



AGENDA NO: C-1

MEETING DATE: March 23, 2021

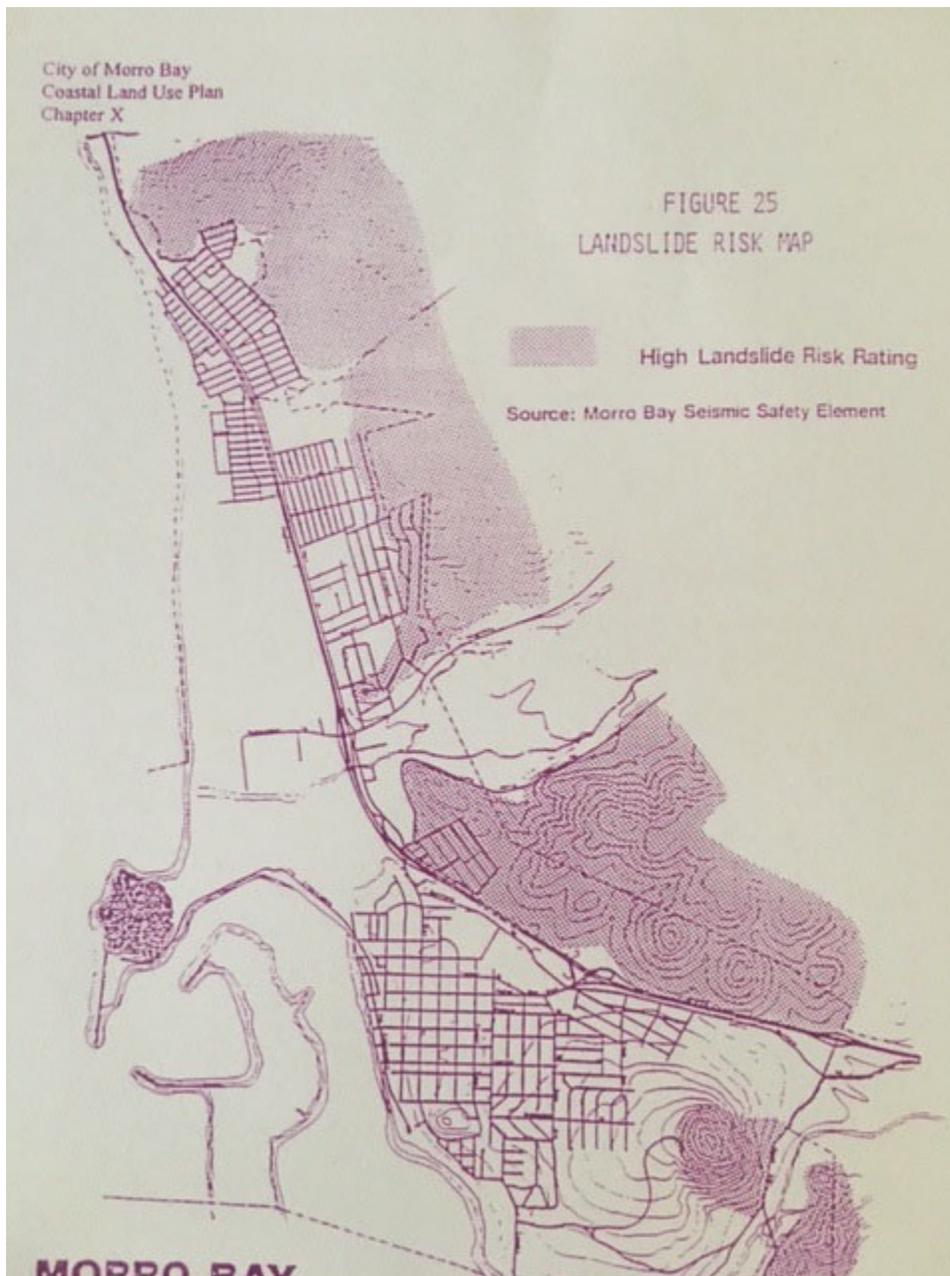
**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Heather Goodwin

From: Metzger Tina [REDACTED]
Sent: Tuesday, March 23, 2021 5:06 PM
To: Council; Dana Swanson
Subject: MB LCP - Landslide Risk Map

Dear City Council,

Please review the attached [Landslide Risk Map](#) from the City of Morro Bay Coastal Land Use Plan. Are you sure you want to bring into the MB city limits the Panorama Drive Chevron parcels, which have the “High Landslide Risk Rating” and will be a potential City liability if the existing topography is disturbed? Will the City’s insurance cover any liability concerning the known High Landslide Risk?



