



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

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

209 Surf Street, Morro Bay
Monday April 5, 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 March 15, 2010.
- B. Approval of minutes from the Joint Planning Commission and City Council meeting held on March 15, 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. Research information on allowing front porches within the front setback.
- D. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- E. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

The following items have been continued to the April 5, 2010 Planning Commission Meeting.

- A. **Site Location:** 595 Anchor
Applicant: Ann Travers and Barbara Nordin
Request: The applicant requests a Variance (AD0-050) from the required front and exterior side setbacks to allow the construction of a swimming pool.
Recommended CEQA Determination: Categorically Exempt pursuant to Section 15332, Class 32
Staff Recommendation: Consider the Variance and take appropriate action.
Staff Contact: Kathleen Wold, Senior Planner, (805) 772-6211
- B. **Site Location:** 575 and 591 Embarcadero
Applicant: Smith Held
Request: The applicant requests Precise Plan approval via a Use Permit (UP0-140) for the demolition of existing buildings and construction of two commercial lease sites and six hotel rooms. Existing docks will be removed and replaced with one floating dock. An existing deck will be reconstructed within the same footprint and a vertical access way from Embarcadero Road through the project site is proposed to connect to a proposed boardwalk.
Recommended CEQA Determination: Mitigated Negative Declaration
Staff Recommendation: Consider the Precise Plan request and take appropriate action.
Staff Contact: Genene Lehotsky, Associate Planner, (805) 772-6270
- C. **Site Location:** 350 Java
Applicant: Kathy and Greg Kircher
Request: The applicant requests a Variance (AD0-049) to exceed lot coverage and to reduce the required rear setback and a Use Permit (UP0-251) for an addition to a non-conforming house.
Recommended CEQA Determination: Categorically Exempt pursuant to Section 15301, Class 1
Staff Recommendation: Consider the Variance and Use Permit and take appropriate action.
Staff Contact: Genene Lehotsky, Associate Planner, (805) 772-6270

XI. OLD BUSINESS

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

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, April 5, 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

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

Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

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

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

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

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

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

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

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

209 Surf Street, Morro Bay
Monday, March 15, 2010

Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons

Chairperson Nancy Johnson

Bruce Ambo, Secretary

Commissioner Michael Lucas
Commissioner John Diodati

I. CALL MEETING TO ORDER

Johnson called the meeting to order at 6:05 p.m.

II. PLEDGE OF ALLEGIANCE

Johnson excused the Pledge of Allegiance.

III. ROLL CALL

Chairperson Johnson noted that all Commissioners are present.

Staff Present: Andrea Lueker, Rob Schultz, Rob Livick, Kathleen Wold, Genene Lehotsky and Cindy Jacinth.

IV. ACCEPTANCE OF AGENDA

MOTION: Luhr/Diodati 2nd, Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick reported at the March 8, 2010 City Council:

- Heard an appeal on the Parcel Map on Agave and upheld the Planning Commission but modified a condition to eliminate the requirement for the second story to be 80% of the first story and maintained the square footage to 2,000 livable square feet as a maximum home size
- Heard an appeal of a Minor Use Permit to convert residential to commercial use. City Council upheld the Planning Commission's decision to approve the conversion and accommodate the parking in the front parking area while maintaining the trash behind the existing fence.

Livick stated at the March 22, 2010 City Council will:

- Consider proposed transit changes
- Review a draft ordinance regulating wireless cell towers
- Receive a report on the status of the A-frame sign program
- Appoint a subcommittee for Chorro and Morro water rights and licenses
- Authorize contract execution with Cal Trans to accept \$480,00 in Recovery Act funding for North Main Street bike lanes

VI. PUBLIC COMMENT

Johnson opened the public comment period. Seeing no public comment, Johnson closed the public comment period.

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on March 1, 2010.

MOTION: Irons/Luhr 2nd to approve the minutes as presented

VOTE: 5-0

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

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

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Staff Recommendation: Consider the Variance and Use Permit and take appropriate action.
Staff Contact: Genene Lehotsky, Associate Planner, (805) 772-6270

MOTION: Lucas/Irons 2nd to continue all of the above hearings to the April 5, 2010 Planning Commission Meeting. Luhr/ Irons 2nd

VOTE: 5-0

XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program

XII. NEW BUSINESS - None

XIII. ADJOURNMENT OF PLANNING COMMISSION MEETING

Johnson adjourned the meeting at 6:11 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, April 5, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary

CITY OF MORRO BAY
JOINT CITY COUNCIL and
PLANNING COMMISSION
SYNOPSIS MINUTES

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

Veteran's Memorial Building
Joint Meeting, 5:00 p.m.

209 Surf Street, Morro Bay
Monday, March 15, 2010

Janice Peters - Mayor
Betty Winholtz - Vice Mayor
Rick Grantham - Council Member
Carla Borchard - Council Member
Noah Smukler - Council Member

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

I. CALL JOINT MEETING TO ORDER

Mayor Peters established a quorum and called the meeting to order at 5:00 p.m.

Staff present included Andrea Lueker, Rob Schultz, Rob Livick, Kathleen Wold, Genene Lehotsky, and Cindy Jacinth

II. PLEDGE OF ALLEGIANCE

III. DUTIES AND RESPONSIBILITIES

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

IV. PUBLIC COMMENT

Mayor Peters opened the Public Comment period. Hearing none, Public Comment was closed.

V. JOINT MEETING DISCUSSION ITEMS

City Council and the Planning Commission made comments on the following topics of discussion:

1. Bruce Gibson, County of San Luis Obispo Supervisor, introduced Chuck Stevenson and Mike Wulkan from the County of San Luis Obispo Planning Department who gave a presentation on the County's Land Use Element Update Process. Council Members and Commissioners discussed public outreach efforts, unincorporated areas, growth management issues and watershed issues. Wulkan clarified input will be sought on policies. Gibson discussed the notion of transferring development potential across city limits. Wulkan stated regional workshops will be scheduled and additional workshops are a good idea if the City is willing to participate.

Mayor Peters switched to Discussion item #6.

2. Commissioner Diodati commented on the involvement of the Planning Commission in the pro/con analysis regarding the sale of City property and stated the Planning Commission could offer its input on properties for sale from a planning perspective in addition to the fiscal impacts. Borchard stated Council looks at all aspects, not just fiscal, when property is available for sale including potential land use. Winholtz said since the Planning Commission is the advisory body to the Council, the Commission should take the initiative to offer this type of

input. Council Members discussed some types of property are more suitable to receiving Planning Commission input than others. Rob Schultz stated there is a list of surplus property that is available for the Commission to provide input, and clarified once properties receive offers, it would be difficult for Commission to provide input. Luhr said one benefit of the Council receiving input from the Planning Commission is to condition the sale to include an added public benefit.

Mayor Peters switched to Discussion item #5.

3. Rob Schultz, Council Members and Commissioners had discussion regarding hiring a lobbyist to assist in securing the General Plan and Zoning Ordinance from the California Coastal Commission and said better communication is needed with the Coastal Commission. Council Members and Commissioners discussed the possibility of withdrawing the Local Coastal Plan (LCP) from the Coastal Commission without further delaying the process. San Luis Obispo County Supervisor Gibson discussed ideas on successfully working with the Coastal Commission staff. He clarified that County Planning staff is available to meet with the City Planning staff to discuss tips on working with the Coastal Commission. Lueker said staff has tentatively scheduled a meeting with the Coastal Commission to discuss the certification of the Zoning Ordinance and General Plan.

Mayor Peters moved to Discussion item #2.

4. Luhr presented an update on the Downtown Visioning / Revitalization Plan and stated the Committee has made progress with a contract signed with Cal Poly. Advisory meetings have been set. Peters asked what kind of outreach there has been with the business community. Luhr stated feedback from the business community has been positive. Smukler asked Luhr to explain how this effort is phased into the long-term plan. Luhr announced the project has been renamed the Downtown Enhancement Project, Phase 1. Winholtz suggested inviting an advisory body such as the Public Works Advisory Board (PWAB) to attend the meetings. Luhr said meetings are open to the public. Smukler said a final meeting presentation is June 7th and it is a regularly scheduled Council meeting day. Smukler inquired if Council Members want to have a joint meeting and Council Members responded no.

VI. CONTINUE JOINT CITY COUNCIL / PLANNING COMMISSION MEETING

Mayor Peters continued the joint meeting until after the Planning Commission meeting adjourned.

VII. RECONVENE JOINT CITY COUNCIL / PLANNING COMMISSION MEETING

Mayor Peters reconvened the Joint Meeting at 6:11p.m. and began discussion of Joint Meeting Item #3.

5. Livick formally introduced Cindy Jacinth, Housing Programs Coordinator for the City of Morro Bay, who presented an update and staff report on the AB 811 program, a property-assessed clean energy program. Commissioners and Council Members asked if the program is voluntary and when and how much funding will be available. Jacinth clarified the program is voluntary and there is no maximum funding amount as financing improvements will be through sale of bonds. Luhr and Smukler asked if materials for efficiency improvements can be required to be American-made. Livick clarified the program is still being designed and comments will be submitted to the State program administrator.
6. Irons discussed the Tree Replacement program and stated he is looking for references or guidelines as to what is a proper replacement. Commissioners and Council Members continued discussing the 2 to 1 replacement policy and whether regulations should be codified in a more

formal approach. Livick clarified that 2 to 1 is a common ratio and the intended tree replacements should be on or near the site. Livick recommended the tree replacement requirement be applied on a project-by-project basis. Winholtz asked staff to clarify when landscaping plans are required to be submitted. Wold responded at the Precise Plan stage.

VIII. ADJOURN JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING

Mayor Peters adjourned the meeting at 6:50 p.m.

Janice Peters, Mayor

ATTEST:

Rob Livick, Secretary



CITY OF MORRO BAY PLANNING COMMISSION

April 5, 2010

AGENDA ITEM: X-A
MEETING DATE: 4/5/10
ACTION: _____

PROJECT SUMMARY

Request for a variance to allow the construction of a swimming pool within the front yard and side yard setback at 595 Anchor Street.

FILE NUMBERS

AD0-050

ADDRESS/LEGAL

595 Anchor Street
City of Morro Bay tn Morro Block 11 portion of lot 4

APPLICANT

Ann Taven and Barbara Nordin
595 Anchor Street
Morro Bay, Ca 93442

APN(S)

066-144-007

EXHIBITS

- A. Findings for approval
- B. Conditions of approval
- C. Submittal variance materials

STAFF RECOMMENDATION

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

- A. Adopt the Findings for Approval for AD0-050 included as Exhibit “A” of the Staff Report;
- B. Approve AD0-050 subject to the Conditions included as Exhibit “B” of the staff report and the site development plans dated February 16, 2020.



ENVIRONMENTAL DETERMINATION:

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Class 32 infill. Class 32 provides that a project which is consistent with the General Plan as well as the Zoning regulations, is no more than five acres in size surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, does not result in any significant effects relating to traffic, noise, air quality or water quality and is served by all required utilities and public services, is exempt from further environmental review.

SITE CHARACTERISTICS

The following tables provide the adjacent land use, site characteristics and project zoning.

<u>Adjacent Zoning/Land Use</u>			
North:	Residential, R-2	South	Residential, R-2
East:	Residential, R-2	West:	Residential, R-2

<u>Site Characteristics</u>	
Site Area	5,847.6 sq ft
Existing Use	Residence
Terrain:	sloping
Vegetation/Wildlife	Urbanized site
Archaeological Resources	None known; very low potential
Access	Anchor Street

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Moderate Density
Base Zone District	R-2
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not within the appeals district

DISCUSSION

Variance Regulations

According to state law variances can only be granted under the following conditions:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location

or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any **variance** granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity **and** zone in which such property is situated.

A **variance** shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property

The City of Morro Bay's Zoning Ordinance requires that the Planning Commission make findings that are consistent with state law when granting a variance. The City of Morro Bay's Zoning Ordinance requires that any application for a variance be accompanied by evidence showing the following:

- That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare: and
- That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship; and
- That the variance request is consistent with the intent of the Coastal Land Use Plan and the General Plan.

Background

The subject site is a corner lot within the R-2 Zoning District. In accordance with Title 17 the front property line is defined as the narrowest dimension on the lot fronting on a street. This means that the front yard setback is measured at the property line adjacent to Shasta Street and the exterior side yard setback would be measured from the property line adjacent to Anchor Street. Section 17.48.150 of the Zoning Ordinance "Swimming Pools, hot tubs and spas" states that in the R-2 district, the minimum front yard setback for swimming pools, hot tubs or spas shall be the required building setback plus five feet. Side and rear setbacks shall be five feet except on a corner lot, the setback from the side street shall be the required building setback plus five feet. In this specific case the front yard setback would be 25 feet and the street side setback would be 15 feet.

Analysis

The applicants have submitted materials which they feel justify their position to reduce the required front and side yard setbacks allowing the swimming pool to be constructed in the front yard of the subject property approximately 3 feet from the front property line (Shasta Street) and five feet from the side property line (Anchor Street).

The applicant points out that although by the definition the property line adjacent to Shasta is considered the front, the property has been developed with the front of the house and access to the garage from Anchor Street. The area designated as front yard is actually utilized as a rear yard with no visibility or physical access to either street. The applicant notes that open area between the house and the existing garage is utilized as the front yard where the public would

walk to access the house. Photos provided by the applicants show the large continuous shrub enclosing this area.

In accordance with the building code all swimming pools must be secured with proper enclosures. The Building Official indicates that building code allows the applicant to secure the pool with an approved pool cover which is weight bearing or a 5 foot fence. Because the applicant is proposing the pool in the front yard where a five-foot fence is not allowed the applicant will be conditioned to provide an approved pool cover for security with the existing shrubs providing the privacy screening.

The second issue is the size and topography of the property. The subject site is 44.30 feet x 132 feet whereas most other properties in the vicinity are 66.50 feet x 132 feet approximately 22 feet wider. The applicant indicates that 22.17 feet was adjusted into the adjacent property to the north. This was done prior to these applicants owning the property. This reduction in width and the fact that the setbacks for a corner lot are more restrictive than an interior lot makes it impossible for the applicants to meet the required setbacks and still construct a pool of sufficient size. The site plan submitted by the applicant indicates that if all setbacks were adhered to an area approximately 4.5 feet by 14 feet would be available for a pool.

The applicant also indicates the site is affected by sloping topography. The property drops several feet length wise. The area between the existing garage and the house is far more sloped than the area east of the house which is basically flat. The applicants' pool contractor estimates that the increase cost of placing the pool within the sloped portion of the lot to be \$18,000. (see enclosed email). There are a few additional issues with moving the pool from the front yard area to that yard between the existing garage and the house including a reduced size pool and a less favorable site location for solar access. The pool has been designed to be 16 feet by 22.5 feet with a depth of 3.5 to 4 feet. The pool has been sized for water aerobics and not for lap swimming. The front yard provides an ideal placement for the pool to ensure maximum solar gain for the sun including a shorten run for the roof top solar equipment.

Finally, the applicant cites that a variance was previously approved to reduce setbacks for a pool at 1000 Carmel Street and records indicate also indicate this. Although the property has a different zoning (R-1), the swimming pool regulations in question pertain to only the R-1 and R-2 zone districts and therefore staff believes this is an example of a variance being granted under similar circumstances. The staff report and findings have been included in this packet.

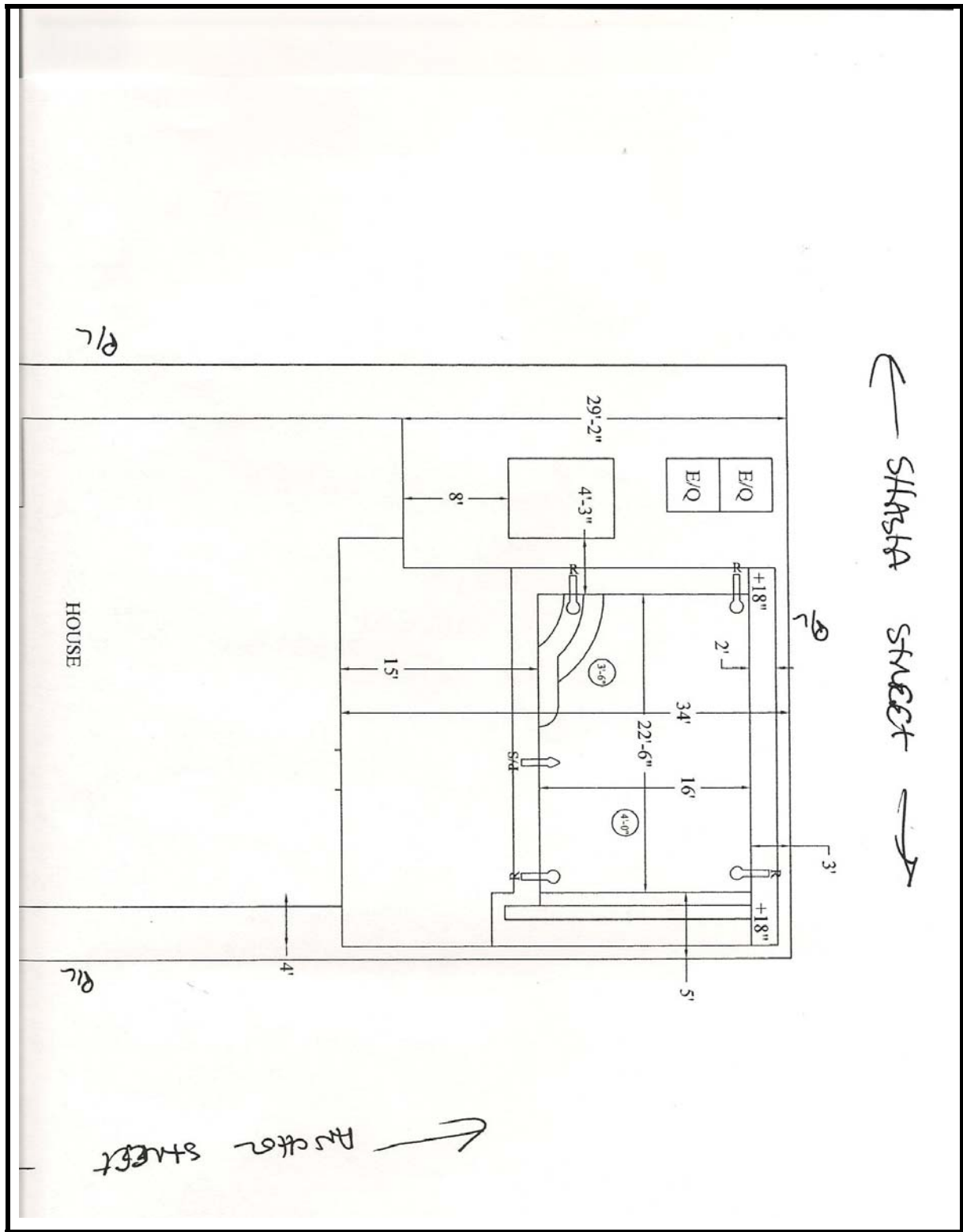
PUBLIC NOTICE

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on March 26, 2010 and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION

In accordance with Section 17.60.060 a variance may be granted for relief of the strict application of zoning regulations provided specific findings can be made. In this specific case staff believes that sufficient evidence exists that demonstrates that the required findings can be made and recommends that the Planning Commission grant the variance.

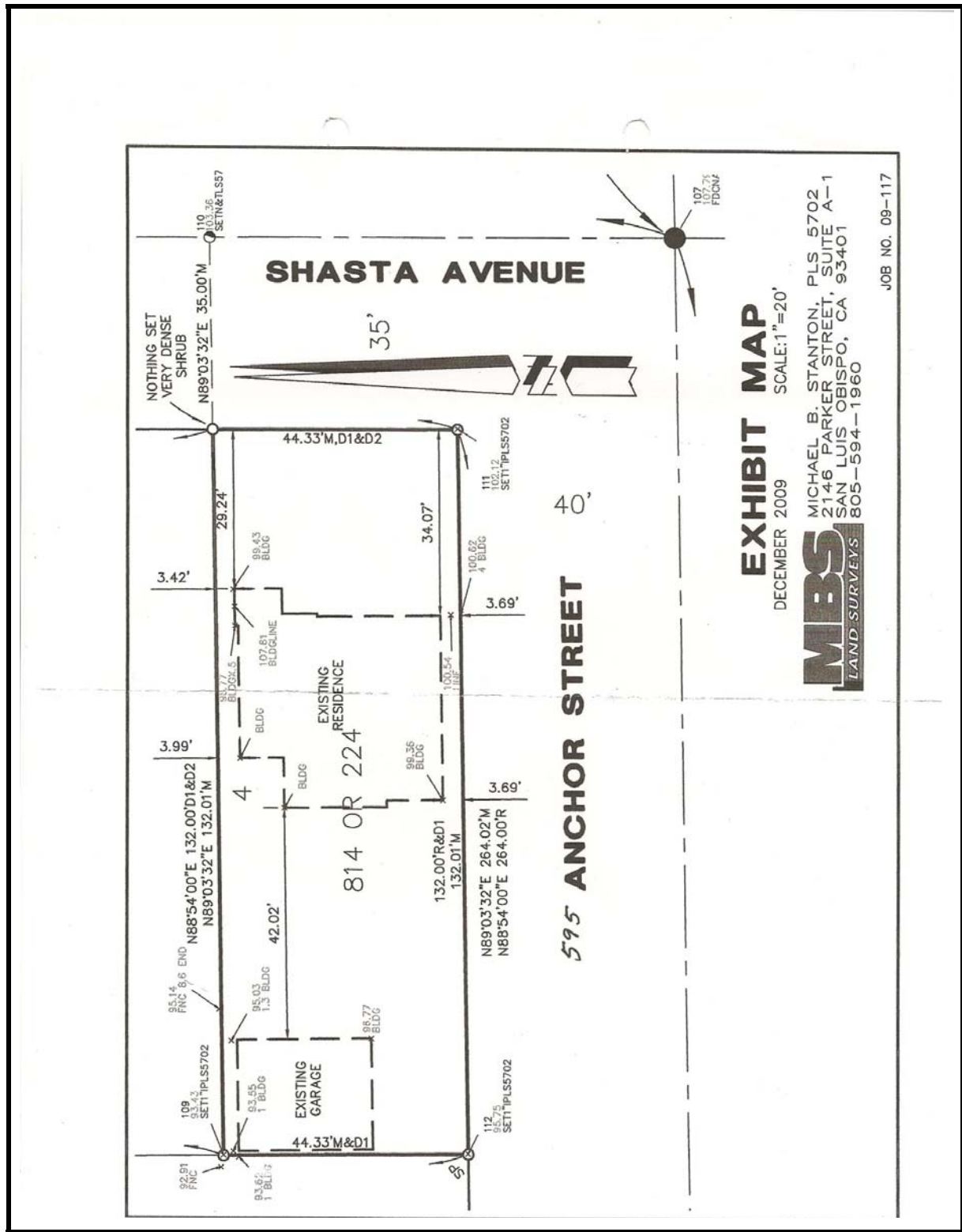
Report prepared by: Kathleen Wold, Senior Planner



Planning Commission

Ann Travers & Barbara Nordin

Pool Site Plan



Planning Commission

Ann Travers & Barbara Nordin

Site Map



Planning Commission
Ann Travers & Barbara Nordin

Site Photos



Planning Commission

Ann Travers & Barbara Nordin

Site Photos



Planning Commission
Ann Travers & Barbara Nordin



Planning Commission
Ann Travers & Barbara Nordin

Site Photos

EXHIBIT A

FINDINGS FOR APPROVAL

AD0-050-Variance for front and side setbacks for 595 Anchor Street.

California Environmental Quality Act (CEQA)

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Class 32 infill. Class 32 provides that a project which is consistent with the General Plan as well as the Zoning regulations, is no more than five acres in size surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, does not result in any significant effects relating to traffic, noise, air quality or water quality and is served by all required utilities and public services, is exempt from further environmental review.

Variance Findings

- That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare: and
The granting of the variance will not be contrary to the intent of this title or the public safety, health and welfare as the location of the pool will not interfere with visibility at the corner intersection and the pool will meet all safety rules and regulations ensuring public safety.
- That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship; and
- *The property in question is a small sloping corner lot. As described in the staff report these characteristics result in practical difficulties and a hardship when adhering to the strict zoning regulations (front and side setbacks)*
- That the variance request is consistent with the intent of the Coastal Land Use Plan and the General Plan. *The reduction in setbacks will not conflict with the General Plan or the Local Coastal Plan.*

EXHIBIT B
CONDITIONS OF APPROVAL

AD0-050: Variance request to allow reductions in front and side yard setbacks to accommodate a swimming pool.

STANDARD CONDITIONS:

1. This permit is granted for the improvements as described in the staff report, discussed at the April 5 2010 hearing, and as depicted on plans received by the Public Services Department on February 16, 2010, except as modified by the following conditions:
2. Inaugurate Within Two Years: If the approved use is not established within two (2) years of the effective date of this approval, this approval will automatically become null and void. However, upon written request by the applicant prior to the expiration date of this approval, up to two (2) one-year time extensions may be granted. Said extensions may be granted by the Public Services Director, 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 shall be subject to review and approval by the Public Services Director. Any changes to the approved project determined not to be minor by the Director shall require the filing of an amendment subject to Planning Commission review.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval. 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: Compliance with and execution of all conditions listed here on shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director 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. 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. daily, unless an

exception is granted by the Director of Public Services pursuant to the terms of this regulation.

8. Utility Services: All fees shall be paid at the time the building permit is issued.
9. UBC Compliance. The entire project shall comply with the Uniform Building Code, as determined by the Building Official.

PLANNING CONDITIONS:

1. Pool Equipment shall be soundproofed to the satisfaction of the Building Official, as required by Zoning Ordinance Section 17.48.150(B).
2. The applicant shall install an approved weigh bearing safety cover prior to final inspection of the project.

Exhibit C
VARIANCE APPLICATION & SUPPLEMENT MATERIALS

CITY OF MORRO BA.
PUBLIC SERVICES DEPARTMENT
955 SHASTA STREET ♦ MORRO BAY, CA 93442 ♦ 805-772-6261

RECEIVED

FEB 16 2010

City of Morro Bay
Public Services Department

VARIANCE APPLICATION

Project address: 595 Anchor St, Morro Bay

Case No.: ADO-050

Existing use: residence

Existing sq. ft.: 1700

Project description: install swimming pool

New sq. ft.: NA

Lot: 4 Block: 11 Tract: #

APN: 066, 144, 007

Applicant: Ann Truven & Barbara Nordin

Day phone: 772-2586

Address: 595 Anchor St

City: Morro Bay

State/zip code: CA 93442

Agent (if any):

Day phone: 772-2586

Address:

City:

State/zip code:

Property owner: Ann Truven & Barbara Nordin

Day phone: 772-2586

Address: 595 Anchor St

City: Morro Bay

State/zip code: CA 93442

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

Applicant signature A. Truven

Date: 2/12/10

Barbara Nordin

Property owner's signature A. Truven

Date: 2/12/10

Barbara Nordin

APPLICATION SUBMITTAL REQUIREMENTS - SEE PAGE TWO

RECEIVED

To: Members of the Morro Bay Planning Commission

FEB 10 2010

From: Ann Travers^{AT} and Barbara Nordin^{BN}
595 Anchor St., Morro Bay

City of Morro Bay
Public Services Department

Re: Request for a Variance

Date: February 10, 2010

We are requesting a variance from a zoning requirement in order to install a swimming pool in our back yard. We use a swimming pool to do therapeutic rehabilitation that keeps us active and healthy. We have been doing some form of water aerobics for over 20 years. We are running out of options to use a public swimming pool in the area. Currently we use the swimming pool at Cuesta College, but we can only access the pool twice a week due to reductions in classes and lap swimming hours. The pool may be closed over the summer due to budget reductions. We need to have access to water aerobic exercise 5 days a week to maintain our health.

Thank you for your consideration.

II. Explanation of Findings

A. Our property is on the corner of Anchor and Shasta Streets.

Orientation. The zoning ordinance states that the narrowest side of a corner property designates the "front" yard of the property. That would make the front yard of our property the yard between Shasta and Anchor Sts. And that would mean a 25 foot set aside for the Shasta side and the Anchor side of that yard. We would not be able to install a pool in that yard due to these set asides. Our property is oriented the opposite way. What the zoning ordinance would define as our "front" yard is actually our back yard. Our address is not on Shasta St. There is no access to our home from Shasta St. Our front yard is the yard between our house and the detached garage - defined by Anchor St. and the common property line with our next door neighbor. Our house is oriented to the west with our living room view toward the ocean. We are asking that the minimum rear yard setback of 5 feet (plus 5 feet for swimming pools) be used.

Property Size. We had our property surveyed in December 2009. The surveyor found that 22.17 feet of the property along the length of the property was given to the church, our next door neighbor on Shasta St. Please see plot map and attached email.

Topography. Our property is on a slope that drops several feet from Shasta St. to the other end of our property. The location we have chosen for the swimming pool, in our back yard, is the flattest place on the property. It will be much more difficult to install the pool in our front yard as the slope is much steeper in our front yard.

Safety. Our back yard is surrounded on three sides by an 8 foot tall and 6 foot thick impenetrable hedge. We will install a 6 foot gate on either side of the house to make sure that no one will be able to access the back yard. If we had to install the pool in our front yard, it would be much more difficult to limit access. We would have to build a fence along our drive way because the hedge is only on two sides of the front yard.

Precedent. Your Planning Commission has approved a variance for another home in Morro Bay that wanted to install a swimming pool near the corner of their property. The address is 1000 Carmel St.

B. We are not asking for any special privilege inconsistent with the zoning limitations on other properties in our neighborhood.

C. Will installing the swimming pool in our back yard affect the health or safety or public welfare of persons or be injurious to nearby property or improvements?

We don't believe that there will be any adverse affect to the neighborhood.

Noise. We will enclose and soundproof all pool equipment to mitigate noise. The church parking lot will be the only close neighbor to the pool equipment.

Safety. The hedge and gates will not allow anyone access to the pool.

Environment. We will have an automatic pool cover and a solar heat exchange to heat the pool and reduce any impact on the environment.

Use. We are installing the pool to be used for our own therapeutic rehabilitation. We depend on our water aerobic workouts to remain healthy.

A. Truwer Barbara Nordin 2/12/10
Applicant Signature Date

Cathy Novak Consulting

From: mike@carefreepoolsandspas.com
Sent: Tuesday, March 30, 2010 3:30 PM
To: novakconsulting@charter.net
Subject: [FWD: pool location] Ann Travers

Kathy

This letter does not address the additional cost of aprox \$18,000 to move the pool by the garage.

Mike McClure

APPRX. \$9 TO 10 K
FOR ADDITIONAL POOL
CONSTRUCTION AND
BALANCE FOR REPAIRING
AND REPLACING
LANDSCAPING.

----- Original Message -----

Subject: pool location
From: mike@carefreepoolsandspas.com
Date: Wed, March 03, 2010 2:06 pm
To: "Ann Barbara" <a2b@charter.net>

Hi Ann and Barbara

If you move the pool from the back yard to the front by the garage. It will create several problems.
The pool would be exposed to the open area into the street by the garage.
Half of the pool would be raised 18" above the ground.
Access into the yard would damage your sidewalks and driveway.
The front yard is nicely landscaped, The pool dig will destroy plants and sprinklers.
The back yard gives you privacy from the apartments across the street.

If possible I recommend you install the pool in the back yard.

Thank you
Mike McClure Carefree Pools

Main Identity

From: "Mike Stanton" <mike@mbslandsurveys.com>
To: "Ann & Barbara" <a2b@charter.net>
Sent: Thursday, December 10, 2009 3:12 PM
Subject: RE: Proposal for Survey at 595 Anchor Street

Ann

We got started on your project today, but we were rained out by noon. The deed that originally created your parcel in 1955 started at the corner then went north 44.33 feet, then parallel to Anchor for 132 feet. Just means that there is about 22.17 feet of Lot 4 that is owned by the church. I didn't mean to imply that there was a problem with that. Everything mentioned in the deeds fits well with what we found in the field.

We should be able to set corners next week when it clears up.

Mike

From: Ann & Barbara [mailto:a2b@charter.net]
Sent: Wednesday, December 09, 2009 8:43 PM
To: Mike Stanton
Subject: Re: Proposal for Survey at 595 Anchor Street

Mike -

Thanks for the proposal. Please go ahead. I will put the contract in the mail tomorrow with partial payment. Would you please explain the 22foot issue again when you have completed your research.

Ann

----- Original Message -----

From: Mike Stanton
To: a2b@charter.net
Sent: Wednesday, December 09, 2009 11:30 AM
Subject: Proposal for Survey at 595 Anchor Street

Anne:

Here is the proposal you requested. Our schedule is pretty light right now. We could probably start mid next week if it's not raining.

Thanks
Mike

Michael Stanton, PLS 5702
MBS Land Surveys
2146 Parker Street, Suite A-1
San Luis Obispo, CA 93401
cell 805-440-4215
ph 805-594-1960
fax 805-594-1966
www.mbslandsurveys.com



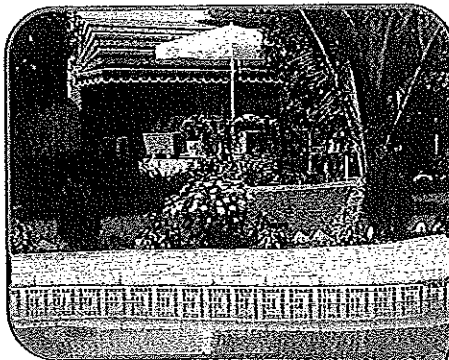
SolarAttic

America's Low Cost

Save as much as \$500 a month for as little as \$19

MAXIMIZE THE SUN'S OFFERINGS

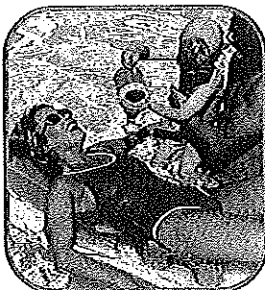
At some ninety-three million miles from Earth, the sun still offers the most cost effective means of heating your swimming pool - provided its energy is harnessed, collected and distributed properly.



*This simplifies
sun shine
the air*

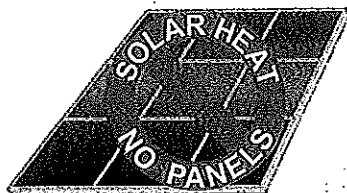
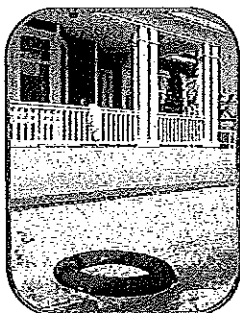
ALL THE ADVANTAGES OF SOLAR

- Free solar heat for your pool, saves expensive heating costs.
- Non-polluting, does not burn fossil fuels or use CFC chemicals.
- Conserves vital natural resources.
- Inexpensive to operate with a fast payback.
- Longer pool season - open earlier and stay open longer.
- More enjoyment for the entire family.



ADDITIONAL BENEFITS

- Heats your pool as it cools your attic - reduces your air conditioning costs.
- It can also cool down an overheated pool in the "Manual On" mode when operated at night.
- Adds value to your home and property.
- Gives you a better return on your pool investment.



ELIMINATES THESE SOLAR PANEL ISSUES

- The need for solar roof panels.
- Solar panel holes in your roof.
- Community restriction concerns about solar panels.

**GUARANTEED
ENERGY SAVINGS**

SATISFIED CUSTOMERS SAY IT E

"With your heater, we keep the pool between 92-94° F. ... and I don't worry about big energy bills, the heater is cheap to run and very easy to maintain ... THANKS FOR A PRODUCT THAT WORKS."

M. KNUDSTRUP, ORANGE PARK, FL

"Within a day or two our pool was at very comfortable temperatures which continued throughout the pool season ... as you can see we have been happy with our Pool Heater..."

J. MATTHEWS, BLOOMINGTON, MN

"Our pool is like bathwater. Others in the family don't like it that warm, but I do! And, our air conditioner does not run nearly as often."

A. COLEMAN, OWENSBORO, KY

"Whereas formerly my neighbors would see me enter my pool 3 or 4 times a year, now they comment on how often they see us ENJOY our pool ... Thanks for such a good product."

P. ORLANDINI, EDISON, NJ

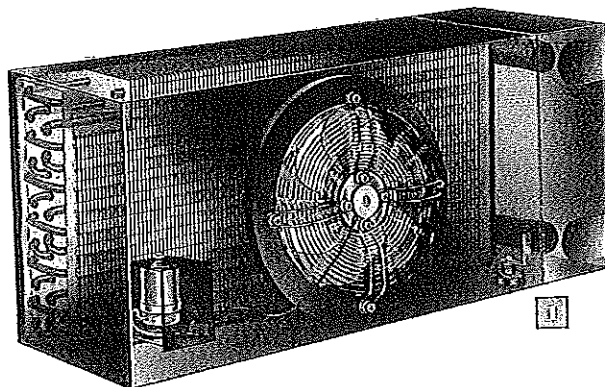
**hic diagram shows how the system works. When the
of acts as a solar collector. Heat accumulates inside
PCS2 safely uses this attic heat to warm your pool. It
eliminates the need for solar roof panels. It cools your
house as it heats your pool!**



B. STOCKHAM, ROSEVILLE, CA

M. CHEARNEY, BEL AIR, MD

The Company's Shipyard
Inc. Building, 1000
Washington Street
San Francisco, Calif.
Branches in the U.S.
New York, Los Angeles,
San Francisco, Seattle,
Portland, Ore., and
San Diego, Calif.
The Company's
General Office
is located at
1000 Washington
Street, San Francisco,
Calif.

[illegible]

The first important question is whether the system is a closed or open system. The answer is open.

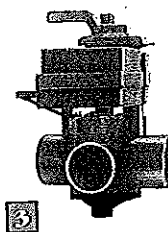
2

The Government has been asked to consider the possibility of providing financial assistance to the State of New York for the purpose of maintaining the existing water supply system.

Like your home-heating distribution, the Solar Water System provides you with a variable investment for your heating, hot circulating water.

[illegible]

During their training with groups, the students received information about the various types of violence that exist in the home, including: verbal, emotional, physical, sexual, and economic violence. They also received information about the effects of violence on the victim and the perpetrator, and the importance of seeking help.

[illegible]

6.
 7.
 8.
 9.
 10.

- [illegible]

1000 CARMEL

\$ 487.35

PUBLIC SERVICES DEPARTMENT

595 HARBOR STREET ♦ MORRO BAY, CA 93442 ♦ 805.772.6261

VARIANCE APPLICATION

Project address: 1000 Carmel St.

Case No.: ADD-000-004

Existing use: Residence

Existing sq. ft.:

Project description: Cap pool

New sq. ft.:

Lot: Block:: Tract:

APN:

Applicant: Nancy & Bill Hartwick

Day phone:

Address: 1000 Carmel St.

City: Morro Bay CA.

State/zip code: 93442

Agent (if any): Jayce Morrison

Day phone: 471-1012

Address: 472 Mor Vista Dr.

City: Los Osos, CA.

State/zip code: 93402

Property owner: same as applicant.

Day phone:

Address:

City:

State/zip code:

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

Applicant signature

Date:

Nancy Hartwick

11/19/2003

Property owner's signature

Date

APPLICATION SUBMITTAL REQUIREMENTS - SEE PAGE TWO

CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
595 Harbor Street ♦ Morro Bay, CA 93442 ♦ 805.772.6261

VARIANCE APPLICATION SUPPLEMENT

ATTACH THIS SUPPLEMENT TO THE VARIANCE APPLICATION FORM.
PLEASE TYPE OR PRINT CLEARLY. ATTACH ADDITIONAL SHEETS AS NECESSARY.

I. JUSTIFICATION FOR A VARIANCE

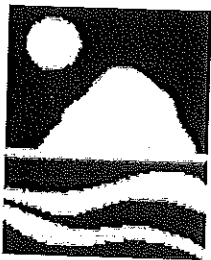
The Variance allows an applicant to obtain relief from a development standard or zoning requirement that should not be applied to the proposed project because of some unusual circumstance relating to the physical characteristics of the project site. California State Law (Government Code Section 65906) provides granting of a Variance from the strict terms of a zoning ordinance only when special circumstances applicable to the property including: size, shape, topography, location, and surroundings deprives the property of privileges enjoyed by other properties in the surrounding vicinity. The law also requires that the granting of any Variance shall not constitute a special privilege inconsistent with the zoning limitations on other properties in the vicinity and in the same zone district. The Government Code prohibits granting a Variance to authorize a land use or activity not normally allowed by the zoning that covers the property.

The zoning ordinance (Section 17.60.060) allows the granting of a Variance only when three findings (based on the state law) can be made. This form helps the applicant explain how the requested Variance will satisfy the required findings.

II. EXPLANATION OF FINDINGS

A. Explain why the requested Variance does not constitute a granting of special privileges inconsistent with the limitation upon other properties in the vicinity also in the same zone district as the subject property.

I am not aware of any other special privileges either being requested
or denied by other property owners in the neighborhood.



**CITY OF MORRO BAY
PLANNING COMMISSION**
Tuesday, February 17, 2004

AGENDA ITEM: X13
ACTION: _____

PROJECT SUMMARY

Requested variance to construct
14' x 7' "endless" pool with
side and rear setbacks of only
5 feet at 1000 Carmel Street

FILE NUMBERS:

ADO.000.004

LEGAL DESCRIPTION(S)

Lot 11, Block 3
Morro Bay Vista TR. 3

APN(S)

066-206-009

APPLICANT:

Nancy and Bill Hartwick
1000 Carmel St.
Morro Bay, CA 93442

AGENT:

Mike Morrison
472 Mar Vista Dr.
Los Osos, CA 93402

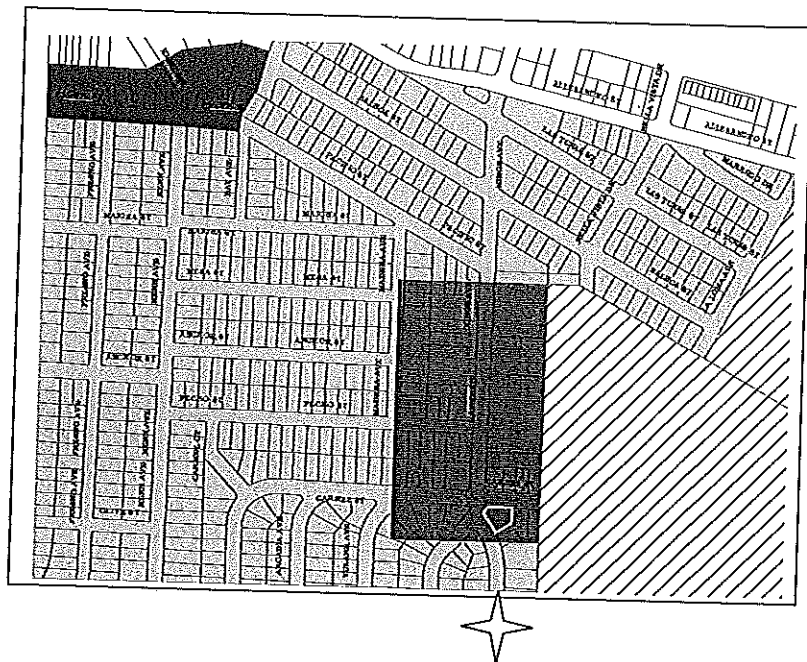
EXHIBITS:

- A. Findings for Approval
- B. Conditions of Approval
- C. Graphics/Plan reductions

STAFF RECOMMENDATION

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

- A. Adopt the Findings for Approval included as Exhibit "A" of the Staff Report;
- B. Approve ADO-000-004 subject to the Conditions included as Exhibit "B" of the staff report and the site development plans dated November 18, 2003.



Vicinity Map

ENVIRONMENTAL DETERMINATION:

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Class 3 exemption for the construction or conversion of small structures, such as a single-family residence, second residence or accessory out building (State CEQA Guidelines Section 15303(a)). There are no known sensitive environmental resources on the project site or in the project area that would suggest that this exemption should not be used.

BACKGROUND:

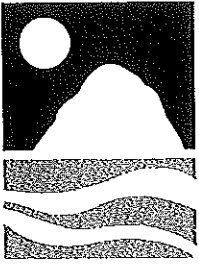
The subject single-family residence was originally constructed in 1968. Since then, the site has been allowed:

- A Variance approving a workshop and deck in front setback on a site that was already nonconforming at the time because of deficient setbacks (July 1979); and
- An exception by deed restriction to allow for a sink in an accessory "sunroom" (May 1998); and
- A Special Encroachment Permit for retaining walls and planters in Carmel Street right-of-way (Sept. 2000).

When the prior variance was granted back in 1979, findings were made that the site was unique in terms of its size, shape, topography and location such that reduced setbacks and encroachments were warranted.

<u>Adjacent Zoning/Land Use</u>			
North:	Residential	South	Residential
East:	Open Space/ Black Mountain Natural Area	West:	Residential

<u>Site Characteristics</u>	
Site Area	7800 sq ft
Existing Use	Single Family residence
Terrain:	Slopes down towards both street frontage
Vegetation/Wildlife	None
Archaeological Resources	None
Access	Carmel



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

February 19, 2004

Nancy and Bill Hartwick
1000 Carmel St.
Morro Bay, CA 93442

RE: Case No.: ADO-000-004 SITE: 1000 Carmel St.

Dear Mr. and Mrs. Hartwick:

At its regular meeting on February 17, 2004, the Planning Commission approved your request for a Variance to place a 14'x7' "endless" pool on your property with reduced side and front setbacks and sound-insulated pool equipment.

This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code.

The Morro Bay Municipal Code provides for an appeal of the Planning Commission action within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals which are not coastal permits. The appeal period for your project will end on February 27, 2004. Barring any appeals, this approval will be effective and final on February 28, 2004.

A copy of the Conditions of Approval for your project have been enclosed. Please take the time to read them carefully.

Sincerely,

Nicholle Narhi
Planning Intern

For: Gary Kaiser, Senior Planner *GK*

Enclosures: Permit, Findings, Conditions of Approval

FINANCE
595 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street

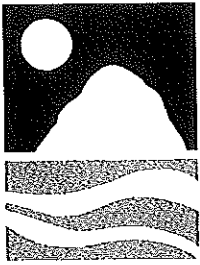
CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street

POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street

RECREATION AND PARKS
1001 Kennedy Way



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

VARIANCE PERMIT

CASE NO: ADO-000-004

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 1000 Carmel Street

APPLICANT: NANCY AND BILL HARTWICK

APN/LEGAL: 066-206-009 Lot 11, Block 3, Morro Bay Vista TR. 3

DATE APPROVED: February 17, 2004 APPROVED BY: Planning Commission

APPROVED BASED UPON ATTACHED FINDINGS *(Findings and Conditions of Approval Attached)*

CEQA DETERMINATION: EXEMPT CLASS 3 (CEQA GUIDELINES SECTION 15303 (A))

DESCRIPTION OF APPROVAL: A request for a Variance to site a 14'x7' "endless" pool on the southern corner of the property with reduced 5 foot setbacks and sound-insulated pool equipment.

THIS APPROVAL IS CONDITIONAL AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. Failure to comply with the conditions of this permit shall, at the discretion of the Planning & Building Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void. -

☒ **YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION,**
THERE IS AN APPEAL PERIOD OF TEN (10) Calendar days, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE City Council

☐ **YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION ORIGINAL JURISDICTION:**

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: February 28, 2004

ATTEST: Gary Kaiser DATE: February 19, 2004
Gary Kaiser, Senior Planner

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT

FINANCE
595 Harbor Street
HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street
CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street
POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street
RECREATION AND PARKS
1001 Kennedy Way

EXHIBIT A
FINDINGS FOR APPROVAL

ADO-000-004: Requested Variance for the placement of a 7' x 14' "endless" pool five (5) feet from the front and side property lines, at 1000 Carmel Street.

California Environmental Quality Act (CEQA) Findings

- A. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Class 3 exemption for the construction or conversion of small structures, such as a single-family residence, second residence or accessory out building (State CEQA Guidelines Section 15303(a)). There are no known sensitive environmental resources on the project site or in the project area that would suggest that this exemption should not be used.

Conditional Use Permit Findings

- B. The project is an allowable use and is consistent with the certified Local Coastal Program and General Plan for the City of Morro Bay, based on the analysis and discussion in the staff report; and
- C. The establishment, maintenance, or operation of the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use, as evidenced by public testimony received during the public hearing; and
- D. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the project, as conditioned, will be constructed and will operate in accordance with all applicable City standards and regulations intended to protect persons and property, as indicated in the staff report.

Variance Findings

- E. The project is an allowable use in the applicable zone district and is consistent with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the staff report; and
- F. Granting a variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situated, as explained in the staff report; and
- G. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning district in which the property is situated, as explained inn the staff report.

EXHIBIT B

CONDITIONS OF APPROVAL

ADO-000-004: Requested Variance for the placement of a 7' x 14' "endless" pool five (5) feet from the front and side property lines, at 1000 Carmel Street.

STANDARD CONDITIONS

1. **Permit:** This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Public Services Department.
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 Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. **Changes:** Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission.
4. **Compliance with the Law:** All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. **Compliance with Conditions:** By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. **Compliance with Morro Bay Standards:** This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all

programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless the Public Services Director grants an exception pursuant to the terms of this regulation.

Planning Conditions

9. Pool equipment shall be soundproofed to the satisfaction of the Building Official, as required by Zoning Ordinance Section 17.48.150(B).

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	RSF
Base Zone District	R-1
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not within the appeal zone

Discussion

The applicants propose to install an in-ground "endless" pool with dimensions of 14' x 7'. The proposed pool is referred to as an "endless" pool because swimmers would swim against a current adjusted to be strong enough to prevent any advancement. As such, only one person at a time could use the pool. Although this small, in-ground, one-person pool would seem harmless, both the pool and the associated equipment raise issues with regard to setbacks.

There is very little room on the site that is not currently occupied by structures, flat work or parking. This is why the pool is proposed in the southerly corner of the site, the only area that could accommodate the pool without sacrificing existing improvements or parking areas. As proposed, however, the pool would be situated too close to the Fairview Street right-of-way and the pool equipment would be situated too close to the southerly side property line (unless soundproofed as described below). The Planning Commission must therefore make two (2) decisions: (a) whether a variance should be granted to allow for the pool in the front setback and, if so, (b) whether the equipment must be soundproofed.

Pool Setback Issue -- Section 17.48.150 of the Zoning Ordinance requires that swimming pools, hot tubs and spas be setback from property lines as follows:

- Front and Exterior Side Yards: Minimum setback plus five (5) feet.
- Interior Side and Rear: Five (5) feet

Because the Fairview Street frontage is narrower than the Carmel Street frontage, the Fairview frontage is considered the front yard for the purposes of determining required setbacks. Since the required front setback is twenty (20) feet in this area, the required pool setback would be twenty-five (25) feet, as measured from the Fairview Street right-of-way. Only a five (5) foot setback is being proposed, and therein lies the pool setback issue.

In this case, the Fairview Street right-of-way measures a full sixty (60) feet. The street itself, however, is only about one-third of that width and it is highly unlikely that the street would ever need to be widened because the entire neighborhood is essentially built out and traffic volumes are very low with good visibility. Although the proposed pool would only be five (5) feet from the Fairview right-of-way it would be close to, if not more than, twenty-five (25) feet from the actual road surface. In addition, existing fencing, vegetation and topography would prevent the pool from being visible from the street.

One of the main reasons for the increased setbacks for pools has to do with noise. Multiple people, particularly children, playing in a swimming pool tend to be noisy. In this case, the pool is not designed for multiple people, for children or for playing. Noise should therefore be minimal. In combination, the unique circumstances surrounding this particular case reduce the need for such a large setback.

The Pump/Heater/Filter Issue -- For pumps, filters and heating equipment, a 25-foot setback is required from all property lines unless enclosed and soundproofed in a manner approved by the Building Official. In this case, the proposed pool would be situated only five (5) feet from the southerly side property line.

According to Building Department staff, modern pool equipment is not nearly as noisy as the older equipment (for which the soundproofing requirements were written). In fact, the modern pumps are less noisy at the property line than the older ones were from a distance of twenty-five (25) feet. It is therefore easy to demonstrate to the Building Department that the equipment is adequately soundproofed, without additional costs that would make the project infeasible. However, if noise becomes an issue after construction based on complaints from neighboring residents, additional mitigation could be required.

CONCLUSION

The Planning Commission has previously made findings that the site is physically constrained to the extent that it was deserving of a variance to add buildings and other above ground structures that did not comply with setback requirements even though the existing residence at the time already did not comply with setback requirements. Subsequently, City staff issued a Special Encroachment Permit to allow for large retaining walls within the site's abutting Carmel Street right-of-way. In light of these past approvals, it would seem inconsistent to deny the small, in-ground, one-person pool that is currently being proposed five (5) away from the Fairview Street right-of-way and approximately twenty-five (25) feet away from Fairview Street itself. The type of project being proposed coupled with the circumstances that surround the project, including but not limited to past land use approvals and the constrained size, shape, topography and location of the site, create a unique set of circumstances whereby variance findings can be made.

Report prepared by: Gary Kaiser, Senior Planner

EXHIBIT A

FINDINGS FOR APPROVAL

ADO-000-004: Requested Variance for the placement of a 7' x 14' "endless" pool five (5) feet from the front and side property lines, at 1000 Carmel Street.

California Environmental Quality Act (CEQA) Findings

- A. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Class 3 exemption for the construction or conversion of small structures, such as a single-family residence, second residence or accessory out building (State CEQA Guidelines Section 15303(a)). There are no known sensitive environmental resources on the project site or in the project area that would suggest that this exemption should not be used.

Conditional Use Permit Findings

- B. The project is an allowable use and is consistent with the certified Local Coastal Program and General Plan for the City of Morro Bay, based on the analysis and discussion in the staff report; and
- C. The establishment, maintenance, or operation of the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use, as evidenced by public testimony received during the public hearing; and
- D. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the project, as conditioned, will be constructed and will operate in accordance with all applicable City standards and regulations intended to protect persons and property, as indicated in the staff report.

Variance Findings

- E. The project is an allowable use in the applicable zone district and is consistent with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the staff report; and
- F. Granting a variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situated, as explained in the staff report; and
- G. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning district in which the property is situated, as explained in the staff report.

EXHIBIT B

CONDITIONS OF APPROVAL

ADO-000-004: Requested Variance for the placement of a 7' x 14' "endless" pool five (5) feet from the front and side property lines, at 1000 Carmel Street.

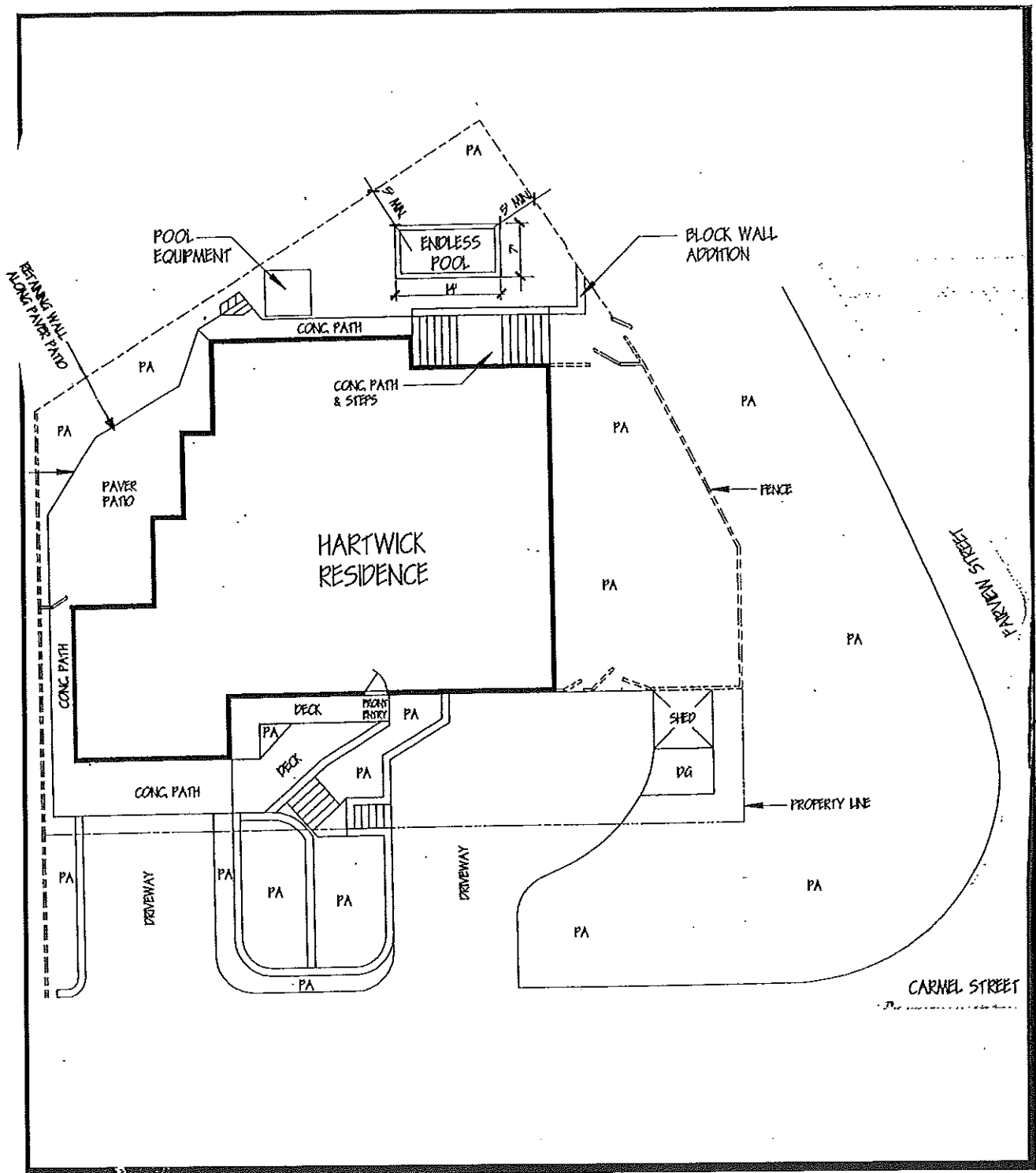
STANDARD CONDITIONS

1. Permit: This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Public Services Department.
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 Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Compliance with Conditions: By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless the Public Services Director grants an exception pursuant to the terms of this regulation.

Planning Conditions

9. Pool equipment shall be soundproofed to the satisfaction of the Building Official, as required by Zoning Ordinance Section 17.48.150(B).



Planning Commission
Nancy Hatwick
ADO-000-004



SITE PLAN

B. Describe the special circumstances applicable to the property including the size, shape, topography, location or surroundings would result in the strict application of the zoning ordinance provisions that deprives the property of privileges enjoyed by other properties in the same vicinity and land use category.

there is an extra wide setback from the Fairview side of the property from the street to the current property line.

C. Explain how the granting of the Variance will not adversely affect the health or safety of persons or be materially detrimental to the public welfare or be injurious to nearby property or improvements.

This small exercise pool will be in a fenced area and will not be visible to people outside the property and will in no way infringe upon anyone's rights, public welfare or safety.

