



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*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 - Tuesday, May 2, 2017  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr  
Commissioner Michael Lucas

Commissioner Richard Sadowski  
Commissioner Joseph Ingrassia

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 Community Development at (805) 772-6264. 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 – NONE

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 Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.

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.:** Amendment (A00-045) to CUP #30-99  
**Site Location:** 845 Embarcadero  
**Proposal:** *Conditional Use Permit Amendment.* Repair of existing concrete seawall to include installation of 74 linear feet of sheet piles with backfill placement between sheet piles and existing concrete wall as well as remove & replace approx. 1,000sf of rock rip repair. Proposed project also includes modification of existing floating dock system and addition of 1 new dock slip, new 340sf kayak launch float along northern dock slip, remove & replace 7 wood pilings with 7 steel pilings, and reconstruction of existing 144sf kayak kiosk. This project is located in the original jurisdiction of the California Coastal Commission.  
**CEQA Determination:** Categorically Exempt, Section 15301, Class 1  
**Staff Recommendation:** Conditionally approve  
**Staff Contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on May 16, 2017 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 Community Development Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6264 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 Community Development 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 Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development 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 Community Development 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](http://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](http://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 Community Development 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 \$268 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.



City of Morro Bay  
 Community Development Department  
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions

New Planning items or items recently updated are highlighted in yellow.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date May 2, 2017

#	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 Planner
<b>Hearing or Action Ready Projects:</b>										
1	Branch	845 Embarcadero	11/14/16	A00-045	<b>Modification to existing CUP 30-99. Finger docks to be lengthened, seawall repair.</b>	Under initial review. Project deemed incomplete and letter sent 12-13-16. Resubmittal received 1-27-17 and under review. Conducting environmental review.				cj
2	Eisemann	396 Hill St.	8/29/16	CP0-515 and UP0-455	<b>CDP/MUP for new duplex. Unit A: 1745sf living, 540sf garage. Unit B: 1517sf living, 552sf garage</b>	Under initial review. Requires preliminary title report. Correction letter sent 10/18. Resubmittal rcv'd 12/16/2016. Need PhotoSims. Rcv'd 3/14. Ready for PC 4/18/17. Project intake error. Admin CDP and MUP, no PC hearing required. Noticed 4/25				cg
3	Leage	1205 Embarcadero	9/28/16	A00-044 (UP0-058)	<b>Minor amendment to UP0-058 to relocate approved floating dock location and construct new finger slip and lease line amendment</b>	Project under review. Correction letter sent 11-21-16. Resubmittal received 1-27-17 and under review. Fire corrections forwarded to applicant to be made prior to noticing.		PN Disapproved per memo dated 10/25/16		cj
4	Barker	2214 Coral Ave	11/18/16	CP0-523/UP0-462	<b>New 1,950 sq. ft. SFR in the Cloister's Subdivision</b>	Under Initial Review. Correction letter sent 12/14. Resubmittal rcv'd 4/3. Ready for PC hearing 6/6/17		PN-Conditionally Approved per memo dated 12/14/16		cg
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
5	Frye	3121 Sandalwood Ave.	4/21/17	UP0-477/AD0-118	<b>Conditional Use Permit and Parking Exception for a 215 sq. ft. addition to a nonconforming SFR</b>	Under Initial Review				wm
6	2130 Morro Bay, LLC./Belsher & Skidmore	2130 Main St.	4/13/17	CP0-540	<b>Regular Coastal Development Permit for new 34 suite hotel w/ partial subterranean parking. Project includes demolition of existing on-site structure</b>	Under Initial Review				wm
7	Morgan	101 Fig St.	4/12/17	UP0-476	<b>Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.</b>	Under Initial Review				wm

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8	So Cal Gas Company	0 Sequoia St (Public Right of Way, 32' west of Alder Ave)	3/29/17	CP0-539	<b>Administrative Coastal Development Permit to install new class 5 wood pole, 29' above ground level. Advance Meter - Equipment attached to top of pole</b>	Under Initial Review				wm
9	So Cal Gas Company	0 Nutmeg (Public Right of Way, 710' north of Cuesta St.)	3/29/17	CP0-538	<b>Administrative Coastal Development Permit to install new class 5 wood pole, 29' above ground level. Advance Meter - Equipment attached to top of pole</b>	Under Initial Review				wm
10	Mathias Family Trust	2515 & 2525 Greenwood	3/29/17	CP0-537	<b>Administrative Coastal Development Permit for demolition of two residential structure, prep site for new construction, prune &amp; trim overgrown bushes, and removal of fallen tree.</b>	Under Initial Review				wm
5	Assembly of God	615 Monterey	3/6/17	CP0-534/ AD0-113	<b>Admin CDP and Parking Exception to convert existing garage to living space (house adjacent to church), convert lower rear portion of church to new garage.</b>	Under Initial Review. Waiting on project redlines 4/12 then ready to notice		PN- Conditionally Approved per memo dated 4/24/17		jg
6	James / Nisbet	310 Mindoro	3/2/17	CP0-533	<b>Admin CDP for New SFR on vacant lot for 1542sf living, 462sf garage, 176sf deck.</b>	Under Initial Review		PN- Disapproved per memo dated 3/24/17		wm
7	James/ Nisbet	300 Mindoro	3/2/17	CP0-532	<b>Admin CDP for New SFR on vacant lot, 1433sf living, 446 sf garage, 195sf deck.</b>	Under Initial Review		PN- Disapproved per memo dated 3/24/17		wm
8	Crowfoot	416 Napa St	3/1/17	CP0-531	<b>Admin CDP to create secondary dwelling unit through conversion of existing downstairs square footage. Concurrently applied for building permit of same.</b>	Under Initial Review. Correction letter sent 4/4. Site inspection complete. Planning review complete, waiting for Fire comments 4/25.		PN- Conditionally Approved per memo dated 3/29/17		rr
9	Huber	2783 Coral Ave	2/24/17	CP0-530, UP0-470, S00-127	<b>Proposed 6 lot residential subdivision (Tentative Tract Map, CDP, and CUP application). Property located at corner of San Jacinto &amp; Coral Ave.</b>	Under Initial Review		PN- Not Approved per memo dated 3/16/17		wm
10	Bay Pines/Shorebreak Energy	1501 Quintana	11/29/16	UP0-463/CP0-525	<b>Coastal development permit &amp; Conditional Use Permit for Bay Pines Solar Project.</b>	Under Initial Review. Bio Report and Phase 1 Arch report rcv'd. Waiting for preliminary title report. Rcv'd 3/15. Sent to PW: Under Review. Correction letter sent 4/12/2017		PN-Approved 12/9/16		jg
2	Najarian	321 Luzon	11/7/16	CP0-521 & UP0-473 and AD0-115	<b>Coastal Development Permit for a new 1,694 sq. ft. SFR</b>	Under Initial Review. Correction Letter sent 12/5. Resubmittal received 2/2/2017		PN- Disapproved per memo dated 3/24/17		wm
3	Najarian	320 Mindoro	11/7/16	CP0-520 & UP0-472 & AD0-114	<b>Admin CDP and MUP to build a SFR in an MCR/R-4 zone on a vacant lot. Proposed 2 story, 1694sf living, 546sf garage, &amp; 144sf deck.</b>	Under Initial Review. Correction Letter Sent 12/5. Resubmittal received 2/2/217		PN- Disapproved per memo dated 3/24/17		wm

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4	Barfield	260 Shasta	11/4/16	UP0-461	<b>Conditional Use Permit for 498 sq. ft. addition to an existing 999 sq. ft. nonconforming SFR</b>	Under Initial Review. Correction Letter Sent. Applicant working to redesign in order to remedy the existing nonconformity. Waiting on resubmittal. Rcv'd 4/24/2017		PN-Conditionally approved per memo dated 11/29/16		jg
5	Mac Millan	590 Morro Bay Blvd.	11/1/16	UP0-460/CP0-518	<b>Change of use from retail to restaurant</b>	Under Initial Review. Correction Letter Sent. Resubmittal rcv'd 4/4/2017		PN-Conditionally approved per memo dated 11/29/16		jg
6	Fennacy	939 Main Street	10/18/16	UP0-459	<b>Use permit approval for change of occupancy for the creation of outdoor dining area at the Brickhouse BBQ</b>	Project under review. Correction letter sent 11/17. Resubmittal Rcv'd 3/27		Conditionally approved per memo dated 11/9/16		rr
4	Van Buerden	945 Embarcadero	5/24/16	UP0-446	<b>Conditional Use Permit for House of JuJu restaurant remodel, and City Park improvements</b>	Incomplete letter sent 6-23-16 to Applicant and Applicant Representative. Cj. No recent activity as of 3-1-17		Conditionally approved 6/14/16		cj
5	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	<b>Parcel map application &amp; CDP to split 1 R-4 zoned lot in to two lots.</b>	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review. Correction letter sent 2/18/16 with Public Works comments. Received revised info from Applicant 3-3-16. Correction sent and resubmitted 4-8-16. Met w/ Architect to discuss intent to include development of 4-plex apartments. Resubmittal rcv'd 5/10. Correction letter sent 6/14/16. Spoke with architect 8/9/2016. Resubmittal rcv'd 8/17/2016. Correction letter sent 10/13/2016. Applicant now wants to remove development from proposal and process the parcel map independently of any development. Waiting on updated map (4/7/2017) Rcv'd 4/17		PN- Diapproved per Memo dated 6/14/16		jg
6	DeGarimore	1001 Front St.	7/14/15	A00-026 and UP0-442	<b>Amendment to CUP to modify project description to remove proposed new awning.</b>	Letter sent to applicant 9-9-15 regarding public access requirements. In process. Applicant wishes to include a kiosk for Virg's Landing with the awning amendment. Reviewed prelim site plan of kiosk and provided email comment corrections on 2/24/16. Met with Virg's Landing owner to discuss kiosk plan 2-29-16. TUP application submitted for kiosk proposal adjacent to parking lot on 4-19-16. Correction letter sent 5-12-16. No recent activity as of 3-1-17.				cj
7	Gambril	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	<b>New construction of 10,000sf commercial retail on vacant lot</b>	WM. Under review. Will need Arch and Traffic reports. Incomplete letter sent 9/4/15.		PN-Plans Disapproved. Req. Stormwater determination form & plan update-		wm

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8	Leage	833 Embarcadero	9/15/14	UP0-389	<b>Demolish existing building. Reconstruct new 1 story 19 foot building (retail/restaurant use) &amp; outdoor improvements</b>	Under review. Deemed incomplete. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent . Resubmittal received. Not compliant with view corridors requirements. Resubmitta received 1-20-16. Email corrections provided to Applicant on 2/10. Reviewed revised plans received from architect via email on 3/7/16.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
9	Maritime Museum Association (Larry Newland)		11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> 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. Sent Intent to Deem Withdrawn letter 9-2-14. JG. Revised preliminary plans emailed to City 11-4-16 for initial comment review. Staff feedback emailed to Architect 11-15-16. Resubmitted 3-20-17. CJ	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.		
<b>Planning Commission Continued projects:</b>										
10	Vankrieken	462 Arbutus	12/9/16	UP0-465/ CP0-535	<b>CDP and Conditional Use Permit for new 515 sq. ft. garage and remodel of existing nonconforming SFR</b>	Under Initial Review. Correction Letter sent 1/6. Resubmittal received 1/20/217. Correspondence with Agent regarding residential design guidelines, waiting for updated front elevations. Noticed for PC hearing on 3/10/16. Agendized for 3/21/17. Continued to a date uncertain with direction for design changes		PN- Conditionally approved per memo dated 12/22/16		jg
11	Elster	530 Morro	4/20/16	UP0-282 & CP0-323	<b>New 2,978 sq. ft. SFR with 1,516 sq. ft. garage, 1,191 sq. ft. of decking, and a 560 s. ft. secondary dwelling unit.</b>	Applicant has decided against the parcel map and development of three townhomes and now proposes to build one SFR and a secondary dwelling unit. Under initial review. Waiting on PW comments. Correction letter sent 5/18/16. Spoke with Applicant 8/4/2016 - resubmittal pending. Resubmittal received. Correction Letter Sent 11/7/2016. Resubmittal received 1/17/17. PC on March 7, 2017. Continued to a date uncertain.				jg

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12	Rhine LP & Morro 94, LLC	3300 Panorama	2/24/16	CP0-500 & UP0-440	<b>Coastal Development Permit &amp; Conditional Use Permit for Demolition of 3 existing tanks, related pumps and concrete</b>	Under review. Correction letter sent 5-10-16. Environmental review complete and to be routed 7-28-16 for required 30 day period. PC 9/6/16 hearing. Reviewed and PC continued hearing to 10/4/16. Project continued to 12/6 PC meeting. Project reviewed at 1/3/17 PC hearing and continued to a date uncertain.		PN- Conditionally approved per memo dated 7/26/16		wm
13	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		jg cj
14	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	<b>Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision</b>	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		wm
15	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> 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. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		wm
16	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	<b>Conditional Use Permit &amp; Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site</b>	WM.Was tentatively scheduled for 3-1-16 PC hearing. Awaiting additional info from applicant. Tentatively scheduled for 5-17-16 hearing. Applicant requested continuance. PC continued review with direction on June 21, 2016.				wm

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<b>Projects Appealed or Forwarded to City Council:</b>										
17	Pall	340 Jamaica	1/5/17	UP0-468	<b>Conditional Use Permit for an existing auto-body shop in a residential district</b>	Under Initial Review. Project Noticed for 2-21-17 PC meeting. To be continued to 3/7/17 hearing due to noticing error. PC approval on 3/7/17. Project Appealed to City Council 5/9/2017	FD Conditionally Approved 1/23/17			cg
18	Redican	725 Embarcadero	9/9/16	A00-041 (UP0-359)	<b>Major amendment to Conditional Use Permit UP0-359. Replace existing upper floor restaurant to a 9 room second floor hotel.</b>	Project under review. Met with applicant 10/10/16 to discuss. Correction letter sent to Applicant 10/21/16. Resubmittal received 12-2-16. Response requesting plan corrections emailed 1/3/17. Project heard by PC on 3-21-17 and favorable recommendations with direction to City Council. Revised plans reflecting PC recommendations resubmitted 4-21-17. Project agendized for 5-23-17 City Council meeting.				cj
19	Baston	561 Embarcadero	UP0-448	UP0-448	<b>Conditional use permit for Gray's Inn access improvements and piling repair</b>	Incomplete letter sent 8-4-16. Received resubmittal 9/16/16. Correction letter sent 10/14 and resubmittal 10/19. Met w/ Agent to review resubmittal 10/19. Project reviewed at 12/20 PC meeting and continued to 1/17 PC meeting. Project reviewed for favorable recommendation to the City Council with direction.		PN- Conditionally approved per memo dated 8/3/16		cj
20	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11 .City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg.	No review performed.	N/R		sg
<b>Environmental Review</b>										

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21	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
<b>Final Map Under Review Projects:</b>										
22	Tract 2739	485 S. Bay Blvd, Black Hill Villas Subdivision	1/17/17	Map	<b>Final Map - Tract 2739 / 16 lot subdivision with dedicated lot for riparian enhancement and raptor preservation.</b>	Final Map Application Under review. Map corrections forwarded to Engineering/Public Works Dept. on 3/13/16. Final Map & Public Improvement Plans resubmitted to City on 4/24/17.		JW/PN - Disapproved final map and public improvements		cj
23	Tract 2818	2400 Main St / Morro Mist	6/13/16	Map	<b>Final Map - Tract 2818 / 23 lot subdivision and 1 common lot</b>	Initial submittal for final map processing received 6-13-16. Correction letter sent 7-6-16. Draft CC&Rs received. Resubmittal received 1/5/17. Corrections sent 4-7-17		JW/PN - Disapproved final map and public improvements		cj
24	Tract 2670	1899 -1911 Sunset	11/17/15	Map	<b>Final Map. - Tract 2670 6 lot subdivision and 1 common lot</b>	Under review. Correction letter sent on 12-17-15. Met with Applicant on 3-8-16 to review outstanding items. Received revised CC&R's 3-8-16 for review. CC&R documents reviewed and determined deficient - corrections sent 4-21-16. Met with Applicant to review final corrections 7-13-16. Revised grading/retaining wall plans to be resubmitted. Draft CC&Rs under review by City Attorney. Attorney's review forwarded to Applicant on 7/28/16. CC&Rs under review for consistency with Council conditions of approval. Waiting for revised final map, revised grading plans as of 10/27/16. Grading permit issued. Awaiting revised CC&Rs.		JW/PN - Approved public improvements		cj
25	Medina	3390 Main	10/7/11	Map	<b>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</b>	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 buffer setback requirement. Creek restoration required per Planning condition #4 prior to recordation of the final map. Unresolved Planning conditions. Sent correction letter to Engineering 4-14-16. Received request for extension of permit as allowed by code. One year extension of permits granted extending map to 7/19/2017. Received map resubmittal 11-28-16. Response letter sent 12-27-16.	No review performed.	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		sg/cj

#	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 Planner
<b>Projects requiring coordination with another jurisdiction:</b>										
26	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	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			<b>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.</b>	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and		
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing:</b>										
28	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.</b>	No review performed.			

wm

#	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 Planner
29	City of Morro Bay	Citywide	2/1/13	Ordinance 556	<b>Wireless Amendment - LCP Amendment</b> CHAPTER 17.27 Amendment for "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".	Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues. <b>Amendments withdrawn from Coastal Commission as they are no longer consistent with state law. Item has been included in the FY 16/17 goals and objectives.</b>	No review preformed.	N/A		sg
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
30	T-Mobile	1478 Quintana	1/30/15	UP0-403	<b>Minor Use Permit to Modify existing wireless telecommunication site at church</b>	JG - Under initial review. Correction letter sent 3/5/2015. JG. Partial resubmittal rcv'd via email 9/18		JW approved		jg
<b>Grants</b>										
31	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg
32	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16.	No review performed.	N/R		cj
33	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
<b>Projects in Building Plan Check:</b>										
1	Frank	2900 Alder	4/4/16	B-30941	New Duplex	Approved by jg. 5/31/16	Approved by cdl on 6-3-16.	PN- Approved 6/27/16		

#	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 Planner
2	Smith	460 Avalon	4/5/17	B-31463	SFR Alteration - Remove and replace 2nd story wood deck. Demo 96 sf, new deck 93 sf.					
3	LaPlante	3093 Beachcomber	10/27/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit deemed withdrawn - Approved Planning permit substantially different than 2011 application.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
4	Martinez	235 Bradley	12/1/16	B-31311	SF-Alter 274 s.f. covered deck, 10'4" X 26'6" at rear of property. Covered deck.	Approved by jg 12-05-16	Disapproved by cdl on 12/21/16.	Approved by rps on 12-01-16.		
5	Williams	297 Bradley	10/19/16	B-31236	Remove & Replace existing 2nd floor 177sf deck.		Disapproved by cdl on 1-13-17.	PN- Approved 10/24/16		
6	Curtsinger	513 Dawson	11/10/16	B-31272	Interior remodel, replace plumbing, repair and/or replace existing entry stairs and landing.		Approved by cdl on 12-22-16.	PN- Approved per memo dated 1/20/17		
7		1215 Embarcadero		B-31326	Demo existing Dockside 3 and Morro Bay Landing to replace with 2 story new structure	Disapproved with plan corrections 1-5-17. CJ.	Plans sent to Ca, Code Check 1-5-17.	PN- Disapproved per memo dated 1/18/17		
8	Govers	404 Fairview	1/27/17	B-31379	SF Addition -convert existing 2nd story deck over garage into habital space 120sq.ft. Adding new 5' 2nd story converted deck off new additi		Disapproved by cdl on 2/8/17.	PN-Approved 4/6/17		
9	Gannage	2926 Fir	3/3/17	B-31423	270 sf Addition (new bdrm #4 & new bath #4) to SFR, new 50 sf covered entry porch, new 231 sf roof deck, remodeling kitchen, master bath, and relocating and coverting full bath to	PLAN- Approved by jg on 3-22-17	Disapproved by CDL on 3-29-17	PN- Disapproved per memo dated 4/7/17		
10	Appleby	381 Fresno	7/31/14	B-30227	Carpport& Storage Shed. Remians in plan check status.	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG	Building approved 08-04-15 cdl	RPS - No PW comments if street access is not required for storage bldg		
11	Whitaker	1170 Front	3/10/16	B-30885	New 6 unit hotel	Needs CDP from Coastal Commission.	Denied by cdl on 6-17-16.	PN- Disapproved 6/30/16		
12	Stanley	570 Harbor	11/15/16	B-31280	New SFR on lot with existing commercial structure. SFR includes 1507sf living, 480sf garage and 194sf decking		Disapproved by cdl on 12-22-16.	PN- Disapproved per memo dated 12/8/16		
13	Page	2657 Greenwood	12/27/16	B-31045	2nd floor 1028sf addition to exisiting SFR with new 350sf deck & remodel of 1st floor.		Disapproved by cdl on 1-9-17.	PN- Approved 3/22/17		
14	Richardson	2790 Greenwood	3/15/17	B-31437	Remedial foundation repair, 9 push piers installed to stabilize and lift foundation to maximum practical recovery.		Approved by cdl on 3-23-17.			
15	Moffat	2950 Greenwood	1/12/17	B-31362	Install new bathroom to exisiting den in SFR		Disapproved by cdl on 1-19-17.	PN- Approved 1/23/17		
16	Stanley	570 Harbor St	9/12/16	CP0-517	<b>Demo existing SFR/Chiropractic office. New construction of 2 new SFRs - 1507sf living with 480sf garage, and 891 sf living with 441</b>	CDP approved 11-22-16. WM	Conditionally approved per memo dated 9/12/16.	PN-Conditionally approved per memo dated 11/17/16		

#	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 Planner
17	Hurless	2265 Hemlock	5/11/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom. Remains in plan check status.	Disapproved 8-28-15. JG	Denied by cdl on 5/15/15	PN- Disapproved needs sewer lateral video-		
18		2450 Ironwood	3/6/17	B-31424	Installation of deck and stairs to front entry, approx. 200 sq. ft	Disapproved by sg	Disapproved by cdl on 3-16-17	Approved by rps on 3-6-17.		
19	Audland	2605 Ironwood	1/17/17	B-31367	SF-Alter Stabilize foundation of existing SFR, install piers utilizing standard foundation brackets to prevent further	Approved by sg on 01-20-17	Approved by cdl on 01/19/17			
20	Romero	3036 Ironwood	1/25/17	B-31340	New SFR with 2,484sf living, 559sf garage, 100sf deck & 71sf porch	Disapproved 2-24-17. JG	Disapproved by cdl on 1/31/17. Comments mailed on 2/28/17	PN- Disapproved per Memo dated 2/17/17		
21	Gonzalez	481 Java	10/10/13	B-30029	SFR Addition/ Remodel: add 578 sf living and 112 sf decking. Remains in plan check Status.	WM. Expecting Admin Use Permit application for minor revision to approved design.	Plans approved 9-18-15 cdl	PN-Disapproved, needs swr video & plan corrections. 9/24/15		
22	Rothenbach	2670 Juniper	3/9/17	B-31428	Install residential interior elevator (3 floors) resulting in roof extension, add new roof tiles, add new windows, doors, reconfigure front concrete stairs to entry, revise existing guardrail	Disapproved by sg on 3-17-17.	Disapproved by CDL on 3-31-17			
23	Gardner	454 Kern Ave	4/5/17	B-31459	SFR Alteration - Interior remodel kitchen & bathrooms			PN- Disapproved per memo dated 4/25/17		
24	Channing	471 LaJolla	10/11/16	B-31221	Construct 20' x 11' exterior deck	Disapproved 10-20-16. JG	Disapproved by cdl on 10-18-16.			
25	Wright	520 LaJolla	7/25/16	B-31114	Convert walk-in closet to bathroom, add shower, two windows, convert windows to french doors.	Correction memo sent 10/20/16. jg.	Approved by cdl on 12-19-16.	PN- Disapproved per memo dated 12/21/16		
26	Douglas	2587 Laurel	1/8/15	B-30352	Addendum to B-30074. Add 24 sq. ft., converting 1,020 sq. ft. to habitable space, add 120 sq. ft. porch, and 191 sq. ft. deck. Remains	Under Review. JG. Denial	Plans Denied 10/16/15 cdl	PN 9/30/15 Approved as submitted. No		
27	PG&E	1245 Little Morro Creek	3/25/16	B-30925	Add 25K Generator to cell site/tower to satisfy Planning Commission conditions.	Approved. CJ. 4-5-16. Complies w/ PC approval.	Approved by cdl 3/30/16	PN- Approved 5/17/16		
28	Dyson	117 Main	8/15/14	B-30248	Covered Patio Remains in plan check Status.	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
29	Burgstrom	372 Main	12/14/16	B-31350	SF-Alt -Rebuild existing 235 sf deck and stairs, add approx 69 sf to enlarge existing deck.		Disapproved by cdl on 12-30-16			
30	Morro Mist LLC	2402-2446 Main	7/5/16	B-31067 through B-31089	Building permit applications for 23 new townhomes in 6 detached building clusters to include 15 one-bedroom units and 8 three-bedroom units. 23 separate permit applications	Disapproved. Corrections sent 8-3-16. cj.	Disapproved by cdl on 1-23-17.	PN- Approved waiting for RL sign-off of WEU form.		
31	Streeter	1128 Market	10/26/16	B-31247	New SFR with 1345sf Living, 434sf garage & 80sf Deck		Disapproved by cdl on 11-21-16.	PN- Disapproved 11/17/16		
32	Streeter	1138 Market	10/26/16	B-31252	New SFR with 1345sf Living, 437sf garage & 131sf Deck		Disapproved by cdl on 12-6-16.	PN- Disapproved 11/17/16		

