



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Special Meeting Wednesday, November 4, 2020 - 6:00 P.M.  
Held Via Teleconference**

Vice-Chairperson Jesse Barron  
Commissioner Michael Lucas

Chairperson Gerald Luhr

Commissioner Joseph Ingraffia  
Commissioner Susan Stewart

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

**Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at [planningcommission@morrobayca.gov](mailto:planningcommission@morrobayca.gov) prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the "**raise hand**" feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

*Please click the link below to join the webinar:*

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRWUQT09>  
Password: 135692

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

PRESENTATIONS

A. CONSENT CALENDAR

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

**A-2** Approval of minutes from the Planning Commission meeting of August 18, 2020.  
**Staff Recommendation:** Approve minutes as submitted.

B. PUBLIC HEARINGS

**B-1** **Case No.:** CDP20-008 / CUP20-04  
**Site Location:** 475 Radcliff, Morro Bay, CA  
**Request:** Approval of Coastal Development Permit #CDP20-008 and Conditional Use Permit CUP20-04 for establishment of a wireless telecommunication facility with antennas on an existing PG&E tower. The request includes an outdoor equipment enclosure surrounded by 8foot CMU wall to screen the associated wireless equipment and generator where 6 ½ feet is the maximum height. The project site is in the R-A zone with a Planned Development (PD) Overlay and located outside of the Coastal Commission Appeals Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3  
**Staff Recommendation:** Conditionally approve  
**Staff Contact:** Cindy Jacinth, Senior Planner (805) 772-6577, [cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov)

**B-2** **Case No.:** *Plan Morro Bay: General Plan/Local Coastal Program Update*  
**Site Location:** Citywide  
**Applicant/Project Sponsor** City of Morro Bay  
**Proposed Project:** A continued Public Hearing (From October 20, 2020) for review of Adoption Hearing Draft of Plan Morro Bay: General Plan/ Local Coastal Program Update. The Public Draft was released for public review in 2018 and reviewed by the General Plan Advisory Committee (GPAC) and the Planning Commission (PC). The Plan Morro Bay Adoption Hearing Draft incorporates public comments, GPAC, PC, and Coastal Commission staff comments into a Adoption Hearing Draft now available for public review. Plan Morro Bay is an integrated General Plan and Local Coastal Program Land Use Plan which is proposed to update the City's existing separate General Plan adopted in 1988 and Local Coastal Program certified by the Coastal Commission in 1984.  
**CEQA Determination:** Environmental Impact Report  
**Staff Recommendation:** Review the adoption draft of Plan Morro Bay and recommend approval to City Council.  
**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 on November 17, 2020 at 6:00 p.m. via teleconference.

**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.

This Agenda may be found on the Internet at: [www.morrobayca.gov/planningcommission](http://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](http://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 present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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

Planning Commission Meeting of November 4, 2020

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.



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.  
 Approved projects are deleted on next version of log.

Agenda No: A-1  
 Meeting Date November 4, 2020

#	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
<b>Hearing or Action Ready Projects:</b>										
1	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. For more information or to get involved, visit <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . Public draft of combined General Plan/ LCP released May 2018 for review. Worked with Coastal staff on CCC input received during 2019. Adoption Draft to be reviewed by Planning Commission at 10/20/20 hearing. Admin Draft of EIR received and to be circulated. Continued to the 11/4/2020 PC meeting				
2	Pappas / AT&T	475 Radcliff	5/11/20	CUP20-04 / CDP 20-008	<b>CDP and CUP request for new wireless telecommunication facility to include new tower, installation of panel antennas, and associated equipment along with 300sf equipment shelter at base of telecomm tower.</b>	Incomplete letter sent 5/20/20. Resubmittal received and deemed incomplete again on 7/7/20. Resubmittal received 8/25/20. Response sent 9/8 to Applicant. Noticed for the 11/4/20 PC meeting.				cj
3	Richie	963 Balboa Street	9/29/20	CUP20-08 / CDP20-16	<b>Convert garage into JADU with 82 sf laundry/mud room addition for transition into new unit.</b>	Under review. Comment letter sent 10/14/20. Project deemed complete, public notice period from 10/23 to 11/3/20 in process. Administrative action to occur on or about 11/4/20.				nh
4	HS Nutmeg LLC	2681 Nutmeg Ave	7/14/20	CDP20-009	<b>New 2585 sf home with 500 sf JADU and 463 sf attached garage.</b>	Comment provided 8/3/20. Resubmittal received 9/17/20. Comment letter sent 9/29/20. Resubmittal received 10/21/20. Deemed complete 10/26/20 and preparing for public notice.				nh
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
5	Keith	500 Atascadero Rd, #F1	10/26/20	CDP20-018	<b>Admin CDP for tree removal (Italian stone pine) in a mobile home space.</b>	Under review.				am
6	Vazquez	590 Morro Ave	10/22/20	MAJ20-002	<b>CDP/CUP Major Modification to propose equipment upgrade to an existing rooftop telecom wireless site.</b>	Under review				cj
7	Gaffney	960 Napa	10/14/20	CUP20-09/CDP20-017/PKG 20-03	<b>A 984 sf addition to existing single family home with single car garage</b>	Under review.				nh
8	HASLO	405 Atascadero	10/8/20	LTM20-01	<b>Lot Merger application</b>	Under Review				nh
9	Fowler	1215 Embarcadero	9/28/20	MIN20-009	<b>Minor Modification to UP0-058 to repurpose existing floating bait receiver/ after the fact approval of floating kayak storage.</b>	Under review. Incomplete letter sent 10/26/20				cj

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10	Zinngabe	Seashell Estates Subdivision / 1305 Theresa Dr. (301 Sea Shell Cove)	9/28/20	MIN20-008	Minor Modification to subdivision approvals to reduce lot size of Lots 7 & 8 to reduce impacts to sensitive plant species.	Under review. Applicant requested project to be put on hold.				cj
11	AT&T	800 Quintana	9/23/20	MAJ20-001	Major Modification to CDP/CUP Amendment proposed to modify existing rooftop wireless telecommunications site on commercial building. Request includes 3 foot height increase of corner antennas.	Under review. Incomplete letter sent 10/22/20.				cj
12	Hubbard	603 Driftwood Street	9/14/20	CDP20-015 / CUP20-06	Two story addition (540 sf) to existing home with 104 sf deck, remodel existing 840 sf home.	Under review. Planning Comment letter sent 10/14/20. Resubmittal received 10/22/20, under review.				nh
13	Appel	400 Pico	8/24/20	CDP20-013	Admin CDP for garage conversion to a 408sf ADU	Submittal is under review. Deemed incomplete. Correction letter sent 9/14/2020, waiting for resubmittal				am
14	Pavacich	501 Marina	8/3/20	CDP20-011	Existing 2 story home previously converted into two dwelling units without a permit. CDP is necessary to bring this project into conformance with General Plan and Land Use policies. Also requires after-the-fact building permit.	Submittal is under review. Comment letter sent 8/21/20. Resubmittal received 10/21/20, Planning review is complete, public works reviewing.				nh
15	Hurless	2290 Greenwood Ave	5/7/20	CDP20-007	Legalize ADU from prior construction. Was a previous Code Enforcement issue. Plans difficult to understand.	Correction letter sent 5/18/20. Resubmittal received June 16, 2020 under review. Project deemed incomplete, comment letter sent July 16, 2020, waiting for resubmittal.				nh
16	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. Received notice that resubmittal will be submitted week of 10/26/20.				nh
17	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	Correction letter sent 11/13/2019. Awaiting resubmittal.		PN-Conditionally Approved 10/16/2019		cj
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.				cj
<b>Projects Appealed to Planning Commission or PC Continued projects:</b>										
19	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. Followed up with applicant 2/3/20 - they are waiting for reports prior to resubmittal.		PN- Approved 9/4/2018		nh

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<b>Projects Appealed or Forwarded to City Council: None at this time</b>										
<b>Environmental Review:</b>										
20	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	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
<b>Final Map Under Review Projects:</b>										
21	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	<b>Final Parcel map</b>	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. Waiting for revised submittal to remove improvements not requested by CalTrans. Applicant granted an extension of the timeline to finalize the final parcel map to August 8, 2021.		PN- Disapproved 11-6-2019		nh
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
22	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. Change recommended by PC after Council direction which led to Adoption of Ord. 585 by City Council on 5/13/14. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>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 in effect 1-1-20 which supersedes previous adopted ordinances. To be incorporated into Plan Morro Bay.</b>	No review performed.			wm
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
23	Verizon / Knight	484 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	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		jg

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<b>Grants</b>											
24	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$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. Round 6 funding of \$65,000 received Mar 2020.</b>	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. Additional LCP grant funding received in 2020 under Round 6 for \$65,000 to complete LCP update.	No review performed.	N/A		sg	
25	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	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. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting.	No review performed.	N/R		cj	
26	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	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	
<b>Projects in Building Plan Check:</b>											
27	Richie	963-A	Balboa St.	9/29/20	B20-0173	Convert existing attached garage (298 sf) into a junior ADU unit with access from the side of the property; add 82 sf rear of main residence to create laundry area/transition area between units.	Planning can't approve until CDP permit is final and issued	Bldg. - Plancheck		nh	
28	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. Requested permit extension. Additional permit extension requested for Planning permit which expires 9/20/2020. PC to consider extension request on 10/6/20.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
29	Auerbach	3200	Beachcomber Dr.	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, additional information provided and Planning approved building permit 4/7/20	Ready to issue			nh
30	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. Planning disapproved 1/31/20. Waiting for resubmittal	Bldg - Disapproved 1/15/20			nh
31	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, applicant changing potential density on the site in CDP permit process. CDP permit issued. Waiting for resubmittal	Bldg - Disapproved 2/7/20			nh

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32	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.	Bldg. - Approved 7/22/20			sg
33	Post	2445	Greenwood Ave.	8/5/20	B20-0125	Demo existing Single Family Residence and propose new construction Single Family Residence 2-story - 3 bedroom, and 2.5 Bath. 1868 sf of living space plus 484 sf attached garage.	Planning disapproved pending CDP. CDP permit issued 6/15/20 pending resubmittal of building plans.	Bldg. - Disapproved 9/2/20			nh
34	Novick	2820	Greenwood Ave.	8/25/20	B20-0151	Demo existing covered breeze way, demo exterior stairs & 60 sf of existing shed. Replace flat roof with gable truss roof, new 211 sf addition (Halls & Stairs) & add new 78 sf 2nd story deck	Submittal is under review. Planning disapproved 9/28/20. Waiting for resubmittal. Resubmittal submitted 10/13/2020. Planning approved 10/20/2020.	Bldg. - Disapproved 9/14/20			am
35	Magorian	2550	Hemlock Ave.	10/21/20	B20-0184	Retrofit 7 windows, two are bedroom windows.		Bldg. - Approved 10/27/20			co
36	Wilkie	476-A	Hill	3/26/20	B20-0057	ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit.	Correction letter sent 4/30/20. Awaiting resubmittal.	Bldg. - Approved 4/8/20			nh
37	Bailey	2565	Ironwood Ave.	7/2/20	B20-0104	Converting rear covered porch into 225 sf addition creating laundry room, bathroom, and expansion of bedroom.	Disapproved 7/9/2020. Resubmitted. Approved 10/20/20. cj	Bldg - Disapproved 7/15/20			cj
38	Philbrick	345	Island St.	9/30/20	B20-0175	Partial interior remodel of existing single family dwelling. Replacement of existing rear exterior staircase & railing. New railing on existing deck.		Bldg. Plancheck			sg
39	Friesen	2390	Juniper	3/5/20	B20-0043	Build new observation deck over existing roof top. Applicant is modifying the scope of work to include a new room with an attached deck and a deck extension in the front over the driveway.	Applicate revising submittal to deck extension at front of existing home (as of 7/10/20). Awaiting resubmittal.	Bldg - Diapproved 3/12/20			nh
40	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 4/15/19		sg
41	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. Planning permit extension requested and granted to allow new permit expiration of April 2021.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB <b>Permit extended to 4/18/21</b>	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
42	Cleath	2790	Main St.	7/2/20	B20-0106	Remove 736 sf existing building and construct new 4996 sf 8 room hotel.	Planning approved 7/27/20.	Bldg - Disapproved 7/27/20			nh

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43	McCutcheon	361	Mindoro St.	8/18/20	B20-0149	Replace an existing 240 sf 2nd story deck (8' X 30").		Bldg. - Approved 8/19/20			co
44	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20. Awaiting resubmittal.	Bldg - Disapproved 1/30/20			nh
45	Kolb	691	Morro Ave	7/30/20	B20-0121	1,150 S.F. TI in an existing medical office building		Bldg - Disapproved 8/31/20			sg
46	Singh	940	Morro Bay Blvd	5/28/20	B20-0085	Installation of an ATM machine on the exterior of the existing gas station building. Includes lighting and minor parking modifications	Under review, pending approval of Minor Modification to existing CUP/CDP. MIN permit issued 8/31/20. Planning approved 9/16/20	Bldg -Approved 9/16/20			nh
47	Luhr	2335	Nutmeg Ave.	8/27/20	B20-0158	ATTACHED ADU - Construct 498 sf addition to existing SFR to be used as an ADU.	Permit disapproved waiting for CDP. CDP s/b final on October 19, 2020. Need resubmittal.	Bldg. - Disapproved 9/16/20			nh
48	Loe	2605	Nutmeg Ave.	7/14/20	B20-0110	Repair Driveway		Bldg - Approved 9/17/20			sg
49	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
50	Cohen	331	Orcas St	6/25/20	B20-0099	Demolish a 386 sf cottage and installation of a 990 sf manufactured home, a 336 sf (16' x 21') semi attached site built garage with rooftop deck, exterior landing and stairs to garage and exterior stairs to rooftop deck.	Planning approved 7/3/20	Bldg - Approved 9/29/20			nh
51	Steel	450	Piney Way	7/27/20	B20-0117	521 sf deck extension and replacement of 2 sliding glass doors and 1 window.		Bldg - Approved 8/10/20			sg
52	Lee	684	Piney Way	9/10/20	B20-0168	Demo existing detached 416 sf work shed with bathroom & reconstruct new 416 sf garage/shop with electrical, keeping existing bathroom on existing slab/foundation.	Planning disapproved 9/15/20. Waiting for resubmittal.	Bldg - Disapproved 9/17/20			nh
53	Scharin Family Trust Johan C. Scharin Trustee	710	Quintana	5/21/20	B20-0082	Remodel of former Dollar Tree into a new O'Reilly Auto Parts for the retail sale of automotive parts and accessories.		Bldg - Disapproved 6/11/20			wu
54	Barnett	1955	Ironwood Ave.	10/12/20	B20-0180	Remove and replace 35" x 35" and a 28" x 71" window in kitchen, 71" x 35" in bedroom and 69" x 28" in 2nd bedroom.		Bldg. - Disapproved 10/12/20			co
55	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
56	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
57	Parker	580	Shasta Ave	8/31/20	B20-0159	Add new detached garage	Planning under review. Planning disapproved 9/8/20. Need resubmittal	Bldg. - Disapproved 9/14/20			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
58	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
59	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

**Planning Projects & Permits with Final Action:**

60	Gonzales	234 Beach St		9/10/20	MUP20-01	<b>Minor Use Permit for change of use from residential to hotel/motel use to accommodate short-term rental usage in C-VS zone.</b>	Project noticed for change of use on 10/5/20. Admin action to occur on or after 10/16/20.				cj
61	Biaggini	1148 Market		8/3/20	CDP20-012/ CUP20-05	<b>CDP/CUP for new 2 story SFR w/ garage and ADU.</b>	Incomplete letter sent 8/13/20. Project deemed complete 8/27/20. Approved in PC hearing October 20, 2020. Permits issued.				nh
62	Luhr	2335 Nutmeg		8/27/20	CDP20-014	<b>Addition of an ADU to an existing Single family home</b>	Under planning review. Project deemed complete, noticing scheduled for October 5-16. Project approved and permit issued October 17, 2020.				nh

**Staff Directory:**  
 Scot Graham - sg      Chad Ouimet - co      Cindy Jacinth - cj      Pam Newman - pn      Nancy Hubbard - nh      Abby Miramontes - am

AGENDA ITEM:   A-2  

DATE: NOVEMBER 4, 2020

ACTION:   DRAFT  

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – AUGUST 18, 2020  
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Gerald Luhr Jesse Barron Joe Ingraffia Michael Lucas Susan Stewart	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Scott Collins	Community Development Director City Manager

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENT PERIOD - NONE

**Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at [planningcommission@morrobayca.gov](mailto:planningcommission@morrobayca.gov) prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>  
Password: 135692

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

## PRESENTATIONS

### A. CONSENT CALENDAR <https://youtu.be/ushIS2omK7M?t=188>

- A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- A-2** Approval of minutes from the Planning Commission meeting of June 02, 2020.  
**Staff Recommendation:** Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of June 16, 2020.  
**Staff Recommendation:** Approve minutes as submitted.

Commissioner Lucas requested to pull Item A-2 for discussion. Commissioner Lucas would like the minutes to reflect he headed the meeting due to Chairperson Luhr and Vice-Chairperson Barron having internet difficulties.

**MOTION:** Commissioner Stewart moved to approve the Consent Calendar. Vice-Chairperson Barron seconded, and the motion passes 5-0, with Stewart, Barron, Ingraffia, Lucas and Luhr voting yes.

<https://youtu.be/ushIS2omK7M?t=294>

### B. PUBLIC HEARING

- B-1** **Case No.:** Zoning Ordinance Text Amendment & Municipal Code Amendment  
**Site Location:** Citywide  
**Project Description:** An Ordinance of the City of Morro Bay amending the Local Coastal Program adding Chapter 17.41 (Short-Term Vacation Rentals) of Title 17 (Zoning) of the Morro Bay Municipal Code relating to the permitting and operation of short-term vacation rentals and repealing Chapter 5.47 (Short-Term Vacation Rental Permit) of Title 5 (Business Tax Certificates and Regulations).  
**CEQA Determination:** The Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to sections: 15060(c)(2), 15060(c)(3) and 15061(b)(3)  
**Staff Recommendation:** Planning Commission review the Ordinance, provide comment to staff, and provide a recommendation for adoption to the City Council

**Staff Contact:** Scot Graham, Community Development Director (805) 772-6291 [sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)  
<https://youtu.be/ushIS2omK7M?t=324>

Scott Collins presented the staff report.

#### COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Commissioner Lucas stated there was an unsolicited visit by the Juren's and they spoke about their work.

Both Commissioners Lucas and Stewart had brief discussions on what the impacts on the housing element would be.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/ushIS2omK7M?t=2545>

Toni McGraw, Central Coast vacationer and business owner, stated she agrees with most of information in the draft ordinance, but stated she is against the lottery.

Patrick Vaughn, Morro Bay, stated his concerns regarding vacation rentals in his neighborhood and thinks two hundred fifty (250) short-term vacation rentals are too much. He would like a separation of vacation homes and need clarification of the ordinance.

Meredith Bates, Morro Bay, stated she was part of the short-term vacation rental committee. Bates stated her concerns regarding the ordinance and would like a follow up on this in a year.

Judy Brown, Morro Bay stated her concerns regarding the short-term vacation rentals. Brown also wanted to know if there would be a screening for sex offenders and human trafficking.

Betty Winholtz, Morro Bay, needed clarification on who designates the short-term vacation rentals and what the definition of affordable housing was. Winholtz stated her concerns and noted the cap of two hundred fifty (250) was too high.

Robert Elzer, Manager of URelax of Morro Bay discussed the impact of housing in Morro Bay and stated he is against the lottery. Elzer requested more information on the effects of the short-term vacation rentals before penalizing people.

Dan Sedley, Morro Bay, stated the short-term vacation rentals should have a contact numbers posted in case of any issues at the property. Dan spoke of the issue with the ordinance basing permits on density. Rentals should be two person per room and the cap should be lowered to one hundred (100) and agrees the fines should be higher.

Beth Michaelson, Morro Bay, thanked Scott Collins for his help. Michaelson stated her concerns regarding the short-term vacation rentals and noted the property should be viewed before approved. The rental should also be compatible in the neighborhood.

Maggie Juren, Morro Bay, spoke of the pros of having short-term vacation rentals in Morro Bay. She would like to reach out to the community to help support the City with

the ordinance so they could enforce the rules and give it a chance before trying to implement the ordinance.

Nick Juren, owner of Beach-n-Bay Getaways, spoke of the pros of having vacation rentals in Morro Bay. Juren stated Morro Bay is a vacation town and noted problems the city would have if vacation rentals were taken away. Juren would like people to give the new rules a chance.

David Zepp, Morro Bay, stated he offers hosted short-term vacation rentals in his home. The income he earns from his rental is spent in Morro Bay. He wants to remind everyone that the Morro Bay economy is driven by tourism. Zepp stated enforcement should be taken on illegal units and is against the lottery system.

Ric Deschler, Morro Bay, hopes the Planning Commission will make their decision based on the long range needs of Morro Bay residents and not short-term financial issues. Deschler would like Morro Bay's housing to improve before allowing more short-term vacation rentals in residential areas.

\*Note: Audio was lost for Ric Deschler.

Lauren Littenger, Morro Bay, stated she sent in comments. Littenger moved to Morro Bay because it was quiet and safe. Littenger stated the city needs to crack down on illegal rentals and parking issues. Would like more enforcement done and the responses made available to the public.

Ric Deschler would like the buffer for the short-term vacation rentals increased.

\*Note: Audio was lost for Ric Deschler.

Kristen Headland, Morro Bay, has a concern for the three lot buffer because it would mean every fourth house on her street could possibly be a short-term vacation rental. Headland would favor a two hundred fifty foot buffer, a two year transition period and a one hundred fifty cap of rentals. Headland was also concerned about new development and sex offenders. Would like information on the rentals to be on the website for public view.

Linda Reager, Morro Bay, stated she would be in favor of a two hundred fifty cap, three house buffers, and a grandfather clause should be considered. Reager also appreciates the tax dollars are going toward the city funding.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/ushIS2omK7M?t=5604>

The Commissioners presented their questions to staff.

The Commissioners and staff reviewed the draft zoning ordinance.

Chairperson Luhr closed Public Hearing Item B-1.

<https://youtu.be/ushIS2omK7M?t=14143>

The Commission provided the following direction in relation to additional information they would like to see at the next meeting and in relation to desired revisions to the draft Ordinance:

1. Revise the second to last WHEREAS in the ordinance to add “quality”
2. Allow unlimited home share/hosted short-term rentals
3. Don’t count home share short-term rentals toward the 150 cap
4. Don’t count commercial STR’s toward the 150 cap
5. Provide number of existing hosted STR’s
6. Provide number of existing accessory dwelling units (ADU’s) rented as STR’s
7. Provide map exhibits showing 150’ and 175’ buffers

**MOTION:** Commissioner Lucas moved to continue the discussion of the vacation rental ordinance to the next meeting. Commissioner Barron seconded, and the motion passes 5-0, with Lucas, Stewart, Ingraffia, Barron & Luhr voting yes.

<https://youtu.be/ushIS2omK7M?t=14163>

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS - NONE

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE

G. ADJOURNMENT

The meeting adjourned at 9:57 p.m. to the next scheduled Planning Commission meeting via teleconference, on September 1, 2020 at 6:00 p.m.

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Gerald Luhr, Chairperson

ATTEST:

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Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: November 4, 2020

# Staff Report

**TO:** Planning Commissioners

**DATE:** October 28, 2020

**FROM:** Cindy Jacinth, Senior Planner

**SUBJECT:** Coastal Development Permit and Conditional Use Permits (CDP20-008 and CUP20-04) to allow installation of six panel antennas and associated equipment on an existing 73-foot PG&E lattice tower located east of Little Morro Creek Road north of Radcliff Avenue at 475 Radcliff. Proposal also includes a new equipment enclosure enclosed by an 8-foot tall CMU wall placed 35 feet from the base of the lattice tower.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

- A. Adopt Planning Commission Resolution 16-20 which includes the Findings and Conditions of Approval for the project depicted on site development plans received September 25, 2020.

**APPLICANT/AGENT:** John Pappas, Eukon Group, Agent for AT&T

**LEGAL DESCRIPTION/APN:**  
068-401-001

**PROJECT DESCRIPTION:**

The Applicant, AT&T, is requesting approval of Coastal Development Permit #CDP20-008 and Conditional Use Permit CUP20-04 for establishment of an



unmanned wireless telecommunication facility with antennas on an existing PG&E tower. The request includes a 20' x 15' outdoor equipment enclosure surrounded by 8-foot CMU wall to

Prepared By: <u>   CJ   </u>	Department Review: <u>   SG   </u>
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screen the associated wireless equipment and generator where 6 ½ feet is the maximum height allowed. The project site is in the R-A zone with a Planned Development (PD) Overlay and located outside of the Coastal Commission Appeals Jurisdiction

Per sections 17.30.030(F) and 17.30.030(P) of the Zoning Ordinance antennas and public utility facilities can be located within any zoning district after obtaining a Conditional Use Permit. Therefore, the applicant requests Conditional Use Permit and Coastal Development Permit approvals to allow for the establishment of a cell site to be co-located on an existing utility tower.

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	Ag Residential (R-A, PD) Vacant Land	South	Ag (R-A/PD), Vacant & Single Family Residential (R-1, S.2) (further south)
East:	Ag Residential (R-A, PD) Vacant Land	West:	M-1/PD/I/SP / Vacant Land/ Bike Park

<b><u>Site Characteristics</u></b>	
Overall Site Area	18.41 acres
Existing Use	PG&E Tower
Terrain	Sloping
Vegetation/Wildlife	Grasses
Access	Radcliff Avenue
Archaeological Resources	The site is not within 300 feet of a known archaeological resource. Standard monitoring conditions will apply. See environmental discussion.