Nancy Hontwick
Applicant Signature

December 10, 2003
Date



AGENDA NO: <u>X-B</u>
Meeting Date: <u>4/5/10</u>
Action: _____

Memorandum

TO: PLANNING COMMISSION **DATE:** March 30, 2010

FROM: GENENE LEHOTSKY, ASSOCIATE PLANNER

SUBJECT: APPROVAL OF PRECISE PLAN AND DRAFT MITIGATED NEGATIVE DECLARATION FOR TWO MIXED USE RETAIL AND LODGING BUILDINGS AT 575 & 591 EMBARCADERO ROAD (UP0-140)

RECOMMENDATION:

Staff recommends that the Planning Commission conditionally approve the project by adopting a motion including the following actions(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 the Conditional Use Permit subject to the Findings and Conditions included as Exhibits A & B and the site development plans dated October 16, 2009.

BACKGROUND:

The project site is located in the waterfront (WF) district and is zoned with planned development (PD) and special treatment (S.4) overlays. Pursuant to Section 17.40.030 of the Zoning Ordinance, development on lands zoned with a PD Overlay requires a Conditional Use Permit. For new development or new uses on public lands or lands greater than one acre, the applicant must submit a concept plan and a precise plan.

The Planning Commission reviewed the proposed concept plan at a noticed public hearing on April 2, 2007, and voted to continue the project, date uncertain, in order to provide the applicant an opportunity to redesign the proposed project based upon Commissioner comments. The project returned to the Planning Commission on July 16, 2007 for further review and discussion and was subsequently approved (Vote: 4-0, Ream absent) by the Planning Commission. The concept plan was then heard at the August 27, 2009 public hearing, where the City Council received public testimony, closed the public hearing, and approved the concept plan for the proposed development. The project was then approved, with conditions, by the Coastal Commission at a public hearing that was held on November 12, 2008. The following issues are now being brought back to the Planning Commission for precise plan review as required by Section 17.40.030 G of the Morro Bay Municipal Code:

- 1) Landscape Plan – The Commission should review the landscape plan including plant material, type and size of plants and method of maintenance and decide if the plan is adequate;
- 2) Architectural Treatment – The Commission should consider if the architectural treatment and general appearance are in keeping with the character of the surroundings and not detrimental to the orderly development of the City including the exterior colors, and use of materials, etc;
- 3) Engineering Plans – The Commission should consider if the site grading, the amount of cut and fill, including finished grades and proposed drainage facilities, is adequate; and
- 4) Miscellaneous Plans – These plans include public amenities such as benches, trash receptacles, bike racks, lighting, signs and other information. The Commission should consider if the lighting is adequate to provide a safe setting and that all lighting is directed away, including reflective glare, and if the public amenities and signs are properly placed and of a design consistent with the project.

In addition to precise plan review, adoption of the revised Mitigated Negative Declaration is requested. The revised MND is a result of Coastal Commission revisions to the Concept Plan. The Planning Commission should consider if the MND is adequate.

SUMMARY:

The proposed project will demolish the existing buildings and replace them with two similar mixed-use structures that will include a total of two commercial suites encompassing 1,280 square feet and a six-room hotel with a public lateral access boardwalk. In addition, an existing dock will be removed and a new access ramp and eight-foot wide by 70-foot long floating dock will be constructed. The new floating dock will be stabilized by struts and cross ties attached to land portion of the lease sites in order to avoid adverse biological impacts within the water. A 10-foot wide lateral access boardwalk will be constructed the length of the project. A 27 ft. wide view corridor though the project is proposed to connect to the boardwalk. Americans with Disabilities Act compliant public restrooms are also proposed within the 27 ft. wide corridor. An existing private patio deck will be reconstructed as a public access view deck providing a connection to the public lateral access boardwalk. The applicant is requesting flexibility in height (to allow 25-feet above average natural grade) because significant public benefit will be provided. The proposed project requires the provision of 13 on-site parking spaces, and as proposed, will provide six on-site parking spaces for the lodging units. The applicant is conditioned to pay in-lieu fees for the remaining seven required parking spaces.

DISCUSSION/ANALYSIS:

The applicant has submitted precise plans depicting several deviations from the Commission and Council approved concept plan. These revisions are proposed in response to the applicant's desire to design the roof with a 4:12 pitch for 100% of the roof, with exception of the deck areas and the California Coastal Commission (CCC) conditions of approval. In addition, the applicant has provided a landscape plan and sign plan, as well as, depicting the location of lighting throughout the project.

Concept Plan vs. Precise Plan

Although the CCC conditions substantially modified the concept plan and required additional environmental review, the precise plan does not vary substantially from the concept plan with regard to development standards. One noticeable change is that, unlike the concept plan, the precise plan does not propose a fish cleaning station. Below is a table which represents the old proposed plan, the new proposed plan and the ordinance requirements for the WF/PD/S.4 zoning standards.

Development Standard	Concept Plan	Precise Plan	Ordinance Requirement
<i>Setbacks:</i> <i>Rear:</i> <i>Interior Side:</i> <i>Front:</i>	50' 0' and 0' 9' average first 17.5' second	50' 0' and 0' 5' average first 27' second	10' 0' 5' average first floor 10' second
<i>Lot Coverage/Bulk & Scale</i>	66% first floor 56% second	66.4% first floor 60% second	70% first floor with 70% of the first floor available to the Second
<i>Building Height</i>	25' with roof pitch of 4/12 for 87% of roof area	25' with roof pitch of 4/12 for 100% of roof area	25' maximum with 80% of all roofs having a minimum 4/12 pitch under PD Overlay so long as the viewshed is improved, or not diminished.
<i>View Corridors</i>	27' view corridor provided	27' view corridor provided	50' or more 30% min. view corridor 90' wide, min 27' view corridor
<i>Frontage Improvements</i>	Average 9' sidewalk	8' sidewalk	8' or more sidewalks; street amenities
<i>Landscaping</i>	On-site landscaping. Details at precise plans stage	On-site landscaping; 3% of the site	Section 17.48.290 - No minimum
<i>Parking/Driveways</i>	Project provides six parking spaces on site and will be required to pay in-lieu fees for the remaining five required spaces.	Project provides six parking spaces on site and will be required to pay in-lieu fees for the remaining seven required spaces. (\$15,000 each space)	1/300 retail = 4 spaces Floating Dock = 2 spaces 1/ each lodging room = 6 spaces + 1/ each 10 rooms = 1 = 7 spaces Total Req'd. Spaces = 13 No parking allowed in front setbacks, which interrupt street continuity and pedestrian passage.

California Coastal Commission (CCC)

On November 12, 2008, a public hearing was held before the CCC. The project was approved with conditions. One of the conditions increased the public lateral access boardwalk to a width of 10 ft.; two ft. wider than the concept plan depicted which was approved by the Planning Commission and City Council. Another condition includes the reconstruction of a 325 sf. private patio deck, located in the water, for use as a public view deck. The concept plan proposed removal of this deck. The Mitigated Negative Declaration (MND), which was adopted with the project, did not analyze the impacts of these two Coastal Commission conditions. The MND was updated to analyze the two changes imposed by the Coastal Commission and was circulated for public review. Two other notable conditions which the Coastal Commission imposed on the project but did not require additional environmental analysis included the addition of doors to screen parked cars from the driveway/courtyard to maintain the public access courtyard aesthetic and the installation of bollards at the entrance to the parking area to limit access of the parking spaces to hotel and retail guests.

Landscape Plan

Staff has reviewed the applicant's landscape proposal, which accounts for 3% of the coverage of the site. The plants identified on the plan are native and appropriate for the climate. An irrigation plan is not included in the precise plans; however, a condition has been placed on the project requiring submittal of an irrigation plan prior to building permit issuance.

Exterior materials and colors

Key elements and craftsmanship include galvanized steel roofing, Coastal Grey colored vinyl window trim, precast concrete base, sills, and surrounds, tan fiberglass doors and frames, cedar beveled siding with a Coastal Grey stain placed on the east and west elevations of the project and natural grey concrete block placed on the north and south sides of the project. Stainless steel and cable rail guardrails surround the balconies, decks, and stairwells. The roof provides varied articulation with a four to 12 pitch, with exception of the deck areas. Colored pavers are proposed to delineate and connect the public access from Embarcadero Road to the concrete public lateral access boardwalk. Grating for the gangway and the floating dock have also been specified. Photosims and a colors and materials board has been provided by the applicant specifying proposed exterior materials and architectural features.

Public Access Amenities

Public access amenities are provided along the boardwalk and the lateral accessway leading to the boardwalk. The most significant amenities are the two public restrooms. In addition, the applicant is proposing benches, bicycle racks, trash receptacles and an interpretive sign on the reconstructed public view deck. Attached to the staff report are details and specifications of these items, with exception of the interpretive sign.

Signage

The applicant is proposing a sign plan as indicated on sheet A-14 of the plans. The applicant is proposing brushed stainless steel letters affixed to the beveled siding. The signs proposed conform with the City sign regulations in terms of signage square footage. The project has been conditioned to apply for a sign program and sign permit prior to installation of the signage.

Lighting

The applicant has depicted lighting on the plans, as shown on the elevations. Two types of fixtures are proposed. Eight Stainless steel gooseneck lights, pointed downward and away from adjacent properties, are proposed on the building located no higher than 17 ft. above ground level. The other type of light is a 60 watt wall sconce. There are a total of nine proposed wall sconces. The project has been conditioned to

provide a lighting plan prior to building permit issuance. Lighting specifications are attached to the staff report.

Height/Overall Benefit

The concept plan proposed a four to 12 pitch for 87 percent of the roof area; however, the precise plan is proposing to increase this percentage via a four to 12 pitch for 100 percent of the roof area, with exception of the deck areas. The applicant wishes to extend the maximum building height to permit a maximum structure height of 25-feet above natural grade. This is permitted by the Waterfront Master Plan design guidelines provided there is a public benefit provided by the project, and that the overall viewshed characteristics will be improved or at a minimum not diminished from the public viewing locations. Because the project includes the reconstruction of a public view deck, public restrooms and a 27 ft. wide view corridor through the project connecting to a public lateral access boardwalk, where currently there is none, the project has achieved this objective.

ENVIRONMENTAL REVIEW: The original MND for this project was prepared and adopted but was subsequently amended and recirculated due to a change in the project description. The amended MND is dated March 22, 2007 and was adopted prior to Coastal Commission review. As a result of the Coastal Commission's review, conditions were placed on the project, once again revising the project description. Two of these conditions required additional environmental review and include the reconstruction of an existing private patio deck as a public viewing deck and the increase in width of the boardwalk from eight ft. to ten ft. The amended MND was again revised and re-circulated for public review, as there were potential impacts to several of the sections. Mitigation measures are required for Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, Hydrology, Land Use Planning, Noise, and Transportation. The Draft MND is attached as Exhibit M of this report. The review period for the document began on February 9, 2010 and ended on March 10, 2010. During the comment period, two public comments were received. These comments were received from the Native American Heritage Commission and the Department of Toxic Substances Control, and are included in and responded to in the Final MND. As with the original MND and the amended Final MND, this revised draft MND concludes that no significant environmental impacts would result with the incorporation of required mitigation measures.

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on March 26, 2010 and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

As conditioned, the proposed project will be consistent with all applicable development standards of the Zoning Ordinance, including the concept and precise plan requirements, and applicable provisions of the General Plan, Local Coastal Plan, and Waterfront Master Plan in that the public benefits provided offset the height exception requested and create a better project. The Waterfront District is intended "for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas," and this project advances that goal. A revised Mitigated Negative Declaration was prepared for the proposed project and concluded that the requested development will not result in significant environmental impacts. As conditioned, the applicant will be in compliance with the revised Mitigated Negative Declaration. Any deviations to the conditions will result in additional environmental review.

ATTACHMENTS:

Exhibit A – Findings for Approval
Exhibit B – Conditions of Approval
Exhibit C – Graphics/Plans
Exhibit D – Photosims
Exhibit E – Details/Specifications Sheets
Exhibit F – Coastal Commission Staff Report of November 12, 2008
Exhibit G – City Council minutes of August 27, 2007
Exhibit H – City Council staff report of August 27, 2007
Exhibit I – Planning Commission minutes of July 16, 2007
Exhibit J – Planning Commission staff report of July 16, 2007
Exhibit K – Planning Commission minutes of April 2, 2007
Exhibit L – Planning Commission staff report of April 2, 2007
Exhibit M – Draft Mitigated Negative Declaration dated March 30, 2010

EXHIBIT A: **FINDINGS**

UP0-140: The demolition of two commercial suites and two vacation rentals and subsequent replacement with two retail stores that would encompass 1,280 square feet and a six room hotel with public lateral access. In addition, the existing docks would be removed and a new access ramp and eight foot wide by 70-foot long floating dock will be constructed. The new floating dock will be stabilized by struts and cross ties attached to land. The existing private deck will be reconstructed as a public viewing deck.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-140 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to aesthetics, air quality, biological resources, hydrology/water quality, land use/planning, noise and transportation/circulation. With the implementation of required conditions of approval included in the Draft Mitigated Negative Declaration, the environmental impact of the proposed development will be less than significant.

Conditional Use Permit Findings

- B. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the mixed use commercial retail and lodging building is a permitted use within the zoning district applicable to the project site and said structure complies with all applicable project conditions and City regulations.
- C. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the mixed use commercial retail and lodging building will provide additional public benefit and are consistent with the character of the existing development.
- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the mixed use commercial retail and lodging building is a permitted use within the zoning district applicable to the project site and said structure complies with all applicable project conditions and City regulations.

Waterfront Master Plan Findings

- E. The proposed project makes a positive contribution to the visual accessibility to the bay and rock while increasing retail and lodging facilities:
- a. Meets the Waterfront Master Plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed the maximum height allowed and articulation breaks up the bulk and scale.
 - b. In the case of granting height greater than 17 feet, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project provides public bench seating on-site, pedestrian access to the proposed bay front lateral access, two public American with Disabilities Act (ADA) compliant restrooms, establishes wider sidewalks to increase pedestrian circulation, creates a view corridor where no such corridor currently exists, and redevelops two lease sites that currently have visually unappealing, aging structures.
 - c. The proposed project provides the amenities identified in the Waterfront Master Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the design provides a wide public view corridor, public lateral access and pedestrian amenities.

- d. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the pedestrian orientation while maintaining the commercial fishing character of the Embarcadero.
- e. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the new building will open up to the passing pedestrian via large entry doors and the view corridor draws individual's attention to the natural beauty of the bay.
- f. The project gives its occupants and the public some variety in materials and/or application in that the building will consist of a metal roof, vertical vinyl windows, and wood siding with landscaping.
- g. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function, and the uses proposed in that the new structure will provide more horizontal and vertical articulation, and the public will be invited into the space via a new view corridor, public benches, public lateral bay access and public restrooms.
- h. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Precise Plan

- F. The precise plan approval is consistent with the applicable provisions of the certified local coastal program and is in compliance with the requirements of the Zoning Ordinance. The changes required by the CCC included reconstructing an existing private deck to a public viewing deck, which the concept plan proposed to remove and an increase to the width of the boardwalk from 8 ft. to 10 ft. Changes to the concept plan resulting from the CCC conditions required additional environmental review; however conditions from the CCC are typical and the plans did not substantially change with regard to development standards. Therefore the precise plan is in substantial compliance with the concept plan approved by the City Council.

EXHIBIT B:
CONDITIONS OF APPROVAL

UP0-140: The demolition of two commercial suites and two vacation rentals and subsequent replacement with two retail stores that would encompass 1,280 square feet and a six room hotel with public lateral access. In addition, the existing docks would be removed and a new access ramp and eight foot wide by 70-foot long floating dock will be constructed. The new floating dock will be stabilized by struts and cross ties attached to land. The existing private deck will be reconstructed as a public viewing deck.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated April 5, 2010 for the project depicted on the plans dated October 16, 2009 and on file with the Public Services Department, as modified by these conditions of approval.
2. Changes: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission.
3. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
4. Compliance with Conditions: By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director 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.
5. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, Beach Street Specific Plan, certified Coastal Land Use plan and General Plan for the City of Morro Bay.
6. 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.
7. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.

8. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
9. Construction Hours: Per the request of the Planning Commission and concurrence from the applicant, noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m., Monday through Friday.
10. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
11. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
12. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.

PLANNING CONDITIONS

13. Colors and Materials: Prior to building permit final, the Public Services Director shall ensure compliance of all exterior colors and materials, including fencing materials. All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.
14. Signage: Prior to installation of any sign on-site, a sign program shall be approved by the Director in conformance with MBMC Chapter 17.68.
15. Soils Report: Prior to building permit issuance, the applicant shall provide all updated and project-specific soils and geology reports required by the Building Official. Project design and construction shall be consistent with recommendations contained in soils and geology reports, as required by the Building Official.
16. Screening of Equipment/Utility Meters/Fencing: All roof-mounted air conditioning, or heating equipment, vents, ducts and/or utility meters shall not be visible from a location ten-feet above the height of the bluff top.
17. Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Planning & Building. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 17 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide

adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.

18. Height: The proposed structures shall not exceed 25-feet above average natural grade of the building footprints and all roof areas, except for roof decks shall have a 4:12 pitch.
19. Parking: The applicant shall pay in-lieu fees for the seven required parking spaces that cannot be provided on-site. These fees shall be paid prior to building occupancy.
20. On-Site Parking: All standard parking spaced located on-site shall be reserved and posted for hotel guests only.
21. Public Access Signage: Signage shall be placed at a prominent location within close vicinity of Embarcadero Road informing the public of their right to access and walk along the boardwalk during all hours of the day and night.
22. Public Restrooms: Public restrooms shall be available to the general public during regular business hours, and shall be maintained by the lease holder. Signage shall clearly indicate that both restrooms are available for public use.
23. Coastal Development Permit: The applicant shall comply with all conditions imposed by the California Coastal Commission (CCC) pursuant to Coastal Development Permit Application number 3-07-048, dated November 12, 2008.
24. Deed Restriction: A deed restriction shall be recorded that limits the occupancy of the guest suites to a period of 29 days or less or for more than 14 days between Memorial Day and Labor Day. This deed restriction shall be recorded prior to building occupancy.
25. Boat Docking: Boats shall not be permitted to dock on the east side of the floating dock in order to minimize impacts to eelgrass. Signage shall be posted on the floating dock indicating this requirement.
26. Common Area Easement: A common area easement shall be recorded prior to building occupancy that permits reciprocal access of common facilities located on lease sites 67 and 68.
27. Pavers: Aesthetically pleasing pavers shall be utilized in the common area.
28. Landscape and Irrigation Plan: Prior to the issuance of a building permit, a final landscaping plan, prepared and stamped by a licensed Landscape Professional, (i.e., Landscape Architect, Architect, or Landscape Contractor) shall be submitted for review and approval by the Director of Public Services in accordance with all requirements of Section 17.48.290 of the MBMC. Said plan shall be consistent with the preliminary landscape plan and include a planting plan showing the species, number, size, and location of all plant materials. An irrigation plan shall include the proposed method and location of irrigation. Native and/or drought tolerant plant and tree species shall be used to the maximum extent feasible. The landscape plans shall also include fencing details.
29. Timing of Landscaping: Prior to issuance of a final Certificate of Occupancy or final grading or public improvements, all required plantings, groundcover and irrigation systems shall be in place to the satisfaction of the Director of Public Services. The landscape consultant shall provide a watering schedule and certify that all plantings and irrigation systems have been installed pursuant to the

approved plans prior to issuance of the final Certificate of Occupancy.

30. Maintenance of Landscaping: All required plant materials shall be maintained in accordance with the watering schedule as specified in the approved landscape plan notes. All landscaping shall be cared for, maintained, watered, pruned and kept in a healthy growing condition for the life of the project. Where required plant(s) have not survived, it shall be promptly replaced with new plant materials of similar species, functional, size, and characteristics as specified in the approved landscape plan notes.
31. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

ENVIRONMENTAL CONDITIONS

32. Aesthetics: At a noticed public hearing, the Planning Commission and City Council shall consider details of the proposed project with respect to height, massing, lighting, colors and materials, and view corridors, and shall require any changes deemed necessary or appropriate to avoid or minimize adverse impacts. The residual impacts must be less than significant; otherwise, it would not be possible to make findings for approval due to General/Coastal Plan inconsistencies.
33. Air Quality: The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, and Diesel Particulate Matter. The following are standard mitigation measures required by the APCD to reduce potential APCD thresholds to less than significant levels:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-road Regulations.
 - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
 - e. Construction or trucking companies with fleets that do not have engines in their fleets that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
 - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.
 - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
 - i. Electrify equipment when feasible.
 - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
 - k. Use alternatively fueled construction equipment on-site where feasible.
34. Air Quality: The project construction has the potential to exceed APCD thresholds for fugitive dust. The following standard mitigation measures are required by the APCD to reduce potential APCD thresholds to less than significant levels:
 - a. Reduce the amount of the disturbed area.

- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
 - c. All dirt stock pile 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.
35. Biological Resources: To open up the area beneath the gangway to potential Eelgrass habitat, the gangway shall be constructed with grating material spaced as recommended by National Marine Fisheries Service.
36. Biological Resources: 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.
37. Biological Resources: A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This

Eelgrass restoration plan shall be approved by the Public Services Department and initiated prior to issuance of certificates of occupancy.

38. Biological Resources: A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements and shall be delivered to the Public Services Director. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced. If an impact hammer is used the installation of a “pad” between the pile and the pile drive hammer shall be investigated and, if feasible, used to reduce impact hammer noise.
39. Hazards/Hazardous Materials: The applicant shall have a licensed contractor with hazardous materials experience evaluate the wood utilized to construct the overhanging deck and floating docks to determine whether the wood is treated or untreated. If it is treated, the contractor shall determine whether it should be classified as hazardous waste. Once the wood is removed, it shall be deposited at an appropriate waste disposal site, per the direction of the licensed contractor. The disposal of the wood shall be consistent with Health and Safety Code and Department of Toxic Substances Control regulations. Prior to deck and docks removal, the licensed contractor shall be required to submit a letter to the City verifying whether or not the wood was treated, if it is hazardous waste and where the wood will be deposited.
40. Hazards/Hazardous Materials: Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations. Additionally, if any lead based paint is encountered on the structure near-surface soil and sediment samples shall be collected to determine the potential for residual lead contamination and appropriate remediation to be completed as part of the project.
41. Hazards/Hazardous Materials: The applicant shall provide spill clean-up material on-site at all times to assist boaters in the event of a hazardous materials spill.
42. Hydrology/Water Quality: The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.
43. Hydrology/Water Quality: Provide water quality treatment for the runoff from the entire site resulting from a two-year storm event either through biofiltration, mechanical filtration or hydrodynamic separation, using the design guidelines from the California Stormwater Quality Association BMP Handbook.

44. Hydrology/Water Quality: 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.
45. Hydrology/Water Quality: Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts. All construction shall occur within the project footprint.
46. Hydrology/Water Quality: To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
- i. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities shall be completed and approved prior to the initiation of demolition activities.
 - ii. Refueling of onshore equipment shall be accomplished within a designated area of the parking lot. That site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - iii. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment shall be sufficient to respond to the worse case spill volume.
47. Hydrology/Water Quality: Netting or fencing around and underneath the docks and view deck shall be installed to catch and remove debris released during and after de-construction.
48. Land Use/Planning: At publically noticed hearings, the Planning Commission and City Council shall ensure that the proposed project is in compliance with the California Coastal Act, Local Coastal Program and the Municipal Code.
49. Noise: Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA.
50. Noise: 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.
51. Transportation: Prior to issuance of certificates of occupancy of the building permit, in-lieu parking fees shall be paid or a signed and executed agreement for payment shall be provided to the satisfaction of the Public Services Director. The amount of the fee shall be based on the fee schedule in place at the time of building permit issuance.

PUBLIC WORKS CONDITIONS

52. Off-Site Public Improvements: Are required for as set forth in MBMC Section 14.44. Frontage improvements in need of repair or which do not meet City standards shall be replaced. Prior to building permit issuance the Applicant/Developer shall (1) submit cost estimates for review and approval by the Engineering Division, (2) deposit a completion bond with the City in the amount of 150% of the estimated construction cost of the public improvements, and (3) complete the City's improvement agreement.
- Applicant/Developer shall install the following frontage public improvements:
- a. A New Concrete drive approach per City Standard B-6
 - b. Minimum 8 ft. wide sidewalk per City Standard B-5
 - c. Abandon existing drive approach at north end of frontage and replace with curb and gutter and sidewalk per City Standard B-1 and B-5
 - d. Other improvements as may be necessary as a result of the City's plan check.
53. Public Improvements and Utilities: The project plans shall indicate all existing improvements, and utilities and shall make note of any proposed improvements or modifications in the city right of way including pedestals, utility boxes and other structures above and below ground.
54. Encroachment Permits: The Applicant/Developer is responsible for acquiring encroachment permits prior to building permit issuance. The permits are required and issued by Public Works Department prior to any construction in or use of land in the City right-of-way including traffic and erosion control plans.
- Standard Encroachment Permit,
For standard construction (driveway, sidewalk, etc.) per City standards.
- Sewer Encroachment Permit,
For sewer and lateral work in the City right-of-way.
- Special Encroachment Permit,
Required for maintaining private infrastructure or non-standard drive approaches and retaining walls, planter boxes, fences, stairs, etc. in the City right-of-way.
55. Sewer Master Plan Impact Fee: Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee toward the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The Engineering Division has determined the demand on the municipal sewer system that would result from the proposed project per MBMC 13.20.110.
56. Traffic Impact Fee: Pursuant to the Circulation Element of the General Plan, the Applicant/Developer is responsible for circulation system improvements on the basis of the development's peak hour impacts. Prior to building permit issuance a fee shall be paid proportionate to the percentage increase in peak traffic flows at the Quintana Morro Bay Boulevard, Radcliff Main Street, and Highway 41 Main Street intersections which have an estimated cost of \$1,200,000, \$1,000,000, and \$980,000 respectively for construction of future intersection and channelization improvements. The fee is proportionate to the increased in peak traffic flow impacts at the intersections as determined by the Engineering Division per traffic counts and Institute of Transportation Engineers Handbook data.
57. Sediment and Debris Control: Control measures shall prevent sediment or debris from entering the City right of way, roadway, or adjacent properties. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.

58. Construction Dumpster: If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit in the right of way area.
59. Repair & Replacement of Public Improvements: Prior to project completion the Applicant/Developer shall repair curb, street, sewer line, water line, or any public improvements that were damaged as a result of construction operations for this project.
60. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. (MBMC 14.24.070)
61. Water Backflow Prevention Device: Not required for normal single family residential uses. Devices are required for irrigation systems on a dedicated water meter; systems which may change in character of use (commercial rentals, etc.); gray water systems; or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. If required, the Applicant/Developer is responsible for the installation of an approved domestic water backflow prevention device per MBMC chapter 13.08. Should the Applicant/Developer need further information, the City's contracted inspection provider can be reached at: (805) 781-5544, Office of Cross-Connection Inspector, S.L.O. County Health Agency, 2156 Sierra Way, San Luis Obispo, Ca. 93406.
62. Erosion and Sedimentation Control Plan Required: The Plan shall be approved by the City prior to building permit issuance. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES). Permit Program as Authorized by the Clean Water Act and administered by the State of California.
63. Sewer Protection: During and after structure demolition, the sanitary sewer lateral shall be sealed and protected from intrusion.
64. Water Pressure Reducer: Applicant/Developer's plumber shall install a pressure reducer on the lease site.
65. Engineering Checking and Inspection Costs: the Applicant/Developer agrees to reimburse the City for costs resulting in excess staff time expended for checking, inspection, or other related work to this project.

FIRE DEPARTMENT CONDITIONS

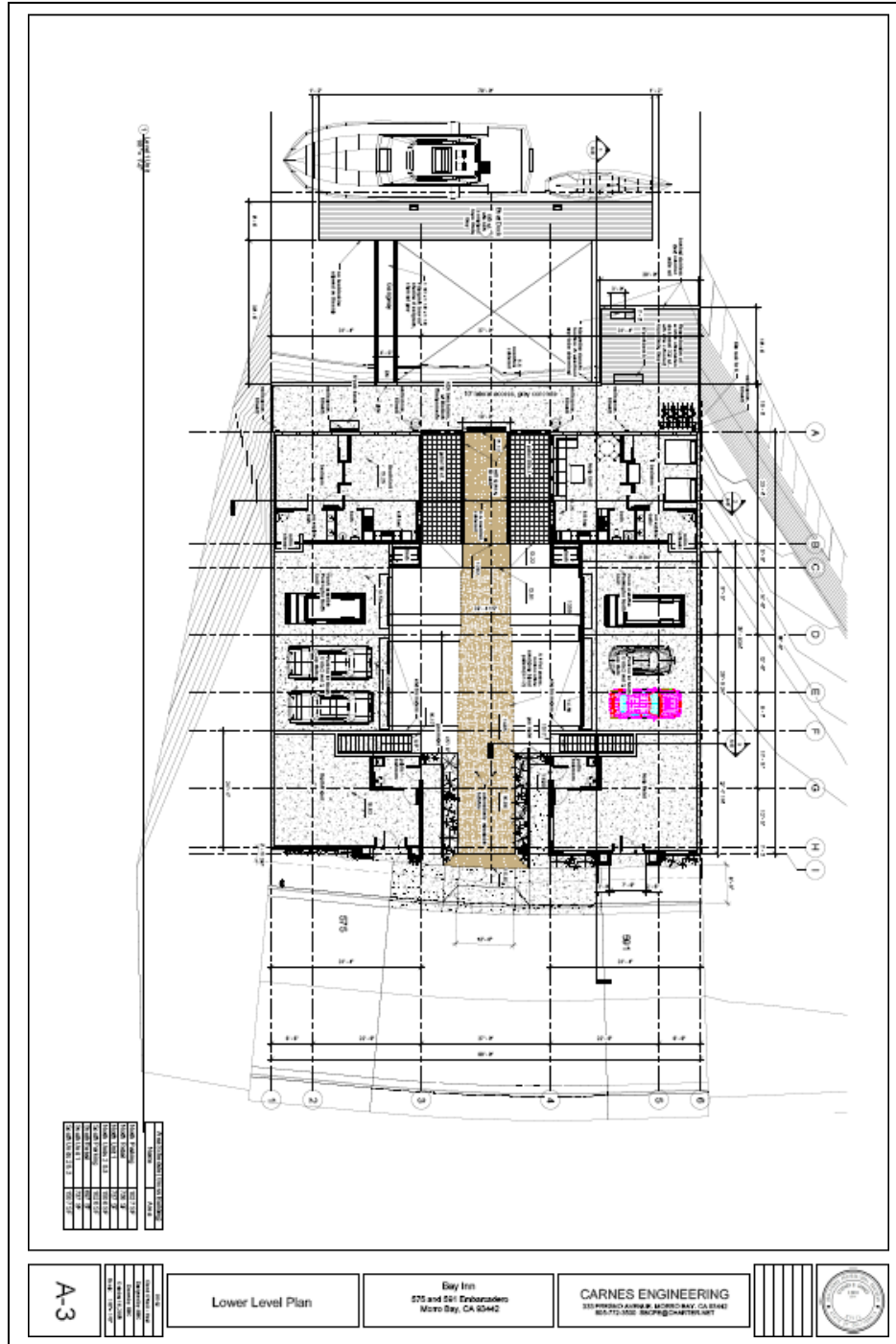
66. Fire Plan Concept Reviews (Planning): Personnel charges as specified in the Morro Bay Master Fee Schedule for Fire Department Equipment and Personnel Charges plus \$60.00.

Plan Reviews (Building)-A charge of 0.3% of total valuation plus use of outside consultants for Plan Reviews & Inspection is based on actual costs. Additional Plan Reviews required due to changes, additions, or revisions to Approved Plans, will be billed at the Equipment and Personnel Charges on a per hour basis.

67. Occupancies: The plan indicates this to be mixed-use project, that includes Groups R-1 (CBC 310) and M (CBC 309) Occupancies, Building Type V-B construction, 8840 square feet, and a waterfront element with boardwalk, gangway, and a floating dock.
68. Demolition: All buildings associated with this project and undergoing construction, alteration or demolition, shall be in accordance with CFC Article 87.
69. 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)
70. 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)
71. 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)
72. Egress: Means of Egress shall be in accordance with 2007 California Building Code, Chapter 10.
73. Fire Flow Duration: The minimum required fire flow and duration for this 8840 sf. type V-N constructed project is 2750 gallons per minute for 2 hours. (CFC Table B105.1)
74. Hydrants: The minimum number and distribution of fire hydrants required for the project are 3 hydrants with a maximum distance from any point on a street or road frontage to a hydrant is 225 feet. (CFC Table C105.1)
- a. The closest fire hydrants to project site are at Embarcadero/Marina (S7-106, 150' distance, and measures at 1300 gpm.) and Embarcadero/Driftwood (T7-100, 125' distance, and measures at 1278 gpm) with a combined fire flow of 2578 gpm. The project/Applicant shall provide one additional fire hydrant to achieve the required number of hydrants (3) and fire flow (2750). The Fire Department will confer with the City Engineer to determine exact location.
75. Fire Sprinklers: All structures of this project and combustible construction of the boardwalk shall be protected by an Automatic Fire Sprinkler System, in accordance with NFPA Chapter 13. Morro Bay Municipal Code. 14.60.200.
76. Fire Alarm: A fire alarm and detection system is required for this project, pursuant to 2007 California Fire Code, Section 907.2.8 and NFPA 72.
77. Docks & Gangways: 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 is Required for the proposed Floating Dock.

78. 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.
79. Awnings: All exterior awnings connected or adjacent to the building shall be made from either fabric which has been flame0resistant treated with an approved process and listed by the State Fire Marshal for exterior use. (CFC Chapter 24)
80. Fire Extinguishers: Portable wall-mounted fire extinguishers (2A 10BC) shall be provided for both M and R-1 occupancies, in accordance with 2007 California Fire Code, Section 906 and California Code of Regulation, Title 19, Section 575.1

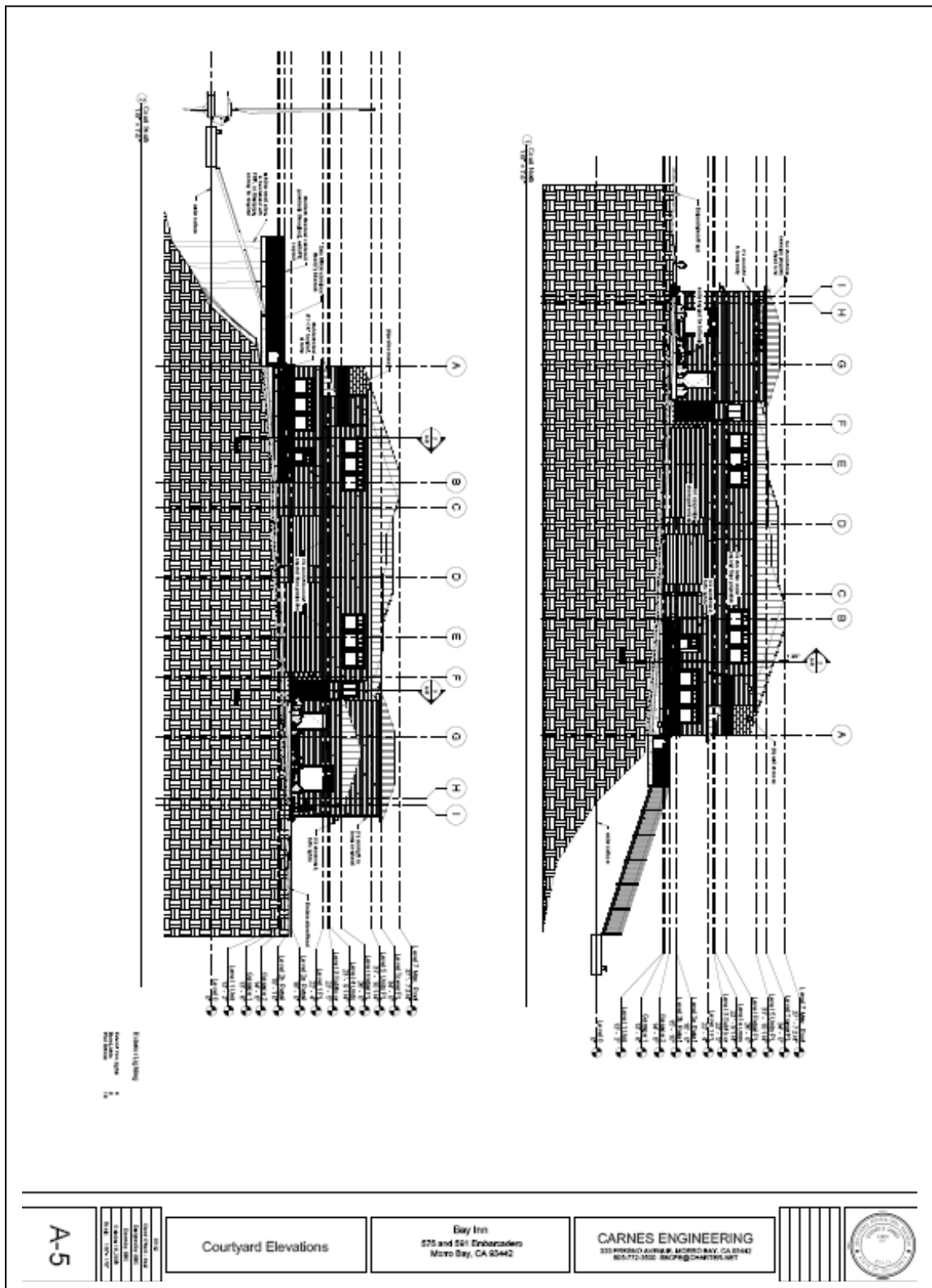
EXHIBIT C: GRAPHICS/PLANS

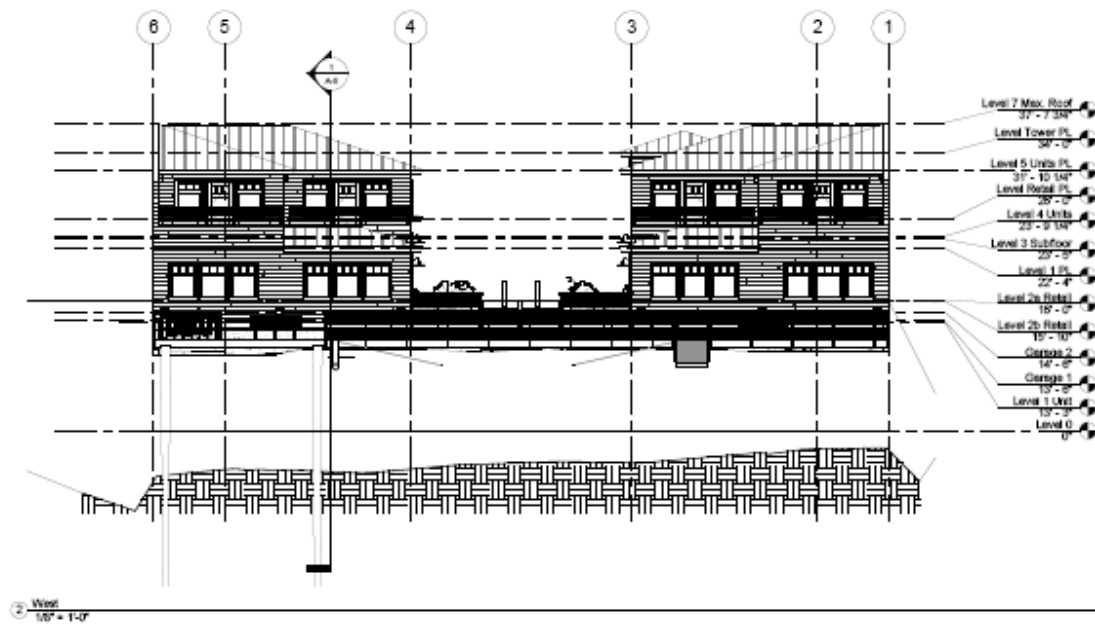
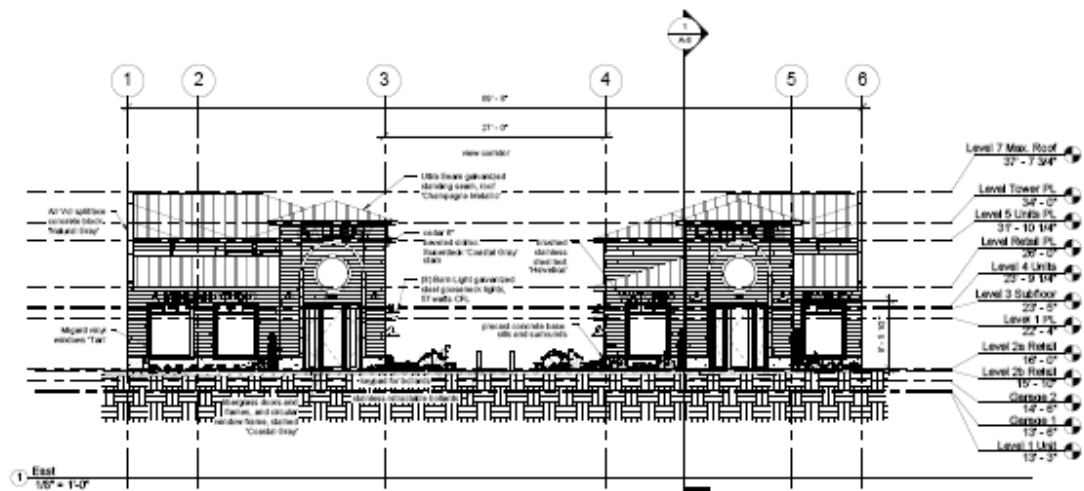


575 and 591 Embarcadero



Lower Level Floor Plan





CARNES ENGINEERING
333 PRISIMO AVENUE, MORRIS HAY, CA 95042
(905) 772-3000 SCOPES@SCHARTER.NET

Baylm
575 and 591 Embarcadero
Momo Bay, CA 93442

Elevations

03-08
Client: O'Neill - Held
Designed by: SBC
Drawn by: SBC
October 18, 2009
Scale: 1/8" = 1'-0"

A-6

575 and 591 Embarcadero



Elevations

EXHIBIT D













EXHIBIT E

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 OUTDOORS *Your Outdoor Superstore*


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☐ model # ☐ keyword

Round Concrete Trash Receptacles



Heavy-Duty Concrete Trash Receptacles

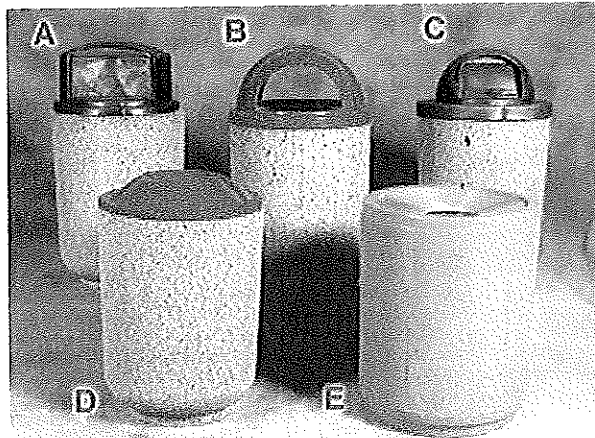
These trash receptacles are attractive, low maintenance and most importantly functional. Concrete construction deters theft and vandalism. All units have optional rigid plastic liners.

Bases are available in finishes Exposed Aggregate and Lite Sand Blasted in the colors shown below.

Introducing GFRC Site Furnishings:

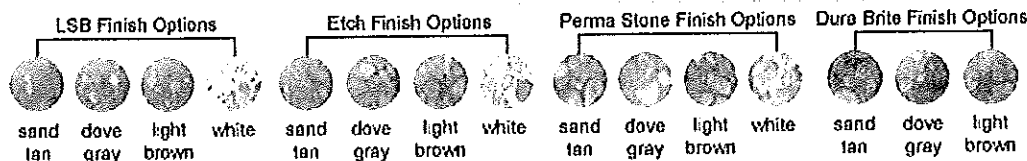
Glass Fiber Reinforced Concrete looks like solid concrete, but it actually one-third the weight. This fantastic innovation is very durable and suitable for any outdoor or indoor use. It is ideal where extreme weight is an issue. If you need a product that is not too heavy for foundation, deck or platform or simply want a product that can be moved easily, then GFRC is for you.

Liner sold separately.



Dimensions

- A 24"Dia. x 45-3/4"H
 B 26-1/8"Dia. x 46-1/8"H
 C 24"Dia. x 43"H
 D 24"Dia. x 36-3/4"H
 E 26-1/8"Dia. x 32-5/8"H



ENTER QUANTITIES FOR THE ITEM(S) YOU WOULD LIKE TO ORDER

Round Concrete Trash Receptacles					Qty
A. TCR-RM	Choose Color		(420 lbs)	\$533.00	
B. TCR-DF	Choose Color		(640 lbs)	\$611.00	
C. TCR-MD-30	Choose Color		(420 lbs)	\$527.00	
D. TCR-MP-30-B	Choose Color		(420 lbs)	\$526.00	
E. TCRCA	Choose Color		(695 lbs)	\$510.00	
200-0083	30 Gallon Round Liner		(8 lbs)	\$53.00	
Round (GFRC) Trash Receptacles - Glass Fiber Reinforced Concrete					Qty
A. GFRC-RM	Choose Color		(160 lbs)	\$708.00	
B. GFRC-DF	Choose Color		(225 lbs)	\$798.00	
C. GFRC-MD-30	Choose Color		(160 lbs)	\$686.00	

Weekly Specials

Featured Products

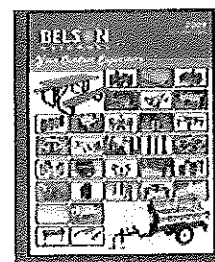
Buying Guides

▼ Browse by Category

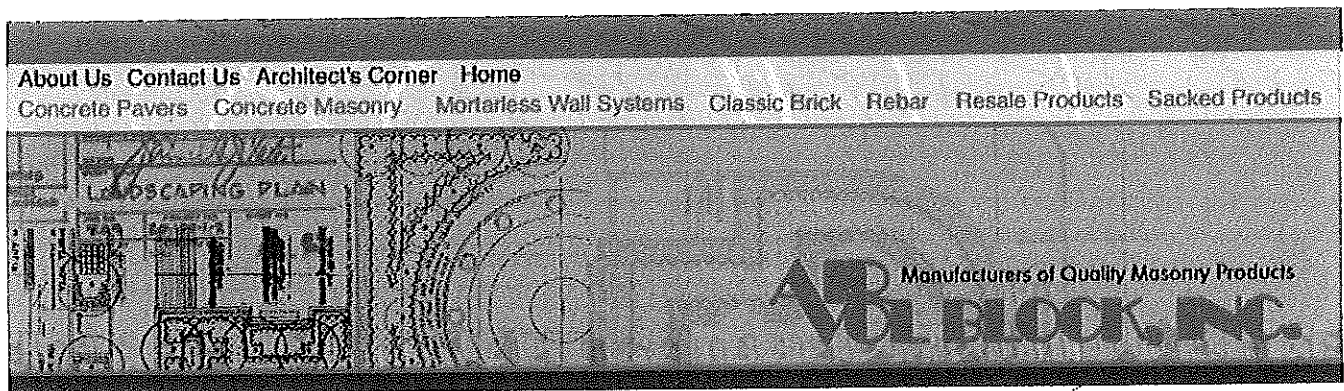
Barbecue Grills
 Barbecue Smoker Grills
 Banquet Tables
 Benches
 Bike Racks
 Bleachers | Grandstands
 Bus Stop Shelters
 Canopy Tents
 Cigarette Receptacles
 Drinking Fountains
 Fire Rings
 Food Service Equipment
 Message Centers
 Park Benches
 Park Grills | Camp Stoves
 Parking Lot Equipment
 Patio | Cafe Furniture
 Pet Products
 Picnic Tables
 Planters
 Pool Furniture
 Sanitation Equipment
 Sports Equipment
 Tables
 Trash Receptacles
 Umbrellas
 Universal Access

▼ Browse by Material

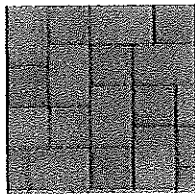
Concrete
 Fiberglass
 Thermoplastic Coated
 Metal | Aluminum | Steel
 Recycled Plastic
 Resin
 Wood



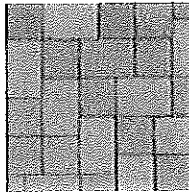
Free Catalog



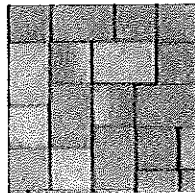
Available Colors:



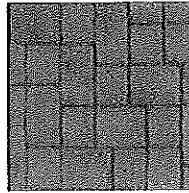
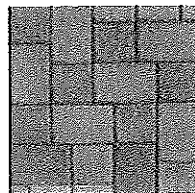
Brown/Charcoal Blend



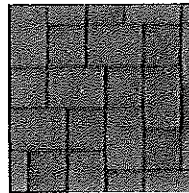
Sandstone Blend



Grey/Charcoal Blend

Red/Charcoal Blend
(Special Order)

Sunburst



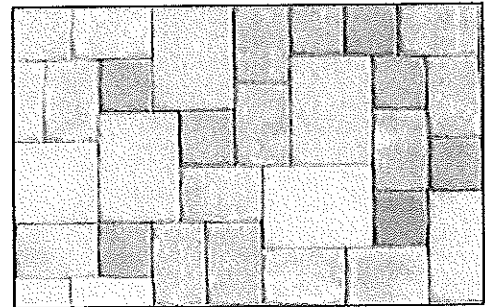
Charcoal

Job Samples

Interlocking Concrete Pavers

Paver Style: Roman Cobble

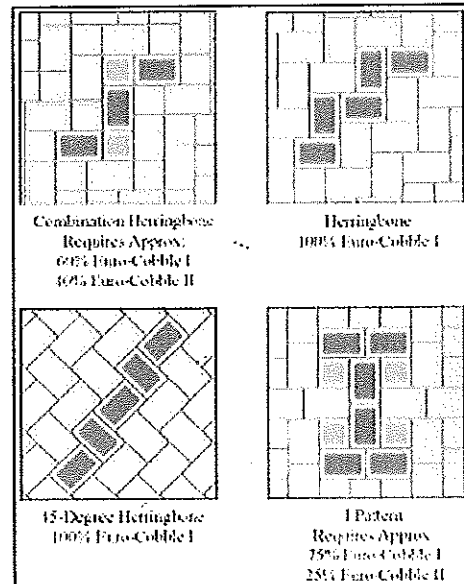
New! The 8" x 11" Roman Magnum can be mixed with other Roman Sizes!



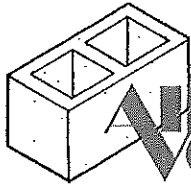
Shown: Brown/Charcoal random Pattern incorporating the new Magnum shape!

Custom colors can also be special-ordered.

Roman I & Roman II Patterns



NEW! Download Pattern Sheet using 8.25" x 11" Magnum (PDF format)

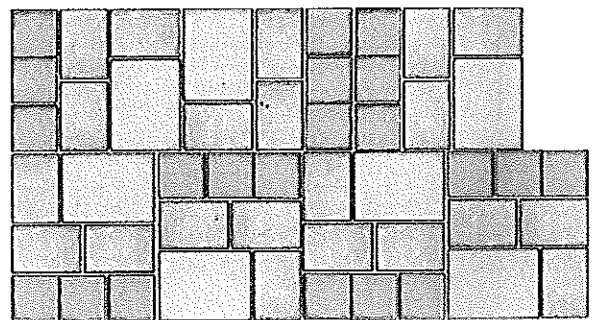
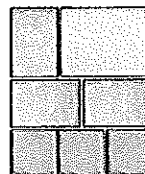
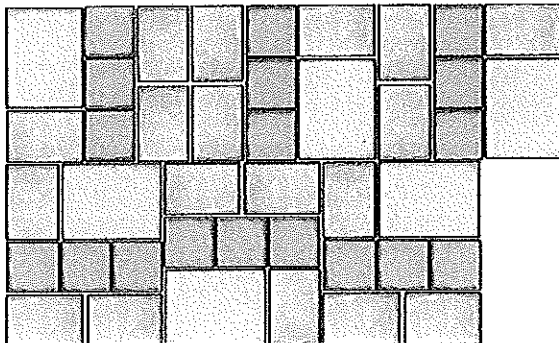
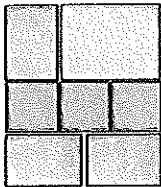
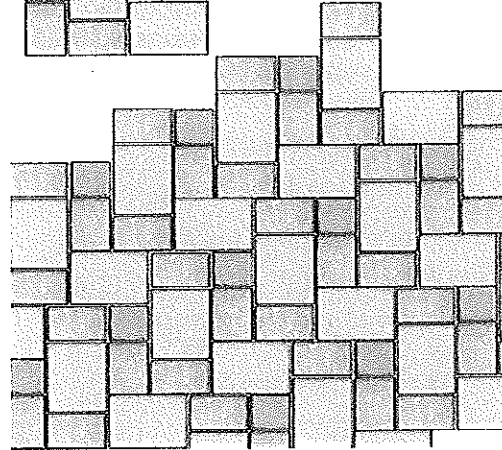
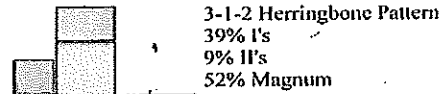
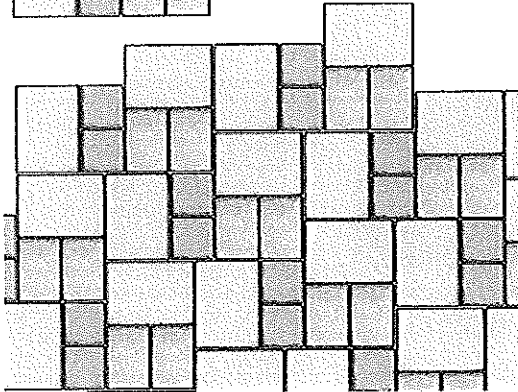
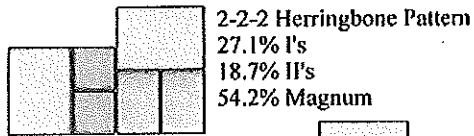


AIR VOL BLOCK, INC.

P.O. Box 931 • #1 Suburban Road
 San Luis Obispo, Ca 93406
 Phone: (805) 543-1314 • Fax: (805) 543-0848
 Web: www.airvolblock.com

Euro-Cobble and Roman Patterns Using the Magnum

Name designation determined by Pieces of I, Pieces of II, and Pieces of Magnum.



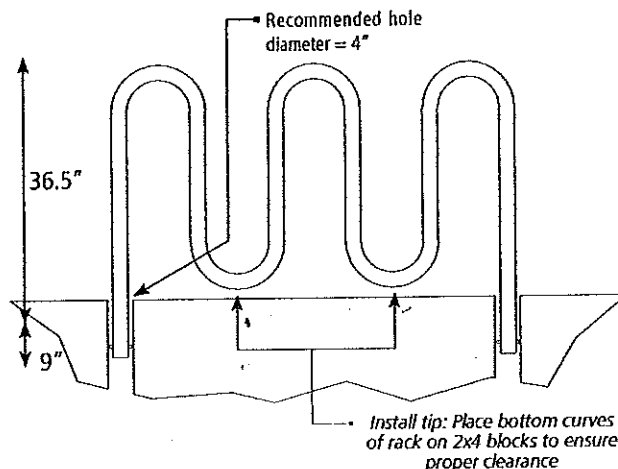


Tools needed for installation

Level	Hole coring machine with 4" bit
Cement mixing tub	Access to water hose
Shovel	Materials to build brace (see "Install Tip" at bottom of page)
Trowel	

Installing into Existing Sidewalk

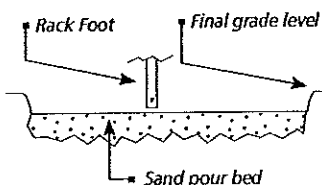
Core holes no less than 3" diameter (4" recommended) and no less than 6" deep into sidewalk. Place Rolling Rack into hole making sure the rack is level. Fill hole with Por-Rok or epoxy grout. 36" of the Rolling Rack should remain above the surface. Make sure the rack is level and held in place until the grout has completely set.



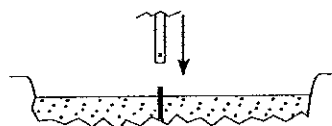
Installing Into a New Sidewalk:

Stake Method:

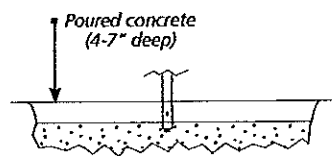
- 1 Use rack to measure exact location in pour bed.



- 2 Pound stake into pour bed where end of rack will sit. Slide rack end onto stake. You may need to dig the end of the rack into the sand to make sure the rack sits at least 35" above final grade level. The stake keeps the rack straight while the concrete is being poured.

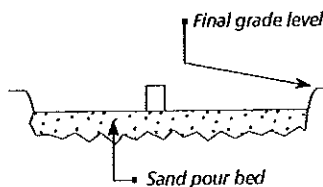


- 3 Make sure the rack is level and true. Pour concrete around the rack. Make sure the rack is not touched until the concrete has completely set.

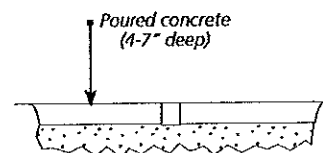


Sleeve Method:

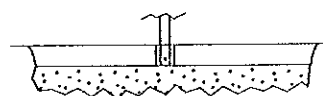
- 1 Place corrosion resistant sleeve (min. 3" inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.



- 2 Pour concrete and allow to cure.

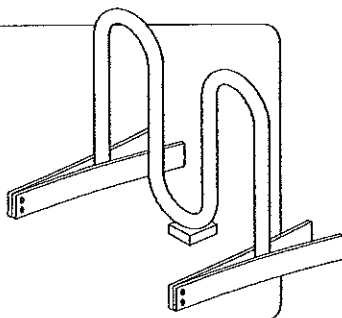


- 3 After appropriate cure time, dig out sand from sleeves and insert rack, making sure it is level and at the appropriate height. Pour in Por-Rok or epoxy grout and allow to set.

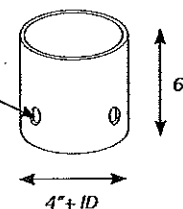


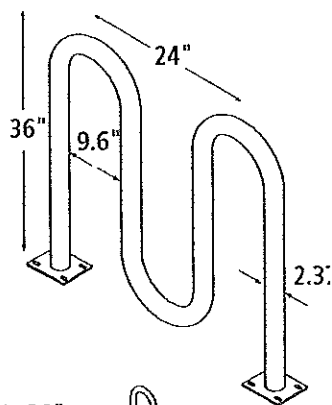
INSTALL TIP

An easy way to brace the Rolling Rack while the grout sets is to bolt two 1x4" boards together at one end and clamp them onto the legs of the rack like a clothes pin. Placing 2x4 blocks under the bottom curves will help to set the correct height.



Note: Sleeve should have profile to keep it from coming loose from hardened concrete.



