



# 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, January 5, 2016  
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.

## B. 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.

**B-1** *(continued from the December 15, 2015 Planning Commission meeting)*

**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

**B-2** **Case No.:** #UP0-433

**Site Location:** 430 Olive Street, Morro Bay, CA

**Proposal:** Conditional Use Permit approval for a 500 sq. ft. addition to an existing 2,212 sq. ft. nonconforming single-family residence in the R-1 Residential Zoning District. Specifically, the Applicant proposes to extend the existing living room, bedroom, and bathroom into the existing patio space. The project is located outside of the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1

**Staff Recommendation:** Conditionally Approve

**B-3** **Case No.:** A00-029 (Local Coastal Program and Zoning Text Amendment)

**Site Location:** Citywide

**Applicant/Project Sponsor** City of Morro Bay

**Request:** Local Coastal Program and Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State law and other related sections in the Morro Bay Municipal Code for internal consistency, as well as Section 17.48.315 (Guesthouses/Quarters and Accessory Areas).

**CEQA Determination:** Negative Declaration.

**Staff Recommendation:** Forward a favorable recommendation to the City Council to approve the proposed Amendment and adopt the Negative Declaration.

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

C. NEW BUSINESS

**C-1** Planning Commission review of General Plan conformity in relation to disposition of the vacant City owned property located on the adjacent lot west of Lemos; APN: 068-168-022.

**Staff Recommendation:** Adopt Resolution

**Staff contact:** Scot Graham, Community Development Manager

D. UNFINISHED BUSINESS - NONE

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 19, 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: January 5, 2016

#	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 Projects:</b>										
4	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
5	Crafton	430 Olive Street	11/13/15	UP0-433	<b>Conditional Use Permit for a 500 sq. ft. addition to a nonconforming structure</b>	JG. Under Review. Spoke with Applicant, will make small corrections. Scheduled for 1/5/15 PC meeting		Conditionally Approved per memo dated 11/25/15		yg
6	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. Tentatively scheduled for 1-19-16 PC hearing.		PN - Conditionally approved with comments-6/1/15		wm
7	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. Tentatively scheduled for 1-19-16 PC hearing.		PN - Conditionally approved with comments-6/1/15		wm

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8	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	Conditional Use Permit & Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site	WM.Tentatively scheduled for 3-1-16 PC hearing.				wm
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
9	May / Ingraffia	636 Fresno	12/21/15	UP0-436	Conditional Use Permit for an 830 sq. ft. addition to a nonconforming structure	JG. Under initial review				jg
10	Adamson	2629 Koa	12/14/15	UP0-435	An existing flag pole that exceeds the 25' height limit the the R-1/S.2 zone	JG. Noticed 12/23/15				jg
11	Smith	1556 Main	12/14/15	UP0-434	An existing flag pole that exceeds the 25' height limit in the light industrial zoning district	JG. Noticed 12/23/16				jg
12	Moore	379 Orton St.	11/17/15	CP0-494	New SFR ( Manufactured home) on vacant lot. 1493sf living, 528sf garage			Conditionally Approved per memo dated 11/25/15		
13	Najarian	986 Las Tunas	11/17/15	CP0-493	Administrative Coastal Development Permit for New SFR - 1679 sf living plus 434 sf garage	JG. Under Initial Review. Met with Agent 12/18 re. corrections, waiting on submittal.		Conditionally Approved per memo dated 11/25/15		jg
14	Najarian	325 Sicily	10/30/15	CP0-491	Administrative Coastal Development Permit for New SFR - 1686 sf living plus 507sf garage	JG. Under Initial Review. Sent back to Agent for Lot Coverage correction on 12/4. Awaiting resubmittal				jg
15	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	Parcel map application & CDP to split 1 R-4 zoned lot in to two lots.	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review.				cj
16	Elliott/ Bernal	2620 Laurel Ave	9/30/15	CP0-489	Admin CDP for new 2,461sf Single family home w/ 710 sf garage and 1495sf of balcony	JG. Under Initial Review. Correction letter sent 10/27		PN- Conditionally approved per memo dated 10/22/15		jg
17	Black Hill Villas	485 South Bay Blvd	8/7/15	A00-027	Precise Plan CUP modification to reflect Coastal Commission approved changes to CDP	Precise Plan requires modification for City approvals to be consistent with Coastal Commission approvals.. Under review. Traffic Study update to be performed.				cj
18	SLCUSD	235 Atascadero	7/20/15	CP0-485 / UP0-427	CDP & CUP for new pool and student services building at Morro Bay High School	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

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19	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
20	Gambriel	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
9	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
10	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
11	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 incomplete. 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
12	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

#	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
13	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. Reviewing outstanding cultural resources concerns.	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: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cj
14	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>										

#	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
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
8	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UPO-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
9	City of Morro Bay	End of Nutmeg	1/18/12	UPO-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>										

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10	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>										
11	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		
12	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		
13	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	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.				
<b>Projects requiring coordination with another jurisdiction:</b>										
14	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	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		
15	City of Morro Bay Desal Plant	170 Atascadero			<b>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.</b>	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.		

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<b>Final Map Under Review Projects:</b>										
	Tract 2670	1899 -1911 Sunset	11/17/15	Map	Final Map. - Tract 2670 6 lot subdivision and 1 common lot	Under review				cj
16	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
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
17	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). 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.		

#	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
18	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>										
19	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. <b>New language for PC and Council review.</b>	No review performed.			wm
20	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 performed.	N/A		sg
<b>Projects Appealed or Forwarded to City Council:</b>										

#	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
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. Appealed by Applicant on 12/21/15		ME conditionally approved per memo 2/3/15		cj
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
2	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>										
2	Abel	765 Alta	12/21/15	B-30796	SFR Addition			JL/PN-Not Approved per Memo dated 12/21/15		
3	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		

#	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
4	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 process of 4-2-2012	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
5	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		
6	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		
7	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		
8	Parks	2810 Elm	12/7/15	B-30775	New 480sf detached garage with new driveway & walkway			PN-Approved 12/16/15		
9	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.		
10	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 revegetation		
11	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		
12	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		
	Nico	2431 Greenwood	12/14/15	B-30783	74 sqft addition to existing 604 sqft deck			JL/PN-Approved 12/21/15		
13	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		
14	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		
15	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-		
16	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		
17	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		
18	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		

#	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
19	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		
20	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		
21	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	JL/PN-Disapproved per memo dated 12/21/15		
22	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		
23	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		
24	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			
25	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
26	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		
27	Zanovich	380 Marina	10/2/15	B-30685	Enclose existing deck on SFR	Disapproved 10-23-15. JG. Approved 12/10	Bldg. Plans approved. 10-19-2015 cdl	PN- Conditionally Approved, 10/16/15		
28	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		
29	Bunker	491 Panay	12/8/15	B30777	203sf interior remodel to existing 1144sf two story SFR			PN- Approved 12/16/15		
30	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		
31	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		
32	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		
33	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		
34	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		
34	Dolezal	1885 Sunset	10/30/15	B-30758	Lot 6: New SFR with 1140sf and 480 garage	Under review		PN- Disapproved per memo 12/17/15		
35	Dolezal	1889 Sunset	10/30/15	B-30757	Lot 5: New SFR with 1140sf with 480 garage	Under review		PN- Disapproved per memo 12/17/15		
33	Dolezal	1893 Sunset	10/30/15	B-30756	Lot 4: New SFR with 1140sf living and 480sf garage	Under review		PN- Disapproved per memo 12/17/15		
34	Dolezal	1897 Sunset	10/30/15	B-30753	Lot 1: New SFR with 1140sf living and 480sf garage	Under review		PN- Disapproved per memo 12/17/15		
33	Dolezal	1901 Sunset	10/30/15	B-30754	Lot 2: New SFR with 1541sf living and 483sf garage	Under review		PN- Disapproved per memo 12/17/15		
34	Dolezal	1905 Sunset	10/30/15	B-30755	Lot 3: New SFR with 1457sf living and 480sf garage	Under review		PN- Disapproved per memo 12/17/15		

#	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
36	Reddell	310 Trinidad	6/1/15	B-30508	New 1763sf SFR w/427sf garage & 150sf storage/deck.	JG. waiting on planning permit approval. CP0479 / UP0431 approved 10/12/15		PN- Plans disapproved. Need lateral sewer video & plans update - 11/24/15		
37	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		

**Planning Projects & Permits with Final Action:**

1	Frye	3420 Toro Lane	1/13/14	CP0-419 & UP0-383	<b>Coastal Development Permit and Conditional Use Permit for New SFR and garage on vacant beach front 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. Appealed to Coastal Commission.	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RPS conditionally approved per memo of 7/20/14		wm
2	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. Approved 12/15/15		ME- Conditionally approved per memo 4/22/2015		kg
3	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. Approved 12/15/15		PN- Conditionally approved per memo dated 7/8/15		kg



AGENDA NO: B-1

MEETING DATE: January 5, 2016

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 30, 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. In addition, the project proposes a second story dining deck expansion along the west side of the building (*continued from the December 15, 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 04-16 which includes the Findings and Conditions of Approval and Adopt the Mitigated Negative Declaration, SCH# 2014111065 with Mitigation and Monitoring Plan (Exhibit D) for the project depicted on site development plans (Exhibit E).

**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



Prepared By: \_\_\_CJ\_\_\_

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

from approximately 50-feet to 93.71-feet in lease site size in order to accommodate the dock 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 second floor.

***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 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 semi-enclosed along the west side of the building facing the bay. Revised simulations to illustrate this are included on plan sheet 2 (Exhibit E).

*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 begins 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; or in the open courtyard area to the south of the building if they encroach into the 8 foot lateral access. 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 and the second floor dining deck expansion.

<b><u>Adjacent Zoning/Land Use</u></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><u>Site Characteristics</u></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><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></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.
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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, October 6, 2015 and December 15, 2015 Planning Commission hearings. 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 and third 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.

After the staff report was released for the December 15, 2015 Planning Commission meeting, staff received correspondence from Chairperson Tefft (Exhibit F) with questions related to project details. These issues centered on concerns related to compliance with the Waterfront Master Plan in the form of required roof pitch on the dining deck expansion proposed on a non-conforming building as well as the required minimum 8 foot public lateral access requirement in an area where there are numerous dining tables encroaching on this minimum 8 foot requirement. (Note: Coastal Commission requires 10 foot wide lateral access). As a result, staff contacted the Applicant to clarify plan details and revised plans were submitted which denote all existing features of the site plan, specifically the public access courtyard immediately south of the Rose's Landing building as well as the roof pitch of the dining deck expansion. (see Planning condition 3, 7 and 8). The Applicant has also indicated that a revised visual simulation will be provided prior to the January 5, 2016 public hearing.

In addition, Dr. Tefft's letter also stated the California Eelgrass Mitigation Policy (CEMP) requires that impacts to eelgrass habitat be avoided to the greatest extent feasible. Staff review did include an analysis of eelgrass impacts and CEMP requirements as discussed further in the staff report on the following page. Attached as Exhibit C is a letter submitted to the City by the Applicant regarding the economic infeasibility of further modifying the dock configuration.

### **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 D), 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 D 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 (Exhibit E) 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 February, 2015 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 SCEMP 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).

In addition to the revised dock plans submitted, the Applicant also submitted a letter dated May 4, 2015 (Exhibit C) regarding the infeasibility of modifying the docks further, based on economic viability. Staff reviewed the letter, the revised plans and consulted with Coastal Commission staff and as a result, 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 a 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 04-16
- Exhibit B – California Coastal Commission letter dated February 2, 2015
- Exhibit C – Applicant Correspondence Regarding Eelgrass Infeasibility, dated May 4, 2015
- Exhibit D – Mitigated Negative Declaration, (SCH #2014111065)
- Exhibit E – Revised Plans/ Reductions dated December, 2015
- Exhibit F – Letter from Chairperson Dr. Robert Tefft dated December 15, 2015

# EXHIBIT A

## RESOLUTION NO. PC 04-16

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 January 5, 2016, 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.
- B. The Planning Commission finds that the Applicant has revised the dock plans to the greatest extent feasible in order to avoid impact to eelgrass habitat pursuant to the California Eelgrass Mitigation Policy.

# EXHIBIT A

## **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 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.

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- 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.
- 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 30, 2015, for the project at 725 Embarcadero depicted on plans attached to the staff report, 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

# EXHIBIT A

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 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.

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## **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).
  - 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:

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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 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.

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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 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 open courtyard area to the south of the Rose's Landing building shall maintain a minimum of 8 foot wide lateral access to provide public access from Embarcadero Road west to the bay. Any existing public tables and benches which impinge on the 8 foot requirement shall be moved to allow for open pedestrian access. Any existing outdoor dining tables on the lease site shall have table signs permanently affixed informing the public that no purchase is required.
9. The Mitigation and Monitoring Plan, attached to the staff report within Exhibit D and listed below shall be incorporated as conditions of approval (**red** font indicates added mitigation since MND circulation):

## 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 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

# EXHIBIT A

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.

**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.

# EXHIBIT A

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 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

# EXHIBIT A

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 A

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

# EXHIBIT A

Planning Commission Resolution #04-16

Concept Plan for UP0-359

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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 5th day of January, 2016 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST

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

The foregoing resolution was passed and adopted this 5<sup>th</sup> day of January, 2016.

# EXHIBIT A

Planning Commission Resolution #04-16  
Concept Plan for UP0-359  
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# 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



May 4, 2015

Doug Redican  
Roses Landing

By Email Only dougredican@gmail.com

**Re: Conforming to 5m Eel Grass Eel Grass Avoidance– Roses Landing Marina**

Dear Doug,

Associated Pacific Constructors, Inc. has been requested to address the commercial impact of adjusting the dock design and pile configuration based on the current and ongoing identification of eel grass patches west of your waterfront lease site.

Current permit regulations require any eelgrass habitat to have at least a 5 mtr un-vegetated buffer zone from any floating docks or gangways. The most current eel grass survey has identified eel grass near current design Slips 1-7. In order to comply with these buffer zone requirements the current marina design would reduce the slip size by at least 25% in length, which would significantly limit the vessel sizes which could occupy the dock. Therefore the economic viability this project would be questionable.

If you have any further questions, please feel free to contact me.

Office 805 772 7472

Sincerely,

A handwritten signature in black ink, appearing to read "Paul E. Gillen".

Paul E. Gillen  
President  
Associated Pacific Constructors, Inc.  
Cal. General Engineering License Class A #394886

# EXHIBIT D

**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:

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

Applicant/Agent:

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 D

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 D



**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 D

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).

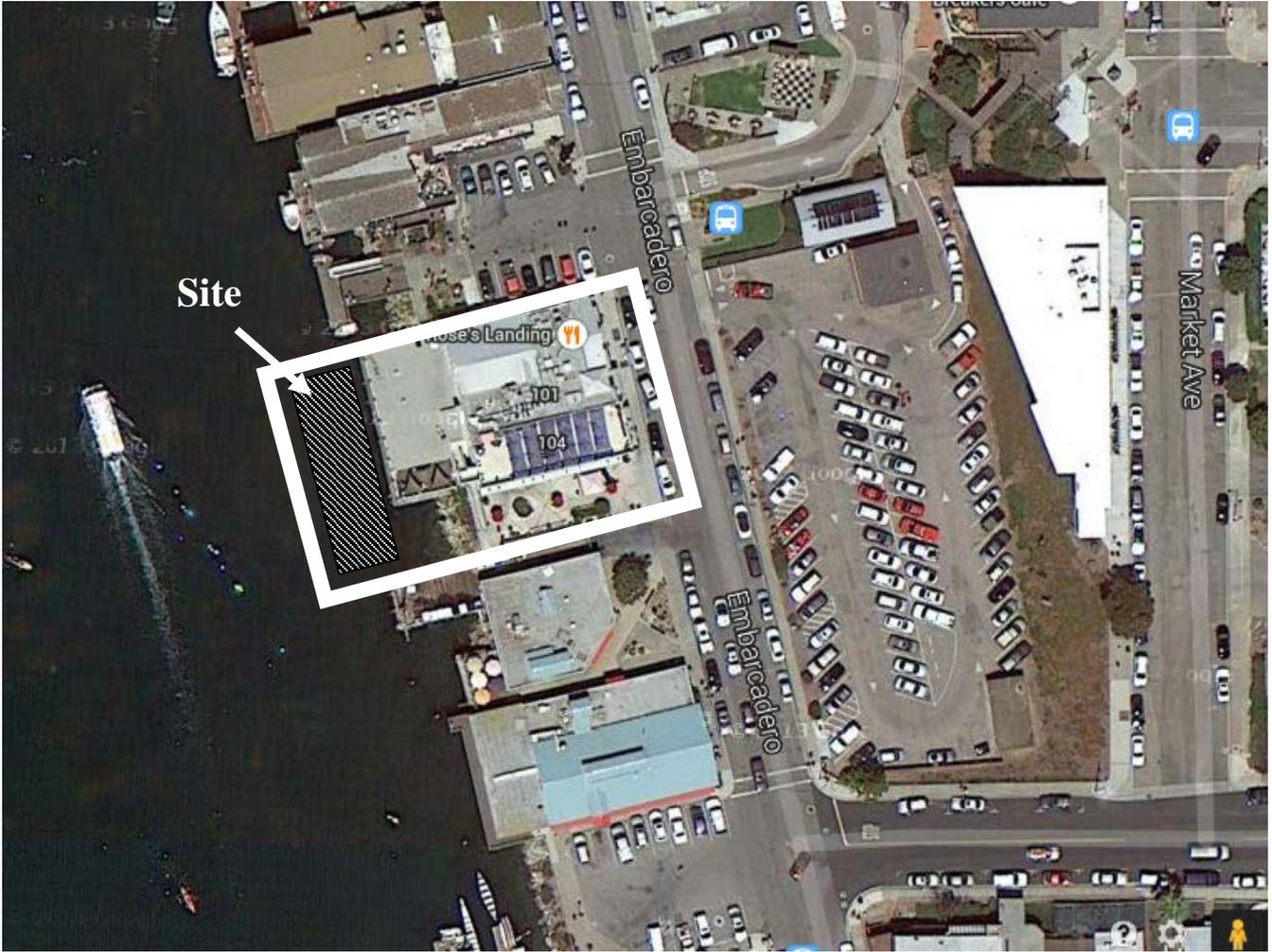
**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

