

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th10b



Filed:	08/31/06
49th day:	10/19/06
49 day waiver:	09/20/06
Continued:	10/11/06
Staff:	MW-SC
Staff report prepared:	10/26/06
Hearing date:	11/16/06

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal numberA-3-MRB-06-046, Salwasser RV Park

ApplicantsGeorge Salwasser

Appellant.....Joseph & Charlotte Wallick

Local governmentCity of Morro Bay

Local decisionApproved with conditions by the Morro Bay City Council on August 14, 2006

Project location210 Atascadero Road (seaward of Highway One) in the City of Morro Bay, San Luis Obispo County (APNs 066-332-004, 066-332-005).

Project description.....Construction of a 19-unit Recreational Vehicle (RV) Park with a Manager’s residence and two amenity buildings containing men’s and women’s showers and restrooms, a manager’s office, and laundry facilities.

File documents.....City of Morro Bay Certified Local Coastal Program; City of Morro Bay Coastal Development Permit Application File CPO-142.

Staff recommendation ...**No Substantial Issue**

Summary of Staff Recommendation: On August 14, 2006, the City of Morro Bay approved a Coastal Development Permit for the establishment of a 19-unit Recreational Vehicle (RV) park at 210 Atascadero Road, on four parcels totaling 62,090 square feet, in an area designated for visitor-serving commercial uses (location map attached as Exhibit 1). The appeal of this decision contends that the project violates LCP density standards and coverage limits, and that project impacts on traffic, visual resources, and nearby sensitive habitats have not been adequately addressed. In addition, the appeal raises concern about the precedence of the City’s decision on other RV Park development proposals west of Highway 1. The submitted grounds for appeal are attached to this report as Exhibit 3.



California Coastal Commission
November 16, 2006 Meeting in Huntington Beach

Staff: Michael Watson. Approved by:

G:\Central Coast\STAFF REPORTS\2. CCC Meeting Packet\2006\11\Th10b-11-2006.doc

Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 2

Staff recommends that the Commission find that the appeal does not raise a substantial issue for the following reasons:

1. Visual Resources. The proposed RV Park is visually compatible with surrounding development. On the south side of Atascadero Road, this includes a motel, baseball fields, a mobile home park, a cement plant, and the City's wastewater treatment facility. Across the street, on the north side of Atascadero Road, are Morro Bay High School, a private residence, and a 24-unit RV Park. Coastal views from Highway 1 in the vicinity of the project offer scenic glimpses of Morro Rock, Morro Strand State Beach, and the Pacific Ocean. Because Highway 1 is at a higher elevation than Atascadero Road, the project will not obstruct these views. The conditions of the City's approval require landscaping and fencing around the perimeter of the RV Park, which will help conceal the development and surrounding structures without blocking the remaining scenic coastal views. Accordingly, the project will not adversely impact views of the coast available to the public, and is consistent with LCP visual resource protection standards.

2. Environmentally Sensitive Habitats. The site is comprised of four lots that have been developed with a roller-skating rink, parking lot, and dirt bike track. The lots are currently devoid of vegetation. Although native habitats supporting sensitive animal species such as Western snowy plover and the Morro shoulderband snail can be found within approximately 350 feet of the project site, they are separated from the site by existing roads and urban development.

In order to ensure that project landscaping does not adversely impact nearby dune habitats by introducing exotic, invasive species, the applicant has identified a plant palette native to Morro Bay and has incorporated it into the project description. The City processed a minor modification to its approval to include a revised Landscape Plan and corresponding native plant palette comprised of trees and plants native to Morro Bay and the central coast. Please see exhibit 6 for the Morro Bay RV Park Plant Material List. With these revisions, the establishment of the RV Park and associated landscaping will not intrude upon or adversely impact nearby habitat areas, and thus the project as approved complies with LCP standards protecting biological resources.

3. Density. LCP density standards require 2,900 square feet of lot area per RV site. The project area includes four lots totaling 62,090 square feet, which are required to be merged by the City's approval. Based on the total area of the four lots, the City determined that a maximum of 21 RV sites is allowed. However, there is an existing vacant structure on the site that was previously used as a roller skating rink, and an associated parking area, that consume approximately 24,000 square feet and will not be altered by the proposed development - the new RV spaces will be constructed in an area of approximately 38,000 square feet, which currently contains a dirt bike track. Appellants contend that the calculation of allowable density should exclude the area occupied by the roller rink and parking lot, which would reduce the allowable number of RV units to 13.

This contention raises a valid concern regarding the application of LCP density standards in a manner



Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 3

that does not account for existing development. In this case, however, the use of the existing structure and parking lot for a roller rink has been abandoned, and the City’s permit does not authorize any new use in the roller rink or parking lot. Thus, the City’s approval of 19 RV units does not raise a conflict with LCP density standards. It is the future reuse or redevelopment of the roller rink and parking lot where the potential conflict lies. Any such proposal will require a separate coastal development permit that will be appealable to the Coastal Commission and must account for the fact the maximum allowable density of development on the four lots has been largely consumed by the approved 19 unit RV Park.

4. Lot Coverage. Appellants contend that the project is inconsistent with LCP standards, which restrict building coverage to a maximum of sixty percent of the lot area. In this case, sixty percent of the four lots involved in the development equates to 37,254 square feet. The building coverage associated with the City approved project, including both existing and proposed buildings, will occupy 16,029 square feet, or twenty six percent of the site. Thus, the project conforms to the building coverage restrictions established by the LCP.

5. Traffic. The minor amount of new traffic generated by the development will not noticeably impact existing or future road operation. The project is consistent with the traffic, circulation, and access standards of the certified LCP.

Staff Report Contents

1. Appeal of City of Morro Bay Decision.....	4
A. Local Government Action	4
B. Appeal Procedures	4
C. Appellant’s Contentions	5
2. Staff Recommendation on Substantial Issue.....	5
Recommended Findings and Declarations.....	5
3. Project Description	5
A. Project Location, Description, and Background.....	6
4. Substantial Issue Findings.....	6
A. Policies Cited by Appeal.....	7
B. Consistency Analysis	7
1. Development Standards	7
2. Visual Resources	10
3. Environmentally Sensitive Habitat	11

Exhibits

Exhibit 1: Location Map

Exhibit 2: Adopted City of Morro Bay Findings and Conditions



Exhibit 3: Appeal Contentions of Joseph & Charlotte Wallick

Exhibit 4: Site Plans

Exhibit 5: Aerial Photographs

Exhibit 6: Native Plant Palette

1. Appeal of City of Morro Bay Decision

A. Local Government Action

The City of Morro Bay Planning Commission considered the proposed development on May 15 and June 5, 2006, and approved a coastal development permit with special conditions by a 4 to 1 vote. The application was then referred to the City Council for final decision. On August 14, 2006 the City Council approved the project subject to multiple conditions (see Exhibit 2 for the City's staff report findings and conditions on the project). Notice of the City's action to approve the coastal development permit (CDP) was received in the Coastal Commission's Central Coast Office on August 17, 2006. The appellants, Joseph & Charlotte Wallick, participated throughout the local process and submitted a timely appeal of the City's approval to the California Coastal Commission on August 31, 2006.

B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is between the first public road and the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is so located and thus this additional finding would need to be made in a de novo review in this case.



The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

C. Appellant's Contentions

In summary, the appellants contend that the project is not consistent with the LCP standards regarding traffic, environmentally sensitive habitats, and visual resources. Additionally, the appellants contend that the project exceeds the certified LCP density standards as well as the standards for lot coverage. A copy of the Appellants contentions is attached to this report as Exhibit 3.