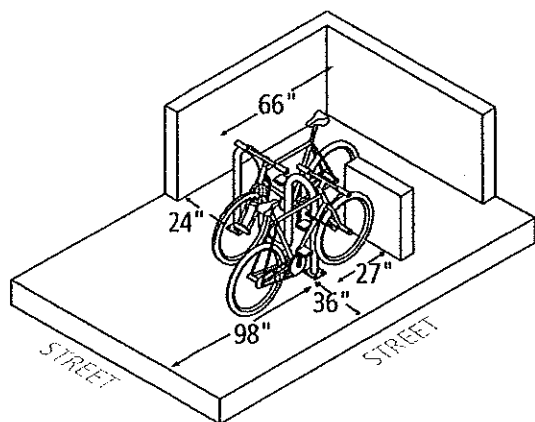
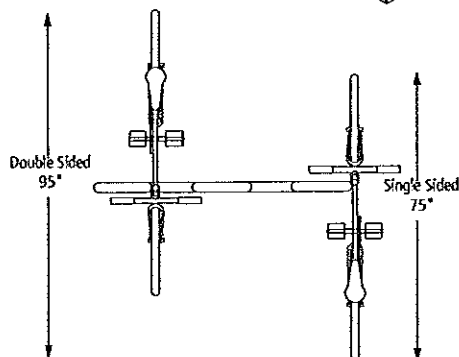
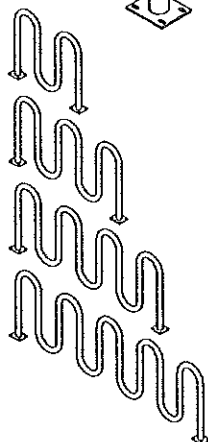


RR2H - 38"
Parks 5 Bikes

RR3H - 63"
Parks 7 Bikes

RR4H - 87"
Parks 9 Bikes

RR5H - 111"
Parks 11 Bikes



Product

Dero Rolling Rack
As manufactured by Dero Bike Racks

Capacity

RR2H: 5 Bikes
RR3H: 7 Bikes
RR4H: 9 Bikes
RR5H: 11 Bikes

Materials

2.375" OD Schedule 40 Steel Pipe



Finishes



An after fabrication hot dipped galvanized finish is standard. 250 TGIC powder coat colors, a thermoplastic coating, and a stainless steel option are also available.

Our powder coat finish assures a high level of adhesion and durability by following these steps:

1. Sandblast
2. Iron phosphate pretreatment
3. Epoxy primer electrostatically applied
4. Final thick TGIC polyester powder coat

Stainless Steel: 304 grade stainless steel material finished in either a high polished shine or a satin finish.

A rubbery PVC Dip is also available

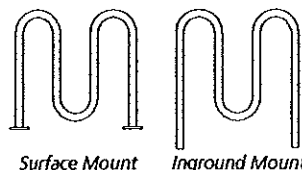
Installation Methods



In ground mount is embedded into concrete base. Specify in ground mount for this option.

Foot mount has two 5.25" x 5.5" foot plates with 4 anchors per foot. Specify foot mount for this option.

A **rail mounted** (freestanding) option is also available.



Space Use and Setbacks



Wall Setback: A minimum of 27" should be left between the wall and the long side of the rack. 36" is the recommended setback.

Street Setback: For racks set parallel to the street, a 96" setback is recommended. For racks installed perpendicular to the street, 24" is the minimum setback. 36" is recommended.

Between Racks: For racks set next to each other, 24" is the minimum setback. 36" is recommended.

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[Manual and Fixed](#)

[Automatic](#)

[Automatic Bollards List](#)

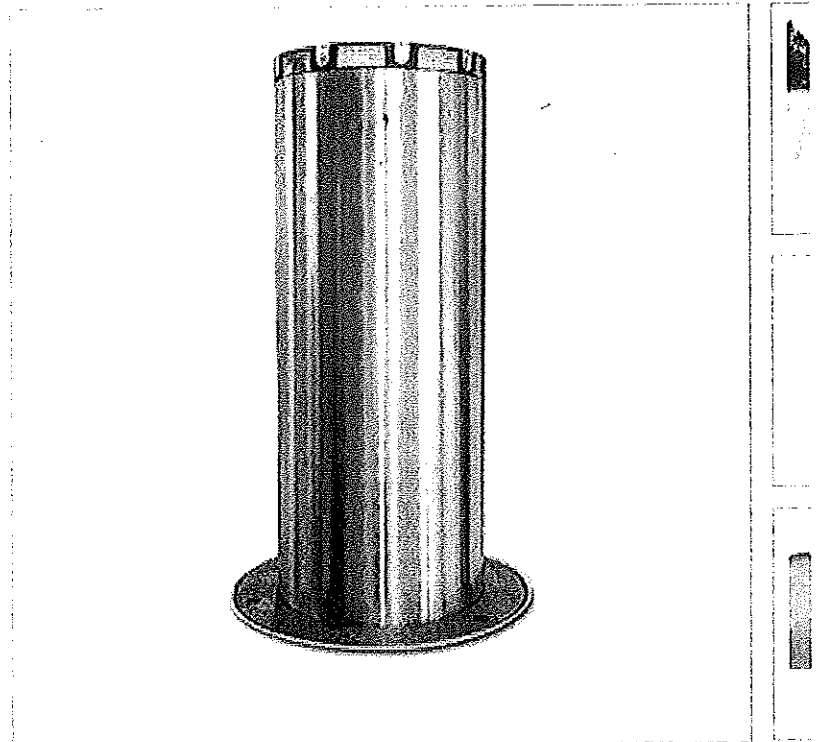
[High Security and Anti-Terrorist](#)

[Edgar Allen Range](#)

[Optional Extras](#)

[PRODUCTS](#) > [AUTOMATIC](#) > [AUTOMATIC BOLLARDS LIST](#) > [GLOBOLL](#)

GloBoll



The GloBoll™ is set to shake up the industry and offer a true choice to the globe.

GloBoll™ is the name of the actual bollard but the GloBoll™ is not an in as such, it is a range of options designed to enable you to build the bol that's right for you.

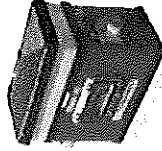
Benefits

- Up to 4 bollards controlled per board
- Modular design, limited components
- Outer casing included as standard
- General maintenance by one man
- Single component failure does not result in system failure
- Bayoneted hydraulics (allen key removal)
- Integral reflective material in lid
- GemGlow™ vandal proof lighting
- Shallower installation
- Less internal wiring of lighting system



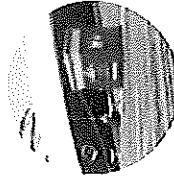
ELECTRO-TEC

Power Pedestals - ESB Mini



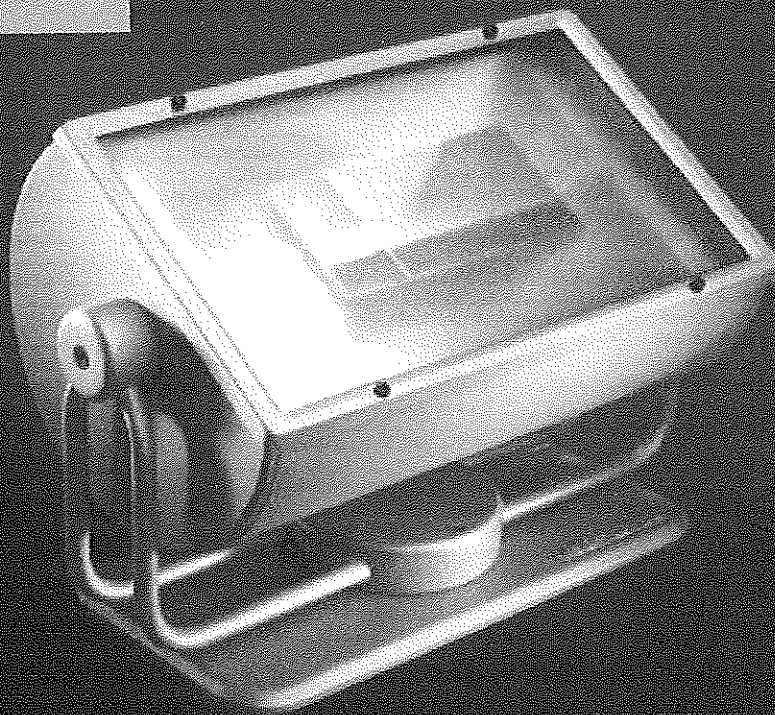
The ESB Mini is a compact variation of the ESD Power Pedestal and is manufactured from the same high quality materials. Designed specifically for mains requiring basic services or less obtrusive and mounted equipment, it can provide power up to 32A and is supplied as standard with 13W photocell controlled illumination.

Mounting is also available and a maximum of two metered sockets is available per unit.



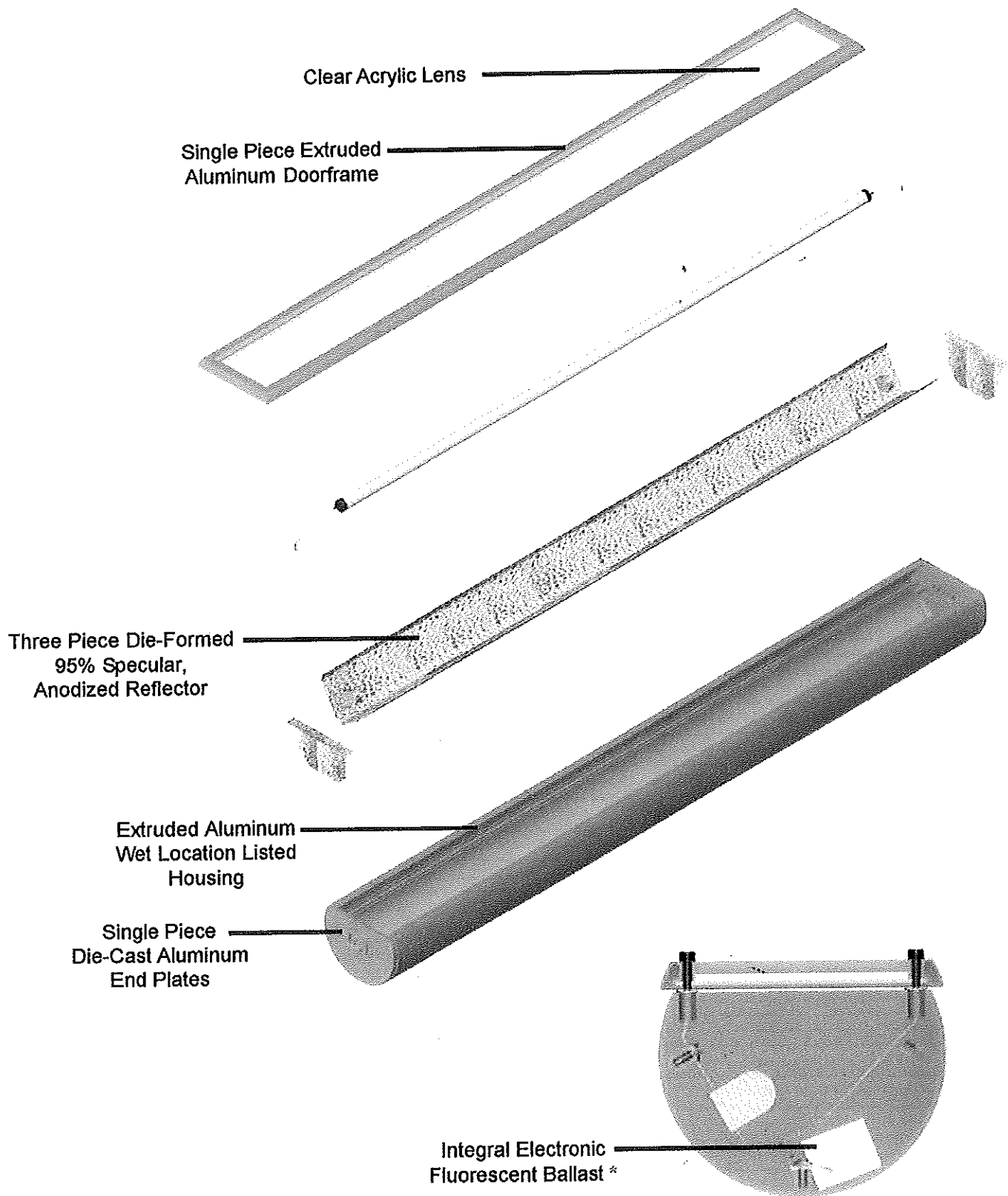
INNOVATIVE SOLUTIONS TO LIGHTING CHALLENGES

ARIDA
OUTDOOR LIGHTING

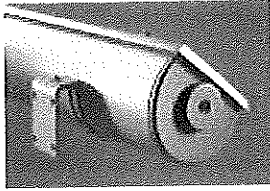


INSIGHT 

Arida Linear Fluorescent Construction



Arida Linear Fluorescent Specifications



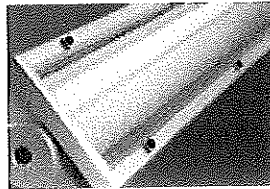
Housing

Sealed, high grade extruded aluminum housings with single piece die cast aluminum end plates. The Arida Fluorescent Series offer two fully rotatable and adjustable luminaire housing sizes in 5" and 6-1/2" diameters. All luminaires are UL and CUL approved for wet location in all mounting positions.



Finish

All painted surfaces are pretreated and powder coated to 3 mil thick. Standard finishes are available in textured white, black, natural, bronze, satin and graphite. An additional 20 standard colors are available, please refer to the Insight color palette. Custom colors can be specified, please contact factory for details.

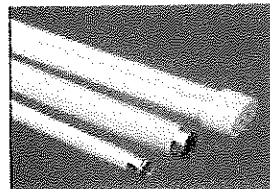


Asymmetric Reflector

Arida Fluorescent reflectors are of computer aided design, die formed and constructed of 95% specular, peened, anodized aluminum providing a clean, even distribution with no streaks or striations. Asymmetric and Symmetric distributions are available.

Lens Assembly

A single piece die extruded aluminum lens frame is held in place by stainless steel fasteners. A clear acrylic lens is sealed to the luminaire housing with a closed cell, silicone, memory retentive gasket. Optional prismatic and colored lenses are available.

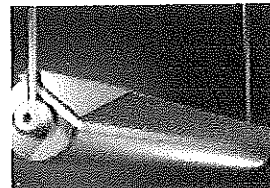


Lamp Choices

Arida Linear Fluorescent Series is available in a wide range of linear fluorescent lamp choices including Long Twin Tube, T5HO, T5, T8, T8HO and T12HO.

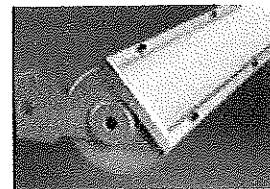
Electrical

Fluorescent: All Fluorescent ballasts are integral electronic high power factor > 0.90, thermally protected less than 10% THD with a minimum starting temperature of 0°F. T8HO and T12 are integral magnetic with a minimum starting temperature of -20° F °.



Optional Solid Cutoff Visor

Solid cutoff visors provide shielding, where cutoff is desired from the luminaire. All cutoff visors are painted to match luminaire unless otherwise specified. All cutoff visors attach directly to the lens doorframe and can be installed in the field. Arida & Arida DWW Series cutoff visors are die formed steel. Arida Fluorescent Series cutoff visors are single piece extruded aluminum.



Optional Color Lenses

Colored lenses for fluorescent luminaires are colored acrylic that attach directly into the lens doorframe. A rainbow of color choices are available or can be supplied in any color to match "Gam" theatrical transparencies.

Arida 500, 900 & DWW Ordering Information

WT 500 Series
5" Diameter Housing
Asymmetric Distribution

Compact Fluorescent
WT672 (1)-F26W DTT (PLT, GX24q-4)

Quartz Halogen
WT600 (1)-Q250 Max. (T4, Mini-Can)
WT610 (1)-Q350 Max. (T6, RSC)

Ceramic Metal Halide
WT617 (1)-39W CMH (T6, G12)
WT622 (1)-70W CMH (T6, G12)
WT623 (1)-100W CMH (T6, G12)
WT627 (1)-150W CMH T6, G12)

Prefix ①

WT 900 Series
9" Diameter Housing
Asymmetric Distribution

Compact Fluorescent
WT972 (2)-F32WTT (GX24q-4)
WT974 (1)-F42WTT (GX24q-4)

Quartz Halogen
WT910 (1)-Q900-Q1000 (RSC, 10-1/16" MOL)

Metal Halide
WT920 (1)-100W MH (E17, Med.)
WT921 (1)-150/175W MH (E17, Med.)
WT922 (1)-250W MH (T15, ET18, POMB)
WT923 (1)-400W MH (T15, ET18, POMB)

High Pressure Sodium
WT931 (1)-150W HPS (E17, Med.)
WT932 (1)-250W HPS (E18, POMB)
WT933 (1)-400W HPS (E18, POMB)

Prefix ①

WT 900 DWW Series
9" Diameter Housing
Deep Wallwash Optics

Metal Halide
WT925 (1)-100W MH (E17, Med.)
WT926 (1)-150/175W MH (E17, Med.)
WT927 (1)-250W MH (T15, ET18, POMB)
WT928 (1)-400W MH (T15, ET18, POMB)

High Pressure Sodium
WT935 (1)-150W HPS (E17, Med.)
WT936 (1)-250W HPS (E18, POMB)
WT937 (1)-400W HPS (E18, POMB)

Prefix ①

WBR Wall/Ceiling Mount, Remote Ballast*
IBB Wall/Ceiling Mount, Integral Ballast
EXA-X Extended Arm Mount - Remote Ballast*
EXB-X Extended Arm Mount-Integral Ballast
RG Ground Mount With Recessed Ballast Box
RC Wall Mount With Recessed Ballast Box - Concrete Construction
RS Wall Mount With Recessed Ballast Box - Stud/Joist Construction
ST-X Stanchion Mount, Integral Ballast
SRC Semi-Recessed, Remote Ballast - Concrete Construction*
SRS Semi-Recessed, Remote Ballast - Stud/Joist Construction*
SBC Semi Recessed, Integral Ballast - Concrete Construction
SBS Semi-Recessed, Integral Ballast - Stud/Joist Construction

* Must specify ballast type from the options list (WLB or DLB).

X = Stanchion or Arm Length

Mounting ②

- 1 120V
- 2 277V
- 3 208V
- 4 240V
- 5 480V
- 7 347V

- Compact Fluorescent available in 120V, 277V, 347V only
- Quartz Halogen (100W-350W) available in 120V only
- Quartz Halogen (900W) available in 240V & 277V only
- Quartz Halogen (1000W) available in 120V & 240V only
- 70W - 150W Metal Halide not available in 480V

Voltage ③

TW Textured White
TBL Textured Black
TBR Textured Bronze
TN Textured Natural
TS Textured Sandstone
TV Textured Verdi
SF Specify Finish (See Color Chart)
CC Custom Color (Contact Factory)

Finish ④

WVS Solid Cutoff Visor
WBF Internal Baffle*
WML Frosted Diffusing Lens
WTVF "Fade Not" Visored Color Lens**
WTVD Dichroic Visored Color Lens**
WLV External Louvered Visor
F HLR Fuse Holder (Fuse By Others)
WQL Restrike Hot/Cold Type 100W Maximum***
WQEM Quartz Socket For Emergency Circuit***
WLB Wet Location Remote Ballast
DLB Damp Location Remote Ballast

* WT500 Series Only

** Contact Factory For Color Selection

*** WT900 Series Only

Options ⑤

Ordering Example:

WT 600 / EXA / 1 / TW / WVS
① ② ③ ④ ⑤

Arida Linear Fluorescent Ordering Information

WF 500 & WF 600 Series

5" & 6-1/2" Diameter Housings

Asymmetric & Symmetric Distribution

WF5	5" Diameter Arida Linear Fluorescent
WF6	6-1/2" Diameter Arida Linear Fluorescent

Prefix ①

- 00 Surface End Mount - Single Luminaires, 8' Maximum
- 01 Surface Cradle Mount - Single Luminaires, 8' Maximum
- 02-X Extended Arm Mount - Single Luminaires, 8' Maximum and Continuous Runs *
- 03-X Pendant Mount - Single Luminaires, 8' Maximum and Continuous Runs *
- 10 Conduit Mount - Single Luminaires, 8' Maximum
(1/2" conduit connector provided. Conduit by others)

* Continuous runs available up to 100' maximum per circuit, provided in sections, joined consecutively with single power feed. Consult factory.

X = Arm or Pendant Length

Mounting ②

③	④	⑤	⑥	⑦	⑧
Reflector Style/ Light Direction	Lamp Type	Lamp Wattage	Available Luminaire Lengths*	Total Number of Lamps	Available Luminaires (See Prefix)
SA(D) Single Lamp Asymmetric  OR SS Single Lamp Symmetric 	LTT Long Twin Tube	39W	18"	1	WF5
		40W, 50W, 55W	2', 4', 8'	1, 2, 4	WF5
		24W	2'	1	WF5
	T5HO	54W	4', 8'	1, 2	WF5
	T8	32W	4', 8'	1, 2	WF5
		44W	4', 8'	1, 2	WF6
	T8HO	86W	8'	1	WF6
	T12HO	60W **	4' **, 8'	1, 2	WF6
		110W	8'	1	WF6
TA(D) Twin Lamp Asymmetric  OR TS Twin Lamp Symmetric 	LTT	39W	18"	2	WF5
		40W	2', 4', 8'	2, 4, 8	WF6 or WF5
		60W ***	4', 8'	4, 8	WF6
	T8HO	44W	4', 8'	2, 4	WF6
		86W	8'	2	WF6
RA(D) Triple Lamp Asymmetric  OR RS Triple Lamp Symmetric 	T5HO	54W	4', 8'	3, 6	WF6

* For Continuous Runs, Specify Nominal Fixture Length In Feet

** T12HO-60W-4' Is Not Available With The "SS" Reflector

*** For 55W LTT Lamps, Please Consult Factory

(D) = Light Direction (See Details)

- 1 120V
- 2 277V
- 7 347V
(Consult Factory)

Voltage ⑦

- TW Textured White
- TBL Textured Black
- TBR Textured Bronze
- TN Textured Natural
- TS Textured Sandstone
- TV Textured Verdi
- SF Specify Finish
- CC Custom Finish (Contact Factory)

Finish ⑧

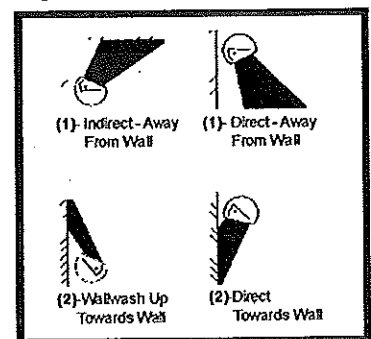
- WCF Colored Lens Consult Factory)
- PC Clear Polycarbonate Lens
- PL Prismatic Acrylic Lens
- WVS Solid Cutoff Visor (4' Maximum)
- BPH Button Photocell
- 1F Single Inline Fusing For 120V
- 2F Double Inline Fusing For 277V

Options ⑨

ORDERING EXAMPLE:

WF5 / 01 / SA(1) / T5HO / 54W / 8' / 2 / TN / PC
① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨

Light Direction



(WF5 00 SAITS40 54W 4' 1 TN PC WVS)



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Products

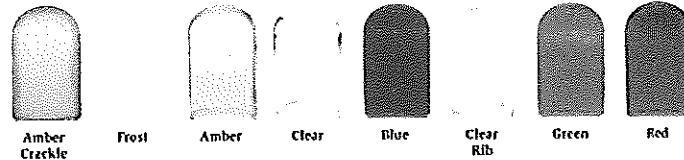
[Gooseneck Barn Lights](#)
[Wall Sconce Lighting](#)
[Pendant Lighting](#)
[Chandeliers](#)
[Vintage Inspired Lighting](#)
[Contemporary Lighting](#)
[Table Lamps](#)
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[Home](#) [Barn Light Finishes](#)

Barn Light Finishes



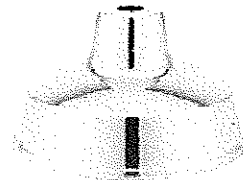
CLASS OPTIONS



Glass Finish Options

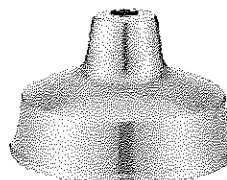
HI-LITE MFG BARN LIGHT COLOR CHART

01-Polished Brass



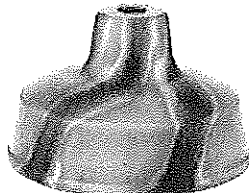
Shade Interior: Satin Brass
 Warranted Only For Indoor Use

11-Satin Steel



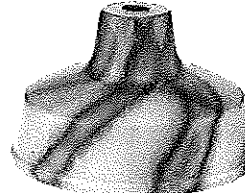
Shade Interior: Satin Steel
 Warranted Only For Indoor Use

15-Burnt Copper



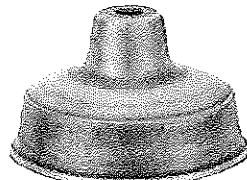
Shade Interior: Burnt Copper
 Interior/Exterior Use

16-Burnt Steel



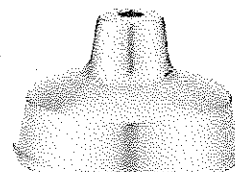
Shade Interior: Burnt Steel
 Warranted Only For Indoor Use

22-Weathered Brass



Shade Interior: Weathered Brass
 Interior/Exterior Use

24-Satin Copper

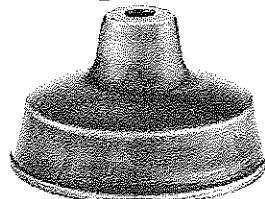


Shade Interior: Satin Copper
 Warranted Only For Indoor Use

Customer Service

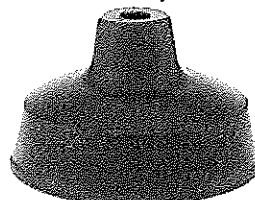
[Terms & Conditions](#)
[Customer FAQ's](#)
[Request Catalog](#)
[Download PDF Catalog](#)
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[Gooseneck Arms](#)
[Barn Light Finishes](#)
[Lantern Finishes](#)
[Product Video's](#)
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89-Aged Brass



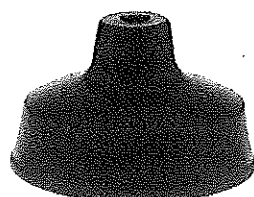
Shade Interior: Aged Brass
Interior/Exterior Use

90-Ivy



Shade Interior: White
Interior/Exterior Use

91-Black



Shade Interior: White
Interior/Exterior Use

92-Yellow



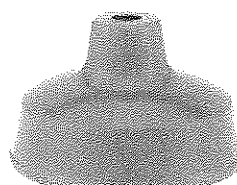
Shade Interior: White
Interior/Exterior Use

93-White



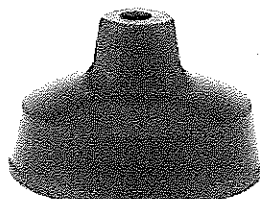
Shade Interior: White
Interior/Exterior Use

94-Cruiser Green



Shade Interior: White
Interior/Exterior Use

95-Dark Green



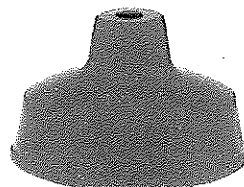
Shade Interior: White
Interior/Exterior Use

96-Galvanized



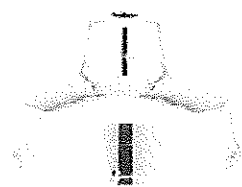
Shade Interior: Galvanized
Interior/Exterior Use

97-Red



Shade Interior: White
Interior/Exterior Use

98-Polished Aluminum



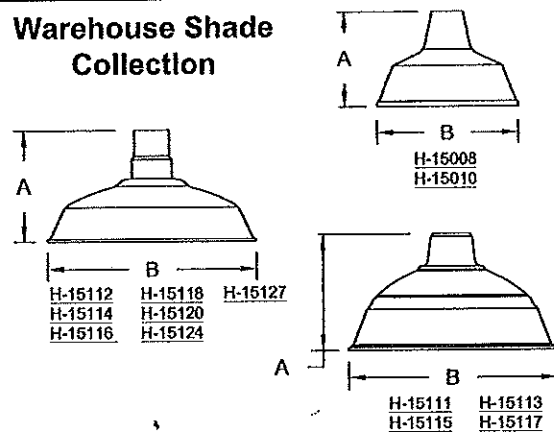
Shade Interior: Brushed Aluminum
Warranted Only For Indoor Use



Job Name: _____
 Type: _____
 Quantity: _____

Item Number	Height (A)	Width (B)	Item Number	Height (A)	Width (B)
H-15008	7"	8"	H-15116	9 1/2"	16"
H-15010	8"	10"	H-15117	10"	17"
H-15111	8"	11"	H-15118	11"	18"
H-15112	8"	12"	H-15120	11"	20"
H-15113	8"	13"	H-15124	16"	24"
H-15114	9"	14"	H-15127	18"	27"
H-15115	9"	15"			

Warehouse Shade Collection



Fixture No.	Fixture Color	Mounting	Mounting Color	Optional Accessories	Accessory Color	Wattage/Lamp options	Ballast	Voltage
H-15008 ⁽¹⁾ H-15010 ⁽¹⁾ H-15111 ⁽¹⁾ H-15112 H-15113 ⁽¹⁾ H-15114 H-15115 ⁽¹⁾ H-15116 H-15117 H-15118 H-15120 H-15124 H-15127	Standard ⁽²⁾ 91 (Black) 93 (White) 95 (Dk. Grn) 96 (Galv.) BR47 (Rust) BK01, GN20. Upgraded ⁽²⁾ Finishes 29, 66, 82, 90, 92, 94, 97, 99, 100, 103, 104, 105, 110, 112, 113, 114, 115, 117, 118, 119, 120, 127, 128, 129, 133, 134, 135, 136, 11, 98, 101, 102, 137, 121, 122, 123, 124, 125, 126, 01, 22, 25, 33, 77, 89, 24, 44, 48, 49, 15, 16, 55. For finish specs see pages 344-348.	Mounting Options 1/2" 3/4" For H-15008, H-15008, H-15010 and H-15111 only. CBT (7' Blk Cord) CW7 (7' Wht Cord) CG7 (7' Gray Mesh Cord) Cord Options ⁽³⁾ CB8 (8' Blk Cord) CW8 (8' Wht Cord) CG8 (8' Gray Mesh Cord) Custom Cord Options ⁽³⁾ CB (Black) CW (White) CG (Gray Mesh) Specify length. Stem Options (Stem 1/2") ST Specify length and canopy. HSC (Canopy) SMC (Canopy) Flush Mount Options FHSC FSMC Arm Options B-1 HL-K HL-A HL-U HL-H P-1 HL-C P-3 HL-D For all arms and specs see pages 321-344	Standard 91 (Black) 93 (White) 95 (Dk. Grn) 96 (Galv.) BR47 (Rust) For all finishes see pages 344-348. For all finishes see pages 344-348. For all finishes see pages 344-348.	CGU (Cast guard & glass) LCGU (Large cast guard & glass) WGU (Wire guard & glass) LWGU (Large wire guard & glass) ARN (Acorn globe) LARN (Large acorn globe) WGR (Wire guard) SK (Swivel knuckle) FX (Flexible tubing for cord mounted fixture only) For specs and glass color see pages 321-344.	Standard 91 (Black) 93 (White) 95 (Dk. Grn) 96 (Galv.) BR47 (Rust) For all finishes see pages 344-348. For all finishes see pages 344-348. For all finishes see pages 344-348.	Incandescent (Fixture is standard 100W or 200W. Do not specify.) CFL ⁽⁴⁾ (Compact Fluorescent) 13/CFL 28/32/42/CFL 26/CFL 32/CFL 42/CFL 57/CFL DMB (Dimmable Ballast for CFL. Add to Part No.) HID ⁽⁴⁾ (High Intensity Discharge) MH ⁽⁴⁾ (Metal Halide) 35/MH 50/MH 70/MH 100/MH 150/MH 175/MH HPS ⁽⁴⁾ (High Pressure Sodium) 50/HPS 70/HPS 100/HPS 150/HPS	Ballast option not available for INC. RB ⁽⁵⁾ (Remote) BCM (Canopy Mount) PLB ⁽⁶⁾ (Postline) For specs see pages 341-343.	Incandescent (Fixture is standard 120V. Do not specify.) CFL M (Multi 120/277V) HID RB and BCM M (Multi 120/208/ 240/277V) PLB 1 (120V) 2 (277V)

H-15117 - 91 / 1/2" - 91 / CGU-CLR - 91 / 13/CFL - BCM - M

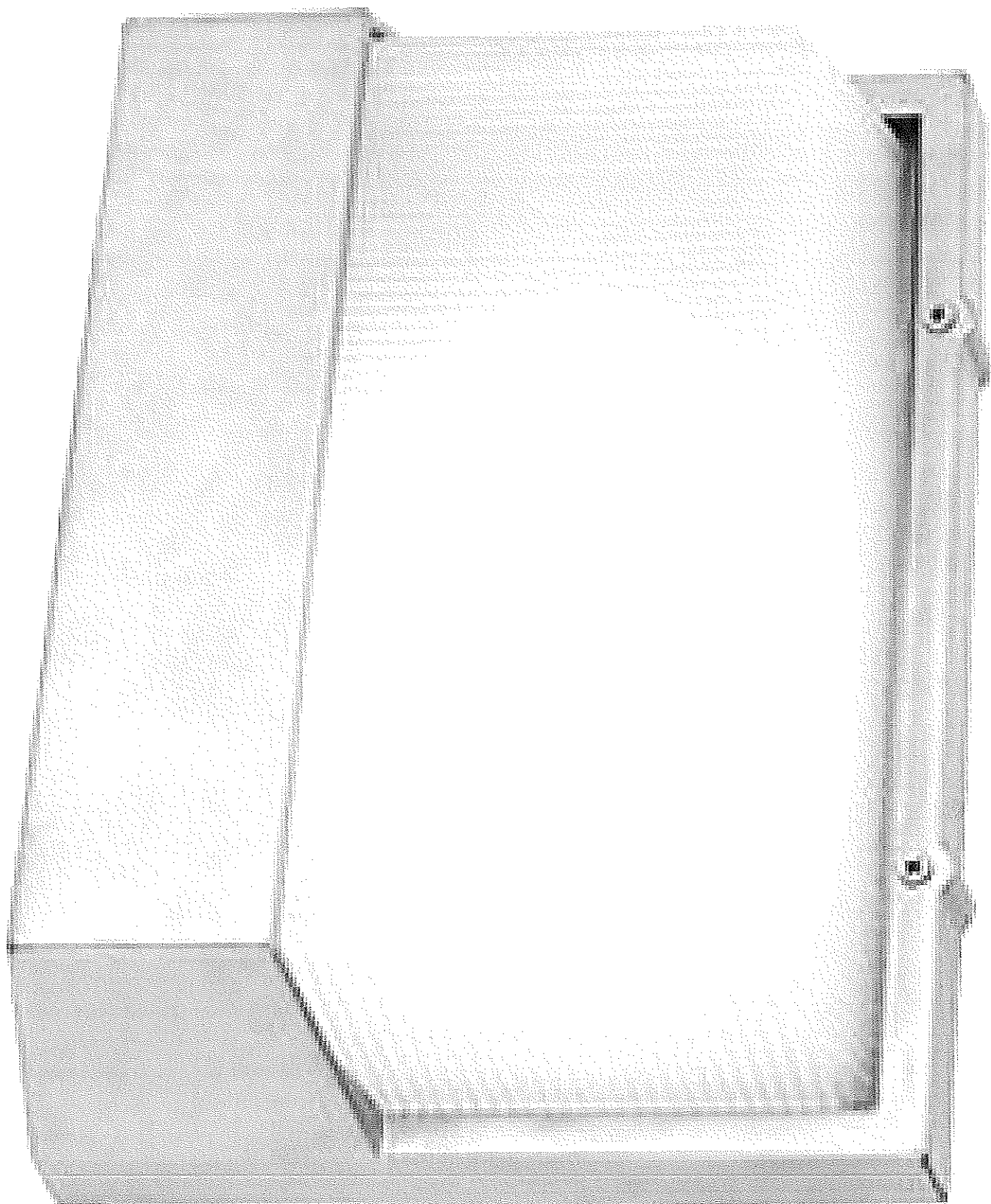
ORDER EXAMPLE (USE THIS FORMAT TO PLACE ORDER)

Notes:

- (1) H-15008, H-15010, H-15111 and H-15115 available for 100W Max INC. H-15008 and H-15010 not available with glass enclosures.
- (2) For interior finish of fixture refer to color chart on pages 344-348. H-15124 and H-15127 not available in copper or brass finish.
- (3) Cord Mounting wattage not to exceed 100 for HID. Gray Mesh Cord not available for HID.

- (4) Requires Globe Option. (See pages 339-341 for Globe Options) Max Wattages for CGU and WGU are 100W INC, 32W CFL and 100W HID. Max Wattages for LWGU, LCGU, ARN and LARN are 200W INC, 57W CFL and 175W HID.
- (5) (RB) Remote Ballast not available for Fluorescent Lamping.
- (6) (PLB) Post Line Ballast must specify 120V or 277V. (PLB) 50W MH requires a 3" dia. pole. (PLB) 70W and 100W MH require a 4" dia. pole. (PLB) 50W, 70W, 100W and 150W HPS require a 3" dia. pole.

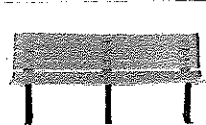
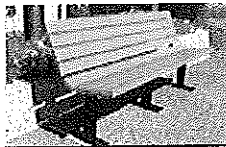
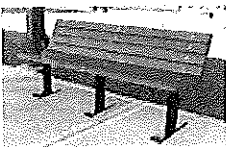
Suitable for wet location.
(Except when cord mounted)

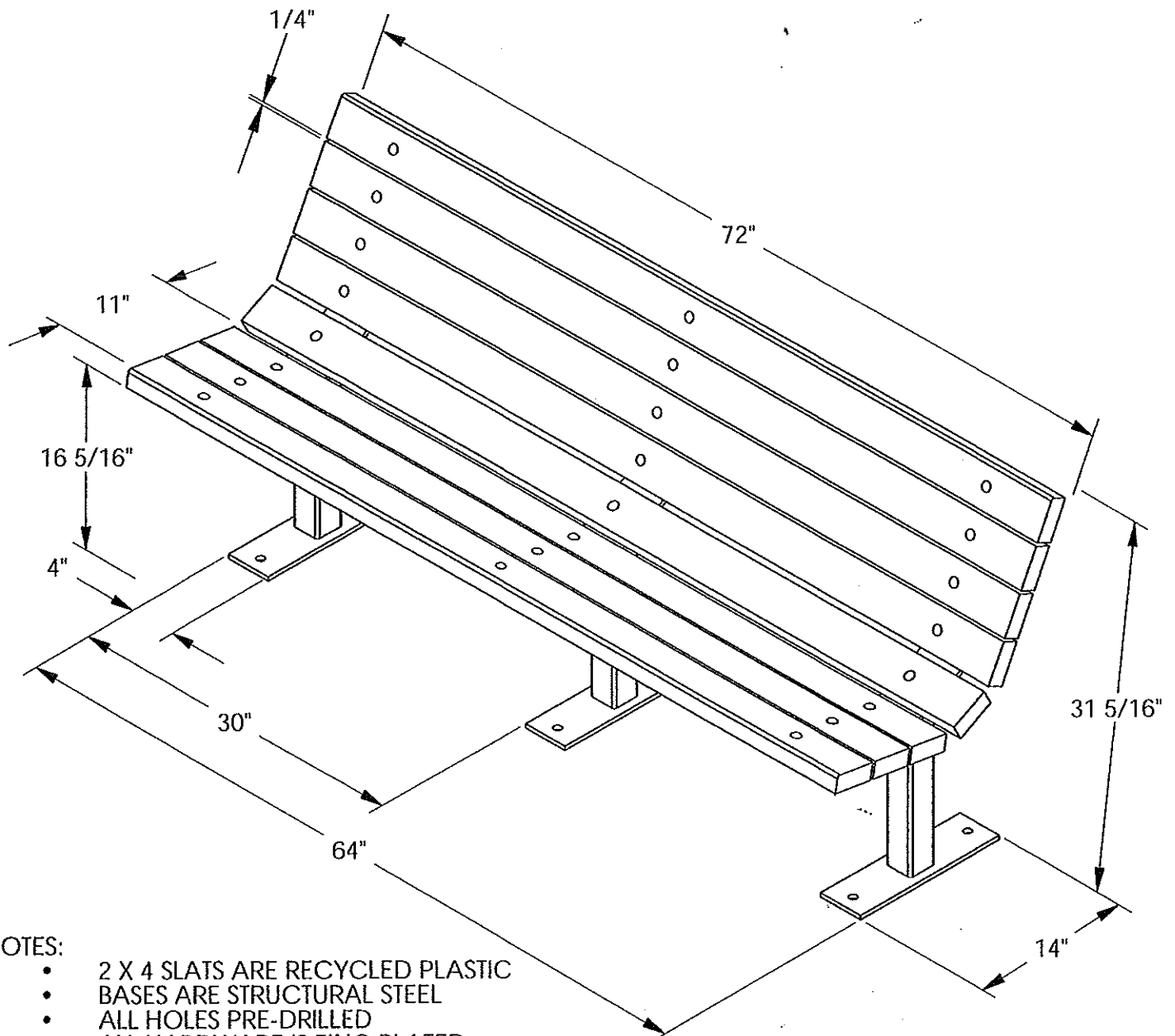




Model # PB6-CON | 6' Recycled Plastic Contoured Bench | Surface Mount

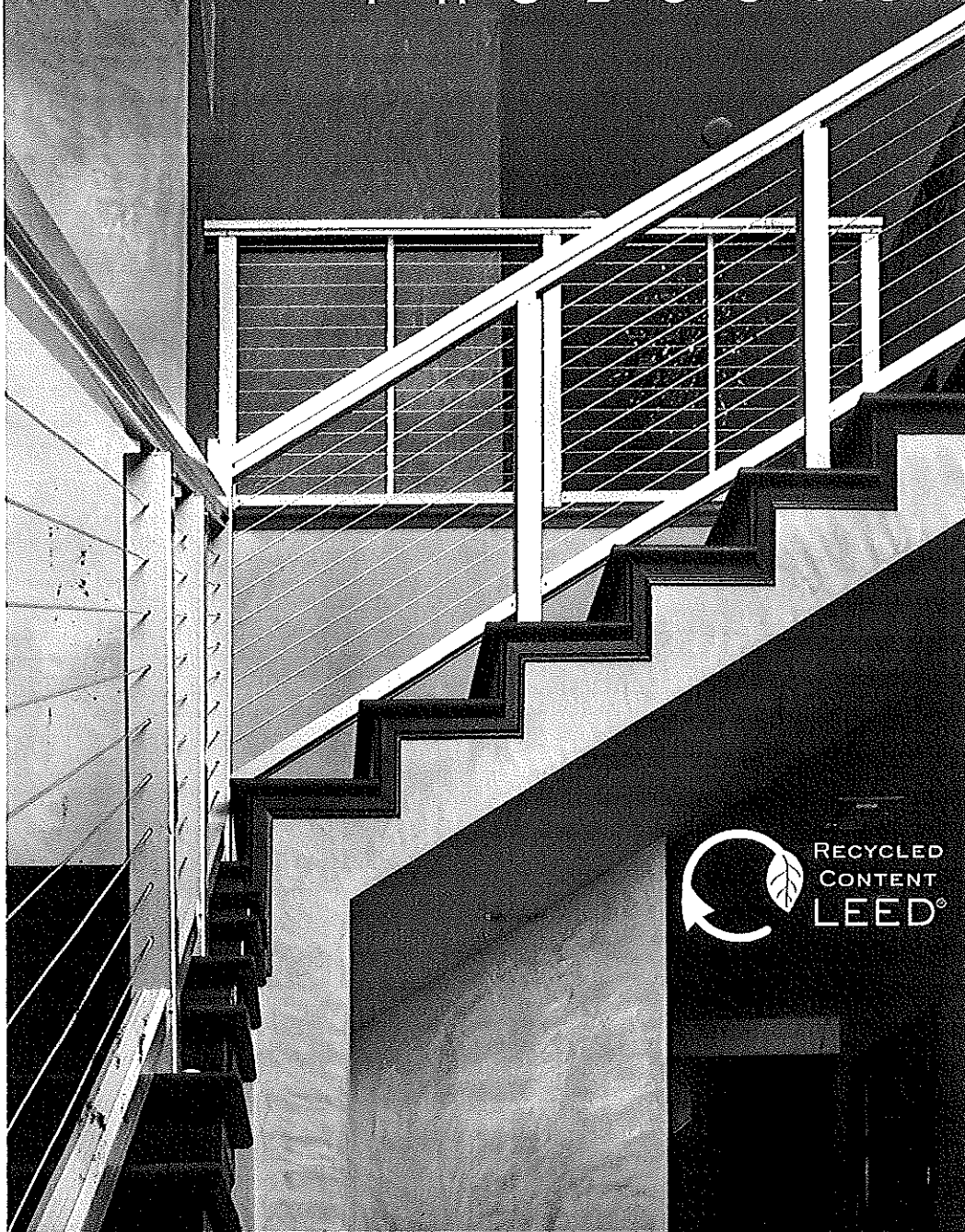
[Print](#) | [Close Window](#)



Model # PB6-CON**Dimension Sheet****6' Recycled Plastic Contoured Bench | Surface Mount****NOTES:**

- 2 X 4 SLATS ARE RECYCLED PLASTIC
- BASES ARE STRUCTURAL STEEL
- ALL HOLES PRE-DRILLED
- ALL HARDWARE IS ZINC PLATED
(3/8 X 2 1/4 LG. RND HD. BOLT WITH
LOCK NUT)
- STAINLESS STEEL HARDWARE
AVAILABLE
- UNIT WEIGHT APPROX. 160 LBS.

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RECYCLED
CONTENT
LEED®

CableRail | DesignRail | CableTrellis | Lightline | Sta-Lok
Cable Assemblies | Aluminum Railings | Trellis Systems | Door Canopies | Rod Assemblies



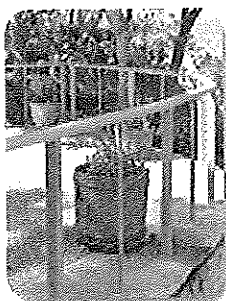
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DESIGN·RAIL®

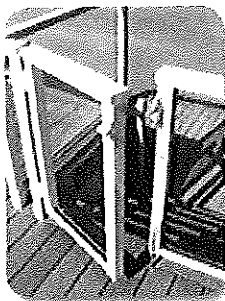
DesignRail : Overview

If You're Searching For A Complete Railing System, Look No Further.

Our DesignRail® pre-engineered, component based, aluminum railing frame systems combine the durability of aluminum with the innovative design details that assure structural integrity while drastically reducing long term maintenance expenses. Our systems are easy-to-install, attractive and cost effective and are available in a wide range of standard and custom powder coat finishes with a variety of cap rail design options as well as picket, glass or cable infill options. Read on to learn more about this versatile product.



RESIDENTIAL RAILINGS...



FENCES & GATES...



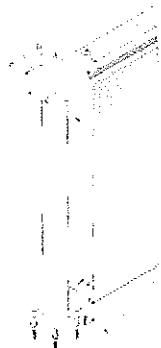
COMMERCIAL PROJECTS...

Four Infill Options - All A Snap.

Field trimmed rails are quickly assembled using components that snap and screw together. No welding, grinding or special finishing.



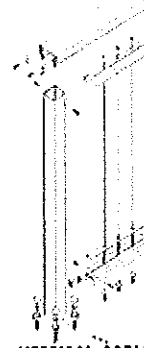
ALUMINUM PICKET



TEMPERED GLASS



HORIZONTAL CABLE

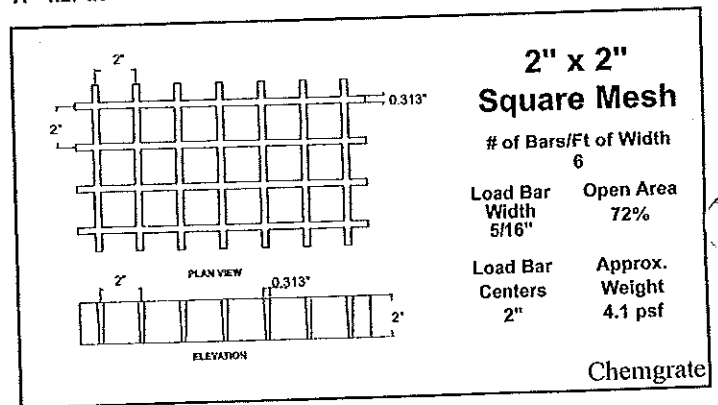
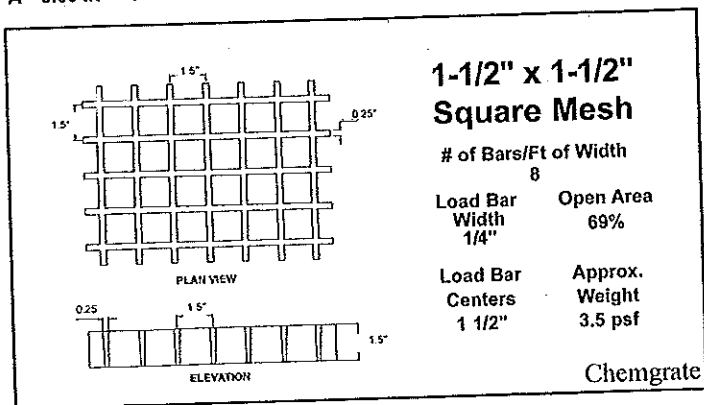
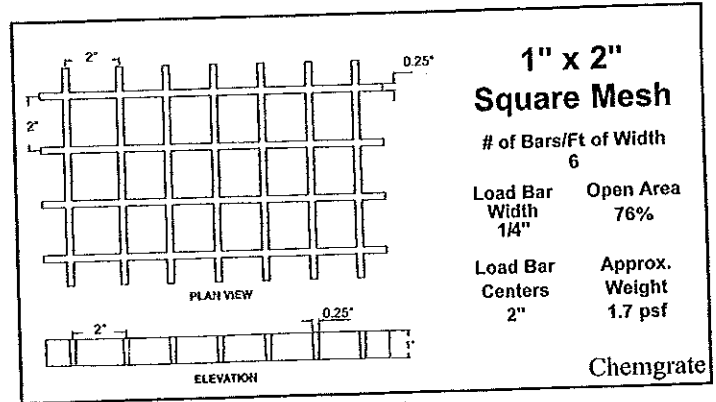
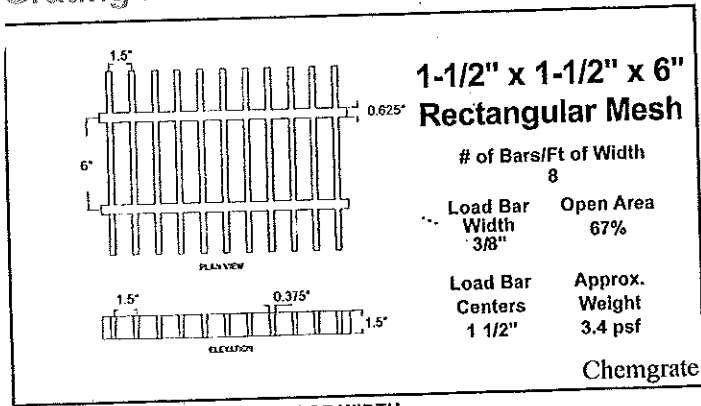


VERTICAL CABLE

<< click an image to enlarge >>

Grating Details & Custom Products

Grating Details



Custom Molded Products

Fibergrate has the capability to offer molded grating configurations designed/manufactured to meet your unique application requirements. Fibergrate's custom services include special molded grating configurations as well as parts requiring high volume compression molding, RTM, and centrifugal castings processes. Using our hand-lay-up methods, Fibergrate is able to create architectural details for building facades using FRP materials.

In addition to our custom sizes and shapes, Fibergrate also offers specialty resins custom designed to meet your specific needs. These special formulations are developed to address unique and demanding services and applications, as well as niche market needs. We can engineer resin systems to address temperature, flame, smoke and toxicity requirements. Our HSUV resin system was developed to address the intense UV affects found in offshore applications. Fibergrate's custom formulations with low smoke/toxicity properties were engineered with the United States Navy for below-deck marine service.

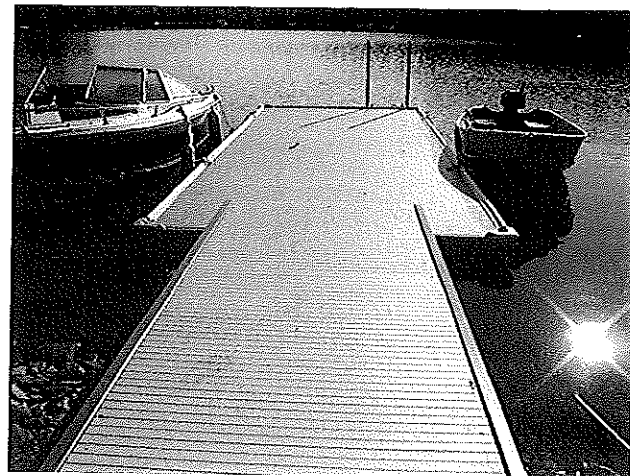
**NSF Standard
61-Certified**

Fibergrate Composite Structures is now the only FRP manufacturer offering NSF Standard 61-certified molded grating. Currently, this product is being offered in 2 resins systems: Our traditional IFR resin system and a food-grade, fire-retardant vinyl ester resin. Standard color is light gray. Our NSF Std. 61-certified structural shapes, handrails, ladders and pultruded components can be combined to create valuable, long-lasting stair stiles, walkways and platforms.

Aqua Grate® Pedestrian Grating



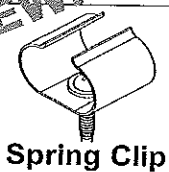
Aqua Grate® T1210 and T1215 pultruded pedestrian grating is specifically engineered to withstand the corrosive conditions associated with recreational and general marine applications and to meet ADA guidelines. With its nominal 1/4" space between the 1-1/2" wide bearing bars, Aqua Grate offers optimum comfort and safety for bathers walking with bare feet — a must in high traffic public recreational areas. Aqua Grate's unique combination of corrosion resistance and light weight provides easy, inexpensive installation in such facilities as swimming pools, water parks, marinas and piers.



*Boat Dock on Horseshoe Lake in Haliburton, Ontario.
Safe-T-Span Pultruded Aqua Grate Pedestrian Grating*

Aqua Grate is available in a variety of lengths and widths, making it useful for a number of waterfront and recreational applications. Aqua Grate's sugargrit surface provides a high level of slip resistance, yet at the same time offers a comfortable barefoot walking surface. Protection against long-term UV exposure is provided by a synthetic surfacing veil and UV inhibitors in the resin formulation. Whether subjected to chlorinated water in public and private pools or salt water environments found in marine and waterfront applications, Aqua Grate will offer years of low-cost, low maintenance service.

NEW!



Spring Clip

The T12 Spring Clip is designed for specially applications where grating needs to be removed without removing the hardware. The grating is held securely in place below the surface, but can be released with a firm upward force.
For the T12 Pultruded Grating Series.

Applications

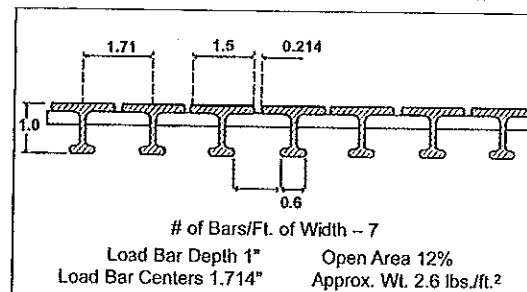
- Public and Private Swimming Pools
- Water Parks
- Theme Parks
- Boat Docks and Piers
- Marinas
- Zoos and Aquariums



Details

Refer to chart on Page 4 for Grating Selection

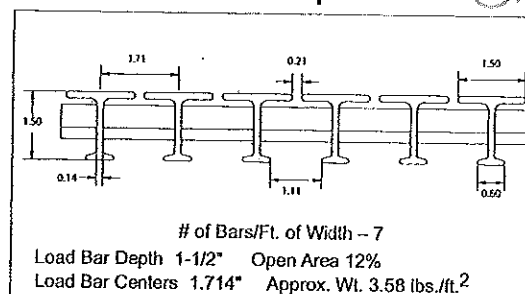
1" Deep, T1210 ADA Compliant



Engineering Properties per FT of Width

A=2.46 IN² I=0.32 IN⁴ S-top=0.94 IN³ S-bot=0.49 IN³
Average EI = 1,568,000 LB-IN² (SPAN ≥ 24')

1-1/2" Deep, T1215 ADA Compliant



Engineering Properties per FT of Width

A=3.19 IN² I=0.93 IN⁴ S-top=1.72 IN³ S-bot=0.97 IN³
Average EI = 4,827,000 LB-IN² (SPAN ≥ 24')

CALIFORNIA COASTAL COMMISSION

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

EXHIBIT F**W13a****RECEIVED****ADOPTED**

JUL 24 2009
City of Morro Bay
Public Services Department

Filed:	02/21/2008
180 th day:	N/A (extended to 270 days)
270 th day:	11/17/2008
Staff report prepared:	10/30/2008
Staff Report prepared by:	M. Watson <i>m</i>
Staff Report approved by:	D. Carl <i>DC</i>
Hearing date:	11/12/2008

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-07-048, Held Mixed Use Project

Applicant.....Smith Held, Held Family Trust, and the Estate of Armand Viole

Project location.....Along the Morro Bay Embarcadero (lease sites 67, 68, 67W, and 68W) at 575 and 591 Embarcadero Road (APN 066-137-001) adjacent to and over Morro Bay itself in the City of Morro Bay, San Luis Obispo County.

Project description.....Demolition of two existing residences, two retail stores, a carport, fencing, a floating dock, patio deck, and related structures, and construction of a two-story mixed development project that includes two commercial lease spaces, six hotel units, six parking spaces; two public restrooms, a new floating dock, and public access improvements to and along the bay frontage.

Local Approvals.....Concept Plan Approval of Conditional Use Permit UP0-140, City of Morro Bay City Council, August 27, 2007.

File documents.....City of Morro Bay Certified Local Coastal Program (LCP).

Staff Recommendation ..Approval with Conditions

A. Staff Recommendation**1. Summary of Staff Recommendation**

The Applicants propose to demolish the existing retail, residential, and related decking development on the site, and to construct a new mixed-use development consisting of commercial lease space and a six-unit visitor-serving inn in its place. The new development includes roughly 1,200 square feet of commercial lease space, two public restrooms and utility space totaling 977 square feet, 1,818 square feet of covered parking, and two overnight units of approximately 1,510 square feet on the first floor and approximately 3,065 square feet of visitor-serving accommodations (four overnight units) on the second level. The development is made up of two main structures roughly 31 feet by 88 feet, and 25 feet in height, that are separated by a 27-foot wide driveway/courtyard. Parking requirements would be addressed by six parking spaces (two ADA accessible spaces) in carports beneath the second floor.



California Coastal Commission

3-07-048 (Held Mixed Use Project) stfrrpt 10.30.08.doc

development, and through an in-lieu fee (calculated based on an additional 7 spaces, \$105,000) into the City's parking fee fund.

As designed, the proposed project will expand visitor-serving uses on the Morro Bay Embarcadero with the establishment of six overnight rooms and two visitor-serving commercial retail units. The proposed project will also provide new public access opportunities by expanding lateral public access along 90 feet of bay frontage; a critical link in the central Embarcadero shoreline access trail and a segment of the California Coastal Trail. A lateral public access boardwalk will be constructed over the existing rock and mortar bulkhead that slopes into the bay, and a 325-foot reconstructed public view deck will be provided adjacent to the lateral accessway. Vertical access will be provided via the 27-foot wide shared driveway/courtyard between the two buildings, and a new floating dock will provide for expanded boating use.

