

CITY OF MORRO BAY

LATERAL ACCESS TECHNICAL MEMORANDUM



Prepared for:

CITY OF MORRO BAY
595 HARBOR STREET
MORRO BAY, CA 93442

Prepared By:

Michael Baker
INTERNATIONAL

1026 CHORRO STREET, SUITE 225
SAN LUIS OBISPO, CA 93401

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Lateral Access Technical Memorandum

As a part of the City of Morro Bay General Plan/Local Coastal Plan (LCP) update (*Plan Morro Bay*), Michael Baker International evaluated lateral access along the coastline in the City of Morro Bay, specifically, along the Embarcadero. This memorandum assesses the lateral access in Morro Bay and offers recommendations for lateral access implementation.

INTRODUCTION

What is Lateral Access?

Lateral access describes the contiguous accessibility to the coast running parallel to the shore. Lateral access is currently defined in several adopted Morro Bay city documents as detailed below and is also defined by the Coastal Commission.

MORRO BAY GENERAL PLAN

Ideal lateral access is unencumbered lateral access, or access along and parallel to the shoreline without interference or hindrance of any kind.

Morro Bay Municipal Code – Title 17 Zoning Ordinance

Public access along and parallel to the shoreline and coastal bluffs through the use of but not limited to pedestrian trails and boardwalks.

Most Recent Definition from Coastal Commission

Lateral access is defined by the Coastal Act as the ability to walk parallel to the coastline along the shore.



Integration into *Plan Morro Bay*

Plan Morro Bay intends to animate the City's Embarcadero area by optimizing access and connections throughout the commercial core. The expansive coastal access in Morro Bay is an integral aspect of the City's identity and character. While the entire coastline of Morro Bay will be evaluated for lateral access, design solutions will be focused to promote lateral access within the commercial heart of Morro Bay along the Embarcadero. Access to the coast in Morro Bay promotes recreational use, tourism, and a connection to nature. Lateral coastal access is a key element of coastal access and will be an important component of policies addressing the waterfront in *Plan Morro Bay*.

Project Area

Morro Bay has a unique location on the Central Coast of California, bordering the Pacific Ocean for 10.75 miles (see Figure 1). There are 40 lateral access features along the City's bayfront, consisting of the beach, bikeways, and other pedestrian improvements in the city. Contiguous lateral access is found from the city's northern border to the northern edge of the Embarcadero near Morro Bay Oyster Company. South of the northern Embarcadero, gaps occur in the lateral access. There are two types of gaps in lateral access defined in the project area: gaps that are in the process of being addressed and gaps that would require redevelopment to be eliminated. This analysis focuses on this area of the waterfront (see Figure 2).

Visitor and Facility Uses

The City of Morro Bay is a tourism destination that attracts visitors from across the continent to come experience the community's natural beauty and wide range of activities. The Coastal Act places a high priority on coastal-dependent uses, which includes protecting and maximizing recreation and visitor-serving land uses, including low- or moderate-cost amenities in the coastal zone. The visitor-serving designation encourages tourist-oriented services and uses at easily accessible locations. Visitor-serving uses must provide adequate parking and facilities. The facilities with these coastal-dependent uses must also be available and affordable to the public.



In the lateral access focus area along the Embarcadero, buildings on the bayside of the street are designated for coastal-dependent uses, including visitor-serving uses (e.g., restaurants, gift shops, attractions, accommodations), commercial fishing, and recreational boating. The bayside of the Embarcadero provides numerous coastal access points including formal piers, seating areas, and pathways. Some parcels offer lateral access along the bay. However, these lateral access paths are typically developed on a project-by-project basis and on occasion do not sync up with adjacent properties. The lack of full lateral access is a detriment to visitor-serving uses located along the coast, many of which would benefit from increased coastal connectivity for improved attraction and visitor circulation.

The influx of visitors puts pressure on the available resources in popular areas of town, including the waterfront. The City of Morro Bay estimated a total of 588,102 overnight visitors and 940,963 day visitors based on two people per visitor group for the 2014–2015 fiscal year, the most recent available data.

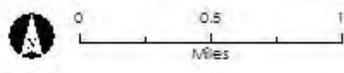
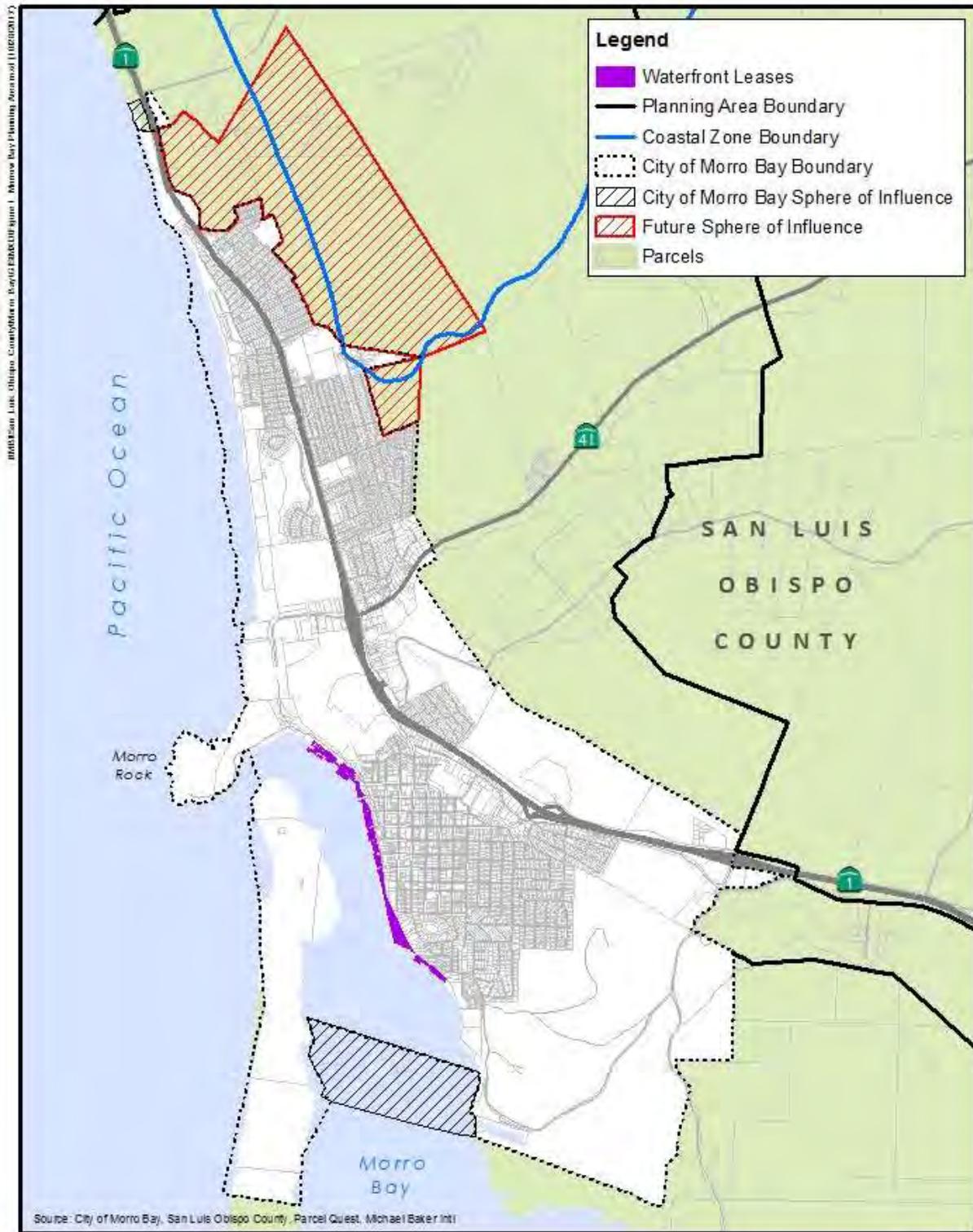


FIGURE 1
Planning Area
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BAYSIDE LATERAL ACCESS PLAN

Key Issues

Environmental

The environmental issues raised by the federal and state laws regarding the eelgrass habitat in Morro Bay's estuary have increased concerns regarding development along the water that may thwart the recovery of the eelgrass population. In Morro Bay, unsuitable site conditions, including the shading effects of in-water infrastructure, on the inner harbor can slow eelgrass growth. Lateral connectivity of development must be coordinated with eelgrass habitat preservation efforts and not cause disturbances that would further endanger the local ecosystem.

The Morro Bay National Estuary Program (MBNEP) monitors the intertidal eelgrass (*Zostera marina*) habitat in Morro Bay and has partnered with Merkel & Associates (M&A), a habitat restoration firm, to develop a restoration strategy for the eelgrass loss in the estuary. Most eelgrass acreage is known to occur in intertidal and shallow subtidal areas, but the MBNEP has observed occurrences of deeper subtidal eelgrass in the northern extent of the bay. The decline in eelgrass is a combination of multiple factors operating in concert to adversely impact population stability. It is believed that excess sediments and nutrients degrade water quality to destabilize sediment. Increased nutrient availability and higher sediment resuspension result, allowing macroalgal development over eelgrass. Macroalgae (*Gracilaria*) requires only 1 percent of light available at the water's surface to survive, compared to the eelgrass's required 22 percent of light. As a result, macroalgal blooms in the estuary are smothering eelgrass beds to cause even more sediment resuspension. This cycle has led to an inhospitable environment for eelgrass populations that once thrived in Morro Bay. The MBNEP, in partnership with M&A, has worked since 2012 to transplant eelgrass populations throughout the estuary to improve habitat health and preserve the eelgrass, continuing through fall of 2017 as part of a five-step recovery process. The long-term restoration of the eelgrass population will be achieved through watershed management and water quality efforts. In August 2017, the MBNEP released a report surveying the progress of eelgrass restoration efforts. The results revealed that there has been a significant decrease in both



macroalgae and green algae, which both inhibit the growth of eelgrass, allowing more favorable conditions for eelgrass in the future. Since 2013, eelgrass levels have risen from 10.3 acres to 13.6 acres in Morro Bay. The report affirmed that eelgrass has flourished best in the northern portion of Morro Bay at a broad range of depths. In addition, many lateral access projects are built over rip rap revetment and do not trigger requirements of the California Eelgrass Mitigation Policy (CEMP) because the rip rap is not considered eelgrass habitat. This policy is described in more detail below under the Regulatory Setting heading. While present conditions have changed in a positive manner, lateral connectivity measures must employ careful consideration of the adverse impacts that development may have on eelgrass populations in the estuary.

Design

The design of lateral connectivity in Morro Bay also has created issues related to continual public access along the coast. The existing waterfront and downtown promote eclectic, authentic nautical architectural styles to foster a “small town feel” along the Embarcadero. In some places, the existing area has disjointed aesthetics, unattractive signage, poorly maintained parking areas, and narrow walkways. The existing discontinuity of lateral access has been cited as one source of the problem, and the community would like to emphasize connectivity throughout the downtown and waterfront area to promote a more inviting atmosphere.

Physical Connectivity

The physical connectivity of the project area creates spatial challenges for attaining total lateral integration. The existing Morro Bay Municipal Code acknowledges these physical barriers and provides that lateral access does not have to be contiguous to the waterfront if access is physically infeasible due to topographical or site constraints. Some of the developments that extend onto the waterfront property west of Embarcadero between lease site 144 (Morro Bay Oyster Company) at the north and lease site 27W Inn at Morro Bay at the south prevent physical connectivity from site to site.

Leaseholder System

The leaseholder system sometimes impedes lateral access along the waterfront. The leases are monitored by the City’s Harbor Department and may extend anywhere from



10 to 50 years on a site-per-site basis. Some, but not all, of the lease sites include a land lease and water lease that make up the entire lease area. The terms negotiated upon lease acquisition or lease renewal may be adjusted with new requirements, including new conditions addressing lateral connectivity. The long duration of these lease agreements and legal negotiations for updated terms have not always prioritized lateral access connectivity. Access to the waterfront is also required of property owners possessing water leases and no land leases, where the path must be extended via floating accessways to increase overall connectivity. Some of this type of lease are outside of the lateral access focus area shown in Figure 2. While the City requires that the lease sites provide lateral access, the appearance of several lease sites over the years has given the impression that business plans were given priority over a straight-forward lateral access design.

Natural Hazards

Natural hazards also affect the public's ability to access the coastline. Flooding is a concern in Morro Bay since coastal flooding and erosion have the potential to impact lateral beach access points and access trails. Generally, public lateral access ways have a relatively high exposure due to their location at sandy beaches and waterfronts. High tides and waves can cause erosion of waterfront areas, including beach environments. Over time, erosion can degrade coastal access, decrease beach quality, and weaken dunes that help to protect coastal structures. While erosion is driven by natural processes, human activities such as shoreline hardening, dredging, and coastal development structures can alter natural processes and exacerbate erosion.

Clarification and Update of Bayside Lateral Access Policies

Morro Bay's lack of complete lateral access can be attributed to many factors preventing full compliance. Currently, waterfront properties in Morro Bay are required to provide lateral access as a condition of lease renewal by the City's Harbor Department. The leasehold properties are the waterfront sites along the Embarcadero extending from lease site 144 (Morro Bay Oyster Company) at the north to lease site 27W (Inn at Morro Bay) at the south. However, these additions are generally constructed for the specific purpose of lease compliance. This approach has led to poorly linked access and inconsistent design of access ways. Existing City policies requiring improvements by leaseholders are too vague to result in consistent and clearly laid out requirements for



quality lateral access improvements. These policies need to be clarified and more consistently applied to leasehold applications and incorporated into the Harbor Department Lease Management Policy to increase the quality of lateral connectivity along the lease sites and the bay

Community Input

Stakeholder Focus Group

The issue of lateral access was discussed during focus group meetings held with key stakeholders. The group that discussed the topic consisted of community experts on natural resources and the environment, with representation from San Luis Obispo County Parks, U.S. Coast Guard, State Parks, MBNEP, City Harbor Department, and other local entities. The group reported general satisfaction with the existing mix of vertical and lateral access points in the city, but identified conflicts between access points and natural habitat. The group felt that continuous lateral access would conflict with eelgrass protection. The group also noticed that some key access points are only accessible when renting recreational equipment, such as kayaks or paddleboards, which is not consistent with public access standards. The group determined that boardwalks adjacent to the water would be the most environmentally friendly solution to provide lateral access.

Harbor Advisory Board

The Harbor Advisory Board (HAB) is composed of seven members appointed by the City Council. These members review, advise, and make recommendations to the City Council on items pertaining to the use, control, promotion, and operation of vessels in the harbor of Morro Bay. In addition, the HAB makes recommendations on rates and fees for use or operation of the harbor to other City boards and commissions upon request. The HAB's goal is to serve the City and the community to perpetuate a working waterfront, extending the entire frontage of the waterfront under its jurisdiction in Morro Bay. The HAB would like to address elevation gaps along the coast, which is a major physical barrier for contiguous access. The HAB encourages the Harbor Department to incorporate lateral access conditions into future lease agreements. The HAB ideally envisions a wide boardwalk that would accommodate lateral access and



encourage visitors and residents to enjoy the views and commercial uses along the waterfront.

