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STAFF REPORT: PERMIT REVOCATION REQUEST

APPLICATION NUMBER: **R-A-3-MRB-03-043**

APPLICANT: **CALIFORNIA DEPARTMENT OF STATE PARKS (DPR)**

PARTY REQUESTING
REVOCATION: **CITY OF MORRO BAY**

REASON FOR
REQUEST: The City of Morro Bay is requesting that Coastal Development Permit A-3-MRB-03-043 be revoked on the basis that DPR intentionally provided inaccurate, erroneous or incomplete information to the Commission related to notice requirements, historic resources, sensitive species, tent camping, coastal view impacts, tree removal, Day Use Area impacts, and inconsistencies with the parks' General Plan.

PROJECT LOCATION: **Morro Bay State Park, Morro Bay, San Luis Obispo County**

PROJECT DESCRIPTION: Rehabilitation of an existing campground including realigning campsites and entrance station, rehabilitating and retrofitting 3 comfort stations to ADA compliance, removal of non-native trees, and restoring campground area with native trees and vegetation.

COASTAL PERMIT
DECISIONS: Denied by City Council on March 10, 2003; Approved on appeal by the Commission on June 12, 2003.

FILE DOCUMENTS: City of Morro Bay Certified Local Coastal Program (LCP); City of Morro Bay CDP Application File 39-02R; City of Morro Bay Revocation Request File (February 6, 2004); Morro Bay State Park General Plan (June 1988); Appeal File A-3-MRB-03-043.



California Coastal Commission

March 18, 2004 Meeting in Monterey

Staff: M. Watson Approved by: *SM 2/26/04*

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the revocation request be **denied** for the reasons given below. Section 13105 of the Commission's regulations state that the grounds for the revocation of a coastal development permit as follows:

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;
- (b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application.

Staff recommends that the revocation be **denied** because, there is no evidence to support the contention that the applicant (DPR) intentionally mislead the Commission by offering inaccurate / incomplete or erroneous information or that the notice requirements were not met. The City allegations and Commission staff responses are summarized as follows:

1. City Contends: The notice of Commission meeting on the appeal was inadequate.

Staff Response: Noticing was adequate. DPR provided notice consistent with CCR section 13111 (c) to all interested parties for which there was the appropriate address information. Furthermore, the Commission obtained copies of the meetings minutes at the City's Planning Commission and City Council hearings along with the written correspondence received during the EIR planning phase of the development. The major issue areas raised in these documents were addressed in the Coastal Commission's staff's report and where necessary by the special conditions of the Commission's approval. The revocation request does not explicitly state how the alleged noticing failure may have affected the Commission's approval.

2. City Contends: The historic significance of the park was not accurately characterized.

Staff Response: No evidence was provided that indicates DPR intentionally withheld information regarding historical significance of the park. The applicant submitted a draft EIR that identified park resources as having potential historic significance. Though Morro Bay State Park and many of its associated resources have not yet been designated as a historic resource, they remain eligible for such designation at both the state and federal level. Mitigation measures have been proposed that would preserve the integrity of the campground resources during the renovation and were incorporated in Special Condition 7 of the Commission approved staff report.

3. City Contends: DPR intentionally mislead the Commission with respect to the presence of special status species.

Staff Response: No evidence was provided that shows DPR intentionally withheld information regarding the presence of special-status species. The applicant identified the presence of



special status or sensitive species within the larger state park unit and conducted site-specific surveys to determine whether their habitat extended to the project site (i.e., campground). Based on information provided by the applicant's representatives and the resident parks resource ecologists, Special Conditions 2 – 5 were placed on the permit approval that adequately protects those species found within the boundaries of the approved development envelope both during and post-construction.

4. City Contends: DPR intentionally mislead the Commission with respect to impacts on the amount of tent camping associated with the renovation.

Staff Response: DPR supplied accurate information on the amount of tent camping. The applicant provided plans detailing the renovation of the campsite parking spurs including expanding the parking sites to allow for multiple vehicles, vehicles with trailers, and larger recreational vehicles. Though the renovation would allow for larger vehicles, it does not expand the number of recreational vehicle hook-up sites or preclude traditional tent camping. The Commission found the renovation project consistent with the public access and recreation / visitor-serving policies of the Coastal Act and certified LCP as submitted.

5. City Contends: Impacts on coastal views were not adequately characterized.

Staff Response: DPR staff supplied accurate information regarding impacts on coastal views. The Commission was aware of the ongoing maintenance activities and tree removal approved by the City under a different permit application occurring at the Park. The submitted plans for the subject project indicated there would be a minimal amount of structural development in the campground (i.e., modest bathroom facilities and entrance station) ensuring that views to and along the coast would be preserved and enhanced.

6. City Contends: DPR provided inaccurate information on tree removal.

Staff Response: There is no evidence to support contention that DPR intentionally provided inaccurate information on tree removal to the Commission. Statements made to the Commission by the applicant provide an accurate count of the numbers of trees to be removed during construction and the amount of tree canopy that will be preserved based on the proposed project plans. Even if there were intentional misstatements, it would not have affected the Commission's decision because the approved project included special conditions protecting sensitive habitat along with proposed mitigation to replant approximately 1,200 trees from a palette of native species. Statements made by the applicant characterizing the tree removal as occurring primarily in the rear of the campground and in the windrow are accurate.

7. City Contends: DPR withheld information regarding the Day Use Area renovation.

Staff Response: The City's request to revoke coastal permit A-3-MRB-03-043 on the basis that inaccurate, erroneous or incomplete data was provided to the Commission with respect to the development of the Day Use area is in error, because this project was evaluated and approved by Commission under a separate action.

8. City Contends: DPR intentionally mislead the Commission regarding project consistency with the Morro Bay State Park General Plan.

Staff Response: There is no evidence that DPR mislead the Commission with respect to the project's consistency with the policies contained in the Morro Bay State Park General Plan. The



Plan was approved by the City of Morro Bay in March 1988 and formally adopted by Parks in June 1988. The various elements of the Commission-approved project are contained in the General Plan.

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Exhibits

1. Location Maps
2. The City of Morro Bay Revocation Request
3. Adopted Staff Report (A-3-MRB-03-043)
4. Correspondence

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission grant revocation of Coastal Development Permit No. A-3-MRB-03-043.*

STAFF RECOMMENDATION OF DENIAL: *Staff recommends a NO vote on the motion. Failure of this motion will result in denial of the request for revocation and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.*

RESOLUTION TO DENY REVOCATION: *The Commission hereby denies the request for revocation of the Commission's decision on coastal development permit No. A-3-MRB-03-043 on the grounds that there is no:*



- (a) *intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application; where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application; and*
- (b) *failure to comply with the notice provisions of § 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application.*

II. FINDINGS AND DECLARATIONS

A. Project Location

Morro Bay State Park is located in the City of Morro Bay, San Luis Obispo County, California. The park is comprised of two large adjacent parcels, the Morro Rock Natural Preserve and the main park, totaling approximately 2,700 acres. The campground is located in the main park and is generally bound by the City of Morro Bay to the north, undeveloped open space to the east, and Morro Bay to the south and west. Morro Bay State Park lies directly along the shoreline of Morro Bay. The Park includes both highly developed recreational areas (e.g., golf course and marina) and relatively pristine natural areas with high habitat values (e.g., Black Hill, Chorro and Los Osos Creeks, and the Morro Estuary Natural Preserve). Habitat communities of the park include coastal sage scrub, wetland, coastal marshlands, coastal dunes, Monterey pine forest, blue gum eucalyptus forest, and mixed exotic species forest. Unlike the pristine areas identified above, the natural environment of the campground has been greatly modified over time. Most of the vegetation has been introduced and is non-native to the area. Examples of the tree species introduced to the park include eucalyptus, Monterey pine, Monterey cypress, and assorted shrubs.

B. Project Description

The conditionally-approved development consists of a campground rehabilitation including: improving and realigning the campground loop roads, paving parking spurs, constructing three new combination restroom-shower facilities, and relocating the entrance station. Campsites will be given amenities such as tables, cupboards, barbeque pits, and facility hookups. Existing Civilian Conservation Corps park furniture and buildings will be retained and used in the reconfigured campground. Campground paths, restrooms, and shower facilities will be made ADA compliant. To allow more light to penetrate onto the campground floor and to facilitate the campground loop road realignment and parking spurs, DPR proposes to remove 74 mostly non-native, invasive trees. Tree removal will be mitigated by planting approximately 1,200 trees and shrubs taken from a palette of native species. The site of the existing entrance station will be revegetated with trees and shrubs and a series of retention basins will be placed around the campground to filter and infiltrate storm water runoff.

C. Permit Activity

The Morro Bay State Park renovation project has a fairly long project history. The Commission reviewed and approved the Day Use Area segment of the Morro Bay State Park renovation on November 7, 2002. Renovation of the day use area was segmented because it was located



within the Commission's retained permitting jurisdiction. The campground renovation, which is the subject of this revocation request, was reviewed and approved by the City of Morro Bay Planning Commission on January 6, 2003. On January 16, 2003, within the prescribed 10-day appeal period, the Planning Commission's action was appealed and the appeal was upheld at the City Council meeting of March 10, 2003. On March 21, 2003, within the 10-day appeal period, the applicant filed an appeal of the City's action [to deny the project] to the Commission. At the June 12, 2003 public hearing on the appeal, the Commission found a substantial issue existed with respect to the project's consistency with the certified local coastal program and voted to approve the project with special conditions.

D. Revocation Issue Analysis

The Commission may revoke a permit if it finds that inaccurate, erroneous, or incomplete information was intentionally presented by the applicant (in this case, the Department of Parks and Recreation) *and* that complete and/or accurate information regarding the coastal development permit application would have caused the Commission to require additional or different conditions on a permit or deny the application altogether.

Similarly, grounds for revocation exist if there was a failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission *and* could have caused the Commission to require additional or different conditions on a permit or deny an application.

Staff evaluated the merits of the revocation request by analyzing existing file materials, consulting with the applicant, the City of Morro Bay Planning Department and City Council officials, and listening to the tape recording of the Commission hearing on the proposal.

1. Notice Requirements

The City of Morro Bay is requesting the Commission revoke coastal permit A-3-MRB-03-043 on the basis that the applicant did not adequately notice the property owners within 100 feet of the perimeter of the property on which the development is proposed pursuant to Sections 13054 and 13063 of the California Code of Regulations. The City contends no notices were sent to the residences or owners of parcels of property within 100 feet of DPR's project or to the thirty (30) individuals who spoke at the Planning Commission and City Council meetings on the project. The revocation request maintains the Commission and the City violated the notice requirements of the Coastal Commission's regulations and therefore, the Commission and the Executive Director must immediately revoke the permit.

The City's grounds for revocation based on inadequate noticing reflect a glitch in the California Code of Regulations (CCRs). Section 13105 of the CCRs, Grounds for Revocation, state a failure to comply with the noticing requirements of Section 13054 of the CCRs provides grounds for revocation. Section 13054 provides the notice requirements for coastal development permits issued by the Coastal Commission for projects within an uncertified local area or within the Commission's original permitting jurisdiction. Section 13054 requires the applicant to provide notice to the addresses of all residences and all owners of property located within 100 feet of the perimeter of the real property of record on which the development is proposed. It also requires the applicant to notice all persons known to be interested in the application including those that testified or submitted written comments for the local hearings.



The regulations governing the grounds for revocation based on notice did not envision or failed to account for an entire class of coastal development permits that are subject to revocation: appeals. As in this case, the approved development was brought to the Commission on appeal and the notice requirements for appeals are slightly different than those for regular coastal development permits. Legally, the Commission can only require applicants to follow the notice requirements that apply to them. The notice requirements for applications brought on appeal to the Commission is contained in section 13111 of the CCRs. Section 13111 requires the appellant to notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal.

§ 13111. Filing of Appeal.

(c) The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission.

In this particular case, the appellant and the applicant are one and the same, so no notice to the applicant is necessary. DPR provided notice to the City of Morro Bay and thus, there is only the question of whether adequate notice was provided to other interested parties. The California Department of Parks and Recreation (DPR) application included a list of 13 known interested parties who had written to DPR and for which they had contact information. Only half of the submitted names had actual mailing addresses, the other half provided email correspondence. The application materials also indicated that roughly 30 persons testified at the City Council appeal hearing, but that address information for these individuals was unavailable because the City does not require attendees/speakers to provide mail addresses. In its January 6, 2003 staff report, the City of Morro Bay Planning Commission indicated that all property owners of record within 300 feet of the subject site had been notified –though the names and address information were not forwarded along with the administrative record. Staff did obtain the meeting minutes from both the Planning Commission meeting and the City Council appeal hearing, which contained the names and corresponding public comments on the proposed project. In addition, the appellant/applicant provided a copy of the written comments received on the Draft EIR and the comments received at the public meeting on the Draft EIR. Again, not all of the written correspondence received contained address information. Commission staff made an effort to notice all interested parties, for which a mailing address was available of the public hearing on the appeal.

Assuming for a moment that the grounds for revocation of appeals were based on compliance with the appropriate notice requirements (i.e., §13111), the question remains, would have additional public notice resulted in testimony or correspondence that could persuade the Commission to attach different or additional conditions or deny the application? In this case, it is unlikely that the views of persons not notified would have had an effect on the Commission decision since the main concerns / issue areas had been raised and received via written and oral comment on the draft EIR and at the local Planning Commission and City Council meetings. These comments/ concerns were made known to the Commission prior to the preparation of the staff report and were incorporated into staff's evaluation and recommendation to the Commission on the application. Additionally, the City's request for revocation does not specifically mention any new information or evidence from persons not



notified and thus, it is unlikely that the additional noticing would have resulted in additional relevant information that may have required further Commission action.

Therefore, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information that would have caused the Commission to require additional or different conditions of approval or to deny the application.

2. Historic Resources

The City lists as grounds for revocation, misinformation regarding the historic status of Morro Bay State Park (MBSP) campground and the surrounding resources (i.e., campground picnic tables, bathrooms, and Eucalyptus windrows). As an example of the inaccurate or erroneous information, the City identified an MRSP Campground Renovation Archeological Mitigation and Monitoring Plan, which concluded that the campground was not listed on either the National or State Register of Historic Resources and that the park lacks the requisite integrity for eligibility to either. Refuting the claims of the Mitigation and Monitoring Plan, the City provided a historic assessment (Morro Bay State Park: "Inventory and Eligibility Assessment," Schultz et al., April 15, 2000) that concluded the Park *is* eligible for inclusion in the National Register of Historic Places. Accordingly, the City indicates that the campground is eligible for registration as a State Historical Landmark and by extension, that the campground *is* a historic resource of the State. The basic gist of the City's claim is that DPR withheld information and mislead the Commission regarding the historic status of the MBSP campground, and, as a result, the permit should be revoked.

The staff report to the Commission did not contain findings on historic resources because the certified LCP does not 1) identify historic resources as coastal resource, and 2) the LCP does not provide for specific protection of historic resources in Morro Bay State Park. Nevertheless, the information the City purports was withheld from the Commission was provided in the Draft EIR, which referenced the Schultz et al., study. The Draft EIR came to the same conclusion as the Schultz assessment that aspects of the Park are eligible for the National Register of Historic Resources and that the campground furniture, a combination building, a comfort station (bathroom), and even some trees are contributing elements to the Park's historical status. As noted in the Schultz assessment and the Draft EIR, the combination building is the most outstanding contributing element. DPR's proposal included retaining this feature in order to avoid destruction of this potential historic resource. Similarly, in order to avoid the loss of integrity associated with other potential historic elements, the Draft EIR includes a mitigation measure to retain 90% or more of the existing campground furniture (tables, stoves, etc). Retention of the campground furniture is seen as a feasible means to maintain the Park's eligibility for the National Register.

With respect to historic trees, it is difficult to determine which trees would be considered as contributors. The Schultz et al., assessment merely states that the row of eucalyptus that "frame" the campground to the south and west could be considered historic. DPR proposed to remove several trees within the windrows for the construction of the new campground entrance and virtually no trees along the southern perimeter. The EIR evaluated the tree removal and the proposed mitigation and concluded that it even with the tree removal, the historical context of the site would not be compromised.

The information provided by the applicant indicates that Morro Bay State Park may be eligible for designation as a historic resource in the National Register. The approved campground



renovation with associated mitigation, is sufficient to maintain the context of the Park setting and to maintain eligibility for the National Register of Historic Resources. Furthermore, there is no evidence to show that DPR hid the information contained in the Schultz et al. report as it was included in the Draft EIR.

Therefore, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information that would have caused the Commission to require additional or different conditions of approval or to deny the application.

3. Endangered Species

The City contends that the applicants provided misinformation on two special status species, the Morro Shoulderband Snail (MSS) and raptors. The City maintains that DPR intentionally omitted data regarding the existence of MSS within the development envelope and failed to follow U.S. Fish and Wildlife protocol surveying standards for identifying this species. With respect to raptors, the City contends that DPR representative, Greg Smith, intentionally misled the Commission at the project hearing by stating that there were no raptors nesting in the park.

In the first instance, information was provided by DPR with the application materials to indicate that three MSS shells had been found within the larger state park unit but outside the development envelope (i.e., campground). State Parks Resource Ecologist, Vince Cicero, provided written correspondence suggesting that habitat suitable for MSS did not exist inside the campground area and that the absence of the species could be attributed to the "paucity of understory vegetation due to the presence of mature eucalyptus and other introduced tree species." The Morro Shoulderband snail occurs in coastal dune and scrub communities. Mr. Cicero's correspondence further stated that "soil disturbance and compaction resulting from decades of intensive visitor use have long since precluded any chance of survivability of snails or potential habitat within the campground." Noting that DPR is the lead agency on the project and the agency responsible for actively protecting and managing the habitat for special-status species, the agency performed additional surveys of the development site to determine if the MSS was living in the park. Commission staff was informed that additional surveys failed to uncover any evidence of live snails or shells within the campground or vicinity. Relying on the information provided by DPR in-house experts, the Commission determined that additional mitigation measures and/or special conditions were not necessary.

The City maintains that the Morro Shoulderband snail surveys prepared by Parks personnel did not conform to USFWS protocol and thus were unlikely to uncover evidence of their existence. They contend that the surveys were conducted in dry weather conditions when the USFWS protocols specifically require they be performed in the rain or immediately following a rain.

Staff notes that during and after rains is the best opportunity to find live specimens, but it has no effect on finding other evidence of snail presence such as the existence of snail shells. The Department of Parks and Recreation surveyed the site once per week over a period of 5 weeks and found no evidence, live or shell remains, of the Morro Shoulderband snail in the campground area. Meaning, regardless of whether it had rained prior to surveying the site, if the Morro Shoulderband snail had been living in and around the campground area, there would have been evidence in the form of shell remains. Again, the absence of any evidence of the snail is primarily attributed to degradation of habitat and ongoing disturbance within the campground. In any event, the allegation that DPR did not follow USFWS protocols regarding surveys for the snail is not a basis for revocation. The basis for revocation is narrow and



directed to the issue of whether the applicant intentionally misled the Commission on an important fact. The revocation procedure is not an opportunity to revisit how research relevant to an issue was conducted.

The City also claims that the Department intentionally misled the Commission regarding the absence of raptor nests in the Park. At the time of the Commission hearing, Park representative, Greg Smith, stated that there are no nesting raptors in the Park. It is not known if there were raptors at the time the statement was made or if there has since been nesting activity as suggested by the City of Morro Bay. Nor is there any evidence that Mr. Smith knew there were nesting raptors and chose to tell the Commission otherwise. In any case, even if erroneous information was given, it would not affect the Commission decision because the Commission-approved project included a special condition that requires monitoring for nesting birds. Prior to removal of any trees, pre-construction surveys shall be performed and if active raptor nests are found within 500 feet of trees proposed for removal, no tree removal will occur in these areas during the nesting season (i.e., between March and August). Further no trees shall be removed if they contain nests that have been or could be occupied in the future by species that are known to return to their nests season to season. In accepting the conditions of approval, the Department of Parks and Recreation has agreed to continue to monitor the Park for nesting raptors and avoid removal or disruption of the nests and nesting raptors as required by the conditions of its permit.

As such, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information supplied by the applicant that would have required additional or different conditions of approval or required the Commission to deny the application.

4. Tent Camping

The City of Morro Bay contends that the applicant misled the Commission with respect to changes in the configuration of the Park and the associated impacts on tent camping. The City's claim stems from a statement made at the Commission hearing by the project manager, Jim Quayle, that the project would not impact tent camping and that most of the parking spaces would be less than 35 feet. The City argues that with the park renovation, only 5 spaces will be dimensioned for car-tent campers (i.e., 25 feet) and that the new park orientation would permit a lifting of the size limit on recreational vehicles.

At the June 12, 2003 Commission hearing, in responding to a question from the Commission, Mr. Quayle stated that "most of the parking sites will be less than 36 feet." This is a true statement. The Department of Parks and Recreation submitted project plans with the proposed campground realignment and creation of paved parking spurs. Staff noted in its June 12, 2003 report to the Commission that Morro Bay State Park had 135 existing overnight campsites but only 20 paved parking spurs. The primary goals of the renovation project were to improve year-round use, protect natural resources, and prevent soil compaction by providing each of the remaining 115 campsites with its own designated parking. The majority of the sites are dimensioned at 35' or less. Staff inquired about the size of the parking spurs and was told that the additional size (e.g., 35 and 45 feet) was needed to allow parking for two vehicles per campsite and/or to accommodate vehicles with trailers, but that in no case would the number of tent camping sites be reduced. Similarly, DPR informed staff that widening of the campground loop roads and lengthening of the parking spurs will facilitate larger recreational vehicles up to 45 feet in length, but that the number of recreational vehicle hookups will not be expanded beyond the existing number. In any case, there is no evidence to suggest that DPR intentionally



withheld information on the amount of tent camping or the size of the proposed parking spurs with the renovated campground alignment as it was provided with the application materials, and accurately represented to the Commission at the appeal hearing.

Therefore, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information given by the applicant, that if correct or complete information had been supplied, would require additional or different conditions of approval or require the Commission to deny the application.

5. Coastal Views

The City lists as potential grounds for revocation false and incomplete information on coastal viewshed impacts. The request states, " based on information supplied by DPR, the staff report to the Commission indicated that the campground and day use improvements would not be visible from [South Bay Boulevard] because they were screened from view by vegetation." It points out that several trees had been removed along the bayfront and that the campground is in full view.

DPR provided to the Commission the project plans and associated mitigation for review prior to the Commission hearing on this item. Commission staff was aware of the previous permits issued to DPR approving the removal of trees along the bayfront and determined that due to distance and vegetation cover, the project would not be visible from State Highway 1 or from South Bay Boulevard. DPR staff supplied accurate information regarding tree removal and revegetation in the area. Based on that information Commission staff concluded that there would be no significant adverse impacts on coastal views to and along the coast. Thus, there was no inaccurate, erroneous, or incomplete information provided by the applicant.

Therefore, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information given by the applicant, that if correct or complete information had been supplied, would require additional or different conditions of approval or require the Commission to deny the application.

6. Tree Removal

The City of Morro Bay contends that false, incomplete, and misleading information regarding the removal of Monterey pines and Cypress trees is grounds for revocation of the coastal development permit. They contend that statements made at the Commission hearing regarding the existing number of trees and the number of those proposed to be cut, intentionally misled the Commission. At the Commission's June 16, 2003 hearing, Parks representative Jim Quayle stated there were roughly 850 trees within the development envelope of the campground and that with the proposed removal of 74 trees, over 91% of the existing tree canopy would remain. He also noted that the majority of tree removal would occur in the rear of the campground and in the windrow near the new entrance station.

The City contends that these figures are inaccurate because trees were cut between the time the campground was surveyed for trees and the Commission hearing. The City has provided a tabulation of the numbers of trees within the campground area as of January 2004, which shows there to be fewer trees than that reported to the Commission. They claim that since the time of the Department's mapping nearly 120 trees have been felled. The implication of this is that the information provided by Mr. Quayle at the Commission meeting was intentionally



inaccurate and intended to mislead the Commission. Further, they argue that if the tree removal approved by A-3-MRB-03-043 is considered, the percentage figures on retained canopy reported by Mr. Quayle to the Commission is also inaccurate and intentionally misleading.

During its review of the appeal, Commission staff was made aware that DPR felled some trees within the project boundary since the area was mapped, in accordance with a permit granted by the City to remove dead, hazardous and unsafe trees for public safety purposes. DPR also felled trees in the Day Use area under a permit granted by the Commission to renovate the day use facilities. Accordingly, Commission staff worked with DPR staff to obtain updated information regarding the number of existing trees and trees proposed for removal, and to provide accurate figures to the Commission on this issue. No evidence has been provided that Parks intentionally provided inaccurate information regarding the number of trees to be removed or the percentage of forest canopy to be retained. Moreover, the alleged discrepancy in tree removal figures would not have affected the Commission's decision because the Commission-approved project includes special conditions protecting the sensitive habitat areas and mitigation measures to replant approximately 1,200 trees and shrubs from a palette of native species. Finally, Mr. Quayle's statements characterizing the tree removal as occurring primarily in the rear of the campground and in the windrow are accurate.

In sum, the information provided by the applicant indicates that there are numerous trees within the Morro Bay State Park campground, most of which will be retained. The approved campground renovation with associated mitigation will protect and enhance park vegetation. Furthermore, there is no evidence to show that DPR intentionally withheld information or misled the Commission.

Therefore, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information given by the applicant, that if correct or complete information had been supplied, would require additional or different conditions of approval or require the Commission to deny the application.

7. Day Use Area

In the summary of contentions, the City broadly contends the applicant submitted inaccurate, erroneous and incomplete information to the Commission in regard to information on the Day Use Area, but didn't follow-up their contention with any specific allegations of incomplete or inaccurate information in the body of the revocation request. They did note that the project had been parsed from the campground renovation project and therefore the full impacts of the "complete" renovation were not considered.

The Day Use Area project was processed separately from the campground renovation because it lies within the Commission's retained permitting authority, whereas the campground renovation fell within the City's permitting authority. In any case, there cannot be any grounds for revocation based on data provided to the Commission for the Day Use Area, because the Day Use Area renovation was not the subject of coastal development permit A-3-MRB-03-043.

8. General Plan Consistency

The final contention of the City is that DPR provided false, incomplete, and misleading information to the Commission regarding consistency with the Morro Bay State Park General Plan. In its report to the Commission, staff paraphrased the applicant's position that the project



is consistent with goals outlined in the Morro Bay State Park General Plan including "reducing invasive exotic plant species in the unit." The City contends that this goal only applies to limited portions of the State Park unit, and excludes the developed area of the campground.

The Morro Bay State Park General Plan was reviewed and approved by the City of Morro Bay in March 1988. Staff referenced the Morro Bay State Park General Plan in its evaluation of the proposed renovation project. Some of the general land use goals envisioned for the campground included:

Renovate or replace all existing campground facilities;

Relocate the entrance station to the west side of the campground;

Remove aging trees and plant understory landscaping to improve privacy between campsites.

The General Plan also provided guidance on protection and enhancement of the local plant communities. In the discussion of vegetation management, the General Plan (GP) found that "the natural plant communities at Morro Bay State Park have been affected by urbanization, road construction, golf course and marina development, and displacement by exotic species." The GP findings conclude that the end result has been reduced numbers and restricted distribution of native species. The associated policy objective indicates, "the department shall work toward restoration and perpetuation of native vegetation at Morro Bay State Park." Similarly, in the findings on Exotic Plant Species, the GP notes, "the perpetuation of native plant communities is dependent on the control and removal of exotic species." The relevant policy statement requires the department to "pursue a long-range objective of controlling or eliminating exotic plants, including hoary cress, Monterey pine, Monterey cypress, eucalyptus, and ice plant, in undeveloped areas of the Park." In the findings on Eucalyptus trees, the General Plan notes that Eucalyptus are present adjacent to the marsh along Lower State Park Road and is reproducing in these areas, displacing the native coast live oak woodland and coastal sage scrub vegetation. It further states that the Eucalyptus understory is relatively sterile and precluding native seedling establishment. The relevant policy statement requires the department to remove Eucalyptus trees and seedlings from these areas and to revegetate with native species. Revegetation is required to be coordinated with tree removal, and tree removal is required to be phased as to avoid disruption of natural, cultural, scenic, and recreational values.

The City is thus incorrect regarding consistency with the General Plan. Further, the Commission was aware of the GP policies outlined above and the contentions laid out in DPR's appeal when it acted on the coastal development permit. Thus, there was no false or misleading information provided to the Commission.

Therefore, Staff recommends that the Commission find there was no inaccurate, erroneous or incomplete information given by the applicant, that if correct or complete information had been supplied, would require additional or different conditions of approval or require the Commission to deny the application.

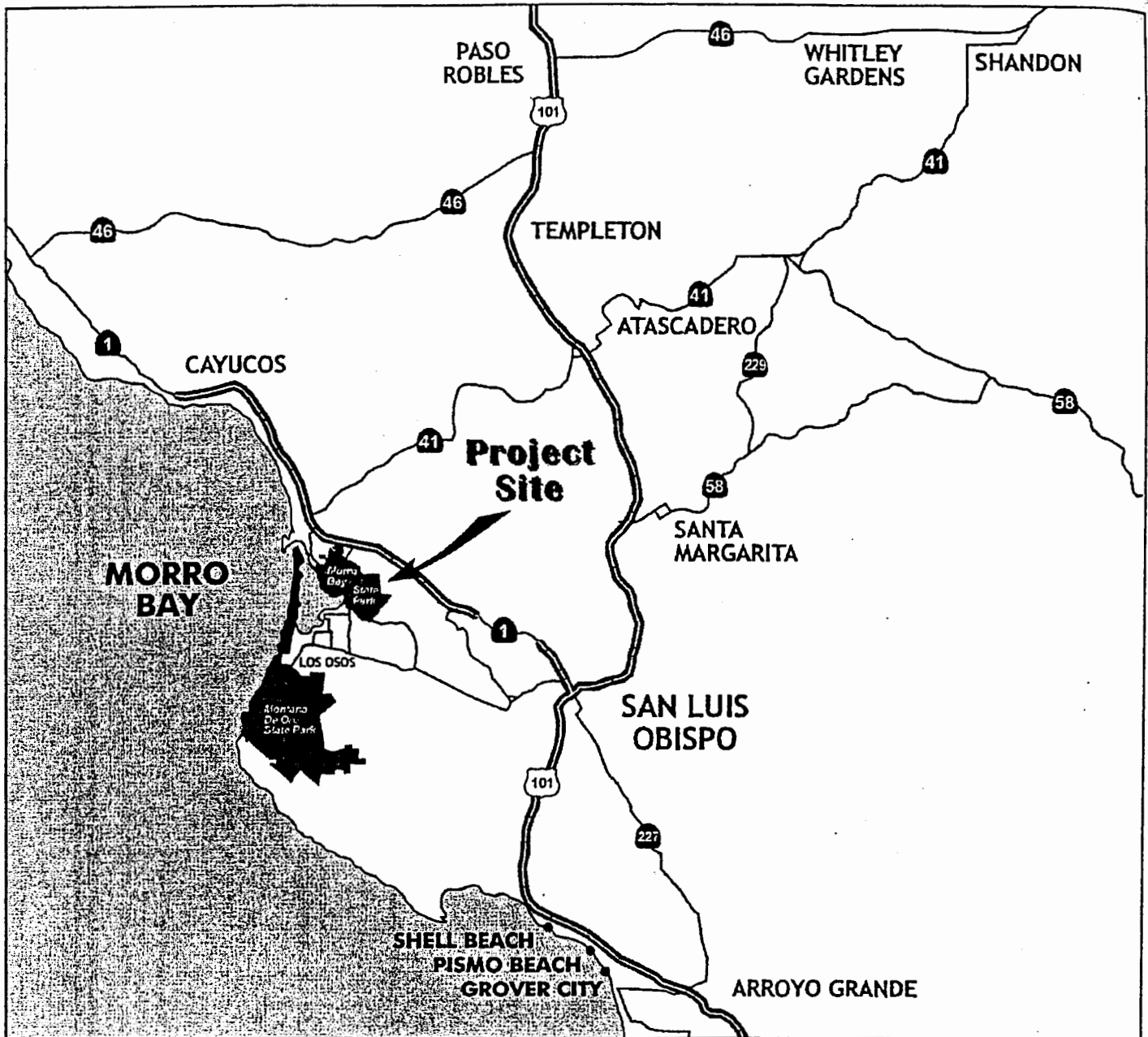


9. Conclusion

Staff has evaluated the City of Morro Bay claim that there are grounds for revocation based on the submittal of inaccurate, erroneous and incomplete information with respect to inadequate noticing, mischaracterization of historic resources, presence of sensitive species, impacts on tent camping, coastal view impacts, tree removal, Day Use area impacts, and consistency with the Morro Bay General Plan. There is no evidence that DPR intentionally supplied misleading or incomplete information or that even if they had, this lack of information or inaccurate information would not have caused the Commission to change their position or deny the project. Likewise, there is no evidence that DPR failed to provide adequate notice or that even if they had, the views of those not noticed would have caused the Commission to change their position or deny the project.

Therefore, the request to revoke Coastal Development Permit A-3-MRB-03-043 is denied.





CCC Exhibit 1
 (page 1 of 1 pages)

Regional Location

MORRO BAY STATE PARK

JN 07052.01 2/01

Source: CCS Planning and Engineering 2001.

EXHIBIT 3-1



EDAW



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

RECEIVED

FEB 09 2004

February 6, 2004

Peter Douglas, Executive Director
California Coastal Commission
Central Coast Division
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Request for Revocation of CDP A-3-MRB-03-043

Dear Mr. Douglas:

On behalf of the City of Morro Bay, please accept this correspondence as a request to revoke Coastal Development Permit A-3-MRB-03-043 issued to California Department of Parks and Recreation ("DPR") on August 6, 2003.

The City of Morro Bay's revocation request is based on subsections (a) and (b) of Section 13105 of the Coastal Commission's regulations. The City will prove the following elements of Section 13105 in order for the Coastal Development Permit ("CDP") to be revoked:

a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

It is the City of Morro Bay's position that the evidence clearly establishes that adequate grounds exist for revocation of Coastal Development Permit A-3-MRB-03-043. Furthermore, the City requests that the Executive Director order the project to stop work pursuant to Section 13107 which provides, in part: "Where the executive director determines, in accordance with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be suspended." In this case, the Executive Director should determine that adequate grounds exist for immediate revocation of CDP A-3-MRB-03-043.

ADMINISTRATION
595 Harbor Street

CITY ATTORNEY
955 Shasta Avenue

FINANCE DEPARTMENT
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero Road

POLICE DEPARTMENT
870 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Avenue

RECREATION & PARKS
1001 Kennedy Way

CCC Exhibit 2
(page 1 of 132 pages)

SUMMARY OF THE CITY OF MORRO BAY'S CONTENTIONS

The City's request for revocation under 14 Cal. Code of Regulations Section 13105(b) is based upon the Coastal Commission's and DPR's failure to comply with the notice provisions of 14 Cal. Code of Regulations Section 13054 and the fact that the persons not notified of the hearing could have caused the Coastal Commission to require additional conditions on the permit or to deny DPR's Application.

In addition, the City's request for revocation under Cal. Code of Regulations Section 13105(a) is based upon DPR submitting inaccurate, erroneous or incomplete information to the Coastal Commission during its application process for a Coastal Development Permit. The contentions raised by this request include the following:

- 1) DPR submitted inaccurate, erroneous or incomplete information to the Coastal Commission in regard to the importance of the historic resources at the campground.
- 2) DPR submitted inaccurate, erroneous or incomplete information to the Coastal Commission in regard to the presence of endangered species and special status raptor species.
- 3) DPR submitted inaccurate, erroneous or incomplete information to the Coastal Commission in regard to whether the project would impact tent camping.
- 4) DPR submitted inaccurate, erroneous or incomplete information to the Coastal Commission in regard to the coastal viewshed impacts.
- 5) DPR submitted inaccurate, erroneous or incomplete information to the Coastal Commission in regard to the removal of Monterey pines and cypress trees.
- 6) DPR submitted inaccurate, erroneous or incomplete information to the Coastal Commission in regard to information on the Day Use Area.

Failure to Comply with the Notice Provisions of Section 13054.

The Coastal Commission and DPR clearly failed to give proper notice of the Coastal Commission hearing on June 12, 2003. On that basis alone, Coastal Development Permit A-3-MRB-03-043 must be revoked.

Section 13063(a) of the Commission Regulations states:

At least 10 calendar days prior to the date on which the application will be heard by the commission, the executive director shall mail written notice to each applicant, to all affected cities and counties, to all public agencies which have jurisdiction, by law, with respect to a proposed development, to all persons who have requested it, and to all persons known by the executive director to have a particular interest in the application, including those specified in section 13054(a).

Section 13054(a) of the Commission Regulations states:

a) For applications filed after the effective date of this subsection, the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of:

- (1) the addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed,
- (2) the addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll, and
- (3) the names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).

Attached hereto as Exhibit A is the Mailing Record for the Coastal Commission Meeting of June 12, 2003 for CDP A-3-MRB-03-043. The Mailing Record states that sixteen (16) notices were mailed out on May 27, 2003. Of the 16 Notices mailed out, six (6) were to DPR officials. Absolutely no notices were sent to the residences and owners of parcels of property within 100 feet of DPR's project.

In addition, no notice was given to thirty (30) individuals who spoke at the City Planning and City Council hearings for the DPR project. Attached hereto as Exhibit B are the minutes for the City Planning Commission meeting and the City Council meeting for the hearing on the DPR project.

At the Planning Commission meeting on January 6, 2003, the following individuals testified: Melody DeMeritt, Colby Crotzer, Lionel Johnson, Betty Winholtz, Nancy Bast, Lynda Merrill, and Jim Wood.

At the City Council Meeting on March 24, 2003, the following individuals testified: Lionel Johnston, Shirley Vega, Colby Crotzer, Hilary Wilke, Isaac Wilke, Roger Ewing, David Nelson, Nancy Dunn, Ken Swincrest, Candace Vittitow, Johanna Ruba, Fran Harrington, Lynda Merrill, Jack McCurdy, Pete Wagner, Patty Dunton, Harold Wright, Rosie DeSantos, Melody DeMeritt, Lynde Owen, Beverly Higgins, George Taylor, Diana Duncan, Yaro Nelson, Mary Green, Gwen Taylor, Grant Crowell, Doug Nells, Nina Litvinoff, and Ken Vesterfelt.

Based upon the Mailing Record for the Coastal Commission Meeting on June 12, 2003, the Coastal Commission and DPR failed to give notice to following individuals who testified at local hearings: Melody DeMeritt, Colby Crotzer, Lionel Johnson, Betty Winholtz, Lynda Merrill, Jim Wood, Shirley Vega, Hilary Wilke, Isaac Wilke, Roger Ewing, David Nelson, Nancy Dunn, Ken Swincrest, Candace Vittitow, Johanna Ruba, Fran Harrington, Jack McCurdy, Pete Wagner, Patty Dunton, Rosie DeSantos, Lynde Owen, Beverly Higgins, George Taylor, Diana Duncan, Yaro Nelson, Mary Green, Gwen Taylor, Doug Nells, Nina Litvinoff, and Ken Vesterfelt.

2
CCC Exhibit
(page 3 of 32 pages)

Clearly, the Coastal Commission and DPR violated the notice requirements of the Coastal Commission regulations when they failed to give proper notice to property owners and residences within 100 feet of the project and to the thirty (30) individuals who testified at the local hearings. On this basis only, the Commission and Executive Director must immediately revoke CDP A-3-MRB-03-043 pursuant to Sections 13054 (e) and 13105(b).

False and Misleading Information on the Historic Status of the Campground.

DPR submitted inaccurate, erroneous or incomplete information to the Commission in regard to the importance of the historic resources at the campground. Coastal Commission staff, in their written and oral report to the Commission, did not even mention the historical significance of campground. The reason is because DPR misled the Coastal Commission. In the "Morro Bay State Park Campground Rehabilitation Construction Phase Archeological Mitigation and Monitoring Plan" (attached hereto as Exhibit C), Elise Wheeler, Associate State Archeologist, reports:

As part of the planning process for the Morro Bay State Park Campground Rehabilitation Project, elements of the campground were documented and evaluated by DPR historians and archaeologists. The purpose of these studies was to determine the campground's eligibility for listing on the California Register of Historic Resources. The campground has undergone a number of modifications in its nearly seventy years of history. It is not currently listed either on the National Register of Historic Places or on the California Register of Historic Resources. In its present condition, *the campground lacks the requisite integrity for eligibility to either* (emphasis added).

This is an inaccurate, erroneous, false statement knowingly supplied to the Commission. This statement by Elise Wheeler does not reflect the findings of the historical surveys. The "Morro Bay State Park: Inventory and Eligibility Assessment" (Schulz et al., April 15, 2000), (Attached hereto as Exhibit D), came to a quite different conclusion than the one Ms. Wheeler attributes to it. The eligibility study concluded:

The Civilian Conservation Corps (CCC) developed the southern part of the campground in 1938-39. This area includes a stone combination building, stone curbing, and picnic tables, and other features – all exemplifying the Park Rustic ideal. The original camp stoves have been lost, but the building and most of the other features retain their historic integrity. *The complex is eligible to the National Register as an excellent example of CCC Park Rustic development.* (Page 2.)

Although some CCC construction apparently survives in at least 28 state parks, the Morro Bay campground is unusual in its surviving integrity. It is also unusual in that (unlike campgrounds elsewhere, set in redwood groves or rugged montane settings) the campground itself was created almost *de novo* as an example of CCC landscape design. The campground is also unusual in the perpetuation of the rustic tradition in the creation of subsequent (post CCC) landscape features that

complement the original construction in peripheral areas. *The campground is significant as an example of CCC park rustic construction, largely intact and with few modern intrusions.* (Page 26.)

Additionally contributing are the stone curbing and the 33 stone picnic tables in the core area. The ten stone tables on the northern periphery can be considered secondary elements, as is also true of the remnants of stone steps and retaining walls that survive from the CCC work immediately south of the road. The rows of eucalyptus that line the south side of the road and frame the west side of the campground are also contributing elements, since they provided a prominent landscape element that delimited the original campground, and that was preserved and maintained by the CCC. (Page 27.)

In the "Morro Bay State Park: Inventory and Eligibility Assessment," Schulz clearly concluded that Morro Bay State Park Campground is eligible for inclusion in the National Register of Historic Places. Therefore, it is also eligible for registration as a State Historical Landmark pursuant to Section 5021, Public Resources Code, and is therefore considered a historical resource of the State of California. As such, the campground is eligible for any and all protections that are afforded historic sites by both state and national statutes, especially those regulations that apply to maintaining the site's historic integrity. Historic integrity is its ability as a resource to continue to convey its historical significance. Clearly, DPR hid this information from the City and the Coastal Commission and misled us into believing that the Morro Bay State Park campground lacked the requisite integrity for eligibility to either the National Register of Historic Places or the California Register of Historical Resources.

For informational purposes, and to establish the significance of the inaccurate and misleading statements by DPR, one only need look at Section 5024.1 of the Public Resource Code that established a California Register of Historical Resources. This is the authoritative guide in California used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

Section 21084.1 of the Public Resource Code addresses the guidelines for historical resources and provides the conditions for their protection. It states:

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to

CCC Exhibit 2
(page 5 of 13 pages)

The DPR project work that has already been done (numerous trees have already been cut down without a permit) and the work that is proposed to continue in March 2004 have had, and will continue to have, an adverse effect on the historic fabric of this historic district. This includes the cutting and permanent removal of trees and other vegetation located within the campground site. The continuation of the present plan will potentially change the site and its objects from an excellent contributing resource reflecting the ideals and planning of the Park Rustic movement and the cultural history of California to a non-contributing resource. This adverse effect should have been considered in the planning and permit phases, as the site had to be assessed for any cultural impact as mandated by Section 5024, Public Resources Code. Unfortunately, it was not considered, due to the inaccurate and misleading information presented to the City and the Coastal Commission.

False and Misleading Information on the Morro Shoulderband Snail and Raptors with Undocumented Destruction of Habitat.