From: [Jon & Yvonne](#)
To: [Council](#)
Subject: Agenda Item C-1 03/23/21
Date: Monday, March 22, 2021 8:25:23 PM

Why we oppose city council agenda item C - 1 Tuesday 5:30 p.m. March 23rd 2021

- 1) The underlying assumption that dog beach needs to be brought in order to be retained is not true: prescriptive rights guarantees public use regardless of who owns it – Chevron, Cayucos Sanitary District, or the city of Morro Bay. Purchasing dog beach with a California Coastal Conservancy Grant puts dog use at greater risk because the grant States it wants Snowy Plover Birds protected: State Parks bans dogs from the beach between Atascadero Road and North Point to protect snowy plovers. The Conservation Restriction Agreement, which would clarify this issue, is not attached to the staff report.
- 2) The underlying assumption that the Hills East of North Morro Bay need to be bought for preservation is not true: due to their remoteness, the cost of getting utilities for development to the 213 Acres, or five Lots (Toro Creek Road to Zanzibar Street to Del Mar Park at Island Street), from the County's side would cost more than from the city's side. The city's proposal that development is limited to one residence on the toe of the hill is fraught with two dangers: future councils can intensify that use, and cutting into the toe of the hill is what caused the landslide at the new sewer plant.
- 3) The inferred idea that there is minimal cost to the General Fund is unfounded. "Standard closing cost" including endorsements (not identified) and "costs for submission of the various LAFCO applications" (not identified) are two unstated costs in the Agreement for Sale. At least one of the LAFCO costs will be an EIR (environmental study) to be paid by the city. No approximate cost is given for these items.

Signed,

Yvonne & Jon Bruckner

From: [Nancy Dickenson](#)
To: [Council](#)
Subject: A North Morro Bay Home Owner's Opinion on the Chevron Land: Let's seize this opportunity & do it right!
Date: Tuesday, March 23, 2021 1:48:44 PM

Hello Morro Bay City Council:

Below is my opinion on Morro Bay's annexation of the Dog Beach, as well as the Chevron land along Panorama.

Exec Summary:

The sale of Chevron Land is a once in a lifetime opportunity and a call to action for both the city and the people of Morro Bay (and Cayucos, too!).

1. Buy the dog beach and make sure it remains dog friendly
2. Extend Morro Bay's city boundary to include the 5 parcels along Panorama Street---Ensure Agricultural Zoning is never changed
3. Support Phases 2 and 3 of the Toro Creek Preserve Open Space (the Chevron Land East of Hwy One)

Details:

I. The Future of The Dog Beach

Some are questioning, "Why do we need to purchase it?" Here is why:

1. We have the opportunity to follow the successful lead of the people of Cayucos: By rallying together, they saved Estero Bluffs from being developed (with a gated-community of homes and a hotel). With Morro Bay's ownership of the Dog Beach, we can go even further--We don't need to ask CA State Parks to help us manage it. This will ensure that dogs will continue to be welcome on the beach.

2. By taking ownership of the Dog Beach, we can ensure that what happened in Half Moon Bay won't happen here.

In 2018, Silicon Valley billionaire, Vinod Khosla, bought Martins Beach located just south of Half Moon Bay. Then he closed it to the public. The local residents and the State of California sued. I believe that the legal fight is still raging today.

<https://www.businessinsider.com/martins-beach-vinod-khosla-california-silicon-valley-tech-lawsuit-2020-1>

While the chance of this happening to our Dog Beach is slim, it could happen. We need to take control and protect it. It's better to secure funding now to own the beach than spend millions in legal fees to regain access.

II. My Opinion on Extending the City Boundaries to Include Chevron Land East of Panorama Street

My home sits on the corner of Panorama and Jamaica Streets. For 6 years, I've looked through Chevron's ugly chain link fence to ranch land that is abundant with wildlife and natural beauty. I've never been given permission to hike on it nor to enjoy it.

As soon as the sale of the land was announced, I began attending meetings. I've heard some fellow community members suggest that by doing nothing, the land will stay as it is. I've come to believe that this approach is short sighted and risky. And, I've also come to accept that some trade-offs (some that directly affect me) will be necessary.

I expect that someday there will probably be a large house built directly across Panorama Street from mine. I can accept this---But I want the right to give input to what gets built, how, and to block any zoning changes.