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	Agriculture
Base Zone District	R-A, Residential Agriculture
Zoning Overlay District	PD
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone, but not within appeals jurisdiction

## **PROJECT ANALYSIS:**

### *Background/ Discussion:*

The subject PG&E lattice tower has been in existence since at least the 1970's. The larger area east of Little Morro Creek Road and north of Radcliff Ave has several large lattice towers as part of a PG&E network. A nearby lattice tower at the east end of Radcliff at 750 Radcliff has been used as an unmanned telecommunications facility since 2009 for T-Mobile, Sprint, and Verizon facilities. The Applicant was unable to co-locate at that existing facility because it cannot structurally support additional antennas. The Applicant is requesting to establish this new unmanned telecommunications facility to allow for expanded capacity of the AT&T network in and around the city in order to address gaps in service and increase LTE coverage (Exhibit E, AT&T Capacity coverage map).

Project plans show the specific telecommunication facility additions to the site include installation of 6 panel antennas, 15, remote radio units (RRUs), 3 DC9 surge suppressors, and associated equipment (plan sheet T-1). In addition, the project proposes an underground power run within a 3' wide trench (approximately 120ft.) west of the equipment enclosure and a separate underground power/fiber run from the enclosure to the tower.

The project is also requesting to construct a 20' x 15' equipment enclosure as shown on the site plan on plan sheet C-1. Access to the equipment enclosure would be via Radcliff Ave along an existing drive path proposed to be used by AT&T as a 9' wide access path. The equipment enclosure would house the back up power generator, power plant, battery cabinet and other associated equipment. To screen the equipment, the Applicant is proposing an 8-foot CMU wall on three sides, and chain link fence and access gate on the fourth side.

Per the City's code requirements for fencing and screening found at MBMC section 17.48.100, support equipment is required to be screened by a solid wall and shall be screened to the height of the particular piece of equipment. MBMC 17.48.100.A.1b states that ground-located mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the abutting street. Although the code does not specify height limits in agricultural districts such as here where there are no abutting structures, the general wall standards found in subsection D4 states that fences or structures exceeding six feet six inches in height to enclose commercial or industrial uses when such structures are not in a street setback area may be erected subject to the obtaining of a use permit. The Applicant's proposal of eight feet to screen ground-located mechanical equipment can be approved by the Planning Commission if it is found that characteristics particular to the property or vicinity would render required fencing or screening ineffective. In this particular case, the proposed equipment enclosure will provide wall or fencing on all four sides for screening purposes. The resolution includes CUP Finding 3 which addresses the 8-foot fence height. Planning condition 6 is recommended to require that the chain

link fencing be modified to include brown slats for improved screening. The equipment enclosure is located 35 feet northwest of the PG&E lattice tower or approximately 120 feet to the nearest street, Little Morro Creek Rd, or 90 feet to the 4' barbed wire fence which is adjacent to the road.

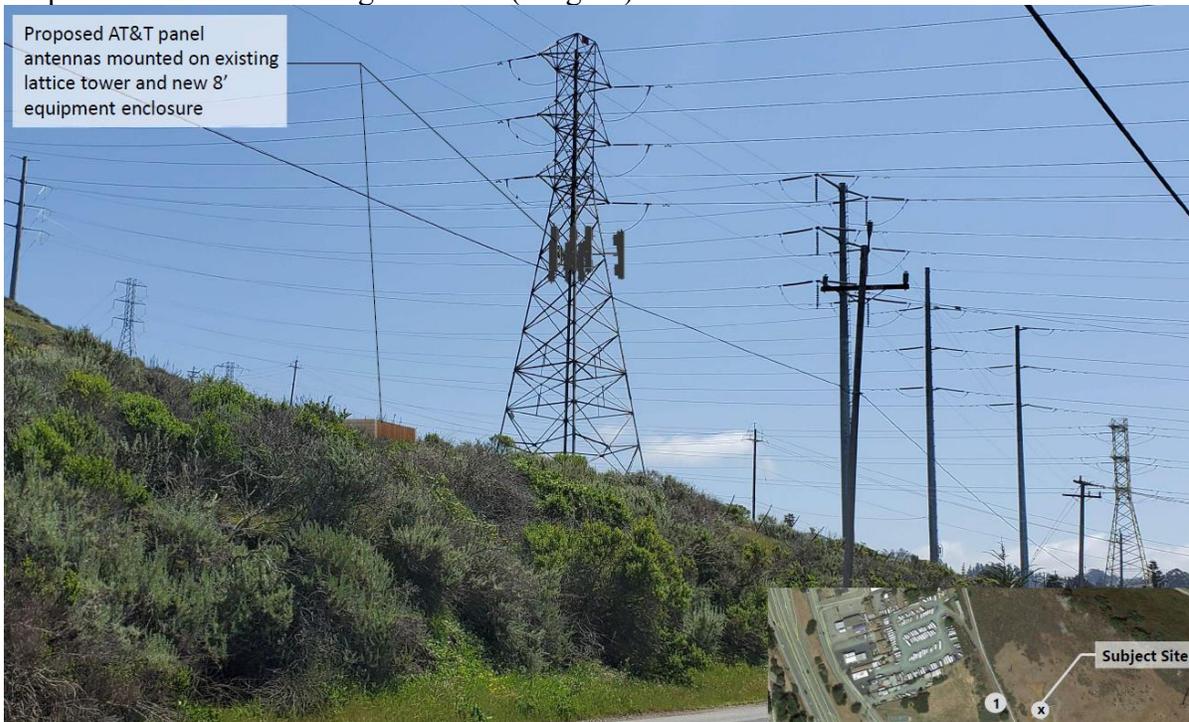
*Visual Analysis:*

Staff reviewed the project for impacts to visual aesthetics via submission of photo visual simulations existing and proposed. The proposed AT&T facility would be co-located on an existing 73 ft. tall steel PG&E utility tower. The 8 foot panel antennas would be installed at a height between approximately 14-33 ft. above ground level as shown on elevation plan sheet A-5. The new AT&T lease area will be located approximately 35 feet northeast of the tower screened by a solid wall as shown in the visual simulations attached as Exhibit B. The photo visual simulations submitted depict the mounted antennas and show the nearby equipment enclosure. In order to provide better screening, staff is recommending a condition of approval that all antennas and associated cable be painted a non-reflective gray to match and blend in with the existing tower (See Planning condition 3). Staff is also recommending a condition of approval to screen the equipment enclosure with drought-tolerant native landscaping (See Planning condition 5).

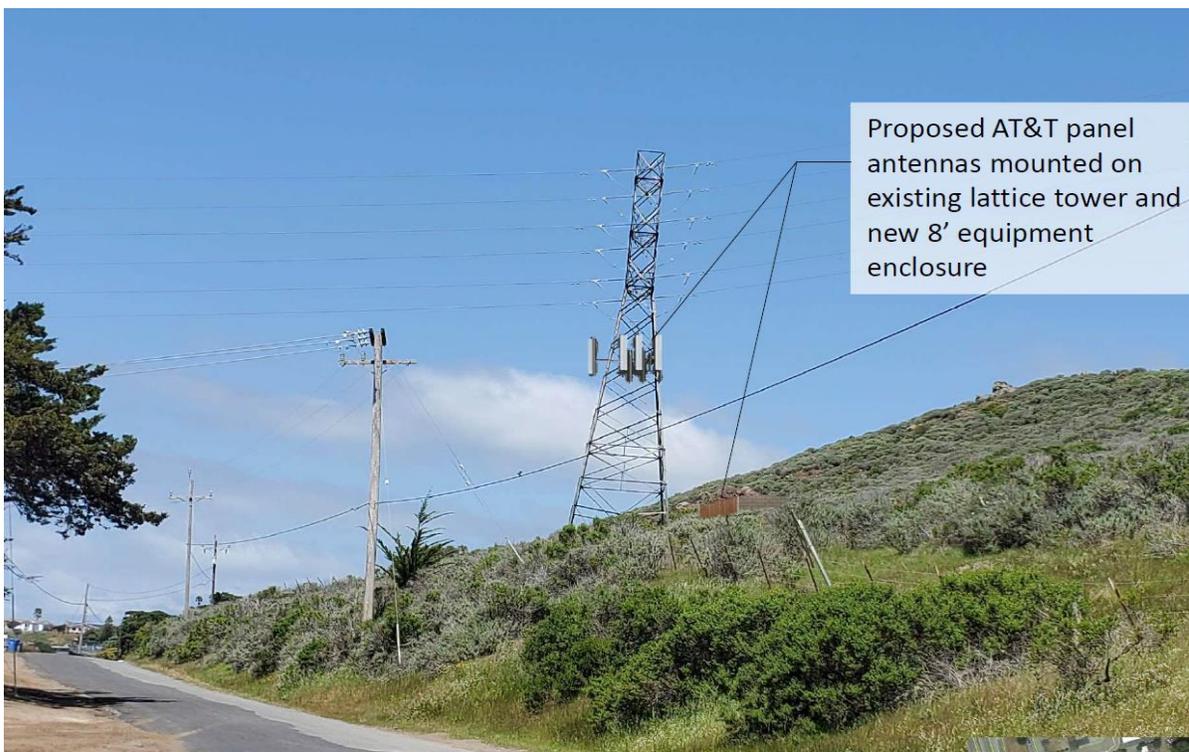
Visual Simulation Site Map:



Proposed Simulation looking southeast (image 1):



Proposed simulation looking northeast (image 2):



### *Hazards/Hazardous Materials*

A Radio Frequency (RF) report was prepared by EBI Consulting dated April 23, 2020, to determine RF-EME exposure levels from the proposed AT&T wireless communications equipment at this site. The report was determined to be within FCC exposure limits. The report is attached as Exhibit D to this staff report. The report also analyzed the site plan with antenna locations, and graphical representation of theoretical maximum permissible exposure (MPE) fields based on modeling and recommended signage and/or barriers.

Due to their mounting locations, the AT&T antennas would not be accessible to the general public. As explained in the RF report, the antennas are mounted above ground level because of the short wavelength of personal communication (PCS) services, the antennas require line of sight paths for good propagation. The antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the lower power of PCS facilities, generally results in no possibility for exposure to approach MPE levels, with the exception of areas directly in front of the antennas. In the event of trespass, and to ensure that maintenance personnel are not exposed in excess of the occupational limit, staff has recommended a condition of approval that explanatory warning signs be posted to be readily visible from any angle of approach (See Planning condition 4).

The report concluded that based on worst-case predictive modeling, there are no modeled exposures on any accessible utility line level and ground walk/working surface related to AT&T's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 19 feet of the antennas at face level. Signage is recommended at the base of the tower site which would bring the project into compliance with FCC requirements.

Also, at the ground/street level, the maximum power density generated by the antennas is approximately 1.04% of public limit, well within the FCC requirements. Lastly, it should be noted that these results include several worst-case scenarios assumptions and therefore are expected to overstate actual power density levels.

### *U.S. Federal Communications Commission*

The project has been designed to be in compliance with FCC regulations. The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite and cable. It was established by the Communications Act of 1934 and operates as an independent U.S. government agency overseen by Congress. Section 332(c)(7) of the Communications Act was added by Congress in the Telecommunications Act of 1996 which imposes limitations on local governments that they may not unreasonably discriminate among providers of functionally equivalent services, may not prohibit provision of

personal wireless services, must act on requests within a reasonable period of time, must make any denial decision in writing, supported by substantial evidence, and may not regulate radio frequency (RF), but may require applicant to satisfy FCC rules.

#### **ENVIRONMENTAL DETERMINATION**

Environmental review was performed for this project. City records include prior Phase 1 cultural resources survey for this greater project area. Those results have previously determined that the area is not sensitive for the presence of significant precontact and/or historical archaeological resources due to evidence of previous disturbance associated with the construction of the transmission towers. Additionally, City records include prior monitoring recommendations for ground disturbing activities in this area. Accordingly, staff is recommending that a condition of approval be added to include archaeological monitoring during ground disturbing activities (See Planning condition 2). As such, due to the lack of potentially significant archaeological resources, staff has determined the project is eligible for a Categorical Exemption Class 3, CEQA Guidelines Section 15303 (e), (New construction of small structures). This exemption applies to the construction and location of limited numbers of new, small facilities or structures and temporary use of land having no permanent effects on the environment.

#### **PUBLIC NOTICE:**

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on October 23, 2020 and mailed directly to all property owners of record and occupants within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

#### **CONCLUSION:**

Improved wireless communication abilities are a community need from the standpoint of both public safety and convenience in the modern era. Based upon the photo simulations and RF report submitted by the applicant and required conditions to have the texture and color of the proposed antennas and coaxial cables to match the existing tower, as well as the condition to adequately screen the equipment enclosure with landscaping, staff has determined that the proposed project would not significantly degrade the aesthetics of the site. The project, as proposed, is consistent with all required development standards of the Zoning Ordinance and all applicable provisions of the General Plan and Local Coastal Plan with incorporation of the recommended conditions of approval.

Staff recommends that the Planning Commission approve the requested Coastal Development Permit and Conditional Use Permit for installation of panel antennas and associated equipment with 20' x 15' equipment enclosure surrounded by 8' wall and gate fencing with the incorporation of the conditions of approval attached herein.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 16-20

Exhibit B – Visual Simulation, Existing and Proposed

Exhibit C – Radio Frequency Compliance Report dated April 23, 2020.

Exhibit D – Graphics/Plan Reductions received September 25, 2020

Exhibit E – AT&T Capacity Map

Exhibit F – Powerpoint presentation

# EXHIBIT A

## RESOLUTION NO. PC 16-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING COASTAL DEVELOPMENT PERMIT (CDP20-008) AND CONDITIONAL USE PERMIT (CUP20-04) TO ALLOW AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY FOR AT&T WHICH INCLUDES INSTALLATION OF SIX PANEL ANTENNAS AND ASSOCIATED EQUIPMENT ON AN EXISTING PG&E LATTICE TOWER LOCATED EAST OF LITTLE MORRO CREEK ROAD AND NORTH OF RADCLIFF AVENUE (475 RADCLIFFE AVENUE, APN 068-401-001). PROPOSAL ALSO INCLUDES A NEW 20' X 15' EQUIPMENT ENCLOSURE SURROUNDED BY 8 FOOT CMU WALL AND GATE TO BE LOCATED 35 FEET NORTHEAST OF THE LATTICE TOWER.

**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 November 4, 2020, for the purpose of considering Coastal Development Permit CDP20-008 & Conditional Use Permit # CUP20-04 to co-locate a proposed installation of an unmanned telecommunication facility to allow installation of six panel antennas and associated equipment on an existing PG&E lattice tower located east of Little Morro Creek Rd and Radcliffe Avenues (475 Radcliffe, APN Number 068-401-001) in an area outside of the Coastal Commission Appeals 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; and

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

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

### California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3: New construction of small structures. This exemption applies to the construction and location of limited numbers of new, small facilities or structures and temporary use of land having no permanent effects on the environment.

### Coastal Development Permit Findings

1. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay. "Antennas" and "Public Utility Facilities" are both listed as uses that may be permitted in any zone district with an approved Conditional Use Permit

# EXHIBIT A

Planning Commission Resolution #16-20  
CDP20-008 & CUP20-04  
475 Radcliffe  
Page 2

(Zoning Ordinance Section 17.30.0030 (F) & (P), respectively).

## Conditional Use Permit Findings

1. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use in that the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff report, and potential public health impacts were studied and addressed in an RF report prepared by EBI Consulting, dated April 23, 2020; and
2. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed consistent with all applicable City regulations and will post explanatory warning signs to ensure compliance with occupational exposure limits.
3. The 8 foot height enclosed wall of the 20' x 15' equipment enclosure is not located in a street setback area and is found to have characteristics particular to this property where a height exception is necessary in order to allow for adequate screening of the ground-located mechanical equipment.

**Section 2: Action.** The Planning Commission does hereby approve Coastal Development Permit CDP200-008 and Conditional Use Permit #CUP20-04 for property known as 475 Radcliffe (APN number 068-401-001) subject to the following conditions:

## STANDARD CONDITIONS

1. Permits: This Conditional Use Permit and Coastal Development Permit are granted for the uses described in the October 28, 2020 staff report and all attachments thereto, and as shown on the plans received by the Community Development Department on September 25, 2020. In addition to satisfying all of the foregoing Conditions of Approval for the proposed use, the applicant shall obtain and maintain compliance with all other required permits and approvals.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced within two (2) years of the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Community Development Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

# EXHIBIT A

3. Changes: Any minor change may be approved by the Community Development Director. Any substantial change, as so deemed by the Community Development Director, will require the filing of an application for an amendment to be reviewed by the Planning Commission.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Compliance with Conditions: Prior to issuance of a building permit for the proposed use or development, the owner or designee accepts and agrees to comply with 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 Community Development Manager and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday, and 8:00 A.M. to 7:00 P.M. on Saturday and Sunday, unless an exception is granted by the Community Development Manager pursuant to the terms of this regulation.
9. 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

# EXHIBIT A

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 or salvage. The developer shall be liable for costs associated with the professional investigation.

2. Archaeological Monitoring: An archaeological monitor and Native American representative shall be present and on-site during ground-disturbing activities. Applicant shall submit monitoring contract for review and approval prior to issuance of a building permit.
3. Antenna and Equipment Screening: As presented in the photo simulations of the proposed project, the color and texture of the proposed antennas and associated cable shall be painted a non-reflective gray to match with the existing tower.
4. Signage: All signage recommendations of the EBI Consulting RF report shall be incorporated and shown on building permit plans. In order to prevent occupational exposures in excess of FCC regulations, explanatory warning signs shall be posted on the tower, such that the signs would be readily visible from any angle of approach to maintenance persons. The applicant shall submit building plans illustrating the placement of the required explanatory warning signs. The warning signs should be utilized to establish awareness as long as they provide information in a prominent manner on the risk of potential exposure and instructions on methods to minimize such exposure risk.
5. Landscaping: Building permit plans shall include drought-tolerant landscaping to screen the street-facing west and south sides of the equipment enclosure.
6. Fencing: The chain link fence on the equipment enclosure shall be modified to include brown or earth-toned privacy slatting. Fencing details shall be shown on the building permit plans submitted for approval to the satisfaction of the Community Development Director.
7. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blown earth problems shall be submitted for review and approval by the Building Official. (MBMC Section 17.52.070)
8. Conditions of Approval: 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.
9. Inspection: The applicant shall comply with all Planning conditions listed above and obtain a final inspection from the Planning Division at the necessary time in order to ensure all conditions have been met.

# EXHIBIT A

## **BUILDING CONDITION**

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

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
6. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
7. BUILDING PERMIT APPLICATION: To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
8. The Title sheet of the plans shall include, but not limited to:
  - Street address, lot, block, track and Assessor Parcel Number
  - Occupancy Classification(s)
  - Construction Type
  - Maximum height of the building allowed and proposed

# EXHIBIT A

- Floor area of the building(s)
- Fire sprinklers proposed or existing
- Minimum building setback allowed and proposed

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

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

## **B. CONDITIONS TO BE MET DURING CONSTRUCTION:**

1. **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
2. **ARCHAEOLOGICAL MATERIALS:** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case by case basis for some lot types.
4. **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case by case basis for some site-specific projects.

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5. **EXISTING BUILDINGS:** Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2019 California Residential Code.

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

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

## **PUBLIC WORKS CONDITIONS**

1. **Erosion and Sediment Control Plan:** Provide a detailed 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. Show construction staging area and BMP's that will be used.

Add the following Notes to the Plans:

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

# EXHIBIT A

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permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement. If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit within the City right-of-way.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 4<sup>th</sup> day of November, 2020 upon motion of Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson Gerald Luhr

ATTEST

---

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 4<sup>th</sup> day of November, 2020.



# S I T E P H O T O S I M U L A T I O N S



Date: 7/17/2020

Site Name: AT&T CSL01277

Address: APN: 068-401-001  
Morro Bay, CA 93442

Applicant: AT&T  
1452 Edinger Ave.  
Tustin, CA 92780

Contact: John Pappas  
EukonGroup  
65 Post, Suite 1000  
Irvine, CA 92618  
john.pappas@eukongroup.com

**Certificate of Authenticity / Disclaimer:**  
Eukon Group warrants that this photo simulation is an accurate representation of the proposed site based upon the project plans and additional information provided by the Applicant. The final constructed site may vary.

Prepared by: Anika Denton  
Graphic Detail Productions  
ajdenton@gdprod.com



**View 1**

Looking southeast from Little Morro Creek Rd. toward subject site.



**View 1**  
Looking southeast from Little Morro Creek Rd. toward subject site.

Proposed AT&T panel antennas mounted on existing lattice tower and new 8' equipment enclosure



**View 2**  
Looking northeast from Little Morro Creek Rd. toward subject site.



**View 2**  
Looking northeast from Little Morro Creek Rd. toward subject site.

Proposed AT&T panel antennas mounted on existing lattice tower and new 8' equipment enclosure



**View 3**  
Looking northwest from Radcliff Ave.  
toward subject site.



**View 3**

Looking northwest from Radcliff Ave. toward subject site.

Proposed AT&T panel antennas mounted on existing lattice tower and new 8' equipment enclosure and new 8' equipment enclosure



# Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

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Site No. CSL01277  
MRLOS059968, MRLOS059621, MRLOS060064, MRLOS059736, MRLOS052867  
CSL01277  
Little Morro Creek Road (APN: 068-401-001)  
Morro Bay, California 93442  
San Luis Obispo County  
35.376644; -120.850948 NAD83  
Transmission Tower

**The proposed AT&T installation will be in compliance with FCC regulations upon proper installation of recommended signage.**

EBI Project No. 6220001764  
April 23, 2020



Prepared for:  
AT&T Mobility, LLC  
12312 W Olympic Blvd  
Los Angeles, California 90064

Prepared by:  
 **EBI Consulting**  
environmental | engineering | due diligence

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- Appendix B Compliance/Signage Plan**

## EXECUTIVE SUMMARY

### Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site CSL01277 located at Little Morro Creek Road (APN: 068-401-001) in Morro Bay, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 1.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains the RF EME analysis for the site, including the following:

- Site Plan with antenna locations
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

### Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled exposures on any accessible utility line level and ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site. Additionally, there are areas where elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 19 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

As such, the proposed AT&T installation is in compliance with FCC regulations upon proper installation of recommended signage and/or barriers.

### AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common

RF-EME Compliance Report  
EBI Project No. 6220001764

USID No. 284637 Site No. CSL01277  
Little Morro Creek Road (APN: 068-401-001), Morro Bay, California

industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014.

The following signage is recommended at this site:

- Yellow CAUTION 2 sign posted at the base of the transmission tower near the climbing ladder.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. More detailed information concerning site compliance recommendations is presented in Section 4.0 and Appendix B of this report.

**1.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS**

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

**Occupational/controlled exposure limits** apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

**General public/uncontrolled exposure limits** apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm<sup>2</sup>). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm<sup>2</sup>) and an uncontrolled MPE of 1 mW/cm<sup>2</sup> for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.57 mW/cm<sup>2</sup>. For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.47 mW/cm<sup>2</sup>. These limits are considered protective of these populations.

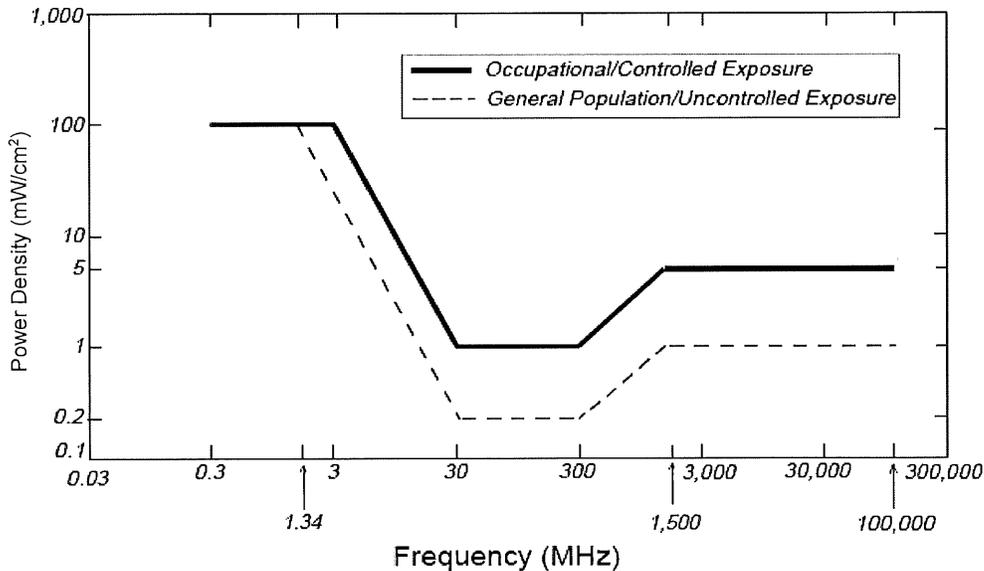
<b>(A) Limits for Occupational/Controlled Exposure</b>				
<b>Frequency Range (MHz)</b>	<b>Electric Field Strength (E) (V/m)</b>	<b>Magnetic Field Strength (H) (A/m)</b>	<b>Power Density (S) (mW/cm<sup>2</sup>)</b>	<b>Averaging Time [E]<sup>2</sup>, [H]<sup>2</sup>, or S (minutes)</b>
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6

<b>(B) Limits for General Public/Uncontrolled Exposure</b>				
<b>Frequency Range (MHz)</b>	<b>Electric Field Strength (E) (V/m)</b>	<b>Magnetic Field Strength (H) (A/m)</b>	<b>Power Density (S) (mW/cm<sup>2</sup>)</b>	<b>Averaging Time [E]<sup>2</sup>, [H]<sup>2</sup>, or S (minutes)</b>
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

\* Plane-wave equivalent power density

**Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)**  
Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

<b>Personal Wireless Service</b>	<b>Approximate Frequency</b>	<b>Occupational MPE</b>	<b>Public MPE</b>
Microwave (Point-to-Point)	5,000 - 80,000 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Cellular Telephone	870 MHz	2.90 mW/cm <sup>2</sup>	0.58 mW/cm <sup>2</sup>
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm <sup>2</sup>	0.57 mW/cm <sup>2</sup>
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm <sup>2</sup>	0.47 mW/cm <sup>2</sup>
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm <sup>2</sup>	0.20 mW/cm <sup>2</sup>

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

## 2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 3.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 4.0.

## 3.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofMaster™ software to estimate the worst-case power density at the site utility line level and ground-level and/or nearby rooftops resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications (FCC) Office of Engineering & Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by AT&T and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65.

