



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

Veteran's Memorial Building
Regular Meeting 6:00 p.m.

209 Surf Street, Morro Bay
Wednesday March 16, 2011

Chairperson Rick Grantham
Vice-Chairperson John Diodati
Commissioner Paul Nagy
Commissioner Jamie Irons
Commissioner John Solu
Rob Livick, Secretary

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
- III. PLANNING COMMISSIONER ANNOUNCEMENTS
- IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

- V. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

- IV. CONSENT CALENDAR

- A. Approval of minutes from Joint City Council /Planning Commission meeting held on February 22, 2011
- B. Approval of minutes from Planning Commission meeting held on March 2, 2011

- VI. PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

- A. Presentation from Tom Laurie comparing the re-birth of Cannery Row to the re-birth of Morro Bay's Embarcadero.

- VII. PUBLIC HEARINGS

- A. *This item has been requested to be continued to the April 6, 2011 meeting.*
Case No.: S00-048/UP0-086/CP0-130
Site Location: 2400 Main Street, Northeast corner of Main and Bonita
Applicant/Project Sponsor: Morro Mist LLC. Steve and Gayla Miller / Cathy Novak

Request: Construction of a 23 unit community housing project on individual lots clustered in six areas and one common lot for access, common landscaping and general common area. The proposed project seeks an exception for the following: interior yard setbacks between units, lot coverage, lot size, reduced open space, reduced parking and the commercial requirement in a mixed-use (commercial/residential) zone. The proposal includes 2.3 units of affordable housing to meet the City’s inclusionary requirements with two affordable units at the moderate rate and the .3 unit to be provided via the City’s in-lieu fee program.

Recommended CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally approve Tentative Subdivision Map S00-048, Conditional Use Permit UP0-086 and Coastal Development Permit CP0-130.

Staff Contact: Kathleen Wold, Planning Manager, (805) 772-6211

B. Case No.: UP0-284

Site Location: 1001 Front Street

Applicant/Project sponsor: Giovanni DeGarimore / Cathy Novak

Request: The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and is governed by the Waterfront Master Plan. The project proposes to reconfigure and expand the existing dock system. The proposal includes expanding the head-float and installation of four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. The project would include the construction of a new accessible landing and gangway. The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf, this portion of the project is zoned. Parking will be accommodated within a parking lot adjacent to Front Street however; the applicant has requested that the design of this lot not conform to minimum parking standards. An exception has been requested to the minimum parking aisle standard, minimum parking stall dimensions and to waive all landscaping requirements.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Approve Concept Plan with conditions (UPO-284)

Staff Contact: Sierra Davis, Assistant Planner, (805) 772-6270

VIII. UNFINISHED BUSINESS

- A. Current and Advanced Planning Processing List

IX. NEW BUSINESS

- A. Consider Commissioner Diodati’s request for absence from several Planning Commission meetings.

X. DECLARATION OF FUTURE AGENDA ITEMS

XI. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday April 6, 2011 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Public Services Office at 955 Shasta Avenue, during normal business hours, Mill’s ASAP, 495 Morro Bay Boulevard, or Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Planning Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Department staff will present the staff report and recommendation on the proposal being heard and respond to questions from commissioners.

This Agenda is available for copying at ASAP Reprographics and at the Public Library

2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the commission and staff prior to the commission taking action on a decision.

RULES FOR PRESENTING TESTIMONY

Planning Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony must observe the following rules:

1. When you come to the podium, first identify yourself and give your place or residence both orally and on the sign in sheet at the podium. Commission meetings are audio and video tape-recorded and this information is required for the record.
2. Address your testimony to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Speak about the proposal and not about individuals. On occasion, the Chair may place time limits on testimony: Focus testimony on the important parts of the proposal: do not repeat points made by others. Please, no applauding or making comments from the audience during the testimony of others.
4. Written testimony is encouraged so they can be distributed in the packets to the Planning Commission. However, letters are most effective when presented at least a week in advance of the hearing. Written testimony provided after the staff reports are distributed and up to the meeting will also be distributed to the Planning Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, attention: Planning Commission Secretary.

APPEALS

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Administrative Technician at (805) 772-6261. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

HEARING IMPAIRED: There are devices for the hearing impaired available upon request at the staff's table.

COPIES OF VIDEO, CD: Copies of the video recording of the meeting may be obtained through AGP Video at (805) 772-2715, for a fee.

ON THE INTERNET: This agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the agenda is posted on the City's website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

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AGENDA ITEM: <u>IV-A</u> DATE: <u>March 16, 2011</u> ACTION: _____
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CITY OF MORRO BAY
 JOINT CITY COUNCIL and
 PLANNING COMMISSION
 SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
 Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
 February 22, 2011

William Yates, Mayor Noah Smukler, Vice-Mayor Carla Borchard, Council Member Nancy Johnson, Council Member George Leage, Council Member	Rick Grantham, Chairperson Jamie Irons, Vice-Chair John Diodati, Commissioner Paul Nagy, Commissioner John Solu, Commissioner
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I. ESTABLISH QUORUM AND CALL MEETING TO ORDER

Mayor Yates called the meeting to order at 5:05 p.m. Mayor Yates stated all members of the City Council and Planning Commission were present. Staff Present: Andrea Lueker, Rob Livick, Rob Schultz, Kathleen Wold and Jamie Boucher.

II. PLEDGE OF ALLEGIANCE

City Attorney Rob Schultz led the pledge.

III. DUTIES AND RESPONSIBILITIES

Pursuant to the Municipal Code Section 2.28.120D, the Planning Commission shall meet with City Council twice each year to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation.

IV. PUBLIC COMMENT

Mayor Yates opened the Public Comment period.

- Natalia Merzoyan, resident of Morro Bay spoke in favor of a resolution towards the Wastewater Treatment Plant (WWTP) upgrade project and suggested the WWTP location be moved to a North Morro Bay location.
- Barbara Doerr, resident of Morro Bay, encouraged the Commission to represent citizens well and seek out opportunities to study the issues and be true to the laws.
- Dorothy Cutter, resident of Morro Bay, spoke against the WWTP incurring additional expenses.
- Ann Reeves, resident of Morro Bay, encouraged the City to listen to residents and reconsider the WWTP project.

- Gary Hixson, resident of Morro Bay, said the City is doing a good job.
- Marla Jo Bruton, resident of Morro Bay, expressed concern about the WWTP project that the EIR was done too late and spoke against hiring a lobbyist.
- Richard Sadowski, resident of Morro Bay, spoke about his experience as a wastewater collections systems operator IV for Cayucos in 2003 and expressed concern about the cost.
- Alex Beatty, resident of Morro Bay, encouraged the City to seriously consider the Coastal Commission and the substantial issues raised by them as well as to revise the Local Coastal Plan
- Susan Heileman, resident of Morro Bay, spoke against hiring a lobbyist for the WWTP

Hearing no further comment, Mayor Yates closed Public Comment period.

VII. JOINT MEETING DISCUSSION ITEMS

- A. Staff presentation regarding the status of Local Coastal Plan/General Plan and Zoning Ordinance.
- B. City Attorney Presentation of Informational Material Distributed to the Planning Commissioners
- C. Discussion of Planning Commission Roles and Responsibilities

Rob Livick gave a presentation on the status of the Local Coastal Plan/ General Plan and Zoning Ordinance.

Rob Schultz gave a presentation of the documents distributed to the Planning Commissioners and his Brown Act presentation at the 2/16/2011 Planning Commission meeting.

Mayor Yates and Council members explained the business-friendly, pro-fisherman and tourism-friendly nature of Morro Bay and encouraged the Commissioners to be helpful, follow the rules and principles of the City and also communicate with staff.

Commissioners offered their thanks to the Council and expressed their interest in working together in a collaborative manner.

XIII. ADJOURNMENT

Mayor Yates adjourned the meeting at 6:05p.m.

William Yates, Mayor

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary

AGENDA ITEM: IV-B
DATE: March 16, 2011
ACTION: _____

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
March 02, 2011

Vice-Chairperson Jamie Irons
Commissioner Paul Nagy

Chairperson Rick Grantham

Rob Livick, Secretary

Commissioner John Diodati
Commissioner John Solu

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 p.m. and noted all Commissioners are present with the exception of Commissioner Nagy.

Staff Present: Rob Livick, Kathleen Wold, Damaris Hanson, Rob Schultz, Joe Woods

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Jeff Eckles led the pledge.

III. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken by the City Council at the February 22nd meeting and for the upcoming March 8th City Council meeting. Livick also noted that there will be a State water shutdown later this month in order to allow maintenance activities.

IV. CONSENT CALENDAR

A. Approval of minutes from the meeting on February 16, 2011.

MOTION: Irons moved the Planning Commission approve the minutes. Solu seconded the motion. The motion carried unanimously (4-0).

V. PUBLIC COMMENT

Chairperson Grantham opened the Public Comment period.

- Betty Winholtz, resident of Morro Bay spoke about PG&E's new smart meters and encouraged everyone to learn more by coming to County Board of Supervisors meeting next Tuesday, March 8th at 9am.

Hearing no further comment, Chairperson Grantham closed Public Comment period.

VI. PRESENTATIONS – None

VII. PUBLIC HEARINGS

- A. Site Location: 2511 Juniper, 205 Surf, 214 & 225 Beach, 1129,1149, and 1169 Market and 1320 Main
Appellant: Robin Cole
Request: No trees be removed and careful pruning to accommodate the power lines, also consider the aesthetics and appearance of the said trees.
CEQA Determination: N/A
Staff Recommendation: Denial of appeal and remove/replacement of said trees.
Staff Contact: Damaris Hanson, Engineering Division, (805) 772-6265.

Livick presented the staff report and stated that the applicant has removed the tree located at 2511 Juniper from consideration in the “Right Tree, Right Place” program.

Commissioners discussed with staff:

- The standard safe distance for trees. Livick clarified safe distance is considered 10 feet for vegetation and high voltage lines;
- High cost of uplifting of sidewalks as a result of tree damage; and
- The “Right Tree, Right Place” program by PG&E through which the removed trees would be replaced with new trees.

Chairperson Grantham opened the Public Comment period:

- Robin Cole, Appellant and resident of Morro Bay, presented an overview of why she made the appeal and urged the Planning Commission to not remove the trees.
- The following residents of Morro Bay spoke against removing the trees:
 - Amy Perry, Michelle Arete, Jane von Koehe, Pauline Stansbury on behalf of Mrs. Howard, Alex Beatty, Natalia Merzoyan, Ann Reeves, Monique Nelson who also asked that Robin Cole be refunded for her appeal fee paid, Rigg Marr (*sic*), David Nelson and Betty Winholtz.
- The following residents of Morro Bay spoke for removal of the trees by encouraging the right tree in the right place:
 - Debra Hilyard spoke in favor of removing the tree in front of 205 Surf Street; Jeff Eckles spoke in favor of removing the tree in front of 214 Beach Street; Gary Johnson stated the City needs to better maintain the trees to avoid having to remove them; and Nancy Johnson spoke regarding the need to have the right tree in the right place.

Hearing no further comment, Chairperson Grantham closed Public Comment period.

Commissioners discussed with staff clarification regarding:

- The City has the resources to remove the material greater than 4” and grind the stumps;
- The PG& E program that utilizes an arborist to identify trees for removal every summer with prunings and removal typically occurring in late fall;
- The proposed type and size of new trees that would be planted as replacement for the removed trees; and
- The appeals process which allows fee reimbursement to an Appellant in the event of a successful appeal.

Commissioners had continued discussion on:

- The high cost of undergrounding of utilities;
- The responsibility to protect citizens and balance that with environmental needs;
- Ensure public safety in regards to sidewalk maintenance;
- Insurance liabilities; and
- Involve the tree committee and get their feedback.

Commissioners discussed their support for trees, but also noted that the trees will be replaced with new trees which will allow a diversification of trees, the ability to share space effectively with the power lines and also prevent future sidewalk damage.

MOTION: Diodati moved the Planning Commission deny the appeal of the removal for eight trees at 205 Surf, 214 & 225 Beach, 1129, 1149, and 1169 Market and two trees at 1320 Main. Irons seconded the motion.

The motion carried unanimously (4-0).

Chairperson Grantham called for a ten minute break.

VIII. UNFINISHED BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed the work program.

IX. NEW BUSINESS – None

X. DECLARATION OF FUTURE AGENDA ITEMS

- Solu welcomed Commissioners to attend local business group meetings as a way to inform the business community of Planning Commission meeting results.
- Diodati announced he may need to submit a future request to miss a few Planning Commission meetings due to a conflict with his personal schedule and the new Wednesday meeting schedule of the Planning Commission.

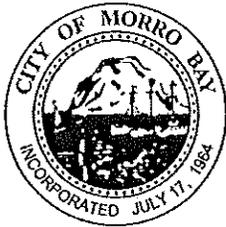
XI. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 7:30p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Wednesday, March 16th, 2011 at 6:00 p.m.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: VII - A

MEETING DATE: March 16, 2011

Staff Report

TO: Planning Commission **DATE:** March 9, 2011

FROM: Rob Livick, PE/PLS ~~✓~~ - Director/City Engineer

SUBJECT: Request to construct a 23 unit community housing project at 2400 Main Street. The project consists of a Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and Coastal Development (CP0-130).

RECOMMENDATION:

Staff recommends that the Planning Commission continue this item to a date certain of April 6, 2011.

PROJECT DESCRIPTION:

Construction of a 23 unit community housing project on individual lots clustered in seven areas and one common lot for access, common landscaping and general common area. The proposed project seeks exceptions for the following: interior yard setbacks between units, lot coverage, lot size, reduced open space, reduced parking and the commercial requirement in a mixed-use (commercial/residential) zone. The proposal includes 2.3 units of affordable housing to meet the City's inclusionary requirements with two affordable units at the moderate rate and the .3 unit to be provided via the City's in-lieu fee program.

LEGAL DESCRIPTION(S)	Portion Lot 29, Rancho Morro Y Cayucos
APN(S)	068-020-007 & 008
Zoning	Mixed Commercial and Residential (MCR) /Multiple Residential (R-4)
General Plan	Mixed Use Area F and North Main Street Specific Plan

APPLICANT:

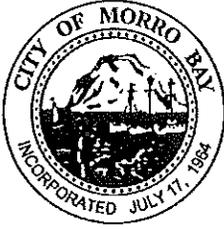
Morro Mist LLC, P.O. Box 228, Cayucos, Ca 93430

AGENT:

John MacDonald and Cathy Novak, Novak Consulting

DISCUSSION:

Staff has requested a continuance for the above project to a future regular scheduled meeting to allow the applicant to submit corrections to the site plan, allow the current Planning Commission time to review the previous Planning Commission hearing, minutes and staff report, including previous Planning Commission direction; and allow staff to complete the analysis and prepare a staff report to inform the Planning Commission regarding the project. At the April 6 meeting, staff will have a complete package of information for your Commission's consideration, including proposed conditions of approval and findings, and a recommendation. The Commission may take public comment if any one wishes to do so.



AGENDA NO:

VII-B

MEETING DATE: March 16, 2011

Staff Report

TO: Planning Commissioners

DATE: March 7, 2011

FROM: Sierra Davis, Assistant Planner

SUBJECT: Conditional Use Permit #UP0-284, 1001 Front Street, Dock, Gangway, Landing, Awning, and Parking Lot.

RECOMMENDATION:

Staff recommends the Planning Commission approve Conditional Use Permit #UP0-284 for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street with the attached findings and conditions as seen in Attachment 1 and 2.

SUMMARY:

The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and governed by the Waterfront Master Plan. The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project.

The proposed project consists of the installation of a new head float, the addition of four finger docks, landing and gangway and the installation of an awning system over the public outdoor dining area.

BACKGROUND:

The project was initiated without the benefit of permits. Upon the City establishing that the project was done without benefit of a Coastal Development Permit or Conditional Use Permit the applicant was required to remove the finger docks and apply for a Conditional Use Permit. The Coastal Development Permit shall be pursued through the California Coastal Commission because it is located in the Original Jurisdiction. The project has evolved throughout the process to include a new awning system over the public seating area, and a new landing and gangway.

Prepared By: SD

Dept Review: A

City Manager Review: N/A

City Attorney Review: N/A

The project requires additional parking spaces because of the new dock configuration which includes additional moorage thus increasing parking demand. The parking lot adjacent to the 1001 Front Street was constructed without benefit of a permit and therefore was added to the project proposal in order to make the parking lot legal and therefore allow it to be utilized as the on-site parking for the project.

REGULATIONS:

The proposed project is location in a Planned Development overlay district therefore the project shall be presented as a concept plan to Planning Commission and City Council. The applicant will then have to apply to the California Coastal Commission for their Coastal Development Permit. Once they receive entitlements from the California Coastal Commission documentation will be provided to the Public Services Department and the applicant can submit precise plan. The precise plans will be in substantial conformance with the concept plan, and will incorporate Coastal Commission conditions. The precise plans will then be presented to the Planning Commission requesting final approval.

<u>Adjacent Zoning/Land Use</u>			
North:	Waterfront/Commercial	South	Waterfront/Commercial
East:	Commercial Visitor Serving	West:	Harbor

<u>Site Characteristics</u>	
Existing Use	Commercial, docks, and parking lot
Terrain:	Flat
Vegetation/Wildlife	Harbor located to the west of the property, property is urban/developed
Archaeological Resources	Not applicable, site is located on fill.
Access	Embarcadero

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Waterfront/Harbor
Base Zone District	Waterfront (WF)/Harbor
Zoning Overlay District	Design Overlay (S.4)
Special Treatment Area	Planned Development (PD)
Combining District	N/A

Specific Plan Area	N/A
Coastal Zone	Original Coastal Commission Jurisdiction

DISCUSSION:

Landing, Gangway and Docks

The project includes the construction of a new accessible landing and gangway which would replace the current access from the head float dock via a ladder up to the wharf as well as temporary access through the City's gangway to the south of the project site. The new finger docks will eliminate the current method of side tie docking to the head float and will replace it with boats docking at the four finger docks and accessing land via the head-float and newly proposed landing and gangway.

The proposed landing area at the top of the gangway is a six foot by six foot area that will be cantilevered from the existing wharf. A portion of the existing guardrail will be removed and the landing will cantilever over a small portion of the water and head float. The small portion of water covered by the new landing will not adversely affect marine life in the harbor since an eel grass study was conducted and no sensitive species are located in the area under the wharf, head float, proposed docks nor surrounding harbor area.

The proposed gangway will be connected to the proposed landing and will be 35 feet in length from the top of the landing to the head float. The gangway and landing shall not be considered a replacement based on documentation submitted by the applicant's agent, depicting the gangway and docks on the adjacent site also owned by the applicant, therefore the gangway attached to the proposed landing are considered new construction.

Prior to the applicant applying for the permits the previous 60 foot by 8 foot head float was demolished and removed without benefit of a permit. The head-float dock currently on site was increased in length by approximately 74 linear feet, for a new head float length of 134 linear feet over the most recent configuration of 60 linear feet. The proposed docks will be constructed with a light brown colored Trex decking. Attached to the expanded head-float, currently in the water, four new floating finger docks will be installed and will be approximately 50 feet by 4 feet 4 inches wide. One of the finger docks will be 5 feet wide in order to provide a dock that meets accessibility requirements. The head-float will not require additional pilings, however each new finger will need 3 new piles to secure the end of the dock, for a total of 12 new pilings.

Lighting

The project proposes new light sources on both the head float and at the ends of the finger docks, because the existing light on site is not adequate. The project will include 4 power and light pedestals that will provide a minimum five foot candle level for all passenger loading areas, pursuant to the building code. On the ends of the docks 4 solar 'protector' flood lights with motion sensors are proposed.

The project is required by the building code to provide lights on the existing head float and the

new finger docks. The design of the light source directs the light down towards the ground for safety purposes. Because of the configuration there will be limited light pollution into the day or nighttime sky. The lights are for directional and safety purposes and will not adversely affect the scenic views at any time of the day.

Awning System

The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf. The existing outdoor dining area is approximately 1,425 square feet with approximately 16 tables with umbrellas approximately 8 feet in diameter and enclosed within the existing windscreen. The awnings will be constructed in four individual sections centered over the patio area and supported by a center beam spanning approximately 50 feet between two vertical supports at a height of 12 feet. The northern end of the awning will additionally have a 7 foot high windscreen located perpendicular to the existing windscreen, which will be consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) on top and wood (approximately 40%) on the bottom to match the existing screen. Currently there are umbrellas covering the existing dining area and are each approximately 8 foot diameter and cover most of the dining area. The canvas color of the new awning system will be the same as the existing canvas awnings used around the site for consistency.

The awning has the most substantial effect on the scenic vista because the awning system is taller and covers a larger area than the existing umbrellas. The proposed awning is a freestanding mechanical system that can retract the awnings as weather permits. The awnings are connected to the support system and are not attached to the existing windscreen or structure, and will maintain a minimum of 6 inch gap between the top of the windscreen and top of the roof. The configuration will create an area that is substantially enclosed. The existing umbrellas are not connected, therefore it does not create continuous coverage over the southern portion of the deck. The existing configuration of the umbrellas allows for views over the top of the windscreen and is partially open to the sky. The proposed awning system would not allow for views over the windscreen and to the sky when the awning is closed. When the awning system is retracted the area will be exposed to the elements and will have more of a view shed than what currently exists on site.

Parking

The applicant proposes to utilize an existing unpermitted parking lot to provide the required on-site parking spaces for the new docks. The parking lot is located on the adjacent site at 1099 Embarcadero. The applicant and staff have not located permits indicating that the parking lot was permitted by the City or the Coastal Commission, therefore the parking lot was not reviewed pursuant to the Municipal Code. City records, CityGIS and Google Earth software, staff has determined that between 1997 and 2005 the parking lot was stripped with the current parking lot configuration and circulation.

The applicant's agent indicated in a letter, dated September 2010, that the "parking lot was

constructed in approximately 2000, to create additional spaces for general use.” Pursuant to 17.44.020.D.1.a., any new parking lot or lot which is proposed to be extended in area or capacity which is not proposed as part of a larger development, an administrative Coastal Development Permit shall be obtained from the planning and building department. Since the parking lot was not previously permitted, the permit has been elevated and shall be included in the Planning Commission reviewed.

The applicant has proposed making the parking lot legal by including the parking lot in this review. The applicant has requested exceptions to the parking requirements because they are located in the Planned Development overlay. The applicant has requested the following exceptions from the City of Morro Bay Municipal parking standards; ADA parking space location, lighting, landscaping, curb stops, screening, parking space sizes, and configuration of parking spaces and drive aisles, however it has been determined that the parking spaces and aisles shall meet minimum standards.

ADA Parking Space Location

The existing parking lot was striped with 20 parking spaces with one van accessible parking space. The van accessible parking space located on the east side of the parking lot adjacent to the public right-of-way was not a requirement for any business located adjacent to the parking lot. The accessible parking space is proposed to be the accessible space for the dock project, however pedestrians have to cross the parking lot, without benefit of a path of travel delineated. In a letter dated February 3, 2011 the applicant’s agent stated that a path of travel through the parking lot would create “significant hazard due to the fact that this is still a working waterfront dock.” The agent also indicated that there is an accessible parking space on the southern side of the building, however that is to be utilized for previously approved uses, and the ADA accessible parking space in questions is strictly for use of the new docks. The City Engineer shall require that the ADA parking space be moved to the western side of the parking lot closest to the dock, landing and gangway, therefore eliminating the “significant hazard” of crossing the parking lot with trucks and machinery.

Lighting

Pursuant to section 17.44.020.D.4, Parking Lot lighting, Parking lots shall have security lighting when required by the Police Chief. All parking lot light fixtures shall be designed so that they do not direct glare into the street or into adjacent residential uses. Lighting poles shall not exceed twenty feet in height unless a greater height is approved by the Planning Commission.

The applicant requested an exception from lighting requirements, however the requirement is based on Police Chief request. The project was routed to the Police Department, and the Police Chief did not request additional lighting be provided for the parking lot, therefore an exception is not applicable.

Landscaping and Screening

The Zoning Ordinance outlines regulations for parking lot screening and landscaping

requirements for all parking lots within the City of Morro Bay. The existing parking lot is utilized by the applicant's businesses, for the docks, delivery of goods, and parking for patrons. Although the site is used for multiple uses, the zoning ordinance addresses high risk parking areas in regards to circulation and planting areas. The planting areas are incorporated into parking lots with the goal to prevent, unbroken expanses of parking area. Pursuant to section 17.44.020.D.5, the parking lot shall have a least five percent of their surface devoted to landscaping, exclusive of setbacks and street screening, arranged in an appropriate effective manner. The existing parking lot does not include any landscaping and does not have any setbacks. The applicant has requested that the landscaping requirement be waived to allow for trucks and the like to drive across the parking lot without obstacles, however all parking lots are required to have specific parking requirements, please refer to section 17.44.020.D.5, Landscaping and Screening.

In addition, the parking lot is adjoining a street shall have the street frontage and their outside perimeter screened by a three-foot-high decorative masonry wall, mature hedge, or landscaping berm, except at those points of vehicular or pedestrian access. The applicant's agent stated in a letter dated January 3, 2011, received February 3, 2011, "the installation of a solid fence to screen the lot would be visually obtrusive and prevent the pedestrian from viewing the operations and the bay." However, a solid fence at a height of three feet, mature hedge, or landscaping, would not obscure pedestrian's view of the bay from the public right-of-way.