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)

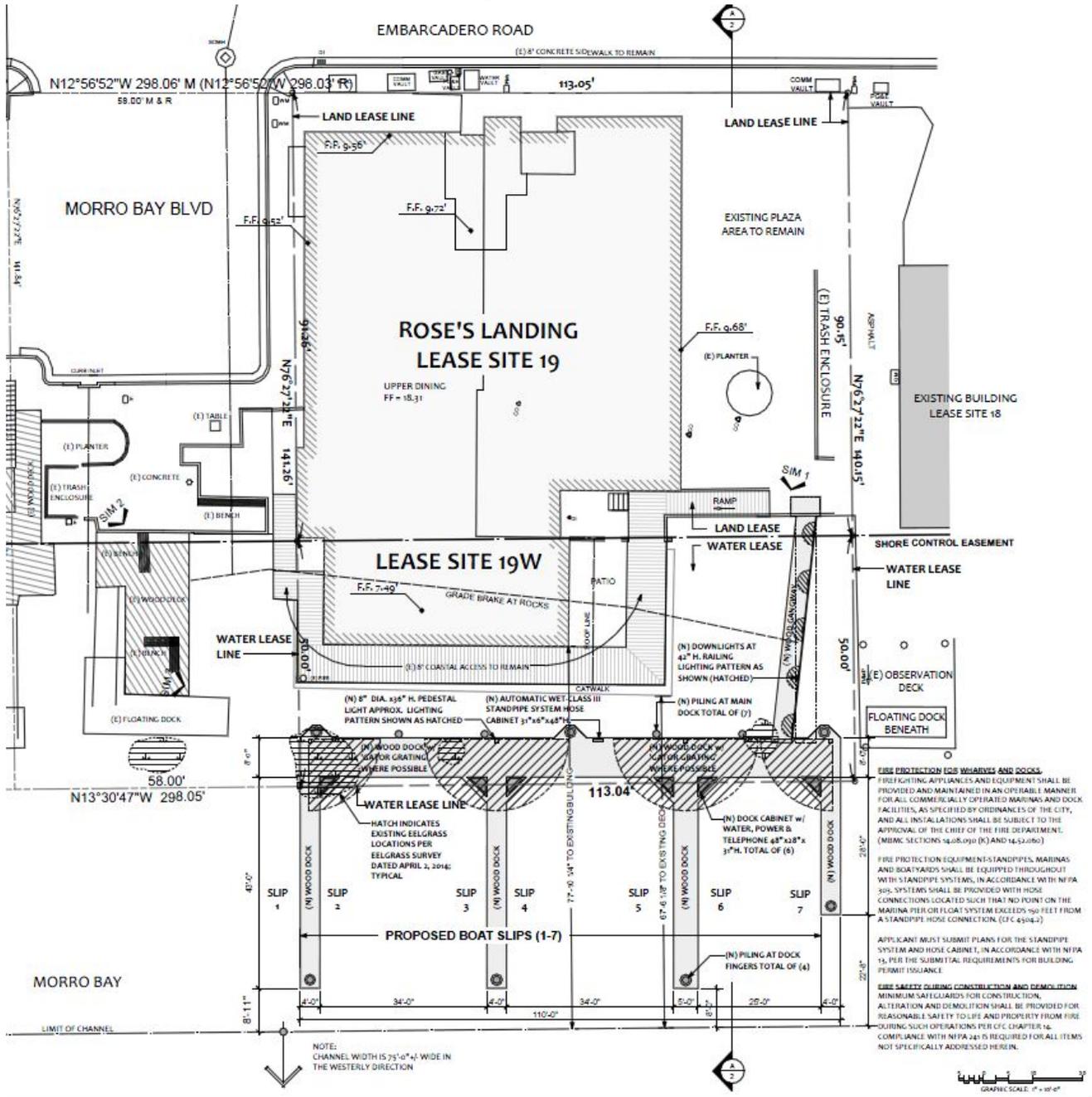
# EXHIBIT D

## VICINITY MAP



# EXHIBIT D

## SITE PLAN



# EXHIBIT D

## VISUAL SIMULATION PLAN



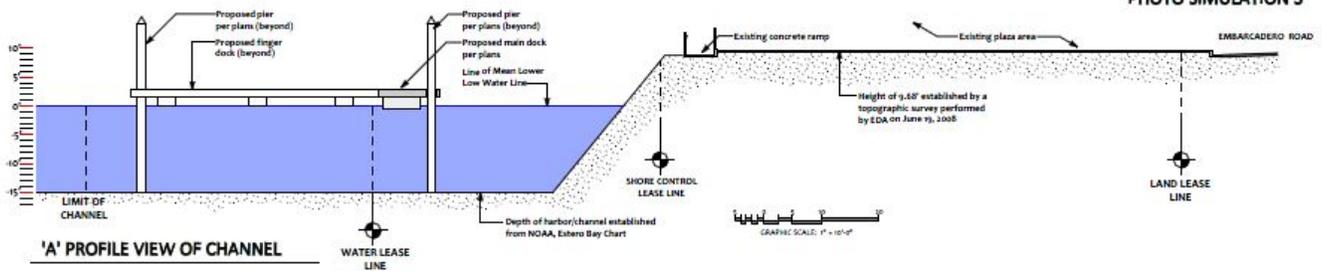
PHOTO SIMULATION 2



PHOTO SIMULATION 1



PHOTO SIMULATION 3



# EXHIBIT D

## 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)).
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# EXHIBIT D

## 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

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Date

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Cindy Jacinth, Associate Planner

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For: Rob Livick, Public Services Director



**Previous Document:**           N/A

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## 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 D

## 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.*

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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.*

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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

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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	

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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

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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.

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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

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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:

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- 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

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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

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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 D

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

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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.

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**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

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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.

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

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.

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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.*

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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.*

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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)?				

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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 D

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 D

## 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
<i>a) Potential to degrade:</i> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
<i>b) Cumulative:</i> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
<i>c) Substantial adverse:</i> 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 D

## 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 D

## 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 D

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 D

**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 D

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 D

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**Applicant**

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**Date**

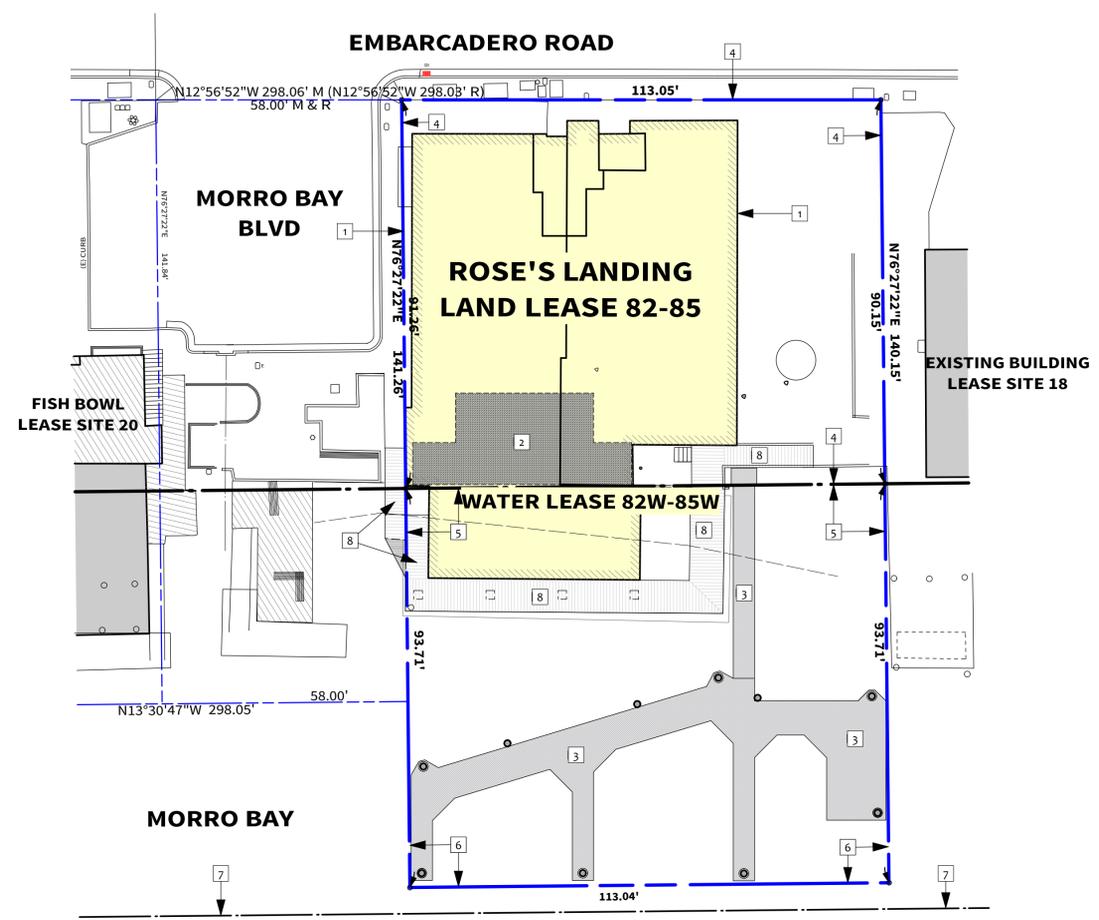
# Rose's Landing Boat Slips & Dining Deck Expansion



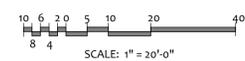
Steven Puglisi  
ARCHITECTS, INC.  
569 Higuera Street Ste. A  
San Luis Obispo  
Ca. 93401  
805.595.1962  
805.595.1980 Fax.



Rose's Landing  
Boat Slips & Dining Deck Expansion  
for Doug Redican  
at 725 Embarcadero Road, Morro Bay, CA



- 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) 8'0" 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 ENVIRONMENTAL  
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.P.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 TENARA 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 Credit:</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 REMOVE**

Outdoor Dining	1744 s.f. (-125 sf)	60 s.f. customer use area / 2	-18.0
<b>Total Parking For Deck Remove</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>

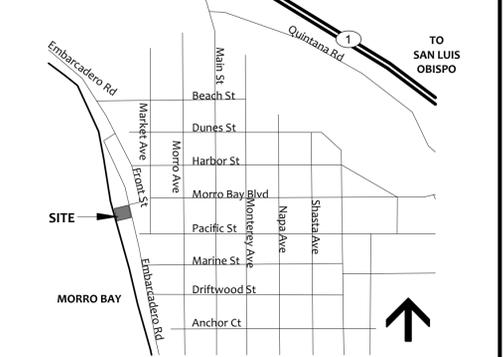
**PROPOSED UPPER DINING DECK EXPANSION PARKING**

Outdoor Dining Area	487 s.f. (-125 sf)	60 s.f. customer use area / 2	4.0
<b>Total 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**

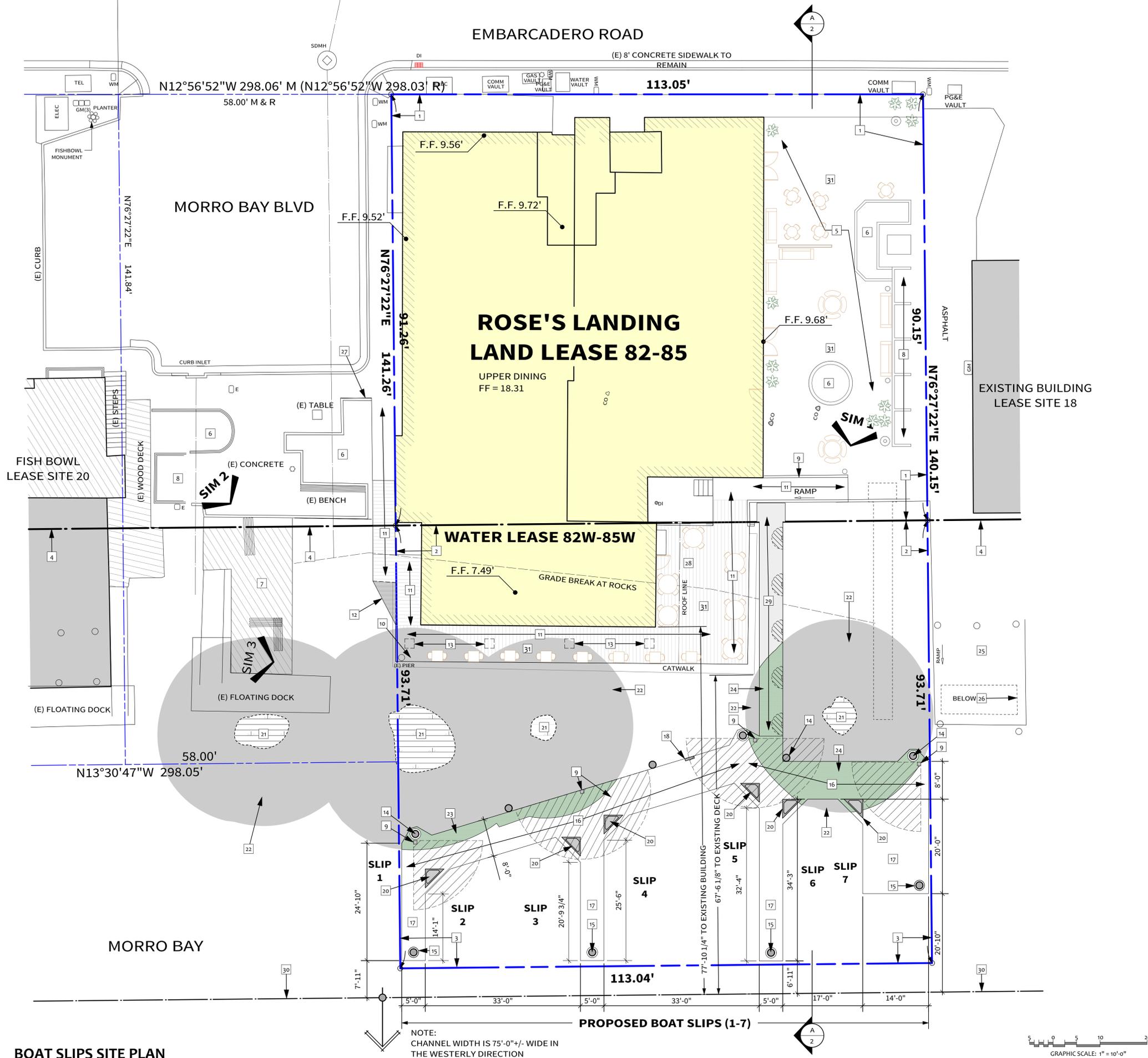


All ideas, designs, arrangements and plans indicated or represented by the drawings are owned by, and the property of, Steven Puglisi, A.I.A. Architect, and were created and developed for use, and in conjunction with, the specific project described herein. None of these ideas, designs and arrangements 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 #  
**1.0**





**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 SHORE CONTROL EASEMENT
- 4 (E) PLAZA TO REMAIN
- 5 (E) PLANTER TO REMAIN
- 6 (E) WOOD PIER AND BENCHES TO REMAIN
- 7 (E) TRASH ENCLOSURE TO REMAIN
- 8 (N) COASTAL ACCESSWAY SIGN
- 9 (E) 8'0" COASTAL ACCESS TO REMAIN
- 10 HATCH INDICATES THE WIDENING OF THE COASTAL ACCESS PATHWAY
- 11 DASHED LINE INDICATES (N) 24" SQ. SKYLIGHT. TOTAL OF FOUR (4).
- 12 (N) PILING AT MAIN DOCK. TOTAL OF SIX (6).
- 13 (N) PILING AT DOCK FINGERS. TOTAL OF FOUR (4).
- 14 (N) WOOD OR ALUMINUM DOCK w/ GATOR GRATING (WHERE POSSIBLE)
- 15 (N) WOOD OR ALUMINUM DOCK
- 16 (N) AUTOMATIC WET-CLASS III STANDPIPE SYSTEM HOSE CABINET. 31" X 6" X 48"H
- 17 (N) 8" DIA. X 36" H PEDESTAL LIGHT. HATCH INDICATES APPROX. LIGHTING PATTERN.
- 18 (N) DOCK CABINET w/ WATER, POWER & TELEPHONE. 48" X 28" X 31"H. TOTAL OF SIX (6).
- 19 HATCH INDICATES EXISTING EELGRASS LOCATION PER EELGRASS SURVEY DATED APRIL 2, 2014. TYPICAL
- 20 SHADED AREA INDICATES THE 5 METER SURROUNDING AREA OF THE EELGRASS HABITAT AREA
- 21 145 S.F. 5M HABITAT AREA INTRUSION
- 22 374 S.F. 5M HABITAT AREA INTRUSION
- 23 (E) OBSERVATION DECK TO REMAIN
- 24 (E) FLOATING DOCK TO REMAIN
- 25 (N) COASTAL ACCESS SIGN TO INDICATE THROUGH ACCESS. (E) PUBLIC ACCESS AND DINING DECK TO BE REMOVED
- 26 (E) RESTAURANT DINING PATIO TO REMAIN
- 27 (N) ALUMINUM GANGWAY
- 28 LIMIT OF CHANNEL
- 29 EXISTING SITE FURNITURE LAYOUT (AS OF 12/30/15)

**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 COMMERCIAL 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.



**Steven Puglisi ARCHITECTS, INC.**  
 569 Higuera Street Ste. A  
 San Luis Obispo Ca. 93401  
 805.595.1962  
 805.595.1980 Fax.



