



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.
The City shall be committed to this purpose and will provide a level of municipal service and safety
consistent with and responsive to the needs of the public.*

**Regular Meeting - Wednesday, October 16, 2013
Veteran's Memorial Building - 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Rick Grantham

Vice-Chairperson John Solu

Commissioner Michael Lucas

Commissioner John Fennacy

Commissioner Robert Tefft

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Administrative Technician at (805) 772-6291. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. CONSENT CALENDAR

- A-1 Approval of minutes from Planning Commission meeting of September 18, 2013
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

- B-1 **Case No.:** Amended #UP0-342
Site Location: 901-915 Embarcadero and 945 (waterside) Embarcadero
Proposal: Applicant has proposed various amendments to previously issued Conditional Use Permit #UP0-342 regarding waterside and landside improvements which would result in a total floor area of 6,852 sf and total walkway area of 1,279 sf. The modifications include constructing a new retail unit, remodeling and enlarging two existing restrooms, converting glass court outdoor dining to general public seating, enlarging existing harbor walkway, installing floating docks with slips and gangway, restriping existing parking spaces and minor building façade improvements.
CEQA Determination: Mitigated Negative Declaration (State Clearinghouse #2012091063)
Staff Recommendation: Conditionally Approve Amended Conditional Use Permit #UP0-342 and adopt the Mitigated Negative Declaration
Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

- B-2 Item continued from the September 18, 2013 meeting.
Case No.: A00-013 (Text Amendment)
Site Location: Citywide
Request: Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations.
CEQA Determination: Mitigated Negative Declaration.
Staff Recommendation: Forward a favorable recommendation to the City Council to approve the proposed Zoning Text Amendment and adopt the Mitigated Negative Declaration.
Staff Contact: Kathleen Wold, Planning Manager (805) 772-6211

C. UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: To be determined.

D. NEW BUSINESS - None

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

Adjourn to the a next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday, November 6, 2013, at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Public Services Department, 955 Shasta Avenue, for any revisions or call the department at 772-6291 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Public Services Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill’s/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Public Services Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the Agenda is posted on the City’s website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.

4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

APPEALS

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

A. PUBLIC HEARINGS

- B-1 Case No.: Coastal Development Permit #CP0-246
Site Location: 360 Cerrito in the R-1 zoning district
Proposal: Make the necessary findings for upholding the Appeal of Administrative Coastal Development Permit #CP0-246 approval for the demolition of an existing 1,183 square foot single-family residence and removal of two trees, and the subsequent construction of a 2,155 square foot single-family residence and an associated 648 square foot garage. This site is located outside of the appeals jurisdiction of the California Coastal Commission.
CEQA Determination: Categorically exempt, Class 1 and Class 3
Staff Recommendation: Adopt findings for denial of the Planning Commission's decision made on August 21, 2013.
Staff Contact: Kathleen Wold, Planning Manager, (805) 772-6211

Wold presented the staff report.

Commissioner Tefft recused himself from the discussion.

Commissioner Lucas confirmed that the staff report was written based on materials that were provided at the previous Planning Commission hearing.

Chairperson Grantham opened Public Comment period.

Cathy Novak, Applicant's representative, requested the Commission not take action on the findings presented, and instead suggested they reconsider their decision and schedule a hearing to allow applicant the opportunity to present the plans that were submitted to the City on September 3, 2013. The plans addressed the City items as well as minor modifications to further respond to public comments. Novak address the following matters:

1. The current appeal issues.

Novak stated the appeal that was filed has three specific issues, all of which have been resolved. They are the following:

- a. Overturn or postpone this appeal until after the Superior Court settles the boundary dispute. Novak stated the court case was settled and the boundary dispute has been resolved so there is no further action on this item.
- b. Amend to include sewer easement, removal of rooftop fire pit and change side setback interpretation. Novak stated the sewer easement was settled as part of the court case. With regard to the rooftop fire pit, the appellant asked for the removal of the fire pit because they believed it was a fire danger with open flames. The current plans reflect a gas log fireplace and no open flames. Additionally, she stated the code is clear as to the location of the setbacks for a corner lot.
- c. The request to overturn the approval due to incompatibility. Novak stated the current Commission has not discussed whether or not the proposed project is compatible, so it should not be included in the findings.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

2. *The request for reconsideration.*

Novak stated the Commission has the ability to reconsider its previous action to deny the project and uphold the appeal because it has not taken final action to adopt the findings for this project.

3. *An appeal to the City Council.*

Novak explained the applicant filed an appeal to the City Council within the allotted time frame of the Commission's action at the August 21, 2013 Planning Commission meeting.

4. *Prejudicial impacts.*

Novak explained that if the Commission denies the project without prejudice, the applicant will be allowed to resubmit an application and pay the permit fees once again, and she will not have to wait one year in order to do so.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy asked staff if the Commission has the authority to make a motion to reconsider prior findings and asked what the standard process is for doing so. Wold explained that in most cases where there is a reconsideration, some information that was pertinent to the decision was lacking at the time the decision was made, and it somehow the omitted information surfaces at a later date. Therefore, because materials have been submitted to the City which now may change the outcome of the Commission's decision, the Commission can likely reconsider the findings for this project in relation to the appeal issues and ask staff to renounce the project. Additionally, Livick stated the Planning Commission operates under same basic rules as City Council. He stated he will further investigate the rules for reconsideration and report back to the Commission later in the meeting.

Commissioner Fennacy confirmed with staff that if the Commission denies the applicant at this meeting, the applicant would not be prejudiced. In effect, she would not be required to pay additional fees and her entitlements would remain intact. Wold stated a final decision has not been reached, so the applicant would not be prejudiced. The applicant is currently vested under the original submittal date, but if the project was to be terminated and she was told to reapply, she would have a new vesting date.

Commissioner Solu expressed concern regarding the recommendation from staff to deny the project based on incompatibility with the neighborhood character because he does not recall discussing this issue. Wold explained staff did not determine the project was incompatible with the neighborhood character, but instead determined there was not sufficient information submitted in order to determine that it *is* compatible with the neighborhood. Wold stated the Planning Commission cannot make positive finding without viewing the plans.

Commissioner Fennacy clarified with Wold the Commission could amend Item B of the recommendation to reflect the fact that the Commission did not have sufficient information to make a finding at the August 21, 2013 Planning Commission meeting if the Commission denies the applicant's request.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

Wold clarified the Commission's decision was to uphold the appeal, and language regarding compatibility was in the appeal. Therefore, by making the motion to uphold the appeal, the Commission validated the discussion on compatibility.

Chairperson Grantham opened Public Comment period.

Roger Ewing, resident of Morro Bay, asked the Commission to only discuss the issues that are listed on the agenda, and to not deviate from what was publicly noticed. He stated the Commission was supposed to discuss only the findings for denial from the August 21, 2013 meeting, and they were not supposed to re-hear the project.

Cathy Novak, Applicant's representative, stated Ewing is correct in stating the purpose of discussing this item tonight is to determine whether or not to adopt the findings, but the Commission does have the authority to reconsider the decision, as staff explained. She stated the applicant has offered to pay for the noticing of a new hearing so that there is equal opportunity to hear and comment on the new plans.

Livick explained the process for reconsideration to the Commission:

Reconsideration of issues previously acted upon is discouraged. However, in extraordinary circumstances, a request to reconsider an action taken by City Council (or Planning Commission) may be considered. The request must be presented by a Councilmember (or Commissioner) who voted with the majority at the Council (or Planning Commission) meeting during which the original vote was taken. The vote may be reconsidered during that meeting, but no later than the next Council (or Planning Commission) meeting. Debate is limited to the question on whether there is or is not a majority of the Council (or Planning Commission) interested in reconsidering the matter. If the majority of Council (or Planning Commission) votes to reconsider an action, the matter will be placed on the next or future agenda.

In summary, if the Commission did want to reconsider this item, it would have had to happen at the September 4, 2013 Planning Commission meeting, which was the meeting after which action was taken.

Commissioner Fennacy stated he did not think the Commission had the authority to grant relief at tonight's meeting. He stated he does not believe the applicant is going to be prejudiced as long as the entitlements remain the same.

MOTION: Commissioner Fennacy moved to adopt the following findings upholding the appeal of #CP0-246:

1. That for purpose of the California Environmental Quality Act, Case Number CP0-246 is Categorically Exempt, Class 1, Section 15301 for removal of one single-family residence and Class 3, Section 15303 for construction of one single-family residence.
2. That a single-family residence is an allowable use within the R-1 zone district. However, the project as proposed is not consistent with the certified Coastal Land Use program for

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

the City of Morro Bay. The applicant failed to demonstrate that the design of the project is consistent with the character of the neighborhood as it pertains to the orientation of the house on the lot, the size and design of the home.

Commissioner Solu seconded the motion and the motion passed unanimously. (4-0).

Chairperson Grantham called for a five minute break.

Commissioner Tefft rejoined the meeting.

B-2 Case No.: A00-013 (Text Amendment)
Site Location: Citywide
Request: Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations.
CEQA Determination: Mitigated Negative Declaration.
Staff Recommendation: Forward a favorable recommendation to the City Council to approve the proposed Zoning Text Amendment and adopt the Mitigated Negative Declaration.
Staff Contact: Kathleen Wold, Planning Manager (805) 772-6211

Wold presented the staff report.

Commissioner Lucas confirmed with staff the following basic operational pieces:

1. If a new secondary unit is installed, new parking spaces must be provided relative to the number of bedrooms provided.
2. The maximum square footage of the secondary unit is 900 square feet, or 50 percent of the primary unit, whichever is smaller.
3. No parking is allowed in the front yard setback.

Commissioner Solu asked staff to clarify the process for reviewing and approving this item. Wold explained the history of the text amendment and confirmed that it has been approved by Council but has not yet been sent to the Coastal Commission.

Commissioner Solu asked staff how many secondary unit permit applications the City received in 2012. Wold explained the City generally receives between two and four applications for secondary units per year. Most secondary units are built with new homes because it is more difficult to do with existing single family homes due to the configuration of the lots and the difficulties of providing parking.

Commissioner Solu confirmed with staff the demand for second units has not changed significantly in the past few years. Wold explained the lots in Morro Bay are smaller and are thus not always conducive to accommodating second units. She added the lot coverage requirements for second units have not changed. Wold explained the requirements for a use permit was removed due to state regulations and the maximum square footage was reduced to 900 square feet, or 50 percent, whichever is smaller.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

Wold discussed with the Commission the difference between a duplex and an attached second unit. She explained whether or not the unit is attached is irrelevant, and what matters is that the density standards of the Local Coastal Plan are maintained. Different zones provide different housing opportunities.

Chairperson Grantham opened Public Comment, and seeing none, closed Public Comment.

Commissioner Tefft stated parking in the front yard setback should be allowed with certain standards, but it should not be allowed where there is a sidewalk or public path as it would obstruct pedestrian access. Tefft also stated it is important for the character of residential neighbors to keep the distinction between primary and secondary units.

Commissioner Fennacy asked staff if they had any comments on Mr. Barta's letter regarding the relevance of the state mandated secondary housing on the text amendment as it exists now. Staff did not receive the letter in enough time before the meeting to fully review and comment on it.

Commissioner Fennacy expressed concern about the lack of opportunity for public comment for this item. Grantham asked staff if the item needs to be re-noticed to the public and to interested groups in order to provide another opportunity for public comment. Wold explained that whenever there is an ordinance that affects over one thousand people, it gets notices as a display advertisement in The Tribune. She also stated staff's intention at the meeting as to discuss the old ordinance and provide additional opportunities, but a new ordinance has not been drafted.

Commissioner Fennacy stated, with the lack of additional public input, the City should send to the Coastal Commission what was previously discussed in 2013. He also expressed concern about the difficulty of enforcing parking requirements for secondary units.

Commissioner Solu expressed concern that the parking issues are not being resolved in the current discussion.

Wold elaborated on the parking issues and stated the only chronic complaint is about parking. She stated there are ways to be flexible and allow additional opportunities to have second units without impacting the neighborhood or drastically changing the streetscape of the city.

The Commission asked for clarification regarding the tandem parking configuration for primary and secondary units. Wold explained that the primary unit would be in tandem with itself, while the secondary unit would be parallel to the primary unit and would be able to park in the garage or in the driveway, but it would not be in tandem. This configuration would allow the primary unit to use their driveway and to also provide a secondary unit. Solu expressed support for this idea.

Commissioner Tefft stated he does not support the idea of tandem parking in any situation. He would prefer to park the secondary unit in the front yard setback in a parallel fashion.

Chairperson Grantham stated he would like staff to continue the item so that staff can collect additional information and provide graphics that would further explain the parking issues.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

Commissioner Lucas stated he supports the 900 square foot maximum and the idea of imposing parking restrictions but expressed concern about the denigrating impacts of allowing cars to park in the front yard setback. Lucas expressed support for permitting Parking Exceptions which would allow the neighborhood to decide whether or not a particular project is appropriate. He does not want to restrict parking in the front yard setback outright but would like there to be more scrutiny.

Commissioner Tefft asked staff if an encroachment permit would be required if the City were to allow parallel parking in the front yard setback. Livick clarified the difference between the City's right of way (where encroachment permits are applicable) and a property's front yard setback. He explained that often in Morro Bay, a property's front yard setback will not start until about 25 feet from the edge of the street. Additionally, parking in the right of way is a convenience and typically does not satisfy the parking requirements for a property.

Commissioner Solu stated the public may not be aware of their rights regarding parking in the public right of way versus parking on private property, and would like to discuss this issue in more detail at another meeting.

Livick suggested the City examine ways in which the excess right of way space in residential areas could be utilized to provide parking for secondary units.

Commissioner Fennacy stated he would like additional direction from staff relative to parking issues.

Commissioner Tefft suggested considering a smaller minimum square footage requirement for secondary units in order to accommodate all possible uses for such spaces.

Commissioner Lucas stated guidelines should be included in the ordinance which would stipulate how parking in the front yard setback would be regulated if it is to be allowed.

Chairperson Grantham opened Public Comment period.

Jim Polly, resident of Morro Bay, expressed concern that single family residential neighborhoods would be negatively impacted by less restrictive parking requirements for secondary units as there is already much congestion on the City's residential streets.

Chairperson Grantham closed Public Comment period.

MOTION: Chairperson Grantham moved to continue the item to the October 16, 2013 Planning Commission meeting and provided staff with direction to bring back plans, illustrations, and options regarding parking for secondary units.

Commissioner Fennacy seconded and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 18, 2013

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Upcoming Projects: Morro Creek Pedestrian Bike Bridge, Urban Forest Management Plan,

901 Embarcadero (Amendment to CUP & MND Adoption), Climate Action Plan, Coastal Commission LCP Assistance Grant Application.

Wold reviewed the Work Program with the Commission.

NEW BUSINESS

D-1 Joint Meeting City Council/Planning Commission Discussion Items

DECLARATION OF FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting adjourned at 7:43 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, October 16, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-1

MEETING DATE: October 16, 2013

Staff Report

TO: Planning Commissioners

DATE: October 10, 2013

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Amendment of Conditional Use Permit #UP0-342 and Adoption of Amended Mitigated Negative Declaration for 901-915 and 945 (waterside) Embarcadero

RECOMMENDATION:

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

- A. Adopt the amended Draft Mitigated Negative Declaration (SCH#2012091063) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.) and adopt the Findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA); and;
- B. Approve Amendment of Conditional Use Permit #UP0-342 subject to the Conditions included as Exhibit "B" and the site development plans dated May 30, 2013.

APPLICANT/ AGENT: Held Family Trust / Cathy Novak Consulting, Agent

LEGAL DESCRIPTION: 901-915 and 945 (water side) Embarcadero Road, immediately northwest of the intersection of Harbor Street and Embarcadero Road. Also known as land lease site 93, 94 and 95 and water lease sites 93W, 94W, 95W and 96W. APN #066-322-001

PROJECT SUMMARY:

The Applicant is requesting an amendment to their Conditional Use Permit for their Concept Plan for the Held Harbor Center. The Held Harbor Center located at 901-915 Embarcadero was issued a Conditional Use Permit on December 11, 2012 by City Council after receiving Planning Commission approval at its October 26, 2012 meeting. Presently, Applicant is proposing various amendments to previously issued Conditional Use Permit #UP0-342 regarding waterside and landside

Prepared By: _____

Department Review: _____

improvements.

The request for amendment to the Conditional Use Permit was reviewed in relationship to the original Conditional Use Permit examining it for consistency and any resultant effects including environmental issues. Because of the new project description and additional impacts not analyzed in the original environmental document, the Mitigated Negative Declaration was amended and re-circulated at the State Clearinghouse (SCH#2012091063) during the period of August 29, 2013 to September 27, 2013.

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City Council approved a conditional use permit for this project which allowed a new 590 square foot retail unit, remodel of the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was then submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease site 96W which located behind situs address 945 Embarcadero has resulted in additional impacts not addressed in the original environmental document and therefore the need to amend the environmental in order to address the new project description as well as the new impacts created by the modifications.

PROJECT DESCRIPTION: The following project description details the requested changes from the approved UP0-342 and the project as amended by the Coastal Development Permit and the applicant's proposal to expand the proposed docks over what was known as water lease 96W at 945 Embarcadero.

1. Modify water lease sites 93W-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 201 square foot ADA compliant public restroom by 42 square feet for a total of 243 square feet.

4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet for a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed. The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved. The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 41 spaces.

Landside Improvements:

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions:

1. Construct a new 534-square foot (sf) retail unit;
2. Remodel (ADA) and enlarge two existing restrooms to be 243 sf;
3. Convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf;
4. Enlarge the existing harbor walkway from 556 sf to 1,279 sf;
5. Install 318 linear feet of floating docks with eight slips and a gangway;
6. Remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk;
7. Re-stripe seven existing parking spaces to provide five compact, two regular spaces; and
8. Construct two new posts to support an extension of the existing awning across the front of the building.

Waterside Improvements:

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last

pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

Project Phasing

The applicant submitted a requested received September 25, 2013 to phase the work included in this permit. As discussed in the letter, the applicant's Master Lease with the City requires completion of all phases of the proposed project but does not reflect the new additional docks to be constructed at lease site 96W which is part of the lease site boundary amendment. The applicant is proposing that the construction of the docks at 96W coincide with construction of the docks at 93W -95W, but also to phase construction to minimize impact during the busy summer months thereby avoiding impact to the waterfront surrounding businesses.

Staff has reviewed the letter and has incorporated the phasing schedule in the Planning conditions with the requirement that a more detailed construction schedule be submitted with the Precise Plan approvals in order to ensure that the proposed amenities of the project are completed before final approval is granted to proceed to each next phase.

Lease Areas

The adjustment of the lease site boundary for 93W-95W as originally proposed was approved by City Council, via adoption of Resolution 42-13 on July 9, 2013.

Currently, the applicant is requesting to increase the lease site size of 93W-95W to incorporate 2400sf of water lease site 96W which would therefore decrease the remaining 96W site by 2400 sf. This is the water lease site located behind Rocca's restaurant at 945 Embarcadero. The amendment to the lease agreement is in progress. This lease line adjustment is scheduled for approval at the

November 12, 2013 City Council meeting.

The project data that incorporates existing development, the approved 2012 Conditional Use Permit and the requested 2013 amendment to Conditional Use Permit #UP0-342 are itemized below:

PROJECT DATA #UP0-342			
	Existing	UP0-342 Approved 2012	Proposed Amendment 2013
<i>Total Land Lease</i>	6,210 sf	6,303 sf	No change
<i>Water Lease</i>	4,502 sf	8,812 sf	+2,400sf
Total Land and Water Lease	10,712 sf	15,115 sf	17,555
BUILDING			
Hofbrau & Crills	3,673sf	3,673 sf	No change
Poppy	1,676 sf	1,676 sf	1,444 sf
Office/Storage	229 sf	229 sf	No change
Restroom	208 sf	201sf	243 sf
Glass Court	632 sf	850 sf	729 sf
New Retail	-	590 sf	534 sf
Total Building	6,418 sf	7,219 sf	6,852 sf
Walkway	556 sf	1,196 sf	1,279 sf
Outdoor Dining	344 sf	284 sf	No change
Lot Coverage	77.8%	60.4%	47.9%
Floating Docks	0	248 ln ft.	82 ln. ft
Total Floating Dock		248 ln ft.	82 ln ft.
Pilings			
New (main & bumper)	0	8	13
Sleeved	0	0	3
Remove/Abandon	0	5	2
Parking			
Retail	9	11	10
Restaurant	19	19	19
Floating Dock/Sport fishing	8.5	7	9
Glass Court	2	(-2)	0

	Existing	UP0-342 Approved 2012	Proposed Amendment 2013
CUP 24-86	1.5	N/A	N/A
Total Parking Required	41	37	38
Remaining Parking Credit	--	--	3

BACKGROUND:

The proposal is within the Waterfront Master Plan and is within Planning Area 3: Embarcadero Visitor Area. This area encompasses the Embarcadero from Beach Street to South Street between the bluff and the waterfront. This portion of the Embarcadero contains the majority of the shopping and eating establishments as well as the most intense mix of pedestrian and automotive activity. It has what most visitors and residents consider a positive mix of shops, waterfront and pedestrian activity, combined with direct views of the bay, sand spit and Morro Rock. The Waterfront Master Plan includes guidance for development of Area 3, including observation and information areas explaining the natural wonders of the bay, lateral access along the bay front of commercial retail buildings that connect to lateral access components of adjacent buildings and or the stub street perpendicular to the building site, preservation of scenic vistas at street ends, with pedestrian amenities, lighting, haul-out improvements to existing facilities, bluff stabilization and beautification plans. The proposed project contains all of the elements requested in Area 3 proposals, including observation areas and signage, lateral access and connection to the Harbor Walk designed in consistency with adjacent portions of the Harbor Walk, access to stub street and preservation of visibility of the bay, and upgrade of building front to enhance visitor experience in this portion of the Embarcadero.

Waterfront Master Plan design guidelines have been established, and based on the guidelines, the project meets the following:

- Existing view corridors will remain and change of glassed in corridor to a public walkway will increase pedestrian access.
- The existing structure is 17.1 feet in height and the proposed additions are consistent with the existing building heights and under the 25 foot maximum height limitation.
- The building lot coverage for this zoning is 90 percent of the land portion of the properties. The 2012 approved conditional use permit proposed lot coverage at 60.4% and with the proposed 2,400 sf expansion of the new water lease area, lot coverage, excluding the floating dock or gangway, is reduced to 47.9%.
- The proposed additions and building changes will assist in continuing the fishing village atmosphere and would increase the physical and visual cohesiveness for the area.
- The project is consistent with area wide design compatibility by adding to a continuous pedestrian linkage along the waterfront, and linking the proposed additions to the architectural character of the neighboring buildings.
- The project preserves and enhances existing viewsheds of the bay by providing additional opportunities to view the bay and makes a positive contribution to the working fishing

village character and quality of the Embarcadero area.

- The project enhances water dependent uses by replacing lost dockage that can be used for general berthing. The project is not replacing dockage for sport fishing uses; however, the project is not within Measure D guidelines and sport fishing is an allowed use south of Beach Street.

ENVIRONMENTAL DETERMINATION:

An amendment of the original Initial Study-Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act. The amended MND was submitted to the California State Clearinghouse (SCH#2012091063) for public and agency review on August 29, 2013 and the public review period ended on September 27, 2013. No comments were received by the California State Clearinghouse from noticed agencies and no written comments have been received to date from the public on the MND. A telephone inquiry was received on September 30, 2013 from the California Department of Fish and Wildlife Service (FWS) requesting additional time to make comments. Additional comment time was allowed to October 4, 2013 but no written or verbal comments from FWS were received. In addition, the Notice of Availability was published in the Tribune newspaper on August 30, 2013 and circulated locally as required by CEQA guidelines.

The environmental impacts identified in the MND that were mitigated to insignificance with the mitigation measures incorporated into the project by the applicant were Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology and Noise. Each of these issue areas were analyzed for setting, impact and mitigation to levels of less than significant. Attached as Exhibit C is a copy of the Initial Study/ Mitigated Negative Declaration.

PROJECT SETTING:

<u>Site Characteristics</u>	
Existing Use	Hofbrau restaurant, Poppy (retail), Crills II, restrooms, public walkway, view deck and parking area
Terrain	Flat; developed
Vegetation/Wildlife	Landscaping
Archaeological Resources	None known
Access	Restaurant entrance is from Embarcadero Road via existing parking lot

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Mixed Uses, Harbor
Base Zoning District	Harbor/Waterfront
Zoning Overlay District	Planned Development Overlay
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Yes, Original Jurisdiction; Coastal Commission responsible for Coastal Development Permit

ANALYSIS:

Lease Areas: The proposed expansion of the lease area to incorporate a portion of 96W is under discussion with the City and will be presented for approval at the November 12, 2013 City Council meeting.

Proposed Uses: The proposed uses are consistent with the existing uses; the intent is to upgrade the existing facilities consistent with upgrades along the Embarcadero. The proposed walkway improvements upgrade the walkways to be consistent with the remainder of the Harbor Walk. The new walkway section ties into the existing Harbor Walk on the north. The proposed 534 square foot retail space is adjacent to the walkway addition and would serve as an attraction to visitors along the Harbor Walk and would visually tie in the existing uses along the harbor front. These improvements are consistent with the vision for the harbor front.

In addition, the proposal for walkway improvements, restroom improvements, signage and increased visitor access are consistent with increasing visitor serving uses mandated under the California Coastal Act.

Parking: Staff reviewed the proposed amendments for impacts to parking in order to determine if the proposed changes would require either additional parking or in lieu fees. Both the data of the proposed changes and also the historical information determined that the requested amendment to the Conditional Use Permit will result in one more parking space need. The total required existing parking spaces for the Held Harbor Center is 41. The 2012 approved Conditional Use Permit required 37 spaces. The new requirement is now 38 spaces which leaves a parking credit of 3 spaces. The increase of 1 space is due to the proposed increase in dockage combined with the reduction of retail space. This information is further itemized in the project table on page 5.

Consistency with Waterfront Master Plan

Based on the review of background data given above, the project is consistent with General Plan, Local Coastal Plan and Waterfront Master Plan goals, policies and implementation measures. The

proposed improvements will increase the visitor's enjoyment of the Harbor Walk, the waterfront and Embarcadero experience.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on October 4, 2013, and all property owners of record within 300 feet of the project site were notified on this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The applicant's request to phase construction of this project has been incorporated as conditions in order to ensure each phase is completed as proposed prior to proceeding to the subsequent phase. The water lease expansion that is part of the concept plan will require separate action by the City Council to amend lease site boundaries. The lease site amendment is scheduled to be on the November 12, 2013 agenda.

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed. All existing conditions of UPO-342 will be incorporated and will remain in full force and effect.

Attachments:

1. Exhibit A - Findings
2. Exhibit B - Conditions of Approval
3. Exhibit C - Mitigated Negative Declaration
4. Exhibit D - Plan Reductions
5. Exhibit E - Visual Simulations
6. Exhibit F - Phasing Letter received by Applicant's Agent dated 9/25/2013

EXHIBIT A: FINDINGS

Amended UP0-342 Held Harbor Center Project; 901-915 Embarcadero and 945 (waterside) Embarcadero

Request for amendment to Conditional Use Permit #UP0-342 to make various waterside and landside improvements including modifications and additional construction that would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and increase of total walkway area from 1,196 sf to 1,279 sf. The modifications include actions of constructing a new 534 square foot retail unit, remodel and enlarge two existing restrooms from 201 sf to 243 sf, convert glass court outdoor dining to general public seating to decrease glass court from 850 sf to 729 sf, enlarge existing harbor walkway from 1,196 to 1,279 sf, install floating docks with slips and gangway, restripe existing parking spaces and minor building façade improvements.

