



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

February 17, 2022

Via email  
Morro94, LLC  
2141 Tuolumne Street, Suite J  
Fresno, CA 93721

RE: VTTM22-02/CUP22-5/CDP22-003 for 3300 Panorama Drive Vesting Tentative Tract Map No.3190

Dear Owner/Applicant/Agent:

**Project Description:** *Vesting Tentative Tract Map, Conditional Use Permit and Coastal Development Permit for a proposed 61-unit subdivision located on 10.06 acres with the address of 3300 Panorama Drive. The project includes public trails, open spaces, protection of the ESHA and a private roadway system to access the proposed homes. The lot sizes range from 2270 sf to 5950 sf. The project includes exceptions to the development standards related to lot sizes, some front and rear setbacks. The property is zoned R-1/PD/ESH and is partially located within the Coastal Appeals Jurisdiction.*

The Planning Division has reviewed the submittal dated January 18, 2022, for a Vesting Tentative Tract Map, a Conditional Use Permit and a Coastal Development Permit and the submittal has been **deemed incomplete** in accordance with Government Code 65942. Please review and address the comments below and any comments in the attached review letters from other departments.

**General Comments:**

1. This project will be reviewed under both the current zoning code and the proposed new zoning code. If the project is submitted but not deemed complete prior to the adoption of the new zoning code, it will fall under the requirements of the new zoning code. The timing for approval of the new zoning code is expected within the first 6-8 months of 2022. Below is a summary of the two zoning codes.
  - a. The Existing zoning code requires a (Vesting) Tentative Tract Map, a Conditional Use Permit and coastal development permit, reviewed by Planning Commission. The zoning is R-1/PD/ESH. The PD is an overlay area that allows flexibility in design standards if it results in a better project – for projects like this, it allows the Planning Commission to approve deviations from the development standards.
  - b. The new zoning code shows this as a permitted use under the development standards for an RS-A zone (moderate density residential 4.1 – 7.0 dwellings per acre), and it is no longer in a PD overlay area (unless you request a review as a planned unit development, in which case it is processed concurrent with your other permits, but may require a zoning amendment and City Council approval). Permits required are a (Vesting) Tentative Tract Map and a Coastal Development Permit, both discretionary and reviewed by Planning Commission.

2. This project will require an environmental review, which will require several studies and investigative reports that may be provided by the applicant team or can be included in the city RFP to solicit interested firms for the CEQA required Initial Study. The applicant's agent has provided information on the following studies in process: Arborist, traffic and Geotechnical/Soil/Landslide risk analysis. Please advise as to what additional studies (such as archaeological and biologic report) are to be provided by the applicant/owner so we can proceed with the RFP for environmental consulting services. This site will be subject to the requirements of the previous MND and the Monitoring and Mitigation plan until replaced by an updated document. All work on site that involves ground disturbing activities, work in the ESHA and/or tree removal/trimming needs to follow the requirements included in the previous report and should be reported to the city in advance of the work.

Response: \_\_\_\_\_  
\_\_\_\_\_

3. Information was provided to show that a 50% interest was transferred from Rhine LP to a new entity 'Curry Parkway, LP' and this entity is listed as the owner on the VTTM and CUP/CDP applications. However, Morro 94 LLC signed both applications as the owner. Please provide documentation that shows the ownership of 100% of the property.

Response: \_\_\_\_\_  
\_\_\_\_\_

4. Please provide confirmation data from SLO County Environmental Health and the Central Coast Regional Water Control Board confirming that the existing site conditions are adequate for long-term residential occupancy without restrictions (or if there are restrictions, provide that detail).

Response: \_\_\_\_\_  
\_\_\_\_\_

***Vesting Tentative Map/Conditional Use/Coastal Development Permit Comments:***

1. Tentative Tract maps must be prepared by, or the preparation work must be supervised by a licensed land surveyor, registered Civil engineer or architect. The document should include the stamp of the qualified preparer/supervisor.

