

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

MARIETTA CRUZ, CA 95060

(415) 427-4863

HEARING IMPAIRED: (415) 904-5200

**RECORD PACKET COPY**

M16b

Filed: 04/24/98  
 49th day: 05/12/98  
 180th day: 10/21/98  
 Staff: SG  
 Staff Report: 05/27/98  
 Hearing Date: 06/08/98

**STAFF REPORT: APPEAL  
 SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Morro Bay  
 LOCAL DECISION: Approved with conditions, April 13, 1998  
 APPEAL NUMBER: A-3-98-38  
 APPLICANT: KEYOTO MORRO BAY  
 APPELLANT: Warren Dorn, Ned Rogoway, Donald Funk, and Bernard Melvin  
 PROJECT LOCATION: 2233 Emerald Circle (Lot 90), Cloisters Subdivision, between Azure Street and the Morro Bay High School, City of Morro Bay  
 PROJECT DESCRIPTION: Two story (25 feet) Single Family Residence  
 FILE DOCUMENTS: File for A-4-MRB-91-44 (Cloisters Subdivision Appeal), Administrative File for City Coastal Development Permit CUP34-97 (Precise Plan)/CDP81-97R, and City of Morro Bay certified LCP

**SUMMARY OF STAFF RECOMMENDATION**

This is an appeal of single family residence in the Cloisters subdivision in the City of Morro Bay. Appellants Dorn and Rogoway and then-Commission Chair Gwynn and Commissioner Giacomini appealed the City's approval of the Cloisters subdivision in 1991. On July 9, 1992, the Commission approved the Cloisters subdivision subject to special conditions which, among other things, required Commission certification of a water management plan for the City and City certification that water was available to serve the subdivided lots; limited elevation of finished grade; imposed height limits of 14 feet, 17 feet, and 25 feet on specified lots; and expanded a proposed wetland mitigation area. All of the conditions imposed by the Commission have been fulfilled.

Appellants now assert that the City's approval of this residence fails to comply with various water and visual resource policies of the LCP; as well as with a grading condition of the subdivision and a water conservation policy that is not part of the LCP. Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed in part because the conditions of the

original subdivision have been fulfilled, including the relevant findings of water availability; and because the grading of the lot in question was done consistent with the Commission's requirements.

#### **I. SUMMARY OF APPELLANT'S CONTENTIONS (See Exhibit 1 for the full text)**

The appellants contend that the City's approval of the house is inconsistent with the following sections of the LCP:

1. Policies 12.01 and 12.06(a) which protect scenic vistas to the ocean.
2. Policy 3.01 where it must be shown that adequate water service is available to new construction.
3. Policy 3.03 which requires the City to show it can implement its Water Management Plan.
4. Policy 3.04(3) where the City must show its water management plan provides for adequate safeguards to protect coastal stream environments.
5. Policy 3.05 which requires the City to produce a five-year Capital Improvement Program for sewer and water service.
6. Failure to comply with Measure F concerning compliance with water conservation requirements.

In addition, the appellants state as reasons for their appeal the following issues, which do not involve the LCP:

1. Failure to comply with Condition D3(f) of tract 1996 which requires finished grade to not exceed the minimum needed for flood-proofing and to not exceed the finished grade as shown on the 1991 City-approved grading plan.
2. Failure to fulfill the mandate of Measure I concerning compliance with water conservation requirements.

#### **II. LOCAL GOVERNMENT ACTION**

On March 2, 1998, the Morro Bay Planning Commission approved five single family dwellings, including this one, on vacant lots in the Cloisters subdivision. Approval of the five houses was appealed to the City Council. On April 13, 1998, the City Council upheld the decision of the Planning Commission.

#### **III. APPEAL PROCEDURES**

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Because this project is appealed on the basis of its

location between the sea and the first public road paralleling the sea, the potential grounds for an appeal to the Coastal Commission include not only the allegation that the development does not conform to the standards set forth in the certified local coastal program but also the allegation that the development does not conform to the public access policies of the Coastal Act. However, no such allegation has been made in this case.

Staff notes that disputes regarding condition compliance of the subdivision with the coastal development permit and with the terms of uncertified or partially certified City ordinances are not grounds for appeal under the Coastal Act. Revisiting the 1992 coastal permits is also inappropriate because the Commission found that the project, as conditioned, was consistent with the certified LCP. The LCP policies on which that decision was based have not changed over the past six years.

#### IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed, because the City has approved the proposal in a manner that is consistent with the certified Local Coastal Program.