The proposed marine related improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate. The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. CP0-342 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology and Noise. With the implementation of required conditions of approval included in the Mitigated Negative Declaration (SCH#2012091063), the environmental impact of the proposed development will be less than significant.
- B. Changes have been incorporated into the project which avoid or substantially lessen the significant environmental effect, and have been included as conditions of approval, given herein as Exhibit B.

Waterfront Master Plan Findings

- C. The proposed project makes a positive contribution to the visual accessibility to the bay and rock while increasing visitor serving and waterfront activities:
 - a. As conditioned, meets the Waterfront Master Plan's height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed the maximum height allowed and articulation breaks up the bulk and scale.

- b. In the case of granting height greater than 17 feet for the proposed additions, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project provides pedestrian access to the proposed bay front lateral access, two public American with Disabilities Act (ADA) compliant restrooms, establishes wider sidewalks to increase pedestrian circulation, creates a view corridor where no such corridor currently exists, adds landscaping, and redevelops land and water lease sites that currently have visually unappealing, aging structures or lack facilities.
- c. The proposed project provides the amenities identified in the Waterfront Master Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the design provides a wide public view corridor, public lateral access and pedestrian amenities.
- d. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the pedestrian orientation while maintaining the commercial fishing character of the Embarcadero.
- e. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the new building will open up to the passing pedestrians along the Harbor Walk and draws individual's attention to the natural beauty of the bay.
- f. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new structure will provide more horizontal and vertical articulation, and the public will be invited into the space via a new view corridor from the Harbor Walk and will be directed through the glassed in corridor to the Harbor Walk by access signage. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction of both the building additions, restrooms and new walkways is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working along the Embarcadero in that the proposed Harbor Center is a permitted use within the zoning district applicable to the project site and said structure, walkway, restroom, and dockage improvements comply with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements along the Embarcadero and the general welfare of the City in that the proposed Harbor Center improvements will provide additional public benefit and is consistent with the character of the existing development.
- C. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the Harbor Center improvements are a permitted use within the zoning

district applicable to the project site and said structure complies with all applicable project conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL

Amended UP0-342 Held Harbor Center Project; 901-915 Embarcadero

Request for amendment to Conditional Use Permit #UP0-342 to make various waterside and landside improvements including modifications and additional construction that would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and increase of total walkway area from 1,196 sf to 1,279 sf. The modifications include actions of constructing a new 534 square foot retail unit, remodel and enlarge two existing restrooms from 201 sf to 243 sf, convert glass court outdoor dining to general public seating to decrease glass court from 850 sf to 729 sf, enlarge existing harbor walkway from 1,196 to 1,279 sf, install floating docks with slips and gangway, restripe existing parking spaces and minor building façade improvements.

The proposed marine related improvements include the construction of a head float with four finger style docks, 13 new piles, and a gangway with landing and security gate. The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

STANDARD CONDITIONS

1. **Permit**: This permit is granted for the land described in the staff report referenced above, and all attachments thereto, dated October 10, 2013, for the project depicted on the attached plans labeled "Exhibit E", dated May 30, 2013, on file with the Public Services Department, as modified by these conditions of approval.
2. **Inaugurate Within Two Years**: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. **Changes**: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. **Compliance with the Law**: (a) All requirements of any law, ordinance or regulation of the

State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed herein shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities associated with the building improvements, including electrical, telephone and cable television shall be installed underground.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.

FIRE CONDITIONS

9. Fire Safety During Construction and Demolition: This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 14). Compliance with NFPA 241 is required for items not specifically addressed herein.
10. Fire Sprinkler Coverage: Sprinkler coverage shall be extended to include the following areas, pursuant to Morro Bay Municipal Code (Sections 14.08.090(J)(K).
 - a. Below the New View Deck and Walkway (and Existing Walkway if not presently protected), **provide and/or extend coverage.**

Applicant shall submit sprinkler plans, in accordance with NFPA 13, to Public Services Division for review.

11. Fire Protection for Wharves and Docks: Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the City, and all installations shall be subject to the approval of the chief of the fire department (MBMC 14.08.090(K)).
12. Fire Protection Equipment-Standpipes. Marinas and boatyards shall be equipped throughout with standpipe systems, in accordance with NFPA 303. Systems shall be provided with hose connections located such that no point on the marina pier or float system exceeds 150 feet from a standpipe hose connection (CFC 4502.2). **A Class III Standpipe System shall be provided for protection of the waterside improvements and applicant shall submit plans to Public Services Department for review.**
13. Gangway Security Gate. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location (CFC 506.1). **Applicant shall provide a Knox Key Switch (Series 3501), to allow for emergency fire department access to the gangway and docks.**

BUILDING DIVISION CONDITIONS

14. Building Permit Application: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

PUBLIC WORKS CONDITIONS

15. The sidewalk along the south side of the building shall have four feet clear sidewalk at all times; any doorways or obstructions shall not be allowed to encroach into the four foot pedestrian sidewalk. The existing light pole can be relocated into a parking lot bulb out between parking stalls or removed and replaced with a light source which doesn't obstruct the four foot pedestrian sidewalk.
16. The parking stalls adjacent to the south side of the building shall be configured to be compact spaces (8½ ft wide by 18 ft long) with wheel stops. The last two parking stalls to the west can remain standard size (10 ft wide by 20 ft long). Shift the parking stall accordingly so that the first stall does not conflict with the radius of the handicap ramp.
17. All sidewalks surrounding the building shall be replaced with standard concrete, and the handicap ramp at the corner shall be replaced to meet current ADA regulations.
18. Map exhibits and legal descriptions depicting the revised boundaries of Lease 93W-95W must be prepared and stamped by a licensed professional Land Surveyor as a condition of the CUP amendment.

PLANNING DIVISION CONDITIONS

19. Original Conditions of UP0-342: All original conditions of UP0-342 approved by City Council on December 11, 2012 shall be incorporated by reference as if fully stated herein and shall remain in full force and effect.
20. Lease Area: Prior to commencement of any activities within the proposed lease expansion area, the owner or designee shall obtain approval from the City to expand the water lease to include a portion of 96W, consistent with the plans shown on Exhibit E, dated May 30, 2013.
21. Precise Plan: Upon approval of the City Council of the concept plan, a precise plan of development shall be submitted to the planning commission consistent with code section 17.040.030G.
22. Precise Plan Sheet: All conditions of approval, including the required MND mitigation measures shall be included in the precise plan, as a separate sheet attached to the plan set.
23. Environmental Fees: Within four days of certification of the Mitigated Negative Declaration, the applicant shall submit a check made payable to the County Clerk for the following fees: \$2,156.25 for the California Department of Fish and Wildlife, plus the \$50 County Clerk filing fee for the Notice of Completion, for a total of 2206.25. The City of Morro Bay shall file the Notice of Completion with the County Clerk to comply with state requirements.
24. Signage: The applicant shall provide a signage program, including coastal access signs, as part of the precise plan by submitting application for a sign permit to the Planning Division.
25. Architectural Design and Color Palette: The applicant shall submit a design for the awnings and new building addition, and a color palette for the overall project at the precise plan stage.
26. Phasing: The applicant shall construct the project in three phases as stated below. No final shall be granted for any phase unless all public amenities have been completed such as, but not limited to, public seating, parking improvements, walkway, and public access. The applicant shall submit prior to Precise Plan approval a detailed phasing schedule to be approved with the Precise Plan which includes the scope of work for each phase and completion timeline in order to minimize impact to the waterfront from Memorial Day to Labor Day.
 - a. Phase 1: November 2014- May 2015: Commence construction of sidewalks, siding, marquee, and work on the street side(s) of project.
 - b. Phase 2: November 2015-May 2016: Commence construction of Harbor Walk, new retail unit and reconfiguration of the restroom.
 - c. Phase 3: November 2016-May 2017: Commence construction of all docks and gangway.

ENVIRONMENTAL CONDITIONS

Conditions: The environmental mitigation measures have been incorporated as conditions as follows below. In addition, the applicant shall conduct the required monitoring as established for each mitigation measure and confirm compliance with these conditions to the satisfaction of the Environmental Coordinator.

- AES/mm-1 Prior to issuance of precise plan approval or if no precise plan is needed a building permit, a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:
- a) The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:
 - b) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.
 - c) The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.
 - d) All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.
 - e) All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.
 - f) Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.

- g) Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.

AES/mm-2 Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:

- a) No highly reflective glazing or coatings shall be used on windows.
- b) All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.
- c) All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.

AQ/mm-1 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);SLO County APCD CEQA Air Quality Handbook 20124-14
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- (e) Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- (i) Electrify equipment when feasible;
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- (k) Use alternatively fueled construction equipment on-site where feasible,

such as compressed natural gas(CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment

AQ/mm-2

Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012
 - f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ/mm-3 Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of any type of building permit.

BIO/mm-1 Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:

- a. The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.
- b. The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.

BIO/mm-2 Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:
a. All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.

BIO/mm-3 All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.

BIO/mm-4 The following actions shall be required to mitigate impacts to existing Eelgrass.
Eelgrass Surveys:
1. A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City’s Planning Division (Environmental Coordinator) for review prior to issuance of building permit.

A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City’s Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.

Eelgrass Monitoring Plan:
2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:
a. Eelgrass Protection. All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.
b. Monitoring and Reporting. A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report

identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also including annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.

BIO/mm-5

- A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.
- B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:
 - a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).
 - b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.
 - c. In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall include a process for emergency reporting in the event of a violation, including a chain-of-command.
 - e. The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.

BIO/mm-6

All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All

construction crew employees shall be informed on the requirements of this condition.

- BIO/mm-7 Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit. whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
- BIO/mm-8 Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).
- CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.
- GS/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill, and measures to reduce rilling of any stockpiled soils. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.
- HAZ/mm-1 Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2 Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities

and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.

- b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).
- c. Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.
- d. Construction Site Documents. Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction

coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary within 24 hours of receipt of the complaint or inquiry.

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. **Material Containment.** Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.
- b. **Piling Installation Procedures.** The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.

- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:
- 1) Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,
 - 2) The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.
 - 3) In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds	Threshold
Level A PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms

Level B Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms
---	------------

Source:

http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

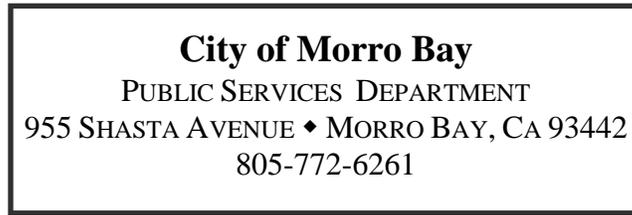
The construction plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013



P u b l i c N o t i c e o f A v a i l a b i l i t y
D o c u m e n t T y p e : M i t i g a t e d N e g a t i v e D e c l a r a t i o n

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY

AUGUST 2013

The City has determined that the following proposal qualifies for a

Negative Declaration **Mitigated Negative Declaration.**

PROJECT TITLE: Held Harbor Center Conditional Use Permit

PROJECT LOCATION: 901-915 and 945 (water side) Embarcadero Road, immediately northwest of the intersection of Harbor Street and Embarcadero Road, within the City of Morro Bay. Also known as land lease site 93, 94 and 95 and water lease sites 93W, 94W, 95W and 96W.

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

CASE NO.: UP0-342 Amended

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City of Morro Bay approved an amendment to this project providing for a new 590 square foot retail unit, remodel the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease 96W resulted in additional impacts not addressed in the original environmental document and

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

therefore the need to amend the environmental addressing the new project description as well as the new impacts created by the modifications .

PROJECT DESCRIPTION: The following project description details the changes from the approved UP0-342 and project modifications recommended by the California Coastal Commission and the applicant's proposal to expand the proposed docks over what was known as water lease 96W.

1. Modify water lease sites 93w-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 208 square foot ADA compliant public restroom by 42 square feet for a total of 232 square feet.
4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet, a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 40 spaces.

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions: 1) construct a new 534-square foot (sf) retail unit; 2) remodel (ADA) and enlarge two existing restrooms to be 243 sf; 3) convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf; 4) enlarge the existing harbor walkway from 556 sf to 1,279 sf; 5) install 318 linear feet of floating docks with eight slips and a gangway; 6) remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk; 7) re-stripe seven existing parking spaces to provide five compact, two regular spaces; and 8) construct two new posts to support an extension of the existing awning across the front of the building.

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

The proposed project is located on the west side of Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within the Waterfront/Harbor zone with a Planned Development Overlay (WF PD/S.4). Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy retail shop, restrooms, public walkway and view deck, and parking area.

LEAD AGENCY: City of Morro Bay

CONTACT PERSON: Cindy Jacinth

TELEPHONE: (805) 772-6577

ADDRESS WHERE DOCUMENT MAY BE OBTAINED:

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

PUBLIC REVIEW PERIOD: Begins: August 30, 2013 to September 30, 2013.

Anyone interested in this matter is invited to comment on the document by written response or contacting the Public Services Department.



Cindy Jacinth, Associate Planner

Signature

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

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

DRAFT MITIGATED NEGATIVE DECLARATION (A M E N D E D)

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY
955 Shasta Avenue
Morro Bay, California 93442
805-772-6261

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

CASE NO.: UPO-342 Amended

PROJECT TITLE: Held Harbor Center

PROJECT LOCATION: 901-915 and 945 (water side) Embarcadero Road, immediately west of the intersection of Harbor Street and Embarcadero Road, within the City of Morro Bay.

APPLICANT / PROJECT SPONSOR:

Applicant:

Held Family Trust
P.O. Box 225
Cayucos, CA 93430
T 805.995.2773

Applicant's Representative:

Cathy Novak
P.O. Box 296
Morro Bay, CA 93443
T 805.772.9499

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City of Morro Bay approved an amendment to this project providing for a new 590 square foot retail unit, remodel the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease 96W resulted in additional impacts not addressed in the original environmental document and therefore the need to amend the environmental addressing the new project description as well as the new impacts created by the modifications.

PROJECT DESCRIPTION: The following project description details the changes from the approved UP0-342 and the project as amended by the Coastal Development Permit and the applicant's proposal to expand the proposed docks over what was known as water lease 96W.

1. Modify water lease sites 93w-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 208 square foot ADA compliant public restroom by 42 square feet for a total of 232 square feet.
4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet over existing.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet, a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed. The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved. The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 41 spaces.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions: 1) construct a new 534-square foot (sf) retail unit; 2) remodel (ADA) and enlarge two existing restrooms to be 243 sf; 3) convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf; 4) enlarge the existing harbor walkway from 556 sf to 1,279 sf; 5) install 318 linear feet of floating docks with eight slips and a gangway; 6) remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk; 7) re-stripe seven existing parking spaces to provide five compact, two regular spaces; and 8) construct two new posts to support an extension of the existing awning across the front of the building.

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

The proposed project is located on the west side of Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within the Waterfront/Harbor zone with a Planned Development Overlay (WF PD/S.4). Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy retail shop, restrooms, public walkway and view deck, and parking area.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

FINDINGS OF THE LEAD AGENCY: The City of Morro Bay

It has been found that the project described above will not have a significant effect on the environment. The Initial Study includes the reasons in support of this finding. Mitigation measures are required to assure that there will not be a significant effect to the environment; these are described in the attached Initial Study and Checklist and have been included as conditions of approval. In addition, the City finds that this document reflects the independent judgment of the City of Morro Bay as lead agency.

That this environmental document has been prepared directly by, or under contract to the City of Morro Bay. The preparation of this document may include information or comments submitted by a person(s). The comments may have been submitted in any format and have been considered by the City and may have been included, in whole or in part, in this report.

The City declares that this document has been submitted to the State Clearinghouse as required by CEQA for public review and comment.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013



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

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title:	<u>Held Harbor Center</u>		
Case Number:	<u>UP0-342</u>		
LEAD AGENCY:	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6261</u>
	<u>955 Shasta Ave</u>	Fax:	<u>(805) 772-6268</u>
	<u>Morro Bay, CA 93442</u>		
Project Sponsor:	<u>Held Family Trust</u>	Phone:	<u>(805) 995-2773</u>
	<u>P.O. Box 225</u>	Fax:	
	<u>Cayucos, CA 93430</u>		
Project Landowner:	<u>City of Morro Bay (State Grant)</u>	Phone:	<u>(805) 772-6205</u>
	<u>595 Harbor Street</u>	Fax:	
	<u>Morro Bay, CA 93442</u>		
Project Agent:	<u>Cathy Novak</u>	Phone:	<u>(805) 772-9499</u>
	<u>P.O. Box 296</u>	Fax:	
	<u>Morro Bay, CA 93443</u>		

PROJECT BACKGROUND:

901-915 Embarcadero is on land lease site 93, 94 95 and water lease sites 93W, 94W and 95W and within the Waterfront/Harbor zone with Planned Development and S4 overlay (APN#066-322-001).

Currently on site there is a 6,418 square foot building on the land lease site (6,189sf main story, 229 sf upper storage area) and no dock facilities on the water lease site. On December 11, 2012, the City of Morro Bay approved an amendment to this project providing for a new 590 square foot retail unit, remodel the existing restroom and creation of an additional restroom meeting ADA standards, conversion of 132 square feet of the glass court dining into general public seating, enlargement of the existing harbor walkway by 640 square feet, addition of new harbor walkway and view deck, installation of floating docks and a gangway, adjustment of the water lease line by 4,310 square feet to accommodate the new floating docks (six berthing spaces) and adjustment of the land lease line by 93 square feet. The resultant building would be 7,219 square feet and the docks would be 248 linear feet.

The project was submitted to the California Coastal Commission to receive a Coastal Development Permit. The Coastal Commission has requested a modification to the size of the building and walkway. These changes coupled with the applicant's desire to expand docks over into water lease 96W resulted in additional impacts not addressed in the original environmental document and

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

therefore the need to amend the environmental addressing the new project description as well as the new impacts created by the modifications.

Project Description:

The following project description details the changes from the approved UP0-342 and the project as amended by the Coastal Development Permit and the applicant's proposal to expand the proposed docks over what was known as water lease 96W.

1. Modify water lease sites 93w-95W and 96W increasing 93W-95W by 2400 square feet and decreasing 96W by 2400 square feet.
2. Decrease the existing 1,676 square foot retail building by 232 square feet for a total of 1,444 square feet.
3. Increase the size of the new 208 square foot ADA compliant public restroom by 42 square feet for a total of 232 square feet.
4. Decrease the size of the 850 square foot glass court by 121 square feet for a total of 729 square feet for a net increase of 97 square feet.
5. Decrease the size of the new retail space by 56 square feet from 590 square feet to 534 square feet.
6. Increase the 1,196 square foot walkway by 83 square feet for a total of 1,279 square feet.
7. No changes are proposed to the approved 284 square foot outdoor dining area.
8. Increase floating dock area from 248 linear feet to 318 linear feet, a net increase of 70 linear feet.
9. A change in the location and amount of pilings to be installed The original project had 8 new (main & bumper) pilings. The amended project proposes 13 (main & bumper) pilings which are new and/or sleeved.
10. A change in the location and amount of pilings to be remove/or sleeved The original proposal had 5 pilings proposed for removal/abandonment, the project now proposes 3 pilings be sleeved and the remaining 2 pilings be removed/abandoned.
11. Net changes result in the following parking changes. Original proposal required 37 parking spaces. The addition of docks coupled with the decrease in retail space results in a parking demand of 38 spaces. The project has a documented parking credit of 41 spaces.

The existing structure includes the Hofbrau restaurant, Crills II and Poppy retail stores, seating area and walkway. As proposed, the modifications and additional construction would result in a total floor area of 6,852 sf (6,623-sf main floor, 229-sf upper floor) and total walkway area of 1,279 sf. This includes the following actions: 1) construct a new 534-square foot (sf) retail unit; 2) remodel (ADA) and enlarge two existing restrooms to be 243 sf; 3) convert the existing 632-sf glass court enclosed outdoor dining area to general public seating area of 729 sf; 4) enlarge the existing harbor walkway from 556 sf to 1,279 sf; 5) install 318 linear feet of floating docks with eight slips and a gangway; 6) remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk; 7) re-stripe seven existing parking spaces to provide five compact, two regular spaces; and 8) construct two new posts to support an extension of the existing awning across the front of the building.

The proposed marine related improvements include the construction of a head float approximately 8 by 100 feet with four finger style docks (two will be 4 by 38 feet; one will be 5 by 38 feet; and one will be 4 by 37 feet). Also, the project is proposing a total of 13 main & bumper piles to provide

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

both lateral and vertical support for both the floating docks and the Harbor Walk. Of the 13 new steel or fiberglass piles, four will support the finger dock end and three will be bumper piles. One pile will be located at the north end of the new head float. Four pilings located west of the Harbor Walk will have support beams at 16 feet on center to support the cantilevered Harbor Walk. The last pile will be located west of the gangway.

The five existing wood pilings near the existing Harbor Walk that were originally proposed for removal are now proposed that two be removed/abandoned with the remaining three located west of the Hofbrau restaurant to be sleeved.

The pilings and docks will be constructed using a barge and crane. The applicant proposes to drive the piles by using either a vibratory hammer or a conventional pile driving hammer which the conventional pile driving hammer would be designed to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source.

In addition, there will be a four foot by 33 ½-foot gangway installed to access the new docks. The proposed gangway entrance will have a four by six feet landing and a locked security gate.

The project will result in the disturbance of approximately 7,357 sf (0.17 acre) including approximately 434 sf (building), 723 sf (walkway), and up to 6,200 sf for sidewalk removal and replacement. No cut or fill is proposed.

The proposed project is located on the west side of Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within the Waterfront/Harbor zone with a Planned Development Overlay (WF PD/S.4). Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy retail shop, restrooms, public walkway and view deck, and parking area.

Project Location:	901-915 and 945 (water side) Embarcadero Road, immediately north west of the intersection of Harbor Street and Embarcadero Road, within the City of Morro Bay. Also reference as lease sites 93, 94, 95, and 93w, 94w, 95w and 96w
Assessor Parcel Number(s)	066-322-001
General Plan Designation:	Mixed Uses (Harbor)
Zoning Designation:	Waterfront (WF) and Harbor (H)
Overlay:	Planned Development S.4, Design Criteria
Surrounding Zoning and Land Uses	
North	Waterfront (WF); restaurant, small public park area
South	Waterfront (WF); public parking, retail shops
West	Harbor (H); Morro Bay, docks
East	Visitor-Serving Commercial (C-VS); retail shops

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

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

X California Coastal Commission: Coastal Development Permit

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

VICINITY MAP

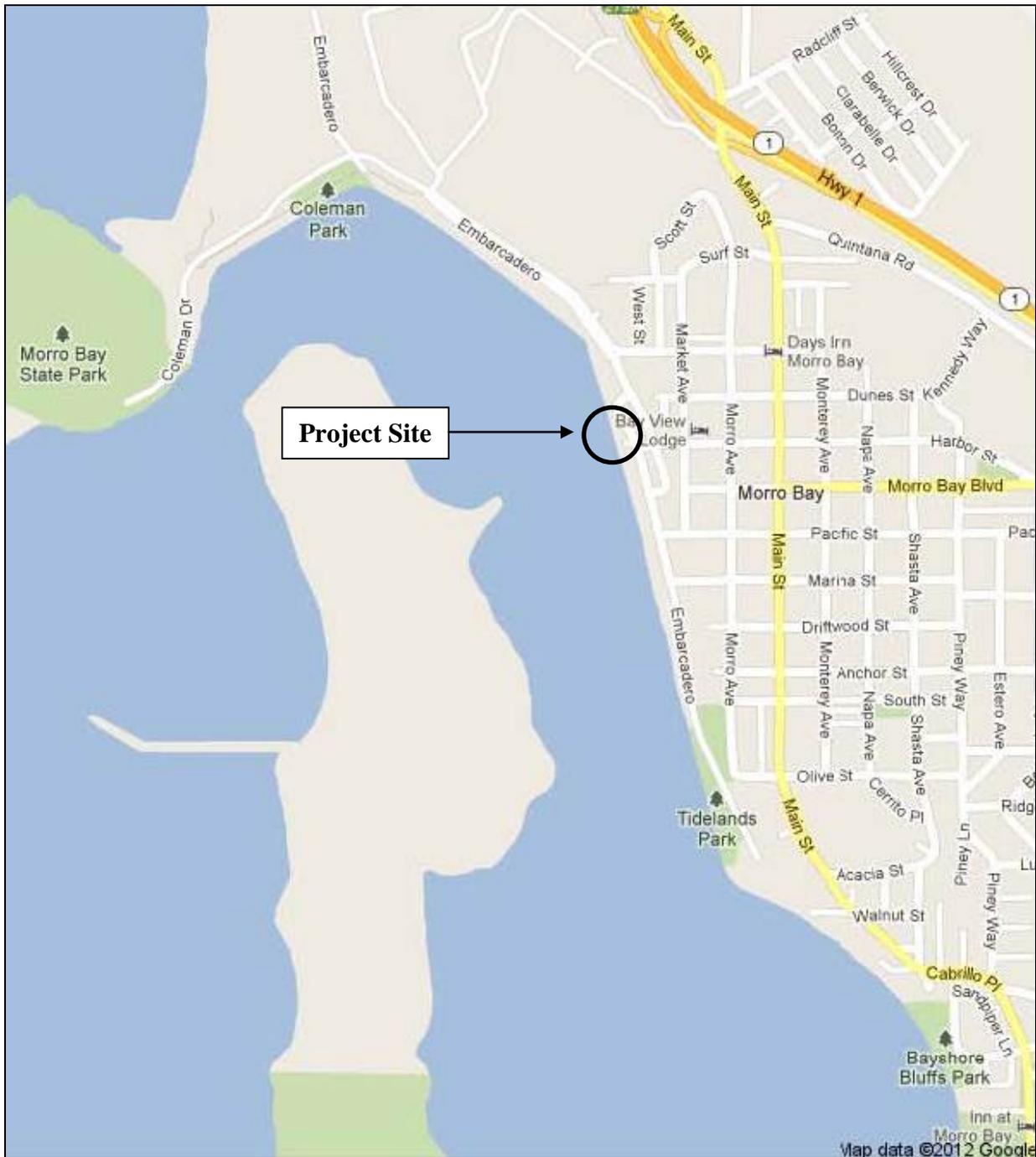


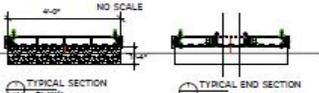
EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center
 CASE NO.: UP0-342 Amended
 DATE: August 26, 2013

