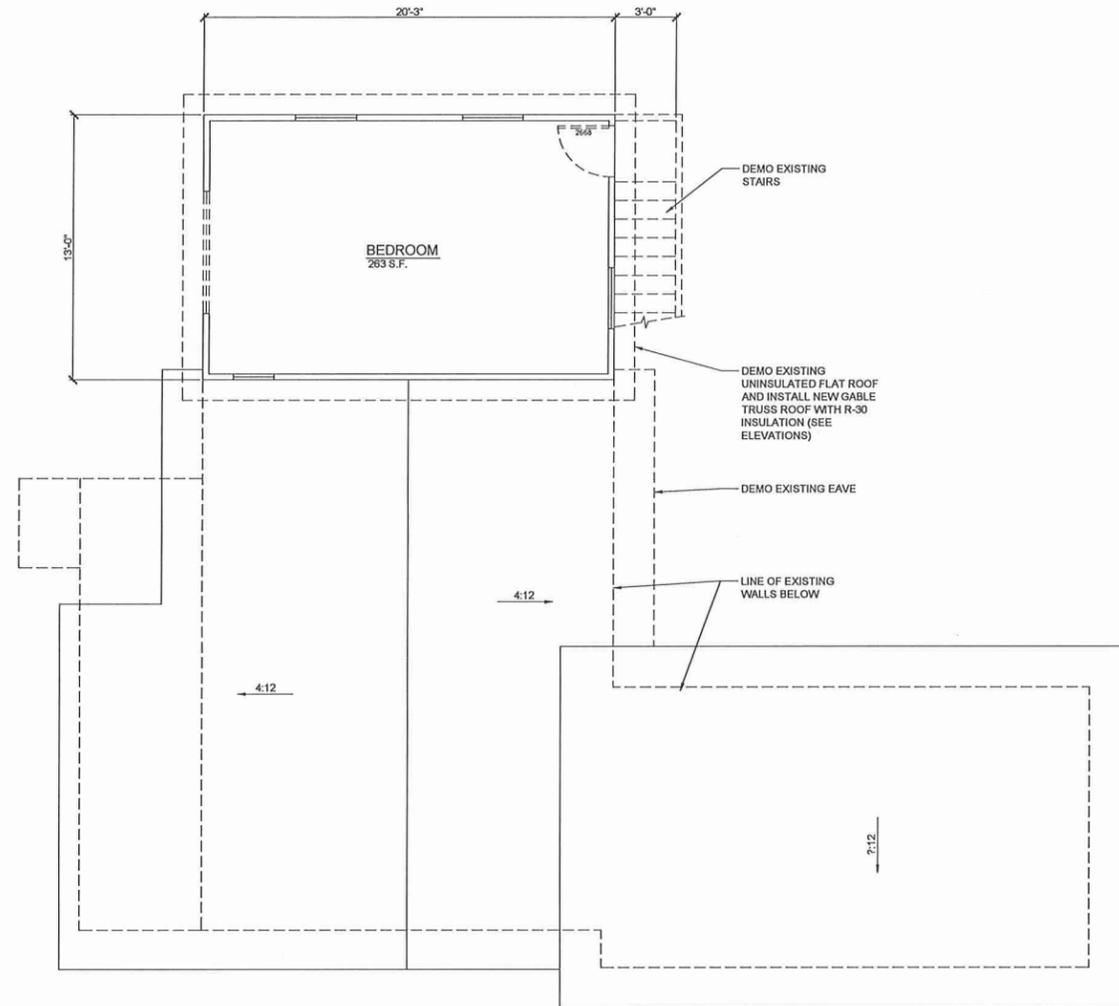
DRAWN JB
DATE 2/18/20
SCALE 1/8" = 1'-0"
JOB NOVICK
SHEET

A1

Exhibit B



EXISTING/DEMO 1ST FLOOR PLAN
1/4" = 1'-0"



EXISTING/DEMO 2ND FLOOR PLAN
1/4" = 1'-0"

1ST FLOOR - 1133 S.F.
2ND FLOOR - 263 S.F.
TOTAL - 1396 S.F.

WALL LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING TO BE DEMOLISHED

REVISIONS	BY

DESIGNER: Buckmaster Designs
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ADDITION FOR: RICH & JENNIFER NOVICK
2820 GREENWOOD AVE
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PH: (805) 235-2660

NOVICK ADDITION
EXISTING/DEMO PLANS
2820 GREENWOOD AVE.
MORRO BAY, CA 93442
APN: 068-218-009

DRAWN
JB
DATE
2/18/20
SCALE
1/4" = 1'-0"
JOB
NOVICK
SHEET

A2

Exhibit B

REVISIONS	BY

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 E: jason@buckmasterdesigns.com
 (605) 501-4973

