



# CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

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

209 Surf Street, Morro Bay  
Monday May 17, 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 May 3, 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. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

**X. PUBLIC HEARINGS**

Continued from the May 3, 2010 Planning Commission Meeting

**A. Site Location: 571 Embarcadero**

**Applicant:** Abba Imani, applicant/ Cathy Novak, agent

**Request:** The applicant has submitted for a Use Permit (UP0-260) to allow modifications to an existing commercial building. The building, known as the Salt building, is approximately 2,996 square feet. The proposed additions/modifications will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

**Recommended CEQA Determination:** Adopt a Mitigated Negative Declaration

**Staff Recommendation:** Review and take action on Use Permit and Mitigated Negative Declaration.

**Staff Contact:** Sierra Davis, Planning Intern (805) 772-6297

**B. Site Location: Citywide**

**Applicant:** City of Morro Bay

**Request:** AO0-010 City-Wide Text Amendment. The City of Morro Bay will hold a public hearing to consider adopting an amendment to the City’s Municipal Code Title 17 amending Section 17.68 “Signs”. The purpose of this amendment will be to update the City’s current sign regulations to provide regulations that result in an information system that expresses the character and environment of the City of Morro Bay and its community. The new sign regulations will recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

A. Encourage communications which aid orientation and identify businesses and activities.

B. Preserve and enhance the aesthetic character of the City.

C. Apply basic principles of good design and sensitivity to community appearance to signage.

D. Restrict signs that overload the public’s capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver’s attention or obstructing a driver’s vision.

**Recommended CEQA Determination:** No further environmental review necessary beyond that previously approved for the 2005 Zoning Ordinance Update.

**Staff Recommendation:** Review and forward a recommendation to the City Council on the proposed Text Amendment.

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

**XI. OLD BUSINESS**

A. Current Planning Processing List/Advanced Work Program.

B. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan (continued to the June 7, 2010 meeting.)

**XII. NEW BUSINESS**

**XIII. ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on Monday, June 7, 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  
May 3, 2010

Chairperson Nancy Johnson

Vice-Chairperson Gerald Luhr  
Commissioner Jamie Irons

Commissioner Michael Lucas  
Commissioner John Diodati

Rob Livick, Secretary

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Chairperson Johnson noted Gerald Luhr is absent. All other Commissioners are present.  
Staff Present: Rob Livick, Kathleen Wold, Sierra Davis, Rob Schultz 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 April 26, 2010 City Council meeting and also on items scheduled for the May 10, 2010 City Council meeting.

VI. PUBLIC COMMENT

Johnson opened public comment.

- Susan Heinem, resident of Morro Bay, announced the Estero Community Organic Garden barbeque will be held on Sunday May 23<sup>rd</sup> from 1-4pm on Ironwood Avenue. For more information, call 772-7828
- Roger Ewing, resident of Morro Bay, applauded the Planning Commission for their action at the last meeting regarding the public hearing at 1290 Embarcadero
- Amy Burton, Morro Bay resident of the Beach Tract neighborhood, spoke in favor of designating the Beach Tract Bicycle Path as a Class I bike path instead of a Class II designation. She urged the Commission to consider pedestrian safety and recommended that Sandalwood be made a one way street with speed bumps and Easter Street be closed to Highway 1 traffic
- The following residents spoke in favor of the proposed recommendations made by Amy Burton:
- Josh Beckett, property owner in the Beach tract neighborhood of Morro Bay
- Nate Ditmore, resident and business owner of Morro Bay
- Christine Johnson, resident of Beach Tract neighborhood. She also announced the first ever Family Bike Parade to be held on July 4<sup>th</sup> by the Morro Bay Citizens Bike Committee
- Christina Montenerro, resident of Beach Tract neighborhood

- Julie Ditmore, resident of Beach Tract neighborhood. She said childhood obesity is increasing at an alarming rate. She believes Morro Bay could be a leader in this by improving the bike lane to improve physical fitness

Hearing no further comment, Johnson closed public comment.

Lucas asked Livick if the bike path is an either-or situation in regards to the one on Main Street and the one on Beachcomber. Livick responded no. They are both necessary and doable. Commissioners agreed the public comment on the proposed bike plan is welcome and helpful.

## VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on April 19, 2010

MOTION: Lucas/ Diodati 2<sup>nd</sup> to approve the minutes as amended.

Lucas wanted to clarify his comments listed on page 3, the fifth paragraph from the bottom which states his desire to seek a letter from the City's Public Works Director stating the City's water supplies would not be damaged. He stated that "damaged" implies the wells itself, whereas his concern was more of a volumetric concern. He said to state the City's water supplies "would not be compromised" more accurately describes his comments.

VOTE: 4-0.

## VIII. PRESENTATIONS – None

## IX. FUTURE AGENDA ITEMS

A. Downtown Visioning (Planning Commission Subcommittee).

Diodati briefly reported the second meeting of the Downtown Visioning committee received proposals from the Cal Poly teams with many great ideas.

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

Irons recused himself from the public hearing due to a conflict of interest.

Davis presented the staff report.

Livick noted he did not provide a letter regarding the aquifer. He stated that Rob Schultz is present and will talk about the City's water rights.

Rob Schultz spoke and clarified the City's water rights and that the rights of Dynegy pre-date the City's incorporation. Schultz also spoke of previous extensive studies done during the CEC hearings which concluded that no long term impacts were identified.

Schultz stated that since this project is just replacing a well, he does not see any impacts to the City's well based on his knowledge and the fact that Dynegy does have riparian rights which are superior to the City's rights. Schultz noted the Commission could choose to require conditions that water from on site wells will be used only for maintenance, firefighting, landscaping, and potable water.

Lucas and Schultz discussed general water rights pertaining to monitoring water use, if the use of the site were to change and sphere of influence.

Schultz stated he is available at any time to attend Planning Commission meetings.

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

Steve Goschke spoke and clarified the capacity of the wells. Plant usage is about 1 gallon per minute or 500,000 gallons per year.

Johnson closed the public hearing and brought it back to Commissioners for discussion.

Commissioners discussed the conditions they would like to see placed on this project including the conditions discussed at the last Planning Commission meeting.

Diodati asked if the Commission can condition the applicant to conserve their own water. Schultz said no, because it is their own water.

MOTION: Diodati / Lucas 2<sup>nd</sup> to approve the project with the following conditions:

- Bike path shall include a "T" cut for the trench within 18 inches on either side allowance, including a 5 year warranty of the trench for failures or cosmetic imperfections
- The slab of the pump site shall be removed
- The water shall only be used for on-site purposes such as landscaping, maintenance, fire protection, and potable water

VOTE: 3-0.

Commissioner Irons rejoined the Planning Commission Meeting.

***B. This item has been requested to be continued to the May 17, 2010 meeting.***

**Site Location:** 571 Embarcadero

**Applicant:** Abba Imani, applicant/ Cathy Novak, agent

**Request:** The applicant has submitted for a Use Permit (UP0-260) to allow modifications to an existing commercial building located 571 Embarcadero. The building, known as the Salt building, is approximately 2996 square feet. The proposed additions/modifications will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

**Recommended CEQA Determination:** Adopt a Mitigated Negative Declaration

**Staff Recommendation:** Review and take action on Use Permit and Mitigated Negative Declaration.

**Staff Contact:** Sierra Davis, Planning Intern (805) 772-6211

MOTION: Irons/ Lucas 2nd to continue this item to the May 17, 2010 Planning Commission meeting.

VOTE: 4-0

## XI. OLD BUSINESS

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

Wold clarified the sign ordinance. A report was taken to the City Council regarding the A frame sign ordinance and it will be brought back to the Planning Commission for review and comment as a Public Hearing item.

## XII. NEW BUSINESS

### A. Presentation from the Citizen's Tree committee on their Landmark Tree Proposal.

Taylor Newton, Noah Smukler and Wallace McCray gave a presentation on the Landmark Tree Proposal.

Smukler noted the group's goal was not to come up with policies but to keep it broad and develop the concept.

Commissioners inquired about the general ways to nominate a tree and the process. Livick clarified this stage is to hear the concept ideas and not make decisions.

Newton clarified the definition of a landmark tree and anyone can nominate a tree based on the criteria.

Commissioners discussed the various proposal steps of the Landmark Tree Recommendation Plan.

MOTION: Irons/Lucas 2<sup>nd</sup> to accept the Landmark Tree Proposal report as is and move it forward.  
VOTE 4-0

### B. Presentation from Rob Livick, City Engineer, on the Bike Plan and the Pedestrian Plan.

Livick presented the staff report for the Bike Plan.

Livick stated the Public Works Advisory Board reviewed the Bike Plan at their last meeting and made recommendations to make better connections to increase accessibility to all users.

Diodati asked Livick if the City has a bicycle plaque donation program. Livick said no, but it would be appropriate to add such a program to the bike plan document.

Commissioners continued discussion regarding locations that would benefit from being added to the Bike Plan.

Livick stated the Public Works Advisory Board recommended the Class I Bike Path be extended up the hill to Beach Street. Unfortunately there is insufficient right of way and development too close to the right of way in order to continue the Class I bike path up to Beach St. The alternative is to continue the Bike Path on Morro Avenue up to Surf Street and then access the Class I bike path at the intersection of Surf and Main Streets.

Commissioners continued lengthy discussion on the following topics:

- Economic benefits of having Bike Paths
- Improving Bike Paths in the City by elevating Class II path locations to Class I
- Scenic versus functional uses of Bike Paths

- Mechanisms available to address speed issues
- Move the bridge project from mid-term to short term project scope
- Improved funding sources available to the City with a certified Bike Plan.

Livick clarified having a certified bike plan is the first step to be able to apply for funding sources. In addition, any proposed bridge would have to be a clear span bridge and from a floodplain management standpoint it would be a very long bridge.

MOTION: Diodati/ Lucas 2<sup>nd</sup> to make the following recommendations to staff:

1. Develop a Plaques for Racks program
2. Change the proposed Class II Paths to Class I Paths on the projects entitled: Beach Tract Bicycle Improvements, North Embarcadero, Morro Strand Multi-use Path and North Embarcadero Extension/Cayucos Connector.
3. Develop Class I trails where feasible, especially on coastal routes
4. Move the bridge over Morro Creek into the short term 0-5 year project scope
5. Work with State Park to make State Park Road a Class I Bike Path
6. Forward the plan onto City Council

VOTE: 4-0

MOTION: Diodati/ Lucas 2<sup>nd</sup> moved to continue pedestrian plan to next meeting when Luhr can be present. VOTE: 4-0.

## XII. ADJOURNMENT

Johnson adjourned the meeting at 8:26p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, May 17, 2010 at 6:00 p.m.

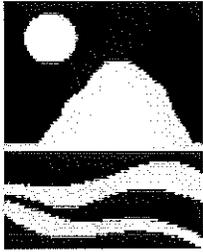
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Nancy Johnson, Chairperson

ATTEST:

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Rob Livick, Secretary



AGENDA ITEM: \_\_\_\_\_  
ACTION: \_\_\_\_\_

# CITY OF MORRO BAY PLANNING COMMISSION

May 17, 2010

## PROJECT SUMMARY

Proposed remodel of an existing commercial building to increase bayside footprint of the existing patio by 4 feet to accommodate a lateral access way and add 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. Existing sidewalk along Embarcadero Road will be widened to eight feet to comply with City standards.

## FILE NUMBERS

UP0-260

## SITE ADDRESS

571 Embarcadero

## APN(S)

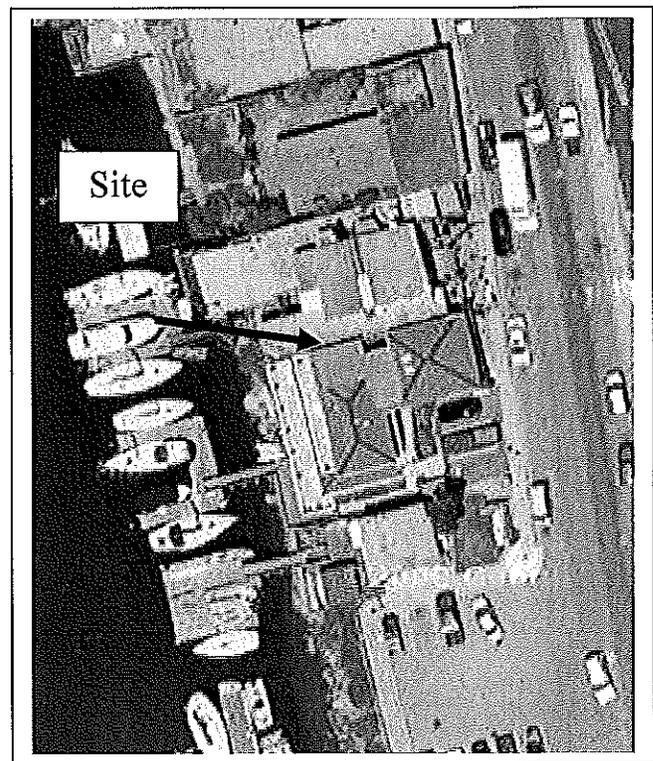
066-137-001

## APPLICANT:

Abba Imani

## AGENT:

Cathy Novak



Vicinity Map

## ATTACHMENTS

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan reductions, Exhibit C
4. Mitigated Negative Declaration, Exhibit D
5. Eel Grass Survey and Caulerpa Study, Exhibit E
6. Plans, Exhibit F

## ISSUE SUMMARY

The applicant proposes to remodel an existing commercial building to increase the footprint of the existing bayside patio by approximately 40 square feet. Expanding the deck will accommodate for the new 80 square feet of lateral access way required by the renewal process of the lease agreement and the Waterfront Master Plan. The existing patio will be reconstructed and

will be used for the restaurant and general public use. The applicant also proposes expanding the existing sidewalk adjacent to Embarcadero Road to eight feet in order to meet the standards for minimum sidewalk width as defined in the Waterfront Master Plan.

**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 Conditional Use Permit #UP0-260, subject to the Conditions included as Exhibit "B" and the site development plans dated May 5, 2010.

**ENVIRONMENTAL DETERMINATION:**

The project qualifies for a CEQA Mitigated Negative Declaration and was posted on March 18, 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 property the Salt Building is located on is City lease sites 65 and 66 and water lease sites 65w and 66w. The Embarcadero was developed in 1942 by the Department of the Navy initiated a national defense project to construct an amphibious training base in Morro Bay. The federal government dredged the current Navy and Morro Channels and deposited the dredge soil behind the inner harbor revetment to create the current Embarcadero Road area on what had previously been tidal flats.

**PROJECT DESCRIPTION**

The project site is approximately 6,300 square feet in the Waterfront/Planned Development (WF/PD) zoning designation with a S.4 design overlay, and is governed by the Waterfront Master Plan. The existing structure on site consist of a two-story building, The Salt Building, composed of a restaurant, office space and retail units. In order to renew the long-term lease renovation and maintenance is required to bring the site up to current City of Morro Bay standards.

The proposed project consists of widening the sidewalk along Embarcadero Road and increasing the foot print of the existing patio on the bayside by approximately 4 feet to accommodate a lateral access way. The project will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new lateral access walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

The existing outdoor patio is 368 square feet and currently no bayside lateral access way exists. The adjacent property is proposing to construct an eight-foot wide bayside access way. To ensure

consistency the applicant proposes to provide bayside lateral access way to ensure continuity of pedestrian flow. Additionally, a new section will be added at the southern end of the lease site in order to provide a connection to the Gray’s Inn lease site. The existing patio footprint will be expanded four feet to the west at the widest point in order to accommodate the bayside lateral access way. The existing patio footprint will be decreased from its current size by approximately 100 square feet to accommodate the new lateral access way. The proposed patio space will provide use for the restaurant as well as the general public. The existing wood deck will be replaced with an alternate material of Trex. The eight-foot walkway will be composed of concrete and will be supported by an existing piling on the north side that will be “sleeved” and a new piling will be installed on the southern side. In order to provide adequate signage indicating public use of the access way, “Coastal Access Signs” will be mounted at each end of the new walkway as well as at the entrance to the walkway between the buildings. The existing stairs to the patio and new walkway will be modified in order to incorporate the new access way and public patio area.

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

<b><u>Site Characteristics</u></b>	
Site Area	6,300 square feet
Existing Use	Commercial
Terrain:	Flat
Vegetation/Wildlife	Harbor located to the west of the property.
Archaeological Resources	Not applicable, site is located on fill.
Access	Embarcadero

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

**GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY**

Commission must review the project for consistency with the Municipal Code, Local Coastal Plan, California Coastal Act and Waterfront Master Plan. The proposed project is located

between the shore and the nearest public road therefore consistency with public access and recreation policies of Chapter 3 of the California Coastal Act is required.

The proposed development is a result of a condition of approval for the renewal of a long term lease agreement. Pursuant to Chapter 3 of the California Coastal Act the requirements are for new developments in the Coastal Commission Jurisdiction. The California Coastal act does not consider improvements to building of less than 10% or any repair activity to be new construction. The proposed project is considered an improvement to the property and required as a condition of the lease agreement with the City of Morro Bay.

Chapter 3 of the California Coastal Act provides provisions to protect coastal access, views and marine related recreational facilities. The existing building does provide access from Embarcadero Road through to the bayside of the site. The proposed development will provide more coastal access for the general public and will be in conformance with Chapter 3 of the California Coastal Act.

The project is also in conformance with Morro Bay Municipal Code, the Local Coastal Plan and the Waterfront Master Plan. The changes that are going to be a result of this project are requirements of Chapter 3, Transportation and Harbor Improvement in "Pedestrian/Bicycle Circulation/ Handicapped access" section of the Waterfront Master Plan. The following is an excerpt out the previously mention section explaining the requirements of project.

"Request sidewalk improvements as a condition of approval of new development or significant remodels. Private property owners and lease site holders are to set back their structures significantly to widen the public sidewalks to the minimum standard required by the Municipal Code. In some locations on the west side of the Embarcadero only eight feet of width may be feasible. In most other cases 10 feet is the minimum standard."

"Continue systematic efforts to obtain lateral access to the waterfront side of buildings and lease sites whenever development is proposed. However, the requirement for continuous lateral access along the waterfront from one site to another should be waived where elevation differentials make it impractical, use conflicts would result, or where vessels berthing would be lost."

The proposed project directly addresses these two requirements. The first requirement states that where feasible the sidewalk shall be constructed the meet the minimum sidewalk standard of 10 feet in width as defined by the Municipal Code. The Waterfront Master Plan specifically addresses lease sites located on the west side of the Embarcadero as having reduced requirements. The Salt Building project is located on the west side of Embarcadero and will adhere to the reduced requirement by increasing the width to 8 feet.

The second requirement is to obtain a lateral access way on the bayside of the properties on the west side of the Embarcadero. The project proposal includes the construction of a new 8 foot

wide lateral access way to accommodate the requirement. The access way location was determined by the adjacent property to the north (Smith Held, mixed use building) that received approval prior to this proposed project. The proposed project also includes a transition area for the lateral access way to join with a lateral access way on the Gray's Inn property. Currently there is not an access way on the Gray's Inn property for the proposed project to join.

Pursuant to chapter 17.40, section 17.40.030, Planned Development, (PD) overlay zone, of the Municipal Code the project shall conform to all applicable design guideline addressed in Chapter 5, Design Guidelines of the Waterfront Master Plan. The Plan encourages provisions for public (non-customer) viewing areas of the bay and waterfront in the form of outdoor decks or balconies accessible from the lateral access way. The proposed project description includes increasing the existing patio area to construct the new lateral access way and increase the size of the deck to allow for more room for use by restaurant patrons and general public use. The site will be posted with "Coastal Access" signs at the entrance and exits of the site.

### **PUBLIC NOTICE**

Notice of this item was published in the San Luis Obispo Tribune newspaper on April 23, 2010, and all property owners of record within 300 feet of the subject site 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 applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. The project is located with the California Coastal Commission Original Jurisdiction.

Report prepared by: Sierra Davis, Planning Intern

**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.

## EXHIBIT B

### CONDITIONS OF APPROVAL

#### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated May 17, 2010 for the project depicted on the attached plans labeled "Exhibit F", dated September 17, 2008, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
  - a) 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.

### ENVIRONMENTAL CONDITIONS

#### 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.

### BIOLOGICAL RESOURCES

The following mitigation measures are required to reduce eelgrass and marine wildlife impacts to a level of insignificance.

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

#### HAZARDS/HAZARDOUS MATERIALS

1. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of "treated wood" as defined in the impact discussion.

Anyone working with treated wood, and anyone removing old treated wood, needs to take precautions to minimize exposure to themselves, children, pets, or wildlife, including:

2. Avoid contact with skin. Wear gloves and long sleeved shirts when working with treated wood. Wash exposed areas thoroughly with mild soap and water after working with treated wood.
3. Wear a dust mask when machining any wood to reduce the inhalation of wood dusts. Avoid frequent or prolonged inhalation of sawdust from treated wood. Machining operations should be performed outdoors whenever possible to avoid indoor accumulations of airborne sawdust.
4. Wear appropriate eye protection to reduce the potential for eye injury from wood particles and flying debris during machining.
5. If preservative or sawdust accumulates on clothes, launder before reuse. Wash work clothes separately from other household clothing.
6. Promptly clean up and remove all sawdust and scraps and dispose of appropriately.
7. Only use treated wood that's visibly clean and free from surface residue for patios, decks, or walkways.
8. Do not use treated wood where it may come in direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.
9. Do not use treated wood for mulch.
10. Do not burn treated wood. Preserved wood should not be burned in open fires, stoves, or fireplaces.

#### HYDROLOGY/WATER QUALITY

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.

#### NOISE

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA. Construction timing shall be noted on the grading and construction plans.

2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.

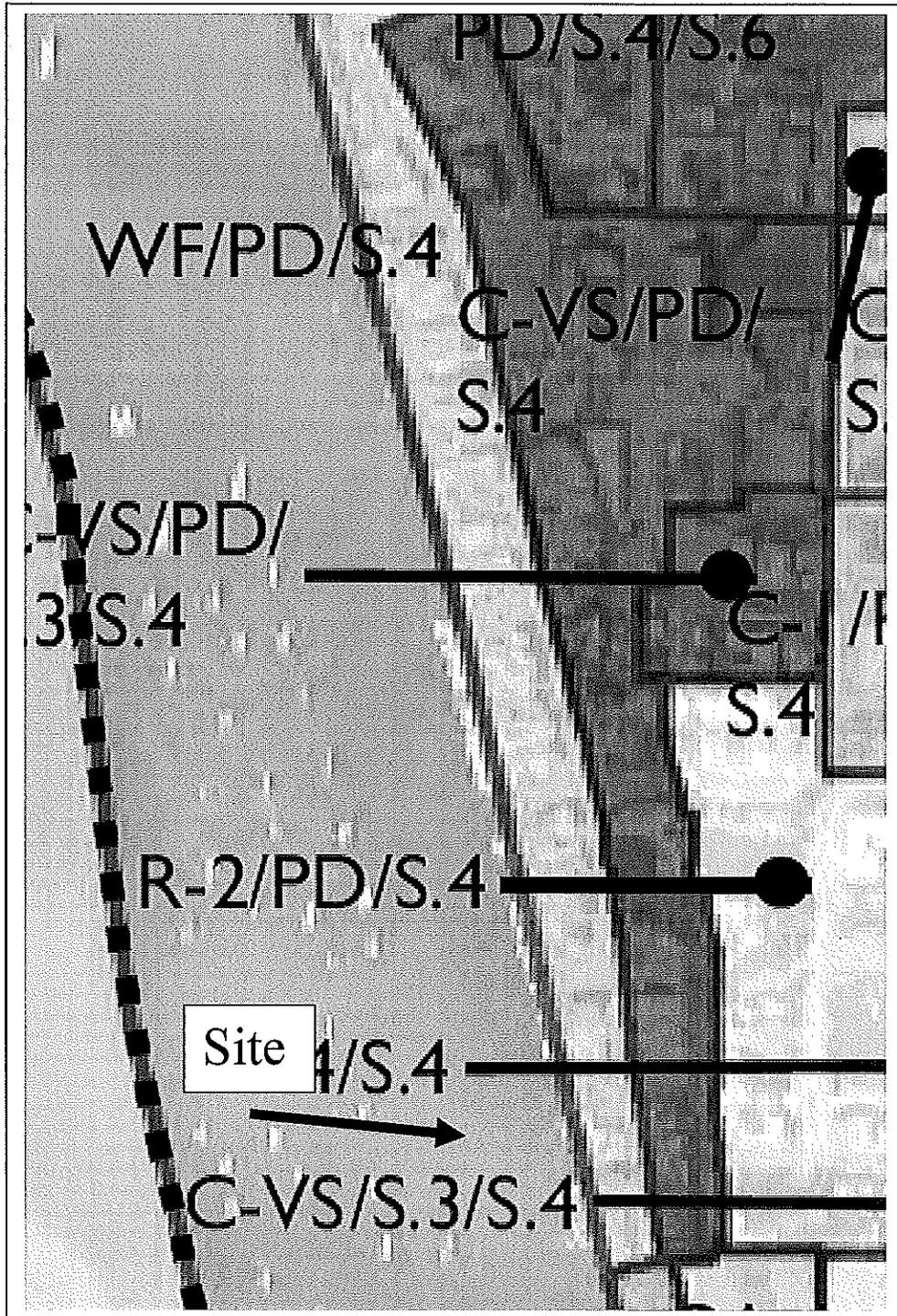
### **FIRE CONDITIONS**

1. Demolition: All buildings associated with this project and undergoing construction, alteration or demolition, shall be in accordance with CFC Article 87.
2. Premises Identification. Approved address numbers and unit numbers, shall be placed on all new buildings in such a position as to be plainly visible and legible from the street fronting the property. Numbers shall clearly contrast with their background and be a minimum of 5" with a ½" stroke. (CFC 505.1)
3. Knox Key Box: Provide a flush-mounted Knox-Box, no higher than 7 feet, and appropriate keys for emergency Fire Department access. Application for the box must be obtained from the Fire Prevention Office and installed prior to occupancy release. (CFC 506)
4. Equipment Access: Fire Department access to equipment, rooms or areas containing controls for air-conditioning systems, automatic fire-extinguishing systems or detection, suppression or control elements, shall be identified for Emergency Fire Department use. (CFC 510)
5. Means of egress shall be in accordance with 2007 California Building Code, Chapter 10.
6. Fire Sprinklers: We highly recommend installation of an automatic fire sprinkler system to better provide for the fire and life safety of the occupants and structures, in accordance with NFPA Chapter 13. Morro Bay Municipal Code 14.60.200
7. Fire Alarm. We highly recommend installation of a fire alarm and detection system for this project, in accordance with 2007 California Fire Code, Section 907.2.8 and NFPA 72.
8. Marine Docks and Structures: All Marine floating docks and gangway construction shall be in accordance with Morro Bay Municipal Code, Chapter 14.52 and 2007 California Fire Code (Section 905), a Class III Standpipe system may be required for the proposed floating dock.
9. Trash Enclosures: Trash enclosures must comply with 2007 California Fire Code, Chapter 3. Dumpsters shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible eave lines, unless protected by automatic fire sprinkler system and one-hour wall construction.

10. Awnings: All exterior awnings connected or adjacent to the building shall be made from either fabric which has been flame resistant treated with an approved process and listed by the State Fire Marshal for exterior use.
11. Fire Extinguishers. Portable wall-mounted fire extinguishers (2A 10BC) shall be provided for both B and M occupancies, in accordance with 2007 California Fire Code, Section 906 and California Code of Regulation, Title 19, Section 575.1
12. UL 300 Upgrade. The 2007 California Fire Code, Section 904.11, requires that all existing dry and wet-chemical extinguishing systems comply with UL 300 no later than the second required servicing of the fire extinguishing system following the effective date of the regulation. The last date for existing systems to be retrofitted in order to be in compliance is December 31, 2008. (California State Fire Marshall Bulletin 12/20/2008)  
**Please provide documentation of the required UL 300 upgrade for the commercial cooking system located at DiStasio's Ristorante.**
13. Extinguishing system service. Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspection shall be by qualified individuals, and a certification of inspection shall be forwarded to the fire code official upon completion. (CFC 904.11.6.5)  
**Our records indicated the last service date was April 1, 2009, performed by Whittle Fire Protection, and the next required service to be completed by October 1, 2009. We have not received documentation of this service and there is no record of services for the entire year of 2008. Immediate compliance with California Fire Code is required; please provide evidence of system service and certification to Morro Bay Fire Department, for compliance.**

#### PUBLIC WORKS CONDITIONS

14. Frontage Improvements: The entire frontage shall meet City standards B-5 (8 feet wide). All of the existing sidewalks in the City's right-of-way shall be replaced with standard grey concrete. An encroachment permit is required for the installation of the sidewalk replacement. Encroachment permits can be obtained from the City of Morro Bay Public Services Department.