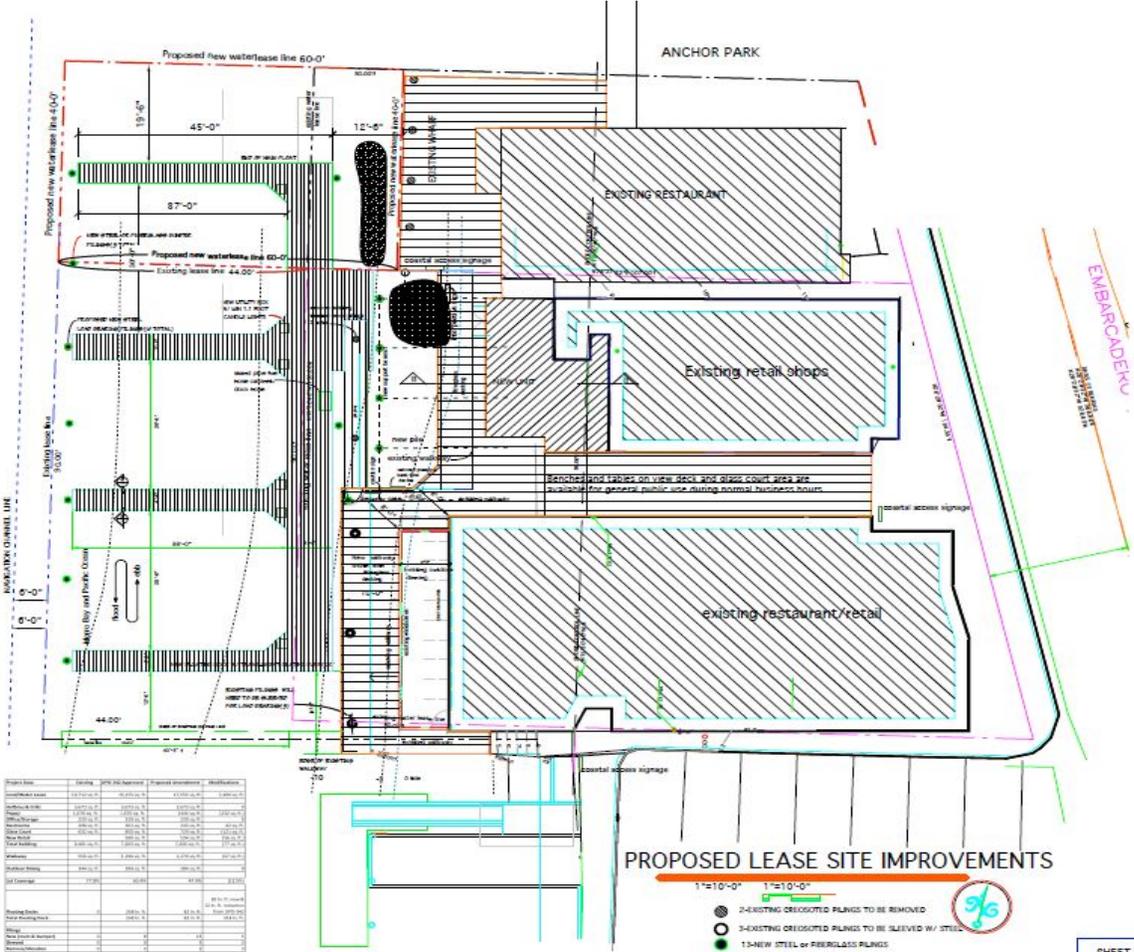
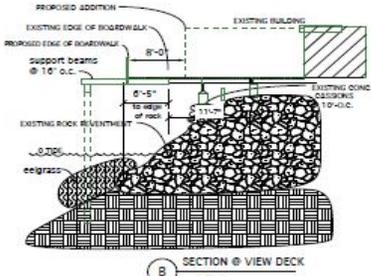
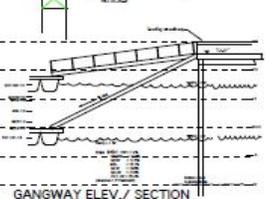
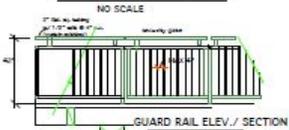
SITE PLAN



VICINITY AERIAL MAP



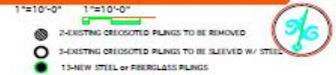
FLOATING DOCK SECTION



Item No.	Quantity	Unit	Proposed	Approved	Availability
1	1	sq ft	1000	1000	1000
2	1	sq ft	1000	1000	1000
3	1	sq ft	1000	1000	1000
4	1	sq ft	1000	1000	1000
5	1	sq ft	1000	1000	1000
6	1	sq ft	1000	1000	1000
7	1	sq ft	1000	1000	1000
8	1	sq ft	1000	1000	1000
9	1	sq ft	1000	1000	1000
10	1	sq ft	1000	1000	1000
11	1	sq ft	1000	1000	1000
12	1	sq ft	1000	1000	1000
13	1	sq ft	1000	1000	1000
14	1	sq ft	1000	1000	1000
15	1	sq ft	1000	1000	1000
16	1	sq ft	1000	1000	1000
17	1	sq ft	1000	1000	1000
18	1	sq ft	1000	1000	1000
19	1	sq ft	1000	1000	1000
20	1	sq ft	1000	1000	1000
21	1	sq ft	1000	1000	1000
22	1	sq ft	1000	1000	1000
23	1	sq ft	1000	1000	1000
24	1	sq ft	1000	1000	1000
25	1	sq ft	1000	1000	1000
26	1	sq ft	1000	1000	1000
27	1	sq ft	1000	1000	1000
28	1	sq ft	1000	1000	1000
29	1	sq ft	1000	1000	1000
30	1	sq ft	1000	1000	1000
31	1	sq ft	1000	1000	1000
32	1	sq ft	1000	1000	1000
33	1	sq ft	1000	1000	1000
34	1	sq ft	1000	1000	1000
35	1	sq ft	1000	1000	1000
36	1	sq ft	1000	1000	1000
37	1	sq ft	1000	1000	1000
38	1	sq ft	1000	1000	1000
39	1	sq ft	1000	1000	1000
40	1	sq ft	1000	1000	1000
41	1	sq ft	1000	1000	1000
42	1	sq ft	1000	1000	1000
43	1	sq ft	1000	1000	1000
44	1	sq ft	1000	1000	1000
45	1	sq ft	1000	1000	1000
46	1	sq ft	1000	1000	1000
47	1	sq ft	1000	1000	1000
48	1	sq ft	1000	1000	1000
49	1	sq ft	1000	1000	1000
50	1	sq ft	1000	1000	1000
51	1	sq ft	1000	1000	1000
52	1	sq ft	1000	1000	1000
53	1	sq ft	1000	1000	1000
54	1	sq ft	1000	1000	1000
55	1	sq ft	1000	1000	1000
56	1	sq ft	1000	1000	1000
57	1	sq ft	1000	1000	1000
58	1	sq ft	1000	1000	1000
59	1	sq ft	1000	1000	1000
60	1	sq ft	1000	1000	1000
61	1	sq ft	1000	1000	1000
62	1	sq ft	1000	1000	1000
63	1	sq ft	1000	1000	1000
64	1	sq ft	1000	1000	1000
65	1	sq ft	1000	1000	1000
66	1	sq ft	1000	1000	1000
67	1	sq ft	1000	1000	1000
68	1	sq ft	1000	1000	1000
69	1	sq ft	1000	1000	1000
70	1	sq ft	1000	1000	1000
71	1	sq ft	1000	1000	1000
72	1	sq ft	1000	1000	1000
73	1	sq ft	1000	1000	1000
74	1	sq ft	1000	1000	1000
75	1	sq ft	1000	1000	1000
76	1	sq ft	1000	1000	1000
77	1	sq ft	1000	1000	1000
78	1	sq ft	1000	1000	1000
79	1	sq ft	1000	1000	1000
80	1	sq ft	1000	1000	1000
81	1	sq ft	1000	1000	1000
82	1	sq ft	1000	1000	1000
83	1	sq ft	1000	1000	1000
84	1	sq ft	1000	1000	1000
85	1	sq ft	1000	1000	1000
86	1	sq ft	1000	1000	1000
87	1	sq ft	1000	1000	1000
88	1	sq ft	1000	1000	1000
89	1	sq ft	1000	1000	1000
90	1	sq ft	1000	1000	1000
91	1	sq ft	1000	1000	1000
92	1	sq ft	1000	1000	1000
93	1	sq ft	1000	1000	1000
94	1	sq ft	1000	1000	1000
95	1	sq ft	1000	1000	1000
96	1	sq ft	1000	1000	1000
97	1	sq ft	1000	1000	1000
98	1	sq ft	1000	1000	1000
99	1	sq ft	1000	1000	1000
100	1	sq ft	1000	1000	1000

PROJECT DATA

PROPOSED LEASE SITE IMPROVEMENTS

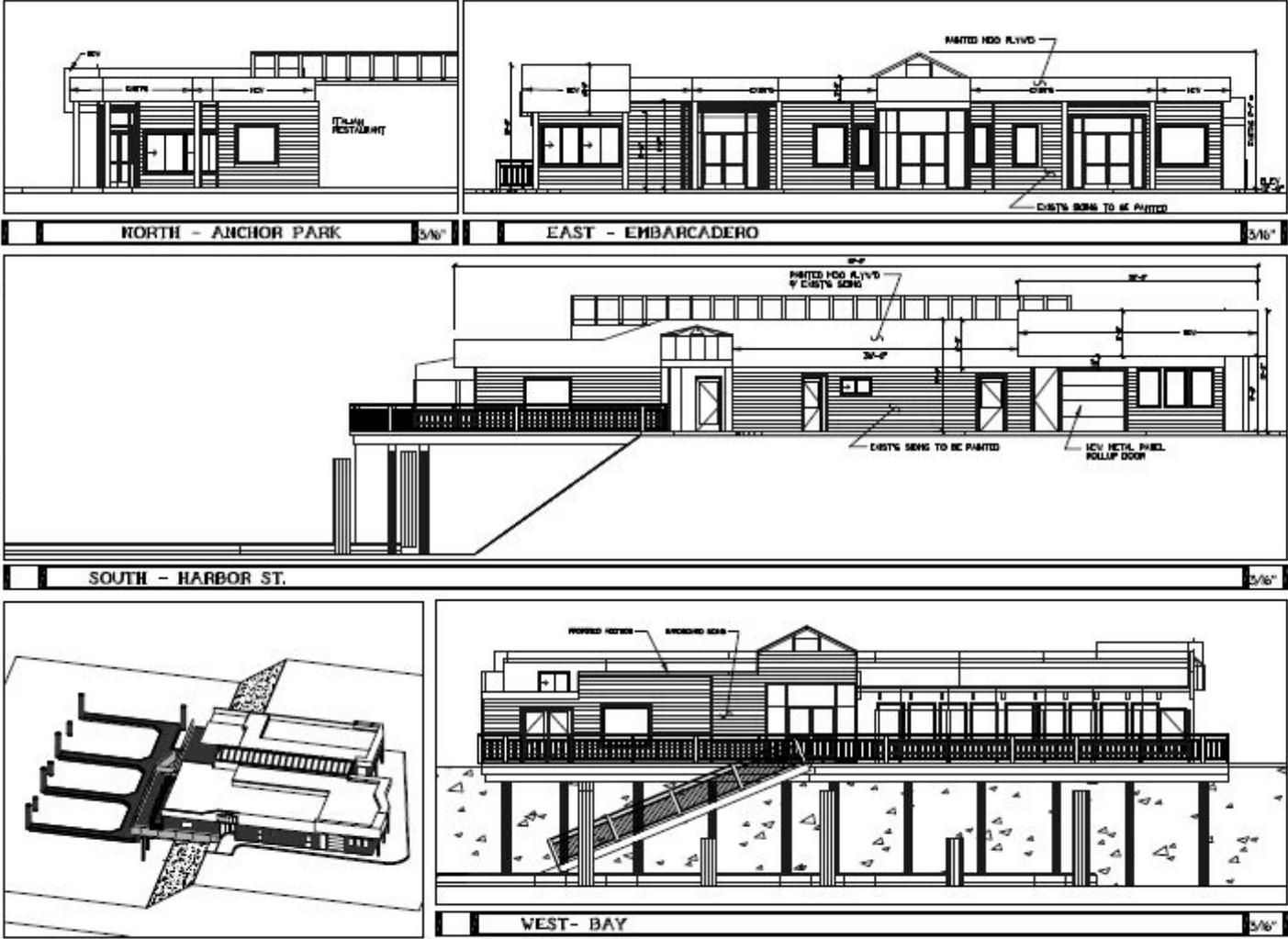


SHEET SCHEDULE	
A-1	PROPOSED LEASE SITE IMPROVEMENTS
A-2	PLOT PLAN
A-3	OVERLAY OF LEASE IMPROVEMENTS
A-4	ORIGINAL APPROVED LEASE SITE PLAN
A-5	PROPOSED FLOOR PLAN
A-6	AREA PLAN

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center
 CASE NO.: UP0-342 Amended
 DATE: August 26, 2013

ELEVATIONS



DRAWING TO SCALE FOR ONLY INFORMATION. FIELD DIMENSIONS - SEE PLAN

EXISTING ELEVATION

SHEET NO. A-7
 PROJECT NO. 13-0001
 DATE: 8/26/13
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date]
REVISIONS NO. DESCRIPTION
LAND/SEA INTERFACE LAND TO SEA
HILD PROPERTIES HARBOR CENTER 900 EMBARCADERO, MORRO BAY, CA 94032
PROPOSED EXTERIOR ELEVATIONS
SHEET NO. A-7

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center
CASE NO.: UP0-342 Amended
DATE: August 26, 2013

VISUAL SIMULATIONS



EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center
CASE NO.: UP0-342 Amended
DATE: August 26, 2013

VISUAL SIMULATIONS



EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center
CASE NO.: UP0-342 Amended
DATE: August 26, 2013

VISUAL SIMULATIONS



EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

II. ENVIRONMENTAL SETTING AND IMPACTS

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

X	1. Aesthetics		10. Land Use/Planning
	2. Agricultural Resources		11. Mineral Resources
X	3. Air Quality	X	12. Noise
X	4. Biological Resources		13. Population/Housing
X	5. Cultural Resources		14. Public Services
X	6. Geology/Soils		15. Recreation
	7. Greenhouse Gas Emissions		16. Transportation/Circulation
X	8. Hazards/Hazardous Materials		17. Utility/Service Systems
X	9. Hydrology/Water Quality	X	18. Mandatory Findings of Significance

Environmental Setting: The project site is located on the edge of the bay, on the west side of the Embarcadero immediately northwest of Harbor Street. The existing structure, walkway, and pier posts are located on land lease site 93, 94 and 95 and water lease sites 93W, 94W and 95 W. .

A portion of the project site is zoned Waterfront (WF) and the portion of the project site over the water is zoned Harbor (H). The stated purpose of the WF district is “to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas...” Within the “WF” district, uses listed in Section 17.24.120 Visitor Serving Commercial, are allowable provided a Conditional Use Permit (CUP) is secured (Zoning Ordinance Section 17.24.170). Among those uses are motel, restaurant, marine related shops, and specialty retail boutiques, consistent with the existing and proposed uses. In addition, there are General Plan and Local Coastal Plan policies that promote the existing and proposed use of the site for visitor serving commercial and recreational uses. The intent of the H zone is primarily for harbor and navigable ways designations for those uses that need water in order to function, or as an accessory use to a land base/shore facility. The existing uses on site include the Hofbrau restaurant, Crills II and Poppy retail shop. Indoor and outdoor seating is provided, in addition to a wooden walkway along the building. A small parking area is located adjacent to the structure (to the south), and an adjacent restaurant and small park are located to the north. Retail and commercial uses are located to the east along the Embarcadero. Other land uses in the immediate area include similar restaurants, shops, walkways, viewing platforms, and access to boat slips. A portion of the building cantilevers over the water and the H Zone District, as such it is consider legal nonconforming, however, new encroachments would need to meet the intent of the H zone.

Sensitive resources within and adjacent to the project site includes an approximately 129-sf patch of eelgrass (*Zostera marina*) located within the area proposed for the boardwalk extension and floating dock, and a 151-sf strip within the area of the proposed new water lease site area. The remaining area proposed for the existing and expanded water lease could be considered potential habitat for eelgrass. Eelgrass is not an endangered species; however this species is recognized as a Special Aquatic Site per Clean Air Act Section 404(b)(1) guidelines, and is protected under the federal “no-net loss” policy for wetlands. As discussed further in Section 4 Biological Resources, eelgrass and other sea grass ecosystems are protected due to their important role in the lifecycles of other species.

<u>Surrounding Land Use</u>			
North:	Waterfront (WF); restaurant, small public park area	East:	Visitor-Serving Commercial (C-VS); retail shops
South:	Waterfront (WF); public parking, retail shops	West:	Harbor (H); Morro Bay, docks

Determination: (To be completed by the Lead Agency)

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measure that are imposed upon the proposed project, nothing further is required.

Cindy Jacinth
Signature

8/26/13
Date

Cindy Jacinth, Associate Planner
Printed Name

City of Morro Bay
For

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

III. ENVIRONMENTAL CHECKLIST

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

Environmental Discussion:

The visual resources of an area comprise the features of its built and natural land forms, vegetation, water surfaces and landscape. Landscape features, naturally occurring or otherwise, form the overall impression of the area. The proposed project is located on the Embarcadero, a strip of land supporting various visitor-serving commercial, retail, and recreational uses along the edge of Morro Bay. Other uses within the bay itself include private and commercial boating, touring, fishing operations, and boat docks. Important scenic resources (scenic vistas) in the areas include Morro Rock, the bay, and the sandspit.

The existing structure is clearly visible from Embarcadero Road, Harbor Street, the sandspit, and from within the bay. As seen from Embarcadero Road and Harbor Street, the existing structure obscures views of the bay, the sandspit, and Morro Rock; however, clear views of these scenic resources are available from viewing areas to the north and south of the structure, and the public walkway along the west side of the structure.

Impact Discussion:

- a. A substantial adverse impact to a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or areas. As noted above, the existing structure obscures views of the bay, sandspit, and lower portion of Morro Rock. The current height of the structure is 11 feet, with the exception of a peak at 17 feet, 1 inch. The proposed improvements would increase the height of the structure to 15 feet 2 inches, and 14 feet (along portions of the structure), and the peak would remain. This additional height would minimally increase the amount of Morro Rock blocked from view as seen from public roadways and sidewalks. The proposed project includes improved public walkways, sidewalks, boardwalks, and viewing areas that would expand scenic viewing opportunities for the public. While the project increases a façade height to 15'2" from 11 feet, this increase only pertains to a small portion of the building and is well beneath the 25 foot height maximum allowed under the waterfront Master Plan.
- b. State Route 1 (SR-1) is an Officially Designated State Scenic Highway through Morro Bay. The project site is approximately 0.5 miles west of SR-1, and is not visible from the highway due to existing development and topography. In addition, based on the location of the project site, the existing structure and proposed improvements do not block views of Morro Rock as seen from SR-1. Therefore, potential impacts are less than significant, and no mitigation measures are necessary.
- c. The existing and proposed uses, and architectural style, are compatible with the surrounding area. Minimal façade improvements including the construction of two new post front of the existing retail building at the southern side of the land lease on the Embarcadero side to be used to support an extension of the existing

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

awning across the front of the building. These improvements are minimal and do not alter the characteristics of the site, therefore no significant impact will occur.

- d. The existing structure includes exterior lighting, however the project includes additional docks to be placed into the harbor which will introduce additional lighting into the harbor. The building code requires a lighting level of 5 foot candle on the area of the docks utilized for loading/unloading of passengers off of passenger for hire vessel. The proposed improvements would not create lighting or glare inconsistent with adjacent uses, provided standard measures are incorporated (see below). The following mitigation measures are recommended to ensure potential impacts will be less than significant.

Mitigation and Residual Impact:

AES Impact 1 Visibility of night lighting and daytime glare would adversely affect views resulting in a direct long-term impact.

AES/mm-1 Prior to issuance of precise plan approval or if no precise plan is needed a building permit , a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:

- a) *The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:*
- b) *Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.*
- c) *The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.*
- d) *All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.*
- e) *All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.*
- f) *Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.*
- g) *Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.*

AES/mm-2 Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:

- a) *No highly reflective glazing or coatings shall be used on windows.*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- b) *All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.*
- c) *All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.*

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

The City of Morro Bay Planning Department will verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City will confirm compliance with these conditions by visual inspection during final inspection, prior to operation of the project.

After implementation of these measures, residual impacts would be less than significant.

2. AGRICULTURAL RESOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a. Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Environmental Discussion:

The City of Morro Bay contains a relatively limited area devoted to agricultural uses within the city limits. The Chorro and Morro Valleys, within and adjacent to the city, support intensive agricultural activity. No agricultural areas are located within 0.5 mile of the project site.

Impact Discussion:

- a. The project site is classified as Urban and Built Up Land by the Department of Conservation’s Farmland Monitoring and Mapping Program. No Farmland would be converted; no impacts would result.
- b. The project site is within the Waterfront and Harbor (Planned Development) zone, and is not subject to a Williamson Act contract. The proposed use would not conflict with any existing zoning and no impacts would result.
- c. The project location does not consist of forest land or timberland; no impacts would result.
- d. The project location does not consist of forest land or timberland; no impacts would result.
- e. The project would not result in any changes to the environment that would impact existing agricultural uses in the region. The project would continue to be served by City water supplies, which are considered sufficient to adequately meet project-related demands, and construction and long-term operation of the project is not expected to cause any significant impacts on regional agricultural uses. No impact would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to agricultural resources and no mitigation measures are necessary.

Monitoring:

None required.

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

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Environmental Setting:

The San Luis Obispo County Air Pollution Control District (SLOAPCD) has developed the CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The APCD has also prepared a Clean Air Plan to evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels.

The project would result in the disturbance of approximately 0.17 acre of soils. The project also includes remodeling of an existing structure, the creation of an additional 534 sf of retail space, and the construction of an approximately 318 linear foot floating dock and 134 sf gangway. These project activities would result in the creation of construction dust and short-term construction vehicle emissions (Construction Emissions). The project would generate a negligible amount of long-term trips due to existing retail uses within and in the immediate vicinity of the project site.

Impact Discussion:

- a. The proposed development is consistent with the goals and policies of SLOAPCD’s CEQA Handbook and Clean Air Plan. The project is consists of redevelopment of an existing use to accommodate additional retail services, public access opportunities, and provision for boating uses within an urban area primarily dedicated to retail, commercial, visitor service, and recreational uses. The project is consistent with SLOAPCD policies encouraging mixed development in urban areas, and limiting vehicle miles traveled to minimize air pollutants generated by transportation-related sources. Therefore, potential impacts are less than significant.
- b. **Construction Emissions.** Construction emissions that would result from the proposed project were calculated using CalEEMod (California Emissions Estimator Model) Version 2013.2 pursuant to the CEQA Handbook. Project construction emissions (winter/worst case scenario) are estimated in Table 1 Construction Emissions, below.

For construction projects expected to be completed in less than one quarter (90 days), exceedance of the 137 lb/day threshold requires Standard Mitigation Measures. Project estimated construction emissions are not expected to exceed the APCD thresholds therefore no mitigation is required. However, potential impacts would be minimized by implementation of the City’s standard dust control measures.

In addition to the construction air quality thresholds defined above, there are a number of special conditions, local regulations or state and federal rules that apply to construction activities. These conditions must be addressed in proposed construction activity and are summarized below.

Table 1. Project Construction Emissions

	ROG	NO _x	CO	Fugitive PM ₁₀	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)	CO ₂
Project construction emissions (Winter/lbs/day)	9.72	14.84	9.74	0.85	1.03	0.44	1,303.68
Threshold (lbs/day)*	137		n/a	n/a	7		n/a
Mitigation Required	No		n/a	n/a	No		n/a

*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Sensitive Receptors

The proximity of sensitive individuals (receptors) to a construction site constitutes a special condition and may require a more comprehensive evaluation of toxic diesel PM impacts and more aggressive implementation of mitigation measures described below in the diesel idling section (if deemed necessary by the SLOAPCD). Areas where sensitive receptors are most likely to spend time include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The types of construction projects that typically require a more comprehensive evaluation include large-scale, long-term projects that occur within 1,000 feet of a sensitive receptor locations.

Permits

Portable equipment and engines 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the Air Resources Board) or an Air District permit.

Operational Emissions. The APCD has set thresholds for ozone precursor emissions, diesel particulate matter (DPM), fugitive particulate matter emissions (dust), and carbon monoxide emissions (CO). Ozone precursor emissions are measured as combined ROG and NO_x emissions. DPM is seldom emitted from individual projects in quantities which lead to local or regional air quality attainment violations. DPM is, however, a toxic air contaminant and carcinogen, and exposure to DPM may lead to increased cancer risk and respiratory problems. Certain industrial and commercial projects may emit substantial quantities of DPM through the use of stationary and mobile on-site diesel-powered equipment as well diesel trucks and other vehicles that serve the project.

Projects which emit more than 25 lbs/day or 25 tons/year of fugitive particulate matter need to implement permanent dust control measures to mitigate the emissions below these thresholds or provide suitable off-site mitigation approved by the APCD. Any land uses or activities can result in dust emissions that exceed the APCD significance thresholds, cause violations of an air quality standard, or create a nuisance impact in violation of APCD Rule 402, Nuisance. In all cases where such impacts are predicted, appropriate fugitive dust mitigation measures shall be implemented.

Carbon monoxide is a colorless, odorless, tasteless gas emitted during combustion of carbon-based fuels. While few land use projects result in high emissions of CO, this pollutant is of particular concern when emitted into partially or completely enclosed spaces such as parking structures and garages. Projects that emit more than 550 lbs/day of CO and occur in a confined or semi-confined space (e.g., parking garage or enclosed indoor stadium) must be modeled to determine their significance. In confined or semi-confined spaces where vehicle activity occurs, CO modeling is required. If modeling shows the potential to violate the State CO air quality standard, mitigation or project redesign is required to reduce CO concentrations to a level below the health-based standard.

Operational emissions that would result from the proposed additional 534-sf retail use and additional 2,400 square feet of lease site area were calculated using CalEEMod (California Emissions Estimator Model) Version 2013.2 pursuant to the APCD CEQA Handbook, 2012. Operational emissions are estimated as follows (unmitigated):

Table 2. Area Source and Operational Emissions

	ROG	NO _x	CO	PM ₁₀	CO ₂
Winter (lbs/day)	0.45	0.37	1.72	0.12	158.87
Threshold (lbs/day)*	25		550	25	n/a
Mitigation Required	No		No	No	n/a

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Annual (tons/yr)	0.07	0.06	0.27	0.02	27.96
Threshold (tons/yr)*	25		n/a	25	n/a
Mitigation Required	No		n/a	No	n/a

*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

In general, projects that do not exceed APCD thresholds for ozone precursor emissions or dust do not require mitigation for long-term operational effects on air quality. APCD’s recommended levels of mitigation for these pollutants are shown in Table 3 below. The recommended standard air quality mitigation measures have been separated according to land use (i.e., residential, commercial and industrial), measure type (i.e., site design, energy efficiency and transportation) and pollutant reduced (i.e., ozone, particulate, DPM, and GHGs). Any project generating 25 lbs/day or more of ROG + NO_x or PM₁₀ should select the applicable number of mitigation measure as outlined in Table 3-5 of the SLOAPCD CEQA Air Quality Handbook.

Based on the CEQA Air Quality Handbook, the project would result in less than 25 pounds per day (lbs/day) of operational pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. Therefore, no significant long-term air quality effects are expected to occur and no mitigation measures are required.

Table 3. SLOAPCD Mitigation Threshold Guide

Combined ROG+NO_x or PM₁₀ Emissions (lbs/day)	Mitigation Measures Recommended	
	Residential, Commercial or Industrial	Off-Site Mitigation
< 25	None	None
25 – 29	8	*
30 – 34	14	*
35 – 50	18	*
≥ 50	All Feasible	*
≥ 25 ton/yr	All Feasible	Yes

* Will be dependent on the effectiveness of the mitigation measures, location of project and high vehicle dependent development. Examples of projects potentially subject to off-site mitigation include: rural subdivisions, drive-through applications, commercial development located far from urban core.

Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

San Luis Obispo County is currently designated as non-attainment under the state standard for ozone. As noted above, the project would not result in the generation of emissions exceeding identified thresholds; therefore, the project’s contribution would not be cumulatively considerable, and impacts would be less than significant.

- c. The project is located within close proximity to sensitive receptors, including hotels, parks and recreational uses within 1,000 feet of the proposed development. The project would create short-term fugitive dust and

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

diesel particulate matter (DPM) during construction activities, with the potential to constitute a nuisance. After implementation of standard dust control and DPM measures, impacts would be less than significant.

The underlying soil consists of fill material, therefore it is very unlikely for naturally occurring asbestos (NOA) to be encountered during earthmoving activities. The existing structure proposed for the remodel could include asbestos containing materials (ACM). Mitigation measures have been proposed to minimize the potential for exposure to ACM. Therefore, this potential impact can be mitigated to less than significant.

- d. The proposed use would not create objectionable odors, other than minimal effects potentially associated with short-term construction activities. Impacts would be less than significant.

Mitigation and Residual Impact:

AQ Impact 1 Construction activities associated with development of the proposed project would result in short-term emissions of DPM.

AQ/mm-1 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;*
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); SLO County APCD CEQA Air Quality Handbook 20124-14*
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;*
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;*
- (e) Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;*
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;*
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;*
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;*
- (i) Electrify equipment when feasible;*
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,*
- (k) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment*

AQ Impact 2 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.

AQ/mm-2 Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
- c. All dirt stock-pile areas should be sprayed daily as needed;*
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012*
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.*
 - a. Reduce the amount of the disturbed area where possible;*
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
 - c. All dirt stock pile areas should be sprayed daily as needed;*
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;*
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;*
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;*
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;*
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;*
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;*
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;*
 - l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and*
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.*

AQ Impact 3

Remodeling activities associated with the proposed project could result in hazards associated with the presence of Asbestos Containing Materials.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

AQ/mm-3 Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of a any type of building permit.

With implementation of these measures, air quality impacts would be less than significant.

Monitoring:

Demolition plans and regulatory forms will be submitted to the APCD for review and approval, consistent with mitigation measures. The applicant will submit approval documentation from APCD to the City Environmental Coordinator. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Environmental Coordinator.

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

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Environmental Setting:

The project site is located adjacent to Morro Bay. In addition to being a significant hydrological and ecological resource (estuarine and marine wetland), the bay provides habitat for various aquatic and terrestrial species in the area.

A search of the California Natural Diversity Database (CNDDDB) indicates the potential for 61 sensitive plant and animal species to occur within the Morro Bay South Quadrangle. Out of these species, the following plants and animals are either documented within a mile north, south, and west of the project site: California seablite, Blochman's dudleya, San Joaquin spearscale, Miles' milk-vetch, salt marsh birds-beak, Jones' layia, pallid bat, Morro Bay blue butterfly, tidewater goby, monarch butterfly, sandy beach tiger beetle, and California clapper rail. These species generally occur within undeveloped areas along the bay and on the sandspit. In addition to these species, the project area supports habitat for a variety of marine mammals, fish, and migratory birds. The project site is currently developed, and does not support habitat conditions for these species, with the exception of tidewater goby, marine mammals (i.e., otters, seals, sea lions), and migratory birds.

Based on the *Eelgrass (Zostera marina) and [Green Algae] Caulerpa taxifolia Survey* (Tenera Environmental, August 31, 2011) conducted for the project, an approximately 129-sf patch of eelgrass (*Zostera marina*) located within the area proposed for the boardwalk extension and floating dock, and a 151-sf strip within the area of the proposed new water lease site area. No invasive green algae was observed. In addition, an underwater dive was conducted on November 16, 2012 which noted the two eelgrass beds size and location were consistent with the previous report. The remaining area proposed for the existing and expanded water lease could be considered potential habitat for eelgrass. Eelgrass is not an endangered species; however this species is recognized as a Special Aquatic Site per Clean Air Act Section 404(b)(1) guidelines, and is protected under the federal "no-net loss" policy for wetlands. The results of the survey are incorporated in to the discussion below.

Impact Discussion:

- a. Implementation of the proposed project has the potential to result in adverse effects to special status species along the shore and within the bay, including eelgrass, marine mammals, and migratory birds. Based on the location of the project, implementation of erosion control and best management practices are required to avoid significant indirect impacts to special status species within the bay.

Eelgrass. Eelgrass beds are known to occur in the general area, and are considered a Special Aquatic Site (SAS) by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (NMFS). Eelgrass habitat is regulated under Section 404 of the Clean Water Act (CWA), and is also considered Essential Fish Habitat by NMFS. The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) set the Essential Fish Habitat (EFH) provisions to identify and protect important habitats of federally managed marine species. Surveys are required to map the extent and location of eelgrass in projects that may affect eelgrass.

Based on the original Eelgrass survey and the follow up report dated May 7, 2013 there are two beds of eelgrass within the project area. One bed is approximately 129 sq ft and the other one is 151 sq ft. The first bed of eelgrass (bed located to the south) has a minimal portion of the bed located under the proposed boardwalk expansion. In addition the project proposed to run a support beam which will assist in supporting the boardwalk across the eelgrass bed. Although this beam will traverse across the water it is elevated and will not directly affect the bed other than to provide minimal shading. The other eelgrass bed is located near the north end of the headfloat. The new docks has been sited so as to avoid impacts to both existing eelgrass beds and to minimize shading effects. Although there is a small portion of one eelgrass bed under the boardwalk expansion, the boardwalk has been designed to avoid this bed to the greatest extent feasible. The docks have been redesigned to be moved westwardly away from the existing eelgrass. However, with the new dock design, the northernmost eelgrass bed could be accessible to small watercraft, such as a skiff, accessing shore. Long term docking of such small watercraft may cause significant impact to eelgrass habitat. This Eelgrass bed shall be maintained without any long-term shading such as boat

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

storage (mooring) and signage shall be placed on the land and waterside (public boardwalk) providing information to people about the species and why and how it should be protected and that no watercraft shall moor in the area where the Eelgrass bed is located. The boardwalk is proposed to be expanded pursuant to the City's planning documents which require the boardwalk to be a minimum of 8 feet for public access. While there is eelgrass underneath this expansion the boardwalk has been reduced in width and relocated toward landside to the extent it was feasible while still providing the necessary public access as required through the City's LCP. The expansion of docks and the public access boardwalk is proposed within areas that may be considered potential habitat for eelgrass (based on the depth of the water etc), and therefore may affect eelgrass habitat. Shading effects from the boardwalk expansion and dock expansion can be minimized through mitigation measures requiring the portion of the boardwalk overhanging the water to be constructed of grating material or translucent material in order to allow sunlight to pass through.

Marine Mammals. Potential impacts to marine mammals in the bay will be limited to the construction phase. Sediment and pollutant discharge, and the generation of noise from construction equipment may be temporarily disruptive. These activities would be limited to daytime hours only. The disturbance of animals listed under the Endangered Species Act (ESA) and Marine Mammal Protection Act may constitute harassment. Harassment of such animal species without the proper incidental take permit (pursuant to Sections 7 and 10 of the ESA and consultation with the National Marine Fisheries Service). Implementation of mitigation measures, including avoidance of marine mammals and monitoring during activities conducted within the bay, is required to avoid disturbance of special-status species. During operation, conditions within and adjacent to the bay will be similar to surrounding uses, and no long-term significant impact would occur.

Migratory Birds. Migratory birds are protected under the Migratory Bird Treaty Act of 1918. The project site does not support conditions considered suitable for migratory bird nesting; however, birds may be present or forage within the project area. Avoidance of all bird species is recommended during construction. During operation, conditions within and adjacent to the bay will be similar to surrounding uses, and no long-term significant impact would occur.

- b.** As noted above (a), implementation of the project has the potential to impact eelgrass beds (a SAS). In addition, construction of the project would include the use of heavy equipment and machinery adjacent to Morro Bay and additional boating activities. These activities may result in pollutant discharges, including sediment, oils, and fuels entering the bay, and indirectly impacting terrestrial and aquatic species.

In addition to a modified design to allow for sunlight through the boardwalk (see above), prior to construction, the applicant will prepare a final grading plan including temporary and permanent soil stabilization and erosion control measures, and a spill prevention control and countermeasure plan to avoid the potential for accidental leak or release of oils, fuels, and other materials. These best management practices would mitigate potential impacts resulting from pollutant discharges into Morro Bay, and impacts after implementation would be considered less than significant.

- c.** The project site is located adjacent to and within estuarine and marine wetland areas, including the navigable waters of Morro Bay. No dredge or fill, except the addition of new and sleeved piles, of wetland areas is proposed. The original proposal to remove five existing pilings is modified as follows, remove/abandon two pilings and sleeve three pilings. Four steel/fiberglass main piles will be set at the end of each proposed floating finger dock. Construction will include the use of a barge and crane to avoid the placement of equipment within the bay. As noted above (b), mitigation and best management practices would be incorporated into the project to avoid potential impacts to the bay. The applicant is responsible for obtaining any additional permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board for actions within navigable waters of the U.S. Based on implementation of recommended mitigation measures, impacts would be less than significant.
- d.** Please refer to (b) above, which addresses potential impacts to marine mammals and migratory birds. Based on implementation of mitigation measures, potential impacts would be less than significant.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- e. The project site is located within and adjacent to Morro Bay. Portions of the bay are located within designated Environmental Sensitive Habitat Area (ESHA) overlays, which apply to areas that support environmentally-significant habitats, such as wetlands, riparian areas, and special-status species habitat. The project site is not located within an ESHA overlay, because the site is developed and adjacent to a section of Morro Bay that is dredged for maintenance of the harbor. Although the site is not specifically designated as an ESHA, potentially significant in-direct effects are considered in this Initial Study (refer to a, b, and c above), such as pollutant discharges that may migrate from the site into sensitive habitats (ESHAs). The project is consistent with the City's General Plan and Local Coastal Program, and would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant.
- f. The project site is not subject to any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. Impacts would be less than significant.

Mitigation and Residual Impact:

BIO Impact 1 **Construction of the proposed overhanging boardwalk and support beams would block sunlight and reduce eelgrass populations within the project site.**

BIO/mm-1 *Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:*

- a. *The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.*
- b. *The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.*

BIO Impact 2 **Construction of the new docks would block sunlight to the water and will reduce eelgrass habitat.**

BIO/mm-2 *Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:*

- a. *All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.*

BIO Impact 3 **Redesign of the docks pushed westward will leave open water over eelgrass that may be accessible to small watercraft creating impacts to eelgrass habitat.**

BIO/mm-3 *All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.*

BIO Impact 4 **Construction of the new docks will have the potential to eliminate existing eelgrass.**

BIO/mm-4 *The following actions are required to mitigate impacts to existing Eelgrass.*

Eelgrass Surveys:

- 1. *A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City's Planning Division (Environmental Coordinator) for review prior to issuance of building permit.*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City's Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.

Eelgrass Monitoring Plan:

2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:

- a. Eelgrass Protection. All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.*
- b. Monitoring and Reporting. A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also include annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.*

BIO Impact 5

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

BIO/mm-5

A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.

B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:

- a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).*
- b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.*
- c. In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall include a process for emergency reporting in the event of a violation, including a chain-of-command.*
- e. The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.*

BIO Impact 6

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

Bio/mm-6

All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

BIO Impact 7

BIO/mm-7

Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit, whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.

BIO Impact 8

Construction of the project may result in accidental release of pollutants within the bay, including sediments, oils, waste, and fuels, which would degrade state and federally-protected waters.

BIO/mm-8

Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).

Refer to mitigation measures GS/mm-1, HAZ/mm-1, HAZ/mm-2, HYD/mm-1, HYD/mm-2, and N/mm-1.

After implementation of these measures, residual impacts to biological resources would be less than significant.

Monitoring:

The retained biological monitor shall verify compliance with biological mitigation measures during construction, and submit monitoring reports to the City, pursuant to an approved Monitoring Plan. The City shall ensure that all necessary studies and/or information has been submitted before the issuance of a permit and/or before a final approval has been issued.

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

Environmental Setting:

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

The project site is located in an area historically occupied by the Obispeno Chumash, and is considered by some to include the southern boundary of the Playano Salinan people. During prehistoric times, the areas surrounding the Morro Bay inlet and estuary were rich in terrestrial, littoral, and estuarine resources, which directly correlate to the high frequency of prehistoric cultural sites identified in the Morro Bay region. Several locations along the coast are designated Archaeologically Sensitive (AS) by the city.

Based on review of archaeological records kept on file with the City Public Services Department, significant archaeological and historical resources are present on native soils within the City. The project site is located on fill material, which has not been shown to contain significant archaeological or historical resources.

Impact Discussion:

- a. The project site does not include any resources included on a local register of historical resources, and does not contain any building, structure or other object that is historically significant to California’s history or cultural heritage as defined by CEQA Section 15064.5. No historic resources are located onsite; therefore impacts are less than significant.
- b. No archaeological resources were documented by the records search, and based on the location of the project site, no further investigations are recommended. Based on the lack of evidence indicating the presence of significant resources, potential impacts would be less than significant.
- c. No unique paleontological or geographic resources are known to exist at the project site. Based on the location of the project site and limited area of disturbance, significant paleontological discovery is unlikely; therefore, impacts are less than significant.
- d. Based on the location of the project site, discovery of human remains is unlikely. Health and Safety Code Section 7050.5 requires construction to cease if in situ cultural resources are encountered until the County Coroner has been notified and necessary findings as to origin and disposition of the remains can be made pursuant to Public Resources Code Section 5097.98. Construction must halt in the area of the discovery, the area must be protected, and consultation and treatment must occur as prescribed by law. Based on results of the study and compliance with existing regulations, impacts would be less than significant.

Mitigation and Residual Impact:

CR/Impact 1 The project is not expected to result in any potentially significant impacts to cultural resources. Due to the cultural sensitivity of the region, the City requires the following mitigation measure, in the event of subsurface, significant, cultural resource discovery.

CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring:

The City Planning Department will verify compliance with this measure.

6. GEOLOGY /SOILS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii	Strong Seismic ground shaking?		X		
iii	Seismic-related ground failure, including liquefaction?		X		
iv	Landslides?			X	
b.	Result in substantial erosion or the loss of topsoil?		X		
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Environmental Setting:

The proposed project is located within the Coast Range Geomorphic Province of California located between the Pacific Ocean and the Sacramento-San Joaquin Valley. The Coast Ranges trend northwesterly along the California coast for approximately 600 miles between Santa Maria, California and the Oregon border. Onsite soils at the project location consist of fill material. Based on the Natural Resources Conservation Service (NRCS), the soils are mapped as 192 Psamments and Fluvents, occasionally flooded and Water. Based on the project location adjacent to the bay, the site may be subject to ground shaking and liquefaction, similar to existing conditions. No unique geologic features exist on the site.

Impact Discussion:

- a. The Southern Coast Ranges Province is one of the most complex geologic provinces in the state, characterized by a number of sub-parallel structural blocks bounded by several on- and off-shore faults. There are no official maps of Alquist-Priolo Earthquake Fault Zones in or near the city of Morro Bay, and the site is not within a State Earthquake Fault Zone. The closest active fault to the project site is the Los Osos Fault, six miles to the south. The closest mapped fault to the site (regardless of activity) is the Cambria Fault; two splays of this fault are mapped approximately 500 feet to the north, and 400 feet to the southwest.

The project site is located in a region of generally high seismicity, and has the potential to experience strong ground shaking from earthquakes on regional and/or local causative faults. Based on the location of known faults, the potential for surface fault rupture is low.

Liquefaction occurs when saturated, cohesionless soils lose strength due to earthquake shaking. The presence of loose, poorly graded, fine sand material that is saturated by groundwater within an area known to be subjected to high intensity earth quakes and long-duration ground motion are the key factors that

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

In California, the main sources of Greenhouse Gases (GHGs) are from the transportation and energy sectors. According to the California San Luis Obispo County Annual Resource Summary Report (2010), approximately 40 percent of GHG emissions result from transportation and 23.5 percent result from commercial/industrial uses (County of San Luis Obispo, 2010). GHGs remain in the atmosphere for periods ranging from decades to centuries; the main GHGs emitted by human activities include CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCS), perfluorocarbons (PFCS), and sulfur hexafluoride (SF₆).

A warming trend of approximately 1.0 to 1.7 degrees Fahrenheit occurred during the 20th Century. It is generally agreed that human activity has been increasing the concentration of GHGs in the atmosphere, mostly CO₂ from the combustion of coal, oil and gas (NCDC, 2008). The effect of each GHG on climate change is measured as a combination of the volume or mass of its emissions, and the potential of a gas or aerosol to trap heat in the atmosphere (global warming potential), and is expressed as a function of how much warming would be caused by the same mass of CO₂.

The potential effects on future climate change on California resources include increases of air temperature, sea level rise, reduced water resources and changed flood hydrology, changed forest composition and productivity, increased wild fires, changed habitats and ecosystems, changed crop yields and increased irrigation demands, and increased smog and public health issues.

Impact Discussion:

- a. Carbon dioxide (CO₂) is the most dominant greenhouse gas, making up approximately 84 percent of total GHGs by volume. Based on emission estimates calculated with URBEMIS 2007 (refer to Section 3, Air Quality, above), development of the project would generate approximately 4,493 lbs/day of CO₂ during construction and 11.95 tons per year during operation (above existing uses). Based on the County's recently adopted GHG thresholds (1,150 metric tons/year) (SLOAPCD, 2012), the proposed project would not generate GHG emissions exceeding identified thresholds, therefore, potential impacts would be less than significant.

- b. The proposed project is consistent with the goals and policies of the City of Morro Bay General Plan, County of San Luis Obispo Conservation and Open Space Element, SLOAPCD's CEQA Handbook, Clean Air Plan, and GHG Thresholds and Supporting Evidence document. Impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts related to greenhouse gas emissions, and no mitigation measures are necessary.

Monitoring:

None required.

8. HAZARDS/HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h.	Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Environmental Setting:

Based on review of the City of Morro Bay General Plan and Local Coastal Plan, and the California Department of Toxic Substances Control Cortese List and EnviroStar databases, there is no evidence that hazardous materials were ever used, stored or spilled on the project site at any time in the past, and there are no oil wells, tanks or related structures located on the property. The project includes the installation of new docks for the mooring of recreational boats. Mooring of boats would increase the risk of upset of hazardous materials handled on site. The addition of boats to the site results include the use of hazardous materials or present hazards that would threaten construction workers, residents, the public, or the environment. However, risks related to hazardous materials and their release into the environment could occur during the construction stage of the project (i.e., asbestos exposure). Sensitive uses/resources that could be impacted by hazards resulting from the proposed project include adjacent uses and Morro Bay.

Impact Discussion:

- a. The project could potentially increase the amount of hazardous materials that currently exist. Existing and proposed vessel maintenance includes the use of fuel, oil, lubricants, and cleaning supplies. The release of sewage into the bay from visiting vessels could have a significant hazard to the public or the environment; however, current practice and procedures are in place to reduce the risk of accidents. These practices include inspections of vessels that are planning to dock one month or more at a specific location to assess seaworthiness, adequate sanitation, etc. In addition, if a spill occurs, a mitigation measure is included to require that a spill kit be provided and available on the dock to assist in the clean-up. Policies in place require that if the City receives a complaint about dumping, an investigation will be conducted to determine the source. If traceable evidence is discovered, the perpetrator will be fined. The City offers visitors three free pump out facilities and encourage their use to prevent dumping waste into the bay. With routine procedures in place and a requirement to provide a spill kit, the impacts would be less than significant. In addition to City regulations, federal regulations govern public waterways and require permits in order to discharge any materials into the harbor. The project does not propose the routine transport, use or disposal

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

of hazardous materials. Construction materials, including fuels and oils, may be transported during construction, in compliance with existing regulations. Associated hazards to the public or the environment would be less than significant.

- b. Risks related to hazardous materials and their release into the environment could occur during the construction phase of the project. Although a limited amount of hazardous materials would be present at the project site (namely oil and gas for construction equipment and vehicles) during normal construction conditions, hazardous materials would not pose a substantial risk. However, there is the potential for spills to occur at the project site, which would potentially affect sensitive areas, such as Morro Bay. Mitigation is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant. In addition, removal of the existing treated wood pilings would require special treatment and disposal, subject to existing California Department of Toxic Substance Control regulations. Mitigation is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant. The marine vessels moored on site are prohibited from discharging sewer, fuels or other chemicals into the water but spills or leaks may occur. Mitigation is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant. Remodeling activities could also cause potential impacts associated with handling, demolition, and disposal of asbestos containing materials. Compliance with standard asbestos regulatory requirements (refer to AQ/mm-3 above), preparation of a Spill Prevention Control and Countermeasure Plan, and compliance with solid waste disposal requirements are recommended to reduce impacts to less than significant.

Remodeling activities could also cause potential impacts associated with handling, demolition, and disposal of asbestos containing materials. Compliance with standard asbestos regulatory requirements (refer to AQ/mm-3 above), preparation of a Spill Prevention Control and Countermeasure Plan, and compliance with solid waste disposal requirements are recommended to reduce impacts to less than significant.

- c. The project would not be located within 0.25 mile of a school and does not propose to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Impacts would be less than significant.
- d. The project site is not located on a known hazardous materials site. No impacts would occur.
- e. The project site is not located within an airport land use plan or within two miles of a public airport. No impacts would occur.
- f. The project site is not located within the vicinity of a private airstrip. No impacts would occur.
- g. Based on the location of the project site, construction of the proposed project would not conflict with any regional evacuation or emergency response plan.
- h. The project is proposed within an urban setting, and is not in a high fire risk area. The project site is served by the City Fire Department. The applicant would comply with standard practices during construction to minimize the potential for incidental fires, including inspection of equipment. The project would not expose people or structures to a significant risk of fire, and impacts would be less than significant.

Mitigation and Residual Impact:

HAZ Impact 1 Development associated with the proposed project has the potential to result in the accidental release of hazardous materials into sensitive areas within and adjacent to the project site.

HAZ/mm-1 Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2 Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With implementation of this mitigation measure, impacts related to hazards and hazardous materials would be less than significant.

Monitoring: Prior to issuance of demolition permits asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department. City of Morro Bay staff shall verify that signs are adhered to docks prior to final inspection

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

The City Environmental Coordinator shall verify receipt of required documentation. Monitoring or inspection shall occur as necessary to ensure development is proceedings consistent with the Construction Plan.

9. HYDROLOGY/WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements?		X		
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X	
d. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?		X		
g. Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
i. Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

Environmental Setting:

The project site is located adjacent to and within Morro Bay. The project site is not located within a 100-year flood zone designation. Based on FEMA’s Flood Insurance Rate Map, the project site is within Flood Zone X (0.2 percent annual chance flood).

Impact Discussion:

- a. The project site is adjacent to and within Morro Bay. As discussed in Section 4 (Biological Resources), Section 6 (Geology and Soils), and Section 8 (Hazards / Hazardous Materials), construction of the project may result in erosion and down-gradient sedimentation or the accidental release of fuels, oils, or other materials, which may discharge into the bay. The project does not include a new parking area or additional

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

sources of potentially polluted stormwater runoff beyond existing conditions. Mitigation is recommended to address these potential impacts and avoid discharge into surface waters.

- b. The proposed project may require minimal additional City water supplies as it proposes a new public restroom and a private shower for the boat slips. Potential impacts are less than significant.
- c. Implementation of the project would not alter the existing drainage pattern on site or in the area as the site is currently fully developed with either building or hardscape. The project would eliminate some hardscape with the addition of a new retail space but there is no elimination of pervious area. Stormwater would continue to sheetflow off the project site and into the bay. No significant impacts would occur.
- d. Refer to c., above. The project would not increase runoff which would result in flooding on- or off-site. Impacts would be less than significant.
- e. Refer to c., above. The project is a fully developed site completely covered with non-pervious surfaces and therefore the new construction will not contribute to additional runoff. No increase in capacity or additional sources of runoff would be placed within the existing storm water drainage system. Potential impacts would be less than significant.
- f. Refer to a. above. In addition, there is a potential that the existing wood pilings are treated with creosote, a hydrocarbon product that has negative water quality impacts. Removal of these pilings may stir up settled metals, or other pollutants on the bay floor. Mitigation is recommended to protect water quality to the maximum extent feasible, and reduce potential impacts to less than significant.
- g. The project location is not within FEMA's 100-year flood hazard area and the project does not propose any residential units. No impacts would occur.
- h. The project location is not within the FEMA 100-year flood hazard area, and would not redirect or impede any flood flows. No impact would occur.
- i. The project does not place structures or people in a high flood hazard area and is not within an area that would be affected by a levee or dam failure. No impact would occur.
- j. The project is located in an area potentially affected by tsunamis. The project would not increase this risk beyond existing use of the site, and visitors would continue to implement existing emergency evacuation plans, similar to existing conditions. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact:

HYD Impact 1: Construction of the project has the potential to result in pollutant discharge within the waters of Morro Bay.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. *Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- b. *Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).*
- c. *Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.*
- d. *Construction Site Documents. Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.*
- e. *Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquires and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints receive regarding the construction, and shall investigate complaints and take remedial action, if necessary with 24 hours of receipt of the complaint or inquiry.*

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. *Material Containment. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.

- b. Piling Installation Procedures. The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.*
- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:*
 - 1) Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,*
 - 2) The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.*
 - 3) In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.*

Refer to mitigation measures GS/mm-1 and HAZ/mm-1.

After implementation of these measures, residual impacts to hydrology and water quality would be less than significant.

Monitoring:

The City shall assign a monitor or inspector to verify compliance with mitigation measures during construction.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

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

Environmental Setting:

The proposed project is located on the west side Embarcadero Road, directly northwest of Harbor Street, within the City of Morro Bay. The project is within Waterfront/Harbor zone with a Planned Development Overlay. Surrounding land uses include visitor serving and retail land uses to the south, north, and east, and Morro Bay to the west. The project site is currently developed by the Hofbrau restaurant, indoor and outdoor seating areas, Poppy and Crills II retail shops, restrooms, public walkway and view deck, and parking area.

Impact Discussion:

- a. The proposed project consists of the remodel and expansion of an existing use and expansion of docks, and would not divide an existing community; therefore, impacts would be less than significant.
- b. The proposed project is an allowed use, subject to securing a Conditional Use Permit pursuant to Municipal Code Sections 17.24.170 (Zoning Ordinance, Primary Districts, Waterfront (WF) district) and 17.24.170 (Zoning Ordinance, Primary Districts, Harbor and navigable ways (H) district). The proposed project does not conflict with any of the expressed goals, policies, and objectives of the Local Coastal Program and would further many, including but not limited to, the following:

Visitor-Serving Policy 2.03. Consistent with LUP Policy 7.06A, the Embarcadero...shall be considered a mixed commercial fishing and visitor-serving recreational use area. With regard to the siting of new developments, priority shall be given for coastal-dependent uses located on the west side of the Embarcadero.

Visitor-Serving Policy 2.05. Future demands of the tourist industry shall be provided for when considering new development in Mixed Use Areas A and C and in the Embarcadero.

Shoreline Access and Recreation Policy 1.20. 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.

