

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



F17a

CDP A-3-MRB-21-0078 (MORRO BAY VENTURES LLC RESIDENCES) FEBUARY 11, 2022 HEARING EXHIBITS

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Exhibit 1: Project Location Map and Site Photos

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An aerial photograph showing a coastal area. At the top, a multi-lane highway runs horizontally. Below it, a residential subdivision with winding streets and houses is visible. A large, irregularly shaped area of land, mostly covered in dry vegetation and some trees, is situated between the subdivision and a sandy beach. The beach is at the bottom of the image, with waves breaking on the shore. Labels are overlaid on the image: 'HIGHWAY 1' in a blue box at the top, 'CLOISTERS SUBDIVISION' in a blue box in the middle, and 'PROJECT SITE' in an orange box with an arrow pointing to a specific location on the left side of the subdivision.

HIGHWAY 1

PROJECT SITE

CLOISTERS SUBDIVISION



PROJECT SITE





CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

**NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT
PERMIT, MAJOR MODIFICATION OF CUP & VTM**

DATE OF NOTICE: OCTOBER 26, 2021

NOTICE OF FINAL CITY ACTION

on Coastal Development Permit No. CDP21-036 & MAJ21-005 (to (e) permits: UP0-470 & VTM No. 2859)

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

Applicant: Kevin Huber, Morro Bay Ventures, LLC

Address: 2783 Coral Ave, Morro Bay, CA 93442

Project Description: Major Modification (MAJ21-005) and Coastal Development Permit (CDP21-036) to approve the change from 6 new residential parcels to 5 new residential parcels on a .99-acre site located at 2783 Coral Avenue as part of the Cloister's Subdivision Tract 1996. The MAJ21-005 modifies previous permits approved by City Council (through appeal) on November 3, 2018: Conditional Use Permit (UP0-470), Vesting Tentative Map No. 2859 (S00-127). The project is zoned CRR/GC/PD (Coastal Resource Residential/Golf Course/Planned Development) and is located in the Coastal Commission Appeals Jurisdiction.

Project Location: 2783 Coral Ave

APN: 065-386-015

Zoning: CRR/GC/PD

Land Use Plan/General Plan: Single Family Residential

Lot Area: .99 acres

Filing Date: July 1, 2021

Approval Body: City Council

Action Taken: Approve with Conditions

Action Date: October 26, 2021

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-MRB-21-1030
APPEAL PERIOD 11/17/21-12/2/21

RECEIVED

NOV 16 2021

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

☐ THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

☒ This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 831-427-4863.

RESOLUTION NO. 71-21

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA APPROVING A MAJOR
AMENDMENT (MAJ21-005), TO PREVIOUSLY APPROVED
CONDITIONAL USE PERMIT (UP0-470), TENTATIVE VESTING MAP
#2859 (S00-127) AND MITIGATED NEGATIVE DECLARATION, AND
APPROVING A NEW COASTAL DEVELOPMENT PERMIT (CDP21-036)
FOR THE 5 UNIT SUBDIVISION AND INDIVIDUAL HOME DESIGNS,
SITE LAYOUT AND CONFORMANCE WITH DEVELOPMENT
STANDARDS. THE CHANGE IS FROM A 6-LOT TO A 5-LOT
SUBDIVISION ON A .99 ACRE PARCEL AT 2783 CORAL AVE WITHIN
THE CLOISTERS SUBDIVISION.**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, on November 13, 2018, the City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, and denied an appeal and upheld the August 7, 2018, Planning Commission approval of the above noted previously approved permits; and

WHEREAS, the California Coastal Commission requested that the City void the Coastal Development Permit issued as part of the August 7, 2018, approvals and processed an immaterial amendment on March 13, 2020, to the original (1992) coastal development permit for the Cloisters Subdivision clarifying that the land use and identifying 5 units of density available for the subject parcel; and

WHEREAS, the applicant submitted a request for a Major Modification to the previously approved vesting tentative map and conditional use permit reducing the density to a 5-lot subdivision to comply with the recent California Coastal determination; and

WHEREAS, the Coastal Land Use Plan requires issuance of a coastal development permit for activities that constitutes 'development' as defined in the Coastal Act, which includes subdivisions and new residential development; and

WHEREAS, the City Council conducted a public hearing on October 26, 2021, to consider approval of the revised Vesting Tentative Map, and site layout for a reduction in lots/homes from 6 to a 5-home subdivision including coastal development permit review for the revised project; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the City Council has duly considered all evidence, including the 2018 approvals made by the Planning Commission, the evaluation and recommendations by staff and the public comments presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay as follows:

Section 1: Findings for approval:

Section 2: Findings. Based upon all the written and oral testimony and evidence presented to the Council at and for the above public hearing, the City Council makes the findings as included in Resolution No. 71-21.

California Environmental Quality Act (CEQA) Finding

1. For purposes of the California Environmental Quality Act, an Initial Study was prepared for the project, which resulted in a Mitigated Negative Declaration (the "MND") together with the Mitigation and Monitoring Program. The MND and Mitigation and Monitoring Program was approved August 7, 2018, by the Planning Commission and such approval was upheld through appeal to the City Council on November 13, 2018.
2. Modifications to the project result in a reduced density that would not change the environmental conclusions included in the approved MND. Therefore the project would not result in any new or substantially increased environmental impacts and will continue to be subject to the Mitigation and Monitoring Program which is included in Resolution 20-18 and is Exhibit C to the staff report.

Major Modification to Conditional Use Permit and Vesting Tentative Map:

1. The project is an allowable use in the zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay; and
2. The project meets the goals to promote infill development on vacant or underutilized properties in the city as the preferred development strategy.
3. The City Council has reviewed the 5-home residential project and considered the following criteria in that review and has concluded that this 5-home subdivision meets the following:
 - a. residential development standards,
 - b. shared access requirements and the compatibility of use,
 - c. minimized effects on the environment,
 - d. designed to minimize view corridor impact
 - e. design and function compatibility with the surrounding neighborhood
4. The required discretionary review of the home designs, site layouts and compliance with development standards of the zoning district constituting "development" under the Coastal Land Use Plan has been met; and

Coastal Development Permit Findings:

1. The project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis; and
2. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working about such proposed use as the project is consistent with all applicable zoning and planning requirements; and

3. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be consistent with all applicable City regulations; and
4. The City Council has reviewed the 5-home residential project and considered the following criteria in that review: Provisions for residential development standards, shared access requirements and the compatibility of use, effects on the environment, design, and function compatibility with the surrounding neighborhood.
5. The submittal includes proposed home floor plans for two different home designs, together with elevations and design details as part of the Vesting Tentative Map No. 2859 submittal. These proposed plans have been reviewed and have been found to meet the zoning development standards and the requirements of the previously approved Cloisters Subdivision Tract No. 1996 as amended by the California Coastal Commission March 13, 2020.
6. Pursuant to State ADU Law, the two proposed attached Accessory Dwelling Units, are required to be processed ministerially, are under review in a concurrent process and will be issued Administrative CDP's with conditions of approval.

Section 3. Action. The City Council does hereby approve the Major Modification (MAJ21-005) to change the approved plans for a 5-home subdivision consistent with the density conclusion reflected in the California Coastal Commission immaterial amendment (A-4-MRB-91-044-A2) of the 1992 CDP and approves Coastal Development Permit (CDP21-036) subject to the attached conditions of approval reflected in Council Resolution No. 71-21. The applicable conditions of approval for the original approved CUP/VTM permits as well as the 2018 adopted MND mitigation and monitoring plan continue to be applicable to this project.

CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. This MAJ21-005 and CDP21-036 permit is granted to modify the existing CUP/VTM permits to reflect the March 13, 2020, California Coastal Commission's Immaterial Amendment to the original Coastal Development Permit for the Cloister Tract (CDPA-4_MRB-91-044) confirming land use and density available to Lot 124 of Tract No. 1996 to be up to 5 residential lots. The original project (6-unit residential subdivision, including approved home plan designs and conformance with development standards) was approved by Planning Commission on August 7, 2018. City Council, through appeal, denied the appeal and upheld the Planning Commission approval on November 3, 2018, validating the following permits: Conditional Use Permit (UP0-470) and Vesting Tentative Map (S00-127) subject to conditions of approval and the mitigation and monitoring plan included in the adopted Mitigated Negative Declaration. The project is zoned CRR/GC/PD (Coastal Resource Residential/Golf Course/Planned Development) and is within the Coastal Commission Appeals Jurisdiction.
2. Inaugurate Within Two Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after 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 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 Community Development Director. Any substantial change will require the filing of an application for an amendment.
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. 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 applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building 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.
7. 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 certified Coastal Land Use plan and General Plan for the City of Morro Bay.

PLANNING CONDITIONS

1. Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
2. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
3. Affordable Housing Requirement: Prior to issuance of a Building Permit, applicant shall identify the method of compliance with the affordable housing requirement for residential developments of 5 or more units (MBMC 17.50.020) and provide appropriate deed restriction.

