



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.

**Regular Meeting -Tuesday, March 16, 2021 - 6:00 P.M.
Held Via Teleconference**

Vice-Chairperson Susan Stewart
Commissioner Jennifer Ford

Chairperson Jesse Barron

Commissioner Joseph Ingraffia
Commissioner William Roschen

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLANNING COMMISSIONER ANNOUNCEMENTS
PUBLIC COMMENT PERIOD
PRESENTATIONS

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the "raise hand" feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

➤ <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcuTHlRTk9xaTlmWVNWRWFUQT09>

Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to "Raise Hand" for Public Comment*

A. CONSENT CALENDAR

- A-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
- A-2 Approval of minutes from the Planning Commission meeting of February 2, 2021.
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

- B-1 **Case No.:** TRE20-183
Site Location: 355 Cerrito Place, Morro Bay, CA
Project Description: A continued public hearing for appeal of tree removal (#TRE20-183) at 355 Cerrito that was approved by the Public Works Director on December 1, 2020 to remove 4 Monterey Cypress in the Right-of-Way of 355 Cerrito Pl. The permit was appealed on December 10, 2020. Planning Commission heard the appeal at a duly noticed hearing on January 5, 2021. Planning Commission moved on January 5, 2021 to continue the project to a date uncertain in order for the Planning Commission to review an arborist peer review. An Arborist Peer Review prepared by Heritage Tree Arboriculture Consulting was conducted on February 4, 2020 which recommends tree removal.
CEQA Determination: Categorically Exempt, Section 15301, Class 1e
Staff Recommendation: Deny the appeal and uphold the Directors decision to remove the Monterey Cypress trees located in the Right-of-Way of 355 Cerrito Pl.
Staff Contact: Damaris Hanson, Environmental Programs Manager
dhanson@morrobayca.gov (805) 772-6265
- B-2 **Case No.:** *Plan Morro Bay: General Plan/Local Coastal Program Update*
Site Location: Citywide
Applicant/Project Sponsor City of Morro Bay
Proposed Project: Plan Morro Bay: General Plan/ Local Coastal Program Update Project Final Environmental Impact Report (FEIR) and Adoption Hearing Draft for review and favorable recommendation to City Council for certification and adoption. The Adoption Hearing Draft was reviewed by Planning Commission at public hearings on October 20, 2020, November 4, 2020, November 17, 2020, December 1, 2020, and December 15, 2020. Pursuant to the California Environmental Quality Act (CEQA), the Draft Environmental Impact Report (EIR) was circulated to the State Clearinghouse for the review period of October 19, 2020 through December 4, 2020. Plan Morro Bay is an integrated General Plan and Local Coastal Program Land Use Plan which is proposed to update the City's existing separate General Plan adopted in 1988 and Local Coastal Program certified by the Coastal Commission in 1984. The EIR was prepared to examine the potential environmental effects of the General Plan and LCP Update. The Adoption Hearing Draft and Final Environmental Impact Report (FEIR) are available online at www.morrobayca.gov/planmb.
CEQA Determination: Environmental Impact Report (#SCH2017111026)
Staff Recommendation: Review Final Environmental Impact Report (FEIR) and Adoption Hearing Draft of Plan Morro Bay and forward a favorable recommendation for EIR certification of the FEIR and adoption of Plan Morro Bay to City Council.
Staff Contact: Scot Graham, Community Development Director (805) 772-6291

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on April 6, 2021 at 6:00 p.m. via teleconference.

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 805-772-6264 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.

This Agenda may be found on the Internet at: www.morrobayca.gov/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.morrobayca.gov/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 present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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 a \$277 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

Planning Commission Meeting of March 16, 2021

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.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department 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.



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.

Agenda No: A-1
 Meeting Date March 16, 2021

Approved projects are deleted on next version of log.

#	Applicant/ Property Owner	Project Address	Application 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
Hearing or Action Ready Projects:										
1	City of Morro Bay	Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. For more information or to get involved, visit www.morrobayca.gov/planmb . Public draft of combined General Plan/ LCP released May 2018 for review. Worked with Coastal staff on CCC input received during 2019. Adoption Draft to be reviewed by Planning Commission at 10/20/20 hearing. Admin Draft of EIR received and to be circulated. Reviewed by PC at the 11/4/2020 & 11/17/20, 12/1/20, & 12/15/20 PC meetings. 3-16-2021 meeting is for review of the EIR and make recommendations to City Council for adoption.				
2	Gambril	571 Embarcadero	10/14/19	MAJ19-006	Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit	Correction letter sent 11/13/2019. Awaiting resubmittal. Applicant inquired 1-21-21 about potentially re-designing project to include ADA lift access from street side of the building. Awaiting further information. Revised plans received for review 2-10-21 with changes proposed to reflect PC direction. Reviewed resubmitted plans. Project to be agendized for 4/6/21 PC hearing.		PN-Conditionally Approved 10/16/2019		cj
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
3	McDonald	846 Pacific St	2/22/21	CDP21-004	Create an ADU by adding 321 sf to existing garage and converting 278 sf of existing garage (599 sf total)	Under review.				am
4	Hauck	206 Bradley	2/24/21	CDP21-005	1250 sf addition, plus a 665 sf attached ADU and new garage	Under review				nh
5	Currey	154 Orcas	2/9/21	CDP21-003	New ADU and living/entry, kitchen, and master suite additions	Comment letter sent 03/02/21. Awaiting resubmittal.				am

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6	Westbrook	939 Pacific St.	1/28/21	CUP21-02	Addition to existing single family residence. This is a second story addition to a non-conforming home, which requires a conditional use permit.	Under review. Project deemed incomplete and comment letter sent 2/18/21. Awaiting resubmittal.				am
7	Diaz	365 Driftwood	1/19/21	CUP20-13 & CDP21-002	Addition to existing single family home. This is an addition to a non-conforming home which requires a conditional use permit and coastal development permit for duplex unit.	Comment letter sent 2/6/21. Requires resubmittal with changes.				nh
8	Miagany	405 Elena	12/29/20	CUP20-15 & PKG20-05	Conditional Use Permit & Parking Exception for addition to an existing non-conforming single family home	Under review. Project deemed incomplete and incomplete letter sent 1-21-2021. Awaiting resubmittal.				am
9	Vistra	1290 Embarcadero	12/28/20	CDP20-026 & CUP20-14	Battery Energy Storage System (BESS) - New proposed project to construct 600MW BESS on old tank farm north of existing Morro Bay Power Plant. BESS to be constructed as 3 separate buildings, 30 feet in height plus 10 feet of screening for rooftop equipment.	Under initial review. Project deemed incomplete and incomplete letter sent 1-21-2021. Applicant resubmittal received 2-17-2021 and under review currently. Project deemed complete for processing on 2/23/2021. Project plans and documents being evaluated .				cj
10	Phelps	490 Piney Way	11/18/20	CUP20-10/ CDP20-020	1124 sf addition to existing 736 sf home with 518 sf decks, conversion of garage to ADU	Under Review - PC approval of CUP, Admin approval of CDP for ADU. Project deemed incomplete on 12/7/20. Resubmitted 2/25/21, under review.				nh
11	Van Beurden Investments	701 Embarcadero Road	11/17/20	MAJ20-004	Dutchman Harborwalk public access and improvements with wharf changes. Major Modification to CUP.	Under review. Incomplete letter sent 12-10-20.				cj
12	Vazquez	590 Morro Ave	10/22/20	MAJ20-002	CDP/CUP Major Modification to propose equipment upgrade to an existing rooftop telecom wireless site.	Under review. Incomplete letter sent 11/19/20.				cj
13	AT&T	800 Quintana	9/23/20	MAJ20-001	Minor Modification to CDP/CUP Amendment proposed to modify existing rooftop wireless telecommunications site on commercial building. Request includes 3 foot height increase of corner antennas.	Under review. Incomplete letter sent 10/22/20. Resubmittal received 10/28/20 and under review. Project requests a 2nd height exception for a total height of approximately 36 feet. Applicant advised on 11/30/20 that project should be redesigned to comply with height or provide greater substantiation why project is otherwise infeasible. Also requested a coverage map. Project Applicant emailed 1/22/2020 to request change to application and state they are no longer seeking a height exception or to make exterior changes. Project would be modified to swap out and upgrade existing facilities only. Project changes are deemed to be administrative-level approval. Project request revised, no change in height, just upgrade of existing infrastructure. Emailed applicant 2/1/21 with comment letter.				cj

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14	Appel	400 Pico	8/24/20	CDP20-013	Admin CDP for garage conversion to a 408sf ADU	Submittal is under review. Deemed incomplete. Correction letter sent 9/14/2020, waiting for resubmittal				am
15	Hurless	2290 Greenwood Ave	5/7/20	CDP20-007	Legalize ADU from prior construction. Was a previous Code Enforcement issue. Plans difficult to understand.	Correction letter sent 5/18/20. Resubmittal received June 16, 2020 under review. Project deemed incomplete, comment letter sent July 16, 2020. Resubmittal received January 20, 2021. Planning and PW deemed incomplete, comment letter sent 2/6/21				nh
16	Bean	197 Main Street (formerly known as 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-04, VAR20-001	CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street	Project deemed incomplete, comment letter sent January 7, 2020. Resubmittal received 10/26/20 adding a variance request, under review. Planning deemed incomplete, comments sent 11/29/20. Waiting for resubmittal.				nh
17	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	CDP for removal of major vegetation.	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				cj
Projects Appealed to Planning Commission or PC Continued projects:										
18	Twin Bay Inc.	2460 Main Street	12/15/20	MUP20-02	Alcohol and drug rehab center (supportive housing)	This is a resubmittal of previously withdrawn application. Planning disapproved with minor comments. All other departments conditionally approved. Project deemed complete, public noticed from 2/10/21 to 2/20/21. Permit approved and issued on 2/24/21. Project appealed 3/1/21. Tentative for PC hearing on April 6, 2021				nh
Projects Appealed or Forwarded to City Council: None at this time										
Environmental Review:										
19	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	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
Final Map Under Review Projects:										
20	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	Final Parcel map	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received, review comments provided 6-5-19. Disapproved 11-5-19. Waiting for revised submittal to remove improvements not requested by CalTrans. Applicant granted an extension of the timeline to finalize the final parcel map to August 8, 2021. Resubmittal received, planning approved 12/6/20		PN- Disapproved 11-6-2019		nh

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Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										
21	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	Zoning Text Amendment - Second Unit	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. Change recommended by PC after Council direction which led to Adoption of Ord. 585 by City Council on 5/13/14. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. 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 in effect 1-1-20 which supersedes previous adopted ordinances. To be incorporated into Plan Morro Bay.	No review performed.			wm
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:										
22	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	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		ig
Grants										
23	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		\$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. Round 6 funding of \$65,000 received Mar 2020.	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. Additional LCP grant funding received in 2020 under Round 6 for \$65,000 to complete LCP update.	No review performed.	N/A		sg
24	City of Morro Bay	City-wide			Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management in coordination with County staff administration. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting. 2021 CDBG Funding Allocation to be approved as final funding recommendations to the County by City Council on 3-9-21.	No review performed.	N/R		cj

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25	City of Morro Bay	City-wide				Climate Action Plan - Implementation	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
Projects in Building Plan Check:											
26	HASLO	405	Atascadero	12/22/20	B20-0215	35 unit affordable apartments	Planning approved 1/10/21.	Bldg. - Disapproved 2/2/21			nh
27	Wilkie	476-A	Atascadero	3/26/20	B20-0057	ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit.	Correction letter sent 4/30/20.	Bldg. - Approved 4/8/20			nh
28	Goldstein	186	Bayshore Dr.	11/4/20	B20-0190	Remodel kitchen, dining & living area.		Bldg. - Approved 11/09/20			sg
29	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Permit extended to 9-22-22	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
30	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior remodel.	Planning disapproved 1/31/20. Project requires a Conditional Use permit. Planning cannot approve building permit until Conditional Use Permit is final and permit issued. CUP20-13 received, building review following CUP/CDP approval.	Bldg. - Approved 12/29/20			nh
31	Hubbard	603	Driftwood	3/1/21	B21-0030	Interior remodel of kitchen and bath, enclose 24 sf porch to enlarge kitchen, 548 sf two story addition at rear of SFR (348 sf lower, 200 sf upper), 104 sf second story deck, and remove existing 240 sf carport.	Under review. Minor changes shown, requires documentation for the record.	Bldg. Plancheck			nh
32	City of Morro Bay	833	Embarcadero	12/30/20	B20-0220	Demo existing 2 story structure (formerly Off the Hook - Retail & Restaurant) Construct new mixed use structure, 2 story with retail, restaurant, and hotel space.	Disapproved 1-25-21. Correction memo sent to Bldg. Cj.	Bldg. - Disapproved 1/25/21			cj
33	Lawrence	2590-A	Hemlock Ave.	1/21/21	B21-0009	Attached ADU - The first floor of new single family residence will consist of a 643 sf Accessory Dwelling Unit (ADU). See permit B21-0008 for primary dwelling permit.	Planning approved 1/24/21	Bldg. Disapproved 1/28/21			nh
34	Lawrence	2590	Hemlock Ave.	1/20/21	B21-0008	Demolition of existing 888 sf single family residence (SFR) and construction of new two story SFR, 1298 sf living on second floor with a 630 sf attached tandem garage and 119 sf 2nd floor deck. See permit B21-0009 for first floor Accessory Dwelling Unit (ADU).	Planning approved 1/24/21	Bldg. - Disapproved 1/28/21			nh

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35	May	401	Kern Ave.	2/11/21	B21-0024	Interior remodel of kitchen, bath and stairs, converting 288 sf of garage area to 1st floor living area, 65 sf addition to 2nd floor living area (353 sf total living area addition) new 437 sf garage addition to remaining 107 sf of garage. New 300 sf covered patio and 650 sf roof top deck.	Under review.	Bldg. Plancheck			am
36	Yaroslava	2670	Laurel Ave.	10/28/20	B20-0186	New multi-level SFR on existing vacant R-1/S2 lot. Residence designed as 3 bedroom, 3 bathroom, approx 2150 sf w/play room & enclosed attached 485 sf 2 car garage. Existing driveway, graded/paved pad & site retaining wall to be modified.	Approved 11/23/2020.	Bldg. - Approved 3/1/21	Disapproved 12-10-20.		am
37	Ellis	120	Main St.	3/1/21	B21-0031	Addendum to B19-0097 - Reduce scope of work, no longer constructing the 178 sf family room addition, and the 223 sf covered patio.		Bldg. Approved 3/2/21			cj
38	Haworth Beach Properties	273 1/2	Main St.	1/25/21	B21-0011	Replace damaged flooring & drywall, upgrade electrical wiring, repair roof damage, upgrade kitchen cabinets & appliances.		Bldg. Disapproved 1/27/21			sg
39	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg. - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 4/15/19		sg
40	Sonic	1840	Main St.	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension. Planning permit extension requested and granted to allow new permit expiration of April 2021.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB Permit extended to 4/18/21	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
41	Twin Bay Inc.	2460	Main St.	7/21/20	B-32117 B20-0114	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Resubmittal received 2/2/21, planning approval pending issuance of MUP permit. Planning approved ADA improvement permit	Bldg. Approve 2/9/21			nh
42	Cleath	2790	Main St.	7/2/20	B20-0106	Remove 736 sf existing building and construct new 4996 sf 8 room hotel.	Planning approved 7/27/20.	Bldg. - Approved 2/17/21			nh
43	Leonard	918	Marina St.	3/8/21	B21-0039	Construct 420 sf deck with steps (just under 5 ft. in height) at front of SFR, also install French drain.		Bldg. - Plancheck			sg
44	Biaggini	1148	Market Ave	2/4/21	B21-0018	New two story SFR, 1635 sf living with attached 438 sf garage and 104 sf 2nd floor deck, at the rear of the lot.	Planning approved	Bldg. - Disapproved 2/22/21			nh
45	Biaggini	1148-A	Market Ave	2/4/21	B21-0019	Existing single story SFR to be relocated to a new foundation and will become a 1,008 sf detached Accessory Dwelling Unit (ADU).	Planning approved	Bldg. - Disapproved 2/22/21			nh

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46	Biaggini	1148-A	Market Ave	2/4/21	B21-0020	New 500 sf attached Jr. Accessory Dwelling Unit (JADU) on the ground floor.	Planning approved	Bldg. - Disapproved 2/22/21			nh
47	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20. Awaiting resubmittal.	Bldg - Diapproved 1/30/20			nh
48	Stewart	2401	Nutmeg Ave	12/30/20	B20-0219	Remove two existing damaged wind barrier walls (Dryrot and termite) From west facing 12'-0" x 24'-0" 2nd story. Rebuild approx. 60% of same (12'-0" x 24'-0") to include (1) a partially enclosed all weather cover. (2) Convenience electrical wall outlets / lighting. (3) Create an additional emergency exit to ground level.	Planning disapproved 01/04/2021. Awaiting resubmittal. Resubmittal received 03/01/21 and is under review.	Bldg. - Approved 1/7/21			am
49	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg. - Approved 3/27/19			wu
50	Enns	655-A	Paula St.	11/3/20	B20-0189	ATTACHED ADU - Demo existing attached garage & construct new 395 sf attached garage with 866 sf ADU.	Under review. Disapproved 11/23/2020. Awaiting resubmittal of CDP 20-019 before building plans can be approved. CDP approved 12/29/2020.	Bldg. - Disapproved 11/05/20			am
51	Behman	965	Pelican Pl.	3/8/21	B21-0041	Interior remodel (reconfigure kitchen and dining area), new electrical wiring throughout, panel upgrade from 70 amp to 100 amp, new plumbing lines, new interior gas lines, and new mini split heat pump.		Bldg. - Plancheck			co
52	Renent	325	Pico St.	11/4/20	B20-0191	Install sunroom 12'x20.5'	Disapproved 11/10/2020. Awaiting resubmittal.	Bldg. - Disapproved 11/09/20			am
53	Lee	684	Piney Way	9/10/20	B20-0168	Demo existing detached 416 sf work shed with bathroom & reconstruct new 416 sf garage/shop with electrical, keeping existing bathroom on existing slab/foundation.	Planning disapproved 9/15/20. Requires a Admin CDP and Parking Exception prior to review and approval of the building permit. Waiting for submittal.	Bldg. - Disapproved 3/1/21			nh
54	Scharin Family Trust Johan C. Scharin Trustee	710	Quintana	5/21/20	B20-0082	Remodel of former Dollar Tree into a new O'Reilly Auto Parts for the retail sale of automotive parts and accessories.		Bldg. - Approved 1/12/21			wu
55	Halferty Management	740	Quintana Rd.	3/8/21	B21-0037	Removal of 4 sets of channel letters, installation of 3 sets of LED letters & replace 2 plexi faces in existing directory.		Bldg. - Approved 3/8/21			co
56	Volk	800	Quintana Rd.	3/2/21	B21-0034	Addition of 30 kw diesel backup generator with a 190 gallon subbase fuel tank on a 4' x 10' concrete pad. Install new CMU walls with screened chain-link access gates, and install automatic transfer switch and camlock together.		Bldg. Plancheck			cj
57	PG&E	475	Radcliff Ave.	2/9/21	B21-0023	Installation of six panel antennas and associated equipment on an existing 73-foot PG&E lattice tower. Equipment will be enclosed by an 8-foot tall CMU wall placed 35 feet from the base of the lattice tower.	Under review	Bldg. Approved 2/17/21			cj

#	Applicant/ Property Owner	Project Address		Application 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
58	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and associated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
59	Hosford	775-A	Ridgeway St.	3/8/21	B21-0040	ATTACHED ADU - Create new 700 sf accessory dwelling unit (ADU) from 1400 sf non conditioned storage space under SFR, 700 sf will remain unconditioned storage space.		Bldg. Plancheck			am
60	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Conditionally approved 1/3/20. Review resubmittal - disapproved 1-25-21 - conditions not met. Applicant is processing required documents 3/8/21	Bldg. - Approved 2/17/21			nh
61	Parker	580	Shasta Ave	8/31/20	B20-0159	Add new detached garage	Planning under review. Planning disapproved 9/8/20. Need resubmittal	Bldg. - Disapproved 9/14/20			nh
62	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane,, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg. - Approved 3/27/19			wu
63	Kelter	1107	West Ave	3/2/21	B21-0033	Add 18 sf to extend kitchen area by removing an angled wall and constructing a straight wall and adding a 6030 window.	Under review, issues related to bluff setback and previous permit restrictions.	Bldg. - Plancheck			nh
64	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg. - Approved 7/10/19			nh
Planning Projects & Permits with Final Action:											
65	Zinngrabe	Seashell Estates Subdivision / 1305 Theresa Dr. (301 Sea Shell Cove)		9/28/20	MIN20-008	Minor Modification to CDP/CUP to reduce development limit line of Lot 7 by 229sf to reduce impacts to sensitive plant species.	Under review. Applicant requested project to be put on hold. Applicant's Agent emailed 1/14/21 to request to proceed with processing amendment. Correction letter sent 2/9/21 to clarify map amendment process. Clarified size of Lot 7 not changing. Minor amendment only to reduce the development limit line of Lot 7. Exhibit corrections emailed to Applicant 2/19/21. Revised exhibit of Lot 7 received depicted reduced development limit line. Project modification approved 3/4/21.				cj

#	Applicant/ Property Owner	Project Address	Application 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
66	Gaffney	960 Napa	10/14/20	CUP20-09/CDP20-017/PKG 20-03	A 984 sf addition to existing single family home with single car garage. Resubmittal changes: demo existing garage, build new 2 car garage with ADU above.	Under review. Comment letter sent 11/1/20, need resubmittal. Comments sent 1-15-21. Resubmittal received 1/25/21 and is under review. PC hearing on March 2, 2021. Project approved by PC, permit issued 3/2/21				nh
67	Godfrey	396 Hill St.	1/28/21	MIN21-002	Minor Modification to CPO-515/UPO-455 for a duplex in an MCR/R-4/SP zone. Minor layout and exterior design changes to approved plans.	Under review. Project deemed incomplete and comment letter sent 2/16/21. Resubmittal received 2/22/21 and is under review. Permit issued 03/09/21.				am
68	HASLO	405 Atascadero	10/8/20	LTM20-01	Lot Merger application	Under Review. Comment letter sent 10/29/20. Resubmittal received 2/8/21, Planning approved 2/23/21 preparing recording documents. Project deemed complete 2/24/21, documents to be signed and recorded.				nh

Staff Directory:
 Scot Graham - sg Chad Ouimet - co Cindy Jacinth - cj Pam Newman - pn Nancy Hubbard - nh Abby Miramontes - am

AGENDA ITEM: A-2

DATE: MARCH 16, 2021

ACTION: DRAFT

**ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 2, 2021
HELD VIA TELECONFERENCE – 6:00 PM**

PRESENT:	Jesse Barron	Chairperson
	Susan Stewart	Vice-Chairperson
	Joe Ingraffia	Commissioner
	Jennifer Ford	Commissioner
	Bill Roschen	Commissioner
STAFF:	Cindy Jacinth	Senior Planner
	Nancy Hubbard	Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER

Commissioner Barron welcomed the two new Planning Commissioners, Jennifer Ford, and Bill Roschen.

MOMENT OF SILENCE

PLANNING COMMISSIONER ANNOUNCEMENTS

<https://youtu.be/46N5QYkBKzk?t=139>

Commissioner Stewart welcomed the new Planning Commissioners. Stewart noted the new City Council liaison is Jeff Heller. Stewart notified everyone there is a power point presentation by Vistra Energy on the potential lithium battery storage project. It is located in the “Hot Topic” section of the City of Morro Bay’s website.

ELECTION OF CHAIR AND VICE CHAIR

<https://youtu.be/46N5QYkBKzk?t=259>

Jesse Barron was voted unanimously as the Chairperson of the Planning Commission.

Susan Stewart was voted unanimously as the Vice-Chairperson of the Planning Commission.

PUBLIC COMMENT PERIOD

Chairperson Barron opened the Public Comment period.

<https://youtu.be/46N5QYkBKzk?t=333>

Betty Winholtz, Morro Bay, notified the Planning Commission there was some work being done on La Loma Avenue near Quintana Road. Winholtz stated she assumed this was for the WRF Project underground utilities. Her issue is there were no survey markers and wanted to know if the neighbors were notified of the work being done. Her concern was, there would be no access to Quintana Road.

Chairperson Barron closed the Public Comment period.

<https://youtu.be/46N5QYkBKzk?t=429>

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

➤ <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHIRTk9xaTlmWVNWRFUQT09>

Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “**Raise Hand**” for Public Comment*

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/46N5QYkBKzk?t=468>

A-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

A-2 Approval of minutes from the Planning Commission meeting of November 17, 2020.
Staff Recommendation: Approve minutes as submitted.

A-3 Approval of minutes from the Planning Commission meeting of December 1, 2020.

Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Stewart moved to approve the Consent Calendar. Commissioner Ingrassia seconded, and the motion passes 5-0.
<https://youtu.be/46N5QYkBKzk?t=481>

B. PUBLIC HEARING

B-1 Case No.: CUP20-12 and CDP20-022

Site Location: 2650 Main Street, Morro Bay, CA

Request: Approval of Coastal Development Permit (CDP20-022) and a Conditional Use Permit (CUP20-12) to allow a new recycling center consisting of two 216 square foot cargo containers on a 750-sf gravel pad in the undeveloped area north of the Spencer's Market building along Elena Street. The project complies with the development standards of the zone and the Cargo Container policy. The project zoning is MCR/R-4/SP and the site is not located within the coastal appeals jurisdiction.

CEQA Determination: Categorically Exempt, Section 15311, Class 11

Staff Recommendation: Conditionally approve

Staff Contact: Nancy Hubbard, Contract Planner nhubbard@morrobayca.gov

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Planning Commissioners presented their questions to staff.

Chairperson Barron opened the Public Comment period.
<https://youtu.be/46N5QYkBKzk?t=1538>

Jake Raper, agent for applicant, stated the applicant agrees with the proposed condition, as well as the proposed added condition recommended by the city staff.

Betty Winholtz voiced her concerns about noise and fencing. Winholtz would like to move the project to another site if possible. Winholtz stated the property north of Spencer's Market used to be a burial site and should be looked at if there will be any type of digging in the area.

Chairperson Barron closed the Public Comment period.
<https://youtu.be/46N5QYkBKzk?t=1805>

The Commissioners presented their questions to the applicant.

Chairperson Barron closed the Public Comment period.
<https://youtu.be/46N5QYkBKzk?t=2743>

Discussion between the Commissioners.

MOTION: Commissioner Stewart moved to approve Coastal Development Permit CDP20-022 and Coastal Use Permit CUP20-12, to allow the new recycling center

consisting of two 216 sq. ft. cargo containers on a 750 sq. ft gravel pad in the designated area with three (3) added conditions: 1) Clean Site 2) Fence Maintenance and 3) Review in one (1) year. Commissioner Roschen seconded, and the motion passes 5-0, with Stewart, Ingrassia, Ford, Roschen and Barron voting yes.

<https://youtu.be/46N5QYkBKzk?t=4056>

Hubbard notified the Commission there is a condition for an administrative review if the site should need to change from the original 750 sq. ft. to accommodate fencing and bigger space for the containers.

Planning conditions 11, 12, and 13 added by the Planning Commission:

- 11. Clean Site Requirement: The site area will be monitored at the beginning and end of each day to ensure that any recycling items and/or related trash are removed from the site area. Site area includes inside of the fenced area as well as the area surrounding the recycling center area. Added by Planning Commission February 2, 2021.***
- 12. Fence Maintenance: The fence and gate surrounding the recycling center shall be maintained to be in good condition and function to the Community Development Director's satisfaction. Added by Planning Commission February 2, 2021.***
- 13. First year review: The project will be reviewed by the Community Development Director after one-year operations to ensure that the facility and operations continue to operate in accordance with the conditions. Added by Planning Commission February 2, 2021.***

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/46N5QYkBKzk?t=4401>

Chairperson Barron welcomed new Planning Commissioners Jennifer Ford and Bill Roschen and thanked them for volunteering their time.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

<https://youtu.be/46N5QYkBKzk?t=4454>

Jacynth updated the Commission on the Plan Morro Bay General Plan/Local Coastal Program Update and EIR (Environmental Impact Report).

G. ADJOURNMENT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 2, 2021

The meeting adjourned at 7:20 p.m. to the next scheduled Planning Commission meeting via teleconference, on February 16, 2021 at 6:00 p.m.

Jesse Barron, Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: March 16, 2021

Staff Report

TO: Planning Commissioners

DATE: March 4, 2021

FROM: Damaris Hanson - Environmental Programs Manager

SUBJECT: Continuation of Appeal of Administrative Decision, removal of four trees in public right-of-way (355 Cerrito Place).

RECOMMENDATION

Deny the appeal and uphold the Director's approval of tree removal at 355 Cerrito, permit TRE20-183, by adopting Planning Commission Resolution 05-21.

APPELLANT

Betty Winholtz

APPLICANT

Charles (Josh) and Christine Martin, property owners at 355 Cerrito Place

LOCATION, ADDRESS/ASSESSORS PARCEL NUMBER (APN):

Monterey Cypress Trees in public right-of-way at 355 Cerrito Place (APN 066-341-021)

SUMMARY

On November 19, 2020, The City of Morro Bay received a tree removal request letter and replanting plan (Exhibit B) from Josh and Christine Martin the property owners at 355 Cerrito Place. A Certified Arborist's report (Exhibit C) and a Monarch butterfly habitat assessment (Exhibit D) was also submitted. The tree removal request letter requested the removal of 14 Monterey Cypress trees, nine on private property and five within the Public right-of-way. The removal request letter, certified arborist report and site visits to the property were all evaluated and conducted by both Community Development and Public Works staff. After review by both departments, it was determined the removal of these trees was granted based on the certified arborist's findings as detailed in the report, tree replanting plan and Monarch butterfly assessment. The trees were publicly noticed for removal on December 1, 2020 and the 10-day

Prepared By: DH

Department Review: RL

appeal period expired on December 10, 2020. An appeal was submitted by Betty Winholtz on December 10, 2020 (Exhibit E). The appeal is for four of the five trees in the public right-of-way. The appellant is not appealing the second tree from the street. The appellant is also not appealing the removal of nine trees on the applicant's private property and removal approved by administrative coastal development permit (CDP20-021) on December 11, 2020.

Planning Commission heard the appeal at a duly noticed hearing on January 5, 2021. Planning Commission moved on January 5, 2021 to continue the project to a date uncertain for the Planning Commission to assess an arborist peer review. An Arborist peer review prepared by Heritage Tree Arboriculture Consulting was conducted on February 4, 2020 which recommends tree removal (Exhibit G).

REGULATORY SETTING

Pursuant to Morro Bay Municipal Code (MBMC) section 12.08.080, the Public Services (sic) (Works) Director's determination of tree removal may be appealed to the Planning Commission following payment of the applicable fee and a public hearing shall be held following public notice. The function and duties of the Planning Commission as the appellant body are to review the appeal, administrative record and written correspondence received by staff and included in the staff report and either grant or deny the appeal.

Following the public hearing, the planning commission shall grant or deny the appeal. The granting of the appeal by the planning commission may be subject to conditions deemed appropriate to mitigate the impacts to the community and neighborhood due to the removal of the tree(s). Any person aggrieved by the decision of the planning commission may file an appeal to the city council. The city council shall then conduct a public hearing under the same provisions as stated above.