The 5 Chevron parcels being sold along Panorama are currently located outside Morro Bay boundaries. Therefore, SLO County is in charge. That is why I believe Morro Bay must take jurisdiction over this land. If we don't, we risk the possibility of developers buying the land and SLO County changing zoning---that invites the possibility that a sub-division of properties could be built next to my home (instead of one).

Some say that if Morro Bay takes jurisdiction, then building on these lots is even more likely. That may be true, but if SLO County changes zoning from Agricultural to Medium Density, wealthy developers would not be deterred at the high cost of building access and extending services from Toro Creek Road.

In Closing:

Since the sale of Chevron's land is inevitable, the City of Morro Bay (and the people of North Morro Bay) should take direct oversight to ensure that zoning

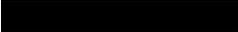
remains Agricultural and establish strong governance over issuing any building permits. This monitored development is the trade-off we may need to make in order to enjoy hundreds of acres of Open Space that will enrich both our neighborhood and our lives.

This is a call to action (not in-action). Only we can ensure strong governance for this beautiful land that is literally in our backyards.

Sincerely,
Nancy Dickenson
Jamaica St.
Morro Bay, CA

From: [Matthew Fleming](#)
To: [Council](#)
Subject: Feedback for tonights Meeting
Date: Tuesday, March 23, 2021 10:56:11 AM

As a longtime Morro Bay resident, I would like to express my opposition to item C-1, the SOI, 5 lots, 213 acre action item that is on tonight's Morro Bay City Council Agenda. I reject any new development on these lots in the future. I also believe we should look very carefully at accepting the grant from the California Coastal Conservancy without thoroughly vetting the adverse impacts it may create for "dog beach." Without a Conservation Restriction Agreement added to the grant, we may be in danger of losing current access rights. We already know that Prescriptive Rights protect usage regardless of who owns the beach lots. This is an unnecessary action. **Thank you—MKF**

Matthew Fleming
English Professor

Cuesta College

From: [Kristen Headland](#)
To: [CityClerk](#); [Scot Graham](#); [John Headding](#); [Robert Davis](#); [Dana Swanson](#); [Dawn Addis](#); [Laurel Barton](#); [Jeffrey Heller](#); [Scott Collins](#)
Subject: City Council Meeting 3/23/2021, Agenda C-1 Chevron Land Sale / Panorama Drive
Date: Tuesday, March 23, 2021 1:51:02 PM
Attachments: [U.S. Landslide Map.pdf](#)
[Chevron-Panorama Lots.pdf](#)
[Chevron-Panroama Lots-Exhibit C.bldg.area.map.pdf](#)

Date: 03/23/2021

To: City Council and City Staff
City of Morro Bay

From: Donald and Kristen Headland

Subject: Agenda C-1 – Chevron Land Sale / Panorama Drive

We are not in favor of the City of Morro Bay moving forward with Resolution No. 14-21, to bring five lots above Panorama Drive into the Sphere of Influence.

The Chevron property located above Panorama Drive has a history of landslides. Allowing homes to be built on the hillside will contribute to an already unstable hill. These actions by the City will put the lives of citizens and homeowner in harms way. Attached are maps that note the landslide risk above Panorama Drive.

If you move forward, we ask there be a deed restriction on the Chevron Panorama Lots:

1. Limiting those lots to one residential unit per lot.
2. The five lots cannot be subdivided into smaller lots.
3. Residential units to be built below the 200' elevation.
4. There will be no utility easement allowed through each of the five lots to higher and more inland Chevron property.