Notwithstanding the public recreational and visitor-serving value of these improvements, the proposed project includes several elements that raise Coastal Act consistency issues, primarily related to ensuring that the public access components of the project are adequate, and will function appropriately over the long term to ensure that the project's access components are successful. The Coastal Act direction (and LCP guidance) applicable to the site clearly requires that development here maximize public recreational access and visitor-serving opportunities. Given that it is a public property, and includes development over and into public trust resources of the Bay itself, this direction is only magnified, and it is clear that a significant and extraordinary public benefit is required. In other words, the Coastal Act requires that this site be developed with truly exceptional public recreational/visitor-serving access components that are sited and designed in such a way as to provide maximum public benefit, and dictates that anything less cannot be found Coastal Act consistent.

Fortunately, the Applicants' proposed project provides a strong foundation from which to make adjustments in this regard, and staff has worked closely with the Applicants to identify mutually agreeable modifications to the project that can address Coastal Act inconsistencies appropriately in this case. Specifically, the adjustments necessary to bring the project into conformance with the Coastal Act include widening the lateral access boardwalk to 10 feet along the entire bay frontage; ensuring future bay side lateral access connectivity to adjacent properties; redesigning the driveway/courtyard so that it acts as an accessway in which cars are sometime allowed (e.g., use of cobbles or pavers to identify and delineate public vertical access, bollards at the entrance to limit use of the driveway to hotel patrons and to minimize user conflicts, covering the carport areas to hide cars, etc.); ensuring that the new floating dock is available for general public use; providing detail on access management over time; and requiring in-lieu fees to address parking deficiencies and to mitigate for low-cost overnight accommodations (consistent with the Commission's practice in this respect in recent Morro Bay cases).

As proposed and conditioned by this permit, the project will expand visitor-serving uses on the Morro Bay Embarcadero with the establishment of six overnight rooms and two visitor-serving commercial retail units. The proposed project will also provide new public recreational access opportunities by expanding lateral public access along 90 feet of bay frontage, a critical link in both the central Embarcadero shoreline access trail and the California Coastal Trail. A public access view deck will be



constructed in roughly the same location as the existing private patio with connections to the lateral boardwalk. Vertical access will be provided via a 27-foot wide courtyard between the two buildings, and a new floating dock is proposed for enhanced boating opportunities. Permit conditions refine and secure these public access and visitor-serving elements, and address low-cost accommodation issues.

In sum, and as conditioned, the project represents a truly exceptional public recreational/visitor-serving access project, with components that will be sited and designed in such a way as to provide maximum public benefit at this important public site along Morro Bay and the Embarcadero. Staff recommends that the **Commission approve a CDP with conditions**. The necessary motion is found directly below.

2. Staff Recommendation on Coastal Development Permit

Staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

Motion: I move that the Commission approve coastal development permit number 3-07-048 pursuant to the staff recommendation.

Staff Recommendation of Approval: Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit: The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.



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B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Background, Location, and Description

Embarcadero History

Until the mid-1940's, most of the small community of Morro Bay was built on the bluff tops above the tidal flats. Between 1942 and 1945, the north and south breakwaters at the entrance to the Morro Bay harbor, two "T"-piers, and the inner harbor bulkhead were constructed for a Navy amphibious base. A navigational channel was dredged and the spoils deposited behind the inner harbor bulkhead to create a fill area along the bay that became known as the Embarcadero. In the late 1940's the Navy base, including all waterfront facilities, was sold to San Luis Obispo County. Buildings began to be constructed on the Embarcadero, and various docks and piers were occupied by a growing fleet of commercial fishing boats. In 1964, the City of Morro Bay incorporated and assumed jurisdiction over the County's waterfront land and facilities, including the Embarcadero. Trusteeship of state tidelands was also transferred to the City at that time.

Morro Bay and the Embarcadero in particular, are major tourist attractions and prime coastal visitor-serving destinations with an estimated 1.5 million visitors annually. The Embarcadero is now largely



developed with a variety of visitor-serving (overnight units, restaurants, gift shops, etc.) and coastal-related land uses (i.e., kayak rental, commercial and recreational fishing services, etc.). Parcels on the bayside of Embarcadero are leased to individual lessees by the City through the City's proxy relationship to the State Lands Commission and the state tidelands underlying the Embarcadero. The Coastal Commission retains permitting jurisdiction on all such tideland properties, including the fill areas along the Embarcadero, and including the property that is the subject of this permit application. As a result, the standard of review for the proposed project is the Coastal Act, although the certified Morro Bay LCP can provide non-binding guidance.

Project Location

The proposed project is located on the bayside of the Embarcadero in Morro Bay at 575 and 591 Embarcadero Road (see Exhibit A). Embarcadero Road is the first public through road and it parallels the Morro Bay estuary and the City's commercial and recreational harbor. The Embarcadero's character is still strongly focused on commercial fishing, although more recent developments have put a more finished facade to this style over time. The project site is located in the central Embarcadero south of Marina Street and is comprised of four lease sites (67, 68, 67W, and 68W), two of which extend out into the bay (67W and 68W), and 90 feet of bay frontage. The subject site gently slopes down from an elevation of roughly 13 feet above mean sea level at Embarcadero Road to approximately 8 feet above mean sea level at the top of the bulkhead. The land portion of the site (approximately 8,340 square feet) is currently occupied by two residences totaling 1,985 square feet, two retail stores totaling approximately 1,175 square feet, a 365 square foot carport, fencing, and walkways. There is also a 315 square foot floating dock that is used to moor sailboats and provide access for a charter boat service, and a 325 square foot patio deck on pilings over the water. The project site is walled off along Embarcadero Road, and doesn't currently provide any public access. The Morro Bay Aquarium is located to the north and the Pacific Cafe to the south. Currently, there is no lateral access across the Aquarium property, however the Pacific Cafe does provide vertical and some lateral access to a glass-enclosed deck used primarily for restaurant seating over the water. See Exhibit A for location maps and Exhibit C for site photos.

Project Description

The project includes the demolition of all existing development and construction of two main two-story structures totaling 6,748 square feet (excluding 1,818 square foot carports) approximately 25 feet in height, with a 27-foot wide driveway/courtyard between the two main structures, and a lateral public access boardwalk 8 feet in width seaward of the proposed new structures along the entire width of the waterfront sites connected at its upcoast end to 325 square foot reconstruction of the private patio deck as a public view area. Vertical access to the lateral boardwalk and new view deck would be gained via the driveway/courtyard. The mixed-use development includes ground floor development made up of two retail commercial spaces (approximately 600 square feet each), two visitor-serving hotel units (755 square feet each), two utility rooms, two public restrooms, stairs, trash enclosures, and storage (totaling 977 square feet), and second floor development consisting of four visitor-serving hotel units (approximately 765 square feet each). The second floor units would each have a private balcony



approximately 90 square feet in size. The proposed project also includes six covered parking spaces in carports opening to the driveway/courtyard (approximately 1,818 square feet) including two spaces dedicated for ADA compatibility, and related improvements such as public benches, sidewalks, planters, and lighting. The proposed project also includes construction/replacement of a floating dock and gangway accessible from the south lease site. The dock will be re-sited slightly seaward of the existing dock to enhance nearshore habitat values and attached via support struts from the land side development to eliminate the need for new pilings or other fill. See Exhibit B for project plans.

2. Coastal Development Permit Determination

A. Public Access and Recreation

1. Applicable Policies

Coastal Act Sections 30210 through 30224 require that new development maximize public recreational access, provide visitor recreational facilities, protects oceanfront land for recreational use and development, encourages recreational boating facilities, and in general establishes a coastal-dependent, visitor-serving, and public recreational access priority over other types of uses and development. In particular:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.



Section 30222.5: Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Coastal Act Section 30233 specifically identifies the criteria for when fill of coastal waters, such as that envisioned for the proposed floating dock and public view deck, is allowable. In this case, it would be allowable if it were to provide for new or expanded boating facilities, including commercial fishing facilities and public recreational boating facilities, and a new public recreational view deck. Coastal Act Section 30233 states:

Section 30233: (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

In addition, Section 30240(b) protects recreational areas such as the site and the Bay itself against development that would inappropriately degrade such areas, or that would be incompatible with them. Section 30240(b) states:

Section 30240(b): Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Finally, the Coastal Act protects special communities that are popular visitor destinations, like Morro Bay and the Embarcadero. Coastal Act Section 30253(5) states that:



Section 30253(5). Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Although not the standard of review, the LCP's zoning standards also detail specific uses and guidelines for development within the visitor-serving commercial (C-VS) zone applicable to this site. The purpose of the subject waterfront (WF) district is as follows:

17.24.170 Waterfront (WF) district. Purpose. The purpose of the waterfront district is to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas...

In terms of siting, the LCP requires that at least thirty percent of the site (or 27 feet) be left free of structures to allow through views from the Road to Morro Bay across the site (LCP Waterfront Design Guideline Chapter 5, Criteria 1(a)). In addition, although the LCP height limit for this site is 17 feet and the maximum building coverage limit is 70% of the land portion of the properties, the LCP allows for an increase in height up to 25 and a corresponding second floor area that is 70% of the maximum allowable first floor building coverage for projects with a "significant public benefit." The criteria for establishing such a significant public benefit includes, among other things, greater than normal public usable open space or provision of extraordinary public access. The proposed project is based on applying just such an exception (for height and FAR), and thus a significant public benefit must be associated with it to allow such exceptions for increased mass and scale at this sensitive bay-fronting site.

In sum, the Coastal Act direction (and LCP guidance) applicable to the site clearly requires that development here maximize public recreational access and visitor-serving opportunities. Given that it is a public property, and includes development over and into public trust resources of the Bay itself, this direction is only magnified, and it is clear that a significant and extraordinary public benefit is required. In other words, the Coastal Act requires that this site be developed with truly exceptional public recreational/visitor-serving access components that are sited and designed in such a way as to provide maximum public benefit, and dictates that anything less cannot be found Coastal Act consistent.

2. Analysis

The proposed project is located on public trust lands seaward of the first through public road and is adjacent to Morro Bay. The project includes multiple public recreational/visitor-serving access components including overnight visitor-serving accommodations, lateral public access along the bay frontage, a floating dock, and vertical access to the bay-fronting lateral access. These improvements are intended to increase and improve the visitor-serving uses and recreational opportunities available at this location and provide an important link in the plan for continuous shorefront access along the Embarcadero.

Lateral, Vertical, and Dock Access

Although the proposed project includes both lateral and vertical access to and along the 90-foot bay frontage, it falls short of maximizing public recreational/visitor-serving access opportunities consistent



with the Coastal Act. In terms of lateral access, the new accessway and the reconstructed 325 square foot view deck will be a public access enhancement along the bayfront of the site. However, the proposed lateral access boardwalk is designed at the LCP minimum 8-foot width, which is fairly ordinary along this stretch of coastline, and there isn't any lateral access connectivity to points north or south of the site. It is also immediately adjacent to the main structures proposed, thus limiting the area available for accommodating access amenities that could promote enjoyment of the shoreline and the natural beauty of Morro Bay (e.g., areas for benches, lingering, interpretation, etc.). A wider lateral accessway designed to connect in the future up and downcoast would enhance the public's ability to access the shoreline here, particularly in terms of the vision for the central Embarcadero shoreline access trail and the California Coastal Trail that are, by definition, tied to such lateral accessway at this location. An increased width is necessary in this respect to make the Coastal Act consistency findings. This approval is conditioned to require a minimum 10-foot wide lateral access boardwalk along the bay front of the site that is open and available for general public use, and that is designed for future seamless lateral access connectivity (see Special Condition 1(e)).

In terms of vertical access, the project does not include a dedicated and stand alone public vertical access component. As currently designed, the parking plan for the development includes parking spaces in carports beneath the second story hotel suites. Access to these parking spaces is via the 27-foot wide shared driveway/courtyard between the proposed structures (where the driveway/courtyard also serves as the 27-foot through view corridor as required by the LCP). This area is also intended to serve as the public vertical access to the bay-front lateral boardwalk and associated amenities. Though it would be preferred to have separated access and vehicular driveways at this location, in this case a shared arrangement (i.e., an accessway doubling as a driveway) makes sense given the limited space available on the lease sites and the need to also accommodate through visual access unimpeded by structures over 27 linear feet of the frontage of the site.

However, the shared access/driveway configuration can lead to user conflicts and safety issues between pedestrians and vehicles, and will serve to diminish its utility as an accessway inasmuch as it will appear as a private commercial vehicular driveway and not as a public accessway. Its value as a vertical public accessway will be diminished as a result, and it may not even be clear that it is an accessway at all. Given there currently isn't any vertical access at this location, and other accessways are located further away and are not connected to this site laterally,¹ a well-designed and clearly identified accessway is particularly important at this location. It is also critical that the accessway appear as an accessway and a through view corridor. Unfortunately, the proposed design of this area to serve (and appear) as primarily a driveway impedes achievement of these objectives. Modifications to address these deficiencies are required to find Coastal Act consistency. Specifically, the driveway design must be modified to primarily appear and function as an accessway in which cars are sometimes present, as opposed to the opposite. This can be achieved through use of different paving/path materials (e.g., cobbles, turf block, pavers, decomposed granite, etc.), path alignment, maximized landscaping (including low landscaping adjacent

¹ There is a public vertical accessway two lease sites over to the north at the Marina Street end (i.e., on the north side of the Morro Bay Aquarium), and there is a public vertical accessway located at the Driftwood Street end approximately four lease sites to the south, but neither connects to the shoreline at this site.



to the accessway as well as taller landscaping nearer the buildings to reduce the perceived scale of the buildings from the accessway itself), informative and attractive signing and lighting, areas for access amenities (e.g., benches, bike racks, etc.), and methods for ensuring vehicular use is minimized and made to appear secondary to public access use (including bollards or equivalent at the street and toward the lateral accessway to limit and confine vehicles, parameters to ensure only hotel patrons use the parking spots, and putting doors or equivalent across the carport openings to hide the vehicles once parked). This approval is conditioned to ensure that the accessway/driveway is re-visioned and redesigned to meet these criteria (see Special Condition 1(f)).

In terms of the new floating dock, the Applicant indicates that it would be available for docking pleasure craft on its outside edge, and for free public launching/docking of smaller craft (e.g., kayaks, etc.) on its inside edge (see Exhibit B for the proposed dock configuration). However, it is unclear how this facility would be operated in this respect, including to ensure that it was publicly available for general public recreational use, and to ensure that any fees were kept low and commensurate with standard rates for the area. Such facility can be found Coastal Act consistent if it includes parameters to ensure that it is clearly an integral part of the overall development (including integrating docking use with overall operations of the site), it is clearly provided and available for general public and/or commercial fishing use, any fees are minimized, and it is provided as a transient use facility and not as a long-term docking area. This approval is conditioned to ensure that the dock facility is understood in this way (see Special Condition 2(b)).

Similarly, and on a broader scale in terms of public access parameters for the public access amenities of the site in general (lateral and vertical accessways, view deck, dock, etc.), the project currently lacks clarity as to how such facilities would be provided, maintained, and kept available for general public recreational use in a manner that maximizes their utility and value. There is also a lack of specificity on signage, interpretation, and use and provision of related access amenities (e.g., restrooms, benches, etc.). The Commission is aware of the pitfalls, large and small, that can accrue when such parameters are not clearly laid out at the time of project approval, and it is critical in this case that access is properly provided and maintained over time. Accordingly, this approval is conditioned for an access management plan designed to ensure maximum public recreational access benefit in perpetuity, where the primary objective is to maximize public recreational access at the site (including to all site walkways, boardwalks, courtyards, floating dock, and view deck) and all related areas and public access amenities (i.e., restrooms, bench seating, etc.), to provide clear and informative signage (including interpretive signage), and to ensure that the project's public access features are available for free (other than potential minimal docking fees) general public use during daylight hours (and during all non-daylight hours when the retail components of the approved project are open)² 365 days per year (see Special Condition 2).

Lower Cost Visitor Facilities

Coastal Act Section 30213 requires that lower cost visitor and recreational facilities be protected and where feasible, provided. As conditioned, the site will provide and ensure generally available no cost

² When lateral access up and downcoast is provided in the future, the vertical and lateral access components will need to be available 24 hours a day to maximize trail connectivity and continuity along the Embarcadero and the California Coastal Trail.



(and low cost, for docking) public recreational facilities throughout the site (walkways, boardwalks, view decks, etc.). These project components go a long way to providing the requisite lower cost facilities. However, the commercial visitor-serving aspect of the project (i.e., the hotel units), raises some question in this respect. In light of current trends in the marketplace and along the coast, the Commission is increasingly concerned with the challenge of providing lower-cost overnight accommodations consistent with the Coastal Act. Recent findings in support of a Commission decision concerning hotel-condominiums showed that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower-cost.³ Although statewide demand for lower-cost accommodations in the coastal zone is difficult to quantify, there is little question that lower cost opportunities (e.g., camping and hostels, etc.) are in high demand, and that there is on-going need to increase lower-cost opportunities along California's coast.⁴

The six proposed overnight units range between 735 and 755 square feet, and each include bay facing decks with prime coastal views of the bay, sandspit, and Morro Rock. The Applicants have indicated that the room rates will begin at \$175 per night and will mostly exceed \$200 per night, depending upon the season and market conditions.⁵ By comparison, many hotel/motels in the Morro Bay area offer more affordable rates (including rooms at the Travelodge (\$49 per night), Fireside Inn (\$65 per night), Days Inn (\$74 per night), Inn at Morro Bay (\$108 per night), and Ascot Suites (\$138 per night)). In terms of camping and hostel options, average cost data indicates perhaps a better range for what might be considered "lower cost" accommodations. For example, the average cost of a hostel is \$14, and camping rates at nearby State Parks range from \$9 to \$25 a night. The proposed project does not provide lower-cost overnight accommodations, and the project does not otherwise promise to include low-cost overnight accommodations off-site to address the requirements of Coastal Act Section 30213. In past actions in and around Morro Bay, the Commission has required one-quarter (25%) of proposed rooms be made available at affordable rates.⁶ Because the current proposal includes construction of a 6 suites, application of the 25% methodology means that at least 2 lower cost units ($6 \times 0.25 = 1.5$) should be provided.

Although, as indicated above, there are a number of hotel/motels in the City of Morro Bay that offer lower priced rooms than those proposed in this case, very few of them are located along the Embarcadero on commercial visitor-serving zoned properties. There hasn't been a recent comprehensive study of the location and underlying zoning designation of the existing stock of hotel/motel properties within Morro Bay, but anecdotal evidence suggests that many of the hotels lie on commercially zoned properties. Therefore, many of the City's hotel/motels are not protected in the sense that, in the future, the existing hotel use could be converted to more profitable and potentially non-visitor-serving uses. Therefore, it is critical that existing and proposed hotels located on the limited number of visitor-serving

³ See LCPA 1-07, Oceanside; July 2008 hearing.

⁴ For example, State Parks estimates that demand for camping has increased 13% between 2000 and 2005, and that nine of the ten most popular campgrounds are along the coast.

⁵ According to hotel-guides.us, an internet source for hotel room rates, a hotel room rate of \$175 per night would register a rating of four out of five stars on its affordability chart (i.e., at the less affordable end of the range).

⁶ See, for example, CDP 3-07-002 (Estero Landing) and CDP 3-07-003 (Front Street Hotel).



designated sites in Morro Bay, like this one, be protected for lower cost visitor-serving accommodations.

In lieu of providing lower cost accommodations on-site, the requirements of Coastal Act Section 30213 can be met by providing an in-lieu fee for the purpose of funding lower-cost accommodations at an off-site coastal location in the same geographic region. Although the Commission prefers the actual provision of lower-cost accommodations in conjunction with projects, where necessary, the Commission has used in-lieu fees to provide lower-cost opportunities,⁷ including recently in Morro Bay.⁸

Accordingly, in order to mitigate for the absence of lower cost visitor accommodation facilities in the proposed development, and to bring the project into conformance with Coastal Act Section 30213, Special Condition 6 requires an in-lieu fee of \$13,860 per room for 25% of the total number of rooms.⁹ As currently designed, this results in a fee of \$27,720 ($2 \times \$13,860 = \$27,720$). The fee would be placed in an interest bearing account, for the specific purpose of constructing lower-cost overnight accommodations (such as a hostel, tent campsites, etc.) in the coastal zone of San Luis Obispo County near the project site.

In summary, the Applicants are proposing to construct fairly expensive overnight visitor accommodation facilities immediately adjacent to the bay at Morro Bay on land designated Commercial Visitor-serving. Coastal Act Policy 30213 requires that lower cost visitor and recreational facilities shall be protected and, where feasible, provided. In this case, the proposed development is not consistent with the requirements of Section 30213. Therefore in order to bring the project into conformance, the project has been conditioned to require payment of an in-lieu fee for the construction of lower cost visitor-serving facilities in the area. As conditioned, the project can be found consistent with the lower cost visitor facilities policies of the Coastal Act.

Visitor-Serving/Land Use Priorities

Another issue raised by the rate structure and configuration of the proposed hotel units is the potential for the units to be sold/leased to private individuals and used as quasi-residential units or offered as time-shares. Such potential outcome would diminish the visitor-serving value and utility of such units. If units are individually owned, they are essentially residential investments and constitute a quasi-residential land use with only the possibility of functioning part time as overnight visitor-serving accommodations. Condominium hotels also are not contemplated within the specific policy language of

⁷ For example, the Commission has required an in-lieu fee in permits to convert the Highlands Inn in Monterey County and the San Clemente Inn to timeshares. In these cases, the Commission required the applicants provide funding for a hostel to offset the loss of lower-cost accommodations. More recently, the Commission required payment of an in-lieu fee associated with the construction of a new hotel in Pismo Beach (A-3-PSB-06-001, Beachwalk Resort, July 11, 2007).

⁸ Id (Estero Landing and Front Street Hotel projects in December 2007).

⁹ The amount of the base fee was derived by estimating the cost of constructing seven new campsites and associated infrastructure. Based on information provided by the Department of Parks and Recreation, the creation of additional campsites within an existing State Park unit may cost up to \$5,000 per site. The typical amenities including grading to create a level parking pad and camp area, table or bench, fire pit, cook site, landscaping, and a share of utilities such as water and restrooms. However, this does not include the cost of constructing restrooms and utilities. In its evaluation of the cost of constructing a new campground at the Harbor Terrace site in Port of San Luis, including the extension of necessary utilities and the construction of restrooms and other campground amenities, the Port estimated the cost of each new tent campsites at more than \$13,860 per site in 2002.



the Waterfront or Embarcadero planning areas. Thus, condominium hotels are not currently an allowable use in these planning districts. In addition, the project does not include a limit on the length of stay or expressly prohibit private ownership of the individual rooms, and does not include adequate safeguards to ensure the units are offered as a standard operating overnight units as opposed to something more residentially oriented. Although the Applicants have not expressed intent to sell the individual units, it is possible that it would become necessary depending upon the ability to secure adequate financing for the hotel development or to ensure full occupancy during the off-season. To ensure that the overnight accommodations remain visitor-serving and to ensure Coastal Act consistency in this respect, this approval is conditioned to prohibit private ownership of the hotel units; to limit lengths of stay for any individual, group, or family (i.e., a 29 day limit on the length of stay, including no more than 14 days during the summer peak-season); to require the hotel rooms to always be available for public transient use; and to establish use and rental parameters for operation.

Parking

The estimated parking requirement per the LCP guidance for the proposed mixed-use development is 13 spaces: one for each of the six hotel rooms, one space per every ten rooms, one space for every 300 square feet of commercial retail space, and two spaces for the floating dock (6 + 1 + 4 + 2 respectively). Such guidance does not include any parking space requirements specifically attributable to public access use. The Applicants have proposed to provide 6 spaces on-site (two ADA compatible) and payment equal to seven spaces into the City's parking in-lieu fee fund.¹⁰ Because the site is under-parked in this sense (both in terms of using the in-lieu fee method, and because public access parking has not been accounted for), there is the possibility for impacts to public parking along the Embarcadero and nearby, which could in turn inappropriately displace general public access parking. In this case, however, the limited scale of the project, the fee (that will eventually be used for parking development), and the public access amenities, as conditioned, are enough to ensure that potential public access parking impacts are appropriately offset.

3. Conclusion

As proposed and conditioned by this permit, the project will expand visitor-serving uses on the Morro Bay Embarcadero with the establishment of six overnight rooms and two visitor-serving commercial retail units. The proposed project will also provide new public recreational access opportunities by expanding lateral public access along 90 feet of bay frontage, a critical link in both the central Embarcadero shoreline access trail and the California Coastal Trail. A public access view deck will be constructed in roughly the same location as the existing private patio deck with connections to the lateral boardwalk. Vertical access will be provided via a 27-foot wide courtyard between the two buildings, and a new floating dock is proposed for enhanced boating opportunities. Permit conditions refine and secure these public access and visitor-serving elements, and address low-cost accommodation issues. In sum,

¹⁰ Under the City's parking management plan, applicants are allowed to satisfy all or a portion of the parking requirement via a combination of options including on-site, off-site, and in-lieu fee payment. However, if an off-site arrangement is chosen, the applicant must enter into a formal agreement with the parking provider that includes recording a deed restriction to formally reserve the requisite parking now and at all times in the future for the life of the project. In-lieu of providing parking on or off-site, applicants are allowed to submit a payment into the City's parking in-lieu fee fund at a rate of \$15,000 per space.



and only as conditioned, the project represents a truly exceptional public recreational/visitor-serving access project, with components that will be sited and designed in such a way as to provide maximum public benefit at this important public site along Morro Bay and the Embarcadero. As such, the project can be found consistent with the Coastal Act policies discussed in this finding.

B. Visual Resources/Community Character

1. Applicable Policies

Coastal Act Section 30251 states:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Additionally, Coastal Act Section 30253(5) states:

Section 30253(5). Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In addition, the LCP contains policies related to protection of public views along the Embarcadero and of the unique geographic features surrounding the City's working harbor including Morro Rock, the bay and sandspit. These include the previously cited requirements for maintaining up to 30% of each site free of structures as a through view areas (LCP Waterfront Design Guideline Chapter 5, Criteria 1(a)). In addition, building height and bulk relationships must be compatible with existing development and coastal views may not be impaired or degraded otherwise. Through the Waterfront Master Plan, the LCP provides clear guidance with respect to visual compatibility of new development with both existing development and surroundings natural features. New development must incorporate an architectural character consistent with the maritime theme of the waterfront, be pedestrian oriented in form and scale, and avoid excessive height and massing.

2. Analysis

The relatively flat site is currently developed with one and two-story commercial retail and residential buildings, carport, fencing, an existing patio deck, a floating dock on the western lease sites, a significant amount of concrete and coverage on the site. Existing structures and fencing wall off the entire 90-foot Embarcadero Road frontage. The existing one and two-story structures, though not more than 20 feet in height, obstruct all of the public views of the bay, sandspit, and Morro Rock across the entire 90 feet of property frontage along Embarcadero Road. See photos in Exhibit C.



Inland of the project site, there are a few commercial retail and restaurant establishments, parking lots, and a multi-story visitor-serving hotel. Single-family residences line the bluff tops directly east and south of the project site. There are no significant scenic vantages from these locations. On the bluffs about a block to the south however, is a public street end that provides views of the bay, Morro Rock, Montana de Oro, and Point Buchon in the distance.

Construction of the proposed mixed-use buildings, like the existing structures and fencing, will obstruct public views from Embarcadero Road over a significant portion of the site (see Exhibits C and D). To offset this impact, the project includes a 27-foot wide view corridor to the bay between the two proposed main structures.¹¹ As conditioned to ensure the 27-foot area is redesigned to emphasize it as an attractive public accessway, and to maximize new public views from it and from the project's bay-fronting components (views of the bay, sandspit, and Morro Rock), the newly created and provided views should be enough to offset the Embarcadero view blockage associated with the buildings themselves.

With respect to views from the blufftop street end, construction of the new two-story development will not significantly alter the views of the bay and points beyond. Though it is true some blue water views will be affected by the new structures, it will occur along a very narrow band of the 180 degree view afforded by the street end. Furthermore, because of the significant differences in height between the proposed new structures and bluff top elevation (almost 20 feet), only a small portion of the inner harbor will be obstructed. The more significant and visually prominent geologic features (e.g., Morro Rock, sandspit, Point Buchon headland) will be unaffected by the new structures.

In terms of design, the architectural character of the mixed-use development is generally consistent with the overall theme of one and two story structures established along the Embarcadero. The two structures include building articulation, setbacks, and offsets that provide architectural interest and break up mass. Second story offsets along the east (bayside) elevation also serve to minimize massing directly adjacent to the proposed lateral public access boardwalk and view deck. The roof design similarly includes articulation and variation, and thus the overall appearance is of a collection of individual appendages that are connected together. Overall height is 25 feet, which is compatible with the size and height of the structures seen along the Embarcadero, and consistent with development standards for projects that provide significant public benefits such as those proposed/conditioned in this application. The proposed material palette includes a mix of natural and man-made materials such as stone, wood, plaster, and metal. Horizontal wood and plaster siding will be painted muted colors. Stone or brick columns will be used for supports. Vertical windows are proposed throughout and a metal roof caps the construction. The City has conditioned its permit to require review and approval of all final materials to ensure compatibility with the architectural styling, themes, and character of the waterfront planning district.

It is clear that the project includes appropriate elements with respect to building forms and projections on a gross scale, but finer scale elements lack sufficient definition to ensure that the end result appropriately reflects the character of the area. The City's conditions of approval can be incorporated into this approval to ensure maximum effectiveness of them (see Special Condition 7), but there is little

¹¹ As required by the LCP (Waterfront Design Guideline Chapter 5, Criteria 1(a)).



guarantee that the project's design elements will ensure compatibility with Morro Bay Embarcadero aesthetics, and that these aesthetics will be enforced and maintained over time. This includes maintaining the LCP-designated maritime theme and pedestrian-oriented form and scale. The Commission is aware of the pitfalls – small and large – involved with ensuring a finished facade matches a design aesthetic, and such assurance is predicated on much of the surfacing detail that will be developed as the project moves forward. To address this concern, Special Condition 1(l) requires submission of project design plans, including an appropriate materials palette, for Commission staff approval.

3. Conclusion

The Coastal Act requires new development to protect views to and along the shoreline, be visually compatible with the character of the area, to protect the character of this popular visitor destination, and, where feasible, to restore and enhance visual quality in visually degraded areas. As conditioned to ensure design compatibility, and to ensure well designed maximum public recreational access that will open up new public views, the project can be found consistent with the visual resource and community character policies of the Coastal Act.

C. Water Quality

1. Applicable Policies

Coastal Act Sections 30230 and 30231 state:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

2. Analysis

The site is located immediately adjacent to and over the waters of Morro Bay. Construction activities associated with the development of the site, and drainage and run off from the completed project could potentially result in adverse impacts on Morro Bay water quality. In particular, those activities include the demolition of existing waterfront structures (office building and foundation pilings), construction of



the new commercial retail/visitor-serving building, and construction of the new lateral access boardwalk view deck, and floating dock. The project requires work over and adjacent to open coastal waters, which could lead to potential adverse water quality impacts. Fortunately, impacts to water quality during construction can readily be minimized through the development and implementation of a construction plan that, at a minimum, includes identification of all construction and staging areas, all construction methods and timing, and all construction BMPs otherwise (i.e., silt fences, straw wattles, washing/refueling areas, spill containment measures, site cleanup procedures, waste disposal, etc.), including those designed to prevent release of construction-related materials, liquids, soil, and debris into the bay (see Special Conditions 3(a-d)). To ensure maximum public notification and good construction relations, the construction plan must also be kept on site and all persons involved in construction briefed on the content and requirements of it, and a construction coordinator must be designated and be available to answer questions and also investigate complaints and take remediation action if necessary 24 hours per day for the duration of the project (see Special Condition 3(e)).

In terms of post-construction water quality measures, the project includes a suite of measures to protect Morro Bay, including improvements to the existing drainage system on-site, and water quality filtration/treatment units on-site to ensure that runoff from the parking lot and the rest of the project does not adversely affect Bay water quality. Some of these measures have been adjusted by the City's condition of approval. So as to ensure maximum effectiveness of them, this approval incorporates the City's conditions as conditions of this permit (see Special Condition 7).

3. Conclusion

As conditioned, the project adequately addresses water quality issues and it can be found consistent with the Coastal Act's water quality protection policies.

3. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the



Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size set of final plans to the Executive Director for review and approval. The Final Plans shall be in substantial conformance with the plans submitted to the Coastal Commission (dated received in the Commission's Central Coast District Office May 23, 2007, and titled Site Plans, Elevations, and Roof Plans prepared by Mark L. Allen) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Development Footprint.** The maximum development footprint for the commercial retail/visitor-serving structures combined shall not exceed 5,512 square feet, and shall not encroach further seaward than the westernmost extent of lease sites 67 and 68 as shown on sheet A-1 of the May 23, 2007 plans (see Exhibit B).
 - b. **Building Height.** Building heights shall not exceed 25 feet as measured from existing grade.
 - c. **Public Access View Deck.** A public access view deck at least 18 feet by 18 feet shall be constructed adjacent to, and at the same elevation as, the lateral public access boardwalk.
 - d. **Floating Dock.** Final plans shall illustrate the publicly available floating dock and gangway including all support structures and connections.
 - e. **Public Access Boardwalk.** A 10-foot wide public access boardwalk along the bay frontage shall connect to the public access view deck, and shall provide for seamless connectivity to future public access boardwalks along properties north and south of the development site.
 - f. **Driveway/Courtyard.** The 27-foot wide driveway/courtyard shall be redesigned to primarily appear and function as a public accessway in which cars are sometimes present. The area shall, at a minimum, include: differentiation in paving/path materials to better identify pedestrian/bicycle access (e.g., cobbles, turf block, pavers, decomposed granite, etc.); a clear path alignment at least ten feet in width extending from Embarcadero Road to the public access boardwalk; maximized landscaping (including low landscaping adjacent to the accessway as well as taller landscaping nearer the buildings and transitional landscaping in between); lighting for wayfinding; and identified areas for access amenities (e.g., benches, bike racks, etc.) as well the amenities themselves and access to them (e.g., the restrooms). Removable bollards or equivalent shall be included at the street and toward the lateral accessway to limit and confine vehicles as much as possible, and to ensure use of the parking is limited to patrons of the hotel units. Driveway approach and ingress/egress shall be limited as much as possible. Development not



associated with public recreational access in the driveway/courtyard area shall be limited as much as possible.

- g. Carports.** Carport areas shall be covered with doors or equivalent to hide cars from view as seen from the driveway/courtyard, where such doors or equivalent shall be designed to seamlessly integrate into the public access courtyard aesthetic.
- h. Railings.** All railings shall be designed to be unobtrusive and to maximize through views (e.g., vertical railings spaced sufficiently apart, cable railings, etc.) while maintaining pedestrian safety. Glass or equivalent railing systems shall be prohibited to avoid impacting birds.
- i. Parking.** The number of on-site parking spaces shall be limited to a maximum of three spaces per building and a maximum of six spaces overall. Any additional required parking must be satisfied off-site, either in an adjacent lot (by formal agreement), or by payment into the City's parking in-lieu fee fund at a rate of \$15,000 per space. Evidence of a formal parking agreement recorded at the County Recorder's Office shall be required for any off-site parking to be applied.
- j. Non-Native and Invasive Plant Species Prohibited.** Plans shall identify all plant materials to be used for landscape purposes, and all irrigation systems designed to maintain site landscaping. Landscaped areas shall consist only of native plants of local stock that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property. Plans shall include provisions to ensure that all site landscaping is maintained in its approved state in perpetuity.
- k. Lighting.** The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated. All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented. All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay), and shall be limited to the maximum extent feasible while still providing for public safety. Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.
- l. Design.** The plans shall clearly identify all measures that will be applied to ensure that the project design, including all structures and including all other project elements within the public view (e.g., walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.), emulates Morro Bay Embarcadero aesthetics, including use of a maritime theme and pedestrian-oriented form and scale. At a minimum, the plans shall clearly identify all publicly visible structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).



The Permittee shall undertake development in accordance with the approved Final Plans.

2. **Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval two sets of full-scale public access management plans (Access Plans). The Access Plans shall clearly describe the manner in which general public access associated with the approved project is to be managed and provided, with the objective of maximizing public access to the public access areas of the site (including all site walkways, boardwalks, the courtyard, the floating dock, and the public view deck) and all related areas and public access amenities (i.e., restrooms, bench seating, etc.) described in this special condition. The Access Plans shall be substantially in conformance with the public access portion of the plans submitted to the Coastal Commission (including as shown on sheet A-1 of Exhibit B), except as modified by these special conditions, and shall at a minimum include the following:
 - a. **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear what areas are available for public access use).
 - b. **Floating Dock.** All parameters for use for the floating dock shall be clearly identified. The floating dock shall be publicly available as a transient use facility (and not as a long-term docking area) for general public and/or commercial fishing use, shall be clearly an integral part of the overall development (including integrating docking use with overall operations of the site), and any fees shall be as low as possible commensurate with standard rates for the area, where evidence to this effect shall be provided if fees are identified.
 - c. **Amenities.** Public access amenities (such as benches, bicycle racks, trash and recycling receptacles, etc.) shall be provided, including at a minimum benches along the courtyard, at the public view deck, and appropriate locations along the lateral accessway, and bike rack parking for at least six bicycles.
 - d. **Public Access Signs/Materials.** The Access Plans shall identify all signs, handouts, brochures, and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at the Embarcadero Road entrance to the courtyard, at the intersection of the lateral access boardwalk with the courtyard, at the floating dock and at the gangway where it connects the floating dock to the lateral access boardwalk, and at the public view deck. At a minimum, appropriate (to Morro Bay issues, information, and history) public access interpretive signs shall be placed at the public view deck and along the lateral access boardwalk.



- e. **Courtyard Access.** The Access Plans shall clearly specify all methods to be used to ensure that vehicular use is minimized in the courtyard area, and to ensure that such use is made to appear secondary to public access use (including though use of bollards or equivalent at the street and toward the lateral accessway to limit and confine vehicles, limiting driveway improvements as much as possible, and putting doors or equivalent across the carport openings to hide the vehicles once parked), including providing that only hotel patrons may use the parking spots.
- f. **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, barriers to public access (furniture, planters, temporary structures, private use signs, etc.) shall be prohibited. The public use areas shall be maintained in a manner that maximizes public use and enjoyment.
- g. **Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge (other than potential minimal docking fees) during at least daylight hours (i.e., one hour before sunrise to one hour after sunset), and during at least all non-daylight hours when the retail components of the approved project are open. The Access Plans shall provide for 24-hours per day access to the lateral and vertical access features once connectivity is provided via the lateral access boardwalk to both upcoast and downcoast lateral accessways.
- h. **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.
- i. **Public Access Amenities Provided Prior to Occupancy.** All public access components of the approved project shall be constructed and ready for use prior to retail/hotel occupancy of the project.

The Permittee shall undertake development in accordance with the approved Public Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit.

- 3. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full sized copies of a Construction Plan to the Executive Director for review and approval.
 - a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. Construction and staging zones shall be limited to the minimum area required to construct the approved project, and to avoid construction impacts to the bay, among other ways by using inland areas for staging and storing construction equipment and materials.
 - b. **Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas).



- c. **Construction BMPs.** The Construction Plan shall also identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. **Construction Site Documents.** The Construction Plan shall provide that copies of the signed coastal development permit and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 4. **Shoreline Development Stipulations.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that:
 - a. **No Further Seaward Encroachment.** Any future development, as defined in Section 30106 ("Development") of the Coastal Act, shall be constructed inland of, and shall be prohibited seaward of, the bulkhead except for permitted development associated with construction, maintenance, or repair of the project approved by this coastal development permit.



- b. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.

5. Hotel Requirements.

- a. **Length of Stay Provisions.** All six visitor-serving overnight units shall be open and available to the general public. Rooms may not be rented to any individual, family, or group for more than 29 days per year or for more than 14 days between Memorial Day and Labor Day.
- b. **Conversion Prohibited.** The conversion of the approved hotel units to limited use overnight visitor accommodation units (e.g., timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved project shall be prohibited.

6. **Lower Cost Overnight Accommodations Mitigation Fee.** PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES, the Permittee shall submit to the Executive Director for review and approval a plan to establish a Lower Cost Overnight Accommodations Fund (Fund). Subsequent to Executive Director approval of the plan and prior to construction, a sum equal to \$13,860 per room for 25% of the total rooms proposed shall be deposited into an interest bearing account designed to hold the Fund, to be established and managed by one of the following entities as approved by the Executive Director: the City of Morro Bay, the County of San Luis Obispo Parks Department, the Port San Luis Harbor District, the California Department of Parks and Recreation, Hostelling International, or similar entity. The purpose of the Fund account shall be to establish new lower cost overnight visitor-serving accommodations, such as new hostel or tent campground units, at appropriate locations within the coastal zone of San Luis Obispo County near the project site. The entire fee and any accrued interest in the Fund shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to one or more of the State Parks units located along the San Luis Obispo County shoreline (e.g., Estero Bay, Morro Strand, Morro Bay, Montaña de Oro, or Pismo Beach State Park), or other organization acceptable to the Executive



Director, for the purpose of providing lower cost public access and recreation improvements to and along the shoreline, including improvements to the California Coastal Trail.

PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT, the Executive Director must review and approve the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the in-lieu fee funds required by this condition shall enter into a memorandum of understanding (MOU) with the Commission, which shall include, but not be limited to, the following: (1) a description of how the funds will be used to create or enhance lower cost accommodations in the Coastal Zone; (2) a requirement that the entity accepting the funds must preserve these newly created lower cost accommodations in perpetuity; and (3) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal development permit for development of the lower cost accommodations required by this condition.

7. **Compliance with Local Conditions of Approval.** All conditions imposed by the City under legal authority other than the Coastal Act continue to apply.
8. **Lease and Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee and City have executed and recorded against the lease sites and parcel(s) governed by this permit a lease and deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The lease and deed restriction shall include legal descriptions of the lease sites and parcels governed by this permit. The lease and deed restriction shall also indicate that, in the event of an extinguishment or termination of the lease and deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

C. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.



The City of Morro Bay, acting as the lead CEQA agency, conducted an environmental review for the proposed project per the requirements of CEQA and issued a Negative Declaration with Mitigations.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



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AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA
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3331 FARMERS CIRCLE SCOTTS VALLEY 95066
MAY 2004

Project Site

575 & 591 Embarcadero Road

APN 066-137-001

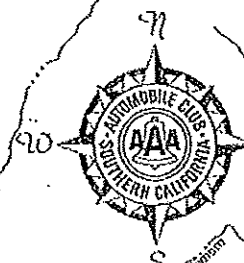


Exhibit A; 3-07-048
Held Mixed-Use Development
Location Map
Page 1 of 1

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Second Floor Plans

SECOND FLOOR PLAN

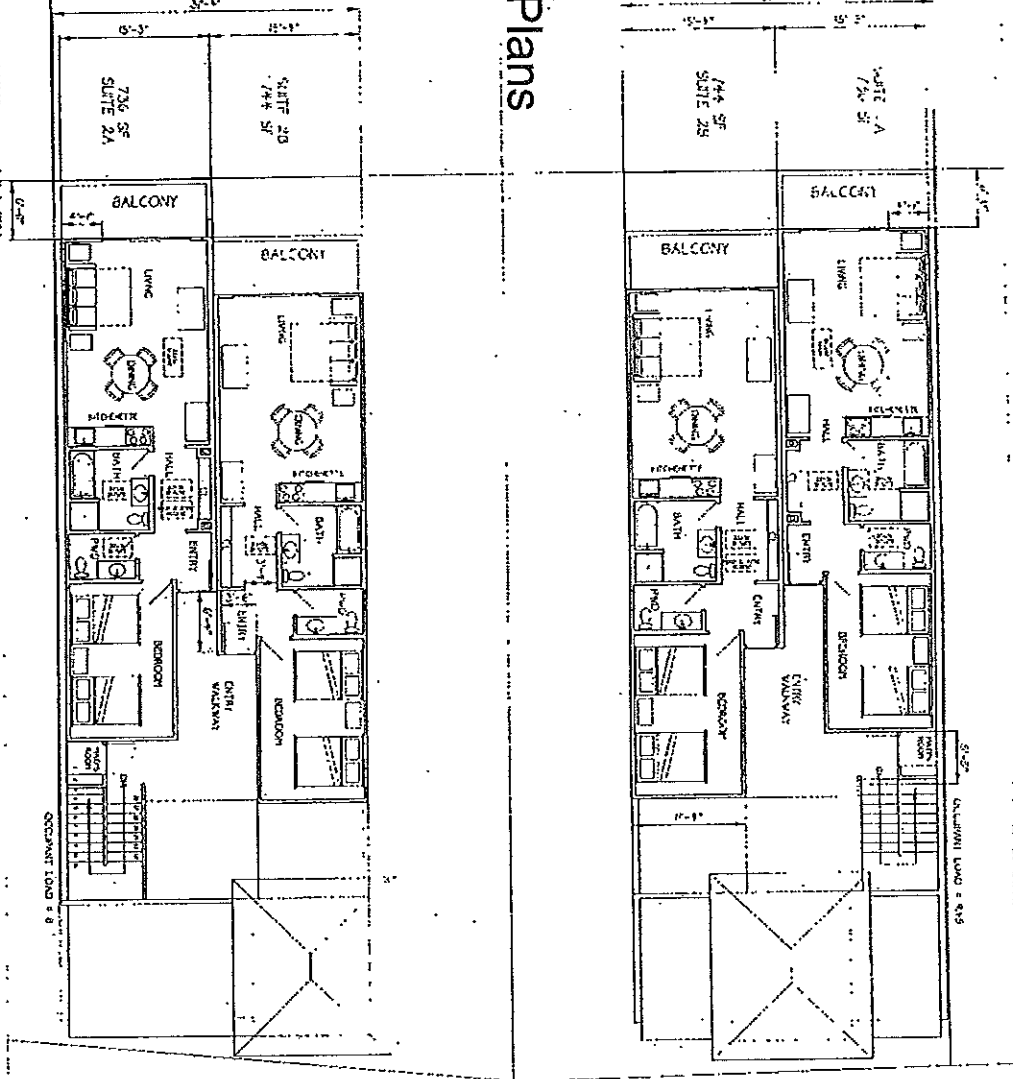
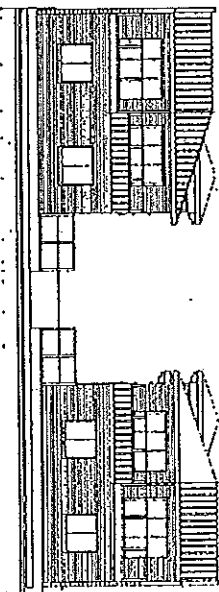


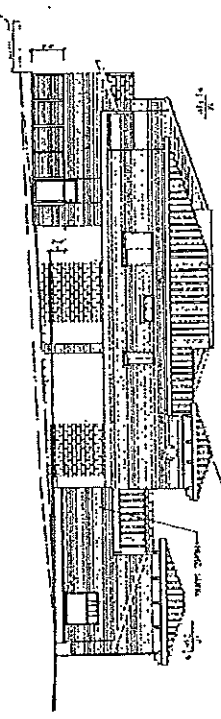
Exhibit B; 3-07-048
 Held Mixed-Use Development
 Proposed Site Plan and Elevations
 Page 2 of 4

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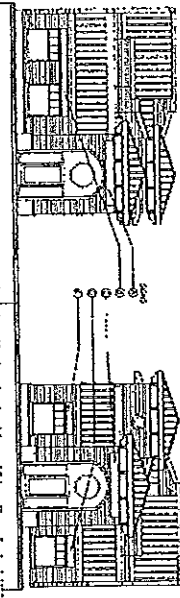
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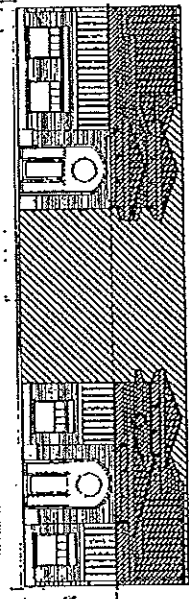
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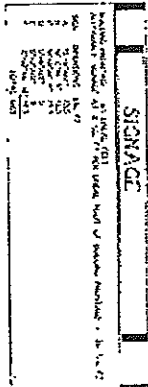
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MEY CORRIDOR

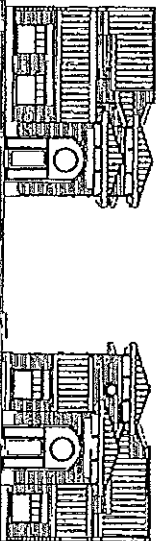
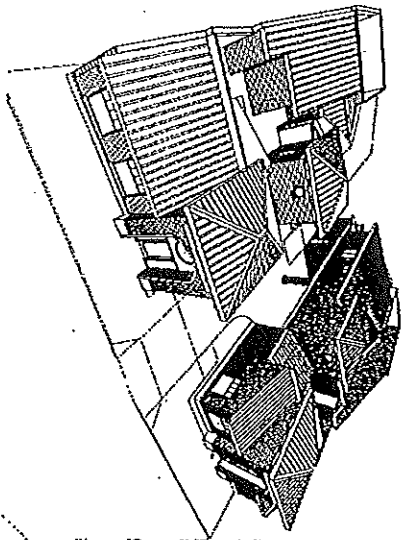
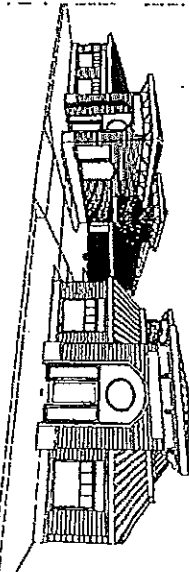
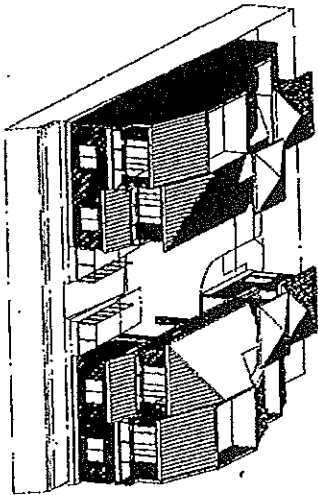
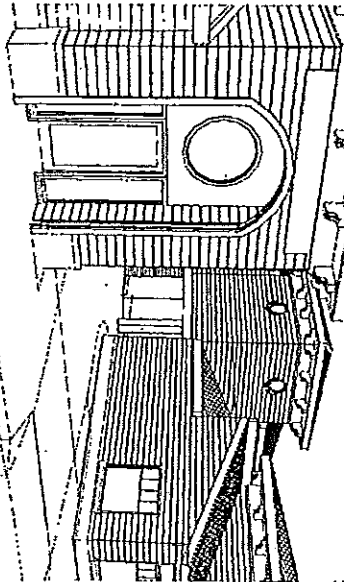


SIGNATURE



SOUTH BUILDING NORTH

Exhibit B; 3-07-048.
Held Mixed-Use Development
Proposed Site Plan and Elevations
Page 3 of 4

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EXTERIOR VIEWS
PROJECT DATA

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DATE
BY

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MARK L. ALLEN
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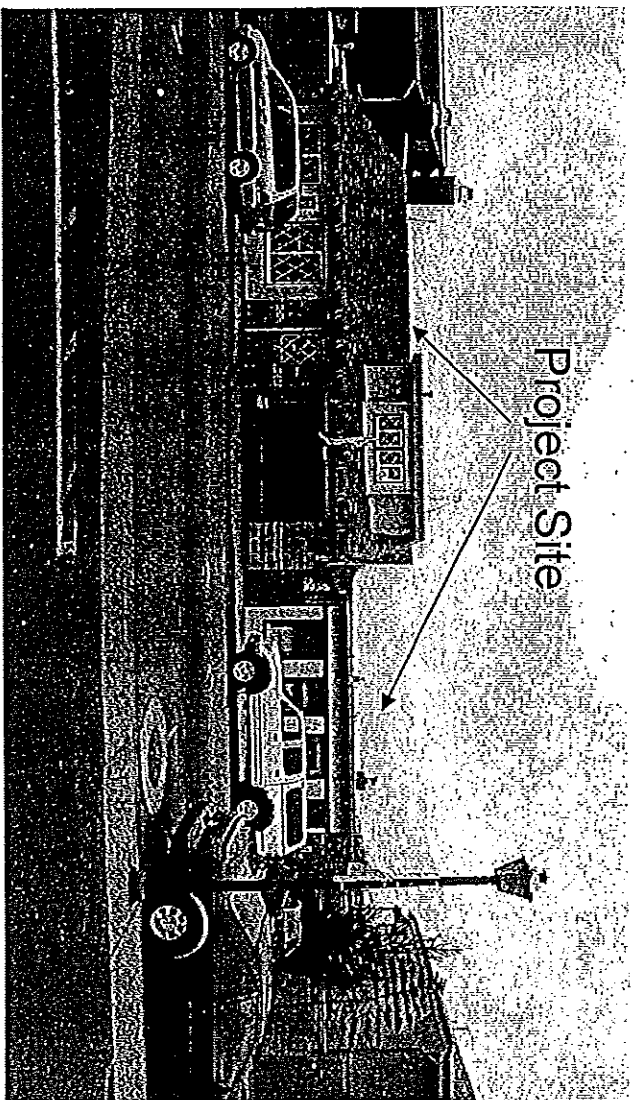
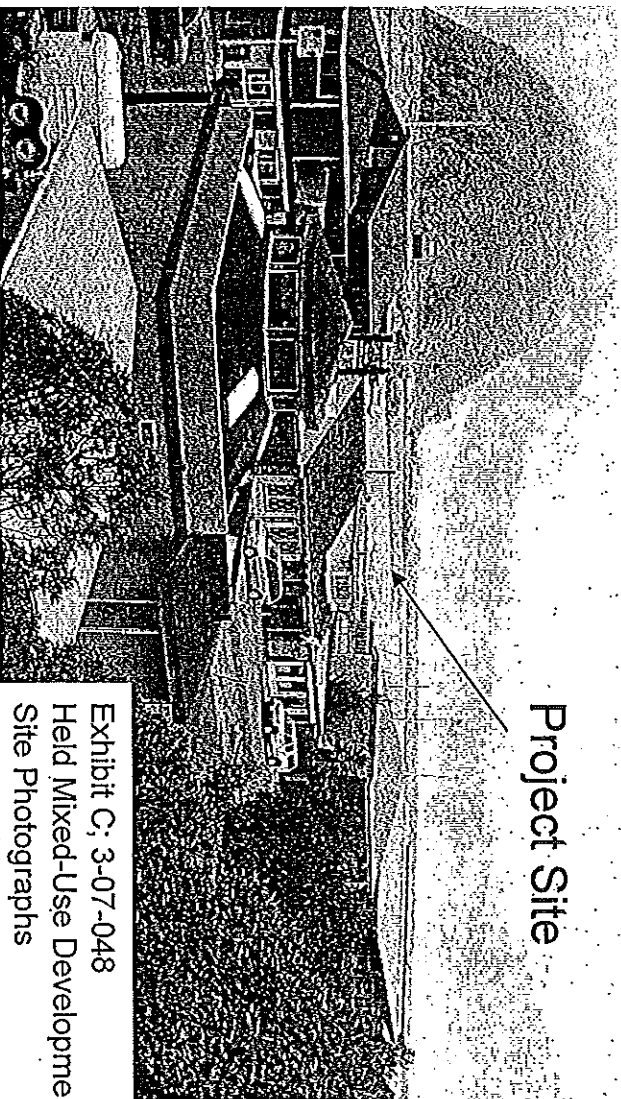
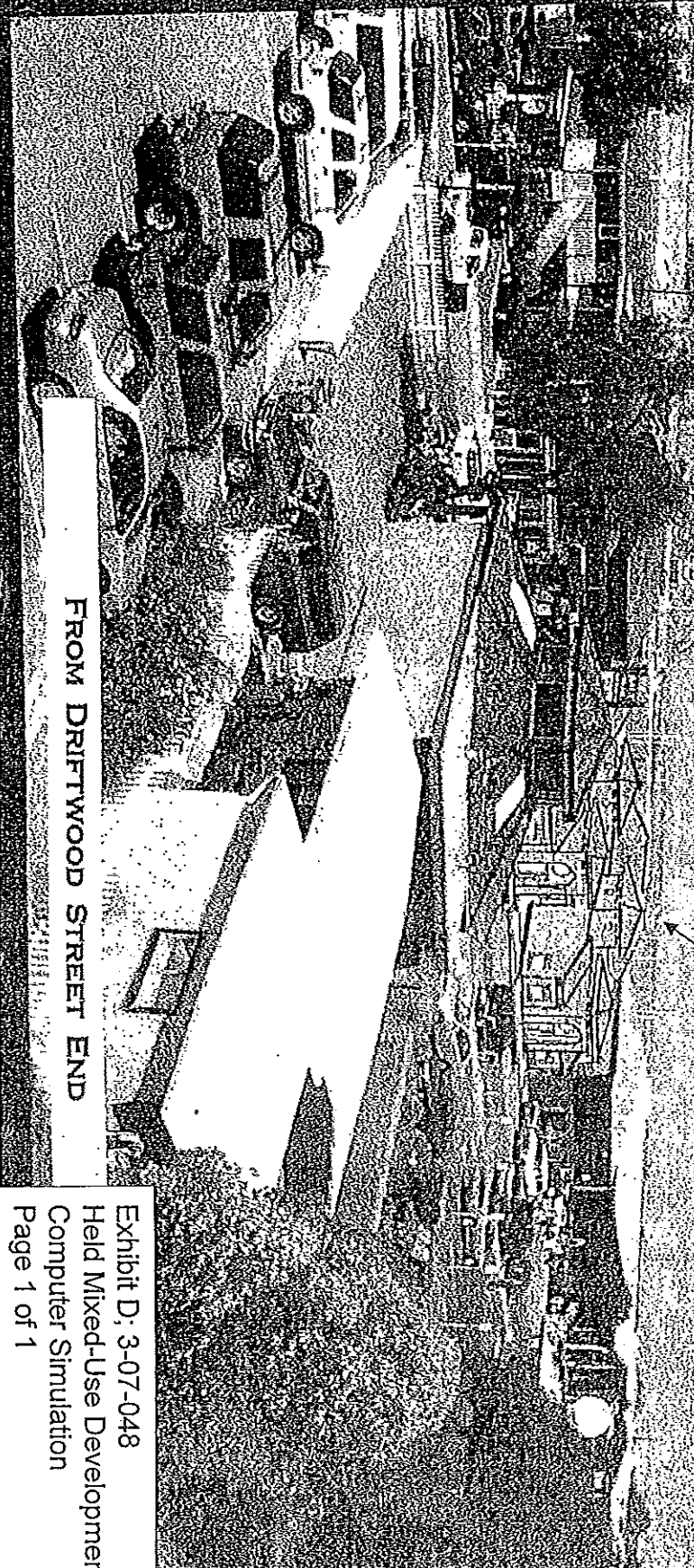


Photo 1: Site view looking west from Embarcadero Road.

Photo 2: Site view from Driftwood Street end.



Computer Simulation of
proposed new project.



FROM DRIFTWOOD STREET END

Exhibit D; 3-07-048
Held Mixed-Use Development
Computer Simulation
Page 1 of 1

EXHIBIT G

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – AUGUST 27, 2007
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Peters called the meeting to order at 5:00 p.m.