DISCUSSION

Rodney Therman, Certified Arborist and owner and of Heritage Tree Arboriculture, is under contract with the City of Morro Bay. In his role as consulting arborist, he reviews various Arborist reports submitted to the City by citizens and consults with City staff on "trees of concern". Heritage Tree is not a licensed contractor, nor do they provide trimming, bracing or removal services, Heritage Tree offers all aspects of tree consultation regarding tree care.

Heritage Tree was asked to assess the health and stability of the four Monterey Cypress and also to assess the trees failure. Mr. Thurman visited 355 Cerrito on February 4, 2021 and performed a tree evaluation. City staff provided Mr. Thurman with the previous Greenvale Arborist report, appeal, and addendum. City staff and Josh Martin received the Tree Evaluation report from Heritage Tree and City staff provided the report to the appellant, Betty Winholtz.

The report looked at each tree separately and assessed the trees growing environment and condition of trees, parts of tree most likely to fail, targets, tree risk and risk mitigation. The

report concludes to remove the four Monterey Cypress trees due to the tree's health. The report states "all of the trees had overextended branches and declining tops". "Risk mitigation pruning to reduce or remove the overextend branches would eliminate form 50-75 percent of the live, green canopy and compromise the health of the trees by removing their ability to photosynthesize."

CONCLUSION:

Staffs review of the proposed tree removals meet requirements set forth in MBMC 12.08.070 for tree removal. Both Arborists reports and supplemental information provided confirm the reasons for removal and replacement. Additionally, the applicant has stated they will be providing the City with four Monterey Cypress trees for the City to plant in an appropriate location within the City of Morro Bay.

Staff recommends the Planning Commission deny the appeal and uphold the Public Works Director approval of tree removal as specified by Planning Commission Resolution 05-21, attached as Exhibit A.

EXHIBITS:

Exhibit A – Planning Commission Resolution 05-21

Exhibit B – Tree removal request letter and replanting plan

Exhibit C – Arborist Report by Greenvale

Exhibit D – Monarch butterfly habitat assessment

Exhibit E – Appeal

Exhibit F – Addendum to appeal

Exhibit G – Tree Health and Risk Assessment report by Heritage Tree

EXHIBIT A

Planning Commission Resolution 05-21
TRE20-183, 355 Cerrito Place
Page 1

RESOLUTION NO. PC 05-21

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING THE APPEAL OF ADMINISTRATIVE DECISION BY THE DIRECTOR OF PUBLIC WORKS TREE REMOVAL TRE20-183 ALLOWING THE REMOVAL OF FOUR CITY TREES LOCATED AT 355 CERRITO PLACE

WHEREAS, Property owners at 355 Cerrito Place, Charles and Christine Martin, submitted a request for tree removal permit on November 19, 2020 for the removal of five tree located within the public right-of-way; and

WHEREAS, The City of Morro Bay administratively approved tree removal request TRE20-183 and posted the tree for removal on December 1, 2020; and

WEREAS, Betty Winholtz submitted a timely appeal of the City's approval of tree removal request TRE20-138 for the removal of four trees on December 10, 2020; and

WHEREAS, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing via video conference on January 5, 2021 for the purpose of considering approval of the removal of 5 Monterey Cypress trees in the public right-of-way at 355 Cerrito Place; and

WHEREAS, pursuant to the Governor's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19, the City of Morro Bay Planning Commission is authorized to hold public meetings via teleconferencing and all requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived; and

WHEREAS, notice of the public hearing was provided at the time and in the manner required by law; and

WHEREAS, Commissioner Lucas moved to continue the project to a date uncertain in order for the Planning Commission to review an arborist peer review. Staff to review potential status of locations for future banking of trees. Commissioner Ingraffia seconded.

WHEREAS, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing via video conference on March 16, 2021 for the purpose of reviewing an arborist peer review and considering approval of the removal of 4 Monterey Cypress trees in the public right-of-way at 355 Cerrito Place; and

EXHIBIT A

Planning Commission Resolution 05-21

TRE20-183, 355 Cerrito Place

Page 2

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the appellant, applicant, interested parties, Arborist reports, 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:

1. Deny the tree removal appeal, allowing the property owners to remove four trees located in the public right-of way at 355 Cerrito Place.
2. Four Monterey Cypress replacement trees to be provided by the Applicant to the City for planting within the City of Morro Bay in appropriate locations.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of March 2021 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jesse Barron , Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted on this 16th day of March 2021.

EXHIBIT B

RECEIVED

NOV 19 2020

City of Morro Bay
Community Development Dept.

Charles "Josh" and Christine Martin

355 Cerrito Place

Morro Bay, CA 93342

To the City of Morro Bay and the Planning Commission:

My wife and I are RN's at French Hospital and recently purchased the home at 355 Cerrito Place which was in severe disrepair. We have been diligently upgrading the home for the last few months. One of the first items we wanted to address were the trees in front of our property. We have two little girls and the trees appeared unsafe and caused us great concern.

The following is a request for a tree removal permit at 355 Cerrito Place in Morro Bay. There are 14 trees in the driveway that are diseased and/or unhealthy as evidenced by an arborist report which we are including. Five of the 14 are in the right of way. Located in the arborist report is a diagram of the tree location. We are also including a monarch butterfly survey to show that the trees are not inhabited by them.

The tree replacement rate per city rules are 2 - 5gallon or 1- 15 gallon for every tree removed. In preparation of this permit we planted 14 Silver Sheen Pittosporum as I was unaware of the 2-1 ratio. The 14 -5 gallon will cover removal of 7 trees. I have included our landscape design which will be completed by Ian Gaffney Landscape or IGL pavers and future permits will follow. For the remaining 7 trees we will be planting a minimum of 14-5 gallon and a few 15 gallon to cover the remaining replacment. The design and other current photos are labeled 'Design and Photos' and have been submitted.

We look forward to working with you and please contact us at any time with any questions you may have. Thank you.

Sincerely,

Josh and Chris Martin

Handwritten signatures of Josh and Chris Martin. The signatures are in black ink and appear to be cursive. The top signature is likely Josh's and the bottom one is likely Chris's.

EXHIBIT B

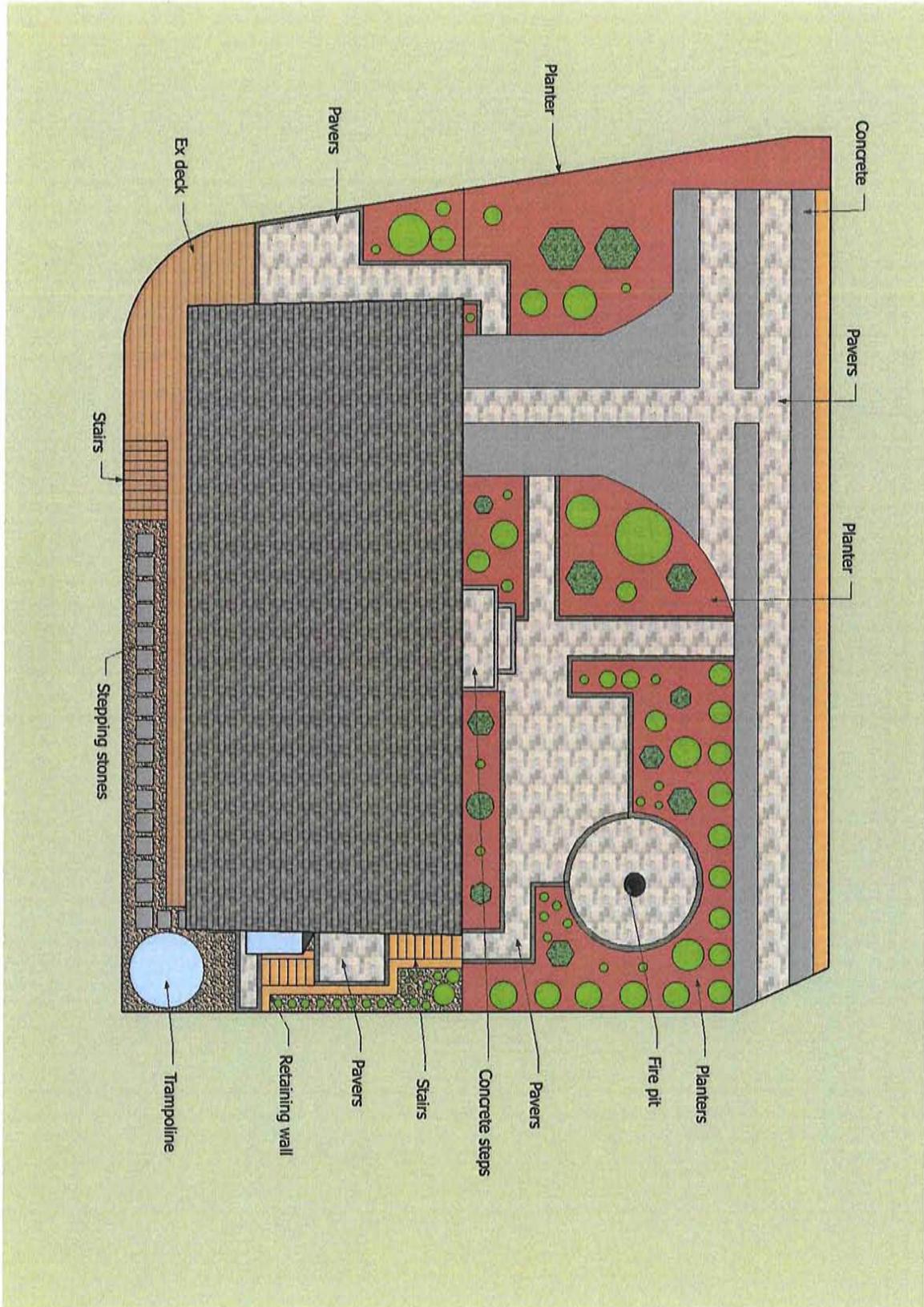


EXHIBIT B



EXHIBIT B



Silver SUV
North edge

→ → →

EXHIBIT B

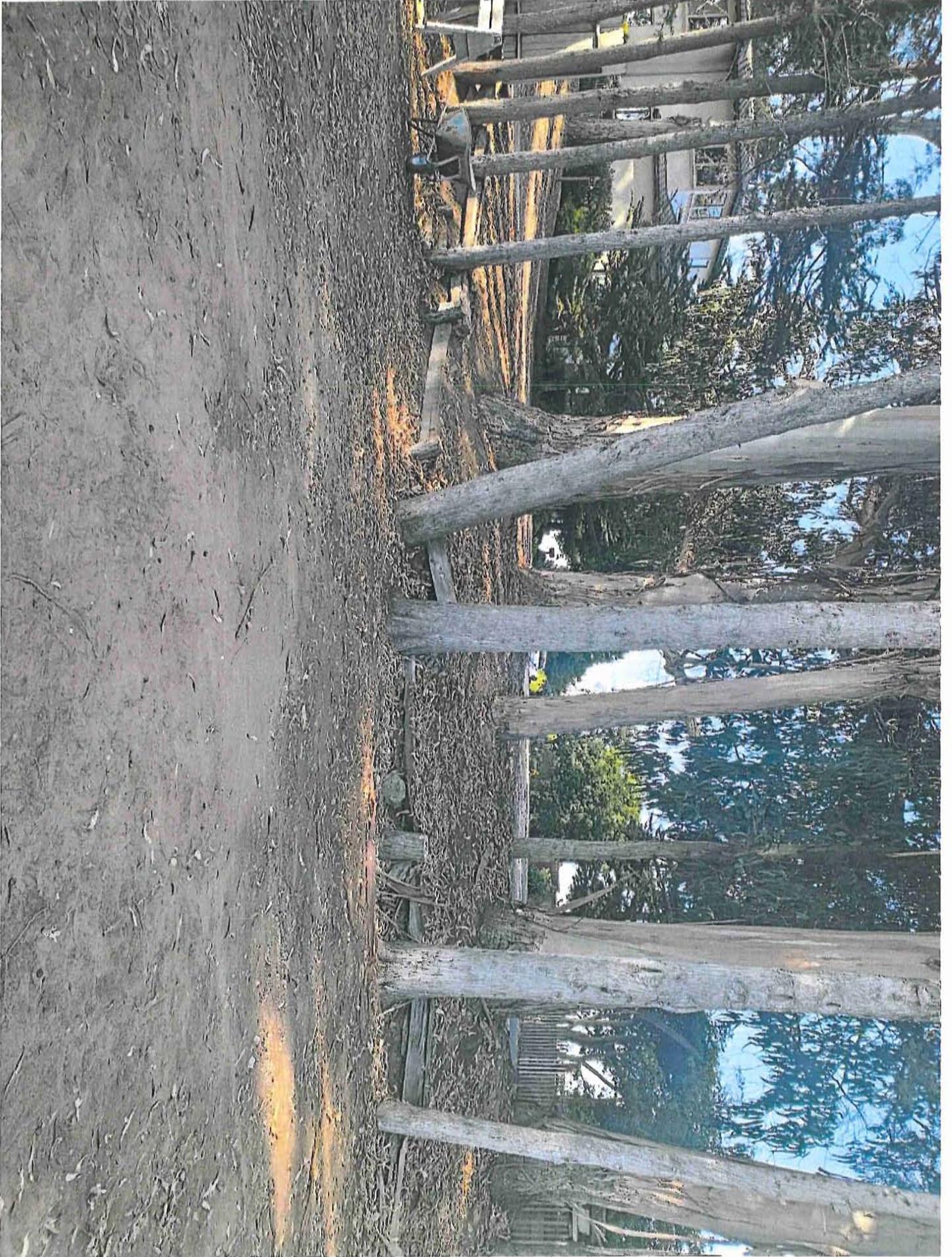


EXHIBIT B



EXHIBIT B

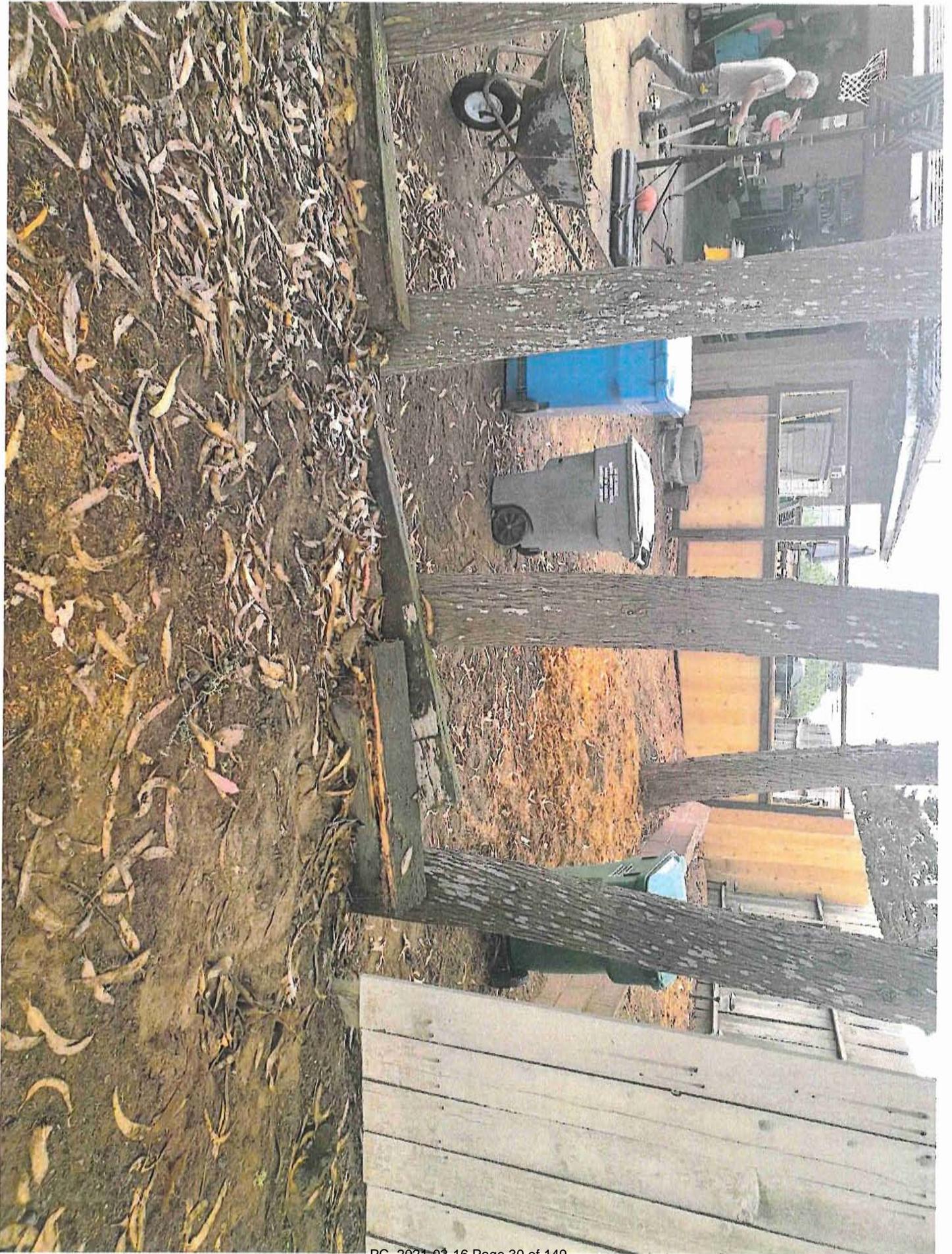


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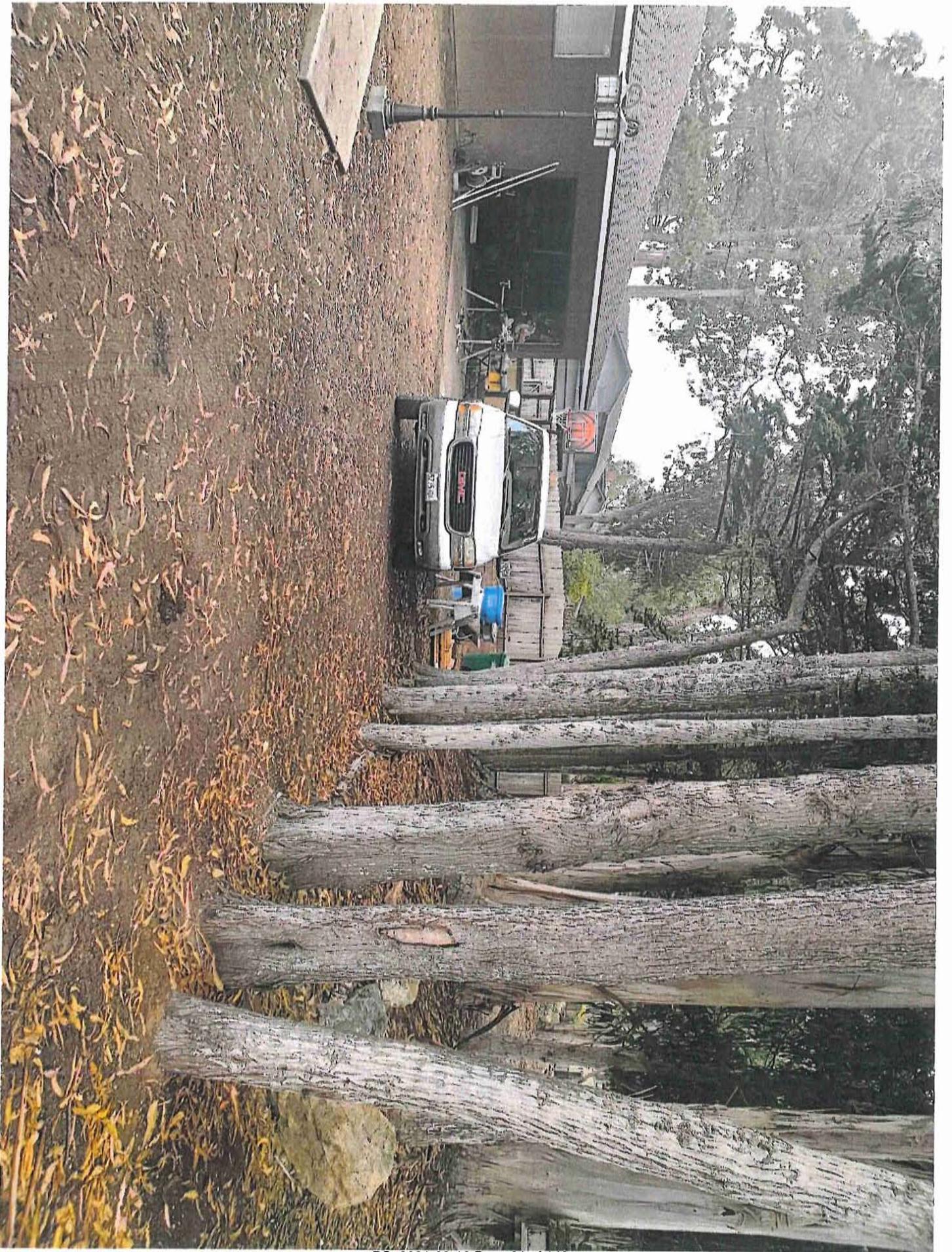


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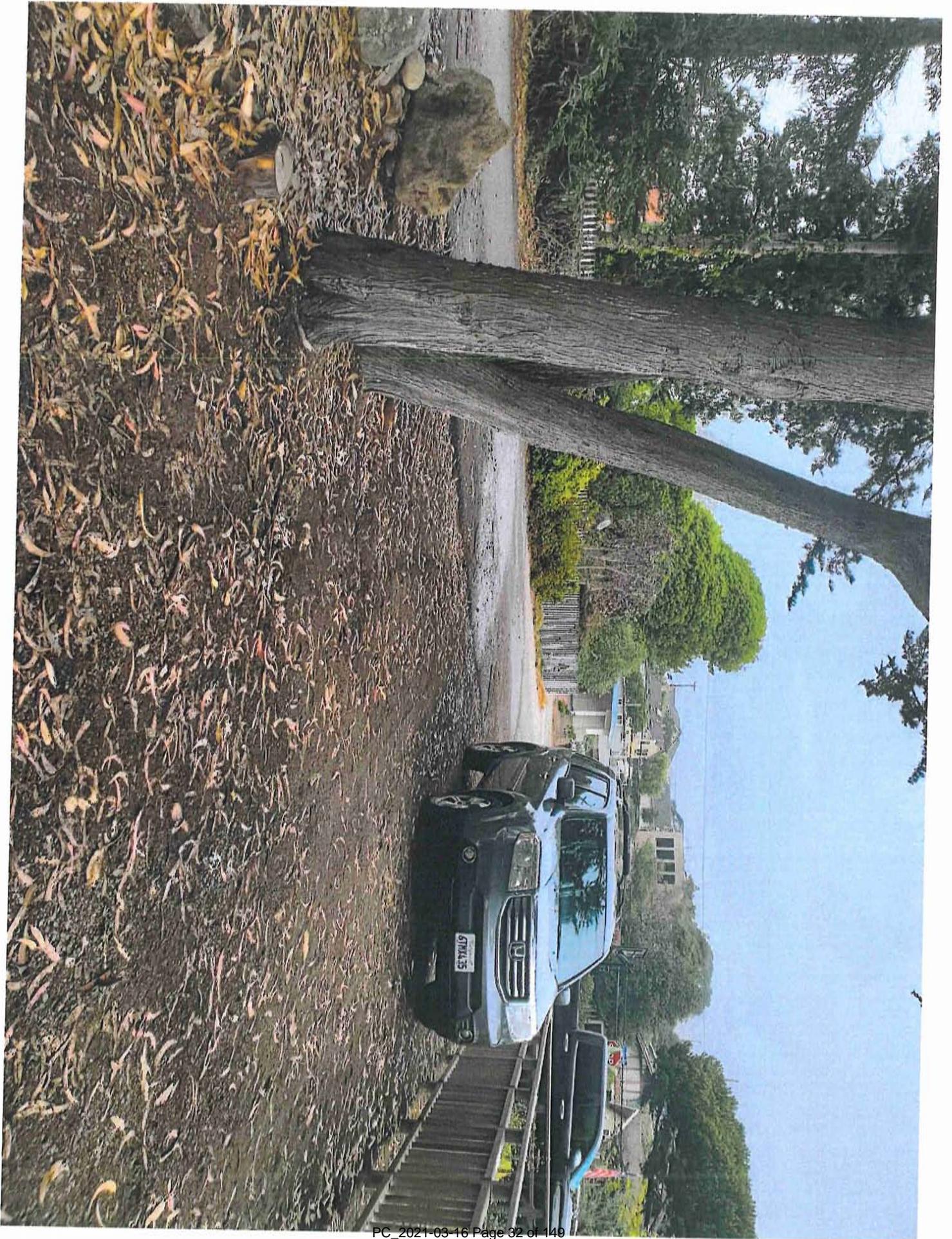


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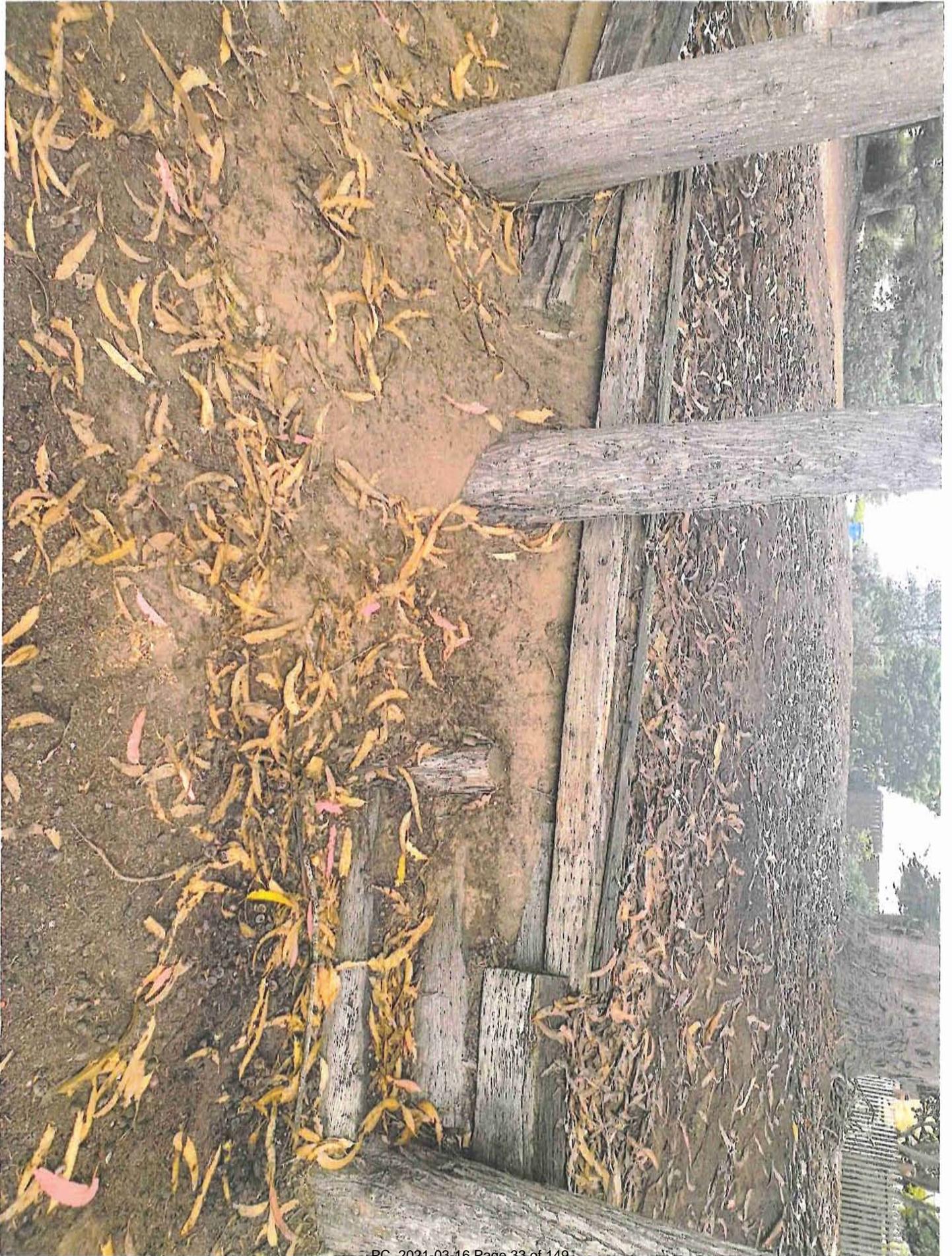


EXHIBIT C



GREENVALE TREE COMPANY

September 29, 2020

Arborist Report

For: Josh Martin
355 Cerrito Place
Morro Bay, CA

Plant ID *Hesperocyparis macrocarpa* (Monterey Cypress)

Task Evaluate (14) trees growing along easement and below Blue Gum Eucalyptus

Soil Original native soil. No irrigation.

Observations Trees are planted in an “L” shape along retaining walls that are now crumbling and need to be replaced. Every Monterey Cypress is below the canopies of much taller Blue Gum Eucalyptus. As a result, the Monterey Cypress are heavily shaded all day. Canopies are in the top 1/3 of the trunk and mostly one sided (foliage only on sunnier side). Weight, and with some trees a lean, is toward the house. At least one of the trees has an excessive lean. Foliage is very sparse for a Monterey Cypress. On most trees there is considerable deadwood lower. Some of these trees have oozing and may be showing the first signs of Cypress decline disease. The retaining wall directly below and next to the trunks of the Monterey Cypress needs replacing.

Conclusion These (14) trees are in very poor shape and decline that can not be reversed. The weight and in some cases the lean, toward the house makes them candidates for windthrow. The need to replace the retaining wall will likely mean cutting roots to accommodate construction. This will further weaken the trees and affect both health and stability. These trees are very vulnerable because of low sunlight and the dominance of the Blue Gums. There is no chance that any accommodating actions can be taken to bring them back to health or help them structurally.

Recommendations

Remove all 14 trees and allow the larger Blue Gums to be the dominant tree. As it is you can barely tell the trees are there just passing by as most of the Monterey Cypress canopies are hidden. Replacing the retaining wall without removing these trees will leave them vulnerable to windthrow, likely to strike the house.

Sincerely
Chris Stier,
ISA Certified Arborist, #WE9262-A

EXHIBIT C



This is a portion of the row of Monterey Cypress. The very large Blue Gum Eucalyptus trees beyond the Cypress dominate in both height and spread causing the sun loving Cypress to be completely shaded.

EXHIBIT C



The “L” shaped stand of Monterey Cypress. Note the amount of deadwood low on the trees. The canopy is on the upper 1/3 of the trunk due to poor light. Leaning trees and one-sided weight toward the house leave these trees subject to windthrow. If the retaining wall is replaced and any roots are cut to accommodate construction, this leaves the entire tree unstable and subject to fail. **Note** the condition of the retaining wall.

EXHIBIT C



A tree such as this one (arrow) heavily leans toward the house. Because of shade all the foliage (canopy weight) is also toward the house. This tree could suddenly fail.