4. Archaeology: See Mitigation Measures and Monitoring section incorporated as part of this Resolution. The applicant shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Community Development Director.
5. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
6. Maximum Height: The maximum permissible height of any residential units constructed on the project site is 14 feet above finished grade, however finished grade can only exceed natural grade by the minimum fill necessary to meet the floodplain elevation requirements. The finished grade elevation must be verified by a licensed surveyor prior to construction of the home and a certificate provided to the Planning Department. The height restrictions must meet the Architectural Design Guidelines of the Cloister's Subdivision Tract No. 1996.
7. Access Road: The access road to the lots shall be maintained as a private drive by the property owners within the subdivision documented by a shared reciprocal access and maintenance agreement for all the common areas within the newly created subdivision. The agreement should include provisions to ensure that the interior common driveway is always kept clear to allow vehicles to enter and exit the subdivision.
8. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
9. Trees to be preserved: The trees along San Jacinto Road shall be preserved to the maximum extent feasible. To facilitate this, any tree removal proposed along San Jacinto Road must be approved by the Community Development Director, unless the trees are an immediate hazard. Trees removed from the subject site to accommodate the development shall be replaced, at a minimum, at a 1:1 ratio in an off-site location with a species of tree suitable to replace or enhance Raptor habitat areas, as approved by the Community Development Director.
10. Color and Materials: Colors and materials shall be as shown on Plan Sheet A9 which shows three scenarios for exterior colors, and materials are approved and required to be included in the building permit plans. Any minor changes in colors or materials must be reviewed and approved by the Community Development Director.
11. Landscaping and Irrigation Plans: Landscaping and irrigation plans for each residential lot shall be submitted by the project applicant to the City for review and approval as part of the building permit submittal.
12. Outdoor Lighting: The applicant shall submit an outdoor lighting plan for both the exterior of the homes and for any lighting proposed in common areas for review and approval by the Community Development Director. The Proposed lighting shall be decorative in nature, low level pedestrian oriented and street and parking area lights shall be shielded from above.

BUILDING DIVISION CONDITIONS

A. CONDITIONS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor, and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
6. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
7. BUILDING PERMIT APPLICATION: To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
8. The Title sheet of the plans shall include, but not limited to:
 - Street address, lot, block, track, and Assessor Parcel Number
 - Occupancy Classification(s)
 - Construction Type
 - Maximum height of the building allowed and proposed

- Floor area of the building(s)
- Fire sprinklers proposed or existing
- Minimum building setback allowed and proposed

All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
2. **ARCHAEOLOGICAL MATERIALS:** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or palaeontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some lot types.
4. **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some site-specific projects.

C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF THE CERTIFICATE OF OCCUPANCY:

1. Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card. This permit card shall then be turned into the building division for scheduling of the final building inspection.
2. Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
3. If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
4. If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
5. Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
6. Final T-24 energy reports (Certificates of Installation).

PUBLIC WORKS CONDITIONS

The following will be required prior to Final Map recordation:

1. Parkland In-lieu Fee: Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.52.050).
2. Maintenance Agreement: Prior to recordation of the Final Map a maintenance agreement shall be created to allow for timely maintenance of all on-site storm water control measures and other commonly owned improvements.

The following will be required prior to Building Permit issuance.

3. Sewer Impact: The applicant shall conduct an engineering assessment to determine potential impacts of the proposed 5 Lots on the existing sewage collection line. Since the developer will be adding additional impacts to water and sewer line segments which have deficiencies identified in the 2006 Sewer Collections System Master Plan, the applicant shall either construct improvements or propose payment of a prorated fair share Development Impact Fee based on the results of the engineering assessment. OneWater Improvements were included in the updated sewer impact fees approved by City Council.
4. Water Meter: Water meters shall be in the City right of way.
5. Encroachment Permits: The Applicant/Developer is responsible for acquiring encroachment

permits. The permits are required and issued by the Public Works Department prior to any construction in or use of land in the City right-of-way including traffic and erosion control plans.

6. Repair & Replacement of Public Improvements: Prior to project completion the Applicant/Developer shall repair curb, street, sewer line, water line, or any public improvements which were damaged because of construction operations for this project.

FIRE CONDITIONS

1. Automatic fire sprinklers: An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903), California Residential Code (Section R313), and Morro Bay Municipal Code (Section 14.08.090 (L)(1) is required as part of the building permit submittal.
2. Fire Safety during construction and demolition, if required, shall be in accordance with 2016 California Fire Code Chapter 33. This chapter prescribes minimum safeguards for construction, alteration, and demolition operations to provide reasonable safety to life and property from fire during such operations.
3. Carbon monoxide alarms are required in proposed new dwelling units and sleeping areas. An approved carbon monoxide alarm shall be installed in all dwellings having a fossil fuel-burning heater or appliance, fireplace or attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions (CRC R315.2)
4. Address Identification: All new and existing single-family residence and ADU's shall have their own approved address letters or building numbers placed in a position to be plainly legible from the street or road affronting the property (CFC505)
5. Access and Egress: ADU's must have exterior access that is independent from the primary residence.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 26th day of October 2021, on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Headding, Mayor

ATTEST

Dana Swanson, City Clerk



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

October 26, 2021

Kevin Huber,
Morro Bay Ventures, LLC
3255 West Marsh Lane, Suite 400
Stockton, CA 95219

Subject: #CDP21-036 and MAJ21-005 (to existing permit UP0-470 S00-127 Vesting Tentative Map #2859 for 2783 Coral Avenue, Morro Bay (065-386-015))

Description: Major Modification (MAJ21-005) and Coastal Development Permit (CDP21-036) to approve the change from 6 new residential parcels to 5 new residential parcels on a .99-acre site located at 2783 Coral Avenue as part of the Cloister's Subdivision Tract 1996. The MAJ21-005 modifies previous permits approved by City Council (through appeal) on November 3, 2018: Conditional Use Permit (UP0-470), Vesting Tentative Map No. 2859 (S00-127). The project continues to be subject to conditions of approval and the mitigation and monitoring plan included in the adopted Mitigated Negative Declaration. The project is zoned CRR/GC/PD (Coastal Resource Residential/Golf Course/Planned Development) and is located in the Coastal Commission Appeals Jurisdiction.

Dear Mr. Huber:

The City of Morro Bay City Council conditionally approved your project at a regularly scheduled meeting held on October 26, 2021. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. ***Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.***

This City Council decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) Working days following Commission receipt of this notice and after expiration of the City of Morro Bay appeal period. Appeals must be in writing and should be addressed to California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 831-427-4863.

If you have any questions, please call the City of Morro Bay Community Development Department, 772-6264

Sincerely,
Scot Graham
Community Development Director

By:



Nancy Hubbard, Contract Planner

Exhibit 2
A-3-MRB-21-1030 (Cloisters)



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

**CONDITIONAL USE PERMIT,
MAJOR MODIFICATION TO EXISTING PERMITS**

This approval is based upon the attached findings and is valid only if the attached conditions are met and only after the applicable appeal period. Failure to comply with the conditions of this permit shall, at the discretion of the Community Development Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

CASE NO: CDP21-036 & MAJ21-005 (modifying existing permits: UP0-470 & VTM No. 2859)

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 2783 Coral Avenue

APPLICANT: Kevin Huber, Morro Bay Ventures, LLC

APN/LEGAL: 065-386-015

DATE APPROVED: October 26, 2021

APPROVED BY: City Council

CEQA DETERMINATION: Mitigated Negative Declaration, previously adopted (11/2018)

DESCRIPTION OF APPROVAL: **Major Modification (MAJ21-005) and Coastal Development Permit (CDP21-036) to approve the change from 6 new residential parcels to 5 new residential parcels on a .99-acre site located at 2783 Coral Avenue as part of the Cloister's Subdivision Tract 1996.** The MAJ21-005 modifies previous permits approved by City Council (through appeal) on November 3, 2018: Conditional Use Permit (UP0-470), Vesting Tentative Map No. 2859 (S00-127). The project is zoned CRR/GC/PD (Coastal Resource Residential/Golf Course/Planned Development) and is located in the Coastal Commission Appeals Jurisdiction.

☐ YOUR PROPERTY IS LOCATED IN THE CITY of Morro Bay JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) Calendar days, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE CITY COUNCIL/PLANNING COMMISSION.

☒ YOUR PROPERTY IS LOCATED in the COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within **TEN (10) Working days** following Commission receipt of this notice and after expiration of the City of Morro Bay appeal period. Appeals must be in writing and should be addressed to California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Community Development Department, 772-6264.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE; Subject to appeals periods above.

ATTEST: [Signature] DATE: October 26, 2021

**THIS IS A DISCRETIONARY APPROVAL AND DOES NOT
CONSTITUTE A BUILDING PERMIT**

**Exhibit 2
A-3-MRB-21-1030 (Cloisters)
12 of 22**

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. CDP21-036 & MAJ21-005 (modifying existing permits: UP0-470 & VTM No. 2859)

SITE LOCATION: 2783 CORAL AVENUE, MORRO BAY, CA

APPLICANT NAME: Kevin Huber, Morro Bay Ventures, LLC

APPROVAL BODY: CITY COUNCIL

DATE OF ACTION: OCTOBER 26, 2021

I, KEVIN HUBER AS AGENT FOR MORRO BAY VENTURES, LLC, the undersigned, have read and reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: CDP21-036 & MAJ21-005 (modifying permits: UP0-470 & VTM No. 2859)

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

APPLICANT'S SIGNATURE

DATE

VICINITY MAP



PROJECT DATA

- 1. PROJECT ADDRESS: SE CORNER OF CORAL & SAN JACINTO
- 2. TRACT SIZE: 43,099 SQFT (0.99 AC)
- 3. ASSESSOR'S PARCEL NO.: 065-386-015
- 4. ZONING: COASTAL RESOURCE RESIDENTIAL/ GOLF PLANNED DEVELOPMENT
- 5. PROPOSED USE: SINGLE FAMILY RESIDENTIAL
- 6. WATER SUPPLY: CITY OF MORRO BAY
- 7. SEWAGE DISPOSAL: CITY OF MORRO BAY
- 8. GAS: SOUTHERN CALIFORNIA GAS CO.
- 9. ELECTRICITY: PACIFIC GAS & ELECTRIC
- 10. TELEPHONE: AT&T
- 11. CABLE: CHARTER CABLE
- 12. FEMA FLOOD ZONE: X ZONE (500 YEAR FLOOD)