The assumptions used in the modeling are based upon information provided by AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled exposures on any accessible utility line level and ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site. Additionally, there are areas where

elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 19 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

At the nearest walking/working surfaces to the AT&T antennas on the utility line level, the maximum power density generated by the AT&T antennas is approximately 19.75 percent of the FCC's general public limit (3.95 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 19.75 percent of the FCC's general public limit (3.95 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. Based on worst-case predictive modeling, there are no areas at ground/street level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground/street level, the maximum power density generated by the antennas is approximately 1.04 percent of the FCC's general public limit (0.208 percent of the FCC's occupational limit).

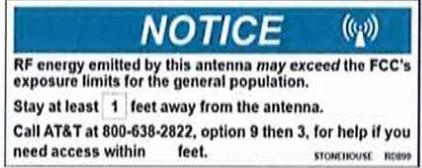
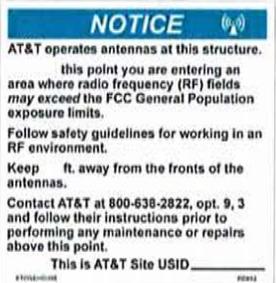
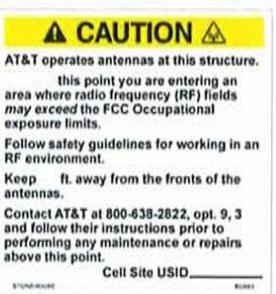
A graphical representation of the RoofMaster™ modeling results is presented in Appendix B. It should be noted that RoofMaster™ is not suitable for modeling microwave dish antennas; however, these units are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. All microwaves on site are considered compliant with AT&T's guidance and were not included in the modeling analysis.

**4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN**

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

CRAN / HETNET Small Cell Decals / Signs		Alerting Signs	
 	<p><b>NOTICE DECALS</b></p>	 	<p><b>TRILINGUAL NOTICE</b></p> <p><b>NOTICE 2</b></p>
	<p><b>NOTICE SIGN</b></p>	 	<p><b>CAUTION 2 - ROOFTOP</b></p> <p><b>CAUTION 2A</b></p>
	<p><b>CAUTION DECAL</b></p>	 	<p><b>CAUTION 2B - TOWER</b></p> <p><b>CAUTION 2C - PARAPETS</b></p>
	<p><b>CAUTION SIGN</b></p>	 	<p><b>WARNING 1B</b></p> <p><b>WARNING 2A</b></p>

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, and additional guidance provided by AT&T, the following signage is recommended on the site:

- Yellow CAUTION 2 sign posted at the base of the transmission tower near the climbing ladder.

No barriers are required for this site. The signage is graphically represented in the Signage Plan presented in Appendix B.

## 5.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at Little Morro Creek Road (APN: 068-401-001) in Morro Bay, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible utility line level and ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site. Additionally, there are areas where elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 19 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

Signage is recommended at the site as presented in Section 4.0 and Appendix B. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

## 6.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC to meet requirements outlined in AT&T's corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

## **Appendix A**

### **Personnel Certifications**

## Preparer Certification

I, Jonathan Ilgenfritz, state that:

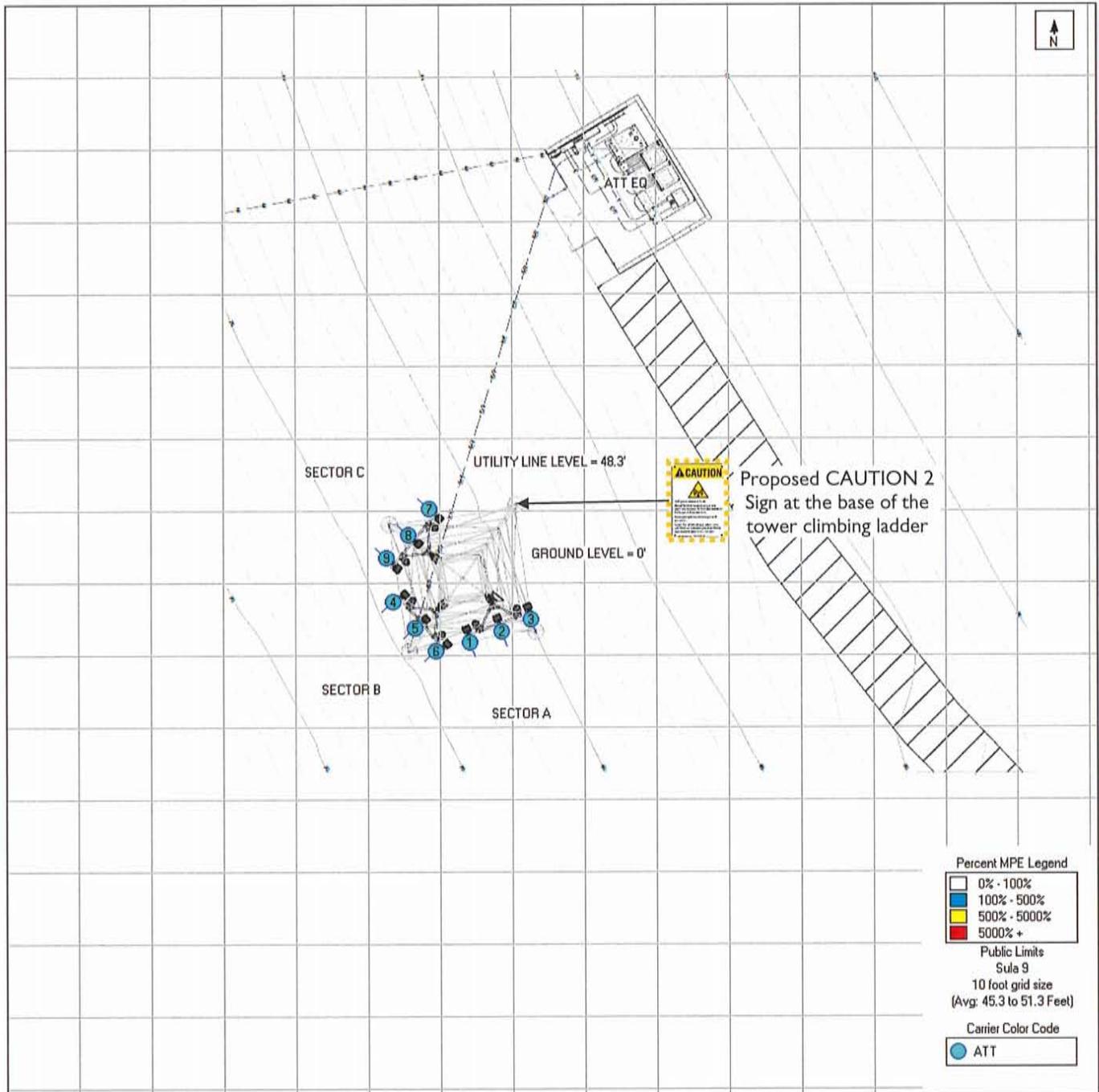
- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified “occupational” under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have been trained in on the procedures outlined in AT&T’s RF Exposure: Responsibilities, Procedures & Guidelines document (dated October 28, 2014) and on RF-EME modeling using RoofMaster™ modeling software.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.



## **Appendix B**

### **Compliance/Signage Plan**

### Utility Line Level Simulation



	Existing Sign
	Proposed Sign
	Installed Sign

SIGN IDENTIFICATION LEGEND			
	AT&T NOTICE 2 Sign		AT&T CAUTION 2 - Rooftop Sign
	AT&T WARNING 1B and 2A Signs		AT&T CAUTION 2B - Tower Sign
	AT&T NOTICE Small Cell Signs		AT&T CAUTION 2C - Parapet Sign
	AT&T CAUTION Small Cell Signs		AT&T TRILINGUAL NOTICE Sign

**SITE NUMBER: CSL01277**  
**PACE# MRLOS052867,**  
**FA#: 10112693,**  
**USID: 284637**



**PROJECT: LTE-1C/2C/3C/4C/5C/6C/7C**  
**SITE TYPE: RAWLAD**  
**SITE ADDRESS: APN: 068-401-001**  
**MORRO BAY, CA 93442**  
**PG&E TOWER INFORMATION:**  
**TOWER SAP: 40650851**  
**TOWER #: 000/003**  
**LINE NAME: MORRO BAY - SAN LUIS OBISPO #1**  
**PROJECT # 3771**

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

APPROVED BY:	INITIALS:	DATE:
AT&T RF ENGINEER:		
AT&T OPERATIONS:		
SITE ACQUISITION MANAGER:		
PROJECT MANAGER:		
ZONING VENDOR:		
LEASING VENDOR:		
CONSTRUCTION MANAGER:		
A/E MANAGER:		
PROPERTY OWNER:		

**APPROVALS**

AT&T WIRELESS PROPOSES TO CONSTRUCT A WIRELESS INSTALLATION. THE SCOPE WILL CONSIST OF THE FOLLOWING:

**INDOOR EQUIPMENT**

- INSTALL (6) AT&T PANEL ANTENNAS
- INSTALL (15) AT&T REMOTE RADIO UNITS (RRUS)
- INSTALL (3) DC9 SURGE SUPPRESSORS
- INSTALL (3) DC12 SURGE SUPPRESSORS WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (1) 20kW BACK-UP POWER GENERATOR W/ 132 gal UL2085 RATED TANK WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (1) POWER PLANT WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (1) BATTERY CABINET WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (2) PURCELL CABINET WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (3) CMU RETAINING WALLS
- INSTALL (3) UTILITY TRENCHES
- INSTALL (1) CHAIN-LINK FENCE
- INSTALL (1) CHAIN-LINK ACCESS GATE
- INSTALL (1) AUTOMATIC TRANSFER SWITCH WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (1) CIENA WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (1) TELCO BOX WITHIN PROPOSED AT&T LICENSE AREA
- INSTALL (1) RF DISCONNECT SWITCH AND DOCUMENT BOX WITHIN PROPOSED AT&T LICENSE AREA

**PROJECT DESCRIPTION**

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	1
C-1	TOPOGRAPHIC SURVEY	A
A-1	SITE PLAN	1
A-2	ENLARGED SITE PLAN	1
A-3	PROPOSED EQUIPMENT LAYOUT	2
A-4	PROPOSED ANTENNA PLANS/ANTENNA AND RRU SCHEDULE	0
A-5	PROPOSED SOUTH ELEVATION	1
A-6	PROPOSED WEST ELEVATION	1
C-4	EROSION CONTROL	1
C-4.1	EROSION CONTROL DETAILS	1

**SHEET INDEX**

SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

**DO NOT SCALE DRAWINGS**

APPLICANT:

1452 EDINGER AVENUE,  
 3RD FLOOR  
 TUSTIN, CA 92780

ENGINEER:

65 POST, SUITE 1000  
 IRVINE, CA 92618  
 TEL: (949) 553-8566  
[www.eukongroup.com](http://www.eukongroup.com)

DRAWN BY: DS/MP  
 CHECKED BY: AG

REVISIONS:

REV	DATE	DESCRIPTION
3	07/17/20	ZONING COMMENTS
2	07/07/20	DRM COMMENTS
1	06/30/20	PG&E COMMENTS
0	04/02/20	100% ZONING DRAWING
A	02/19/20	90% ZONING DRAWING

LICENSEE:

**NOT TO BE USED FOR CONSTRUCTION**

PROJECT INFORMATION:

CSL01277

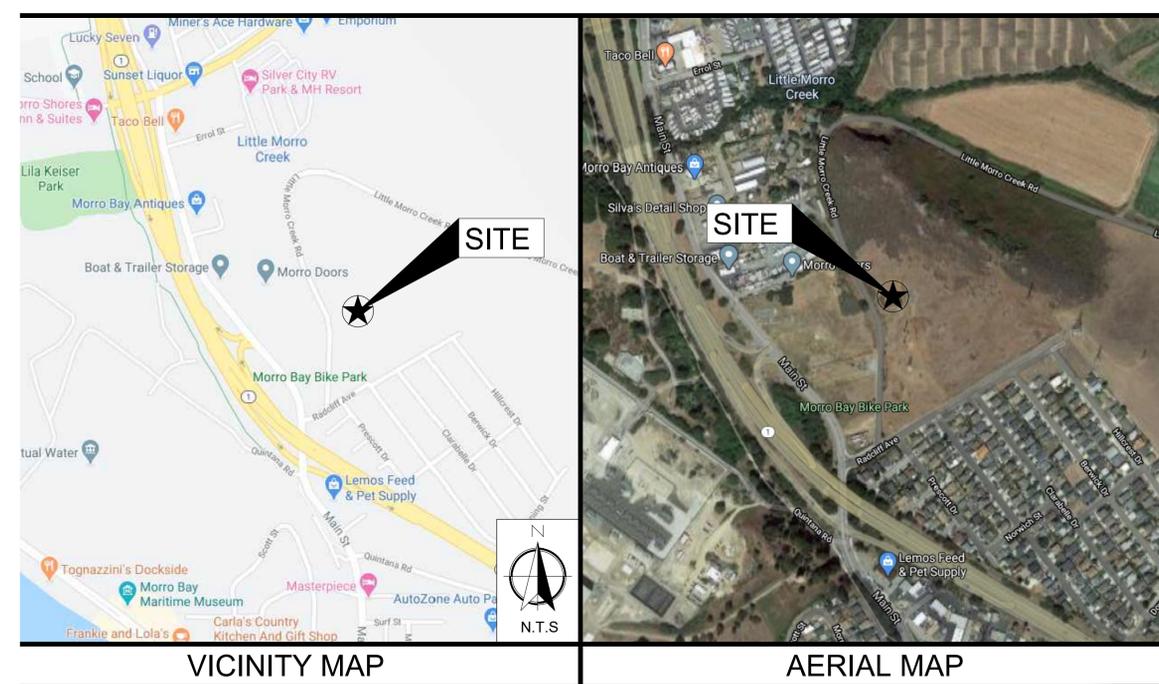
APN: 068-401-001  
 MORRO BAY, CA 93442

SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

**T-1**



SECTIONS FROM AT&T OFFICE:  
 2 EDINGER AVE, TUSTIN, CA 92780

Drive northeast toward AT&T. Turn left toward AT&T. Turn right onto AT&T. Turn left onto Edinger Ave. Use the left 2 lanes to turn left onto the State Route 55 S ramp. Merge onto State Rte 55 S. Use the right 2 lanes to take exit 6A to merge onto I-405 N. Keep left at the fork to stay on I-405 N. Keep left to stay on I-405 N. Follow signs for Sacramento. Keep left to stay on US-101 N. Take exit 101B for State Street toward I-154/Cachuma Lake. Continue straight onto Calle Real. Turn right onto CA-154 W/San Marcos Pass Rd. At the traffic circle, take the 2nd exit and stay on CA-154 W/San Marcos Pass Rd. Turn right to merge onto US-101 N. Merge onto US-101 N. Take exit 203B to merge onto CA-1 N/Toro St toward Morro Bay/Hearst Castle. Merge onto CA-1 N/Toro St. Continue to follow CA-1 N. Turn right onto CA-1 N/Santa Rosa. Continue to follow CA-1 N. Take exit 279A for Main St. Sharp right onto Main St. Turn left onto Radcliff Ave. Turn left onto Little Morro Creek Rd.

**DRIVING DIRECTIONS**



PROJECT INFORMATION:

CSL01277

RADCLIFF AVE MORRO BAY, CA

CURRENT ISSUE DATE:

07/08/2020

ISSUED FOR:

100% ZONING

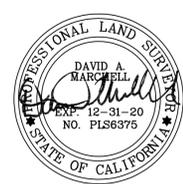
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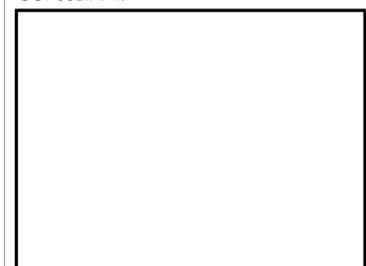
SURVEYOR:

omni DESIGN GROUP logo and contact information: 711 Tank Farm Road, Suite 100, San Luis Obispo, California 93401. Phone: (805) 544-9700. www.omnidesigngroup.com. email: omni@odgso.com

SEAL:



CONSULTANT:



DRAWN BY: CHK.: APV.:

Table with 3 columns: MM, DM, DM. It is currently empty.

SHEET TITLE:

LEASE AREA DETAIL SITE & BOUNDARY PLAN

SHEET NUMBER: REVISION:

Large 'C-1' sheet number and '1070-27' revision number.

BASIS OF BEARINGS

THE BEARINGS ARE BASED UPON CALIFORNIA COORDINATE SYSTEM, ZONE 5, NAD 83

BENCHMARK:

HORIZONTAL & VERTICAL DATUMS SHOWN ON THESE PLANS WERE OBTAINED FROM GPS OBSERVATIONS USING CALIFORNIA REAL TIME NETWORK "CRTN".

THE BEARINGS ARE BASED UPON CALIFORNIA COORDINATE SYSTEM, ZONE 5, NAD 83.

THE ELEVATIONS ARE BASED UPON NAVD 88.

NOTES:

- 1. DATE OF SURVEY: 02/12/2020
2. ACREAGE PARCEL: ±23.7 ACRES
3. ASSESSOR'S PARCEL NUMBER(S): 068-401-001
4. PROPOSED LEASE AREA: 14.67' x 20.00' = ±293.4 SQUARE FEET
5. PROPERTY OWNER(S): PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION

FIRM CLASSIFICATION

THE PROPERTY SHOWN HEREON FALLS WITHIN ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 0607920813M, EFFECTIVE DATE MAY 16, 2017, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

(ZONE "X" BEING CLASSIFIED AS AREA OF MINIMAL FLOOD HAZARD PER SAID F.E.M.A. MAP ABOVE)

PROPOSED ANTENNA GEODETIC COORDINATES

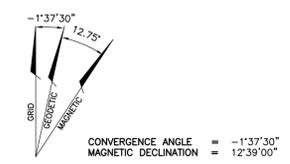
THE CENTER OF THE PROPOSED ANTENNAS AS SHOWN HEREON IS LOCATED AT THE FOLLOWING COORDINATES (NAD 83):

LATITUDE: N 35°22'35.93"
LONGITUDE: W 120°51'03.42"

THE LATITUDE AND LONGITUDE SHOWN HEREON WERE DERIVED FROM DATA COLLECTED USING A TRIMBLE R8 GNSS DUAL FREQUENCY RECEIVER AND PROCESSED THROUGH THE NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE. ACCURACY FOR KINEMATIC SURVEYING USING A TRIMBLE R8 GNSS RECEIVER IS HORIZONTALLY ±10MM+1 PPM RMS.

LEGEND

- AC = ASPHALTIC CONCRETE
EP = EDGE OF PAVEMENT
FL = FLOWLINE
FS = FINISHED SURFACE
GD = GROUND ELEVATION
TC = TOP OF CURB
AGL = ABOVE GRADE LEVEL
AMSL = ABOVE MEAN SEA LEVEL



TITLE REPORT EXCEPTIONS

ITEMS FROM TITLE REPORT THAT ARE NOT REFERENCED BELOW ARE EITHER NOT PLOTTABLE, NOT LEGIBLE, NOT PROVIDED OR DO NOT AFFECT PROPERTY.

(C) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO: SOUTHERN CALIFORNIA GAS COMPANY, A CALIFORNIA CORPORATION
PURPOSE: EXISTING PIPELINE FOR CONVEYING GAS, WITH NECESSARY AND PROPER VALVES AND OTHER APPLIANCES AND FITTINGS; PIPELINES, VALVES AND OTHER DEVICES AND EQUIPMENT NECESSARY FOR METERING AND REGULATING GAS WITHIN; AND FENCE; WITH INGRESS TO AND EGRESS THEREFROM
RECORDING DATE: MARCH 14, 1983
RECORDING NO.: BOOK 1230, PAGE 318, OF OFFICIAL RECORDS
AFFECTS: A PORTION OF THE LAND DESCRIBED HEREIN AND OTHER LAND

(F) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO: DUKE ENERGY MORRO BAY LLC, A DELAWARE LIMITED LIABILITY COMPANY
PURPOSE: A NON-EXCLUSIVE EASEMENT AND RIGHT TO REPLACE, REPAIR, RECONSTRUCT, REMOVE, MAINTAIN AND USE AN EXISTING PIPE LINE, FOR THE TRANSMISSION AND DISTRIBUTION OF GAS, OIL, PETROLEUM PRODUCTS, OR ANY OTHER LIQUIDS, GASES, OR SUBSTANCES WHICH CAN BE TRANSPORTED THROUGH A PIPE LINE, WITH PROPER VALVES AND OTHER APPLIANCES AND FITTINGS; AND DEVICES FOR CONTROLLING ELECTROLYSIS FOR USE IN CONNECTION WITH SAID PIPE LINES AND APPURTENANT FACILITIES, AND SUCH UNDERGROUND WIRES, CABLES, CONDUITS AND OTHER ELECTRICAL CONDUCTORS, APPLIANCES, FIXTURES AND APPURTENANCES
RECORDING DATE: JULY 2, 1998
RECORDING NO.: 1988-040835, OF OFFICIAL RECORDS
AFFECTS: THE HEREIN DESCRIBED LAND AND OTHER LAND

PROPOSED LEASE AREA DESCRIPTION

THAT PORTION OF THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN LUIS OBISPO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 8 OF THE SUBDIVISIONS OF A PART OF THE RANCHO SAN BERNARDO MADE BY R. R. HARRIS, DECEMBER 1884, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED JANUARY 5, 1907 IN BOOK 1 AT PAGE 6 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT POST "S90", DESIGNATED ON SAID MAP AT AN ANGLE POINT IN THE NORTHEASTERLY LINE OF SAID LOT; THENCE NORTH 41° 20' WEST, ALONG SAID NORTHEASTERLY LINE, 577.74 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY LINE OF LITTLE MORRO CREEK ROAD, SAID POINT BEING THE MOST EASTERLY CORNER OF THE PROPERTY CONVEYED TO HENRY G. JOHNSON, ET UX., BY DEED DATED APRIL 3, 1934 AND RECORDED IN BOOK 150 A PAGE 97 OF OFFICIAL RECORDS, AND SHOWN ON MAP RECORDED JUNE 6, 1934 IN BOOK 2 AT PAGE 40 OF RECORD OF SURVEYS; THENCE ALONG THE WESTERLY LINE OF SAID ROAD, AS SHOWN ON SAID MAP AND AS SHOWN ON MAP RECORDED MAY 8, 1941 IN BOOK 2 AT PAGE 73 OF RECORD OF SURVEYS, THE FOLLOWING COURSES AND DISTANCES: SOUTH 42° 29' WEST, 74.33 FEET; SOUTH 26° 46' WEST, 63.27 FEET; SOUTH 1° 56' WEST, 175.14 FEET; SOUTH 17° 25' EAST, 398.20 FEET; SOUTH 24° 17' EAST, 434.60 FEET; AND SOUTH 2° 07' WEST, 570.7 FEET TO THE NORTHWESTERLY LINE OF RADCLIFFE AVENUE, AS SAID AVENUE IS SHOWN ON MAP OF HARBOR FRONT UNIT NO. 1, RECORDED DECEMBER 22, 1930 IN BOOK 5 AT PAGE 18 OF MAPS; THENCE NORTH 59° 11' EAST ALONG SAID NORTHWESTERLY LINE TO THE NORTHEASTERLY LINE OF SAID LOT 8; THENCE NORTH 37° 3/4' WEST ALONG SAID NORTHEASTERLY LINE TO POST "S89" SHOWN ON MAP OF SAID RANCHO; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE NORTH 56 1/2' WEST, 702.90 FEET TO THE POINT OF BEGINNING.

COMMENCING FROM POST "S89" MENTIONED ABOVE, THENCE NORTH 54°59'19" WEST, A DISTANCE OF 567.85 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE AT RIGHT ANGLES SOUTH 35°00'41" WEST, A DISTANCE OF 351.77 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 30°54'51" EAST, A DISTANCE OF 20.00 FEET;
THENCE SOUTH 59°05'09" WEST, A DISTANCE OF 14.67 FEET;
THENCE NORTH 30°54'51" WEST, A DISTANCE OF 20.00 FEET;
THENCE NORTH 59°05'09" EAST, A DISTANCE OF 14.67 FEET TO THE TRUE POINT OF BEGINNING.

BOUNDARY AND TITLE INFORMATION

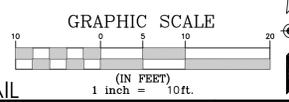
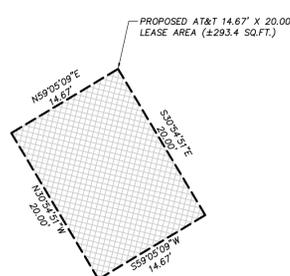
THIS MAP IS A GRAPHIC DEPICTION OF DATA COMPILED FROM PRELIMINARY TITLE REPORTS, RECORD SUPPORT DOCUMENTS, MAPS AND VARIOUS OTHER INFORMATION. IT IS NOT A BOUNDARY SURVEY. THIS MAP IS A TOPOGRAPHIC MAP SHOWING EASEMENTS OF RECORD TOGETHER WITH PROPERTY LINES PLOTTED FROM SAID RECORD DATA. THE LIMITS OF TOPOGRAPHIC DATA AND/OR IMPROVEMENTS GATHERED AND DEPICED ARE LIMITED TO THE CONTRACTUAL SCOPE FOR THIS PROJECT. NO MONUMENTS WERE SET OR WILL BE SET. NO TITLE RESEARCH WAS PERFORMED BY OMNI DESIGN GROUP INC.

THE PROPERTY BOUNDARY AS SHOWN HEREON IS BASED UPON A PRELIMINARY TITLE REPORT PREPARED BY "FIDELITY NATIONAL TITLE INSURANCE COMPANY", NO. FSLC-811900393, DATED JULY 12, 2019 AT 8:00 A.M. OMNI DESIGN GROUP, INC. ASSUMES NO LIABILITY FOR PRIOR SURVEYS, ENCROACHMENTS OR OTHER DEFECTS IN TITLE.