EXHIBIT C



This picture shows how the Blue Gum Eucalyptus dominates the overhead canopy. The smaller weaker Monterey cypress are stretching to reach the sunlight so all the live branches are headed toward the house putting all the weight of the tree toward the house. This is a very unstable situation where windthrow can cause injury, death or damage. **Note** at the arrow the direction the canopy is growing.

EXHIBIT D



1602 Spring Street, Paso Robles, CA 93446
(805) 237-9626 • Fax (805) 237-9181 • www.althouseandmeade.com

RECEIVED

NOV 19 2020

City of Morro Bay
Community Development Dept.

November 19, 2020

Josh Martin
355 Cerrito Place
Morro Bay, CA 93442
Email: 1105josh@gmail.com

Re: Monarch butterfly habitat assessment at 355 Cerrito Place, Morro Bay, California

Dear Mr. Martin:

This letter summarizes the results of a site visit I conducted on November 17, 2020 to assess the potential importance of Monterey cypress (*Hesperocyparis macrocarpa*) trees located at 355 Cerrito Place in Morro Bay, California to a nearby monarch butterfly (*Danaus plexippus*) overwintering site at Eagle Rock. Up to 14 Monterey cypress trees are proposed for removal on the property. After conducting an assessment of the cypress trees, it is my determination that removal of these trees would not impact monarch overwintering habitat at Eagle Rock.

Background Information

Eagle Rock is a known monarch overwintering site (CNDDDB #124; Xerces site #3057). Monarchs have been documented clustering in blue gum eucalyptus (*Eucalyptus globulus*) on the rock since the 1980's and have likely clustered there for decades. The maximum overwintering population was 5,000 documented in 2000. The average wintering population between 1997 and 2017 was approximately 600 butterflies. Eagle Rock was listed by the Xerces Society as one of the 50 most important overwintering sites to protect (Pelton et al. 2016). No monarchs were observed at the site in 2018 and 2019. During a standardized monarch survey I conducted of the Eagle Rock site on November 17, 2020, I located four monarchs.

Tree Assessment

The Monterey cypress trees slated for removal are located on the north and west sides of the front yard at 355 Cerrito Place. The trees were planted many years ago by a previous property owner, and were planted underneath a row of large, mature eucalyptus. The cypress trees have since grown up into the lower eucalyptus canopy, and are almost totally shaded by the eucalyptus. The cypress trees are located approximately 330 feet east of the trees where monarchs are known to cluster on Eagle Rock. Many of the cypress trees are in poor shape with dead lower limbs, and several are leaning.

EXHIBIT D

Althouse and Meade, Inc.

Impact of Tree Removal on Monarch Overwintering Habitat

Removal of the cypress trees will not impact the monarch overwintering habitat on Eagle Rock. Because the cypress trees are located directly under the row of large, mature eucalyptus, they are not adding any significant wind protection to the landscape. If the cypress are removed, the eucalyptus trees on the property will continue to function as a windbreak. Additionally, the cypress trees are located to the east of Eagle Rock. Prevailing winds during the winter are primarily from the north or west, while storm winds blow from the south or southeast. Therefore, wind protection to the east of Eagle Rock is not as important to the overwintering site.

Removal of the 14 cypress trees will not affect the viability or suitability of the monarch butterfly aggregation site on Eagle Rock.

Sincerely,



Jessica Griffiths

References:

Pelton, E., S. Jepsen, C. Schultz, and S.H. Black. 2016. State of the Monarch Butterfly Overwintering Sites in California. Portland, Or: The Xerces Society for Invertebrate Conservation.

Photos



Photo 1. Row of cypress trees growing under eucalyptus at 355 Cerrito Place. View facing northwest. Photo taken November 17, 2020.

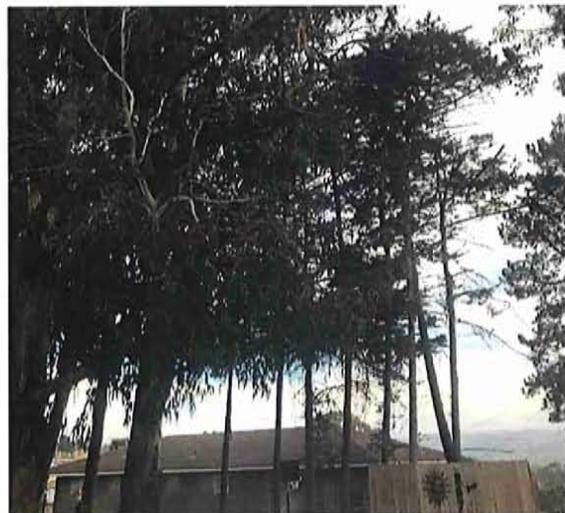


Photo 2. The cypress trees do not provide any additional wind protection. View facing southwest. Photo taken November 17, 2020.

EXHIBIT E



CITY OF MORRO BAY

Community Development Department
Planning Division

955 Shasta Avenue
Morro Bay, CA 93442
(805) 772-6261

APPEAL FORM

In CCC Appeals Jurisdiction?

YES – No Fee
 NO – Fee Paid: Yes No

Project Address being appealed: <u>355 Gerrito Place</u>	
Appeal from the decision or action of (governing body or City officer): <input type="checkbox"/> Administrative Decision <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: From the City's Project Tracking Sheet: "Admin CDP for removal of major vegetation. Proposal to remove 14 trees (9 on private property and 5 in public right of way)." <u>I am addressing the 5 public trees.</u>	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): <u>GDP20-021</u>	
Date decision or action rendered: <u>Posted December 1, 2020</u>	
Grounds for the appeal (attach additional sheets as necessary): MBMC section on public trees. Urban Forest Management Plan. The nature of Monterey Cypress. An attachment with detail will follow.	
Requested relief or action: Retain the 4 public Monterey Cypress trees that do not lean.	
Appellant (please print): <u>Betty Winholtz</u>	Phone: <u>(805)772-5912</u>
Address: <u>405 Acacia</u>	
Appellant Signature: <u><i>Betty Winholtz</i></u>	Date: <u>December 10, 2020</u>

FOR OFFICE USE ONLY	
Accepted by:	Date appeal filed:
Appeal body:	Date of appeal hearing:

EXHIBIT F

Damaris Hanson

From: betty winholtz
Sent: Monday, December 21, 2020 7:43 AM
To: Damaris Hanson
Subject: cerrito appeal addendum
Attachments: cypress canker.png; point-pinos-lighthouse-and-monterey-stock-photo_csp65339942.jpg; IMG_3746.jpg; IMG_3747.jpg; IMG_3748.jpg; IMG_3750.jpg; IMG_3753.jpg

Damaris,
Here is the addendum with pictures.
Betty

"There's something about a live thing that you can connect with in a way you can't with an inanimate object." Trees are living things. The lives of 4 public trees are in your hands. It is important to point out that they are public trees. City goals, policies, and laws afford public trees certain protections, so decision makers must overlook their personal preference.

Just to be clear, there are a total of 14 trees petitioned to be cut down. There is a fifth public tree. This tree leans. While I personally would brace this tree to save it, you may feel the lean is too great. The other 9 trees border the applicant's private property. Since there are so many, they fall under the Major Vegetation Guidelines which carry no teeth. For example, if the owner cut two trees a year, s/he would not need a Coastal Development Permit. Also, whether or not the removal "adversely affects the character of the neighborhood" is subjective.

Even though we are a Tree City, USA, and have an Urban Forest Management Plan, neither the Planning Department nor the Environmental Programs Manager are advocates for trees. This is not a statement of judgment; it is a statement of truth. Their jobs are to process applications, to achieve the end goal of the applicant. Herein lies the rub: trees, private and public, don't have an advocate on Staff. It falls to residents to advocate for upholding City standards that preserve our urban forest and neighborhood trees.

I submit the following arguments on behalf of 4 public trees abutting 355 Cerrito Place.

1. *Morro Bay Municipal Code 12.08.070 - Tree removal by city for cause.*
No tree shall be removed from a public right-of-way unless it interferes with the necessary improvement of the public right-of-way, the installation of public utilities or is a hazard to person or property outside the drip line of the tree at maturity, or creates such a condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on or within the public right-of-way.

None of these trees are being requested for removal due to interference with necessary public improvements, utilities, or visually blocking travel in the right-of-way.

EXHIBIT F

2. Are the public trees hazards? The *Arborist Report*, paid for by the applicant, implies they are. It's implied because the Report refers to the 14 trees as a group. The Report does not separate the private trees from the public trees. The Report does not evaluate the trees individually.

As a group, it's true the cypress are shorter than the eucalyptus. Richard Holman, the previous owner, planted the cypress to be a barrier to the eucalyptus which were all ready present when he became owner of 355 Cerrito 30 years ago. It's not true that the cypress are "heavily shaded all day." I also live on the south facing side of Cerrito Peak. I have lived there for 22 years. I know that 1/2 of the year, south facing vegetation gets full sun--in this case favoring the cypress--and the other 1/2 of the year the sun is directly overhead--favoring the eucalyptus. Whether you look at the pictures the arborist included or the ones I include, you will see that the 14 cypress trunks are all vertical, unaffected by this light situation except for two: one private tree and one public tree. I am not appealing this particular public tree.

Regarding foliage, if you look at the east end of the row where the public trees are, the foliage is richly green and full. The trees have been trimmed up to be higher than tall vehicles because Mr. Holman had trucks and vans. The private trees to the west are also green with a few lower dead branches. Such dead branches are not necessarily a symptom of disease. Speaking to a licensed arborist in the County, there is no such thing as "Cypress decline disease." There is a cypress canker that affects cypress trees that do not live near the coast. "**Symptoms include dieback beginning from the top of the tree or branches browning and dying throughout the canopy.**"* I include a picture from the UC Master Gardener's of SLO. The trees in this appeal live on the coast and do not exhibit the canker characteristic symptom of dieback from the top down. Following the canker picture, there is a picture of a typical Monterey cypress to remind us that Montereys are not known for their symmetry or lower branches. It should not be a surprise that "**there is considerable deadwood lower.**" The "oozing" I could not find on the public trees.

*<https://ucanr.edu/blogs/blogcore/postdetail.cfm?postnum=22724>

The Arborist Report mentions the "crumbing," 1-foot high, retaining wall made of lumber 3 times during the course of the Report. The trees along the retaining wall are private trees; the public trees are east of it. The 4 pictures in the Arboist Report are all private trees in the middle and on the west end of the row. I introduced myself to Mr. Martin, the applicant, to tell him I was appealing his request. I asked him if he was replacing the retaining wall, he replied he wasn't sure. Regardless, the public trees are not involved with the retaining wall.

3. To add confidence in the characteristics of Monterey Cypress, here is a description from CalPoly's *Urban Forest Ecosystems Institute*, "USDA Hardiness Zones 7 - 10, Exposure Full Sun to Partial Shade, Moist to Dry Soil, Drought tolerant, and Branch Strength Rated as Strong."**

**<https://selectree.calpoly.edu/tree-detail/hesperocyparis-macrocarpa>

EXHIBIT F

4. From Morro Bay's *Urban Forest Management Plan*, we learn that these particular public trees are 24-30 years old. (page 49) We also learn that these trees address climate change by sequestering: 5481lbs x4=21,924 lbs/yr; runoff interception: 39,870 gal/yr. (pages 53,55)*** To view the replacement "trees" which have already been planted, please see the attached picture. I suspect it will be years before the replacement trees will come close to sequestering and performing runoff interception.

***<http://www.morrobayca.gov/DocumentCenter/View/7702/Urban-Forest-Management-Plan-UFMP?bidId=>

Unless the 4 public trees are individually evaluated and found hazardous, the criteria for their removal has not been met. They should be allowed to remain as public trees that everyone who enters Cerrito Peak from Shasta Street enjoys.



EXHIBIT F



EXHIBIT F





EXHIBIT 5







EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

February 17, 2021

To: Josh Martin – 355 Cerrito Place, Morro Bay, CA

From: Rodney Thurman – Heritage Tree Arboricultural Consulting

Re: Tree Health and Risk Assessment Report

Mr. Martin,

The following report is in response to your request for tree health and risk assessments of four (4) Monterey cypress (*Hesperocyparis macrocarpa*) located on City of Morro Bay owned right of way along the driveway in front of your home located at 355 Cerrito Place.

Assignment:

- Assess tree health and stability and assign tree failure risk rating
- Prepare written tree risk assessment report describing findings of my field assessments in regard to the trees in question and make recommendations for tree hazard mitigation

Introduction:

The frontage along the street in front of you home is unimproved and has several mature blue gum eucalyptus trees growing in a small planting space. In that space there are also 4 Monterey cypress planted beneath the canopies of the eucalyptus. You have been allowed to remove several other Monterey cypress that were growing on your private property due them having suppressed growth, a pronounced lean toward your home as well as decay in some of the trunks. Because the removal of the remaining 4 Monterey cypress growing on city property were contested, you were required to have the trees inspected by a consulting arborist to determine if they warrant removal.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021

Assessment of Trees:

Tree measurements and details								
#	Common Name	Botanical Name	Cond.	Diameter	Height	Distance to Target	Target	Comments
1	Monterey cypress	<i>Hesperocyparis macrocarpa</i>	poor	8"	20'	5'	road, cars, people	Tree is suppressed by dominant overstory trees. Canopy is alive and green. Leans toward street. Branches are overextended and growing over street.
2	Monterey cypress	<i>Hesperocyparis macrocarpa</i>	poor	14"	28'	45'	yard, cars, people	Tree is suppressed by dominant overstory trees. Dead top. Still has live green branches. Leans toward yard.
3	Monterey cypress	<i>Hesperocyparis macrocarpa</i>	poor	8"	20'	40'	yard, cars, people	Tree is suppressed by dominant overstory trees. Dead top. Still has live green branches. Leans toward yard.
4	Monterey cypress	<i>Hesperocyparis macrocarpa</i>	poor	14"	30'	38'	yard, cars, people	Tree is suppressed by dominant overstory trees. Canopy is alive and green. Leans toward yard.

Growing Environment & Condition of Trees

The Monterey cypress trees were growing beneath adjacent blue gum eucalyptus (*Eucalyptus globulus*) and were suppressed because of competition for light and limited root space. All of the trees were in poor condition. See Appendix A- Photos 1- 4.

Parts of Tree Most Likely to Fail:

When assessing risk for trees it is important to define which parts of the tree are most likely to fail and why. In this case, the part of the trees that had the highest potential to fail, were the overextended and poorly attached branches. The second most likely part of the trees that had potential to fail were the trunks.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021

The most common defects were overextended and poorly attached branches due to excessive lateral growth caused by crowding from eucalyptus trees. The heavy end-weight of unpruned branches will cause them to fail even when in healthy condition. Branches that are poorly attached have even more potential to fail. See Appendix A- Photos 1- 4

An unconfirmed but suspected defect in the trunks of the trees was heart rot. I did not perform a core test on the trees however I did “sound” the trunks with a rubber mallet and they returned a solid resonance. When I inspected the stumps of the 14 Monterey cypress that were already removed from the site, I found 6 of those trees had heart rot which equates to 42%. See Appendix A - Photos 5 &6.

Based on this evidence, I am led to believe that the same type of decay may be happening in the remaining trees. With a 42% infection rate, at least 1 of the 4 trees will likely have heart rot and be susceptible to stem failure. At this time the heart rot is not a major concern because they “sounded” solid. In the future heart rot may become a more significant issue.

Targets:

When assessing tree risk, it is important to identify potential targets a tree could strike if it were to fail. In assessing this location, there were multiple targets within striking distance:

1. vehicles
2. road
3. Residents and guests occupying the yard, vehicles and street adjacent to the tree.

Tree Risk:

Tree risk is determined by identifying the targets e.g. (people, buildings, cars or property, that could be injured or damaged by a tree failure), the occupancy rate, exposure of the target to the tree hazard, the size of part of the tree that may impact the target if it were to fail, the likelihood of impact on the target, and the consequences of failure on the target.

I used the International Society of Arboriculture’s Basic Tree Risk Assessment Form to determine the risk. I used Matrix 1 the “Likelihood Matrix” on the form and entered the result into Matrix 2, the “Risk Rating Matrix” to get the overall risk rating.

I have highlighted the charts on the following page to show how risk was determined. Because two different parts of the tree were being assessed for likelihood of failure, I have included a matrix for each.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodneym@heritagetreeconsulting.com

January 15, 2021

Branch Failure Risk-

In **Matrix 1** “The Likelihood Matrix”, I have selected the **Likelihood of Failure** as *Probable* and **Likelihood of Impact** as *Medium*. The combined **Likelihood of Failure and Impact** from Matrix 1 is *Somewhat Likely*. In **Matrix 2**, the “Risk Rating Matrix”, I entered the result of *Somewhat Likely* from Matrix 1 into **Likelihood of Failure and Impact** section of the chart. In the **Consequences of Failure** section of Matrix 2, I selected *Significant*. The result was *Moderate*, which determines the **overall risk rating** for the part of tree being assessed.

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Trunk Failure Risk-

In **Matrix 1** “The Likelihood Matrix”, I have selected the **Likelihood of Failure** as *Possible* and **Likelihood of Impact** as *Medium*. The combined **Likelihood of Failure and Impact** from Matrix 1 is *Unlikely*. In **Matrix 2**, the “Risk Rating Matrix”, I entered the result of *Unlikely* from Matrix 1 into **Likelihood of Failure and Impact** section of the chart. In the **Consequences of Failure** section of Matrix 2, I selected *Significant*. The result was *Low*, which determines the **overall risk rating** for the part of tree being assessed.

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodneym@heritagetreeconsulting.com

January 15, 2021

Risk Mitigation:

When assessing risk for a tree, it is important to determine if the risk of tree failure can be reduced through mitigation. Mitigation can be made by using one or more of the following: reduction pruning, cabling, bracing or support structures. Mitigation measures should not be so excessive that it compromises the health of the tree.

With a risk rating of *Moderate*, the most likely parts to fail on these trees were overextended and weakly attached branches. Stem failure was rated as Low and was not a significant concern.

Because these trees were planted too close to the adjacent blue gum eucalyptus trees, competition for light and space suppressed their growth and caused them to grow sparsely and irregularly. Furthermore, lower branches have been removed for vehicle clearance and encroachment into the yard. Pruning to reduce or remove hazardous, overextend branches would leave only a few viable branches and compromise the health of the trees by removing their ability to photosynthesize (make food).

Conclusion:

The highest failure risk for these trees was moderate. However the health of the trees was poor and really the determining factor of my decision. The trees were planted too close to the large, adjacent blue gum eucalyptus. Competition for light and space has suppressed the growth of the Monterey cypress' and caused them to grow laterally away from the eucalyptus. All of the trees had overextended branches and declining tops. The branches along the lower stems of the tree had been removed leaving very little canopy. Risk mitigation pruning to reduce or remove overextend branches would eliminate from 50 to 75 percent of the live, green canopy and compromise the health of the trees by removing their ability to photosynthesize. These Monterey cypress will not mature into significant trees and provide very little habitat for wildlife compared to the eucalyptus. Rather than retaining these trees that are in poor condition, it would be more beneficial remove them and replant with plant material more appropriately suited for the site.

Recommendations:

Remove all 4 Monterey cypress trees and replace with city approved vegetation at the rate of prescribed city staff in accordance with the tree ordinance.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021

Respectfully Submitted,

A handwritten signature in black ink that reads "Rodney D. Thurman". The signature is written in a cursive, flowing style.

Rodney D. Thurman
ISA Board Certified Master Arborist PN-2684BUM
ISA Municipal Specialist
ISA Utility Arborist
ISA Tree Risk Assessment Qualification

Appendices: *Photographs*

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021

Appendix A- Photographs



Photo 1- View from east along road in front of home. Note suppressed canopies circled in yellow.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021



Photo 2 – View of driveway and home from east- note sparse canopy and overextended branches. Trees numbered east to west 1- 4.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021



Photo 3 – Tree # 1 leaning toward road. Yellow circle shows branches need to be pruned for vehicle clearance. Approximately 50% of live canopy will be removed.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021



Photo 4 – View of trees along driveway from southwest corner of yard. Circles indicate overextended branches. No other branches growing above or to the north. 50% to 75% of the live canopy will be removed if pruned for safety.

EXHIBIT G



1343 Bishop Street, San Luis Obispo, CA 93401

Tel: 805 234 8760 Email: rodney@heritagetreeconsulting.com

January 15, 2021



Photo 5 & 6 – Large heart rot areas in previously removed trees at same location as trees 1-4



AGENDA NO: B-2

MEETING DATE: March 16, 2021

Staff Report

TO: Planning Commissioners

DATE: March 9, 2021

FROM: Scot Graham, Community Development Director
Cindy Jacinth, Senior Planner

SUBJECT: Review of Final Environmental Impact Report (FEIR) and recommendation to City Council for certification and adoption of Plan Morro Bay: General Plan/Local Coastal Program Update

RECOMMENDATION:

Review the Final Adoption Draft of Plan Morro Bay along with the Final Environmental Impact Report (FEIR) including the Response to Comments, the Findings of Fact, Statement of Overriding Considerations, and make a favorable recommendation to City Council for certification and adoption of Plan Morro Bay: General Plan/Local Coastal Program Update and the FEIR.

Plan Morro Bay:

Five public hearings were held on the Adoption Hearing Draft from October 2020- December 2020. At those hearings, the Planning Commission took public comment, reviewed the Adoption Hearing Draft for revisions and edits made since the 2018 Public Draft. In addition, staff coordination with the Coastal Commission staff on edits related to the Local Coastal Plan were reviewed as well as comments from local stakeholders such as the Morro Bay Chamber of Commerce Government Affairs Committee (GAC) and the Embarcadero Master Leaseholders (EML). All comments received for the entire project – members of the public, General Plan Advisory Committee (GPAC), Planning Commission, and Coastal Commission staff have been compiled as Comment Summaries (online links below). Staff was directed by the Planning Commission to make additional edits along with public comment received at the meetings last fall. These comments have been addressed and the Final Adoption document of Plan Morro Bay is linked below. Planning Commission should review the final edits and make a favorable recommendation to the City Council for adoption.

Environmental Impact Report (EIR):

An Environmental Impact Report (EIR) has been prepared pursuant to the requirements of

Prepared By: ___CJ___

Department Review: ___SG___

the California Environmental Quality Act (CEQA) (Public Resource Code Section 21080[d]) and the *State CEQA Guidelines* (14 California Code of Regulations Section 15063), evaluating potential environmental effects that may result from the proposed Plan Morro Bay General Plan and Local Coastal Program (LCP) Update Project.

The Final EIR (FEIR) is available online at the following link: <https://www.morrobayca.gov/DocumentCenter/View/15199/Morro-Bay-GPU-FEIR-February-2021>.

Before the City Council can adopt the GP/LCP, it must first certify that the Final EIR:

- Has been completed in compliance with CEQA;
- Was presented to the City Council who received and considered it prior to approving the project; and
- Reflects the City's independent judgement and analysis.

Section 15004 of the CEQA guidelines state that before the approval of any project subject to CEQA, the Lead Agency must consider the FEIR document. The FEIR incorporates Chapter 8: Responses to Comments as a continuation of the Draft EIR.

CEQA Process:

A Notice of Preparation (NOP) for the Draft EIR was prepared and circulated for public review for a 30-day period from November 7, 2017 to December 7, 2017. The City also held a public scoping meeting on November 21, 2017 at the Veterans Memorial Building to provide members of the public and public agencies an opportunity to review and provide comment on the scope and content of the environmental review. The Notice of Availability (NOA) for the Draft EIR was posted on October 16, 2020 with the State Clearinghouse and a public copy of the Draft EIR was made available online at <http://morrobayca.gov/DocumentCenter/View/14904/Draft-EIR-Plan-Morro-Bay> and also available at City offices at the Community Development Department for public review. A paper copy of the EIR was unable to be made available at the Morro Bay Library as is customary due to pandemic-related closure.

The Draft EIR was prepared and circulated for a 45-day public review period from October 19, 2020 to December 4, 2020. The Final EIR is comprised of the revised Draft EIR, in combination with responses to all written and verbal comments received on the Draft EIR. Both the Draft and the Final EIR, Responses to Comments, and Appendices are available online at www.morrobayca.gov/planmb.

CEQA Guidelines Section 15088 requires the City, as Lead Agency, to evaluate comments on significant environmental issues received on the Draft EIR and to provide written responses. The City has incorporated written responses into Chapter 8 of the FEIR.

The City has prepared the FEIR and made it available to commenters and the public in general at the following locations:

- City of Morro Bay Plan Morro Bay website: www.morrobayca.gov/planmb
- Morro Bay Community Development Department

Prior to considering approval of the Plan Morro Bay: General Plan/LCP Update project, the City, as Lead Agency, and more specifically the City Council, must review and certify the FEIR. Once the Final EIR is certified, the City Council may consider adoption of the Plan.

Program EIR (CEQA Guidelines Section 15168)

As a programmatic EIR, the Final EIR for the proposed General Plan and LCP Update provides an analysis of potential impacts of all construction, operational and routine maintenance actions and activities reasonably foreseeable with implementation of the General Plan and LCP Update. The Final EIR is as an informational document for use in the City's review and consideration of the proposed General Plan and LCP Update. As a programmatic document, the EIR presents and discloses a region-wide assessment of the environmental impacts of the General Plan and LCP Update.

An overall summary of the EIR Project Description, Summary of Impacts and Mitigation Measures, and Alternatives is attached as Exhibit B. The Final EIR identifies environmental impacts for each environmental topic described in the State CEQA Guidelines, any required mitigation measures, and the level of significance after mitigation. This includes Class 1 – Significant and Unavoidable Impacts, Class II – Significant but Mitigable Impacts and Required Mitigation, and Class III – Less than Significant Impacts. An Alternatives Analysis was also prepared and evaluated in the Final EIR.

Findings and Statement of Overriding Considerations:

Included as Attachment 1 to Planning Commission Resolution 06-21 are the Findings of Fact prepared for the project pursuant to CEQA Guidelines Sections 15091 and 15093.

This step would include making the CEQA Findings that are part of the Resolution, as well as adopting a Statement of Overriding Considerations for the Significant and Unavoidable impacts of the project which are Air Quality and Transportation impacts and which are

discussed in the EIR. Exhibit C is a copy of the Mitigation Monitoring and Reporting Program which is also included as Appendix G of the EIR Appendices available as Online Attachment 3 below. The EIR found significant but mitigable impacts related to Air Quality, Biological Resources, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources.

CONCLUSION:

Staff recommends the Planning Commission take public comment, complete final review of Plan Morro Bay, and the Environmental Impact Report (FEIR) and adopt Resolution No. 06-21 making a favorable recommendation to the City Council to adopt Plan Morro Bay: General Plan/Local Coastal Program Update and recommend certification of the FEIR.

Upon adoption of Plan Morro Bay and certification of the EIR, the General Plan portion of the document would be effective in 30 days and the LCP portion of the document would be sent to Coastal Commission for certification and effective thereon.

Exhibits:

- Exhibit A – Resolution 06-21 including Attachment 1: Findings of Fact and Statement of Overriding Considerations
- Exhibit B – EIR Project Summary
- Exhibit C – Mitigation Monitoring and Reporting Program
- Exhibit D - Final Summaries of Comments and Edits of Adoption Draft
- Exhibit E – Powerpoint Presentation

ONLINE ATTACHMENTS:

1. [Adoption Hearing Draft of Plan Morro Bay, version March 2021](#)
2. [Final Environmental Impact Report, February 2021](#)
3. [EIR Appendices](#)
4. [GP/LCP Comparison Chart \(Comparison of old Element names to new Element name\)](#)
5. [Adoption Hearing Draft of Plan Morro Bay, Hearing Draft, October 2020:](#)
6. [2018 Public Draft Plan Morro Bay](#)

7. **Previous Summaries of Comments on Public Draft to Adoption Draft:**
 1. [PC Comments Summary](#)
 2. [Coastal Commission Comments Summary](#)
 3. [GPAC Comments Summary](#)

RESOLUTION NO. PC 06-21

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR ADOPTION OF PLAN MORRO BAY: GENERAL PLAN/LOCAL COASTAL PROGRAM UPDATE PROJECT AND CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT WITH FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, on November 7, 2017 the City issued a Notice of Preparation of an Environmental Impact Report (EIR) for the General Plan/ Local Coastal Program Update project, also known as Plan Morro Bay (“Project”) for a 30 day period from November 7, 2017 to December 7, 2017; and

WHEREAS, a public scoping meeting was held on November 21, 2017 at the Veteran’s Memorial Building at 209 Surf Street in Morro Bay;

WHEREAS, on October 16, 2020, a Notice of Availability of the Draft EIR (SCH#2017111026) for the Project was posted with the State Clearinghouse. It was also circulated to federal, state, and local agencies and interested parties requesting a copy. Copies of the Draft EIR were also made available to the public at the following location:

- City of Morro Bay Plan Morro Bay website: www.morrobayca.gov/planmb
- City Community Development Department: 955 Shasta Avenue, Morro Bay

WHEREAS, the Draft EIR was prepared and circulation for a 45 day public review period from October 19, 2020 to December 4, 2020; and

WHEREAS, on February 8, 2021, (i) Responses to Comments were prepared for all comments received on the Draft EIR and posted to the City website and (ii) a Final EIR for the Plan Morro Bay General Plan/ Local Coastal Program Update project (SCH#2017111026) which incorporates the DEIR and responses to written comments on the DEIR, was completed and released for public review;

WHEREAS, duly noticed public hearings for the Public Draft of Plan Morro Bay were held by Planning Commission on August 7, 2018, August 23, 2018, September 4, 2018, December 4, 2018, and December 18, 2018; and

WHEREAS, duly noticed public hearings for the Adoption Hearing Draft were held by Planning Commission on October 20, 2020, November 4, 2020, November 17, 2020, December 1, 2020, and December 15, 2020; and

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing via video conference on March 16, 2021 for the purpose of considering a favorable recommendation to the Morro Bay City Council for adoption of Plan Morro Bay: General Plan/Local Coastal Program Update project and recommendation to certify the Final Environmental Impact Report (FEIR) (“Project”); and

WHEREAS, pursuant to the Governor's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19, the City of Morro Bay Planning Commission is authorized to hold public meetings via teleconferencing and all requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived; and

WHEREAS, notice of the public hearing was provided at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the written and oral staff report, presentation, public testimony on the FEIR and the Project, and whether the FEIR should be certified and whether the Project should be approved; and

WHEREAS, the written staff report regarding the FEIR and the Project are found to be true and accurate in all respects and is incorporated herein by this reference;

WHEREAS, prior to the final consideration and any possible approval of any and all physical aspects of the proposed Project, as analyzed by the FEIR, the Planning Commission and all City legislative bodies involved with the proposed Project will consider the FEIR and the Planning Commission recommends all other governmental agencies and legislative bodies that must review or approve, if at all, the proposed Project do the same; and

WHEREAS, the Planning Commission has completed review of the FEIR and related materials.

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 of Facts attached to this resolution as Attachment 1. The Planning Commission recommends the City Council adopt a Statement of Overriding Considerations also included as Attachment 1 to this resolution.

Section 2: The Planning Commission recommends the City Council certify the FEIR as being in compliance with the California Environmental Quality Act (California Public Resources Code, Section 21000 et seq. and State CEQA Guidelines (14 California Code Regulations, section 15000 et seq.) (collectively, CEQA);

Section 3. Action. The Planning Commission does hereby forward a favorable recommendation to the City Council to certify and FEIR and adopt the Plan Morro Bay General Plan and Local Coastal Program Update.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of March, 2021 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jesse Barron, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 16th day of March, 2021.