2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

Motion. I move that the Commission determine that Appeal Number A-3-MRB-06-046 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue. Staff recommends a **yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue. The Commission hereby finds that Appeal Number A-3-MRB-06-046 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description



A. Project Location, Description, and Background

The project is located in the Morro Rock planning area at 210 Atascadero Road and is surrounded by host of development types and uses. The site is bounded by existing industrial development to the west, parkland to the south, Atascadero Road, the Morro Strand RV Park, the Appellants property to the north, and a hotel to the east. The nearest public access trail leading to Morro Strand State Beach is roughly one-eighth of a mile east of the proposed project site. See Exhibit 1.

The site is zoned visitor-serving commercial (C-VS) with a planned development (PD) overlay. The purpose of the C-VS district is to provide for commercial uses intended primarily to serve the needs of tourists and other visitors and not to include commercial uses oriented towards residents. The PD overlay is applied to particular areas, which because of location, size, or public ownership, warrant special review. The PD overlay allows for modification of or exemption from the development standards of the primary zone if such action would result in a better design or other public benefit.

On August 14, 2006, the City of Morro Bay approved a Coastal Development Permit for the establishment of a 19-unit RV Park on four parcels totaling roughly 62,090 square feet. The RV Park also includes ancillary structures containing men's and women's restrooms and showers, the managers office, and laundry facilities. Each RV site is approximately 600 square feet (20' x 30') and contains the necessary hookups for water, sewer, power, and cable television. The RV sites are sized to accommodate one large recreational vehicle, some outside space, and parking for an additional vehicle. The restrooms, showers, manager's office, and laundry will be constructed in two separate modular buildings totaling 708 square feet. Approximately 500 square feet of common area will be developed as a group picnic area. Existing permanent structures on the site include the former Flippos commercial building which is 13,380 square feet and previously used as a roller rink, a residential unit approximately 1,100 square feet, and a garage /studio totaling 841 square feet. The project will reconvert the garage/studio back to parking only and use the existing residence as a manager's quarters. Please see Exhibit 4 for a copy of the site plan.

The City's approval includes conditions which, among other things, requires the four parcels to be merged into one single lot, prohibits permanent residency, places a 30 day limit on the length of stay, prohibits an increase in the intensity of use for the former Flippos commercial structure, and requires the installation of public improvements (e.g., sidewalks, curb and gutter, crosswalk and bike lane striping, etc.). The City's permit also requires native landscaping and fencing to screen and soften the visual impacts of the new RV Park.

4. Substantial Issue Findings



A. Policies Cited by Appeal

No LCP policies are formally identified by the Appellants, however they do refer to the project as being inconsistent with the visual resource, environmentally sensitive habitat, and development standards (i.e., density and lot coverage) established for the Commercial Visitor-Serving zoning district contained in the certified LCP. See exhibit 3 for the complete text of the Appellants appeal.

B. Consistency Analysis

1. Development Standards

a. LCP Policies

The City's certified zoning standards detail specific uses and guidelines for development within visitor serving commercial (C-VS) and Planned Development (PD) overlay zone. Those policies state:

17.24.120 Visitor-Serving Commercial (C-VS) district.

Purpose. The purpose of the visitor-serving commercial (C-VS) district is to provide a district for commercial uses intended primarily to serve the needs of tourists and other visitors to the city and not to include commercial uses of a more general nature which are oriented towards residents. Uses in this tourist-oriented district shall also provide for landscaping and related aesthetic improvements which create and enhance the visual attractiveness of the city.

Table 17.24.120 (II) Visitor-Serving Commercial (C-VS) district.

Minimum Lot Area Per Unit -2,900 square feet

Minimum Front Yard Setback -25 feet

Minimum Side Yard Setback -15 feet

Minimum Rear Yard Setback -10 feet

Maximum Lot Coverage -60%

17.12.092 Building Lot Coverage.

“Building lot coverage” means the coverage of a lot by all portions of the building, either at or above ground level, including garages, carports, roofed porches and cantilevered portions of the building and the area of raised uncovered decks over thirty inches in height which encroach into any setback areas, excluding roof overhangs, eaves, open decks or similar architectural extensions.

17.40.030 Planned Development, (PD) overlay zone.

A. Purpose. The purpose of the planned development (PD) overlay zone, is to provide for detailed and substantial analysis of development on parcels which, because of location, size or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit.



Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 8

b. Analysis

Appellants contend that the project exceeds the density requirements of the underlying zoning district. The appeal maintains that the City approved project should have excluded the portion of the lot currently occupied by existing structures and therefore does not comply with LCP standards requiring a minimum of 2,900 square feet for each recreational vehicle (RV) site. The appeal asserts that the 600 square foot RV sites represent a 500% increase in density.

The purpose of the visitor-serving commercial (C-VS) district in which the development is located is to provide commercial uses serving visitors to the City. Allowable uses provided in Section 17.24.120 of the LCP include overnight RV camping and in-park stores. LCP density standards contained in Table 17.124.120 (II) require a minimum lot area of 2,900 square feet per RV unit. The four lots of record involved in the project total 62,090 square feet. Based on a total lot size of 62,090 square feet, a maximum of 21 RV sites is allowed ($62,090 / 2,900 = 21.4$).

However, as noted above, a significant portion of the 62,090 square foot site is currently improved with existing structures. An existing 1,100 square foot residence and 840 square foot garage will be used as living quarters and parking for the on-site manager. The remaining structure and parking lot, which will not be altered by the project, occupies roughly 13,380 square feet of property, or nearly 40% of the site. The new RV spaces will be constructed in an area of approximately 38,000 square feet, which currently contains a dirt bike track. Appellants contend that the calculation of allowable density should exclude the area occupied by the roller rink and parking lot, which would reduce the allowable number of RV units to 13.

This contention raises a valid concern regarding the application of LCP density standards in a manner that does not account for existing development. In this case, however, the use of the existing structure and parking lot for a roller rink has been abandoned, and the City's permit does not authorize any new use in the roller rink or parking lot. Thus, the City's approval of 19 RV units does not raise a conflict with LCP density standards. It is the future reuse or redevelopment of the roller rink and parking lot where the potential conflict lies. Any such proposal will require a separate coastal development permit that will be appealable to the Coastal Commission and must account for the fact the maximum allowable density of development on the four lots has been largely consumed by the approved 19 unit RV Park.

There is no LCP standard establishing the minimum or maximum size of each RV space. The LCP density standard of unit RV unit per 2,900 square feet of lot area should not be interpreted as requiring that each RV unit must be 2,900 feet in size, as this standard also must also take into account the need for setbacks, landscaping, common areas, and other facilities associated with an RV Park.

The appeal also questions the project's consistency with lot coverage requirements, contending that a significant portion of the site has already been improved and that the addition of the RV Park will push the lot coverage calculations over the amount allowed by the LCP.

The maximum building coverage allowed for all Commercial Visitor-Serving zoned properties is 60%



Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 9

of the site pursuant to Section 17.12.092 of the LCP. In this instance, there is roughly 15,320 square feet of existing structures covering 25% of the site. Two additional modular buildings of 480 square feet and 230 square feet will be constructed, bringing the total building coverage to 16,030 square feet or roughly 26% of the site – well within the 60% allowance.