PROPERTY LEGAL DESCRIPTION:

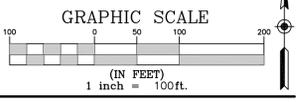
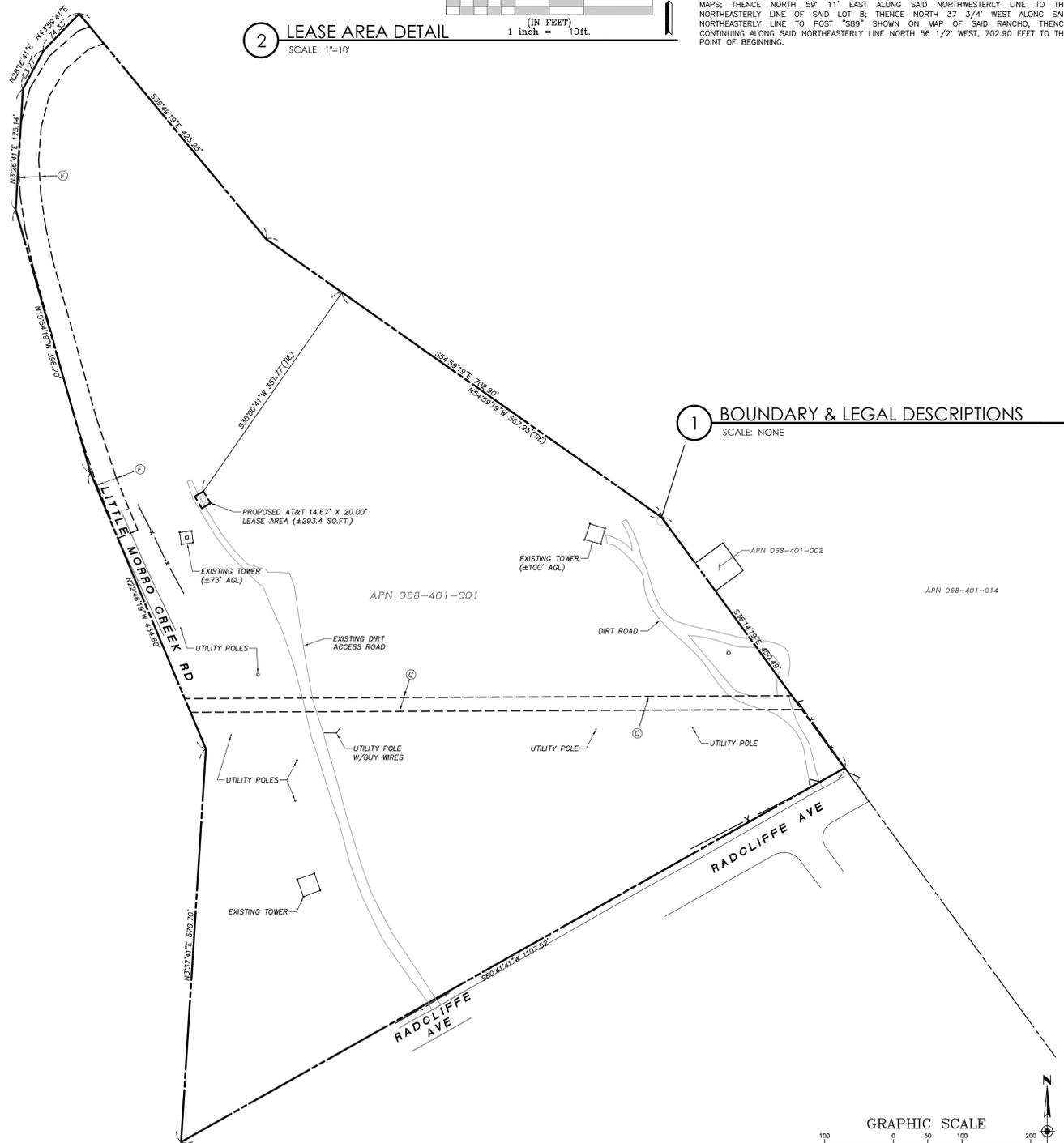
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN LUIS OBISPO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: THAT PORTION OF LOT 8 OF THE SUBDIVISIONS OF A PART OF THE RANCHO SAN BERNARDO MADE BY R. R. HARRIS, DECEMBER 1884, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED JANUARY 5, 1907 IN BOOK 1 AT PAGE 6 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

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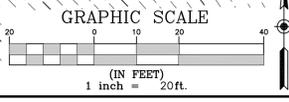
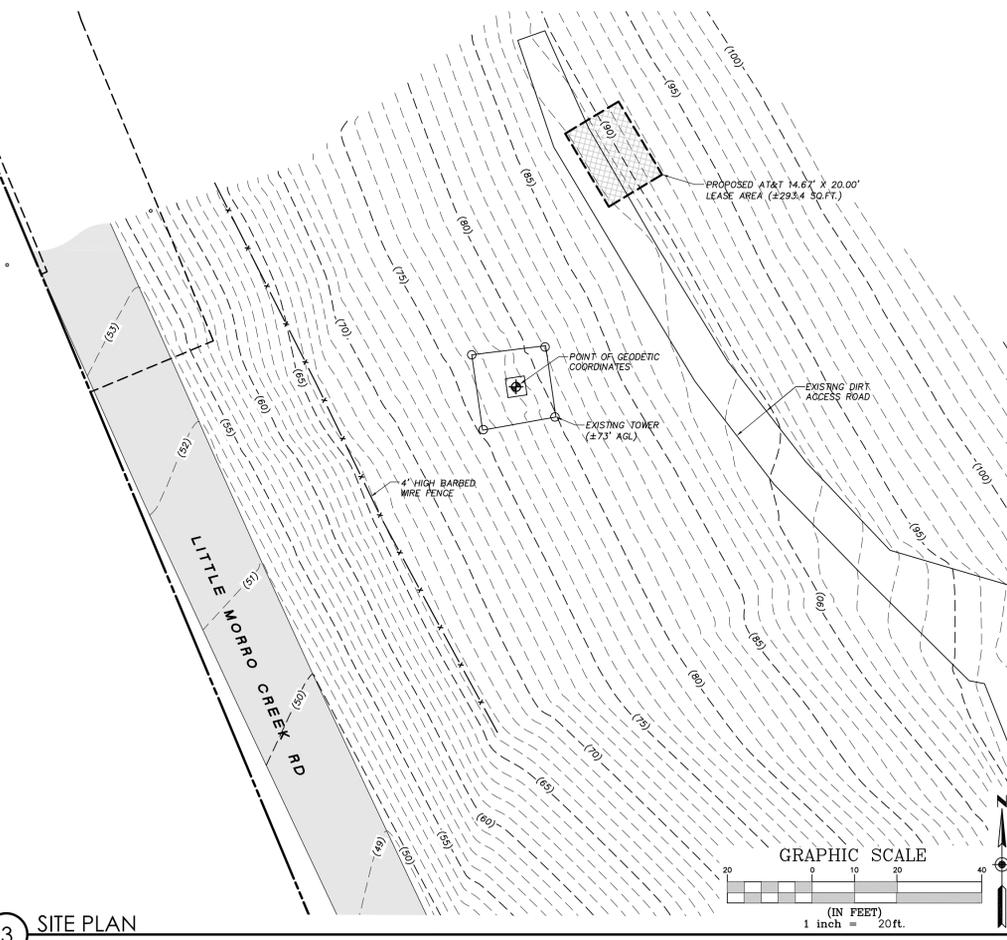
2 LEASE AREA DETAIL SCALE: 1"=10'

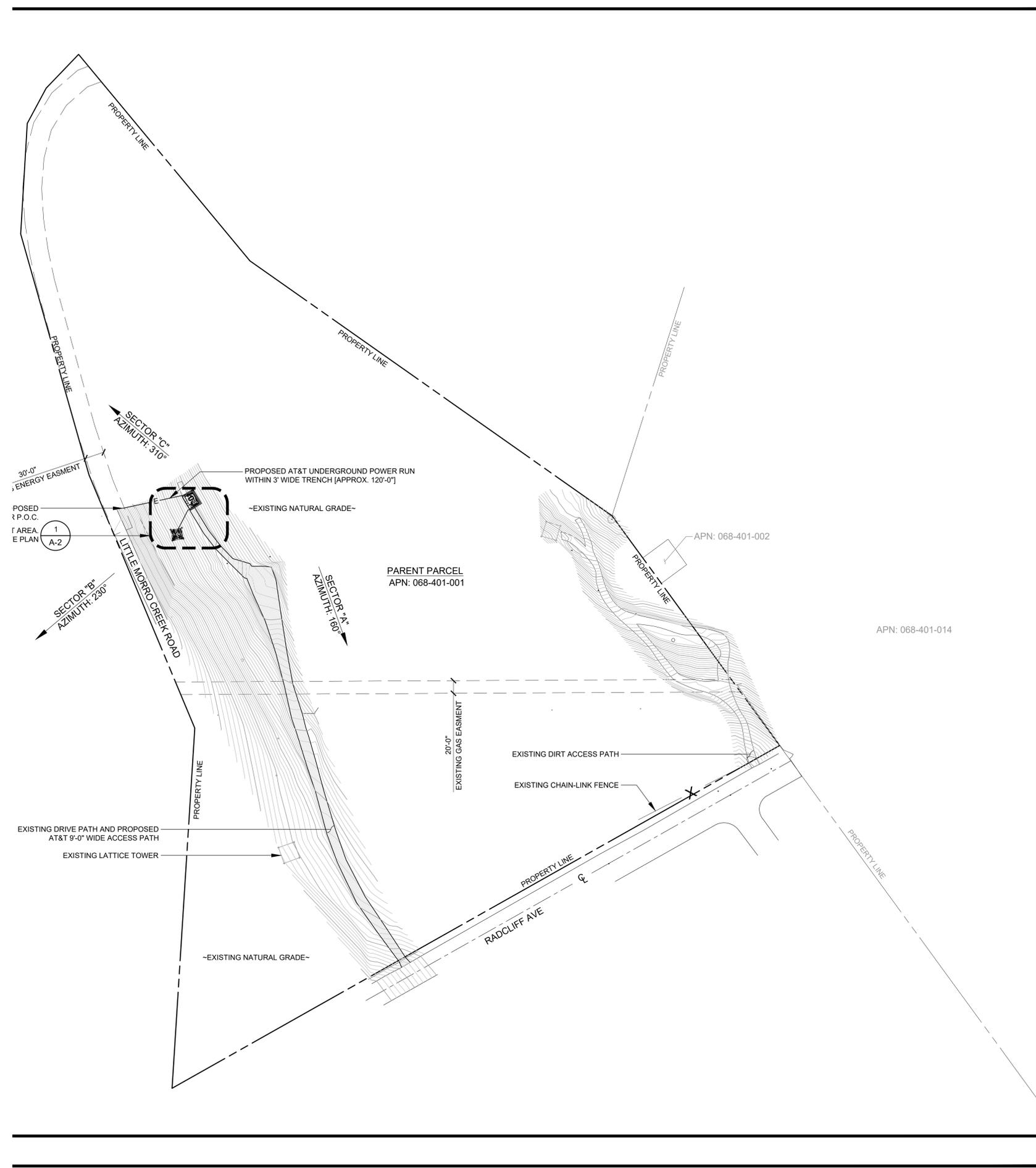
1 BOUNDARY & LEGAL DESCRIPTIONS SCALE: NONE



4 BOUNDARY PLAN SCALE: 1"=100'

3 SITE PLAN SCALE: 1"=20'





APPLICANT:

1452 EDINGER AVENUE,  
3RD FLOOR  
TUSTIN, CA 92780

ENGINEER:

an SFC Communications, Inc. Company  
65 POST, SUITE 1000  
IRVINE, CA 92618  
TEL: (949) 553-8566  
[www.eukongroup.com](http://www.eukongroup.com)

DRAWN BY:	DS/MP
CHECKED BY:	AG

REVISIONS:		
REV	DATE	DESCRIPTION
3	07/17/20	ZONING COMMENTS
2	07/07/20	DRM COMMENTS
1	06/30/20	PG&E COMMENTS
0	04/02/20	100% ZONING DRAWING
A	02/19/20	90% ZONING DRAWING

LICENSEE:

**NOT TO BE USED FOR CONSTRUCTION**

PROJECT INFORMATION:

CSL01277

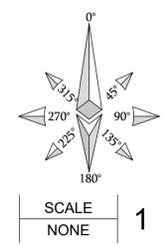
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MORRO BAY, CA 93442

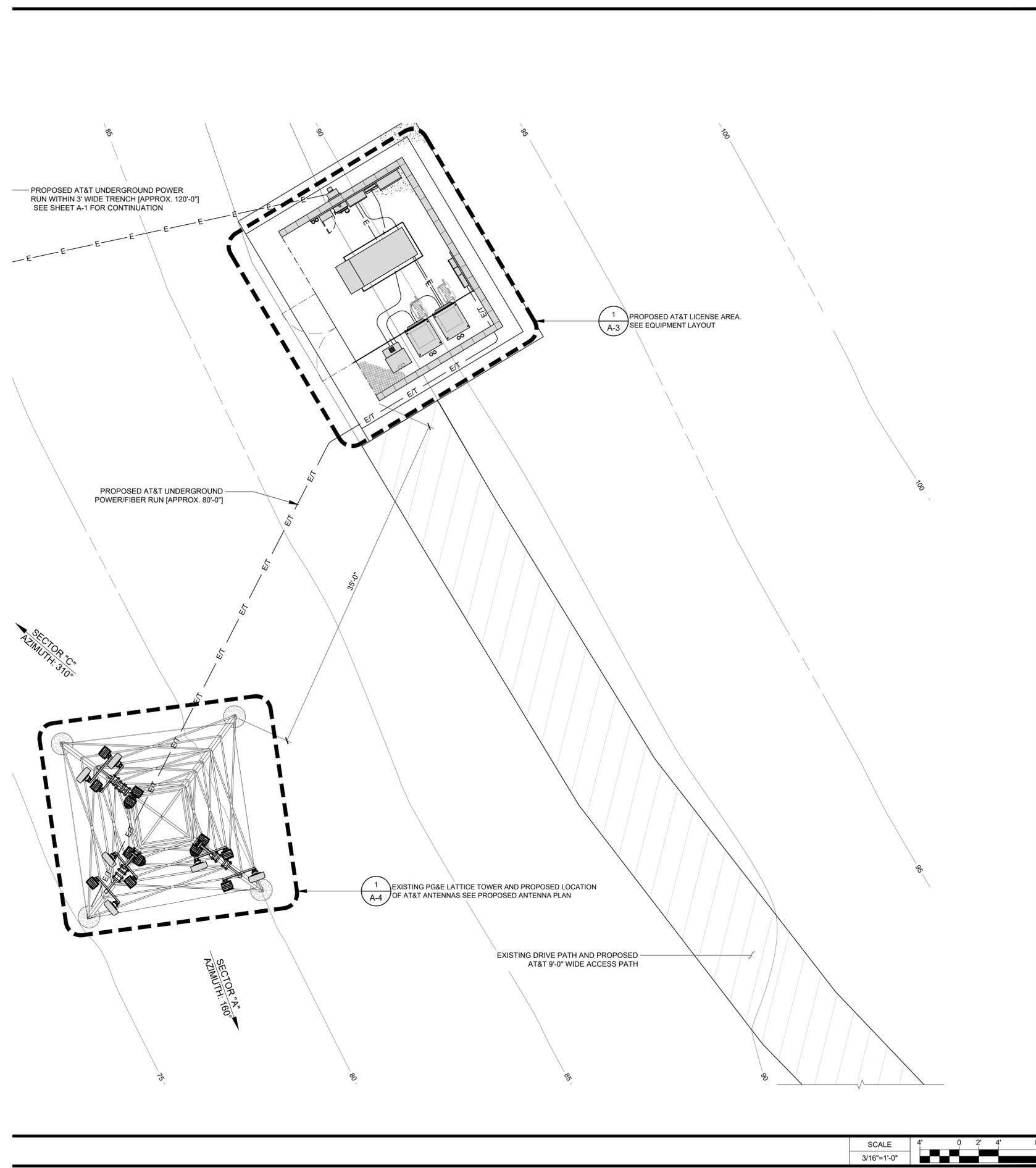
SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1





APPLICANT:



1452 EDINGER AVENUE,  
3RD FLOOR  
TUSTIN, CA 92780

ENGINEER:



an SFC Communications, Inc. Company  
65 POST, SUITE 1000  
IRVINE, CA 92618  
TEL: (949) 553-8566  
[www.eukongroup.com](http://www.eukongroup.com)

DRAWN BY: DS/MP  
CHECKED BY: AG

REVISIONS:

REV	DATE	DESCRIPTION
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2	07/07/20	DRM COMMENTS
1	06/30/20	PG&E COMMENTS
0	04/02/20	100% ZONING DRAWING
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LICENSEE:

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PROJECT INFORMATION:

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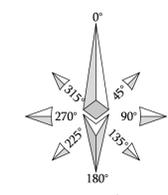
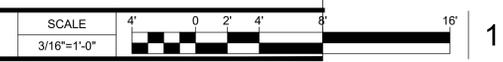
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MORRO BAY, CA 93442

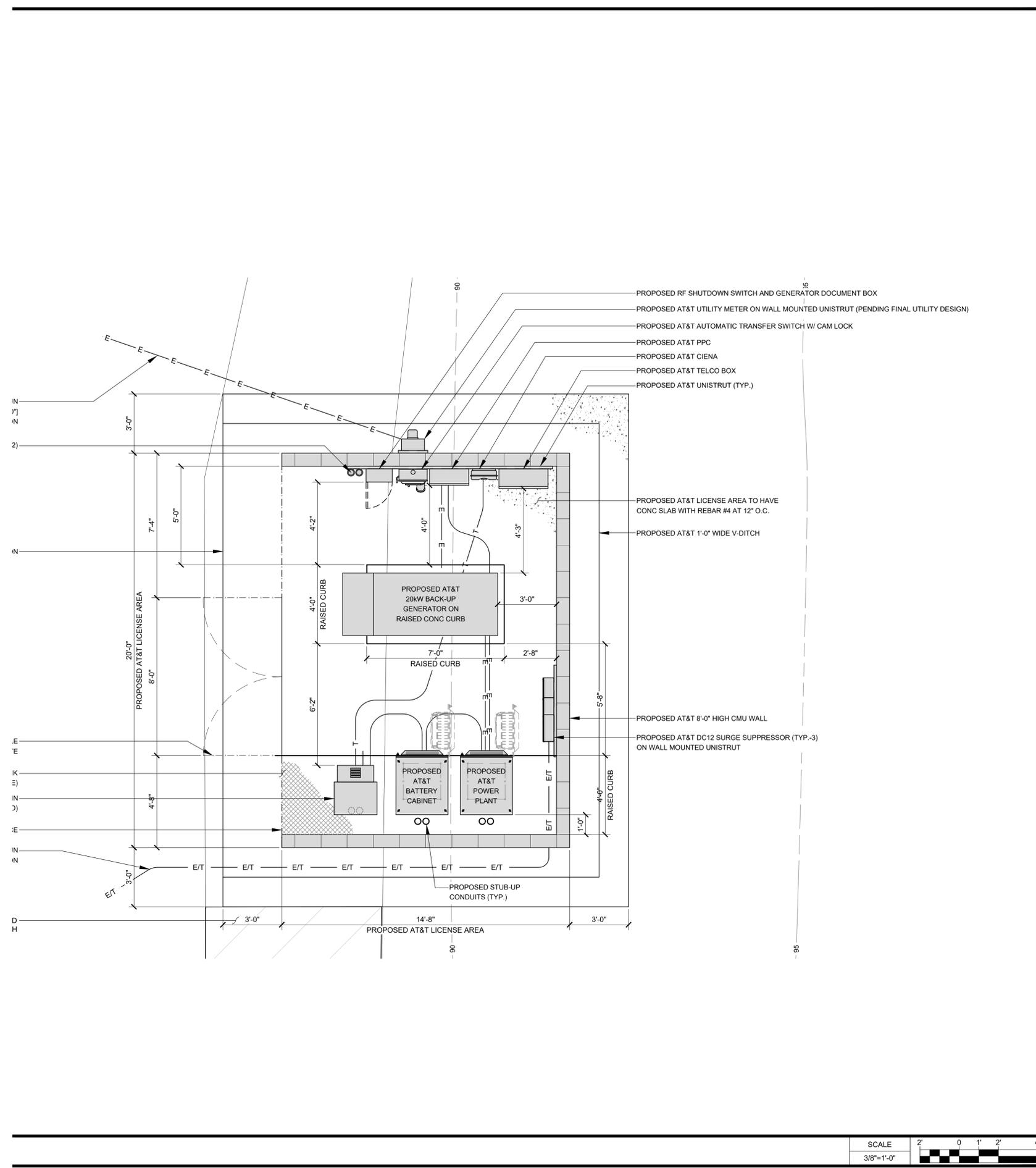
SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

A-2





APPLICANT:

The new at&t

1452 EDINGER AVENUE,  
3RD FLOOR  
TUSTIN, CA 92780

ENGINEER:

**Eukon**  
an SFC Communications, Inc. Company

65 POST, SUITE 1000  
IRVINE, CA 92618  
TEL: (949) 553-8566  
[www.eukongroup.com](http://www.eukongroup.com)

DRAWN BY: DS/MP  
CHECKED BY: AG

REVISIONS:

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0	04/02/20	100% ZONING DRAWING
A	02/19/20	90% ZONING DRAWING

LICENSEE:

**NOT TO BE USED FOR CONSTRUCTION**

PROJECT INFORMATION:

CSL01277

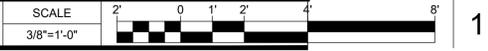
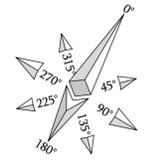
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MORRO BAY, CA 93442

SHEET TITLE:

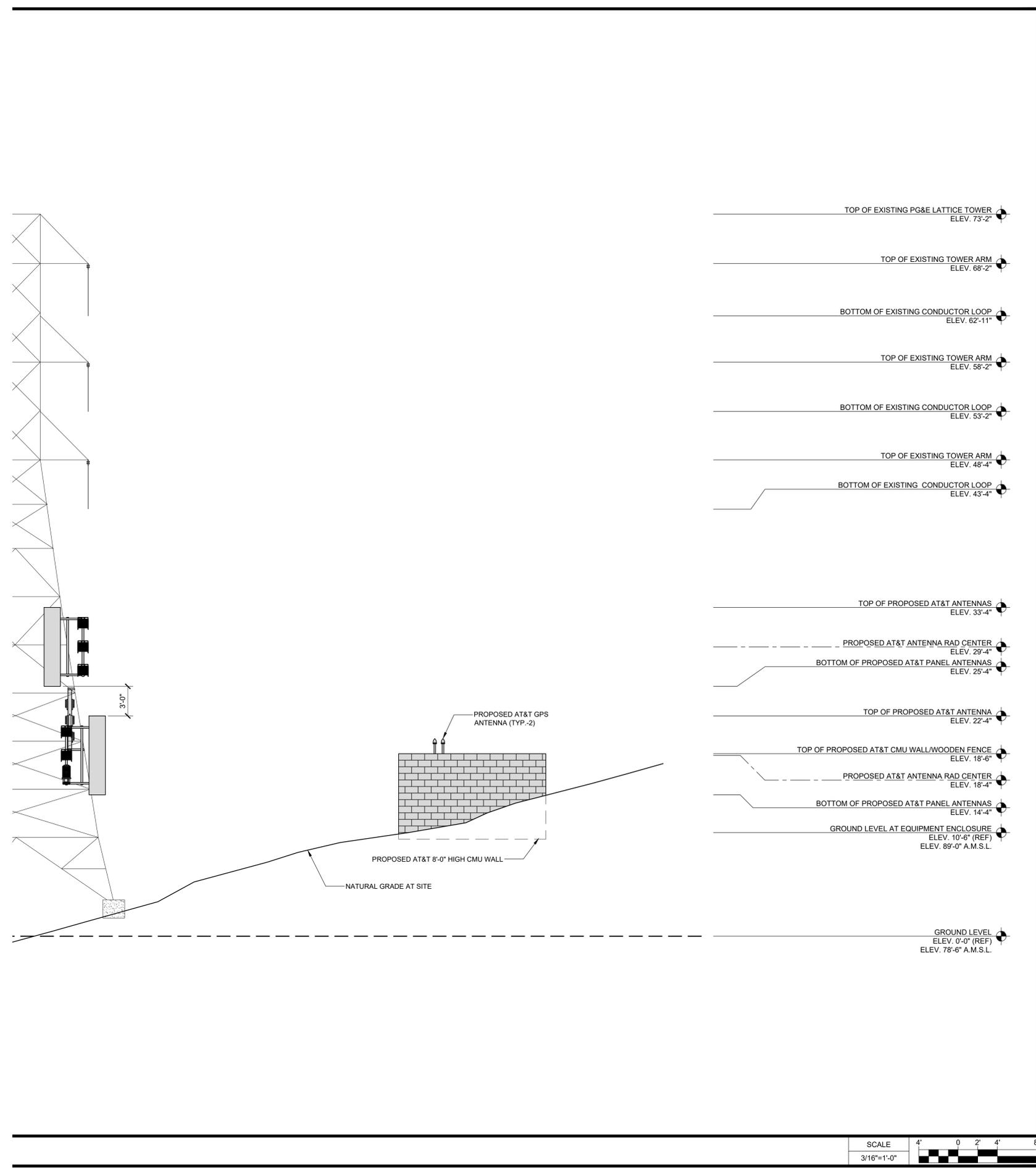
PROPOSED EQUIPMENT LAYOUT

SHEET NUMBER:

**A-3**







APPLICANT:

The new  **at&t**

1452 EDINGER AVENUE,  
3RD FLOOR  
TUSTIN, CA 92780

ENGINEER:

 **Eukon**  
an SFC Communications, Inc. Company

65 POST, SUITE 1000  
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[www.eukongroup.com](http://www.eukongroup.com)

