

CALIFORNIA COASTAL COMMISSION

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

W15c**RECORD PACKET COPY**

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Staff:	MW-SC
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Substantial Issue:	04/15/04

APPEAL: DE NOVO STAFF REPORT

Appeal number.....A-3-MRB-03-091, Steinmann RV Park

Applicants.....Ed Ewing and Joe Steinmann

Appellant.....Joe and Charlotte Wallick

Local government.....City of Morro Bay

Local decision.....Approved with conditions on August 11, 2003. Conditions of approval include increasing the density of the Park to a maximum of 58 units and extending the length of stay to 90 days at a time.

Project location.....221 Atascadero Road, Morro Bay, San Luis Obispo County (APNs 065-182-007, 065-182-008).

Project description.....Original application was for development of a 24-space Recreational Vehicle (RV) Park on approximately 1.6 acres site, including utility extensions, manager's residence, and visitor parking spaces. City conditions changed it to a maximum of 58-space park.

File documents.....Morro Bay Certified Local Coastal Program (LCP); Morro Bay Coastal Development Permit 06-03R; Commission Substantial Issue Staff Report (April 15, 2004).

Staff recommendation ...Approval with Conditions

Summary of Staff Recommendation:

The proposed development is a 58-unit Recreational Vehicle (RV) park on a 71,500 square foot parcel zoned for visitor-serving commercial uses (project plans and location map attached as Exhibit 1). The proposed development is located adjacent to sensitive habitat and Morro Bay High School at 221 Atascadero Road within a short walk through coastal dunes to Morro Strand State Beach. The certified LCP allows overnight recreational vehicle (RV) camping and RV parks with a conditional use permit.

At it's April 15, 2004 meeting in Santa Barbara, the Commission determined that a **substantial issue** exists regarding the project's conformance with the visual resource, sensitive habitat, and visitor-serving policies of the Morro Bay certified LCP. The *de novo* hearing was continued to provide staff with the



California Coastal Commission
May 12, 2004 Meeting in San Rafael

Staff: M. Watson Approved by: *MW*

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opportunity to evaluate additional information from the applicants pertaining to: 1) a proposed reduction in the allowable density and increase in setback requirements for the proposed R-V park at this location, 2) new terms of occupancy, 3) compatibility with surrounding development, and 4) impacts on sensitive habitat.

The LCP is supportive of R-V parks in visitor-serving commercial districts, but is clear to stipulate that R-V use must be transient and not become a *de facto* mobile home park. In addition, the LCP prohibits development that would result in the degradation of visual resources and sensitive habitats. In this instance, though the development approved by the City is inconsistent with the certified LCP, it is possible to support some measure of visitor serving use on the site that meets the density and setback requirements of the LCP and avoids or minimizes adverse impacts to visual resources and sensitive habitats. Accordingly, staff recommends that the Commission **approve with conditions** the application for a coastal development permit for a recreational vehicle park at this location. The conditions of approval decrease the density of the park and place time limits on the length of stay to ensure the transient nature of the park and promote the visitor-serving aspects of the project. With the recommended conditions of approval, the proposed project can be brought into compliance with applicable Local Coastal Program policies and ordinances.

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I. Standard of Review for Appeals

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. The Commission found substantial issue on April 15, 2004. Under section 30604(b), when 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 Three of the Coastal Act, if the project is located between the first public road and the sea, which is the case with this project.

Whereas the only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government, any person may testify during the *de novo* stage of an appeal.

II. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number A-3-MRB-03-091 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development 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.

Resolution to Approve a Coastal Development 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 provisions of the City of Morro Bay certified 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.

III. Conditions of Approval



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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. **Revised Project Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit to the Executive Director for review and approval revised project plans for a 24-space transient R-V park that adheres to all visitor-serving commercial (C-VS) zoning regulations including, but not limited to, yard setbacks and minimum lot area. The revised plans shall be in substantial conformance with the plans dated May 31, 2003. No parking space or portion thereof shall be located in the front yard setback. Trash receptacles shall similarly be located outside the front yard setback and shall be properly screened within solid enclosure walls/gates. No fencing or portion thereof shall be located within the yard setback areas and fencing shall be limited to a height of six (6) feet or less.
2. **Landscape Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit to the Executive Director for review and approval a Landscape Plan to screen and soften the impacts of the development. The plan shall provide for planting the front and side yard setback areas with native species of local stock, prohibit the use of non-native or invasive species, include fencing along the primary elevations, and include a long-term monitoring and maintenance plan. The Landscape Plan shall state that pesticides shall not be used on the landscaping on the site. The Landscape Plan shall clearly identify in site plan view the type, size, extent, and location of all native plant materials to be used, as well as the method and extent of irrigation that will be used to ensure planting success.



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3. **Land Use Requirements.** The proposed R-V park shall retain one permanent on-site manager to monitor use of the park and maintain records on tenancy and length of stay. Other than as provided for the on-site manager, permanent residency shall be prohibited in the park. Occupation of RV spaces shall be limited to a maximum of 30 continuous days, per vehicle, or a total of 90 days maximum per year. A minimum of 30 days must elapse between each 30 day or less period of occupancy.
4. **Other Agency Approvals. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the U. S. Fish & Wildlife Service has approved the protocol surveys prepared for the presence of Morro Shoulderband snails and concurs with the results and conclusions drawn from those surveys. Should the USFWS not concur with the methods or conclusions of the prepared surveys, the applicant shall be required to obtain an amendment to this permit to mitigate for impacts which may involve avoidance of habitat, off-site mitigation, minimization of disturbance or some combination of all three.
5. **Compliance with Local Conditions of Approval.** With the exception of City Conditions 28 and 31, all 32 conditions of the City of Morro Bay Coastal Development Permit # 06-03R become conditions of this permit. (See Exhibit 2 of this report for a copy of the local conditions of approval). Because the City imposed these conditions under legal authority that included but was not limited to the Coastal Act, they remain binding on the applicant as City requirements notwithstanding the Commission's action on this appeal. Accordingly, **PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall provide evidence to the Executive Director that those conditions requiring action prior to the commencement of any work have been signed-off by the appropriate City official. Evidence of subsequent condition compliance must also be submitted to the Executive Director at the required stage. In the event that City officials do not exercise such authority, permittee shall submit condition compliance materials to the Executive Director for review and approval.
6. **Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the



subject property.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location, Description, and Background

The proposed development is located in the Morro Rock planning area at 22 Atascadero Road adjacent to Morro Bay High School in the City of Morro Bay. The site is bounded by existing industrial development to the south and Morro Bay High School to the north with a private residence adjacent to the east and sensitive dune and wetland habitat to the west. The proposed project site is roughly one-eighth of a mile east of an informal public access trail that leads to Morro Strand State Beach. See Exhibit 1.