General Plan Advisory Committee

The General Plan Advisory Committee (GPAC) meets nearly monthly and the topic of lateral access has been addressed at several GPAC meetings. The following is a summary of GPAC input.

- When providing initial feedback regarding outdoor spaces in the waterfront area for the Downtown Waterfront Strategic Plan (DWSP), the GPAC disliked the lack of lateral access and lack of signage.
- Lateral access was discussed as a priority in relation to the issue of views along the Embarcadero.
- There may be opportunities for public-private partnerships to implement more lateral access along the Embarcadero. It is important to seize opportunities to improve lateral access connections that may be implemented when leaseholders apply for permits to do work.

Existing Conditions

Legal Conditions

Regulatory Setting

Federal

California Eelgrass Mitigation Policy

The City uses the guidelines provided by the National Marine Fisheries Service (NMFS) to conserve, protect, and manage the living marine resources and habitats that sustain them in Morro Bay. Under these guidelines, in conjunction with monitoring tools provided by the National Oceanic and Atmospheric Administration (NOAA), the NMFS provides recommendations to avoid and minimize impacts to eelgrass habitats through the guiding principles of turbidity, shading, and circulation patterns. The California Eelgrass Mitigation Policy also provides standards and methods for surveying eelgrass and assessing impacts to the local habitat. The City uses these guidelines from the NMFS in accordance with regulatory metrics provided by the NOAA through the recommended



mitigation techniques, including mitigation site selection, mitigation area needs, mitigation technique, mitigation delay, and measurable success.

National Estuary Program

The National Estuary Program (NEP) was established in 1987 through an amendment to the Clean Water Act to identify, restore, and protect nationally significant estuaries. The Morro Bay National Estuary Program (MBNEP) is one of 28 national programs that work to support the health of the estuary. The MBNEP works as a nonprofit, nonregulatory organization in Morro Bay to unite the community under the overall goal of restoration of the Morro Bay Estuary. This program collaborates with many nongovernmental partners and landowners to monitor and restore the natural habitats and educate the community on better environmental practices. The MBNEP was awarded \$2.9 million in a grant from the US Environmental Protection Agency in 2008 and, combined with additional contributions from a variety of public and private sources, has been able to raise a total of \$7.4 million toward the protection of the estuary. This program has used these contributions, along with the help of hundreds of volunteers, to preserve the local environment and safeguard the coast from harm.

State

Coastal Act

The California Coastal Commission addresses waterfront lateral access in the California Coastal Act of 1976 (Coastal Act; Public Resources Code Section 30000) Chapter 3: Coastal Resources Planning and Management Policies. This chapter provides objectives and goals to attain and retain public access. To ensure maximum public access to the coast and public recreation areas, the Coastal Commission allows each local government to prepare an LCP consistent with Section 30501 of the Coastal Act for consultation and approval by the Coastal Commission and public. Due to approval of the Morro Bay LCP under Section 30519(a), development review authority is delegated to Morro Bay's local government. Per Chapter 6 (Public Resources Code Section 30500) of the Coastal Act, the Morro Bay LCP allows more specific, detailed regulation to address the city's unique characteristics. Chapter 7 (Coastal Act; Public Resources Code Section 30600) gives the Coastal Commission authority to appeal locally approved development projects under "coastal appeal jurisdiction" to ensure that statewide coastal interests are protected.

The California Coastal Commission Strategic Plan for 2013–2018 sets protective measures for lateral access as well.



- Objective 1.1: *Enhance Public Access through Updated Beach Access Assessment and Constraints Analysis.*
 - *Action 1.1.1: Document and assess existing public access facilities including vertical and lateral public access ways, parking constraints and fees, beach curfews, hours of operation, physical impediments, encroachments, and other unpermitted development that may be blocking or limiting public access.*
 - *Action 1.1.4: Conduct an assessment of existing and potential future public access ways, including unsecured Offers to Dedicate (OTD) vertical and lateral access ways, deed restrictions, prescriptive access ways, etc.; ensure those access ways are secured in permanent protection; identify the steps and work with partners to develop and open access ways for public use.*

California Coastal Trail

The California Coastal Trail (CCT) is an ongoing effort to connect the state's multiple pedestrian routes along the Pacific Ocean into a unified, 1,200-mile trail extending from the Oregon to Mexican borders. This goal was supported by the 1972 passage of California Proposition 20, which recommended that a trail system be established along or near the coast. In 1999, the CCT was designated California's Millennium Legacy Trail by the governor and the White House Millennium Trail Council, followed in 2000 by an official California Assembly declaration of the CCT as an official State Trail. The Coastal Commission is the lead state agency responsible for planning and permitting along the coastline. While the CCT is not a requirement of the Coastal Act, it supports Coastal Act objectives to provide access to the coastline while respecting and protecting natural resources. Approximately 600 miles of the CCT has been completed to date.

In Morro Bay, the beach from the northern border of the city to the end of the Morro Strand State Beach, and Highway 1 starting at Morro Bay Boulevard, are considered existing segments of the CCT. Because of the preliminary nature of these routes, as identified by the state, the routes are only conceptual alignments. Additional planning at a local or regional level is needed to officially designate the CCT alignment and design and build sections that do not yet exist in Morro Bay.

The City has the potential to identify a preferred CCT alignment that could make use of the community's excellent lateral coastal access. That preference could then be considered when official CCT planning for Morro Bay occurs. Recent pedestrian improvements over Morro Creek have demonstrated the City's continued commitment



to coastal access, which could be further supported by a preferred alignment for the CCT through the community.

State Tidelands Trust

The Public Trust Doctrine of the state of California pledges to protect tide and submerged lands and navigable waterways for the benefit of the people of California. The sale of tidelands into private ownership is prohibited by the California Constitution under Article X, Section 3. The state of California claimed ownership of the land in Morro Bay west of the Embarcadero Road commercial strip in 1944, before designating it public trust land to the County of San Luis Obispo through a legislative grant in 1947. The City of Morro Bay assumed trusteeship of the granted lands in 1965 from the County of San Luis Obispo and now manages the tidelands under public ownership. Titled the Tidelands Grant, the granted lands must be used for commerce, recreational purposes, parks, public access or parking, environmental protection or enhancement, navigation, or fisheries.

Senate Bill 1363

In 2016, the state of California passed Senate Bill 1363 to protect the endangered populations of eelgrass from further damage. The eelgrass population in Morro Bay is under rehabilitation by the MBNEP, as mentioned above. In tandem with those efforts, Senate Bill 1363 states that the California Ocean Protection Council will protect and conserve coastal water and ocean ecosystems to prevent ocean acidification and hypoxia reduction. This bill requires the Ocean Protection Council, in coordination with the California State Coastal Conservancy, to assist in a restorative program to protect the future of eelgrass populations in the estuary. The restorative program will work to create a more hospitable environment for growth through the mitigation of abnormal oxygen deficiency levels and sedimentary nutrient inputs that cause ocean acidification and hypoxia.

Local

Morro Bay Harbor Department

Within the Coastal Zone, the City has been granted stewardship for an area designated the State Tidelands Trust under the jurisdiction of the State Lands Commission. The Morro Bay Waterfront Master Plan states that the Harbor Department is a separate entity of City services that manages resources on the waterfront lease sites for the State Tidelands Trust. The Harbor Department administers and supervises the leases along



the Embarcadero Road waterfront, piers, and marinas down to Tidelands Park (see Figures 3A through 3C). Maps of the water leases only are shown in Figures 4A through 4C. As a separate financial entity (Enterprise Fund) of the City, the Harbor Department collects and processes its own revenue and receives a percentage of sales from lease holders. The Harbor Lease Management Policy adopted in 2001 states that the Harbor Department will manage leases in a way that will strive to support visitor-serving lease businesses to increase revenues consistent with adopted City plans and policies.

The Harbor Department leases two piers, 10 moorings, and approximately 50 slips, mainly to private entities and the U.S. Coast Guard for City purposes and operates two piers and various waterfront facilities. In addition, the Harbor Department leases waterfront properties to lessees with visitor-serving uses consistent with the Coastal Act and provides for enforcement and public safety via Harbor Patrol and seasonal beach Lifeguards.

Municipal Code – Signs

There is currently no cohesive sign program for the waterfront. Signage along the waterfront varies, and includes signs from the Coastal Commission, the CCT, and personal business or leaseholder signs. The draft update to Morro Bay's Sign Ordinance was released in 2017 to update Chapter 17.68 Signs in Morro Bay's Municipal Code. The draft Sign Ordinance calls for a sign program in the Embarcadero district with sign regulations specific to the region and intended to maintain the unique, beach town character of Morro Bay's waterfront. Specifically, the draft regulations call for the following:

“Due to the heavy foot traffic in the region, the scale of signage is small to orient pedestrians and bicyclists, and buildings are allowed to have a maximum permanent signage of 15 percent on the building's façade area to maintain the human scale of the region. The regulations prohibit sidewalk signs and pole signs to increase safety and protect views to the bay from the street. Signs are encouraged to be creative to emphasize the welcoming, unique community spirit of Morro Bay and should be consistent with the design guidelines in the Waterfront Master Plan.”



Existing City lateral access-related policies and regulations can be found in Exhibit A at the end of this document. Examples of lateral access-related policies and regulations from other jurisdictions can be found in Exhibit B at the end of this document.

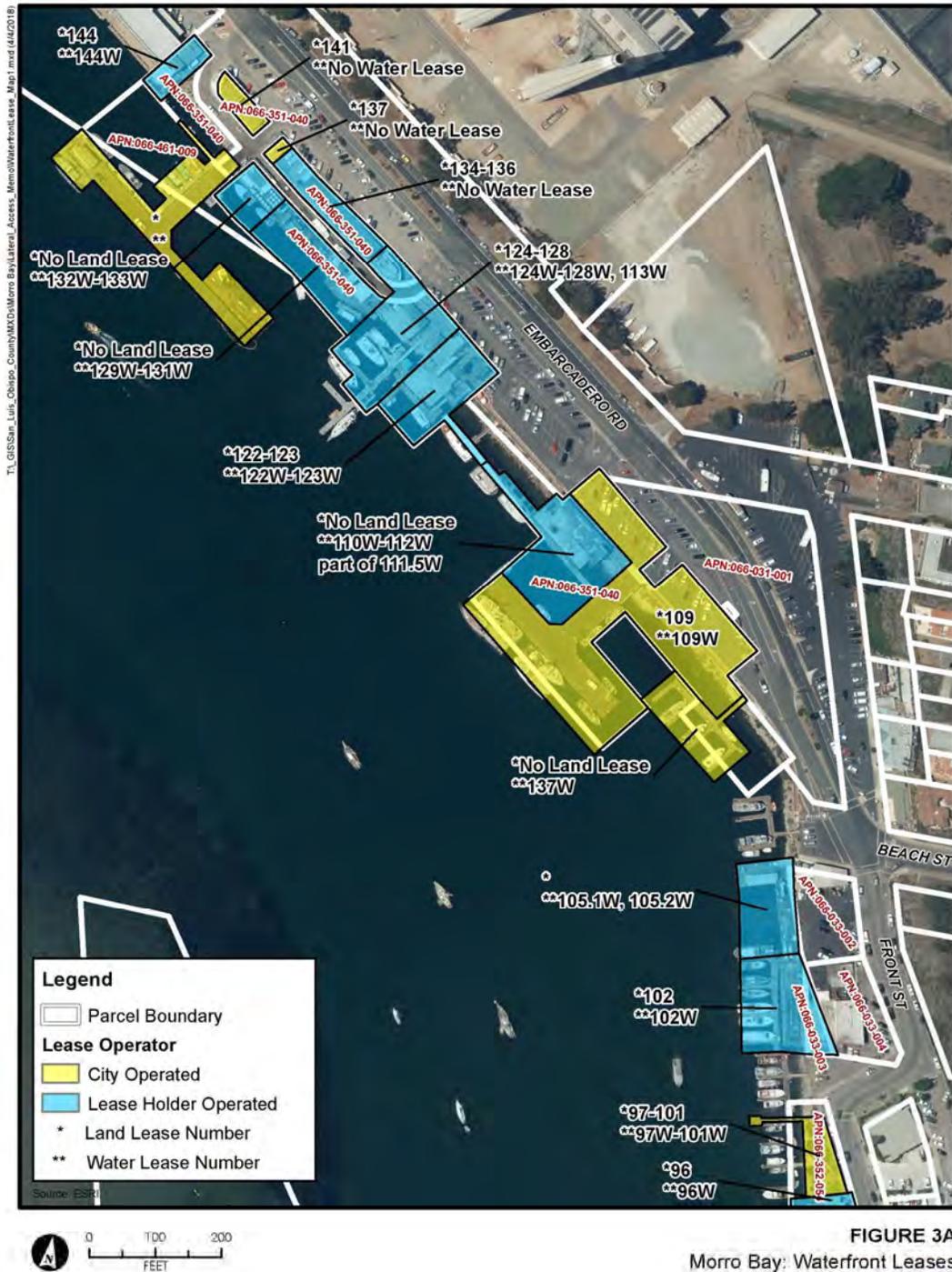
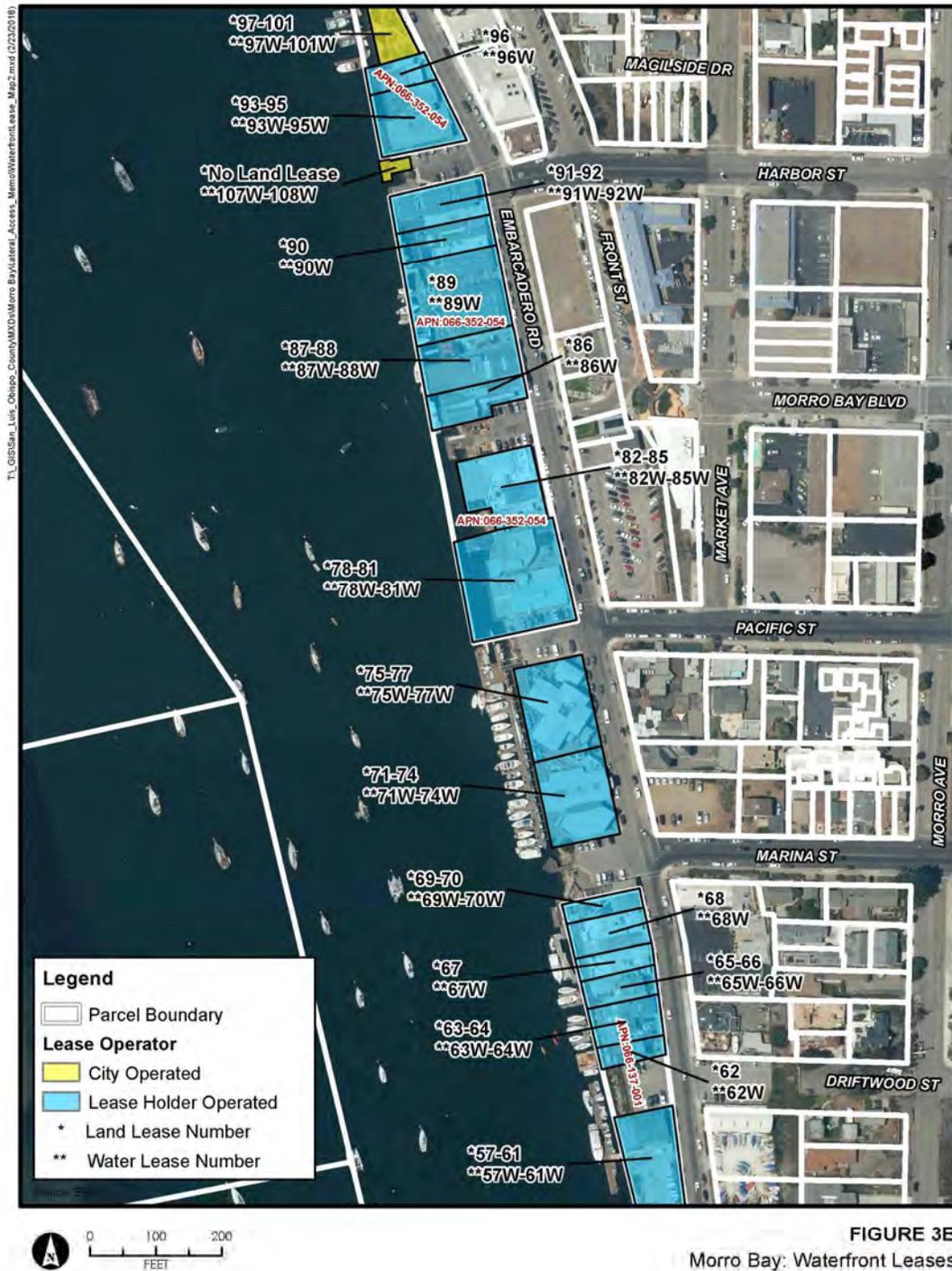