Staff has reviewed the plans and determined that planting boxes or containers would be an acceptable form of landscaping because the applicant would not have to break ground on the parking lot. The site is also located on fill and which is not an acceptable soil to plant trees or vegetation.

Curb Stops

Pursuant to section 17.44.020.D.3.k. Curb and wheel stops shall be required where parking spaces head into a wall, fence, building, or the side of another parking space, of as determined necessary by the City Engineers wherever conditions warrant. Curb stops are a safety requirements and shall not be waived.

Parking Space Sizes and Parking Lot Configuration

The previous head float was approximately 60 linear feet which would have required 1.7 parking spaces (2 whole parking spaces), which is parked at a ratio of 1 parking space per 35 linear feet of docks. The new dock configuration shall require 9 parking spaces, and with a historic credit of 2 parking spaces, 7 parking spaces are required at this time for on-site parking requirements.

The existing parking lot has a combination of angled and perpendicular parking space configurations does not allow for a safe parking lot circulation, because minimum parking bays are not provided. The City of Morro Bay's Zoning Ordinance provides for standard sized parking spaces that are required to be 20 feet by 9 feet shall have a minimum or 14 foot back out area for parking spaces at a 45 degree angle. The existing parking lot provides approximately 15.5 feet

for back out area, however the parking spaces do not meet the minimum parking space dimension requirement.

The angled parking spaces have perpendicular parking on to the north, east, and south. The City of Morro Bay's Zoning Ordinance does not provide standards for 90 degree parking spaces with a one way drive aisle. The requirements have been engineered in the City of San Luis Obispo for a variety of different situations. The City Engineer would accept engineered standards from another city if the Morro Bay Municipal Code does not specifically address requirements. The applicant has provided a bay width of 38' on the east side of the parking lot and a 41.5' bay width on the west side of the parking lot, and a 26' bay width on the north side of the parking lot for perpendicular parking spaces. The minimum requirement for 90 degree parking space pursuant to the City of San Luis Obispo parking standards is 43.3 feet, therefore the parking lot does not meet engineered parking standards for 90 degree parking spaces. The angled parking spaces meet minimum acceptable standards, however when used in combination with perpendicular parking spaces the parking lot does not meet acceptable standards for safe circulation. The parking lot shall be re-stripped to meet minimum parking lot requirements for angled parking at a maximum 45 degree for one way traffic.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The project qualifies for a CEQA Mitigated Negative Declaration and was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

CONCLUSION:

The proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. The project is located with the California Coastal Commission Original Jurisdiction.

ATTACHMENTS:

- Attachment 1 – Findings
- Attachment 2 – Conditions of Approval
- Attachment 3 – Plans and Pictures
- Attachment 4 – Correspondence
- Attachment 5 – California Coastal Commission Waivers
- Attachment 6 – City of San Luis Obispo Parking Standards
- Attachment 7 – Environmental Documents

Attachment 1

FINDINGS

California Environmental Quality Act (CEQA)

- A. The project qualifies for a CEQA Mitigated Negative Declaration was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

Use Permit Findings

- B. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff memorandum; and
- C. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and
- D. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, as indicated in the attached staff memorandum.

Parking Exception

- E. Special Circumstances. The exceptions will not constitute a grant of a special privilege inconsistent with the driveway and parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on site all parking needs generated by the site. Certain exceptions to the parking requirements can be granted however they must adhere to the Conditions of Approval for specific parking standards, the remaining exceptions if granted would create inadequate parking design and therefore cannot be granted.
- F. Health, Safety and Welfare. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards. With the implemented Conditions of Approval, and the restriping of the parking lot to meet

Conditions of Approval, the Planning Commission can find that the parking lot would incorporate safe circulation standards.

- G. Applicant's Full Enjoyment. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property. The parking exceptions granted are reasonable however the remaining exceptions are not exhibited anywhere in the vicinity and therefore if granted would be considered a special entitlement.

Attachment 2

CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated May 17, 2010 for the project depicted on the attached plans labeled "Exhibit F", dated September 17, 2008, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
 1. Site development, including all buildings and other features, shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Two Years: 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 of Public Services, 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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Director of Public Services. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) 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 (b) 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.

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 applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of 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 Director of Public Services 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. Acceptance of Conditions: Prior to obtaining a building permit the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

PLANNING CONDITIONS

1. State and County Compliance: Prior to the issuance of a building permit applicant shall demonstrate compliance with all State and County regulations and provide documentation to the Public Services Department.
2. 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. on weekdays and eight a.m. to 7 p.m. on weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
3. Parking Agreement: The parking lot to be utilized for on-site parking is located on an adjacent site. The applicant shall provide a parking agreement between all properties owners on which parking lot is located. This agreement shall be submitted and recorded prior to the issuance of any building permit.
4. Live Aboards: Live aboard marine vessels shall not be allowed unless a modification to this permit is obtained and there has not been permitting provided for such use.
5. Parking Circulation: The parking lot shall be restriped to meet all circulation minimum requirements for drive aisle and parking space dimensions. The parking spaces shall be a maximum of 45 degree angled parking and shall only have one way drive aisle.

6. Parking Space Labels: The parking spaces reserved for the docks shall be labeled and open and available for people using the docks. At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be placed in the parking spaces.
7. Exit and Entrance Directional Arrows: Exit and entrance direction arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be marked and maintained as required by the city engineer. Entrance signing may be required by the City Engineer whenever conditions warrant. Code requirement.
8. Accessible Parking Space: The van accessible parking space shall be moved to the to the west side of the parking lot and shall be the first parking space adjacent to the landing and gangway.
9. Street Frontage: A maximum of 3 foot high masonry wall, mature hedge or landscaping berm shall be required in order to maintain the pedestrian view shed to the bay.
10. Curb Stops: Curb stops shall be provided for each parking space that head into a wall, fence, building, or the side of another parking space.
11. Landscape Plan: A landscape plan shall be submitted with the precise plan depicting that the minimum 5% landscaping requirement is maintained.
12. Docks: Docks cross water lease lines and an agreement from the City and lease holders shall be secured.
13. Photometric Plan: A photometric plan shall be submitted to the Planning Division prior to issuance of any building permit detailing that the lighting will meet a minimum of 5 foot candle for all dock areas.

FIRE CONDITIONS

1. Standpipe Systems. Marinas and boatyards shall be equipped throughout with Standpipe Systems in accordance with NFPA 303. (CFC 905.3.7) Please submit plans and detail of all required Standpipe System and Hose Cabinets at Building Plan submittal.
2. Water supply for fire protection of piers and wharves shall be in accordance with NFPA 307 (Chapter 7).
3. Fuel Dispensing. Marina Fuel dispensing units for transferring fuels from storage tanks shall be in accordance with NFPA 30-A. (NFPA 303-8.3.10 & CFC 2210.1)

4. Construction and fire protection of marine terminals, piers, and wharves shall be in accordance with NFPA 307 (Chapter 4 Piers and Wharves).
5. Construction of Marine Docks and Gangways shall be in accordance with Morro Bay Municipal Code, Chapter 14.52.
6. Portable Fire Extinguishers. Placement of portable fire extinguishers on piers, bulkheads, and fuel dispensing areas, shall be in accordance with NFPA 10 (Chapter 5). (NFPA 303-6.2.1.1.1 & 6.2.1.1.2.1)
7. Awning Plan. Please provide details of the Awning Plan at Building Plan submittal.
8. Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the proposed canopy is composed of materials meeting the flame propagation performance criteria of NFPA 701, or treated with a flame retardant in an approved manner. (CFC 2404.2)
9. Label. Membrane structures, tents, or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type. (CFC 2404.3)
10. Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises. The affidavit shall attest to the flame propagation performance criteria of the fabric.
11. Anchorage. Tents, canopies or membrane structures and their appurtenances shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official. (CFC 2403.9)
12. Open or exposed flame. Open flame or other devices emitting flame, fire, or heat or any flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved device shall not be permitted inside or located within 20 feet of the tent, canopy or membrane structures while open to the public unless approved by the fire code official (CFC 2404.7)
13. LP-Gas. The storage, handling and use of LP-gas and LP-gas equipment shall be located outside canopy structures, with safety release valves pointed away. (CFC 2404.16)
14. Fuel-Fired Appliances. The installation of non-portable fuel gas appliance and systems shall comply with California Mechanical Code. All installation shall be made in

accordance with the manufacturer's instructions and applicable federal, state, and local rules and regulations. (CFC 603.1)

15. Means of Egress. At least two exits shall be provided in this A-2 occupancy. (CFC 1019)
16. Posting of Occupant Load. Every room or space that is assembly occupancy shall have the occupant load posted in a conspicuous place, near the main exit or exit access doorway from the room or space. (CFC 1004.3)

ENVIRONMENTAL

Aesthetics

1. The awning system shall be freestanding and shall only be attached at the base of the awning system to the wharf. The awning shall not be attached to the existing windscreen, structures on site nor be attached in a way that would enclose the area in any fashion.
2. The awning system shall maintain a minimum 6 inch height clearance above the top of the windscreen to maintain that the awning system does not enclose the public view area.

Air Quality

The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

The standard mitigation measures for reducing nitrogen oxide (NO_x), reactive organic gases (ROG), and diesel particulate matter (Diesel PM) emissions from construction equipment are listed below:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner offroad heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

With the implementation of the mitigation measures, potential impacts to air quality resulting from the project would be reduced to less than significant levels.

Biological Resources

- 1. Federal and state permits applicable to the proposed project shall be secured and evidence of permits shall be on file with the Public Services Department prior to the issuance of building permits.
- 2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
- 3. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenera Environmental or equivalent professional biologist approved by the Director of Public Services). The biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.
- 4. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be submitted and approved by the Public Services Department prior to issuance of certificates of occupancy.
- 5. Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and the "otter watcher" shall specifically encourage or empower the "otter watcher" to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.
- 6. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan should describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements.

7. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
8. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

Geology/Soils

Applicant shall submit a soil/geological report prior to the issuance of building permits.

Hazards/Hazardous Materials

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations should be followed during demolition activities. Any loose or peeling lead based paint should be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.
2. The following precautions shall be taken when handling creosote-treated wood:
 - a. Dispose of treated wood by ordinary trash collection or burial.
 - b. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
 - c. Avoid frequent or prolonged inhalation of sawdust from treated wood.
 - d. Avoid frequent or prolonged skin contact with creosote-treated wood
 - e. When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.
 - f. When power-sawing and machining, wear goggles to protect eyes from flying particles.
 - g. Wash clothes worn while working with creosote-treated materials separately from other household clothing.
3. At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.
4. Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With the implementation of these mitigation measures the potential impacts of hazardous or hazardous materials that could result from the project would be reduced to less than significant levels.

Hydrology/Water Quality

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts.
3. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities should be completed and approved prior to the initiation of construction activities.
 - b. Refueling of onshore equipment should be accomplished within a designated area of the parking lot. The site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment should be sufficient to respond to the worse case spill volume.
4. Netting or fencing around and underneath the dock shall be installed to catch and remove debris released during and after de-construction.

Noise

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.
3. Refer to section 4, Biology Resources mitigations 6, 7, and 8.

Utilities and Service Systems

Please refer to Hazards/Hazardous Materials section mitigation measure number 4.

RECEIVED

FEB 22 2011

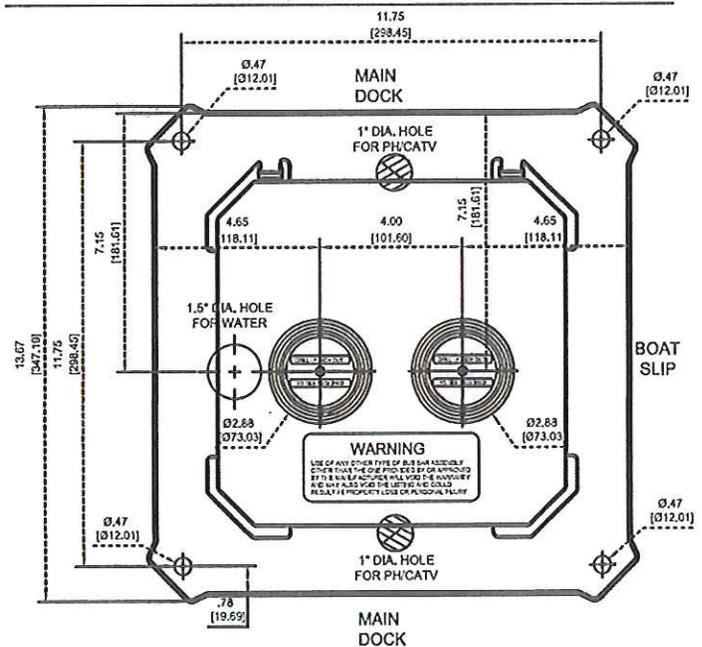
City of Morro Bay
Public Services Department

One of our most popular units, the all-purpose Lighthouse pedestal has a wide range of features. With units in service around the world, this stylish power pedestal is recognized for its practicality and exceptional durability.



Above: Lighthouse Power Pedestals, Cordova Marina, Alaska

Lighthouse Base Diagram





Base Extension



Base Cap

Lighthouse Power Pedestal

- Standard Features
- Available Options
- Dimensions

Receptacle Configurations

For a complete listing of the receptacle configurations available for the Lighthouse power pedestal, see page 21.

Standard Features

- Photocell Controlled 13 Watt Fluorescent Light (Clear Lens or Amber Lens for Bug Reduction)
- Lockable Weatherproof Doors Which Protect Breakers and Receptacles While In Use (A Requirement of N.F.P.A. 303 and NEC Art. 555)
- Hose and Cable Brackets
- Heavy Resin Housing with a Two-Part Polyurethane Coating for a UV Resistant, Long Lasting Finish
- Copper Bus Bar with Ratings from 250 to 500 Amps
- New "Hingeless" Base Providing Easy Access for Both Installation and Maintenance
- Backlit Faceplate for Easy Receptacle Plug-In at Night

Available Options

- Digital Electronic Metering (One, Two or Three Element Meters Available)
- Built-In Meter Socket
- 20A/125V GFI Receptacle (Max of 2 GFI Receptacles per Pedestal)*
- High-Speed Internet Connections
- Wireless Remote Metering for Electric and Water
- Transient Voltage Surge Suppressor (TVSS) to Protect from Voltage Surges, Spikes or Lightning on the AC Power Line (Extends Warranty on Internal Parts to Three Years)
- Stainless Steel Door Hinge on Receptacle Main Doors
- Single or Dual Steel 1/4 Turn Ball Valves with 3/4" Hose Bibs and Stainless Steel Handles
- Single or Dual Phone and /or Cable TV Connections
- Base Cap
- Base Extension
- LED Lighting

Dimensions

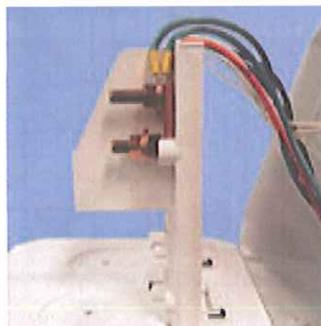
	LIGHTHOUSE	
	IN.	MM
Height:	44	1117.6
Width:	13.75	349.25
Depth:	13.75	349.25

* 20 Amp GFI receptacles are not to be used for shore power.

Cable & Internet Connections



Bus Bar

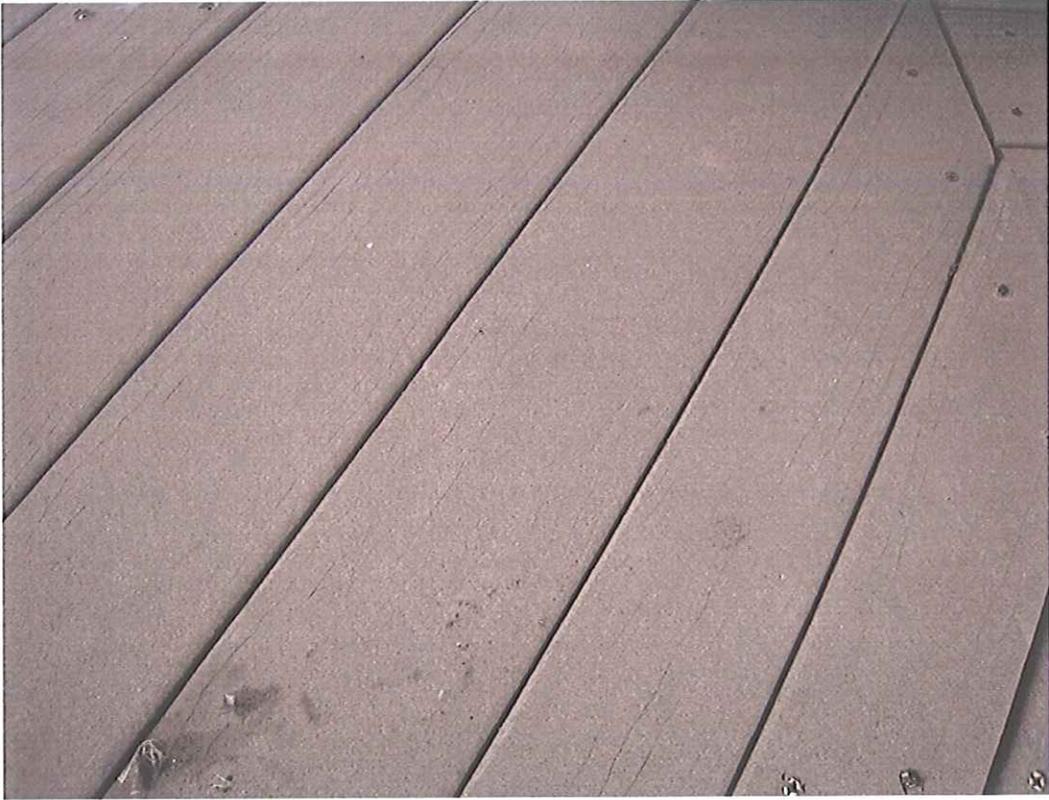


New Hingeless Base



Optional Meter Socket



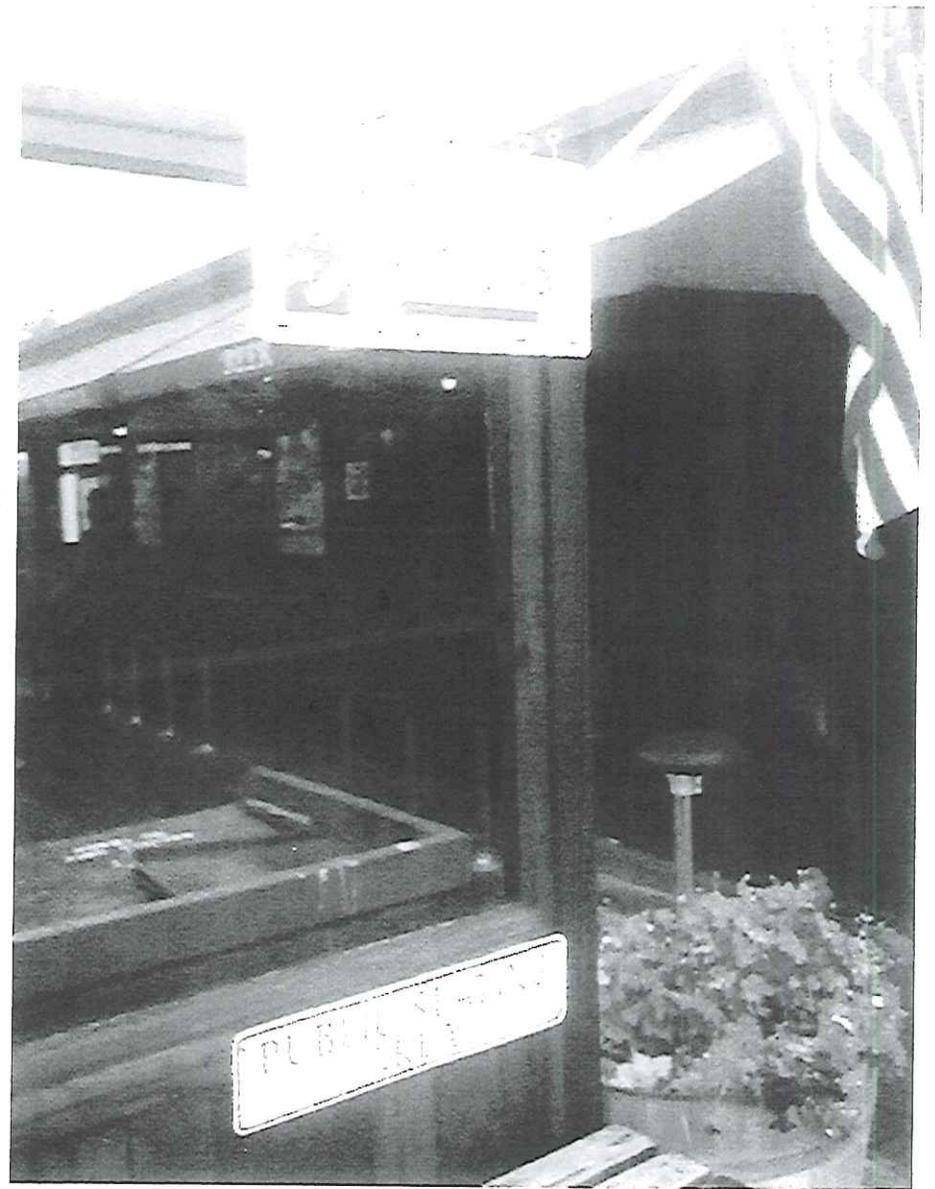


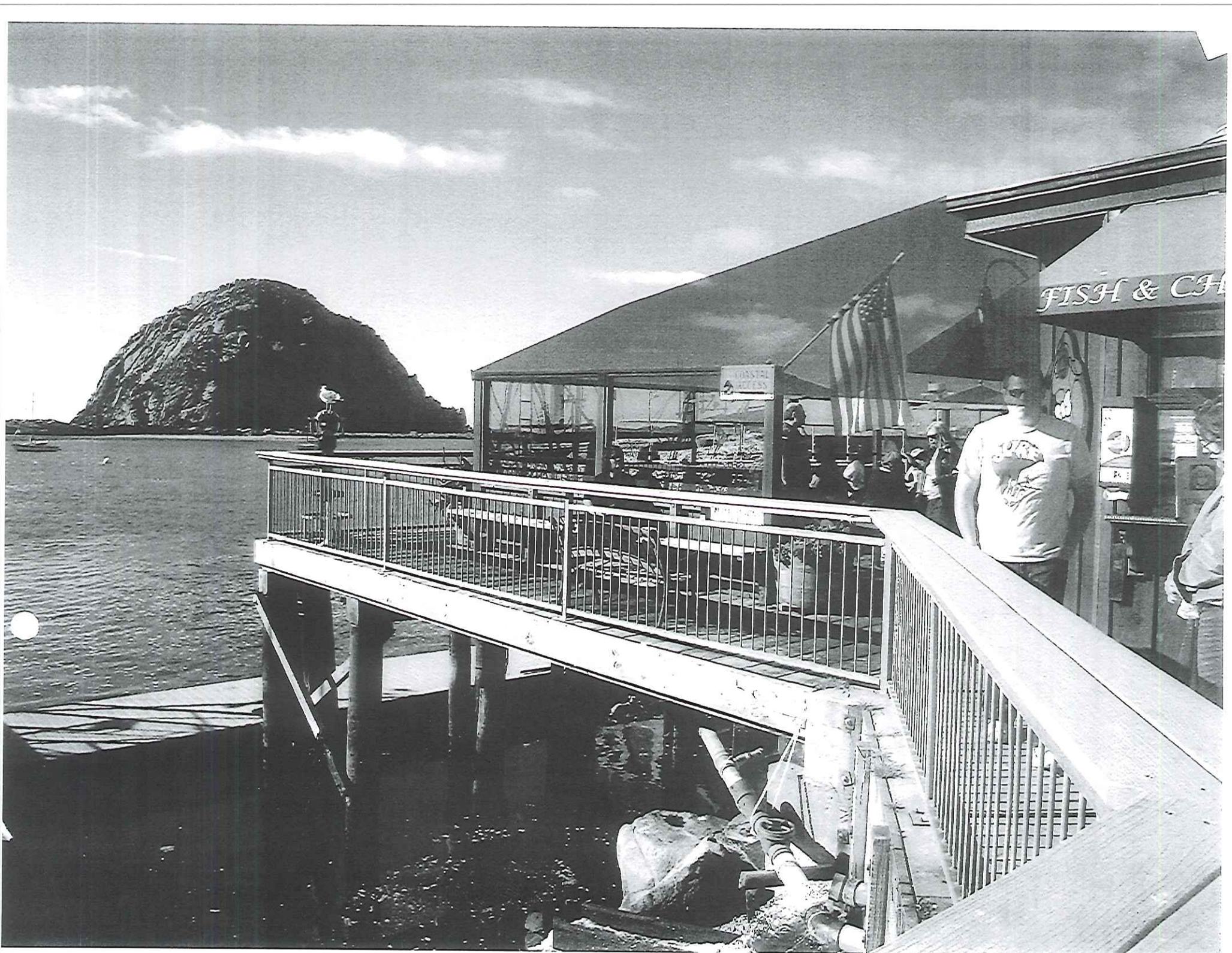
FEB 22 2011

City of Morro Bay
Public Services Department

ATTACHMENT 3







ATTACHMENT 4

3/22/10

The project is located at lease sites 105.1W and 102W, adjacent to 1001 Front Street. The project proposes to reconfigure the existing side tie floating dock system, approximately 134 feet by 8 feet, by constructing four new finger style floating docks, 50 feet by 4 feet wide. Additionally, four main piles and eight supporting piles will be installed to support the end of each new finger dock.

