



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.  
The City shall be committed to this purpose and will provide a level of municipal service and safety  
consistent with and responsive to the needs of the public.*

**Regular Meeting - Tuesday, December 15, 2015  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr  
Commissioner Richard Sadowski

Vice-Chair Katherine Sorenson  
Commissioner Michael Lucas

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. 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 comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

## 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. CONSENT CALENDAR

- A-1 Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- A-2 Resolution 44-15. Planning Commission interpretation affirming Greater than Normal Public Benefit also known as Significant Public Benefit as defined in the City of Morro Bay Zoning Ordinance Section 17.40.030 and the Waterfront Master Plan (WMP) Design Guidelines Chapter 5.  
**Staff Recommendation:** Adopt Resolution 44-15 as revised from 11-3-15 meeting
- A-3 Approval of minutes from the Planning Commission meeting of October 20, 2015 and November 3, 2015.  
**Staff Recommendation:** Approve minutes as submitted.

B. NEW BUSINESS

- B-1 Legal Guidance on Telecommunications Law presented by Christy Lopez, Assistant City Attorney

C. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

*Continued from the 12-1-15 Planning Commission meeting*

- C-1 **Case No.:** #CP0-483 and UP0-421  
**Site Location:** 1401 Quintana, Morro Bay, CA  
**Project Description:** Coastal Development Permit and Conditional Use Permit approval for installation of an unmanned telecommunication wireless facility which consists of a cylindrical antenna on top of an existing 28 ft. utility pole and the installation of an equipment cabinet adjacent to the utility pole within the public right-of-way. The project is located outside of the Coastal Commission Appeals Jurisdiction  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Joan Gargiulo, Contract Planner, (805) 772-6270
- C-2 **Case No.:** #CP0-466 and #UP0-412  
**Site Location:** 702 Morro Bay Blvd., Morro Bay, CA  
**Proposal:** Coastal Development Permit and Conditional Use Permit approval for installation of an unmanned telecommunication wireless facility which consists of a screened cylindrical antenna on a short pole on the roof of an existing two-story commercial building with an associated equipment at ground level at the rear of the building. The project is located outside of the Coastal Commission Appeals Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Joan Gargiulo, Contract Planner, (805) 772-6270
- C-3 **Case No.:** #UP0-359  
**Site Location:** 725 Embarcadero, Morro Bay, CA

**Proposal:** Conditional use permit for construction of new gangway, dock, and seven (7) boat slips which will be 6 private month-to-month rentals and 1 public slip controlled by the Harbor Dept. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. The project also includes expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet. In addition, the project proposes a second story dining deck expansion along the west side of the building. This project is located in the original jurisdiction of the California Coastal Commission.

**CEQA Determination:** Mitigated Negative Declaration, State Clearinghouse #2015011002

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Forward Favorable Recommendation to City Council to Conditionally Approve Concept Plan

**Staff Contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

D. UNFINISHED BUSINESS

D-1 **Case No.:** #CP0-460 and UP0-402

**Site Location:** 485 Piney Way, Morro Bay, CA

**Project Description:** Review Resolution 48-15 for Denial of Coastal Development Permit and Conditional Use Permit for installation of an unmanned telecommunication wireless facility which consists of of 3 new directional panels antennas on the roof of an existing church screened with a faux chimney. Project also includes installation of associated equipment of 2 new equipment cabinets adjacent to church.

**CEQA Determination:** Categorically Exempt, Section 15303, Class 3

**Staff Recommendation:** Move for reconsideration of resolution

**Staff Contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

G. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on January 5, 2016 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, at Mill’s/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morro-bay.ca.us/planningcommission](http://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](http://www.morro-bay.ca.us/notifyme) and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

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 Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
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.

### **APPEALS**

If you are dissatisfied with 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. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development 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 \$263 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 for those projects that are in their appeals jurisdiction. 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.



City of Morro Bay  
 Community Development Department  
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions  
 New Planning items or items recently updated are highlighted in yellow. Building items highlighted in green are pending action from the applicant.  
 Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date: December 15, 2015

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready</b>										
1	Knight / Verizon	485 Piney Way	1/29/15	CP0-460 & UP0-402	<b>CDP /CUP for Verizon wireless telecommunications facility (panel antennas &amp; equipment cabinet)</b>	CJ - RF Compliance Report under review. Incomplete letter sent 3-2-15. Revised RF report submitted 6-5-15. Requested RF clarification via email 7-9-15. Received revised RF report. (continued from 11-24-15 meeting. Denied at 12-1-15 mtg/ Reso for Denial to be considered at 12-15 mtg.		ME conditionally approved per memo 2/3/15		cj
2	Verizon Wireless	1401 Quintana	6/12/15	CP0-483/UP0-421	<b>Coastal Development and Conditional Use Permits to construct unmanned telecommunications facility</b>	JG - Under Initial Review. Correction letter sent 7/31. Partial resubmittal rcv'd via email 10/6. To be noticed for 12-1-15 PC hearing. Continued to the 12/15/15 PC meeting		PN- Conditionally approved per memo dated 7/8/15		jg
3	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	<b>Use Permit for seven boat slips and gangway</b>	Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013. Additional info requested and resubmittal received 12-2-13. Incomplete letter sent 12-30. Meeting with Applicant on 2-13-14. Emailed Applicant 2-26-14 to clarify eelgrass study requirements for environmental review. Info hold letter sent 9-2-14. Resubmitted 10-28-14. Initial Study/MND complete & routed to State Clearinghouse 1-2-15. Anticipate 2-17-15 PC hearing. Comments received from Coastal Commission regarding eelgrass mitigation. Dock revision in progress. Project continued to 3-17-15 mtg to ensure legal noticing. Applicant submitted revised dock plans based on Coastal Commission feedback re: MND. Supplemental info sent to Coastal on 5/12/15. Applicant consulting with Coastal staff regarding MND environmental 7-2015. CJ. Requested continuance at 10-6-15 PC meeting to modify project description. Continued to a date uncertain upon applicant request. Plans revised to include Interior tenant improvements of new 2nd floor deck area. Revised visual sims in progress. Tentative hearing date is 12/15/15.	Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP- Disapprove 11/19/13.	Conditionally Approved, PW requirements will be addressed with Building Permit review	Harbor conditions: 1. one slip to be reserved for public use; 2. southern-most end tie to remain vacant in order to not encroach on neighboring lease site. Note-water lease line will need to be extended out to accommodate slips. EE 12/16/13	cj
4	Verizon / Knight	702 Morro Bay Blvd	4/15/15	UP0-412 & CP0-466	<b>Conditional Use Permit &amp; Coastal Development permit for new Verizon antenna and cabinets, associated facilities</b>	JG. Under review. Correction letter sent. Partial resubmittal rcv'd via email 10/6. Correction email sent to Agent 11/10/15. Scheduled for PC 12/15/15		ME- Conditionally approved per memo 4/22/2015		jg
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>										

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5	Moore	379 Orton St.	11/17/15	CP0-494	<b>New SFR ( Manufactured home) on vacant lot. 1493sf living, 528sf garage</b>			Conditionally Approved per memo dated 11/25/15		
6	Najarian	986 Las Tunas	11/17/15	CP0-493	<b>Administrative Coastal Development Permit for New SFR - 1679 sf living plus 434 sf garage</b>	JG. Under Initial Review		Conditionally Approved per memo dated 11/25/15		
7	Crafton	430 Olive Street	11/13/15	UP0-433	<b>Conditional Use Permit for a 500 sq. ft. addition to an nonconforming structure</b>	JG. Under Review. Spoke with Applicant, will make small corrections. Tentativley scheduled for 1/5/15 PC meeting		Conditionally Approved per memo dated 11/25/15		jg
8	Najarian	325 Sicily	10/30/15	CP0-491	<b>Administrative Coastal Development Permit for New SFR - 1686 sf living plus 507sf garage</b>	JG. Under Initial Review. Sent back to Agent for Lot Coverage correction on 12/4. Awaiting resubmittal				jg
8	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	<b>Parcel map application &amp; CDP to split 1 R-4 zoned lot in to two lots.</b>	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review.				cj
9	Elliott/ Bernal	2620 Laurel Ave	9/30/15	CP0-489	<b>Admin CDP for new 2,461sf Single family home w/ 710 sf garage and 1495sf of balcony</b>	JG. Under Initial Review. Correction letter sent 10/27		PN- Conditionally approved per memo dated 10/22/15		jg
10	Black Hill Villas	485 South Bay Blvd	8/7/15	A00-027	<b>Precise Plan CUP modification to reflect Coastal Commission approved changes to CDP</b>	Precise Plan requires modification for City approvals to be consistent with Coastal Commission approvals.. Under review. Traffic Study update to be performed.				cj
11	SLCUSD	235 Atascadero	7/20/15	CP0-485 / UP0-427	<b>CDP &amp; CUP for new pool and student services building at Morro Bay High School</b>	Under initial review. Incomplete letter sent. Resubmitted 9-10-15 Incomplete letter sent 10-9-15. C.J.. Resubmittal received 10-27-15. Project review complete. Initial study/ environmental review in process.				cj
12	DeGarimore	1001 Front St.	7/14/15	A00-026	<b>Amendment to CUP to modify project description to remove proposed new awning.</b>	Letter sent to applicant 9-9-15 regarding public access requirements. In process.				cj
13	Tobin	326 Panay	6/11/15	UP0-425/ CP0-480	<b>New SFR in R-4 zone. AD0, CDP and MUP for 1486sf SFR and 446sf garage with setback variance request</b>	WM Under review. Incomplete letter sent 9/30/15				wm
14	Gambril	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	<b>New construction of 10,000sf commercial retail on vacant lot</b>	WM. Under review. Will need Arch and Traffic reports. Incomplete letter sent 9/4/15.		PN-Plans Disapproved. Req. Stormwater determination form & plan update-8/25/15		wm

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5	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	<b>Conditional Use Permit &amp; Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site</b>	WM. Incomplete letter sent 4/28/15. Change in agent.				wm
6	T-Mobile	1478 Quintana	1/30/15	UP0-403	<b>Minor Use Permit to Modify existing wireless telecommunication site at church</b>	JG - Under initial review. Correction letter sent 3/5/2015. JG. Partial resubmittal rcv'd via email 9/18		JW approved		jg
7	Verizon / Knight	184 Main	11/19/14	UP0-394	<b>Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street		RPS disapproved on 12/15/14 since proposed pole site will be removed during undergrounding project		jg
8	Leage	833 Embarcadero	9/15/14	UP0-389	<b>Demolish existing building. Reconstruct new 1 story 19 foot building (retail/restaurant use) &amp; outdoor improvements</b>	Under review. Deemed incompletd. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent . Resubmittal received. Not compliant with view corridors requirements.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
9	Wordeman	2900 Alder	7/28/14	CP0-447	<b>Admin Coastal Dev. Permit for new construction of duplex in R-4 zone. Unit A: 1965 sf w/605 sf garage. Unit B: 1714 sf w/605 sf garage.</b>	Under Review. Correction letter sent 8-27-14. Resubmittal received 1-26-15. JG. Correction letter sent. Partial resubmittal rcv'd 2/23. Under Review. JG. Correction letter sent 1/30 JG. Resubmittal received 6/8/15. Under review. Correction letter sent. Resubmittal rcv'd 9/22/15. corrections required, letter sent 10/15/15.	BC- conditionally approved.	PN-Disapproved for plan corrections per memo dated 10/5/15		jg
10	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	<b>Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.</b>	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15. Reviewing initial study for pending route to State Clearinghouse. Stormwater Control Plan also being reviewed.	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13.9/9/14 FD App TP. 2/10/15 FD Not App TP.	PN- on hold until Sonic submits Preliminary Stormwater Requirements. RPS: Intial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cj

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11	Perry	3202 Beachcomber	9/8/2011 & 10/25/2012	AD0-067 / CP0-381	<b>Variance.</b> Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing. Appeal in abeyance until coastal application complete. Incomplete letter for CDP sent 12/13/12. No response since 2012. Sent Intent to Deem Withdrawn Letter 9-2-14. JG. Applicant responded with Request for Meeting to keep CDP application open. SG.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 6/11/12		
<b>Planning Commission Continued projects</b>										
19	LaPlante	3093 Beachcomber	11/3/11	CP0-365	<b>Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.</b>	SD-- Incomplete Letter 12/12/11. Letter sent 4/11/2012 requesting environmental study. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Project referred to env. consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ env. consultant re environmental 4/7 CJ. Met with application 7-18-14 to request addendum to bio report in order to complete CEQA. Bluff determination and snowy plover report submitted 8-14-14. CJ. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Coastal Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. Discussed project with Coastal staff in meeting 11-18-14 and met with applicant 12/4/14 and 1/20/15. Received plans revisions and sent request for Coastal concurrence 9-2-15. CJ. Continued to a date uncertain to redraw ESH buffer setback.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 11/20/12	Conditionally approved, per memo 9/22/15	cj
20	Merrifield	1147 West St.	4/24/15	CP0- 469 & UP0-414	<b>Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.</b>	WM Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
21	Wright	1149 West St.	4/24/15	CP0-470 & UP0-415	<b>Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.</b>	WM Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
22	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	<b>Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision</b>	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj

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23	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		?
<b>Environmental Review</b>										
24	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
<b>Grants</b>										
25	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide			<b>\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.</b>	Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13. Notice received application was successful for amount requested. City funded \$250,000. Staff in contact with CA Ocean Protection Council staff to commence grant contract.	No review performed.	N/A		
26	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts in progress. City Council approval 6/10/14 for City participation in Urban County consortium for Fiscal Years 2015-2017. Needs Assessment Workshop scheduled for 9/11/14 in tandem with Cities of Atascadero and Paso Robles at Atascadero City Hall 5pm. Draft 2015 CDBG funding recommendation approved by Council 12/9/14. 2016 Program year applications due 10/23/15	No review performed.	N/R		

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27	City of Morro Bay	City-wide			Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				
Project requiring coordination with another jurisdiction										
28	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
29	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		
Final Map Under Review										
	Tract 2670	1899 -1911 Sunset	11/17/15	Map	Final Map. - Tract 2670 6 lot subdivision and 1 common lot	Under review				
30	Medina	3390 Main	10/7/11	Map	Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12	SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH buffer setback requirement. Creek restoration required per Planning condition #4 prior to recordation of the final map.	No review performed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.		sg/cj
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
31	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with applicant indicating they would be resubmitting new plans based on our discussions.	KW--Incomplete 12/15/05. Incomplete 3/7/07. 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. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011. Sent Intent to Deem Withdrawn letter 9-2-14. JG.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.		
32	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<b>Parcel Map.</b> CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted. Sent Intent to Deem Withdrawn Letter 8-28-14. Applicant requested to keep project open 9-25-14.	Please route project to Building upon resubmittal.	N/A		cj
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing</b>										
33	City of Morro Bay	Citywide	10/16/13	A00-013	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission.	No review performed.			wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
34	City of Morro Bay	Citywide	2/1/13	Ordinance 556	<b>Wireless Amendment - LCP Amendment</b> CHAPTER 17.27 Amendment for "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas".	Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues.	No review preformed.	N/A		sg
<b>Projects Appealed or Forwarded to City Council</b>										
35	Hough	289 Main	10/16/13	CP0-410 & UP0-369	<b>CDP and CUP to construct a 2,578sf single family home on vacant lot</b>	CJ- under review. Met with Applicant's representative 11-21-13. Met w/ Applicant representative 3-3-14 regarding bluff determination per LCP maps. Letter sent 4-1-14 re completeness and bluff standards. CJ. Visited site to review project 10-24-14. Concurrent request sent re bluff to Coastal Commission 10-27-14. Discussed project with Coastal staff 11-18-14 with referral to CCC Geologist 1-2015. Met w/ Coastal geologist 2-12-15 on site. Resubmittal received and review complete for PC hearing. Denied at 10-6-15 hearing. Resolution for denial on 10-20-15 agenda. DENIED 10-20-15. Appealed to be heard by City Council on 1-12-16.	BC- conditionally approved. TP-Disapprove 12/6/13.	BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13. Began resubmittal review 3/18/15		cj
36	Frye	3420 Toro Lane	1/13/14	CP0-419 & UP0-383	<b>Coastal Development Permit and Conditional Use Permit for New 2,209sf SFR and 551sf garage w/ approx. 300 sf of decking on vacant lot.</b>	WM. Revising MND. MND complete and routed to State Clearinghouse on 6-6-15. hearing on August 18, 2015. Approved by PC on 10-6-15. Appealed to Council and heard on 12-8-15. Appeals denied and Council approved permit request.	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RPS conditinoally approved per memo of 7/20/14		wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
37	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> Text Amendment Modifying Section 17.68 "Signs"	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. PC made recommendations and forwarded to Council. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report brought to PC on 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. -Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014, North Main business workshop held 4/28/14 and Embarcadero business workshop held 5/19/14. Result of sign workshops discussed at 11-3-15 PC mtg.	No review performed.	N/R		sg
<b>Projects in Building Plan Check</b>										
38	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. CJ. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN	BC- Returned for corrections 1/9/13.	N/A		
39	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit on hold until Planning process complete. CJ.	BC- Application on hold during planning processes of 4-2-2012	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
40	Tays	982 Carmel	10/1/15	B-30684	SFR Alteration and 65sf addition (includes new bathroom)	Disapproved 11-17-15. SG.	Plans denied 10-05-2015 cdl	PN- Approved per memo dated 11/23/15		
41	Diaz	365 Driftwood	8/14/15	B-30601	SFR Addition of 328sf upstairs to create Master bedroom and bathroom.	JG. Plans disapproved, incomplete.	Approved 10-13-2015 cdl	PN- Approved 10/5/15		
42	Ocean View Manor	456 Elena	9/10/15	B-30651	Remodel of existing senior rental 40 apts. with common building and site improvements			PN-Disapproved 11/30/15		
43	Leage	1205 Embarcadero	9/10/15	B-30651	686sf second story addition	Correction letter sent. Not compliant w/ Planning conditions. CJ	Plans Denied 09-24-2015 cdk	PN- Approved 10/1/15, no memo.		
44	PG&E	1290 Embarcadero	10/2/13	G-040	Soil Removal	CJ- Monitoring Well location partially in Coastal original jurisdiction. Coastal Commission processing consolidated permit. Waiver granted by Coastal 9-14-1491-W	BC- on hold pending planning process. Plans have been denied.	Memo of 11/29/13. CDP application should address soil revegetationor		
45	Appleby	381 Fresno	7/31/14	B-30227	Carport& Storage Shed	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG	Building approved 08-04-15 cdl	RPS - No PW comments if street access is not required for storage bldg		
46	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.	Approved. SG 6/15/15	Plans approved. 07-02-15 cdl	PN- Disapproved, needs sewer video & bwv 6/12/15		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
47	Monie	2577 Greenwood	6/8/15	B-30483	600sf addition (1st & 2nd floor) to front of existing SFR			PN-Disapproved, needs Erosion control plan 11/23/15		
48	Jackson, Addis	2860 Greenwood	9/2/15	B-30639	Detached 160sf Guest cottage	Disapproved 9-28-15. JG	Perit Denied 9-9-15 cdl	PN-Disapproved, needs Erosion control plan 11/23/15		
49	Hurless	2265 Hemlock	8/27/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom.	Disapproved 8-28-15. JG	05-15-15 Plans denied. Cdl	PN- Disapproved needs sewer lateral video-		
50	Gonzalez	481 Java	10/6/13	B-30029	SFR Addition/ Remodel: add 578 sf living and 112 sf decking	WM. Expecting Admin Use Permit application for minor revision to approved design.	Plans approved 9-18-15 cdl	PN-Disapproved, needs swr video & plan corrections. 9/24/15		
51	Nisbet	225 Kern	11/30/15	B30761	Remodel & Addition of 123sf to 1,107sf of existing SFR	JG. Requires a Conditional Use Permit		PN-Disapprovedper memo dated 12/2/15		
52	Nisbet	500 Kings	10/20/15	B30710	New 2,434 sf SFR with 672 sf garage and 228 sf of decking & shared driveway with adjacent lot		Plans under review. 10-21-15 cdl	PN-Disapprovedper memo dated 10/27/15		
53	Nisbet	570 Kings		B30600	New 2,317sf SFR w/ 583sf garage and separate detached 735sf 3-car garage.	Disapproved 8-31-15. CJ.	Plans denied 08-19-15 cdl	PN-Disapproved for plan corrections per memo dated 8/31/15		
54	Banuelos	350 Las Vegas	8/19/15	B-30613	Demo 832sf SFR & 384sf non-conforming detached garage. Build new 1,600sf SRF & 484sf garage.	Approved 11-12-15. JG.	Plans denied 10-16-15 cdl	PN-Approved 11/12/15		
55	Ryan	1125 Las Tunas	10/8/15	B-30695	New SFR with 2185sf & 580sf garage	Disapproved 10-27-15. JG	Plans denied 10-19-15 cdl	PN-Disapproved for plan corrections per memo dated 11/24/15		
56	Douglas	2587 Laurel	7/27/15	B-30352	Addendum to B-30074. Add 24 sq. ft., converting 1,020 sq. ft. to habitable space, add 120 sq. ft. porch, and 191 sq.ft. deck	Under Review. JG. Denial	Plans Denied 08-05-15 cdl	PN 9/30/15 Approved as submitted. No memo		
57	Peter	890 Main	10/15/15	B-30702	76sf concrete accessible ramp at building entrance	Approved 10-21-15. SG	Plans Approved 10/19/15 cdl	PN-Approved 11/25/15		
58	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG	Plans denied 3-2-15 cdl			
59	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
60	Boisclair	900 Main	8/5/15	B-30587	Commerical Interior Remodel, with new restrooms, removing existing driveway & street trees	Approved 10-8-15. JG	Building plans Approved 10-13-2015 cdl	PN- Disapproved, need update to Arborist Report, 10/12/15		
61	Zanovich	380 Marina	10/2/15	B-30685	Enclose existing deck on SFR	Disapproved 10-23-15. JG.	Bldg. Plans approved. 10-19-2015 cdl	PN- Conditionally Approved, 10/16/15		
62	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom	Approved 9/25/14. CJ.	Plansw approved 9-30-2014 bc	RPS returned for corrections per memo of		
63	Sciortino	966 Pecho	10/26/15	B30715	575sf addition to single level SFR & 77sf deck addition	Approved 10-27-15. JG	Permit issued 8-6-15 cdl	PN- Approved 10/30/15		
64	Dennis	290 Piney	2/13/15	B-30382	New SFR	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG	Permit Issued 8-24-2015 cdl	ME approved 4/16/2015		
65	Humarian	781 Quintana	9/2/15	B-30631	Remodel exterior & interior w/ADA restrooms & parking lot upgrades.	Approved 11-13-15. JG.	Permit Issued 10-16-2015 cdl	PN- Approved 10/10/15		
66	Frye	244 Shasta	5/7/13	B-29910	Garage to Second Unit conversion	KM - Needs to comply with or amend existing CDP. 2006 Planning permit modified to allow non-conforming structure. No activity since 2014 on this building permit.	BC- on hold pending planning process.	BCR-approved 5/13/13		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
67	Dow	670 Shasta	10/12/15	B-30699	Addition to SFR of 238sf living space and Demo & reconstruct of 276sf garage	Disapproved 10-27-15. JG	Permit issued 10-27-2015 cdl	PN- Disapproved per memo 10/23/15		
68	Reddell	310 Trinidad	6/1/15	B-30508	New 1763sf SFR w/427sf garage & 150sf storage/deck.	JG. waiting on planning permit approval.		PN- Plans disapproved. Need lateral sewer video & plans update - 11/24/15		
69	Barbis	166 Vashon	8/27/15	B-30623	186sf Addition to front exterior of SFR	Approved 10-2-15. WM	Building plans approved 10-09-2015 cdl	PN- Plans disapproved for plan corrections - 9/30/15		
Projects & Permits with Final Action										

## RESOLUTION NO. PC 44-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION AFFIRMING THE COMMISSION'S INTERPRETATION REGARDING GREATER THAN NORMAL PUBLIC BENEFIT ALSO KNOWN AS SIGNIFICANT PUBLIC BENEFIT AS DEFINED IN THE CITY OF MORRO BAY ZONING ORDINANCE SECTION 17.40.030 AND THE WATERFRONT MASTER PLAN (WMP) DESIGN GUIDELINES CHAPTER 5.

**WHEREAS**, the Planning Commission is authorized, by the Morro Bay City Zoning Ordinance, section 17.48.020, to make interpretations of ambiguities found in the Zoning Ordinance; and

**WHEREAS**, the Planning Commission of the City of Morro Bay reviewed the language and significant public benefit examples regarding the Planned Development Overlay requirements in the Zoning Ordinance 17.40.030 and as also discussed in the Waterfront Master Plan Design Guidelines, Chapter 5 at their regularly scheduled meeting of October 20, 2015 and November 3, 2015; and

**WHEREAS**, the Planning Commission desired to clarify requirements for greater than normal public benefit also known as significant public benefit for future and pending application so as to avoid confusion in the future, requested staff return with a policy resolution clarifying the intent and meaning of greater than normal public benefit requirements found in the Zoning Ordinance; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

Section 1. Zoning Ordinance Section 17.40.030.D describes the Planned Development Overlay requirements and reads in part as "Modifications of standards shall only be approved upon a finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provisions of housing for the elderly or low/moderate income families, provision of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the coastal land use policies." Said "greater than normal" public benefit also referred to as "significant" public benefit in the Waterfront Master Plan Design Guidelines shall be defined" as a feature of a project concept, design, or configuration which contributes significantly to the health, safety, enjoyment, or quality of life of members of the general public.

Deviation or modification of standards of the base zone district which requires greater than normal public benefit also known as significant public benefit shall have a nexus where the request for modification of development standards based upon a claim of greater than normal public benefit shall be granted only if it is determined by the City that such modifications are necessary to achieve the desired public benefits, and that such benefits cannot be obtained if usual development standards are applied.

Any applicant who requests a modification of standards based upon a claim of greater than normal public benefit shall provide to the Community Development Department a report detailing all benefits proposed with supporting justification as to why the requested modifications are necessary to allow the proposed public benefit to be accomplished and why such benefits cannot be achieved if usual standards are applied. Justification based on financial feasibility shall be supported by specific accounting detailing the projected project costs and income figures with and without the requested modification of standards. It shall be known that meeting the code requirement of standards shall not be considered greater than normal, or significant, public benefit.

Section 2. Waterfront Master Plan Design Guidelines, Chapter 5 refers directly to provisions for the PD overlay district and shall be interpreted to intend to maintain the standards for modification of development standards imposed by MBMC Section 17.40.030 (i.e. greater than normal public benefit and nexus between benefits and requested deviation from standards.

In accordance with the provisions of the Waterfront Master Plan (WMP) and with MBMC Section 17.40.030, building heights that are greater than the standard building heights specified on page 5-2 of the WMP shall only be allowed by a conditional use permit as approved by Planning Commission upon demonstration of the following:

- a.) An enumeration of the specific significant, greater than normal public benefits to be provided together with a finding that such expected public benefits are both greater than normal and significant;
- b.) A finding that the requested increase in building height is necessary to achieve the desired significant, greater than normal public benefits;
- c.) A finding that, as a result of the proposed project, the overall viewshed characteristics will be improved or, at least not diminished, from public viewing locations as defined on page 5-1 of the WMP and illustrated in Figure 5-4 of that document; and
- d.) A finding that the project complies with additional requirements, as set forth on page 5-3 of the WMP.

Section 3. Based upon the staff report and other evidence and information considered by the Planning Commission regarding this matter, the foregoing interpretation (i) will not negatively impact the public health, safety and general welfare of neighborhoods that do or may contain storage sheds or the City at large, (ii) will not have any effect upon traffic conditions within the City and (iii) will have a positive effect upon the orderly development of the areas in which storage sheds do and may exist and the City at large in regard to general planning of the whole community.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of December, 2015 on the following vote:

AYES:

NOES:  
ABSENT:  
ABSTAIN:

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Robert Tefft, Chairperson

ATTEST

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Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15th day of December, 2015.

AGENDA ITEM:   A-3  

DATE:   December 15, 2015  

ACTION:           A-3          

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – OCTOBER 20, 2015  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice-Chairperson
	Gerald Luhr	Commissioner
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Cindy Jacinth	Associate Planner
	Joan Gargiulo	Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS –

Commissioner Sadowski announced there will be a Halloween Alternative at the Shoreline Calvary Chapel on October 31<sup>st</sup> from 6 PM – 9 PM.

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=2m55s>

Marla Jo Bruton Sadowski, Chairperson for the Coast Alliance, wanted to notify the public there is a planned acoustic survey test adjacent to Morro Rock (ocean side). She noted the 21 day pre-survey notice was not processed properly. Coast Alliance is working on receiving an injunction at the State level in order to allow the proper 21 day pre-survey notice.

Cathy Novak, consultant, read a letter regarding today's Consent Calendar item A-1. She was unable to submit the letter in advance, but will submit a hard copy to staff. The letter stated how Novak has objected to the presented findings in Resolution PC 40-15.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=11m55s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/fkYNjIchxHI?t=11m57s>

A-1 Adoption of Planning Commission Resolution No. 40-15 denying Coastal Development Permit CP0-410 and Conditional Use Permit UP0-369 for proposed development at 289 Main Street as directed at the 10/6/2015 Planning Commission meeting.

**Staff Recommendation:** Adopt Planning Commission Resolution No. 40-15

**MOTION:** Vice-Chairperson Sorenson moved to approve Consent Calendar A-1; Adoption of Planning Commission Resolution No. 40-15. Commissioner Sadowski seconded. The motion passed 4-1 with Chairperson Tefft abstaining from voting.  
<https://youtu.be/fkYNjIchxHI?t=14m>

A-2 Approval of minutes from the Planning Commission meeting of September 1, 2015 and September 15, 2015.

**Staff Recommendation:** Approve minutes as submitted.

A-3 Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

**MOTION:** Commissioner Sadowski moved to approve the Consent Calendar, A-2 and A-3 with the acceptance to correct Motion for item B-1 on the September 1<sup>st</sup> Planning Commission minutes. Vice-Chairperson Sorenson seconded and the motion passed unanimously (5-0).  
<https://youtu.be/fkYNjIchxHI>

## B. PUBLIC HEARINGS

**B-1 Case No.:** #UP0-429

**Site Location:** 976 Ridgeway, Morro Bay, CA

**Project Description:** Request for Conditional Use Permit approval to add a 735 sq. ft. second story addition and 126 sq. ft. of exterior decking to an existing 1,692 sq. ft. single-family residence located within the R-1 residential zoning district and outside of the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15301(e), Class 1

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Joan Gargiulo, Contract Planner, (805) 772-6270

<https://youtu.be/fkYNjIchxHI?t=14m59s>

Gargiulo presented staff report.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – None

Chairperson Tefft opened Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=19m46s>

Charles Kleemann, representative for the applicant, stated he is available for questions.

Marla Jo Sadowski, Morro Bay resident, stated she appreciates the beautiful landscaping.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=25m5s>

**MOTION:** Chairperson Sorenson moved to approve PC Resolution 41-15. Commissioner Lucas seconded and the motion passed unanimously (5-0).

<https://youtu.be/fkYNjIchxHI?t=31m9s>

**B-2 Case No.:** #CP0-365

**Site Location:** 3093 Beachcomber, Morro Bay, CA

**Project Description:** Request for Coastal Development Permit approval and Mitigated Negative Declaration (MND) for new construction of a single-story 3,295 single family home with 519 square foot 2-car garage and 250 square foot deck on a vacant lot in the

R-1/S.2A residential zoning district that sits adjacent to environmentally sensitive habitat (ESH). The project is located within the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Mitigated Negative Declaration, (SCH#2014091051)

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Conditionally Approve

**Staff Contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

<https://youtu.be/fkYNjIchxHI?t=32m14s>

Jacinth presented staff report.

#### COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Chairperson Tefft had a conversation with the neighbor.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=37m45s>

Paul LaPlante, applicant, stated his concerns and the long process it has taken for him to get to this point.

John Kilpelanen, agent and contractor for applicant, stated Jacinth and Graham have been very helpful and also noted the long process it has taken and how frustrating it has been with past employees and misleading information that was given to them. He asked the Planning Commission if they could accept the project as it had been submitted.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=44m48s>

Chairperson Tefft opened Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=1h3m57s>

Chairperson asked applicant if they had a date they would prefer to discuss item again.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/fkYNjIchxHI?t=1h4m27s>

**MOTION:** Commissioner Lucas moved to continue item to a date uncertain. Commissioner Sadowski seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/fkYNjIchxHI?t=1h4m35s>

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 Discussion and Interpretation of Significant Public Benefit as a requirement within the Planned Development Overlay zone (MBMC 17.40.030)

**Staff Recommendation:** Review staff report and provide direction to staff

**Staff contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

<https://youtu.be/fkYNjIchxHI?t=1h5m34s>

Jacinth presented the staff report.

Chairperson Tefft opened Public Comment period.  
<https://youtu.be/fkYNjIchxHI?t=1h22m5s>

Bill Martony asked the Planning Commission to verify if they were discussing the PD overlay for just the Embarcadero area or the PD overlay for all areas of town. He also noted the original plan for the Embarcadero called out for only single story buildings.

Chairperson Tefft closed the Public Comment period.

Staff's direction will be to focus on the Public Benefit component, PD Overlay component and Waterfront Policies. Staff will bring the information back to the Planning Commission.

E. PLANNING COMMISSIONER COMMENTS  
<https://youtu.be/fkYNjIchxHI?t=1h48m3s>

- Commissioner Sadowski asked staff about the General Plan, LCP update and what would it take for a proper budget.
- Commissioner Luhr asked staff if there would be preliminary specific plans for different regions which will come to the Planning Commission.
- Vice-Chairperson Sorenson asked staff for an update on the Parking Study and Striping.
- Vice-Chairperson Sorenson asked staff for an update on the Bike Park.
- Commissioner asked staff about the off-shore wind production farm. He noted City Council had voted on having loose agreement talks. He wanted to know when the Planning Commission would have to get involved.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS - NONE

G. ADJOURNMENT

The meeting adjourned at 7:58 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on November 3, 2015, at 6:00 p.m.

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Robert Tefft, Chairperson

ATTEST:

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Scot Graham, Secretary

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING –OCTOBER 20, 2015

AGENDA ITEM:   A-3  

DATE:   December 15, 2015  

ACTION:           A-3          

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 03, 2015  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:     Robert Tefft                             Chairperson  
              Gerald Luhr                            Commissioner  
              Michael Lucas                         Commissioner  
              Richard Sadowski                    Commissioner

ABSENT:     Katherine Sorenson                   Vice-Chairperson

STAFF:      Scot Graham                            Community Development Manager  
              Whitney McIlvaine                    Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS –

Commissioner Sadowski announced the Light Night celebration was a great turn out, over 100 kids attended. Sadowski noted it was a good community outreach.

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period and seeing none, closed Public Comment period.

<https://youtu.be/dFgBLYUYRGM?t=2m31s>

PRESENTATIONS – NONE

A.     CONSENT CALENDAR

<https://youtu.be/dFgBLYUYRGM?t=2m42s>

A-1     Approval of minutes from the Planning Commission meeting of October 6, 2015.  
**Staff Recommendation:** Approve minutes as submitted.

A-2     Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.

**MOTION:** Commissioner Sadowski moved to approve Consent Calendar. Commissioner Luhr seconded and the motion passed unanimously (4-0).

<https://youtu.be/dFgBLYUYRGM?t=3m1s>

B.     PUBLIC HEARINGS

<https://youtu.be/dFgBLYUYRGM?t=3m27s>

**B-1     Case No.:** #CP0-488

**Site Location:** 1290 Embarcadero, Morro Bay, CA

**Project Description:** Coastal Development Permit approval and adoption of Mitigated Negative Declaration (MND) for demolition and removal of 23 outlying

structures and associated equipment necessary for elimination of security risk and attractive nuisance at the Morro Bay Power Plant. The project is located within the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Mitigated Negative Declaration, (SCH#2015091073)

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Conditionally Approve Project

**Staff Contact:** Whitney McIlvaine, Contract Planner, (805) 772-6211

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
Commissioner Sadowski met with Ninah Hartley from Dynegy.

McIlvaine presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/dFgBLYUYRGM?t=12m59s>

Ninah Hartley, Dynegy representative, presented information about the demolition project to the Planning Commission.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/dFgBLYUYRGM?t=17m20s>

**MOTION:** Commissioner Sadowski moved to approve PC Resolution 43-15 which includes findings for adoption of the Mitigated Negative Declaration and findings, conditions, and environmental mitigation measures for approval of the project. Commissioner Lucas seconded and the motion passed unanimously (4-0).

<https://youtu.be/dFgBLYUYRGM?t=20m20s>

C. UNFINISHED BUSINESS

C-1 Discussion and Interpretation of Significant Public Benefit as a requirement within the Planned Development Overlay zone (MBMC 17.40.030)

**Staff Recommendation:** Adopt Resolution 44-15

**Staff contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

<https://youtu.be/dFgBLYUYRGM?t=21m21s>

Graham presented the report.

Chairperson Tefft stated the importance of being specific in the resolution by stating that just doing what the ordinance requires is not to be considered “greater than normal” public benefit. Commissioners agreed to add this language to the resolution.

**MOTION:** Commissioner Sadowski moved to continue PC Resolution 44-15 to the November 24<sup>th</sup> Planning Commission meeting. Commissioner Lucas seconded and the motion passed unanimously (4-0).

<https://youtu.be/dFgBLYUYRGM?t=39m11s>

C-2 **Sign Ordinance Review/Update.** Review will cover current status and discussion of next steps in the update process.

<https://youtu.be/dFgBLYUYRGM?t=39m49s>

Graham presented staff report.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING –NOVEMBER 03, 2015

Graham will place concerns the Planning Commissioners have on a list and will speak to the local commercial businesses to get their input. Graham will bring the information received from the businesses back to the Planning Commission.

D. NEW BUSINESS – NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/dFgBLYUYRGM?t=1h30m1s>

Sadowski stated he would like to have a discussion regarding the rental issues. He noted he is concerned about the surcharge of our infrastructure.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

<https://youtu.be/dFgBLYUYRGM?t=1h38m24s>

Graham stated the RFP for the General Plan Update was released on October 23<sup>rd</sup>. The RFP's will be due on November 24<sup>th</sup>. He anticipates the contract for the consultant should be ready to place on the agenda for the first City Council meeting in January.

G. ADJOURNMENT

The meeting adjourned at 7:41 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on November 3, 2015, at 6:00 p.m.

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Robert Tefft, Chairperson

ATTEST:

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Scot Graham, Secretary



AGENDA NO: C-1

MEETING DATE: December 15, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 15, 2015

**FROM:** Joan Gargiulo, Contract Planner

**SUBJECT:** Item Continued from December 1, 2015 Planning Commission Meeting: Coastal Development and Conditional Use Permits (CP0-483 & UP0-421) approval at 1401 Quintana for installation of an unmanned telecommunication wireless facility which consists of a cylindrical antenna on top of an existing 28 ft. utility pole and the installation of an equipment cabinet adjacent to the utility pole within the public right-of-way.