FINDINGS OF FACT

Morro Bay General Plan and Local Coastal Program (LCP) Update Project

The City of Morro Bay has prepared an Environmental Impact Report (EIR) pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resource Code Section 21080[d]) and the *State CEQA Guidelines* (14 California Code of Regulations Section 15063) evaluating potential environmental effects that may result from the proposed Morro Bay General Plan and Local Coastal Program (LCP) Update Project, also known as Plan Morro Bay (proposed project). These Findings of Fact have been prepared for the project pursuant to *State CEQA Guidelines* Sections 15091 and 15093.

Certification of Final EIR

In accordance with *State CEQA Guidelines* Section 15090, the City of Morro Bay, as Lead Agency for the project, certifies that:

- (a) The Final EIR for the project has been completed and processed in compliance with the requirements of CEQA;
- (b) The Final EIR was presented to the Morro Bay City Council, and as the decision-making body for City, the Morro Bay City Council reviewed and considered the information contained in the Final EIR prior to approving the project;
- (c) The Final EIR reflects the City's independent judgment and analysis.

With the adoption of these findings, the City of Morro Bay has exercised independent judgment in accordance with Public Resource Code (PRC) Section 21082.1(c) while retaining its own environmental consultant, i.e., directing the consultant in preparation of the entire EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

These Findings of Fact have been prepared in accordance with CEQA and *State CEQA Guidelines*. The purpose of these Findings of Fact is to satisfy the requirements of PRC Section 21081 and Sections 15090, 15091, 15092, 15093, 15094, and 15097 of the *State CEQA Guidelines*, in connection with the approval of the Morro Bay General Plan and Local Coastal Program (LCP) Update Project.

EXHIBIT A

Before project approval, a Final EIR must be certified pursuant to Section 15090 of the *State CEQA Guidelines*. Additionally, the City of Morro Bay must make one or more of the following findings in its Findings of Fact, accompanied by a brief explanation of the rationale, pursuant to Section 21081 and Section 15091 of the *State CEQA Guidelines*, for each identified potentially significant adverse impact:

- (1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The City of Morro bay has made one or more of the specific written findings above regarding each potentially significant impact associated with the project. Those findings are presented here, along with a presentation of facts in support of the findings. The proposed mitigation measures identified as feasible and within the City's authority to implement for the approved project become express conditions of approval that the City commits and binds itself to upon project approval. These requirements are referenced in the Mitigation Monitoring and Reporting Plan (MMRP) adopted concurrently with these Findings of Fact and will become effective and implemented, as applicable, through project implementation (i.e., pre-construction, construction, post-construction, operation and routine maintenance).

Section 15092 of the *State CEQA Guidelines* states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the Lead Agency may decide whether or how to approve or carry out the proposed project. The Lead Agency may approve a project with unavoidable significant adverse environmental effects only when it finds that specific economic, legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 of the *State CEQA Guidelines* requires the Lead Agency to document and substantiate any such determination in a "Statement of Overriding Considerations" as a part of the record.

As required by CEQA, the City expressly finds that the Final EIR for the Morro Bay General Plan and Local Coastal Program (LCP) Update reflects the City's independent review and judgment. In accordance with the provisions of CEQA and the *State CEQA Guidelines*, the City adopts these Findings of Fact as part of its certification of the Final EIR. A brief explanation of the rationale for each finding is provided in Chapters 4, 5, 6 and 7.

Organization of CEQA Findings of Fact

The content and format of these CEQA Findings of Fact are designed to meet the latest CEQA Statutes and Guidelines. This document is organized into the following sections:

Chapter 1, Project Description describes the location, project overview, project objectives, and the required permits and approvals for the project.

Chapter 2, CEQA Review and Public Outreach describes the steps the City has undertaken to comply with the *State CEQA Guidelines* as they relate to public input, review, and participation during the preparation of the Draft and Final EIR.

Chapter 3, Impacts Determined to be Less than Significant provides a summary of those environmental issue areas where no reasonably foreseeable impacts would occur and those impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

Chapter 4, Less-than-Significant Environmental Impacts with Mitigation provides a summary of potentially significant environmental impacts for which implementation of proposed feasible mitigation measures would avoid or substantially reduce the environmental impacts to less-than-significant levels.

Chapter 5, Significant and Unavoidable Environmental Impacts provides a summary of potentially significant and significant environmental impacts for which no feasible mitigation measures are identified, or for which implementation of proposed feasible mitigation measures would not avoid or substantially reduce the environmental effects to less-than-significant levels. This section also provides specific written findings regarding each significant impact associated with the proposed project.

Chapter 6, Project Alternatives provides a summary of the alternatives considered for the proposed project and provides specific written findings regarding each alternative associated with the proposed project.

Chapter 7, Statement of Overriding Considerations discusses economic, legal, social, technological, and/or other benefits, including City-, region- or state-wide environmental benefits, of the proposed project against the significant and unavoidable environmental impacts of the proposed project.

Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which the City's project approval is based are located at the City offices: 955 Shasta Avenue, Morro Bay, CA 93442. The City of Morro Bay is the custodian of such documents and other material that constitute the record of proceedings. The record of proceedings is provided in compliance with PRC Section 21081.6(a)(2) and Section 15091(e) of the *State CEQA Guidelines*.

Program Level Analysis

A program EIR (*State CEQA Guidelines* Section 15168) is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- 1) Geographically,
- 2) A logical parts in the chain of contemplated actions,
- 3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- 4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The Final EIR for the proposed General Plan and LCP Update provides an analysis of potential impacts of all construction, operational and routine maintenance actions and activities reasonably foreseeable with implementation of the General Plan and LCP Update. The Final EIR is as an informational document for use in the City's review and consideration of the proposed General Plan and LCP Update. As a programmatic document, the EIR presents and discloses a region-wide assessment of the environmental impacts of the General Plan and LCP Update.

CHAPTER 1

Project Description

The City of Morro Bay, as the Lead Agency, is adopting the proposed project as described in the Draft EIR and amended in the Final EIR. The following is a brief overview of the project description.

1.1 Project Location

The City's General Plan addresses all land within the city limits and surrounding areas, including the sphere of influence (SOI). The City of Morro Bay has a total planning area of over 14 square miles. The area inside the city limits is approximately 5 square miles. The remaining nine square miles in the planning area are not currently part of the city. While properties outside the city limits are currently under the jurisdiction of the County of San Luis Obispo, they relate to Morro Bay's identity and character, and are therefore included in the General Plan and LCP Update planning area.

1.2 Project Overview

The proposed project analyzed in the Final EIR is the City of Morro Bay General Plan and Local Coastal Program (LCP) Update, also known as Plan Morro Bay. The General Plan and LCP Update is a comprehensive update of the City's 1988 General Plan and 1984 LCP. Each element of the plan addresses different aspects of the community and identifies measurable actions to guide residents, decision-makers, businesses, and City staff toward achieving the vision. Goals established within the General Plan and LCP Update are intended to help the community enhance and maintain its identity as a seaside community that values its charming, artistic town character, working waterfront, and healthy environment and lifestyle, while guiding the city toward a more sustainable future. The General Plan and LCP Update establishes overarching City policies and priorities that describe how the community intends to use and manage its physical, social, and economic resources.

The LCP consists of the City's Land Use Plan, Local Implementation Plan, portions of the Zoning Code, land use and zoning maps, and implementing actions. As a package, these components implement the Coastal Act at the local level in Morro Bay. The adopted and certified LCP forms the legal standard of review for issuance of Coastal Development Permits within the city's coastal zone and is legally binding on the City. The LCP may be amended to stay up to date with State laws and to continue to reflect the vision of the community.

EXHIBIT A

The California Governor's Office of Planning and Research recognizes the relationship between General Plans and LCPs for coastal cities and recommends that both requirements be addressed by integrating the General Plan and the LCP. An integrated plan allows the community to apply the vision and requirements for both documents in a comprehensive manner, facilitating a unified and efficient approach to complying with both California general plan law and the California Coastal Act. Because parts of the city are located outside of the coastal zone, with the remainder and majority of the city located in the coastal zone, the City has found it appropriate to follow OPR's recommendation and integrate the updated General Plan and LCP.

The land use classifications included in the General Plan and LCP define the basic categories of land use allowed in the city and are the basis for the zoning districts established in the City Municipal Code, which contain more specific regulations and standards governing development on individual properties. Implementation of land use policies established by the General Plan and LCP Update would alter the development capacity associated with the planned distribution of land uses described in the Land Use Element, resulting in anticipated increases in residential and non-residential levels of development.

Morro Bay's population is estimated to be approximately 12,062 people in the year 2040. The General Plan and LCP Update does not specify a maximum population for Morro Bay. However, any growth in Morro Bay must be consistent with Measure F, a voter-approved growth management ordinance that limits the city to 12,200 residents. Full buildout of the General Plan and LCP Update would result in an estimated 881 new dwelling units in the city. The maximum possible number of residential units is determined by the maximum densities allowed for each land use designation and the amount of land area within that designation. However, this maximum number of units is unlikely to be reached because every residential parcel in Morro Bay would need to be developed to its maximum potential density, which is not anticipated for all parcels under actual buildout conditions due to site constraints and other factors.

To maintain consistency with the General Plan and LCP Update, the project also includes a comprehensive Zoning Code Update which includes the Coastal Implementation Plan. Amendments included as part of the project include:

- Updating the allowed uses in all zones as necessary for consistency with the General Plan Land Use Designations.
- Establishing new zoning district(s) as necessary to implement the General Plan and LCP Update.
- Updating other development standards as necessary to implement the General Plan and LCP Update. This will include maximum height, setbacks, design standards and other standards.
- Updating administration and permitting to integrate coastal permit processes.

1.3 Project Need and Objectives

State law (Government Code Sections 65300 through 65303.4) sets forth the requirement for each municipality to adopt and periodically update its General Plan, and sets the requirement that a General Plan contain the following mandatory subject areas, or “elements”, including Land Use, Circulation, Housing, Open Space, Conservation, Noise, Safety, and Environmental Justice. California adopted Senate Bill 1000 on September 24, 2016 requiring cities to develop an Environmental Justice element, or related environmental justice goals and policies to reduce the unique or compounded health risks in “disadvantaged communities.” Cities are required to incorporate environmental justice goals and policies into their general plan when they update two or more general plan elements on or after January 1, 2018. State law also allows for optional elements that can be organized or combined at the City’s discretion. The General Plan and LCP Update includes the required subjects/elements as well as two additional elements, Community Design and Economic Development. The environmental justice content required by SB 1000 is included in the Environmental Justice Element of the General Plan and LCP Update.

The General Plan and LCP Update is intended to function as a policy document to guide land use decisions within the city planning area through the year 2040. The vision for the city over the next 20 to 30 years was developed with community input, and in order to realize the community’s vision for Morro Bay, the City focuses on the following objectives identified in the General Plan and LCP Update:

- **Natural Environment.** Sustainably preserve our estuary, shoreline, and open green spaces, and ensure our parks and recreation spaces are healthy, resilient, and accessible to all.
- **Heritage & Identity.** Welcome visitors while maintaining our small-town character and honoring our maritime heritage.
- **Jobs & Housing.** Provide for a range of affordable housing options and living wage jobs resulting in a higher quality of life.
- **Economic Vitality.** Support our diverse and sustainable economy for both new and existing locally owned businesses, including community-supporting tourism.
- **Infrastructure & Amenities.** Maintain and provide modern, resilient infrastructure and public amenities.
- **Mobility & Access.** Provide safe and accessible streets, trails, and multimodal transportation options which conveniently connect people and places throughout town and to surrounding destinations.
- **Good Governance.** Maintain our government which is supportive, collaborative, equitable, and responsive to the needs of all segments of the population.
- **Resident Services.** Provide a range of public services that support a diverse and multigenerational community.

1.4 Discretionary Actions

An EIR is a public document used by a public agency to analyze the potentially significant environmental effects of a proposed project, to identify feasible alternatives, and to disclose possible ways to substantially reduce or avoid such impacts to the physical environment (CCR, Title 14, Section 15121). As an informational document, an EIR does not recommend for or against approval of a project. The main purpose of an EIR is to inform governmental decision makers and the public about the potential environmental impacts of a proposed project.

The information and analysis in the EIR will be used by the Morro Bay Planning Commission, City Council, and the general public. The California Coastal Commission would be a responsible agency for certification of the General Plan and LCP Update, Zoning Code Update, and Coastal Implementation Plan included in the project. Although not responsible agencies under CEQA, several other agencies have review authority over aspects of the proposed project or approval authority over projects that could potentially be implemented in accordance with various objectives and policies included in the General Plan and LCP Update. These agencies and their roles are listed below.

- The State Geologist is responsible for the review of the City's program for minimizing exposure to geologic hazards and for regulating surface mining activities.
- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the state highway system, including State Route 1 (SR 1) and State Route 41 (SR 41) West.
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State of California as rare, threatened, or endangered or that would disturb waters of the State.

CHAPTER 2

CEQA Review and Public Outreach

The City of Morro Bay has complied with CEQA and the *State CEQA Guidelines* during the preparation of the EIR for the General Plan and LCP Update. In accordance with Section 15082 of the *State CEQA Guidelines*, an initial NOP was circulated to local, state, and federal agencies and to other interested parties in November 2017. Copies of the NOP and project documents were made available on the City website (www.morrobay.gov); at the Morro Bay Public Library (625 Harbor Street, Morro Bay); at City Hall (595 Harbor Street, Morro Bay); and in the Community Development Department (955 Shasta Avenue, Morro Bay). In response to the NOP, comments were received from various organizations and interested parties. The NOP, scoping meeting material and reports, and comments received on the NOP are included in Appendix A of the Final EIR.

The Draft EIR was circulated for public review and comments from October 2020 through December 2020, initiating a 45-day public review period pursuant to CEQA and its implementing guidelines. The document and Notice of Completion (NOC) was distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the document. A Notice of Availability (NOA) was distributed to interested parties, which informed them of where they could view the document and how to comment. The purpose of the 45-day review period was to provide interested public agencies, groups and individuals the opportunity to comment on the contents and accuracy of the document.

During the public comment period, copies of the Draft EIR were made available for review at the following locations:

- City of Morro Bay website (www.morrobay.gov); and
- Morro Bay Community Development Department (955 Shasta Avenue, Morro Bay).

A Final EIR has been completed and includes written and verbal comments received on the Draft EIR, responses to the comments, and changes made to the Draft EIR.

CHAPTER 3

Impacts Determined to be Less than Significant

The following potential environmental impacts of the General Plan and LCP Update are less than significant and do not require mitigation measures.

3.1 Agricultural Resources

The General Plan and LCP Update would not result in impacts to or conflict with zoning of agricultural or forestry resources. All of the agricultural land in Morro Bay is located in the coastal zone and is protected under the Coastal Act. The General Plan and LCP Update would not convert or conflict with existing zoning for agricultural resources in the planning area. Policies in the Land Use, Open Space, and Public Safety Elements of the General Plan and LCP Update would protect the existing agricultural resources in the planning area and ensure that adverse impacts to such resources are avoided or minimized to a less than significant level. The General Plan and LCP Update planning area does not contain any lands zoned for forest land or timberland production and the General Plan and LCP Update would not conflict with existing zoning for, or cause rezoning of, forest land, timber land or conversion of forest land to non-forest use. Impacts to agricultural and forestry resources would be less than significant. (Final EIR p.6-1)

3.2 Aesthetics

The General Plan and LCP Update would not result in adverse effects on scenic vistas or scenic resources. Policies identified in the General Plan and LCP Update would help preserve existing scenic vistas by requiring identification, designation, and protection of viewsheds and scenic vistas and by requiring new development to incorporate design features that protect or enhance existing scenic views and vistas. New development or redevelopment facilitated by the General Plan and LCP Update would also be subject to the updated standards in the City Zoning Code that regulate signage, design, and protection of visual resources in the city. Compliance with the City's updated Zoning Code requirements and the goals and policies proposed in the General Plan and LCP Update would protect scenic resources, including historic buildings, upon development and redevelopment facilitated by a project. As a result, impacts to scenic vistas and scenic resources would be less than significant. (Final EIR p. 4.1-11 – 4.1-13)

The General Plan and LCP Update would not substantially degrade the existing visual character or quality of the city and its surroundings. Development facilitated by the General Plan and LCP Update would result in visual changes to the community and would be governed by the goals and

policies as well as the associated updates to the standards contained in the City's Zoning Code. These plans and community standards have been developed with the goal of retaining Morro Bay's visual character, while providing visual enhancements in the city. Compliance with existing standards and General Plan and LCP Update goals and policies would ensure redevelopment or new development complements the existing visual character and quality of Morro Bay. Impacts to the visual character of the city would be less than significant. (Final EIR p 4.1-13 – 4.1-17)

The General Plan and LCP Update would not create new sources of substantial light or glare that would adversely affect day or nighttime views in the area. Implementation of General Plan and LCP Update Conservation Element policies would ensure the updated Zoning Code establishes standards to prevent glare and protect the character of the city from inappropriate levels of lighting. Future development facilitated by the General Plan and LCP Update would be required to submit a lighting plan that complies with updated Zoning Code standards. Future discretionary development in the city would require independent environmental review that would evaluate project-specific light and glare effects and subsequent mitigation, if required, to comply with standards for lighting and building materials to prevent glare. Impacts associated with new sources of light and glare would be less than significant. (Final EIR p. 4.1-18)

3.3 Air Quality

The General Plan and LCP Update would not expose sensitive receptors to substantial pollutant concentrations. The General Plan and LCP Update would allow for development of new residences and other sensitive receptors in proximity to industrial uses, which could result in exposure of sensitive receptors to elevated concentrations of TACs. Compliance with existing applicable regulations, San Luis Obispo Air Pollution Control District (SLOAPCD) permitting requirements, and General Plan and LCP Update policies would minimize risks associated with criteria pollutant and TAC emissions. The General Plan and LCP Update would not generate levels of traffic that would expose sensitive receptors to substantial pollutant concentrations, or result in new development that would expose sensitive receptors to hazards associated with naturally occurring asbestos. Impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant. (Final EIR p. 4.2-21 – 4.2-24)

The General Plan and LCP Update would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Implementation of the General Plan and LCP Update, and future projects, would be required to comply with SLOAPCD regulations prohibiting nuisance emissions (including odors). Impacts associated with other nuisance emissions, including odors, would be less than significant. (Final EIR p. 4.2-25)

3.4 Biological Resources

The General Plan and LCP Update would not have a substantial adverse effect on any riparian habitat or other sensitive natural community and would not have a substantial adverse effect on state or federally protected wetlands. Wetlands and waterways may be subject to USACE,

RWQCB and/or CDFW jurisdiction(s), as well as subject to the CCA. Compliance with the requirements of the CWA, Porter-Cologne, California Fish and Game Code, and CCA would be required for any project proposed under the General Plan and LCP Update. New development or redevelopment facilitated by the General Plan and LCP Update would also be subject to the standards in the Municipal Code relating to sensitive natural communities, ESHA, wetlands, and riparian areas in the city. Compliance with City's updated Municipal Code requirements and the goals and policies proposed in the General Plan and LCP Update would protect wetlands, riparian areas, streams and other sensitive natural communities from potential impacts associated with development and redevelopment facilitated by the project. Impacts associated with riparian habitats and wetlands would be less than significant. (Final EIR p. 4.3-38 - 4.3-40)

The General Plan and LCP Update would not conflict with any local policies or ordinances protecting biological resources and would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The planning area is not within the boundaries of any of aforementioned plans, nor is it immediately adjacent to such a plan. Future development under the General Plan and LCP Update would be subject to all applicable local policies and regulations, including applicable requirements of the Morro Bay Municipal Code, related to the protection of important biological resources. Impacts associated with conflicts to local policies, plans or ordinances protecting biological resources would be less than significant. (Final EIR p. 4.3-42)

3.5 Cultural Resources

The General Plan and LCP Update would not disturb any human remains, including those interred outside of dedicated cemeteries. Adherence to existing regulations, such as PRC Section 5097, California Health and Safety Code (Sections 7050.5, 7051, and 7054), and PRC Section 5097.98, would ensure regulations are established prohibiting interfering with human burial remains; protect human remains from disturbance, vandalism, or destruction; and establish procedures to be implemented if Native American skeletal remains are discovered. Impacts associated with the disturbance of human remains would be less than significant. (Final EIR p. 4.4-12)

3.6 Energy

The General Plan and LCP Update would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation. The General Plan and LCP Update is based on a land-use strategy that would promote greater energy efficiency in community and municipal operations. General Plan and LCP Update policies and implementation programs would ensure that development under the General Plan and LCP Update would comply with existing energy efficiency regulations. Impacts associated with the wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant. (Final EIR p. 4.16-12 - 4.16-16)

The General Plan and LCP Update would not conflict with energy efficiency goals contained in the City of Morro Bay Climate Action Plan. Construction and operation of projects facilitated by the General Plan and LCP Update would comply with relevant provisions of the State's CALGreen Program and Title 24 of the California Energy Code. Impacts associated with conflicts with energy efficiency policies, plans, and ordinances would be less than significant. (Final EIR p. 4.16-17)

3.7 Geology and Soils

The General Plan and LCP Update would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure/collapse, liquefaction, landslides, unstable soil, lateral spreading, or subsidence. Construction and occupancy of new buildings under the General Plan and LCP update could result in exacerbated hazards associated with geologic hazards. Adherence to requirements of the California Building Code and implementation of the goals and policies of the General Plan and LCP update would minimize the potential for loss, injury, or death following a seismic event, landslide, liquefaction, or other geologic hazards. Impacts associated with adverse geologic hazards would be less than significant. (Final EIR p. 4.5-12 – 4.5-14)

The General Plan and LCP Update would not result in substantial soil erosion or the loss of topsoil. New development under the General Plan and LCP Update would involve construction activities such as stockpiling, grading, excavation, paving and other earth disturbing activities. These construction activities may result in loose and disturbed soils, which can increase the potential for erosion and loss of topsoil, however, compliance with applicable regulations, including the Clean Water Act, and implementation of the goals and policies of the General Plan and LCP Update, would support erosion minimization and control loss of topsoil. Impacts associated with soil erosion and loss of topsoil would be less than significant. (Final EIR p. 4.5-14 – 4.5-17)

The General Plan and LCP Update would not be located on expansive soils, creating substantial risks to life or property. The CBC includes requirements to address soil-related hazards. Typical measures to treat hazardous soil conditions involve removal, proper fill selection, and compaction. Compliance with the soil-related hazard requirements of the CBC as well as Section 14.18.010 of the Morro Bay Municipal Code, requiring structural analysis of buildings to be conducted by a civil or structural engineer or architect licensed by the state, would ensure that impacts related to expansive soils would be addressed prior to and during construction. Implementation of goals and policies of the General Plan and LCP Update, in addition to compliance with applicable laws and regulations for structural development to address soil-related hazards, would minimize the potential for risks to life or property associated with soil expansion. Impacts associated with expansive soils would be less than significant. (Final EIR p. 4.5-17 – 4.5-18)

The General Plan and LCP Update would not facilitate development on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. In general, new development under the General Plan and LCP Update would occur where existing roads, water, and sewer systems are in place, minimizing the need to develop new wastewater disposal systems. Section 13.12.230 of the Morro Bay Municipal Code prohibits dumping or discharging from septic tanks, avoiding impacts to soils from such systems. Therefore, the General Plan and LCP Update would not result in a significant impact associated with soils that are incapable of supporting septic tanks or alternative wastewater disposal systems. Impacts associated with alternative wastewater systems would be less than significant. (Final EIR p. 4.5-18)

The General Plan and LCP Update would not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature. The Pismo Formation and Pleistocene-aged alluvial deposit geologic units in the vicinity of Morro Bay are known to contain substantial paleontological resources. However, there is no mapped Pismo Formation within city limits, and fossil-bearing sediments in the Morro Bay area are predominantly located on State parks land and offshore. Implementation of the General Plan and LCP Update goals and policies would reduce potential adverse impacts to paleontological resources in the planning area. Impacts associated with paleontological resources would be less than significant. (Final EIR p. 4.5-18 – 4.5-19)

3.8 Greenhouse Gas Emissions

The General Plan and LCP Update would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Implementation of General Plan and LCP Update Conservation Element Policy C-4.1 would establish GHG reduction goals consistent with the State's 2030 and 2050 greenhouse gas emissions reduction goals. Conservation Element Policies C-4.2, C-4.3, and C-4.4 require the City to update the CAP to comply with evolving state goals and requirements and would ensure that the CAP continues to provide measures for future development projects in the planning area to assess their consistency with City GHG reduction goals. The General Plan and LCP Update would be consistent with regional and State plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Impacts associated with the emission of greenhouse gas emissions would be less than significant. (Final EIR p. 4.6-12 – 4.6-17)

3.9 Hazards and Hazardous Materials/Wildfire

Implementation of the General Plan and LCP Update could result in an incremental increase in the overall routine transport, use, storage, and disposal of hazardous materials in the planning area, and increase the risk of release of hazardous materials. Oversight by the appropriate federal, State, and local agencies and compliance by new development with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these substances. Compliance with applicable regulations related to the handling, transport, disposal, and storage of hazardous materials and adherence to proposed

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General Plan and LCP Update policies would minimize the risk of spills and the public's potential exposure to these substances and reduce the risk of adverse impacts of hazardous materials. Impacts associated with the routine transport, use, storage, and disposal of hazardous materials would be less than significant. (Final EIR p. 4.7-14 – 4.7-16)

New development of residential, industrial, and commercial uses facilitated by the General Plan and LCP Update could result in increased use and storage of hazardous materials within one quarter mile of existing or proposed schools. Compliance with regulatory requirements of the San Luis Obispo County EHS and existing applicable State and federal regulations would minimize the risks associated with exposure of sensitive receptors to hazardous materials. Impacts associated with increased exposure of existing or proposed schools to hazardous materials would be less than significant. (Final EIR p. 4.7-16 – 4.7-17)

The General Plan and LCP Update would not create a significant hazard to the public or the environment result in by locating projects on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Compliance with Policy PS-4.4 of the Public Safety Element directs the City to work with appropriate regulatory agencies in managing contaminated sites and is intended to facilitate compliance with regulatory requirements related to hazardous waste contamination. In addition, existing federal and State regulatory requirements associated with hazardous waste contamination would minimize this impact. New development on documented hazardous materials sites in the planning area would be preceded by remediation under the supervision of applicable regulatory agencies. Impacts associated with development on potential hazardous material sites would be less than significant. (Final EIR p. 4.7-17 – 4.7-18)

The General Plan and LCP Update would not result in a safety hazard or excessive noise for people residing or working in the project area. The planning area is not located in an airport land use plan area or associated safety zones associated with runway activities. Impacts associated with exposure to aviation hazards or excessive aviation related noise would be less than significant. (Final EIR p. 4.7-18)

The General Plan and LCP Update would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Fire Department review of new development applications for adequate emergency access and evacuation routes, in addition to implementation of the General Plan and LCP Update Public Safety Element policies, would ensure adequate emergency response. Proposed policies and mapped evacuation routes in the General Plan and LCP Update would ensure effective emergency response following a natural or human-caused disaster. Impacts associated with conflicts with emergency response/evacuation plans would be less than significant. (Final EIR p. 4.7-19)

The General Plan and LCP Update planning area includes a designated very high fire hazard area. However, land use designations would limit new development within designated very high fire hazard areas to recreational uses. State requirements for very high fire hazard areas include California Fire Code standards for new structures and fire hazard policies in the General Plan and LCP Update apply to fire hazard areas. Fire Department review of new development applications

for adequate emergency access and evacuation routes, in addition to implementation of the General Plan and LCP Update Public Safety Element policies, would ensure adequate emergency response. Additionally, goals and policies included in the General Plan and LCP Update would minimize exposure of people or structures to risk of loss, injury, or death involving wildland fires. Impacts associated with exposure to fire hazards would be less than significant. (Final EIR p. 4.7-20 – 4.7-22)

3.10 Hydrology and Water Quality

The General Plan and LCP Update would not conflict with or obstruct implementation of a water quality control plan or degrade surface water quality by violating any water quality standards or waste discharge requirements. Compliance with NPDES permits requirements, Morro Bay Municipal Code requirements, and General Plan and LCP Update goals and policies would minimize erosion and siltation, reduce the risk of discharge of pollutants to avoid violations of water quality standards or waste discharge requirements, and minimize potential impacts of sea level rise. Implementation of these General Plan and LCP Update goals and policies would also ensure that the runoff from development envisioned in the General Plan and LCP update would not exceed the capacity of the City's existing and future storm drain system and minimize potential flooding impacts. Impacts associated with the degradation of water quality and conflicts with water quality plans would be less than significant. (Final EIR p. 4.8-15 – 4.8-21)

The General Plan and LCP Update would not impede sustainable groundwater management of the basin by conflicting with or obstruct implementation of a sustainable groundwater management plan, substantially decreasing groundwater supplies, or interfering substantially with groundwater recharge. Compliance with the Morro Bay Municipal Code and the Central Coast RWQCB's post-construction requirements for stormwater management would ensure that new impervious surfaces would not substantially interfere with groundwater recharge. The City evaluates water supply in the OneWater Plan and has determined that there is adequate water supply to serve buildout of the General Plan and LCP Update. Impacts associated with groundwater recharge and conflicts with groundwater management plans would be less than significant. (Final EIR p. 4.8-21 – 4.8-21)

The General Plan and LCP Update would not substantially alter existing drainage patterns or contribute to flooding in the City, including through the alteration of the course of a stream or river, dam inundation, or through the addition of impervious pavements. Implementation of goals and policies and compliance with applicable laws and regulations, including flood hazard mitigation construction guidelines outlined in the Morro Bay Municipal Code, would ensure that risk of loss, injury or death involving flooding in the planning area is not exacerbated by the General Plan and LCP Update. Required compliance with applicable sections of the Morro Bay Municipal Code would ensure new structures would not impede or redirect flood flows within a 100-year flood hazard area, such that a flood hazard would be increased elsewhere. Impacts associated with altered drainage patterns and flooding would be less than significant. (Final EIR p. 4.8-22 – 4.8-24)

The General Plan and LCP Update would not risk release of pollutants due to project inundation in a tsunami or seiche zone. Development facilitated by the General Plan and LCP Update may occur in areas exposed with potential for inundation by seiche, tsunami, and/or mudflow. Compliance with applicable Municipal Code requirements would ensure development within areas subject to tsunami, seiche, and mudflow would be sited, designed and constructed so as to not exacerbate risks to life and property. The General Plan and LCP Update would not increase exposure of people or structures to significant risk or loss, injury, or death involving inundation by seiche, tsunami, or mudflow. Impacts associated with exacerbating risk of releasing pollutants due to inundation would be less than significant. (Final EIR p. 4.8-24 – 4.8-26)

3.11 Land Use and Planning

The General Plan and LCP Update would not physically divide an established community. New growth in the planning area would primarily involve increased development density in developed areas, redevelopment of existing developed parcels, or annexation of new land into the city. General Plan and LCP Update goals and policies would facilitate connectivity and mobility by providing for a balanced land use pattern and access throughout the planning area. This connectivity would be provided through equitable access for residents and employees to daily needs, strategic land use planning for new development and redevelopment, reduction in conflict between land uses, and preservation and provision of lateral and vertical access points and multimodal access. The General Plan and LCP Update includes strategies, goals, and policies intended to provide for orderly development. Impacts associated with dividing an established community would be less than significant. (Final EIR p. 4.9-8 – 4.9-14)

The General Plan and LCP Update would not cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Required updates to the Zoning Ordinance and Zoning Map in the Morro Bay Municipal Code to ensure consistency with the General Plan and LCP Update, which are currently being prepared by the City, will ensure compatibility between the land use designations and zoning districts and standards within the planning area. In addition, San Luis Obispo LAFCo has a goal to update SOIs every five years, or as necessary. Future amendments to the Morro Bay SOI being contemplated as part of the General Plan and LCP Update would be implemented in coordination with LAFCo and the County of San Luis Obispo and would be required to be consistent with applicable LAFCo policy. With a comprehensive update to the city's zoning ordinance and zoning map in conjunction with the General Plan and LCP Update, implementation of the General Plan and LCP Update would be consistent with applicable regional land use plans, policies, and regulations, such as the SLOCOG 2019 RTP and city zoning districts and standards. Impacts associated with conflicts with land use plans, policies, and regulations would be less than significant. (Final EIR p. 4.9-14 – 4.9-19)

3.12 Mineral Resources

As described in the Community Baseline Assessment for the General Plan and LCP Update, there are no existing mineral extraction operations in Morro Bay. The state geologist has not designated

a mineral resource area of statewide or regional significance pursuant to Sections 2710 et seq. of the Public Resources Code (the Surface Mining and Reclamation Act) in the city. Similarly, the County of San Luis Obispo has not designated any Extractive Resource Areas in or adjacent to the City of Morro Bay. According to the Division of Oil, Gas & Geothermal Resources well data, there are no existing or historic petroleum wells in the city. Therefore, the General Plan and LCP Update would have no impact from the loss of availability of mineral resources (Final EIR p. 6-2).