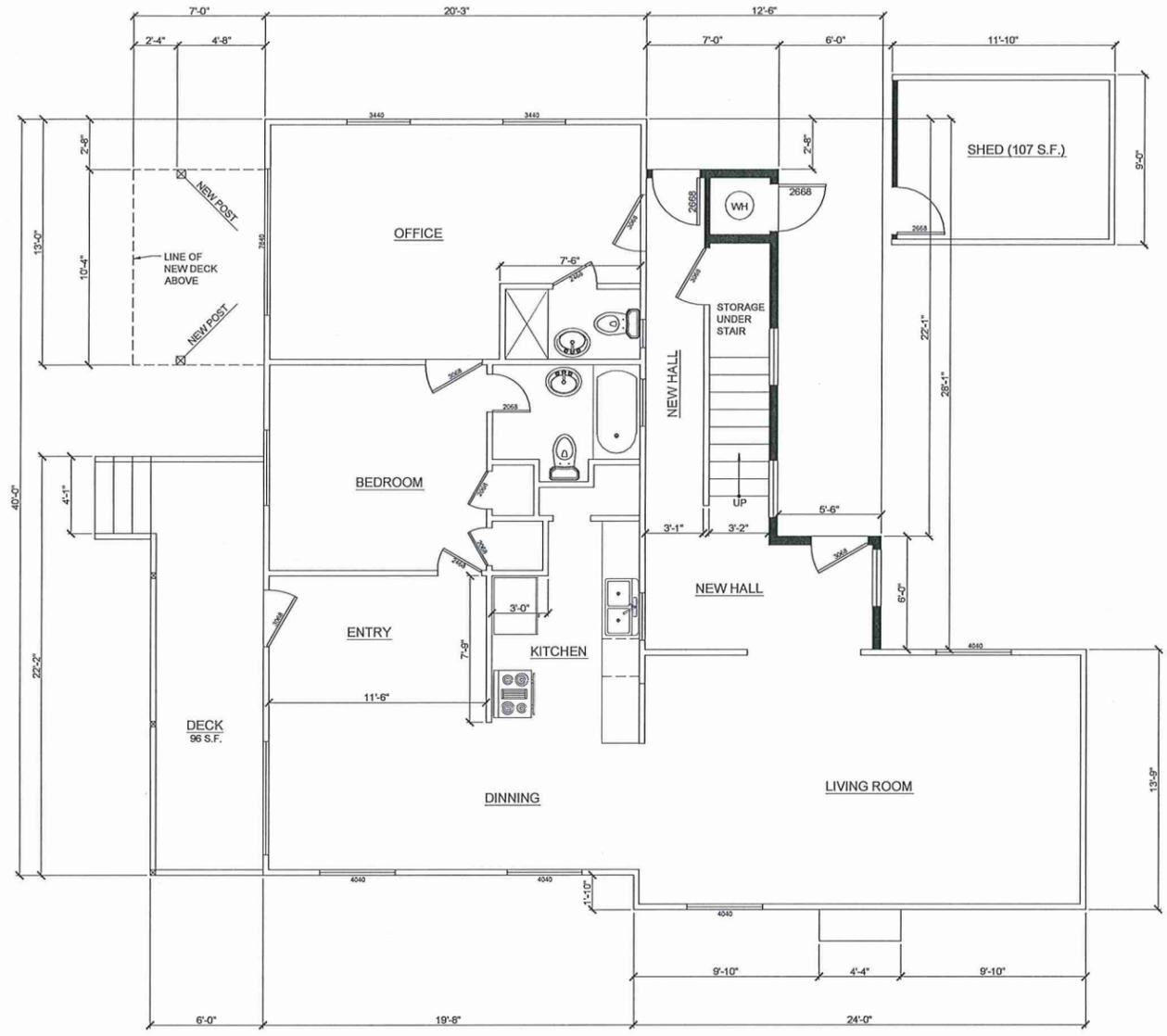


ADDITION FOR:
 RICH & JENNIFER NOVICK
 2820 GREENWOOD AVE
 MORRO BAY, CA 93442
 PH: (805) 235-2660

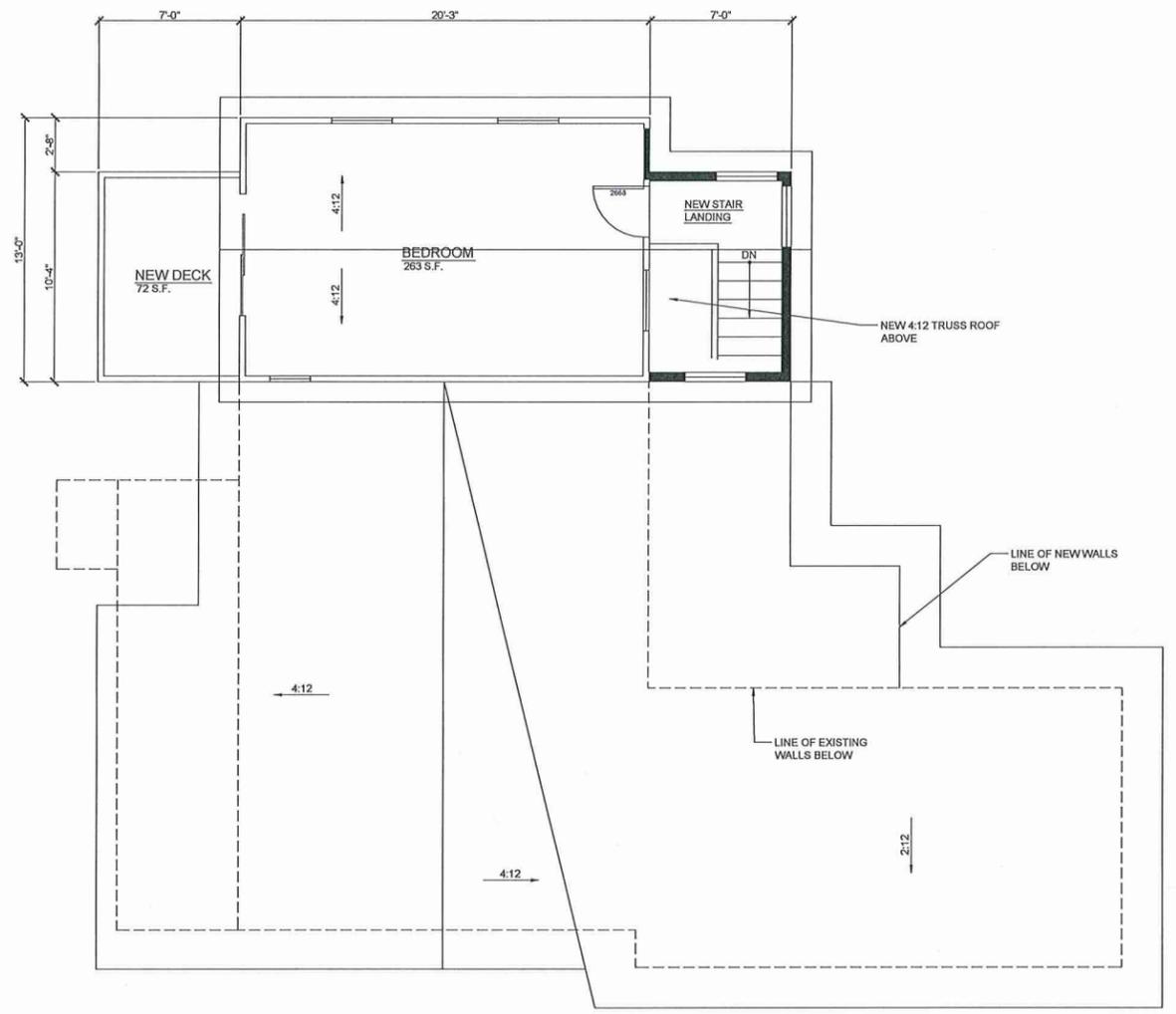
NOVICK ADDITION
 NEW FLOOR PLANS
 2820 GREENWOOD AVE.
 MORRO BAY, CA 93442
 APN: 068-218-009

DRAWN	JB
DATE	2/18/20
SCALE	1/4" = 1'-0"
JOB	NOVICK
SHEET	

A3




NEW 1ST FLOOR PLAN
 1/4" = 1'-0"