DRAWN BY: DS/MP  
CHECKED BY: AG

REVISIONS:

REV	DATE	DESCRIPTION
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2	07/07/20	DRM COMMENTS
1	06/30/20	PG&E COMMENTS
0	04/02/20	100% ZONING DRAWING
A	02/19/20	90% ZONING DRAWING

LICENSEE:

NOT TO BE USED FOR CONSTRUCTION

PROJECT INFORMATION:

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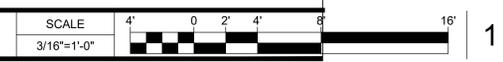
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MORRO BAY, CA 93442

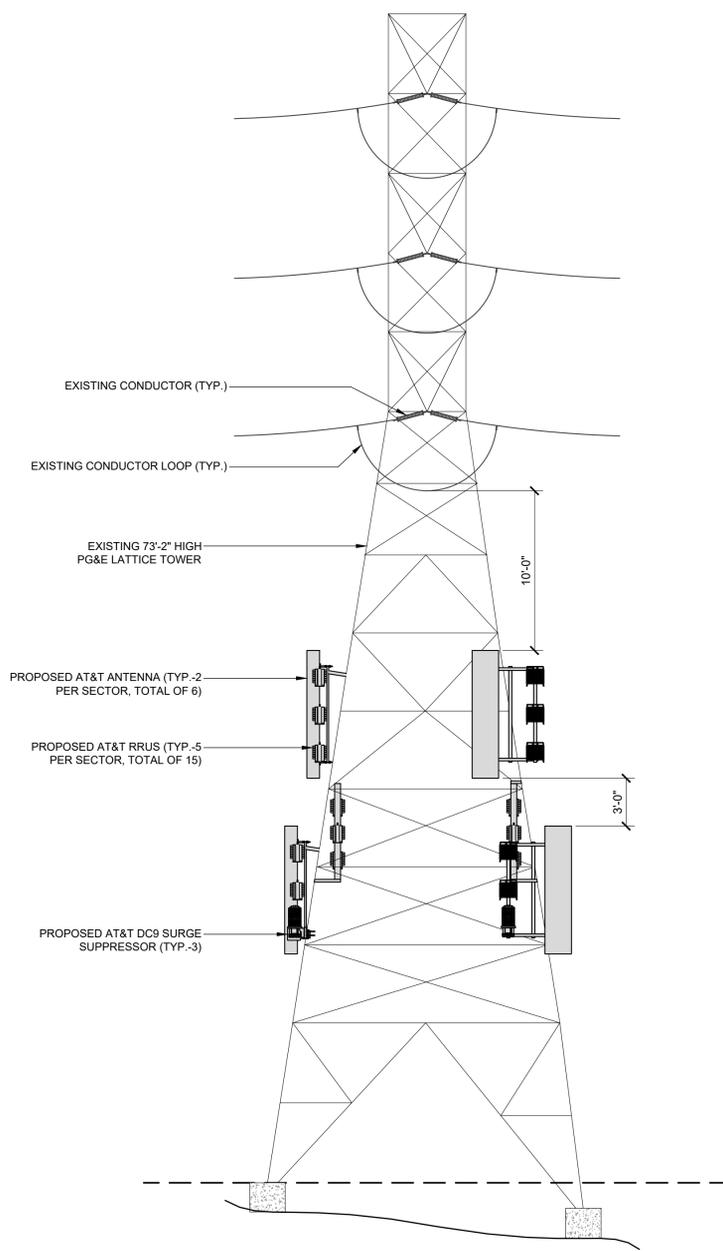
SHEET TITLE:

PROPOSED SOUTH ELEVATION

SHEET NUMBER:

A-5





- TOP OF EXISTING PG&E LATTICE TOWER  
ELEV. 73'-2"
- TOP OF EXISTING TOWER ARM  
ELEV. 68'-2"
- BOTTOM OF EXISTING CONDUCTOR LOOP  
ELEV. 62'-11"
- TOP OF EXISTING TOWER ARM  
ELEV. 58'-2"
- BOTTOM OF EXISTING CONDUCTOR LOOP  
ELEV. 53'-2"
- TOP OF EXISTING TOWER ARM  
ELEV. 48'-4"
- BOTTOM OF EXISTING CONDUCTOR LOOP  
ELEV. 43'-4"
- PROPOSED AT&T ANTENNA RAD CENTER  
ELEV. 29'-4"
- BOTTOM OF PROPOSED AT&T PANEL ANTENNAS  
ELEV. 25'-4"
- TOP OF PROPOSED AT&T ANTENNA  
ELEV. 22'-4"
- PROPOSED AT&T ANTENNA RAD CENTER  
ELEV. 18'-4"
- BOTTOM OF PROPOSED AT&T PANEL ANTENNAS  
ELEV. 14'-4"
- GROUND LEVEL  
ELEV. 0'-0" (REF)  
ELEV. 78'-6" A.M.S.L.

APPLICANT:

The new **at&t**

1452 EDINGER AVENUE,  
3RD FLOOR  
TUSTIN, CA 92780

ENGINEER:

**Eukon**  
an SFC Communications, Inc. Company

65 POST, SUITE 1000  
IRVINE, CA 92618  
TEL: (949) 553-8566  
[www.eukongroup.com](http://www.eukongroup.com)

DRAWN BY: DS/MP  
CHECKED BY: AG

REVISIONS:

REV	DATE	DESCRIPTION
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A	02/19/20	90% ZONING DRAWING

LICENSEE:

NOT TO BE USED  
FOR CONSTRUCTION

PROJECT INFORMATION:

CSL01277

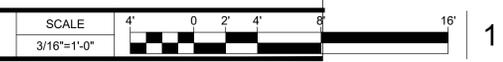
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MORRO BAY, CA 93442

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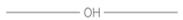
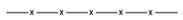
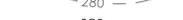
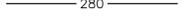
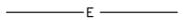
PROPOSED WEST  
ELEVATION

SHEET NUMBER:

A-6

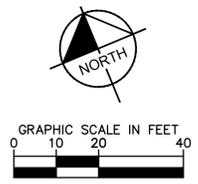
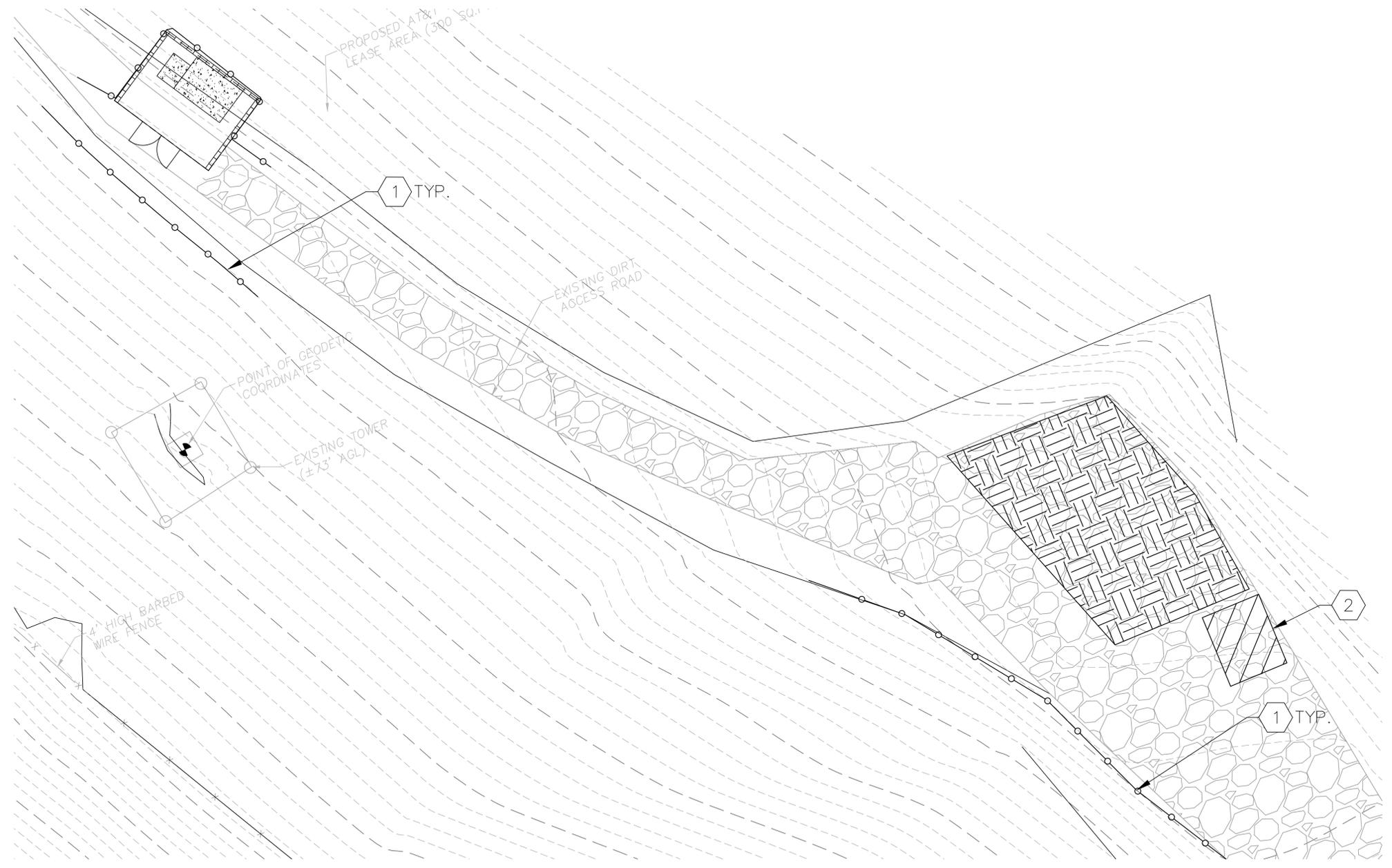
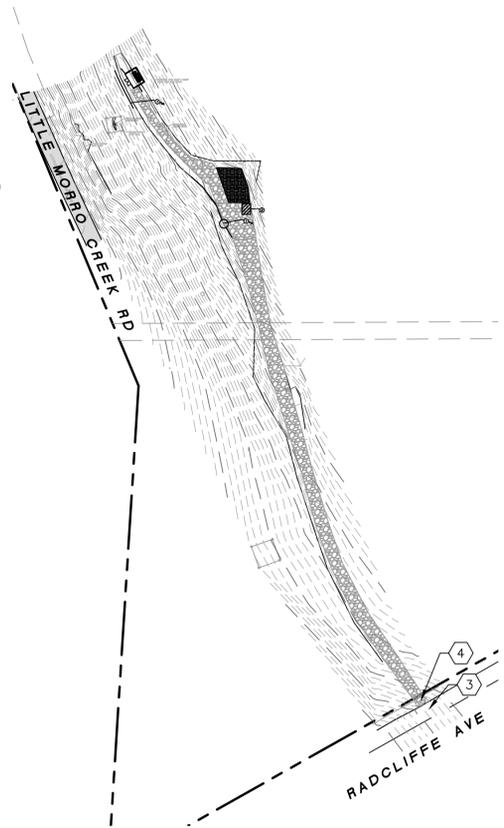
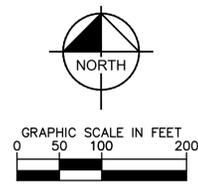


**LEGEND**

-  PROPERTY LINE
-  RIGHT OF WAY
-  EXISTING EASEMENT
-  CENTER LINE
-  EXISTING OVERHEAD LINE
-  EXISTING ROAD
-  EXISTING FENCE
-  EXISTING GRAVEL ACCESS ROAD
-  PROPOSED FENCE
-  EXISTING CONTOUR
-  PROPOSED CONTOUR
-  CIVIL LIMIT OF WORK
-  PROPOSED ELECTRICAL LINE
-  PROPOSED RIP-RAP
-  PROPOSED FIBER ROLL
-  CONSTRUCTION STAGING AREA, MATERIAL STORAGE AND DELIVERY, SANITARY AREA, TRASH STORAGE, HAZARDOUS MATERIAL
-  PROPOSED CONCRETE WASHOUT

**EROSION CONTROL NOTES**

- ① CONSTRUCT PERIMETER EROSION CONTROL – UTILIZE FIBER ROLLS PER CASQA STANDARD DRAWING SE-5.
  - ② PROPOSED SITE CONCRETE WASHOUT PER CASQA STANDARD DRAWING WM-8.
  - ③ CONTRACTOR SHALL SWEEP FREQUENTLY TO CLEAN TRACKED MATERIALS AND PREVENT SEDIMENT TRANSPORT TO DRAINAGE FACILITIES.
  - ④ PROPOSED TEMPORARY STABILIZED CONSTRUCTION ENTRANCE AND EXIT PER CASQA STANDARD DRAWING TE-1 ON SHEET C4.1.
- NOTE: ALL AREAS THAT ARE DISTURBED SHALL BE STABILIZED WITH PERMANENT EROSION CONTROL MEASURES PRIOR TO CONTRACT CLOSEOUT. ALL SLOPES SHALL BE TRACK WALKED PER CASQA STANDARD DRAWING EC-15 AND HYDROSEEDED PER CASQA STANDARD DRAWING EC-4.



APPLICANT:



1452 EDINGER AVENUE,  
3RD FLOOR  
TUSTIN, CA 92780

ENGINEER:



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555 CAPITOL MALL, SUITE 300, SACRAMENTO, CA 95814  
PHONE: 916-858-5800  
WWW.KIMLEY-HORN.COM

DRAWN BY: JDC  
CHECKED BY: JDC

REVISIONS:

REV	DATE	DESCRIPTION

LICENSER:

PRELIMINARY  
NOT FOR  
CONSTRUCTION

PROJECT INFORMATION:

CSL01277  
APPX 475 LITTLE MORRO CRK RD  
MORRO BAY, CA 93442

SHEET TITLE:

EROSION CONTROL

SHEET NUMBER:

C4.0



# LTE Justification Plots

**Market Name: Los Angeles**

**Site ID: : CSL01277**

**Site Address: MORRO BAY, CA 93442**

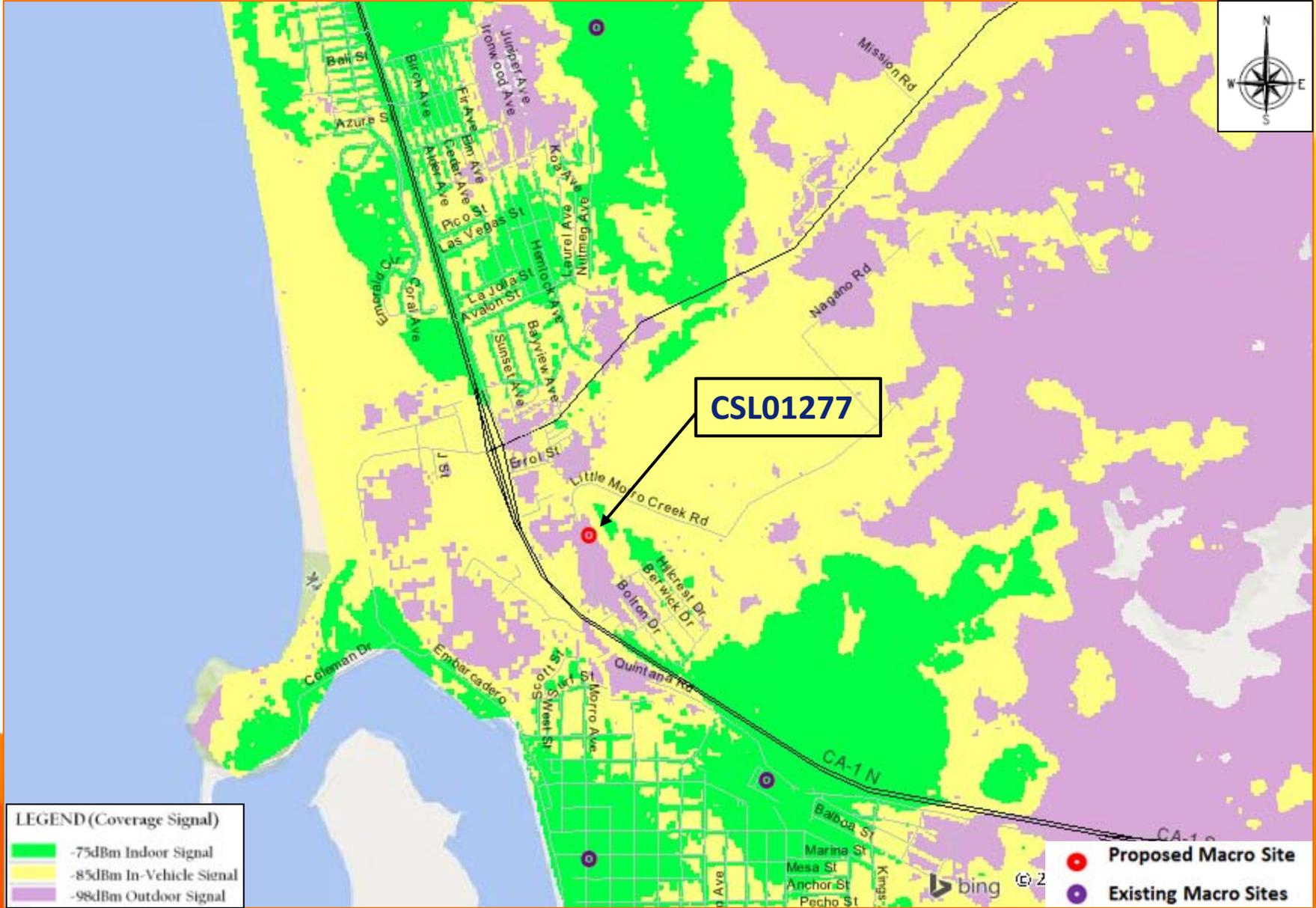
**ATOLL Plots Completion Date: April 21, 2020**

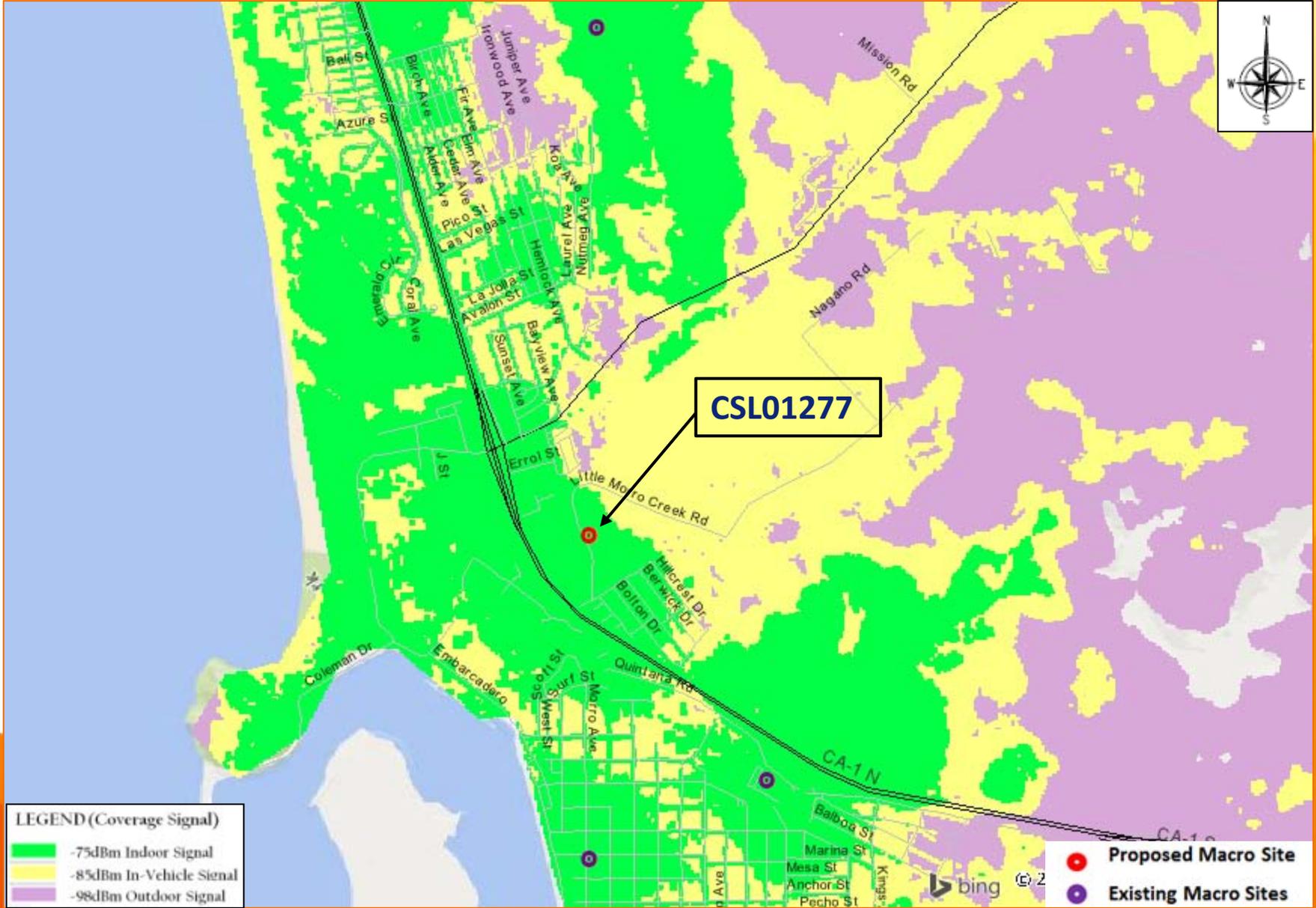


## Assumptions

- ❖ Propagation of the site plots are based on our current Atoll (Design tool) project tool that shows the preferred design of the AT&T 4G-LTE network coverage.
- ❖ The propagation referenced in this package is based on proposed LTE coverage of AT&T users in the surrounding buildings, in vehicles and at street level . For your reference, the scale shown ranges from good to poor coverage with gradual changes in coverage showing best coverage to marginal and finally poor signal levels.
- ❖ The plots shown are based on the following criteria:
  - **Existing:** Since LTE network modifications are not yet **On-Air**. The first slide is a snap shot of the area showing the existing site without LTE coverage in the AT&T network.
  - **The Planned LTE Coverage with the Referenced Site:** Assuming all the planned neighboring sites of the target site are approved by the jurisdiction and the referenced site is also approved and **On-Air**, the propagation is displayed with the planned legends provided.
  - **Without Target site:** Assuming all the planned neighboring sites are approved by the jurisdiction and **On-Air** and the referenced site is **Off-Air**, the propagation is displayed with the legends provided.





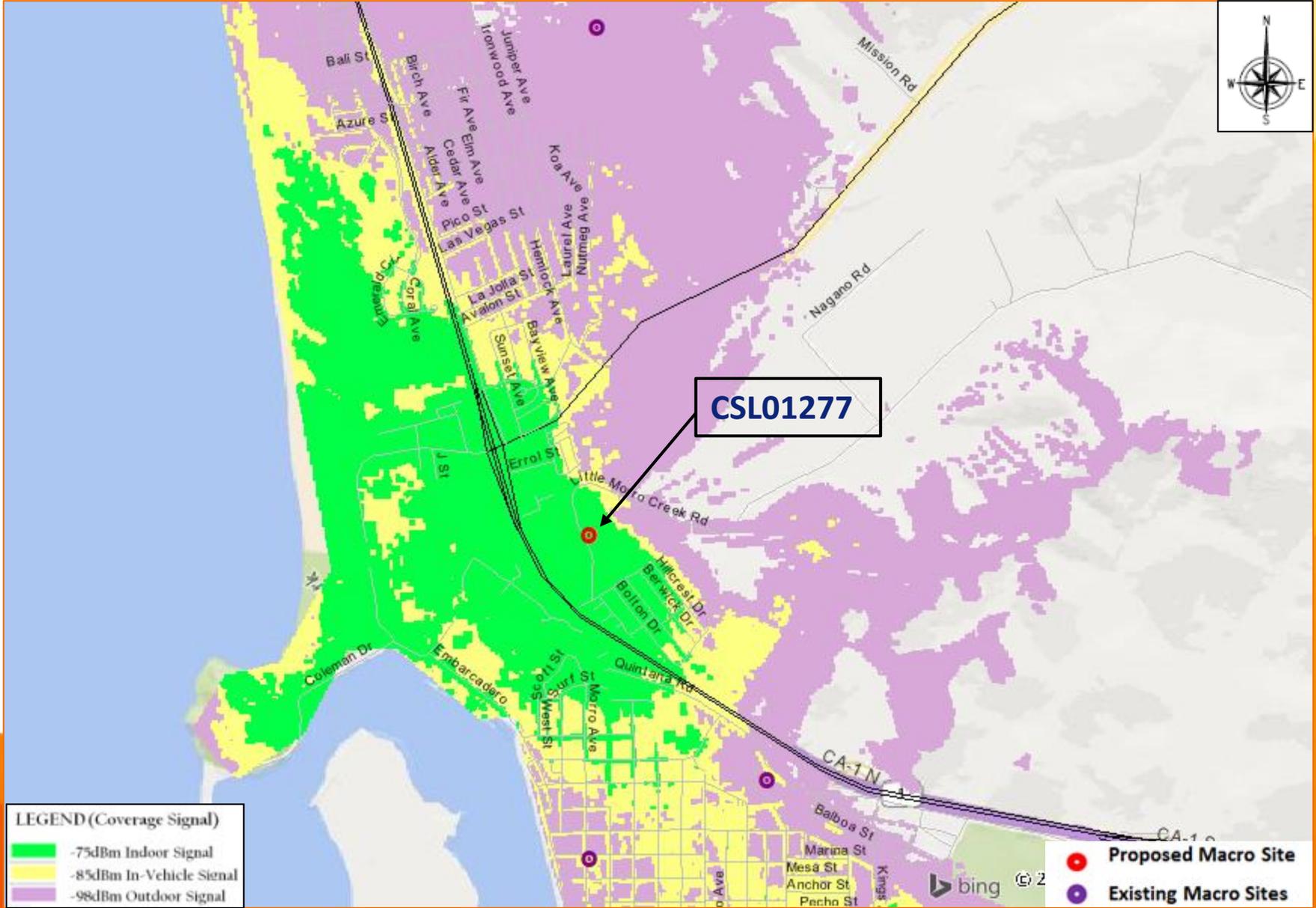


**LEGEND (Coverage Signal)**

- 75dBm Indoor Signal
- 85dBm In-Vehicle Signal
- 98dBm Outdoor Signal

- Proposed Macro Site
- Existing Macro Sites





**CSL01277**

**LEGEND (Coverage Signal)**

- 75dBm Indoor Signal
- 85dBm In-Vehicle Signal
- 98dBm Outdoor Signal

- Proposed Macro Site**
- Existing Macro Sites**



# Coverage Legend

Exhibit E

Rethink Possible®



**In-Building Service:** In general, the areas shown in dark green should have the strongest signal strength and be sufficient for most in-building coverage. However, in-building coverage can and will be adversely affected by the thickness/construction type of walls, or your location in the building (i.e., in the basement, in the middle of the building with multiple walls, etc.)