**RECOMMENDATION:**

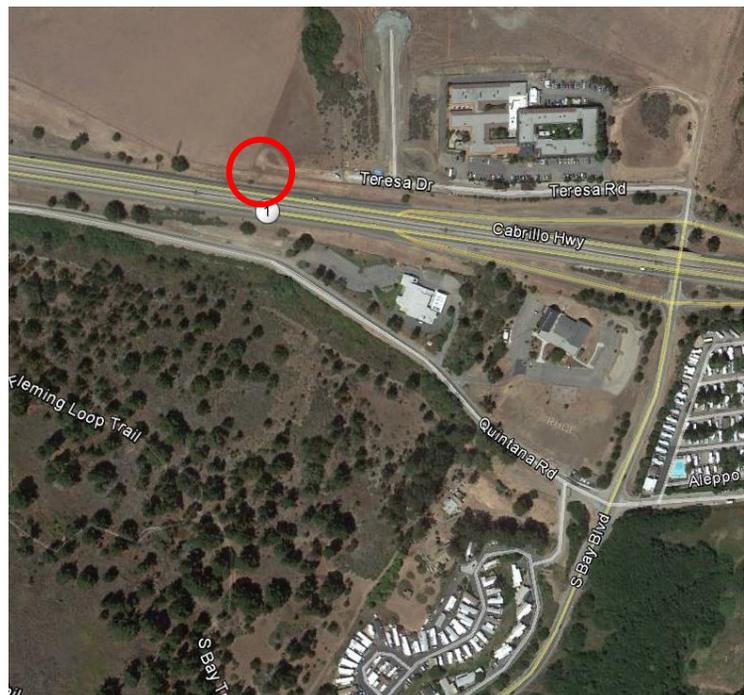
*CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

- A. Adopt Planning Commission Resolution 47-15 which includes the Findings and Conditions of Approval for the project depicted on site development plans dated November 18, 2015.

**APPLICANT/AGENT:** Tricia Knight, Agent for Verizon Wireless

**LEGAL DESCRIPTION/APN:**  
066-280-015

**PROJECT DESCRIPTION:** The Applicant, Verizon Wireless, is requesting coastal development and conditional use permit approval to establish a Verizon Wireless unmanned telecommunications facility (aka "cell site") to be co-located with other utilities (existing



Prepared By: \_\_\_ JG \_\_\_

Department Review: \_\_\_\_\_

PG&E) at 1401 Quintana. Specifically, the proposal includes installation of one (1) new Verizon Wireless 2 foot tall cylindrical antenna and associated equipment. The associated equipment includes four (4) new remote radio units (RRU)\*, an electrical transformer, a PG&E and Verizon Wireless meter, and a new PG&E shut-down switch. Associated equipment also includes an equipment cabinet (2’7” by 19’) on a concrete pad to be screened with a 6 foot tall fence to be installed at ground level adjacent to the existing utility pole as shown on the attached plans dated November 18, 2015 (Exhibit D). New Verizon wireless DC power and fiber cable will be routed from the ground-mounted equipment cabinet, underground and then to the antenna location at the top of the utility pole.

*\*An RRU (remote radio unit) is also known as a wireless base station. RRUs facilitate wireless communication between user equipment and the network.*

**REGULATIONS:**

Per sections 17.30.030(F) and 17.30.030(P) of the Zoning Ordinance antennas and public utility facilities can be located within any zoning district after obtaining a Conditional Use Permit. Establishment of a new wireless facility is considered development and therefore requires a Coastal Development Permit also.

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	C-1	South:	C-1
East:	C-1	West:	C-1

<b><u>Site Characteristics</u></b>	
Overall Site Area	49 sq. ft.
Existing Use	Public Right-of-Way
Terrain	Level and Paved
Vegetation/Wildlife	No vegetation
Access	Quintana Road
Archaeological Resources	Site is not located within 300 feet of an archeological resource

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	General Commercial
Base Zone District	C-1
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone, but not within appeals jurisdiction

**PROJECT ANALYSIS:**

*Background / Discussion:* The Applicant proposes to co-locate the new Verizon Wireless cylindrical antenna on an existing 28.2 ft. high PG&E utility pole. On page A-3 of the plan set (Exhibit D), a 5 ft. wood extension assembly is shown attached to the top of the existing pole to provide for adequate clearance between the existing power lines and the proposed wireless antenna. The antenna itself measures 2 ft. high thereby bringing the total height to 35.8 ft. above ground level. Pursuant to Morro Bay Municipal Code Section 17.48.070, the 30 ft. height limit in the C-1 zoning district may be exceeded with the approval of a use permit.

*Visual Analysis:*

Staff has reviewed the project for impacts to visual aesthetics via submission of photo visual simulations illustrating existing and proposed (Exhibit B). The proposed Verizon facility would be co-located on an existing PG&E utility pole. The one (1) cylindrical antenna would be installed on top of the 28'2" high pole. The antenna itself has a diameter of 14.6" and measures 2 feet tall to be mounted on a new 5 ft. wooden extension to be secured to the top of the existing utility pole. The equipment cabinet will be located approximately 4 ft to the north of the utility pole in the public right-of-way. Access to the cabinet will not obstruct bicycle or other vehicle traffic along Quintana Road. The cabinet encompasses approximately 49 sq. ft. and the proposed 6 ft. fence will provide adequate screening.

*Hazards/Hazardous Materials*

A Radio Frequency (RF) report was prepared by Hammett & Edison, Inc., dated October 5, 2015, to evaluate the proposed project for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. The report (Exhibit C) concluded that for a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation would be 3.2% of the maximum exposure limit. The maximum calculated level at the second-floor elevation of any nearby building is 0.32% of the public exposure limit and the maximum calculated level at any nearby residence is 0.042% of the public exposure limit. It should be noted that these results include several worst-case scenarios assumptions and therefore are expected to overstate actual power density levels.

The RF report recommends mitigation measures in its conclusion which have been added as conditions of approval in Resolution 47-15 (Exhibit A); namely training authorized personnel and posting explanatory signs to establish compliance with occupational exposure limits. With the recommended measures, the report concludes that the project would be well within FCC maximum exposure limits.

*U.S. Federal Communications Commission*

The project has been designed to be in compliance with FCC regulations. The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite and cable. It was established by the Communications Act of 1934 and operates as an independent U.S. government agency overseen by Congress. Section

332(c)(7) of the Communications Act was added by Congress in the Telecommunications Act of 1996 which imposes limitations on local governments that they may not unreasonably discriminate among providers of functionally equivalent services, may not prohibit provision of personal wireless services, must act on requests within a reasonable period of time, must make any denial decision in writing, supported by substantial evidence, and may not regulate radio frequency (RF), but may require applicant to satisfy FCC rules.

**ENVIRONMENTAL DETERMINATION**

Environmental review was performed for this project which staff determined meets the required for a Categorical Exemption Class 3, CEQA Guidelines Section 15303 (e), (New construction of small structures). This exemption applies to the construction and location of limited numbers of new, small facilities or structures and temporary use of land having no permanent effects on the environment. There are no known sensitive environmental resources on the project site; consequently, this exemption is appropriate for this project.

**PUBLIC NOTICE:**

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on November 20, 2015, and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

**CONCLUSION:**

Improved wireless communication abilities are a community need from the standpoint of both convenience and public safety. Based upon the photo simulations and RF report submitted by the applicant and required conditions as recommended by the RF report, staff has determined that the proposed project would not significantly degrade the aesthetics of the site nor present unmitigated hazards to surrounding uses. The project, as proposed, is consistent with all required development standards of the Zoning Ordinance and all applicable provisions of the General Plan and Local Coastal Plan with incorporation of the recommended conditions of approval.

Staff recommends that the Planning Commission approve the requested Coastal Development Permit and Conditional Use Permit for installation of 1 new Verizon wireless rooftop antenna and associated equipment with the incorporation of the conditions of approval attached herein by approving Planning Commission Resolution 47-15.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 47-15

Exhibit B – Visual Simulation, Existing and Proposed

Exhibit C – Radio Frequency Compliance Report dated October 5, 2015

Exhibit D – Graphics/Plan Reductions dated November 15, 2015

RESOLUTION NO. PC 47-15

RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING COASTAL DEVELOPMENT PERMIT (CP0-483) AND CONDITIONAL USE PERMIT (UP0-421) FOR INSTALLATION OF UNMANNED TELECOMMUNICATION WIRELESS FACILITY WHICH CONSISTS OF A CYLINDRICAL ANTENNA ON AN EXISTING UTILITY POLE WITH ASSOCIATED EQUIPMENT CABINET AT 1401 QUINTANA ROAD.

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on December 15, 2015, for the purpose of considering Coastal Development Permit CP0-483 & Conditional Use Permit # UP0-421 to allow a proposed installation of an unmanned telecommunication facility to include a cylindrical antenna on top of an existing 28 ft. utility pole with an overall height of 35.8’ and the installation of an equipment cabinet adjacent to the utility pole within the public right-of-way at 1401 Quintana (APN 066-280-015) and outside of the Coastal Commission Appeals Jurisdiction; and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

**Section 1: Findings.** Based upon all the evidence, the Planning Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3: New construction of small structures. This exemption applies to the construction and location of limited numbers of new, small facilities or structures and temporary use of land having no permanent effects on the environment.

Coastal Development Permit Findings

1. 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. “Antennas” and “Public Utility Facilities” are both listed as uses that may be permitted in any zone district with an approved Conditional Use Permit

(Zoning Ordinance Section 17.30.0030 (F) & (P), respectively).

### Conditional Use Permit Findings

1. 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 in that the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff report, and potential public health impacts were studied and addressed in an RF report prepared by Hammett & Edison, Inc., dated October 5, 2015; and
2. 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 consistent with all applicable City regulations and will limit access to the equipment cabinet, provide occupational training and post explanatory warning signs to ensure compliance with occupational exposure limits.
3. The total height of the utility pole and antenna measures 35.8' which exceeds the maximum allowed for the C-1 zone district will not be injurious or detrimental to the surrounding area as reviewed by the Planning Commission because as stated at MBMC 17.48.070, height limits are allowed to be exceeded through a use permit.

**Section 2: Action.** The Planning Commission does hereby approve Coastal Development Permit CP0-483 and Conditional Use Permit #UP0-421 for property at 1401 Quintana (APN number 066-280-015) subject to the following conditions:

### STANDARD CONDITIONS

1. Permits: This Coastal Development Permit and Conditional Use Permit are granted for the uses described in the December 1, 2015 staff report and all attachments thereto, and as shown on the plans dated November 18, 2015. In addition to satisfying all of the foregoing Conditions of Approval for the proposed use, the applicant shall obtain and maintain compliance with all other required permits and approvals.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced within two (2) years of the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Community Development Manager, upon finding that the project complies with all applicable provisions of the Morro Bay

- Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Community Development Manager. Any substantial change, as so deemed by the Community Development Manager, will require the filing of an application for an amendment to be reviewed by the Planning Commission.
  4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
  5. Compliance with Conditions: Prior to issuance of a building permit for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Manager and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
  6. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
  7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
  8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities and routine maintenance activities shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday, and 8:00 A.M. to 7:00 P.M. on Saturday and Sunday, unless an exception is granted by the Community Development Manager pursuant to the terms of this regulation.
  9. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

**PLANNING CONDITIONS**

1. Antenna and Equipment Screening: As presented in the photo simulations of the proposed project, the fencing proposed as equipment screening shall be kept in good repair.
2. Exposure Signs: Prior to final inspection, as recommended by the RF study dated October 5, 2015 explanatory warning signs shall be posted on the utility pole, at or near the antenna, readily visible from any angle of approach to persons who might need to work within that distance. Content of explanatory sign shall include summary results of the post construction RF compliance report and inform personnel of the maximum permissible exposure (MPE) levels. The applicant shall submit building plans illustrating the placement of the required explanatory warning signs. As discussed in the Radio Frequency (RF) exposure study, the warning signs should be utilized to establish awareness as long as they provide information in a prominent manner on the risk of potential exposure and instructions on methods to minimize such exposure risk.
3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official. (MBMC Section 17.52.070)
4. Conditions of Approval: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
5. Inspection: The applicant shall comply with all Planning conditions listed above and obtain a final inspection from the Planning Division at the necessary time in order to ensure all conditions have been met.
6. The equipment cabinet shall be kept locked at all times, limiting access only to authorized personnel or emergency services officials as noted in Fire Condition 2.
7. Prior to final inspection, Applicant shall provide evidence of appropriate RF safety training to all authorized personnel who have access to the utility pole and equipment cabinet, including but not limited to employees and contractors of the wireless carriers and of the property owner.
8. A minimum of 72 hours of backup power supply to the antenna, in the form of a generator or other acceptable back up power source, shall be supplied and shown on building plans unless deemed infeasible by the Community Development Manager.

**BUILDING CONDITION**

1. Building Permit: Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Permit.

**FIRE CONDITIONS**

The following Fire Department conditions shall be satisfied prior to issuance of a building permit:

1. Fire Safety During Construction and Demolition. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 33). Compliance with NFPA 241 is required for items not specifically addressed herein. Applicant shall comply with CFC Chapter 33.
2. Knox Lock. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or lock to be installed in an approved location (CFC 506). Provide a Knox Lock on the access gate. Please obtain a Knox application from Morro Bay Fire Department during business hours[s1].
3. Vehicle impact protection. Vehicle impact protection required by this code shall be provided by posts that comply with CFC Section 312.2 or by other approved physical barriers that comply with Section 312.3. Posts shall comply with all of the following requirements:
  - a. Constructed of steel not less than 4 inches in diameter and concrete filled.
  - b. Set not less than 3 feet deep in a concrete footing of not less than a 15 inch diameter.
  - c. Set with the top of the post not less than 3 feet above ground.

Applicant shall provide approved vehicle impact protection around the perimeter of the fenced enclosure, as depicted on Sheet A-2 and in accordance with CFC Section 312.

4. Cabinet signage. Cabinets shall have exterior labels that identify the manufacturer and model number of system and electrical rating (voltage and current) of the contained battery system. Applicant shall provide signage on the cabinet that indicates the relevant electrical, chemical and fire hazard. (CFC 608.7.2). Stationary storage battery systems, and equipment room and building signage shall be in accordance with 2013 California Fire Code, (Section 608) and will be examined closely during Building Permit phase and verified during field inspection. Applicant shall provide appropriate signage relative to Stationary Storage Battery Systems.
5. Equipment room door signage. Provide approved signage of “CAUTION-

ENERGIZED ELECTRICAL EQUIPMENT”. Sign shall have red lettering ¼ inch stroke and 3 inches high on white reflective background of durable material so to withstand a marine environment. (CFC 605.3.1) Applicant shall provide above signage relative to energized electrical equipment.

- 6. Documentation of EPCRA reporting. Pursuant to Federal Emergency Planning Community Right-to Know Act (EPCRA), Section 311 and 312, USEPA regulations at 40 CFR Part 355 implementing EPCRA, and corresponding state and local requirements. Where applicable, Applicant shall provide a Tier Two Emergency and Hazardous Chemical Inventory (form OMB 2050-0072).

**PUBLIC WORKS CONDITIONS**

- 1. Any damage to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
- 2. No work shall occur within (or use of) the City’s Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of DECEMBER, 2015 upon motion of Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson Robert Tefft

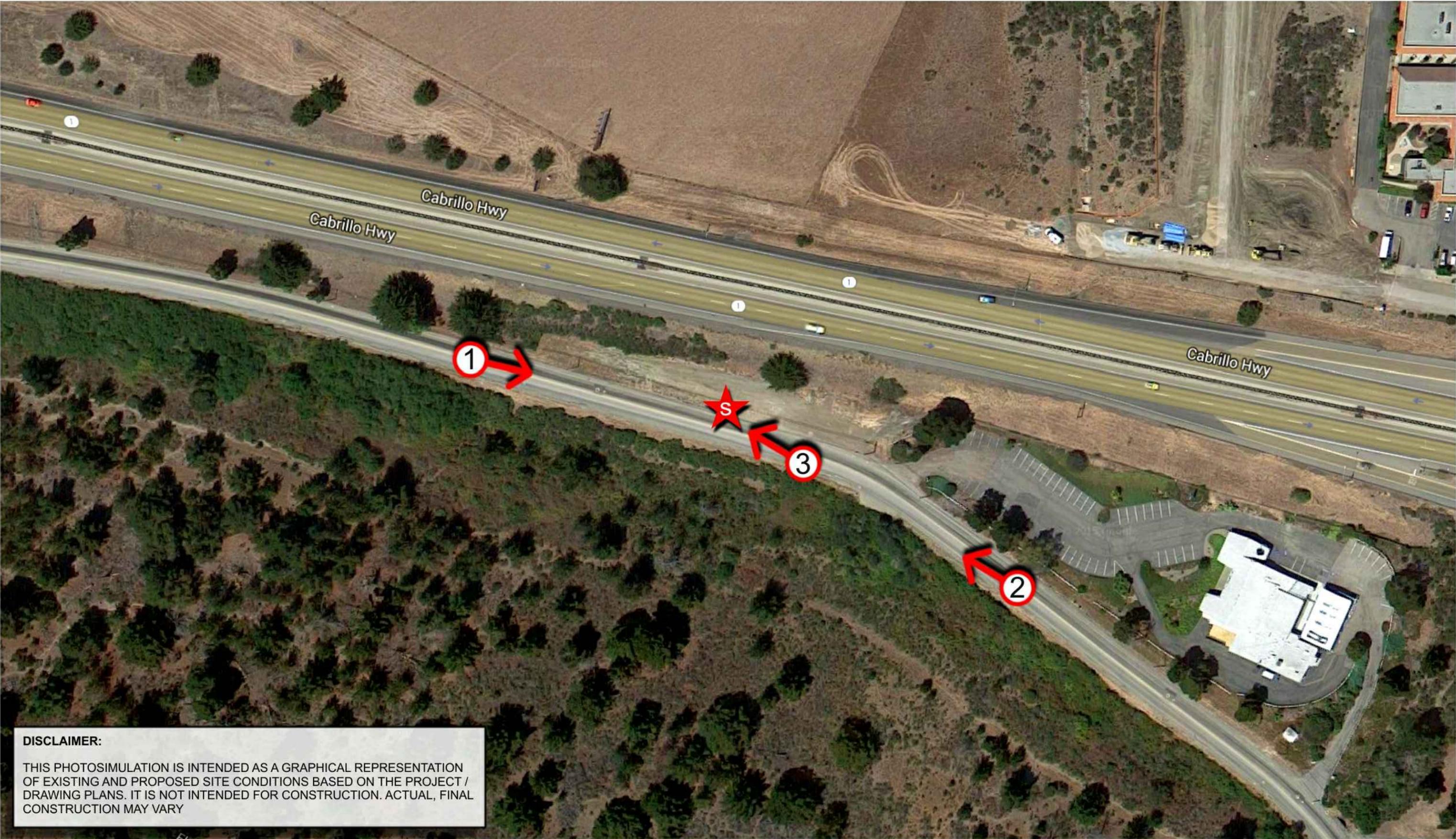
ATTEST

\_\_\_\_\_  
Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15th day of December, 2015.



VICINITY MAP  
PHOTOSIMULATION VIEWPOINTS



**DISCLAIMER:**  
THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY

**PHOTOSIMULATION VIEW 1**

**NEW**

NOTE:  
NEW VERIZON WIRELESS CABINET, (4) RRUS, (2) DIPLEXERS, METER W/ DISCONNECT SWITCH, AND TRANSFORMER WITHIN 2'-7" x 19'-0" WOOD FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS ANTENNA MOUNTED TO NEW WOOD EXTENSION ON EXISTING UTILITY POLE

NEW VERIZON WIRELESS EQUIPMENT AREA



# PHOTOSIMULATION VIEW 2

## NEW

NOTE:  
NEW VERIZON WIRELESS CABINET, (4) RRUS, (2) DIPLEXERS, METER W/ DISCONNECT SWITCH, AND TRANSFORMER WITHIN 2'-7" x 19'-0" WOOD FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS ANTENNA MOUNTED TO NEW WOOD EXTENSION ON EXISTING UTILITY POLE

NEW VERIZON WIRELESS EQUIPMENT AREA

## EXISTING

EXISTING 28'-2" TALL UTILITY POLE #371



**PHOTOSIMULATION VIEW 3**

**NEW**

NOTE:  
NEW VERIZON WIRELESS CABINET, (4) RRUS, (2) DIPLEXERS, METER W/ DISCONNECT SWITCH, AND TRANSFORMER WITHIN 2'-7" x 19'-0" WOOD FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS ANTENNA MOUNTED TO NEW WOOD EXTENSION ON EXISTING UTILITY POLE

NEW VERIZON WIRELESS EQUIPMENT AREA



# Exhibit C

## Verizon Wireless • Proposed Base Station (Site No. 291695 “Hwy 1 & South Bay St.”) 1401 Quintana Road • Morro Bay, California

### Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 291695 “Hwy 1 & South Bay St.”) proposed to be located near 1401 Quintana Road in Morro Bay, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

#### Executive Summary

Verizon proposes to install a cylindrical antenna on top of the existing 28-foot utility pole sited in the public right-of-way near 1401 Quintana Road in Morro Bay. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

#### Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–80 GHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

#### General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.



# Exhibit C

## Verizon Wireless • Proposed Base Station (Site No. 291695 “Hwy 1 & South Bay St.”) 1401 Quintana Road • Morro Bay, California

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

### Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

### Site and Facility Description

Based upon information provided by Verizon, including zoning drawings by SAC Wireless, LLC, dated April 23, 2015, it is proposed to install one Amphenol Model CWB070X06F bi-directional cylindrical antenna on an extension to the existing 28-foot utility pole sited in the public right-of-way about 540 feet west of the single-story commercial building located at 1401 Quintana Road in Morro Bay. The antenna would employ no downtilt, would be mounted at an effective height of about 34½ feet above ground, and would have principal orientations of 100°T and 280°T. The maximum effective radiated power in any direction would be 2,140 watts, representing simultaneous operation at 1,610 watts for AWS and 530 watts for 700 MHz service; no operation on PCS or cellular frequencies is presently proposed from this site. There are reported no other wireless telecommunications base stations at the site or nearby.

### Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be 0.017 mW/cm<sup>2</sup>, which is 3.2% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building\* is 0.32% of the public exposure limit. The maximum calculated level at any nearby residence† is 0.042% of the limit; this and other representative calculated levels are shown in Figure 3. It should be noted that these

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\* Located at least 540 feet away, based on photographs from Google Maps.

† Located at least 1,000 feet away, based on photographs from Google Maps.



# Exhibit C

## Verizon Wireless • Proposed Base Station (Site No. 291695 “Hwy 1 & South Bay St.”) 1401 Quintana Road • Morro Bay, California

results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

### Recommended Mitigation Measures

Due to its mounting location and height, the Verizon antenna would not be accessible to unauthorized persons, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that appropriate RF safety training, to include review of personal monitor use and lockout/tagout procedures, be provided to all authorized personnel who have access to the antenna, including employees and contractors of Verizon and of the utility companies. No access within 14 feet directly in front of the antenna itself, such as might occur during certain maintenance activities, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. It is recommended that explanatory signs<sup>‡</sup> be posted on the pole at or below the antenna, readily visible from any angle of approach to persons who might need to work within that distance.

### Conclusion

Based on the information and analysis above, it is the undersigned’s professional opinion that operation of the base station proposed by Verizon Wireless near 1401 Quintana Road in Morro Bay, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Training authorized personnel and posting explanatory signs is recommended to establish compliance with occupational exposure limits.

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<sup>‡</sup> Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (*e.g.*, a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required. Signage may also need to comply with the requirements of California Public Utilities Commission General Order No. 95.

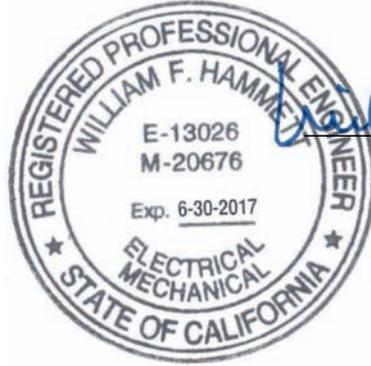


# Exhibit C

**Verizon Wireless • Proposed Base Station (Site No. 291695 “Hwy 1 & South Bay St.”)  
1401 Quintana Road • Morro Bay, California**

## Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2017. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



*William F. Hammett*  
\_\_\_\_\_  
William F. Hammett, P.E.

707/996-5200

October 5, 2015



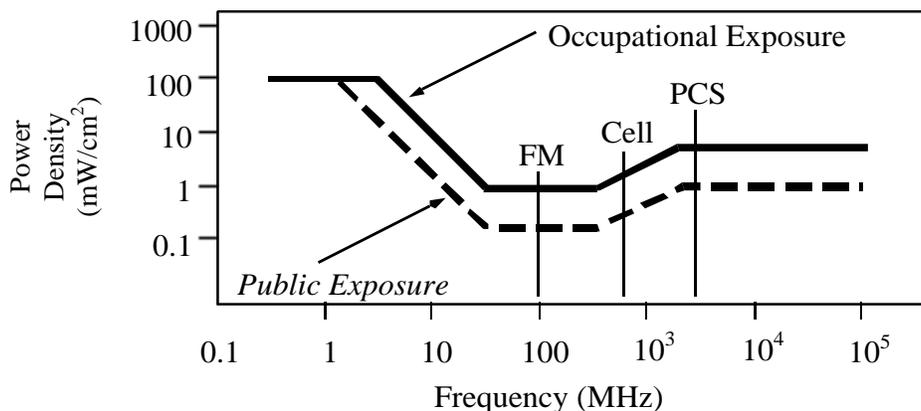
# Exhibit C

## FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm <sup>2</sup> )	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f<sup>2</sup></i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f <sup>2</sup>	<i>180/f<sup>2</sup></i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

# Exhibit C

## RFR.CALC™ Calculation Methodology

### Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

#### Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density  $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$ , in mW/cm<sup>2</sup>,

and for an aperture antenna, maximum power density  $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$ , in mW/cm<sup>2</sup>,

where  $\theta_{BW}$  = half-power beamwidth of the antenna, in degrees, and

$P_{net}$  = net power input to the antenna, in watts,

$D$  = distance from antenna, in meters,

$h$  = aperture height of the antenna, in meters, and

$\eta$  = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

#### Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density  $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$ , in mW/cm<sup>2</sup>,

where ERP = total ERP (all polarizations), in kilowatts,

RFF = relative field factor at the direction to the actual point of calculation, and

$D$  = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

# Exhibit C

Verizon Wireless • Proposed Base Station (Site No. 291695 “Hwy 1 & South Bay St.”)  
1401 Quintana Road • Morro Bay, California

## Calculated Exposure Levels at Nearby Buildings



0 300  
feet

Calculations performed according to OET Bulletin No. 65, August 1997.  
Maximum level at any nearby building is 3.2% of public limit. See text.

# Exhibit D

# verizonwireless

## HWY 1 & SOUTH BAY ST. PSL # 291695

NEAR 1401 QUINTANA ROAD  
WITHIN RIGHT-OF-WAY  
MORRO BAY, CA 93442  
LATITUDE: 35° 21' 52.66" N  
LONGITUDE: 120° 49' 41.02" W

### ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/18/15	90% ZONING	SR
1	04/23/15	100% ZONING	NB
2	11/13/15	REVISED 100% ZONING	FR



**SAC WIRELESS**  
ENGINEERING GROUP  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
WWW.SACWI.COM  
760.795.5200

#### PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN CALIFORNIA (NORTH & CENTRAL), CALL USA NORTH 811  
TOLL FREE: 1-800-227-2600 OR  
www.usanorth811.org  
CALIFORNIA STATUTE REQUIRES MIN OF 2 WORKING DAY'S NOTICE BEFORE YOU EXCAVATE

**Know what's below.  
Call before you dig.**

### PROJECT TEAM

**SITE ACQUISITION**  
YVONNE PINTO  
SAC WIRELESS  
1851 HERITAGE LANE, SUITE 182  
SACRAMENTO, CA 95815  
TELEPHONE: (415) 610-0698

**PLANNING**  
TEK CONSULTING INC.  
PERMIT PROCESSING SERVICES  
123 SEACLIFF DR  
PISMO BEACH, CA 93449  
CONTACT: TRICIA KNIGHT  
TELEPHONE: (805) 448-4221  
FAX: (805) 888-2807  
TEK-CONSULTING.NET

**ARCHITECT:**  
SAC WIRELESS, LLC.  
NESTOR POPOWYCH, AIA  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
CONTACT: MICK BRITT  
TELEPHONE: (619) 322-6425  
FAX: (760) 931-0908

**UTILITY COORDINATOR:**  
SAC WIRELESS  
1057 LA VISTA ROAD  
SANTA BARBARA, CA 93110  
CONTACT: CRAIG ENGEL  
TELEPHONE: (805) 440-0038

**SURVEYOR:**  
SMITHCO SURVEYING ENGINEERING  
P.O. BOX 81626  
BAKERSFIELD, CA 93380  
CONTACT: GREG SMITH  
TELEPHONE: (661) 393-1217

### VICINITY MAP

### DRIVING DIRECTIONS

FROM: 2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

TO: 1401 QUINTANA ROAD  
MORRO BAY, CA 93442

- DEPART MITCHELL DR TOWARD N WIGET LN
- TURN LEFT ONTO N WIGET LN
- TURN RIGHT ONTO YGNACIO VALLEY RD
- TAKE RAMP LEFT FOR I-680 SOUTH TOWARD SAN JOSE
- TAKE RAMP RIGHT FOR US-101 TOWARD LOS ANGELES
- AT EXIT 219, TAKE RAMP RIGHT AND FOLLOW SIGNS FOR CA-41
- TURN RIGHT ONTO CA-41
- TAKE RAMP LEFT AND FOLLOW SIGNS FOR CA-1 SOUTH
- TAKE RAMP RIGHT TOWARD BAYWOOD PARK / LOS OSOS
- TURN RIGHT ONTO S BAY BLVD
- TURN RIGHT ONTO QUINTANA RD
- ARRIVE AT 1401 QUINTANA RD, MORRO BAY, CA 93442

### PROJECT DESCRIPTION

THIS PROJECT IS A VERIZON WIRELESS UNMANNED TELECOMMUNICATION WIRELESS FACILITY. IT WILL CONSIST OF THE FOLLOWING:

- (1) NEW ANTENNA
- (1) NEW PG&E / VERIZON METER
- (4) NEW RRUS
- (1) NEW EQUIPMENT CABINET
- (2) NEW DIPLEXERS
- (1) NEW 6'-0" TALL WOOD PERIMETER FENCE
- (1) NEW PG&E SHUT-DOWN SWITCH
- (1) NEW GEN PLUG
- (1) NEW TRANSFORMER

### PROJECT SUMMARY

**APPLICANT/LESSEE**  
verizonwireless  
2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598  
OFFICE: (925) 279-9000

**APPLICANT'S REPRESENTATIVE**  
TEK CONSULTING INC.  
PERMIT PROCESSING SERVICES  
123 SEACLIFF DR.  
PISMO BEACH, CA 93449  
CONTACT: TRICIA KNIGHT  
TELEPHONE: (805) 448-4221  
TRICIAKNIGHT@CARTER.NET

**POLE OWNER:**  
JPA / PG&E  
PACIFIC GAS & ELECTRIC  
160 COW MEADOW PL.  
TEMPLETON, CA 93465  
CONTACT: BRIAN MORROW  
TELEPHONE: (661) 319-9087

**PROPERTY INFORMATION:**  
SITE NAME: HWY 1 & SOUTH BAY ST.  
SITE NUMBER: 291695  
SITE ADDRESS: ADJACENT TO 1401 QUINTANA ROAD MORRO BAY, CA 93442

**JURISDICTION:** CITY OF MORRO BAY

**CONSTRUCTION INFORMATION**  
AREA OF CONSTRUCTION: 2'-7" x 14'-0" = 37 SQ FT  
OCCUPANCY: U  
TYPE OF CONSTRUCTION: V-B  
CURRENT ZONING: PUBLIC RIGHT OF WAY  
HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.

### GENERAL CONTRACTOR NOTES

DO NOT SCALE DRAWINGS IF NOT FULL SIZE (24 X 36)

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR THE SAME.

### CODE COMPLIANCE

- 2013 CALIFORNIA ADMINISTRATIVE CODE
- 2013 CALIFORNIA BUILDING CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 CALIFORNIA FIRE CODE
- LOCAL CITY & COUNTY ORDINANCES

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	2
C-1	SITE SURVEY	6
A-1	SITE PLAN	2
A-2	EQUIPMENT & ANTENNA LAYOUT	2
A-3	SOUTHWEST & SOUTHEAST ELEVATIONS	2
A-4	DETAILS	2

### SAC WIRELESS SIGNATURE BLOCK

DISCIPLINE:	SIGNATURE:	DATE:
SITE ACQUISITION:		
PLANNER:		
CONSTRUCTION:		
LANDLORD:		

### VERIZON WIRELESS SIGNATURE BLOCK

DISCIPLINE:	SIGNATURE:	DATE:
SITE ACQUISITION:		
CONSTRUCTION:		
RADIO:		
MICROWAVE:		
TELCO:		
EQUIPMENT:		
PROJECT ADMINISTRATOR:		
WO ADMINISTRATOR:		

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

SMALL CELL PROJECT

HWY 1 & SOUTH BAY ST.  
PSL # 291695  
NEAR 1401 QUINTANA ROAD  
WITHIN RIGHT-OF-WAY  
MORRO BAY, CA 93442  
LAT: 35° 21' 52.66" N  
LONG: 120° 49' 41.02" W

SHEET TITLE:  
TITLE SHEET

T-1

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 24" X 36". SCALE AND DIMENSIONS SHALL BE USED FOR REDUCED OR ENLARGED SHEET SIZES.

# Exhibit D

## NOTES

OWNER(S): WITHIN THE RIGHT-OF-WAY OF QUINTANA ROAD

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 060307, PANEL NO. 1027G, DATED NOVEMBER 16, 2012 SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE X, WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

### PROPOSED VERIZON WIRELESS EQUIPMENT AREA DESCRIPTION:

BEING A PARCEL CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, AND LOCATED WITHIN ZONE 5 OF THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83) MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT HAVING A COORDINATE VALUES OF N 2330883.53, E 5718557.50;

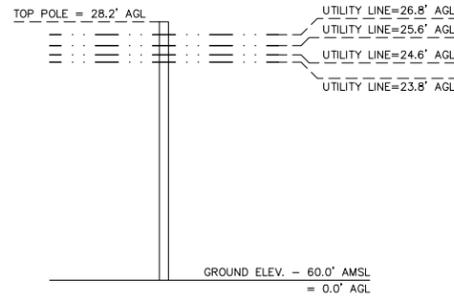
COURSE 1) THENCE N 73°25'27" W, A DISTANCE OF 19.00 FEET TO A POINT WITH COORDINATE VALUES OF N 2330888.96, E 5718539.28;

COURSE 2) THENCE N 16°34'33" E, A DISTANCE OF 2.58 FEET;

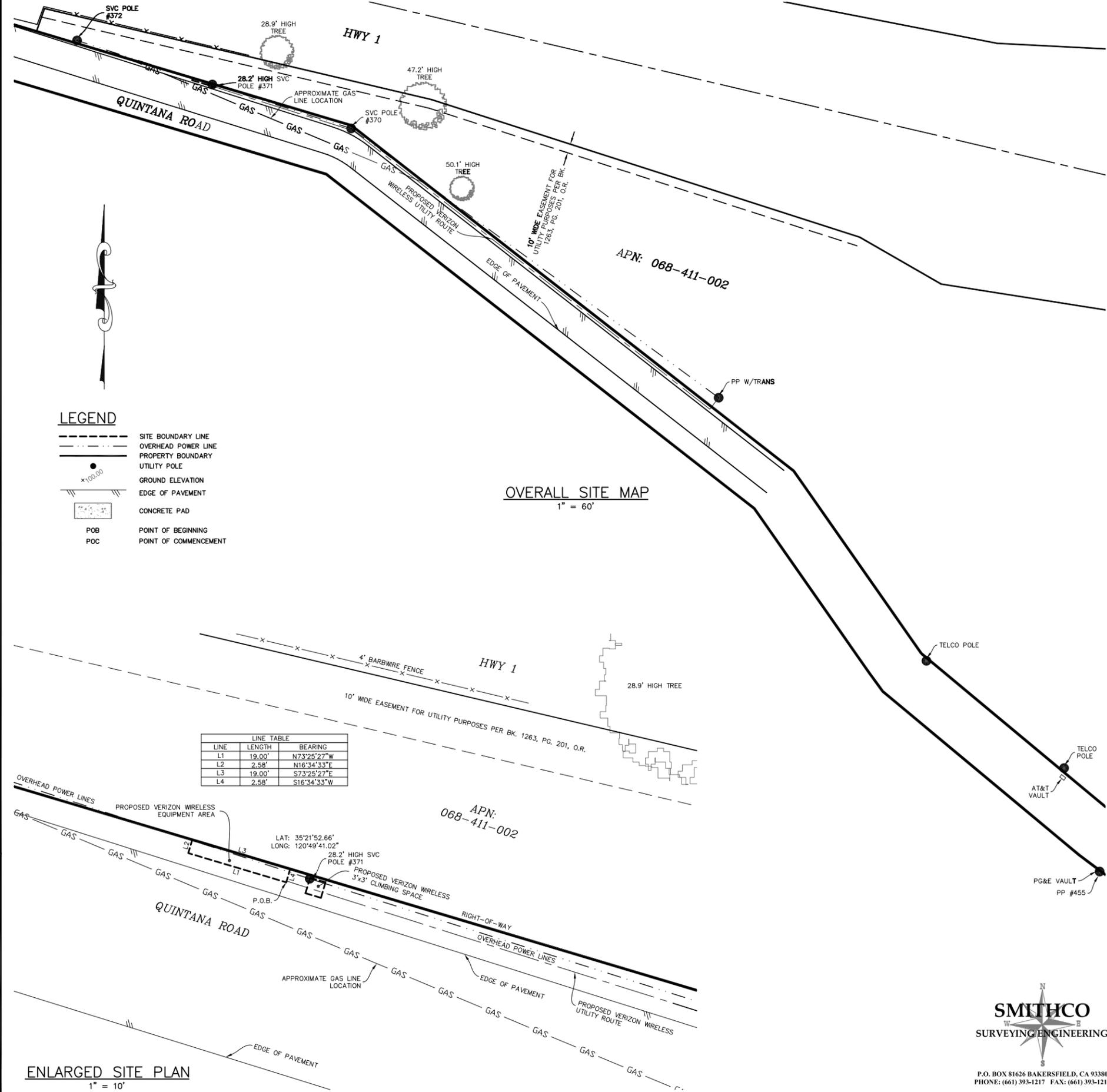
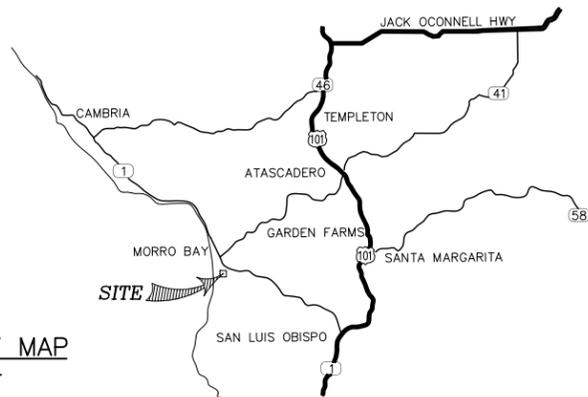
COURSE 3) THENCE S 73°25'27" E, A DISTANCE OF 19.00 FEET;

COURSE 4) THENCE S 16°34'33" W, A DISTANCE OF 2.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 49 SQUARE FEET, MORE OR LESS.