The Final EIR for the project addressed the discovery of the empty shells by saying, “surveys consistent with USFWS protocols will be conducted...following rain events during the winter of 2001/2002, prior to the beginning of construction activity”. Morro Bay’s senior planner asked about the snail surveys at the time the project was under city review. The DPR Resource Ecologist noted that the identity of the three specimens had not been verified and:

The above statement by DPR implies that snails have not been found in the park or in other coastal units. This is not an accurate interpretation and is misleading. Surveys have found live MSS to the north of the Campground at Morro Strand State Beach; to the east, near South

Bay Boulevard; and just to the south, at the Campground marina. The table attached hereto as Exhibit G illustrates that MSS are found throughout the area – including Morro Bay State Park. These survey findings were known to DPR at the time of the City Council and Coastal Commission meetings but were not disclosed.

The Coastal Commission Staff Report presented to the Coastal Commission makes no reference to the likely presence of the endangered Morro Shoulderband Snail. Community representatives asked Coastal Commission staff about the absence of reference to the endangered snail in the report delivered to the Commission. The Coastal Commission staff said they were also told that surveys conforming to USFWS protocols had been completed and that they established that the snails were not present.

A survey may have been done by DPR but it did not conform to USFWS protocol standards. Permitted monitors are required to file the results of presence/absence surveys with the USFWS. The federal office in charge could not find a survey for the campground. On December 3, 2003, the City, under the Public Records Act, requested the surveys from DPR. DPR responded by producing a one-page document which consisted of handwritten notations (attached hereto as Exhibit H). In a meeting with DPR and the City on January 8, 2003, DPR confirmed that there was no other documentation concerning surveys performed by DPR pertaining to MSS for this project. USFWS fundamental protocol requires that "surveys shall be conducted in the rain or immediately after a rain" and "surveys should not be conducted during dry weather conditions." The table attached as Exhibit "I" was recorded at the Morro Bay weather station during the period of the surveys. There was no rain on the days preceding any of the DPR surveys. Since DPR failed to conduct protocol-level MSS surveys in accordance with Interim Survey Guidelines for the Morro Shoulderband Snail (FWS, February 10, 1997), DPR has violated the Federal Endangered Species Act. Their failure to conduct proper protocol studies and their misinforming the Coastal Commission clearly require the Commission to revoke the permit and require proper surveys to be conducted.

Moreover, ice plant is identified in the USFWS protocols as likely snail habitat. However, DPR has been engaged in a several-year effort to rid the park of ice plant through application of herbicides. A five-acre area near where the live snail was found is currently being eradicated. As far as can be determined, this activity is unknown to the USFWS. By contrast, it should be noted that the Habitat Conservation Plan being developed for nearby Los Osos requires special actions from any private property owner disturbing more than 500 square feet of land surface – even if it is not identified habitat.

In addition to misleading and inaccurate information regarding the Morro Shoulderband Snail, DPR has also provided false and misleading information in regard to special status raptors that are present in the DPR Campground. At the Coastal Commission hearing and during various other meetings, DPR representative Greg Smith has repeatedly stated that there are no raptors nesting in the park. As recently as the meeting on January 8, 2004 between City and State representatives, Mr. Smith again reiterated that there were no raptors or their nests in the State Park. Although Mr. Smith stated he had conducted monthly surveys to confirm the non-existence of raptors, he admitted he did not have any written documentation to confirm that surveys were conducted. The statements made by Mr. Smith are blatantly false as is confirmed

by Raptor Biologist Kara Hagedorn. In Ms. Hagedorn's report and pictures (attached hereto as Exhibit J), she confirms the existence of both raptors and nests as recently as January 2004.

The most damaging evidence establishing that DPR has submitted inaccurate and misleading information and has violated the Endangered Species Act is Mr. Smith's statement at our meeting on January 8, 2004. When the City was questioning Mr. Smith in regard to its concerns over the Morro Shoulderband Snail and Raptors and the lack of protocol surveys, Mr. Smith stated:

"We will not enter into a Section 7 consultation with Fish & Wildlife."

The City was astonished by such a blatant statement by DPR: that they had no intention of following the Endangered Species Act. The DPR's statement that it would not comply with State and Federal law is an example of the DPR mentality that the City has been dealing with over the past two years on this project. DPR has continually played by its own rules and refuses to follow State and Federal law. Clearly, it is not up to Mr. Smith, or DPR, to decide whether DPR will enter into a Section 7 Consultation with Fish & Wildlife. Allowing this permit to go forward without the required Section 7 consultation and biological opinions being issued about endangered species and raptors constitutes a violation of the Endangered Species Act by the Coastal Commission and DPR. Given that this is public land, as opposed to private land, the Endangered Species Act laws require significantly more thorough review and compliance.

**False and Misleading Information on Tent Camping:
Accommodating the largest RVs.**

DPR submitted inaccurate, erroneous or incomplete information to the Commission in regard to whether the project would impact tent camping. At the Commission hearing, Jim Quail of DPR was asked whether the project would impact tent camping. He said that it would not. He was specifically asked about the numbers of 35 and 45-foot spaces. He said that he did not have the exact numbers but told the Commission that "most" of the spaces were less than 35 feet. This was not true and his characterization of the tent camping provisions was misleading.

With the park remake, only five spaces are dimensioned for car-tent campers (25 feet deep for a single car). The rest are dimensioned to accommodate RVs.

The scale of the present campground forces a 35-foot size restriction on RVs. The new plan would permit a lifting of the size restriction. (The length of the largest RV permitted in California is 45 feet).

The arithmetic of the plan that was before the Commission was as follows: Ten spaces were 60-foot long pull-throughs located in the center of the oldest section of the campground. Three of these are doublewide. There were 38 turnouts to accommodate the 45-foot motorhomes. These spaces were 12 to 17 feet wide. An extra twenty-foot parallel car-parking slot is added to fifteen of these larger spaces. Additionally, there are 54 RV spaces 35 feet long and 12 feet wide (2 are 10 feet wide). The original campground design provided twenty pull-through spaces that are in addition to all of the new RV spaces listed above.

Apparently, the DPR presenter, Mr. Quail, chose to characterize only spaces with full hookups as "RV spaces." He said they were "just paved spaces forty-six feet long that are regular tent sites." However, a conventional car is about 18 feet long and it is misleading to imply that 45-foot deep spaces, some with a neighboring 25-foot parking slot, are designed for tent campers. Older plans of the park show the first two rows (20 spaces) for trailer camping and the remainder of the park for "tent camping." The new plan puts the RV-scaled spaces into the original tent camping area.

It should further be noted that tent campers might be likely to require use of the park's venerable stone tables and stoves. These are in a deteriorated condition and the "rehabilitation" provides no funds for their repair.

Clearly, DPR submitted inaccurate and misleading information in regard to tent camping. Had the Coastal Commission known this, it could have reduced the amount of paving to limit the number of potential RV spaces.

False and Incomplete Information on Coastal Viewshed Impacts.

DPR submitted inaccurate, erroneous or incomplete information to the Commission in regard to the Coastal Viewshed impacts. Based on information supplied by DPR, the staff report to the Commission indicated that the campground and day use improvements would not be visible from [South Bay Boulevard] because they were screened from view by vegetation. The Commission was not told that in the past year, DPR has stripped the bayfront of trees and shrubs. The campground and day use areas are in full view. Moreover, there was no consideration of the visual impacts of the project from other public viewing areas. The Elfin Forest Overlooks and Audubon Overlook are directly across the bay from the project. Moreover, the park has received funds from the county to build an additional overlook along South Bay Boulevard that will also have a direct view of the projects.

The photos attached hereto as Exhibit K illustrate the effect of the tree and vegetation removals. The photos also show views looking toward the campground from the Elfin Forest and South Bay Boulevard, and views in the opposite direction from the Campground toward these viewing locations. It is clear that the statements provided to Commission staff about vegetation screening the project are false. They are also incomplete. Impacted public viewing areas were not considered.

False, Incomplete, and Misleading Information Concerning Removal of Monterey Pines and Cypress.

The tall-tree canopy is a dominant factor in the "character of the setting." It is the major bone of contention the public, both local and statewide, has with the project. It is integral to Monarch roosting and raptor nesting. Save the Park!, a citizens group, and the City of Morro Bay, utilizing the California Public Records Act, have repeatedly asked DPR for a tree count for the project. As of today, six months after the initial request, DPR has yet to produce the count. In January 2004, Save the Park! took a count using the maps submitted by DPR. The attached table (Exhibit L) is a summary of the count.

CCC Exhibit 2
(page 9 of 132 pages)

At the Coastal Commission hearing, Mr. James Quail of the DPR stated: [1] "Ninety-one percent of the existing tree canopy will remain within the project boundary. [2] There are 850 trees within the project boundary... [3] and those trees that are coming out are out of the coastal views in the rear part of the campground, primarily." Attached hereto as Exhibit M is a full transcript of the June 12, 2003 Coastal Commission hearing.

All of the statements by Mr. Quail are inaccurate or are misleading for the following reasons:

[1] If "tree canopy" is defined as all trees, from the giant Monterey cypress to eye-level cherry, then 91% of 834 is 759 trees retained. However, retention was already at 85% at the time of the CCC Hearing ($834 - 118 = 716$ trees). Subtract the number of trees still designated for removal, ($716 - 87 = 629$), and retention drops to 75%, a loss of 205 trees rather than 75.

If Mr. Quail meant 91% of 716—the undisclosed, actual tree count at the time of the Hearing—then 652 trees would be left standing. Subtract the number of trees marked for removal, but not yet cut ($716 - 87 = 629$), and the actual retention is 88%.

If "tree canopy" is defined as trees of stature—pine and eucalyptus (cypress were subsumed by DPR mappers under "PINE" and sometimes "TREE")—then 91% of 572 is 521 trees (Row 21). Subtracting the number of trees previously removed but not acknowledged ($572 - 103 = 469$) gives a retention rate of 82% at the time of the Hearing. Subtract the trees yet to be cut ($469 - 67 = 402$) and retention drops to 70% for a loss of 170 trees rather than 51.

Again, if Mr. Quail meant 91% of 469, the undisclosed, actual tree count at the time of the Hearing, then 427 would be left standing. Subtract the number of trees marked for removal, but not yet cut ($469 - 67 = 402$), and the actual retention is 86%.

[2] It is true that there is evidence that there were approximately "850 trees within the project boundary." (782 marked on DPR maps and 52 not marked, primarily bush trees, equals 834.) However, what DPR did not tell CCC staff and commissioners is that the maps submitted no longer reflect the actual tree count. What DPR did not say to CCC staff or commissioners is that a significant number of trees were cut between the Mapping (August 2002) and the CCC Hearing (June 2003). The actual tree count at the time of the Hearing was 716 trees (834 total-118 removed), not 850 trees. The attached table compares the number of actual trees standing in the project area to the numbers submitted by DPR in the form of maps dated August 2002 (Row 23). This change in number of trees is not acknowledged in either written or oral testimony.

DPR footnotes their maps with the statement, "All trees on project site are not listed—only trees that are adjacent to new construction are listed if they are to be removed and/or the stump is to be ground or removed." The numbers in this table

do reflect all trees on the project site regardless of whether they are adjacent to new construction. To accomplish the quantity of grading needed for paving, drainage, and building, it would be a rare piece of earth that is not "adjacent to new construction." Most of the trees not documented are shrubs and shrub-like trees, 45 out of 52. So there is not an additional quantity of large trees standing by untouched.

[3] Furthermore, Looking at DPR maps D-1, D-2, and D-3, labeled Tree Removal Plan, intended tree removal occurs equitably across all segments of the project area—New Entrance, Windrow, and Campsites—not "in the rear part of the campground, primarily", as stated by DPR representative Jim Quail at the Coastal Commission hearing. The Plans reveal that pine is the dominant tree in the front and central 114 Campsites (Row 8). The 39 eucalyptus are scattered along the western edge of campsites near the windrow. Campsites occupy approximately half the acreage of the project. DPR counted 103 pines in this area, designating 13 for cutting. However, 28 were cut between Mapping and the CCC Hearing, only 2 of which were marked for cutting. Rather than a 13% loss of pine canopy, 27% has been removed, with an additional 11% yet to be cut, for a total of 38% or 39 pine trees, not 13. This significant information was withheld from the Coastal Commission.

Later in the Coastal Commission hearing, Mr. Quail makes several statements about the location of [1] the New Entrance and [2] the Windrow through which it will cut. He makes these statements:

"We intended intentionally to try to design it [new entrance road] to work through as many trees as possible without cutting any in there." Later he states, "...we are going to be bringing the new entrance road in, and a lot of trees will be taken out in that area."

Pines dominate the area targeted for the New Entrance. DPR counted 75 trees in this area (Row 8). Of these, 70 are pine, with 9 marked for cutting. Actually, there were 72 pines in this area. Of these 72 pines, 21 have been cut, as have 2 of the 5 eucalyptus. In this instance, unlike the Campsite and Windrow areas, 8 of the pines removed were marked for removal. Nevertheless, this is a loss of 29% rather than 12%. Again, the Coastal Commission was misled by inaccurate information presented by the DPR.

In their Application for a Coastal Development Permit, DPR states, "To accommodate redevelopment of the campground, some trees will need to be removed....However, the integrity of the existing tree canopy will not be compromised." Compare this statement to one made by Mr. Greg Smith of the DPR as quoted in the Visalia TIMES on November 28, 2003. "Smith said visitors who want a peek at what Morro Bay campground will look like after the facelift should check out San Simeon State Park in Cambria, which went through a similar rehabilitation project nearly 12 years ago. "Folks who go there will have a pretty good idea of how successful we are with these types of projects," Smith said. Clearly these to statement cannot both be true.

The tree count revealed in Exhibit L demonstrates that DPR misled the Coastal Commission about the initial number of trees in the project area, knowingly submitted erroneous

CCC Exhibit 2
(page 11 of 12 pages)

tree counts, misrepresented the character of the project area, and what it would ultimately look like. All of these items taken together require the revocation of CDP A-3-MRB-03-043.

**False, Incomplete, and Misleading Information regarding
The DPR Master Plan Policy**

In addition, DPR submitted inaccurate, erroneous or incomplete information to the Commission in regard to DPR's Master Plan Policy. Based on information supplied to the Coastal Commission by DPR, the staff report to the Commission said that park Master Plan Policy called for reduction of "invasive exotic plant species in the unit." While these words are present in the Master Plan, they do not apply to the trees and landscaping in the campground.

In response to comments received from park docents opposing removal of Monterey cypress, Monterey pine, and eucalyptus from Morro Bay State Park, the EIR preparers said, "the exotic plant species policy (page 41) refers to plants which have become established in the 'undeveloped' areas of the state park" (page 116 of the 1988 Master Plan). The policy they refer to says, "The department shall pursue a long-range objective of controlling or eliminating exotic plants, including hoary cress, Monterey pine, Monterey cypress, eucalyptus, and ice plant, that have become established in *undeveloped areas* of the park." (Emphasis added.)

Finally, DPR submitted inaccurate, erroneous or incomplete information to the Commission in regard to information on Historic Trees. In addition to being misinformed on Master Plan policy, the Commission was not told that the trees within and surrounding the campground have historic status. DPR staff knew, but did not tell the Commission, that their historic assessment (Exhibit D) had concluded that the windrows of eucalyptus that frame the campground were "contributing elements" to the historic setting. The historic assessment said the campground is unusual, "in that (unlike campgrounds elsewhere, set in redwood groves or rugged montane settings) the campground itself was created almost *de novo* as an example of CCC landscape design." (Page 26.) Planting trees was a centerpiece of CCC work. It was known as the "Tree Army." DPR staff also knew the Monterey pines and cypress within the park were considered to be native plants when planted in the 1930s by the CCC with seedlings donated by Cal Poly.

**Omission of Information on the Day Use Area.
Lost Opportunity for Historic Preservation and Wetland Restoration.**

Two important items concerning the "Day Use" segment of the Campground reconstruction were not reported to the Commission. First, the Civilian Conservation Corps built a Day Use area in the exact same location. The new Day Use area obliterates the old one. It is to be built, literally, on top of it. Second, the parking circle, bus loading area, restroom, trails and picnic sites are constructed on a thin layer of fill deposited on the site with the construction of the adjacent marina. There is an excellent opportunity to restore the wetlands in this location—but the opportunity to do so is lost once the project is constructed. This is a feasible alternative that was not considered. In a separate project, the Commission approved the excavation of fill materials and restoration of a several-acre area immediately adjacent to this site.

The photos attached hereto as Exhibit N show a stone stair and picnic sites in the Day Use area, as they were in 1938 and the ruins that exist today. The Commission unwittingly approved the cutting of trees in the old windrow that sheltered the site. The plan map on another page shows the location of the Day Use area.

DPR has been segmenting the project in the approval process. The group camping area was presented first, then the day use area, then the campground, and most recently the small wetland restoration and sewer project. CEQA doesn't allow such piece-mealing, but it is being done here. The Commission needs to stop the piece-mealing by revoking this permit.

Various other Misrepresentations and Issues with DPR.

DPR has continually made the statement that the Morro Bay City Council supported the 1988 Morro Bay State Park General Plan; this is extremely misleading. DPR is and was well aware that the City Council's support over 15 years ago for the General Plan did not include the current Morro Bay State Park Rehabilitation Project. (Even the name of the project is misleading.) In fact, an EIR for the project was not completed until 2001 and thereafter the DPR project changed drastically. Although DPR is fully aware that the current Morro Bay City Council is unanimously opposed to the project as presently proposed, it continues to make inaccurate and misleading comments that could be interpreted as indicating that the City of Morro Bay is in support of the currently proposed project.

Another constant misrepresentation by DPR is that "we have modified our original plans in an attempt to address the issues raised by the City of Morro Bay and residents of Morro Bay." DPR has done absolutely nothing to address the issues raised by the City or the Community.

Conclusion

For the record, the City of Morro Bay supports a rehabilitation project that will address public health and safety issues and make the facilities accessible to people with disabilities. But the City does not support a rehabilitation project that violates State and Federal laws and that includes construction of a new entrance station in a entirely different location, realignment and widening of existing campground loop roads, construction of paved campsite parking spurs, replacement of park furniture, and removal of trees. Again, merely describing this project as a rehabilitation project is misleading.

The City's vision of the Morro Bay State Park rehabilitation project is in keeping with Governor Schwarzenegger's Action Plan for California's Environment:

I will order the Resources Agency to develop a comprehensive facility assessment and improvement plan for state parks, beaches, and coastal access, with emphasis placed on investments that enhance local economies and access for California's seniors and the disabled.

The City's vision of the Morro Bay State Park rehabilitation project is also in keeping with DPR's mission, which is to:

2
Exhibit
Page (3 of 132 pages)

Provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

It is the City's position that the presently proposed project is neither in keeping with the Governor's Action Plan nor with DPR's own Mission Statement. Furthermore, it is impossible to envision how the presently proposed project is consistent with a survey recently conducted by DPR that concluded that 71% of the people surveyed wanted Government Agencies to protect natural resources and 67% of the people wanted Government Agencies to protect historical resources.

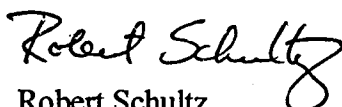
Downsizing the project and eliminating the new entrance station, eliminating realignment and widening of existing campground loop roads, eliminating construction of paved campsite parking spurs, repairing instead of replacing park furniture, and limiting tree removal would be quite simple. Downsizing the project would achieve the goals of the Governor, DPR, the City and the community.

Finally, it is important to point out the magnitude of the project's impact as presently proposed. To quote directly from DPR's own documentation,

And when it comes to local spending, 65.5% of campers ate at Morro Bay restaurants and 62.1% went shopping during their state park visit. Total expenditures for the 9,357 people represented in the survey responses were an average of \$80.30 spent per visitor. Using an economic model to analyze data, the direct impact to the county over the two years was nearly \$14 million. With indirect and induced effects included, the economic activity increased to \$20.2 million. An estimated 365 jobs were generated in the City of Morro Bay from park visitors' expenditures. (Planning Trends and Information from California State Parks, June 2003.)

The City of Morro Bay and the community desire to work out a compromise with DPR to allow this project to move forward. However, DPR has refused to listen to the City and the community. Therefore, the City sees the upcoming revocation hearing as an opportunity for the Coastal Commission to obtain and expose to public scrutiny much more information about the standard operating procedures followed by DPR. The City fervently hopes that you will immediately suspend CDP A-3-MRB-03-043 and recommend to the Commission that it authorize Commission staff to pursue further investigation and revocation of the permit. The evidence that the City has provided in this correspondence gives you ample basis for making such a recommendation.

Sincerely,



Robert Schultz
City Attorney

Attachments

CCC Exhibit 2
(page 14 of 132 pages)

MAILING RECORD FOR COMMISSION MEETING
OF June 12, 2003

[illegible]

(page 15 of 132 pages)

Exhibit A

• Parks & Recreation
Morro Bay State Park Campground
Rehabilitation
3-MRB-03-043
Waiting List

MES H QUALE
SENIOR LANDSCAPE ARCHITECT
PARKS & RECREATION
NORTHERN SERVICE CENTER
ONE CAPITOL MALL STE 500
SACRAMENTO CA 95814

R & MRS. PAUL L CASSADY
302 ALIPAZ ST #164
SAN JUAN CAPISTRANO CA 92675

MARK STURM
DISTRICT SUPERINTENDENT
SAN LUIS OBISPO COAST DISTRICT
50 LAUREL LN SUITE 190
SAN LUIS OBISPO CA 93401

David Sneed
Editor
25 S. Higuera Street
San Luis Obispo, CA 93401

Steve Ellington
831 Camino Capistrano #38
San Juan Capistrano, CA 92675

GARY KAISER
SENIOR PLANNER
PUBLIC SERVICES DEPT
955 SHASTA AVE
MORRO BAY CA 93442-1900

NANCY BAST
450 FAIRVIEW
MORRO BAY CA 93401

LORRAINE KITMAN
PO BOX 1026
GROVER BEACH CA 93483

GREG SMITH
COASTAL SECTOR SUPERINTENDENT
SAN LUIS OBISPO COAST DISTRICT
1150 LAUREL LN SUITE 190
SAN LUIS OBISPO CA 93401

Sally Connell
LA Times
(805) 995-2508 fax

Frank Merrill
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Morro Bay, CA 93442

DR. MARK SCHRADER
DEPUTY DIRECTOR
CA PARKS & RECREATION
ONE CAPITOL MALL STE 500
SACRAMENTO CA 95814

GRANT CROWL
2500 ELM AVE #1
MORRO BAY CA 93401

HAROLD WRIGHT
2499 TIERRA DR
LOS OSOS CA 93402

Jack Beardwood
Bay News
950 Los Osos Valley Rd., Suite A1
Los Osos, CA 93402

Jacqueline Earp-Thomas
961 Magilside Drive
Morro Bay, CA 93442

Wallace McCray
225 Marina Street
Morro Bay, CA 93442

DATE: 2/18/03

ACTION: _____

City of Morro Bay
PLANNING COMMISSION
MINUTES

Veteran's Memorial Building
Regular Meeting

209 Surf Street, Morro Bay
January 6, 2003

Chairperson Don Doubledde
Commissioner Thad Baxley
Commissioner Steve Carnes
Commissioner John Barta
Commissioner Ken Vesterfelt
Greig Cummings, Secretary

I. CALL TO ORDER:

Chairperson Doubledde called the meeting to order at 6:05 p.m.

II. PLEDGE OF ALLEGIANCE:

Commissioner Baxley led the meeting in the pledge of allegiance.

III. ROLL CALL:

PRESENT: Chairperson Doubledde, Commissioners Vesterfelt, Barta, and Baxley
ABSENT: Commissioner Carnes
STAFF: Greig Cummings, Gary Kaiser and Cathy Weaver

MOTION: Barta, Vesterfelt 2nd to approve an excused absence for Commissioner Carnes. All Ayes 4-0.

IV. ACCEPTANCE OF AGENDA

MOTION: Baxley, Vesterfelt 2nd to accept the agenda as presented. Vote: 4-0.

V. APPROVAL OF MINUTES: December 2, 2002 – Doubledde pointed out a correction on Page 7 in the fourth paragraph; 'that' should be changed to 'them.'

MOTION: Barta, Baxley 2nd to approve the minutes of December 2, 2002 as corrected. Vote: 4-0

VI. WRITTEN COMMUNICATIONS: Doubledde said there was a copy of a Santa Barbara News Press article about round-a-bouts in their packet.

VII. PRESENTATIONS: None

VIII. ORAL COMMUNICATIONS: Doubledde stated that the Planner's Institute was scheduled for March 20th through the 22nd in San Diego. Cummings said they were thinking about having a couple of commissioners go and maybe the newer ones could attend for training. Cummings explained that Mr. Bruce Ambo was the new Director of Public Services and he was in attendance tonight. Ambo wanted to thank the commissioners, let them know staff would be accessible, and said it was nice to meet them; Janice Peters of the City Council wanted to remind everyone that vacancies on boards and commissions were being applied for now through Friday, January 17th. A workshop to answer questions would be held on Wednesday, January 8th at 7 pm

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page 17 of 17 pages

Exhibit B

was not a recession but a rescission of the deed restriction. Vesterfelt said he was in favor of the project; he wished something could be done with the power lines in this area. Doubleddee said he was generally in favor of the project and he felt the applicant had done all that he could to make the project work. He was concerned with the back porch, if it was just a concrete slab there wouldn't be a problem but a wood structure would create building problems. Doubleddee said the staff report covered the Fish & Game approval and the Flood Hazard Development Permit requirements.

MOTION: Baxley, Barta 2nd to adopt the findings included as Exhibit A and approve CDP 54-02R/VAR 05-02 and CDP 55-02R/VAR 05-02 with the correction noted, subject to Conditions included as Exhibit B, and the site development plans dated October 24, 2002. Roll Call Vote 4-0.

B. CDP 39-02R: Site Location: Morro Bay State Park. Located in the O-A (PD) District. Applicant: California Department of Parks and Recreation. A request to rehabilitate, upgrade and improve the existing campground relative to utilities, fire safety, landscaping, access and circulation. Kaiser gave the staff report and recommended adoption of the Findings included as Exhibit A of the staff report including those pertaining to the California Environmental Quality Act (CEQA) and approval of CDP 39-02R.

Baxley asked about relocating the main entrance to the Campground directly across from the Marina entrance. Would there be any street improvements done to that new intersection? Kaiser said no improvements are proposed to the Marina entrance in this project. Baxley said that on the plans there was another Marina entrance on the east end of the Marina. Was that being improved; and Kaiser explained that nothing on the Marina side of the road was included in this project.

Barta questioned whether any of the eucalyptus trees that were used by the Monarch Butterflies as roosting areas were to be removed? Kaiser said none of the trees used as roosting areas are to be removed. Barta noted that one of the conditions require if a raptor is found nesting within 500 feet of a targeted tree it won't be removed. Kaiser said it wouldn't be removed until after nesting season is over. Barta asked if anything in this project would impact the future City project to dredge the Marina. Kaiser said he couldn't see any aspect of this project impacting the dredging project.

Vesterfelt commented that a lot of the 400 trees previously proposed for removal were eucalyptus trees, but now none of the ones used by butterflies were to be removed. Doubleddee questioned the architectural style of the new 490 sq. ft. entry building and the new shower building. Kaiser said the complete set of plans included 35 pages and in there were drawings showing the architectural styles. Doubleddee asked about the entry road; he felt there should be a left turn lane as there is a curve and some congestion at that intersection. No bike lanes are shown and the proposed signs are only small directional signs inside the park.

Barta asked if a traffic study was done with this project and Kaiser responded that a large traffic study was done as part of the original EIR before the project was downsized. Barta said a number of years ago it was proposed to put up signs to direct people to the park as a scenic route and there was a lot of concern about the increase in traffic that would cause. The Planning Commission asked them to come back with a traffic study showing those numbers. Barta asked if anything was said about that and Kaiser said no?

Jim Quayle of State Parks, a landscape architect, said he had been overseeing this project for a number of years. He explained the park was not being expanded but rehabilitated. The project had been downsized due to funding. The bypass road originally in the project was taken out and that

is where the bikeway improvements were proposed. The bicycle camping area was to increase in the original project but would remain the same as the general campsites in the down-sized project. He pointed out that Greg Smith, Interim District Superintendent, was here to answer questions regarding operational issues. Jill Vanneman is the project manager that has been working on the drawings and the EIR.

Baxley asked about the group camp. Was it going to be improved or enlarged? The answer was no, not in this project. Barta asked if anything in this project would impact the dredging at a later time? No, he said they would welcome the dredging of the Marina. Barta said people at the Marina used the camp restrooms near the road and Quayle said those would continue to be available for their use. Barta asked if the time the campground would be closed for construction could it be reduced? Quayle said they didn't see how they could accomplish that. Vesterfelt asked when the project would commence? If they received approval of the project tonight, advertising for bids would occur the middle of next month. Construction would occur beginning this coming spring and be completed this time next year, of course these are approximate time lines.

Barta asked if the States' current budget shortfall would affect this project and Quayle answered no. This project was already funded in the 2002-03 budget. Doubledee asked would the remainder of the project come back if funding becomes available in the future? It's something we hope will come back but no funding is in the near future.

Melody DeMeritt said she lives in Morro Bay and has camped in this campground. Her family and friends come to camp there and the reason they love it are the trees. It reminds them of the mountains. Her father always said if it is not broken why fix it. When streets are widened traffic and speed increases. She said the project talks about a broad sky canopy. If that is what people want they should go camp at Atascadero State Beach. She was concerned about the new entrance being across from the Marina entrance because of the congestion there on busy weekends. She talked about the State funding problems and cutting down the 96 eucalyptus trees because they're non-native. She wanted to hear about the mitigation measures for the impacts to the butterflies and raptors.

Colby Crotzer stated the State testified it was a dead issue and that was probably the right terminology. When they cut down trees after the nesting season your still cutting down habitat into perpetuity. He said he was concerned about the bicycle traffic in the park and he almost hit someone this morning. The state park land in between the bicycle lane on South Bay Blvd and Main Street needs to provide a dedicated bike/pedestrian way. He felt safety was being ignored in this project. He was also concerned about taking away the canopy, a unique camping experience, just to provide hedgerows for camp site to camp site privacy.

Lionel Johnson said he had been growing trees with school kids for 10 to 15 years and he thought it was inevitable that a lot of the pines in the park were going to die. They had planted a lot of seeds of a different species on Black Hill and they were doing fine. If State Park has to take out trees why don't they just leave them up 15 ft or so and drill holes in them for red headed wood peckers and other cavity nesting birds to use. He went on to explain how to improve the park habitat. He felt the plant species list was good just limited. Barta asked Johnson if he could make his knowledge known to State Parks. He responded that he could and they could also donate hundreds of plants from the high school.

Betty Winholtz passed out an information sheet to the Commission. She explained that the quotes were taken from the Land Use Plan. She said the plan described the State Park land as 'a beautiful wooded setting' and establishes 'a wooded rural character.' She wanted to know if this project

was following the recommendations of the LUP? Policy 11.05 states that the project needs to show a precise location and how it will impact the ESH. Policy 12.09 'Morro Bay will modify its ordinances so as to develop clear requirements, standards and criteria for installation of landscaping and retention of specimen trees.' Her last three questions are 1) Is it desirable to disrupt the current habitat; and 2) If they remove 96 trees how many are left and can they work around the roosting sites; and 3) Should we leave it to the State Parks to monitor themselves.

Nancy Bast said she was there to speak for the 'human habitat.' She said many of us were introduced to Morro Bay by camping in that State Park. As a laundromat owner she gets a lot of customers that are just awed by the campground because it is so different from where they come from because of the tree canopy in the campground. People just love the smell of wood burning and those pine trees when they're wet. Those people also bring their money here and help support the rest of the town. We would be hard pressed to find any better audience to keep our economy going. It is a wonderful bird habitat and people come from all over the world to see the birds. If the State Park can figure out another way to build the road and some other way to keep from cutting down the viable trees then they should. Change is not always for the better. That wonderful canopy, the human habitat needs to be preserved.

Linda Merrill said she was concerned about the new entrance; that it will be more complicated rather than reducing traffic in this already congested area. The Marina traffic will be exiting and entering across this traffic. The new entrance road will change the character of the golf course. She explained the map of the new layout did not show where t-box 14 or the fairway was, or the green for 13. It also didn't show where the cars would stack waiting to go into the campground. She asked the commission to reconsider where the new entrance road should go.

Jim Wood was in agreement with the other speakers that do not want changes to the existing campground. He likes the campground the way it is, natural. He asked if the EIR had addressed banded dune snails and nonnative ice plant.

Lionel Johnson said California Sycamores and California Alders grow well here and other trees. He didn't see the need to cut down all the Eucalyptus trees. Bark beetles are a problem in the downtown flowering eucalyptus trees as well as at the golf course. Caltrans has been stumping them off 15 to 17 feet up and leaving them. He thought the State Park should go slower with cutting down trees and do it in stages.

Paul Triber likes the canopy of trees as is. He thinks that is what makes the campground so special and if they do have to go please replant with large trees.

Jim Quayle said they were not denuding the campground. There are thousands of trees in the campground and the number of trees proposed to be removed had been 400 in the original plan and they had reduced that number to fewer than one hundred. Those trees are necessary to make the improvements work. They will not be taking down any of the butterfly roosting trees but will be maintaining and preserving the habitat. The canopy will still be there after we construct the improvements. The entrance road location was a change that had to be made after they cut the bypass road out of the project, and lining up with the Marina entrance was a lot safer than having it offset. Due to cutting out the bypass road in this project the bicycle/pedestrian issues are not being addressed at this time but hopefully will be in future projects.

Doubledee asked if the new entrance road will be setup to handle the stacking or will it stack up on the road before the entrance? Quayle said the cars would stack up off of the main road in the campground. There is 250 ft. of stack up space between the office and the main road. Doubledee

asked if there were any provisions to replant the trees being cut down? No, Quayle said some trees will be replaced with trees but most will be replaced with other landscaping (shrubs, small trees, etc.). Just enough of the large trees are being replanted with smaller vegetation to allow sunlight into the forest floor for the lower vegetation to thrive. Doubledee asked if there were other options to provide privacy between the campsites like structures instead of hedges? Quayle responded that they wouldn't look at structures because of the cost and the goal of keeping the campsites as natural as possible.

Barta wanted to know what the difference was between habitat and nesting site? Vince Cicero, Resource Ecologist in the park, answered that he had never witnessed raptor nesting in the campground. There are raptors in the vicinity. A red tailed pair was nesting in the heron rookery for awhile. There may be some roosting along the bay fringe in the campground but very little activity and no nesting that's been documented. Barta wanted to know if they knew how many trees are in the campground itself? No, Cicero explained the plant variation somewhat in the park, but no accurate count of trees. He thought it was around 1000 trees just in the campground. Barta asked what percentage of the trees being removed were necessary for road widening? Jill Vanneman, the project Landscape Architect, said it was hard to estimate but she thought 85%. Barta noted that the trees being taken out to open up the canopy was minor and she agreed. He also wanted to know how difficult it would be to incorporate some of the suggestions offered here tonight. Vanneman replied that they chose plants that are endemic to the park, of the same genetic stock as is already in the park and ones that fit the needs of the specific use.

Vesterfelt asked Cicero if any of the trees being removed were butterfly habitat? Cicero answered that the butterfly roosting trees are not being removed. He explained the difference between a bivouac site and an over wintering site. He also explained the dangers of hazard trees and the die off of different trees. There are major changes happening in the plant community in the campground without this project and the eucalyptus trees are dying off and being replaced by other species. Vesterfelt wanted to know if he saw any difficulty with requiring 2 to 3 trees to be replanted per tree removed? Cicero said he wouldn't comment on that kind of condition.

Barta wanted to know if the functional capacity of the environmentally sensitive habitat would be affected by this project and Cicero said he didn't think so.

Baxley commented that the proposed project is not as good as first proposed and the things that the City was most interested in having done have been eliminated (improved roadways and bike ways) due to funding. As he read through the EIR he asked himself if it met the needs of the new project and he felt it did. He stated if they meet all of the requirements and conditions of the EIR he approves of the proposed project. Barta said Baxley's comments were well thought out and he also supports the project. He felt the project would not impact the ESH and met the Land Use policies. Vesterfelt was disappointed that the project did not include a bike path but he concurs with the other commissioners that already spoke. Doubledee also liked Baxley's comments and the change to the entrance road but felt it should have a left turn lane. He was also concerned with the lack of bike/pedestrian paths and he supports the project.

MOTION: Baxley, Barta 2nd to adopt the Findings for Approval included as Exhibit A, including those pertaining to the California Environmental Quality Act (CEQA) and approve CDP 39-02R, as described in the staff report and at the hearing and as shown on the site development plans received on November 18, 2002. Roll Call Vote 3-1.

Doubledee called for a five minute break.

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION - MARCH 10, 2003
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Dave Elliott	Councilmember
	William Peirce	Councilmember
	Janice Peters	Councilmember
	Betty Winholtz	Councilmember

STAFF:	Robert Hendrix	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

MOTION: Councilmember Peirce moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Peters and unanimously carried. (5-0)

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR. Conference with the City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding salaries, salary schedules, or compensation paid in the form of fringe benefits, and giving instruction to the Designated Representative.

CS-2 GOVERNMENT CODE SECTION 54956.9(C); CONFERENCE WITH LEGAL COUNSEL DUE TO ANTICIPATED LITIGATION. Initiation of litigation exists based upon existing facts and the advice of legal counsel as to one matter.

- Parties: City of Morro Bay and Charles Marciel, George Leage and Charles Ogle.
- Issue: Whether to seek reimbursement of costs associated with the ammonia spill at 214 Beach Street.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:40 p.m.

MOTION: Councilmember Peirce moved the meeting be adjourned. The motion was seconded by Councilmember Winholtz and unanimously carried. (5-0)

The meeting adjourned at 5:40 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING - MARCH 10, 2003
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Dave Elliott	Councilmember
	William Peirce	Councilmember
	Janice Peters	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Robert Hendrix	City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Bruce Ambo	Public Services Director
	Jeff Jones	Fire Chief
	Gary Kaiser	Senior Planner
	Jim Koser	Finance Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR'S REPORTS & ANNOUNCEMENTS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken on Item CS-1; a motion and unanimous vote was made on Item CS-2 to not participate in litigation to recover costs in this matter.

PUBLIC COMMENT

Steve Mathieu stated the Blessing of the Fleet would be on Sunday, March 16th at Tidelands Park.

Henrietta Groot stated a wide age group would benefit from a skating rink in Morro Bay.

Roger Ewing addressed Item D-1 (Review of City Ethics Code) stating Morro Bay does not need an ethical code.

Hank Roth stated the Morro Bay Police Department would be holding an open house to show its new expansion on Saturday March 21st.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING - MARCH 10, 2003

David Nelson stated habitat enhancement in the estuary would not work in Morro Bay due to the proposed plans for the power plant. He said the pollution caused by the particulate matter would be harmful for the citizens of Morro Bay.

Melody DeMeritt expressed concern with plans approved on housing developments in Morro Bay that appears to be "mansionizing" and does not fit the character of the City.

Robert Crandall, Silver City Mobilehome Park, addressed the charge to the tenants of natural gas and asked about the status on the cease and desist order the City Attorney sent to the park owner.

Mayor Yates closed the hearing for public comment.

DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested the discussion on allowing leashed dogs on the state park beach come back to Council. Mayor Yates also requested the discussion on the marine sanctuary return to Council based on the request of the Harbor Advisory Board.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF MINUTES FOR THE REGULAR MEETINGS OF FEBRUARY 10, 2003 AND FEBRUARY 24, 2003; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 NOTICE OF COMPLETION FOR LILA KEISER PLAYGROUND PROJECT; (RECREATION & PARKS)

RECOMMENDATION: Accept project as complete.

A-3 PROCLAMATION DECLARING MARCH 2003 AS AMERICAN RED CROSS MONTH; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

COC Exhibit 2
(page 24 of 132 pages)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING - MARCH 10, 2003

MOTION: Councilmember Peirce moved the City Council approve the Consent Calendar. The motion was seconded by Councilmember Elliott and carried unanimously. (5-0)

Mayor Yates called for a break at 6:45 p.m.; the meeting resumed at 7:00 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF PLANNING COMMISSION APPROVAL OF STATE PARK REHABILITATION PROJECT; (PUBLIC SERVICES)

Senior Planner Gary Kaiser stated the Planning Commission at a public hearing held January 6, 2003, made findings required by the California Environmental Quality Act and California Coastal Act and approved Coastal Development Permit 39-02R requested by the State Department of Parks and Recreation for improvements in the campground at Morro Bay State Park. An appeal was filed based on the following findings: Monarchs and their habitat are being disrupted during roosting; distinct scenic forested campground is altered; runoff is minimalized though it's a problem now and will be even greater with more paving; and air quality for golfers gets poorer because of road location. Mr. Kaiser recommended the City Council receive public input, and uphold the decision of the Planning Commission and deny the appeal.

Nancy Bast, appellant, stated the State Park Rehabilitation Plan conflicts with our Land Use Plan (LUP) in several areas. There are many relevant references in the LUP in Chapters 4, 12 & 13 dealing with Visitor Serving Facilities, Environmentally Sensitive Habitat and Visual Resources. The campground is a beautiful wooded setting and should be improved and expanded consistent with the preservation of the habitat scenic characteristics of the city. The approved General Plan is 15 years old and conditions, attitudes and public awareness have greatly changed in the interim. The disease of the Monterey Pines was then a threat, but not a reality. Since then hundreds of dead and dying pines have been removed from the community and throughout the park. An estimated 10% will have immunity to the canker, thus every healthy tree that is cut down reduces the percentage of survival. Another change occurred in recent years; whole groves of landmark eucalyptus in which Monarch Butterflies roosted have been cut down. But perhaps most destructive to the historic character and charm of the campground's forested setting, with its cathedral-like canopy, is that State Parks Administration has adopted what has become a mantra for removal of non-native vegetation, including large specimen trees, to replace them with native plant species. Retention and perpetuation of the small area of lofty arboreal habitat on this 16 acres of campground provide a distinctly different population of gray squirrels, hawks, owls, crows, woodpeckers, turkey vultures, nuthatches, chickadees, etc. not found in the native

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scrub habitat. Ms. Bast stated the staff report acknowledges the campground is very popular and heavily used year round, and one could conclude from this that users like it the way it is, with its forest canopy and open views. These historic qualities can be retained, even while the park management accomplishes its primary goals of public health and safety and modernization through a policy of replacing the large old legacy trees when they must be cut, with a diversity of conifers and other trees that will grow to like stature. Ms. Bast stated there are many features of the plan undeniably overdue such as modernization of restrooms, handicap access, re-paving and barriers to control campsite parking. To keep faith and confidence in this, our public agency, we would like a guarantee of responsiveness to public concerns by the formation of a citizen's committee that would review the plans to be kept abreast of tree cutting, grading, etc. as it happens monitoring the progress in a spirit of honesty and cooperation with State Park personnel.

Jim Quaile, State Department of Parks and Recreation, stated the California Department of Parks and Recreation (DPR) has been planning for improvements to the Morro Bay State Park since 1983. During this extended planning period, DPR has explored various project alternatives and has fully analyzed and disclosed the respective environmental effects in an Environmental Impact Report (EIR) certified on May 8, 2001. This plan has been approved by the State Parks & Recreation Commission and legislative funding has been awarded. There were originally 400 trees to be removed, since then plans have been changed and only the trees necessary for ADA and fire safety requirements are planned for removal (75% less than what originally was approved for removal). All environmental impacts have been addressed during the EIR review with public input included. The DPR is committed to maintaining the forest canopy and forested condition in the campground. The grading and drainage of the campground has included engineering reports through the EIR review, and a swale is being created to carry some of the drainage from the back of the campground to where there is a natural low spot on the side of the campground. There will be no drainage from the campground that will go into the bay, except for on the marina side of the campground where it will drain into ponds and filtration systems that will handle the runoff. Mr. Quaile stated the DPR is committed to work with the community in rehabilitating the campground.

Mayor Yates opened the hearing for public comment.

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The following people urged the City Council to uphold the appeal and maintain the State Park in its natural setting: Lionel Johnston, Shirley Vega, Colby Crotzer, Hilary Wilke, Isaac Wilke, Roger Ewing, David Nelson, Nancy Dunn, Ken Swincrest, Candace Vittitow, Johanna Ruba, Fran Harrington, Lynda Merrill, Jack McCurdy, Pete Wagner, Patty Dunton, Harold Wright, Rosie DeSantos, Melody DeMeritt, Lynde Owen, Beverly Higgins, George Taylor, Diana Duncan, Yaro Nelson, Mary Green, Gwen Taylor, Grant Crowell, Doug Nells, Nina Litvinoff, and Ken Vesterfelt.