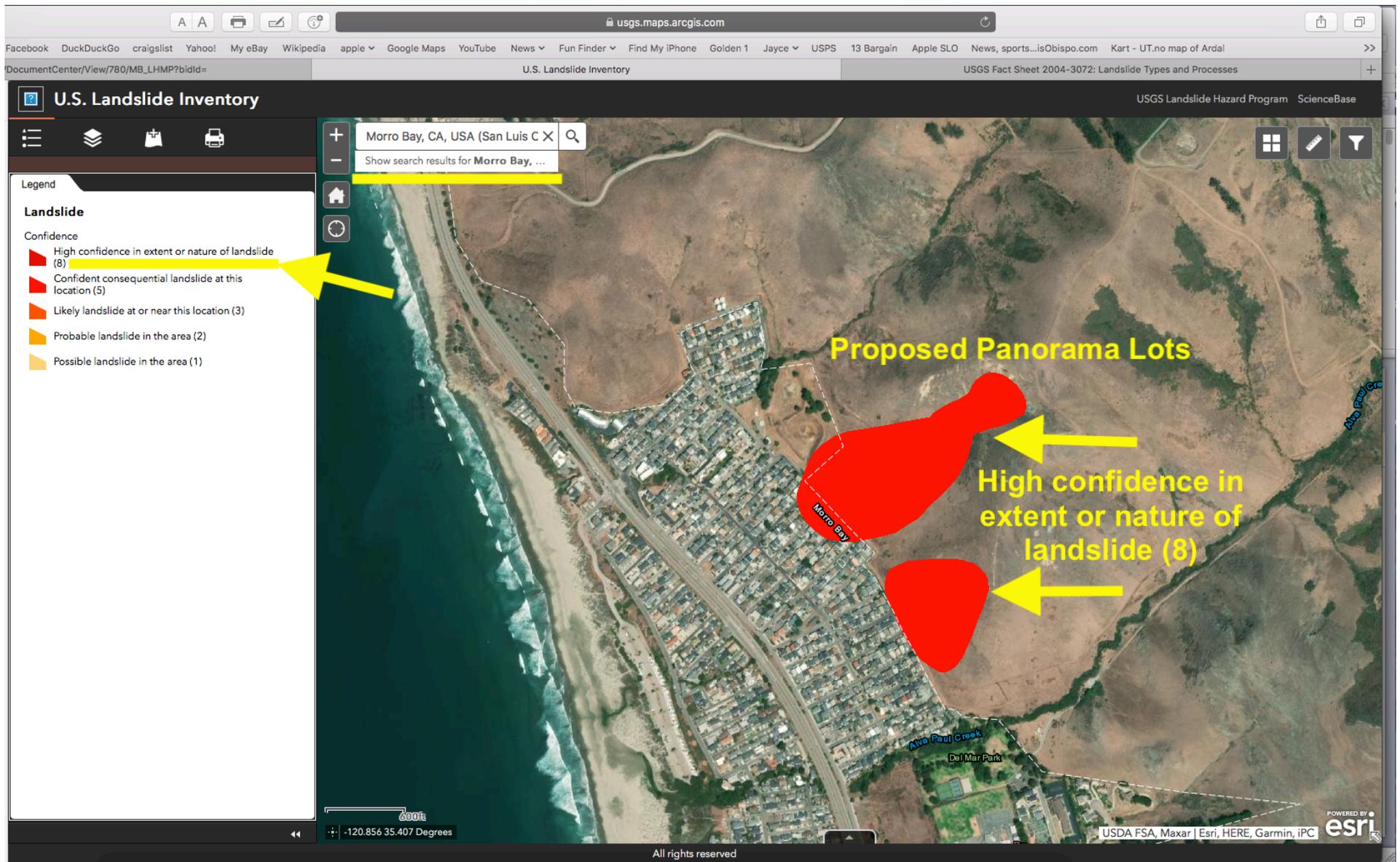
We are not in favor of the City of Morro Bay moving forward with Resolution No. 14-21 which is the first step towards residential development. Your actions will change the character of North Morro Bay forever.

Please record my comments for the record.