POLE ELEVATION VIEW  
1" = 10'



## LEGEND

- SITE BOUNDARY LINE
- OVERHEAD POWER LINE
- PROPERTY BOUNDARY
- UTILITY POLE
- GROUND ELEVATION
- EDGE OF PAVEMENT
- CONCRETE PAD
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

LINE	LENGTH	BEARING
L1	19.00'	N73°25'27"W
L2	2.58'	N16°34'33"E
L3	19.00'	S73°25'27"E
L4	2.58'	S16°34'33"W

## ISSUE STATUS

REV	DATE	DESCRIPTION	BY
0	10/22/14	PRELIMINARY	SL
1	12/10/14	ADD ESMNT'S	DA
2	03/06/15	EQUIPMENT AREA	SL
3	03/09/15	REDLINES	SL
4	03/13/15	REDLINES	DA
5	11/17/15	REDLINES	SL
6	11/17/15	REDLINES	SL

SMITHCO JOB NO.: 82-333



5015 SHOREHAM PLACE, SUITE 150  
SAN DIEGO, CA 92122  
Office (619) 736-3588

### PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

291695  
HWY 1 &  
SOUTH BAY ST.  
SC1

NEAR 1401 QUINTANA ROAD  
WITHIN RIGHT-OF-WAY  
MORRO BAY, CA 93442  
LAT: 35°21'52.66" N  
LONG: 120°49'41.02" W

SAN LUIS OBISPO  
COUNTY

SHEET TITLE:  
SITE SURVEY  
FOR EXAMINATION ONLY

C-1

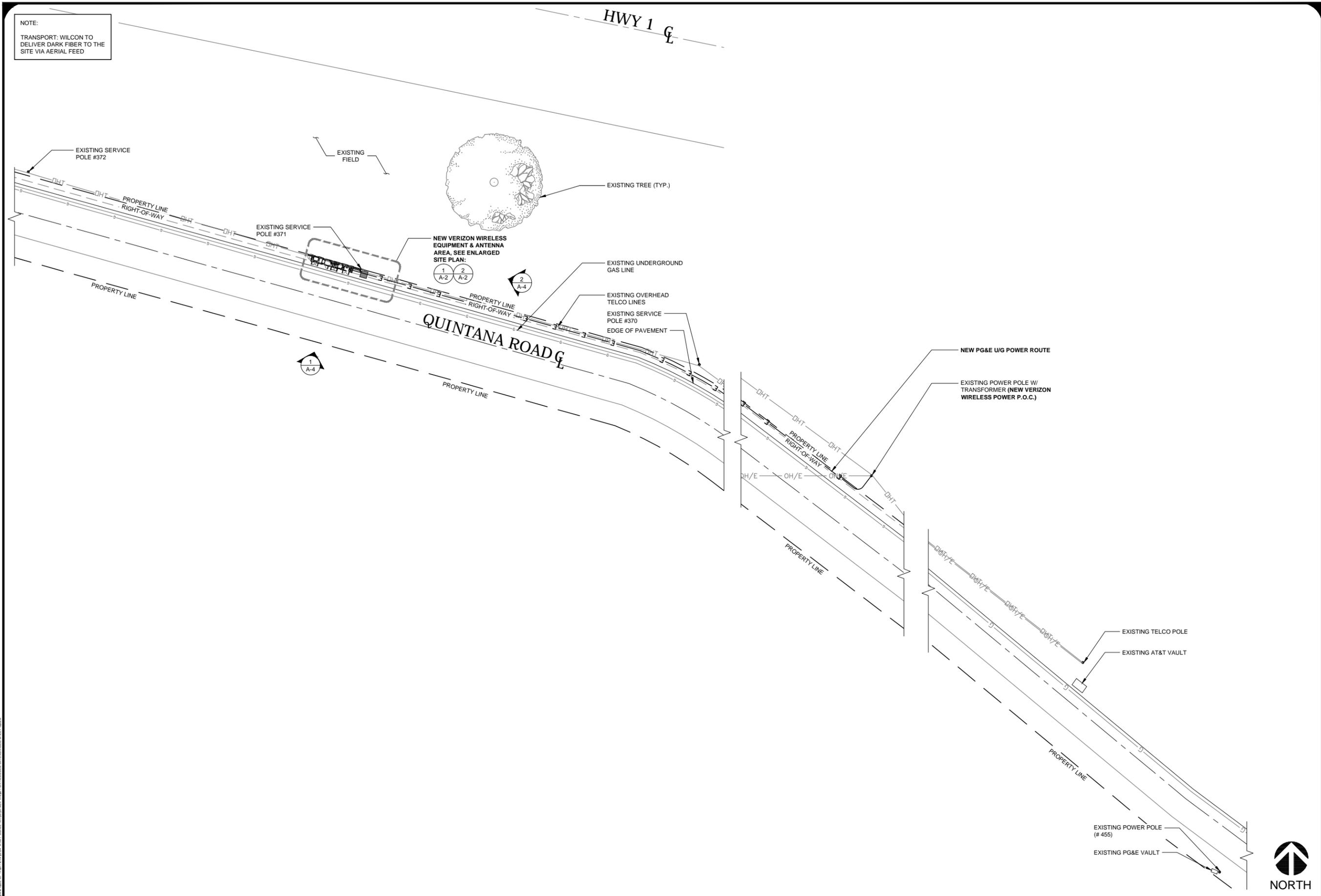


P.O. BOX 81626 BAKERSFIELD, CA 93380  
PHONE: (661) 393-1217 FAX: (661) 393-1218

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

# Exhibit D

NOTE:  
TRANSPORT: WILCON TO DELIVER DARK FIBER TO THE SITE VIA AERIAL FEED



## ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/18/15	90% ZONING	SR
1	04/23/15	100% ZONING	NB
2	11/13/15	REVISED 100% ZONING	FR



**PROPRIETARY INFORMATION**  
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



SMALL CELL PROJECT

HWY 1 & SOUTH BAY ST.  
PSL # 291695  
NEAR 1401 QUINTANA ROAD  
WITHIN RIGHT-OF-WAY  
MORRO BAY, CA 93442  
LAT: 35° 21' 52.66" N  
LONG: 120° 49' 41.02" W

SHEET TITLE:  
**SITE PLAN**

**A-1**

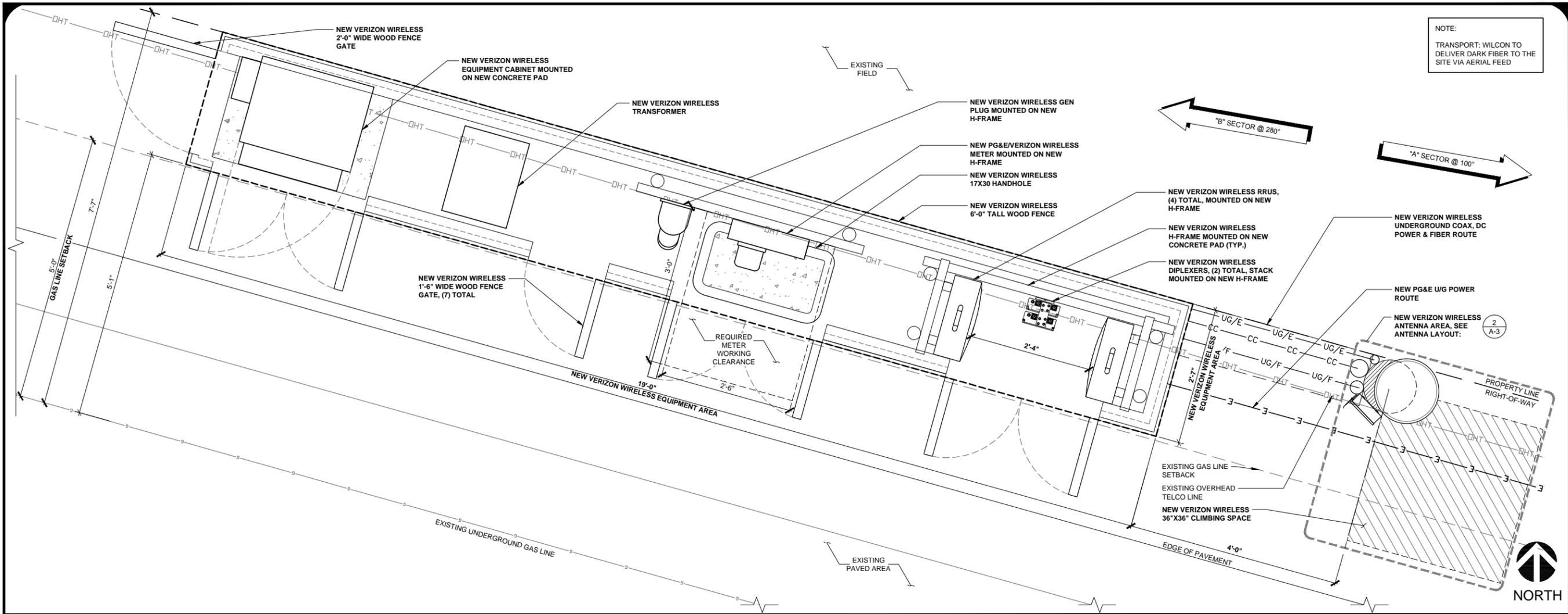
**SITE PLAN**

SCALE: 1" = 20'-0" (24x36)  
(OR) 1/2" = 20'-0" (11x17)

1

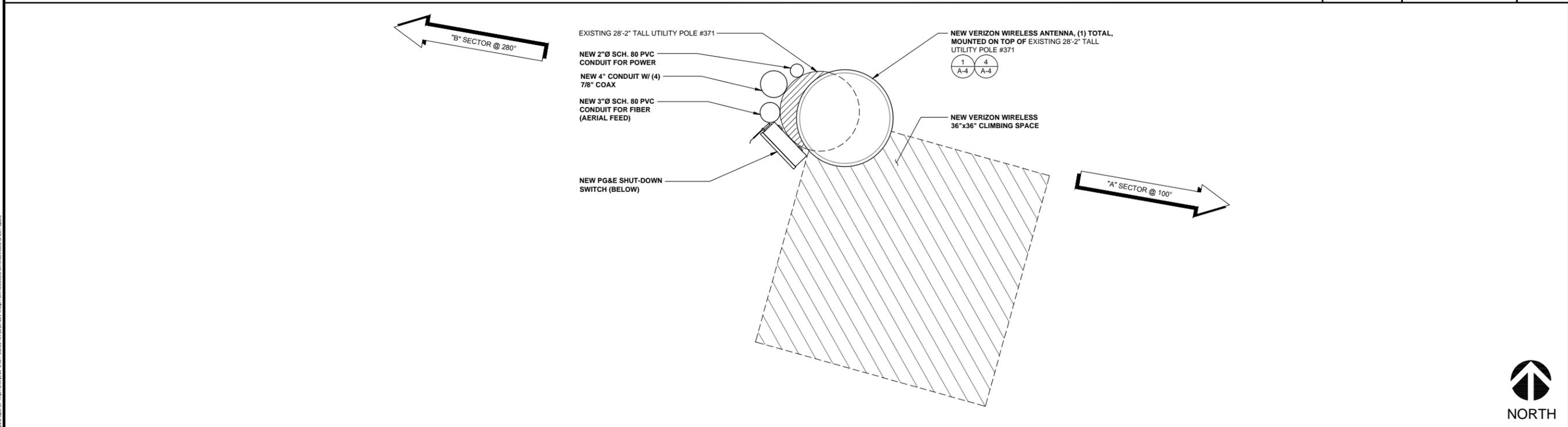
NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE AND DIMENSIONS NOT TO BE REDUCED OR ENLARGED IN REPRODUCED SHEETS.

# Exhibit D



**EQUIPMENT LAYOUT**

0 3" 6" 1" SCALE: 1" = 1'-0" (24x36)  
(OR) 1/2" = 1'-0" (11x17) 1



**ANTENNA LAYOUT**

0 2" 4" 8" SCALE: 1-1/2" = 1'-0" (24x36)  
(OR) 3/4" = 1'-0" (11x17) 2

ISSUE STATUS			
REV.	DATE	DESCRIPTION	BY
0	03/18/15	90% ZONING	SR
1	04/23/15	100% ZONING	NB
2	11/13/15	REVISED 100% ZONING	FR

**SDC WIRELESS ENGINEERING GROUP**  
 5015 SHOREHAM PL. SUITE 150  
 SAN DIEGO, CA 92122  
 WWW.SDCW.COM  
 760.795.5200

**PROPRIETARY INFORMATION**  
 THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
 ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

**verizon wireless**  
 2785 MITCHELL DRIVE, BLDG 9  
 WALNUT CREEK, CA 94598

SMALL CELL PROJECT

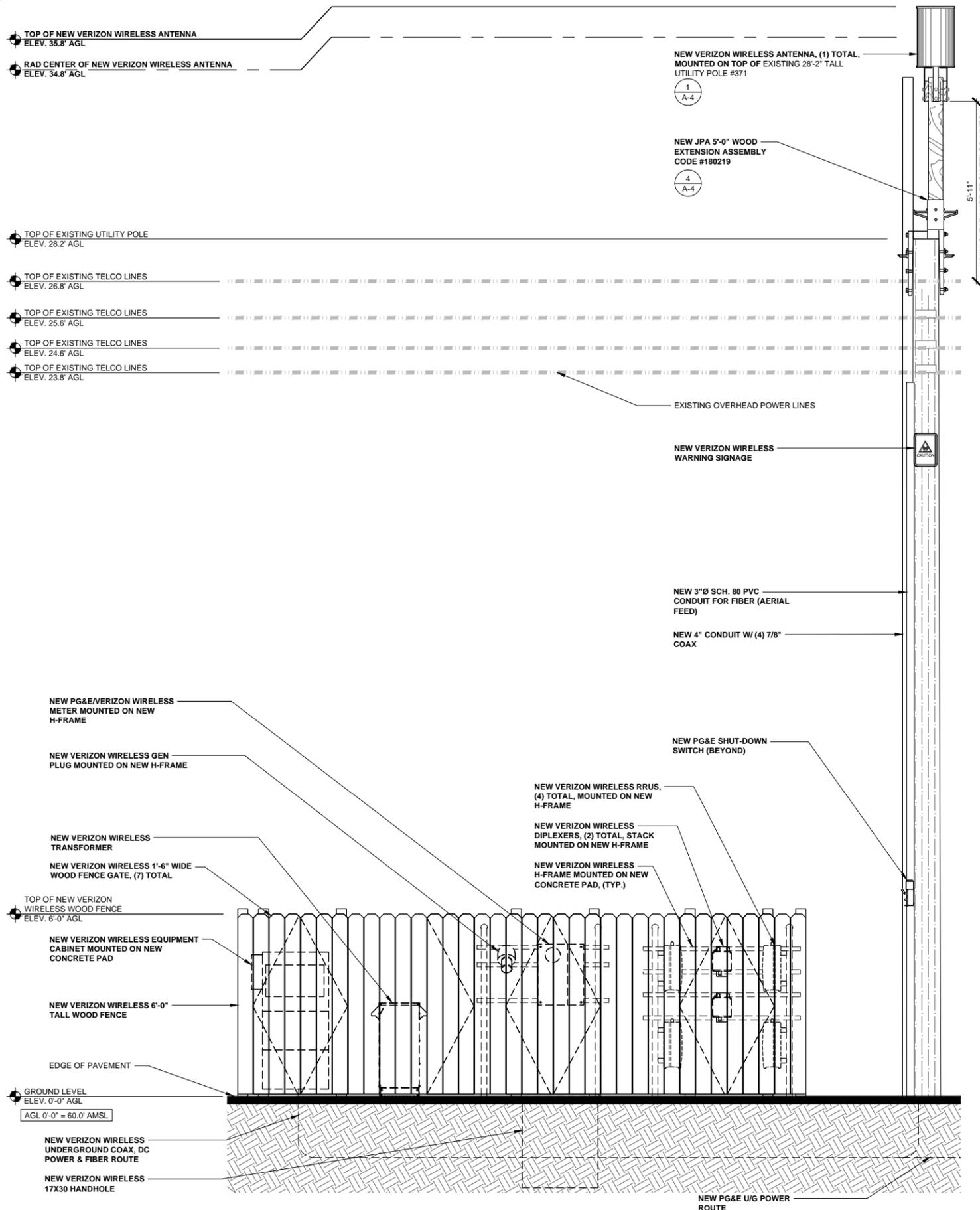
HWY 1 & SOUTH BAY ST.  
 PSL # 291695  
 NEAR 1401 QUINTANA ROAD  
 WITHIN RIGHT-OF-WAY  
 MORRO BAY, CA 93442  
 LAT: 35° 21' 52.66" N  
 LONG: 120° 49' 41.02" W

SHEET TITLE:  
**EQUIPMENT & ANTENNA LAYOUT**

**A-2**

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE AND SIZE NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.

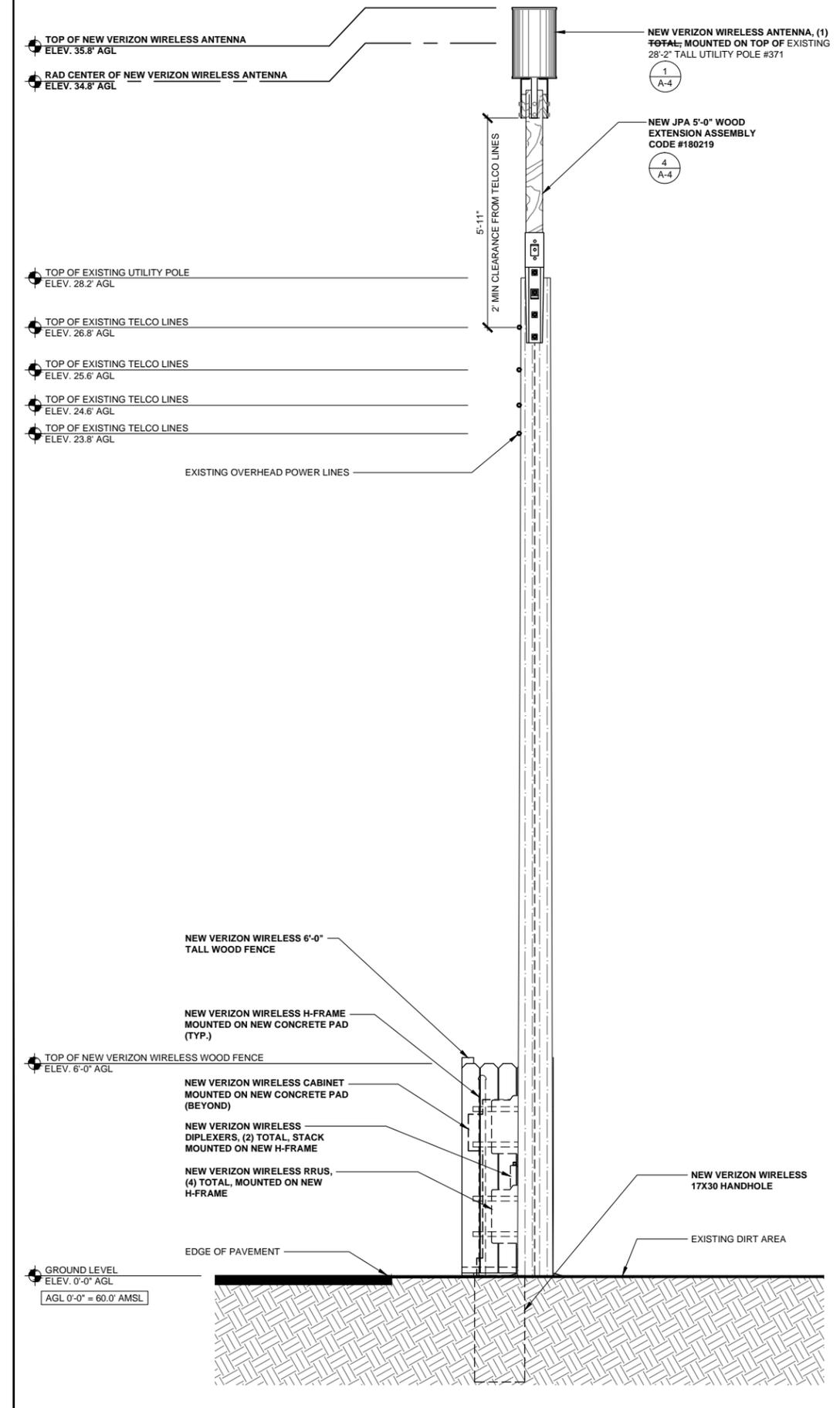
# Exhibit D



**SOUTHWEST ELEVATION**

0 6" 1" 2" SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17)

1



**SOUTHEAST ELEVATION**

0 6" 1" 2" SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17)

2

ISSUE STATUS			
REV.	DATE	DESCRIPTION	BY
0	03/18/15	90% ZONING	SR
1	04/23/15	100% ZONING	NB
2	11/13/15	REVISED 100% ZONING	FR



**PROPRIETARY INFORMATION**  
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



SMALL CELL PROJECT

**HWY 1 & SOUTH BAY ST.**  
**PSL # 291695**  
NEAR 1401 QUINTANA ROAD  
WITHIN RIGHT-OF-WAY  
MORRO BAY, CA 93442  
LAT: 35° 21' 52.66" N  
LONG: 120° 49' 41.02" W

**SHEET TITLE:**  
**SOUTHWEST & SOUTHEAST ELEVATIONS**

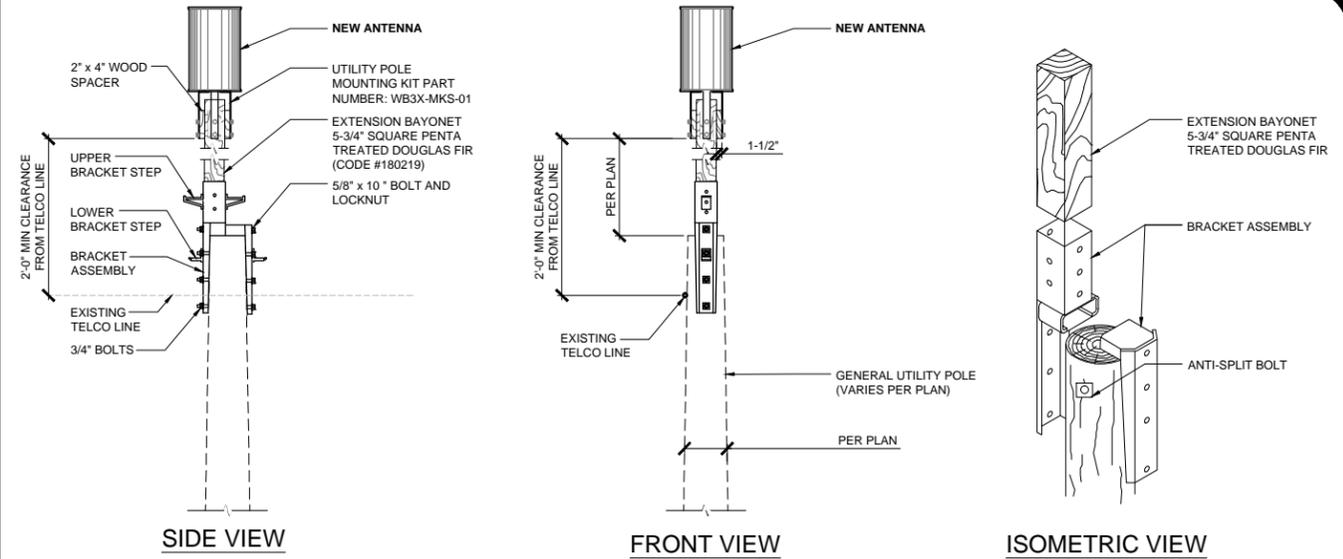
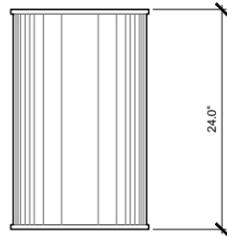
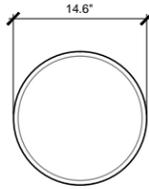
**A-3**

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 24" X 36". SCALE DIMENSIONS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.

# Exhibit D

AMPHENOL  
CWB070XD6FOY

LENGTH: 24.0"  
DIAMETER: 14.6"  
WEIGHT: 25 LBS



## ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/18/15	90% ZONING	SR
1	04/23/15	100% ZONING	NB
2	11/13/15	REVISED 100% ZONING	FR



**S&C WIRELESS**  
ENGINEERING GROUP  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
www.sscw.com  
760.795.5200

### PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

ANTENNA DETAIL

SCALE  
N.T.S.

1

NOT USED

SCALE  
N.T.S.

2

POLE TOP-EXTENSION (ANTENNA MOUNT)

SCALE  
N.T.S.

4

NOT USED

SCALE  
N.T.S.

5

NOT USED

SCALE  
N.T.S.

6

NOT USED

SCALE  
N.T.S.

3

NOT USED

SCALE  
N.T.S.

7

NOT USED

SCALE  
N.T.S.

8



2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

SMALL CELL PROJECT

HWY 1 & SOUTH BAY ST.  
PSL # 291695  
NEAR 1401 QUINTANA ROAD  
WITHIN RIGHT-OF-WAY  
MORRO BAY, CA 93442  
LAT: 35° 21' 52.66" N  
LONG: 120° 49' 41.02" W

SHEET TITLE:

DETAILS

**A-4**

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE AND DIMENSIONS NOT TO BE REDUCED OR ENLARGED IN REVISIONS.



AGENDA NO: C-2

MEETING DATE: December 15, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 15, 2015

**FROM:** Joan Gargiulo, Contract Planner

**SUBJECT:** Coastal Development and Conditional Use Permit (CP0-466 & UP0-412) approval for installation of an unmanned telecommunication wireless facility which consists of a screened cylindrical antenna on a short pole on the roof of an existing two-story mixed-use commercial building with associated equipment at ground level at the rear of the building at 702 Morro Bay Blvd. The project is located outside of the Coastal Commission Appeals Jurisdiction.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

- A. Adopt Planning Commission Resolution 49-15 which includes the Findings and Conditions of Approval for the project depicted on site development plans date stamped January 29, 2015.

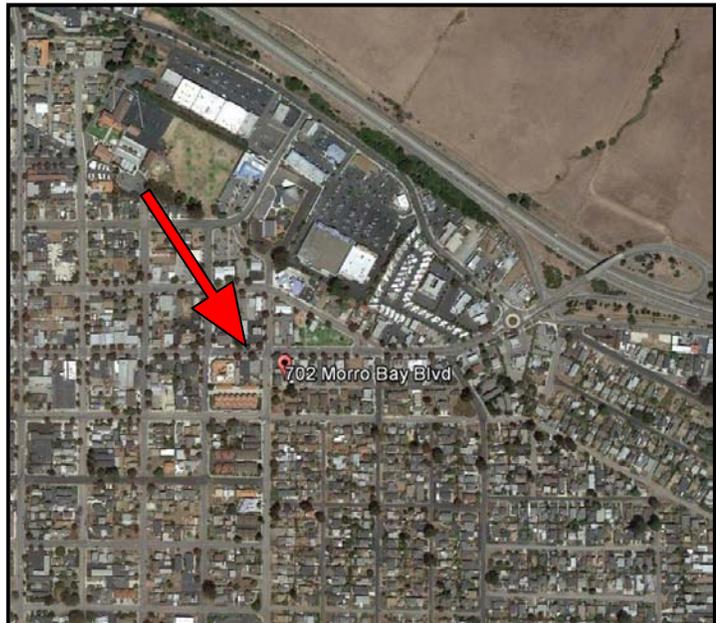
**APPLICANT/AGENT:**

Tricia Knight, for Verizon Wireless

**LEGAL DESCRIPTION/APN:**

066-073-001

**PROJECT DESCRIPTION:** The Applicant, Verizon Wireless, is requesting coastal development and conditional use permit approval to establish a Verizon unmanned telecommunications facility (aka "cell site") at 702 Morro Bay Blvd. Specifically, the proposal includes



Prepared By:    CJ   

Department Review:

installation of 1 new Verizon cylindrical antenna on the roof of an existing commercial building along with associated equipment including 6 (six) new remote radio units (RRUs), 3 (three) new diplexers, and 1 (one) equipment cabinet located approximately 4 (four) feet from the eastern edge of the backside of the building facing the immediately adjacent commercial building. The combined dimensions of the associated equipment located at ground level are approximately 4.5 ft. tall by 10 ft. long by 2.5 ft. deep. The proposal includes new coaxial cable to be routed from the rooftop antennas south along the roof down to the cabinet equipment on the south side of the commercial building. In addition, new Verizon Wireless power conduit shall be routed along the backside of the building to the west and connect to a new Verizon Wireless weatherhead and new PG&E/Verizon Wireless meter.

**REGULATIONS:**

Per sections 17.30.030(F) and 17.30.030(P) of the Zoning Ordinance antennas and public utility facilities can be located within any zoning district after obtaining a Conditional Use Permit. Establishment of a new wireless facility is considered development and therefore requires a Coastal Development Permit also.

**PROJECT SETTING:**

The proposed project is located in the downtown Central Business District at 702 Morro Bay Blvd, to the west of Highway 1, south of Triangle Park, north of Pacific Street, and to the east of Main Street. The existing mixed-use building is located outside of the Coastal Commission Appeals Jurisdiction.

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	C-1/S.4 Commercial	South:	C-1/S.4 Commercial
East:	C-1/S.4 Commercial	West:	C-1/S.4 Commercial

<b><u>Site Characteristics</u></b>	
Overall Site Area	Approximately 6,360 square feet
Existing Use	Commercial
Terrain	Level, paved, and developed
Vegetation/Wildlife	No vegetation
Access	Morro Bay Blvd.
Archaeological Resources	Site is not located within 300 feet of an archeological resource

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Central Business District
Base Zone District	C-1
Zoning Overlay District	N/A
Special Treatment Area	S.4
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone, but not within appeals jurisdiction

**PROJECT ANALYSIS:**

*Background / Discussion:* City historical records for the mixed-use building are limited, indicating that the building was first built in 1963 with 2 sign permits from the 1980s.

*Visual Analysis:*

Staff reviewed the project for impacts to visual aesthetics via submission of photo visual simulations illustrating the existing and proposed conditions (Exhibit B). The proposed cylindrical Verizon antenna would be partially screened on the rooftop of the existing commercial building by an extension of the existing parapet. Plans depict the top of the antenna at a height of 26’3” above ground level. The proposed antenna itself is 2 ft. tall and 14.6” in diameter as shown on plans included as Exhibit D and in visual simulations included as Exhibit B. At ground level, the associated equipment extends approximately 2.5 ft. away from the wall, stands approximately 4.5 ft. in height, and extends approximately 10 ft. along the backside of the building. Entrance to this area is restricted by an access gate between the adjacent buildings.

*Hazards/Hazardous Materials*

A Radio Frequency (RF) report was prepared by Hammett & Edison, Inc., dated October 1, 2015, to evaluate the proposed project for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields (Exhibit C). The report described the antennas would be mounted at an effective height of about 23 ft. above ground, 5 ft. above the roof, and would be oriented in 3 facing directions. There are no other reported wireless telecommunication base stations nearby. The report concluded that for a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation would be 2% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building (30 ft. away) is 7.1% of the public exposure limit. This is illustrated in Figure 3 of the RF report (Exhibit C). It should be noted that these results include several worst-case scenarios assumptions and therefore are expected to overstate actual power density levels.

The RF report recommends that a barricade be constructed along the east edge of the roof, to preclude inadvertent access by persons who may be on the roof of the adjacent building.

Appropriate RF safety training, to include review of personal monitor use and lockout/tagout procedures, shall be provided to all authorized personnel who have access to the roof, including employees and contractors of Verizon and the property owner in order to prevent occupational exposures in excess of FCC guidelines. The report recommends that boundary lines be marked on the roof with blue and yellow paint to identify areas in which exposure levels are calculated to exceed the public and occupational FCC exposure limits, respectively. The report also recommends that explanatory signs be posted at the boundary lines and at the antenna, readily visible from any angle of approach to persons who might need to work within that distance. With recommended mitigation measures that have been added as conditions of approval, the project would be in compliance with occupational exposure limits.

#### *U.S. Federal Communications Commission*

The project has been designed to be in compliance with FCC regulations. The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite and cable. It was established by the Communications Act of 1934 and operates as an independent U.S. government agency overseen by Congress. Section 332(c)(7) of the Communications Act was added by Congress in the Telecommunications Act of 1996 which imposes limitations on local governments that they may not unreasonably discriminate among providers of functionally equivalent services, may not prohibit provision of personal wireless services, must act on requests within a reasonable period of time, must make any denial decision in writing, supported by substantial evidence, and may not regulate radio frequency (RF), but may require applicant to satisfy FCC rules.

#### **ENVIRONMENTAL DETERMINATION**

Environmental review was performed for this project which staff determined meets the required for a Categorical Exemption Class 3, CEQA Guidelines Section 15303 (e), (New construction of small structures). This exemption applies to the construction and location of limited numbers of new, small facilities or structures and temporary use of land having no permanent effects on the environment. There are no known sensitive environmental resources on the project site; consequently, this exemption is appropriate for this project.

#### **PUBLIC NOTICE:**

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on December 4, 2015, and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

#### **CONCLUSION:**

Improved wireless communication abilities are a community need from the standpoint of both convenience and public safety. Based upon the photo simulations and RF report submitted by the applicant and required conditions as recommended by the RF report, staff has determined that the proposed project would not significantly degrade the aesthetics of the site nor present unmitigated hazards to surrounding uses. The project, as proposed, is consistent with all

required development standards of the Zoning Ordinance and all applicable provisions of the General Plan and Local Coastal Plan with incorporation of the recommended conditions of approval.

Staff recommends that the Planning Commission approve the requested Coastal Development Permit and Conditional Use Permit for installation of the proposed Verizon telecommunication antennas with associated equipment with the incorporation of the conditions of approval attached herein.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 49-15

Exhibit B – Visual Simulation, Existing and Proposed

Exhibit C – Radio Frequency Compliance Report dated October 1, 2015

Exhibit D – Graphics/Plan dated November 16, 2015

RESOLUTION NO. PC 49-15

RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING COASTAL DEVELOPMENT PERMIT (CP0-466) AND CONDITIONAL USE PERMIT (UP0-412) FOR INSTALLATION OF UNMANNED TELECOMMUNICATION WIRELESS FACILITY WHICH CONSISTS OF A SCREENED CYLINDRICAL ANTENNA ON THE ROOF OF AN EXISTING COMMERCIAL BUILDING AND ASSOCIATED EQUIPMENT LOCATED AT 702 MORRO BAY BLVD.

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on December 15, 2015, for the purpose of considering Coastal Development Permit CP0-460 & Conditional Use Permit # UP0-402 to allow a proposed installation of an unmanned telecommunication facility to include a cylindrical antenna on a rooftop pole with associated equipment including a ground-mounted equipment cabinet at a mixed-use commercial building at 702 Morro Bay Blvd. (APN Number 066-173-001) in an area outside of the Coastal Commission Appeals Jurisdiction; and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

**Section 1: Findings.** Based upon all the evidence, the Planning Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3: New construction of small structures. This exemption applies to the construction and location of limited numbers of new, small facilities or structures and temporary use of land having no permanent effects on the environment.

Coastal Development Permit Findings

1. 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. “Antennas” and “Public Utility Facilities” are both listed as uses that may be permitted in any zone district with an approved Conditional Use Permit

(Zoning Ordinance Section 17.30.0030 (F) & (P), respectively).

## Conditional Use Permit Findings

1. 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 in that the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff report, and potential public health impacts were studied and addressed in an RF report prepared by Hammett & Edison, Inc., dated October 1, 2015; and
2. 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 consistent with all applicable City regulations and will post explanatory warning signs in multiple locations to ensure compliance with occupational exposure limits.

**Section 2: Action.** The Planning Commission does hereby approve Coastal Development Permit CP0-466 and Conditional Use Permit #UP0-412 for property at 702 Morro Bay Blvd. (APN number 066-173-001) subject to the following conditions:

## STANDARD CONDITIONS

1. Permits: This Conditional Use Permit and Coastal Development Permit are granted for the uses described in the December 15, 2015 staff report and all attachments thereto, and as shown on the plans dated November 16, 2015. In addition to satisfying all of the foregoing Conditions of Approval for the proposed use, the applicant shall obtain and maintain compliance with all other required permits and approvals.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced within two (2) years of the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Community Development Manager, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Community Development Manager. Any substantial change, as so deemed by the Community Development

Manager, will require the filing of an application for an amendment to be reviewed by the Planning Commission.

4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Compliance with Conditions: Prior to issuance of a building permit for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Manager and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities and routine maintenance activities shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday, and 8:00 A.M. to 7:00 P.M. on Saturday and Sunday, unless an exception is granted by the Community Development Manager pursuant to the terms of this regulation.
9. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

## **PLANNING CONDITIONS**

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or

- excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation or salvage. The developer shall be liable for costs associated with the professional investigation.
2. Antenna and Equipment Screening: As presented in the photo simulations of the proposed project and as shown on plans dated November 16, 2015, the color and texture of the proposed parapet shall be designed to match existing building color and material. The associated equipment and coaxial cables shall be painted to match the existing building color.
  3. Exposure Signs: As recommended by the RF study dated October 1, 2015, in order to prevent occupational exposures in excess of FCC regulations, explanatory warning signs shall be posted on the roof surface to identify for authorized workers those areas on the roof in which the public exposure limit may be exceeded, and on the face of the enclosure in front of the antennas. The applicant shall submit building plans illustrating the placement of the required explanatory warning signs. Warning signs shall also be placed on the face of the equipment cabinet. Said warning signs shall be utilized to establish awareness and provide information in a prominent manner on the risk of potential exposure and instructions on methods to minimize such exposure risk.
  4. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official. (MBMC Section 17.52.070)
  5. Conditions of Approval: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
  6. Inspection: The applicant shall comply with all Planning conditions listed above and obtain a final inspection from the Planning Division at the necessary time in order to ensure all conditions have been met.
  7. Prior to final inspection, Applicant shall provide evidence of appropriate RF safety training to all authorized personnel who have access to the roof, including but not limited to employees and contractors of the wireless carriers and of the property owner.
  8. No access shall be allowed within 6 feet directly in front of the rooftop antenna, such as might occur during certain maintenance activities, while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Prior to final inspection, boundary lines shall be marked on the roof with blue and yellow paint to identify areas in

which exposure levels are calculated to exceed the public and occupational FCC exposure limits, respectively.

9. Upon Building Permit application, Applicant shall include in building plan submittal, the barricade to be constructed along the east edge of the roof to preclude inadvertent access by persons who may be on the roof of the adjacent building. This barricade shall be designed and installed to the satisfaction of the Community Development Manager.

## **BUILDING CONDITION**

1. Building Permit: Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Permit.

## **PUBLIC WORKS CONDITIONS**

Add the following Notes to the Plans:

1. No work within nor any use of any public rights of way shall occur without an encroachment permit. Encroachment permits are available at the City's Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
2. Any damage to any of the City's facilities (such as curb/berm, street, sewer line, water line, or any public improvements) resulting, directly or indirectly from construction operations related to this project shall be repaired at no cost to the City.