The existing side tie dock system can accommodate up to eight boats by "rafting" together. The new configuration will accommodate eight boats therefore replacing with like numbers. There is sufficient parking on-site for the boat owners and since there is no increase to the existing use, there is no change for the parking requirements.

Access to the docks are via two points, 1) an existing ladder from the wharf to the existing side tie dock and 2) through the City's gangway to the existing docks to the south of this site.

Lastly, the project is located in the H zone whereby floating docks are an acceptable use.

Cathy Novak Consulting

Governmental & Community Relations ♦ Planning

April 7, 2010

Ms. Genene Lehotsky
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: 1100 Front Street project

Dear Genene,

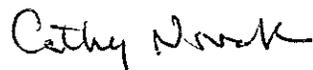
I would like to respectfully request that the project description for the above mentioned project be amended to include the installation of a retractable awning over a portion of the existing outdoor general public dining area and support beams.

The patio area is approximately 90 feet in length and the retractable awning will cover approximately one-half the existing seating area. The awning will be supported by a center support post/beam spanning approximately 50 feet. The northern end of the awning will additionally have a 7 foot high windscreen, consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) and wood (approximately 40%) as in the existing screen. The remaining patio area will open air with individual umbrellas for the tables. The canvas color will be the same as the existing canvas awnings used around the site for consistency.

The purpose of this seasonal retractable canvas cover is to provide for shade and protection from the inclement weather which will allow for better use of this general public area.

Please let me know if you have any questions. Thanks for your time and consideration in this matter.

Regards,



Cathy Novak

cc: Mr. Giovanni DeGarimore

PO Box 296
Phone/Fax: (805) 772-9499

Morro Bay, CA 93443
Email: NovakConsulting@charter.net

APR 08 2010

Amended Project Description (June 2010)

Floating Docks:

The project is located at lease sites 105.1W and 102W, adjacent to 1001 Front Street. The project proposes to reconfigure the existing side tie floating dock system, approximately 134 feet by 8 feet, by constructing four new finger style floating docks, 50 feet by 4 feet wide. Each finger dock will be constructed with a light brown colored Trex decking to match the existing side tie dock. Additionally, four main piles and eight supporting piles will be installed to support the end of each new finger dock.

The existing side tie dock was repaired and replaced with a light brown colored Trex decking. The side tie dock was increased in length by approximately ten feet over the most recent configuration. However, over the years as the dock has been repaired with sections that have been removed and again replaced. The dock as currently configured is shorter than it has been in some of the past years.

The existing side tie dock system can accommodate up to eight boats by "rafting" together. The new configuration will accommodate eight boats therefore replacing with like numbers. There is sufficient parking on-site for the boat owners and since there is no increase to the existing use, there is no change for the parking requirements.

Access to the docks are via three points, 1) an existing ladder from the wharf to the existing side tie dock and 2) a temporary access through the City's gangway to the existing docks to the south of this site and, 3) a replacement gangway from the wharf.

Recreational and passengers for hire vessels are allowed south of Beach Street per Zoning Ordinance 17.24.190 (4.a). These docks will be used for recreational vessels, passengers for hire vessels and commercial fishing vessels as berthing facilities. There will be no limitation on the hours of operations since these types of vessels will need the flexibility to depart and return at any time. The existing fuel dock operations are at the northern end of this project site and there are no plans to change the existing operations. The new dock configuration will not encroach into the fuel dock area and tie-up space.

Lastly, the project is located in the H zone whereby floating docks are an acceptable use.

Awning:

The applicant proposes the installation of a retractable awning system over a portion of the existing outdoor general public dining area and support beams.

The awnings will be constructed in four individual sections and when rolled up, will be centered over the patio area and supported by the center beam. With each section independent of each other, it allows the applicant flexibility to cover only portions of the patio area at any one time.

The patio area is approximately 90 feet in length and the retractable awning will cover approximately one-half the existing seating area. The awning will be supported by a center support post/beam spanning approximately 50 feet. The northern end of the awning will additionally have a 7 foot high windscreen, consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) and wood (approximately 40%) as in the existing screen. The remaining patio area will open air with individual umbrellas for the tables. The canvas color will be the same as the existing canvas awnings used around the site for consistency.

The purpose of this seasonal retractable canvas cover is to provide for shade and protection from the inclement weather which will allow for better use of this general public area.

Cathy Novak Consulting
Governmental & Community Relations ♦ Planning

June 29, 2010

Ms. Sierra Davis
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: Replacement gangway at 1001 Front Street

Dear Sierra,

This letter is regards to the installation of gangway from the wharf area at 1001 Front Street. Mr. Giovanni DeGarimore wishes to submit for a building permit to replace a gangway that has been historically in place over the years. Prior to the submission for the building permit, Mr. DeGarimore would like concurrence form the Planning Department that the replacement will not require any additional planning permits.

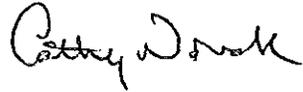
The floating docks, gangway and wharf ladder have been in existence for many years however, the configuration has changed from time to time to accommodate the needs of the fishing boats and unloading activities at the wharf. I have been able to locate an aerial photo dated June 25, 1993 from the California Coastal Records Project, <http://www.californiacoastline.org/> that shows the gangway in place at that time. Aerial and other photos to show the preexistence of the gangway are somewhat difficult to locate so; this appears to be the best that we can provide.

The replacement gangway will be 35 feet in length and located in the same location as the previous gangways. The landing area for the top of the gangway is a six foot by six foot section which will meet the building code standards. The landing, at the wharf elevation, will cantilever over the existing docks below. Since the landing and gangway will be constructed over the existing docks, there will be no new "fill" or "coverage" of the water area. Furthermore, this project site received a waiver (3-00-044W) from the CA Coastal Commission in June 2001 for the repair and replacement of existing wharf, dock and pier structure. It is in our opinion that the replacement of the gangway was permitted through this waiver issued by the coastal Commission.

PO Box 296 Morro Bay, CA 93443
Phone/Fax: (805) 772-9499 Email: NovakConsulting@charter.net

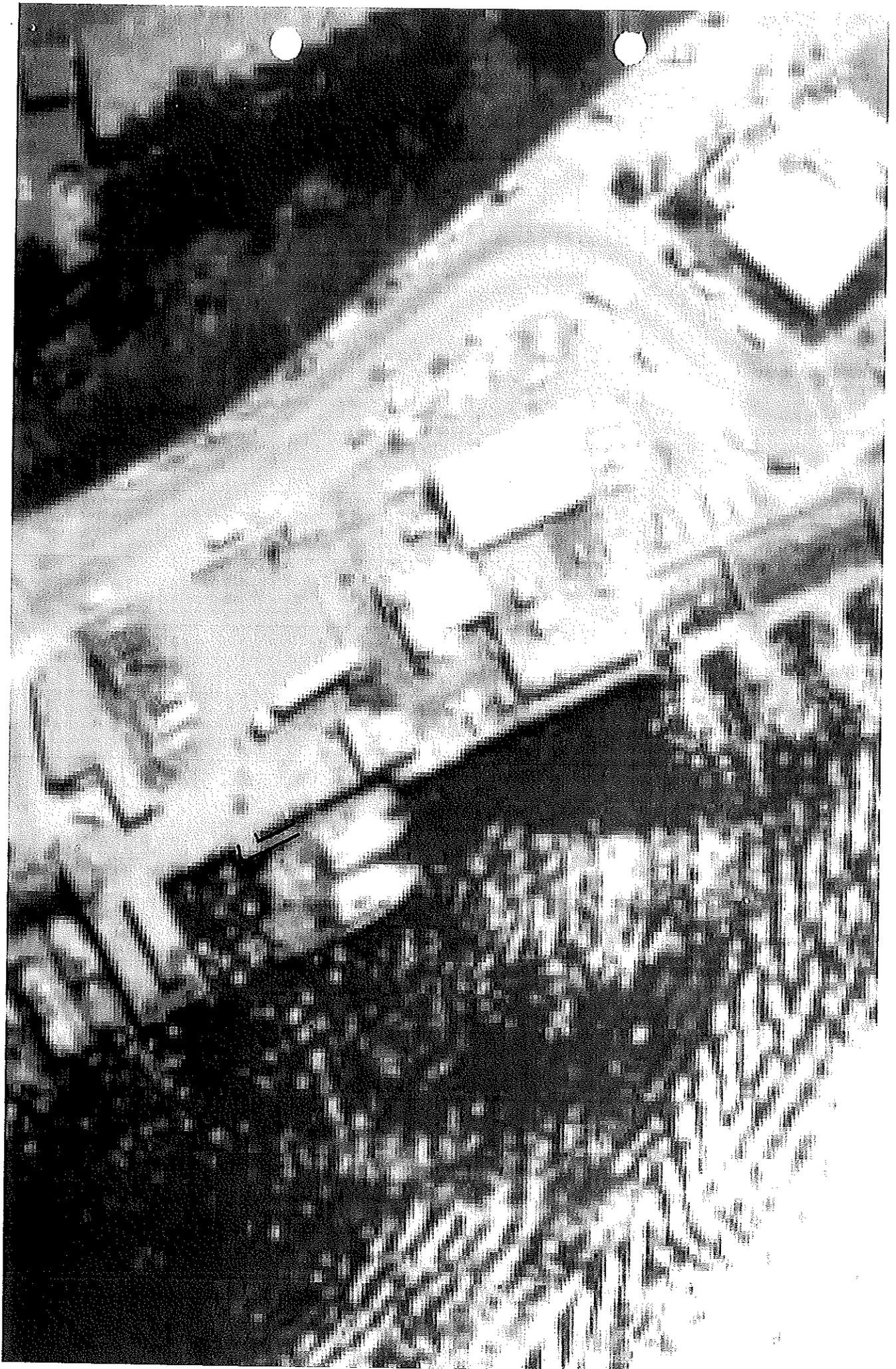
Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Novak".

Cathy Novak
Project representative

Cc: Mr. Giovanni DeGarimore



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442 ♦ 805.772.6261

APPLICATION

Revised 10-10

- TEMPORARY USE PERMIT
- SPECIAL USE PERMIT
- COASTAL DEVELOPMENT PERMIT
- CONDITIONAL USE PERMIT
- MINOR USE PERMIT

CASE NO. *UPD-284*
BUILDING PERMIT:

Project address: Lease sites 105.1W and 102W (1001 Front Street)

Existing use: Floating dock, wharf & public seating Existing sq. ft.

Lot Block Tract APN. 066-033-003

Project description: Re-configure and expand existing side tie floating dock, install new finger style floating docks, install gangway and modify railing in the area, and install four main and eight supporting piles for floating docks.

Applicant: Giovanni DeGarimore Day phone: 772-1276

Address: 1001 Front St.

City: Morro Bay Zip code: 93442

Agent (if any): Cathy Novak Business phone: 772-9499

Address: PO Box 296

City: Morro Bay Zip code: 93443

Property owner: City of Morro Bay Day phone:

Address: 1275 Embarcadero Road

City: Morro Bay Zip code: 93442

Acceptance of this application does not imply approval/authorization of this request. I realize that this application may be denied or that conditions may be attached to this request to assure compliance with applicable Municipal Code requirements.

Applicant's signature: 

Date: *9/28/10*

Property owner's signature:

Date:

APPLICATION SUBMITTAL REQUIREMENTS - SEE PAGE TWO

SUBMITTAL REQUIREMENTS: (Applicant must provide information indicated below or on the attached checklist before this application can be accepted.)

I. Number of plans for Administrative permits:

- ◆ Five full sized sets of plans and one 8½" x 11" reduced set that includes the following :
- ◆ Site Plan reflecting
 - ✓ Topography – 2 foot contour intervals
 - ✓ drainage
 - ✓ location and use of structures on adjoining properties

II. Number of plans for Use Permits:

- ◆ Seven full sized sets of plans, one 8½" x 11" reduced set, that include the following :
- ◆ Site Plan reflecting
 - ✓ Topography – 2 foot contour intervals
 - ✓ drainage
 - ✓ location and use of structures on adjoining properties

III. All permit plans should include the following information:

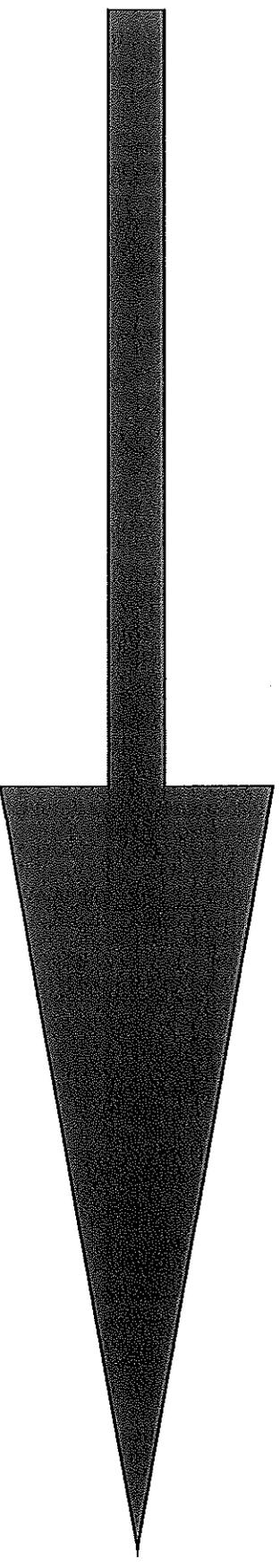
- ◆ Elevations: Dimensioned & indicating the height of all structures from the natural & the finished grade.
- ◆ Floor Plans: Dimensioned
- ◆ Area Map with Radius Circle and Address Mailing Labels for:
 - Administrative Coastal Permits:
 - ✓ Property Owners within 100' of site
 - ✓ Residents within 100' of site
 - Regular Coastal Permits:
 - ✓ Property Owners within 300' of site
 - ✓ Residents within 100' of site
 - Conditional Use Permits and Minor Use Permits
 - ✓ Property owners within 300' of site
- ◆ Environmental Information Form

THIS SECTION FOR DEPARTMENT USE ONLY

List of additional charges:	Conditional Use Permit:
	Minor Use Permit:
Receipt No.:	Coastal Development Permit:
Date:	Environmental fees:
	Other charges:
	Total:

Commercial Boat Loading

Please Use Other Gangway



Amended Project Description (September 2010)

Floating Docks & gangway:

The project is located at lease sites 105.1W and 102W, adjacent to 1001 Front Street. The project proposes to reconfigure the existing side tie floating dock system, approximately 60 linear feet by 8 feet, by constructing an additional 74 linear feet to the existing side tie dock and installing four new finger style floating docks approximately 50 feet by 4 feet wide. Each finger dock will be constructed with a light brown colored Trex decking to match the existing side tie dock. Additionally, four main piles and eight supporting piles will be installed to support the end of each new finger dock.

The existing side tie dock was repaired and replaced with a light brown colored Trex decking. The side tie dock was increased in length by approximately 74 linear feet over the most recent configuration. However, over the years as the dock has been repaired with sections that have been removed and again replaced. The dock as currently configured is shorter than it has been in some of the past years.

Parking:

The existing side tie dock system can accommodate up to eight boats by "rafting" together. The new configuration will accommodate eight boats therefore replacing with like numbers. There is sufficient parking on-site for the boat owners and since there is no increase to the numbers of boats that could use the docks.

Using the Zoning Ordinance calculations, the new configuration will require six parking spaces based upon the dock linear footage. However since the floating docks have been on this site for many years, there are historical parking credits that should be taken into consideration. The site plan reflects six spaces in the parking lot that can be used for the new docks. This parking lot was constructed in approximately 2000 to create additional spaces for general uses. The existing buildings on-site pre-date many of the City's regulations and have historic parking credits (consistent with other sites along the Embarcadero) issued by the City. Furthermore, this parking lot has never been used for the purposes of any new development on this site and all the spaces provided are available for meeting the parking requirements as needed.

Since the dock size has fluctuated over the years it is difficult at best to determine the actual number of historic parking credits that should go with the docks. Based upon historic use and the numbers of boats that have traditionally used the docks for tie-up space, this project should receive at least four historic parking credits. Therefore only two spaces should be taken from the existing parking lot for the purposes of future parking allocations.

Dock Access:

Access to the docks are via three points, 1) an existing ladder from the wharf to the existing side tie dock and 2) a temporary access through the City's gangway to the existing docks to the south of this site and, 3) a new gangway from the wharf.

Allowed Uses:

Recreational and passengers for hire vessels are allowed south of Beach Street per Zoning Ordinance 17.24.190 (4.a). These docks will be used for recreational vessels, passengers for hire vessels and commercial fishing vessels as berthing facilities. There will be no limitation on the hours of operations since these types of vessels will need the flexibility to depart and return at any time. The existing fuel dock operations are at the northern end of this project site and there are no plans to change the existing operations. The new dock configuration will not encroach into the fuel dock area and tie-up space.

Lastly, the project is located in the H zone whereby floating docks are an acceptable use.

CONSENT OF LANDOWNER FORM

Consent for what activity? Business License or type of permit: Conditional Use Permit

Site location: Lease sites 105.1W and 102W

Property owner: City of Morro Bay

Day phone: 772-6259

Address: 1275 Embarcadero Road

City: Morro Bay

Zip code: 93442

Person authorized to act as Agent/Applicant: Giovanni DeGarimore

Applicant/Agent: Cathy Novak

Day phone: 772-9499

Address: PO Box 296

City: Morro Bay

Zip code: 93443

I/We, the undersigned owner(s) of record of the fee interest in the above noted land for which an application for a permit, business license or other City entitlement is being requested, do certify that:

- I. Business Licenses: I am aware of the Home Occupation Permit being requested and the applicant has my/our full consent to operate the home occupation at this location; **OR THAT**
- II. Building Permits, Land Use Permits: Such application may be filed and processed with my/our full consent. The applicant is authorized to act as our agent in all contacts with the City in connection with this matter. I/We hereby grant the City of Morro Bay or any of its authorized agents the right to enter upon the land described herein at any time during normal business hours for the purposes of site inspection in advance of City action on the Land Use Permits; inspection of any construction, grading or other development activities following any land use permit approval or evaluation of the satisfactory completion of development authorized through land use permit approval, including continuing compliance with any conditions of approval.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Susan Licteter
Property owner signature

3/18/10
Date

LEGAL NOTICE ATTESTMENT
(Submit with Application and Mailing Labels)

Application case no. _____

Site location: **Lease sites 105.1W and 102W**

Applicant: **Giovanni DeGarimore**

Address: **1001 Front St.**

Phone: **772-1276**

City: **Morro Bay**

Zip code: **93442**

The attached mailing labels represent the complete list of the property owners and/or occupants of the property within the required Noticing Area from the project site:

Required noticing area (please check all that apply):

- Administrative Coastal Permits
 - Notice to property owners within 100' of the building site; and
 - Notice to occupants of the structures within 100' of the building site.

- Regular Coastal Permits
 - Notice to property owners within 300' of the building site; and
 - Notice to occupants of the structures within 100' of the building site.

- Conditional Use Permits and Variances
 - Notice to property owners within 300' of the building site.

I certify the above information and attached labels to be true and correct:


Signature of applicant

3/19/10
Date

ENVIRONMENTAL INFORMATION FORM

Date filed: _____

GENERAL INFORMATION:

1. Name and address of developer or project sponsor: Giovanni DeGarimore

2. Address of project: Lease sites 105.1W and 102W

3. APN: 066-033-003

4. Name, address, and phone # of contact person: Cathy Novak
PO Box 296, Moro Bay 93443, 772-9499

5. Application number: _____

6. List and describe any other related permits and other public approvals required for this project including those required by the City, Regional, State, and Federal agencies:
CDP - CA Coastal Commission, CUP - City of Morro Bay and
LOP - Army Corps of Engineers

7. Proposed use of site: Floating docks for boat tie-ups & gangway

PROJECT DESCRIPTION:

8. Site size: Docks & gangway = 8,512 sq. ft.

9. Square footage: Docks -200 sq. ft. each; gangway - 140 sq. ft.

10. Number of floors of construction: NA

11. Amount of off-street parking provided: Currently on-site and no new spaces required

12. Proposed scheduling: Construction to start after permitting

13. Associated projects (if any): None

14. Anticipated incremental development (if any): None

15. If residential, include the number of units: _____

16. If commercial, indicate the type and whether neighborhood, city or regional oriented, square footage of sales area, and loading facilities:

Marine related use

17. If industrial, indicate the type, estimated employment per shift, and loading facilities:

18. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits derived from the project:

19. If the project involves a variance, conditional use permit, or zoning application state this and explain why:
Conditional Use Permit required for construction in the H Zone

ARE THE FOLLOWING ITEMS APPLICABLE TO THE PROJECT OR ITS EFFECTS? PLEASE PROVIDE AN EXPLANATION FOR ANY ITEMS CHECKED "YES" (ATTACH ADDITIONAL SHEETS AS NECESSARY):

	YES	NO
20. Change in existing features of any bays, tidelands, beaches, hills, or substantial alteration of ground contours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Change in scenic views, vistas from existing residential areas, public lands, or roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Change in pattern, scale, or character of project's general area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Significant amounts of solid waste or litter?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Change in dust, ash, smoke, fumes, or odors in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Change in ocean, bay, lake, stream, ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Substantial change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Is the site on filled land or on a 10% or greater slope?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28. Use of disposal or potentially hazardous materials such as toxic substances, flammables, or explosives?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Substantial change in demand for municipal services (police, fire, water, sewer, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

30. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)?

31. Relationship to a larger project or series?

ENVIRONMENTAL SETTING:

32. Describe the project as it exists before the project and include any information on topography, soil stability, plants, animals, and any cultural/historical/scenic aspects. Describe any existing structures on the site and its use. Please attach photographs of the site (snapshots or Polaroid photos will be accepted):

See attached project description

33. Describe the surrounding properties and include information on plants, animals, and any cultural/historical/scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, duplex, etc.), and scale of development. Attach photos of the vicinity.

See attached project description

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability; and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

3/19/10

Date



Signature

For:

CATHY • NOVAK

consulting

RECEIVED

January 3, 2011

FEB 03 2011

City of Morro Bay
Public Services Department

Ms. Sierra Davis
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: Dock and awing project, UPO-284

Dear Sierra,

Based upon our discussions regarding the parking lot, I wanted to follow up with a written request to address the issues.

First, since the dock project requires parking on-site, the applicant would like the City to include the parking lot with this application for permitting. The applicant is not able to ascertain whether the parking as it exists currently was ever formally permitted by the City.

Secondly, the applicant is requesting exceptions to the City parking standards that allow continued use of the parking lot as currently configured. Mainly the following items appear to have a conflict with City codes which, I will provide further details below:

- ADA space location
- Lighting
- Landscaping
- Curb stops
- Screening
- Configuration -- angled and perpendicular with lane widths
- Parking stall size

This property is somewhat of an anomaly in that it is only one of two properties on the west side of the Embarcadero that are privately owned. Additionally, this property has a long history (even before the City was incorporated) associated with commercial fishing, processing, marine fuel service and other marine dependent uses.

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

The area in question has been used for a parking lot, storage, fish unloading and many other things over the years. It has always been an impervious surface to allow the uses as mentioned above to safely navigate the property. It was just a few years ago that the parking lot as you see it today was formally stripped to create individual spaces for employees, deliveries and the like to use. While in the process of stripping the lot, the applicant decided to voluntarily strip a van accessible ADA space close to the sidewalk so that it would be convenient and easy to use. There is another ADA space on the opposite side of the fish market building that can also be used.

In considering the global picture and use of the entire property, it makes much more sense to leave the ADA space in its current location rather than moving it close to the gangway for several reasons. If the ADA space is moved next to the gangway, it will then have a limited use because it will not be in close proximity to the sidewalk along the Embarcadero. It has been also mentioned that a safe travel path from the existing spot to the gangway should be installed. This creates a significant hazard due to the fact that this is still a working waterfront dock. The City has recognized policies that provide exceptions to codes, for example the installation of a lateral access way through working dock locations, because of the nature of the business with trucks, fork lifts and other machinery operating and causing safety issues. In this case the same rationale should prevail. There is, as I mentioned, an alternative ADA space located on the other side of the building that would be more appropriately used for a person wanting to access the docks. There is a clear and safe path of travel along the outdoor public seating area to the gangway. Furthermore, it has been presented to the City that a sign indicating passenger loading for the dock facilities will be placed on the rail at the southern side of the fish market indicating that people should walk along the path I just mentioned to the gangway. For all the reasons stated above it would be much safer and convenient for the ADA space to remain where it is currently located and without any additional stripping.

Next I would like to address the lighting, landscaping and curb stop requirements. In a situation where a parking lot is constructed for general public use and is anticipated that passenger cars and trucks are the only vehicles that use the site, so it would make sense to have these requirements. However in this case, the lot and area must accommodate semi-trailers, large delivery trucks, fork lift operations and on occasion the storage of fish bins and other marine related items. The installation of any of these items that would prevent full use of the area without the risk of running into or over one these will prevent the applicant from using his site as he needs to for all of the operations that take place. Again, the City has understood over the years that there are specific locations that need exemptions from particular codes in order to run a safe and efficient business. There are only three working docks, near the Flying Dutchman, Giovanni's and the Commercial Fishermen's dock area, left on the Embarcadero that can accommodate fish unloading and these other activities. The protection of these businesses is a high priority of the City and Coastal Commission and therefore it

is imperative that these businesses be allowed exemptions that would otherwise be harmful to business.