NEW 2ND FLOOR PLAN
 1/4" = 1'-0"

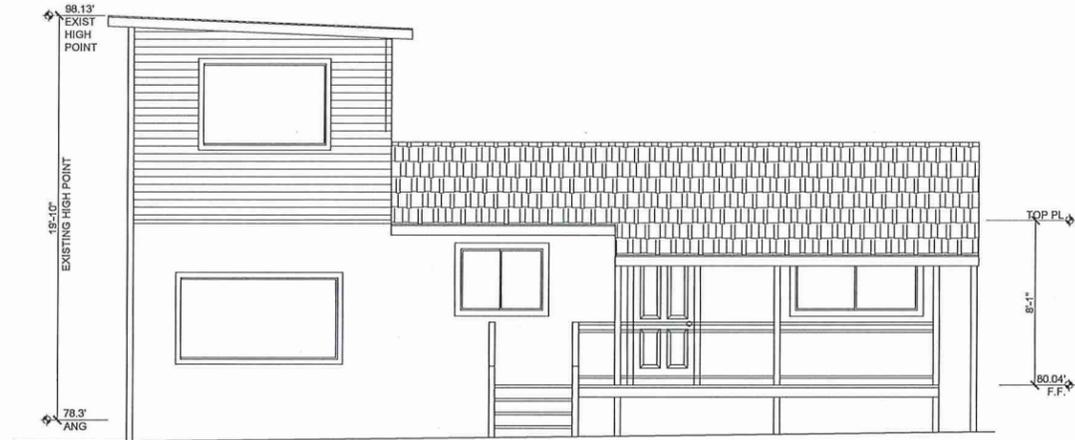
EXISTING 1ST FLOOR - 1133 S.F.
 EXISTING 2ND FLOOR - 263 S.F.
 EXISTING TOTAL 1396 S.F.
 NEW FLOOR AREA - 211 S.F.
 NEW TOTAL 1607 S.F.
 NEW 2ND FLOOR DECK - 72 S.F.

WALL LEGEND	
	EXISTING WALL TO REMAIN
	NEW WALL

Exhibit B



EXISTING SOUTH ELEVATION
1/4" = 1'-0"



EXISTING WEST ELEVATION
1/4" = 1'-0"