Mayor Yates closed the public comment hearing.

Mayor Yates called for a break at 9:00 p.m.; the meeting resumed at 9:06 p.m.

Jim Quaile, State Department of Parks and Recreation, explained the proposed new entrance to the park, stating the straight in entrance allows more stack up space for cars that allows them to get off the road that improves bicycle and pedestrian safety on the road. He said the compaction and degradation of soil within the under storage of the campground is affecting the health of the trees, and that is why repaving of the parking spurs is recommended. The existing facilities are old and not in compliance with codes, and require rehabilitation. Mr. Quaile stated there are 96 trees proposed for removal (54 eucalyptus; 26 Monterey pine; 1 cypress, and 15 other smaller trees).

Nancy Bast, appellant, stated the policies in the LUP cannot be specific for every issue that arises, but they do provide guidance for the preservation of recognized and undisputed public resources. As for strength of belief, you've heard the people speak their feelings for the special quality of our community, its flora and fauna, the uplifting scenic beauty of our area, coveted by resident and visitor alike. These strongly held beliefs and local experience should be given more value than textbook standard practices that create boredom and sameness whenever applied primarily for practical and economic purposes. Ms. Bast requested the City Council condition the permit with replacement trees of like stature, form a citizen's monitoring committee, and uphold the appeal.

Councilmember Elliott stated he is concerned that there have been changes made to the plans since its inception without public hearings. He said visitors have as much investment in this State Park as the citizens do, and this park should be made to benefit everyone. Councilmember Elliott stated he supports upholding the appeal based on the lack of process by the State.

Councilmember Winholtz stated good ideas have been made on how to enhance the campground. She suggested a separate resolution be approved to encourage State Parks to work with the City. Councilmember Winholtz stated she cannot support this project as proposed.

In light of policies cited by appellant. *CCC EXHIBIT 2*
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Councilmember Peters stated plans approved 15 years ago should not be valid today. She said there are issues that need to be addressed such as ADA requirements and fire codes; however, it can be done for less money. Councilmember Peters stated she does not support the project as submitted.

Councilmember Peirce expressed concern with the removal of so many trees and fear the remainder of the trees will die from disease. He said he is uncomfortable with how old the process is, and supports upholding the appeal.

Mayor Yates expressed concern with the ADA and fire access issues. He said he supports the new entrance. He said his main problem is the State does not include the City in their process. Mayor Yates stated he supports the appeal mostly from the public outcry. He invited State Parks to come back and include the community with their plans.

MOTION: Councilmember Elliott moved the City Council uphold the appeal based on the findings that the proposed plan is inconsistent with the Local Coastal Program including, but not limited to, Visual Resources Policy 12.01 and 12.02, and Zoning Ordinance Section 17.48.190. The City Council further directed the City Attorney to speak on the community's behalf should the California Department of Parks and Recreation appeal this action to the California Coastal Commission. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

**B-2 ORDINANCE NO. 495 AMENDING MORRO BAY MUNICIPAL CODE
CHAPTER 5.32 - MOBILEHOME RENT CONTROL, FIRST READING/
INTRODUCTION; (CITY ATTORNEY)**

City Attorney Robert Schultz stated the purpose and intent of Chapter 5.32 of the Morro Bay Municipal Code is that mobilehome owners, unlike apartment tenants or residents of other rental stock, are in the unique position of having made a substantial investment in a residence for which space is rented or leased. Relocation of a mobilehome from a mobilehome park space is not always a practical alternative to accepting an excessive rent increase in that it can only be accomplished at substantial cost. In many instances, relocation may cause extensive damage to the mobilehome and loss of appurtenances such as integrated landscaping and supporting structures inconsistent with the new location. Because mobilehomes are often owned by senior citizens, persons on fixed incomes, and persons of low and moderate income, exorbitant rent increases fall upon these individuals with particular harshness. An issue has arisen recently between mobilehome park owners and tenants in regard to the word "domicile" in paragraph E of Section 5.32.030 of the Morro Bay Municipal Code. Since there is no definition of "domicile" in the ordinance, it appears that the word has been subject to interpretation that could lead to litigation between

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"domicile" in the ordinance, it appears that the word has been subject to interpretation that could lead to litigation between the park owner and tenants. Mr. Schultz stated he researched over 100 California City and County Codes and did not find a single Mobilehome Rent Control Ordinance that uses the word "domicile." In fact, all of the City and County Codes are silent on the requirement of a mobilehome as a principal residence. All of the City and County Codes that were researched, codify the State Mobilehome Residency Laws and the exemptions set forth therein. Mr. Schultz recommended the City Council receive public input, and approve Ordinance No. 495, by number and title only, amending Morro Bay Municipal Code Section 5.32.030.

Mayor Yates opened the hearing for public comment.

The following people requested the City Council adopt Ordinance No. 495 amending the Morro Bay Municipal Code: Bill Brady, Bill Davies, Ray McKelligott, Louise Reddick, Cathy Friends, Mel Meldugraw, Van Huever, Steve Roberts, and Bob Crandall.

The following people requested the Morro Bay Municipal Code not be amended: Gretchen Moreno, Grant Crowell, Mr. Moreno, and Andy Hampp.

Mayor Yates closed the public comment hearing.

Councilmember Peirce stated he would like this issue to be settled equitably for both the park owners and tenants.

Councilmember Peters stated rent increases should be made fairly and gradually. She said she supports the proposed revisions to the existing ordinance.

Councilmember Winholtz stated she supports removing the archaic word "domicile", and making the City ordinance consistent with the State code. She supports the idea of a sub-committee or the City Attorney meeting with the park owners to come up with a compromise that is equitable for everyone.

Councilmember Elliott stated the City should not be involved in the free enterprise system. He said he does not support subsidizing someone with a vacation or secondary home.

Mayor Yates stated the present ordinance has worked for 15 years and it is not intended for second homes. Mayor Yates stated he is opposed to amending the present ordinance.

Exhibit 2
(page 29 of 132 pages)

Morro Bay State Park Campground Rehabilitation Construction Phase
Archaeological Mitigation and Monitoring Plan

Background

In 1986, archaeologists with California State Parks surveyed Morro Bay State Park in its entirety as it existed then for the presence of cultural resources. A detailed map of the prehistoric resources within the park was produced at that time. Beginning in late 1998, studies of the Cultural Resources in the park were undertaken as part of the planning process for the Morro Bay State Park Campground Rehabilitation Project. Those areas with prehistoric resources having the potential to be impacted by the campground rehabilitation were examined by department archaeologists. Test excavations were conducted in January 1999 and March 2000. Native American monitors (LeiLynn Odom, Northern Chumash Council) approved by the California Native American Heritage Commission were involved and on site during the testing process. The purpose of these studies was to determine the eligibility of the campground as well as the two prehistoric archaeological sites within the area of potential effect for listing on the California Register of Historic Resources (Public Resources Code 5024.1).

Mitigation (Prehistoric Resources)

A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting at least one of these criteria, the resource must retain integrity.

For most prehistoric archaeological sites eligibility is based on Criterion 4, the potential to provide important information about prehistory or history. If an archaeological site is found to be eligible, adverse impacts to the site can be mitigated by recovering (through controlled scientific excavation) the data contained in the site. If a site is found not to be eligible, no further action is necessary.

The entire Morro Bay State Park campground is located within the boundaries of archaeological site CA-SLO-075. The most sensitive areas of the site are not within the campground, and will not be impacted by campground construction. (The portion of the site not within the area of potential effect is specifically excluded from this plan).

Following the previously discussed archaeological testing, the areas of this site within the project area were determined NOT to be eligible for the California Register. This is due to the site having minimal data potential and because these areas have been highly disturbed and lack integrity.

As the affected areas of CA-SLO-075 have been determined ineligible, mitigation is unnecessary.

Monitoring (Prehistoric Resources)

CA-SLO-075 is known to contain human remains. For this reason it is recommended that all ground disturbance during campground rehabilitation construction be monitored by a qualified department archaeologist and an appropriate Native American monitor. The archaeologist and/or monitor will have the authority to halt construction in the area should any human remains be discovered. Should this occur, the archaeologist will proceed as outlined in Section 7050.5 of the California Health and Safety Code.

Additionally, as undiscovered resources may be present below the ground surface, the archaeologist and or monitor will have the authority to halt construction should such a resource be noted until a plan for recovery of the resource can be developed.

In addition to hiring a Native American monitor vetted by the Native American Heritage Commission, local Native Americans will be notified of the project through letter distributed by the District Archeologist prior to the start of construction.

Mitigation (Historic Resources)

The Morro Bay State Park Campground was constructed by the Civilian Conservation Corps (CCC) in the mid-1930's. As part of the planning process for the Morro Bay State Park Campground Rehabilitation Project, elements of the campground were documented and evaluated by state park historians and archaeologists. The purpose of these studies was to determine the campground's eligibility for listing on the California Register of Historic Resources. The campground has undergone a number of modifications in its nearly seventy years of history. It is not currently listed either on the National Register of Historic Places or on the California Register of Historic Resources. In its present condition, the campground lacks the requisite integrity for eligibility to either. Discovery of additional elements (such as CCC stonework buried in 1950 by marina dredge tailings and uncovered during investigations precipitated by this project) may present an opportunity to re-assess the campground's eligibility. For this reason, mitigation measures established in the project Environmental Impact Report result in the preservation of all significant contributing elements. The removal of 10% or less of the post World War II campground furniture (Mitigation 4.8-3) would not affect possible future National/California Register eligibility.

Monitoring (Historic Resources)

The stonework constructed by the Civilian Conservation Corps is an important element of the historic landscape. As such, it would contribute to the future eligibility of the campground for listing on the California Register of Historic Resources. The archaeological monitor will be responsible to insure that no existing Civilian Conservation Corps constructed stonework is disturbed during construction.

Campground rehabilitation plans call for relocation up to ten percent of the historic (CCC) campground furniture. This furniture is not to be relocated except under the supervision of either the District Historian, the District Archaeologist, or the Morro Bay State Park Maintenance Supervisor.

Summary

- Mitigation for the loss of data potential from the affected portions of CA-SLO-075 is not a requirement of this plan.
- All ground disturbance is to be monitored by a qualified department archaeologist and a Native American monitor retained by the San Luis Obispo Coast District Archaeologist. It is planned to use the same monitor (LeiLynn Odom of the Northern Chumash Council) as was involved during the testing phase of this project. On staff DPR archeologists who will be monitoring during construction are Elise Wheeler, Associate State Archeologist, and Leroy Laurie and Noah Arnold, Archeological Project Leaders.
- The archaeologist and/or Native American monitor shall have the authority to halt construction should human remains be encountered. Should this occur, the archaeologist will proceed in accordance with Section 7050.5 of the California Health and Safety Code.
- The archaeologist and/or Native American monitor shall have the authority to halt construction should previously unknown archaeological features be encountered. Construction will be delayed until; an appropriate plan for the recovery and/or protection of these resources can be developed and enacted.
- The archaeologist is responsible to insure that no historic stonework is disturbed during construction.
- No historic campground furniture may be relocated except under the supervision of the District Archaeologist, the District Historian, or the Morro Bay State Park Maintenance Supervisor.

Elise Wheeler
Associate State Archeologist
12 August 2003

CCC Exhibit 2
(page 32 of 132 pages)

**MORRO BAY STATE PARK:
INVENTORY AND ELIGIBILITY ASSESSMENT,
C.C.C AND BEACHES AND PARKS
RESOURCES**

**Peter D. Schulz
Kathleen Davis
Richard Hastings
Lee Motz**

April 15, 2000

**Cultural Heritage Section,
California Department of Parks and Recreation,
Sacramento**

**C.C.C. Exhibit 2
(page 33 of 132 pages)**

Ex. D

ABSTRACT

A survey of Morro Bay State Park, undertaken prior to a campground rehabilitation project, recorded and evaluated a variety of historic resources constructed between the 1930s and 1950s as part of the development of the park.

The Civilian Conservation Corps (CCC) developed the southern part of the campground in 1938-39. This area includes a stone combination building, stone curbing and picnic tables, and other features—all exemplifying the Park Rustic ideal. The original campstoves have been lost, but the building and most of the other features retain their historic integrity. The complex is eligible to the National Register as an excellent example of CCC Park Rustic development.

The northern portion of the campground was developed following World War II, using standard-plan construction. This complex *may* be eligible as exemplifying the development of the state park facilities to meet the dramatic increases in auto camping during the post-war period. The significance of the present campground cannot be determined, however, without a clearer understanding of the extent of such construction, and its surviving integrity, within the California State Park System. The campground furniture, a combination building and a comfort station are *potentially* eligible. The entrance station built at this time has been extensively modified and lacks integrity.

Three employee residences built in the post-war period are located just east of the campground. They are little modified and in good condition. They are considered *potentially* eligible within the limitations just noted.

INTRODUCTION

Morro Bay State Park is located on the Central California coast, immediately south of the town of Morro Bay in San Luis Obispo County (Fig. 1). The unit includes a variety of natural and developed areas, as well as an 11-acre campground. The campground suffers from circulation problems and deteriorating facilities, and provides inadequate camping and day-use areas to meet current demand. Beginning in fiscal year 1998-99, the Department was authorized to carry out a rehabilitation project for the campground.

In the preliminary plan phase of this project, an inventory and assessment was undertaken of the cultural resources in the affected area of the unit. The investigation of the archeological resources is presented elsewhere. This report deals with the 20th century historic structures, features and landscape elements of the campground itself, as well as those in immediately adjacent areas of the park.

The campground was developed in the 1930s by the Civilian Conservation Corps, and was expanded shortly after the Second World War. The creation and expansion of state parks in each of these two eras—and the nature of the developments—reflected larger social trends and economic conditions, and contributed importantly to both to the modernization of California and to the popular dissemination of a preservation ethic. The development of the State Park System, consequently, is itself historically significant.¹ Since Morro Bay SP was known to contain various elements of these early developments, it was necessary to inventory the areas of the park potentially affected by the project, and determine the significance, integrity and eligibility of the resources.

PROJECT DESCRIPTION

The project involves rehabilitation of existing deteriorating campground facilities, provision of needed day-use facilities, provision of handicapped-accessible facilities, and realignment of the entry road and correction of other undesirable and unsafe circulation and access problems. Also connected to this project is a program to replace senescent trees that provide a dead-fall hazard to campers.

Aspects of the campground rehabilitation itemized in the project budget package include:

- Demolition of old structures and paving
- Realignment of the Campground entrance road
- Relocation of the Entrance Station (demolition, new construction)
- Installation of 120 parking spurs
- Installation of vehicle barriers

¹ Roland 1991; Allen with Newland 1999.

- Replacement of 120 picnic tables and fire pits
- Realignment of existing paved roads
- Installation of three combination buildings (200 series)
- Connection of new buildings to existing utility systems
- Installation of landscaping between campsites
- Installation of protective fencing
- Installation of temporary irrigation
- Remove 50% of aging trees
- Relocate existing campfire center
- Installation of miscellaneous park furniture.

The creation of additional day-use facilities was projected in the same document to include the following:

- Clearing, grading and tree removal
- Paved parking for 50 cars
- Installation of a combination building
- Installation of buried utilities
- Installation of barriers and curbing
- Installation of signs
- Construction of interpretive trails
- Installation of landscaping with irrigation
- Improvement of existing Marina parking
- Installation of park furniture, including 30 picnic tables and 12 barbecue pits.

METHODS

Archival research for this project included examination of files at various offices of the Department of Parks and Recreation. Locally, these included Morro Bay State Park and the San Luis Obispo District office, as well as the Natural History Museum at Morro Bay SP. In Sacramento, Department information sources included the Northern Service Center, the Resource Management Division, the Planning, Acquisition and Environmental Design Division, and Central Records. Research was also conducted at the San Luis Obispo County Historical Society, the CCC Museum in San Luis Obispo, and the California State Library and the Resources Agency Library in Sacramento.

Field inventory was carried out in January and February, 1999. Most of the inventory work involved the Campground. Adjacent areas briefly inspected included the Picnic Area northeast of the Campground, the old day-use area now on the north edge of the Marina parking lot, Chorro Group Camp, the Shop and Residence Area, and Bayview Road (Fig. 2). In the campground, every campsite was inspected and photographed, and descriptive and condition tallies were made of all masonry camp furniture. Inventory forms (DPR-750) were completed for all historic structures in the Campground, as well as for three houses in the Shop and Residence Area.

HISTORICAL BACKGROUND

Morro Bay State Park is one of the earliest units of the modern State Park System, a system created due to a growing public demand for natural resource conservation and historic preservation, coupled with a rapidly expanding popular avocation: auto camping.

In 1915, fewer than 165,000 cars trundled along the poorly designed and unpaved roads of California, but adventurous drivers were already pointing their vehicles at California's forests, mountains and seashores. By 1925 the state's automobiles had increased sevenfold as mass production brought them increasingly within the means of working families. As ownership of automobiles expanded, so too did the interest in using them for family vacations: to get away from the cities, experience scenic wonders, and do so on a limited budget (Margolies 1995:14-25). It is no accident, for example, that the popular magazines produced by the Automobile Club of Southern California and similar organizations from the beginning focused on sight-seeing and vacation trips. Such activities formed the romantic rationale for purchasing a car—or a better one. Vacationing and sight-seeing, camping and visiting historic sites were viewed as both recreational and educational, thus invoking family values of considerable power. The automobile, though it involved considerable cost, provided a much greater range than horse-based transportation and much greater flexibility than railroad trips.

The growing interest in protecting California's out-of-doors—and seeing it first hand—provided the popular impetus for the creation of a State Park Commission by the California Legislature in 1927. In 1928, the voters of California approved a six-million-dollar bond issue to purchase land for a state park system. Bond funds were to be combined with matching donations of money or land from private individuals or local governments.²

A survey of potential park sites, published by the commission the following year, included Morro Bay among the potential sites for acquisition, noting the attractions as
Large shallow sandy bay with extensive state tideland, enclosed from ocean by peninsula of high dunes. Picturesque pinnacle of Morro Rock arising from sea at entrance to bay...
Several miles of good beach north and south of rock.³

The Park Commission recognized the Morro Bay area as a prime recreational area. It recommended acquisition of a 1500-acre park just south of the townsite. After several years of negotiations, the land became park property on January 8, 1934.⁴

The Morro Bay community responded enthusiastically to the proposed "seashore paradise," recognizing its potential as a boon to the local economy. By 1933, the Great Depression had thrown millions out of work, and Morro Bay was suffering as so many small communities were nationwide. It is small wonder that the local press hailed the park, with its proposed yacht harbor, breakwater, picnic and camping areas, and improvements to an existing nine-hole golf course, as a "great... seashore play ground for

² Engbeck 1980.

³ Olmsted 1929:59.

⁴ *Morro Bay Sun*, Jan. 12, 1934:1.

the people of Central California." In addition to large areas of upland and marsh, the new park contained "the fine golf course, tennis courts, deep water wharf for pleasure boating already established."⁵

These latter facilities--the Cabrillo Country Club--had been constructed in 1929 by two local developers, C.E. Miller and E. W. Murphy. Amenities included Spanish-type administration building, modern clubhouse [located near the present museum]... a nine-hole golf course said by experts to be one of the finest in California, with a secondary course outlined for future needs; modern cottages for transient guests and commodious stables for riding horses.⁶

The original cost of this construction was reputed to have been \$100,000. Although the club was popular, it was never a financial success, and by the time of state acquisition the golf course was reportedly in disreputable condition.⁷

General Development of Morro Bay SP

The Park Commission immediately opened the park and the golf course to the public, and on March 1 appointed Russell Noyes as park warden and his wife Edith as clubhouse manager.⁸ Meanwhile, the Division also began formulating plans for park development, as did the local Chamber of Commerce. Within a few weeks of State acquisition, the latter group had submitted a long list of development proposals:

1. Public camp grounds should be supervised, and as inconspicuous as possible. Probably located at the present auto camp.
2. Higher portion of park should be completely covered with trees and shrubs; marked by foot and bridal paths.
3. Provide an eighteen hole, all-green golf course.
4. Provide housing facilities only if it becomes necessary.
5. Construct a dike from White's Point directly across the bay to the sand spit, at least two hundred feet wide to provide for roadway, foot paths and parking space.
6. Provide a yacht harbor at White's Point.
7. Build tide gates in the dike so that all of the bay above the roadway would be kept at high tide level at all times.
8. Fill over two hundred acres just north of roadway and make land for airport, athletic field, etc.
9. Confine all entertainment facilities to the area adjacent to the above mentioned roadway. Included in these would be, boathouses, bathhouses, dance pavilion, and any concessions that might be granted.
10. Provide a bathing beach on the bay side of the peninsula, where it would be protected from the wind...
11. Provide groves to protect picnic grounds.
12. Make the whole of Morro Bay a bird sanctuary.
13. By holding the upper portion of the bay at high tide level at all times and by filling the mud flats just north of the roadway, there could be made the only combination airplane and hydroplane landing field in central California...

⁵ *San Luis Obispo Telegraph*, April 30, 1934:2.

⁶ Gates and Bailey 1982:55-56.

⁷ Stammerjohan 1988:17-18. Gates and Bailey (1982:136) list the cost as \$140,000.

⁸ *San Luis Obispo Telegraph* Jan. 17, 1934:2; March 28, 1934:1.

14. We are informed that Morro Rock is to be transferred from the federal government to the State of California for park purposes. The long delayed breakwater at the mouth of Morro Bay is to be started very soon, making the rock accessible to all. Therefore we should see that the top of the breakwater and the floor of the quarry are kept as smooth as possible, and that in time barbecue pits, fireplaces and rest rooms are provided and that adequate trails and shelters are constructed.⁹

The commercial motivation behind some of the listed proposals is readily apparent, but it was the first itemized articulation of plans for the park, and it publicized goals that would attract community support over the next decade and a half. The Division of Parks was less definite about its own ideas for the park, or less forthcoming. It may have welcomed local input, but it took its direction from the Commission. Its objectives at Morro Bay were aggressive but strictly park-focused: clean up the new acquisition, make the existing golfing, tennis and camping facilities available to the public, plant new trees and bushes, and build new roads, trails and camping and picnic facilities.¹⁰

It is highly unlikely that the State could have found the funds to develop Morro Bay—or any of its other newly-acquired parks—in a time of fiscal austerity. Monies from the 1928 bond were 95% depleted by 1934. The nation had entered the Great Depression in 1929, and no new bond was contemplated. Fortunately for state and national parks across the country, the voters had elected Franklin Delano Roosevelt in 1932 with the mandate to do something about the economy. His response included programs of public works construction and resource conservation. Congress passed his Emergency Conservation Work (ECW) program and created the Civilian Conservation Corps (CCC) in March 1933.

It is hard to imagine a program of social engineering more successful than that of the CCC. It took unemployed and underemployed young men, aged 18 through 25, from the cities and impoverished rural areas, and introduced them to the great outdoors and a regular work routine. Many had their first exposure to regular medical and dental care, ample balanced nutrition and improved standards of personal hygiene. Of the \$30 they earned each month, \$25 was sent home to their families. Boys were sent to parts of the country they might never have seen otherwise, and their horizons were further broadened with exposure to sports, amateur theatricals, camp publishing efforts, and evening classes. They were taught discipline that stood many of them in good stead when they joined the armed services during World War II.¹¹

The value of the efforts of the CCC to California's resources is virtually incalculable. A total of 27 CCC camps were built in California's state parks, and Morro Bay SP was one of the first to benefit.

Under the supervision of Park Warden Noyes, a camp for 200 men was established in April 1934.¹² By the time the CCC crews arrived in early May, nine main buildings and several smaller structures had been built to accommodate them. The

⁹ *Morro Bay Sun*, Feb. 16, 1934:1.

¹⁰ Dept. Natural Resources Feb. 27, 1934:11.

¹¹ Merrill 1981; Salmond 1967.

¹² *San Luis Obispo Telegraph*, March 28, 1934:1.

structures included four barracks and a mess hall for the men, a barracks for administrative and park officers, a recreation hall, dispensary, dryer house for clothing, latrines and other small buildings. All were "of wood and batten construction, with tar paper covering in the same manner as other such camps throughout the country."¹³ The press was happy to report that 38 local men had been employed as carpenters and utility men in the construction of the camp, and that an electrical and plumbing contract had been let to a local builder.¹⁴

The state, meanwhile, was wasting no time in making the park available to campers. The Division of Parks' report to the governor on May 29, 1934 noted that

Through the aid of Emergency Conservation [CCC] units twenty camp grounds have been more or less equipped for continued occupancy. At camps so equipped... a charge is made of 50¢ for the first night occupied and 25¢ a night for each subsequent night...¹⁵

Morro Bay was listed among the "camps so equipped." Given the timing, it is clear that the Division was relying on the facilities that existed on the land prior to acquisition.

CCC Company 1916-V occupied the camp from May 11, 1934 until April 25, 1935. This was a special company made up exclusively of World War I veterans, rather than the younger men who constituted most companies. The veterans endeared themselves to the local community by doing civic and church work; when they were transferred out, the local press expressed the hope that they would return when the camp was reopened.¹⁶

The on-site organization of the CCC program—which was arranged through the National Park Service—was a cooperative arrangement between the Parks Division and the Army:

The Park Rangers were in charge of the construction in the park. The military was in charge of room, board and discipline of the Corps. The CCC's had crew leaders who were paid \$6.00 per month extra...

There were very few discipline problems. One thing that stands out in my memory is that everyone worked hard. The peer pressure was tremendous—everyone pulled his weight. The crew leaders used to gamble among themselves, betting that their crew could do a bigger or faster job than the other. Of course, with that stimulus, we all tried our best to beat the other crews.¹⁷

The CCC men were charged with a great deal of work (see Fig. 3 for general locations). A work summary dated March 27, 1935, reported an impressive list of accomplishments. The campgrounds had been laid out and planted with "native plants."¹⁸ Roads and walkways were surfaced with decomposed granite. A 50,000-gallon water tank had been built, and a half-mile of water mains laid. Along the park's

¹³ *San Luis Obispo Telegraph*, April 30, 1934:1; *Morro Bay Sun*, May 11, 1934:1.

¹⁴ *Morro Bay Sun* May 4, 1934:1; May 11, 1934:1

¹⁵ Dept. Natural Resources 1934:8-9.

¹⁶ Hobart 1982; *Morro Bay Sun* April 26, 1935:1.

¹⁷ Callan 1985.

¹⁸ Shortly after the beginning of CCC work, the California Polytechnic School at San Luis Obispo donated "over one hundred of various pine species" that were planted "around the CCC camp grounds" (*Morro Bay Sun* July 20, 1934:1).

northern boundary, 3½ miles of hogwire fencing was constructed. The Warden's dwelling had been expanded and spruced up, and general clean-up was accomplished throughout the park. Of most interest to this study is the following:

Two distinctive camp and picnic areas to accommodate one hundred or more persons have been developed along the beach south of the Club House and among the Chorro Creek willows. These areas are complete with trail, bridge, tables, fire places and have convenient water supplies and rest rooms. The camp sites are laid out with roads to each clearing and overnight cabins.

Many visitors from distant places have enjoyed these out door facilities. They have remarked upon the convenience and good workmanship displayed in these developments.¹⁹

The cabins had been salvaged from a tourist camp that had previously occupied the property; three were used to expand the Warden's residence, and others were temporarily retained until more suitable facilities—i.e. campsites—were built.²⁰ The camping was at the Chorro Creek Willows site, while the day use facilities were located along the shoreline from the Clubhouse to just south of the present campground. In both areas development included park rustic features, including stone stoves and picnic tables. The former site also featured rustic foot bridges, while the latter included stone curbing and retaining walls (Figs. 4-6). The accomplishments of Company 1916-V were honored when the improvements at Morro Bay were awarded first place in a competition among 12 CCC camps.²¹

Company 3344 occupied the camp for a little more than a month (June 9-July 20) during the summer of 1935, and then the camp was mothballed for more than two years.²²

During the initial development of the park, ownership of Morro Rock was clouded by conflicts over state and federal jurisdiction. In 1935 Congress passed a bill, authored by local congressman H. E. Stubbs, that transferred full title to the State. The bill was signed by President Roosevelt in June, and the deed of transfer was signed by the Secretary of Commerce in October.²³

Use of the park seems to have declined during 1936. A total of 3,615 visitors were reported in June and July—the two high visitation months—compared to 5,540 for the same two months in 1935. The reason for the decline are not known; park attendance statewide increased almost 20% in this period.²⁴

¹⁹ NPS Report: March 27, 1935:1; cf. Hobart 1982.

²⁰ Photos of the cabins are on file at the Morro Bay Natural History Museum.

²¹ *Morro Bay Sun*, March 29, 1935:1.

²² Hobart 1982. The barracks were used by Army and National Guard officers during training exercises at Camp San Luis, in July and August, 1937. As part of this use, the barracks were repaired, new phone lines were installed and the park tennis courts were repaired (*Morro Bay Sun* April 30, 1937:1; July 2, 1937:1; July 16, 1937:3; July 23, 1937:1).

²³ *Morro Bay Sun*, June 14, 1935:1; Nov. 1, 1935:1.

²⁴ Dept. Natural Resources Sept. 30, 1936:5. It is also unclear whether golf course use is included in these figures. Visitation in June, 1936 was reported as 1,245; golf course users were reported elsewhere as numbering 449 in that month (Dept. Nat. Res. July 20, 1936:11).

A major effort to upgrade the golf course was undertaken using WPA labor in 1936-37. The work included repairs to the clubhouse, improving and relocating park roads, removing telephone poles and under-grounding the lines, and converting the facility to an all-grass course. The project also included a trail to the top of Morro Rock. The work began August 10th, 1936, and the golf course was partially or intermittently closed to the public for the next year. The course was reopened on November 1, 1937, operation and maintenance being transferred at that time to the Cabrillo Golf Club, a non-profit corporation.²⁵

CCC work at the park was resumed in late 1937 and continued for almost two years. Company 1952 arrived on October 10, 1937, and stayed until June 11, 1938; Company 5447 arrived on October 15, 1938 and left in June of 1939. Company 911 arrived in April, 1939 and departed June 10. The companies who wintered at Morro Bay spent their summers in Yosemite. Among the assignments was the completion of projects begun by the WPA, as well as work deferred from previous CCC programs. The greatest need was seen to be "more, improved campsites with sanitary facilities..., especially on property fronting the bay."²⁶ The work undertaken toward this end involved the creation of a new auto camp that marked the initiation of the present campground. (This project is discussed in detail in the next section.)

Other work involved cutting a new channel for Chorro Creek near the Willows camp ground, and building a ford of mortared stone across the stream. At the clubhouse, a new rockwork walkway was added to the front and an attached room was built, to be used as a golf shop. A road—paralleled by mortared stone gutters—was built up the side of Black Mountain to the water tank built by the CCC several years earlier.²⁷ And on Morro Rock the WPA trail to the top of the rock was significantly improved with the addition of several switchbacks to lessen the grade, construction of stone walls along cliff edges and cutting of steps where the trail ascended steeper areas of solid stone.²⁸ Also built was a boat landing with a 320-ft-long pier, located south of the clubhouse.²⁹

A summary of CCC work completed and in process of completion in the spring of 1939 presents an impressive list of accomplishments:

A brief review of CCC projects reveal that enrollees have covered a wide range of work including construction of additions to a dwelling house and a club house, an automobile bridge, incinerators, two miles of telephone lines, 7,488 feet of pipe line, one 50,000 gallon redwood tank, a pumphouse, 38 campstoves, 46 table and bench combinations, 90 rods of guard rails, four miles of fence, 17.5 miles of minor roads and truck trails, 1.6 miles foot trails, 3000 square yards road bank sloping, eight check dams, 800 square yards flood control and 800 cubic yards flood control [sic].

²⁵ *Morro Bay Sun*, Aug. 7, 1936:1; Oct. 23, 1936:1; Sept. 10, 1937:1; Oct. 29, 1937:1; *San Luis Obispo Telegraph* Oct. 17, 1936:1; Dept. Nat. Res. Aug. 31, 1936:12; Nov. 30, 1936:10; March 29, 1937:7; Sept. 27, 1937:13; Nov. 29, 1937:6.

²⁶ *Morro Bay Sun* July 30, 1937:1; Mar. 31, 1939:1; April 7, 1939:1; April 14, 1939:1; Hobart 1982; Callan 1985.

²⁷ *Morro Bay Sun* April 1, 1938:1.

²⁸ *Morro Bay Sun* Nov. 25, 1938:1.

²⁹ *Morro Bay Sun* April 14, 1939:1; May 19, 1939:1.

Completed projects also include 10 acres of landscaping, planting and moving 1500 trees, 1870 square yards of parking areas, 50 acres campground development, five acres beach improvements, three miles of fire breaks, 550 acres of fire hazard reduction, 622 square yards of stream and lake bank protection, 20 rods of stone walls and one masonry ford at Chorro Creek crossing.

In addition the Morro Bay CCC camp has carried on scores of smaller jobs, which have become an established routine of camp life. Officials say that as a result of Civilian Conservation Corps activities, the park has become well known to the general public for the widespread recreational opportunities that it affords.³⁰

During World War II, many of the facilities at Morro Bay State Park were taken over by the military. In April 1945, Chief Ranger Russell Noyes reported that

Since the outbreak of war, several different branches of our armed forces have occupied parts of the park. The Coast Guard used the clubhouse and built another building close by for their beach patrol units and kennels for their dogs. At the same time a Coast Artillery battalion occupied the CCC camp and were here for a year. Both of the above are now gone and the Navy has taken over. They have had as high as 700 men quartered at the CCC camp and are using the old Coast Guard building as an officer's club. Several Army Infantry divisions held training classes for Rangers on the bay shore.³¹

The golf course continued to be open to the public, operated for the duration by park staff. Apparently the camp ground continued to be available as well.³²

In 1946, William Roy, the original engineer of the golf course and the long-term manager of the Cabrillo Golf Course, submitted plans for a boat basin and expansion of the golf course. Both ideas dated back to the establishment of the park, but had been deferred or declined by the Park Commission in favor of concentrating on more traditional park uses. Roy's plans came to fruition in 1949 when the golf course was enlarged and altered to 18 holes. The boat marina was dredged, and facilities were planned to service the expanded picnic and day-use area near the marina.³³

While the main campground (the CCC auto camp) was expanding in the post-war era, the old picnic area at Chorro Willows was still in use. A 1950 report notes

There are two group picnic areas at Chorro Willows, about three-quarters of a mile from the office and contact station. Each area will accommodate about 150 people, and has a barbecue pit, a double campstove, ten tables, drinking fountain, and a combination building for the two areas. This area is becoming more popular each year.³⁴

In 1980, under the pressure of increased visitation, the park began using the two group areas at Chorro Willows for individual overflow camping when not otherwise reserved. Up to 40 vehicles were accommodated in this manner. In spite of its popularity,

³⁰ *Morro Bay Sun* March 31, 1939:1.

³¹ Noyes 1945:7. See Stammerjohan 1988 for a fuller discussion of military use of the park.

³² *Morro Bay Sun* Sept. 24, 1943:1; Noyes 1945:7. Operation of the golf course was contracted to San Luis Obispo County beginning in 1945 (*News and Views* March, 1946:6-7).

³³ Stammerjohan 1988:20. For early requests for a marina and an 18-hole golf course see *Morro Bay Sun* Feb. 16, 1934:1; *San Luis Obispo Telegraph* April 30, 1934:2.

³⁴ Canham and Doll 1950:6.

however, the site suffered from its location in the floodplain of Chorro Creek. It flooded repeatedly, was subject to heavy mosquito infestation, and was eventually abandoned.³⁵

Interest in a natural history museum for the park had been voiced as early as 1938. By the late 1950s, the Department developed plans toward this end, with the facility to be located on the point near the old clubhouse (Fig. 7). The majority of the land for the facility was already owned by the State, but an additional parcel was purchased to complete the needed site. Plans for the museum were prepared in 1959, and it was constructed within the next two years. The old Cabrillo clubhouse was demolished, a portion being moved to the eastern edge of the park and converted to a residence, the area of the cleared foundation converted to a parking lot for the museum. The front patio of the old clubhouse became a visitor observation deck. The Museum of Natural History opened in 1962.³⁶

The Campfire Center, located northeast of the campground and east of the Picnic Area, was built in early 1982, its construction funded by the Morro Bay Natural History Association. In 1987 the campfire center screen and speakers collapsed, due to dry rot at ground level, and had to be rebuilt.³⁷

In the summer of 1982 CDF inmate crews reconstructed the foot trail at White's Point to make it accessible to the handicapped. The work was done in the original 1930s pattern utilizing hand-laid stone walls.³⁸

Development of the Present Campground

WPA historian George Tays implies that the first improvements to the campground, apart from the planting, grading, and road building done in 1934-35, were accomplished by the WPA in 1937. "Twelve picnic spots and twelve camping grounds [=sites] were laid out, tables and stone fireplaces and other conveniences were built."³⁹ If the reference is to the present campground, the work was apparently carried on in connection with the WPA improvement program for the adjacent golf course.

The first detailed mention of the present campground, however, is in the form of a glowing report in the local paper the following year, and refers to the CCC:

Perhaps the largest and most elaborate trailer compound in this county, will soon be ready to receive patrons at Morro State Park. Work on the compound is progressing rapidly. Most of the rock work has already been completed and the project will be in the "finishing touches" stage in another week or two.

³⁵ Unit history, Morro Bay SP office. The scale of the problem can be seen in comments such as: "February, 1980. Six picnic tables from Chorro Willows floated out into the bay."

³⁶ Stammerjohan 1988:20-21; Allen with Newland 1998:33. For an early museum proposal, see *Morro Bay Sun* Oct. 21, 1938:1).

³⁷ Unit history, Morro Bay SP office.

³⁸ Unit history, Morro Bay SP office.

³⁹ Tays 1937:26.

The compound will accommodate twenty trailer-campers. Also, there will be eighteen units for campers without trailers. Each unit will provide adequate parking space, a place for pitching a tent, rustic rock table and fireplace.

Two large septic tanks are being installed to take care of all waste water and refuse. Fresh water spigots will be installed at convenient places throughout the camping area.

Roadways within the compound have been worked out to provide systematic egress and ingress. These will be one-way routes only.

The building planned as a combination rest room, general utility and wash room, probably will not be erected for some time as the local CCC detachment is to be transferred to Yosemite... However, it is understood that the camp will be reopened in the fall and the work will be continued at that time. In the meantime the barracks rest rooms will serve the compound.⁴⁰

The campground, located immediately southwest of the CCC camp, was an open area entirely devoid of mature trees (Figs. 8-9).

In 1985, park ranger Diane McGrath interviewed CCC alumnus Mel Callan, who was a member of CCC Company 911, one of the three companies involved in the work. He recalled that:

Our primary duties were finishing up the golf course and the campground... The first campsites were where the hookup sites are now—I think there were about 20 of them. Our barracks and the other buildings were where campsites 82-114 are today. The campsites were all tent sites—no hook-ups then. People were using them even then. Any time someone came in we'd all go over and see if there were any pretty girls along.⁴¹

The newly constructed campsites can be seen in a photograph evidently taken to document their completion. The landscaping consisted of small freshly planted saplings next to the stone picnic tables with concrete tops that are still present today. The fireplaces were also stone, and located as at present, but were larger than the existing features (Fig. 10).

In the summer of 1938, while the CCC work was in progress, the Division announced its participation in an additional New Deal program. This was a Federal Recreation Project designed to introduce facilities more commonly associated with urban parks. The development was to be undertaken in or adjacent to the campground. In addition to facilities for playing croquet, lawn tennis, horseshoes, outdoor basketball and volley ball, plans were made to install slides, swings and teeter-totters.⁴² It is unclear whether any of the latter facilities were ever installed. If so, none survive.

Meanwhile, landscape engineer Dan Hull prepared the architectural plans for the combination building in late 1938.⁴³ Construction, carried out by the CCC, was under way by late March, 1939. It was completed by mid-May. An excellent example of park rustic architecture, the 630 ft² T-shaped building features stone walls, large projecting

⁴⁰ *Morro Bay Sun* April 1, 1938:1.

⁴¹ Callan 1985.

⁴² *Morro Bay Sun* July 15, 1938:1.

⁴³ For Hull's earlier importance in formalizing the rustic esthetic within the National Park Service, see McClelland (1998). He had been hired by the Division of Beaches and Parks to oversee State Park interests during the CCC era (Allen with Newland 1998:11-12).

roof members, a wood-shingled roof, and rusticated doors (Fig. 11). The material for the walls reportedly derived from loose stone left in the old quarry at Morro Rock.⁴⁴

During World War II, various facilities at Morro Bay State Park were turned over to the military. The golf course remained open to the public, however, and the campground was seemingly open as well. In April 1945, Chief Ranger Russell Noyes reported that

The camp ground and trailer court designed especially for the use of trailers, with its stoves, tables, and combination building of native stone and its landscaping of native trees and shrubs is admired by most of our visitors. It is a great tribute to the work of the CCC.⁴⁵

The close of the war left the park with the original CCC barracks and associated buildings intact, with the addition of several structures erected by the military. Except for those located in the Maintenance Complex, these buildings were viewed as extraneous to park purposes and were slated for removal. Demolitions began in 1948 and proceeded intermittently over the next seven or eight years. By 1954 only one building from the old CCC camp remained standing, and this was removed shortly thereafter.⁴⁶

Morro Bay SP, like the other units of the State Park System, experienced greatly increased visitation following the end of the war, and this drove a gradual expansion of camping facilities at the park. As early as March, 1946, the park was reporting 105,000 visitors since the beginning of the year: the release of men from military duties swelling the golf course and the end of gasoline rationing stimulating a great increase in camping. During summer holidays, the campground was filled to capacity and hopeful campers were being turned away,⁴⁷ a growing problem throughout the System (Fig. 12).

A report from the spring of 1946 remarked that "no construction work is planned for the coming season except a comfort station at the boat landing."⁴⁸ However, Ranger Lloyd W. Lively, who was Chief Ranger at the Park for a year beginning in 1946, recalled that

The development at Morro Bay consisted of the existing 20 pull through trailer spaces and 30 or 40 campsites. The park crew built 10 additional campsites the year I was there... There was no time limit at that time so we had many long term occupants, particularly in the trailer sites.⁴⁹

Additionally, two "standard residences," each with a garage, were built in 1947, with a third being planned.⁵⁰ The park was officially credited with 48 campsites and 20 trailer sites open the following year.⁵¹

⁴⁴ Callan 1985; *Morro Bay Sun* Mar. 31, 1939:1; May 19, 1939:1; Plan 11492, Architecture Section, DPR.

⁴⁵ Noyes 1945:7.

⁴⁶ Unit history, Morro Bay SP office. 1954 park map.

⁴⁷ *News and Views* March, 1946:6; July, 1947:9.

⁴⁸ *News and Views* March, 1946:7.

⁴⁹ Lloyd Lively, letter to Rangers W.C. Carter and E. Wang, Feb. 5, 1977.

⁵⁰ *News & Views* Oct., 1947:4; May, 1948:6; California State Park Commission 1948:20.

⁵¹ *News & Views* Apr., 1948:3. The Postwar Progress Report (Calif. St. Park Commission 1948:12-13) credited the unit with 48 camp sites, 20 trailer sites and 45 picnic sites.

Other developments at the end of the decade included construction of a combination building (Combination Building 2) and the combined entrance station and park office, both built from standard plans.⁵² With construction of the latter building, the entrance to the campground was shifted from the southwest corner to the east side (Figs. 13, 14).⁵³ A standard-plan restroom (Comfort Station 4) was added in the early 1950s.