In addition, the project is consistent with the Design Standards identified in the *Waterfront Master Plan* (1996), including standards specific to view corridors, building heights, sidewalk connections, and general design treatment (building character). Impacts to specific resources, including aesthetics, air quality, water quality, and noise, may also have an effect on land uses in the immediate area. These issues are addressed in each appropriate section of this Initial Study, and all impacts can be mitigated to less than significant. Therefore, any land use impacts would be less than significant.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- c. There are no habitat conservation plans or natural community conservation plans that apply to the project site. No impacts would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to land use and planning. Recommended mitigation measures addressing environmental effects that may also affect land use, and potential use conflicts, include: *AES/mm-1, AES/mm-2, AQ/mm-1, AQ/mm-2, AQ/mm-3, HYD/mm-1, HYD/mm-2, and N/mm-1.*

Monitoring:

Compliance will be verified by the City through review of project plans and onsite inspection.

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

Environmental Setting:

The area of proposed development is located in an area that does not contain significant amounts of any known mineral resources.

Impact Discussion:

- a. The project is not located in an area of known mineral resources. Impacts would be less than significant.
- b. The project site is not designated on any local or regional plan as a locally-important mineral resource recovery site. No impacts would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to mineral resources and no mitigation measures are necessary.

Monitoring:

None required.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?		X		

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

b.	Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c.	Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d.	Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

Environmental Setting:

The City of Morro Bay Noise Element does not identify commercial or retail uses as noise sensitive. Parks, including Anchor Park located to the immediate north, are considered noise sensitive. The acceptable maximum level of noise exposure (from a stationary use) for noise sensitive uses is 70 decibels.

Impact Discussion:

- a. Construction activities associated with the proposed project would generate increased noise levels due to the use of heavy construction equipment and vehicles. Development of the proposed project would likely expose surrounding areas to noise levels that exceed those established in the Noise Element. This effect would be short-term, however, and would be limited to daytime hours pursuant to City policy. Short-term construction impacts would be less than significant.

The proposed uses would not generate additional sources of noise not currently experienced along the Embarcadero, including visitor-use and boat motors.

- b. The proposed project would result in some groundborne vibration and noise during the short-term construction phase. These potential impacts would be short-term and limited to daytime hours consistent with City policy. Mitigation is recommended to reduce the effects of vibration at the source (i.e. piling installation), including onsite monitoring during construction. Based on implementation of identified mitigation, potential noise impacts would be less than significant.
- c. Implementation of the project would not generate noise levels exceeding existing conditions, because no new noise-generating uses are proposed. The boat docks would be located adjacent to existing docks in the area, and use would not significantly increase the ambient noise level, which is currently affected by boat use in the bay. The impact would be less than significant.
- d. The project would create temporary increases in noise levels in the project vicinity above those existing without the project due to construction activities (refer to a. and b., above). However, potential increases would not differ from those typically associated with similar development projects, and activities would be conducted in compliance with existing City policy and recommended mitigation; therefore, potential impacts would be less than significant.

Mitigation and Residual Impact:

N Impact 1 Construction of the project, including installation of new pilings, would generate noise and vibration potentially affecting surrounding uses and aquatic resources.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds	Threshold
Level A PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms
Level B Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms

Source: http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

The plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

After implementation of these measures, residual noise impacts would be less than significant.

Monitoring:

The retained hydro-acoustical monitor shall verify compliance with noise mitigation measures during construction, and submit monitoring reports to the City, pursuant to the approved Construction Plan and Monitoring Plan. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

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

Environmental Setting:

The City of Morro Bay has a population of 10,234 based on data from the 2010 Census. The population has remained relatively constant over the last decade, down approximately 1.1 percent from 10,350 in 2000 (California Department of Finance, Table E-4).

The San Luis Obispo County Council of Governments (SLOCOG) allocates housing production goals for the County and incorporated cities based on their fair share of the region’s population and employment, which is outlined in the SLOCOG 2008 Regional Housing Needs Plan. The Plan designated a Regional Housing Needs Allocation (RHNA) of 180 of the total 4,885 housing units to the City of Morro Bay over the 2007-2014 planning

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

period (SLOCOG 2008). The City’s 2009 Housing Element showed the city’s capacity to accommodate all 180 allocated units, and a remaining surplus of lands suitable to develop as many as 400 additional units.

Impact Discussion:

- a. Implementation of the project would have no effect on existing housing, and would not displace any people. No impacts would result.
- b. Refer to a., above. No impacts would result.
- c. The project proposes redevelopment of an existing use, and would not induce growth in the area either directly or indirectly. Impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to population or housing and no mitigation measures are necessary.

Monitoring:

None required.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

Environmental Setting:

According to the California Department of Finance, the city of Morro Bay’s population in 2010 was 10,234 and San Luis Obispo County’s population was 269,637. SLOCOG published a Long Range Socio-Economic Projections Report in May 2009, updating population projections in the county after accounting in the dramatic downturn in the economy and adjusting population projections accordingly. The report projects the city population to grow by 8.1 percent to 11,190 by 2030 (County growth was estimated to reach 18.1 percent) (City of Morro Bay, 2009).

The city of Morro Bay is served by the Morro Bay Police and Fire Departments and the San Luis Coastal Unified School District. The project site is located in a Medium Fire Hazard Zone and 15 Minute Emergency Response Zone on the County of San Luis Obispo safety maps.

There are two schools within the city, Del Mar Elementary School and Morro Bay High School. The San Luis Coastal Unified School District is operating at acceptable capacities at all grade levels. Elementary schools are currently operating at approximately 82.5 percent capacity, and serving 3,409 students. Middle schools serve approximately 1,071 students and are operating at 69.1 percent capacity. High schools within the district are the closest to reaching their capacity levels, and currently serve approximately 2,493 students at 93.4 percent capacity

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

(County of San Luis Obispo 2010). High school capacity levels have been designated a Level of Severity II, which means enrollment projections are estimated to reach school capacity with five years.

Impact Discussion:

- a. The proposed project would not result in additional demand for public services or utilities. During construction, there would be a potential demand for fire protection or police services in the unlikely event an incident occurs that requires emergency response. The project would have no effect on schools, parks, or other services.
- b. Refer to a., above. Impacts would be less than significant.
- c. Refer to a., above. No impact would occur.
- d. Recreational facilities are discussed in Section 15, below. No impact would occur.
- e. The proposed project is not expected to result in any significant adverse impacts on any other governmental services within the city or San Luis Obispo County. No impact would occur.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to public utilities and no mitigation measures are necessary.

Monitoring:

None required.

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

Environmental Setting:

The city of Morro Bay manages 13 city parks, and also offers three state parks and a significant number of open space and recreational opportunities associated with more than 10 miles of ocean shoreline within the city limits, over 95 percent of which is open to lateral coastal access. Approximately 90 percent of the lands abutting the Pacific Ocean in Morro Bay are publicly owned (City of Morro Bay, 1982). The proposed project is located adjacent to Anchor Park, a small pocket park adjacent to the bay. Recreational activities in the bay include boating, kayaking, surfing, stand up paddling, birdwatching, and sight-seeing.

Impact Discussion:

- a. Construction and implementation of the project would a beneficial effect on existing or future recreational opportunities, because the project includes an expanded public walkway and boat docks. No adverse impact would occur.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- b. Refer to a. above. Impacts associated with development of the project are addressed in each appropriate resource section. Construction of the project would generate noise and may degrade water quality, which could have an adverse effect on recreational activities in the bay. These issues are addressed in the Initial Study, and identified mitigation would address potential impacts to recreation. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to recreational facilities and no mitigation measures are necessary.

Monitoring:

None required.

14 TRANSPORTATION/CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?			X	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X	
e. Result in inadequate emergency access?			X	
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?			X	

Environmental Setting:

The project site is located on Embarcadero Road, and is directly accessed from Embarcadero Road and Harbor Street. Alternative routes to the Embarcadero include Beach Street, Pacific Street, and Marina Street. During construction, equipment, trucks, and other vehicles would access the project site from this location. Onsite parking may be reduced during the construction period. Although the project includes an additional retail unit, based on the existing uses onsite and in the vicinity, this additional use is not anticipated to generate additional traffic trips.

Impact Discussion:

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- a. Based on the nature of the project, it would not conflict with any applicable plan, ordinance, or policy related to transportation or circulation. The project includes an improved sidewalk and public walkway, which would improve pedestrian circulation in the immediate area. Long-term, operational trips would be similar to existing conditions. Therefore, potential impacts would be less than significant.
- b. Refer to a., above. The project would not conflict with any congestion management program.
- c. The project would not have any effect on area flight patterns. No change in air traffic patterns would result from the proposed project, and impacts would be less than significant.
- d. No hazardous design features are present, and no changes to the existing access are proposed. No impact would occur.
- e. The project site would continue to be accessible from Embarcadero Road, and would not result in inadequate emergency access from any on-site or adjacent location during construction and operation. No impact would occur.
- f. The project would not conflict with any adopted plans, policies, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would occur.

Mitigation and Residual Impact:

Potential transportation and circulation impacts would be less than significant, and no mitigation is necessary.

Monitoring:

None required.

17. UTILITIES & SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

f.	Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?			X	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Environmental Setting:

The City receives water from a variety of sources: groundwater from the Morro Creek and Chorro Creek underflows, converted water through the City’s desalination facility, and state water via the Chorro Valley pipeline. The desalination facility also treats brackish water from the Morro Creek underflow for nitrate removal. The desalination facility provides water when the State Water Project pipeline undergoes annual maintenance. The City has an allocation from the State Water Project, including a drought buffer amount, as shown in Table 4, below.

Table 4. City of Morro Bay State Water Project Allocation (acre feet/year)

Water Service Amount	Buffer	Total Reserved	Minimum Allocation	Average Allocation	Maximum Allocation
1,313	2,290	3,603	216	1,313	1,313

*Source: County of San Luis Obispo, Annual Resource Summary Report 2009-2010

Water use in the city has remained relatively steady over the past 10 years (as has the city’s population), ranging from 1,317 afy in 2009-2010 at its lowest, to 1,475 afy in 2003-2004 at the highest.

Table 5. City of Morro Bay Total Water Use (acre feet/year)

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2007-2008	2008-2009	2009-2010
1,372	1,417	1,437	1,423	1,475	1,400	1,384	1,420	1,369	1,317

*Source: County of San Luis Obispo, Annual Resource Summary Report 2009-2010

Based on information provided by the city for preparation of the County Resource Management System’s 2009-2010 Annual Resources Summary Report, per capita water use in 2009-2010 was approximately 111 gallons per capita per day (gpc/d). Based on Morro Bay’s previous reductions and current low usage, the City expects to be able to comply with state requirements for the reduction of per capita water use by 5 percent by 2020 (County of San Luis Obispo 2010). The city’s water rates are relatively high (the second highest rates in the county), with an average single family unit paying \$27.58 per month for approximately 5,236 gallons per month of water. This equates to a little more than \$0.005/gallon.

The city shares a wastewater treatment plant with the Cayucos Sanitary District, located in Morro Bay near the Morro Bay power plant. The wastewater treatment plant currently has one of the few secondary treatment waivers in the state, which allows the plant to dispose of primary-treated sewage through an outfall to the ocean. The waiver is being phased out over the next several years, as the plant is upgraded to provide tertiary treatment. At that level of treatment, the wastewater effluent could be recycled to augment the city’s water supply.

As of 2010, the city’s sewer treatment facility was operating at approximately 85 percent capacity (County of San Luis Obispo 2010). Average daily dry weather flows for 2010 were 1.19 million gallons per day (mgd), and peak daily dry weather flow was 1.75 mgd. The facility’s current daily capacity is 2.06 mgd (Bruce Keogh, personal communication, November 4, 2011). Wet weather flows are much higher (averaged approximately 2.6 mgd in 2010

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

and peaked at approximately 6.0 mgd). However, the system has sufficient detention capacity to hold these additional flow amounts and release flows consistent with the 2.06 mgd biological capacity. The city and Cayucos are in the process of upgrading the facility, and the expansion is expected to be completed in January 2014. After the expansion, the facilities capacity would be approximately 1.5 mgd, a reduced capacity that has been adjusted to account for new population and flow projections for both communities over a 20 year planning period (Bruce Keogh, personal communication, November 4, 2011). Additional information can be found in the Facility Master Plan, and specifically the Facility Master Plan – July 2010 Amendment 2, which are located on the City’s website, at <http://www.morro-bay.ca.us/index.aspx?NID=352>.

The city contracts with Morro Bay Garbage Service to provide residential and commercial garbage, recycling, and green waste collection services for Morro Bay. All of the city’s waste is taken to Cold Canyon Landfill. Cold Canyon is located approximately five miles south of the city of San Luis Obispo on State Route 227. Total capacity at the landfill is 10.9 million cubic yards, and the County is currently conducting environmental review for a proposal to expand the existing facility and services. Currently, about 75 percent of the landfill’s capacity is filled.

Impact Discussion:

- a. The project would continue to be served by existing City wastewater collection and treatment facilities, and would not include an onsite system. Therefore, there would be no impact.
- b. The project would continue to utilize City water resources and the City’s existing wastewater collection and treatment system and facility. Both services have sufficient capacity to meet the minimal anticipated increased capacity and demand resulting from the proposed project. The proposed restroom remodel would meet ADA standards. Impacts would be less than significant.
- c. The project would utilize the City’s existing stormwater drainage system, and would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Impacts would be less than significant.
- d. The City’s existing water supplies are considered adequate to meet any additional demand generated by development of the proposed project and no new or expanded entitlements would be required. Impacts would be less than significant.
- e. The project would continue to be served by the City’s wastewater collection and treatment facility. The facility is expected to have sufficient capacity to meet additional capacity produced by the project, and impacts would be less than significant.
- f. The proposed project’s impact on capacity at Cold Canyon Landfill, and any approved hazardous materials landfill (for the treated wood pilings), would be minimal. The landfill is expected to be able to meet the additional demand and impacts would be less than significant.
- g. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste; impacts would be less than significant.

Mitigation and Residual Impact:

The project is not expected to result in any potentially significant impacts to utilities or service systems and no mitigation measures are necessary.

Monitoring:

None required.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

IV. INFORMATION SOURCES:

A. City / County / Federal Departments Consulted:

County of San Luis Obispo

B. General Plan

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

C. Other Sources of Information

x	Field Work / Site Visit	x	Flood Control Maps
x	Calculations	x	Zoning Maps
x	Project Plans / Description	x	Soils Maps / Reports
	Traffic Study	x	Plant Maps
x	Records	x	Archeological Maps
x	Grading Plans	x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2012
x	Elevations /Architectural Renderings	x	Other: CalEEMod (California Emissions Estimator Model) Version 2013.2
x	Published Geological Maps	x	Other: National Oceanic and Atmospheric Administration website. www.nwr.noaa.gov
	Topographic Maps		
x	AG Preserve Maps		

D. References

Air Pollution Control District of San Luis Obispo County (APCD), CEQA Handbook, 2012.

CalEEMod (California Emissions Estimator Model) Version 2013.2

California Department of Conservation, Division of Land Resource Protection. 2008. *Farmland Monitoring and Mapping Program – San Luis Obispo County Important Farmland Map 2008*.

California Department of Toxic Substances Control. Envirostor. <http://www.envirostor.dtsc.ca.gov/public/>>. Accessed April 27, 2012.

California Natural Diversity Data Base (CNDDDB). 2012. Morro Bay South USGS 7.5- minute quadrangle overlays. California Department of Fish and Wildlife. Sacramento, California.

City of Morro Bay. 1982. *Land Use Plan of the Local Coastal Program*.

City of Morro Bay. 1988. *City of Morro Bay General Plan – Visual Resource and Scenic Highway Element*.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

City of Morro Bay. 1988. *Circulation Element*.

City of Morro Bay. 1996. *Waterfront Master Plan*.

City of Morro Bay. 2009. *Housing Element*.

County of San Luis Obispo, Resource Management System. 2010. *2009-2010 Annual Resource Summary Report, San Luis Obispo County General Plan*.

Department of Finance. 2011. Table E-4, Population Estimates, 2001-2010. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2001-10/view.php>. Accessed on: November 2, 2011 and August 12, 2013.

Keogh, Bruce. November 4, 2011. Wastewater Division Manager. City of Morro Bay Public Services Department, Wastewater Treatment Plant Operations. Personal Communication.

National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS). 2005. Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California; Final Rule. Federal Register Vol. 70, No. 170:52488-52627.

Natural Resources Conservation Service, Web Soil Survey. < websoilsurvey.nrcs.usda.gov/ >. Accessed August 21, 2012.

Cathy Novak Consulting 2013. Harbor Center Project Description.

Tenera Environmental. 2011. Eelgrass (*Zostera marina*) and *Caulerpa taxifolia* Survey 901-915 and 945 Embarcadero, Morro Bay, CA. August 31, 2011.

Tenera Environmental, May 7, 2013 letter

United States Department of Agriculture, Soil Conservation Service. 1984. *Soil Survey of San Luis Obispo, California, Coastal Part*.

APCD CEQA handbook, 2012

National Oceanic and Atmospheric Administration (NOAA), Northwest Regional Office, Interim Sound Threshold Guidance, http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html accessed August 21, 2013.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Impact Discussion:

Potential to Degrade. The proposed project would not substantially degrade or threaten the quality of the environment, habitat or populations of any fish or wildlife species, or important examples of California history or prehistory. Potential adverse effects to the environment associated with development of the project includes impacts to eelgrass, marine mammals, and migratory birds, and the potential contamination, disturbance, runoff, or sedimentation into Morro Bay. Mitigation measures have been proposed to prevent potential impacts and avoid long-term adverse effects. Refer to Sections 1 (Aesthetics), 3 (Air Quality), 4 (Biological Resources), 5 (Cultural Resources), 6 (Geology and Soils), 8 (Hazards and Hazardous Materials), 9 (Hydrology and Water Quality), and 12 (Noise) for additional information.

Cumulative. Project-specific impacts, when considered along with, or in combination with, other impacts, do not rise to a level of significance. Project impacts are limited and no substantial cumulative impacts resulting from other projects were identified.

Substantial Adverse. The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Project impacts are limited and standard mitigation measures would be incorporated that would reduce any potential impacts to a less than significant level.

Mitigation and Residual Impacts:

Section: Aesthetics

Mitigation Measures: Refer to AES/mm-1, AES/mm-2.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Monitoring: The City of Morro Bay Planning Department will verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City will confirm compliance with these conditions by visual inspection during final inspection, prior to operation of the project.

Section: Air Quality

Mitigation Measures: Refer to AQ/mm-1, AQ/mm-2, AQ/mm-3.

Monitoring: Demolition plans and regulatory forms will be submitted to the APCD for review and approval, consistent with mitigation measures. The applicant will submit approval documentation from APCD to the City Environmental Coordinator. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Environmental Coordinator.

Section: Biological Resources

Mitigation Measures: Refer to mitigation measures BIO/mm-1, BIO/mm-2, BIO/mm-3, BIO/mm-4, BIO/mm-5, BIO/mm-6, BIO/mm-7, BIO/mm-8, GS/mm-1, HAZ/mm-1, HYD/mm-1, HYD/mm-2, and N/mm-1.

Monitoring: The retained biological monitor shall verify compliance with biological mitigation measures during construction, and submit monitoring reports to the City, pursuant to an approved Monitoring Plan. The City shall conduct spot-checks during construction.

Section: Cultural Resources

Mitigation Measures: Refer to CR/mm-1.

Monitoring: The City Planning Department will verify compliance with this measure.

Section: Geology and Soils

Mitigation Measure: Refer to GS/mm-1.

Monitoring: Design plans shall be inspected and approved to ensure compliance. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan.

Section: Hazards and Hazardous Materials

Mitigation Measures: Refer to HAZ/mm-1 and HYD/mm-1.

Monitoring: The City Environmental Coordinator shall verify receipt of required documentation. Monitoring or inspection shall occur as necessary to ensure development is proceedings consistent with the Construction Plan.

Section: Hydrology and Water Quality

Mitigation Measure: Refer to GS/mm-1, HAZ/mm-1, HYD/mm-1, and HYD/mm-2.

Monitoring: The City shall assign a monitor or inspector to verify compliance with mitigation measures during construction and post-construction.

Section: Noise

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Mitigation Measures: Refer to N/mm-1.

Monitoring: The retained hydro-acoustical monitor shall verify compliance with noise mitigation measures during construction, and submit monitoring reports to the City, pursuant to approved Construction Plan and Monitoring Plan. The City shall conduct spot-checks during construction.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

VI. DETERMINATION

On the basis of this initial evaluation:

The Public Services Director has found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

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

The Public Services Director has found that the proposed project **MAY** have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

The Public Services Director has found that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

With Public Hearing

Without Public Hearing

Previous Document :

SCH # 2012091063

Project Evaluator :

Cindy Jacinth, Associate Planner

Signature

Cindy Jacinth

Initial Study Date

8/26/13

Printed Name

Cindy Jacinth

On behalf of Rob Livick, Public Services Director

Lead Agency

City of Morro Bay

VII

Attachments

Attachment A – Summary of Mitigation Measures

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

VII. ATTACHMENTS

SUMMARY OF REQUIRED MITIGATION MEASURES

Section: Aesthetics

Mitigation Measures

AES Impact 1 **Visibility of night lighting and daytime glare would adversely affect views resulting in a direct long-term impact.**

AES/mm-1 *Prior to issuance of precise plan approval or if no precise plan is needed a building permit, a comprehensive lighting plan (photometric plan) shall be submitted for review and approval by the Planning Division of the Public Services Department. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, floating dock, safety, and signage. The lighting plan shall include the following at minimum:*

- h) The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site with the following information to be included:*
- i) Footcandle Distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings five feet beyond the property lines.*
- j) The maximum light intensity on a nonresidential site shall not exceed a maintained value of ten footcandles, when measured at finished grade.*
- k) All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented.*
- l) All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay, sandspit), and shall be limited to the maximum extent feasible while still providing for public safety.*
- m) Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening.*
- n) Boat dock lighting shall be designed to reduce brightness and prevent off-site glare.*

AES/mm-2 *Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:*

- d) No highly reflective glazing or coatings shall be used on windows.*
- e) All reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used minimally to minimize new glare.*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- f) *All existing and newly installed wind screens shall be frosted, partially-frosted, or otherwise treated with visually permeable barriers that are designed to prevent bird strikes.*

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

The City of Morro Bay Planning Department will verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City will confirm compliance with these conditions by visual inspection during final inspection, prior to operation of the project.

Section: Air Quality

Mitigation Measures

AQ Impact 1 **Construction activities associated with development of the proposed project would result in short-term emissions of DPM.**

AQ/mm-1 *Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment as follows:*

- (a) Maintain all construction equipment in proper tune according to manufacturer's specifications;*
- (b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); SLO County APCD CEQA Air Quality Handbook 20124-14*
- (c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy duty diesel engines, and comply with the State off-Road Regulation;*
- (d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;*
- (e) Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;*
- (f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;*
- (g) Diesel idling within 1,000 feet of sensitive receptors is not permitted;*
- (h) Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;*
- (i) Electrify equipment when feasible;*
- (j) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,*
- (k) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. Best Available Control Technology (BACT) for Construction Equipment*

AQ Impact 2 **Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.**

AQ/mm-2 *Upon application for grading and building permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a. Reduce the amount of the disturbed area where possible;*
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
- c. All dirt stock-pile areas should be sprayed daily as needed;*
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and 1 The value used to calculate off-site mitigation is based on the ARB approved Carl Moyer Grant Program and is updated on a periodic basis. The Carl Moyer cost effectiveness value as of 2009 is \$16,000 per ton. SLO County APCD CEQA Air Quality Handbook 2012*
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.*
- a. Reduce the amount of the disturbed area where possible;*
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
- c. All dirt stock pile areas should be sprayed daily as needed;*
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;*
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;*
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;*
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;*
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;*
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;*
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;*
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;*
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and*
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

AQ Impact 3 Remodeling activities associated with the proposed project could result in hazards associated with the presence of Asbestos Containing Materials.

AQ/mm-3 Demolition of the existing onsite structures and/or infrastructure shall be conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to, notification to the APCD, an asbestos survey conducted by a Certified Asbestos Inspector, and applicable removal and disposal requirements of identified asbestos containing materials. The applicant shall submit to the Planning Division documentation that they have complied with the above requirements prior to issuance of a any type of building permit.

With implementation of these measures, air quality impacts would be less than significant.

Monitoring:

Demolition plans and regulatory forms will be submitted to the APCD for review and approval, consistent with mitigation measures. The applicant will submit approval documentation from APCD to the City Environmental Coordinator. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Environmental Coordinator.

Section: Biological Resources

Mitigation Measures

BIO Impact 1 Construction of the proposed overhanging boardwalk and support beams would block sunlight and reduce eelgrass populations within the project site.

BIO/mm-1 Prior to issuance of building permits, the applicant shall submit construction plans demonstrating the following:

- a. The new overhanging boardwalk shall be constructed with grated or translucent material to allow sunlight to pass through to the water below.*
- b. The support beams shall be minimized to the greatest extent possible in that they should be sized to support the boardwalk and not increased in size to address aesthetics or to provide utility runs.*

BIO Impact 2 Construction of the new docks would block sunlight to the water and will reduce eelgrass habitat.

BIO/mm-2 Prior to issuance of any building permit, the applicant shall submit construction plans demonstrating the following:

- a. All new docks shall be designed to avoid the known eelgrass beds and where located within areas of potential habitat be constructed with 2 foot wide grated or translucent material panels to allow sunlight to pass through to the water. These panels shall be placed at a minimum of every twenty feet or in all areas where there is no floatation and it will not compromise the structural stability of the docks.*

BIO Impact 3 Redesign of the docks pushed westward will leave open water over eelgrass that may be accessible to small watercraft creating impacts to eelgrass habitat.

BIO/mm-3 All Eelgrass beds shall be protected in perpetuity and no long-term shading of the area shall occur. No boat, kayak or any water vessel storage (mooring) shall be allowed. Interpretive signage shall be placed both landside and dockside (public boardwalk) explaining about

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Eelgrass, Eelgrass habitat and that water vessel mooring is prohibited. This language on the signs shall be review and approved by the Planning Division and installed prior to receiving a final on the building permit.

BIO Impact 4

BIO/mm-4

Construction of the new docks will have the potential to eliminate existing eelgrass.

The following actions are required to mitigate impacts to existing Eelgrass.

Eelgrass Surveys:

1. A pre-construction survey (conducted in accordance with the National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy) shall be submitted to the City's Planning Division (Environmental Coordinator) for review prior to issuance of building permit.

A post-construction survey shall be conducted to identify direct construction impacts to existing eelgrass shall be submitted to the City's Environmental Coordinator for review consistent with the guidelines of the Southern California Eelgrass Mitigation Policy (SCEMP). This post-construction survey shall be performed within 30 days of completion of all water-side construction activities and prior to requesting a building permit final from the Planning Division.

Eelgrass Monitoring Plan:

2. The applicant shall submit an Eelgrass Monitoring Plan (EMP) to the City Environmental Coordinator for review and approval prior to requesting a final on the building permit from the Planning Division. The EMP shall, at a minimum, provide the following:

- a. Eelgrass Protection. All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.*
- b. Monitoring and Reporting. A monitoring report prepared in accordance with the Southern Eelgrass Mitigation Policy shall be submitted to the City Environmental Coordinator for review within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a mitigation ratio basis consistent with the Southern California Eelgrass Mitigation Policy (SCEMP). The report shall also including annual monitoring for direct and indirect impacts to Eelgrass pursuant to SCEMP.*

BIO Impact 5

BIO/mm-5

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

A. Prior to issuance of building permits, the applicant shall submit documentation verifying that a U.S. Fish and Wildlife Service-approved biologist has been retained to monitor all construction within the water-lease areas.