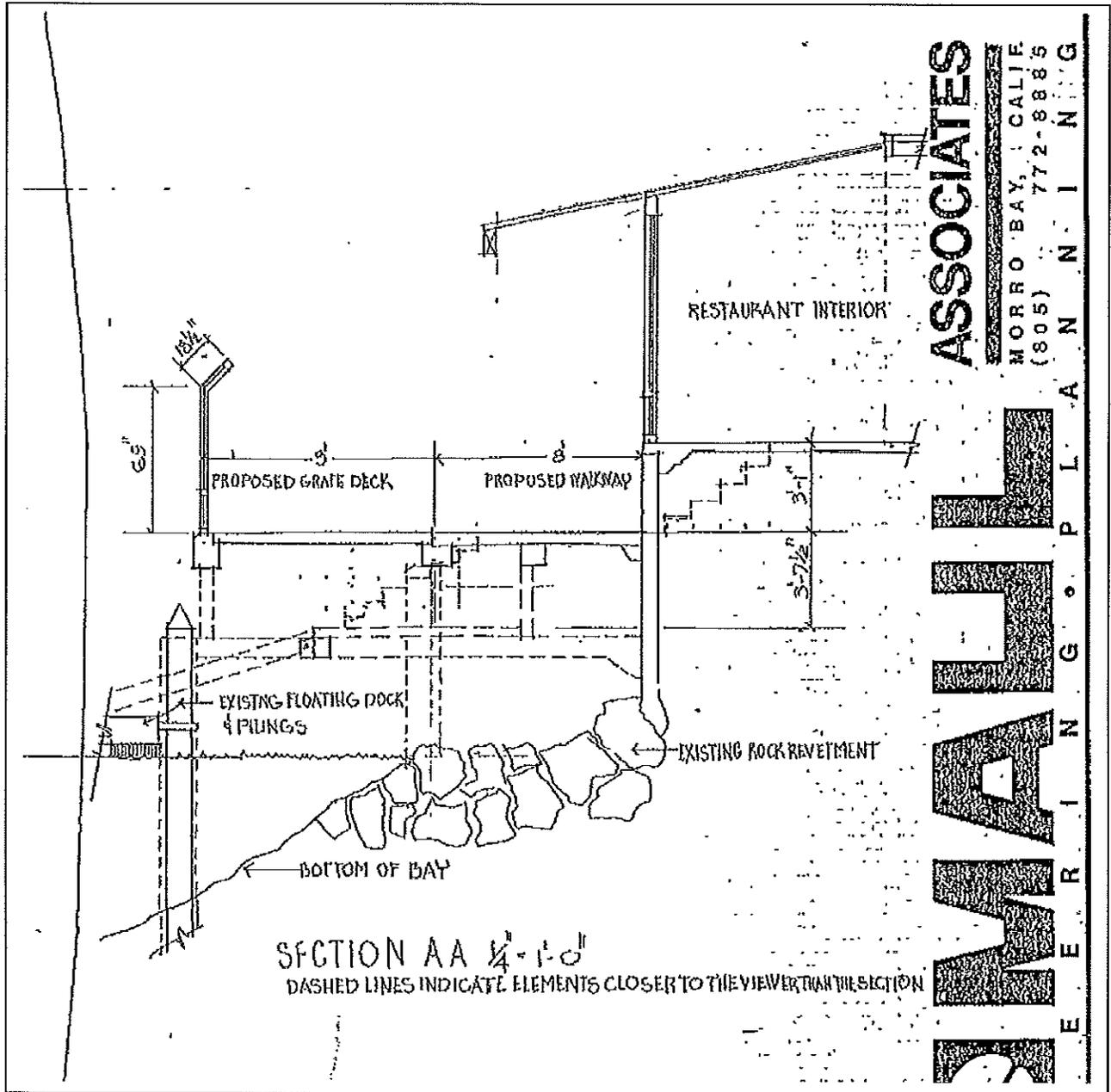


Planning Commission  
Salt Building



ZONING MAP





Planning Commission  
Salt Building



ELEVATION

# EXHIBIT D

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<p><b>City of Morro Bay</b> PUBLIC SERVICES DEPARTMENT 955 SHASTA AVENUE ♦ MORRO BAY, CA 93442 805-772-6261</p>
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## MITIGATED NEGATIVE DECLARATION

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

May 17, 2010

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

CASE NO.: UP0-260

PROJECT TITLE: 571 Embarcadero

APPLICANT / PROJECT SPONSOR: Imani/Novak

### PROJECT DESCRIPTION:

The project site is approximately 6,300 square feet in the Waterfront/Planned Development (WF/PD) with a S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The existing structures on site consist of a two-story building, The Salt Building, composed of a restaurant, office space and retail units. The existing Salt Building does not require demolition, but renovation is required in order to renew the waterfront lease. Minor retrofits will be made to the existing building including new paint and other maintenance items.

The proposed project consists of widening the sidewalk along Embarcadero Road and increasing the foot print of the existing patio on the bayside of the site by approximately 4 feet to accommodate a lateral access way. The project will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

The existing outdoor patio is 368 square feet, with no bayside lateral access way exists. The adjacent property is proposing to construct an eight-foot wide bayside access way. To ensure consistency the applicant proposes to provide bayside lateral access way to ensure continuity of pedestrian flow. Additionally, a new section will be added at the southern end of the lease site in order to provide a connection to the Gray's Inn lease site. The existing patio footprint will be expanded four feet to the west at the widest point in order to accommodate the bayside lateral access way, and will be decreased from its current size by approximately 100 square feet. The proposed patio space will provide use for the restaurant as well as the general public. The existing wood deck will be replaced with an alternate material of Trex or an equivalent material. The eight-foot walkway will be composed of concrete will be supported by an existing piling on the north side that will be "sleeved" and a new piling will be installed on the southern side. In order to provide adequate signage indicating public use of the access way, "Coastal Access Signs" will be mounted at each end of the new walkway as well as at the entrance to the walkway between the buildings. The existing stairs to the patio and new walkway will be modified in order to incorporate the new access way and public patio area.

**PROJECT LOCATION:**

The project site is located at 571 Embarcadero Road adjacent to the Gray's Inn to the south and the proposed Held mixed-use project to the north.

**FINDINGS OF THE: Environmental Coordinator**

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



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

## INITIAL STUDY AND CHECKLIST

### I. PROJECT INFORMATION

<b>Project Title:</b>	<u>571 Embarcadero</u>		
<b>Case Number:</b>	<u>Conditional Use Permit UP0-260</u>		
<b>LEAD AGENCY:</b>	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6261</u>
	<u>595 Harbor Street</u>	Fax:	<u>(805) 772-6268</u>
	<u>Morro Bay, CA 93442</u>		
<b>Project Applicant:</b>	<u>Abba Imani</u>	Phone:	<u>(805) 459-4242</u>
	<u>145 Dana Way</u>	Fax:	
	<u>Morro Bay, CA 93442</u>		
<b>Project Landowner:</b>	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6200</u>
	<u>595 Harbor Street</u>		
	<u>Morro Bay, CA 93442</u>		
<b>Project Designer</b>	<u>Maul Associates</u>	Phone:	<u>(805) 772-8885</u>
	<u>3009 Beachcomber</u>	Fax:	
	<u>Morro Bay, CA 93442</u>		

#### **Project Description:**

The project site is approximately 6,300 square feet in the Waterfront/Planned Development (WF/PD) with a S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The existing structures on site consist of a two-story building, The Salt Building, composed of a restaurant, office space and retail units. The existing Salt Building does not require demolition, but renovation is required in order to renew the waterfront lease. Minor retrofits will be made to the existing building including new paint and other maintenance items.

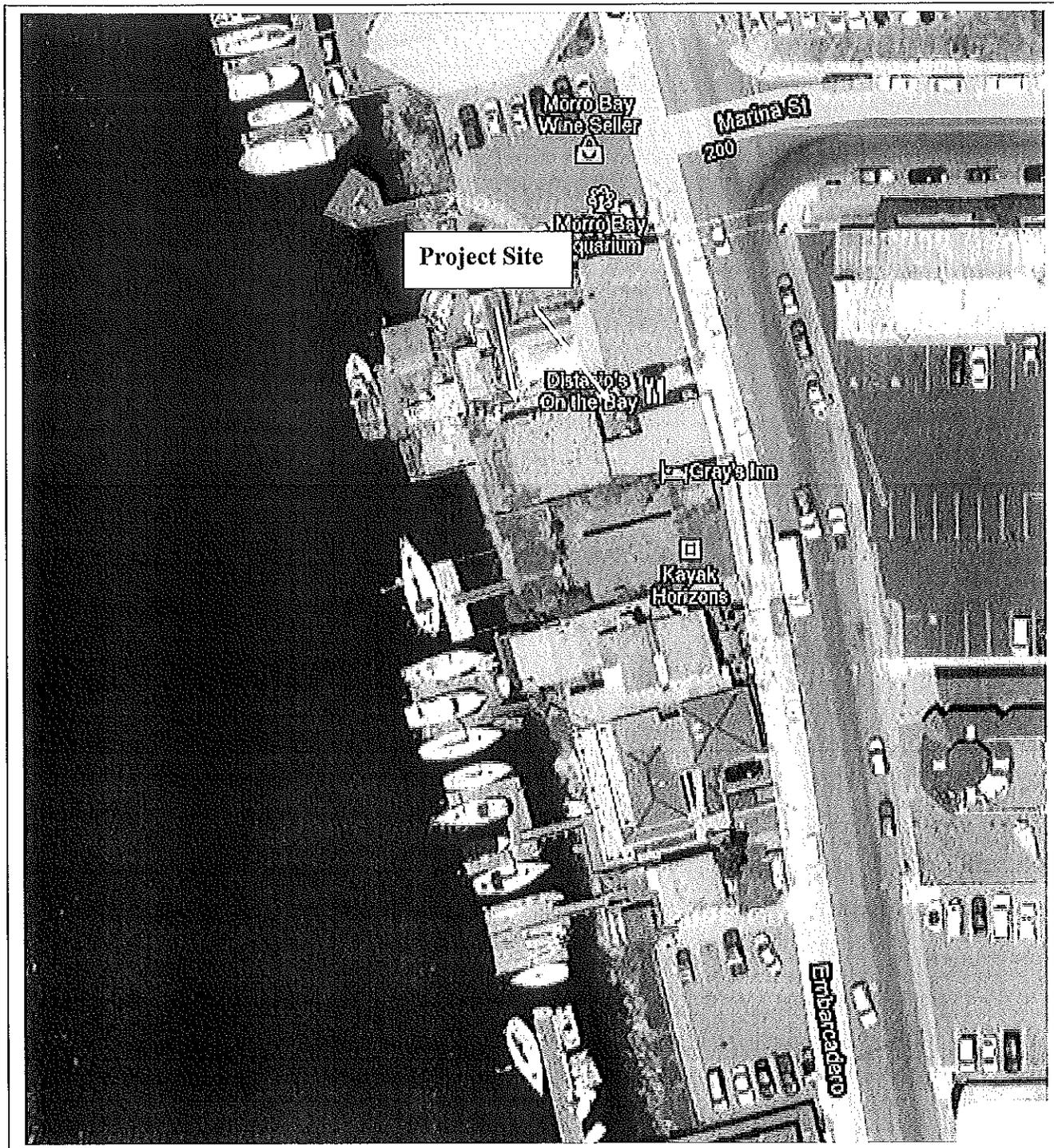
The proposed project consists of widening the sidewalk along Embarcadero Road and increasing the foot print of the existing patio on the bayside of the site by approximately 4 feet to accommodate a lateral access way. The project will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

The existing outdoor patio is 368 square feet, with no bayside lateral access way exists. The adjacent property is proposing to construct an eight-foot wide bayside access way. To ensure consistency the applicant proposes to provide bayside lateral access way to ensure continuity of pedestrian flow. Additionally, a new section will be added at the southern end of the lease site in order to provide a connection to the Gray's Inn lease site. The existing patio footprint will be expanded four feet to the west at the widest point in order to accommodate the bayside lateral access way, and will be decreased from its current size by approximately 100 square feet. The proposed patio space will provide use for the restaurant as well as the general public. The existing wood deck will be replaced with an alternate material of Trex or an equivalent material. The eight-foot walkway will be composed of concrete will be supported by an existing piling on the north side that will be "sleeved" and a new piling will be installed on the southern side. In order to provide adequate signage indicating public use of the access way, "Coastal Access Signs" will be mounted at each end of the new walkway as well as at the entrance to the walkway between the buildings. The existing stairs to the patio and new walkway will be modified in order to incorporate the new access way and public patio area.

**Project Location:** The project is located within the City of Morro Bay, San Luis Obispo County, California. The project address is 571 Embarcadero Rd. and the nearest cross street is Marina to the north.

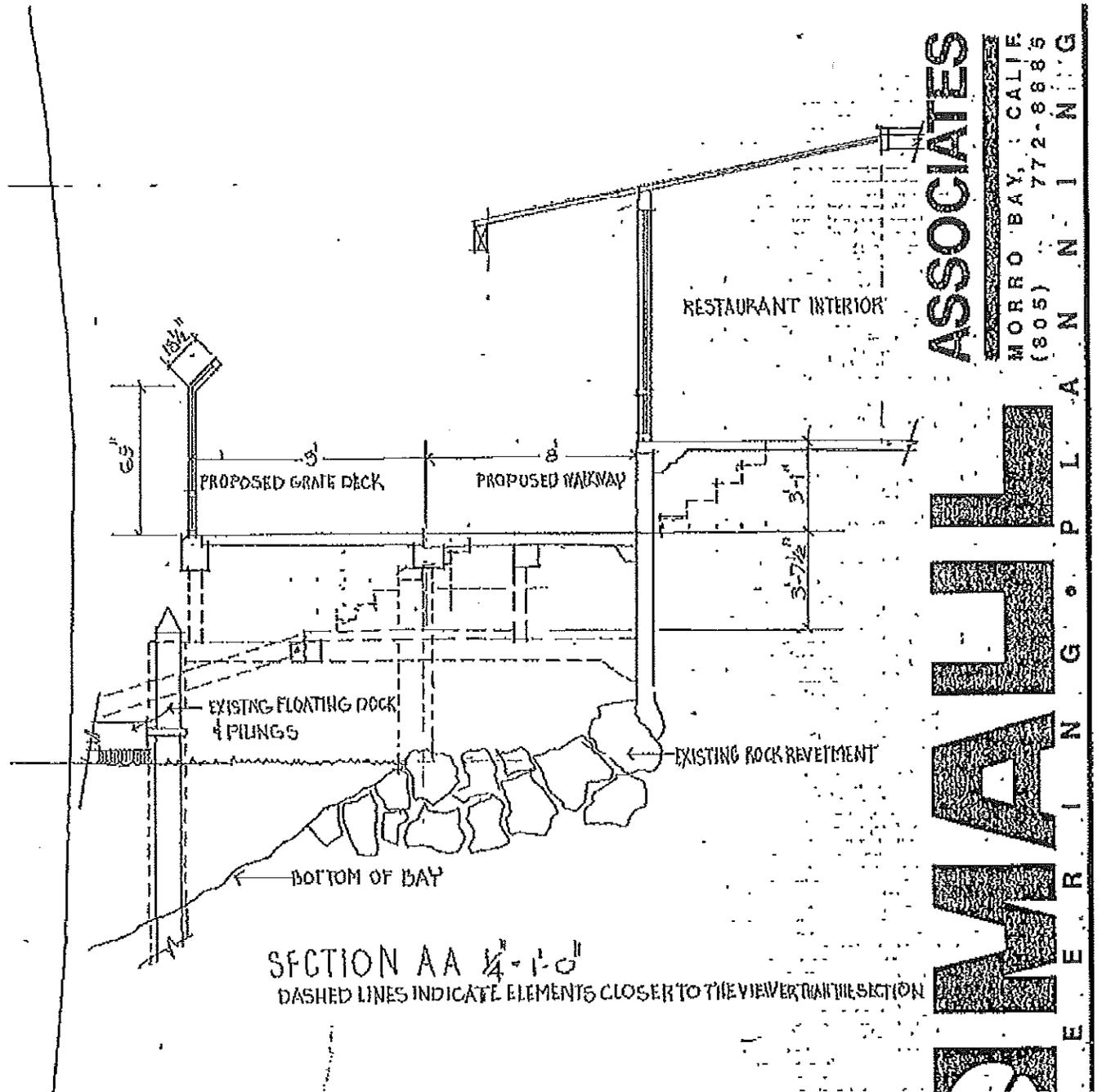
**Assessor Parcel Number(s)** 066 - 137 - 001

### VICINITY MAP





### ELEVATION



## 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	x	11. Population/Housing
x	4. Biological Resources		12. Public Services
	5. Cultural Resources		13. Recreation
	6. Geology/Soils		14. Transportation/Circulation
x	7. Hazards/Hazardous Materials		15. Utility/Service Systems
x	8. Hydrology/Water Quality		16. Mandatory Findings of Significance

**Environmental Setting:** The site is zoned Waterfront/Planned Development (WF/PD) and has a S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The site is located directly adjacent to the harbor on the waterfront along the Embarcadero. The site is surrounded by retail, restaurant, and visitor-serving uses, and located within the Embarcadero area of the City, which serves as the primary destination for tourists visiting Morro Bay.

The site is located on the west side of Embarcadero Road which is composed of man-made fill and is currently developed with a restaurant, retail shops and office space. The land portion of the site is devoid of plant and animal life. The project site is located within the original jurisdiction of the California Coastal Commission (CCC); therefore the applicant is required to obtain a Coastal Development Permit from the CCC.

Surrounding Land Use			
North:	Retail/Visitor Serving	East:	Commercial/Visitor Serving
South:	Retail/Visitor Serving	West:	Harbor (Morro Bay)

### III. ENVIRONMENTAL CHECKLIST

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

Environmental Setting: The General Plan and the Local Coastal Plan contain policies that protect the City's visual resources. The waterfront and Embarcadero are designated as scenic view areas in the City's Visual Resources and Scenic Highway Element. The Morro Rock, sand spit, harbor and navigable waterways are all considered significant scenic resources, which are visible from the project site. The Waterfront Master Plan identifies public view sheds and view corridors in determining the importance of visual resources.

Impact Discussion: a-d.) No additional building square footage is proposed; therefore there will be no increase in lot coverage. The project consists of a new lateral public access walkway and a new outdoor patio to accommodate both the restaurant and the general public. The project will add approximately 40 square feet for the relocated patio and approximately 80 square feet for the new walkway.

An 8-foot wide concrete sidewalk will be installed along Embarcadero Road in order to comply with City standards. Minimal lighting will be provided to comply with regulations relative to direction, intensity and shielding. Lighting will be reviewed during the building review and inspection processes to ensure compliance with applicable regulations. Construction equipment present during the construction process may temporarily impede views from Embarcadero; however, any temporary impacts on visual resources will not impact the views once the project is complete.

Public views and access will be provided to the bay where none currently exist. Policies contained in the Local Coastal Plan and General Plan express the importance of protecting visual resources, generally defined as having high scenic quality. The City's Waterfront Master Plan require the provision of view corridors to preserve scenic resources.

Mitigation and Residual Impact: No mitigation measures required.

Monitoring: 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 uses on the site are visitor serving, which is consistent with the zoning designation. The property and surrounding areas are not zoned for agricultural uses and are not suitable for agricultural use because the land is located on fill. The site has not historically been used for farming nor has it been designated as prime farmland.

Impact Discussion: a-c.) The project site is not zoned for agricultural uses. Therefore the project will not impact farmland and have no impacts on agricultural resources.

Mitigation: No agricultural resources will be affected by the project; therefore no mitigation measures are 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 considered a clean air area and very rarely exceeds state or federal standards. The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, state ambient air quality standards for ozone and particulate matter less than 10 microns in diameter (PM10) are sometimes exceeded in the County.

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

No Federal, state or regional regulatory agency has provided methodology or criteria to determine the significance of local greenhouse gas emissions on global climate change. Therefore, the lead agency is unable to provide a scientific or regulatory-based conclusion in regard to whether the project's contribution to climate change is cumulatively considerable. In the short-term, the proposed project could result in minor increases in emission of greenhouse gases. Such an increase would not individually contribute to global climate change; however, it could contribute considerably to the cumulative or global emission of GHGs. The proposed project is consistent with the land use diagram and policy provisions of the City's General Plan and Local Coastal Plan by providing public access through the project and along the bay. As adjacent properties are redeveloped, public access to the bay will be required, which will ultimately provide a contiguous pathway running north and south along the Embarcadero for visitors and residents. The proposed project will provide public access where currently none exists.

b. -e.) The project does not propose additional square footage to the existing building; therefore disturbance of fine particulate matter will be minimal during construction phase. The proposed expansion of the outdoor patio and construction of the 8' public walkway with accompanying piling addition would not result in a net increase in the number of boats that could be docked at the project site, therefore no anticipated air quality impacts resulting from nautical use on the site. The project will not generate a significant impact on long-term air quality. However, construction operations, including grading of the approximately 850 square foot portion of site would potentially result in the emission of ROG, NOx, and Diesel Particulate Matter. Standard construction mitigation measures required by the APCD to mitigate fugitive dust and emissions are recommended.

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.

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

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

**Environmental Setting:** The land-based portion of the site is developed and covered with paved surfaces or buildings. It existing site is developed and contains no native or critical habitat, plant or wildlife resources. The site is adjacent to Morro Bay, which does provide habitat for state and federally listed species and is considered to be waters of the United States (i.e. open water habitat of Morro Bay). The waters adjacent to the site are subject to Section 404 of the Federal Clean Water Act, as administered by the USEPA and USACE. Waters of the United States are also subject to Section 10 of the Federal Rivers and Harbors Act of 1899 where building any obstruction in navigable waterway is prohibited.

Morro Bay Estuary is a designated National and State Estuary, and is the largest semi-enclosed bay on California's central coast. The bay supports a diverse estuarine system, including plant, invertebrate, fish, bird and other wildlife species. The marine portion of the project site is limited to the area of the existing docks and overhanging deck, which contains two habitat types: open water and eelgrass bed. Open water habitat provides food, shelter and is a migratory corridor for fish populations. Special status fish species that may occur in the project vicinity include the tidewater goby and south-central California coast steelhead distinct population segment (DPS). It is unlikely that the project will result in the take of steelhead since they are highly mobile. Both resident and migratory birds and marine mammals also utilize open water habitat for feeding and to rest on the surface. Eelgrass is a flowering plant that forms beds at low intertidal and shallow sub tidal depths, and is considered an important habitat in the estuary.

Morro Bay has the largest remaining eelgrass acreage south of the San Francisco Bay covering almost 51% of potential eelgrass habitats within the estuary. Eelgrass provides shelter for invertebrates and juvenile fish, contributes to the detrital food chain, and is considered an essential habitat for some vertebrate and invertebrate species. Eelgrass beds also provide important foraging habitat for shorebirds at low tide and for diving birds at high tide when the beds are submerged.

Impact Discussion:

a) A biological resources study of eelgrass and a subsequent study analyzing the potential eelgrass impact of the revised project has been conducted in the project area by Tenera Environmental group. Eelgrass is not an endangered species but it is protected under a federal "no-net loss" policy for wetlands. Like wetlands, they are recognized as Special Aquatic Sites per Clean Water Act Section 404(b)(1) Guidelines. Eelgrass and other sea grass ecosystems receive this level of protection because of their importance to the lifecycles of other species. The eelgrass community in the vicinity of the proposed project has been surveyed and mapped in accordance with specifications of the Southern California Eelgrass Mitigation Policy (Revision 8), adopted by the National Marine Fisheries Service, US Fish and Wildlife Service and California Department of Fish and Game. The survey report, and analysis of the projects potential eelgrass impacts (July 2, 2009) prepared by Tenera Environmental, are attached hereto and incorporated herein by reference.

The eelgrass survey completed on June 25, 2009, biological resources study dated July 2, 2009 for eelgrass found dense patch of eelgrass (55 m<sup>2</sup>, 592 ft<sup>2</sup>) present well north of the property and proposed construction area, as well as three small patches which were present well south of the property and proposed construction area. A relatively small patch (1.5 m<sup>2</sup>, 16 ft<sup>2</sup>) was present near the proposed new pile location at the shared boundary of the H.M.S. Salt Building and Gray's Inn. No *Caulerpa* was found.

No new construction would affect existing locations of eelgrass with the possible exception of the small patch found near the location where a new piling would be needed to support the new restaurant deck and boardwalk; this area is rock revetment. Consequently, a small amount of the revetment rock would need to be removed at this location in order to install/drive the piling into the underlying seabed. The associated rock removal and piling installation could potentially damage this eelgrass patch. The other existing pilings and construction locations were found to be devoid of eelgrass.

Additionally, no eelgrass was found beneath or around the floating dock. Consequently, the 2-foot widening of the south dock finger should have no effect on the eelgrass. The slight widening of the south dock finger should also not change how the dock is used or increase its use in a way that would affect eelgrass or eelgrass habitat area.

The restaurant deck extension should also not result in an increase in the shading effects that may limit eelgrass abundance below, because the area below the proposed deck extension already appears to be unsuitable habitat for eelgrass, due to shading effects from the existing restaurant deck and dingys tied to the inshore side of the dock. No eelgrass was found in this area in the present survey. Additionally, *Sargassum muticum*, an introduced kelp-like plant that is commonly found along the Embarcadero, was also not found in the area. The absence of both of these species support the assessment that this area is currently too dark for plant growth, and therefore it should not matter whether the deck is extended or not extended over this particular area.

Typically, short-term noise impacts associated with construction are restricted to daylight hours and are not viewed as significantly impacting the physical environment; however, mitigation measures 5 and 6 have been added to prevent disturbing animals protected under the Endangered Species Act or Marine Mammal Protection Act during pile driving for the reconstruction of the overhanging deck.

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

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

e-f.) No policies or ordinances protecting biological resources, or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan govern the project site. Therefore, no impacts on biological resources would result.

Mitigation and Residual Impact: The following mitigation measures are required to reduce eelgrass and marine wildlife impacts to a level of insignificance.

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

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

5. CULTURAL RESOURCES		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Environmental Setting: There are over 30 surveyed archaeological sites in the corporate boundaries of the City. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including

one with a cemetery. As a result of these discoveries, cultural resource surveys are frequently required for new development within the city and it is not unusual that mitigation measures are required. In this case however, the project site is located on fill and areas submerged in the bay. It is highly unlikely that any cultural resources would be discovered in the fill that was placed on the site or in the shifting sand on the ocean floor.

Impact Discussion: a-d.) The structures on-site are not eligible for listing as historical resources and the project site is not a known archeological site, because it is located on fill.

Mitigation and Residual Impact: No significant impacts on cultural resources therefore no mitigation measures are required and residual impact on cultural resources would be less than significant

Monitoring: Not applicable

6. GEOLOGY /SOILS	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii) Strong Seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Environmental Setting: The site is located within the Tidelands area of the Morro Bay Estuary, on the coastal edge of the Santa Lucia Range, within the Coast Range Geomorphic Province of California.