The site of the proposed development is zoned visitor-serving commercial (C-VS) with a planned development (PD) overlay. The purpose of the C-VS district is to provide for commercial uses intended primarily to serve the needs of tourists and other visitors and not to include commercial uses oriented towards residents. The PD overlay provides for detailed and substantial analysis of development on parcels, which because of location, size, or public ownership, warrant special review. This overlay also is intended to allow for modification of or exemption from the development standards of the primary zone that would otherwise apply if such action would result in a better design or other public benefit.

On August 11, 2003, the City of Morro Bay approved a Coastal Development Permit for the establishment of an RV park on the roughly 71,500 square foot parcel. The City's approval included conditions, which increased the density of the park and extended the length of stay for park visitors beyond that proposed by the applicant. The increase in density and extended occupancy gave rise to concerns regarding the project's consistency with the visitor-serving zoning, and the visual resources and sensitive habitat policies and standards of the certified LCP.

An appeal of the decision filed with the Coastal Commission challenged changes made by the Planning Commission and City Council to the 24-unit park originally proposed by the applicant, stating that the project was transformed into a potential 58-space extended-stay RV parking lot/mobile home park. The appeal contended that these changes violate density standards, setback requirements, and that increased impacts on traffic, aesthetics, and nearby sensitive habitat have not been adequately evaluated. The appeal further raised concerns about the precedent this would set for other RV park development proposals west of Highway 1. Please see Exhibit 4.

At its April 15, 2004 meeting in Santa Barbara, the Commission determined that a substantial issue exists regarding the project's conformance with the visual resource, sensitive habitat, and visitor-serving policies of the Morro Bay certified LCP. The *de novo* hearing was continued to provide staff with the opportunity to evaluate additional information from the applicants pertaining to: 1) a proposed reduction



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in the allowable density and increase in setback requirements for the proposed R-V park at this location, 2) new terms of occupancy, 3) compatibility with surrounding development, and 4) impacts on sensitive habitat.

B. Issue Analysis

1. Visitor Serving Priorities

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

17.24.120 Visitor-serving commercial (C-VS) district.

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

17.40.030 Planned development, (PD) overlay zone.

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

D. General Development Standards. The standards for development within a PD overlay zone shall be those of the base zoning district, provided however, that standards may be modified by the planning commission or city council as they relate to: building heights; yard requirements; and minimum lot area for dwelling units in the density range provided that any specific design criteria of the general plan and coastal land use plan, applicable to the property, is not exceeded. For those areas of the city which are covered by the waterfront master plan, all new development projects requiring discretionary permits (conditional use permits, etc.) shall be consistent with the design guidelines contained in Chapter 5 of the waterfront master plan. Modifications of standards shall only be approved upon a finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provisions of housing for the elderly or low/moderate income families, provision of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the coastal land use policies.

Analysis

The purpose of the visitor-serving commercial (C-VS) district in which the development is located is to provide commercial uses serving visitors to the City. Allowable uses provided in Section 17.24.120 of



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the LCP (Exhibit 3, page 9) include overnight RV camping and in-park stores for sundries and other RV related goods. As proposed by the applicant, the 24 unit RV park was entirely consistent with the certified LCP and the standards established for the C-VS district. However, the City's approval included special conditions which increased the density of the park beyond the limits of the zoning standards. The approval also exempted the applicant from the front yard setback requirements of the primary zoning. The City cited the provisions in the planned development overlay to justify reducing the minimum lot size and setback requirements at the site. Though the PD overlay does allow for modifications to, or exemptions from, the development standards of the primary zone that would otherwise apply, it is only allowed for projects that would result in better design or involve greater than normal public benefits. The Planning Commission (PC) believed that increasing the number of RV sites would result in a public benefit, though the PC recognized that doing so [increasing RV density] would require amending and recirculating the mitigated negative declaration prepared for the project. That has not occurred.

Secondly, the LCP standards are clear regarding the need to ensure uses are visitor-serving oriented (i.e., transient) as opposed to more permanent residential uses. In this case, the City approval extended the length of continuous occupancy at the RV Park to 90 days with a minimum 30 day vacancy period prior to returning for another 90 days. Under this scenario, an RV owner could stay an entire summer or fall season, when visitor-serving accommodations are most needed, without vacating their RV space. This could significantly diminish the availability of overnight accommodations at this park and as well as in other visitor-serving facilities in the area if they pursue similar terms of occupancy. For this reason and the issue raised above, the City-approved project is not consistent with the visitor serving priorities of the certified LCP.

Staff has had several discussions with the applicant's agent regarding the shortcomings of the City-approved project. As a result of those meetings, the applicant has suggested reducing the number of RV units to bring the approved density back in-line with the primary zoning standard for minimum lot size. The applicant has agreed to limit the number of transient RV spaces to 24 units, as originally proposed, including one on-site resident space. In addition, the applicant has agreed to limit the length of continuous occupancy at the RV Park to 30 days and 90 days total per year with a 30-day vacancy required between stays. Both Commission staff and the applicant agree that the most expeditious way to implement these changes would be through special conditions of approval. Therefore, staff is recommending special condition 1 requiring revised plans for a 24-unit RV Park that adheres to all the standards of the primary zoning including density and yard setback requirements. As conditioned, the proposed project will further visitor-serving priorities and be consistent with sections 17.24.120 and 17.40.030 of the City's certified LCP.

2. Visual Resources.

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



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Policy 12.01

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

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

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

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

Analysis

The project site is visually significant due to its location along a primary coastal access route that links Highways 1 and 41 with Morro Strand State Beach. The project site is located on Atascadero Road less than one-half mile from its terminus at the dirt beach parking lot at the south end of Morro Strand State Beach. Seaward of the proposed project site is an undeveloped parcel that adjoins to back-beach coastal dunes and ultimately Morro Strand State Beach. The parcels are divided by a 12' service road that is the entrance to Morro Bay High School. Development on the project side (i.e., north side) of Atascadero Road is limited to one small residence and a youth center. Morro Bay High School is north of the existing parcels along Atascadero. By contrast, development on the south side of Atascadero is more extensive including the City's Municipal Water Treatment Plant and storage yard, a cement plant, public baseball fields, and roller rink. Just beyond the existing development, Atascadero Road bends 90 degrees to the south paralleling the beach. On the inland side of Atascadero Road is a large Recreational Vehicle parking lot and overnight RV camping park. Seaward of Atascadero Road are coastal dunes and Morro Strand State Park.