FIGURE 3A
Morro Bay: Waterfront Leases

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FIGURE 3C
Morro Bay: Waterfront Leases

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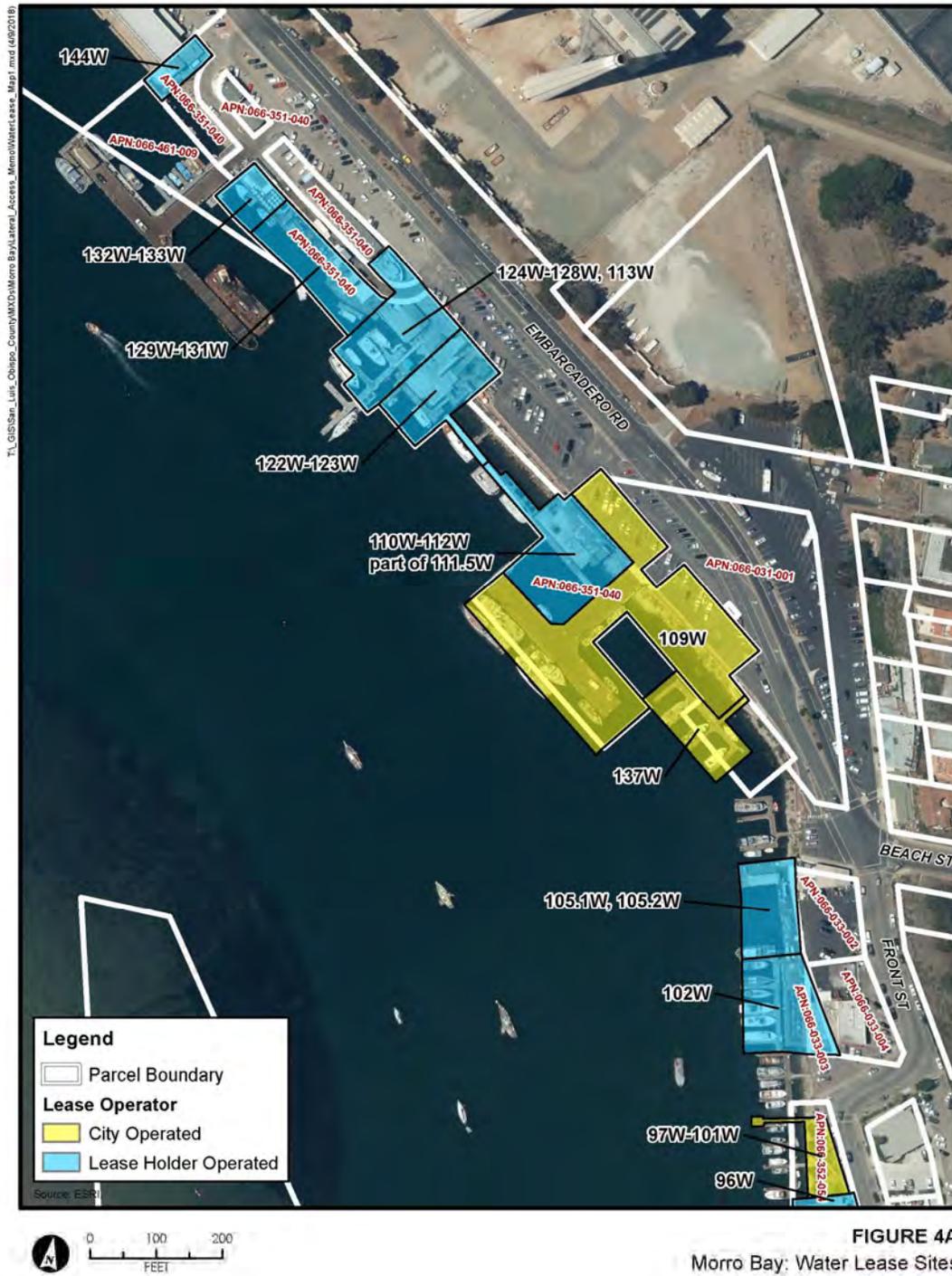


FIGURE 4A
Morro Bay: Water Lease Sites

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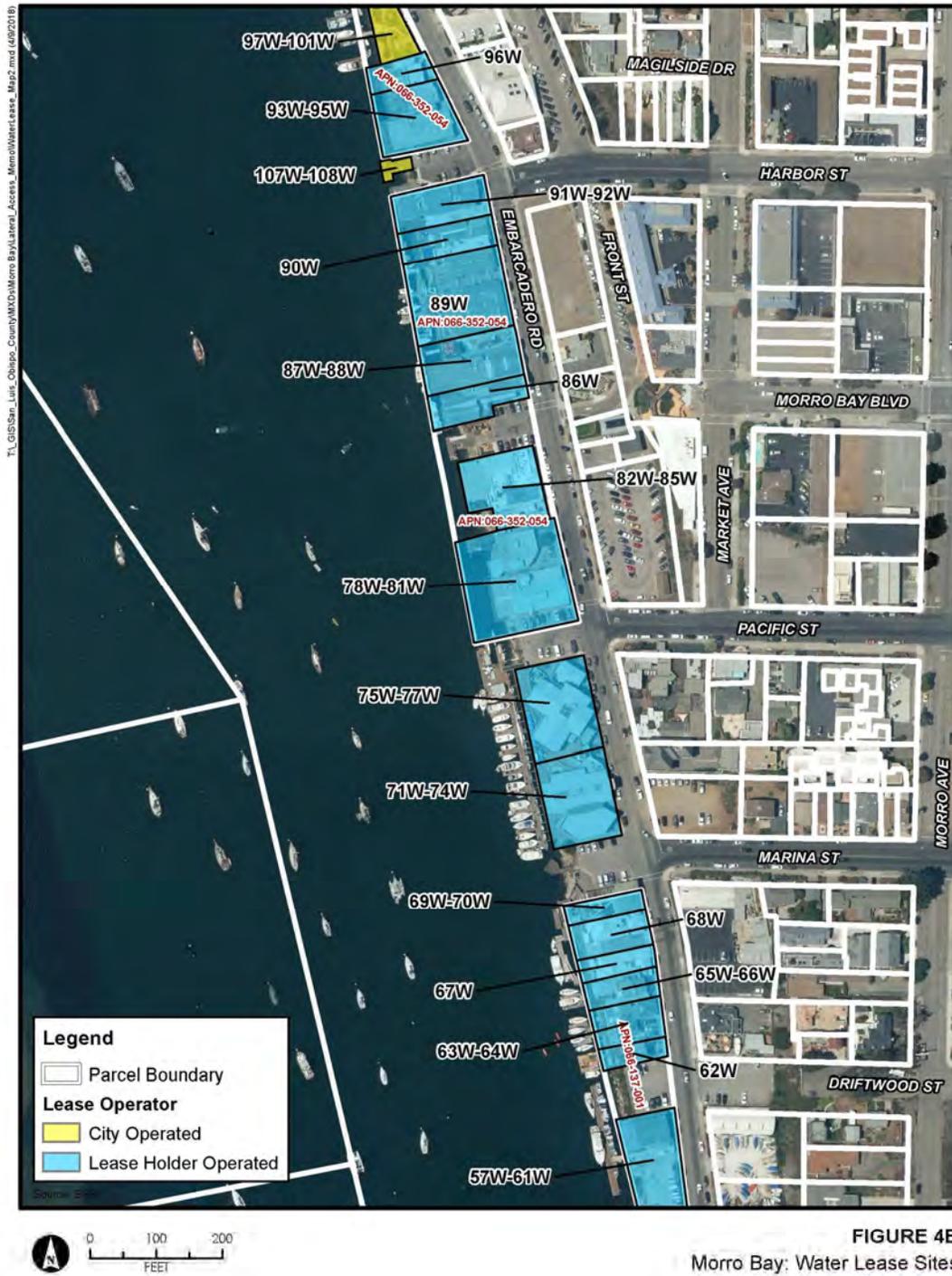




FIGURE 4C
Morro Bay: Water Lease Sites

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Waterfront Master Plan

The current Waterfront Master Plan for Morro Bay was adopted in 1996 as an articulation of a vision of the future of Morro Bay's waterfront area and a guidebook for pursuing that vision for the betterment of the community. The existing Master Plan was a planning and feasibility study, outlining numerous ideas for further City actions and possible capital projects along the Embarcadero from Morro Rock to Tidelands Park. It also provides design guidelines for the PD overlay zone that are part of the coastal land use implementation plan and zoning code. Chapter 3 addresses lateral access in the Pedestrian/Bicycle Circulation/Handicapped Access section, stating that the City shall "continue systematic efforts to obtain lateral access on the waterfront side of buildings and lease sites whenever development is proposed." The section states, however, that the requirement for continuous lateral access should be waived where elevation differentials make it impractical, use conflicts would result, or where vessel berthing would be lost.

Leasehold Process

The general policy guidelines issued by the City of Morro Bay are used to manage the Harbor Department lease management program. The Harbor Department manages leases to support uses consistent with the Coastal Act in the Tidelands Trust area consistent with State Tidelands Trust Doctrine and adopted City plans and policies. The following actions require City Council review and approval: lease assignment, lease approval and renewal, lease extension, and renegotiations. Sublease approval is an administrative function. Lease periods range from 10 to 50 years depending on terms negotiated with the Harbor Department, mainly dependent on the amount of investment and development committed to by the proposed tenant. In general, a greater amount of investment equals a longer lease length, commensurate with the size of the lease site; tenants proposing extensive or greater improvements will receive longer leases to compensate for the considerable investment of time and money in the site. The City has a master lease format based on modern leasing practices, encompassing good tenant history, fair market rent practices, proper maintenance of site improvements, the percentage of gross sales audits, lease assignment and sale, sublease approval conditions, and financing on lease sites. Leases in the Tidelands Trust are ground leases, where the tenants own and are responsible for the improvements.



The Master Lease Agreement between the City of Morro Bay and the leaseholder at the time of lease approval contains a broad range of requirements that must be upheld for the duration of the lease. The leases contain terms that must be upheld in part by the tenant and in part by the City for the following:

- Fixed term
- Rent, in some cases both minimum and percentage rents
- Uses of the premises
- Construction, alteration, or repairs
- Leaseholder mortgages, repairs, maintenance, and restoration
- Indemnity and insurance
- Taxes and fees
- Condemnation
- Assignment and subleasing
- Default and termination
- Special provisions particular to a lease site

Specific requirements in these leases promote the visitor-serving uses needed to maintain proper lateral access along the coast. For example, the site maintenance defined in the agreement requires that the tenant repair, replace, or rebuild the seawalls and revetment located in the water portion of the lease site at their own cost to ensure that the public has safe access to walkways along these areas. Leases also typically require that businesses provide maintained public restrooms to visitors to promote the accessibility of the area for visitor-serving uses.

Negotiation

Leases are negotiated with the City and factor the renter's level of investment into buildings and marina infrastructure, including maintenance of the slips and piers. Lease negotiations are managed at the appropriate staff level and the City Manager and the City Attorney are consulted on legal issues. The negotiation process begins when a prospective leaseholder presents a rough concept plan to the Harbor Department. The concept plan is then presented to the City Council to grant a Consent of Landowner (COL). The COL acknowledges that the City is receptive to the proposed project on the



leasehold and typically will include specific milestones for the intended project. After the COL, the project is presented to the Community Development Department for processing of the conditional use permit (CUP) Concept Plan. The CUP Concept Plan is reviewed by the Planning Commission and a recommendation is made to the City Council. The CUP Concept Plan then moves on to the City Council for review and approval. Once the Concept Plan is approved by the City Council, the applicant can then submit an application to the Coastal Commission for review and approval of the Coastal Development Permit (CDP). Once the Concept Plan is approved by City Council, the Harbor Department can negotiate and approve the lease or lease amendment which incorporates the development contemplated in the CUP. Lease negotiations do not officially begin with the Harbor Department until the Concept Plan has been approved by the Planning Commission and City Council, but the potential leaseholder can be in contact prior to approval to obtain early feedback and guidance throughout the process. This process usually takes two to three years, but some extreme cases can take up to six years.

Lease Renewal

The lease renewal process was developed to allow tenants to retain their location along the waterfront, while giving the Harbor Department an opportunity to update its lease requirements with major changes or retire an older lease with outdated terms and conditions. Lease renewal also provides an opportunity for the Harbor Department to implement new adaptation measures for issues such as sea level rise and lateral access. While the existing Harbor Department Lease Management Policy encourages lease expiration dates to coincide where adjoining sites may have mutual planning benefits and possibilities for combining sites, this has proven to be a complex process to implement using current planning regulations, and thus such site combining has rarely occurred. The current permitting process is not designed to accommodate multiple leaseholders and different sites, and the complexity that results from these aggregated sites is difficult to manage.