## **FIRE CONDITIONS**

The following Fire Department conditions shall be satisfied prior to issuance of a building permit:

1. Fire Safety During Construction and Demolition. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 33). Compliance with NFPA 241 is required for items not specifically addressed herein. Applicant shall comply with CFC Chapter 33.
2. Address identification. New and existing buildings shall have approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.
3. Knox key box. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a

- key box to be installed in an approved location (CFC 506). Provide a Knox Box on exterior of the structure, in an approved location. Please obtain a Knox application from Morro Bay Fire Department during business hours.
4. Fire extinguishers. Provide 1 wall mounted class 10-B: C fire extinguisher and signage, in accordance with California Code of Regulations, Title 19, Division 1, inside the doorway of the equipment room.
  5. Cabinet signage. Cabinets shall have exterior labels that identify the manufacturer and model number of system and electrical rating (voltage and current) of the contained battery system. Applicant shall provide signage within the cabinet that indicates the relevant electrical, chemical and fire hazard. (CFC 608.7.2)
  6. Stationary storage battery systems, and equipment room and building signage shall be in accordance with 2013 California Fire Code, (Section 608) and will be examined closely during Building Permit phase and verified during field inspection. Applicant shall provide appropriate signage relative to Stationary Storage Battery Systems.
  7. Equipment room door signage. Provide approved signage of "CAUTION-ENERGIZED ELECTRICAL EQUIPMENT". Sign shall have red lettering ¼ inch stroke and 3 inches high on white reflective background of durable material so to withstand a marine environment. (CFC 605.3.1) Applicant shall provide above signage relative to energized electrical equipment.
  8. Required access to roof. Exterior doors and openings required by this code or the California Building Code shall be maintained readily accessible for emergency access by the fire department (CFC 504.1). The access ladder to the roof shall remain unlocked from the interior and be free of storage to maintain a clear aisle width of 36 inches (minimum). Applicant shall provide and maintain roof access.
  9. Roof access signage. So that emergency response personnel may identify the location of the roof access ladder, provide approved signage of ROOF ACCESS LADDER. (CFC 404 and CFC 504) Applicant shall provide roof access signage.
  10. Documentation of EPCRA reporting. Pursuant to Federal Emergency Planning Community Right-to Know Act (EPCRA), Section 311 and 312, USEPA regulations at 40 CFR Part 355 implementing EPCRA, and corresponding state and local requirements. Applicant shall provide a Tier Two Emergency and Hazardous Chemical Inventory (form OMB 2050-0072).

# EXHIBIT A

Planning Commission Resolution #49-15  
CP0-466 & UP0-412  
702 Morro Bay Blvd.  
Page 7

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15<sup>th</sup> day of DECEMBER, 2015 upon motion of Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Chairperson Robert Tefft

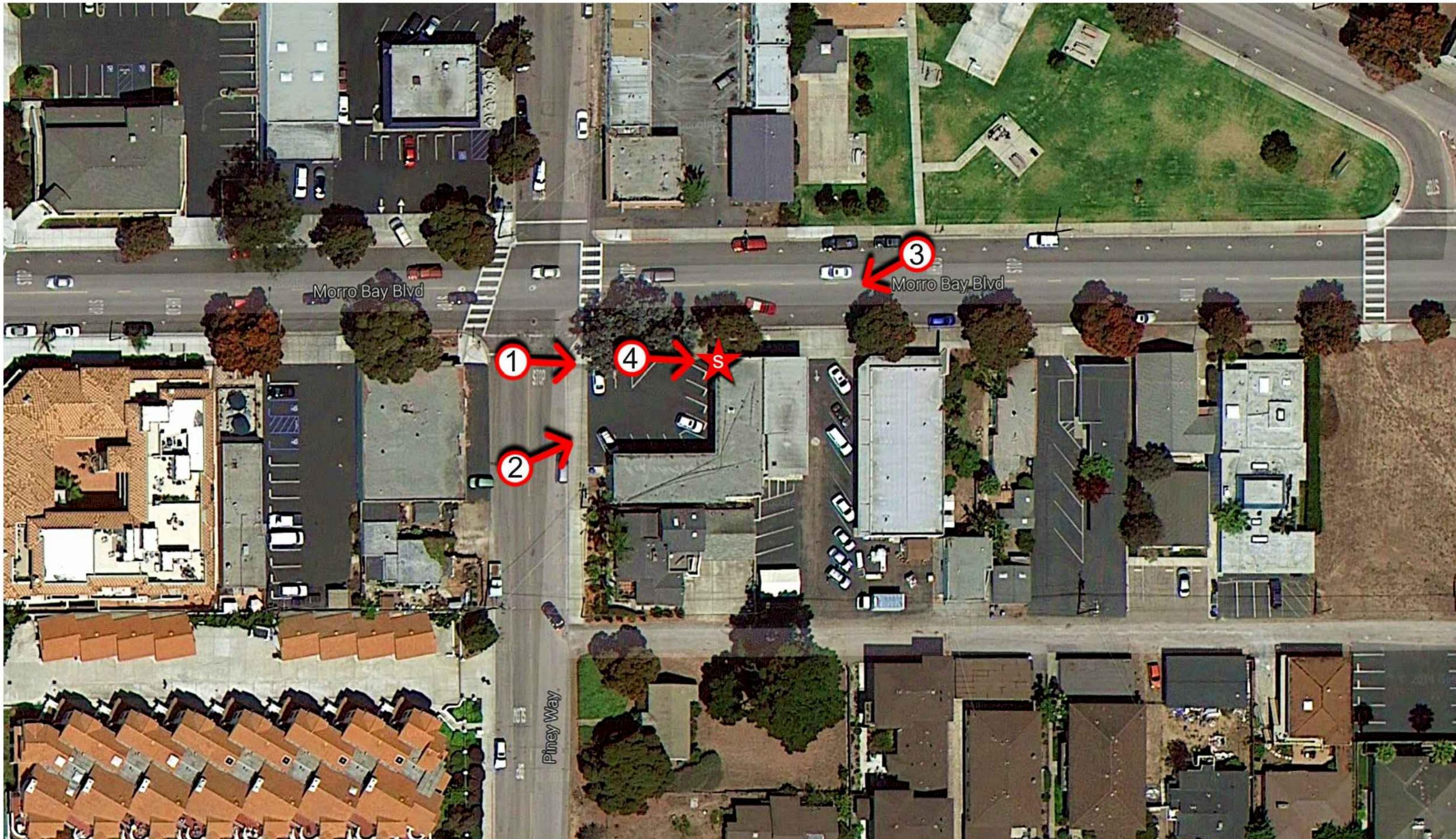
ATTEST

---

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15<sup>th</sup> day of DECEMBER, 2015.

**VICINITY MAP**  
**PHOTOSIMULATION VIEWPOINTS**



**PHOTOSIMULATION VIEW 1**

NEW

NEW VERIZON WIRELESS ANTENNA MOUNTED  
ON NEW RF SCREENING (MATCH TEXTURE  
AND COLOR OF EXISTING BUILDING)



**PHOTOSIMULATION VIEW 2**

NEW

NEW VERIZON WIRELESS  
ANTENNA MOUNTED ON  
NEW RF SCREENING  
(MATCH TEXTURE AND  
COLOR OF EXISTING  
BUILDING)

EXISTING



PHOTOSIMULATION VIEW 3

NEW

NEW VERIZON WIRELESS ANTENNA  
MOUNTED ON NEW RF SCREENING  
(MATCH TEXTURE AND COLOR OF  
EXISTING BUILDING)  
NOT VISIBLE

EXISTING



PHOTOSIMULATION VIEW 4

NEW

NEW VERIZON WIRELESS ANTENNA  
MOUNTED ON NEW RF SCREENING  
(MATCH TEXTURE AND COLOR OF  
EXISTING BUILDING)

EXISTING



# Exhibit C

## Verizon Wireless • Proposed Base Station (Site No. 270035 “Morro Bay SC3”) 702 Morro Bay Boulevard • Morro Bay, California

### Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 270035 “Morro Bay SC3”) proposed to be located at 702 Morro Bay Boulevard in Morro Bay, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

#### Executive Summary

Verizon proposes to install an antenna above the roof of the two-story building located at 702 Morro Bay Boulevard in Morro Bay. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy; certain mitigation measures are recommended to comply with FCC occupational guidelines.

#### Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–80 GHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

#### General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A

# Exhibit C

## Verizon Wireless • Proposed Base Station (Site No. 270035 “Morro Bay SC3”) 702 Morro Bay Boulevard • Morro Bay, California

small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

### Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

### Site and Facility Description

Based upon information provided by Verizon, including zoning drawings by SAC Wireless Engineering Group, dated September 21, 2015, it is proposed to install one Amphenol Model CWT070X06F directional antenna above the roof of the two-story mixed-use building located at 702 Morro Bay Boulevard in Morro Bay. The antenna would employ no downtilt, would be mounted at an effective height of about 25 feet above ground, 4 feet above the roof, and would have its principal orientations toward 20°T, 140°T, and 260°T. The maximum effective radiated power in any direction would be 2,060 watts, representing simultaneous operation at 1,090 watts for AWS and 970 watts for PCS. There are reported no other wireless telecommunications base stations at the site or nearby.

### Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be 0.020 mW/cm<sup>2</sup>, which is 2.0% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building\* is 7.1% of the public exposure limit; this and other representative calculated levels are shown in Figure 3. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

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\* Located at least 30 feet away, based on photographs from Google Maps.

# Exhibit C

**Verizon Wireless • Proposed Base Station (Site No. 270035 “Morro Bay SC3”)  
702 Morro Bay Boulevard • Morro Bay, California**

## **Recommended Mitigation Measures**

It is recommended that a barricade be constructed along the east edge of the roof, to preclude inadvertent access by persons who may be on the roof of the adjacent building. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that appropriate RF safety training, to include review of personal monitor use and lockout/tagout procedures, be provided to all authorized personnel who have access to the roof, including employees and contractors of Verizon and of the property owner. No access within 6 feet directly in front of the antenna itself, such as might occur during certain maintenance activities, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. It is recommended that boundary lines be marked on the roof with blue and yellow paint, as shown in Figure 4, to identify areas in which exposure levels are calculated to exceed the public and occupational FCC limits, respectively. It is recommended that explanatory signs<sup>†</sup> be posted at the boundary lines and at the antenna, readily visible from any angle of approach to persons who might need to work within that distance.

## **Conclusion**

Based on the information and analysis above, it is the undersigned’s professional opinion that operation of the base station proposed by Verizon Wireless at 702 Morro Bay Boulevard in Morro Bay, California, can comply with the prevailing standards for limiting human exposure to radio frequency energy and, therefore, need not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Erecting a barricade is recommended to establish compliance with public exposure limits; training authorized personnel, marking roof areas, and posting explanatory signs are recommended to establish compliance with occupational exposure limits.

---

<sup>†</sup> Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (*e.g.*, a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

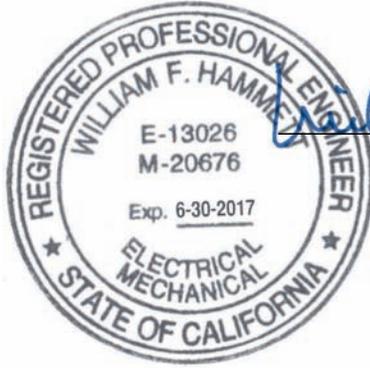


# Exhibit C

Verizon Wireless • Proposed Base Station (Site No. 270035 "Morro Bay SC3")  
702 Morro Bay Boulevard • Morro Bay, California

## Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2017. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



A handwritten signature in blue ink that reads "William F. Hammett". The signature is written over a horizontal line.

William F. Hammett, P.E.

707/996-5200

October 1, 2015



**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

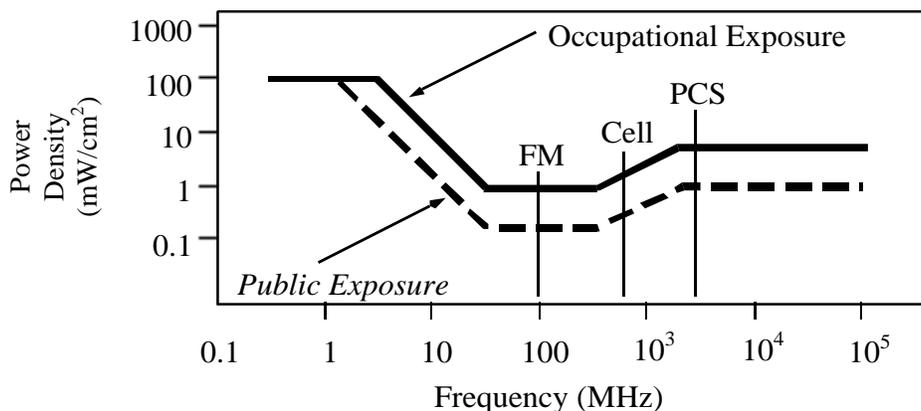
# Exhibit C

## FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm <sup>2</sup> )	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f<sup>2</sup></i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f <sup>2</sup>	<i>180/f<sup>2</sup></i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

# Exhibit C

## RFR.CALC™ Calculation Methodology

### Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

#### Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density  $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$ , in mW/cm<sup>2</sup>,

and for an aperture antenna, maximum power density  $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$ , in mW/cm<sup>2</sup>,

where  $\theta_{BW}$  = half-power beamwidth of the antenna, in degrees, and

$P_{net}$  = net power input to the antenna, in watts,

$D$  = distance from antenna, in meters,

$h$  = aperture height of the antenna, in meters, and

$\eta$  = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

#### Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density  $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$ , in mW/cm<sup>2</sup>,

where ERP = total ERP (all polarizations), in kilowatts,

RFF = relative field factor at the direction to the actual point of calculation, and

$D$  = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

# Exhibit C

Verizon Wireless • Proposed Base Station (Site No. 270035 "Morro Bay SC3")  
702 Morro Bay Boulevard • Morro Bay, California

## Representative Calculated Exposure Levels At Second-Floor Elevation of Nearby Buildings



Calculations performed according to OET Bulletin No. 65, August 1997.  
Maximum level at any nearby building is 7.1% of public limit. See text.

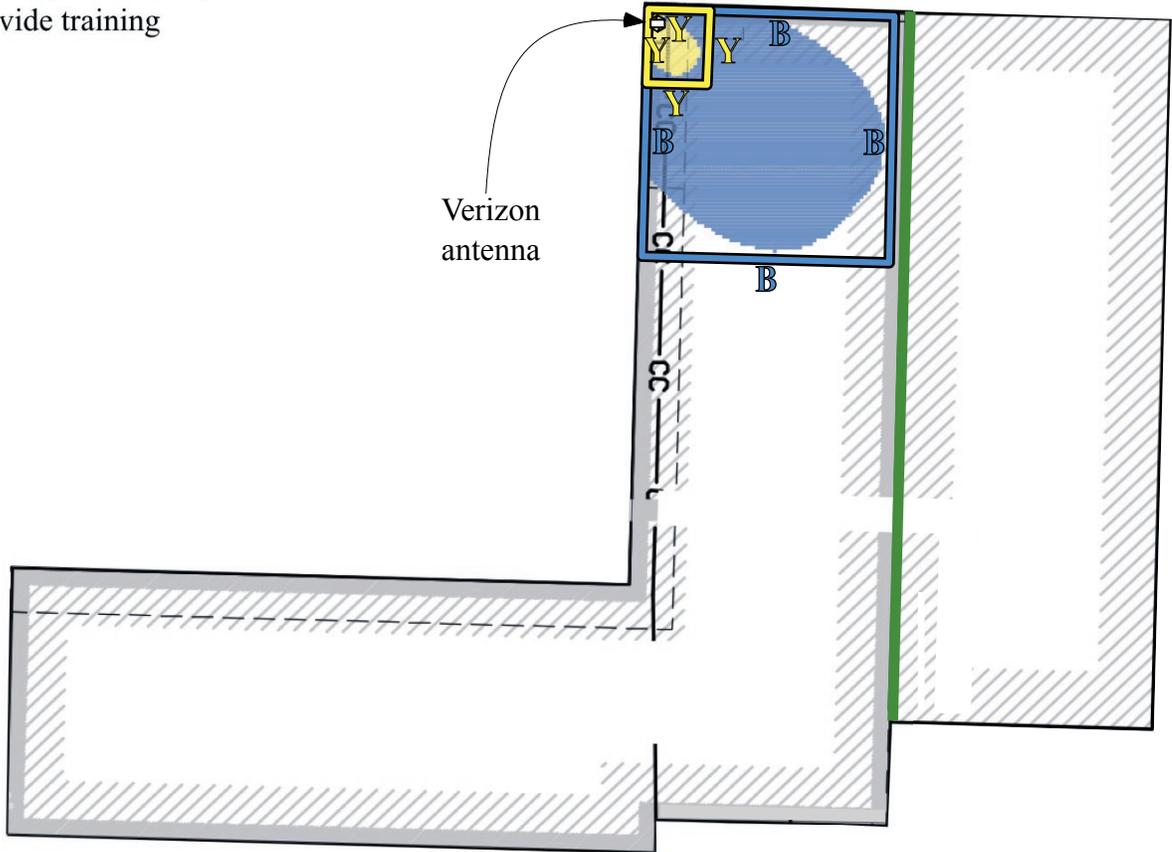
# Exhibit C

Verizon Wireless • Proposed Base Station (Site No. 270035 “Morro Bay SC3”)  
702 Morro Bay Boulevard • Morro Bay, California

## Calculated RF Exposure Levels on Roof

### Recommended Mitigation Measures

- Mark boundaries as shown
- Install barricade as shown
- Post explanatory signs
- Provide training



**Notes:**

Base drawing from SAC Wireless Engineering Group, dated September 21, 2015.

Calculations performed according to OET Bulletin 65, August 1997.

Training should be provided to all persons requiring access to the roof.

<b>Legend:</b>	Less Than Public	Exceeds Public	Exceeds Occupational	Exceeds 10x Occupational
Shaded color	N/A	Blue	Yellow	Orange
Boundary marking	N/A	Blue line	Yellow line	Orange line
Sign type	I - Green INFORMATION	B - Blue NOTICE	Y - Yellow CAUTION	O - Orange WARNING
Barricades shown as green lines		Green line		



**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO



**MORRO BAY SC3  
PSL # 270035**  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442

**811** CALL 811  
WWW.CALL811.COM

CONTRACTOR TO CALL TO VERIFY UTILITIES AT LEAST TWO WORKING DAYS PRIOR TO DIGGING

Know what's below.  
Call before you dig.

**ISSUE STATUS**

REV.	DATE	DESCRIPTION	BY
0	05/30/14	90% ZONING	JE
1	06/16/14	100% ZONING	MD
2	09/16/14	REVISED 100% ZD	JE
3	05/11/15	REVISED 100% ZD	NB
4	11/16/15	REVISED 100% ZD	FR



**SAC WIRELESS**  
ENGINEERING GROUP  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
WWW.SACW.COM  
760.795.5200

**PROPRIETARY INFORMATION**  
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



SMALL CELL PROJECT

**MORRO BAY  
SC3  
PSL # 270035**  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442

SHEET TITLE:  
**TITLE SHEET**

**T-1**

**PROJECT TEAM**

**SITE ACQUISITION**  
JAY D. HIGGINS,  
SAC WIRELESS  
211 E. CARILLO, SUITE 301  
SANTA BARBARA, CA 93101  
TELEPHONE: (805) 692-4705

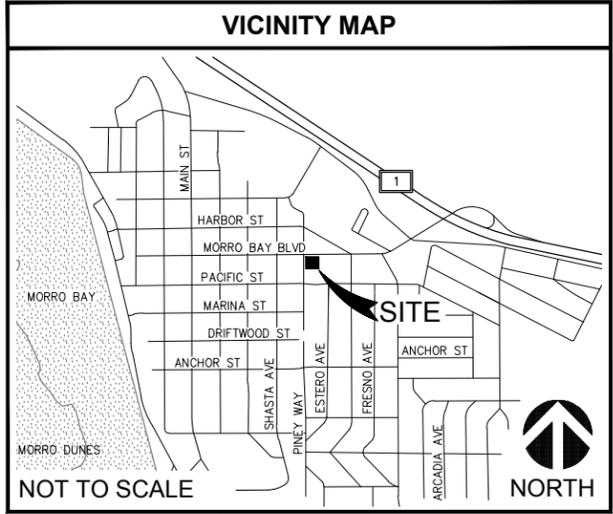
**PLANNING**  
JAY D. HIGGINS,  
SAC WIRELESS  
211 E. CARILLO, SUITE 301  
SANTA BARBARA, CA 93101  
TELEPHONE: (805) 692-4705

**ARCHITECT:**  
SAC WIRELESS, LLC.  
NESTOR POPOWYCH, AIA  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
CONTACT: NICHOLAS BRITT  
TELEPHONE: (619) 322-6425  
FAX: (760) 931-0908

**ENGINEER:**  
SAC WIRELESS, LLC.  
TAHZAY RAMIREZ, P.E.  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
TELEPHONE: (760) 795-5207  
FAX: (760) 931-0908

**SURVEYOR:**  
SMITHCO SURVEYING ENGINEERING  
P.O. BOX 81626  
BAKERSFIELD, CA 93380  
CONTACT: GREG SMITH  
TELEPHONE: (661) 393-1217

**UTILITY COORDINATOR:**  
SAC WIRELESS  
1057 LA VISTA ROAD  
SANTA BARBARA, CA 93110  
CONTACT: CRAIG ENGEL  
TELEPHONE: (805) 440-0038



**DRIVING DIRECTIONS**

FROM: 2785 MITCHELL DR. WALNUT CREEK, CA 94598 TO: 702 MORRO BAY BLVD. MORRO BAY, CA 93442

1. HEAD NORTHEAST ON MITCHELL DR TOWARD OAK GROVE RD
2. TURN RIGHT ONTO OAK GROVE RD
3. TAKE THE 2ND RIGHT ONTO YGNACIO VALLEY RD
4. CONTINUE ONTO HILLSIDE AVE
5. TURN LEFT ONTO THE INTERSTATE 680 S RAMP TO SAN JOSE
6. MERGE ONTO I-680 S
7. TAKE THE EXIT ONTO US-101 S TOWARD LOS ANGELES
8. TAKE THE MORRO RD/CA-41 EXIT
9. TURN RIGHT ONTO CA-41 S/MORRO RD
10. TURN LEFT TO MERGE ONTO CA-1 S
11. TAKE THE MORRO BAY BLVD EXIT
12. TURN RIGHT ONTO MORRO BAY BLVD
13. AT THE TRAFFIC CIRCLE, CONTINUE STRAIGHT TO STAY ON MORRO BAY BLVD

**PROJECT DESCRIPTION**

THIS PROJECT IS A VERIZON UNMANNED TELECOMMUNICATION WIRELESS FACILITY. IT WILL CONSIST OF THE FOLLOWING:

- (1) NEW ANTENNA
- (1) NEW SCREEN
- (1) NEW EQUIPMENT CABINET
- (6) NEW RRU'S
- (3) NEW DIPLEXERS
- (1) NEW PG&E / VERIZON METER

**PROJECT SUMMARY**

**APPLICANT/LESSEE**  
verizon  
2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598  
OFFICE: (925) 279-6000

**ASSESSOR'S PARCEL NUMBER**  
066-073-001

**GEODETIC COORDINATES**  
LAT. 35° 21' 56.5" N (NAD 83)  
LONG. 120° 50' 43.2" W (NAD 83)  
ELEVATION. 118.8' NAVD 88 (BASIS OF DRAWING)

**APPLICANT'S REPRESENTATIVE**  
JAY D. HIGGINS,  
SAC WIRELESS  
211 E. CARILLO, SUITE 301  
SANTA BARBARA, CA 93101  
TELEPHONE: (805) 692-4705

**PROPERTY OWNER:**  
OWNER: MICHAEL K. MOROSIN  
ADDRESS: 2300 CLARK VALLEY ROAD  
LOS OSOS, CA 93402  
CONTACT: KATIE McMILLEN, PROPERTY MANAGER  
TELEPHONE: (805) 772-6592 x 28

**PROPERTY INFORMATION:**  
SITE NAME: MORRO BAY SC3  
SITE NUMBER: 270035  
SITE ADDRESS: 702 MORRO BAY BLVD.  
MORRO BAY, CA 93442  
JURISDICTION: SAN LUIS OBISPO COUNTY

**CONSTRUCTION INFORMATION**  
AREA OF CONSTRUCTION: 2'-6" x 12'-6" (31.265 SQ FT)  
OCCUPANCY: U  
TYPE OF CONSTRUCTION: V-B  
CURRENT ZONING: RESIDENTIAL  
HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.

**GENERAL CONTRACTOR NOTES**

DO NOT SCALE DRAWINGS IF NOT FULL SIZE (24 X 36)

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR THE SAME.

**CODE COMPLIANCE**

- 2013 CALIFORNIA ADMINISTRATIVE CODE
- 2013 CALIFORNIA BUILDING CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 CALIFORNIA FIRE CODE
- LOCAL CITY & COUNTY ORDINANCES

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	4
C-1	SITE SURVEY	4
C-2	SITE SURVEY	4
A-1	SITE PLAN	4
A-2	ENLARGED SITE PLAN & EQUIPMENT LAYOUT	4
A-3	SOUTH & WEST ELEVATIONS	4
A-4	DETAILS	4

**ZONING DRAWINGS**

**SAC WIRELESS SIGNATURE BLOCK**

DISCIPLINE:	SIGNATURE:	DATE:
SITE ACQUISITION:		
PLANNER:		
CONSTRUCTION:		
LANDLORD:		

**VERIZON SIGNATURE BLOCK**

DISCIPLINE:	SIGNATURE:	DATE:
SITE ACQUISITION:		
CONSTRUCTION:		
RADIO:		
MICROWAVE:		
TELCO:		
EQUIPMENT:		
PROJECT ADMINISTRATOR:		
WO ADMINISTRATOR:		

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 24" X 36". SCALE INDICATED NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.

# Exhibit D

## NOTES:

OWNER(S): MICHAEL KEITH MOROSIN AND ROSE CHAN MOROSIN, TRUSTEES OF THE MICHAEL KEITH MOROSIN AND ROSE CHAN MOROSIN REVOCABLE TRUST DATED 7/18/95

APN: 066-073-001

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT BY: FIRST AMERICAN TITLE COMPANY, ORDER NO. 4201-4621470, DATED APRIL 8, 2014. WITHIN SAID TITLE REPORT THERE ARE EIGHT (8) EXCEPTIONS LISTED, NONE (0) OF WHICH ARE EASEMENTS.

THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 060307, PANEL NO. 1026G, DATED NOVEMBER 16, 2012, SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE X, WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 35° 21' 57.12" N. NAD 83  
LONG. 120° 50' 42.48" W. NAD 83  
ELEV. 118.8' NAVD 88 (BASIS OF DRAWING)

The information shown above meets or exceeds the requirements set forth in FAA order 8260.19D for 1-A accuracy ( $\pm 20'$  horizontally and  $\pm 3'$  vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.

### LESSOR'S PROPERTY LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

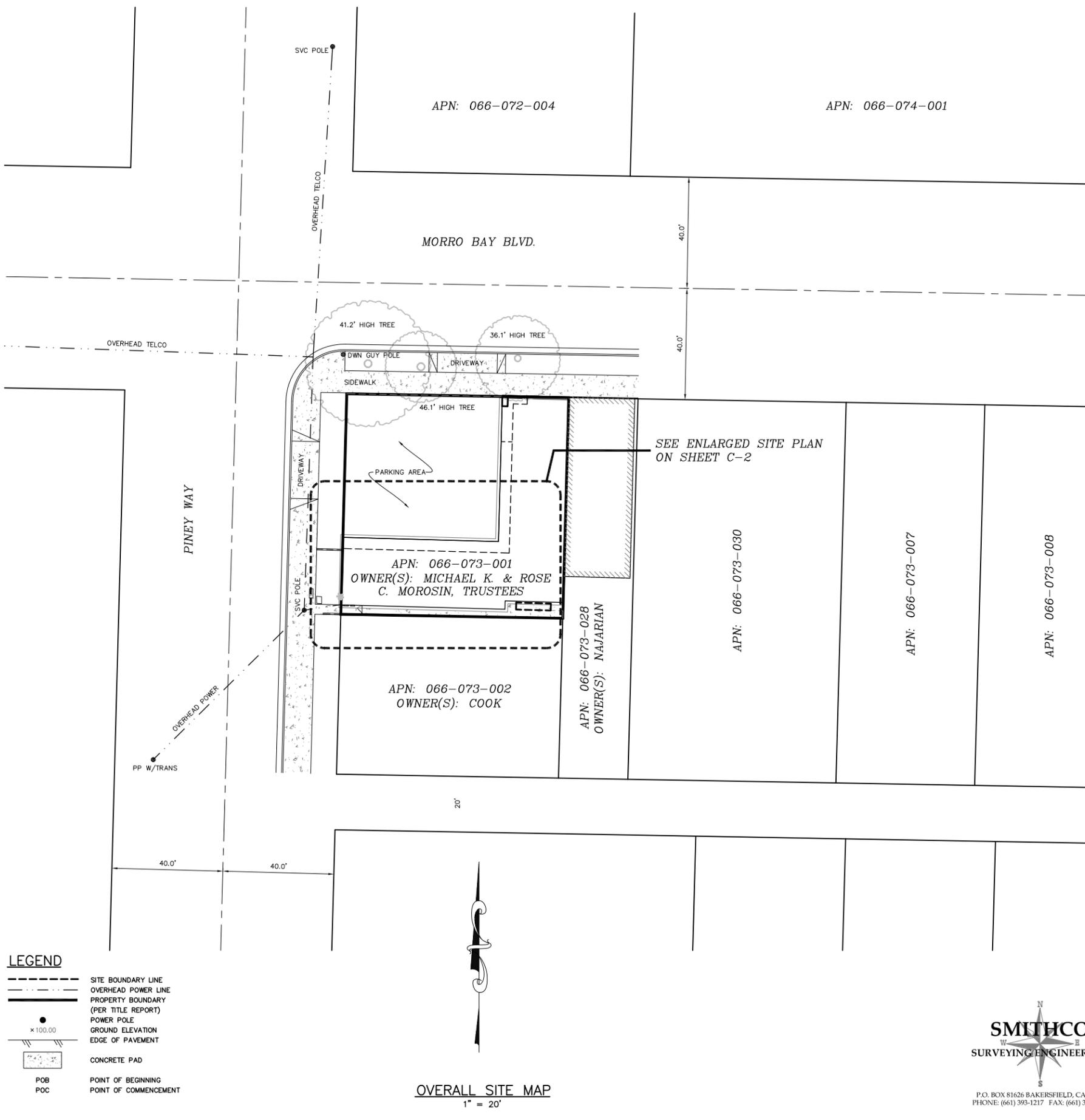
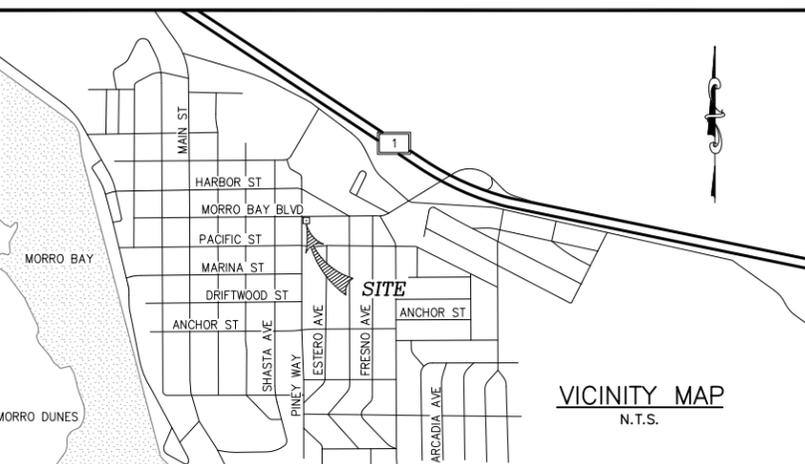
THAT PORTION OF LOTS 1 AND 2 IN BLOCK 2 OF RESUBDIVISION OF BLOCKS 2 AND 3 OF MORRO HEIGHTS, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED FEBRUARY 5, 1925 IN BOOK 3, PAGE 52 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THEN NORTH 89° 05' EAST ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 0° 24' EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 79.5 FEET TO A POINT; THENCE SOUTH 89° 05' WEST AND PARALLEL WITH THE NORTH LINE OF SAID LOTS, 80 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 0° 24' WEST ALONG SAID WEST LINE, 79.5 FEET TO THE POINT OF BEGINNING.

APN: 066-073-001

### EASEMENT(S) PER TITLE REPORT:

NONE



### LEGEND

- SITE BOUNDARY LINE
- OVERHEAD POWER LINE
- PROPERTY BOUNDARY (PER TITLE REPORT)
- POWER POLE
- GROUND ELEVATION
- EDGE OF PAVEMENT
- CONCRETE PAD
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

## ISSUE STATUS

REV	DATE	DESCRIPTION	BY
0	03/28/14	PRELIMINARY	DA
1	05/29/14	TITLE REVIEWED	DL
2	10/02/14	LEASE AREA	SL
3	09/14/15	ANTENNA AREA	SL
4	11/04/15	REDLINES	SL

SMITHCO JOB NO.: 82-244



### PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



PRELIMINARY

270035  
MORRO BAY  
SC3  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442  
SAN LUIS OBISPO  
COUNTY

SHEET TITLE:  
SITE SURVEY  
FOR EXAMINATION ONLY

C-1



NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" x 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

# Exhibit D

**PROPOSED VERIZON DEMISED PREMISE DESCRIPTION:**

ALL THAT PORTION OF THE HEREON DESCRIBED LESSOR'S PROPERTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**EQUIPMENT AREA:**

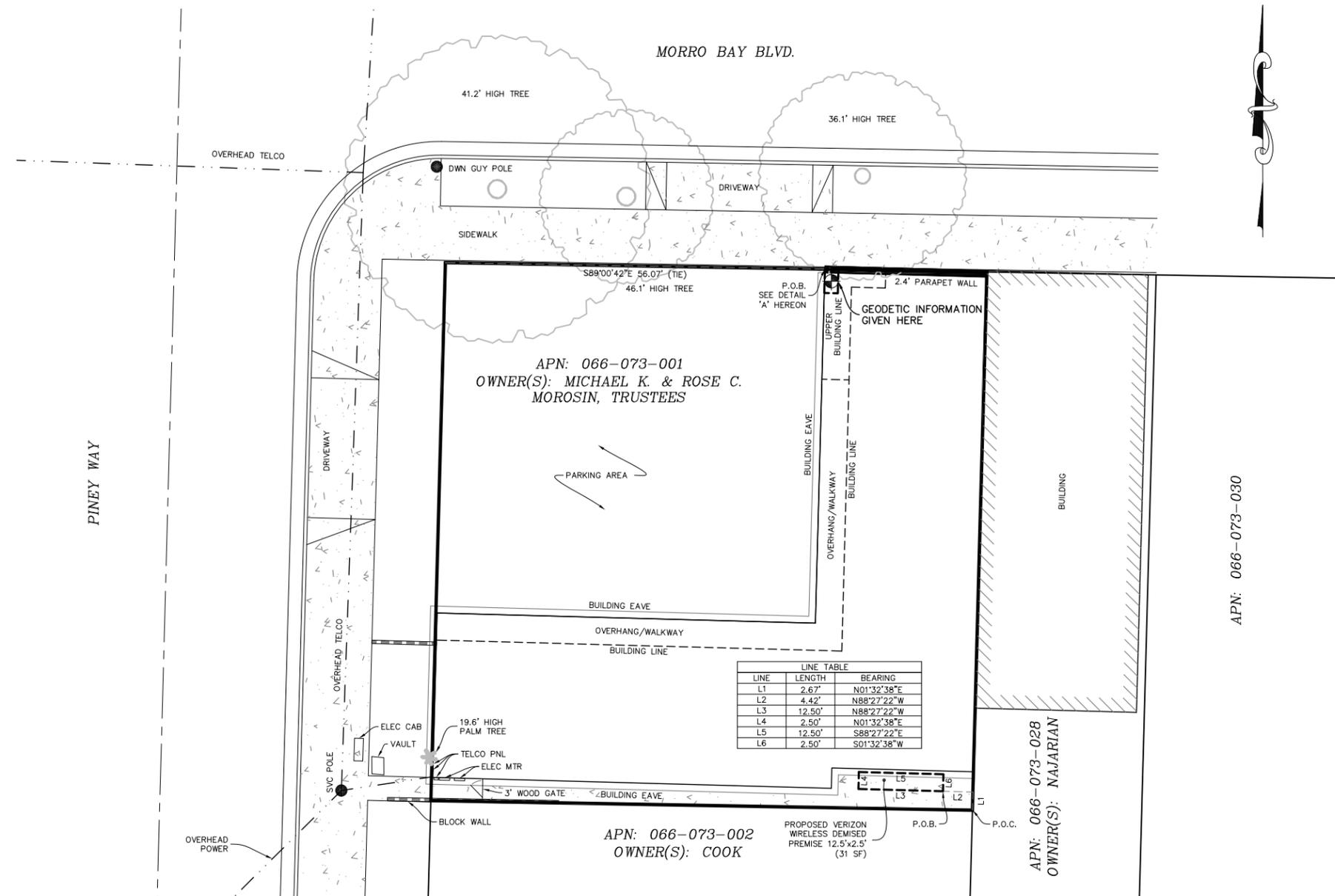
COMMENCING AT THE SOUTHEASTERLY MOST CORNER OF SAID LESSOR'S PROPERTY, THENCE N 01°32'38" E, A DISTANCE OF 2.67 FEET; THENCE N 88°27'22" W, A DISTANCE OF 4.42 FEET TO THE TRUE POINT OF BEGINNING;

THENCE 1) CONTINUING N 88°27'22" W, A DISTANCE OF 12.50 FEET;  
 THENCE 2) N 01°32'38" E, A DISTANCE OF 2.50 FEET;  
 THENCE 3) S 88°27'22" E, A DISTANCE OF 12.50 FEET;  
 THENCE 4) S 01°32'38" W, A DISTANCE OF 2.50 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 31 SQUARE FEET, MORE OR LESS.

**ANTENNA AREA:**

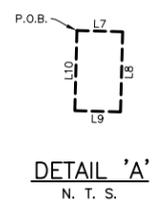
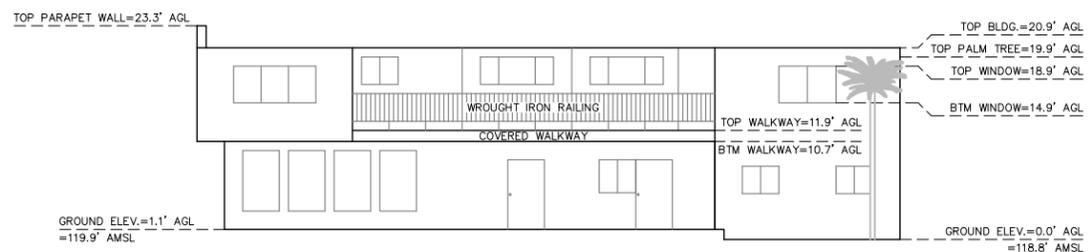
COMMENCING AT THE NORTHWESTERLY MOST CORNER OF SAID LESSOR'S PROPERTY, THENCE S 89°00'42" E, A DISTANCE OF 56.07 FEET TO THE TRUE POINT OF BEGINNING;

THENCE 1) S 88°27'22" E, A DISTANCE OF 2.00 FEET;  
 THENCE 2) S 01°32'38" W, A DISTANCE OF 3.50 FEET;  
 THENCE 3) S 88°27'22" W, A DISTANCE OF 2.00 FEET;  
 THENCE 4) N 01°32'38" E, A DISTANCE OF 3.50 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 7 SQUARE FEET, MORE OR LESS.



