



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

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

209 Surf Street, Morro Bay
Monday April 19, 2010

Nancy Johnson - Chairperson
Vice-Chairperson - Gerald Luhr
Commissioner - Michael Lucas
Commissioner - John Diodati
Commissioner - Jamie Irons
Rob Livick - Secretary

- I. CALL MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ACCEPTANCE OF AGENDA
- V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

VI. PUBLIC COMMENT:

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

VII. CONSENT CALENDAR

A. Approval of minutes from Planning Commission meeting held on April 5, 2010.

VIII. 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.

IX. FUTURE AGENDA ITEMS

- A. Downtown Visioning (Planning Commission Subcommittee).
- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.
- C. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.

- D. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

- A. **Site Location:** 1290 Embarcadero
Applicant: Steve Goschke
Request: For a Coastal Development Permit (CP0-290) to allow the abandonment of an existing well and the drilling of a new well. The existing well #3 will be decommissioned and backfilled. The pump house associated with the existing well will be relocated to the new well site.
Recommended CEQA Determination: Adopt a Mitigated Negative Declaration
Staff Recommendation: Review and take action on Coastal Development Permit and Mitigated Negative Declaration.
Staff Contact: Sierra Davis, Planning Intern (805) 772-6297

XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program.

XII. NEW BUSINESS

- A. Report on front porches within the front yard setback.

XIII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on Monday, May 3, 2010 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

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

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

RULES FOR PRESENTING TESTIMONY

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

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

APPEALS

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

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

This Agenda is available for copying at Mills Copy Center and at the Public Library

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

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

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

ON THE INTERNET: This agenda may be found on the Internet at: <http://www.morro-bay.ca.us/planningcommission>

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

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

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

209 Surf Street, Morro Bay
Monday, April 5, 2010

Vice-Chairperson Gerald Luhr	Chairperson Nancy Johnson	Commissioner Michael Lucas
Commissioner Jamie Irons		Commissioner John Diodati
	Rob Livick, Secretary	

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:09 p.m.

II. PLEDGE OF ALLEGIANCE

Gene Lehotsky led the pledge.

III. ROLL CALL

Chairperson Johnson asked the record to show all Council Members are present.
Staff Present: Rob Livick, Kathleen Wold, Gene Lehotsky, and Cindy Jacinth

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on action taken at the March 22, 2010 City Council meeting and also on items scheduled for the upcoming April 12, 2010 City Council meeting.

Johnson asked the Commissioners if there were any questions.

- Lucas asked where the Harbor Department is considering charging for parking. Livick clarified at Tidelands Park.
- Luhr asked whether the wireless communication tower ordinance will come back to the Planning Commission for review. Livick clarified that it will go directly to City Council.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on March 15, 2010

MOTION: Lucas / Luhr 2nd to approve the minutes as presented. VOTE: 5-0.

- B. Approval of minutes from Joint City Council/ Planning Commission meeting held on March 15, 2010

MOTION: Lucas / Diodati 2nd to approve the minutes as presented. VOTE: 5-0.

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

A. Downtown Visioning (Planning Commission Subcommittee).
Luhr gave an update report on the status of this Subcommittee

Irons asked for an update from staff as to the status of the remaining Future Agenda items. Livick clarified the remaining Agenda items will be presented as soon as staff resources allow.

- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.
- C. Research information on allowing front porches within the front setback.
- D. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- E. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

A. **Site Location:** 595 Anchor

Applicant: Ann Travers and Barbara Nordin

Request: The applicant requests a Variance (AD0-050) from the required front and exterior side setbacks to allow the construction of a swimming pool.

Recommended CEQA Determination: Categorically Exempt pursuant to Section 15332, Class 32

Staff Recommendation: Consider the Variance and take appropriate action.

Staff Contact: Kathleen Wold, Senior Planner, (805) 772-6211

Wold gave the staff report and noted that an email letter supporting the proposed project was received by Planning staff from the Applicant's neighbor at 601 Anchor Street. A copy of the email was distributed to Commissioners.

Johnson asked if the Commission had questions for staff.

- Lucas asked if there is any history of associating pools with geologic conditions and security through a higher fence instead of a pool cover. Livick said a soils report would address that issue.
- Diodati asked if the hedge dies is there anything to block the pool from the street and Wold clarified the Owner feels the hedge secures the pool and there will be a heavy duty weight-bearing pool cover added.
- Irons asked if the pool was proposed for the back yard, what would the variance request be? Wold responded that the pool would be wider, but to construct the pool the size that the applicant proposes, due to topography, it would be more difficult to construct the pool in the back yard. However, the proposed project requires a variance whether it is built in the front or back yard.

Johnson opened the Public Hearing.

Applicants, Ann Travers and Barbara Nordin, explained the proposed project.

Johnson asked Commissioners if they had questions for the Applicants.

- Irons asked for the location of the sewer lateral and if it would be a problem if the pool location was moved closer to the house.
- Diodati and other Commissioners discussed their concern about the hedge and whether Applicant would be agreeable to a condition to include hedge maintenance if property is ever sold in the future.
- Commissioners also discussed the proposed height of the fence compared to the minimum height fence requirement.

- Johnson asked Applicant to clarify fence style. Applicant said the proposed fence is a window pane lattice.

Seeing no further comment, Johnson closed the Public Hearing.

Commissioners and staff discussed both the unique nature of the property, the visual impact of the hedge and the concern over its maintenance. Commissioners also discussed the setback along Shasta and whether the requested setback of 3 feet can be increased to 5 feet. Commissioners agreed that as long as there is a pool, there must be a living, maintained hedge to add to the security and screening of the pool. Wold clarified that a deed restriction could be placed on the property to ensure the hedge remains and is properly maintained.

MOTION: Luhr / Diodati 2nd to approve the project with the following conditions:

1. A minimum five foot high continuous vegetative screen shall be maintained at the property lines along Anchor and Shasta and be trimmed to the City requirements in regards to acceptable sight lines to the intersection as long as the pool remains.
2. A minimum five foot setback shall be allowed to the pool from Shasta Avenue.
3. A five foot fence shall be required enclosing the pool, specifically but not inclusive of Shasta and Anchor Streets.
4. A deed restriction shall be reflected in a covenant recorded against the property to require that the vegetative screen shall be maintained as long as the pool is in place.

VOTE : 5-0.

B. Site Location: 575 and 591 Embarcadero

Applicant: Smith Held

Request: The applicant requests Precise Plan approval via a Use Permit (UP0-140) for the demolition of existing buildings and construction of two commercial lease sites and six hotel rooms. Existing docks will be removed and replaced with one floating dock. An existing deck will be reconstructed within the same footprint and a vertical access way from Embarcadero Road through the project site is proposed to connect to a proposed boardwalk.

Recommended CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Consider the Precise Plan request and take appropriate action.

Staff Contact: Genevieve Lehotsky, Associate Planner, (805) 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

- Irons asked about the removal of fire hydrant to open pedestrian sidewalk access. Lehotsky replied that Fire Department wants the fire hydrant to remain for public safety.
- Johnson asked whether there was discussion about the water supply for the Aquarium during construction and asked for clarification on type of lighting. Lehotsky clarified.

Johnson opened the Public Hearing.

Steve Carnes, Engineer for the project, presented the project.

Hearing no further comments, Johnson closed the Public Hearing.

Johnson asked if Commissioners had questions for the Applicant.

- Johnson asked about the garage door requirement. Applicant clarified the requirement was placed by the Coastal Commission and garage doors are specified as galvanized roll-up doors.
- Lucas asked to confirm proposed tower height is the same as what was proposed in the Concept Plan. Applicant clarified that tower height is the same and the building height is still 25' above natural grade.
- Diodati asked about public access to the proposed floating dock. Applicant said an existing wood deck in the water will be reconstructed for public access and clarified the floating dock will not have public access.
- Luhr asked applicant to clarify the design for the roof line and the ability to lower the height of the sidewall block wall. Applicant responded that due to the 2 hour firewall requirement, it would be very hard to lower the height.
- Commissioners discussed the landscape plans, lighting sconces, location and type of trash receptacles. Also discussed were the hours of operation for public restrooms. Lehotsky clarified restrooms would be open only when commercial buildings are open.

Commissioners asked staff to clarify if the Precise Plan is approved and the project goes back to Coastal Commission, would the Planning Commission see this project again? Wold responded no.

Diodati stated that trash cans should have an equivalent amount of trash versus recycling cans, a 50/50 ratio. Luhr stated that cigarette butts are a problem and proper disposal is needed.

Wold said a public dock and boardwalk access has already been conditioned by the Coastal Commission and the City Council. Wold recommended the Planning Commission adhere to the condition already in place since it was proposed that way and it is in the past minutes from the Concept Plan approval showing that the dock should be public. Lucas responded that the intent has always been to have a public walkway. Wold suggested integrating all conditions from the Coastal Permit to Precise Plan approval.

Commissioners stated to leave the conditions as proposed since the applicant must abide by the Coastal Commission requirements.

MOTION: Luhr / Diodati 2nd to approve the project with the following conditions:

1. Towers shall be lowered to the height as depicted and approved in the concept plan.
2. The proposed gable roof shall be revised to a hip roof to lower the height of the side walls and the building shall be designed with a 2-hour roof assembly, if allowed by the building code.
3. The proposed bike rack shall be replaced with an alternate style of bicycle rack that more securely holds bicycles.
4. Waste receptacles shall not be concrete but more in keeping with the building's modern design. Waste receptacle areas shall provide for a 50%/50% ratio of containers for trash and recyclables. A receptacle to collect cigarette butts shall be provided on-site and additional trash enclosures shall be located outside the restrooms on the north side of the waterfront.
5. The landscape plan shall be revised to include additional plants in pots to the satisfaction of Planning Division staff.

6. A five day work week (Monday through Friday) shall be adhered to until on-site parking is available, at which time, a six day work week (Monday through Friday seven a.m. to seven p.m. and Saturday eight a.m. to seven p.m.) shall be allowed solely for the purposes of completing interior improvements.
7. Proposed second floor sconces shall be replaced with goose-neck lighting as proposed on the first floor.