PRESENT:	Janice Peters	Mayor
	Melody DeMeritt	Councilmember
	Rick Grantham	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Robert Hendrix	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

MOTION: Councilmember Peirce moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Grantham and unanimously carried. (5-0)

Mayor Peters read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS. Instructing City's real property negotiators regarding the price and terms of payment for the purchase, sale, exchange or lease of real property.

Property: Morro Dunes RV Park
Negotiating Parties: City and Doug Claassen
Negations: Lease Terms

CS-2 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR. Conference with the City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding salaries, salary schedules, or compensation paid in the form of fringe benefits, and giving instruction to the Designated Representative.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:50 p.m.

MOTION: Councilmember Peirce moved the meeting be adjourned. The motion was seconded by Councilmember Grantham and unanimously carried. (5-0)

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – AUGUST 27, 2007
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:00 p.m.

PRESENT:	Janice Peters	Mayor
	Melody DeMeritt	Councilmember
	Rick Grantham	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Robert Hendrix	City Manager
	Andrea Lueker	Assistant City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	John DeRohan	Police Chief
	Joan Drake	Housing Programs Coordinator
	Rachel Grossman	Associate Planner
	Mike Pond	Fire Chief
Susan Slayton	Finance Director	

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR'S REPORTS & ANNOUNCEMENTS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Marla Jo Bruton referred to a report that she submitted to the City Council regarding common types of damage that occur with clay sewer lines and the environmental impacts it causes the City.

Richard Sadowski addressed the importance of implementing a building moratorium until the wastewater treatment plant and the infrastructure is upgraded.

Joey Racano referred to the State Marine Reserve in the east estuary, and stated there is a slight delay with the implementation of the Marine Life Protection Act Initiative process because it is so complex. He said this is due to the overlapping of State Parks jurisdiction, which raises many questions pertaining to preservation of our precious coastal natural resources. Mr. Racano stated once through cooling from the power plant is destroying larvae in the estuary and causing entrainment. He said the implementation of the MLPA and removal of the power plant will help with the City's eco-tourism business.

MINUTES - MORRO BAY CITY COUNCIL
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Jim Nance addressed the sewer rate upgrades and recommended instead of charging the citizens, the City should contract a grant writer to find federal or state grant funding to pay for this government-mandated operation; substantially increase the golf course sewer and water rates; increase commercial high user rates; increase building impacts fees; notice increase in water bills; and implement a building moratorium until above is completed.

The following people addressed Item C-3 (Consideration of Contract to Complete a Comparative Study of City Cost Efficiency and Effectiveness) expressing opposition to hiring a consultant and noting this study should be performed in-house; it was also suggested these funds be used to increase the Police force, and improve the City infrastructure: Hal Tune, Ray McKelligott, Lynda Merrill, Dannie Tope, and Gary Luttrell.

Bill Woodson addressed Item C-3 and stated he is impressed with the employees of the City, and it is appropriate to invest in a study of the City's services. He said it should be asked why the City has such financial woes. Mr. Woodson stated all departments should be included in this study with a third party analysis.

Reg Baldwin stated by raising development impact fees to lower sewer impact fees will raise housing costs and not encourage low-income housing.

Ray McKelligott addressed Item D-2 (Proposal to Consider Amendment to Zoning Ordinance Regarding Condominium Conversions) and stated this proposed amendment would create mobile homes as the principal low-income housing in Morro Bay.

Lynda Merrill addressed Item D-1 (Discuss City Policy Authorizing Appeal Fee Refunds) and expressed support for authorizing a policy to refund appeal fees. Ms. Merrill also expressed support for Item D-2 stating condominium conversions allow for people to have a sense of ownership and they participate more in their community.

Garry Johnson stated he arranged a meeting between the merchants and the Police Department to discuss alleviating gangs from Morro Bay. He expressed support for the Police Department and said the City needs to maintain a strong police force.

Nancy Johnson announced the Celebration of Dahlia Days on September 18th at St. Timothy's Parish Hall.

Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 7:05 p.m.; the meeting resumed at 7:15 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – AUGUST 27, 2007

DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Grantham requested to agendize a status report on the abuse or negative financial impact on refunding appeal fees anywhere between six months and one year; Councilmember Winholtz and Mayor Peters concurred.

Councilmember DeMeritt requested to agendize a discussion on the legal basis for a building moratorium on residential building at the next Council meeting; Councilmember Winholtz and Mayor Peters concurred.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF THE MINUTES FOR THE AUGUST 13, 2007 CITY COUNCIL MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 RESOLUTION NO. 41-07 FOR APPLICATION/AUTHORIZED REPRESENTATIVE FOR SMALL COMMUNITY WASTEWATER GRANT PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 41-07.

A-3 RESOLUTION NO. 43-07 AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 43-07.

A-4 AUTHORIZATION OF CONTRACT FOR SERVICES ON CORPORATION YARD SPACE PLAN; (PUBLIC SERVICES)

This item has been pulled from the agenda.

A-5 AUTHORIZATION FOR STAFF TO ATTEND THE REGIONAL WATER QUALITY CONTROL BOARD HEARING ON WASTEWATER TREATMENT PLANT GRANT; (PUBLIC SERVICES)

RECOMMENDATION: This item has been pulled from the agenda.

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- A-6 AUTHORIZATION NO. 42-07 FOR THE CITY OF MORRO BAY TO ENTER INTO AN AMENDMENT TO GRANT AGREEMENT #05-128-980 WITH THE DEPARTMENT OF BOATING AND WATERWAYS FOR STATE PARK MARINA REHABILITATION PROJECT PLANNING; (HARBOR)

RECOMMENDATION: Adopt Resolution No. 42-07.

- A-7 ORDINANCE NO. 532 AMENDING SECTION 9.28.030-I REGARDING CONSTRUCTION HOURS ON WEEKENDS - SECOND READING/ADOPTION; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance No. 532.

- A-8 ACCEPTANCE OF LETTER OF RESIGNATION FROM ONE PUBLIC WORKS ADVISORY BOARD MEMBER; (ADMINISTRATION)

RECOMMENDATION: Receive and accept letter of resignation.

MOTION: Councilmember Peirce moved the City Council approve the Consent Calendar. The motion was seconded by Councilmember DeMeritt and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

- B-1 APPLICANT'S APPEAL OF PLANNING COMMISSION DENIAL OF PROPOSED LOT SPLIT AT 735 CABRILLO PLACE; (PUBLIC SERVICES)

Associate Planner Rachel Grossman stated the applicant proposes to subdivide an existing 13,159 square foot lot into two legal lots that would be 6,002 square feet and 7,157 square feet. The requested subdivision is consistent with all requirements contained within the updated Subdivision Ordinance. On June 18, 2007, the Planning Commission continued the applicant's request for a Coastal Development Permit and parcel map approvals for a lot split, and requested staff return with findings for denial. On July 2, 2007, the Planning Commission approved findings for denial for the proposed lot split. The applicant seeks reversal of the Planning Commission's decision, which prevents him from subdividing the property. Ms. Grossman recommended the City Council uphold the appeal and approve the requested lot split at 735 Cabrillo Place.

Cathy Novak, representing the applicant/appellant, stated the grounds for this appeal are that the Planning Commission's denial of the Tentative Map was based on inadequate and improper findings. These findings concluded that the subdivision is incompatible with development patterns, lot sizes, shapes, open space, development type and density in the neighborhood. She said there is no provision defined in the Subdivision Ordinance that a subdivision must meet a neighborhood character standard. The General Plan

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requires that a lot be of sufficient size, accessible from a public street and sufficient services to meet the build out demand. It additionally requires consistency with the Zoning Ordinance, other City policies and suitability for the type and density of the development. In considering the need for single-family homes and State mandates, it is more advantageous to provide two reasonable size lots for home construction than one large mansion. This subdivision design is consistent with the General Plan, pertinent requirements of the Subdivision Ordinance and other ordinances/laws and plans of the City as referenced in the Findings for Approval provided by staff in the Planning Commission Report dated June 18, 2007. Ms. Novak stated she would respectfully request that the City base its decision on the substantial evidence presented to approve this tentative map and uphold the appeal.

Jason Linker, applicant/appellant, stated he has grown up in Morro Bay and is vested as a property owner and business owner. He said his intent is to improve the properties that he has invested in. Mr. Linker requested the City Council uphold the City codes and ordinances by approving his request for a lot split, or take action to change the laws.

Mayor Peters opened the hearing for public comment.

The following people expressed support to approve the appeal and allow the applicant to subdivide an existing 13,159 square foot lot into two legal lots: Kim Linker, Carl Davis, Dannie Tope, Patrick Patterson, Erika Barnes, Ray Coskey, Jim McRoberts, Trevor Smith, Rich Huntington, Troy Leage, Tim Cowan, and Keith Gaffney.

The following people expressed opposition to allowing the subdivision of an existing 13,159 square foot lot into two legal lots noting it would be inconsistent with the neighborhood: Joseph Antinello, Skip Barnhardt, Cathy Phipps, Ruth Bianchi, Jim Bianchi, Sandy Barnhardt, Tom Cahill, Nathan Wallenstein, Dan Glesman, Robert Tefft, Karyn Convertini, Ray McKelligott, Roy Kline, and Roger Ewing.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz stated the protection of the character of neighborhoods is within the context of the General Plan. She said the previous Conditions, Covenants and Restrictions for this neighborhood set a minimum of 9,000 square feet, which is no longer valid but sets the intent for this neighborhood. Councilmember Winholtz stated she is opposed to this appeal and supports upholding the law of the General Plan.

Councilmember Peirce stated although a lot split would provide a smaller house, it would not be affordable housing. He said he is opposed to the appeal because there are no benefits for the neighborhood, and would create too much impact on the neighborhood.

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Councilmember Grantham stated this is a bad time to talk about density of property when the City does not have a Police Department that can adequately protect the City at present. He said he is opposed to the appeal because there are no benefits to the neighborhood.

Councilmember DeMeritt stated this proposal is not about State mandates and creating housing, and does not support low-income housing. She said subdivision is a privilege granted by the City Council. Councilmember DeMeritt stated this neighborhood is built with incredible yards and spaces in between, and the only way to save a neighborhood like this is with Council's discretion. She said she is opposed to granting this appeal.

Mayor Peters stated this proposed lot split would create the fifth smallest lot in the surrounding area from Luisita Street to the State Park. She said it is the City Council's job to maintain the integrity of neighborhoods. Mayor Peters stated a granny unit would be allowed on this property if housing would be a concern. She said she is opposed to granting this appeal.

MOTION: Councilmember Peirce moved the City Council deny the appeal for a lot split at 735 Cabrillo Place, and direct staff to return with findings for denial. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

B-2 APPROVAL OF CONDITIONAL USE PERMIT FOR DEMOLITION OF EXISTING STRUCTURES LOCATED AT 575 AND 591 EMBARCADERO ROAD, AND SUBSEQUENT CONSTRUCTION OF MIXED-USE BUILDING INCLUDING SIX HOTEL SUITES AND TWO COMMERCIAL SUITES; (PUBLIC SERVICES)

Associate Planner Rachel Grossman stated the proposed project would demolish the existing buildings and replace them with two mirror image mixed-use structures that would include a total of two commercial suites and a six-room hotel with public lateral access. The applicant is requesting flexibility in height because significant public benefit would be provided. The Planning Commission reviewed the proposed project on April 2, 2007, and voted to continue the project, date uncertain, in order to provide the applicant an opportunity to redesign the proposed project based on Commissioner comments. The project returned to the Planning Commission on July 16, 2007 for further review and discussion and subsequently approved. Upon approval by the City Council the applicant would seek Coastal Development Permit approval from the Coastal Commission before returning to the Planning Commission for precise plan approval. Ms. Grossman recommended the City Could approve the Concept Plan for the development proposed at 575 and 591 Embarcadero based upon the findings and conditions approved by the Planning Commission.

Smith Held approached Council noting he was available to answer questions.

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

Councilmember Peirce stated this proposed building would provide a view where the existing building does not. He said he is favorably impressed and supports this Concept Plan.

Councilmember Winholtz stated she is hesitant on granting the proposed 25-foot height; however, the plan offers the benefit of a public restroom. She said as a full benefit, she would like the restroom to be open every day 24 hours per day.

Councilmember Grantham stated he sees the public restroom as a full benefit to the public. He said the proposed plan is an improvement to the existing use, and he supports this Concept Plan.

Councilmember DeMeritt stated she has a concern with parking with the increase of guest quarters being built on the Embarcadero. She said she would like the addition of a trolley route with 10-minute headways on the Embarcadero prior to this project being built. Councilmember DeMeritt stated she appreciates the view corridor that this project will provide, and the proposed restroom is a public benefit.

Mayor Peters stated the proposed view corridor is a huge benefit to the community and tourists. She said there would be risk of illicit activity by having the restroom open 24 hours per day, and having them open during business hours should be sufficient.

MOTION: Councilmember DeMeritt moved the City Council approve the Concept Plan for the development proposed at 575 and 591 Embarcadero based upon the findings and conditions approved by the Planning Commission. The motion was seconded by Councilmember Grantham and carried with Councilmember Winholtz voting no. (4-1)

Mayor Peters called for a break at 8:45 p.m.; the meeting resumed at 8:55 p.m.

B-3 CONTINUED PUBLIC HEARING ON A BED AND BREAKFAST/MIXED-
USE PROJECT LOCATED AT 214 BEACH STREET; (PUBLIC SERVICES)

Planning Manager Mike Prater stated the applicant has requested a continuance for personal reasons and a chance to complete the information previously requested by the City Council.

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MOTION: Councilmember DeMeritt moved the City Council continue the public hearing on a Bed and Breakfast/Mixed-Use Project located at 214 Beach Street to the September 10, 2007 City Council meeting. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

C-1 FOLLOW-UP TO MORATORIUM ORDINANCE ON MEDICAL MARIJUANA DISPENSARIES; (CITY ATTORNEY)

This item was pulled from the agenda.

C-2 APPROVAL OF ANNUAL WATER REPORT AND ANNUAL WATER ALLOCATION PROGRAM; (PUBLIC SERVICES)

Public Services Director Bruce Ambo stated the City Council requested an update on the number of water equivalency units issued from January 2007 to present. A total of 33.78 water equivalency units were issued (commercial – 1.66 water equivalency units; multi-family – 11.96 water equivalency units; and single family residential – 20.16 water equivalency units). For the entire year of 2006 a total of 48.22 water equivalency units were issued. It is projected that the City will be below the 230 water equivalency units recommended for allocation, which breaks down to 100 water equivalency units for residential and 130 water equivalency units for commercial and industrial uses. The allocation and target goals continue to be consistent with Ordinance No. 266. Mr. Ambo recommended the City Council adopt the same water allocation program as last year.

Councilmember DeMeritt stated she does not see that the same amount of allocations are necessary since there is a drought, and recommended the residential water equivalency units be lowered to half (50 units).

MOTION: Councilmember DeMeritt moved the City Council accept the 2006 Annual Water Report with an amendment to residential water allocations from 100 water equivalency units to 50 units for this year.

Councilmember Peirce requested an amendment to the motion to include a report from staff if the 50 units are approaching; Councilmember DeMeritt accepted the amendment to her motion.

The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

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C-3 CONSIDERATION OF CONTRACT TO COMPLETE A COMPARATIVE
STUDY OF CITY COST EFFICIENCY AND EFFECTIVENESS;
(ADMINISTRATION)

City Manager Robert Hendrix stated this report explores the costs and other implications involved in contracting with an expert to perform a study and comparative analysis of the Morro Bay City organization. The suggested study goal would be to achieve a sustainable and substantial reduction in General Fund costs over two years while minimizing impacts on residents, employees and other City constituents. Mr. Hendrix recommended the City Council review financial requirements, timing and operational implications of the project and if feasible, approve the project; direct the City Manager to select a contractor, and return to the City Council with a budget adjustment funding the study and analysis.

Councilmember Peirce stated the City could prepare this study without a consultant.

Councilmember Winholtz stated efficiency and effectiveness needs to be studied; however, she is not sure it is affordable at this time.

Councilmember Grantham stated a study should be conducted on all departments, and prepared by a consultant.

Councilmember DeMeritt stated the City has good management and should use their expertise in performing an in-house efficiency study first, and use a consultant if further study is needed.

Mayor Peters stated the Morro Bay Municipal Code has a section on reorganization of offices that states it is under the purview of the City Manager. She agreed that an in-house study should be conducted first, and consider a consultant if necessary.

MOTION: Mayor Peters moved the City Council direct the City Manager to pursue an in-house study of City cost efficiency and effectiveness. The motion was seconded by Councilmember DeMeritt and carried with Councilmember Grantham voting no. (4-1)

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D. NEW BUSINESS

D-1 DISCUSS CITY POLICY AUTHORIZING APPEAL FEE REFUNDS; (CITY COUNCIL)

Councilmember Winholtz stated at the last Council meeting a resident requested the City Council refund his appeal fee because his appeal was upheld and the last time he made a successful appeal, his fee was refunded. Currently, the fee is not a set amount; there is a minimum of \$120, and it goes up on a percentage depending on the cost of the project. Councilmember Winholtz recommended the City Council decide under what circumstances, if any, it is appropriate for the City to refund appellant fees.

MOTION: Councilmember Winholtz moved the City Council approve to reimburse the first applicant who files an appeal of a Planning Commission decision to the City Council if the appeal is approved. The motion was seconded by Councilmember DeMeritt and carried with Mayor Peters voting no. (4-1)

D-2 PROPOSAL TO CONSIDER AMENDMENT TO ZONING ORDINANCE REGARDING CONDOMINIUM CONVERSIONS; (CITY COUNCIL)

Councilmember Winholtz stated at a recent Planning Commission meeting it was noted by the Planning Manager that there are a number of applications for conversion to condominium. She noted a rash of conversions signals a loss of rental units, which is the community's most affordable type of housing. Councilmember Winholtz requested the City Council discuss the latest revision of the Subdivision Ordinance; in particular, but not restricted to application requirements, tenant provisions, and required findings, and improvement standards.

MOTION: Councilmember Peirce moved the City Council direct staff to investigate State requirements for the conversion of condominiums and rental housing, and return to Council. The motion was seconded by Councilmember DeMeritt and carried unanimously. (5-0)

D-3 DISCUSSION OF AMENDMENT TO COUNCIL POLICY REGARDING PUBLIC COMMENT; (CITY COUNCIL)

This item was pulled from the agenda.

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D-4 DISCUSSION OF ESTABLISHING A POLICY ON CORRESPONDENCE BY
INDIVIDUAL COUNCIL MEMBERS TO OTHER PUBLIC AGENCIES;
(CITY COUNCIL)

City Manager Robert Hendrix stated at the August 13, 2007 City Council meeting, Council requested an agenda item proposing a policy standard for council member correspondence directed to other public agencies. The primary goal of the policy standard is to ensure that a clear distinction is created in correspondence between correspondence created by individual members of the Council for their individual purpose and correspondence sent by the Mayor or other members of Council as a result of Council action and consistency with established City policy positions. Mr. Hendrix recommended the City Council review the proposed policy standard for council member correspondence to government agencies, and direct staff to prepare the language to be included in the City Council Policies and Procedures.

MOTION: Councilmember Peirce moved the City Council direct staff to return to Council with subsequent information as discussed by Council regarding letters sent out by the City Council on City letterhead. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-5 REVIEW OF LEGISLATIVE ITEMS PLACED FOR CONSIDERATION AT
THE ANNUAL LEAGUE OF CALIFORNIA CITIES BUSINESS MEETING;
(CITY COUNCIL)

The 2007 League of California Cities Annual Business Meeting will be held on September 8, 2007. The League encourages each City Council to consider the resolutions that will be considered at the Business Meeting, and determine a City position so that the City voting delegate can represent the City's position on each resolution.

MOTION: Councilmember Peirce moved the City Council direct the Mayor to vote with the League of California Cities only if it is in regards to policy and not financial. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-6 SELECT NEW FUTURES LIAISON COMMITTEE MEMBERS; (CITY
COUNCIL)

Councilmember DeMeritt stated in January 2006, the City Council appointed members to the NEW Futures Committee to develop recommendations for the City regarding alternative possible uses of the Morro Bay Power Plant site. The purpose of the Liaison Committee would be to achieve face-to-face contact with management level employees of Dynegy to discuss future plans for the power plant site in order to plan for impacts on the City.

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Councilmember DeMeritt requested the City Council appoint members to a Liaison Committee and direct staff to seek contact with high-level management at Dynegy Energy to set a time for a meeting.

MOTION: Councilmember DeMeritt moved the City Council appoint the following people to serve on the NEW Futures Liaison Committee to meet with management level staff at Dynegy: Rachel Aljilani, Homer Alexander, Councilmember DeMeritt, Councilmember Peirce, Robert Schultz and Robert Hendrix. The motion was seconded by Mayor Peters and carried unanimously. (5-0)

MOTION: Councilmember DeMeritt moved the City Council direct staff to work with a representative from the Morro Bay Power Plant to seek contact with the management level staff at Dynegy and set up meetings. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

ADJOURNMENT

The meeting adjourned at 10:34 p.m.

Recorded by:

Bridgett Bauer
City Clerk

EXHIBIT H



AGENDA NO: _____
Meeting Date: August 27, 2007
Action: _____

Staff Report

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** AUGUST 27, 2007
FROM: RACHEL GROSSMAN, ASSOCIATE PLANNER
SUBJECT: CONCEPT PLAN APPROVAL FOR 575 AND 591 EMBARCADERO ROAD

RECOMMENDATION:

Staff recommends the City Council review the information contained in this memorandum and its attachments, consider testimony from the applicant and the public, and adopt the following motion:

Approve the Concept Plan for the development proposed at 575 and 591 Embarcadero Road based upon the Findings and Conditions adopted by the Planning Commission at their July 16, 2007 hearing (contained herein as Attachments A and B, respectively).

FISCAL IMPACT:

The proposed project will likely have a positive fiscal impacts for the City. The lease agreement for the subject site (67-67W/68-68W) requires the income from the uses to pay 10% of gross sales rent.

BACKGROUND:

The project site is located in the waterfront (WF) district and is zoned with planned development (PD) and special treatment (S.4) overlays. Pursuant to Section 17.40.030 of the Zoning Ordinance, development on lands zoned with a PD Overlay requires a Conditional Use Permit. For new development or new uses on public lands or lands greater than one acre, the applicant must submit a concept plan and a precise plan. Concept plans for development in the PD Overlay Zone shall receive final approval from the City Council at a duly noticed public hearing after review and approval by the Planning Commission at a noticed public hearing.

The Planning Commission reviewed the proposed project at a noticed public hearing on April 2, 2007, and voted to continue the project, date uncertain, in order to provide the applicant an opportunity to redesign the proposed project based upon Commissioner comments. The project returned to the Planning Commission on July 16, 2007 for further review and discussion and was subsequently approved (Vote: 4-0, Ream absent) by the Commission. Upon approval by the City Council the applicant would seek Coastal Development Permit approval from the Coastal Commission before returning to the Planning Commission for precise plan approval.

Prepared by:	Dept. Review:
City Manager Review:	

SUMMARY:

The proposed project would demolish the existing buildings and replace them with two mirror image mixed-use structures that would include a total of two commercial suites encompassing 1,197 square feet and a six-room hotel with public lateral access. In addition, the existing docks and overhanging deck with piles would be removed and a new access ramp and eight-foot wide by 70-foot long floating dock would be constructed. The new floating dock would be stabilized by struts and cross ties attached to land portion of the lease sites in order to avoid adverse biological impacts within the water. The applicant is requesting flexibility in height (to allow 25-feet above average natural grade) because significant public benefit would be provided, which is further discussed below. The proposed project requires the provision of 13 on-site parking spaces, and as proposed, would provide six on-site parking spaces for the lodging units. The applicant is conditioned to pay in-lieu fees for the remaining seven required parking spaces.

Public Views and Access

The Waterfront Master Plan requires that public views be protected and enhanced by new development. The site is currently developed with a contiguous row of structures and provides no public views of the bay. The proposed project would include the provision of two 25-foot tall structures that would actually enhance views of the bay through the creation of a public view corridor. Per Waterfront Master Plan requirements, a public view corridor that is a minimum of 30 percent of the total lot width is required for all lots greater than 50 feet in width with structures between 17 feet and 25 feet tall. The project site measures 90 feet in width, and therefore, requires the provision of a 27-foot wide public view corridor. This view corridor encompasses the central part of the project site and is clearly depicted on the project plans.

The proposed project would greatly enhance public access to the bay front via provision of a designated path to a new eight-foot wide public boardwalk. Public access to this boardwalk would be advertised via the provision of public signage at a location proximate to Embarcadero Road advertising that the boardwalk is available to the public on daily basis. In addition, the existing sidewalk along Embarcadero Road would be widened to improve pedestrian circulation and safety.

Height and Significant Benefit

The Waterfront Master Plan allows for an increase in height above the 17-foot limit via a Conditional Use Permit in the Planned Development (PD) Overlay zone. The PD zone allows the City to approve a 25-foot maximum height if significant public benefit can be achieved. The City Council must make the finding that the overall viewshed characteristics will be improved or, at a minimum, not diminished from the public viewing locations established within the Waterfront Master Plan. Additional requirements put on the project are as follows:

1. 80% of the roofs for both one and two stories portions shall be sloping with a minimum 4 in 12 pitch;
2. Incorporate view corridors between the buildings;
3. Encourage provision of public (non-customer) viewing areas of the bay and waterfront; and
4. Regardless of any findings for significant public benefit, the maximum height cannot exceed 25 feet.

This particular proposal offers three public benefits. These benefits include public bench seating on-site, pedestrian access to the proposed bay front lateral access, and two public, uni-sex, American with Disabilities Act (ADA) compliant restrooms that are conditioned to be open during regular business hours and maintained by the lease holder(s). Additional benefits include the establishment of wider sidewalks to increase pedestrian circulation, creation of a view corridor where no such corridor currently exists, the addition of street trees, and the redevelopment of two lease sites that currently have visually unappealing,

aging structures. Based on these identified public benefits, the Planning Commission recommended that the project be granted an exception to increase the height limit over 17-feet.

Waterfront Design Guidelines Consistency

As conditioned, this project is consistent with the Waterfront Design Guidelines. The applicant has provided a photo simulation to illustrate how the proposed structures would be compatible with neighboring development and are consistent with the fishing community character of the Embarcadero. A view corridor and public bay front lateral access have been provided as required by the Waterfront Master Plan.

The applicant is requesting permission to extend the maximum building height to permit a maximum structure height of 25-feet, which is permitted by the guidelines provided there is a public benefit provided by the project, and that the overall viewshed characteristics will be improved or at a minimum not diminished from the public viewing locations.

CONCLUSION:

As conditioned, the proposed project would be consistent with all applicable development standards of the Zoning Ordinance, including the concept plan requirements, and applicable provisions of the General Plan, Local Coastal Plan, and Waterfront Master Plan in that the public benefits provided offset the height exception requested and create a better project. The Waterfront District is intended "for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas," and this project advances that goal. A Mitigated Negative declaration has been prepared for the proposed project and concluded that the requested development would not result in significant environmental impacts. Staff recommends, with the support of the Planning Commission that a finding be made that there would not be a potential for significant environmental impacts with implementation of mitigation measure.

ATTACHMENTS:

Attachment A – Findings for Approval
Attachment B – Conditions of Approval (as adopted by the planning commission)
Attachment C – Final Amended Mitigated Negative Declaration
Attachment D – Minutes of July 16, 2007 Planning Commission Meeting
Attachment E – July 16, 2007 Planning Commission Staff Report
Attachment F – Minutes of April 2, 2007 Planning Commission Meeting
Attachment G – April 2, 2007 Planning Commission Staff Report

EXHIBIT I

CITY OF MORRO BAY PLANNING COMMISSION SYNOPSIS MINUTES

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

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

209 Surf Street, Morro Bay
Monday, July 16, 2007

Chairperson Nancy Johnson

Vice-Chairperson Bill Woodson

Commissioner Michael Lucas

Commissioner Gerald Luhr

Commissioner Gary Ream

Michael Prater, Secretary

I. CALL MEETING TO ORDER

Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Commissioner Lucas led the pledge.

III. ROLL CALL

Johnson asked that the record show Commissioner Ream is absent and all other Commissioners are present.
Staff Present: Bruce Ambo, Mike Prater, Rachel Grossman, Kimberly Peeples

IV. ACCEPTANCE OF AGENDA

MOTION: Woodson, Luhr 2nd to accept the agenda. Vote: 4-0.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the July 9, 2007 meeting, City Council:

- Received a report from the New Futures Committee on the reuse of the Power Plant property
- Introduced for the first reading the Administrative Citations Program
- Postponed taking action on amending the code on construction hours
- Adopted the second reading of the tree trimming ordinance prohibiting tree trimming during the nesting season
- Amended the major vegetation guidelines relating to neighborhood compatibility and nesting
- Continued consideration of a cost efficiency and effective study the City Managers office is doing
- Received and provided direction on responding to the 06/07 Grand Jury final report

At the August 13, 2007 meeting, Ambo said Council would:

- Discussing the final public portion of the Nitrate Notification Plan
- Introduction of the code amendments to the construction hours
- Discuss in more detail the plans for the organizational effectiveness study
- Discuss the Annual Water Report and an update on water conservation measures
- Follow-up on the moratorium on Medical Marijuana
- Award the contract for the preliminary design of Lift Station 3
- See a presentation on the Wastewater Treatment Plant Upgrade process and the revenue program component
- Discussion on water hook up fees and clarify the difference between a connection fee and an impact fee
- Discussion on the historic preservation component of the response to the Grand Jury report
- Hear an item on installing a replacement water line to the Rock Restroom
- Hear an item to requesting authorization to proceed on a space needs assessment for the Corporation Yard, Treatment Plant, Desalination Facility and the Recreation and Parks area

Ambo confirmed that the Neighborhood Compatibility Community Workshop, which will be held on August 11th, has been confirmed for the Veterans Memorial Building from 10 a.m. to 12 p.m. He also noted he is still waiting for final confirmation from the Council, but that they are trying to target September 17th as a study session for the Parking Management Plan.

Lucas questioned if the Parking Management Plan would be a joint meeting or a City Council meeting only. Ambo said it was set to be a Council Meeting only, but they were welcome to attend. Johnson advocated for it to be a joint meeting. Woodson advocated extending the TPG contract to include the pedestrian circulation plan as a component of the Parking Management Plan. Ambo urged them to allow the process to move forward as it is set, and move on to Pedestrian Circulation separately.

Luhr asked if the water line work that is taking place by the Rock Restroom was part of the Harborwalk project. Ambo indicated it was being done prior to the start of the Harborwalk project, as it is an old line in need of repair now.

Johnson asked about the New Futures Committee and if the City even owns any of the property they reference. Ambo believed there is a small portion that is owned by the City, but the majority is not.

VI. CONSENT CALENDAR

- A. Approval of minutes from hearing held on July 2, 2007

MOTION: Luhr, Lucas 2nd to approve the minutes as presented. VOTE: 4-0.

VII. PRESENTATIONS – None.

VIII. PUBLIC COMMENT

Rob Livick, introduced himself as the City Engineer and made an announcement that AFS Central Coast Chapter is looking for a family in the Morro Bay area to host a family.

IX. FUTURE AGENDA ITEMS

- A. Pedestrian pathway and circulation plan.
B. Secondary unit design competition and consideration to waive development fees for secondary units.

X. PUBLIC HEARINGS

- A. Site Location: 575 and 591 Embarcadero Road in the WF/PD/S.4 zoning district. Applicant: Smith Held. The applicant proposes to demolish the existing buildings and replace them with two retail stores that would encompass 1,197 square feet and a six-room hotel with public lateral access. In addition, the existing docks and overhanging deck with piles would be removed, and a new access ramp and eight foot wide by 70-foot long floating dock would be constructed. This site is located within the original jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: A Mitigated Negative Declaration has been prepared for the project). Staff Recommendation: Conditionally approve the project. Staff Contact: Rachel Grossman.

Grossman presented the Staff Report outlining the changes made to the plan since the last Commission Meeting. The Commissioners asked the questions and made the comments that follow, which were addressed by Staff:

- To be sure to have it noted in the conditions that there shall be no roof top equipment of any kind
- If the Handicap parking being made available to the general public was acceptable with the ordinance
- If we have a policy to get more detailed topography up front in the future
- Deed restriction on the common areas
- If they needed a condition to be sure nothing is tied up to the dock so the eel grass remains unaffected

- Why the front of the building wasn't cut at a 45-degree angle to address the site distance from the driveway
- Doors in the retail spaces should only open inward
- Drainage towards the bay from the parking area
- In favor of granting the 25-foot height due to the public restrooms and walkway to the bay that are provided
- Why the four grandfather parking spaces were taken away
- Specify the duration of stay
- If there would be an on-site manager or would they be registered as a vacation rental
- When parking in-lieu fees are paid

Prater clarified the process and what they should be looking at during the concept plan phase and the additional items they will see in the precise plan when it comes back to the Planning Commission.

Johnson opened the Public Hearing asking the applicant to address the Commission. Smith Held, applicant for the project addressed the Commissioners concerns on the following topics:

- HVAC equipment on the roof and why they are asking to put it below the existing roof line
- Handicap parking for the general public
- Common area agreement has not been done, but will be done with the precise plan
- Can design the dock to not allow boats to the east side of the dock.
- Oil/water separator will be on the precise plan
- There will be no on-site management, as that is not allowed with the Harbor Department Lease.

Luhr asked that if the HVAC unit would be visible from the houses on the Bluff top. Smith Held said it could be hidden from the Bluff Top Houses. Lucas commented he was not comfortable with that since they had specifically asked last time to not have any units on the roof. He felt the view shed was important and the equipment can be put in other locations. Prater indicated this would be addressed as a main topic at the City Council level as well. Lucas also asked about the product they intended to use for the sidewalk and the pathway, the location of the light pole next to the bench and the location of the fish cleaning station. Mark Allan, designer on the project, addressed his concerns and noted those items would be addressed specifically during the precise plan phase. Woodson confirmed if the fish cleaning station would be one of the items that are part of the common area. Luhr asked about the ratio of retail space to commercial space and if they have done any studies to justify the ratio. Johnson clarified that Ream's concern about the 45-degree articulation on the front of the building was a safety issue not for appearance.

Phil Caspersky complimented the applicant on the project and felt it will be an asset for the waterfront and reiterated his comments from the last meeting.

Johnson closed the Public Hearing seeing no further comments.

Prater clarified Staff's goal for tonight is to get a recommendation to take this project to the City Council.

Woodson asked the other Commissioners to consider adding the following items to Exhibit B:

- Suite visitor occupancy limited to 30 days
- No boats on the inside of the dock
- Item #16 revised to: No mechanical equipment visible on the roof from the top of the bluff plus ten feet

Woodson also commented about the on-site parking, the in-lieu fees, the on-street parking, as well as expressing gratitude for the public benefit of the public restrooms they are providing and maintaining and was looking forward to sending this project on to the City Council. Luhr asked if there is a specific ratio of Hotel Rooms to Retail Space noted in the Waterfront Master Plan and if it is financially better for the City to have hotel or retail space. Grossman addressed his concerns. Prater noted the Coastal Commission looks favorably on hotels. Luhr asked for the following items to be added to the project; pavers or pervious pavement used in the patio, parking and pathway areas; condition the project to

include a deed restriction for the common areas; to have the in-lieu fees paid prior to occupancy; boat parking should be limited to the area where the eelgrass is not located. Lucas commented on the great quality of this project for the waterfront, but would like to see more interesting windows on the west side of the building. Johnson spoke favorably about the project and agreed with the other Commissioners comments.

MOTION: Woodson, Luhr 2nd to approve the project as presented with the following changes to Exhibit B:

- In-lieu fees paid before occupancy
- Suite visitor occupancy will be limited to 30 days
- Boats will not be allowed to dock to shade eelgrass
- Condition #16 revised so HVAC equipment will not be visible from the top of the bluff plus ten feet
- Nice pavers will be in the common area
- Deed restrictions defining the common area for parking radius, ice machine, fish cleaning and bathrooms
- Public dock and boardwalk access
- Enhance the aesthetics of the west elevations

VOTE: 4-0

B. Site Location: 1170 to 1198 Main Street in the C-1/S.4 Zone District. Applicant: Dunes Sunset Place LLC (Steve Miller). The applicants are requesting a Tentative Tract Map, and Coastal Development Permit to convert an existing mixed-use project into airspace condominiums. There currently exist three (3) underlining lots with mixed-uses (two apartments with small office with each lot). The proposal would allow the conversion of six (6) residential units to condominiums and three (3) commercial condominiums. (CEQA determination: Exemption Class 1). This site is not located within the Coastal Commission's Appeal Jurisdiction.
Staff Recommendation: Conditionally Approve the Projects. Staff Contact: Michael Prater, Planning Manager.

Prater presented the Staff Report highlighting the main points of the request and clarified the definition of an air-space condominium. Lucas confirmed if there was a requirement for low-cost housing in the original project and if whoever purchased the unit could still rent out the units. Prater addressed both of his concerns. Lucas also confirmed that the retail space could not be converted to residential without coming back to the Commission. Luhr questioned an item in the CC&Rs. Woodson was concerned with the City's involvement in the CC&Rs. Prater indicated there have been a number of sub-divisions recently that the City has become involved in the CC&Rs, as this is the best location to address these items. Woodson also asked about the rent-rate structure for this project. Johnson clarified how this change will affect what items will be for sale. Luhr confirmed that the open space requirements have been met.

Johnson opened the Public Hearing asking the agent for the applicant to address the Commission. Gayla Miller, applicant, addressed questions regarding the current rate for the units that are being rented, what the condos would sell for, if the vacation rentals that are advertised will continue to be vacation rentals and if they abide by all the rules.

Roger Ewing spoke against the project, expressing his concern about converting all of the commercial units to residential.

Chuck Reisser spoke against the project, expressing his concern about converting apartment units into condominiums.

Ray McGilligut spoke against the project, expressing his concern about this project not having any residential.

Johnson closed the Public Hearing seeing no further comments.

Lucas felt this conversion would make it more viable for a small business owner to buy a small condominium office space instead of the whole building and is in favor of the conversion since the commercial aspect of the project is remaining.

Luhr spoke in favor of the project and felt we are in need of some specific downtown design guidelines to help prevent this problem in the future.

Woodson spoke in favor of the conversion and felt it gives more people the opportunity to get into ownership. He wanted to know if they needed to add to Exhibit B the change in storage requirements and wanted to add that the existing tenants should have the first right of refusal for the purchase of the condos. Prater indicated those items could be added.

Lucas confirmed that the passageway door, that is to be removed, would not reduce the amount of commercial space. Prater indicated it would be a slight increase in commercial space.

Johnson spoke in favor of the project.

MOTION: Woodson, Lucas 2nd to approve the project as presented.

AMENDED MOTION: Woodson, Lucas 2nd to amend the motion to include the tenant criteria of appropriate notice and first right of refusal on purchase. VOTE: 4-0.

XI. OLD BUSINESS

A. Current Planning Processing List

Projects submitted for Administrative Approval (not single-family residential unless in MCR)

1. None

Prater noted the August agendas will be very heavy and highlighted the potential projects for the August 6th meeting. Woodson confirmed that the MND for each of two sub-divisions are completed and will be forthcoming in the near future. Prater updated the Commission on the status of the Maritime Museum project, based on Luhr's inquiry.

XII. NEW BUSINESS

XIII. ADJOURNMENT

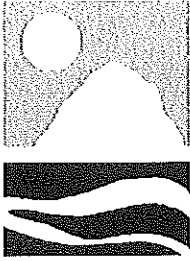
Johnson adjourned the meeting at 8:10 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, August 6, 2007, at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Michael Prater
Secretary

EXHIBIT J



AGENDA NO: _____

Meeting Date: _____

Action: _____

Memorandum

TO: PLANNING COMMISSION **DATE:** JULY 16, 2007

FROM: RACHEL GROSSMAN, ASSOCIATE PLANNER

SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT APPROVAL FOR THE DEMOLITION OF EXISTING COMMERCIAL AND RESIDENTIAL STRUCTURES, AND THE SUBSEQUENT CONSTRUCTION OF TWO MIXED USE RETAIL AND LODGING BUILDINGS AT 575 AND 591 EMBARCADERO ROAD

RECOMMENDATION:

Staff recommends that the Planning Commission conditionally approve the project by adopting a motion including the following actions(s):

- A. Approve the Final Amended 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 the Conditional Use Permit subject to the Findings and Conditions included as Exhibits A & B and the site development plans dated May 30, 2007.

BACKGROUND:

On April 2, 2007 the applicant requested Conditional Use Permit approval for the demolition of two existing vacation rentals and two retail spaces, and subsequent construction of a mixed-use project with 1,197 square feet of retail space, six hotel suites and an associated parking lot. Based upon comments and concerns expressed by the Planning Commission, the project was continued to allow for the applicant to redesign the project to address the Commissioner's comments.

DISCUSSION:

The Planning Commission's motion to continue the project included a number of specific items that the Commissioner's agreed that the applicant should address as a component of project redesign. The applicant has submitted a letter (Exhibit D) that addresses most of the Commission's concerns, and changes resulting from Commissioner's comments are summarized below.

- **Floating Dock:** The Planning Commission requested that the applicant provide a floating dock with space for three to five boats. After completion of two eelgrass surveys (included in the MND), it was determined that the most environmentally sensitive alternative for provision of a

floating dock was to locate a 70 foot long by eight foot wide dock approximately 30 feet from the proposed boardwalk. The proposed dock is still within the water lease area of the lease site and its location avoids significant biological impacts by not shading the existing large eelgrass patch located on the northern portion of the water lease site. The provision of the floating dock increases the required parking for the site by two spaces, as the Zoning Ordinance requires one parking space for every 35 lineal feet of floating dock.

- Public Restrooms: The plan continues to include the provision of two public restrooms, which were considered a significant public benefit by the Planning Commission. Per the Commission's request, both restrooms will be unisex. A condition of approval has been added that requires clear signage to indicate that the restrooms are for public use.
- Colored Pathway: The revised plans include the provision of an alternatively textured pathway from the public sidewalk, through the project site, to the proposed eight-foot wide bay front boardwalk. The proposed paving differentiation will provide enhanced pedestrian access to the waterfront.
- Construction Hours: The applicant has agreed to limit construction to weekdays. The standard condition of approval pertaining to construction timing has been altered to reflect this change.
- Parking: The provision of a floating dock increases the parking demand of the proposed project to thirteen spaces. With the inclusion of six parking spaces on site, the applicant will be required to pay for seven spaces in-lieu. As indicated in the applicant's letter, they are continuing to pursue alternative parking arrangements to decrease the number of parking spaces that will need to be paid in-lieu. Per Commission request, a condition of approval has been added that the on-site standard parking spaces will be reserved and posted for hotel guest use only. Handicap parking spaces will remain available for hotel guests, retail customers and the general public.
- Height and Roof-Pitch: The proposed buildings will not exceed the maximum height of 25-feet above average natural grade of the building footprints and 87 percent of the roof area will have a four and 12 pitch. Both the height and roof pitch are now consistent with Zoning Ordinance and Waterfront Master Plan requirements.
- Construction practices: A condition of approval is included that requires the applicant to have dust control methods approved by the City Building Official.
- Northern Chumash Tribal Council: A condition of approval is included that requires construction to cease in the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature. The condition requires that all materials should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage.
- Aesthetics: The proposed plans now illustrate the maximum height of the windscreen, which is five feet above finished grade. The glass panels will facilitate public views through the private patios. In addition, the applicant's letter indicates that the base of both structures will be pre-cast concrete. Finally, a condition of approval is included that requires screening of all roof mounted equipment.
- Lighting: A condition of approval is included that requires the use of low-level lighting that does not create glare on off-site properties. Generally, the Planning and Building staff review lighting plans prior to building permit issuance, however, the Planning Commission can condition the applicant to provide lighting plans for their review during precise plan review.
- Fire Hydrant: Per Commission direction, staff spoke with the Fire Department regarding fire hydrant installation on private property. Fire Department Staff would like the fire hydrant to remain on public property, therefore, staff continues to recommend that the fire hydrant be located on the public sidewalk.

- Duration of Stay: Should the Planning Commission wish to limit the length of stay for visitors of the hotel, a condition of approval can be added to the project that requires a deed restriction limiting visitor occupancy to 30 days or less.

Based upon the applicant's letter and resubmitted plans, it is staff's opinion that the applicant has adequately responded to the concerns and recommendations voiced by the Planning Commission. If the Commission finds that there are still minor changes that need to be made, the Commission can require that the changes be made prior to Precise Plan review by the Planning Commission. This course of action would enable the applicant to request concept approval from the City Council and Coastal Development Permit approval from the California Coastal Commission, and then come back to the Planning Commission for further discussion of details of the proposal and final project approval.

ENVIRONMENTAL REVIEW: As a result of the inclusion of a floating dock, the MND for the proposed project was required to be amended and re-circulated for public review. The Amended Final MND is attached as Exhibit F of this report. The review period for the document began on June 6, 2007 and ended on July 10, 2007. During the comment period, two public comments were received. These comments were received from the Native American Heritage Commission and the Department of Toxic Substances Control, and are included in and responded to in the Final Amended MND. As with the original MND, the Amended Final MND concluded that no significant environmental impacts would result with the incorporation of required mitigation measures.

CONCLUSION:

As conditioned, the proposed project would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan, Local Coastal Plan, and Waterfront Master Plan in that the public benefits provided offset the height exception requested, and create a better project. A Mitigated Negative declaration has been prepared for the proposed project and concluded that the requested development would not result in significant environmental impacts.

Exhibits:

- Attachment A – Findings for Approval
- Attachment B – Conditions of Approval
- Attachment C – Plan Reductions
- Attachment D – Letter submitted by Applicant's Agent dated May 25, 2007
- Attachment E – Planning Commission Minutes, April 2, 2007
- Attachment F – Amended Final Mitigated Negative Declaration

EXHIBIT K

PC AGENDA NO. V1-A

CITY OF MORRO BAY PLANNING COMMISSION SYNOPSIS MINUTES

DATE: 4.16.07
ACTION: Approved
Vote: 4-0

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

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

209 Surf Street, Morro Bay
Monday, April 2, 2007

Chairperson Nancy Johnson

Vice-Chairperson Bill Woodson

Commissioner Michael Lucas

Commissioner Gerald Luhr

Commissioner Gary Ream

Mike Prater, Secretary

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:03 p.m.

II. PLEDGE OF ALLEGIANCE

Commissioner Lucas led the pledge.

III. ROLL CALL

Johnson asked that the record reflect all Commissioners were present.

Staff Present: Bruce Ambo, Michael Prater, Rachel Grossman and Kimberly Peebles

IV. ACCEPTANCE OF AGENDA

There were no changes to the agenda.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo highlighted the City Council Agenda items from the March 26, 2007 Meeting:

- Reworked letter to CalTrans about the Main and Radcliff Intersection
- Reagendized the appointment discussion to the State Fish and Game Commission
- Heard a presentation from the physician in charge of County Health Department on the January Nitrate incident
- Status report on the updates of the Fire Stations
- Discussion on sending a letter to Department of Fish and Game Commission regarding hunting in the Back Bay

The items highlighted for the upcoming April 9, 2007 Meeting will be:

- Resolution on the Urban Forest Management Plan
- Letter to Department of Fish and Game is coming back to the Council with revisions
- Presentation on right-of-way abandonment policies

Woodson inquired about the Executive Summary of the Parking Management Plan and if they would be receiving a copy yet. Ambo said the document is forthcoming. Woodson also inquired about the ADA ramp at Morro and Dunes and how getting a bulb out at such locations would be a consideration.

Lucas inquired about the potential annexation in the Back Bay and asked if that is in our Sphere of Influence. Ambo addressed his concern.

Johnson asked about the corners that are being converted to ADA ramps and how the corners are being selected. Ambo clarified the selection process that was fueled by the lawsuit. She also inquired about the LS Power/Dynegy buy out of the Power Plant and how it will affect Morro Bay. Ambo gave the Commission a status update.

VI. CONSENT CALENDAR

A. Approval of minutes from hearing held on March 19, 2007

MOTION: Ream, Woodson 2nd to approve the minutes as presented. VOTE: 5-0.

VII. PRESENTATIONS - None

VIII. PUBLIC COMMENT

Dorothy Cutter spoke about bulk and scale and encouraged residents to go to www.mbviews.org

Johnson announced Earth Day storm drain marking event in Morro Bay and "Gardens by the Sea".

Ream reminded everyone about the Celebrate Morro Bay Parade, the Morro Bay Kite Festival and the Planning Commissioners are all coming together to sponsor one of the upcoming "Art Cans".

IX. FUTURE AGENDA ITEMS - None

X. PUBLIC HEARINGS

- A. Site Location: 575 and 591 Embarcadero Road in the WF/PD/S.4 zoning district. Applicant: Smith Held. The applicant proposes to demolish the existing buildings and replace them with two retail stores that would encompass 1,197 square feet and a six-room hotel with public lateral access. This site is located within the original jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: A Mitigated Negative Declaration has been prepared for the project).
Staff Recommendation: Conditionally approve the project
Staff Contact: Rachel Grossman, Associate Planner, 772-6261.

Grossman presented the Staff Report specifically noting the concerns about this project and what Staff is proposing as solutions in the findings.

Staff addressed the following questions and concerns from the Commissioners:

- What is the height of the proposed wrought iron gates
- Is there language that limits the length of stay in the hotel units
- Should the Commission make the pitch of the roof specific in the findings
- Clarification of Lot Coverage
- The height of Marina Square
- If all waterfront projects are required to have a boardwalk for new projects

Johnson asked the applicant or their agent to address the Commissions concerns. The applicant, Smith Held, addressed the Commission specifically addressing the lack of a floating dock with this project, due to the time constraints they are up against with the lease site negotiations. He also noted roof height should be easily adjusted by lowering the interior ceilings and the term of stay is determined in the lease site documents, as approved uses are visitor serving only. The colors being proposed will be similar to Marina Square.

Smith Held along with his designer Mark Allen addressed the following questions from the Commissioners:

- What determines the height and the location of the boardwalk
- If Eelgrass is of significant concern for the boardwalk & why it is not a concern for the revetment work
- Putting the required hydrant someplace other than in the sidewalk area
- What their plan is for the number slips on their lease site
- Height of the parapet and adjusting the size of the electrical room
- The size of the retail space and the viability of such a small space
- A condition in their permit to have their easement agreement with the other owner completed prior to issuance

- The distance between the building and the docks
- Clarification of setbacks
- If the public restrooms would be unisex
- What the applicant's intent was for the 27-foot height
- Concerns about the patios on the boardwalk side of the project
- Making the public benefits obvious and welcoming
- Width of the sidewalk
- Consideration of other parking options

Johnson opened the Public Hearing.

Roger Ewing spoke against the height above 25' and did not feel there was significant public benefit.

Dorothy Cutter expressed her concerns about putting hotels on the waterfront side.

Phil Kispersky spoke favorably about the project but is concerned about the project's height, parking and the lighting.

Johnson closed the Public Hearing seeing no further comments.

During discussion the Commissioners commented on the following items:

- The two public restrooms are a significant public benefit
- The view corridor is also a significant benefit
- The public restrooms should be unisex
- A colored path from the sidewalk thru the corridor to the public boardwalk
- Construction hours reduced to five days a week
- The addition of six parking spaces is an improvement
- Parking should be reserved for motel guests only and should be posted as such
- Suggested putting their parking at the dead end on Driftwood and adding a staircase down to the Embarcadero
- Demolition trucks should be required to have the debris covered and water trucks to prevent dust
- Show the docks and the slips on the plans
- Change the windscreen height for public advantages
- Consider the Northern Chumash Tribal Council Recommendations
- Clear signage denoting the restrooms are for the Public
- Change opening to access way by clipping it to 45 degrees
- Require boat slips now and not as a separate project
- Transition the siding to help make the height look shorter
- Lighting is critical on street side and harbor side of the project
- Using low glare and energy efficient lights are important
- Height should be limited to 25'
- Roof pitch should be required to be 4/12 for minimum of 80% of roof area
- Suggest moving the columns in the parking lot so the parking spaces could be a foot wider
- Dock, boardwalk and the revetment must be part of this project

Prater suggested the project be continued to a later date so that Staff can do the additional Environmental Review and the applicant can revise the project with the Commissioners suggestions.

Ream asked if this project could be approved and conditioned that the dock and boardwalk plan came back to the Planning Commission prior to the building plan approval. Prater confirmed that is an option.

Lucas expressed his concern about piecing the project out and the unknown costs in doing a project that way. Luhr and Johnson concurred with his concerns.

Prater suggested a compromise in adding the condition to submit plans and go thru the approval procedure for the docks and boardwalk so that the building permits were issued together.

MOTION: Woodson, Ream 2nd to continue the project contingent on a plan that would include a floating boat dock with three to five spaces and showing access to that boat dock. As well, we would ask the applicant to consider including in this project:

- A visitor occupancy limit of 30 days
- Revise number 18 on Exhibit B to limit the 25 foot height and require sustaining a 4/12 pitch
- No HVAC appurtenances on the roof
- Articulate the patio windscreen for public access advantages
- Fire hydrant not in the sidewalk
- Commercial area will be Visitor Serving Commercial required
- The sidewalk will be no less than 8 feet at any one point and shall be of 2 different materials which will accentuate access to the boardwalk and public restrooms
- Consider the articulation of the store fronts, the passageway for the public to the boardwalk, all the surfaces and what the major elevations along the buildings and the patio would be
- Noise – Five days work Monday thru Friday
- Demolition truck haulers cover the loads
- Uni-sex bathrooms
- Open up entry – clip corners at 45 degrees
- Neighbors concerned about high intensity lighting
- Water truck on site
- Creative parking solutions
- Encourage all City Council and the other appropriate agencies within the City to cooperate with the applicant so he can meet his deadline of July 1, 2007
- Consider creating a base on the building to tie it closer to the site

VOTE: 5-0.

XI. OLD BUSINESS

A. Current Planning Processing List

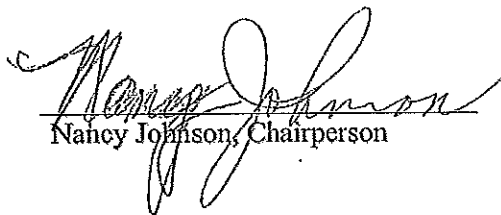
Projects submitted for Administrative Approval (not single-family residential unless in MCR)

1. None

XII. NEW BUSINESS - None

XII. ADJOURNMENT

Johnson adjourned the meeting at 8:14 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, April 16, 2007, at 6:00 p.m.


Nancy Johnson, Chairperson

ATTEST:

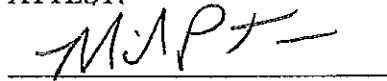
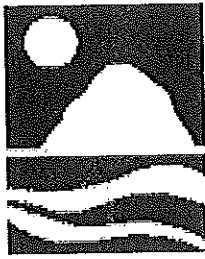

Michael Prater, Secretary

EXHIBIT L



CITY OF MORRO BAY PLANNING COMMISSION

April 2, 2007

AGENDA ITEM:
ACTION: _____

SUMMARY:

Mixed-Use Retail and Lodging

CASE NUMBER:

UP0-140

ADDRESS:

575 and 591 Embarcadero Road

LEGAL DESCRIPTION

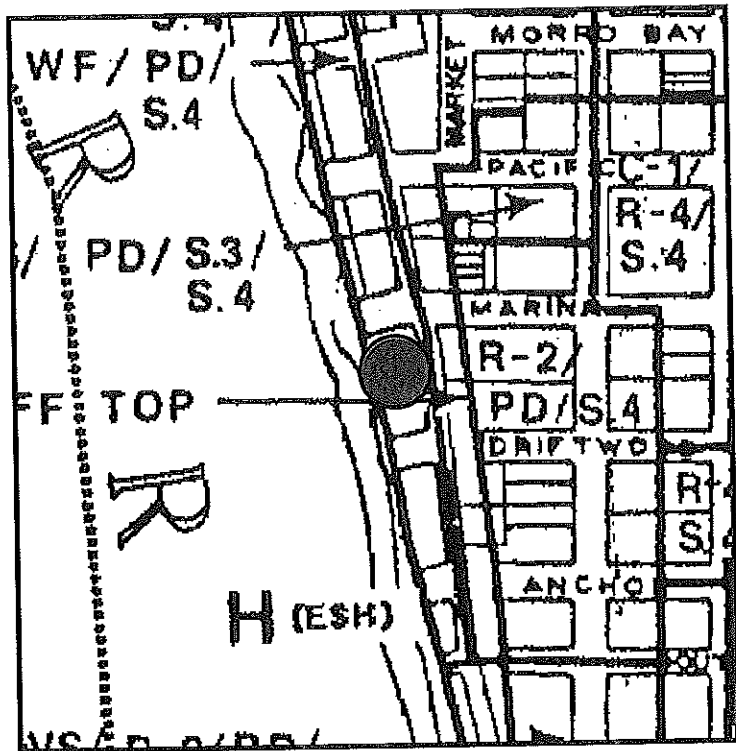
APN: 066-137-001, Lots 11 & 12 PM 3-10 Block 137, Tract Lands of March and McAllister, Town of Morro
Lease Site 67-67W/68-68W

APPLICANT:

Smith Held
P.O. Box 225
Cayucos, CA 93430

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Conditions
Exhibit C: Graphics/Plan Reductions
Exhibit D: Mitigated Negative Declaration



Vicinity Map

PROJECT SUMMARY

The proposed project would demolish two existing vacation rentals and two retail spaces, and subsequently construct a mixed-use project with 1,197 square feet of retail space, six hotel suites and an associated parking lot. The project site encompasses two City lease sites, but is designed in such a manner that each site could operate under different ownership if necessary. The applicant is requesting flexibility in height to allow structures with a maximum height of 25-feet above average natural grade of the building footprint, because significant public benefit would be provided. The project would provide six parking spaces for the hotel units and would pay in-lieu fees for the remaining five required parking spaces.

STAFF RECOMMENDATION

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

- A. Approve the 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 the Conditional Use Permit subject to the Findings and Conditions included as Exhibits A & B and the site development plans dated December 21, 2006.

ENVIRONMENTAL DETERMINATION

A MND was prepared and made available for public comment from February 7, 2007 through March 16, 2007. In addition, the MND was forwarded to the State Clearinghouse for distribution to State Agencies and interested parties. One comment letter was submitted by the Northern Chumash Tribal Council that is included and responded to in the Final Mitigated Negative Declaration. In addition, an error was made in the draft MND related to required parking spaces that was corrected in the final MND, which is attached as Exhibit D of this staff report.

BACKGROUND

The City of Morro Bay leases the site for visitor serving uses that currently include two vacation rentals and 1,174 square feet of retail space. The project site currently provides one off-street parking space for one of the vacation rentals and provides no view corridors or lateral access along the bay.

On November 7, 2005 the Planning Commission heard a presentation by the applicant for proposed improvements to the lease site at 591 Embarcadero Road in order to receive feedback on the design and the project's ability to comply with the Waterfront Design Guidelines. At that meeting the Commissioners expressed significant concerns with the project as proposed. The applicant subsequently withdrew his application on November 8, 2005. The applicant submitted a new proposal incorporating the lease sites located at 575 and 591 Embarcadero Road on September 29, 2006.