3.13 Noise

Construction of individual projects facilitated by the General Plan and LCP Update would temporarily produce high noise levels, potentially affecting nearby noise-sensitive land uses. The temporary nature of construction noise and the City's restrictions on the timing and manner of construction activities described in the Morro Bay Municipal Code would reduce noise impacts at nearby noise-sensitive receptors. General Plan and LCP Update Noise Element goals and policies further reduce potential impacts to noise-sensitive receptors from temporary construction noise. Compliance with existing standards and General Plan and LCP Update goals and policies would ensure construction activity associated with redevelopment or new development would limit noise disturbance at noise-sensitive receptors in the city. Impacts associated with the generation of high noise levels during construction would be less than significant. (Final EIR p. 4.10-14 – 4.10-16)

Development facilitated by the General Plan and LCP Update could incrementally increase traffic and associated noise levels along roadways in Morro Bay, exposing noise-sensitive land uses located near roadways to incrementally greater noise levels. However, implementation of General Plan and LCP Update polices promote the use of design features and techniques intended to minimize roadway noise affecting sensitive receptors and in order to maintain compliance with the City's interior and exterior noise standards. Policies also encourage the use of alternative transportation in order to minimize increases in traffic that would result in increased noise in the planning area. Policies for transportation-related noise would reduce noise and avoid generation of excessive noise from the local highways and city streets, which would minimize the exposure of sensitive receptors to traffic noise. Impacts associated with increased roadway noise would be less than significant. (Final EIR p. 4.10-17 – 4.10-23)

New development facilitated by the General Plan and LCP Update would introduce new operational noise sources associated with residential, commercial, industrial, and mixed-use land uses. Implementation of General Plan and LCP Update policies and goals in the General Plan and LCP Update would provide for compliance with noise standards in the planning area, enforcement of the City's stationary noise standards, and limits on special events or beach events next to noise-sensitive land uses. The continued regulation of potential land use-based noise conflicts, consistent with the Municipal Code, would minimize disturbance to adjoining noise-sensitive land uses. Impacts associated with the generation of noise and land use compatibility would be less than significant. (Final EIR p. 4.10-23 – 4.10-24)

The General Plan and LCP Update would not expose people residing or working in the project area to excessive aviation related noise levels. The planning area is located outside of the existing and projected future noise contours associated with the San Luis Obispo County Regional Airport. Therefore, new development facilitated by the General Plan and LCP Update, particularly noise-sensitive uses, would not be exposed to aircraft noise. There would be no impact. (Final EIR p. 4.10-23 – 4.10-24)

3.14 Population and Housing

The General Plan and LCP Update would not result in growth in the planning area that is substantially greater than projected in the SLOCOG regional growth forecast. The land use plan and policies in the General Plan and LCP Update focus on working within the existing framework of the city, with limited vacant land, to creating a balance of uses that improves housing options and affordability in the city, while providing for sufficient services that support anticipated population growth. Impacts associated with inducing planned or unplanned growth would be less than significant. (Final EIR p. 4.11-7 – 4.11-9)

Implementation of the General Plan and LCP Update would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. Most of the planning area in Morro Bay is built out and existing buildings are generally in good condition. Consistent with the General Plan and LCP Update Land Use Element, development is focused in areas which would maximize the use of underutilized parcels and minimize displacement of existing housing and people that could otherwise result in development pressure on the periphery of the city. Additionally, new growth is directed in areas which would utilize existing transportation and utility infrastructure. The General Plan and LCP Update and General Plan Housing Element include goals and policies to increase overall housing in the city, and there are no current plans for displacement of housing, impacts related to displacement of existing residences. Impacts associated with displacement of people or housing would be less than significant. (Final EIR p. 4.11-9 – 4.11-11)

3.15 Public Services/Recreation

Development facilitated by the General Plan and LCP Update would result in a long-term increase in the city's population. Increased population would increase demand for fire, police, school, and emergency medical services and potentially create the need for new police, fire, school, or other service facilities; however, compliance with policies in the General Plan and LCP Update, payment of City-required public facilities impact fees, and management of future growth would avoid adverse environmental effects associated with the provision of new or physically altered fire, police, school and other public facilities. Impacts associated with the provision of new fire, police, school, and emergency medical services, and the environmental impacts of new or altered facilities, would be less than significant. (Final EIR p. 4.12-9 – 4.12-12)

The General Plan and LCP Update would not result in substantial physical deterioration of recreational facilities. Development facilitated by the General Plan and LCP Update would

increase the City's population with commensurate increases in demand for neighborhood and regional parks and other recreational facilities. Additional parkland has been planned such that the park service ratio would satisfy the City's requirement to provide a minimum of three acres or parkland per 1,000 residents, consistent with Quimby Act requirements. The General Plan and LCP Update would contribute to the need for new or expanded park or recreational facilities but also provides the policy framework and physical opportunities to provide expanded park or recreational facilities. Impacts associated with the construction of and increased deterioration of recreational facilities would be less than significant. (Final EIR p. 4.12-12 – 4.12-15)

3.16 Transportation

The General Plan and LCP Update would not substantially increase hazards due to design features or incompatible uses (e.g. farm equipment). The General Plan and LCP Update is a programmatic guide to transportation in Morro Bay and does not include project-level design features. Future roadway improvements, site access, and other roadway design features would be designed and reviewed in accordance with all applicable federal, State, and City standards. Impacts associated with hazardous transportation design features would be less than significant. (Final EIR p. 4.13-23 – 4.13-24)

Due to the programmatic nature of the General Plan and LCP Update and the policies to create an integrated, multi-modal transportation system the General Plan and LCP Update would not result in inadequate emergency access. In addition, Fire Department review of new development applications for adequate emergency access and evacuation routes is required as part of the City's development review process. Adherence to the State and City requirements combined with implementation of applicable General Plan and LCP Update policies, would ensure adequate emergency response is maintained in the city. Impacts associated with inadequate emergency access would be less than significant. (Final EIR p. 4.13-24 – 4.13-25)

3.17 Utilities and Service Systems

The General Plan and LCP Update would not require or result in the relocation of construction of new or expanded water facilities, the construction of which could cause significant environmental effects. Based on the water supply projections presented in the OneWater Morro Bay Plan, the city's water supply would be sufficient to meet the projected demand of the development envisioned in the General Plan and LCP Update. In addition, project-specific water supply assessments would be required to be prepared by proponents of future development projects in the city in accordance with SB 610. Compliance with applicable General Plan and LCP Update Land Use Element goals and policies to encourage the sustainable use and management of water supplies in the planning area. Impacts associated with water supplies and facilities would be less than significant. (Final EIR p. 4.14-11 – 4.14-15)

The City is constructing a new WRF which is designed to meet existing needs and future demand associated with General Plan buildout, including development facilitated by the General Plan and LCP Update. Completion of the new WRF, as well as implementation of the OneWater Morro

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Bay Plan and the policies in the General Plan and LCP Update Conservation Element would ensure adequate wastewater systems and infrastructure to meet future demands. Impacts associated with adequate wastewater treatment capacities would be less than significant. (Final EIR p. 4.14-15 – 4.14-16)

The General Plan and LCP Update would comply with federal, state, and local statutes and regulations related to solid waste and not generate solid waste in excess of State or local standards, or capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Development facilitated by the General Plan and LCP Update would increase solid waste sent to area landfills; however, Cold Canyon Landfill would have capacity to serve the development envisioned in the General Plan and LCP Update. Goals and policies in General Plan and LCP Update would increase the amount of waste that is diverted from the landfill and encourage reuse and recycling. Impacts associated with adequate solid waste storage capacities and compliance with federal, state, and local statutes would be less than significant. (Final EIR p. 4.14-17 – 4.14-18)

CHAPTER 4

Less-than-Significant Environmental Impacts with Mitigation

Pursuant to *State CEQA Guidelines* Section 15091, the following are the impacts of the General Plan and LCP Update for which mitigation measures have been proposed in the Final EIR. These measures will avoid or substantially lessen the following potentially significant environmental impacts to a less-than-significant level:

4.1 Air Quality

Impact AQ-2: The Final EIR concludes in Impact AQ-2 that buildout of the General Plan and LCP Update would result in short-term emissions of criteria pollutants. This impact would be less than significant with mitigation. (Final EIR p. 4.2-19)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measure AQ-2 would reduce the significant impact to a less than significant level.

Mitigation Measure AQ-2: Proponents of individual land use projects, or other projects requiring grading or building permits, shall require construction contractors to incorporate the following standard mitigation measures, as applicable, to reduce ROG, NOX, and DPM emissions from construction equipment. Mitigation measures shall be listed on project construction plans and the project proponent shall perform periodic site inspections during construction to ensure that mitigation measures are being implemented.

- Maintain all construction equipment in proper condition according to manufacturer's specifications
- Fuel all off-road and portable diesel powered equipment with ARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road)
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation
- Use on-road heavy-duty trucks that meet ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation

- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NO_x exempt area fleets) may be eligible by proving alternative compliance
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit
- Diesel idling within 1,000 feet of sensitive receptors is not permitted
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors
- Electrify equipment when feasible
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Rationale/Supporting Explanation: The SLOAPCD provides standard mitigation measures for construction in the *CEQA Air Quality Handbook*, which are included as Mitigation Measure AQ-2. Future development projects in the Morro Bay planning area would also be evaluated for air quality impacts once project-level details are known and would be required to incorporate additional mitigation if project construction emissions exceed the thresholds established by the SLOAPCD. Because individual projects would be required to evaluate and mitigate potential air quality impacts resulting from construction emissions and mitigate emissions as required by SLOAPCD guidance, air quality impacts from construction of the General Plan and LCP Update would be mitigated to a less than significant level. (Final EIR p. 4.2-19 – 4.2-20)

4.2 Biological Resources

Impact BIO-1: The Final EIR concludes in Impact BIO-1 that new development facilitated by the General Plan and LCP Update could impact listed and other individual special status species and foraging and breeding habitat for special status wildlife and habitat for special status plants. This impact would be less than significant with mitigation. (Final EIR p. 4.3-29)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures BIO-1(a) and BIO-1(b) would reduce the significant impact to a less than significant level.

Mitigation Measure BIO-1(a): Policy C-1.3 shall be updated to read:

Policy C-1.3 Biological Site Assessments. A biological assessment shall be required for any development proposed on sites that include or are within 100 feet of mapped ESHA in Figure C-2, and all other sites with natural vegetation regardless of whether ESHA has been mapped in Figure C-2, and for all other projects for which evidence indicates that ESHA may be present either on or

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adjacent to the site. The best available information about the location of ESHA in the City shall be used. Such assessment shall be prepared at the owner's expense by a qualified biologist approved by the City and shall, at minimum:

- a. Identify and confirm the extent of the ESHA,
- b. Document any site constraints and the presence of sensitive plant or animal species,
- c. Recommend buffers and development setbacks and standards to protect the ESHA,
- d. ~~Recommend mitigation measures to address any allowable impacts~~ If listed species, or other special status species, or nesting birds are present or have the potential to occur, specify avoidance and minimization measures, including compensatory mitigation, to be implemented to avoid or minimize take of individuals and loss of occupied habitat, and specify the necessary consultation pathway(s) with USFWS, NMFS, and/or CDFW to obtain incidental take coverage, where necessary, and
- e. Include any other information and analyses necessary to understand potential ESHA impacts as well as measures necessary to protect the resource as required by the Local Coastal Program.

If the site contains the potential for monarch overwintering or rookeries due to the presence of appropriately sized trees and groves, a seasonally timed survey appropriate for detecting the target species must also be included in the study.

Mitigation Measure BIO-1(b): Policy OS-7.1 shall be updated to read:

Policy OS-7.1 Account for External Impacts. If any portion of the area outside the city limits is included in the City's sphere of influence in the future, prepare and adopt a plan for the affected parcels that includes infrastructure and services provided by the City of Morro Bay. The plan shall also identify policies for the protection of natural resources in the affected areas.

Rationale/Supporting Explanation: Impacts to special status species would be less than significant with implementation of Measures BIO-1(a) and BIO-1(b), which would update policies in the General Plan and LCP Update to protect listed species and provide direction on resource protection in any future SOI. (Final EIR p. 4.3-29 - 4.3-37)

Impact BIO-3: The Final EIR concludes in Impact BIO-3 that new development facilitated by the General Plan and LCP Update may remove trees, encroach on rookeries and breeding sites, impede movement of terrestrial and aquatic wildlife, and otherwise interfere with the movement of wildlife. Impacts would be less than significant with mitigation. (Final EIR p. 4.3-40)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant

environmental effect as identified in the Final EIR. Mitigation Measure BIO-3 would reduce the significant impact to a less than significant level.

Mitigation Measure BIO-3: The following policy shall be added to the Conservation Element:

Policy C-1.17 Project Design for Wildlife Connectivity. Design new stream crossing structures and extensions or modifications of existing structures to accommodate wildlife movement. At a minimum, structures within steelhead streams must be designed in consultation with a fisheries biologist and shall not impede movement. New projects with long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement.

Rationale/Supporting Explanation: Impacts to wildlife movement corridors would be less than significant with implementation of Measure BIO-3 to add a General Plan and LCP Update policy to preserve wildlife movement corridors. (Final EIR p. 4.3-40 – 4.3-41)

Cumulative Impact – Biological Resources: The Final EIR concludes that implementation of the land use development patterns under the General Plan and LCP Update could result in impacts on special-status species, riparian, wetland, or other sensitive natural communities, as well as wildlife movement in the planning area, and contribute to cumulative impacts to these resources within the greater cumulative impact area (adjacent communities, including San Luis Obispo county). (Final EIR p. 4.3-42 – 4.3-43)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures BIO-1(a), BIO-1(b) and BIO-3 would reduce the significant impact to a less than significant level.

Implement Mitigation Measures BIO-1(a), BIO-1(b) and BIO-3

Rationale/Supporting Explanation: These mitigation measures would require additional policy language in the General Plan and LCP Update to protect biological resources that have potential to be impacted by development facilitated by the General Plan and LCP Update. These measures reduce the General Plan and LCP Update’s potential contribution to cumulative impacts to special status species and wildlife movement corridors and contribution of the proposed General Plan and LCP Update’s cumulative impacts would not be cumulatively considerable. (Final EIR p. 4.3-42 – 4.3-43)

4.3 Cultural Resources

Impact CR-1: The Final EIR concludes in Impact CR-1 that development facilitated by the General Plan and LCP Update has the potential to impact historical and unique archaeological resources. This impact would be less than significant with mitigation. (Final EIR p. 4.4-9)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures CR-1(a) and CR-1(b) would reduce the significant impact to a less than significant level.

Mitigation Measure CR-1(a): Policy C-2.3 of the General Plan and LCP Update shall be revised to read:

Policy C-2.3 Protection of Cultural Resources. Ensure the protection of historic, cultural, and archeological resources during development, construction, and other similar activities. Development shall avoid, to the maximum extent feasible, adversely impacting historic, cultural, and/or archaeological resources, and shall include adequate BMPs to address any such resources that may be identified during construction, including avoidance, minimization, and mitigation measures sufficient to allow documentation, preservation, and other forms of mitigation. If the resource(s) in question are of Native American origin, develop avoidance or minimization measures in consultation with appropriate Native American tribe(s).

Mitigation Measure CR-1(b): The following implementation action for Goal C-2 shall be added to the General Plan and LCP Update:

Require all discretionary proposals within the cultural resources overlay to consider the potential to disturb cultural resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standard (PQS) for archaeology and/or architectural history, as appropriate (NPS 1983).

A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research should include a records search at the Central Coast Information Center (CCIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC). Where identified or potential resources are of Native American origin, the appropriate Native American tribe(s) will participate with the qualified professional. The technical report documenting the study shall include recommendations to avoid or, if avoidance is not feasible, reduce impacts to cultural resources.

Rationale/Supporting Explanation: Implementation of Measures CR-1(a) and CR-1(b) would update the General Plan and LCP Update to include a policy and implementation action to address potential impacts to historical and unique archaeological resources on a project-by-project basis by requiring cultural resource studies for projects within the city and the implementation of further requirements to avoid or reduce impacts to those resources. Residual impacts would be less than significant. (Final EIR p. 4.4-9 – 4.4-12)

Cumulative Impact – Cultural Resources: The Final EIR concludes that the increase in growth in previously undisturbed areas would contribute to regional impacts on existing and previously undisturbed and undiscovered historical and archaeological resources. Compliance with applicable regulations and implementation of General Plan and LCP Update goals and policies would minimize cumulative impacts to cultural resources. (Final EIR p. 4.4-12 – 4.4-13)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures CR-1(a) and CR-1(b) would reduce the significant impact to a less than significant level.

Implement Mitigation Measures CR-1(a) and CR-1(b)

Rationale/Supporting Explanation: Implementation of Measures CR-1(a) and CR-1(b) would update the General Plan and LCP Update to include implementation actions to address potential impacts to cultural resources on a project-by-project basis by requiring cultural resource studies for projects within the city and the implementation of further requirements to avoid or reduce impacts to cultural resources. Implementation of Mitigation Measures CR-1(a) and CR-1(b) would ensure that potential impacts to cultural resources would not be cumulatively considerable, and cumulative impacts to such resources would not be cumulatively considerable. (Final EIR p. 4.4-12 – 4.4-13)

4.4 Noise

Impact N-2: The Final EIR concludes in Impact N-2 that construction of individual projects facilitated by the General Plan and LCP Update could temporarily generate groundborne vibration, potentially affecting adjacent sensitive land uses. Although the Morro Bay Municipal Code’s timing restrictions on construction activity would limit vibration disturbance, high vibration levels during working construction hours could potentially disturb people or damage fragile buildings. (Final EIR p. 4.10-16)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measure N-2 would reduce the significant impact to a less than significant level.

Mitigation Measure N-2: The following new policies shall be added to the Noise Element under Goal NOI-3:

Policy NOI-3.5 Vibration Control. Control construction vibration by avoiding the use of vibratory rollers near vibration-sensitive receptors and scheduling construction activities with the highest potential to produce vibration to hours with the least potential to affect sensitive land uses.

Policy NOI-3.6 Construction Vibration Notification. Developers shall notify neighbors of scheduled construction activities that would generate vibration.

Rationale/Supporting Explanation: The avoidance of vibratory rollers in close proximity to vibration-sensitive receptors would prevent potential structural damage from vibration. In addition, the appropriate scheduling of construction activities and notification of neighbors would minimize disturbance of people from vibration-generating equipment. Compliance with the vibration control and notification measures in Mitigation Measure N-2 would reduce temporary vibration impacts to a less than significant level. (Final EIR 4.10-16 – 4.10-17)

Cumulative Impact – Noise: The Final EIR concludes site-specific cumulative impacts related to exposure of existing and planned future receptors to construction vibrational noise sources would be less than significant with mitigation incorporated. (Final EIR p. 4.10-25)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measure N-2 would reduce the significant impact to a less than significant level.

Implement Mitigation Measure N-2

Rationale/Supporting Explanation: Compliance with the vibration control and notification measures in Mitigation Measure N-2 would reduce the project's contribution to cumulative temporary vibration impacts to a less than significant level, as vibratory rollers would not operate in close proximity to vibration-sensitive receptors and prevent potential structural damage from vibration. Cumulative impacts would not be cumulatively considerable. (Final EIR p. 4.10-17 and 4.10-25)

4.5 Transportation and Traffic

Impact T-1: The Final EIR concludes in Impact T-1 that implementation of the General Plan and LCP Update would increase vehicle traffic volumes, which have the potential to interfere with pedestrian and bicycle travel on or along roadways. The General Plan and LCP Update includes goals and policies to improve safety, access, and performance of public transit, bicycle, and pedestrian transportation modes. Implementing specific pedestrian circulation improvement measures at affected facilities would further improve the performance of pedestrian transportation modes. (Final EIR p. 4.13-16)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measure T-1 would reduce the significant impact to a less than significant level.

Mitigation Measure T-1: The following pedestrian facility improvements shall be added to the list of “Planned Circulation Improvements” in the General Plan and LCP Update Circulation Element.

- Embarcadero North of Beach Street: Provide sidewalks and a vehicular connection shifting traffic away from Beach Street for the redeveloped Morro Bay Power Plant site.
- Morro Bay Boulevard: Provide a landscaped buffer at least two feet wide between the sidewalk and travel lanes.
- Main Street south of Radcliffe Drive: Provide continuous sidewalks to provide acceptable pedestrian operations.
- SR 41 east of Main Street: Provide sidewalks with a landscaped buffer when adjacent properties are redeveloped.

In addition, Policy CIR-1.8 shall be revised as follows:

Policy CIR-1.8 Capital Improvement Program. Use the City's Capital Improvement Program (CIP) process to prioritize, fund, and build roadway, ~~and~~ bikeway, and pedestrian improvements, and to address phasing and construction of traffic infrastructure throughout the city.

As individual development projects are proposed, focused, project-level environmental review may be required, which could result in the implementation of project-specific mitigation measures to improve operations for pedestrians. Implementation of identified goals and policies to improve performance and safety of the transportation system for pedestrian, bicycle, and transit users would ensure that potential impacts associated with the performance of alternative transportation facilities would maintain acceptable operation of pedestrian modes.

Rationale/Supporting Explanation: Mitigation Measure T-1 describes pedestrian circulation improvement measures at affected facilities which would improve operations for pedestrian modes. Residual impacts would be less than significant (Final EIR p. 4.11-16 – 4.11-20)

4.6 Tribal Cultural Resources

Impact TC-1: The Final EIR concludes in Impact TC-1 that development facilitated by the General Plan and LCP Update has the potential to impact tribal cultural resources. Implementation of the goals and policies of the General Plan and LCP Update would minimize the potential for impacts to previously unidentified tribal cultural resources. (Final EIR p. 4.15-3)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures CR-1(a) and CR-1(b) would reduce the significant impact to a less than significant level.

Implement Mitigation Measures CR-1(a) and CR-1(b) (refer to Section 4.3, *Cultural Resources*).

Rationale/Supporting Explanation: Impacts to tribal cultural resources would be less than significant with implementation of Mitigation Measures CR-1(a) and CR-1(b), which would update the General Plan and LCP Update to include a policy and implementation action to address potential impacts to unique tribal cultural resources on a project-by-project basis by requiring cultural resource studies for projects within the city and the implementation of further requirements to avoid or reduce impacts to those resources. (Final EIR p. 4.15-3 – 4.15-4)

Cumulative Impact – Tribal Cultural Resources: The Final EIR concludes development in the city would increase under buildout of the General Plan and LCP Update and the increase in growth in previously undisturbed areas would contribute to regional impacts on tribal cultural resources. (Final EIR p. 4.15-4)

Finding: The City of Morro Bay finds that changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures CR-1(a) and CR-1(b) would reduce the significant impact to a less than significant level.

Implement Mitigation Measures CR-1(a) and CR-1(b)

Rationale/Supporting Explanation: Implementation of the goals and policies in the General Plan and LCP update, as well as implementation of Mitigation Measures CR-1(a) and CR-1(b) would minimize potential impacts to tribal cultural resources as a result of development facilitated by the General Plan and LCP Update, as impacts would be addressed on a project-by-project basis by requiring cultural resource studies for projects within the city and the implementation of further requirements to avoid or reduce impacts to those resources. (Final EIR p. 4.4-9 – 4.4-12)

CHAPTER 5

Significant Environmental Impacts

Pursuant to *State CEQA Guidelines* Section 15091, the following are the impacts of the General Plan and LCP Update for which impacts cannot be reduced to less than significant. These impacts remain significant and unavoidable, as identified in the Final EIR.

5.1 Air Quality

Impact AQ-1: The Final EIR concludes in Impact AQ-1 that the General Plan and LCP Update would result in an increase in VMT that would exceed the projected rate of population growth in Morro Bay, which would be inconsistent with the SLOAPCD Clean Air Plan. This would be a significant and unavoidable impact (Final EIR p. 4.2-10)

Finding: The City of Morro Bay finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. No mitigation is available that would reduce the project rate of VMT growth below the projected rate of population growth in Morro Bay. Therefore, the General Plan and LCP Update would be inconsistent with the SLOAPCD Clean Air Plan, and impacts related to consistency with the 2001 CAP would remain significant and unavoidable. A statement of overriding considerations for this impact is made in Chapter 7.

Rationale/Supporting Explanation: The General Plan and LCP Update would comply with applicable General Plan and LCP Update goals and policies that would reduce VMT to the extent feasible. In addition, individual development projects in the planning area would require project-level environmental review, including evaluation of future projects for consistency with the applicable air quality plan in accordance with the SLOAPCD CEQA *Air Quality Handbook*, which could result in the implementation of project-specific mitigation measures to reduce VMT. However, no additional policy-oriented mitigation is available that would reduce projected VMT, therefore this impact remains significant and unavoidable. (Final EIR p. 4.2-10 – 4.2-19)

Cumulative Impact - Air Quality: The Final EIR concludes the General Plan and LCP Update's contribution to cumulative regional air quality impacts would be significant and unavoidable. (Final EIR p. 4.2-10)

Finding: The City of Morro Bay finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. No mitigation is available that would reduce the project rate of VMT growth below

the projected rate of population growth in Morro Bay. Therefore, the General Plan and LCP Update would be inconsistent with the SLOAPCD Clean Air Plan, and impacts related to consistency with the 2001 CAP would remain significant and unavoidable. A statement of overriding considerations for this impact is made in Chapter 7.

Rationale/Supporting Explanation: San Luis Obispo County is in non-attainment for the 1-hour and 8-hour state standards for ozone and the 24-hour state standard for PM₁₀. Future development throughout San Luis Obispo County would create ozone and PM₁₀ emissions, which would contribute to continued or exacerbated violation of state emissions standards. Buildout of the General Plan and LCP Update would result in an increase of VMT exceeding the rate of population increase, which would be inconsistent with SLOAPCD's 2001 CAP, which is intended to bring the County into attainment of the State ozone standard. Because the General Plan and LCP Update would be inconsistent with the CAP, the General Plan and LCP Update's contribution to cumulative regional air quality impacts would be significant and unavoidable. (Final EIR p. 4.2-25)

5.2 Transportation

Impact T-2: The Final EIR concludes in Impact T-2 that the General Plan and LCP Update anticipates land use growth that would result in a long-term increase in VMT within the City's SOI. The General Plan and LCP Update Circulation Element includes goals and policies that reduce reliance on passenger vehicles, facilitate pedestrian and bicycle transportation, and establish local targets for VMT reduction. However, future development in Morro Bay would result in increased per service population VMT, and no feasible mitigation is available that would fully address the anticipated increase in VMT. (Final EIR p. 4.13-21)

Finding: The City of Morro Bay finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. Mitigation is not available that would fully address the anticipated increase in VMT resulting from the General Plan and LCP Update. A statement of overriding considerations for this impact is made in Chapter 7.

Rationale/Supporting Explanation: Implementation of the goals and policies in the General Plan and LCP Update would contribute to reducing VMT in Morro Bay. However, no additional feasible mitigation is available that would fully address the anticipated increase in VMT. Therefore, impacts associated with increased VMT in the Morro Bay SOI and in San Luis Obispo County would remain significant and unavoidable after implementation of all applicable policies in the General Plan and LCP Update. (Final EIR p. 4.13-21 – 4.13-23)

Cumulative Impact - Transportation: The Final EIR concludes the General Plan and LCP Update's contribution to cumulative VMT impacts would be significant and unavoidable. (Final EIR p. 4.13-25)

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Finding: The City of Morro Bay finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. Mitigation is not available that would fully address the anticipated increase in VMT resulting from the General Plan and LCP Update. A statement of overriding considerations for this impact is made in Section 7.

Rationale/Supporting Explanation: The cumulative traffic impacts of the General Plan and LCP Update were determined by a comparison of the Existing Conditions scenario and the Buildout Plus Project Conditions scenario. The cumulative land use growth evaluated under Buildout Plus Project conditions would result in an increase in daily VMT and daily per service population VMT. The individual potential impacts of future development in Morro Bay are speculative; however, the cumulative impact of the increase in VMT in the Morro Bay SOI and in San Luis Obispo County identified for the General Plan and LCP Update would be potentially significant. Future development in Morro Bay would result in increased long-term VMT, even with implementation of identified goals and policies that would reduce VMT to an extent. Individual development projects in Morro Bay would require focused, project-level environmental review, and would require mitigation to reduce VMT where potential environmental impacts are identified. Implementation of the goals and policies in the General Plan and LCP Update would contribute to reducing VMT in Morro Bay, but no additional feasible mitigation is available that would fully address the anticipated increase in VMT resulting from the General Plan and LCP Update. Therefore, cumulative transportation impacts would remain significant and unavoidable (Final EIR p. 4.13-25 – 4.13-26)

CHAPTER 6

Findings Regarding Project Alternatives

The City of Morro Bay hereby declares that it has considered and rejected as infeasible the alternatives identified in the Final EIR and described below. CEQA requires that an EIR evaluate a range of reasonable alternatives to a project, or to the location of the project, which would feasibly obtain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project (*CEQA Guidelines* §15126.6). The No Project alternative must be evaluated, and if it is the environmentally superior alternative, another environmentally superior alternative must be identified among the other alternatives (*CEQA Guidelines* Section 15126.6[e]).