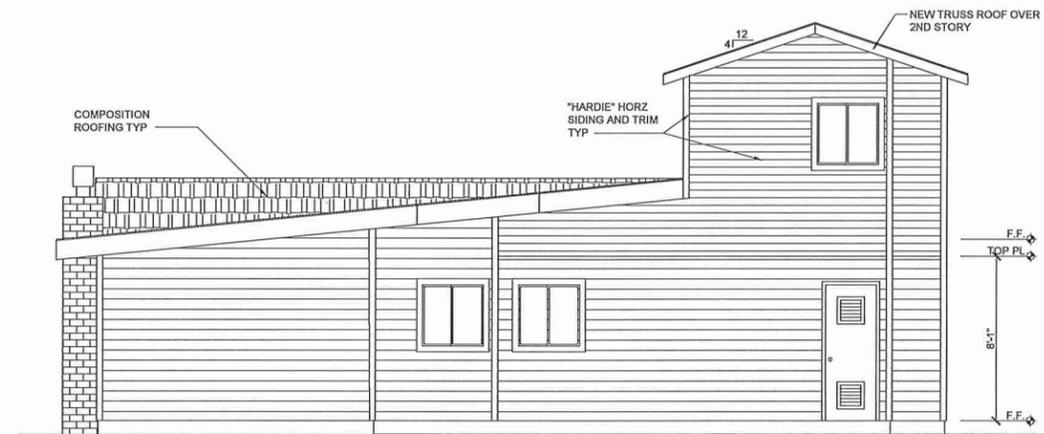
NEW SOUTH ELEVATION
1/4" = 1'-0"



NEW WEST ELEVATION
1/4" = 1'-0"



NEW NORTH ELEVATION
1/4" = 1'-0"



NEW EAST ELEVATION
1/4" = 1'-0"

REVISIONS	BY

DESIGNER: **Buckmaster Designs**
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473 W. HODDGE WAY
MORRO BAY, CA 93942
E: jason@buckmasterdesigns.com
(805) 218-4773

ADDITION FOR:
RICH & JENNIFER NOVICK
2820 GREENWOOD AVE
MORRO BAY, CA 93942
PH: (805) 235-2660

NOVICK ADDITION
ELEVATIONS
2820 GREENWOOD AVE.
MORRO BAY, CA 93942
APN: 068-218-009

DRAWN
JB
DATE
2/18/20
SCALE
1/4" = 1'-0"
JOB
NOVICK
SHEET

A4

Exhibit C

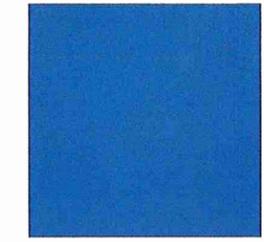


PROPOSED WEST ELEVATION



EXISTING WEST ELEVATION

REVISIONS	BY



SIDING AND STUCCO COLOR



TRIM COLOR

DESIGNER:
Buckmaster Designs
 JASON BUCKMASTER
 473 WHIDDEY WAY
 MORRO BAY, CA 93442
 E-MAIL: buckmasterdesigns@charter.net
 (805) 601-4973



ADDITION FOR:
 RICH & JENNIFER NOVICK
 2820 GREENWOOD AVE
 MORRO BAY, CA 93442
 PH: (805) 235-2660

NOVICK ADDITION
 FRONT ELEVATION RENDERING
 2820 GREENWOOD AVE.
 MORRO BAY, CA 93442
 APN: 068-218-009

RECEIVED

FEB 19 2020

City of Morro Bay
 Community Development Dept.

DRAWN
 JB
 DATE
 2/18/20
 SCALE
 1/4" = 1'-0"
 JOB
 NOVICK
 SHEET

A5



AGENDA NO: B-2

MEETING DATE: March 03, 2020

Staff Report

TO: Planning Commissioners **DATE:** February 27, 2020

FROM: Scot Graham, Community Development Director

SUBJECT: Adoption of Resolution PC 05-20 recommending City Council approval for rezoning a 6.27 acre parcel (Dog Beach) APN 073-075-016 to Open Area 1 (OA-1), a 36.5 acre parcel APN 073-075-002, and portion of parcel APN: 073-076-016 (lots 2, 8, 7 & 6) as an Agricultural (AG) zone district (The Panorama Lots).

RECOMMENDATION:

Forward a favorable recommendation to City Council for approval by adopting a motion including the following action(s):

Adopt Planning Commission Resolution 05-20 for rezoning as described in this staff report and depicted in Exhibit B.

APPLICANT/AGENT: City of Morro Bay

LEGAL DESCRIPTION/APN: APN: 073-075-016 (Dog Beach), APN: 073-075-002 and portion of APN: 073-076-016 (lots 2, 6, 7 & 8) (The Panorama Lots)

PROJECT SUMMARY:

The City of Morro Bay is proposing to prezone a 6.27 acre parcel (APN: 073-075-016) also known as the Dog Beach lot located on the beach north of the City limits within the City's Sphere Of Influence to Open Area 1 (OA-1), a 36.5-acre parcel (APN 073-075-002), located directly north of the City and East of Highway 1, and portions of APN 073-076-016 (lots 2, 8, 7 & 6) located directly east of the City's boundary above Panorama Drive (The Panorama Lots) in unincorporated San Luis Obispo County as an Agriculture (AG) zone district. The current zoning in the County for the Dog Beach lot is Recreation and Agriculture for the Panorama lots. Rezoning is required to process an application with the Local Agency Formation Commission (LAFCO) for annexation of the Dog Beach lot and for the Sphere of Influence (SOI) amendment to incorporate the Panorama lots into the City's SOI.