Respectfully,
The Headlands

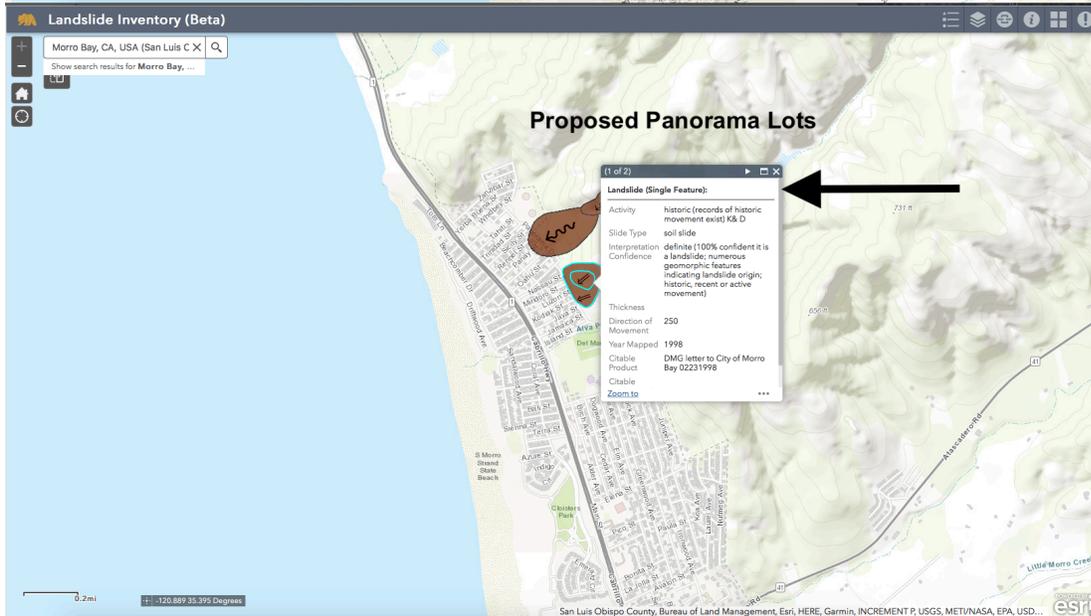
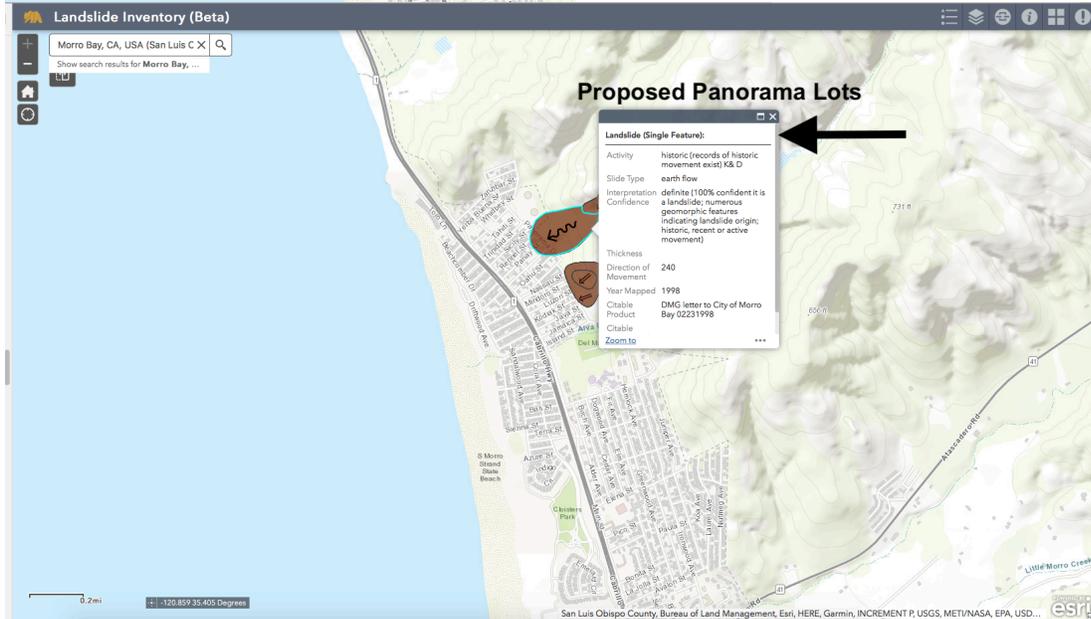
U.S. Landslide Inventory

<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=ae120962f459434b8c904b456c82669d>



Panorama Drive has a history of landslide activity. This map notes “Active/Historic” with “Earth Flow and Debris Slide, Soil Slide, or Soil Topple”.

<https://maps.conservation.ca.gov/cgs/lsl/app/>



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

NOTES

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



Panorama Lots
SAN LUIS OBISPO COUNTY, CA

Potential Building Area

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



NOTES/SOURCES

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



From: [Mel Honda](#)
To: [Council](#)
Subject: SOI resolution
Date: Monday, March 22, 2021 5:20:56 PM

I am concerned about plans to initiate an SOI for the 36.5 acre parcel adjacent to Panorama Dr. in MB. Are all members of council aware of the instability of the hillside above Panorama? Large sections of soil have moved twice in years of heavy rain, once in 1960 and again in 1995, causing major damage to homes, property and roads. I was present in '95 when the last major earth movement occurred. Heavy rain saturated the soil 30 feet deep, creating a slip plane where the the water hit bedrock. A very large section of land about 1/2 way up the hill to about 1/3 way down some "island " streets slid, causing a crack above and a toe below to form. Water and sewer lines and some home's foundations and retaining walls were damaged. Chevron, owner of the property, held an informational meeting for neighbors in the affected area. City officials, Chevron representatives and the Ca. state geologist were present and explained why the slide happened and that the area should not be disturbed in order to help prevent a repeat of the incident.