In October, 1950, in an information handout on the park written by Rangers Fred Canham and Charles Doll, the campground was described as follows:

There are 20 trailer spaces with trees and shrubs to separate each unit. Each has water, electricity, a trailer drain, a table and campstove. The trailer areas are black-topped and allow about 75 feet for trailer and car. A combination building made of stone adds to the attraction of the area. The campground has 61 camp sites, each with a table, cupboard, camp stove and marker. There are 15 picnic units with table and camp stove, and also four group barbecue areas with a barbecue pit, camp stove, and three tables each, and each will take care of from twenty to twenty-five people. Water, comfort station, drinking fountain, and slop sinks are nearby.⁵⁴

The campground continued to gradually increase in size. A topographical survey made in August 1954 shows 101 campsites: the 20 trailer units and 81 regular sites, as well as the 15 picnic units and four barbecue areas. The beachfront picnic units built in 1934-35 had disappeared by this time—presumably victims of a parking lot remodel when the marina was expanded in 1949.⁵⁵

Insufficient camping facilities continued to be a problem during the summer season. During the July 4 weekend, 1955, for example, all 101 sites were full, some with two families to a location. Even so, rangers turned away 197 campers and 91 trailers.⁵⁶

Subsequent demolition of the last of the CCC barracks created space for additional camping. Another combination building (Combination Building 3), this one in a more 'modern' style with Roman brick facing and a very low pitched roof, was built in the northern part of the campground in 1957.⁵⁷ Use of the Chorro Willows area for overflow camping created some relief in the 1980s (see previous section), but the area was plagued by frequent flooding, and was eventually abandoned. Today, there are 138 campsites in the campground, the final additions being located in the eucalyptus grove north of the old CCC barracks.

⁵² See Canham and Doll 1950:6, who note the facilities already in place. According to the unit Facilities Inventory, all three buildings were constructed in 1949. Photographs of a comfort station and a ranger residence, built from these standard plans, were published in the Postwar Progress Report (Calif. St. Park Commission 1948:24). Plans for the standard comfort station are included in Allen with Newland 1998:Fig. 1.

⁵³ For this change in orientation compare Figs. 3, 8, 13 and 14.

⁵⁴ Canham and Doll 1950:6.

⁵⁵ 1954 Park Map.

⁵⁶ *Morro Bay Sun* July 8, 1955:8.

⁵⁷ Allen with Newland 1998:Plate 8. The construction date is from the Facilities Inventory.

INVENTORY RESULTS

The survey of the Morro Bay SP Campground recorded a large number of camp stoves, tables and other furniture, four historic structures, and a variety of other features. Adjacent areas inspected included the Picnic Area northeast of the Campground, the old day-use area now on the north edge of the Marina parking lot, Chorro Group Camp, the Shop and Residence Area, and Bayview Road. Two buildings outside the campground but within the project area were recorded. In locations outside the project area, a few additional historic buildings were recorded, but otherwise observations were restricted to unsystematic photo recordation.

Campground Furniture

During the inventory, it became evident that the campground furniture could be readily classified into several types, and that these types seemed to be concentrated in different parts of the campground (Table 1; Figs. 15, 16). Consequently, before discussing distribution and preservation, the varieties of campground furniture will be briefly described.

Tables

Three types of masonry camp or picnic tables were encountered in the park, in addition to at least two types of wooden tables. The former, of course, are fixed features and of greater age, while the latter are moveable and more recent.

Tables of Type 1 are built with tapered pedestals of mortared stone to support the table and benches (Fig. 17a). The 2'6"x 6' table top is formed of reinforced concrete, the corners being beveled and the edges chamfered. A few of the table tops have a central umbrella socket. Each bench top consists of a pair of 2½"x5½" boards. A total of 43 of these tables survive in the campground, where they are restricted to the southern third of the area (Fig. 15). This area represents the old CCC campground and evidently the expansion area created in 1946. No Type 1 tables are present in the other areas inspected, although historic photos show them in the old marsh-side picnic area (now the Marina parking lot) and the old (now-demolished) Chorro Willows Campground.

Type 2 consists of tables built almost entirely of reinforced concrete (Fig. 17b). As with Type 1, support for the table and benches is provided by tapered pedestals, but here of course, these are of concrete, rather than stone. Type 2 table tops measure 3x8', construction being similar to those on the Type 1 tables, except that the chamfered edges are simpler. The bench tops consist of boards, similar to those of Type 1. A total of 37 of these tables survive in the campground, where they are restricted to the central area created about 1950 (Fig. 15). None are present in the other areas inspected.

Type 3 tables are identical to those of Type 2 except in size, the table tops being 3x10'. There are presently 15 of these tables in the northern part of the campground (Fig. 15), and 11 in the picnic area. They were installed between 1950 and 1954.

The designation Type 4 was given to wooden combination tables having a cupboard built onto one end.⁵⁸ A total of 38 of these have been placed in the campground; none were observed elsewhere. Type 5 designates all other wooden tables. Seven of these readily portable tables have been placed in the campground, one in the Picnic Area, and about seven at the Chorro Group Camp. Although the locations of Type 4 and 5 tables was recorded in the field notes, it is unlikely that they represent historic furniture, and in any case their distribution cannot be used to define historic zones within the campground. Consequently they are omitted from Table 1 and Figure 15.

Stoves and Barbecue Pits

Stoves were classified into three types, while barbecue pits were of two types. All of these features are of mortared stone construction, their fire boxes faced with fire brick and covered by some kind of iron or steel grill.

Type 1 stoves are of relatively simple construction, low blocky features having the arms and the top of the back all at the same level, with the rear elevation sloping downward so that the base is significantly longer than the top (Fig. 18a). This is the most common stove type in the park, 50 examples being found in the Campground. Although these stoves are distributed throughout the campground, their concentration in the southern area (Fig. 16) might suggest that this is the original stove type in the park. This is not the case. Photographs of the campground taken from the late 1930s to the mid-1950s show that the original stoves were similar to Type 3 (see below) with, at least in some cases, a step or pot ledge situated on one side (Fig. 10a). No stoves of this type survive.

Type 2 stoves resemble those in the previous category except that the rear elevation is vertical (plumb), dropping to an expanded step or pot ledge (Fig. 18b). A total of 21 examples are found in the Campground, all located in the central area. This was the campground expansion area created about 1950, but the original stoves here seem to have been similar to Type 3.⁵⁹

On the Type 3 stoves, the back top is about 1'1" higher than the arms, providing a heat screen. The rear elevation is vertical (plumb) and has no step (Fig. 19a). Only one example is present in the Campground (where it may be original to the 1950 expansion), but all four stoves in the Picnic Area are of this type.

⁵⁸ Although the present examples are not historic, tables with attached cupboards were sometimes built by the CCC, as at Palomar Mountain SP (see Good 1938a:24).

⁵⁹ See Allen and Newland 1998:Pl. 8.

The barbecue pits consist of mortared stone boxes framing a brick-lined firebox. None are located in the Campground. The four examples in the Picnic Area are about 4'x6'6" on plan, 1'6" high, and feature a pair of hinged grills (Fig. 19b). A larger barbecue pit in the Chorro Group Camp features a single grill suspended from metal posts and raised by a crank.

Cupboards

Although some variation was noted in the camp cupboards, all are quite similar. They feature an exposed shelf near the ground, above which is a shed-roofed cabinet secured by a hinged door and latch, containing three shelves: the lowest (the cabinet base) is solid, while the other two are formed with slats, providing for air circulation. The side walls of the cabinet (which are perforated with a pattern of 1" holes, again to promote circulation) extend downward to form the legs of the cupboard (Fig. 20a). The Campground contains 97 of these cupboards (Table 1).

Fire Rings

Fire rings comprise the most abundant category of park furniture observed during the survey, 104 of them being present in the Campground. The fire rings have been added in recent decades, evidently favored over stoves because they are less expensive, easily replaceable, and provide a popular enclosure for campfires. Several varieties of these moveable metal fixtures are represented, but none are historic, and no systematic effort was made to classify them.

Stone Curbing and Related Features

The stone curbing and related features at Morro Bay SP provide a unifying landscape expression of the Rustic esthetic that extends throughout the park. All these mortared rock features are of the same rough native stone found in Combination Building 1. Such features outside the campground include: the remnants of the retaining wall and stone steps for the picnic areas south of the road (Fig. 21a); the stone steps and retaining walls around the parking area for the Museum; the stone pillars flanking the park entrance; and the gutters and drainage ditches flanking the roads in various parts of the park (Fig. 21b).

Curbing

Within the campground, the stone curbing around Combination Building 1 (Fig. 22a) is of CCC construction, as is that defining parking areas along the north side of the adjacent park road. The curbing along the west side of the campground may comprise a combination of both CCC and later construction; at least some post-dates the

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reorientation of the entrance to the east side of the campground (Fig. 22b). The curbing around the entrance station was initially installed when that building was constructed in the late 1940s. The curbing west of the building was heightened in recent years because it proved to be a trip hazard for campers walking at night to the pay phone on the back of the building. In spite of the recentness of this construction, it continues the rustic tradition at the park.

Drinking Fountains

Two stone drinking fountains were constructed on the south side of Combination Building 1 in 1939 (Fig. 11a). These two features, situated immediately next to the road, have since been removed, presumably because their location was considered hazardous. Very similar fountains are now located south of Combination Building 2, south of campsite 95 (Fig. 20b), and west of the Entrance Station. It is uncertain whether these are the original fountains relocated, or new fountains built following the original esthetic.

Buildings

The campground includes three combination buildings, one comfort station and one contact station. Several additional buildings are present in the Maintenance and Residence Areas to the east. Only those in the project area are discussed here.

Combination Building 1

This 630-ft² building, constructed by the CCC in 1939, is an excellent example of park rustic architecture (Fig. 11). A single-story combination building (restrooms combined with showers and laundry room), it has a T-shaped footprint and a wood-shingled gable roof. The exterior walls, restroom privacy screens and adjacent curbing are built with local metamorphic stone, reportedly obtained from an old quarry at Morro Rock. The stone is dressed, but laid up in an irregular ashlar pattern. Gables are sheathed in dog-eared board and batten. Stylistic details include rough-hewn 8" lintels over the doorways, heavy 8x8" beams projecting from the gable ends at the ridge and roof plates, louvered gable-end windows, rounded exposed rafter tails and hand-built rusticated batten doors.

Modifications include replacement of plumbing fixtures, tiling of floor and walls in the showers, and remodel of the laundry room. At least some of the window sash is not original, but the replacements are all wood sash with no change to size or arrangement of the openings. The only exterior changes are the minor changes to the windows, loss of one of the rustic batten doors and removal of two stone drinking fountains originally placed along the road adjacent to the building.

Combination Building 2

Another combination building (restrooms combined with showers, laundry room and maintenance room), this is a 526-ft² single-story rectangular frame structure with board and batten siding and a medium-pitch wood shingle roof (Fig. 23a). It is raised on a slab foundation. The windows, except in the laundry, consist of a series of small obscured lights set high in the wall and sheltered under the eaves. A wooden privacy screen (L-shaped on plan) obscures the restroom and shower doors at either end.

This structure was built in 1949 from standard plans developed by the Division of Architecture in 1947. These plans were designed in an era that valued the rustic ideals of the 1930s, but found their implementation impeded by severe fiscal constraints. Consequently, inspiration was drawn from the utilitarian aspects of that tradition.

Modifications include replacement of the original plumbing fixtures, removal of the laundry fixtures and minor changes to the windows.

Combination Building 3

This building, constructed in the 1957, is not historic.

Comfort Station 4

This structure (Fig. 23b) was built in the early 1950s, using standard plans derived from the same source—and exemplifying the same style—as those for Combination Building 2. A 300 ft, single-story building, rectangular on plan, it is raised on a slab foundation and has a wood-shingled gable roof. The walls are clad with board and batten, and the ends are extended by privacy screens of dog-eared boards that obscure the restroom doors. Windows consist of a series of small obscured lights set in a series high on the wall just below the eaves. Internally, the restrooms are separated by a maintenance room entered by a door centered on one long wall.

Contact Station

This structure (Fig. 24) was apparently built in the same year as Combination Building 2, using standard plans derived from the same source, but it has been extensively modified in more recent years. A 254-ft² single-story building, it is nearly square on plan with a medium pitch gable roof. Two elevations (those facing the road and the park entrance) are dominated by a narrow flat-roofed veranda or rain shelter and several aluminum-framed windows. Doors are placed in the gable ends, that at the east end of the north elevation being a Dutch door that serves as the service window for campground registration and visitor information. The building is clad with board and batten: a vestigial rustic touch. However, enclosure of an original cut-away porch,

addition of the flat-roofed veranda, conversion of most windows to aluminum sliders, and re-roofing with composition shingles all give the building a "modern" feel.

Internally, the old cut-away porch has been enclosed to create the working registration office and communications center for the park. The other rooms appear essentially as on the original plans except for door and window changes related to the porch conversion.

Residence 1

This standard plan residence (Fig. 25a), located just south of the Maintenance Yard, was built in 1947. A modest (1130-ft²), single-story stucco dwelling in good repair, it has a rectangular footprint, with a small rectangular bump-out on the west end (to accommodate the laundry room) lengthening the front (south) façade. The gable roof is clad with composition shingles, with a partially continued smaller gable roof over the laundry extension, and a continued shed roof extending over the front porch. The elevated front porch, accessed by an L-run of concrete steps, is framed by stuccoed knee walls that are surmounted by clay tiles and support the posts for the porch roof. Fenestration is asymmetrical, consisting of 2-over-2 windows of varying sizes.

No modifications to the original design are apparent.

Residence 1 Garage

The detached single-car garage (Fig. 25b) for Residence 1 is also a standard plan building, and was undoubtedly part of the 1947 construction. It is a simple stucco-clad 465-ft² building, its gable roof covered with composition shingles. The south gable-end elevation is dominated by the main door, with a service door and double window on the east elevation.

No modifications to the original design are apparent.

Vegetation

While the mission of the CCC was from the beginning closely tied to national conservation goals of revegetation and reforestation, it is not clear that plantings in campgrounds such as Morro Bay were the result of the kinds of formal design or selection that are reflected in architecture. The general philosophy is exemplified in the statement that

On every project in which the CCC is engaged the greatest of care has been exercised to prevent any injury to the scenic beauty of the national and state parks and monuments.

Native materials only have been used in the planting of trees and shrubs and natural conditions have been maintained so far as consistent with use of the developed areas.⁶⁰ The only information we have on the implementation of this standard at Morro Bay is the record of "various pine species" donated in 1934 by the California Polytechnic School, to be planted "around the CCC campgrounds."⁶¹ It is clear that most of the campground plantings were made several years later (Figs. 9, 10a). Nonetheless, it seems likely that the "native materials" being planted were the Monterey pine and Monterey cypress trees that, in their mature state, now dominate the campground.

It thus seems unlikely that the eucalyptus trees now found in the southern and central parts of the campground resulted from CCC plantings. Rather they appear to be volunteers derived from the large eucalyptus stands that originally framed the campground on the west and north, and that bordered the road to the south. These obviously had been planted in earlier years to serve as windbreaks. These mature stands were maintained by the CCC to the same end, and it is possible that their presence influenced the selection of the present site for the campground.

Campground Summary

The campground, originally about 4 acres, has been expanded to about 11 acres. Presently there are 138 camp sites, of which 135 are numerically designated, two are numbered E and F, and one unnumbered site for bicycle campers is designated 99A in this report (Fig. 2). Three combination buildings (service buildings incorporating restrooms, showers and laundry room) are present, of which two (Combination Buildings 1 and 2) are historic. Present too is a single restroom building (Comfort Station 4), also historic. The only other building in the campground is the historic Entrance Station. In addition to these facilities, the campground includes such rustic features as stone curbs and drinking fountains, and more than 200 mature trees (mostly Monterey cypress, Monterey pine and eucalyptus), some of which are historic.

The campground equipment includes (in addition to a variety of wooden cupboards, wooden tables and metal fire rings) three types of masonry tables and three types of masonry stoves. The distribution of these permanent features, especially the tables, clearly defines the progressive expansion of the campground, which can be considered in terms of four subareas.

The south area, which extends from the southern edge of the campground to the road that projects westward from the Entrance Station, represents the original campground established by the CCC. It includes 47 campsites. All of these sites once featured high-backed stoves and Type 1 tables, their stone construction providing a thoroughly rustic feel to the area. Of these fixtures, 43 tables are still present. All of the original stoves have been removed, but replacement stone stoves of Type 1 are present at 36 campsites. The southern two rows of campsites (Sites 1-20) were designed for trailer

⁶⁰ ECW Director Robert Fechner, in Paige 1985:104.

⁶¹ *Morro Bay Sun*, July 20, 1934:1.

camping, so cupboards were never installed. Of the remaining 27 sites, the cupboards survive in 24. Combination Building 1 is located in this area which defines the extent of the campground from 1938 until about 1950 (Fig. 12). Combination Building 2 was added in the late 1940s.

The central area extends northward from the road that projects westward from the Entrance Station, to include sites on both sides of the second road to the north (campsites through Site 101). This area is defined by the exclusive presence of Type 2 tables, but all three stove types are present. Combination Building 3 was constructed in this area in 1957. This area was part of the old CCC camp, which was gradually demolished between the late 1940s and mid-1950s. In 1949 the area included a picnic area extending along its southern edge, but no campsites (Fig. 13), but by 1954—even with one of the old barracks buildings still standing immediately to the north—53 campsites had been installed. Today 59 campsites are present.

The north central area consists of a line of 11 campsites immediately north of the last group. The last of the CCC barracks was located in this area in 1954, and no campsites had been established at that time. No masonry camp furniture exists in this area.

The northern area is located north of the road that runs westward from the maintenance yard. No campsites seem to have been present in 1949 (Fig. 13), but the area was even then a mature eucalyptus grove. Because of dense tree cover it is difficult to evaluate the photographic evidence. By 1954, 15 campsites had been established, and Comfort Station 4 had been built. The area now includes 22 campsites. All 15 of the original sites include Type 3 tables, while Type 1 stoves survive at four sites.

Picnic Area

The Picnic Area, located immediately northeast of the Campground, was evidently constructed after the war. It was in place by 1954. In spite of the latter-day development, park rustic influences are readily evident in the stone construction of stoves and barbecue pits. The picnic tables are of concrete construction.

Chorro Group Camp

This area, located uphill and north of the Campground, was evidently developed after closure of the old Chorro Willows Campground. It was briefly inspected but not surveyed. The only park rustic feature is a stone barbecue pit.

Old Marsh-edge Day Use Area

Located along the south side of the South Park Road, the old day use area was developed by the CCC in the 1930s (Figs. 4-5). All of the stone furniture (stoves and

tables) has been removed. This was presumably done about 1949 as part of the parking lot construction for the new marina. In spite of these removals, the location of the old day use area can be defined by stone steps and stone retaining walls that survive among the eucalyptus trees to mark this nearly vanished park rustic facility.

Shop and Residence Area

The Shop Area was inspected but not included in the survey, since the project included no development in the area. Among the shops is some CCC construction, but it is utilitarian rather than rustic.

Three residences and their garages were inspected. All are standard plan buildings constructed in the decade following World War II. The only ones potentially affected by the project are Residence 1 and its garage. These two structures have been discussed under Buildings, above.

ELIGIBILITY ASSESSMENT

CCC Park Rustic Construction

Context

The Civilian Conservation Corps was created in 1933 as a conservation work program of national scope, intended to provide work for unemployed young men during the depths of the Great Depression. Initially conceived as of benefit to the national forests, it quickly evolved to include national and state parks. In California, it was essential to the effective establishment of the State Park System that had been approved by the voters several years earlier. Although the 1928 bond act enabled the State to purchase the land for several parks, the establishment of campgrounds, trails and other facilities would have been impossible without the work of the CCC.

The positive impact of this program on the lives of enrollees was widely lauded at the time, and has since been repeatedly acknowledged by historians and CCC alumni. As noted previously, the CCC took unemployed young men from the cities and impoverished rural areas, introducing them to the great outdoors and a regular work routine. Many had their first exposure to regular medical and dental care, ample balanced nutrition and improved standards of personal hygiene. Of the \$30 they earned each month, \$25 was sent home to their families. Enrollees were sent to parts of the country they might never have seen otherwise, and their horizons were further broadened with exposure to sports, amateur theatricals, camp publishing efforts, and evening classes. They were taught discipline that stood many of them in good stead when they joined the armed services during World War II.

The impact on parks resulted not merely from the volume of work accomplished, but also from the fact that it was highly organized, well planned and resulted from a dominant esthetic that valued natural and historic elements in landscape design. Most of those in charge of the Emergency Conservation Work program and its implementation through the CCC were trained as landscape architects, and they brought to their program an appreciation for a rustic esthetic, an eye for detail, and an enthusiasm for planning that met public, scenic and conservation needs.⁶²

The architecture created in this context, though frequently significant in its own right, was intended to fit into this context:

The style of architecture which has been most widely used in our forested national parks, and in other wilderness parks, is generally referred to as "rustic"... Successfully handled, it is a style which, through the use of native materials in proper scale, and through the avoidance of severely straight lines and over-sophistication, gives the feeling of having

⁶² McClelland 1998.

been executed by pioneer craftsmen with limited hand tools. It thus achieves sympathy with natural surroundings and with the past.⁶³

This approach found its greatest expression in the CCC construction of the Depression era, but it found its inspiration in earlier work:

The Park Rustic style derived from many sources; the colonial vernacular of New England, the southeastern and western log building, the Native American and Hispanic adobe of the southwest, the "Great Camps" of the New York Adirondacks and the "shingle-style" summer house of the eastern seaboard. The element that forged consistency out of this diversity was the overriding imperative to fit the building to the land and its heritage. The architects and designers of the Park Rustic style brought together building and landscape architecture to create an organic unity between man-made facility and natural landscape and to evoke a strong sense of indigenous culture.⁶⁴

Although some CCC construction apparently survives in at least 28 state parks,⁶⁵ the Morro Bay campground is unusual in its surviving integrity. Its also unusual in that (unlike campgrounds elsewhere, set in redwood groves or rugged montane settings) the campground itself was created almost *de novo* as an example of CCC landscape design. The campground is also unusual in the perpetuation of the rustic tradition in the creation of subsequent (post-CCC) landscape features that complement the original construction in peripheral areas. The campground is significant as an example of CCC park rustic construction, largely intact and with few modern intrusions.

Contributing Elements

The original CCC campground extends from the park road to encompass the southern third of the present campground, including the 20 campsites of the original trailer camp, and the 18 campsites immediately to the north. An additional 10 campsites on the northern periphery of this area were constructed in the same style, and apparently represent the sites built in 1946.

Of contributing elements, the most outstanding is Combination Building 1. This building, constructed by the CCC in 1939, expresses the rustic ideal in its use of native materials and hand craftsmanship, predominance of horizontal lines and the treatment of all elevations as front elevations. The walls are of rough local stone, scaled to the size of the building and slightly battened to convey substantiality and connection with the earth. The exposed members are large and projecting, their ends detailed to reflect craftsman ideals, while the rough batten doors are rusticated with forged hardware. The doubling of every fifth course of wood shingles on the gable roof is an explicit park rustic trait. Use of stone walls for the privacy screens effectively lengthens the building, providing a natural continuation of its walls and emphasizing the horizontal lines of the design. Enclosure of the venting in a stone chimney furthers the rustic effect and helps tie

⁶³ Good 1938:5.

⁶⁴ Roland 1991:3.

⁶⁵ Roland 1991.

together the stone and wood elements of the building.⁶⁶ In all respects this is an excellent example of Park Rustic construction, which retains integrity of location, design, setting, materials, workmanship, feeling and association.

Additionally contributing are the stone curbing and the 33 stone picnic tables in the core area. The ten stone tables on the northern periphery can be considered secondary elements, as is also true of the remnants of stone steps and retaining walls that survive from the CCC work immediately south of the road. The rows of eucalyptus that line the south side of the road and frame the west side of the campground are also contributing elements, since they provided a prominent landscape element that delimited the original campground, and that was preserved and maintained by the CCC.

Beaches and Parks Construction

Context

The end of gasoline rationing and discharge of men from the service at the completion of the War inaugurated a new era for the state park system—an era for which the Division was wholly unprepared:

Unprecedented numbers of people took to the road—and to the parks. The steep, winding road through Mount Tamalpais State Park, for example, had never seen more than 120 cars in a single day. But on the first weekend after the end of gas rationing, a traffic count revealed that more than 220 cars were using the road per hour! Visitors to the Founders' Tree in Humboldt Redwoods State Park increased from an average of 50 per day to 500 per day. Campgrounds in the redwood parks overflowed, and people took refuge alongside the highway wherever they could.⁶⁷

This quantum increase in visitation—the post-war boom in park and recreation demand—led to an expansion program that included both the acquisition and development of many new parks and the construction of new facilities at those park units that had existed before the war.

The economic situation—so far as it affected park construction—was very different than that faced by the Division of Beaches and Parks before the War. In the new era, as in the old, the Division faced fiscal constraints: state revenues for park construction were limited. But now the economy was doing well, and massive unemployment was a thing of the past. Consequently, there was no federal program to provide regimented cheap labor for government projects nor to provide a work context that promulgated traditional craft values. The park rustic style had relied on just these factors; without the CCC, the Division could no longer afford a development philosophy based on individual craftsmanship or rustic ideals.

In this event, the Division—charged with providing park access to a state population that had nearly doubled since before the War—moved to standard plan

⁶⁶ See the discussion of character defining attributes in Good (1938:5-8). Combination Building 1 exemplifies these attributes throughout.

⁶⁷ Engbeck 1980:78.

construction. While those engaged in this effort valued the rustic esthetic, their products were intended to be at best minimalist expressions of the old ideals.⁶⁸ The designers kept the concept that park buildings should not be intrusive. They kept, one could argue, a preference for horizontal lines and low-pitched roofs. And they kept a preference for natural materials, in so far as milled lumber and wood shingles could carry that tradition. But stone construction, massive timbers, hewn lumber and craft details were things of the past, replaced by board and batten. The new structures had little in common with the exemplars of the rustic tradition. In so far as their roots lay in earlier park construction, it was in the construction of barracks, storage buildings and repair shops—the utility buildings that were meant for employee use and which were screened away from the public gaze. Such buildings were unobtrusive because of their simplicity, not their esthetic.

Standard plans were developed for a variety of building types, of which combination buildings, comfort stations, entrance stations and employee residences are represented at Morro Bay SP.

An overview of post-war construction by the Division of Beaches and Parks has been recently undertaken by Allen and Newland.⁶⁹ This overview includes the standard plan era. Because the statewide significance of this development has not been previously addressed, and because of its formalized nature, formal determination of eligibility in individual parks cannot be undertaken until the surviving representations of this tradition are inventoried and assessed. (Such a program is currently being developed by the Southern Service Center.) In the meantime, properties associated with this era are *assumed* to be eligible, as long as they meet criteria that would be applied if the significance of the resources was a given.

Contributing Elements

All those surviving structures and landscape elements present on the 1954 map of the campground are potential contributing elements. The only areas developed since then are in the area of the then-remnant CCC barracks and in the far northwest corner of the campground. (The latter two areas include no permanent camp furniture.) Included, for example, are 54 (of an original 68) concrete picnic tables.

Five buildings constructed in the post-war era are included in the project area. Combination Building 2, Comfort Station 4, Residence 1 and the Residence 1 Garage all retain integrity of location, design, setting, materials, workmanship, feeling and association. In so far as they form a significant district, all are contributing elements. The Contact Station, on the other hand, has been substantially modified. As noted above,

⁶⁸ The original standard plans were designed by landscape engineer Dan Hull. Hull had been instrumental in establishing rustic ideals in the National Park System during the 1920s and had later been hired by the Division of Beaches and Parks during the CCC era, designing rustic structures such as Combination Building 1 at Morro Bay SP. Hull's initial plans were revised by the Office of the State Architect (Allen with Newland 1998:11-12).

⁶⁹ Allen with Newland 1998.

enclosure of an original cut-away porch, addition of the flat-roofed veranda, conversion of most windows to aluminum sliders, and re-roofing with composition shingles all give the building a "modern" feel. The building retains integrity of location and setting, but has lost integrity of design, materials, workmanship, feeling and association. It is no longer a contributing element.

TABLE 1
Distribution of Campground Furniture Types

Camp Site No.		Camp Stoves.....		Masonry Tables.....		Cup brd.	Camp Site No.		Camp Stoves.....		Masonry Tables.....		Cup brd.
'98	'55	Type	Cond.	Type	Cond.		'98	'55	Type	Cond.	Type	Cond.	
1	1	1	D	1	B	-	39	39	-	-	-	-	+
2	2	1	C	1	B	-	40	30	1	A	1	C	+
3	3	1	D	1	B	-	41	58	2	C*	-	-	+
4	4	1	C	1	A	-	42	48	1	C	1	C	+
5	5	1	C	1	B	-	43	57	2	C*	-	-	+
6	6	1	C	1	A	-	44	47	1	D	1	A	+
7	7	1	B	1*	B	-	45	56	-	-	2	B	+
8	8	1	C	1*	A	-	46	46	-	-	1	B	+
9	9	1	C	1*	C"	-	47	55	-	-	-	-	-
10	10	1	D	1*	B	-	48	45	-	-	1	B	+
11	20	1	C	1	B	-	49	54	2	C	2	C	+
12	19	1	D	1	B	-	50	44	1	C	1	B	+
13	18	1	B	1	B	-	51	43	1	D	1	B	+
14	17	1	C*	1	B	-	52	53	1	D	-	-	-
15	16	1	A	1	A	-	53	42	1	D	1	B	+
16	15	1	D	1	B	-	54	52	1	C*	2	B	+
17	14	1	C	1	C"	-	55	41	1	D	1	B	+
18	13	1	C	1	C"	-	56	51	-	-	2	B	+
19	12	1	D	1	C"	-	57	50	1	D	2	B	+
20	11	1	D	1	C"	-	58	49	1	D	2	B	+
21	40	1	A	1	B	+	59	59	1	D	2	A	+
22	21	1	B*	1	B	+	60	70	2	B*	2	C	+
23	31	-	-	1	A	+	61	60	3	D	-	-	+
24	22	-	-	-	-	-	62	71	2	C	2	C	+
25	32	-	-	1	A	+	63	61	-	-	2	B	+
26	23	-	-	1	B	+	64	72	2	D	-	-	+
27	33	1	D	1	A	+	65	73	2	C*	2	C	+
28	24	1	B	1	B	+	66	62	-	-	2	B	+
29	34	1	D	1	B	+	67	74	2	C*	2	B	+
30	25	1	B*	-	-	-	68	63	2	D*	2	B	+
31	35	-	-	-	-	-	69	75	2	C	2	B	+
32	26	1	A	-	-	-	70	64	2	C	2	B	+
33	36	1	C	1	B	+	71	76	-	-	2	B	+
34	27	-	-	1	B	+	72	65	2	D*	-	-	-
35	37	-	-	1	A	+	73	77	-	-	2	B	+
36	28	1	B*	1	B	+	74	66	-	-	-	-	-
37	38	-	-	1	A	+	75	78	-	-	2	B	+
38	29	1	B	1	B	-	76	67	-	-	-	-	-

TABLE 1 (Cont.)

Camp Site No.		Camp Stoves.....		Masonry Tables.....		Cup Brd.	Camp Site No.		Camp Stoves.....		Masonry Tables.....		Cup brd.
'98	'55	Type	Cond.	Type	Cond.		'98	'55	Type	Cond.	Type	Cond.	
77	79	-		2	B	+	108		-		-		+
78	68	1	D	-		-	109		-		-		+
79	80	1	C*	-		-	110		-		-		+
80	69	1	D*	-		-	111		-		-		+
81	81	1	C	-		-	112		-		-		+
82	91	1		2	B	+	113		-		-		+
83	90	1	C	2		+	114		-		-		-
84	101	1		2	B	+	115		-		-		+
85	89	1	A*	2	C"	+	116		-		-		+
86	100	1		2	B	+	117		-		-		+
87	88	1	A*	2	A	+	118		-		-		+
88	99	1	D	2	B	+	119		-		-		+
89	87	1		2	B	+	120		1	C	3	B	+
90	98	1	D	2	B	+	121		-		-		+
91	86	1		2	B	+	122		1	D	3	B	+
92	97	2	C	2	B	+	123		1	D	3	C	+
93	85	-		-		-	124		1	D	3	B	+
94	96	2	D	2	B	+	125		-		3	C	+
95	85	-		2	B	+	126		-		3	B	+
96	95	-		2	B	+	127		-		3	B	+
97	94	-		2	B	+	128		-		3	B	+
98	83	2	D	2	B	+	129		-		3	A	+
99	93	-		-	B	+	130		-		3	B	+
100	82	1		2		-	131		-		3	C"	+
101	92	1	B	-	A	+	132		-		3	A	+
102		-	D	2		-	133		-		3	B	+
103		-		-		-	134		-		3	A	+
104		-		-		+	135		-		3	B	+
105		-		-		-	E		-		-		-
106		-		-		+	F		-		-		-
107		-		-		-							

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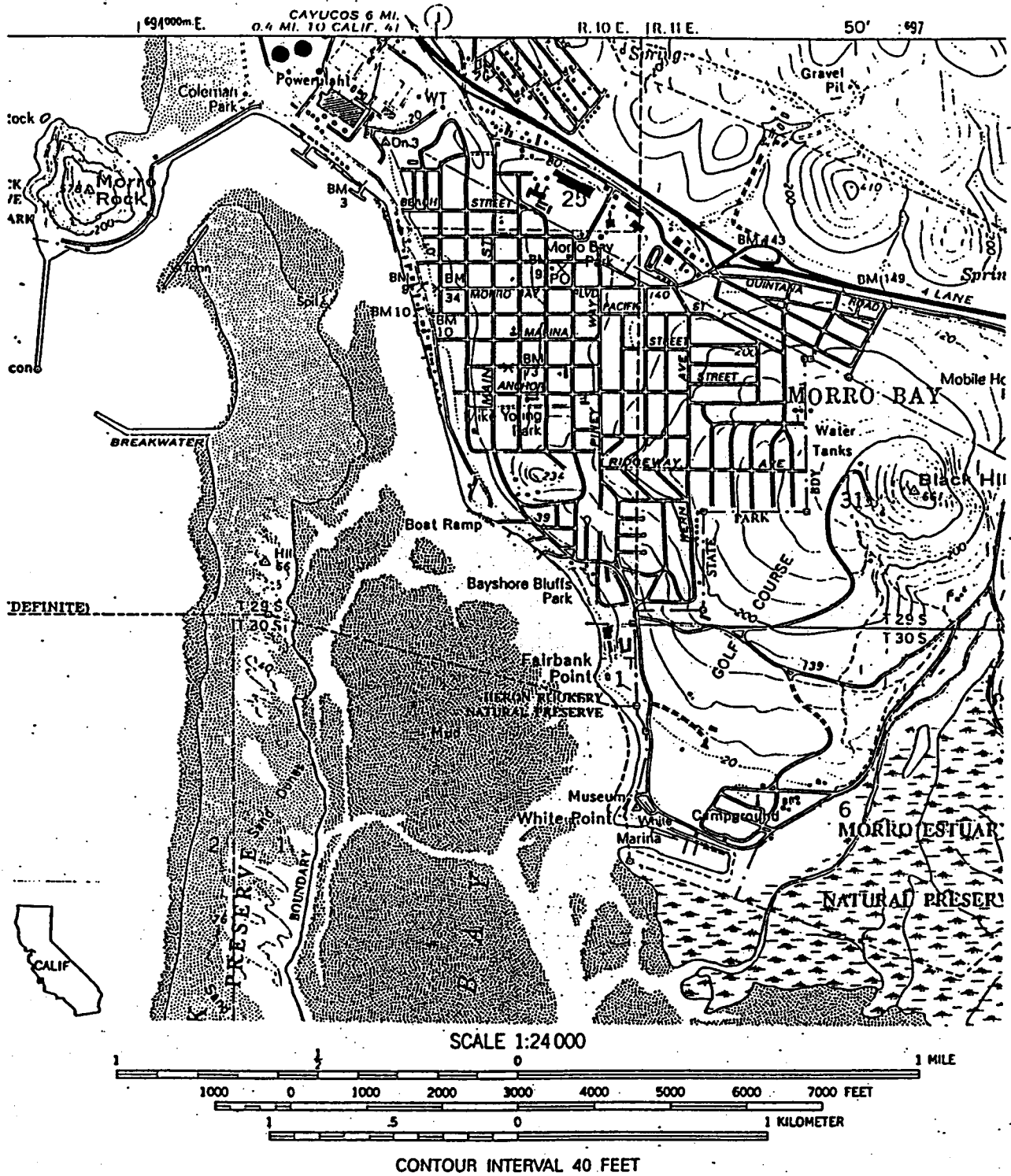


Figure 1. Locality map, showing campground at Morro Bay SP and surrounding area.

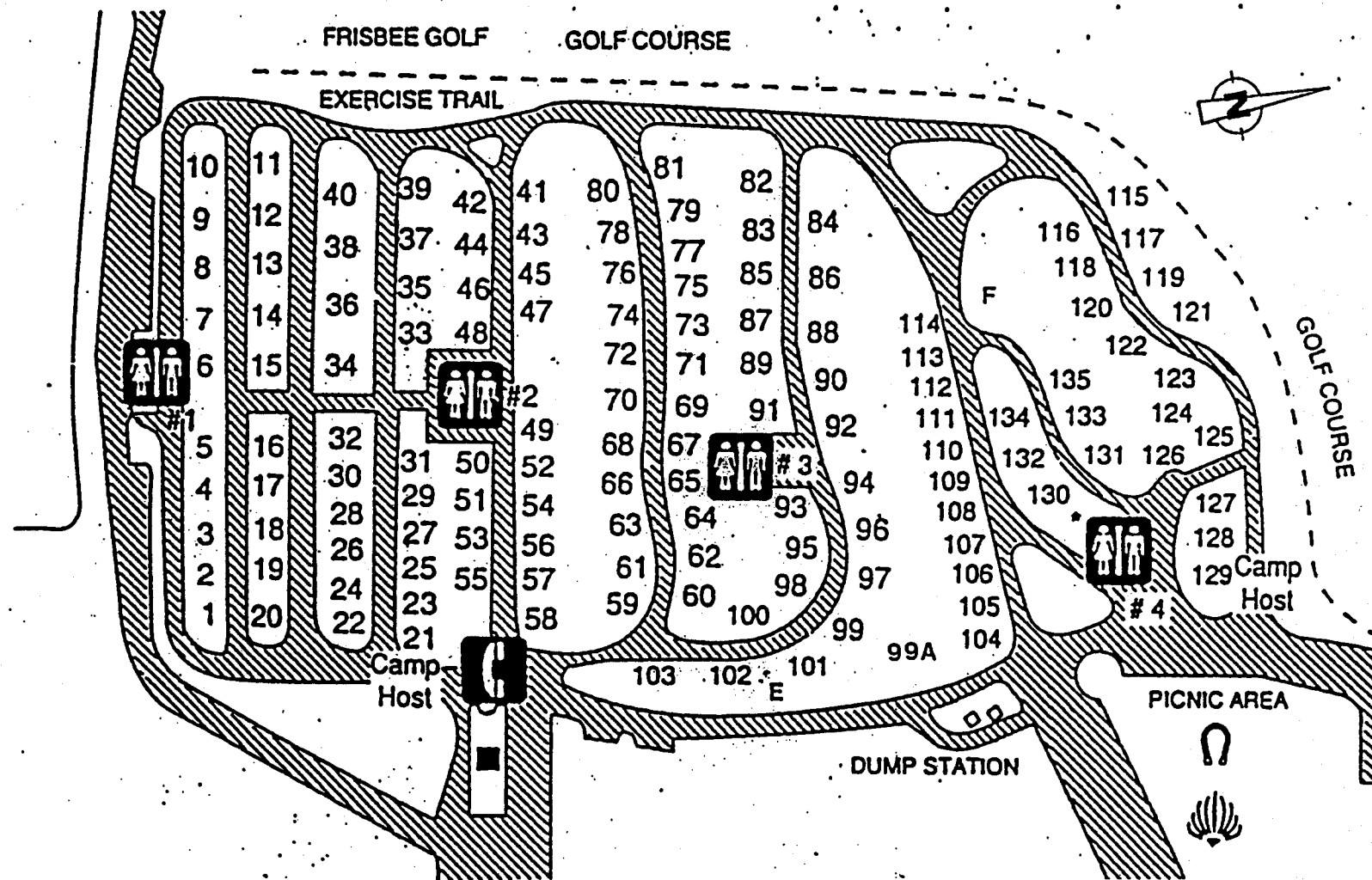


Figure 2. Morro Bay SP campground map, showing location of campsites, facilities and adjacent areas: a) Picnic Area; b) old day-use area along edge of existing Marina parking lot; c) Chorro Group Camp area; d) Maintenance and residence area.

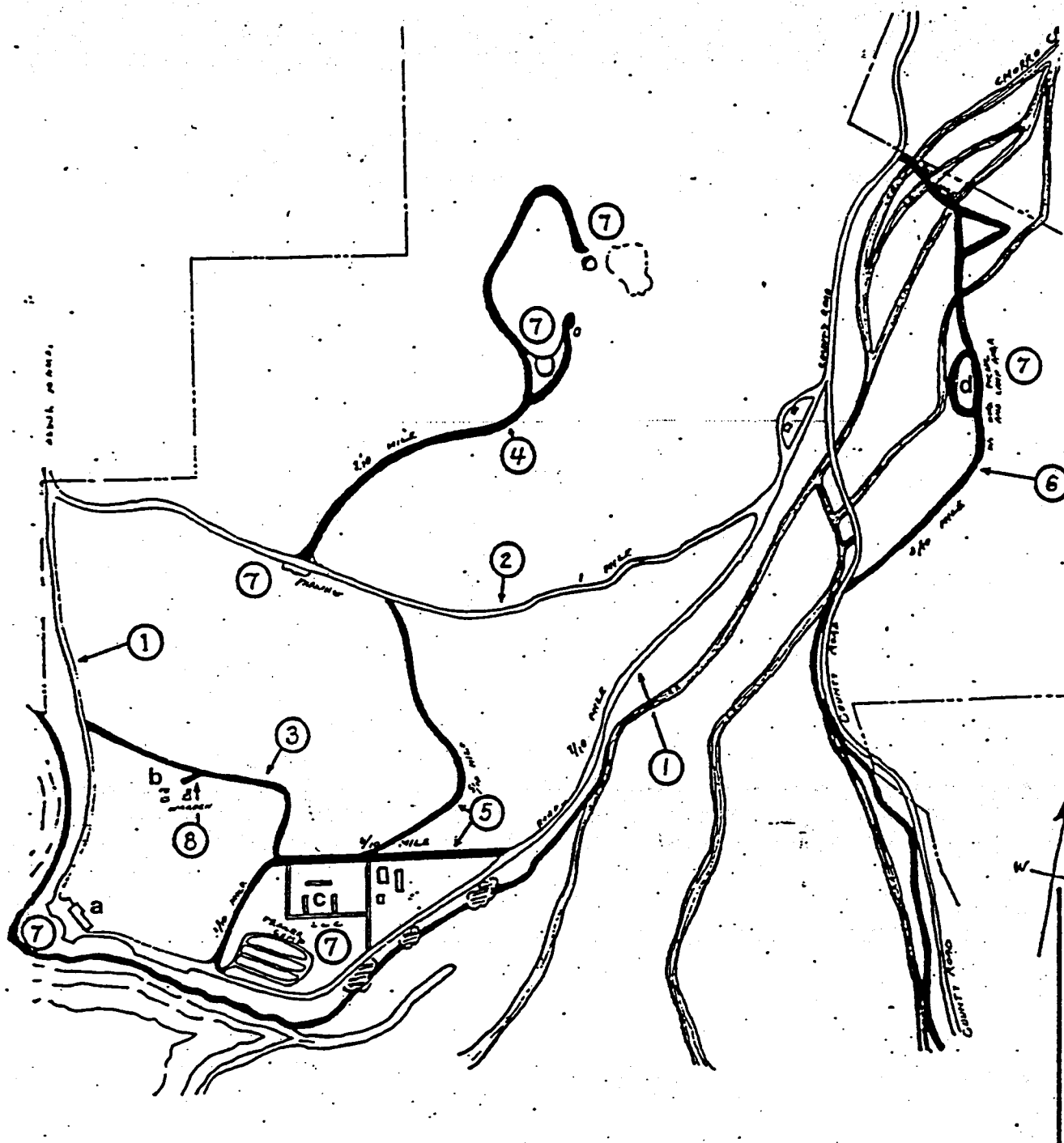


Figure 3. Early (c. 1939?) map of roads in Morro Bay SP (key to number designations not located; letter designations added): a) Clubhouse; b) Warden's Residence; c) CCC Barracks; d) Chorro Willows campsite.

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Figure 4. CCC construction work in the southwest corner of the park: a) Picnic unit east of White Point in March, 1935--note CCC barracks in background (WPA photo 080-29-P169, Museum Resource Center, West Sacramento). b) Retaining wall at Clubhouse in October, 1934 (WPA photo SP17-P28, Museum Resource Center, West Sacramento).