As currently approved by the City, the project would introduce upwards of 36 – 56 RV units on the undeveloped 1.6 acre site and allow development within the required front yard setback. Aside from being inconsistent with the visitor serving priorities of the LCP, the exemptions to standard LCP density and setback requirements approved by the City have the potential to conflict with LCP visual resource protection requirements by blocking coastal views, reducing landscaping, and introducing a design and intensity of use that is not compatible with surrounding development. Unlike the clutter of development south of Atascadero Road, the north side of the road is relatively undeveloped. There is an undeveloped



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four acre site that backs up to the beach dunes, the undeveloped subject site (1.6 acres), an approximate .6 acres site developed with a single family residence, another 1.5 acre site developed with a youth center, and an undeveloped 2 acre site that abuts Highway 1. Morro Bay High School is setback from these first row of parcels and is well screened by trees and shrubs. Assuming the RV Park is constructed to the maximum allowed, between 36 and 56 RV units will be parked within the 1.6 acre site along with additional vehicles and other camping equipment. As one would expect, this will dramatically increase the intensity of use and decrease the visual quality of the north Atascadero Road corridor. Natural views of the coastal dunes and back beach will be distorted and degraded by the introduction of an urban landscape. The City's certified LCP requires new development to protect and enhance views of the surrounding area and to restore and enhance visually degraded areas. The City approval will degrade public views. Therefore, as approved by the City of Morro Bay, the proposed development does not conform to the certified LCP.

As noted in section 1 above, the applicant has proposed reducing the number of RV spaces to address among other things, the visual resource concerns raised in the substantial issue hearing. Special Condition 1 limits the number of RV spaces to 24 assuring a minimum lot size of 2,900 square feet per site. In addition, all yard setbacks are required to meet the minimum necessary to conform to the primary zoning standards, trash receptacles are to be enclosed and screened, and parking for additional vehicles may not occur within the required setbacks. Reducing the density of the RV Park will allow the applicant to meet setback requirements and provide more open space, landscaping and visual separation between RV's. Special Condition 2 requires the applicant to submit a landscape plan that will screen and soften the visual impact of the RV park. Native, non-invasive plants of local stock shall be used along the front yard, side yards, and within the interior of the Park. Fencing shall be required but not allowed to exceed six feet in height. As so conditioned, the project is consistent with sections 12.01 and 17.48.190 of the City's certified LCP.

3. Environmentally Sensitive Habitat Areas (ESHA).

The City of Morro Bay has many unique environmental habitat areas that are within and immediately adjacent to the community. Besides providing a unique setting for the City, these are critical habitat areas for several rare and endangered plants and animal species. Accordingly, the certified LCP contains specific policies and standards to ensure the protection of these habitat areas and the variety of plant and animal life it supports. Those policies state in part:

Policy 11.01

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

Policy 11.02



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

Policy 11.05

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

Policy 11.19

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

Analysis

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

Western snowy plover requires sandy, gravelly, or friable soil substrates for nesting, thus it is very unlikely that this species would nest on the project site due to the absence of suitable nesting and foraging habitat. Morro shoulderband snail (MSS) prefers the sandy soils of coastal dune scrub communities and has also been reportedly associated with introduced sea fig (ice plant). The shell remains of two snails were found on the adjacent property across the High School access road, though protocol surveys conducted on the project site failed to turn-up any live snails or shell remains. Staff visited the site in mid-April 2004 and noted that the site appeared to be heavily disturbed, used as a dump site, and covered with grading spoils. Still, the biological assessment concluded its findings were sufficient to establish the presence of a limited amount of potentially suitable native and non-native habitat for the MSS along the eastern, western, and northern boundary of the survey property but that the project appears to have minimal potential to result in "take" of Morro shoulderband snail. The assessment recommended that a concurrence determination by the USFWS and other mitigation measures be implemented and the City included the recommendation as a condition of its permit.



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As noted, the biological assessment was based on the original project proposal of a 24-space RV park. The City's approval allows an increase in density from 24 units to between 36 and 56 units. In order to accommodate the upper density range, setbacks will be reduced or eliminated, meaning less area available for buffering and screening the proposed development. The additional RV spaces will result in additional coverage, additional vehicles, more runoff, more sedimentation, more noise, and other human disturbances. The City's approval and the mitigated negative declaration did not include an evaluation of the additional impacts [on sensitive habitat and federally listed and threatened species] associated with the increase in density (i.e., additional RV spaces). As such, the City's approval conflicts with the certified LCP policies that specifically require new development to avoid and minimize impacts to sensitive habitat. They further require new development adjacent to sensitive habitat areas to maintain the functional capacity of ESHA (11.02) and protect against adverse impacts from runoff, sedimentation, noise and other disturbances (11.19). Additionally, since the approved project is not the same project evaluated by the biological assessment, the approval is inconsistent with LCP 11.05 that specifically requires all development that has the potential to adversely impact sensitive habitat to prepare an environmental assessment. Contrary to these requirements, the adverse impacts to nearby sensitive habitat areas posed by the increased density approved by the City have not been adequately considered.

Staff has discussed these issues with the applicant's agent who has suggested that the best way to resolve them may be by limiting the number of overnight RV spaces to 24 units as originally proposed. Staff agrees that lessening the intensity of use will reduce the impacts on nearby sensitive habitat and animal communities. It will allow for a larger buffer between the development and habitat area. Fewer RV spaces equate to fewer RV's, fewer people, less light, noise, runoff, etc. There will, of course, be impacts associated with construction of the 24-unit RV park, though those will be adequately mitigated by implementing the mitigation measures contained in the negative declaration.

Accordingly, staff is recommending special condition 1 which limits the number of overnight RV spaces to 24 units and requires the project to adhere to all visitor-serving commercial (C-VS) zoning regulations including, but not limited to, yard setbacks and minimum lot area. Staff also recommends special condition 4, which requires the applicants to obtain a letter of concurrence from the USFWS prior to issuance of the coastal development permit. With these conditions, the proposed project is consistent with sections 11.01, 11.02, 11.05, and 11.19 of the certified LCP.

4. Public Access and Recreation.

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road on the beach. Coastal Act Sections 30210 through 30213 and 30220 through 30221 specifically protect public access and recreation. In particular:



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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.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed development of an overnight RV park located at 221 Atascadero Road is within a short walk (i.e., approximately one-eighth of a mile) to an informal public vertical access point to Morro Strand State Beach. Public parking is available at the end of Atascadero Road near the mouth of Morro Creek with vertical access points through the back-beach dunes. The site of the proposed development is currently undeveloped. With the construction of the park, the proposed development will provide an additional 24 overnight RV spaces near the beach. The proposed project has been conditioned to ensure the transient nature of the park and promote low cost visitor-serving accommodations near the beach. As such, the proposed RV Park will not preclude public access and recreational opportunities to and along Morro Strand State Beach, but in fact, expand and improve them. Accordingly, the proposed project is consistent with the Chapter 3 policies for it will expand and enhance public access and recreation opportunities while protecting the natural resources of the immediate area.