**Rose's Landing Boat Slips & Dining Deck Expansion**  
 for Doug Redican  
 at 725 Embarcadero Road, Morro Bay, CA

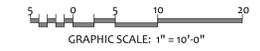
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DATE: 9 December 2015  
 SCALE: As noted  
 JOB: 11-017  
 DRAWN: k.prater  
 REVISIONS: XXX

SHEET #  
**2.0**

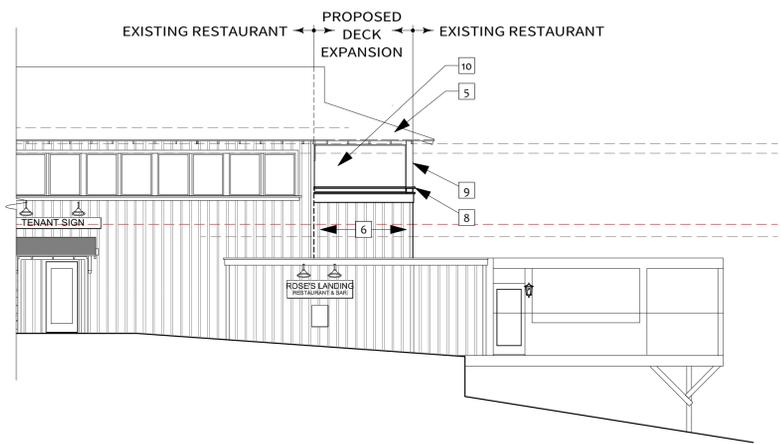
**BOAT SLIPS SITE PLAN**  
 SCALE: 1" = 10'

NOTE:  
 CHANNEL WIDTH IS 75'-0" +/- WIDE IN THE WESTERLY DIRECTION

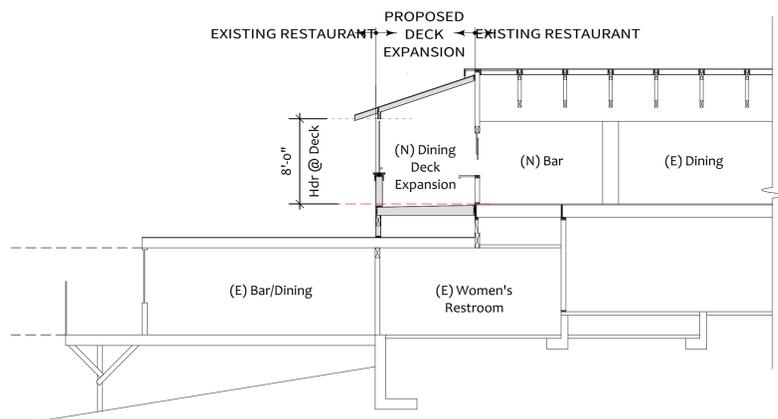




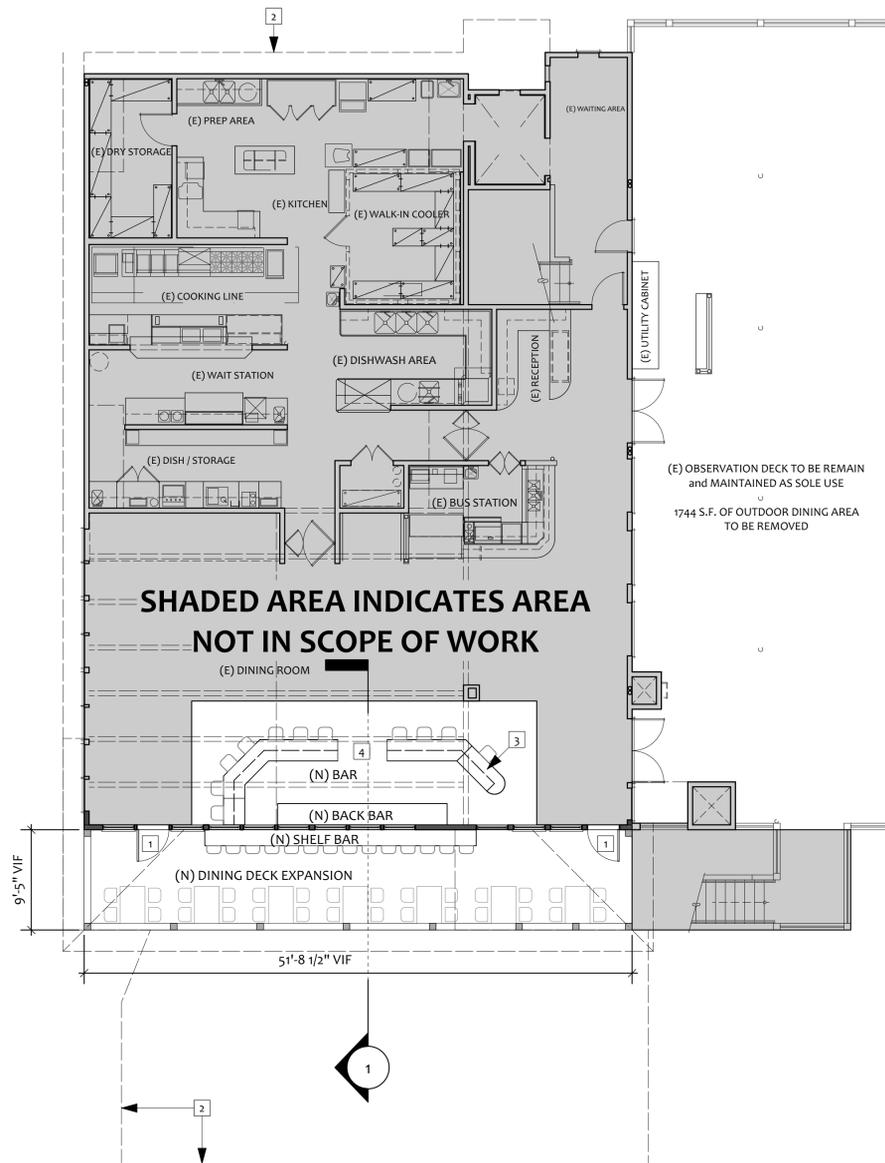
WEST / REAR ELEVATION



PARTIAL NORTH / RIGHT ELEVATION



SECTION



UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"

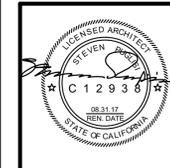
RESTAURANT FLOOR PLAN, EXTERIOR ELEVATIONS AND SECTION REFERENCE NOTES

- 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.

GRAPHIC SCALE: 1/8" = 1'-0"



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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 #  
**3.0**



PHOTO SIMULATION 1



PHOTO SIMULATION 2

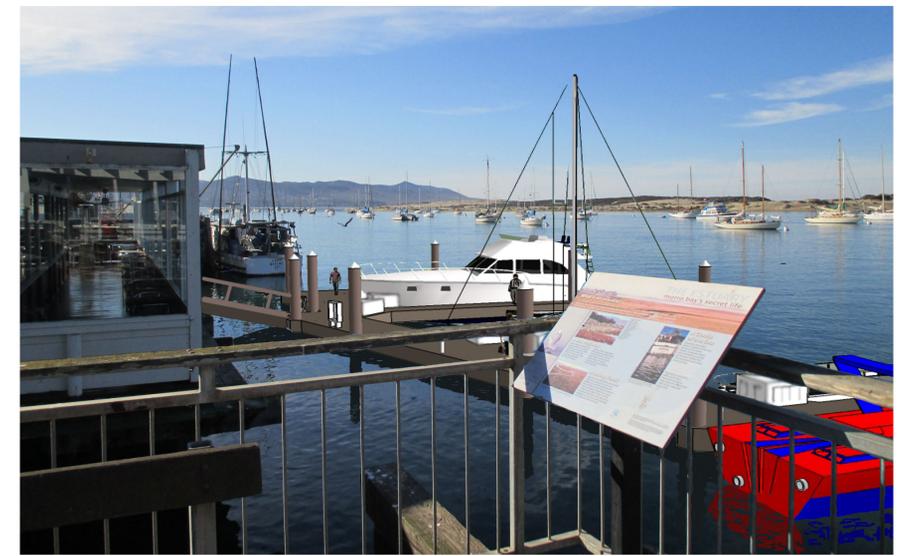


PHOTO SIMULATION 3



DOCK BOX



STANDPIPE HOSE CABINET



PHOTO SIMULATION 4



PHOTO SIMULATION 5  
Outdoor Dining Deck Expansion

**Mariner Lighting Bollard**  
Product Focus

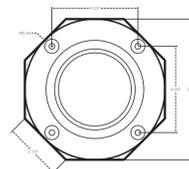


LIGHT PEDESTAL

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.

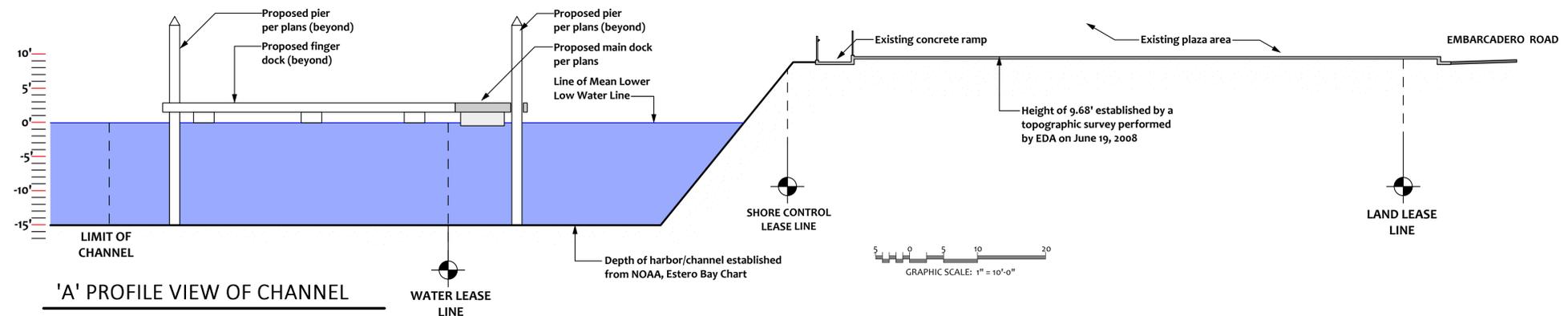
Product Specifications	Dimensions		
	HEAD ASSEMBLY HEIGHT	IN.	MM
• Can Be Configured with a T-9, or 13 Watt Compact Fluorescent Light or LED Lighting	7 Watt	7.0	177.8
• Mounting Base and Painted Pole Supplied for Desired Height	9 Watt/13 Watt	8.0	203.2
• Custom Colors Available	LED	9.0	228.6
• 18, 24 or 36 Inch Total Height	MOUNTING BASE AND POLE		
	18" - 36"		

Base Diagram



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JOB: 11-017  
DRAWN: k. prater  
REVISIONS: XXX

SHEET #  
**2**

**EXHIBIT F**  
**CITY OF MORRO BAY PLANNING COMMISSION**

**December 15, 2015**  
**Agenda Item C-3, UPO-359**

**Questions and Comments from Commissioner Robert G. Tefft, MD**

**QUESTIONS:**

- 1.) The Waterfront Master Plan (page 5-3) requires, in the case where building height exceeds the “standard building height” of 14 to 17 feet that “For areas east and west of the Embarcadero, 80 percent of all roofs for both one and two story structures shall be sloping with a minimum 4 in 12 pitch.” The current Rose’s Landing building does not meet this requirement. Shouldn’t any addition, therefore, be required to provide a pitched roof in order to reduce non-compliance with the WMF?
- 2.) Will the docks be ADA accessible and, if so, will they be accessible during all tide conditions?

**NOTES:**

- 1.) The California Eelgrass Mitigation Policy, October, 2014, (page 12) states that “Boat docks, ramps, gangways, and similar structures should avoid eelgrass habitats to the maximum extent feasible.” It is obvious, in this case, that the extent of encroachment on the required buffers for eelgrass sites could be significantly lessened if Slips 3, 4, 6, and 7 were reduced to the same length as Slip 2, and no evidence has been provided by the applicant or by Staff to support a contention that such a modification would not be “feasible”.

Further, the Planning Commission cannot simply make a finding that additional modifications to dock design are infeasible. Such action would constitute a *conclusory* finding, which is not legally valid. The Planning Commission must examine the actual evidence related to construction of these dock facilities and define the chain of logic which leads to a conclusion that further modification for eelgrass preservation cannot be accomplished. Such evidence has not yet been presented for consideration by the Commission.

- 2.) The Waterfront Master Plan ( page 5-5) states as follows:

“5. Sidewalk Cafes: Outdoor dining is encouraged. ***Said dining areas shall be enclosed in permanent low see-through railings or fences.***” (emphasis added)

At this lease-site, the distinction between public access areas and outdoor restaurant dining areas has been habitually blurred and the requirement for enclosure of such dining areas has been ignored. As a result, virtually all of the so-called public access areas have been filled with restaurant-style chairs and tables, bar stools, and other furnishings which give the impression that these areas are reserved for restaurant patrons.

In light of the current confusion, it would seem prudent for the Planning Commission to establish clear standards for the separation of restaurant-related dining areas and public coastal access areas at this site. Two alternatives which might be considered to ensure future preservation of public access in a manner consistent with the LCP and Coastal Act would be:

- a.) Amend Resolution No. PC 38-18 to include the following condition: *No restaurant tables or chairs, bar stools, or other restaurant furnishings shall be placed in any outdoor area other than the second-floor dining deck expansion approved by this resolution and labeled as item (H) in Section 1, Sheet 3 of the submitted plans; or*
- b.) Continue this item and require the applicant to submit to the Commission plans which:
  - i.) Clearly indicate which outdoor areas will be utilized for restaurant dining and which will be preserved as public coastal access; and

## EXHIBIT F



*Unenclosed restaurant seating encroaching on vertical public access - south side of project site*



*Unenclosed restaurant seating filling second-floor "public viewing and dining deck"*

- ii.) Indicate the location and appearance of the "permanent low see-through railings or fences" which will be installed to separate outdoor dining areas from public access.

*Although the California Coastal Commission staff review suggested other means of separating restaurant seating areas from public accessways (i. e., "signage, rope and post fencing, planters, etc."), these alternatives are not compatible with the WMP.*

In addition, it may be appropriate for the Planning Commission to require, as a condition of approval of this project, an on-going monitoring program to ensure that public coastal access is not impeded by future

# EXHIBIT F

informal and unauthorized expansion of restaurant-related seating.

- 3.) Current signage directing visitors to public coastal access at this site is poor. Signs are needed which, at a minimum, inform pedestrians walking along the Embarcadero sidewalk of the availability of bayside lateral access along the west side of the site and of the second-floor viewing area. In addition, a sign is needed to indicate that public access continues down the ramp at the southwest corner of the building, as this fact may not be readily apparent from the adjacent patio area.

The CCC has indicated that “When the project applies for CDP review, a sign plan condition will be added.” Given the importance of this issue, perhaps the Planning Commission should consider requiring and reviewing such a sign plan prior to concept plan approval.

It is notable, in this regard, that a sign plan is, in fact, a statutory requirement for consideration and approval of a concept plan, under the provisions of Section 17.40.030.F.1.h. of the Morro Bay Zoning Ordinance, which requires that the following information be included:

“h. Architectural Concepts. Sketches showing architectural concepts of the proposed building, including heights, design, exterior materials of proposed buildings, other structures, fences, and *signs*” (emphasis added)

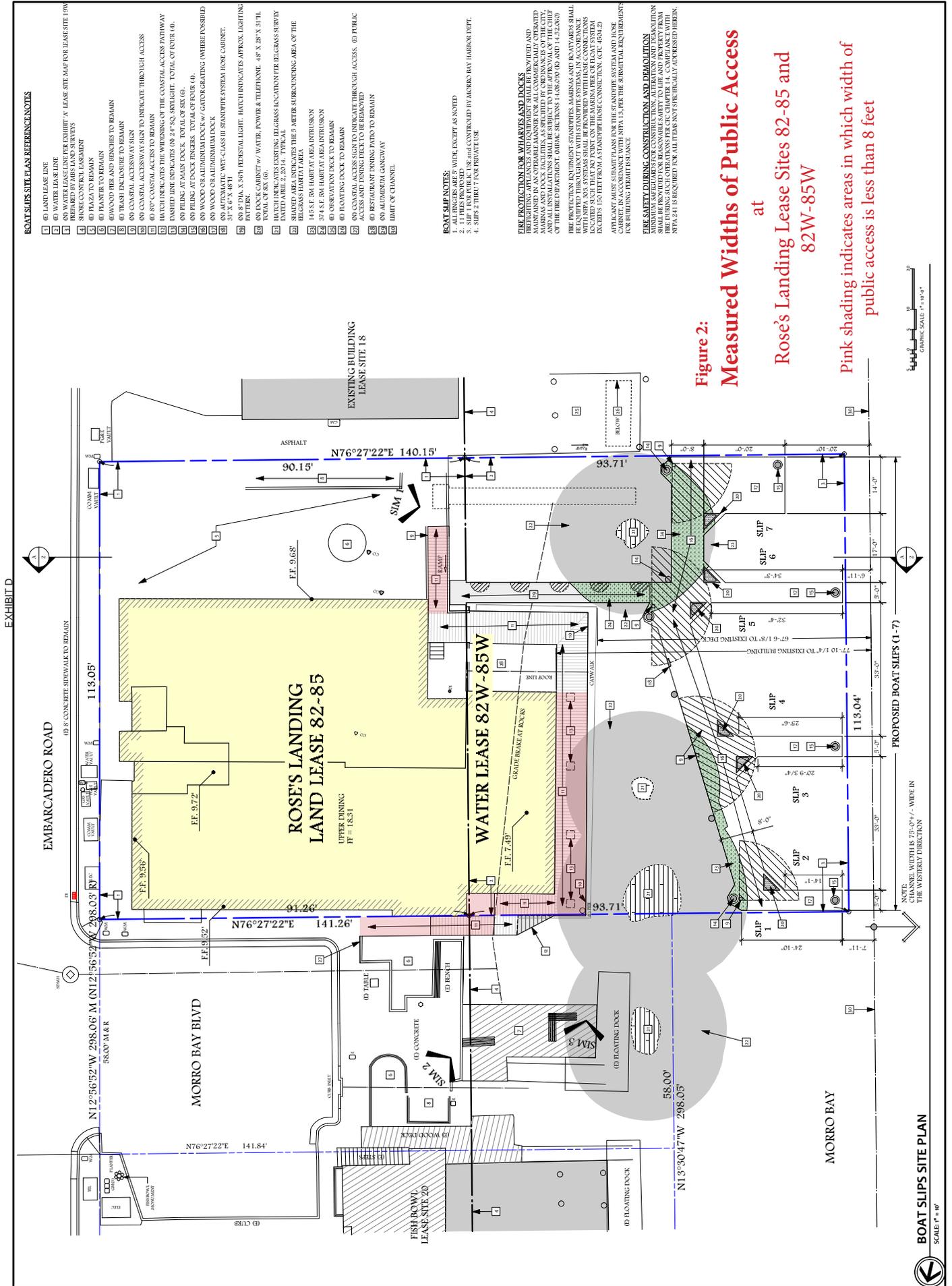
- 4.) Sheet 1 of the plans submitted by the applicant is demonstrably inaccurate with regard to the adequacy of public coastal access. This figure identifies item 11 as an existing “8’0” coastal access to remain”. In fact, the width of this lateral access is equal to or greater than eight feet only in a small segment immediately to the south and west of the existing bar (see Figures 1 and 2). The remainder of the public access at this site varies from 4’0” to 7’3”. In addition, Sheet 1 fails to show an existing wrought iron railing and concrete planter within the “plaza” along the southern portion of the property (labeled as item 5) which narrow the public accessway to approximately 5 feet.