LINE	LENGTH	BEARING
L1	2.67'	N01°32'38"E
L2	4.42'	N88°27'22"W
L3	12.50'	N88°27'22"W
L4	2.50'	N01°32'38"E
L5	12.50'	S88°27'22"E
L6	2.50'	S01°32'38"W

LINE	LENGTH	BEARING
L7	2.00'	S88°27'22"E
L8	3.50'	S01°32'38"W
L9	2.00'	N88°27'22"W
L10	3.50'	N01°32'38"E



**LEGEND**

- SITE BOUNDARY LINE
- OVERHEAD POWER LINE
- PROPERTY BOUNDARY (PER TITLE REPORT)
- POWER POLE
- GROUND ELEVATION
- EDGE OF PAVEMENT
- CONCRETE PAD
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

**ELEVATION VIEW**  
1" = 10'

REV	DATE	DESCRIPTION	BY
0	03/28/14	PRELIMINARY	DA
1	05/29/14	TITLE REVIEWED	DL
2	10/02/14	LEASE AREA	SL
3	09/14/15	ANTENNA AREA	SL
4	11/04/15	REDLINES	SL



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**PRELIMINARY**

**270035 MORRO BAY SC3**  
 702 MORRO BAY BLVD. MORRO BAY, CA 93442  
 SAN LUIS OBISPO COUNTY

SHEET TITLE:  
**SITE SURVEY**  
 FOR EXAMINATION ONLY

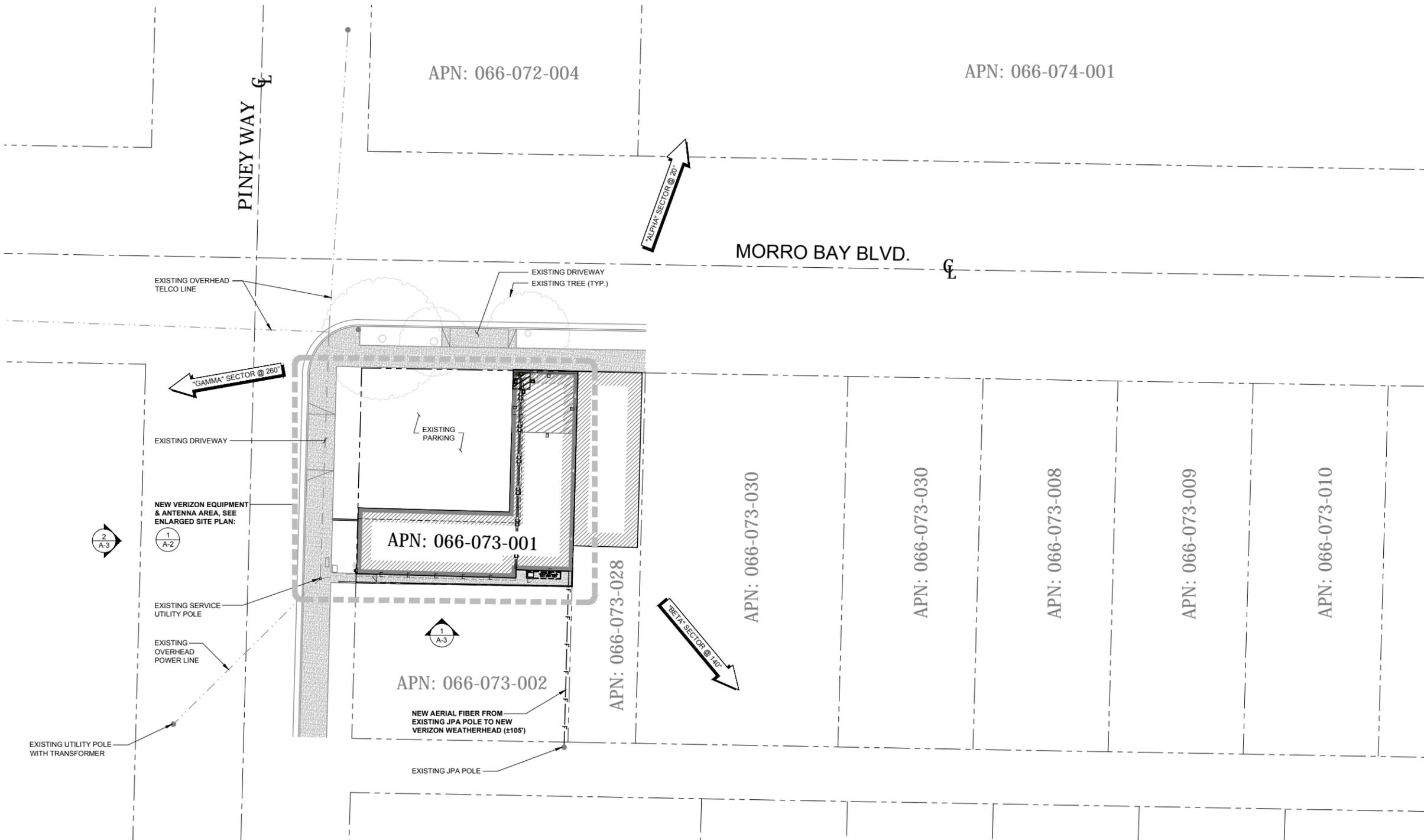
**C-2**



NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

# Exhibit D

NOTE:  
POWER PLAN: PG&E DESIGN TO BE DETERMINED



## ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	05/30/14	90% ZONING	JE
1	06/16/14	100% ZONING	MD
2	09/16/14	REVISED 100% ZD	JE
3	05/11/15	REVISED 100% ZD	NB
4	11/16/15	REVISED 100% ZD	FR



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SMALL CELL PROJECT

**MORRO BAY SC3**  
**PSL # 270035**  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442

SHEET TITLE:  
**SITE PLAN**

**A-1**



SCALE: 1" = 20'-0" (24x36)  
(OR) 1/2" = 20'-0" (11x17)

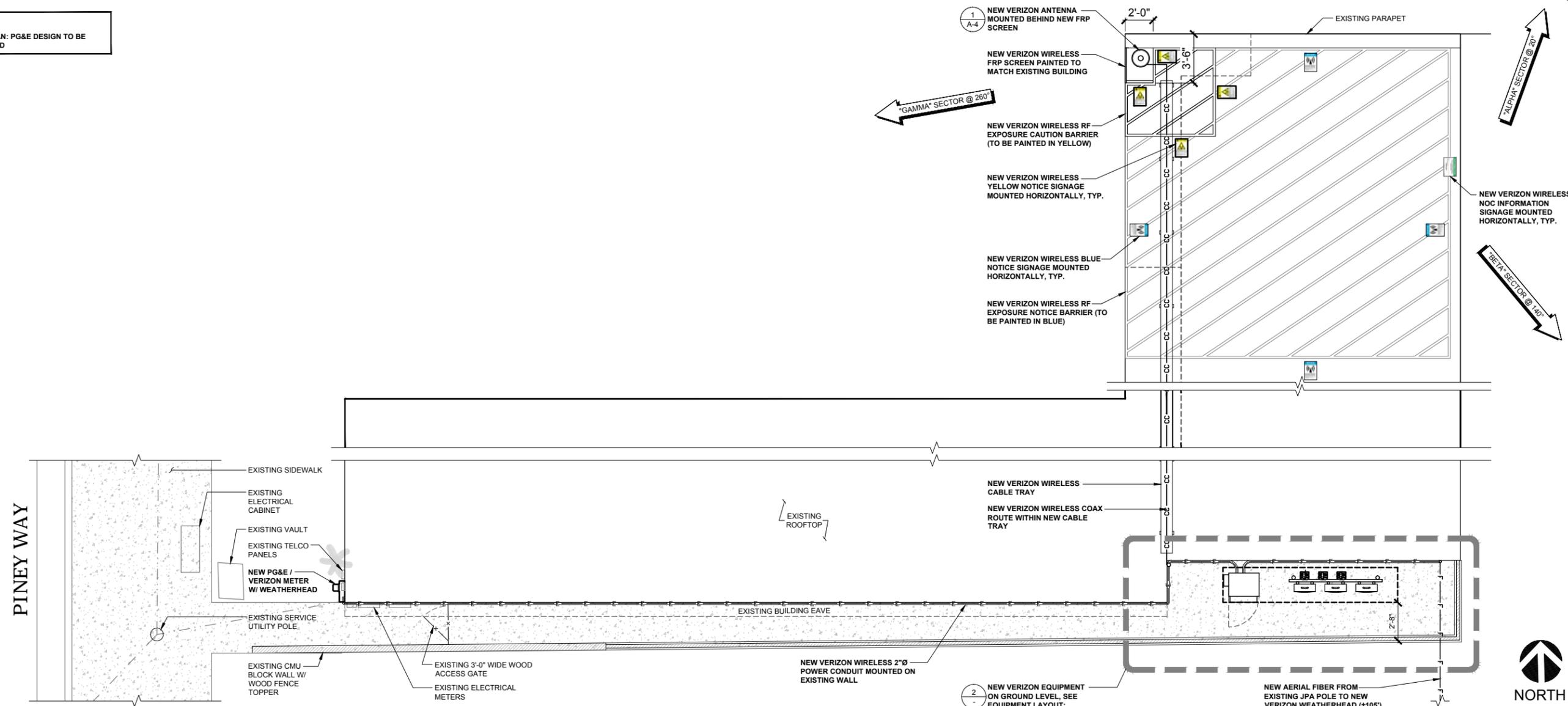
1

**SITE PLAN**

NOTE: THE ORIGINAL SIZE OF THIS SHEET IS 24" X 36". SCALE INDICATED. ALL DIMENSIONS ARE TO BE REDUCED OR ENLARGED AS SHOWN.

# Exhibit D

NOTE:  
POWER PLAN: PG&E DESIGN TO BE DETERMINED



REV.	DATE	DESCRIPTION	BY
0	05/30/14	90% ZONING	JE
1	06/16/14	100% ZONING	MD
2	09/16/14	REVISED 100% ZD	JE
3	05/11/15	REVISED 100% ZD	NB
4	11/16/15	REVISED 100% ZD	FR

**SDC WIRELESS ENGINEERING GROUP**  
5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
WWW.SDCW.COM  
760.795.5200

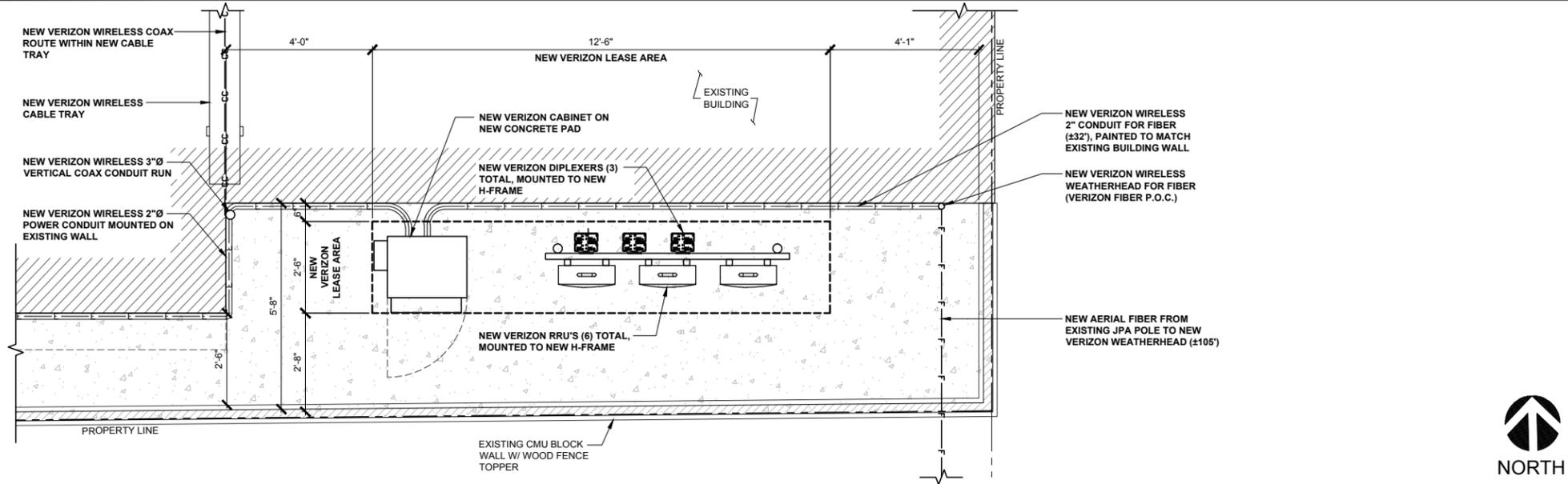
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**verizon**  
2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

SMALL CELL PROJECT

ENLARGED SITE PLAN

SCALE: 1/4" = 1'-0" (24x36)  
(OR) 1/8" = 1'-0" (11x17) 1



EQUIPMENT LAYOUT

SCALE: 1/2" = 1'-0" (24x36)  
(OR) 1/4" = 1'-0" (11x17) 2

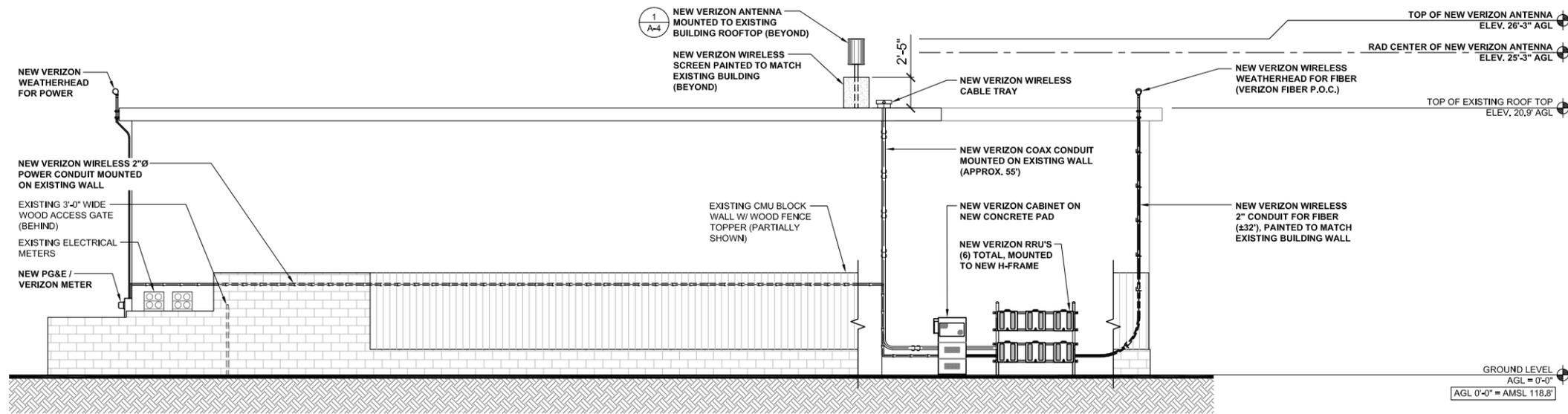
**MORRO BAY SC3**  
**PSL # 270035**  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442

SHEET TITLE:  
**ENLARGED SITE PLAN & EQUIPMENT LAYOUT**

**A-2**

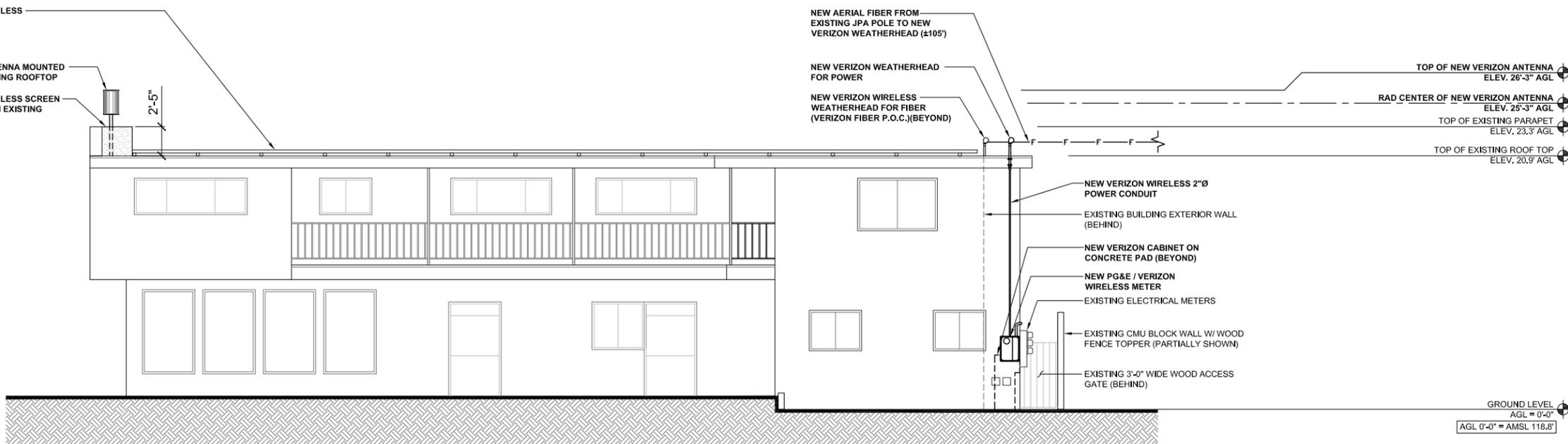
NOTE: THE ORIGINAL SIZE OF THIS SHEET IS 36" X 48". SCALE: 1/4" = 1'-0" FOR REDUCED OR ENLARGED SHEET SIZES.

# Exhibit D



**SOUTH ELEVATION**

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36) 1  
(OR) 3/32" = 1'-0" (11x17)



**WEST ELEVATION**

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36) 2  
(OR) 3/32" = 1'-0" (11x17)

**ISSUE STATUS**

REV.	DATE	DESCRIPTION	BY
0	05/30/14	90% ZONING	JE
1	06/16/14	100% ZONING	MD
2	09/16/14	REVISED 100% ZD	JE
3	05/11/15	REVISED 100% ZD	NB
4	11/16/15	REVISED 100% ZD	FR



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SMALL CELL PROJECT

**MORRO BAY SC3 PSL # 270035**  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442

SHEET TITLE:  
**SOUTH & WEST ELEVATIONS**

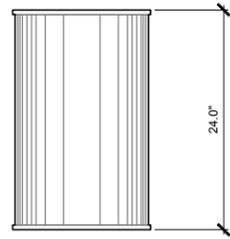
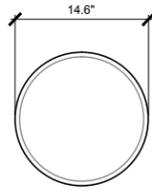
**A-3**

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 11" X 17". SCALE BOUND ELEMENTS FOR REDUCED OR ENLARGED SHEET SIZES.

# Exhibit D

AMPHENOL  
CWT070X06Fxy-0

LENGTH: 24.0"  
DIAMETER: 14.6"  
WEIGHT: 25 LBS



## ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	05/30/14	90% ZONING	JE
1	06/16/14	100% ZONING	MD
2	09/16/14	REVISED 100% ZD	JE
3	05/11/15	REVISED 100% ZD	NB
4	11/16/15	REVISED 100% ZD	FR



5015 SHOREHAM PL, SUITE 150  
SAN DIEGO, CA 92122  
WWW.SDCW.COM  
760.795.5200

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2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

SMALL CELL PROJECT

MORRO BAY  
SC3  
PSL # 270035  
702 MORRO BAY BLVD.  
MORRO BAY, CA 93442

SHEET TITLE:

DETAILS

**A-4**

ANTENNA DETAIL

SCALE  
N.T.S.

1

NOT USED

SCALE  
N.T.S.

2

NOT USED

SCALE  
N.T.S.

3

NOT USED

SCALE  
N.T.S.

4

NOT USED

SCALE  
N.T.S.

5

NOT USED

SCALE  
N.T.S.

6

NOT USED

SCALE  
N.T.S.

7

NOT USED

SCALE  
N.T.S.

8

NOT USED

SCALE  
N.T.S.

9

NOT USED

SCALE  
N.T.S.

10

NOT USED

SCALE  
N.T.S.

11

NOT USED

SCALE  
N.T.S.

12

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 11.0" X 17.0". SCALE AND DIMENSIONS ARE FOR REDUCED OR ENLARGED SHEET SIZES.



AGENDA NO: C-3

MEETING DATE: December 15, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 9, 2015

**FROM:** Cindy Jacinth, Associate Planner

**SUBJECT:** Concept Plan approval for Conditional Use Permit (UP0-359) for construction of new gangway, dock, and seven (7) boat slips (6 private rentals and 1 public slip) at 725 Embarcadero, Rose's Landing. (*continued from the October 6, 2015 hearing*)

**RECOMMENDATION:**

*FORWARD A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

Adopt Planning Commission Resolution 38-15 which includes the Findings and Conditions of Approval and Adopt the Mitigated Negative Declaration, SCH# 2014111065 with Mitigation and Monitoring Plan (Exhibit C) for the project depicted on site development plans dated December 9, 2015 (Exhibit D).

**APPLICANT/AGENT:** Doug Redican, 725 Embarcadero LLC/ Steve Puglisi Architects

**LEGAL DESCRIPTION/APN:** City lease sites 82W-85W / 066-352-047

**PROJECT DESCRIPTION:** The Applicant is seeking concept plan approval for a conditional use permit for construction of new gangway, floating dock, seven (7) boat slips and a second floor dining deck expansion at 725 Embarcadero which is the location of Rose's Landing, a visitor-serving commercial use. The project located at the western extent of 725 Embarcadero consists of Water Lease Site 82-85W which will increase from approximately 50-feet to 93.71-feet in lease site size in order to accommodate the dock



Prepared By:    CJ   

Department Review:

project. Ten new pilings would be installed to support the dock. The project also proposes enhancements to existing bayside lateral access in the form of expansion of the northerly entrance of the existing 8 foot accessway, new coastal access signage, and 4 new skylights spaced throughout the covered portion of the semi-enclosed coastal accessway. Of the seven new boat slips, slip number one (1), will be controlled by the Morro Bay Harbor Department, with the remaining six (6) slips proposed for non-commercial purposes and available as private month-to-month rentals. In addition, the project proposes a 487sf second story dining deck expansion along the west side of the restaurant building with creation of an observation deck along the south side of the building.

***Project Description Details:***

*Pilings*

The docks and slips would be supported by ten new guide piles consisting of 35-55foot by 16-inch diameter 0.375 wall steel. The exposed upper 25 feet of the piles will be coated with a marine grade epoxy/polyurethane coating. All on-site work will occur from a barge stocked and prepared at the Associated Pacific Constructor (APC) dock in Morro Bay, and tugged into position for pile installation. Four of the guide piles are proposed at the end of each finger slip and the remaining six piles are proposed along the eastern dock edge.

*Dock and Lighting*

Plans show an eight foot wide dock, also known as a head-float, aligned at an approximate 100 degree angle from the gangway. Pedestal bollard lighting units three feet tall by eight inches in diameter designed for marina environments are spaced at four intervals along the dock length. Project lighting will be required to conform with City lighting standards which prohibit light spill off-site and which requires light to be directed down towards the ground. Because of the cutoff light configuration there will be limited light pollution into the nighttime sky. The lights are for directional and safety purposes and will not adversely affect the scenic views at any time of the day.

*Gangway*

Access to the proposed gangway is along the southern boundary of the Rose's Landing building. The gangway will connect to the dock near the location of slips 5 and 6. The gangway is proposed to be of aluminum material approximately 50 feet in length.

*Slips*

Slip length varies from 14 feet 1 inch for Slip 1 to 34 feet 3 inches in length for Slips 6 and 7. Plans show an angled eight foot wide dock proposed as wood or aluminum dock with gator grating where possible.

*Dining deck expansion*

Revised plans dated December 9, 2015, show interior changes to the existing 2<sup>nd</sup> floor of the building which is currently occupied by a restaurant. Along the south side of the building is a 1,744 sf outdoor dining area currently used for restaurant seating with interior bar and additional restaurant service inside. The applicant proposes to remove the outdoor dining area and maintain the outdoor space as an observation deck. In exchange, the applicant proposes a 487 sf outdoor dining deck expansion with glass windbreak wall to be used for customer seating as well as incorporate a new bar and bar seating. Sheet 3 of the plans depict the upper floor plan as well as revised elevations and section detail. The proposed addition would be along the west side of the building facing the bay. Revised simulations to illustrate this are included on plan sheet 2.

*Public coastal access*

The project also proposes improvements to an existing semi-enclosed 8 foot wide coastal lateral accessway along the west side of the building. Proposed improvements include widening the northerly entry point to the lateral access way, installation of four 24” square skylights and 4 new coastal access signs. Plans denote the location of the 4 signs along the north side of the building at the terminus of Morro Bay Boulevard; at the northwest corner of the coastal accessway; at the southwest corner of the coastal accessway; and the last sign in the existing plaza on the south of the building where the ramps begin the coastal accessway.

Because there is existing coastal access signs which front on Embarcadero Road on the northeast corner of the building, staff is proposing Planning condition 5 which would require replacement of that sign to update the sign to be consistent with the standard blue and white Coastal Commission sign standard or as approved with the public access management plan within the coastal development permit. Existing dining tables located within the public accessway have been previously used for restaurant service and encroach upon the minimum 8 foot bayside lateral access requirement. Planning condition 8 has been proposed which would require that no dining tables be located within the lateral accessway along the west and southwest corner of the lease site. In addition, Planning condition 4 would require general public pedestrian access to the floating docks in order to be consistent with the City’s Shoreline Access and Recreation chapter of the LCP and Coastal Act section 30210 which requires that docks can only be approved if it provides for maximized boating and public access opportunities.

**PROJECT SETTING:**

The lease site is occupied with a two-story visitor-serving facility which includes various visitor-serving retail uses and Rose’s Landing restaurant, a well-known restaurant in existence since the late 1960’s. Because the property is a City lease site, managed through the Tidelands trust, the Applicant’s lease requirements with the Harbor Department require improvements to the lease

site. Though the scope of work proposed was originally limited to the water lease site only, namely the construction of new floating dock, gangway and 7 slips, a small portion of the project includes improvements to existing public access on the semi-enclosed bayside lateral access.

<b>Adjacent Zoning/Land Use</b>			
North:	Waterfront (WF/PD, S.4) Vacant water lease	South:	Waterfront (WF/PD, S.4) Vacant water lease
East:	Commercial Visitor-Serving(C-VS, PD/S.4), Commercial	West:	Harbor

<b>Site Characteristics</b>	
Overall Site Area	15,906sf
Existing Use	City water lease – no water use
Terrain	water
Vegetation/Wildlife	Sensitive eelgrass within project area. Project designed to avoid eelgrass disturbance.
Access	Embarcadero
Archaeological Resources	No known resources.

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Coastal dependent
Base Zone District	WF, Waterfront Zoning district
Coastal Land Use Plan	Planning Area 6 - Bayfront
Zoning Overlay District	PD, Planned Development overlay (required to also obtain City Council approval of Concept Plan)
Special Treatment Area	S.4
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Coastal Commission original jurisdiction. Applicant required to obtain Coastal Development permit from Coastal Commission prior to issuance of any building permit.
Parking Requirements for Docks and Restaurants	Zoning Ordinance 17.44.020 – 1 space per 35 lineal feet - see discussion below. Parking requirement for restaurants is 1 space per 60 square feet of customer seating.

Parking:

City records show a total of 87 memorialized historical parking credits plus a total of 20 paid in-lieu parking credits for a total of parking count of 107 parking spaces. A parking analysis shown on the site plan page of existing building uses among the various tenants indicates a total parking count for the building of 99 spaces. With the new dock proposal, the City's parking requirements are 1 parking space for each 35 lineal feet of boat tie-down area. Plans show a total of 95 lineal feet which would be parked at 3 parking spaces.

With plans revised to remove outdoor dining and add an outdoor dining deck expansion with glass windscreen, the parking requirements for outdoor dining are 1 space per 90sf (or half the requirement of indoor dining which is 1 space per 60 sf of floor area to be occupied by customers). In addition, the first 125 square feet of outdoor seating requires zero spaces. Removal of the existing dining creates a parking credit of 18 parking spaces and addition of the new dining deck expansion requires 4 parking spaces for a net credit of 14 spaces.

Altogether, the proposed project with existing and proposed creates a requirement of 88 parking spaces where there is a total of 107 spaces and therefore compliant with parking requirements.

**REGULATIONS:**

The property is zoned WF/PD/S.4 as a waterfront zone and land use designation. The Planned Development (PD) zone is an overlay zone which applies special standards to primary zoning districts. The S.4 is a special treatment overlay zone which requires any project to undergo architectural review.

Planned Development Overlay

The proposed project is location in a Planned Development overlay district. Section 17.40.030 of the Municipal Code requires both a Concept and Precise plan for projects on publicly owned land. The Planned Development overlay zone requirement found in section 17.40.030 provides for detailed and substantial analysis of development on parcels which, because of location, size or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit.

The Planned Development overlay requires that a Concept Plan include a general development plan with the following information: plot plan, streets, use of adjoining properties; topography, utilities, structures and existing trees, phased development (as applicable); architectural concepts, open space proposals (such as coastal access) and any other information as deemed necessary by

the Planning Commission and City Council.

Should the Planning Commission move to approve the Concept Plan, the approval would then be forwarded as a favorable recommendation to the City Council for approval. The applicant would be required to apply to the California Coastal Commission for their Coastal Development Permit. Once they receive entitlements from the California Coastal Commission, the Applicant will be required to submit for Precise Plan approval to the Planning Commission either within one year of their concept plan approval or coastal development permit approval.

#### Waterfront Master Plan

The proposal is within the Waterfront Master Plan and is within Planning Area 3: Embarcadero Visitor Area. This area encompasses the Embarcadero from Beach Street to South Street between the bluff and the waterfront. This portion of the Embarcadero contains the majority of the shopping and eating establishments as well as the most intense mix of pedestrian and automotive activity. It has what most visitors and residents consider a positive mix of shops, waterfront and pedestrian activity, combined with direct views of the bay, sand spit and Morro Rock. The Waterfront Master Plan includes guidance for development of Area 3, including observation and information areas explaining the natural wonders of the bay, lateral access along the bay front of commercial retail buildings that connect to lateral access components of adjacent buildings and or the stub street adjacent to the building site, preservation of scenic vistas at street ends, with pedestrian amenities, lighting, haul-out improvements to existing facilities, bluff stabilization and beautification plans.

#### **PROJECT ANALYSIS:**

##### **Background:**

This hearing item was continued from the March 3, 2015 and October 6, 2015 Planning Commission hearing. The first continuance was at staff request based on correspondence dated February 2, 2015 received from the California Coastal Commission (CCC) in regards to the circulated Mitigated Negative Declaration (Exhibit B). CCC staff identified issues regarding sensitive biological resources within the project vicinity as well as underwater acoustical impacts, and public access. Since that time, the Applicant in coordination with City staff have worked with CCC staff to address these concerns in regards to the MND to ensure that all impacts have been mitigated to a less than significant level. The second continuance request was from the Applicant in order to propose plan changes for interior tenant improvements, creation of a western dining deck and southern observation deck.

##### **Environmental Determination**

An Initial Study/ Draft Mitigated Negative Declaration (IS/MND) was circulated on January 2, 2015 with a review period that ended on February 2, 2015. Mitigation was recommended for

biological resources, cultural resources, greenhouse gas emissions, and hydrology/water quality. With the incorporated mitigation measures that the applicant has agreed to (page 35 of Exhibit C), the project will have a less than significant impact on the environment, and Planning Commission can make the findings to approve the proposed project. The mitigations contained in this document have been incorporated into the conditions of approval in the form of a Mitigation and Monitoring Plan (See Exhibit C and also Planning condition 7).

During the required 30 day routing of the IS/MND, the City received a comment letter dated February 2, 2015 from the Coastal Commission (CCC) regarding its review of the environmental document. In the letter (Exhibit B), the CCC expressed concerns regarding biological resources and public access. The applicant has revised their plans (as dated December 9, 2015) to address the concerns of the CCC who responded via email communication dated August 31, 2015 with their concurrence of the revised plans. Additional mitigation has been added as a result of the Coastal Commission review and has been highlighted in red in the mitigation and monitoring plan. The revised plans did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant. The details of the specific CCC concerns are itemized below:

### Biological Resources

#### Eelgrass

As discussed in both the IS/MND and in the CCC response letter, Morro Bay includes eelgrass beds of State significance within the Bay. Eelgrass provides a complex and highly productive ecosystem, serving as a spawning and nursery ground for many species of fish and larger invertebrates. Eelgrass beds can be adversely impacted by shading from sunlight, siltation and direct disturbance. Since 2007, there have been significant reductions of eelgrass beds in the Bay from 344 acres in 2007 to less than 20 acres in 2013. As required, an eelgrass survey was performed by Tenera Environmental on April 2, 2014, updating results of earlier eelgrass surveys performed in 2008 and 2011. The results of that survey confirmed presence of patches of eelgrass habitat within the area proposed for dock construction including approximately an area of 33 square meters of impact. The plans as submitted were designed to be consistent with the National Marine Fisheries Service (NMFS)'s Southern California Eelgrass Mitigation Policy (SCEMP) which for many past waterfront projects was the standard protocol for addressing eelgrass impacts. Past practices including allowing shading subject to mitigation that required replacement replanting of eelgrass along with the use of translucent grating, sometimes known as "gator grating", and only if there was a minimum 50% light penetration which was previously deemed suitable for re-colonization of impacted species per NMFS. However, during the review period of the MND, CCC staff informed the City that the National Marine Fisheries Service (NMFS) released new protocols known as the California Eelgrass Mitigation Policy (CEMP), which replace the previous SCMEP protocols. These new protocols were discussed via

conference call with City staff, NMFS and various stakeholders, such as CCC, US Fish & Wildlife Service, National Estuary Program, Calif Fish & Wildlife, State Parks, NOAA, State Water Resources Control Board and local biologist, Tenera Environmental.

A key change reflected in the CEMP protocols significantly increases the amount of required mitigation. The CEMP now requires that both mapped eelgrass habitat be completely avoided as well as a unvegetated five-meter buffer area surrounding the mapped eelgrass habitat. The direction is that avoidance of this entire area must be accomplished, if feasible. If avoidance is not feasible, impacts can take place, but all impacts to the habitat, including the unvegetated area, would have to be mitigated at a ratio of 1.2:1 as required by CEMP. (See revised mitigation measure BIO-1 to change SCEMP to CEMP which is highlighted in red).

In working with CCC staff to meet the new CEMP protocols, the applicant submitted revised plans which reflect both the vegetated and the unvegetated eelgrass habitat with an attempt at complete avoidance. The applicant significantly reduced the proposed slips from 43 feet in length to as short as 14 feet in an attempt to completely avoid eelgrass. However, as shown on the plans, a portion of the gangway and floating dock still encroaches into the 5 meter buffer area, though does not directly impact actual vegetated eelgrass habitat.

The plan shows an eelgrass 5 meter buffer habitat encroachment of 145 square feet on the north end of the slips and 374 square feet of habitat area intrusion on the south end of the slips for a total of 519 square feet. The docks as currently designed show direct avoidance of the vegetated eelgrass habitat and will be required through mitigation to provide an updated eelgrass survey prior to issuance of a building permit. (See mitigation measure BIO-6 which is highlighted in red).

Staff analysis determined that complete avoidance of the 5 meter buffer area would not be feasible. The existing eelgrass combined with the 5 meter unvegetated buffer covers almost the whole width of the lease site, with the proposed gangway in the buffer area, and in order to achieve complete avoidance would render the project with no viable economic use as rentable lease slips. This feasibility analysis on why reconfiguring the docks further to avoid the buffer area was not possible was presented to CCC staff who concurred via email on August 31, 2015.. Because CEMP protocols do allow for a project to move forward where avoidance is infeasible, the Applicant will be subject to mitigation at a ratio of 1.2:1 as required by CEMP and reflected in the Mitigation and Monitoring Plan. (See mitigation measure BIO-6 highlighted in red and Planning condition 6). With the reduction in dock design, the revised plan will not cause any additional impact beyond that which was studied and identified in the MND. With the proposed mitigation, impacts will be reduced to a level less than significant.

Pile driving /underwater acoustic impacts

Another comment identified by CCC staff in their February 2, 2015 comment letter was the issue of underwater acoustic impacts caused by pile driving. These impacts have the potential to disturb marine mammals and to adversely alter the behavior of fish in the immediate vicinity or cause them to avoid the construction area. Appropriate thresholds for minimizing impacts is to limit underwater noise levels to no more than 187 decibels sound exposure level accumulated and 208 peak Db. CCC response was that in order to appropriately minimize adverse acoustical impacts to wildlife, the proposed project must limit underwater noise generated by pile driving activities to the maximum extent feasible and not exceed established noise thresholds. In addition, the comments included that a pile driving plan and hydro-acoustical monitoring plan be developed to ensure that underwater noise is minimized. Mitigation Measure BIO 3 requires that a Marine Wildlife Contingency Plan shall be developed and approved by NMFS, USFWS and CDFG prior to the initiation of pile driving activities to include description of specific methods to be used to reduce pile-driving noise. With the addition of the comments by the CCC, staff has added this mitigation accordingly (See mitigation measure BIO-7 highlighted in red). With the proposed additional mitigation, impacts will be reduced to a level less than significant.

Public access

The last comment identified by CCC staff was in regards to public access. It was noted that projects that extend over public tidelands are only allowed where they provide for maximum public access and recreational opportunities. In this case, new docks and slips are proposed which would provide for boating recreational opportunities. The CCC typically requires general pedestrian public access to such docks during daylight hours as is consistent with past City approved project (See Planning condition 4).

In addition to the public access requirement for the new dock project, the project currently provides existing 8 foot wide bayside lateral access that is semi-enclosed and runs the length of the Rose's Landing restaurant. In communicating with CCC staff, suggestions were offered by staff for improvement of the existing public accessway. Suggested improvements offered by CCC staff (via email 8/6/2015) include in summary:

1. *Open up accessway by taking the roof off or put in skylights. Is it possible to daylight this area? Currently seems dark and uninviting and CCC is supportive of enhancing this accessway in any way possible.*
2. *Southwest corner could potentially have some private seating for the restaurant, but it should be set up where there is a clear indication that the accessway (approx. 8-10 feet wide) is 100% public (in this area there should be no seating since it will likely take up most of this area). The site plan shows a "patio" and an accessway in this southwest area, and these should be visually separate (e.g. including through signage, rope and post fencing, planters, etc.) where currently there is wait service to tables within the accessway area.*

3. *“Public viewing and dining deck” signs existing should eventually be replaced by some sort of “public access” and “coastal accessway” sign especially on the north side with logos, and be located on both sides of the restaurant. If the applicant wants a “dining deck” sign, it should be located within the dining deck or patio area only. When project applies for CDP review, a sign plan condition will be added.*
4. *More gradual open inviting entrance on the north. Instead of a hard right angle, CCC staff is encouraging a slight cantilever to allow an angled approach to the accessway (which seems possible without covering existing mapped eelgrass habitat).*

The Applicant has considered the suggestions on public access and submitted revised plans which incorporate most of these suggestion: 1.) opened up accessway with new skylights proposed; 2.) new signage proposed; and 3.) angling the northern entrance instead of the current hard right angle, all with the goal to make it more inviting and apparent to visitors.