C. 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



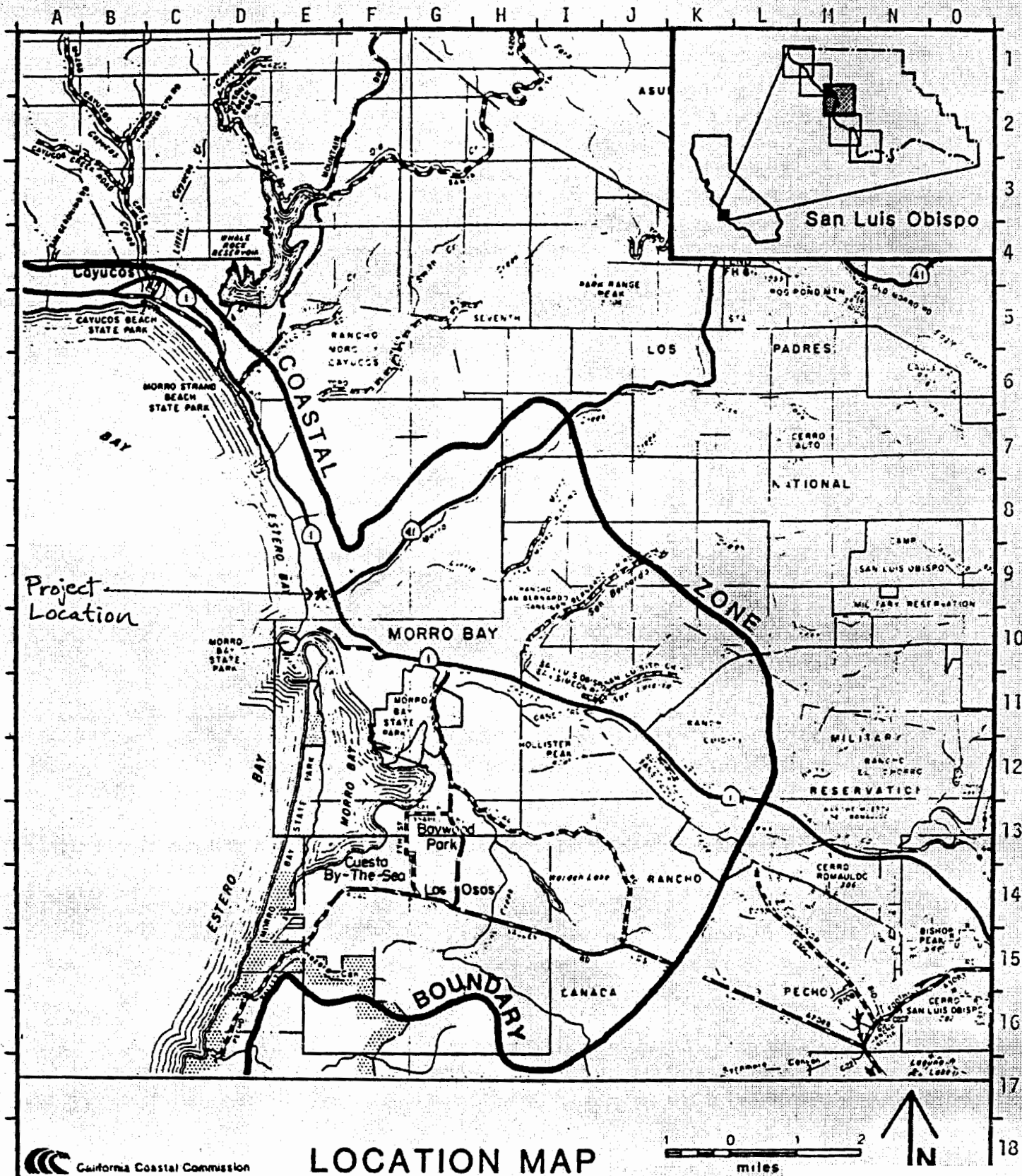
Appeal A-3-MRB-03-091

Steinmann RV Park
De Novo Staff Report
Page 14

available which would substantially lessen any significant adverse effect which the activity may have on the environment.

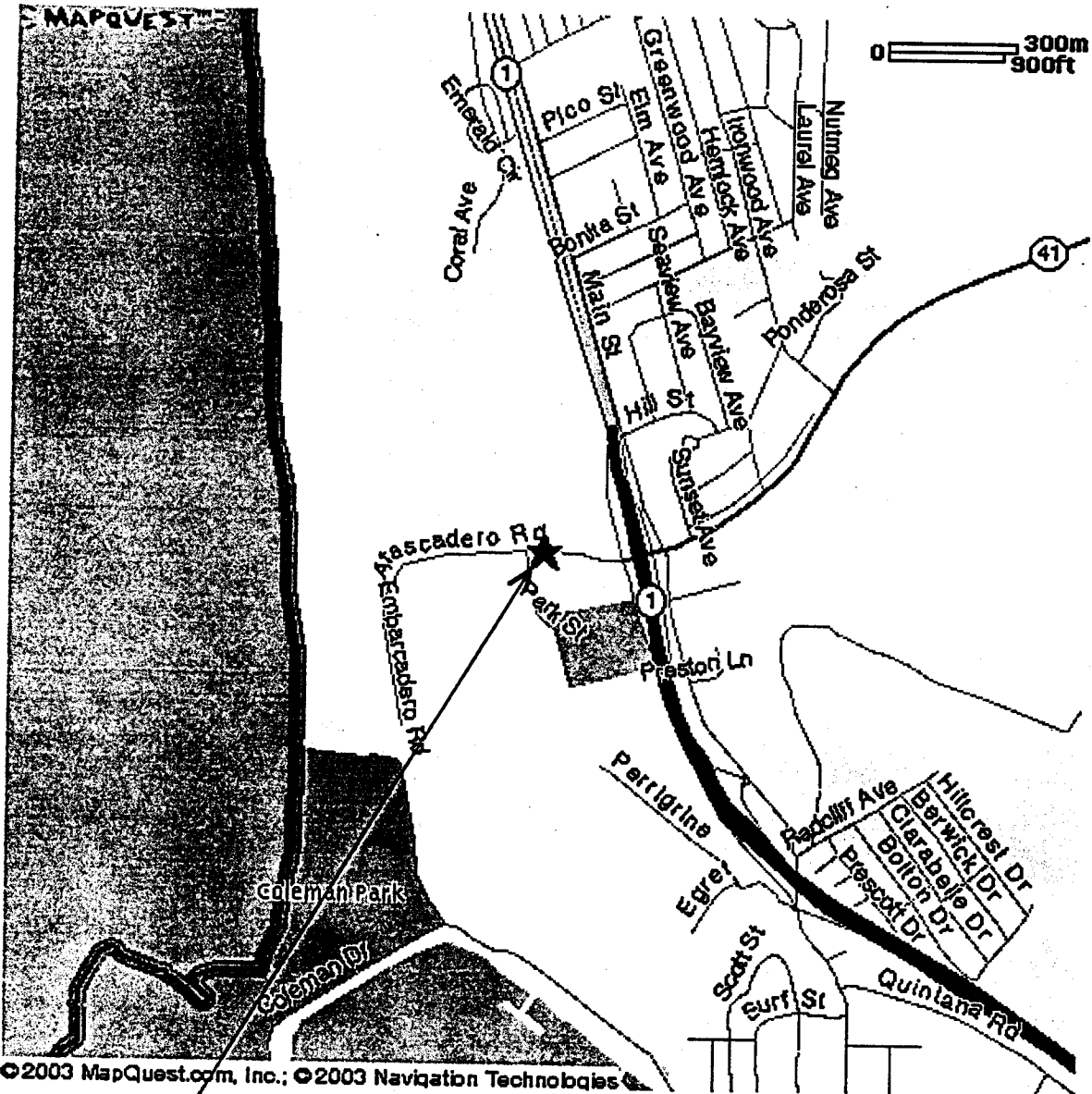
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.