STATISTICS

LOT #	GROSS AREA	NET AREA	AVERAGE EX. ELEVATION
LOT 1	8,092 SQFT (0.19 ACRE)	6,343 SQFT (0.15 ACRE)	30.19'
LOT 2	8,751 SQFT (0.20 ACRE)	7,003 SQFT (0.16 ACRE)	32.34'
LOT 3	10,108 SQFT (0.23 ACRE)	6,790 SQFT (0.16 ACRE)	33.91'
LOT 4	7,626 SQFT (0.18 ACRE)	6,188 SQFT (0.14 ACRE)	31.87'
LOT 5	8,524 SQFT (0.19 ACRE)	6,644 SQFT (0.15 ACRE)	29.62'
TOTAL	43,099 SQFT (0.99 ACRE)	32,968 SQFT (0.76 ACRE)	31.64'

PROJECT NOTES

- 1. ALL RESIDENCES SHALL BE EQUIPPED WITH SPRINKLERS.
- 2. A COMMON ROAD AGREEMENT SHALL BE CREATED TO MAINTAIN PRIVATE ROAD.
- 3. ADDITIONAL TREE REMOVAL AND SITE GRADING TO BE DETERMINED AT TIME OF DEVELOPMENT.
- 4. ALL RESIDENCES CONSTRUCTED SHALL COMPLY WITH CLOISTER'S CC&R'S AND THE CLOISTERS DESIGN GUIDELINES.
- 5. TOPOGRAPHIC INFORMATION SHOWN ON THIS MAP IS BASED ON A SURVEY PERFORMED BY GARING TAYLOR & ASSOCIATES IN JANUARY 2017.
- 6. EUCALYPTUS TREE REMOVAL (17) DENOTED WITH

ABBREVIATIONS

ABAN	ABANDONED	PUE	PUBLIC UTILITY EASEMENT
AC	ASPHALT CONCRETE	PRO	PROPOSED
CL	CENTERLINE	PVC	POLYVINYL CHLORIDE
ELEC	ELECTRIC	S	SLOPE
ESEM	EASEMENT	SD	STORM DRAIN
EX	EXISTING	SS	STORM DRAIN MANHOLE
FF	FINISHED FLOOR	SS	SANITARY SEWER
FG	FINISHED GRADE	SSCD	SANITARY SEWER CLEANOUT
FL	FLOW LINE	SSMH	SANITARY SEWER MANHOLE
FS	FINISHED SURFACE	S/W	SIDEWALK
GR	GRATE	TC	TOP OF CURB
HP	HIGH POINT	TW	TOP OF WALL
IE	INVERT ELEVATION	TYP	TYPICAL
LAT	LATERAL	WL	WATER LINE

VESTING TENTATIVE MAP

FOR
TRACT No. 2859
BEING A SUBDIVISION OF LOT 124 OF TRACT NO. 1996,
PER THE MAP RECORDED IN BOOK 17 OF MAPS AT PAGE 83,
INTO FIVE RESIDENTIAL PARCELS RANGING IN SIZE
FROM 7626 SQ. FT. TO 10106 SQ. FT.
MORRO BAY - CALIFORNIA

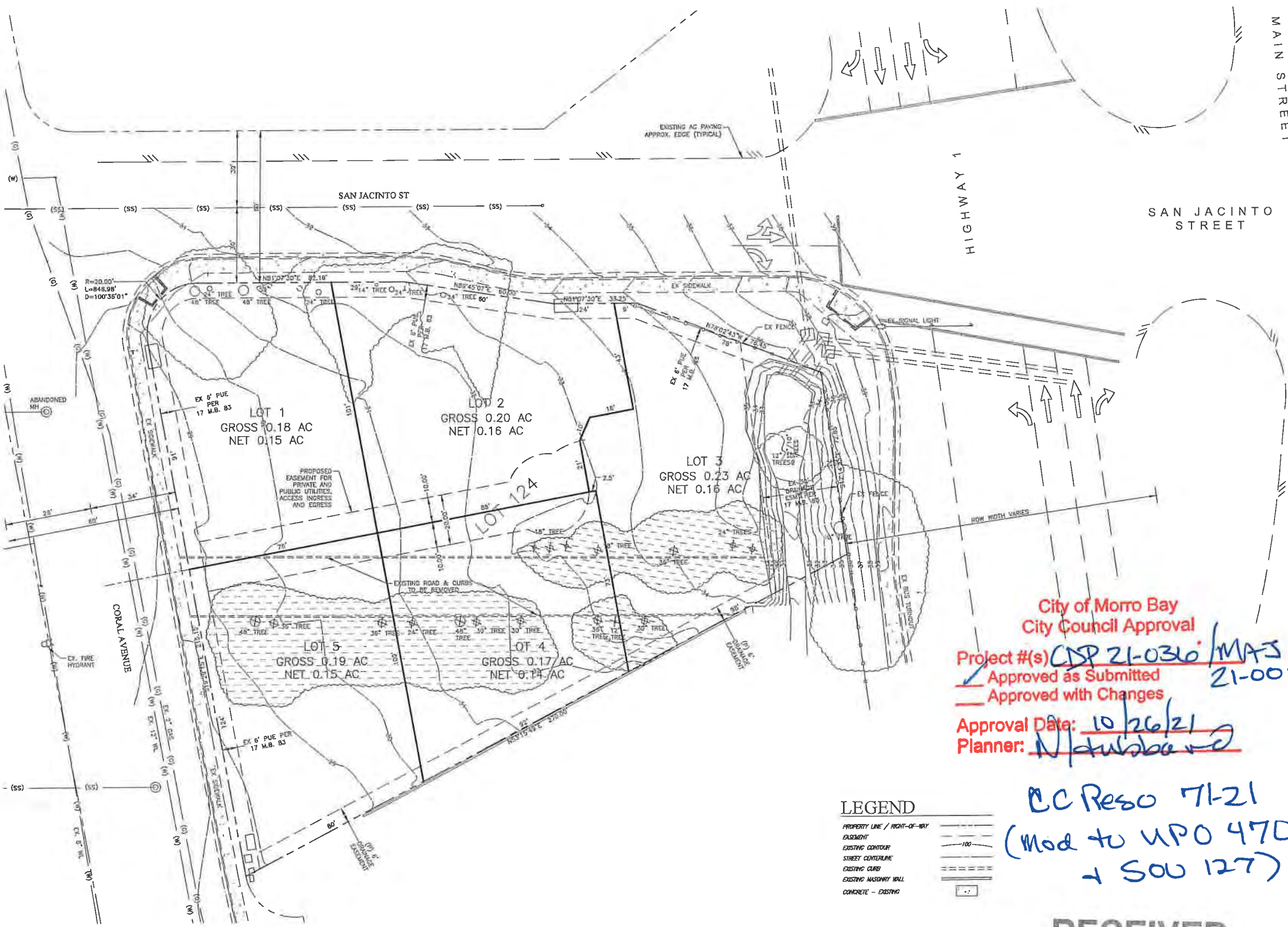
PREPARED FOR:
Owners/Applicant:
Kevin Huber
Morro Bay Ventures, LLC
3255 W. March Lane, Suite 400
Stockton, Ca. 95219

PREPARED BY:
Engineer:
Garing Taylor & Associates
141 S. Elm Street
Arroyo Grande, CA 93420
(805) 489-1321
Ronald G. Reilly, P.E.

CTA No.: 16-028.001
Plot Date: 6/21/21
File Name: 01_Tentative Map DWG

Sheet 1 of 1

GARING TAYLOR & ASSOCIATES, INC.
141 SOUTH ELM STREET • ARROYO GRANDE, CA 93420 • (805) 489-1321

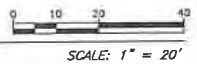


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City Council Approval
Project #(s) CSP 21-036 / MAP 21-005
Approved as Submitted
Approved with Changes
Approval Date: 10/26/21
Planner: N. Huber

CC Reso 71-21
(Mod to WPO 470
+ SOU 127)

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---
EASEMENT	---
EXISTING CONTOUR	---
STREET CENTERLINE	---
EXISTING CURB	---
EXISTING MASONRY WALL	---
CONCRETE - EXISTING	---



SCALE: 1" = 20'

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VESTING TENTATIVE MAP
EXISTING CONDITIONS

Cloisters Residences - Coastal Development Package

APN: 065- 386-015
ADDRESS: Corner of San Jacinto and Coral Ave. Morro Bay



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STREET PERSPECTIVE ON CORAL AVE

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City Council Approval
Project #s) DP21-034 / MAT 21-005
✓ Approved as Submitted
Approved with Changes
Approval Date: 10/26/21
Planner: N. Dubbano

SHEET INDEX

- A1 TITLE PAGE
- A2 VISUAL IMPACT STUDY
- SHEET 1 OF 3 VESTING TENTATIVE MAP
- SHEET 2 OF 3 PRELIMINARY GRADING
- SHEET 3 OF 3 PRELIMINARY UTILITY
- A3 ARCHITECTURAL SITE PLAN
- A4 PRELIMINARY LANDSCAPE PLAN
- A5 PLAN 1
- A6 PLAN 1.2
- A7 PLAN 2
- A8 COLOR MATERIALS BOARD
- A9 NEIGHBORHOOD CONTEXT

PROJECT ARCHITECT
RRM DESIGN GROUP:
3765 S. Higuera, San Luis Obispo, CA
93420

Phone: (805) 543-1794

DEVELOPER:
Morro Bay Ventures, LLC
3255 W. March Lane, 4th floor
Stockton, CA 95219

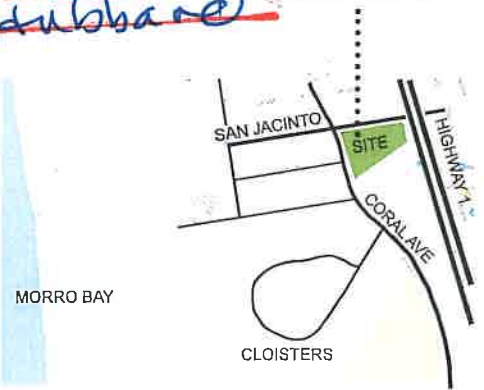
PROJECT DESCRIPTION

5 single story residences sharing a common driveway on the corner of the San Jacinto entrance to the Cloisters neighborhood. The homes have been designed to minimize the impact to the neighborhood view corridor along Highway 1 as well as to fit the architectural aesthetic of Cloisters design guidelines.