**MOTION:** Staff recommends a YES vote on the following motion:

*I move that the Commission determine that Appeal No. A-3-98-38 raises NO substantial issue with respect to the grounds on which the appeal has been filed.*

#### V. RECOMMENDED FINDINGS AND DECLARATIONS

##### 1. Project Description and Background

The project at issue is a single family dwelling on a vacant lot in the Cloisters subdivision. On July 9, 1992, the Commission found that the subdivision was consistent with the Morro Bay LCP and approved it on appeal subject to special conditions. The special conditions required Commission certification of a water management plan for the City prior to recordation of a final map; City certification that water was available to serve the subdivided lots; limited the elevations of finished grade; imposed height limits of 14 feet, 17 feet, and 25 feet for houses on specified lots; and required an expanded wetland mitigation area. All of the conditions imposed by the Commission have been fulfilled.

Although many issues were raised by the appellants in the appeal of the original subdivision, the major issues, as reflected in the Commission's 1992 action, concerned the adequacy of the City's water supply, filling of wetlands, landform alteration, and protection of public views -- essentially the same issues raised by this current appeal of a house in the subdivision. The following Findings explain why the appeal raises no substantial issue in terms of conformance with the certified Morro Bay Local Coastal Program (LCP).

## 2. Policies 12.01 (Scenic Views), 12.06(a) (Visual Compatibility), and Coastal Act 30251

Appellants allege a "failure to comply with LCP Policy 12.01 and 12.06(a) and Resource Code Section 30251, which sections protects [sic] scenic vistas to the ocean." Staff notes that Coastal Act section 30251 is not part of the certified LCP and thus does not provide valid grounds for appeal.

LCP Policy 12.01 states:

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 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 designated on Figure 31 [which includes the Cloisters site], shall be subordinate to the character of its setting.

Policy 12.06(a) states:

New residential development in areas designated on Figure 31 as having visual significance [which includes the Cloisters,] shall include as appropriate the following:

- a. Height/bulk relationships compatible with the character of surrounding areas or compatible with neighborhoods or special communities which, because of their unique characteristics, are popular visitor destination points for recreation uses.

In 1988, the Commission certified Morro Bay LCP Amendment 3-88, as modified. Among other things, that amendment created a northbound view corridor across the Cloisters site in addition to the already required southbound view corridor and limited structure heights in both the north and south ends of the site to 14 feet. The applicant then filed suit against both the City and the Commission over the view corridors and height limits of LCP amendment 3-88. A subsequent Settlement Agreement among the parties to the lawsuit ended litigation.

In 1990, the Commission certified Morro Bay LCP amendment 2-89, which incorporated the Settlement Agreement. The amendment decreased the view corridor in the northern portion of the property by 50 feet and by 100 feet in the southern part of the property and increased the maximum allowed height in the southern part from 14 feet above grade to 25 feet above grade with finished grade above flood level to be determined by the City Engineer (see Exhibit 4, p. 22). Height of houses in the north part of the site remained at 14 feet, as certified by the Commission in LCP amendment 3-88.

In the 1992 appeal of the subdivision, the Commission found that, as conditioned, the height of the proposed houses on each lot was "consistent with the adopted LCP of the City of Morro Bay regarding protection of visual resources." In particular, the Commission imposed Condition 3a., which states:

No structure in the south cluster (lots 46 through 120) shall exceed 25 feet in height above finished grade. Further, on lots 49 through 58, 89, 90, 93, 95, 101, 104, 108, 110, 112, 113, 115, 116, 118, 119, and 120 no structure shall exceed 25 feet above finished grade; on lots 91, 92, 94, 96 through 100, 102, 103, 105, 106, 107, 109, 111, 114 and 117 no structure shall exceed 17 feet in height above finished grade; and on lots 46, 47, 48, and 59 through 88 no structure shall exceed 14 feet in height above finished grade (See Exhibit E [Exhibit 4, p. 22]). Finished grade shall not exceed the minimum elevation necessary to flood-proof future residences nor shall it exceed finished grade as shown on the grading plan for the project approved by the City of Morro Bay on December 9, 1991.

Houses on the lots along the south property line, which abuts Morro Bay High School, are all allowed to be 25 feet tall. Cypress trees along the school's north boundary, planted some 35 years ago to provide a windbreak and screen the school from Highway One, also partially block the view of Morro Rock from southbound Highway One. Based on this fact, the Commission found:

[b]y limiting the number of houses 25 feet above finished grade to one-third of the total in the south Cluster and requiring their location nearest the trees on the High School property, there will be no significant further impairment of the view of Morro Rock and the project can be found consistent with LCP Policy 12.01.