The objective of the General Plan and LCP Update is to function as a policy document to guide land use decisions within the city planning area through the year 2040. The Community Vision of the General Plan is as follows:

In 2040, Morro Bay remains a small oceanfront town and thriving year-round destination, known for its natural beauty, creative people, outdoor recreation, working waterfront, and welcoming community spirit. It is a friendly, safe, resilient, and healthy place where people of all ages and economic levels live, work, play, and visit.

The natural environment and wildlife are cherished and conserved and are essential elements that integrate with and define our urban landscape. Our healthy wetlands, iconic Morro Rock, and bustling harbor are complemented by expansive parks, connected bicycle lanes, safe streets, and pathways that are accessible to people of all ages and abilities.

We have a deep appreciation for nature and honor our native, cultural, and maritime heritage. We maintain and support our working waterfront and carefully preserve our estuary, watershed, natural shoreline, and surrounding open space. We adapt to changes in the climate, economy, and culture without compromising our small-town character.

Our vibrant economy is strengthened by sustainable resource practices, a responsive city government, and leading-edge technology that empowers local business owners and attracts new businesses and investors. We are a diverse, multigenerational community where head-of-household jobs, sustainable living wages, and affordable housing options serve as a foundation that allows people of all ages and income levels to thrive.

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Modern, well-maintained public amenities and supportive community services nurture our residents, community organizations, and neighborhood groups. We actively participate in government decisions and take pride in volunteerism. We welcome personal expression and creativity, as reflected in our varied visitor attractions, bustling dining scene, vibrant arts culture, community events, public art, and outdoor activities. Our diverse housing, safe and eclectic neighborhoods, and reliable transit system are enhanced through suitable urban infill and mixed-use development that accommodates modest residential and commercial growth.

Mindful of our rich heritage, we take great pride in our community and work together toward a bright future.

The Final EIR evaluated three project alternatives in addition to the proposed General Plan and LCP Update. The alternatives analyzed in the Final EIR are as follows:

- Alternative 1: No Project/Continue using 1988 General Plan and 1984 LCP
- Alternative 2: Proposed General Plan and LCP Update without Morro Bay Power Plant/WWTP Redevelopment
- Alternative 3: Reduced Commercial Floor Area Ratio

The Final EIR concludes that the No Project Alternative (Alternative 1) would be environmentally superior in comparison to the General Plan and LCP Update because it would continue implementation of the existing 1988 General Plan, which would accommodate less development and growth than the General Plan and LCP Update, Alternatives 2, or Alternative 3. Although Alternative 1 would entail continued growth as dictated by the existing 1988 General Plan, Alternative 1 would not implement new policy language included in the General Plan and LCP Update, such as policies intended to provide guidance for future development and reduce long-term community impacts associated with growth. Alternative 2 would perform similar or better to the General Plan and LCP Update for all environmental resource areas. This alternative would result in no new development on the former Morro Bay Power Plant and City WWTP redevelopment sites, instead designating these sites as Open Space/Recreation. Alternative 3 would perform similar or better to the General Plan and LCP Update for all environmental resource areas. This alternative would result in less new commercial growth and development overall due to the reduction in commercial FAR.

Based on the information presented herein, Alternative 2 would be the environmentally superior alternative when considering overall environmental impacts relative to the performance metrics. However, designating the former Morro Bay Power Plant and City WWTP redevelopment sites as Open Space/Recreation would be inconsistent with the vision and objectives of the General Plan and LCP Update because it would eliminate urban development from areas the city has determined would contribute substantially to a pattern of compact future development, reducing long-term development pressure on agricultural lands outside the planning area. Additionally, reduced growth in these targeted redevelopment locations would be inconsistent with the goals of

the General Plan and LCP Update to attract new businesses and investors and provide head-of-household jobs and affordable housing options.

After Alternative 2, Alternative 1 is the next most environmentally superior alternative when considering overall environmental impacts relative to the performance metrics. However, Alternative 1 would not meet the basic project objective to provide an updated community vision for Morro Bay by updating the 1988 General Plan, and would not avoid the significant and unavoidable project-level or cumulative impacts associated with increased VMT, and may result in additional long-term impacts associated with the need for expanded utility infrastructure.

6.1 Alternative 1: No Project

Description: Section 15126.6(e) of the *CEQA Guidelines* requires a “no project” alternative be evaluated in an EIR to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project. *CEQA Guidelines* Section 15126.6(e)(3) describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is not a land use/regulatory plan, such as a specific development on an identifiable property, the no project alternative is the circumstance under which that project is not processed (i.e., no development occurs). Alternative 1 represents the former type of no project alternative and assumes the continued implementation of the 1988 General Plan and 1984 LCP.

This alternative is comprised of a land use pattern that reflects the land use identified in the existing 1988 General Plan. Under this alternative, the proposed General Plan and LCP Update would not be adopted and the existing General Plan and LCP, including the land use map and all of the General Plan and LCP goals and policies, would remain in place through the horizon year of 2040. Thus, any new development in Morro Bay would occur consistent with the existing land use designations and the allowed uses within each designation. Similarly, any new infrastructure would occur as envisioned in the existing 1988 General Plan. Development under this alternative is anticipated to be generally similar in much of the planning area but would not include mixed-use development in the downtown area, or the identified redevelopment of the former Morro Bay Power Plant and City wastewater treatment plant (WWTP) sites, resulting in more non-residential development than under the General Plan and LCP Update. As a result, overall development and anticipated growth would be reduced under the No Project Alternative compared to the General Plan and LCP Update. This alternative assumes that the City’s Sphere of Influence (SOI) would not be extended to include 1,077 acres of the planning area beyond the city limits that is identified as a future extension of Morro Bay’s SOI. Therefore, the planning area for this alternative encompasses the existing city limits and SOI. (Final EIR p. 7-2 – 7-10)

Finding: The City finds that the No Project Alternative is infeasible because it fails to meet any of the project objectives, including the Project’s objective to guide land use decisions within the city planning area through the year 2040.

Rationale/Supporting Explanation: The No Project Alternative (Alternative 1) would not implement new policy language included in the General Plan and LCP Update, such as policies intended to provide guidance for future development and reduce long-term community impacts associated with growth. Alternative 1 would not eliminate the significant and unavoidable project-level or cumulative impacts associated with increased VMT. (Final EIR p. 7-25)

6.2 Alternative 2: Proposed General Plan and LCP Update without Morro Bay Power Plant/WWTP Redevelopment

Description: One of the primary long-term strategies of the proposed General Plan and LCP Update land use plan is redevelopment of the former Morro Bay Power Plant and City WWTP sites with uses that respond to their unique site attributes to provide future growth areas for the city within the existing city limit. Under the General Plan and LCP Update land use plan, the former Morro Bay Power Plant and City WWTP sites are planned to accommodate Mixed Use, Public/Institutional, Visitor Serving Commercial, and Open Space/Recreation uses with much of the development being new. Approximately 50 percent of the planned non-residential land use growth (from existing to buildout) and approximately 80 percent of the visitor-serving commercial growth would occur at the former Morro Bay Power Plant and City WWTP sites. The General Plan and LCP Update Land Use Element includes Policy LU-5.4 and Policy LU-5.5, which require the city to develop master plans for these sites and the surrounding areas.

Alternative 2 would remove Policy LU-5.4 and Policy LU-5.5 from the General Plan and LCP Update, and would revise the land use plan to include the former Morro Bay Power Plant and City WWTP sites in Open Space/Recreation, preserving natural areas and resources, and providing future recreational opportunities, consistent with other goals of the General Plan and LCP Update. This alternative would build on the preservation of natural areas within the planning area by reducing the amount of new development compared to the proposed General Plan and LCP Update.

Under Alternative 2, approximately 3.1 million square feet of new commercial development could be constructed in the planning area. This would be 5.7 million fewer square feet of new commercial square footage than could be constructed compared to the General Plan and LCP Update. Additionally, approximately 300 fewer residential units could be constructed within the planning area, as a result of the elimination of the mixed-use overlay in the Morro Bay Power Plant redevelopment area.

Because 300 fewer dwelling units would be constructed under Alternative 2, population density of the city would be reduced compared to the General Plan and LCP Update. Overall, Alternative 2 would reduce the growth in population in Morro Bay through the year 2040 by approximately 4 percent and would reduce the net growth in non-residential development through the year 2040 by approximately 52 percent compared to the General Plan and LCP Update. (Final EIR p. 7-10 – 7.16)

Finding: While Alternative 2 is environmentally similar to the proposed project and would partially meet the project objective to guide land use decisions within the city planning area through the year 2040, the City finds that Alternative 2 is infeasible because it fails to meet some of the project objectives identified in the General Plan and LCP Update vision and values, including attracting new businesses and investors, providing head-of-household jobs and affordable housing options, and providing suitable urban infill and mixed-use development that accommodates modest residential and commercial growth.

Rationale/Supporting Explanation: Designating the former Morro Bay Power Plant and City WWTP redevelopment sites as Open Space/Recreation would be inconsistent with the vision and values of the General Plan and LCP Update because it would eliminate urban development from areas which would contribute substantially to a pattern of compact future development, reducing long-term development pressure on agricultural lands outside the planning area. Additionally, reduced growth in these targeted redevelopment locations would be inconsistent with the goals of the General Plan and LCP Update to attract new businesses and investors and provide head-of-household jobs and affordable housing options. (Final EIR p. 7-25)

6.3 Alternative 3: Reduced Commercial Floor Area Ratio

Description: Under the Reduced Commercial Floor Area Ratio (FAR) Alternative, the maximum allowable FAR for the Community Commercial and Visitor-Serving Commercial land use designations would be reduced from 1.25 to 1.0 to reduce commercial density and overall vehicle miles traveled associated with new non-residential development. Approximately 75 percent of the potential new commercial development identified in Table 2-5 of the Final EIR is comprised of Community Commercial and Visitor-Serving Commercial land use (approximately 1.1 million square feet of Community Commercial and approximately 5.5 million square feet of Visitor Serving Commercial). Due to the reduction in overall growth, this alternative would incrementally reduce new vehicle traffic. Development under Alternative 3 assumes that all goals and policies put in place by the General Plan and LCP Update will be in force.

Under Alternative 3, approximately 7.5 million square feet of new commercial development could be constructed in the planning area. This would be 1.3 million fewer square feet of new commercial square footage than could be constructed under the General Plan and LCP Update. Additionally, approximately 103 fewer residential units could be constructed within the planning area, as a result of the FAR reduction within the planned mixed-use overlay areas.

Because 103 fewer dwelling units would be constructed under Alternative 3, population density of the city would be reduced compared to the General Plan and LCP Update. Overall, Alternative 3 would reduce the growth in population in Morro Bay through the year 2040 by approximately 2 percent and would reduce the net growth in non-residential development through the year 2040 by approximately 12 percent compared to the General Plan and LCP Update. (Final EIR p. 7.17-23)

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Finding: While Alternative 3 is environmentally similar to the proposed project and would partially meet the project objective to guide land use decisions within the city planning area through the year 2040, the City finds that Alternative 3 is infeasible because it fails to meet some of the project objectives identified in the General Plan and LCP Update vision and values, including attracting new businesses and investors, providing head-of-household jobs and affordable housing options, and providing suitable urban infill and mixed-use development that accommodates modest residential and commercial growth.

Rationale/Supporting Explanation: Reducing the allowable FAR for the Community Commercial and Visitor-Serving Commercial land use designations would be inconsistent with the vision and values of the General Plan and LCP Update because it would reduce commercial growth that would attract new businesses and investors and provide head-of-household jobs and affordable housing options. In addition, Alternative 3 would not eliminate any of the significant and unavoidable impacts associated with the General Plan and LCP Update, as this alternative would still result in substantial new growth and the associated increase in new vehicle traffic. (Final EIR p. 7-25)

CHAPTER 7

Statement of Overriding Considerations

7.1 Introduction

Section 15093 of the CEQA Guidelines requires lead agencies to adopt a Statement of Overriding Considerations if they elect to approve a project that has significant and unavoidable environmental impacts. The Final EIR for the General Plan and LCP Update identifies the following significant and unavoidable impacts:

- **Impact AQ-1:** The Final EIR concludes that the General Plan and LCP Update would result in an increase in VMT that would exceed the projected rate of population growth in Morro Bay, which would be inconsistent with the SLOAPCD Clean Air Plan. This would be a significant and unavoidable impact (Final EIR p. 4.2-10)
- **Cumulative Impact - Air Quality:** The Final EIR concludes the General Plan and LCP Update's contribution to cumulative regional air quality impacts would be significant and unavoidable. (Final EIR p. 4.2-10)
- **Impact T-2:** The Final EIR concludes that the General Plan and LCP Update anticipates land use growth that would result in a long-term increase in VMT within the City's SOI. The General Plan and LCP Update Circulation Element includes goals and policies that reduce reliance on passenger vehicles, facilitate pedestrian and bicycle transportation, and establish local targets for VMT reduction. However, future development in Morro Bay would result in increased per service population VMT, and no feasible mitigation is available that would fully address the anticipated increase in VMT. (Final EIR p. 4.13-21)
- **Cumulative Impact - Transportation:** The Final EIR concludes the General Plan and LCP Update's contribution to cumulative VMT impacts would be significant and unavoidable. (Final EIR p. 4.13-25)

For projects that would result in significant environmental impacts that cannot be avoided, CEQA requires that the lead agency balance the benefits of these projects against the unavoidable environmental risks in determining whether to approve the projects. If the benefits of these projects outweigh the unavoidable impacts, those impacts may be considered acceptable (CEQA Guidelines §15093[a]). CEQA requires that, before adopting such projects, the public agency adopt a Statement of Overriding Considerations setting forth the reasons why the agency finds

that the benefits of the project outweigh the significant environmental effects caused by the project. This statement is provided below.

7.2 Required Findings

The City has identified significant and unavoidable environmental impacts that cannot be lessened through application of feasible mitigation measures that can be incorporated into the project. The City has also examined a reasonable range of alternatives to the project and has determined that none of these alternatives would satisfy the project objectives identified in the General Plan and LCP Update vision and values to the same extent or greater as the proposed project. The City Council finds that the project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that, on balance, the remaining significant and unavoidable impacts of the project are acceptable because the benefits of the project outweigh them.

In preparing this Statement of Overriding Considerations, the City has balanced the benefits of the proposed project against its unavoidable environmental risks.

The City hereby finds it is imperative to balance competing goals in approving the General Plan and LCP Update and the environmental documentation of the General Plan and LCP Update. Not every environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. The City has chosen to accept certain environmental impacts because of the many benefits inherent in the attainment of City, regional, and State goals, as well as the implementation of required mitigation measures, would balance the potential for environmental impacts to occur.

The City hereby finds that the EIR has identified and discussed significant effects that may occur as a result of the General Plan and LCP Update. With the incorporation of the goals and policies as identified in the findings, potential impacts are reduced to a level of less than significant except for the unavoidable and significant impacts discussed in Subsection 7.1, above.

The City hereby finds that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the General Plan and LCP Update.

The City further determines that except for the General Plan and LCP Update, all other alternatives set forth in the EIR are infeasible because they may not substantially reduce environmental impacts associated with the General Plan and LCP Update, and would prohibit the realization of the General Plan and LCP Update vision and values and/or specific economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City hereby finds and determines that, having reduced the adverse significant environmental effects of the General Plan and LCP Update to the extent feasible by including goals and policies in the General Plan and LCP Update, having considered the entire administrative record on the

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General Plan and LCP Update, and having weighted the benefits of the General Plan and LCP Update against its unavoidable significant impacts after mitigation, the General Plan and LCP Update and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, social and other benefits to be obtained by the General Plan and LCP Update outweigh any remaining environmental impacts and related potential detriment of the project and render those potential significant impacts acceptable based on the considerations noted below.

The City finds that the project objectives and community values that would be achieved from implementation of the General Plan and LCP Update, as outlined below, outweigh the proposed project's unavoidable environmental risks. Each of the separate benefits of the General Plan and LCP Update, as stated below, is determined to be, unto itself and independent of the other benefits of the General Plan and LCP Update, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The alternatives which were identified in the EIR would not meet, either in part or in whole to the same extent as the General Plan and LCP Update, the fundamental project objectives and goals of the General Plan and LCP Update, including those as set forth in the General Plan, and each and all of which are deemed and considered by the City to be benefits of the proposed modified General Plan and LCP Update.

Among others, the General Plan and LCP Update has been prepared to do the following:

- **Natural Environment.** Preserve our estuary, shoreline, and open green spaces, and ensure our parks and recreation spaces are healthy, resilient, and accessible to all.
- **Heritage & Identity.** Welcome visitors while maintaining our small-town character and honoring our maritime heritage.
- **Jobs & Housing.** Provide a range of affordable housing options and living wage jobs resulting in a higher quality of life.
- **Economic Vitality.** Support a diverse and sustainable economy for both new and existing locally owned businesses, including community-supporting tourism.
- **Infrastructure & Amenities.** Maintain and provide modern, resilient infrastructure and public amenities.
- **Mobility & Access.** Provide safe and accessible streets, trails, and multimodal transportation options which conveniently connect people and places throughout town and to surrounding destinations.
- **Good Governance.** Maintain a government which is supportive, collaborative, equitable, and responsive to the needs of all segments of the population.
- **Resident Services.** Provide a range of public services that support a diverse and multigenerational community.

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The General Plan and LCP Update directs the way in which development in Morro Bay will occur to accommodate future growth and trends while maintaining the character of Morro Bay, consistent with these objectives.

In this regard the project objectives of the General Plan and LCP Update are reflected in the following General Plan and LCP Update goals:

- LU-1: The community form of Morro Bay reflects its vision and values, promoting a strong economy and high quality of life.
- LU-5: Coastal priority uses are viable, protected, and contribute to the economy and character of Morro Bay.
- LU-8: Morro Bay's downtown and waterfront areas are active and welcoming locations for shopping, recreation, public access, visitor-serving needs, and coastal services.
- CD-1 The individual identity of each of Morro Bay's character areas is embraced and represented by new and renovated development.
- CD-2 The community is designed to be resilient to future climate conditions, weather events, and economic and social change.
- ED-3: Local businesses and employment options are high quality, diverse, and environmentally sustainable.
- ED-4: Employment provides a range of head-of-household jobs that pay living wages and support living in Morro Bay.
- CIR-1: Residents and visitors can easily move about the city in a variety of safe and active ways.
- CIR-3: Traffic monitoring considers all methods of travel, with emphasis on active and sustainable transportation methods.
- NOI-1: A healthy and safe noise environment for Morro Bay residents, businesses, and visitors.
- NOI-2: Minimize transportation-related noise.
- NOI-3: Noise from construction activities associated with maintenance vehicles, special events, and other nuisances is minimized in residential areas and near noise-sensitive land uses.
- C-1: Sensitive habitats are protected from potential negative impacts of land use and development.

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- C-2: Cultural and historic resources are identified for protection and showcased as a vital part of Morro Bay history.
- C-3: Air quality in Morro Bay continues to improve through local actions and interagency cooperation.
- C-4: Greenhouse gas emissions in Morro Bay are reduced and consistent with state goals.
- C-5: Morro Bay is a leader in energy innovation and sustainable usage.
- C-6: Energy available to Morro Bay residences, businesses, and public buildings is renewable and sustainable.
- C-7: Morro Bay water is safe, available, and used in an environmentally responsible manner.
- C-8: Morro Bay is a zero waste community.
- C-9: The aesthetic and visual natural resources in and around Morro Bay are protected to preserve the community's identity.
- OS-1: The public has access to plentiful and well-maintained parks, beaches, and recreational activities throughout Morro Bay.
- OS-4: Coastal and marine habitat wildlife and resources are protected while maintaining the cultural identity of the habitat.
- OS-5: Natural resources are preserved to balance the use of open space for outdoor recreation opportunities.
- OS-6: Open spaces are preserved through adaptation strategies to mitigate the effects of sea level rise and promote community resiliency.
- OS-7: Portions of the planning area outside the city limits are planned in a way that preserves their rural nature while providing essential services and infrastructure.
- PS-2: Development is protected from natural disasters and hazards to the greatest extent possible.
- PS-3: Morro Bay is prepared for and responsive to the effects of sea level rise and other coastal hazards in both the short and longer term future.
- PS-4: Response to emergencies is quick, efficient, and effective.
- EJ-4: Morro Bay recognizes and is prepared for increased health risks due to current and anticipated future climate change effects.

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The General Plan and LCP Update Land Use Element directs the way in which development in Morro Bay will occur to accommodate future growth and trends while maintaining the character of Morro Bay, consistent with these goals. The Community Design Element addresses the components of Morro Bay's unique style that will be preserved and enhanced through the General Plan and LCP Update as the City changes over time. The Economic Development Element directs actions that promote a sustainable economy that can withstand fluctuations in the economic environment of Morro Bay. The Circulation Element plans for a multimodal transportation network that serves all users and reduces GHGs and vehicle miles traveled. The Noise Element protects current and planned land uses, addresses sites and standards for new housing, supports the location and design of new transportation facilities, addresses traffic noise, and considers how noise adversely affects the enjoyment of recreational pursuits and wildlife. The Conservation Element considers plans for development and their effect on all natural resources located on public lands, including greenhouse gas emissions and water resources, supply, and quality. The Open Space Element establishes goals and policies to protect and conserve Morro Bay's open space resources and addresses opportunities to expand the open space system by assessing park and trail facilities, coastal facilities, and recreation programs. The Public Safety Element addresses public safety, with a specific focus on hazard identification and mitigation. The Environmental Justice Element addresses the social aspects of community design.

The mixed-use nature of the General Plan and LCP Update encourages diversification and development of the City's economic base. Within additional residential uses, there will be additional property tax revenues available that will provide additional benefits. Additionally, within the commercial uses there is a broad diversification of uses that range from the provisions of various types of sales taxes (restaurants, entertainment, etc.) to potential transient occupancy taxes (hotel uses). Further, the General Plan and LCP Update will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs in the commercial and industrial sector, which are reasonably expected to result in more personal income likely to be spent locally, resulting in additional tax revenues and economic development.

Tax revenues in the City are important given the current budget and fiscal constraints being experienced by the City, and that the City's demographics and business realities are likely to continue to detrimentally affect revenues, potentially threatening budget shortfalls. The City has more residents to serve, but the cost of doing so has increased. The City finds that the opportunity to realize additional property, sales and transit occupancy tax revenues is an important consideration for the City.

Consequently, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the General Plan and LCP Update. These economic opportunities are especially significant in light of budgetary and other constraints experienced by the City, and which can be further compounded by economic downturns in budgetary situations involving less diversification. This promotes the economic well-being of the City, including the funding of essential services provided by the City.

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Each of these benefits provides a separate and independent basis for overriding the significant environmental effects of the General Plan and LCP Update.

As the CEQA Lead Agency for the proposed action, the City of Morro Bay has reviewed the General Plan and LCP Update and the alternatives presented in the EIR. The City finds there are no feasible mitigation measures or alternatives that would further reduce or eliminate the significant unavoidable impacts of implementing the General Plan and LCP Update, which create and/or otherwise contribute to related cumulative impacts. For the reasons stated above and based on substantial evidence in the record before it, the City finds that these unavoidable adverse environmental impacts are acceptable and, furthermore, finds that the benefits of the General Plan and LCP Update outweigh its unavoidable adverse environmental effects. Further, the City finds that all potential adverse environmental impacts and all feasible policy or mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. The City also finds that a reasonable range of alternatives was considered in the EIR and this document, Chapter 6, above, and finds that approval of the General Plan and LCP Update is appropriate.

The City has identified economic and social benefits and important policy objectives that will result from implementing the General Plan and LCP Update. The City has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the General Plan and LCP Update. Given the substantial social and economic benefits that will accrue from the General Plan and LCP Update, this City Council finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002(c) provides, “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency”.

Finally, California Administrative Code, Title 4, 15093(a) states, “If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The City hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.

Based upon the objectives identified for the project, the City has determined that the General Plan and LCP Update should be approved and that the unmitigated environmental impacts attributable to the project are outweighed by the specific economic, social and other overriding considerations as described above.

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The City has determined that any environmental detriment caused by the General Plan and LCP Update has been minimized to the extent feasible through mitigation measures identified herein, and, where not feasible, has been outweighed and counterbalanced by the significant social benefits to be generated to the City, its residents, and the region.

Summary

This summary of the Final Environmental Impact Report (EIR) for the proposed City of Morro Bay General Plan and Local Coastal Program (LCP) Update describes the characteristics of the proposed General Plan and LCP Update, the environmental impacts and mitigation measures identified in the Final EIR, and the evaluated alternatives.

The Draft EIR was circulated for a 45-day public review period from October 2020 through December 2020, consistent with requirements of CEQA Guidelines Section 15162 and Public Resources Code Section 21092. The Final EIR comprised of revised Draft EIR, in combination with responses to all written and verbal comments received on the Draft EIR

Project Description

The project analyzed in the Final EIR is the proposed City of Morro Bay General Plan and LCP Update, also known as *Plan Morro Bay*. The City of Morro Bay is the project proponent and the lead agency. The General Plan and LCP Update is a comprehensive update of the City's 1988 General Plan and 1984 LCP. The land use classifications included in the General Plan and LCP define the basic categories of land use allowed in the city and are the basis for the zoning districts established in the City Municipal Code, which contain more specific regulations and standards governing development on individual properties. The General Plan and LCP Update is intended to function as a policy document to guide land use decisions within the city planning area through the year 2040.

To maintain consistency with the General Plan and LCP Update, the project also includes a comprehensive Zoning Code Update which includes the Coastal Implementation Plan.

Following recommendations from the Planning Commission, the Morro Bay City Council will need to take the following discretionary actions in conjunction with the project:

- Certify the Final EIR
- Adopt the proposed General Plan and LCP Update
- Adopt the Zoning Code Update and Coastal Implementation Plan

The California Coastal Commission will also need to take the following discretionary actions in conjunction with the project:

- Certify the General Plan and LCP Update
- Certify the Zoning Code Update and Coastal Implementation Plan

Summary of Impacts and Mitigation Measures

The Final EIR identifies environmental impacts for each environmental topic described in the State CEQA Guidelines, any required mitigation measures, and the level of significance after mitigation. Class I impacts are defined as significant and unavoidable adverse impacts, which require a statement of overriding considerations to be made per Section 15093 of the State CEQA Guidelines if the project is approved. Class II impacts are significant, adverse impacts that can be feasibly mitigated to a less than significant level, and which require findings to be made under Section 15091 of the State CEQA Guidelines. Class III impacts are considered less than significant impacts and are

Exhibit B

not listed in detail in this summary. Potential Class I and Class II impacts are listed below in summary form.

Class I – Significant and Unavoidable Impacts

- Clean Air Plan consistency
- Cumulative air quality impacts
- Vehicle miles traveled
- Cumulative transportation impacts

Class II – Significant but Mitigable Impacts and Required Mitigation

- Construction air quality emissions
 - AQ-2. Standard Mitigation for Construction Equipment
- Special status species
 - BIO-1(a). Avoidance and Minimization during Development (update to PMB Policy C-1.3)
 - BIO-1(b). External Impacts (update to PMB Policy O-7.1)
- Wildlife movement
 - BIO-3. Wildlife Movement Corridors Protection (addition of PMB Policy C-1.17)
- Cumulative impacts to biological resources
 - BIO-1(a), BIO-1(b), and BIO-3
- Archaeological resources
 - CR-1(a). Avoidance or Minimization of Historic, Cultural, and Archaeological Resources Impacts (update to PMB Policy C-2.3)
 - CR-1(b). Cultural Resources Study Implementation Action (update to PMB Goal C-2)
- Cumulative cultural resource impacts
 - CR-1(a) and CR-1(b)
- Groundborne vibration
 - N-2. Construction Vibration Control Measures and Notification (addition of PMB Policies NOI-3.5 and NOI-3.6)
- Cumulative noise impacts
 - N-2
- Pedestrian and bicycle travel
 - T-1. Pedestrian Facility Improvements (added to PMB list of “Planned Circulation Improvements”; update to PMB Goal CIR-1.8)
- Tribal cultural resources
 - CR-1(a) and CR-1(b)
- Cumulative tribal cultural resource impacts
 - CR-1(a) and CR-1(b)

Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, the Final EIR examines a range of reasonable alternatives to the proposed General Plan and LCP Update that could feasibly achieve similar objectives but would avoid or substantially lessen significant adverse impacts associated with the General Plan and LCP Update.

The following alternatives are evaluated in the Final EIR:

- Alternative 1: No Project/Continue using 1988 General Plan and 1984 LCP. This alternative is comprised of a land use pattern that reflects the land use identified in the existing 1988 General Plan. Under this alternative, the proposed General Plan and LCP Update would not be adopted and the existing General Plan and LCP, including the land use map and all of the General Plan and LCP goals and policies, would remain in place through the horizon year of 2040.
- Alternative 2: Proposed General Plan and LCP Update without Morro Bay Power Plant/WWTP Redevelopment. This alternative would remove Policy LU-5.4 and Policy LU-5.5 from the General Plan and LCP Update, and would revise the land use plan to include the former Morro Bay Power Plant and City WWTP sites in Open Space/Recreation, preserving natural areas and resources, and providing future recreational opportunities, consistent with other goals of the General Plan and LCP Update.
- Alternative 3: Reduced Commercial Floor Area Ratio. Under this alternative, approximately 7.5 million square feet of new commercial development could be constructed in the planning area. This would be 1.3 million fewer square feet of new commercial square footage than could be constructed under the General Plan and LCP Update. Additionally, approximately 103 fewer residential units could be constructed within the planning area, as a result of the FAR reduction within the planned mixed-use overlay areas.

The No Project Alternative (Alternative 1) would be environmentally superior in comparison to the General Plan and LCP Update because it would continue implementation of the existing 1988 General Plan, which would accommodate less development and growth than the General Plan and LCP Update, Alternatives 2, or Alternative 3. In accordance with CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is identified as the Environmentally Superior Alternative, the Final EIR shall also identify an environmentally superior alternative from among the other alternatives. Based on the information presented in the Final EIR, Alternative 2 would be the environmentally superior alternative when considering overall environmental impacts relative to the performance metrics.

Appendix G

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Morro Bay General Plan and Local Coastal Plan Update, SCH#2017111026, proposed in the City of Morro Bay, California. Public Resources Code Section 21081.6(a)(1) requires that a Lead Agency adopt an MMRP before approving a project to mitigate or avoid significant impacts that have been identified in an Environmental Impact Report (EIR). The purpose of the MMRP is to ensure that the required mitigation measures identified in the EIR are implemented as part of the overall project development process. In addition to ensuring implementation of mitigation measures, the MMRP provides guidance to agency staff and decision-makers during project implementation and identifies the need for enforcement action before irreversible environmental damage occurs. The MMRP must be adopted when the City Council makes a final decision on the project.

The following table summarizes the mitigation measures identified in the Final EIR for the proposed project. Specifically, the table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring conditions; and the agency or party responsible for ensuring that the monitoring is performed. Once completed, all monitoring actions will be reported in writing to or by the City, which will maintain mitigation monitoring records for the proposed project.