PROJECT STATISTICS

Zoning: Coastal Resource Residential / Golf Planned Development
Refer to Site plan A3
Lot Area: Refer to Site plan A3
Setbacks: Refer to Site plan A3
Lot Coverage: Refer to Site plan A3
Building Height: 14' Max height (Avg.N.G.)
Refer to Elevations.
Impermeable surface calculations: Refer to Civil plans

PROJECT LOCATION



VICINITY MAP



DATE: 6/ 23 / 2021

CLOISTERS RESIDENCES - TITLE SHEET

CORAL AVENUE

SAN JACINTO STREET

35" HIGH FENCE
CONSISTENT WITH DESIGN
GUIDELINES

EXISTING TREES TO REMAIN REFER TO LANDSCAPE SITE PLAN
5'-6" HIGH WOOD FENCE AT PUE
CONSISTENT WITH DESIGN GUIDELINES

VERDON COURT

EASEMENT

HIGHWAY 1

City of Morro Bay
City Council Approval

Project #s CDP21-036
Approved as Submitted
Approved with Changes

Approval Date: 10/26/21
Planner: N Hubbard

LOT COVERAGE:

45% MAX PER CLOISTERS DESIGN GUIDELINES

LOT 1: 8,092	PLAN 1 = "3,251s / 8,092	= 40%
LOT 2: 8,787	PLAN 2+ADU = "3,711s / 8,787	= 42%
LOT 3: 10,070	PLAN 2+ADU = "3,711s / 10,070	= 37%
LOT 4: 7,626	PLAN 2 = "3,194s / 7,626	= 42%
LOT 5: 8,521	PLAN 1 = "3,251s / 8,521	= 38%

*GROSS FOOTPRINT INCLUDING COVERED PORCH AND GARAGE

HEIGHT LIMITS:

MAX FENCE HEIGHT:	5'-6"
BACK OR SIDE YARD	5'-6"
FRONT YARD (SOLID)	3'
FRONT YARD (PICKET)	3'

BUILDING HEIGHT:

14'

SETBACKS:

FRONT	20'
COVERED PORCH	15'
SIDE @ CORNER	10'
INTERIOR SIDE	5'
REAR	10'
ADU	4' MIN (SIDE & REAR)

WAS 21-005

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2 ARCHITECTURAL PROPOSED SITE PLAN
A-0 1/16" = 1'-0"

3 EXISTING SITE PLAN
A-0 1" = 32'-0"

CLOISTERS RESIDENCES - ARCHITECTURAL SITE PLAN



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CENTRAL COAST AREA



DATE: 07/18/2018



TREE MITIGATION TABLE:	
TOTAL TREES TO BE REMOVED PER SHEET A3	17
TOTAL TREES REQUIRED FOR MITIGATION	17 15 GALLON
TOTAL TREES PROPOSED EXCEEDS MITIGATION REQUIREMENTS	31 (18 - 24" BOX and 3 - 48" BOX)

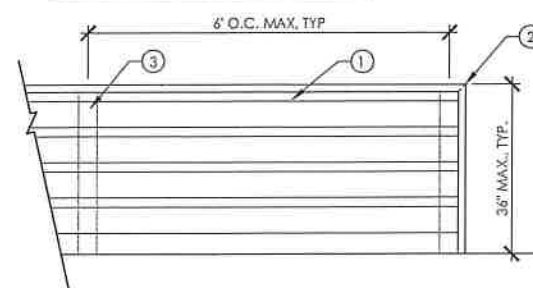
CONCEPTUAL PLANT LIST:

TREES	COMMON NAME	QTY	CONT
ARBUS X 'MARINA' - MULTI	ARBUS	9	24" BOX
CEANOTHUS X 'RAY HARTMAN'	CALIFORNIA LILAC	13	24" BOX
MELALEUCA NESOPHILA	PINK MELALEUCA MULTI-TRUNK	7	24" BOX
OLEA EUROPAEA 'SWAN HILL' TM	SWAN HILL OLIVE	2	48" BOX
SHRUBS			
	COMMON NAME		
AGAVE ATTENUATA 'NOVA'	BLUE FLAME AGAVE		
ALOE STRIATA	CORAL ALOE		
ANIGOZANTHOS FLAVIDUS 'TEQUILA SUNRISE'	KANGAROO PAW		
ANIGOZANTHOS X 'BIG RED'	BIG RED KANGAROO PAW		
ANIGOZANTHOS X 'HARMONY'	KANGAROO PAW		
BAMBOO - CLUMPING			
BULBINE FRUTESCENS	STALKED BULBINE		
CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS		
CALYLOPHUS DRUMMONDII	SUNDROPS		
CHONDRPETALUM TECTORUM 'EL CAMPO'	CAPE RUSH		
DIANELLA CAERULEA 'CASSA BLUE'	CASSA BLUE FLAX LILY		
JUNCUS PATENS 'ELK BLUE'	SPREADING RUSH		
LEONOTIS LEONURUS	LION'S TAIL		
LEONOTIS LEONURUS	LION'S TAIL		
LEUCADENDRON X 'WINTER RED'	CONEBUSH		
LEUCOSPERMUM CORDIFOLIUM 'FLAME GIANT'	GIANT ORANGE NODDING PINCUSHION		
LEUCOSPERMUM X 'SCARLET RIBBON'	NODDING PINCUSHION		
LEYMUS CONDENSATUS 'CANYON PRINCE'	NATIVE BLUE RYE		
LOMANDRA HYSTRIX 'TROPIC BELLE'	TROPIC BELLE MAT RUSH		
LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH		
NEPETA X FAASSENII 'WALKERS LOW'	WALKERS LOW CATMINT		
PENNISETUM SPATHIOLATUM	RYE PUFFS		
PENSTEMON HETEROPHYLLUS 'MARGARITA BOP'	BEARD TONGUE		
PENSTEMON X 'GARNET'	RED BEARD TONGUE		
PHLOMILUM 'PLATT'S BLACK'	NEW ZEALAND FLAX		
SALVIA CHAMAEDRYOIDES	MEXICAN BLUE SAGE		
SALVIA CLEVELANDII 'WINIFRED GILLMAN'	CLEVELAND SAGE		
SALVIA GREGGII 'PINK'	PINK AUTUMN SAGE		
SALVIA GREGGII 'WHITE'	WHITE AUTUMN SAGE		
SENECIO MANDRALISCAE	BLUE FINGER		
SENECIO VITALIS	BLUE CHALK FINGERS		
STIPA ARUNDINACEA	NEW ZEALAND WIND GRASS		
TEUCRIUM CHAMAEDRYS	GERMANDER		

DESIGN KEY:

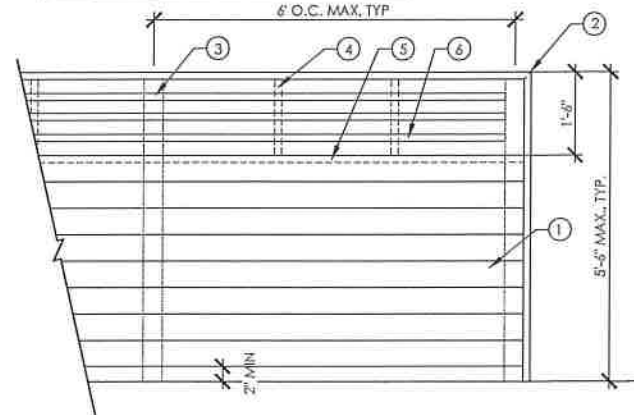
- 1 COLORED CONCRETE WITH SAWCUT SCORING PATTERN
- 2 ASPHALT ENTRY ROAD
- 3 PRIVATE PORCHES, TYP.
- 4 ENTRY FEATURES - SEE ARCHITECTURAL RENDERING
- 5 3' HIGH FRONT YARD FENCE, TYP. SEE ARCHITECTURAL RENDERING AND DETAILS @ BOTTOM LEFT FOR STYLE
- 6 5.5' PRIVACY FENCE AND GATES, TYP. SEE ARCHITECTURAL RENDERING AND DETAILS @ BOTTOM LEFT FOR STYLE
- 7 EXISTING TREES TO REMAIN
- 8 NEW PLANTINGS OF DROUGHT AND COASTAL TOLERANT SHRUBS AND GRASSES. NO TURF, TYP
- 9 CLUSTER MAIL BOXES

FRONT YARD FENCE



- 1 1X6 WOOD SLATS FASTENED TO STREET SIDE OF POSTS. SLAT PATTERN AS SHOWN. 2" GAPS, TYP.
- 2 2X6 WOOD CAP ON TOP AND SIDES OF FENCE AS SHOWN. MITER CORNERS. WATERFALL AT STEPS IN FENCE
- 3 4X4 POSTS WITH CONCRETE FOOTING

PRIVACY FENCE



- 1 1X6 WOOD SLATS FASTENED TO STREET SIDE OF POSTS. SLAT PATTERN AS SHOWN.
- 2 2X6 WOOD CAP ON TOP AND SIDES OF FENCE AS SHOWN. MITER CORNERS. WATERFALL AT STEPS IN FENCE
- 3 4X4 POSTS WITH CONCRETE FOOTING
- 4 2X2 BLOCKING ON BACK TO SUPPORT 1X2 HORIZONTAL SLATS
- 5 2X4 BLOCKING ON BACK
- 6 1X2 HORIZONTAL SLATS WITH 3" GAPS

LANDSCAPE DESIGN CRITERIA:

THE IRRIGATION DESIGN WILL COMPLY WITH THE LOCAL AND THE STATE WATER CONSERVATION REQUIREMENTS. THE PROPOSED LANDSCAPE PLANT MATERIAL HAS A LOW TO MEDIUM WATER USE.