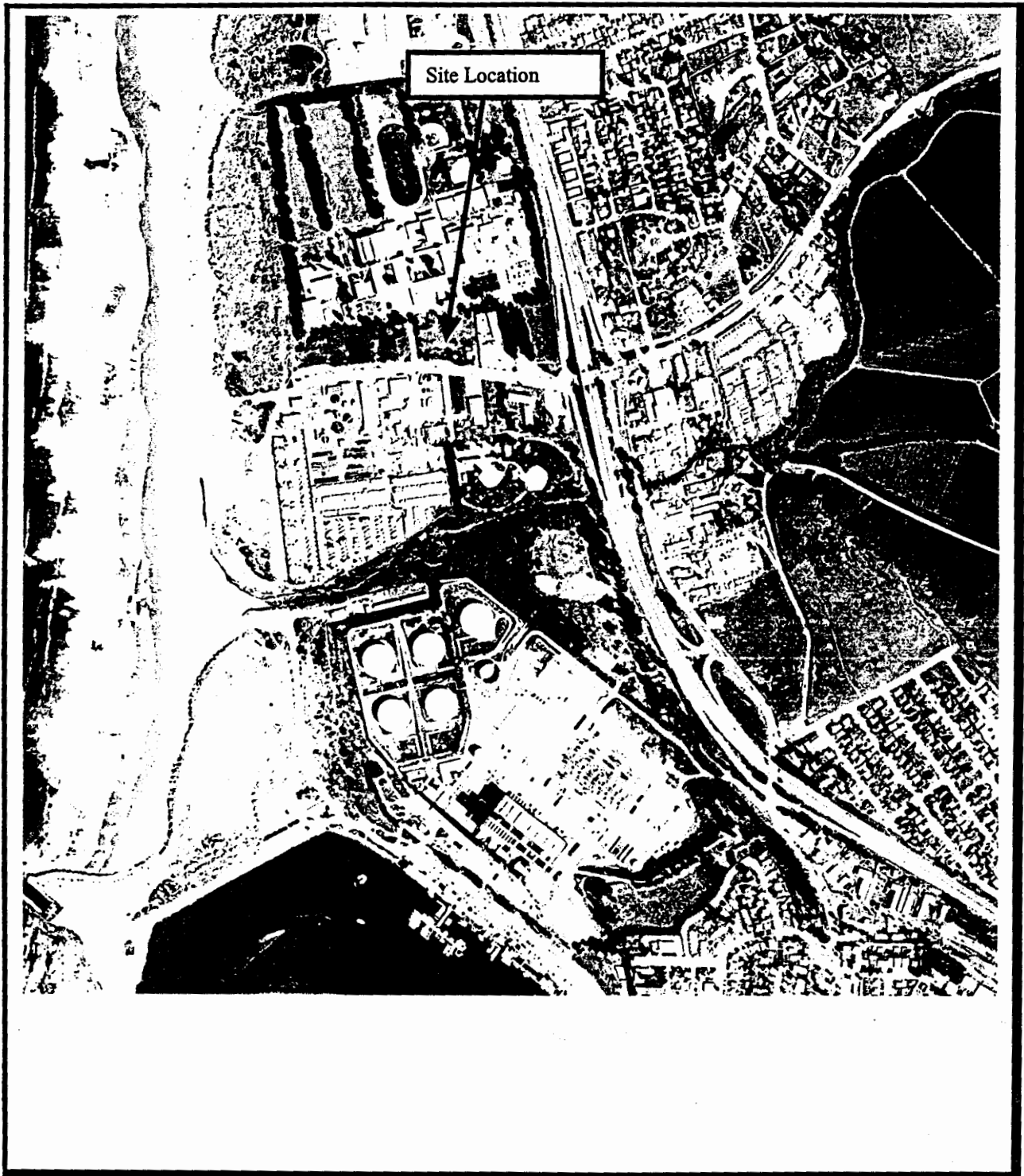
County of San Luis Obispo

EXHIBIT NO. 1, p. 1
 APPLICATION NO.
 A-3-MRB-03-091
 Location Maps and
 Original Plan for
 24-unit RV Park



Project Location

**EXHIBIT C:
GRAPHICS/PLAN REDUCTIONS**



Planning Commission
Steinmann RV Park
July 7, 2003



VICINITY MAP

~~CCC~~ Exhibit 1
(page 3 of 3 pages)



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

www.morro-bay.ca.us

RECEIVED

AUG 18 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PUBLIC SERVICES DEPARTMENT

PLANNING DIVISION

NOTICE OF FINAL ACTION ON CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL CITY ACTION on Conditional Use Permit #09-03; and Coastal Development Permit #06-03R.

The following project is located in the Morro Bay Coastal Zone and a Coastal Development Permit Application, as well as Tentative Tract Map and Conditional Use Permit applications, have been acted on by the City:

Applicant: Ed Ewing and Joe Steinmann

Address: 895 Napa Street, Ste. B-4, Morro Bay, CA 93442

Project Description: Recreational Vehicle (RV) Park.

Project Location 221 Atascadero Rd.