Waterfront Design Guidelines

The Waterfront area of Morro Bay has been divided into five sub-areas that due to their own unique characteristics require different types of planning and design responses. The proposed project site is in Area 3: Embarcadero Visitor Area (from Beach Street to South Street between the bluff and waterfront). The City has adopted a Waterfront Master Plan, which contains Design Guidelines to assist in evaluating the quality of a design submittal. The overall objective and design intent is to enhance the positive characteristics of each site, while improving public access and parking availability. As new buildings are built and old ones rehabilitated, they should be developed to offer physical and visual access to identified public viewsheds, and provide pedestrian amenities. In addition, new development should not significantly change the scale of development in the area. Criteria has been developed for all projects that fall within this architectural overlay relating to view corridors, building heights, site design and parking, architectural design character, compatibility, and public access to the water.

Background Issues Specific to Area 3: Embarcadero Visitor Area

The public viewshed is defined as all areas of the bay, harbor, sandspit, and Morro Rock visible from the Embarcadero, the street-ends, public observation points, and the public right-of-way at the bluff top; but not including views from private property, businesses, or residences. The following are a list of concerns specific to Area 3.

- Traffic congestion and inadequate parking for visitors and pedestrians, this inhibits exploration of the waterfront experience.
- A greater need for pedestrian access, space and amenities, including wider sidewalks, bicycle paths and increased opportunities for lateral access along the Bayfront.

- View protection at the street level by providing glimpses of the bay through buildings and along the bluff top to allow for visual access of the bay and rock.

Planned Development Process

When a project lies within the Planned Development Overlay (PD) zone, project review elevates to the Planning Commission due to the requirement for a Conditional Use Permit. For projects located on public property (i.e., the waterfront or State Park), or on private property exceeding one acre, the PD Overlay requires a heightened review process involving concept plans and precise plans and action by both the Planning Commission and City Council. The proposed project is subject to this procedural requirement because it is located on a public lease site.

The PD Overlay also allows flexibility from strict application of zoning standards, such as height and setbacks, where a better design or public benefit would result. As stated in Section 17.40.030(A) of the Zoning Ordinance, the purpose of the PD Overlay designation is:

to provide for detailed and substantial analysis of development on parcels which, because of location, size or public ownership, warrant special review. This Overlay Zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit.

The applicant is seeking the flexibility to increase the height from 17 feet to 27.5 feet above average natural grade. Even under the PD overlay, the maximum height allowed for the subject project site is 25 feet above average natural grade. A condition of approval (condition number 18) has been added to insure that the project is in compliance with code requirements.

Surroundings & Characteristics

Site Characteristics	
Site Area	8, 340 square feet
Existing Use	Vacation rentals and retail
Terrain	Paved surface, gentle slope to bay
Vegetation/Wildlife	Pampas grass (non-native)
Archaeological Resources	No known resources, the site is on fill

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Mixed Use/ Harbor
Base Zone District	Waterfront (WF)
Zoning Overlay District	Planned Development (PD)
Special Treatment Area	S-4
Combining District	N/A
Specific Plan Area	Waterfront Master Plan
Coastal Zone	Original jurisdiction of the Coastal Commission

Adjacent Zoning/Land Use			
North:	WF/PD/S.4 / Aquarium	South	WF/PD/S.4 / Restaurant and Retail
East:	C-VS/PD/S.4 / Retail and parking	West:	H (ESH) / Morro Bay Harbor

ANALYSIS

What follows is a detailed discussion of how the proposed project is potentially in compliance with the City's Zoning Ordinance, Local Coastal Plan, General Plan and Waterfront Master Plan.

Development Standards

The WF/PD/S.4 zoning standards, Waterfront Design Criteria and the projects compliance with these criteria are presented below. Any component of the proposed plan that is not in compliance with City standards is highlighted in bold text

Development Standard	Proposed Plan	Ordinance Requirement
Setbacks: Rear: Interior Side: Front:	50' 0' and 0' 9' average 17.5' second story	10' 0' 5' average first floor 10' second
Lot Coverage/Bulk & Scale	66% first floor 56% second	70% first floor with 70% of the first floor available to the Second
Building Height	27.5' with roof pitch of 4/12 for 79% of roof area	25' maximum with 80% of all roofs having a minimum 4/12 pitch under PD Overlay so long as the viewshed is improved, or not diminished.
View Corridors	27' view corridor provided	50' or more 30% min. view corridor 90' wide, min 27' view corridor
Frontage Improvements	Average 9' sidewalk	8' or more sidewalks; street amenities
Landscaping	Street Trees and on-site landscaping. Details at precise plans stage	Section 17.48.290 and street trees
Parking/Driveways	Project provides six parking spaces on site and will be required to pay in-lieu fees for the remaining five required spaces.	1/300 retail = 4 spaces 1/ each lodging room = 6 spaces + 1/ each 10 rooms = 1 <u>Total of 7 spaces</u> No parking allowed in front setbacks, which interrupt street continuity and pedestrian passage.

Site Plan & Design

Uses and parking

The existing structures on the site include two vacation rentals that are 752 and 1,231 square feet, respectively, and two retail stores that are 630 and 544 square feet, respectively. The structures are all in excess of 35 years old and are not generally consistent with the goals of the Waterfront Master Plan. The applicant proposes to demolish all of the structures and replace them with two mixed-use building to include retail and lodging uses. The structures will include 1,197 square feet of retail space and six suite style lodging units. The buildings will be two-stories and are intended to be operated collectively (currently the sites are operated under two separate lease agreements, which may be consolidated in the future), but are designed in such a manner that they could function as two distinct properties.

The applicant proposes four standard parking spaces and two handicapped parking spaces on-site, primarily to serve the visitors staying in the hotel. The parking is not located in any required setbacks and is screened from public view by the proposed structures. This design complies with Chapter 5 of the Waterfront Master Plan, Category 2, No. 2 states that: "No parking should be placed in front or side yards, which interrupts the street continuity required and pedestrian passage."

By far, the issue of parking is the greatest area-wide concern and the issue that draws the most complaints from residents and visitors. Parking does exist in the form of private, on-site parking for the businesses, public parking on City streets, and several public parking lots have been developed to meet the demand. In addition, current parking studies have illustrated that sufficient parking is available in the area throughout the year within reasonable walking distances. A Parking Management Plan was created as outlined in Zoning Ordinance Section 17.44.060. This management plan was established pursuant to the City's Coastal Land Use Plan. Zoning Ordinance Section 17.44.020(A)(7) allows an applicant to pay in-lieu parking fees. The current parking in-lieu fee is \$15,000 per space, with all monies going into a special fund that will pay for future parking improvements.

As indicated previously, the proposed project is required to provide 11 off-street parking spaces, but due to site constraints can only provide six parking spaces on site. Since all of the structures on the site are going to be demolished, no grandfathered parking can be applied to the proposed project. Therefore, the applicant will be required to pay in-lieu fees for the five remaining required parking spaces. Staff has added a condition of approval that requires the applicant to provide funds for the five spaces prior to the issuance of any building permits.

Architecture

In staff's opinion the architectural design and character of the proposed mixed-use building is in keeping with the fishing village community and will add to the ambiance of the waterfront area. At the ground floor level, the facade is set back from the sidewalk to give a pedestrian feel with the second floor setback an additional 10 feet. Balconies and varied rooflines break up the massing of the structures, and the proposed building materials are consistent with those seen in the area. Both the first and second floor windows of the suites are oriented to capture views of the Bay; and public views to the bay are greatly enhanced with the proposed removal of the existing structures and subsequent construction of two separate buildings that provide a distinct view corridor.

Public Views and Access

The Waterfront Master plan requires that public views be protected and enhanced by new development. For lease sites in excess of 50 feet in width (or when lease sites are combined for one project and total more than 50 feet in width), 30 percent of lot shall remain open as a view corridor for public views. The applicant is complying with this requirement with the provision of a 27-foot wide view corridor to provide public views of the bay. As indicated previously, there are currently no public views of the bay

from the project site due to existing structures. The public could also enjoy views of the bay from the proposed eight-foot wide boardwalk to be located on the rear of the property. Since the properties to the north and south of the project site currently do not have developed boardwalks, the boardwalk is only accessible to the public via the parking lot. The applicants should consider design solutions to encourage and facilitate pedestrian access to the boardwalk in a safe and welcoming manner. Public access signs encouraging and informing the public of their right to access and walk along the boardwalk during all hours of the day and night shall be a condition of project approval (condition number 20).

Per code requirements contained within the Waterfront Master Plan, the applicants are required to widen the existing sidewalk to eight feet or more. In commercially zoned areas of town such as the Embarcadero, the Public Works Division generally requires ten foot wide sidewalks, but does make exceptions when warranted. As proposed, the sidewalk is an average of nine feet wide. Due to the shape of the lot, the proposed street trees and planter boxes, it would be very difficult to achieve the requested ten-foot wide sidewalk. In addition, other recently approved projects will be providing an eight-foot wide sidewalk; therefore, the requested minimum eight-foot wide sidewalk would be consistent with other redeveloped properties on the Embarcadero. Staff believes that the average nine foot wide sidewalk is sufficient for pedestrian travel and facilitates the development of an architecturally compatible structure with visually appealing landscape elements.

Height and Significant Public Benefit

The Waterfront Master Plan allows for an increase in height above the 17-foot limit via the PD Overlay. The PD zone allows the Planning Commission to approve a 25-foot maximum height if better design will result and/or if significant public benefit can be achieved. The Commission must make the finding that the overall viewshed characteristics will be improved or, at a minimum, not diminished from the public viewing locations established within the WF plan. Additional requirements put on the project are as follows:

1. 80% of the roofs for both one and two stories portions shall be sloping with a minimum 4 in 12 pitch;
2. Incorporate view corridors between the buildings;
3. Encourage provision of public (non-customer) viewing areas of the bay and waterfront;
4. Regardless of any findings for significant public benefit, the maximum height cannot exceed 25 feet.

This particular proposal offers three public benefits. These benefits include public bench seating on-site, pedestrian access to the proposed bay front lateral access, and two public American with Disabilities Act (ADA) compliant restrooms that are conditioned to be open during regular business hours and maintained by the lease holder(s). Additional benefits include the establishment of wider sidewalks to increase pedestrian circulation, creation of a view corridor where no such corridor currently exists, the addition of street trees, and the redevelopment of two lease sites that currently have visually unappealing, aging structures. Based on these identified public benefits staff believes the project should be granted an exception to increase the height limit over 17-feet.

As discussed previously, the structures as currently proposed are in excess of 25 feet above average natural grade of the building footprint. A condition of approval has been included that requires the structures to be in compliance with height requirements. In addition, 79 percent of the roofs have a 4/12 pitch, while a minimum of 80 percent are required to have a 4/12 pitch per the Waterfront Master Plan Guidelines. The PD Overlay allows the Planning Commission to make an exception to this requirement if the Commission believes that better design results and/or if this deviation is permissible as a result of the provision of significant public benefit.

Waterfront Design Guidelines Consistency

As conditioned, this project is consistent with the Waterfront Design Guidelines. The applicant has provided a photo simulation to illustrate how the proposed structures would be compatible with

neighboring development and are consistent with the fishing community character of the Embarcadero. A view corridor and public bay front lateral access have been provided as required by the Waterfront Master Plan.

The applicant is requesting permission to extend the maximum building height to allow 25-foot maximum height that is permitted by the guidelines provided there is a public benefit provided by the project and that the overall viewshed characteristics will be improved or at a minimum not diminished from the public viewing locations. Again, as currently proposed the structures are 27.5 feet tall, but the project has been conditioned to be in compliance with the 25-foot maximum height limit.

POLICY AND CONSISTENCY ANALYSIS

General Plan and Coastal Land Use Plan:

Applicable Planning Policies	Consistency Analysis
<u>Safety Element:</u> <u>Program S-1.5 & 8.2:</u> structural stability and erosion control. <u>Program S-6.1:</u> soils report required. <u>Program S-3.3:</u> smoke detectors required. <u>Programs S-7.1-S-7.4:</u> Rainy Season Grading Restrictions, Sediment Basins, Erosion/Drainage Control	A standard condition of approval has been incorporated into the project pertaining to soils report, grading, drainage and erosion control. Smoke detectors will be required of the project. A standard condition of approval has been incorporated into the project pertaining to grading, drainage and erosion control.
<u>Noise Element:</u> <u>Program N-1.3:</u> "New development of noise sensitive land uses shall not be permitted in areas exposed to existing or projected future levels of noise from transportation noise sources which exceed 0 dB, Ldn, CNEL unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to or below the levels specified in Table N-4." <u>Program N-1.4</u> Stationary noise sources. <u>Program N-4.2-4.3</u> New development shall not create a new transportation or stationary noise source.	The project site is not exposed to significant transportation or stationary related noise sources. Standard ordinance provisions governing construction hours ensure that impacts on surrounding properties from construction noise will be minimized. A condition of approval is included to remind contractors or approved construction hours. The proposed use will not create a new transportation or stationary noise source.
<u>Housing Element:</u> <u>Policy H-7:</u> Inclusionary requirement <u>Policy H-19:</u> Energy Efficiency requirement	The project does not meet the threshold of 8-unit development. However, an impact fee of 30 cents a sqft. is collected for all new development. The project will be required to meet State energy

	requirements.
<u>Circulation Element:</u> Sidewalks: Policies C-1-C-8 Bikeways: Policies C-9-C-12 Streets: Policies C-13-C-20 Parking: Policies C-21-C-26 Transit: Policies C-27-32 Harbor: Policy C-33 Utilities: Policies C-34-C-38	Circulation element policies require standard curb, gutter and sidewalk improvements to adjoining public right-of-way as well as in-lieu payment for the project's pro-rata impact on area roads and intersections.
<u>Program LU-15.1:</u> The Zoning Ordinance should encourage flexibility in the application of its development standards related to height, setbacks, and building coverage. In order that all of these development characteristics work together, rigid enforcement of any one or all of them can result in unimaginative development. <u>Program LU-37.8:</u> Public rest areas should be incorporated into the street rights-of-way in Downtown and the Embarcadero. These areas should consist of benches, trash receptacles, drinking fountains, landscaping, information signing or kiosks and decorative paving and planters.	The applicant is seeking a height extension, which has been conditioned to be in compliance with code. The proposed project is providing wider sidewalks benches, decorative landscaping, street trees and public bay front lateral access.
<u>Land Use Policies (LUP Chapter II)</u> <u>Visitor-Serving:</u> "The visitor-serving land use category is especially important to the City since tourism is a significant contributor to the local economy. This category encourages concentration of tourist-intensive uses at major destination points in the City or at locations easily accessible to travelers along State Highway One. Visitor-serving uses that should be developed in those areas designated as such are hotels/motels, overnight RV facilities, restaurants, gift shops, goods and supply stores, commercial recreation and other uses typically found to accommodate tourist needs and activities."	The project provides a mixed use development that includes two retail suite and six suite style hotel units.
<u>Access & Recreation Element & Shoreline Access & Recreation /Coastal Access & Recreation Policies (LUP chapter III)</u> <u>General Policies 1.01-1.07A; Access & Recreation & AR-9</u>	

<u>Policy 1.20 & AR-20:</u> Lateral public access to the waterfront required across the bay ward portion of the site unless determined to be infeasible. <u>Policy 1.26 & AR-25:</u> "Lateral public access along the waterfront revetment shall be provided in all new developments, rehabilitation or addition projects consistent with Policy 1.20 with public safety needs and the need to protect public rights, rights of private property held by leaseholders, and natural resource areas from overuse."	The project is on the bay ward side of Embarcadero therefore lateral access is required and provided via an eight foot wide boardwalk
<u>Coastal Visitor-Serving Facilities Policies (LUP Chapter IV)</u> <u>General Policies 2.01-2.02</u> <u>Policy 2.03:</u> "... the Embarcadero between Beach Street on the north, Main Street on the east, Olive Street on the south and the waterfront area on the west, shall be considered a mixed commercial fishing and visitor serving recreation use area. With regard to the siting of new developments, priority shall be given for coastal-dependent uses located on the west side of the Embarcadero." <u>Policy 2.08:</u> provision of off-street parking is sufficient to serve the development's peak demands.	The project is located on the west side of the Embarcadero and provides retail space and accommodations for visitors to the area. The project provides six parking spaces for the hotel on-site and will pay in-lieu fees for the remaining five required parking spaces.
<u>Public Works (LUP Chapter V)</u> <u>Policy 3.01:</u> The City of Morro Bay shall approve future growth in conjunction with water and sewage treatment availability. <u>Policies 3.02-3.06:</u> In the City of Morro Bay water allocation, the City shall insure the following uses receive priority for available water and wastewater treatment facilities: - Commercial Fishing / Agriculture - Coastal-Dependent Land Uses - Coastal-Related Land Uses - Public Services and Basic Industries - Public Recreation - Commercial Recreation - Visitor-Serving Land Uses - Residential and other Commercial and Industrial Land Uses <u>Policy 3.07:</u> Water-saving devices shall be required in new developments.	The project is consistent with the City's growth projections and adequate water and sewer is available. The project is a visitor serving retail use and will receive priority. The project as conditioned will be required to provide water saving devices.

<u>Archaeology (LUP Chapter VI)</u> <u>Policy 4.01- 4.08 & LU-82:</u> reconnaissance, discovered, and protection of significant archaeological and historic resources to the greatest extent possible.	The entire project is located on fill placed in connection with creation of the Embarcadero therefore archaeological resources are not anticipated. However, a standard condition of approval has been incorporated into the project, which specifies procedures in the event archaeological resources are uncovered.
<u>Energy/Industrial Development (LUP Chapter VII)</u> <u>General Policies 5.01-5.22:</u> more specifically related to the PG&E property.	Not applicable
<u>Coastal Agriculture (LUP Chapter VIII)</u> <u>General Policies 6.01-6.09:</u> prime and non-prime soils.	Not applicable
<u>Commercial Fishing/Recreational Boating Policies (LUP Chapter IX)</u> <u>General Policies 7.01-7.08</u> <u>Policy 7.06A:</u> "The Embarcadero...shall be considered a mixed commercial fishing and visitor-serving area. Public access and recreational opportunities shall be maximized along the waterfront consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse. Public access from the nearest public roadway to the shoreline and along the bay front shall be provided..."	See above discussion.
<u>Diking, Dredging, Filling and Shoreline Protection Policies (LUP Chapter XI):</u> <u>General Policies 10.01-10.11</u>	Not Applicable.
<u>Environmentally Sensitive Habitat Policies (LUP Chapter XII)</u> <u>Policy 11.08:</u> "Pollutants such as chemicals, fuels, lubricants, raw sewage and other harmful wastes generated during commercial or recreational boating activities shall be prohibited from being discharged into the bay."	The project site is not within a designated ESH area; however, it is adjacent to the bay. Conditions of approval have been added that address prevention of bay pollution.

**Visual Resource & Scenic Highway Elements
& Coastal Land use Plan Visual Resource
Policies (LUP Chapter XIII)**

Policy 12.01 & VR-2: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas..."

Policy 12.02 & VR-2.2: "...Specific design criteria shall be established... (a) building height/bulk relationship compatible with existing surround uses; (b) landscaping to restore and enhance visually degraded areas... (c) preservation and enhancement of views of the ocean, bay, sand spit and Morro Rock..."

Policy 12.07 & VR-6: The City shall establish a policy for undergrounding of utilities in connection with new development or major redevelopments.

Program VR-4.3-4.4: provision for street trees that are adequately placed, species and height

The attached Exhibits provide evidence that the project will be consistent with Policies 12.01 & 12.02. Additionally, standard Planning Division conditions of approval and mitigation measures have been incorporated into the project ensuring compliance with design guidelines included in the Waterfront Master Plan.

The project as conditioned will be required to underground its utilities.

The project proposes 2 street trees to be identified by Public Works that will not exceed 20 feet in height.

Existing land uses surrounding the project site include an aquarium and retail uses. The proposed uses will not conflict with existing uses and are consistent with the General Plan and Local Coastal Program. As conditioned, the project is not expected to conflict with any policies in the applicable elements of the General and Coastal Land Use plans.

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on March 23, 2007 and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

As conditioned, the proposed project would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan, Local Coastal Plan, and Waterfront Master Plan in that the public benefits provided offset the exceptions requested and create a better project. A Mitigated Negative declaration has been prepared for the proposed project and concluded that the requested development would not result in significant environmental impacts.

Report prepared by: Rachel Grossman, Associate Planner

EXHIBIT M

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

DRAFT MITIGATED NEGATIVE DECLARATION

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

CASE NO.: UP0-140

STATE CLEARINGHOUSE NUMBER: SCH# 2010021029 / Previous Reference SCH # 2007021049

PROJECT TITLE: Smith Held Mixed Use Hotel/Commercial Project

APPLICANT / PROJECT SPONSORS: Smith Held and Ynez O'Neill

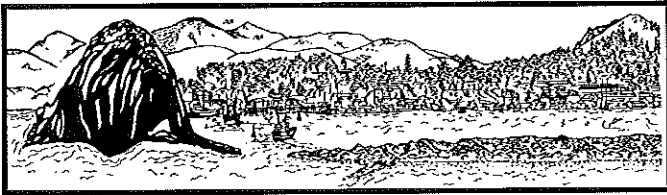
PROJECT DESCRIPTION: The site is leased by the City of Morro Bay for visitor serving uses that include retail sales and two vacation rentals. The applicant proposes to demolish the existing buildings and replace them with two commercial lease sites that would encompass 1,280 square feet and six hotel rooms totaling 4,029 square feet. In addition, the existing docks would be removed and replaced with a new access ramp and an eight foot wide by 70 foot long floating dock which will be stabilized by struts and cross ties attached to land. An existing overhanging deck and supporting piles will also be removed and reconstructed as a public viewing deck. No increase in deck size will occur, as the reconstruction will be within the same footprint as the existing deck. The reconstructed deck will connect to a new 10 ft. wide public lateral accessway (boardwalk) along the western boundary of the site. A 27 ft. wide vertical accessway from Embarcadero Rd. through the project site is proposed to connect to the boardwalk. Public restrooms are also proposed within the vertical accessway.

PROJECT LOCATION: 575 and 591 Embarcadero Road

FINDINGS OF THE:

Environmental Coordinator

It has been found that the project described above will not have a significant effect on the environment. The Initial Study includes the reasons in support of this finding. Mitigation measures are required to assure that there will not be a significant effect in this case and 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
590 MORRO BAY BLVD ♦ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title:	575 and 591 Embarcadero		
Case Number:	Conditional Use Permit UP0-140		
LEAD AGENCY:	City of Morro Bay 595 Harbor Street Morro Bay, CA 93442	Phone:	(805) 772-6261
		Fax:	(805) 772-6268
Project Applicants:	Smith Held P.O. Box 225 Cayucos, CA 93430	Phone:	(805) 995-2773
		Fax:	
Project Applicant:	Ynez O'Neill 241 South Windsor Blvd. Los Angeles, CA 90004-3819	Phone:	(323) 934-0743
		Fax:	
Project Landowner:	City of Morro Bay 595 Harbor Street Morro Bay, CA 93442	Phone:	(805) 772-6200
		Fax:	
Project Designer	Steve Carnes 333 Fresno Ave. Morro Bay, CA 93442	Phone:	(805) 772-3500
		Fax:	

Project Description:

The site is leased by the City of Morro Bay for visitor serving uses that include retail sales and two vacation rentals. The applicant proposes to demolish the existing buildings and replace them with two commercial lease sites that would encompass 1,280 square feet and six hotel rooms totaling 4,029 square feet. In addition, the existing docks would be removed and replaced with a new access ramp and an eight foot wide by 70 foot long floating dock which will be stabilized by struts and cross ties attached to land. An existing overhanging deck and supporting piles will also be removed and reconstructed as a public viewing deck. No increase in deck size will occur, as the reconstruction will be within the same footprint as the existing deck. The reconstructed deck will connect to a new 10 ft. wide public lateral accessway (boardwalk) along the western boundary of the site. A 27 ft. wide vertical accessway from Embarcadero

DRAFT INITIAL STUDY AND CHECKLIST – 575 and 591 Embarcadero
CASE NO. UP0-140
DATE: March 30, 2010

Rd. through the project site is proposed to connect to the boardwalk. Public restrooms are also proposed within the vertical accessway.

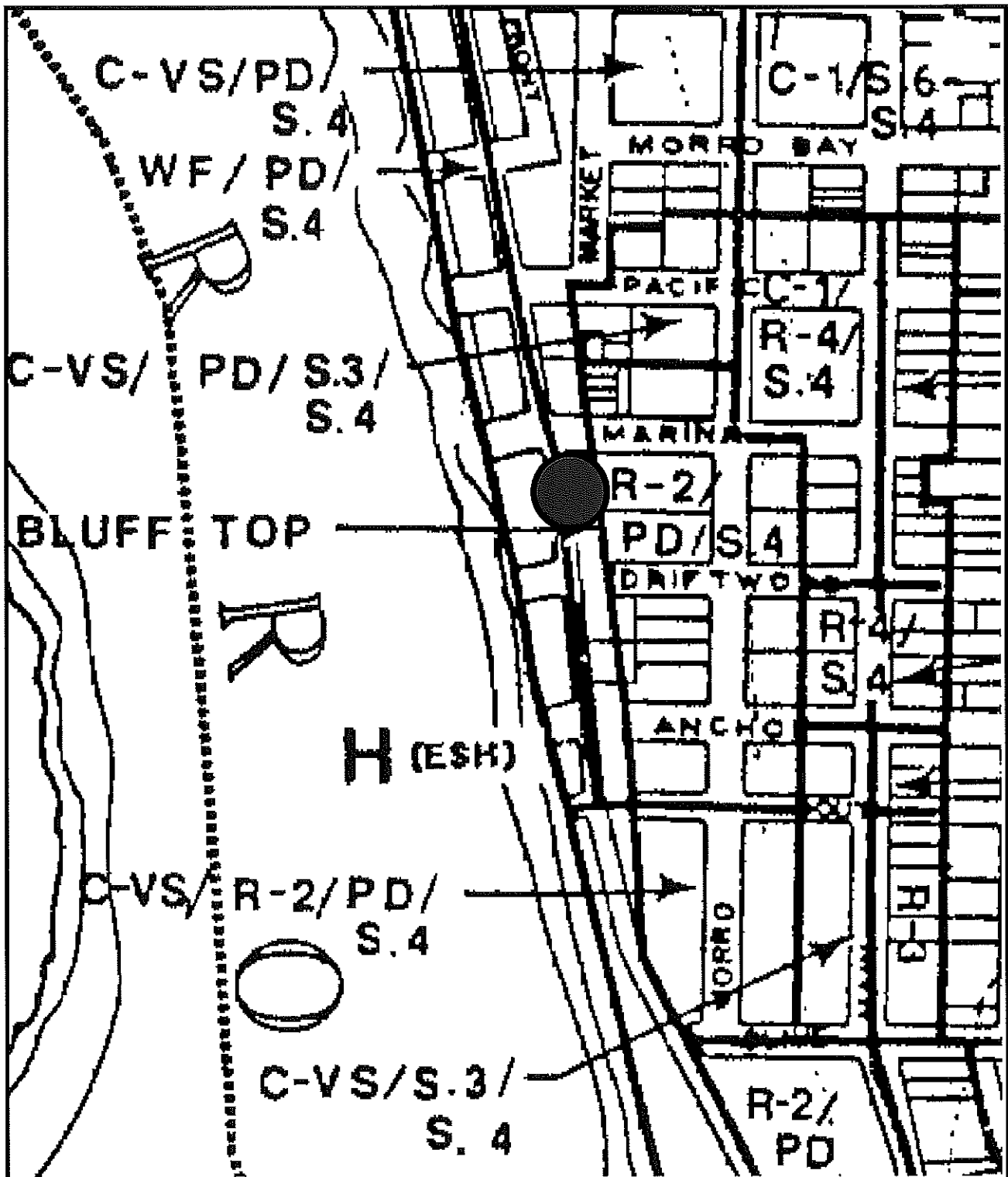
Project Location:

The project is located within the City of Morro Bay, San Luis Obispo County, California. The project address is 575 and 591 Embarcadero Rd. and the nearest cross street is Marina to the north. The Vicinity Map shows the project's local context.

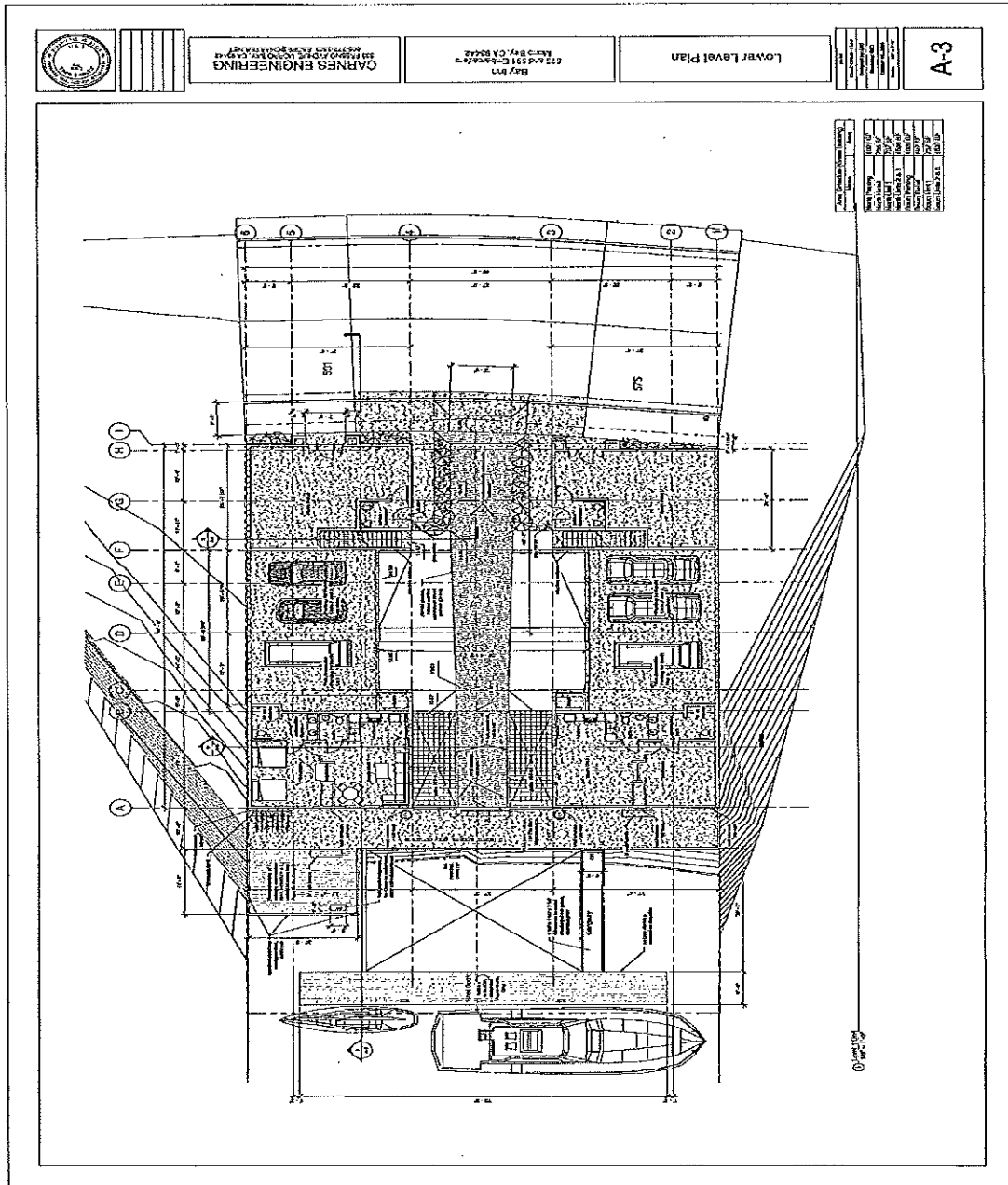
**Assessor Parcel
Number(s)**

066 – 137 – 001

VICINITY MAP

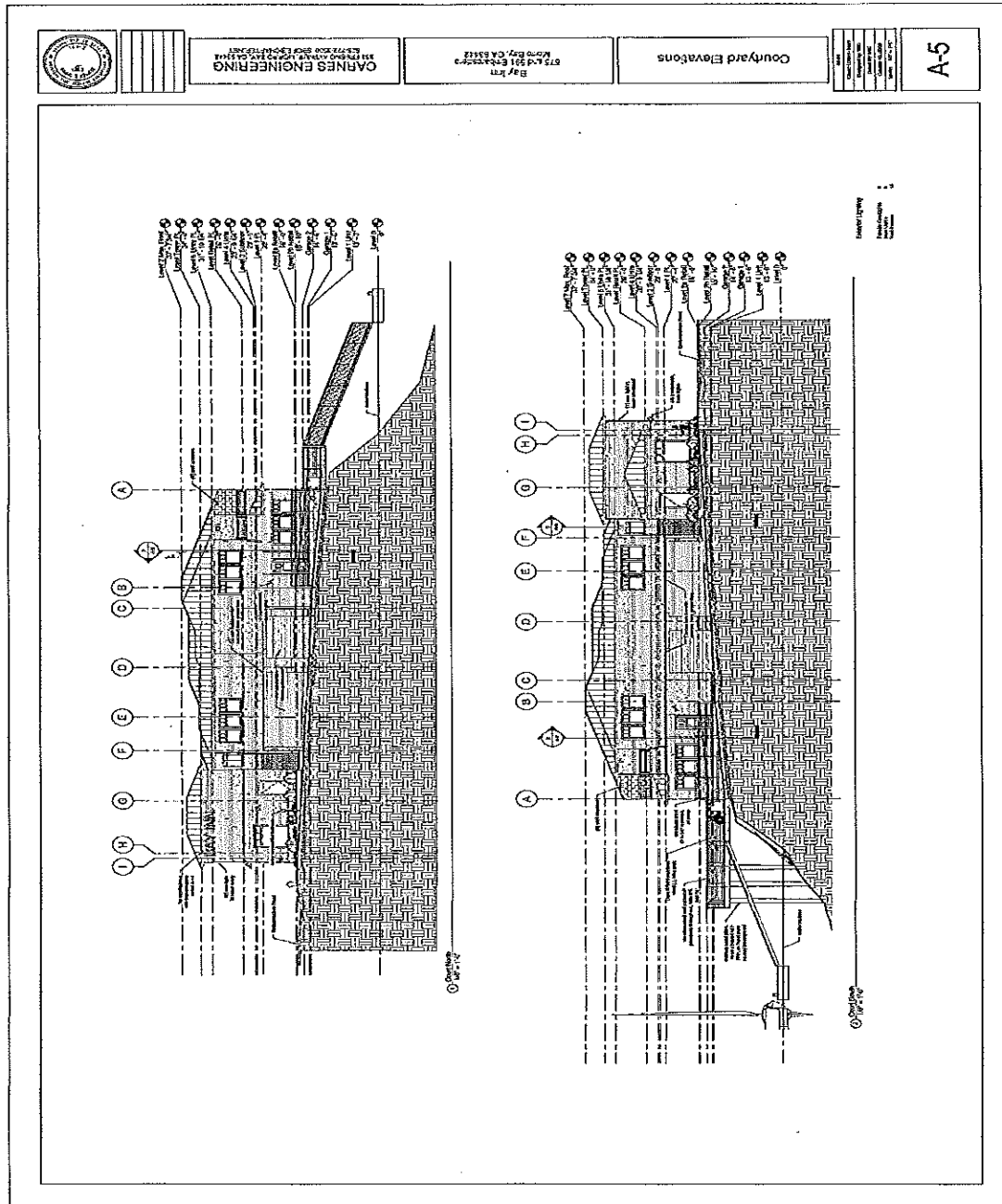


SITE/FIRST FLOOR PLAN

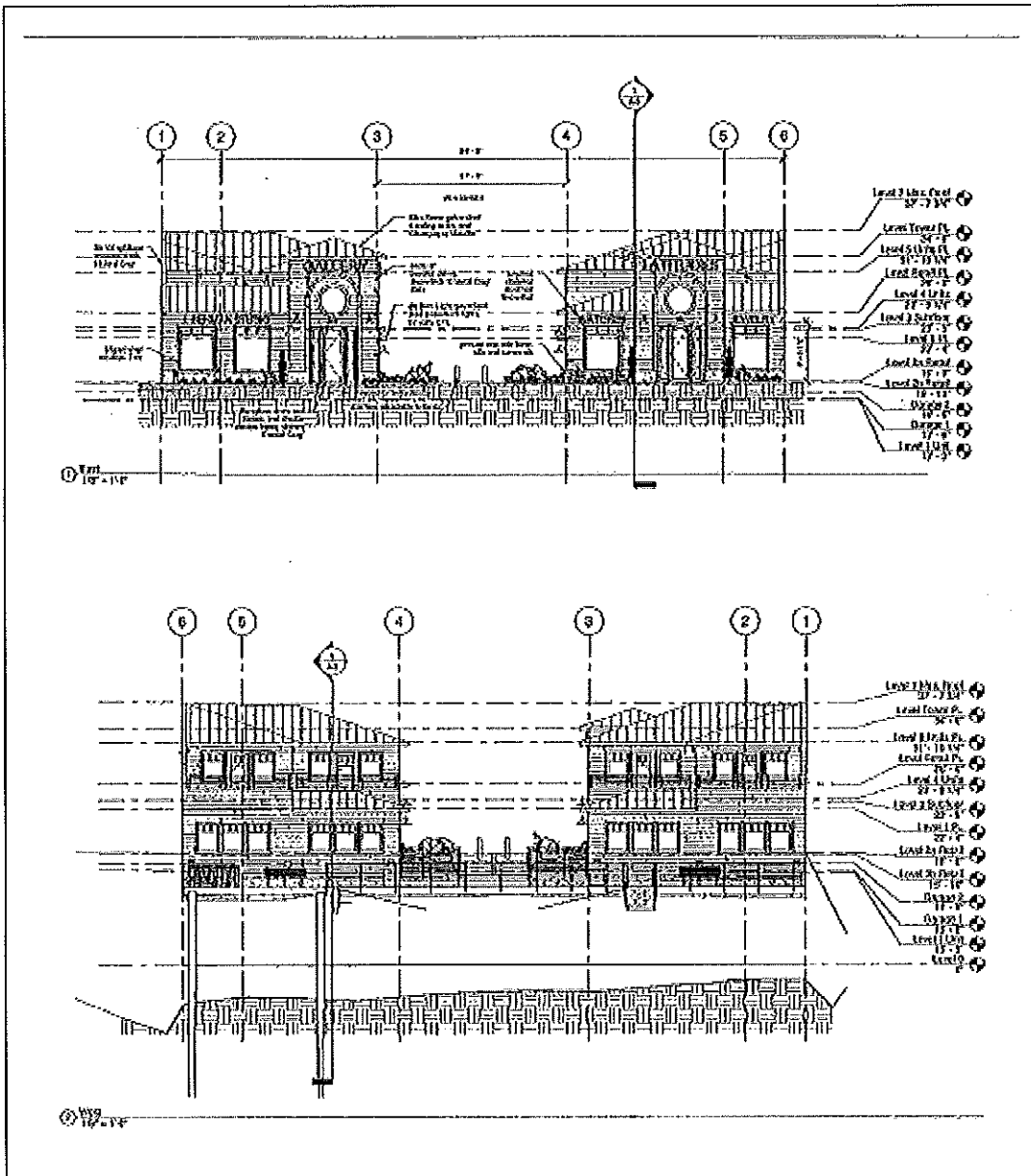




ELEVATIONS



ELEVATIONS



II. ENVIRONMENTAL SETTING AND IMPACTS

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

X	1. Aesthetics	X	9. Land Use/Planning
	2. Agricultural Resources	X	10. Noise
X	3. Air Quality		11. Population/Housing
X	4. Biological Resources		12. Public Services
X	5. Cultural Resources		13. Recreation
	6. Geology/Soils	X	14. Transportation/Circulation
X	7. Hazards/Hazardous Materials		15. Utility/Service Systems
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 two residential units and two commercial structures. The site is devoid of plant and animal life. Because this project is located in the Planned Development (PD) Overlay, the project must be heard by several approval bodies. The first step is Concept Plan approval, which must be heard by the Planning Commission and the City Council. These two processes occurred on July 16, 2007 and August 27, 2007, respectively. The Concept Plan was approved with conditions by both bodies. In addition, the City adopted a Mitigated Negative Declaration, dated June 6, 2007. The second step included review by the California Coastal Commission (CCC), as the project site is located within the original jurisdiction of the CCC. CCC review occurred on November 12, 2008 and the project was approved with conditions. Conditions imposed by the CCC resulted in a revised project description and subsequently to this new environmental document. The final step for project approval is Precise Plan review by the Planning Commission. Changes to the original project description, which are analyzed in this document, include a two-foot increase in width (8 ft. to 10 ft.) to the proposed boardwalk along the bay and the reconstruction of a 325 sq. ft. private deck to a public view deck with no increase in size. The original project description proposed to completely remove the private deck by cutting the piles at the seabed.

Surrounding Land Uses

North: Morro Bay Aquarium
South: Retail Stores

East: Retail Stores
West: Harbor (Morro Bay)

III. ENVIRONMENTAL CHECKLIST

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

Environmental Setting: The 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, Sandspit and Harbor and Navigable Ways are all considered Significant Scenic Resources which will be viewed from the project site, once constructed. The Waterfront Master Plan identifies public viewsheds and view corridors in determining the importance of visual resources.

Impact Discussion: a-d. A new 3,980 square foot building is proposed on the south end of the site and a new 3,940 square foot building is proposed on the north end of the site. Both buildings are two story and 25 feet in height. They will replace two residential units (752 and 1,231 square feet) and two retail units (630 and 544 square feet). All existing structures are less than 25 feet in height. The Waterfront Master Plan indicates that the maximum height allowed at the project site is 14 feet above average natural grade with a flat roof, and 17 feet above average natural grade with a four and 12 pitched roof. The Planned Development overlay allows this height limit to be raised to 25 feet above average natural grade of the building footprint if better design will result or if significant public benefit is provided. In no case can buildings be permitted to exceed this maximum height of 25 feet. Although the project is proposed at a maximum height of 25 feet, the project also provides for a 27 foot wide vertical public view corridor/access from Embarcadero Rd. This corridor connects to a new lateral public access boardwalk and a new public view deck. Therefore, although the project will be taller than the existing structures, public views and access will be provided to the bay where none currently exists. Lighting improvements including low-level lighting mounted to the structures and placed along the vertical and lateral public accessways may introduce light and glare which could potentially impact visual resources when compared to the existing level of lighting. However, the lighting will be reviewed during the Precise Plan, Building and Inspection processes to ensure compliance with applicable regulations. Construction equipment present during the construction process may temporarily impede views from Embarcadero; however, construction equipment will be removed from the site once the construction is complete.

Scenic vistas generally include areas of high scenic quality that are visible to a number of people, including recreational travelers. Policies contained within the Local Coastal Plan and General Plan speak to the need to protect visual resources. Regulations are also contained within the City's Waterfront Master Plan that require the provision of view corridors to preserve scenic resources. Finally, the project is also subject to Section 17.48.190 of the Zoning Ordinance that requires "protection of visual resources and "compatible design." The project cannot be approved unless found consistent with the Local Coastal

Plan, General Plan and zoning regulations through a public process that will involve meetings before the Planning Commission, City Council, and the California Coastal Commission.

Mitigation and Residual Impact: At a noticed public hearing, the Planning Commission and City Council shall consider details of the proposed project with respect to height, massing, lighting, colors and materials, and view corridors, and shall require any changes deemed necessary or appropriate to avoid or minimize adverse impacts. The residual impacts must be less than significant; otherwise, it would not be possible to make findings for approval due to General/Coastal Plan inconsistencies.

Monitoring: Public Services Department staff shall ensure that height, massing, lighting, colors and materials, view corridors and other aesthetic considerations are specifically discussed in the staff reports and at public hearings and that such issues are “locked-in” as part of the approval process. Public Services Department staff shall enforce and monitor compliance prior to the approval of a building permit and final to issuance of occupancy by the City’s Building Official.

2. AGRICULTURAL RESOURCES:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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:					
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 existing and proposed uses on the site are visitor serving, which is consistent with the zoning designation of the site. 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 or otherwise important farmland. The project does not impact any agricultural lands or uses.

Impact Discussion: a-c. The project does not contain any agricultural soils, will not impact farmland, and is not zoned for this use. Therefore no impacts to agricultural resources would occur and no mitigation measures are necessary.

Mitigation and Residual Impact: No agricultural resources are expected to be affected by the project, therefore no mitigation measures are required. The residual impact on agricultural resources is not significant.

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

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

goals. Additional bills targeting climate change include SB 97 (Dutton, Chapter 185, Statutes of 2008), which requires the Governor's Office of Planning and Research (OPR) to develop guidelines for the California Environmental Quality Act (CEQA) pertaining to the mitigation of GHG emissions or the effects of GHG emissions.

Impact Discussion: a-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. Impacts would reach the operational emissions threshold of significance at 153 hotel rooms and the project proposes 6 hotel rooms. In addition, the APCD reviews proposed retail buildings for operational emissions threshold of significance that exceed 2,000 square feet in size and include fuel pumps to evaluate their air quality impact. Since the proposed project only includes 1,280 square feet of retail space and does not propose fuel pumps, APCD review is not required. The proposed removal and subsequent replacement of the access ramp and floating dock would result in no net increase in the number of boats that could be docked at the project site. There would be no anticipated net increase in the number of vessels idling and thus no anticipated air quality impacts resulting from nautical use of the site. Therefore, the project will not generate a significant impact on long-term air quality impacts. However, construction operations, including grading of the approximately 8,000 square foot site would potentially result in the emission of ROG, NOx, and Diesel Particulate Matter and the project is within 1,000 feet of residential uses to the east. Standard construction mitigation measures required by the APCD to mitigate fugitive dust and emissions are applied to the project to reduce the potential APCD thresholds to less than significant levels.

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 regarding 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 and amenities (restrooms) through the project and along the bayfront. 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 the enjoyment of visitors and residents. The proposed project will provide public access where currently none exists and thus encourages a walkable community.

e. The project is the demolition of two residential and commercial structures and the construction of six hotel rooms and two commercial units. No objectionable odors, smoke or ash are anticipated.

Mitigation and Residual Impact: 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 airbourne 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 stock pile 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. Verification of compliance with the above mitigation measures shall be submitted to the Public Services Department prior to issuance of a building permit and on-going, as necessary.

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

Environmental Setting: The land based portion of the site is developed and covered with paved surfaces or buildings. It 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), which 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 proposed.

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 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 subtidal 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 biological resources study for Eelgrass and a subsequent study analyzing the potential Eelgrass impact of the revised project have 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 adopted by the National Marine Fisheries Service, US Fish and Wildlife Service and California Department of Fish and Game. The survey report, prepared by Tenera Environmental (April 25, 2007), and a report analyzing the revised project's potential Eelgrass impacts (May 17, 2007) are attached hereto and incorporated herein by reference.

The biological resources study for Eelgrass found a single dense patch of Eelgrass (37 m², 400 ft²) on the revetment, mainly on the northern half of the property. Two small patches of Eelgrass (combined cover of 0.20m², 2.15 ft²) were present to the south of the revetment well away from the proposed construction area. Two dock options were analyzed in this study and it was determined that both dock options had the potential to impact existing Eelgrass as a result of shading. In order to avoid shading of Eelgrass, the proposed dock plan was revised and subsequently analyzed in the second report prepared by Tenera Environmental.

The revised dock plan calls for the floating dock to be moved slightly offshore to avoid covering the edge of the Eelgrass patch. This plan would place the new floating dock entirely over the sand/mudflat seabed and would not cover any existing Eelgrass or potential habitat for Eelgrass. In addition, the proposed access ramp will be located south of the dense Eelgrass patch and will therefore not cover existing Eelgrass. Struts and cross ties will be utilized to stabilize the floating dock, and therefore piles will not be required. Not having to install piles for the new floating dock further reduces potential Eelgrass impacts.

The original project description included complete removal of an existing overhanging deck by cutting the piles at the seabed. However, when the project was reviewed by the Coastal Commission, a condition of the project was to reconstruct the deck as a public viewing deck. Depending upon the condition of the existing wood piles, the reconstruction may require the installation of new piles to support the deck. The deck will maintain the existing footprint. Tenera Environmental Group addressed the effects on Eelgrass of replacing the overhanging deck in a letter dated December 15, 2009. Their assessment, based on previous Eelgrass surveys, is that no impacts are expected to occur since Eelgrass was not observed on the piles or in near proximity of the deck or piles. Additionally, the lateral accessway (boardwalk) proposed in the original project was 8 ft. wide; however, the applicant has revised the boardwalk to 10 feet wide with the extra 2 feet over the water and revetment. Tenera Environmental Group addressed the wider boardwalk by stating that impacts to Eelgrass are not expected to occur since the additional 2 feet

would cover elevations above +3 MLLW tide level or higher, where Eelgrass does not tend to occur. During the initial surveys, the Eelgrass that was discovered was located between the -2 and -9 feet MLLW tide levels. A mitigation measure is required which will necessitate a pre- and post-construction Eelgrass survey to ensure that impacts to existing Eelgrass will not occur. If impacts do occur on the Eelgrass, an Eelgrass restoration plan is required.

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 measure 4 has 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. Potential petroleum spills could result in potentially significant impacts to water quality and the marine biota within the project site and region. See Section 8: Hydrology & Water Quality for additional discussion and recommended mitigation measures.

b-d. Potential impacts to 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. To open up the area beneath the gangway to potential Eelgrass habitat, the gangway shall be constructed with grating material spaced as recommended by National Marine Fisheries Service.
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 shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be approved by the Public Services Department and initiated prior to issuance of certificates of occupancy.
4. A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements and shall be delivered to the Public Services Director. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer shall be investigated and, if feasible, used to reduce impact hammer noise.

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

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

Environmental Setting: There are over 30 surveyed archaeological sites in the corporate boundaries of the City. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including one with a cemetery. As a result of these discoveries, cultural resource surveys are frequently required for new development within the city and it is not unusual that mitigation measures are required. In this case however, the project site is located on fill and areas submerged in the 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-c. The structures on-site are not eligible for listing as historical resources and the project site is not a known archeological site. Further, Section 17.48.310 of the Zoning Ordinance sets forth procedures if archaeological resources are discovered during construction activities.

Mitigation and Residual Impact: No mitigation measures are required.

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 are or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii)	Strong Seismic ground shaking?			X	
iii)	Seismic-related ground failure, including liquefaction?			X	
iv)	Landslides?			X	
b.	Result in substantial erosion or the loss of topsoil?			X	
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

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

Impact Discussion: The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. 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 demolition of existing residential and commercial buildings and construction of a hotel and commercial buildings along with related docks and decking. However this would not increase the risk of ground failure since the project will be constructed in accordance with seismic requirements of the International Building Code. In addition, the site is not located across the trace of 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 Figure S-2. 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 proposed project would require approximately 548 cubic yards of cut and 26 yards of fill with 522 cubic yards of export on the upland portion of the project and would not result in a loss of topsoil. Historically, the soil in this area is fill soil and has been characterized as sandy, not expansive soil. However, the demolition of the existing structures and the construction of the proposed structures 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.

e. Neither septic tanks nor alternative wastewater disposal systems are proposed in association with the project because the project will be connected to the City's sewage system; 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:				

DRAFT INITIAL STUDY AND CHECKLIST – 575 and 591 Embarcadero

CASE NO. UP0-140

DATE: March 30, 2010

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
f.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Environmental Setting: The project site is not located in the vicinity of any known hazardous material sites and is not listed as having been a hazardous site. The project is located on fill materials and has not been associated with hazardous waste or materials disposal.

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

Impact Discussion: a-b. The project could potentially increase the amount of hazardous materials that currently exist. Existing vessel maintenance at the site includes the use of fuel, oil, lubricants, and cleaning supplies. Although the proposed project will not accommodate additional vessels beyond what currently exists, a sewage pump is proposed on the new floating dock which will use a vacuum system connected to the City's sewage system to extract waste. The release of sewage into the bay from visiting vessels could have a significant hazard to the public or the environment; however, current practice and procedures are in place to reduce the risk of accidents. These practices include the Harbor Department distributing spill clean-up material upon request to any boater within the bay to assist in clean-up. In addition, the Harbor Department inspects vessels to assess seaworthiness, adequate sanitation, etc. that are used as live aboards as defined by Chapter 15 of the City's Municipal Code. Further, overall policies in place require that if the City receives a complaint regarding pollution of the bay, an investigation will be conducted to determine the source. If traceable evidence is discovered, the offender is subject to fines. The City also offers boaters free usage of three pump out facilities and encourages their use to prevent the release of waste into the bay. With routine procedures in place and a mitigation measure which requires the applicant to maintain spill clean-up materials on-site, the impacts from the release of hazardous materials would be less than significant.

Demolition of existing structures that might possibly contain lead-based paint or asbestos building materials could cause the materials to be released as airborne particles or as particulate matter into the bay, which could affect construction workers, the general public, and/or marine wildlife. If asbestos-containing materials or lead-based paint were present in structures planned for demolition, construction

workers and the general public could be exposed to asbestos fibers and/or lead-based paint dust. A mitigation measure is incorporated that requires asbestos and lead-based paint surveys to be conducted prior to demolition activities, and materials properly abated and safety regulations followed should such materials be detected.

Hazardous materials from petroleum-fueled construction equipment used to complete the proposed activities could be released as a result of project activities. See the impact discussion in Section 4: Biological Resources above. See the impact discussion and required mitigation measures in Section 8: Hydrology/Water Quality, below. In addition, the applicant has not specified whether or not the existing docks and overhanging deck are constructed of treated or untreated wood. Treated wood waste has the potential to be considered a hazardous waste product that requires disposal at a hazardous waste site. Treated wood that is not considered a hazardous waste product can be disposed of at a non-hazardous waste landfill. The EPA considers creosote a restricted use pesticide and has handling procedures for creosote treated materials. Implementation of a mitigation measure will ensure proper handling of any creosote treated materials by workers.

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

Mitigation and Residual Impact:

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations. Additionally, if any lead based paint is encountered on the structure near-surface soil and sediment samples shall be collected to determine the potential for residual lead contamination and appropriate remediation to be completed as part of the project.
2. The applicant shall have a licensed contractor with hazardous materials experience evaluate the wood utilized to construct the overhanging deck and floating docks to determine whether the wood is treated or untreated. If it is treated, the contractor shall determine whether it should be classified as hazardous waste. Once the wood is removed, it shall be deposited at an appropriate waste disposal site, per the direction of the licensed contractor. The disposal of the wood shall be consistent with Health and Safety Code and Department of Toxic Substances Control regulations. Prior to deck and docks removal, the licensed contractor shall be required to submit a letter to the City verifying whether or not the wood was treated, if it is hazardous waste and where the wood will be deposited.
3. The applicant shall provide spill clean-up material on-site at all times to assist boaters in the event of a hazardous materials spill.

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

Monitoring: Prior to issuance of demolition permits, creosote wood, asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department.

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 stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f.	Otherwise substantially degrade water quality?		X		
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i.	Inundation by seiche, tsunami, or mudflow?		X		

Environmental Setting:

The site is located along the Morro Bay Waterfront. The watershed of Morro Bay is approximately 48,450 acres and is bounded by the Santa Lucia Range on the north, Cerro Romauldo to the east and the San Luis Range to the south. Eventually draining to Morro Bay, the watershed houses two significant creek systems: Los Osos and Chorro Creeks. The Chorro Creek watershed drains approximately 27,670 acres, while Los Osos Creek drains 16,933 acres, the remaining area drains directly into the bay through small local tributaries or urban runoff facilities. Sixty percent of the Chorro Creek watershed is classified as rangeland, while twenty percent is brushland.

Morro Bay contains approximately 2,100 acres of water surface at low tide and approximately 6,500 acres at high tide, leaving approximately 980 acres of tidal mud flat and approximately 470 acres of salt marsh. The water quality of Morro Bay is affected by presence of nutrients, toxic substances, hydrocarbons, bacteria, heavy metals, suspended sediment, and turbidity. Studies by various authors also suggest that

Morro Bay is subjected to a relatively rapid increase in sedimentation. Morro Bay, Los Osos and Chorro Creek are listed as "impaired waters" under the federal Clean Water Act, Section 303(d). These water areas, and the Morro Bay Estuary, are also listed as waters impaired by sedimentation/siltation, and are the subject of a Total Maximum Daily Load (TMDL), which is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Impact Discussion: a. The sewage that will be generated by this project will be collected and disposed of in the City's sewage system and runoff will be conveyed via storm drains to the bay. Prior to building permit issuance for any construction at the site, the applicant shall be required to provide an Erosion and Sedimentation Control Plan for the City's review and approval. Said plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right-of-way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

b. The project is the redevelopment of an existing site. The Land Use Table depicted in Section 13.20.070 of the Municipal Code indicates that the project will result in a minor increase in water usage (1 Water Equivalency Unit (WEU) between existing residential and commercial usage and proposed hotel and commercial uses. However, the City's annual water report indicates that there are sufficient water resources to satisfy this minor demand. In addition, the City's predominant source of water to serve residences is obtained from the State Water Project. Therefore, substantial depletion of ground water would not occur as a result of the proposed project.

c-d. The public improvements for the proposed project would require 522 cubic yards of export. In addition, the site is currently composed of predominantly non-permeable surfaces and the proposed project would be required to bring all drainage to the street in a non-erosive manner. 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. Since the project site is located along the coast at an elevation below 50 feet above mean sea level, a potential hazard from tsunamis exists. There is not enough evidence, however, to predict recurrence intervals of tsunamis. The last known tsunami warning occurred in the mid-1960's. Although the sand dunes offer some protection from tsunamis and the potential for such a geohazard is low and past history suggests that the project site is still vulnerable to large tsunamis. As discussed in the Safety Element of the General Plan, the most feasible protection in the event of a tsunami is a warning system and evacuation plan. The warning is handled by the United States Weather Service and the Safety Element outlines safety preparedness measures. Therefore, the hazard presented by tsunamis is less than significant.

Mitigation and Residual Impact:

1. Provide water quality treatment for the runoff from the entire site resulting from a two-year storm event either through biofiltration, mechanical filtration or hydrodynamic separation, using the design guidelines from the California Stormwater Quality Association BMP Handbook.
2. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.

3. 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.
4. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts. All construction shall occur within the project footprint.
5. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities shall be completed and approved prior to the initiation of demolition activities.
 - b. Refueling of onshore equipment shall be accomplished within a designated area of the parking lot. That site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment shall be sufficient to respond to the worse case spill volume.
6. Netting or fencing around and underneath the docks and view deck shall be installed to catch and remove debris released during and after de-construction.

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

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 original jurisdiction of the California Coastal Commission. The site is zoned Waterfront/Planned Development and has an S.4 overlay. The project is governed by the Waterfront Master Plan.

Impact Discussion: a & c. The proposed project consists of the redevelopment of an existing site and would not physically divide an established community. In addition, the City of Morro Bay does not have an adopted habitat conservation plan, therefore, the project would not conflict with applicable habitat conservation plan or a natural community conservation plan.

b. The project cannot be approved unless found consistent with the California Coastal Act, Local Coastal Program and Municipal Code. The project site is zoned WF/PD/S.4. Per the Zoning Ordinance, the PD overlay "is intended to allow for modification of or exemption from the development standards of the

primary zone that would otherwise apply if such action would result in better design or public benefit." Utilizing the PD overlay, the applicant is requesting a maximum building height of 25 feet above average natural grade of the building footprint.

Mitigation and Residual Impact:

1. At publicly noticed hearings, the Planning Commission and City Council shall ensure that the proposed project is in compliance with the California Coastal Act, Local Coastal Program and the Municipal Code.