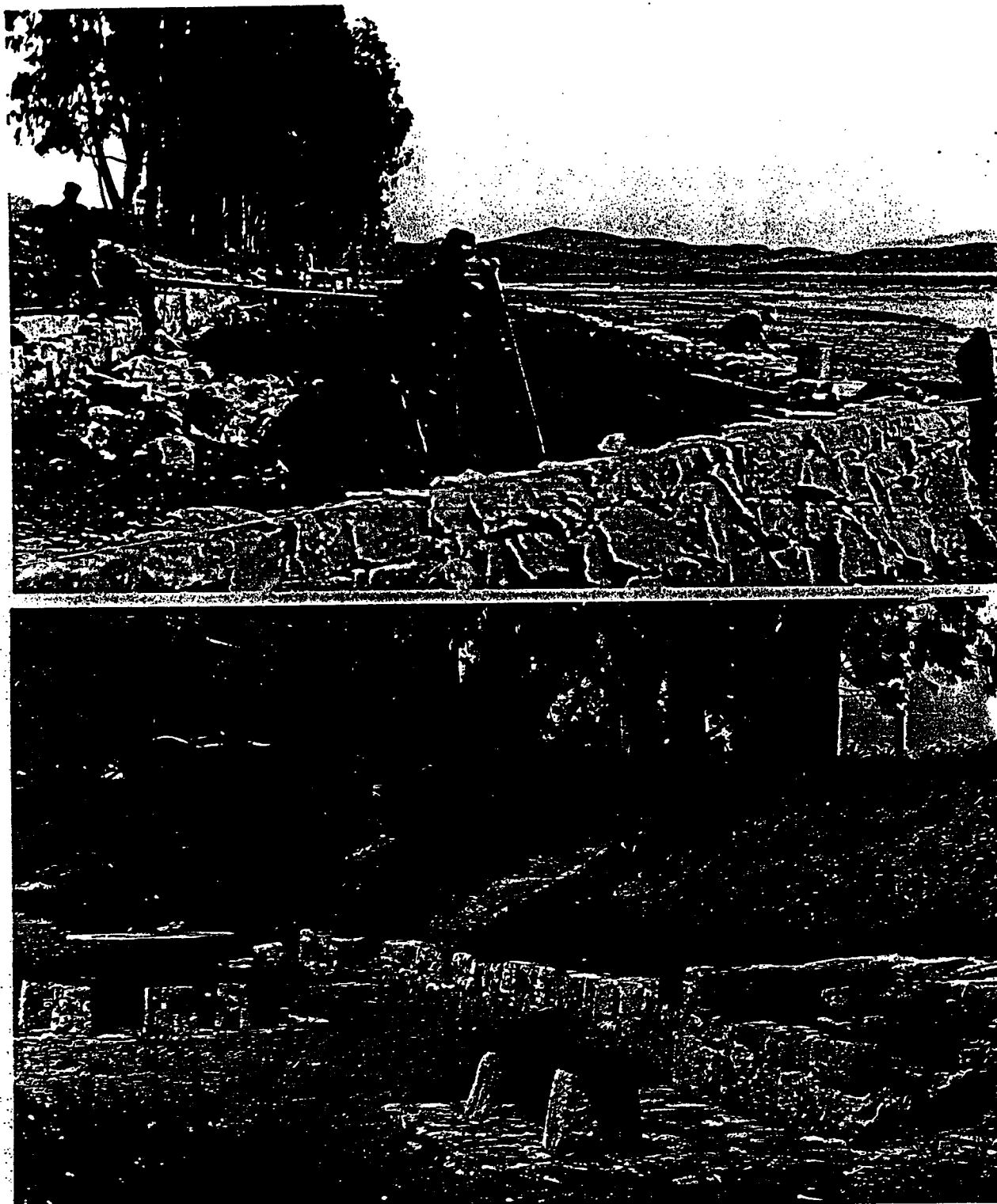


Figure 5. Shoreline day use area south of present campground: a) Under construction by CCC in March, 1935 (WPA photo 080-29-P156, Museum Resource Center, West Sacramento). b) After completion of work, April, 1936 (WPA photo 3-542, Museum Resource Center, West Sacramento). (Compare Fig. 21a.)

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Figure 6. Rustic construction by CCC at Chorro Willows site in March, 1935: a) Campground furniture (WPA photo 080-29-P158, Museum Resource Center, West Sacramento). b) Foot bridge (WPA photo 080-29-P173, Museum Resource Center, West Sacramento).

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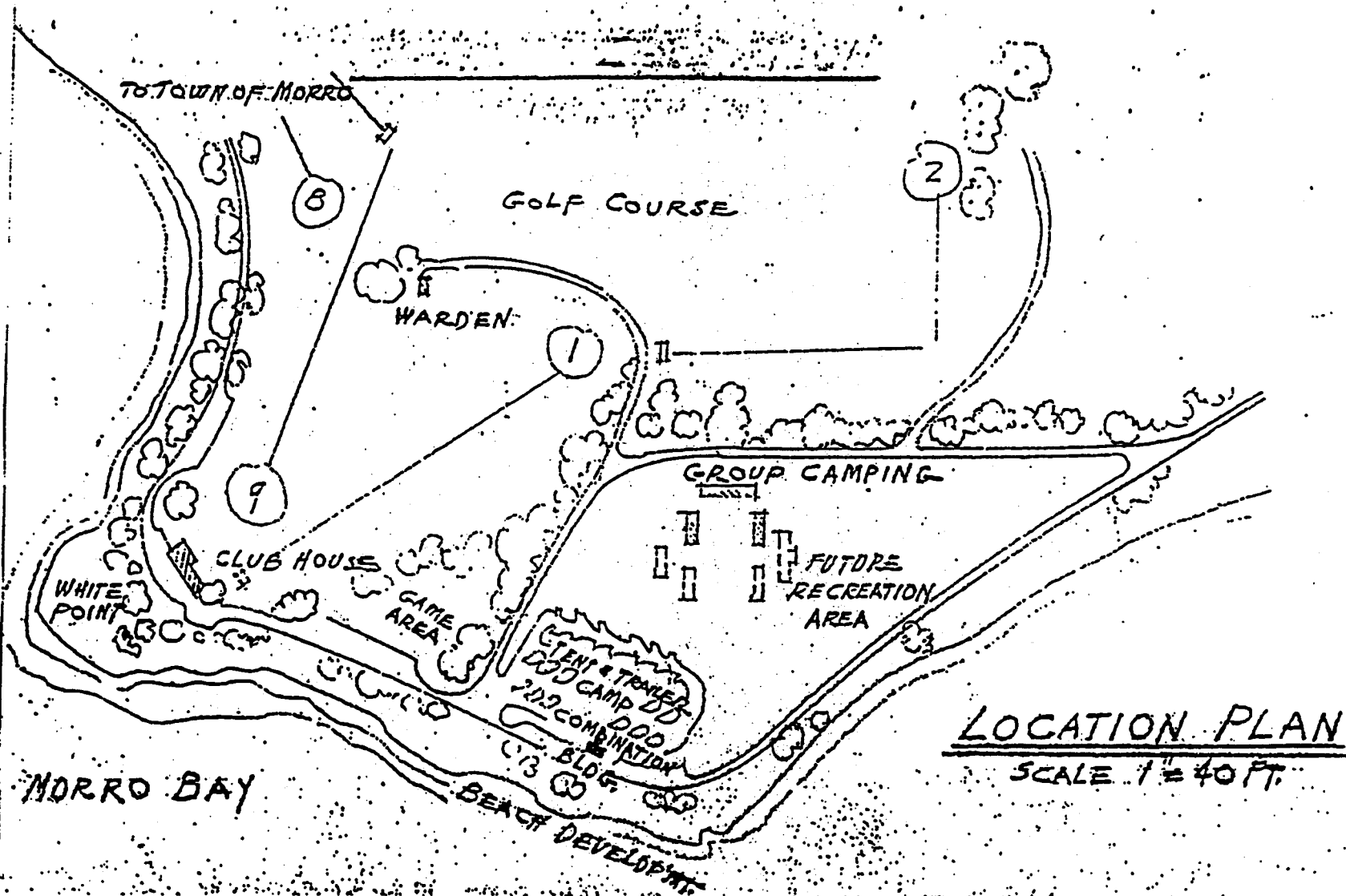


Figure 8. The new Tent and Trailer Camp, as shown on the location map on the plans for the stone combination building (Combination Building 1), November 7, 1938 (Plan 11492, p. 1, Environmental Design Division files). The "Game Area" is evidently the site of the Federal Recreation Project of that year. (The specified scale is incorrect.)

CCC Exhibit _____

page _____ of _____ pages

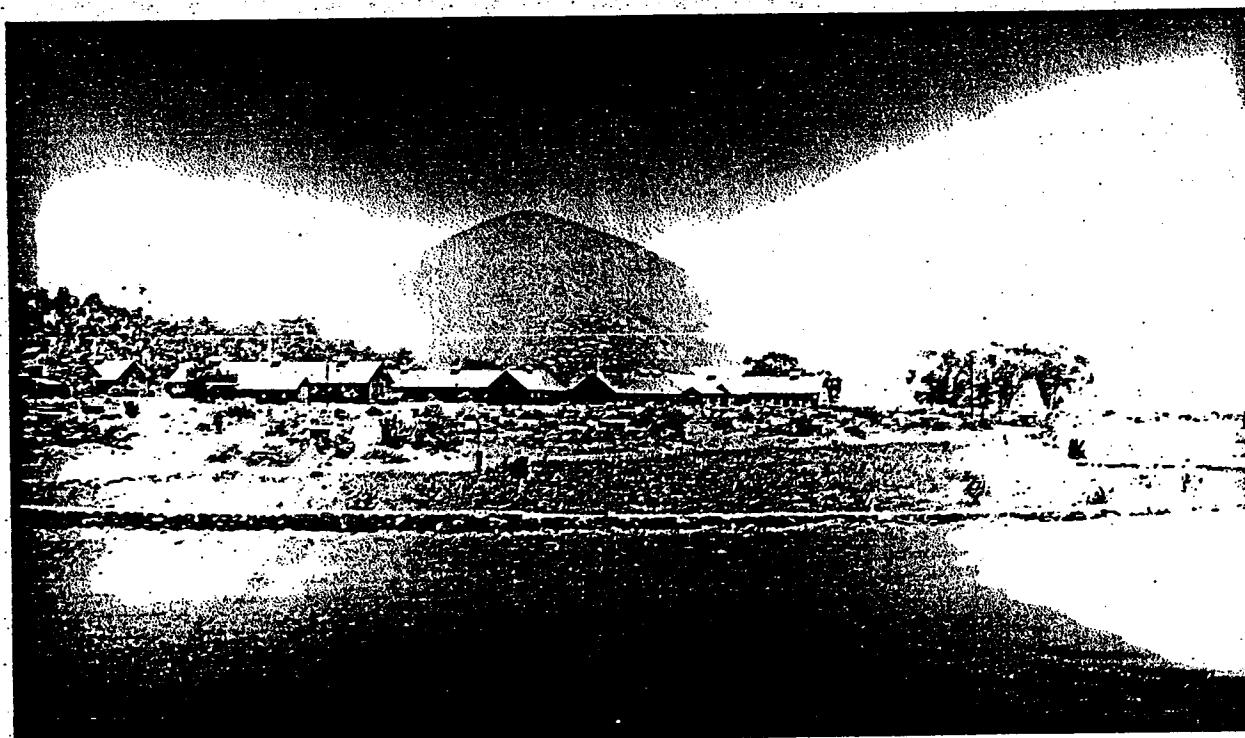


Figure 9. The new campground, June, 1939, with the CCC camp in the background (Photo 090-7086, DPR Photographic Archives). A few pines of modest size, visible near the buildings, are evidently among those planted in 1934 (*Morro Bay Sun* June 20, 1934:1), while the smaller trees in the campground itself are 1938 plantings (cf. Fig. 9a).

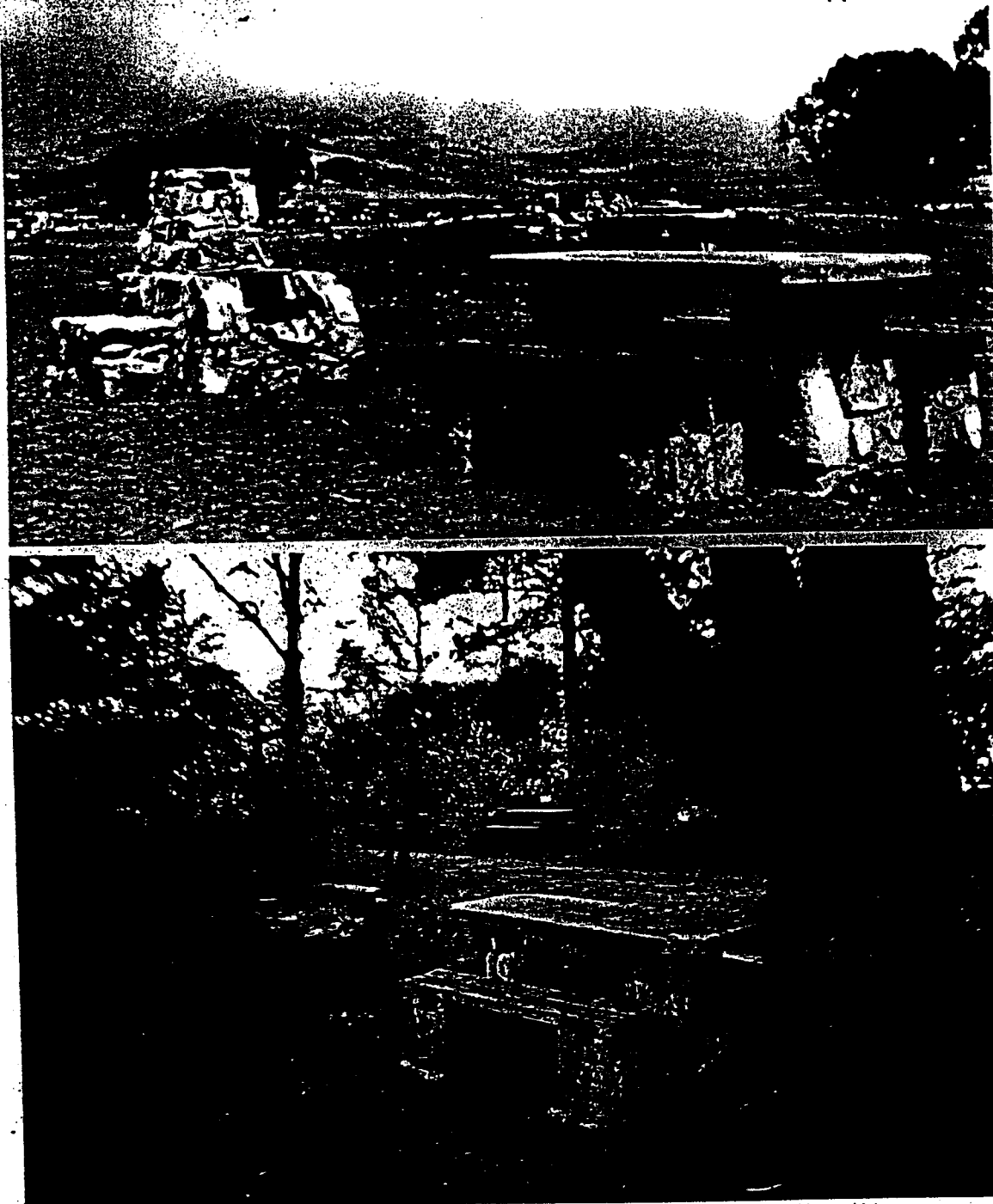


Figure 10. Views of the southern part of the campground, looking east: a) The newly constructed auto camp c. 1938, with Campsite 10 in the foreground (DPR Photographic Archives, neg. 090-7583). b) The same view, January 13, 1999 (DPR neg. 59951).

CCC Exhibit 2
(page 73 of 132 pages)

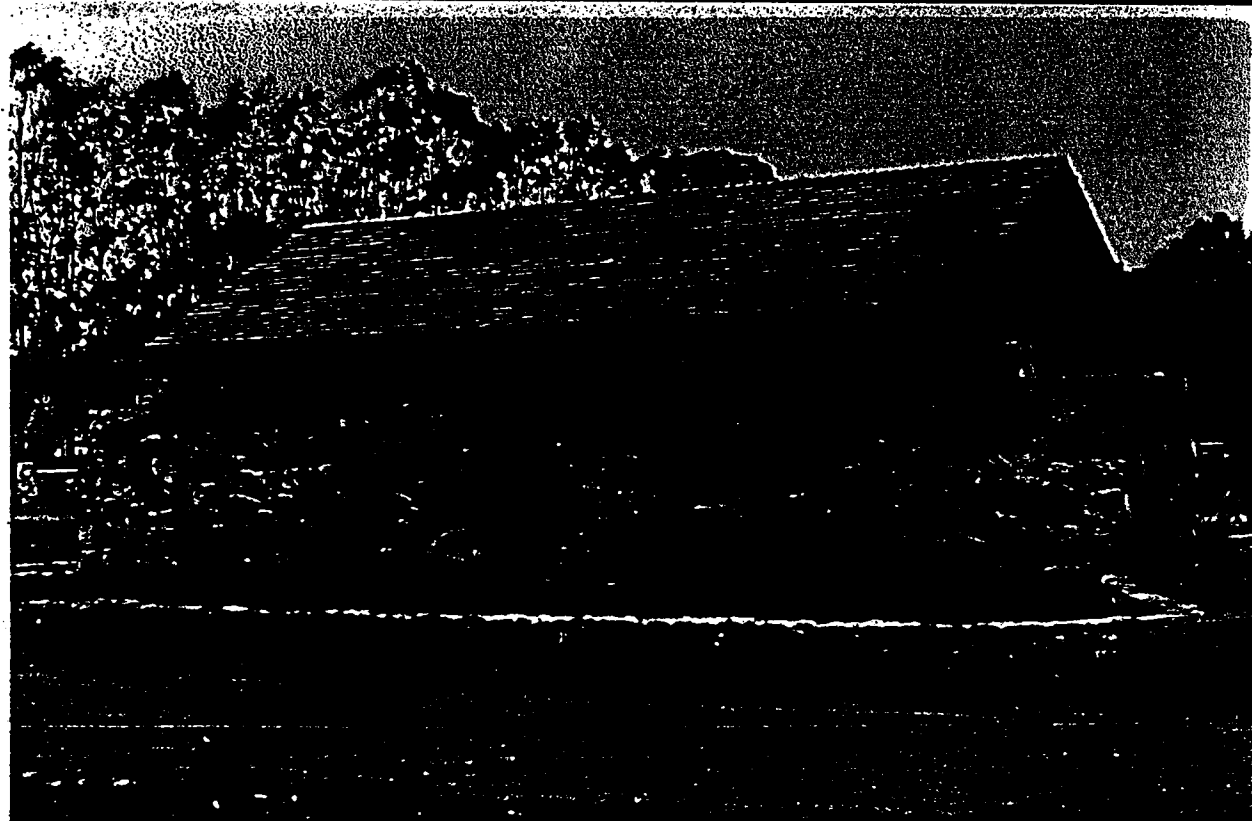


Figure 11. Combination Building 1 nearing completion, 1939 (WPA photographs 080-29-176 and 080-29-P182, Museum Resource Center, West Sacramento).



Figure 12. Cartoon satirizing camping problems in state parks: campsites insufficient to meet public demand (*News and Views* Oct., 1947:4).



Figure 13. Aerial view of campground, looking south, c. 1949 (DPR Photographic Archives, neg. 090-7046). The original CCC trailer camp appears at the top of the photo. The Entrance Station and Combination Buildings 1 and 2 are visible. Comfort Station 4 is not present. In the north half of the present campground, two barracks buildings and two smaller structures survive from the CCC camp. No campsite development has taken place in this area, but picnic sites are documented by clusters of tables along the north (near) side of the road leading west from the Entrance Station.

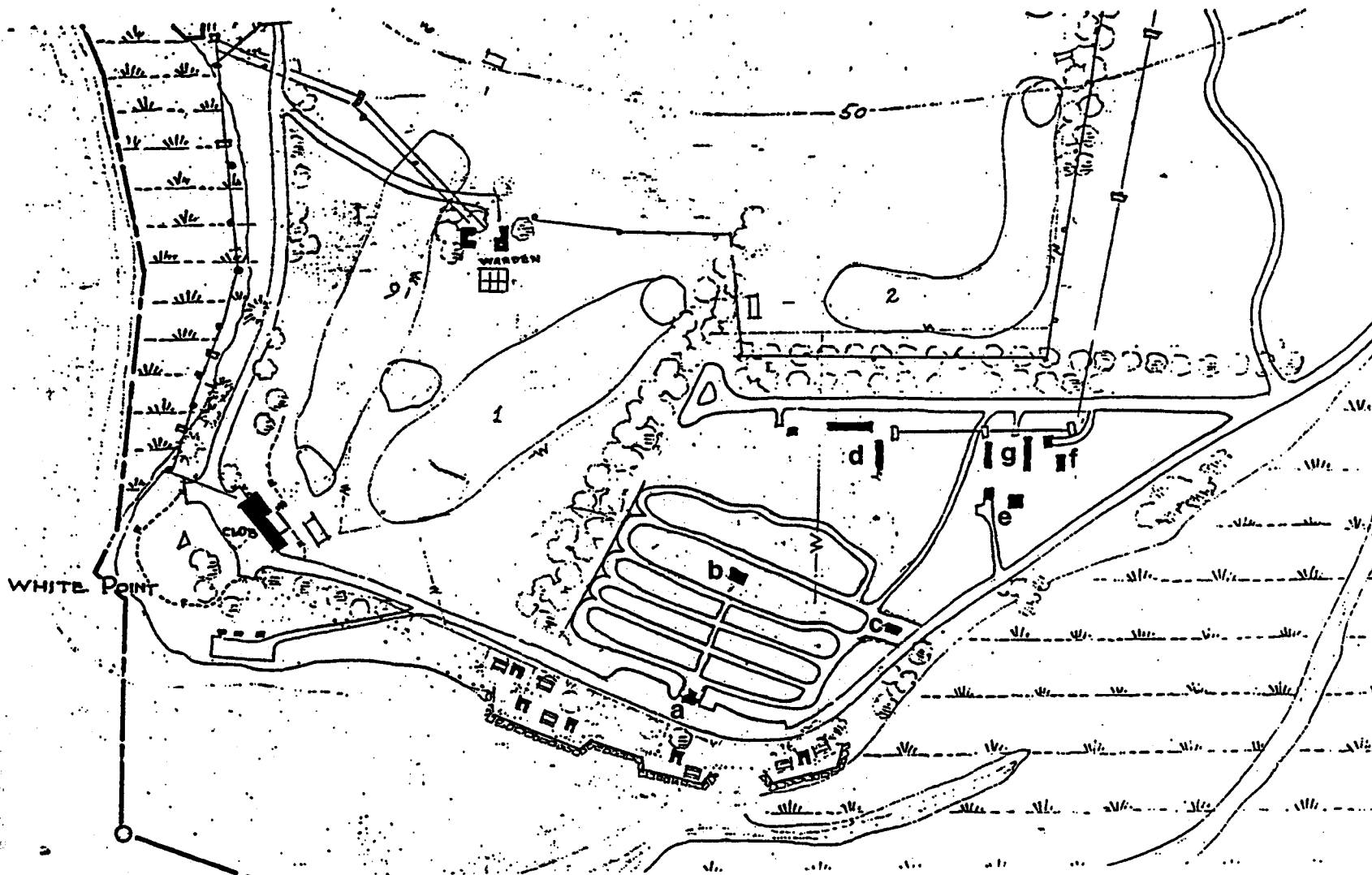


Figure 14. Campground and adjacent areas, 1950 (Park Map 1028, revised Feb. 8, 1950, on file, Environmental Design Division). Designations added: a) Combination Bldg. 1; b) Combination Bldg. 2; c) Office/Entrance Station; d) Remnants of CCC camp; e) Residence 1 and Garage; f) Residence 2 and Garage; g) Maintenance Complex. Two standard plan buildings, Comfort Station 4 and Residence 8, are not shown and presumably had not yet been built.

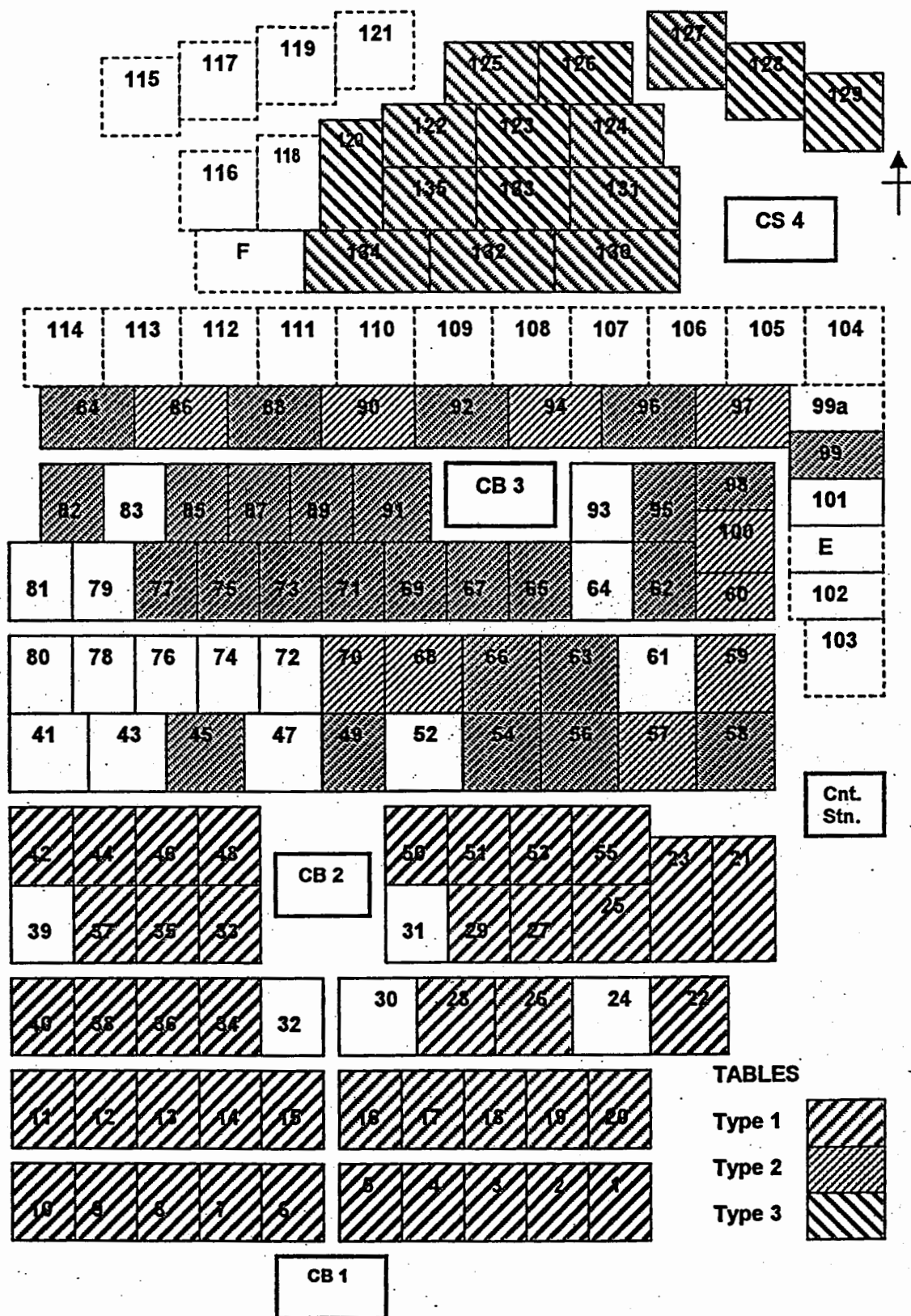


Figure 15. Schematic plan of the campground, showing distribution of masonry tables, by type.

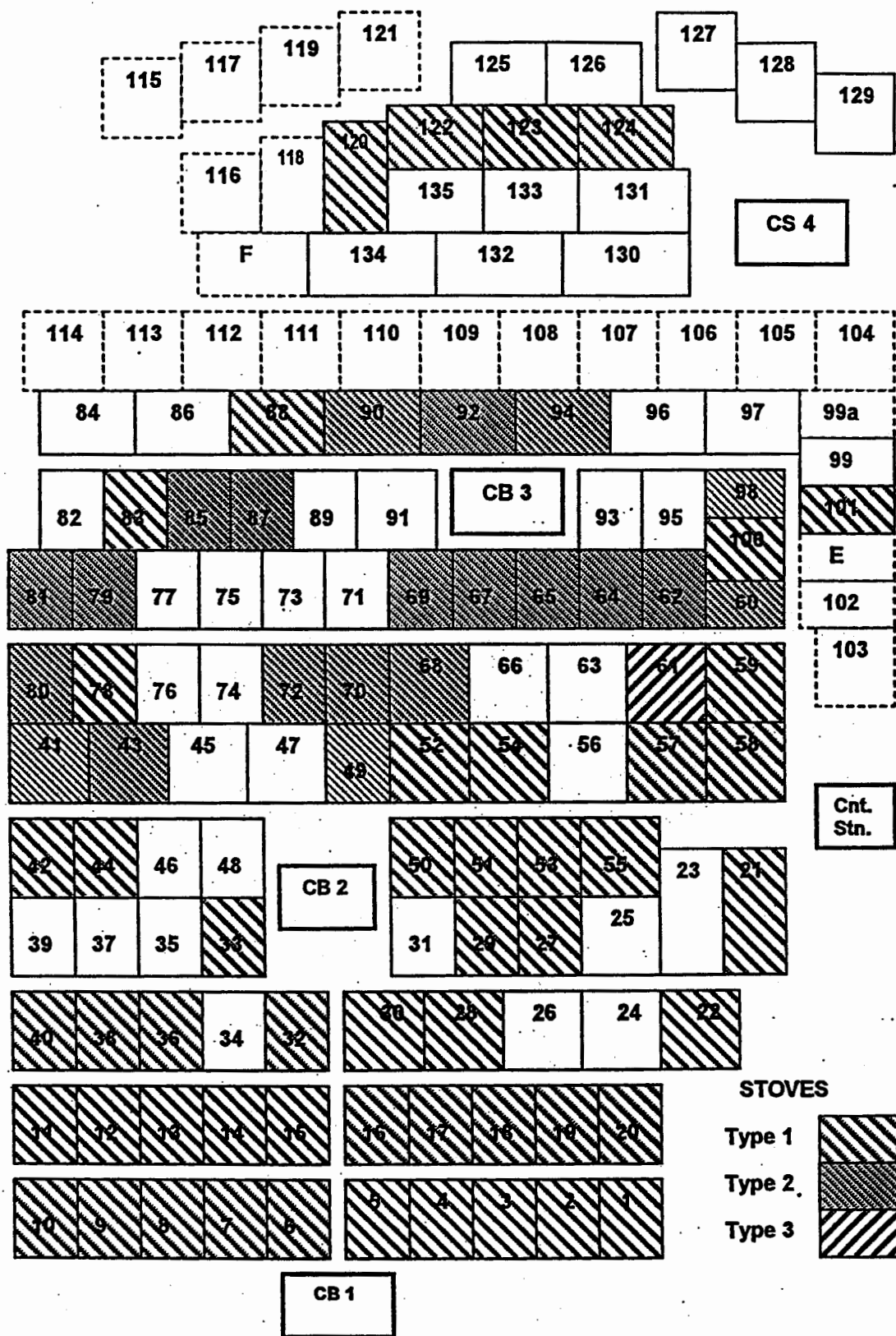


Figure 16. Schematic plan of the campground, showing distribution of masonry stoves, by type.

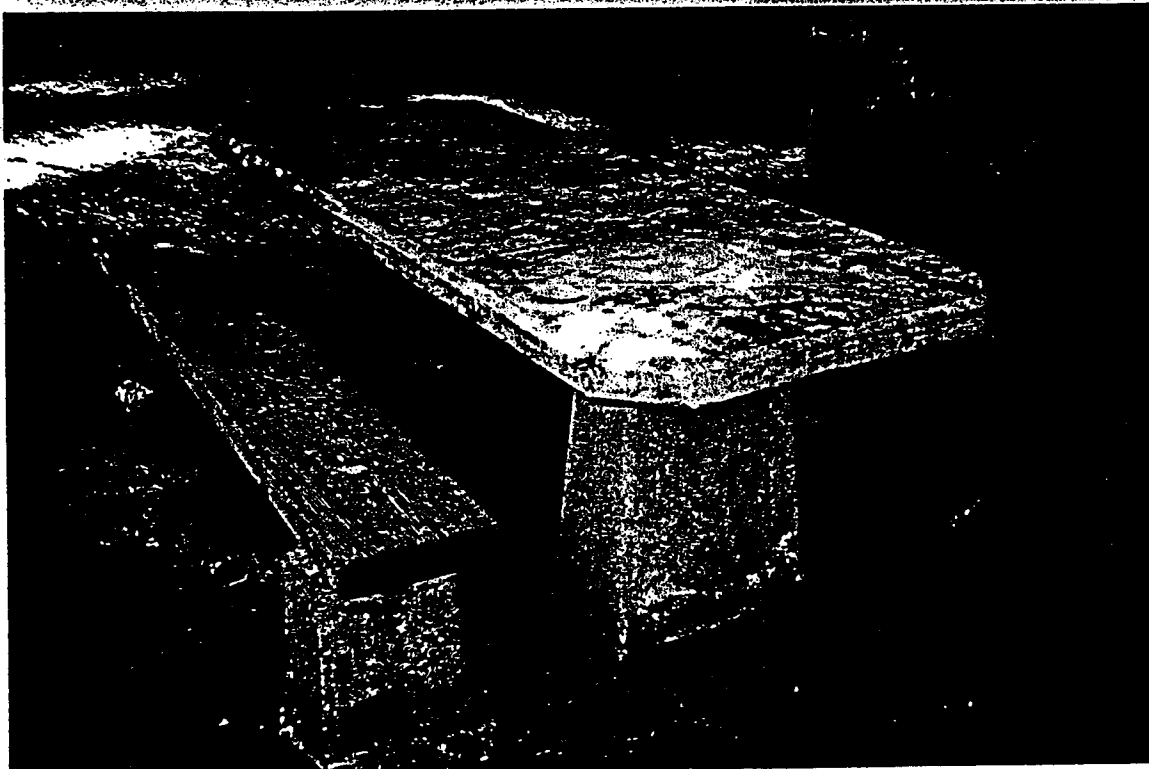
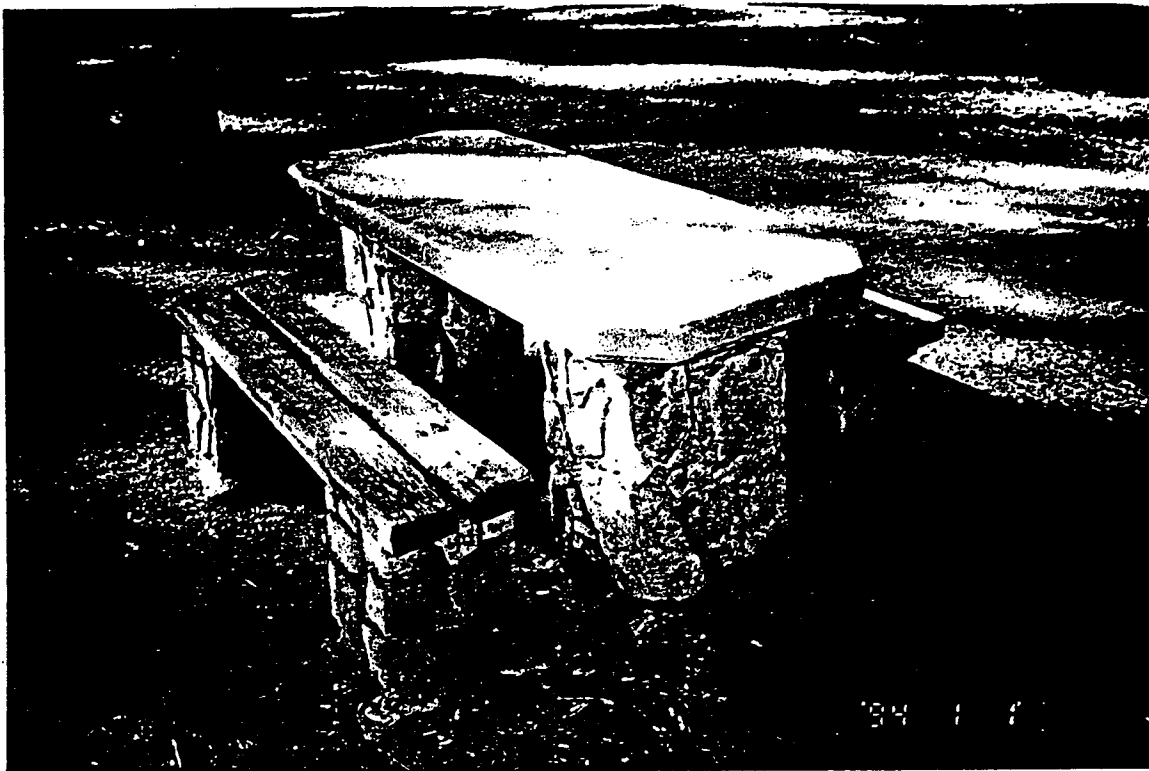


Figure 17. Morro Bay picnic table types: a) Type 1, Campsite 7 (DPR neg. 59789, Jan. 12, 1999); b) Type 2, Campsite 65(DPR neg. 59481, Jan. 12, 1999).

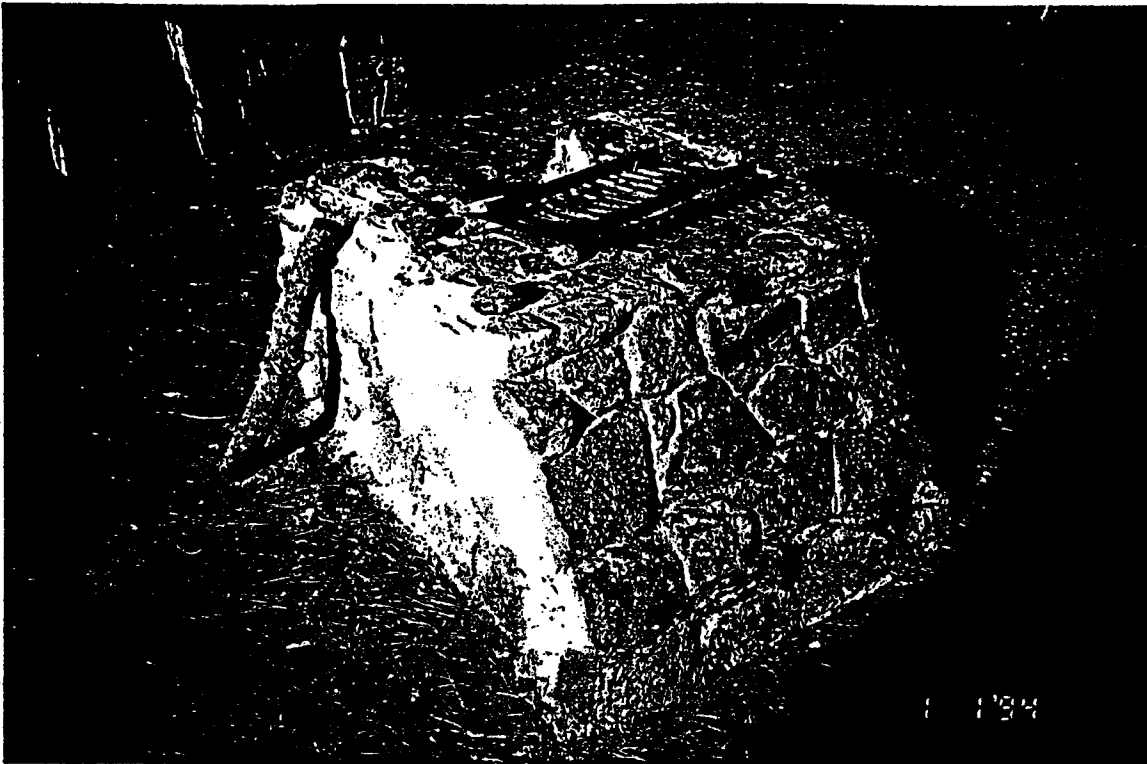


Figure 18. Morro Bay camp stove types: a) Type 1, Campsite 6 (DPR neg. 59836, Jan. 13, 1999); b) Type 2, Campsite 67 (DPR neg. 60422, Jan. 12, 1999).

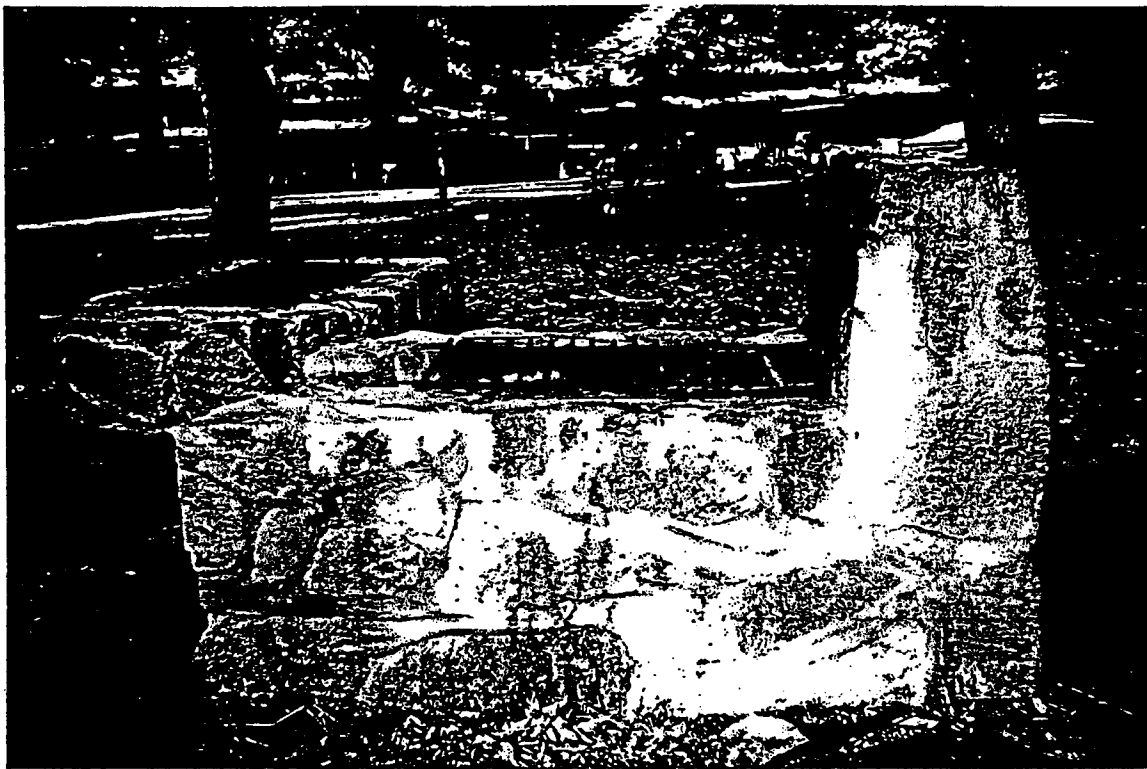


Figure 19. Morro Bay camp stove types: a) Type 3, picnic area (DPR neg. 59589, Jan. 13, 1999); b) Barbeque Pit, picnic area (DPR neg. 59572, Jan. 13, 1999).



Figure 20. Miscellaneous park furniture: a) Wooden cupboard, Campsite 51 (DPR neg. 60025, Jan. 12, 1999; b) Stone drinking fountain, south of Campsite 95 (DPR neg. 59643, Jan. 14, 1999).



Figure 21. Miscellaneous stonework features: a) Remains of stone retaining wall south of the park road (DPR neg. 59865; Jan. 14, 1999)—cf. Fig. 5; b) Stone retaining wall over culvert, road north of picnic area (DPR neg. 59602, Jan. 13, 1999).