#	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 Planner
33	Castro	190 Mindoro	12/29/16	B-31351	New SFR with 888sf Living & 234sf garage	Disapproved 1-5-17. JG	Approved by cdl on 12-13-16.	PN- Approved 4/6/2017		
34	Assembly of God	615 Monterey	10/14/16	B-31226	Interior remodel (to rear house) - Demo interior, replace sub floor, drywall, electrical & plumbing.	Disapproved 11-10-16. JG	Disapproved by cdl on 11-17-16.	PN- Disapproved 11/16/16		
35	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom. Remains in plan check Status.	Approved 9/25/14. CJ.	Plansw approved 9-30-2014 bc	RPS returned for corrections per		
36	Crowfoot	416 Napa	3/1/17	B-31417	Convert downstairs closet into kitchen to create secondary dwelling unit (CP0-531)		Approved by cdl on 3-23-17	PN- Disapproved per memo dated 3/29/17		
37	Rushaupt	2301 Nutmeg	3/22/17	B-31451	Increase size of existing first floor bathroom.	Approved by wm on 3-23-17.				
38	Robson	110 Orcas	12/9/16	B-31350	2098 s.f. living, 939 s.f. subterranean garage, and 376 s.f. decking	Corrections sent 3-24-17 to Bldg. CJ.	Disapproved by cdl on 01-12-17			
39	Moloney	840 Pacific	9/22/16	B31194	350sf addition to existing SFR	Disapproved 10-5-16. JG	Disapproved by cdl on 9-29-16.	RB-Disapproved per memo dated 10/19/16		
40	Lewis	290 Piney Lane	12/19/16	B-31325	New two story SFR - 2735 sf living, 581 sf garage, 376 sf deck	Conditional Approval by jg on 01-04-17 (need to add Cond of App to plans sets	Approved by cdl on 12-30-16	PN- Disapproved per memo dated 2/16/17		
41	Volk	800 Quintana	4/25/16	B-30811	Unmanned cell site including locating an antenna on and radios on roof, equipment at	Disapproved. CJ. 5-16-16. Does not meet conditions of approval. Requested resubmittal.	Approved by cdl on 5/11/16	PN- Approved 5/13/16		
42	Frye	244 Shasta	5/2/13	B-29910	Garage to Second Unit conversion. Remains in plan check Status.	KM - Needs to comply with or amend existing CDP. 2006 Planning permit modified to allow non-conforming structure. No activity since 2014 on this building permit.	BC- on hold pending planning process.	BCR-approved 5/13/13		
43	Scoto	330 Sicily	10/18/16	B-31232	New SFR w/1743sf living area, 457sf garage & 150sf deck.	Approved 5-16. JG	Disapproved by cdl on 12-5-16.	PN- Approved 12/8/16		
44	Dolezal	1885 to 1905 Sunset	3/17/17	B31378	Addendum to Grading permit #G00-045 issued 12/7/16. Changes to approved Grading to on-site improvements			PN- Not Approved per memo dated 3/29/17		
45	Dolezal	1885 Sunset	11/30/15	B-30758	Lot 6: New SFR with 1140sf and 480 garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
46	Dolezal	1889 Sunset	11/30/15	B-30757	Lot 5: New SFR with 1140sf with 480 garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
47	Dolezal	1893 Sunset	11/30/15	B-30756	Lot 4: New SFR with 1140sf living and 480sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
48	Dolezal	1897 Sunset	11/30/15	B-30753	Lot 1: New SFR with 1140sf living and 480sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
49	Dolezal	1901 Sunset	11/30/15	B-30754	Lot 2: New SFR with 1541sf living and 483sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
50	Dolezal	1905 Sunset	11/30/15	B-30755	Lot 3: New SFR with 1457sf living and 480sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
51	Hartsock	242 Surf	1/27/17	B-31380	Addition to a non-conforming SFR w/ detached garage. Also ref: CP0-509, AD0-106					
52	Jordan	340 Tulare		B-31046	2nd floor 650sf Addition & 75sf garage addition	Approved 5-17. JG	Disapproved by cdl on 1-13-16.	PN- Approved 2/2/17		

**Planning Projects & Permits with Final Action:**

#	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 Planner
1	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	<b>Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.</b>	Under initial review. Comment letter sent 9/10/13. CJ. . Comments from Cal Trans received 10/31 and forwarded to Applicant. Meeting to discuss traffic study requirements on 11-21-13. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15. Stormwater Control Plan also being reviewed. Reviewing outstanding cultural resources concerns. Reviewed project with archaeologist 1-27-16. Archaeological consultation in progress. MND routed to State Clearinghouse. Comment letter received from APCD re MND. cj. Noticing error necessitates continuance from 5/3/16 to 5/17/16 PC hearing. Continued to date uncertain to allow submittal revisions. Applicant submitted preliminarily revised plans 10/2016. Emailed informal comments 10/26. Revised preliminary plans emailed 1-27-17. Staff comments emailed 2-16-17. Discussed driveway and circulation plan changes to Main Street side of property with Applicant's Engineer and Public Works Dept. Emailed resubmittal and response 1-17. Agendized for 4/18/17 PC meeting.	Bldg -- Review complete	PN- Sonic has submitted Preliminary Stormwater Requirements. RPS: Initial conditions provided by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		
2	Borges / RPM Consulting	1998 Main Street	3/1/16	CP0-503	<b>Coastal Dev. Permit for addition of 2nd story office/laundry room remodel to commercial building in Mobile Home Park</b>	Waiting on full project submittal. (Applicant received HCD building permit and started construction before getting CDP). Received 3/17. Correction letter sent. Resubmittal received 6/6/16. Correction letter sent 6/27. Applicant and HCD argue that no CDP is required. Coastal Commission legal staff weighed in on 9/26/16 confirming that a CDP is required and MB has jurisdiction due to LCP. Ready for PC 4/18/17. Approved. Permit Issued		PN- Conditionally approved per memo dated 4/18/16		cj jg
3	DeCock	1001 Front St.	3/7/17	UP0-471	<b>Temp. Use Permit for Info/Ticket Booth for Virg's Sport Fishing in a 48sf tough shed kiosk booth located near 1001 Front St parking lot.</b>	Under initial review. Corrections to signage sent via email. Applicant revised plans., and site noticed for admin approval on 4/10/17.		PN- Approved 3/27/2017		cj



AGENDA NO: B-1

MEETING DATE: May 2, 2017

## Staff Report

**TO:** Planning Commissioners

**DATE:** April 26, 2017

**FROM:** Cindy Jacinth, Associate Planner

**SUBJECT:** Amendment (#A00-045) to Conditional Use Permit (#CUP30-99) for repair of an existing concrete seawall, rock rip-rap repair, modification of existing floating dock system, addition of 1 new dock slip, a new 340 sf kayak launch float, reconstruction of existing 144sf kayak kiosk along with remove and replace 7 wood pilings with 7 steel pilings. The project site is located in the original jurisdiction of the California Coastal Commission.

**RECOMMENDATION:**

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

Adopt Planning Commission Resolution 15-17 which includes the Findings and Conditions of Approval for the project depicted on site development plans dated April 19, 2017 (Exhibit H).

**APPLICANT/AGENT:** Cliff Branch /  
Cathy Novak Consulting

**LEGAL DESCRIPTION/APN:** City  
lease sites 89 and 89W / 066-352-  
054

**PROJECT SUMMARY:** The Applicant is seeking an Amendment to Conditional Use Permit #CUP 30-99 for repair of existing concrete seawall to include installation of 74 linear feet of sheet piles with backfill placement between sheet piles and existing concrete wall as well as remove & replace approx. 1,000sf of rock rip rap repair. Proposed project also includes modification of existing floating dock system and addition of 1 new dock slip, new 340sf kayak launch



Prepared By: \_\_\_CJ\_\_\_

Department Review: \_\_\_\_\_

float along northern dock slip, remove & replace 7 wood pilings with 7 steel pilings, and reconstruction of existing 144sf kayak kiosk. This project is located in the original jurisdiction of the California Coastal Commission

**PROJECT SETTING:**

The location is a City lease site (89/89W) which is occupied with a single-story visitor-serving retail uses also known as “the Boatyard.” The Boatyard also includes an existing floating dock system with private slip rentals and an existing kayak rental business.

<b><u>Adjacent Zoning/Land Use</u></b>			
North :	Waterfront (WF/PD, S.4) visitor-serving, commercial,	South	Waterfront (WF/PD, S.4) visitor-serving commercial and fishing dock
East:	Commercial Visitor-Serving(C-VS, PD/S.4), Commercial, vacant lot	West:	Harbor

<b><u>Site Characteristics</u></b>	
Overall Site Area	Land lease: 11,438sf Water lease: 6,250sf
Existing Use	City land and water lease – Existing use is visitor-serving retail. Existing floating dock with boat slips and existing kayak rental business along bayside.
Terrain	Land portion previously developed and paved surface
Vegetation/Wildlife	Sensitive eelgrass within project area. Project reviewed with National Marine Fisheries Service (NMFS) for compliance with California Eelgrass Mitigation Policy (CEMP).
Access	Embarcadero
Archaeological Resources	No known resources.

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	Coastal dependent
Base Zone District	WF, Waterfront Zoning district
Coastal Land Use Plan	Planning Area 6 - Bayfront
Zoning Overlay District	PD, Planned Development overlay

Special Treatment Area	S.4
Combining District/Spec. Plan	N/A
Coastal Zone	Coastal Commission original jurisdiction. Applicant required to obtain Coastal Development permit from Coastal Commission prior to issuance of any building permit.
Parking Requirements for Docks	Docks: 1 space per 35 lineal feet. New dock slip and modification of floating dock system will add a difference of 180 lineal feet in total which equates to 5 new parking spaces required. Under the City Council parking in-lieu Resolution 54-16, the in-lieu fees for the first 4 required spaces can be waived, and in-lieu fees reduced to only \$500 for the 5 <sup>th</sup> space (Planning condition 12).

**PROJECT BACKGROUND:**

The seawall located at this lease site which supports the harborwalk and adjacent structures partially collapsed in 2015 as a result of a broken irrigation pipe. Emergency repairs were made at that time under building permit approval. The original permit which approved these improvements was CUP 30-99 (Exhibit C).

***CUP 30-99***

In 1989, the previous structures located at this lease site and lease site 90/90W to the north, known as Otter Rock Café were destroyed by fire. Over the next several years, planning permits were issued to allow for the reconstruction of the 2 buildings (1 on the north which today is Otter Rock, and one on the south which today is the Boatyard).

The Boatyard construction and new floating dock system was permitted under CUP 30-99 as a Precise Plan (concept approval was entitled as CUP 16-01). Specifically, CUP 30-99 (Exhibit C) allowed for reconstruction of a 5710sf commercial structure on the south end of the property and the plaza area along with a 1679 sf dock system.

**PROJECT DESCRIPTION DETAILS:**

**Seawall Repair & Rock Rip-Rap Replacement:**

The Applicant has provided a detailed project description (Exhibit B) which itemizes the construction details and method of construction. Also see plan sheets 2 and 3 (Exhibit H). The project proposes both permanent repairs to the seawall, as well as public access improvements. Engineering recommendations include: 74 lineal feet of sheet piles, located 1 to 1.5 feet from the existing concrete wall, with a concrete cap, and removal of approx. 25 cu yards of concrete. Sheet piles will be installed using concrete

tie back anchors and the wall will be backfilled below the Harborwalk area (Exhibit H, plan sheet 3). In addition, the existing rock rip rap on the north and southern sides of the seawall also requires stabilization and repair. Approx. 6,000sf of rip rap, both above and below water, will be removed and replaced. This is necessary to support both the revetment and the new sheet pile wall.

**Floating Dock Finger Slip Expansion, Replaced Pilings & Kiosk:**

In order to repair the seawall, the project requires temporary removal of the existing floating dock system in order to access required repair areas. The three existing finger docks attached to the head float are supported by seven wood pilings and a gangway. The existing docks will be replaced with a new dock system that includes substantially longer slips (approximately 50' in length), addition of one finger slip, a kayak launch float on the northern slip, slight realignment of the dock location, two new kiosks (one structure) for boat and Kayak rental. The site plan on plan sheet 4 shows these improvements. Planning condition 14 has been added to the Resolution to require amendment of the waterside lease lines to accommodate the longer finger slips.

Floor plans and elevations of the kiosk structure are shown on sheet 7. The kayak kiosk would be constructed with gray hardi-plank siding with white trim and a copper roof and split door on the west elevation.

The Applicant's description summary is noted below:

The new and remodeled docks include the following components:

1. A head float that is approximately eight feet wide.
2. A revised kiosk area with approximately 144 sq. ft. of building space for offices.
3. Three finger slips that will be 50 feet in length.
4. Seven new steel pilings to secure the head float and finger slips.
5. One new floating dock that is approximately 410 sq. ft. located between the northern and middle finger slips for kayak storage.
6. One new floating dock that is approximately 340 sq. ft. located between the northern and middle finger slips that will be lower to the water for kayak launching.
7. The existing gangway will be reinstalled at the same location.
8. The new/remodeled dock system will be installed more squarely within the lease site as well.

**Kayak Storage**

The project also includes a storage rack for paddleboards and kayaks which will be

located on the dock adjacent to the kayak float area. The kayak storage system allows for kayaks to be stored horizontally and paddleboards stored vertically. Because this will be a custom build for this location, no manufacturer cut sheet is available, but a representative illustration has been provided and as shown in Exhibit F.

**Public Access**

The proposed repair work will require the closure of the public bayside lateral access area located directly behind the Boatyard buildings, based on the need to remove the existing pavers to allow installation of the sheet piles and more specifically for installation of the tie backs. The public access way closure is anticipated to last for 60-days, pursuant to the project description. Closing the public access way for 60-days seems excessive for the proposed project and staff has added Planning condition 13, limiting the closure to 45-days, subject to extension by the Community Development Director if deemed appropriate/necessary.

There are currently public tables located adjacent to the public lateral access walkway, which would also be replaced with concrete accessible public tables. A material/color board of the tables and walkway paver material is attached as Exhibit F. A visual simulation of the proposed ADA accessible public tables is shown on plan sheet 5 (Exhibit H). A coastal public access signage plan is shown on sheet 6 with a proposed interpretive sign to be installed subject to coordination with the Historical Society and subject to review and approval by the Community Development Director (Planning condition 11).

The amendment to CUP 30-99 versus the original approval is noted in the table below:

<b>Approved CUP 30-99 for the Boatyard</b>	<b>Amendment to Boatyard</b>	<b>Difference</b>
3 finger docks attached to main head float	4 finger docks 50 feet in length	1 new finger dock, slip lengths longer to 50feet, data summary on plan sheet 1.
Dock headfloat	New headfloat, 8ft wide	Replace like for like.
Seven wood pilings	Seven steel pilings	No additional pilings proposed

Kiosk structure	144sf kiosk structure	No change in size. Kiosk reconstructed after seawall replaced
Kayak business	Kayak Launch Float & rack system to hold 24 kayaks & 24 paddleboards	Launch float new amenity to existing kayak business to enhance business operations
Harborwalk with metal tables	New accessible concrete public tables	New pavers and change of tables for public use

**ENVIRONMENTAL:**

The project location is within an area that contains eelgrass, a sensitive plant species. An eelgrass survey was performed by Tenera dated May 25, 2016 which found presence of eelgrass as only small patches and isolated stems (22 stems in 12/2015 reduced to a single stem in the most recent 2016 survey; and 33 stems noted in a 2015 survey. The report also noted that larger patches and expansive eelgrass beds were not present. Plan sheet 9 shows the area of the two eelgrass patches. The first patch is 0.06square meters and the second patch is closer to shore and is an area of 14.7sq meters.

This project is subject to the requirements of the California Eelgrass Mitigation Policy (CEMP), administered by the National Marine Fisheries Service (NMFS). The CEMP allows for projects to reviewed on a case by case basis where there are small patches or transient/temporary patches and depending on circumstances the 5 meter buffer around eelgrass habitat can be smaller or larger.

For this project, National Marine Fisheries Service (also known as NOAA Fisheries) was consulted for concurrence regarding specifically the construction of docks. NMFS confirmed that under CEMP requirements, dock projects are not precluded from construction in sensitive areas, but if impacts occur from construction and shading, mitigation is required and the project has been conditioned accordingly to implement this Best Management Practice (BMP). (Planning condition 5).

CEMP protocols require the applicant to complete a pre-construction survey between 30-60 days prior to start of construction, and a post-construction survey is due 30 days after construction, to determine impact, if any, and corresponding required mitigation. In addition, project construction BMP's have been added to minimize material containment, require pile driving activities be monitored by a qualified biological monitor to ensure impacts to marine mammals are avoided. (See Planning conditions 6-10). With the above review and concurrence, the project based on size would be eligible for

a categorical exemption under CEQA, Class 15301, Class 1e which allows for existing facilities where the addition of the new dock slip and kayak launch float would not result in an increase of more than 50 percent or 10,000 square feet.

**PUBLIC NOTICE:**

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on April 22, 2017, and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

**CONCLUSION:**

The project amendment would modify and realign the dock system, lengthen existing finger slips, add 1 new finger slip, add new kayak launch float and reconstruct two new kiosks (single structure), provide new accessible public seating area, and permit the repair and maintenance of a seawall. The seawall structurally supports an active visitor serving facility and public Harborwalk accessway. The project as proposed provides safety improvements and also provides for additional public access both waterside and pedestrian improvements which meets City goals in the Waterfront Master Plan and will add to the ambiance of the waterfront area. It is consistent with the City's General Plan and Local Coastal Program (LCP) and the project is consistent with the original CUP.

As conditioned, the proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. Staff recommends that the Planning Commission conditionally approve the amendment to Conditional Use Permit #CUP30-99.

**EXHIBITS:**

- Exhibit A – Planning Commission Resolution 15-17
- Exhibit B – Applicant's Project Description dated October 2016.
- Exhibit C – Conditional Use Permit #CUP30-99
- Exhibit D – Eelgrass survey, Tenera Environmental, May 25, 2016
- Exhibit E – Concurrence email correspondence from Brian Meux, NMFS, February 2016
- Exhibit F – Bluewater Marine cut sheet, Kayak storage system, and Public Seating Material Specifications
- Exhibit G – Color and Material Board
- Exhibit H – Plans/ Reductions received April 19, 2017

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## RESOLUTION NO. PC 15-17

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING AN AMENDMENT (CASE #A00-045) TO CONDITIONAL USE PERMIT (#CUP30-99) FOR REPAIR OF AN EXISTING CONCRETE SEAWALL, ROCK RIP-RAP REPAIR, MODIFICATION OF EXISTING FLOATING DOCK SYSTEM, ADDITION OF 1 NEW DOCK SLIP, A NEW 340 SF KAYAK LAUNCH FLOAT, RECONSTRUCTION OF EXISTING 144SF KAYAK KIOSK ALONG WITH REMOVE AND REPLACE 7 WOOD PILINGS WITH 7 STEEL PILINGS AT 845 EMBARCADERO, THE BOATYARD.

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 2, 2017, for the purpose of considering an amendment (#A00-045) to Conditional Use Permit #CUP30-99; and

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

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

### **California Environmental Quality Act (CEQA)**

A. That for purposes of the California Environmental Quality Act, Case No. A00-045 is categorically exempt under Class 1e, Section 15301 for existing facilities which allows for additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet and where the surrounding area is not environmentally sensitive based on the eelgrass planning survey prepared by Tenera Environmental dated May 25, 2016 and also based on concurrence dated January 13, 2017 and February 16, 2016 from the National Marine Fisheries Service (NMFS).

### **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 in the neighborhood in that the seawall repair, new dock addition, kayak float and public access improvements at 845

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Embarcadero are designed to structurally support an active visitor-serving and water recreation facility, and public boardwalk that as designed will improve safety and also through the addition of 1 new finger slip will provide additional boat slip option as well as increase non-motorized recreation option at the existing kayak rental business all of which project components are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed seawall repair seeks to provide a permanent structural solution to the seawall which previous received emergency repairs in 2016 and the public access and modified floating dock, new slip, kayak launch will provide a visitor-serving recreational opportunity which will provide additional benefit and improvement to a visitor-serving commercial use and is consistent with the character of the existing development.

### **Waterfront Master Plan Findings**

- A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:
  - a. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards.
  - b. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the seawall repair provides structural support to the bayside lateral access to preserve pedestrian access, enjoyment and bay views. It preserves and enhances the views as seen from street-ends and around the building in that the proposed work provides repairs to the seawall and kiosk structure does not increase in size so that no views are obstructed.
  - c. 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 availability of boat slips in the bay for recreational or commercial boat rental and also enhance recreational opportunities through the provision of a kayak launch float which will maintain and enhance views of the bay and will not cause view obstructions.
  - d. The proposed project recognizes the pedestrian orientation of the Embarcadero by repairing the existing seawall which supports the harborwalk and provides an interesting and varied frontage that will enhance the pedestrian experience along the waterfront in that the project will assist in the

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Harborwalk plan to continue public access along the waterfront as well as provide ADA-accessible seating open to the public and consistent with the character of the existing development.

- e. 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 dock slip, repaired seawall and public lateral access will be accessible to the public and also in that the modified dock system will more squarely align with the landside building and Harborwalk provides articulation that is consistent with the character of the existing development.
- f. 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 project of the repaired seawall, addition of 1 new dock slip, kayak launch float, reconstructed kiosk, and reconstructed harborwalk area is consistent with the existing development and no changes to harborwalk lateral access orientation are proposed; and designed to blend in with existing development with no changed proposed to the Boatyard building and new construction of dock and slips is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

## **Architectural Consideration**

- A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

**Section 2. Action.** The Planning Commission does hereby approve an amendment (#A00-45) to Conditional Use Permit #CUP30-99 subject to the following conditions:

## **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated April 26, 2017, for the project at 845 Embarcadero depicted on plans dated April 19, 2017, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on Planning Commission approved plans submitted for case #A00-045, unless otherwise specified herein.

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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 Resolution 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. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified 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 Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor 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, the City, 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 MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
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. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.

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7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

### **Building Conditions:**

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

### **Fire Conditions:**

1. New Rental Kiosk. An approved automatic fire sprinkler system shall be installed throughout all new buildings and structures on the west side of Embarcadero Road. (MBMC 14.08.090(L)(2)). Applicant shall submit fire sprinklers plans to Morro Bay Community Development Department for review.
2. Existing Fire Hose Standpipe System. Safety. Firefighting appliance and equipment shall be provided and maintained in operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the city, and installations shall be subject to the approval of the chief of the fire department. (MBMC 14.52.060). Applicant shall submit plans for a Class III Standpipe System to Morro Bay Community Development Department for review.

### **Public Works Conditions:**

The following Public Works conditions shall be satisfied prior to Building Plan submittal:

1. Show on plan sheets the construction laydown area, all staging areas, point of entry/exit, to the construction site. If all repairs will be made from the water, provide a note to this effect on the plans and note pierside access and mooring points.
2. Fuels, oils and lubricants used in the course of construction are hazardous materials and appropriate Best Management Practices (BMPs) must be noted on the construction plans and used by your contractors. We would like to emphasize that these BMPs are conditions of the permit and apply to all construction areas. A designated material mixing, refueling and equipment maintenance point should be designated on the Construction Plans and appropriate BMPs to control spills and runoff from storms or equipment

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washdown should be noted. The construction plans should include a note to this effect that directs contractors and subcontractors to comply with all conditions of the permit throughout construction of this project.

3. A Floating Debris Barrier shall be installed around the waterside perimeter of the construction site and maintained throughout the duration of the project. Note the beginning and end termini of the Floating Debris Barrier on Construction Plans. Silt screens and/ or straw waddles may be needed to prevent demolition/repair debris and sediments from entering the bay in the area of the piling repairs. Location of screens and waddles in this area should also be noted on the plans.
4. Note location, type and size of all existing utility connections and note new connection points. Specify the location, of backflow prevention and flexible fire line connections
5. Restricted Public Access: Note how the public access will be restricted during Phase 2 construction. Indicate on plans what type of temporary physical barriers will be used on-site.
6. Water Backflow Prevention Device: Devices are required for irrigation systems on a dedicated water meter; systems which may change in character of use (commercial rentals, etc.); gray water systems; fire water systems, or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is an approved domestic water backflow prevention device per MBMC chapter 13.08.

Add the following Items/Notes to the Plans:

7. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
8. Any damage to City facilities, i.e. curb/berm , street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
9. Due to mandatory water conservation requirements and stormwater requirements no pressure washing is allowed unless it is directly due to professional preparation of exterior painting of property. No discharge of non-stormwater is allowed into the municipal storm drain system and contractor must provide measures to prevent any discharge for entering the stormwater system.

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## **Planning Conditions:**

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.
2. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.
3. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).
4. Prior to issuance of a building permit, 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), or submit documentation that such permits are not required.
5. Eelgrass – Applicant shall be subject to the California Eelgrass Mitigation Policy (CEMP) which requires that a pre-construction survey shall be completed within 30-60 days prior to issuance of a building permit. Post-construction survey shall be completed within 30 days of construction completion or as otherwise determined by the National Marine Fisheries Service (NMFS) in order to determine amount of impact if any and CEMP-required annual reporting and mitigations. Translucent grating shall be used to the greatest extent feasible on the floating dock area over the unvegetated 5 meter eelgrass buffer. Any change in eelgrass extent shall be documented and reported to the Community Development Director. If the report identifies a reduction in eelgrass coverage then a plan shall be prepared to identify the appropriate mitigations necessary and in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy, dated October 2014
6. A Marine Wildlife Contingency Plan shall be developed and approved by the City of Morro Bay prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as 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. The

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biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). 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.

7. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs) and shall be included on building plans submitted for approval:
  - a. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
    - b. 150 feet Absorbent Boom
    - 200 square feet Absorbent Tarp (for use during pile driving operations)
    - c. Barrel Absorbent Pads
    - d. Container Absorbent Granules
  - e. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
  - f. The work area shall be contained within a boom to prevent debris from falling into the water.
  - g. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
  - h. An Absorption Tarp shall be placed underneath any portable equipment while in use.
  - i. No equipment shall be permitted to enter the water with any petroleum products.
  - j. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
  - k. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
  - l. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

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8. Prior to issuance of a building permit, a pile driving plan and hydroacoustical noise mitigation plan shall be submitted to the Community Development Director 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 as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydroacoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).
9. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.
10. To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.
11. An interpretive sign with content relating to the historical nature of Morro Bay shall be submitted for review and approval by the Community Development Director and shall be installed along the Harborwalk lateral access prior to final occupancy of the building permit.
12. Applicant shall contribute to the parking in-lieu fund for the required five parking spaces generated by the addition of an addition 180 lineal feet of dockage as required by the City's Parking Ordinance. Pursuant to the City Council resolution 54-26 dated June 28, 2016, the amount of the five parking spaces shall be calculated as: fees for the first four parking spaces are waived and the fifth parking space is calculated at \$500. If Council parking-inlieu Resolution has expired as of building permit approval, then parking in-lieu fees shall be calculated according to fees in place as of the time of building permit approval. Said parking in-lieu fee shall be paid prior to issuance of a building permit.
13. The public access closure shall be limited to no more than 45 days. Any extension of public access closure beyond 45 days shall be subject to review and approval by the Community Development Director.

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14. Applicant shall request in writing to the City to adjust the lease lines as applicable at the appropriate time.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 2<sup>nd</sup> day of May, 2017 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Chairperson Robert Tefft

ATTEST

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Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 2<sup>nd</sup> day of May, 2017.

# EXHIBIT B

## **Project description – 845 Embarcadero Road, Morro Bay**

### **Amend CUP**

**October 2016**

### **Setting**

The project site, 845 Embarcadero Road, is approximately 12,812 square feet (land lease is approximately 11,438 sq. ft. and water lease is approximately 1,374 sq. ft.). The property is located on the western side of Embarcadero Road and adjacent to Otter Rock on the north and Off the Hook restaurant and retail shop to the south. It is zoned WF/H (PD/S.4). The site currently has two one story buildings, the Harborwalk and floating docks that were constructed approximately 15 years ago.

### **Project Description**

**Summary:** This site has and an existing concrete seawall as well as rock rip rap along the western edge. The geotechnical report provides the following description and background:

“Two existing concrete anchor blocks sit in or on top the embankment rip rap. The up-coast block has the stub of an I-beam extending upward from it. The down-coast block has two steel brackets extending horizontally toward the bay from it. Reportedly, these blocks are remnants of a former boat yard dry dock that used to occupy the site. There is some indication that they may even pre-date the boat yard and may have been installed during WWII when the US Navy used the site.

From the property line at the southern edge of the site, the sea wall trends northerly, essentially parallel to the promenade, then juts out into the bay and back again, forming a "V." It then runs northerly again, parallel to promenade, for about 15 feet and then forms another "V." Up-coast of the second V, the wall blends into the rip rap slope.

The top of the sea wall is capped by a concrete grade beam. A second grade beam forms the bay-ward edge of the promenade. At the up-coast zig zag of the wall into the bay, the wall and its grade beam cap, and the grade beam along the promenade connect to form a triangular open area. This grade beam extends across the walkway and into the foundation of the building. It is our understanding that the triangle was to be a planter and that irrigation was plumbed into it, but no plants were ever planted.

To the best of our knowledge and research, the sea wall has been constructed in at least three episodes and has been augmented at least once. In the

## EXHIBIT B

lower part of the down-coast leg of the "V", precast tongue and groove concrete panels can be seen extending up from within the rip rap. In the up-coast leg of the "V", a cast-in-place concrete seawall segment is present. Above the pre-cast panels and the cast-in-place seawall segment is the "upper wall" and cap. It is our understanding that the pre-cast panels and the cast-in-place remnant date to the days of the boat yard or Navy's use of the site. The main wall was also constructed prior to the current development; however, its age is uncertain. The reinforced concrete caps were added to the top of the main wall when the present development was constructed. At that time the main wall was restrained by several tension members extending back into the slab foundation and reportedly attached to dead man anchors.

**Emergency Action from September 2015:** An emergency repair was done for this project due to the lower seawall failure caused by a broken irrigation pipe, subsequently flooding the planter areas which in turn caused the lower precast panels to separate from the increased loading from the settling of the rip rap within the planter, resulting the lower panels falling outward and more and more of the backfill within the planter and deck area to wash out during subsequent tidal movement. The resulting failure created more and more of the backfill under the existing walkway to subside, increasing concerns of the potential for a major failure.

A temporary measure was put into place by driving drive two H-piles adjacent the down-coast leg of the V-shaped wall and to place a horizontal I-beam waler between the piles and the existing wall. The tops of the H-piles were then anchored by steel cables to the I-beam that extends up from the up-coast concrete block that sits in the rip rap.

**Proposed seawall and rock rip rap work:** Since the above mentioned repair is only temporary, a permanent solution must be done for this portion of the seawall and southern section as well. As per the engineering recommendation, sheet piles are proposed to be installed on the bay side of the existing concrete walls.

The project as proposed will install approximately 74 linear feet of sheet piles following the existing contour of the concrete wall. The proposed sheet piles will be approximately 1 to 1 ½ feet from the concrete wall. In order to get the sheet piles as close to the existing wall as possible, the concrete cap may be saw cut approximately 6" from the top and will result in approximately 25 cu. yds. of concrete removed. Once installed, the new sheet piles will be anchored back with suitably engineered anchoring underneath the Harborwalk area. The area between the new sheet piles and existing concrete wall will be backfilled with an engineered fill per the engineering recommendations.

The existing rock rip rap on the northern and southern side of the wall is also in need of stabilization and repair. The northern section of rip rap repair will remove the small rock and debris and replace with new rock where needed. The area encompasses

## EXHIBIT B

approximately 6,000 sq. ft. ranging from a -3 to +9 elevation line. As for the southern side, approximately 1,000 sq. ft. rock rip rap will be removed and replaced using the same method. The rip rap repair is necessary to maintain the protection afforded by the revetment up to the existing Harborwalk elevation and lock in the new sheet pile wall.

**Proposed floating dock finger slip expansion and pilings:** The project as proposed requires the temporary removal of the existing floating docks in order to gain access to the site construction area. Currently there are three finger docks attached to a main head float which, are supported by seven wood pilings, and a gangway accessed from the southern end of the lease site. The floating docks will be dismantled and taken to the Associated Pacific Constructors yard located at 495 Embarcadero for temporary storage during project construction. Once the head float and finger docks are removed, the six wood piles will be cut off at low tide.

After the seawall construction is complete, the floating dock system will be put back in place with modifications. The existing finger slips are approximately 23 feet, 27 feet and 17 feet in length with a head float that varies in width from approximately 7 to 9.5 feet wide. An additional dock area approximately 17 feet by 9 feet is between the head float and existing seawall that has two small buildings (kiosks) that function as the office and rental building for the kayak rental business and electric boat rentals. The existing dock is also set within the water lease site are at a slight angle.

The new and remodeled docks include the following components:

1. A head float that is approximately eight feet wide.
2. A revised kiosk area with approximately 144 sq. ft. of building space for offices.
3. Three finger slips that will be 50 feet in length.
4. Seven new steel pilings to secure the head float and finger slips.
5. One new floating dock that is approximately 410 sq. ft. located between the northern and middle finger slips for kayak storage.
6. One new floating dock that is approximately 340 sq. ft. located between the northern and middle finger slips that will be lower to the water for kayak launching.
7. The existing gangway will be reinstalled at the same location.
8. The new/remodeled dock system will be installed more squarely within the lease site as well.

### **Eelgrass:**

As indicated in the Eelgrass Survey report by Tenera report, May 25, 2016, the eelgrass patches found at the site are described as follows: "The findings from the eelgrass surveys at 845 Embarcadero on December 31, 2015 and May 20, 2016 indicate eelgrass occurs in the project area mainly as only small patches and isolated stems that are transient/temporary in occurrence; larger patches and expansive eelgrass beds were not present."

## EXHIBIT B

Since eelgrass was present on-site at the time of the survey, a discussion in regards to the potential impacts are discussed in two separate areas. First, the proposed seawall construction area should be treated as outside the required 5 meter buffer zone as required under the CA Eelgrass Mitigation Policy (CEMP), section A – Eelgrass Habitat Definition. This particular section of the CEMP defines unvegetated eelgrass habitat as “The definition excludes areas of unsuitable environmental conditions such as hard bottom substrates, shaded locations, or areas that extend to depths below those supporting eelgrass.” A prior determination by NMFS (e-mails 2/8 & 2/16 2016 attached) support this conclusion and therefore, the seawall construction will not have an impact to eelgrass.

As far as the dock, two small patches of eelgrass were found in the area of the proposed docks. The first patch had been identified in the December 2015 with 22 stems and in the recent survey; the patch was a single stem. The second patch is a new patch since the 2015 survey with 33 stems.

However since these two small patches may be transient/temporary in occurrence, the potential impacts and mitigation measures, if any, should be considered on a case by case basis as allowed under the CEMP. As stated in the CEMP section A – Eelgrass Habitat Definition, “For isolated patches and on a case-by-case basis, it may be acceptable to include an unvegetated area boundary less than or greater than 5 m wide.”

In addition there are a couple of important things to note regarding the location of the eelgrass patches as it relates to the current configuration and the project as proposed. First, the location of both of these patches is within a designated floating dock and boat slip area so at any time a boat could be docked in this area which could shade the eelgrass patches. Second, the project as proposed has a “low float” dock (near the eelgrass patch with the 33 stems) that will be used as a kayak launching area.

In conclusion it is proposed that the project include the following to address the eelgrass:

1. A pre-construction survey will be performed prior to construction in accordance with the CEMP.
2. The findings will further determine the nature of eelgrass in the project area and whether eelgrass could be affected by the seawall repair and dock replacement.
3. If the eelgrass is present, measures such as deployment of the buoys, if feasible, prior to construction to delineate the eelgrass patches may be proposed to avoid the patches.
4. A study design can be done but it will depend on how much eelgrass could be affected. For example, if eelgrass remains unchanged from the present survey up to the time of the seawall repair, the eelgrass would be too far from the seawall to be affected (buried underneath rocks to re-construct the rip-rap revetment). In this case, only one post-construction survey would be necessary to validate that no impact occurred.
5. If the eelgrass is present in the area where the new docks are proposed, at least one post-construction survey will be done.
6. Any longer-term impact, such as a decline from shading by the new dock and boats using the new dock, could involve multiple post-construction surveys and over a longer time period in accordance with the CEMP. Control areas with eelgrass may need to be included to help distinguish whether changes in eelgrass in the dock area were natural or due to shading. However, if eelgrass remains largely

## EXHIBIT B

unchanged between the present survey and time of construction, any impact involving a decline from shading would be very small (e.g., loss of 0.06 m<sup>2</sup> of eelgrass, 0.7 ft<sup>2</sup>). Multiple post-construction surveys may then be unwarranted to assess injury.

**Proposed Harborwalk adjustment:** The existing Harborwalk follows a fairly straight line along the western edge. There are two large, angled concrete planters located on the western side of the Harborwalk which, are part of the issue of the seawall failing. After the seawall is repaired, the concrete planters will be removed and the Harborwalk will extend into the area where the planters existed before. This will add more walkway area for pedestrians and will also have potted plants to replace the plant materials.

**Proposed water lease boundary line adjustment:** The existing water lease is approximately 1,374 sq. ft. and the existing floating docks are beyond the lease site boundary line. The proposed project will add approximately 4,876 sq. ft. (46' by 106') to the water lease area to accommodate the finger slip extensions. The new finger slips will be located approximately 14 feet from the edge of the navigation channel so it will not interfere with the boating traffic.

### **Project construction work and timing:**

The landside of the project will require the temporary closure of the Harborwalk area as defined on plan sheet #5 for the entire duration of seawall construction which is estimated to be approximately two months. An unobtrusive fence or equivalent measure will delineate the construction areas. Since there is no alternative route for the public pedestrian access along the water side during construction, the public will only be allowed to walk up to the construction fence and then will need to exit via the same path they walked in. Appropriate signage informing the public that the access way is temporary closed for construction will be placed at the northern, southern and eastern entry points.

Currently there are brick pavers installed that make up Harborwalk between the existing buildings and the water edge. All the pavers will be removed from this area to provide access for excavation of any small debris, rip rap repair and installation of the helical piles or deadman anchors. Once construction is complete, the pavers will be reinstalled.

**Project construction method:** The project as proposed will utilize a spud barge and crane as the platform for the sheet pile driving and rip rap work. A vibratory hammer will be used for the sheet pile installation to minimize underwater noise impacts to the greatest extent feasible.

## EXHIBIT B

**Project construction documents and coordinator:** A copy of the construction documents will be maintained in a conspicuous place on the job site at all times and available for public review on request.

The project construction coordinator will be Associated Pacific Constructors. Should any questions arise during construction, an address and phone number (available 24 hours a day) will be posted at the job site so that the contact information is readily visible from a public area. 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.

**Project construction BMP's:** The project as proposed includes the following safeguards, mitigation measures, actions, and procedures for the protection of the marine environment:

- I. **Material Containment:** Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering harbor or other state waters. Where additional wood preservatives must be applied to cut-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into harbor or other state waters. A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. Also, 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 materials could fall into the water. The containment 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 cleaning up improperly contained foreign materials.
2. **Construction Plan:** All erosion control/water quality best management practices to be implemented during construction and their location shall be noted on the plan. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction- related runoff and/or sediment from entering into the Pacific Ocean to the maximum extent feasible. The Construction Plan shall, at a minimum, include the following required criteria specified via written notes on the Plan:
  - a. All work shall take place during daylight hours. Lighting of the beach and water area is prohibited.
  - b. All construction materials and equipment placed on the land during daylight construction hours shall be stored beyond the reach of tidal waters. The only exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the piles) as necessary to contain runoff and/or sediments at the construction site, where such controls are placed as close to work area as possible, and minimized in their extent; and (2)

## EXHIBIT B

storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult.

c. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

d. Equipment washing, refueling, and/or servicing shall not take place on the beach or pier.

e. All materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.

f. Equipment washing, refueling, and/or servicing shall not take place over the water.

g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).

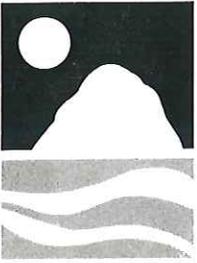
h. The Coastal Commission's Central Coast District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

3. 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 cleaning up improperly contained foreign materials.

4. All construction shall be undertaken in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a coastal development permit or waiver unless the Executive Director determines that no coastal development permit or waiver is necessary.

**Project pile driving and wildlife:** The project pile driving activities shall be monitored by a qualified monitor that has sufficient experience and qualifications of the U.S. Fish and Wildlife Service and National Marine Fisheries Service to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during piling construction, will keep a constant watch, and shall have the authority to stop the piling construction if any individuals of southern sea otter are seen within 100 feet of the project area and considered distressed.

EXHIBIT C



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

**FILE COPY**

May 24, 2001

Josef Steinmann  
158 North Ocean  
Cayucos, CA 93430

RE: Case No.: CUP 30-99      SITE: 845 Embarcadero

Dear Mr. Steinman:

On May 21, 2001 the Planning Commission approved your request for a Conditional Use Permit to reconstruct the southern building and a new pier on your property at 845 Embarcadero.

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

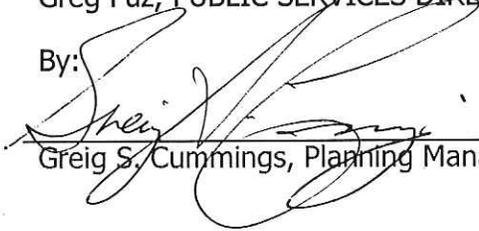
The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals, which are not coastal permits.

Please review the Environmental Document Filing Fee Form. Payment of the Fish and Game fee will finalize the environmental action taken on the project and limit that amount of time that the project may be challenged. Please take the Notice of Determination and Environmental Document Filing Fee Form to the County Clerk's Office.

Sincerely,

Greg Fuz, PUBLIC SERVICES DIRECTOR

By:

  
\_\_\_\_\_  
Greg S. Cummings, Planning Manager

Enclosures: Permit, Findings and Conditions of Approval, Negative Declaration, Fish and Game Fee Form

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

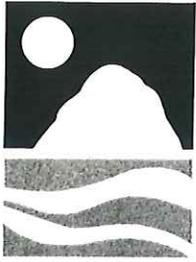
PUBLIC SERVICES  
590 Morro Bay Boulevard

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Boulevard

RECREATION AND PARKS  
1001 Kennedy Way

EXHIBIT C



# City of Morro Bay

**FILE COPY**

Morro Bay, CA 93442 • 805-772-6200

## NOTICE OF DETERMINATION

TO:  San Luis Obispo Co. Clerk  
County Government Center  
San Luis Obispo CA 93401

FROM: City of Morro Bay  
Public Services Department  
590 Morro Bay Blvd  
Morro Bay, CA 03442

Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

Project Title: Steinman Project

Project Location - Specific: 845 Embarcadero

Project Location - City: Morro Bay

County: San Luis Obispo

**Description of Project:**

**Precise Plan** for the reconstruction of dock area consisting of 1679 square foot dock, a 5710 square foot commercial structure on the south end of the property and the plaza area; and

**Concept Plan** for the construction of the items in the Precise Plan plus a 1701 square foot building on the north end of the property and a plaza area.

Name of Public Agency Approving the Project: City of Morro Bay

Name of Person or Agency Carrying Out Project: Josef Steinman

2001041021  
State Clearinghouse Number (If Submitted)

Greig Cummings,  
Lead Agency Contact Person

805 772-6266  
Telephone No.

This is to advise that the City of Morro Bay has approved the above described project on \_\_\_\_\_ and has made the following determinations regarding the above described project:

- The project  will  will not have a significant effect on the environment.
- An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- A Negative Declaration was filed for this project pursuant to the provisions of CEQA.
- Mitigation measures  were  were not made a condition of the approval of the project.
- A statement of Overriding Considerations was  was not  adopted for this project.
- Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the record of project approval and final EIR (if applicable) with comments and responses is available to the General Public at: Planning and Building Department, 535 Harbor, Morro Bay CA 93442

Signature (Public Agency)

May 24, 2001  
Date

\_\_\_\_\_  
Greig Cummings, Planning Manager

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC SERVICES  
590 Morro Bay Boulevard

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Boulevard

RECREATION AND PARKS  
1001 Kennedy Way

# EXHIBIT C

CITY OF MORRO BAY  
PUBLIC SERVICES DEPARTMENT  
PLANNING DIVISION

**FILE COPY**

## ENVIRONMENTAL DOCUMENT FILING FEE FORM

**NOTICE:** During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: City of Morro Bay

Date: May 24, 2001

County: San Luis Obispo

Project No. CUP 30-99

Project Title: Steinmann, "The Boatyard"

Project Applicant: Name: Josef Steinmann

Address: 158 North Ocean

City: Cayucos, CA 93430

Phone #: (805) 772-8386

Please remit the following amount to the County Clerk-Recorder:

<input type="checkbox"/>	Environmental Impact Report	\$ 850.00
<input checked="" type="checkbox"/>	Negative Declaration	\$ 1250.00
<input checked="" type="checkbox"/>	County Clerk's Fee	\$ 25.00
<b>Total amount due:</b>		<b>\$ 1375.00</b>

### AMOUNT ENCLOSED:

Checks should be made out to the County of San Luis Obispo. Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

EXHIBIT C

FILE COPY

CONDITIONAL USE PERMIT

CASE NO: CUP 30-99

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:
Precise Plan for the reconstruction of dock area consisting of 1679 square foot dock, a 5710 square foot commercial structure on the south end of the property and the plaza area; and Concept Plan for the construction of the items in the Precise Plan plus a 1701 square foot building on the north end of the property and a plaza area subject to application and approval by the Planning Commission for a Precise Plan.

SITE ADDRESS: 845 Embarcadero

APPLICANT: Josef Steinmann

APN: Ptn 066-322-001; Lease site 89/89W LEGAL: Lot 22, MB 68-30

DATE APPROVED: May 21, 2001 APPROVED BY: PLANNING COMMISSION

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

CEQA DETERMINATION: Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.)

DESCRIPTION OF APPROVAL: Reconstruction of a 1679 square foot dock and construction of a 5710 square foot commercial structure on the south end of the property and a plaza area and Concept Plan for the construction of the items in the Precise to receive final Planning Commission approval after application.

THIS APPROVAL IS CONDITIONAL AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS PERMIT SHALL, AT THE DISCRETION OF THE DIRECTOR PURSUANT TO MUNICIPAL CODE SECTION 17.60.150, RENDER THIS ENTITLEMENT NULL AND VOID.

THERE IS AN APPEAL PERIOD OF TEN (10) CALENDAR DAYS, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE PLANNING COMMISSION

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: June 1, 2001

ATTEST: [Signature] DATE: May 24, 2001
Greg S. Cummings, Planning Manager
FOR: GREG FUZ, PUBLIC SERVICES DIRECTOR

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE an ENCROACHMENT PERMIT

# EXHIBIT C

FILE COPY

## FINDINGS

CASE NO. CUP 30-99 (PRECISE PLAN & CONCEPT PLAN)  
845 EMBARCADERO

**Precise Plan** for the reconstruction of a 1679 square foot dock and construction of a 5710 square foot commercial structure on the south end of the property and a plaza area; and **Concept Plan** for the construction of the items in the Precise Plan plus a 1701 square foot building on the north end of the property and a plaza area.

### California Environmental Quality Act (CEQA)

1. In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration with mitigation measures for Case No. CUP 30-99 has been prepared for the project. The mitigation measures have been incorporated into the conditions of approval.
- B. Conditional Use Permit (Precise Plan/Concept Plan)
  1. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the project's neighborhood because the proposed uses are permitted within the WF zone; the proposed uses are similar to adjacent uses in the WF zoning district applicable to the project site; and the proposed structures will be constructed in accordance with all applicable project conditions and City regulations.
  2. The project will not be injurious or detrimental to neighborhood property and improvements because the proposed project uses are similar to previous uses located on the site; similar to uses on adjacent property; and the project will adhere to the conditions of approval, mitigation measures and City regulations applicable to this development.
  3. The project will not be injurious or detrimental to the general welfare of the City because the proposed uses are permitted in the WF zone and Mixed Use (Harbor) general plan designation.
  4. The proposed uses are allowed by the Certified Coastal Land Use Plan, Zoning Ordinance and General Plan for the City of Morro Bay, and as previously agreed to by the City Planning Commission based on the analysis and discussion in the attached staff memorandum dated August 16, 1999.
  5. The establishment, maintenance, or operation of the proposed uses will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood because the proposed project uses are consistent with all applicable zoning and general plan requirements as outlined in the May 21, 2001 staff report and August 16, 1999 staff report.
  6. The uses will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, and will provide public road and drainage improvements consistent with City Public Services Department requirements.
  7. The architectural treatment and general appearance of all proposed buildings, structures and open areas are in keeping with the character of the surrounding area; are compatible with any design themes adopted by the City; and are not detrimental to the orderly and harmonious development of the City or to the desirability of investment or occupation in the neighborhood as indicated in the evaluation of project as outlined in the May 21, 2001 staff report and August 16, 1999 staff report.

## C. General Plan Required Findings.

1. As conditioned and based on the project plans, the proposed uses, by their nature and project design, are consistent with Program N-1.3 of the General Plan (Noise Element) because the project site is not exposed to significant transportation related noise sources, and standard ordinance provisions governing construction hours ensure that impacts on surrounding properties from construction noise will be minimized.
2. The project will not generate significant traffic or create circulation impacts, and will provide adequate onsite facilities to accommodate vehicles because as conditioned and based on the project plans, the proposed uses are consistent with Policies C-1-C-8 (Sidewalks), Policies C-9-C-12 (Bikes), Policies C-13-C-20 (Streets), Policies C-21-C-26 (Parking), Policies C-27-32 (Transit), Policy C-33 (Harbor), and Policies C-34-C-38 (Utilities) of the General Plan (Circulation Element) as standard curb, gutter and sidewalk improvements will be made to adjoining public right-of-way as well as in-lieu payment for the project's pro-rata impact on area roads and intersections.
3. As conditioned and based on the project plans, the proposed uses, by their nature and design the proposed project are consistent with the policies contained in Chapter II of the General Plan regarding Mixed Commercial/Harbor Dependent Land Use because the project provides a mixture of retail commercial, visitor serving and marine service.
4. The project is consistent with the policies contained in Chapter III of the General Plan regarding coastal and recreational access because the project provides lateral access along the entire bayfront of the site by providing an 8-foot boardwalk, and providing a 19-foot vertical access way and view corridor.
5. As conditioned and based on the project plans, the proposed uses, by their nature and design the project are consistent with the policies contained in Chapter IV of General Plan regarding coastal visitor serving facilities because project will provide a combination of retail, marine service, and marine supply uses to accommodate tourist.
6. As conditioned and based on the project plans, the proposed uses, by their nature and design the project are consistent with the policies contained in Chapter IX of the General Plan regarding commercial fishing and recreational boating because new docks will provide increased boating opportunities.
7. As conditioned and based on the project plans, the proposed uses, by their nature and design the project are consistent with the Program S-6.2 (Safety Element and Hazards) contained in Chapter X of the General Plan because the project site is essentially level and any grading will be limited to excavation and recompaction for foundation preparation and establishing drainage flows and the project is consistent with Programs S-7.1-S-7.4 because a standard condition of approval has been incorporated into the project pertaining to grading, drainage and erosion control.
8. As conditioned and based on the project plans, the proposed uses, by their nature and design the project are consistent with Policies 10.01-10.11 contained in Chapter XI of the General Plan regarding diking, dredging, filling and shoreline protection because the existing revetment will be evaluated to confirm its structural integrity for the proposed development before building permit issuance.
9. As conditioned and based on the project plans, the proposed uses, by their nature and design the project are consistent with Policy 11.08 contained in Chapter XII of the General Plan regarding environmentally sensitive habitat because a Biological Resource Assessment was conducted on the area and a number of mitigation measures have been

incorporated into the conditions of approval to minimize impact on the eelgrass; and an oil/water separator must be installed to ensure that harmful wastes generated from the site are contained and do not enter the bay.