B. The applicant shall submit a Monitoring Plan that shall be prepared by the retained biological monitor. The Plan shall include, but not be limited to the following:

- a. Prior to the issuance of a building permit, the monitor shall verify compliance with all BIO, GS, HYD, and N mitigation measures, conditions of approval, and regulatory permit conditions (as applicable).*
- b. Biweekly monitoring reports shall be provided to the City, including a summary of the each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation.*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

- c. *In the event of a violation or inconsistency with a mitigation measure, condition of approval, and/or regulatory permit condition, the Plan shall include a process for emergency reporting in the event of a violation, including a chain-of-command.*
- e. *The Plan shall identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area.*

BIO Impact 6

Construction activities may disrupt special status species including marine mammals and migratory birds due to noise and increased equipment activity.

Bio/mm-6

All work that disturbs the ocean floor (i.e., removal and installation of pilings) shall be monitored by a U.S. Fish and Wildlife Service-approved biologist to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

BIO Impact 7

BIO/mm-7

Prior to initiating any piling driving associated with the project, the applicant shall submit to the Planning Division prior to the issuance of a building permit, whether the project will utilize a vibratory hammer, conventional pile driving or water jetting method of construction. If conventional pile driving is utilized, the power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.

BIO Impact 8

Construction of the project may result in accidental release of pollutants within the bay, including sediments, oils, waste, and fuels, which would degrade state and federally-protected waters.

BIO/mm-8

Prior to issuance of grading and building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife).

Refer to mitigation measures GS/mm-1, HAZ/mm-1, HAZ/mm-2, HYD/mm-1, HYD/mm-2, and N/mm-1.

After implementation of these measures, residual impacts to biological resources would be less than significant.

Monitoring:

The retained biological monitor shall verify compliance with biological mitigation measures during construction, and submit monitoring reports to the City, pursuant to an approved Monitoring Plan. The City shall ensure that all necessary studies and/or information has been submitted before the issuance of a permit and/or before a final approval has been issued.

Section: Cultural Resources

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

CR/Impact 1 The project is not expected to result in any potentially significant impacts to cultural resources. Due to the cultural sensitivity of the region, the City requires the following mitigation measure, in the event of subsurface, significant, cultural resource discovery.

CR/mm-1 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring:

The City Planning Department will verify compliance with this measure.

Section: Geology / Soils

Mitigation Measures

GS Impact 1 Soils disturbed during construction would be subject to erosion from stormwater runoff.

GS/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill, and measures to reduce rilling of any stockpiled soils. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.

After implementation of these measures, residual impacts related to geology and soils would be less than significant.

Monitoring:

Design plans shall be inspected and approved to ensure compliance. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan.

Section: Hazards/Hazardous Materials

Mitigation Measures

HAZ Impact 1 Development associated with the proposed project has the potential to result in the accidental release of hazardous materials into sensitive areas within and adjacent to the project site.

HAZ/mm-1 Prior to removal of the wood pilings, the applicant shall submit documentation to the Planning Division for review and approval identifying if the wood is “treated wood waste”. A licensed contractor with hazardous materials experience shall evaluate the wood to determine whether the wood is treated or untreated pursuant to the Department of Toxic Substances definition of “treated wood”. In the event the pilings are treated wood waste, the applicant shall dispose of the material at a hazardous waste landfill or qualified solid waste landfill. Documentation of the ultimate disposal of treated wood waste shall be submitted to

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

the planning division prior to a final inspection of the building and prior to any occupation of the new construction.

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

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

HAZ/mm-2 Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations shall be followed during demolition activities. Any loose or peeling lead based paint shall be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

HAZ/mm-3 At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.

HAZ/mm-4 Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With implementation of this mitigation measure, impacts related to hazards and hazardous materials would be less than significant.

Monitoring: Prior to issuance of demolition permits asbestos and lead-based paint surveys, including recommended actions, shall be submitted to and accepted by the Public Services Department. City of Morro Bay staff shall verify that signs are adhered to docks prior to final inspection

The City Environmental Coordinator shall verify receipt of required documentation. Monitoring or inspection shall occur as necessary to ensure development is proceedings consistent with the Construction Plan.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

Section: Hydrology

Mitigation Measures

HYD Impact 1: Construction of the project has the potential to result in pollutant discharge within the waters of Morro Bay.

HYD/mm-1 Prior to issuance of grading and building permits, the applicant shall prepare a Construction Plan, which shall, at a minimum, include the following:

- a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas where construction activities and/or staging area to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.*
- b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas).*
- c. Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: 1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; 2) land side equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay, and all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; 3) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and 4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of the day.*
- d. Construction Site Documents. Copies of all permits and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and copies shall be available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of all issued permits and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.*
- e. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies) and that their contact information (i.e., address, phone numbers, etc.) including at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

record the name, phone number, and nature of all complaints receive regarding the construction, and shall investigate complaints and take remedial action, if necessary within 24 hours of receipt of the complaint or inquiry.

HYD/mm-2

Prior to issuance of building permits, the applicant shall submit plans including the following notes, which shall be implemented during installation of pilings. Pilings shall be constructed of steel and/or fiberglass and shall be implanted into the ocean floor with a pile driver or vibratory hammer, as opposed to jetting. The applicant shall comply with these conditions, as required or modified by the Coastal Commission.

- a. *Material Containment. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall in to the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.*
- b. *Piling Installation Procedures. The new pilings and piling sleeve shall be made from steel and/or fiberglass. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a vibratory hammer or piling hammer. If feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest on the bottom of the bay.*
- c. *Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:*
 - 1) *Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,*
 - 2) *The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Wildlife recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle*

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

out during the pH balancing process shall not be discharged to the marine environment.

- 3) *In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.*

Refer to mitigation measures GS/mm-1 and HAZ/mm-1.

After implementation of these measures, residual impacts to hydrology and water quality would be less than significant.

Monitoring:

The City shall assign a monitor or inspector to verify compliance with mitigation measures during construction.

Section: Noise

Mitigation Measures

N Impact 1 Construction of the project, including installation of new pilings, would generate noise and vibration potentially affecting surrounding uses and aquatic resources.

N/mm-1: Prior to issuance of grading and building permits, the applicant shall submit a Construction Plan, which shall include a pile driving or vibratory hammer plan and monitoring program (designed by a qualified acoustical engineer) designed to ensure that underwater noise generated by conventional pile driving or vibratory hammer activities are minimized to the maximum extent feasible and do not exceed limits required to ensure impacts to marine life are minimized pursuant to the NOAA Fisheries Interim Sound Threshold Guidance under the Marine Mammal Protection Act (MMPA):

NOAA Fisheries current in-water acoustic thresholds		Threshold
Level A	PTS (injury) conservatively based on TTS	190 dB rms for pinnipeds 180 dB rms for cetaceans
Level B	Behavioral disruption for impulsive noise (e.g. impact pile driving)	160 dB rms
Level B	Behavioral disruption for non-pulse noise (e.g. vibratory pile driving, drilling)	120 dB rms

Source: http://www.nwr.noaa.gov/protected_species/marine_mammals/killer_whale/threshold_guidance.html

The plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall also provide for additional acoustical best management practices to be applied if monitoring shows underwater noise above the limits then additional noise dampening measures such as alternative pile driving methods, sound shielding, and other noise attenuation devices shall be provided. As an alternative the applicant shall submit documentation from the hammer (either impact or vibratory) that the machinery cannot exceed the limits stated above. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

EXHIBIT C

INITIAL STUDY AND CHECKLIST – Held Harbor Center

CASE NO.: UP0-342 Amended

DATE: August 26, 2013

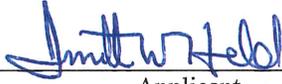
After implementation of these measures, residual noise impacts would be less than significant.

Monitoring:

The retained hydro-acoustical monitor shall verify compliance with noise mitigation measures during construction, and submit monitoring reports to the City, pursuant to the approved Construction Plan and Monitoring Plan. If applicant is able to document the noise levels are below those stated above no monitor shall be required.

Acceptance of Mitigation Measures by Project Sponsor:

(Signed Copy on File with Morro Bay Public Services Department)



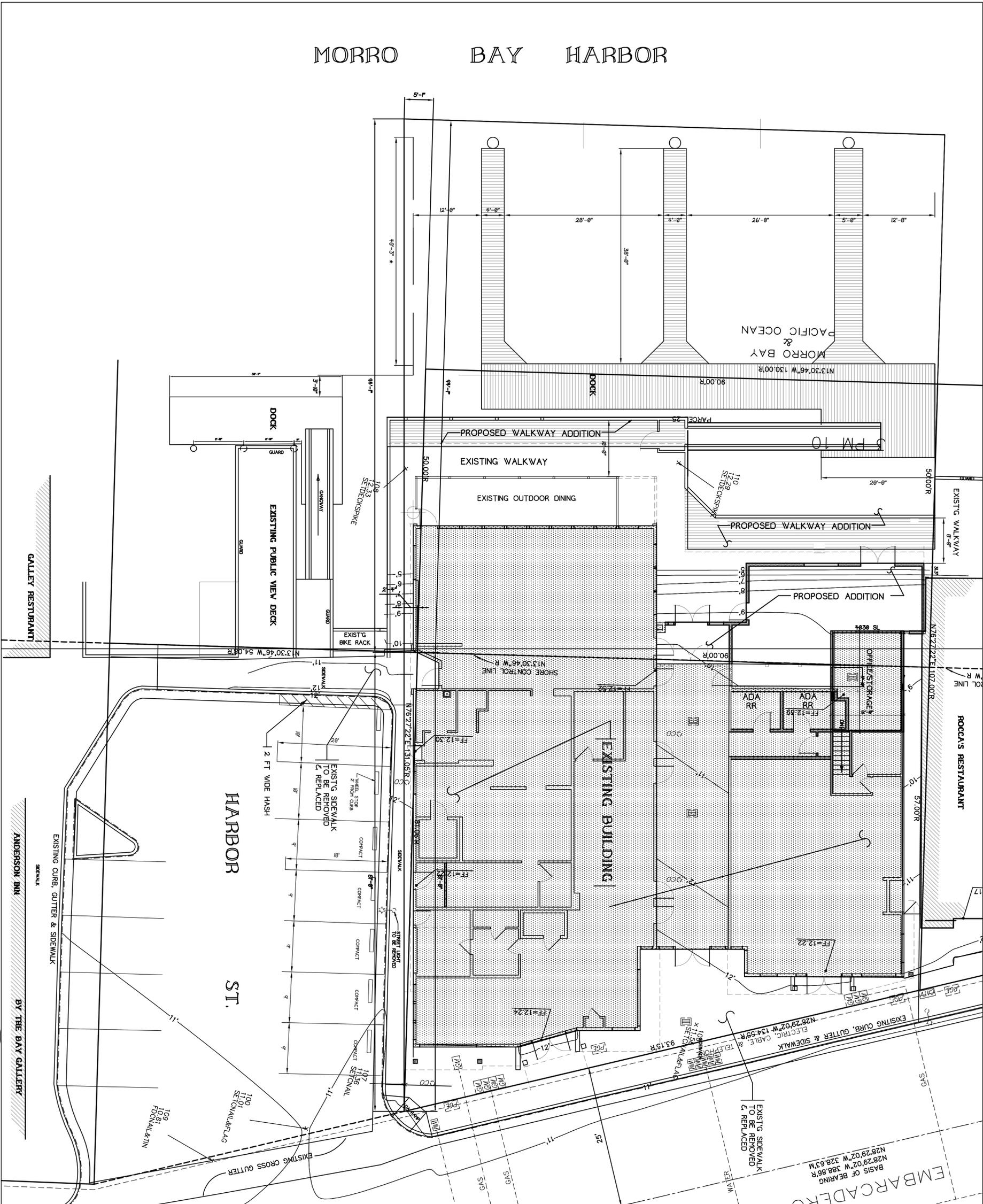
Applicant



Date

MORRO BAY HARBOR

PROPOSED PLOT PLAN

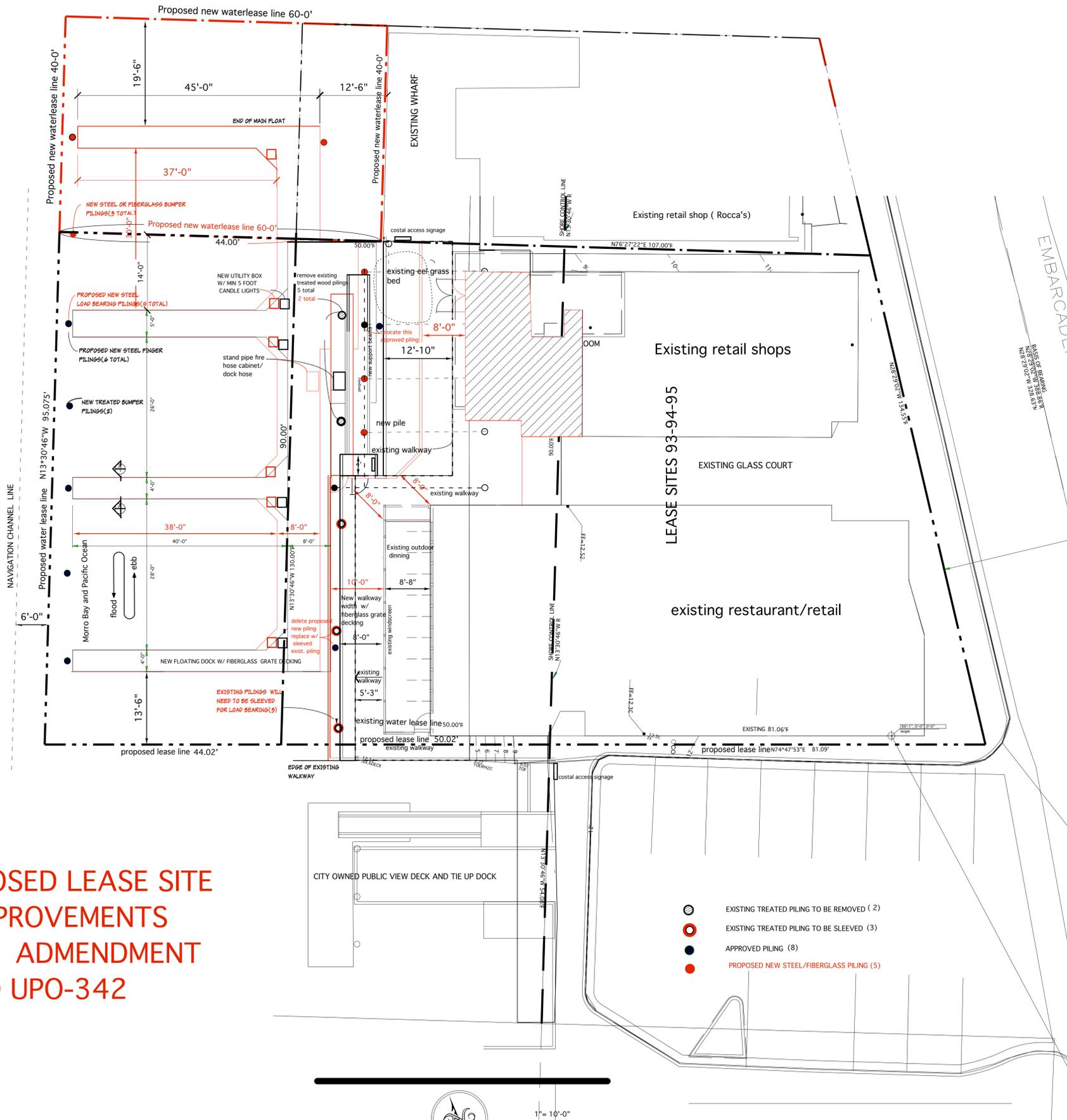


Plotted: 5/26/2013 4:23 PM
 F:\ACAD\Jobs\1101 Held\CDP drawings\ProposedPlotPlan.dwg

SHEET A-2 OF SHEET	SCALE: AS NOTED DRAWN: MLA	PROPOSED SITE PLAN	HELD PROPERTIES HARBOR CENTER 901 EMBARCADERO MORRO BAY, CALIF.	LAND/SEA INTERFACE GENE DOUGHTY-ARCHITECT 1-805-772-8436	REVISED 5/26/13 <small>The plans, specifications, notes and design incorporated herein, are instruments of service prepared for the construction of the work shown herein and are the property of Land/Sea Interface and shall not be used in whole or in part for any other project without authority of Gene Doughty</small>
---------------------------------	-------------------------------	---------------------------	---	--	--

**PROPOSED LEASE SITE
IMPROVEMENTS
FOR ADMENDMENT
TO UPO-342**

PROPOSED LEASE SITES 93W-94W-95W



- EXISTING TREATED PILING TO BE REMOVED (2)
- EXISTING TREATED PILING TO BE SLEEVED (3)
- APPROVED PILING (8)
- PROPOSED NEW STEEL/FIBERGLASS PILING (5)



1" = 10'-0"

Project: 1101 Harbor Center
 Date: 4/23/13
 Drawn: GD
 Scale: AS NOTED

LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT
 1-805-772-8436

**HELD PROPERTIES
HARBOR CENTER**
 901 EMBARCADERO MORRO BAY, CALIF.

OVERLAY OF
 PROPOSED LEASE SITE
 IMPROVEMENTS
 FOR ADMENDMENT
 TO UPO-342

1101

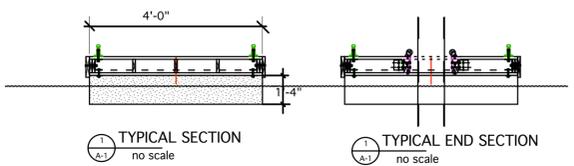
11-13-13
 2-22-13
 3-6-13
 4-8-13
 4-23-13

SHEET **A-3** OF 5 SHEET



901 EMBARCADERO

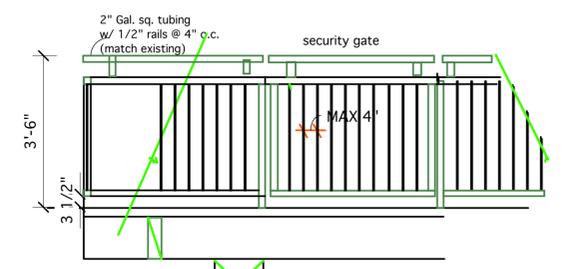
VICINITY AERIAL MAP
NO SCALE



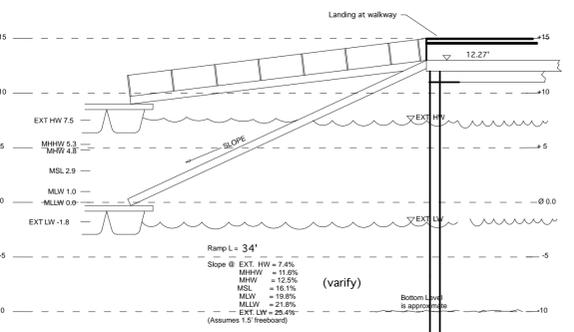
TYPICAL SECTION
no scale

TYPICAL END SECTION
no scale

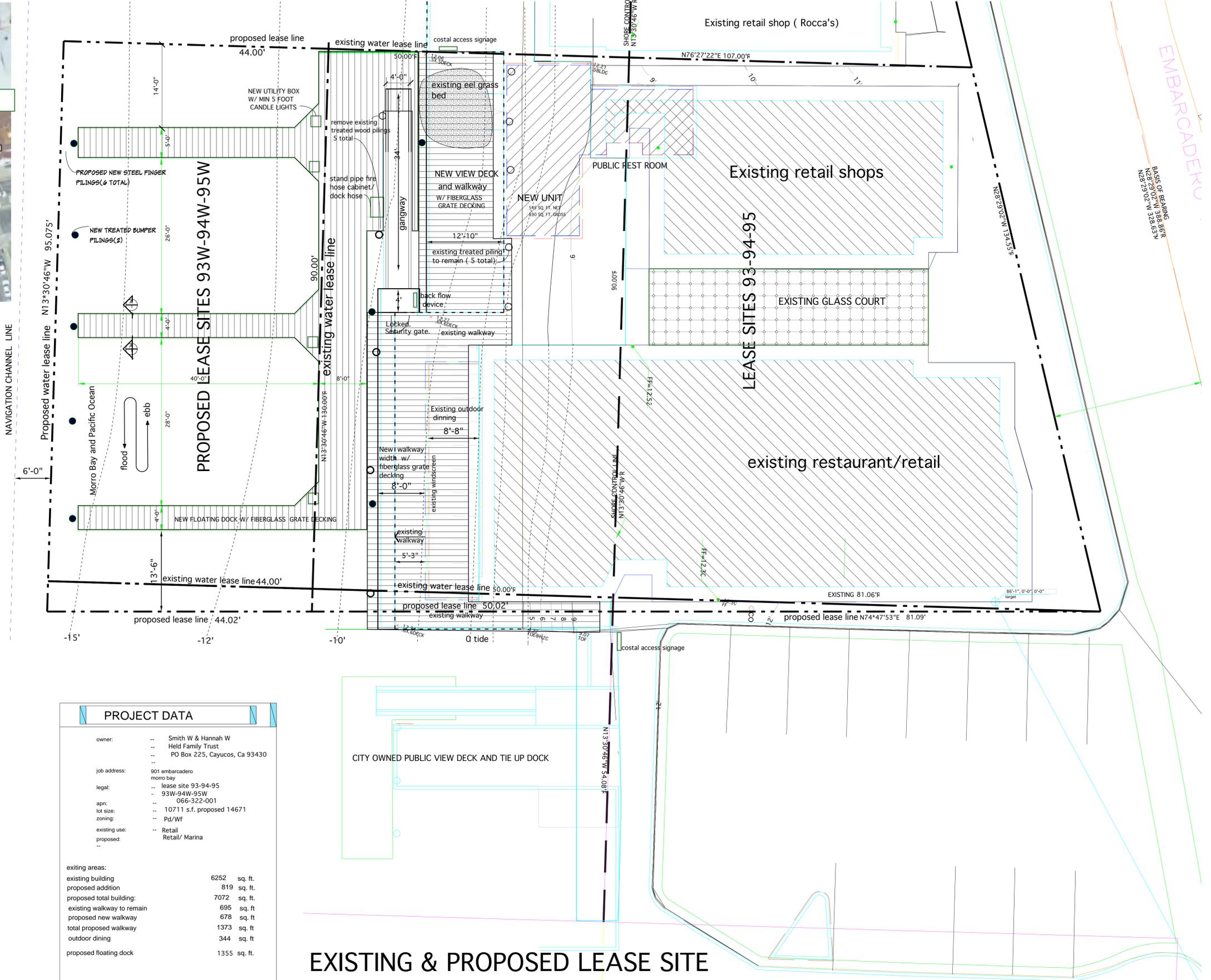
FLOATING DOCK SECTION
NO SCALE



GUARD RAIL ELEV./ SECTION
NO SCALE



GANGWAY ELEV./ SECTION
NO SCALE



PROJECT DATA	
owner:	Smith W & Hannah W Held Family Trust PO Box 225, Cayucos, Ca 93430
job address:	901 embarcadero morro bay
legal:	lease site 93-94-95 93W-94W-95W 066-322-001
apn:	10711 s.f. proposed 14671
lot size:	
zoning:	Pd/Wf
existing use:	Retail
proposed:	Retail/ Marina
existing areas:	
existing building	6252 sq. ft.
proposed addition	819 sq. ft.
proposed total building:	7072 sq. ft.
existing walkway to remain	695 sq. ft.
proposed new walkway	678 sq. ft.
total proposed walkway	1373 sq. ft.
outdoor dining	344 sq. ft.
proposed floating dock	1355 sq. ft.

EXISTING & PROPOSED LEASE SITE



1/8" = 1'-0"

11-9-11
11-14-11
5-23-13

SCALE: AS NOTED
DRAWN: GP

SHEET A-4 OF 5 SHEET

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT 1-805-772-6456

HELD PROPERTIES
HARBOR CENTER
901 EMBARCADERO MORRO BAY, CALIF.