The appeal observes that this application of LCP section 17.12.092 underestimates the actual amount of “coverage” because it does not take into account the total amount of surface coverage (i.e., structural and non-structural coverage) including buildings, walkways, driveways, RV’s, etc. Indeed, if one were to add up all impervious surface coverage, including existing and proposed, it would amount to more than 50,000 square feet or roughly 80% of the total development site. The LCP is very specific, however, regarding the type of coverage that is subject to the limitations established by LCP Section 17.12.092, and the City’s approval is consistent with these provisions. Accordingly, the proposed project does not conflict with the certified LCP’s lot coverage standards.

To the degree that the extent of lot coverage authorized by the City raises concerns regarding polluted runoff and the protection of coastal water quality, it is worth noting that the conditions of the local approval require erosion control and stormwater filtration systems that will contain silt and hydrocarbons. Additionally, the permittee must help fund implementation of the City’s Offsite Drainage Improvement & Storm Drain Master Plan. This fee is proportional to the increase in stormwater runoff that will result from construction of the RV Park. With these conditions, the proposed development will not have an adverse impact on water quality.

The appeal also contends that the City approval does not adequately address the impacts associated with the increase in traffic. The Initial Study prepared for the project assessed the impact of a 20 unit RV Park on current traffic conditions, and assumed a worst case scenario for the amount of traffic that such a project would generate. The study found the Highway 41 / Main Street intersection to be operating at a Level of Service D, meaning that traffic at times is at near standstill. The peak traffic conditions occur during morning hours between 7:00 am and 9:00 am and during the evening between 4:00 pm and 6:00 pm. Although there can be traffic congestion during lunch hour, traffic conditions in the project area are primarily congested during peak morning and evening hours. The study estimated a “high-end” average of 80 daily trips with 4 occurring during the morning peak hours and 7 occurring during the evening peak hours. Of these, there are 2 estimated inbound trips and 2 outbound trips during the morning peak, and during the evening peak, 2 inbound trips and 5 outbound trips. The study concluded that this level of traffic generation would not noticeably impact existing or future road operation. To further ensure that traffic impacts associated with the proposed development are fully mitigated, the City’s permit requires roadway improvements in the area of the proposed RV Park such as street paving, sidewalks, curb and gutter, and re-striping of Atascadero from the project site to the southbound Highway 1 ramp intersection to provide a 12 foot wide center lane, 13 foot wide through travel lanes and 6 foot wide bike lanes. Additionally, the permittee must pay a traffic impact fee based on the traffic generated from the proposed development, which will be used to help fund roadway improvements proposed for the Highway 41 / Main Street intersection. In conclusion, the contentions of the appeal do not raise a substantial issue regarding project compliance with LCP development standards regarding density, lot coverage, and traffic.



2. Visual Resources

a. LCP Policies

The certified LCP characterizes the City's visual resources as "unique" and of "spectacular visual quality." The LCP notes that the City should "conspicuously seek to take better advantage of its visual qualities while attempting to restore and repair damage done to those qualities." To achieve these goals, the City's certified LCP policies detail specific public viewshed protections, which state, in part:

Policy 12.01

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated on Figure 31, shall be subordinate to the character of its setting.

17.48.190 General Regulations: Protection of visual resources and compatible design.

New development shall project and, where feasible, enhance the visual quality of the surrounding area. New development may be permitted only if the siting and design meet the following standards:

- A. Protection of public views: significant public views to and along the coast are protected.*
- C. Compatibility: the development is visually compatible with the character of the surrounding area and any design themes adopted for the area by the city.*
- D. Visual quality: restores and enhances visual quality in visually degraded areas.*

Analysis

The project site is located along a primary coastal access route that links Highways 1 and 41 with Morro Strand State Beach. It is located on Atascadero Road about one-half mile from its terminus at the dirt beach parking lot at the south end of Morro Strand State Beach. The site of the proposed development is set amongst an assortment of development types including a motel, baseball fields, mobile home parks, a cement plant, and the City's wastewater treatment facility. Across the street on the north side of Atascadero Road, there is Morro Bay High School, a private residence, a 24-unit RV Park, and a youth center. Just beyond the existing development to the west, Atascadero Road bends 90 degrees to the south paralleling the beach. On the inland side of Atascadero Road is a large Recreational Vehicle parking lot and overnight RV camping park. Seaward of Atascadero Road are coastal dunes and Morro Strand State Beach.

The Appellants contend that the cumulative impacts of the additional RV Park will create a visual blight and adversely impact visual resources rather than making a positive aesthetic contribution as required by the LCP.



The primary public views are from northbound and southbound Highway 1. As a result of past development and landscaping, coastal views in both directions along this stretch of highway have been significantly degraded and/or obstructed. There are glimpses of dramatic landscapes such as Morro Rock, the dune hummocks along Morro Strand State Beach, and blue water peaks of the Pacific Ocean, but they are fleeting. For example, a dense hedgerow of Monterey cypress surround the perimeter of Morro Bay High School. Two hundred yards to the south there is another significant amount of vegetation growing along the margins of Morro Creek. The views of the coast along this stretch of southbound Highway 1 are obstructed everywhere except for the break in vegetation near the intersection of Highway 41 and Atascadero Road, where a brief glimpse of Morro Rock, the creek, and the ocean can be afforded.

In addition to the views of the natural landscape, the break in vegetation offers a brief glimpse of some of the areas commercial and industrial development including the existing cement plant. As currently approved by the City, the project would introduce 19 recreational vehicles units and ancillary structures within the line of site between the cement plant and Highway 1. Highway 1 is slightly elevated above Atascadero Road, so the height of the proposed development will not obstruct or interfere with views of Morro Rock, the back dunes, or the ocean. The RV Park will however, obstruct views of the industrial site. To ensure significant public views were protected consistent with LCP standards (Sections 12.01 and 17.48.190), the City conditioned its approval to require fencing and landscaping around the perimeter of the proposed RV Park. Possibly one unintended effect of the condition is that views for southbound Highway 1 travelers will likely improve as the landscaping matures and conceals some of the industrial development currently visible from the roadway.

The City's certified LCP requires new development to protect and enhance views of the surrounding area and to restore and enhance visually degraded areas. The City approved project will not adversely impact or degrade views of the coast available to the public and may in fact improve them. Therefore, the appeal does not raise a substantial issue regarding the protection of scenic coastal views.

With respect to the cumulative impact assertion by the Appellant, the certified LCP designation for the project site is commercial visitor serving which specifically identifies transient RV uses as an allowable use. The development is compatible with the mix of urban uses in the surrounding area. And as noted above, significant public views will be protected and possibly enhanced. Therefore, there the proposed project is consistent with LCP sections 12.01 and 17.48.190, and the Appellants contentions do not raise a substantial issue.

3. Environmentally Sensitive Habitat

The City of Morro Bay has many unique environmental habitat areas that are within and immediately adjacent to the community. Besides providing a unique setting for the City, these are critical habitat areas for several rare and endangered plants and animal species. Accordingly, the certified LCP contains



specific policies and standards to ensure the protection of these habitat areas and the variety of plant and animal life it supports. Those policies state in part:

Policy 11.01

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas.

Policy 11.02

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall maintain the habitat's functional capacity.

Policy 11.05

Projects which could adversely impact an environmentally sensitive habitat area shall be subject to adequate environmental impact assessment by a qualified biologist.

Policy 11.19

New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, and other disturbances.