A WEATHER SENSING, 'SMART CONTROLLER' WILL BE USED TO MONITOR THE IRRIGATION WATER AND MANAGE DAILY WATER CONSUMPTION TO THE MINIMUM REQUIREMENTS FOR EACH HYDROZONE.

ALL TREES, POTTERY, SHRUB AND GROUND COVER AREAS WILL BE IRRIGATED ON SEPARATE HYDROZONES, SO THAT ONCE ESTABLISHED, WATER CAN BE REGULATED IN A MORE EFFICIENT MANNER.

ALL PLANTING WILL RECEIVE DRIP IRRIGATION.

THE CONDITIONS OF THE CCC'S CLOISTERS APPROVAL WERE TO LIMIT TREE HEIGHTS IN VIEW SENSITIVE AREAS SUCH AS THIS PROJECT SITE TO THE HOME HEIGHT LIMIT, TO RETAIN OVERVIEWS.

THE TREES NOTED ON THE LIST ABOVE WILL MATURE UP TO 15'-20' MAX., AND HOMEOWNERS WILL BE REQUIRED TO MAINTAIN THE TREES AT 14' MAXIMUM HEIGHT PER CITY CONDITIONS.

PROJECT DATA:

LANDSCAPE AREA (PERMEABLE): 20,197 SF
HARDSCAPE AREA: 8,685 SF

CLOISTERS RESIDENCES - PRELIMINARY LANDSCAPE PLAN



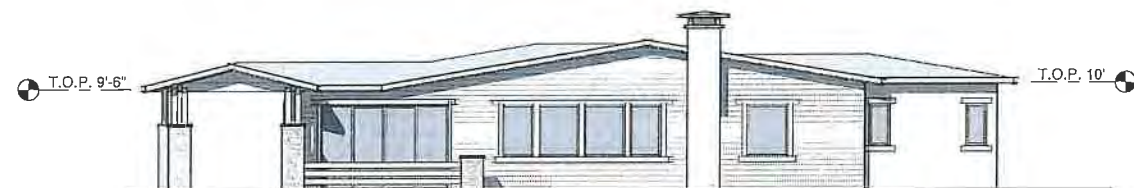
④ PLAN 1 FRONT - LOT 1
1/8" = 1'-0" OCCURS ON CORAL AVE LOT 1



⑤ PLAN 1 FRONT - LOT 5
1/8" = 1'-0" OCCURS ON CORAL AVE LOT 5



⑥ PLAN 1 RIGHT - LOT 1
1/8" = 1'-0" OCCURS ON CORAL AVE LOT 1



⑦ PLAN 1 RIGHT - LOT 5
1/8" = 1'-0" OCCURS ON CORAL AVE LOT 5



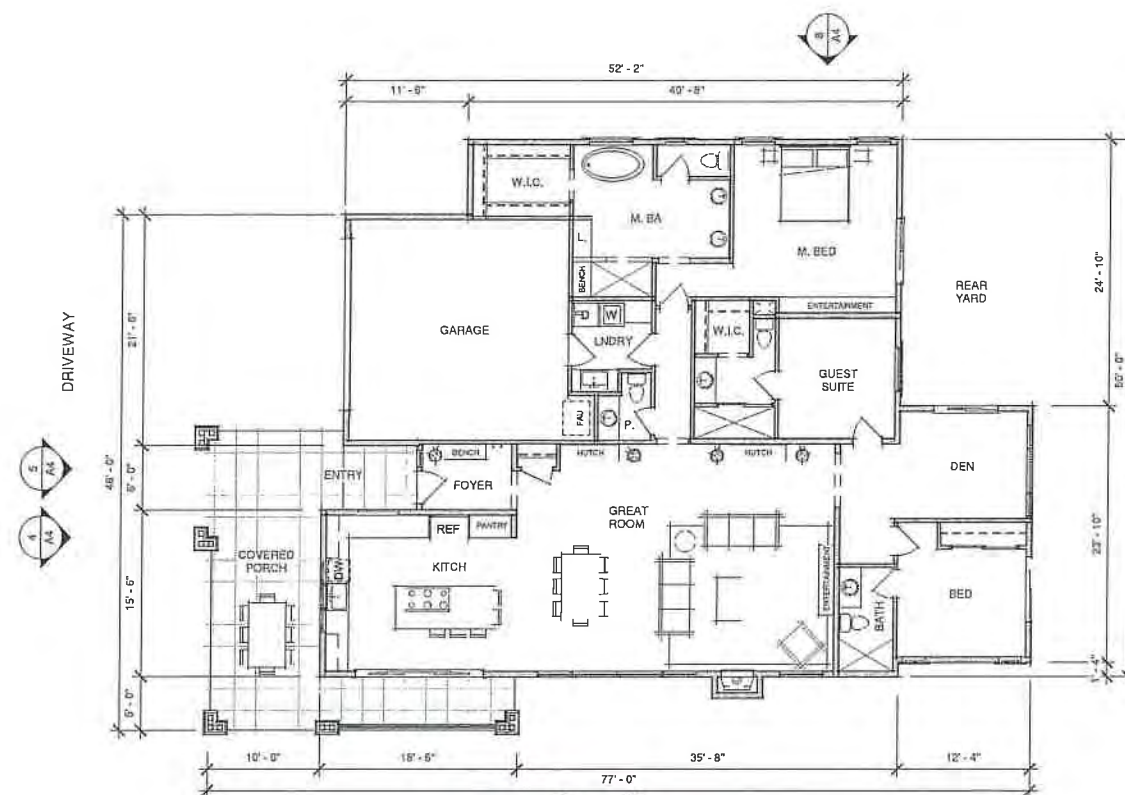
⑧ PLAN 1 LEFT - LOT 1 & 5
1/8" = 1'-0"

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CLOISTERS RESIDENCES - PLAN 1

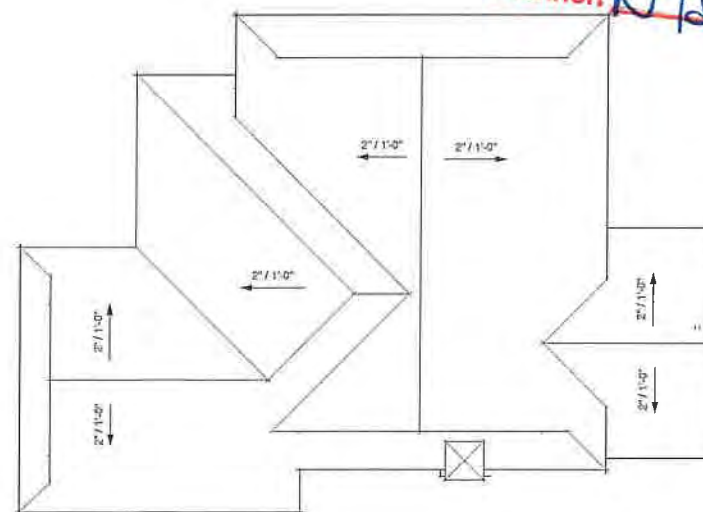


① PLAN 1
1/8" = 1'-0"

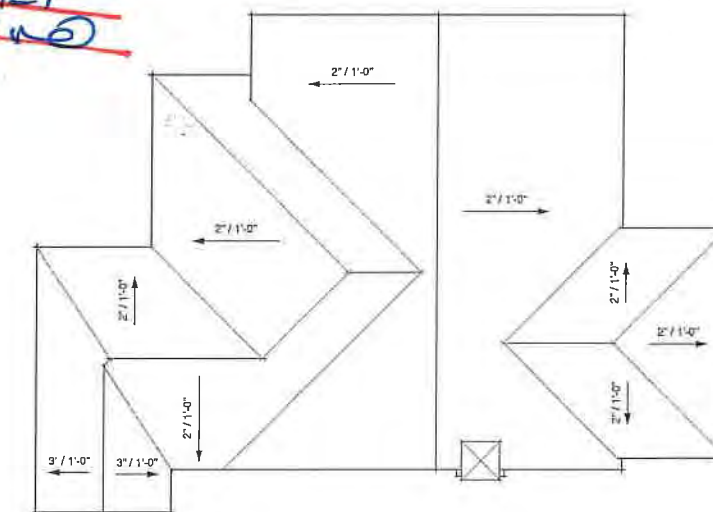
OCCURS ON CORAL AVE LOT 1 & 5

City of Morro Bay
City Council Approval
Project # (s) CDP 21-005 / 21-005
Approved as Submitted
Approved with Changes
Approval Date: 10/26/21
Planner: N. Dubbano