If the city eventually annexes this parcel and allows development, are they ready to take on the liability for future damages to existing homes and properties? Slow gradual earth movement caused by gravity is natural, but catastrophic movement caused by development and excavation could be cause for expensive law suits.

I hope the council carefully considers this information seriously before deciding on the SOI and annexation of said parcel. Thank you. If you have any questions for me, please contact me.

Sincerely, Mel Honda


Morro Bay, Ca. 93442



March 23, 2021

To: Mayor John Headding
Council members Dawn Addis; Robert Davis; Laurel Barton; Jeff Heller

RE: The Panorama Lots and Purchase and Sale Agreement for Dog Beach

The Board of the Morro Bay Open Space Alliance supports Council action to sign and complete the purchase and sale agreement for 'Dog Beach.' However, we have concerns about the part of this agreement pertaining to the Panorama Lots.

The context is important. The Panorama Lots, which are currently owned by Chevron, are part of a much larger tract of land that we are working to bring into the Toro Coast Preserve. Council acceptance of the PSA is a near-final step in the completion of Phase 1 of the Preserve, which protects Dog Beach, provides an easement for a connector trail between Morro Bay and Cayucos, and preserves open space between these communities permanently. Going forward, MBOSA is committed to working hard on Phase 2 of the Preserve to expand open space on the bluffs above the City.

The chief benefit in negotiating with Chevron regarding limited development on the Panorama Lots is for the City to gain control of it to ensure compliance with City standards and, importantly, to preserve the great bulk of the hills in the view shed as undeveloped open space, zoned for agriculture. We hear that the City will use the expansion of the Sphere of Influence and subsequent annexation processes to set terms for development that will achieve these outcomes.

Our support for the PSA assumes that the outcomes described are achievable through City effort. Development should be as close to the current city limits as possible with minimal disruption to existing neighborhood social life and traffic. Costs for utility services, street upgrades, and other infrastructure will be fully paid by the developer of the Lots, not City taxpayers. We will be monitoring the process about these issues.

Specifically, City actions going forward must remain firmly consistent with the intentions to limit development to one residential unit (plus an inevitable ADU) per parcel as low as possible on the hillside. We are all aware of the potential for landslides in the area and the need to locate any development carefully. We expect to see a development plan with environmental concerns defined along with clear mitigation steps for any problems.

If this works according to plan, it will be a big win for open space around Morro Bay.

MBOSA Board:

Glenn Silloway, Co-Chair
Jan Goldman, Secretary
Janet Gibson, Director

Noah Smukler, Co-Chair
Dianne Bianco, Director
Ken Green, Director

Travis Mellon, Treasurer
Nicole Dorfman, Director

From: [David Shoemaker](#)
To: [Council](#)
Subject: Item C-1
Date: Monday, March 22, 2021 10:58:45 AM

Hi,

I strongly oppose the adoption of Item C-1.

The uncertainty of the CA Coastal Commission and State Parks allowing dogs on the beach after using the Conservancy Grant needs to be fully investigated.

The annexation of the lots above Panorama opens the city to liability for any movement by the upslope area. The hill is historically unstable. It slid in the 1960's and then again in the 1990's. Just a casual look at the fenceline and power poles along Panorama shows the hill is still moving.

I live four doors down from Panorama on Luzon St. and have seen the large amounts of mud and debris that come off the hill after a rain.

A neighbor has mentioned difficulty in purchasing homeowner fire insurance because of the fire danger from the hill. Adding more homes would only intensify the problem.

I feel the City would be exposing itself to unnecessary financial danger by taking on the responsibility for the maintenance and cleanup of any activity of the hillside.

Leave the hill alone.

Yours Truly,
Dave Shoemaker



Morro Bay

Dana Swanson

From: Carole Truesdale <[REDACTED]>
Sent: Monday, March 22, 2021 6:45 PM
To: Dana Swanson
Subject: City of Morro Bay Council Meeting March 23, 2021 C-1

Importance: High

Dear Council and Staff,

There are very important Resolutions surrounding the future of North Morro Bay. Each Resolution would take more than one minute to respond as each one has its own complexity. Please consider giving Resolutions 12-21, 13-21, and 14-21 a specific Agenda item so that these proposed Resolutions will give people 3 minutes to present their comments and concerns.