PROPOSED LEASE SITE
PREVIOUS APPROVED PLAN
1101

1101

SCALE: AS NOTED
DRAWN: GP

SHEET A-4 OF 5 SHEET

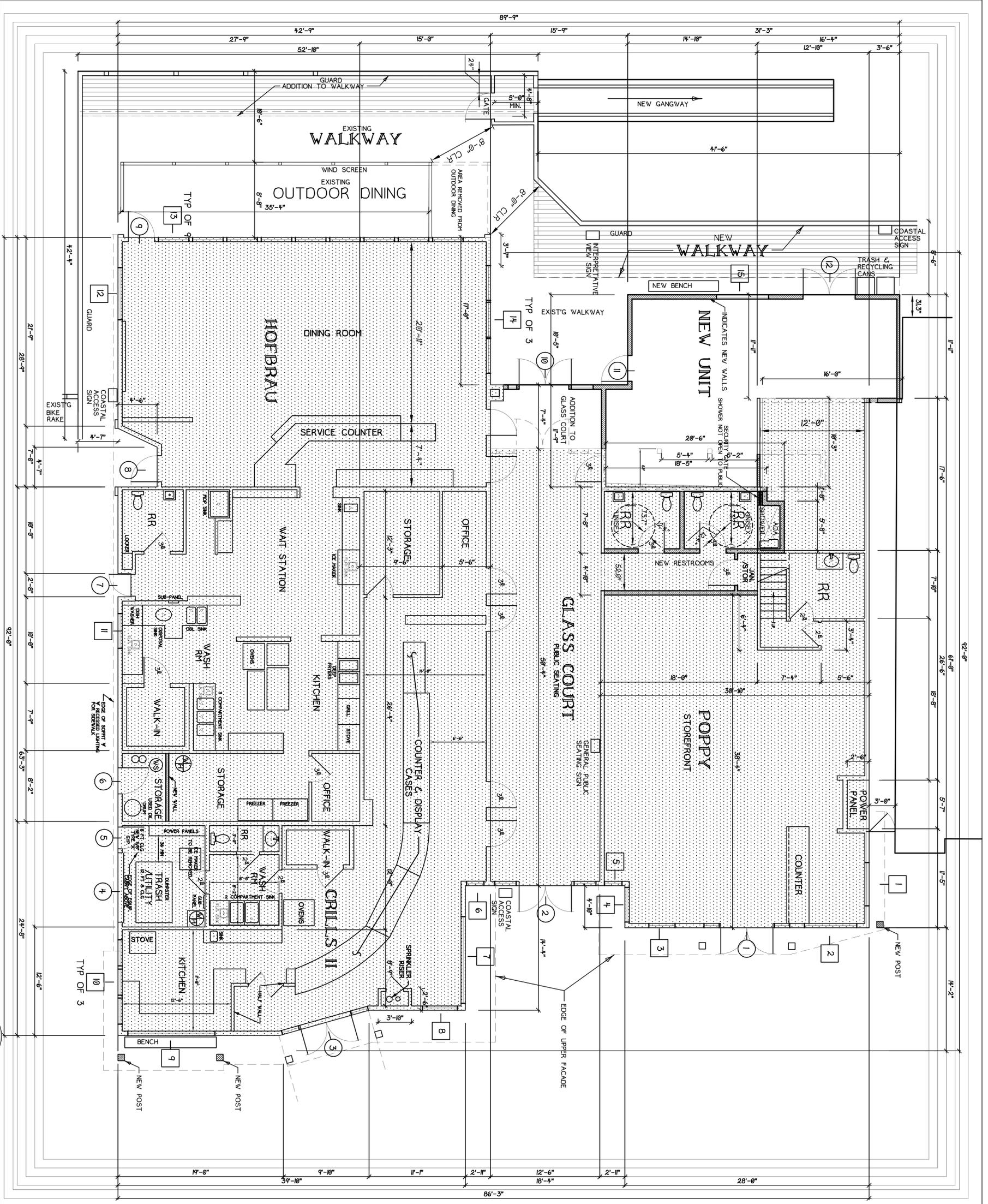
EXTERIOR WINDOW SCHEDULE

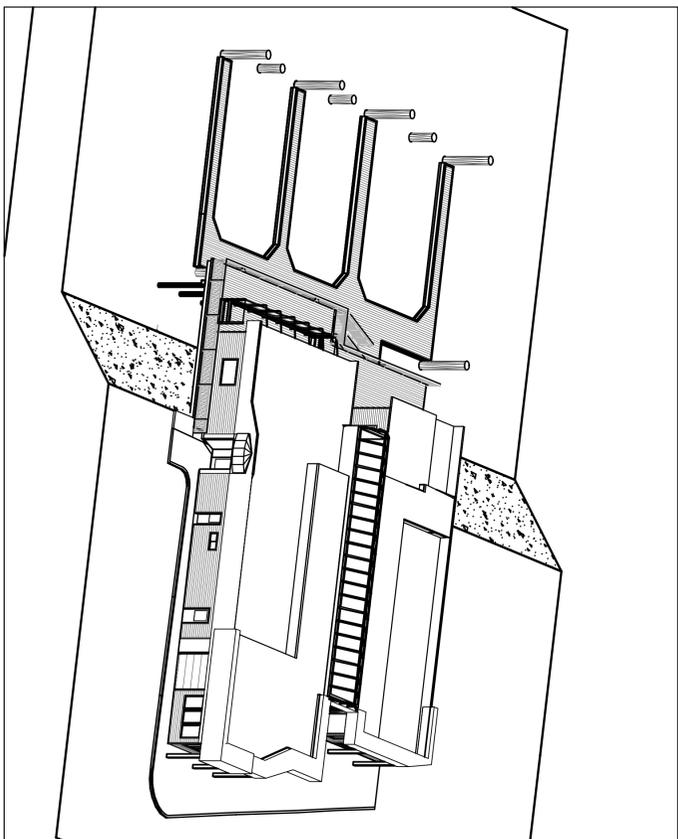
MARK	E EXISTING P PROPOSED	SIZE	TYPE	REMARKS
1	E	5050	MTL PICTURE	
2	E	6050	MTL PICTURE	
3	E	3050	MTL PICTURE	
4	E	4050	MTL PICTURE	
5	E	2050	MTL PICTURE	
6	E	2050	MTL PICTURE	
7	E	2-5050	MTL SLIDERS	
8	E	4050	MTL PICTURE	
9	E	2-5050	MTL SLIDERS	
10	E	3-3050s	MTL PICTURE	
11	E	3020	MTL SLIDER	
12	E	6050	MTL STACKED	6010 SL 9/6040 PICTURE
13	E	9-3050	W/D PICTURE	
14	E	3-4050	W/D PICTURE	
15	P	6050	MTL PICTURE	

EXTERIOR DOOR SCHEDULE

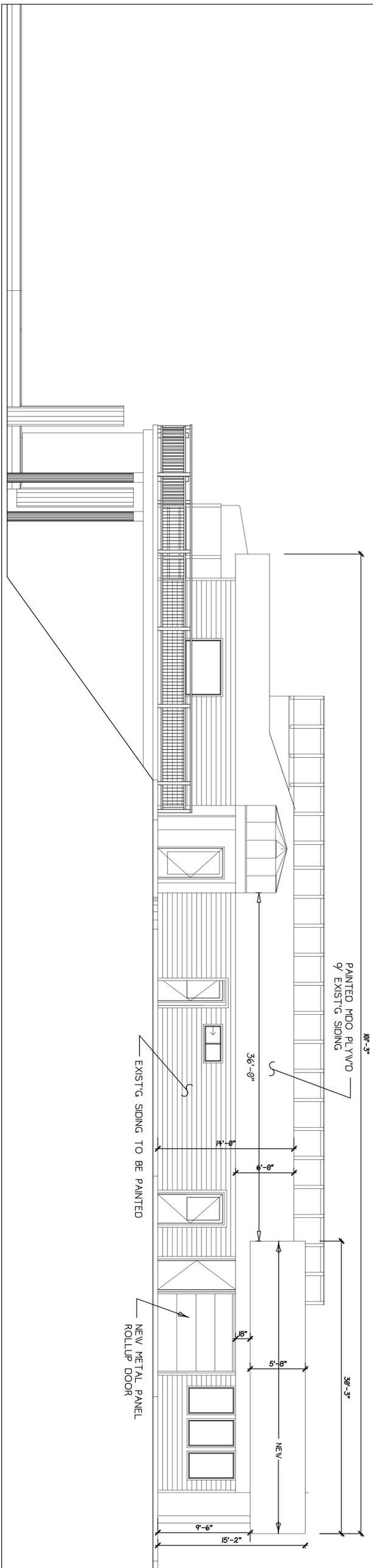
MARK	E EXISTING P PROPOSED	SIZE	TYPE	REMARKS
1	E	DBL 3 ⁰ 7 ²	MTL STOREFRONT	2 ^d SIDELITES W 24" HI TRANSOMS
2	E	DBL 3 ⁰ 7 ²	MTL STOREFRONT	2 ^d SIDELITES W 24" HI TRANSOMS
3	E	DBL 3 ⁰ 7 ²	MTL STOREFRONT	2 ^d SIDELITES W 24" HI TRANSOMS
4	P	8 ⁰ 7 ²	MTL ROLL-UP	
5	P	2 ⁰ 2 ⁰	MTL	
6	E	3 ⁰ 2 ⁰	W/D W TOP LITE	
7	E	2 ⁰ 2 ⁰	W/D W TOP LITE	
8	E	3 ⁰ 2 ⁰	MTL W FULL LITE	
9	E	3 ⁰ 2 ⁰	W/D SC	
10	P	DBL 3 ⁰ 7 ²	MTL STOREFRONT	1 st & 2 ^d SIDELITES W 24" HI TRANSOMS SALVAGE EXIST'G
11	P	3 ⁰ 2 ⁰	MTL W FULL LITE	
12	P	DBL 3 ⁰ 2 ⁰	MTL W FULL LITE	
13				
14				

PROPOSED FLOOR PLAN W/ EXISTING TENANT IMPROVEMENTS





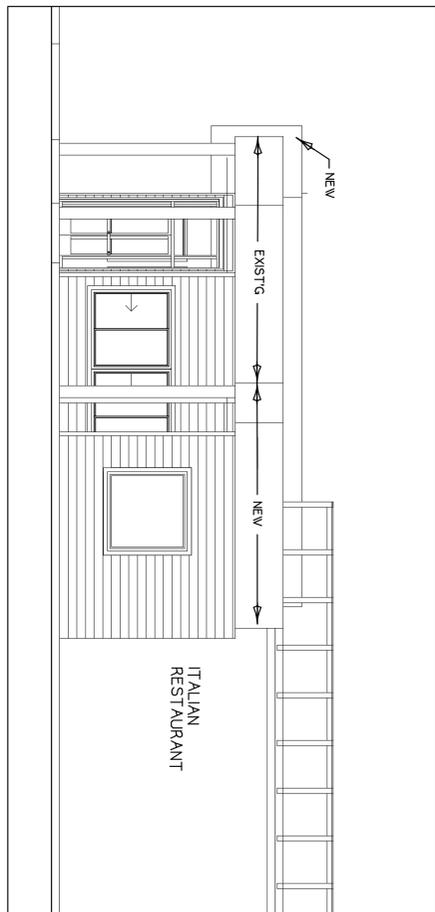
SOUTH - HARBOR ST.



3/16"

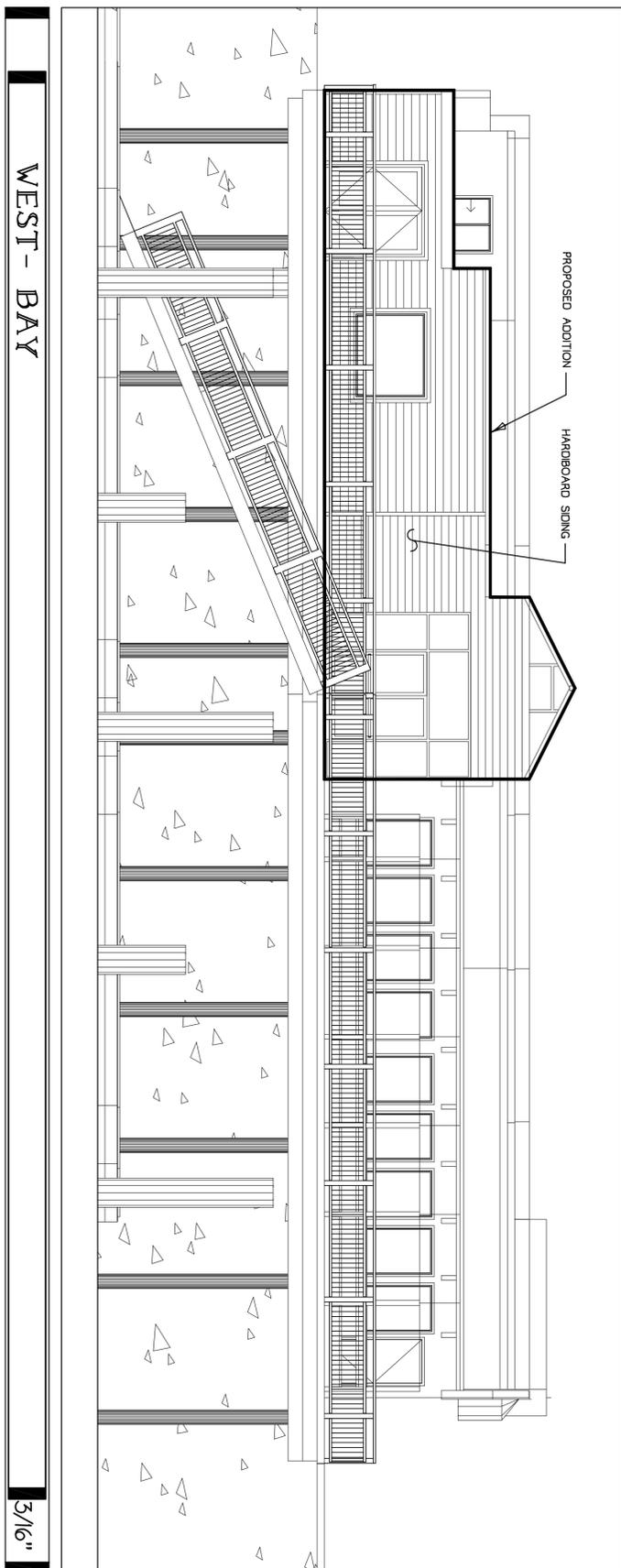
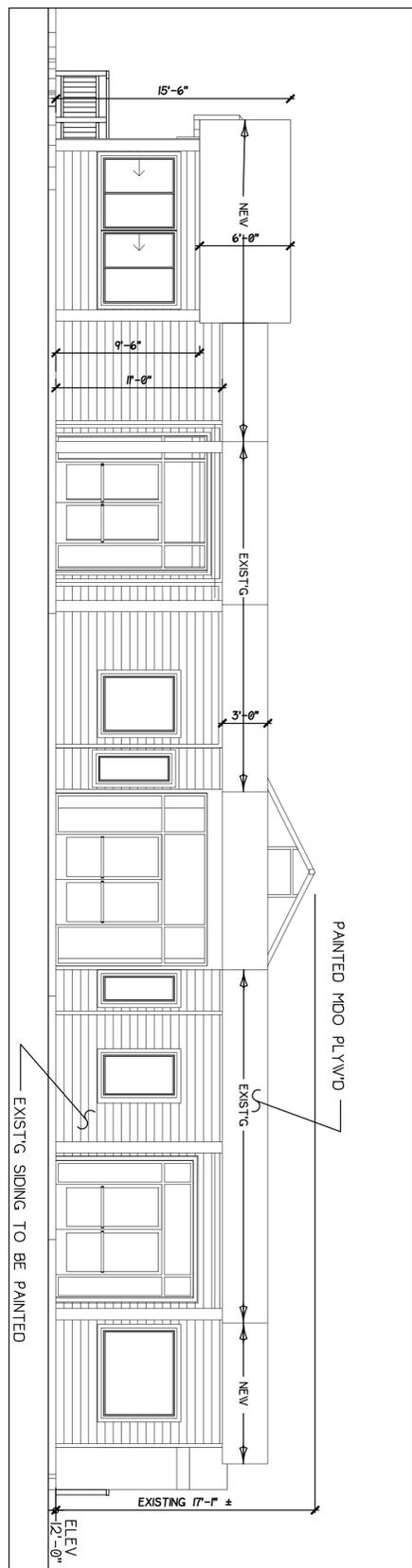
NORTH - ANCHOR PARK

3/16"



EAST - EMBARCADERO

3/16"



WEST - BAY

3/16"

Plotted: 8/5/2013 3:30 PM
 F:\ACAD\Jobs\1101 Held\CDP drawings\Elevations.dwg
 Tab: Elevations

EXHIBIT E

NE corner

BEFORE

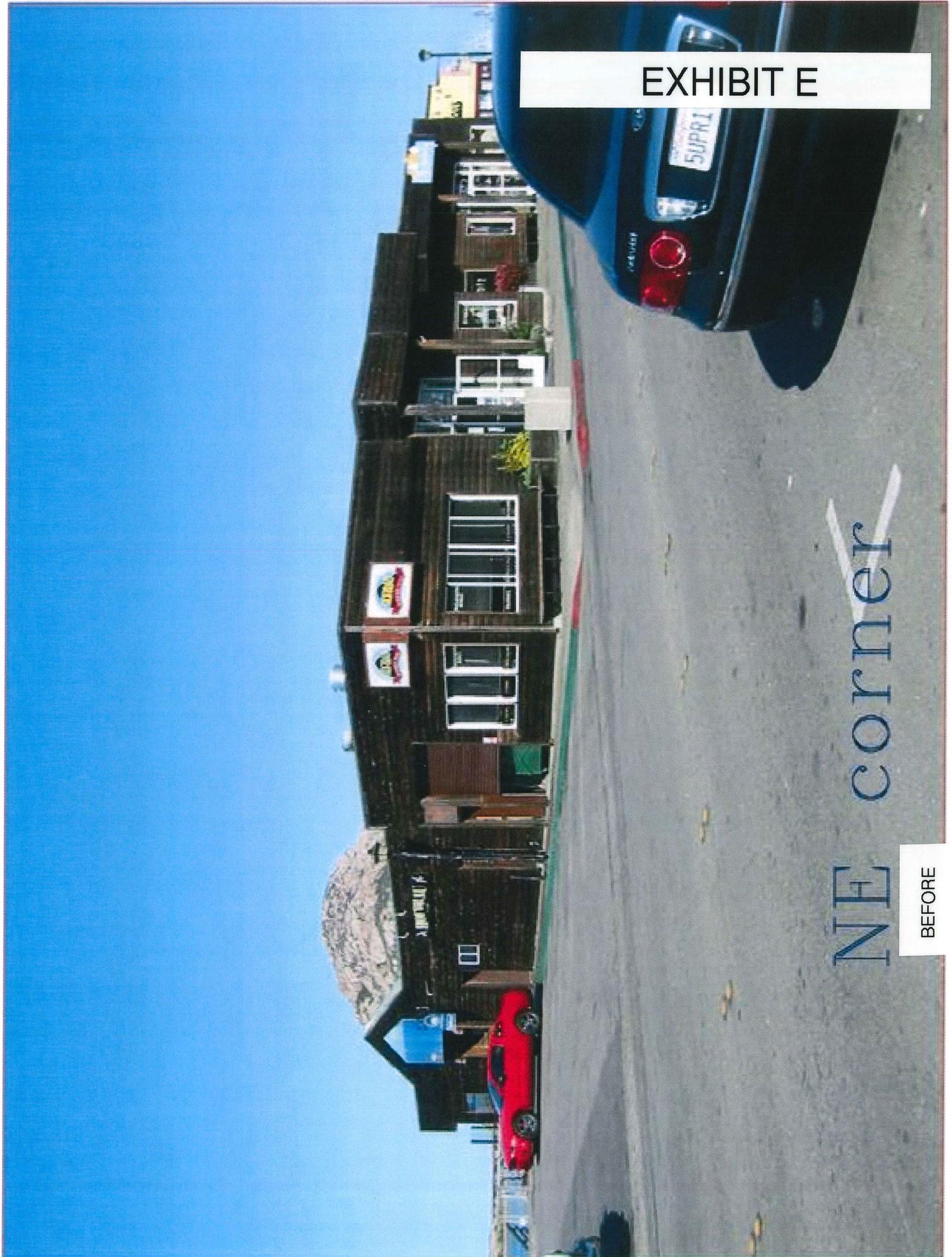


EXHIBIT E

NE corner sim

Revised NE corner

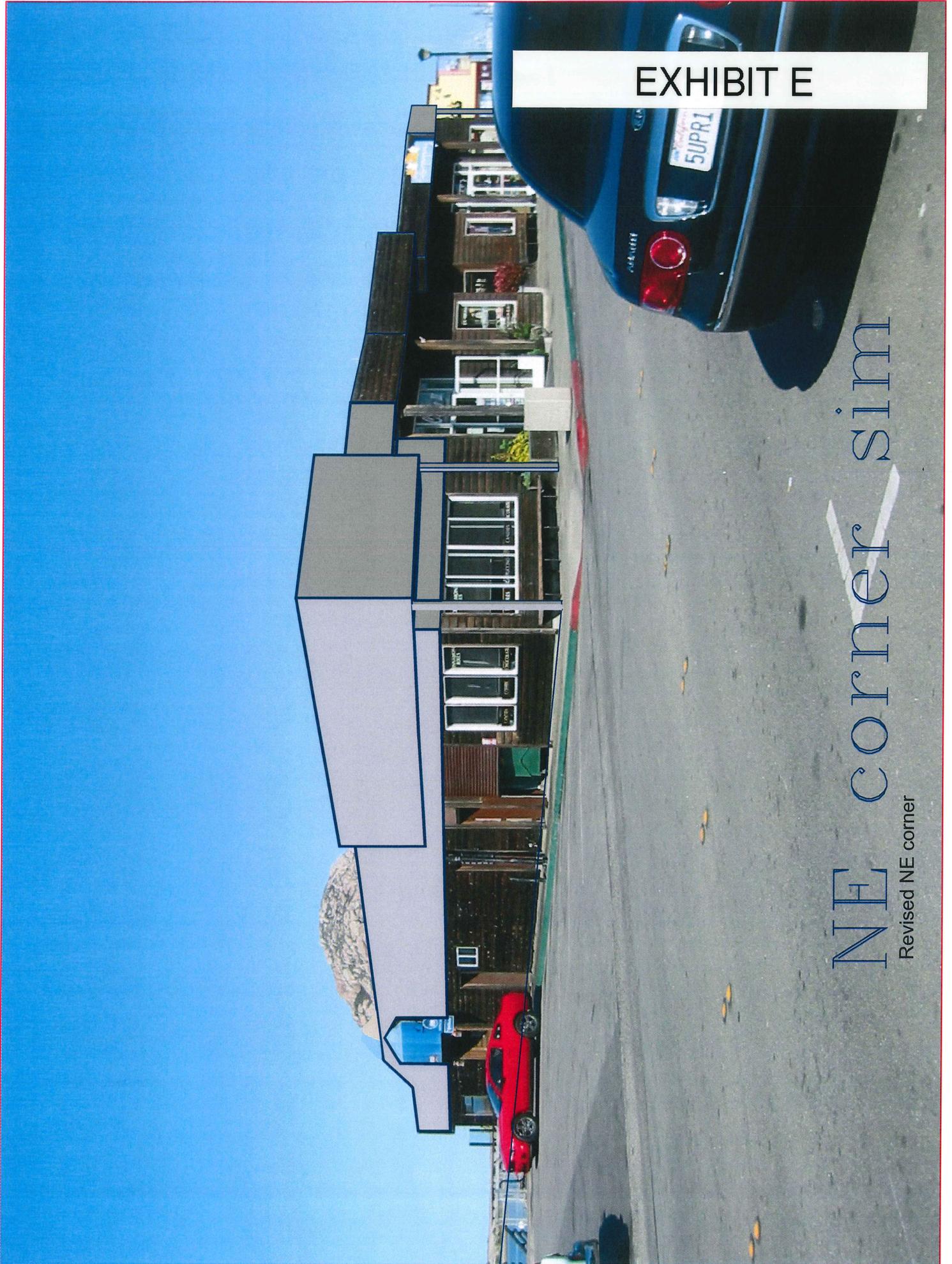
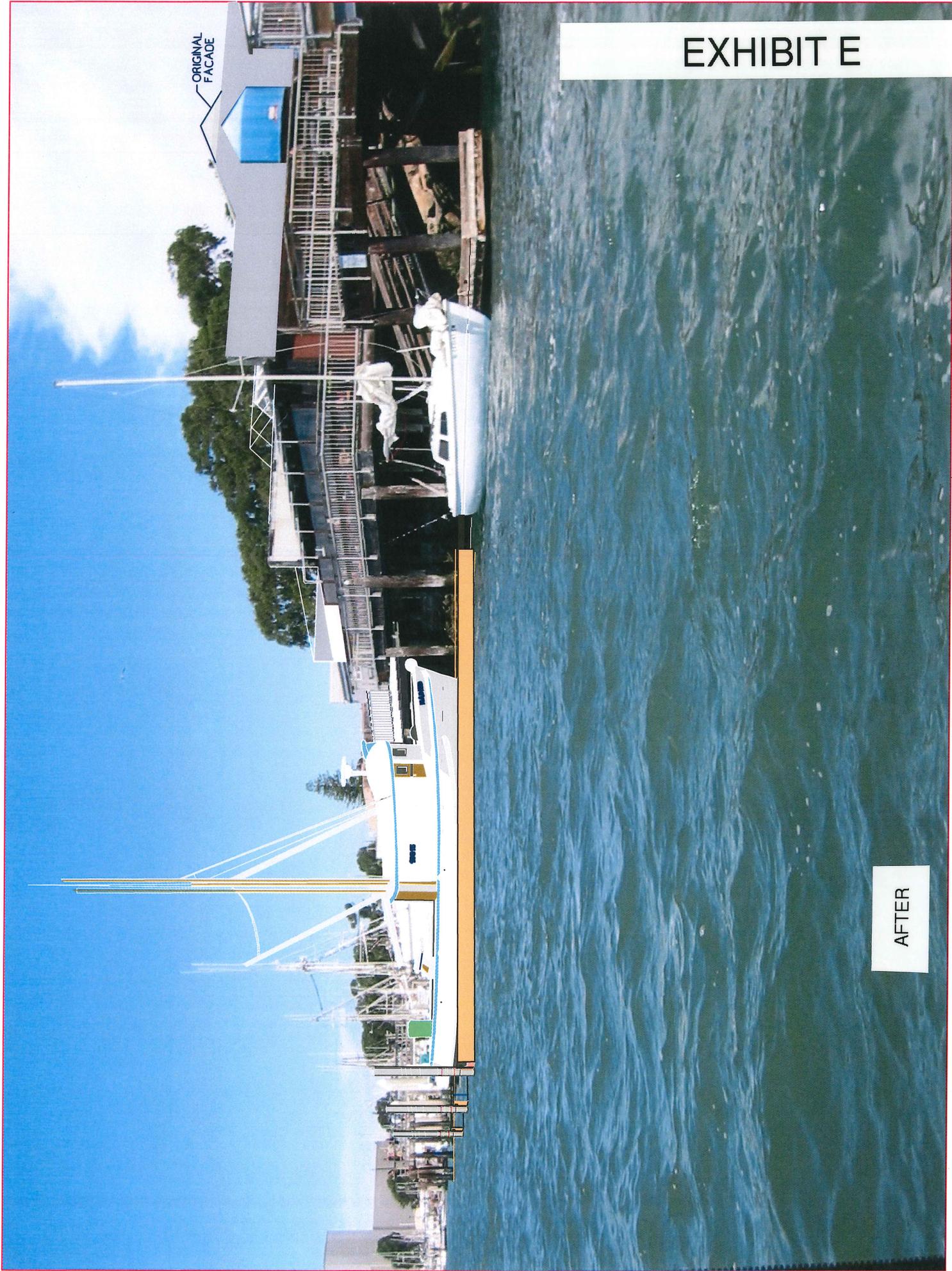


EXHIBIT E



AFTER

CATHY • NOVAK

consulting

SEP 25 2013

City of Morro Bay
Public Services Department

September 25, 2013

Ms. Cindy Jacinth
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: 901-915 Embarcadero Road project

Dear Cindy,

Mr. Smith Held's Master Lease with the City requires completion of all phases of the proposed project at the above mentioned address. However, the lease at this time does not reflect the additional docks that will be constructed behind the Rocca's lease site. Mr. Held will be working with the City to amend the Master Lease and incorporate this new addition and when that is finished, the construction schedule will be established. Mr. Held will propose that the construction of these docks will coincide with the other docks.

In the interim, Mr. Held is proposing to construct the project in phases so as not to have construction during the busy summer months and interrupt the waterfront. To that end, Mr. Held is requesting that the following construction schedule become part of the conditions of approval so that the City can issue separate building permits for each phase.

1. November 2014: Commence construction of sidewalks, siding, marquee, and work on the street side(s) of project.
2. November 2015: Commence construction of Harbor Walk, new retail unit and reconfiguration of the restroom.
3. November 2016: Commence construction of all docks and gangway.

Thank you for your time and consideration in this matter. Please let me know if you have any additional questions.

Sincerely,



Cathy Novak
Project representative

cc: Mr. Smith Held

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET



Memorandum

TO: PLANNING COMMISSIONERS

FROM: KATHLEEN WOLD, PLANNING MANAGER

DATE: OCTOBER 10, 2013

SUBJECT: Zoning Text Amendment A00-013 amending Section 17.48.32
(Secondary Units),

Background

At the September 18, 2013 Planning Commission meeting, the Commission moved to continue this item and directed staff to bring back plans, illustrations, and options regarding parking for secondary units.

Discussion

Staff has provided to the Commission additional information regarding Secondary Residential Units as follows:

- A listing of all secondary residential units permitted in Morro Bay since 2003.
- A Matrix showing current secondary residential unit regulations in relation to other cities.
- A sampling of photos detailing how secondary residential units look from the street depending on how parking is provided.

Recommendation

Staff recommends that the Planning Commission review the City's existing Secondary Residential Unit Ordinance (attachment 1), the additional materials and make a recommendation to the City Council regarding proposed changes.