BACKGROUND:

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

1. Acquisition of lot 6SW (Southern portion of Dog Beach) by the City of Morro Bay. Lot 6SW is currently owned by the CSD. TPL is proposing to purchase the property from the CSD and convey it to the City of Morro Bay through a Donation Agreement via direct deed. The purchase agreement for lot 6SW, entered into by the CSD with Chevron, includes a "Residual Rights" clause that would allow Chevron to repurchase the lot within two years if the "Panorama lots" (discussed below) are not annexed into the City by that time. The "Residual Rights" clause would transfer upon sale to TPL and subsequently transfer to the City upon conveyance from TPL.
2. Amendment of the City's Sphere of Influence (SOI) to include 5 lots above Panorama. Those lots are owned by Chevron, and it is Chevron's intention to annex the lots into the City. Each of the lots would accommodate one single-family residence, for a total of no more than 5 single-family homes in that area. The homes would be restricted to the lower portions of each lot leaving the remainder of the hillside above Panorama undeveloped. In order for the SOI amendment to become effective, it requires Council authorization for submittal of an application to LAFCO and subsequent approval by LAFCO. Based on the proposed MOU, Chevron will terminate the "Residual Rights" clause on lot 6SW (Dog Beach), so long as the City makes its best effort to submit a timely application to LAFCO and LAFCO staff indicates support for same.
3. Detachment of lot 6NE from within the City's boundary, resulting in lot 6NE being under County jurisdiction. That process requires authorization by Council for submittal of an application for Detachment to LAFCO and subsequent approval by LAFCO. Lot 6NE is owned by the CSD and contains a sewer lift station operated by the CSD.
4. Annexation into the City of Lot 6NW (Continuation of Dog Beach). Lot 6NW is currently located in the County but is within the City's SOI. The intent behind Lot 6NW's location within the City's SOI was to facilitate its future annexation into the City for preservation of Dog Beach. Lot 6NW is currently owned by the CSD and is proposed to be purchased by TPL and conveyed to the City. The annexation requires Council authorization and subsequent approval by LAFCO.

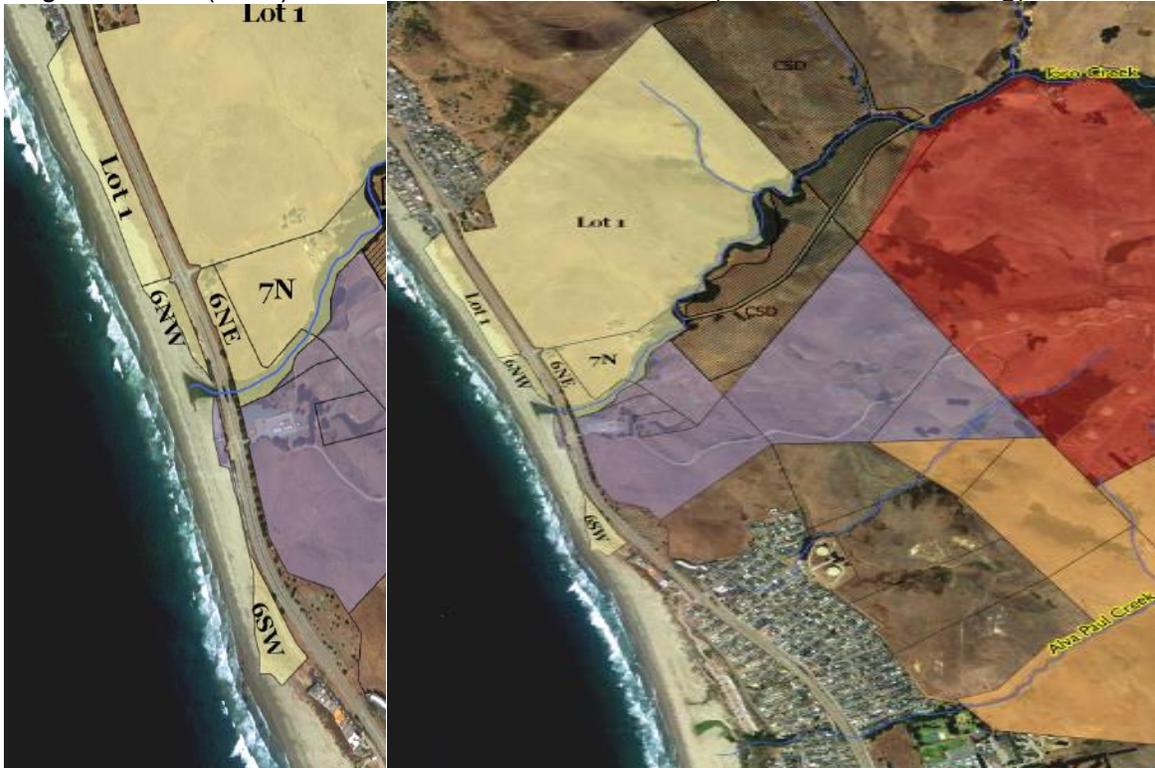
Steps 1 and 2 above require rezoning of the northern Dog Beach lot and the Panorama lots prior to submittal of applications to LAFCO. The Rezoning step also requires a review of the rezoning by Planning Commission and recommendation to the City

Council.

See Map figures from the MOU below showing lot 6NW, Dog Beach (APN: 073-075-016) and the Panorama Lots (APN: 073-075-002) and portions of APN: 073-076-016 (lots 2, 6, 7 & 8).

Dog Beach Lot (6NW)

5 Panorama Lots (shown without shading)



Panorama lots directly abut the City limit line, but are located outside City limits and outside the current SOI. The City General Plan update process has identified the Panorama lots as future Sphere of Influence on the Draft Land Use map (See Draft Land Use Map below).