VOTE :5-0.

- C. **Site Location:** 350 Java
Applicant: Kathy and Greg Kircher
Request: The applicant requests a Variance (AD0-049) to exceed lot coverage and to reduce the required rear setback and a Use Permit (UP0-251) for an addition to a non-conforming house.
Recommended CEQA Determination: Categorically Exempt pursuant to Section 15301, Class 1
Staff Recommendation: Consider the Variance and Use Permit and take appropriate action.
Staff Contact: Genene Lehotsky, Associate Planner, (805) 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

- Luhr asked about the height of the brick wall in the public right-of-way. Lehotsky responded.
- Irons asked whether there were any project comparisons for FAR. Wold responded comparisons are no longer being performed.
- Luhr noted the back of the existing kitchen is only one foot from the property line and inquired if that is allowed in the fire code. Lehotsky said no concerns were received from the Building department. Wold clarified that this issue would be reviewed during the building plan check process
- Johnson asked for the existing lot coverage. Lehotsky clarified existing is 55.2% and proposed is 55.1%. Actual lot coverage would actually decrease by 0.1%.

Johnson opened the Public Hearing.

John MacDonald, the applicant's architect, explained the project proposal.

Johnson asked if Commissioners had questions for the applicant.

- Luhr asked about the window being only 1 foot from the setback. Applicant responded openings are allowed to be 25% of the total wall space.
- Lucas asked about the reduced side-yard setback being triggered due to the laundry location in the garage and asked if Applicant considered putting laundry in a different configuration so that the side yards setbacks are not impacted. Applicant clarified side yard setback requirement on one side is only 3 feet.
- Johnson asked what the plan for the courtyard would be and whether it would have permeable surfaces. Applicant clarified that the Owner intends for the area to include pavers and a BBQ.

Hearing no further public comments, Johnson closed the Public Hearing.

MOTION: Luhr / Diodati 2nd to conditionally approve the project. VOTE: 5-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

XII. NEW BUSINESS - None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:49 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, April 19, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA ITEM: X-A
ACTION: _____

CITY OF MORRO BAY PLANNING COMMISSION

April 19, 2010

PROJECT SUMMARY

Well abandonment, drilling of a new well and relocation of existing pump house to new well.

FILE NUMBERS

CP0-290, Coastal Development Permit

SITE ADDRESS

1290 Embarcadero

LEGAL DESCRIPTION(S)

Lots 12, Block 331, Tract: Atascadero Beach

APN(S)

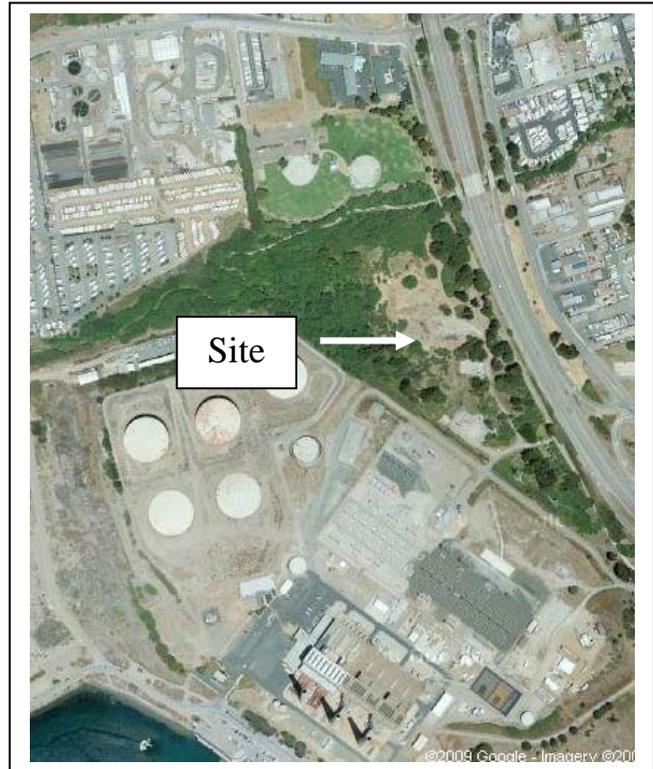
066-331-039

APPLICANT:

Dynergy Morro Bay LLC

AGENT:

Steve Goschke



ATTACHMENTS

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan reductions, Exhibit C
4. Site Pictures, Exhibit D
5. Mitigated Negative Declaration, Exhibit E

Vicinity Map

ISSUE SUMMARY

The applicant proposes the abandonment of well #3 and the drilling of a new well also designated #3. The existing pump house will be relocated to the new well location.

STAFF RECOMMENDATION

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

- A. Adopt the Draft Mitigated Negative Declaration (MND) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources

Code 21000 et. Seq.), and adopt the Findings included as Exhibit “A”, including findings required by the California Environmental Quality Act (CEQA); and

- B. Approve Coastal Development Permit #CP0-290, subject to the Conditions included as Exhibit “B” and the site development plans dated September 17, 2008.

ENVIRONMENTAL DETERMINATION:

The project qualifies for a CEQA Mitigated Negative Declaration was posted on March 5, 2010. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

BACKGROUND

The 107.4-acre site is located on the northern end of the Embarcadero, has been used for the production of power since 1953 when PG&E built the Morro Bay power plant. Currently the Dynergy Electricity Company owns the land and power plant. The site is zoned for coastal-dependent industries and the existing and proposed uses on site are consistent with the zoning designation. The General Plan states that uses that are acceptable in this designation are thermal power plants, seawater intake structures, discharge structures, tanker support facilities, and other similar uses which must be located on or adjacent to the sea in order to function.

The wells and the water that is pumped are ancillary to the power plant located on site. The wells are on the northern most corner, adjacent to the bike path and Highway 1 to the east and Lila Keiser Park to the north. The existing well is located on the east side of the existing bike trail. It is shielded by a pump house and further surrounded by trees and vegetation and is therefore not visible from Highway 1. The location of the new well is further away from the highway on the west side of the bike trail and within a dense area of vegetation.

PROJECT DESCRIPTION

The project applicant, Dynergy and its subsidiary Morro Bay Mutual Water Company, are proposing to decommission existing water well (#3) and the associated pump mechanisms and pump house. The water well on site is for the production of water resources for use by the power plant. The proposed project also includes the drilling and construction of a new well (also designated #3). The well will be drilled to a depth of approximately 100 feet and the walls will be reinforced with an 8-inch casing. The total area at the surface of the well will equal .35 square feet. The pump mechanism enclosed in the 64 square foot pump house associated with the existing well will be relocated to the new well site.

In order to connect the proposed well into the existing pump discharge piping, water piping and electrical system, a 400 feet trench at a depth of 5 to 6 feet and width of 2 to 3 feet will need to be dug. The trench will need to be excavated across the existing asphalt bike trail, between Main Street and Morro Bay High School, which will temporarily disrupt bicycle traffic on the bike trail for approximately one day of construction. The applicant will coordinate with the Public Services Department to provide for appropriate barricades in order to delineate construction area and protect the public interest. The applicant will be required to restore the bicycle trail to its

original pre-construction state after construction is complete on the bicycle trail portion of the trench.

Filipponi and Thompson, the drilling company hired to construct the new well and have outlined in the proposed project work scope that the existing well #3 will be backfilled.

<u>Adjacent Zoning/Land Use</u>			
North:	M-2/PD/I, portion of site leased to City for Lila Keiser Park	South	M-1/I / Light Industrial
East:	Highway 1	West:	OA-2/CF/PD / Open Area & Commercial / Recreational Fishing

<u>Site Characteristics</u>	
Site Area	107.4 acres (4,678,344 square feet)
Existing Use	Morro Bay Power Plant
Terrain:	Gently Sloping
Vegetation/Wildlife	Grasses and shrubs
Archaeological Resources	Previously identified cultural resources on site.
Access	Embarcadero

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Coastal Dependent Industrial
Base Zone District	M-2 / Coastal Dependent Industrial
Zoning Overlay District	I / Interim Use
Special Treatment Area	PD – Planned Development
Combining District	N/A
Specific Plan Area	No
Coastal Zone	Coastal Appeals Jurisdiction

GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY

The zoning ordinance provides findings that the Planning Commission must make in order to adequately review the project for consistency with local adopted plans. The Planning Commission must review the project for consistency and for any project located between the shore and the nearest public road consistency with public access and recreation policies of Chapter 3 of the California Coastal Act.

The proposed project is not located within the area between the shoreline and nearest public road and does not have to provide any public access to the shoreline. The property is not subject to providing recreational facilities to the public; however Lila Keiser Park is located on the site provided through a lease from Dynergy to the City.

The General Plan and Local Coastal Plan address the issues of water resources within the City boundaries. Water resources within the City are limited and the City has participated in the State Water Project since 1997 and is the primary water source for the City's residential and commercial uses. Secondary sources within the City include groundwater sources, desalinated water, and state water traded water from other agencies. The proposed well abandonment and drilling a new well is consistent because the net water taken from the ground water sources remains consistent and will not substantially deplete water resources within the City.

Within the Local Coastal Plan the City give priority of water resources to coastal dependent industrial uses, agriculture, recreation and visitor serving facilities. Although the well project is not directly related to the power plant processes involving ocean water intake, the wells provide a source of water for ancillary uses located on site. Therefore the water would be serving coastal dependent industrial uses.

PUBLIC NOTICE

Notice of this item was published in the San Luis Obispo Tribune newspaper on April 9, 2010, and all property owners of record within 300 feet of the subject site and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION

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

Report prepared by: Sierra Davis, Intern Planner

EXHIBIT A

FINDINGS

California Environmental Quality Act (CEQA)

- A. The project qualifies for a CEQA Mitigated Negative Declaration was posted on March 5, 2010. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

Special Use Permit Findings

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

EXHIBIT B

CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated April 19, 2010, for the project depicted on the attached plans labeled "Exhibit C", dated September 17, 2008, on file with the Public Services 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 the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director of Public Services, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Director of Public Services. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required

prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director of Public Services and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

7. Acceptance of Conditions: Prior to obtaining a building permit the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

PLANNING CONDITIONS

8. State and County Compliance: Prior to the issuance of a building permit applicant shall demonstrate compliance with all State and County regulations and provide documentation to the Public Services Department.
9. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. on weekdays and eight a.m. to 7 p.m. on weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
10. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
11. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Public Services.