Attachments:

1. Listing of Secondary Residential Units
2. Matrix of secondary residential units regulations
3. Photos

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Listing of Secondary Residential Units from 2003 to 2013

	Address		Description	Building Permit	Date	Planning Permit
1	426	Kern	Single Family Unit, demo garage, reconstruct garage with second unit 900 square feet above	B00-028-312	2013	CDP issued
2	430	Bonita	Single Family Addition/899 square foot 2nd unit	B00-028-116	2006	CDP issued
3	900	Marina	Secondary Unit above detached garage, 544 square feet	B00-027-765	2006	CDP issued
4	887	Ridgeway	2nd unit within living area of main unit, 231 square feet	B00-028-828	2008	CDP issued
5	527	Atascadero	Second Unit 1,066 square feet	B00-027-440	2003	MUP issued
6	872	Pacific	Second Unit 1030 house over garage	B00-027-452	2004	CDP Issued/No CUP
7	419	Sicily	New Garage and Second Unit, 400 square feet	B00-027-684	2004	CDP issued
8	3021	Sandalwood	New SFR/2nd unit	B00-027-741	2005	CDP issued
9	404	Tulare	Second Unit 840 square feet	B00-027-665	2005	CDP issued
10	2115	Seaview	2nd unit 937 square feet	B00-027-759	2005	CDP issued/ no CUP
11	2760	Dogwood	712 square foot 2nd unit	B00-027-780	2005	CUP issued
12	548	Madera	435 square feet 2nd unit	B00-027-791	2005	CUP and CDP issued
13	2985	Elm	2nd unit 708 square feet	B00-027-375	2005	CDP issued
14	575	Acacia	2nd unit 1132 square feet	B00-027-744	2005	CDP issued
15	1215	Main	2nd unit 950 square feet	B00-027-719	2005	CDP and CUP issued, Parking Exception
16	1285	Main	2nd unit 576square feet	B00-027-729	2005	CDP and CUP issued, Parking Exception

Listing of Secondary Residential Units from 2003 to 2013

	Address		Description	Building Permit	Date	Planning Permit
17	1289	Main	2nd unit 576 square feet	B00-027-728	2005	CDP and CUP issued, Parking Exception
18	1275	Main	2nd unit 850 square feet	B00-027-726	2005	CDP and CUP issued, Parking Exception
19	1265	Main	2nd unit 850 square feet	B00-027-724	2005	CDP and CUP issued, Parking Exception
20	1291	Main	2nd unit 576 square feet	B00-027-725	2005	CDP and CUP issued, Parking Exception
21	1235	Main	2nd unit 950 square feet	B00-027-720	2005	CDP and CUP issued, Parking Exception
22	1245	Main	2nd unit 950 square feet	B00-027-721	2005	CDP and CUP issued, Parking Exception
23	1255	Main	2nd unit 950 square feet	B00-027-722	2005	CDP and CUP issued, Parking Exception
24	2916	Fir	2nd 714 square feet	B00-028-127	2006	CDP issued
25	2792	Cedar	2nd unit 672 Square feet	B00-027-902	2006	MUP and CDP issued
26	835	Anchor	2nd unit 2,082 square feet	B00-028-187	2006	CDP issued
27	934	Pacific	468 square foot 2nd unit	B00-028-049	2006	CDP issued
28	422	Main	830 square foot	B00-028-258	2006	CDP issued
29	420	Kern	790 square foot 2nd unit	B00-028-488	2007	CDP issued
30	426	Kern	900 square foot 2nd	B00-028-520	2007	CDP issued
31	590	Pacific	640 square feet/2 car garage	B00-028-581	2007	CDP issued
32	2960	Birch	834 square foot 2nd unit	B00-028-659	2007	CDP issued

Listing of Secondary Residential Units from 2003 to 2013

Address			Description	Building Permit	Date	Planning Permit
33	620	Fresno	393 square foot guest house	B00-028-722	2007	CDP issued
34	650	Ponderosa	2nd unit 1165 square feet	B00-028-966	2009	CUP issued
35	2461	Nutmeg	2nd unit	B00-029-016	2009	CUP issued
36	446	Monterey	2nd unit 1995 square feet	B00-029-046	2009	CDP issued
37	681	Ponderosa	2nd unit 900 square feet	B00-029-215	2009	CDP issued
38	285	Main	2nd unit 533 square feet	B00-029-377	2011	CDP issued

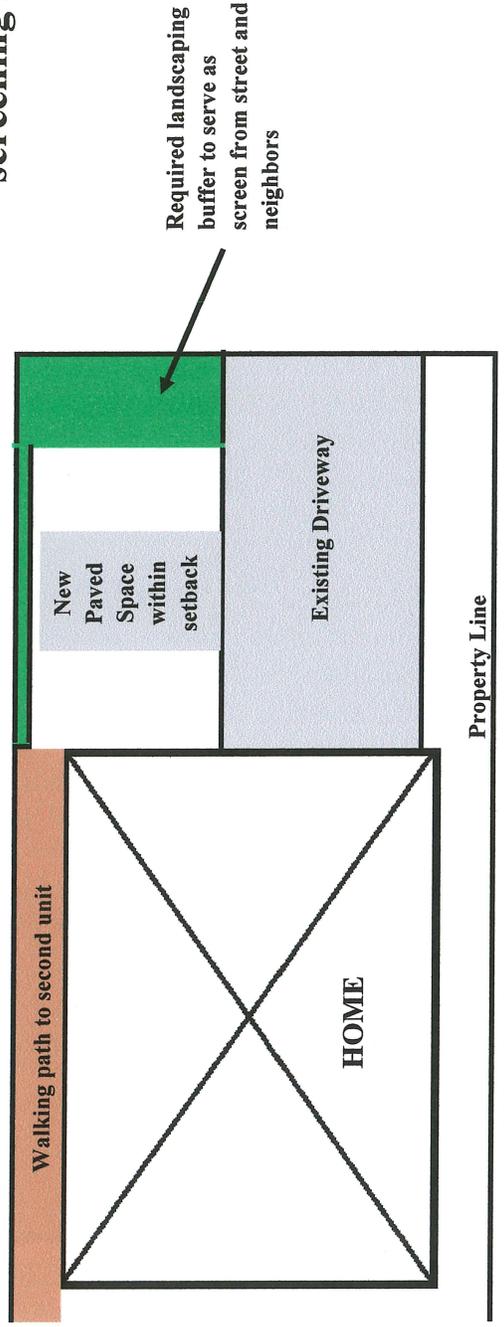
Parking Requirements for Secondary Units

City	# of additional spaces	Parking Requirements
San Luis Obispo, CA	1 per unit	Secondary dwelling units shall require 1 parking space, regardless of zoning district. Shall provide screen through use of landscaping. Tandem allowed subject to Director approval.
Pismo Beach, CA	1 per unit	Parking spaces may be covered or uncovered, must be paved, and must be at least nine feet wide and eighteen feet deep. Spaces may be located within a required side or rear setback or in a driveway . The space required for the secondary unit may be in tandem with any parking spaces required for the primary residence.
Portland, OR	0	No additional parking required for secondary units.
Carpinteria, CA	1 for each bedroom	One (1) parking space shall be required for each bedroom of the secondary dwelling unit. The parking space for the secondary dwelling unit shall be enclosed within a garage .
Arroyo Grande, CA	1 per unit	Space can be uncovered.
Paso Robles, CA	1-2 (2 required for two bedrooms or more)	Covered or uncovered , but shall be on 9 ft. wide paved surface. Tandem allowed subject to Director approval . May occupy rear and interior side yards. May not occupy driveways that serve primary unit garage.
Santa Cruz, CA	1	Covered or uncovered. 1 space may be allowed in tandem.
Marina, CA	0	No additional parking required for secondary units.
Visalia, CA	NA	Second dwelling units are not allowed in R-1 zones.

ATTACHMENT 3

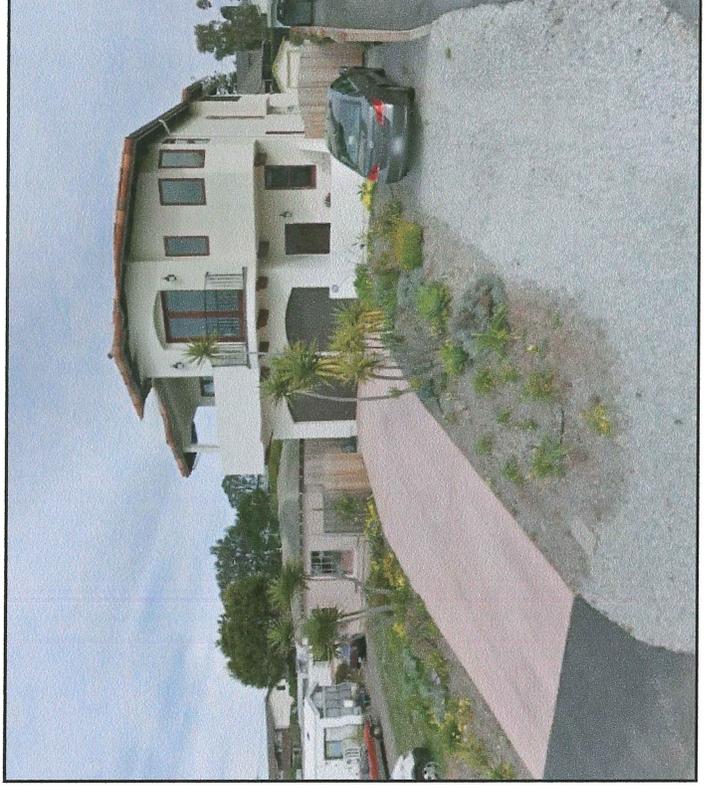


- Parking spot runs parallel to street
- Screened by landscaping
- Staff recommends that a 5' minimum landscaping buffer be required.
- Submission of landscape planting plan should be required to ensure sufficient screening is proposed.



APPROVED Coastal Development Permits for Secondary Units in Morro Bay

- Examples of allowing extra perpendicular parking with no screening





- **Secondary Unit access from back of property (pictured left)**
- **This property is at a location where lot lines are adjacent to two streets (front and rear).**



- **Large 2,082 sq. ft. secondary unit with two garage spaces and one uncovered space on side of unit (pictured right)**



City of Morro Bay
Public Services/Planning Division
Current Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning Division
New Planning items or items recently updated are highlighted in yellow. Building permit updates are highlighted in green.

Approved projects are deleted on next version of log.

Agenda No: C-1

Meeting Date: October 16, 2013

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Hearing or Action Ready									
1	Held	901 Embarcadero	4/26/13	UP0-342	Amendment to Use Permit and Mitigated Negative Declaration. Adding new water lease area and proposing floating dock for the Harbor Center project.	Plans submitted and project description. CJ- under initial review. Project deemed incomplete, letter sent to applicant/agent 5/20/13. Resubmittal received 5/31/13. Initial Study/Draft MND routed to State Clearinghouse. Review and comment period in progress until 9/30/13. CJ.	Review complete, applicant to obtain building permit prior to construction.TP-Cond.App.w/FDCode Req.5/7/13	RS- Rcmd Approval subject to conditions in Memo of 5/29/13	
30 -Day Review, Incomplete or Additional Submittal Review									
2	Hough	279 Main	10/7/13	CP0-409 &UP0-366	CDP and CUP to construct a single family home on vacant lot	Under initial review.			
3	Hayashi Farms/USDA NRCS	Little Morro Creek Rd.	9/27/13		Restoration project to stabilize and improve storm water runoff.	Reviewing for CDP determination.			
4	Adamson	1000 Ridgeway	9/12/13	CP0-408	Admin Coastal Development Permit for Demo/Reconstruct of single family residence.	Under initial review. Parking Exception previously granted by Planning Commission for reduced driveway length Oct. 2012. CJ.			
5	Novak/Shepherd	2981 Juniper		CP0-407 & ADO-084	Secondary Unit and Parking Exception.	KM - Correction letter sent 10/2/13. Corrections received 10/7/13. Under review.			
6	Rogers	950 Napa	9/3/13	CP0-406	Admin Coastal Development Permit for new SFR on vacant lot	KM - Correction letter sent 10/3/13. Needs to obtain a MUP.			
7	TNF Ventures - Foster	500 Dawson	8/16/13	CP0-405	Admin Coastal Development Permit for new SFR on vacant lot	Under initial review. KM - Concurrent permitting. Correction letter sent 9-11-13. KM	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD Approval CPO 405 9/11/13		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
8	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant.	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13		
9	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	Use Permit for seven boat slips and gangway	Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013	Under review.		
10	AT&T	788 Main St.	6/10/13	UP0-362 & CP0-403	Special Use Permit for Recycling Container Enclosure in Parking Lot	CJ- Application under Review. Deemed Incomplete. Letter sent 7-9-13.	Bldg -- Review complete, applicant to obtain building permit prior to construction.TP-FD Disapprove Express Check 3/18/13 & FD Disapprove UPO 362 7/23/13	RS- Rvw complete no frontage improvements required	
11	Goodwin	2920 Juniper	5/21/13	CP0-399	Coastal Development Permit for new SFR on vacant lot	CJ- Application deemed incomplete. Requested corrections 6/10/13.	No review performed.	RS&DH-Plan revisions rqd per memo 5/29/13	
12	Diaz	1149 Market			Business License App for Mexican Market.	Directed Applicant on 11-27-12 to re-submit parking plan demonstrating compliance with Zoning Ordinance. Parking plan submitted demonstrating seven parking spaces 12-20-2012. Sent letter requesting plan corrections 1-15-13. Waiting for response from applicant.	Review complete, applicant to obtain building permit prior to construction.	N/A	
13	City of Morro Bay	N/A			MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review- tentatively scheduled for 10/14/2013	No review performed.		
14	City of Morro Bay	N/A		n/a	Urban Forest Management Plan	Public Works anticipating to present plan at December PC meeting.	No review performed.		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Continued projects									
15	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg scheduled for 9/27.	
Ongoing Projects									
16	City of Morro Bay	N/A			CDBG funding to CAPSLO for operation of the Prado Day Center & Homeless Shelter	Staff has ongoing responsibilities for contract management.	No review performed.	Rqstd direction on NEPA revision for San Jacinto Sidewalk addition	
Projects in Process									
17	Frye	244 Shasta	3/6/13	CP0-396 and AD0-081	Secondary Unit and Parking Exception.	Proposed creation of secondary unit from garage. Parking exception. First Noticed 5-16-13. Setbacks noted on plan incorrect, therefore project required to be re-noticed on 6/26/13. Applicant now required to amend or modify existing permit #CP0-013 before proceeding with proposed project.	No review performed.		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
18	LaPlante	3093 Beachcomber	11/3/11	CP0-365	New SFR. Resubmittal and Phase 1 Arch report 2/6/12.	SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. Applicant has requested a meeting on August 9, 2012 to review environmental study request. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant will provide MND fees with submittal of Biological report. 8/9/12 MR met with applicant and owner to discuss environmental issues. Would require a detailed MND. Applicant is still considering preparation of Biological Report. Staff met with applicant and his agent, discussed elements of the project especially the Biological report needs to be prepared. Draft biological report received and under review. Project referred to environmental consultant and Coastal. MND in process.	Review complete, applicant to obtain building permit prior to construction.	DH comments submitted 1/18/2012. Provide EC, drainage report, SW mgmt.	No Comments to date
19	Ontiveros	1598 Main	9/27/13	UP0-367	Minor Use Permit for tire sales and installation new business, City Tires	KM - Application deemed complete 10/4/13. Under review.			

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Environmental Review									
12	Lucky 7	1860 Main	3/12/13	CP0-394	Construct Fuel Island Canopy	CJ- Requested additional info. 3-29-13 Resubmittal received 7-22. Project deemed not exempt from CEQA. Initial Study in process.	Review complete, applicant to obtain building permit prior to construction. FD Approval CPO 394 8/23/13	N/A	
2	City of Morro Bay	Morro Creek/Embarcadero	3/14/13	-	FHWA Approved PE funds - CASB12RP-5391(013) - Phase 1 Morro Creek Trail & Bridge Project	In process. NEPA review required.RFP released 3-25-13. Planning working on PES form. Working with Althouse to do Botany survey and wetland delineation. Met with consultants on site on May 22, 2013. Consultant selected. PWAB meeting held to discuss bridge design options. Option 1	No review performed.	BCR-Planning and engineering ongoing. Bridge load and configuration selected: H-20 loading will allow our FD vehicles to cross. 30% design underway.	
20	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	Parcel Map. 3 parcels and an open space parcel. A revised subdivision map was submitted for review on August 6, 2012.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing. Applicant submitted a revised plan reducing the number of lots, and is providing additional information as requested addressing City requested information. Additional information submitted; waiting for biological report. Report should be submitted in September 2012. Needs drainage plans. MR: Second incomplete letter sent 11/13/12. MND in preparation. Susan Craig, Coastal Commission staff confirmed property is entirely outside coastal zone. Met with applicant on 1/30/2013 project moving ahead, staff waiting on resubmittal. Applicant directed to obtain wetland determination. Project waiting on applicant. Resubmittal received 9-10-13.	Review complete, applicant to obtain building permit prior to construction.	BCR- comments submitted 4/47/12. Drainage issues need to be addressed.	

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Grants										
21	Community Development Block Grant (CDBG) / HOME Program through Urban County Consortium	Downtown area	City-wide	11/13/12		CDBG Applications received 10/12/12. Nine applications received. Draft funding recommendations to be adopted at 11/13/12 City Council Meeting. Final Funding Approval heard at 2-13-13 City Council Meeting. Final action taken by County Board of Supervisors 3-5-13.	Application recommended for funding is Pedestrian Accessibility Improvements for City of Morro Bay. Council approved on 11-13 funding for Senior Nutrition and Pedestrian Accessibility. 2nd Funding Workshop to be held at Community Center on 1/9/13. Subrecipient Agreement and NEPA Environmental Review under review. CEQA NOE filed. NEPA clearance obtained 6/21/13. FY2014 Funding Cycle: Applications released on 9/9/13 and due on 10/15/13. Needs Workshop held on 9/16/13 at City of Atascadero.	No review performed.		
22	Sustainable Communities	City-wide				\$900,000 Grant Opportunity for funding for long-range planning activities including LCP update, General Plan. State has not released grant information for the next application cycle.	Draft guidelines not yet released for 3rd round of funding.	No review performed.	N/A	
23	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide				\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.	Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13.	No review performed.	N/A	
24	Coastal Conservancy Climate Ready Grant	City-wide				\$200,000 Grant Opportunity for funding for a wide range of activities that address climate change impacts.	Application submitted 8-28-13. Awaiting results.	No review performed.	N/A	
25	Coastal Commission LCP Assistance Grant Program	City-wide				\$1,000,000 Grant funding for Applications of \$50,000-\$300,000 in funding to assist with update of Local Coastal Plan to address effects of climate change and sea-level rise.	Application to be submitted. Deadline date 11-22-13 with funding announcements to be announced in early 2014.	No review performed.	N/A	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Project requiring coordination with another jurisdiction									
26	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond	
27	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15	
Preapplication projects									
27	Galvin	861 Quintana			Applicant/agent requests to fence and rock vacant lot	Commercial structure demolished pursuant to approved CDP. Meeting scheduled to discuss issues regarding expansion of the U-Haul business without benefit of permit. Applicant finalizing plans to submit.	No review performed.	N/A	
28		Little Morro Creek Road			BMX park	Permit process info provided to applicant on 7-23-13. Staff met with applicant on 8/30/13 to provide further application requirement info.	No review performed.	N/A	
29		110 Orcas			Inquires regarding construction of a new house on a vacant lot with wetlands (per U.S. Wildlife mapper)	Staff met with seller and potential buyers to explain code requirements	No review performed.	N/A	
30	Triad Homes	253 Main			Discussions on a parcel map, dividing residential use from commercial uses		No review performed.	N/A	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Final Map Under Review									
31	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11. Applicant resubmitted CCRS. Incomplete submittal as of 1/23/12. Resubmitted 4/4/2012	KW--Comments given to applicant, held meeting on 9/27/2011 regarding comments. Biological being review by applicant to address drainage issues. Biological Report approved by Planning as well as the CCRs. Tentative map improvements.	Review complete, applicant to obtain building permit prior to construction. Public Improvements under construction.	DH - PIP submitted PIP to be built prior to map recordation. Public Improvements under construction.	
32	Medina	3390 Main	10/7/11	Map	Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12	SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH boundary.	No review preformed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									
34	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland) . Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with applicant indicating they would be resubmitting new plans based on our discussions.	KW--Incomplete 12/15/05. Incomplete 3/7/07. Incomplete Letter sent 6/27/07. Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.	
35	James Maul	530, 532, 534 Morro Ave	3/12/10	SP0-323 & UP0-282	Parcel Map . CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted.	Please route project to Building upon resubmittal.	N/A	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Projects going forward to Coastal Commission for review									
36	City of Morro Bay		2/1/13	Ordinance 556	AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 17.27 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas" and Modify THE TITLE PAGE TO REFLECT THE NEW CHAPTER.	Application for Amendment submitted to Coastal Commission 9-11-13.	No review preformed.	N/A	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Projects Appealed or Forwarded to City Council									
7	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on May 2011. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report on the status of this project brought to PC on 2/7/2011. The item shall be brought back to City Council first meeting in November. Workshops scheduled September 29, 2011 and October 6, 2011.-Workshop results going to City Council December 13, 2011. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Currently an intern is working on the Sign Ordinance. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 PC meeting scheduled to review North Main Street District. Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council.	No review performed.		
38	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing.Appeal in abeyance until coastal application complete.	Review complete, applicant to obtain building permit prior to construction.	See above	
Projects in Building Plan Check									
39	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. CJ.	BC- Returned for corrections 1/9/13.	N/A	
40	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. MR: Met with applicant to go over environmental issues.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC.	
41	Peter	190 Dana	5/30/13	B-29983	Addendum to accommodate potential future secondary unit	CJ- conditionally approved subject to amending CDP 6-25. Approved 7-10-13	BC-issued.	BCR- Revised Drainage rpt approved 9/5/13	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
42	Foster	500 Dawson	8/15/13	B-29983	New SFR	CJ- Needs CDP	BC- Returned for corrections 9/12/2013.		
43	Bylo	593 Driftwood	3/12/13	B-29870	SFR Addition	Disapproved. Compact in-fill permit conditions not met. 3-27	BC-Returned for corrections 3/28/13.	DH- Provide SW mgmt, drainage rpt, EC.	
44	Imani	571 Embarcadero	4/23/12	B-29695	Commercial alteration, addition	CJ- Incomplete Memo 11/26/2012 sent to applicant's representative. Correction sent 7/22/13 and 9/8/13.	BC- Architect working on revisions.	BCR- Approved 5/23/12	
45	Fowler	1215 Embarcadero	7/10/13	B-29695	Construct Phase 1-A Water site improvements.	CJ-resubmittal received 8/30/13. Correction requested 9/11/13.	BC- Returned for corrections 9/16/12.	RS- Under review	
46	Harbor	1620 Embarcadero	4/4/13	B-29888	Construct restroom and storage mezzanine within existing "Cal Poly Building."	CJ-requested corrections 4-15 CJ - Resubmittal received and correction sent 8/30/13.	BC-Returned for corrections 9/10/12.	BCR- approved	
47	Cribbs	2360 Greenwood	7/26/13	B-299720	SFR Addition	KM - Approved 8/8/13.	BC- Returned for corrections 9/3/2013.	JW- correction given 8.23.13, frontage req.	
48	Helfelt	2940 Greenwood	5/21/13	B-29924	New SFR	KM - CDP approved 9/11/13. Under review.	BC-resubmitted 8/8/2013.	RS - Awaiting Plan revisions	
49	Methodist Church	3000 Hemlock	8/16/12	B-29752	Construct new modular classroom, site work.	Approved by MR 8-30-12	BC- out for pw corrections.	BCR- 8/31/13 Drainage report revision required	
50	Ferguson	605 Ironwood	4/24/13	B-29861	New SFR	KM - CDP approved 9/3/13. Under review.	BC- returned for corrections 7/24/13. FD Approval CPO 400 8/22/13	BCR-9/9/13- Drainage report required for current layout. Developer may reduce impervious to reduce requirements.	
51	Norris	335 Las Vegas	8/12/13	B-29966	Secondary Unit	KM - Resubmittal received 8/12/13 and under review. Approved 8/20/13.	BC- Issued 9/16/13.	BCR- 9/11/13 approved	
52	Hough	281 Main	6/16/13	B-29936	New SFR	Approved. CJ.	BC- RTI 9/4/13.	BCR-8/20/13 approved after Owner certified existing drainage facility	
53	Naran	2176 Main	5/13/13	B-29918	Partial change of occupancy	CJ - Corrections sent 5-29	BC-returned for corrections 6/11/2013.		
54	Bezinover	451 Mindoro	7/23/13	B-29960	SFR Addition	CJ- approved 7-30	BC-returned for corrections 8/27/2013.	JW- correction given 8.23.13, sewer video	
55	Markowitz	589 Morro Avenue	8/17/11	B-29820	Roof Deck	Under review. Spoke with architect 1/23/13 to clarify requested corrections. Architect to discuss with applicant. CJ.	BC- Corrections	N/A	
56	Rodgers	950 Napa	9/3/13	B-30999	New SFR	KM - Correction letter sent 10/3/13.	BC- under reievw		
57	Frantz	499 Nevis	9/23/12	B-29510	New SFR	CJ- approved	BC- RTI 9/16/2013.	N/A	
58	Vallely	460 Olive	3/29/13	B-29885	New Second Unit, Detached garage	CJ- approved 4-15-13	BC- Resubmitted 8/28/2013.	N/A	
59	Rock Harbor	1478 Quintana	1/10/13	B-29834	Microwave Dish	CJ -Planning approved.	BC-RTI 2/27/13		
60	Adamson	1000 Ridgeway	9/11/13	B-30008	New SFR	CJ - needs CDP			
61	Frye	244 Shasta	5/7/13	B-29910	Garage to Second Unit conversion	KM - Needs to comply or modify existing CDP.	BC- under review.	BCR-approved 5/13/13	
62	Inn at MB	60 State Park	6/27/13	B-29884	Main Building Remodel	CJ- Corrections sent 7-17	BC- under review.	RS - Referred to State Parks for comment on frontage imprvmts	
63	Najarian	505 Yerba Buena	6/12/13	B-29941	New SFR	KM - Requested additional info. 10/7/13	BC- returned for corrections 7/31/2013.	DH -approved	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Projects & Permits with Final Action									
37	Nicki Turner	360 Cerrito	8/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal. Planning Commission continued to a date uncertain. Project folder given to Rob S.	Project placed on hold for a long extended period of time. Staff contacted the applicant for information concerning the status of this project and received a letter on April 1, 2013. Project scheduled for next Planning Commission meeting to hear appeal. Applicant requested a continuance, PC approved a continuance to July 17, 2013 meeting. Submitted plans incomplete do not meet Commission direction. Project to be continued to 8-21-13 PC mtg. Planning Commission upheld appeal thereby denying project at 8-7-13 PC meeting. Project Appealed to City Council by Applicant 8/30/13. Scheduled for 10/8 Council mtg. City Council denied appeal and upheld P.C. denial	Review complete, no conditions noted.	Review completed in 2007, provide drainage details, erosion control, utility locations	
64	City of Morro Bay	170 Atascadero	1/9/13	CP0-389	Coastal Development Permit for water treat plant (Desal) modifications.	Permit approved at 2-6-13 PC Mtg. Letter received from Coastal Commission staff regarding permit and response sent 2-15. Final action pending until resolution with Coastal Commission	No review preformed.	BCR-Repair and maintenance underway. Phase 1 completion due 10/15	
Final Action Sent to Coastal Commission									