Monitoring: Compliance with the Zoning Ordinance, Waterfront Master Plan, General Plan and Local Coastal Plan shall be monitored by the Public Services Department.

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

Environmental Setting: The 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 which could potentially impact marine wildlife. See the impact discussion in Section 4 Biological Resources. The peak noise level for most of the equipment that will be used during construction is estimated to reach 80 to 95 dBA at a distance of 50 feet (without mitigation). At 250 feet, the peak construction noise (without mitigations) is estimated to reach approximately 67 to 82 dBA (without mitigation). These noise levels are based upon "worst case" conditions. These potential noise levels are dependent on the location of the equipment on the site as well as the actual number and type of equipment used during construction. Mitigation measures are required to limit hours of construction and the reduce the noise levels of equipment during construction.

Mitigation and Residual Impact:

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise

mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.

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

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

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 includes two residential units that are both utilized as vacation rentals. They function as visitor serving housing and are not occupied by permanent residents. Therefore, the project's replacement of transient lodging 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 is a six room hotel with two commercial units, replacement dock and reconstructed deck. Therefore, the project would result in less than significant impacts to housing and population.

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

Monitoring: Not applicable.

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

Environmental Setting: The project site 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. In the event of an emergency at the site during the removal of the structure, the Fire Department would be required to provide fire protection or other emergency services. The proposed project is not expected to require additional fire protection services since it is replacing existing buildings nor is it anticipated that the Fire Department would be substantially affected during the demolition activities. The new structure will include modern fire protection measures including fire sprinklers resulting in improved fire protection which will reduce the potential for additional fire services.

b. Police protection services for the site during construction would be similar to those currently provided by the Morro Bay Police Department. Vandalism, theft of materials and equipment and burglary would be of potential concern.

c-d. The project does not involve the establishment of residences, therefore there will be no demand for schools.

e. No other governmental services will be affected.

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

Monitoring: Not applicable.

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, birdwatching, 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: The project is not growth inducing and will not impact existing park and recreational facilities. The proposed project includes the construction of a public view deck and public accessways adjacent to the bay that will provide increased access to the aesthetic beauty of the bay. Therefore, the proposed project will actually improve public recreation opportunities at the site.

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

Monitoring: Not applicable.

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

Environmental Setting: The 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 workman activity and equipment associated with the project, which will temporarily result in minor increases in traffic to and from the site. However, following construction, per the Institute of Transportation Engineers, the proposed project would

produce 3.51 peak hour trips for the hotel use and 6.35 peak hour trips for the retail use, for a total of 9.86 peak hour trips daily. The existing site uses produce 2 peak hour trips for the residential units and 6.23 peak hour trips for the retail use, for a total of 8.22 peak hour trips daily. The anticipated increase of approximately 1.6 peak hour trips per a day will not have a significant impact on traffic or levels of service.

c. The proposed traffic will not have any impact on airbourne traffic.

d-e. As designed, the project provides sufficient backing and maneuvering room for cars to safely navigate the parking area. In addition, the fire and police departments have reviewed the proposed project and determined that the project provides adequate emergency access.

f. The proposed uses will require a minimum of 13 parking spaces. The site has the capacity for six on-site parking spaces, including two American with Disabilities Act compliant spaces. Therefore, the project is providing six of the required 13 parking spaces on-site. Zoning Ordinance Section 17.44.020 (A)(7) states that "where it can be demonstrated that the reasonable and practical development of commercially zoned property precludes the provision of required off-street parking on a property located within a parking management plan area, the Planning Commission may permit the applicant to satisfy parking requirements by payment of an in-lieu fee." The project site is located within the parking management plan area; therefore, the applicant may pay in-lieu fees for the remaining required parking space.

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:

1. Prior to issuance of certificates of occupancy of the building permit, in-lieu parking fees shall be paid or a signed and executed agreement for payment shall be provided to the satisfaction of the Public Services Director. The amount of the fee shall be based on the fee schedule in place at the time of building permit issuance.

Monitoring: The Finance Department will inform the Public Services Department when the applicant has paid the correct in-lieu-payment or an agreement for payment has been executed. Said payment shall be made prior to occupancy of the hotel.

15. UTILITIES & SERVICE SYSTEMS		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X

e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X	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 which 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. Due to the small size of the project, there would be no significant impact to utilities and service systems. A minimal increase in water usage (1 WEU) will occur based on the existing vs. proposed land uses and a minimal increase in sewage output will also occur due to the sewage pump out system proposed to be located on the new floating dock. However, the City water and sewer systems have been reviewed pursuant to capacity studies which have determined that there is sufficient capacity for build out.

Mitigation and Residual Impact: Because no significant impacts on utilities and service systems would result, 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, Police Department, Building Division, City Engineer, Harbor District, Parks and Recreation Department.

National Marine Fisheries Service

San Luis Obispo Air Pollution Control District

B. General Plan

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

C. Other Sources of Information

☒ Field work/Site Visit	☐ Ag. Preserve Maps
☒ Calculations	☒ Flood Control Maps
☒ Project Plans	☐ Other studies, reports
☐ Traffic Study	☒ Zoning Maps
☒ Records	☐ Soils Maps/Reports
☐ Grading Plans	☐ Plant maps
☒ Elevations/architectural renderings	☒ Archaeological maps and reports
☒ Published geological maps	☒ Biological Reports
☒ Topographic maps	☒ Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009
☒ Other: Morro Bay State Park Marina Renovation and Enhancement Project DEIR, dated July 2008 and Final EIR, dated October 2008	☒ Other: Morro Bay Low Impact Development Boat Haul-Out and Large Vessel Service Yard Mitigated Negative Declaration, dated July 2009
☒ Other: Dock Removal for Lease Sites 35W and 36W Mitigated Negative Declaration, dated January 12, 2010	

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

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

The proposed project includes the removal of two vacation rentals and two commercial units to be replaced by a six room hotel and two commercial units, replacement of two docks with one floating dock and the reconstruction of an existing deck. Several potentially significant impacts associated with the in-water and on-shore activities have been identified, where it has been identified that air, water, and habitat quality could be degraded if specific practices are not employed. The recommended mitigation measures address aesthetics, air quality, biological resources, hydrology, land use planning, noise, transportation, water quality, and potential hazardous materials and will reduce any significant impacts to a less than significant level when implemented.

VI. DETERMINATION

On the basis of this initial evaluation:

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: Final MND, 6/6/07

Project Evaluator: Genene Lehotsky, Environmental Coordinator

Signature

January 28, 2010
Initial Study Date

Genene Lehotsky, Associate Planner
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
- D – Biological Reports

Attachment A

SUMMARY OF REQUIRED MITIGATION MEASURES

AESTHETICS

1. At a noticed public hearing, the Planning Commission and City Council shall consider details of the proposed project with respect to height, massing, lighting, colors and materials, and view corridors, and shall require any changes deemed necessary or appropriate to avoid or minimize adverse impacts. The residual impacts must be less than significant; otherwise, it would not be possible to make findings for approval due to General/Coastal Plan inconsistencies.

AIR QUALITY

2. 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.
3. 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 stock pile 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

- 4. To open up the area beneath the gangway to potential Eelgrass habitat, the gangway shall be constructed with grating material spaced as recommended by National Marine Fisheries Service.
- 5. 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.
- 6. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be approved by the Public Services Department and initiated prior to issuance of certificates of occupancy.
- 7. A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements and shall be delivered to the Public Services Director. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer shall be investigated and, if feasible, used to reduce impact hammer noise.

HAZARDS/HAZARDOUS MATERIALS

- 8. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations. Additionally, if any lead based paint is encountered on the structure near-surface soil and sediment samples shall be collected to determine the potential for residual lead contamination and appropriate remediation to be completed as part of the project.

9. The applicant shall have a licensed contractor with hazardous materials experience evaluate the wood utilized to construct the overhanging deck and floating docks to determine whether the wood is treated or untreated. If it is treated, the contractor shall determine whether it should be classified as hazardous waste. Once the wood is removed, it shall be deposited at an appropriate waste disposal site, per the direction of the licensed contractor. The disposal of the wood shall be consistent with Health and Safety Code and Department of Toxic Substances Control regulations. Prior to deck and docks removal, the licensed contractor shall be required to submit a letter to the City verifying whether or not the wood was treated, if it is hazardous waste and where the wood will be deposited.
10. The applicant shall provide spill clean-up material on-site at all times to assist boaters in the event of a hazardous materials spill.

HYDROLOGY

11. Provide water quality treatment for the runoff from the entire site resulting from a two-year storm event either through biofiltration, mechanical filtration or hydrodynamic separation, using the design guidelines from the California Stormwater Quality Association BMP Handbook.
12. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.
13. 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.
14. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts. All construction shall occur within the project footprint.
15. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - i. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities shall be completed and approved prior to the initiation of demolition activities.
 - ii. Refueling of onshore equipment shall be accomplished within a designated area of the parking lot. That site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - iii. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment shall be sufficient to respond to the worse case spill volume.
16. Netting or fencing around and underneath the docks and view deck shall be installed to catch and remove debris released during and after de-construction.

LAND USE AND PLANNING

17. At publicly noticed hearings, the Planning Commission and City Council shall ensure that the proposed project is in compliance with the California Coastal Act, Local Coastal Program and the Municipal Code.

NOISE

18. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
19. 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.

TRANSPORTATION/CIRCULATION

20. Prior to issuance of certificates of occupancy of the building permit, in-lieu parking fees shall be paid or a signed and executed agreement for payment shall be provided to the satisfaction of the Public Services Director. The amount of the fee shall be based on the fee schedule in place at the time of building permit issuance.

Acceptance of Mitigation Measures by Project Applicant:

Applicant

Date

Attachment B

Comments Received

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

Department of Toxic Substances Control, March 10, 2010

Native American Heritage Commission, February 22, 2010

Genene Lehotsky - Smith Held Mixed Use Hotel/Commercial Project (SCH # 2010021029)

From: "Tim Miles" <TMiles@dtsc.ca.gov>
To: <glehotsky@morro-bay.ca.us>
Date: 3/10/2010 8:32 AM
Subject: Smith Held Mixed Use Hotel/Commercial Project (SCH # 2010021029)

Hi Genene,

DTSC had previously commented on this project when it was known as
THE 575 AND 591 EMBARCADERO HOTEL AND RETAIL PROJECT (SCH #2007021049). A link to that
information is attached.

http://www.dtsc.ca.gov/HazardousWaste/Treated_Wood_Waste.cfm

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

AMMENDED INITIAL STUDY AND CHECKLIST – 575 and 591 Embarcadero
CASE NO. UP0-140
DATE: July 11, 2007



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

RECEIVED

July 6, 2007

JUL 11 2007

City of Morro Bay
Public Services Department

Ms. Rachel Grossman
City of Morro Bay
965 Shasta Avenue
Morro Bay, California 93442

INITIAL STUDY AND NEGATIVE DECLARATION FOR THE 575 AND 591
EMBARCADERO HOTEL AND RETAIL PROJECT (SCH #2007021049)

Dear Ms. Grossman:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes removing the existing docks and overhanging deck and replacing the structures with a new access ramp and floating dock. DTSC was unable to determine from the information provided whether the existing docks and overhanging deck are constructed of treated wood and therefore would be classified as treated wood waste (TWW) under Health and Safety Code (HSC) sections 25143.1.6, 25150.7, or 25150.8, upon removal. Common treatments include creosote, pentachlorophenol, copper azole (CA-B), copper boron azole (CBA), chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), copper naphthenate, and alkaline copper quaternary (ACQ). Surface applied coatings such as paint, varnish, and oil stain, are not considered wood preservatives. Guidelines as to how TWW should be handled include:

- Treated wood waste that is a) hazardous waste under California law, b) is not a RCRA-TWW, and c) not from electric, gas, or telephone service (not utility exempt) is eligible for the provisions of HSC § 25150.7 and 25150.8. TWW may be disposed only in hazardous waste landfills or qualified solid waste landfills.
- Treated wood waste that is not hazardous under California law may be disposed at a non-hazardous landfill according to the authorization and provisions of the landfill. For management options for non-hazardous waste, contact the California Integrated Waste Management Board (CIWMB) at (916) 341-6376.

For additional information on how to classify treated wood, dispose of it properly, and obtain contact numbers for assistance, please refer to the enclosed documents or go to http://www.dtsc.ca.gov/HazardousWaste/Treated_Wood_Waste.cfm on the Internet.

♻️ Printed on Recycled Paper

CITY OF MORRO BAY

Page 31

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



February 22, 2010

RECEIVED

FEB 23 2010

STATE CLEARING HOUSE

Genevieve Lehotsky
City of Morro Bay
955 Shasta Ave.
Morro Bay, CA 93442

RE: SCH#2010021028 Smith Held, mixed Use Hotel/Commercial Project; San Luis Obispo County

Dear Ms. Lehotsky:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archaeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. Sacred Lands File check completed, no sites indicated. However, the project is in close proximity to at least 30 known archaeological sites in the area, which may be impacted.
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15084.5(i). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7060.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

KSP
Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

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. Native American Heritage Commission
Letter dated February 22, 2010
Katy Sanchez, Program Analyst

1. The Central Coast Information Center at the University of California at Santa Barbara (UCSB) was contacted as part of the cultural resource review for the proposed project. Based upon the data obtained from the Central Coast Information Center, it was determined that the project site is not a known archaeological resource site and is not within close proximity of a known archaeological resource site.
2. Since the proposed project site is located on fill, is not a known archaeological site and is not within close proximity of a known archaeological site, an archaeological inventory is not required.
3. Prior to the recent changes to the project description, which prompted the recirculation of this Mitigated Negative Declaration (MND), staff spoke with Katy Sanchez, Program Analyst on June 16, 2007 regarding the need for a sacred lands file check. Ms. Sanchez indicated that since the records from the Central Coast Information Center did not indicate that the project site was a known archeological resource site or within close proximity of a known archeological site, and because staff provided the MND to local Native Americans for review, that a sacred lands file check was not required.
4. A condition of project approval requires all ground disturbing activities to halt if any archaeological resources are encountered and for work to not resume until the resources are reviewed by a qualified archaeologist or paleontologist, whichever is appropriate.

B. Department of Toxic Substances Control
Email dated March 10, 2010
Tim Miles, Hazardous Substances Scientist

1. The applicant has not determined whether or not the existing docks and overhanging deck are constructed of treated or untreated wood. A mitigation measure has been added under the Hazard/Hazardous Material section of this document 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, and if treated whether or not it is hazardous waste. Once the wood is removed, it shall be deposited at an appropriate waste disposal site per the direction of the licensed contractor. The disposal of the wood shall be consistent with Health and Safety Code regulations and in accordance to the Department of Toxic Substances Control regulations. Prior to floating docks and deck removal, the licensed contractor shall be required to submit a letter to the City verifying whether or not the wood is treated, whether or not the wood is a hazardous substance and where the wood will be deposited.

Attachment D
Biological Reports



December 15, 2009

Genene Lehotsky
Associate Planner
City of Morro Bay, Public Services Dept.
955 Shasta Ave.
Morro Bay, CA 93442

Subject: Public boardwalk widening at the Smith Held Embarcadero project and
eelgrass concerns

Hello Genene:

This letter is in response to a request I received from you yesterday (December 14, 2009) concerning an email I had sent to Mr. Smith Held back on October 22, 2009. I assume Mr. Held forwarded my October email to you on the same day that I sent it to him or shortly later, but now you need the same information on our company letterhead so that it can be included with the associated City of Morro Bay permit documents.

My October email was a review of the eelgrass survey that I had completed for him back on April 18, 2007, in response to some new changes made recently to his project since the time of my eelgrass survey. Near the end of October 2009, Mr. Held's engineer, Mr. Stephan Carnes, forwarded me another revised plan of Mr. Held's improvement project at 591 and 575 Embarcadero, Morro Bay, CA. The latest revised plan drawing is attached.

I was asked to provide input on whether this latest revised plan would result in new impacts to eelgrass not identified in my previous eelgrass survey done at the two above addresses. The first and last time I was at the project site was on April 18, 2007, and was done to map eelgrass and search for *Caulerpa*. There was only one large eelgrass patch observed. Mr. Carnes transferred the eelgrass location from my map to the revised plan drawing. The transfer looks accurate.

The revised plan calls for widening the public boardwalk by 2 ft, which would extend the boardwalk over the water by 2 ft over the original plan. However, it appears from the drawing that the boardwalk would still not extend over any eelgrass or habitat for eelgrass.

The drawing of the revised plan shows more elevation contours than what I had available during my survey in April 2007. The drawing shows the boardwalk extending out over the bay and covering more water and more of the angled revetment, but only the portion above the +3 ft MLLW tide level. Eelgrass does not tend to occur at this tide elevation or at higher elevations. Eelgrass tends to grow at

lower elevations. On this basis, widening the public boardwalk by only 2 ft should not directly cover eelgrass or habitat for eelgrass.

Mr. Stephan Carnes also told me that another project change is to leave the existing deck for a public access viewing deck. The deck was to be removed in the original plan. Please note that if there is any new construction with the existing deck that will involve disturbing the seabed, such as replacing or reinforcing the piling supports, additional eelgrass surveys will likely be necessary before and after the construction. This is to assess potential impacts to eelgrass before construction, and to validate impacts/no impacts after construction. Also, additional eelgrass surveys would likely be needed if the public viewing deck is to be made larger in size than the existing deck. Enlarging the deck would create new shading effects not accounted for in my original eelgrass survey.

If you have any questions, do not hesitate to contact me at any time.

Sincerely,



Scott Kimura

Tenera Environmental
141 Suburban Rd., Suite A2
San Luis Obispo, CA 93401
ph: (805) 541-0310
fax: (805) 541-0421
cell: (805) 550-1449
Tenera.com

RECEIVED

MAY 30 2007

City of Morro Bay
Public Services Department

Distribution and Abundance of Eelgrass (*Zostera marina*) Relative to a Revised Dock Plan at 591 and 575 Embarcadero, Morro Bay, California

May 17, 2007

Prepared for:

Mr. Smith Held
P.O. Box 225
Cayucos, CA 93430

Prepared by:

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

Summary

This report describes the distribution and abundance of eelgrass (*Zostera marina*) in relationship to a revised dock plan along the Morro Bay embarcadero. The new floating dock in the revised plan should not affect existing eelgrass or potential habitat for eelgrass.

Background

An eelgrass survey was conducted on April 18, 2007 at 591 and 575 Embarcadero, Morro Bay, CA (Figure 1). The report of the survey was submitted to the City of Morro Bay¹. The purpose was to describe the distribution and abundance of eelgrass in the area of proposed over-the-water construction at the two properties stated above (City of Morro Bay Development Application No. CUP-140).

The survey found a single patch of eelgrass in the immediate construction area, and identified that the original proposed dock (in

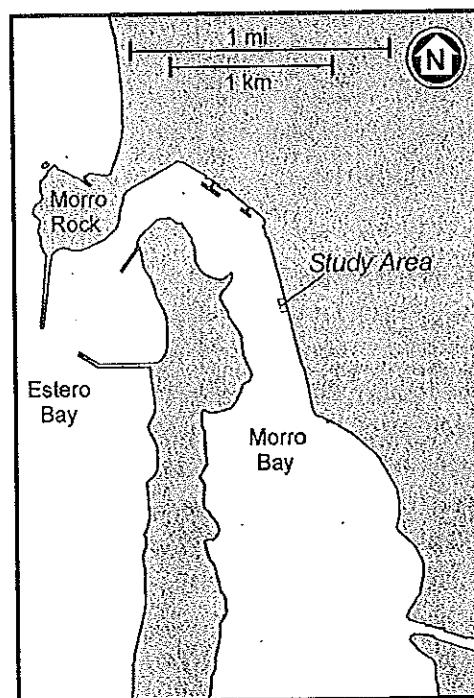


Figure 1. Location of the eelgrass survey at 591 and 575 Embarcadero, Morro Bay, CA.

¹ Tenera Inc., 2007. Eelgrass (*Zostera marina*) and *Caulerpa taxifolia* Survey, 591 and 575 Embarcadero, Morro Bay, California, submitted to Smith Held, Cayucos, California, April 25, 2007.



each of two option plans) would cover a portion of this eelgrass patch. This was expected to reduce the cover of this eelgrass patch (from shading).

In the same project, the removal of an overhanging deck and two existing floating docks (Figures 2 and 3) would potentially increase eelgrass habitat by opening up areas on the revetment that were previously shaded (Table 1). However, any new habitat created for eelgrass in this manner may not necessarily become colonized by eelgrass. If this occurred, the loss in eelgrass caused by the new dock would not be offset.

Subsequently, the applicant revised the dock plan to avoid any potential impacts to eelgrass. No other shore construction modifications from the original plan have been proposed.

Revisions to the Dock Plan and Effects to Eelgrass

The revised dock plan is Dock Option #2 of the original plan, a single 8 ft x 70 ft floating dock, but simply moved slightly offshore to avoid covering the edge of the eelgrass patch (Figure 4). This will place the new floating dock entirely over the sand/mudflat seabed, and will not cover any existing eelgrass or potential habitat for eelgrass. No eelgrass was found offshore of the revetment in the April 18, 2007 survey. Therefore, the sand/mudflat seabed offshore of the revetment in the immediate area was considered unsuitable habitat for eelgrass. Eelgrass was only present on the sloped revetment down to the toe of the revetment. On this basis, the revetment was considered to be the only potential habitat area for eelgrass along this length of shore of the embarcadero.

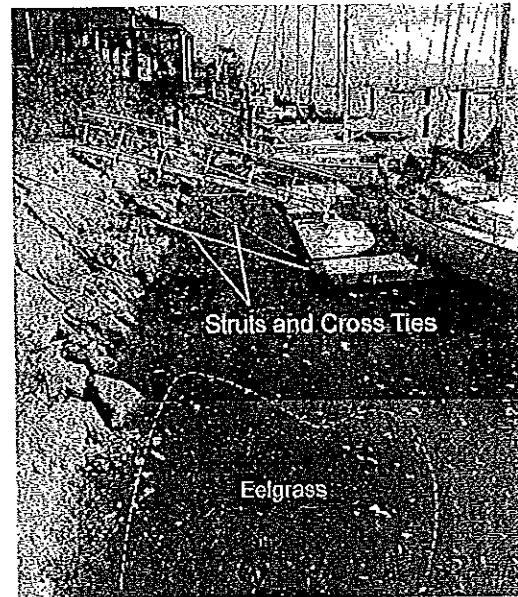


Figure 2. View looking south of the floating dock at 575 Embarcadero. The dock will be replaced with the new dock. A similar strut and cross tie system will be used to stabilize the new dock.

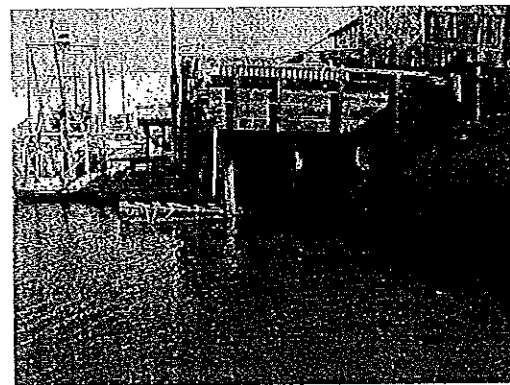


Figure 3. View looking north at the deck and dock to be removed at 591 Embarcadero.



Table 1. Estimated gains and losses of eelgrass and eelgrass habitat with the removal of existing structures and construction of new docks under two previous option plans and the revised plan.

	Removal of Existing Deck and Docks	Option #1: Two Boat Slips	Option #2: Single Dock	Revised: Single Dock
Increase in eelgrass habitat	50 m ² (538 ft ²)	-	-	-
Decrease in existing eelgrass from shading	-	26 m ² (280 ft ²)	13 m ² (140 ft ²)	-
Potential eelgrass habitat that presently does not have eelgrass and would become shaded	-	40 m ² (431 ft ²)	13 m ² (140 ft ²)	-
Total potential loss of eelgrass and eelgrass habitat	-	66 m ² (711 ft ²)	26 m ² (280 ft ²)	-
Net change to eelgrass and eelgrass habitat, relative to the increase in habitat from the removal of the existing deck and docks	-	Loss: 16 m ² (172 ft ²)	Gain: 24 m ² (258 ft ²)	Gain: 50 m ² (538 ft ²)

The revised dock plan includes shifting the access ramp slightly downcoast (south) rather than being centered on the dock. This is so that the new ramp will not cover existing eelgrass. Although the new ramp will partially shade a small portion of potential habitat for eelgrass on the revetment, eelgrass may still be able to colonize and grow beneath the ramp, from light reaching the bottom from lateral angles.

Also, eelgrass should not be affected when the new dock is installed. The new floating dock will be stabilized by struts and cross ties attached to land (**Figure 2**), rather than by piles embedded into the seabed. In contrast, the two original dock options included piles to stabilize the docks. Not having to install piles in the revised plan further reduces the potential to affect eelgrass.

Boats tied to docks for prolonged periods can shade out eelgrass. However, boats tied to the offshore side of the new dock will not be over any existing eelgrass or probable habitat for eelgrass. Although boats could tie up and use the inshore side of the dock where eelgrass is present, the struts and cross ties that will be used to stabilize the new dock will prevent any type of boat from easily using the inshore side of the dock.

Removing the overhanging deck and two floating docks will open up approximately 50 m² of potential new habitat for eelgrass on the revetment (**Table 1**). This amount was considered a possible way to offset losses of existing eelgrass in the original dock plan. However, this does not have to be used in this fashion in the revised dock plan, as the new dock should not impact existing eelgrass. Therefore, any newly established eelgrass in the new habitat would represent an immediate increase in eelgrass in the project area.



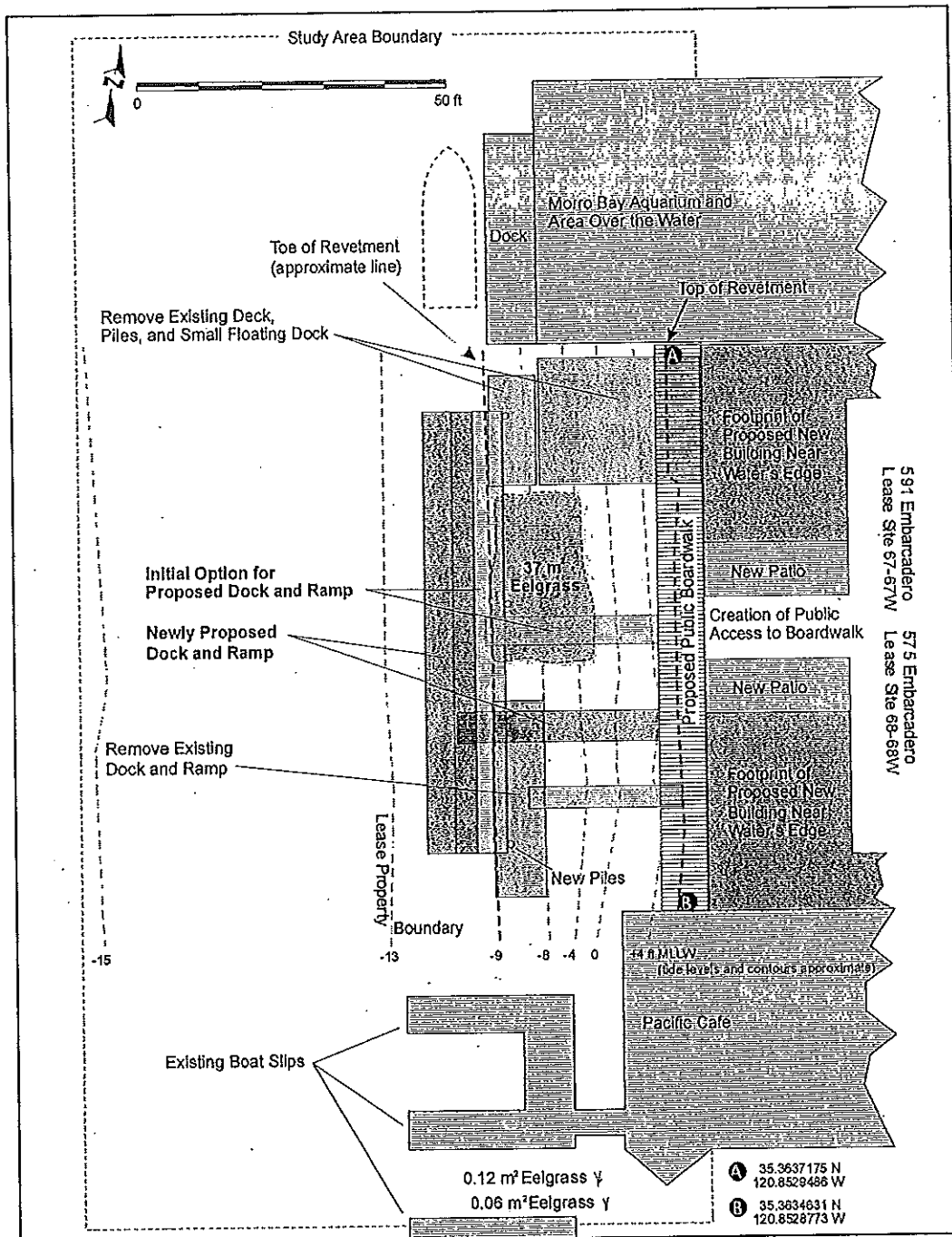


Figure 4. Revised dock plan showing that by shifting the dock offshore slightly and moving the ramp downshore will avoid covering existing eelgrass.



ESLO2007-013

591 and 575 Embarcadero Eelgrass Survey

RECEIVED

APR 26 2007

City of Morro Bay
Public Services Department

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

591 and 575 Embarcadero, Morro Bay, California

April 25, 2007

Prepared for:

Mr. Smith Held
P.O. Box 225
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Prepared by:

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Project Description

This report describes the results of an eelgrass (*Zostera marina*) survey conducted on April 18, 2007 along the shoreline of two adjoining City of Morro Bay lease properties (591 and 575 Embarcadero, Morro Bay, California; lease sites 67-67W and 68-68W, respectively) (**Figure 1**). The purpose of the survey was to describe the occurrence of eelgrass along this length of shore (90 ft) proposed for waterfront improvements.

The shorebank along both properties is rock and cement revetment that angles steeply downward into Morro Bay (**Figure 2**). The revetment terminates at a depth of approximately -9 ft below the mean lower low tide water level (MLLW). The seabed offshore of the revetment is sand/mudflat.

Separate lessees lease the two adjoining 45 ft wide properties. Both lessees are proposing a joint improvement project for their properties (City of Morro Bay Development Application No. CUP-140). The joint project includes over-the-water construction.

Presently, each property consists of a small retail store located on the street front. A vacation rental occurs behind each store. The northern property (591 Embarcadero) has a deck that overhangs water and is supported by piles (**Figure 3**). A small floating dock

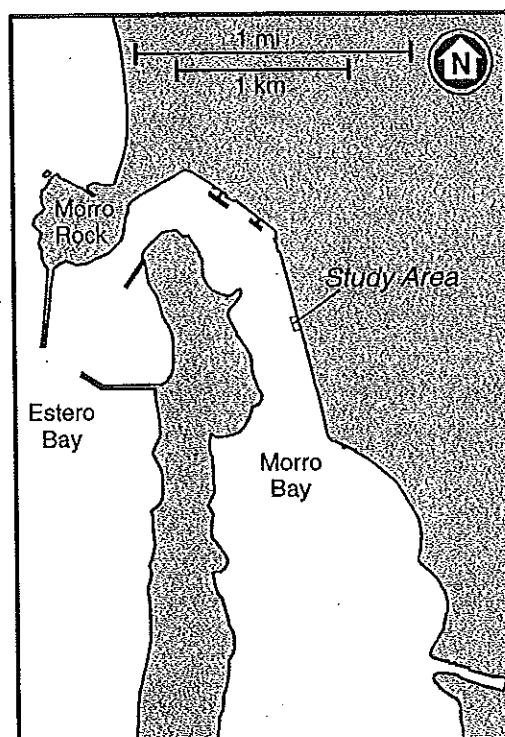


Figure 1. Location of the eelgrass survey at 591 and 575 Embarcadero, Morro Bay, CA.



(~8 ft x 20 ft) is attached to the deck piles. The southern property (575 Embarcadero) does not have a deck, but has a larger floating dock (~8 ft x 32 ft) (**Figure 2**). The dock is not stabilized by piles, but rather by struts that are attached to the shore.

In the joint project, all existing buildings and structures would be removed, including both docks and the overhanging deck with piles (**Figures 2 and 3**). Two new retail stores would be built on the street front, one on each property. A 6-unit motel is proposed to be built behind the stores (3 units on each property).

Figure 4 depicts the construction changes near the water's edge. Coastal public access, which presently does not exist through the properties, will be provided via a breezeway centered on the boundary that separates the two properties. The breezeway will lead to a proposed 8 ft wide public boardwalk that will run along the top of revetment and over the shoreline distance of the two properties (90 ft). The boardwalk will not overhang water. Some of the piles that support the existing deck may be used to support portions of the boardwalk, if appropriate. Public restrooms will also be added along the breezeway to the boardwalk.

The lessees are also proposing to replace their existing floating docks with a single shared dock in one of two design options (**Figure 4**). Design option #1 is a dock arrangement consisting of two boat slips. The dock fingers would run perpendicular to the shoreline and would extend to the offshore lease property boundary (50 ft from the top of revetment). Design option #2 is a single dock (8 ft x 70 ft) that runs parallel to shore. New piles would be used to stabilize both types of dock systems, whichever is permitted.

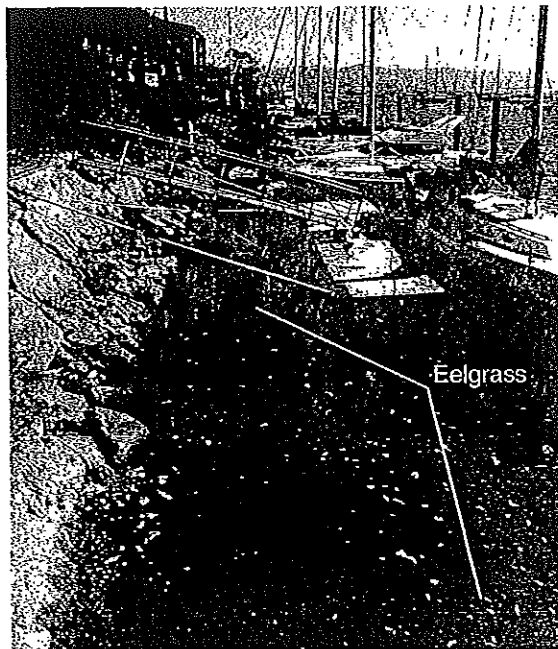


Figure 2. View looking south at the revetment that supports eelgrass in the survey area. The dock in the immediate background is at 575 Embarcadero, and is proposed to be removed.



Figure 3. View looking north at the deck and dock to be removed at 591 Embarcadero.



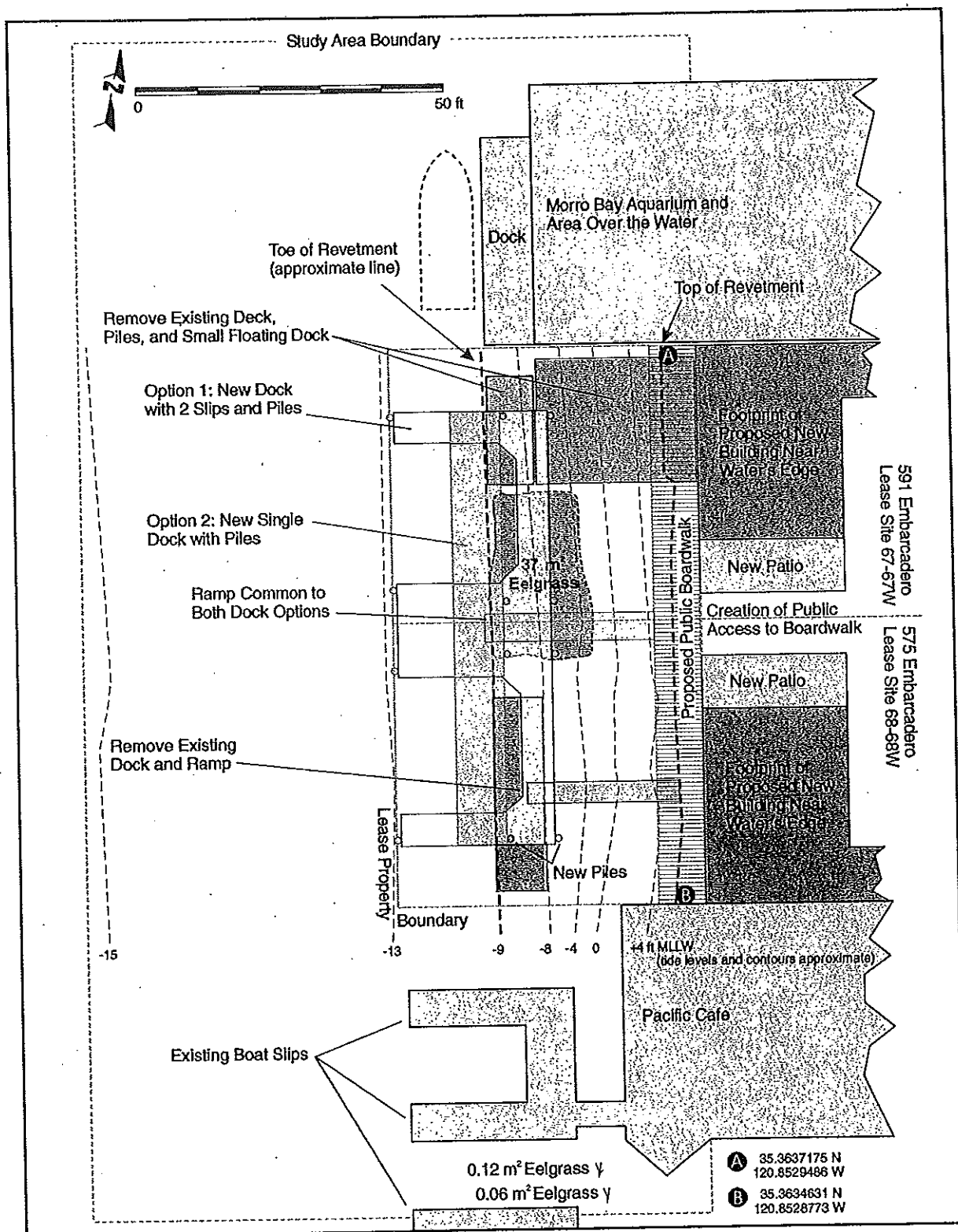


Figure 4. Proposed changes near the water at 591 and 575 Embarcadero, Morro Bay, California and results of the eelgrass mapping survey on April 18, 2007.

Purpose

An eelgrass survey was conducted on April 18, 2007 at the adjoining properties of 591 and 575 Embarcadero as part of the City of Morro Bay development application process (City Application No. CUP-140). The survey consisted of mapping the occurrence of eelgrass and eelgrass habitat and surveying the area for the presence/absence of *Caulerpa taxifolia* (Figure 4).

Eelgrass beds are known to occur in the general area, and are considered a Special Aquatic Site (SAS) by the U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (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 may affect eelgrass.

The survey also included a careful search in the project area to determine the presence/absence of *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.

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 April 18, 2007 over a period that extended approximately 1.5 hours before and after the noon high tide. The high tide level at noon was approximately +4 ft MLLW. Underwater horizontal visibility was approximately 3-6 ft. Depths recorded in the survey area were corrected based on National Oceanic and Atmospheric Administration predicted tides and times for Morro Bay.

The along-shore length of the survey area was 190 ft (58 m) and the offshore distance surveyed was 100 ft (30 m) from the top of revetment, which accounted for a 50 ft (15 m) perimeter surrounding all areas of proposed construction (Figure 2). Meter tapes were deployed underwater at appropriate locations to map the locations of eelgrass and to ensure the entire area was evenly searched. 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 10-0.25 m² (2.7 ft²) 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).

Predominant species in the survey area were also recorded while mapping eelgrass and searching for the presence of *Caulerpa*.

Survey Results

Eelgrass and *Caulerpa* Mapping

Most of the observation time was spent along the revetment, as it became evident that the potential to find eelgrass was greatest in this area. All areas searched over the sand/mudflat were devoid of eelgrass.

A single dense patch of eelgrass (~37 m², 400 ft²) was present on the revetment mainly on the north property (Figure 4). The large patch was sampled for stem densities and blade lengths (Table 1). Two small patches of eelgrass (combined cover of ~0.20 m², 2.15 ft²) were present to the south on the revetment well away from the proposed construction. No other eelgrass was observed.

Table 1. Results of eelgrass stem density and blade measurements from 10-0.25 m² quadrats and 40 blade measurements.

	No. Stems / 0.25 m ²	Blade Lengths (cm)
Average	49	58
Max	64	97
Min	26	25

All of the eelgrass observed occurred on the revetment between the -2 and -9 ft MLLW tide levels (approximate) and in areas not directly shaded by structures. The toe of the revetment occurred along a line that ran beneath the two existing floating docks (-9 ft MLLW approximate). No eelgrass was present on the natural sand/mudflat seabed offshore of the revetment where depths increase.

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

Other Species Noted in the Survey

Revetment: Although not abundant, the foliose red alga *Mastocarpus papillatus* and sea lettuce (*Ulva* spp.) were the most conspicuous plant species on the intertidal revetment.



Limpets (*Lottia scabra*, *L. limatula*, *L. pelta*, *Tectura scutum*), polychaete tube worms (*Phragmatopoma californica*), aggregating anemones (*Anthopleura elegantissima*), littorine snails (*Littorina* spp.), and barnacles (*Chthamalus* spp., *Balanus* spp.) were the most conspicuous invertebrates on the revetment. Approximately 12 individual plants of *Sargassum muticum* were also present on subtidal portions of the revetment.

Sand/Mudflat: Gaper clams (*Tresus nuttallii*) and ornate tube worms (*Diopatra ornata*) were scarce-common on the seabed. Sand dollars (*Dendraster excentricus*), mostly juveniles, were also present in patches on the sand/mudflat offshore of the revetment. The introduced bryozoan *Watersipora subtorquata* was present on hard structures in various places in the survey area.

Pilings: Pilings (those that supported the overhanging deck at 591 Embarcadero) were covered mainly with hydroids, bryozoans, limpets, serpulid worms, barnacles, and sea lettuce.

Discussion

Results from the mapping survey were used to estimate the amounts of existing eelgrass and eelgrass habitat that could be affected by the two dock options (Figure 4 and Table 2). Shading from the new construction represents the most likely form of impact to eelgrass and eelgrass habitat. The amount of shading on existing eelgrass and eelgrass habitat was based on the footprint dimensions of the new construction.

Table 2. Estimated gains and losses of eelgrass and eelgrass habitat with the removal of existing structures and construction of new docks under two option plans.

	Construction		
	Removal of the Existing Deck, Docks, and Ramp	Option #1: Dock with 2 Boat Slips and Ramp	Option #2: Single Dock with Ramp
Increase in eelgrass habitat	50 m ² (538 ft ²)	-	-
Decrease in existing eelgrass from shading	-	26 m ² (280 ft ²)	13 m ² (140 ft ²)
Eelgrass habitat that presently does not have eelgrass and would become shaded	-	40 m ² (431 ft ²)	13 m ² (140 ft ²)
Total potential loss of existing eelgrass and eelgrass habitat	-	66 m ² (711 ft ²)	26 m ² (280 ft ²)
Net change to eelgrass and eelgrass habitat, relative to the increase in habitat from the removal of the existing deck, docks, and ramp	-	Loss: 16 m ² (172 ft ²)	Gain: 24 m ² (258 ft ²)



Eelgrass Habitat in the Survey Area

The results from the mapping survey indicate that areas along the sloped revetment between the -2 and -9 ft MLLW tide levels (approximate) appear to be the only suitable habitat areas for eelgrass along the shore at 591 and 575 Embarcadero. Many of these areas can potentially become colonized with eelgrass as long as they are not shaded out by structures. However, other factors affect whether eelgrass can become established and persist (e.g., seed availability, attachment locations, natural variations in underwater light, competition for space, etc.).

No eelgrass was found offshore of the revetment in deeper water on the sand/mudflat. The lack of eelgrass offshore may be due to the lack of adequate light, which is depth-related, or perhaps to currents being too swift for seedlings to take hold. In contrast, currents near the revetment can eddy, which can provide greater opportunities for seedlings to take hold, and there is a greater amount of underwater light for growth on the revetment.

In this survey, the offshore sand/mudflat was not considered suitable habitat for eelgrass, but would have been considered suitable habitat had there been any eelgrass found on the sand/mudflat.

Estimated Changes to Eelgrass and Eelgrass Habitat from the Project

Effects of Removing the Existing Deck and Docks: No eelgrass was present underneath the existing deck at 591 Embarcadero (**Figure 3**) or underneath the two docks on both properties (including the ramp at 575 Embarcadero) (**Figures 2 and 3**). The removal of these structures would open up $\sim 50 \text{ m}^2$ (538 ft^2) of new potential revetment habitat for eelgrass (**Table 2**) by removing shading effects that has likely prevented eelgrass from becoming established underneath these structures, particularly underneath the deck and docks.

New Dock, Option #1: It is anticipated that Dock Option #1 with the new ramp could reduce the existing $\sim 37 \text{ m}^2$ eelgrass patch by $\sim 26 \text{ m}^2$ (280 ft^2) from direct shading. This would result in the eelgrass patch being reduced to $\sim 11 \text{ m}^2$ (118 ft^2) area cover. This option would also shade new areas of potential eelgrass habitat on the revetment ($\sim 40 \text{ m}^2$, 431 ft^2). The total area of affected eelgrass and eelgrass habitat with this option is estimated to be $\sim 66 \text{ m}^2$ (710 ft^2).

New Dock, Option #2: It is anticipated that Dock Option #2 with the new ramp would reduce the existing $\sim 37 \text{ m}^2$ eelgrass patch by $\sim 13 \text{ m}^2$ (140 ft^2) from shading, not as great of a decline as with Option #1 ($\sim 26 \text{ m}^2$). This would result in the eelgrass patch being reduced to $\sim 24 \text{ m}^2$ (258 ft^2) area cover.

As with Option #1, Dock Option #2 would also shade new areas of potential eelgrass habitat on the revetment, but to a lesser degree ($\sim 13 \text{ m}^2$). The total area of affected



eelgrass and eelgrass habitat with Option #2 is estimated to be $\sim 26 \text{ m}^2$, much less than with Option #1 ($\sim 66 \text{ m}^2$).

Net Loss Predictions of Eelgrass and Eelgrass Habitat for Options #1 and #2: The removal of the existing deck, docks, and ramp will open up more revetment habitat for eelgrass ($\sim 50 \text{ m}^2$). This increase can be weighed against how both Dock Options #1 and #2 may affect eelgrass and eelgrass habitat.

Dock Option #2 has less potential to impact eelgrass and eelgrass habitat compared to Option #1 because: 1) there would be less direct shading effects to existing eelgrass; and 2) much of the new eelgrass habitat created by the removal of the existing structures would not be re-covered by the dock in Option #2. Consequently, Dock Option #2 could result in a net gain of eelgrass and eelgrass habitat ($\sim 24 \text{ m}^2$, 258 ft^2), all in the form of eelgrass habitat (Table 2). In contrast, Dock Option #1 could result in a net loss of eelgrass and eelgrass habitat ($\sim 16 \text{ m}^2$, 172 ft^2).

Piling Construction: The installation of new piles to stabilize the new dock (either option) would disturb the seabed and could cause direct impacts to existing eelgrass depending on placement. The footprints of the new piles depicted in Figure 4 were accounted for in the eelgrass impact estimates, but additional (unknown) areas that could be affected while installing piles were not incorporated in the impact calculations.

Boats Using the New Dock: The dock in Option #1 is shifted closer to shore and a greater portion of the dock occurs directly over the revetment and existing eelgrass, compared to Dock Option #2 (Figure 4). Consequently, boats tied in the slips in Dock Option #1, in addition to the dock and slips themselves, would contribute to shading effects on existing eelgrass and eelgrass habitat. These amounts were included in the shading area impact estimates for Dock Option #1.

In contrast, boats using Dock Option #2 should not affect existing eelgrass and potential habitat for eelgrass. The docked boats would occur over the sand/mudflat where there was no eelgrass during the survey.

On the other hand, skiffs, kayaks, canoes, and other small boats could be docked on the inside (east) side of the dock in both dock option plans, and could also contribute to shading effects. Shading effects from boats docked on the east side of the dock (in both options) were not considered in calculating potential shading effects, as it remains unknown whether the docks would be used in this fashion and whether boats would be docked in that area for prolonged periods of time.

New Boardwalk: The proposed new boardwalk should not significantly affect eelgrass or eelgrass habitat, as the boardwalk is not proposed to be constructed directly over water where eelgrass is present or over revetment areas that may represent potential habitat for



eelgrass. The new boardwalk would shade some amount of intertidal habitat on the revetment.

Project Considerations

While both dock options can be expected to affect eelgrass and eelgrass habitat (mainly by shading to varying degrees), the potential for impacts could be lessened in either option from further design modifications. For example, potential shading effects could be reduced or possibly completely eliminated in the Option #2 plan by shifting the dock slightly offshore so that it does not partially cover the existing patch of eelgrass (**Figure 4**). This would also lessen the possibility of piles having to be driven into the revetment. (i.e., The piles would occur more directly over the sand/mudflat.) Piles on the inshore (east) side of the dock could also be shifted to avoid existing eelgrass.

Moving the dock further offshore to avoid eelgrass is not an option in the Option #1 plan because the dock fingers in the Option #1 plan extend to the offshore boundary of the lease properties. Consequently, moving the dock further offshore in the Option #1 plan would place the dock fingers outside the offshore lease property boundary.

Another alternative would be to leave the dock in both option plans at their proposed locations, but construct the dock with grating panels to allow some light to pass through to the seabed directly below. (Some light would still be completely blocked by the dock floatation structures.) However, the maximum potential amount of light that can pass through a dock constructed of grating materials also depends on the types of boats that use the dock. In particular, dock fingers, which create boat slips and constructed of grating materials, would be very ineffective in allowing light to pass through if very large tall boats were in the slips. The grating would only be most effective when the sun was directly overhead or not obstructed by the boats. However, it is anticipated that smaller boats would use the new dock in both option plans, which would allow the grating to be more effective in allowing light to pass through. Regardless, docks constructed of grating materials are sometimes not preferred, as people tend to want work surfaces and staging areas be constructed of solid, non-see through materials.

Another means to reduce potential shading effects is to shift the proposed location of the access ramp to an area not directly above existing eelgrass (**Figure 4**). However, eelgrass may not become shaded out by the ramp at the proposed location, as the ramp would be relatively narrow and relatively high off the water, except where it is attached to the dock. Therefore, areas directly beneath the ramp would not be completely shaded, as light would not be blocked from lateral angles. The lessees have stated that they prefer the access ramp be centered on the property boundary that separates their two lots, as shown in the current plans (**Figure 4**). The access ramp could be constructed of grating material to reduce any potential shading effects. Ramps are often constructed with grating materials, but mainly to provide a non-slip, transition, walking surface.





CITY OF MORRO BAY PLANNING COMMISSION

April 5, 2010

AGENDA ITEM: X-C
MEETING DATE: 4/5/10
ACTION: _____

PROJECT SUMMARY

The applicant requests a variance to allow an increase in the required lot coverage and to encroach into the rear yard setback. An additional request is for a Conditional Use Permit (CUP) to add more than 25% of the existing floor area to a non-conforming residence.

FILE NUMBERS

UP0-251 & AD0-049

ADDRESS/LEGAL

350 Java Street
Block: 7E Lot: Portion of 6
Atascadero Beach Tract

APN

065-071-019

APPLICANT

Greg and Kathy Kircher
350 Java Street
Morro Bay, CA 93442
805-407-2175

AGENT

John MacDonald, Architect
2813 Santa Barbara Avenue
Cayucos, CA 93430
805-995-1398



Vicinity Map

EXHIBITS

- A. Findings
- B. Conditions of Approval
- C. Graphics/plan reductions
- D. Variance application & supplemental materials

SUMMARY

The applicant has requested a Variance from the required 50% lot coverage standard within this zoning district of R-1/S.1 and encroachment of 8 inches into the rear yard set back on the first story to accommodate a new conforming garage. An additional request is to demolish 272.5 square feet of the existing structure and add approximately 271 square feet to the first story, 349 square feet as a second story, and a 40 square foot deck, which exceeds 25% of the existing floor area, therefore requiring a CUP.

STAFF RECOMMENDATION

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

- A. Approve AD0-049 and UP0-251 subject to the Findings for Approval included as Exhibit “A” and Conditions of Approval included as Exhibit “B” of the staff report and the site development plans dated February 26, 2010.

ENVIRONMENTAL DETERMINATION:

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Section 15301, Class 1 exemption which provides for additions to existing structures which will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. There are no known sensitive resources on the project site or in the project area that would suggest that this exemption should not be used.

SITE CHARACTERISTICS:

The following tables provide the adjacent land use, site characteristics and project zoning.

<u>Adjacent Zoning/Land Use</u>			
North:	Residential, R-1, S.1	South	Residential, R-1, S.1
East:	Residential, R-1, S.1	West:	Residential, R-1, S.1

<u>Site Characteristics</u>	
Site Area	1,400 sq. ft.
Existing Use	Residence
Terrain:	Level
Vegetation/Wildlife	Urbanized site
Archaeological Resources	None known; very low potential
Access	Java Street

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Moderate Density

Base Zone District	R-1
Zoning Overlay District	S.1
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not within the appeals district

BACKGROUND:

The proposed project site is a sub-standard lot first developed in 1952. There was no activity on the lot until 1990 when an applicant proposed demolishing the existing residence and building a new two story single family residence with an attached carport. The applicant applied for a variance from lot coverage stating that, "The size of the existing lot precludes planning an established legal minimum sized dwelling if the minimum setbacks are to be conformed with". The applicant adhered to all required zoning ordinance standards, except lot coverage. The variance was granted in 1991 and an administrative Coastal Development Permit was also approved.

The previous applicant never applied for a building permit and the structure was never built, therefore the variance expired. The existing structure maintains a non-conforming status based on the existing lot coverage of 55.2% (50% is the maximum), an illegally converted garage, non-conforming setbacks, and substandard lot size.

SITE CHARACTERISTICS

The following tables provide the adjacent land use, site characteristics and project zoning.

<u>Adjacent Zoning/Land Use</u>			
North:	Residential, R-1 (S.1)	South	Residential, R-1 (S.1)
East:	Residential, R-1 (S.1)	West:	Residential, R-1 (S.1)

<u>Site Characteristics</u>	
Site Area	1,400 sq ft
Existing Use	Residence
Terrain:	Flat
Vegetation/Wildlife	None
Archaeological Resources	None known; very low potential
Access	Java Street

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Low Density Residential
Base Zone District	R-1
Zoning Overlay District	S.1

Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not within the appeals district

DISCUSSION

According to state law variances can only be granted under the following conditions:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any **variance** granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity **and** zone in which such property is situated.

A **variance** shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property

The City of Morro Bay's Zoning Ordinance requires that the Planning Commission make findings that are consistent with state law when granting a variance. The City of Morro Bay's Zoning Ordinance requires that any application for a variance be accompanied by evidence showing the following:

- That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and
- That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship; and
- That the variance request is consistent with the intent of the Coastal Land Use Plan and the General Plan.

In addition, because this is a non-conforming structure, additional findings to the above variance findings must be made. Section 17.56.160B of the Zoning Ordinance states that a non-conforming residence which results in an increase in of 25% of the floor area of an existing structure may be permitted subject to a CUP in accordance with the CUP findings and if the following additional findings can be made:

1. The enlargement is in conformance with the title;
2. The enlargement satisfies all other provisions of this section;
3. It meets applicable Title 14 requirements for a conforming use;
4. It is suitable for conforming uses and will not impair the character of the zone in which it exists; and
5. The Planning Commission finds that it is not feasible to make the structure conforming without major reconstruction of the existing structure.

Finally, and as mentioned above, the non-conforming status of the project further requires a CUP to add more than 25% of the existing floor area to the residence. The following are the findings to approve the CUP:

1. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the project's neighborhood;
2. The project will not be injurious or detrimental to neighborhood property and improvements;
3. The project will not be injurious or detrimental to the general welfare of the City; and
4. The proposed uses are allowed by the Certified Coastal Land Use Plan for the City of Morro Bay.

Analysis

The applicant has submitted materials in order to justify their position to allow the variance and CUP. Staff has reviewed this material to determine if the above findings can be made.

The property in question is a substandard sized lot of 1,400 square feet in the R-1, S.1 single family zoning district. The lot was previously subdivided and the property is a legal lot. However, within this area of the city, standard sized lots are approximately 2,400 square feet. The existing residence consists of approximately 547 square feet of living space and a 225 square foot garage that was illegally converted to a bedroom. The existing footprint or lot coverage is 55.2% and the proposed 55.1%.

The project proponent cites that the lot is the only substandard lot in the neighborhood; therefore granting the variance for lot coverage will not set a precedent. The entire neighborhood consists of lots that are substandard; however, this lot is half the size of the lots in the neighborhood which constricts the ability of this lot to conform to lot coverage beyond the other larger lots within the neighborhood. In the R-3 and R-4 zoning districts that allow smaller lot area per unit (2, 175 and 1, 800 sq. ft. per unit), similar in size to the subject parcel, there is an increase in lot coverage percentage to a maximum of 60%. It is staff's opinion that when lots are of this small size, there is a need to increase the lot coverage to ensure full enjoyment of property. Since the lot is unusually small and there are very few lots of this size within the city, there will not be similar requests to exceed lot coverage in the future.

The variance also requests relief from the rear yard setback to accommodate a conforming one-car garage. The applicant proposes to demolish the existing illegally converted 225 square foot garage and construct a new 271 square foot garage, which includes a laundry room of approximately 35+/- square feet. The actual garage measures 20 feet-8 inches x 11 feet-8 inches from the exterior of the structure to allow for the required 20 foot x 11 foot clearance on the garage interior. To construct a garage that conforms to the ordinance size requirements and meet required front yard setback of 10 feet, the garage would encroach into the rear yard setback by 8 inches, as the lot depth is only 35 feet. The applicant is attempting to meet code requirements and the constraint of the existing lot depth does not allow a conforming garage to be constructed within the minimum setback requirements.

If it is the decision of the Planning Commission to approve the project, a variance must first be approved for exceptions to the lot coverage and rear yard setback prior to approval of the CUP otherwise the project will not be in conformance with all applicable city regulations.

PUBLIC NOTICE

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on March 26, 2010. The site was posted and all property owners of record within 300 feet of the subject site were notified 10 days prior of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION

In accordance with Section 17.60.060, a variance may be granted for relief of the strict application of zoning regulations provided specific findings can be made. In this specific case staff believes that sufficient evidence exists that demonstrates that the required findings can be made and recommends that the Planning Commission grant the variance and Conditional Use Permit. As conditioned, the project will be in compliance with the Zoning Ordinance, General Plan, and Local Coastal Plan.

EXHIBIT A
FINDINGS FOR APPROVAL

UP0-251 & AD0-040: Variance to allow an increase in lot coverage and relief from the rear yard setback and CUP to allow an addition to a non-conforming structure that exceeds 25% of the existing floor area.

California Environmental Quality Act (CEQA)

- A. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Section 15301, Class 1 exemption which provides for additions to existing structures which will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. There are no known sensitive resources on the project site or in the project area that would suggest that this exemption should not be used.