ENVIRONMENTAL CONDITIONS

12. Air Quality: The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, and Diesel Particulate Matter. The following are standard mitigation measures required by the APCD to reduce potential APCD thresholds to less than significant levels:
 - a) Maintain all construction equipment in proper tune according to manufacturer's specifications.
 - b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 - c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-road Regulations.
 - d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification

standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.

- e) Construction or trucking companies with fleets that do not have engines in their fleets that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
 - f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit.
 - g) Diesel idling within 1,000 feet of sensitive receptors is not permitted.
 - h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
 - i) Electrify equipment when feasible.
 - j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
 - k) Use alternatively fueled construction equipment on-site where feasible.
13. Air Quality: The project construction has the potential to exceed APCD thresholds for fugitive dust. The following standard mitigation measures are required by the APCD to reduce potential APCD thresholds to less than significant levels:
- a) Reduce the amount of the disturbed area.
 - b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
 - c) All dirt stockpile areas shall be sprayed daily or as needed to contain dust.
 - d) Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
 - f) All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - g) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between the top of load and trailer) in accordance with CVC Section 23114.
 - j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

- l) All of these fugitive dust mitigation measures shall be shown on grading and building plans.
 - m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition.
14. Cultural Resources: Archaeological monitoring of all grubbing, demolition, and excavation activities in the development area by a qualified archaeologist and Native American monitor. Collection of historic and prehistoric cultural remains deemed significant and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits.
 15. Cultural Resources: Selection and processing of prehistoric marine shell for radiocarbon dating.
 16. Cultural Resources: The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
 17. Hazards/Hazardous Materials: The applicant will monitor the grasses, shrubs, woodland and tree canopy on site and abate all vegetation from wells and structures on a ongoing basis.
 18. Transportation/Circulation: The applicant will clearly post the construction site while working on the bike path and divert bicycle traffic around construction site.

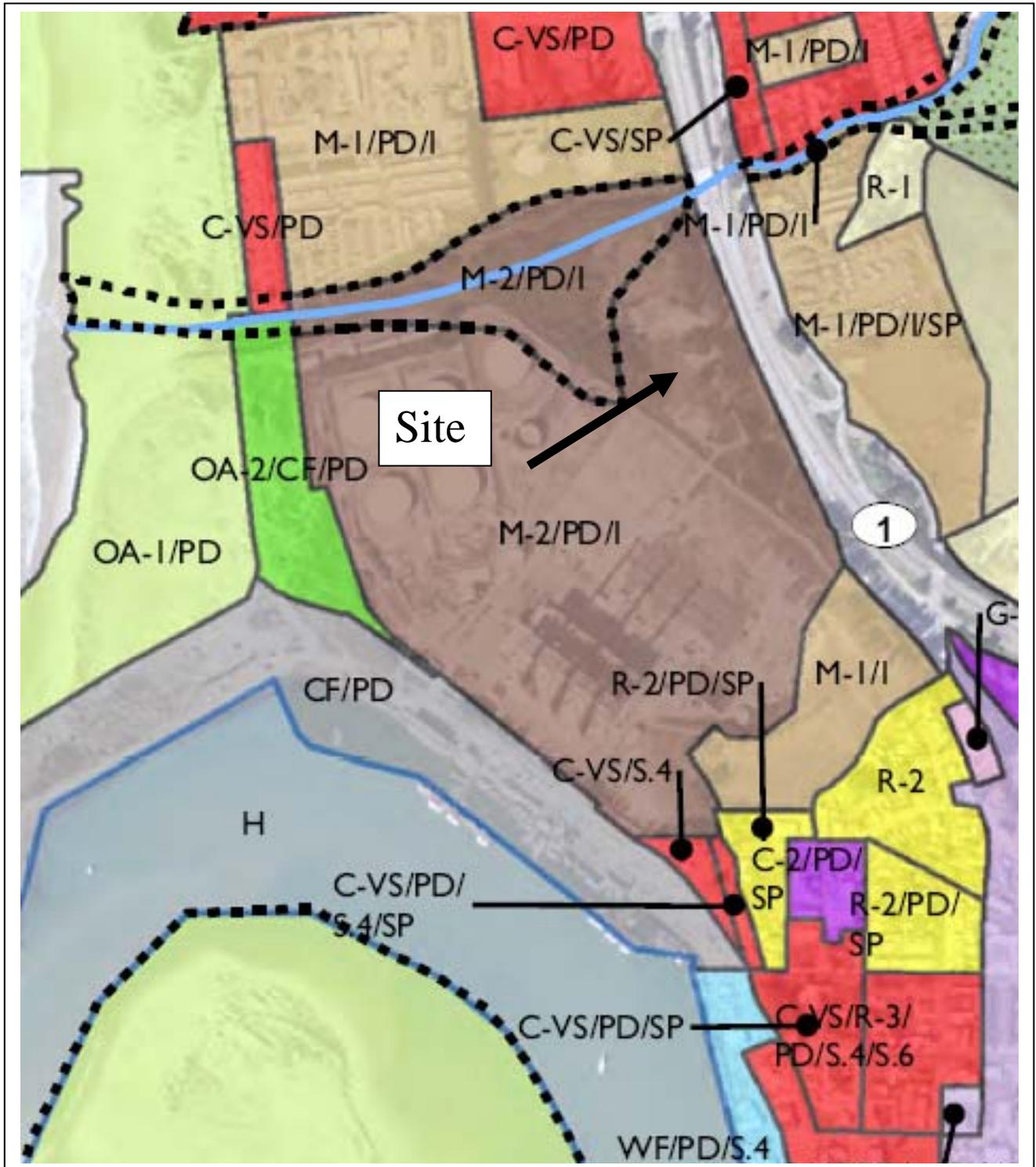
FIRE CONDITIONS

19. Vegetation and Tree Canopy Abatement: Abate all vegetation and tree canopy from existing pump houses, proposed well site, and proposed electrical conduit, in accordance with Morro Bay Municipal Code (Section 8.12.030), California Fire Code (Section 304) and California Public Resources Code (Section 4291).

PUBLIC WORKS CONDITIONS

20. Flood Control: All building, well heads, electrical and mechanical equipment shall be one foot above the Base Flood Elevation of 21 ft NCVD 1929 or flood proofed.

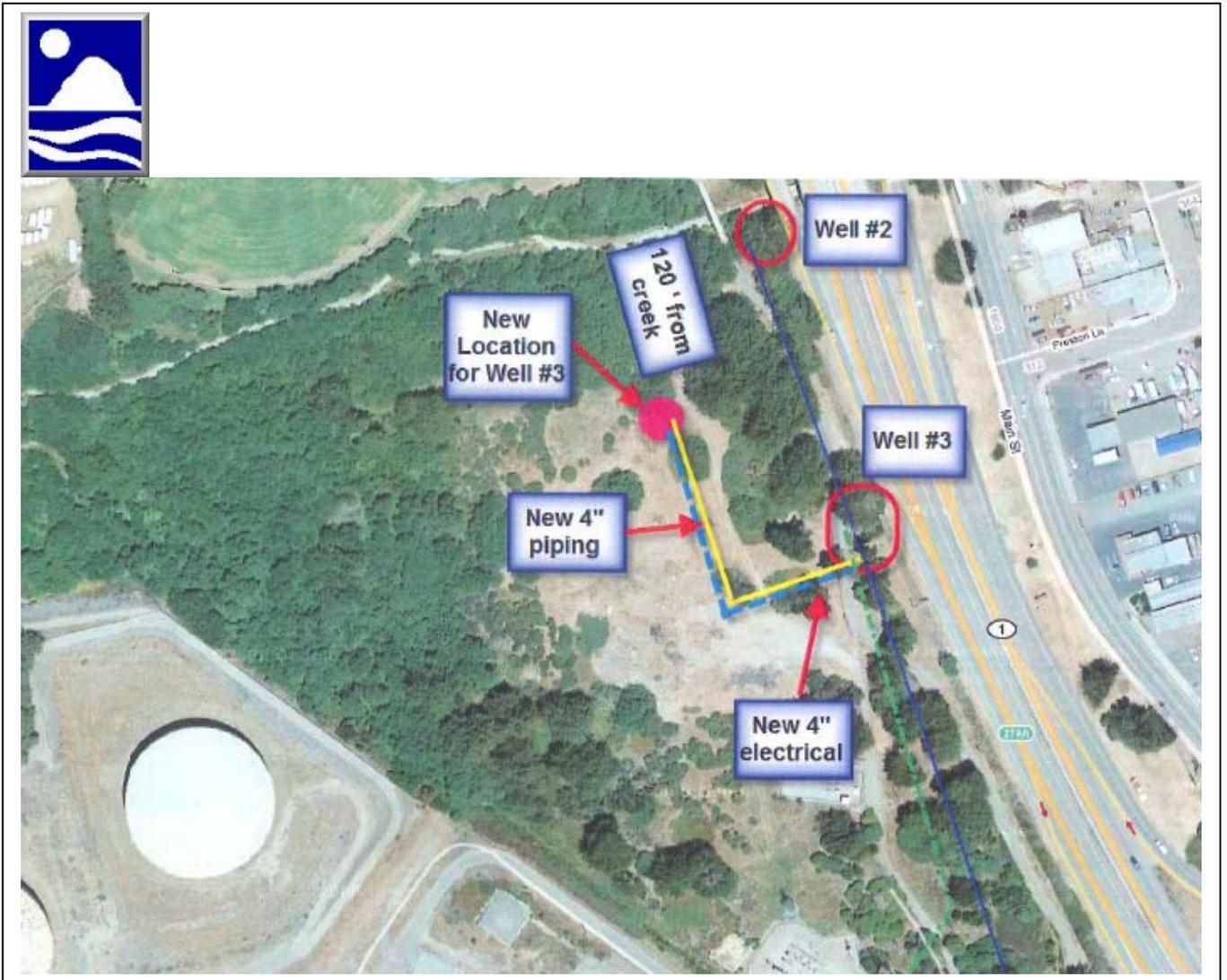
21. Bike Trail: An encroachment permit is required prior to any excavation occurring across the bike path or its shoulders. Prior to excavation the contractor shall saw cut the proposed bike path crossing. The trenched portion of the bike trail shall be repaired to original or better condition upon completion of the project (3-inches of asphalt over six-inches of Class 2 base).