Figure 22. Miscellaneous stonework features: a) Stone curbing west of Combination Building 1 (DPR neg. 59617, Jan. 14, 1999); b) Stone drainage channel and curbing, west side of campground (DPR neg. 59948, Jan. 13, 1999).

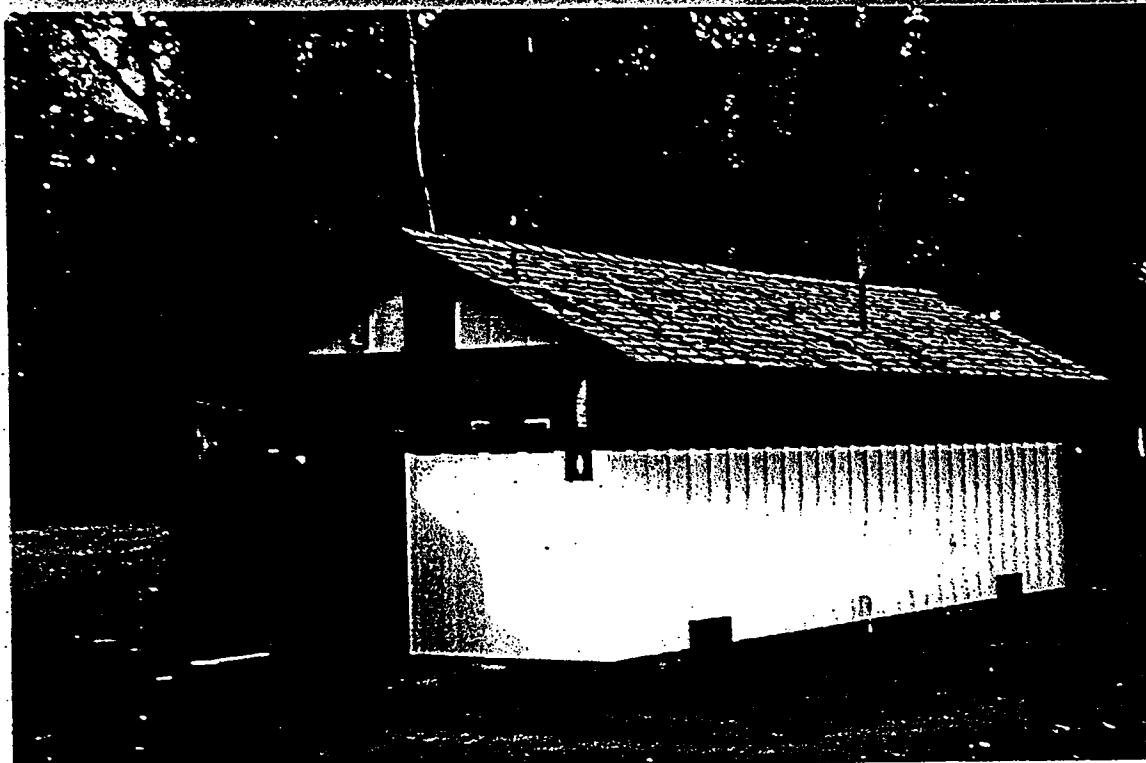
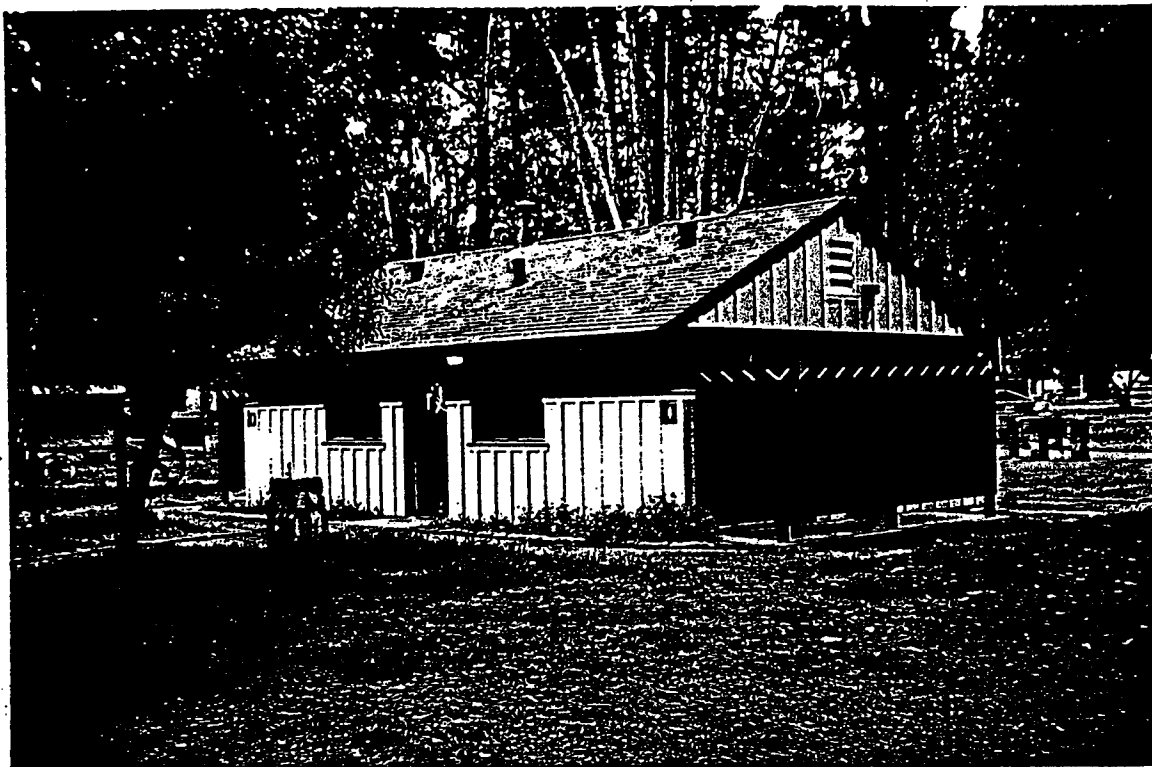


Figure 23. Miscellaneous structures: a) Combination Building 2, south and east elevations (DPR neg. 60185, Feb. 24, 1999); b) Comfort Station 4, east and north elevations (DPR neg. 59873, Jan. 13, 1999).

86-132-2



Figure 24. Contact Station, east and north elevations: a) As it appeared shortly after construction (DPR photographic archives, neg. 090-7117); b) As it appears today (DPR neg. 68190, Feb. 24, 1999).



Figure 25. Residence area east of campground: a) Residence 1, west and south elevations (DPR neg. 60382, Feb. 25, 1999); b) Residence 1 Garage, east elevation (DPR neg. 60366, Feb. 25, 1999).

DGC Exhibit 2
 88 of 132 pages

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2000 Exhibit 2
(page 89 of 132 pages)

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Morro Shoulderband Snail (*Helminthoglypta walkeriana*) Surveys
Morro Bay State Park Campground Rehabilitation

12/10/03 3:30-4:30: Searched between Manuel's house and to the west up to the group campground access road and across the road. Only 2 *H. umbilicata* seen

12/12/03 2:00-4:00: Myself and State Park Aid Bryan Stowe (in training) surveyed from Chuck's house to restroom 1. 3 *Helix* and multiple BSS found in iceplant patches. We then went to north side of group campground entrance road south of Eucalyptus and looked in coastal scrub where I immediately found an age class "c" shell of *H. w. morroensis*. Continued searching did not reveal anymore sign. At a large water line box we found many shell and live active specimens of *H. umbilicata*. This box is located maybe 200 feet southwest of the coastal scrub area.

Additional survey efforts are documented in a thesis at CalPoly "The Current Status of the Morro Shoulderband Snail" and an article "Morphotypes and Distribution of the federally endangered land snail *Helminthoglypta* (*Charodotes*) *walkeriana* (Hemphill 1911)." Copies of the thesis and article were previously delivered to the city planning department as requested by the city planning department.

91-132 2

Ex. E

State of California - The Resources Agency

Gray Davis, Governor

DEPARTMENT OF PARKS AND RECREATION

Ruth G. Coleman, Acting Director

San Luis Obispo Coast District

1150 Laurel Lane, Suite 190

San Luis Obispo, California 93401

805/549-3312 CALNET 629-3312 FAX 805/549-3444

15 November 2002

RECEIVED

NOV 18 2002

City of Morro Bay
Public Services Department

Mr. Gary Kaiser, Senior Planner
City of Morro Bay
Public Service Department
955 Shasta Avenue
Morro Bay, CA 93442

Dear Mr. Kaiser,

Jill Vanneman from the Department of Parks and Recreation Northern Service Center contacted me regarding your review of the Coastal Development Permit application for the Morro Bay State Park campground rehabilitation project. She has asked me, as the District Resource Ecologist, to respond to your concerns about project impacts on the Western snowy plover (*Charadrius alexandrinus nivosus*) and Morro shoulderband snail (*Helminthoglypta walkeriana*).

In 1993, the Pacific Coast population of Western snowy plover was listed as threatened under provisions of the Endangered Species Act. The Morro Shoulderband snail was listed as a federally endangered species under the ESA in 1994. The Department of Parks and Recreation actively protects, manages, and enhances habitat for both listed species.

As addressed in the project's final Environmental Impact Report (page 4-1), three snail shells were discovered adjacent to Upper State Park Road following submittal of the Draft EIR for public review in early 2001. As morphology varies across the known range of the species, identification of the specimens was not verified at that time. Since then, presence/absence surveys for the Morro shoulderband snail proposed in the final EIR have been carried out by permitted monitors throughout various areas of Morro Bay State Park, as well as other coastal units, in accordance with US Fish and Wildlife Service protocols. As an example, the bay fringe from the vicinity of the museum to the Chorro Creek Bridge, encompassing the edge of the campground, has been surveyed. No Morro shoulderband snails, or evidence of the species, have been found to date.

The Morro Bay State Park campground rehabilitation project site does not contain suitable Morro shoulderband snail habitat. Although the species may occur, along with sympatric mollusks, within patches of ice plant (*Carpobrotus edulis*) throughout its known range, none have been detected in the park. In part, the absence of the species in general project area can be attributed to the paucity of understory

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Ex. F

Gary Kaiser

Page 2

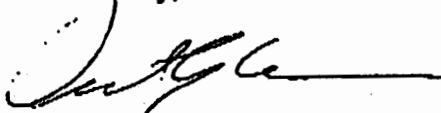
November 15, 2002

vegetation due to the presence of mature eucalypts and other introduced tree species within the campground and vicinity. Existing conditions have led to the extirpation of potential habitat. In addition, soil disturbance and compaction resulting from decades of intensive visitor use have long since precluded any chance of survivability of snails or potential habitat within the campground. Since no occurrence of Morro shoulderband snails have been detected, the campground rehabilitation project is not expected to have any impact on the species.

As previously mentioned, the Department is actively involved in the protection and management of Western snowy plovers, a small migratory shorebird. The District program includes monitoring nesting and wintering activity. Along Estero Bay, nesting activity occurs primarily along the coastal strand on sandspit, Morro Strand State Beach and Estero Bluffs, north of Cayucos. Local wintering habitat includes coastal strand and mud flats adjacent to the sandspit. Western snowy plovers have not been documented in Morro Bay State Park and no current or potentially suitable wintering or nesting habitat for them exists at the park. Consequently, the campground rehabilitation project is not expected to have any impact on snowy plover.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,



Vincent Cicero
State Park Resource Ecologist

Morro Shoulderband Snail - Distribution Data - Survey Sites			
Site	Live Snail	Fresh Shell	Old Shell
<i>Chorro Valley and North Coast</i>			
Toro Creek	Y	Y	Y
North Point	N	Y	Y
Morro Strand SB	Y	Y	Y
Park Marina	Y	Y	Y
Quitana Rd.	N	N	Y
Cerro Cabrillo	Y	Y	Y
Highway 1 - Site 1	Y	Y	Y
Highway 1 - Site 2	Y	Y	Y
Camp San Luis	Y	Y	Y
Cal Poly	Y	Y	N
<i>Los Osos Valley and South Coast</i>			
South Bay Blvd.	Y	Y	Y
Turri Rd.	N	Y	Y
Powell Property	Y	Y	Y
Montana De Oro	Y	Y	Y
Los Osos Oaks Reserve	Y	Y	Y
Los Osos Valley Rd.	Y	Y	Y
Calle Joaquin (SLO)	N	N	Y

Excerpted from: *The Current Status of the Morro Shoulderband Snail*, Michael Walgren, Thesis, Cal Poly University, August 2003, page 56

Excerpted from: *The Current Status of the Morro Shoulderband Snail*, Michael Walgren, Thesis, Cal Poly University, August 2003, page 56

G

10-F-02 MSS survey AM

MBSA Campground / Duo

- NO SPECIMENS OBSERVED (MSS on ^{SP})
- MULTIPLE BELT THINS. THIN CAMP.

10-17-02

- NO SPECIMENS OBS.
- CHECKED LITTER IN WEST W/R

10-23-02

- NO SPEC. OBSERVED

10-31-02

- AM SURVEY
- NO SPECIMENS OBSERVED
- NO LMS MOLLUSCS NOTED

~~11-0~~ 11-13-02

- AM SURVEY COMPLETED
- H. UMBILICATA shell noted near bayer
- NO MCS NOTED

DESK WIDE RULED LINED SHEETS

©1996 DAY-TIMERS, INC. • MADE IN

EXHIBIT 2
page 95 of 132 pages

F x H

[UC IPM Home](#)[Search](#)

How to Manage Pests

California Weather Data: Report

[| About the data | Weather menu |](#)

How to Manage Pests

Landscapes
 Homes, people, & pets
 Agriculture

Daily weather report for MORROBAY.C (NCDC #5866, Morro Bay Fire Department)More about MORROBAY.C: [Station description](#); More data: [Daily ~ Averages](#);

Weather data & products

Degree-days

Interactive tools & models

Time Period: October 7, 2002 to November 13, 2002, retrieved on January 7, 2004

Note: Only 74% of requested data were available from station MORROBAY.C. See [retrieval table](#).

Educational Resources

Publications & more
 Workshops and events
 PCA exam helper
 Pesticide safety

DATE	OBS TIME	PRECIP AMOUNT & TYPE	AIR TEMPERATURE			WIND DD SS	ET ₀	SOL RAD	SOIL T MAX MIN	WX	RELATIVE HUMIDITY MAX MIN	BULB TEN WET DF
MM DD YYYY	HH:MM	(IN)	MAX	MIN	OBS		(IN)	(LY)	(F)			(F)

Research and IPM

Grants programs
 Funded-project results

- What's new
- Announcements
- Site index
- Help
- Acknowledgments
- UC ANR

10-07-2002	8:00	0.00	85	50	51							
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10-11-2002	8:00	0.00	59	50	54							
10-12-2002	8:00	0.00	57	53	54							
10-13-2002	8:00	0.00	60	52	54							
10-14-2002	8:00	0.00	58	53	55							
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10-17-2002	8:00	0.00	60	51	54							
10-18-2002	8:00	0.00	61	45	56							
10-19-2002	8:00	0.00	57	45	51							
10-20-2002	8:00	0.00	58	50	52							
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10-22-2002	8:00	0.00	60	49	50							
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11-13-2002	8:00	0.00	68	53	59

38 records listed

2006 Exhibit 2
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Codes in columns with an asterisk (*) designate the station used to fill in missing data (for data to left of code).	Code	Data from
	1	Backup station 1
	2	Backup station 2
	A	Long-term averages

Retrieval Table

Stations used to fill in missing data

Time period: October 7, 2002 to November 13, 2002, retrieved on January 7, 2004 (38

Variable	Data values from station	Data values from backup station 1	Data values from backup station 2	Data values from averages	Data missing
Precipitation	38 MORROBAY.C	0 SAN_LUIS_OBISPO_W.A	0 none	0 MORROBAY.C	
Air Temperature, max/min	38 MORROBAY.C	0 SAN_LUIS_OBISPO_W.A	0 none	0 MORROBAY.C	
Air Temperature, observed	36 MORROBAY.C	0 none	0 none	0 none	
Weather Condition	0 MORROBAY.C	0 none	0 none	0 none	

Measurement details about MORROBAY.C variables:

Kara Hagedorn
260 Shasta Ave.
Morro Bay, CA 93442
805-772-3915

January 15, 2004

To the Morro Bay City Attorney and the California Coastal Commission regarding the
State Park Campground Renovation

Dear Robert Schultz and the California Coastal Commission,

On January 13th and 14th, 2004, I walked through the Morro Bay State Park Campground to see if there were any raptor nest sites that could be impacted by the proposed renovations. Because it's early in the year and local raptors have not started nesting yet, I looked for remnants of past breeding seasons. I found what I believe to be three nests belonging to Red-shouldered Hawk, Red-tailed Hawk and/or Great Horned Owl. Both species of hawks build large stick nests high in trees and return to the same nest or nesting territory, year after year. Great Horned owls nest in cavities or take over abandoned hawk nests.

In the triangular lawn area, across from Campsite 41, there is a large stick nest in the crotch of a eucalyptus tree. On careful observation this is not the nest of the gray squirrel, which is made of twigs, pine needles/and or leaves (see photo J). This is a carefully constructed nest using sticks (see photos A, B, C).

Another raptor nest is at the top of the large eucalyptus at site 124-125. This is a large nest, perfect for a Red-tailed Hawk or Great-Horned Owl. (See photo D)

Across the street from site 114, in a large cypress tree, is another stick nest, on what I think should be site 131, it was unmarked (see photo E). This nest was not as large as the other two, possibly belonging to a Red-shouldered Hawk (the smallest of the three species mentioned). On the ground below the tree I found a raptor pellet consisting of feathers and fur, which was regurgitated by a hawk (an owl pellet would include bones). This pellet is evidence that a hawk uses the tree for at least a roosting perch.

I saw a Red-tailed Hawk fly over the campground on both days. On January 13th a Red-shouldered Hawk vocalized from an area near the amphitheatre and on January 14th at 4:00 pm, a Great Horned Owl hooted several times from a clump of eucalyptus behind site 119.

On both days, magical, migrating monarchs floated in the sky throughout the northern part of the campground and clumps of monarchs hung from the eucalyptus trees around site 116 (see photos F, G, H).

In the total of an hour and a half that I was walking around, 2 couples approached me and asked what kinds of birds they could see in the campground and wanted to know where the monarchs could be seen hanging from the trees.

As a Zoologist, I worked as an Environmental Educator for New York State Parks for 10 years, and I learned first hand that wildlife watching is a very important part of the camping experience for visitors. Bird watching is the #2 hobby in the United States, behind gardening. I know that ideally some CA Parks could eliminate introduced trees and plants and eventually increase diversity of birds, but it would need to be done very carefully and with a budget that allows for long-term maintenance. Presently the Morro Bay State Park Campground provides both locals and visitors with a unique opportunity to see Monarch Butterflies and watch raptors. The campground provides an educational sign (see photo I) about the importance of raptors.

2
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page

Ex. J

controlling rodents. It's unfortunate that these species of raptors and the Monarchs are using non-native trees, but I feel that everything possible should be done to not disturb or displace them.

In the three years I have lived in Morro Bay I have seen three important habitats for butterflies and raptors destroyed. Over 20 trees were cut near Olive and Cerrito Place at the base of Cerrito Peak to build 2 houses. The monarchs that historically over-wintered on Cerrito Peak did not return the next year. The Red-shouldered Hawk pair nesting there was dislocated and the Great-horned owl pair that roosted there moved down to a pine tree on Shasta Street (which was also cut down a year later).

The following year in the same neighborhood, at Main and Olive Streets, over 50 trees were cut for a housing sub-division. A resident Red-shouldered Hawk pair was visibly upset and very vocal when the trees were being cut. They tried to move over to the Black Hill area but were challenged by a pair already using the park and golf course. A barn owl pair was also dislocated from that area, and they moved over to the Cerrito Peak area, which started a territorial dispute between them and the Great-Horned Owl pair in the neighborhood. Of course the monarchs that historically wintered there had no trees to come back to. Also in Morro Bay, a red-shouldered hawk pair was recently dislocated when trees were cut down on Quintana and Main Streets in Morro Bay. Many other people in these neighborhoods also witnessed these bird dramas.

I am told that before the Bay Shore Bluffs condos went in on N. Main Street, the area was a field with trees where Monarch's over-wintered. Cormorants also used those trees for roosting and nesting. When they lost their habitat they moved over to the Heron Rookery and now threaten to move the herons out, as they kill the trees with their strong guano (an environmental impact of the condos that was probably not foreseen). And of course the "Monarch Grove" subdivision in Los Osos leveled trees for houses. The last two years when I visited the small patch of woods left, there were only a few butterflies.

My point is that nesting habitat for raptors and areas where the conditions are right for monarchs is becoming increasingly rare in Morro Bay. While we've had little control over the removal of trees by private developers, one would hope that we could save these habitats in our own State Park. It is my hope that the City of Morro Bay and the Coastal Commission look at the big picture. In an aerial view of Morro Bay, where are there still trees large enough to support a diversity of raptors? Where are there groves of trees that support the very specific needs of the monarch butterfly? I can walk through the campground as it is now and enjoy both of these. Please think hard about the implications of a renovation project of this size and cost, so that we do not continue to lose habitat and the opportunities for viewing these species.

Sincerely,



Kara Hagedorn

Raptor Biologist -Cornell Lab of Ornithology Hawk Barn 1989-1994

Wildlife Biologist and Environmental Educator -New York State Parks 1989-1999

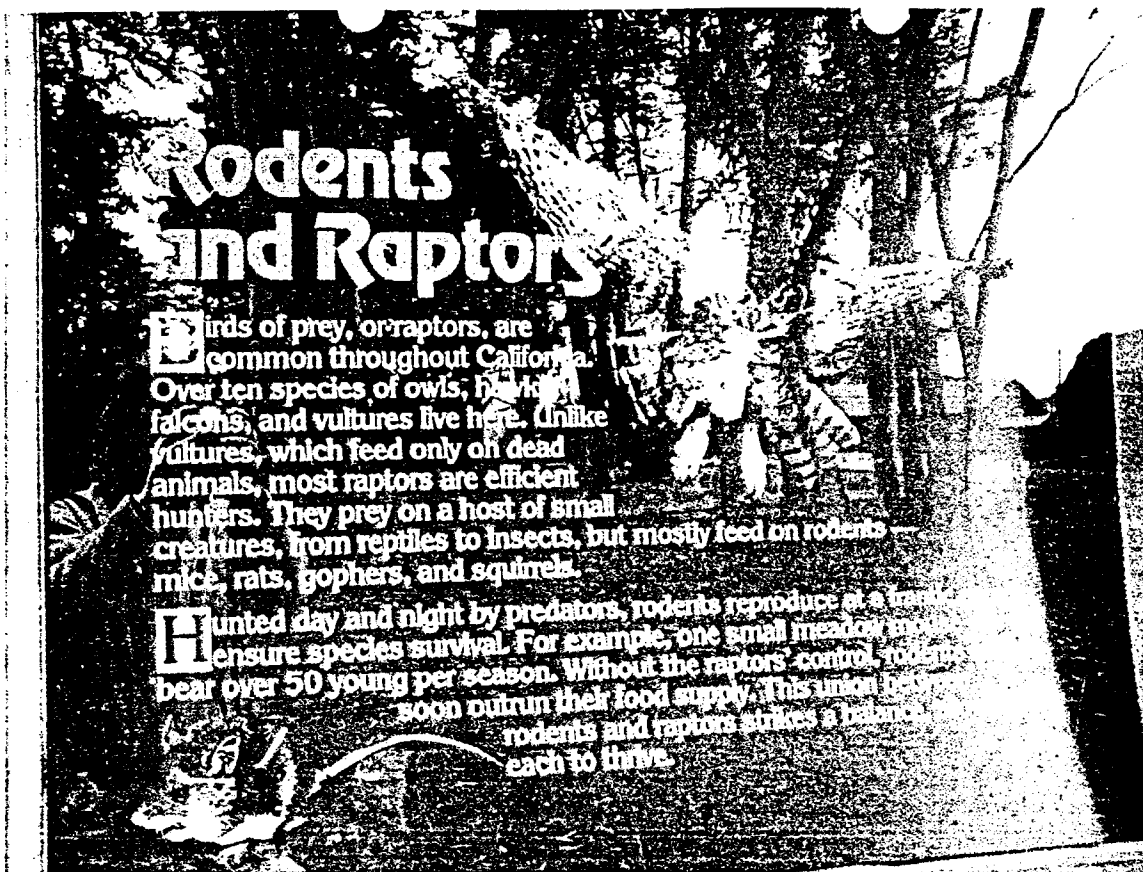
Vol.Coordinator and Field Ecologist -Morro Bay National Estuary Program 2001-2003

Bird of Prey Educator 1989-Present- Program Presentations at local events include-The

Morro Bay Bird Festival, The Botanical Garden Festival, Morro Bay Natural History

Museum Mind Walks and Morro Coast Audubon Meetings

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1/14/04 Raptor sign in Campground



1/14/04 Squirrel nest near site 122



1/14/04 Raptor nest site 124



1/14/04 Lg nest near site 41



1/13/04 Lg stick nest by site 41



1/14/04 Roosting Turkey Vulture



1/14/04 stick and needle nest in frisbee golf course

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1/14/04 clusters in campground



1/13/04 stick nest near site 131; hawk pellet found below

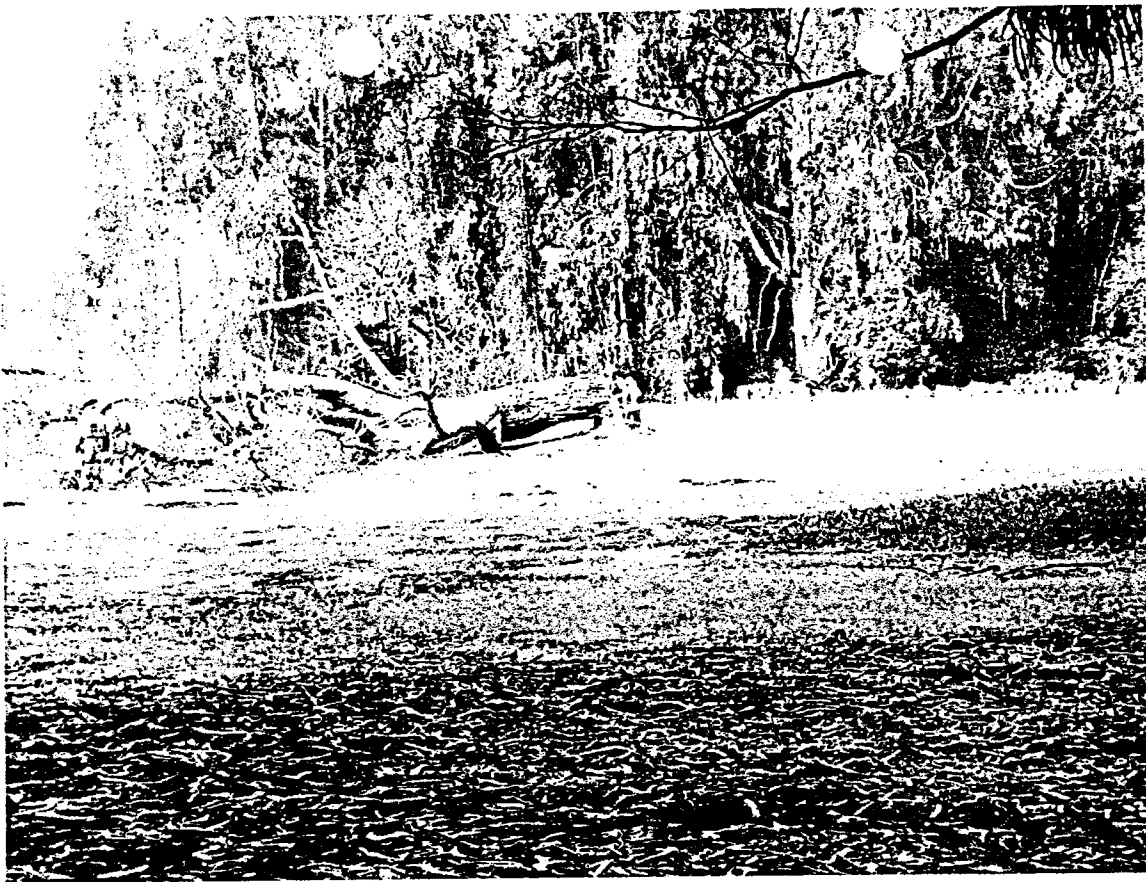
104-132 2



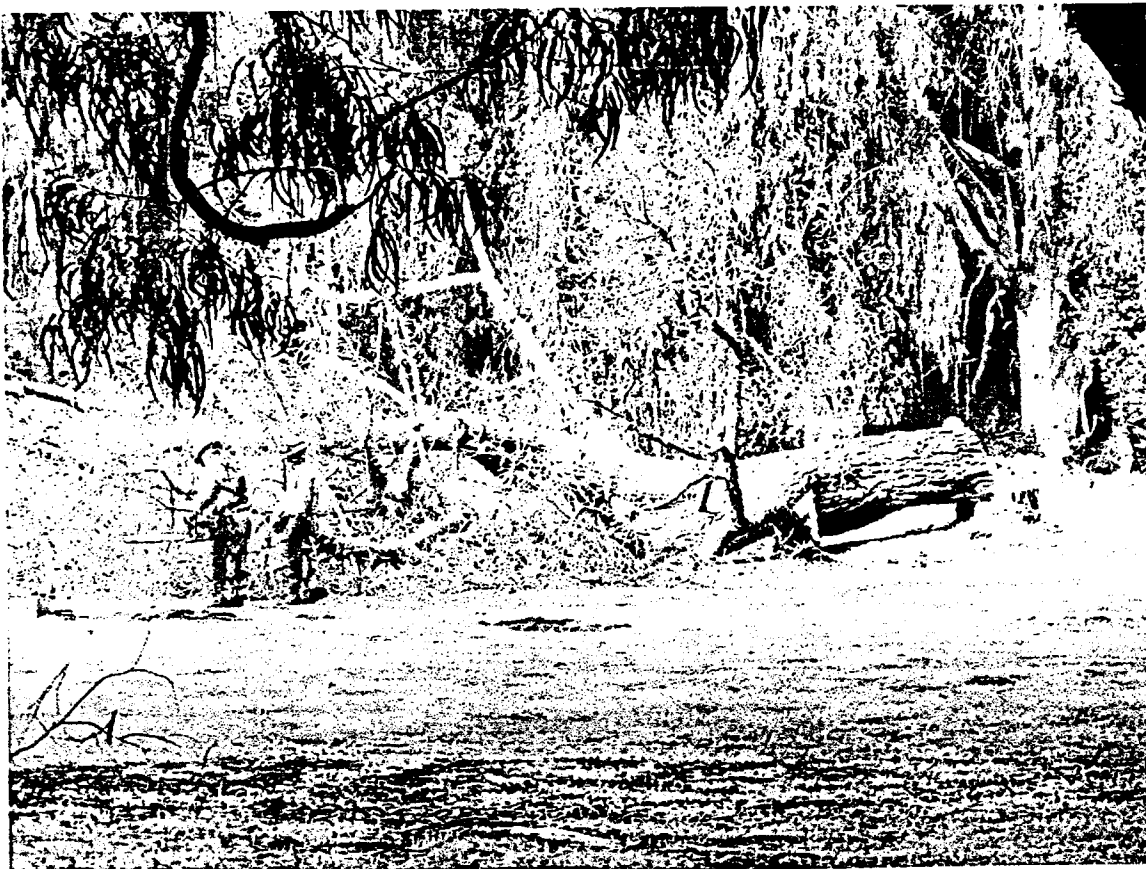
1/13/04 Monarchs near site 116



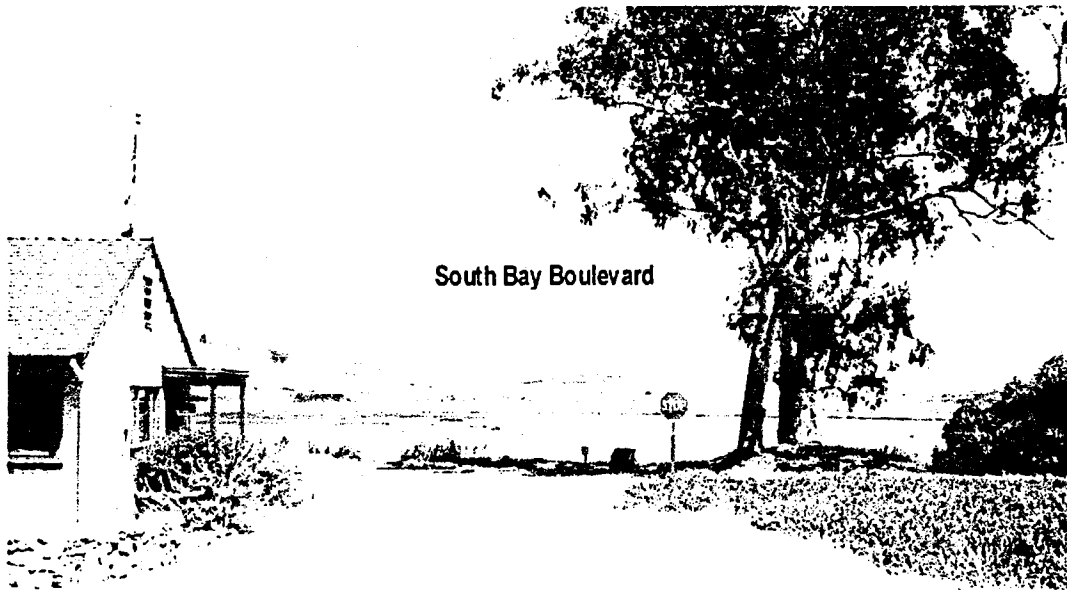
1/14/04 Monarch clusters



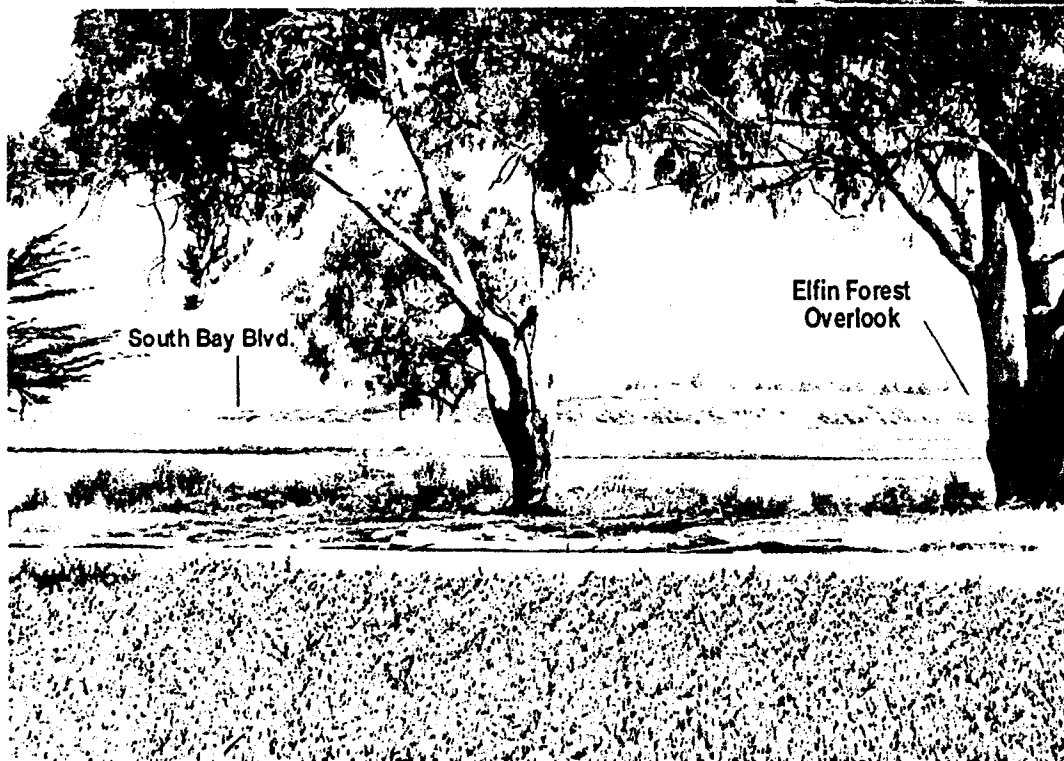
1/13/04 Tree Cutting in Golf Course



1/13/04 Tree Cutting in the Golf Course

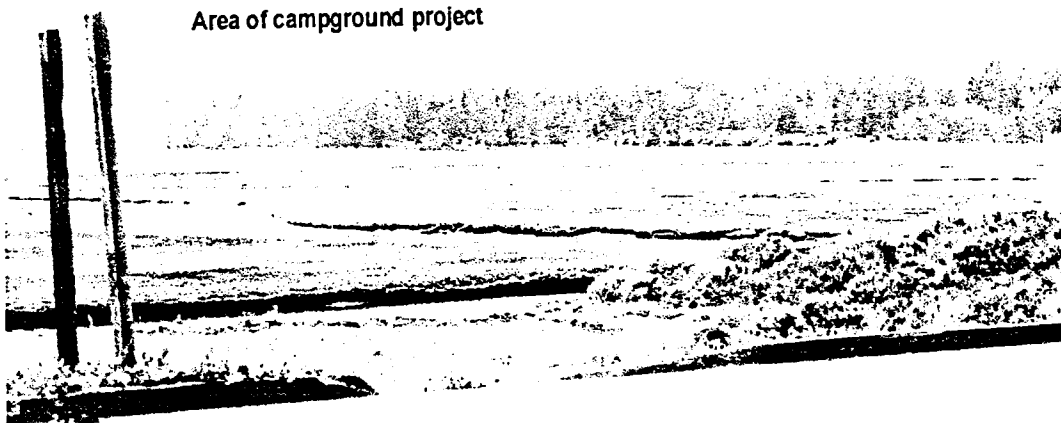


View of South Bay Boulevard from campground entrance.

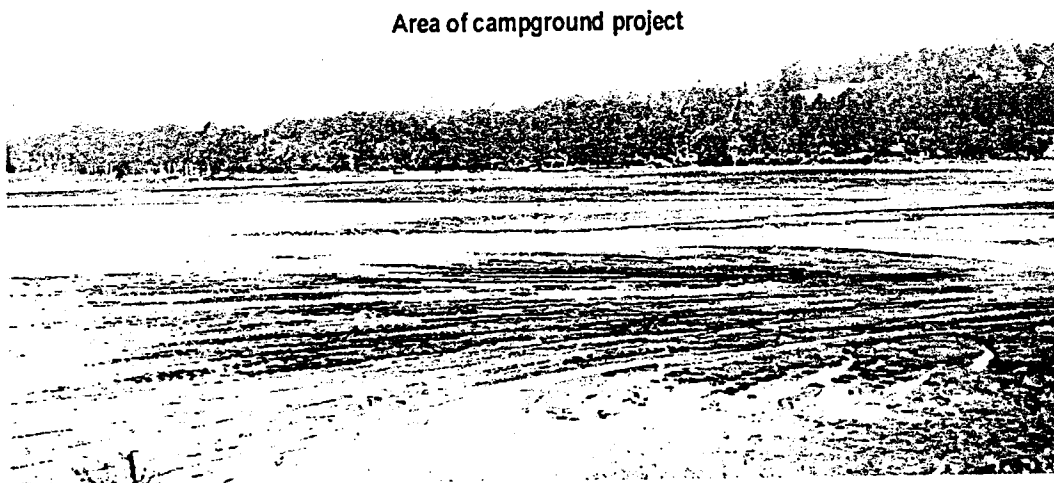


View of South Bay Blvd. and Elfin Forest from inside campground.