APN No. 065-182-007 & 008

Site Area: 70,000 square feet, or 1.6 acres

Zoning: CV-S (PD)

LUP/General Plan: Visitor-Serving Commercial

Filing Date: _____

Action Date: August 11, 2003

Action By: City Council

Action Taken: Conditionally Approved

ATTACHMENTS: PERMIT, FINDINGS, IF ANY, AND CONDITIONS OF APPROVAL



This site is within the Coastal Commission Appeal Jurisdiction. There is a ten (10) working day appeal period from the Coastal Commission's receipt of this notice wherein the approval may be appealed to the Coastal Commission. Please contact Coastal Commission staff for information about how to file an appeal, or whether your project has been appealed. The telephone number at the Coastal Commission's Santa Cruz office is (831) 427-4863.

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero Road

CITY ATTORNEY
955 Shasta Avenue

A-1
POLICE DEPARTMENT
850 Morro Bay Boulevard

RECREATION AND PARKS
1001 Kennedy Way

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-MRB-03-334

APPEAL PERIOD 8/19 - 9/2/03

CCC Exhibit

(page 1 of 10 pages)

3

PUBLIC SERVICES
955 Shasta Street



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

www.morro-bay.ca.us

August 13, 2003

Ed Ewing & Joe Steinmann
895 Napa Street, Ste. B-4
Morro Bay, CA 93442

RE: CUP 09-03 & CDP 06-03R

SITE: 221 Atascadero Road

Dear Mr. Ewing and Mr. Steinmann,

As you know, the Morro Bay City Council took action on August 11, 2003 to conditionally approve your request for a 24-space Recreational Vehicle (RV) Park at 221 Atascadero Road. Please note that the Council modified conditions imposed by the Planning Commission and that I have attached a copy of the **revised conditions** hereto.

If not successfully appealed, this action represents a discretionary land use entitlement but does not constitute or moot the need for a grading and/or building permit. You must still initiate the application process and secure a grading/building permit prior to the start of any new construction. The building permit review process is subject to all applicable rules and regulations of the Morro Bay Municipal Code, including fees.

Because the subject site is located in the Coastal Commission Appeal Jurisdiction, the decision of the City Council may be appealed to the Coastal Commission within ten (10) working days of their receipt of this letter and the attached Notice of Final Action (NOFA). The NOFA contains additional information about the appeal procedure.

Thank you for your patience and cooperation during the review process and please feel free to call if we can be of further assistance.

Sincerely,

Bruce Ambo
DIRECTOR PUBLIC SERVICES DEPARTMENT

By:
Gary Kaiser, Senior Planner

Enclosures: Notice of Final Action Form; Permit; Findings; and Revised Conditions of Approval

CCC Exhibit 3
(page 2 of 10 pages)

FINANCE
595 Harbor Street
HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street
CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street
A-1 POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street
RECREATION AND PARKS
1001 Kennedy Way

EXHIBIT A:
FINDINGS FOR APPROVAL

CUP 09-03 & CDP 06-03: A request for Conditional Use Permit and Coastal Development Permit approval to establish a 24-space Recreational Vehicle (RV) Park with full utility hook-ups, as shown on proposed plans.

California Environmental Quality Act (CEQA)

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

Conditional Use Permit Findings

- B. There has been no substantial evidence submitted into the record that would suggest that the project would, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the project.
- C. There has been no substantial evidence submitted into the record that would suggest that the project would be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

Coastal Development Permit Finding

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

EXHIBIT B:
CONDITIONS OF APPROVAL,
AS REVISED BY THE CITY COUNCIL ON AUGUST 11, 2003
(There are a total of 31 conditions)

CUP 09-03 & CDP 06-03: A request for Conditional Use Permit and Coastal Development Permit approval to establish a 24-space Recreational Vehicle (RV) Park with full utility hook-ups, as shown on proposed plans.

STANDARD CONDITIONS

1. **Permits:** This Conditional Use Permit and Coastal Development Permit is granted for the land described in the July 7, 2003 staff report and all attachments thereto, and as shown on the attached exhibits on file with the Public Services Department. In addition to satisfying all of the foregoing Conditions of Approval for the proposed use, the applicant shall obtain and maintain compliance with all other required permits and approvals. At the local level, the project will require a grading permit, an encroachment permit and a business license. The applicant is responsible for obtaining necessary permits and approvals from other involved agencies, including but not limited to: the California Department of Housing and Community Development Department; the US Fish & Wildlife Service; the California Department of Fish & Game and the Central Coast Regional Water Quality Control Board.
2. **Inaugurate Within Two Years:** Unless the construction or operation of the structure, facility, or use is commenced within two (2) years of the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. **Changes:** Any minor change may be approved by the Public Services Director. Any substantial change, as so deemed by the Public Services Director, will require the filing of an application for an amendment to be reviewed by the Planning Commission and City Council.
4. **Compliance with the Law:** All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. **Compliance with Conditions:** Prior to issuance of any City or HCD permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. **Compliance with Morro Bay Standards:** This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Public Services Director pursuant to the terms of this regulation.
9. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, all new utility connections including electrical, telephone and cable television shall be installed underground.
10. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
11. Fire: The applicant shall satisfy the Fire Chief with respect to applicable Uniform Fire Code requirements.

PUBLIC WORKS CONDITIONS

12. State RV Park Requirements: The Applicant's project shall meet State Housing and Community Development (HCD) Recreational Trailer Park requirements.
13. Flood Hazard Zone: The National Flood Insurance Rate Map for the City of Morro Bay (Panel No. 060307 0005C, November 1, 1985), prepared by FEMA, identifies Applicant's RV park project as being in a 100 year Flood Zone (Zone A14, base flood elevation 21').

If the proposed RV park will contain highway ready RV's as temporary living quarters for recreational, camping, travel, or seasonal use: a FEMA Elevation Certificate and Flood Hazard Development Permit fee WILL NOT be required.

If the proposed RV park will contain permanent structure(s) including Manufactured Homes or DMV licensed recreational vehicles which are used as office or permanent living quarters: a FEMA Elevation Certificate and Flood Hazard Development Permit fee of \$102.60 WILL be required for each structure. Conformance to Morro Bay Code Chapter 14.72 (Flood Damage Prevention) and FEMA anchoring and elevation requirements WILL BE required. Chapter 14.72 requires the lowest floor to be 2' above the base flood elevation.

14. Off-Site Public Improvements: Are required as set forth in MBMC Section 14.44. Prior to building permit issuance the Applicant shall (1) submit public improvement plans designed by a civil engineer registered in California for approval by the City, (2) include the general notes provided by the City (3) submit cost estimates calculated on the City provided Engineering Estimate Worksheet of the off-site improvements for review by the Engineering Division, (4) deposit a financial security with the City in the amount of 150% of the estimated construction cost

of the public improvements, and (5) complete the City's improvement agreement and its insurance requirements. Prior to project completion, record as built plans shall be furnished on Mylar.