One of the reasons the draft General Plan Land Use Map identifies the Panorama lots as future SOI is because the community, the General Plan Advisory Committee, the Planning Commission and City Council all expressed concern for maintaining an undeveloped backdrop to the northern end of the City. Placing the Panorama Lots in the SOI and eventually annexing the lots would allow the city to control the type and location of development on those lots, with the intent to keep home development off the ridge lines. To this end, staff is recommending the PC review the Building Area Map, attached as Exhibit C to this staff report, which mostly limits the development footprint of the 5 Panorama lot below the 200' contour interval. The area in Yellow depicts the buildable area for each lot, taking into consideration developmental constraints such as slope stability.



Buildable area for each lot is shown in the table below:

ESTERO - PANORAMA LOTS			
LOT	APN	AREA	ACRES
33	073-075-002	Potential Building Area	6.3
		Total Lot Area	34.3
34	073-076-016	Potential Building Area	4.3
		Total Lot Area	33.5
36	073-076-016	Potential Building Area	14.8
		Total Lot Area	47.0
38	073-076-016	Potential Building Area	7.8
		Total Lot Area	40.7
40	073-076-016	Potential Building Area	10.4
		Total Lot Area	57.4

Not only did the community express a desire to keep development off the ridge lines but there was also concern expressed regarding the amount of development that would be allowed on each lot. To this end, Section 4 the Resolution includes a recommendation from the Planning Commission to limit development of each lot to a single home, to be located within the yellow area identified on Exhibit C.

Prezoning Authority

Pursuant to California Code of Regulation section 65859 subsection (a), “A city may, pursuant to this chapter, prezone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city. The zoning shall become effective at the same time that the annexation becomes effective.”

The two actions needed by LAFCO are Annexation of the Dog Beach lot and SOI Amendment of the 5 Panorama Lots. These are the actions that require prezoning.

The City’s General Plan Policy LU-22 states: “Growth is to be carefully managed and monitored and allowed only when it can be conclusively proven that all community services can be adequately and economically provided to new residents. (LUE 8)”

“Program LU-22.3: At the time of request for annexation, the City shall prezone all lands within its sphere of influence in keeping with the above policy will utilize all methods available to insure county cooperation therewith. (LUE 8) Prezoning shall be applied to the sphere of influence with the intent to minimize urban expansion and maximize environmental conservation. (LUE 39) The sphere of influence areas will not be allowed to annex to the City until the Local Coastal Plan has been amended to include those areas within the LCP Urban-Rural Boundary.”

The Planning Commission’s favorable recommendation to the City Council includes a finding of consistency with the City’s General Plan and Local Coastal Plan. This action will also create the need for a future General Plan amendment to add the properties to the Land Use Map. The corresponding amendment to the Local Coastal Plan will occur through the Plan Morro Bay combined General Plan/Local Coastal Plan update process.

Annexation of the Panorama Lots

While it is the intent of Chevron to eventually annex the Panorama lots into the City, annexation of territory into the City requires a vote of Morro Bay citizens at a general or special election for such annexation to become effective. This requirement was put into place through the referendum process in the early 80’s and was codified into the City’s Municipal Code through adoption of Ordinance No. 197.

ENVIRONMENTAL:

The rezoning of the subject lots is exempt from CEQA as outlined in section 15061 (b)(3) of the guidelines as the rezoning will not include actual development, which means there is no potential for causing a significant effect to the environment from the rezoning action and because the rezoning will leave the parcels with similar zoning as currently exists in the unincorporated County. No additional CEQA review is required for the rezoning action.

PUBLIC NOTICE:

Notice of a public hearing was also published in the Tribune newspaper on February 21, 2020. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

CONCLUSION:

Staff has been working with TPL, CSD, Chevron, the Cayucos Land conservancy, the Land Conservancy of San Luis Obispo and San Luis Obispo County for several years on preservation of several of the Chevron Estero Marine Terminal lots. The City Council, on January 28, 2020, authorized City Manager signature of a non-binding MOU between the City of Morro Bay, Chevron, Trust for Public Lands and the Cayucos Sanitary District outlining the next steps in the preservation process. Rezoning of the Dog Beach lot and the Panorama lots is a necessary step to comply with the agreed upon process in the MOU to submit applications to LAFCO for the annexation of Dog Beach and SOI amendment of the Panorama lots, which will eventually result in City ownership of Dog Beach.

Consistent with the City's General Plan policy that property be rezoned at time of annexation, staff recommends that Planning Commission forward a favorable recommendation to City Council to rezone the Dog Beach lot to Open Area 1 (OA-1) and the Panorama lot to Agriculture (AG).