10. As conditioned and based on the project plans, the proposed uses, by their nature and design the project are consistent with Policies 12.01 and 12.02 contained in Chapter XIII of the General Plan regarding coastal land use plan visual resources because the project will be consistent with the Waterfront Master Plan Design Guidelines.

#### Waterfront Master Plan Findings-Area 6

1. As conditioned and based on the project plans, the project uses are consistent with the Waterfront Master Plan because the project includes tourist uses, marine related services and supplies, and retail commercial.
2. As conditioned and based on the project plans, the proposed project provides access to the Bay through a 19-foot access/visual corridor.
3. As conditioned and based on the project plans, the project provides an 8-foot wide boardway which will eventually connect to adjacent properties.

CONDITIONS OF APPROVAL/MITIGATION MONITORING PROGRAM  
 CASE NO. CUP-30-99  
 STEINMAN

1. **Permit/Project Description:** This precise plan approval is granted for the property described in the staff report referenced above, for the project depicted on the attached plans labeled "Exhibit D", dated May 3, 2001, and the attached rendering labeled "Exhibit E on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

**Precise Plan** for the reconstruction of dock area consisting of 1679 square foot dock, a 5710 square foot commercial structure on the south end of the property and the plaza area; and

**Concept Plan** for the construction of the items in the Precise Plan plus a 1701 square foot building on the north end of the property and a plaza area.

2. **Compliance with the Law:** The applicant shall ascertain and comply with all Federal, State, County and City requirements as part of this project, including, but not limited to, the Morro Bay Municipal Code, programs and policies contained in the certified Coastal Land Use Plan, and General Plan for the City of Morro Bay. The following conditions, requirements and plan check approvals do not relieve the applicant or applicant's agents, of any discrepancies, errors or omissions which may become apparent prior to completion of construction.
3. **North Building and Concrete Slab-**The conceptual plan approval for the north building shall expire unless the applicant submits a new precise plan for the north building and concrete slab within six months from Planning Commission approval of this project.

<p><b>Use:</b></p>	<p>The project includes construction of a replacement dock of approximately 1679 square foot dock to support boat anchorage and kayak rental facility (the existing pilings will be reused or removed and no new pilings are proposed), and reconstruction of a commercial building with leaseable area of 5332 square foot building and a common space area of 378 square feet for a totaling 5,710 square feet. The structure was previously destroyed by fire. The project also includes a <b>concept plan</b> to replace an existing building with a 1701 square foot commercial building. (A subsequent precise plan will be submitted on this proposed structure.)</p> <p>The allowable uses are contained in Exhibit "F". A minimum of 40% of the gross floor area of the structures shall be reserved for harbor dependent and coastal related uses. The remaining uses shall be visitor-serving uses.</p>
<p><b>Size of Structures:</b></p>	<p><b>Dock-</b>1670 square feet (PRECISE PLAN)  <b>South Building-</b>5332 square feet plus 378 common space area totaling 5,710 square feet (PRECISE PLAN)  <b>North Building-</b>1701 square feet (CONCEPT PLAN ONLY)</p>

<b>Colors &amp; Materials:</b>	Warm brown, grey, green earth tones with raised metal seam or architectural grade shingle roofing as indicated on Planning Commission approved color/material exhibit.
<b>Roof:</b>	Not less than 80% of the roof area will be sloping with a minimum pitch of 5:12. (Per August 1999 Planning Commission approval.)
<b>Landscaping:</b>	Pursuant to Chapter 17.44 and Exhibit " D"
<b>Parking:</b>	A minimum of 32 parking spaces are needed.
<b>Lot Coverage:</b>	A maximum of 7,680 square feet of the site may be covered by structures. (Per August 1999 Planning Commission approval.)
<b>Height:</b>	A maximum of seventeen (17) feet above average natural grade (ANG) covered by the building(s). Maximum ridge elevation 25.925 based on ANG of 8.925 as shown on plans submitted 8/9/99. (Per August 1999 Planning Commission approval.)
<b>Coastal Access:</b>	Vertical access to the bayfront provided through a central corridor 19.1 feet in width. Lateral access along the bayfront provided by an open, minimum 8-foot wide walkway along the entire bay frontage of the site, <b><u>which is consistent with the approved coastal access plan for the adjacent Otter Rock Restaurant site.</u></b>
<b>Public Open Space &amp; Amenities:</b>	Publicly accessible restrooms and an 8-foot boardwalk are provided as shown on the approved plans.
<b>Public Improvements:</b>	Public improvements include expansion of the sidewalk along the Embarcadero to a minimum width of 8 feet as required by the Waterfront Design Guidelines.

4. **Mitigation Measures:** The project shall be subject to all mitigation measures in the Mitigated Negative Declaration, Exhibit "G", posted on April 3, 2001 and contained in the conditions of approval.
5. **Permit:** This permit is granted for the land described in the staff report, referenced above, and as shown on the attached Exhibits and Exhibits on file with the Public Service Department. Exhibit " F" includes the only permitted uses for this project. The locations of all buildings and other features shall be located and designed substantially as shown on the aforementioned Exhibits, unless otherwise specified herein.
6. **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 (LCD) in effect at the time of the extension request.

7. **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. Any change in use from uses permitted in Exhibit "F" shall require a modification to this permit.
8. **Hold Harmless:** The applicant 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.
9. **Compliance with Conditions:** Compliance with and execution of all conditions listed hereon shall be required, unless otherwise specified herein, **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.
10. **Acceptance of Conditions:** The applicant accepts the conditions upon mobilizing equipment upon the site, commencing work on the site, or upon issuance of building permit.
11. **Archaeological Resources:** \*In the event archaeological resources are unearthed or discovering during any onsite activity, the following standards shall apply:
  - a. Construction activities shall cease and the Building Official and Planning Manager shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with State and Federal laws.
  - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Building Official and Planning Manager so that proper disposition may be accomplished.
12. **Individual Signs and Murals:** **Prior to installation of any sign,** individual and common signs shall be reviewed and approved by the Planning Manager. **Prior to painting any mural,** the Planning Manager shall provide review and approval. Advertising shall not be incorporated into any mural.

**PLANNING DIVISION:**

13. **Revetment Evaluation:**\* **Prior to building permit issuance,** the applicant shall be responsible for performing an evaluation of the structural adequacy of the existing revetment to accommodate the proposed development. The evaluation shall be performed by a qualified, licensed, professional, approved by the City Engineer and Harbor Director. The results of the evaluation shall be provided to the City upon request, including any and all recommendations regarding repair and/or modifications to the revetment. The applicant shall be responsible for ensuring that the revetment is structurally suitable to accommodate the proposed development. A building

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\* Requirement of August 1999 Planning Commission Approval.

permit for the project shall not be issued by the City until the structural adequacy of the revetment is established to the City's satisfaction.

14. **Dock Poles:** The pilings shall neither be removed nor replaced without subsequent environmental review. dock poles shall not be removed.
15. **Payment of Fees:** \* **Prior to building permit issuance**, the applicant shall pay all fees and costs related to project review to the City.
16. **Demolition of North Building:** **Prior to a demolition permit being issued for the north building**, a coastal permit shall be approved.
17. **Occupancy of Southern Building:** Final building inspection and occupancy permit shall not be issued for the southern building until the northern building is demolished, its contents removed from the site and all plaza improvements are completed, or a building permit is issued for the new north building, **or a performance security bond to the satisfaction of the Director of Public Services is provided to ensure demolition of the northern building and installation of the plaza and landscaping.**
18. **Colors and Materials:** \* **Prior to building permit issuance**, the Public Services Director shall ensure compliance of all exterior colors and materials, including fencing materials as approved by the Planning Commission. All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the onsite improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.
19. **Water Saving Devices:**\* **Prior to certificate of occupancy**, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
20. **Undergrounding of Utilities:**\* **Prior to certificate of occupancy**, pursuant to MBMC §17.48.050, all onsite utilities including electrical, telephone and cable television shall be installed underground.
21. **Exterior Light:** \* **Prior to building permit issuance**, and pursuant to MBMC §17.52.080 complete details of all exterior lighting shall be shown on the project plans for review and approval by the Public Services Director. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 17 feet and shall achieve the following objectives: avoid interference with reasonable use of adjoining properties; shielded to minimize onsite and offsite glare; provide adequate onsite lighting; limit fixture height to avoid excessive illumination; and provide structures which are compatible with the total design of the proposed facility.
22. **Parking:** \* In accordance with MBMC §17.44, the applicant shall pay in lieu fees for the total required number of onsite parking spaces for the dock and structures.

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\* Requirement of August 1999 Planning Commission Approval.

23. **Final Landscaping and Irrigation Plan: Prior to building permit issuance**, the applicant shall submit a final landscaping plan prepared by a landscape architect and consistent with Zoning Code §17.44. The landscaping and irrigation plan shall include the location of all plants, irrigation systems, trash enclosure(s) and other information requested by the Director of Public Services. An irrigation plan shall include the proposed method and location of irrigation. Native and/or drought tolerate plant and the Mater City Street Tree List prepared by the City. The landscape plans shall also include fencing details, utility meter screening, and screening of the trash enclosure. The plan shall also show landscaping for the area where the existing structure is located and along the existing firewall on the northern property line.
24. **Trash Enclosure(s): Prior to final approval**, the type, location and method of screening of refuse collection stations shall be identified on the final landscaping plan. Reasonable effort shall be made to locate enclosures in a manner which will not interfere with the reasonable use of adjoining properties or endanger the health or safety of persons in the subject property.
25. **Construction Hours:** \* Pursuant to MBMC §9.28.030 (l), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
26. **Installation of Landscaping:** \* **Prior to issuance of the final certificate of occupancy**, all required plantings, groundcover and irrigation systems shall be in place to the satisfaction of the Director of Public Services. The landscape consultant shall provide a watering schedule and certify that all plantings and irrigation systems have been installed pursuant to the approved plans, **before issuance of the final certificate of occupancy**.
27. **Maintenance of Landscaping:** \*All required plant materials shall be maintained in accordance with the watering schedule as specified in the approved landscape plan notes. All landscaping shall be cared for, maintained, watered, fertilized, fumigated, pruned and kept in a healthy growing condition for the life of the project. Where required plant(s) have not survived, it shall be promptly replaced with new plant materials of similar species, functional, size, and characteristics as specified in the approved landscape plant notes.
28. **Dust Control: Prior to issuance of a grading permit**, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC §17.52.070.
29. **Water: Prior to building permit issuance**, WEU shall be consistent with MBMC Chapter 13.20. No additional water use shall exceed eight WEUs.
30. **Screening:** All mechanical equipment when located outside of a building, support equipment including, but not limited to air conditioning and heating devices shall be screened as followed:
- **Roof Mounted Equipment**, shall be screened by architectural features from view public rights-of-way, and shall not exceed 17'.
  - **Mechanical Equipment**, when located on the ground, shall be screened by landscaping, a solid wall or fencing, from the view of abutting public right-of-way and surrounding properties.

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\* Requirement of the August 1999 Planning Commission Approval.

31. **Other State and Federal Permits:** \*Prior to building permit issuance, the applicant shall provide copies of the following permits or written verification of a waiver of permit requirements:

- Coastal Permit (Within Director Coastal Commission Jurisdiction)
- Army Corps Permits (Generally within ESH areas)
- Fish and Game (Generally within ESH areas)

**PUBLIC WORKS DIVISION**

32. **Circulation Element Requirements:** \*The applicant shall construct or contribute to mitigations which impact the embarcadero in accordance with City policy established in the Circulation Element of the General Plan. The contribution fee shall be proportionate to the percentage increase in peak traffic flows generated by the project, if any as determined by the Public Services Director. Table 3, p. III-64, Sequence of Major Street Improvement. Priorities, indicates the Embarcadero between Beach and Marina Street and a south Embarcadero connection as two of the eleven major street improvement priorities.

33. **Offsite Public Improvements:** \*Pursuant to MBMC §14.44, existing public improvements which are in need of repair, or do not meet City specifications shall be repaired or replaced by the applicant, **prior to project completion**. Also, the applicant shall install the following improvements: replaced existing driveway with curb, gutter and sidewalk. The applicant shall repair other deficiencies, which may become apparent prior to the project completion.

34. **Dedication of Right-of-Way: Prior to building permit issuance,** the applicant shall submit documents to dedicate public right-of-way where necessary to obtain the required width for required public improvements.

**Fees:** \* Fees required pursuant to Public Works conditions shall be paid at the Public Services Department front counter (make checks payable to the City of Morro Bay).

35. **Encroachment Permits: Prior to construction in or use of land in the City right of way,** the applicant must obtain encroachment permits from the Public Services Department. The various permits include:

- a. **Standard Encroachment Permit**-An encroachment permit is required for standard construction per City standard specifications. The current fee is \$71.82.
- b. **Special Encroachment Permit**-A special encroachment permits is required for non-standard work or encroachments in the City right-of-way. The owner submits a completed Special Encroachment Permit, including drawings, notarization and insurance indemnifying the City. After review, approval, and recordation, the permit and insurance requirements continue with the current and future owners. Current fee is \$35.91 plus applicable direct costs checking, administration, and recording.
- c. **Sewer Encroachment Permit**-A sewer encroachment permit is required for sewer work in the City right-of-way. The current fee is \$71.82

36. **Repair & Replacement of Public Improvements: Prior to project completion,** the

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\* Requirement of August 1999 Planning Commission Approval.

applicant shall repair curb, gutter, street, or other public improvements which were damaged because of construction operations for this project. Curb, berm, gutter or other improvements as required shall be installed at abandoned or illegal drive approach areas.

37. **Grading/Erosion Provisions:** If grading operations extend into the rainy season, November 1 through March 31, erosion and sedimentation control measures shall provide protection against erosion of adjacent property and prevent sediment or debris from entering adjacent properties, any harbor, waterway, ecologically sensitive area, or public roadway.
38. **Final Grading & Drainage Plans: Prior to building permit issuance,** calculations shall demonstrate that the proposed onsite drainage facilities will handle the peak runoff from a 25 year storm. Surface disposal of drainage over sidewalks or driveways or to the Bay is prohibited. The applicant shall construct onsite inlets and through curb drainage facilities in accordance with City standards. Route roof and driveway runoff to the street in a non-erosive manner and do not concentrate runoff onto adjacent properties.
39. **Water Backflow Prevention Device:** If required, the applicant is responsible for the installation of an approved domestic water backflow prevention device per MBMC Chapter 13.08. Devices are generally not required for single family homes. Devices are usually required for irrigation systems on a dedicated water meter; systems which use may change in character of use (commercial rentals, etc.); gray water systems; or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. The installation shall occur **prior to building permit completion approval by the City.** Should the applicant need further information, the City's contracted inspection provider can be reached at: (805) 781-5544, Office of Cross-Connection Inspector, S.L.O County Health Agency, 2156 Sierra Way, San Luis Obispo, Ca. 93406.
40. **Sewer Backwater Valve:** A backwater valve shall be installed onsite to prevent a blockage of the municipal sewer main from causing damage to the project.
41. **Public Improvements Plan Required:** It may be required that the proposed public improvements be segregated from the tentative parcel map and shown on the public improvements plan.
42. **Water System Capacity/Protection: Prior to issuance of building permit,** if an increase in the municipal system capacity is required because of this project as determined by the Engineering Division, the applicant shall construct the necessary improvements.
43. **Water Pressure Reducer:** The applicant's plumber shall install a pressure reducer on the private portion of the property.
44. **Replacement of Public Improvements: Prior to final certificate of occupancy,** the applicant shall repair and replacement of public improvements. Improvements shall include repairing curb, gutter, street, or other public improvements, which were damaged because of construction operations for this project.
45. **Street Trees:** \*Street trees shall be planted in areas at the back of sidewalk.
46. **Engineering Checking and Inspection Agreement: With or prior to the first improvement plan check shall be submitted to the Engineering Division,** the applicant shall enter into an agreement for reimbursement to the city Engineering Division for the direct cost of checking, inspection and other services, which may be required by the contract City Engineer.

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\* Requirement of August 1999 Planning Commission Approval.

47. **Sewer Lateral**-Pursuant to the April 1954 sewer as built plans, there is no sewer lateral serving the site from the main line. The main line is 15" v.c.p. The main line runs parallel to the site frontage in the right-of-way at a distance 40' east of the site frontage property (lease) line. The main line is approximately 12" deep.
48. **Sediment or Debris Provision**-sedimentation control measures shall prevent sediment or debris from entering the City right-of-way, Bay, roadway and adjacent properties.

#### BUILDING DIVISION

49. **Property Line Verification:** \* **Prior to foundation inspection**, the lot corners shall be staked and setbacks marked by a licensed professional to verify property lines.
50. **Structural Analysis:** \* If the Building Official determines that this structures is considered conventional construction as defined in UBC § 2326, §1809.a. and §1921.2.1, final project plans and construction documents, including a structural analysis shall be prepared by an appropriate licensed professional subject to review and approval by the Building Official, **prior to building permit issuance.**
51. **Building Height Certification.** \* **A Note shall be included on the building permit site plan which states:** "Prior to either roof nail or framing inspection, a licensed surveyor is required to measure the height of the structure and submit a letter to the building inspector, certifying that the height of the structure is in accordance with the approved set of plans and complies with the height requirements of the city of Morro Bay, Municipal Code §17.12.310."
52. **Soils Analysis:** \* **Prior to building permit issuance**, the applicant shall submit a soils report required per UBC §2905 (1997 Edition). Submit two copies of the soils report for the project. Show all soils report grading and/or foundation recommendations on the foundation plans.
53. **ADA Compliance:** \* The owner and architect are responsible for compliance wit the American Disabilities Act (ADA).
54. **State Title 24 Compliance.** \* All sections of Title 24 (i.e., Disabled Access) shall apply, including handicapped parking.
55. **Applicable Codes:** \* Codes currently in use are:  
 UBC-1997  
 UMC-1997  
 UPC-1997  
 NEC-1996
56. **Signed Plans:** **Prior to building permit issuance**, working drawings/plans shall be stamped and signed by a licensed professional. Plans shall clearly label all useable space and include a classification for the building use.

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\* Requirement of August 1999 Planning Commission Approval

57. **APCD Letter: Prior to a demolition permit**, a letter from the County APCD must be submitted to the Building Official that any onsite problem with asbestos has been resolved

**FIRE DEPARTMENT**

58. **Address Numbers:** Approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the middle of the street fronting the property. Numbers shall be consistent with the UFC. **PLEASE MAKE NOTE ON IMPROVEMENT PLANS.**
59. **Key Box:** The project shall include a flush-mounted Knox-Box (key box), no higher than 7 feet, and appropriate keys for emergency Fire Department access. Box must be obtained through the Fire Department and be installed prior to occupancy release. It takes from 4 to 6 weeks for delivery. For more information, please call the Fire Prevention Office at 772-6242. [UFC 902.4] Provide entrance and/or equipment room key(s) for key box, upon final inspection. [UFC §902.4]
60. **Fire Department Access to Equipment:** Rooms or areas containing controls for air-conditioning systems, automatic fire-extinguishing systems or other detection, suppression or control elements, shall be identified for use by the Fire Department. [UFC §1001.8] Any person using a torch or other flame-producing device for sweating pipe joints from or in any building or structure shall provide one approved fire extinguisher on the premises where said burning operation is performed. Combustible material in the close proximity of open flame shall be protected against ignition by shielding, wetting or other means. In all cases, a fire watch shall be maintained near the operation for one-half hour after the torch or flame-producing device has been used. [UFC §1109.3] **Exception:**  
When a pair of doors serving a room not normally occupied is needed for the movement of equipment, manually operated edge or surface bolts may be used and a door closer need not be provided on the inactive leaf.
61. **Automatic Fire Sprinkler System:** \* The project as proposed will require the installation of an automatic fire sprinkler system. The applicant shall submit plans and specifications sheets for the fire sprinkler system to the Building Division for review and approval, **prior to installation**. The sprinkler system shall be in accordance with NFPA Standard 13 (UFC §1001.4). Please provide the following standard information on the plants:
- Owners name, north arrow, occupancy of each room and make of fire sprinklers proposed.
  - Provide manufacture's literature/cut-sheets indication UL approval for all valves, hangers, sprinkler heads, alarm devices, gauges, etc.
  - The fire sprinkler contractor shall do their own static water pressure test and show the information on the plans.
  - Indicate on the plans where proposed utilities/appliances are located, and note if these appliances will effect the location or temperature rating of any fire sprinkler.
  - Provide a symbol index on the plan for future reference.
  - Show location of inspector's test on the plans.
  - Comply with manufactures maximum and minimum clearances from walls to sprinkler heads.
  - Show the most demanding or remote 1500 sq. ft. area used for hydraulic calculations.
  - A structural engineer will need to verify that the building is capable of supporting the fire sprinkler system.

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\* Requirement of August 1999 Planning Commission Approval.

62. **Fire Sprinkler Monitoring System:** \*A fire sprinkler monitoring systems is required.
63. **Sprinkler Riser:** \*Provide a dedicated room, by the electrical main, for the sprinkler riser, electrical main, and fire alarm panel, with an exterior door for Fire Department access.
64. **Encroachment Permit Verification:** \*The applicant shall provide written approval from the Public Works Division for any encroachment permits required for proposed underground water connection, double detector check valves, PIV or Fire Department connection.
65. **Proposed Supply Modification:** All required or proposed supply modification shall be clearly identified on the approved set of plans. Indicate the Public Works Division's design requirements on the plans (e.g., existing no upgrades required, existing shall be upgraded to sidewalk/vault modifications required, etc.).
66. **Fire Hydrant:** \*The building plans shall indicate the location of the nearest fire hydrant.
67. **Fire Extinguisher:** \*Provide a minimum of one 2-A:10-B fire extinguisher for each 3000 square feet of floor area. Travel distance shall not exceed 75 feet (CACR T-19 §3.29).
68. **Trash Enclosures:** \*Trash enclosures must comply with the 1994 Uniform Code §1103.2.2, including:
- Dumpsters and containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within five feet of combustible walls, openings or combustible roof eave lines (CFC §1103.2.1.4).
  - Combustible waste containers larger than 40 gallons must be made of metal or have a maximum heat release as allowed by the Fire Code (CFC §1103.2.1.4).
69. **Exterior Awnings:** \*All exterior awnings connected or adjacent to buildings shall be made from either fabric, which has been flame-resistance, treated with an approved exterior chemical process by an approved application concern, or from inherently flame-resistant fabric approved and listed by the State Fire Marshall for exterior use (UFC §1103.3.3).

#### **HARBOR DEPARTMENT**

70. **Docks and Revetment:** \* Prior to building permit issuance for any work on or over the revetment, including revetment modifications or repairs, wharfs, piers, floating docks, gangways, etc., the plans for said work shall be approved by the City Engineer.
71. **Lease Approval:** Only the uses allowed by this approval shall be contained in the lease.

#### **MITIGATION MEASURES:**

72. The applicant shall install an oil and water separator/isolator onsite between all drainage water inlets and the street gutter. Inlet and/or an outlet structure design shall address silt and hydrocarbon containment and be approved by the City Public Services Director. Roof, pavement and driveway runoff shall be routed to the street, and not onto adjacent properties.

**Timing:** Prior to final approval

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\* Requirement of August 1999 Planning Commission Approval

**Verified By:** Public Services Director

73. Prior to issuance of a building permit, the project shall meet the requirements of Chapter 33 and Appendix 3 of the 1998 UBC standards to assure there are no liquefaction, subsidence or other geological problems.

**Timing:** Prior to issuance of building permit

**Verified By:** Building Official

74. If the placement of additional pilings is deemed necessary to support the proposed dock sections, the Army Corps of Engineering will need to be notified in writing of the change and the current §10 authorization amended to reflect the noted change. Additional environmental review may also be required by the city of Morro Bay.

**Timing:** Prior to the placement of additional pilings

**Verified By:** Planning Manager

75. All permit conditions stipulated by the Army Corps of Engineering's authorization letter (file no. 200000060-TW) of December 22, 1999 shall be implemented by the applicant.

**Timing:** Varies

**Verified By:** Building Official, Applicant

76. The applicant shall install an oil and water separator/isolator onsite between all drainage water inlets, the street gutter and the Bay. Inlet and/or an outlet structure design shall address silt and hydrocarbon containment and be approved by the City Public Services Director. Roof, pavement and driveway runoff shall be routed to the street, and not onto adjacent properties or the Bay.

**Timing:** Prior to final approval

**Verified By:** Building Official

77. Limit all private and construction vehicle traffic to areas away from the western edge of the property.

**Timing:** During project construction

**Verified By:** Building Official

78. Implement appropriate siltation/sedimentation control measures during construction and limit construction activities to dry weather to avoid increased surface water runoff and erosion on site, and sedimentation into Morro Bay. Install appropriate erosion control devices (e.g., hay bales or silt fences) around the perimeter of each construction zone and areas experiencing disturbance of the ground surface. Erosion control devices should be checked on a daily basis by construction personnel, and periodically by the biological monitor, to ensure property function.

**Timing:** During project construction

**Verified By:** Building Official

79. Avoid stockpiling any soil in areas located on the western property margin, adjacent to Morro Bay, or in areas that have potential to experience significant runoff during the rainy season.

**Timing:** During project construction

**Verified By:** Building Official

80. All docks shall be lowered in placed (following assembly) from the existing building site, as stated in the §10 authorization from the Army Corp of Engineering.

**Timing:** During dock construction

**Verified By:** Building Official

81. To reduce the potential for inadvertent release of fuel from construction areas to aquatic habitats, avoid all cleaning and refueling of equipment and vehicles near the western property boundary. Stage and refuel vehicles only in appropriately marked construction staging areas, preferably offsite or near Embarcadero Drive.