Visual Simulations:

The Applicant has submitted visual simulations illustrating the proposed docks, the dining deck expansion and the angled lateral accessway (Sheet 2 of plans). Five simulation viewpoints are included. These images depicted simulations from the public view deck north of the lease site looking southwest toward the proposed docks and also southeast looking toward the building. Also included are a simulation looking east at the face of the building and its proposed dining deck expansion. Lastly a simulation is included that looks directly at proposed docks. Staff’s review of the visual simulations determined that public views will not be detracted as shown in the simulation. The docks will be visible from within the semi-enclosed coastal accessway looking due west at the slips, though the slips are off-set from the building by a distance of 15 to 40 feet. Also the proposed dining deck expansion will afford views of the bay for the visitor-serving uses in that establishment as well as create a sizeable observation deck of 1,744 sf with no proposed tables or restaurant service.

**ANALYSIS:**

The project meets the goals of the Waterfront Master Plan by maximizing public access, both through the existing lateral accessway and provision of new floating dock and slips. It is consistent with the City’s General Plan and Local Coastal Program (LCP) because it provides for a visitor-serving water-oriented recreational facility. The dock project does not inappropriately degrade the bay through either dock placement or pile driving because it has been sited and designed to avoid direct eelgrass habitat and a 5 meter surrounding unvegetated buffer to the greatest extent feasible. A pre-construction survey will be required prior to issuance of a building permit to determine current eelgrass conditions and a post-construction survey to determine any impact with an eelgrass restoration plan developed consistent with CEMP protocols.

The project is consistent with the LCP which requires bayside lateral access of a minimum width of eight feet. The proposed enhancements serve to improve enjoyment of the lateral access along the Bay therefore consistent with public access and recreation policies. The proposed pilings are necessary to support the floating dock and slips which is intended as a public access and recreational visitor-serving facility and therefore consistent with the Recreation and Access Policies of the LCP.

In addition, the proposed deck expansion and observation deck create improvements to a long-standing existing visitor-serving use that was constructed decades ago. The improvements will create a more attractive and inviting commercial use that does not block views but rather enhances direct views of the bay. To ensure the observation deck retains its proposed function for observation by visitors, staff has added a condition of approval which requires signage informing the public of this space as an observation deck with no purchase required (Planning condition 7).

**PUBLIC NOTICE:**

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on December 4, 2015, and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

**CONCLUSION:**

The proposed project of new floating dock, gangway and slips will fill a need for increased slip rentals in the Bay, provide a dedicated public slip for City use as well as increase coastal access. The project proposes to enhance the existing semi-enclosed lateral accessway increasing pedestrian amenities through widening the northerly entrance, adding skylights within the semi-enclosed area, and adding new Coastal Commission public access signs and removal of restaurant seating tables that currently encroach on the bayside lateral access consistent with past waterfront projects. In addition, the dining deck expansion will provide an additional benefit to an existing visitor-serving commercial use as well as provide a new 1744sf observation deck space previously occupied by the restaurant.

As conditioned, 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. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for Concept Plan approval of Conditional Use Permit #UP0-359.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 38-15

Exhibit B – California Coastal Commission letter dated February 2, 2015

Exhibit C - Mitigated Negative Declaration, (SCH #2014111065)

Exhibit D – Plans/ Reductions dated December 9, 2015

# EXHIBIT A

## RESOLUTION NO. PC 38-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR CONCEPT PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-359) FOR CONSTRUCTION OF NEW GANGWAY, DOCK, AND SEVEN (7) BOAT SLIPS (6 PRIVATE RENTALS AND 1 PUBLIC SLIP) AND 487SF DINING DECK EXPANSION AND ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH#2014111065) AT 725 EMBARCADERO, ROSE'S LANDING

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on December 15, 2015, for the purpose of considering Concept Plan approval of Conditional Use Permit #UP0-359; and

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

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

### **California Environmental Quality Act (CEQA)**

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-359 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, and Hydrology/Water Quality. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration (MND). Additional mitigation has been added as a result of review during the comment period by the California Coastal Commission and has been highlighted in red in the mitigation and monitoring plan. The revised plans did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.

### **Conditional Use Permit Findings**

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the construction of new gangway, dock, seven (7) boat slips, dining deck expansion and improved public lateral

# EXHIBIT A

access at 725 Embarcadero are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed floating dock and new slips will provide a water-oriented visitor-serving recreational opportunity as well as the dining deck expansion will provide additional benefit and improvement to a visitor-serving commercial use and is consistent with the character of the existing development.

## **Waterfront Master Plan Findings**

- A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:
  - a. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.
  - b. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the bayside lateral access is improved to allow for easier pedestrian access, enjoyment and better bay views.
  - c. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the availability of boat slips in the bay for recreational or commercial boat rental and also with the creation of an observation deck and deck expansion will maintain and enhance views of the bay.
  - d. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and enhanced pedestrian experience in that the project will provide improved lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront as well as create a second floor observation deck open to the public and the deck expansion design is consistent with the character of the existing development.
  - e. The project gives its occupants and the public some variety in materials and/or application in that the deck expansion and dock construction will be of wood or aluminum material.
  - f. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new docks and public lateral access will be accessible to the public and also in that the dining deck expansion provides articulation that is consistent with the character of the existing development.

# EXHIBIT A

- g. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the bayside lateral access is existing and will be enhanced by opening up the northerly entrance and adding skylight to make the lateral access more inviting to pedestrians. and new construction of floating dock and slips and dining deck expansion is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

## **Architectural Consideration**

- A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

**Section 2.** Action. The Planning Commission does hereby approve Conditional Use Permit #UP0-359 subject to the following conditions:

## **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated December 9, 2015, for the project at 725 Embarcadero depicted on plans dated December 9, 2015, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on Planning Commission approved plans submitted for UP0-359, 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 Resolution 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. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified 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 Community Development Manager. Any changes

# EXHIBIT A

to this approved permit determined, by the Director, not to be minor 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, the City, 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 MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
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. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use 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 or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

## **Building Conditions:**

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

## **Fire Conditions:**

1. Standpipe Plan Submittal. Marinas and boatyards shall be equipped throughout with standpipe systems in accordance with NFPA 303. Systems shall be located such that no point on the pier or float system exceeds 150 feet from the standpipe hose connection. (CFC 3604.2, 905, and MBMC 14.52.060).

# EXHIBIT A

- a. Applicant shall submit plans for a Class 1 Standpipe System, for protection of the floating dock system and boat slips, in accordance with MBMC 14.52.060 CFC 904 and NFPA 303, to Moro Bay Community Development Department for review.
2. Portable fire extinguishers. One portable fire extinguisher of ordinary (moderate) hazard type shall be provided at each required standpipe hose connection. Additional portable fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with CFC 906. (CFC 4504.4).
  - a. Applicant shall provide one (2A-10BC) fire extinguisher and cabinet on the floating dock and depicted on Sheet 1.
3. Construction and operations of marinas, boatyards, yacht clubs, boat condominiums, docking facilities, multiple-docking facilities and all associated piers, docks, and floats shall be in accordance with NFPA 303.
4. Installation and Acceptance Testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before required acceptance testing. (CFC 901.5).
5. Occupancy. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. (CFC 901.5.1).
6. Fire sprinklers. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards. (CFC 901.4).
  - a. Applicant shall submit sprinkler plans for upstairs dining room bar modifications and the new dining deck expansion, to Morro Bay Community Development Department for review.

## **Public Works Conditions:**

The following Public Works conditions shall be satisfied prior to Building Plan submittal:

1. If water service to the dock is planned, an appropriate backflow prevention device is required to be installed, routinely inspected and maintained per MBMC Chapter 13.08 Water Cross-Connections.
2. Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan per MBMC Chapter 14.48: The Plan shall show control measures to provide

# EXHIBIT A

protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

3. Encroachment Permits: A standard encroachment permit may be required if utility connections are required within the City Right of Way. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.

Add the following Items/Notes to the Plans:

4. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
5. Any damage to City facilities, i.e. curb/berm , street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

## **Harbor Department Conditions:**

1. Applicant shall request in writing to the City to adjust the lease lines as applicable at the appropriate time.

## **Planning Conditions:**

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.
2. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.
3. Bayside Lateral Public Accessway. The existing semi-enclosed public accessway along west side of building shall maintain a minimum 8 foot wide coastal access with open unobstructed access in order to maximize public use and enjoyment. Any uses that obstruct the accessway such as private uses or barriers such as furniture, planters, ropes, or restaurant seating and specifically table seating within the 8 foot coastal accessway shall be prohibited.
4. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).
5. Final precise plans shall be revised to include coastal public access signs on the northeast

# EXHIBIT A

and southeast face of the building on Embarcadero Road (street entrance). Signs announcing public coastal access shall be placed at both north and south entry points to the semi-enclosed public access way or as consistent with a Public Access Management Plan as approved by the California Coastal Commission.

6. Shading of eelgrass – No part of any floating dock, boat structure or other portion thereof shall be located vertically above any existing eelgrass bed as identified on the approved site plan. Nothing shall be allowed to dock, for any length of time, above any existing eelgrass bed. Translucent grating shall be used to the greatest extent feasible on the floating dock area over the unvegetated 5 meter eelgrass buffer.
7. Observation Deck. Signage shall be added to entrance of observation deck and at street level announcing public access and no purchase required. Form and design of signage shall be consistent with the approved public coastal access signs as approved by the California Coastal Commission. Precise plans submitted for approval to the City shall denote all signage locations.
8. The Mitigation and Monitoring Plan, attached to the staff report within Exhibit C and listed below shall be incorporated as conditions of approval:

## **Mitigation and Monitoring Plan**

### **BIOLOGICAL RESOURCES**

**Mitigation Measure BIO 1** An eelgrass restoration plan shall be prepared in accordance with the [Southern](#)-California Eelgrass Mitigation Policy and submitted for approval to the Planning and Building Manager. The eelgrass restoration plan shall be submitted for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later. In addition, a pre-and post-construction survey shall be completed to determine the final areas of impact and submitted to the Planning and Building Manager. The pre-construction survey shall be submitted for review prior to issuance of a building permit.

- **Monitoring Plan, BIO 1:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Public Service Department planning staff will responsible for reviewing the pre-construction survey prior to issuance of any building permits. The post-construction survey shall be submitted to the City Planning and Building Manager for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project

# EXHIBIT A

area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

**Mitigation Measure BIO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to lacing of these screens. All in-water, bottom-disturbing activities should occur within the pre-determined project footprint.

- **Monitoring Plan, BIO 2:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 3:** A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

- **Monitoring Plan, BIO 3:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Marine Wildlife Contingency Plan and documentation that it has been approved by the NMFS, USFWS, and CDFW shall be submitted along with the applications for construction permits. The biological monitor shall submit a weekly monitoring report to the City, including a summary of each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

# EXHIBIT A

**Mitigation Measure BIO 4** A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs):

1. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
  - a. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
  - b. Barrel Absorbent Pads
  - c. Container Absorbent Granules
2. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
3. The work area shall be contained within a boom to prevent debris from falling into the water.
4. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
5. An Absorption Tarp shall be placed underneath any portable equipment while in use.
6. No equipment shall be permitted to enter the water with any petroleum products.
7. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
8. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
9. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

➤ **Monitoring Plan, BIO 4:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Oil Spill Response and Recovery Plan shall be submitted along with the applications for building permits and reviewed by the Public Service Department planning staff and Fire Department for adequacy. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 5:** Prior to issuance of building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.

➤ **Monitoring Plan, BIO 5:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Public Service Department planning staff.

**Mitigation Measure BIO 6. Pre- and Post-construction surveys. A survey identifying areas of eelgrass within the lease areas shall be completed no earlier than 90 days and no later than 30 days prior to**

# EXHIBIT A

issuance of a building permit. The survey shall be submitted to the Community Development Manager for review as part of the final plans. If additional eelgrass is identified that would be directly shaded by the proposed project, then the report shall identify remedial measures to offset such reduction within the eelgrass beds at a ratio of 1.2:1 in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy. A post construction survey identifying areas of eelgrass shall be completed on an annual basis with the first report due within 90 days of completion of construction and subsequent reports due at one year increments after that. All annual reports shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. Annual reporting shall continue for at least three years or until all eelgrass beds to be protected are supporting eelgrass as documented in two consecutive annual reports, whichever is later. Any change in eelgrass extent shall be documented and reported to the Community Development Manager. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage as identified in the Applicant's Site Plan, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a 1.2:1 ratio in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy.

- **Monitoring Plan, BIO 6:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Community Development Manager.

**Mitigation Measure BIO 7** Prior to issuance of a building permit, a pile driving plan and hydroacoustical monitoring plan shall be submitted to the Community Development Manager to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).

- **Monitoring Plan, BIO 7:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Community Development Department shall verify for required compliance in the field.

## **CULTURAL RESOURCES**

**Mitigation Measure CULT 1:** If materials (including but not limited to bedrock mortars, historical trash deposits, and paleontological or geological resources) are encountered during excavation, work shall

# EXHIBIT A

cease until a qualified archaeologist makes determinations on possible significance, recommends appropriate measures to minimize impacts, and provides information on how to proceed in light of the discoveries. All specialist recommendations shall be communicated to the City of Morro Bay Public Services Department prior to resuming work to ensure the project continues within procedural parameters accepted by the City of Morro Bay and the State of California.

- **Monitoring Plan, CULT 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure, CULT 2:** The following actions must be taken immediately upon the discovery of human remains:

Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

- **Monitoring Plan, CULT 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

## **GREENHOUSE GAS EMISSIONS**

**Mitigation Measure GHG 1** Requirements to limit Greenhouse Gas emissions shall apply to this project which includes to the greatest extent feasible: 1) a minimum of six percent of construction vehicles and equipment shall be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor shall limit idling of construction equipment to three signs and post signs to the effect.

- **Monitoring Plan, GHG 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type of construction vehicles to be used shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

# EXHIBIT A

## HYDROLOGY AND WATER QUALITY

**Mitigation Measure HYDRO 1** Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

- **Monitoring Plan, HYDRO 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the catchment netting or fencing shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure HYDRO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

- **Monitoring Plan, HYDRO 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of December, 2015 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Robert Tefft, Chairperson

ATTEST

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Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15<sup>th</sup> day of December, 2015.

# EXHIBIT A

Planning Commission Resolution #38-15  
Concept Plan for UP0-359  
Page 13

# EXHIBIT B

## CALIFORNIA COASTAL COMMISSION

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



February 2, 2015

Cindy Jacinth  
Public Services Department  
955 Shasta Avenue  
Morro Bay, CA 93442

### Subject: Mitigated Negative Declaration for 725 Embarcadero Project

Dear Ms. Jacinth:

Thank you for the opportunity to review the above referenced Mitigated Negative Declaration (MND). The proposed project consists of the construction of a new gangway, dock, and seven boat slips. We have the following comments on the MND:

#### 1. Biological Resources:

Morro Bay includes eelgrass beds of State significance, with dense stands located in the lower intertidal areas and shallow channels within the Bay. Eelgrass provides a complex and highly productive ecosystem, serving as a spawning and nursery ground for many species of fish (e.g., halibut, English sole, topsmelt, shiner perch, speckled sanddab, plainfin midshipmen, arrow and bay goby), and larger invertebrates (e.g., bay shrimp, spiny cockle, nudibranchs, cancer crabs, yellowshore crab). Eelgrass beds can be adversely impacted by shading from sunlight, siltation and direct disturbance. Within Morro Bay, eelgrass beds, have demonstrated a serious decline in recent years, showing a reduction from 344 acres in 2007 to less than 20 acres in 2013. Given the special biological significance of eelgrass beds, projects need to avoid impacts to this resource.

The MND identifies the presence of eelgrass within the footprint of the proposed dock. Due to the decline in eelgrass within Morro Bay, it is essential that all new docks developed within Morro Bay avoid direct shading of eelgrass beds and the placement of pilings within eelgrass beds. It does not appear from the MND that the project as currently designed will avoid direct shading impacts or piling placement impacts. These direct shading and piling impacts, which could lead to the decline in the health and productivity of this important biological resource, must be avoided.

It should also be noted that, due to the severe decline in eelgrass within Morro Bay, the adoption of new eelgrass protection and mitigation strategies and policies are currently being identified to provide sufficient protection for this important biological resource. Therefore, further mitigation or avoidance measures may be required for the development of the proposed project.

In addition, underwater acoustic impacts associated with pile driving have the potential to

# EXHIBIT B

Cindy Jacinth  
MND Comments for 725 Embarcadero  
February 2, 2015  
Page 2

disturb marine mammals and to adversely alter the behavior of fish in the immediate vicinity of the project site, or cause them to avoid the construction area temporarily. High pressure level impacts resulting from loud noise can, in some instances, kill fish and marine mammals. The appropriate threshold for minimizing impacts is to limit underwater noise levels to no more than 187 decibels sound exposure level (dB SEL) accumulated and 208 peak dB. These thresholds were determined by the interagency "Fisheries Hydroacoustic Working Group" (made up of representatives from Caltrans, the Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries and the California Department of Fish and Wildlife) and have generally been used as appropriate acoustical standards in the marine environment absent additional site specific and/or new research data on the subject. Thus, in order to appropriately minimize adverse acoustical impacts to wildlife, the proposed project must limit underwater noise generated by pile driving activities to the maximum extent feasible, and ensure that such noise not exceed an accumulated 187 dB SEL as measured five meters from the source, and at no time exceed a peak above 208 dB at ten meters from the source.

The preferred alternative for pile driving is by vibratory hammer. This method presents less risk of having acoustic-related impacts on wildlife than impact hammers and also results in less sediment disturbance. Thus, a vibratory hammer should be employed by the proposed project if feasible. However, if it is not feasible to use a vibratory hammer, a bubble curtain should be employed to ameliorate the acoustical effects of an impact hammer.

Irrespective of the method used, if construction noise exceeds the above thresholds, then alternative methods of pile driving (including, but not limited to, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and other noise attenuation devices) should be used as necessary to achieve the required dB threshold levels. A pile driving plan and hydro-acoustical monitoring plan should be developed and adhered to, to ensure that underwater noise generated by pile driving activities is minimized and does not exceed the specified limits.

## **2. Public Access:**

Projects that extend over public tidelands are only allowed where they provide for maximum public access and recreational opportunities. In this case, the new pilings are proposed to support a new pier that would provide for boating recreational activities. To maximize public access in this important visitor-serving recreation area located over public tidelands, the Commission has typically required general public access to such docks during daylight hours, i.e. from one hour before sunrise to one hour after sunset. The proposed project should include such access.

## EXHIBIT B

Cindy Jacinth  
MND Comments for 725 Embarcadero  
February 2, 2015  
Page 3

If you have any questions regarding these comments or wish to discuss the project further, please contact me at (831) 427-4863.

Sincerely,

A handwritten signature in cursive script that reads "Justin Buhr".

Justin Buhr  
Coastal Planner  
Central Coast District Office

# EXHIBIT C

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

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## DRAFT MITIGATED NEGATIVE DECLARATION

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

December 2014

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.: UP0-359

PROJECT TITLE: 725 Embarcadero Road, Rose's Landing Docks

APPLICANT / PROJECT SPONSOR:

Owner:

Applicant/Agent:

Doug Redican, 725 Embarcadero, LLC  
1427 Doral Ct.  
San Luis Obispo, CA 93401  
T 805.704.7771

Kim Prater, Steve Puglisi Architects  
583 Dana Street  
San Luis Obispo, CA 93401  
T 805.595.1962

**PROJECT DESCRIPTION:** The project located at the western extent of 725 Embarcadero (Rose's Landing) consists of expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet, and construction of a new gangway, dock, and seven (7) boat slips. With the exception of slip number one (1), which will be controlled by the Morro Bay Harbor Department, the remaining six (6) slips will be for non-commercial purposes and available as month-to-month rentals. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay,

# EXHIBIT C

725 Embarcadero Road  
CASE NO.UPO-359  
DATE: December 2014

and tugged into position for pile installation. No land-based activities are associated with this project.

**PROJECT LOCATION:** The project site is located in the near marine environment at west of 725 Embarcadero Road, in Water Lease Site 82-85W, between Front and Pacific Streets within the City of Morro Bay. The ground portion of the site is within the Waterfront/Planned Development Overlay/Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H). The project is located in the Coastal Commission's Original Jurisdiction, therefore while the project is in the City's permitting jurisdiction for the required Use Permit, the Coastal Commission will take action on the Coastal Development Permit.

## 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 are required to assure that there will not be a significant effect in the environment; these are described in the attached Initial Study and Checklist and have been added to the permit conditions of approval.

# EXHIBIT C



**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:** Rose's Landing Dock and Gangway

**Project Location:** 725 Embarcadero Road (APN 066-352-047; Lease Site 82-85)  
& Water Lease Site 82-85W

**Case Number:** Use Permit #UP0-359

**Lead Agency:** City of Morro Bay Phone: (805) 772-6577  
955 Shasta Ave. Fax: (805) 772-6268  
Morro Bay, CA 93442  
Contact: Cindy Jacinth

**Project Applicant:** Doug Redican, 775 Embarcadero, LLC Phone: (805) 704-7771  
1427 Doral Ct. Fax: \_\_\_\_\_  
San Luis Obispo, CA 93401

**Project Agent:** Kimberly Prater, Puglisi Architects Phone: (805) 595-1962  
583 Dana Street Fax: \_\_\_\_\_  
San Luis Obispo, CA 93401

**Project Land Owner:** City of Morro Bay Phone: (805) 772-6200  
595 Harbor Street Fax: \_\_\_\_\_  
Morro Bay, CA 93443

**General Plan Designation:** Mixed Uses Harbor

**Zoning Designation:** Waterfront Planned Development Overlay (WF-PD) and Harbor (H)

**Project Description:** The project located at the western extent of 725 Embarcadero (Rose's Landing) consists of expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet, and construction of a new gangway, dock, and seven (7) boat slips. With the exception of slip number one (1), which will be controlled by the Morro Bay Harbor Department, the remaining six (6) slips will be for non-commercial purposes and available as month-to-month rentals. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. No land-based activities are associated with this project.

**Project Location and Environmental Setting:** The project site is located in the near marine environment at west of 725 Embarcadero Road, in Water Lease Site 82-85W, between Front and Pacific Streets within the City of Morro Bay. The ground portion of the site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H). The project is located in the Coastal Commission's Original Jurisdiction,

# EXHIBIT C

therefore while the project is in the City’s permitting jurisdiction for the required Use Permit, the Coastal Commission will take action on the Coastal Development Permit.

<b>Surrounding Land Use</b>			
North:	The ground portion of the site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H) ; developed with commercial and harbor uses.	East:	Visitor Serving Commercial, Planned Development Overlay Design Criteria zone (C-VS/PD/S.4); developed with commercial uses.
South:	The ground portion of the site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H).	West:	Harbor (H) and Open Area 1(OA-1).

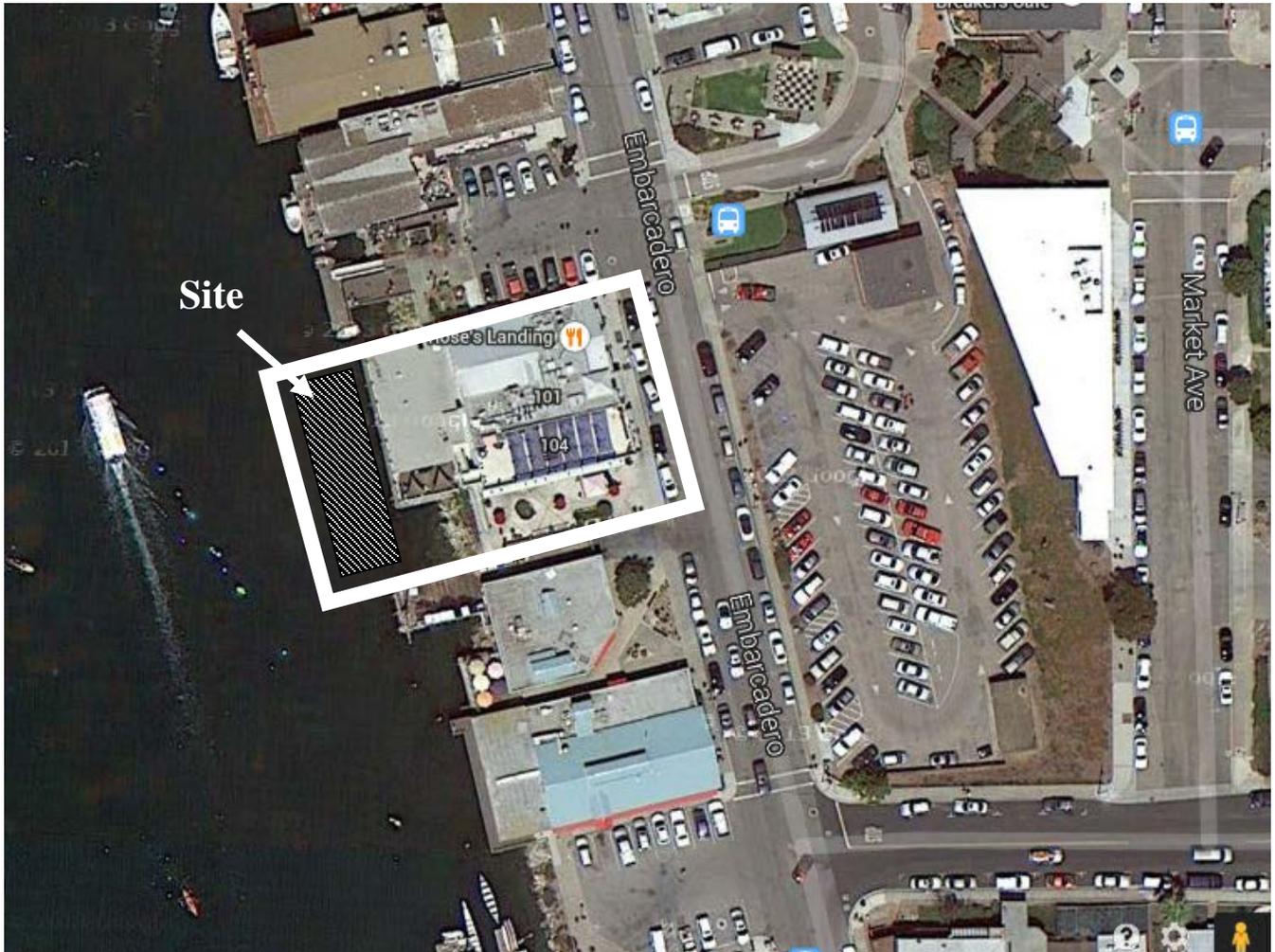
**Project Entitlements Requested:** The City of Morro Bay will take action on the request for a Conditional Use Permit (CUP). Because the site is within the Coastal Commission Original Jurisdiction, the Coastal Commission will take action on the Coastal Development Permit (CDP).

**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**  
 The City of Morro Bay is the lead agency for the proposed project. Responsible and trustee agencies may include, but are not limited to:

- Army Corps of Engineers
- Central Coast Regional Water Quality Control Board (RWQCB)
- San Luis Obispo Air Pollution Control District (SLOAPCD)

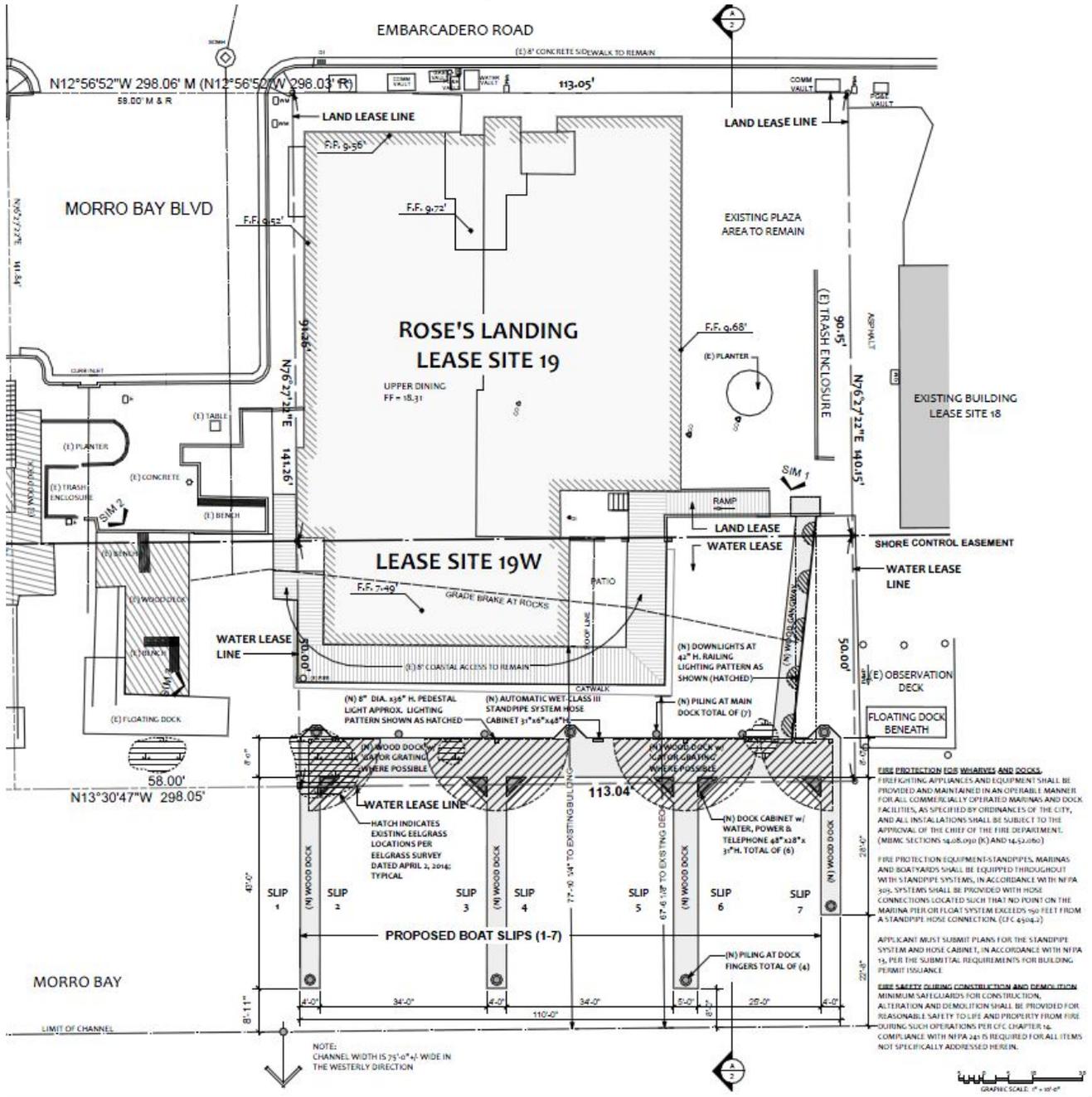
# EXHIBIT C

## VICINITY MAP



# EXHIBIT C

## SITE PLAN



# EXHIBIT C

## VISUAL SIMULATION PLAN



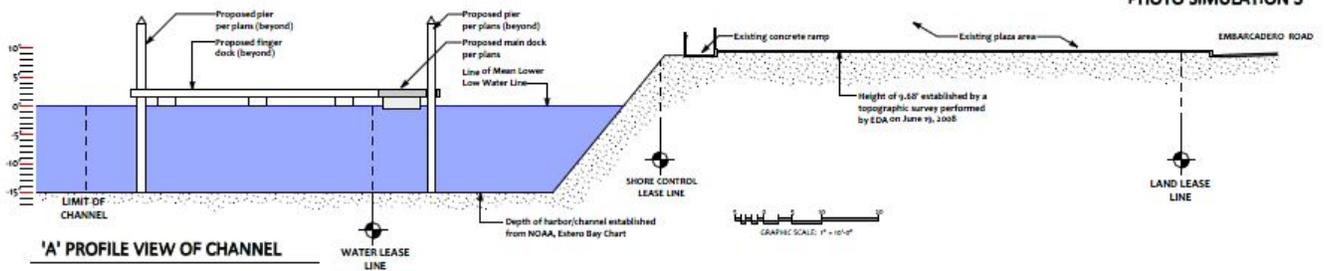
PHOTO SIMULATION 2



PHOTO SIMULATION 1



PHOTO SIMULATION 3



# EXHIBIT C

## 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" as indicated by the Environmental Checklist on the following pages.

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

### FISH AND GAME FEES

	The Department of Fish and Wildlife has reviewed the CEQA document and written no effect determination request and has determined that the project will not have a potential effect on fish, wildlife, or habitat (see attached determination).
X	The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code. This initial study has been circulated to the California Department of Fish and Wildlife for review and comment.

### STATE CLEARINGHOUSE

X	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g. Cal Trans, California Department of Fish and Wildlife, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).
---	--

# EXHIBIT C

## III. DETERMINATION (To be completed by the Lead Agency):

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.	X
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(s) or “potentially significant unless mitigated” impact(s) 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 effects 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 (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cindy Jacinth, Associate Planner

\_\_\_\_\_  
For: Rob Livick, Public Services Director



**Previous Document:**           N/A

# EXHIBIT C

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 19, "Earlier Analysis," as described in (5) below, may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c) (3) (D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance

# EXHIBIT C

725 Embarcadero  
CASE NO. UP0-359  
DATE: December, 2014

## IV. 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 Setting:

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 Morro Rock, sand spit, harbor and navigable waterways are all considered significant scenic resources. To the west of the project site is Highway 1 which is identified as a “scenic highway”. This site and the neighboring properties are all developed with restaurant and retail structures, docks and viewing areas.

### Impact Discussion:

a. The proposed docks and gangway are located to the west of the existing structures and public plaza, extending into and over the harbor. Similar to numerous similar structures in the vicinity, the proposed improvements can be considered as part of the vista in the working harbor. The public viewing space immediately adjacent to the site would remain and the scenic views to and from the site would not be substantially changed.

b. The project is within the Morro Bay harbor, which is not within the view shed of any state scenic highway.

c. Potential impacts to scenic vistas and the visual character and quality of the area would be less than significant. See impact discussion a, above.

d. The project is located in an already urbanized area with light sources from neighboring commercial uses, and light from vehicular circulation along neighboring streets. The proposed project includes 5 down-lights affixed to the 42-inch high railings along the gangway, and four free-standing 36-inch high bollard lights along the dock fingers to illuminate the passenger loading areas, as required by Municipal Code Section 14.52.060. The proposed light standards, as shown on page 2 of the project plans, are designed specifically for marina environments and are similar to those on existing docks in the vicinity, and will not create a substantial new source of light or glare or affect nighttime views in the area. The project will be required to conform with property development standards for lighting installations and operational standards, which prohibit light from being directed or allowed to spill off-site.

**Conclusion:** *Less than significant impact to aesthetic resources.*

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

2. AGRICULTURAL RESOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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.</p> <p>Would the project:</p>				
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 Setting:**

The existing commercial uses on the site are consistent with the zoning designation of WF/PD/S.4 and H (Waterfront Planned Development and Harbor). The property and surrounding areas are not zoned for agricultural uses. The site has not historically been used for farming nor has it been designated as prime farmland. The site is identified as urban and built up development on the San Luis Obispo County Conservation and Open Space Element (2010)..

**Impact Discussion:**

a-e. The site and surrounding land uses are not zoned for or suitable for agricultural uses. Also, the site does not contain agricultural soils of any importance. Therefore the project will not impact farmland and have no impacts on agricultural resources.

**Conclusion:** *No impacts to agricultural resources have been identified.*

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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: 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, Morro Bay is considered a non-attainment area for particulate matter less than 10 microns in diameter (PM10) and ozone (O<sub>3</sub>). 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” (2012), 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 proposed project area is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Serpentine is a very common rock and has been identified by the ARB as having the potential to contain naturally occurring asbestos. Projects that would potentially disturb serpentine rocks are subject to the ARB Asbestos Airborne Toxics Control Measure (ATCM) for construction, Grading, Quarrying, and Surface Mining Operations.

Impact Discussion:

Operational Screening Criteria for Project Impacts:

a-c. The project includes construction of a gangway, dock, and seven (7) new boat slips, six (6) recreational and one (1) reserved for the Morro Bay Harbor Department. Only a minimal number of new vehicle trips associated with use

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

of the boat slips will be generated, and no production of odors is expected. The CEQA Air Quality Handbook, Table 1-1, provides both thresholds of significance for the APCD Annual Bright Line threshold (MT CO<sub>2</sub>e) and reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) for a variety of project types. Because nothing similar to boat docks is listed, the project was referred to APCD planning staff. In absence of any demolition activities or discharge of air contaminants which would be considered a nuisance, it was determined that the project emission and health risk is estimated to be is well below their CEQA.

**Construction Screening Criteria for Project Impacts:**

a-c) Temporary impacts from the project, including but not limited to excavation and construction activities, vehicle emissions from heavy duty equipment and naturally occurring asbestos, has the potential to create dust and emissions that exceed air quality standards for temporary and intermediate periods. Truck and equipment traffic would utilize major roadways and the number of daily vehicle trips that would be generated during construction would not add substantially to local traffic volumes.

d) Sensitive receptors within 1,000 feet of the project site include the public plaza immediately adjacent to the proposed docks. The types of construction projects that typically require a more comprehensive evaluation include large-scale, long-term projects within 1,000 feet of a sensitive receptor location. A small dock and gangway falls below the threshold required for mitigation and is considered less than significant.

e) No objectionable odors would be produced from the project during or following construction.

**Conclusion:** *Less than significant impacts on air quality resources. The project is subject to standard construction practices, including dust control measures required by the Municipal Code and review by the APCD to address short-term air quality impacts related to construction. All permit conditions are required as notes on the plans and Public Services Department staff will monitor compliance in the normal course of reviewing 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	

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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 project area is the marine portion of the site, northwest of, and adjacent to the Embarcadero Waterfront in the City of Morro Bay, east of Morro Rock. The proposed project includes extending the Water Lease Area an additional 43.71-feet into channel. The total lease area over the water would increase from approximately 50 feet to 93.71-feet. At this new, expanded reach the lease area would remain approximately 8-foot 11-inches from the channel at its closet point. The following description of the marine resources is based on a review of literature, previous evaluations of similar projects in the vicinity, and data collected during a reconnaissance-level biological field survey.

Morro Bay is located within the central portion of Estero Bay in San Luis Obispo County. Morro Bay is a north-south oriented, semi-enclosed, shallow, estuarine lagoon, that is approximately 4.0 miles long and 0.75 miles wide; the open water area totals approximately 2,300 acres (Morro Bay National Estuary Program 2000). Morro Bay is an area where closely inter-related habitats are linked by physical and biological processes that supports several special status terrestrial and marine plant and animal species, as well as several sensitive habitats.