In light of these deficiencies, the Planning Commission might wish to consider requiring the proposed concept plan to provide additional mitigation measures to improve public lateral coastal access. Improvements which might be considered would include (see Figure 3):

- a.) Widening the access ramp southwest of the existing bar to a minimum width of eight feet;
- b.) Widening the access ramp to the north of the bar to a minimum of eight feet (Since a portion of this ramp is on the adjacent Morro Bay Boulevard street end, an encroachment permit may be required);
- c.) Connecting, by means of steps, the access ramp to the north of the bar with the existing concrete lateral access and bench at the southwestern corner of the Morro Bay Boulevard street end (encroachment permit may be required);
- d.) Connecting the lateral accessway along the western edge of the bar directly to the existing public view platform at the adjacent Morro Bay Boulevard street end (encroachment permit may be required).



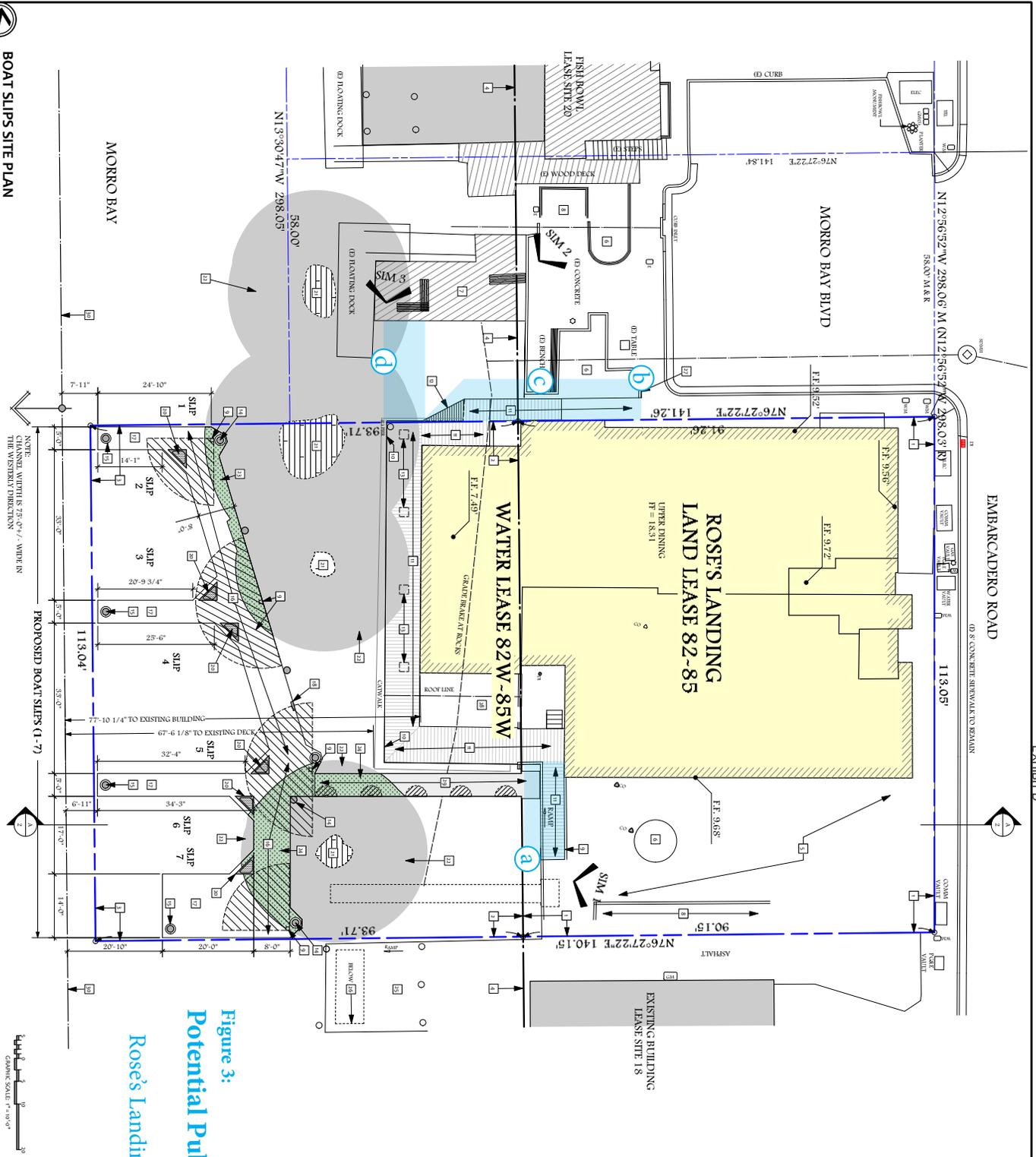
# EXHIBIT F



**Figure 2:**  
**Measured Widths of Public Access**  
 at  
**Rose's Landing Lease Sites 82-85 and 82W-85W**  
 Pink shading indicates areas in which width of public access is less than 8 feet

# EXHIBIT F

EXHIBIT D



BOAT SLIPS SITE PLAN  
SCALE: 1" = 10'

CHANNEL WIDTH IS 75'-0" +/- WIDER IN THE WESTERN DIRECTION

GRAPHIC SCALE: 1" = 100'

### BOAT SLIPS SITE PLAN REFERENCE NOTES

- 01 LAND LEASE LINE
- 02 WATER LEASE LINE
- 03 WATER LEASE LINE FOR EXHIBIT A LEASE SITE 84W FOR LEASE SITE 79W
- 04 WATER LEASE LINE FOR EXHIBIT A LEASE SITE 84W FOR LEASE SITE 79W
- 05 SHORE CONTROL EASEMENT
- 06 PLAZA TO REMAIN
- 07 FLOOR TO REMAIN
- 08 WOOD PIER AND BENCHES TO REMAIN
- 09 TRASH INCLOSURE TO REMAIN
- 10 CASUAL ACCESSWAY SIGN TO REMAIN THROUGH ACCESS
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- 49 CASUAL ACCESSWAY SIGN TO REMAIN THROUGH ACCESS
- 50 CASUAL ACCESSWAY SIGN TO REMAIN THROUGH ACCESS

### BOAT SLIP NOTES:

1. ALL DIMENSIONS ARE IN FEET, EXCEPT AS NOTED
2. SIM 1 FOR PUBLIC USE AND CONVEYED BY MARINO RAY HARBOR DEPT.
3. SIMS 2 THROUGH 7 FOR PRIVATE USE
4. SIMS 8 THROUGH 17 FOR PRIVATE USE

### THE PROTECTION FOR WHARVES AND DOCKS

THE PROTECTION FOR WHARVES AND DOCKS SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE PROTECTION FOR WHARVES AND DOCKS. THE PROTECTION FOR WHARVES AND DOCKS SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE PROTECTION FOR WHARVES AND DOCKS. THE PROTECTION FOR WHARVES AND DOCKS SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE PROTECTION FOR WHARVES AND DOCKS.

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**Figure 3:**  
**Potential Public Access Mitigation**  
at  
**Rose's Landing Lease Sites 82-85 and**  
**82W-85W**



AGENDA NO: B-2

MEETING DATE: January 5, 2016

## Staff Report

**TO:** Planning Commissioners

**DATE:** January 5, 2016

**FROM:** Joan Gargiulo, Contract Planner

**SUBJECT:** Conditional Use Permit (#UP0-433) Request to allow an addition to a single-family residence with a nonconforming front-yard setback at 430 Olive Street, located in the R-1 Residential Zoning District and outside of the Coastal Commission Appeals Jurisdiction.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by approving Planning Commission **Resolution 02-16** which includes the Findings and Conditions of Approval for the project depicted on site development plans dated stamp received December 22, 2015.

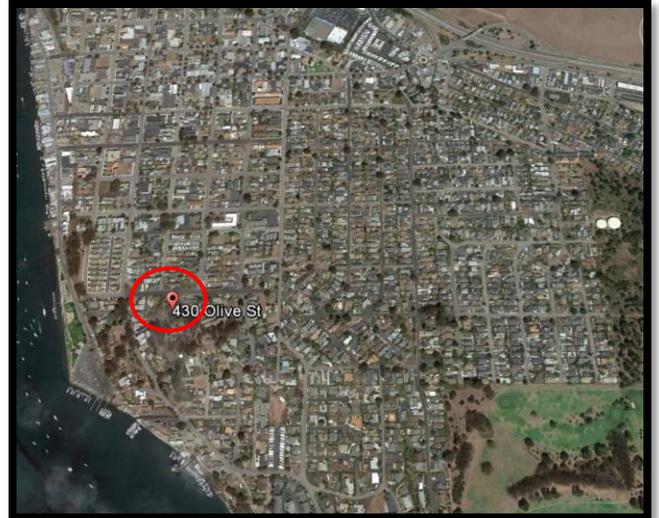
**APPLICANTS:** Jerry C Crafton

**ARCHITECT:** Vernon R. Stevens, Freeline Architecture

**LEGAL DESCRIPTION/APN:** 066-222-005

**PROJECT DESCRIPTION:**

The Applicant is requesting Conditional Use Permit approval for an addition to an existing nonconforming single-family residence. The applicant proposes to add a 500 sq. ft. addition to an existing 2,212 sq. ft. nonconforming single-family residence in the R-1 Residential Zoning District. Specifically, the Applicant proposes to extend the existing living-room, bedroom, and bathroom into the patio space. The existing residence is considered nonconforming because it does not meet the front setback requirements as discussed below in the 'Project Analysis' section.



Prepared By: JG

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

**PROJECT SETTING:**

The project is located in the Central Morro Bay residential neighborhood, designated as Planning Area 7 in the Local Coastal Plan. The parcel at 430 Olive Street lies to the east of Main Street and directly to the north of Cerrito Peak. The mostly level, rectangular-shaped 8,948 square-foot lot is in the R-1 Single-Family Residential Zoning District. Housing in the surrounding area includes a variety of mostly two-story homes. The adjacent property at 460 Olive Street currently has permit approval to build a 4,654 sq. ft. single family residence with a 761 sq. ft. secondary dwelling unit. The site is located outside of the Coastal Commission Appeals Jurisdiction.

Adjacent Zoning/Land Use			
<b>North:</b>	R-1 Single-Family Residential Use	<b>South:</b>	R-1 Single-Family Residential Use
<b>East:</b>	R-1 Single-Family Residential Use	<b>West:</b>	R-1 Single-Family Residential Use

Site Characteristics	
<b>Site Area</b>	Approximately 8,948 square feet
<b>Existing Use</b>	Single-Family residential
<b>Terrain</b>	Developed and sloping downward from Cerrito Peak
<b>Vegetation/Wildlife</b>	Ornamental landscaping
<b>Archaeological Resources</b>	N/A
<b>Access</b>	Olive Street

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
<b>General Plan/Coastal Plan Land Use Designation</b>	Low-Medium Density Residential
<b>Base Zone District</b>	R-1
<b>Zoning Overlay District</b>	n/a
<b>Special Treatment Area</b>	n/a
<b>Combining District</b>	n/a
<b>Specific Plan Area</b>	n/a
<b>Coastal Zone</b>	Located outside the Coastal Appeals Jurisdiction

**PROJECT ANALYSIS:**

**Background**

County Assessor records indicate the existing nonconforming single-family residence was originally built in 1956 straddling the eastern lot line and encroaching into the public right-of-way to the north. A lot Line Adjustment (S00-102) was granted by the City on October 27, 2010 and recorded with San Luis Obispo County on April 4, 2011. A Special Encroachment Permit (SPE-089) was approved to allow for the existing front portions of the structure that encroach into the right-of-way. There is an ingress and egress easement for the portion of the driveway that crosses the northern edge of the adjacent parcel to the east (460 Olive Street). The residential use is consistent with the General Plan designation of Low-Medium Density Residential and with the Single-Family Residential (R-1) Zoning District.



<b>Zoning Ordinance Standards</b>			
	<b>Standards</b>	<b>Existing</b>	<b>Proposed</b>
<b>Front Setback</b>	20 feet	<b>0 feet</b>	<b>0 feet</b>
<b>Side-Yard Setback</b>	5 feet	5 feet	5 feet
<b>Rear Setback</b>	10 feet	10 feet	10 feet
<b>Height</b>	25 Feet	25 feet	25 feet
<b>Lot Coverage</b>	Max. 45%	24%	31.3%
<b>Parking</b>	2 Car Garage	2 Car Garage	2 Car Garage

### **Zoning Ordinance Consistency**

Current requirements of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”) pertaining to front setbacks render the existing structure nonconforming. However, additions to nonconforming structures may be permitted with approval of a conditional use permit, subject to certain findings (Morro Bay Municipal Code (MBMC) section 17.56.160). The existing residence does not conform to the current 20 ft. front-yard setback requirement as set forth in Section 17.24.040 of the Zoning Ordinance. The garage entry encroaches fully into the required front setback area and encroaches into the public right-of-way; this encroachment is allowed pursuant to Special Encroachment Permit SPE-089. The proposed addition shall be in conformance with all provisions set forth in the Morro Bay Municipal Code.

### **Conditional Use Permit Requirement**

The Zoning Ordinance, subsection 17.56.160A, requires approval of a conditional use permit for any structure which is nonconforming with any provision of this title. The project proposes to add a 500 square-foot addition to a nonconforming structure. As noted above, the structure is nonconforming with regard to the front-yard setbacks. Approval of a Conditional Use Permit requires the following findings to be made:

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

*The proposed addition is consistent with Zoning Ordinance requirements.*

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

*The applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.*

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

*The project proposes an addition to a single-family dwelling, which is an allowed use in the R-1 zone. The surrounding neighborhood is developed with mostly two-story homes.*

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

*Major reconstruction would be necessary to meet the required front-yard setback.*

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on December 24th, 2015, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. The exemption applies to additions to existing structures resulting in an increase of 50% of the floor area or less and the project will have no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**CONCLUSION:**

The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because housing is a principally allowed use in the Low/Medium Density land use designation and because the Zoning Ordinance allows additions to nonconforming structures upon approval of a conditional use permit (MBMC section 17.56.160).

**RECOMMENDATION:**

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-433 for the proposed addition to a nonconforming structure for the project at 430 Olive Street, as shown on plans date stamp received December 22, 2015, by adopting Planning Commission **Resolution 02-16** which includes the Findings and Conditions of Approval for the project.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 02-16  
Exhibit B – Graphics/Plan Reductions

# Exhibit A

## RESOLUTION NO. PC 02-16

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (UP0-433) TO ALLOW AN ADDITION TO A NONCONFORMING RESIDENTIAL STRUCTURE AT 430 OLIVE STREET

**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 January 5, 2016, for the purpose of considering Conditional Use Permit UPO-433 for a proposed addition to a nonconforming single-family residence at 430 Olive Street.; 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.

**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) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt pursuant to Class 1, CEQA Guidelines Section 15301(e) for additions to existing structures with no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under section 15300.2, apply to the project.

#### Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.
2. The proposed addition is in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.

4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes an addition to a single-family dwelling, which is an allowed use in the R-1 zone and the surrounding neighborhood is developed with mostly two-story homes.
5. It is not feasible to make the structure conforming without major reconstruction of the existing structure. Major reconstruction would be necessary to meet the required front-yard setback.

**Section 2. Action.** The Planning Commission does hereby approve Conditional Use Permit UPO-433 for property located at 430 Olive Street subject to the following conditions:

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated January 5, 2016, for the project at 430 Olive Street depicted on plans date stamped December 22, 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 plans, 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 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.

## **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 and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings: The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.

3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
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.

### **BUILDING CONDITIONS**

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

### **PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morrobay.ca.us/EZmanual](http://www.morrobay.ca.us/EZmanual). Projects with more than 2,500 sq ft of new or redeveloped impervious area are subject to these requirements. Complete and submit the "SFR Performance Requirement Determination Form".
2. Sewer Lateral: If an existing lateral is used, perform a video inspection of the lateral and submit to Public Works via flash drive or DVD. Lateral shall be repaired if necessary. A sewer backwater valve and downstream cleanout, extended to grade, shall be installed on the sewer lateral. If a new lateral is being proposed and old lateral exists, include a note on the plans to cap and abandon existing sewer lateral.
3. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070). Indicate and label on plan.
4. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. The Plan shall show control measures to provide 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.
5. Encroachment Permits: A sewer encroachment permit shall be required for the installation or repairing of the sewer lateral. 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 Notes to the Plans:

1. Any damage, as a result of construction operations for this project, 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 Works Department Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
3. Due to mandatory water conservation requirements and stormwater requirements no pressure washing is allowed unless it is directly due to professional preparation of exterior painting of property. No discharge of non-stormwater is allowed into the municipal storm drain system and contractor must provide measures to prevent any discharge for entering the stormwater system.