View from South Bay Blvd. at Turri Road



View from the overlook deck at the end of Elfin Forest Boardwalk





Viewpoint 5 - Interior of Campground

"Aged" trees removed since EIR photo are tinted



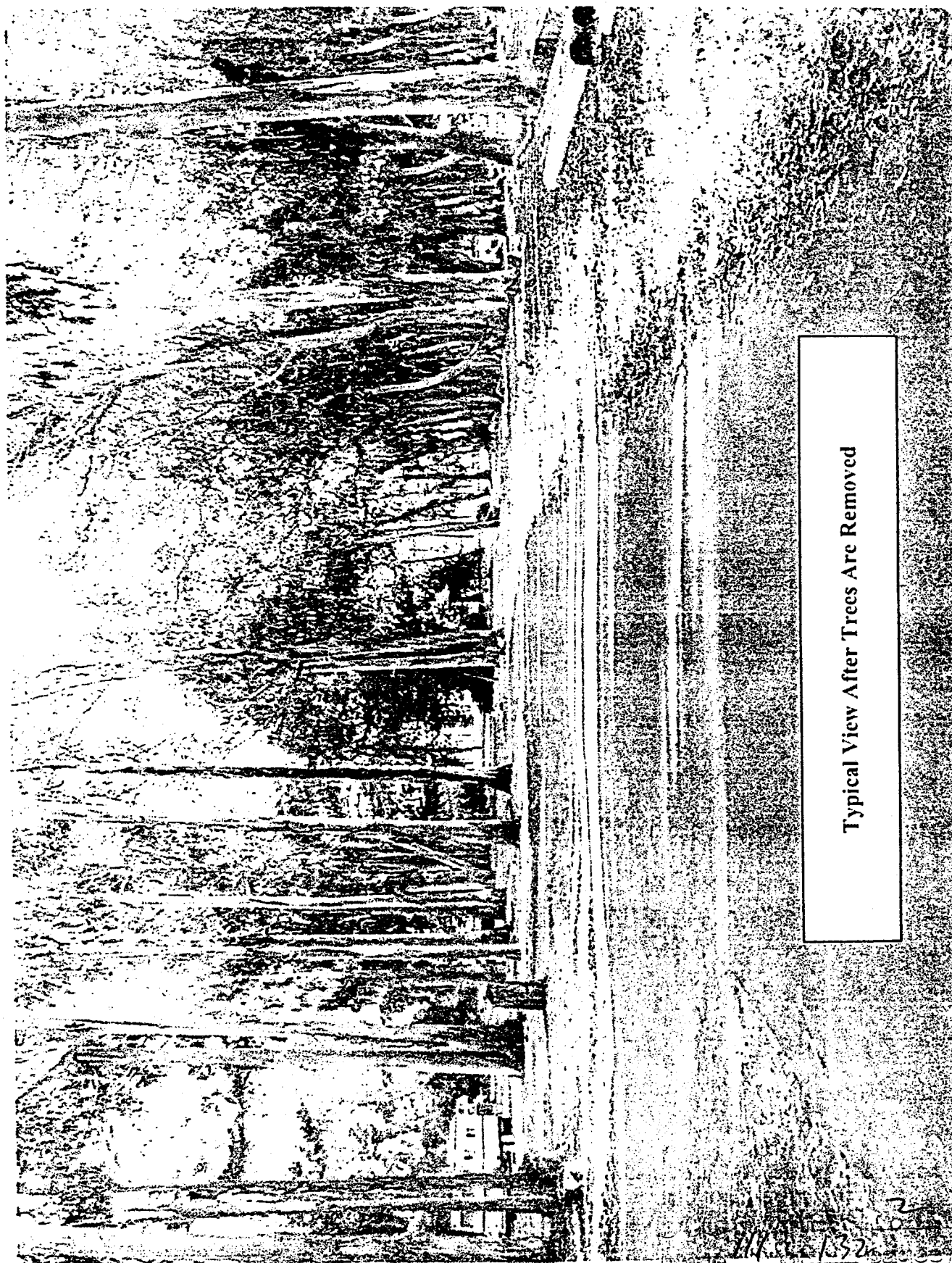
Same Campground scene, June 29, 2003



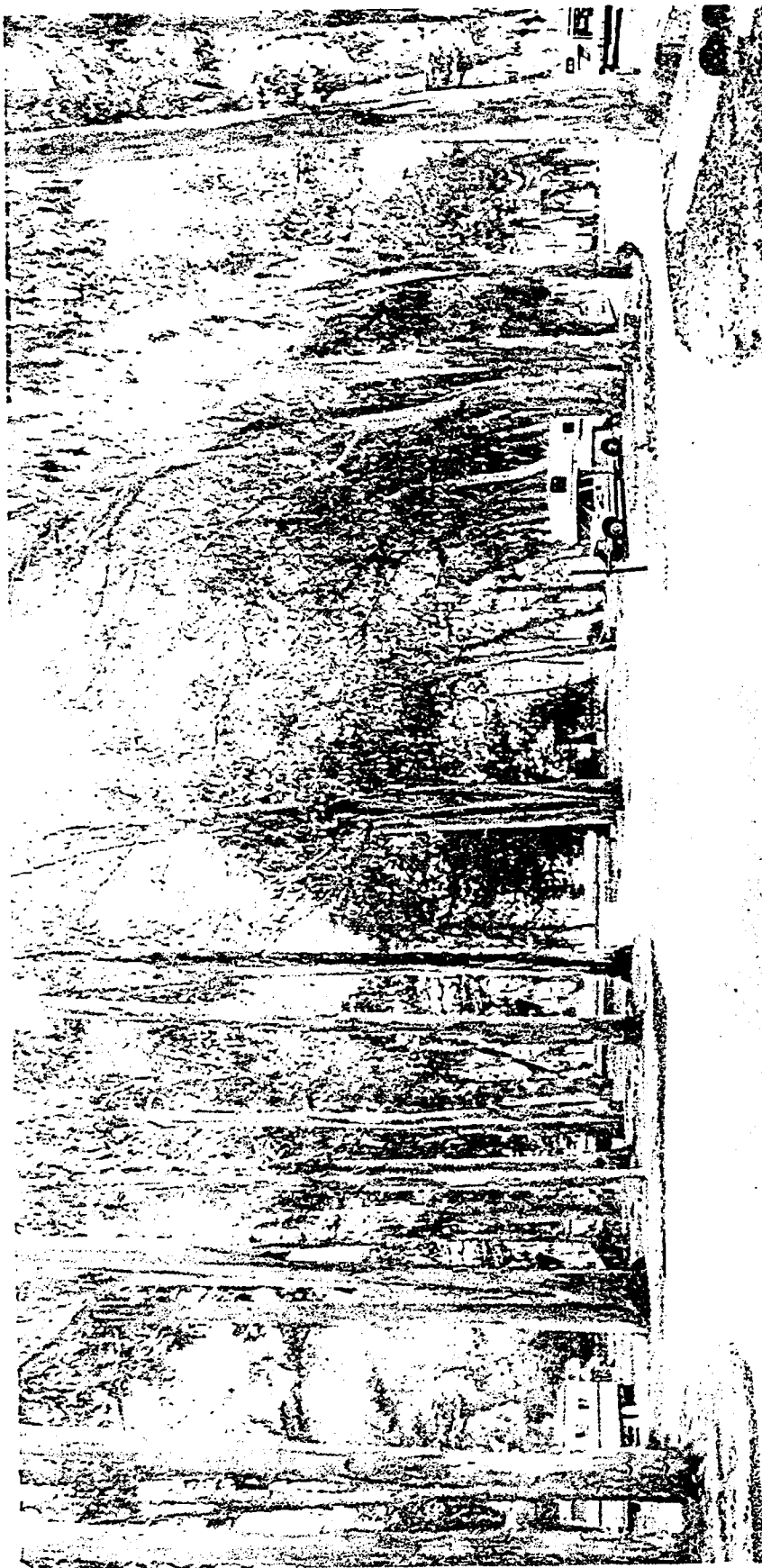
Viewpoint 4 - Marina, Looking East Toward Salt Marsh



The view on June 29, 2003



Typical View After Trees Are Removed



Corrected View
Paving showing and tree texture fill removed

112 132 2

Morro Bay State Park Campground Tree Count

	Pines					Eucalyptus					All other trees & shrubs					Stumps				
	Existing trees (on DPR's map)	Existing trees designated by DPR for removal	Trees that have been removed	# of removed trees that were on DPR's list for removal	Existing trees (not on DPR's map)	Existing trees (on DPR's map)	Existing trees designated by DPR for removal	Trees that have been removed	# of removed trees that were on DPR's list for removal	Existing trees (not on DPR's map)	Existing trees (on DPR's map)	Existing trees designated by DPR for removal	Trees that have been removed	# of removed trees that were on DPR's list for removal	Existing trees (not on DPR's map)	Existing stumps (on DPR's map)	Existing stumps designated by DPR for removal	Stumps that have been removed	# of removed stumps that were on DPR's list for removal	# of removed stumps that were not on DPR's map
Campsites proper	103	13	28	2		39	12	6	5		174	19	8	1	46	42	14	32	13	
Monarch loop campsites						122	24	3			2					7	4	2	2	2
Campsites north of Monarch loop	3	1				17	4									5	2	3	1	
West windrow	6		1			144	19	31	3	3	1		1		1	11				9
New entrance area	70	9	21	8	2	5		2								4	3			
Area south/east of campsites	32		9								26	2	3			7	1	3		
Day use area						10	1				12		3							
Northeast area en route to group camping	11	2	2			5										6	1			2
Totals inside the camp loop but not including Monarch loop campsites	106	14	28	2	0	56	16	6	5		174	19	8	1	46	47	16	35	14	0
Totals inside the camp loop including Monarch loop campsites	106	14	28	2	0	178	40	9	5	0	176	19	8	1	46	54	20	37	16	2
Totals outside the camp loop	119	11	33	8	2	164	20	33	3	3	39	2	7	0	1	28	5	3	0	11
Grand Totals by category	225	25	61	10	2	342	60	42	8	3	215	21	15	1	47	82	25	40	16	13

Total pines and eucalyptus	567	85	103	18	5
Total all other trees & shrubs	215	21	15	1	47
Grand Total of ALL trees, shrubs	782	106	118	19	52

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Transcript of California Coastal Commission Meeting on June 12, 2003 at Long Beach, California

Charles Lester: Item 19-B is an appeal from a decision by the City of Morro Bay to deny a California Department of State Parks rehabilitation project. The project would be to rehabilitate an existing campground, including realigning campsites, an entrance station, rehabilitating and retrofitting three comfort stations to American with Disability Act requirements, removal of non-native trees and restoring the campground area with native trees and vegetation.

Staff is recommending that a substantial issue is raised by this denial and further in the *de novo* review that the project be approved with conditions. Now before going further, I would ask if there are any commissioners that would like to discuss the question of substantial issue.

Chairman: Are there commissioners who want to have a hearing on the issue – matter of substantial issue? Seeing none, the commission has found substantial issue, based on the staff recommendation.

Charles Lester: Quickly going through the slides, this is a shot of the campground in the eucalyptus trees there on Morro Bay Estuary. Next slide. This is an overview of the campground. In the upper left-hand corner of the site you will see an area identified where there are butterfly trees – Monarch butterfly trees, including over-wintering and roosting habitat – you will also see in among a great deal of tree cover a number of campsites. Next slide. This is the existing campground alignment and again you will see identified on the slide the area of the butterfly habitat. Next slide. And this is the revised campground. It's a little hard to compare in this sequence, but basically the campground is being reconfigured. The access is being moved from the lower center over to the upper left part of this portion and additional campsites are being added and various other improvements are being undertaken. Next slide. This is an overhead showing the tree cover in relationship to the campsites and the reconfiguration. You can probably also make out the red Xs are trees to be removed; there are 74 of those trees to be removed. And then the blue dots which you see in the upper green area next to that parking lot are the majority of the roosting habitat. And then pink is identifying trees to remain. Here is the butterfly roosting habitat area in here. Next slide. This is a close up giving you an idea of how some of the campground reconfiguration would relate to some of those roosting trees, including a parking lot located here. Next slide. And finally, here is an example of an existing camping site near butterfly trees. Here is a – one – an individual for scale, and these are some of the roosting trees.

The primary issue raised in *de novo* is the potential impacts to butterfly ESHA habitat that has been identified. We have worked with State Parks to reach an agreement on some revised conditions and I would like to take just one moment to read those into the record.

Chairman: Please do.

Charles Lester: The conditions as currently written are found, I believe, on page 14 of the Staff Report – or they start on page 12, “Special Conditions.” In addition to a condition to address water quality impacts from the project, condition number 2 would require revised plans, including that no trees will be removed within 100 feet of the drip line of any tree used by Monarch butterflies as over-wintering habitat.

We would modify this condition 2a to clarify that no trees would be removed unless accompanied by a determination by a qualified biologist that the – that any proposed removal of any tree within 100 feet of the identified habitat will not adversely impact the roosting habitat. So strike “provide enhanced roosting opportunities” with “not adversely impact the roosting habitat.”

We would also make an amendment to condition 4, which is a restriction on use, and modify this condition to show that occupation of these campsites that are in the vicinity of the habitat shall be prohibited during the roosting months, and then at the end of that paragraph, “unless shown through submittal of a biological report to the executive director for review and approval, prior to issuance, that there will be no adverse impact on the roosting habitat. Further, in the event that an adverse impact is identified, a revised roadway plan that provides an alternative through route during the butterfly over-wintering period that is at least a hundred feet from the butterfly over-wintering habitat shall be submitted. And that’s taking part C of condition 2 and adding it on to the end of 4.

Finally, condition 7 – Parks has requested that we just clarify on the archaeological condition that applicants will include qualified local Native Americans as project monitors, as applicable to the process.

That includes the changes to the conditions that we’ve reached agreement with State Parks. There are also incorporation of other mitigation measures and restrictions on the timing of construction so that no activity occurs during the roosting habitat months. I’m available for questions on these changes, but we feel with these changes, ESHA habitat will be protected effectively, consistent with the LCP. That concludes my presentation.

Chairman: Thank you. We’ll come to the commission for ex partes. Anyone on my left – Commissioner Potter, over? See none. I had a discussion two days ago with Carol Baker, who is a resident in the area and a neighbor, very concerned about the trees there, and the trees that are going to be coming down, and the butterfly populations, and I guess the City Council action on this. Also had a conversation with Ruth Coleman, who is Director of Department of State Parks, and she indicated that she’s very concerned about the exclusion of time that’s been worked out by staff for low cost visitor services for that three months because the coastal parks are basically booked solid through the summer and stuff and she was concerned that they would lose that many spaces, plus the indications have been that, even with camping there over time, that the butterfly population has indicated to increase. So I’m glad to see that staff was able to work something out with Parks on that issue.

Any other ex partes; Commissioner Wan?

Ms. Wan: Yes. On the fourth of June I had a phone call from a Debbie Highfield. She said she lives next to the park and she wanted the Commission to deny the appeal – that this was a historic park and should have to get approval from SHIPPO(?). Only – it was the only park in the area with a high canopy of trees; that the Parks are proposing tree removal and changing the entrance. The trees are eucalyptus and pine but will be replaced by natives which are low and don't provide the same canopy, and she didn't understand why, since it was next to a golf course, why that was so important. The City Council had voted "No," the trees have over-wintering Monarch butterflies and owls in them, and this would change the character of the park.

Chairman: Commissioner Woolley.

Mr. Woolley: Yes, I received a phone call from Carol Baker. Although I wasn't able to return it, her message was similar to what you reported, Commissioner Reilly.

Chairman: Okay. Does that conclude ex partes? All right, I'll call first on State Parks, who have the distinction of being both the applicant and the appellant in this case. Mr. Quayle, you want to come forward and let me know how you want to sequence your presentation, how much time you'll need?

Mr. Quayle: Well, I've prepared a longer presentation, a lot of it is redundant and was in staff report, so I'd like to just go through quickly a couple of things and shorten my report and make it briefer for you. One...

Chairman: Between you and Greg Smith and Dr. Schroeder, how much time will you need total?

Mr. Quayle: I don't think they really need to talk. I will just take the time, and I'll probably take about five minutes.

Chairman: I'm giving the opponents fifteen, so I'll give you ten. How's that?

Mr. Quayle: Okay. Just real quickly, as we go through the presentation, I wanted to – you can go to the next slide – just go through a quick project history, and it is covered in your report. The Department has prepared a General Plan for the park, which the City Council passed a resolution supporting on March 14, 1988, and our State Park and Recreation Commission approved it in June of 1988. When bond funding became available a couple of years later, we finally were able to fund the project and the legislature has approved three phases of funding for the project. In 00-01, preliminary plans and an EIR was funded; in 01-02, approval for working drawings, and 02-03, construction funds have been approved and those funds are awaiting your decision today. Throughout the process, the Department has sought to involve the public. There were three General Plan public meetings in the community as well as the Commission hearing itself in the community in '87 and '88. The EIR public meeting was April 4th in 2001. We also made a presentation to the Public Works Advisory Board for Morro Bay on June 26, 2001, and then, of course, the Planning Commission public hearing was on January of this year, and the City Council hearing on March 10th. Go to the next slide.

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Just briefly, what is proposed – maybe we can just skip this slide, really, the staff covered it pretty well, and it is in your description of what was done. What I wanted to kind of focus on was what is not proposed. There is some misunderstanding floating around the community and we wanted to make it clear that the Department is not increasing the number of RV hookup sites. We are adding one camp host site which will have hookups to it, but it is for camp host. But we are not turning the campground into an RV campground.

Secondly, we are not increasing the total number of sites. There will be the same number of sites after rehabilitation of the campground: that's 141 sites. We are also not removing most of the forest canopy. Ninety-one percent of the existing tree canopy will remain within the project boundary. There are 850 trees within the project boundary. There are well over a thousand trees in this general area that the campground is in. So it's less than ten percent of the tree cover we're taking out. And those trees that are coming out are out of the coastal views in the rear part of the campground, primarily.

And lastly, we are not removing most historic features. Historic studies and evaluations were done of the campground prior to and during the EIR process, and all historically significant CCC-constructed buildings are remaining, as well as all CCC campground furniture that was constructed. However, up to ten percent of the campground furniture will be adjusted to fit the new spurs in the rear part of the campground. This is just an overview of the existing campground layout. The roads are very narrow in many cases now, and turning radiuses are very inadequate. Go to the next one.

This, as you saw in the staff's presentation, is the new layout. Approximately half of the campground, though, in the front part, the existing road system is going to pretty much stay the same. It's the back half of the campground that is going to see the most change. Next slide.

This is primarily what I think it's important for the commission to view is some of the photographs that we have. The – one is of the existing entrance station on the left, which we will be relocating to the other side of the campground in a more inconspicuous area in a forest. This site where it is currently, is only seventy feet off the road and right in the view of the bay. As well as the asphalt there, we really believe that the coastal views in this area will be improved, as well as the access of the campers for the bay. The upper right is some of the historic campground furniture, and at the bottom, in the center, is a good view of the campground the way it is today with no camping spurs, and there's – you can see how narrow the road is; cars drive all along the edges of the road in the dirt and off. You can see a large RV there. With the project putting in spurs and vehicle barriers, this will be minimized. Next slide.

This is just a few shots of the new entrance road area where it will enter the park. The upper photograph is actually looking right into where the new entrance road will enter the park. It's in a forested area between the golf course and the campground now. Some of these bottom shots are just different views in that area. We intended intentionally to try to design it to work through as many trees as possible without cutting any in there. Next slide.

This is just a blowup of the Monarch roosting area that you saw previously. We can go on to the next slide.

These are shots in the roosting area and, again, you have seen the slides and the type of cover that we have in that area of the park. Next slide.

The tree canopy, these are just a few slides that I wanted to include just to show you the density of the tree canopy and the views. The upper one, the largest one there, is from actually out – standing out in the marsh looking back at the southeastern edge of the campground and the – this is both a before and after view. We could not determine how this view would change with the removal of the trees. The trees that are being removed are well behind these trees that are in view, and so this view will remain the same. Down in the lower right is another view from the end of the marina looking back into the campground and, again, that view will remain the same. Next slide.

This is actually a simulation within the campground near where we are going to be bringing the new entrance road in, and a lot of trees will be taken out in that area. There's eight trees that are planned to be removed in this area, and the upper left shot shows the shot before, and the bottom one is after. And as you can see, the forest canopy is going to be essentially intact. You can see where the blue arrow is. I just put that in there just to show you where the most significant difference between the two photographs is. That's where the entrance – new entrance road will be coming through the trees on the right. That concludes my presentation and with the amendments that staff recommended, the Department is in concurrence with staff report.

Chairman: Thank you, Mr. Quayle. I'll now call on the City and the other opponents for an organized presentation. We've allocated fifteen minutes for your presentation and let us know how you want to use it.

Mr. Schultz: We'll just follow one right after another. Good evening.

Chairman: Yeah, get real close to the mike, 'cause the acoustics are really bad in here.

Mr. Schultz: Good evening Chair, Commissioners. My name is Robert Schultz and I am the City Attorney for the City of Morro Bay. I am here on behalf of the City Council and at their direction. The City Council for Morro Bay found the project to be inconsistent with various certified LCP policies. Those policies relating to visual, archaeological and ESHA resources are set forth in the staff report that was prepared. Due to time constraints, I'm not going to go into every single one of those LCP policies and explain them. They're there, and I'm sure you've read the staff report. But basically, the City Council determined that the massive number of trees that were going to be removed, the widening and paving of the roads and spurs within the campgrounds, and the redirection of the campground traffic from one end to the other, where the curve in the road occurs, would result in significant impacts that could not be mitigated and therefore were in violation of our certified Local Coastal Plan.

As I was driving down, trying to think of what to say to you, I realized that the City Council had voted unanimously against this project 5-0. I tried to recall when that had happened, and I couldn't even recall when that had happened in a development project in Morro Bay, either for or against; our projects are always 3-2, 2-3, 1-4, 4-1, and that's something to take into

consideration. I then realized that both ECOSLO and the Sierra Club is also voiced their opposition against this project. I actually had thought I was dreaming for a second – I had to slap myself – because I could never recall when the City of Morro Bay, ECOSLO and Sierra Club were all on the same side of an issue. And I think this is important for you, as you deliberate, to take this into consideration, because the Coastal Act, Section 30004, requires you to rely heavily on your local governments in the decisions they make. This was a 5-0 decision, it's supported by over 200 people that have spoken and sent letters, and you'll hear some of those, and I request that you take that all into consideration. Thank you.

Ms. Winholtz: I'm Betty Winholtz; I'm a member of the City Council in Morro Bay. I believe you've gotten correspondence from me. I need to change my presentation a little bit. I want to speak to some of the points that the State Parks person made.

First of all, let me say that in Morro Bay proper we used to have five Monarch sites, and we now have one, and that's this one here at the park. Three have been gone away because of development within our city; another one was in the State Parks and because of Pitch Pine Canker. So this one site is real important to us. It's the only one that's still accessible to the public. And so we're real appreciative of staff saving this and designating as an ESHA forest, but you need to understand that Monarchs don't stay within a 100-foot radius of where they live; they go down and they experience the rest of the trees around them. And so it's real important to us that we maintain as much of the trees, actually all the trees, and as you'll see in the pictures that are going to come after me, you may not think that these are the same park because our pictures look very different from the pictures that State Parks gives to you. Because we think that with all the cutting that was done in January through April, the number of the trees that have come down, we have what we now call a bald spot in the middle of our park, and we think that you need to be aware of – that things may not be as they look.

Just a comment about the RVs. We understand that they are proposing no new sites, but what we do know is that they're proposing larger sites for the larger RVs. Currently, our State Park has a limit on the length of RVs, and so, though they may not be increasing the number of sites, they're having to eliminate some of the smaller sites and they're actually pushing some of the campsites, the tent sites, together, in order to make room for these RVs that will be longer. So there really is a difference here, if not in quantity, then at least in length.

And then I think I'd like for you to be aware of the term "visual resource" and "the view shed" because the view shed is not only related to what you see from the road as you drive by, but it's from within the campground and how you look out; it's from the golf course and how they're going to look over at this site and see these three new structures sitting right in the middle next to their golf course. And then as the trees are cut down, and I think, as you saw, he said, Yes, there's eight trees in one spot, but know that this road loops through this cathedral rock and if there's eight trees, there's eight trees over here. So there's going to be these big two holes in the middle of this site. I'll quit now and let the rest of the people speak to you.

Mr. Switress: Good afternoon Chair and Commission. My name is Ken Switress. I'm a resident of Morro Bay. I'm a resident of Morro Bay. My name is Ken Switress and I'm here to

talk a little bit about the cultural and historical significance of the trees and the State Park in general.

The first California State Parks were developed and selected and designed under the direction and influence of Frederick Law Olmstead. Our campground was proposed to be one of the first parks to be built in the new system that was designed in the 1920s. It was built as a WPA CCC construction site between 1934 and 1937 and is a recognized historic site. The opening of the campground also coincides with the completion of the Roosevelt section of historic Highway 1. It coincides with the 1930s heyday of Hearst Castle when Hollywood regularly traveled through Morro Bay, as well as the opening of the castle for public touring in the 1950s. Morro Bay State Park campground is a cultural landscape, a historic site to be protected and preserved for those visitors that the Department of Parks and Recreation refers to as the seventh generation – the unborn generation. Restoring the campground to its original historic condition will increase the historic value to the visitor and increase the monetary value to the state. The criteria that it meets for historic preservation is the campground is associated with important persons in the past, like Frederick Law Olmstead; it embodies distinctive characteristics of a specific period and style for construction; the campground makes significant contributions to the broad patterns of California's history and cultural heritage; and under the Coastal Act the campground is protected because of its unique characteristics and popularity.

Preservation of historical resources stimulates the local economy by contributing to the tourist industry, and enhances the quality of life for those using the site. These are critical factors for consideration under the Coastal Act. I think if you see the way the trees look to the left, and what they've done to the campground, so far, to the right, there is a significant difference, and this is after they've already done cutting. And that bald spot is quite big.

Elements of the historic fabric that need to not only be preserved but extended, is the original rockwork buildings, the picnic furniture, the fireplaces, the walls and the water fountains, the original layout of the campsites, the canopy trees which we're talking about and wildlife habitat, the walking trails, preservation of historic and cultural fabric is feasible and the plan for preservation needs to be created and implemented.

Rock work is an important unifying feature to park design, and the reason I bring this up is because if you look at that little wall towards the front of the picture, there's a rock wall, the state park is intending, in their new work, to use asphalt as berms, and there are other ways to bring in the cultural heritage of the site than just bringing in new influences. Features that have deteriorated need to be rehabilitated and new work needs to conform to existing historic fabric.

When recognized as part of the historic fabric and cultural landscape, the canopy trees and other targeted vegetation are protected from the non-native species act because these are cultural items that were placed there by the founders of the parks and the early development of the park system. As part and parcel of the character defining the features of the site, the trees are as integral a feature to the campground design as the historic picnic furniture and the last remaining rockwork comfort station. Historic preservation is an important part of this campground; that is because it has relative significance in the history of Morro Bay, the Central Coast, and the State of California. Preservation guidelines require that an inventory of the site be made to ensure all

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cultural elements are considered, including the canopy trees. Where is the State's historic preservation plan? In this 1988 copy of the Morro Bay State Park General Plan, at the back when it is said who has prepared this report, there is nobody from the historic preservation office – California State Historic Preservation Office – in on this, and it is required under the preservation act, and specifically if you reference technical assistance series number 10, that a historic preservation report had to be filed before work could be done. Taking down the trees without looking at their important cultural influence leaves the trees to be cut vulnerable to acts without preservation in mind. Development in scenic areas, such as this campground, should be subordinate to the character of its setting. And that's what the public resource code says, of the Coastal Act. The suggested plan violates the character of the campground and damages the integrity and the authenticity of the site. On top of it, this plan is – the Parks is calling to close down the park – the Parks Department is planning to close down the park for an entire year. We ask that if they are going to be permitted to do anything, that it be done in a phased development. That every year, there are 108,000 registered campers to Morro Bay; that's a potential of \$11 million dollars a year in tourist revenue to the town. The Coastal Act requires that when planning a project, the consideration of the economic and social well being of the people of California be required – is a requirement for approval. Phased development of the approved plan would also allow time to truly plan a historical and cultural preservation.

So finally we ask that, as recommendations, that you adhere to the 30-foot length limit for vehicles so that you don't need to widen the roadbeds and you don't need additional paving to make it available. As far as emergency vehicles, there are grant fundings available that the City and the State Parks could acquire special vehicles for firefighting and emergency use in there. We ask that there be a mandate of an historic timeframe of the 1930s for the campground. The State Parks in the same district is pushing Hearst Castle to be brought back to a 1930-35 timeframe. Our State Park, Morro Bay State Park, dates to the 1934 to 1937 timeframe, coincides with all the things I've said earlier, and should be brought back to a 30s appearance. Determination that the canopy trees and other targeted vegetation be protected from non-native species act because it is a cultural landscape.

And finally, I would like to say that as more and more of our heritage disappears, as more and more of it is replaced by modernization ... (tape side A ends) ... understood that political and profit-oriented considerations too often interfere with the long-term interests of a park and the park visitors. Do remember the seventh generation when you make your decision. Thank you.

Ms. Carter: My name is Joan Carter and I am on the Board of Trustees of ECOSLO and I am speaking here for Pam Heatherington, the Executive Director, who has written you a letter that you have possession of and this is a one-minute condensed version of this letter.

The LUP refers to the beautiful wooded setting of the campground and that it should be improved and expanded, consistent with preservation of the habitat and scenic characteristics of the area. The project proposes to replace tall, venerated Monterey pine, Monterey cypress, and eucalyptus with low-growing native shrubs that eventually would replace the forest character and visual resource. To say that no significant change will occur seems a

gross understatement. All diseased and hazardous trees have already been removed with no replacement—as recently as April.

The relocation of the campground entrance was to be a requirement of the realignment of the upper State Park road, which has been abandoned, due to cost and infeasibility. The proposed entranced location, opposite the well-used entrance to the marina and a popular restaurant, the latter new since the plan was approved, will cause traffic confusion on this narrow downhill curve. It will also be next to a fairway of the State Park golf course. Many large old trees buffering the fairway will be removed.

We hope you will consider these issues when you permit this project to go forward by also including as conditions:

1. Retention of forest character and high canopy
2. Designation of access through service road to present entrance location, and
3. Utilization of natural materials to define parking, rather than asphalt.

Thank you.

Chairman: Thank you. How much time is remaining?

Unknown male: One minute.

Ms. Collins: I'll make it short. Good evening, Commissioners. My name is Karen Collins. I'm the chair of the Santa Lucia chapter of the Sierra Club. I've been asked to read a letter by our conservation chair, Pete Wagner.

The 2000-member Santa Lucia chapter of the Sierra Club in San Luis Obispo strongly recommends denial of the Department of Parks and Recreation proposal to realign roads and paving and remove 74 trees. The proposal before you does not make sense, it appears far too radical and disruptive, and could completely destroy the unique character of the park enjoyed for so long by so many visitors and Morro Bay residents. It is insensitive to wishes expressed to us virtually unanimously by park users and community citizens.

We particularly dispute what appears to be a formulaic approach to creating "designer" parks. Indeed, the serene atmosphere of the Morro Bay State Park created by the high tree canopy stands in stark contrast to the redesigned state park in nearby San Simeon.

We recognize that the park is an altered ecosystem, but it has become a venerated part of the community in its present configuration. State Parks should remove no more trees than is absolutely necessary for safety and disease control, compliance to be audited by an independent third party.

In summary, we are vigorously opposed to the destruction of the unique environment that has been admired and enjoyed for so many years by community residents and visitors.

And it's not often, this is my comment, I don't think ever, that the City of Morro Bay and the Sierra Club have joined forces and I urge you to take this opportunity to make us both happy. Thank you.

Chairman: That concludes public testimony. Does the Department of Parks wish any time for rebuttal? You have two minutes for a rebuttal.

Mr. Schrader: All right. Good evening. My name is Dr. Mark Schrader, Deputy Director of State Parks. I just thought I'd give you a couple of rebuttals quickly, and also give you, if this thing does not go through, what affect that has, as well, on the park.

Just to clarify a couple items: the historic integrity of the park will be remaining and will stay intact. That includes, for instance, the rock, if you call it, restroom that you saw pictured up here. Shrubs are not just what's being planted. There are going to be oaks and other trees out there. Part of this project is to replant. The idea if we do not replant, that what you will end up with is a denuded tree canopy, so it will be very, very bare in the future. The drainage erosion swales that we are going to be fixing will not be fixed, they will stay as is, and those issues will prevail. ADA compliance that we could be making this park comply with will not occur. The overall general improvement throughout the entire park will be – not occur, will not happen. The entrance station, which is a visual issue that was described earlier by Mr. Quayle, will be moved, and if it does not go through it will not be moved, it will stay there and be visual; write off the effect of the main marsh area. The day use area: we're adding 12 additional day use areas; that will not occur if this project does not go through.

And the biggest thing is this whole thing on the trees. I just want to explain that there is another issue here, which is public safety with regard to the eucalyptus trees that we are removing here. We had just recently, down at Lake Perris, we had an injury where somebody was permanently paralyzed. Cost the State \$2.5 million in restitution from a summer drop. It's not an insignificant issue; it is something we take seriously. Again, if the project does not go through, we'll be looking at what potentially that effect has to the Park and its use going forward, and what areas would remain open to the public. Thank you very much.

Chairman: Thank you. Any additional staff comments before we bring it back?

Charles Lester: Just two. In addition to what I presented earlier, we did analyze the public access policies of the LCP and concluded this was a beneficial access and recreation project

consistent with the LCP. We also analyzed the visual and character impacts of the project and again found no substantial impact there and no inconsistencies with the LCP. And finally, with archaeological resources, we did evaluate that and there is a condition to deal with those potential resources.

Chairman: Thanks. We'll bring it back to the Commission. I think the motion is on page 11. Commissioner Potter?

Mr. Potter: I move the Commission approve Coastal Development Permit number A-3-MRB-03-043 pursuant to the staff recommendation recommending a "yes" vote. Make a brief comment if I get a second.

Chairman: Is there a second?

Mr. Hart: Second.

Chairman: Moved by Commissioner Potter, seconded by Commissioner Hart.

Mr. Potter: My comfort in making the motion and within the project in general lies within the special conditions, and I think, specifically to the areas that have been discussed, conditions 2 through 5 help address the unique character issues and also very specifically talk about tree removal and the associated preservation of habitat areas. So I think that, as conditioned, the project is beneficial, and as staff said, is certainly an enhancement to access.

Chairman: Okay. Commissioner Hart, any discussion? ... Commissioner, while I believe you have some amending motions, my suggestion is that you make the motion and then we'll have an opportunity to discuss it. And we'll just take them one at a time.

Ms. Wan: Let's take them one at a time. First, I have three amending motions to make. The first one is on special condition number seven dealing with archaeology. It isn't adequate. I have to make the motion first. Okay. The motion is to require a pre-project survey that includes consultation with local Native Americans. Do I have a second?

Mr. Potter: I'll include that in the main motion, if you like.

Ms. Wan: I think it has to be done by an amending motion?

Chairman: Well, let's just do this.

Ms. Wan: Okay.

Chairman: Unless that's something staff wants to accept into the body of their report.

Ms. Wan: You want me to explain why?

Charles Lester: We could accept that.

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Ms. Wan: Okay. That takes care of that. Next amending motion. Item – condition 2A should be changed to read as follows: “No trees will be removed within a hundred feet of the *grove* of trees containing Monarch butterflies.

Chairman: Is there a second to that motion?

Ms. Iseman: Second.

Chairman: Moved by Commissioner Wan, seconded by Commissioner Iseman. Do you want to discuss that?

Ms. Wan: Let me explain why. Obviously, if a tree is diseased it's going to be removed; I had a question here about disease – that's different. There's a big difference when you look at the habitat for Monarchs. In looking at, of any tree used by Monarch butterfly. That's not the Monarch butterfly habitat. There are – when you're looking at the Monarch butterfly habitat, you're looking at the *grove* that contains the Monarchs – it's not the individual trees. I don't know, frankly, because I couldn't tell from what was in front of me, whether or not this will, in fact, change anything relative to the tree removal. You might be able to address that. But what I'm trying to explain is that there's a tendency to say, “That tree has Monarchs in it; therefore, that's the habitat.” It's not the individual trees, and in fact, generally speaking, trees that contain Monarchs are within the center of a grove of trees. And so, to just say, “Stay a hundred feet away from the individual trees” is not the appropriate approach to protecting Monarch habitat. You have to look at what is the grove of trees that contains the Monarchs, and that's the habitat, and that's what you have to stay a hundred feet away from. Again, I don't know if this has any impact on the tree removal or not, because I couldn't tell from this. But clearly, the Monarchs grove is only one part of the park, from what I could see of it, and you certainly should be able to design around that. If you need to remove trees in other areas, I don't have a problem with that; but I do have a problem with doing something that could endanger the function of the grove. When you remove trees from a Monarch grove, you change the microclimate of that grove, and you can, in fact, destroy its function.

Chairman: Commissioner Iseman, did you have comments?

Ms. Iseman: I have two other things I ...

Chairman: On this?

Ms. Iseman: No. Thank you.

Chairman: All right. I have one comment here. And I, you know, I feel like staff looked at this and addressed it with State Parks, and in making provision on site or on the ground for a biological determination on a case by case basis. It seems to me that, you know, we're providing the requisite protection; at the same time, you know, giving some modicum of flexibility to State Parks in terms of how they go about their business as opposed to having just an absolute area ban with, you know, with a set distance. So, my inclination would be to stay with the language that

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staff's been able to work out with State Parks, and, you know, and I won't be supporting the amending motion for that reason.

Any other comments? The amending motion is to, you want to restate it very briefly?

Ms. Wan: Is to prohibit the removal of trees – any trees – within a hundred feet of the Monarch butterfly habitat defined as “the grove of trees.”

Chairman: Within a hundred feet of the grove. Okay. That's the motion. Maker of the motion is asking for a “Yes” vote. Will secretary call the role?

Secretary: Commissioner Nava?

Mr. Nava: Yes. [Hard to hear, but I think this is what was said.]

Secretary: Commissioner Potter?

Mr. Potter: No. [Hard to hear, but I think this is what was said.]

Secretary: Commissioner Wan?

Ms. Wan: Yes.

Secretary: Commissioner Woolley?

Mr. Woolley: Yes.

Secretary: Commissioner Dester?

Dester: Yes.

Secretary: Commissioner Hart?

Mr. Hart: No.

Secretary: Commissioner Iseman?

Ms. Iseman: Yes.

Secretary: Commissioner Woolley? [She asked him earlier]

Mr. Woolley: Aye [He answered earlier]

Secretary: Chairman Reilly?

Chairman: No.

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Secretary: 5-3.

Chairman: Yeah.

Ms. Wan: I don't know that it affects the issue that you're concerned about. I have no idea whether or not it's going to, how it's going to affect the ...

Chairman: The design of the project or anything.

Ms. Wan: Right.

Chairman: What's the next motion?

Ms. Wan: This one I need to discuss because it's not that simple. I have a question for the Park, if they could come forward. And this deals with the question of the raptors. All right?

Mr. Quayle: Yes.

Ms. Wan: Here's my concern. It's one – you have a whole – I was looking at the list of raptors that are present in the park, and you have a whole host of raptors, some of which are either listed or certainly species of special concerns. You got peregrine falcon, falcons and Cooper's hawks, and northern harriers and ospreys, and I – my concern goes to the fact that for some of these species, and I'm not going to contend that I know which species it is, but for some of these species, it doesn't matter about cutting the nest down. You can cut down a nesting tree and the bird, as long as there's adequate trees around, will find another nest the next season. But there are some raptor species that that's not the case. They return to the same nest year after year after year. Simply because you cut the nest down at the end of the nesting season doesn't mean that it's okay. What I need for you to tell me is whether or not you can go in – what I'm really looking is in those cases where raptors will relocate, like a red-tailed hawk – they will clearly – you can cut the nest down, they'll find another nest – nesting site. But there are some species that that's not the case. My concern is that we need to prohibit the nests – the cutting down of the trees of those species that that's not the case for. And I don't know if you want to comment on that.

Mr. Quayle: Yeah. I would like our District Superintendent, who is a resource ecologist, speak to that.

Greg Smith: Chairman Reilly...

Ms. Wan: You understand my concern.

Greg Smith: Yes, I do understand you concerns. Greg Smith, Superintendent for...

Chairman: Pull the mike up a little bit so...

Greg Smith: Superintendent for State Parks in that section.

Chairman: Great. Thank you.

Greg Smith: There are no raptors nesting in that park at this time, and prior to us taking any of our hazard trees or any trees associated with the project that we do surveys to make sure there are no nesting raptors at that point.

Ms. Wan: You're not answering my question.

Greg Smith: Okay.

Ms. Wan: Okay. I understand that you are not going to cut down any of the nests when the raptors are in them, but it's one thing to say you just don't cut it down when they're in them, but if you cut down the nests from certain species, the raptors have to have another place to go and rebuild the nest the following year. Some species, that's fine, like a red-tailed hawk. Other species, that's not okay because they return to the same nest every year and it may adversely affect them the following year. You may have cut down, in essence, their habitat, and precluded them, particularly if there are a lot of them there, from being able to survive in the long run, and that's my concern, and that's the question I need answered.

Greg Smith: Commissioner Wan, I understand. Site fidelity with some birds of prey species is very, very important; you're absolutely right, that they're not going to return to a site once that nest is removed. We do not have any active nests within the campground right now for a bird to abandon. There are nests outside the campground that are not being impacted by this project, that are further up the hill, outside the campground itself. So there are no nests that we know of in any of the trees at this point that would be abandoned by birds at any time of the year.

Ms. Wan: So what I'm really – and that may – so it may be that this is fine, it won't affect anything, but my feeling is that we need some kind of a condition that says that if you do find that there are nests there for species that reuse and are site specific, that those are the only trees that should – that they should not be cut down. Again, it's okay to cut down the tree – and I'm going to use the example of a red-tailed hawk – they'll relocate. But for those particular species, I think there needs to be some assurance from you that that's not going to happen and I'd like that into – and that may be only one or two trees involved, by the way, okay? – maybe none – but I'm not comfortable at the thought that a bird that is site-specific is going to lose its home as a result of this.

Greg Smith: That is consistent with State Park policy; before we remove any trees, we make sure there are no nests, active or inactive, when it comes to raptors.

Ms. Wan: Okay. Again, you're not...

Greg Smith: Active or inactive.

Ms. Wan: That's active or inactive; I'm talking about site specific – no, you don't...

Mr. Douglas: Mr. Chairman.

Chairman: Mr. Douglas.

Mr. Douglas: Yes, it seems to me, given what we heard from the Superintendent and the concerns that Commissioner Wan raises that a condition that simply says no trees will be removed that have a nest of those species that return, those trees will not be removed, and since there aren't any trees, that won't be a problem.

Chairman: Is staff willing to incorporate...

Mr. Douglas: We'll incorporate that in our recommendation.

Chairman: Thank you. Commissioner Iseman?

Ms. Iseman: If you would remain, whoever can answer. I think maybe my questions need to be to State Parks rather than staff, but perhaps staff. There were a couple of references that I had questions about. What is the current maximum length of an RV and what is the new extended length that you're accommodating?

Greg Smith: I can tell you that the current length limit we have is thirty-five feet, and I'd have to ask Mr. Quayle what the new extended length is.

Mr. Quayle: Most of the sites will be less than thirty-six feet. There will be sites up to forty-six feet – spurs put in.

Ms. Iseman: How many sites are you changing in order to accommodate forty-six feet?

Mr. Quayle: I don't have that exact number in front of me. Because, way we have designed the plan to avoid trees and historic furniture, those sites vary throughout the whole campground and we haven't taken a tally of the forty-six footers. Those forty-six footers, though, are not RV sites.

Ms. Iseman: What are they?

Mr. Quayle: They are just paved sites forty-six feet long that are regular tent sites, so that you can get a trailer, a longer trailer, in there, and a car. They are not designed for RV hookups.

Ms. Iseman: Okay. According to one of the letters we received, there is another campground close by that has the opportunity to house vehicles of this size, and that by doing – making these changes, you are losing tent sites by increasing the length and doing paving. Can you explain what that program is?

Mr. Quayle: I'm not sure I understand your question.

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Ms. Iseman: Well, one of the people that testified – I believe it was a City Councilwoman from Morro Bay – stated that we will – that there will be a reduction in tent sites because you need to increase the pavement to accommodate longer RVs.

Mr. Quayle: No, there will be no reduction in tent sites.

Ms. Iseman: But tent sites are being made smaller?

Mr. Quayle: In some cases, yes, they would have to be, yes. Just by – just due to the length of the paving.

Ms. Iseman: Okay. If – you know, we're dealing all over the state with issues of water quality and to have a State Park putting more pavement in is kind of going backwards, it seems. Are you – have you considered using a pervious material?

Mr. Quayle: Yes, we have looked at this throughout the State Park system and we are doing some experimenting with some of it. In this case, the – use of that material was determined not to be the most beneficial material to go with in this instance. The...

Ms. Iseman: Can you explain why, please?

Mr. Quayle: The soil in the State Park campground is a sandy, very sandy, soil, and it's – it will – the drainage will seep in very rapidly. It would take a ten-year storm, from what our engineers tell us, that – before you would have any significant run-off occurring from the soil in the campground. So the increased paving that we have proposed is not going to significantly affect that. In addition, it's – the park design has retention basins that are going to capture more water than runs off now, especially in the new entrance area, and the paving was also determined – for porous paving or pervious concrete, you have to cut or excavate deeper to allow for more base underneath of that, and with the archaeological resources in the campground, we want to minimize any depth of grading, also.

Ms. Iseman: Thank you.

Mr. Quayle: Mm hmm.

Chairman: We have a motion before us on the main motion. Is there a need to go to roll call on this? The main motion is to approve the project as modified by staff and amended by the Commission. Maker is asking for a "Yes" vote. Is there any objection to a unanimous roll call? Seeing none, the project is approved, and that does conclude our day today, and we thank you for all of your hard work – Commissioners, staff, and audience – and we will convene at 8:30 tomorrow morning.

CCC stairs, wall and seating at Day Use area



Day Use Area 1939 - Stair, retaining wall and seating



Day Use Area 2003 - Hundred year old tree recently cut



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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ADOPTED

Filed: 04/03/2003
49-day Waiver: 04/16/2003
Staff: M. Watson
Staff report: 05/23/2003
Hearing date: 06/12/03
Hearing item number: Th19b

APPEAL SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal number.....A-3-MRB-03-043, Morro Bay State Park Renovation

Applicant.....California Department of State Parks

Appellants.....California Department of State Parks

Local government.....City of Morro Bay

Local decisionDenial

Project location.....Morro Bay State Park in Morro Bay (San Luis Obispo County) Exhibit A

Project descriptionRehabilitation of an existing campground including realigning campsites and entrance station, rehabilitating and retrofitting 3 comfort stations to ADA compliance, removal of non-native trees, and restoring campground area with native trees and vegetation.

File documents.....City of Morro Bay Certified Local Coastal Program (LCP); City of Morro Bay CDP Application File 39-02R.

Staff recommendation ...Substantial Issue Exists; Approve with Conditions

Summary of staff recommendation: The California Department of Parks & Recreation (DPR) proposes to rehabilitate the Morro Bay State Park campground facilities by bringing the aging campground into compliance with current codes and the American's with Disabilities Act (ADA). The project includes improving and realigning the campground loop roads, paving parking spurs, constructing three new combination restroom-shower facilities, and relocating the entrance station. To allow more light onto the campground floor and to facilitate the campground loop road realignment and parking spurs, DPR proposes to remove 74 mostly non-native trees or shrubs. Tree removal will be mitigated by planting approximately 1200 trees and shrubs taken from a palette of native species.

On March 10, 2003, the City Council upheld an appeal of the project on the basis that the project is inconsistent with the certified LCP standards requiring the protection of visual resources and the preparation of a management/master plan for the state park unit. Council members expressed concern that the project would alter the forested characteristics of the campground and disrupt monarch butterfly habitat. In upholding the appeal, the project was denied. The Department of Parks and Recreation has appealed the denial of the public works project under Coastal Act section 30603 (b)(2) alleging that the project is in fact consistent with the visual and access policies of the City's certified LCP.



California Coastal Commission

June 12, 2003 Meeting in Long Beach

Staff: M. Watson Approved by: *M. Watson* 6/16/03
A-3-MRB-03-043 MRB SP Rehab ADOPTED 6.12.03.doc

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Staff recommends that the Commission determine the appeal raises a substantial issue because the denial of the project is not supported by the policies of the certified LCP. These policies require DPR to prepare a management plan for the state park unit and to protect views to and along the coast. DPR did prepare, and the City adopt, a management plan for Morro Bay State Park in 1988. With regards to scenic resources, nearly all the proposed development will occur within the existing confines of the campground, which is almost entirely surrounded by trees. Thus, visual impacts associated with the proposed development do not rise to a level of significance.