I am Carole Truesdale, resident of Morro Bay since 1995 and homeowner and these Resolutions will impact me and my neighbors in some way.

Thank you,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

Dana Swanson

From: betty winholtz <[REDACTED]>
Sent: Monday, March 22, 2021 1:04 PM
To: John Headding; Robert Davis; Jeffrey Heller; Dawn Addis; Laurel Barton
Cc: Scott Collins; Dana Swanson
Subject: agenda c-1

Dear City Council:

Please notice the public ahead of the meeting whether you will allow separate testimony for each of the 3 items you will be voting on so our comments may be appropriately prepared.

There are significant pieces of information left out of the report.

1. The Conservancy Restriction Agreement. This is critical information for the public to know as to what extent dog use will be impacted by required preservation for the snowy plover, and other animals, that is part of accepting the grant monies.
2. The Preliminary Title Report (PTR). What are the exceptions referred to in the Grant Deed? For example, what does it say about the "grant of water rights"?
3. Direct costs to the City. If the figures are unrefined, what is the best estimate? These should include closing costs, associated amendment costs, LAFCO filing fees for each action, LAFCO EIR costs, attorney fees, etc. These are not included in the FISCAL section of the staff report.

Indirect costs to the citizens have been hundreds of staff hours in the tens of thousands of dollars which could have been directed to addressing immediate issues within the city, i.e. the delay of the vacation rental ordinance, the delay of the General Plan rewrite, etc. I do not recall the city council asking the public if this was a project they wanted the city to pursue. Rather, it was an after-the-fact announcement that project was of interest to the council.

Due to the underlying assumptions of this project, 2 potential areas of burden on the people are being created:

1. Free use of dog beach as it exists today may be hampered by the acceptance of the grants. Currently, Prescriptive Right guarantees dogs and their people access to the beach lots--without having to be purchased.
2. Land is brought into a city's Sphere of Influence for the purpose of future development when the Sphere is annexed. These hills are prone to landslides, like what happened at the new sewer plant site. To build on the toe of the hills is to court an environmental incident. In addition, it is 213 new acres that the fire department will have to defend. It is obligating the city to put in infrastructure that must be maintained.

It is putting in trails without adequate trailhead parking, burdening neighborhoods already overly-impacted on narrow streets. To do this changes the character, privacy, and security of the Panorama neighborhoods.

Cayucos is getting the sweet deal. They purchased the beach lots for easements. Now they are being paid for the lots and retaining the easements. In addition, they are getting out from under the City by the City relinquishing to the County the land their lift station sits on. If there is a hazmat issue, Cayucos is indemnified and the City pursues Chevron on its own.

Do not approve these agreements for signature today. Return with more information to address all concerns.

Sincerely,
Betty Winholtz



AGENDA NO: C-2

MEETING DATE: March 23, 2021

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

From: [Helen Beard](#)
To: [Scott Collins](#); [Council](#)
Subject: Item C-2 trash agenda item
Date: Saturday, March 20, 2021 6:13:53 PM

Good afternoon,

After reading item C-2 on the agenda, I totally support hiring extra personnel during peak months to help with the trash and restroom cleaning.

Sunday morning is the worst when it comes to overflowing trash cans. It's been a little better since restaurants are serving inside now.

The answer is not more trash cans, although the larger bins are a definite plus. The problem is as noted in the agenda, lack of personnel to empty them. I would suggest they do a pickup after 7pm on weekends. Part of the problem is also private businesses not emptying them in the evening.

Months ago there were 3 small cans on the South T pier plus a public dumpster. Every Sunday morning those small cans were overflowing and trash everywhere. Finally, after many requests, the small cans were removed and low and behold there is no trash. Large dumpsters do work!! They may not look pretty, but they are a lot better than trash everywhere.

Thanks for considering this and I urge you to vote to support item C-2.