Planning Commission
Dynergy Morro Bay, LLC



ZONING MAP



Planning Commission
Dyegy Morro Bay, LLC



SITE PLAN

EXHIBIT D



Figure 1: Site of new well to be drilled- West facing.

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SEP 17 2008
Public Services Administration



Figure 4: Site of new well to be drilled- East facing.



Figure 5: New well site dominated by *Avena fatua*. → Common wild oat, native to Eurasia → introduced to most of the other temperate regions of the world



Figure 8: CA Hwy 1 and commercial development bordering abandoned well site.

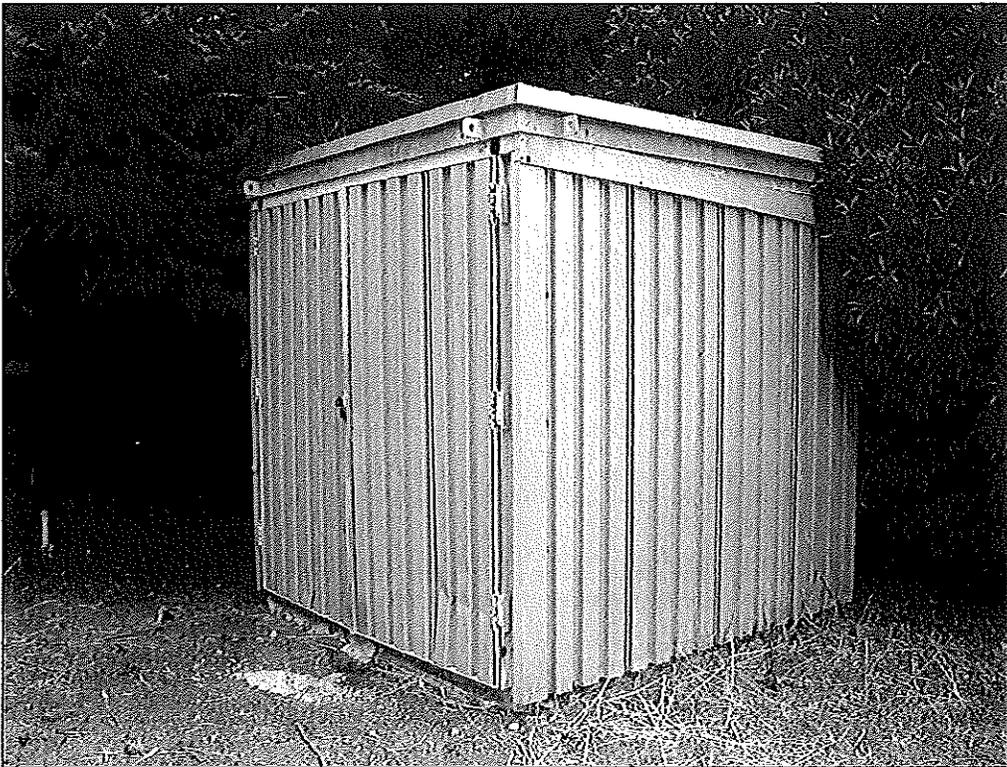


Figure 9: Well shelter to be relocated.

EXHIBIT E

City of Morro Bay

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

Public Notice of Availability
Document Type: Draft Mitigated Negative Declaration

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY

Date: March 1, 2010

The City has determined that the following proposal qualifies for a

Negative Declaration Mitigated Negative Declaration

PROJECT TITLE: Relocation of Well #3

LOCATION: 1290 Embarcadero Road

CITY: Morro Bay **COUNTY:** San Luis Obispo

CASE NO.: CP0-290

PROJECT DESCRIPTION: The site location is currently being utilized for power generation and well pumping for water. The project includes abandoning an existing well and drilling a new well. The new well will be drilled to a depth of approximately 100' and an 8" casing will be installed, which equals .35 square feet at the surface. To connect the new well into the water piping and electrical system a 400' trench at a depth of five to six feet deep and two to three feet wide will need to be dug. The existing well #3 will be decommissioned and backfilled. The pump house associated with the existing well will be relocated to the new well site.

APPLICANT / PROJECT SPONSOR: Dynegy Morro Bay, LLC, Steve Goschke

LEAD AGENCY: City of Morro Bay

CONTACT PERSON: Sierra Davis

TELEPHONE: (805) 772-6297

ADDRESS WHERE DOCUMENT MAY BE OBTAINED:

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

PUBLIC REVIEW PERIOD: *Begins: March 5, 2010, Ends: April 5, 2010*

SCHEDULED PUBLIC HEARING:

Date: April 19, 2010
Time: 6:00 p.m.
Location: 209 Surf St., Morro Bay Veterans Hall

Anyone interested in this matter is invited to comment on the document by written response or by personal appearance at the hearing. Persons wishing to appear at the hearing should call:

Public Services Dept.

Phone: (805) 772-6261



Signature

Sierra Davis, Intern Planner

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

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

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY
955 Shasta Avenue
Morro Bay, California 93442
805-772-6210

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.: CP0-290

PROJECT TITLE: Relocation of Well #3

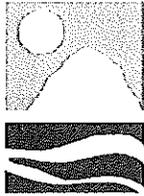
APPLICANT / PROJECT SPONSOR: DYNEX MORRO BAY, LLC, STEVE GOSCHKE

PROJECT DESCRIPTION: The site location is currently being utilized for power generation and well pumping for water. The project includes abandoning an existing well and drilling a new well. The new well will be drilled to a depth of approximately 100 feet and an 8 inch casing will be installed. The surface area of the well opening equals .35 square feet. To connect the new well into the water piping and electrical system a 400' trench at a depth of 5' to 6' deep and 2' to 3' wide will need to be dug. The existing well #3 will be decommissioned and backfilled. The pump house associated with the existing well will be relocated to the new well site.

PROJECT LOCATION: 1290 Embarcadero Road

FINDINGS OF THE: Environmental Coordinator

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



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

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title: Relocation of Well #3

Case Number: CP0-290

Lead Agency: City of Morro Bay Phone: (805) 772-6261
955 Shasta Avenue Fax: (805) 772-6268
Morro Bay, CA 93442

Project Applicant: Dynegy Morro Bay, LLC Phone: (805) 431-2619
Steve Goschke
1290 Embarcadero Road Fax: _____
Morro Bay, CA 93442

Project Landowner: Dynegy Phone: (805) 431-2619

Project Description: The site location is currently being utilized for power generation and well pumping for water. The project includes abandoning an existing well and drilling a new well. The new well will be drilled to a depth of approximately 100 feet and an 8 inch casing will be installed. The surface area of the well opening equals .35 square feet. To connect the new well into the water piping and electrical system a 400' trench at a depth of 5' to 6' deep and 2' to 3' wide will need to be dug. The existing well #3 will be decommissioned and backfilled. The pump house associated with the existing well will be relocated to the new well site.

Project Location: 1290 Embarcadero Road

Assessor Parcel Number(s) 066-331-037

General Plan Designation: Coastal Dependent Industrial (Planned Development/Interim Use)

Zoning: M-2 (PD/I)

VICINITY MAP



II. ENVIRONMENTAL SETTING AND IMPACTS

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

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

Surrounding Land Use

North: Coastal-Dependent Industrial
 South: Commercial/Recreation Fishing

East: Visitor Serving Commercial /Industrial
 West: Commercial/Recreation Fishing/Coastal
 Dependent Industrial

III. ENVIRONMENTAL CHECKLIST

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

Environmental Setting: The existing well is located on the east side of the existing bike trail. It is shielded by a pump house and further surrounded by trees and vegetation and is therefore not visible from Highway 1. The location of the new well is further away from the highway on the west side of the bike trail and within a dense area of vegetation.

Impact Discussion: a - c. The proposed project is located adjacent to Highway 1, which has been designated a Scenic Highway in the General Plan. The location of the existing well that is to be abandoned and the location of the new well are surrounded by vegetation, therefore they are not visible from Highway 1.

d. The project does not propose adding new light sources that would have substantial impact on the surrounding day and nighttime views in the area.

Mitigation: The proposed well sites will not impact the scenic view corridor therefore no mitigation is required.

Residual Impact: Not applicable.

2. AGRICULTURAL RESOURCES:	In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.			
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Convert prime farmland, unique farmland, or farmland of statewide importance, 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. Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?				X

Environmental Setting: The site is zoned for coastal-dependent industries and the existing and proposed uses on site are consistent with the zoning. The site has been used for the production of power since 1953 when PG&E built the Morro Bay power plant. Currently the Dynegy Company owns the land and power plant. The site has not been used for the production of agriculture and is not designated as a prime agricultural area.

Impact Discussion: a - c. The site is zoned for coastal-dependent industries and will not be utilized as an agricultural area. The sites adjacent to the site are also zoned for industrial and commercial uses and not in a prime agricultural area. No crops have ever been grown on the site and the soil is not the best suited for agriculture production; therefore there is no impact to agricultural lands.

Mitigation: There are no potential impacts on agricultural lands therefore no mitigation is required.

Residual Impact: Not Applicable.

3. AIR QUALITY	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?		X		
c. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
d. 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
e. Create objectionable smoke, ash, dust or odors affecting a substantial number of people?		X		

Environmental Setting: Morro Bay is located in San Luis Obispo County and is assessed by the Air Quality Control Board. According to the most recent Annual Air Quality Report, from 2007, San Luis Obispo County exceeds the ozone and PM₁₀ (respirable particulate matter 10 microns or less in size) pollutant levels in most years. San Luis Obispo County is also designated as a non-attainment area for the state PM₁₀ standards. Although San Luis Obispo County does not meet some of the requirements for acceptable levels of pollutants, Morro Bay does not exceed state and federal standards for air quality.