With respect to the overall mix of heights the Commission found the following:

The existing view of Highway 1 across the site toward the southeast presents a stair-stepped appearance leading toward Morro Rock. Grasses, coyote brush, and willow on the site and cypress trees just beyond the south boundary of the site, in ascending order, lead the eye from ground level upward to the Rock. A mix of 14, 17, and 25 foot heights above finished grade will allow for a continuation of this stair stepped view. Heights greater than 25 feet or all structures at 25 feet would impair that view. Special Condition 3 allowing only 25 two-story houses (25 foot height limit), 17 houses 17 feet in height, and 33 houses 14 feet in height will provide a mix of heights in the southern cluster and protect significant coastal views from further impairment. The Commission finds that only with the imposition of Special Condition 3 can the project be consistent with the adopted LCP of the City of Morro Bay regarding the protection of visual resources.

As mentioned above, because the Cloisters site is in the floodplain, Condition 3a also limited fill on the site to the minimum necessary for flood protection but in no case could finished grade exceed the heights shown on the grading plan for the project approved by the City of Morro Bay on December 9, 1991.

This coastal development permit is for lot 90 in the south cluster of the Subdivision. Under Condition 3a, the house on this site must not exceed 25 feet in height above finished grade. Finished grade can not exceed the minimum elevation necessary to flood-proof future residences and in no case may it exceed finished grade as shown on the grading plan for the project approved by the City of Morro Bay on December 9, 1991.

Commission staff have reviewed the as-built grading plan for the subdivision (Tract 1996 Grading Plans, Central Coast Engineers, 9/23/96), which shows the finished grade after grading was completed. The plans are signed by the City's licensed engineer. These plans indicate that the finished elevations are at or below those required by Condition 3a. In addition, staff has determined that the finished grade: 1) does not exceed the minimum elevation necessary to flood-proof future residences; and, 2) does not exceed finished grade as shown on the grading plan approved by the City of Morro Bay on December 9, 1991. Staff's flood elevation analysis is summarized as follows:

The predicted 100-year probability stormwater inundation level is elevation 16.3 feet. A 30-inch culvert is needed to drain this tract. Full effectiveness of the culvert during the 100-year storm event therefore requires the outlet flow line to be at 16.3 feet and the inlet at  $\pm 16.8$  feet to provide the necessary gradient for the water to effectively flow through the pipe. This means the top of the culvert at the inlet would be at least elevation 19.3, at theoretical full effectiveness during a 100-year storm event. Therefore, because the actual culvert outlet and inlet elevations are 13.2 and 13.7 feet respectively, the culvert will not be operating at optimum efficiency during such a storm event. Therefore, we believe the low point on the bank of the drainage swale (18.6 ft.) rather than the culvert will be the controlling elevation. The adjoining lot elevations are 17.7 feet, barely adequate to avoid flooding of a finished floor level if a 1-foot+ foundation height is assumed. The other lots in the tract are graded to provide about a 4 foot elevation difference over a 400 foot distance, to insure runoff flow towards the culvert invert. This will provide a 1 percent gradient, barely adequate for storm conditions. Accordingly, we conclude that the lot elevations could not be any lower and still meet minimum flood avoidance standards.

Finally, the house's architectural elevations also show structure heights consistent with the Commission's 25 foot maximum height requirement. The City has conditioned the project to require the submittal of a letter from a licensed surveyor, prior to either a roof nail or framing inspection, that certifies that the height of the structure is in accordance with approved plans and the maximum height limits (see Exhibit 2, p. 4).

In conclusion, the subdivision, as approved by the Commission, was found to be consistent with the LCP regarding grading, finished grade heights, and proposed house heights. The as-built grading plans and the house height as shown on the architectural elevations are consistent with this approval. Therefore, the city's approval of a coastal development permit for the house is consistent with LCP policies 12.01 and 12.06(a). The appellant's claim thus raises no substantial issue.

### **3. Policy 3.01 (Water Availability)**

Appellants allege a "[f]ailure to comply with LCP Policy 3.01, where it must be shown that adequate water service is available to new construction."

Policy 3.01 states, in relevant part:

The City of Morro Bay shall approve future growth in conjunction with water and sewage treatment availability. Development shall be approved only if the City finds that sewer and water services are available to serve the proposed use.

This policy also limits the allocation of water to a model adopted by the Commission in a 1981 permit (4-81-309) until such time as a water management plan is submitted to the Commission as an LCP amendment.