**In-Transit Service:** The areas shown in the yellow should be sufficient for on-street or in-the-open coverage, most in-vehicle coverage and possibly some in-building coverage.

**Outdoor Service:** The areas shown in the purple should have sufficient signal strength for on-street or in-the-open coverage, but may not have it for in-vehicle coverage or in-building coverage.



# City of Morro Bay Planning Commission

**475 RADCLIFF AVE  
#CDP20-08 & CUP20-04  
COASTAL DEVELOPMENT PERMIT &  
CONDITIONAL USE PERMIT  
FOR INSTALLATION OF AT&T WIRELESS  
TELECOMMUNICATION FACILITY  
ON EXISTING PG&E TOWER  
& 20' X 15' EQUIPMENT ENCLOSURE  
ENCLOSED BY 8-FOOT TALL CMU WALLS**

**APPLICANT: AT&T  
AGENT: JOHN PAPPAS, EUKON GROUP  
NOVEMBER 4, 2020**



**MORRO BAY**  
PUT LIFE ON COAST

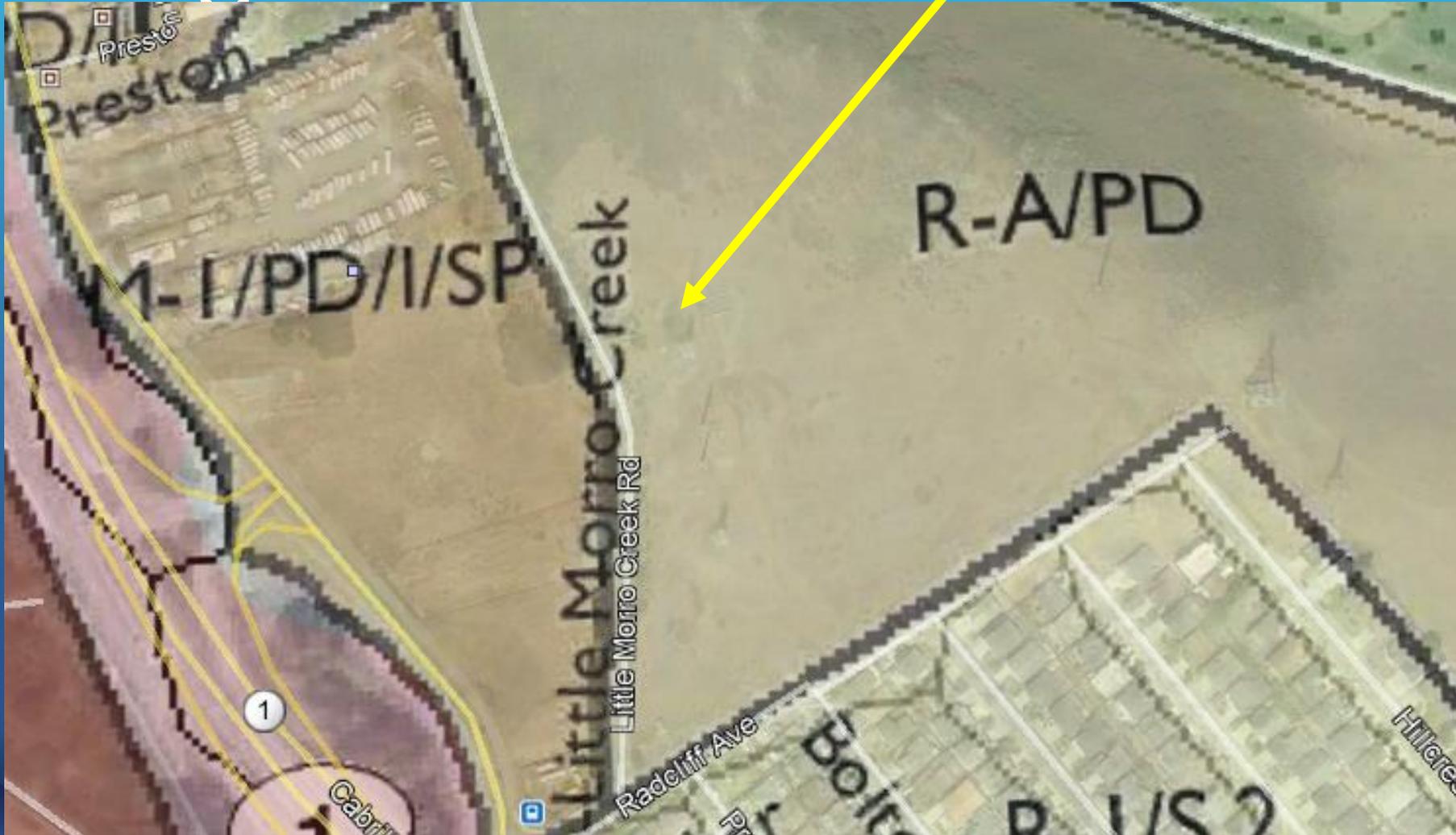
Exhibit F

# Aerial image



**MORRO BAY**  
PUT LIFE ON COAST

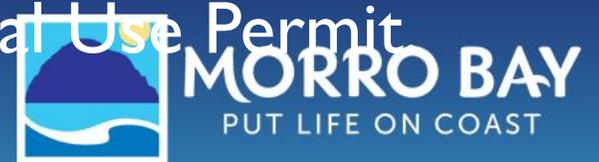
# Zoning: R-A/ PD



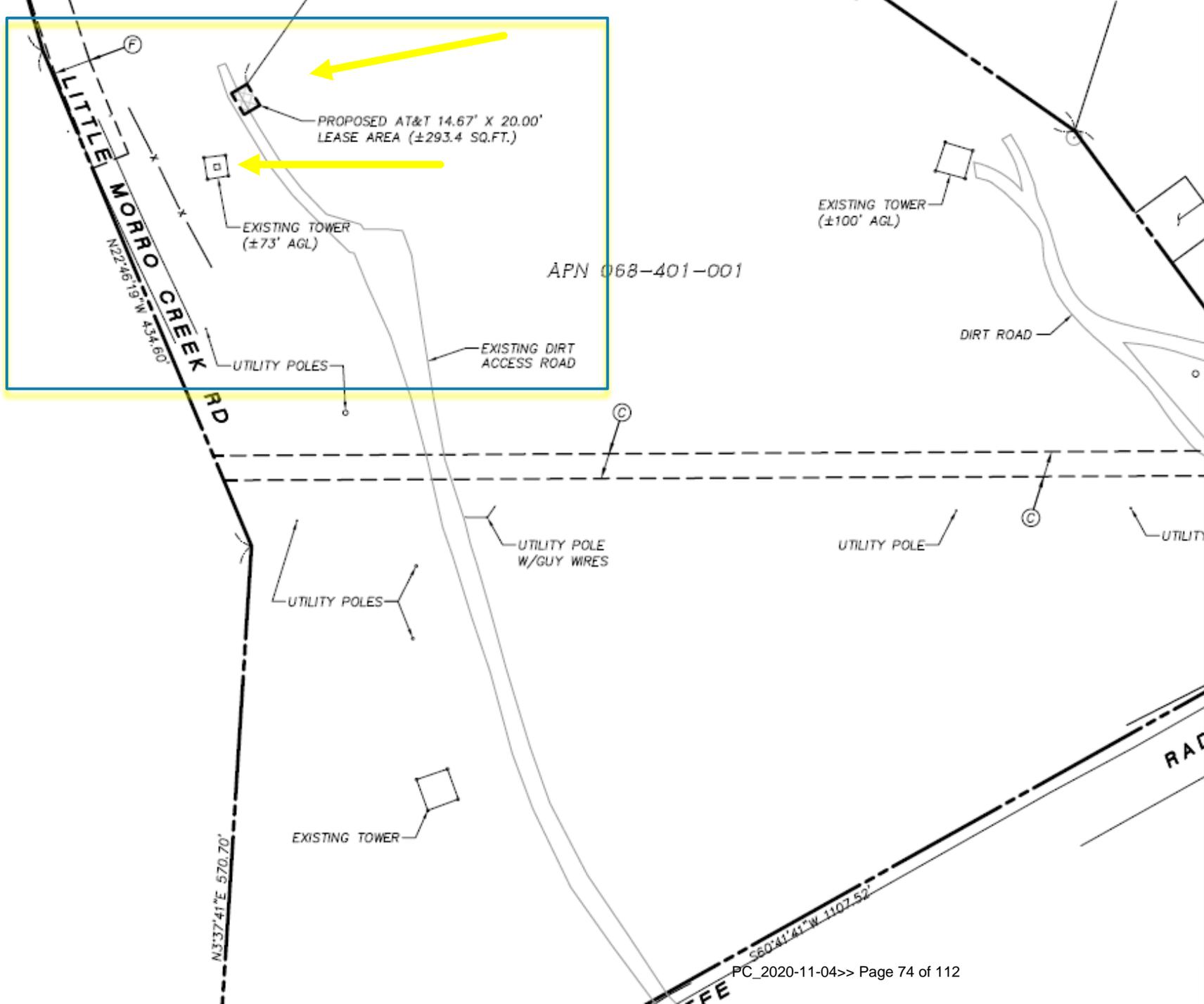
**MORRO BAY**  
PUT LIFE ON COAST

# Project Description

- ▶ Coastal Development Permit & Conditional Use Permit to allow installation of six panel antennas and associated equipment on an existing 73 foot PG&E lattice tower located east of Little Morro Creek Rd north of Radcliff Avenue at 475 Radcliff. Project also includes a new 20' x 15' equipment enclosure enclosed by an 8-foot tall CMU wall and chain link gate placed 35 feet northeast of the lattice tower. Access to the shelter to be via existing dirt road off Radcliff
- ▶ The Zoning Ordinance allows antennas and public utility facilities in any zone district subject to obtaining a Conditional Use Permit



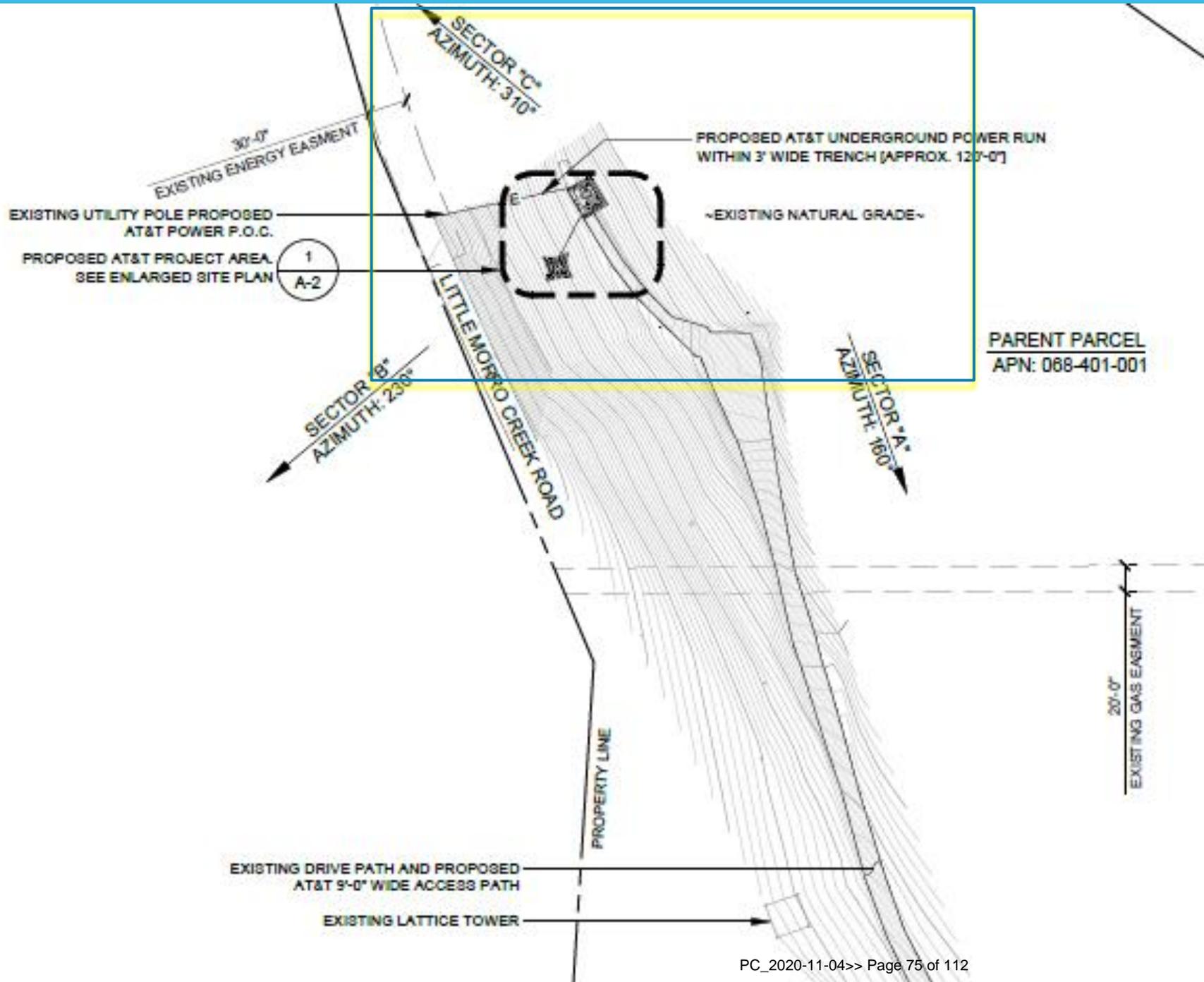
# Boundary / Site Plan



**MORRO BAY**  
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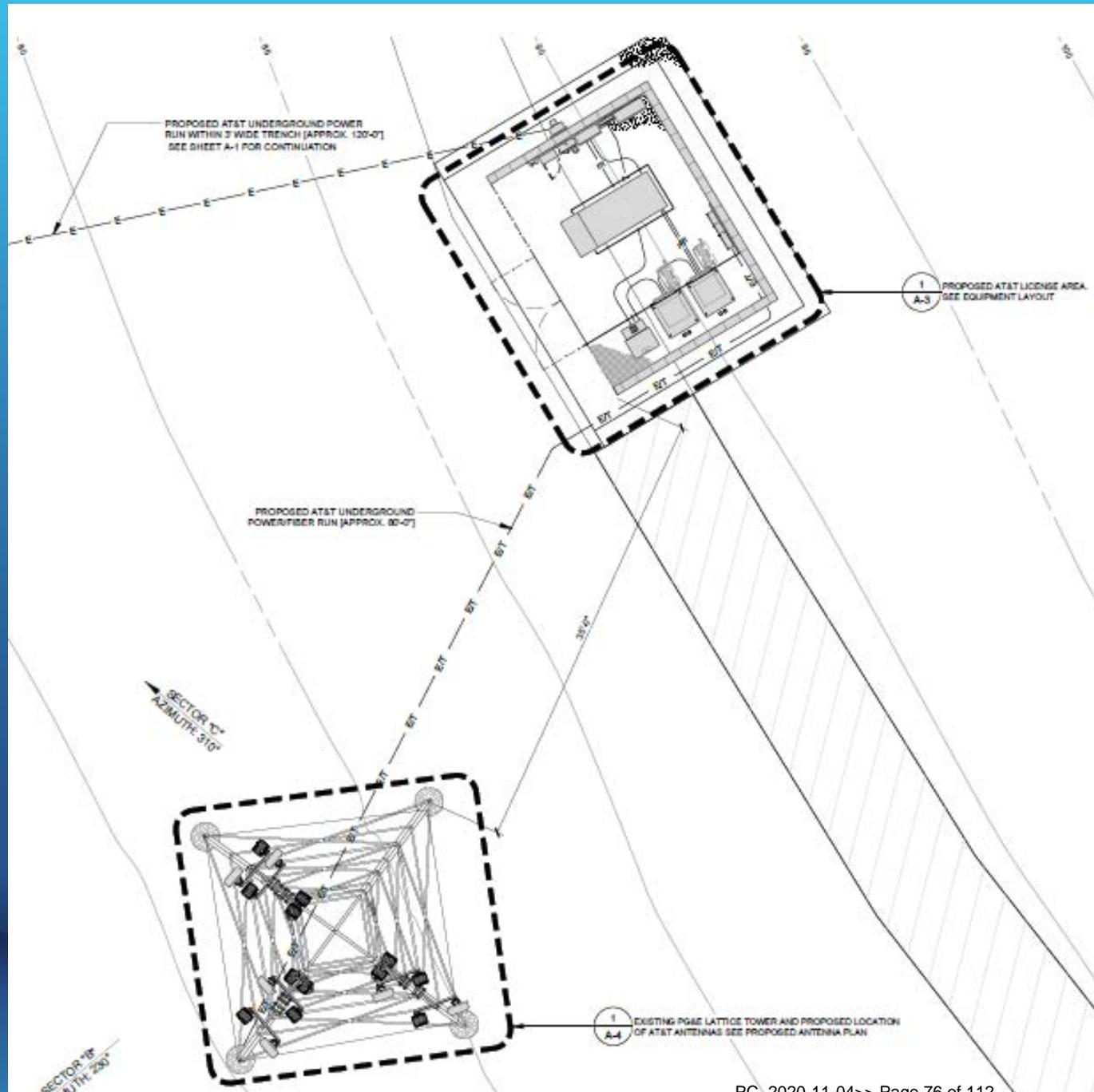
# Site Plan