AREA 1	PLAN 1 CONDITIONED	2231 SF
	PLAN 1 GARAGE	450 SF
	PLAN 1 COVERED PORCH	123 SF
	PLAN 1 COVERED ENTRY	142 SF



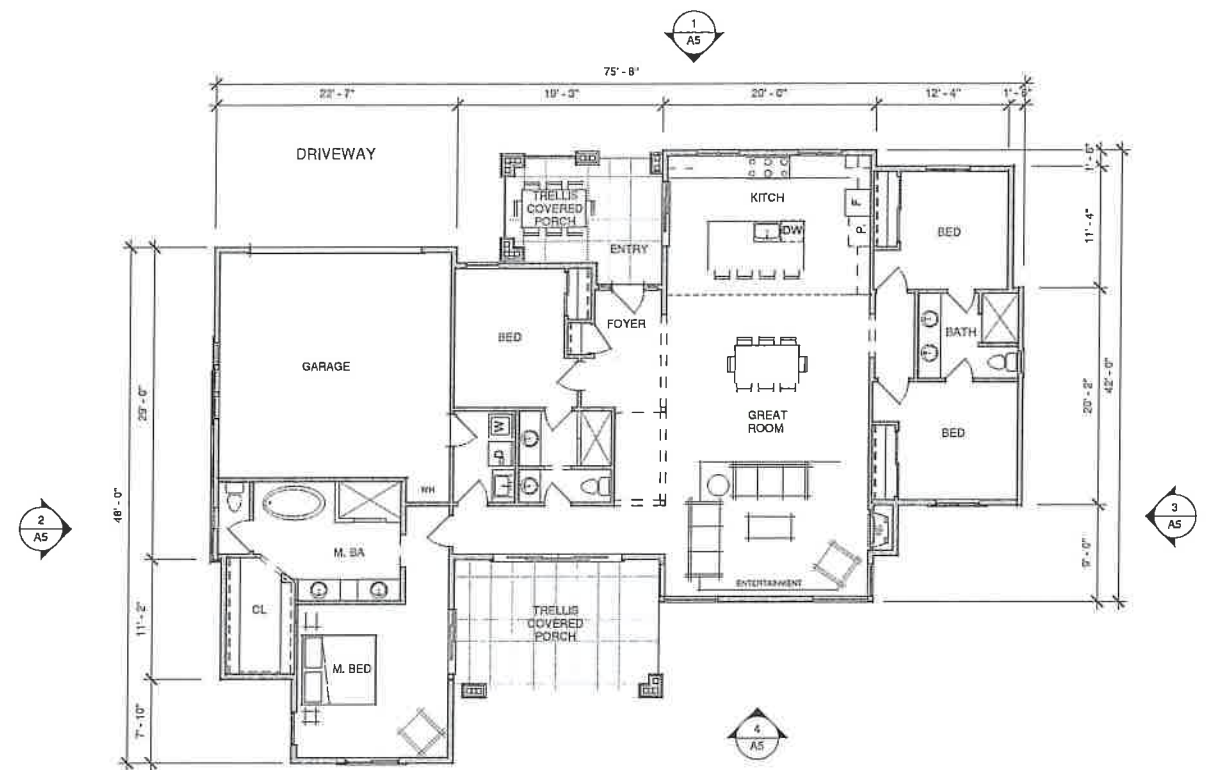
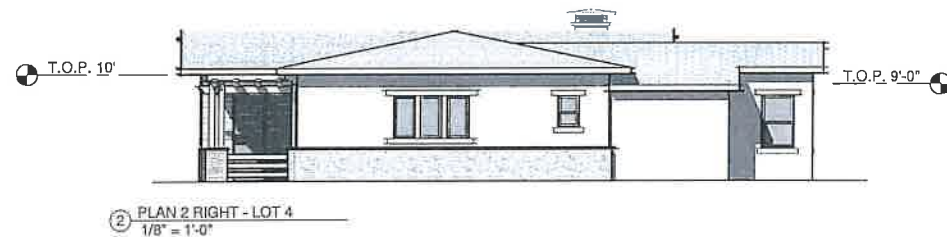
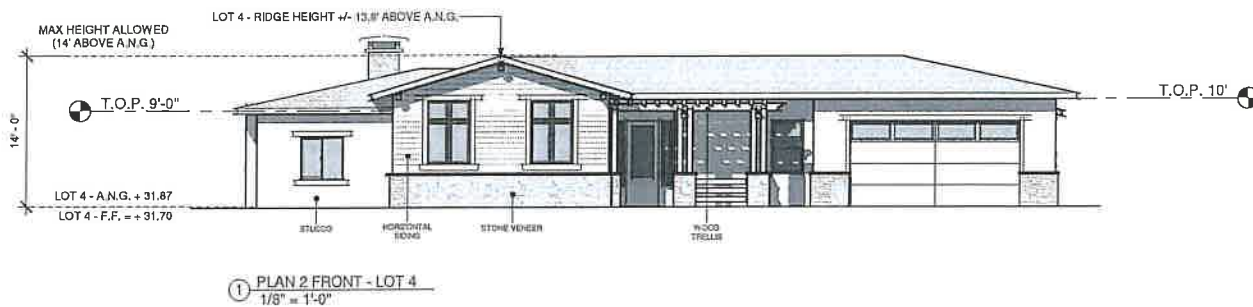
② PLAN 1 ROOF - LOT 1
1" = 10'-0" OCCURS ON CORAL AVE LOT 1



③ PLAN 1 ROOF - LOT 5
1" = 10'-0" OCCURS ON CORAL AVE LOT 5

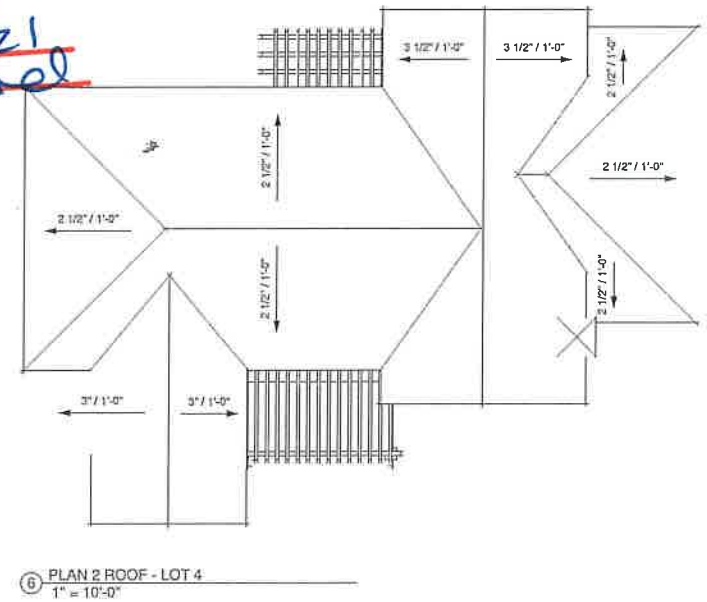


DATE: 6/ 23 / 2021



AREA 2	
PLAN 2 CONDITIONED	2323 SF
PLAN 2 GARAGE	485 SF
PLAN 2 COVERED PORCH	155 SF
PLAN 2 COVERED PATIO	231 SF

City of Morro Bay
City Council Approval
Project #(s) CDP21-036 / MAY 21-005
☒ Approved as Submitted
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 Planner: N. Dubbanel



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CLOISTERS RESIDENCES - PLAN 2 (LOT 4)



④ PLAN 2 FRONT - LOT 2
1/8" = 1'-0"