**FIRE CONDITIONS:**

1. Automatic fire sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903), California Residential Code (Section R313), and Morro Bay Municipal Code (Section 14.08.090(L)(4)(b)) is recommended.

In conjunction with this remodel and for the fire and life safety of the occupants, we strongly recommend installation of an automatic fire sprinkler system.

2. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)

Applicant shall provide Carbon Monoxide detection in accordance with CRC R315.2.

3. Fire Safety During Construction and Demolition shall be in accordance with 2013 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations

Applicant shall include above language on Building Plan submittal.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 5th day of January, 2016 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST

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

The foregoing resolution was passed and adopted this 5th day of January, 2016.

**freeline**  
ARCHITECTURE  
814 18th Street, Bakersfield, Ca. 93301 phone: 661-833-9667

RECEIVED  
DEC 2 9 2015  
City of Morro Bay  
Community Development Dept.



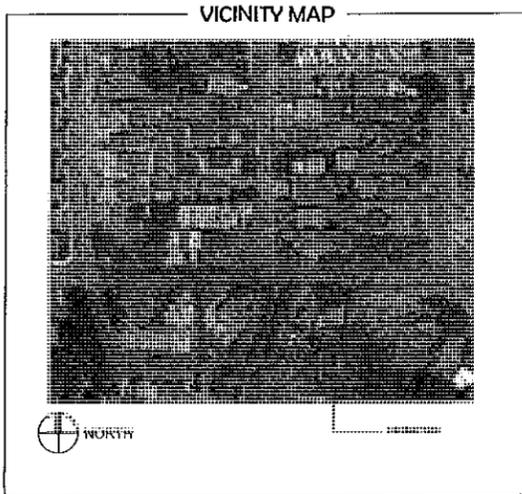
**Crafton Residence Room Addition**  
430 Olive Street  
Morro Bay, Ca. 93442

ABBREVIATIONS					
AB	-ANCHOR BOLT	FLSHG	-FLASHING	FRM	-ROOM
AMB	-ARCH	FLOR	-FLORESCENT	FR	-ROUGH OPENING
AC	-ASPHALT CONCRETE	FOR	-FACE OF BLOCK	FS	-ROUGH SAWY
AC	-AIR CONDITIONING	FOC	-FACE OF CONCRETE	RFR	-RUBBER TOP SET BASE
ACOUT	-ACOUTICAL	FOF	-FACE OF FRESH	RD WD	-RED WOOD
ADD	-ADDITIONAL	FOA	-FACE OF MASSIVE	SC	-SOLID CORE
ADJ	-ADJUSTABLE / ADJACENT	FOS	-FACE OF STUD	SCHE	-SCHEDULE
AGG	-AGGREGATE	FT	-FOOT	SECT	-SECTION
ALT	-ALTERNATE	FTG	-FOOTING	SEW	-SEWER
ALUM	-ALUMINUM	GA	-GALVANIZED	SHT	-SHEET
APPROX	-APPROXIMATE	GEN	-GENERAL	SHG	-SHEATHING
ARCH	-ARCHITECT (SCALE)	GL	-GLAZING	SM	-SIMILAR
		GLB	-GLUE LAMINATED BEAM	SL	-SLIDING
GO	-BOARD	GYP BD	-GYPSUM BOARD	SPCS	-SPECIFICATIONS
BLD	-BUILDING			SO	-SOUND
BLK	-BLOCK	HR	-HOSE END	SS	-STAINLESS STEEL
BLDG	-BUILDING	HC	-HANDICAPPED	STD	-STANDARD
BLU	-BLU	HD	-HEAD	STL	-STEEL
BLT	-BOLT	HR	-HEADER	STR	-STRIP
BLD	-BUILDING	HRW	-HARDWARE	STRCT	-STRUCTURAL
BLK	-BLOCK	HT	-HEIGHT	STRP	-STRIPPED
BLR	-BUILT UP ROOFING	HMA	-HOLLOW METAL		
		HORZ	-HORIZONTAL	TTL	-TELEPHONE
C	-CARPET	HVAC	-HEATING / VENTING / AIR CONDITIONING	TEMP	-TEMPERED
CAB	-CABINET			TG	-TONGUE AND GROOVE
CB	-CATCH BASIN	ID	-INSIDE DIMENSION	THRESH	-THRESHOLD
CEM	-CEMENT	INCHD	-INCHES	TOC	-TOP OF CONCRETE
CEI	-CEILING	INCHD	-INCHES	TOL	-TOLERANCE
CF	-CAST FOOT	INT	-INTERIOR	TOL	-TOLERANCE
CI	-CAST IRON	MAN	-MAN	TOP	-TOP OF DECK
Q	-CAST IRON	HT	-HEIGHT	TOP	-TOP OF PARAPET
CLR	-CLEAR	INT	-INTERIOR	TOS	-TOP OF SHEATHING
CLM	-CONCRETE MASONRY UNIT	LAMPPLAS	-LAMINATED PLASTIC	TOW	-TOP OF WALL
COL	-COLUMN	LAV	-LAVATORY	TV	-TELEVISION
COMP	-COMPOSITION			TPP	-TYPICAL
CONC	-CONCRETE	MAT	-MATERIAL		
CONT	-CONTINUOUS	MAX	-MAXIMUM	UL	-UNLESS NOTED OTHERWISE
CONST	-CONSTRUCTION	MB	-MACHINE BOLT	UNO	-UNLESS NOTED OTHERWISE
COBR	-CORROGATED	MCH	-MECHANICAL	VERT	-VERTICAL
CT	-CABLE TELEVISION	MFR	-MANUFACTURER	VEST	-VESTIBULE
CVL	-CULVERT	MN	-MILL		
		MET	-METAL		
				W7	-WITH
DEL	-DOUBLE			WANS	-WAINSCOT
DF	-DOUGLAS FIR	NC	-NOT IN CONTACT	WC	-WATER CLOSET
DA	-DIAMETER	NTS	-NOT TO SCALE	WD	-WOOD
DAG	-DIAGONAL			WH	-WATER HEATER
DM	-DIMENSION	OC	-ON CENTER	WHD	-WINDOW
DV	-DIVIDE	OD	-OUTSIDE DIAMETER	WID	-WITHOUT
DR	-DOOR	OHG	-OVERHEAD CABINET	WR	-WATER RESISTANT
DS	-DIP	ORNG	-ORANGE	WT	-WOOD TRUSS
DTL	-DETAIL			WVF	-WELDED WIRE FABRIC
				WVN	-WELDED WIRE MESH
EA	-EACH	PART	-PARTITION		
EAF	-ELECTRIC AND/OR HOIST	PG	-PORT GRADE		
II	-EXPANSION JOINT	PL	-PROPERTY LINE		
ELEV	-ELEVATION	PLST	-PLASTER		
ENCL	-ENCLOSURE	PLF	-POUNDS PER LINEAL FOOT		
EO	-EQUAL	PLWD	-PLYWOOD		
EQUIP	-EQUIPMENT	PR	-PANEL		
EWC	-ELECTRIC WATER COOLER	PS	-POUNDS PER SQUARE FOOT		
EX	-EXTINGUISH	PVC	-POLYVINYL CHLORIDE		
EXP	-EXPANSION				
EXT	-EXTERIOR	QT	-QUARTZITE		
FD	-FLOOR DRAIN	RAD	-RADIOS		
FE	-FIRE EXTINGUISHER	RAG	-RESTRICTED AIR CIRCLE		
FH	-FIRE HAZARD	RD	-ROOF DRAIN		
FN	-FINISH	REF	-REFRIGERATOR		
FG	-FRESH GRADE	RENF	-REINFORCED		
FLR	-FLOOR	REQ	-REQUIRED		
		RET	-RETURN		

SYMBOLS	
	DETAIL NUMBER
	SECTION NUMBER
	SHEET NUMBER
	STRUCTURAL GRID BUBBLE
	NORTH ARROW
	DOOR TAG
	KEYNOTE
	WINDOW TAG
	WALL TYPE
	ELEVATION NUMBER
	ELEVATION NAME
	ELEVATION DIRECTION
	ROOM NAME
	ROOM NUMBER
	ROOM AREA
	REVISION NUMBER

BUILDING ANALYSIS	
<b>PROJECT ADDRESS:</b> 430 OLIVE STREET MORRO BAY, CA. 93442	
<b>PROJECT DESCRIPTION:</b> ADD 500 SF ROOM ADDITION TO EXISTING RESIDENCE	
<b>OWNER:</b> JERRY CRAFTON 3713 CLAREMONT DRIVE BAKERSFIELD, CA. 93308 PHONE: 661-333-1505	
<b>EXISTING SITE:</b>	
ZONING	R-1
APN	066-222-005
LOT AREA	8,848 SF OR .20 ACRES
EXISTING ENCROACHMENT PERMIT	DOC#2010055898 (SEE SHEET A100)
EXISTING LOT COVERAGE	2,212 / 8,848 = 24% COVERAGE
PROPOSED LOT COVERAGE	2,800 / 8,848 = 31.3% COVERAGE
EXISTING HARDSCAPE COVERAGE	2,006 / 8,848 = 22% COVERAGE
PROPOSED HARDSCAPE COVERAGE	1,809 / 8,848 = 20% COVERAGE
PROPOSED PERMEABLE SURFACE COVERAGE (NO CHANGE)	4,730 / 8,848 = 52% COVERAGE
<b>EXISTING BUILDING:</b>	
SINGLE FAMILY RESIDENCE	2,212 SF
PROPOSED ADDITION	553 SF
PROPOSED BALCONY	35 SF
NEW TOTAL AREA	2,800 SF

CODES	
2013 CALIFORNIA BUILDING CODE (CBC)	
2013 CALIFORNIA ELECTRICAL CODE (CEC)	
2013 CALIFORNIA MECHANICAL CODE (CMC)	
2013 CALIFORNIA PLUMBING CODE (CPC)	
2013 CALIFORNIA ENERGY EFFICIENCY STANDARDS (CEES)	



# Crafton Residence Room Addition

## 430 Olive Street Morro Bay, Ca. 93442

**GENERAL NOTES**

ALL CONSTRUCTION SHALL COMPLY WITH THE ADOPTED ORDINANCES AND POLICIES OF THE GOVERNING AGENCY AND THE LATEST ADOPTED EDITIONS OF THE FOLLOWING:

PROVIDE TEMPORARY SANITARY FACILITIES (CHEMICAL TOILET) FOR THE USE OF ALL EMPLOYED PERSONNEL ON THE PROJECT. FACILITY TO BE COMPLETELY PORTABLE.

ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A REGISTERED CIVIL ENGINEER OR A LICENSED LAND SURVEYOR.

ALL EXTERIOR SECURITY AND PARKING LIGHTING SHALL BE HOODED, ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A HAVASANCE TO STREET TRAFFIC OR SURROUNDING LIVING ENVIRONMENT.

PROVIDE A MINIMUM OF 2% GRADE SLOPE FOR A DISTANCE OF 5'-0" AWAY FROM THE BUILDING. DRAINAGE ONTO ADJACENT PROPERTIES IS PROHIBITED. ON-SITE WATER RETENTION IS NOT ALLOWED UNLESS SPECIFICALLY REQUIRED BY THE APPROVING AGENCY.

OVERALL LOT DRAINAGE SHALL BE A MINIMUM OF 10% FROM THE REAR PROPERTY LINE TO FRONTAGE AT A PUBLIC STREET OR TO AN APPROVED DRAINAGE FACILITY.

PERIODICAL SPECIAL INSPECTION IS REQUIRED FOR WOOD SHEAR WALLS, SHEAR PANELS, AND DIAPHRAGMS, INCLUDING NAILING, BOLTING, ANCHORAGE, AND OTHER FASTENING TO COMPONENTS OF THE SEISMIC FORCE RESISTING SYSTEM. SPECIAL INSPECTION BY A QUALIFIED INSPECTOR IS REQUIRED WHERE THE FASTENER SPACING OF THE SHEATHING IS 4" O.C. OR LESS.

JOB CARD SHALL BE POSTED 24 HOURS SPECIFIC PLACE ON SITE AND READILY AVAILABLE FOR SIGNATURES.

PROVIDE FOR THE POSTING OF STREET ADDRESS NUMBERS WHICH MUST BE AT LEAST 3" HIGH WITH A 1/2" MINIMUM STROKE MOUNTED ON A CONTRASTING BACKGROUND. ADDRESS SHALL BE CLEARLY VISIBLE FROM THE STREET AND RE-REFLECTORIZED. MULTIPLE POSTING MAY BE REQUIRED.

PROVIDE A CONSTRUCTION SITE ADDRESS POSTED AT A HEIGHT OF 4' - 7'. EACH TEMPORARY SIGN SHALL BE WEATHER RESISTANT ON MATERIAL APPROVED BY THE FIRE MARSHALL AND THE BUILDING OFFICIAL. ALL SIGN SIGNS SHALL MEET THE MINIMUM APPROVED STANDARDS AND SHALL BE MAINTAINED TO THE SATISFACTION OF THE FIRE MARSHALL AND BUILDING OFFICIAL.

ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERRUPTION IF THE ROAD SYSTEM BECOMES UNUSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.

CHANGES TO THE APPROVED PLANS DURING CONSTRUCTION OTHER THAN:

- CABINET CHANGES WHEN NOT BEING SUPPORTED ENTIRE BY THE ROOF STRUCTURE,
- INTERIOR DOOR AND FIREPLACE RELOCATION SHOWN THE APPROVED PLAN,
- A SINGLE NON-BEARING WALL RELOCATION WHEN CREATING ANOTHER ROOM, AND
- INTERIOR NON-STRUCTURAL WALL FINISH SHALL CAUSE PLAN APPROVAL AND CONSTRUCTION TO BE SUSPENDED. A NEW PLAN CHECK OR A NEW PLAN SHOWING CHANGES WILL BE SUBMITTED FOR REVIEW AND APPROVAL THROUGH THE NORMAL PLAN CHECK PROCESS.

IF ADVERSE SOIL CONDITIONS ARE ENCOUNTERED, A SOIL INVESTIGATION REPORT MAY BE REQUIRED.

ROOF DIAPHRAGM NAILING TO BE INSPECTED BEFORE COVERING. FACE GRAB OF PLYWOOD SHALL BE PROVIDED AS SUPPORTS.

PLYWOOD SPANS SHALL CONFORM WITH TABLE 2504.7. ALL DIAPHRAGM AND SHEAR WALL NAILING SHALL UTILIZE COMMON NAILS OR GALVANIZED NAILS.

3/8" AND 1/2" WAFFERBOARD, ORIENTED STRAND BOARD AND PARTICULATEBOARD REQUIRE TONGUE-AND-GROOVE EDGES OR MUST BE SUPPORTED WITH BLOCKS OR EDGE CLIPS.

GREEN VINYL SKEWERS DO NOT MEET THE NAILING REQUIREMENTS FOR MOST BOX AND COMMON NAIL CONNECTIONS.

SEE SHEETS N101 & N102 FOR ADDITIONAL GENERAL NOTES

SHEET INDEX	
<b>ARCHITECTURAL:</b>	
A000	TITLE SHEET
A100	SITE PLAN & GENERAL NOTES
A101	EXISTING ENCROACHMENT DRAWING
A200	FLOOR PLANS
A300	BUILDING SECTION & ELEVATIONS
N101	NOTES
N102	NOTES & DETAILS
GB-1	GREEN BUILDING CODE FORMS
<b>STRUCTURAL:</b>	
S1-0	STRUCTURAL SPECIFICATIONS & PROJECT DATA
S2-1	FOUNDATION PLAN
S2-2	SECOND FLOOR FRAMING & FOUNDATION PLAN
S3-1	ROOF FRAMING PLAN
S4-1	SECTION & WALL ELEVATION
S5-1	FOUNDATION DETAILS
S5-2	FOUNDATION DETAILS
S6-1	FRAMING DETAILS
S6-2	FRAMING DETAILS
<b>ENERGY CALCULATIONS:</b>	
T-24	ENERGY CALCULATIONS

CONSULTANTS	
<b>ARCHITECT:</b> Freeline Architecture Vernon R. Stevens 814 18th Street Bakersfield, Ca. 93308 phone: 661-498-3614 email: jeromy@freelinearch.com	<b>STRUCTURAL ENGINEER:</b> BSE Inc. Brian Barcus 7600 N. Palm Ave Fresno, Ca. 93711 phone: 569-261-8585 email: brian@barcusinc.com web: www.barcusinc.com

Revisions

1

2

00-02-000

Author

12/4/2015 3:01:03 PM

TITLE SHEET

**A000**











CONCRETE NOTES
1. ALL CONCRETE SHALL BE PLACED AND FINISHED TO THE FINISH SURFACE INDICATED ON THE DRAWINGS.
2. ALL CONCRETE SHALL BE PLACED AND FINISHED TO THE FINISH SURFACE INDICATED ON THE DRAWINGS.

WOOD AND PLASTICS
1. ALL WOOD SHALL BE DRY TO A MAXIMUM MOISTURE CONTENT OF 19% AT THE TIME OF INSTALLATION.
2. ALL WOOD SHALL BE DRY TO A MAXIMUM MOISTURE CONTENT OF 19% AT THE TIME OF INSTALLATION.

MECHANICAL EQUIPMENT
1. ALL MECHANICAL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
2. ALL MECHANICAL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

ELECTRICAL
1. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE.
2. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE.