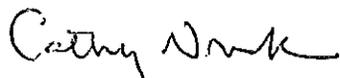
The City's zoning ordinance requires screening for parking lots abutting a street however, this seems to be a moving target as to whether the Planning Commission would like to see a fence to screen a parking lot or open area, or not. In this location the installation of a solid fence to screen the lot would be visually obtrusive and prevent the pedestrians from viewing the operations and the bay. Secondly, adding a landscape berm to the Embarcadero side of the lot to screen would require additional space in the lot area. This would present a two-fold problem. One is that the business maneuvers as I mentioned above would be further restricted and two, that the spaces along the fenced area or mid section would need to be completely removed therefore eliminating at least four spaces and possibly the ADA space as well.

The City and Coastal Commission have put a value on parking spaces and in some cases required on-site parking for projects. In this case, the applicant voluntarily stripped a pre-existing area to make it user friendly and keep employee parking off the Embarcadero. While some of the spaces may not meet the strict code requirements for lane widths and stall size, it should be noted that this business has gone above and beyond to provide spaces for their private use. The zoning ordinance sample parking lot layouts, figure 44-2, have "suggested standards" that range from 14'-6" to 21' and lane widths from 12' to 25" feet for one way traffic and angled parking. The perpendicular parking diagram shows a two way lane that is 25'. Using this example and applying it to this project, it appears that could be flexibility in the space layout.

In conclusion, the parking design of the existing parking lot can accommodate all the parking needs generated by the use. An exception in this case to the parking lot standards is warranted because of the nature of the business, City recognition of marine related and fishing industry needs, the previous history of parking on-site (not starting a new development with a vacant property), and the need for parking spaces in the Embarcadero off street. I would also note that the City's parking lot on the Embarcadero is lacking many of these same items and has not made an attempt to install or change this facility.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Sincerely,



Cathy Novak
Project representative

Cc: Mr. Giovanni DeGarimore

Attn: M.D.

STATE OF CALIFORNIA THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

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



NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: May 25, 2001
TO: Degarimore Properties, Attn: Michael Degarimore
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-00-044-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13252 of the California Code of Regulations.

APPLICANT: Degarimore Properties, Attn: Michael Degarimore
LOCATION: 1001 Front Street, Morro Bay (San Luis Obispo County) (APN(s) 066-352-001, 066-033-004, 006-552-033, 066-033-002, 006-352-034, 006-033-002)
DESCRIPTION: Repair and replacement of existing wharf, dock, & pier structure
RATIONALE: Proposed development involves no significant impacts on coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, June 13, 2001, in Los Angeles. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

Rick Hyman
By: RICK HYMAN
District Chief Planner

CALIFORNIA COASTAL COMMISSION

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

**NOTICE OF PERMIT WAIVER EFFECTIVENESS**

DATE: June 14, 2001
TO: Degarimore Properties, Attn: Michael Degarimore
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver Number 3-00-044-W

Please be advised that Waiver Number 3-00-044-W, which was reported to the Commission on June 13, 2001, became effective as of that date. Any deviation from the application and plans on file in the Commission office may require a coastal development permit for the entire project.

APPLICANT: Degarimore Properties, Attn: Michael Degarimore
LOCATION: 1001 Front Street, Morro Bay (San Luis Obispo County) (APN(s) 066-352-001, 066-033-004, 006-552-033, 066-033-002, 006-352-034, 006-033-002)
DESCRIPTION: Repair and replacement of existing wharf, dock, & pier structure

Should you have any questions, please contact our office.

Sincerely,

PETER M. DOUGLAS
Executive Director

A handwritten signature in black ink, appearing to read "Rick Hyman".

By: RICK HYMAN
District Chief Planner

CALIFORNIA COASTAL COMMISSION

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

**NOTICE OF PERMIT WAIVER EFFECTIVENESS**

DATE: July 14, 2006
TO: Giovanni's Fish Market, Attn: Giovanni Degarimore
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver Number 3-06-013-W

Please be advised that Waiver Number 3-06-013-W, which was reported to the Commission on July 13, 2006, became effective as of that date. Any deviation from the application and plans on file in the Commission office may require a coastal development permit for the entire project.

APPLICANT: Giovanni's Fish Market, Attn: Giovanni Degarimore
LOCATION: 1001 Front Street, Morro Bay (San Luis Obispo County) (APN(s) 066-352-030)
DESCRIPTION: Addition of approximately 350 sq.ft. and take out service window to an existing fish market building.

Should you have any questions, please contact our office.

Sincerely,

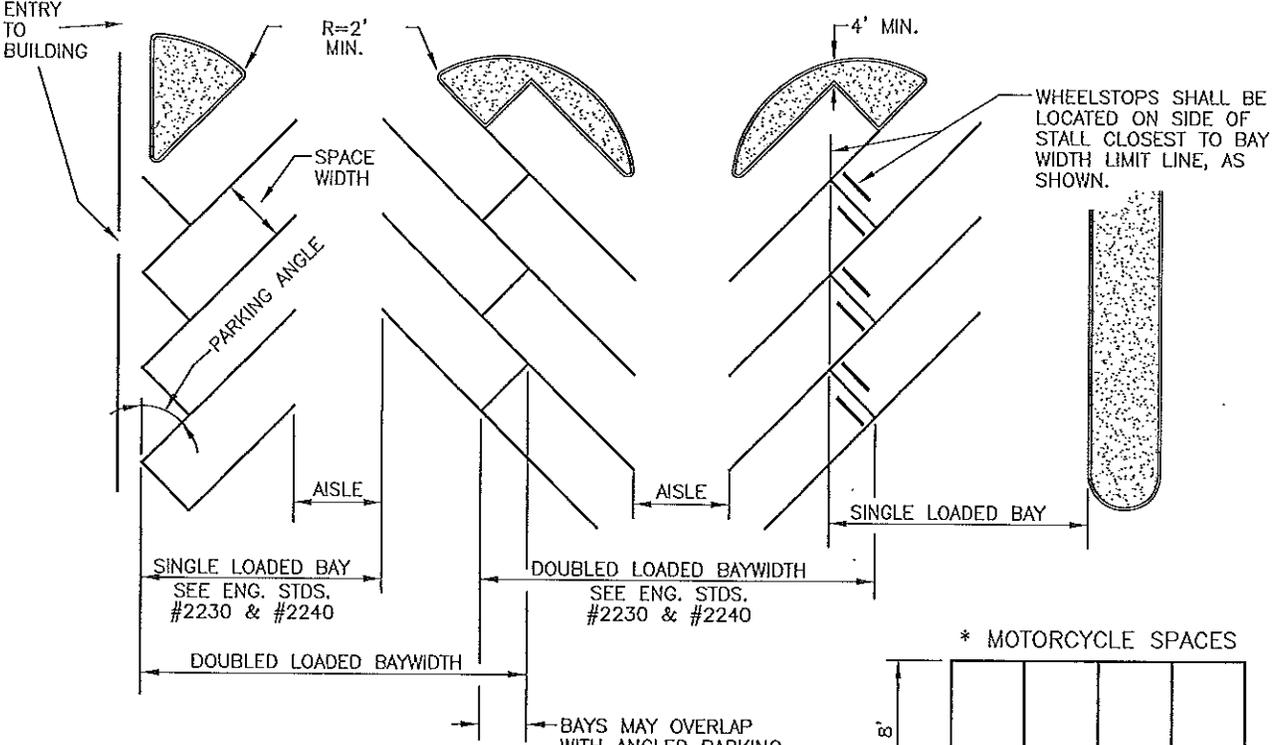
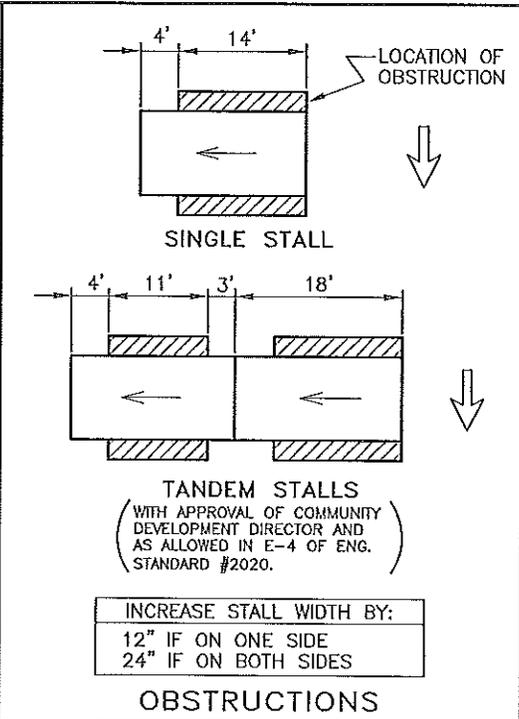
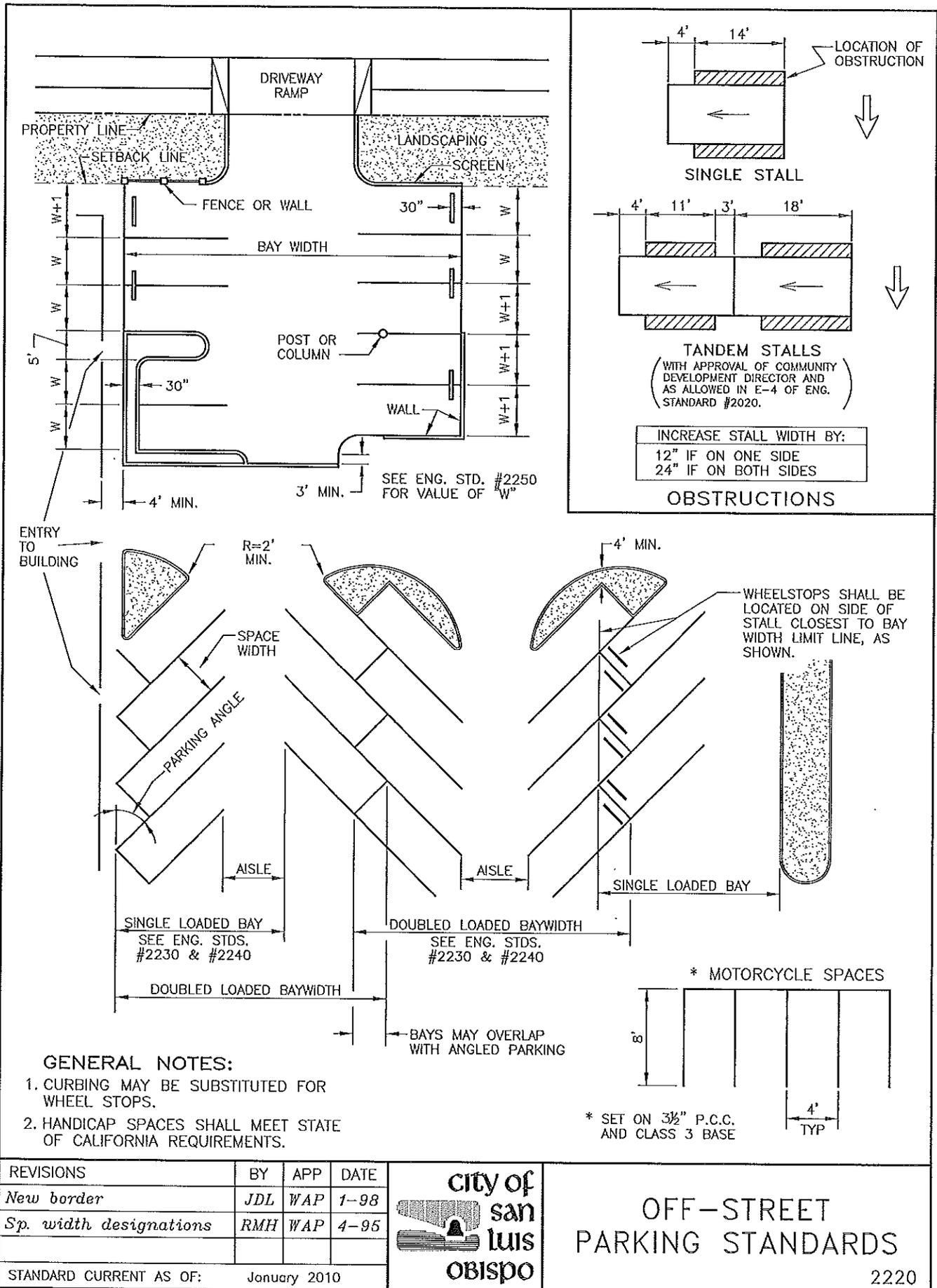
PETER M. DOUGLAS
Executive Director

A handwritten signature in cursive script that reads "Steve Monowitz".

By: STEVE MONOWITZ
District Manager

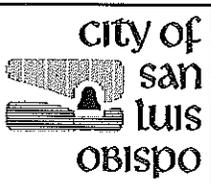
cc: Local Planning Dept.

ATTACHMENT 6



- GENERAL NOTES:**
1. CURBING MAY BE SUBSTITUTED FOR WHEEL STOPS.
 2. HANDICAP SPACES SHALL MEET STATE OF CALIFORNIA REQUIREMENTS.

REVISIONS	BY	APP	DATE
New border	JDL	WAP	1-98
Sp. width designations	RMH	WAP	4-95
STANDARD CURRENT AS OF:		January 2010	



OFF-STREET
PARKING STANDARDS
2220

AVERAGE CARS

PARKING ANGLE	WIDTH AT CURB	SINGLE LOADED AISLES		DOUBLE LOADED AISLES	
		ONE-WAY TRAFFIC	TWO-WAY TRAFFIC	ONE-WAY TRAFFIC	TWO-WAY TRAFFIC
BAY WIDTH * (feet)					
30°	16.61	26.9	34.9	41.9	50.0
32.5°	15.45	27.5	35.4	42.9	51.0
35°	14.48	27.9	35.8	43.9	51.9
37.5°	13.64	28.4	36.3	44.8	52.7
40°	12.92	28.7	36.7	45.5	53.3
42.5°	12.29	29.4	37.1	46.4	53.9
45°	11.74	30.2	37.6	47.6	54.6
47.5°	11.26	31.1	38.0	48.8	55.2
50°	10.84	32.0	38.3	49.9	55.8
52.5°	10.47	32.7	38.7	50.9	56.3
55°	10.14	33.6	39.0	51.7	56.7
57.5°	9.84	34.3	39.4	52.4	57.1
60°	9.59	35.1	39.7	53.3	57.5
62.5°	9.36	35.8	40.1	54.1	57.8
65°	9.16	36.5	40.4	54.9	58.2
67.5°	8.99	37.2	40.8	55.5	58.5
70°	8.83	37.9	41.1	56.1	58.8
72.5°	8.70	38.5	41.4	56.7	59.0
75°	8.59	39.2	41.7	57.3	59.2
77.5°	8.50	40.0	42.0	57.9	59.5
80°	8.43	40.6	42.3	58.5	59.7
82.5°	8.67	41.3	42.6	58.9	59.8
85°	8.63	42.0	42.9	59.4	59.9
87.5°	8.61	42.6	43.1	59.7	60.0
90°	8.60	43.3	43.3	60.1	60.1

STALL WIDTHS

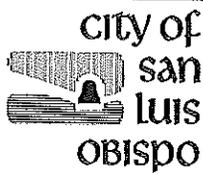
Bay widths are based on 18'-5" stall lengths and stall width as noted.
 Alternate stall widths may only be used for 82.5°-90° parking angles and must have special approval of the Community Development Director.

- 9'-0" width - Subtract 2 feet from bay width
- 9'-6" width - Subtract 4 feet from bay width

*See ENG. STANDARD #2220 for clarification of "BAY WIDTH"

REVISIONS	BY	APP	DATE
New border	JDL	WAP	1-98
Rearrange	RMH	WAP	1-95

STANDARD CURRENT AS OF: January 2010



PARKING BAY DIMENSIONS AVERAGE CARS

ATTACHMENT 7

City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

Public Notice of Availability
Document Type: Mitigated Negative Declaration

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY

February 3, 2011

The City has determined that the following proposal qualifies for a

Negative Declaration **Mitigated Negative Declaration**

PROJECT TITLE: Giovanni's Fish Market and Galley head-float, finger docks, landing, gangway, patio awnings, windscreen and parking lot.

PROJECT LOCATION: The project is located at 1001 Front Street, Morro Bay, California. The City of Morro Bay is located approximately 15 miles west of the City of San Luis Obispo. The City is within an area that has several coastal resources such as beaches, coastal bluffs, an estuary, sand spit and Morro Rock.

CITY: Morro Bay

COUNTY: San Luis Obispo

CASE NO.: UP0-284

PROJECT DESCRIPTION: The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and is governed by the Waterfront Master Plan. The project proposes to reconfigure and expand the existing dock system which is approximately 60 linear feet by 8 feet, by constructing an additional 74 linear feet to the existing dock for a proposed length of approximately 134 linear feet and an area of approximately 1,072 square feet. Attached to the expanded head-float installation will be four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. One of the four docks will be 5 feet wide in order to provide a dock that meets accessibility requirements. Each finger dock will be constructed with a light brown colored Trex decking. The head-float will not require additional pilings, however each new finger will need 3 new piles to secure the end of the dock. The applicant has not specified the use of the docks.

The head-float dock was increased in length by approximately 74 linear feet over the most recent configuration of 60 linear feet. The previous 60 foot head float was removed and replaced with a new head float and constructed with a light brown colored Trex decking without benefit of permits. This project includes permitting the installation of the new head float.

The project proposes new light sources on both the head float and at the ends of the finger docks, because the existing light on site is not adequate. The project will include 4 power and light pedestals that will provide a minimum five foot candle level for all passenger loading areas, pursuant to the building code. On the ends of the docks 4 solar 'protector' flood lights with motion sensors are proposed.

Access from the head float dock is currently via a ladder up to the wharf as well as temporary access through the City's gangway to the south of the project site. The project would include the construction of a new accessible landing and gangway. The new finger docks will eliminate the current method of side tie docking and will replace it with boats docking at the finger docks and accessing land via the head-float and newly proposed gangway and landing.

The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The building existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project.

The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf. The existing outdoor dining area is approximately 1,425 square feet with approximately 16 tables enclosed within the existing windscreen. The awnings will be constructed in four individual sections centered over the patio area and supported by a center beam between two vertical supports. The patio area is approximately 90 feet in length and the retractable awning will cover approximately one-half the existing seating area. The awning will be supported by a center support post/beam spanning approximately 50 feet. The northern end of the awning will additionally have a 7 foot high windscreen, consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) and wood (approximately 40%) to match the existing screen. Currently there are umbrellas covering the existing dining area and are each approximately 8 foot diameter and cover most of the dining area. The canvas color of the new awning system will be the same as the existing canvas awnings used around the site for consistency.

The applicant also proposes to utilize an existing parking lot to provide 5 required parking spaces for the new docks on the adjacent site at 1099 Embarcadero. The applicant paved the parking lot and striped the parking lot without benefit of a permit, therefore the parking lot was not reviewed pursuant to the Municipal Code. The applicant has proposed making the parking lot legal by including the parking lot in this review. Exemptions from certain parking lot requirements such as landscaping have been requested, however the parking spaces and aisles shall meet minimum standards.

LEAD AGENCY: City of Morro Bay

CONTACT PERSON: Sierra Davis, Assistant Planner

TELEPHONE: (805) 772-6270

ADDRESS WHERE DOCUMENT MAY BE OBTAINED:

Public Services Department
955 Shasta Avenue
Morro Bay, California 93442
(805) 772-6261

PUBLIC REVIEW PERIOD: Begins: February 4, 2011 to March 7, 2011

Anyone interested in this matter is invited to comment on the document by written response or contacting the Public Services Department.

A handwritten signature in cursive script that reads "Sierra Davis". The signature is written in black ink and is positioned above a horizontal line.

Signature

Sierra Davis, Assistant Planner

City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

D R A F T M I T I G A T E D N E G A T I V E D E C L A R A T I O N

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY
955 Shasta Avenue
Morro Bay, California 93442
805-772-6261

The State of California and the City of Morro Bay require, prior to the approval of any project, which is not exempt under CEQA, that a determination be made whether or not that project may have any significant effects on the environment. In the case of the project described below, the City has determined that the proposal qualifies for a Mitigated Negative Declaration.

CASE NO.: UP0-284

PROJECT TITLE: Giovanni's Fish Market and Galley head-float, finger docks, landing, gangway, patio awnings, windscreen and parking lot.

APPLICANT / PROJECT SPONSOR: Giovanni DeGarimore/Cathy Novak

PROJECT DESCRIPTION: The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and is governed by the Waterfront Master Plan. The project proposes to reconfigure and expand the existing dock system which is approximately 60 linear feet by 8 feet, by constructing an additional 74 linear feet to the existing dock for a proposed length of approximately 134 linear feet and an area of approximately 1,072 square feet. Attached to the expanded head-float installation will be four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. One of the four docks will be 5 feet wide in order to provide a dock that meets accessibility requirements. Each finger dock will be constructed with a light brown colored Trex decking. The head-float will not require additional pilings, however each new finger will need 3 new piles to secure the end of the dock. The applicant has not specified the use of the docks.

The head-float dock was increased in length by approximately 74 linear feet over the most recent configuration of 60 linear feet. The previous 60 foot head float was removed and replaced with a new head float and constructed with a light brown colored Trex decking without benefit of permits. This project includes permitting the installation of the new head float.

The project proposes new light sources on both the head float and at the ends of the finger docks, because the existing light on site is not adequate. The project will include 4 power and light pedestals that will provide a minimum five foot candle level for all passenger loading areas, pursuant to the building code. On the ends of the docks 4 solar 'protector' flood lights with motion sensors are proposed.

Access from the head float dock is currently via a ladder up to the wharf as well as temporary access through the City's gangway to the south of the project site. The project would include the construction of a new accessible landing and gangway. The new finger docks will eliminate the current method of side tie docking and will replace it with boats docking at the finger docks and accessing land via the head-float and newly proposed gangway and landing.

The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The building existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project.

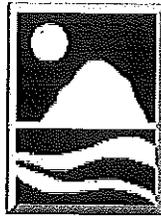
The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf. The existing outdoor dining area is approximately 1,425 square feet with approximately 16 tables enclosed within the existing windscreen. The awnings will be constructed in four individual sections centered over the patio area and supported by a center beam between two vertical supports. The patio area is approximately 90 feet in length and the retractable awning will cover approximately one-half the existing seating area. The awning will be supported by a center support post/beam spanning approximately 50 feet. The northern end of the awning will additionally have a 7 foot high windscreen, consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) and wood (approximately 40%) to match the existing screen. Currently there are umbrellas covering the existing dining area and are each approximately 8 foot diameter and cover most of the dining area. The canvas color of the new awning system will be the same as the existing canvas awnings used around the site for consistency.

The applicant also proposes to utilize an existing parking lot to provide 5 required parking spaces for the new docks on the adjacent site at 1099 Embarcadero. The applicant paved the parking lot and striped the parking lot without benefit of a permit, therefore the parking lot was not reviewed pursuant to the Municipal Code. The applicant has proposed making the parking lot legal by including the parking lot in this review. Exemptions from certain parking lot requirements such as landscaping have been requested, however the parking spaces and aisles shall meet minimum standards.

PROJECT LOCATION: The project is located at 1001 Front Street, Morro Bay, California. The City of Morro Bay is located approximately 15 miles west of the City of San Luis Obispo. The City is within an area that has several coastal resources such as, beaches, coastal bluffs, an estuary, sand spit and Morro Rock.

FINDINGS OF THE: Environmental Coordinator

It has been found that the project described above will not have a significant effect on the environment. The Initial Study includes the reasons in support of this finding. Mitigation measures, if necessary and required to assure that there will not be a significant effect in this case, are described in the attached Initial Study and Checklist and have been added to the permit conditions of approval.



City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title:	<u>Giovanni's Fish Market and Galley head-float, finger docks, landing, gangway, patio awnings and windscreen.</u>		
Case Number:	<u>UP0-284</u>		
Lead Agency:	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6261</u>
	<u>955 Shasta Ave</u>	Fax:	<u>(805) 772-6268</u>
	<u>Morro Bay, CA 93442</u>		
Project Applicant and Landowner:	<u>Giovanni DeGarimore</u>	Phone:	<u>(805)772-1276</u>
	<u>1001 Front St.</u>	Fax:	
	<u>Morro Bay, CA 93442</u>		
Project Agent:	<u>Cathy Novak</u>	Phone:	<u>(805)772-9499</u>
	<u>P.O. Box 296</u>	Fax:	
	<u>Morro Bay, CA 93443</u>		

PROJECT DESCRIPTION: The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and is governed by the Waterfront Master Plan. The project proposes to reconfigure and expand the existing dock system which is approximately 60 linear feet by 8 feet, by constructing an additional 74 linear feet to the existing dock for a proposed length of approximately 134 linear feet and an area of approximately 1,072 square feet. Attached to the expanded head-float installation will be four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. One of the four docks will be 5 feet wide in order to provide a dock that meets accessibility requirements. Each finger dock will be constructed with a light brown colored Trex decking. The head-float will not require additional pilings, however each new finger will need 3 new piles to secure the end of the dock. The applicant has not specified the use of the docks.