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

To date, no state agencies in California have identified a significance threshold for GHG emissions or a methodology for analyzing increased GHG emissions related to climate change. However, in June of 2005, Governor Schwarzenegger issued a landmark Executive Order establishing progressive greenhouse gas emissions targets for the entire state, including reducing GHG emissions to 2000 levels by 2010; to 1990 levels by 2020, and; to 80% below 1990 levels by 2050. To support these reduction targets, the California legislature adopted the California Global Warming Solutions Act of 2006, also known as AB 32. The law requires the California Air Resources Board (CARB) to develop regulatory and market mechanisms that will reduce greenhouse gas emissions to 1990 levels by 2020. In December 2008, CARB approved the AB 32 Scoping Plan outlining regulatory and market mechanisms to achieve the goal of AB 32. The plan cites local government action as an integral partner to achieving the State's goals. Additional bills targeting climate change include SB 97 (Dutton, Chapter 185, Statutes of 2008), which requires the Governor's Office of Planning and Research (OPR) to develop guidelines for the California Environmental Quality Act (CEQA) pertaining to the mitigation of GHG emissions or the effects of GHG emissions.

Impact Discussion: a., c., d. The site currently meets the air quality standards. The abandonment and relocation of existing well #3 will not increase the total amount of pollution emitted from the site.

b. & e. The abandonment of the existing well #3 and the construction of the new well also labeled #3 will require the use of a drilling rig to drill the new well. A contractor will be hired to do the balance of the installation work. A backhoe will be used to do the majority of the work, but will require that they hand dig around known underground piping and electrical conduits. The use of construction equipment has the potential to impact sensitive receptors because of idling equipment and the disturbance of dust.

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

1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, and Diesel Particulate Matter. The following are standard mitigation measures required by the APCD to reduce potential APCD thresholds to less than significant levels:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-road Regulations.
 - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
 - e. Construction or trucking companies with fleets that do not have engines in their fleets that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
 - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit.
 - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
 - i. Electrify equipment when feasible.
 - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
 - k. Use alternatively fueled construction equipment on-site where feasible.

2. The project construction has the potential to exceed APCD thresholds for fugitive dust. The following standard mitigation measures are required by the APCD to reduce potential APCD thresholds to less than significant levels:
 - a. Reduce the amount of the disturbed area.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
 - c. All dirt stockpile areas shall be sprayed daily or as needed to contain dust.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between the top of load and trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
 - l. All of these fugitive dust mitigation measures shall be shown on grading and building plans.
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition.

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

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

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X

Environmental Setting: The project site is located on the 107 acre Morro Bay Power Plant site on the northern end of Embarcadero, adjacent to Morro and Estero Bays. The wells on site are on the northern most corner, adjacent to the bike path and Highway 1 to the east and Lila Keiser Park to the north. The project site is on a developed parcel and surrounded by developed land.

Impact Discussion: a. The proposed project is not located on a site or in the vicinity of a site that has sensitive habitat, including riparian and wetlands. The proposed project will not substantially affect sensitive habitats and species on site. According to a site inventory from the staff biologist at Dynegy, there are five species of vegetation on site. *Avena Fatua* – wild oat, *Baccharis Pilularis* – coyotebrush, *Salix lasiolepis* - Arroyo willow, *Cupressus sargentii* - Sargent's cypress, *Pinus radiata* - Monterey pine. The biologist also stated that there is a possibility of deer, squirrel, fox, coyote, small birds and Western Fence Lizards. The species of plants and animals are not sensitive nor do they have special status.

b. The location of the proposed well #3 is located 120' from the creek that is located on the northern portion of the site. The creek is on the border between Lila Keiser Park and the Dynegy property. The proposed project will not have a substantial effect on the creek or riparian habitat because the proposed project is located outside the riparian habitat area.

c. The proposed site is not located on federally protected wetlands as defined by Section 404 of the Clean Water Act. The project will not have any effect on the creek and riparian area of the site through direct removal, filling, hydrological interruption, or other means as defined by the act.

d. The proposed project is not of a substantial size and will not contribute to the loss of habitat. Since habitat will not be lost, the proposed project will not have an affect on the movement of any native residents of the site, migratory patterns, or impede the use of native wildlife nursery sites.

e - f. The project site is an industrial zone that is not covered under an adopted local or regional habitat plan.

Mitigation: The construction and proposed project will have a less than significant impact on biological resources; therefore no mitigation is required. There is no adopted local habitat plan or regional plan in effect for the project site.

Residual Impact: Not Applicable.

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: The Morro Bay area historically has the highest concentration of Chumash settlements on the California central coast. Archaeologists have recorded at least thirty settlements in the area and assume that there are more sites that have yet to be discovered. The site where the power plant and proposed project site are located, is in an area that has recorded documentation of settlements. The site has three identified sites of cultural resources, CA-SLO-16, CA-SLO-239, and CA-SLO-2124, which are known areas of prehistoric villages with burial sites.

Impact Discussion: a – d. An archaeological Phase I report was conducted on May 28, 2009 and identified potential resources located on-site known as CA-SLO-16, CA-SLO-239, and CA-SLO-2124. The conclusion of the report stated that a Phase II evaluation should be conducted. In October 2009 a Phase II archaeological evaluation was conducted on site. Thor Conway with Heritage Discoveries Incorporated evaluated the site with the assistance of Val Kirstine, Nic Ames, and Brian Shull. Mike Vigil was also onsite during the evaluation providing the Native American monitoring. The phase II archaeological subsurface testing produced positive results for the presence of cultural resources. The evaluation revealed an inconsistent archaeological site with cultural deposits at varied depths. The inconsistencies are a result of past disturbances specifically tree removal, caused the mixture of sub-soils and cultural soils. The report concluded that the area proposed for well #3 did contain the presence of cultural resources.

c. The site location is identified as a site for potential cultural resources, however no paleontological resources have been found onsite. The project site is on the Morro Bay Power Plant and is composed on developed and undeveloped land. The site does not have any unique geographic features as identified in the General Plan or Local Coastal Plan.

Mitigation:

1. Archaeological monitoring of all grubbing, demolition, and excavation activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits.
2. Selection and processing of prehistoric marine shell for radiocarbon dating.
3. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.

Residual Impact: The applicant in the event of a discovery of human remains shall notify Planning & Building staff. Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that any required mitigation is completed.

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

d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Environmental Setting: The project site is located on the 107 acre Morro Bay Power Plant site on the northern end of Embarcadero, adjacent to Morro and Estero Bays. The wells on site are on the northern most corner, adjacent to the bike path and Highway 1 to the east and Lila Keiser Park to the north. The project site is on a developed parcel and surrounded by developed land.

Impact Discussion:

a-i. The Department of Conservation, California Geological Survey of 2007, published the list of cities and counties that are affected by the Alquist-Priolo Earthquake Fault. San Luis Obispo County was designated as an area that has a potential risk of damage from the Alquist-Priolo Fault. The closest city to Morro Bay that was affected was the City of San Luis Obispo approximately 12 miles away. The City of Morro Bay was not on the list of affected cities and was not designated by the Department of Conservation as having a potential risk of damage to people or property. According to the map of 'Principle Faults Zoned Under Alquist-Priolo Earthquake Fault Zoning Act 1974-2007' there are three faults in San Luis Obispo County, the Los Osos, Los Alamos, and the San Andreas. The three faults not located within the city boundaries of Morro Bay, therefore no known faults are located under the project site.

a-ii – iv, c. The San Andreas Fault is located approximately 41 miles at its closest point from the City, and is the only fault in San Luis Obispo County that has recorded surface rupture. The General Plan Safety Element depicts landslide areas, flood prone areas, areas of liquefaction potential, and other areas where potential natural hazards exist. According to the Safety Element of the General Plan figure S-2, the site is located in an area of a potential for ground shaking because of its proximity to the San Andreas Fault. The ground shaking risk contributes to the moderate to high liquefaction risk where the site is located, as designated on figure S-4 of the Safety Element of the General Plan. Due to the graded and flat topography of the site, ground shaking and the associated liquefaction risks are relatively low. Ground shaking and liquefaction is always a risk when building in the area, but is not considered a significant risk with regard to the project.

b-d. The risk of topsoil loss is low on the site the disturbance area is approximately .35 square feet. The area where the wells are located are in the northern side of the site that is characterized by ruderal grassland surrounded by a perimeter of both naturalized and ornamental shrubs and trees. The vegetation and root system will help to stabilize the soil and reduce the risk of topsoil loss.

e. The project does not include any uses that would generate wastewater.

Mitigation: No mitigation measures are required.

Residual Impacts: Not Applicable.

7. 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
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. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
f. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		X		

Environmental Setting: The project site is located on a developed site that is utilized by the Morro Bay Power Plant. The well and associated pump will be for the extraction of water.

Impact Discussion: a.- d. The proposed project is not expected to involve the use, transportation, or generation of any significant hazardous materials, because the pump will be use exclusively for the pumping of water.

e. The proposed project is contained on site and will not interfere with emergency response plans that are established in the community. The project will not contribute to any potential public health or safety hazard; or exposure to hazards from oil or gas wells and pipeline facilities.

f. There is a significant amount of dried grass, shrubs, woodland and tree canopy both alive and dead on site. The structures that house live electrical and communication lines, are located adjacent to or under tree canopy. The wells are located in fields with tall grasses that increase potential wildfire risk.

Mitigation:

1. The applicant will monitor the grasses, shrubs, woodland and tree canopy on site and abate all vegetation from wells and structures on a on going basis.

Residual Impacts: Public Services and Fire Department staff shall ensure that plans are consistent with the building and fire codes prior to the issuance of a building permit and during subsequent site inspections.

8. HYDROLOGY/WATER QUALITY Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 that 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. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i. Inundation by seiche, tsunami, or mudflow?			X	

Environmental Setting: The site is located in the Coastal-Development Industrial zoning district, in which the Coastal Act gives priority to businesses to locate adjacent to the coastline. The General Plan states that uses that are acceptable in this designation are thermal power plants, seawater intake structures, discharge structures, tanker support facilities, and other similar uses which must be located on or adjacent to the sea in order to function. The wells and the water that is pumped are ancillary to the Power Plant located on site.