FASTENERS
1. ALL FASTENERS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
2. ALL FASTENERS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

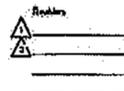
METALS
1. ALL METALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
2. ALL METALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

FINISHES
1. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
2. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

freeline ARCHITECTURE



CRAFTON RESIDENCE
430 OLIVE STREET
MORRO BAY, CA.



N101

FLOOR PLAN NOTES

1. FLOOR PLAN SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.

STAIR FRAMING NOTES

1. STAIR FRAMING SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.

CEILING JOIST NOTES

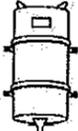
1. CEILING JOIST FRAMING SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.

LANDING FRAMING NOTES

1. LANDING FRAMING SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.

NOT USED

1. SHEARWALL DETAIL SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.



WATER HEATER NOTES

1. WATER HEATER SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.

Table with 2 columns: Item, Description. Contains a list of materials and quantities for the foundation.

Foundation (Windows)

FIRE SAFE REGULATIONS

1. FIRE SAFE REGULATIONS SHALL BE IN ACCORDANCE WITH THE CITY OF MORRO BAY, CALIFORNIA, DEPARTMENT OF BUILDING SAFETY, PERMITS DIVISION, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7, DIVISION 705, AND THE CALIFORNIA FIRE CODE, CHAPTER 7, DIVISION 705.1.

CONCRETE ENCASED GROUND DETAIL

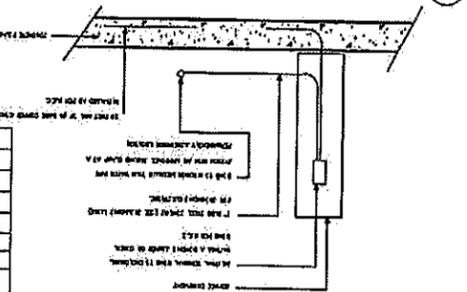
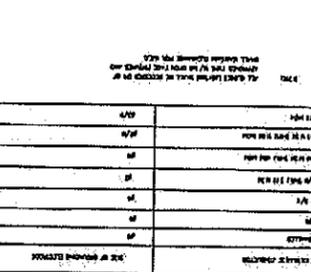


Table with 2 columns: Item, Description. Contains a list of materials and quantities for the concrete encased ground detail.

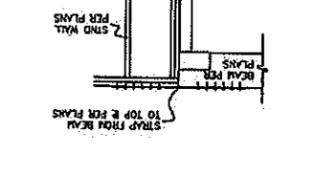
GROUNDING TABLE

WEEP SCREEN

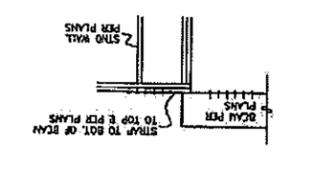


WEEP SCREEN

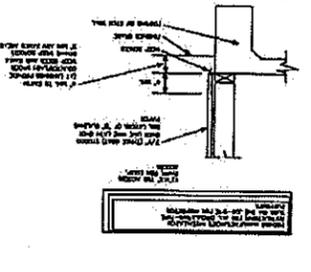
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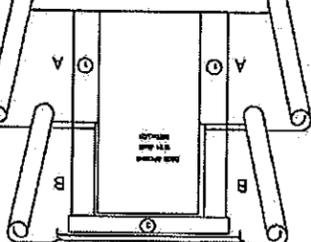
STRUT WALL CONNECTION



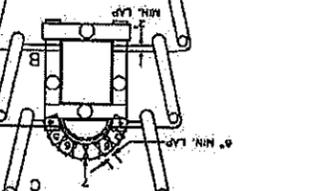
WEEP SCREEN



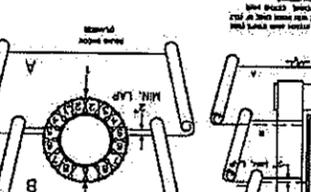
WEEP SCREEN



STRUT WALL CONNECTION



FELT DETAIL



CRAFTON RESIDENCE  
430 OLIVE STREET  
MORRO BAY, CA.

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414 5th Street, Morro Bay, CA, 93920 phone: 805-433-3300

N102



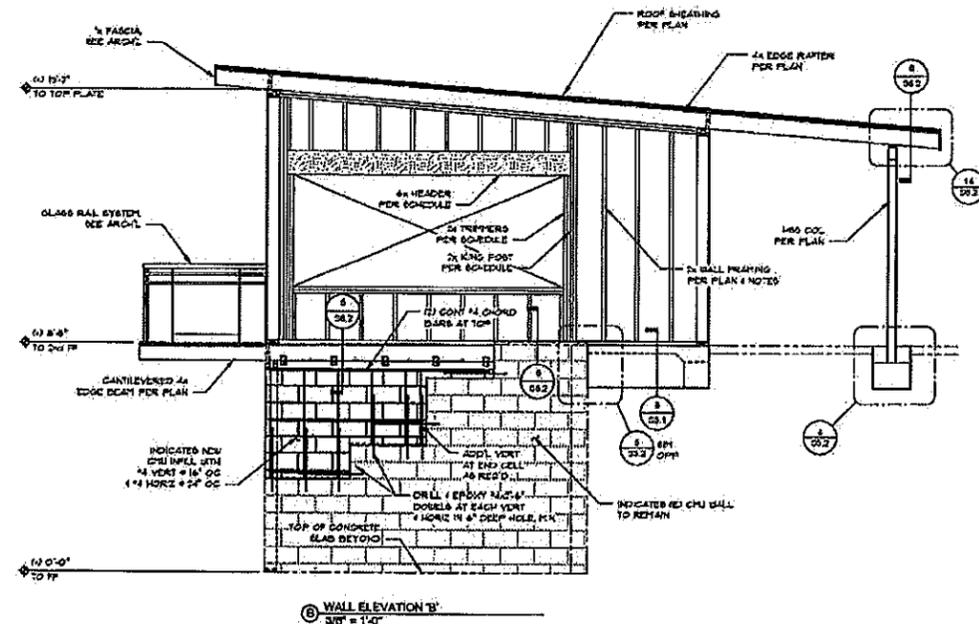
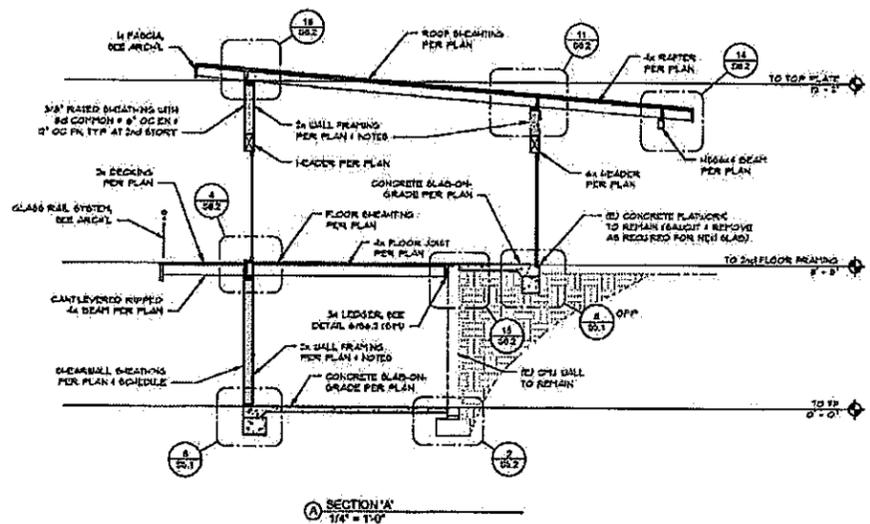












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ARCHITECTURE

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Suite 200 | Irvine, CA 92711  
949.261.4444  
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**Crafton Residence**  
430 Olive Street  
Morro Bay, Ca.

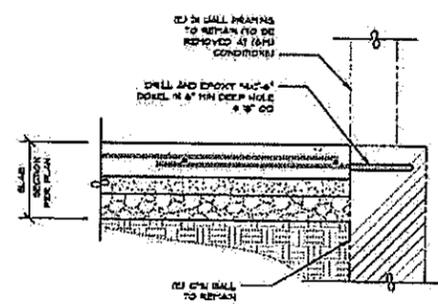
SECTION & WALL ELEVATION  
**S4.1**



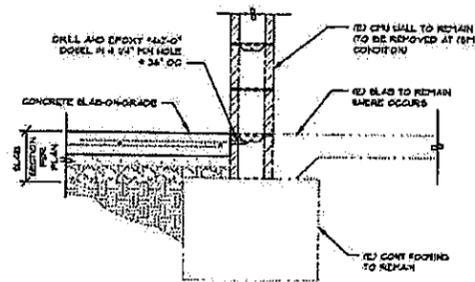
100 North Palm Avenue  
Suite 200 | Irvine, CA 92711  
949.261.4444  
www.freeline.com

**EGAN**  
**2001**  
ENGINEERS

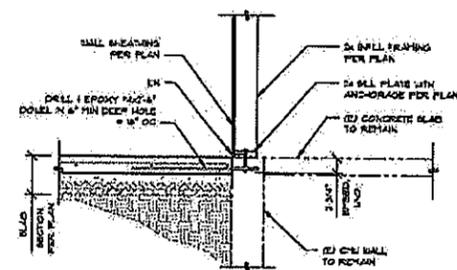




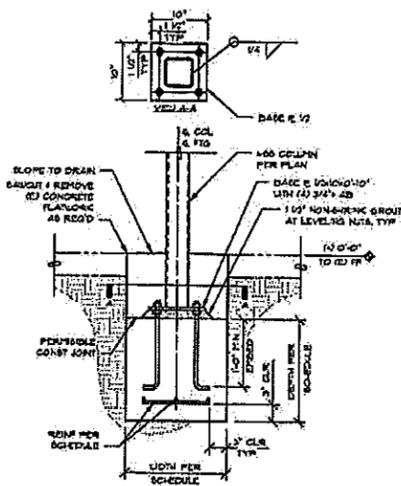
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1 1/2" = 1'-0"



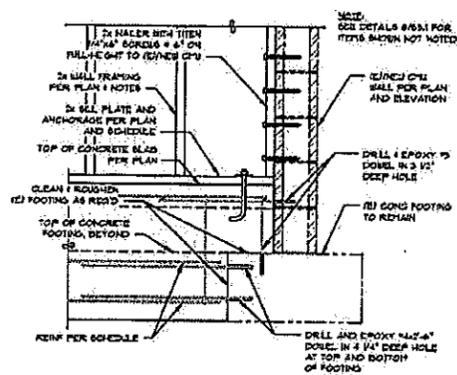
2 NEW SLAB AT (E) FOOTING  
1" = 1'-0"



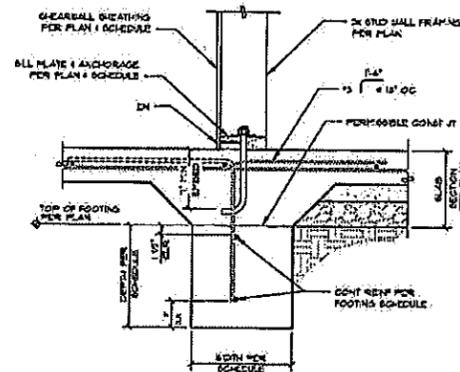
3 NEW SLAB & INFILL AT (E) CMU  
3/4" = 1'-0"



4 EXTERIOR HSS COL FOOTING  
1" = 1'-0"



5 NEW FOOTING AT (E) FOOTING  
1" = 1'-0"

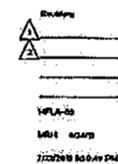


6 INTERIOR BEARING WALL FOOTING  
1 1/2" = 1'-0"

**freeline**  
ARCHITECTURE  
814 1/2 Street Sebastopol, CA 95901 Phone: 409-432-9007



**Crafton Residence**  
340 Olive Street  
Morro Bay, Ca.



FOUNDATION  
DETAILS

S5.2



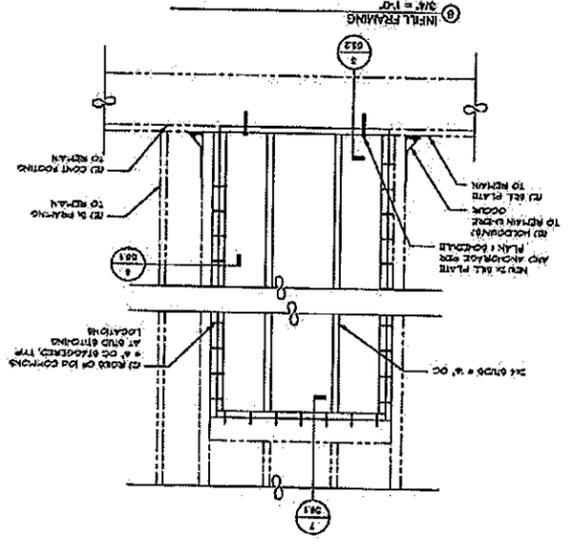
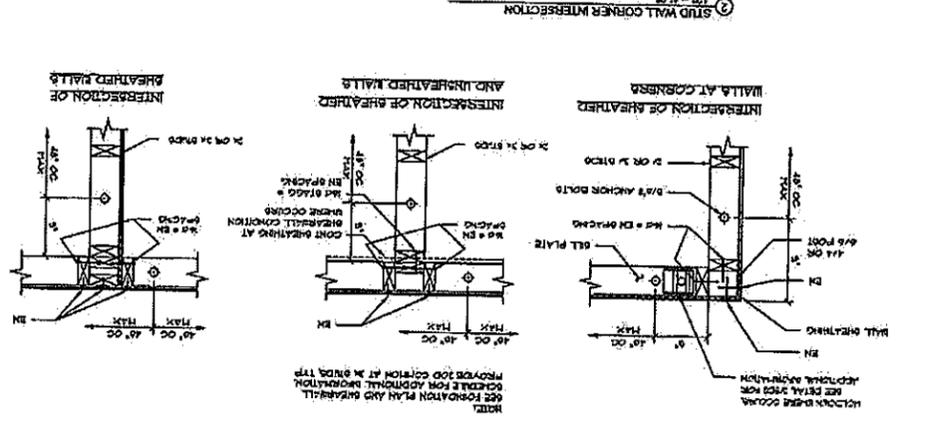
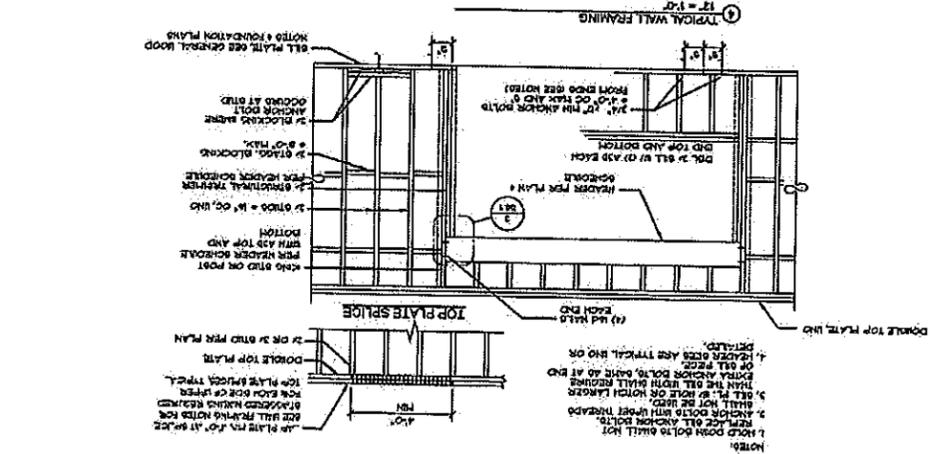
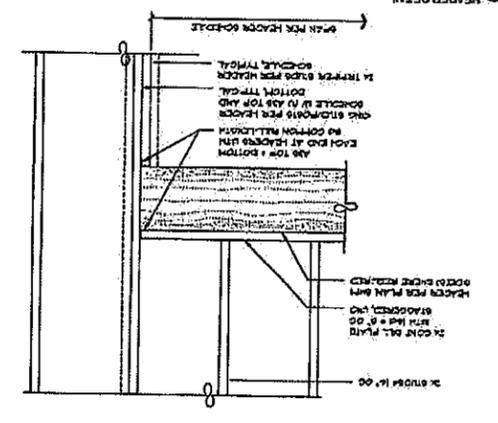
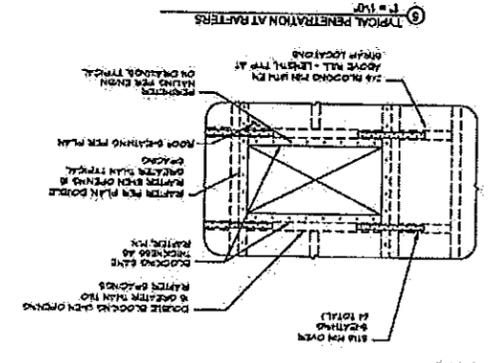
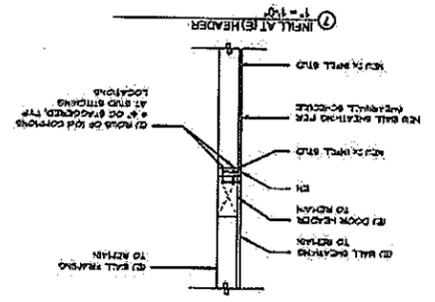
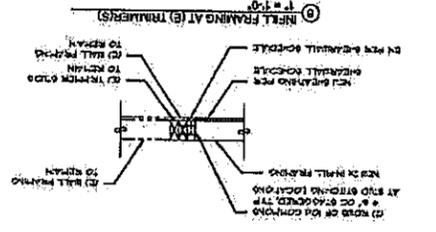
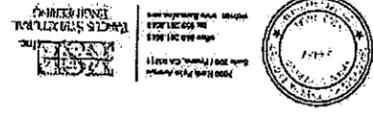
2800 North Palm Avenue  
Suite 202, Torrance, CA 90503  
Office: 808-201-1208  
Fax: 808-201-1209  
Website: www.franklin.com

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STRUCTURAL  
ENGINEERING

56.1  
FRAMING DETAILS  
WOOD FRAME

Crafton Residence  
340 Olive Street  
Morro Bay, Ca.