Response: \_\_\_\_\_  
\_\_\_\_\_

2. Please provide some visual simulations of the project from the public streets – show existing and then same street view with the proposed development. It needs to be a broad enough view to show the total impact from each of several views from the surrounding public streets.

Response: \_\_\_\_\_  
\_\_\_\_\_

3. Please provide a table that includes the breakdown of the land areas in the following categories: ESHA area, ESHA buffer area, public areas, non-public common areas, areas that comprise the developable lots, areas that comprise the 'common lots', street and sidewalk area, other areas necessary to total the 10.06 acres of the total site area.

Response: \_\_\_\_\_  
\_\_\_\_\_

4. Please provide a table that includes all the legal lots and the relative sizes of each lot.

Response: \_\_\_\_\_  
\_\_\_\_\_

5. Please identify the 8 common lots on a site plan and/or exhibit – and since they are legal parcels, all lots should be numbered. Explain how these will be owned and maintained. Also explain if they are all available for public use, or only use by the residents of the subdivision.

Response: \_\_\_\_\_  
\_\_\_\_\_

6. Please clearly show the location of the Alleyway – or if that is referring to the private roadway, please clarify the language (i.e., some parcels have a reduced setback because they are ‘interior or exterior Alley fronting’, but appear to have access on the same roadway system that provides access to all the homes except those fronting on Panorama)

Response: \_\_\_\_\_  
\_\_\_\_\_

7. Please provide information that clearly shows the proposed grading, cut/fill areas of ground disturbance, etc. Provide a diagram that shows existing topography and proposed topography after the grading. Provide information on the maximum depth of cut and the maximum fill proposed. Based on the information provided, the city may request a meeting with the applicant team to discuss the grading and a methodology for determination of Average natural grade for use in this proposed development.

Response: \_\_\_\_\_  
\_\_\_\_\_

8. Please provide information on the measures that will be taken to develop within the landslide risk area. A soils report will be required as part of the environmental documents necessary to perform the Initial Study (See general comment above).

Response: \_\_\_\_\_  
\_\_\_\_\_

9. A biological report will be required for an Initial Study, and it will need to show detail as to the number of trees on the site and show the specific trees to be removed as well as a table showing the tree numbers and the proposed action related to those trees (i.e., removed, protected, relocated, etc.) This analysis needs to include the recently planted trees required as a mitigation for the tree removal that occurred during the tank removal project.

Response: \_\_\_\_\_  
\_\_\_\_\_

10. Please provide will-serve (or confirmation of capacity availability) letters for all the utility providers, including waste management. The project is on a private roadway, and as such you need to know if the waste management providers will pick up at 61 new locations.

Response: \_\_\_\_\_  
\_\_\_\_\_

11. A Vesting Tentative Tract map is intended to provide vested rights to information included on the plans. Typically, the information included would be lot layouts, street/sidewalks, common areas, public trails, proposed utility layout, guest or common parking areas, landscaping, hardscape area, etc. It can also include site plans, landscaping, site improvements, floor plans and exterior design options including exterior material boards and color choices for a few 'model' home options that can be used in future development. If the intent is that the developer or the future lot owners will develop their own home design, then the custom homes will require an application and review for a coastal development permit through a discretionary approval process. Please specify the intent of the submittal and modify the plans accordingly.

Response: \_\_\_\_\_  
\_\_\_\_\_

12. Please provide a table that clearly shows the development standards of the zoning district and those applicable to each category of proposed lot. The table should show the standards (setback, height, lot coverage, etc.) for each of the lot groups (i.e., Panorama Fronting, Interior Alley Fronting, etc.) Please provide an explanation for why each development standards exception has been requested.

Response: \_\_\_\_\_  
\_\_\_\_\_

13. Pursuant to MBMC Section 17.50.020, projects creating more than 5 dwelling units must provide 10% of the total units as affordable (moderate income levels or less depending on the determination of the city). If the owner/applicant would also like to achieve a development incentive to allow/justify the deviations from the development standards, they can provide either more affordable units and/or commit to a lower income level for the 10% of the units (See MBMC 17.050.040 for developer incentives and bonuses). The affordability commitment is for a minimum period of 55 years and applies to rental housing as well as for-sale housing and is memorialized through a deed restriction.