**Timing:** During project construction

**Verified By:** Building Official

82. Sorbent materials, such as booms and drop cloths, should be stored on site to allow construction crews to respond to unplanned hydrocarbon spills in a timely manner. Construction crews shall be briefed on the purpose, application, and location of sorbent materials prior to project implementation.

**Timing:** During project construction

**Verified By:** Building Official

83. All paints, finishes, wood treatments and other chemicals used on the dock structures shall be of a chemical composition that is not toxic to marine life. Biofouling treatments used in the project should be approved by the CDFG, Coast Guard, Harbor District or other regulating agency prior to application.

**Timing:** During dock construction & maintenance

**Verified By:** Building Official

84. The applicant shall retain a qualified biological monitor to periodically review implementation of the mitigation measures.

**Timing:** Prior to initiation of construction.

**Verified By:** Planning Manager

85. Avoid leaving trash on the worksite. Pelicans are known to rummage in trash bins and at urban areas where garbage is accessible. All trash onsite shall be placed into a covered receptacle to discourage wildlife foraging. Accessible trash will encourage pelicans and domestic animals to visit the project site.

**Timing:** Ongoing

**Verified By:** Property Manager

86. Pets shall not be brought to, nor allowed on, the worksite, to minimize the potential for wildlife harassment.

**Timing:** Ongoing

**Verified By:** Property Manager

87. Credits for previous permitted uses may be provided as long as building is rebuilt within six months of permit approval per § 17.56.130 of the Zoning Code. Otherwise, in lieu fees of \$4000 per space shall be paid, or an offsite parking agreement shall be provided to the Public Services Director, prior to issuance of a building permit.

**Timing:** Prior to issuance of a building permit

**Verified By:** Building Official

88. The project shall be designed in accordance with the Waterfront Master Plan.

**Timing:** Prior to issuance of building permit

**Verified By:** Planning Manager

89. The applicant shall retain a qualified professional to implement a five year monitoring program documenting the distribution, abundance, and condition (e.g., habitat robustness) of eelgrass resources at the Steinman lese site. An initial survey shall be conducted one month prior to project implementation to establish a pre-project, eelgrass baseline (preference survey). Annual surveys documenting the distribution, abundance, and condition of eelgrass resources shall be conducted at the ends of years 1 through 5 using the same methodology as that used in the baseline survey. The applicant shall have annual reports prepared at the ends of years 1 though 5 for submittal to the CDFG documenting eelgrass distribution, abundance, and condition through time, relative to the initial baseline survey. At the end of the five-year monitoring period, eelgrass determined to have been adversely impacted by the proposed project shall be replaced at a ratio of 2:1 (replacement: impacted), or at similar terms acceptable to the CDFG (e.g., in lieu fees).

**Timing:** 1 month prior to implementation of pre-project

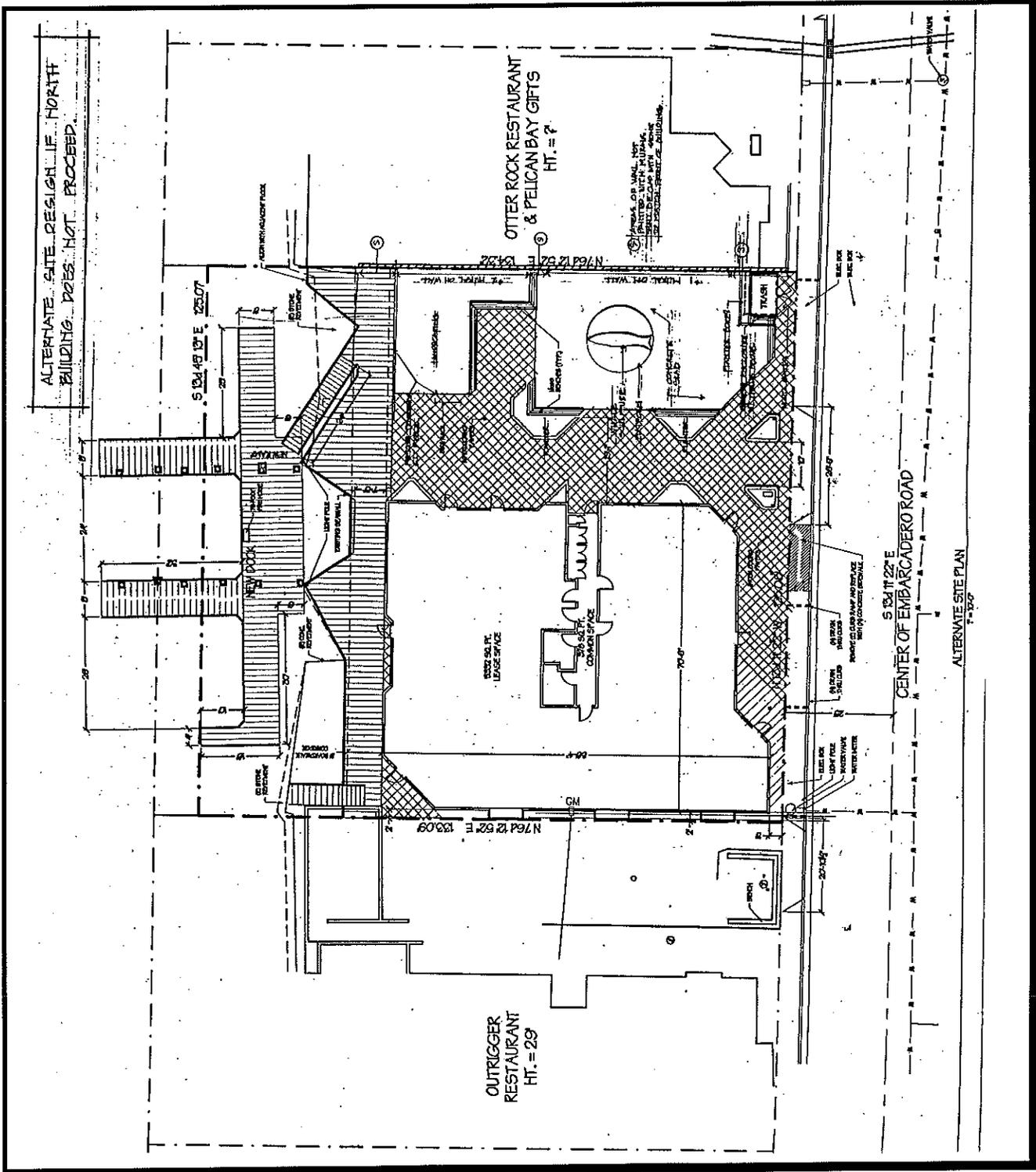
Annual Surveys at the end of years 1-5

**Verified By:** Planning Manager

EXHIBIT C

Global West Network Inc./Baker Engineering  
SUP 01-00

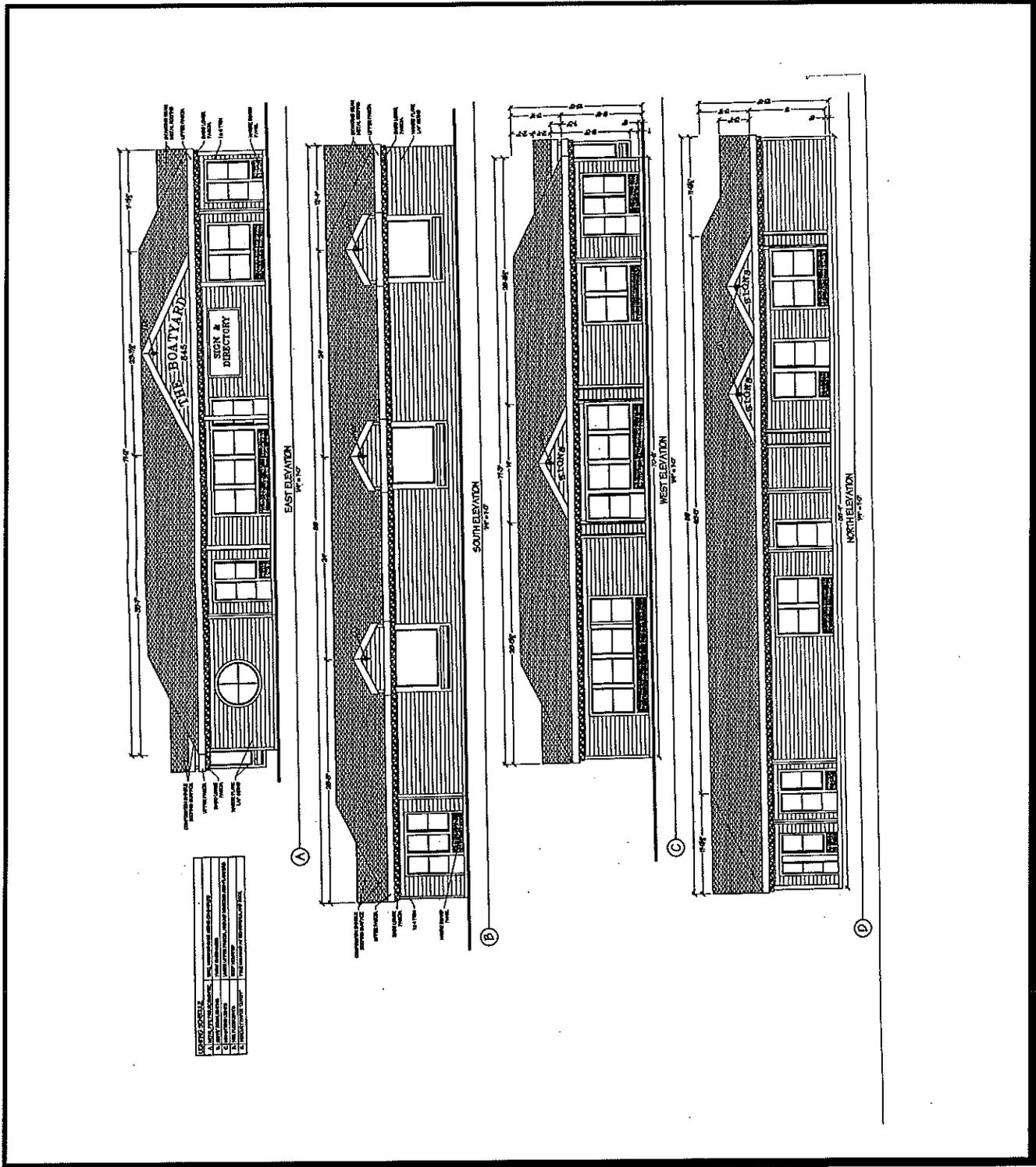
Planning Commission  
March 19, 2001



Planning Commission  
Steinman  
CUP 30-99



SITE PLAN



Planning Commission  
 Steinman  
 CUP 30-99



ELEVATIONS

EXHIBIT C

FILE COPY

*City of Morro Bay*  
PUBLIC SERVICES DEPARTMENT  
590 MORRO BAY BOULEVARD ♦ MORRO BAY,  
CA 93442  
805-772-6261

NEGATIVE DECLARATION

**CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**CITY OF MORRO BAY**  
595 Harbor Street  
Morro Bay, California 93442  
805-772-6210

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

**CASE NO.:** CUP 30-99

**PROJECT TITLE:** Steinman Project

**APPLICANT / PROJECT SPONSOR:** Josef Steinman.

**PROJECT DESCRIPTION:** Construction of a replacement dock of approximately 1,502 Square feet to support loat anchorage and kayak rental facility (the existing pilings sll be reused or removed and no new pilings are proposed).

**PROJECT LOCATION:** 845 Embarcadero, Morro Bay.

**FINDINGS OF THE:**

**Environmental Coordinator and Planning Commission**

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



## Eelgrass Survey

845 Embarcadero, Morro Bay, California

May 25, 2016

**Prepared for:**

Associated Pacific Constructors, Inc.  
495 Embarcadero  
Morro Bay, CA 93442

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

**Prepared by:**

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

RECEIVED  
NOV 14 2016  
City of Morro Bay  
Community Development Dept.

### Project Description

A survey was completed on May 20, 2016 to map the abundance and distribution of eelgrass (*Zoster marina*) immediately offshore of 845 Embarcadero, Morro Bay, California (Figure 1). The survey was for planning and permitting two construction projects (Figure 2):

1. Seawall rebuild: The concrete seawall is failing. Cable tie-downs were installed in September 2015 to temporarily stabilize the wall. Steel sheetpile is planned to be installed to reinforce/replace the concrete wall.
2. Dock replacement: The existing floating dock is planned to be replaced with a dock in the same area but with longer dock fingers and a dock finger added at the north end. The dock replacement is planned to occur after the seawall repair.

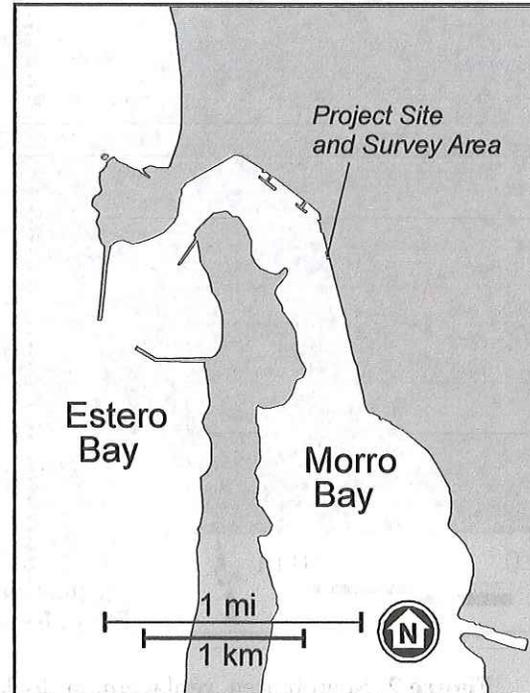
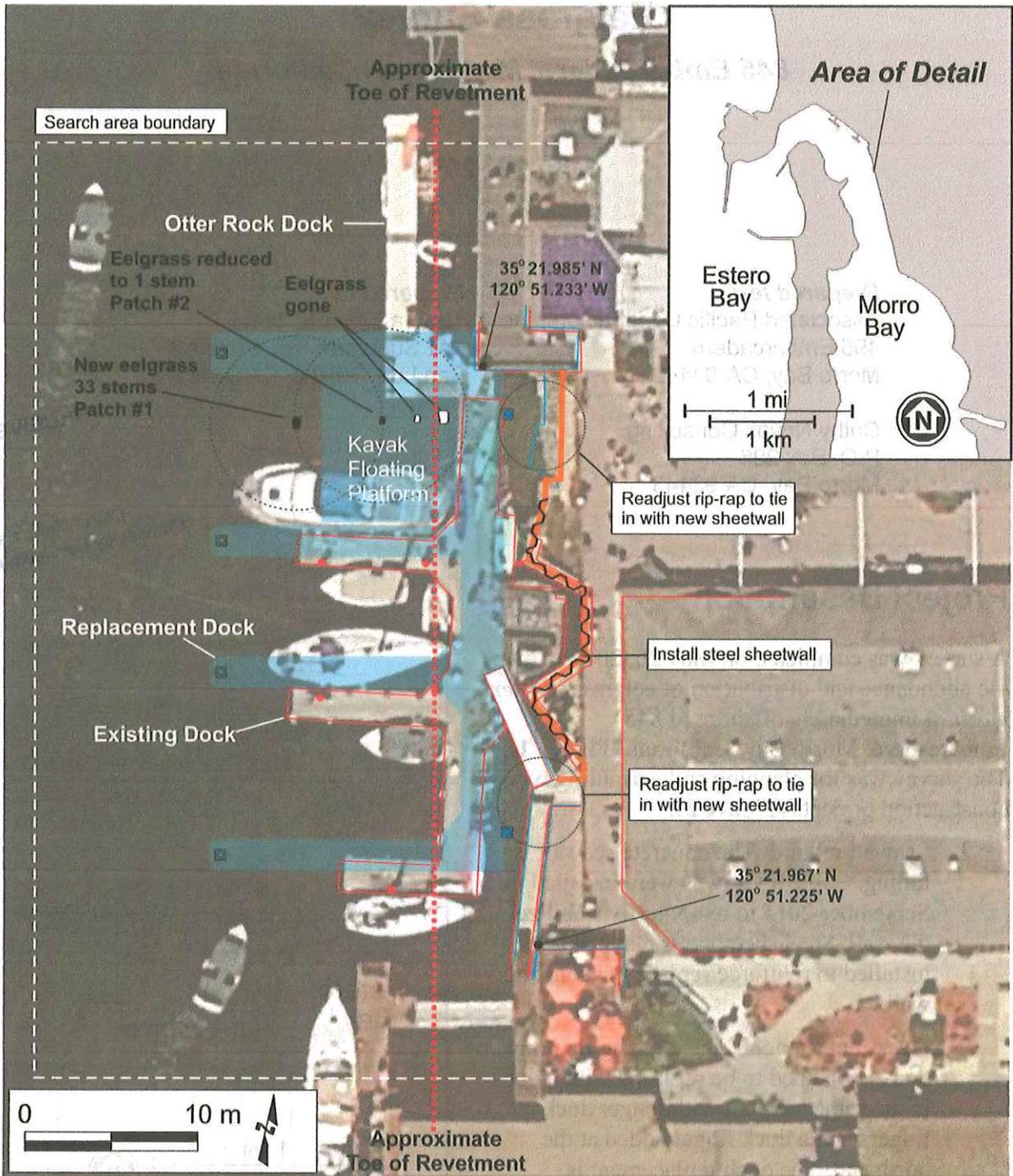


Figure 1. Project site and survey area.



# EXHIBIT D



**Figure 2.** Search area, replacement dock, seawall repairs, and change in eelgrass between December 31, 2016 and May 20, 2016. Google Earth background image date: 8/23/2013.



A previous eelgrass survey was completed on December 31, 2015 at the same site, but just for the seawall repair.<sup>1</sup> The survey was done for the urgency of the repair, which happened to be in the non-active growth season for eelgrass. Otherwise eelgrass surveys are required to be completed in April-October (active growth season).<sup>2</sup> However, the City of Morro Bay determined that a repair and maintenance only determination could not be made to allow the repairs to start immediately, but rather a Conditional Use Permit would be needed. As such, the project applicant decided to modify the project in adding a dock replacement component. Because the project was changed and the first eelgrass survey was done outside the growing season, a new survey (on May 20, 2016) was conducted in the growing season for the City of Morro Bay to start the permitting process for the seawall repair and dock replacement as one combined project.<sup>3</sup>

Much of the construction work is planned to occur from a work barge, beginning with removing portions of the old concrete seawall then vibrating steel sheetpile into the seabed and reinforcing the wall and backfilling accordingly (Figure 2). The rock rip-rap at the north and south ends of the new sheetwall will need to be re-worked to tie back into the new wall. The existing floating dock is then to be replaced with a slightly larger dock (Figure 2). This work will involve removing old piles and installing new piles in new locations.

## Methods

The present eelgrass survey was completed on May 20, 2016 by two Tenera biologists using SCUBA and surveying eelgrass in accordance with protocols of the California Eelgrass Mitigation Policy (CEMP).<sup>4</sup> A search for *Caulerpa taxifolia* was completed at the same time. The concern for *Caulerpa* is that it is a non-native green algal species that spreads mainly by fragmentation when the seabed is disturbed, and can be invasive and displace eelgrass. As such, *Caulerpa* surveys are required in projects that disturb the seabed.<sup>5</sup> Both of the Tenera divers who completed the eelgrass survey were also certified by the National Marine Fisheries Service and California Department of Fish and Wildlife as *Caulerpa taxifolia* surveyors. As such, a search for *Caulerpa* was completed at the same time of the eelgrass survey. A *Caulerpa* survey was also completed with the December 31, 2015 eelgrass survey.

<sup>1</sup> Tenera Environmental. 2015. Eelgrass Survey, 845 Embarcadero, Morro Bay, California, Prepared for Associated Pacific Constructors, Inc., Morro Bay, CA and Cathy Novak Consulting, Morro Bay, CA. January 11, 2016.

<sup>2</sup> [http://www.westcoast.fisheries.noaa.gov/publications/habitat/california\\_eelgrass\\_mitigation/Final%20CEMP%20October%202014/cemp\\_oct\\_2014\\_final.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf)

<sup>3</sup> Letter from Cathy Novak Consulting to Tenera Environmental on May 24, 2016 explaining the need to repeat the eelgrass survey to be done in the active growth season.

<sup>4</sup> [http://www.westcoast.fisheries.noaa.gov/publications/habitat/california\\_eelgrass\\_mitigation/Final%20CEMP%20October%202014/cemp\\_oct\\_2014\\_final.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf)

<sup>5</sup> [http://www.westcoast.fisheries.noaa.gov/publications/habitat/caulerpa\\_taxifolia/caulerpa\\_control\\_protocol\\_4\\_.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/caulerpa_taxifolia/caulerpa_control_protocol_4_.pdf)



**Results**

Two very small patches of eelgrass were found (Figure 2, Table 1). One was a new patch not present in the December 2015 survey (Patch #1 in Figures 2 and 3, Table 1). This small patch would be inside a dock slip of the new dock with the longer dock fingers (Figure 2). Another patch was a single stem with four leaflets that was 0.25 m<sup>2</sup> in area cover and with 22 stems in the December 2015 survey (Patch #2 in Figures 2 and 4, Table 1).

Other species seen during the survey on the sand/mudflat seabed include foliose bryozoans, *Corynactis californica* (strawberry anemones), *Balanophyllia elegans* (cup corals), *Serpula vermicularis* (tube worms), and *Metridium senile* (plumose anemones). On the revetment were *Pachycerianthus fimbriatus* (tube anemones), *Dendraster excentricus* (sand dollars), *Sargassum muticum* (bladder chain kelp), and *Gracilariopsis* spp. (red algae). Tunicates, foliose bryozoans, *Ulva* spp. (sea lettuce), *Sarcodiotheca gaudichaudii* (red algae), *Megabalanus tintinnabulum* (barnacles), and *Watersipora subtorquata* (encrusting bryozoans) were seen on piles.

**Table 1.** Characteristics of the two eelgrass patches (May 20, 2016).

	Patch 1	Patch 2
Cover (m <sup>2</sup> )	0.06	0.01
Cover (ft <sup>2</sup> )	0.7	0.1
Total Stems	33	1
Mean Leaf Length (cm)	35.8	17.8

No *Caulerpa taxifolia* was found, including none found in the December 2015 survey. Reports on its absence in both surveys were submitted to the National Marine Fisheries Service and California Department of Fish and Wildlife.<sup>6</sup>

**Discussion**

The findings from the eelgrass surveys at 845 Embarcadero on December 31, 2015 and May 20, 2016 indicate eelgrass occurs in the project area mainly as only small patches and isolated stems that are transient/temporary in occurrence; larger patches and expansive eelgrass beds were not present.

The May 20, 2016 survey found only two very small patches of eelgrass. Furthermore, more eelgrass was found in the December 31, 2015 survey, although not significantly more. Overall, 0.81 m<sup>2</sup> of eelgrass was present in the December 2015 survey and 0.6 m<sup>2</sup> of eelgrass was present in the May 2016 survey.

<sup>6</sup> Tenera Environmental. 2016. *Caulerpa* Report: Seawall Repair at 845 Embarcadero, Morro Bay, California. January 2016.

Tenera Environmental. 2016. *Caulerpa* Report: Seawall Repair at 845 Embarcadero, Morro Bay, California. May 2016.



One patch in the May 2016 survey was new (**Figure 3**). In contrast, two of the three patches found in the December 2016 survey disappeared, and the surviving patch declined in cover (**Figure 4**).

Unvegetated habitat for eelgrass in the project area being the area inside a 5 m radius surrounding eelgrass is shown in **Figure 2**. The eelgrass, if still present when the dock is replaced, and unvegetated habitat for eelgrass surrounding these patches, would become shaded by the new dock and boats using the dock.

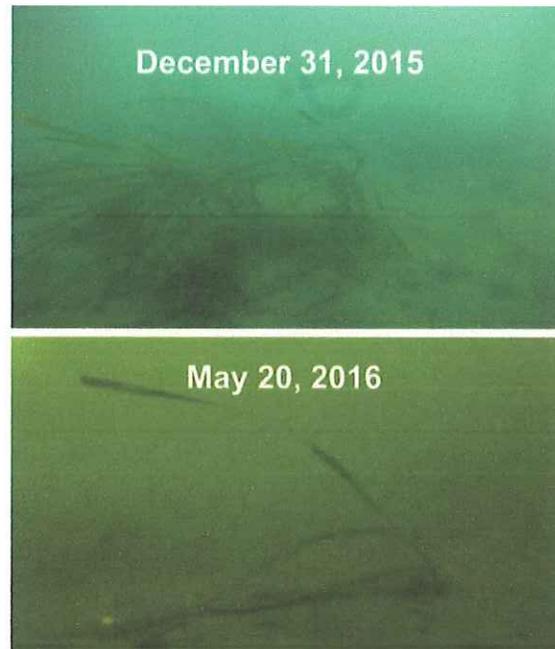
However, because eelgrass is known to be variable over time and space, another pre-construction eelgrass survey will be warranted in accordance with the CEMP, particularly if construction is to occur next year. The findings will further determine the nature of eelgrass in the project area and whether eelgrass could be affected by the seawall repair and dock replacement.

If eelgrass is present, post-construction survey(s) will likely be required in accordance with the CEMP, but the study design will depend on how much eelgrass could be affected. For example, if eelgrass remains unchanged from the present survey up to the time of the seawall repair, the eelgrass would be too far from the seawall to be affected (buried underneath rocks to re-construct the rip-rap revetment). In this case, only one post-construction survey would be necessary to validate that no impact occurred.

Any longer-term impact, such as a decline from shading by the new dock and boats using the new dock, could involve multiple post-construction surveys and over a longer time period in accordance with the CEMP. Control areas with eelgrass may need to be included to help distinguish whether changes in eelgrass in the dock area were natural or due to shading. However, if eelgrass remains largely unchanged between the present survey and time of construction, any impact involving a decline from shading would be very small (e.g., loss of 0.06 m<sup>2</sup> of eelgrass, 0.7 ft<sup>2</sup>). Multiple post-construction surveys may then be unwarranted to assess injury.