Impact Discussion: The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed project site is not located within any of these areas; therefore, the proposed project would not expose people or structures to adverse impacts resulting from earthquakes, liquefaction, flooding or landslides.

a – i.) The project entails the removal and relocation of an existing outdoor patio, construction of an 8-foot wide bayside lateral walkway along with related piling enforcement and additional single piling development and existing sidewalk expansion to eight-feet along Embarcadero Road. This project would not increase the risk of ground failure since the project will be constructed in accordance with seismic requirements of the International Building Code. In addition, the site is not located across an active fault, as designated by the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area, or based on other substantial evidence of a known fault. Therefore, no significant impacts would occur in association with rupture of a known earthquake fault.

a-ii – iv, c.) The San Andreas Fault is located approximately 41 miles at its closest point from the City. The project site is not subject to landslides or other types of slope failure, and is not within the area for potential ground shaking according to the Safety Element of the General Plan. Additionally, the Safety Element of the General Plan figure S-4 does not identify the site as a location of high landslide risk. Therefore the potential for strong seismic ground shaking, landslides, or slope failure is less than significant.

b - d.) The soil in this area is fill soil and is characterized as sandy, not expansive soil. The demolition of the existing deck and the construction of the proposed deck and access way require the applicant to submit a soils report to both the City of Morro Bay and the APCD for review. This is a standard requirement for commercial building permits within the City of Morro Bay and allows the Building Official to ensure that the site is adequately prepared for the proposed development and for the APCD to ensure that no asbestos is released into the atmosphere during building demolition. Because there is no there is no demolition of the structure located on fill soil, there is no potential for loss of topsoil.

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

Mitigation and Residual Impact: No mitigation measures are required

Monitoring: 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 Salt Building is an existing structure that requires little modification to meet City standards. The majority of the proposed work concerns the demolition and reconstruction of the deck, addition of the 8-foot walkway and bringing the sidewalk on Embarcadero up to City standards, by increasing it to 8 feet. The existing deck is constructed out of wood and will be replaced with a treated composite material such as Trex. The new access way on the bay side and the sidewalk on the Embarcadero side will be constructed out of concrete.

Impact Discussion: The existing deck is constructed out of wood and will be replaced with a treated composite material such as Trex. The new access way on the bay side and the sidewalk on the Embarcadero side will be

constructed out of concrete. No materials proposed have a potential to be hazardous to humans or the environment when it is constructed.

a.- b.) The applicant did not specify whether the wood portion of the decking to be removed and replaced is constructed of treated or untreated wood. If the wood is treated, as defined by the Department of Toxic Substance Control "wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following)", the contractor shall make the determination if the treatment is hazardous. If hazardous the wood shall be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill until that meets specified requirements. Prior to the deck removal, the licensed contractor shall be required to submit a letter to the City verifying whether or not the wood was treated, whether or not the wood is a hazardous substance and where the wood was deposited. In addition to conditions being placed on the project concerning the disposal of the wood, handling of the material is also regulated by the Department of Toxic Substances Control and human health safety precaution conditions have been added to the to the document.

c- f.) The project The project does not involve any interference with emergency response plans, creation of any potential public health or safety hazard; or exposure to hazards from oil or gas wells and pipeline facilities. The project does not include any activities, which could result in contamination of a public water supply. No hazardous materials or other such hazardous conditions exist on-site nor are any proposed.

Mitigation and Residual Impact:

1. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of "treated wood" as defined in the impact discussion.

Anyone working with treated wood, and anyone removing old treated wood, needs to take precautions to minimize exposure to themselves, children, pets, or wildlife, including:

2. Avoid contact with skin. Wear gloves and long sleeved shirts when working with treated wood. Wash exposed areas thoroughly with mild soap and water after working with treated wood.
3. Wear a dust mask when machining any wood to reduce the inhalation of wood dusts. Avoid frequent or prolonged inhalation of sawdust from treated wood. Machining operations should be performed outdoors whenever possible to avoid indoor accumulations of airborne sawdust.
4. Wear appropriate eye protection to reduce the potential for eye injury from wood particles and flying debris during machining.
5. If preservative or sawdust accumulates on clothes, launder before reuse. Wash work clothes separately from other household clothing.
6. Promptly clean up and remove all sawdust and scraps and dispose of appropriately.
7. Only use treated wood that's visibly clean and free from surface residue for patios, decks, or walkways.
8. Do not use treated wood where it may come in direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.
9. Do not use treated wood for mulch.
10. Do not burn treated wood. Preserved wood should not be burned in open fires, stoves, or fireplaces.

Monitoring: During the construction process, Planning & Building staff will make periodic site visits to ensure construction mitigation measure concerning treated wood removal procedures are adhered.

8. HYDROLOGY/WATER QUALITY		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?				x

b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site?			X	
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e.	Create or contribute runoff water, which would exceed the capacity of existing or planned storm water 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 southwestern portion of the Morro Hydrologic Subarea (Morro Basin) of San Luis Obispo County. The Morro Basin is an 810-acre area, extending from the coastline to the convergence of the Morro and Little Morro Valleys. Morro Creek, an ephemeral stream with headwaters in the Santa Lucia Range, is the primary stream that drains the Morro Basin. Basin recharge is infiltration of precipitation and from tributary watersheds upstream on the Morro and Little Morro Creeks. Morro Bay contains approximately 2,100 acres of water surface at low tide and approximately 6,500 acres at high tide, leaving approximately 980 acres of tidal mud flat and approximately 470 acres of salt marsh. The water quality of Morro Bay is affected by the presence of nutrients, toxic substances, hydrocarbons, bacteria, heavy metals, suspended sediment, and turbidity. Studies by various authors also suggest that Morro Bay is subjected to a relatively rapid increase in sedimentation. Morro Bay, Los Osos and Chorro Creek are listed as "impaired waters" under the federal Clean Water Act, Section 303(d). These water areas, and the Morro Bay Estuary, are also listed as waters impaired by sedimentation/siltation, and are the subject of a Total Maximum Daily Load (TMDL), which is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Impact Discussion:

a-b.) The proposed project does not consist of any new structural development that would result in an increase of water discharge or water usage onsite.

c-d. The site is composed of predominantly non-permeable surfaces and meets city standards for drainage. Therefore, the proposed project would not substantially alter existing drainage on the site, nor result in substantial erosion or siltation on or off site.

e-f.) The proposed development would result in a minimal increase in runoff. Since the project site is less than one acre, a Construction Activities Storm Water General Permit is not required, per the Federal Clean Water Act. However, the city routinely requires erosion control plans. This is a component of the permit process that can be relied upon to ensure that water quality issues associated with erosion will be suitably addressed. In addition, filtration media acceptable to the City Engineer would be required for proximate storm drains to improve the water quality of runoff that would be channeled to the ocean.

g-h.) The project site is not located in the 100-year flood zone and the proposed development would not subject people or structures to significant risk of loss, injury or death resulting from flooding.

i.) The project site is located along the coast at an elevation below 50 feet above mean sea level and a potential hazard from tsunamis exists. There is not enough evidence, however, to predict recurrence intervals of tsunamis. Although the sand dunes offer some protection from tsunamis, past history suggests that the project site is still vulnerable to large tsunamis. Therefore, the hazard presented by tsunamis is a potentially significant impact.

Mitigation and Residual Impact:

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.

Monitoring: The Fire Department will insure that the project site is incorporated into the City of Morro Bay's tsunami warning and evacuation system.

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

Environmental Setting: The project is located within the City of Morro Bay on the Embarcadero and within the jurisdiction of the California Coastal Commission.

Impact Discussion: a.) The proposed project consists of the redevelopment and repair of an existing building on an existing site. Since the building is an existing it would not physically divide an established community.

b. – c.) The project cannot be approved unless found consistent with the California Coastal Act, Local Coastal Program and Municipal Code. The proposed project is consistent with applicable land use, policy and conservation plans in Morro Bay.

Mitigation and Residual Impact: The project is consistent with all policies and regulations in Morro Bay and therefore not mitigation is required.

Monitoring: Not applicable.

10 NOISE Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 most significant source of noise to the project is from traffic or transportation. The City's General Plan Noise Element threshold for traffic noise exposure is 60dB for most land uses. The City's Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. Sensitive receptors within the vicinity of the project include residential uses to the east.

**Impact Discussion:** The project will not add noise levels that are inconsistent with the surrounding uses or in conflict with standards in the General Plan, Local Coastal Plan or Zoning Ordinance. However, construction noise represents a short-term impact related to the use of construction equipment including trucks, loaders, bulldozers, and backhoes. Pile driving equipment would generally create slightly greater noise levels than standard construction equipment that could potentially impact marine wildlife.

a – c.) 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 project site is surrounded by visitor serving land uses and the Morro Bay Harbor and will not affect residential land uses. The existing uses on site meet the City standards for noise and the uses on site are not proposed to change. Therefore there will be no additional noise or groundborne vibrations.

d.) The project will temporarily increase the ambient air noise levels during the construction phase of the project. The ambient noise levels will return to the existing noise level once the project is complete and will no longer have a potentially substantial impact on ambient noise levels.

**Mitigation and Residual Impact:**

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.

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

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

Environmental Setting: The project site currently consists of existing restaurant, retail shops and office space. The proposed project does not include the construction of any new housing units. Therefore, the proposed project will not result in the displacement of a large number of residents or housing units. The small nature of the proposed development will not result in growth inducing impacts

Impact Discussion: The project will not replace permanent housing or induce substantial growth. The project consists of the demolition and reconstruction of the outside patio, area and floating dock gangway, and the sidewalk frontage along the Embarcadero. Therefore, the project would result in less than significant impacts to housing and population.

Mitigation and Residual Impact: The project will not result in a significant impact on population or housing therefore, no mitigation measures are required.

Monitoring: 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 project site lies within the sphere of influence of the City of Morro Bay; therefore the City of Morro Bay provides most of the public services, including Fire and Police protection. The San Luis Coastal Unified School District operates an elementary school and a high school within the City. The project is not expected to cause any change in governmental service levels or trigger the need for new facilities or equipment to maintain existing service levels. The project is within the density allowed and planned for and all existing services are considered adequate to serve the project.

Impact Discussion: a.) The proposed project is not expected to require additional fire protection services, because there will not be a substantial addition to the structure or deck area.

b.) The project will not substantially increase in size and will not require the need for expanded police services.

c-d.) The project does not involve the establishment of residences; therefore there will be no demand for schools or recreational facilities.

e.) No other governmental services will be affected, because there will not be substantial addition to the structure.

Mitigation and Residual Impact: As proposed, City-provided services will not be affected by the project and no mitigation measures are required. The residual impact on public services would be less than significant.

Monitoring: Not applicable

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

Environmental Setting: A variety of recreational activities including hiking, sightseeing, bird watching, etc. are available within Morro Bay. Within the boundary of Morro Bay City limits, there are over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral access. These walkways provide active recreational activities for visitors and residents.

Impact Discussion: a.-b.) The project is not growth inducing and will not impact existing park and recreational facilities. The proposed project includes the demolition and re-construction of a combined restaurant patio and public view deck and public access way improvements including the widening of the sidewalk adjacent to Embarcadero and the construction of a lateral access way adjacent to the bay. Therefore, the proposed project will not have a negative impact on public recreation opportunities at the site.

Mitigation and Residual Impact: No significant impacts on recreation would result; therefore no mitigation measures are required. The residual impact on recreation would be insignificant.

Monitoring: Not applicable

14. TRANSPORTATION/CIRCULATION		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:					
a.	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?			X	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?			X	
g.	Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X

Environmental Setting: The City of Morro Bay is primarily a residential and commercial community that is bisected by Highway 1, a major regional roadway. Another major roadway is Highway 41, which carries travelers east of the city. The two most used roadways are Highway 1 and Main St. Most traffic generated in the city is on the local streets.

Impact Discussion: a.-b.) Any increase in traffic trips would be due to construction activity and equipment associated with the project, which will temporarily result in minor increases in traffic to and from the site.

- c.) The proposed project will not have any impact on airborne traffic.
- d.) The project will remain substantially the same and is consistent with uses in the area. The existing facilities conform to acceptable design criteria that limit the potential for increased hazards due to limited sight visibility, sharp curves or dangerous intersections.
- e.) The existing site and structural design of the building currently meets emergency services access requirements. There are no additional structures or structural additions proposed on site, therefore emergency access will not change.
- f.) The building square footage and uses will remain the same therefore no additional parking is required.
- g.) The proposed project would not conflict with adopted policies supporting alternative transportation. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact: No significant impacts on transportation and circulation would result, therefore no mitigation measures are required. The residual impact on transportation and circulation would be insignificant.

Monitoring: Not applicable

15. UTILITIES & SERVICE SYSTEMS  Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 would be served by the Morro Bay Wastewater Treatment Plant. The treatment plant is designed to accommodate up to 2.36 million gallons per day (MGD) of wastewater, and as of 2006, the plant receives 1.18 MGD of wastewater. The project would also be served by local waste collection services that dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its services area. To the extent feasible, materials would be diverted to recycling facilities.

Impact Discussion:

a-g.) The project does not propose to expand the structure to accommodate additional retail and commercial facilities. Due to the nature of the project it will not induce the need to expand existing utility and service systems in

the City of Morro Bay. The City water and sewer systems have been reviewed pursuant to capacity studies that have determined that there is sufficient capacity for build out.

Mitigation and Residual Impact: No significant impacts on utilities and service systems would result, therefore no mitigation measures are required. The residual impact on utilities would be insignificant.

Monitoring: Not applicable

**IV. INFORMATION SOURCES:**

**A. County/City/Federal Departments Consulted:**

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

San Luis Obispo Air Pollution Control District

**B. General Plan**

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

**C. Other Sources of Information**

	Field work/Site Visit		Ag. Preserve Maps
	Calculations	x	Flood Control Maps
x	Project Plans		Other studies, reports
	Traffic Study	x	Zoning Maps
x	Records		Soils Maps/Reports
	Grading Plans		Plant maps
x	Elevations/architectural renderings	x	Archaeological maps and reports
	Published geological maps	x	Biological Reports
x	Topographic maps		
x	Other: Morro Bay State Park Marina Renovation and Enhancement Project DEIR, dated July 2008 and Final EIR, dated October 2008	x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009
x	Other: Dock Removal for Lease Sites 35W and 36W Mitigated Negative Declaration, dated January 4, 2009	x	Other: Dock Removal near 235 Main St., Lease Sites 35W and 36W. Mitigated Negative Declaration, dated December 4, 2009

## V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>Potential to degrade:</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
<b>Cumulative:</b> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
<b>Substantial adverse:</b> 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, including the General Plan, Local Coastal Plan and Zoning Ordinance. As such, the project, as mitigated, does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below a self-sustaining level, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory as evidenced in the preceding discussions.

## 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: \_\_\_\_\_

Project Evaluator: Sierra Davis, Environmental Coordinator

Sierra Davis  
Signature

May 17, 2010  
Initial Study Date

Sierra Davis, Planning Intern  
Printed Name

City of Morro Bay  
Lead Agency

## VII. ATTACHMENTS

- A – Summary of Mitigation Measures and Applicant's Consent to Incorporate Mitigation into the Project Description.
- B – Comments Received
- C – Response to Comments

## 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, NO<sub>x</sub>, 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 NO<sub>x</sub> 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.

1. 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.

#### BIOLOGICAL RESOURCES

The following mitigation measures are required to reduce eelgrass and marine wildlife impacts to a level of insignificance.

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

#### HAZARDS/HAZARDOUS MATERIALS

1. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of "treated wood" as defined in the impact discussion.

Anyone working with treated wood, and anyone removing old treated wood, needs to take precautions to minimize exposure to themselves, children, pets, or wildlife, including:

2. Avoid contact with skin. Wear gloves and long sleeved shirts when working with treated wood. Wash exposed areas thoroughly with mild soap and water after working with treated wood.
3. Wear a dust mask when machining any wood to reduce the inhalation of wood dusts. Avoid frequent or prolonged inhalation of sawdust from treated wood. Machining operations should be performed outdoors whenever possible to avoid indoor accumulations of airborne sawdust.
4. Wear appropriate eye protection to reduce the potential for eye injury from wood particles and flying debris during machining.
5. If preservative or sawdust accumulates on clothes, launder before reuse. Wash work clothes separately from other household clothing.

6. Promptly clean up and remove all sawdust and scraps and dispose of appropriately.
7. Only use treated wood that's visibly clean and free from surface residue for patios, decks, or walkways.
8. Do not use treated wood where it may come in direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.
9. Do not use treated wood for mulch.
10. Do not burn treated wood. Preserved wood should not be burned in open fires, stoves, or fireplaces.

**HYDROLOGY/WATER QUALITY**

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.

**NOISE**

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.

**Acceptance of Mitigation Measures by Project Applicant:**

Cathy Nock for Abbas Imawi  
Applicant

May 12, 2010  
Date

## **Attachment B**

### **COMMENTS RECEIVED**

Comments from the agencies and individuals listed below were received on the Draft Negative Declaration. Responses to these comments are included following each letter of comment.

Department of Toxic Substances Control, April 12, 2010

**Sierra Davis - Salt Building Renovation CEQA Document SCH # 2010031069**

---

**From:** "Tim Miles" <TMiles@dtsc.ca.gov>  
**To:** <sdavis@morro-bay.ca.us>  
**Date:** 4/12/2010 2:05 PM  
**Subject:** Salt Building Renovation CEQA Document SCH # 2010031069

---

Hi Sierra,

I was reviewing the document described above that proposes removing some wooden decking as part of the project. The document didn't specify whether the wood might be treated wood and therefore might be a treated wood waste (TWW) under California law. I have included a link to our web site and some information about TWW.

[http://www.dtsc.ca.gov/HazardousWaste/Treated\\_Wood\\_Waste.cfm](http://www.dtsc.ca.gov/HazardousWaste/Treated_Wood_Waste.cfm)

Please let me know if you have any questions.

Thanks,

Tim

Tim Miles  
Hazardous Substances Scientist  
Brownfields and Environmental Restoration Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826  
Phone: (916) 255-3710  
Fax: (916) 255-3696  
Email: [tmiles@dtsc.ca.gov](mailto:tmiles@dtsc.ca.gov)

## Attachment C RESPONSE TO COMMENTS

Letters of comments and responses to those comments that are within the scope of environmental impact as defined in the CEQA Guidelines are included in the following pages. Letters of comments are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the response to those comments.

A. Department of Toxic Substances Control  
Letter dated April 12, 2010  
Tim Miles, Hazardous Substances Scientist

1. The applicant did not specify whether the wood portion of the decking to be removed and replaced is constructed of treated or untreated wood. A condition of approval has been added under the Hazard/ Hazardous Materials section that requires the applicant to have a licensed contractor with hazardous materials experience evaluate the wood to determine whether the wood is treated or untreated. If the wood is treated, as defined by the Department of Toxic Substance Control "wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following)", the contractor shall make the determination if the treatment is hazardous. If hazardous the wood shall be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill until that meets specified requirements. Prior to the deck removal, the licensed contractor shall be required to submit a letter to the City verifying whether or not the wood was treated, whether or not the wood is a hazardous substance and where the wood was deposited. In addition to conditions being placed on the project concerning the disposal of the wood, handling of the material is also regulated by the Department of Toxic Substances Control and human health safety precaution conditions have been added to the to the document.

# EXHIBIT E

## Eelgrass (*Zostera marina*) and *Caulerpa taxifolia* Survey

571 Embarcadero, Morro Bay, California

July 2, 2009

Prepared for:

Abba Imani  
c/o Cathy Novak  
PO Box 296  
Morro Bay, CA 93443

Prepared by:

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

### Project Description

This report describes the results of an eelgrass (*Zostera marina*) and *Caulerpa taxifolia* survey completed on June 25, 2009 along the bay shoreline of the H.M.S. Salt Building at 571 Embarcadero, Morro Bay, California (Morro Bay City Lease Site 10) (Figures 1 and 2). The purpose of the survey was to describe the occurrence of eelgrass and *Caulerpa* along this length of shore (45 ft) proposed for waterfront improvements (City Development Application No. UPO-260).

The shorebank at this address is cement and rock revetment that angles steeply into Morro Bay (Figures 3 and 4). The revetment terminates at a depth of approximately -10 ft below the mean lower low water tide level (MLLW). The seabed offshore of the revetment is sand/mudflat.

Presently, the H.M.S. Salt Building consists of spaces for several small retail stores, and includes a bayside restaurant. The restaurant has a glass-enclosed bayside deck that slightly overhangs water. A ramp extends from the building to a small floating dock stabilized by four piles.

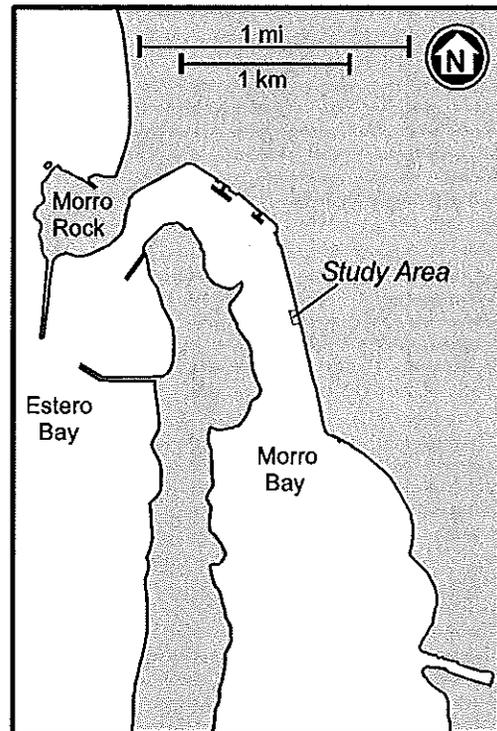


Figure 1. Location of the eelgrass survey at 571 Embarcadero, Morro Bay, CA.



ESLO2009-12

571 Embarcadero Eelgrass and *Caulerpa* Survey

City of Morro Bay  
Public Services Department  
JUL 06 2009

RECEIVED

The proposed building improvements include expanding the existing deck over the bay by several feet (Figure 5). This is to maintain some dining space while still allowing connection of a future 8 ft wide public boardwalk and its passage through the restaurant along the water's edge.

The existing boat dock would remain as is, but with the south finger of the dock widened by 2 ft to create a greater landing area for the ramp. Also, the ramp itself might be replaced. The two offshore piles that help stabilize the dock might be reinforced (sleeved), replaced, or driven further into the seabed in order to be more firmly set in place. Also, the two inshore dock piles that help stabilize the dock would be sleeved to add strength and stability for the cross beam joists needed to support the reconstructed restaurant deck. A fifth new pile is proposed to be installed at the south end of the site to help support the new deck and boardwalk. The area of this new pile is presently rock revetment. A small area at this location on the revetment would need to be cleared of rock for the new pile.



Figure 2. H.M.S. Salt Building at 571 Embarcadero.



Figure 3. View looking south from the top of the dock access ramp at the H.M.S. Salt Building.

## Purpose

An eelgrass survey was completed on June 25, 2009 at 571 Embarcadero (Lease Site 10) for the proposed improvement project described above (City of Morro Bay Development Application No. UPO-260). The survey consisted of mapping the occurrence of eelgrass and eelgrass habitat and surveying the area for the presence/absence of *Caulerpa taxifolia* in the proposed construction area (Figure 5).

Eelgrass beds occur in Morro Bay, and are considered a Special Aquatic Site (SAS) by the U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (NMFS). Eelgrass habitat is regulated under Section 404 of the Clean Water Act (CWA), and is also considered Essential Fish Habitat by NMFS. The 1996 amendments to the Magnuson-



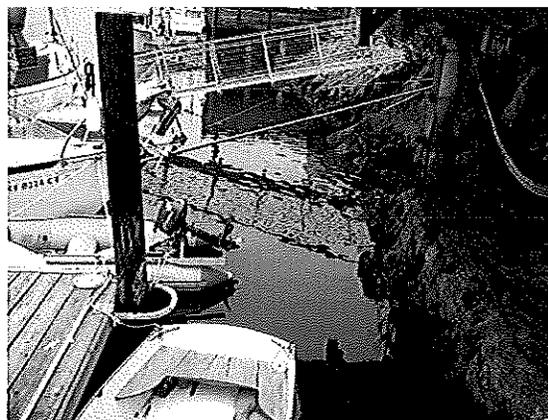
Stevens Fishery Conservation and Management Act (MSFCMA) set the Essential Fish Habitat (EFH) provisions to identify and protect important habitats of federally managed marine species. Surveys are required to map the extent and location of eelgrass in projects that by the construction or finished project may affect eelgrass or eelgrass habitat by direct disturbance to the seabed or by shading that limits or prevents the growth of eelgrass.

## Methods

Eelgrass was mapped according to specifications of the Southern California Eelgrass Mitigation Policy (Revision 8), adopted by the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game. Two biologists equipped with SCUBA completed the survey. The survey was done on June 25, 2009 over a period of 2 hrs before the 2:00 pm high tide. The predicted high tide level at 2:00 pm was approximately +4 ft MLLW. Underwater horizontal visibility during the survey was approximately 3-8 ft. Depths that were recorded in the survey area were corrected based on National Oceanic and Atmospheric Administration predicted tides and times for Morro Bay.

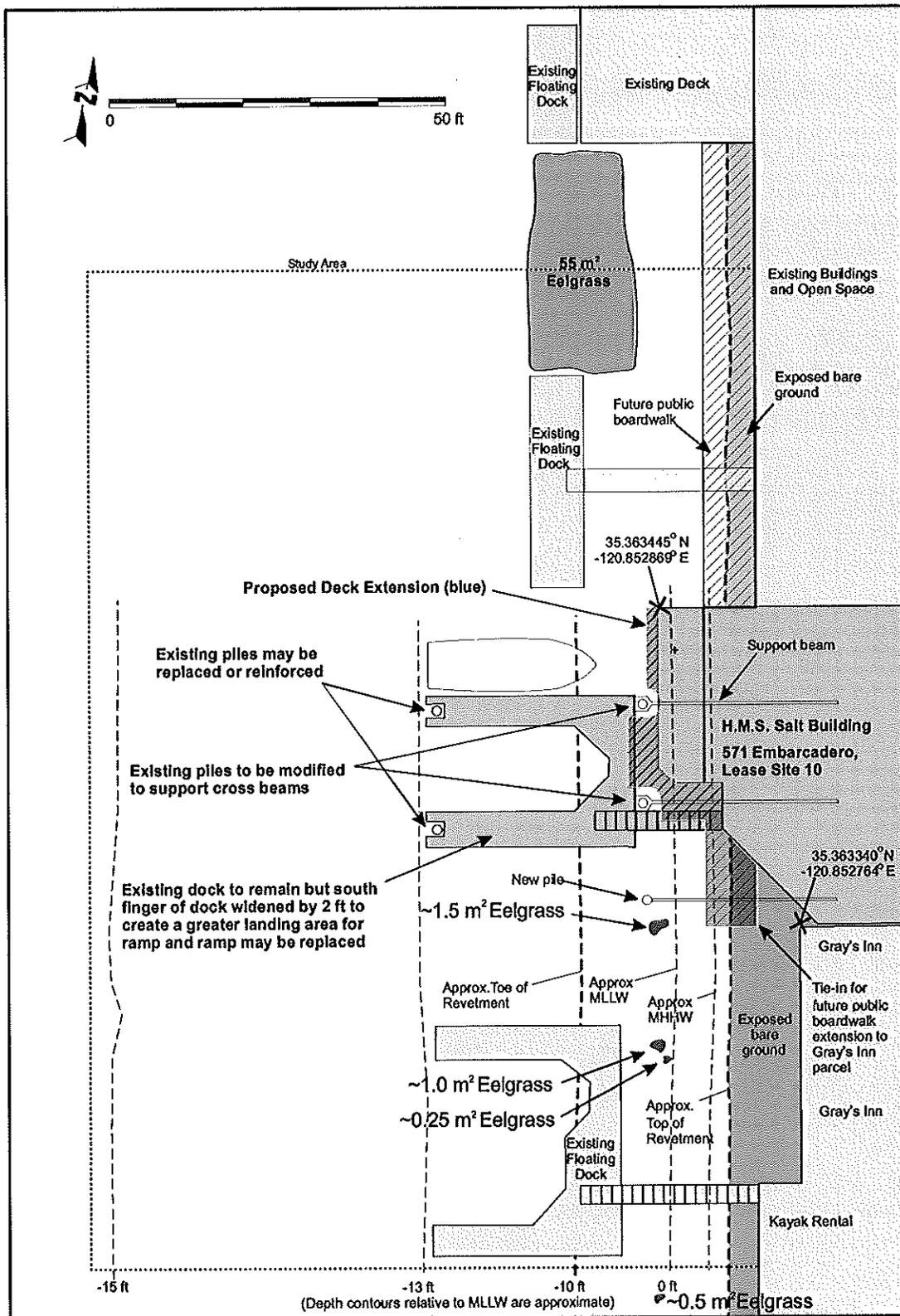
The survey area was 145 ft (44 m) x 95 ft (29 m) (Figure 5). This accounted for a 50 ft (15 m) perimeter surrounding all areas of proposed construction in the 45 ft (14 m) wide lease site. Meter tapes were deployed underwater at appropriate locations to map the locations of eelgrass and to ensure the entire area was evenly searched. Eelgrass locations were also determined by surfacing and noting the diver position(s) relative to landmarks, docks, and building structures. Patch sizes were estimated using a quadrat as a measuring device. Meter tapes were used to estimate the coverage of the larger eelgrass patches.