Analysis

During the planning phase of the Morro Strand RV Park project, the City circulated a mitigated negative declaration for a 24-space RV Park on a 70,000 square foot (1.6 acre) site to the north and west of the proposed development that is the subject of this appeal. The Negative Declaration referred to a biological assessment prepared by the Morro Group in March 2003 that evaluated the potential for occurrence of sensitive resources within or near the project. In addition, Morro Group biologist conducted protocol-level surveys for Morro shoulderband Snail (December '02 –March '03) and inventoried the natural resources of the project site and adjacent areas. Although the assessment concluded that the proposed Morro Strand RV Park development site did not contain suitable habitat for any sensitive plant or animal species, it did identify environmentally sensitive areas and the presence of federally threatened and endangered species in the coastal dunes seaward of the project site and among the riparian vegetation on the adjacent lot. The biological assessment found that the project site was in close proximity to areas occupied by the Western snowy plover and Morro shoulderband snail, but that the project was not likely to affect either species since the project site was separated from the sensitive areas by a paved driveway leading to Morro Bay High School and that past uses on the site rendered it heavily disturbed.

Western snowy plover requires sandy, gravelly, or friable soil substrates for nesting, thus it is very unlikely that this species would nest on the project site due to the absence of suitable nesting and foraging habitat. Morro shoulderband snail (MSS) prefers the sandy soils of coastal dune scrub communities and has also been reportedly associated with introduced sea fig (ice plant). The shell remains of two snails were found on the property west of the High School access road approximately



Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 13

350 feet away on the north side of Atascadero Road. The site of the proposed RV Park has been heavily disturbed, used as a bicycle motocross track, and is entirely denuded of vegetation. It is unlikely that MSS would find these conditions suitable for habitation and therefore the project site is not considered environmentally sensitive habitat. The Initial Study prepared for the project similarly found that though the project site is in the vicinity of areas occupied by the Western snowy plover and Morro shoulderband snail, it is separated from those areas by distance, paved roadways, and urban development. The Study concluded the proposed project does not have the potential to have significant adverse affects on biological resources.

The certified LCP contains policies that specifically require new development to avoid and minimize impacts to sensitive habitat. They further require new development adjacent to sensitive habitat areas to maintain the functional capacity of ESHA (11.02) and protect against adverse impacts from runoff, sedimentation, noise and other disturbances (11.19). Given the on-the-ground characteristics of the site, the project site does not qualify as environmentally sensitive habitat. It is in the proximity of areas occupied by sensitive species, but cannot be considered adjacent to those areas. In order to ensure that the required landscaping does not adversely impact ESHA by introducing non-native plant species, the applicant has proposed a plant palette native to Morro Bay and the central coast of California. The use of native plants has been incorporated into the project description and authorized via a minor modification to the City's permit on October 23, 2006. The plant palette is consistent with the list of native plant species identified for this region by the Calflora and Las Pilitas catalogues of California Native Plants.¹ In addition, the City has imposed a host of conditions that will ensure there will be no adverse impacts resulting from the construction and operation of the proposed RV Park. As previously noted, the City's approval includes special conditions requiring the reduction and treatment of polluted runoff and sedimentation. Additionally, project lighting must be shielded to prevent and light from spilling off-site. The RV Park must also have an on-site manager to ensure visitors to the RV Park abide by the rules and keep noise to an acceptable level. Therefore, with the revisions included in the landscape plan and as conditioned by the City, the development is consistent with LCP policies protecting sensitive habitat areas, and no substantial issue is raised by the appeal.

¹ For more information on these native plant sources, please see Calflora.org and Laspilitas.com.



Exhibits



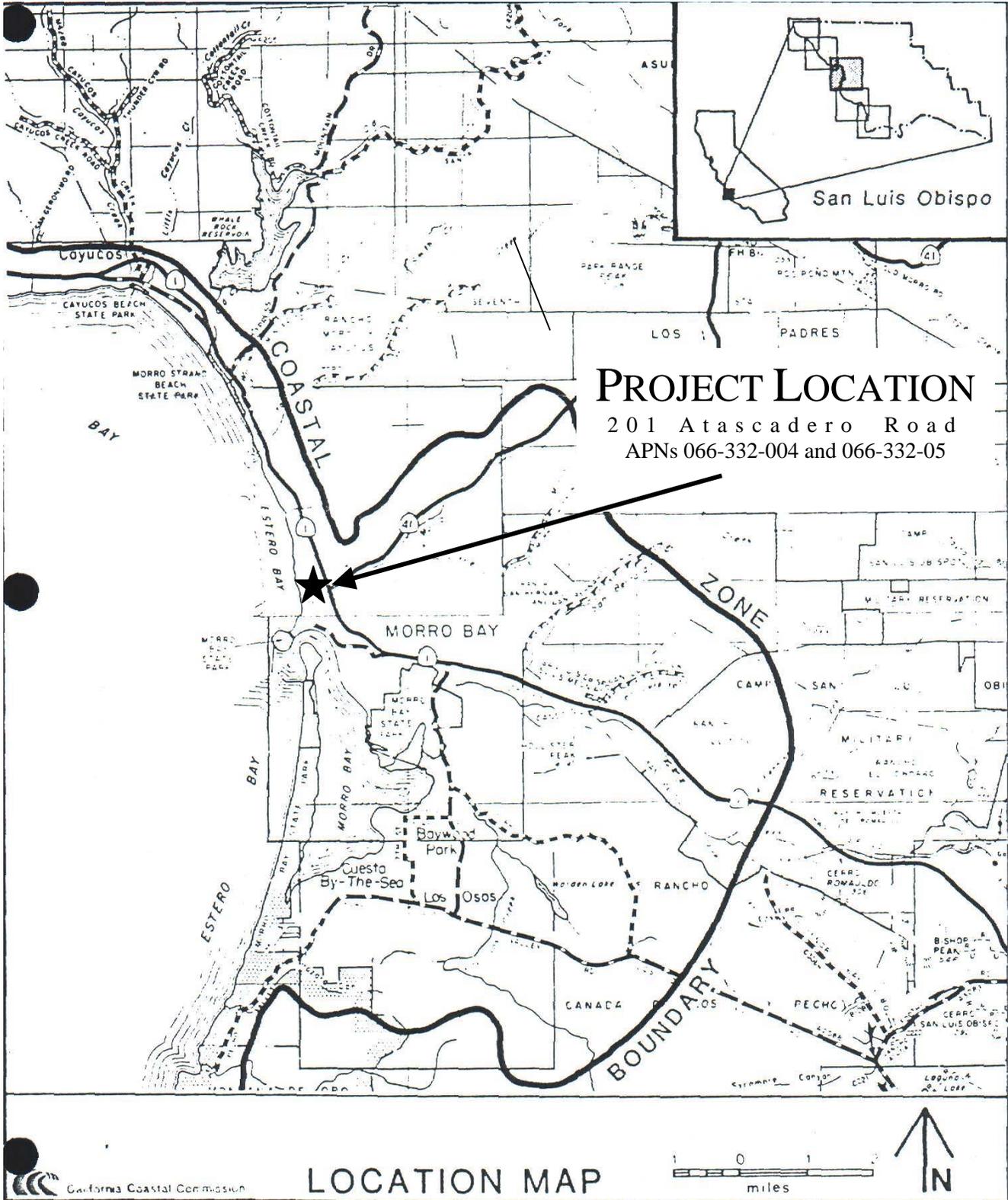


Exhibit 1 – pg. 1 of 1
Location Map

Appeal A-3-MRB-06-046 Staff Report
Salwasser RV Park



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

PUBLIC SERVICES DEPARTMENT

NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CP0-142

THE FOLLOWING PROJECT IS LOCATED IN THE MORRO BAY COASTAL ZONE AND A COASTAL PERMIT APPLICATION HAS BEEN ACTED ON BY THE CITY.