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building code. On the ends of the docks 4 solar ‘protector’ flood lights with motion sensors are proposed.

Access from the head float dock is currently via a ladder up to the wharf as well as temporary access through the City’s gangway to the south of the project site. The project would include the construction of a new accessible landing and gangway. The new finger docks will eliminate the current method of side tie docking and will replace it with boats docking at the finger docks and accessing land via the head-float and newly proposed gangway and landing.

The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The building existing building includes Giovanni’s Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project.

The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf. The existing outdoor dining area is approximately 1,425 square feet with approximately 16 tables enclosed within the existing windscreen. The awnings will be constructed in four individual sections centered over the patio area and supported by a center beam between two vertical supports. The patio area is approximately 90 feet in length and the retractable awning will cover approximately one-half the existing seating area. The awning will be supported by a center support post/beam spanning approximately 50 feet. The northern end of the awning will additionally have a 7 foot high windscreen, consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) and wood (approximately 40%) to match the existing screen. Currently there are umbrellas covering the existing dining area and are each approximately 8 foot diameter and cover most of the dining area. The canvas color of the new awning system will be the same as the existing canvas awnings used around the site for consistency.

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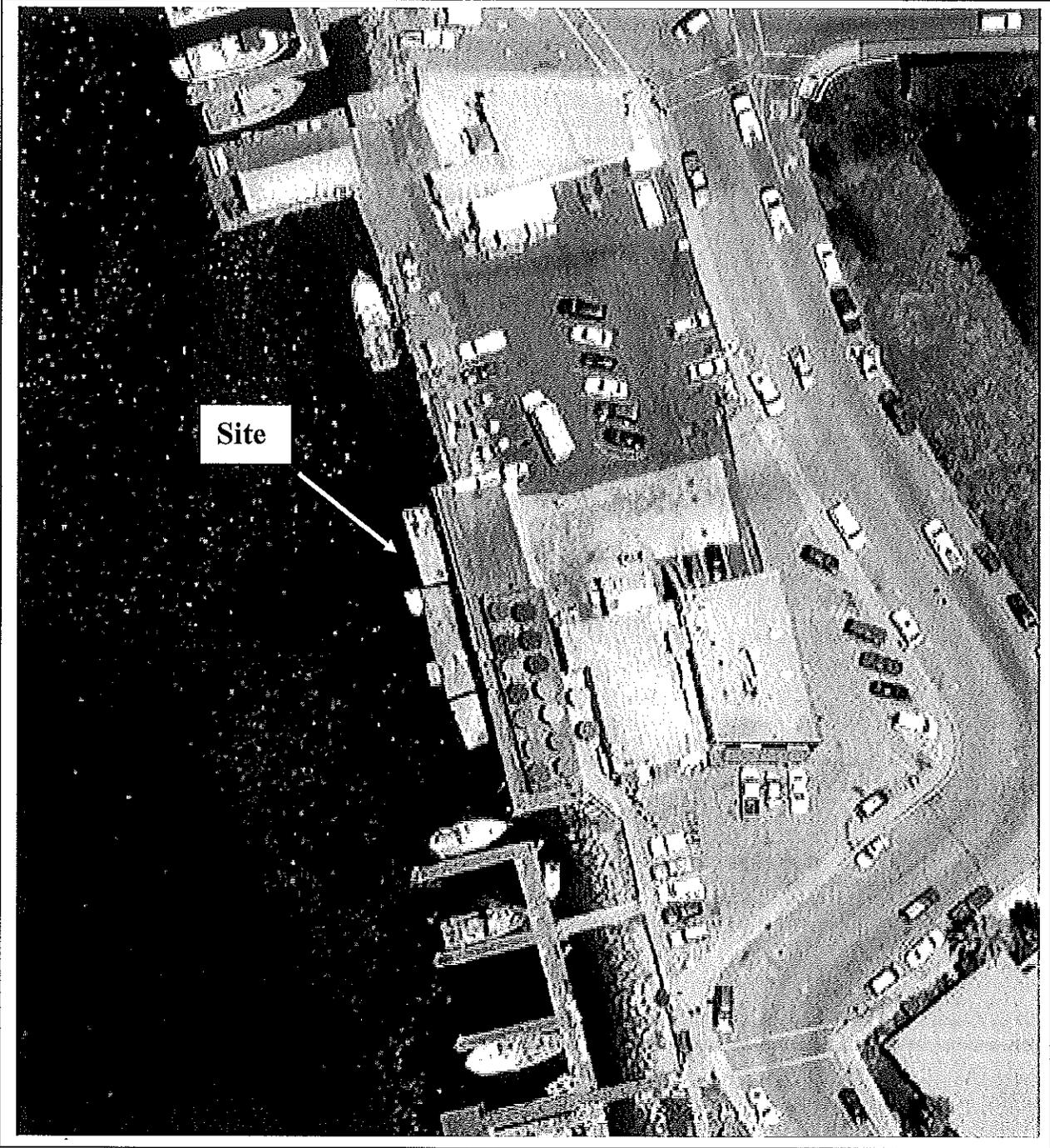
Project Location:	1001 Front St.
Assessor Parcel Number(s):	APN: 066-033-004, 066-033-003, and 066-033-002 and Water Lease Sites 105.1W and 102W
General Plan Designation:	Mixed Uses Harbor and Visitor Serving
Zoning:	H and WF/PD/S.4

INITIAL STUDY AND CHECKLIST – Giovanni’s Fish Market and Galley Side Tie Dock, Finger Docks,
 Awnings, and Parking Lot
 CASE NO. UP0-284
 DATE: February 3, 2010

Surrounding Zoning and Land Uses	
North	Commercial/Recreation Fishing (CF)/Planned Development (PD)
South	Commercial - Visitor Serving (C-VS)/Planned Development (PD)/S.4 Design Overlay and Waterfront (WF)/Planned Development (PD)/S.4 Design Overlay
West	Harbor (H)
East	Commercial - Visitor Serving (C-VS)/Planned Development (PD)/S.4 Design Overlay

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) California Coastal Commission, Army Corp of Engineer.

VICINITY MAP



II. ENVIRONMENTAL SETTING AND IMPACTS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated", as indicated by the Environmental Checklist:

x	1. Aesthetics		10. Land Use/Planning
	2. Agricultural Resources		11. Mineral Resources
x	3. Air Quality	x	12. Noise
x	4. Biological Resources		13. Population/Housing
	5. Cultural Resources		14. Public Services
x	6. Geology/Soils		15. Recreation
	7. Greenhouse Gas Emissions		16. Transportation/Circulation
x	8. Hazards/Hazardous Materials	x	17. Utility/Service Systems
x	9. Hydrology/Water Quality		18. Mandatory Findings of Significance

Environmental Setting: The City of Morro Bay is a small coastal town in the western region of San Luis Obispo County. Morro Bay is bounded by the Santa Lucia Mountains to the east and the Pacific Ocean to the west, Morro Bay harbor to the southeast and the unincorporated town of Cayucos to the north. The major roadway corridors in the project vicinity include Cabrillo Highway (State Route 41) and State Route 1. The two state routes overlap at the intersection of Atascadero Road and Main Street and Highway 1.

<u>Surrounding Land Use</u>			
North:	Commercial/Recreation Fishing (CF)/Planned Development (PD)	East:	Commercial - Visitor Serving (C-VS)/Planned Development (PD), Specific Plan (SP)
South:	Waterfront (WF) Planned Development (PD) Design Overlay S.4	West:	Harbor (H)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effect that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigated pursuant to that earlier EIR

INITIAL STUDY AND CHECKLIST – Giovanni’s Fish Market and Galley Side Tie Dock, Finger Docks,
Awnings, and Parking Lot
CASE NO. UP0-284
DATE: February 3, 2010

or NEGATIVE DECLARATION, including revisions or mitigation measure that are imposed upon the
proposed project, nothing further is required.

Signature

Date

Printed Name

For

III. ENVIRONMENTAL CHECKLIST

1. AESTHETICS:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect on a scenic vista?		X		
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?			X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X		

Environmental Discussion: The General Plan and the Local Coastal Plan contain policies that protect the City’s visual resources. The waterfront and Embarcadero are designated as scenic view areas in the City’s Visual Resources and Scenic Highway Element. The project site is not located within view of the scenic Highway 1, but the site is located on the water side of the Embarcadero. The site is located on the water side of the Embarcadero have significant visual resources including Morro Rock, the sand spit, harbor and navigable waterways which can all be viewed from the project site. The Waterfront Master Plan identifies public view sheds and view corridors in determining the importance of visual resources.

Scenic vistas generally include areas of high scenic quality that are visible to a number of people, including recreational travelers. Policies contained within the Local Coastal Plan and General Plan speak to the need to protect visual resources. Regulations are also contained within the City’s Waterfront Master Plan that require the provision of view corridors to preserve scenic resources. Finally, the project is also subject to Section 17.48.190 of the Zoning Ordinance that requires “protection of visual resources” and “compatible design.”

Impact Discussion:

a - c.) The project is located on the water side of the Embarcadero and has views of the harbor area, which are designated a scenic vista. The project description includes new floating docks, gangway, landing and awnings. The floating docks, gangway and landing are all located at the same elevation as the existing wharf or in the area below the wharf to the surface of the water. These elements of the project will not have a substantial effect on the views to the harbor, therefore do not substantially affect the views to and from the site.

The proposed awning will be replacing approximately 16 removable umbrellas over the existing public seating area. The awning has the most substantial effect on the scenic vista because the awning system is taller and covers a larger area than the existing umbrellas. The proposed awning is a freestanding mechanical system that can retract the awnings as weather permits. There will be four separate awnings connected a central support system that is 12 feet in height and 50 feet in length and is proposed to cover the southern portion of the existing public view deck. The awnings are connected to the support system and are not attached to the existing windscreen or structure, and will maintain a minimum of 6 inch gap between the top of the windscreen and top of the roof. The configuration will create an area that is substantially enclosed. The existing umbrellas are not connected, therefore it does not create continuous coverage over the southern portion of the deck. The existing configuration of the umbrellas allows for views over the top of the windscreen and is partially open to the sky. The proposed awning system would not allow for views over the windscreen and to the sky when the awning is open. When the awning system is retracted the area will be exposed to the elements and will have more of a view shed than what currently exists on site.

The project is located in the original jurisdiction of the California Coastal Commission, therefore the project must conform to the California Coastal Act. The Coastal Act addresses new development on properties located in the

Original Jurisdiction, however does not specifically address additions to existing developments. In section 30251 of the Coastal Act it is encouraged that “scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.” The section goes on to say that developments shall “be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.” The site is currently utilized as a commercial visitor serving use with associated marine facilities. The expanded marine facilities and marine commercial uses are encourage as a part of the Local Coastal Plan and therefore are not viewed as a detriment to the visual quality of the surrounding area.

The awning is proposed over the existing wharf and public seating area and will be higher than current height of existing shade umbrellas in use at the same location, therefore may substantially affect the visual quality of the area without mitigation measures implemented as listed below.

d.) The project is required by the building code to provide lights on the existing head float and the new finger docks. The design of the light source directs the light down towards the ground for safety purposes. Because of the configuration there will be limited light pollution into the day or nighttime sky. The lights are for directional and safety purposes and will not adversely affect the scenic views at any time of the day.

Mitigation and Residual Impact:

1. The awning system shall be freestanding and shall only be attached at the base of the awning system to the wharf. The awning shall not be attached to the existing windscreen, structures on site nor be attached in a way that would enclose the area in any fashion.
2. The awning system shall maintain a minimum 6 inch height clearance above the top of the windscreen to maintain that the awning system does not fully enclose the public view area.

Monitoring: The Public Services will inspect the floating dock, gangway, landing and awning for conformance to the approved plans, conditions of approval and environmental mitigation measures. The Public Services Department will have to deem the project conforming in order to final the project and grant occupancy.

2. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Environmental Discussion: The existing and proposed uses on the site are visitor serving and are consistent with the zoning designation of the site. The property, water lease, and surrounding areas are not zoned for agricultural uses and are not suitable for agricultural use because the upland portion of the site is located on fill and the portion of the site where the project is located is in the water. The site has not historically been used for farming nor has it been designated as prime or otherwise important farmland. The project does not impact any agricultural lands or uses.

Impact Discussion:

a – e.) The California Department of Conservation, Farmland and Monitoring Program’s map San Luis Obispo County Important Farmland 2006, designates land within the boundary of the City of Morro Bay as a urban and built out, grazing land or land defined as “other” land. The area is characterized by land occupied for structures and is not longer suitable for agricultural purposes. The specific site where the project is located on a water lease that is designated Harbor (H) and is not used for agricultural purposes. The upland portion of the project is located within the City limits, therefore is not designated as prime or important farmland.

Mitigation and Residual Impact: No agricultural resources will be affected by the project; therefore no mitigation measures are required.

Monitoring: Not applicable.

3. AIR QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
Would the project:					
a.	Conflict with or obstruct implementation of the applicable air quality plan?		X		
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d.	Expose sensitive receptors to substantial pollutant concentrations?				X
e.	Create objectionable odors affecting a substantial number of people?			X	

Environmental Setting: Morro Bay is considered a clean air area and very rarely exceeds state or federal standards. The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, state ambient air quality standards for ozone and particulate matter less than 10 microns in diameter (PM10) are sometimes exceeded in the County.

Impact Discussion:

a.) San Luis Obispo County is a non-attainment area for the State PM10 (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD “CEQA Air Quality Handbook” (2009), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, .25 PPD of reactive organic gases, oxides or nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly. The project is a size that is below APCD’s air quality significance thresholds for new land uses.

No Federal, state or regional regulatory agency has provided methodology or criteria to determine the significance of local greenhouse gas emissions on global climate change. Therefore, the lead agency is unable to provide a scientific or regulatory-based conclusion in regard to whether the project’s contribution to climate change is cumulatively considerable. In the short-term, the proposed project could result in minor increases in emission of greenhouse gases. Such an increase would not individually contribute to global climate change; however, it could contribute considerably to the cumulative or global emission of GHGs.

b.) The project does not propose additional square footage to the existing upland building; therefore disturbance of fine particulate matter will be minimal during construction phase. The existing dock and addition of four finger docks may increase the number of boats at this location therefore slight additional air quality impacts could result from nautical use on the site. However, the project will not generate a significant impact on long-term air quality. However, construction operations would potentially result in the emission of ROG, NOx, and Diesel Particulate Matter. Standard construction mitigation measures required by the APCD to mitigate emissions are recommended.

c.) The proposed project is a size that is below APCD’s air quality significance threshold for new land uses, therefore for the project will not contribute to a considerable net increase of criterion pollutant.

d.) The project location is not located within the vicinity of a school, hospital, residential or alternate sensitive receptor site nor will the project release a substantial amount of pollutants, therefore the project would not affect sensitive receptors.

e.) The proposed project does not include any uses that will emit objectionable odors from the site. The expansion of the docks has the potential to increase marina uses, however marine activities already occur at this site and do not create objectionable odors.

Mitigation: The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

The standard mitigation measures for reducing nitrogen oxide (NOx), reactive organic gases (ROG), and diesel particulate matter (Diesel PM) emissions from construction equipment are listed below:

- a. Maintain all construction equipment in proper tune according to manufacturer’s specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB’s Tier 2 certified engines or cleaner offroad heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

With the implementation of the mitigation measures, potential impacts to air quality resulting from the project would be reduced to less than significant levels.

Monitoring: All mitigation measures shall be required as notes on the plans and Public Services Department staff shall monitor compliance with the conditions in the normal course of reviewing building plans.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		

e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			X	

Environmental Setting: The land portion of the site is developed and covered with paved surfaces or structures and does not contain any native or critical habitat, plant or wildlife resources. The site is adjacent to Morro Bay, which provides habitat for state and federally listed species and are designated as Waters of the United States (i.e. open water habitat of Morro Bay) and are subject to Section 404 of the Federal Clean Water Act administered by the USEPA and USACE. Waters of the United States are also subject to Section 10 of the Federal Rivers and Harbors Act of 1899 when constructing any obstruction in navigable waterway is proposed.

Morro Bay Estuary is the largest semi-enclosed bay on the California central coast and is designated a national and state estuary. The bay supports a diverse estuarine system, including plant, invertebrate, fish, bird and other wildlife species. The marine portion of the project site is limited to the area of an existing dock adjacent to the existing wharf and the wharf. Within the Morro Bay Estuary there are two habitats that can form: open water habitat and protected Eelgrass habitat. Open water habitat provides food, shelter and is a migratory corridor for fish populations. Special status fish species that may occur in the project vicinity include the endangered tidewater goby (fish) and the threatened south-central California coast steelhead DPS (fish). It is unlikely that the project will result in the take of steelhead since they are highly mobile. The tidewater goby habitat generally occur close to major stream drainages that usually occur in the upper estuary within the fresh water and salt water interface. The U.S. Fish and Wildlife Service stated that major habitation loss in the future is now unlikely, but ongoing harbor and estuary maintenance may cause disruption to habitat or habitat loss. Both resident and migratory birds and marine mammals also utilize open water habitat for feeding and to rest on the surface.

The estuary also has the potential to support Eelgrass beds which is a flowering plant that forms beds at low intertidal and shallow sub-tidal depths, and is considered an important habitat in the estuary. Morro Bay has the largest remaining Eelgrass acreage south of the San Francisco Bay covering almost 51% of potential Eelgrass habitats within the estuary. Eelgrass provides shelter for invertebrates and juvenile fish, contributes to the detrital food chain, and is considered an essential habitat for some vertebrate and invertebrate species. Eelgrass beds also provide important foraging habitat for shorebirds at low tide, and for diving birds at high tide when the beds are submerged.

Marine mammals that have been reported from within Morro Bay include the California sea lion (*Zalophus californicus*), harbor seal (*Phoca vitulina*) and the southern sea otter (*Enhydra lutris*). California sea lions are common in California coastal waters and are frequently sighted in and around Morro Bay (MBNEP, 2000a). NOAA has maintained a database of the rookeries and haul-out sites throughout California and within Morro Bay eight haul-out sites have been identified in the southern part of the Bay (see Figure 5.4-2, NOAA 2008, Chambers Group, 2001 and MBNEP, 2000a). Chambers Group (2001) also reported that there were six to eight resident sea otters in the harbor area.

Marine Mammals. All marine mammals are protected under the 1972 Federal Marine Mammal Protection Act (MMPA). In addition, many are listed as threatened or endangered by the federal and/or state resource agencies. Within the project area (Morro Bay), sea lions, harbor seals, and sea otters could be expected to occur. Disturbing, harassing, injuring, or killing a protected species is prohibited by the MMPA. The Pacific harbor seal (*Phoca vitulina*) and the California sea lion (*Zalophus californicus*) are the two pinniped species most likely to occur within Morro Bay.

Pacific harbor seal. Pacific harbor seals range from Mexico to the Aleutian Islands. The most recent minimum population estimates of the California stock indicate that at least 31,600 individuals are known to occur (Carretta, et al., 2008). After increases in the 1990s, this population is believed to be stable and possibly reaching its carrying

capacity (NMFS, 2005). Eight haul-out sites have been identified within the mudflats in the southern part of the Bay where adults and pups have been sited (NOAA 2008, Chambers Group, 2001 and MBNEP, 2000a).

California sea lion. California sea lions range from Baja California to British Columbia, are common in California coastal waters, and are frequently sighted in and around Morro Bay (MBNEP, 2000a). The most recent population estimates for the California sea lion United States’ stock indicate that at least 141,842 individuals are known to occur in California (Carretta, et al., 2008). Although California sea lions have been seen hauled-out on buoys and floating docks, no documented haul out and/or rookery sites have been cited within Morro Bay.

Southern sea otter (*Enhydra lutris*) is a federally threatened species that currently ranges from Alaska to southern California. The California population is considered a sub-species (*E. lutris nereis*) because of its disjunctive and restricted distribution. Although the sea otter was nearly extirpated by the fur trade during the 18th and 19th centuries, currently, the population size off the coast of California is approximately 3,026 animals, and is experiencing a slight increase from previous years (US Geological Surveys [USGS], 2007). Sea otters are recorded along the central California coast, and individuals may utilize nearshore kelp beds in Estero Bay as rafting and feeding areas (Padre Associates, Inc., 2005b). Sea otters are also commonly observed utilizing Morro Bay as a resting and feeding area. Therefore, some individuals are likely to occur near the project site as they forage or transit between rafting sites (Padre Associates, Inc., 2005b).

Impact Discussion:

a.) Morro Bay Estuary is the largest semi-enclosed bay on the California central coast and is designated a national and state estuary. The bay supports a diverse estuarine system, including plant, invertebrate, fish, bird and other wildlife species. The marine portion of the project site is limited to the area of an existing dock adjacent to the existing wharf and the wharf. Within the Morro Bay Estuary there are two habitats that can form: open water habitat and protected Eelgrass habitat.

A biological resources study analyzing the potential Eelgrass impact of the project has been conducted in the project area by Tenera Environmental Group, dated March 23, 2010. Eelgrass is not an endangered species but it is protected under a federal “no-net loss” policy for wetlands. Like wetlands, they are recognized as Special Aquatic Sites per Clean Water Act Section 404(b)(1) Guidelines. Eelgrass and other sea grass ecosystems receive this level of protection because of their importance to the lifecycles of other species. The Eelgrass community in the vicinity of the proposed project has been surveyed and mapped in accordance with specifications of the Southern California Eelgrass Mitigation Policy (Revision 8), adopted by the National Marine Fisheries Service, US Fish and Wildlife Service and California Department of Fish and Game. The survey report, prepared by Tenera Environmental (March 23, 2010), is attached hereto and incorporated herein by reference.

Tenera surveyed for the presence of eelgrass and *Caulerpa taxifolia*, a highly invasive algal species that reproduces by fragmentation as projects disturb the seabed. The survey boundaries included a 50 ft. buffer zone surrounding all areas of proposed construction and neither eelgrass or *Caulerpa taxifolia* were found which indicates that the area of proposed construction is unsuitable for eelgrass habitat. The survey notes that the lack of eelgrass likely due to boat and boardwalk shading, depth of the water where the proposed piles will be driven, and the result of a thick film of detritus that prevents the eelgrass seeds and algal spores from attaching and growing. In addition, the lack of other plant species such as kelp or algal species was also noted in this area.

Typically, short-term noise impacts associated with construction are restricted to daylight hours and are not viewed as significantly impacting the physical environment; however, mitigation measures have been added to prevent disturbing animals protected under the Endangered Species Act or Marine Mammal Protection Act during pile driving for the new finger docks.

Hazardous materials could be released as a result of project activities due to the improper handling of fuel and other hazardous materials during fueling or storage of onshore equipment. Potential petroleum spills could result in potentially significant impacts to water quality and the marine biota within the project site and region. See Section 8: Hydrology & Water Quality for additional discussion and recommended mitigation measures.

b-d.) Potential impacts to waters of the U.S. and migratory fish and wildlife species could result from in-water activities. See the impact discussion in (a) above.

e-f.) The California Coastal Act has jurisdiction over the project site and has set forth policy protecting the California coast and water. The Local Coastal Plan incorporates policy from the Coastal Act and section 30240(b) states, “Development in areas adjacent to environmentally sensitive habitat area and parks and recreation area shall be sited and designed to prevent impacts with would significantly degrade such areas, and shall be compatible with the continuance of such areas.” The report submitted by Tenera states that the area is not suitable for eelgrass habitat and the introduction of expanded docks will not preclude future habitat areas because the existing area without the docks does not currently support habitat.

Mitigation and Residual Impact:

1. Federal and state permits applicable to the proposed project shall be secured and evidence of permits shall be on file with the Public Services Department prior to the issuance of building permits.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
3. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenera Environmental or equivalent professional biologist approved by the Director of Public Services). The biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.
4. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be submitted and approved by the Public Services Department prior to issuance of certificates of occupancy.
5. Prior to the issuance of a building permit, an approved “otter watcher” shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and the “otter watcher” shall specifically encourage or empower the “otter watcher” to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.
6. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan should describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements.
7. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
8. If an impact hammer is used the installation of a “pad” between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

Monitoring: Public Services Department staff shall monitor compliance with the conditions by conducting site visits and in the normal course of reviewing building plans and the above required reports provided by City approved consultants. The project shall not receive occupancy clearance until the project is deemed to be in compliance with the above conditions.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?				X

b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Environmental Setting: There are over 30 surveyed archaeological sites in the corporate boundaries of the City. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including one with a cemetery. As a result of these discoveries, cultural resource surveys are frequently required for new development within the City and it is not unusual that mitigation measures are required. In this case however, the project site is located on fill and areas submerged in the harbor. It is highly unlikely that any cultural resources would be discovered in the fill that was placed in the shifting sand on the ocean floor.

Impact Discussion:

a.- d.) The structures on-site are not eligible for listing as historical resources and the project site is not a known archeological site. Therefore standard archeological mitigation measures would not be applicable for this project. Should any archeological resource be discovered during the course of construction section 17.48.310 of the Zoning Ordinance sets forth procedures for processing artifacts.

Mitigation and Residual Impact: Because no significant impacts on cultural resources would result, no mitigation measures are required. Therefore, the residual impact on cultural resources would be less than significant.

Monitoring: Not applicable.