Compliance with Policy 3.01 was raised in the appeal of the Cloisters subdivision. To address water supply issues, the Commission conditioned the subdivision as follows:

The final map or maps may be recorded in phases, provided that no final map or maps for this subdivision shall be recorded until a Water Management Plan, as required by Morro Bay Local Coastal Program Policies 3.01 and 3.03 and fully incorporating the requirements of Policy 3.04, shall be adopted by the City of Morro Bay and certified by the Coastal Commission as an amendment to the City's Local Coastal Program, and until the City of Morro Bay certifies to the satisfaction of the Executive Director that water is available to serve the lot or lots within the applicable unit of the subdivision for which a final map has been recorded.

In compliance with this condition, the City submitted a water management plan to the Commission 1995, which the Commission certified as an amendment to the LCP. On May 21, 1996, the Executive Director approved the City's certification that water was available to serve the lots within the Cloisters subdivision. Thus, the overall subdivision is consistent with Policy 3.01.

In the case of this specific single family development, the City has further found that water is available through its standard application of the existing retrofit requirement. In particular, the City requires that prior to the issuance of a building permit, "all necessary water equivalencies for the proposed use shall be obtained by the applicant; and a determination made that water service is available for the proposed use." The City's planning director has confirmed that prior to issuance of the building permit, the applicant must submit documentation that shows that 14 dwellings have been retrofitted. This would produce twice as much water as is needed by this single family use. No increased water demand will be created by this project. Staff notes that as of this writing, there were approximately 1500 - 1800 residential structures available for retrofitting in the City of Morro Bay. In addition, as discussed in City of Morro Bay LCP amendment 1-97, the City is now receiving state water, which substantially relieves the supply pressures that have previously been of concern in the City (see Staff Recommendation for LCP amendment 1-97). In summary, because this project is in effect required to create its own water, prior to the issuance of the building permit, no substantial issue is raised with respect to compliance with Policy 3.01.

#### **4. Policy 3.03 (Water Management Plan)**

Appellants allege a "[f]ailure to comply with LCP Policy 3.03, which condition requires the City to show it can implement their Water Management Plan." Policy 3.03 states:

The City may develop a specific, comprehensive, long-range water plan which will implement water management policies that will provide water service consistent with sound resource planning. New water and sewer services to

previously unsubdivided areas shall not be approved until a Water Management Plan has been developed, adopted, and submitted for Coastal Commission review and approval as a subsequent amendment to the LUP.

Policy 3.03 does not apply to the approval of a coastal development for a house in an area that has already been subdivided. This house is in an area that has been subdivided. Further, a water management plan was in fact certified by the Commission in 1995. Therefore, the City action is not inconsistent with Policy 3.03 and no substantial issue is raised.

#### **5. Policy 3.04 (Environmental Safeguard for Coastal Waters)**

Appellants allege a "[f]ailure to comply with LCP Policy 3.04(3), where the City must show its water management must provide for adequate safeguards to protect coastal stream environment." Policy 3.04(3) requires that the water management plan ensure that there will be an "adequate groundwater supply to protect the biological productivity of coastal waters including riparian stream corridors . . . ." Policy 3.04 does not apply to approval of a coastal development permit for an individual house but to the approval of a water management plan. Therefore, the City's action is not inconsistent with Policy 3.04(3) and no substantial issue is raised. Staff notes that the water management plan has been certified by the Commission, in part on the basis of its being consistent with the Environmental Sensitive Habitat policies of Chapter 3 of the Coastal Act (LCP Amendment 1-94).

#### **6. Policy 3.05 (City Capital Improvement Program)**

Appellants allege a "[f]ailure to comply with LCP Policy 3.05 which requires the City to produce a five year Capital Improvement Program for sewer and water improvements." Policy 3.05 states that the City shall adopt a five-year Capital Improvement Program for sewer and water service maintenance and improvements but does not propose a moratorium on construction until a Capital Improvement Program is in place. At the time of adoption of this policy, the City's sewer and water infrastructure was in poor condition. The purpose of the policy was to conserve water by upgrading the water and sewer systems to reduce leaks, etc. Since that time the City has replaced water lines and upgraded the sewer system. Thus, the primary concerns addressed by Policy 3.05 have now been addressed. Moreover, Policy 3.05 does not apply to the approval of a coastal development permit for a house. No substantial issue is raised because Policy 3.05 does not apply to the approval of a coastal development permit for a house. Therefore, the City action is not inconsistent with Policy 3.05 and no substantial issue is raised.

#### **7. Measure F (Water Conservation)**

Appellants allege a "[f]ailure to fulfill the mandate Measure "F" . . . concerning compliance with water conservation requirements."