**Figure 3.** Eelgrass (Patch #1, 0.06 m<sup>2</sup>) located at the north part of the existing dock that was not present in the December 2015 survey.



**Figure 4.** Change between surveys in eelgrass Patch #2 down to one stem with four leaves.



# EXHIBIT E

**From:** [Scott Kimura](#)  
**To:** ["Cindy Jacinth"](#); ["Cathy Novak"](#)  
**Cc:** ["Brian Meux - NOAA Affiliate"](#)  
**Subject:** FW: Eelgrass survey 845 Embarcadero  
**Date:** Tuesday, February 16, 2016 3:11:26 PM  
**Attachments:** [5 meter buffer.jpg](#)

---

Hi Cindy:

Here is input from Brian Meux (NFMS) concerning the eelgrass and 5m perimeter at the 845 Embarcadero seawall repair project. The 5m perimeter is to describe the area of unvegetated eelgrass habitat that could become vegetated with eelgrass, and thus should be avoided or not disturbed. However, the 5m perimeter in our case that is closest to the construction does not include suitable habitat for eelgrass, as it is rocky rip-rap revetment. The 5m perimeter also encompasses an area beneath a floating dock and is inside an existing boat slip. Attached is a diagram that better illustrates this.

Scott Kimura  
Tenera Environmental  
141 Suburban Rd., Ste. A2  
San Luis Obispo, CA 93401  
office: (805) 541-0310  
fax: (805) 541-0421  
cell: (805) 550-1449  
[www.Tenera.com](http://www.Tenera.com)

---

**From:** Brian Meux - NOAA Affiliate [<mailto:brian.meux@noaa.gov>]  
**Sent:** Tuesday, February 16, 2016 2:11 PM  
**To:** Scott Kimura  
**Subject:** Re: Eelgrass survey 845 Embarcadero

Hi Scott,

Please feel free to forward to the City. In situations like this, we would not consider the permanently shaded areas or rip rap to be unvegetated eelgrass habitat, even if they are within 5 meters of the existing vegetated eelgrass that you documented (so impacts to those areas would not require mitigation). I haven't seen that specific area, but the area around those eelgrass patches that we would consider unvegetated habitat should be defined by 1) soft-bottom substrate, 2) receives some light during the day, and 3) within 5 meters distance from existing vegetated eelgrass habitat. If there are any impacts to those unvegetated areas that meet those three criteria, then we would recommend mitigation for impacts.

I hope that helps clear it up, please contact me for any questions. The City is also more than welcome to contact me for any questions.

Thanks,  
Brian

Brian M. Meux  
Contractor with Ocean Associates, Inc.

# EXHIBIT E

NOAA Fisheries, West Coast Region  
North-Central California Coast Office  
777 Sonoma Ave. Room 325  
Santa Rosa, CA 95404  
tel: 707-575-1253  
fax: 707-578-3435  
[brian.meux@noaa.gov](mailto:brian.meux@noaa.gov)

On Tue, Feb 16, 2016 at 1:03 PM, Scott Kimura <[skimura@tenera.com](mailto:skimura@tenera.com)> wrote:

What should I tell the City of Monterey in how to process the seawall repair permit? You indicated on the phone that you might be able to provide them direction (yes/no?). It would seem by your attachment that the 5 m perimeter can be completely or nearly completely eliminated, as it all occurs in an existing boat slip and over rock rip-rap.

Scott

---

**From:** Brian Meux - NOAA Affiliate [mailto:[brian.meux@noaa.gov](mailto:brian.meux@noaa.gov)]  
**Sent:** Thursday, February 11, 2016 1:39 PM  
**To:** Scott Kimura  
**Cc:** Eric Wilkins  
**Subject:** Re: Eelgrass survey 845 Embarcadero

Hi Scott,

Thanks for the detailed information on this project. It was easier just to respond to your questions in a separate doc (attached). Please feel free to share. The literature cited in the attached doc can be found at the end of the CEMP (didn't have time to include it all here).

Thanks for the image you sent, it helps clear it up. Regarding this particular situation, we would not consider the permanent and fully shaded area or rip rap or seawall to be part of the unvegetated portion of eelgrass habitat. The relatively open area in the image where kayaks launch, but where no boat holds the slip regularly, would be considered unvegetated eelgrass habitat if it's also within 5 meters of the vegetated eelgrass marked on your map.

Regarding a potential project here, I agree with your conservation measures of ensuring that rocks and sediment do not impact eelgrass habitat.

Please contact me if you have any questions.

Regards,

Brian

Brian M. Meux  
Contractor with Ocean Associates, Inc.  
NOAA Fisheries, West Coast Region  
North-Central California Coast Office  
777 Sonoma Ave. Room 325  
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# EXHIBIT E

RECEIVED

**From:** Brian Meux - NOAA Affiliate  
**To:** Cathy Novak  
**Subject:** Re: Eelgrass help for a project at 845 Embarcadero, Morro Bay  
**Date:** Friday, January 13, 2017 4:31:41 PM

JAN 27 2017

City of Morro Bay  
Community Development Dept.

Hi Cathy,

Sorry, I was out of the office this week. I've included answers to your questions and answers below.

1. If the floating docks do not allow light to penetrate through at least 40% transmittance, or have a minimum of 1 inch spacing between deck boards, then we would recommend avoiding them. Other conditions we look for (included in the decision key attached): The new or replacement structure meets one of the following conditions: is built with north-south orientation within 45 degrees, at a minimum of 5 feet over mean higher high water (MHHW), not wider than 4 feet, no more than one turnaround exceeding 60 square feet, not more than one uncovered boat lift, terminal end not exceeding 100 square feet, and pilings spaced at a minimum of 10 feet on center.
2. Yes, if avoidance is not possible, then decreasing the impact through design modifications, such as one-inch gaps between deck boards, and/or materials that allow at least 40% light transmittance.
3. Yes, that is correct. The pre-construction survey should be completed within the 60-day window before construction impacts to eelgrass begin. That survey will be used to compare with the post-construction eelgrass survey for direct impacts, to be completed within the 30-day window after construction impacts have ended. The one-year and two year surveys assess indirect impacts (e.g., shading), and are needed if indirect impacts are anticipated. So a dock expansion project would also need the one-year and two-year surveys to assess shading effects.
4. This is a good question, and one that would likely be dealt with on a case-by-case basis, which is also referred to in the CEMP. It's hard to say what our determination would be without all the information at hand, but because eelgrass has generally undergone a large systemic decline in Morro Bay, and has been observed in that particular location in the recent past, then it is likely that the area would be treated as the unvegetated part of eelgrass habitat. Although, we would need to make the final determination at that time.
5. OK sounds good about getting more information on the outer depth of eelgrass habitat at that location. And sounds good about incorporating light transmittance. Whatever can be done to avoid and minimize impacts to eelgrass before construction will help to avoid the possibility of compensatory mitigation post-construction, not to mention benefit the resource.

I hope this helps answer your question. Please don't hesitate to call if there is more that needs discussion.

Thanks,  
Brian

## EXHIBIT E

Brian M. Meux  
Contractor with Ocean Associates, Inc.  
NOAA Fisheries, West Coast Region  
North-Central California Coast Office  
777 Sonoma Ave. Room 325  
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fax: 707-578-3435  
[brian.meux@noaa.gov](mailto:brian.meux@noaa.gov)

On Mon, Jan 9, 2017 at 2:36 PM, Cathy Novak <[novakconsulting@charter.net](mailto:novakconsulting@charter.net)> wrote:

Hi Brian,

Thanks for your response. It helps so that we have a clear understanding on how we should go about this. I am going to pass this along to the City of Morro Bay so they have the guidelines to follow as we process the permits.

I do have a couple of follow up questions as well.

1. The CEMP doesn't preclude us from proposing floating docks but we should try to avoid if we can, correct?
2. if the proposed docks can't avoid the eelgrass or habitat, then we should propose design modifications and construction materials that allow for greater light penetration, correct? In the other projects we have proposed the grated panels to allow for more light penetration.
3. Since we are just in the planning stages right now, the eelgrass survey that we had done doesn't really determine the final outcome. In other words, we should simply say that as of right now this project has the potential to impact eelgrass and habitat that it may be mitigated by construction materials that allow for more light but in the end (after construction) if there is a direct impact to the eelgrass, the final determination regarding the actual impact and amount of mitigation needed, if any, to offset impacts will be determined under the CEMP. The final determination for all defining the vegetated and unvegetated areas will be the pre-construction survey that will be done 60 days prior to construction. This will also be the baseline in order to assess any post construction direct or indirect impacts with the post construction surveys that are required. Is this all correct?
4. If all the info I put in #4 is correct, what happens in a case where we had the small amount of eelgrass now but when we get ready to build and 60 day pre-construction survey doesn't find any eelgrass? Since the eelgrass patch is small and according to Scott's perspective it is a marginal area to support eelgrass, I thought I better ask the question so I have a complete understanding.
5. Last to partly answer your question, the proposed docks will add more square

## EXHIBIT E

footage and some shading but I don't have the exact number right now. I need a little more information from Scott in the way of the assessment for the 5 meter radius. He has drawn the 5 meter radius around the outer most patch but I don't know if that includes area that is deeper than what would support eelgrass growth. I will also look at adding more into the project description for the light penetration materials.

As always, I appreciate your time and effort to help me understand all this. It just makes things simpler to get the information at the beginning rather than trying to make a bunch of changes in the end.

Thanks,

Cathy

---

**From:** Brian Meux - NOAA Affiliate [mailto:[brian.meux@noaa.gov](mailto:brian.meux@noaa.gov)]  
**Sent:** Monday, January 09, 2017 1:24 PM  
**To:** Cathy Novak  
**Subject:** Re: Eelgrass help for a project at 845 Embarcadero, Morro Bay

Hi Cathy,

Thank you for your patience in getting an answer back from us. I've been able to take a look at the documents, and I believe I understand the situation and proposal enough to comment on here for technical assistance. In answer to your questions:

1) We would consider the area in the 5-meter perimeter surrounding the eelgrass patches to be the unvegetated portion of eelgrass habitat. This is because, as I understand it, the area surrounding the eelgrass patches is 1) soft bottom substrate, 2) receives some light during the day, and 3) is within 5 meters distance from

existing vegetated eelgrass habitat. In determining the amount of vegetated and unvegetated components of eelgrass habitat, we would use the pre-construction survey conducted within the 60 day window prior to construction impacts.

2) It looks like this project has existing areas that are permanently shaded or covered by existing rip rap that would not be defined as the unvegetated part of eelgrass habitat. This falls in line with page 8 of the CEMP, which describes the definition of areas that would be excluded from being defined as unvegetated eelgrass habitat as "areas of unsuitable environmental conditions such as hard bottom substrates, shaded locations, or areas that extend to depths below those supporting eelgrass." So for this project, the area that is currently covered by rip rap or permanent shading would not be included in the total for unvegetated square meters.

## EXHIBIT E

3) For this project, we would consider the area surrounding the vegetated eelgrass patches as the unvegetated part of eelgrass habitat. The outer boundary of the unvegetated part of eelgrass habitat would extend out to the edge of the rip rap or the permanently shaded area if that rip rap or shading was within 5 meters of the vegetated eelgrass. Otherwise, the outer boundary of the unvegetated portion would extend out 5 meters from the vegetated eelgrass portion of the habitat.

Regarding the proposal to replace the dock, we would need information regarding the change in amount of shaded habitat. Does the proposed dock add shaded area or decrease it? And by exactly how much? Also we would recommend that the dock be designed to transmit as much light as possible.

I hope that helps answer your questions, please let me know.

Thanks,

Brian

Brian M. Meux

Contractor with Ocean Associates, Inc.

NOAA Fisheries, West Coast Region

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On Thu, Dec 22, 2016 at 10:36 AM, Cathy Novak <[novakconsulting@charter.net](mailto:novakconsulting@charter.net)> wrote:

Hi Brian,

## EXHIBIT E

I am working on a project in the City of Morro Bay and I thought it might be helpful to get some guidance from you at the beginning stages rather than try and guess what might be acceptable and consistent with the CEMP as we move through the permit process. What happens on my end is that each one of the agencies likes to read and interpret the CEMP a little differently so it leads to design modifications, sometimes several times, and then gets everyone confused and frustrated. So, I was wondering if it would be possible for you to review the plans and give me direction that I can pass along to the agencies as to how NMFS would interpret the CEMP in this particular instance and if the current design is OK and consistent with the policies.

Here is some background information.

This project is at 845 Embarcadero Road, Morro Bay. Scott Kimura did an eelgrass survey on December 31, 2015 in order to move forward with the City of Morro Bay to do repair and maintenance work on a seawall that was failing. The seawall was shored up in Sept. 2015 to prevent a total collapse and then we were going to follow up with the necessary permits. At the time the City had questioned the eelgrass in the area so that is what led to the off-season survey by Scott. Scott discovered three very small patches of eelgrass (<1m<sup>2</sup>) in a dock slip nearby which, led the City to applying a 5 meter buffer from the CEMP into the project analysis. We had communications with you on this because the area was not ideal habitat for eelgrass, inside a boat slip and the revetment nearby. I attached the e-mails so you can reference back to this if you want. After your comments, the City decided that the condition and location of the eelgrass found would not trigger any further requirements and therefore did not require a Conditional Use Permit.

A couple of months after we started this process, my client decided it was in his best interest to add a floating dock replacement as an addition to the overall project rather than doing two separate permits (seawall and docks). Because of that, we had Scott go back out for another eelgrass survey on May 20, 2016. The result of that survey found two very small patches of eelgrass. One was a new patch not present in the December 2015 survey (0.1 m<sup>2</sup>) and the other patch was found in the December 2015 survey, but larger in December (0.25 m<sup>2</sup>) than in the present survey (0.01 m<sup>2</sup>). Scott's report said, Overall, two of the three patches found in the December 2016 survey disappeared, and the surviving patch declined in cover.

The proposed plan (attached) submitted to the City has one new finger slip, a floating dock section for kayak storage and a low floating dock section connected (for kayak launching) that are within and adjacent to the 5 meter buffer for one patch of eelgrass with 33 stems (0.06 m<sup>2</sup>) and a separate stem of eelgrass (0.01 m<sup>2</sup>).

## EXHIBIT E

In Scott's report, January 11, 2016, he describes the area as follows: "Regardless of the eelgrass being near the planned repair work and tangled with *Sargassum* and *Gracilariopsis*, all three eelgrass patches were otherwise in a precarious and unusual habitat for eelgrass to grow and persist. The three patches being small and distinct indicates they were relatively recent in occurrence, and being only on the kayak side of the dock slip indicates that light reaching the bottom there is marginal to support eelgrass. Otherwise, more eelgrass could be expected and with the patches being much larger and spread over a larger area. Accordingly, if large-size boats use the entire slip, the shading would likely exclude out all three of the extant eelgrass patches and prevent other eelgrass from populating area, similar to probably why eelgrass was not found in the adjacent dock slips. Thus, even if the repairs do not impact the eelgrass there, the eelgrass could be impacted from shading by boats using the dock."

Since the CEMP allows for review on a case-by-case basis, I thought this would be a good project for review of the site conditions and whether: 1) the 5 meter unvegetated buffer should be used; 2) less than a 5 meter unvegetated buffer be used; or 3) this area would be considered an unsuitable environmental condition and no unvegetated buffer should be incorporated. Please note, however, that Section II, B, 1a of the CEMP states: "The boundary of the eelgrass habitat should not extend into areas where depth, substrate, or existing structures are unsuited to supporting eelgrass habitat." As such, areas adjacent to and between existing boat slips should NOT be considered as unvegetated habitat for eelgrass, as mostly in the case of the present project.

Please let me know if you need any additional materials or have questions. Maybe we should try and schedule a phone call if you think that will be helpful as well. Just let me know.

Thanks in advance for the help.

Happy Holidays,

Cathy

Cathy Novak Consulting

PO Box 296

# EXHIBIT E

Morro Bay, CA 93443

Phone/Fax: 805-772-9499

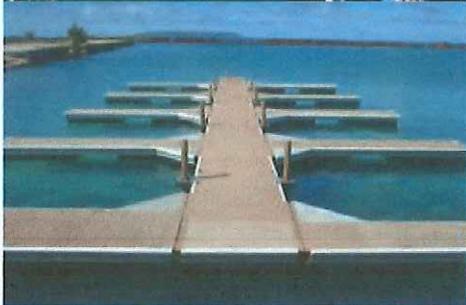
Cell: 805-441-7581

E-mail: [NovakConsulting@charter.net](mailto:NovakConsulting@charter.net)

## EXHIBIT F



*"We are absolutely committed to delivering the finest Marina System or Dock to you."*



### BLUEWATER MARINE PRODUCTS

- **Floating Docks**
  - Commercial & Residential
  - Aluminum or Timber Construction
- **Aluminum Gangways & Bridges**
  - From 8' to 100'
  - ADA Compliant Systems
- **Fixed Piers & Loading Docks**
- **Marina Accessories**
  - Power Pedestals
  - Dock Boxes
  - Floats
  - Cleats
  - Ladders
  - Fish Cleaning Stands
- **Whatever your marina or dock needs!**

RECEIVED

APR 19 2017

City of Morro Bay  
Community Development Dept

EXHIBIT F



These examples are representative of the system that will be constructed. There maybe diagonal bracing added and the rack will be secured to the floating dock.

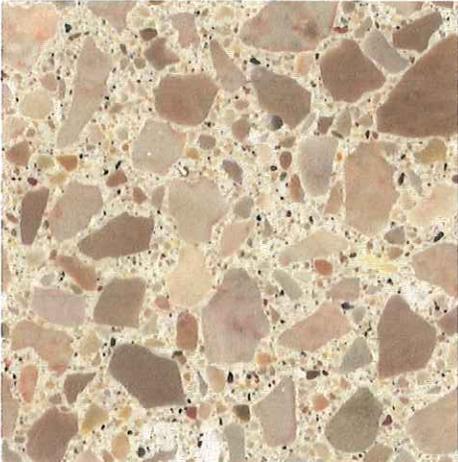


RECEIVED  
APR 19 2017  
City of Morro Bay  
Community Development Dept.

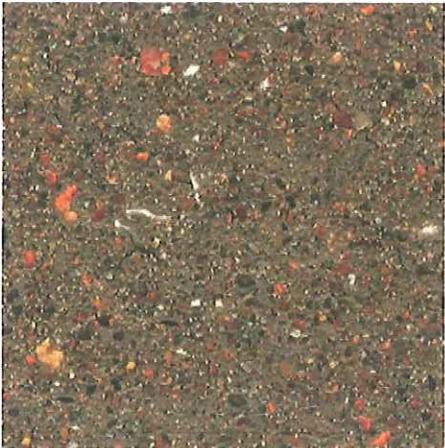
EXHIBIT F



WAUSAU MADE table  
MODEL: TF3091  
ADA Accessible  
MATERIAL: Concrete  
SHAPE: Square



WAUSAU MADE table  
MODEL: TF3091  
TABLE TOP COLOR: G20 White

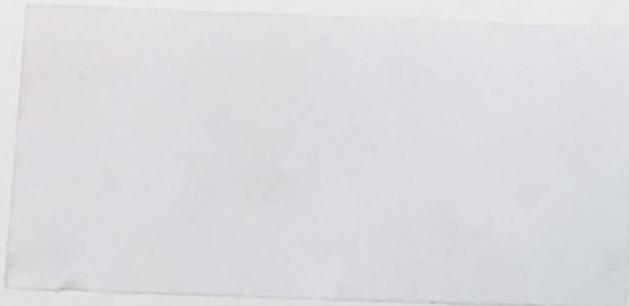


WAUSAU MADE table  
MODEL: TF3091  
TABLE LEG COLOR: A23 GRAY

RECEIVED

APR 19 2017

City of Morro Bay  
Community Development Dept.



TRIM COLOR WHITE



COPPER ROOFING

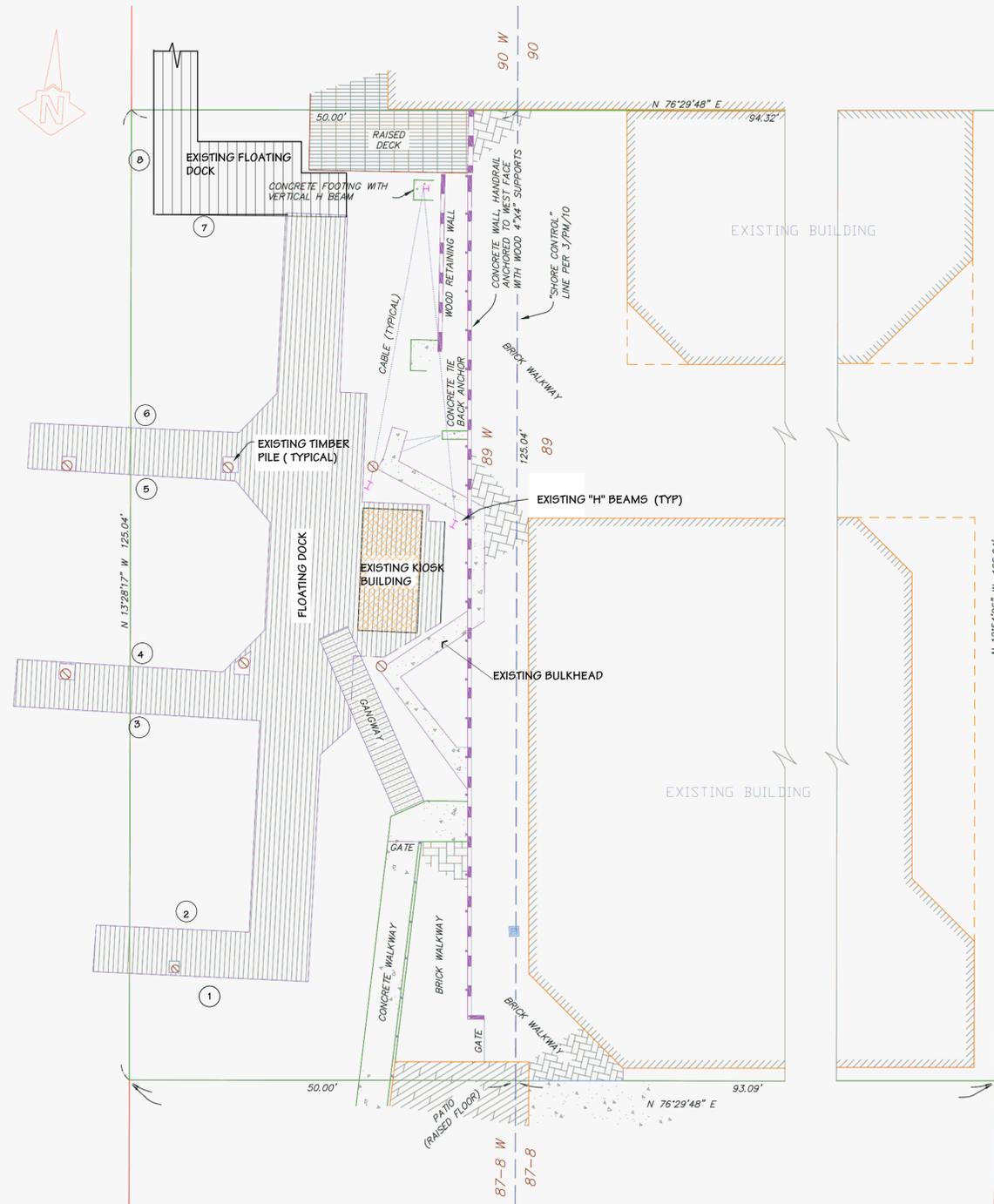


KIOSK HARDIPLANK SIDING  
COLOR MEDIUM GRAY

THE BOAT YARD 845 EMBARCADERO  
COLOR AND MATERIAL BOARD

C018794-357941  
Marine workshop  
201 Main St.  
Morro Bay, Calif. 93442  
1-805-772-8438





VICINITY AERIAL PHOTO



VICINITY MAP AERIAL PHOTO

PROJECT DATA

	TOTAL DOCK AREA	HEAD FLOAT LENGTH	AREA	FINGER SLIPS LENGTH (FT)								TOTAL	FINGER SLIPS AREA (S.F.) TOTAL	KAYAK DATA (S.F.)	GANGWAY	
				1	2	3	4	5	6	7	8				LENGTH	AREA
EXISTING	1940 S.F.	105'	1194 S.F.	27'	20'	32'	32'	32'	17'	19'	211'	718 S.F.	0	28'	112 S.F.	
PROPOSED	2467 S.F.	105'	1078 S.F.	58'	50'	50'	50'	50'	50'	33'	391'	1366 S.F.	740 S.F.	28'	112 S.F.	

INDEX TO DRAWINGS

- SHEET 1: COVER SHEET & EXISTING SITE PLAN
- SHEET 2: DOCK- PILING DEMO PLAN & RIP RAP REPAIR PLAN
- SHEET 3: SEAWALL REPAIR PLAN
- SHEET 4: PROPOSED DOCKS, PILING AND HARBORWALK
- SHEET 5: PUBLIC ACCESS, CLOSURE PLAN PUBLIC BENCH
- SHEET 6: PUBLIC ACCESS SIGNAGE
- SHEET 7: RENTAL KIOSKS PLAN
- SHEET 8: INSTALLATION & PRODUCT INFORMATION
- SHEET 9: EELGRASS PLAN SURVEY
- SHEET 10: KAYAK/PADDLEBOARD PLANS/ ELEVATIONS

APN:	066-352-054
Lease Site Number:	89 & 89W
Zone Designation:	H, WF (PD/S.4)
Square Foot:	89 = 11,438 sq.ft. 89W = 6,250 sq.ft.