Morro Bay Estuary is designated as a National and State Estuary. It is the largest semi-enclosed bay on California’s central coast and supports a diverse estuarine system (US Army Corps of Engineers, 2003). The Morro Bay National Estuary has been divided into sub-habitats, the project site is located in two primary marine habitats: subtidal and eelgrass (US Army Corps of Engineers, 2003). These habitats serve varying functions and support a variety of migratory and resident fish and wildlife species.

Available data sources have reported over 250 invertebrate species and 80 fish species within Morro Bay (Chambers Group, Inc., 201). Invertebrates recorded in the Morro Bay Estuary include oligochaete and polychaete worms, mollusks, crustaceans, and echinoderms. Nineteen species of clams have been recorded in Morro Bay, with the most common bivalves including the gaper clam (*Tresus nuttallii*), deoduck (*Panope generosa*), and Washington clam (*Saxidomus nuttalli*). Fish species reported from samples taken within Morro Bay include the English sole (*Parophrys vetulus*), speckled sanddab (*Citharichthys stigmaeus*), and staghorn sculpin (*Leptocottus armatus*). Two special status fish species that are known to occur within Morro Bay include the tidewater goby and south-central California coast steelhead DPS.

Morro Bay is also a major wintering ground for migratory waterfowl and shorebirds, with over seventy-five species, including three special status species: black brant (*Branta bernicla*), brown pelican, and western snowy plover (Chambers Group, Inc., 2001). Marine mammals that have been reported in Morro Bay include the California sea lion (*Zalophus californicus*), harbor seal (*Phoca vitulina*), and southern sea otter (*Enhydra lutris*). California sea lions are common in the coastal waters of California and are frequently sighted in and around Morro Bay (Morro Bay National Estuary Program, 2000).

*Eelgrass bed*

Eelgrass (*Zostera marina*), is a flowering plant that forms beds at low intertidal and shallow-subtidal depths; eelgrass within the Morro Bay estuary can be found between zero and -3.3 feet (MLLW) tide levels (US Army Corps of Engineers, 2003). Eelgrass beds are considered to be an important habitat in the estuary (Morro Bay National Estuary Program, 2000), and Morro Bay has the largest remaining eelgrass meadow between the San Francisco Bay and Los Angeles. Because of the regional importance of the eelgrass meadows and the role that eelgrass plays in supporting life in the bay, The Morro Bay National Estuary Program has monitored eelgrass in the bay for over a decade. A recent peak in 2007 at 344 acres was followed by a steady decline. Although eelgrass

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

naturally oscillates over time, the recent decline to less than 20 acres in 2013 has already resulted in notable declines in reliant animal species (Morro Bay National Estuary Program, 2014).

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, including topsmelt, Pacific staghorn sculpin, shiner surfperch, arrow goby (*Clevelandia ios*), and the NMFS included unidentified young-of-year rockfish (*Sebastes* spp.) and cabezon (*Scorpaenichthys marmoratus*) (Morro Bay National Estuary Program, 2000).

A reconnaissance-level eelgrass survey was conducted by Tenera Environmental on April 2, 2014. The preliminary results of that survey confirmed the presence of eelgrass within the footprint of the proposed dock. The survey found five eelgrass patches in the immediate vicinity, the largest patch being 2.5 m<sup>2</sup> (27 ft<sup>2</sup>). Together with two earlier reconnaissance-level eelgrass surveys, conducted in 2008 and 2011, the collective observations indicate the project area supports eelgrass with abundance levels and distribution that can change over time and space, and that the open areas between the eelgrass are areas that could potentially support eelgrass.

### *Waters of the United States*

Waters of the United States occur on-site in the form of open water habitat (i.e. Morro Bay) and are partially defined in the CFR as: “All waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide” (33 CFR 328.3(a)). Waters of the United States are subject to Section 404 of the federal Clean Water Act (CWA), as administered by the USEPA and USACE. Furthermore, waters of the United States are also subject to Section 10 of the federal Rivers and Harbors Act of 1899 where building of any obstruction in a navigable waterway is proposed. The USACE is responsible to approve the use of Department of the Army permits for the discharge of dredged or fill material into all waters of the United States and construction within navigable waters of the United States. Furthermore, the Regional Water Quality Control Board (RWQCB) is responsible for the issuance of water quality certifications for impacts to waters of the United States pursuant to Section 401 of the CWA.

### Impact Discussion:

a. *Eelgrass.* Eelgrass, a special status plant species, occurs within the area that is proposed to be disturbed during construction of the gangway and docks. Based on the preliminary eelgrass survey, approximately 33.06 m<sup>2</sup> (355.85 ft<sup>2</sup>) of eelgrass would be impacted, as would the approximately 715.35 m<sup>2</sup> (7,700 ft<sup>2</sup>) project area, all of which is considered sedimentary habitat with water depths that could support eelgrass. Due to the special status of eelgrass and consistent with existing protocols, this is considered a potentially significant impact to existing eelgrass bed habitat and the essential habitat for some managed fish species.

*Sediment Re-suspension.* Sediment re-suspension during in-water construction activities could result in an increase in water column turbidity and an associated decrease in dissolved oxygen concentration from re-suspended sediments. Disturbed water column conditions may contribute to: a decrease in light penetration and cause a general decline in aquatic primary productivity; clogging the respiratory and feeding apparatuses of fish and filter-feeding invertebrates; altering fish distribution and behavior; and/or avoid the turbid water areas, reducing foraging opportunities of special status bird species. Although some fish may avoid the immediate area due to an increase in suspended sediments, other fish and bird species could be attracted to the area to feed on floating organisms that are removed during these operations.

Eelgrass, a plant species of concern is present within the area proposed for the dock construction. The settling of re-suspended sediment onto eelgrass could result in a potentially significant impact to the overall population within Morro Bay. Populations of the south-central California coast steelhead DPS are known to occur in Chorro Creek and Los Osos Creek and their larger tributaries. The migration route for steelhead into spawning and nursery habitats within these creeks includes the area west of the main channel. The proposed dock is unlikely to result in the direct take of steelhead, due to the species being highly mobile. However, if not controlled, increased turbidity has the potential to affect migratory behavior in the adjacent waters. Due to the availability of nearby suitable habitat, harbor seals, sea lions, birds (including special status bird species), and other mobile species are expected to avoid the immediate area during construction activities; however, some animals may be attracted to the disturbed area in search of food items that are introduced into the water column during construction activities.

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

With implementation of Mitigation Measures BIO 1 and 2, the introduction of additional suspended sediments and the associated increase in turbidity are not expected to result in significant impacts to marine mammal, bird, or fish species.

*Marina Wildlife and Construction Noise.* Driving sheet and guide piles would generate noise that could impact marine wildlife. In-water noise studies by Vagle (2003) suggest that the size and operating energy level of the impact or vibratory hammer, the size and length of the piles, soil conditions, water depth, and water characteristics (salinity and temperature) will all affect the sound levels produced during pile driving. Typical noise effects on marine mammals include: physical (damage of body tissues or organs); perceptual (masking of other important noises); behavioral (interruption or modification of movements or habits); chronic stress (decreased ability of individual sensitization to noise); and indirect (reduction in availability of prey, displacement). Hastings and Popper (2005) present a similar summary on the effects of human-generated noise on fish. This study suggests that while the effects of blasting have been relatively well-documented to cause physical damage to the internal and external organs of fish, the effects of noise generated by pile driving on fish are not as well-known or documented. The proposed pilings would be installed using a vibratory hammer, followed if needed by a dynamic hammer to obtain specific load requirements. Typically for guide piles in Morro Bay this has not been necessary. The vibratory hammer would be a HPSI 150, which is one of the smallest vibratory installation tools available, and has been used in the nearby marine environment on similar projects without any noticeable effects on marine mammals. Installation using a vibratory hammer employs an oscillator, with strikes taking approximately 5 minutes per pile. Because of the other construction activities occurring simultaneously, such as bolting together of the docks, driving of the 11 piles would occur over approximately 4 days. With the implementation of Mitigation Measure BIO 3, which requires development of a Marine Wildlife Contingency Plan including specific construction techniques and wildlife monitoring and reporting requirements, the mobility of fish and the relatively low in-water noise levels expected from the proposed vibratory tools would result in this impact being less than significant.

*Marine Biota and Hazardous Materials.* Hazardous materials could be released as a result of project activities. The potential exists for leakage/spills from in-water and onshore construction equipment or from improper fueling or hazardous materials storage practices. A petroleum spill could result in potentially significant impacts to water quality and to the marine biota within the project site and region. . Because this project does not include any land-based activities, there are no rainwater pollution impacts from disturbed soils or stockpiles. With the implantation of Best Management Practices (BMPs) and a project-specific Oil Spill Response and Recovery Plan as recommended in Mitigation Measure BIO 4, the potential for these impacts would be less than significant.

*Marine Habitats and Biological Resources.* Potential impacts to marine habitats and biological resources could result from in-water construction activities. The intertidal habitat along the east shoreline of Morro Bay is mostly covered with existing rip-rap and, as the rocks are covered with sediment, this solid substrate provides little attachment habitat as is of limited value to intertidal biota.

The subtidal habitat consists of natural sedimentary bay-bottom areas. Installation of the 11 proposed 16-inch diameter 0.375 wall steel pipe pier pilings would result in a nominal reduction in benthic surface area. Infauna and epibiota at the base of the proposed pilings would be displaced. However, the loss of the deeper-water sedimentary habitat and associated benthic organisms is not considered significant due to the abundance of similar bay-bottom habitat and associated biota throughout Morro Bay, except for eelgrass which was previously addressed. Re-colonization of the newly-exposed sediments is expected to occur from surrounding populations. Docks and gangways will utilize “gator grating” or a similar material which allows 50% light penetration, which is suitable for re-colonization of impacted species. Furthermore, an increased number of solid structures in the form of pilings and floating docks would provide increased habitat for epibiota and is considered a beneficial effect of the proposed project.

- b. Potential impacts to eelgrass could result from in-water construction activities. See impact discussion in a, above.
- c. Potential impacts to waters of the U.S. could likely occur during construction of the dock and pilings in Morro Bay. See impact discussion in a, above. No preliminary jurisdictional delineation of wetland and non-wetland

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

waters of the United States has been prepared. However, the applicant will be required to obtain a permit from the U.S. Army Corps of Engineers prior to construction of dock and piling work.

d-e. No impacts were identified.

f. The proposed project would not conflict with local, regional or state plans. No known habitat conservation plans exist that would be impacted by the project. The project, through the implementation of the recommended mitigation measures, would either avoid impacts to sensitive species and habitats completely, or reduce all identified impacts to levels that would be less than significant.

**Conclusion:** *There are potentially significant impacts to Biological Resources unless mitigation is incorporated.*

## **Mitigation Measures:**

**BIO 1** An eelgrass restoration plan shall be prepared in accordance with Southern California Eelgrass Mitigation Policy and submitted for approval to the Planning and Building Manager. The eelgrass restoration plan shall be submitted for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later. In addition, a pre-and post-construction survey shall be completed to determine the final areas of impact and submitted to the Planning and Building Manager. The pre-construction survey shall be submitted for review prior to issuance of a building permit.

**BIO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to lacing of these screens. All in-water, bottom-disturbing activities should occur within the pre-determined project footprint.

**BIO 3** A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

**BIO 4** A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs):

1. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

- a. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
- b. Barrel Absorbent Pads
- c. Container Absorbent Granules
2. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
3. The work area shall be contained within a boom to prevent debris from falling into the water.
4. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
5. An Absorption Tarp shall be placed underneath any portable equipment while in use.
6. No equipment shall be permitted to enter the water with any petroleum products.
7. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
8. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
9. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

**BIO 5** Prior to issuance of building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.

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 incorporated 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 sites within the city and it is not unusual that mitigation measures are required. However, unlike other known resource sites, the proposed project is located on an area characterized by fill materials and areas submerged in the bay. The Embarcadero and the portions of the bay immediately adjacent were created in the 1940s, when the U.S. Navy oversaw the dredging of the navigational channel and deposited spoils behind the inner harbor bulkhead; creating the fill areas we see today. It is highly unlikely that any cultural resources would be discovered in the fill that was placed on the site or in the shifting sand on the ocean floor.

Impact Discussion:

a-d. The property does not contain any known historic or prehistoric archaeological resources identified on city maintained resource maps, and no known archaeological resources exist within the project site. Though the site is not within an archaeologically sensitive area and additional study to determine the presence of archaeological historical resources is not required, there is the limited potential that materials (including but not limited to bedrock mortars, historical trash deposits, human burials or unique paleontological or geologic resources) could be

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

encountered given the proximity to the riparian corridor. Mitigation measures are recommended to ensure proper treatment of any cultural resources, should they be discovered during construction activities.

**Conclusion:** *There are potentially significant impacts to Cultural Resources unless mitigation is incorporated.*

**Mitigation Measures:**

**CULT-1:** If materials (including but not limited to bedrock mortars, historical trash deposits, and paleontological or geological resources) are encountered during excavation, work shall cease until a qualified archaeologist makes determinations on possible significance, recommends appropriate measures to minimize impacts, and provides information on how to proceed in light of the discoveries. All specialist recommendations shall be communicated to the City of Morro Bay Public Services Department prior to resuming work to ensure the project continues within procedural parameters accepted by the City of Morro Bay and the State of California.

**CULT-2:** The following actions must be taken immediately upon the discovery of human remains: Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant’s recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

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:			X	
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

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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: San Luis Obispo County, including the City of Morro Bay is located within the Coast Range Geomorphic Province, which extends along the coastline from central California to Oregon. This region is characterized by extensive folding, faulting, and fracturing of variable intensity. In general, the folds and faults of this province comprise the pronounced northwest trending ridge-valley system of the central and northern coast of California. Although the area is seismically active, there are no known active faults within or adjacent to the City of Morro Bay. Morro Bay has suffered from tsunami damage several times in the past century, triggered by earthquakes or undersea landslides.

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. Areas immediately surrounding the site are developed with similar boat dock facilities. The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed site is under laid by the coarse-grained, saturated soils that lose structure do to ground shaking; resulting is a high liquefaction potential.

Impact Discussion:

a i-iv. The project consists of a new gangway and recreational dock, similar to existing uses on adjacent sites. Under the Alquist-Priolo Special Studies Zone Act, the State Geologist is required to delineate appropriately wide special studies zones to encompass all potentially and recently-active fault traces deemed sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep. In San Luis Obispo County, the special Studies Zone includes the San Andreas and Los Osos faults. To minimize this potential impact, the California Building Code and City Codes require new structures be built to resist such shaking or to remain standing in an earthquake, ensuring that the new construction will not expose a substantial amount of new structures or people to the risk of ground shaking, liquefaction potential or landslide.

b. This project is limited to construction of a gangway and dock, which will be affixed to dry land at the southern extent of an existing developed plaza. Additional ground disturbance will be limited to construction of pilings in the water lease area. Neither of these activities has the potential to cause a significant loss of topsoil.

c-d. The project is located on an urban site that is surrounded by similar development. Construction will be required to comply with all City Codes, including Building Codes, which require proper documentation of soil characteristics for designing structurally sound facilities to ensure new structures are built to resist such shaking or to remain standing in an earthquake. The Building Division of the Public Services Department routinely reviews project plans for compliance with recommendations of the soils engineering reports.

e. No wastewater disposal facilities are proposed with this project.

**Conclusion:** *Impacts related to Geology and Soils will have less than significant impact.*

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	

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

b. Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?		x		
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**Environmental Setting:** In January of 2014 the City of Morro Bay adopted Climate Action Plan, which provides a qualitative threshold consistent with AB 32 Scoping Plan measures and goals. As identified in the APCD’s CEQA Handbook (April 2012), if a project is consistent with an adopted Qualified GHG Reduction Strategy (i.e. a CAP) that addresses the project’s GHG emissions, it can be presumed that the project will not have significant GHG emission impacts and the project would be considered less than significant. This approach is consistent with CEQA Guidelines Sections 15064(h) 11 and 15183.5(b). The City’s CAP was developed to be consistent with State CEQA Guidelines Section 15183.5 and APCD’s CEQA Handbook to mitigate emissions and climate change impacts, and serves as a Qualified GHG Reduction Strategy for the City of Morro Bay. Appendix C of the CAP contains a CAP Compliance Worksheet, which has been used to demonstrate project-level compliance.

**Impact Discussion:**

a - b. In the short-term, the proposed project could result in minor increases in emission of greenhouse gases during the construction process. Such an increase would not individually contribute to global climate change; however, it would contribute incrementally to the cumulative or global emission of GHGs. Standard City Construction Regulations will apply to this project, which include requirements that 1) a minimum six percent of construction vehicles and equipment be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor will limit idling of construction equipment to three minutes and post signs to that effect. These are measures O-1 from the City’s adopted Climate Action Plan.

The proposed project is consistent with the land use diagram and policy provisions of the City’s General Plan, and will result coastal-dependent recreational facilities located in close proximity to transit, services and employment centers. City policies recognize that infill development allows for more efficient use of existing infrastructure and Citywide efforts to reduce greenhouse gas emissions.

**Conclusion:** *There are potentially significant impacts to Greenhouse Gas Emissions unless mitigation is incorporated.*

**Mitigation Measures:**

**GHG 1** Requirements to limit Greenhouse Gas emissions shall apply to this project which include to the greatest extent feasible: 1) a minimum of six percent of construction vehicles and equipment shall be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor shall limit idling of construction equipment to three signs and post signs to the effect.

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

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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 residents of Morro Bay are subject to a variety of natural and human-caused hazards. Natural hazards are processes such as earthquakes, landslides, and flooding, and have been occurring for thousands, even millions of years. These natural processes have played an essential role in shaping the topography and landscape of Morro Bay, and become “hazards” when they disrupt or otherwise affect the lives and property of people. Human caused hazards often occur as a result of modern activities and technologies. These potential hazards can include the use of hazardous materials which may be released into the environment due to accident during both the construction or operation phase.

Impact Discussion:

a-b. The proposed project includes a new gangway, dock, and recreational boat slips, and associated site improvements, and will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or 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. Hazardous materials from petroleum-fueled construction equipment used to complete the proposed activities or utilized by boats occupying the proposed slips could be released as a result of project activities. Please see the impact discussion in Biological Resources 4 (a) and recommended Mitigation Measure BIO 4, and impact discussion in Section 9: Hydrology and recommended Mitigation Measure 1, below.

c. There are no existing or proposed schools within one-quarter mile of the site.

d. The project site is not located in the vicinity of any known hazardous material sites and is not listed as having been a hazardous site.

e-f. The project is not located in the vicinity of an airport.

g-h. The project does not involve any interference with emergency response plans, creation of any potential public health or safety hazard, or exposure 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. No hazardous materials or other such hazardous conditions exist on-site nor are any proposed.

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

**Conclusion:** *With the implementation of Mitigation Measures BIO 4 HYDRO 1, impacts related to Hazards and Hazardous Materials will have less than significant impact.*

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 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

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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, e, f. In-water activities including construction of the 11 pilings could result in construction debris accumulation and an increase in water 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. Turbidity generated from project activities will likely contribute a relatively minor increase to the naturally turbid waters, however the material being re-suspended may have a higher chemical or biological oxygen demand and therefore result in a short-term, potentially significant decrease in dissolved oxygen levels. These effects are, however, expected to be localized around the project activities. Also see the impact discussion in Section 4: Biological Resources, above. Mitigation Measures HYDRO 1 and 2 have been recommended to reduce the potential of turbidity-associated impacts.

Petroleum-fueled construction equipment will be utilized to complete the proposed activities. The potential exists for leakage/spills from in-water and onshore equipment or from improper fueling or hazardous materials storage practices. A petroleum spill could result in potentially significant impacts to water quality and to the marine biota within the project site and region. Please refer to the impact discussion in Section 4: Biological Resources, and Mitigation Measure BIO 4, above, implementation of which will be satisfactory to reduce the potential of petroleum leakage/spills impacts. No further mitigation is required.

The proposed docks would provide slips for six recreational boats and one Harbor Department vessel. The potential for hazardous materials associated with these uses include diesel fuel, oil, lubricants and other cleaning supplies for vessel maintenance. These hazardous materials have the potential to create a significant impact on the public or the environment, however, the Harbor department regularly enforces existing best practices and standards meant to reduce the risk of accident from the routine transport, use, or disposal of hazardous materials in marine environments. With enforcement of these existing standards no additional mitigation is required.

b. No water use would result with the project.

c, d, g, h. This is an underwater site within the Tidelands area, which will not introduce any housing or other populated uses to the site. Therefore, the potential for flooding impacts is less than significant.

**Conclusion:** *There are potentially significant impacts to Hydrology and Water Quality unless mitigation is incorporated.*

**Mitigation Measures:**

**HYDRO 1:** Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

**HYDRO 2:** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

<b>10. LAND USE AND PLANNING</b>  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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 site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4) and the Harbor (H) zone, areas which are defined by the City's Local Coastal Program as being reserved for harbor-dependent uses, or those uses that must be located on the water in order to function, including recreational boat dock usage. The project is located in the Coastal Commission's original jurisdiction.

**Impact Discussion:**

a. The project is limited to a new gangway, docks, and boat slips located within City land and water lease area in the Tidelands area. The project will not result in any loss of access or otherwise physically divide the community.

b. The proposed boating facilities at this site can be found consistent with the General Plan, Zoning Ordinance, California Coastal Act, Local Coastal Program and Municipal Code. The WF/PD and H designated areas of the City's Local Coastal Program allow for boating facilities with the approval of Conditional Use and Coastal Development Permits. Because the site is within the Coastal Commissions' original jurisdiction area, following City or Morro Bay Planning Commission approval of the Use Permit, the project will be forwarded to Coastal Commission for processing of the Coastal Development Permit.

c. The proposed project would not conflict with any known habitat conservation plan or natural community conservation plan. Please see the impact discussion in Section 4: Biological Resources.

**Conclusion:** *No impacts to Land Use and Planning have been identified.*

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 resource 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 General Plan and the Division of Oil, Gas, and Geothermal Resources do not delineate any resources in the area. Further, the State Mining and Geology Board has not designated or formally recognized the statewide or regional significance of any classified mineral resources in the County of San Luis Obispo.

**Impact Discussion:**

a-b. The project is not proposed where significant sand and gravel mining has occurred or will occur and there are no oil wells within the area where the project is located. In addition, the area is not delineated as a mineral resource recovery site in the general plan, any specific plan or other land use plan. This area of the City is fully built up and

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

the general plan does not provide for mining. Therefore the project will not result in the loss of a known mineral resource of value to the region and impacts would be less than significant.

**Conclusion:** *No impacts to Mineral Resources have been identified.*

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		
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 expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Environmental Setting:** The City of Morro Bay may be considered a relatively quiet environment, the most significant sources of noise being related to traffic and transportation. The City’s General Plan Noise Element threshold for 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. The propagation of noise underwater can vary greatly in consideration of water depth, temperature, salinity, and other factors, including attenuation effect caused by existing in-water noise-generating activities that are common in an active harbor, such as that found in Morro Bay.

**Impact Discussion:**

a - d. The proposed project involves the installation of eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel piles to support a new dock and gangway. Installation of these piles would occur over approximately 4-days, with each pile taking approximately 5 minutes to install. During this time noise and ground-borne vibration generated by the pile driver and other construction equipment would be generated. As discussed in Section 4: Biological Resources, a vibratory hammer would be the primary tool used for installation, followed if needed by a dynamic hammer to obtain specific load requirements. The particular vibratory hammer selected would be a HPSI 150, which is one of the smallest vibratory installation tools available, which has been used in the nearby marine environment on similar projects without any noticeable effects on marine mammals.

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

Pursuant to the Noise Element of the City’s Local Coastal Program, all construction work must be confined to daylight hours, between 7:00 am and 7:00 pm. Customary construction standards will be imposed on the project, including limited hours of activity and reduce other measures to reduce the noise levels of equipment during construction.

As discussed in Section 4: Biological Resources, and above, with implementation of Mitigation Measure BIO 3, the potential for construction-related noise to impact marine mammals has been reduced to less than significant. Operational phase uses are limited to the seven proposed boat slips, which would not introduce any significant new source of noise to the vicinity. Therefore, no impacts to people in the vicinity will occur. Title 17 Table 17.52.030(1) provides performance standards as it relates to noise levels allowed to occur at the site.

e.f. The project is not within the boundaries of an adopted airport land use plan, within two miles of a public airport, or a private airstrip.

**Conclusion:** *With the implementation of Mitigation Measure BIO 3, impacts related to Noise will be less than significant.*

13. POPULATION AND HOUSING  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 project site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4) and the Harbor (H) zone, areas which are defined by the City’s Local Coastal Program as being reserved for harbor-dependent uses, or those uses that must be located on the water in order to function, including recreational boat dock usage.

**Impact Discussion:**

a - c. The project involves the expansion of the Water Lease Area and construction of a gangway, dock and seven boat slips (six for recreational boats and one for Harbor Department use). There is no existing housing on the site or the immediate vicinity which would be affected; therefore the project would not displace a people or housing units. The proposed facilities would be served by existing improvements along the Embarcadero, and therefore would not be considered growth-inducing.

**Conclusion:** *No impacts related to Population and Housing has been identified.*

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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. Roads and other transportation infrastructure?				
f. Other public facilities?				X

**Environmental Setting:** The project site lies within the sphere of influence of the City of Morro Bay; therefore the City of Morro Bay provides most of the public services; The Morro Bay Fire Department provides fire response and prevention services as well as responding to chemical spills, injuries, and vehicle accidents for the City of Morro Bay, and Police protection services are provided by the Morro Bay Police Department. The San Luis Coastal Unified School District operates an elementary school and a high school within the City.

**Impact Discussion:**

a. Fire protection services for the site are provided by the Morro Bay Fire Department (MBFD). The proposed dock and boat slips would not include any unusual fire protection concerns, such as storage of significant quantities of flammable materials or toxic chemicals. The structure will be constructed to meet current fire code requirements, including provision of an automatic Wet-Class III Standpipe System, and is not expected to result in adverse physical impact that would change or increase fire protection needs. In the event of an emergency at the site the MBFD would be required to provide fire protection or other emergency services.

b. Police protection services for the site would be similar to those currently provided by the Morro Bay Police Department in the immediate vicinity. Vandalism, theft of materials and equipment and burglary would be of potential concern.

c. The project is limited to the expansion of the water lease area and construction of a new dock and recreational/Harbor District boat slips, which will not involve the construction of residences that will generate demand for schools. The school districts in the state have the authority to collect fees at the time of issuance of building permits to offset the costs to finance school site acquisition and school construction, and are deemed by State law to be adequate mitigation for all school facility requirements. Any increases in demand on school facilities caused by the project are considered to be mitigated by the district's collection of adopted fees at the time of building permit issuance.

d. The Waterfront (WF) and Harbor (H) zone area is reserved for those uses that must be located on the water in order to function, or as accessory uses to a land based/shore facilities, such as docking facilities for recreational fishing and excursion boats. The proposed dock and boat slips would be consistent with all City General Plan and Coastal policies and programs, as it would provide these services adjacent to existing visitor serving and coastal dependent uses.

e, f. The scope of the project is limited to the provision of a new gangway, dock and boat slips, which would provide access from an existing public plaza into the harbor, which would not affect any transportation infrastructure or other governmental services.

**Conclusion:** *No impacts related to Public Services have been identified.*

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

15. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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, sightseeing, birdwatching, fishing, kayaking, etc. are available within the City of Morro Bay. Within the boundary of Morro Bay City limits, there are over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral access. These walkways provide active recreational activities for visitors and residents. There are also multiple improved recreational docks and buoys, parks and playgrounds throughout the City. Man-made shoreline structures make up approximately 20% of the shoreline area. The project site is on a City lease-site, and includes approximately 113-feet of bay frontage.

Impact Discussion:

a-b. Expansion of the water lease area and construction of the new gangway, dock and boat slips will provide six leasable boat slips for recreational users (and one slip for the Harbor Department). Any increase in demand on parks and other recreational facilities attributable to visitors utilizing these slips will be negligible, and no additional recreational facilities will be required to serve these users.

Conclusion: *No impacts related to Recreation facilities have been identified.*

16. TRANSPORTATION/CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?				X
b. Exceed, either individually or cumulatively, a level of service standard established by the county 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. Result in inadequate parking capacity?				X
g. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

Environmental Setting: The City of Morro Bay is primarily a residential and commercial community that is bisected by Highway 1, a major regional roadway. Another major roadway is Highway 41, which carries travelers east of the City. The two most used roadways are Highway 1 and Main Street. Most traffic generated in the city is on the local streets. The project is located in the Tidelands area, and is accessed either by boat or via the Embarcadero.

Impact Discussion:

a-b. The project does not conflict with any applicable circulation system plans, nor will it add substantial demand on the circulation system or conflict with any congestion management programs or any other agency's plans for congestion management. Expansion of the water lease area and construction of six recreational boat slips and one Harbor Department boat slip will not significantly increase the traffic trips to and from the site, and existing streets have sufficient unused capacity to accommodate any added vehicular traffic without reducing existing levels of service. The proposed project would not result in a significant impact with regard to increased vehicular trips and does not conflict with performance standards provided in City adopted plans or policies. The project will also contribute to overall impact mitigation for transportation infrastructure by participating in the Citywide Transportation Impact Fee program. The largest impact on traffic levels and circulation effectiveness would be affected in large part due to the construction activity and equipment associated with the project, which will temporarily result in minor increases in traffic to and from the site. All construction staging and work itself would occur from a barge, which is loaded and prepared at the APC dock in Morro Bay. Once construction is complete, traffic volumes and impacts will return to substantially the same level as exist currently.

c. The project includes expansion of the water lease area and construction of a new gangway, dock and seven new boat slips, and will not result in any changes to air traffic patterns.

d. The project has been designed to meet City Engineering Standards and will not result in safety risks. The project will ADA compliant access per City Engineering Standards, and connect directly to the existing public plaza adjacent to the Embarcadero.

e. The project has been reviewed by the City Fire Marshal to ensure adequate emergency access has been provided, and that the required Standpipe is appropriately located.

f. Parking for the proposed boat slips is required in addition to the other existing visitor-serving uses within the land-lease portion of the site. Existing uses, which include a mix of retail, restaurant, entertainment businesses, generate a parking requirement of 96 spaces. The proposed use generates an additional requirement of eight (8) spaces, for a total site requirement of 104 parking spaces. This total requirement is three (3) less than the 107 existing parking credits for the site, which are composed of 87 historical parking credits and 20 paid in-lieu parking spaces.

g. The proposed project site is located in the water lease area of Morro Bay, adjacent to the Embarcadero. The Embarcadero provides sidewalks and vehicular lanes for cars, busses and trolleys. The project will not decrease performance or safety in the area, as the traffic patterns will remain unchanged. The project is consistent with policies supporting alternative transportation due to the site's location within the City's urban center, and its proximity to shopping, parks and services.

Conclusion: *No impacts related to Transportation and Circulation has been identified.*

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

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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

**Environmental Setting:** The project involves expansion of the water lease area and construction of a new gangway, dock and boat Water connection will be limited to that of the required Automatic Wet-Class III Standpipe System, and six (6) dock cabinets to serve the slip tenants, located at the base of each dock finger. Construction activities would result in minimal solid waste generation involving framing and scrap materials. To the extent feasible, materials would be diverted to recycling facilities to minimize the disposal of solid waste. The project would comply with federal, state, and local statutes and regulations related to solid waste. Local waste collection services dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its services area. The project will comply with federal, state, and local statutes and regulations related to solid waste disposal, diverting materials from the demolition activities to recycling facilities as feasible.

**Impact Discussion:**

a, b, c, e. The proposed project would result in a minor increase in demand on City infrastructure, including water and wastewater facilities, from those utilizing the proposed boat slips. Users of the slips would most likely take advantage of existing restrooms within the land lease portion of the site, which have adequate capacity to serve the expanded use. Storm water facilities exist in the vicinity of the project site, and it is not anticipated the proposed project will result in the need for new facilities or expansion of existing facilities which could have significant environmental effects. This project has been reviewed by the City's Utilities Department and no resource/infrastructure deficiencies have been identified.

d. The land lease portion of the project site is currently serviced by the Morro Bay/Cayucos Wastewater Treatment Facility and the resulting project will not cause a substantial increase in the amount of water that is required to be treated. The treatment facilities can accommodate the current and proposed water and wastewater volumes, and new construction or expansion of treatment facilities not necessary as a result of this project.

f-g. The current production of solid waste is unlikely to increase with the addition of seven new boat slips to the existing visitor-serving uses. To help reduce the waste stream generated during the construction phase of this project, the City requires that pursuant to Assembly Bill (AB) 939, at least 50% of all waste going to the landfill be recycled. The incremental additional waste stream generated by this project is not anticipated to create significant impacts to solid waste disposal.

**Conclusion:** *Impacts related to Utilities and Service Systems will have less than significant impact.*

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

## IV. 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
<b>a) <i>Potential to degrade:</i></b> 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		
<b>b) <i>Cumulative:</i></b> 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	
<b>c) <i>Substantial adverse:</i></b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Environmental Setting: The project is consistent with the Local Coastal Program (which includes the General Plan, Local Coastal Plan and Zoning Regulations) and with the implementation of the recommended mitigation measures does not have the potential to substantially degrade the quality of the environment, as evidenced in the preceding discussions.

Impact Discussion:

a) The project includes expansion of a water lease space and construction of a new gangway, dock, and seven boat slips in an area of the city identified as appropriate for coastal-dependent and visitor-serving uses. Without mitigation, the project could have the potential to have adverse impacts on all of the issue areas checked in the Table on Page 6. As discussed above, potential impacts to biological and cultural resources will be less than significant with incorporation of recommended mitigation measures.

b) The project is consistent with the Local Coastal Program, including the General Plan, Local Coastal Plan and Zoning Ordinance, which identifies this site as appropriate for residential uses, and which supports infill development utilizing existing infrastructure. The proposed project will not result in cumulatively considerable impacts.

c) With the incorporation of a mitigation measures, the project will not result in substantial adverse impacts on humans.

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

## V. INFORMATION SOURCES:

### A. County/City/Federal Departments Consulted:

City of Morro Bay Public Services Department (Planning, Building, and Public Works Divisions), Fire Department.  
San Luis Obispo Air Pollution Control District

### B. City Documents

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	x	Climate Action Plan
x	Municipal Code		

### C. Other Sources of Information

x	Field work/Site Visit	x	County of San Luis Obispo Conservation and Open Space Element, 2010
x	Staff knowledge/ calculations	x	Flood Control Maps
x	Project Plans	x	Eelgrass Reconnaissance survey, prepared by Tenera Environmental, April 2, 2014
x	Applicant project statement/description	x	Zoning Maps
x	APCD email from Gary Arcemont, Air Quality Specialist, November 5, 2014	x	Morro Bay National Estuary Program, State of the Bay, 2014
x	Elevations/architectural renderings	x	Archaeological maps and reports
x	Published geological maps	x	Morro Bay Low Impact Development Boat Haul-Out and Large Vessel Service Yard Mitigated Negative Declaration, dated July 2009.
x	Topographic maps		
x	DOT Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, February 2009.	x	County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, April 2012

## VI. ATTACHMENTS

A – Summary of Mitigation Measures and Applicant’s Consent to Incorporate Mitigation into the project.

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

## Attachment A SUMMARY OF REQUIRED MITIGATION MEASURES & MONITORING PLAN

### BIOLOGICAL RESOURCES

**Mitigation Measure BIO 1** An eelgrass restoration plan shall be prepared in accordance with ~~Southern~~the California Eelgrass Mitigation Policy and submitted for approval to the Planning and Building Manager. The eelgrass restoration plan shall be submitted for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later. In addition, a pre-and post-construction survey shall be completed to determine the final areas of impact and submitted to the Planning and Building Manager. The pre-construction survey shall be submitted for review prior to issuance of a building permit.

➤ **Monitoring Plan, BIO 1:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Public Service Department planning staff will responsible for reviewing the pre-construction survey prior to issuance of any building permits. The post-construction survey shall be submitted to the City Planning and Building Manager for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

**Mitigation Measure BIO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to lacing of these screens. All in-water, bottom-disturbing activities should occur within the pre-determined project footprint.

➤ **Monitoring Plan, BIO 2:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 3:** A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

- **Monitoring Plan, BIO 3:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Marine Wildlife Contingency Plan and documentation that it has been approved by the NMFS, USFWS, and CDFW shall be submitted along with the applications for construction permits. The biological monitor shall submit a weekly monitoring report to the City, including a summary of each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 4** A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs):

1. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
  - a. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
  - b. Barrel Absorbent Pads
  - c. Container Absorbent Granules
2. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
3. The work area shall be contained within a boom to prevent debris from falling into the water.
4. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
5. An Absorption Tarp shall be placed underneath any portable equipment while in use.
6. No equipment shall be permitted to enter the water with any petroleum products.
7. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
8. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
9. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted

- **Monitoring Plan, BIO 4:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Oil Spill Response and Recovery Plan shall be submitted along with the applications for building permits and reviewed by the Public Service Department planning staff and Fire Department for adequacy. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 5** Prior to issuance of building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.

- **Monitoring Plan, BIO 5:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Public Service Department planning staff.

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

**Mitigation Measure BIO 6.** Pre- and Post-construction surveys. A survey identifying areas of eelgrass within the lease areas shall be completed no earlier than 90 days and no later than 30 days prior to issuance of a building permit. The survey shall be submitted to the Community Development Manager for review as part of the final plans. If additional eelgrass is identified that would be directly shaded by the proposed project, then the report shall identify remedial measures to offset such reduction within the eelgrass beds at a ratio of 1.2:1 in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy. A post construction survey identifying areas of eelgrass shall be completed on an annual basis with the first report due within 90 days of completion of construction and subsequent reports due at one year increments after that. All annual reports shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. Annual reporting shall continue for at least three years or until all eelgrass beds to be protected are supporting eelgrass as documented in two consecutive annual reports, whichever is later. Any change in eelgrass extent shall be documented and reported to the Community Development Manager. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage as identified in the Applicant's Site Plan, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a 1.2:1 ratio in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy.

- **Monitoring Plan, BIO 6:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Community Development Manager.

**Mitigation Measure BIO 7** Prior to issuance of a building permit, a pile driving plan and hydroacoustical monitoring plan shall be submitted to the Community Development Manager to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).

- **Monitoring Plan, BIO 7:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Community Development Department shall verify for required compliance in the field..

## **CULTURAL RESOURCES**

**Mitigation Measure CULT 1** If materials (including but not limited to bedrock mortars, historical trash deposits, and paleontological or geological resources) are encountered during excavation, work shall cease until a qualified archaeologist makes determinations on possible significance, recommends appropriate measures to minimize impacts, and provides information on how to proceed in light of the discoveries. All specialist recommendations shall be communicated to the City of Morro Bay Public Services Department prior to resuming work to ensure the project continues within procedural parameters accepted by the City of Morro Bay and the State of California.

- **Monitoring Plan, CULT 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure CULT 2** The following actions must be taken immediately upon the discovery of human remains:

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

- **Monitoring Plan, CULT 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

## GREENHOUSE GAS EMISSIONS

**Mitigation Measure GHG 1** Requirements to limit Greenhouse Gas emissions shall apply to this project which includes to the greatest extent feasible: 1) a minimum of six percent of construction vehicles and equipment shall be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor shall limit idling of construction equipment to three signs and post signs to the effect.