Applicant: George Salwasser; Cathy Novak, Agent

Address: P.O. Box 296, Morro Bay, CA 93443

Project Description: Construction of a 19-Unit Recreational Vehicle Park with associated Manager's unit, and two amenity buildings containing men's and women's showers and restrooms, the manager's office and laundry facilities at 210 Atascadero Road, with conditions.

Project Location: 210 Atascadero Road, Morro Bay, Ca. 93442

APNs/Legal: 066-332-004, 066-332-005 LOTS: 9 PORTIONS OF 8, 10, Lot Area 62,090 square feet
11 BLK: 27 TRACT: ATASCADERO BEACH

Zoning: MCR/R-4(SP) LUP/General Plan: Visitor Serving Commercial

Filing Date: August 21, 2006 Action Date: August 14, 2006

Action By: City Council Action Taken: Approved with Conditions

Attachments: Permit, Findings, if any, and Conditions of Approval

THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 415-427-4863

FINANCE
595 Harbor Street
HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street
CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street
POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street
RECREATION AND PARKS
1001 Kennedy Way

Exhibit 2 – pg. 1 of 10
City Findings & Conditions



California Coastal Commission

A-3-MRB-06-046
Salwasser RV Park Appeal

Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 17

EXHIBIT A **FINDINGS**

UPO-093/CPO-142: A request for Conditional Use Permit and Coastal Development Permit approval to establish a 19-space Recreational Vehicle (RV) Park with associated manager's quarters and two guest amenity buildings which would include a manager's office, laundry room, men's and women's showers and restrooms.

California Environmental Quality Act (CEQA)

- A. The Mitigated Negative Declaration (MND) prepared for the project is complete and adequate and fully complies with the California Environmental Quality Act (CEQA). The information contained in the MND, and all public comments submitted pursuant thereto, have been considered prior to taking action on the project. All feasible mitigation measures identified in the MND have been agreed to be the applicant and have been carried over as Conditions of Approval. With the Conditions of Approval, the project would not have a significant impact on the environment.

Conditional Use Permit Findings

- B. 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 based on the analysis and discussion in the attached staff report; and
- C. 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 as the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and
- D. 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 and developed consistent with applicable City regulations.

Coastal Development Permit Finding

- E. The project is consistent with applicable provisions of the certified Local Coastal Program, as discussed in the staff report.

Exhibit 2 – pg. 2 of 10
City Findings & Conditions

A-3-MRB-06-046
Salwasser RV Park Appeal



California Coastal Commission

Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 18

CONDITIONS OF APPROVAL

UPO-093/CPO-142: A request for Conditional Use Permit and Coastal Development Permit approval to establish a 19-space Recreational Vehicle (RV) Park with associated manager's quarters and two guest amenity buildings which would include a manager's office, laundry room, men's and women's showers and restrooms.

STANDARD CONDITIONS:

1. Permits: This Conditional Use Permit and Coastal Development Permit is granted for the land described in the June 5, 2006 staff report and all attachments thereto, and as shown on the attached exhibits on file with the Public Services Department. 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. At the local level, the project will require a grading permit, an encroachment permit and a business license. The applicant is responsible for obtaining necessary permits and approvals from the California Department of Housing and Community Development Department.
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 Public Services 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.
3. Changes: Any minor change may be approved by the Public Services Director. Any substantial change, as so deemed by the Public Services Director, will require the filing of an application for an amendment to be reviewed by the Planning Commission and City Council.
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 any City or HCD permits 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 Public Services Director 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

Exhibit 2 – pg. 3 of 10
City Findings & Conditions



California Coastal Commission

A-3-MRB-06-046
Salwasser RV Park Appeal

Appeal A-3-MRB-06-046 Staff Report
Salwasser RV Park

Page 19

attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. 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 seven a.m. to seven p.m. daily, unless an exception is granted by the Public Services Director pursuant to the terms of this regulation.
9. Under grounding of Utilities: Pursuant to MBMC Section 17.48.050, all new utility connections including electrical, telephone and cable television shall be installed underground.
10. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.

FIRE DEPARTMENT CONDITIONS:

11. The access road shall maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6".
12. Fire Lane: Access roads, which have less than 30 feet clear width shall have all curbs painted red or provided appropriate red striping at least six feet wide with "Fire Lane No Parking" stenciled every 20 feet. Access roads shall be posted with permanent all weather signs with minimum letter of 2" s ¼" stroke to read: "Fire Lane, No Parking, Illegally Parked Vehicles Will be Towed Away at Owners Expense. Section 22500.1 CVC. Police Department Phone 805-772-6225."
13. Fire Hydrants: The applicant shall provide a new fire hydrant on Park Street, ten to fifteen feet north of the northern terminus of the proposed entry driveway. The existing fire hydrant on Atascadero Road shall be relocated to the corner of Park Street and Atascadero Road and shall be protected by bollards. The applicant shall be responsible for all expenses related to moving the hydrant on Atascadero Road, providing the hydrant on Park Street, and all applicable testing.
14. Address Identification: Provide address numbers on the proposed monument sign of five inches with ½" stroke.
15. Fire Extinguishers: Provide fire extinguishers (minimum 2A10BC) and signage ("Fire Extinguisher") in manager's office and laundry room.
16. Smoke Detection: Provide smoke detector in Manager's Office and Manager's unit per California Building Code.
17. Trash Enclosure: Dumpsters and containers shall not be stored within five feet of combustible walls.
18. Existing Commercial Structure: In the event that this structure is redeveloped, fire sprinklers shall be required.

Exhibit 2 – pg. 4 of 10
City Findings & Conditions

A-3-MRB-06-046
Salwasser RV Park Appeal



California Coastal Commission

Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 20

19. Electrical Panel: Provide signage on the electrical panel stating: "Electrical Panel – Shut-Off."

PUBLIC WORKS CONDITIONS:

20. City and State RV Park Requirements: This project shall meet State Housing and Community Development (HCD) Recreational Trailer Park requirements. The Public Works Department (and other City Departments) will confirm on the HCD Local Government Approval Sheet that all conditions herein and City requirements prior to issuance of an HCD Permit have been met. Similarly, Public Works (and other City Departments) will confirm that the project is in conformance prior to final HCD inspection.
21. Flood Hazard Zone: The FEMA National Flood Insurance Rate Map for the City of Morro Bay (Panel No. 060307 0005C, November 1, 1985) identifies the site in a 100-year Flood Zone (Zone A14, base flood elevation (BFE) is 21').

If the proposed RV park will contain permanent structures as allowed by City zoning: a FEMA Elevation Certificate and Flood Hazard Development Permit fee of \$171 WILL be required. New construction shall conform to Morro Bay Municipal Code Chapter 14.72 Flood Damage Prevention and FEMA requirements including anchoring. Chapter 14.72 requires the lowest floor elevation to be 22' at 1' above the BFE. (Note: areas below the BFE that are used solely for parking, building access or limited storage may be constructed below the BFE per FEMA Technical Bulletin)

Chapter 14.72 requires that the RV's in the park shall be highway ready, fully licensed, with no permanently attached additions, shall be on site for less than 180 days and shall be used as temporary living quarters for recreational, camping, travel, or seasonal use.

If permanent structure(s) will be proposed: 1. Prior to building permit issuance: submit the Elevation Certificate, which will indicate the base flood elevation to be used with the proposed construction drawings. At C1 the Construction Drawings box shall be marked. The lowest floor, including basement, shall be at least one foot above the base flood elevation. 2. Prior to occupancy: submit the Elevation Certificate (blank attached) that will indicate the finish elevations of the completed building. At C1 the Finished Construction box shall be marked.