1 Existing Site  
1" = 9.523'

**Project description:**  
Repair existing seawall by construction approximately 74 linear feet of sheet piles around the exiting rock rip rap wall.

Modify existing floating docks and add additional length to finger slips.

Add two new sections of floating dock for kayak rental business.

Remove 7 wood piles and replace with 7 new steel pilings.

Repair gangway and other minor maintenance items.



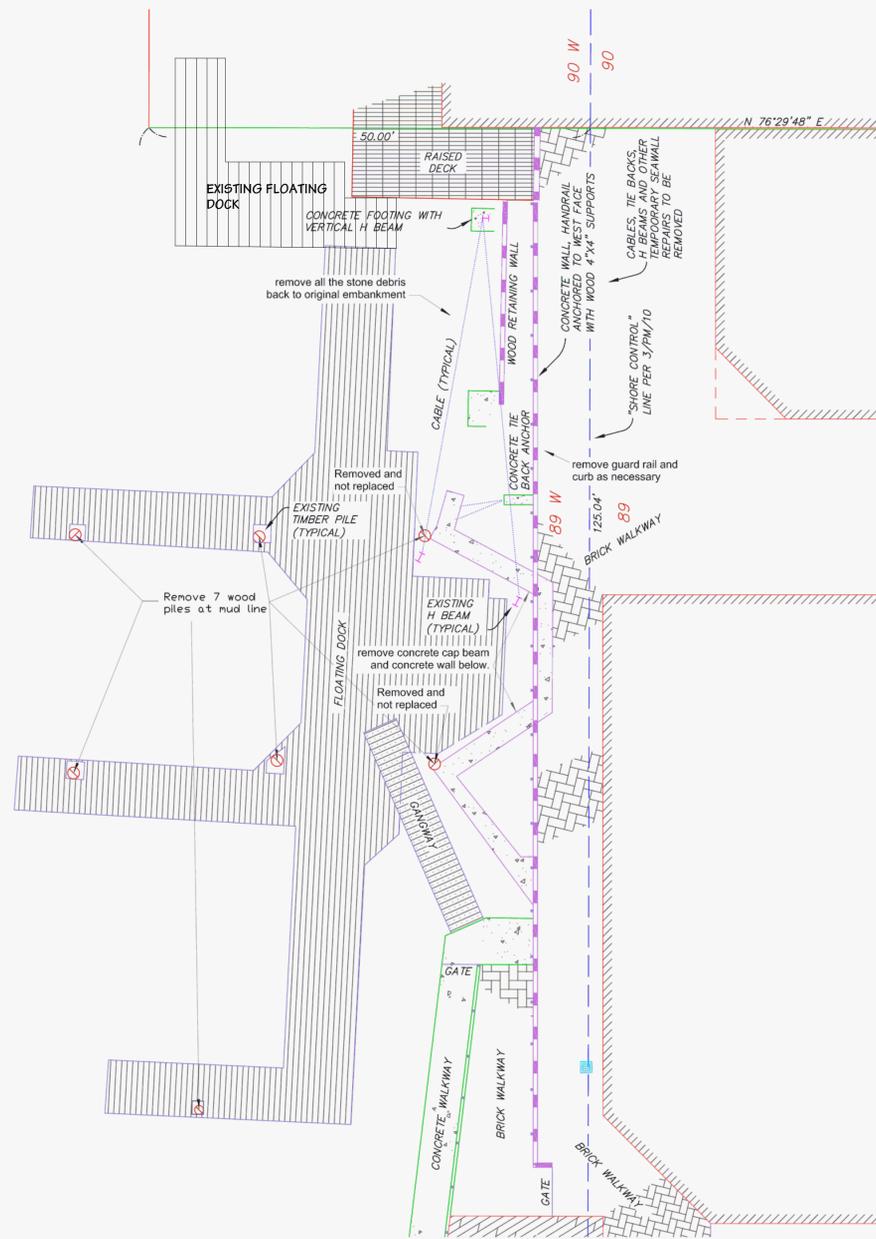
THE BOATYARD SEAWALL  
REPAIR & MAINTENANCE  
845 Embarcadero  
Morro Bay, CA 93442

SITE

ASSOCIATED PACIFIC  
CONSTRUCTORS

1-8-17  
DATE: 3/24/16  
SCALE: 1/8" = 1'-0"

1

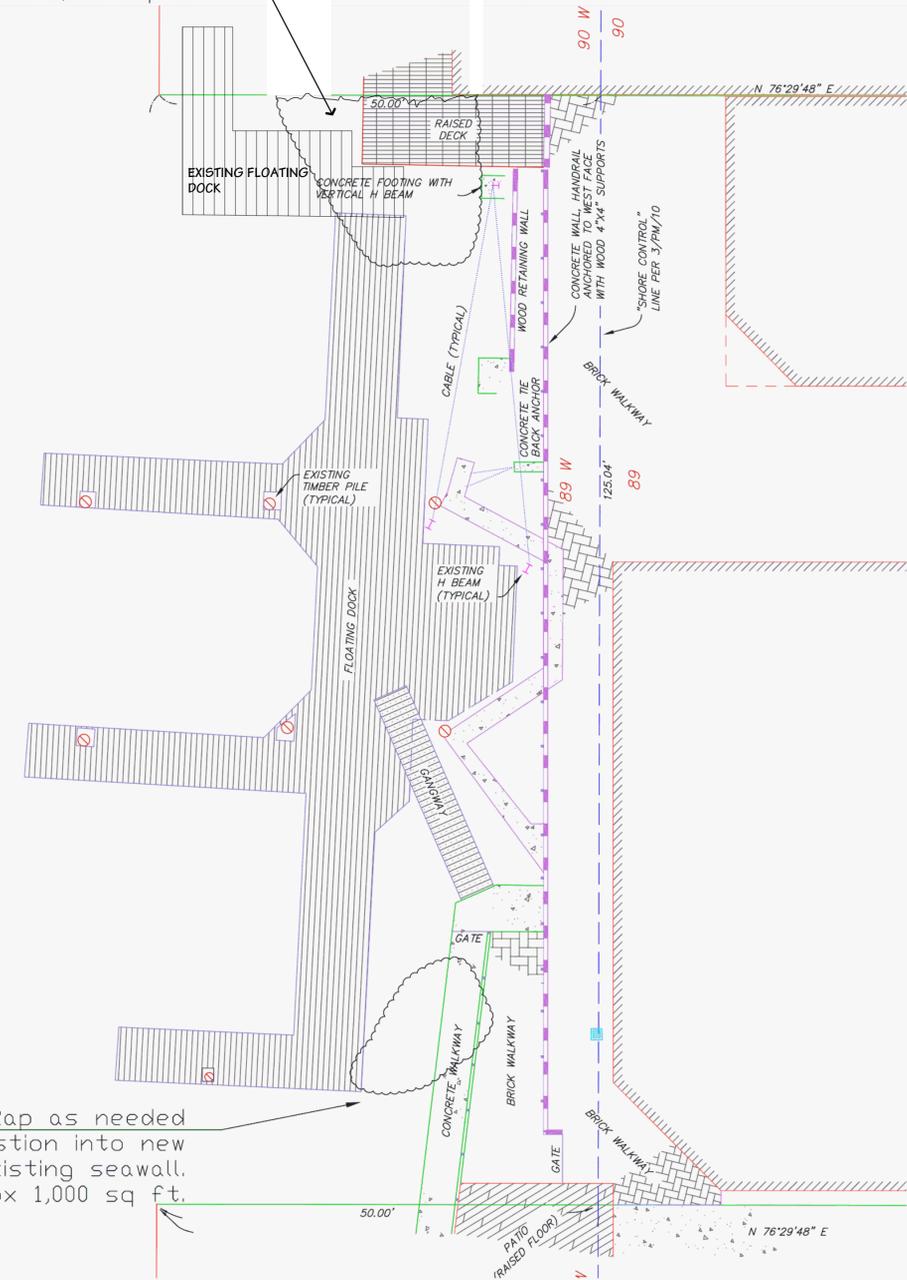


2 Dock - Pile Demo Plan  
1/8" = 1'-0"



Replacement of Rip Rap  
from -3 to +9 approx.  
Approx 6,000 sq.ft.

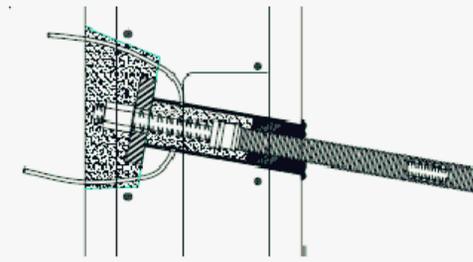
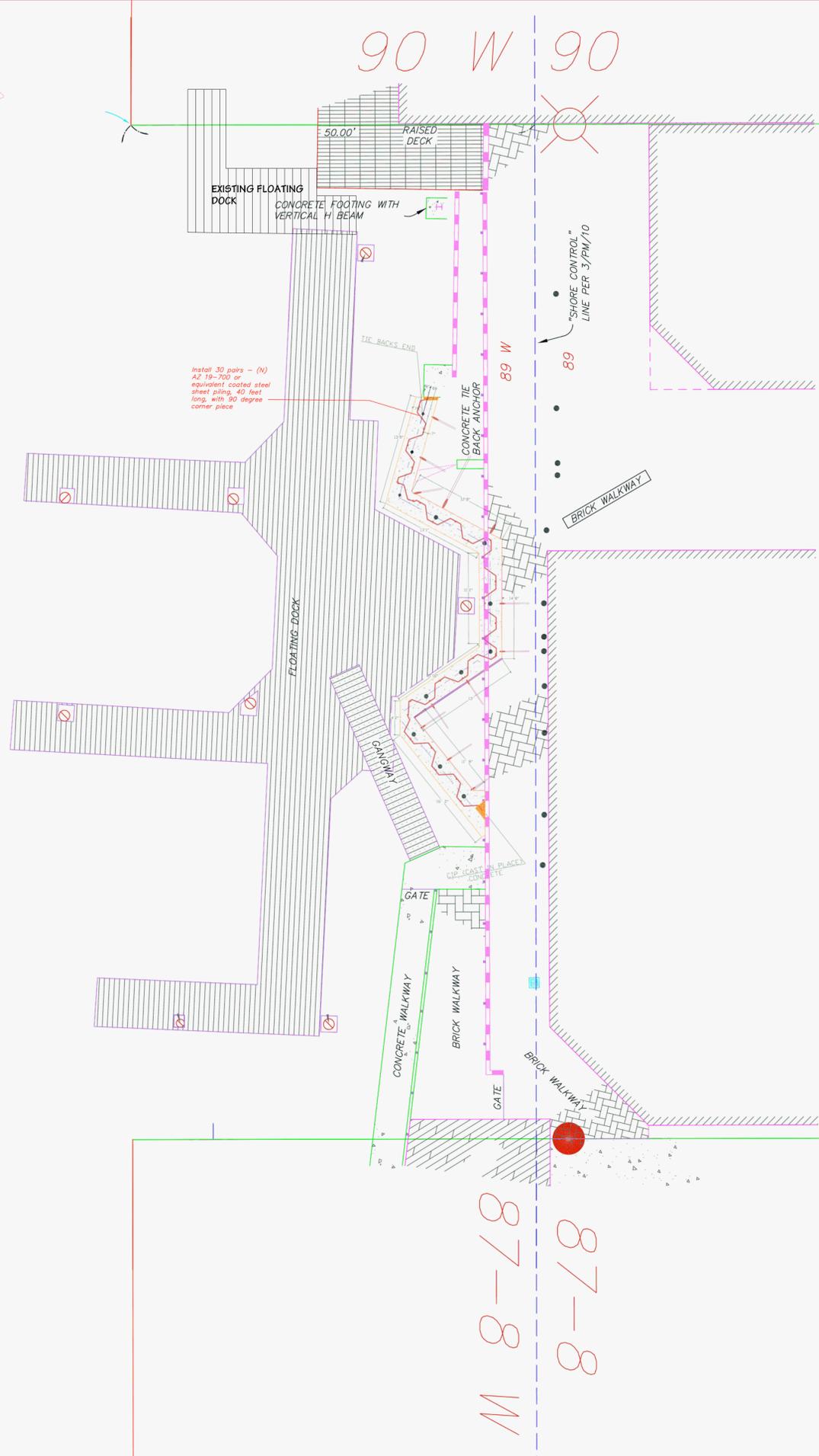
NOTE! ALL RIP RAP WORK TO BE DONE  
WITHIN LEASE BOUNDARIES ONLY



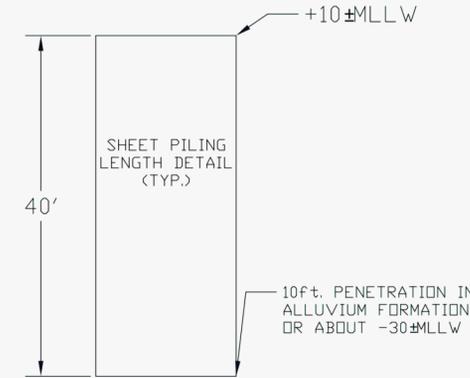
Replace Rip Rap as needed  
to transition into new  
and existing seawall.  
Approx 1,000 sq ft.

1 Rip Rap Repair Plan  
1/8" = 1'-0"

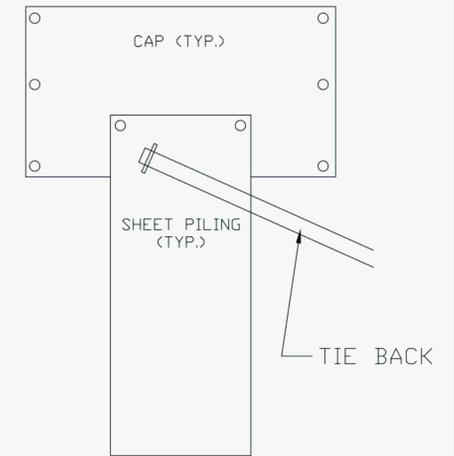
M O R R O B A Y



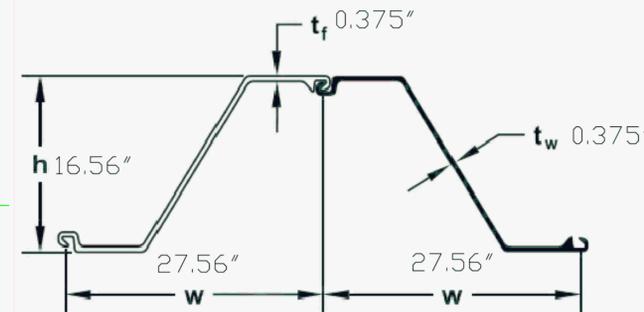
TIE BACK DETAIL (TYP.)  
N.T.S.



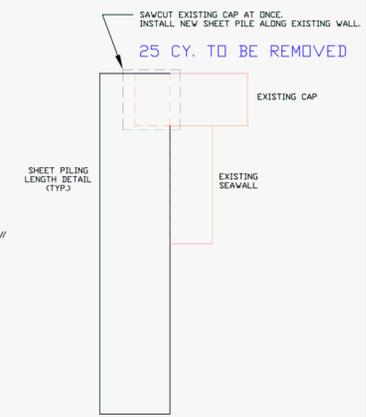
SHEET PILING LENGTH (TYP.)  
N.T.S.



SHEET PILE - CAP DETAIL (TYP.)  
N.T.S.



SHEET PILING DETAIL (TYP.)  
N.T.S.



CONCRETE REMOVAL  
N.T.S.

Level 1 Finished  
1/8" = 1'-0"

TOTAL OF 74LF SHEET PILE

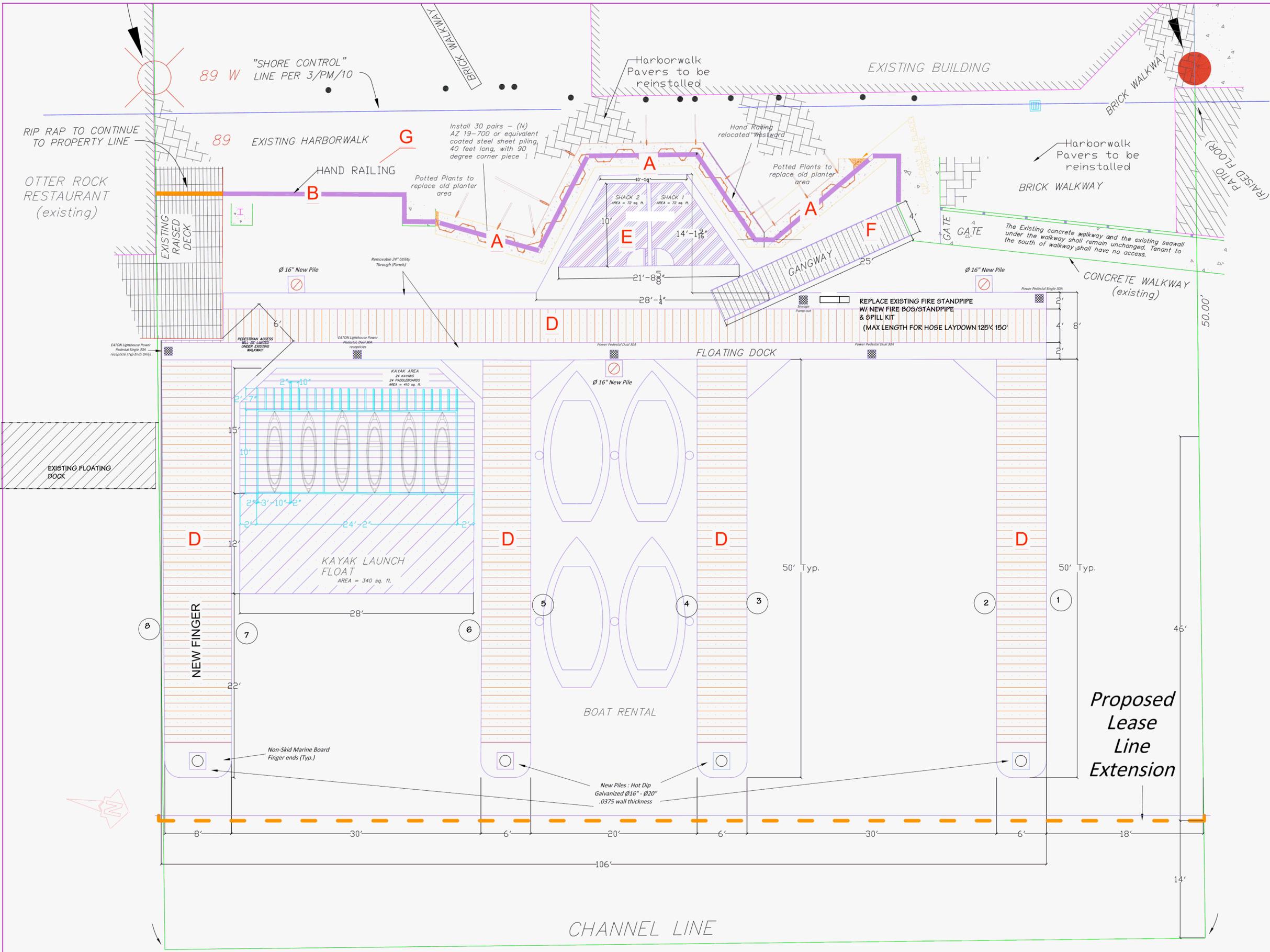


THE BOATYARD SEAWALL  
REPAIR & MAINTENANCE  
845 Embarcadero  
Morro Bay, CA 93442

PROPOSED WALL  
REPAIR

ASSOCIATED PACIFIC  
CONSTRUCTORS

DATE: 3/24/16  
SCALE: 1/8" = 1'-0"



**EXHIBIT A**  
TO MEMORANDUM  
AGREEMENT DATED

- A - Repair and reinforce the failing section of seawall and rock revetment on the Lease Site.
- B - Remove and replace rip-rap, as necessary and allowable, from the north end of the seawall.
- C - Repair starting at the toe of slope up to the patio elevation, and extending to the Lease Site property line, located underneath the existing adjacent Otter Rock deck.
- D - Installing new and/or refurbishing and repairing the docks, floats and hardware.
- E - Installing new and/or refurbishing and repairing the existing kiosks/offices.
- F - Installing new and/or refurbishing and repairing the gangway.
- G - Installing new and/or refurbishing and repairing railing at the patio/deck (as needed), brick patio/deck areas (as needed), and signage in and around the dock areas.

**\* NOTE 1:** Each shack to have  
1 split door  
3 windows  
1 desk  
2 outlet  
copper roof

Dock Revision  
3/16" = 1'-0"



THE BOATYARD SEAWALL  
REPAIR & MAINTENANCE  
845 Embarcadero  
Morro Bay, CA 93442

DOCK REVISION  
EXHIBIT A

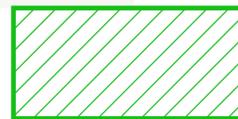
ASSOCIATED PACIFIC  
CONSTRUCTORS

DATE: 1/20/2017  
SCALE: 3/16" = 1'-0"

Site  
Plan



## PUBLIC ACCESS CLOSURE



OPEN ACCESS DURING WORK



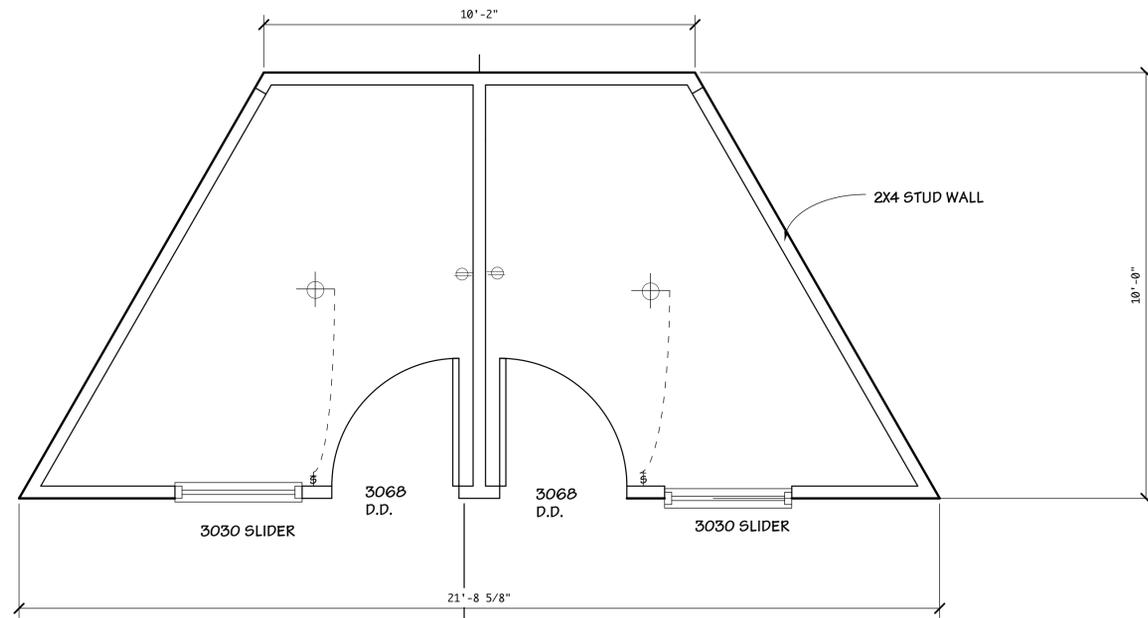
CLOSED ACCESS DURING WORK



## PUBLIC TABLES AND BENCHES, HANDICAP ACCESSIBLE

Closed for 60 days. Harborwalk won't be open to the public before job completion.





**FLOOR PLAN**

SCALE 1/2"=1'-0"

**NOTE! NEW RENTAL KIOSKS TO REPLACE EXISTING RENTAK KIOSKS**

**NOTE!**

New Rental Kiosk. An approved automatic fire sprinkler system shall be installed throughout all new buildings and structures on the west side of Embarcadero Road. (MBMC 14.08.090(L)(2)). Applicant shall provide automatic fire sprinklers, in accordance with NFPA 13, for fire protection of the Kiosk structure.