Helen Beard

Sent from my iPhone

Heather Goodwin

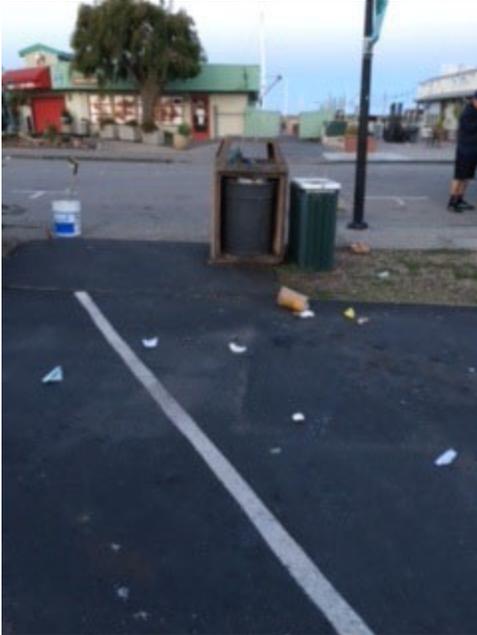
From: Helen Beard [REDACTED] >
Sent: Sunday, March 21, 2021 10:33 AM
To: Scott Collins; Council
Subject: Sunday morning

Good morning,

Sending you these pics in case some of you are opposed to hiring extra personnel for maintenance duty on weekends. I can't imagine any of you are, but if you are, take a close look and please change your mind.

Let me know if you need the location of these..it was a 5 bucket Sunday!







Sent from my iPhone

Heather Goodwin

From: Helen Beard [REDACTED] >
Sent: Monday, March 22, 2021 8:20 AM
To: Council; Scott Collins
Subject: Yikes

It's a repeat of yesterday and a new one.

Helen Beard



Sent from my iPhone

From: [Shannon Casey](#)
To: [Council](#)
Cc: [Dana Swanson](#); [Eric Endersby](#); [Scott Collins](#); [Erica Crawford](#)
Subject: public bathrooms on the Embarcadero
Date: Tuesday, March 23, 2021 1:33:04 PM

Hello Mayor and Council members:

As a business owner on the Embarcadero I have been dismayed by the lack of facilities for our visitors, and have brought this to your attention very recently. You should be aware of the following:

Even though a condition of the master lease is maintaining a clean public bathroom, at least 3 sections of the RR have not been made continuously open to the public:

At the Dutchman's building, there is a sign posted outside their RR stating: NO PUBLIC RESTROOMS. What gives?

Marina Square requires a code for access - but no signage as to where to obtain the code.

At the Smoobages/Electric bike rental 541 Embarcader - bot of those RR have been shuttered for a year. Why are they allowed to do this?

Esterio Inn - public restrooms not posted.

So right now the only one that isn't locked along that stretch of the bay is by Beach Burger - and that restroom is a public health disaster!

So, lets enforce the rules everyone. As I say again - our visitors deserve better treatment. Without visitors, there are no funds for anything.

Regards,
Shannon Casey
Rancho Olivos Morro Bay

Dana Swanson

From: Lynda Merrill <[REDACTED]>
Sent: Friday, March 19, 2021 1:52 AM
To: Council
Subject: B2 Trash/Restroom Maintenance, please approve

Dear Mayor Headding and Councilmembers,

Following Manager Collin's efforts with the increase in trash pickup and restroom cleaning there was a huge improvement in the cleanliness of the Embarcadero area last year. I was particularly concerned about this problem and spent a considerable amount of time talking to visitors and locals about what to do about it. They expressed their appreciation for the increased cleaning hours and what the City was doing as they could see the change over previous visits. Few locals use the public restrooms on weekends so they had no idea how bad it could get. The staff report gives you an idea of the problems. The recommendations will insure that Morro Bay residents will not have to be ashamed of the conditions of their Public Restrooms and trash situation. I hope that you all will approve this increase in funds to cover the cost of the maintenance and also buy the vehicle that will allow workmen to get to the Rock and back during bumper to bumper traffic. It is hard to describe all of this unless you have gone out there on weekends yourselves! This increase in visitors is hard to believe.

Now, with the TBID ramping up promotions there will be even more people coming to Morro Bay and going 'out to the Rock'. I believe people deserve clean conditions in our Public facilities.

Please approve this staff recommendation and know Manager Collins has worked very hard to improve visitor's experience in Morro Bay.

*Thank you all for making this a good place in which to live,
Lynda Merrill*

RECOMMENDATION: Staff recommends the City Council approve hiring additional part-time consolidated maintenance workers to assist with trash and public restroom service on the Embarcadero and Morro Rock parking lot areas during the peak season months between April through October 2021 and splitting the cost between the Tourism Business Improvement District ("TBID") Fund and General Fund, and provide additional recommendations as appropriate.