As Leases near their expirations, the City retains the right to not renew a lease with an existing lease holder for the purpose of consolidating sites or to pursue other extenuating public benefits, but there can also be reasons related to the leaseholder's performance or history why a lease won't be renewed. The City determines whether to renew a lease with a tenant based on whether the tenant has a good history of



performance and maximizing revenues, payment, lease compliance, tenant improvements, and maintenance and repair. Tenants in the Embarcadero area are encouraged to make public improvements to the site and the City generally does not renew leases if tenants allow their leases to run to a term of less than five years remaining without a proposal for site redevelopment, where warranted. In the event of no lease renewal, the lease is put out to public bid or, in special circumstances, may be kept in a short-term interim lease until adjacent sites become available for consolidation.

Lease Maintenance

In most cases, lease agreements state that the leaseholder is responsible for the maintenance of 100 percent of their property, including infrastructure such as seawalls and revetments along the shoreline during the lease period. It is City policy that lease sites are to be inspected and evaluated approximately every five years to ensure that improvements are being maintained. Currently, many lease sites along the waterfront are not maintained to the standards of City requirements due to enforcement issues. More stringent code enforcement with regulations specifying the required time frame and individual criteria to be met during inspections would improve maintenance standards. In addition, lease sales and other records are audited approximately every five years for compliance with percent gross payment requirements to ensure the proper percentages are being recorded and paid per the individual lease agreements for the revenues generated on the sites.

Physical Conditions

Existing Connections

Harborwalk

The Harborwalk represents the City's vision for a dedicated pedestrian and bike pathway along the length of the harbor on the street side of the Embarcadero. The portion of the existing Harborwalk that allows bicycles is north of the lateral access focus area. The Harborwalk includes designated viewing areas, seating, and bicycle parking. The first phase of the project was completed in 2008 along the shoreline from Morro Rock and Coleman Park to the northernmost businesses on the Embarcadero. It contains both a bike path and a pedestrian path using design elements that embody the aesthetic of the historical waterfront. The City requires that property owners extend the Harborwalk in front of their properties when buildings are retrofitted, if the trail does not already serve the property. The Harborwalk currently terminates at the northern end of the



Embarcadero and pedestrians and bicyclists access the rest of the waterfront to the south by traversing parking lots or navigating disconnected sidewalks.

Lateral Connectivity

Descriptions and Maps of Existing Access

The majority of Morro Bay's coastline is dominated by flat sandy beaches that rise to dunes or short coastal bluffs. Much of the bayfront is lined by man-made rock revetments or occupied by waterfront structures. Coastal bluffs and isolated natural rock outcroppings, the most notable of which is Morro Rock, make up a relatively small portion of the shoreline. Approximately 96 percent of the shoreline within the Morro Bay city limits presently offers public bayside lateral access. The land west of the Embarcadero is not completely compliant with bayside lateral access connectivity. Coastal-dependent commercial buildings stand between the sidewalk and the bay, creating gaps in access along the coast. Bayside decks provide some segments of lateral access along the bay in this area. The City is in the process of developing new leases for many sites along the water as lease renewals are under way. This will provide an opportunity to create new, improved connections within and across those sites.

In recent projects, the City has promoted many forms of lateral access and the combination of various types of paths, decks, or walkways to meet the goals of the Coastal Commission for easy access along the waterfront. The Coastal Commission values access both on the water side of buildings and slightly more inland along the Embarcadero to create an extensive network of pathways along the coast. An inland sidewalk or the continuation of the Harborwalk from the north along the Embarcadero creates a continuous pathway along the street side of the Embarcadero that, with further improvements, will be uniform in design. Other types of access are being implemented along the waterfront to provide various routes for visitors where existing gaps (shown in Figures 5A through 5D) hinder circulation. As shown in Figure 5A, sites along the northern end of the Embarcadero incorporate additional lateral access along connected docks, offering pedestrians alternative routes that keep them close to the water. Many routes located on docks or the waterfront side of the lease structures are also undergoing improvements to facilitate accessible site-to-site connections via wide ramps, painted paths, and other strategies. The combination of this floating or bayside access along with the Harborwalk or unobstructed sidewalk located more inland along



the Embarcadero creates a comprehensive path offering various routes for efficient and varied circulation in certain areas of the waterfront. However, the path is not complete.

As shown in Figures 5A through 5D, the shoreline along the Embarcadero is not continuously accessible by foot for a variety of reasons. Commercial fishing, industrial storage spaces, and boat hoists disrupt public access in some places along the waterfront. The City is investigating strategies to allow these important waterfront activities while also maintaining public access to the shoreline, but has encountered difficulty implementing regulations that accommodate both needs.

Gaps in Lateral Access

Some form of bayside and sidewalk or Harborwalk lateral access is provided from the northern end of the lateral access focus area to south of Harbor Street at 833 Embarcadero or lease site 87-88, where the first gap in bayside lateral access occurs. From that point south, there are multiple gaps in bayside lateral access, particularly in the southernmost quadrant of the lateral access focus area.

On the street side, some form of lateral access is provided along the entire stretch of the lateral access focus area. The majority of access is formal—offered either as part of the Harborwalk or as a sidewalk on the Embarcadero. However, some areas, primarily in the commercial fishing (Measure D) portion of the northern Embarcadero, are unimproved and require pedestrians to cross active work areas or parking lots. Street end crossings along the Embarcadero farther to the south are also unimproved.



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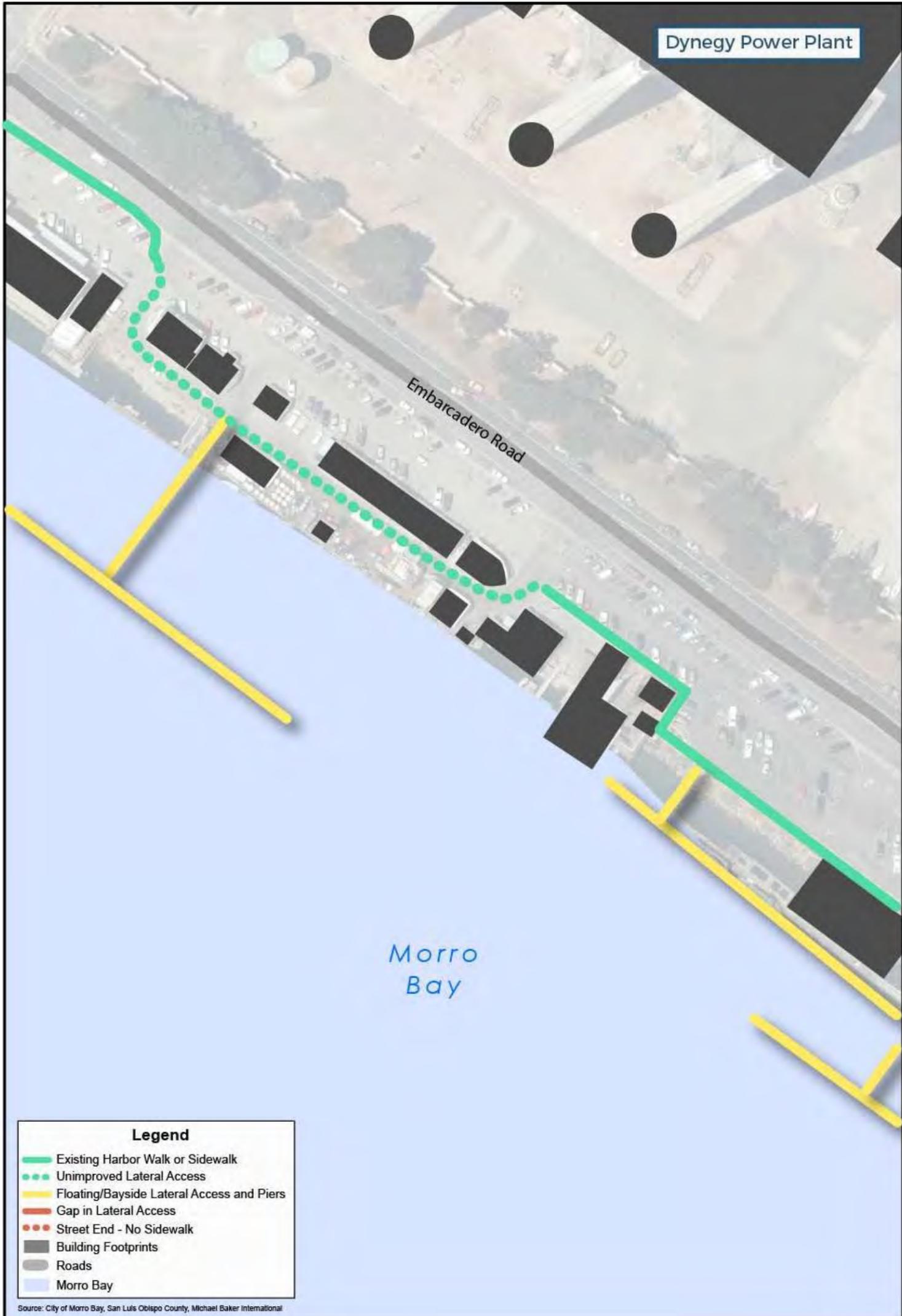


FIGURE 5A
Existing Lateral Access and Gaps
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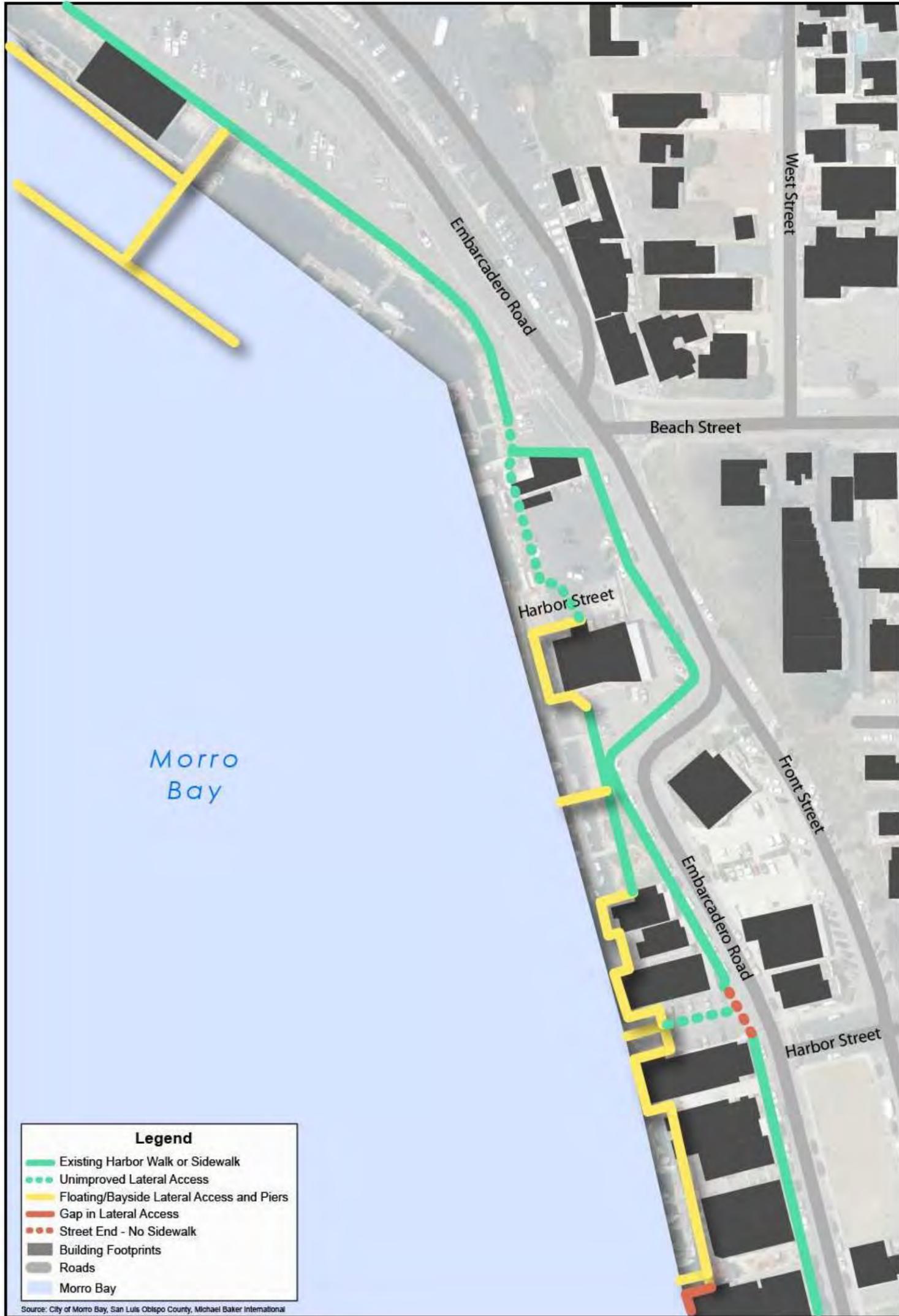


FIGURE 5B
Existing Lateral Access and Gaps

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FIGURE 5C
Existing Lateral Access and Gaps
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FIGURE 5D
Existing Lateral Access and Gaps

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Figures 6A through 6C focus just on the gaps in lateral access. Four types of gaps are identified: 1) where bayside lateral access doesn't exist at all due to the existing building or use; 2) where bayside lateral access exists but is unimproved and/or not accessible at all times; 3) where street side lateral access exists but is unimproved; and 4) where bayside lateral access exists but semi-permanent features make it difficult to use. Table 1 corresponds to Figures 6A through C and lists each lease site or location with a gap, describes the reasons for the gap, the date when the lease will renew, and the proposed solution to address the gap.

Table 1.
Existing Gaps in Lateral Access

Gap #	Name of Business or Lease/Intersection/Description	Type of Gap	Lease Expiration Date	Proposed Solution
1	Bayside lateral access through Tognazzini's processing area (Leases 129-137)	Unimproved existing bayside access	2025 and 2028	Install Harborwalk/brick pavement treatment; add interpretive signage. Morro Bay Landing at the southern end of this area will redevelop in 2018 and add additional lateral access and a rooftop viewing deck.
2	Bayside lateral access through Giovanni's	Unimproved existing bayside access	Not a lease site	Access is granted through this area when it is safe. During commercial fishing operations that are not safe for pedestrian traffic this accessway can be temporarily closed for safety reasons. This approach should continue. Improvements here could include installation of pavement that indicates the path of the lateral access. Another option would be installation of a public rooftop viewing deck at Giovanni's or Stax where commercial fishing operations could be observed.