Response: \_\_\_\_\_  
\_\_\_\_\_

Attached are comments from the Building, Public Works and Fire Departments. This project requires a resubmittal to address Planning and Public Works comments. If you have any questions, I can be reached at [nhubbard@morrobayca.gov](mailto:nhubbard@morrobayca.gov).

Sincerely,

*nhubbard*

Nancy Hubbard  
Contract Planner

CC Tim Walters, RRM Principal Engineer



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

## **BUILDING DIVISION COMMENTS**

**DATE:** February 14, 2022  
**PREPARED FOR:** Planning Division  
**FROM:** Chad A. Ouimet, Building Division  
**PROJECT:** Subdivision (PUD)  
**ADDRESS:** 3300 Panorama Drive  
**PLANNING PERMIT APPLICATION:** CDP22-003/CUP22-05  
**INTAKE RECEIVED DATE:** 01/18/2022

The codes in effect during my review include the 2019 editions of the *California Building Code (CBC)*, *California Green Building Code (CGBC)*, *California Plumbing Code (CPC)*, *California Mechanical Code (CMC)*, *California Electrical Code (CEC)*, and the *California Energy Code (CEnC)*. The CBC is based on the 2018 editions of the *International Building Code* which was published by the International Code Council. The CPC & CMC are based on the 2018 editions of the *Uniform Plumbing & Mechanical Codes* which were published by IAPMO. The CEC is based on the 2017 edition of the *National Electrical Code* published by the National Fire Protection Association (NFPA).

### **SUMMARY OF FINDINGS:**

No Building Comments Noted.

**BUILDING DIVISION CONDITIONS**

**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
  - 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.
- 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 (Certificates of Installation).



## CITY OF MORRO BAY

### PUBLIC WORKS DEPARTMENT

955 Shasta Avenue  
Morro Bay, CA 93442

### PUBLIC WORKS PLANNING PERMIT MEMORANDUM

February 17, 2022

TO: PLANNING DIVISION

FROM: Pamela Newman, Assistant Engineer

RE: 3300 Panorama Drive – CUP22-05, CDP22-003 and TTM22-02

The plans are not approved and subject to the following conditions to be required at Building Permit submittal.:

1. Vesting Tentative Map: Submit mandatory and supplementary material requirements listed in the City of Morro Bay Municipal Code Chapter 16.20 for review.
2. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements. All proposed projects must complete the "Performance Requirement Determination Form" to determine if any requirements should be submitted. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/mainmanual](http://www.morro-bay.ca.us/mainmanual) (MBMC 14.48.140)
3. Stormwater Pollution Prevention Plan (SWPPP): The SWPPP is required for all sites over 1 acre. Prior to issuance of a building permit, the owner shall submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB), submit a copy to the City and develop a SWPPP according to the requirements of a Construction General Permit. Incorporate City of Morro Bay Post Construction requirements to SWPPP. A copy of the SWPPP with the reference WDID shall be submitted to the City.
4. Large Peak Flood Control: Submit drainage calculations to show that post-development peak runoff flows are reduced to within 5% of the pre-development flows from the 10, 25, 50 and 100-year rainfall events. (See attached Large Peak Flood Control Requirement sheet).
5. Frontage Improvements: The installation of frontage improvements is required. Show the installation of an asphalt or concrete driveway approach (City standard detail B-7 or B-8) and asphalt berm along project frontage (Panorama Drive, Whidbey Street, and Tuscan Avenue. Add new street trees (one per every 50' frontage) Existing trees can be used to comply with requirement, however they must be adequately spaced apart based on tree species. (MBMC 14.44.020)