The current Atascadero Road design includes a 50' wide arterial street with 4' wide bike lane, two 12' wide travel lanes, a 10' wide center turn lane, a 4' wide bike lane next to 8' wide parking at the other side (south) of the street, and a prohibition of parking along the project site frontage. (The Applicant's traffic engineer recommends 6' bike lanes, 13' travel, and 12' center turn which results in no parking on either side of the street. It is also recommended that Atascadero Road be restriped from 200' southwest of the project frontage to the southbound Route 1 ramp intersection.)

ATASCADERO ROAD IMPROVEMENTS: The Applicant shall install the following site frontage public improvements necessary for development of a 50' wide arterial street:

- a. concrete curb, gutter, handicap ramp at corner, sidewalk and driveway(s); required a.c. street section, street signs, street striping.
- b. five street trees at the back of sidewalk
- a. fire hydrant, domestic water meter connection, sewer connection (a dump station on site is required if the RV sites will not have a sewer connection)

If street striping or other required improvements are deemed not feasible at this time by the City, the applicant shall pay an in lieu fee towards future striping or other required improvements.

15. Traffic Impacts and Fee \$6,950: Pursuant to the Circulation Element of the General Plan, a developer is responsible for circulation system improvements on the basis of the development's impact. A traffic study was submitted by the Applicant's traffic engineer analyzing the maximum increase in peak hour traffic volumes (13 trips) resulting from this project at the Highway 41 Main Street intersection which has an identified cost of \$980,000 for construction of future traffic improvements and channelization and current peak hour volume of 1,833.
 $(13/1,833) \times \$980,000 = \$6,950 \text{ FEE}$

16. Encroachment Permits: Are issued by the Engineering Division, prior to construction in or use of land in the City right-of-way, as follows:

--Standard Encroachment Permit,

Required for standard construction per City standard specifications. Current fee \$71.82

--Sewer Encroachment Permit,

Required for sewer work in the City right-of-way. Current fee \$71.82

--Special Encroachment Permit, Required for non-standard work or encroachments in the

City right-of-way. The owner submits a completed Special Encroachment Permit, including drawings, notarization and insurance indemnifying the City. After review, approval, and recordation, the Permit and insurance requirements continue with the current and future owners. Current fee is \$35.91, plus applicable direct costs checking, administration, and recording.

17. Repair & Replacement of Public Improvements: Prior to project completion the Applicant shall repair street or other public improvements which were damaged as a result of construction operations for this project.

18. Sediment or Debris Provisions: Sedimentation control measures shall prevent sediment or debris from entering the City right of way, roadway, or adjacent properties.
19. Drainage: Route roof and paved surface storm water run off to the street flowline. Show drainage method on the plans.
20. Water Pressure Reducer: Applicant shall install a pressure reducer on private property.
21. Water Backflow Prevention Device: Not required for normal single family residential uses. Devices are required for irrigation systems on a dedicated water meter; systems which may change in character of use (commercial rentals, etc.); gray water systems; or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. If required, the Applicant is responsible for the installation of an approved domestic water backflow prevention device per MBMC chapter 13.08. Should the Applicant need further information, the City's contracted inspection provider can be reached at: (805) 781-5544, Office of Cross-Connection Inspector, S.L.O. County Health Agency, 2156 Sierra Way, San Luis Obispo, Ca. 93406.
22. Sewer Backwater Valve: Sewer backwater valve shall be installed on site to prevent a blockage of the municipal sewer main from causing damage to the proposed project.
23. Engineering Checking and Inspection Costs: The Applicant agrees to pay invoiced amounts to the City for the cost of checking, inspection, and other provided work related to this project as performed by staff or contracted engineering services.
24. Oil-Water Separator: To reduce pollution to creek, bay and ocean waters, the applicant shall install an oil-water separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.
25. Repair & Replacement of Public Improvements: Prior to project completion the applicant shall repair curb, gutter, street, or other public improvements which were damaged as a result of construction operations for this project. Curb, berm, gutter or other improvements as required shall be installed at abandoned or illegal drive approach areas.
26. Sediment or Debris Provisions: Sedimentation control measures shall prevent sediment or debris from entering the City right of way, roadway, or adjacent properties.

PROJECT-SPECIFIC REQUIREMENTS

27. Prior to the issuance of a grading permit, or any other permit, approval or license, the existing enforcement issues shall be resolved to the satisfaction of all involved agencies and officials, including but not limited to the Code Enforcement Officer and Building Official, and all required fees and penalties shall be paid.
28. ~~Proposed parking spaces that are located entirely or partially within the front yard setback area shall be eliminated. Trash receptacles shall be relocated outside of the front yard setback area and shall be properly screened within solid enclosure walls/gates. Fencing shall be removed from the front yard setback area and a six (6) foot fence consistent with the fence proposed along the west, north and east property lines shall be placed along the front setback line. The area between the fence and Atascadero Road (if any) shall be landscaped, with details regarding landscaping~~

and irrigation throughout the project being required prior to precise plan approval. Details regarding signing and lighting for the project shall also be presented during precise plan review.

29. The applicant shall comply with the Mitigation Measures agreed to during environmental review, summarized as follows:

AESTHETICS: At noticed public hearings, the Planning Commission and City Council shall consider details of the proposed project with respect to setbacks, fencing and landscaping and shall require any changes deemed necessary or appropriate to avoid or minimize adverse impacts, ~~including but not limited to adherence to zoning regulations with regard to front yard setback requirements.~~ The residual impacts must be less than significant; otherwise, it would not be possible to make findings for approval due to General/Coastal Plan inconsistencies.

BIOLOGY:

Prior to any site disturbance, the applicant shall obtain project authorization from the USFWS relative to impacts to the Morro shoulderband snail. Such authorization may include a "no take" letter (aka letter of concurrence) from the USFWS, conditional approval of the project via a prepared Biological Opinion, or approval of a completed Habitat Conservation Plan (HCP) and its associated provisions. Take of Morro shoulderband snail habitat may require mitigation through the USFWS.

Prior to any site disturbance, a USFWS approved biologist shall survey for and move any MSS found to suitable on-site or off-site habitat areas not planned for disturbance. USFWS authorization shall be required for this activity.

Prior to any site disturbance, all personnel associated with project construction activities shall be trained by a USFWS approved biologist on the identification and ecology of MSS, and instructed on the importance of avoiding take of MSS. Workers shall be required to sign a training sheet stating that they have attended the training session, and understand the regulatory implications of "take" as it is defined within the FESA. Workers shall also be instructed on what actions to take in the event that possible MSS are observed on the project site during construction.