22. Public Improvements: \$404 Plan Check Fee. Public Improvements are required as set forth in MBMC Section 14.44. Pursuant to Chapter 12.04 all improvement work shall conform to the City's Standard Drawings and Specifications. Prior to building permit issuance the Applicant/Developer shall: (1) submit \$404 Plan Fee with public improvement plans designed by a civil engineer registered in California. Existing improvements may remain except for portions in need of repair, or which do not meet City standards. (2) include the City's general notes on the improvement plans. (3) submit cost estimates calculated on the City's Engineering Estimate Worksheet. (4) complete the City's Reimbursement Agreement, the City's Improvement Agreement and its insurance requirements. (5) deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements. (6) acquire encroachment permits. (7) prior to project completion sign off by Public Works, asbuilt drawings shall be furnished on mylar and in electronic format CD. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings. The Applicant/Developer shall pay any additional costs incurred for Public Works staff services that exceed two site visits/inspections and four total hours for plan check,

Exhibit 2 – pg. 5 of 10
City Findings & Conditions

A-3-MRB-06-046
Salwasser RV Park Appeal



Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 21

office/counter meetings, telephone, copies, email, etc. The City will prepare an invoice for additional costs, which shall be paid prior to final occupancy sign-off of the project.

23. Installation of Public Improvements: Applicant/Developer shall install the following frontage public improvements.
- Three Street trees along Atascadero at back of sidewalk, chosen from one of the species listed in the City Master Tree List.
 - Concrete curb, gutter, driveways, handicap ramp, and sidewalk (10' Atascadero Road, 6' Park Street).
 - Asphalt street section as required.
 - Street signs and street, bike lane, and cross walk striping.
 - A 4' wide bike lane next to 8' wide parking at Atascadero Road frontage.
 - A 4' wide bike lane next to curb at Park Street frontage.
 - Red curb no parking at Park Street frontage.
 - Park Street right of way is 30' wide, and per above improvements the resultant street from centerline shall have two 11' min wide travel lanes.
24. Traffic Impact Fee \$7,943. Pursuant to the Circulation Element of the General Plan, an Applicant/Developer is responsible for circulation system improvements on the basis of the development's impact. Prior to building permit issuance a \$7,943 fee shall be paid proportionate to the percentage increase in peak traffic flows at the Highway 41 Main Street and Radcliff Main Street intersections which have an identified cost of \$980,000 and \$1,000,000 respectively for construction of future intersection and channelization improvements. The \$7,943 fee is proportionate to the increased in peak traffic flows at the intersections as generated by the proposed project as determined by the traffic study for this site, the traffic study for RV park across street at 221 Atascadero Road and the Engineering Division per Institute of Transportation Engineers Handbook data.
25. Encroachment Permits: Are issued by the Engineering Division, prior to construction in or use of land in the City right-of-way, as follows:
- Standard Encroachment Permit, Required for standard construction per City standard specifications. Current fee \$71.82
 - Sewer Encroachment Permit, Required for sewer work in the City right-of-way. Current fee \$71.82
 - Special Encroachment Permit, Required for non-standard work or encroachments in the City right-of-way. The owner submits a completed Special Encroachment Permit, including drawings, notarization and insurance indemnifying the City. After review, approval, and recordation, the Permit and insurance requirements continue with the current and future owners. Current fee is \$35.91, plus applicable direct costs checking, administration, and recording.
26. Repair & Replacement of Public Improvements: Prior to project completion the Applicant shall repair street or other public improvements which were damaged as a result of construction operations for this project.

Exhibit 2 – pg. 6 of 10
City Findings & Conditions

A-3-MRB-06-046
Salwasser RV Park Appeal



California Coastal Commission

Appeal A-3-MRB-06-046 Staff Report
Salwasser RV Park

Page 22

-
27. Construction Dumpster: If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit in the right of way area.
 28. Off-site Drainage Improvements & Storm Drain Master Plan Fee: The City's Storm Drain Master Plan states the City's intent to construct storm drain Project Number 8 in Atascadero Road. The site is part of the area that is directly tributary to Project 8. The Applicant/Developer shall pay a fee to the City proportionate to the incremental increase in drainage flow to Project 8 resulting from construction of the proposed project. Said fee shall be paid prior to the issuance of a building permit. The project peak flow for a 25-year storm is 14 cubic feet per second. The project cost is \$439,085. $\$439,085/14\text{cfs} = \$31,363$ per cfs of increased drainage from the site. The fee shall be based on \$31,363 per cubic feet per second of increased drainage flow from the site. The Applicant/Developer's engineer shall calculate the cfs increase in site drainage and multiply that amount by \$31,363.
 29. Water Pressure Reducer: Applicant/Developer shall install a pressure reducer on private property.
 30. Water Backflow Prevention Device: Required for 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. If required, the Applicant/Developer is responsible for the installation of an approved domestic water backflow prevention device per MBMC chapter 13.08. Should the Applicant/Developer need further information, the City's contracted inspection provider can be reached at: (805) 781-5544, Office of Cross-Connection Inspector, S.L.O. County Health Agency, 2156 Sierra Way, San Luis Obispo, Ca. 93406.
 31. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. (MBMC 14.24.070)
 32. Sewer Master Plan Impact Fee: \$72. Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee toward the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The Engineering Division has determined the increased demand in water equivalency units (WEU) on the municipal sewer system that would result from the proposed project. Per MBMC 13.20.110, the determination was made using 0.46 WEU per RV space.
 33. Erosion and Sedimentation Control Plan Required: the City prior to building permit issuance shall approve The Plan. 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. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES). Permit Program as Authorized by the Clean Water Act and administered by the State of California.
 34. Public Improvement Plans Govern: Although some of the public and frontage improvements are shown on the architectural plans, the public improvement plans designed by the Applicant/Developer's civil engineer and approved by the city engineer will govern for the location and construction of said improvements.
-

Exhibit 2 – pg. 7 of 10
City Findings & Conditions

A-3-MRB-06-046
Salwasser RV Park Appeal



California Coastal Commission

Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 23

35. Oil-Water Separator: To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall install an oil-water separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.

ENVIRONMENTAL CONDITIONS:

36. Aesthetics: Public Services Department staff shall ensure that fencing, landscaping and other aesthetic considerations are specifically discussed in the staff reports and at public hearings and that such issues are “locked-in” as part of the approval process. Public Services Department staff shall enforce and monitor compliance prior to the approval of an encroachment permit for required public improvements, prior to the acceptance of those public improvements, or prior to the issuance (or renewal) of a business license, as appropriate.
37. Cultural Resources: A qualified archaeologist and Native American representative shall monitor all excavation activities. If recommended by the project archaeologist, work shall be halted until resources encountered are evaluated by a qualified archaeologist as outlined in the California Environmental Quality Act (CEQA). Prior to the final building inspection or occupancy, the project archaeologist shall submit a monitoring report confirming that all excavation activities have been monitored and otherwise performed in accordance with the archaeologist’s recommendations. With this monitoring, the proposed project would not have a significant impact on cultural resources.
38. Geology/Soils: The project shall be designed to comply with the Uniform Building Code (UBC) as well the City Flood Damage Prevention Ordinance. This will ensure that finish floor elevations are safely above the Base Flood Elevation (BFE) and that the foundation system is sized and designed correctly. In the normal course of building permit review and issuance, the applicant will be required to comply with the recommendations of the Geotechnical Engineer contained within the aforementioned report, the Flood Damage Prevention Ordinance and Uniform Building Code.