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ARCHITECTURE



1. MATERIALS SCHEDULE

NO.	DESCRIPTION	QTY	UNIT
1	2x4 SYP	1000	LF
2	2x6 SYP	500	LF
3	2x8 SYP	200	LF
4	2x10 SYP	100	LF
5	2x12 SYP	50	LF
6	2x14 SYP	25	LF
7	2x16 SYP	10	LF
8	2x18 SYP	5	LF
9	2x20 SYP	2	LF
10	2x22 SYP	1	LF
11	2x24 SYP	1	LF
12	2x26 SYP	1	LF
13	2x28 SYP	1	LF
14	2x30 SYP	1	LF
15	2x32 SYP	1	LF
16	2x34 SYP	1	LF
17	2x36 SYP	1	LF
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259	2x520 SYP	1	LF



AGENDA NO: B-3

MEETING DATE: January 5, 2016

## Staff Report

**TO:** Planning Commissioners **DATE:** January 5, 2016  
**FROM:** Whitney McIlvaine, Contract Planner  
**SUBJECT:** Local Coastal Program and Zoning Text Amendment A00-029 amending Section 17.48.320 (Secondary dwelling units) and 17.48.315 (Guesthouses/quarters and accessory living areas) as well as other sections of the zoning ordinance for internal consistency.

### **RECOMMENDATION:**

Review the proposed zoning text amendment, addressing secondary dwelling units and guesthouses, and forward a recommendation to the City Council regarding desired changes to be incorporated into a new ordinance.

### **BACKGROUND/DISCUSSION:**

On May 13, 2014, the City Council adopted Ordinance 585 amending zoning ordinance standards for secondary dwelling units and guesthouses within the City (Attachment B). That ordinance has not yet been submitted to the California Coastal Commission for certification. Rather than doing so, staff recommends further review and refinement of the amendment language. Staff's proposed changes are shown in Exhibit A of the resolution attached to this staff report (Attachment A), which would become part of a new ordinance for City Council consideration, along with any further revisions recommended by the Planning Commission. Staff is recommending changes in order to:

- **Address the use of secondary units as vacation rentals**  
The use of secondary dwelling units for short-term vacation rentals undermines the purpose of allowing secondary dwellings as a means of increasing the supply of small affordable housing units in the community. Staff recommends prohibition of the use of secondary dwelling units as vacation rentals. Refer to new Section 17.48.320(H) in Exhibit A of the resolution.
- **Identify permitting requirements**  
Ordinance 585 removed the use permit requirement for secondary dwelling units and guesthouses in most cases, consistent with State law. However, it does not clearly state the fact that since Morro Bay is in the coastal zone, a coastal development permit is still required for secondary dwelling units and guesthouses.

Prepared By: WM

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

Please refer to proposed Sections 17.48.315(B) and 17.48.320(G) as well as Sections 17.58.020(G) and (I) in Exhibit A of the resolution.

- **Ensure consistency with the Coastal Act and the City's Local Coastal Program**

Staff recommends including language to ensure that the establishment of secondary dwelling units will not adversely impact coastal resources. See proposed Section 17.458.320(I) in Exhibit A of the resolution.

- **Clarify the zoning districts in which secondary units are permitted**

As adopted, Exhibit A of Ordinance 585 erroneously deletes the AG zone from proposed changes to the tables in Chapter 17.24 "Primary Districts." Staff recommends removing the strikeout of "AG," which would remove the requirement for a minor use permit for secondary dwellings and guesthouses in the AG zone.

Exhibit A of Ordinance 585 also allows for secondary dwellings unit on any "R" lot. However, the Cloisters Tract, which is zoned CRR, specifically precludes secondary dwelling units based on a finding of traffic impacts. Changing that prohibition would require modifying the tract's coastal development permit.

Government Code Section 65852.2(a)(1) allows cities to designate areas where second units may be established based on criteria, that may include, but is not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow. Government Code Section 65852.2(c) allows a local agency to preclude second units where specific impacts on the public health, safety and welfare would result provided a finding is included in the adopting ordinance. Staff recommends not changing the current prohibition on secondary dwelling units in the CRR zone.

See the recommended general changes noted in *bold italics* under the heading, "CHAPTER 17.24 PRIMARY DISTRICTS" in Exhibit A of the resolution.

- **Improve consistency of terminology**

In general, replacing the term "granny unit" with "secondary dwelling unit" makes sense and is a good description of the use. Staff recommends this term be used consistently throughout the zoning regulations. Staff also recommends using the term "primary single-family residence" consistently to clarify that secondary residential units are allowed only in conjunction with single-family development on the same site, and not in conjunction with multi-family development.

- **Correct minor grammatical errors**  
Minor grammatical errors are corrected in the Exhibit A of the resolution. As an example, the definition of secondary dwelling unit adopted as part of Ordinance 585 is awkward and incomplete as written. A suggested revision to the definition is included in the Exhibit A of the resolution.
- **Clarify that conforming secondary dwelling units do not increase a site's density calculation**  
Please refer to proposed new Section 17.48.329(J) in the Exhibit A of the resolution.
- **Clearly specify development standards**  
Exhibit A in Ordinance 585 contains a section on "Lot Coverage" and a separate section on compliance with Titles 14 and 17. Staff recommends addressing general site development standards under a single heading and deleting the subsection requiring compliance with Titles 14 and 17. See revised Section 17.48.320(B) in Exhibit A of the resolution.
- **Clarify water meter requirements for attached and detached units**  
The question of when a new water meter is required comes up often in discussions with members of the public contemplating the addition of a secondary dwelling unit on their property. Pursuant to Title 13 of Morro Bay Municipal Code, separate dwellings under separate roofs require separate meters. Attached separate dwellings under the same roof may share a water service. Refer to new Section 17.48.320(F).

**OTHER POTENTIAL CHANGES:**

There are additional regulations and development standards regarding secondary dwelling units and guesthouses which are sometimes incorporated into the zoning ordinances of other communities and which the Planning Commission may or may not wish to consider. They include:

- Owner occupancy requirements
- Minimum lot size
- Minimum unit size
- Deed restrictions
- Private open space requirements
- Prohibition of further lot subdivision

- Nonconforming secondary dwelling units
- Violations and enforcement

If the Commission wishes the new ordinance to address any of the items above, staff can provide example language at the hearing.

**GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY:**

Proposed amendments are consistent with General Plan Land Use Element residential objectives, which encourage creation of a variety of housing types for all income levels and housing needs, and with Housing Element Policy H-10 (Secondary Units) which states, “Allow for the development of secondary housing units as an affordable housing option throughout the city.”

Proposed amendments are also consistent with the Coastal Land Use Plan because language is included to ensure that the establishment of secondary dwelling units will not adversely impact coastal resources.

**ENVIRONMENTAL DETERMINATION:**

A Negative Declaration was prepared for the project as there were no environmental impacts associated with the project. The environmental document was posted for review and comment for a thirty day period that concluded on November 29, 2011. The State Clearing House number is 2011101073. The Negative Declaration concluded that proposed text changes to the Local Coastal Program and Zoning Ordinance would not result in any significant adverse impacts to the built or natural environment. Nothing in the proposed revisions materially alters that conclusion.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on December 26, 2015 as a 1/8 page notice meeting the legal requirements for projects affecting over 1,000 property owners.

**CONCLUSION:**

Previously adopted amendments to sections of the Zoning Ordinance addressing guesthouses and secondary dwelling units were never certified by the Coastal Commission. More recently, the City Council adopted Ordinance 585 which sought to update the Zoning Ordinance to be more consistent with State law regarding secondary dwelling units and to make changes to regulations affecting guesthouses. Rather than submit that ordinance for certification, staff is recommending submittal of a new ordinance with some additional changes to address omissions and correct errors.

**RECOMMENDATION:**

Adopt Resolution 01-16 which forwards a recommendation for approval to the City Council for amendments to the Zoning Ordinance regarding secondary dwelling units and guesthouses as shown in Exhibit A, attached to the resolution.

**ATTACHMENTS:**

- A: Resolution 01-16 with attached Exhibit A
- B: Adopted Ordinance 585
- C: California Government Code sections related to “second units”

## ATTACHMENT A

### RESOLUTION NO. PC 01-16

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION RECOMMENDING  
THE CITY COUNCIL APPROVE TEXT AMENDMENTS TO TITLE 17 OF THE MORRO  
BAY MUNICIPAL CODE TO ESTABLISH REVIEW PROCEDURES AND  
DEVELOPMENT STANDARDS FOR SECONDARY DWELLING UNITS AND  
GUESTHOUSES

CASE NO.: A00-029 (Local Coastal Program/Zoning Ordinance Amendment)

**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 January 5, 2016 for the purpose of considering Local Coastal Program/Zoning Ordinance Amendment A00-029 to establish review procedures and development standards for secondary dwelling units and guesthouses citywide; 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 interested parties, and the evaluation and recommendations by staff, presented at said hearing; and

**WHEREAS**, it is the purpose of the Zoning Ordinance of the City of Morro Bay to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

**WHEREAS**, it is important to have clear, consistent, and easy to interpret regulations within the Zoning Ordinance; and

**WHEREAS**, California Government Code §65852.2 encourages cities to establish standards to allow for ministerial secondary dwelling units so as to increase the supply of smaller, affordable housing while ensuring that they remain compatible with the existing neighborhood; 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 Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. For purposes of the California Environmental Quality Act, an Initial Study was prepared for the project which resulted in a Negative Declaration (State Clearing House number

2011101073). The Negative Declaration concluded that proposed text changes to the Local Coastal Program and Zoning Ordinance would not result in any significant adverse impacts to the built or natural environment. Nothing in the proposed revisions materially alters that conclusion.

General Plan and Local Coastal Plan Consistency

1. The proposed amendments are in general conformance with the intent of the City General Plan and Coastal Land Use Plan because they forward the objectives of creating a variety of affordable housing types and, at the same time, ensuring protection of coastal resources.

**SECTION 2: Action.** The Planning Commission forwards a recommendation to the City Council to approve Local Coastal Program/Zoning Ordinance Amendment A00-029 as contained in Exhibit “A,” attached hereto and made a part of this Resolution.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 5th day of January, 2016 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Robert Tefft, Chairperson

ATTEST

---

Scot Graham, Community Development Manager

The foregoing resolution was passed and adopted this 5<sup>th</sup> day of January, 2016.

# ATTACHMENT A

## EXHIBIT A

*The changes to the City's Zoning Ordinance (Title 17), and Local Coastal Program are shown in underline for additions, while ~~strike through~~ indicates deletions. Plain text indicates existing zoning ordinance language to be retained. **Bold italics** indicate recommended general changes.*

### CHAPTER 17.12 DEFINITIONS

**Delete Section 17.12.295, definition for "Granny Unit," and replace with new definition for "Secondary Dwelling Unit" as follows:**

***In general, replace all references in the Zoning Ordinance to "granny unit" with "secondary dwelling unit". This includes references in Chapter 17.44, Parking and Chapter 17.24, Primary Districts (discussed below).***

#### ~~17.12.295~~ ~~GRANNY UNIT~~

~~"Granny Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling.~~

#### 17.12.295 Secondary dwelling unit.

"Secondary dwelling unit" means a dwelling unit that is detached, or attached and/or located within the primary residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary dwelling. This term also means "second unit" for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

### CHAPTER 17.24 PRIMARY DISTRICTS

***The following changes shall be made to the tables in the Chapter 17.24 in designated areas zoned for single-family and multi-family use:***

***• In the AG, RA, R-1, R-2, R-3, and R-4 districts, allow, by-right, secondary dwelling units that meet the applicable standards in Section 17.48.320 "Secondary Dwelling Units."***

***• In the AG, RA, R-1, R-2, R-3, R-4, and CRR districts, allow, by-right, guesthouses/quarters and accessory living areas that meet the applicable standards in Section 17.48.315 "Guesthouses/Quarters and Accessory Living Areas."***

***• Delete references to "granny unit".***

# ATTACHMENT A

EXHIBIT A  
PC Resolution 01-16  
Page 2 of 4

## 17.48.315 ~~GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS~~ Guesthouses/Quarters and accessory living areas.

Where provided by this Title, guesthouses/quarters and habitable structures for accessory living area may be permitted in conjunction with a dwelling unit, subject to these further requirements:

### A. Guesthouse Restrictions.

A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

### B. Use-Permit Requirements.

~~A guesthouse may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. In all cases, the Director shall require the recordation of a deed restriction limiting the use to guest purposes only and prohibiting its rental or occupation as a second unit. Such deed restriction shall be subject to the approval of the City Attorney. (Ord. 288 Exh. B (part), 1986; Ord. 263 § 1 (part), 1984)~~

An administrative coastal development permit shall be required for guesthouses/quarters and accessory living areas pursuant to Chapter 17.58 "Coastal Development Permits and Procedures."

### C. Location.

Guesthouses may be established on any lot zoned R-A, R-1, R-2, R-3, R-4, CRR, and AG, in accordance with District Tables in Chapter 17.24, where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a guesthouse. Only one-guesthouse or second unit is permitted per one primary single-family dwelling on the same lot.

## 17.48.320 ~~Granny Units~~ Secondary dwelling units.

The purpose of this Section is to provide affordable low- and moderate-income housing. ~~Pursuant to Government Code Section 65852.2, in zones where designated, a permit may be granted allowing a granny second unit on lots where there is one single family residence, subject to the following provisions:~~ The following supplemental regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 on second units and implement the General Plan, by allowing secondary dwelling units subject to the following requirements. Nothing in Government Code Sections 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act except that the local government shall not be required to hold public hearings for coastal development permit applications for second units. (Government Code Subsection 65852.2(j).) Noticing for interested parties and surrounding properties shall be the same as required for coastal development permits. Approvals of secondary dwelling units in the California Coastal Commission appeal jurisdiction will continue to be appealable to the Coastal Commission.

# ATTACHMENT A

EXHIBIT A  
PC Resolution 01-16  
Page 3 of 4

## ~~A. Minor Use Permit and Deed Restriction Required~~

~~A granny second unit may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. A deed restriction in a form approved by the City Attorney shall be recorded limiting the use of said real property to residential purposes only.~~

## ~~A.B. Location.~~

~~Said A secondary dwelling unit may be located, as an accessory use, on any lot zoned for single family or multi-family uses zoned R-A, R-1, R-2, R-3, R-4, and AG, in accordance with District Tables in Chapter 17.24, where a primary single-family residential use has been previously established or is proposed to be established in conjunction with said unit. Only one second unit or one guesthouse is permitted per one primary single-family dwelling on the same lot. A secondary dwelling unit may be allowed on any lot zoned AG if the unit is expressly designated and used for farm laborer quarters.~~

## ~~B.C. Lot Coverage Development Standards.~~

~~Maximum lot coverage allowed for the District that they are located in: Secondary dwelling units shall comply with all development standards applicable to the zoning of the site on which they are located, including, but not limited to, building height, separation, setbacks, and lot coverage.~~

## ~~C.D. Design.~~

~~Said A secondary dwelling unit shall be consistent and/or reasonably compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.~~

## ~~D.E. Size.~~

~~The total floor area, not including a garage, for a granny second unit shall not exceed 1,200 square feet. The total floor area, not including a garage, for a detached secondary dwelling unit shall not exceed the lesser of 900 square feet, as per State guidelines, or fifty percent of the living area of the single-family dwelling on the same lot, except as provided below. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. Up to 1,200 square feet may be allowed for a detached secondary dwelling unit with a Conditional Use Permit pursuant to Chapter 17.60 "Use Permits, Procedures, Notices and Variances."~~

## ~~E.F. Parking.~~

~~A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. The parking spaces may be open and uncovered and may be located in setback areas, however they may not be in tandem with the required parking of the principal dwelling unit. Where more than one space is required for a secondary unit, tandem spaces shall only be allowed with a Conditional Use Permit pursuant to Chapter 17.60. The principal dwelling unit~~

# ATTACHMENT A

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~~must conform to the parking requirements of Chapter 17.44 “Off-Street Parking and Loading.” Off-street parking shall be permitted in setback areas or through tandem parking, unless the following specific findings are made:~~

- ~~1. That parking in setback areas or tandem parking is not feasible based upon specific site topography constraints or adverse fire and life safety conditions, or~~
- ~~2. That it is not permitted anywhere else in the City.~~

~~G. Water Equivalencies and Other Public Facilities.~~

~~The developer shall obtain and/or pay for all applicable water equivalency and other public facility improvements at the standard set for an apartment unit prior to issuance of a building permit, but will not be subject to a residential unit allocation under the provisions of Measure F.~~

~~H. Compliance with Title 14.~~

~~A granny secondary dwelling unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code. in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.~~

~~F. Water Service and Meter Requirements.~~

~~A separate water service and meter is required for detached secondary dwelling units pursuant to Title 13 of the Morro Bay Municipal Code. An attached secondary dwelling unit may be served by a separate water service and meter or may share the water service and meter with the primary single-family dwelling.~~

~~G. Permit Requirements.~~

~~No use permit shall be required for secondary dwelling units except as noted in this section and where a secondary dwelling unit is proposed as an addition to a nonconforming structure pursuant to Chapter 17.56 “Nonconforming Uses and Structures.” An administrative coastal development permit, which does not require a approval at a Planning Commission hearing but does require noticing, shall be required for secondary dwelling units in or outside the coastal appeals jurisdiction.~~

~~H. Prohibited Use as Vacation Rental.~~

~~Secondary dwelling units shall not be rented as vacation rentals.~~

~~I. Consistency with the Coastal Act.~~

~~Establishment of a secondary dwelling unit shall not adversely impact coastal resources such as public access and recreation, public views, and sensitive habitat areas.~~

# ATTACHMENT A

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## J. Density.