Eelgrass was also sampled for stem (turion) densities and blade lengths. Stem densities were determined in ten 0.25 m<sup>2</sup> (2.7 ft<sup>2</sup>) quadrats placed in pure stands of eelgrass. The blade nearest each corner of each quadrat was measured for length to the nearest inch (2.5 cm).



**Figure 4.** View looking north from the dock access ramp at the H.M.S. Salt Building. The water area of the dingy in the foreground would become shaded by the deck extension, but this area is already shaded by the exiting building, as seen by the shadow on the water.





**Figure 5.** Footprint of the existing H.M.S. Salt Building at 571 Embarcadero, Morro Bay, California and proposed over-water improvements. Eelgrass patches found in the June 25, 2009 survey are shown in green and the patch sizes (area cover in m<sup>2</sup>) are included. No *Caulerpa* was found.



The survey also included a careful search for *Caulerpa taxifolia*, a highly invasive green algal species that has been introduced into California. *Caulerpa* easily reproduces by fragmentation, and is therefore susceptible to spreading from waterfront construction projects that disturb the seabed. Predominant species in the survey area were also recorded while mapping eelgrass and searching for *Caulerpa*.

## Survey Results

### Eelgrass and *Caulerpa* Mapping

Most of the dive time was along the revetment, as it was evident that the potential to find eelgrass was greatest on the revetment. All areas that were searched over the sand/mudflat were devoid of eelgrass.

All of the eelgrass observed on the revetment occurred in areas not shaded by structures (Figure 4). A dense patch of eelgrass (~55 m<sup>2</sup>, 592 ft<sup>2</sup>) was present well north of the property and proposed construction area, and three small patches were present well south of the property and proposed construction area. A relatively small patch (1.5 m<sup>2</sup>, 16 ft<sup>2</sup>) was present near the proposed new pile location at the shared boundary of the H.M.S. Salt Building and Gray's Inn. The various patches were also sampled for stem densities and blade lengths (Table 1).

**Table 1.** Results of eelgrass stem density and blade measurements from 10-0.25 m<sup>2</sup> quadrats and 40 blade measurements.

	No. Stems / 0.25 m <sup>2</sup>	Blade Lengths (cm)
<b>Average</b>	30.4	80.6
<b>Max</b>	40.0	121.9
<b>Min</b>	11.0	38.1

No *Caulerpa* was found. A separate report on the absence of *Caulerpa* was prepared and submitted to the NMFS, Southwest Region, Long Beach, California.

### Other Species Noted in the Survey

**Revetment:** Although not abundant, the foliose red alga *Mastocarpus papillatus* and the rockweed *Fucus gardneri* were both present on the intertidal revetment in areas not shaded by structures. Also, scattered plants of *Sargassum muticum* were present on subtidal portions of the revetment that were not shaded by overhanging structures. Limpets (*Lottia scabra*, *L. pelta*, *L. scutum*), hermit crabs (*Pagurus* spp.), littorine snails (*Littorina* spp.), barnacles (*Balanus* spp., *Tetraclita rubescens*), tubeworms (*Serpula vermicularis*), tubesnails (*Serpulorbis squamigerus*), tunicates, the introduced bryozoan (*Watersipora subtorquata*), chitons (*Mopalia lignosa*), sea stars (*Patiria miniata*, *Pisaster ochraceus*), and hydroids were the most conspicuous invertebrates on the revetment.



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**Sand/Mudflat:** Gaper clams (*Tresus nuttallii*) and ornate tube worms (*Diopatra ornata*) were scarce-common on the seabed. Nudibranchs (*Triopha catalinae*, *Hermisenda crassicornis*) were also observed.

**Pilings:** Pilings were covered mainly with bryozoans, tunicates, tube worms, anemones, mussels, barnacles, and sea lettuce (*Ulva* spp.).

## Discussion

There was no eelgrass that would be affected by the new construction at the H.M.S. Salt Building, with the possible exception of a current single patch of eelgrass (1.5 m<sup>2</sup>, 16 ft<sup>2</sup>) near the shared boundary of the building and Gray's Inn (Figure 5). This single patch of eelgrass is near the location where a new pile would be needed to help support the new restaurant deck and boardwalk. This area is rock revetment. Consequently, a small amount of the revetment rock would need to be removed at this location in order to install/drive the pile into the underlying seabed. The rock removal and pile installation could damage this eelgrass patch. No eelgrass was found next to the other existing piles or near other areas of proposed construction.

Also, no eelgrass was present underneath or around the floating dock. Consequently, the widening of the south dock finger by 2 ft should have no effect to eelgrass. The slight widening of the south dock finger should also not change how the dock is used or increase its use in a way that would affect eelgrass or eelgrass habitat in the area.

The restaurant deck extension should also not result in an increase in shading effects that may limit eelgrass abundance below, because the area below the proposed deck extension already appears to be unsuitable habitat for eelgrass, due to shading effects from the existing restaurant deck and dingys tied to the inshore side of the dock (Figures 4 and 5). No eelgrass was found in this area in the present survey. *Sargassum muticum*, an introduced kelp-like plant that is common along the Embarcadero, was also not present in this area. The absence of both these species from this particular area supports the assessment that this area is already too dark for plant growth, and therefore it should not matter whether the deck is extended or not extended over this particular area.

There were two indications that eelgrass over the past two years had become more abundant in the general area. An eelgrass survey done by Tenera Environmental for another project located immediately to the north of the H.M.S. Salt Building was done over two years prior on April 18, 2007, and this prior survey included the shore area of the H.M.S. Salt Building<sup>1</sup>. In the prior survey, a large patch was mapped north of the H.M.S. Salt Building, and was estimated to be approximately 37 m<sup>2</sup> (398 ft<sup>2</sup>) in spatial

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<sup>1</sup> Tenera Environmental. 2007. Eelgrass (*Zostera marina*) and *Caulerpa taxifolia* Survey. 591 and 575 Embarcadero, Morro Bay, California. Submitted to Smith Held. Cayucos, California. April 25, 2007.



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area cover. Two years later in the present survey (June 25, 2009) this same patch was estimated to be approximately 55 m<sup>2</sup> (592 ft<sup>2</sup>) in spatial area cover. Also, two small patches located at the shared boundary of the H.M.S. Salt Building and Gray's Inn totaled about 0.2 m<sup>2</sup> (2 ft<sup>2</sup>) in spatial area cover in the April 18, 2007 survey. In the June 25, 2009 survey, a single patch was found at this same location, which was approximately 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) in spatial area cover. This patch is thought to be the result of the two former small patches having enlarged and merged together.

A third indication of increases in eelgrass along the revetment in the general area came from a conversation with the owner and operator of the kayak business located immediately south of Gray's Inn. The owner/operator mentioned that he could see from standing on his dock that an eelgrass patch on the revetment south of his dock (and south of the present survey area) had become larger over the past several years.



**Caulerpa Report**  
**571 Embarcadero, Morro Bay, CA**

**Caulerpa Survey Reporting Form (version 1.2, 10/31/04)**

<b>Report Date:</b>	July 1, 2009 (Survey conducted on June 25, 2009).
<b>Name of bay, estuary, lagoon, or harbor</b>	Morro Bay, CA
<b>Specific location name:</b> (address or common reference)	571Embarcadero, Morro Bay, CA 93442, H.M.S. Salt Building (see map)
<b>Site Coordinates:</b> (UTM, Lat./Long., datum, accuracy level, and an electronic survey area map or hard copy of map must be included)	Bounding Coordinates (see map): 35.363445° N, -120.852869° E 35.363340° N, -120.852764° E
<b>Survey Contact:</b> (name, phone, e-mail)	Scott Kimura (Tenera Environmental): (805) 541-0310, skimura@tenera.com
<b>Permit Reference:</b> (ACOE Permit No., RWQCB Order or Cert. No.)	First stage of over-water improvement plans and submittal of plans to the City of Morro Bay (Development Application No. UPO-260).
<b>Is this the first or second survey for this project?</b>	This is the first survey and report for this project. However, the area directly in front of the H.M.S. Salt Building was surveyed for <i>Caulerpa</i> by Tenera Environmental on a previous occasion for another project at 591 and 575 Embarcadero, which are two adjoining lease sites directly north of the H.M.S. Salt Building. The survey area for the prior project included the shore at the H.M.S. Salt Building. The prior survey was done on April 18, 2007. No <i>Caulerpa</i> was found. The results were reported by Tenera to the NMFS on April 25, 2007.
<b>Was <i>Caulerpa</i> Detected:</b> (if <i>Caulerpa</i> is found, please immediately contact NOAA Fisheries or CDFG personnel identified above)	<b>No <i>Caulerpa</i> was found at 571Embarcadero, Morro Bay (H.M.S. Salt Building) on June 25, 2009 (see map of survey area).</b>
<b>Description of Permitted Work:</b> (describe briefly the work to be conducted at the site under the permits identified above)	<b>See Map:</b> An application for waterfront construction improvements is being prepared by the client for the City of Morro Bay as the first step in the review and permitting process.  An existing bayside dining deck that is over water is proposed to be further extended by several feet over water. This construction will not disturb the seabed. However, an existing floating dock that is associated with the building will be replaced by a dock of the same dimensions. While this will also not disturb the seabed, the four piles that presently stabilize the floating dock will be replaced. The new piles are to help stabilize the dock and support the deck extension. A fifth pile (new) will also be installed to help support the new deck extension.

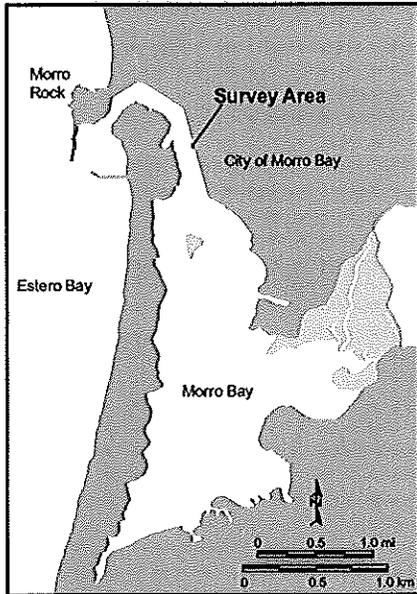
<p><b>Description of Site:</b> (describe the physical and biological conditions within the survey area at the time of the survey and provide insight into variability, if known. Please provide units for all numerical information).</p>	<p><i>Depth range:</i></p>	<p>Mean high tide level to approx. -15 ft (-4 m) MLLW.</p>
	<p><i>Substrate type:</i></p>	<p>Sloping shore bank revetment consisting of cement and rock rip-rap. The toe of revetment terminates at a depth of approximately -10 ft MLLW. Natural sand-mudflat seabed occurs offshore.</p>
	<p><i>Temperature:</i></p>	<p>N/A</p>
	<p><i>Salinity:</i></p>	<p>N/A</p>
	<p><i>Dominant flora:</i></p>	<p>Subtidal: Eelgrass (<i>Zostera marina</i>) was the most common plant species found, which was only on the revetment. Scattered plants of <i>Sargassum muticum</i> were also present on the revetment. Intertidal: The foliose red alga <i>Mastocarpus papillatus</i> and sea lettuce (<i>Ulva</i> spp.) were the most conspicuous plant species in the intertidal (on the revetment).</p>
	<p><i>Dominant fauna:</i></p>	<p>Subtidal: Gaper clams and ornate tube worms were the most conspicuous invertebrates inhabiting the flat seabed offshore of the revetment. On the revetment, limpets, polychaete tube worms, anemones, littorine snails, and barnacles were the most conspicuous invertebrates. Piles were colonized mainly by hydroids, bryozoans, limpets, serpulid worms, barnacles, sea lettuce, and sea stars.</p>
	<p><i>Exotic species encountered:</i></p>	<p>Approximately 20 <i>Sargassum muticum</i> plants were present on the revetment in the survey area. The encrusting bryozoan <i>Watersipora subtorquata</i> was common in the survey area.</p>
<p><i>Other site description notes:</i></p>	<p>There were several empty large barrels on the revetment and a bicycle on the seabed.</p>	
<p><b>Description of Survey Effort:</b> (please describe the surveys conducted including type of survey (SCUBA, remote video, etc.) and survey methods employed, date of work, and survey density (estimated percentage of the bottom actually viewed). Describe any limitations encountered during the survey efforts.</p>	<p><i>Survey date and time period:</i></p>	<p>A SCUBA survey was completed on June 25, 2009 approximately 2 hrs before a +4 ft MLLW high tide. The survey area accounted for a 50 ft (15 m) perimeter surrounding all proposed construction (see map). The along-shore length of the survey area was 145 ft (44 m) and the offshore distance surveyed from the top of revetment was 95 ft (29 m). The purpose of the survey was to map <i>Zostera marina</i> (eelgrass) and to search for <i>Caulerpa taxifolia</i>. The occurrence of other species was also noted.</p>
	<p><i>Horizontal visibility in water:</i></p>	<p>Underwater horizontal visibility was approximately 3-8 ft (1-8 m), which was typical for the area. The visibility was sufficient to search for <i>Caulerpa</i>.</p>

	<i>Survey type and methods:</i>	The area was visually searched by divers using SCUBA. Meter tapes were used to ensure the entire survey area was searched. All of the revetment area was searched (100% coverage). Approximately 75% area of the flat seabed offshore of the revetment was searched.
	<i>Survey personnel:</i>	Scott Kimura and Gery Cox (Tenera Environmental)
	<i>Survey density:</i>	100% of the revetment area was searched. ~75% of the flat seabed offshore of the revetment was searched.
	<i>Survey limitations:</i>	There were no survey limitations other than strong currents offshore of the revetment making it difficult to swim.
<b>Other Information:</b> (use this space to provide any additional information or references to attached materials such as maps, reports, etc.)	See attached map	

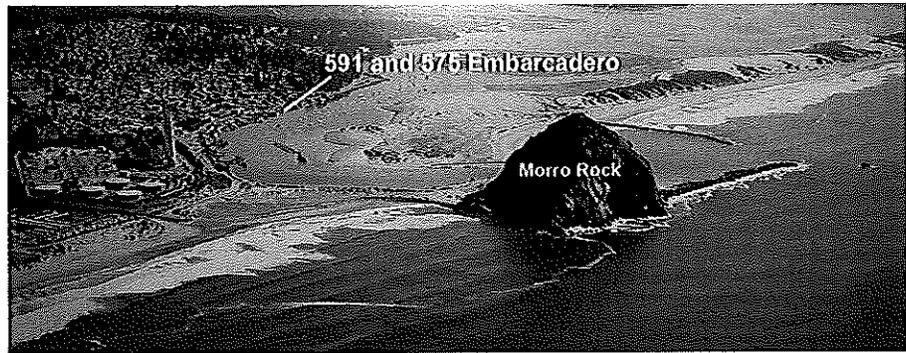
**Caulerpa Survey Reporting Form (version 1.2, 10/31/04)**

# Caulerpa Survey Results (June 29, 2009)

## Project Location



## Oblique Aerial View of Project Location



**CAULERPA FINDING:**  
No *Caulerpa* was observed at this site.

**LOCATION:** Morro Bay, CA  
• 571 Embarcadero (HMS Salt Bldg)

**PERMIT REFERENCE:**  
City of Morro Bay Development  
Application Number UPO-260

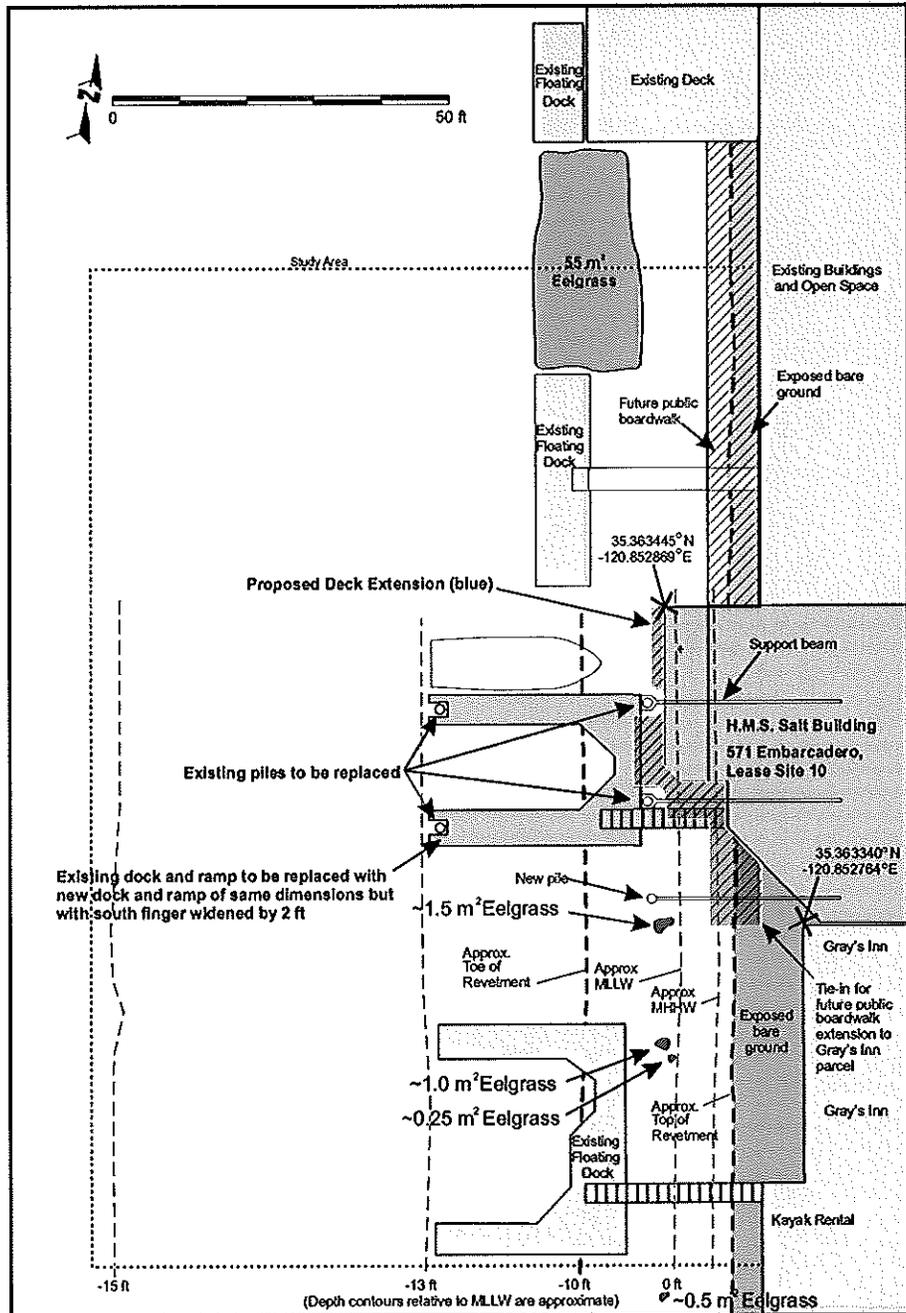
### OVER-WATER CHANGES

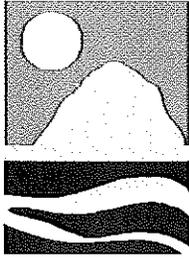
- Extend existing deck over water by several feet
- Replace existing dock and ramp with new dock and ramp of same dimensions but with the south finger dock widened by 2 ft
- Replace four existing piles that stabilize the dock with four new piles
- Add a fifth new pile to help support the deck extension

**SURVEY DATE AND CONDITIONS:**  
June 25, 2009  
Tide level ~ +4.0 ft MLLW  
Horizontal visibility ~3-8 ft

### METHODS:

Study area = 50 ft (15 m) perimeter around all proposed construction.  
Two divers using SCUBA visually searched >75% of the survey area using meter tapes for orientation.





AGENDA NO: X-B  
Meeting Date: May 17, 2010  
Action:

## Memorandum

**TO:** PLANNING COMMISSION

**DATE:** May 11, 2010

**FROM:** KATHLEEN WOLD, SENIOR PLANNER

**SUBJECT:** AMENDMENT TO THE CITY OF MORRO BAY'S ZONING ORDINANCE (TITLE 17) AMENDING CHAPTER 17.68 "SIGNS" WITH NEW SIGN REGULATIONS AND MODIFYING CHAPTER 17.12 TO INCLUDE ADDITIONAL DEFINITIONS.

### **RECOMMENDATION:**

Staff recommends the Planning Commission:

- 1) Open the public hearing and receive testimony; and
- 2) Make a motion to accept resolution No. 01-10, and direct staff to forward your recommendation to City Council for First Reading and Introduction of the Ordinance.

### **BACKGROUND:**

On April 12, 2010 the City Council gave direction to staff to bring the entire Sign Ordinance from the previously approved Comprehensive Zoning Ordinance Update of 2005 forward to the Planning Commission for review and to forward a recommendation to the City Council.

Prior to this direction the Council had requested that the Sign Exception process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. During the evaluation of the A-Frame process staff was able to determine that the program has not been successful to date and recommended various options to the Council including separating the sign ordinance from the 2005 Zoning Ordinance Update and bringing it back for review and approval by the Planning Commission and California Coastal Commission. City Council's direction to staff was to separate the sign ordinance from the comprehensive Zoning Ordinance update and process separately. A copy of this staff report is included for your information as an attachment.

## **DISCUSSION:**

Staff has reviewed Chapter 17.25 "Sign Regulations" in relation to the current Zoning Ordinance and made minor modifications where necessary to ensure that when we incorporate the new sign regulations into the existing Zoning Ordinance there is internal consistency. An example of the modifications that were made are changing section numbers, the zoning district titles and revisions to ensure compliance with state law.

During the review of the new regulations staff noted that there will be a few Zoning Districts that will not allow signs, including the Agriculture, Open Area, Harbor and Golf course districts. Currently the existing sign ordinance regulations allow signs in the Harbor and Agriculture districts but not in the Open Space or Golf Course districts. Staff recommends the following:

1. Add current regulations for the Agriculture district into the new proposed sign regulations as follows:

Agriculture Zone. One unlighted sign per street frontage for the purpose of advertising the sale of products grown on the premises may be allowed in the agriculture zone and shall not require a sign permit. The aggregate area of such signs shall not exceed eight square feet per property.

2. Currently signs are allowed with the Harbor zone under commercial and industrial zone sign regulations. Staff recommends adding the Harbor district into the sign matrix into the C1, MCR, CVS, GO, WF, and GC category. This would allow the placement of some signage for commercial ventures located within the Harbor.
3. There are no provisions for signage for the Open Area or Golf Course districts and staff feels that there is no compelling reason to make provisions for signage within these districts in the new regulations.

As part of the discussions concerning A-frame signs, staff not only recommended the adoption of new sign regulations providing for A-frame signs, but also recommended new guidelines and procedures. While the new ordinance provides for A-frames signs, staff feels that it is too open and recommends additional regulations. The proposed language is as follows:

**Temporary Sidewalk Signs.** Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and

Staff recommends the following modifications to the regulations:

**Temporary Signs.** Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs.

Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and the following:

One portable sign per street frontage is permitted.

Maximum height of 4 feet. Maximum width of 2 feet.

Portable signs must be located on the business's property or within the boundaries of the shopping center or commercial complex unless an encroachment permit is obtained for any sign located within the City's right-of-way.

Signs located within the right-of-way shall be located directly in front of the property where the advertised business is located.

Signs must not block line of sight on driveway corner or intersections.

A minimum of a 4 foot wide access path must be provided at all times on the sidewalk.

Other controversial signs within the community are signs on vehicles and feather signs within the public right of way. The proposed sign amendment prohibits vehicle displays as follows:

Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and vehicle identification signs in locations where sale of vehicles is permitted.

Feather signs would also be prohibited except as allowed under the following sections:

Special private event displays and grand opening signs. Temporary signs and wind signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days previous to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.

## **CONCLUSION**

Staff recommends that the Planning Commission review the proposed amendments to Chapters 17.68 and 17.12 including the additional modifications as stated in the staff report and forward a recommendation to the City Council.

### **Attachments:**

Attachment A -Draft Ordinance 559

Attachment B -Resolution No. 01-10

Attachment C.-Final Negative Declaration and Initial Study for the Comprehensive  
Zoning Ordinance Update 2005

Attachment D-City Council minutes from April 12, 2010.

Attachment E-City Council staff report April 12, 2010 regarding A-frame signs.

# ATTACHMENT A

## Ordinance No. 559

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND AMENDING CHAPTER 17.68 "SIGNS" OF THE MUNICIPAL CODE UPDATING REGULATIONS AND PROCEDURES WITH NEW REGULATIONS AND PROCEDURES ENTITLED "SIGNS REGULATIONS" AND ALSO MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS,

THE COUNCIL OF THE CITY OF MORRO BAY DOES ORDAIN AS FOLLOWS:

**WHEREAS**, the Planning Commission of the City of Morro Bay held a duly noticed public hearings on May 17, 2010 considering the updated Chapter 17.68 and recommended \_\_\_\_ of said amendment to the City Council; and

**WHEREAS**, the City Council of the City of Morro Bay conducted duly noticed public hearing on \_\_\_\_; and

**WHEREAS**, the Council has reviewed and considered Ordinance No 559 and has found that Ordinance No. 559 complies with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project is covered under the environmental document previously approved for the comprehensive update of the Zoning Ordinance of which this ordinance was a part of and therefore no additional environmental documentation is deemed necessary; and

**WHEREAS**, following the public hearing after consideration of the memorandums, staff reports, addendums, and consideration of the comments by all persons written and oral; and

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

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

**WHEREAS**, the City Council finds that the proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City if Morro Bay, California, as follows:

**SECTION 1. Environmental Determination.** The City Council finds and determines that the project's Negative Declaration adequately addresses the potential environmental impacts of the proposed text amendment to the Zoning Ordinance, and reflects the independent judgment of the City Council. The Council hereby finds that the Negative Declaration adopted for the comprehensive Zoning Ordinance Update is adequate and further finds that no additional environmental review is required to be conducted.

**SECTION 2. Findings.** The City Council makes the following findings:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and,
2. The proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and
3. The proposed amendments are consistent with General Plan policies since the regulations implement General Plan policies including those associated with preservation of neighborhood character, Land Use, and Visual Resources; and
4. The proposed amendments will not significantly alter the character of the neighborhoods or cause significant health, safety or welfare concerns. The proposed regulations will establish clear guidelines for the establishment of signs ensuring all signs will be established in a manner that protects the community from health, safety or welfare concerns.

**SECTION 3. Revisions.** Ordinance No. 559 which revises portions of the existing Title 17 as stated below is hereby adopted.