6. Detailed Erosion and Sediment Control Plan: Required for sites greater than 1/2 acre, or for building or other site disturbance proposed on slopes over 15%, or for projects located within critical areas. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. It must include a written narrative, detailed site plan, typical drawing and details.
7. Water Meter: Indicate and label water meters on plans and include size of meter(s).
8. Water Mainline: Label proposed water mainline as City owned. It will require an easement within the private streets be added to Final Map.
9. Water Backflow Prevention Device: Verify and label all new or existing water backflow preventers. Water backflow preventer devices are required for fire water systems, irrigation systems (on a dedicated water meter), systems which may change in character of use (commercial rentals, etc.), gray water systems, or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is required to be an approved domestic water backflow prevention device. (MBMC 13.08.040)
10. Water Allocation: Due to the annual City Council Resolution to limit the yearly allocation to 30 single family water meter units per year, the Planning Commission will need to make a recommendation to City Council for additional water units during review of Vesting Tentative Tract Map. This will then require Vesting Tentative Map to be taken to City Council for approval or alternative.
11. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.
12. Utilities: Show all existing and proposed locations of the sewer lateral, water service, and water and sewer mains on the building plans. Include sizes where appropriate. Note the location of all overhead utilities and construction underground service entrances per the CBC.
13. Underground Utilities: All utility service lines to all new development, except single-family residences, on vacant lands and to major redevelopment projects, shall be undergrounded. For any project one and one-half acres or larger, all electric distribution and communications lines located on or immediately adjacent to the project site shall be undergrounded in accordance with the applicable rules and

regulations of the California Public Utilities Commission. (Per MBMC 17.48.050)

14. Driveway Slopes: The maximum slope on residential driveways shall be 15%. A 20% slope is allowed with Fire Department and City Engineer approval. (MBMC 17.44.030B)
15. Retaining Wall within City Right-of-way: All retaining walls and structures within the City's right-of-way require City approval. Per City Municipal Code, Encroachments on the public right-of-way are not allowed without City approval. (MBMC 8.14.020)
16. Traffic Impact Study: The applicant shall submit a traffic control study for new development to identify the potential increase and is required to pay a prorated fee proportional to increased traffic at this location.
17. Water: The City's "OneWater Plan" which is available at the following link; <https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final> identifies two deficiency that need to be fixed:
  - a. A low residual fire hydrant pressure (occurring under MDD fire flow conditions) has been identified and must be fixed as part of this project. To mitigate the deficiency, the OneWater plan requires the 6-inch diameter pipeline of approximately 450 feet, along Tuscan Avenue (between Blanca Street and Dawson Street) be replaced with an 8" diameter pipeline.
  - b. A headloss within the 4-inch pipeline (occurring under PHD conditions) has been identified. To mitigate the high headloss, the OneWater Plan requires the 4-inch diameter pipeline of approximately 2,350 feet (from the Vashon Booster Pump Station to the Blanca Tanks) be replaced with an 8-inch.

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 permit application and requirements are available on the City's website at the following location: <https://www.morro-bay.ca.us/197/Public-Works>.
  - A standard encroachment 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 a temporary encroachment permit within the City right-of-way.



**CITY OF MORRO BAY**  
FIRE DEPARTMENT  
715 Harbor Street  
Morro Bay, CA 93442



# Memorandum

**To:** Comm/Dev  
**From:** Matt Vierra, Fire Marshal  
**Date:** February 15, 2022  
**Re:** 3300 Panorama. CUP22-05/CDP22-003

**We have reviewed proposal for the construction of a subdivision on a vacant lot and offer the following code requirements:**

1. Fire Safety during Construction and Demolition shall be in accordance with 2019 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration, and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Automatic fire sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903) and Morro Bay Municipal Code (Section 14.08.090). Applicant shall submit sprinkler plans to Morro Bay Community Development Department for review
3. Hydrant location: Fire Hydrant Locations and Distribution shall be in accordance with 2019 California Fire Code.
4. Fire apparatus access road to be located at the northeast corner for access to adjacent properties for fire suppression activities. This access shall have an unobstructed width of not less than 20 feet and minimum 13'-6" vertical clearance.

Matt