A secondary dwelling unit which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located.

## Chapter 17.58 COASTAL DEVELOPMENT PERMITS AND PROCEDURES

### 17.58.020(G) Additions to Single-Family Homes.

2.b. Regular coastal permit required for additions greater than ten percent of gross floor area, fences, garages, and other ancillary structures. ~~including secondary units (secondary dwelling units).~~

### 17.58.020(I) Secondary Dwelling Units.

Administrative coastal permits will be required for the establishment of secondary dwelling units within the coastal zone.

# ATTACHMENT B

## ORDINANCE NO. 585

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO TITLE 17  
OF THE MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR MINISTERIAL  
REVIEW OF SECONDARY DWELLING UNITS AND GUESTHOUSES IN ALL ZONES  
WHERE SINGLE-FAMILY HOMES ARE A PERMITTED USE**

THE CITY COUNCIL  
City of Morro Bay, California

Case No. A00-013 (Local Coastal Plan/Zoning Ordinance Amendment)

**WHEREAS**, it is the purpose of the Zoning Ordinance of the City of Morro Bay to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

**WHEREAS**, it is important to have clear, consistent, and easy to use and interpret regulations within the Zoning Ordinance; and

**WHEREAS**, California Government Code §65852.2 requires cities to establish standards to allow for ministerial secondary dwelling units so as to increase the supply of smaller, affordable housing while ensuring that they remain compatible with the existing neighborhood; and

**WHEREAS**, the proposed amendments meet the intent of State Law by providing for an option to build a secondary dwelling unit or guest house in all zones that permit single family dwellings and have no more than one single family home existing on the property; and

**WHEREAS**, on December 7, 2011, after a duly noticed PUBLIC HEARING, the Planning Commission of the City of Morro Bay did forward a recommendation, by adoption of Planning Commission Resolution No. 01-11 that the City Council amend Title 17 (Zoning Ordinance) to comply with the Government Code §65852.2; and

**WHEREAS**, on March 13, 2012, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Units and Guesthouses as contained in Ordinance 576; and

**WHEREAS**, on October 16, 2013, the Planning Commission of the City of Morro Bay, after a duly noticed PUBLIC HEARING, did reconsider zoning code amendments in Ordinance

# ATTACHMENT B

576 and did forward a recommendation by motion the City Council amend Title 17 (Zoning Ordinance) to comply with the Government Code §65852.2; and

**WHEREAS**, on April 22, 2014, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Units and Guesthouses as contained in attached Exhibit “A;” and

**WHEREAS**, the City Council finds a Negative Declaration was prepared to evaluate the environmental impacts of this Ordinance, and determined no significant impacts would result from the adoption of this Ordinances; and

**WHEREAS**, following the PUBLIC HEARING, and upon consideration of the testimony of all persons, both written and oral, the City Council accepted the Planning Commission recommendation and approved the amendment.

**NOW, THEREFORE**, the City Council of the City of Morro Bay does ordain, as follows:

SECTION 1: The City Council finds:

1. The above recitations are true and correct and constitute the findings of the Council in this matter.
2. The Zoning Ordinance Amendment proposal is consistent with the Government Code §65852.2 and includes similar language, which was previously in effect.
3. The previous amendments to the City’s Zoning Ordinance, adopted by Ordinance 576, did not reflect the values of the community.
4. The proposed Zoning Ordinance Amendments will not be injurious or detrimental to the health, safety, comfort, general welfare or well-being of the persons residing or working in the neighborhood.
5. The proposed amendment is in general conformance with the City’s General Plan and Local Coastal Plan.
6. The Local Coastal Program Implementation Program (Zoning Ordinance) Amendments are in compliance with the intent, objectives, and all applicable policies and provisions of the California Coastal Act; and
7. Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to Title 17 shall be legally effective in the coastal zone until the amendment is certified by the

# ATTACHMENT B

Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will introduce and adopt another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

SECTION 2: The City Council hereby repeals Ordinance 507 and Ordinance 576.

SECTION 3: Based upon all the foregoing, Title 17 of Morro Bay Municipal Code (Zoning Ordinance) is amended as contained in Exhibit "A," attached hereto and made a part of this Ordinance:

**INTRODUCED** at the regular meeting of the City Council held on the 22<sup>nd</sup> day of April 2014, by motion of \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED, APPROVED, AND ADOPTED**, by the City Council of the City of Morro Bay, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Jamie L. Irons, Mayor  
City of Morro Bay

\_\_\_\_\_  
Jamie Boucher, City Clerk  
City of Morro Bay

APPROVED AS TO FORM:

# ATTACHMENT B

---

Joseph W. Pannone  
City Attorney

# ATTACHMENT B

## EXHIBIT A

*The changes to the City's secondary dwelling unit ordinance (Title 17), and Local Coastal Program are shown in underline for additions, while ~~strikethrough~~ indicates deletions. **Bold** represents Planning Commission recommendations made at their October 16, 2013 meeting.*

### CHAPTER 17.12 DEFINITIONS

Delete Section 17.12.295, definition for "Granny Unit", and replace with:

#### ~~17.12.295~~ ~~GRANNY UNIT~~

~~"Granny Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling.~~

#### **17.12.295 Secondary Dwelling Unit.**

"Secondary dwelling unit" means an attached, ~~or~~ detached or located within the residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling. This term also means "second unit" for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

(\*In general, replace all references in the Zoning Ordinance to "granny unit" with "secondary dwelling unit". This includes references in Chapter 17.44, Parking and Chapter 17.24, Primary Districts (discussed below).)

### CHAPTER 17.24 PRIMARY DISTRICTS

The following changes apply to areas zoned for single-family and multi-family use, including the AG, RA, R-1, R-2, R-3, R-4, and CRR districts.

- Allow, by-right, secondary dwelling units that meet the applicable standards in Section **17.48.320**
- Delete references to "granny unit".

#### **17.48.315 GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS**

Where provided by this Title, guesthouses/quarters and habitable structures for accessory living area may be permitted in conjunction with a dwelling unit, subject to these further requirements:

##### A. Guesthouse Restrictions

A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

# ATTACHMENT B

## ~~B. Use Permit Requirements~~

~~A guesthouse may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. In all cases, the Director shall require the recordation of a deed restriction limiting the use to guest purposes only and prohibiting its rental or occupation as a second unit. Such deed restriction shall be subject to the approval of the City Attorney. (Ord. 288 Exh. B (part), 1986; Ord. 263 § 1 (part), 1984)~~

B. Location. Guesthouses may be established on any lot in any R or AG district where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a guesthouse. Only one-guesthouse or second unit is permitted per one primary single-family dwelling on the same lot.

## **17.48.320 GRANNY SECONDARY UNITS**

The purpose of this Section is to provide affordable low- and moderate-income housing. Pursuant to ~~Government Code Section 65852.2, in zones where designated, a permit may be granted allowing a granny second unit on lots where there is one single family residence, subject to the following provisions: The following supplemental regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 on second units and implement the General Plan, by allowing second units in all R districts subject to the following requirements. Nothing in Government Code Sections 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.” (Government Code Subsection 65852.2(j).) Noticing for interested parties and those properties within 100 feet of a secondary unit property will be required. Approvals of second units in the appealable zone will continue to be appealable to the Coastal Commission.~~

## ~~A. Minor Use Permit and Deed Restriction Required~~

~~A granny second unit may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. A deed restriction in a form approved by the City Attorney shall be recorded limiting the use of said real property to residential purposes only.~~

## A.B. Location

Said unit may be located, as an accessory use, on any lot zoned for single-family or multi-family uses in accordance with the District Tables in Chapter 17.24 where a primary residential use has been previously established or proposed to be established in conjunction with said unit. Only one second unit or one guesthouse is permitted per one primary single-family dwelling on the same lot.

# ATTACHMENT B

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## B.C. Lot Coverage

Maximum lot coverage allowed for the District that they are located in.

## C.D. Design

~~Said unit shall be consistent with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.~~  
The unit shall be consistent and/or reasonably compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.

## D.E. Size

~~The total floor area, not including a garage, for a granny second unit shall not exceed 1,200 square feet. The total floor area, not including a garage, for a detached secondary unit shall not exceed 900 square feet as per State guidelines, except as provided below. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. Up to 1,200 square feet may be allowed with a Conditional Use Permit pursuant to Chapter 17.60.~~

## E. Parking

A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. ~~The parking spaces can be open and uncovered, however may not be in tandem with the required parking of the principal dwelling unit but can be located in setback areas and in tandem if both spaces are for the secondary unit and where more than one space is required for a secondary unit, tandem spaces shall only be allowed with a Conditional Use Permit pursuant to Chapter 17.60.~~ The principal dwelling unit must conform to the parking requirements of Chapter 17.44 "Off-Street Parking and Loading." ~~Off-street parking shall be permitted in setback areas or through tandem parking, unless the following specific findings are made:~~

- ~~1. That parking in setback areas or tandem parking is not feasible based upon specific site topography constraints or adverse fire and life safety conditions, or~~
- ~~2. That it is not permitted anywhere else in the City.~~

~~F. Parking. One additional parking space shall be provided for each second unit with one bedroom and two additional parking spaces shall be provided for units with two or more bedrooms. (not including bathrooms and kitchens). The parking first space must be covered while the second space can be open and uncovered, however neither may be in tandem with required parking of the principal dwelling unit or secondary unit, and cannot be located in the front or street side setback area. The principal dwelling unit must conform to the parking requirements of Chapter 17.244: Off Street Parking and Loading.~~

# ATTACHMENT B

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~~G. Water Equivalencies and Other Public Facilities~~

~~The developer shall obtain and/or pay for all applicable water equivalency and other public facility improvements at the standard set for an apartment unit prior to issuance of a building permit, but will not be subject to a residential unit allocation under the provisions of Measure F.~~

F. Compliance with Title 14

A secondary unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.



# California

## LEGISLATIVE INFORMATION

Code:  Section:

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### GOVERNMENT CODE - GOV

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

**DIVISION 1. PLANNING AND ZONING [65000 - 66103]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

**CHAPTER 4. Zoning Regulations [65800 - 65912]** (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)

**ARTICLE 2. Adoption of Regulations [65850 - 65863.13]** (*Article 2 added by Stats. 1965, Ch. 1880.*)

**65852.2.** (a) (1) Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The ordinance may do any of the following:

(A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.

(B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units.

(b) (1) When a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

- (1) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.
- (3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.
- (4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.
- (5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.
- (d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.
- (e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.
- (f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section 66000).
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.
- (h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.
- (i) As used in this section, the following terms mean:
- (1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.
- (4) "Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.

*(Amended by Stats. 2002, Ch. 1062, Sec. 2. Effective January 1, 2003.)*



# California LEGISLATIVE INFORMATION

Code:  Section:   [Up^](#) [<< Previous](#) [Next >>](#)[cross-reference chaptered bills](#)[PDF](#)[Add To My Favorites](#)**GOVERNMENT CODE - GOV****TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)**DIVISION 1. PLANNING AND ZONING [65000 - 66103]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)**CHAPTER 4. Zoning Regulations [65800 - 65912]** (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)**ARTICLE 2. Adoption of Regulations [65850 - 65863.13]** (*Article 2 added by Stats. 1965, Ch. 1880.*)

**65852.150.** The Legislature finds and declares that second units are a valuable form of housing in California. Second units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create second units benefit from added income, and an increased sense of security.

It is the intent of the Legislature that any second-unit ordinances adopted by local agencies have the effect of providing for the creation of second units and that provisions in these ordinances relating to matters including unit size, parking, fees and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance.

*(Added by Stats. 1994, Ch. 580, Sec. 1. Effective January 1, 1995.)*

# EXHIBIT A

## RESOLUTION NO. PC 3-16

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DETERMINING THAT THE DISPOSITION OF A VACANT CITY OWNED COMMERCIAL LOT AT 1326 MAIN STREET IS CONSISTENT WITH THE MORRO BAY GENERAL PLAN

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted review, at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on January 5, 2016, of General Plan conformance for the disposition or sale of a vacant City owned lot AT 1326 Main Street; APN: 068-168-022; and

**WHEREAS**, pursuant to California Government Code Section 65402(a), the Planning Commission shall determine that the proposed disposition of publicly owned property is in conformance with the adopted General Plan; and,

**WHEREAS**, the Planning Commission has duly considered all evidence, including public testimony, testimony of 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) Findings

1. The disposition of City owned property is exempt from the California Environmental Quality Act consistent with Section 15312 of the guidelines (Class 12), which provides CEQA exemption for sale of surplus government owned property within the Coastal Zone if said property does not have significant values for wildlife habitat or other environmental purposes, per section 15312(a) and if the use of the property and adjacent property has not changed since the time of purchase by the public agency pursuant to Section 15312(b)(3).
2. The exceptions to the categorical exemptions identified in Section 15300.2 of the guidelines do not apply.

**Section 2. Action.** The Planning Commission does hereby find that the disposition of City owned property located at 1326 Main Street is in conformance with the adopted City of Morro Bay General Plan.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 5th day of January, 2016 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 5th day of January, 2016.



AGENDA NO: C-1

MEETING DATE: January 5, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** December 29, 2015

**FROM:** Scot Graham, Community Development Manager

**SUBJECT:** Planning Commission review of General Plan conformity for disposition of vacant City owned property located on 1326 Main Street, west of the Lemos property, between Highway 1 and Main Street, APN: 068-168-022.

**RECOMMENDATION:**

Adopt Resolution 3-16 finding the disposition of the subject property consistent with the City of Morro Bay General Plan

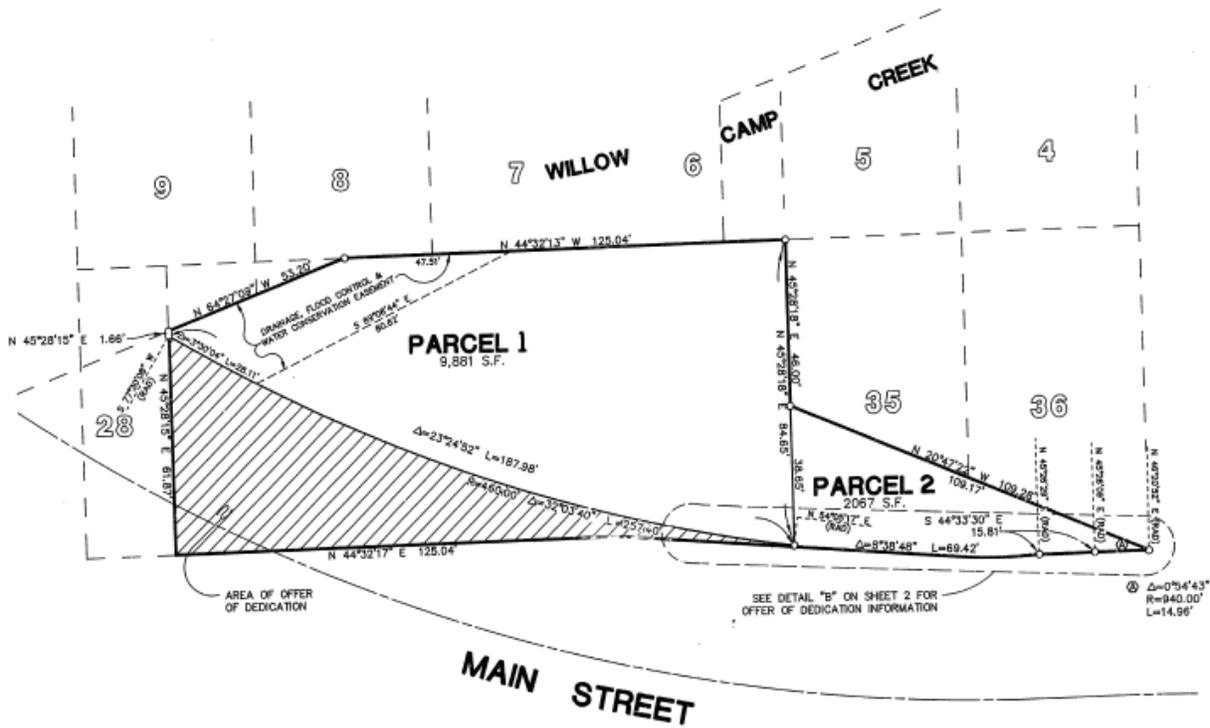
**APPLICANT/AGENT:** City of Morro Bay

**LOCATION MAPS:** Main Street lot on the West side of HWY 1; APN No. 068-168-022



Prepared By: SG

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



**DISCUSSION:**

The City Council has directed sale of a vacant lot located on 1326 Main Street lot, adjacent to Lemos and abutting the Highway 1 right of way. Before the City can sell the property, California government Code Section 65402(a) requires review of the property by the Planning Commission for conformance with the City’s General Plan. Basically, the Planning Commission is reviewing the property against General Plan policies outlining the land use and any other policies in the City’s General Plan that might call out a specific use for the property.

Section 65402(a) of the California Government Code Reads as follows:

If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, **and no real property shall be disposed of**, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

The subject property is shown outlined in green on the aerial provided above and is zoned C-2 (General Commercial) with a General Plan land use designation of Commercial Service.

Ultimately, the property has been identified in both the General Plan and Zoning Ordinance as having a commercial land use designation. There are no other policies in the General Plan that suggest any other use for the property and as such the Planning Commission can make the requisite findings that the property is consistent with the General Plan.

**ENVIRONMENTAL DETERMINATION**

The disposition of City owned property is exempt from the California Environmental Quality Act consistent with Section 15312 of the guidelines (Class 12), which provides CEQA exemption for sale of surplus government owned property within the Coastal Zone if said property does not have significant values for wildlife habitat or other environmental purposes, per section 15312(a) and if the use of the property and adjacent property has not changed since the time of purchase by the public agency pursuant to Section 15312(b)(3).

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. 3-16 finding that the subject property and potential future disposition of said property is in conformance with the City of Morro Bay General Plan.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 3-16