Measure F was an initiative passed by the voters of Morro Bay in 1984. Only two of Measure F's 10 sections, sections 3 and 4, have been certified by the Commission as LCP amendments. Section 3 governs the maximum number (77) and mix (multi-family and single family) of residential building permits that can be issued each year. Section 4 limits the amount of water for commercial and industrial building permits to no more than 130 percent of the residential allocation.



Section 3 potentially affects the appealed house in that the City can issue no more than 77 residential building permits per year. Thus, a building permit for the house would not be issued if it would be building permit number 78. However, the City action that has been appealed is the approval of a coastal development permit, not a building permit. Section 3 does not apply to actions on coastal development permits. Therefore, no substantial issue is raised by this element of measure F. Staff does note, though, that as of this writing, the City of Morro Bay has issued 14 single family dwelling building permits for the year to date, and that 42 more are in process, including 11 for single family dwellings in the Cloisters subdivision. The first dwelling in the Cloisters subdivision received the fifth building permit for the year.

Section 4 limits the amount of water that commercial and industrial building permits require to no more than 130 percent of the residential allocation. The appeal concerns a single family dwelling, not a commercial or industrial building. Section 4 does not apply to the approval of a coastal development for a house. Therefore, no substantial issue is raised by this element of measure F.

#### **8. Non-LCP Issues Raised by Appellants**

The appellants' state as additional reasons for their appeal the following issues, which do not involve the LCP:

##### **a. Cloisters Subdivision Condition D3(f) (Finished Grade)**

Appellants allege that the City's approval of this single family dwelling "fail[s] to comply with Condition D3(f) Tract Tract 1996 (Cloisters) which conditions govern the grading of the property."

This City condition of the Cloisters subdivision required finished grade to not exceed the minimum needed for flood-proofing and to not exceed the finished grade as shown on the 1991 City-approved grading plan. The requirement is also reflected in condition 3a of the Commission's 1992 approval of the subdivision, which states in part:

Finished grade shall not exceed the minimum elevation necessary to flood-proof future residences nor shall it exceed finished grade as shown on the grading plan for the project approved by the City of Morro Bay on December 9, 1991 (see Exhibit 4).

The issue raised here is really one of condition compliance with specific terms of the Coastal Development Permit issued for the subdivision. If the grades and house elevations were inconsistent with the conditions of the subdivision, an enforcement action, rather than appeal would be the appropriate procedure for redress. No LCP policy or Coastal Act public access issue is raised by this claim. However, staff notes that the City engineer has stated in the public record that the finished grade is consistent with condition 3a. Moreover, as discussed earlier, Commission staff have reviewed the as-built grading plans signed by the City's engineer and have not found any inconsistency with the grading plans originally approved. Nor does finished grade exceed the minimum elevation necessary to flood-proof future residences. No evidence, such as a survey, has been presented to indicate that grades are inconsistent with the

subdivision approval. See Finding 2 above, for discussion of grading issues related to potential visual impacts.

**b. Measure I**

Measure I limits the amount of savings from retrofitting that can be allocated to a new use to no more than one-half of the savings. Furthermore, Measure I prohibits the City from allocating water to a new use based on water savings derived from projects performed by the City or on City managed property; projects that had previously earned water saving credits; replacement of City water pipes; and mandated projects or measures (such as forced rationing of water use or compulsory retrofitting of private property). Measure I also defined the word "project" to mean ". . .any measure, act, process or procedure by which the consumption of potable city water may be assumed, or expected, to decrease and thereby legally permit the allocation of city water to new use." Measure I is not certified as part of the LCP, although it is proposed for certification in pending LCP amendment 1-97. Because Measure I is not currently part of the LCP, it is not a valid grounds for appeal. Thus, no substantial issue is raised by this claim. Staff notes, however, that the City's approval complies with Measure I.

**9. Conclusion**

None of the issues raised by the appellants are substantial issues in terms of consistency with the certified LCP. In fact, most of the issues raised are the same issues that were raised on the appeal of the Cloisters subdivision. The subdivision, as conditioned by the Commission, was found to be consistent with the LCP. The as-built grading plans are consistent with the Commission's approval. The house is consistent with the height limits imposed by the Commission. Overall, the Commission finds that no substantial issues are raised by the appeal.