6. GEOLOGY /SOILS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii Strong Seismic ground shaking?			X	
iii Seismic-related ground failure, including liquefaction?			X	
iv Landslides?				X
b. Result in substantial erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
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Environmental Setting: The site is located within the Tidelands area of the Morro Bay Estuary, on the coastal edge of the Santa Lucia Range, within the Coast Range Geomorphic Province of California.

Impact Discussion: The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking.

ai.) The proposed project consists of the installation of a new head float, the addition of four finger docks, gangway, landing and the installation of an awning system over the public outdoor dining area. The four finger docks will be secured with three piles at the end of each dock. However this would not increase the risk of ground failure since the project will be constructed in accordance with seismic requirements of the International Building Code. In addition, the site is not located across an active fault, as designated by the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area, or based on other substantial evidence of a known fault. The closest mapped Alquist-Priolo fault lines are located in San Simeon, California to the north and San Luis Obispo, California to the south east. There is potential that a earthquake occurring in either of these location may affect the City of Morro Bay. In addition to the Alquist-Priolo fault lines there are known faults in the area to the north and south of the City of Morro Bay, however the faults do not run under the project site, therefore no significant impacts would occur in association with rupture of a known earthquake fault.

aii. – iii.) A seismic occurrence such as ground shaking and ground failure have a low probability of occurring at this project location because there are no known faults that are located under the project site. However, a large earthquake may affect the area. The Local Coastal Plan designates the project site as a location for potential area for ground shaking and moderate to high liquefaction. The land portion of the site is existing with the minor addition of awnings to be affixed to the existing wharf. The water portion of the site is not designated as an area subject to the ground shaking or liquefaction.

aiv.) The Local Coastal Plan designates the project site as not subject to landslides or other types of slope failure. Additionally, the Safety Element of the General Plan figure S-4 does not identify the site as a location of high landslide risk. Therefore the potential for strong seismic ground shaking, landslides, or slope failure is less than significant.

b - d.) The soil in this area is fill soil and is characterized as sandy, not expansive soil. The addition of four finger docks, gangway, landing and the installation of an awning system over the outdoor dining area will require the applicant to submit a soils report to both the City of Morro Bay and the APCD for review. This is a standard requirement for commercial building permits within the City of Morro Bay and allows the Building Inspector to ensure that the site is adequately prepared for the proposed development and for the APCD to ensure that no asbestos is released into the atmosphere during building demolition. Because there is no demolition of a structure located on fill soil and minimal ground disturbance, there is no potential for loss of topsoil.

e.) Neither septic tanks nor alternative wastewater disposal systems are proposed in association with the project; therefore, no impacts would occur.

Mitigation and Residual Impact: Applicant shall submit a soil/geological report prior to the issuance of building permits.

Monitoring: Staff will review the report at time of building plan submittal to ensure proper construction methods are proposed for site conditions.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Environmental Setting:

Executive Order S-3-05

In 2005, in recognition of California’s vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of greenhouse gases (GHG) would be progressively reduced as follows.

- By 2010, reduce greenhouse gas emissions to 2005 levels;
- By 2020, reduce greenhouse gas emissions to 1990 levels; and
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

Assembly Bill 32

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resource Board (CARB) to design and implement emission limits, regulations, and other measures, such that statewide GHG emissions will be reduced to 1990 levels by 2020.

In December 2007, CARB approved the 2020 emissions limit of 427 million metric tons of CO₂ equivalents (CO₂e) of greenhouse gases. The 2020 target of 427 million metric tons of CO₂e requires the reduction of 169 million metric tons of CO₂e, or approximately 30 percent, from the state’s projected 2020 emissions of 596 million metric tons of CO₂e (business-as-usual).

AB 32 required development of a mandatory reporting rule for major sources of GHGs. The CARB’s reporting rule (California Code of regulations Title 17, Subchapter 10, Article 2, section 95100 to 95133) became effective January 2009. The rule requires reporting of GHG emissions for: cement plants, oil refineries, fossil-fueled electric-generating facilities/providers, cogeneration facilities, and hydrogen plants and other stationary combustion sources that emit more than 25,000 metric tons/year CO₂e make up 94 percent of the point source CO₂e emissions in California.

CARB has not yet determined what amount of GHG emissions reductions it recommends from local government land use decisions; however, the *Climate Change Draft Scoping Plan* (CARB, 2008) does state that successful implementation of the plan relies on local governments’ land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions. CARB further acknowledge that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. The *Scoping Plan* states that the ultimate assignment to local government operations is to be determined (CARB, 2008b).

The *Climate Change Scoping Plan* also includes recommended measures that were developed to reduce GHG emissions from key sources and activities while improving public health, promoting a cleaner environment, preserving our natural resources, and ensuring that the impacts of the reductions are equitable and do not disproportionately impact low-income and minority communities.

INITIAL STUDY AND CHECKLIST – Giovanni’s Fish Market and Galley Side Tie Dock, Finger Docks,
Awnings, and Parking Lot
CASE NO. UP0-284
DATE: February 3, 2010

The total reduction for the recommended measures is 174 million metric tons/year of CO₂e slightly exceeding the 169 million metric tons/year of CO₂e of reductions estimated to be needed in the *Draft Scoping Plan*. The measures in the Scoping Plan approved by the Board will be developed over the next two years and will be in place by 2012.

Senate Bill 97

SB 97, signed August 2007 (Chapter 185, Statutes of 2007; Public Resources Code Sections 21083.05 and 21097), acknowledges that climate is a prominent environmental issue that requires analysis under CEQA. This bill directed the Governor’s Office of Planning and Research (OPR), which is part of the state Resources Agency, to prepare, develop, and transmit to CARB guidelines for the feasible mitigation of GHG emissions (or the effects of GHG emissions), as required by CEQA, by July 1, 2009. The Resources Agency was required to certify and adopt those guidelines by January 1, 2010. On December 31, 2009, the Natural Resources Agency delivered its rulemaking package to the Office of Administrative law for their review pursuant to the Administrative Procedure Act. The adopted guidelines became effective March 18, 2010.

Governor’s Office of Planning and Research (OPR)

On June 19, 2008, OPR published a technical advisory on CEQA and Climate Change. The advisory provides OPR’s perspective on the emerging role of CEQA in addressing climate change and GHG emissions, while recognizing that approaches and methodologies for calculating GHG emissions and addressing environmental impacts through CEQA review are rapidly evolving. The advisory recognizes that OPR will develop, and the Resources Agency will adopt amendments to the CEQA Guidelines pursuant to SB 97. In the interim, the technical advisory “offers informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents.” (OPR, 2008)

The technical advisory points out that neither CEQA nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for performing an impact analysis. “This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable” (OPR, 2008). OPR recommends that “the global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions” (OPR, 2008). Until such a standard is established, OPR advises that each lead agency should develop its own approach to performing an analysis for projects that generate GHG emissions (OPR, 2008)

Agencies should then assess whether the emissions are “cumulatively considerable” even though a project’s GHG emissions may be individually limited. OPR states: “Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment” (OPR, 2008). Individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice (OPR, 2008)

If the lead agency determines emissions are a cumulatively considerable contributions to a significant impact, the lead agency must investigate and implement ways to mitigate the emissions (OPR, 2008). OPR states: “Mitigation measures will vary with the type of project being contemplated, but may include alternative project designs or locations that conserve energy and water, measures that reduce vehicle miles traveled (VMT) by fossil-fueled vehicles, measures that contribute to established regional or programmatic mitigation strategies and measures that sequester carbon to offset the emissions from the project” (OPR, 2008). OPR concludes that “A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is ‘less than significant’” (OPR, 2008) The technical advisory included a list of mitigation measures that can be applied on a project-by-project basis.

Greenhouse gas emissions are still at the early stages of development in San Luis Obispo County and significant thresholds have not been established for construction activities. However, the APCD requires that greenhouse gases still be quantified for construction projects for the life of the projects. The APCD’s calculations for construction activities can be amortized over the life of the project. State of California’s Governor’s Office of Planning and Research (OPR) released a Technical Advisory entitled CEQA AND CLIMATE CHANGE. The document states “Lead agencies should make a good-faith effort based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.”

United States EPA

The United States EPA is the federal agency responsible for implementing the Clean Air Act. Prior to 2007, the EPA did not have regulations addressing Green House Gases (GHGs). The U.S. Supreme Court ruled on April 2, 2007 that Carbon Dioxide (CO₂) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. However, there are no federal regulations or policies regarding GHG emissions applicable at the time of writing. Several bills related to greenhouse gas emissions and climate change including AB 1493 (passenger vehicle GHG emission reductions), AB 32 (the California Global Warming Solutions Act of 2006), SB 1368 (utility GHG emission reductions), SB 97 (requiring climate change analysis under CEQA), the California Climate Action Registry, SB 1078 (electricity from renewable sources), SB 375 (land use and transportation planning), Executive Order S-3-05 (acknowledges potential impacts of climate change on state), and Executive Order S-13-08 (the Climate Adaptation and Sea Level Rise Planning Directive) have been passed.

Impact Discussion:

According to *CEQA Guidelines* Appendix G, the project would have a significant effect on greenhouse gases if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any nonattainment pollutant (including releasing emissions that exceed qualitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations;
- Create objectionable odors affecting a substantial number of people;
- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The CEQA Guideline thresholds address the same impact as seen in the Air Quality section of this initial study (see discussion in *Air Quality* section).

a.-b.) For this analysis, the project would be considered to not have a significant impact on the cumulative impact of GHG, when analyzing the project against the CEQA Guideline thresholds. The proposed project is accessory to the existing use on site and the uses do not include substantial GHG emitting uses on site. The existing site is used for marine related commercial business on the working docks, and the upland portion includes a two restaurants and a t-shirt shop. The afore mentioned regulating documents from the State and Federal levels address elements of the project that would increase transportation trips, increased use of natural resources and the actual procedures of the uses. The proposed project includes the expansion of existing facilities or new accessory structures for existing uses. The expansion of the docks will slightly increase the amount of marine traffic (i.e. boats) to the site, because the docks will be expanded and will be able to accommodate more boats. The upland portion of the site project proposal includes the addition of an awning structure. The awning structure will cover an existing wharf and public seating area. The uses as proposed will not substantially contribute to the GHG emissions in the City of Morro Bay, therefore the project will not adversely the greenhouse gas emissions from the City of Morro Bay.

Mitigation and Residual Impact: The project will not substantially affect the GHG emission from the City of Morro Bay, therefore no mitigations are required for this project.

Monitoring: Not applicable.

8. HAZARDS/HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				

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a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h.	Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Environmental Setting: The property is located on the Embarcadero in the vicinity of sites that have been identified as potential polluters of ground water and soils. Properties in the vicinity include Morro Bay Wastewater Treatment Plant, PG&E substation and Dynegy Power Plant (Morro Bay Power Plant) which do handle materials that can be considered hazardous. The project is located on fill materials and has not been associated with hazardous waste or materials disposal.

The Morro Bay Wastewater Treatment Plant composts biosolids on the wastewater treatment plant site. The composting material is made available to the public to use in amending soils. The composting operation is the only solid waste site within the city limits of Morro Bay. Other solid wastes are taken out of the city and disposed of at various landfills.

The Dynegy Power Plant (Morro Bay Power Plant) and the PG&E sub-station, electric generation and substations, are located adjacent to one another and produce byproducts that are considered to be hazardous if leaked into the ground water or soils. The Department of Toxic Substances Control’s database *Evirostor*, has identifies the above ground storage tanks on Dynegy’s (Morro Bay Power Plant) property as a hazard. Dynegy (Morro Bay Power Plant) is currently taking corrective actions to mitigate the old tank farm for above ground storage of oil, by removing the tanks. The site potentially contains polychlorinated biphenyls (PCBS), polynuclear aromatic hydrocarbons (PAHS), gas, jet fuel, and motor oil. These contaminates may affect groundwater and soil in the surrounding area and has the potential to affect a larger area if the source is not cleaned up or demolished.

In addition to the Dynegy Power Plant (Morro Bay Power Plant), there are multiple sites in Morro Bay listed on the Leaking Underground Storage Tank website. Many of the cases have been cleaned up and have been closed,

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however there are two sites in Morro Bay located at the eastern end of Morro Bay Blvd adjacent to the freeway that are active site for leaking underground storage tanks as identified by the California Environmental Protection Agency and State Water Resource Control Board. The subject property is not located with 1,000 foot radius of any leaking underground storage tank that is active or one that has been cleaned up.

Enforcing regulations governing hazardous substance generators, hazardous substance storage and underground storage tanks is the responsibility of the San Luis Obispo County Environmental Health Department. The County regulates the use, storage, and disposal of hazardous substances in the County by issuing permits, monitoring regulatory compliance, investigating complaints, and other enforcement activities.

Impact Discussion:

a-b.) The project could potentially increase the amount of hazardous materials that currently exist. Existing and proposed vessel maintenance includes the use of fuel, oil, lubricants, and cleaning supplies. The release of sewage into the bay from visiting vessels could have a significant hazard to the public or the environment; however, current practice and procedures are in place to reduce the risk of accidents. These practices include inspections of vessels that are planning to dock one month or more at a specific location to assess seaworthiness, adequate sanitation, etc. In addition, if a spill occurs, a mitigation measure is included to require that a spill kit be provided and available on the dock to assist in the clean-up. Policies in place requires that if the City receives a complaint about dumping, an investigation will be conducted to determine the source. If traceable evidence is discovered, the perpetrator will be fined. The City offers visitors three free pump out facilities and encourage their use to prevent dumping waste into the bay. With routine procedures in place and a requirement to provide a spill kit, the impacts would be less than significant. In addition to City regulations, federal regulations govern public waterways and require permits in order to discharge any materials into the harbor.

Prior to the applicant applying for the permits associated with this environmental document the head float was demolition and removed without benefit of a permit. It is unknown to staff whether materials that would be harmful to construction workers and the general public were released during the demolition and removal of the previous head float. Demolition of portions of the existing wharf for the addition of the landing and gangway and the attachment method for the awning system may contain lead-based paint or asbestos building materials could cause the materials to be released as airborne particles or as particulate matter into the bay, which could affect construction workers, the general public, and/or marine wildlife. If asbestos-containing materials or lead-based paint were present in structures planned for demolition, construction workers and the general public could be exposed to asbestos fibers and/or lead-based paint dust. A mitigation measure is incorporated that requires asbestos and lead-based paint surveys to be conducted prior to demolition activities, and materials properly abated and safety regulations followed should such materials be detected.

Hazardous materials from petroleum-fueled construction equipment used to complete the proposed activities could be released as a result of project activities. In addition, the applicant has not specified whether or not the existing wharf is constructed of treated or untreated wood that will be removed and drilled to secure new portions of the landing and awning system. Treated wood waste has the potential to be considered a hazardous waste product that requires disposal at a hazardous waste site. Treated wood that is not considered a hazardous waste product can be disposed of at a non-hazardous waste landfill. The EPA considers creosote a restricted use pesticide and has handling procedures for creosote treated materials. Implementation of a mitigation measure will ensure proper handling of any creosote treated materials by workers.

c-f.) The project is not located within ¼ mile of a school or near any known hazardous material sites. It does not involve any interference with emergency response plans, create any potential public health or safety hazard, or expose the public to hazards from oil or gas wells and pipeline facilities. The project does not include any activities which could result in contamination of a public water supply. The project would not expose the public or structures to a significant risk of loss, injury, or death involving wild land fires. Therefore, impacts would be less than significant.

Mitigation and Residual Impact:

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations should be followed during demolition activities. Any loose or peeling lead based paint should be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.
2. The following precautions shall be taken when handling creosote-treated wood:
 - a. Dispose of treated wood by ordinary trash collection or burial.
 - b. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
 - c. Avoid frequent or prolonged inhalation of sawdust from treated wood.
 - d. Avoid frequent or prolonged skin contact with creosote-treated wood
 - e. When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.
 - f. When power-sawing and machining, wear goggles to protect eyes from flying particles.
 - g. Wash clothes worn while working with creosote-treated materials separately from other household clothing.
3. At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.
4. Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With the implementation of these mitigation measures the potential impacts of hazardous or hazardous materials that could result from the project would be reduced to less than significant levels.

Monitoring: Prior to issuance of demolition permits asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department. City of Morro Bay staff shall verify that signs are adhered to docks prior to final inspection.

9. HYDROLOGY/WATER QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?			X	
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X	

d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f.	Otherwise substantially degrade water quality?			X	
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?		X		

Environmental Setting: The City of Morro Bay is located within the Moro Bay and Estero Bay Watersheds which are sub regions of the Central Coastal Watershed. The major surface water features in the region are Chorro Creek, Los Osos Creek, Toro Creek, Alva Paul Creek, San Bernardo Creek, Little Morro Creek, and Morro Creek, which all flow to the Pacific Ocean, either directly or through the Morro Bay Estuary. The creeks mentioned above also serve as receiving waters for the City’s storm drain system.

The site is located in the southwestern portion of the Morro Hydrologic Subarea (Morro Basin) of San Luis Obispo County. The Morro Basin is an 810-acre area, extending from the coastline to the convergence of the Morro and Little Morro Valleys. Morro Creek, an ephemeral stream with headwaters in the Santa Lucia Range, is the primary stream draining Morro Basin. Basin recharge is infiltration of precipitation and from tributary watersheds upstream on the Morro and Little Morro Creeks. Morro Bay contains approximately 2,100 acres of water surface at low tide and approximately 6,500 acres at high tide, leaving approximately 980 acres of tidal mud flat and approximately 470 acres of salt marsh. The water quality of Morro Bay is affected by presence of nutrients, toxic substances, hydrocarbons, bacteria, heavy metals, suspended sediment, and turbidity. Studies by various authors also suggest that Morro Bay is subjected to a relatively rapid increase in sedimentation. Morro Bay, Los Osos and Chorro Creek are listed as “impaired waters” under the federal Clean Water Act, Section 303(d). These water areas, and the Morro Bay Estuary, are also listed as waters impaired by sedimentation/siltation, and are the subject of a Total Maximum Daily Load (TMDL), which is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Impact Discussion:

a.) The sewage that will be generated by this project will be collected and disposed of in the City’s sewage system and runoff from storm runoff will drains to the bay via storm drains and direct run off from the site to the adjacent harbor waters. The proposed project will not substantially increase water discharged from the site, therefore will not violate water quality standards or waste discharge requirements. In-water activities including dock demolition/construction, rip-rap removal, pile installation, vessel anchoring, and dredging could result in an increase in water column turbidity and an anticipated decrease in dissolved oxygen concentration. However, substantial turbidity occurs naturally in the Bay, particularly following surface water runoff from Chorro Creek and Los Osos Creek during winter storms. Tidal scour also contributes to the natural turbidity and is a major contributor during the spring tide periods when the change in tidal levels, rate of tidal exchange, and current speed are highest.

b.) The project is the reconstruction of an existing dock, the addition of four finger docks, and the installation of an awning system over the existing outdoor dining area. The Land Use Table depicted in Section 13.20.070 of the Municipal Code indicates that the project will result in a minor increase in water usage. However, the City’s annual water report indicates that there are sufficient water resources to satisfy this minor demand. In addition, the City’s predominant source of water to serve residences is obtained from the State Water Project. Therefore, substantial depletion of ground water would not occur as a result of the proposed project. The project will not require the need from substantial water and therefore will not substantially deplete groundwater supplies.

c. - f.) The project is proposed as accessory uses to the existing uses on site and will not develop the site in a way that will alter the existing drainage. The existing site is composed of predominantly non-permeable surfaces and currently all drainage is directed to the adjacent harbor. The new uses will not substantially impact the drainage on site because the new uses are located on top of the wharf or on top of the water. The new uses will not contribute to the degradation of the water runoff from the site because the wharfs are for water use and the awnings will direct the water to the existing wharf. Therefore, the proposed project would not substantially alter existing drainage on the site, nor result in substantial erosion or siltation on or off site.

g.-h.) The Federal Emergency Management Agency has maps that designate the 100-year flood plains. The water portion of the site is subject the “special flood hazard areas subject to inundation by the 1% annual chance flood”. The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual change flood. The upland portion of the site is designation as “Zone X Area” and has a 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile. The water portion of the site is located in an area designated has a one percent chance of being equaled or exceeded on any given year, however this is not an area of concern since the use is located in the water and the docks are designed to move up and down with the tides. Therefore damage to this area from a 100-year flood is not going to be substantial. The upland portion of the site has less of a chance of flooding and has been designed to route all flood water to storm management system which all flow into the harbor, which in this case is located in or adjacent to the project site. Considering that the project site is located on the FEMA flood maps as an area of concern, the risk is not substantial and will not expose people of structures to significant loss.

i.) The project site is not located in an area adjacent to a levee or dam, therefore failure of such structure would not be a risk on this property.

j.) Since the project site is located along the coast at an elevation below 50 feet above mean sea level, a potential hazard from tsunamis exists. There is not enough evidence, however, to predict recurrence intervals of tsunamis. The last known tsunami warning occurred in the mid-1960’s. As discussed in the Safety Element of the General Plan, the most feasible protection in the event of a tsunami is a warning system and evacuation plan. The warning is handled by the United States Weather Service and the Safety Element outlines safety preparedness measures. Therefore, the hazard presented by tsunamis is less than significant.

Mitigation and Residual Impact:

1. The proposed project shall be incorporated into the City of Morro Bay’s existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts.
3. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities should be completed and approved prior to the initiation of construction activities.

- b. Refueling of onshore equipment should be accomplished within a designated area of the parking lot. The site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment should be sufficient to respond to the worse case spill volume.
4. Netting or fencing around and underneath the dock shall be installed to catch and remove debris released during and after de-construction.

Monitoring: Prior to issuance of building permits an Oil Spill Response and Recovery Plan shall be submitted to and accepted by the Public Services staff. Public Services staff shall verify compliance through the inspection of required fencing, silt screens and refueling operations during site inspections. Public Services Department staff shall monitor compliance with all other conditions in the normal course of reviewing improvement and building plans. The Fire Department will insure that the project site is incorporated into the City of Morro Bay’s tsunami warning and evacuation system.

10. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Environmental Setting: The project is located within the City of Morro Bay on the Embarcadero and within the original jurisdiction of the California Coastal Commission. The water portion of the site is zoned Harbor and the associated upland portion of the site is zoned Waterfront/Planned Development and has an S.4 overlay. The project is governed by the Waterfront Master Plan. The project is consistent with the Harbor zoning designation.

Impact Discussion:

a. – c.) The project cannot be approved unless found consistent with the California Coastal Act, Local Coastal Program and Municipal Code. The project is within the Harbor zoning district where docks are an allowed use. Therefore the proposed additions of docks would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. The project would not physically divide an established community as it is in the water adjacent to an associated restaurant and on an existing wharf, and the project would not conflict with a conservation plan, as the city has not adopted a conservation plan.

The proposed project is consistent with the land use diagram and policy provisions of the City’s General Plan and Local Coastal Plan by providing public access through the project and along the bay. As adjacent properties are redeveloped, public access to the bay will be required, which will ultimately provide a contiguous pathway running north and south along the Embarcadero for visitors and residents. The proposed project already provides public access where currently none exists. At publicly noticed hearings, the Planning Commission and City Council shall ensure that the proposed project is in compliance with the California Coastal Act, Local Coastal Program and the Municipal Code.

Mitigation and Residual Impact: The project will not physically divide the City and does not conflict any adopted land use policy, therefore no mitigation is required.

Monitoring: Not applicable.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting: The project site is on the Embarcadero which was constructed on fill which was dredged from the harbor and placed behind the revetment. Because of this the soil is composed of sandy soil that does not have mineral value. The closets mineral resources in the area is Morro Rock which in the past was mined for rock materials from construction. Morro Rock is now a federally protected site and no longer a viable mineral resource. The project site is not located on a site that is an important to mineral resources and is not sited to be a site of mineral production in the future.

Impact Discussion:

a.-b.) The proposed project is located on fill soil and is not considered a mineral resource, therefore the proposed project will not impact the availability of resources in the community.

Mitigation and Residual Impact: The proposed project located is not a area that produces mineral resources nor does the area have a potential to produce minerals, therefore no mitigation is required for this site and protection of mineral resources.

Monitoring: Not applicable.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?		X		
b. Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?		X		
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Environmental Setting: The most significant source of noise to the project site is from traffic or transportation. The City’s General Plan Noise Element threshold for traffic noise exposure is 60dB for most land uses. The City’s Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. Sensitive receptors within the vicinity of the project include residential uses to the east.

The noise element of the General Plan for each local jurisdiction contains minimum standards for various land uses (e.g. commercial, single-family residential, multi-family residential). The City of Morro Bay’s Zoning Ordinance contains noise requirements with general noise limitations in Chapter 17.52, Performance Standards. The noise ordinance also covers operational hours, criteria for review of development projects, noise mitigation, and requirements for noise reduction measures and acoustical analyses.

The City of Morro Bay reviews new public and private development proposals to determine conformance with Noise Element policies. When projected future noise levels are expected to exceed land use conformance standards, the City may require an acoustical analysis early in the review process so that noise mitigation may be included in the project design. The size of development, noise source(s), noise exposure, and topography are criteria used for conditions of approval by the City with regard to acoustical analyses. Where existing noise levels significantly impact existing noise-sensitive land uses or where there would be a cumulative increase in noise levels resulting from new development, noise reduction measures would be required.

Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Noise-sensitive land uses include residences, hospitals and nursing homes, schools, churches, libraries, office buildings, and hotels/motels, as well as other uses deemed noise-sensitive by the local jurisdiction. Noise-sensitive land uses within the City of Morro Bay and the Morro Bay State Park and Marina (Project Site) include individual residences, transient lodging, schools, museums, libraries and playgrounds and parks.

Impact Discussion:

a.-d.) The project will not add noise levels that are inconsistent with the surrounding uses or in conflict with standards in the General Plan, Local Coastal Plan or Zoning Ordinance. However, construction noise represents a short-term impacts related to the use of construction equipment including trucks and pile driving equipment. Pile driving equipment would generally create slightly greater noise levels than standard construction equipment which could potentially impact marine wildlife. See the impact discussion in Section 4 Biological Resources. The peak noise level for most of the equipment that will be used during construction is estimated to reach 80 to 95 dBA at a distance of 50 feet (without mitigation). At 250 feet, the peak construction noise (without mitigations) is estimated to reach approximately 67 to 82 dBA (without mitigation). These noise levels are based upon “worst case” conditions. These potential noise levels are dependent on the location of the equipment on the site as well as the actual number and type of equipment used during construction. Mitigation measures are required to limit hours of construction and the reduce the noise levels of equipment during construction.

Following construction-related activities, the ambient noise levels at the project site are anticipated to return to near pre-project levels. The expansion of the docks and new awning system will not include the addition of any stationary noise sources. An increase in use of the facilities as a result of renovation and enhancement activities may cause a slight increase in ambient noise levels at the site, but it is not anticipated that these activities will be enough to increase ambient levels above their current range.

The City of Morro Bay General Plan Noise Element estimated that the project site is within the 45 dBA contour range.

Mitigation and Residual Impact:

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with “critical” grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up “beepers” will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.
3. Refer to section 4, Biology Resources mitigations 6, 7, and 8.

Monitoring: During the construction process, Planning and Building staff will make periodic site visits to ensure construction hours are adhered too and noise levels are within the allowable limits during construction.

13. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X

Environmental Setting: The proposed project is located on the Embarcadero which is a commercial district. The project site has existing commercial facilities on the land portion and a dock on the water lease that services both commercial and recreational boats.

Impact Discussion:

a.-c.) The proposed project is located on a site that is currently utilize for commercial and fishing operations. The site does not have a residential component and there is no proposal to develop the site with residential units or live aboard units. The water portion of the project will provide temporary lodging for recreational vessels; however, the project does not propose to house permanent residents. Therefore, the project’s ability to have transient lodging will not change, and there is not an impact to the amount of residential and transient lodging available in the City.

Mitigation and Residual Impact: Because no significant impacts on population and housing would result, no mitigation measures are required. The residual impact on population and housing would be less than significant.

Monitoring: Not applicable

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
a.	Fire protection?			X	
b.	Police protection?			X	
c.	Schools?				X
d.	Parks or other recreational facilities?				X
e.	Other governmental services?				X

Environmental Setting: The project site is located within the boundaries of the City of Morro Bay; therefore the City of Morro Bay provides most of the public services, including Fire and Police protection. The San Luis Coastal Unified School District operates an elementary school and a high school within the City. The project is not expected to cause any change in governmental service levels or trigger the need for new facilities or equipment to maintain

existing service levels. The project is within the density allowed and all existing services are considered adequate to serve the project.

Impact Discussion:

a.-b.) The Morro Bay Fire Department and Police Department would be responsible for conflicts or life saving measures are necessary on site. The proposed project consists of expanding existing facilities, therefore no new uses are proposed on site and the Police and Fire Departments have the capacity to handle emergency situations on site. Although the uses on site are expanding the additional recreational and commercial uses do not require the addition of firefighters or police officers in the City of Morro Bay.

c.-d.) The proposed project does not include the construction of new residences that would create a demand for additional schools, parks or other recreational facilities.

e.) No other governmental services will be affected.

Mitigation and Residual Impact: City-provided services are not expected to be affected by the project, because no significant impacts on public services would result, no mitigation measures are required. The residual impact on public services would be less than significant.

Monitoring: Not applicable

15. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			x	

Environmental Setting: A variety of recreational activities including hiking, boating, bird watching, and other outdoor activities are available in Morro Bay City limits with over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral or beach access to recreational activities for visitors and residents.

Impact Discussion:

a.-b.) The existing site utilized for commercial, recreational, fishing, and marine operations and the proposed facilities will provide better access to the expanded dock facilities. The proposed landing and gangway will be able to accommodate a wider range of visitors and residents because of accessibility requirements through the Uniform Building Code. The proposed project itself is recreational in nature and does not include any commercial or residential uses that would be growth inducing and will not create a need for additional recreational facilities.

Mitigation and Residual Impact: The project itself is a recreational use and will not create a demand for the development of additional recreational facilities, therefore will not require mitigation measures.

Monitoring: Not applicable.

16. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?			X	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e. Result in inadequate emergency access?			X	
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?			X	

Environmental Setting: The City of Morro Bay is primarily a residential community with a commercial core that extends from the Embarcadero up Morro Bay Boulevard. The community is bisected by Highway 1, a major regional roadway and Highway 41. The majority of traffic in Morro Bay is handled by a few arterials while most streets have relatively light traffic. Through traffic is concentrated primarily on Highway 1 and Atascadero Road Highway 41 as well as on Morro Bay Boulevard and Main Street. Local traffic utilizes Quintana Road for access to shopping area as well as the streets mentioned above. The Embarcadero and Beach Street provide major access for visitors and local residents to the tourist commercial and marine uses along the harbor. South Bay Boulevard and State Park Road provide access to and from the Los Osos Area. Traffic volumes on the streets are irregular due to the high volume of traffic during tourist seasons, however local traffic remains consistent throughout the rest of the year.

Impact Discussion:

a.-b.) The main component of the project is the expansion of the dock system in the water and the main circulation that will be affected is marine related and the circulation within the harbor. The use of the docks has not been identified by the applicant at this time, beyond the approved one business existing. Traffic to the site and surrounding area will increase. Although the expansion of the docks will not substantially affect traffic on established streets, parking for the expanded docks will be required. The existing dock required 4 parking spaces, and with the dock expansion 5 additional parking spaces will be provided, for a total of 9 parking spaces.

The initial construction of the new docks will be related to workman activity and equipment associated with the project, which will temporarily result in minor increases in traffic to and from the site. However, following construction, the traffic leaves should return to pre-construction levels.

c.) The proposed traffic will not have any impact on airborne traffic and is not in the vicinity of an airport.

d-e.) The circulation located on site will not be reconfigured. The applicant previously paved the site and striped parking spaces, however the parking is not a requirement of any uses on site. As designed, the project provides sufficient backing and maneuvering room for cars to safely navigate the parking lot. In addition, the fire and police departments have reviewed the proposed project and determined that the project provides adequate emergency access.

f.) The project is located on the Embarcadero and therefore is included in the Waterfront Master Plan. As a requirement for any new development the applicant is required to provide a lateral accessway along the waterfront side of the property. The goal of this requirement is to create a continuous public access walkway on the Embarcadero. The project does not meet the criteria to be considered a new project and will not require a lateral access way to be constructed along the parking lot portion of the site north of the public seating area. However there is a lateral access way that is adjacent to the windscreen on the public seating area that shall be maintained on site.

The project would not conflict with adopted policies supporting other forms of alternative transportation including the trolley, regional bus system, or bicycles. The project will provide additional marine dock facilities that are keeping with the California Coastal Act of 1976. The Coastal Act requires Morro Bay to protect and, where feasible upgrade commercial and recreational fishing facilities. This is in keeping with the community’s policy of giving priority to commercial fishery in new harbor development. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact: The project will not have an adverse affect on the existing circulation, therefore will not require mitigation measures.

Monitoring: Not applicable.

17. UTILITIES & SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?			X	

g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	
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Environmental Setting: The project site is located on a developed site and will be served by all existing utilities. The proposed project will add additional elements to the existing property including an awning system (attached to the wharf), landing, gangway and expanding docks.

The project would also be served by local waste collection services which dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its service area. To the extent feasible, materials would be diverted to recycling facilities.

The Wastewater Treatment Plant (WWTP) serves City of Morro Bay and the community of Cayucos with a combined population of approximately 13,800. The treatment plant is designed for an average dry weather flow of 2.06 MGD and a peak wet weather flow of 6.64 MGD. The treatment plant discharged an annual average of just over 1.1 and 1.0 million gallon per day for 2002 and 2003. In 2009 the City of Morro Bay applied to the United States Environmental Protection Agency for the WWTP NPDES Permit and contained information of the projected usage of the WWTP. The wet weather flows in 2002 were 1.14 MGD. These flows are projected to slightly increase (with population growth) to 1.20 MGD in 2009 (based on 5.2% growth over that time period) and to 1.23 MGD in 2014 (based on a population increase of 9.8% between 2003 and 2014). However the two communities have a separate storm water drainage system.

Impact Discussion:

a-g.) Due to the small size of the project, there would be no significant impact to utilities and service systems. The City water and sewer systems have been reviewed pursuant to capacity studies which have determined that there is sufficient capacity for this project. The project is accessory to the primary uses on site and will not increase the need for water nor will increase the production of wastewater, solid waste and storm water from the site.

b.) The project does not require the construction of additional facilities for water or wastewater facilities. The City will not require additional sewage pump out facilities at this time therefore it will not increase the usage of wastewater treatment facilities. There will be an increase in boats in the vicinity The City has sewage pump out stations in the vicinity of the project that the boats can utilize.

Mitigation and Residual Impact: Please refer to Hazards/Hazardous Materials section mitigation measure number 4.

Monitoring: Please refer to Hazards/Hazardous Materials monitoring section.

INITIAL STUDY AND CHECKLIST – Giovanni’s Fish Market and Galley Side Tie Dock, Finger Docks, Awnings, and Parking Lot
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IV. INFORMATION SOURCES:

A. City / County / Federal Departments Consulted :

City of Morro Bay Public Works Department, Fire Department, Building Division, and City Engineer, San Luis Obispo Air Pollution Control District

B. General Plan

X	Land Use Element	X	Conservation Element
X	Circulation Element	X	Noise Element
X	Seismic Safety/Safety Element	X	Local Coastal Plan and Maps
X	Zoning Ordinance		

C. Other Sources of Information

X	Field Work / Site Visit	X	Flood Control Maps
X	Calculations	X	Zoning Maps
X	Project Plans / Description		Soils Maps / Reports
	Traffic Study		Plant Maps
X	Records	X	Archeological Maps
	Grading Plans	X	Elevations /Architectural Renderings
	Topographic Maps	X	Biological Study
X	AG Preserve Maps	X	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

A project may have a significant effect on the environment and thereby require a focused or full environmental impact report to be prepared for the project where any of the following conditions occur (CEQA Sec. 15065):

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Potential to degrade:</i> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
<i>Cumulative:</i> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
<i>Substantial adverse:</i> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Impact Discussion: The project is consistent with the General Plan, Local Coastal Plan and Zoning Ordinance. As such, the project, as mitigated, does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below a self-sustaining level, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory as evidenced in the preceding discussions.

The proposed project includes the reconstruction of an existing dock, the addition of four finger docks, and the installation of an awning system over an outdoor dining area. Several potentially significant impacts associated with the in-water and on-shore activities have been identified, where it has been identified that air, water, and habitat quality could be degraded if specific practices are not employed. The recommended mitigation measures address aesthetics, air quality, biological resources, hydrology, noise, geology/soils, water quality, and potential hazardous materials and will reduce any significant impacts to a less than significant level when implemented.

VI. DETERMINATION

On the basis of this initial evaluation:

The Public Services Director has found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

The Public Services Director has found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

The Public Services Director has found that the proposed project **MAY** have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

The Public Services Director has found that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

With Public Hearing Without Public Hearing

Previous Document : N/A

Project Evaluator : City of Morro Bay

Sierra Davis
Signature

February 3, 2011
Initial Study Date

Sierra Davis, Assistant Planner
Printed Name

On behalf of Robert Livick, Public Services Director

City of Morro Bay, California
Lead Agency

VII. ATTACHMENTS

Attachment A

SUMMARY OF REQUIRED MITIGATION MEASURES

Section: Aesthetics

Mitigation Measures

1. The awning system shall be freestanding and shall only be attached at the base of the awning system to the wharf. The awning shall not be attached to the existing windscreen, structures on site nor be attached in a way that would enclose the area in any fashion.
2. The awning system shall maintain a minimum 6 inch height clearance above the top of the windscreen to maintain that the awning system does not enclose the public view area.

Monitoring: The Public Services will inspect the floating dock, gangway, landing and awning for conformance to the approved plans, conditions of approval and environmental mitigation measures. The Public Services Department will have to deem the project conforming in order to finale the project and grant occupancy.

Section: Air Quality

Mitigation Measures

The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

The standard mitigation measures for reducing nitrogen oxide (NOx), reactive organic gases (ROG), and diesel particulate matter (Diesel PM) emissions from construction equipment are listed below:

- a. Maintain all construction equipment in proper tune according to manufacturer’s specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner offroad heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

With the implementation of the mitigation measures, potential impacts to air quality resulting from the project would be reduced to less than significant levels.

Monitoring: All mitigation measures shall be required as notes on the plans and Public Services Department staff shall monitor compliance with the conditions in the normal course of reviewing building plans.

Section: Biological Resources

Mitigation Measures

1. Federal and state permits applicable to the proposed project shall be secured and evidence of permits shall be on filed with the Public Services Department prior to the issuance of building permits.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
3. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenere Environmental or equivalent professional biologist approved by the Director of Public Services). The biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.
4. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be submitted and approved by the Public Services Department prior to issuance of certificates of occupancy.
5. Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and the "otter watcher" shall specifically encourage or empower the "otter watcher" to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.
6. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan should describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements.
7. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
8. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

Monitoring: Public Services Department staff shall monitor compliance with the conditions by conducting site visits and in the normal course of reviewing building plans and the above required reports provided by City approved consultants. The project shall not receive occupancy clearance until the project is deemed to be in compliance with the above conditions.

Section: Geology/Soils

Mitigation Measures

Applicant shall submit a soil/geological report prior to the issuance of building permits.

Monitoring: Staff will review the report at time of building plan submittal to ensure proper construction methods are proposed for site conditions.

Section: Hazards/Hazardous Materials

Mitigation Measures

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations should be followed during demolition activities. Any loose or peeling lead based paint should be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

2. The following precautions shall be taken when handling creosote-treated wood:
 - a. Dispose of treated wood by ordinary trash collection or burial.
 - b. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
 - c. Avoid frequent or prolonged inhalation of sawdust from treated wood.
 - d. Avoid frequent or prolonged skin contact with creosote-treated wood
 - e. When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.
 - f. When power-sawing and machining, wear goggles to protect eyes from flying particles.
 - g. Wash clothes worn while working with creosote-treated materials separately from other household clothing.
3. At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.
4. Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With the implementation of these mitigation measures the potential impacts of hazardous or hazardous materials that could result from the project would be reduced to less than significant levels.

Monitoring: Prior to issuance of demolition permits asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department. City of Morro Bay staff shall verify that signs are adhered to docks prior to final inspection.

Section: Hydrology/Water Quality

Mitigation Measures

1. The proposed project shall be incorporated into the City of Morro Bay’s existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts.
3. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities should be completed and approved prior to the initiation of construction activities.
 - b. Refueling of onshore equipment should be accomplished within a designated area of the parking lot. The site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment should be sufficient to respond to the worse case spill volume.
4. Netting or fencing around and underneath the dock shall be installed to catch and remove debris released during and after de-construction.

Monitoring: Prior to issuance of building permits an Oil Spill Response and Recovery Plan shall be submitted to and accepted by the Public Services staff. Public Services staff shall verify compliance through the inspection of required fencing, silt screens and refueling operations during site inspections. Public Services Department staff shall monitor compliance with all other conditions in the normal course of reviewing improvement and building plans The Fire

INITIAL STUDY AND CHECKLIST – Giovanni’s Fish Market and Galley Side Tie Dock, Finger Docks,
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Department will insure that the project site is incorporated into the City of Morro Bay’s tsunami warning and evacuation system.

Section: Noise

Mitigation Measures

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with “critical” grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up “beepers” will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.
3. Refer to section 4, Biology Resources mitigations 6, 7, and 8.

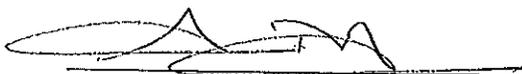
Monitoring: During the construction process, Planning and Building staff will make periodic site visits to ensure construction hours are adhered too and noise levels are within the allowable limits during construction.

Section: Utilities and Service Systems

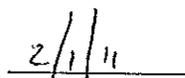
Mitigation and Residual Impact: Please refer to Hazards/Hazardous Materials section mitigation measure number 4.

Monitoring: Please refer to Hazards/Hazardous Materials monitoring section.

Acceptance of Mitigation Measures by Project Applicant:



Applicant



Date

Eelgrass (*Zostera marina*) and *Caulerpa taxifolia* Survey 1001 Front Street, Morro Bay, California

March 23, 2010

Prepared for:
Cathy Novak
P.O. Box 296
Morro Bay, CA 93443
805.772.9499

- and -

Giovanni DeGarimore
Giovanni's Fish Market & Galley
1001 Front Street
Morro Bay, CA 93442
805.772.1276

Prepared by:
Tenera Environmental
141 Suburban Rd., Suite A2
San Luis Obispo, CA 93401
805.541.0310

Project Description

This report describes the results of an eelgrass (*Zostera marina*) and *Caulerpa taxifolia* survey completed on March 16, 2010 along a section of the Morro Bay Embarcadero known as Giovanni's Fish Market & Galley (Figures 1 and 2). This site is City of Morro Bay lease site 105.1W and 102W at 1001 Front Street, Morro Bay, California. There was no eelgrass or *Caulerpa* found. Details are provided below.

Mr. Giovanni DeGarimore, the lessee, wishes to attach four floating dock fingers (each 4 ft wide x 50 ft long) perpendicular to an existing 8 ft x 134 ft floating dock that runs parallel to the length of the parcel (Figures 3 to 6). The offshore end of each finger would be stabilized by 1-3 piles. The development application process for this work has been started with the City of Morro Bay.

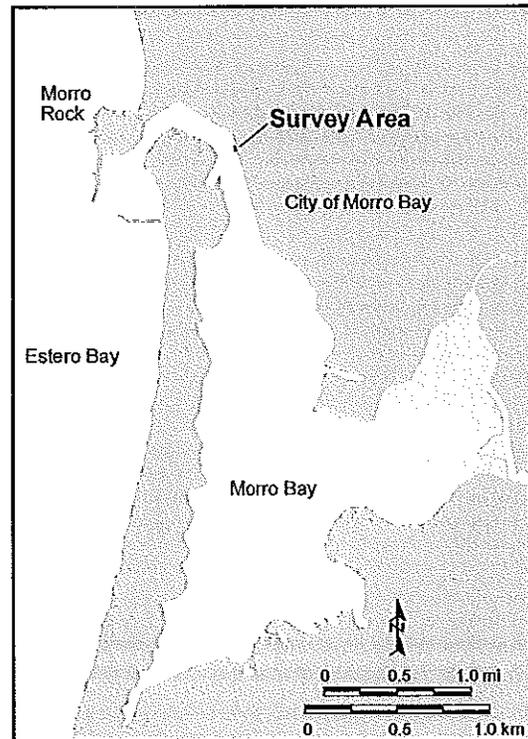


Figure 1. Location of the eelgrass survey at 1001 Front Street, Morro Bay.



In planning this work, Mr. DeGarimore with assistance from Ms. Cathy Novak (Cathy Novak Consulting) contacted Tenera Environmental of San Luis Obispo to complete an eelgrass mapping survey in the project area and to look for the potential occurrence of *Caulerpa*, an invasive green algal species. The survey was to determine what changes to eelgrass and *Caulerpa*, if present, might occur from installing the piles and from shading by the new dock fingers and boats using the new dock.

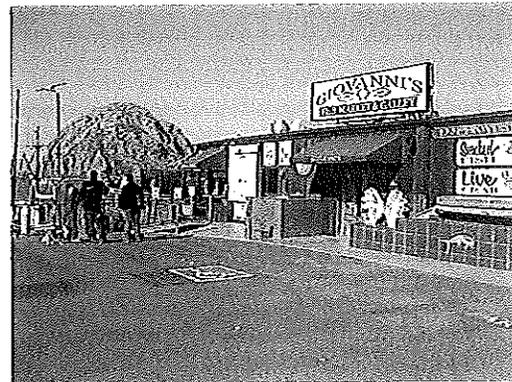


Figure 2. Giovanni's Fish Market & Galley at 1001 Front Street, Morro Bay, California.

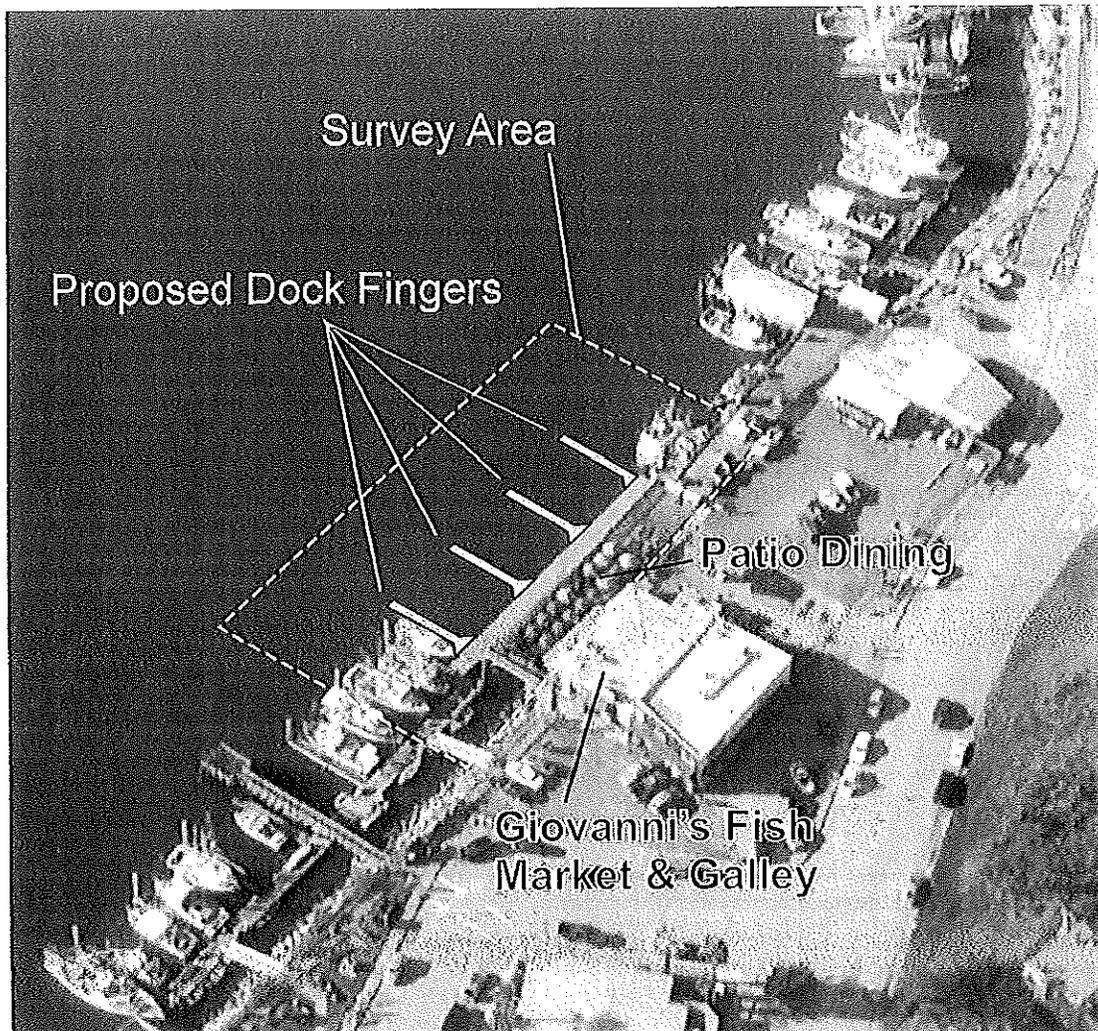


Figure 3. Proposed dock fingers off an existing floating dock at Giovanni's Fish Market & Galley and the seabed area surveyed for eelgrass and *Caulerpa* on March 16, 2010.



Eelgrass, as different from marine algae that reproduce by spores, is a flowering marine plant that reproduces by seeds. Eelgrass beds are known to occur in the general area, and are considered a Special Aquatic Site (SAS) by the U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. Eelgrass habitat is regulated under Section 404 of the Clean Water Act (CWA), and is also considered Essential Fish Habitat by NMFS. The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) set the Essential Fish Habitat (EFH) provisions to identify and protect important habitats of federally managed marine species. Surveys are required to map the extent and location of eelgrass in projects that may affect eelgrass.

The mapping also included a careful search throughout the project area for the presence of *Caulerpa taxifolia*, a highly invasive green algal species that has been introduced into California. *Caulerpa* reproduces easily by fragmentation, and is therefore susceptible to spreading from waterfront construction projects that disturb the seabed, such as from installing piles.

Methods

The area of planned dock additions was the area offshore of the public boardwalk deck and floating dock at Giovanni's Fish Market & Galley (Figures 3 to 6). The seabed in the planned construction area is sand/mudflat with depths ranging between about -12 ft and -14 ft below the mean lower low water (MLLW) tide level.