Chapter 17.12 to incorporate new definitions; and

**SECTION 4.** A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in the Telegram-Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

**INTRODUCED** at the regular meeting of the City Council held on the \_\_\_\_\_, by motion of \_\_\_\_\_ and seconded by \_\_\_\_\_

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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JANICE PETERS, MAYOR  
CITY OF MORRO BAY

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JAMIE BOUCHER, DEPUTY CITY CLERK  
CITY OF MORRO BAY

APPROVED AS TO FORM:

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ROBERT W. SCHULTZ, ESQ.  
CITY ATTORNEY

DRAFT

## Chapter 17.68 Sign Regulations

### Sections:

**17.68.010 Purpose**

**17.68.020 Exempt Signs**

**17.68.030 Prohibited Signs**

**17.68.040 General Sign Standards**

**17.68.050 Regulations for Residential Districts**

**17.68.060 Regulations for Commercial Districts, Mixed-Use and Industrial Districts**

**17.68.070 Specific Sign Types and Standards**

**17.68.080 General Design Principles**

**17.68.090 Zoning Clearance or Sign Permit Required**

**17.68.100 Master Sign Program**

**17.68.110 Maintenance, Abandonment, and Removal**

**17.68.120 Provisions for Nonconforming and Illegal Signs**

**17.68.130 Appeals**

### **17.68.010 Purpose**

The purpose of this Chapter is to regulate signs as an information system that expresses the character and environment of the City of Morro Bay and its community. These regulations recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

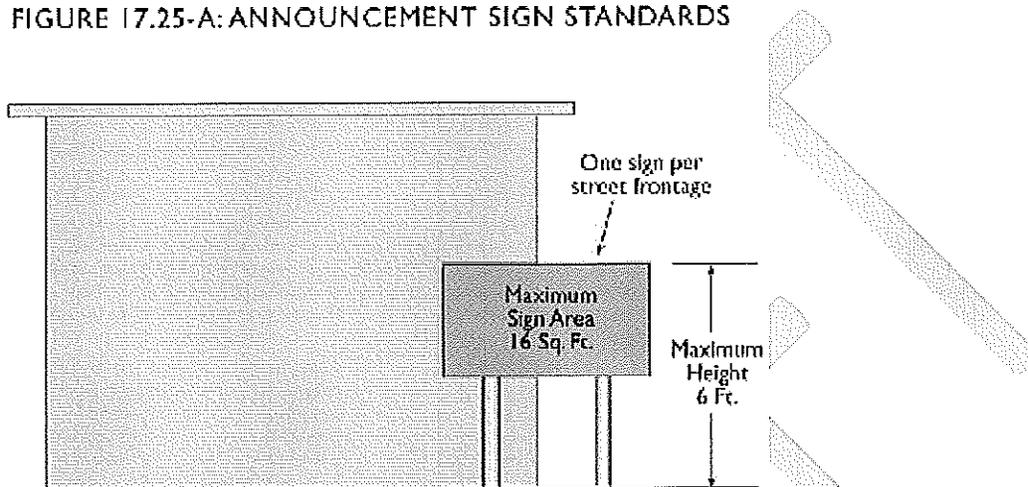
- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver's attention or obstructing a driver's vision.

### **17.68.020 Exempt Signs**

The following signs or modifications to signs do not require zoning conformance review, nor shall the area of such signs be included in the maximum allowable sign area measurement for the purposes of this Chapter. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of the safe erection and safe and attractive maintenance of the sign, of obtaining a building permit where applicable, or of compliance with applicable provisions of this Chapter or any other requirement of this Title.

- A. **Announcement Signs.** One sign, not exceeding 16 square feet in area and 6 feet in height, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Announcement signs are exempt only for the duration of the construction of the building and shall be removed prior to issuance of a certificate of occupancy.

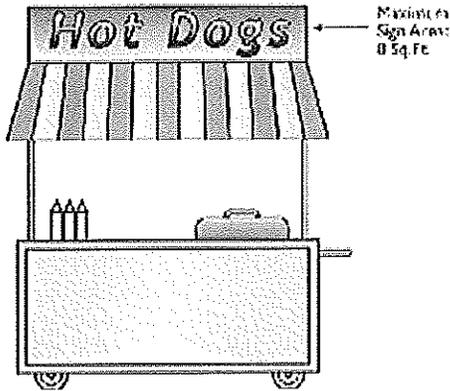
FIGURE 17.25-A: ANNOUNCEMENT SIGN STANDARDS



- B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- C. **Equipment Signs.** Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, menu boards, and umbrellas. If a vending machine is visible from the street, the sign area shall be included in the total sign area allowed for the use.
- D. **Flags.** Flags and insignia of any government, except when incorporated into a commercial sign.
- E. **Garage Sale Signs.** One unlighted sign is permitted for garage sales, provided such sign does not exceed four square feet in area and is displayed on the property where such sale shall take place only on the day of the sale.
- F. **Mobile Vendor (Non-permanent Vendor) Signs.** Signs fixed to mobile vending carts that identify

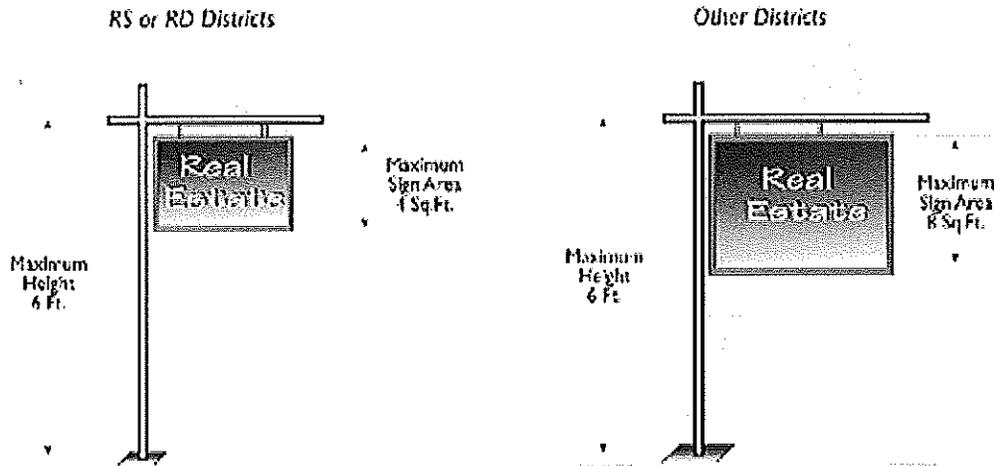
or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

FIGURE 17.25-B: MOBILE VENDOR SIGN STANDARDS



- G. **Official Government Signs and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty; historical markers erected by a governmental body; identification information; directional signs erected by government bodies; or other signs required or authorized by law.
- H. **Parking and Directional Signs.** On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols.
- I. **Political Campaign Signs.** Political campaign signs not to exceed sixty-four square feet in area per site and shall be permitted only on private property;
- J. **Real Estate and "Open House" Signs.** Signs conveying information about the sale, rental, or lease of a property and the identification of the person or firm (agent) handling such sale, lease or rental, provided they comply with the following standards. Real estate and open house signs are exempt only during the period for which the property is offered for sale or lease.
1. **Maximum Number.** One on-site per frontage.
  2. **Maximum Sign Area.**
    - a. RS or RD Districts. 4 square feet.
    - b. Other Districts. 8 square feet.
  3. **Maximum Height.** 6 feet.

FIGURE 17.25-C: REAL ESTATE SIGN STANDARDS

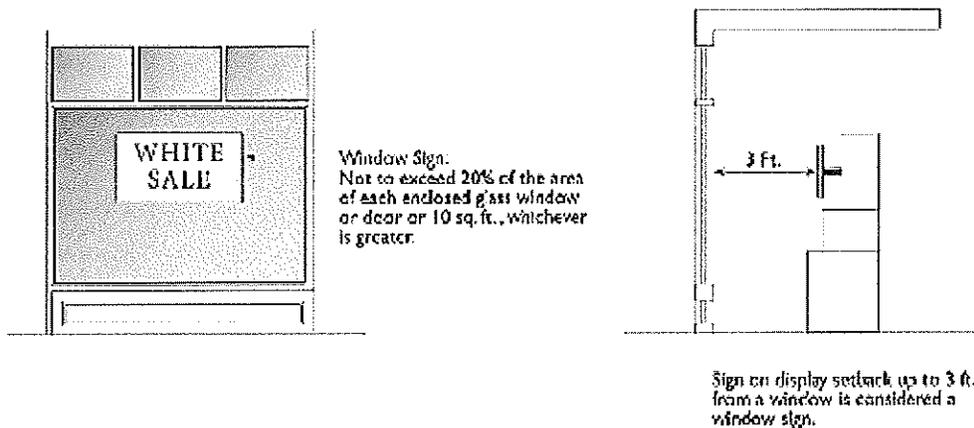


- K. **Off-Site Directional Sign.** One off-site sign not to exceed 36 square feet, providing direction to real estate available for sale or lease, during daylight hours only. Permission from the property owners of the site where the sign is placed is required.
- L. **Small Signs.** Any sign no larger than eight square feet in area, attached to a freestanding sign structure no higher than five feet, a window, or a building wall. This exception may include, but is not limited to, commercial and non-commercial signs, freedom of speech signs, organization identification signs, and commemorative plaques within the required size limits.
- M. **Subdivision Signs.** One sign per frontage, advertising the sale of a subdivision may be displayed on the site of the subdivision upon approval of a final map and initiation of construction for a period of one year. The display period may be extended with written approval of the Director for a reasonable period of time, not to exceed one year at any one time.

TABLE 17.68 – A: SUBDIVISION SIGNS	
Maximum Height	8 ft.
Maximum Sign Area	24 sq. ft.
Maximum Number per Subdivision or Tract	4

- N. **Window Signs.** Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached or 10 square feet, whichever is greater. Any sign that is hung within three feet of a window, attached to a display located within three feet of a window, or painted on the window is considered a window sign. For temporary window signs, refer to Section 17.68.070.

FIGURE 17.25-D: WINDOW SIGNS



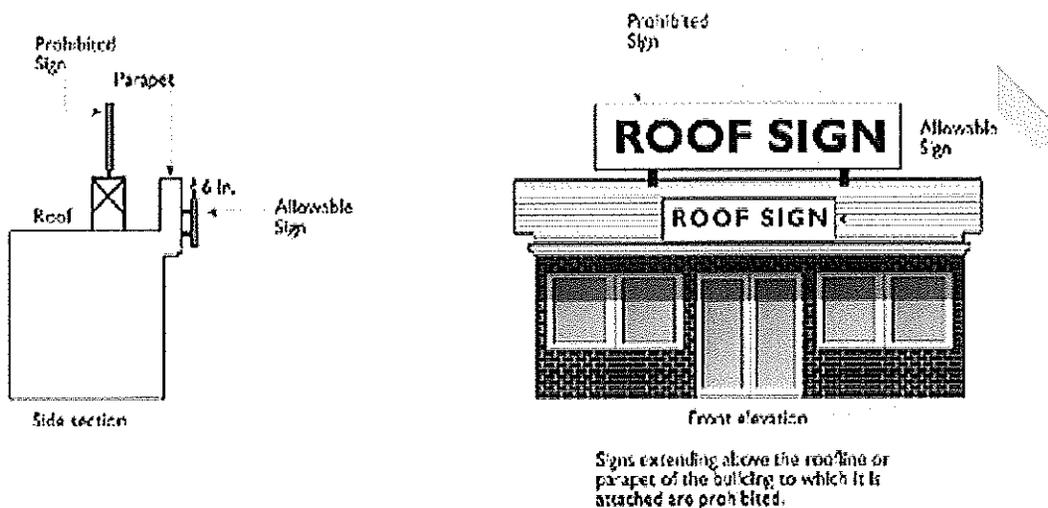
### 17.68.030 Prohibited Signs

The following types of signs, materials, designs, messages, and locations are prohibited:

- A. **Animated and Moving Signs.** Signs that incorporate, in any manner, any flashing, moving, rotating, pulsating or intermittent lighting, with the exception of approved time and temperature displays.
- B. **Banners, Streamers, or Pennants.** Signs, banners, pennants, valances or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials except for awnings and temporary signs as provided for in this Chapter.
- C. **Billboards.** Off premises outdoor advertising signs.
- D. **Emissions.** Signs that produce noise or sounds in excess of 40 decibels, excluding voice units at drive-through facilities, and signs that emit visible smoke, vapor, particles, or odor.
- E. **Fence Signs.** Signs on fences or free-standing walls, not part of a building.
- F. **Obscenities.** Signs that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 17.41: Terms and Definitions.
- G. **Obstruction to Exits.** Signs that obstruct any fire escape, required exit, window or door opening intended as a means of egress.

- H. **Obstruction to Ventilation.** Signs that interfere with any opening required for ventilation.
- I. **Posters and Snipe Signs.** Posters of a miscellaneous or temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this Chapter.
- J. **Roof Signs.** Signs erected upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof. No projecting sign shall extend above the roofline or parapet of the building or structure to which it is attached.

FIGURE 17.25-E: PROHIBITED ROOF SIGNS



- K. **Signs Creating Traffic Hazards.** Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or that makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.
- L. **Signs on Public Bus Shelters or Benches.** Signs located on bus shelters, benches, or similar structures provided for the use of passengers along the route of a bus, not including plaques containing the names of persons or organizations which have made gifts or donations of such street furniture.
- M. **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and

vehicle identification signs in locations where sale of vehicles is permitted.

#### **17.68.040 General Sign Standards**

This Section establishes rules for measuring sign area, general physical standards, and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific sign types (e.g. building mounted, freestanding, and other sign types) in each zoning districts follow this Section.

A. **Maximum Allowable Sign Area.** The maximum allowable total sign area per property shall be as specified under the regulations in Section 17.68.050 and 17.68.060 for specific districts, unless a different limit is approved under a

Master Sign Program (see Section 17.68.100) or approved by the Planning Commission.

B. **Computation of Sign Area.** The methodology for computing the sign area of all sign types shall be as follows:

1. **Single-faced Signs.** The sign area of signs with sign faces on a single plane and viewable from only one side of the plane shall be measured as the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color.
2. **Double-faced Signs.** Double-faced signs with sign faces that are parallel (back-to-back) and a distance of less than three feet apart, or sign faces that have an interior angle of 45 degrees or less, shall be counted as a single sign with only one face measured in calculating sign area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
3. **Multi-faced Signs.** The sign area of signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall be calculated as the sum of all the sign faces.
4. **Three-dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two adjacent sides or sign faces.

FIGURE 17.25-F: MEASUREMENT OF SIGN AREA

Sign Area = Height x Width

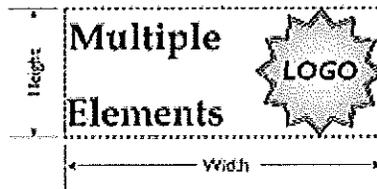
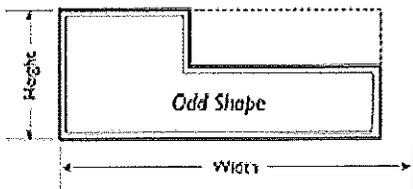
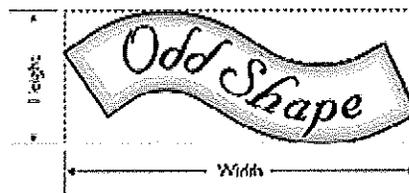
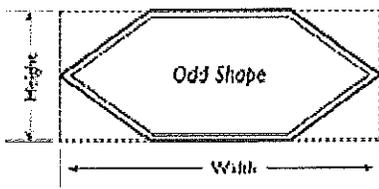
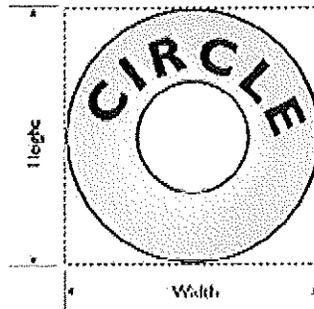
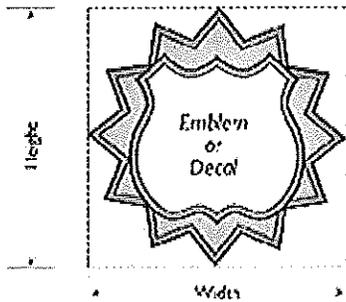
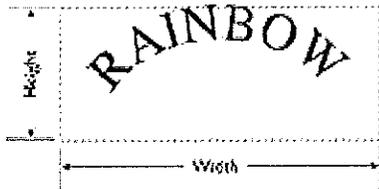


FIGURE 17.25-G: MEASUREMENT OF DOUBLE AND MULTI-FACED SIGN AREA

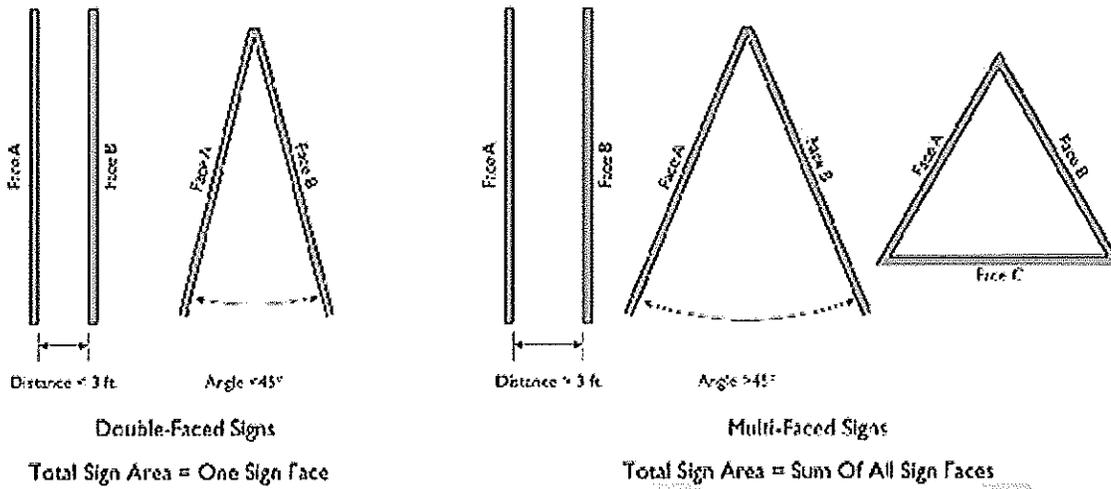
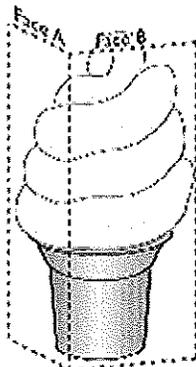


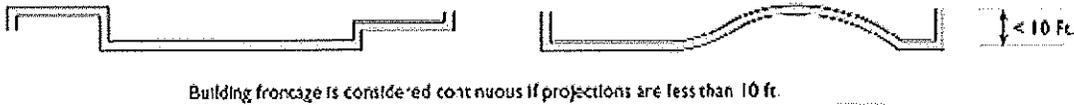
FIGURE 17.25-H: MEASUREMENT OF THREE-DIMENSIONAL SIGNS

Sign Area = Sum of two adjacent sides



C. **Building Frontage.** A building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction.

FIGURE 17.25-1: BUILDING FRONTAGE



D. **Materials.** Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

E. **Illumination.** Signs may be illuminated subject to all of the following standards:

1. All lighting is subject to necessary electrical permits.
2. Freestanding and building-mounted signs adjacent to an R district shall be illuminated only during hours when the establishment is open for business.
3. External lighting shall be properly shielded to prevent glare upon an adjacent public right-of-way or adjacent property.
4. Illumination shall be constant in intensity and color and shall not consist of flashing, animated or changing lights.

F. **Changeable Copy.** Changeable copy shall cover no more than 25 percent of the total sign area, except for the following uses which are exempt from this restriction: churches and establishments for religious assembly, cinemas, gas station gas price signs, indoor theaters, schools, colleges, and signs that flash the time and temperature.

G. **Construction and Maintenance.**

1. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code.
2. All signs, together with all supporting structures, shall be maintained in the following manner:
  - a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
  - b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired and graffiti and unauthorized attachments shall be removed.
  - c. Burned-out illumination shall be promptly replaced.
  - d. Sign areas shall be kept free and clear of all noxious substances, rubbish, and weeds.
3. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure

shall be removed.

- H. **Abandoned Signs.** Sign faces shall be removed or made blank within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in Section 17.68.110 of this Chapter.
- I. **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.
- J. **Encroachment into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires approval of the Director or City Engineer, except that projecting signs and pole signs are allowed a maximum encroachment of 12 inches over a public street or sidewalk subject to approval of an encroachment permit.
- K. **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- L. **Drainage.** The roofs of canopies or marquees exceeding 25 square feet shall be drained to prevent dripping or flow onto public sidewalks or streets and shall be connected to an approved disposal source of adequate conductors.
- M. **Sign Orientation.** No sign, other than a projecting sign, shall be permitted that is so oriented as to be viewed primarily across an adjacent private property line. All signs must be visible directly from a public right-of-way, other public open space or parking lot or courtyard on the same site as the sign, without view lines extending over private property different from that on which the sign is located.
- N. **Lighting.** Light sources shall be steady, and stationary lighting shall not be distracting to pedestrians, motorists and neighboring property. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.

#### **17.68.050 Regulations for Residential Districts.**

The following regulations shall apply to all R districts, as well as residential dwellings located in nonresidential districts. Sign permits shall be required for the sign types described in the following zones unless expressly exempted.

- A. **Multi-family Dwellings.** One building-mounted sign or monument sign per multi-family dwelling complex of four or more units is permitted, with a maximum sign area of 20 square feet.
- B. **Hotels, Motels, and Bed and Breakfast Establishments.**
1. R2 Districts. One surface sign or monument sign per bed and breakfast establishment and attraction boards as provided in the Section 17.68.070(C)(5) are permitted with a maximum sign area of 0.5 square feet per linear foot of building frontage.
  2. R3 and R4 Districts. Signs may be permitted in accordance with the provisions for commercial zones as provided in Section 17.68.060 below as well as attraction boards as provided in Section 17.68.070(C)(5).
- C. **Subdivision or Tract Name Signs.** One non-illuminated sign not to exceed 24 square feet in area or one non-illuminated sign not to exceed 12 square feet in area, per exclusive entrance to a subdivision or tract name with a maximum of four per tract is permitted.
1. Maximum Sign Area. 30 square feet.
  2. Maximum Height. 8 feet.
- D. **Mobile Home Parks.** A mobile home park may be allowed one externally illuminated or non-illuminated identification sign, not to exceed the equivalent of one square foot of sign area per ten linear feet of frontage on each right-of-way upon which it takes vehicular access. No sign shall have a surface area of greater than 30 square feet or be erected at right angles to the right-of-way.
1. Maximum Sign Area. 30 square feet.
  2. Maximum Height. 8 feet.
- E. **Non-residential Uses.** One building-mounted sign or monument sign per each allowable non-residential uses is permitted.
1. Maximum Sign Area. 0.5 square feet per linear foot of building frontage up to 24 square feet.
  2. Maximum Height. 15 feet above finished grade for building-mounted signs and eight feet for monument signs.

#### **17.68.060 Regulations for Commercial, Mixed-Use and Industrial Districts**

The following standards apply to signs in commercial, mixed-use and industrial zones.

- A. **Sign Area and Allowable Signs.** Signage in Commercial, Mixed-Use, and Industrial zoning districts shall comply with the standards in Table 17.68 – B.

1. **Calculation of Sign Area.** For individual signs, the sign area of the proposed sign shall be multiplied by the sign factor specified in Table 17.68 – B to calculate the sign area to be applied towards the maximum sign area allowed.
2. **Minimum Sign Area.** All commercial, mixed-use, and industrial uses shall be allowed a minimum sign area of 20 square feet.

B. **Sign Placement.** Signs shall be oriented towards the public street or the harbor frontage on which they are located, or where no such public right-of-way or harbor frontage exists, signs shall be oriented towards a common use parking lot or interior courtyard. Where the principal sign for a business is located so that it cannot be seen by pedestrian traffic, an identification sign, in addition to that otherwise allowed by this Chapter, may be permitted.

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TABLE 17.68 – B: SIGN AREA AND SIGN STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS

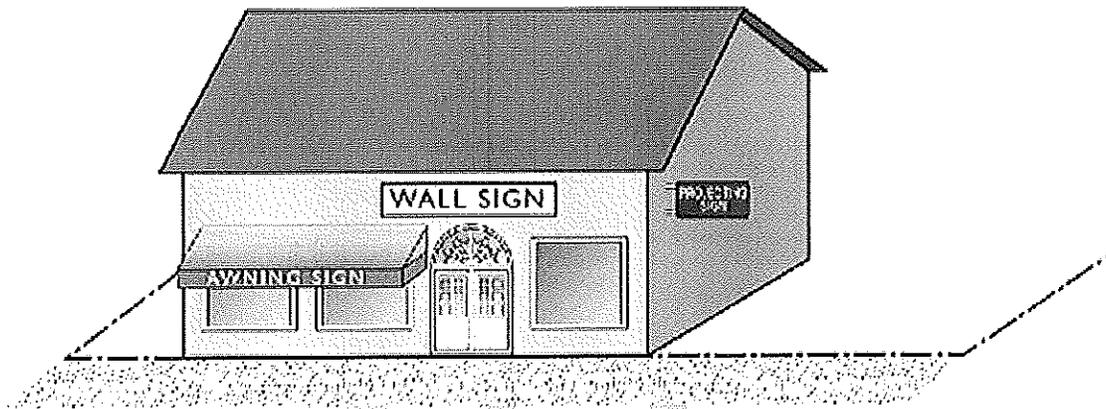
Zoning Districts	Sign Area Allowed (sq. ft. per 1 linear ft. of building frontage)	Total Maximum Sign Area (sq. ft.)	Permitted Sign Types	Sign Type Factor	Maximum Number of Signs	Maximum Sign Area Per (sq. ft.)	Additional Regulations
Frontage:	Primary						
	Secondary						
C1, MCR, CVS, GO, WF, and GC	0.5	100	Awning and Canopy	1		24	Section 17.68.070(A)(1)
			Projecting	1	1 per frontage	16; 8 under a canopy or awning	Section 17.68.070(A)(3)
			Wall	2	2 per frontage	24	Section 17.68.070(A)(4)
			Marquee	1		1.5 per linear ft. Section of building frontage	Section 17.68.070(A)(2)
			Monument	3	1 per site	24	Section 17.68.070(B)(1)
			Temporary Sidewalk	1	1 per site	12	Section 17.68.070(B)(3)
C2, CF, M1, M2 H & MMR	2	200	Awning and Canopy	1	1 per site	60	Section 17.68.070(A)(1)
	1		Wall	1	1 per building or tenant space	25	Section 17.68.070(A)(4)
			Window	2	2 per frontage		Section 17.68.070(A)
			Monument	2	1 per frontage	60	Section 17.68.070(B)(1)
			Pole	3	1 per site or shopping center	60	Section 17.68.070(B)(2)

1. For buildings facing on more than one public right-of-way

## 17.68.070 Specific Sign Types and Standards

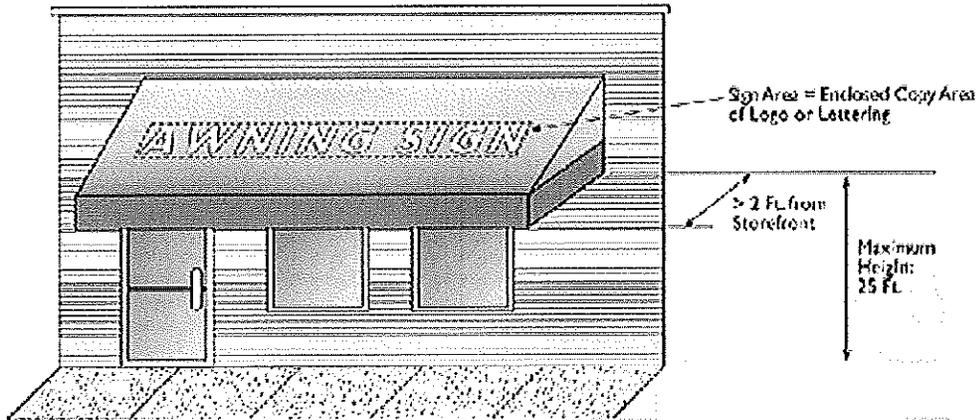
- A. **Building-Mounted Signs.** Building-mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of building mounted signs, provided that the total size of all such signs does not exceed the total maximum signage area permitted for all signs in the zoning district where the sign is located, established by Sections 17.68.050 and 17.68.060.