**NOTE: See A-3-MRB-98-37 for the following additional relevant attachments:**

- Findings and Conditions for A-4-MRB-91-44**
- Complete Final Local Action Notice**

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
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(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200

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APR 24 1998



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Warren Dorn P.O. Box 601 Morro Bay, CA. 93443 (805) 772-8414  
~~Ned Rogoway 150 Formosa Morro Bay, CA. 93442 (805) 546-9300~~  
~~D.J. Funk P.O. Box 6291 Los Osos, CA. 93412 (805) 528-0632~~  
~~Bernie Melvin 2998 Elm A. Morro Bay, CA. 93442 (805) 772-4979~~  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: city Of Morro Bay

2. Brief description of development being appealed: single family house, two story (25 feet high)

3. Development's location (street address, assessor's parcel no., cross street, etc.): 2233 Emerald Circle 0650388-045

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: xx

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

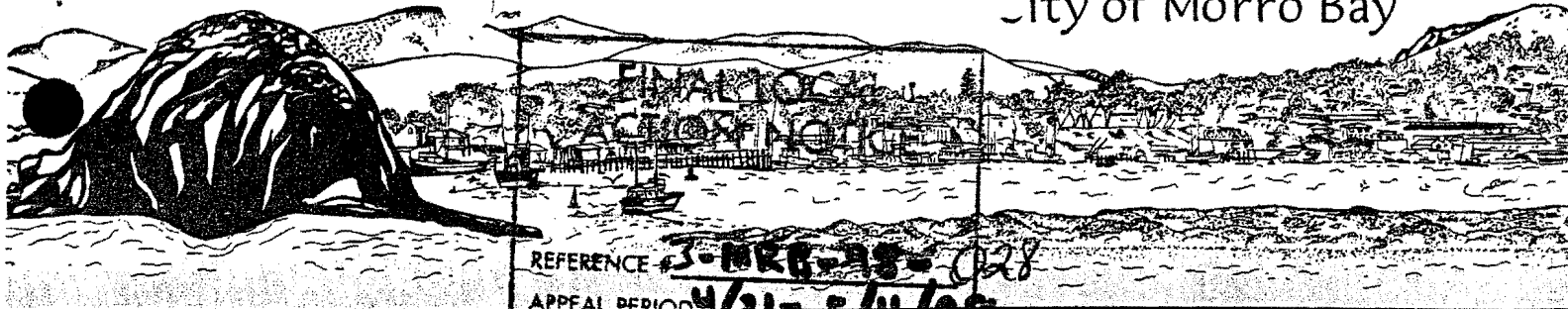
TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MKB-98-038

DATE FILED: 4/24/98

DISTRICT: Central Coast

Ex1  
A-3-98-38



REFERENCE # 3-MRB-98-028  
APPEAL PERIOD 4/31-5/4/98

PLANNING & BUILDING DEPARTMENT • 595 HARBOR STREET MORRO BAY, CALIFORNIA 93442 • 805-772-6210

**PLANNING AND BUILDING DEPARTMENT**

**NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT**

**NOTICE OF FINAL CITY ACTION**

on Coastal Development Permit No. CUP 30-97(Precise Plan)CDP 77-97R

The Following project is located in the Morro Bay Coastal Zone and a Coastal Permit Application has been acted on by the City.

**RECEIVED**

Applicant: Keyoto Morro Bay % Bruno Bosio

APR 20 1998

Address: 1685 Tanglewood, SLO CA 93401

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Project Description: Construct a new 2,040 square foot two story residence with a 484 square foot garage.

Project Location 2233 Emerald Circle

APN No. 065-388-045 Lot Area: 6,645 sq.ft.

Zoning: MMR/CCR/GC/PD

LUP/General Plan: Mixed Use Area G

Filing Date: 1/31/98 Action Date April 13, 1998

Action By: CITY COUNCIL Action Taken: DENIED APPEAL AND UPHELD PLANNING COMMISSION ACTION

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

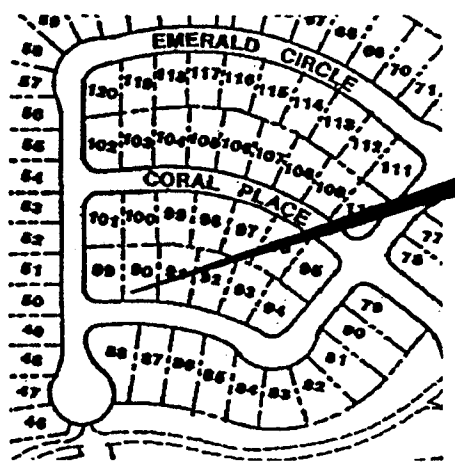
THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. Any 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, Ste, 300, Santa Cruz, CA 95060, Phone: 415-427-863