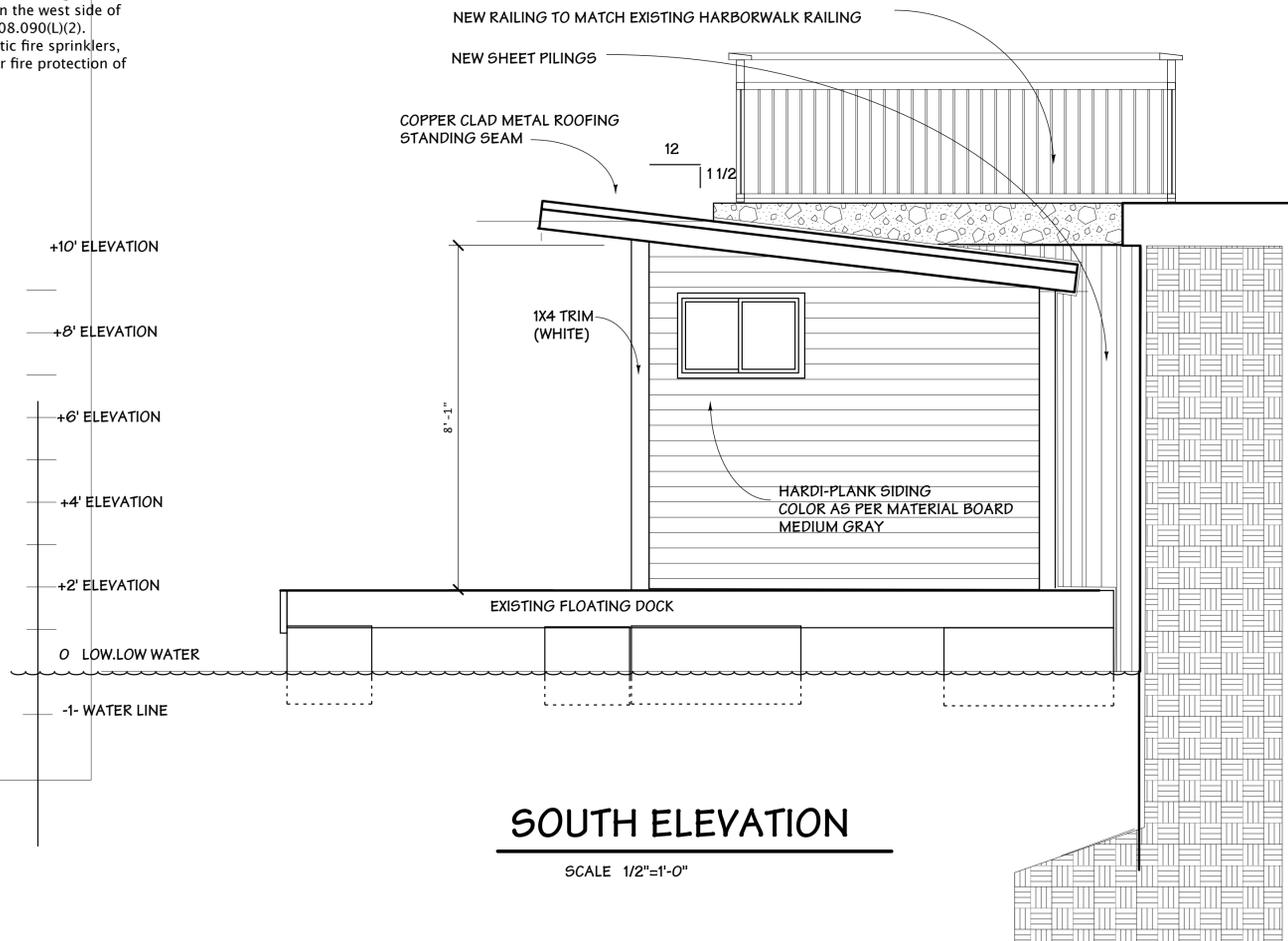
**WEST ELEVATION**

SCALE 1/2"=1'-0"



**RAILING PHOTO/ ELEVATION**

SCALE 1/2"=1'-0"



**SOUTH ELEVATION**

SCALE 1/2"=1'-0"

RENTAL KIOSK PLAN  
, ELEVATION RAILING

# Eaton by Eaton: Lighthouse Power Pedestal



- Breakers**  
Eaton's breakers are used in every power pedestal we sell and provide premium protection from over-heating and electrical current leakage. Reducing the risk of shock and electrocution is especially important in the marine environment.
- Receptacles**  
Marine grade corrosion resistance receptacles are used inside our marine pedestals. Eaton's Cooper Wiring Device Business brings together a full line of marine grade receptacles for both NEMA and non-NEMA applications.
- LED Lighting**  
LED lighting saves electricity, lasts much longer and has a positive influence on our environment using more efficient, mercury free fluorescent lighting. Eaton's LED lighting options help you save money and time spend replacing bulbs.
- TVSS Surge Protection**  
Surge protection products are made by Eaton and provided with our pedestals. Surge protection devices are designed to protect solid state equipment on board your vessel and well as the electronics inside each power pedestal.
- Digital Kilowatt Meter**  
Using the latest technology, MPAL manufactures digital electronic sub-meters to meet the needs of marinas and RV parks everywhere. Providing an economical means of monitoring energy usage, each power pedestal comes pre-wired with this compact and user-friendly device.
- Ground Fault Monitors & Relays**  
Eaton's Ground Fault Monitoring Relays are designed for industrial applications and have sensed rigorous noise immunity, vibration and shock tests. They provide system security and immediate reliable low level ground fault detection on three-phase AC resistance grounded or solidly grounded electrical distribution systems.

## UTILITY PEDESTAL

Safe-T-Span® Industrial Grating | Grating Pacific Call (800) 321-4314

**Safe-T-Span Industrial Grating**  
Safe-T-Span® industrial grade grating is made from fiberglass reinforced plastic (FRP) bar profiles with open areas of 40%, 50%, or 60% open area. Longer spans are available on request. All products are available in stock panels or custom-cut sizes.

**Safe-T-Span Resin Systems**  
Safe-T-Span resin systems are available in 3 resin systems with a standard self-curing gel coating. Panels are stocked in 4' and 6' widths with spans from 6' to 24'-0" length. Custom panel widths from 12" to 60" wide are available on request. All products are available in stock panels or custom-cut sizes.

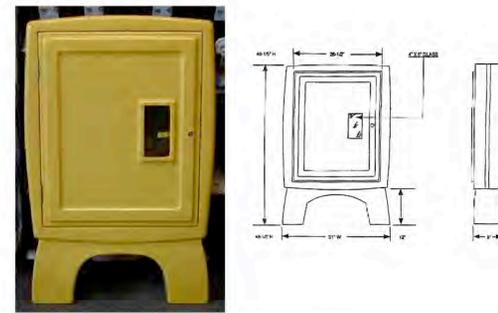
**Safe-T-Span Decking**  
Safe-T-Span decking is available in 3 resin systems with a standard self-curing gel coating. Panels are stocked in 4' and 6' widths with spans from 6' to 24'-0" length. Custom panel widths from 12" to 60" wide are available on request. All products are available in stock panels or custom-cut sizes.

## FRP FIBERGLASS GRATING

Project construction BMP's: The project as proposed includes the following safeguards, mitigation measures, actions, and procedures for the protection of the marine environment:

- Material Containment:** Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering harbor or other state waters. Where additional wood preservatives must be applied to cut-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into harbor or other state waters. A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. Also, 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 materials could fall into the water. The containment 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 cleaning up improperly contained foreign materials.
- Construction Plan:** All erosion control/water quality best management practices to be implemented during construction and their location shall be noted on the plan. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean to the maximum extent feasible. The Construction Plan shall, at a minimum, include the following required criteria specified via written notes on the Plan:
  - All work shall take place during daylight hours. Lighting of the beach and water area is prohibited.

## Fire Hose Cabinet



FIBERGLASS FIRE HOSE CABINET  
ITEM NO. 11-021R (Red), 11-021Y (Yellow), 11-021 (White)

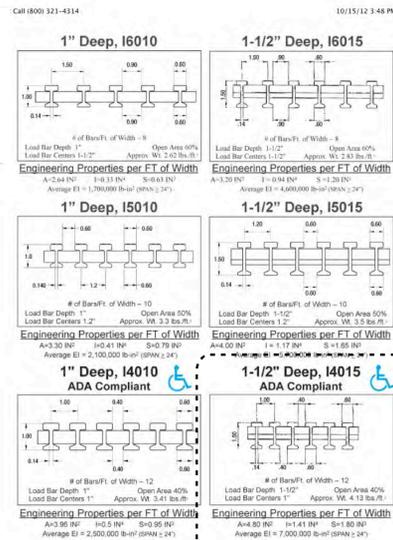
This fire hose cabinet has set a standard for the industry. The door has glass knockout and opens 180° for quick access. It is constructed of high glass, long lasting fiberglass with a gel-coat finish, 1/8" minimum thickness. Holding 100 foot fire hose rack assembly with room for a fire extinguisher up to 10 pound size, it is equipped inside with 2" x 8" structural wood verticals for rack installation. While the standard cabinet color is yellow, it is also available in red. We strongly recommend yellow as red has a tendency to fade. A coat of polish once a year will keep its good looks for years to come. We do not include the glass as it usually breaks during transportation. We recommend that you purchase tempered glass locally. However we can supply glass if you need it.

The cabinet can be placed dockside and free standing by securing at the base to the deck or placed against a wall for an even more secure installation.

Available in Yellow, Red, or White.

## FIRE HOSE CABINET

HENDERSON MARINE SUPPLY, INC.  
800-523-1586 [www.hendersonmarine.com](http://www.hendersonmarine.com)  
Specifications subject to change without notice. Not responsible for rust.



## GRAY

- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).
- A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and 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, shall be 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.
- A copy of the approved Construction Plan shall be kept at the construction job site at all times and all persons involved with the construction shall be briefed on its content and meaning prior to commencement of construction.
- The Coastal Commission's Central Coast District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

**BEAR BOARD**  
800-490-2327

**2x6 Board**

**PLANT LAMBER PRODUCTS**  
Decking  
Fencing  
Golf Course  
Golf Cart  
Golf Bag  
Golf Tee Box  
Golf Bag Holder  
Golf Bag Cart  
Golf Bag Holder  
Golf Bag Cart

**INSTALLATION & DIMENSION**  
THE PLANT LAMBER ADVANTAGE  
ABOUT US  
REQUEST A SAMPLE  
REQUEST QUOTE

**DECKING CALCULATOR**  
**DECK & DOCK INSTALLATION CODES**  
**GROUP DISCOUNTS**

## DECKING MATERIAL

**HPSI HYDRAULIC POWER SYSTEMS, INC.**

**Vibratory Hammers**  
Sheet Pile Drives  
Screw Piles

**Model 150L Exciter**

Specifications	US	Metric
Electric Motor (hp/kW)	1,500	1117
Dynamic Force (tons/kN)	55	50
Frequency (VPM)	1,600	1600
Amplitude (in/mm)	1/8"	22.22
Pile Clamp Force (tons/kN)	50	445
Maximum Crane Pull (tons/kN)	30	267
Suspended Weight (lbs/kg)	7,200	3268
Length (in/mm)	87	2210
Width @ Thrust (in/mm)	14	356
Height (in/mm)	78	1981

## VIBRATORY HAMMER INFORMATION

**Associated Pacific Constructors, Inc.**  
Offshore • Nearshore • Onshore

**BEST MANAGEMENT PRACTICES**  
Marine Pile Driving Operations

APC will employ all Best Management Practices required to mitigate any spill risks. APC will minimize the source of risks and thereby reduce overall spill and pollution risks on this project. Additionally, this project does not involve any land based activities and there are no rainwater pollution issues from disturbed soil or stockpiles.

Specifically the Project spill and pollution risks will limit to the following:

- No refueling of equipment without adequate containment and spill response equipment. The barge has only double contained fuel storage below decks, in compliance with all regulations.
- Pollution from rainwater runoff from equipment stored on deck will be prevented by maintaining equipment regularly and having double containment when appropriate.
- Debris dropped in the water will be contained within boom surrounding our work area.
- No equipment will be permitted to enter the water with any petroleum products.
- Vessel will have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

### Spills from Pile Driving Operations

- The following measures will be employed to control the risks of fuel or oil spills from equipment during pile driving operations.
  - All equipment used on the barge such as the crane, winches, welding machines and pile hammer, will be in good condition with no fuel or oil leakage.
  - Should any equipment begin to leak, that equipment will be removed immediately from the barge and repaired or replaced.
  - A spill kit will be maintained onsite, for use in containing and cleaning up minor equipment spills.
  - All equipment fueling will take on the barge, with containment in place. No refueling between vessels will be carried out on this project. (The barge has fuel tanks, below deck, onboard which is used to refuel all equipment onboard).
  - An absorbent tarp will be placed underneath the any portable equipment used in this operation.

### Spill Containment and Cleanup Materials and Equipment Inventory

APC will maintain one spill containment and cleanup kits at the site consisting of the following items. The kit will be stored on the deck of the barge or below decks with easy access:

- 150 feet Absorbent Boom 200 square feet
- Absorbent Tarp (for use portable during pile driving operations)
- (1) Barrel Absorbent Pads
- (1) Container Absorbent Granules

**Associated Pacific Constructors, Inc.**  
Offshore • Nearshore • Onshore

### Floating Dock Guide Pile Installation The Boatyard, Morro Bay, CA

**Material**  
The new guide piles consists of the following: 7 - 55" by 16" to 20" diameter by .0375 wall steel pilings (ERW Carbon Steel pipe ASTM A 252 Grade 3). The upper approximate 40 feet of the exterior surface will be coated with a marine grade epoxy/polyurethane coating.

Equipment	Equipment	Specs
Installation of Steel Piles	Derrick Barge with Vibratory Hammer	On Plans
Pile Installation Spud Barge and Crane	JC Freese Derrick Barge	On Plans
Pile Installation Vibratory Hammer	HPSI 150 Vibratory Hammer	On Plans

### Methodology-All work from the water

- Piles will be loaded onto the Derrick Barge "JC Freese at the APC dock, Morro Bay
- Tug and Barge will be transported to Location, positioned for pile installation off The Boatyard project, Morro Bay.
- Fingers will be pre-positioned, alignment confirmed with the alignment on the pier head.
- Turbidity boom installed in close proximity around finger pier.
- Pile is lofted and placed into position
- Verticality and finger position confirmed prior to installation.
- Booms are re positioned prior to pile driving.
- Pile installation occurs. Refer to equipment specifications for specific method.
- Once elevation of top of pile or refusal is achieved, pile installation device is removed from pile.
- Turbidity boom relocated to next location and operation is repeated.

Note: "All equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay."

### BMP provided in Attachment

Associated Pacific Constructors, Inc. 495 Embarcadero Morro Bay, California, 93442  
Tel (805) 772-7472 Fax (805) 772-5803 Contractor's License 394886

LAND/SEA INTERFACE

GENE DOUGHTY-ARCHITECT 1-805-772-0436

THE BOAT YARD SEAWALL REPAIR AND MAINTENANCE

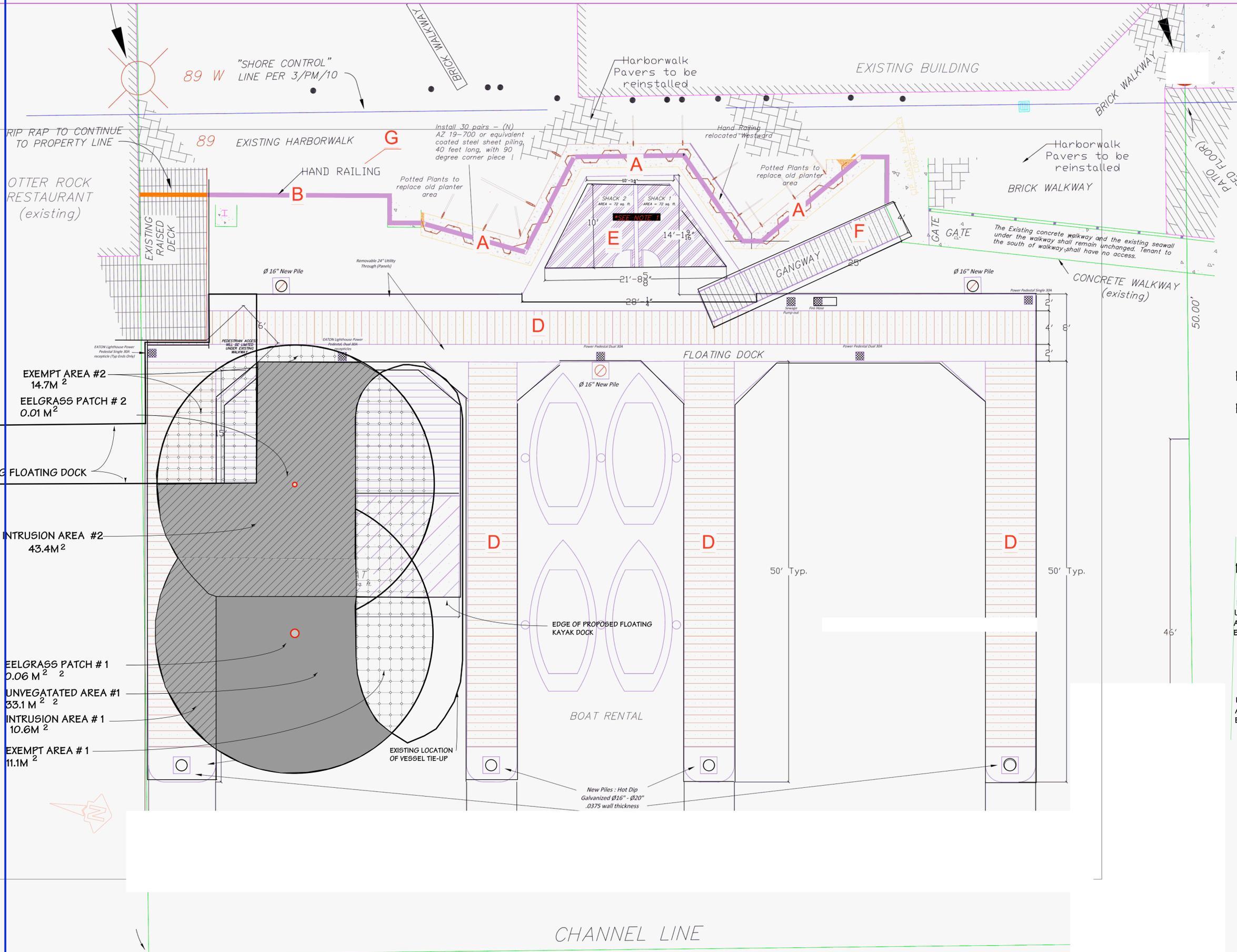
845 EMBARCADERO MORRO BAY, CALIF.

INSTALLATION & PRODUCT INFORMATION

6-8-16  
6-18-16

SCALE AS NOTED DRAWING: GD

SHEET 8 OF SHEET



OTTER ROCK RESTAURANT (existing)

EXEMPT AREA #2  
14.7M<sup>2</sup>  
EELGRASS PATCH # 2  
0.01 M<sup>2</sup>

INTRUSION AREA #2  
43.4M<sup>2</sup>

EELGRASS PATCH # 1  
0.06 M<sup>2</sup>

UNVEGATATED AREA #1  
33.1 M<sup>2</sup>

INTRUSION AREA # 1  
10.6M<sup>2</sup>

EXEMPT AREA # 1  
11.1M<sup>2</sup>

**EELGRASS PLANNING, SURVEY BY TENERA ENVIROMENTAL 5-20-16**

SUBJECT TO CALIFORNIA EELGRASS MITIGATION POLICY.

**LEDGEND**

- EELGRASS-----
- UNVEGATATED---
- INTRUSION AREA--
- EXEMPT-----
- (EXISTING DOCK/VESSEL)

**REFERENCE NOTES**

REFERENCE # PATCH #1

EELGRASS- AREA-----	0.06 M <sup>2</sup>
UNVEGATATED AREAS-----	33.1 M <sup>2</sup>
AMOUNT OF INTRUSION-----	10.6 M <sup>2</sup>
EXEMPT AREA-----	11.1 M <sup>2</sup>

REFERENCE # PATCH #2

EELGRASS- AREA-----	0.01 M <sup>2</sup>
UNVEGATATED AREAS-----	0.0 M <sup>2</sup>
AMOUNT OF INTRUSION-----	43.4 M <sup>2</sup>
EXEMPT AREA-----	14.7 M <sup>2</sup>

**LAND/SEA INTERFACE**  
GENE DOUGHTY-ARCHITECT 1-805-772-9436

**THE BOAT YARD SEAWALL REPAIR AND MAINTENANCE**  
845 EMBARCADERO MORRO BAY, CALIF.

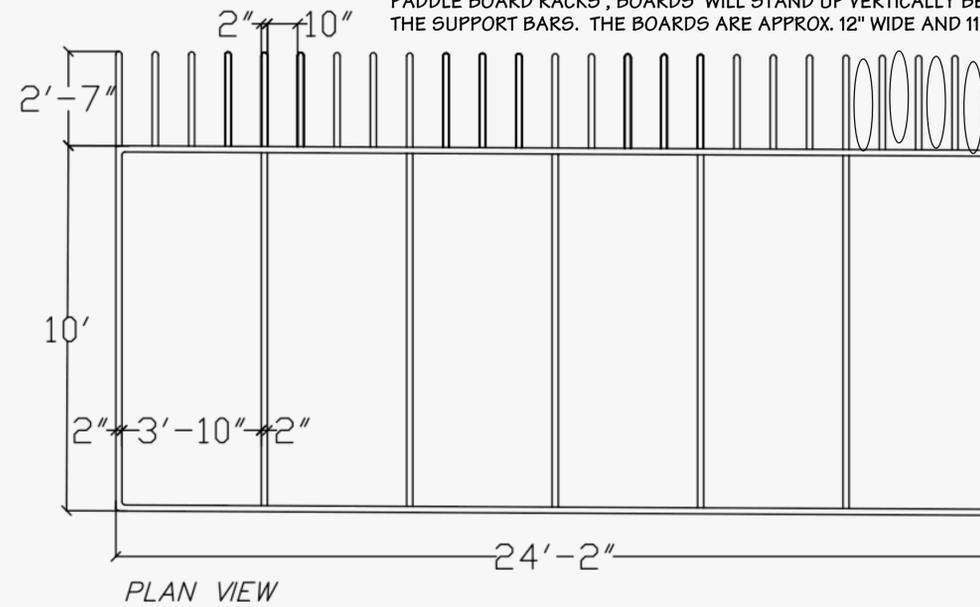
**EELGRASS PLAN SURVEY**

6-8-16  
6-18-16

SHEET **9** OF SHEET

# 24 PADDLE BOARDS

PADDLE BOARD RACKS, BOARDS WILL STAND UP VERTICALLY BETWEEN THE SUPPORT BARS. THE BOARDS ARE APPROX. 12" WIDE AND 11" IN HEIGHT



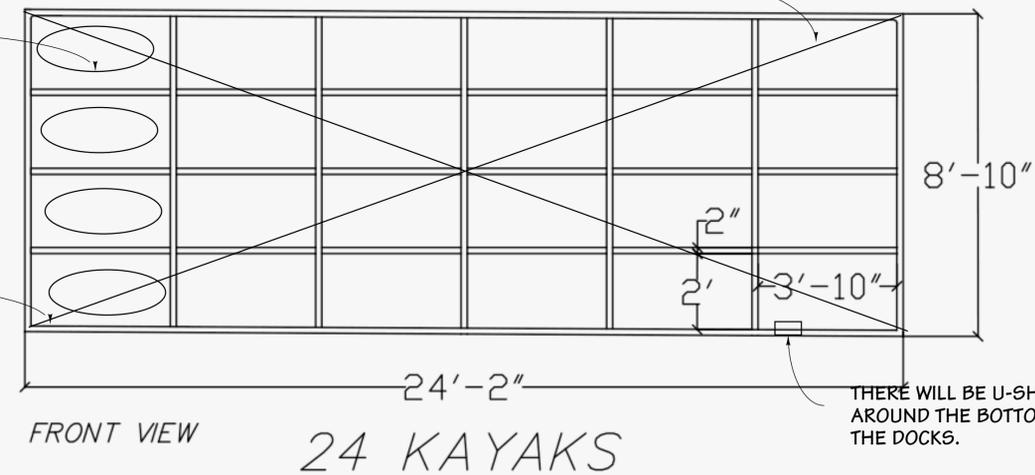
**NOTES!**

MATERIAL FOR RACKS ARE WHITE PVC, SCHEDULE 40 & 80.  
THERE IS NO ROOF/ COVER OVER PADDLE BOARDS OR KAYAKS.

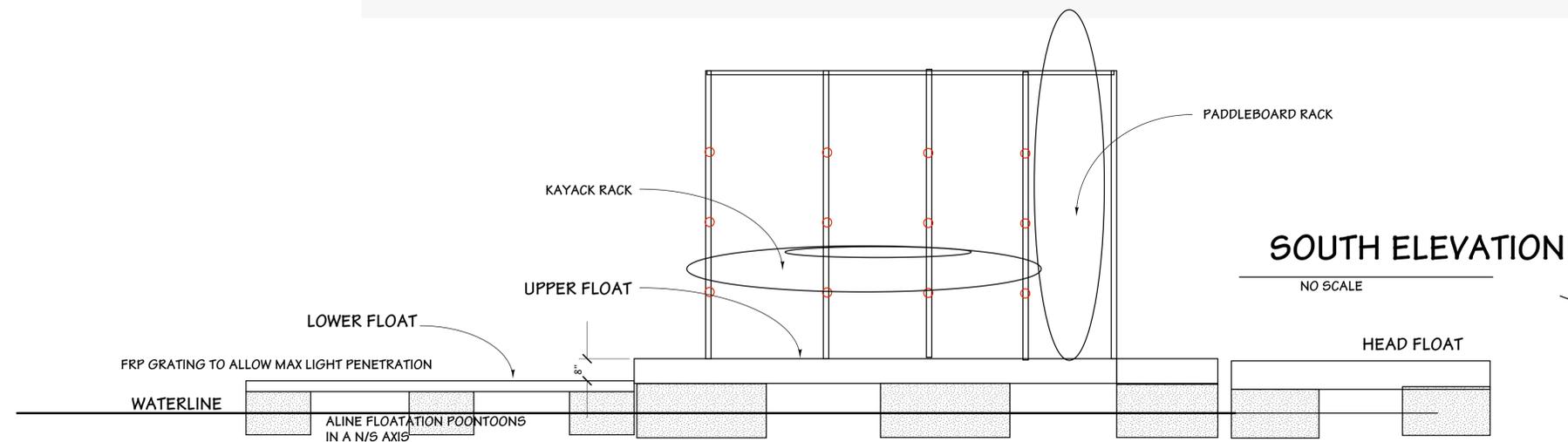
CABLE BRACING FOR RACK ON BACKSIDE(EAST SIDE ONLY) TO SUPPORT RACK.

KAYAKS WILL BE STORED IN THE RACKS

PIPE FOR BASE WILL SIT ON DOCK



THERE WILL BE U-SHAPED BRACKETS AROUND THE BOTTOM TO SECURE THE DOCKS.



**Associated Pacific Constructors, Inc.**  
 •Offshore •Nearshore •Onshore  
 2901 WEST COAST HIGHWAY  
 NEWPORT BEACH, CA 92663  
 949-258-4410  
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NOTES	
DESIGN	
CLIFF BRANCH	
ASSOCIATED PACIFIC CONSTRUCTORS	
845 EMBARCADERO NORRIS BAY, CA 93442	
KAYAK STORAGE DESIGN	
N.T.S. 1-20-17 JT JT	
6/8-16	1