Gap #	Name of Business or Lease/Intersection/Description	Type of Gap	Lease Expiration Date	Proposed Solution
3	Harbor Street street end	Unimproved existing street side access	n/a	Treat pavement in the intersection where pedestrians cross parallel to the water by striping the cross walk or adding additional color or pattern to demarcate a crossing and add wayfinding signage.
4	Off the Hook (Lease 87-88)	No bayside lateral access	2018	Consent of landowner has been approved for new lease design and good route for new bayside lateral access.
5	Libertine Brewing Company	No bayside lateral access	2018	Current leaseholder has an approved consent of landowner currently, and new lease conditions for this site will have conditions for a path connection to the Off the Hook lease site to the north and ADA ramp to Rose's Landing to the south.
6	Front Street street end	Unimproved existing street side access	n/a	Treat pavement in the intersection where pedestrians cross parallel to the water by striping the cross walk or adding additional color or pattern to demarcate a crossing and add wayfinding signage.
7	Rose's Landing (Lease 82-85)	Poorly accessible existing bayside lateral access	2062	Improvements are planned to connect the bayside lateral access more directly to the south, to widen the existing bayside access way and remove the roof that is over it to make it feel more public. An additional second floor public observation deck that faces Morro Rock and the Bay will be added, In addition the ramp from the



Gap #	Name of Business or Lease/Intersection/Description	Type of Gap	Lease Expiration Date	Proposed Solution
				bayside lateral access to land will be improved.
8	Bayshore Seafood (Lease 78-81)	No bayside lateral access	2032	This part of this lease site is an active seafood processing pier. Installation of bayside lateral access either decking or floating docks would not be compatible with this coastal-dependent use. Improvements here could include installation of a raised viewing area on the adjacent part of the lease, on the street end just to the north, or on the lease site to the north. The fish processing operations could be observed from these areas while maintaining a safe distance.
9	Dutchman's Seafood House (Lease 78-81)	Poorly accessible existing bayside lateral access	2032	The northern part of the Dutchman's Seafood House building includes a covered deck seating area that is part of the public access area. To make it more clear that it is a public area signage should be installed at the sidewalk and at the entrance to the covered deck and some tables or space on the deck should not be used for restaurant seating.
10	Pacific Street street end	Unimproved existing street side access	n/a	Treat pavement in the intersection where pedestrians cross parallel to the water by striping the cross walk or adding additional color or pattern to demarcate a crossing and add wayfinding signage.



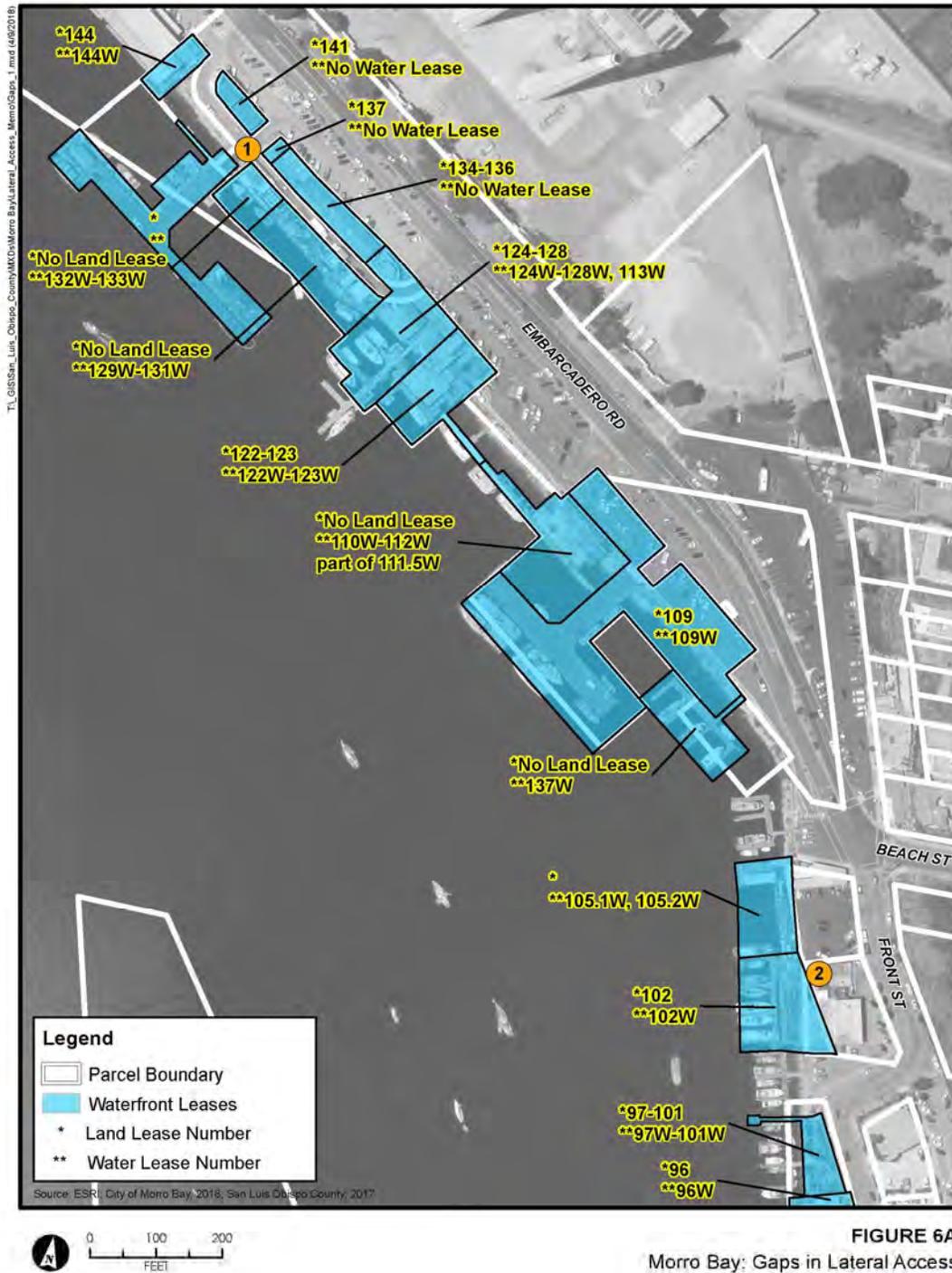
Gap #	Name of Business or Lease/Intersection/Description	Type of Gap	Lease Expiration Date	Proposed Solution
11	Blue Sky Bistro (Lease 75-77)	Poorly accessible existing bayside lateral access	2041	The outdoor seating at the Blue Sky Bistro in Marina Square is located in the public bayside lateral access way. There are tables, benches, and glass partitions in the area that make the area appear that it is for restaurant patrons. Signage should be installed in several locations north and south of this area to make it clear that the public lateral access way continues past the restaurant seating area.
12	Marina Street street end	Unimproved existing street side access	n/a	Treat pavement in the intersection where pedestrians cross parallel to the water by striping the cross walk or adding additional color or pattern to demarcate a crossing and add wayfinding signage.
13	Morro Bay Aquarium (Lease 69-70)	No bayside lateral access	2018	There is an approved consent of landowner for a new dock, bayside lateral access continuity, and other improvements. The design is innovative and will provide various new services on the site.
14	Gray's Inn (Lease 63-64)	No bayside lateral access	2018	After expiration of the lease in 2018 the leaseholder will be required to include improvements to extend the bayside lateral accessway from the north and provide access across the site. Floating dock access was required with a recent 2018 CUP approval.



Gap #	Name of Business or Lease/Intersection/Description	Type of Gap	Lease Expiration Date	Proposed Solution
15	Kayak Horizons (Lease 62)	No bayside lateral access	2018	The lease here is up this year, but the site is small so conditions for renewal may just be to connect a path to the new path designed for the Gray's Inn site. Floating dock access could be an option at this site.
16	Driftwood Street street end	Unimproved existing street side access	n/a	Treat pavement in the intersection where pedestrians cross parallel to the water by striping the cross walk or adding additional color or pattern to demarcate a crossing and add wayfinding signage.
17	Morro Bay Yacht Club (Lease 57-61)	Poorly accessible existing bayside lateral access	2032	The bayside lateral access at the Morro Bay Yacht Club is limited and disconnected. There is no public bayside access along the front of the yacht club building. Public access to the yacht club boatyard on the ocean side of Embarcadero is open when safe during daylight hours. Boat hoist operations and moving of boats and equipment make public access to the yard unsafe some of the time. Signage that explains this and interpretive signage about recreational boating could be added placed next to the street side lateral access is recommended at this site. Floating dock access could be an option at this site.



Gap #	Name of Business or Lease/Intersection/Description	Type of Gap	Lease Expiration Date	Proposed Solution
18	Associated Pacific Constructors (Lease 52)	Poorly accessible existing bayside lateral access	2025	<p>This lease is the site of an active marine construction business. Bayside lateral access exists but safety is a concern due to the industrial uses and a lack of handrails along the water. Existing signage states that the walkway is public, but warns of safety issues and is typically closed to the public with a gate.</p> <p>Requiring increased public lateral access attached to the building or on floating docks would not be compatible with this coastal-dependent use. Recommend leaving the scenario as is while this use occupies this lease site. If the use changes, the City should pursue opening up lateral access across the site.</p>
19	Two houses (Lease 50-51)	No bayside lateral access	2025	Floating dock access could be an option at this site.
20	Vacant lot	No bayside lateral access	No current lease	Floating dock access could be an option at this site.



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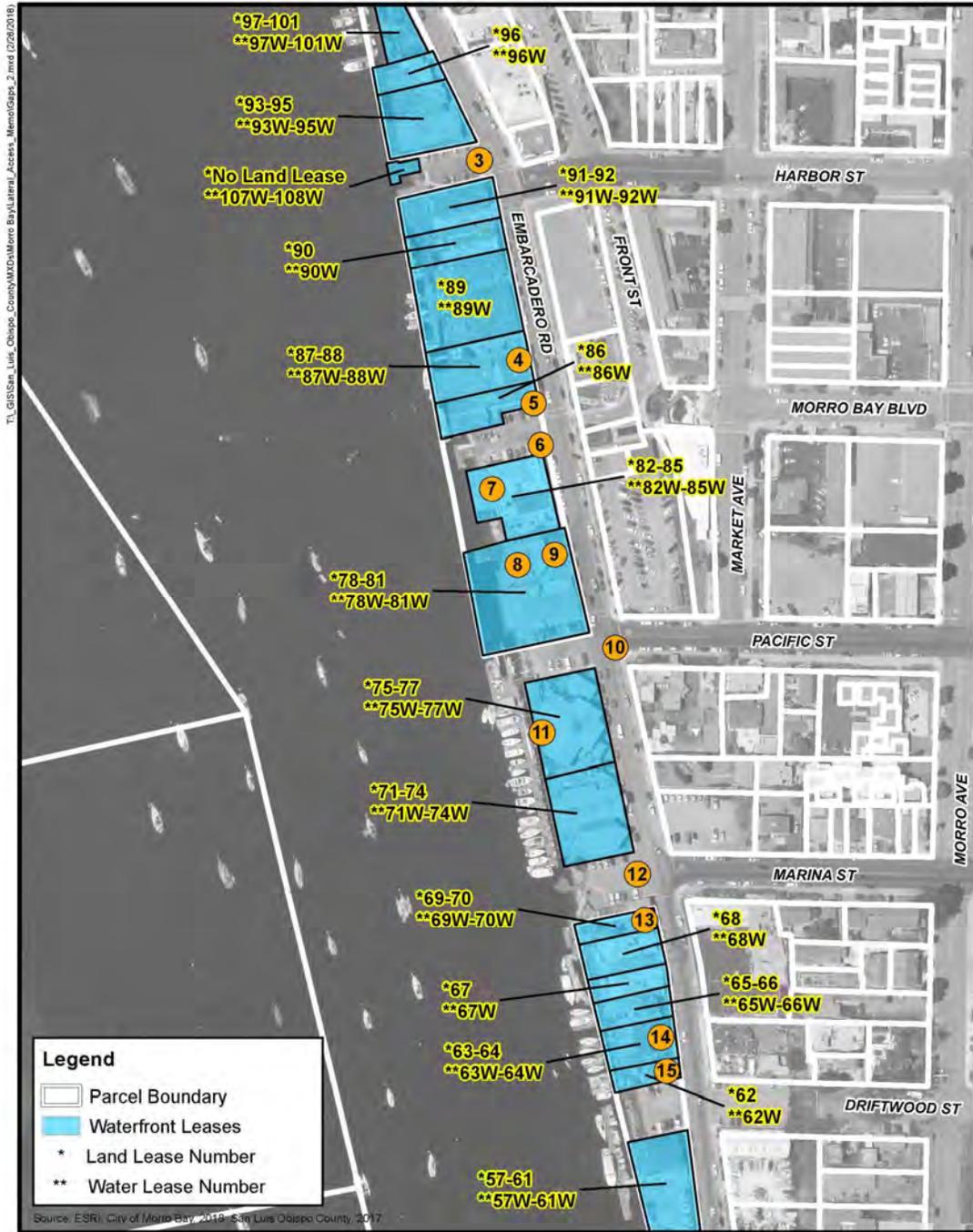