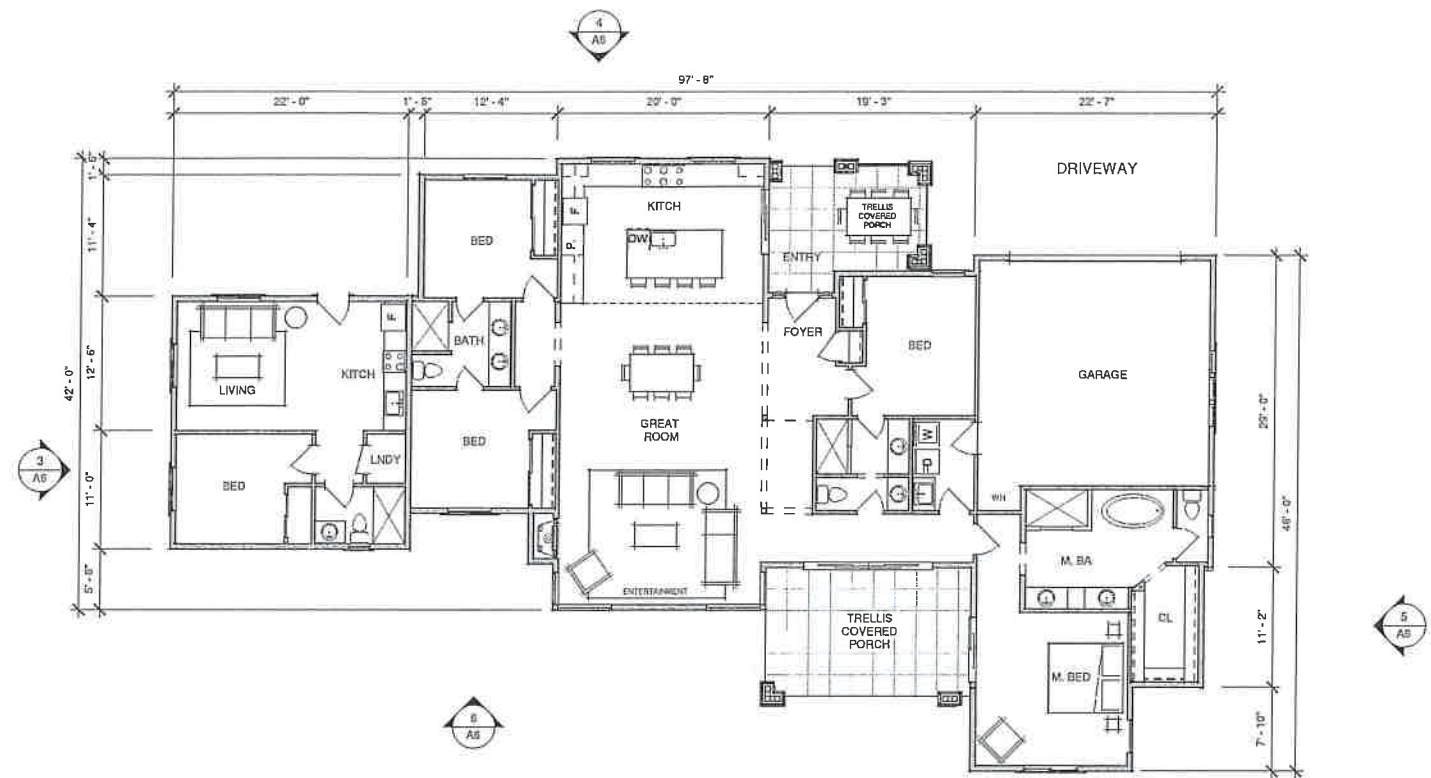
⑤ PLAN 2 RIGHT - LOT 2
1/8" = 1'-0"



③ PLAN 2 LEFT - LOT 2
1/8" = 1'-0"



⑥ PLAN 2 REAR - LOT 2
1/8" = 1'-0"



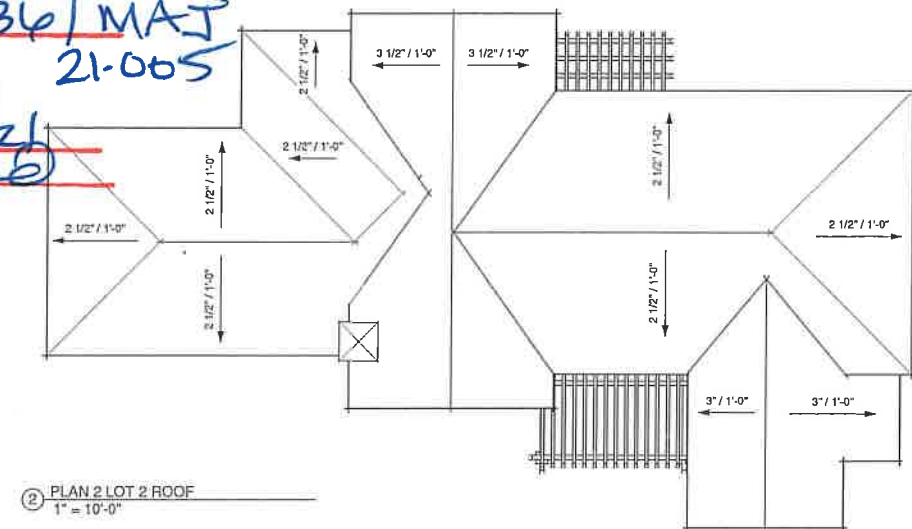
① PLAN 2 - LOT 2
1/8" = 1'-0"

AREA 2	
PLAN 2 CONDITIONED	2323 SF
PLAN 2 GARAGE	485 SF
PLAN 2 COVERED PORCH	155 SF
PLAN 2 COVERED PATIO	231 SF

City of Morro Bay
City Council Approval

Project #(s) CDPZ1-036 / MAJ
☒ Approved as Submitted
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 21-005

Approval Date: 10/26/21
 Planner: N. Hubbard



② PLAN 2 LOT 2 ROOF
1" = 10'-0"

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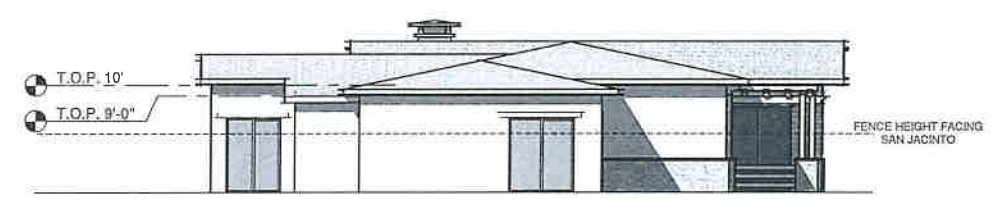
DATE: 6/ 23 / 2021

CLOISTERS RESIDENCES - PLAN 2 W/ADU (LOT 2)

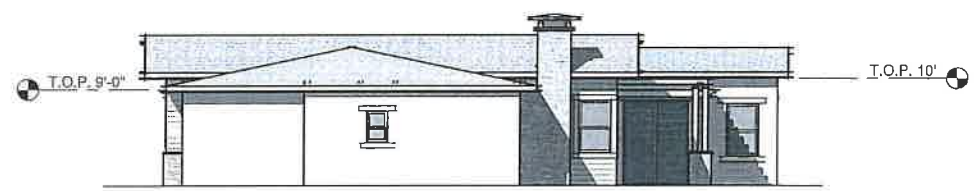
Exhibit 2
A-3-MRB-21-1030 (Cloisters)
20 of 22



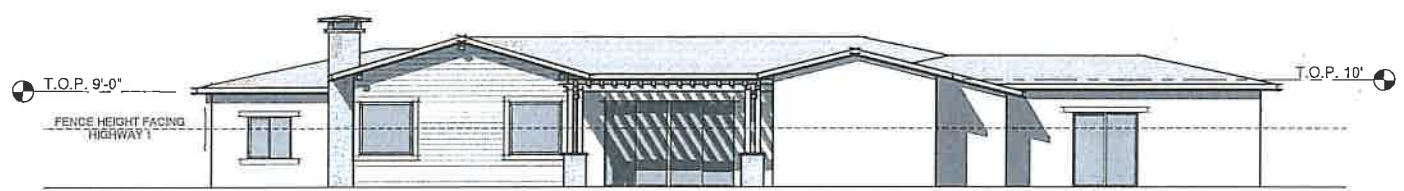
③ PLAN 2 FRONT - LOT 3
1/8" = 1'-0"



⑤ PLAN 2 RIGHT - LOT 3
1/8" = 1'-0"



④ PLAN 2 LEFT - LOT 3
1/8" = 1'-0"



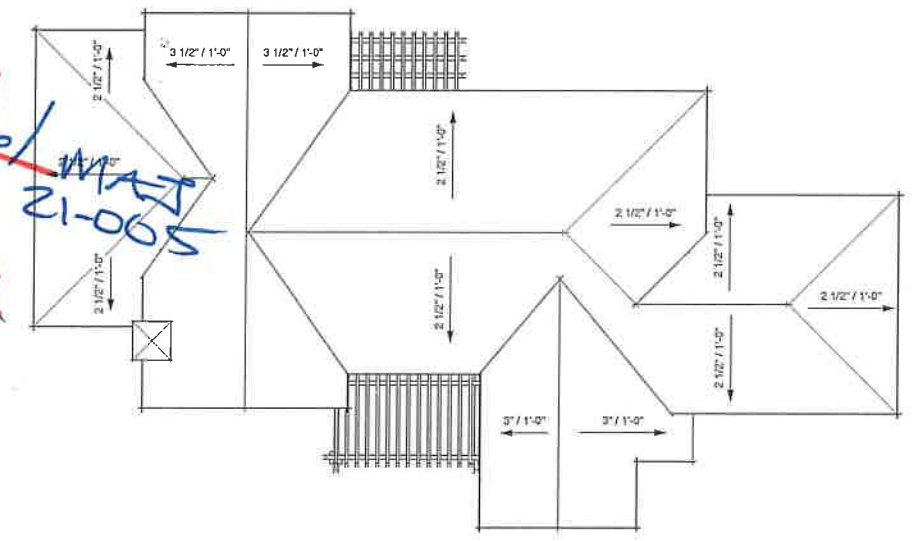
⑥ PLAN 2 REAR - LOT 3
1/8" = 1'-0"



① PLAN 2 - LOT 3
1/8" = 1'-0"

AREA 2 W/ ADU	
PLAN 2 CONDITIONED	2323 SF
PLAN 2 GARAGE	485 SF
PLAN 2 COVERED PORCH	155 SF
PLAN 2 COVERED PATIO	331 SF
PLAN 2 ADU	517 SF

City of Morro Bay
City Council Approval
Project # (s) **CDP ZI-036 / MAY 21-065**
Approved as Submitted
Approved with Changes
Approval Date: **10/26/21**
Planner: **N. Hubbard**



② PLAN 2 LOT 3 ROOF
1" = 10'-0"

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CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

CLOISTERS RESIDENCES - PLAN 2 W/ADU (LOT 3)