FIGURE 17.25-J: BUILDING-MOUNTED SIGN TYPES



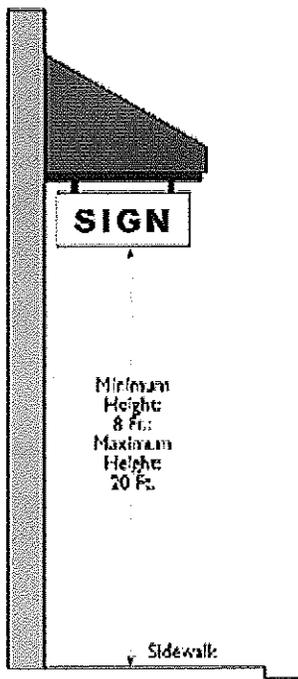
1. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures. Sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign. Awning and canopy signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.
  - a. **Maximum Height.** 25 feet above a sidewalk or public right-of-way.
  - b. **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a sign permit. Marquee signs are subject to the specific zoning district standards in 17.68.050 and 17.68.060.
  - c. **Maximum Height.** Marquee signs may not project above the marquee face.

FIGURE 17.25-K: AWNING AND CANOPY SIGNS



2. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall. Projecting signs are subject to the specific zoning district standards in 17.68.080.
- a. **Minimum Height.** 8 feet above a sidewalk or other public right-of-way.
  - b. **Maximum Height.** 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof.

FIGURE 17.25-L: PROJECTING SIGNS



*Projecting Under Awning Sign*

3. **Wall Surface Signs (“Wall” Signs).** Wall surface signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. Wall signs are subject to the standards in Table 17.68 – C. No wall surface sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.

Minimum Horizontal and Vertical Separation Between Signs	3 ft.
Maximum Projection from Surface of Building	12 in
Minimum Vertical Separation Between Sign and Roof Line	1 ft. (8 inches on a fascia or mansard roof)
Maximum Height	20 ft. above a sidewalk or Above public right-of-way.

- B. **Freestanding Signs.** Freestanding signs consist of signs not attached to a building or structure, including monument signs and pole signs. Freestanding signs shall not interfere with safety sight angles on corners and at driveways. No more than one freestanding sign is allowed on a site.

1. **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit. Monument signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.

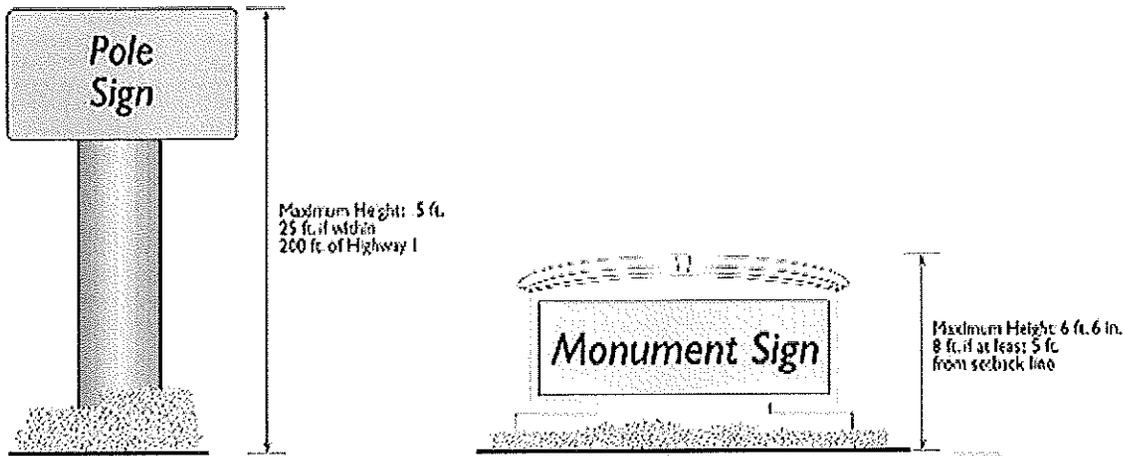
- a. Maximum Height. six feet six inches. eight feet if setback a minimum of five feet from property line.
- b. Minimum Setbacks – C1 and C2, CVS, and MCR Districts. one foot from setback line.
- c. Landscaping. Signs higher than six feet six inches shall be placed in a landscaped planter or berm. As a condition of any sign permit for a monument sign, additional landscaping of the site may be required to better integrate sign appearance with the site.

2. **Pole Signs.**

- a. Landscaping. Pole signs shall be placed within a landscaped planter with at least 28 square feet of planting area. As a condition of any sign permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
- b. Design. Such signs and their supporting elements shall be designed so as to be harmonious with any building or structures on the site, including architectural style, colors and scale.
- c. Maximum Height. 15 feet; 25 feet within 200 feet of Highway 1, subject to approval of a conditional use permit.
- d. Other Requirements. Pole signs are subject to the specific zoning district standards in 17.6.050 and 17.68.060.

3. **Temporary Sidewalk Signs.** Signs not permanently attached to the ground or any other permanent supporting structure, such as “A-frame” or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and

FIGURE 17.25-M: FREESTANDING SIGN TYPES



### 17.68.060. C. Other Sign Types.

1. **Display Structures.** Display structures for pedestrian viewing, as defined in this Chapter, are permitted in any commercial district. Such display structures must comply with building setback requirements, and shall be illuminated only by indirect light or diffused light. The maximum sign area is 50 percent of the maximum building mounted sign area allowance for the building and frontage with which they are associated.
2. **Special Private Event Displays and Grand Opening Signs.** Temporary signs and wind signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days previous to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.
3. **Directional and Community Promotional Display Programs.** Directional and community promotion sign programs advertising, directing or informing pedestrian of business service or community events and services not related to or located on the site shall be permitted on private property in C districts, and on public land with the granting of an encroachment permit.
4. **Civic Event Signs.** Temporary signs announcing a campaign drive or event of a civic, public, quasi-public, philanthropic, educational or religious organization.
  - a. Maximum Sign Area. 32 square feet.
  - b. Maximum Time Period. 30 days. Such signs shall be removed within 15 days after the event.

5. **Attraction Boards for Hotels, Motels and Bed and Breakfast Establishments.** An attached or detached attraction board, not to exceed five square feet in sign area, is allowed, provided it is included within the calculation of the maximum allowable sign area for a hotel, motel, or bed and breakfast establishment.

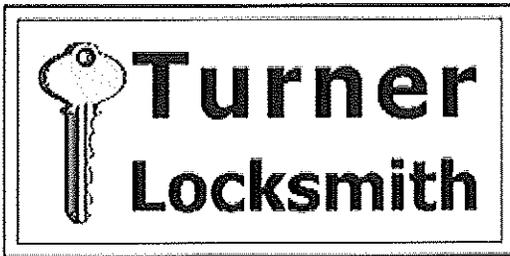
#### **17.68.080 General Design Principles**

The following principles are general criteria that should be considered in the design of all signs. Creative design is strongly encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located. These principles will be used in reviewing and approving proposed signs and Master Sign Programs (see Section 17.68.100).

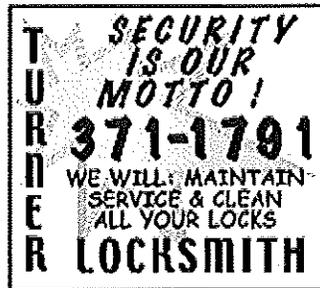
- A. Visibility.** A sign shall be conspicuous and readily distinguished from its surroundings.
- B. Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
- C. Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

FIGURE 17.25-N: VISIBILITY AND LEGIBILITY

This:



Not This:



This:

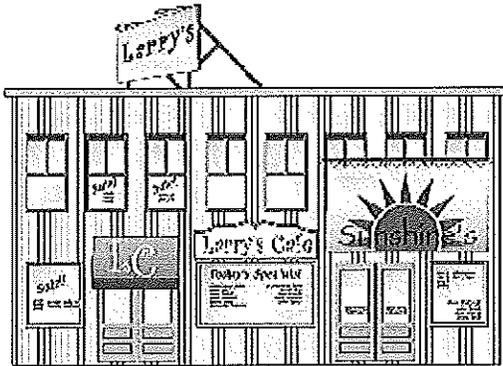


Not This:

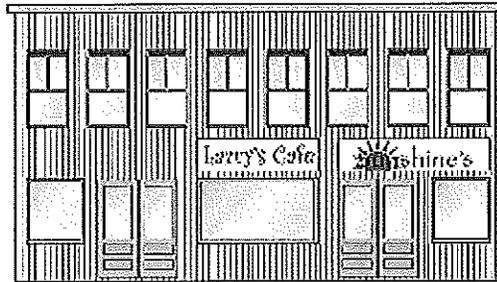


- D. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.
- E. **Consistency with Area Character.** A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

FIGURE 17.25-O: ARCHITECTURAL COMPATIBILITY



These signs block building's elements and create a chaotic image.



These signs complement the building's form and create a more orderly appearance.

### 17.68.090 Zoning Clearance or Sign Permit Required

- A. **Authority.** No sign, other than an exempt sign, shall be erected or altered, without first obtaining a zoning clearance or sign permit from the Director. The Director may attach reasonable conditions on the approval of the sign permit to help ensure compliance with this Chapter. These conditions may require the removal, modification or relocation of existing signs where the proposed sign(s) would be located on sites where existing signs are nonconforming.
- B. **Application Requirements.** Applications for a sign permit shall be made in writing upon forms furnished by the Director, accompanied by the required fee and plans drawn to scale and with all of the following information. Where the scale and scope of the sign proposal so warrants, the Director may waive some of the informational requirements listed below, provided all information necessary for adequate review of the proposal is submitted.
1. The proposed design, dimensions, copy, color, lighting methods and location of the sign on the site, including the dimensions of the sign's supporting members, and details of all connections, guy lines, supports and footings, and materials to be used.
  2. The maximum and minimum height of the sign.
  3. The location of off-street parking facilities, including entries and exits where directional signs are proposed.
  4. The size and dimension of all signs existing on the site.
  5. The location and horizontal frontage of any building(s) on the property, both existing and

proposed.

6. Any other information deemed necessary by the Director.

**C. Required Findings. In approving a sign permit, the Director must find that:**

1. The size, shape, color, materials, design and location of the sign conforms to the design principles and standards of this Chapter.
2. Signs on all proposed buildings or new additions to existing buildings are designed as an integral part of the total building design.
3. The location of the proposed sign and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing and proportions) are legible under normal viewing conditions that prevail where the sign is to be installed.
4. Review of signs at city entryways as defined in the Scenic Highway Element of the General Plan shall also be subject to the following provisions:
  - a. Sign area, height and location of signs shall be designed so as not to interfere with view corridors as defined and specified in the General Plan/Local Coastal Plan.
  - b. Freestanding signs shall not exceed eight feet in height except within two hundred feet of Highway 1 or Highway 41. Where feasible, all freestanding signs within or along city entryways shall be placed within a landscaped planter.

**17.68.100 Master Sign Program**

- A. **Applicability.** Any site having four or more non-residential occupants shall submit a master sign program to be reviewed and approved by the decision-making authority for the use (e.g. the Director or the Planning Commission). Any site having three or fewer non-residential occupants may submit a master sign program to be reviewed and approved by the decision-making authority. Additionally, projects involving construction or renovation of more than 25,000 square feet of space in the commercial and mixed use districts shall submit a master sign program which must be approved prior to issuance of any occupancy permit.
- B. **Application Requirements.** Applications for approval of a master sign program shall be submitted to the Director and shall include the following:
  1. **Master Sign Program.** A Master Sign Program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all signs.

2. Drawings and Sketches. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs or projecting signs are proposed.
  3. Statement for Modifications. A statement of the reasons for any requested modifications to the regulations or standards of this Chapter.
  4. Sign Standards. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.
- C. Allowable Modifications. A Master Sign Program may provide for additional sign area and other deviations from the standards of this Chapter, provided that the Master Sign Program is consistent with the provisions of Sections 17.68.040 and 17.68.080.
- D. Required Findings. In approving a Master Sign Program, the decision-making authority shall find that all of the following are met:
1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
  2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
  3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- E. Conditions of Approval. The Planning Commission may attach any reasonable conditions necessary to carry out the intent of the Master Sign Program requirement, while still permitting each sign user opportunities for effective identification and communication.
- F. Administrative Approval of Signs Consistent with Master Sign Program. Following approval of a Master Sign Program, the Director is authorized to issue building permits or other permits, as deemed necessary, to install signs that conform to an approved Master Sign Program. Minor modifications of individual sign area may be approved, provided the maximum allowed by an approved Master Sign Program is not exceeded.

#### **17.68.110 Maintenance, Abandonment and Removal**

- A. **Maintenance.** Every sign, including those signs for which no permit is required, together with all supports braces, guys and anchors shall be maintained in a safe, presentable and good structural condition at all times. The display surfaces of all signs shall be kept neatly painted, posted or

otherwise maintained at all times. The owner of property on which the sign is located shall be responsible for the condition of the area in the vicinity of the sign, and shall be required to keep this area clear, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.

B. **Abandonment.** The following signs shall be presumed to be abandoned:

1. **Located on Property.** Any sign which is located on property that becomes vacant and is unoccupied for a period of three months or longer.
2. **Unrelated to Property.** Any sign which was erected for an occupant or business unrelated to the present occupant or business, except existing, nonconforming outdoor off-site freestanding signs.
3. **Time, Event or Purpose Sign.** Any sign which pertains to a time, event or purpose which no longer exists.
4. **Temporarily Suspended Business.** Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more.

C. **Removal.** Abandoned signs are found to be a public nuisance due to their misleading and distracting nature and due to their contributing to visual blight, detrimental to surrounding areas and the community generally. An abandoned sign is prohibited and shall be removed by the property owner.

#### 17.68.120 Provisions for Nonconforming and Illegal Signs

- A. **Existing Non-conforming Signs.** Signs existing at the time of adoption of this Title, that do not comply with the provisions of this Chapter but that were legally erected pursuant to applicable state and city ordinances in effect at the time of construction, shall be regarded as nonconforming signs, subject to the following:
1. **Use Change.** Whenever the type of business or use with which a nonconforming sign is associated changes, the nonconforming sign associated with business shall be removed or otherwise made to conform to the provisions of this Chapter.
  2. **Limited Expansion.** A nonconforming sign may not be expanded, extended, reconstructed, or altered in any way in its location or orientation to enable it to be read or viewed from a different direction than its original position. Except in the following cases:
    - a. Such sign may be removed for purposes of repair and routine maintenance, including painting, provided such sign is replaced within 60 days of its removal;
    - b. Changes in sign face, copy, graphic design or color are permitted.

- c. Such sign may be removed for the purpose of remodeling a building provided replacement occurs within 30 days after remodeling is completed.
- d. If change in ownership of the business occurs, without any change to the type of business advertised by a nonconforming sign, the new owner may change any name or names on such sign provided that there is no change in the sign size, configuration or orientation.

3. Other Requirements. Nonconforming signs are also subject to the provisions of Chapter 17.68: Nonconforming Uses and Structures.

B. **Illegal Signs.** Whenever a sign is found to be erected or maintained in violation of any provision of this Chapter, this Title, or any other Federal, State, or local law, and such sign is not a nonconforming sign (e.g. it was a legal sign under the sign regulations in effect prior to adoption of the ordinance codified in this Chapter), the Director shall order that such sign be altered, repaired, reconstructed, demolished or removed, as may be appropriate, to abate such condition or the Director may initiate proceedings to abate the sign as a public nuisance under the provisions of the Business and Professional Code (Sections 5499.1 to 5499.16). Any work required to be done shall be completed within ten days of the date of such order, unless otherwise specified in writing.

### **17.68.130 Appeals of Sign Permits**

#### **17.68.130.A Rights of Appeal**

A. **Persons Who May Appeal.** Except as provided for elsewhere in this Title, appeals may be made by the following persons, in the following instances:

1. **Local Appeals.** Appeals to the Planning Commission or City Council may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Title.

B. **Final Decision Required.** Unless otherwise specified by Federal or State law, an appeal must be brought and a final decision rendered by the hearing body before the matter may be appealed to a court of law.

#### **17.68.130.B Time Limits**

Unless otherwise specified in State or Federal law, all appeals shall be filed within 10 days of the date of action.,

### **17.36.040 Local Appeals**

- A. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed, including, but not limited to, the issuance of City building permits and business licenses.
- B. **Appeals of Director Decisions.** A decision of the Director on any application may be appealed to the Planning Commission by filing a written appeal with the Planning Department. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- C. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- D. **Transmission of Record.** The Director, or in the case of appeals to the City Council, the City Clerk, shall schedule the appeal for consideration by the authorized appellate body within 60 days of the date the appeal was filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the appellate body. The Director also shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- E. **Appellate Body Action.** The appellate body shall review the appeal, the administrative record, and any written correspondence submitted after the appeal has been filed, and may take one of the following actions:
1. Conduct a public hearing and decide on the action; or
  2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.
- F. **No “De Novo” Review.** At an appeal or review, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision.
- G. **Appellate Body Decision.** The appellate body shall render its decision within 60 days of the date the hearing is closed unless State law requires a shorter deadline. An action to grant an appeal shall require a majority vote of the appellate body members. A tie vote shall have the effect of rejecting the appeal.
- H. **Standards of Review.** When reviewing any decision on appeal, the appellate body shall use the same standards for decision-making required for the original decision. The appellate body may adopt the same decision and findings as were originally approved.

## 17.12 Definitions

**Abandoned Sign.** A sign that no longer applies to a business space, building, or site, due to lack of a valid business license, change of business name, or for any other reason that renders the sign not applicable to the premises involved.

**Attraction board** means a device used to display information regarding conveniences, services and rates currently offered by facilities providing temporary accommodation.

**Banners.** A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to buildings or poles at two ends or continuously across its longest side so as to allow movements of the sign by atmospheric conditions.

**Bench sign** means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

**Billboard** means the same as outdoor off-site freestanding sign.

**Building Mounted Sign.** Any sign mounted or erected on or against any building or façade and includes all walls signs, awning and canopy signs and projecting signs.

**Business Sign.** Any interior or exterior sign which is intended to identify the name or portions of the business name and which is viewable from any exterior area open to the public.

**Canopy** shall refer to an ornamental roof like structure upon which a sign may be attached or otherwise affixed which is usually located over gasoline pumps.

**Changeable copy sign** means a sign designed so that characters, letters or illustrations can be changed or rearranged without substantially altering the face or the surface of the sign.

**Construction Sign.** A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a structure and when work is in progress on site pursuant to such permit.

**Directory Sign.** A collection of signs which list names of individual businesses located in a single building, courtyard, or property. Directories are located on private property at one or more entrance(s) facing or near the public right of way.

**Freestanding sign** means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building, and are separated there from by a distance of a least six inches.

**Frontage** constitutes. for purposes of computing allowable sign area, the linear measurement in feet of

the property line directly fronting on a public street, or other public right-of-way to which such sign is oriented, excluding California State Highway One

**Height of a sign** means the greatest vertical distance measured from the ground level directly beneath the sign to the top of the sign or from the nearest property line fronting on a public street, whichever is lower.

**Illuminated Sign.** A sign which radiates light from any internal source or is backlit and is visible from any public right-of-way or from any area open to the public.

**Marquee Sign.** A projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building.

**Master Sign Plan.** A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

**Monument Sign.** A freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.

**Nonconforming Sign.** Any sign that existed prior to a change in the municipal code that prohibits such signs or any sign installed without approval from the City that requires approval by the City.

**Open House Sign.** An open house sign advertises that a house is open for view as part of the sale or exchange of the property.

**Outdoor-off-site freestanding sign** means a sign placed for the purpose of advertising products or services that are not produced, stored or sold on the property or any other subject no related to the property or use of the property, upon which the sign is located.

**Real Estate Sign.** A sign identifying that a property is for sale, lease, exchange, or rent. The purpose of this sign is to help owners in the sale of their property by providing information on the location of the property to potential buyers without impairing the appearance of the community.

**Roof Sign.** Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

**Signs.** Any object, structure, symbol, emblem, logo, or display, or any combination thereof, which is

intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public. See also Chapter 17.68: Signs.

**Sign Area.** The entire area of a sign calculated for maximum sign area purposes, pursuant to Chapter 17.68:

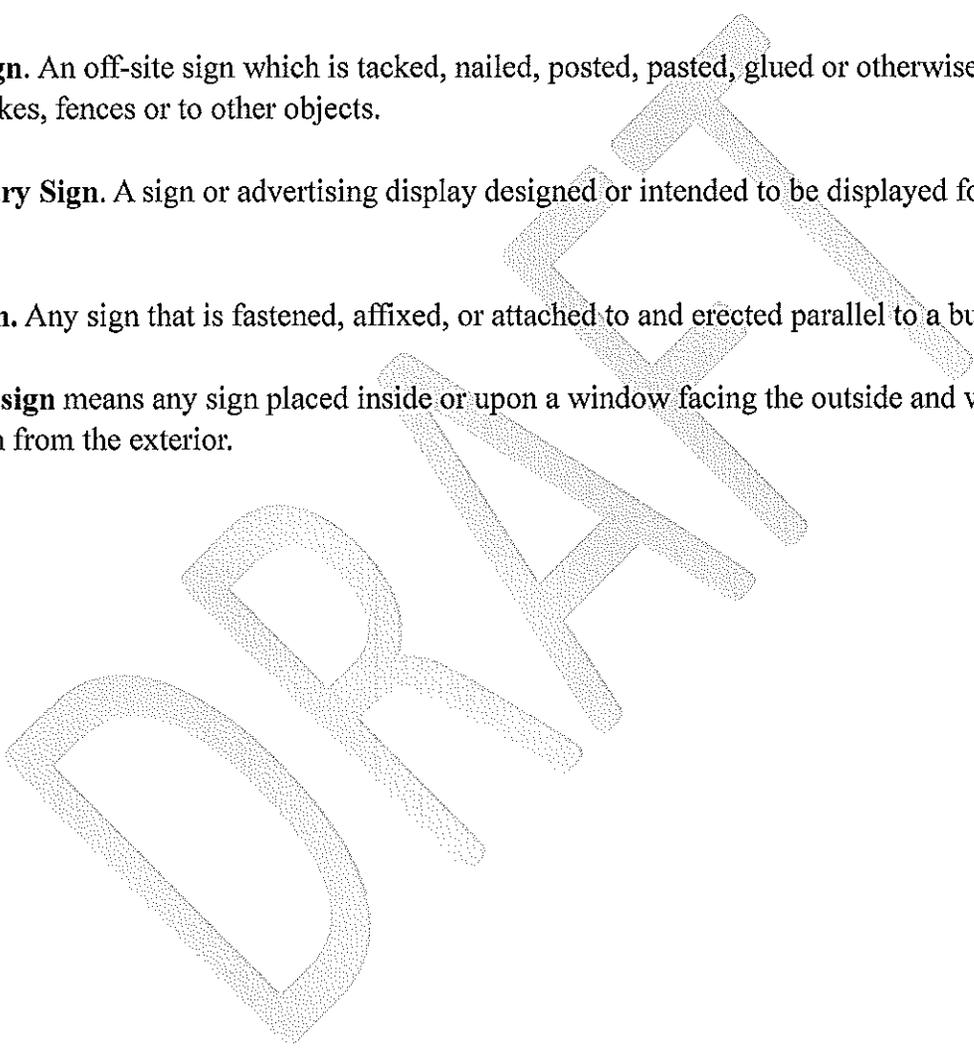
**Sign Face.** The surface or surfaces used for the display of a sign message as seen from any one direction.

**Snipe Sign.** An off-site sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.

**Temporary Sign.** A sign or advertising display designed or intended to be displayed for a short period of time.

**Wall Sign.** Any sign that is fastened, affixed, or attached to and erected parallel to a building wall.

**Window sign** means any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.



# ATTACHMENT B

RESOLUTION 01-10

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORRO BAY, CALIFORNIA

Case No. A00-010

**WHEREAS**, the Planning Commission of the City of Morro Bay held a duly noticed public hearing on May 17, 2010 to consider an amend to Title 17 amending Chapter 17.68 "Signs" establishing new regulations and including modifications to Chapter 17.12 and recommended approval of said amendments to the City Council; and

**WHEREAS**, said Text Amendment has complied with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project need no further environmental review beyond the Negative Declaration originally adopted for the Comprehensive Zoning Ordinance Update 2005 of which these changes were a part of; and

**WHEREAS**, at said Public Hearing after consideration of the staff report and the testimony of all persons, if any, wishing to testify, the Planning Commission did find the following facts and reasons to justify their recommendation to the City Council in this matter:

1. These amendments to Title 17 (Zoning Ordinance) are consistent with the requirements of State Law, the City of Morro Bay's General Plan and Local Coastal Program.

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

1. That the above recitations are true and correct and constitute the findings of the Commission in this matter; and
2. That the Commission does hereby forward a favorable recommendation to the City Council for Case No. A00-010 amending Chapters 17.68 and 17.12 of the Zoning Ordinance as shown on Attachment B.

**PASSED, APPROVED, AND ADOPTED**, by the Planning Commission of the City of Morro Bay, on the day of May 17, 2010, by the following vote to wit:

AYES:

NOES:

ABSENT:

---

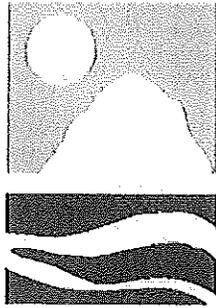
Nancy Johnson, Chairman

ATTEST:

---

Rob Livick, Secretary to the Planning Commission

# **City of Morro Bay Zoning Ordinance Update**



## **Initial Study and Final Negative Declaration**

Prepared for:

City of Morro Bay 955 Shasta Avenue Morro Bay, CA 93442

Prepared by:

**DYETT & BHATIA**  
Urban and Regional Planners  
755 Sansome Street, Suite 400  
San Francisco, CA 94111

August 10, 2005

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**NOTICE OF INTENT TO ADOPT  
A NEGATIVE DECLARATION**

**CITY OF MORRO BAY ZONING ORDINANCE UPDATE**

**1. PROJECT TITLE:**

City of Morro Bay Zoning Ordinance Update

**2. LEAD AGENCY NAME AND ADDRESS:**

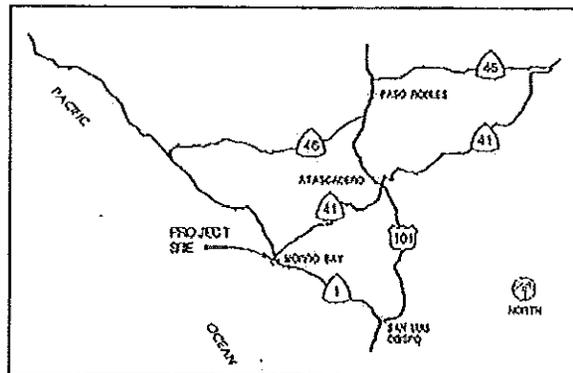
Public Services Department  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442

**3. CONTACT PERSON AND PHONE NUMBER:**

Greig Cummings  
Planning Manager  
(805) 772-6266  
gcummings@morro-bay.ca.us

**4. PROJECT LOCATION:**

The City of Morro Bay is located on the western coast approximately midway between the metropolitan areas of San Francisco and Los Angeles. The City lies within the County of San Luis Obispo and about 12.5 miles north of the City of San Luis Obispo. The City is surrounded by unincorporated areas of San Luis Obispo County.



**5. PROJECT SPONSOR'S NAME AND ADDRESS:**

Greig Cummings  
Planning Manager  
955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6266  
gcummings@morro-bay.ca.us

**6. GENERAL PLAN DESIGNATION:**

Various – Citywide

7. **ZONING:**

Various - Citywide

8. **PROJECT DESCRIPTION:**

The City is undertaking Citywide revisions to Title 17 -- Zoning of the City's Municipal Code in order to bring it into compliance with its recently adopted General Plan/Local Coastal Plan. The current Zoning Ordinance was adopted by the City on September 25, 1995 and certified by the California Coastal Commission on February 6, 1997. Subsequent minor amendments to the Zoning Ordinance have been made since that time.

On February 23, 2004, the City approved a revised General Plan/Local Coastal Plan for certification by the California Coastal Commission. The new General Plan/Local Coastal Plan reflects a combination of the City's General Plan and Local Coastal Program into one working document that is internally consistent and up-to-date. An Initial Study and draft Negative Declaration was prepared for the General Plan/Local Coastal Plan and approved on February 23, 2004.