FIGURE 6B
Morro Bay: Gaps in Lateral Access

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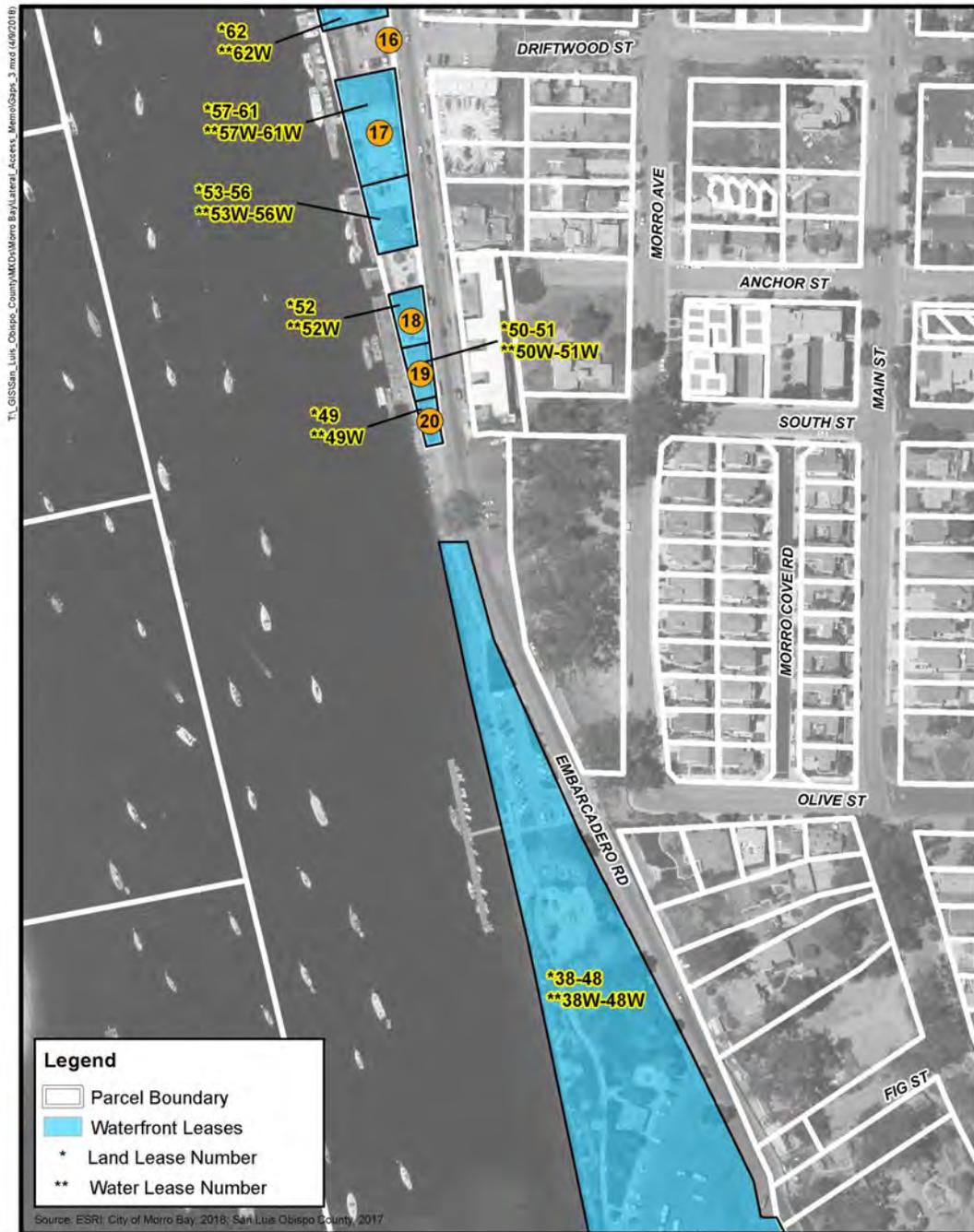


FIGURE 6C
Morro Bay: Gaps in Lateral Access

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Encroachments on Public Beaches and Access Ways

North of Lateral Access Focus Area

Encroachments represent a violation of property rights when a structure or object intrudes upon or over a property line. Encroachments can consist of anything from overextended plants or yard adornments to main buildings or secondary structures. In Morro Bay, few encroachments impede coastal access. At the city's northern border along Highway 1, chain link fencing has been placed along the coastline, obstructing access to the northernmost portions of Morro Strand State Beach. Along portions of this fence, the chain link has been pulled back, creating informal access points to the coast. Along the city's northern border near Highway 1, parking lots are intermittent, and a portion of the highway's shoulder is marked with no parking signs.

The lack of continuous coastal parking along this northern coastline creates a potential encroachment issue. There is also a lateral access issue on the southwestern portion of the coastline, near Bayshore Bluffs Park, where a hotel and residential housing partially block public access to the coast. The City does have a vertical public access easement from State Park Road through the hotel site providing access to lease site 27W.

Lateral Access Focus Area

Within the lease sites on the Embarcadero, encroachments vary in size and permanence. Some lease sites provide lateral access via floating connections along their docks in lease agreements, but post illegal signs or ropes that prohibit public use. These temporary signs dissuade the public from their rightful access to these areas and create encroachments on coastal paths. Additionally, more permanent encroachments from built structures appear along the Embarcadero on the water lease sites. Identification of these water boundaries is difficult due to the physical characteristics of the lease sites (over water), which further complicates encroachment issues. New lateral paths cannot be built into state-owned water without causing physical and fiscal complications for the lease holder and City. While these encroachments are less frequent, they may cause problems for the accommodation of full lateral access along the waterfront.

Signage and Wayfinding

There is an overabundance of signage along the Embarcadero, including lateral access signage. Various forms of lateral access signage range from Coastal Commission public access signs, to California Coastal Trail (CCT) signs, to informal signs posted by waterfront lease holders. Coastal Commission signs vary in design and wording. CCT signs are rare

and feature a different color scheme and design. The various informal signs posted by leaseholders often are not consistent. In many instances, leaseholders post signage or other barriers to required public access which must be eliminated by consistent enforcement and lease compliance.

Present community satisfaction varies broadly over existing signage along the waterfront. The General Plan Advisory Committee assessed waterfront signage as being appropriate and inviting in certain areas, but undesirable in others. Restricting sidewalk signs and pole signs protects view corridors, but may increase wayfinding difficulties. In addition, the wide variety and mix of nonconforming signs currently along Embarcadero creates confusion and detracts from the natural beauty of the waterfront. The overall findings from this assessment determined that increasing wayfinding signage throughout the waterfront area with a cohesive sign program to direct users to coastal access points would improve connectivity. Example photos of noncompliant signage or signage with other issues are below.



Many different signs in one location.



Not the current Coastal Commission compliant design.



Not the Coastal Commission compliant design.



Sign is too small.



Worn out sign in need of replacement



Public Safety

Lighting

Lighting from indoor and outdoor uses in an area can increase visibility for pedestrians and drivers at night, affording a sense of security and comfort. Without proper lighting, public access to these areas during night hours can be unwelcoming to visitors. Current lighting along the waterfront is set at low angles to decrease glare and protect natural habitat. Light emanates from businesses that operate into the night, but by 10 p.m. most of these uses are closed. There is little to no lighting along the paths that exist on the water side of these structures. A few businesses have placed small lights at low levels to illuminate the path, while the waterfront as a whole is dark. This lack of lighting makes the area difficult to navigate at night and discourages the public from enjoying the shoreline after the sun has set. The waterfront path would benefit from additional sources of light to increase visibility at night.

In 2017, the Embarcadero & Centennial Parkway Project was approved by the City Council to redesign the Embarcadero to improve community gathering spaces, pedestrian and bicycle paths, and streetscape furnishings. Street lighting was proposed in this plan to increase visibility along the Embarcadero corridor at night.

Crime

Increased crime rates deter visitors and residents from enjoying public spaces and decrease the use and popularity of waterfront access points. A sense of physical security affects both residents and businesses along the waterfront, and achieving and maintaining low crime rates along the coast is essential to the vision of a friendly, safe waterfront that the public seeks out to visit and enjoy.

The violent crime rate in Morro Bay is somewhat higher than the state average on a per capita basis, but property crimes are generally lower. The most commonly reported offenses in Morro Bay in 2014 were public drunkenness and outstanding warrant charges, and there were no homicide or arson cases. The Morro Bay Police Department (MBPD) provides police protection services to preserve peace and prevent crime and disorder throughout Morro Bay. Through both the MBPD's Operations Division and the Support Services Division, officers serve in a variety of roles to enforce state laws and city ordinances. The MBPD also participates in a police volunteer program, a police Explorer program, and an active neighborhood watch program.

Traffic Conflicts North of Beach Street

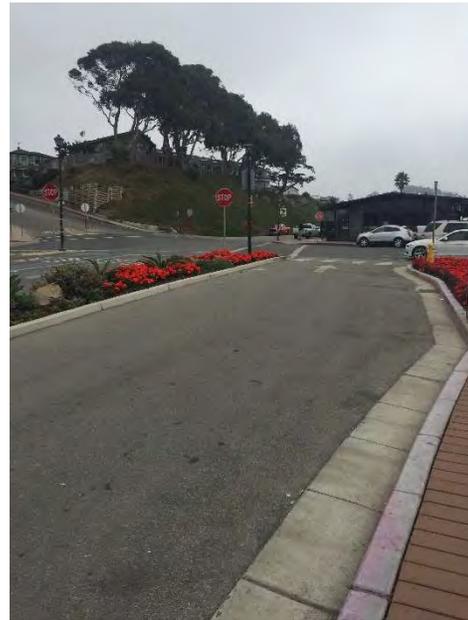
Public access ways along the coastline support considerable foot traffic. The Embarcadero is a heavily visited area, both by foot and car, due to its attractive visitor-serving businesses and restaurants. Visitors are typically unfamiliar with the design and layout of the city, and they may experience confusion or disorientation in attempting to navigate the area. The influx of visitors by car on the Embarcadero paired with many pedestrians increases the risk for traffic conflicts. Despite this, the waterfront tends to be a safe place for vehicles, pedestrians, and bicycles to coexist. Some sidewalks are separated from the street and protected from collisions, and lateral access trails located along the back side of the lease sites are protected from automobile conflicts.



Embarcadero looking north toward Beach Street intersection.



Looking east up Beach Street at intersection with Embarcadero.



Embarcadero looking south toward Beach Street intersection.

The Embarcadero's northern large parking lots along the land leases are a less-pedestrian oriented part of the lateral access focus area. Many people tend to exit the Harborwalk from the north and walk through the parking lots to reconnect with the Harborwalk at 1205 Embarcadero (south of Lil' Hut). At this break, the path becomes informal, and there are no visible painted crosswalks in the parking lot to orient pedestrians and drivers. In addition, the five-way intersection of Front Street and Embarcadero is disorienting for drivers exiting various parking lots and also has confusing turn lanes. While there have been few reported collisions here, a well-connected path would be an improvement for pedestrians.



Informal lateral access near Coast Guard south of Morro Bay Oyster Company.



Informal lateral access at Tognazzini's.



Informal lateral access at Tognazzini's to the left and sidewalk with parking lot on the right. There is a break in the formal Harborwalk in the area. The gap will be reduced with redevelopment at Morro Bay Landing and addition of pedestrian pathway in front of that lease site (red building shown in left side of photo).

Traffic Conflicts South of Beach Street

There is a lack of well-marked pedestrian crossings throughout the Embarcadero. While many visitors park east of the Embarcadero and walk into the area, only a few designated crosswalks handle this flow of foot traffic to the shoreline. When pedestrians approach the waterfront, they often jaywalk across Embarcadero Road. In addition to the lack of east-to-west crosswalks on Embarcadero, the area also lacks adequate connections for walkers traveling the length of the waterfront (north-south). The publicly owned street ends on the west side of Embarcadero Road often serve as small parking lots along the waterfront, while also being used as additional public viewpoints toward Morro Rock and the bay. The intersections at these parking lots do not incorporate measures that separate pedestrians from traffic. As visitors follow the sidewalk up the Embarcadero they often walk into the street without stopping, due to the informal nature of the crossings and the lack of heavy traffic in the parking lots. Furthermore, pedestrians walking on the sidewalk are also often forced to step into the street to pass other people on the sidewalk due to the narrowness of the sidewalk. Distracted visitors and residents also stand idly in the middle of these informal crosswalks to observe the view or chat while paying little attention to the cars in their immediate surroundings. Despite fairly light traffic in these parking lots, with the dense nature of the commercial waterfront, these crossings would benefit from pavement marking and more wayfinding tools.



A street end on the Embarcadero without striping or other markings or signage to indicate it is a pedestrian walkway.



Intersection on the Embarcadero without striping or other pedestrian crossing assistance.



In addition to lack of clear, complete pedestrian paths along some of the Embarcadero, existing lateral access pathways do not accommodate bicyclists. The shoreline trails are not wide enough to accommodate both pedestrians and bicyclists, which hinders bicycle access to the area. Lateral access via floating docks also does not offer adequate width, connectivity, or safety measures to support bicycle use. Bicycles tend to use the Embarcadero when accessing this area, but the entire waterfront area lacks complete bike lanes, paths, and accessibility.

The proposed Embarcadero & Centennial Parkway Project may widen sidewalks along the Embarcadero, create new bike lanes, and potentially turn the thoroughfare into a one-way street to decrease traffic conflicts while improving pedestrian safety. This project would also implement designated delivery zones for businesses to decrease automobile conflicts. Redevelopment is also being considered for the “Market Plaza” area along a stretch of the Embarcadero and across the street at Centennial Parkway and on the bluff above. The development of these two projects could help mitigate circulation conflicts through proposed traffic-calming strategies such as increased visibility, parking options, and median strips.

Americans with Disabilities Act (ADA)

Public access to the coastline is a broad definition that must accommodate walkers, bicyclists, wheelchair users, and others along the shoreline. Lateral access must comply with ADA regulations to provide accessible features to encourage public access by all groups, despite physical constraints. Morro Bay’s shoreline is generally flat with wide buffers that enable ADA accessibility. However, disjointed lateral connectivity along the water at varying elevations and sidewalk widths create obstacles for full compliance. All sites are ADA-compliant at the time of approval with the City, but day-to-day conditions may change after initial approval. However, at the time of lease renewal, depending on the project, some or all of the site must again be approved for ADA compliance.

Specific places throughout the Embarcadero and the waterfront are currently noncompliant with ADA regulations for a variety of reasons. Paths between lease sites along the bayside often have a slight change in grade where current connections have not been fully designed or enforced. In more dramatic cases, there are large changes in grade that result in no connection or access between two sites. There are also substantial changes in grade between water and land connections on ramps from floating paths to land. Some areas have accommodated ADA needs with elevators or

other ramps. However, many ramps or walkways are not wide enough to reasonably allow ADA access and some upstairs viewing decks only offer access via stairs. The City is currently requiring all new lateral connections to feature permanent wide, gradually graded paths to promote accessibility for all. Improvements to these paths at the time of lease renewal are predicted to increase ADA compliance more permanently along the waterfront.

Projected Physical Conditions

Anticipated Impacts of Sea Level Rise

Figure 7 illustrates anticipated sea level rise inundation in the lateral access focus area for the years 2050 and 2100. Impacts to certain areas of the city along the coastline are described further below.

Through 2050

The Embarcadero

In the 1940s, land was reclaimed along the existing Embarcadero with material dredged from the harbor and placed behind a rock seawall, so that most of the land adjacent to the water is fill. The Embarcadero sits at an approximate elevation of 14 feet above sea level including the fixed piers and wharves. This area holds underdeck utilities at approximately 11 feet above sea level. Gangways connect the roadway and piers to floating docks, which are contained by guide piles that typically reach elevations of 11 feet above sea level. Finally, storm drain invert elevations are around 9 feet above sea level. Currently the Embarcadero rests at a high enough elevation to endure significant sea level rise. Under the 2050 high sea level rise scenario analyzed, utilities, floating docks, and storm drains may begin to encounter high water level issues.

Morro Rock Parking Lot

The Morro Rock parking lot is built on reclaimed land that acts to separate the ocean north of Morro Rock from the bay and harbor. The U.S. Army Corps of Engineers (USACE) constructed the land during World War II as part of navigational improvements in the bay to create a Navy training base. The land is protected on both ocean and bay sides by rock revetment slopes. The rock revetment crest elevations and the parking lot grade are approximately 15 feet above sea level. Under the 2050 high sea level rise scenario, coastal access and recreation opportunities will remain viable in this area; however, temporary flooding disruptions during high surf events are more likely and widespread.