Within 30 days of ground clearing activities, the qualified biologist shall conduct nesting bird surveys on the project site. As specified within Section 3503 of the Fish and Game Code, no actively nesting birds, including their nests and eggs, shall be unnecessarily disturbed. As such, vegetation removal and/or ground clearing shall not proceed until the monitoring biologist has confirmed that all nests are no longer active. The qualified biologist shall prepare a report for submittal to the CDFG documenting the results of the noted bird survey work. The report shall be prepared and submitted no more than 60 days following completion of the ground disturbing activity. If such harm to nesting birds cannot be avoided, take can be conditionally authorized by the CDFG by securing an incidental take permit under Section 2081 of the Fish and Game Code (does not apply to federally listed species or CDFG Fully Protected species).

Within 30 days of project completion, the USFWS approved biologist shall prepare a completion report for submittal to the USFWS. The report shall summarize all monitoring and mitigation activities conducted during the project, as they pertain to the Morro shoulderband snail.

CULTURAL RESOURCES: All construction on the site shall be consistent with recommendations contained in the aforementioned Phase I Archaeological Surface Survey. Specifically, the project archaeologist has recommended that construction be immediately halted if cultural resources are encountered and remain halted until the resources are evaluated by a qualified archaeologist as outlined in the California Environmental Quality Act (CEQA). With this admonishment to the applicant, the proposed project would not have a significant impact on cultural resources.

HYDROLOGY/WATER QUALITY: Frontage improvements mentioned above (i.e., curb, gutter and sidewalk along the entire property street frontage) may require off-site (but within existing right-of-way) improvements to avoid adverse impacts on the right-of-way or on adjoining properties, or simply to achieve a smooth transition with existing improvements. The applicant shall provide such "transitional" drainage improvements, as required by the City Engineer. Improvement plans shall also satisfy the City Engineer and Public Services Director relative to applicable state and federal urban storm water runoff programs. Prior to the issuance of building or grading permits, the applicant shall evidence that a Construction Activities Storm Water General Permit has been approved by the Central Coast Regional Water Quality Control Board. Construction shall then proceed in conformance with the approved permit. With this mitigation, the project does not have the potential to have significant adverse impacts related to water quality.

LAND USE/PLANNING: Prior to the issuance of permits, approvals or licenses, the applicant shall record a deed restriction and agreement that expressly:

- Requires an on-site manager;
- Requires the property owner to furnish the Public Services Department with up-to-date contact information (which unit, phone number, mailing address) for the on-site manager;
- Prohibits permanent residency (all RVs must be "road-ready" per FEMA requirements) within the park by anyone other than the on-site manager.
- Requires the property owner to keep records of who stays in the park and how long they stayed. Records must include contact information including but not limited to permanent address, mailing address and phone number) for all visitors for verification purposes. Records shall be produced to the City on request.

The deed restriction makes enforcement easier, if the need arises, as there is no longer a question that the property owner is fully aware of the requirements. The deed restriction reduces potential code enforcement impacts to less than significant levels.

TRANSPORTATION/CIRCULATION: Prior to the issuance of any permits or approvals, all applicable traffic impact fees shall be paid (preliminarily calculated at \$6,950.00). In addition, improvement plans shall be approved, as described in the April 3, 2003 memorandum from Public Works staff. As recommended by the traffic engineer, improvement shall include, but shall not be limited to: 1) the paving of all internal roadways; 2) the construction of concrete curb, gutter and sidewalk along Atascadero Road; 3) encroachments onto Atascadero Road that fully comply with City Standards; 4) locating trash enclosures close to Atascadero Road (but outside the front setback); and 5) the restriping of Atascadero Road from 200 feet southwest of the project frontage to the southbound Route 1 ramp intersection to provide a center turn lane as well as traveled lane(s) and bike lane(s). Prior to the issuance of any permits, licenses or other right to occupy the Park, applicable traffic impact fees shall be paid.

UTILITY/SERVICE SYSTEMS: Typically, Code requirements (such as the requirements of the Municipal Code, Building Code, Fire Code et cetera) are not reiterated as mitigation measures. It is just understood that all Code requirements apply unless specifically waived by a body that has the legal jurisdiction to waive or modify the Code. The Fire Department has submitted a memorandum articulating the requirements for this project (attached). The applicant shall fully satisfy the Fire Department and shall comply with all other applicable Code requirements.

30. To reiterate, clarify and expand upon the Land Use/Planning part of Condition #29 above, the on-site manager shall reside in Space 1, 2, 3 or 4 and the property owner shall provide the Public Services Department and Police Department with contact information for the on-site manager. In addition, the manager (property owner ultimately responsible) shall maintain records as to who has stayed in each of the spaces and for how long, with contact information (which unit, phone number, mailing address) for each of the guests. On demand, the property owner shall furnish those records to the Police Department or Public Services Department.
31. ~~The Planning Commission's approval of the project allows for up to 36 spaces, but w~~With the exception of the required on-site manager, permanent residency within the Park shall be strictly prohibited. ~~From May 1st through September 30th, RV spaces shall not be occupied by for more than 60 90 days with a minimum 30-day vacancy period between stays. Each RV space must be a minimum of 24' x 50', or any configuration of 1,200 square feet. With this condition, the Park shall not be limited to 24 spaces.~~
32. The required Deed Restriction/Agreement shall make reference to all Conditions of Approval imposed by the City in approving this Conditional Use Permit (CUP 09-03) and Coastal Development Permit (CDP 06-03R).

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

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

This project deserves your attention since it is located between the mean high tide line and the first public road, and would set a precedent for other RV park developments on the ocean side of Hwy. 1.

What started out as a planned CVS 24-space RV park with visual/aesthetic improvements was transformed by the Planning Commission and City Council into a (potentially) 58-space, extended stay RV parking lot/trailer park. The RV park density requirements (2900 sq. ft. min. per space) laid out by the general plan were circumvented by the PB overlay (please see last sentence of Condition #31, Page A-1), which also overrode staff's recommendation that no more than 3 or 4 additional spaces could be added without additional environmental and traffic studies. (Morro Shoulderband Snails are 20 yards away; snowy plovers 200 yds. away, site is adjacent to Morro Bay High School.)

The General Plan's setbacks were discarded arbitrarily.

The General Plan also requires new developments to contribute aesthetically to the City. This is not served by a crowded trailer park with minimized landscaping.

The applicant has cooperated with the City by providing a 36-unit version, in which (please see site plan) even that number encroaches into the setback lines.

In summary, the City's unrequested alterations to this project serve no purpose and are of dubious legitimacy. Thank you for your consideration
Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Janet P. Schellberg/Charlotte Wallick
Signature of Appellant(s) or Authorized Agent
Date August 27, 2003

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date

EXHIBIT NO. 4
APPLICATION NO. A-3-MRB-03-091
Reasons for Appeal