Exhibit C

Mitigation Measure	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>AQ-2. Standard Mitigation for Construction Equipment. Proponents of individual land use projects, or other projects requiring grading or building permits, shall require construction contractors to incorporate the following standard mitigation measures, as applicable, to reduce ROG, NO_x, and DPM emissions from construction equipment. Mitigation measures shall be listed on project construction plans and the project proponent shall perform periodic site inspections during construction to ensure that mitigation measures are being implemented.</p> <ul style="list-style-type: none"> ▪ Maintain all construction equipment in proper condition according to manufacturer’s specifications ▪ Fuel all off-road and portable diesel-powered equipment with ARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road) ▪ Use diesel construction equipment meeting ARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation ▪ Use on-road heavy-duty trucks that meet ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation ▪ Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_x exempt area fleets) may be eligible by proving alternative compliance ▪ All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit ▪ Diesel idling within 1,000 feet of sensitive receptors is not permitted ▪ Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors ▪ Electrify equipment when feasible 	<p>Verify all SLOAPCD Standard Mitigation for Construction Equipment or the equivalent are implemented for all projects as applicable.</p>	<p>During project construction</p>	<p>Continuously during project construction</p>	<p>City of Morro Bay Community Development Department</p>			

Mitigation Measure	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> Substitute gasoline-powered in place of diesel-powered equipment, where feasible <p>Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.</p>							
<p>BIO-1(a) Avoidance and Minimization during Development. Policy C-1.3 shall be updated to read:</p> <p>Policy C-1.3. Biological Site Assessments. A biological assessment shall be required for any development proposed on sites that include or are within 100 feet of mapped ESHA in Figure C-2, and all other sites with natural vegetation regardless of whether ESHA has been mapped in Figure C-2, and for all other projects for which evidence indicates that ESHA may be present either on or adjacent to the site. The best available information about the location of ESHA in the City shall be used. Such assessment shall be prepared at the owner’s expense by a qualified biologist approved by the City and shall, at minimum:</p> <ol style="list-style-type: none"> Identify and confirm the extent of the ESHA, Document any site constraints and the presence of sensitive plant or animal species, Recommend buffers and development setbacks and standards to protect the ESHA, Recommend mitigation measures to address any allowable impacts <u>If listed species, other special status species, or nesting birds are present or have potential to occur, specify avoidance and minimization measures, including compensatory mitigation, to be implemented to avoid or minimize take of individuals and loss of occupied habitat, and specify the necessary consultation pathway(s) with USFWS, NMFS, and/or CDFW to obtain incidental take coverage, where necessary,</u> and Include any other information and analyses necessary to understand potential ESHA impacts as well as measures necessary to protect the resource as required by the Local Coastal Program. 	Verify vibration control policies are incorporated into Final General Plan and LCP Update	With adoption of Final General Plan and LCP Update	Once	City of Morro Bay Community Development Department			

Exhibit C

Mitigation Measure	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>If the site contains the potential for monarch overwintering or rookeries due to the presence of appropriately sized trees and groves, a seasonally timed survey appropriate for detecting the target species must also be included in the study.</p>							
<p>BIO-1(b) External Impacts. Policy OS-7 shall be updated to read:</p> <p>Policy OS-7.1. Account for External Impacts. If any portion of the area outside the city limits is included in the City’s sphere of influence in the future, prepare and adopt a plan for the affected parcels that includes infrastructure and services provided by the City of Morro Bay. <u>The plan shall also identify policies for the protection of natural resources in the affected areas.</u></p>	<p>Verify vibration control policies are incorporated into Final General Plan and LCP Update</p>	<p>With adoption of Final General Plan and LCP Update</p>	<p>Once</p>	<p>City of Morro Bay Community Development Department</p>			
<p>BIO-3. Wildlife Movement Corridors Protection. The following policy shall be added to the Conservation Element.</p> <p>Policy C-1.17. Project Design for Wildlife Connectivity. <u>Design new stream crossing structures and extensions or modifications of existing structures to accommodate wildlife movement. At a minimum, structures within steelhead streams must be designed in consultation with a fisheries biologist and shall not impede movement. New projects with long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement.</u></p> <p>This policy shall be supported by adding the following implementation action to Goal-1 of the Conservation Element:</p> <p><u>Wildlife movement features shall be included when designing new or modified stream crossing structures to allow wildlife movement including for aquatic and terrestrial species. Fencing or other components shall be designed to allow movement.</u></p>	<p>Verify vibration control policies are incorporated into Final General Plan and LCP Update</p>	<p>With adoption of Final General Plan and LCP Update</p>	<p>Once</p>	<p>City of Morro Bay Community Development Department</p>			

Mitigation Measure	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>CR-1(a). Avoidance or Minimization of Historic, Cultural, and Archaeological Resources Impacts. Policy C-2.3 of the General Plan and LCP Update shall be revised to read:</p> <p>Policy C-2.3. Protection of Cultural Resources. Ensure the protection of <u>historic</u>, cultural, and archeological resources during development, construction, and other similar activities. Development shall avoid, to the maximum extent feasible, adversely impacting <u>historic</u>, cultural, and/or archaeological resources, and shall include adequate BMPs to address any such resources that may be identified during construction, including <u>avoidance, minimization, and mitigation measures sufficient to allow documentation, preservation, and other forms of mitigation. If the resource(s) in question are of Native American origin, develop avoidance or minimization measures in consultation with appropriate Native American tribe(s).</u></p>	Verify vibration control policies are incorporated into Final General Plan and LCP Update	With adoption of Final General Plan and LCP Update	Once	City of Morro Bay Community Development Department			
<p>CR-1(b). Cultural Resources Study Implementation Action. The following implementation action for Goal C-2 shall be added to the General Plan and LCP Update:</p> <p><u>Require all discretionary proposals within the cultural resources overlay to consider the potential to disturb cultural resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior’s (SOI) Professional Qualification Standard (PQS) for archaeology and/or architectural history, as appropriate (NPS 1983).</u></p> <p><u>A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research should include a records search at the Central Coast Information Center (CCIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC). Where identified or potential resources are of Native American origin, the appropriate Native American tribe(s) will participate with the qualified professional. The</u></p>	Verify vibration control policies are incorporated into Final General Plan and LCP Update	With adoption of Final General Plan and LCP Update	Once	City of Morro Bay Community Development Department			

Exhibit C

Mitigation Measure	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p><u>technical report documenting the study shall include recommendations to avoid or, if avoidance is not feasible, reduce impacts to cultural resources.</u></p>							
<p>N-2. Construction Vibration Control Measures and Notification. The following new policies shall be added to the Noise Element under Goal NOI-3:</p> <p>Policy NOI-3.5. Vibration Control. <u>Control construction vibration by avoiding the use of vibratory rollers near vibration-sensitive receptors and scheduling construction activities with the highest potential to produce vibration to hours with the least potential to affect sensitive land uses.</u></p> <p>Policy NOI-3.6. Construction Vibration Notification. <u>Developers shall notify neighbors of scheduled construction activities that would generate vibration.</u></p>	<p>Verify vibration control policies are incorporated into Final General Plan and LCP Update</p>	<p>With adoption of Final General Plan and LCP Update</p>	<p>Once</p>	<p>City of Morro Bay Community Development Department</p>			
<p>T-1. Pedestrian Facility Improvements. The following pedestrian facility improvements shall be added to the list of “Planned Circulation Improvements” in the General Plan and LCP Update Circulation Element.</p> <ul style="list-style-type: none"> ▪ Embarcadero North of Beach Street: Provide sidewalks and a vehicular connection shifting traffic away from Beach Street for the redeveloped Morro Bay Power Plant site. ▪ Morro Bay Boulevard: Provide a landscaped buffer at least two feet wide between the sidewalk and travel lanes. ▪ Main Street south of Radcliffe Drive: Provide continuous sidewalks to provide acceptable pedestrian operations. ▪ SR 41 east of Main Street: Provide sidewalks with a landscaped buffer when adjacent properties are redeveloped. <p>In addition, Policy CIR-1.8 shall be revised as follows:</p> <p>Policy CIR-1.8. Capital Improvement Program. Use the City’s Capital Improvement Program (CIP) process to prioritize, fund, and build roadway, and bikeway, <u>and pedestrian</u> improvements, and to address phasing and construction of traffic infrastructure throughout the city.</p>	<p>Verify vibration control policies are incorporated into Final General Plan and LCP Update</p>	<p>With adoption of Final General Plan and LCP Update</p>	<p>Once</p>	<p>City of Morro Bay Community Development Department</p>			

Planning Commission and Members of the Public Revisions Recommended by Planning Commission (Adoption Draft October -December 2020)

Page in Hearing Draft of PMB (if noted)	Element or Section	Commenter	Comment	Changes Recommended by Planning Commission?	PlaceWorks/Staff Reply:	Scot/Cindy reply to PW:	PlaceWorks additional notes	Staff followup:
1-11	Throughout Introduction	Chair Luhr Chair Luhr	Sidebar shadowing – lighten or swap so the color is at the top of the page or shorten so it doesn't cover the page number. Still hard for them to read page numbers when printed Add a sentence about the State Park Marina in the California State Park Plans section	Lighten color Add sentence	Make change Make addition			
3-21	Land Use	Unknown	Table LU-2: Plan Morro Bay Maximum Development Capacity - Okay to add an asterisk noting that ADUs are not included in this table?	Add if deemed okay by staff	Check with Rincon	okay - resolved.	Discuss on call with City	ok
3-27	Land Use	PC Lucas	Policy LU-3.1 - edit as follows - Growth Limits. Continue to <u>encourage</u> limit the amount of development, including future population growth accommodated by Plan Morro Bay, to a level supported by adequate and long-term sustainable available land, water supply, and other infrastructure and service capacity.	Yes	Cindy/Scot - okay with you?	This is ok.		
3-35	Land Use	Unknown	Policy LU-5.4 - edit as follows - Vistra Site Master Plan. <u>Create</u> master plan for the redevelopment of the former Vistra power plant site and surrounding area, which could include reuse of some of the existing buildings. The master plan will be the responsibility of the developer or property owner upon property development. Encourage extensive community participation in the master plan process. Ensure that the land use map identified in Figure LU-4 and development capacity established in Table LU-2 guide land planning for the site. Other objectives for the master plan include creating a better connection between the two sides of the Embarcadero at the Vistra site and creating a pedestrian-friendly atmosphere along the site's Embarcadero street frontage. The master plan shall be incorporated into the LCP via an LCP amendment prior to any CDP processing for associated development.	Yes	Make edits	"Create a...." Add "a" change end of sentence to "...", change of use requiring CDP / CUP approval"		
3-45	Land Use	Multiple PC	Policy LU-7.1, subsection c. Change in use. - Possibly delete the last part of the sentence that says "change in use" or make this language different only for the Embarcadero	Yes	Need to discuss with Coastal Commission staff			ok
3-45	Land Use	Multiple PC	Policy LU-7.1, subsection c. Change in use. Add new subsection i. Change of tenant in existing spaces without physical redevelopment would be administrative and considered a minor use change.	Yes	Cindy/Scot - I didn't have a note that this needed to be discussed with Coastal. Did you?	The changes made in the row above addresses this concern. No edits here. Also, btw, pg. 3-44 and 3-45 formatting is incorrectly indented and needs to be fixed.		
3-45	Land Use	Multiple PC	Policy LU-7.1, subsection g.iii. Make the following edits - Decking and/or boardwalks. Open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of 12 feet (minimum of 10 feet <u>clear exclusive of railings, signage, etc of walkway</u>).	Yes	Make edits	Agree		
3-46	Land Use	EML	Policy LU-7.1, subsection g.iii. Breezeways and/or walkways. Edit to combine the existing text with the suggested edits from the EML letter.	Yes	Make edits	Amy will wordsmith this. No clear language given by PC. But yes, please edit language to change from "at time of construction plans" to "at time of submittal for CDP/ CUP approvals"	Edited Word version I was looking at when writing this list someone renumbered the list and made this subsection iv. Instead of iii. But was talking about breezeways/walkways section. Let's discuss.	Resolved.
3-47	Land Use	EML	Policy LU-7.2 - edit as follows - POLICY LU-7.2: Lateral public access along the waterfront revetment shall be provided in all new developments and rehabilitation or addition projects, consistent with public safety needs and the need to protect public rights, rights of private property held by leaseholders, and natural resource areas from overuse. Policy LU-7.8 - will edit throughout the policy to change years to feet of sea level rise in this policy – like CCC staff requested in their comments on the Public Safety Element (first CCC comment document – received ahead of the 11-4 PC meeting)	Yes	Make edits	Adjust edits - My notes say to only delete the "right of private property held by leaseholders" and to keep language about public safety and natural resources. Scot agrees with revised edits.	So edit the way it is stated in column H?	yes: "Lateral public access along the waterfront revetment shall be provided in all new developments and rehabilitation or addition projects, consistent with public safety needs and the need to protect public rights and natural resource areas from overuse."
3-48	Land Use	Multiple PC		Yes	Make edits	Agree		
3-50	Land Use	Unknown	IA LU-19 . Comment was to delete "and under the pier" because there is no pier	Yes		Scott Collins & Red Davis also requested this edit	IA LU-20?	yes

Page in Hearing Draft of PMB (if noted)	Element or Section	Commenter	Comment	Changes Recommended by Planning Commission?	PlaceWorks/Staff Reply:	Scot/Cindy reply to PW:	PlaceWorks additional notes	Staff followup:
3-54	Land Use	Multiple PC & EML	Policy LU-8.7 - Could we say "make a plan" rather than do the work right away for things like relocation of underdeck utilities?	Yes	Need to discuss with Coastal Commission staff	We should have a timing trigger for this that's put in the lease renewal. Edit this to say "make a plan that includes a timeline and identifies when the utility relocation will take place". Scot said we don't need to talk to Coastal then with this edit.	ok	Coastal staff provided edits to this. This section reorganized. "Make a plan" edit made.
3-61	Community Design	?	Make the following edits to the North Embarcadero section, first paragraph: North Embarcadero encompasses waterfront and industrial areas that include the former Vistra power plant site, Lila Keiser Park, the commercial fishermen's dry storage and repair facility, and Morro Rock. Larger commercial spaces and a few homes are located in this area, and Morro Creek runs just to the north. North Embarcadero offers a clear view of Morro Rock, and the three prominent smokestacks at the power plant are the visually dominant feature of this area. Two Recreational vehicle parks, the City wastewater treatment plant, and two motels are located on the north end of the North Embarcadero character area side near Morro Bay High School, which has a more wooded feel from the trees planted around it. POLICY CD-1.3: Design Guidelines. Work with residents and business owners to develop and adopt design guidelines (for areas of the City that don't already have them) that illustrate appropriate form, scale, and massing for buildings while allowing for distinctive design and flexibility.	Yes	Make edits	Agree		
3-68	Community Design	Chair Luhr	Implementation Action CD-1 Develop design standards as part of the Zoning Code update tailored to each character area (as appropriate) and include regulations on building design, <u>streetscapes</u> , landscaping, amenities, and facilities.	Include streetscapes and tailor to each area's unique design and character	Cindy/Scot - let's discuss. I don't think there is an edit here or CD-1.4 because edits are addressed in IAs	Agree, no changes. Leave policy as is. It's covered in IA and also covered in the edit in row below.		
3-70	Community Design	Chair Luhr	Implementation Action CD-11 Decking for bayside lateral access decks shall be made of metal slats when eelgrass shading is an issue. Decking shall be made of <u>fiberglass timber</u> when eelgrass shading is not an issue. Railings for all bayside lateral access decks shall be made of metal. This action will be incorporated into the Waterfront Master Plan when updated.	Make addition	Make addition	Agree.		
3-73	Community Design	Multiple PC	Requested edits to add word "impacts" before wildlife. At top of page edit "...pursuits and impacts wildlife. This element contains goals...."	Make this more general – what is on adjacent sites and as required by eelgrass studies. Then WMP will get more specific	Scot/Cindy - let's discuss whether other changes should be made to this IA	Ok, let's discuss.		
3-122	Noise	Lucas	Edit bottom of page 3-127. Add to last paragraph after sentence about High School: "Due to Morro Bay hillside topography, some hillsides create localized conditions where downhill or uphill sound travels farther than expected. It is not unusual for hillsides to capture sounds of surf, sporting events at the High School or the bark of harbor seals."	Yes		Make edit. Amy not present at this meeting.		
3-124	Noise	Lucas	In Stationary and Construction Noise Sources section first paragraph, second sentence add at the end of the sentence after (e.g. ocean waves and animal activity) "...and amplified voice/music."	Yes		Make edit. Amy not present at this meeting.		
3-126	Noise	Unknown	Add to first paragraph that we are also a tree city and host the winter bird festival annually.	Yes		Make edit. Amy not present at this meeting.		
4-5	Conservation	Lucas	Add this info where it makes most sense in the paragraph.	Yes		Make edit. Amy not present at this meeting.		
4-26 & 4-27	Conservation					Check page numbering, there are two pages 4-26 and 4-27	ok	
4-26	Conservation	Lucas	Lucas requested to define what BMP is. Referenced Policy C.2-3. Add definition to Glossary	Yes		Make edit. Amy not present at this meeting.	Okay to add as acronym?	yes
4-35	Conservation	Lucas	Change Monterey Bay Community Power name to current name (2nd to last paragraph on this page)			Make edit. Amy not present at this meeting.		
4-47	Conservation	Lucas	Lucas said we should delete policy C-7.11 or rename the policy if we are not using the desal plant.	Yes		Make edit per Rob Livick, (City Engineer)'s revisions emailed to Amy/PlaceWorks. City Manager also requested edits		
4-47	Conservation	Lucas	Revise Policy C-7.12 to say "Evaluate the brackish water RO system and its energy usage to improve efficiencies."	Yes		Also make edit per Rob Livick - refer to email sent to Amy		
4-56	Conservation	Lucas	Lucas requested that the 4th bullet on this page be changed to "Maintain, enhance, improve..." scenic highway conditions			Make edit.		
4-74	Open Space	Stewart	Need acreage added for Franklin Riley Park	Yes		Make edit. Previously emailed to Placeworks.	We did in the March 2020 version. Was the correct version Acreage inadvertently excluded from included in the October Hearing October version. Please re-add number from March then.	

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4-23	Conservation	EML	Policy C-1.15 Eelgrass Protection - make changes suggested by EML Drought The short-term effects of drought include stress to vegetation and increased risks of wildfires, as well as affecting existing and new development that requires a safe and sustainable water supply. Droughts also have long-term impacts that affect a community's economic, social, and environmental conditions, including due to interference with major revenue sources like tourism and agriculture.	Yes	Make edits		Language is "or subsequent policies" & "and other mitigation or programs allowed for in the CEMP". Okay	
4-102	Public Safety	Betty Winholtz		Remove extraneous words	Make change Whether an ESHA buffer is considered defensible space would depend on what makes up the buffer. If it's comprised of fire resistant, sparse or low-volume vegetation it could probably qualify as defensible space, but if it's more lush or dense vegetation than it probably wouldn't.	Agree		
4-104	Public Safety	PC Lucas	Policy PS-2.7 - question - are ESHA buffers considered defensible space? Sea Level Rise, Flooding, and Inundation section - fourth paragraph. Add the lift station at the existing WWTP to this paragraph.				Noted.	
4-107-108	Public Safety	Unknown		Make addition	Make addition	Agree		
4-110	Public Safety	Betty Winholtz	How does the 5.5 feet number in the first paragraph on this page correlate to the 3.1 foot number in Table PS-2? Northern Morro Bay Neighborhoods in northern Morro Bay from the city limit to Morro Rock Beach face the highest risks for flooding and dune and bluff erosion. Important assets in this area include the beach, residential neighborhoods, and Morro Bay High School. The Morro Rock parking lot is particularly vulnerable to flooding by 2050. This area will require extensive ongoing maintenance to ensure that increasing sea levels and associated coastal hazards do not destabilize the structure. Adaptation options include improving existing armoring, building sand dunes that will provide natural buffers from hazards, or elevating vulnerable areas.				See Table 3-2 in the M&N SLR Report. 3.1 is the projected rise in 2100 (middle of the range), 5.5 feet is the high end of the range for that year. Let's discuss if edits are needed to make this clear.	Let's edit the Table PS-2 to clarify that 3.1 is the mid-range.
4-123	Public Safety	PC Lucas	Commissioner Lucas asked what the "structure" described in this paragraph is?	Amy responded – under the Morro Rock parking lot. Could edit to clarify if City wants	Cindy/Scot: It was unclear to me whether any edits were decided on here	Change "structure" to "parking lot" to make more clear.		
4-123	Public Safety	Unknown	Highway 1 There is one potentially vulnerable low-lying section of Highway 1 that is fronted by a rock revetment just south of Toro Creek Bridge. This section of the highway will become vulnerable to bluff erosion and flooding during extreme storms by the year 2050. Shoreline protection structures do not continue through the entire reach and may not accommodate increased water levels. Adaptation options include improving existing armoring, building sand dunes that will provide natural buffers from hazards, extending existing bridges to elevate the highway, or realigning the highway to the east to avoid hazard areas.	Note that Highway 1 is Caltrans' responsibility either in this paragraph or if there is a policy where it is appropriate to put it	Will make addition Agree that PS-3.8 does not apply to the Embarcadero based on how this policy read in the public draft and then how things were divided up between this policy and Policy LU-8.7 in the Embarcadero specific section. Since Policy PS-3.7 was added by CCC staff it is not as cut and dried but since it is here next to 3.8 and not in the Embarcadero section I think it is a fair assumption that both do not apply to the Embarcadero. This is also confirmed by the direct edits CCC staff made to policy PS-3.6 (in Word file). However, I also have a note from the CCC comment matrix re: the public draft that this policy and Policy PS-3.6 were kept in this section because they applied to the Embarcadero and areas outside the Embarcadero. Should we	Agree.		
4-126	Public Safety	Scot Graham	Policies PS-3.7 and 3.8 - Scot mentioned in PC meeting that these don't apply to the Embarcadero				Can we put an exclusion statement after these 2 policies that says "This does not apply to the Embarcadero area". Amy - let's discuss this - may need to talk further with CCC also.	Amy said we do want to put clarifying language in 3.7 and 3.8 do not apply to the Embarcadero. Agreed to move to section where 3.11 starts.
4-134	Public Safety	Betty Winholtz	Under Peak Load Water Supply - edit to reflect that OneWater Plan is complete	Make edit	Make edit	Agree		

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4-140	Environmental Justice	PC Lucas	Relationship to Other Elements - Add a reference to the Climate Action Plan in this paragraph Policy EJ-1.3 - make the following edits - Services for All. Ensure the accessibility of facilities and services that meet the cultural, linguistic, gender, <u>ability</u> , and sexual orientation needs of client populations.	Make edit	Make edit	Let's discuss. Should we place the reference on pg 4-139 last paragraph before sentence that starts "Where data specific...?"	Amy said will add reference. discussed on video call 1/12/21	
4-144	Environmental Justice	PC Barron		Make edit	Make edit	Agree		
6-3	Glossary	Stewart	Include Coastal-Dependent Use in the C section of the glossary in addition to the U section	Make edit	Make edit	Agree		
	Glossary	PC Stewart	Add a definition of Accessibility - use ADA definition	Make addition	Make addition Note from Amy to City staff: Most can be addressed by reverting to the March 2020 version of this section that PlaceWorks prepared	Agree		
	Glossary	PC Stewart	Make all fixes to formatting needed - including those noted in letter sent by PC Stewart	Yes		Agreed to do a compare to see where changes happened and then revert to the March version.		

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Page in Hearing Draft of PMB (if noted) or pdf page number	Element or Section	Commenter	Comment	Make edit?	Staff reply	Additional PlaceWorks Reply if needed	City Staff Reply	PlaceWorks additional notes
		CCC staff	Two main LUP differences between CCC edits and the current draft are the city's more lenient standards on managing development on the outskirts of the city, near agricultural land and foothills, and the city's less proactive and descriptive treatment of climate change risks and the necessity of preparing development plans accordingly.					Noted
		CCC staff	if a chapter is part of the LCP, please have all of the background information in it be part of the LCP. It's ok to have certain policies and implementation actions not be part of the LCP, but it's important to have all of the introductory text, figures, and background context all be included, including for clarity and readability purposes.					Kevin replied with clarification. Add Rock icon.
17	Introduction	CCC staff	Environmental Justice chapter should be part of the LCP, and CCC can check in with Sumi Selvaraj, our EJ Manager, on some good policies for inclusion.		Refer to comments in 2nd letter from CCC staff			Coastal offered to provide sample EJ language but stated it was important to include policy that mirrors Coastal Act Section 30604(h) and its definitions. Placeworks edits wre based on Coastal's 3-8-2019 adopted Environmental Justice Policy document.
24	Introduction	CCC staff	CCC deleted paragraph on IP, but city retained it		Not sure what CCC issue is here?			Clarified with CCC staff.
24	Introduction	CCC staff	The Rock symbol: this symbol is used to let readers know what is part of the LCP vs. what is not. It's one thing for a particular policy to not be included, but it's weird when the introductory background text is not. All background/introductory text should be included in the LCP.		Question from Amy - City: any issue with just including all of the introductory text in the LCP? I think previously CCC staff had issues with it all being included because other GP elements are mentioned – for example. Also, see second letter from CCC staff			Let's discuss. Initial thought is that we agree that CCC has issue when it's referring to other documents not in the LCP. If we do this, what do we need to put this up to the policy level and add IA? Are there edits that need to be made here? Coastal gave us some direction on this in 2nd letter. Edits made with some IA's rolled up into policies.
35	Blueprint Intro	CCC staff	The "Implementation Action" section should only include things that are programmatic endeavors, like "amend the zoning code to do xxx" or "study a new program...". Things that are regulatory policies, like "development shall have a buffer of xxx" need to be part of the policies and included in the LCP.		Asked CCC staff on phone call whether they are seeing this still happening in the IAs/Section 5 table? CCC staff said they can point out some examples - did mention ESHA IAs. See comments from second letter from CCC staff for this feedback.			
		CCC staff	Suggest that the city substitute the phrase "Future Actions" for "Implementation Actions" to denote other future policies that the city considers to be related to its new revised LCP	No	Discussed with City and no change			
		CCC staff	CCC deleted Housing Element paragraph, but the city retained it	No	Yes, the housing element is part of Plan Morro Bay			
3-30	Land Use	Scott Collins	Strike reference to desalination plant under the "Energy and Industrial Uses" section. The desalination plant is no longer operating is being dismantled.	Yes	Scot G.: Its now the Brackish Water Reverse Osmosis system (we will call it the water treatment plant).			
3-33	Land Use	Scott Collins	Do we plan to discuss modifying Measure D in the future....similar to the discussion in other sections of draft GP about looking at Measure F?	No?	Scot G.: no specific policy or implementation item for this, but Policy Lu-4.4 does indicate we will pursue a policy that deals with interim uses in this area. GPAC/PC had long conversations on this and we formed a PC and HAB subcommittee to look at Measure D to come up with appropriate language.			
3-38	Land Use	Scott Collins	Under "threshold for lower-cost accommodation" section – Should we update information about average daily rate (the number referenced is from 2016).	No	Scot G.: Implementation Action LU-12 says we will update the information every two years. We could, but numbers would be skewed because of COVID...so not sure we could come up with anything better than what we have.			
3-40	Land Use	Scott Collins	Under "Policy LU-6.4" are hotels and motels in tidelands currently required to provide low cost accommodation? Will this policy make it difficult to develop on tidelands? Is this a required thing from Coastal or subject to change? Seems like a lot of policies on this page and the next are slanted to ensuring we have more low-cost hotels, when in fact we have an overabundance of them.	TBD	Scot G.: Added by coastal and they have specifically differentiated the tidelands properties from others...argument is they are unique and very limited so should include opportunity for lower income folks. Given this involves State Tidelands...probably not an argument we can win but might be able to argue Morro Bay existing affordable accommodations policy was validated through low cost accommodation memo prepared.			Need to discuss further - no change. Coastal has said want to discuss this further when we get to the Zoning / IP work.
3-42	Land Use	Scott Collins	Will Implementation Action LU-14 impact Doug's and Cherise's projects? Any other projects impacted by this? (725 and 833 Embarcadero reference)	No	Scot G.: Each project is already conditioned by coastal to do this			
3-50	Land Use	Scott Collins	Where is the pier located, that is referenced on this page?		Scot G.: Implementation Action Lu-20...talks about dedicating lateral access along beach and under the Pier. Amy we Don't recall where this came from (other than it started out in Admin Draft CD Element)...is this supposed to be Hwy 1 Torro Creek Bridge? We are unclear and think its best to delete the "and under the Pier" unless you have a better idea about what this was supposed to say.	This is from the existing LCP - Policy 1.09 for North Morro Bay in the Shoreline Access & Recreation Chapter. We can go ahead and delete under the pier.		Yes, Amy make this edit.
3-52	Land Use	Scott Collins	Is boatyard and haul out being pursued?	No	Scot G.: It has HAB support and Council has given direction to staff to look into it.			
	Land Use and Env't Justice	CCC staff	Next, Policies LU-3.3 and LU-3.6 also seem like good ones to be part of the LCP, as well as the Environmental Justice chapter as we discussed.					This would be fine if they were added into LCP. Make this edit.
39	Land Use	CCC staff	CCC deleted two paragraphs on Housing and Additional Planning Framework, but the city retained them	No	Housing element is part of Plan Morro Bay. Not sure what CCC issue is with Additional Planning Framework.			No change. Clarified with staff
58	Land Use	CCC staff	Future Sphere of Influence paragraph is notably different, excluding possible public uses for old power plant site	No	Yes, edits were made but Public/Institutional is still listed as a land use for Vistra site			okay here.
59	Land Use	CCC staff	LU 3.6 excludes CCC wording on protecting hillside, ag areas, etc. from development	No	Agreed with CCC staff to separate into 2 policies. See LU-3.2			Public/Institutional is listed in the text of this paragraph