DATE: 6/ 23 / 2021



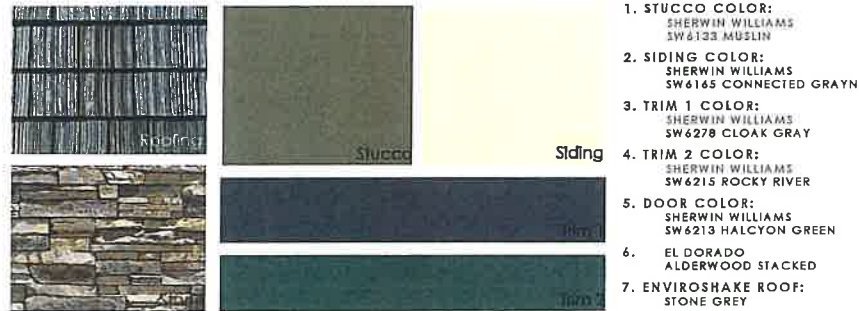
PLAN 1 FRONT ELEVATION
SCALE: 1/8" - 1'0"



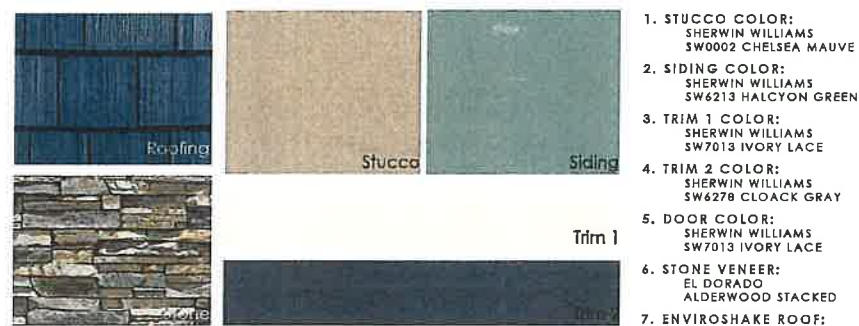
PLAN 2 FRONT ELEVATION
SCALE: 1/8" - 1'0"
(LOT 4 PLAN SHOWN)

City of Morro Bay
City Council Approval
Project W(s) CDP21-030 / MAJ
Approved as Submitted
Approved with Changes
Approval Date: 10/26/21
21-005

COLOR SCHEME 1



COLOR SCHEME 2



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CENTRAL COAST AREA



DATE: 6/ 23 / 2021

CLOISTERS RESIDENCES - COLOR MATERIALS BOARD

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT ST., SUITE 300
SANTA CRUZ, CA 95060-4508
(831) 427-4863
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-MRB-21-0078Date Filed: 12/2/21Appellant Name(s): Betty Winholtz**RECEIVED**

DEC 02 2021

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

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1. Appellant information¹

Name: Betty Winholtz
Mailing address: 405 Acacia, Morro Bay, CA 93442
Phone number: (805) 772-5912
Email address: winholtz@sbcglobal.net

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: I submitted written comment on 5 topics.

See attached.

I testified at the hearing.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: This item was not heard before the planning
commission, so I could not participate at
that level. I participated in the city
council public hearing.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

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2. Local CDP decision being appealed²

Local government name:

City of Morro Bay

Local government approval body:

Morro Bay City Council

Local government CDP application number:

CDP21-036 and MAJ21-005

Local government CDP decision:



CDP approval



CDP denials

Date of local government CDP decision:

10/26/21

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

2783 Coral Ave, Morro Bay, CA 93442

San Luis Obispo County Apn: 06079-065-0386-015

Major Modification (MAJ21-005) and Coastal Development Permit (CDP21-036) to approve the change from 6 new residential parcels to 5 new residential parcels on a .99-acre site located at 2783 Coral Ave. as part of the Cloisters Subdivision Tract 1996.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision

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3. Applicant information

Applicant name(s):

Kevin Huber, agent for Morro Bay Ventures
3255 West Marsh Lane, Suite 400 LLC
Stockton, CA 95219

Applicant Address:

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: #1 - Omitted CDP from CCC dated 2/26/20
see attachment

#2 - Planning Commission omitted
from the process in violation
of Municipal Codes in Title 16 (Subdivisions)
and Title 17 (Zoning)
see attachment

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

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5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Betty Winholtz

Betty Winholtz
Signature

Date of Signature 12/2/21

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

1. My written comments for the public hearing 10/26/21

Dear City Council:

1. As a major modification, why isn't this project heard by the Planning Commission before it is heard by the City Council?

2. In any development that designs a dead end drive or circle, private or public, the fire department has always insisted on a hammerhead turn around for emergency vehicles. Yet, there is no comment regarding safety vehicles ingress and egress. Is there a new fire protection philosophy in the fire department?

3. It is acknowledged that the Planning Commission's Coastal Development Permit (CDP) is void, and the CA Coastal Commission's (CCC) CDP replaces it. However, it is not attached as an Exhibit. Apparently, it is part of the Cloister's Design Committee's submittal. If the Design Committee had not attached it, then the City Council would not have "duly considered all evidence." Council could violate the CCC permit:

"CDP A-4-MRB-91-044 would be amended to allow the subdivision of the vacant 0.99-acre lot into as many as five residential lots. The proposed amendment would also allow construction of infrastructure, specifically a common driveway, guest parking and associated fencing, curb cuts, a sidewalk, the installation of storm drainage and utility infrastructure to serve up to five future homes, and site preparation work, including removal of eucalyptus trees. The lot is located at 2783 Coral Avenue within the Cloisters subdivision in the City of Morro Bay. The Commission's reference number for this proposed amendment is A-4-MRB-91-044-A2."

The City may not be requiring certain infrastructure, the CCC is permitting that infrastructure. It is permitting 5 houses; it is permitting all tree removal; it is permitting parking, curb, gutter, and sidewalk.

4. On page 86 of 412, the November 15, 2018 letter from the City to Mr. Huber, it states under the heading **Description**, "request to create a residential subdivision within the Cloisters Subdivision Tract 1996, subject to the Cloisters CC&R and Design restrictions." Being "subject to" is not a recommendation, it's a must. The Design Committee's compromises need to be incorporated as part of the conditions.

5. How will Planning Condition #9 be enforced? It states:

"Trees removed from the subject site to accommodate the development shall be replaced, at a minimum, at a 1:1 ratio in an off-site location with a species of tree suitable to replace or enhance Raptor habitat areas"

Yet, the plans show tree replacement on site with arbutus, ceanothus, melaleuca, and swan hill olive: none of which are trees of stature for raptor habitat.

This is my testimony for the record on this public hearing item. Please answer my questions during your dialogue.

Sincerely,

4. Grounds for this appeal.

1. The CCC's "NOTICE OF PROPOSED PERMIT AMENDMENT" dated 2/26/20 was referred to in the City's Staff Report with regard to the number of permissible lots only. The part referencing infrastructure was not mentioned. The "NOTICE" was not attached to the Staff Report for City Council consideration. When the full contents of the document was made known through Public Correspondence, City Council members were given a copy of the document a few hours before the meeting.

"CDP A-4-MRB-91-044 would be amended to allow the subdivision of the vacant 0.99-acre lot into as many as five residential lots. **The proposed amendment would also allow construction of infrastructure, specifically a common driveway, guest parking and associated fencing, curb cuts, a sidewalk, the installation of storm drainage and utility infrastructure** to serve up to five future homes, and site preparation work, including removal of eucalyptus trees. The lot is located at 2783 Coral Avenue within the Cloisters subdivision in the City of Morro Bay. The Commission's reference number for this proposed amendment is A-4-MRB-91-044-A2." [my bolding]

<https://documents.coastal.ca.gov/reports/2020/3/W18/W18-3-2020.pdf> (page 4)

Infrastructure provided in the Cloisters subdivision and referenced in the "NOTICE" should be included in the project to conform to the Cloisters Subdivision Tract as stated in the project's description in a letter from the City to the developer in a letter dated 11/15/18: "request to create a cluster residential subdivision within the Cloisters Subdivision Tract 1996, subject to the Cloisters CC&R and Design restrictions."

<https://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5776> (page 91)

The term "cluster development" is found in Title 16.44.050 - Development policy, standards, and criteria. This section of the Municipal Code addresses Conservation subdivisions, which this subdivision does not qualify.

https://library.municode.com/ca/morro_bay/codes/code_of_ordinances?nodeId=TIT16SU_CH16.44COSU_16.44.050DEPOSTCR

2. Procedurally, the city's Planning Commission was left out of the process, violating several Title 16 (Subdivisions) and Title 17 (Zoning) ordinances. In particular:

16.04.060 - Conflict with private provisions.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easements, covenants, the requirements of these regulations shall govern. When the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the planning commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

The "private provisions" are the Cloister's CC&Rs and Design Restrictions with a higher standard, so they should be followed.

4. Grounds for this appeal, page 2.

16.16.250 - Filing and processing.

A vesting tentative map shall be filed in the same form; and the application package shall have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this subdivision ordinance for a tentative map except as provided in Section 16.20.030.

The vesting tentative map follows tentative map format and should have gone before the planning commission as this section and the next section state.

16.16.070 - Notice of planning commission hearing on tentative map.

A. The planning commission shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act

16.60.040 - Planning commission action.

The planning commission shall consider any request for exceptions, and the recommendation on such request, at the same time as the planning commission considers the tentative map and shall grant, conditionally grant, or deny the request.

This subdivision requests exceptions to Cloister subdivision standards (curb, gutter, sidewalk, parking), so it should have gone back to the planning commission.

17.58.120 - Amendments to permits.

Proposed amendments to coastal development permits issued by the Coastal Commission shall be submitted to the Coastal Commission for review and action. Application for amendments to coastal development permits issued by the city shall be made to the planning commission.

5. Identification of interested persons

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