- **Monitoring Plan, GHG 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type of construction vehicles to be used shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

## HYDROLOGY AND WATER QUALITY

**Mitigation Measure HYDRO 1** Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

- **Monitoring Plan, HYDRO 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the catchment netting or fencing shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure HYDRO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

- **Monitoring Plan, HYDRO 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

## **Acceptance of Mitigation Measures by Project Applicant:**

# EXHIBIT C

725 Embarcadero Road  
CASE NO. UP0-359  
DATE: December 2014

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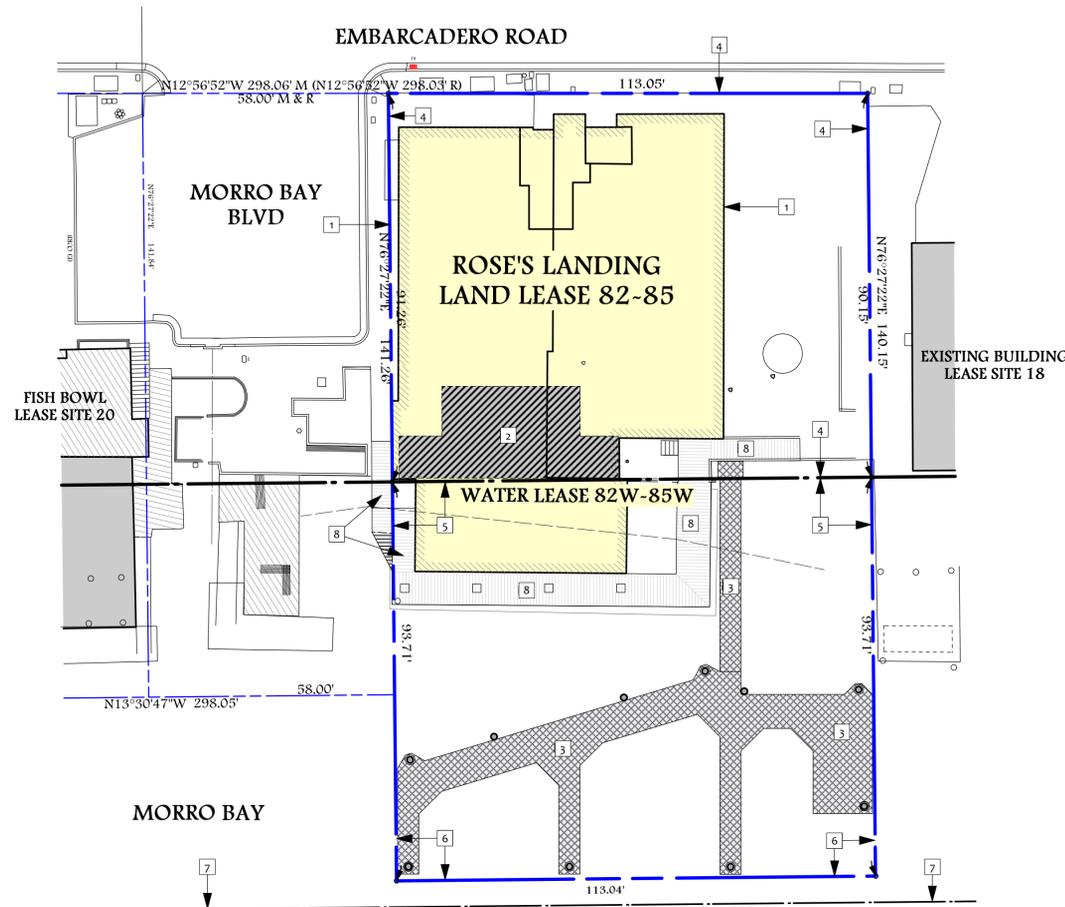
**Applicant**

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**Date**

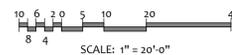
# Rose's Landing

## Boat Slips & Dining Deck Expansion



**SITE KEY REFERENCE NOTES**

- 1 (E) ROSE'S LANDING BUILDING FOOTPRINT
- 2 HATCH INDICATES PROPOSED DINING DECK EXPANSION
- 3 HATCH INDICATES PROPOSED BOAT SLIPS
- 4 (E) LEASE LEASE LINE
- 5 (E) WATER LEASE LINE
- 6 (N) WATER LEASE LINE
- 7 LINE INDICATES LIMIT OF CHANNEL
- 8 HATCH INDICATES (E) 80° COASTAL ACCESS TO REMAIN



**DIRECTORY**

**LEASEES:** DOUG REDICAN  
725 EMBARCADERO ROAD  
MORRO BAY, CA 93442  
PH: (805) 704-7771

**ARCHITECT:** STEVE PUGLISI ARCHITECTURE  
583 DANA STREET  
SAN LUIS OBISPO, CA 93401  
PH: (805) 595-1962  
FAX: (805) 595-1980

**LAND SURVEYOR:** MBS LAND SURVEYS  
3563 SUELDO STREET, SUITE Q  
SAN LUIS OBISPO, CA 93401  
(805) 594-1960

**EELGRASS CONSULTANT:** TENERA ENVIORNMENTAL  
141 SUBURBAN ROAD, SUITE A2  
SAN LUIS OBISPO, CA 93401  
(805) 541-0310

**PROJECT DESCRIPTION**

A PROPOSAL FOR 7 BOAT SLIPS AND NEW GANGWAY FOR NON-COMMERCIAL PURPOSES AND A 487 S.F. DINING DECK EXPANSION.

THE EXISTING DINING AREA USE ON THE UPPER FLOOR OBSERVATION DECK IS PROPOSED TO BE REMOVED. THE OBSERVATION DECK SHALL BE ITS SOLE USE.

DOCKS WILL BE AVAILABLE FOR MONTH-TO-MONTH RENTING. SLIP 1 WILL BE CONTROLLED BY THE MORRO BAY HARBOR DEPARTMENT.

THE PROJECT INCLUDES:  
\*EXPANSION OF WATER LEASE SITE 19W  
\*THE EXPANSION OF THE NORTHERLY COASTAL ACCESS BOARDWALK  
\*NEW COASTAL ACCESS SIGNAGE  
\*4 SKYLIGHTS AT THE COVERED PORTION OF THE COASTAL ACCESS PATH.

**GENERAL SITE INFORMATION**

**PROJECT:** 725 EMBARCADERO ROAD  
**ADDRESS:** MORRO BAY, CALIFORNIA

**LEASE SITE A.F.N.:**  
LAND LEASE 82-85  
WATER LEASE 82W-85W 066-352-047

**ZONING:** WATERFRONT (WF)  
PLANNED DEVELOPMENT OVERLAY DISTRICT (PD)  
AREA 3: EMBARCADERO VISITOR AREA - PER WMP

**LOT SIZE:** 15,906 S.F.

**SHEET INDEX**

- 0 TITLE SHEET
- 1 DOCK SLIPS SITE PLAN
- 2 DOCK SLIPS PHOT SIMULATIONS AND DOCK SECTION
- 3 DINING DECK EXPANSION, EXTERIOR ELEVATIONS and BUILDING SECTION

**SUPPORTING DOCUMENTS**

- 1. EELGRASS STUDY PREPARED BY TENERA DATED APRIL 2, 2014
- 2. EXHIBIT 'A' REVISION TO LEASE SITE MAP SITE 19W

**PARKING CREDITS and REQUIREMENTS**

**CURRENT PARKING CREDITS**

Historical Parking Credits	87
Paid In-Lieu Parking Spaces	20
<b>Total Parking Credits</b>	<b>107</b>

**EXISTING BUILDING PARKING CALCULATION**

Building Use/Lease Space	Square Footage	Zoning Ordinance Space per s.f.	Required Parking
Arcade	638 s.f.	100 s.f. gross	6
Kelly's Kandies	780 s.f.	300 s.f. gross	3
Retail Shop	1605 s.f.	300 s.f. gross	5
Psychic	707 s.f.	300 s.f. gross	2
Lower Floor Restaurant & Bar	1135 s.f.	60 s.f. customer use area	19
Lower Outdoor Patio	563 s.f.	60 s.f. customer use area	5
Upper Floor Restaurant	1547 s.f.	60 s.f. customer use area	26
*Observation Deck/Outdoor Dining	1744 s.f.	60 s.f. customer use area / 2	18
Removed Street Parking	-	-	15
<b>Total Parking Required for Building</b>			<b>99</b>

\*Note Outdoor Dining Area at Observation Deck to be removed.  
See Calculation below

**OUTDOOR DINING AT OBSERVATION DECK REMOVAL**

Outdoor Dining	1744 s.f. (-125 sf)	60 s.f. customer use area / 2	-18.0
<b>Total Parking For Deck Removal</b>			<b>-18</b>

**PROPOSED BOAT SLIP PARKING CALCULATION**

Boat Slips	95 lineal feet	1 space per 35 lf	2.7
<b>Total Parking Required for Proposed Boat Slips</b>			<b>3</b>

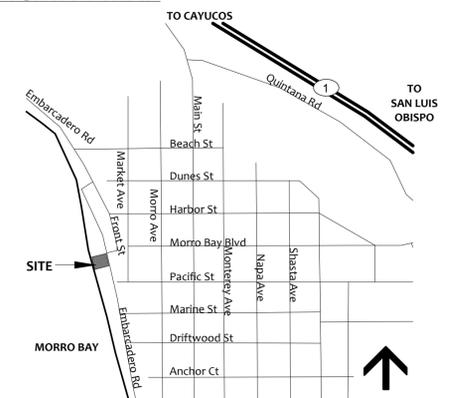
**PROPOSED UPPER DINING DECK EXPANSION PARKING CALCULATION**

Outdoor Dining Area	487 s.f. (-125 sf)	60 s.f. customer use area / 2	4.0
<b>Parking Required for Proposed Dining Deck Expansion</b>			<b>4</b>

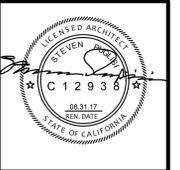
**TOTAL PARKING REQ'D FOR (E) BUILDING, PROPOSED BOAT SLIPS & DINING DECK EXPANSION**

**88**

**VICINITY MAP**



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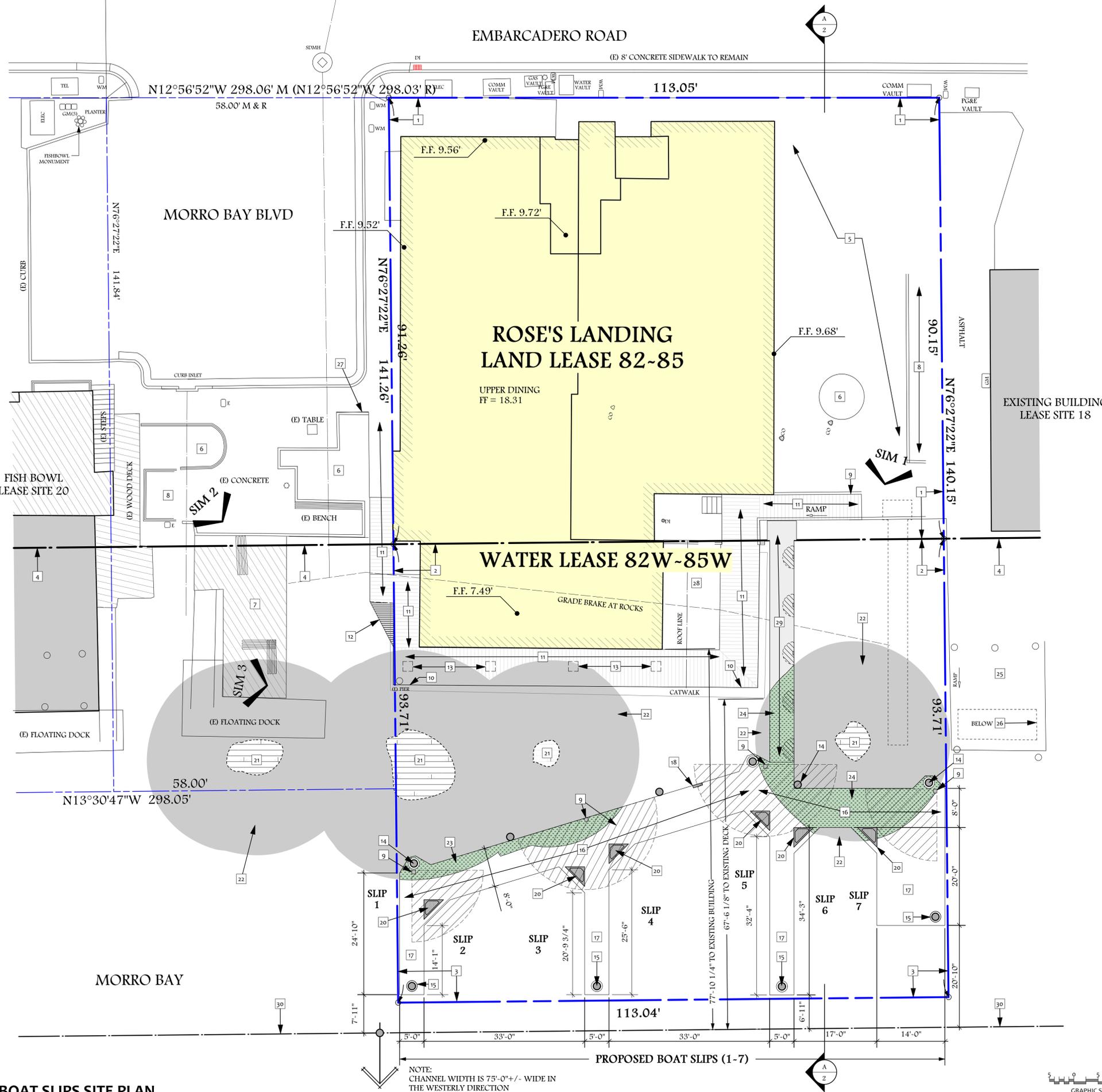


**Rose's Landing**  
**Boat Slips & Dining Deck Expansion**  
 for Doug Redican  
 at 725 Embarcadero Road, Morro Bay, CA

All ideas, designs, arrangements and plans indicated or represented by the drawings are owned by, and the property of, Steven Puglisi, A.I.A. Architect, and were created and developed for use, and in conjunction with, the specific project described herein. None of these ideas, designs and arrangements or plans shall be used by, or disclosed to any person, firm, or corporation for any purpose without the written permission of Steven Puglisi, A.I.A. Architect. Filing these drawings with a public agency is not a publication of same, and no copying, reproduction or use thereof is permissible without the consent of Steven Puglisi, A.I.A. Architect.

DATE: 9 December 2015  
SCALE: As noted  
JOB: 11-017  
DRAWN: k. prater  
REVISIONS: XXX

SHEET #  
**0**



**BOAT SLIPS SITE PLAN REFERENCE NOTES**

- 1 (E) LAND LEASE LINE
- 2 (E) WATER LEASE LINE
- 3 (N) WATER LEASE LINE PER EXHIBIT 'A' LEASE SITE MAP FOR LEASE SITE 19W PREPARED BY MBS LAND SURVEYS
- 4 SHORE CONTROL EASEMENT
- 5 (E) PLAZA TO REMAIN
- 6 (E) PLANTER TO REMAIN
- 7 (E) WOOD PIER AND BENCHES TO REMAIN
- 8 (E) TRASH ENCLOSURE TO REMAIN
- 9 (N) COASTAL ACCESSWAY SIGN
- 10 (N) COASTAL ACCESSWAY SIGN TO INDICATE THROUGH ACCESS
- 11 (E) 8'0" COASTAL ACCESS TO REMAIN
- 12 HATCH INDICATES THE WIDENING OF THE COASTAL ACCESS PATHWAY
- 13 DASHED LINE INDICATES (N) 24" SQ. SKYLIGHT. TOTAL OF FOUR (4).
- 14 (N) PILING AT MAIN DOCK. TOTAL OF SIX (6).
- 15 (N) PILING AT DOCK FINGERS. TOTAL OF FOUR (4).
- 16 (N) WOOD OR ALUMINUM DOCK w/ GATOR GRATING (WHERE POSSIBLE)
- 17 (N) WOOD OR ALUMINUM DOCK
- 18 (N) AUTOMATIC WET-CLASS III STANDPIPE SYSTEM HOSE CABINET. 31" X 6" X 48"H
- 19 (N) 8" DIA. X 36"H PEDESTAL LIGHT. HATCH INDICATES APPROX. LIGHTING PATTERN.
- 20 (N) DOCK CABINET w/ WATER, POWER & TELEPHONE. 48" X 28" X 31"H. TOTAL OF SIX (6).
- 21 HATCH INDICATES EXISTING EELGRASS LOCATION PER EELGRASS SURVEY DATED APRIL 2, 2014. TYPICAL
- 22 SHADED AREA INDICATES THE 5 METER SURROUNDING AREA OF THE EELGRASS HABITAT AREA
- 23 145 S.F. 5M HABITAT AREA INTRUSION
- 24 374 S.F. 5M HABITAT AREA INTRUSION
- 25 (E) OBSERVATION DECK TO REMAIN
- 26 (E) FLOATING DOCK TO REMAIN
- 27 (N) COASTAL ACCESS SIGN TO INDICATE THROUGH ACCESS. (E) PUBLIC ACCESS AND DINING DECK TO BE REMOVED
- 28 (E) RESTAURANT DINING PATIO TO REMAIN
- 29 (N) ALUMINUM GANGWAY
- 30 LIMIT OF CHANNEL

**BOAT SLIP NOTES:**

1. ALL FINGERS ARE 5' WIDE, EXCEPT AS NOTED
2. 11 PILES PROPOSED
3. SLIP 1 FOR PUBLIC USE and CONTROLLED BY MORRO BAY HARBOR DEPT.
4. SLIPS 2 THRU 7 FOR PRIVATE USE

**FIRE PROTECTION FOR WHARVES AND DOCKS**

FIREFIGHTING APPLIANCES AND EQUIPMENT SHALL BE PROVIDED AND MAINTAINED IN AN OPERABLE MANNER FOR ALL COMMERCIALY OPERATED MARINAS AND DOCK FACILITIES, AS SPECIFIED BY ORDINANCES OF THE CITY, AND ALL INSTALLATIONS SHALL BE SUBJECT TO THE APPROVAL OF THE CHIEF OF THE FIRE DEPARTMENT. (MBMC SECTIONS 14.08.090 (K) AND 14.52.060)

FIRE PROTECTION EQUIPMENT-STANDPIPES, MARINAS AND BOATYARDS SHALL BE EQUIPPED THROUGHOUT WITH STANDPIPE SYSTEMS, IN ACCORDANCE WITH NFPA 303. SYSTEMS SHALL BE PROVIDED WITH HOSE CONNECTIONS LOCATED SUCH THAT NO POINT ON THE MARINA PIER OR FLOAT SYSTEM EXCEEDS 150 FEET FROM A STANDPIPE HOSE CONNECTION. (CFC 4504.2)

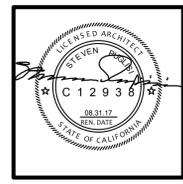
APPLICANT MUST SUBMIT PLANS FOR THE STANDPIPE SYSTEM AND HOSE CABINET, IN ACCORDANCE WITH NFPA 13, PER THE SUBMITTAL REQUIREMENTS FOR BUILDING PERMIT ISSUANCE

**FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**

MINIMUM SAFEGUARDS FOR CONSTRUCTION, ALTERATION AND DEMOLITION SHALL BE PROVIDED FOR REASONABLE SAFETY TO LIFE AND PROPERTY FROM FIRE DURING SUCH OPERATIONS PER CFC CHAPTER 14. COMPLIANCE WITH NFPA 241 IS REQUIRED FOR ALL ITEMS NOT SPECIFICALLY ADDRESSED HEREIN.



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**Rose's Landing Boat Slips & Dining Deck Expansion**  
 for Doug Redican  
 at 725 Embarcadero Road, Morro Bay, CA

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DATE: 9 December 2015  
 SCALE: As noted  
 JOB: 11-017  
 DRAWN: k. prater  
 REVISIONS: XXX

SHEET #  
**1**

**BOAT SLIPS SITE PLAN**  
 SCALE: 1" = 10'

NOTE:  
 CHANNEL WIDTH IS 75'-0" +/- WIDE IN THE WESTERLY DIRECTION

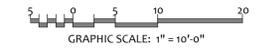




PHOTO SIMULATION 1



PHOTO SIMULATION 2

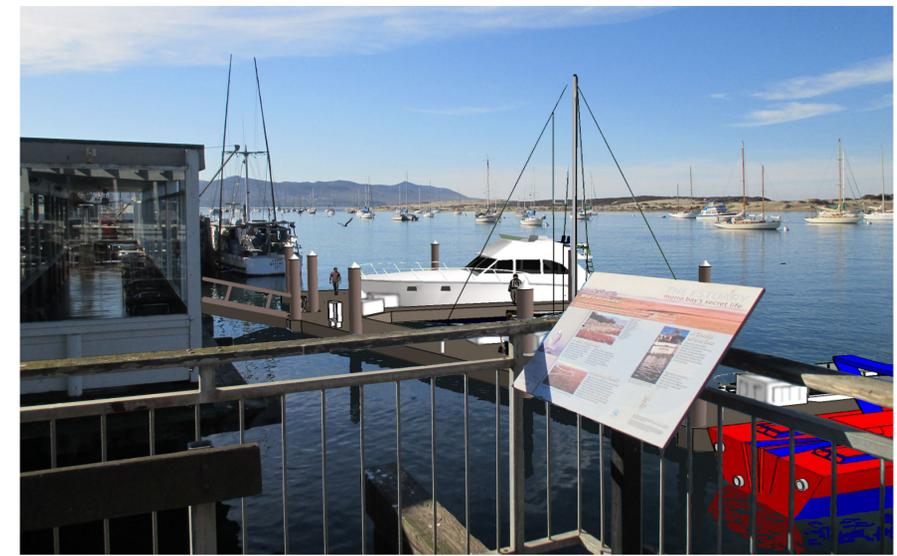


PHOTO SIMULATION 3



DOCK BOX



STANDPIPE HOSE CABINET



PHOTO SIMULATION 4



PHOTO SIMULATION 5  
Outdoor Dining Deck Expansion

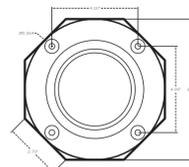
**Mariner Lighting Bollard**  
Product Focus



The Mariner lighting bollard is available from 18 to 36 inches tall and can be used in various applications from marina docks, to landscaped areas, golf courses, and beyond. The Mariner is designed to withstand the harsh marine environments from Alaska to the tropics.

Product Specifications	Dimensions		
	HEAD ASSEMBLY HEIGHT	IN.	MM
• Can Be Configured with a T-9, or 13 Watt Compact Fluorescent Light or LED Lighting	7 Watt	7.0	177.8
• Mounting Base and Painted Pole Supplied for Desired Height	9 Watt/13 Watt	8.0	203.2
• Custom Colors Available	LED	9.0	228.6
• 18, 24 or 36 Inch Total Height	MOUNTING BASE AND POLE		
	18" - 36"		

Base Diagram

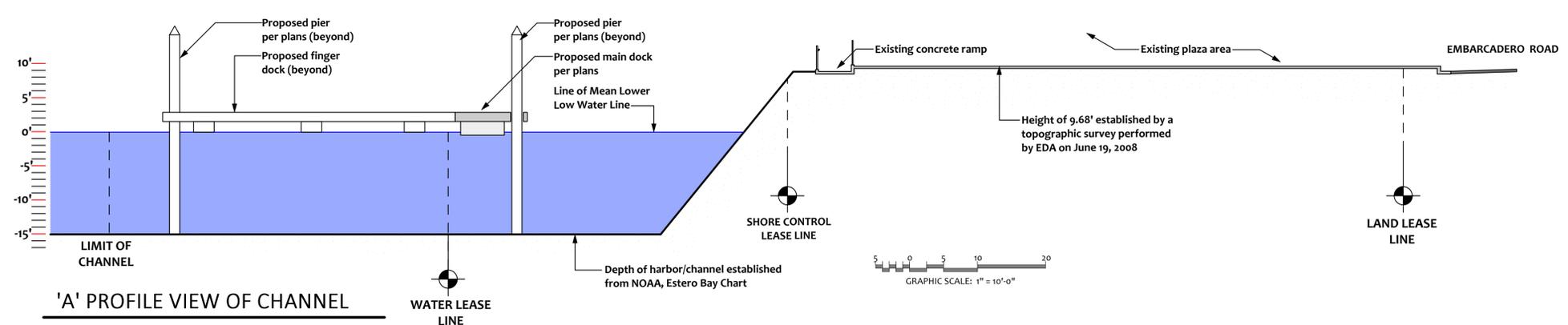


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United States  
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LIGHT PEDESTAL



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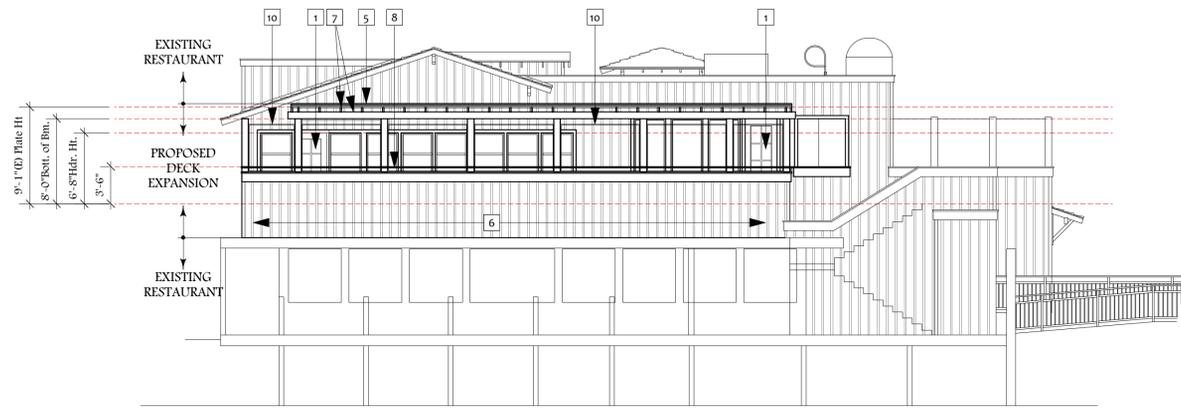


**Rose's Landing  
Boat Slips & Dining Deck Expansion**  
for Doug Redican  
at 725 Embarcadero Road, Morro Bay, CA

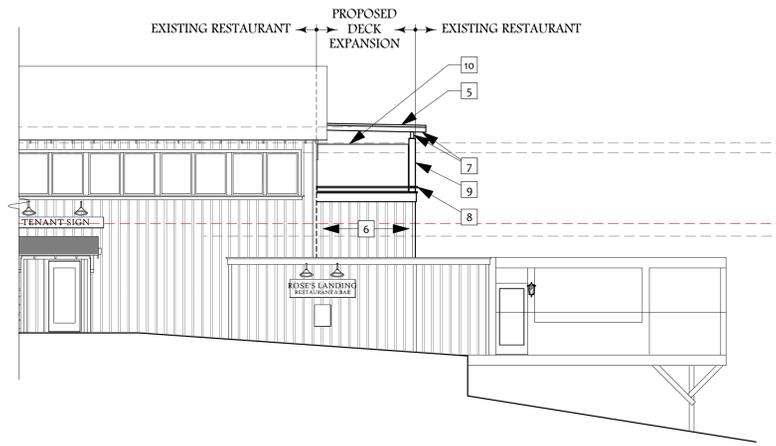
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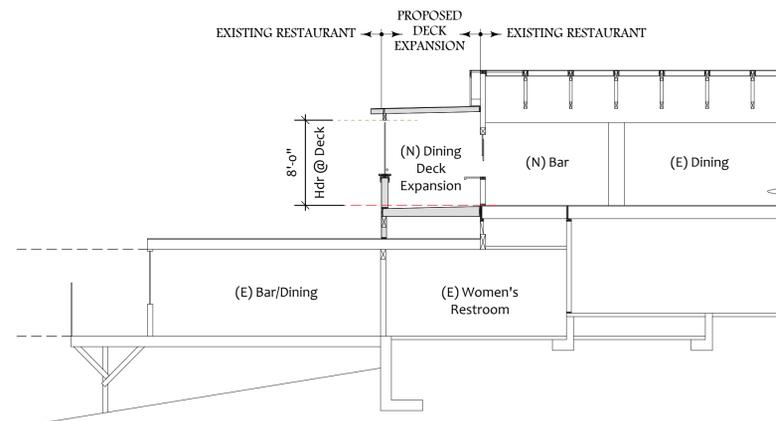
SHEET #  
**2**



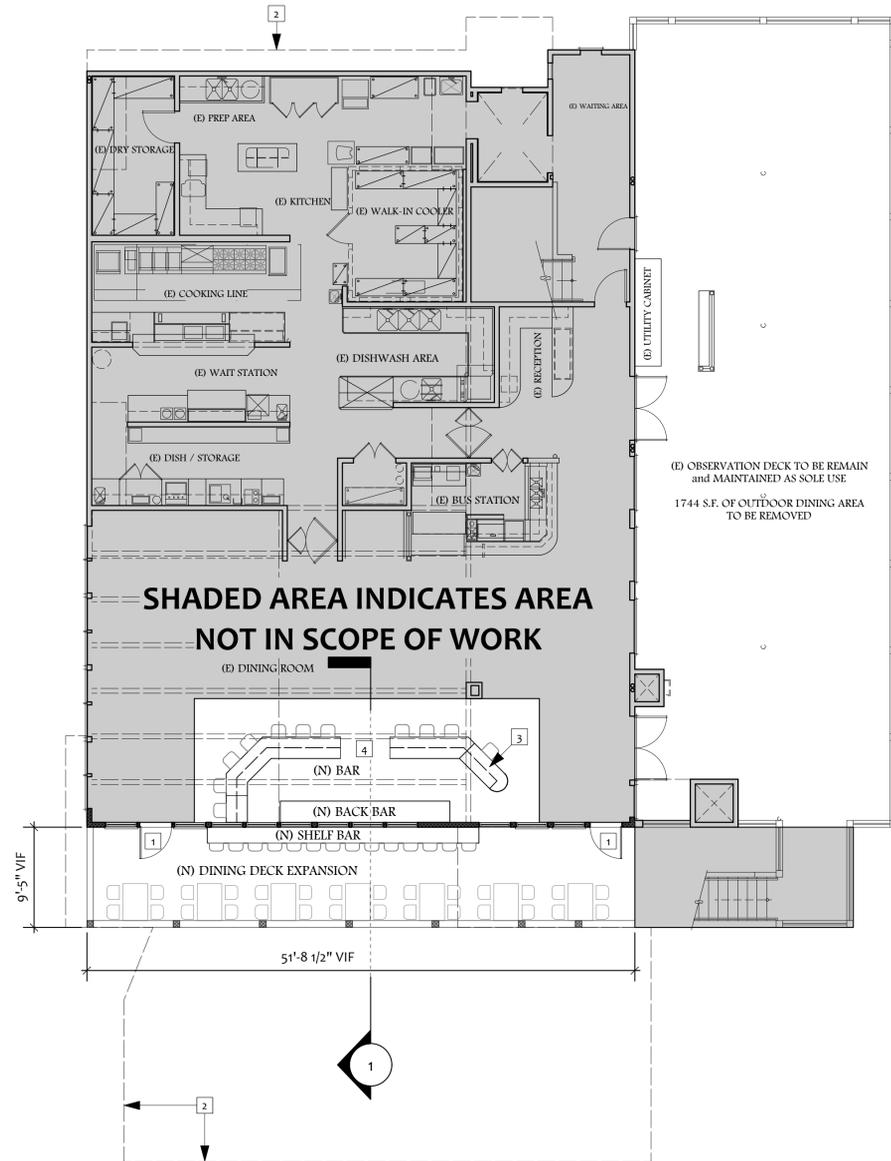
WEST / REAR ELEVATION



PARTIAL NORTH / RIGHT ELEVATION



SECTION 1



UPPER FLOOR PLAN  
SCALE: 1/8" = 1' - 0"

RESTAURANT FLOOR PLAN, EXTERIOR ELEVATIONS AND SECTION  
REFERENCE NOTES

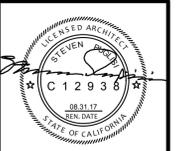
- 1 New door to replace existing window
- 2 Dashed line indicates lower floor
- 3 Accessible Counter
- 4 Server Access
- 5 New Built-up roof to match existing
- 6 New siding and paint color to match existing
- 7 Exposed beam and 2x roof rafters. Paint to match existing.
- 8 2x guardrail. Paint to match existing.
- 9 Exposed 8x post. Paint to match existing.
- 10 Glass Wind Break Wall.



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SHEET #

3



AGENDA NO: D-1

MEETING DATE: December 15, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 9, 2015

**FROM:** Cindy Jacinth, Associate Planner

**SUBJECT:** Resolution for Denial of Planning permits (CP0-460 & UP0-402) for 485 Piney Way

**RECOMMENDATION:**

Staff recommends the Planning Commission review the attached resolution for denial 48-15 and move to reconsider the denial of the coastal development permit and conditional use permit.

**BACKGROUND/DISCUSSION:**

At the December 1, 2015 Planning Commission meeting, the Commission reviewed a proposed project for an unmanned telecommunication facility to be screened in a faux chimney on a church rooftop located 485 Piney Way. Upon review of the matter, the Planning Commission voted 4-1 to deny the requested planning permits. Reasons stated for denial were proximity of the proposed antenna to other wireless antennas and visual blight. The Commission did not provide much in the way of information in support of the denial findings.

Typically, when visual blight is referenced as a reason for denial, the Planning Commission would state the specific reasons, often related to aesthetics, for denying the design. In fact, when an aesthetic issues arise with regard to proposed development the Planning Commission will often provide direction to the applicant to revise the drawing in some fashion. The opportunity to revise the design was not afforded to the applicant in this instance.

The second issue noted for the denial was the proximity of the antenna to other similar antennas in the area. Given that the nearby antenna is incorporated in the steeple of a church, and cannot therefore be visually identified as an antenna, it is unclear as to what the specific issue with proximity is. It is necessary to define the proximity issue as having nothing to do with the RF radiation impacts, as the provided studies clearly show that the exposure limits for the proposed antenna, even when combined with the nearby antenna, are far below the maximum exposure limits.

Since that meeting, additional information became known to staff that was not part of the Planning Commission's deliberation. Attached as Exhibit A is a letter from Morro Bay Fire Chief Steve Knuckles dated December 8, 2015 which expresses concern about the need to strengthen the city's data capacity network in order for emergency response teams to adequately

Prepared By:   CJ  

Department Review:   SG

respond to the community.

In addition, guidance from the City Attorney's office determined the need to be compliant with federal law in respect to telecommunications and the extent of local authority that Cities possess. To this end, staff has scheduled a presentation on wireless requirements and discretionary permitting limitations by Christy Lopez, Assistant City Attorney for Morro Bay.

**CONCLUSION:**

Staff recommends that Planning Commission review the information and attachments presented in this staff report and move to reconsider the denial of the coastal development permit and conditional use permit with direction to staff to return as a duly noticed public hearing for reconsideration in January 2016.

**EXHIBITS:**

Exhibit A – Letter dated December 8, 2015 from Fire Chief Steven C. Knuckles  
Exhibit B – Resolution 48-15 for Denial



# EXHIBIT A

## CITY OF MORRO BAY

FIRE DEPARTMENT

715 Harbor Street  
Morro Bay, CA 93442



## Memorandum

**To:** Morro Bay Planning Commission  
**CC:** Dave Buckingham, City Manager

**From:** Steven C. Knuckles, Fire Chief

**Date:** December 8, 2015

**Re:** Verizon

SK

I am writing to let you know about my support for the proposed Verizon Wireless projects that are proposed in Morro Bay. My Fire Department contacted Verizon in June of 2015 to reach out to them to see if anything could be done to strengthen the data network as we have had constant problems with our Mobile Data Units (MDU) in our emergency apparatus. Our MDUs is an important component to our emergency dispatch system that allows for secondary dispatching, building information, past patient contact and hydrant locations. In addition, our MDUs provide vehicle locators for accountability and safety components. Most of all, our vehicle locators in our MDUs enhance our auto and mutual aid system in our County with our partner fire agencies.

At this time, poor data service from Verizon is not allowing us to enhance our mutual aid system with programs such as "Boundary Drop" between our neighboring communities. The projects that are before you in Morro Bay can help our City's emergency response teams address the capacity issue that is affecting our ability to communicate effectively with data and we need to ensure the telecom services in Morro Bay are able to withstand the data and capacity limits that are needed during an emergency situation.

I requested Verizon to come and research and designate certain locations that would give optimal service for the Morro Bay Fire Department and our other partners in emergency responses in our community. At this time the Morro Bay Fire Department has very weak data signal in multiple locations in Morro Bay.

Thank you for hearing my request to insure the safety to the public with updated telecommunication data services for our community's emergency services.

Best regards in a safe community.

# EXHIBIT B

Planning Commission Resolution #48-15  
CP0-460 & UP0-402  
485 Piney  
Page 1

## RESOLUTION NO. PC 48-15

### RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING COASTAL DEVELOPMENT PERMIT (CP0-460) AND CONDITIONAL USE PERMIT (UP0-402) FOR INSTALLATION OF UNMANNED TELECOMMUNICATION WIRELESS FACILITY WHICH CONSISTS OF 3 NEW DIRECTIONAL PANEL ANTENNAS ON THE ROOF OF AN EXISTING CHURCH SCREENED WITH A FAUX CHIMNEY AND ASSOCIATED EQUIPMENT LOCATED AT 485 PINEY WAY.

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on December 1, 2015, for the purpose of considering Coastal Development Permit CP0-460 & Conditional Use Permit # UP0-402 to allow a proposed installation of an unmanned telecommunication facility to include an antenna on a rooftop pole with associated equipment including a ground-mounted equipment cabinet at a commercial building where an existing wireless telecommunication facility exists by another carrier at 800 Quintana (APN Number 066-185-001) in an area outside of the Coastal Commission Appeals Jurisdiction; and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

**Section 1: Findings.** Based upon all the evidence, the Planning Commission makes the following findings:

#### California Environmental Quality Act (CEQA) Finding

1. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that are disapproved or denied by the approval body.

#### Coastal Development Permit Findings

1. That the project is not in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on incompatibility with nearby uses including proximity of nearby wireless facility and creation of visual blight caused by nearby wireless facility.

# EXHIBIT B

Planning Commission Resolution #48-15  
CP0-460 & UP0-402  
485 Piney  
Page 2

## Conditional Use Permit Findings

1. The establishment, maintenance, or operation of the use applied for will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use based on proximity to the existence of a nearby wireless tower at 545 Shasta; and
2. The use will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the project with the addition of a roof top chimney will create visual blight in an area where there is already an existing wireless facility.

**Section 2: Action.** The Planning Commission does hereby deny Coastal Development Permit CP0-460 and Conditional Use Permit #UP0-402 for property at 485 Piney Way (APN number 066-185-001)

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15<sup>th</sup> day of DECEMBER, 2015 upon motion of Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Chairperson Robert Tefft

ATTEST

---

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15<sup>TH</sup> day of December, 2015.