Since the proposed RV Park will contain permanent structures as allowed by City zoning, a FEMA Elevation Certificate and Flood Hazard Development Permit fee will be required. Implication of these mitigation measures would result in no significant geology impacts.

39. Hydrology/Water Quality: Prior to the issuance of building or grading permits, the applicant shall submit an erosion control plan. 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. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.

To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall install an oil-water separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.

40. Land Use and Planning: Prior to the issuance of permits, approvals or licenses, the applicant shall record a deed restriction and agreement that expressly:

Exhibit 2 – pg. 8 of 10
City Findings & Conditions



California Coastal Commission

A-3-MRB-06-046
Salwasser RV Park Appeal

Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 24

- Requires an on-site manager;
 - Requires the property owner to furnish the Public Services Department with up-to-date contact information (which unit, phone number, mailing address) for the on-site manager;
 - Prohibits permanent residency within the park by anyone other than the on-site manager.
 - Requires the property owner to keep records of who stays in the park and how long they stay. Records must include contact information (including but not limited to permanent address, mailing address and phone number) for all visitors for verification purposes. Records shall be provided to the City on request. Length of stay shall be limited to a maximum of 30 continuous days or a total of 90 days per year with a minimum 30 day vacancy between stays with the exception of the on-site manager
 - Requires that the existing commercial structure on the eastern portion of the lot cannot be redeveloped in a manner that increases the intensity of use (increase in building square footage) on the site
41. Public Services: Typically, Code requirements (such as the requirements of the Municipal Code, Building Code, Fire Code et cetera) are not reiterated as mitigation measures. It is just understood that all Code requirements apply unless specifically waived by a body that has the legal jurisdiction to waive or modify the Code. The applicant shall fully satisfy the Building Official and Fire Chief and shall comply with all applicable Code requirements.
42. Transportation/Circulation: Prior to the issuance of any permits or approvals, all applicable traffic impact fees shall be paid. In addition, improvement plans shall be approved, as required by Public Works staff. As recommended by the traffic engineer, improvement shall include (but not be limited to): 1) the paving of all internal roadways; 2) the construction of concrete curb, gutter and sidewalk along City roadways; 3) proposed driveways shall be designed to meet City Standards; 4) re-striping of Atascadero Road from 200 feet southwest of Park Street to the southbound Route 1 ramp intersections to provide – a 12 foot wide center turn lane, 13 foot wide through travel lands and six foot wide bike lanes and 5) Park Avenue shall be paved to provide a minimum of 24 feet of paved road width, 32 feet wide if parking is proposed on the project side of Park Street.

PLANNING CONDITIONS:

43. Existing Studio: The studio within the 2-car garage located on the western side of the project site shall be removed. The garage shall provide a minimum interior free and clear dimension of 20 feet by 20 feet and shall not be utilized for habitation.
44. Lot Merger: Subsequent to project approval and prior to final occupancy, a lot merger shall be recorded to consolidate four legal lots into one new parcel.
45. Fence: The proposed perimeter fence that is not in the required front yard setback shall be no taller than six feet, six inches.
46. Access way: The proposed access way shall be marked as a one-way driveway.
47. Annual Occupancy Report: No later than January 31st of each year, that applicant shall submit a report detailing every visitor to the park in the previous year. The report must include contact

Exhibit 2 – pg. 9 of 10
City Findings & Conditions



California Coastal Commission

A-3-MRB-06-046
Salwasser RV Park Appeal

Appeal A-3-MRB-06-046 Staff Report
Salwasser RV Park

Page 25

information (including but not limited to permanent address, mailing address and phone number) and length of stay for all visitors.

48. RV Length: RVs visiting the park shall be a minimum of two feet shorter than the length of the RV spaces to allow for bumper overhang and to maintain fire lane access.

Exhibit 2 – pg. 10 of 10
City Findings & Conditions

A-3-MRB-06-046
Salwasser RV Park Appeal



Appeal A-3-MRB-06-046 Staff Report

Salwasser RV Park

Page 26

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

This project deserves your attention because of the significant precedent that it would set for other RV park developments on the ocean side of Hwy. 1 as well as all existing RV, trailer parks. It violates the LCP requiring that the minimum space be 2900 sq. ft. for each space. This project only provides 600 sq. ft. each. This reduced standard, if allowed could increase density in all parks by 400-500% Compare this proposed 19 space project with the applicant's other 24 space RV park across the street that was also too big for the property and failed to meet 25 of the 32 special conditions that were placed on it. The City of Morro Bay does not have a code enforcement officer nor can it enforce any of the requirements.

An Environmental Impact Report should have been required to assess the cumulative impacts of the piecemeal development that is taking place 1-2 acres at a time as RV trailer/mobile home parks continue their sprawl west of Hwy. 1 toward the ocean. This project would create a highly visible blight on both sides of our major beach access road creating adverse impacts to our visual resources rather than making an aesthetic contribution as required by our LCP for Commercial Visitor Serving new businesses.

Nor have impacts on traffic, and nearby sensitive habitat been evaluated ESHA and major Snowy Plover nesting areas (200 yards away) The City allowed both concept and precise plans to be approved at the same time.

Last, allowing the total lot size to be used in the project calculations would further violate our LCP as over 50% of the property has already been built on (non-permitted garage and apartment, 13,380 sq. ft. commercial bldg. and 2000 sq. ft. residence etc.) and this would greatly exceed the total 60% lot coverage rule for RV parks.

In summary, the City's reluctance to impose even the minimum standards and conditions for this applicant's project probably arose from the fact that the City sold the applicant the 4 parcels in the first place, which is of dubious legitimacy, and places our coastal resources in jeopardy.

Thank you for your consideration.