Staff further recommends that the Commission approve the project with conditions to ensure that the project protects coastal resources and is consistent with the requirements of the LCP. As noted above, the proposed project will result in the restoration and enhancement of a popular public access and low-cost visitor serving facility. As such, it will enhance access and recreational opportunities as well as scenic resources through landscaping improvements. However, certain aspects of the project such as tree removal, widening and paving of campground loop roads and parking spurs, and redirecting campground traffic could result in significant impacts to archaeological resources, environmentally sensitive habitats, and water quality. DPR has submitted mitigation measures and best management practices proposed to address some of the issues associated with the proposed renovation of the campground. Additional conditions are needed to conform to the water quality, ESHA, and archaeological standards of the certified LCP.

Specifically, the recommended conditions:

- Carry out the LCP policies for the protection of ESHA by establishing a 100-foot "no tree removal" buffer around the identified monarch butterfly habitat; require day use parking be moved to respect 100-foot buffer around habitat; limit construction activities during roosting and nesting season; restrict use of the campsites and campground loop road during roosting season; and re-vegetate with native plants that provide nectar for butterflies.
- Implement LCP policies for water quality resources by requiring Best Management Practices to address construction impacts; staging of equipment and materials; containing sediments and runoff; establishing grading plan; and requiring post-construction BMP's to treat, infiltrate or filter storm water runoff.
- Carry out LCP policies for the protection of archaeological resources by requiring an archaeological mitigation and monitoring plan; retention of a qualified archaeologist and a Native American monitor during all ground disturbing construction activities; and training of construction personnel on the sensitivity of archaeological resources.



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1. Appeal of City of Morro Bay Decision

A. City of Morro Bay Action

On March 10, 2003, the Morro Bay City Council upheld an appeal of the City Planning Commission's decision to approve the Coastal Development Permit to rehabilitate the campground facilities at Morro Bay State Park. The City Council denied the project, finding it inconsistent with the Local Coastal Program's Shoreline Access and Recreation Policy 1.32, Visual Resources Policies 12.01 and 12.02, and Zoning Ordinance Section 17.48.190 (Protection of Visual Resources and Compatible Designs). A Final



California Coastal Commission

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Local Action was received in the Commission's Central Coast District Office on March 24, 2003; a request for an appeal of the local governments decision was received March 21, 2003.

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 tideline 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 a major public works.

Section 30603(b)(2) provides that the grounds for an appeal of a denial pursuant to 30603(a)(5) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and 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 not so located and thus this additional finding would not 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/Agent, 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. Appellants' Contentions

The Appellants (Department of Parks & Recreation) contend that the proposed project is consistent with the certified LCP and that the City's denial is not supported by LCP requirements. For a copy of the appellant's contentions, please refer to Exhibit B.

In response to alleged inconsistencies with LCP policies requiring a master plan for the park, the Department of Parks and Recreation contends the project is consistent with the master plan prepared for Morro Bay State Park. This plan provides the management and policy guidance supporting the proposed



development including renovating or replacing all existing campground facilities, relocating the entrance station and campfire center, and reducing invasive exotic plant species in the unit except for trees that are providing important wildlife habitat. In response to concerns regarding inconsistencies with LCP visual protection standards, the appeal states, the project will restore, rehabilitate, and enhance the public access and recreational opportunities at Morro Bay State Park and not result in any adverse impacts to visual resources to or along the coast.

2. Staff Recommendation

A. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. 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-SCO-02-088 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 Substantial Issue.** Staff recommends a **no** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.*

***Resolution To Find Substantial Issue.** The Commission hereby finds that Appeal Number A-3-SCO-02-088 presents 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.*

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

Morro Bay State Park is located in the City of Morro Bay, San Luis Obispo County, California. The park is comprised of two large adjacent parcels, the Morro Rock Natural Preserve and the main park, totaling



approximately 2,700 acres. The campground is located in the main park and is generally bound by the City of Morro Bay to the north, undeveloped open space to the east, and Morro Bay to the south and west. Morro Bay State Park lies directly along the shoreline of Morro Bay. The Park includes both highly developed recreational areas (e.g., golf course and marina) and relatively pristine natural areas with high habitat values (e.g., Black Hill, Chorro and Los Osos Creeks, and the Morro Estuary Natural Preserve). Habitat communities of the park include coastal sage scrub, wetland, coastal marshlands, coastal dunes, Monterey pine forest, blue gum eucalyptus forest, and mixed exotic species forest. Unlike the pristine areas identified above, the natural environment of the campground has been greatly modified over time. Most of the vegetation has been introduced and is non-native to the area. Examples of the tree species introduced to the park include eucalyptus, Monterey pine, Monterey cypress, and assorted shrubs.

B. Project Description

The Department of Parks & Recreation seeks a Coastal Development Permit to renovate the Morro Bay State Park campground. After a lengthy scoping process and numerous public meetings, an EIR was distributed for public comment in 2001 on a proposed renovation plan of Morro Bay State Park that included rehabilitation of the existing campground, expansion of the existing day-use facility, and the realignment of Lower State Park Road. Originally, DPR envisioned realigning Lower State Park Road to provide access to the new campground entrance station. However the road realignment was eliminated because of significant environmental impacts associated with grading and removal of sensitive habitat, the presence of special-status species, and impacts to significant archaeological resources. Expansion of the existing day-use facilities was evaluated and approved via a separate Coastal Development Permit application by the Commission in November 2002. The lone remaining component and perhaps the most significant aspect of the renovation project -the campground rehabilitation- is the subject of this appeal.

Campground rehabilitation includes improving and realigning the campground loop roads, paving parking spurs, constructing three new combination restroom-shower facilities, and relocating the entrance station. Each campsite will be given new amenities such as tables, cupboards, barbeque pits, and facility hookups. Additionally, campground paths, restrooms, and shower facilities will be made ADA compliant. To allow more light to penetrate onto the campground floor and to facilitate the campground loop road realignment and parking spurs, DPR proposes to remove 74 trees or shrubs. Tree removal will be mitigated by planting approximately 1200 trees and shrubs taken from a palette of native species. The site of the existing entrance station will be revegetated with trees and shrubs and a series of retention basins will be placed around the campground to retain storm water runoff.

4. Substantial Issue Findings

A. Applicable Policies

The Appellants' allegations specifically focus on the project's consistency with the certified LCP policies raised by the City Council. Those policies state:

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1. Shoreline Access and Recreation Policy 1.32

As a condition to the approval of any permit applications for developments within Morro Bay State Park, the City shall require the State Department of Parks and Recreation to develop a master plan for the Morro Bay State Park. The master plan shall be consistent with the provisions of Chapter 3 of the Coastal Act and shall include the following specific provisions:

- a. Designation of the State Park lands as open space/recreation land uses.*
- b. Improvements to the existing circulation system including:*
 - (1) Retention and improvement of the existing park entrance road through the park which connects South Bay Boulevard with Main Street.*
 - (2) Provision of a bicycle and jogging trail adjacent to the park entrance road from Main Street to South Bay Boulevard.*
 - (3) An improved, more clearly defined, three-way intersection at the South Bay Boulevard park entrance.*
 - (4) Retention and improvement, without expansion, of the existing marina development at Midway Marina as a recreational boating facility.*
- c. An implementation plan for the utilization of reclaimed water for irrigation.*

2. Visual Resource Policies

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.

12.02 Permitted development shall be sited and designed to protect views to and along the coast and designated scenic area and shall be visually compatible with the surrounding areas. Specific design criteria shall be established for the following areas:

- a. The Embarcadero*
- b. Downtown Commercial Area*

The criteria shall include the following specific requirements and shall be applied to proposed projects on a case-by-case basis during architectural review:

- a. Building height/bulk relationship compatible with existing surrounding uses;*

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- b. *Landscaping to restore and enhance visually degraded areas using native and drought resistant plant and tree species;*
- c. *Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock;*
- d. *Any other requirements applicable from Coastal Commission conceptual approval of the Urban Waterfront Restoration Plan.*

3. Zoning Ordinance 17.48.190 Protection of Visual Resources and Compatible Design.

New development shall protect 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.*
- b. *Natural Landform Alteration: alterations to natural landforms are minimized.*
- 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.*
- e. *Scenic Area Standards: in highly scenic areas, as depicted in the Morro Bay coastal land use plan/coastal element, the following additional standards shall also apply:*
 - 1. *Character: the proposed development shall be subordinate in character to its surroundings.*
 - 2. *Height/Bulk: the height/bulk relationships in the development shall be compatible with the surrounding area.*
 - 3. *Parks or Open Space: parks or open space shall be designated and incorporated into new developments.*
 - 4. *View Corridors: view corridors shall be incorporated into the development to protect significant public views to and along the shoreline and other scenic areas.*
 - 5. *Landscaping: landscaping shall be provided to restore and enhance visually degraded areas using native, if feasible, and drought-resistant plant and tree species.*
 - 6. *Preservation and Enhancement: preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock.*



B. Analysis of Consistency with Applicable Policies

Shoreline Access and Recreation 1.32

The City Council of Morro Bay denied the project on the basis that it is in conflict with the Local Coastal Program including but not limited to Shoreline Access and Recreation Policy 1.32. As highlighted above, LCP policy 1.32 requires the Department of Parks & Recreation (DPR) to develop a master plan for Morro Bay State Park. In compliance with this policy, the Morro Bay State Park General Plan was prepared and approved by the City of Morro Bay, City Council, on March 14, 1988. The council found the GP to be in compliance with the general provisions of the certified LCP Land Use Plan and it was formally adopted by the State Park and Recreation Commission on June 10, 1988. The proposed project is consistent with the Park's General Plan. As a result, it appears the proposed project is also consistent with the LCP's Shoreline Access and Recreation policy 1.32.

Thus, denial of the project raises a substantial issue with respect to the project's consistency with the certified LCP Shoreline Access and Recreation policy 1.32.

Visual Resource Policies

The City Council also determined the proposed project was inconsistent with the LCP's visual resource policies 12.01 and 12.02. Those policies require the scenic and visual qualities of coastal areas to be considered and protected. Development must be sited and designed to protect views to and along the ocean and scenic and coastal areas. All development must also minimize landform alteration, be visually compatible with the character of surrounding areas and where feasible, restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting. Additionally, visual policy 12.02 requires specific design criteria to be established for the Embarcadero and the downtown Commercial area.

a. Policy 12.01

Morro Bay State Park is located in a scenic coastal setting along the shoreline of Morro Bay. The visual characteristics of the park include a forested campground and day use area; a hillside golf course; a marina; a broad salt marsh area; upland areas with volcanic plugs; and nearby Morro Rock. Because of its scenic coastal bay and hillside setting, the project area possesses several important view corridors and vistas. Views are available from the edges of the campground area to the bay, salt marsh, golf course, and coastal hills. Golf course users have a broad view of Morro Bay, Morro Rock, the campground forest, and the salt marsh. The view from Lower State Park Road is of the salt marsh and trees surrounding the park. Upper State Park Road views are of coastal sage scrub habitat and trees that line the park.

As part of the project EIR, visual impacts were evaluated from a variety of vantage points within and outside the State Park. The EIR concluded that the proposed project would not significantly alter views from the local scenic routes. Views from South Bay Boulevard and Upper State Park road would not be substantially changed as most of the development occurs within the well-screened boundaries of the park. The new entrance station is sited further inside the campground than the existing station and thus



will be fairly well screened from Lower State Park Road. Additionally, all new restroom and shower buildings will not be visible from outside the campground. In this case, all proposed development will occur within the campground and as such, not significantly alter any views to or along the coast and scenic and coastal areas.

LCP policy 12.01 also requires development minimize landform alteration. The proposed development requires grading for the new entrance facilities and entrance road alignment. The campground loops, parking spurs, and restroom facilities will likewise need to be graded. Though grading is necessary to accommodate the new entrance station and campground rehabilitation, it will be on mainly flat, level land in an area that is already mostly disturbed. Furthermore, Parks intends to maintain nearly half of the original campground loop road alignment. Thus, to the extent that the original campground loop road alignment is maintained, it minimizes the need for additional landform alteration in the park.

To accommodate rehabilitation of the campground, some trees will need to be removed for the aforementioned entrance facility, parking spurs, building slabs, etc. The Department of Parks & Recreation has identified 74 trees that will be cut (a number of these are actually very large shrubs). Almost all trees to be cut are non-native species such as eucalyptus and Monterey pine (only Monterey pines exhibiting signs of advanced pine pitch canker will be removed). The improvements are necessary to direct parking in a campground where it is presently uncontrolled. Currently, vehicles park on bare dirt off the campground loop roads wherever there is space. As a result, there is sometimes very little visual separation between vehicles, campers, and adjacent campsites. The uncontrolled parking has led to soil compaction and a significant degradation of the campground environment. Tree removal will facilitate construction of parking spurs, which in and of itself will improve the campground experience. Parks also plans to revegetate the campground with over 1200 native plants and trees that will provide visual separation between campsites and result in an improved visual quality of the campground area both internally as experienced by campers, and externally as viewed from by travelers on Lower State Park Road. Because the existing tree canopy is very dense, a limited amount of tree removal will not upset the integrity of the forest canopy. In fact, removal of some trees will allow light to penetrate the dense upper forest canopy and foster growth of the lower canopy and coastal scrub species (i.e., oaks, sage scrub, etc.).

Overall, the project will restore and enhance the visual quality of the site and be compatible with the character of the setting as required by Visual Resource Policy 12.01. Thus, a substantial issue exists with respect to this project's denial.

b. Policy 12.02

Morro Bay State Park campground is an existing facility and the requested coastal development permit is for rehabilitation / renovation of its infrastructure. All improvements will occur within the footprint of the existing campground with the exception of the new entrance road and entrance station. The site of the existing entrance station will be replanted with native oaks and coastal sage scrub vegetation. The new entrance station will be set back 200 feet from Lower State Park Road in an existing forested area that will provide partial screening from the roadway. As such, the permitted development is sited and



designed to protect views to and along the coast and designated scenic areas and is visually compatible with the setting as required by Policy 12.02. In addition, the Morro Bay State Park campground is not located within the Embarcadero or Downtown planning areas and thus the specific requirements for those areas do not apply to the project.

Thus, the denial of the project raises a substantial issue with respect to the project's consistency with the LCP land use policy 12.02 protecting visual resources.

Zoning Ordinance 17.48.190

As shown in the findings above, the Morro Bay State Park campground renovation is consistent with the City's LCP policies that protect significant public views and minimize landform alteration. The development is likewise visually compatible with the character of the surrounding area and will restore and enhance the visual quality of the campground. The state park is located in a highly scenic area and as such has incorporated measures to protect the character of the site, avoid out of scale development, protect significant view corridors, and enhance and restore a visually degraded area. The project is consistent with the City's LCP zoning standard 17.48.190.

Thus, the denial of the proposed project raises a substantial issue with respect to the projects consistency with the LCP zoning ordinance standards protecting visual resources.

Substantial Issue Conclusion

The appellant contends that the proposed project is consistent with LCP land use and zoning policies for providing public access and recreational opportunities and protecting visual resources partially because they have prepared a management plan for Morro Bay State Park and have adequately addressed the potential visual resource impacts. Staff has evaluated the project's consistency with the certified LCP policies listed above and determined that the proposal is consistent with the access and visual policies in the LCP. As a result, the Commission finds that denial of the project raises a substantial issue with respect to this project's conformance with the City of Morro Bay certified LCP.

5. Staff Recommendation on De Novo Permit

The staff recommends that the Commission, after public hearing approve the Morro Bay State Park rehabilitation coastal development permit with conditions.

MOTION: *I move that the Commission approve Coastal Development Permit No. A-3-MRB-03-043 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the certified City of Morro Bay Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

6. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Drainage, Erosion, and Sedimentation Control. PRIOR TO ANY SITE DISTURBANCE,** the Applicant shall submit, for Executive Director review and approval, Drainage, Erosion, and Sediment Control Plans that incorporate the following provisions:
 - a. **Implementation of Best Management Practices During Construction.** The Drainage and Erosion Control Plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance



with the California Storm Water Best Management Practices Handbook. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas; and provide for the hydro seeding of disturbed areas immediately upon conclusion of construction activities in that area. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; any the immediate clean-up of any leaks or spills.

The plans shall indicate that **PRIOR TO THE COMMENCEMENT OF GRADING**, the applicant shall delineate that the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

b. Post Construction Drainage. The drainage plan shall identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the roof, driveway and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. The capacity of drainage features and BMPs shall be adequate to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. In areas where rocks or other energy dissipation structure may be needed, they shall be located outside of sensitive habitat areas and natural drainage corridors to the maximum extent feasible, and shall be limited in size and footprint to the minimum necessary to achieve effective erosion control.

The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.

The Permittee shall undertake development in accordance with the approved Plans. Any proposed changes to the approved Plans shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

2. **Revised Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicant shall submit for Executive Director review and approval, revised plans



that provide:

- a. No trees will be removed within 100 feet of the grove containing monarch butterfly over-wintering habitat, unless accompanied by a determination by a qualified biologist that the proposed removal of any tree within 100 feet of the identified habitat grove will not adversely impact the roosting habitat.
 - b. The parking lot adjacent to the monarch butterfly habitat has been relocated to a location a minimum of 100 feet from the dripline of any tree used by monarch over-wintering habitat.
 - c. A revised drainage plan consistent with Special Condition 1 that eliminates the proposed infrastructure (i.e., 12" pipe culvert) to drain ponding water in the butterfly over-wintering habitat area.
3. **Timing of Construction.** Construction of the campground loop roads, parking spurs, and tree removal shall not take place during the months that monarch butterflies are over-wintering at Morro Bay State Park (i.e. from October through February). **PRIOR TO THE REMOVAL OF ANY TREES**, a licensed biologist shall perform a pre-construction survey for potential raptor nesting sites. If active raptor nests are found within 500' of trees proposed for removal, no tree removal will occur in these areas during the raptor nesting season, i.e., between March and August. No trees shall be removed if they contain nests that have been and/or that could be occupied in the future by species that are known to return to their nests season to season (high nest fidelity).
4. **Restriction on Use.** Occupation of any campsites or use of the portion of the vehicle access road within 100 feet of the over-wintering habitat shall be prohibited between the months of October and February when monarch butterflies are over-wintering unless shown, through submittal of a biological report to the Executive Director for review and approval, **prior to issuance of the permit**, that there will be no adverse impact on the roosting habitat. In the event that an adverse impact is identified, a revised roadway plan that provides an alternative through route during the butterfly over-wintering period that is at least 100 feet from the butterfly over-wintering habitat grove shall be provided.
5. Use of vehicle access roads shall be allowed during this prohibited period for emergencies only.
6. **Revised Landscaping Plan.** **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicant shall submit for Executive Director review and approval, a revised landscaping plan that includes a combination of non-invasive monarch butterfly nectar plants and native plants. The plan shall provide for planting of all disturbed areas with native species, prohibit the use of non-native or invasive species, and include a long-term monitoring and maintenance plan. The landscape plan shall state that pesticides shall not be used on the landscaping within the park.



7. **Incorporation of Mitigation Measures and Monitoring Program.** Mitigation Measures submitted by the Applicant on March 21, 2003 and attached as Exhibit D are hereby incorporated as conditions of this permit. Any revision or amendment of these adopted conditions and mitigation measures or the project plans shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.

8. **Archaeology. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit an archaeological mitigation and monitoring plan prepared by a qualified subsurface archaeologist, for review and approval of the Executive Director. The plan shall include a description of monitoring methods, including provision for a pre-project survey that includes participation by qualified local Native Americans, frequency of monitoring, procedures for halting work on the site and a description of reporting procedures that will be implemented during ground disturbing activities to ensure that cultural resources are not disturbed. This shall include a list of the personnel involved in the monitoring activities and their qualifications, and shall include qualified local Native Americans as project monitors.

DURING ALL GROUND DISTURBING ACTIVITIES, the applicant shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities per the approved monitoring plan. The applicant shall also include qualified local Native Americans as project monitors as applicable. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource, and a new plan shall be submitted that avoids such resources that shall be submitted for the review and approval of the Executive Director.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the archaeological monitor shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.

7. Coastal Development Permit Findings

By finding a substantial issue, the Commission takes jurisdiction over the CDP for the proposed project. The standard of review for this CDP determination is the City of Morro Bay LCP.

A. Water Quality

1. LCP Water Quality Protection Standards

The City's certified Land Use Plan contains policies that provide for the protection of coastal waters and wetland habitat. Specifically, LUP Policy 11.17 states in part:



The biological productivity of the City's environmentally sensitive habitat areas shall be maintained and where feasible restored through maintenance and enhancement of the quantity and quality of Morro and Chorro groundwater basins and through prevention and interference with surface water flow.

LUP Policy 11.19 states, in part:

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

2. De Novo Water Quality Analysis

The proposed rehabilitation project includes a wide range of campground improvements that have the potential to increase runoff and affect water quality at Morro Bay State Park. Features of the campground rehabilitation include reorientation and construction of a new entrance station, realignment and widening of the existing campground loop roads, construction of new restroom-shower facilities, and construction of paved campsite parking spurs. A new entrance station/kiosk and vehicle staging area will be constructed at the western edge of the park, which will lead to additional impermeable coverage, though some of these hard surfaces would be offset by the removal of the existing entrance station. The existing campground loop roads will be widened and realigned to enhance visitor safety and provide emergency vehicle access. Three new restroom-shower facilities will be added for visitor convenience and achieve compliance with the requirements for the Americans with Disabilities Act. In addition, approximately 115 parking spurs will be installed and paved to improve year-round use in the park and eliminate impacts associated with soil compaction.

DPR has estimated the increase in impermeable surfaces at Morro Bay State Park associated with rehabilitation of the campground facilities at approximately 38%. Because the primary use of the new campground loop roads is for vehicle traffic and parking of cars, light trucks, and motor homes (i.e., RV's), runoff from these sites will likely include pollutants typically associated with motor vehicles (e.g., oils, brake dust, fluids, etc.). Parking areas also tend to accumulate other types of solid wastes such as paper, cigarette butts, etc. All of these waste streams pose a threat to the nearby estuary, salt marsh, and the sensitive species that inhabit them.

Recent studies have shown that even an increase of 10% in impervious surfaces can lead to a serious degradation in coastal aquatic ecosystem health. To address this issue, the applicant proposes to incorporate best management practices to eliminate, avoid, and minimize entrainment of these wastes. The entrance station and individual campground loops will have trash enclosures and recycle bins at various convenient locations for receiving larger solid wastes. The park's maintenance workers will be responsible for regularly collecting and properly disposing of expended items such as paper, cans, bottles, plastics, etc. Solid waste from trash enclosures will be collected and transported to a landfill. Campground visitors will receive written information upon arrival highlighting the sensitivity of the Nature Preserve and identifying the location of waste receptacles and recycle bins. In addition,



maintenance crews will also regularly service the restroom facilities to ensure all solid wastes are appropriately handled.

To reduce the potential for water quality impacts from runoff of the campground loop roads, parking spurs, entrance station, and restroom facilities, the Department of Parks & Recreation has incorporated drainage retention basins into the project to capture runoff and allow for natural filtration and absorption of pollutants prior to it being conveyed offsite into the salt water marsh ESHA to the south and the east of the park. All along the southern edge of the park in the area of the campground, the underlying soils are composed of Baywood fine sands and dune land. These gently rolling deposits of windblown sand and stabilized sand dunes allow rapid permeability of surface storm water and slow the velocity of surface runoff. State Parks has identified several drainage retention areas in and around the campground to direct storm water runoff and mitigate for potential adverse storm water impacts. As proposed, the Best Management Practices identified for minimization and collection of solid waste along with the designed on-site drainage features are adequate to ensure that increase in impervious coverage will not lead to adverse impacts on coastal waters.

As noted above, there are potential construction impacts that could affect coastal waters as well. The rehabilitation efforts will require the use of heavily machinery and vehicles (e.g., dump trucks, grader, pickups, etc.). There will be trees, campground facilities, asphalt, and debris to be removed. Campground surfaces and soils will be disturbed. Construction of kiosks, restrooms, showers, loop roads, and parking spurs will introduce new potentially toxic materials to the campground (e.g., cement, oils, paints, etc.). Parks has submitted a Mitigation Monitoring Program that addresses fugitive dust associated with construction activities but does not include any mitigation measures or best management practices for controlling erosion and sedimentations that could result from construction activities. Because these activities all have the potential to significantly degrade coastal waters and aquatic habitats, Special Conditions are needed to bring the project into conformance with the certified LCP. Specifically, Special Condition 1 requires Best Management Practices to be implemented before, during, and after construction to ensure that additional sediment and fouled runoff do not enter into the Morro Bay Estuary and groundwater basins.

3. De Novo Water Quality Conclusion

As proposed, the Department of Parks & Recreation has not sufficiently incorporated Best Management Practices and mitigation measures into the project to minimize and avoid potential adverse impacts and fouling of coastal waters. Therefore, the Commission finds that only as conditioned, the proposed project is consistent with the City's certified LCP policies (i.e., 11.17 and 11.19) protecting coastal waters and wetlands habitat.

B. ESHA

1. LCP ESHA Protection Standards

The City's certified Land Use Plan contains policies that provide for the protection of environmentally sensitive habitat. Land Use Plan Policy 11.01 states in part:



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.

Land Use Plan Policy 11.02 states in part:

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

Land Use Plan Policy 11.06 states in part:

11.06 Buffering setback areas a minimum of 100 feet from sensitive habitat areas shall be required. In some habitat areas setbacks of more than 100 feet shall be required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails.

Land Use Plan Policy 11.09 states in part:

11.09 The recreational use of rare or endangered species habitats shall be minimal (i.e., walking, bird watching). Protective measures for such areas should include fencing and posting so as to restrict, but not exclude, use by people.

2. De Novo ESHA Analysis

The park's natural areas contain numerous sensitive biological resources including rare habitats and special status species. The park includes Morro Bay Estuary and a large salt marsh. This coastal salt marsh is dominated by pickleweed and saltgrass. This type of habitat supports numerous sensitive species and is protected by state and federal law. The estuary is fed by Chorro Creek, which also provides riparian habitat of high value to wildlife. The proposed campground renovation does not affect the salt marsh, estuary, or riparian habitat.

The project area is also near areas of coastal sage scrub habitat, which supports a diversity of wildlife species including the striped racer, brush rabbit, California pocket mouse, sage sparrow, California quail, and California thrasher. The coastal sage scrub habitat consists primarily of sagebrush, coyote brush, mock aster, and goldenbush. Similarly, the proposed campground renovation will not affect the coastal sage scrub habitat.

By comparison, the natural environment of the campground largely consists of non-native vegetation including eucalyptus, Monterey pine, Monterey cypress, and assorted shrubs. Although non-native, the trees in the campground provide habitat for some native species including the monarch butterfly. A large grove of eucalyptus trees used by monarch butterflies as an over-wintering site is located in the north



campground area (see Exhibit 3). Monarch butterflies have been using the northern section of the campground as a wintering and roosting site for a number of years. The numbers of butterflies occupying the roost site varies from year to year, reaching the thousands in some years. The roosting site is surrounded by existing campsites and subject to campground activity and noise. The proposed new layout of the campground loop road and campsites has been designed to avoid and preserve roosting trees as much as possible, but nonetheless includes the removal of 13 eucalyptus within 100 feet of the habitat. Although this species is not listed as a state or federal species of concern, it is considered a sensitive resource by the Department of Fish and Game.

A number of special status raptor species are also known to occur at Morro Bay State Park, including peregrine falcons, red-tailed hawks, Cooper's hawks, osprey, northern harrier, and red-shouldered hawk. These raptors use the large eucalyptus and Monterey pine trees in the campground and nearby areas for perching and some species could use them for nesting. The nearby salt marsh and coastal sage scrub habitat provide suitable foraging opportunities for raptors.

The proposed project involves the removal of a significant number of trees within the campground. Complaints regarding tree removal was one of the main comments received during the project EIR and one of the appeal contentions evaluated at the City Council. Tree removal is necessary to accommodate widening of the campground loop roads, paving of parking spurs, and construction of the new entrance road and kiosk. In all, 109 trees are identified on the Tree Removal Diagram dated August 7, 2002, though this number has subsequently been reduced to 74 trees. See Exhibit C. A significant concentration of tree removal occurs in the north campground loop near the butterfly trees where 13 trees are earmarked for removal. Sixteen trees are proposed for removal in the "new" campground loop and another 10 are identified near the entrance station. Tree removal of this magnitude is a concern particularly given the approximation to Morro Bay Estuary and the numbers of birds and insects that nest, roost, and forage in the forested canopy.

To address these issues, the applicant is proposing to perform pre-construction monitoring of potential raptor nesting sites and if nests are found within 500' of any tree planned for removal, tree removal will be postponed in such areas until after nesting season is complete. Raptor nesting season generally occurs between March and August. By this time, raptor chicks will have hatched and fledged reducing the chance they would perish when trees are cut. The applicant is also proposing to replace the trees removed during construction. The project includes replanting 400 lower canopy trees such as coast live oak, wax myrtle, and toyon. In addition, several hundred low-lying shrubs will be planted as well.

With respect to Monarch butterflies, none of the trees proposed for removal provide roosting habitat. Additionally, the applicant will avoid removal of any trees near the roost site when Monarch's are present between the months of October and March. However, removal of trees for the new campground loop could alter the microclimate surrounding the butterfly winter roost. Monarch butterflies are very sensitive to the microclimate when choosing roosting sites. The insects choose trees with a good exposure to the south for sunlight and also rely upon sites with additional buffering trees to minimize exposure to winds. Removal of large trees near the wintering site may change the immediate environment by reducing the thermal and wind barrier provided by trees surrounding the site. In this



particular case, the applicant proposes to remove 13 trees within the eucalyptus groves that host the over-wintering butterflies and make improvements for 19 campsites with paved parking spurs. Additionally, DPR proposes to construct a small parking lot within close proximity to the roosting habitat.

Although eucalyptus groves in and of themselves are not representative of environmentally sensitive habitat, in the limited cases where they provide habitat for over-wintering Monarch butterflies, the Commission has typically concluded that these sites do, in fact, constitute ESHA. See, for example, MRB-MAJ-1-99. In the referenced LCP amendment, the Commission found that although the trees were not mapped as environmentally sensitive habitat and although the habitat on the interior of the property had been degraded, the site met the definition of an environmentally sensitive area as defined in Coastal Act Section 30107.5. In this case, the portions of the site that provide over-wintering habitat qualify as ESHA under LCP. As a result, the proposed project must comply with LCP policies requiring sensitive habitat areas be protected against significant disruption, that the recreational use of rare or endangered species habitat be minimized, and that new development be setback 100' from ESHA.

The proposed reorientation of the campground entrance station and loop roads will alter the primary traffic patterns within the park. Under the existing traffic pattern, the campground loop road in the area of the butterfly trees provides access to visitors camping in the northern quarter of the campground. The new entrance station and circulation pattern will result in an increase in road use within 100 feet of the butterfly habitat. Road use in this area will increase substantially as it now becomes the only means to reach the park maintenance yard, the waste receptor site for RV's, 2 group campsites, and access for 2 realigned campground loops. Although the change in traffic flow is not an issue during the peak visitation season (i.e., summer and fall), it is a significant concern during winter months when monarch butterflies are present and at risk of being smashed by cars. Increased vehicle emission adjacent to the habitat may also diminish the habitat quality. The change in traffic represents an intensification of use for which there has been no mitigation proposed.

To bring the project into conformance with the LCP, the Commission recommends Special Condition 2 requiring revised plans that generally prohibits the removal of any trees within 100 feet of the monarch butterfly roosting area consistent with LCP policy 11.06 for buffering around ESHA. Special Condition 2 also requires the applicant relocate the small parking area at least 100 feet from the monarch habitat. The existing conditions at the eucalyptus grove attracts thousands of over-wintering monarch's, thus, prohibiting tree removal will ensure that the sensitive habitat and microclimate is preserved. Any proposals for tree removal shall be accompanied by sufficient biological evidence that tree removal will enhance monarch butterfly habitat or is necessary to maintain public safety and health. The Commission also recommends Special Condition 3 restricting the timing of construction to avoid the months that monarch butterflies are over-wintering at the Park. Additionally, Special Condition 3 requires incorporation of Park's pre-construction survey for nesting raptors mitigation measure [4.7-2]. If raptors are found to be nesting within 500' of any tree planned for removal, no tree removal in such areas shall occur during the raptor nesting season between March and August. Special Condition 4 limits use of the campsites in the butterfly tree campground loop and the main campground arterial road to the months



when monarch butterflies are absent from the Park (i.e., March – September). Closing these campsite roadways during the low visitation season when monarchs are present will ensure that the butterflies are not run over or trampled when on the ground and will require a revised circulation plan to be prepared in accordance with Special Condition 2. Special Condition 5 requires a revised Landscape Plan that includes a combination of native plants that provides nectar for monarch butterflies and implements a ban on the use of pesticides within the park. As conditioned the butterflies will have a source for nectar and not be subject to potential poisons.

3. De Novo ESHA Conclusion

The Department of Parks & Recreation has proposed development in an area that is considered to be sensitive habitat for monarch butterflies. As currently proposed, the development has the potential to disrupt and/or degrade this habitat. The Commission has therefore, required special conditions to incorporate mitigation measures and best management practices to ameliorate any adverse impacts associated with the development. As so conditioned, the proposed campground renovation is consistent with the City's certified LCP environmentally sensitive habitat policies.

C. Access and Recreation/Visitor Serving

1. LCP Access and Recreation Protection Standards

Coastal Act section 30603 states that the grounds for appeal of a denial of any public works project shall be limited to an allegation that the project is consistent with the standards in the certified local coastal program and the public access policies of Chapter 3 of the Coastal Act. Morro Bay State Park is located adjacent to Morro Bay estuary and the marina both, which provide significant public access and recreational opportunities. A finding was made in the substantial issue section above, that the proposed development is consistent with the City's Shoreline Access and Recreation policy 1.32. Those findings are incorporated by reference herein. Local Coastal Program policy 2.01 provides for retention of lower-cost visitor serving facilities. It states in part:

2.01 Lower-cost visitor serving and recreation facilities for persons and families of low or moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Additionally, LCP policy 2.06 states:

2.06 *The removal or conversion of lower-cost visitor-serving uses and facilities shall be prohibited unless the use will be replaced by a facility offering comparable visitor-serving opportunities. Demolition of lower-cost visitor-serving facilities shall be prohibited unless the City finds that the facility is structurally unsound and the cost of rehabilitation would make the existing use uneconomical, as defined in phase III of the local coastal program.*

And Coastal Act Section 30210 states:



Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

2. De Novo Access and Recreation Analysis

The proposed renovation of the campground is within the boundaries of Morro Bay State Park and is for the specific purpose of providing public access and low cost visitor serving recreational opportunities along the Morro Bay estuary. The City's shoreline access and recreation policy 1.32 requires the preparation and adoption of master plan for the state park unit. The master plan was completed in 1988 and provides for the type of renovation and ongoing rehabilitation work proposed for the campground. The 28-acre campground currently has 135 overnight campsites (individual, group, hike/bike), 31 enroute camps, 2 group camps, picnic sites, a campfire center, an exercise trail, restrooms and a sewerage sanitation station, and park administration facilities (i.e., entrance station, maintenance yards, state park residences). A full-service marina serving both the local and regional community is located southwest of the campground. The Museum of Natural History is located north of the marina at Windy Cove and serves to educate visitors about the local terrestrial and marine resources through interpretive facilities and exhibits. Directly north and adjacent to the campground is an 18-hole public golf course.

The proposed campground renovation is intended to enhance recreational opportunities at the park and improve existing use. Most of the Morro Bay State Park facilities were constructed prior to 1950 and are in need of significant repair/upgrade. Of the 135 existing campsites, only 20 have paved parking spurs. This project will provide each of the 115 campsites with its own designated, paved parking spur to improve year-round use, protect natural resources, and prevent soil compaction throughout the campground. 19 campsites will each have an additional parking space to accommodate an extra vehicle. There will be a new entrance station and staging area. The new entrance is sought to lessen traffic backup on Lower State Park Road. Restroom buildings are worn out and constructed of materials that are difficult to maintain. The proposal includes construction of three new restroom/shower combination buildings that will provide access for the disabled. (There is currently only one combination building in the campground). Construction of newer, wider campground loops will facilitate emergency vehicle access. All of these improvements add up to a better user experience. Accordingly, the project is consistent with the certified LCP and Coastal Act public access and recreation policies.

3. De Novo Access and Recreation Conclusion

The proposed project is consistent with the applicable LCP policies and standards. The project will further these policies because it will improve a low-cost visitor-serving facility among other ways by providing access for disabled persons, new restroom-shower buildings, increased privacy for campers, and native landscaping that will enhance the park's habitat value and user experience. As such, the Commission finds the proposed renovation of Morro Bay State Park consistent with the certified LCP Access and Recreation policies as well as Access and Recreation policies in Chapter 3 of the Coastal Act.

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(page 22 of 25 pages)



D. Visual

1. LCP Visual Protection Standards

See the Visual Resource Policies and Standards in the Substantial Issue findings above.

2. De Novo Visual Analysis

Due to distance and vegetation cover, the project will not be visible from State Highway 1 or from South Bay Boulevard, an important gateway to the Morro Bay community and primary entrance to Morro Bay from the south. Located north of Lower State Park Road, the project site will be adequately screened by densely populated eucalyptus trees along the roadway and will not affect any public views to or along the coast or bay. The proposed project will not be visible from the City of Morro Bay Harbor facilities to the north, although the new entrance station road may be visible from the marina directly adjacent to the project site. Since a previously proposed road realignment that posed significant impacts has been eliminated from the proposed project, landform alteration will be reduced to minor realignment of the campground loops. No other significant landform alteration or grading will occur. Finally, the proposed rehabilitation will enhance and restore visually degraded areas within the campground by constructing distinct parking spurs and replanting native vegetation in and around existing campsites. The new restroom and parking spurs likely will not be visible from any location outside the campground due to the surrounding vegetation. Furthermore, the applicant is proposing to use native plants to revegetate the site of the existing, entrance station that will be removed. The balance of the project will have little or no visual impact since there is little structural development and the improvement will occur within the limits of the existing campground. The proposed development is therefore consistent with the City's certified Visual LCP policies and standards.

E. Archaeology

1. LCP Archaeological Standards

The City's LUP policies provide for the protection of archaeological resources. They state in part:

4.01 Where necessary significant archaeological and historic resources shall be preserved to the greatest extent possible both on public and privately held lands.

4.03 An archaeological reconnaissance performed by a qualified archaeologist shall be required as part of the permit review process for projects with areas identified as having potential archaeological sites.

4.05 Where archaeological resources are discovered during construction of new development, or through other non-permit activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeological knowledgeable in Chumash culture can determine the significance of the resource and designate alternative mitigation measures.

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2. De Novo Archaeological Analysis

Fieldwork for archaeological resources was complete in March 2000 by DPR archaeologists. Two pre-historic sites were identified within the campground area. One site contains a sandy midden consisting of marine shell and flaked stone debitage, a byproduct from stone tool manufacturing. A total of 9 bedrock mortars were identified, along with midden and chert debitage, at the second location. In addition, at least three, possibly four, burials are known within the site. Both road realignment and campground improvements would occur within these sites. DPR has stated that even though human burials and archaeological resources have been discovered at these sites, it was concluded that the site lacks eligibility requirements for California Register of Historic Resources due to the amount of past ground disturbance in the area. Nevertheless, though, construction activities associated with this proposed project have the potential to disturb previously undiscovered archaeological resources and human remains. The LCP requires that such impacts be avoided, minimized, and mitigated in accordance with LCP policies cited above.

DPR has incorporated mitigation measures into the project to avoid disruption of sensitive archaeological resources. The measures specified by Mitigation Monitoring Program 4.8-1 include avoidance of resources, recovery of materials, consulting with Native American representatives on the appropriate treatment of human remains, evaluating resources consistent with CEQA when previously undiscovered archaeological resources are found, and allowing a Native American monitor. Implementation of these measures is required by Special Condition 6. In order to ensure that archaeological resources are protected to the maximum extent possible as provided by LUP policy 4.01, Special Condition 7 further requires that a Native American representative be present during any ground disturbance activities to monitor for potential impacts to cultural resources. As conditioned, the proposed project can be found consistent with the certified LCP policies for protecting archaeological resources.

F. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions, which implement the mitigating actions required of the Applicant (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of



CEQA; that there are no feasible alternatives that would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.

CCC Exhibit 3
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February 12, 2004

7520 Encinal Ave.
Atascadero, CA 93422

California State Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105
Attn.: Mr. Mike Watson, Coastal Commission Planner

Dear Mr. Watson:

I do not understand the opposition to the upgrading of the Morro Bay State Park!

The eucalyptus trees to be remove are not native to the area and need to be thinned out anyway. The campground could use the additional light, other flora could use some additional sun and it would sure reduce the fire danger. Eucalyptus trees are very volatile and removal of some of the trees would make the area much more fire safe. I love trees also but let us not get over emotional about removal when necessary and done in a reasonable way.

The City of Morro Bay is concerned about the lost revenue if the Park is closed for the time period of the upgrading, this is short sighted. If the park was upgraded an increase in camper use would for sure follow. I have personally been trying to get the State Parks to upgrade their campgrounds for years and now they want to do it and the City doesn't want it. Most State Campgrounds in California are in much need of upgrades to accommodate camper and trailer type vehicles, times have changed, campers want full hookups now. There are very few tent campers anymore. Morro Bay State Park has very few full hookups, I believe it is under twenty-five, if this was increased many more campers would use the campground year round. The year round use would obviously much improve Morro Bay's revenue.

I strongly urge you not to delay the Morro Bay State Park upgrade any further.

Thank you for considering my comments.

Sincerely,


Gordon Chapman

CC California State Parks
Morro Bay City Council

RECEIVED

FEB 23 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CCC Exhibit 4
(page 1 of 3 pages)

Michael Watson

From: Charles Lester
Sent: Wednesday, February 25, 2004 7:15 AM
To: Michael Watson; Diane Landry
Subject: FW: Morro Bay State Park Campground

-----Original Message-----

From: Stan House
To: pdouglas@coastal.ca.gov
Cc: Rob Schultz; dlandry@coastal.ca.gov; clester@coastal.ca.gov
Sent: 2/24/2004 9:48 PM
Subject: Morro Bay State Park Campground

Mr. Douglas,

Although my name was not on the list of people provided in the letter from our city attorney, I spoke out at the City Council meeting against the state campground remodel in Morro Bay. I have also exchanged emails with Nick Franco about this. I would like to ask you to revoke the permit for this project. The city does not want it and it will cause grave economic consequences to our area. The Coastal Commission was told many things that were not true in the application for this project. I hope you will not let this decision stand. I believe that I should have been notified, as an interested party, based upon email exchanged with Mr. Franco.

Sincerely,
Stan House
Morro Bay, Ca.

CCC Exhibit 4
(page 2 of 3 pages)

Michael Watson

From: Charles Lester
Sent: Thursday, February 26, 2004 2:15 PM
To: Diane Landry; Michael Watson
Subject: FW: CDP A-3-MRB-03-043

Charles Lester
Deputy Director
North Central/Central Coast Districts
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
831-427-4863

-----Original Message-----

From: Douglas Nelms [mailto:DNelms@slocity.org]
Sent: Thursday, February 26, 2004 1:50 PM
To: pdouglas@coastal.ca.gov
Cc: clester@coastal.ca.gov
Subject: CDP A-3-MRB-03-043

Dear CCC:

This letter is a confirmation that I, Doug Nelms (misspelled as Doug Nells), did not receive proper notice of the Coastal Commission hearing on June 12, 2003 and that I agree that the permit referenced above should be revoked.

I am a resident of Morro Bay and did testify at the Morro Bay City Council Meeting March 24, 2003.

I have read the Request For Revocation letter dated February 6, 2004 issued by the Morro Bay City Attorney's Office and fully agree and support their contentions.

Furthermore, I consider it a travesty that a government agency such as the California Department of Parks and Recreation has so recklessly pursued such a radical project without considering the concerns of the locally impacted populous as well as ignoring the protocols required for all developments either public or private.

Again, I support the City's position to revoke the permit.

Doug Nelms
Public Works Inspector
City of San Luis Obispo
Resident of Morro Bay
437 Tulare Ave.
Morro Bay, CA 93442

CCC Exhibit 4
(page 3 of 3 pages)