The purposes of this Zoning Ordinance Update Project are to:

- Implement the policies of, and ensure consistency with, the adopted General Plan/Local Coastal Plan;
- Streamline the processes, standards and discretionary review criteria for approvals;
- Update provisions for consistency with relevant federal and State law, including the Coastal Act; and
- Ensure that the Zoning Ordinance is easier to read and use.

The changes made are largely procedural and are aimed at easing use and clarity. Other changes include updating land use and zoning designations to reflect General Plan policies and current uses of parcels, and revising provisions that are outdated or not in conformance with Federal or State law. All the changes made are based on policies of the already adopted and approved General Plan/Local Coastal Plan. There are no changes made to land use designations or zoning designations that result in increased density, increased population potential or major infrastructure upgrades than those already evaluated in the General Plan/Local Coastal Plan.

9. **SURROUNDING LAND USES AND SETTING:**

See discussion of setting under "Evaluation of Environmental Impacts".

10. **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:**

Changes to the City's Zoning Ordinance are subject to review and approval by the California Coastal Commission.

## DETERMINATION

On the basis of this initial evaluation:

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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

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

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

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature

Date

Printed Name

Title

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be significantly affected by this project as indicated by the checklist in the following sections:

- |                               |                                    |                        |
|-------------------------------|------------------------------------|------------------------|
| Aesthetics                    | Agricultural Resources             | Air Quality            |
| Biological Resources          | Cultural Resources                 | Geology/Soils          |
| Hazards & Hazardous Materials | Hydrology/Water Quality            | Land Use/Planning      |
| Mineral Resources             | Noise                              | Population/Housing     |
| Public Services               | Recreation                         | Transportation/Traffic |
| Utilities/Service Systems     | Mandatory Findings of Significance |                        |

## EVALUATION OF ENVIRONMENTAL IMPACTS

### COMPLIANCE WITH CEQA

The City of Morro Bay, as the lead agency in this project, has entered into the environmental review process to assess potential impacts that could arise from implementation of the changes to the proposed Zoning Ordinance. Through this documentation process, the City of Morro Bay ensures that all of the possible environmental effects of the proposed plan are fully disclosed according to the requirements of the California Environmental Quality Act (CEQA).

### CEQA GUIDANCE

Appendix I of the State CEQA Guidelines was used in answering the checklist questions:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the discussion. A “No Impact” answer is adequately supported if the discussion shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained when it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

*Morro Bay Zoning Ordinance Update -- Initial Study*

- c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

**INITIAL STUDY ENVIRONMENTAL CHECKLIST**

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>AESTHETICS</b>				
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 a scenic state highway.				
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.				

**SETTING**

Scenic vistas generally include areas of high scenic quality that are visible to a number of people, including recreational travelers. Scenic vistas in the project area include the Santa Lucia foothills to the east and the Pacific Ocean to the west. Morro Bay is surrounded by hills and ridgelines with more than half of the City's physical edge being coastline. The ocean and the hills are generally visible from area residences throughout the community. The landscape includes natural coastal terrain and agricultural lands. The City's edge at the urban/rural boundary is also a defining characteristic of the City.

Other scenic resources or reference points in the area consist of:

- Morro Rock which can be seen from almost any location in the City;
- The sand spit which is visible from the Embarcadero, Coleman Drive, the State Park roads and from bluff and hillside residential areas;
- Morro Bay Power Plant which has three 450 feet high exhaust stacks, which are visible from miles away; and

- Morro Bay State Park which contains Black Hill, the golf course and campground, which comprise a large portion of the southern part of the City.

In 1999, the portion of Highway 1 north of Highway 101 in San Luis Obispo was declared an official "scenic highway". Of the approximately 53 miles of "scenic" Highway 1 winding through San Luis Obispo County, about six miles lies in Morro Bay.

The existing visual character and quality of the planning area varies among different portions of the City, depending on land use and density. The majority of the planning area is currently built-out.

The source of light and glare is due to the nighttime environment that comes from the Morro Bay High School Stadium and existing residential and commercial uses.

### **SIGNIFICANCE CRITERIA**

State CEQA Guidelines consider an impact significant if the project will have "a substantial, demonstrable negative aesthetic effect."

### **DISCUSSION OF CHECKLIST ANSWERS**

a-d. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to visual resources or aesthetics. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, several provisions in the new Zoning Ordinance seek to protect visual resources or aesthetics, including new development regulations, bluff development standards, public access requirements, and sign regulations.

### **CONCLUSION**

Impacts associated with aesthetics are considered less than significant.

Issues	Potentially Significant Impact	Potentially Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURAL RESOURCES:</b></p> <p>In determining whether impacts to agricultural resources are significant or if potential effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				X
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X
<p>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?</p>				X

**SETTING**

Morro Bay contains approximately 300 acres of agricultural land within its city limits. Additionally, the City has interest in resource protection and land use planning for agricultural areas outside of the City. These agricultural lands creates a form of open space and defines the edges of a community, maintains open areas that are critical to the function of ground water recharge and percolation, and acts as a productive use of the land for which this area was historically noted.

**DISCUSSION OF CHECKLIST ANSWERS**

a-c. Under the Zoning Ordinance update, no changes were made to zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to agricultural resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local

Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, provisions and required findings have been added to the Zoning Ordinance to limit any future conversion of farmland in accordance with the adopted GP/LCP policies.

Implementation of the proposed Zoning Ordinance will not result in a conversion of prime farmland, farmland of local importance, and grazing land, to non-agricultural uses.

### **CONCLUSION**

Impacts associated with agricultural resources are considered less than significant.

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

**SETTING**

San Luis Obispo County is in moderate non-attainment for respirable particulate matter, or PM<sub>10</sub>, and precursors to ozone. Sources of PM<sub>10</sub> emissions include agricultural operations, construction, and road dust. Vehicular emissions are the main source of precursors to ozone. In San Luis Obispo County, the Air Pollution Control District (APCD) regulates air quality through its Clean Air Plan (CAP) and construction monitoring, among other measures.

The two major stationary sources of air pollutant emissions affecting the City are the Morro Bay power plant and Hanson Concrete. The Morro Bay Power Plant had no emission violations between

1993 and 1998 and Hanson Concrete has had no incidents of emission violations between 1993 and 1998.

Other sources of air pollutant emissions are small and large-scale businesses and facilities including dry cleaners, gas stations, the wastewater treatment plant, and the harbor dredging operations.

The Zoning Ordinance does not specifically propose projects that may create objectionable odors, such as certain types of processing plants, or farms.

#### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in population and/or density could result in increased vehicle traffic and construction activity that could impact air quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to air quality. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to monitor and limit the level of smoke, particulate matter, odor and other air contaminants.

#### **CONCLUSION**

Impacts associated with air quality are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV – BIOLOGICAL RESOURCES</b>				
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, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
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 residents 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	

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.				

**SETTING**

The City of Morro Bay has many sensitive habitat areas within and immediately adjacent to the community. These areas include critical habitat for several rare and endangered plant and animal species.

Morro Bay and its estuary comprise a large wetland within the City of Morro Bay, which is one of the most important wetlands on the central coast of California. The Morro, Chorro, Toro, Alva Paul and Los Osos Creeks provide habitat for fish and other aquatic organisms, and food and shelter for migratory birds and other animals. Associated with these creeks are riparian scrub and riparian woodland communities. These communities are characterized by sparse to dense corridors of vegetation occurring adjacent to the streams.

Other sensitive habitats within the City include:

- **Morro Rock.** Morro Rock is located near the mouth of Morro Bay and is the northernmost visible igneous plug in a chain of peaks that extend from Islay Hill in San Luis Obispo to Morro Rock. The Rock is connected to the mainland by a strand that is comprised of fill materials, much of it dredged from the bay during past operations. The ecological preserve located on Morro Rock serves as a nesting site the federally endangered Peregrine Falcon (*Falco peregrinus*). It is also a resting site for many other bird species.
- **Fairbanks Point.** Fairbanks Point is part of Morro Bay State Park and is located at the southern end of Morro Bay's City limits. The grove of eucalyptus trees located at Fairbanks Point serves as a major nesting site for herons, egrets and cormorants.
- **Black Hill Natural Area.** This upland area of Morro Bay State Park is located southeast of the developed part of the City. The golf course is southwest of Black Hill. The dominant plant community within the Black Hill Natural Area is coastal sage scrub. Within the coastal sage scrub community are such species as California sagebrush, deerweed and buckwheat. The community also contains species characteristic of chaparral and grasslands. As is typical of coastal foothill areas, the grasslands are characterized by pastureland and scattered grass openings in the chaparral. The rare (federal species of concern) Jones's layia (*Layia jonesii*) is located here.
- **Western Snowy Plover Critical Habitat.** The western snowy plover (*Charadrius alexandrinus nivosus*) is a small shorebird, listed as federally threatened. This bird occurs on the Washington, Oregon and California coasts including beaches within the City of Morro Bay. The U. S. Fish and Wildlife Service have designated critical habitat areas for the threatened western snowy plover that include portions of Morro Strand State Beach and the Morro Bay Sand Spit.

- **Pygmy Oak Forest.** The Elfin Forest Natural Area on the southeastern shore of Morro Bay is a diverse and complex assemblage of natural plant communities that includes coastal brackish marsh, riparian woodland fringe, pygmy oak woodland, grassland, coastal dune scrub and oak manzanita association. It supports a documented 25 species of mammals, over 110 kinds of birds, and 11 species of reptiles and amphibians. San Luis Obispo County acts as the lead agency in the administration of the Elfin Forest.
- **Bird Sanctuary.** The City has designated itself as a “bird sanctuary.” The bay and nearby areas are home to hundreds of species both as residents and migrants. Morro Bay is nationally known for the abundance of avian species and usually ranks near the top of the Audubon Society’s annual count.

The Morro Bay National Estuary Program (MBNEP) is a federally funded program whose mission is to work with the community to implement the conservation plan and oversee the restoration efforts.

### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in development could result in increased habitat loss and degradation that could impact biological resources. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on biological resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

f. There is no adopted local or regional conservation plan that this Zoning Ordinance update may be in conflict with.

### **CONCLUSION**

Impacts associated with biological resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §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 which are outside of formal cemeteries?			X	

**SETTING**

The City of Morro Bay's archaeological resources include prehistoric and ethnohistoric Native American archaeological sites, historic archaeological sites, historic buildings, and elements or areas of the natural landscape that have traditional cultural significance.

The City of Morro Bay supported prehistoric populations. Surveys have been required with several development projects, and they indicate a significant Native American presence, including Chumash and Salinan, especially around the bay, near creeks, and near outcroppings suitable for grinding acorn mortars. Surveys will continue to be conducted prior to development near known sites and previously un-surveyed locations suspected of containing such resources. The results of all such surveys should continue to be compiled by the City and maintained as proprietary information not for general public knowledge.

At present, the City of Morro Bay does not have an official historical society. Neither is there a local program for the evaluation and official designation of historic sites. Morro Rock is the City's only designated historical landmark.

**DISCUSSION OF CHECKLIST ANSWERS**

a-d. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on cultural resources. The changes made were largely procedural and reflect policies already adopted and

approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with cultural resources are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI GEOLOGY AND SOILS</b> Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rubble of a known earthquake fault, as delineated in the most recent Alquist-Palacio 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 Special Publication 42)				
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?			X	
iv. Landslides?			X	
b. Result in substantial soil erosion or loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Be located on expansive soils as defined in Table 18.1-B of the Uniform Building Code (1994) creating substantial risks to life or property.</p>				
<p>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?</p>			X	

**SETTING**

Morro Bay is located in the Coastal Franciscan domain that lies along the mountains and hills associated with the Santa Lucia Range. The Santa Lucia Range resulted from uplift during the Pliocene and Quaternary periods.

The surface geology within the domain consists of a northwest-trending sliver of largely Franciscan formation rocks, bounded by the Hosgri fault and West Huasna fault on the west and the Nacimiento fault and the Rinconada fault on the east. The Franciscan complex is a mixture of igneous, metamorphic, and sedimentary rocks. Cretaceous-age (65 to 140 million years old) and Tertiary-age (2 to 65 million years old) sedimentary rocks, including an unnamed Cretaceous sandstone, and a relatively small amount of Lospe, Vaqueros, Rincon, Monterey and Pismo formations, overlie the Franciscan Formation basement rocks in some parts of the region. The domain is characterized by moderate earthquake activity during the Quaternary period and has numerous northwest-striking, mainly northeast-dipping faults, with uncertain potential to generate future earthquakes.

The main geologic hazards associated with this domain are groundshaking, liquefaction or seismic related settlement of alluvium in the low-lying areas of the coastal portion of the domain, tsunami and coastal erosion in ocean front areas, and severe landslide potential on moderate to steep hillsides. The slopes of the Santa Lucia Mountains are underlain by mostly the Franciscan Formation and other Cretaceous age rocks that are considered to be the formations most susceptible to landslides in the County. Much of the northern coastal plain is characterized as a wave cut platform on which Quaternary- age marine terrace deposits overlie the older bedrock. Streams in the region are typically bordered by steep to moderately steep terrain, and the bottoms of stream valleys contain Quaternary- to Recent-age alluvium, which overlies the bedrock.

A large portion of Morro Bay is underlain by ancient sand dunes, including the Bay itself. They are interbedded with water laid clays and gravels that have been transported and deposited by streams. These ancient dune sand areas are stabilized and contain deep, coarse textured soils. They are subject to excessive drainage, rapid permeability, and wind and water erosion. The potential for liquefaction concerns are estimated at a high potential.

The foothills of Morro Bay have been generally categorized as “shallow upland” soils. Within this category, two soil groups can be identified. One is formed on firm shales, sandstone or mudstone,

and is highly prone to erosion in view of the character of the soil and steep slopes. The second group is a clayey soil formed on shale or igneous bedrock. Situated on gently rolling terrain, erosion is moderate and the subsoil permeability is slow.

Morro Bay is characterized by fairly gently inclined slopes with gradients of less than 50 percent on slopes consisting of older alluvium and late Pleistocene dune sands. The potential for slope stability concerns are estimated at a low potential.

#### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in development could result in increased building activity that could impact the geology and soils. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on geology and soils. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, provisions were added to the Zoning Ordinance to limit development impacts to geology and soils, including a new chapter on bluff development standards that includes detailed submittal requirements such as a geology report.

#### **CONCLUSION**

Impacts associated with geology and geologic hazards are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIAL</b> 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?				
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 lists of hazardous materials sites compiled pursuant to Government Code Section 65962.9 and a spill would create a significant hazard to the public or the environment?				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airfield, would the project result in a safety hazard for people residing or working in the project area?				

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

**SETTING**

Due to the quantity and frequency with which hazardous materials are shipped through the region, transportation-related accidents pose a significant hazardous material risk to City residents. Major modes of hazardous material transportation include the use of State Highways 1 and 41 and numerous underground pipelines. In addition to the potential for transportation related releases of hazardous materials, potential exposure of the public to hazardous materials can result from their use by industry, agriculture, commercial, and service establishments. Household use of hazardous materials also has the potential to result in their release into the environment.

The Diablo Canyon Power Plant is the primary radiation hazard risk in the region. An uncontrolled release of radioactive material would have the potential to result in significant impacts. To prepare for potential emergency situations that might develop at the power plant, extensive warning, reporting, and response plans have been developed. Updated information regarding the Emergency Response Plan is distributed to the public each year. Additional potential radiation hazards include low-level radioactive waste from medical facilities and elsewhere. The hauling, handling and disposal of these materials are governed by federal regulations.

Morro Bay has three electrical transmission corridors that distribute electricity generated from the Morro Bay Power plant. These transmission corridors generally bring power into San Luis Obispo County from a variety of outside sources. These electric transmission corridors are capable of either transmitting power into or out of the county.

The Morro Bay Fire Department provides fire response and prevention services. The low-density urban development predominant in the City helps to minimize potential urban fire hazards. The California Department of Forestry (CDF) is responsible for preventing and controlling wildland fires.

**DISCUSSION OF CHECKLIST ANSWERS**

a-h. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on hazards and hazardous material. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to require any use, handling, storage and transportation of hazardous and extremely hazardous materials to comply with the State's Hazardous Materials Regulations and any other applicable laws.

**CONCLUSION**

Impacts associated with hazardous materials and fires are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY</b> Would the project:				
a. Violate any water quality standards or waste discharge requirements?			X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net detrimental change in the volume or 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 and/or planned uses to which permits have been granted)?				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, 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	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Other uses that substantially degrade water quality				
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structures which would impede or reduce flood flows?			X	
i. 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	
j. Inundation by seiche, tsunami, or mudflow				

**SETTING**

In October 2003, the City of Morro Bay adopted a Storm Water Management Plan in accordance with the U.S. Environmental Protection Agency provisions for compliance with the National Pollution Discharge Elimination System (NPDES) Phase II requirements. The Storm Water Management Plan provides an integrated approach for prevention of pollution from storm water runoff in Morro Bay. This is an important water quality management tool that Morro Bay uses through public outreach, education and participation through best management practices to help prevent pollution problems at the source.

Morro Bay's water consumption has generally been decreasing since the late 1980's, and reached a low in 1992. Although total consumption has decreased, future development will most likely cause water consumption to increase.

The completion of the State Water Project's Coastal Pipeline Branch has made more water available to the Morro Bay community. State water allocations total more than 1,300 AF/Y for municipal and residential use. The City currently supplements 10 percent or more of its total supply with municipal wells, depending on the efficiency and availability of water in the State system. Additionally, Morro Bay is served by seawater extraction wells that serve the City desalination facility in times of shortage.

The City of Morro Bay holds 1,758 AF/Y in stream allocations from the Chorro and Morro Creek basins. As previously discussed, the City currently receives its water from the State Water Project, but

operational problems or peak usage days on the State Water System would stimulate the need to withdraw from the groundwater basins.

The City of Morro Bay has standards regulating drainage within the city limits. Compliance with these standards is examined for portions of the planning area that have the potential for annexation to the City. City standards focus on areas located within or near the 100-year flood plain.

Several areas within the community are prone to flood hazard including areas adjacent to creek channels and the Morro Bay Estuary. Areas considered to be prone to flood hazards are those subject to a 100-year flood. A 100-year flood is an event determined by hydrologic analysis to have a one percent chance per year of occurrence and is the standard event from which residential and commercial areas are to be protected. Flooding may also occur in low-lying areas that have poor drainage, even during moderately sized storms. Many factors can increase the severity of floods, including fires in watershed areas, the placement of structures or fill material in flood-prone areas and areas of tidal influence, and increased runoff that results from the development of impervious surfaces such as roadways and rooftops.

A tsunami is a wave caused by a displacement of the ocean floor, usually by movement along a fault. As the wave approaches shore, it increases in size and can cause extensive damage to coastal structures. Several small tsunami events have been recorded in San Luis Obispo County. However, previous studies have predicted a maximum tsunami wave "run up" of approximately 9.5 feet above sea level for a 100-year event. Wave run up could be increased substantially if a tsunami occurred during a major storm. Areas of tsunami hazard potential include portions of the community at elevations near sea level.

#### **DISCUSSION OF CHECKLIST ANSWERS**

a-j. Increases in development could result in increased construction activity that could impact the hydrology and water quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on hydrology and water quality. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

#### **CONCLUSION**

Impacts associated with hydrology and water quality are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE PLANNING</b> 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?				
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**SETTING**

Morro Bay is divided into a series of residential and non-residential land use designations and zoning districts. These different zoning districts identify the locations in the City where specific types of land uses may occur. The zoning districts used in this Zoning Ordinance are derived from the land use designations approved in the City’s General Plan/Local Coastal Plan.

**DISCUSSION OF CHECKLIST ANSWERS**

a-b. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on land use and planning. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

c. The proposed Zoning Ordinance does not conflict with a habitat conservation plan or natural community conservation plan. In fact, these areas are preserved through the Open Space – Natural zoning designation.

**CONCLUSION**

Impacts associated with land use and planning are considered less than significant.

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

**SETTING**

Since the Army Corps of Engineers concluded its mining of Morro Rock, there are no known mineral resources extracted in Morro Bay.

**DISCUSSION OF CHECKLIST ANSWERS**

a-b. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the mineral resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSIONS**

Impacts associated with mineral resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE:</b> Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**SETTING**

The existing noise environments in the City of Morro Bay are composed of sounds from many sources. The most significant source of noise in Morro Bay is road traffic from Highway 1, Morro Bay Boulevard, Main Street, Highway 41 and South Bay Boulevard being associated with high noise levels.

Noise associated with individual development projects occurs throughout Morro Bay. Because of its intermittent nature, it is not possible to characterize construction noise either by location or intensity. However, construction noise typically ranges from 70 to 95 dBA at 50 feet from the noise source, depending on the amount and types of equipment used.

The Duke Energy (formerly PG&E) Morro Bay plant does not exceed 45 dBA Leq in any portion of Morro Bay.

#### **DISCUSSION OF CHECKLIST ANSWERS**

a-d. Increases in population and/or density could result in increased vehicle traffic and construction activity that could impact noise quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on noise levels. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to monitor and limit the level of noise.

e-f. The plan area is not located near an airport or in the vicinity of a private airstrip.

#### **CONCLUSION**

Impacts associated with noise are considered less than significant.

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

**SETTING**

The population of Morro Bay according to the 2000 census was 10,350, which was an increase of less than 200 persons since 1990, largely as a result of limited land development availability, and a local building permit restriction due to lack of water. In comparison, the population of San Luis Obispo County increased by nearly 17,000 since 1990.

In 1984, the citizens of the community enacted Measure P, a voter initiative that set the maximum population for the City at 12,200 and requires voter approval to increase the population above this limit.

At the time of the 1990 Census, Morro Bay had 5,694 housing units. By 2000 that figure increased to 6,251. During that 10 year period, an average of about 43 housing units have been constructed annually in Morro Bay. Recently, the construction rate has increased slightly from the ten-year trend to approximately 65 units per year.

**DISCUSSION OF CHECKLIST ANSWERS**

a-c. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with population and housing is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XIII PUBLIC SERVICES</b>				
a. Would the project result in 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 public services:				
i. Fire protection?				
ii. Police protection?			X	
iii. Schools?				
iv. Parks?			X	
v. Other Public facilities?				

**SETTING**

The Morro Bay Fire Department provides fire response and prevention services. Police protection services are provided by the San Luis Obispo County Sheriff's Department substation located in Los Osos. The California Highway Patrol (CHP) provides additional police protection.

San Luis Coastal Unified School District (SLCUSD) operates two elementary schools and a high school within the City of Morro Bay: Del Mar Elementary, Morro Bay Elementary, and Morro Bay High School.

The City manages Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tideland Park, Cloisters, Monte Young Park, Morro Bay High School, and Morro Rock Beach. In addition, San Luis Obispo County operates the Morro Bay Golf Course in Morro Bay State Park. The state parks include Morro Bay State Park, Morro Strand State Park and Montana de Oro State Park offer camping facilities, passive recreational opportunities, and active recreational facilities.

Government buildings in Morro Bay are predominantly located in the vicinity of the Downtown. They include the City Hall, Public Services building, Community Center (Housing Recreation & Parks), Public Library and Veteran's Hall.

**DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in population and/or density could result in increased use of public services that could impact the public services quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on public services. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with public services are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV RECREATION</b>				
a. Would the project 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. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				

**SETTING**

Morro Bay offers a wide variety of recreational opportunities such as hiking, nature walks, bird watching and sightseeing. Active recreation such as water sports, such as surfing, fishing, diving, and recreational boating, are also prevalent along Morro Bay's shoreline areas. Morro Bay also has outdoor recreation facilities including sports fields, a roller hockey rink, a skate park, and basketball courts.

The state parks (including Morro Bay State Park, Morro Strand State Park and Montana de Oro State Park) offer camping facilities, passive recreational opportunities, and active recreational facilities. In addition, San Luis Obispo County operates the Morro Bay Golf Course in Morro Bay State Park. The City manages Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tidelands Park, Cloisters, Monte Young Park, Morro Bay High School, and Morro Rock Beach.

**DISCUSSION OF CHECKLIST ANSWERS**

a-b. Increases in population and/or density could result in increased recreation activity that could impact recreation quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on recreation. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with recreation are considered less than significant.

Morro Bay Zoning Ordinance Update -- Initial Study

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC</b> Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio 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?				
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 design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e. Result in inadequate emergency access?			X	
f. Result in inadequate parking capacity?			X	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	

## SETTING

Morro Bay is primarily a residential and commercial community that is cut by a major regional roadway, Highway 1. Highway 41 also terminates in Morro Bay bringing travelers from the east. Highway 1 and Main Street carry the highest levels of traffic in the community and are used for intra-community trips. Traffic flows well on these facilities during most periods. The bulk of the City's traffic is generated at the local residential road level and then flows to the arterials that connect to the adjacent highways.

### Highways

Highway 1 bisects the town on a northwest-southeast alignment and provides regional access to Morro Bay. Highway 1 is designated as a State Scenic Highway. The highway contains 4 lanes within Morro Bay. Highway 1 carries between 19,000 and 24,000 ADT with the City.

Highway 41 intersects Highway 1 and provides regional access to and from Morro Bay and U.S. Highway 101. Highway 41 contains two lanes within Morro Bay and carries about 8,800 ADT west of the Highway 1 junction.

### Arterial Roadways

Main Street extends southbound from Yerba Buena Street as a two-lane arterial through Morro Bay leading into State Park Road. The Main Street/Highway 41 intersection operates at LOS D during the P.M. peak commute period (Higgins Associates, 1999). The one-way stop intersection of Main Street/Highway 1 southbound operates at LOS A during the P.M. peak hour. Signals are present at the Main Street/Quintana Road intersection, which operates at LOS A.

Morro Bay Boulevard is classified as an arterial in the existing circulation element. This two-lane roadway extends west from the Highway 1 intersection through central downtown Morro Bay and serves commercial properties along the route. The Morro Bay Boulevard/ Highway 1 southbound off-ramp intersection operates at LOS E during the P.M. peak hour period. The Morro Bay Boulevard/Quintana Road intersection is also congested during the P.M. peak hour period. These poor service levels are primarily due to traffic exiting Highway 1 northbound and southbound traveling to and from destinations including downtown and the Embarcadero area. The Morro Bay Boulevard/Kern Avenue intersection serves as residential access and operates at LOS B during the P.M. commute period. The Morro Bay/Shasta Avenue operates at LOS A during the P.M. peak hour period.

### Collector and Local Roadways

The City has several roadways that are currently designated as either major or minor collector roads. By definition, collector roads are intended to connect adjacent land uses to the arterial roadway system. In the case of Morro Bay, collector roads connect local residential roads to the arterial system that provide access to the surrounding highways. Some examples of the currently designed collector roads include San Jacinto Street, Kern Avenue and Ironwood Avenue. These roadways carry relatively low volumes (typically less than 1,000 ADT) and operate in the LOS A-B range.

Level of Service

Tables 1 and 2 summarize the existing volume and level of service information for the City's key intersections and roadways.