Impact Discussion:

- a. The project is a well pumping site and is required to adhere to all City and State requirements for water quality so no additional mitigation is required.
- b. The project consists of abandoning an existing well and drilling of a new well. The project will not deplete groundwater supplies, because the net amount of water taken from the aquifer will not increase.

- c – e. The project will not substantially alter existing drainage pattern. The site does not have any streams or water sources on site. The site has a permeable surface and will not substantially contribute to increased runoff on or off site.
- f. The project will not degrade water quality through introduction of hazardous materials or run-off into the water sources.
- g. - h. The proposed project does not have a residential or structural element that houses people. Therefore there is no risk to residential units or people with regard to flooding damages, loss of property or life.
- i. The General Plan states that tsunamis are of concern, but are infrequent and are dependent on geological occurrences.

Mitigation: No mitigation is required.

Residual Impacts: Not applicable.

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

Environmental Setting: The site is located in the Coastal-Dependent Industrial zoning district and utilized by the Morro Bay Power Plant. The water wells that are located onsite are an ancillary use of the power plant.

Impact Discussion: a - c. The Morro Bay Power Plant and the water wells on site are an allowable use in the Coastal-Dependent Industrial zoning district. The use will not change onsite, because the applicant is relocating existing use to another portion of the site. The project does not have a significant impact on the surrounding land uses or physical layout of the City of Morro Bay.

Mitigation: No mitigation is required.

Residual Impact: Not applicable.

10 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 generate excessive groundborne vibration or groundborne noise levels?				X
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X

Environmental Setting: The well site is located on the northern side of the Morro Bay Power Plant site. The City of Morro Bay's General Plan designates the Morro Bay Power Plant as one of the most significant sources of noise in the area. Possible sensitive noise receptors in the area include Lila Keiser Park located to the north of the site.

Impact Discussion: a – d. The existing and proposed uses onsite are consistent with the General Plan and Zoning Ordinance standards. The City of Morro Bay's Zoning Ordinance section 17.52.030 regarding noise requirements determines the thresholds for noise impacts. New development with the potential for noise impact cannot be within one hundred feet of residential uses. The site is surrounded by industrial and recreational uses and the noise that will result from the project will not affect residential land uses.

The General Plan determined that local industrial facilities and other stationary sources are possible sources of noise that could impact noise sensitive land uses including playgrounds and parks. Lila Keiser Park is located adjacent to the site to the north. For

projects that may risk exposing sensitive receptors to noise impacts the City requires an acoustical analysis during the review process so that noise mitigation may be included in the project design.

At the discretion of the City, the requirement for an acoustical analysis may be waived provided that all of the following conditions are met:

1. **Size of Development.** The development is for less than five single-family dwellings or for office buildings, churches or meeting halls having a total gross floor area less than ten thousand square feet;
2. **Noise Source.** The noise source in question consists of a single transportation noise source (roadway, railway or airport) for which up-to-date noise exposure information is available. An acoustical analysis will be required when the noise source in question is a stationary noise source or when the noise source consists of multiple transportation noise sources;
3. **Noise Exposure.** The existing or projected future noise exposure at the exterior of the buildings which will contain noise sensitive uses or within proposed outdoor activity areas (other than playgrounds and parks) does not exceed sixty-five dB Ldn (or CNEL) prior to mitigation. For playgrounds and parks, the existing or projected future noise exposure may not exceed seventy-five dB Ldn (or CNEL) prior to mitigation;
4. **Topography.** The topography in the project area is flat, and the noise source and receiving land use are at the same grade; and
5. **Noise Mitigation.** Effective noise mitigation, as determined by the city is incorporated into the project design to reduce noise exposure to the levels specified in Table 17.52.030(1), codified at the end of this chapter. Such measures may include the use of building setbacks, building orientation, noise barriers and the standard noise mitigation packages contained within the acoustical design manual. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

The proposed project meets all of the above conditions therefore the requirement for an acoustical analysis is not required and will not be considered a significant noise impact. In addition, a fully enclosed pump house surrounds the mechanical equipment to mitigate noise impacts.

Mitigation: None.

Residual Impact: Not applicable.

11. 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 proposed project is located in a Coastal-Dependent Industrial zoning designation that is being utilized by the Morro Bay Power Plant. The site does not have any residential land uses.

Impact Discussion: a. - c. The project site is not zoned for residential uses and no residential uses are proposed for the site. Therefore there is no risk for substantial displacement or need for construction of residential units.

Mitigation: None

Residual Impact: Not applicable.

12. PUBLIC SERVICES	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:			
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

Environmental Setting: The City of Morro Bay currently provides the Morro Bay Power Plant facilities with fire, police and other governmental services. The plant does not have any residential uses on site and does not utilize city services such as schools and recreational facilities.

Impact Discussion: a. – e. The project is the abandonment of a well and the installation of a new well. The site is not changing uses or intensity; therefore no new impacts will be placed on public services.

Mitigation: None.

Residual Impact: Not applicable.

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

Environmental Setting: The project area is located on the Morro Bay Power Plant site. The site does not have any recreational uses.

Impact Discussion: a. - b. Residential units are not proposed on the site therefore the project will not contribute to the need for additional recreational facilities.

Mitigation: None.

Residual Impact: Not applicable.

14 TRANSPORTATION/ CIRCULATION Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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)?		X		

Environmental Setting: The wells are located at the rear of the Morro Bay Power Plant property. The roads that are located on site are for exclusive use by power plant employees for access and maintenance.

Impact Discussion: a.- f. The project will not affect circulation routes or levels of service. The site does not have a high volume of people visiting the site and will not impact traffic volumes on the surrounding surface streets.

d. – g. The project is located adjacent to the bicycle trail and access to the bike trail will be interrupted for approximately one day for construction. A trench will be dug in order to place new water piping and electrical conduit that will link the new water well and pump house into the existing system. The trench will be 400’ long, 2-3’ wide and 5-6’ deep and will run under the bike trail. The bike trail will be under construction for approximately one day and upon completion will be returned to the original condition.

Mitigation:

1. The applicant will clearly post the construction site while working on the bike path and divert bicycle traffic around construction site.

Residual Impact: Public Services staff shall inspect the bike path construction site after completion.

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

Environmental Setting: The proposed project is located on the Morro Bay Power Plant site and has existing facilities on site that use utilities and service systems. The proposed project consists of abandoning a water well and drilling a new well.

Impact Discussion: a - g. The project does not consist of any residential or commercial uses that would require the use of additional utilities and will not produce any solid waste.

Mitigation: The construction of the new water well will not result in the need for additional facilities beyond the new well.

Residual Impact: None

IV. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

City of Morro Bay Public Works Department, Fire Department, Police Department, Building Division, City Engineer.

B. General Plan

<input checked="" type="checkbox"/> Land Use Element	<input checked="" type="checkbox"/> Conservation Element
<input checked="" type="checkbox"/> Circulation Element	<input checked="" type="checkbox"/> Noise Element
<input checked="" type="checkbox"/> Seismic Safety/Safety Element	<input checked="" type="checkbox"/> Local Coastal Plan and Maps
<input checked="" type="checkbox"/> Zoning Ordinance	

C. Other Sources of Information

<input checked="" type="checkbox"/> Field work/Site Visit	<input type="checkbox"/> Ag. Preserve Maps
<input type="checkbox"/> Calculations	<input checked="" type="checkbox"/> Flood Control Maps
<input checked="" type="checkbox"/> Project Plans	<input checked="" type="checkbox"/> Other studies, reports
<input type="checkbox"/> Traffic Study	<input checked="" type="checkbox"/> Zoning Maps
<input checked="" type="checkbox"/> Records	<input checked="" type="checkbox"/> Soils Maps/Reports
<input checked="" type="checkbox"/> Grading Plans	<input type="checkbox"/> Plant maps
<input type="checkbox"/> Elevations/architectural renderings	<input checked="" type="checkbox"/> Archaeological maps and reports
<input type="checkbox"/> Published geological maps	<input type="checkbox"/> (Others) APCD Handbook, & Acoustical Manual
<input type="checkbox"/> Topographic maps	

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

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

	Potentially Significant Impact	Less than Significant Impact	Less than Significant Impact	No Impact
Potential to degrade: 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	
Cumulative: 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
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Impact Discussion: The project is consistent with the Local Coastal Program (which includes the General Plan, Local Coastal Plan and zoning regulations) and does not have the potential to substantially degrade the quality of the environment, as evidenced in the preceding discussions. The applicant, in this case Dynegy Morro Bay LLC, has agreed to incorporate the mitigation measures and monitoring plan presented herein into the project description.

VI. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

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

I find that the proposed project MAY have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.



With Public Hearing



Without Public Hearing

Previous Document: None

Project Evaluator: Sierra Davis, Intern Planner

Sierra Davis
Signature

March 1, 2010
Initial Study Date

Sierra Davis
Printed Name

City of Morro Bay
Lead Agency

VII. ATTACHMENT A: SUMMARY OF REQUIRED MITIGATION MEASURES

ATTACHMENT A

SUMMARY OF REQUIRED MITIGATION MEASURES

AIR QUALITY:

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

1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, and Diesel Particulate Matter. The following are standard mitigation measures required by the APCD to reduce potential APCD thresholds to less than significant levels:

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

2. The project construction has the potential to exceed APCD thresholds for fugitive dust. The following standard mitigation measures are required by the APCD to reduce potential APCD thresholds to less than significant levels:

- a) Reduce the amount of the disturbed area.
- b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
- c) All dirt stockpile areas shall be sprayed daily or as needed to contain dust.
- d) Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
- f) All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g) All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between the top of load and trailer) in accordance with CVC Section 23114.
- j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
- l) All of these fugitive dust mitigation measures shall be shown on grading and building plans.
- m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of

such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition.