Ex 2  
A-3-98-38

**BUILDING SUMMARY**

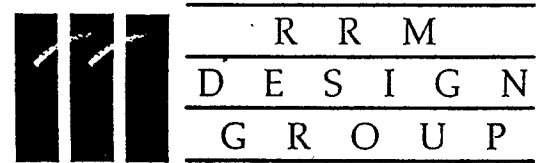
SITE AREA:	6,845 SF	EXHIBIT A
USE:	Single Family Residence	
OCCUPANCY:	R-3	
CONSTRUCTION:	Type V-N, Sprinklered	
NUMBER OF STORIES:	Two	
BUILDING AREA:	Conditioned Space 2,040 sf	
	Non-conditioned Garage 484 sf	
HEIGHT RESTRICTION:	25'	
LOT COVERAGE:	28%	



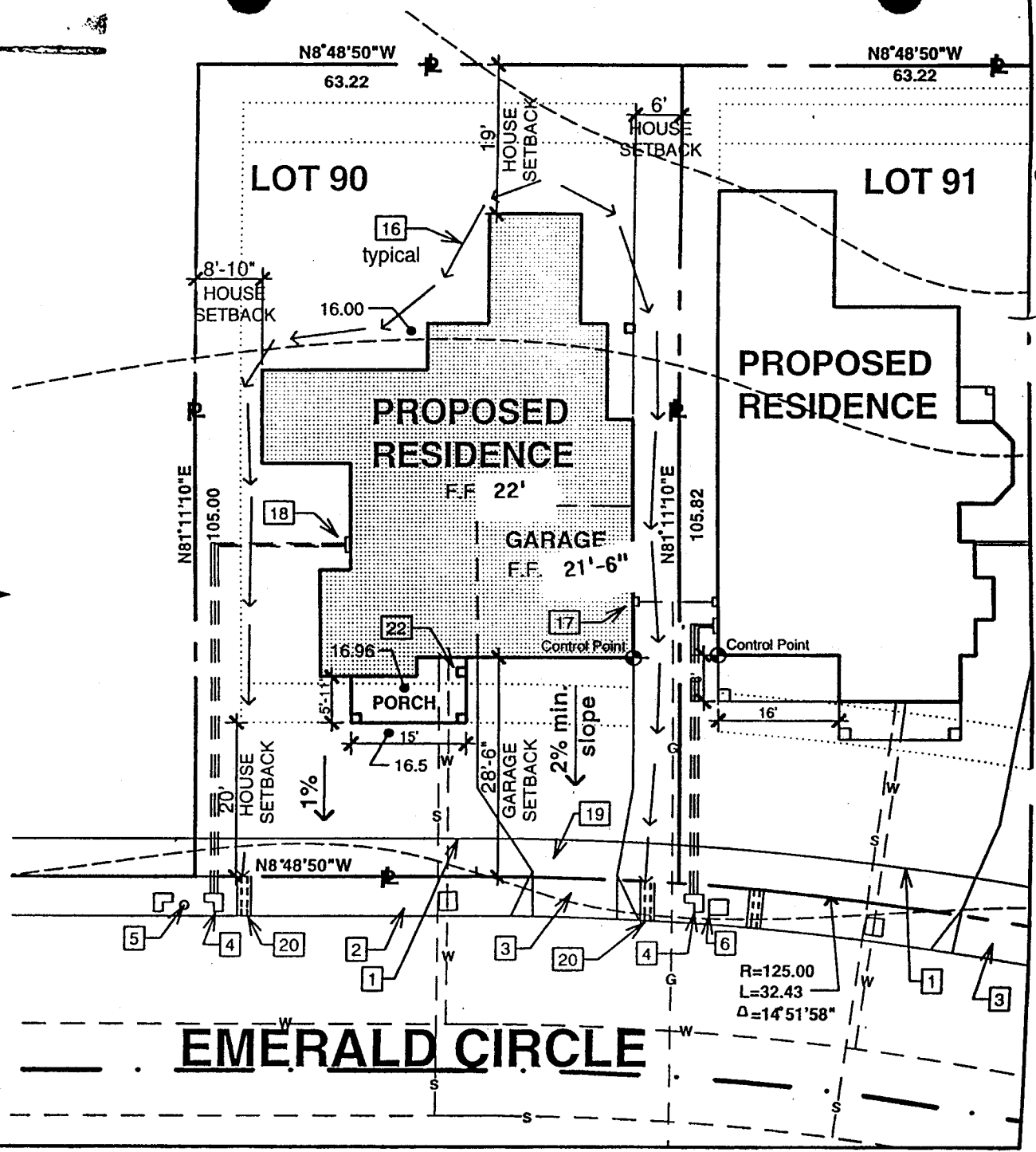
PROJECT SITE  
SCALE: NTS



*the Cloisters*  
Plan 3a- Lot 90  
2233 Emerald Circle

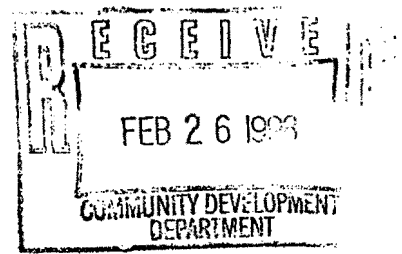


Architecture · Planning · Engineering · Interiors · Landscape Architecture  