Variance Findings

- B. That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and
The granting of the variance will not be contrary to the intent of this title or the public safety, health and welfare as the use is consistent with uses in this zoning district and the building will be constructed to meet all safety rules and regulations ensuring public safety.
- C. That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship; and
The property in question is a substandard undersized lot. As described in the staff report this characteristic results in practical difficulties and a hardship when adhering to the strict zoning regulations (setbacks and lot coverage).
- D. That the variance request is consistent with the intent of the Coastal Land Use Plan and the General Plan.
The reduction in the rear setback and the increase in lot coverage will not conflict with the General Plan or the Local Coastal Plan.

Conditional Use Permit Findings

- E. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the project's neighborhood because the proposed uses are permitted within the R-1, S.1 zone, the proposed uses are similar to adjacent uses in the area, and the proposed structure will be constructed in accordance with all applicable project conditions and City regulations.
- F. The project will not be injurious or detrimental to neighborhood property and improvements because the single family home is consistent with the adjacent residential uses.

- G. The project will not be injurious or detrimental to the general welfare of the City because the proposed uses are permitted in the R-1, S.1 zone and medium density general plan designation.
- H. The proposed use is allowed by the Certified Coastal Land Use Plan for the City of Morro Bay.

EXHIBIT B:
CONDITIONS OF APPROVAL

UP0-251 & AD0-040: Variance to allow an increase in lot coverage and relief from the rear yard setback and CUP to allow an addition to a non-conforming structure that exceeds 25% of the existing floor area.

STANDARD CONDITIONS:

1. This permit is granted for the improvements as described in the staff report, discussed at the April 5, 2010 hearing, and as depicted on plans received by the Public Services Department on February 26, 2010, except as modified by the following conditions:
2. Inaugurate Within Two Years: If the approved use is not established within two (2) years of the effective date of this approval, this approval will automatically become null and void. However, upon written request by the applicant prior to the expiration date of this approval, up to two (2) one-year time extensions may be granted. Said extensions may be granted by the Public Services Director, 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 shall be subject to review and approval by the Public Services Director. Any changes to the approved project determined not to be minor by the Director shall require the filing of an amendment subject to Planning Commission review.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval. 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: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director 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. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
8. Screening of Equipment/Utility Meters/Fencing: No roof-mounted air conditioning, heating equipment, vents, ducts or other mechanical equipment shall be allowed to extend above the parapet walls. All utility meters shall be suitably screened from public view as approved by the Public Services Department. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.
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. daily, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
10. Utility Services: All fees, including water and sewer impact fees, shall be paid at the time the building permit is issued unless otherwise noted.
11. UBC Compliance. The entire project, including all setbacks, exterior wall openings and handicapped accessible issues, shall comply with the Uniform Building Code, as determined by the Building Official.

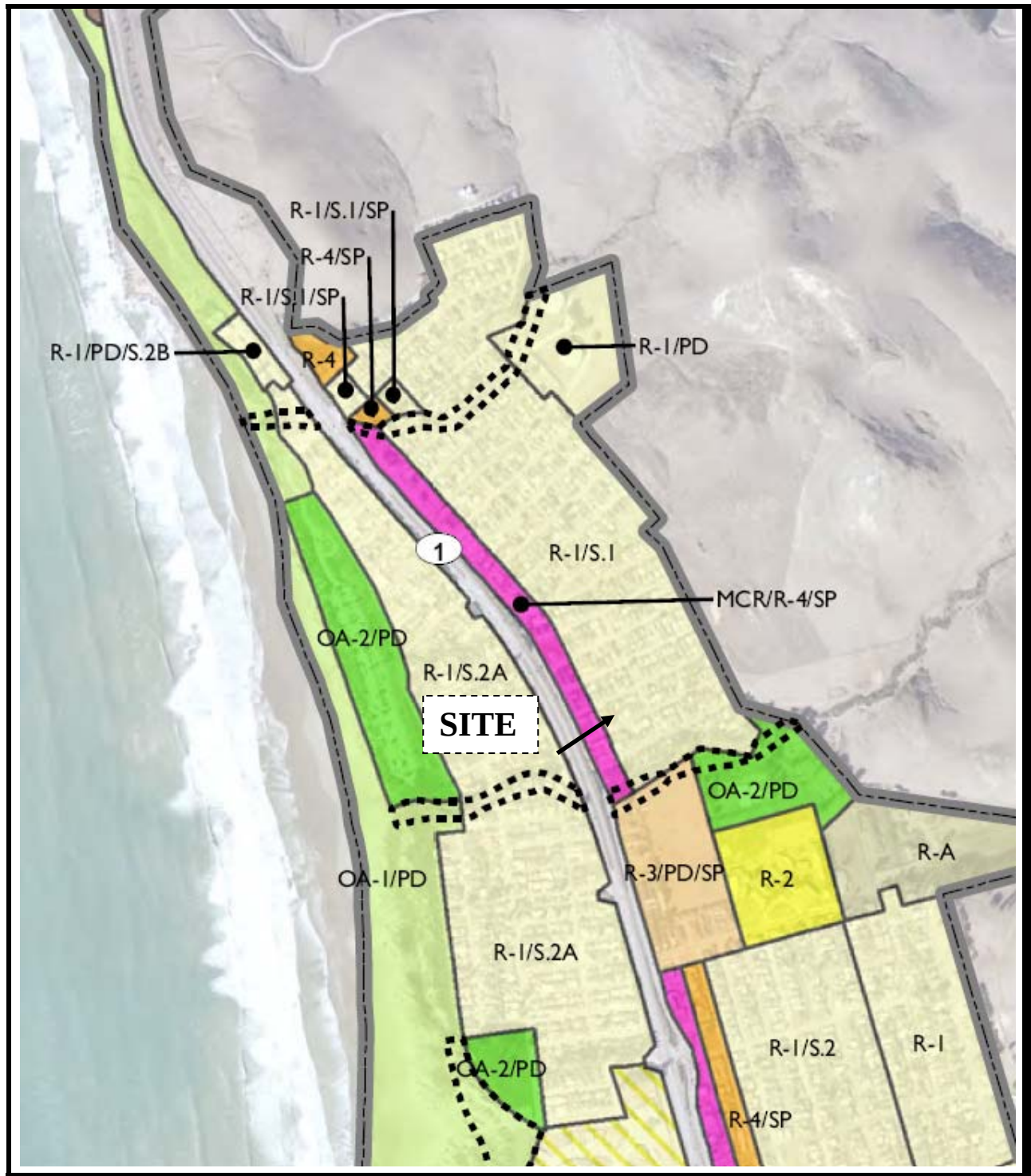
PLANNING CONDITIONS:

12. Building Height Verification: Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures are in accordance with the approved plans and complies with the height requirement of **25 feet above average natural grade as accepted by the City Engineer**.
13. Water Saving Devices: Water saving devices shall be installed prior to final occupancy clearance in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
14. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
15. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist, knowledgeable in Chumash Culture, or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

PUBLIC WORKS CONDITIONS:

16. Conduct a video inspection of the conditions of existing sewer lateral. Submit a DVD to City Public Services Department. Repair or replace as required to prohibit inflow/infiltration. Video inspection is required prior to building permit issuance.
17. Provide a standard erosion and sediment control plan to prevent sediment from migrating off site.

EXHIBIT C
GRAPHICS/PLAN REDUCTIONS



Planning Commission
Greg and Kathy Kircher

ZONING MAP

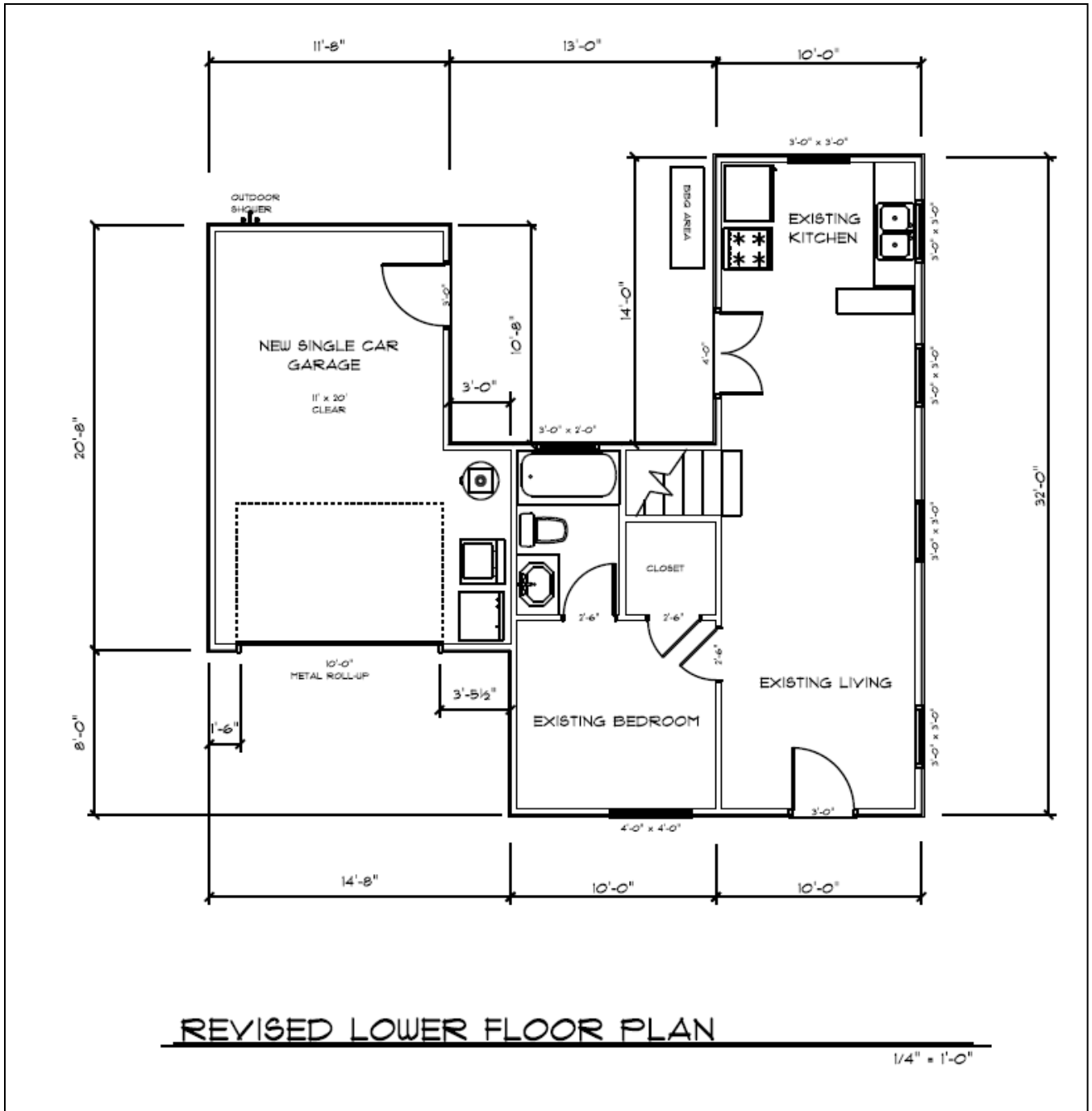


**Planning Commission
Greg and Kathy Kircher**

AERIAL PHOTO

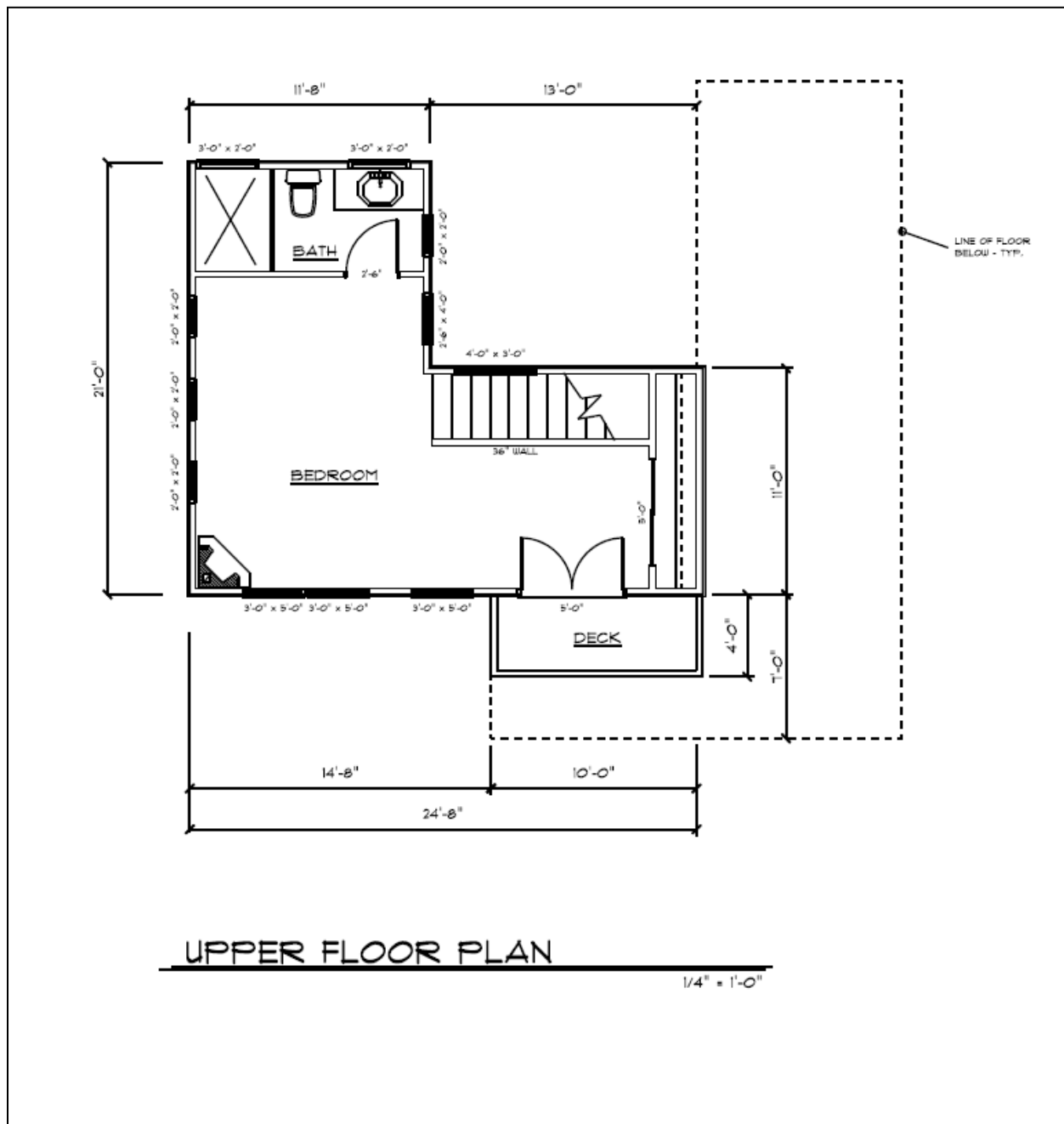


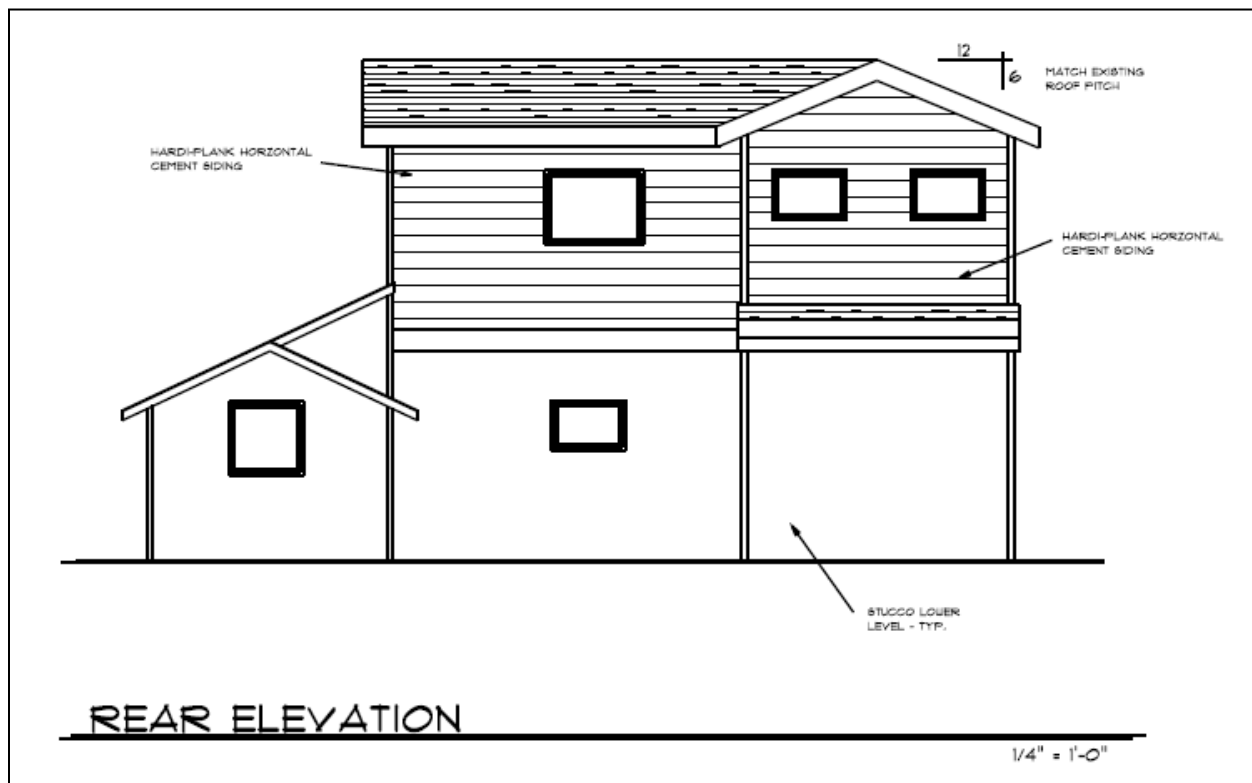
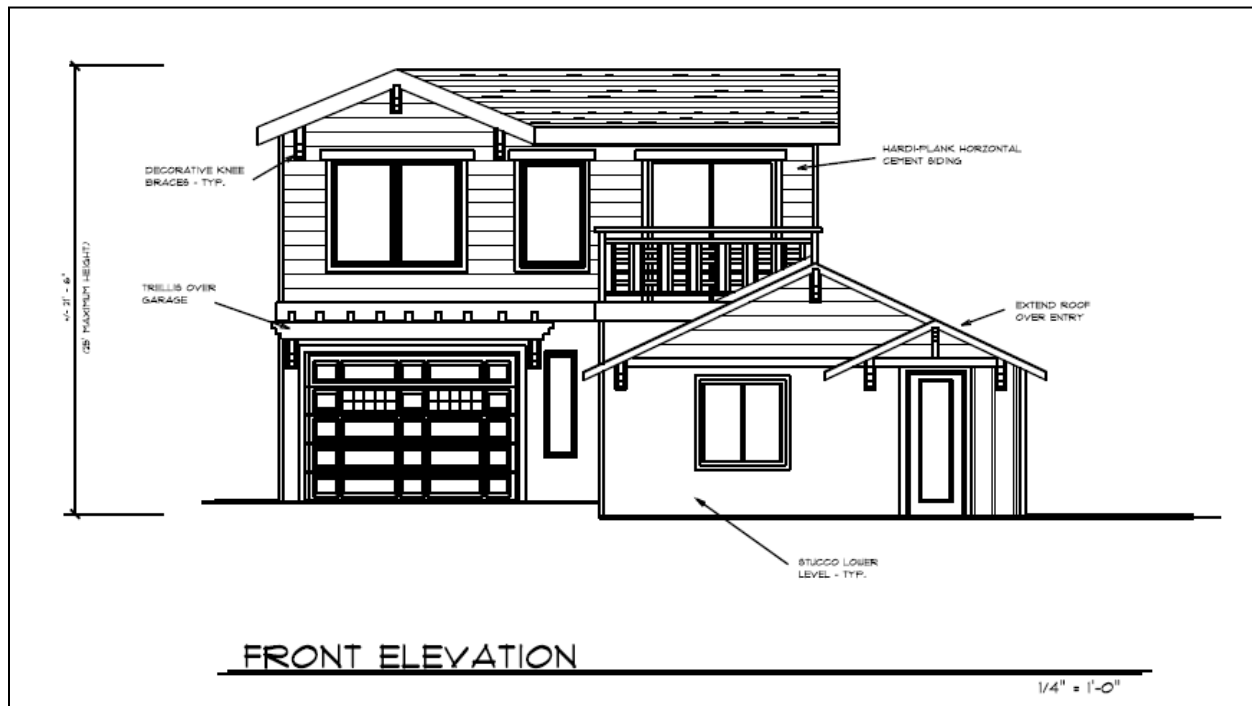


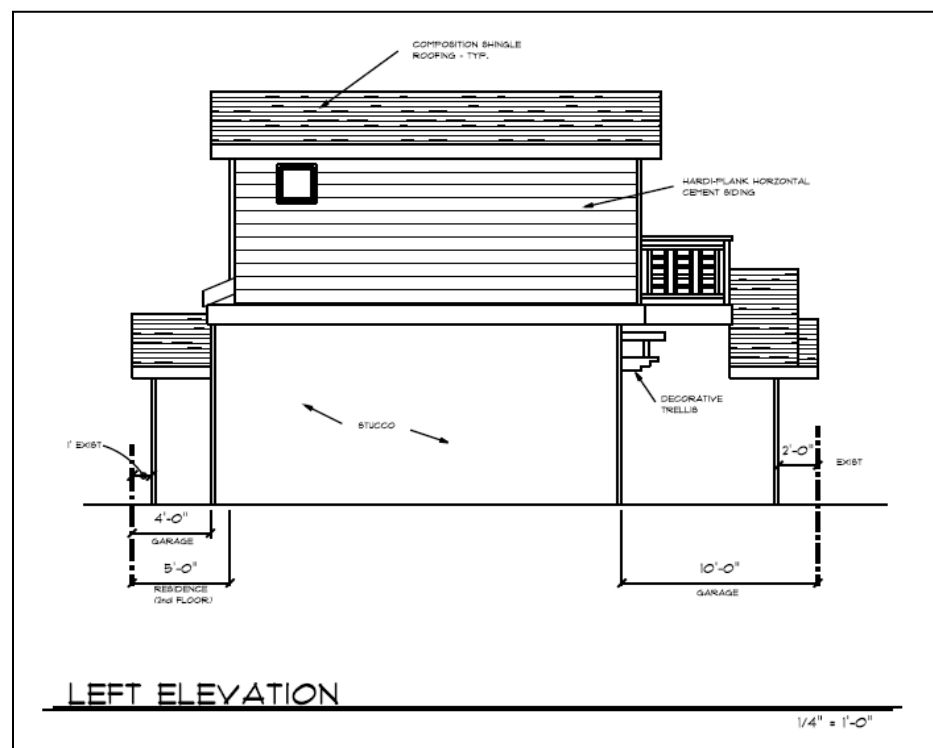
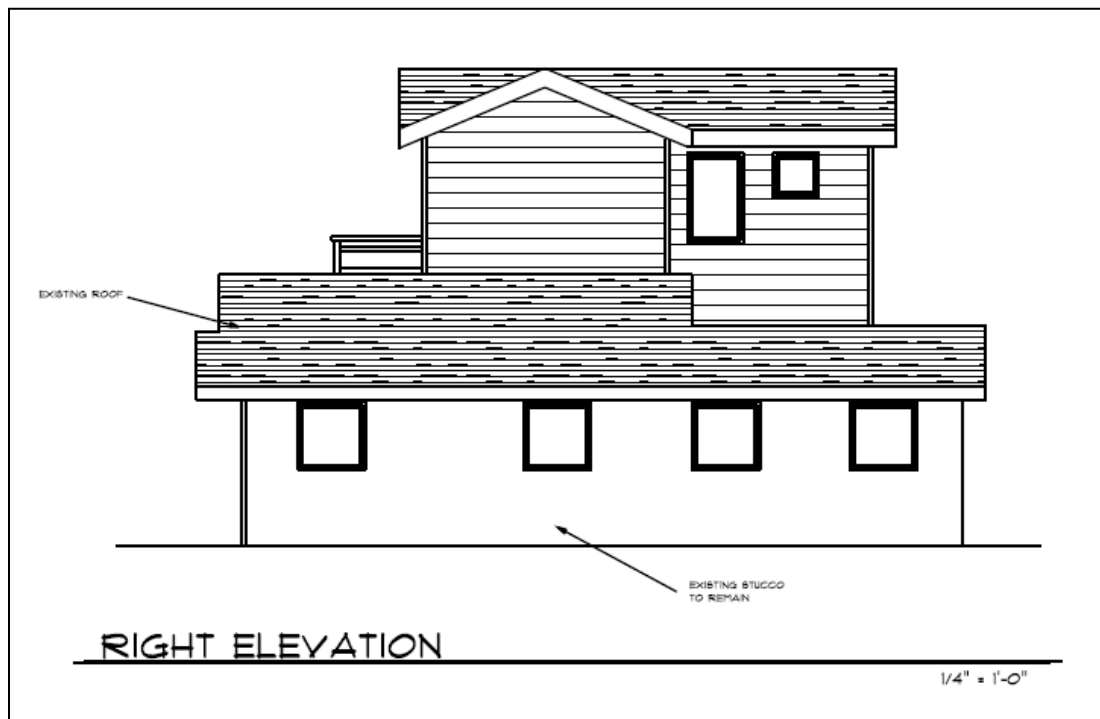


Planning Commission
Greg and Kathy Kircher

PROPOSED 1ST FLOOR
PLAN







Planning Commission
Greg and Kathy Kircher

SIDE
ELEVATIONS

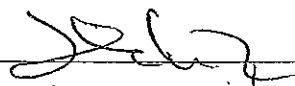
Exhibit C
VARIANCE APPLICATION & SUPPLEMENT MATERIALS

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

VARIANCE APPLICATION

Project address: <u>350 JAWA</u>	Case No.: <u>ADD-049</u> <u>UP0.251</u>
Existing use: <u>SFR</u>	Existing sq. ft.: <u>548 s.f.</u>
Project description: <u>307 s.f. living addition w/ 260 s.f. attached garage</u>	New sq. ft.: <u>garage</u>
Lot: <u>5</u> Block: <u>7E</u> Tract: <u>Atascadero Beach</u>	APN: <u>065-071-019</u>
Applicant: <u>Kathy's Greg Kocher</u>	Day phone: _____
Address: <u>350 Jawa Morro Bay Ca</u>	<u>93442</u>
City: _____	State/zip code: _____
Agent (if any): <u>John MacDonald</u>	Day phone: <u>805 995-1398</u>
Address: <u>2813 Santa Barbara</u>	_____
City: <u>Canyon</u>	State/zip code: <u>CA 93430</u>
Property owner: <u>Applicant</u>	Day phone: _____
Address: _____	_____
City: _____	State/zip code: _____

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

	12.2.09
Applicant signature	Date:

Property owner's signature

Date

APPLICATION SUBMITTAL REQUIREMENTS - SEE PAGE TWO

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

I. Plans - One full-size set and one reduced set (8 1/2 x 11) which include the following:

A. Site Plan showing

- ◆ Topography
- ◆ Drainage
- ◆ Location and use of structures on adjoining properties

B. Elevations that are dimensioned and indicate the height of all structures from the natural and the finished grade.

C. Floor Plans which are dimensioned

II. Address Mailing Labels for property owners within 300' of site

A **radius map(s)** and **labels** will need to be obtained from **SLOCO Data & Printing**; a fee will be required. Contact Charmane Mitchell at SLOCO Data & Printing by phone, e-mail or in person at:

1036 W. Grand Ave., Grover Beach, CA 93433

(805) 481-5990

charmane@slcodata.com

You will need at least two of the following items to produce your labels and radius map:

- Property Owner's Name
- APN Number
- Address
- Street Name
- Legal Description

III. Variance Application Supplement (Attached)

DEPARTMENT USE ONLY

Application fees:

Variance:

\$670.00

Other:

Total:

Receipt no.:

Date:

Application no.:

Zoning:

General Plan/LUP:

CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 Shasta Street ♦ Morro Bay, CA 93442 ♦ 805.772.6261

VARIANCE APPLICATION SUPPLEMENT

ATTACH THIS SUPPLEMENT TO THE VARIANCE APPLICATION FORM.
PLEASE TYPE OR PRINT CLEARLY. ATTACH ADDITIONAL SHEETS AS NECESSARY.

I. JUSTIFICATION FOR A VARIANCE

The Variance allows an applicant to obtain relief from a development standard or zoning requirement that should not be applied to the proposed project because of some unusual circumstance relating to the physical characteristics of the project site. California State Law (Government Code Section 65906) provides granting of a Variance from the strict terms of a zoning ordinance only when special circumstances applicable to the property including: size, shape, topography, location, and surroundings deprives the property of privileges enjoyed by other properties in the surrounding vicinity. The law also requires that the granting of any Variance shall not constitute a special privilege inconsistent with the zoning limitations on other properties in the vicinity and in the same zone district. The Government Code prohibits granting a Variance to authorize a land use or activity not normally allowed by the zoning that covers the property.

The zoning ordinance (Section 17.60.060) allows the granting of a Variance only when three findings (based on the state law) can be made. This form helps the applicant explain how the requested Variance will satisfy the required findings.

II. EXPLANATION OF FINDINGS

A. Explain why the requested Variance does not constitute a granting of special privileges inconsistent with the limitation upon other properties in the vicinity also in the same zone district as the subject property.

Variance is for constructing a single car garage on a sub-standard lot. Lot size is 1400 s.f. Construction of garage will cause footprint to be over 50%. Lot is only lot in subdivision of this size so no precedent will be set. Lot size prohibits construction of garage without variance.

B. Describe the special circumstances applicable to the property including the size, shape, topography, location or surroundings would result in the strict application of the zoning ordinance provisions that deprives the property of privileges enjoyed by other properties in the same vicinity and land use category.

Current garage on property is converted to ~~the~~ shop/storage. Garage is non-conforming to setbacks and interior height (7'). Property currently has no off-street parking available so is not able to use or enjoy privileges held by neighboring properties.

C. Explain how the granting of the Variance will not adversely affect the health or safety of persons or be materially detrimental to the public welfare or be injurious to nearby property or improvements.

Granting of variance will not adversely affect nearby properties, project will bring existing more into compliance with regards to setbacks and required off-street parking. Granting variance will not set an area wide precedence as property is only parcel so limited in size. Furthermore, a variance was approved in past on this parcel based on findings of the limit of area.

Applicant Signature

Date



12-2-09

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

RECEIVED

JUN 02 2009

City of Morro Bay
Public Services Department

Regarding 350 Java Street
Applicant - Greg and Kathy Kircher

June 2, 2009

Dear Ms. Nygaard

This letter is in regard to our conditional use permit submitted on January 18, 2009. The purpose of this correspondence is to clarify the scope and procedures necessary to re-build a 1 car garage with additional living space above.

When we purchased this house last year, the current garage had been converted to an illegal bedroom. Last summer I contacted the City of Morro Bay to establish the correct procedure to build a legal and conforming garage. At that time Dan Doris from your office was kind enough to look at our property. He was of the opinion that it would be possible to place the bedroom back to a garage by replacing the front window with a garage door as originally built. Because this was an existing structure the setback, in his opinion, could remain the same.

Currently the converted garage is 12 1/2 feet wide and 18 feet deep. The ceiling height is approximately 6 feet tall with no real clearance for a roll up garage door or standard car. There is no insulation and the garage has major drainage problems because the lot sits lower down than street level and is at the bottom of a hill. In addition to these constraints the lot size is only 1400 sq feet (40X35) compared to the standard lot size in this tract of 2400 (40X60). The lot zoning is R1-S1. As it sits now the footprint of the existing structure is 52.64% of lot size. The total living space, not including the illegal bedroom, is 519 square feet.

Based on the above constraints, lot size and garage size, we decided to apply for a permit to build a legal size garage that would actually house a car. In addition we would like to put additional living area above the garage. Because of the lot size we applied for a variance to the driveway setback of 20 feet. These plans were submitted in January of 2009. On February 27, 2009 the plans were rejected for questions of side yard setbacks, proposed front deck overhang and lack of a roll up door as stated in your letter.

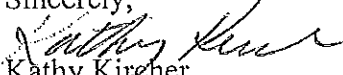
We resubmitted the corrected plans on March 9, 2009. At the end of May you verbally said our plans were rejected because of the increased lot size coverage of 20 square feet or 1.5% increase in footprint. This prompted a visit to your office on 5/28.

At this time we discussed ways of revising this plan that could better comply with zoning regulations. Again, per your phone discussion with my husband Greg in May , I would like to see in writing the issues with the plans so far submitted. I feel it is almost impossible to meet all the requirements (i.e. front yard setback and lot coverage) if our lot is only 60% of the norm in this neighborhood. Is this the purpose of a variance?

1. What is the maximum footprint we can have with this size lot?
2. If setting the garage back by 20 feet is the only way to get to planning, can we extend a balcony over the legally conforming driveway as often seen in this neighborhood?
3. How long will this take to get to the planning commission? Do we have any priority based on the fact we've been in this process 5 months?

Thank you in advance for your prompt attention to this matter.

Sincerely,



Kathy Kireher

3107 Seaview Avenue

Ventura, Ca 93001

(805) 509 2508

cc: Don DoubleDee

March 15, 2010

Dear Ms. Lehotsky:

Thank you for your reply regarding our variance on 350 Java. I have saved the date of April 5, 2010 for the planning commission meeting. What time does it start? Again will the public notices on file with the City suffice, being that they are over 6 months old?

First of all I appreciate your findings of the one foot rear setback variance in our favor. I do however have a dispute regarding the lot coverage that has been denied. Your email indicated that we are applying for additional lot coverage on this remodel. I would like to clarify this in case there is a misunderstanding. The lot coverage of the existing house is 772.5 sq ft. or 55.2 %. The last plans to my knowledge state a proposed sq ft. of 770 sq.ft or 55% . Would this not be a decrease in lot coverage? Also the remark about the laundry room is noted. I agree that it is possible to have a laundry room else where. However the purpose of widening the garage was not so much for the laundry room but rather to give the house a useable non-encroaching staircase that is neither too steep nor cuts substantially into the living areas. I believe that narrowing the width of the house would create a physical circumstance that is a hardship as it relates to the property because of lot size. Removing the laundry room does not help meet the 50% lot coverage requirement because its removal amounts to a reduction of 39.5 sq. ft. Also widening the garage per the plans submitted doesn't create barriers to access for public safety but actually improve access for public safety vehicles and personnel by providing parking in front.

Regarding the mailing address of 3107 Seaview Avenue, Ventura:. Per my property tax statement the Ventura address is on file with the County of San Luis Obispo. Does this still conflict with the law? I have also told John MacDonald about the need to put things in writing so as to avoid any further miss communications on his part and mine.

It is my hope you would reconsider your findings on extending the side yard setback for the following reasons.

1. There is no increase in lot coverage. In fact lot coverage decreases 2%
2. With no side yard extension the lot coverage is still over 50%
3. It meets side yard setback requirements. There are no health or safety concerns I am aware of. In fact public access is better with the addition of a conforming garage and driveway set back. Emergency vehicles could now park on the property.
4. Without the extension, placement of the staircase inside the house is difficult and in my opinion, creates a hardship on the property because the staircase would become unusually steep and encroach on the living areas of this small floor plan.
5. No views or privileges of surrounding neighbors are impacted.

In summary when we bought this foreclosure house in June 2008, it was deteriorated and out of code. The garage had been illegally converted to a bedroom. If converted back to a garage it would not fit a standard size car because it is only six feet in height. The electrical system is fuse based and needs to be updated. There is no egress in the existing bedroom as the window is fixed. There is no legal size driveway because the existing garage sits 10 feet from the curb. The house is now 772.5 square feet. The lot size, at 1400 square feet is almost half the size of the other lots in this area.

I feel, given the nature of the lot size, our project as submitted is reasonable. The only way to meet the 50% footprint and setback requirement is to completely knock down the house and start over. This would be an economic hardship for us. Again this plan as submitted decreases the footprint of the existing house, adds two legal parking spaces which improves public access. It increases our living space from 772.5 to 856 square feet, hardly large but adequate for our needs. It does not impact the view of any adjoining neighbors, brings the house up to code with respect to fire and egress. It does not change any setback requirements with the exception of 1 ft. in the backyard needed to meet the requirements for a conforming garage. It would bring additional fees to the school system and, by using local labor and materials, help the local economy. All safety codes are adhered to and I feel no precedence would be set as this lot is an unusually small lot for the tract.

Finally I would like to add that we submitted our original plans in January 2009. Our original planner was Eileen Nygaard. We have a letter from Ms. Nygaard dated June 2009 allowing us to build over the existing lot coverage. We proceeded with these plans based on the information she provided and information given to our architect, John MacDonald, and myself and on numerous trips to City Planning. When these revisions were submitted again in November 2009, she was no longer there and we have had to start the whole process again. In this 14 month process we have agreed to numerous revisions. It is my opinion that this project has for the City of Morro Bay and the neighborhood an overwhelming positive effect.

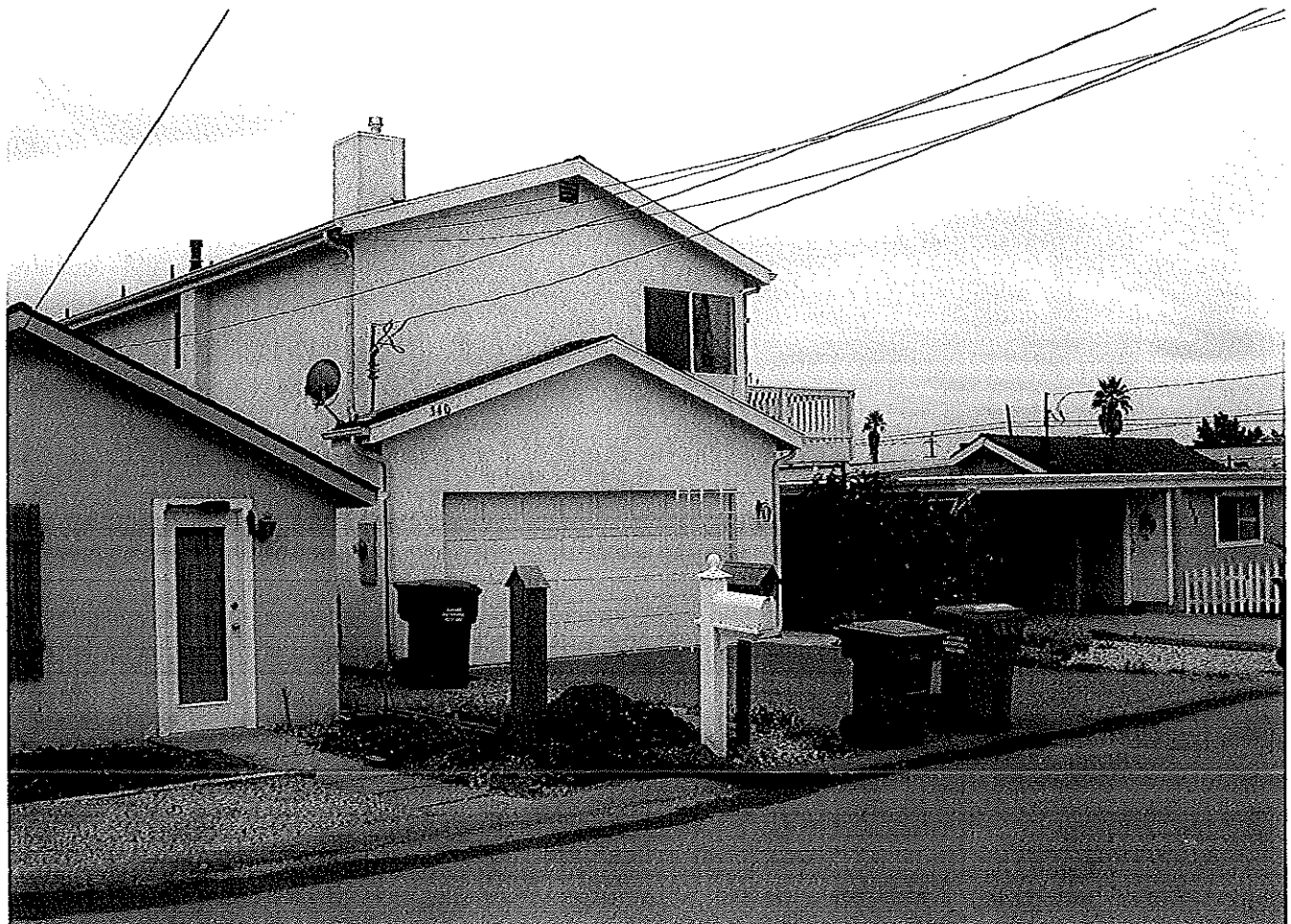
Your reconsideration of your decision dated in your email of 3/9/2010 would be greatly appreciated as is your time.

Sincerely,

Kathy Kircher











City of Morro Bay

Public Services

Current Project Tracking Sheet

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

Agenda NO: XI-A
 Meeting Date 4/5/2010
 Action _____

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
Hearing or Action Ready							
1	Greg Kircher	350 Java	1/22/09	Addition to Nonconforming SFR. Submitted 1/22/09, incomplete letter 2/27/09, incomplete 5/21/09, Response letter 6/30/09. Resubmittal 1/7/10. Incomplete letter 2/3/10. Resubmittal 2/16/10. Project complete for processing.	GL	PC	
2	Ann Traven	595 Anchor Street	2/12/10	Variance to allow a swimming pool within the front yard setback. Complete for processing.	KW	PC	
3	Smith Held	575 & 591 Embarcadero	04/21/09	Demo existing retail and vacation rentals, construct 2 retail units and a 6 unit hotel. Submitted 9/27/06, Incomplete 11/7/06 Resubmitted 12/21/06 Environmental Review MND Circulating, tentative PC 4/2/07 Continued, date uncertain Resubmitted 4/26/07 Incomplete 5/2/07 Resubmitted 5/30/07 Environmental document re-circulating 6/6/07, tentative PC 7/16/07 Concept plan approved, tentative CC 8/27/07 Concept Plan Approved, needs CDP from CCC -Hearing 11/12/08. Project back from Coastal Commission, ready for Precise Plan processing. Precise Plan submitted 4/21/09, Incomplete letter 6/25/09. Resubmitted 7/27/2009. Responses to applicant on 10/12/2009. Scheduled for hearing on 10/19, continued to 11/2 by applicant. Applicant requests continuation to date uncertain. Revised environmental Public review period 2/5/10 to 3/5/10. Project ready for hearing.	GL	PC	
30 -Day Review, Incomplete or Additional Submittal Review							
4	Cathy Novak	560 Embarcadero	12/3/09	Height & Setback Exception for Fence/Windscreen. Applicant working with staff on project details. Submittal of additional information 3/18/10.	GL	AD	
5	Dan Reddell	1 Jordan Terrance	7/25/08	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/2010 on site to further discuss issues. Resubmittal 2/16/10. Initial Study ready for noticing.	JH/KW	PC	3/16/10
6	Kleinhammer	160 & 190 Anchor	7/29/08	Parcel Map dividing one parcel into two with Right of Way abandonment. Incomplete letter sent 8/25/09. Met with applicant's representative regarding a redesign of the project. Pre-application submitted on 3/15/10 for compact infill development. Mtg with applicant 3/25/10.	KW	PC/CC	
7	Pina Noran	2176 Main	10/3/08	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information.	KW	PC	
8	John Christie	2330 Hemlock	4/27/09	CUP for 2nd unit to nonconforming site. No scaled plans submitted. Comment letter sent 11/3/09. No response to date. Parking is an issue.	GL	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
9	Studio Design Group	962 Piney	10/15/09	Preapplication Demo., addition and remodel of existing church., application taken to DRT. Incomplete letter sent 12/4/09. Resubmittal 2/8/10.	KW	PC	
10	Robert Romero	3033 Ironwood	11/18/09	New SFR. Incomplete Letter sent 12/11/09. Resubmittal 2/8/10. Incomplete letter sent 3/10/10.	SD	AD	3/10/10
11	Robert Tefft	395 Acacia	11/10/09	Demo SFR & Carport. Incomplete letter sent 12/31/2009. Resubmittal 3/15/10.	GL/SD	AD	
12	Bob Crizer	Water Lease Site 34 206 Main Street	11/9/09	Oak Street Parking Exception. Also see 206 Main Street (Botich). Request to allow parking spaces to be placed on Oak Street to replace parking currently provided at 206 Main Street. Waiting for parties to resolve issue of ownership.	KW	PC/CC	
13	City of Morro bay	Harbor Depart	11/10/09	Marina Dredging. CUP to dredge State Park Marina. Waiting for additional information from environmental consultant. Meeting with Environ. Consultant 3/25/10 to discuss additional environmental review.	KW	PC	
14	Vallely and Crafton	430 Olive	11/23/09	Lot Line Adjustment. Incomplete letter sent 12/23/09. No response to date.	GL/SD	AD	
15	Mike Prater	235 Atascadero	12/16/09	CUP and Coastal Development Permit. Solar Arrays. Solar arrays located on carport structures at Morro Bay High School. Incomplete letter sent 1/15/10. Mtg follow up letter sent 1/29/10. Resubmittal - change in project description 3/16/10.	GL	PC	
16	James Maul	530, 582, 534 Morro Ave	3/12/10	Parcel Map. CDP & CUP for 3 townhomes.	GL	PC	
17	Mark Reisnick	691 Ponderosa	3/17/10	Granny Unit & Garage. CDP for 900 sf unit & 504 sf garage.	GL	AD	
18	Giovanni DeGarimore	1001 Front	3/22/10	Floating Dock. CUP to reconfigure existing side tie floating dock to include 4 new finger floating docks, 50 ft. x 4 ft.	GL	PC	
19	Ginger Machado	500 Quintana	3/16/10	Sign Permit. "Fitness Works." Comments sent 3/23/10.	SD	AD	
20	Jim Cravens	2100 Main	3/17/10	Sign Permit. "Main Mini Storage". Comments sent 3/24/10.	SD	AD	
21	Pamela Haman	490 Quintana	3/11/10	A-Frame Sign Exception. "Cookie Crook". Comments sent 3/24/10. On hold to review A-Frame signage requirements.	SD	AD	
Projects in Process							
22	Great American Fish Co.	1185 Embarcadero	1/6/05	GAFC, Virg's, & Harbor Huts Revitalization Plan. Submitted 1/06/05, Starting Initial Study Draft MND, eel grass study complete concurrence on findings Tentative PC 11/5/07 Continued, date uncertain CC March Phase I approved Phase II approved 5/12/08. CDP approval from Coastal Commission on June 10, 2009. Project submitted for precise review.	KW	PC	
23	Larry Newland	Embarcadero	11/21/05	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 Incomplete Letter sent 6/27/07 Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Applicant resubmitted additional material on 9/30/2009. Met with applicants on 2/19/2010	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
24	Rudolph Kubes/Mike Prater	1181 Main & Bonita	11/23/06	Morro Mist 20 Lot SFR Subdivision. Submitted 11/23/06, SRB 3/15/06, Staff requested information Resubmitted 8/16/06 MND analysis needed MIND Complete 7/20 PC 8/20/07 Continued date uncertain revised project smaller units still 100% residential. Applicant has redesigned project and resubmitted on June 1, 2009. Project under review. Letter sent to applicant regarding issues on 7/2009. Subsequent meeting with applicant team 8/2009. Staff has had additional correspondence with the applicant. Project tentatively scheduled for Planning Commission late February/early March 2010. Applicant considering redesign of project	JH/KW	PC	
25	Frank Loving	247 Main	10/27/07	Docking for Vessels. Submitted 10/29/07, Incomplete 11/19/07 PC 2/4/08, Continued to PC 3/17/08, continued to PC 9/15/08 Applicant has indicated to staff that they wish to move ahead with the project.	KW	PC	
26	Johnnie Medina	3390 Main	5/29/08	2 Lot Subdivision. Submitted 5/29/08, Incomplete CCC coordination; Inc. Later 12/2/08; Resubmitted 1/5/09. Staff working on environmental document, MND Noticed as available for review 6/9/09. Hearing schedule 7/20/09. Item continued to date uncertain. Applicant submitted additional materials, staff waiting for applicant's response to ESH/Willow buffer. Biologist letter submitted November 30, 2009. Resubmittal 1/20/10. Applicant resolving issues of having stated project includes wetland area.	KW	PC	2/20/10
27	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing.	BA	PC/CC/RW QCB	
29	Candy Botich	206 Main Water Lease Site 34 Main & Oak St.	6/17/09	New Parking. Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW	PC/CC	
30	California State Park	State Park Drive	2/11/09	Solar Panels at the State Park with the addition of one carport structure for support of the panels. Coastal Development Permit and Conditional Use Permit. Comments sent 3/23/10.	SD/KW	PC	
31	Tank Farm	1290 Embarcadero	2/27/10	Tank Demo. Demo of seven tanks at the Morro Bay Power Plant.	KW	AD	
Environmental Review							
32	Ron McIntosh	190 Olive	8/26/08	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance.	KW	PC	
28	Nina Hartley	1290 Embarcadero	9/17/08	Relocate well and pump house. Submitted 9/17/08, Inc. letter 10/15/08. Applicant has resubmitted items from inc. letter, submittal under review. Initial Study in process. Applicant has submitted additional arch/information 11/09. Initial Study in review period.	SD/KW	PC	
33	Chevron	3072 Main	12/31/08	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed.	KW/SD	PC	
34	Imani	571 Embarcadero	5/14/09	Remodel of Salt Building to include new public walkway and additional piling for support. Eel grass study submitted. Initial Study in review period - complete 4/19/10.	SD/GL	PC	
Coordinating with Other Jurisdictions							
35	Burt Caldwell	801 Embarcadero	5/15/08	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC.	GL	PC/CC/ CCC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
36	City of Morro Bay	887 Atascadero	3/9/09	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project). Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County	
37	John King	60 Lower State Park	7/2/08	Lower parking lot resurface and construction of 2 new stairways. Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC	
Projects Continued Indefinitely or No Response to Date on Incomplete Letter							
38	SLO County	State Park	09/28/04	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC	
39	Cameron Financial	399 Quintana	04/11/07	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD	
40	West Millennium Homes	895 Monterey	7/10/07	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC	
41	Kenneth and Lisa Blackwell	2740 Dogwood	07/20/07	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC	
42	Jeff Gregory	1295 Morro	09/25/07	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD	
43	Nicki Fazio	360 Cerrito	08/15/07	Appeal of Demo/Rebuild SFR and 2 trees removal. Continued to a date uncertain.	KW	PC	
44	Alicia Baroque	545 Napa	05/27/08	New guest house and parking exception. Submitted 5/27/08 Incomplete 6/13/08 Resubmitted 10/14/08, Complete 11/10, PC 12/15; Continued to a date uncertain.	KW	PC	
Projects in Building Plan Check							
45	Don Doubledee	360 Morro Bay Blvd	5/15/09	Mixed Use Project - Ciano. Comments sent 2/25/10.	GL	N/A	
46	Robert Fiori	2655 Koa	11/25/09	SFR Demo/Reconstruction. Incomplete letter sent to applicant. Resubmittal 2/1/10. Comments sent 2/11/10. Resubmittal 3/1/10.	KW	N/A	
47	Tricia Knight	1245 Little Morro Creek	2/2/10	MetroPCS Telecom Site on PG&E tower. Comments sent 3/17/10.	GL	N/A	
48	Robert Romero	3033 Ironwood	2/8/10	New SFR. Incomplete letter sent 3/9/10. Resubmittal 3/23/10.	SD	N/A	
46	Valori	2800 Birch Ave	2/10/10	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A	
47	John & Alair Hough	285 Main	2/16/10	SFR Addition. Second unit over detached garage. Comments sent 3/19/10.	KW	N/A	
48	Jon Wickstrom	401 Panay	2/5/10	SFR Addition. 1,000 sf. addition. Comments sent 3/17/10.	KW	N/A	
49	Costanzo Addition	1202 Bolton Dr	1/25/10	SFR Addition. Add stairs to the existing house. Comments sent 2/11/10.	GL	N/A	
50	Todd Schnack	2248 Emerald	2/17/10	New Guesthouse Cloisters. Comments sent 3/22/10.	GL	N/A	
51	Dan Yates	221 Main	2/22/10	SFR addition. Comments sent 3/18/10.	SD	N/A	
52	Colhover	2800 Dogwood	3/8/10	New SFR. Comments sent 3/25/10.	GL	N/A	
53	Redican	725 Embarcadero	3/4/10	Tenant Improvement. Change in Use.	GL	N/A	
54	Mark Reisnick	691 Ponderosa	3/17/10	Granny Unit & Garage. CDP for 900 sf unit & 504 sf garage.	GL	N/A	
55	Tricia Knight	1478 Quintana	3/12/10	MetroPCS Telecom Site on Rock Harbor Church.	GL	N/A	
Projects & Permits with Final Action							

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
56	Cathy Novak	612 Agave	9/17/09	Parcel Map. One lot to three lots. Incomplete letter sent to applicant. Applicant respond to items on letter 11/4/2009. Subdivision Review Board approved the map for processing on 11/17/2009. Item continued until 1/4/09, staff to bring back findings. Approved 1/19/10. Appealed to Council 1/29/10. Approved.	GL	CC	
57	Michael Del Puppo	2300 Main	4/3/09	Appeal of Minor Use Permit to convert a commercial use to a residential use. Approved 11/13/09. Appeal denied 1/19/10. Appealed to Council 1/29/10. Approved.	GL/SD	CC	
58	Gerald Luhr	540 Atascadero	1/15/10	Sign Permit. "Kitchen and Bath Works". Approved	KW	AD	
59	Dan Yates	221 Main	12/11/09	SF added to NCS and Parking Exception. 2/1/2010 P.C. approved	KW	PC	
60	Phil & Maureen Kispersky	560 Embarcadero	9/30/09	Sign Permit for Pelican Grill. Waiting for resubmittal. Submittal 12/14/09. Comment letter sent 12/22/09. Applicant resubmitted on 1/5/10. Permit issued 2/3/10. Approved.	GL	Admin	
61	Wayne Colmer	485 South Bay	4/28/05	17 Lot Subdivision. Submitted 4/28/05.SRB 3/15/06, Staff requested information Starting Initial Study. MND Circulating, tentative PC 8/21/06 Approved, tentative CC 10/9 Continued to 11/13/06 Approved Appealed by CCC Tentative November hearing Continued to March, CCC approved with Conditions, Pry Mod PC concurrence needed pending lawsuit; Resubmitted 11/19/08; awaiting CCC appeal and concurrence; Approved by CCC; 2/17/09 PC continue to date uncertain with direction. Project approved on 2/16/2010.	KW	PC	
62	Cathy Novak	585 Morro	12/23/09	As-Built Review of Community Housing Project. In progress. Project completed.	KW	N/A	2/19/10
63	Gary Christensen	600 Morro Bay Blvd	1/21/10	Tenant Improvement. Pharmacy / Retail. Project approved.	GL	N/A	3/19/10
64	Michael Garman	680 Paula	2/17/10	SFR Addition. 55 sf Master Bath addition. Approved.	KW	N/A	
65	Victor Graziano	515 Morro Bay Blvd	11/19/09	Convert Portion of Retail to Deli. Incomplete letter sent 12/10/09. Resubmittal 1/27/10.Project approved.	GL	N/A	2/18/10
66	Kent Snowden	2570 Nutmeg	10/27/09	New SFR. 2,437 square feet with a 616 square foot garage. Incomplete letter sent to applicant 11/4/09. P.W.comments 11/18/2009. Resubmittal 1/19/10. Coastal Development Permit noticed on 2/5/2010. Permit issued 2/17/2010	SD	AD	
67	Mark Hoppe	2840 Cedar	11/18/09	Demo SFR. Fire department O.K. 12/4/2009. Incomplete letter sent 12/23/09. Resubmittal 1/27/10. Coastal Development permit noticed on 2/5/2010. Permit issued 2/17/2010	SD	AD	
68	Gene Doughty	201 Main	7/24/09	Subdivide one lot into three. Comment letter sent 8/19/09. Resubmittal 12/22/09. Approved.	KW	AD	
69	City of Morro Bay	235 Main	10/20/09	Demolish Wharf. Demo 7,400 sf. wharf, decking and support structure. Initial Study was circulated for 30-day review on 1/14/10 finishes on 2/16/2010. Environmental review complete.	KW	AD	
70	Todd Schnack	2248 Emerald	9/30/09	New Guesthouse Cloisters, 11/09 incomplete letter sent. Applicant responded 11/19. Cloisters Design Reviewed project 11/30 deemed it in conformance with Cloister Design guidelines. Comment Letter sent 11/9/09. Comment Letter sent 12/22/09. Approved.	GL	PC	
71	Les & Larri Deedon	3044 Ironwood	10/21/09	New SFR. 2-story 1,412 sq. ft.with 3 car garage and 2 decks. Incomplete letter sent to applicant 10/29/09. applicant resubmitted on 11/18/2009. Resubmittal did not address all incomplete items. Incomplete letter sent 12/9/09. Response received 1/22/10. Resubmittal did not address all concerns. Incomplete letter 2/8/10. Resubmittal 2/9/10. complete for processing. Noticed on 2/19/2010. Permit issued pending appeal period. Approved.	SD	AD	
72	Kent Snowden	2570 Nutmeg	10/27/09	New SFR. 2,437 square feet with a 616 square foot garage. Incomplete letter sent to applicant 11/4/09. P.W.comments 11/18/2009. Resubmittal 1/19/10. Coastal Development Permit noticed on 2/5/2010. Permit issued 2/17/2010. Approved.	SD	AD	
73	John Solu	1050 Morro Ave.	3/4/10	Sign Permit. Beach Bungalow Inn & Suites. Approved.	SD	AD	

	Applicant/Property Owner	Project Address		Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
74	Billingsley	300	Fairview	2/8/10	SFR Addition. Demo and addition. Incomplete letter 2/11/10. resubmitted 2/22/10. applicant did not address all concerns. 2nd letter sent 2/24/10. Approved.	SD	N/A	
75	Roy Cinowalt	3100	Main	2/11/10	Sign Permit. "Breaker View Apartments" Applicant notified that he needs a site plan showing where the sign is to be placed. Approved.	SD	AD	
76	Spagnola	421	Bernardo	2/24/10	Patio Enclosure. Approved 3/17/10.	GL	N/A	
77	City of Morro Bay	595	Harbor Depart	02/27/09	New stand-by generator. Submitted 2/27/09, City Council did not fund. Continued date uncertain. Approved.	KW	AD	
78	Shirley Otto	490	Morro Bay Blvd	3/12/10	Sign Permit. "Coldwell Banker" Comments sent 3/24/10. Approved 3/25/10.	SD	AD	
79	Starkie	2940	Juniper	3/1/10	Electric System for photovoltaics. Approved.	SD	N/A	
80	Newman	596	Blanca	2/25/10	New Carport. Not approved - Withdrawn.	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 (Variable Height & Setbacks, FAR)	4/5/2010	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
AB811	continuing with updates				120 to 160
Safety Element	Approved	TBD			20 to 40
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			3/20/00
Annexation Proceeding for Public Facilities		TBD			TBD
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission				TBD
<i>Items Requiring Further Analysis When Received Back From The Coastal Commission</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800