Through 2100

The Embarcadero

Under the 2100 high sea level rise scenario, the same assets will be fully vulnerable and the Embarcadero as a whole will see water levels approaching roadway elevations. The Embarcadero revetment and bulkhead walls consist of rock revetment and bulkhead walls of various design (e.g., concrete, steel sheetpile, timber). The continued use of this land (e.g., by Dynegy Power Plant site, fishermen, restaurants, public) is dependent upon these structures' ability to hold the line against rising tides, and the improvement of functioning assets such as floating docks, gangways, utilities, and storm drains.

Morro Rock Parking Lot

Under the 2100 high sea level rise scenario, Morro Rock parking lot has a high vulnerability; almost the entire parking area is encompassed by the flood hazard zone. Under this scenario, the parking lot remains protected from daily wetting and drying; however, access constraints, maintenance, and cleanup costs are expected to increase with increasing water levels. The protective revetment will suffer increasing wave impacts with increasing water levels, potentially scouring the revetment toe and destabilizing the structure. Permanently maintaining the reclaimed land is vital because it is not resilient to breaching, which may result in navigation impacts within Morro Bay.

Other Projected Conditions

ESHA

In 2017, an updated study of Environmentally Sensitive Habitat Areas (ESHA) was conducted to review habitats that are particularly rare or valuable due to their nature or role in the ecosystem and in Morro Bay. While much of Morro Bay's land area is considered urban, the city contains three ESHAs in the coastal zone: (1) aquatic resources and wetland habitat, (2) other sensitive natural communities, and (3) breeding and overwintering sites. The aquatic resources and wetland habitats are found along creeks including Chorro Creek, Morro Creek, Alva Paul Creek, and Toro Creek, and on the western shores of the harbor.





Eelgrass resides in this habitat and is protected under State and federal regulations. Other sensitive natural communities include foredune, backdune/dune scrub, coastal bluff, and coastal strand environments, all of which are located directly on the coast of Morro Bay and run the extent of the city limits in nonurbanized areas. Breeding and overwintering sites are found in small pockets throughout the coastal zone. While all three of these types of ESHA are found in the coastal zone, they are not located along the commercial waterfront and lateral access focus area.

Seismic Conditions

Seismic hazards include ground shaking, fault rupture, liquefaction, and landslides. Several fault lines capable of causing earthquakes that could potentially have a significant effect on the planning area run near Morro Bay. The closest faults are the Los Osos, Hosgri, Oceanic-West Huasna, and Rinconada faults.

These hazards will almost certainly continue in Morro Bay, as these events have occurred in the past and no evidence suggests that the factors that drive these hazards are declining. Most fault lines in the region have less than a 1.5 percent chance of causing 6.7 Mw or larger earthquake in the next 30 years. However, these faults are considered active or potentially active, and may have a higher risk of causing an earthquake lower than 6.7 Mw. The San Andreas fault is located farther from Morro Bay, but it is substantially more likely to cause a major earthquake. Impacts in Morro Bay are likely to be buffered by the distance from this fault. Modeling does provide some prediction of potential future seismic events. Modeling is presented below for potential earthquakes in specific locations along faults near Morro Bay.

A major earthquake on the San Andreas fault would be a significant event. An earthquake on nearby sections of the San Andreas fault measuring 7.7 Mw to 7.9 Mw would be felt throughout Central and Northern California, causing widespread damage and disrupting normal activities. Expected shaking in Morro Bay is expected to measure VI (Strong) on the Mercalli scale, enough to cause potentially considerable damage but unlikely to be devastating.

The San Andreas fault may not be the source of the most damaging earthquake to Morro Bay. Other less well-known fault lines closer to Morro Bay may cause earthquakes with more significant impacts. An earthquake measuring 7.0 Mw on the Los Osos fault could



occur approximately 8.5 miles south of downtown Morro Bay. Shaking in Morro Bay from such an event could measure VIII (Severe) or potentially higher on the Mercalli intensity scale. A 7.3 Mw earthquake on the Hosgri fault, located approximately 33 miles south of downtown Morro Bay, could cause shaking in Morro Bay measuring VI to VII (Strong to Very Strong) on the Mercalli scale.

The most severe modeled scenario, a 7.5 Mw earthquake on the Hosgri fault centered approximately 7.5 miles northwest of Morro Rock, could cause shaking in Morro Bay measuring VIII to IX (Severe to Violent) on the Mercalli scale. Such an event could be very damaging to Morro Bay, destroying underground utilities and causing severe harm to buildings. Moreover, this earthquake's Mercalli intensity would measure at least VII (Very Strong) throughout the western half of San Luis Obispo County and at least VI (Strong) elsewhere in the county, running a significant risk of regional destruction. Long-term damage to the region could be substantially detrimental to tourism in Morro Bay, harming the local economy. Even a smaller version of this earthquake, measuring 7.1 Mw, would likely cause considerable damage in Morro Bay.

The odds of a significant earthquake occurring on most regional faults is low (at most, 1.3 percent in the next 30 years), but not nonexistent. The odds of a major event on the San Andreas fault are substantially higher (up to 20 percent in the next 30 years). This occurrence has the potential to disrupt the natural state of the coastline and impede safe lateral access if cautionary measures are not taken.

Tsunami

Tsunamis are a sudden, unexpected hazard that could put the safety of the waterfront and community at risk. A tsunami is a type of wave generated by the sudden displacement of a large amount of water, compared to conventional waves, which are driven by winds and tides. Earthquakes, landslides, volcanic eruptions, or similar events occurring underwater or on the shore can cause sudden displacement, triggering a tsunami. Tsunami waves travel extremely quickly, sometimes in excess of 500 miles per hour, but in the open ocean are no more than a few feet tall. As the wave approaches the shore, the shallow water forces the wave to compress and grow in height, which can cause significant damage to coastal areas when it washes ashore. These events can consist of multiple waves and travel thousands of miles from the triggering event, although they do lose some energy as they travel.



The tsunami risk in Morro Bay is greater in the northern part of the community. Some neighborhoods in northern Morro Bay near Beachcomber Street lie within the tsunami inundation zone. Between Azure Street and SR 41, the tsunami inundation zone extends to Highway 1; between SR 41 and the power plant, the inundation zone extends out to Little Morro Creek Road. South of the power plant, the tsunami inundation zone is mostly limited to the immediate beach area, although the marina and its surroundings are also located within the tsunami inundation zone. The wide beach and tall sand dunes present in southern Morro Bay largely protect this section of the community from tsunamis, although the beach and dunes themselves may experience gradual erosion during severe storms to decrease this buffer.

Coastal hazards cover a broad range of hazardous situations, including tsunamis, and are likely to continue to pose a threat to the community in Morro Bay. While tsunamis in Morro Bay are expected to continue to occur, the risk of a serious tsunami remains low. Through precautions taken in the Safety Element, tsunami hazards can be mitigated to protect the coastline of Morro Bay.

Summary of Findings

Opportunities and Constraints

Opportunities

- Lease renewals/negotiations currently under way.

The Harbor Department's leaseholder system creates a framework for implementing regulations and requirements on leaseholder sites upon lease renewal. Through continued negotiations during the lease renewal process, the City retains control over the future of the sites with compliance standards for lease approval, such as requiring new waterfront paths or building improvements. Six leases are set to expire in 2018, and three leaseholders have negotiated new Consent of Landowner (COL) conditions with the City to create new connections for lateral access to the lease site's adjacent properties.

- Replicate recent good examples of design and materials.

Recent efforts by the City of Morro Bay have improved the continuity of design styles and materials along the waterfront. In 2017, the City released the public



draft of Morro Bay's Sign Ordinance, which implements design standards for signage and the local character of the waterfront. Recent lease renewals of COLs, including La Roche (575 and 591 Embarcadero) and Hofbrau (901 Embarcadero), have used path materials and styles reminiscent of historical Morro Bay and employed a more consistent use of materials, signage, and path design.

- Increased populations of eelgrass in the harbor.

In August 2017, the MBNEP released a report detailing the progress of the eelgrass preservation and protection project. This survey affirmed that eelgrass has flourished best in the northern portion of Morro Bay, but it grows at a broad range of depths, rather than just along the waterfront. The progress report concluded that careful, conscientious construction on the shore may not significantly inhibit the continued success of the eelgrass rehabilitation.

- Low crime rates.

Morro Bay is a generally safe town with a high sense of safety. While there is currently little lighting along the waterfront, the waterfront is generally safe and does not experience consistent crime or vandalism.

- Increasing ADA accessibility along the waterfront.

While many points along the waterfront currently lack accessibility for ADA compliance, the City has made strong efforts in recent years to ensure that lease renewals include measures to enforce ADA access through widened and gradually graded paths.

Constraints

- Diversity of existing materials and design.

The existing waterfront has evolved over many decades to produce an eclectic mix of lateral access route design styles and path materials that do not blend cohesively into a unified identity. The variations in path construction and style disorient visitors and create disjointed visual connectivity along the waterfront trail.



- Lack of uniformity/visibility of existing signage and wayfinding.

The waterfront has an abundance of signage, but it lacks a unifying design or standard for signage. Signage is posted by the California Coastal Commission, the CCT, and local business owners in various sizes, colors, and styles that disorient visitors. Uncoordinated signage inhibits the visual connectivity and wayfinding necessary to support continuous lateral access along the shoreline.

- Environmental protection efforts for eelgrass preservation.

The native eelgrass in Morro Bay has undergone major rehabilitation in the past decade to increase the endangered population in the harbor, but numbers are still low compared with historical eelgrass acres. Increased construction or structural changes over shallow waters near the shore may be harmful to eelgrass protection and recovery efforts.

- Traffic conflicts for pedestrians and bicyclists.

The waterfront lacks signage or routes for bicyclists to travel through this area, heightening their exposure to cars on the road. Pedestrian routes along the Embarcadero lack marked crosswalks at consistent intervals, which creates confusion and disorientation at road crossings and through parking lots.

PLAN AND DESIGN COMPONENTS

Unified Design Palette

Materials

The materials used in development to increase waterfront access paths should be uniform in design and relate to the surrounding areas to create lateral continuity along the coast.

Paving or Decking

The Morro Bay Harborwalk employs a set of design materials that celebrates the town's rich fishing industry history and working waterfront. The pedestrian boardwalk, completed in the first phase of the Harbor Improvement Project, stretches along the shoreline from the harbor-front businesses on the Embarcadero to Coleman Park and Morro Rock using a combination of concrete and recycled plastic boards simulating timber planks. The simulation creates a defined contrast in materials with the asphalt bike path to establish a safe, scenic route for pedestrians and bicyclists for contiguous access to the sea. Addition of new Harborwalk sections should maintain the same materials, look and amenities as shown in photos of the existing Harborwalk below.



The preferred type of paving is a stained paved brick pathway where the lateral access is on land, as shown in the photos below.



When the lateral access is provided as a deck on the bayside of a building and eelgrass shading is a factor at the lease site, the preferred material is slatted metal like that shown in the example photos below.



When eelgrass shading isn't an issue, timber decking shall be used for bayside lateral access decking. Examples of this material are shown in the photos below.



Floating lateral access ways should have more design flexibility. Examples of some existing floating lateral access are shown below. The key way to designate floating public lateral access is with uniform and compliant signage and maintaining clearance and access.



Similar to floating lateral access ways, piers that provide public lateral access should be designed in the best manner to withstand placement in the ocean and to interact with other users, including boats. The photos below are examples of publicly accessible piers that provide lateral access.



Railings

Railings on bayside lateral access decks and platforms should also utilize uniform materials. The required type of railing is made of metal with metal cabling and metal posts and provides a high level of transparency to see views beyond the railing. The photo below shows existing railings of this type.



Signage and Wayfinding

Much of the existing lateral access in Morro Bay has associated signage which is compliant and consistent with the design and content required by the Coastal Commission for lateral access. This signage is important because it provides a consistent color scheme and design that users can look for to identify lateral access ways. Examples of this compliant signage are shown in the photos below.





In addition to ensuring that Coastal Commission-approved signage is used throughout the lateral access focus area, other wayfinding techniques are recommended. The standard signs above are relatively small and located quite close to the actual access ways.

Additional wayfinding should be installed along the Embarcadero that points the way to the lateral access ways. This wayfinding shall be in the form of directory signs, and icons in the pavement. Directory signs should include maps of the entire lateral access focus area and alignment with a “you are here” indicator and could include information about nearby amenities and interpretive information. The directory signs should be designed with a uniform theme, and should be large enough to not just be noticeable but to stand out to passersby. The lateral access pavement icon should also be included on the directory signs. It could be similar to the Morro Rock icon used in this document or another icon as determined by the City. The pavement icon shall be included in all new on-land pavement along the lateral access alignment in the lateral access focus area. If feasible, the icon should also be included on new or replaced sections of the Harborwalk by stamping or some other form of application. The type of wayfinding required that will be tailored for lateral access is included in the photos below.



Wayfinding icon in pavement



Decorative directory sign



Directory sign

Lighting

Lateral access along the coast of Morro Bay should use appropriate lighting to be both functional and decorative. The lighting should complement the architectural style of the nearby structures. Lateral access areas should be well lit at night to encourage safety and comfort; however, the fixtures should also be dark sky-compliant with downcast, shielded, diffused, or indirect features to avoid glare. To minimize the total number of freestanding pedestrian-scale lighting fixtures, decorative wall-mounted lights are encouraged. When ground-mounted fixtures are appropriate for the location, they should be installed at about calf-height, fully-shielded, and mounted on low bollards or ground buttons. Floodlighting shall be prohibited. Maximum intensity should be 1 lux. Solar lighting is recommended.

Furnishings and Amenities

The strategic placement of furnishings—appropriate signage, benches, and overlook platforms along and near the lateral access ways—creates a network of outdoor spaces to socialize, enjoy natural serenity, and appreciate views of the bay. Furnishings should reflect the existing character of the waterfront area by using authentic nautical-themed designs and materials. Authentic nautical elements include boat shapes, portholes, references to marine wildlife, ropes, anchors, lighthouses, and muted seaside colors. Additional community direction on authentic nautical elements can be found in the Downtown Waterfront Strategic Plan. Ample shading elements and outdoor furniture such as benches and trash receptacles should occur at regular intervals to improve pedestrian access and comfort. Pedestrian comfort should be enhanced with amenities such as drinking fountains, public restrooms, planters, bicycle racks, and kiosks. As improvements are made, upgrades to and additional furnishings and amenities should occur or be installed, where needed. The photos below provide some good examples of existing furnishings and amenities.