3701 SOUTH HIGUERA STREET, SAN LUIS OBISPO, CALIFORNIA 93401 (805) 543-1794  
Victor Montgomery Architect - Lic. Number CA 11049



EXD, #2 A-3-98-3

2233 EMERALD



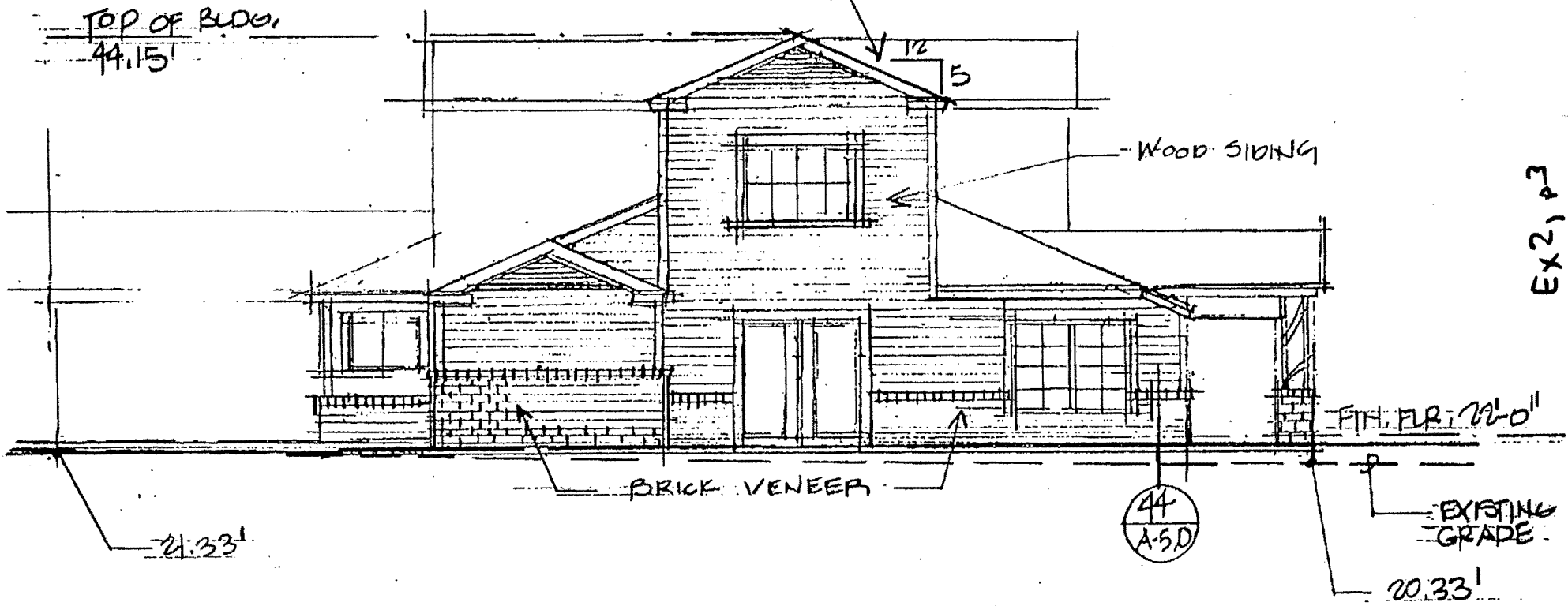
### Roof Height Compliance

$$\frac{\text{Low} + \text{High}}{2} = \text{Avg.} + \text{Max. Height} = \text{Max. Elev. Of Roof Top}$$

$$\frac{21.33' + 20.33'}{2} = 20.83' + 25' = 45.83'$$

MAXIMUM BLDG. HEIGHT 45.83'

TOP OF BLDG.  
44.15'



EX 2, P 3  
A-3-98-38

**SOUTH ELEVATION** Scale: 1/8"

02/26/98 11:10 0805 /81 6196 KKM DESIGN \*\*\* CITY OF MUKKU BAY 0006