Exhibit F



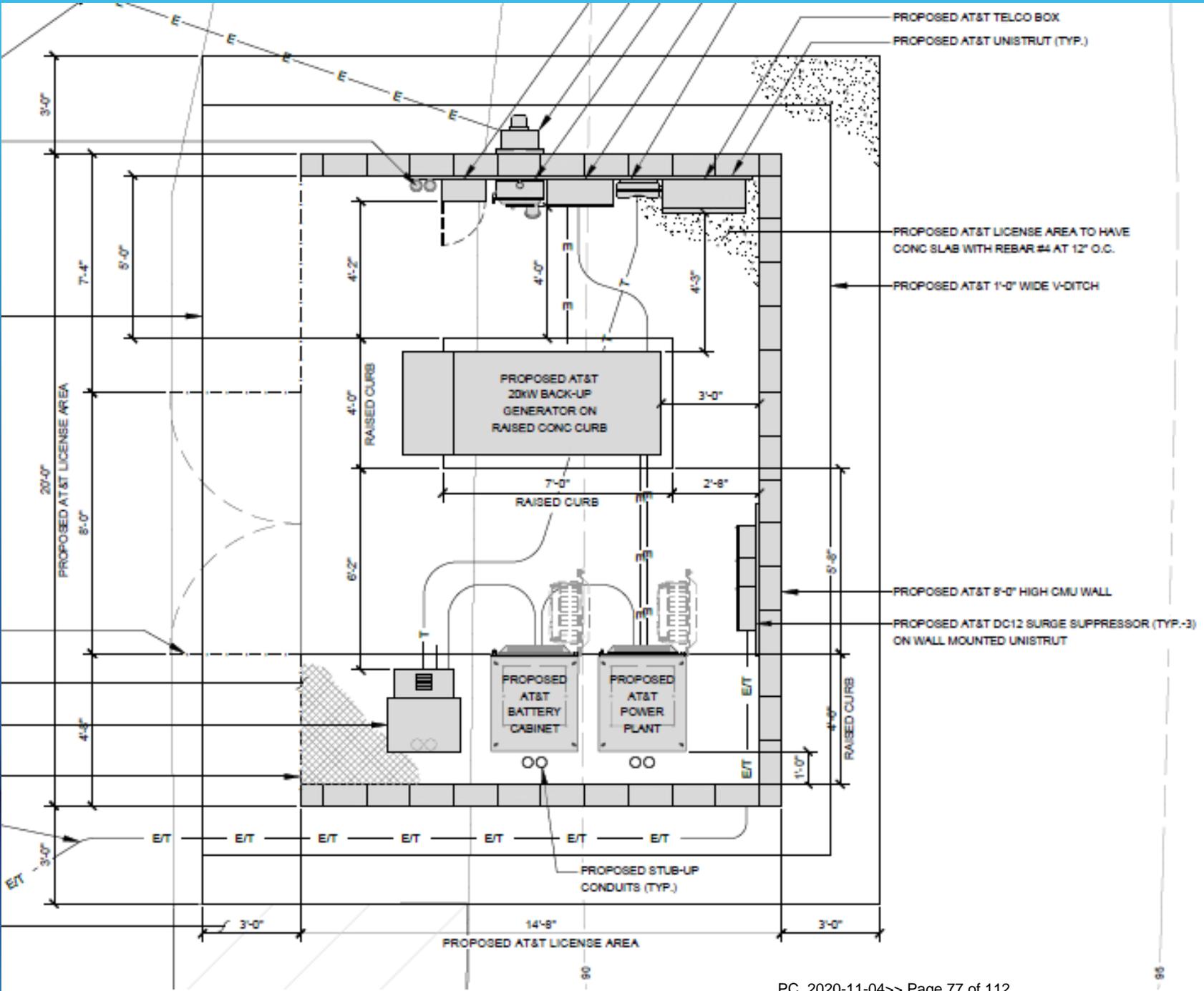
**MORRO BAY**  
PUT LIFE ON COAST

# Enlarged Site Plan

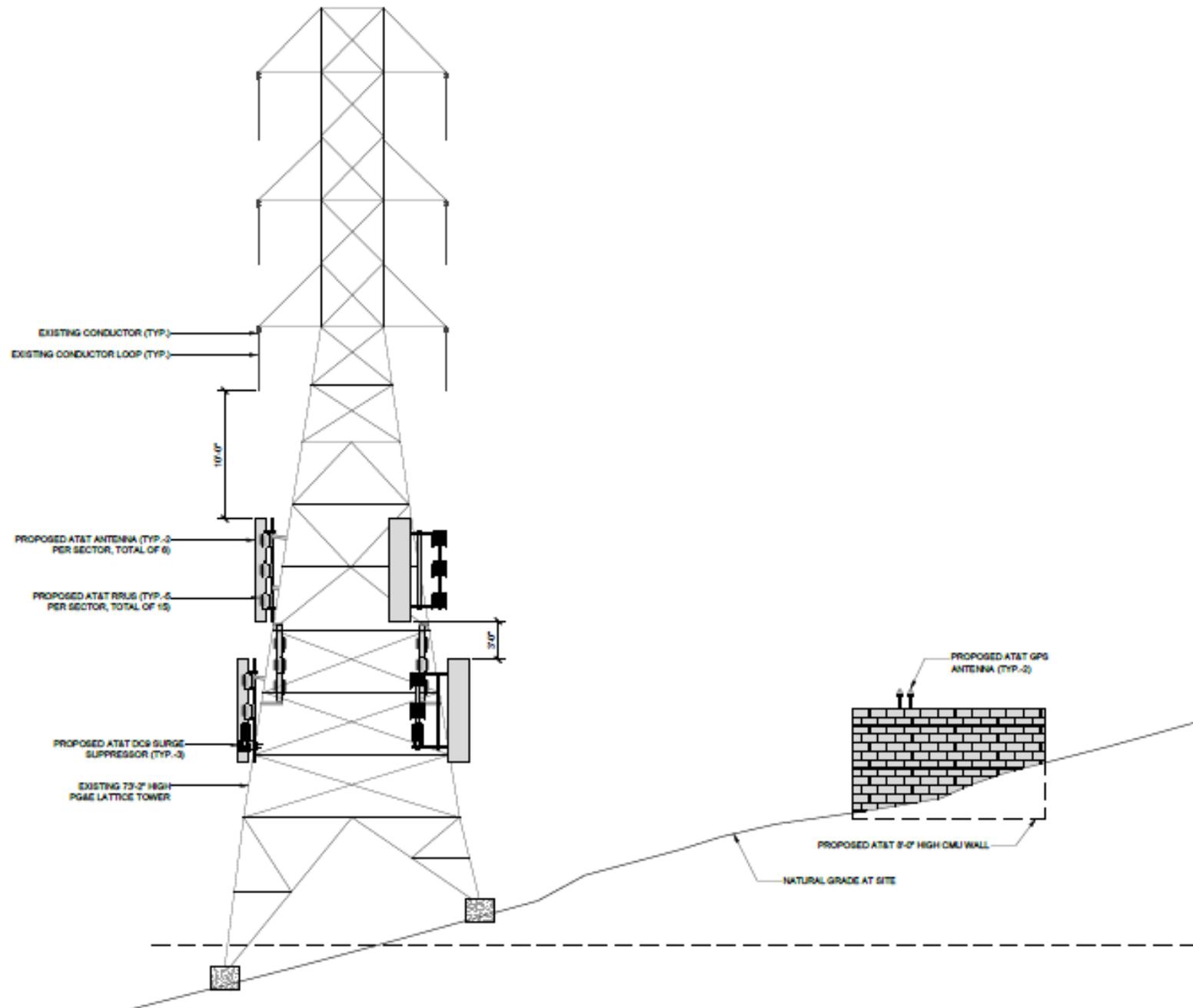


**MORRO BAY**  
PUT LIFE ON COAST

# Equipment Shelter/ Shelter/ Proposed AT&T lease area / Site Plan

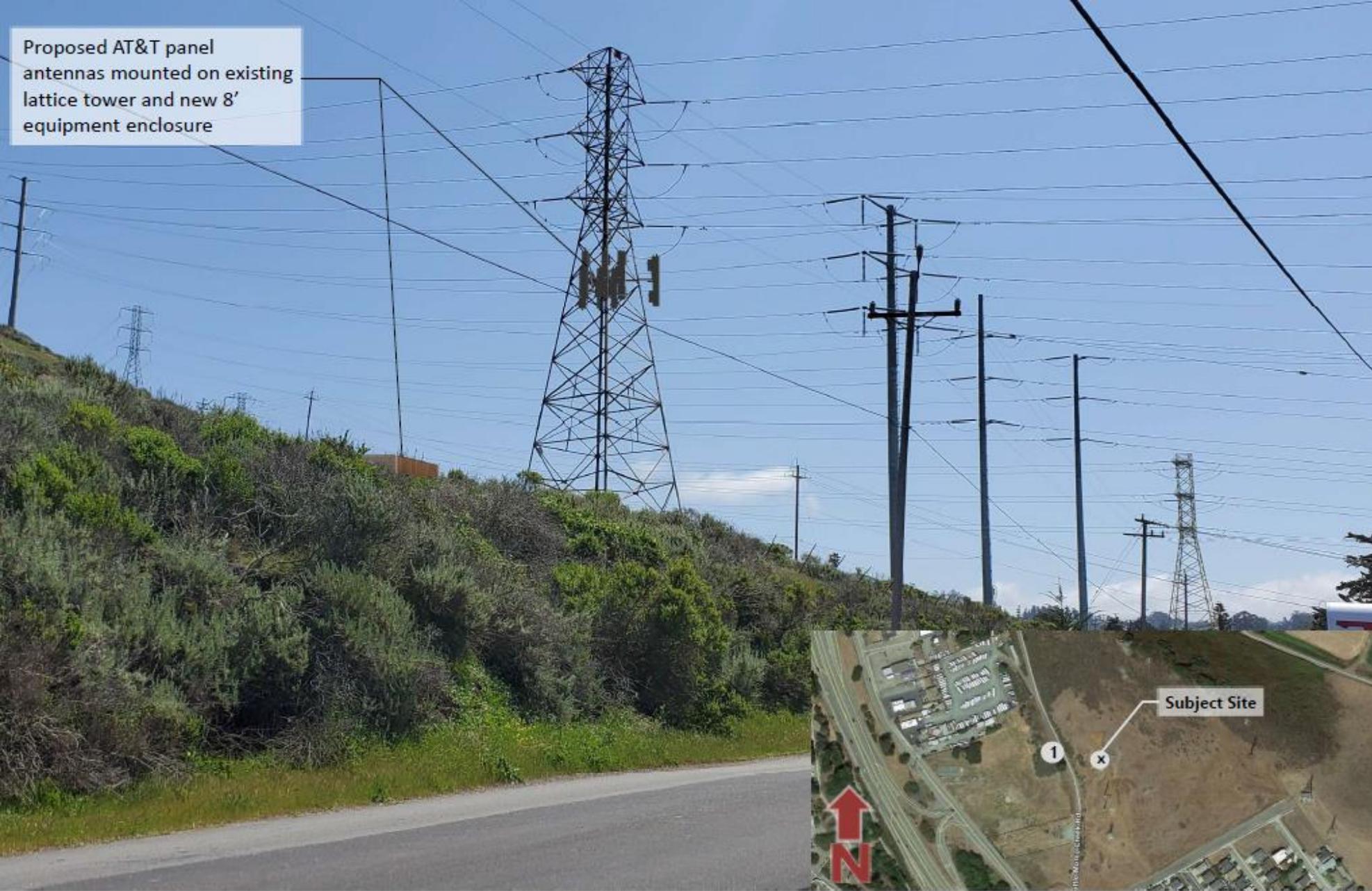


# Elevations – Proposed South Elevation



# Visual Simulation

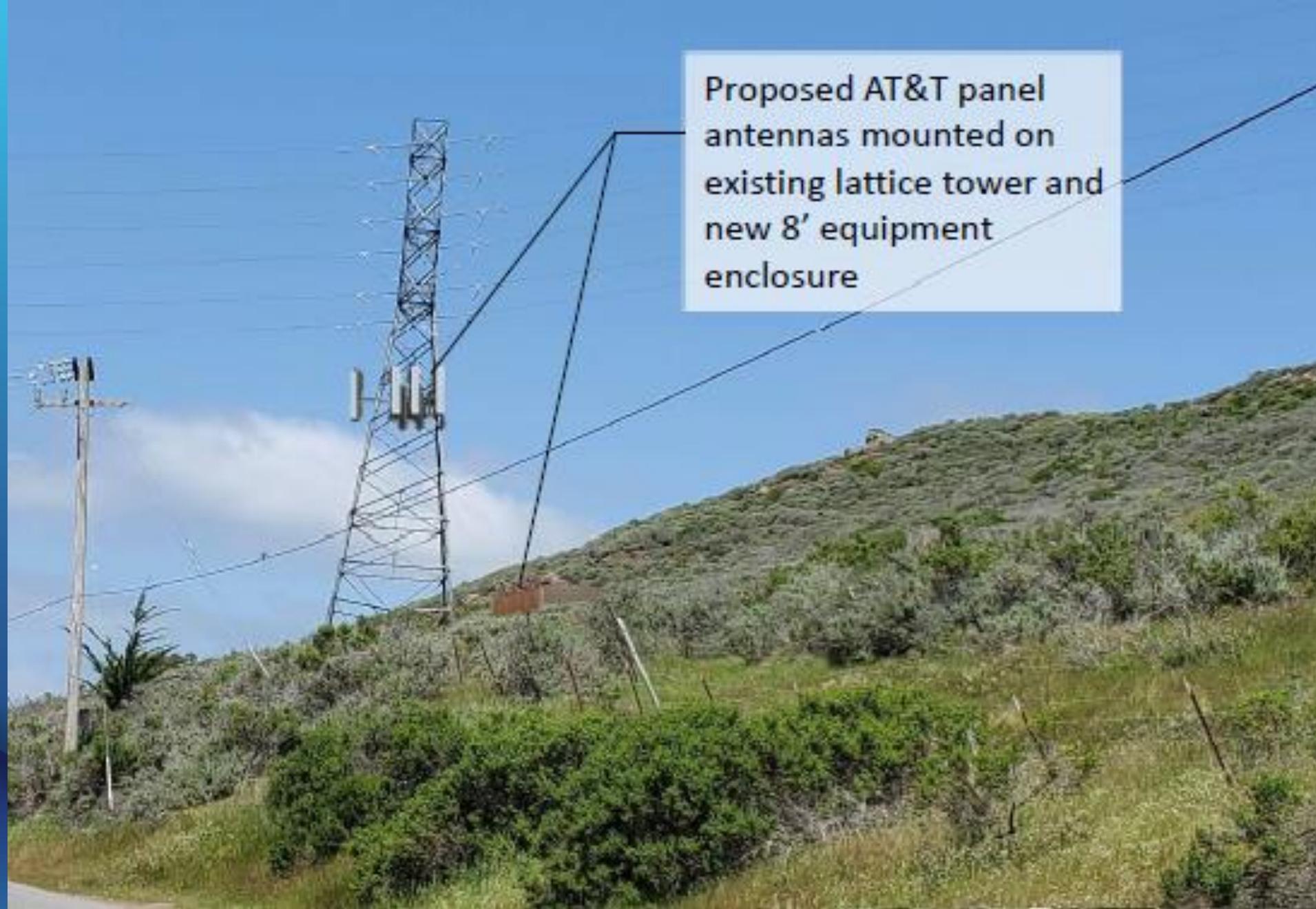
Proposed AT&T panel antennas mounted on existing lattice tower and new 8' equipment enclosure



**MORRO BAY**  
PUT LIFE ON COAST

# Visual Simulation

Proposed AT&T panel antennas mounted on existing lattice tower and new 8' equipment enclosure



# Visual Simulation

Proposed AT&T panel antennas mounted on existing lattice tower and new 8' equipment enclosure and new 8' equipment enclosure



**MORRO BAY**  
PUT LIFE ON COAST

# Project Discussion:

- ▶ Project is to establish a new unmanned telecommunications facility to expand AT&T coverage in the area.
- ▶ Visual: Planning condition 3 requires antennas to be painted a non-reflective gray to blend with the existing tower.
- ▶ Hazards: The RF report prepared to evaluate hazards and RF emissions determined the project will be in compliance with FCC requirements. Planning Condition 4 requires that recommended signage be incorporated.



# Project Discussion:

- ▶ Screening: Planning condition 5 requires drought-tolerant landscaping to be added to screen the street-facing sides of the equipment shelter.
- ▶ Project is requesting 8-foot tall CMU wall to screen the equipment shelter where 6 ½ is maximum height. 8-foot height can be approved with finding that characteristics particular to the property would render screening ineffective. The request for extra height is only the minimum amount need to screen the generator/power cabinets.



**MORRO BAY**  
PUT LIFE ON COAST

# Staff Recommendation:

Staff recommends conditional approval of the project by adopting Planning Commission Resolution 16-20 which includes the Finding and Conditions of Approval for CDP20-008 & CUP20-04 as shown on plans received September 25, 2020.





AGENDA NO: B-2

MEETING DATE: November 4, 2020

## Staff Report

**TO:** Planning Commissioners

**DATE:** October 28, 2020

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

**SUBJECT:** Continued Review of Adoption Hearing Draft of Plan Morro Bay: General Plan/Local Coastal Program Update

**RECOMMENDATION:**

Staff recommends the Planning Commission continue the review of the Adoption Hearing draft of Plan Morro Bay and provide recommendation to City Council for adoption.

**CONTINUED HEARING:**

This item was continued by the Planning Commission at its October 20, 2020 public hearing. At that hearing, Planning Commission opened the public hearing, took public comment, and started its review of the Adoption Hearing draft. The PC requested additional clarification regarding Floor Area Ratio (FAR) requirements in neighboring communities. Staff has prepared a FAR comparison table which compares the two other jurisdictions in the County that use FAR which are the Cities of San Luis Obispo and Atascadero. The comparison table is attached as Exhibit A. In addition, public correspondence which has been received since the Adoption Hearing Draft was released is attached as Exhibit B.

**DISCUSSION/ BACKGROUND:**

Plan Morro Bay is the City's combined comprehensive update of its 1988 General Plan and 1984 Local Coastal Program (LCP) Land Use Plan (LUP). This long-range planning document guides development and conservation policies within the City. The goal of the combined GP/LCP is to improve the ease of use, update policies to reflect current practices, be consistent with current state and federal legislation, and most importantly reflect the goals and vision of the community.

Prepared By:   CJ  

Department Review:   SG

Since 2015, Plan Morro Bay has been developed through extensive public outreach and involvement. This has been reflected in the 34 General Plan Advisory Committee (GPAC) meetings held to develop Plan Morro Bay in addition to previous Planning Commission (PC) meetings and joint PC/City Council meetings, multiple public workshops and focus group discussions, stakeholder interviews, both online and mailed surveys, water billing insert announcements, and multiple in-person and phone meetings with Coastal Commission staff to coordinate priority Coastal Act issues.

The Public Draft was released for public review in May 2018 and was reviewed by the GPAC and PC. Planning Commission reviewed the Public Draft document over four meetings on August 7, 2018, September 4, 2018, December 4, 2018, and December 18, 2018.

Subsequent to the Planning Commission review, staff received extensive comments on the Public Draft from Coastal Commission staff in 2019. The comments received from the public, GPAC, Planning Commission, and Coastal Commission have all been taken into consideration for the final Adoption Hearing Draft. A summary of comments received and how the requested edits were incorporated and where they were included is in the online links below.

### **COASTAL COMMISSION**

Input provided by Coastal Commission (CCC) staff is itemized in the CCC Comments summary link below. The CCC comments received covered a range of information in the Plan. In summary, these comments included a strong emphasis on making clear in the document what is included in the LCP and what is not included in the LCP. This includes specifying the distinction between Goals, Policies, and Implementation Actions and clarifying instances when some or all of the policies are included in the LCP.

Coastal staff edits include both organizational as well as policy comments. In some instances, these Coastal Commission comments superseded PC requested edits. City staff worked with Coastal Commission staff to clarify comments or edits received from CCC staff; in some cases, accepting edits, and in other cases rejecting edits made by CCC staff in favor of Planning Commission direction.

Other broad areas of edits received included addressing priority Coastal Act issues, policy edits related to public access, defining coastal-dependent uses, ensuring protection of environmental sensitive habitat, appropriately defining bluffs, additional waterfront standards, creating an Embarcadero-specific section that contains those policies and implementation actions that clearly apply to the waterfront, improved parking on the Embarcadero (with the intention to increase walkability and deemphasize vehicles), protection of agricultural resources, natural resource protection, visual resource protection, and ensuring definitions are consistent with the Coastal Act.

**CONCLUSION:**

Staff recommends the Planning Commission take public comment, continue its review of the Adoption Hearing draft and provide recommendation to City Council for adoption.

**Exhibits:**

Exhibit A – FAR Comparison Table  
Exhibit B – Public Correspondence Received

**ONLINE ATTACHMENTS:**

Adoption Hearing Draft of Plan Morro Bay:

<https://www.morrobayca.gov/DocumentCenter/View/14876/Hearing-Draft-Plan-Morro-Bay-Oct-2020>

PC Comments Summary:

<https://www.morrobayca.gov/DocumentCenter/View/14871/PC-Comments-matrix>

Coastal Commission Comments Summary:

<https://www.morrobayca.gov/DocumentCenter/View/14870/CCC-Comments-matrix>

GPAC Comments Summary:

<https://www.morrobayca.gov/DocumentCenter/View/14872/GPAC-comments-matrix>

GP/LCP Comparison Chart (Comparison of old Element names to new Element name)

<https://www.morrobayca.gov/DocumentCenter/View/14869/GP-LCP-Comparison-Table>

2018 Public Draft Plan Morro Bay

<http://www.morro-bay.ca.us/DocumentCenter/View/11817/Plan-Morro-Bay-LCP-Public-Draft-May-2018>

<b>Floor Area Ratio (FAR) Research Comparison Table</b>				
<b>Morro Bay Designation</b>	<b>Morro Bay Description</b>	<b>Morro Bay Density/ Intensity*</b>	<b>Comparable SLO Density/ Intensity*</b>	<b>Atascadero – Average FAR</b>
Low Density Residential	Detached single-family homes and some group housing uses.	0-4.0 du/ac		
Moderate Density Residential	Detached or attached single-family homes and some group housing uses.	4.1-7.0 du/ac		
Medium Density Residential	Detached or attached single-family homes, townhomes, duplexes, apartments, condominiums, and some group housing uses.	7.1-15.0 du/ac		
High Density Residential	Multifamily housing, including apartments, townhomes, condominiums, and some group housing uses. Single-family homes are allowed where the sites' characteristics, such as size or topography, would preclude multi-family development.	15.1-27.0 du/ac		
Community Commercial	Community-oriented uses including retail stores, restaurants, professional and medical offices, and personal services. Residential uses are allowed both above and behind commercial uses with discretionary approval.	1.25 FAR for nonresidential component 15.1-27.0 du/ac for residential component	3.0 FAR (GC)	3.0 FAR (D)
District Commercial	Retail, commercial, and service uses that meet local and regional demand. This designation is	0.5 FAR	2.0 FAR (CC)	0.4 FAR (SC)

Floor Ara Ratio (FAR) Research Comparison Table				
Morro Bay Designation	Morro Bay Description	Morro Bay Density/ Intensity*	Comparable SLO Density/ Intensity*	Atascadero – Average FAR
	intended for larger-scale development that is appropriate in an auto-oriented environment.			
Neighborhood Commercial	Smaller-scale commercial uses that provide for the daily needs and services of nearby residents. Residential uses are allowed both above and behind commercial uses with discretionary approval.	1.0 FAR for nonresidential component 4.1-15.0 du/ac for residential component	2.0 FAR (NC)	0.3 FAR (GC)
Visitor-Serving Commercial	Visitor-oriented services and uses located at easily accessible locations and tourist destinations within the coastal zone. In general, ground-floor development should be reserved for retail shops, restaurants and bars, and visitor accommodations, with the upper floors reserved for additional visitor accommodations and offices.	1.25 FAR	2.5 FAR (TC)	0.3 FAR (GC)
Commercial/ Recreational Fishing	Implements Measure D, which protects the tidelands area between Beach Street and Target Rock. Development and use permits are limited to fishing activities only.	0.5 FAR	n/a	

Floor Ara Ratio (FAR) Research Comparison Table				
Morro Bay Designation	Morro Bay Description	Morro Bay Density/ Intensity*	Comparable SLO Density/ Intensity*	Atascadero – Average FAR
Waterfront Commercial/ Industrial	A mixture of visitor-serving commercial uses and harbor-dependent land uses located in the coastal zone.	1.25 FAR	n/a	
General (Light) Industrial	Light industry uses which are generally not compatible with residential or most commercial uses. Existing residential buildings are permitted and are considered conforming.	0.5 FAR	1.5 (SC)	0.4 FAR (Ind)
Coastal-Dependent Industrial	Uses within the coastal zone which must be located on or adjacent to the sea to function at all, and are thereby given priority pursuant to the California Coastal Act.	0.65 FAR	n/a	
Mixed Use	Implemented by the zoning code, any combination of commercial uses; offices; attached single-family housing, multiple-family housing, and live-work units; institutional uses; cultural facilities; developments including an open space component; visitor-serving uses; and/or civic facilities. Mixing of these uses may occur in a vertical and/or horizontal orientation. Mixed-use development is required within the	1.0 FAR for nonresidential component 15.1-27.0 du/ac for residential component	n/a	0.3 FAR (MU)

Floor Ara Ratio (FAR) Research Comparison Table				
Morro Bay Designation	Morro Bay Description	Morro Bay Density/ Intensity*	Comparable SLO Density/ Intensity*	Atascadero – Average FAR
	constraints of parcel size, context/adjacent uses, and access to transportation.			
Public/ Institutional	Facilities which serve the public, including government buildings and service facilities; or quasi-public facilities such as hospitals and cultural or civic resources.	0.5 FAR	2.0 FAR (PUB)	0.4 FAR (PUB)
Harbor/Navigational Ways	Areas of the city covered by seawater and used for boating, fishing, and visitor-serving uses.	N/A		
Open Space/Recreation	Areas of improved and unimproved park facilities, open space areas, natural resource areas, and outdoor recreation.	N/A		
Agriculture	Land for cultivating crops and raising animals.	N/A		

Floor Ara Ratio (FAR) Research Comparison Table				
Morro Bay Designation	Morro Bay Description	Morro Bay Density/ Intensity*	Comparable SLO Density/ Intensity*	Atascadero – Average FAR
<b>Overlays</b>				
Mixed-Use Residential	<p>For Visitor-Serving Commercial, the overlay allows residential uses in addition to the base allowed uses provided they are secondary to the Visitor-Serving Commercial component of the project.</p> <p>For Neighborhood Commercial, the overlay allows residential on the whole lot.</p>	<p>Same as underlying base designation for nonresidential component</p> <p>When paired with Neighborhood Commercial, residential density is the same as for the base designation</p> <p>When paired with Visitor-serving Commercial, 15.1-27.0 du/ac for residential component</p>		
Environmentally Sensitive Habitat Areas	Protected areas within the coastal zone which serve as habitat for rare or especially valuable plant or animal life that could be easily disturbed or degraded by human activity.	N/A		



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director



Exhibit B



**Gavin Newsom**  
Governor

October 16, 2020

Mr. Scot Graham  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442  
[SGraham@morrobayca.gov](mailto:SGraham@morrobayca.gov)

DRAFT ENVIRONMENTAL IMPACT REPORT FOR MORRO BAY GENERAL PLAN  
AND LOCAL COASTAL PROGRAM UPDATE – DATED OCTOBER 2020 (STATE  
CLEARINGHOUSE NUMBER: 2017111026)

Mr. Graham:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the Morro Bay General Plan and Local Coastal Program Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR. Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml\\_handbook.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf)).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead\\_Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf)).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

[content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](content/uploads/sites/31/2018/09/VCP_App-1460.doc). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at [REDACTED]  
[REDACTED]

Sincerely,



Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[REDACTED]

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[REDACTED]

**Cindy Jacinth**

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**From:** Brom Webb [REDACTED]  
**Sent:** Saturday, October 17, 2020 3:24 PM  
**To:** PlanningCommission  
**Subject:** Morro Bay General Plan

Dear Planning Commission,

People still dream about not only seeing the Pacific Ocean, but swimming in it too. Looking up any variance of the word "swim" and finding it only twice in a 390 page General Plan with a City located directly adjacent to the Pacific Ocean seems a bit disengaged. The following are suggestions for the Morro Bay General Plan:

Environmental Justice should be defined in the glossary.

The Viewpoint Map should have colored pictures displaying the visual cues that can be seen throughout the City to complement the black "fields of view" circles. Displaying the importance of views from the Highways, Golf Course, beaches etc. and how to protect these pristine view sheds for the future should be overly emphasized.

Since most Cities within the County already have an optional Parks and Recreation Element, it only makes practical sense that Morro Bay would follow suit, possibly integrating the California Trail into the system. It would be nice to see the City celebrating the Morro Bay Public Golf Course that will be turning 100 years old (2023) during this General Plan timeframe with some type of historical preservation or recognition. And, strengthen public awareness about the Morro Bay Estuary and how to protect its health against future threats such as ocean acidification.

Quoting the EIR, "The City's CAP was developed to be consistent with CEQA Guidelines Section 15183.5 and SLOAPCD's CEQA Air Quality Handbook to mitigate emissions and climate change impacts and serves as a Qualified GHG Reduction Strategy for the City of Morro Bay. The CAP's target mirrors that of AB 32, setting a goal of 15 percent below baseline (2005) levels by 2020."

With 2020 virtually gone and nearly 2 trillion metric tons of carbon dioxide in the atmosphere, these guideline do not fully address the situation. By implementing an optional Element that addresses Climate Change, the City could address the need to capture carbon among other climate change programs. Natural ways to capture carbon for the area include planting trees, using mycelium at the Golf Course and substantially increasing the amount of eelgrass in the Estuary. Providing a stronger stewardship of the land and protecting the environmental resources will allow all to enjoy this area in the future.

If these suggestions are or are not addressed, a Natural Disaster Preparedness optional Element should at least be considered.

Thank you,  
Brom P. Webb

## Embarcadero Master Leaseholders, LLC



October 20, 2020

City of Morro Bay Planning Commission  
Community Development Department  
955 Shasta Street  
Morro Bay, CA 93442

Dear Chair Luhr, Commissioners and staff,

By way of background information, I am pleased to announce that we have formed a group, the Embarcadero Master Leaseholders, LLC (EML) to bring the waterfront lease sites together and provide a combined voice to work with the City on important issues that we all trying to tackle now and in the future.

It is important for us to operate with the City as a partnership in these endeavors as in the end we will all benefit from the economic stability, administration of the leases and other key issues that directly affect the waterfront.

The EML had gotten off to a good start beginning with our first meeting at the end of June. We have since has filed with the State of California for the incorporation, created Purposes and Goals, elected a Board of Directors.

Since we have only recently formed the EML, we have not been in a position to comment as a group on any previous documents prepared by the City. We recently became aware of the final draft of Plan Morro Bay so we have made a concerted effort to review the document from the waterfront and leaseholder's perspective. We are offering our comments and questions as they specifically related to doing business on the Embarcadero. We apologize for the late submission of this letter however, we are hopeful that you understand that it was an enormous undertaking for us to review in a short amount of time.

We certainly hope the Planning Commission understands the difficulties and nuances of conducting business and proposing projects on the waterfront so our comments and questions are based upon experience and intended to be helpful with your review. Thank you in advance for your time.

Regards,



Paul Van Beurden  
EML President

Board of Directors:

Paul Van Beurden, President, [REDACTED]

Smith Held, Vice-President, [REDACTED]

Bob Fowler, Secretary/Treasurer, [REDACTED]

**Embarcadero Master Leaseholder's comments**  
**October 20, 2020**

**POLICY LU-7.1:**

#c. Change in use. A change in land use designation, a change in intensity of use, or a change of use.

This is very onerous. So if someone has a change from office to retail then they will be required to install a lateral accessway? That could mean hundreds of thousands of dollars of cost to construct the accessway. This needs to be taken into consideration with the other policies in the Plan which require the width, impacts to the marine environment (eelgrass) and other requirements that will escalate the cost to bring a new tenet into a building that was just different than the one before. For example, a retail shop to a coffee shop. For example, if there is a 250 sq. ft. space and you make the change as mentioned, this would be a change in intensity of use therefore requiring the accessway. The requirement will make leaseholders stop and think whether they want to make any changes or force them to keep the same type business as not to trigger this requirement, or worse yet, don't rent the space (City loses revenue!)

#g.i. & ii:

What is the difference between i & ii? It looks like ii is asking for 12' with 10' path. Why 12 feet when a 10' clear path plus 6" for 2 railings equals 11'.

#g.iv. Connection to adjacent properties shall be planned for and implemented on a system wide basis.

Implemented on a "System wide basis"? Why? How? Who is going to plan for and develop the "System wide basis", the City? The leaseholders? Is this money coming from the Harbor fund? When a significant portion of the Harborwalk is already complete, in progress or will be proposed soon, why are you spending money developing a "System wide basis"? Each lease site must figure out on their own installation because of the elevation differences and this must be figured out how they can do it and meet ADA and building codes. So how is a System wide going to help figure this out? What about the future and the sea level rise? How is this going to impact the system if the individual lease sites are required to elevate the accessway to accommodate for the sea level rise and then are at a complete different level than the other portions?

#h.ii. If continuous lateral access across the bayward portion of the parcel is found infeasible due to topographical or site constraints as defined in subsection (d)(i) of this section, the contribution of an in-lieu fee, equivalent to the cost of construction of an accessway along the bayward edge of the structure proposed, shall be paid to the City.