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

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

CULTURAL RESOURCES:

1. Archaeological monitoring of all grubbing, demolition, and excavation activities in the development area by a qualified archaeologist and Native American monitor. Collection of historic and prehistoric cultural remains deemed significant and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits.
2. Selection and processing of prehistoric marine shell for radiocarbon dating.
3. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.

Residual Impact: The applicant in the event of a discovery of human remains shall notify Planning & Building staff. Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that any required mitigation is completed.

HAZARDS/HAZARDOUS MATERIALS

1. The applicant will monitor the grasses, shrubs, woodland and tree canopy on site and abate all vegetation from wells and structures on a ongoing basis.

Residual Impacts: Public Services and Fire Department staff shall ensure that plans are consistent with the building and fire codes prior to the issuance of a building permit and during subsequent site inspections.

TRANSPORTATION/CIRCULATION

1. The applicant will clearly post the construction site while working on the bike path and divert bicycle traffic around construction site.

Residual Impact: Public Services staff shall inspect the bike path construction site after completion.

Acceptance of Mitigation Measures by Project Applicant:



Applicant

February 26, 2010

Date



City of Morro Bay

Public Services

Current Project Tracking Sheet

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

Agenda NO: XI-A
 Meeting Date: 4/19/2010
 Action: _____

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
Hearing or Action Ready							
1	Nina Hartley	1290 Embarcadero	9/17/08	Relocate well and pump house. Submitted 9/17/08, Inc. letter 10/15/08. Applicant has resubmitted items from inc. letter, submittal under review. Initial Study in process. Applicant has submitted additional arch/information 11/09. Initial Study in review period. Review complete project ready for processing.	SD/KW	PC	
30 -Day Review, Incomplete or Additional Submittal Review							
2	Cathy Novak	560 Embarcadero	12/3/09	Height & Setback Exception for Fence/Windscreen. Applicant working with staff on project details. Submittal of additional information 3/18/10.	GL	AD	
3	Dan Reddell	1 Jordan Terrance	7/25/08	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/2010 on site to further discuss issues. Resubmittal 2/16/10. Initial Study ready for noticing.	JH/KW	PC	3/16/10
4	Kleinhammer	160 & 190 Anchor	7/29/08	Parcel Map dividing one parcel into two with Right of Way abandonment. Incomplete letter sent 8/25/09. Met with applicant's representative regarding a redesign of the project. Pre-application submitted on 3/15/10 for compact infill development. Mtg with applicant 3/25/10.	KW	PC/CC	
5	Pina Noran	2176 Main	10/3/08	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information.	KW	PC	
6	John Christie	2330 Hemlock	4/27/09	CUP for 2nd unit to nonconforming site. No scaled plans submitted. Comment letter sent 11/3/09. No response to date. Parking is an issue.	GL	PC	
7	Studio Design Group	962 Piney	10/15/09	Preapplication Demo. , addition and remodel of existing church., application taken to DRT. Incomplete letter sent 12/4/09. Resubmittal 2/8/10. Incomplete letter sent 4/12/10.	KW	PC	
8	Robert Romero	3033 Ironwood	11/18/09	New SFR. Incomplete Letter sent 12/11/09. Resubmittal 2/8/10. Incomplete letter sent 3/10/10. Incomplete letter sent 4/6/10.	SD	AD	3/10/10
9	Robert Tefft	395 Acacia	11/10/09	Demo SFR & Carport. Incomplete letter sent 12/31/2009. Resubmittal 3/15/10.	GL/SD	AD	
10	Bob Crizer	Water Lease Site 34 206 Main Street	11/9/09	Oak Street Parking Exception. Also see 206 Main Street (Botich). Request to allow parking spaces to be placed on Oak Street to replace parking currently provided at 206 Main Street. Waiting for parties to resolve issue of ownership.	KW	PC/CC	
11	City of Morro bay	Harbor Depart	11/10/09	Marina Dredging. CUP to dredge State Park Marina. Waiting for additional information from environmental consultant. Meeting with Environ. Consultant 3/25/10 to discuss additional environmental review.	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
12	Valley and Crafton	430 Olive	11/23/09	Lot Line Adjustment. Incomplete letter sent 12/23/09. No response to date.	GL/SD	AD	
13	Mike Prater	235 Atascadero	12/16/09	CUP and Coastal Development Permit. Solar Arrays. Solar arrays located on carport structures at Morro Bay High School. Incomplete letter sent 1/15/10. Mtg follow up letter sent 1/29/10. Resubmittal - change in project description 3/16/10.	GL	PC	
14	James Maul	530, 582, 534 Morro Ave	3/12/10	Parcel Map. CDP & CUP for 3 townhomes.	GL	PC	
15	Mark Reisnick	691 Ponderosa	3/17/10	Granny Unit & Garage. CDP for 900 sf unit & 504 sf garage.	GL	AD	
16	Giovanni DeGarimore	1001 Front	3/22/10	Floating Dock. CUP to reconfigure existing side tie floating dock to include 4 new finger floating docks, 50 ft. x 4 ft.	GL	PC	
17	Ginger Machado	500 Quintana	3/16/10	Sign Permit. "Fitness Works." Comments sent 3/23/10.	SD	AD	
18	Jim Cravens	2100 Main	3/17/10	Sign Permit. "Main Mini Storage". Comments sent 3/24/10.	SD	AD	
19	Pamela Haman	490 Quintana	3/11/10	A-Frame Sign Exception. "Cookie Crook". Comments sent 3/24/10. On hold to review A-Frame signage requirements.	SD	AD	
20	Walter & Karen Roza	595 Driftwood	3/30/10	Demo Reconstruct SFR & 2nd Unit. VPM, CUP & CDP.	GL	PC	
21	Doug Redican	725 Embarcadero, Ste. 105	4/2/10	Relocation of Video Arcade from unit 103 to unit 105 of Rose's landing. MUP process.	GL	AD	
Projects in Process							
22	Great American Fish Co.	1185 Embarcadero	1/6/05	GAFC, Virg's, & Harbor Huts Revitalization Plan. Submitted 1/06/05, Starting Initial Study Draft MND, eel grass study complete concurrence on findings Tentative PC 11/5/07 Continued, date uncertain CC March Phase I approved Phase II approved 5/12/08. CDP approval from Coastal Commission on June 10, 2009. Project submitted for precise review.	KW	PC	
23	Larry Newland	Embarcadero	11/21/05	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 Incomplete Letter sent 6/27/07 Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Applicant resubmitted additional material on 9/30/2009. Met with applicants on 2/19/2010.	KW	PC	
24	Rudolph Kubes/Mike Prater	1181 Main & Bonita	11/23/06	Morro Mist 20 Lot SFR Subdivision. Submitted 11/23/06,SRB 3/15/06, Staff requested information Resubmitted 8/16/06 MND analysis needed MIND Complete 7/20 PC 8/20/07 Continued date uncertain revised project smaller units still 100% residential. Applicant has redesigned project and resubmitted on June 1, 2009. Project under review. Letter sent to applicant regarding issues on 7/2009. Subsequent meeting with applicant team 8/2009. Staff has had additional correspondence with the applicant. Project tentatively scheduled for Planning Commission late February/early March 2010. Applicant considering redesign of project.	JH/KW	PC	
25	Frank Loving	247 Main	10/27/07	Docking for Vessels. Submitted 10/29/07, Incomplete 11/19/07 PC 2/4/08, Continued to PC 3/17/08, continued to PC 9/15/08 Applicant has indicated to staff that they wish to move ahead with the project.	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
26	Johnnie Medina	3390 Main	5/29/08	2 Lot Subdivision. Submitted 5/29/08, Incomplete CCC coordination; Inc. Later 12/2/08; Resubmitted 1/5/09. Staff working on environmental document, MND Noticed as available for review 6/9/09. Hearing schedule 7/20/09. Item continued to date uncertain. Applicant submitted additional materials, staff waiting for applicant's response to ESH/Willow buffer. Biologist letter submitted November 30, 2009. Resubmittal 1/20/10. Applicant resolving issues of having stated project includes wetland area.	KW	PC	2/20/10
27	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing.	BA	PC/CC/RW OCB	
28	Candy Botich	206 Main Water Lease Site 34 Main & Oak St.	6/17/09	New Parking. Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW	PC/CC	
29	California State Park	State Park Drive	2/11/09	Solar Panels at the State Park with the addition of one carport structure for support of the panels. Coastal Development Permit and Conditional Use Permit. Comments sent 3/23/10.	SD/KW	PC	
30	Tank Farm	1290 Embarcadero	2/27/10	Tank Demo. Demo of seven tanks at the Morro Bay Power Plant.	KW	AD	
Environmental Review							
31	Ron McIntosh	190 Olive	8/26/08	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance.	KW	PC	
32	Chevron	3072 Main	12/31/08	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed.	KW/SD	PC	
33	Imani	571 Embarcadero	5/14/09	Remodel of Salt Building to include new public walkway and additional piling for support. Eel grass study submitted. Initial Study in review period - complete 4/19/10.	SD/GL	PC	
34	City Parks & Rec	1001 Kennedy Way	4/12/10	Routine Maintenance to remove reeds and sediment from The Cloisters Park. Reviewing project to determine CEQA requirement.	GL	AD	
Coordinating with Other Jurisdictions							
35	Burt Caldwell	801 Embarcadero	5/15/08	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC.	GL	PC/CC/ CCC	
36	City of Morro Bay	887 Atascadero	3/9/09	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project). Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County	
37	John King	60 Lower State Park	7/2/08	Lower parking lot resurface and construction of 2 new stairways. Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC	
Projects Continued Indefinitely or No Response to Date on Incomplete Letter							
38	SLO County	State Park	09/28/04	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC	
39	Cameron Financial	399 Quintana	04/11/07	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD	
40	West Millennium Homes	895 Monterey	7/10/07	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
41	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC	
42	Jeff Gregory	1295 Morro	09/25/07	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD	
43	Nicki Fazio	360 Cerrito	08/15/07	Appeal of Demo/Rebuild SFR and 2 trees removal. Continued to a date uncertain.	KW	PC	
44	Alicia Baroque	545 Napa	05/27/08	New guest house and parking exception. Submitted 5/27/08 Incomplete 6/13/08 Resubmitted 10/14/08, Complete 11/10, PC 12/15; Continued to a date uncertain.	KW	PC	
45	City of Morro Bay	595 Harbor Depart	02/27/09	New stand-by generator. Submitted 2/27/09, City Council did not fund. Continued date uncertain.	KW	AD	
Projects in Building Plan Check							
46	Don Doubledee	360 Morro Bay Blvd	5/15/09	Mixed Use Project - Ciano. Comments sent 2/25/10.	GL	N/A	
47	Robert Fiori	2655 Koa	11/25/09	SFR Demo/Reconstruction. Incomplete letter sent to applicant. Resubmittal 2/1/10. Comments sent 2/11/10. Resubmittal 3/1/10. Comments sent 3/29/10. Resubmittal 4/2/10.	KW	N/A	4/30/10
48	Tricia Knight	1245 Little Morro Creek	2/2/10	MetroPCS Telecom Site on PG&E tower. Comments sent 3/17/10.	GL	N/A	
49	Robert Romero	3033 Ironwood	2/8/10	New SFR. Incomplete letter sent 3/9/10. Resubmittal 3/23/10. Comments sent 4/6/10.	SD	N/A	4/22/10
50	Valori	2800 Birch Ave	2/10/10	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A	
51	John & Alair Hough	285 Main	2/16/10	SFR Addition. Second unit over detached garage. Comments sent 3/19/10.	KW	N/A	
52	Jon Wickstrom	401 Panay	2/5/10	SFR Addition. 1,000 sf. addition. Comments sent 3/17/10.	KW	N/A	
53	Costanzo Addition	1202 Bolton Dr	1/25/10	SFR Addition. Add stairs to the existing house. Comments sent 2/11/10.	GL	N/A	
54	Todd Schnack	2248 Emerald	2/17/10	New Guesthouse Cloisters. Comments sent 3/22/10. Resubmittal 3/30/10.	GL	N/A	4/29/10
55	Dan Yates	221 Main	2/22/10	SFR addition. Comments sent 3/18/10. Resubmittal 3/31/10.	SD	N/A	4/29/10
56	Colhover	2800 Dogwood	3/8/10	New SFR. Comments sent 3/25/10.	GL	N/A	
57	Redican	725 Embarcadero	3/4/10	Tenant Improvement. Change in Use T.I. Comments sent 4/2/10. Resubmittal 4/7/10.	GL	N/A	
58	Mark Reisnick	691 Ponderosa	3/17/10	Granny Unit & Garage. CDP for 900 sf unit & 504 sf garage.	GL	N/A	3/15/10
59	Tricia Knight	1478 Quintana	3/12/10	MetroPCS Telecom Site on Rock Harbor Church. Comments sent 4/12/10.	GL	N/A	3/12/10
Projects & Permits with Final Action							
60	Roy Cinowalt	3100 Main	2/11/10	Sign Permit. "Breaker View Apartments" Applicant notified that he needs a site plan showing where the sign is to be placed. Approved.	SD	AD	
61	Spagnola	421 Bernardo	2/24/10	Patio Enclosure. Approved 3/17/10.	GL	N/A	
62	Shirley Otto	490 Morro Bay Blvd	3/12/10	Sign Permit. "Coldwell Banker" Comments sent 3/24/10. Approved 3/25/10.	SD	AD	
63	Starkie	2940 Juniper	3/1/10	Electric System for photovoltaics. Approved.	SD	N/A	
64	Greg Kircher	350 Java	1/22/09	Addition to Nonconforming SFR. Submitted 1/22/09, incomplete letter 2/27/09, incomplete 5/21/09, Response letter 6/30/09. Resubmittal 1/7/10. Incomplete letter 2/3/10. Resubmittal 2/16/10. Project complete for processing. Approved on 4/5/2010	GL	PC	
65	Ann Traven	595 Anchor Street	2/12/10	Variance to allow a swimming pool within the front yard setback. Complete for processing. Approved on 4/5/2010	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
66	Smith Held	575 & 591 Embarcadero	04/21/09	Demo existing retail and vacation rentals, construct 2 retail units and a 6 unit hotel. Submitted 9/27/06, Incomplete 11/7/06 Resubmitted 12/21/06 Environmental Review MND Circulating, tentative PC 4/2/07 Continued, date uncertain Resubmitted 4/26/07 Incomplete 5/2/07 Resubmitted 5/30/07 Environmental document re-circulating 6/6/07, tentative PC 7/16/07 Concept plan approved, tentative CC 8/27/07 Concept Plan Approved, needs CDP from CCC -Hearing 11/12/08. Project back from Coastal Commission, ready for Precise Plan processing. Precise Plan submitted 4/21/09, Incomplete letter 6/25/09. Resubmitted 7/27/2009. Responses to applicant on 10/12/2009. Scheduled for hearing on 10/19, continued to 11/2 by applicant. Applicant requests continuation to date uncertain. Revised environmental Public review period 2/5/10 to 3/5/10. Project ready for hearing. Approved on 4/5/2010	GL	PC	