Exhibit 3 – pg. 1 of 1
Appeal Contentions



California Coastal Commission

A-3-MRB-06-046
Salwasser RV Park Appeal

Appeal A-3-MRB-06-046 Staff Report
Salwasser RV Park

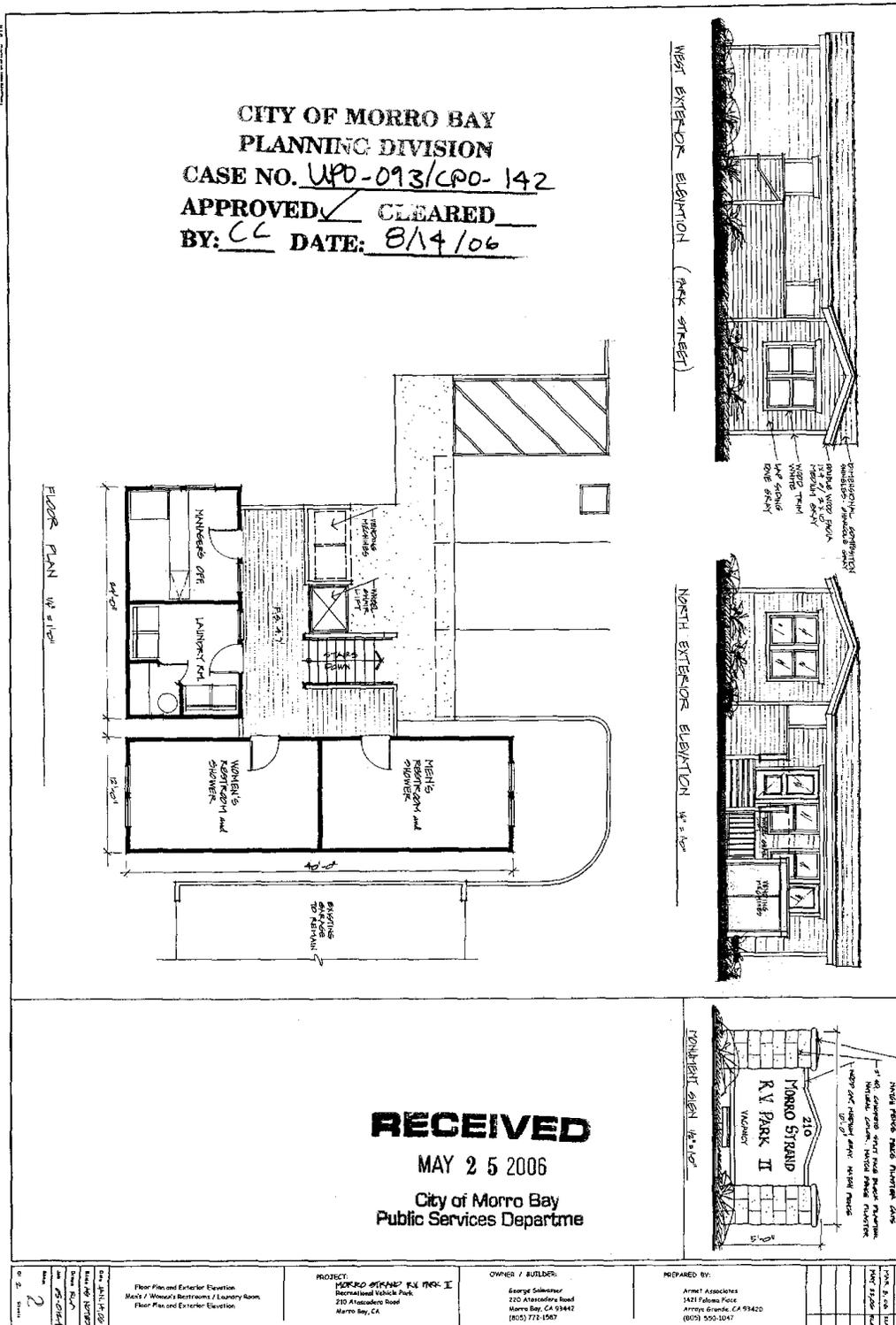
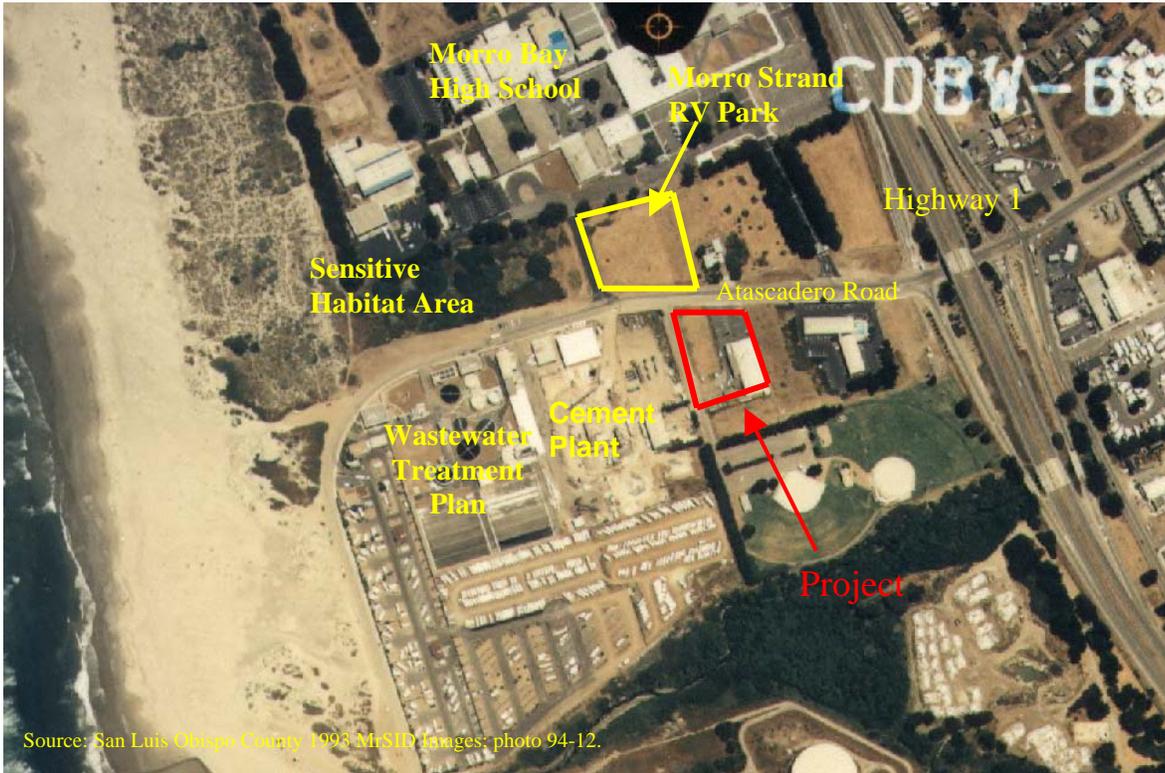


Exhibit 4 – pg. 2 of 2
Site Plans



Source: San Luis Obispo County 1993 MRSDV Images; photo 94-12.

Site of proposed project and surrounding development.



Source: California Coastal Records Project; Slide 200509812

Oblique view of the project site and surrounding area.

Exhibit 5 – pg. 1 of 1
Aerial Photographs





City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

RECEIVED

OCT 25 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

October 23, 2006

Cathy Novak
P.O. Box 296
Morro Bay, CA 93443

RE: 210 Atascadero Road Landscape Plan, Requested Minor Modification

Dear Ms. Novak:

This letter is in response to your correspondence dated October 17, 2006 regarding the Landscape Plan approved for the proposed Recreational Vehicle Park to be located at 210 Atascadero Road. City staff approves your request for a Minor Modification to the approved Landscape Plan to ensure that all plantings are native and non-invasive.

Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Sincerely,

Rachel Grossman
Assistant Planner

CC: Mike Watson, Coastal Planner

FINANCE
595 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street

CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street

POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street

RECREATION AND PARKS
1001 Kennedy Way



**210 Atascadero Road, Morro Bay RV Park Plant Material List & Sizes
Landscape Plan Revised**

TREES:

Cupressus macrocarpa, Golden Pillar (5 to 15 gallon plants)
Cupressus macrocarpa, Monterey Cypress (5 gallon plants)
Lyonothamnus floribundus, Catalina Ironwood (5 to 15 gallon plants)

SHRUBS:

Myrica California, Pacific wax myrtle (5 gallon plants)
Baccharis pilularis (1 gallon plants)
Rhus intergolia/ovata, Lemonade berry (5 gallon plants)
Ribes viburnifolium (1 gallon plants)
Stipa pulchra (1 gallon plants)

VINES:

Morning-Glory, Calystegia subacaulis
Artemisia californica, California Pipevine
Clematis ligusticifolia, Western Virgin's Bower

GROUND COVERS:

Achillea (Yarrow)
Arctostaphylos (Manzanita)
Salvia sonomensis (Creeping Sage)
Eschscholzia californica (California Poppy)
Lupinus nanus Bi-color Lupine
Epilobium canum (California Fuchsia)
Fragaria chiloensis (Beach Strawberry)
Ceanothus (Tassajara Blue Ceanothus)