EXHIBITS:

- Exhibit A – Planning Commission Resolution 05-20
- Exhibit B – Proposed Zoning Map
- Exhibit C – Panorama Building Area Map
- Exhibit D – Non-Binding MOU

RESOLUTION NO. PC 05-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL TO PREZONE A 6.27 ACRE PARCEL (APN 073-075-016) TO OPEN AREA 1, A 36.5 ACRE PARCEL (APN 073-075-002) AND PORTION OF PARCEL APN 073-076-016 (LOTS 2, 8, 7 & 6) TO AGRICULTURE

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 3, 2020, for the purpose of considering a favorable recommendation to City Council for pre zoning of a 6.27 acre parcel (APN: 073-075-016) also known as the Dog Beach lot located on the beach north of the City limits within the City's Sphere Of Influence to Open Area 1 (OA-1), A 36.5-acre parcel (APN 073-075-002), located directly north of the City and East of Highway 1, and portions of APN 073-076-016 (lots 2, 8, 7 & 6) located directly east of the City's boundary above Panorama Drive (The Panorama Lots) in unincorporated San Luis Obispo County as an Agriculture (AG) zone district; and

WHEREAS, pursuant to California Code of Regulation section 65859 subsection (a) which states that a city may, pursuant to this chapter, prezone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city. The zoning shall become effective at the same time that the annexation becomes effective; and

WHEREAS, the City intends to pursue annexation of the 6.27 acre Dog Beach lot (APN: 073-075-016) and a sphere of influence (SOI) amendment for the Panorama Lots including the 36.5 acre parcel (APN: 073-075-002 and portion of APN: 073-076-016 (lots 2, 8, 7 & 6); and

WHEREAS, the current County zoning designation for the Dog Beach Lot (APN 073-075-016) is Recreation and for the Panorama lots the County zoning designation is Agriculture and includes the 36.5 acre parcel (APN 073-075-002) and the portion of APN 073-076 (lots 2, 8, 7 & 6) , and the City desires to prezone the Dog Beach lot lot as Open Area 1 and Agriculture for the Panorama lots; and

WHEREAS, the Planning Commission reviewed Exhibit B of the March 3, 2020 staff report which provides a map exhibit depicting the proposed Open Area 1 Zoning for the 6.27 acre Dog Beach lot and the Agriculture zoning for the Panorama lots including the 36.5 acre parcel (APN 073-075-002) and the portion of APN 073-076 (lots 2, 8, 7 & 6); and

WHEREAS, The Planning Commission reviewed Exhibit C of the March 3, 2020 staff report which depicts the Building Area map for the Panorama Lots; and

WHEREAS, the City's General Plan Policy LU-22 states growth is to be carefully managed and monitored and allowed only when it can be conclusively proven that all community services can be adequately and economically provided to new residents; and

WHEREAS, the City's General Plan Program LU-22.3 states at the time of request for annexation, the City shall prezone all lands within its sphere of influence in keeping with the above policy and will utilize all methods available to insure county cooperation therewith. Pre zoning shall be applied to the sphere of influence with the intent to minimize urban

expansion and maximize environmental conservation. The sphere of influence areas will not be allowed to annex to the City until the Local Coastal Plan has been amended to include those areas within the LCP Urban-Rural Boundary; and

WHEREAS, The Planning Commission finds the rezoning requests to be consistent with the City's General Plan and Local Coastal Program; 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: All of the above recitals are true and correct and incorporated herein by reference.

Section 2: California Environmental Quality Act (CEQA) Findings

The Planning Commission finds that the rezoning is exempt from CEQA as outlined in section 15061 (b)(3) of the guidelines as the rezoning will not include actual development, which means there is no potential for causing a significant effect to the environment from the rezoning action. The rezoning will leave the parcels with similar zoning as currently exists in the unincorporated County. No additional CEQA review is required for the rezoning action.

Section 3. Action. The Planning Commission does hereby forward a favorable recommendation to City Council to rezone the 6.27 acre Dog Beach parcel (APN: 073-075-016) located on the beach north of the City limits within the City's Sphere Of Influence to Open Area 1 (OA-1), the Panorama lots including a 36.5-acre parcel (APN 073-075-002), located directly north of the City and East of Highway 1, and portions of APN 073-076-016 (lots 2, 8, 7 & 6) located directly east of the City's boundary above Panorama Drive in unincorporated San Luis Obispo County as an Agriculture (AG) zone district and finds this action to be consistent with the General Plan and Local Coastal Plan.

Section 4. Action. The Planning Commission does hereby forward a favorable recommendation to the City Council to limit development on each Panorama lot to one single family home to be located in the building area shown on Exhibit C of the staff report.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 3rd day of March, 2020 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chairperson Gerald Luhr

ATTEST

Scot Graham, Secretary

The foregoing resolution was passed and adopted this 3rd day of March, 2020.

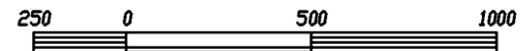
073-092
064-30

Open Area 1
(OA-1) Zoning

Agriculture (AG)
Zoning

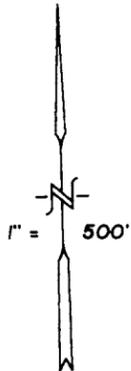


REVISIONS	
I.S.	DATE
13-133	03-28-13
NA	11-09-16



JAW
03-28-13 THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.





THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY



Agriculture (AG)
Zoning

9-1-92

EXHIBIT C

ESTERO - PANORAMA LOTS			
LOT	APN	AREA	ACRES
33	073-075-002	Potential Building Area	6.3
		Total Lot Area	34.3
34	073-076-016	Potential Building Area	4.3
		Total Lot Area	33.5
36	073-076-016	Potential Building Area	14.8
		Total Lot Area	47.0
38	073-076-016	Potential Building Area	7.8
		Total Lot Area	40.7
40	073-076-016	Potential Building Area	10.4
		Total Lot Area	57.4

NOTES

1. Potential Building Area as shown includes constraints such as landslides per the County GIS Maps, easements, steep slopes, difficult access, etc.
2. Actual residence locations will be sited within the Potential Building Areas after field inspections and surveys.
3. Lot Line Adjustments may be needed to provide a residence location on each lot within the Potential Building Area.