City of Morro Bay
 Public Services
 Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards (Variable Height & Setbacks, FAR)	4/5/2010	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
AB811	continuing with updates				120 to 160
Safety Element	Approved	TBD			20 to 40
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			3/20/00
Annexation Proceeding for Public Facilities		TBD			TBD
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission				TBD
<i>Items Requiring Further Analysis When Received Back From The Coastal Commission</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800



Memorandum

TO: PLANNING COMMISSION **DATE:** April 19, 2010
FROM: GENENE LEHOTSKY, ASSOCIATE PLANNER
SUBJECT: Porches within front yard setbacks

BACKGROUND/DISCUSSION:

On September 21, 2009 the Planning Commission requested that staff research allowing raised porches within the front yard setback. Staff researched the issue and has provided the following information.

REGULATIONS

Staff has provided the current Title 17 regulations as well as the proposed regulations from the Updated Zoning Ordinance currently awaiting certification from the California Coastal Commission. Staff believes that it is important to provide the proposed ordinance changes even though they have not been certified as the proposed language may resolve many of the issues concerning covered front porches within the front yard setback.

Existing Regulations

Section 17.48.120 of the current Zoning Ordinance states: Open, uncovered, raised porches, landing places or outside stairways in excess of thirty inches above ground elevation may project not closer than three feet to any interior side yard or rear lot line and not exceeding five feet into any required front yard or street side yard setback and no closer than five feet to said lot line. Wind screens/walls must be of a clear material and shall not exceed five feet in height above the floor of the landing or deck. Projections which are less than thirty inches above ground elevation may project closer than three feet to any lot line, provided however, that such projections which are made of combustible material may extend to the rear and interior side property line if they terminate at a noncombustible wall or fence which extends at least thirty inches above the projection.

- B. For downslope lots, stairs, decks or porches located in the front and exterior side yard setback may be permitted to exceed thirty inches above grade provided that:
1. They do not extend above the height of the top of the curb (or height of the edge of pavement where there is no curb); and

2. They do not extend into the interior side yard or rear yard setbacks.

According to the above Section, an open raised porch above 30 inches in height above ground elevation is allowed to encroach into setbacks, no closer than five feet to the front yard setback. However, any raised combustible porch less than 30 inches in height above ground elevation may extend to the interior side and rear property lines if they terminate at a noncombustible wall extending at least 30 inches above grade. In addition, the definition below identifies an open porch as open on at least two sides.

Section 17.12.469 defines Open Porch or Deck as an uncovered projection; permanently open on at least two sides. A side shall be considered "open" if it has a wall or fence or rail consisting of a solid material to a maximum height of thirty-six inches, and open or clear material to a maximum height of five feet zero inches, above the deck surface. "Uncovered" shall preclude eave overhangs permitted under other applicable sections of this chapter.

Section 17.12.092 defines Building Lot Coverage as the coverage of a lot by all portions of the building, either at or above ground level, including garages, carports, roofed porches and cantilever portions of the building and the area of raised uncovered decks over thirty inches in height which encroach into any setback areas, excluding roof overhangs, eaves, open decks or similar architectural extensions.

Revised Zoning Ordinance

Under the revised Zoning Ordinance awaiting certification from the California Coastal Commission, Section 17.41 Definitions, defines a Porch as an exterior appendage to a building forming a roofed or covered approach or vestibule to a doorway.

Section 17.03.040 considers the following as lot coverage: roofed porches and the area of raised uncovered decks over 30 inches in height where more than one side consists of solid material exceeding 3 feet in height or clear material exceeding 5 feet in height above the deck surface.

Section 17.15.070 states that (roofed) porches are allowed to extend into the setback areas, with a maximum of five feet into the front yard setback and within five feet of a front lot line.

ANALYSIS

As currently defined, an unroofed porch is interchangeable with an unroofed deck and as such, may extend into the setback areas. The existing Zoning Ordinance does not provide any special exception for projection of a roofed porch into any setback, and therefore, a roofed porch must adhere to the same setbacks as the main building. Under today's Zoning Ordinance, the only method to allow a front porch to encroach into the front yard setback would be if the proposal met all the findings for a variance and a variance was granted.

Conversely, the revised Zoning Ordinance awaiting certification by the Coastal Commission does allow a roofed porch to extend into the setback areas. The roofed porch would still be considered lot coverage, as determined by the existing regulations.

CONCLUSION:

Staff is tentatively scheduled to meet with Coastal Commission staff to discuss the status of the revised Zoning Ordinance and the next steps toward certification. According to records within the last 1.5 years and typical discussions which occur at the counter, requests to allow roofed porches to encroach into front yard setbacks are minimal. The most recent situation would be the front porch request at 560 Bernardo. All elements of the roofed porch issue have been resolved within the recently updated Zoning Ordinance, with exception of not considering a roofed porch as lot coverage. Both the existing and updated Zoning Ordinances consider roofed porches to be lot coverage. Because requests for roofed front porches within the front yard setback are very minimal, staff would recommend that no additional effort be expended until such time as city staff has had the opportunity to meet with Coastal Commission staff regarding the status of the updated Zoning Ordinance.