This is totally unrealistic and will not result in getting what the City wants for a Harborwalk. We understand the need for an in-lieu fee program which can certainly help with the objective of adding to the accessway. However, this could cost hundreds of thousands of dollars to an applicant or chase applicants away from developments or force reductions in building sizes which makes smaller business space which equates to potentially less ability to produce revenue. For example, if you have a lease site that does not meet the full 10' requirement but is approximately 8' wide and for several reasons, including impact to eelgrass, cannot feasibly add the 2' to 3' necessary to meet the policies of the Plan, then the applicant will pay "the contribution of an in-lieu fee, **equivalent to the cost of construction**". For this example if you have a project that has 12 pilings and would need to add an additional 12 piles into order to structurally support the additional 2' to 3', then as the policy is written, the applicant would take the cost of these 12 piles plus the other construction costs and come up with a total to be paid to the City. In this case the estimate for the piling driving work alone (not counting marine mammal monitoring and the other requirements) would be approximately \$180,000. So this cost could very well exceed \$250,000 for an in-lieu fee. If the City wants an in-lieu fee system to mitigate, then they need to figure out a reasonable amount. This should also reflect a reasonable amount since each lease site is different and there may be an inequity in the construction amount due to many factors. A large lease site might end up paying a small amount while at the same time a small lease site may pay a very large amount. There are quite a few lease sites that have undergone redevelopment in the past few years so this policy directly hits those who have a few remaining years on their lease. In some cases it is not feasible because of public safety to install the bayside access so they will be forced to participate in the in-lieu fee program without exception. There is nothing in the policy that takes this into consideration.

Additionally this requirement could sway leaseholders to delay a new project or a change in use or intensity of use because the cost for this program makes it unrealistic to cover the costs to participate in the program. So if there is a project with let's say 20 years remaining on their lease, it may be in their interest to delay any project proposal until closer to that time rather than bring forward a project now that could be a big community benefit sooner rather than later.

#h.iii. ... for no more than 30 minutes prior to that activity and 30 minutes after that activity.

There should not be any time limits in this policy document as it is not the appropriate place for this. If anything, it should go in the Waterfront Master Plan. Hard and fast or specific times are difficult to control. For example, if you have seafood unloading and need to bring in semi-trucks the night before and set up the wharf with scales and other unloading equipment the night before so that when the boat arrives, you are ready to work. If the accessway is required to be open at sunrise and the boat is delayed because of weather and can't get to the dock until 10, this would be in violation of the policy because the accessway was closed the night before to allow enough time for set up and therefore technically has exceeded the 30 minute timeframe. Now the City may say that's not the intent but the policy however as written, it certainly leaves too much room for interpretation and room for complaints from those that do not understand the logistics of working in these situations.

Policy LU-7.3. **Unobstructed Lateral Access.** Furniture, windscreens, gates, fences, or other items shall not be placed in the area of pedestrian flow of a lateral accessway. Existing items of this sort shall be removed during future lease renewals or applications for improvements.

This is not clear at all. So does that mean all the tables, chairs, benches, windscreens gates to floating docks shall be removed in the future? These items are permitted now but it appears that this policy is moving towards removing all of these items and none will be left in the future. It does say “shall not be placed in the area of pedestrian flow” so what does that mean exactly? Is it the 10’ area? Less than 10’? If this is the case that all will be required to be removed in the future and at the time of lease renewal or applications for improvements, will that then lead the applicants to delay any improvements or figure out a way to delay anything that would require a lease renewal? What does “application for improvements” mean? Does that mean if an applicant needs to repair pilings or docks and needs to file an application to make the improvements that they will then be required to remove all the furniture and etc.? Are you taking away the public enjoyment by not providing any seating on the bayside so they can eat lunch and look at the water?

**POLICY LU-7.5: Coastal Access Amenities.** Provide clear signage (including appropriate interpretive signs) and amenities (such as benches, picnic tables, trash and recycling service, bike racks, etc.) at all access points. (See also Policies CD-1.7 and CD-1.8)

Does this conflict with policy L:U-3? The other policy appears to seek removal of these items.

Policy LU-7.58.a-j. Sea level rise.

This plan spends an entire page detailing specific location to address sea level rise. Why is the City incorporating address specific information in the Plan MB? There are several locations that state that there is a need to be monitored for sea level rise by 2050 and beyond. So questions are: Who will monitor? What are the monitoring requirements? In section a. it states the City will evaluate so is the City paying for this? Is it from the Harbor budget?

It also states that during lease negotiations that if the lateral access cannot be defended then, “raising of the bayside lateral access or installing floating access may be required...” How are you going to do this? If the current access is at existing grade, along with all the buildings, how do you raise the lateral access above the existing grade? How do you do this and meet ADA standards for slope up to a new accessway? If the lateral accessway needs to be elevated, what about the buildings? Do you bring in more fill to elevate the whole site or are you left with a raised lateral accessway and the buildings are abandoned? Some of these specific locations are potentially required to make modifications in 2050. This means if a new project is submitted in the next couple of years, after Plan MB is approved, and the

proposed project, in some cases, are required to install a new seawall or other major improvements, and asks for a 40 to 50 year lease, will the City only give them a 25 year lease because they won't let the improvements go beyond the year 2050 for addressing the sea level rise and lateral accessway that may need to be raised?

One example is that #g that states that by 2050 bayside access “from 1185 to 1205 Embarcadero **will require**” floating or raised access to accommodate sea level rise. The accessway is already the floating docks so how will that change? There are significant issues that don't allow for a raised lateral accessway around these buildings currently and one of those problems is that the area between GAFCO and Harbor Hut is privately owned land by the power plant. This was all discussed in the permitting process and it was deemed infeasible to construct. The only other option is to remove a portion of the buildings to construct the accessway and therefore reducing the business square footage. As mentioned before, this cuts into City revenue not only from sales but reduced appraised value.

**Policy LU-8.4. Embarcadero.** Investigate the feasibility of one-way closure or full closure of Embarcadero to create a pedestrian plaza.

There was a clear consensus recently that the Embarcadero merchants did not want one way traffic so why is it a policy to "investigate" this?

**Policy LU-8.7. Embarcadero Coastal Hazards Standards.**

... Fill and placement of materials in coastal waters, including shoreline protective devices in this area, shall be the minimum amount necessary, shall be allowable only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, consistent with the following:

This language is direct from the Coastal Commission and is not necessarily appropriate for the Embarcadero. The Army Corps constructed the Embarcadero and rock revetment back in the 1940's. So there is an approximate 80 year old structure that the City requires the leaseholders to maintain and repair when necessary but with this policy the City is requiring additional studies and in some instances limitations on what can be proposed as a project.

This policy now requires an alternative analysis for “fill and placement of materials in coastal waters” which means piles, rock revetment and any other things that are paced in the water. The applicants will be required and responsible for doing more studies to evaluate the least environmentally damaging alternatives for pilings, or rock rip rap repairs or reconstruction. The policy as written states that this “shall be allowable only where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, consistent with the following: So this means if it is less environmentally damaging to have a vertical seawall rather than rip rap, then you will be required to take out the rip rap and put in a vertical wall rather repair the existing rip rap? This could also mean that a Harborwalk or building would need to be cantilevered rather than supported by pilings. This may force a reduction in the size of the

project so that it is even potentially feasible for a cantilever design. This policy as written also gives the City and Coastal Commission the authority to require the removal of the seawall and let it return to nature. Will that be something they would do? Probably not but there is nothing to stop them from trying.

The extra cost for alternative analysis could be approximately \$10,000 however, that does not take into consideration the additional costs that the City will likely require to have a third party review the alternative analysis and the extra time that will take for City and Coastal Commission permit processing. If a wave run-up study is also included in this, then it would be approximately \$5,000 for that study.

a. Upon the lease site approval or renewal, lease sites adjacent to the bayfront shall be required to relocate any underdeck utilities to a location above the sea level rise zone.

The applicant or leaseholder will be **required** to “relocate any underdeck utilities to a location above sea level rise at the time of “lease site approval or renewal”. This also has potential conflicts with other policies in the Wastewater section of the Plan.

b. Decks, piers, and other immobile bayside lateral accessways should be raised or reconstructed to heights above the sea level rise inundation zone.

Docks, piers, and other immobile bayside lateral accessways “should” be raised to heights above sea level rise. Take note that the definition of “should” is “Should” and “may” **are mandatory**, unless there is a compelling reason to do otherwise. So how will you do this?

c. At-risk storm drains should be redesigned or relocated to maintain full function and prevent flooding as tides continue to rise.

Are the applicants are going to be responsible for studying the entire City storm drain system that would have water directed to this one storm drain? And is the applicant paying for relocation if necessary?

**POLICY CD-1.7: Compliant Lateral Access Signage.** ...“Whenever the City of Morro Bay enters into a Tidelands lease agreement with any individual or business entity, whether as a new agreement or a lease renewal, a requirement that all nonconforming signs at the site be removed or made to conform to the provision of this Chapter shall be incorporated into such lease agreement.” ...

Does this mean the businesses lose their entitlements for nonconforming signs? Does this mean if the signs are conforming now and the Zoning Code is updated and changes the standards that all the signs will then become nonconforming and need to be removed? Will this allow for a permit of nonconforming signs?

**IMPLEMENTATION ACTION CD-9** All floating public lateral accessways shall have uniform and compliant signage and shall maintain clearance and access. If clearance and

access are temporarily unavailable for safety reasons, temporary signage shall indicate that. This action will be incorporated into the Waterfront Master Plan when updated.

What does this mean? Isn't this already covered?

**IMPLEMENTATION ACTION CD-10** Lateral access at lease sites with coastal-dependent uses that requires temporary closure for safety or other operational purposes shall be allowed only during active unloading for 30 minutes before or after and when the use is not occurring or is occurring but safe to coexist with pedestrians...

This is not quite the same as on page 3-46 #h.iii. The time should not be included in the Plan but more definition in the Waterfront Master Plan. See other comments from previous section.

**IMPLEMENTATION ACTION CD-11** Decking for bayside lateral access decks shall be made of metal slats when eelgrass shading is an issue. Decking shall be made of timber when eelgrass shading is not an issue. Railings for all bayside lateral access decks shall be made of metal...

The City should not dictate the type of materials to be used. The current Harborwalk uses fiberglass grating over eelgrass and not metal as metal is a maintenance problem and not appropriate in all marine uses. The use of metal will quickly deteriorate and it will look terrible. Second, timber is also not a product that should be widely used as it is subject to the marine environment and upkeep. Timber requires chemical treating in order to provide a sufficient lifespan for the use. Typically a composite decking is used today which has less maintenance. Last, the City required an applicant just a couple of years ago to remove the timber decking and install the fiberglass grate so it would match the balance of the Harborwalk.

**IMPLEMENTATION ACTION CD-12** ...The pavement icon shall be included in all new on-land pavement along the lateral access alignment in the lateral access focus area. If feasible, the icon should also be included on new or replaced sections of the Harborwalk by stamping or some other form of application. This action will be incorporated into the Waterfront Master Plan when updated...

It may be difficult to have a stamped or other icon imbedded into the fiberglass grating.

**IMPLEMENTATION ACTION CD-13** New or replacement sections of the Harborwalk boardwalk shall use the same type of materials as the existing Harborwalk sections. If feasible, the lateral access icon shall be included on the Harborwalk by stamping or some other form of application. This action will be incorporated into the Waterfront Master Plan when updated.

The first part of this directly conflicts with #CD-11 as the other section requires metal or timber.

**IMPLEMENTATION ACTION CD-14** ...shall be made of paved stained brick...

There is a caution that should be noted in using bricks as it may not be good to allow for water infiltration along the waterfront sites. Water flowing through this area may tend to carry the fines out to the bay creating additional sedimentation problems and leading to possible undermining on the site. The project engineer should be consulted prior to making this a requirement.

**POLICY CIR-1.10: Goods Movement.** Maintain smooth, consistent, and nonintrusive movement of trucks and goods through the city by way of truck routes, including working with businesses to minimize disruption to traffic flow during loading and unloading, and expanding designated commercial loading zones along the Embarcadero.

Is this good to remove parking spaces to install commercial loading zones?

**POLICY CIR-2: Street End Pedestrian Connections.**

Does this remove parking at the street ends?

3 – F - Noise – Vibration - Vibration Decibels

There is a section discussion on vibration but no policies that refer to this. Why is it included?

**IMPLEMENTATION ACTION NOI-5** Require acoustical studies for all discretionary development proposals that are likely to be exposed to existing or projected future noise levels that exceed the “normally acceptable” community noise exposure standard (Table NOI-3); and for projects that are likely to generate noise in excess of the community noise exposure standard...

Does this include marine related work? Does it include temporary construction noise?

**IMPLEMENTATION ACTION NOI-9** Develop and employ procedures to ensure that noise mitigation measures required pursuant to an acoustical analysis are implemented in the development review and building permit processes.

What does this mean? How is the City going to do this? Isn't this already covered under the CEQA review and inserted as a mitigation measure?"

**POLICY NOI-3.3: Construction Shielding.** Encourage shielding for construction activities to reduce noise levels and protect adjacent noise-sensitive land uses.

What does this mean? How is the City going to do this? Does this include marine construction work too?

**POLICY C-1.15 Eelgrass Protection.** Continue to address and mitigate eelgrass impacts on a project-by-project basis using implementation guidelines from the California Eelgrass Mitigation Policy (CEMP) to promote eelgrass growth in the bay. In addition, investigate establishing an eelgrass mitigation bank.

Should add the following text: ... California Eelgrass Mitigation Policy (CEMP) “*or subsequent policies*”... investigate establishing an eelgrass mitigation bank “*and other mitigation or programs allowed for in the CEMP*”. Adding this language will keep the Plan current with any new federal regulations that are created.

**POLICY C-7.18: Wastewater Marine Impacts.** Wastewater disposal systems which minimize or eliminate marine resource pollution, and which provide for reclamation of wastewater for reuse, shall be required. New development, including redeveloped structures, shall connect to the public wastewater treatment system.

This policy does not consider tidal flows. There are certain instances, such as King Tides, that can have significant tidal differences which would make it virtually impossible to run enough sewer line length to accommodate for this fluctuation. Along with that, we saw extremes when there was the Tsunami which again would require a project to calculate and design a pipe system that would be long enough to account for the rise and fall.

In addition, this is inconsistent with policy LU-8.7.a which requires any underdeck utilities to a location above sea level rise. How would this be done?

**POLICY C-7.23: Preservation of Morro Bay Estuary.** ... to regularly evaluate the health of the complete estuary ecosystem. Adjust local and regional requirements and prohibitions on development, building design, water craft usage, pollution control, and other important issues to maintain the quality of the estuary system.

Who is going to regularly evaluate the complete estuary ecosystem? What is the potential cost? Is this funded from the Harbor Dept. budget? What does “regularly” mean in the context of time?

**POLICY C-9.9: Infrastructure, and Utility Requirements.** ... If undergrounding is not possible, an in-lieu fee shall be paid toward future undergrounding.

What is the cost of the in-lieu fee? How will this cost be determined?

#### **IMPLEMENTATION ACTION C-34**

Establish an in-lieu fee program to fund infrastructure and utility undergrounding efforts.

Same questions as above.

**IMPLEMENTATION ACTION OS-4.** Implement an incentive program for local waterfront businesses and leaseholders to encourage regular maintenance and upgrades of infrastructure at nearby trails or parks.

This policy says to provide incentives do maintenance and upgrades to local parks and trails so the City needs to figure out a way to make this easy to do and not difficult by requiring more permits.

#### 4D – Public Safety

##### **The Embarcadero**

While the Embarcadero rests at a relatively higher elevation and can endure some sea level rise,...The area currently is generally armored by revetments and bulkhead walls, but these structures will need to be maintained and improved to ensure resiliency to sea level rise.

Several policies in this document do not make it easy to maintain and improve the revetments but rather make it extremely costly and a mountain of extra studies to get there. Other policies require that the least environmentally damaging alternative be proposed so how is this policy to maintain and improve consistent with the other policies that appear to say the revetment maybe not be such a good idea anymore. See policy PS-3.6 which appears to conflict with this statement.

**POLICY PS-3.1: Definitions.** The following definitions apply in the Goal PS-3 policies below:

**Shoreline protective devices:** Structures...but not limited to seawalls, revetments, gunite, sheet piles, breakwaters, groins, bluff retention devices, retaining walls, and pier/caisson foundation and/or wall systems.

Should the City consider adding to this language that differentiates the Embarcadero seawalls to other locations with protective devices especially since the previous policies tend to indicate that the Embarcadero seawalls are to be maintained? This has an impact on other policies below.

**POLICY PS-3.6: Shoreline Preservation as a City Goal.** ... Therefore, the intent of the Local Coastal Program is to ensure that shoreline protective devices and other shoreline altering development are only utilized in very rare situations and only when all coastal resource impacts are avoided, and where unavoidable are appropriately and proportionately mitigated, including consistent with Policies PS-3.7, PS-3.12, and PS-13.

The Embarcadero is different and should be recognized as such. This is State Tidelands and is set aside for commerce and navigation under the Tidelands Trust. This should be included in the policy.

**POLICY PS-3.7: Existing Shoreline Protective Devices.** Repair and maintenance of existing legally established shoreline protective devices (including restacking dislodged rock rip-rap in revetments within the approved revetment profile and texturing/contouring a vertical seawall per the approved surface treatment, but not including replacement, augmentation, addition, or expansion) shall only be allowed if the shoreline protective device is required to protect existing structures (i.e., structures legally constructed prior to January 1, 1977, that have not been redeveloped since then)...

recreational access. The City shall only be involved financially with public shoreline protective devices.

This could be interpreted to mean that shoreline protective devices cannot be repaired if there is no record of the development being legally constructed prior to January 1, 1977. The City and the County for that matter do not have good records of development prior to 1964 (City incorporation) and prior dates. This places the burden on the applicant to prove that the structure was legally constructed rather than recognizing that it may have been but there are no records. This in relation to the Embarcadero and not to other areas outside of this. What does it mean that the City will only be involved financially with public shoreline protective devices? Does this include the Tidelands Trust area even though the City has leased these areas and requires the master leaseholders to take care of the repair, maintenance or new construction?

**POLICY PS-3.8: New Shoreline Protective Devices.** New shoreline protective device development (including replacement, augmentation, addition, and expansion associated with an existing device) shall only be allowed where required to protect existing structures (i.e., structures legally constructed prior to January 1, 1977, that have not been redeveloped since then) and coastal-dependent development in danger from erosion (i.e., when the development would be unsafe to use or occupy within two or three years)... hazards. Such nonstructural options shall be used and prioritized wherever possible to protect coastal resources, including coastal habitats, public recreational uses, and public access to the coast.

Where such nonstructural options are not feasible in whole or in part, soft structural alternatives (sand bags, vegetation, etc.) shall be used and prioritized wherever possible before more significant shoreline protective devices are considered. Shoreline protective devices shall not be constructed to protect non-coastal-dependent development, development built on or after January 1, 1977 (including redeveloped structures), or where other measures/alternatives, including relocation, can adequately mitigate erosion hazards. All construction associated with shoreline protective devices and repair or maintenance or augmentation of existing protection devices shall be designed to eliminate or mitigate adverse impacts to coastal resources. The City shall only be involved financially with public shoreline protective devices.

So this says that new seawalls “shall not be constructed to protect non-coastal-dependent development, development on or after January 1, 1977 (including redeveloped structures), or where other measures/alternatives, including relocation, can adequately mitigate erosion hazards”. This policy seems to be in direct conflict with other policies discussing repair and maintenance of the revetment along the Embarcadero. This policy also leaves the open concept that the buildings on the Embarcadero may not be able to install protective devices but rather to consider other alternatives, such as relocation, should be considered. Does the City need to add clarifying language regarding the Embarcadero if this area is not meant to be included in this policy? The City should only be involved financially with public shoreline protective devices so, how does this impact, or not, the Embarcadero?

**POLICY PS-3.10: Shoreline Management Plan.** The City shall prepare a Shoreline Management Plan for approval by the Coastal Commission as an amendment to the Local Coastal Program... The plan shall be prepared in coordination with relevant local, regional, and/or state agencies for the purpose of protecting coastal resources, as well as ensuring the resilience of coastal public infrastructure.

How long will it take to prepare a Shoreline Management Plan? What is the cost? Will this come out of the Harbor budget? The Plan shall be prepared in coordination with other government agencies so how will that be done? Will these other agencies have the final say and direct the City to do it a specific way? How do you resolve differences between agencies?

The Shoreline Management Plan may be amended every five to ten years, as appropriate, by the City Council, and adopted by the Coastal Commission through the Local Coastal Program amendment process. For all other areas outside of the Harbor, Marina, area immediately adjacent to the shoreline, and Working Waterfront Area, development shall be sited and designed in a manner consistent with the following policies.

This should be a larger heading to make clear the following policies are not related to the Harbor area because is confusing and not readily apparent that polices are not including the harbor area when you read separately. Some polices state in the sea level rise zone, which the Embarcadero is and makes it more confusing.

**IMPLEMENTATION ACTION PS-6.** Work with property and business owners whose assets are exposed to flooding from sea level rise to adapt to the anticipated hazards in the 50-year time horizon. If an asset cannot be sufficiently protected from coastal flooding, establish a timeline for relocation. Ensure that the timeline includes the following activities:

- Securing land for the relocated asset, either an infill site or a suitable undeveloped location.
- Permitting and environmental review activities.
- Deconstruction and reconstruction.

Is the Embarcadero and Harbor outside of this and therefore not required? If so, should a statement be included to clarify? There are areas along the Embarcadero that have been identified as in the flooding and 50-year time horizon.

**IMPLEMENTATION ACTION PS-7.** Monitor and repair existing seawalls and revetments along the Embarcadero.

Other polices in this Plan do not promote this implementation action.

**IMPLEMENTATION ACTION PS-13.** Require new development in the Sea Level Rise Hazard Overlay Zone to evaluate potential impacts to adjacent or nearby properties from all

proposed structural flood protection measures to ensure that these measures will not create adverse direct and/or cumulative on-site or off- site impacts... The implementation actions are replicated...responsible for implementation, anticipated funding sources...

The Embarcadero is in this zone so what does this mean to “evaluate potential impacts to adjacent or nearby properties? It states it will be paid by development fees so what are the project costs and will the waterfront development projects also need to pay for these studies and work? How is the development fee going to be calculated?

## GLOSSARY

Coastal Dependent and non-coastal dependent are not included in the glossary however these terms are used frequently in the Plan.



DATE: October 20, 2020

TO: Morro Bay City Planning Commission  
Gerald Luhr, Michael Lucas, Susan Stewart, Jesse Barron, Joseph Ingrassia

RE: Morro Bay General Plan and Local Coastal Plan Update

Dear Commissioners,

The Scenic Coast Association of Realtors'® nearly 400 members and affiliates are an integral part of the Estero Bay Communities. As a group we are also one of the primary advocates of private property rights in the local area. Please accept this communication as our organization's response to the proposed General Plan/Local Coastal Program, which will be considered by the Planning Commission today on October 20, 2020. Thank you for the opportunity to address the following concerns.

Policy PS-3.9 calls for "minimizing" shoreline protective devices and Policy PS-3.10 basically requires exhausting alternative measures first. The thing that does stand out in Policy PS-3.9 is that new shoreline protective devices are only allowed to protect existing structures "in critical danger from erosion...within two or three years." What is disconcerting is that the definition for "existing structures" articulated in Policy PS-3.7 and Policy PS-3.8 would only apply to structures legally constructed before January 1, 1977.

Section 30235 of the coastal act provides property owners of existing structures the right to construct shoreline protections should they come under threat from wave action. By incorporating the 1977 date into the LCP the City will be redefining "existing" from the plain meaning of the term back to the effective date of the Coastal Act. We do not believe that the legislative record nor the statutory interpretations of the coastal act support this position. There have been failed attempts previously to redefine the term "existing", in that the Legislature considered amending section 30235 of the coastal act with Assembly Bill 2943 in 2002, and Assembly Bill 1129 in 2017. Both bills would have expressly changed the definition of "existing" to mean before January 1, 1977, and both bills failed. The city should not retroactively redefine the term "existing" via an LCP amendment to 1977 when the lawmakers themselves clearly did not intend that as the threshold, and twice rejected efforts to amend the section 30235 of the coastal act in that fashion. In doing so the city would strip away the rights of its constituents as established by the coastal act. The LCP should at least utilize the anticipated amendment date for the LCP as the benchmark for "existing".

This is not an inconsequential issue for the city and its residents. Table PS-2 identifies 133 private parcels that are vulnerable to Sea Level Rise pursuant to the 2017 vulnerability study. We would recommend that the City identify on a by parcel basis the risk to the existing development if any on these tabulated parcels, and whether they will be allowed in the future to defend their property from flooding and wave attack. Should these property owners be denied the legal ability to defend their property, this would raise serious concerns pertaining to a regulatory taking without just compensation, and any such regulation must comport with the following Constitutional principles and the Coastal Act itself:

### **Constitution of the State of California**

The California Constitution also has strong protections for *private property*;

#### *Article I - Declaration of Rights - Section 1*

- a. *All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, **possessing, and protecting property**, and pursuing and obtaining safety, happiness, and privacy.*

**California Coastal Act**

The legislature in the adoption of the Coastal Act in 1976, specifically prohibited the Coastal Commission, and local governments implementing the Coastal Act through their Local Coastal Programs, from engaging in actions that would take or damage private property without just compensation.

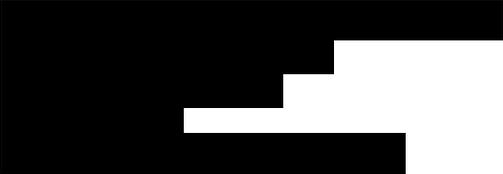
**Section 30010**

*The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, **or local government acting pursuant to this division** to exercise their power to grant **or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor.** This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

We note that the proposed LCPA in Policy C-1.8 contemplates allowing development in ESHA to avoid a regulatory taking. There should be a similar approach taken with SLR.

Thank you for taking the time to review and for your consideration.

Sincerely,

DocuSigned by:  
*Lynn Taylor*  
B8FF726E36244BA...  
Lynn Taylor  


CC: Scott Collins, City Manager