Public restrooms



Benches and planters



Public restroom at Centennial Plaza



Seating along vertical access on Embarcadero



Bench and other seating at Marina Square

Bench on the Harborwalk



Interpretive signs along existing bayside lateral access



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EXHIBIT A: EXISTING CITY OF MORRO BAY LATERAL ACCESS POLICIES AND MUNICIPAL CODE REGULATIONS

Lateral Access Policies

Local Coastal Program

One of the fundamental goals of the Coastal Act is to provide maximum public access to the coast by protecting existing access points and creating new public access ways. Upholding this goal is a crucial part of developing an LCP. Morro Bay's current LCP addresses lateral access in the city in Chapter 3: Shoreline Access and Recreation where the enumerated policies apply to the area of Morro Bay between the mean high tide and the first public road unless otherwise specified. Existing LCP policies relating to lateral access are shown below.

Section G. Recreation and Access Policies

General Access and Recreation Policies

- Policy 1.01: For new developments adjacent to the Bayfront or ocean, public access from the nearest public roadway to the shoreline and along the coast shall be provided except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. For new development on properties adjacent to the mean high tide line, lateral easement dedications shall be from the mean high-tideline to the first line of vegetation.

North Morro Bay Policies

- Policy 1.09: As a condition to the approval of any development permit on the Chevron U.S.S. property the City shall require clear dedication of a lateral access easement along the sand area and under the pier. The lateral access way shall be a minimum of 25 feet of dry sandy beach at all times of the year, or shall include the entire sandy beach area if the width of the beach is less than 25 feet.



Mixed Use Area G (2) Policies

- Policy 1.13: The area has been, and continues to be, the subject of land and road development proposals that could affect public access to the dunes and beach. Planning for the area needs to ensure a balance between continuation of lateral and vertical access within and through the property, while at the same time conserving the sensitive land and wildlife resources present
 - a. *Lateral access ways shall be provided according to the location of historically used portions of the site and projected future use by residents, and shall include the provisions of continuous lateral access across the site. Access easements may be located in view corridors.*

Morro Rock Area Policies

- Policy 1.20: In reviewing the development proposals along the Bayfront, the City shall apply the following standards and make the necessary findings to assure consistency with LUP and Chapter 3 Coastal Act policies:
 1. Each application for new development or lease which would result in an increase in intensity of use, change of use, or expansion of an existing structure seaward or an increase in height shall include a physical provision for continuous lateral access along the Bayfront portion of the parcel. Developments which require this access provision are defined as improvements which would result in a change in use, an increase of 10 percent or less where an improvement of the structure had previously been undertaken, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
 2. Each applicant for development as defined in part (1) above shall be required to provide lateral access unless the applicant can demonstrate based on engineering analysis that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.
 3. If continuous lateral access across the bayward portion of the parcel is found to be feasible due to topographical or site constraints as defined in part (2) above, the applicant shall contribute an in-lieu fee (equivalent to



the cost of construction of an access way along the bayward edge of the structure proposed) to the City. Fees shall be used to coordinate the bayfront lateral and vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions.

4. Applications for coastal-dependent development where provisions of continuous lateral access would conflict with day-to-day operations of the facility(s) shall be conditioned by the City to make maximum provisions for public viewing areas and/or walkways in suitable locations on the development site.
 5. Lateral access may be achieved in the following manner:
 - a: In the form of open or enclosed walkways a minimum of 8 feet wide across the bayward side of the proposed development:
 - b: *Exterior decking and/or boardwalks extending bayward a maximum of 12 feet which provide for public access along the bayfront:*
 - c: *Designated breezeways and/or walkways within the structure provided such breezeways are located as close as possible to the bay and are designed to provide the most direct convenient connection between adjacent existing or potential lateral access ways; exterior access is preferred over interior access.*
- Policy 1.26: 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.

General Plan

The existing General Plan states that lateral access is ample in Morro Bay and cites that the beaches from Morro Rock northward provide lateral access without hindrance. The General Plan states that continuous lateral access is provided but is not entirely contiguous, nor does it have to be, to the waterfront. General Plan policies relating to lateral access are shown below.



Access and Recreation Element

- Policy AR-8: Consistent with Coastal Action Section 30211, development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization. Such access shall be protected through permit conditions on permitted development, including easements dedications or continued access way maintenance by a private or public association. Existing identified trails or other access points shall not be required to remain open, provided that they are consolidated or relocated to provide public access on the same site and provide the same or comparable access benefits as existed before closure and meets all other applicable access and recreation policies of this element.
- Policy AR-25: Lateral public access along the waterfront revetment shall be provided in all new developments, rehabilitation or addition projects consistent with [LCP] Policy 1.20, with public safety and the need to protect public rights, rights of private property held by leaseholders, and natural resource areas from overuse.

Municipal Code

Section 17.48.280 of the Morro Bay Municipal Code provides the following lateral access requirements for new development.

17.48.280 - Public access to and along the shoreline.

For new development (defined by the Coastal Act) adjacent to the bayfront or ocean, open and unobstructed public access shall be provided from the nearest public roadway to the shoreline and along the coast as required herein.

A. Lateral Access Requirements.

1. Easements. For new developments on properties adjacent to the mean high-tide line, easements or offers of dedication for open and unobstructed public access ways along the shoreline between the mean high-tide line and the first line of vegetation shall be required, except as provided herein.
2. Lateral Public Access. Open and unobstructed lateral public access along the waterfront revetment (or shoreline, pursuant to subsection (A)(1) of



this section if no revetment exists) shall be provided in all new development or additions on properties adjacent to the bayfront consistent with the provisions herein, and with public safety needs and the need to protect public rights, rights of private property held by leaseholders and natural resource areas from overuse. Provision for continuous lateral access, pursuant to this section, along the bayfront portion of a parcel shall be required for any development or improvement which results in:

- a. Change in use: a change in the category of land use, a change in intensity of use or change of use.
 - b. Additional floor area or improvements: an increase of ten percent or more of internal floor area of an existing structure or an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken.
 - c. Increase in height: any increase in height by more than ten percent of an existing structure.
 - d. Significant nonattached structures: any significant nonattached structure such as garages, fences, shoreline protective works or docks.
3. Lateral Access. Lateral access along the waterfront revetment may be achieved in the following manner:
- a. Walkways: in the form of open or enclosed unobstructed walkways a minimum of eight feet wide across the bayward side of the proposed development.
 - b. Decking and/or boardwalks: open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of twelve feet.
 - c. Breezeways and/or walkways: designated open, and unobstructed breezeways and/or walkways within the structure, provided such breezeways are located as close as possible to the bay and are designed to provide the most direct, convenient connection



between adjacent existing or potential lateral access ways. Exterior access is preferred over interior access.

B. Vertical Access Requirements.

1. Vertical Access to Shoreline. New development adjacent to the bay or ocean shall include provisions for open and unobstructed vertical access to the shoreline, except as provided in subsection C of this section. Where feasible, vertical access should link with lateral access.
2. Parking. Parking shall be provided in conjunction with new or improved vertical access ways whenever feasible and consistent with the site constraints to ensure use of the access way. The number of spaces shall be determined by the director, who shall consider the carrying capacity of the public recreation area to which access is provided, environmental constraints and safety considerations.

C. Exceptions.

1. Lateral Access. The lateral access requirements specified in subsection A of this section may be waived in the following situations:
 - a. When the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.
 - b. If continuous lateral access across the bayward portion of the parcel is found not to be feasible due to topographical or site constraints as defined in subsection (C)(1)(a) of this section, the contribution of an in-lieu fee, equivalent to the cost of construction of an access way along the bayward edge of the structure proposed, shall be paid to the city. Fees shall be used to coordinate the bayfront lateral and vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions.



- c. For coastal-dependent development¹ where provisions of continuous lateral access would conflict with the day-to-day operations of the use, such lateral access may not be required; provided, however, that maximum provisions for public viewing areas and/or walkways are provided in suitable locations in the development.
 2. Vertical Access. The vertical access requirements specified in subsection B of this section may be waived in the following situations:
 - a. The provisions of new access ways are inconsistent with public safety, military security needs or the provision of fragile resources; or
 - b. Adequate access exists nearby; or
 - c. Agriculture would be adversely affected.
- D. Prescriptive Rights. Development shall not interfere with the public's right of access to the sea where required through use or legislative authorization. Such access shall be protected through permit conditions or permitted development including easements, dedications or continued access way maintenance by a private or public association. Existing identified trails or other access points shall not be required to remain open, provided that they are consolidated or relocated to provide public access on the same site and provides the same or comparable access benefits as existed before closure and meet all other applicable access requirements as provided in this section.
- E. Public Use and Posting.
 1. Public Access Ways. All public access ways shall be properly signed and conform to coastal conservancy/coastal commission access standards and guidelines.
 2. Dedicated Access Ways. Dedicated access ways shall not be required to be opened to public use until a public agency or private association

¹ Municipal Code Chapter 17.12 defines coastal-dependent development as a development that requires a site on, or adjacent to, the sea to be able to function at all.



approved by the city council agrees to accept responsibility for maintenance and liability of the access way.



EXHIBIT B: SAMPLE POLICIES AND IMPLEMENTATION FROM OTHER CITIES

City of Malibu Local Implementation Program Chapter 12 Public Access Ordinance

12.3. Character of Access Way Use

- A. Pass and repass refers to the right of the public to walk and run along an access way. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral access ways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 12.7.3 of the Malibu LIP establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner. This subsection shall not apply to lateral public access requirements or dedications along the shoreline.

12.4. Access Required

As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in A through D of this section, except as provided in Section 12.5 of the Malibu LIP, an offer to dedicate an easement or a grant of easement (or other legal mechanism pursuant to Section 12.7.1(b) of the Malibu LIP) for one or more of the types of access identified in Section 12.2 (a-e) of the Malibu LIP shall be required and shall be supported by findings required by Sections 12.7.3-12.9 of the Malibu LIP; provided that no such condition of approval shall be imposed if the analysis required by Sections 12.7.3 (a) through (d) of the Malibu LIP establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified.

- A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.



- B. New development between the nearest public roadway and the sea.
- C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

12.5. Exceptions

Section 12.4 of the Malibu LIP shall apply except in the following instances:

- A. Projects excepted from the definition of “new development” at Section 2.1 of the Malibu LIP.
- B. Where findings required by Sections 12.7.3 and 12.8.1 of the Malibu LIP establish any of the following:
 - 1. Public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources.
 - 2. Adequate access exists nearby.
- C. Exceptions identified in (b) shall be supported by written findings required by Section 12.9 of the Malibu LIP. (Ord. 303 § 3, 2007)

12.6. Standards for Application of Access Conditions

The public access required pursuant to Section 12.4 of the Malibu LIP shall conform to the standards and requirements set forth in Sections 12.6 through 12.7.2 of the Malibu LIP.

- A. Minimum requirements. [Also to be used for blufftop access or trail access, as applicable.] A condition to require an offer to dedicate an easement or a grant of easement for lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 12.4 of the Malibu LIP shall provide the public with the



permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development.

1. To protect marine mammal haul out areas and seabird nesting and roosting sites at Point Dume, Paradise Cove, or other area documented by evidence, a limited period, during which public access should be controlled may be necessary such as during nesting and breeding seasons if recommended by the City biologist, Environmental Review Board or other qualified professional. Any limitation on access shall be for the minimum period necessary, shall be evaluated periodically by the City to determine the need for continued limited use and, where applicable to Section 2.1 of the Malibu LIP, shall require a Coastal Development Permit. Active recreational use may be appropriate where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 12.8.1 of the Malibu LIP. Lateral access shall be legally described as required in Section 12.6.7 of the Malibu LIP. (Ord. 303 § 3, 2007)



12.8. Review of Recorded Access Documents

12.8.1 Standards and Procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with Section 13.19 of the Coastal Development Permit Chapter of the Malibu LIP and California Code of Regulations Section 13574. (Ord. 303 § 3, 2007)

12.9. CDP Permitting and Application

In addition to permit and application submittal requirements established elsewhere in this LCP New Development pursuant to Section 2.1 of the Malibu LIP shall be subject to the following additional permit and/or application requirements.

- A. In order to maximize public access and recreation opportunities at existing public beaches or parks limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a Coastal Development Permit.
- B. The City shall not close, abandon, or render unusable by the public any existing access way which the City owns, operates, maintains, or is otherwise responsible for unless determined to be necessary for public safety without first obtaining a Coastal Development Permit.
- C. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a Coastal Development Permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game



and U.S. Fish and Wildlife, shall be restricted to the minimum area necessary to protect the habitat and shall be supported by the review and approval of the City biologist, Environmental Review Board or other designated qualified professional. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.

City of Eureka Municipal Code – Lateral Access Standards

156.051 Public Access Standards.

- A. Access protection and enhancement. The city, through the non-profit organization created by Implementing Action 3 of Chapter 3 of the Local Coastal Program Land Use Plan, shall protect and enhance the public's right of access to and along the shoreline by:
 - 1. Utilizing the non-profit organization to accept offers of dedication that will increase opportunities for public access and recreation consistent with the Local Coastal Program and the availability of necessary non-profit organization staff and funding to improve and maintain access ways and assume liability for them;
 - 2. Actively seeking other public, community non-profit, or private agencies to accept offers of dedications and having them assume liability and maintenance responsibilities; and
 - 3. Allowing only such development as will not interfere with the public's right of access to the sea, where such right was acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches or shoreline to the first line of terrestrial vegetation.

- B. Vertical access easement. For new development between the first public road and the sea, a vertical access easement to the mean high tide line shall be granted unless:



1. Another more suitable public access corridor is available or proposed by the Local Coastal Program within 500 feet of the site;
 2. Access at the site would be inconsistent with other Local Coastal Program policies, including existing, expanded, or new coastal dependent industry, agricultural operations, or the protection of fragile coastal resources; or,
 3. Access at the site is inconsistent with public safety or military security needs. Consistent with Coastal Act Section 30212(b), the term "new development" does not include replacement of any structure pursuant to Section 30610(g); the demolition and reconstruction of any single-family residence, provided it is sited in the same location and does not exceed the former structure by more than 10% in floor area, height, or bulk; improvements to any structure which do not change its intensity of use, nor increase its height, bulk, or floor area by more than 10%, do not block or impede public access, and which do not result in a seaward encroachment by the structure; and any repair or maintenance activity for which the Coastal Commission has determined, pursuant to Coastal Act Section 30610, that a coastal development permit will be required unless the Commission determines or has determined that such activity will have an adverse impact on lateral public access along the beach.
- C. Lateral access easement. For new development between the first public road and the sea, a lateral access easement along the shoreline shall be required unless:
1. Lateral access at the site would be inconsistent with other Local Coastal Program policies, including existing, expanded, or new coastal dependent industry, agricultural operations, or the protection of fragile natural resources; or,
 2. Access is inconsistent with public safety or military security needs. The term "new development" shall be defined for purposes of this section in the same manner as it is defined in Local Coastal Program Policy 3.2 of the Local Coastal Program Land Use Plan.