Panorama Lots

SAN LUIS OBISPO COUNTY, CA

Potential Building Area



FEB 26, 2020



- Existing Lot Boundary
- City of Morro Bay Boundary
- Coastal Zone Boundary
- Limit Line - Potential Building Area
- Potential Building Area

NOTES/SOURCES

1. Aerial photo and parcel data from Cannon.
2. Contour interval is 100-feet.
3. Other data from County of San Luis Obispo.
4. This map is for illustrative purposes only.



MEMORANDUM OF UNDERSTANDING

Chevron Estero Marine Terminal, Lot 6SW

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

RECITALS

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

The Parties agree as follows:

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

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

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

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

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

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

TPL

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

By: _____
Its: _____

CSD

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

By: _____
Its: _____

CHEVRON

Chevron Land and Development Company, a Delaware Corporation

By: _____
Its: _____

MORRO BAY

City of Morro Bay, a municipal corporation

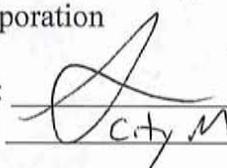
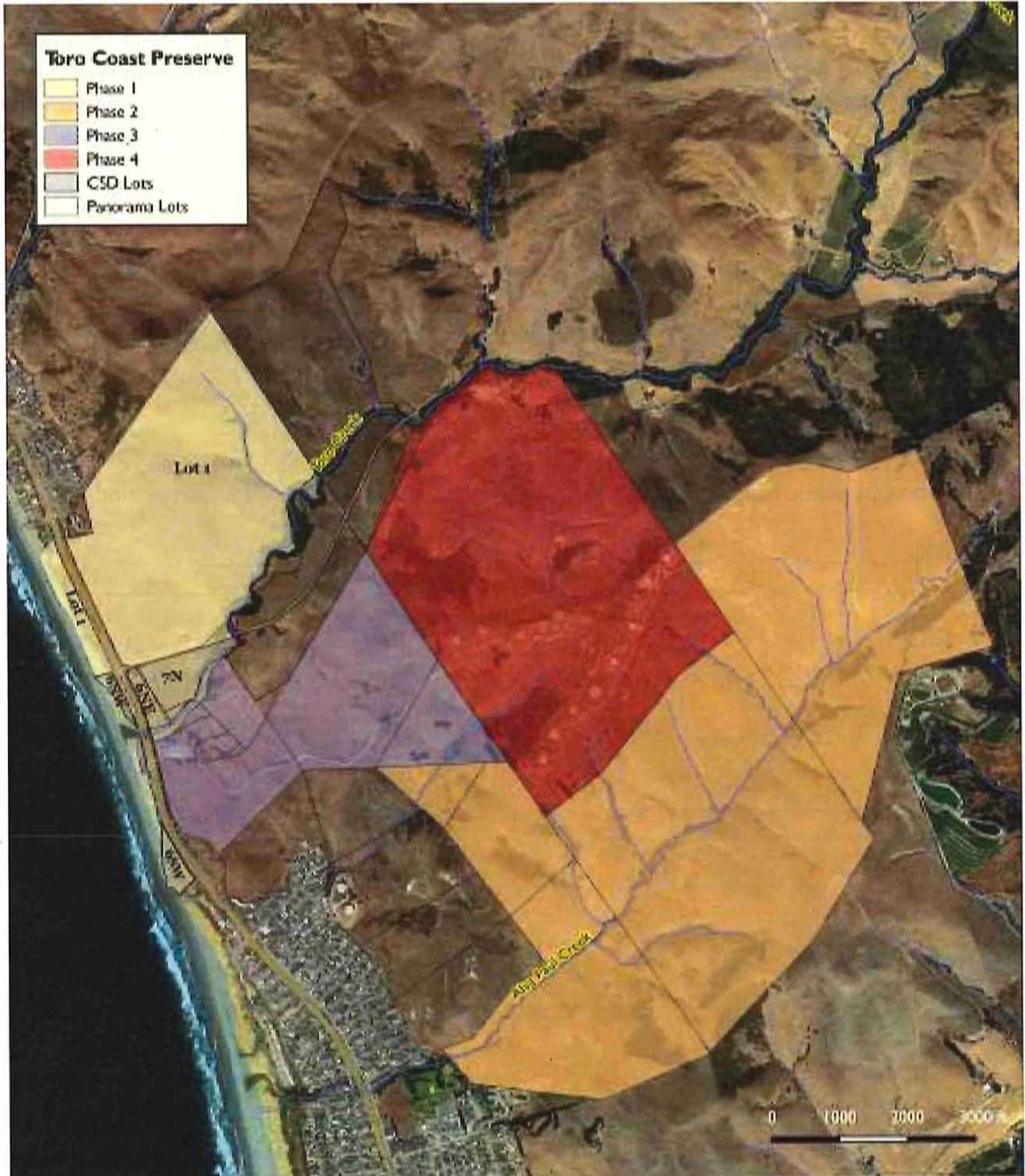
By:  1/31/2020
Its: City Manager

Exhibit A



Toro Coast Preserve

SAN LUIS OBISPO COUNTY, CALIFORNIA