Eelgrass in the project area was searched according to specifications of the Southern California Eelgrass Mitigation Policy (Revision 8), adopted by the National Marine

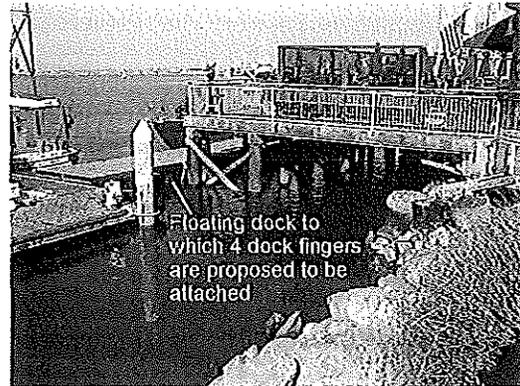


Figure 4. Floating dock beneath the public boardwalk deck to which four dock fingers are proposed to be attached.

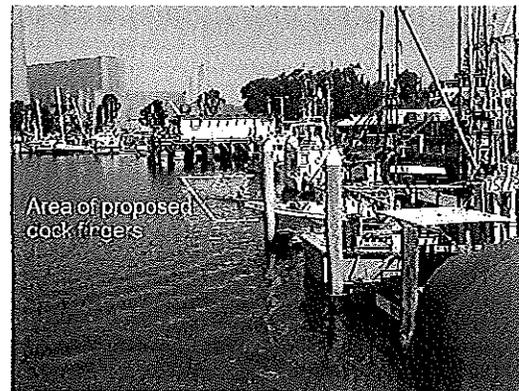


Figure 5. Area of proposed dock fingers.



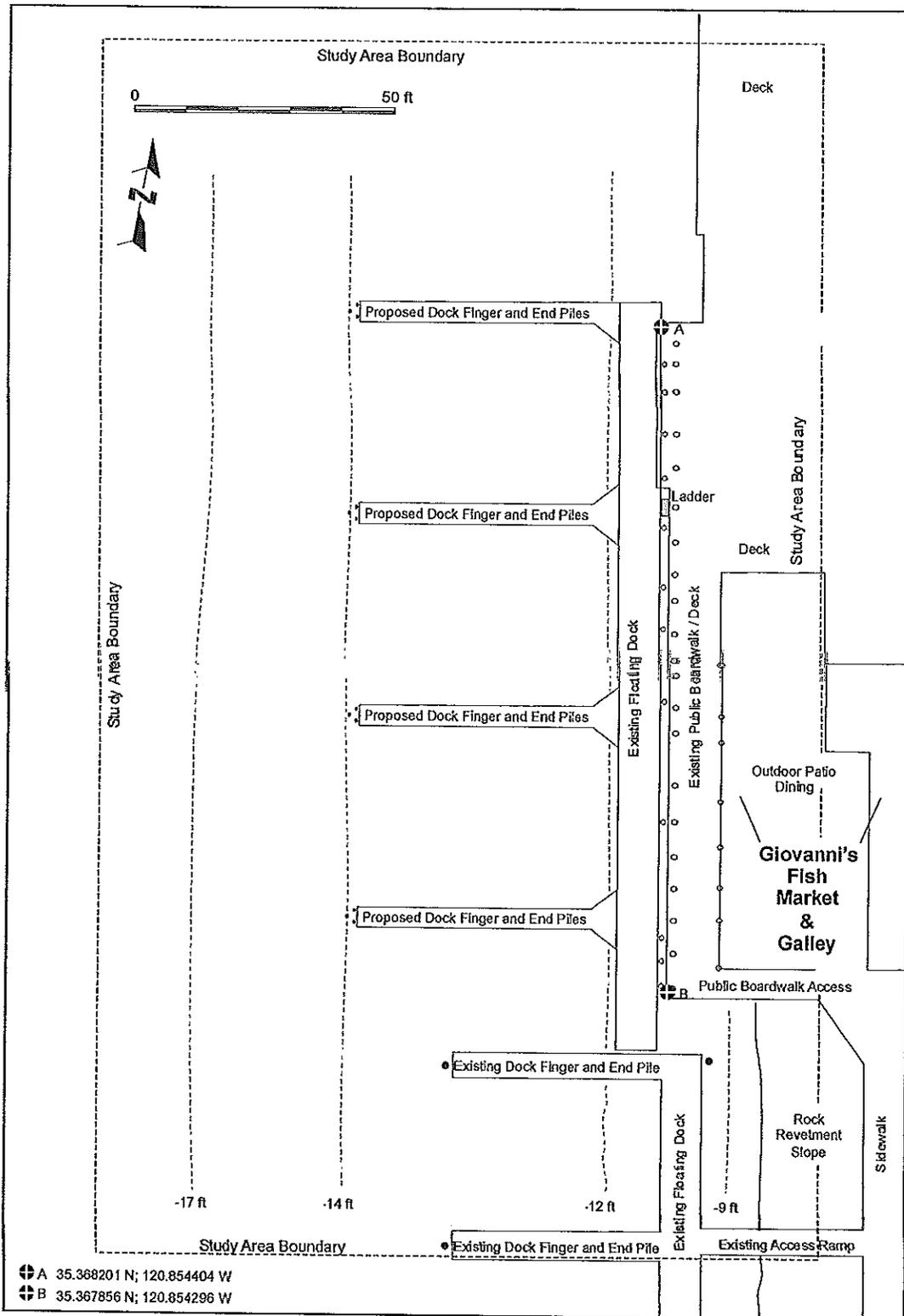


Figure 6. Proposed dock additions at 1001 Front Street, Morro Bay, California, and the seabed area surveyed for eelgrass and *Caulerpa* on March 16, 2010. No eelgrass or *Caulerpa* was found.



Fisheries Service (NMFS), U.S. Fish and Wildlife Service, and the California Department of Fish and Game. Two Tenere biologists equipped to map the distribution and density of eelgrass completed the survey using SCUBA. The along-shore length of the survey area was 234 ft (72 m) and the distance from the existing floating dock out to the offshore survey boundary was 100 ft (30 m) (Figure 6). These dimensions accounted for a 50 ft (15 m) perimeter surrounding all areas of proposed construction, a buffer zone suggested by the NMFS. Meter tapes were deployed as underwater transects at planned locations to search the area in a systematic fashion. The seabed beneath the overhanging deck and beneath all existing docks and docked boats in the survey area was also searched, including the rock revetment open to direct sunlight located immediately south of Giovanni's Fish Market & Galley. All predominant species observed while searching for eelgrass and *Caulerpa* were recorded. This included kelp species, other algae, and invertebrates.

The survey was done on March 16, 2010 in the period before and after the slack 11:00 am high tide of approximately +3.5 ft MLLW. Underwater horizontal visibility was approximately 6 ft. Depths recorded in the survey area were corrected based on National Oceanic and Atmospheric Administration predicted tides and times for Morro Bay.

Survey Results

Eelgrass and *Caulerpa*

Eelgrass was not found, not even a single plant. Also, *Caulerpa* was not found. A separate report on the absence of *Caulerpa* was prepared and submitted to the NMFS, Southwest Region, Long Beach, California.

Other Species By Habitat

Sand/mudflat: Geoduck clams (*Panopea generosa*), ornate tube worms (*Diopatra ornata*), and unidentifiable burrows were present but not abundant in the sand/mudflat area where the dock fingers and piles are being considered. No plant species were observed, except for occasional blades of drift eelgrass snagged on the sheaths of ornate tube worms protruding above the sand/mudflat.

Areas underneath decking: The shore directly underneath the existing public boardwalk deck and outdoor dining patio, including the shore to the immediate north that is also underneath decking, is a vertical cement wall with rock rip-rap at the toe of the wall. These areas would not be affected by the new construction. No plant species (eelgrass or algae) were observed, because these areas are constantly shaded. The rock rip-rap at the toe of the cement wall was completely covered with a thick layer of loose detritus. Hydroids were the most common sessile invertebrates. Black turban snails (*Chlorostoma funebris*) and hermit crabs were the most common motile invertebrates.



Rock revetment south of Giovanni's Fish Market & Galley: The shore immediately south of Giovanni's Fish Market & Galley is a sloped revetment of rock rip-rap that angles downward into the bay and is open to direct sunlight. This area would not be affected by the new construction, due to location. While this area could potentially support eelgrass, no eelgrass was found. A thick layer of detritus covered all of the substrates in this area.

Hydroids and a few small clumps of filamentous red algae (*Polysiphonia* spp.) and brown algae (Ectocarpales) were present. A few small non-native bladder kelp plants (*Sargassum muticum*) were also observed, including a single juvenile giant kelp plant (*Macrocystis pyrifera*). Rough limpets (*Lottia scabra*) were the most common motile invertebrates on the revetment slope.

Pilings: Pilings were covered mainly with hydroids, bryozoans, and barnacles. The pilings were also heavily colonized by the introduced bryozoan *Watersipora subtorquata*.

Discussion

There was no eelgrass found in the Giovanni's Fish Market & Galley project area. This finding is generally consistent with eelgrass being variable in occurrence and density along the Morro Bay Embarcadero south of the Morro Bay T-piers.

Areas most likely to support eelgrass south of the T-piers tend to be close to or on the shoreline and between buildings, docks, and decks, areas not shaded by structures. Accordingly, a most likely area to find eelgrass near the proposed construction project was the revetment area located immediately south of Giovanni's Fish Market and Galley, because this area is shallow and is open to direct sunlight throughout the day. However, no eelgrass was found. The absence of eelgrass in this particular area was not unique, as other plant species (kelp and other algal species) were also lacking, or were very sparse in occurrence. The lack of essentially all plant species in this particular area was perhaps the result of the thick film of detritus covering all of the substrates being effective in preventing eelgrass seeds and algal spores from attaching and growing.

The absence of eelgrass further offshore on the sand/mudflat where the new dock fingers would be installed was likely due to insufficient light on the bottom, in being too deep. Many areas that Tenera has surveyed for eelgrass south of Giovanni's Fish Market & Galley have also lacked eelgrass at depths equivalent to those in the proposed construction area. On this basis, the area of the proposed construction appears to be unsuitable habitat for eelgrass. The absence of eelgrass could also be due in part from boat shading. Boats commonly use the existing floating dock attached to the public boardwalk and multiple boats can side-tie to each other at this dock for extended periods. Kelp plants and other algal species were also absent in the area of the proposed new dock fingers, indicative of insufficient light reaching the bottom.





City of Morro Bay Public Services Current Project Tracking Sheet

Agenda Item _____ VIII-A _____
Date: _____ 3-16-11 _____
Action: _____

New items or items which have been recently updated are italicized. Approved projects are deleted on next version of log.

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Hearing or Action Ready							
1	Rudolph Kubes	1181 Main & Bonita	11/23/06	UP0-086 & CP0-130	<i>Morro Mist 20 Lot SFR Subdivision . Submitted 11/23/06, SRB 3/15/06, Staff requested information Resubmitted 8/16/06 MND analysis needed MIND Complete 7/20 PC 8/20/07 Continued date uncertain revised project smaller units still 100% residential. Applicant has redesigned project and resubmitted on June 1, 2009. Project under review. Letter sent to applicant regarding issues on 7/2009. Subsequent meeting with applicant team 8/2009. Staff has had additional correspondence with the applicant. Project tentatively scheduled for Planning Commission late February/early March 2010. Applicant considering redesign of project. Change in agent. Project resubmitted on June 29, 2010, project routine to various divisions for comments and conditions. Resubmittal 7/6/10. Initial Study needs to be revised to reflect new project submitted. Revised Initial Study pending submittal of new Geotechnical study by applicant. New I.S./MND routed for review and review period completed as of November 29, 2010. Applicant preparing documents for Planning Commission hearing once submittal is received project will be scheduled. Resubmittal 2/15/2011. Project scheduled for 3/16/2011. Project Continued to 4/6/2011 .</i>	KW	PC
2	Giovanni DeGarimore	1001 Front	3/22/10	UP0-284	<i>Floating Dock. CUP to reconfigure existing side tie floating dock to include 4 new finger floating docks, 50 ft. x 4 ft. Incomplete letter sent 4/26/10. Resubmittal 6/10/10. Resubmittal 6/29/10. Incomplete Letter 7/29/10. Resubmittal 7/30/10. Incomplete Letter and Request for Addition funds 8/24/10. Staff is currently working on environmental documents. Resubmittal 1/25/11. Initial Study noticed and sent to State Clearinghouse on 2/3/2011. Scheduled for 3/16/2011 Planning Commission Meeting.</i>	SD	PC
30 -Day Review, Incomplete or Additional Submittal Review							
3	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<i>Parcel Map. CDP & CUP for 3 townhomes. Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.</i>	SD	PC
4	Walter & Karen Roza	595 Driftwood	3/30/10	UP0-285 S00-103 CP0-325	<i>Coastal Development Permit, Use Permit, Parcel Map Demo Reconstruct SFR & 2nd Unit. VPM, CUP & CDP. Pending resubmittal. Revised plans submitted on 9/1/10. Environmental documents sent to State Clearinghouse for thirty day review.</i>	KW	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
5	Dan Reddell	550 Morro Bay Blvd	6/14/10	UP0-293	Farmer's Market. Conditional Use Permit for vendors and events. Resubmittal 6/17/10. Scheduled for 9/20/10 PC Mtg. Met with agent 8/24/10 and discussed feasibility of project, needs to be revised. Resubmitted 12/29/10. Project scheduled for 2/7/2011 but applicant changed project description on 1/21/2011, item then pulled to evaluate new project. City staff waiting on applicant's agent to resubmit.	SD	PC
6	Morro Bay Chamber	Main between Pacific and Harbor	8/9/10	UP0-298	Use Permit to establish the Farmer's Market on Main Street between Harbor and Pacific Streets. The market will be conducted every Saturday between 2 p.m. and 7 p.m. With a maximum of 50 vendors. Continued to 1/3/10 PC Meeting. Applicant has continued project to date uncertain so they can meet with stakeholders.	SD	PC
7	Frantz	499 Nevis	9/27/10	CP0-337	New SFR. Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Applicant has indicated that he is redesigning project-project placed on hold.	SD	PC
8	Taurus Sulaitis	540 Fresno	11/15/10	UP0-306/ Parking Exception	SFR Addition. Incomplete letter 7/13/10. Resubmittal 11/15/10. Met with applicant on 12/21/10. Incomplete letter 12/21/10.	SD	PC
9	Ortega	525 & 527 Atascadero	12/21/10	CP0-340 UP0-308	Compact In-Fill Development. Requested additional documents from agent on 1/20/11. Working on environmental document.	SD	PC
10	Romero	291 Shasta Ave	1/19/11	CDP-341	Coastal Development Permit for single family residence. Incomplete Letter 2/18/11.	SD	AD
11	Cotti Corporation	1700 Main Street	1/24/11	CDP-343	Coastal Development Permit for Demo and reconstruction of a fast food restaurant.	SD	AD
12	Jerry & Lane Karr	2560 Greenwood	1/28/11	CP0-344	Coastal Development Permit for a single family residence.	SD	AD
13	Crye	1170 Quintana	1/31/11	CP0-345	Coastal Development Permit for demolition of a structure.	SD	AD
14	Siragusa	601 Embarcadero #10	2/18/11	TUP-313	Wine tasting and art gallery	SD	AD
15	Calandra	2749 Coral Avenue	2/8/11	CP0-346/UP0-311	Single Family in the Cloisters	SD	PC
16	Salwasser	781 Market	2/23/11	UP0-312	Restaurant and Bar	SD	
Projects in Process							
17	Dan Reddell	1 Jordan Terrance	7/25/08	UP0-223 & CP0-285	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete. Comment review period ends 6/22/10. Comments received on MND.	JH/KW	PC
18	California State Park	201 State Park Drive	2/11/09	CP0-303 & UP0-254	Solar Panels at the State Park with the addition of one carport structure for support of the panels. Coastal Development Permit and Conditional Use Permit. Comments sent 3/23/10.	SD/KW	PC
19	City of Morro Bay	Citywide	5/1/10	AD0-047	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. A report on the status of this project brought to PC on 2/7/2011. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on April 12, 2011.	KW	PC/CC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Environmental Review							
20	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland) . Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 Incomplete Letter sent 6/27/07 Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Applicant resubmitted additional material on 9/30/2009. Met with applicants on 2/19/2010. Environmental documents being prepared. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Meeting held with city staff and applicants on 2/3/2011. Meeting held with applicant on 2/23/2011. Applicant to provide revised site plan.	KW	PC
21	Chevron	3072 Main	12/31/08	CP0-301	Remove Underground Pipes . Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested additional documentation 4/29/10. Requested Information submitted 2/9/11.	SD	PC
Coordinating with Other Jurisdictions							
22	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	WWTP Upgrade . Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010.	RL	PC/CC/RW QCB
23	City of Morro Bay	887 Atascadero	3/9/09	N/A	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project) . Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County
24	John King	60 Lower State Park	7/2/08		Lower parking lot resurface and construction of 2 new stairways . Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive							
25	SLO County	60 Lower State Park	09/28/04	CP0-063	Master Plan for Golf Course . Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC
26	Cameron Financial	399 Quintana	04/11/07	CP0-233	New Commercial Building . Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD
27	West Millennium Homes	895 Monterey	7/10/07	CUP-151 S00-067 & CP0-215	Mixed-use building . 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC
28	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	UP0-178	Addition to nonconforming residence . Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC
29	Jeff Gregory	1295 Morro	09/25/07	CP0-254	Coastal Development Permit to allow a second single family residence on lot with an existing home . Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD
30	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal . Continued to a date uncertain.	KW	PC

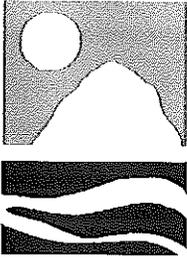
#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
31	Ron McIntosh	190 Olive	8/26/08	UP0-232 &CP0-288	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	SD	PC
32	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information. Applicant is considering a redesign of the project.	KW	PC
33	Candy Botich	206 Main Water Lease Site 34 Main & Oak St.	6/17/09	CP0-310	New Parking. Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW	PC/CC
34	Bob Crizer	206 Main Street, water lease site 34	11/9/09	AD0-047	Oak Street Parking Exception. Also see 206 Main Street (Botich). Request to allow parking spaces to be placed on Oak Street to replace parking currently provided at 206 Main Street. Waiting for parties to resolve issue of ownership.	KW	PC/CC
35	Debbie Dover	500 Quintana	4/21/10	UP0-289	UP0-289, Use Permit Outdoor Fitness Classes. Incomplete letter sent 5/11/010. Applicant resubmitted 5/14/2010. Spoke to Ginger 6/3/10 discussed project. Comment letter 6/3/10. Project Noticed for Admin Action 6/16/10. Waiting on addition information.	SD	AD
36	Hamrick Associates	1129 Market	6/10/10	UP0-291	Remodel and Addition. Incomplete letter 6/23/10. Submitted additional information 6/30/10. Submitted additional information 7/7/10. Building Comments. 7/9/10. Met with agent 7/15/10. Applicant will resubmit addressing fire/building comments.	SD	PC
37	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC. Waiting for Precise Plan submittal. Applicant has submitted a request for a time extension on November 4, 2010. Extension granted, now expires 12/11/11. No active submittal	KW	PC/CC/ CCC
38	Tank Farm	1290 Embarcadero	2/27/10	N/A	Tank Demo. Demo of seven tanks at the Morro Bay Power Plant. Materials submitted and under review. All materials submitted to date have been reviewed and sent back to the applicant. Applicant indicated to staff that the project is on hold until better weather in 2011. Dynegy has assigned new project manager, anticipate demo to commence 5/2011.	SD	AD
Projects in Building Plan Check							
39	Lou McGonagill	690 Olive	6/7/10	Building	SFR Addition. 1,000 sf. addition with garage. Incomplete letter 6/28/10. Resubmittal 9/29/10. Incomplete Memo 11/16/10.	SD	N/A
40	Taurus Sulaitis	540 Fresno	6/23/10	Building	SFR Addition. Incomplete letter 7/13/10. Resubmittal 11/15/10. Met with applicant on 12/21/10. Incomplete letter 12/21/10.	SD	N/A
41	Pam & Bob Hyland	2754 Indigo Circle	7/22/10	Building	New SFR. CP0-299/UP0-248 ISSUANCE BY PC ON MARCH 2, 2009. Incomplete Letter 8/24/10. Resubmittal 2/9/11.	SD	N/A
42	Frantz	499 Nevis	9/27/10	Building	New SFR. Incomplete Memo 10/7/10.	SD	N/A
43	Viole/Held	575 - 591 Embarcadero	11/1/10	Building	New Commercial Building. Incomplete Memo 12/2/10. No response from applicant (2/3/11)	SD	N/A

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
44	Hall	2234 Emerald Circle	12/2/10	Building	New SFR. Incomplete Memo 12/21/10.	SD	N/A
45	Romero	291 Shasta Ave	1/19/11	Building	New single family residence. Incomplete Letter 2/18/11.	SD	N/A
46	Valero	900 Morro Bay Blvd	1/31/11	Building	Modifications to gas station.	SD	N/A
47	Cotti Corporation	1700 Main Street	2/7/11	Building	Taco Bell Demo/Remodel. Incomplete, changes need to be made to planning permit, plans returned 3/7/11.	SD	N/A
48	Henderson	675 San Joaquin	2/9/11	Building	Express Check. Repair and Expand Deck. Incomplete Memo 2/16/11.	SD	N/A
49	Lopp	1548 Main Street	3/1/11	Building	Express Check. Wind and solar System	SD	N/A
Aging Building Permits - No response from applicant in more than 90 days.							
49	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	Mixed Use Project - Ciano. Comments sent 2/25/10.	SD	N/A
50	Valori	2800 Birch Ave	2/10/10	Building	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A
51	Colhover	2800 Dogwood	3/8/10	Building	New SFR. Comments sent 3/25/10.	SD	N/A
52	Ronald Stuard	490 Avalon	4/22/10	Building	SFR Addition. 79 sf. bedroom addition. Comments sent 4/27/10.	SD	N/A
53	Joe Silva	570 Avalon	5/12/10	Building	SFR Addition. 84 sf. addition. Comments sent 5/17/10.	SD	N/A
54	Mike Wilson	957 Pacific	8/24/10	Building	Demo/Rebuild. Incomplete letter 8/26/10.	SD	N/A
Projects & Permits with Final Action							
55	Rodgers	941 Marina	2/3/11	Building	Express Check. SFR Addition.	SD	N/A
56	St. Timothy Church	962 Piney Way	11/23/10	Building	New Commercial Addition. Incomplete memo 1/18/11. Resubmittal 2/15/11. approved 2/18/11.	SD	N/A
57	Case	415 Acacia	1/31/11	Building	Express Check. Remedial foundation tie-backs. Approved 2/18/11	SD	N/A
58	Romero	2690 Nutmeg	1/3/11	Building	Concurrent Processing New SFR. Project noticed 1/21/11. Approved 2/18/10	SD	N/A
59	Christie	2330 Hemlock	1/31/11	Building	Single Family Addition.	SD	N/A



City of Morro Bay
Public Services
Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards	TBD	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			80
Annexation Proceeding for Public Facilities		TBD			TBD
Sign Ordinance Update	2/16/11	4/12/11			50 to 100
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission			To be incorporated into Bicycle Transportation, currently under preparation.	TBD
<i>Items Requiring Further Analysis When Received Back From The Coastal Commission</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800



Memorandum

TO: PLANNING COMMISSION **DATE:** MARCH 16, 2011
FROM: ROB LIVICK, PUBLIC SERVICES DIRECTOR
SUBJECT: COMMISSIONER DIODATI'S REQUEST FOR ABSENCES FROM
PLANNING COMMISSION MEETINGS.

BACKGROUND: Pursuant to Morro Bay Municipal Code Section 2.28.100 a Planning Commissioner wishing to have approved absences must formally request such from the Planning Commission. Commissioner Diodati is requesting to be excused from the April 6th, April 20th, May 4th, May 18th and June 1st meetings to allow him to participate in a community activity.

Recommendation: Grant consent for Commissioner Diodati to be absent from the April 6th, April 20th, May 4th, May 18th and June 1st meetings.

Attachment: Commissioner Diodati's Letter.

Rick Grantham, Chair
Morro Bay Planning Commission
955 Shasta Avenue
Morro Bay, Ca, 93442

March 16, 2011

**RE: Request for Approval of Temporary Absence from Planning
Commission Meetings**

Honorable Commissioners,

It is with great pleasure that I serve with you on the Morro Bay Planning Commission. Like many of you, I also volunteer with other organizations in the community and am always careful to balance my commitments so they do not conflict with Planning Commission meetings.

However, the City Council's rescheduling of our meetings to the first and third Wednesday of the month has caused a temporary conflict for me during Little League season. I am manager of the Padres, a Little League team within the Central Coast Little League organization. Our team plays Wednesday nights in Morro Bay, Los Osos, Cayucos and Cambria March 23 through June 1. Due to this scheduling conflict I will most likely miss the following regularly scheduled Planning Commission meetings:

- April 6
- April 20
- May 4
- May 18
- June 1

Section 2.28.100 of the City's Municipal Code requires a Planning Commission member to obtain formal Commission approval if they are going to miss more than three meetings. I am requesting your approval of these temporary absences consistent with this section at the March 16, 2011 meeting.

Thank you for your consideration,



John Diodati