<b>TABLE 1: INTERSECTION SERVICE LEVELS</b>		
<b>Intersection</b>	<b>Control</b>	<b>LOS</b>
Route 1 / San Jacinto	Signal	LOS B
Route 1 SB / Route 41	1-Way Stop	LOS A
Route 1 NB / Route 41	1-Way Stop	LOS B
Main / Route 41	4-Way Stop	LOS C
Main / Route 1 SB	1-Way Stop	LOS A
Main / Quintana	Signal	LOS A
Morro Bay Blvd / Shasta	4-Way Stop	LOS B
Morro Bay Blvd / Kern	2-Way Stop	LOS B
Morro Bay Blvd / Quintana	4-Way Stop	LOS D
Morro Bay Blvd / Route 1 SB	2-Way Stop	LOS E
<i>Source: ATE, 1999.</i>		

<b>TABLE 2: ROADWAY SERVICE LEVELS</b>		
<b>Roadway</b>	<b>ADT</b>	<b>LOS</b>
Highway 1	24,000	LOS A-B
Highway 41	8,800	LOS C
Main n/o Route 41	8,300	LOS A
Main s/o Route 41	9,900	LOS A
Main n/o Route 1	16,600	LOS D
Main s/o Morro Bay Blvd	6,200	LOS A
Harbor e/o Main	3,600	LOS A
Morro Bay Blvd e/o Main	5,000	LOS A
Morro Bay Blvd e/o Kern	12,200	LOS B
Quintana n/o Morro Bay Blvd	9,500	LOS D
Piney s/o Morro Bay Blvd	3,000	LOS A
Kern s/o Morro Bay Blvd	3,400	LOS A
<i>Source: ATE, 1999.</i>		

### Traffic Safety

There are several locations in the City that are prone to certain types of accidents. Morro Bay Boulevard at Quintana Road and Highway 1 has a series of conflicting movements that occur in a short distance, some vehicles are traveling at high speeds, and some drivers are unfamiliar with the street conditions. There are also accidents at the intersections on Highway 1 where movement from the side streets is in conflict with highway traffic. In particular, sideswipe accidents occur at the Highway 1/San Jacinto Avenue intersection. There are also some accidents to note at the downtown intersections at Main Street/Morro Bay Boulevard where visibility from side streets is sometimes blocked by parked vehicles.

### Public Transit

Transit service within the city limits consists of Dial-A-Ride services (DAR). DAR is a door-to-door public transit system for all ages, which is also accessible to disabled persons.

Two transit plans constitute the City transit policies: the San Luis Obispo Regional Transportation Plan (RTP), and the Short-Range Transportation Development Plan (TDP). The RTP was prepared by SLOCOG of which the City of Morro Bay is a member. This plan outlines a regional transportation system emphasizing coordination of transportation plans and programs on a countywide level. The RTP sets goals, policies and programs for public transit.

The purpose of the TDP is to increase effectiveness of public transit planning, management, and operations in Morro Bay by providing a comprehensive guide to assist the City in making decisions regarding the delivery of public transit services for the next five years. The TDP evaluates the inter-relationship between Morro Bay DAR and the regional public transit systems serving Morro Bay.

The City is a member of the Central Coast Transit Regional Joint Powers Authority (JPA) that operates Central Coastal Transit and is also a member of the San Luis Obispo County Area Transit Authority (TPA) that operates the Runabout.

Morro Bay trolley service began in 1994 with a single trolley; a second was added in 1999. The trolley route completes a one-half mile loop with 14 stops between Downtown Morro Bay and the Embarcadero. The trolley runs seasonally from Memorial Day to the first weekend in October.

### Parking

Parking is accommodated for each land use either on the street or off the street or a combination of both. In the case of residential areas, usually one or two spaces per unit are provided on the property within garages or carports. These spaces are almost invariably for the use of the residents' own vehicles. Additional vehicles are generally parked on the street.

The City adopted a Parking Management area outlining the area where the City would accept in-lieu fees to meet parking requirements. Some of the requirements under the ordinance are that fees collected within the parking management area must be spent in the area.

### DISCUSSION OF CHECKLIST ANSWERS

a-g. Increases in population could result in increased parking and transit need as well as an increase in vehicle activity that could impact transportation and traffic quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were

largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with traffic and circulation are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI UTILITIES AND SERVICE SYSTEMS</b>				
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?				
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could have significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or from new or expanded entitlements necessary?				
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?				
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

## **SETTING**

The unincorporated community of Cayucos and the City of Morro Bay share existing wastewater treatment facilities at 35 and 65 percent, respectively. Each community operates its own individual wastewater collection system. The Wastewater Treatment Plant provides advanced primary treatment to effluent, which is discharged through a 5,000-foot ocean outfall. The plant discharges an average of 1.5 million gallons per day (mgd).

Morro Bay has generally hilly terrain with several major watercourses passing through the City that carry storm runoff from large areas outside of the City. With the exception of those water courses, the storm drainage patterns of the City are urban in nature, i.e. smaller localized watersheds concentrating and conveying runoff from urban type development on the local street system and storm drainage facilities. As the town has grown, a system of storm drainage improvements has been constructed.

The City has two sources of water available for allocation to new development, "banked" water accumulated under its previous Water Allocation Model as approved by the Coastal Commission by the issuance of Coastal Development Permit 04-81-309A3, and new sources of water available to serve development identified in the adopted and certified Water Management Plan.

The Gas Company provides natural gas to the majority of the City. There are natural gas lines under most streets in the City. Electrical, telephone and cable television communication lines are located throughout the City. In many cases, these utility lines are located above ground, suspended from poles located in parkways or within easements in rear yards. The City requires utilities to be placed underground in all new developments. Solid waste disposal is located at Cold Canyon landfill.

## **DISCUSSION OF CHECKLIST ANSWERS**

a-g. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

## **CONCLUSION**

The impacts associated with utilities and service systems are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a. 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 species population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b. Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects.)				
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**DISCUSSION**

a-c. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

The impacts associated with the Zoning Ordinance update are considered less than significant impact on the environment.

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**CITATIONS**

The following documents are incorporated by reference into this negative declaration:

- General Plan/Local Coastal Plan (Approved February 23, 2004 for California Coastal Commission Certification, Resolution 17-04)
- General Plan/Coastal Land Use Plan – Initial Study and Draft Negative Declaration (October 9, 2003)
- Title 17 – Zoning Ordinance (Public Review Draft, July 2004)
- Title 17 – Zoning Ordinance – Proposed Changes Matrix
- San Luis Obispo County Department of Planning and Building. San Luis Obispo County General Plan: Safety Element, 1999.
- NPDES Plan

**LIST OF PREPARERS**

Dyett & Bhatia, Urban and Regional Planners

Mayor Peters opened the hearing for public comment; there were no comments, and Mayor Peters closed the public comment hearing.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No.16-10 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

C-1 STATUS REPORT ON THE A-FRAME SIGN PROGRAM; (PUBLIC SERVICES)

Acting Public Services Director Rob Livick stated the City Council requested the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. In evaluating the current A-Frame sign program staff was able to determine that the program is not successful. Currently when a business desires to utilize an A-frame sign they must apply for an A-Frame Sign Exception Permit. The processing of an A-Frame sign is more cumbersome than applying for a regular sign to be permanently installed. Most regular sign permits can be reviewed and approved administratively, but A-Frame sign exceptions must have a public hearing before the Planning Commission. This process has proven to be too burdensome on both the public and City staff and therefore, over the last few years, appears that while permits have been accepted accompanied by the necessary fee, none have been taken for approval. Mr. Livick recommended the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how to proceed.

Mayor Peters stated she prefers Atascadero's A-frame sign regulations.

In answer to Councilmember Smukler's inquiry regarding the time it takes to hear back from the Coastal Commission once something is submitted to them, Mr. Livick said they are working to establish a better working relationship with them. Mr. Livick also said the current encroachment fee of \$116 covers the typical encroachment costs and does not need to be raised. He explained that the Atascadero plan has just a one-time fee.

Councilmember Borchard inquired if it was an annual fee or a one-time fee. Mr. Livick stated that under the Atascadero example, it is a one-time fee. However, they reserve the right to revoke it at any time if it were to become a problem. Then that business would have to re-apply.

Councilmember Smukler inquired if there is a plan for getting businesses into compliance and updating them on this transition. Mr. Livick stated it would take several weeks. They would meet with the Chamber, with the Merchants Association, and prepare informational flyers.

Councilmember Grantham stated he likes the idea of businesses signing an insurance waiver. He is not in favor of off-site signs, and that it needs to be determined what is actually off site. Public safety is an important factor. He would like an answer back on the encroachment permit. He would like to see at least a minimum four-foot clearance on an eight-foot sidewalk. He feels the signs are definitely an asset for the businesses but wants to make sure the safety aspect is covered. He would also like to know the difference between non-encroached and encroached.

Councilmember Winholtz stated she considers A-frame signs as clutter on sidewalks. She said a monument sign would be neater (with several businesses listed) and more effective in particular areas.

Councilmember Smukler stated he understands Councilmember Winholtz' statement about clutter. However, he stated that as long as it is determined to have a safe place for signs to be placed, he is comfortable with that. He feels that professional signs would cover the concern about clutter. He noted that some restaurants like to have signs out to promote specials. He would like to see insurance added to the permit and a minimum sidewalk width.

Councilmember Borchard stated she has seen A-frame signs in the back of a pickup truck advertising certain businesses in town and feels they are very unattractive. She added that sometimes they are not even close to the business. She would like the ordinance to address how far away from the business the sign can be.

Mayor Peters agreed with Councilmember Borchard that the A-frame signs in the back of pickup trucks are very unattractive and should not be encouraged.

MOTION: Councilmember Winholtz moved the City Council direct staff to forward the A-Frame Sign Ordinance to the Planning Commission and back to City Council, and then pass it on as an amendment to the Coastal Commission. The motion was seconded by Councilmember Borchard

Councilmember Winholtz amended her motion to include the entire Sign Ordinance; Councilmember Borchard amended her second. The motion carried unanimously. (5-0)

D. NEW BUSINESS

D-1 CONSIDERATION OF APPROVAL OF WATER AGREEMENT BETWEEN THE CITY OF MORRO BAY AND ROANDOAK OF GOD; (CITY ATTORNEY)

This item was pulled from the agenda.

D-2 DISCUSSION ON THE GUIDELINES FOR PUBLIC AREA USE PERMITS; (RECREATION & PARKS)

# ATTACHMENT E



AGENDA NO:

MEETING DATE: April 12, 2010

## Staff Report

**TO:** Honorable Mayor and City Council **DATE** April 12, 2010  
**FROM:** Rob Livick, Acting Public Services Director  
Kathleen Wold, Senior Planner  
**SUBJECT:** Status Report on the A-frame Sign Program

### RECOMMENDATION:

Staff recommends that the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how staff is to proceed.

### FISCAL IMPACT:

This update report on the City's A-Frame sign guidelines will not generate any fiscal impact. The City may experience a negative fiscal impact from the processing of an A-Frame sign exception permits if the fee is not increased to reflect actual expenses incurred from the processing. In 2003 the master fee schedule indicated that a fee of \$307.80 was required, however the fee was reduced to \$25.00 by City Council. Currently the fee for an A-frame sign permit exception is \$20.00 and \$660.00 for other sign permit exceptions.

### BACKGROUND:

The City's current Zoning Ordinance was adopted in 1997 and in this ordinance A-Frame signs are specifically prohibited. Over the next 13 years there have been various reviews and modifications to Chapter 17.68 "Signs" with a specific emphasis on A-frame signs. In 1998 the Planning Commission approved revised A-frame sign exception permit guidelines. These guidelines were adopted to address the A-frame sign issue on an interim basis pending adoption of a new sign ordinance, which would permanently modify the A-frame regulations. The time frame given in these guidelines was December 21, 2000. No new sign regulations were adopted by December 31, 2000 therefore the Planning Commission decided to consider sign exception permits on a year-by-year, case-by-case basis issuing permits valid for one year only. In 2005 the city undertook a comprehensive Zoning Ordinance update that included completely revised sign regulations. The new sign regulations permit temporary sidewalk signs (A-frame sign) in commercial, mixed-use and industrial districts. The new Zoning Ordinance was approved by City Council in 2005 and submitted to the California Coastal

Prepared By: \_\_\_\_\_ Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

Commission for certification, to date the document has not been certified resulting in the new sign regulations not being effective. Because of the lack of certification the City must continue to utilize the 1997 sign regulations including the A-frame signs regulations.

In 2009 the City received several complaints regarding unpermitted A-frame signs. In response to concerns regarding unpermitted A-frame signs police volunteer Ken Vesterfelt conducted a field survey within the city documenting all the A-frame signs currently being utilized by businesses. The survey indicated that as of 2009 there were 73 A-frame signs on display within the community. The actual number of A-frame signs may currently with the community may have changed since this survey. The last A-frame sign permit exception granted was in 2004, all those permits would have expired in 2005 resulting in all 73 of the current signs being without benefit of a permit.

### **DISCUSSION**

The City Council requested that the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process.

In evaluating the current A-Frame sign program staff was able to determine that the program is not successful. Currently when a business desires to utilize an A-frame sign they must apply for an A-Frame Sign exception Permit. The processing of an A-Frame sign is more cumbersome than applying for a regular sign to be permanently installed. Most regular sign permits can be reviewed and approved administratively, but A-Frame sign exceptions must have a public hearing before the Planning Commission. The applicant must pay the \$20 application fee and the \$116.00 encroachment permit fee prior to placing the A-Frame Sign within the Public-right-of-way. The City has a history of taking these permits once a year so if a business does not submit prior to the annual review of these permits they must either be taken separately or wait until the next round of permits are taken the following year. This process has proven to be too burdensome on both the public and City staff and therefore over the last few years appears while permits have been accepted with the necessary fee none have been taken for approval.

Staff researched the surrounding cities to find out how other cities are handling A-Frame signs the following matrix provides the details:

<b>City</b>	<b>Process</b>	<b>Permits Needed</b>	<b>Cost</b>
Arroyo Grande	A-frame signs not allowed within public right-of-way allowed only on private property and as part of a comprehensive sign program	Sign Permit	\$100 fee for Sign Program
Atascadero	Allows one sign	When within the Public right-of-way needs encroachment permit.	No planning permit fee. Public Works encroachment permit fee of \$150.
Grover Beach	Prohibits A-Frame Signs		
Paso Robles	Allows for A-frame signs with appropriate permit. Permit taken to the Development Review Committee Signs not allowed on private property or in landscape planters Maximum size of 12 square feet A minimum of 4 feet clearance shall be maintained on the sidewalk at all times. No signs permitted unless the sidewalk is a minimum of 6 feet wide. One sign only on adjacent street frontage.		\$20 fee for A-frame sign permit. No encroachment.
Pismo Beach	Prohibits A-Frame Signs		
San Luis Obispo	Allowed on private property only. No public-right-of way. No planning permit required only building permit sign permit fee		Estimate Building sign permit fee \$200.

After reviewing current city policies, the updated Zoning Ordinance and other City's policies staff offers the following options:

Option	Pros	Cons
Enforce the current Zoning Ordinance prohibiting A-Frame signs	No additional work load for staff.	Restricts businesses from advertising via A-Frames within the public-right-of-way. Currently there is a minimum of 73 signs which would need to be removed.
Separate the new Zoning Ordinance sign regulations from the remaining ordinance and submit to coastal for separate certification.	Minimal additional staff work. Provides a permanent solution to an ongoing problem.  Eliminates the need for serial interim solutions.  Allows for A-Frame signs.	Applicant would still incur cost of encroachment permit if the sign is to be placed within the public right-of-way.
Implement guidelines using the Atascadero A-Frame sign program.	User friendly permit process with clear concise procedures.  Allows one portable sign per street frontage.  Maximum width and height 2 feet by 5 feet. Allowed on private property and within the public right-of-way with encroachment permit.	Interim solution only. Still requires a sign permit exception from the Planning Commission in accordance with Section 17.68.100.
Implement both the Atascadero A-Frame Sign Program and Process the Updated Zoning Ordinance Sign regulations for separate certification from the California Coastal Commission	Will provide complete regulations for A-Frame signs in a clear and concise manner.	Additional staff time to process the Text Amendment and to implement the A-Frame regulations.

CONCLUSION:

In reviewing the processing of A-Frame signs over the last 12-13 years it becomes apparent that current guideline are cumbersome and not a beneficial use of either the business owner's or city staff's time. In making recommendations on how to modify or update the process to make it more user friendly and in particular to allow A-Frame signs with minimal effort on the part of the business community and city staff it is apparent that a permanent solution should be pursued to eliminate the need for these types of permits to have a public hearing before the Planning Commission. Staff's opinion is that the best way to achieve this is to pursue separate certification from CCC for the Updated Zoning Ordinance Sign Regulations. Not only will this remedy the issues with permitting A-Frame signs it will also provide the community with complete updated sign regulations. Staff also recommends implementing the program similar to the Atascadero A-Frame Sign Program, as this would complete the package with a clear concise implementation tool. Staff recommends that if the Council chooses to request certification of the Updated zoning Ordinance Sign Regulations that they grant amnesty for the current A-frame signs to a date specific allowing sufficient time for staff to pursue certification through the CCC.

Attachments:

Exhibit A-City of Atascadero A-Frame sign Rules

Exhibit B-2009 list of A-Frame signs within the community

Exhibit C-Current A-Frame sign application

Exhibit D-Current Sign Regulations

Exhibit E-New Sign Regulations excerpted from the 2005 Updated Zoning Ordinance.



# 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.

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
<b>Hearing or Action Ready</b>							
1	Imani	571 Embarcadero	5/14/09	UP0-260	<b>Remodel of Salt Building</b> to include new public walkway and additional piling for support. Eel grass	SD/KW	PC
2	City of Morro Bay	Citywide	5/1/10	AD0-047	Text Amendment modifying Section 17.68 "Signs"	KW	PC/CC
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>							
2	Dan Reddell	1 Jordan Terrance	7/25/08	UP0-223 & CP0-285	<b>New SFR.</b> Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete.	JH/KW	PC
3	Kleinhammer	160 & Anchor 190	7/29/08	S00-100, UP0-279 and CP0-311	<b>Parcel Map</b> 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
4	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	<b>Convert commercial space to residential use.</b> 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
5	John Christie	2330 Hemlock	4/27/09	UP0-259	<b>CUP for 2nd unit</b> to nonconforming site. No scaled plans submitted. Comment letter sent 11/3/09. No response to date. Parking is an issue.	GL	PC
6	Studio Design Group	962 Piney	10/15/09	CP0-314 & UP0-281	<b>Preapplication Demo</b> , 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.	GL	PC
7	Robert Tefft	395 Acacia	11/10/09	CP0-320	<b>Demo SFR &amp; Carport.</b> Incomplete letter sent 12/31/2009. Resubmittal 3/15/10. Comments sent 4/22/10. Applicant filed an appeal on the environmental decision.	GL/SD	AD
8	City of Morro Bay	10 State Park Drive	11/10/09	UP0-278	<b>Marina Dredging.</b> CUP to dredge State Park Marina. Consultant working on Addendum to the EIR.	KW	PC
9	Valley and Crafton	430 Olive	11/23/09	S00-102	<b>Lot Line Adjustment.</b> Incomplete letter sent 12/23/09. Resubmittal 4/16/10.	GL/SD	AD
10	David Foote	235 Atascadero	12/16/09	CP0-322	<b>CUP and Coastal Development Permit. Solar Arrays.</b> 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. Comments sent 4/16/10.	GL	PC
11	James Maul	530, Morro Ave 582, 534	3/12/10	SP0-323 & UP0-282	<b>Parcel Map.</b> CDP & CUP for 3 townhomes. Incomplete letter sent 4/20/10.	GL	PC
12	Ginger Machado	500 Quintana	3/16/10	SP0-124	<b>Sign Permit.</b> "Fitness Works." Comments sent 3/23/10. Sign Exception Permit 4/5/10. Incomplete letter 4/15/10.	SD	AD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
13	Mark Reisnick	691 Ponderosa	3/17/10	CP0-324	<b>Granny Unit &amp; Garage.</b> CDP for 900 sf unit & 504 sf garage. Incomplete Letter sent 4/19/10.	GL	AD
14	Giovanni DeGarimore	1001 Front	3/22/10	UP0-284	<b>Floating Dock.</b> CUP to reconfigure existing side tie floating dock to include 4 new finger floating docks, 50 ft. x 4 ft. Incomplete letter sent 4/26/10.	GL	PC
15	Walter & Karen Roza	595 Driftwood	3/30/10	UP0-285 S00-103 CP0-325	<b>Coastal Development Permit, Use Permit, Parcel Map Demo Reconstruct SFR &amp; 2nd Unit.</b> VPM, CUP & CDP.	GL	PC
16	Kim Van Nordstand	736 Main Street	4/6/10	SP0-130	<b>Sign Permit.</b> Incomplete letter sent 4/28/10.	SD	AD
17	Doug Redican	725 Embarcadero, Ste. 105	4/2/10	UP0-286 amendment	<b>Minor Use Permit-Relocation of Video Arcade</b> from unit 103 to unit 105 of Rose's landing. MUP process. Site posted 4/16/10. Comment period over 4/26/10.	GL	AD
18	Debbie Dover	500 Quintana	4/21/10	UP0-289	<b>UP0-289, Use Permit</b> Outdoor Fitness Classes.	GL	AD
19	Mark Hanson	2736 Birch Ave	4/28/10	CP0-326	<b>Coastal Development Permit New SFR.</b> , Building and Public Works comments received.	SD	AD
20	Robert Tefft	395 Acacia	4/28/10	CP0-320	<b>Appeal of Demo/Rebuild SFR and 2 trees removal.</b> Continued to a date uncertain. Appeal filed on 4/28/10.	GL	PC
21	Lorraine Wagner	465 Harbor	5/5/10	CP0-327	<b>Greenhouse Demolition.</b> 3,248 s.f.	SD	AD
22	Louise Baldwin	650 Ponderosa	5/5/10	UP0-290	<b>Second Unit.</b> 1,200 s.f.	SD	AD
23	Doug Hoppe	2525 Nutmeg	5/7/10	CP0-328	<b>New SFR.</b> 2,640 s.f.	SD	AD
<b>Projects in Process</b>							
24	Great American Fish Co.	1185 Embarcadero	1/6/05	UP0-058/ Precise Plan	<b>GAFC, Virg's, &amp; Harbor Huts Revitalization Plan.</b> 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
25	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> 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
26	Rudolph Kubes/Mike Prater	1181 Main & Bonita	11/23/06	UP0-086 & CP0-130	<b>Morro Mist 20 Lot SFR Subdivision.</b> 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
27	Frank Loving	247 Main	10/27/07	UP0-192	<b>Docking for Vessels.</b> 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.	GL	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
28	Johnnie Medina	3390 Main	5/29/08	CP0-276 & S00-89	<b>2 Lot Subdivision.</b> 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
29	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	<b>WWTP Upgrade.</b> Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing.	RL	PC/CC/RW QCB
30	Candy Botich	206 Main Water Lease Site 34 Main & Oak St.	6/17/09	CP0-310	<b>New Parking.</b> 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
31	California State Park	201 State Park Drive	2/11/09	CP0-303 & UP0-254	<b>Solar Panels</b> 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
32	Tank Farm	1290 Embarcadero	2/27/10	N/A	<b>Tank Demo.</b> Demo of seven tanks at the Morro Bay Power Plant.	KW	AD
<b>Environmental Review</b>							
33	Ron McIntosh	190 Olive	8/26/08	UP0-232 & CP0-288	<b>New SFR.</b> 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.	GL	PC
34	Chevron	3072 Main	12/31/08	C90-301	<b>Remove Underground Pipes.</b> 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.	GL/SD	PC
35	City Parks & Rec	1001 Kennedy Way	4/12/10	CEQA	<b>Routine Maintenance</b> to remove reeds and sediment from The Cloisters Park. Reviewing project to determine CEQA requirement.	GL	AD
<b>Coordinating with Other Jurisdictions</b>							
36	Burt Caldwell	801 Embarcadero	5/15/08	UP0-212	<b>Conference Center.</b> 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
37	City of Morro Bay	887 Atascadero	3/9/09	N/A	<b>Nutmeg Water Tank Upgrade (City of Morro Bay CIP project).</b> Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County
38	John King	60 Lower State Park	7/2/08		<b>Lower parking lot resurface and construction of 2 new stairways.</b> Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC
<b>Projects Continued Indefinitely or No Response to Date on Incomplete Letter</b>							
39	SLO County	60 Lower State Park	09/28/04	CP0-063	<b>Master Plan for Golf Course.</b> 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
40	Cameron Financial	399 Quintana	04/11/07	CP0-233	<b>New Commercial Building.</b> Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
41	West Millennium Homes	895 Monterey	7/10/07	CUP-151 S00-067 & CP0-215	<b>Mixed-use building.</b> 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
42	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	UP0-178	<b>Addition to nonconforming residence.</b> 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
43	Jeff Gregory	1295 Morro	09/25/07	CP0-254	<b>Coastal Development Permit to allow a second single family residence on lot with an existing home.</b> 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
44	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	<b>Appeal of Demo/Rebuild SFR and 2 trees removal.</b> Continued to a date uncertain.	KW	PC
45	Cathy Novak	263 Main Street	09/12/07	CP0-258/S00-078	<b>Lot line Adjustment. Application has had no activity from the applicant since 2007</b>	GL	AD
46	Candy Botich	206 MainWater Lease Site 34 Main & Oak St.	6/17/09	CP0-310	<b>New Parking.</b> 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
47	Bob Crizer	206 Main Street, water lease site 34	11/9/09	AD0-047	<b>Oak Street Parking Exception.</b> 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
<b>Projects in Building Plan Check</b>							
48	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	<b>Mixed Use Project - Ciano.</b> Comments sent 2/25/10.	GL	N/A
49	Tricia Knight	1245 Little Morro Creek	2/2/10	Building	<b>MetroPCS Telecom Site on PG&amp;E tower.</b> Comments sent 3/17/10. Resubmittal 4/12/10. Comments sent 4/14/10.	GL	N/A
50	Robert Romero	3033 Ironwood	2/8/10	Building	<b>New SFR.</b> Incomplete letter sent 3/9/10. Resubmittal 3/23/10. Comments sent 4/6/10. Pending CDP approval. CDP issued 4/30/10.	SD	N/A
51	Valori	2800 Birch Ave	2/10/10	Building	<b>Remodel/Repair.</b> Sunroom, garage, and study. Comments sent 2/24/10	GL	N/A
52	John & Alair Hough	285 Main	2/16/10	Building	<b>SFR Addition.</b> Second unit over detached garage. Comments sent 3/19/10.	SD	N/A
53	Jon Wickstrom	401 Panay	2/5/10	Building	<b>SFR Addition.</b> 1,000 sf. addition. Comments sent 3/17/10.	SD	N/A
54	Costanzo Addition	1202 Bolton Dr	9/18/09	Building	<b>SFR Addition.</b> Add stairs to the existing house. Comments sent 9/24/2009	GL	N/A
55	Todd Schnack	2248 Emerald	2/17/10	Building	<b>New Guesthouse Cloisters.</b> Comments sent 3/22/10. Resubmittal 3/30/10. Waiting for recorded covenant to record - 4/22/10.	GL	N/A
56	Colhover	2800 Dogwood	3/8/10	Building	<b>New SFR.</b> Comments sent 3/25/10.	GL	N/A
57	Mark Reisnick	691 Ponderosa	3/17/10	Building	<b>Granny Unit &amp; Garage.</b> CDP for 900 sf unit & 504 sf garage. Comments sent 4/19/10.	GL	N/A
58	Tricia Knight	1478 Quintana	3/12/10	Building	<b>MetroPCS Telecom Site on Rock Harbor Church.</b> Comments sent 4/12/10.	GL	N/A
59	Ronald Stuard	490 Avalon	4/22/10	Building	<b>SFR Addition.</b> 79 sf. bedroom addition. Comments sent 4/27/10.	GL	N/A
60	Matt Makowetski	2570 Hemlock	4/23/10	Building	<b>SFR Addition.</b> 1,703 sf. addition.	GL	N/A
<b>Projects &amp; Permits with Final Action</b>							
61	Robert Fiori	2655 Koa	11/25/09	Building	<b>SFR.</b> 4/2/10. Approved.	KW	N/A

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
62	Cathy Novak	560 Embarcadero	12/3/09	Minor Modification to UP0-200, CP0-065 and UP0-044	Pelican Grill modifications Approved 4/21/10.	KW	AD
63	Robert Romero	3033 Ironwood	11/18/09	CP0-319	SFR. Approved with conditions 4/30/2010	SD	AD
64	Steve Goschke	1290 Embarcadero	9/17/08	CP0-290	Relocation of well approved 5/3/2010	SD/KW	PC
65	Ann Travers	595 Anchor	4/19/10	Building	Swimming Pool. Comments sent 4/22/10. Resubmittal 4/27/10. Approved 4/28/10.	GL	N/A
66	Dan Yates	221 Main	2/22/10	Building	SFR addition. Issued permit 4/23/2010.	SD	N/A



City of Morro Bay  
 Public Services  
 Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards	7/19/2010	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