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								Amy, let's discuss this. Still pending. Need to look at Pacific Grove. Not all policies applicable, only some used. Coastal's response was that more of the detail would be discussed when we get to Zoning / IP document.
69	Land Use	CCC staff	In the overnight accommodations description, the city kept the phrase "where possible" even though CCC deleted it, making the idea optional instead of mandatory		PW records show that a decision was made between PW and City to keep this language. City – do you feel strongly about keeping this? City response during phone discussion: will be part of overall decision on whether to change anything related to LCVSA. See other comment on that below			
71 and 72	Land Use	CCC staff	Policies 5.4 and 5.5 should read that an LUP amendment with Chapter 3 of the Coastal Act as the standard of review is required (not just an LCP amendment—Ch 3 should be the SOR and not be tied down by the LCP).	Yes	Fine to make edits		Agree	Coastal staff provided sample language from City of Pacific Grove. Not all policies are applicable to Morro Bay. Coastal said details would be discussed in IP.
	Land Use	CCC staff	The Low-Cost Accommodations section still raises issues for us. Having low-cost requirements only kick in when the City total goes below 25% as it raises equal protection issues and is a race to the bottom. City of Pacific Grove's low-cost accommodation policies and standards are a good example for Morro Bay to reference.		Discussed with CCC staff on the phone - City - any final direction here?			
76	Land Use	CCC staff	Much longer Lateral Access policy LU 7.1 thru 7.8 with many CCC edits not included		Much longer because IAs were pulled up to the policy level per CCC request. We did either make a lot of the CCC edits or confirmed that they were already addressed by other edits/bringing IAs into the policies. Can Coastal point out something they wanted included that wasn't included?		Agree	
83	Land Use	CCC staff	Maintains Downtown Plan area that CCC deleted	Yes	City noted that DTSP is not part of LCP - so edits will be needed		Agree	
84	Land Use	CCC staff	Maintains Multimodal paragraph that CCC deleted; did not create a new Embarcadero section as we suggested		Doesn't look like they deleted it to me; Embarcadero section is policies and IAs under Goal LU-8		Agree	
87	Land Use	CCC staff	Says the Downtown Waterfront Strategic Plan is incorporated into the LCP. Not certain that we've ever seen that.	Yes	City noted - not part of LCP – remove that part of sentence		Agree	
3-64	Community Design	Eric Endersby	Page 3-64, first paragraph states of our lease sites "At least five of those lease sites are up for renewal in 2018..." Assume this was originally written before September, 2018 when all those leases expired. Maybe change to "Approximately five of those lease sites came up for renewal in 2018,..."	Yes - see further down for language	Scot G.: Is it worth making this change? - see same comment from City Manager in the next row down - Scot says there to make the edit		Agree	
3-64	Community Design	Scott Collins	Need to update to 2020 numbers the reference to lease sites up for renewal (top of that page).	Yes	Scot G.: Amy, we should revise to say at least five of the lease sites "came" up for renewal in 2018.... Replace "are up" with "came up"		Agree	
3-71	Community Design	Eric Endersby	Page 3-71, Implementation Action CD-9 line spacing is off – looks to be single where everything else is double.	Yes	Scot G.: Don't think is spacing, but instead text is not justified like the rest of the page		Agree	
90	Community Design	CCC staff	did not include "outside of coastal hazard ares (and otherwise...." and instead saying "minimize coastal hazard risk..." which sounds weaker	No	Discussed with City and no change		Agree	
98	Community Design	CCC staff	Agriculture east of Highway 1 – did not include CCC's phrase about residential subdivision not allowed on undeveloped hillsides, etc.	No	Right, because it wasn't correct for the Tri-W site		Agree	
101	Community Design	CCC staff	did not include Coastal Commission access signage sentence in CD 1.7, in effect, allowing more latitude for obtrusive signs	No	Looks like this was included in IA CD-8?		Agree	
105	Community Design	CCC staff	moved some policies out of the LUP		Yes, is there a comment from CCC?		Noted	
3-80	Economic Development	Scott Collins	Under Policy ED-1.7 – we have already adopted and began implementation of the economic development plan, need to update this sentence.	Yes	Scot G.:Amy, lets update to reflect adoption of the EDSP.		Agree	
3-81	Economic Development	Scott Collins	Same as above for Implementation Action ED-7	Yes	Scot G.: Amy, change to "Carryout implementation of EDSP."		Agree	
3-82	Economic Development	Scott Collins	Under Implementation Action ED-9 – should add REACH, Visit SLOCAL and Chamber to this list of partners.	Yes	Scot G: Amy, please add		Agree	
114	Economic Development	CCC staff	Did not include CCC's Energy Sustainability policy ED 3.7	No	ED Element not in LCP so didn't address CCC staff edits on this element		Noted	
3-115	Circulation	Scott Collins	At top of page references survey....when was this survey conducted? Would be good to note we are currently studying demand at the moment.	Yes	Scot G.: 4th of July 2016. We could also add that the City is in the process of studying the demand. Consultant is Walker Consultants. They have completed a peak summer demand study and are in process of starting the winter demand study starting today November 11, 2020.		Agree	
3-115	Circulation	Eric Endersby	Page 3-115, same comment as before about "2,200 free public parking spaces." Lose the "free" because some might change.		Scot G.: Text is fine the way it is...just states a fact. Although the sentence structure raises a question, 99% of City is in Coastal Zone so there are way more than 2200 spaces in the City. maybe we do need to revise the sentence or is the "2,200" spaces really just referring to figure CIR-5...so 2,200 in those areas?	Could check with Joe/CCT to confirm whether Scot's guess about Fig CIR-5 is correct, or if City feels comfortable happy to edit the sentences as follows: More than 2,200 free public parking spaces are provided by the City at in the coastal zone. The primary public access points in the coastal zone as are described below and shown on Figure CIR-5.	Previous page says we have approx. 2500 spaces. Need to fix that to make numbers consistent. Scot said okay with proposed sentence edit and deleting the word free.	
138	Circulation	CCC staff	Keeps paragraph that CCC deleted including "....Master Plan...."	No	City decided to keep – updated references to policies since the IAs were included at policy level		Agree	
140	Circulation	CCC staff	Did not include our CIR 1.13 and 1.14 on funding improvements and wayfinding	No	Determined these two added policies were existing IAs from Section 5 so they were brought into the elements because of IAs being brought in per CCC direction		Agree	

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142	Circulation	CCC staff	Did not include CCC's additions to Active Transportation Amenities CIR 2.2	No	Determined this added policy was any existing IA from Section 5 so it was brought into the element because of IAs being brought in per CCC direction		Agree	
146	Circulation	CCC staff	Did not include CIR 3.4 to Monitor VMT and transportation goals of MRB's Climate Action Plan	No	Determined this added policy was any existing IA from Section 5 so it was brought into the element because of IAs being brought in per CCC direction		Agree	
150	Circulation	CCC staff	Small but notable change to Paid Parking wording, allowing parking fees to be used for city-wide parking needs				Agree	I think did say they wanted that during our discussions with them but the City wasn't comfortable with that and that is how we ended up with the wording in Policy CIR-4.2
151	Circulation	CCC staff	Did not include CIR 4.7 Embarcadero consolidated parking section generally, the city did not include open space and natural areas among places where noise should be monitored and controlled	No	Added in Embarcadero section in LUE - Policy LU-8.6. It is not exactly the same as what CCC included – we had discussions with CCC about this policy		Agree	
	Noise	CCC staff		No	Noise Element not in LCP so didn't address CCC staff edits on this element		Agree	
168	Noise	CCC staff	did not include CCC's text in NOI 1.1, 1.2, and 1.3 about development in noise-sensitive areas	No	Noise Element not in LCP so didn't address CCC staff edits on this element		Agree	
	Noise	CCC staff	Did not include NOI 1.5 Mitigation Priorities	No	Noise Element not in LCP so didn't address CCC staff edits on this element		Agree	
	Conservation	Cindy and Scot	Revise Policy C-7.11 replace "desalination plant" with "water treatment plant"	Yes				
	Conservation	Cindy and Scot	Revise Policy C-7.12 to say "Evaluate the Brackish Water Reverse Osmosis System (Water Treatment Plant) and its energy usage to improve efficiencies. "					
4-13	Conservation	Eric Endersby	Page 4-13, top paragraph would not lead one to believe that there is any national estuary designation, but only that it's "significant." Recommend the following: "In 1994, the bay was designated a state estuary, and in 1995, it became a designated estuary of national significance." Page 4-14, paragraph "b," neither regulatorily nor in the industry do we call them "spoils" anymore. Bad word. Got rebranded at least a decade ago to "dredged materials." In two places in that paragraph.	Yes	Scot G.: I am ok with the change.			
4-14	Conservation	Eric Endersby	Page 4-14, just below what I commented on above, second sentence references "Department of Fish and Game." It's "Fish and Wildlife." Got it right in other places.	No	Cindy/Scot: Verbatim Coastal Act language, no change			
4-14	Conservation	Eric Endersby	Page 4-14, same paragraph but a bit further down and then again on the next page, what are the references to Bodega Bay and San Diego Bay for? The section seems to be quoting a Fish and Wildlife document, but those references to Bodega and SD are really confusing. Most of that material after "Acquisition Priorities..." and the end of that paragraph on the next page either need to be eliminated, or an explanation included as to why they are being referenced. Or I'm just really dull and don't get it.	No	Cindy/Scot: Verbatim Coastal Act language, no change			
4-21	Conservation	Eric Endersby	Page 4-21, ESHA buffers, the doc prescribes specific ESHA buffers for certain things, then says for "all other ESHA" the buffer will be 50 feet. How does that square with the CEMP and eelgrass?		Scot G.: We are not designating the Bay ESHA, as per direction from Kevin K., so would just follow CEMP...correct?		Agree	
4-35	Conservation	Scott Collins	Need to change Monterey Bay Community Power to Central Coast Community Energy (it is their new name).	Yes	change name		Agree	
4-41	Conservation	Scott Collins	Need to update the information at the bottom of the first paragraph - The City is currently in compliance with the State Water Resources Control Board Water Quality No. 2013-0001 DWQ, resolution R-3-2013-0032. This is a five year permit and is set to renew in 2018.	Yes	Here is the replacement text from Rob Livick: The City currently jointly owns and operates a wastewater treatment plant (WWTP) with the Cayucos Sanitary District (CSD). The WWTP was built in 1954 and blends primary-treated effluent with secondary-treated effluent when flows exceed 1 million gallons per day (mgd). The City is currently operating under Waste Discharge Requirements Order No. R3-2017-0050 (Order No. R3- 2017-0050), adopted by the Central Coast Regional Water Quality Control Board on June 27, 2018. That order requires the City to discontinue the blending process as part of the planned new water reclamation facility (WRF) project (Project), and all flows to meet at least full secondary treatment standards by February 28, 2023.		Agree	
4-47	Conservation	Scott Collins	Policy C-7.11 and C-7.12 – isn't the desalination plant being torn down? Might want to check with Joe Mueller on this.	Yes	See first couple rows of this table		Agree	
4-50	Conservation	Cindy and Scot	Page 4-50 replace "desalination plant" with "water treatment plant" under IA C-23	Yes				
4-50	Conservation	Scott Collins	As above, another reference to desalination plant				Agree	

Comments and Edits Received on Adoption Hearing Draft Plan Morro Bay (October 2020)

Comments and Edits from City staff and Coastal Commission Staff

Page in Hearing Draft of PMB (if noted) or pdf page number	Element or Section	Commenter	Comment	Make edit?	Staff reply	Additional PlaceWorks Reply if needed	City Staff Reply	PlaceWorks additional notes
4-52	Conservation	Scott Collins	Under "State Goal" it says we have targets to hit for 2020. Do we have data on how we've done, or when that data will be collected?		Amy, what is status of this currently...has the State Goal been met? AS note: this is related to waste diversion.	Individual communities have to support the goal through their own initiatives, but aren't required to specifically achieve that level. Morro Bay is part of the County's Integrated Waste Management Authority, which has individual targets for residents and employees. As of 2018, the County was well below its goal. I'm guessing the State will be able to report on its own progress toward the 75% reduction goal sometime in 2021. We could add a sentence that states that updates on how the County did in meeting the 2020 goals should be available in 2021.	Let's discuss on the call.	City? Amy said could add a sentence with latest status.
197	Conservation	CCC staff	Adds two policies that CCC did not include in our previous edits, 1.16 Tree Planting & Removal and 1.17 Project Design for Wildlife Connectivity	No	One of these was added because of EIR. tree planting and removal was in the public draft			
207	Conservation	CCC staff	No state attainment policy for PM ₁₀ pollution	Yes	Need to fix formatting issue – this policy is there			
221	Conservation	CCC staff	Kept One Water Morro Bay section after CCC deleted it	No	Yes, intentional			
222	Conservation	CCC staff	Deleted our "no subdivision" text		Thought we agreed on changes that were made with CCC. Yes, didn't make the exact edits they made in the file.		Noted	
224	Conservation	CCC staff	different wording for inadequate storm water runoff contingency which weakens the idea		?? PW and City don't understand this comment We talked with CCC and they said we could include this wherever we want. It is in LUE (LU-4.8). Also, this addresses a PC comment about having a policy re: dredging right?	Agree. Emailed Coastal		Yes, we are required to have a Stormwater Mgmt Plan overseen by RWQCB. We explained this to CCC in previous call that this is regulated by different State agency
226	Conservation	CCC staff	the city did not include the Interagency Cooperation policy					
228	Conservation	CCC staff	no Emergency Resources section at all		Not sure what this comment is talking about			Clarified with CCC staff. No edit made
229	Conservation	CCC staff	Waste Management policy on Diversions In Multi-Family Visitor-Serving Uses deletes our added text on recycling and composting receptacles	No	It's in IA C-29			Policies reflect previous review by and conversations with CCC staff
236	Conservation	CCC staff	Public View Protection is less specific and less explicit		Less specific and less explicit than what?			
237	Conservation	CCC staff	Signage Requirements exclude or requirement for no illuminated signs visible from Hwy 1	No	CCC agreed with our changes			
	Conservation	CCC staff	Cultural and Historic Resources, section is missing	No	It's there, it starts on page 4-27			
4-79	Open Space	Scott Collins	Do we have updated information regarding demographics? Second paragraph on this page references 2014 data.		Amy, would it make sense to make consistent with the demographic data used in the Housing Element?	Using data from 2020 HE would not be consistent with the PMB CBA/background report	Ok	
256	Open Space	CCC staff	Policy OS 1.4 deletes our phrase "...and remove any existing structure..." which could allow some view obstructions to remain?		This was resolved with Sarah Carvill of Coastal as not applying to the City. (4/2019 call)			
258	Open Space	CCC staff	Goal OS 2 does not include other policy references LU 4.1, 4.3, 7.1-7.5, and CIR 2.6 and 4.7		Will include these references.			
260	Open Space	CCC staff	No Policy OS 3.8 for Cerrito Peak as passive open space		Will add Coastal's edits.			
265	Open Space	CCC staff	Goal OS 7 phrased to not incorporate our changes on agricultural land and open space green belt areas remaining undeveloped		City cannot accept this- affects annexation ability			
266	Open Space	CCC staff	no Policy OS 7.3 on protecting agriculture and managing development near agricultural land Page 4-126, very bottom of the first paragraph on shoreline protective devices is the sentence, "The City shall only be involved financially with shoreline protective devices." What the heck is that supposed to be saying? This puzzling sentence occurs again on the next page, end of the paragraph at the top of the page.		City cannot accept this- affects annexation ability			
4-126	Public Safety	Eric Endersby	Reference to "Public Services Department" should be changed to "Public Works Dept."	Yes	Typically we would have the lease holder make the repairs and infact the lease terms on the water front require this. Probably need to changes this sentence or perhaps remove it.	doesn't apply to Embarcadero, and only public, not private anyway		
4-132	Public Safety	Scott Collins	Reference to "Public Services Department" should be changed to "Public Works Dept."	Yes	Make change			
304	Public Safety	CCC staff	Not clear what this means: "For all other areas outside of the Harbor, Marina, area immediately adjacent to the shoreline, and Working Waterfront Area, development shall be sited and designed in a manner consistent with the following policies." These policies should apply to the shoreline area, and we should make clear which policies apply to the harbor/waterfront area.		ok, will edit this - discussed.			Edits made to Goal LU-8 policies in Land Use Element

Comments and Edits Received on Adoption Hearing Draft Plan Morro Bay (October 2020)

Comments and Edits from City staff and Coastal Commission Staff

Page in Hearing Draft of PMB (if noted) or pdf page number	Element or Section	Commenter	Comment	Make edit?	Staff reply	Additional PlaceWorks Reply if needed	City Staff Reply	PlaceWorks additional notes	
			Sea Level Rise Projections: including a brief paragraph in the background section on Coastal Hazards describing current best available science on sea level rise and either describing or including the table of SLR projections for the Port San Luis tide gauge from the CCC/OPC Guidance (see Table G-7 in the CCC SLR Policy Guidance or Table 19 in Appendix 3 of the OPC State SLR Guidance). Example language: "The current best available science on sea level rise projections at the time of adoption of this General Plan/LCP is the OPC State Sea-Level Rise Guidance (2018). This document includes probabilistic projections of sea level rise, as well as an extreme sea level rise scenario based on the potential for rapid ice sheet loss, for each decade from 2030 through 2150 for each of the 12 tide gauges along the California coast. Further, the State SLR Guidance recommends evaluating three different sea level rise scenarios (the low, medium-high, and extreme risk aversion scenarios) based on the risks, consequences, and related considerations for individual planning, permitting, and investment decisions. More information on these sea level rise projections can be found in both the OPC State Sea-Level Rise Guidance and the Coastal Commission Sea Level Rise Policy Guidance. Sea level rise projections at the Port San Luis tide gauge, the closest tide gauge to the City of Morro Bay, suggest there could be as much as 6.7-9.9 feet of sea level rise by 2100 (based on the medium-high and extreme risk-aversion scenarios, see Table XX). The City will continue to evaluate best available science in line with statewide recommendations." Note that the statement on page 4-110 that "...may cause average sea levels to increase by as much as 5.5 feet or more by the year 2100" should be corrected to account for the current SLR projections or replaced with the above language. Additionally, please reframe the discussion in the coastal hazards section about specific sea level rise vulnerabilities to note the sea level rise amount rather than solely the year that amount is currently projected to occur. This will ensure that statements about vulnerability remain accurate even as projections change. Table PS-2: include the relevant sea level rise projections in the top row and either remove the years or correct the years to reflect the medium-high projection scenario per statewide guidance (e.g., 0.5ft. of SLR is earlier than 2030; 0.9ft. = ~2035; 3.1ft. = ~2070)						
	Public Safety	CCC staff			Assume we need to add or Coastal will when we send it to them. What impact does this have on overall document and EIR? Sg			Edits made	
4-110	Public Safety	CCC staff			same as above.sg			Edits made	
	Public Safety	CCC staff			ok.sg			Edits made	
4-117	Public Safety	CCC staff			ok.sg	same as rows 85 and 86. will email coastal to talk.			
4-119 and 4-121	Public Safety	CCC staff			ok.sg	ask Mike B to make this edit. After we talk to coastal.		Done	
4-123	Public Safety	CCC staff			ok. Sg				
4-123	Public Safety	CCC staff			ok.sg				
4-124	Public Safety	CCC staff			ok.sg				
4-124	Public Safety	CCC staff			ok.sg				
4-107	Public Safety	CCC staff			Fine to add				
4-109	Public Safety	CCC staff			Can make edit				
			Below are more detailed edits on the implementing actions that we think should be part of the LUP's policies. We hope this is more directive and specific about which of the remaining ones read as more enforceable policies (as opposed to programmatic things for future study) that should be part of the LCP: LU-12 through 18, LU-20, CD-8 through 14, CIR-15, C-1 through 11, C-16, C-22, OS-1, PS-2 through 13. These can be moved from the IA section into the policy section. With these changes, the entire Implementation chapter could be removed from the LUP. Hard return missing where definition of Redevelopment is.						
Section 5 6-131	Implementation Actions Glossary	CCC staff Cindy			CD-11: believe there are edits resulting from letter to this section? Otherwise all are good to move to policy.sg	ok to make edit. Need to eliminate redundancy			

EML Letter dated 11/4/2020 and reviewed by staff 1/28/21 (Adoption Hearing Draft, October 2020)

Page # of Stakeholder Letter	Element or Section	Referenced Policy in Hearing Draft of PMB (if noted)	Staff Comment
page 1	Land Use	LU-7.1	addressed
	Land Use	7.1.c.	Will edit this to note it does not apply to MUPs, only CUP/CDP
	Land Use	7.1 -d	No change
	Land Use	7.1 - e	No change
	Land Use	7.1 - f	No change
	Land Use	7.1 - g	Consultant wordsmithing this per PC direction
	Land Use	7.1 - h	Not possible. PC and specifically Chair Luhr on record as being against this.
	Land Use	7.3	Coastal would not approve this.
page 5	Land Use	7.5	No - would cause impinging on the 10 feet
	Land Use	7.8	Non-starter for coastal. They asked us to address impacts on infrasturcture. But good news is it will be based on feet instead of years.
page 8	Land Use	8.7	PC also discussed this. This is being addressed.
	Implementation		Can't accept all of EML's suggestions. They were Coastal edits. Coastal wants to distinguish between areas facing different hazards and impacts. This policy was edited by Coastal
	Action	IA CD-11	No, PC changed this to fiberglass. Needs to be consistent / per the Lateral Access Technical Memo
	Implementation		
	Action	IA CD-13	Doesn't conflict with CD-11 because PC requested change to "fiberglass material when eelgrass shading is not an issue"
	Implementation		Do like the suggested language to add "if feasible, the lateral access icon shall be included on the Harborwalk by stamping..."
page 9	Action	IA CD14	Want to make this consistent. Change could be to say paved stained brick or other pavers
	Circulation	CIR-1.10	Not possible. Coastal would not approve. This is also inconsistent with Embarcadero sidewalk widening plan and the DWSP
pg 9-10	Circulation	CIR-2.2	Not possible. City has already made determination on this.
	Noise	3-F Noise	Construction noise is dealt with through CEQA process. This refers to noise associated with a development proposal. (NOI-1.4)
pg 10	Noise	NOI-5	Same response as above. This only refers to discretionary development proposals.
	Noise	NOI-3-3	We would not exempt marine work. We might actually need this. Would also be addressed through the CEQA process.
	Conservation	C-1.15	PC accepted the EML change for this.
pg 14	Public Safety	PS-3.6	These are specific Coastal edits. Other language received separating out improvements made both in and out of the Bay. Coastal has indicated we can improve existing revetment structures.
	Public Safety	3.7	Same as above
	Public Safety	3.8	Same as above. We split out Embarcadero and non-Embarcadero development. We can't otherwise change it, because this comes from the Coastal Act.
	Public Safety	PS-13	Short answer to Cathy's question bottom of pg 4-128 does not refer to Embarcadero, but it will have it's own standards & also subject to Flood Plain Ordinance MBMC 14.72)
pg 15	Glossary	Glossary	Definitions for coastal dependent use are on page 6-37, under "use, coastal-dependent"
pg 15	Land Use	LU-7.1	Example noted such as seafood unloading is not included in the "30 min" before, because the language is 30 minutes "before the activity" etc. So this covers the activity, and PC was adamant about maintaining policy as is.
	Land Use	LU-8.4	Agree, but the document is for the public as well as business owners. Significiant public input was received and PC is still interested in investigating.
	Community Design	CD-1.7	This does not refer to commercial signage, only lateral access signage

EML Letter dated 11/4/2020 and reviewed by staff 1/28/21 (Adoption Hearing Draft, October 2020)

Page # of Stakeholder Letter	Element or Section	Referenced Policy in Hearing Draft of PMB (if noted)	Staff Comment
	Community Design	CD-9	This is meant to address storage of materials, stairs, BBQs, Bikes that are not permitted on floating lateral accessways. Again, this isn't commercial signage. Intent of the IA is to maintain access as open to the public.
	Community Design	CD-10	This is same as above. PC was clear in maintaining this as is, in order to provide lateral access to the public and minimize closures. Also this would be a non-starter for Coastal as well, based on the CDP the approved for 1001 Front St.
	Community Design	CD-12	Noted
	Noise	NOI-9	Intent of this is to ensure project is conditioned accordingly per the acoustical analysis recommendations and followed up through the building permit process. Not inconsistent with LU-8.7 which deals with fixed infrastructure. For this, the idea would be to provide connection for the boats. LU-8.7 requires underdeck utilities to be relocated a location "above the sea level rise zone"
pg. 16	Conservation	C-7.18	This would likely mean working with NEP. This came from public input, both GPAC and PC.
	Conservation	C-7.23	The cost for undergrounding would be determined from doing a study on this.
	Conservation	C-9.9	Same as above
	Conservation	C-34	We agree
	Open Space	OS-4	"least environmentally damaging alternative" is Coastal language. Could not change that. Also, same response as noted above for PS-3.6
	Public Safety	4D - Public Safety	Unclear what the request is here.
	Public Safety	PS-3.1	The cost is unknown. Would collaborate with other agencies and pursue grant funding. Plan to be updated every 5 years. Will make this more clear to note what applies. Coastal also requested this edit to be more clear what applied inside the Harbor and what applies outside Harbor.
	Public Safety	PS-3.10	This is for outside the Harbor. Working with Coastal to make this more clear as noted above.
	Public Safety	PS-6	

Comments received from the Government Affairs Committee (GAC), January 28, 2021

Section No.	Topic	Commentor Code	Comment	Scot Graham Comments/Response
		GAC-1	Enhance connectivity between embarcadero and downtown	implementation in DWSP
Policy ED-1.3	City Procedures	GAC-2	Review Management Partners Report and come up with a punch list of 10 things to adopt a "business friendly" attitude and practices. Proceed under the assumption that the City is not currently perceived as "business friendly" and identify tangible ways to demonstrate that the city is, now, open for business.	City has conducted training for employees. EDSP also indicates business friendly practice as an issue. City is evaluating process timelines for planning and building permit applications. City putting together a committee to assist with process improvements for Development Review.
Policy ED-1.6	Streamline Development		Identify and codify development standards to the extent that design professionals and developers can self-certify their projects for compliance with city codes and design guidelines. Minimize the number of items requiring PC, CC and CEQA review to only those that cannot demonstrate compliance with city requirements. This requires the City to be clear about and quantify how design regulations can be met, and to minimize the amount of open ended discretion.	underway, with update of the zoning code. Approximately 2 year ago, changed how we process parking exceptions allowing them, under certain circumstances to be approved as staff level. Significantly reduced the number of applications going to PC. Small single family homoe additions are not clogging up PC agendas now. This will be even further enhanced with the new zoning code. CEQA is required for all projects, although most small project are exempt. We just received an HCD Grant for \$160,000 to support policy change to increase housing supply. RFP is out with responses due March 2nd. One item we will be working on is to create objective design standards for by right housing development that includes up to 10 units. We are in the coastal zone so noticing is still required.
Figure CIR-1B	Future Circulation	GAC-2	The Circ Element appears to kick the can down the road about how circ improvements are to be made to connect the Embarcadero, Main Street and Atascadero Road. This analysis should not be deferred until the WWTP re-use plan or the Power Plan Redevelopment plan. GP should set the foundation. Develop appropriate alternatives, study in the EIR, and then modify the city's impact fees and implementation to provide adequate financing. Establish these soon after GP approval, if not concurrent.	City doesn't have funding to do this. These improvements will be driven by developmet of the power plant site.
Policy CIR-4.2	Paid Parking	GAC-2	Support the establishment of paid parking. This approach has been used successfully in other SLO County cities, and the fees would pay for acquisition and maintenance of public parking lots, road improvements to enhance access, and other improvements to enhance coastal access.	Study is underway. Also included in DWSP and EDSP. Coastal Commission approval of paid parking in and around the waterfront will be difficult.
C-3.4	Vehicle Idling	GAC-2	The city has no role to play in exploring ways to reduce vehicle idling. This is a state CARP or federal EPA items. City does have authority to make necessary circulation improvements and parking improvements.	Its an APCD requirement. It is also in the Climate Action Plan and represents mitigation in the EIR.

Comments received from the Government Affairs Committee (GAC), January 28, 2021

Section No.	Topic	Commentor Code	Comment	Scot Graham Comments/Response
Goal C-4	Greenhouse Gas Emissions	GAC-2	The biggest contributor to greenhouse gas emissions in SLO County is excessive commute trips and jobs-housing imbalance. Yet there is no mention of reducing VMT through jobs housing balance.	Discussed/addressed in EDSP and DWSP. Much of the update is geared toward providing more housing. Mixed use residential overlay is applied to several commercial areas and allows for residential at density up to 27 units per acre.
Goal C-7	OneWater	GAC-2	It is worth mentioning that Morro Bay's household water use is one of the lowest in the County, and among the lowest in the state. Additional efficiencies can be gained by trading out old fixtures through an offset program that would benefit current water users and provide more capacity for future users. We use less water today (1,200 AF) than we did 50 years ago (1,534 AF) with 3,200 fewer residents. And, supply has increased by 50% (2,566 AF to 3,682 AF). Water supply is currently three times water use. City development regulations should recognize that the City has a secure and reliable water supply (and not impose arbitrary regulation as if it is not)	We have a toilet and washer retrofit/rebate program. Toilets are also required to be replaced upon sale (1.28 gallons max). Documents identify water availability and usage as does the City's One Water Plan. The WRF will greatly improve reliability of water as City won't be solely dependant on State Water. Arbitrary regulations?
Imp LU-6	Population Limit	GAC-2	Support the concept of opening up discussion on Measure F 12,200 pop limit. This was put in place in 1981 when average household water use was twice what it is now, and 25% lower in absolute terms. Population growth will come primarily from infill and redevelopment. .	It will be a political decision to take this up. Measure F is likely not legally valid, but City would have to go to court to overturn it.
IMP-CD-5	Dynergy Area Master Plan	GAC-2	Support the concept of a master plan for this area. However, set an adequate infrastructure and circulation framework for it in the GP. Don't defer important decisions.	Don't have money for this in the current update, hence the reason for the master plan. Master plans typically address required project infrastructure.
IMP-ED	Economic Development	GAC-2	Most of the ED Implementation policies are non-specific. Focus on making the process more transparent, fast, less discretionary and long, and predictable. Investors and developers will find you if they believe that they can get through the process.	see responses to ED 1.3, ED 1.6, ED 1.10
ED 1.2	Financing Mechanisms	GAC-3	Supports BID/PBID development. Chamber supports this. Maruska's TAPP P3 program	Noted
ED 1.3		GAC-3	City to invest in professional development training and customer service improvement. Significantly improve the counter experience to favor investment. Also, set aggressive and expedited project review (and approval) processing guidelines, both in the zoning code and in the city policies.	We have had started professional development training. We are currently evaluating our turn around times on Planning and building permits. Next steps include turning our project tracking system public facing...We have grant funding for this and we are identifying applications that allow online plan check and submittal.
ED 1.5	Infrastructure and Public Facilities	GAC-3	Could be used to support high speed fiber program to attract technology investment.	We have had discussion with Digital West about this.

Comments received from the Government Affairs Committee (GAC), January 28, 2021

Section No.	Topic	Commentor Code	Comment	Scot Graham Comments/Response
ED 1.6	Streamline Development Process	GAC-3	This is foundational, and can be achieved at a low cost, without any reduction in environmental protection, required public hearings and notifications. Identify and codify development standards to the extent that design professionals and developers can self-certify their projects for compliance with city codes and design guidelines. Minimize the number of items requiring PC, CC and CEQA review to only those that cannot demonstrate compliance with city requirements. This requires the City to be clear about and quantify how design regulations can be met, and to minimize the amount of open-ended discretion.	We are working on this. Approximately, two years ago we changed how we process additions to nonconforming homes to allow most to be processed at Staff level. Looking at turning our project tracking system public facing. 1st step will be to allow business license submittals online, both for renewals and new businesses. We migrated all of our business license info from HdL (old system) to Cityworks (new system). City has grant funding to identify and implement an online application for electronic plan review that connects with Cityworks. Identification of said application anticipated by the beginning of March.
ED 1.10	Prioritize Access; housing downtown	GAC-3	Build housing downtown, support building height increases to house people with commerce. Remove processing, economic and financial barriers to achieving this.	draft updated GP/LCP/Zoning Code increase height in downtown and increases density of allowed residential in many areas to 27 units per acre.

Exhibit E

PLANNING COMMISSION

March 16, 2021



Status Update / Next Steps

- Final Adoption of Plan Morro Bay
- Comment Summaries reflect final edits since October – December public hearings
- Review of Final Environmental Impact Report
- Recommendation to Council for adoption & certification



Environmental Review

The Draft EIR was circulated for a 45-day public review period from October 2020 through December 2020

- Consistent with requirements of CEQA Guidelines Section 15162 and Public Resources Code Section 21092

The Final EIR comprised of revised Draft EIR, in combination with responses to all written and verbal comments received on the Draft EIR

CEQA Graphic

■ Agriculture and Forestry Resources

■ Biological Resources

■ Cultural Resources

■ Geology and Soils

■ Energy

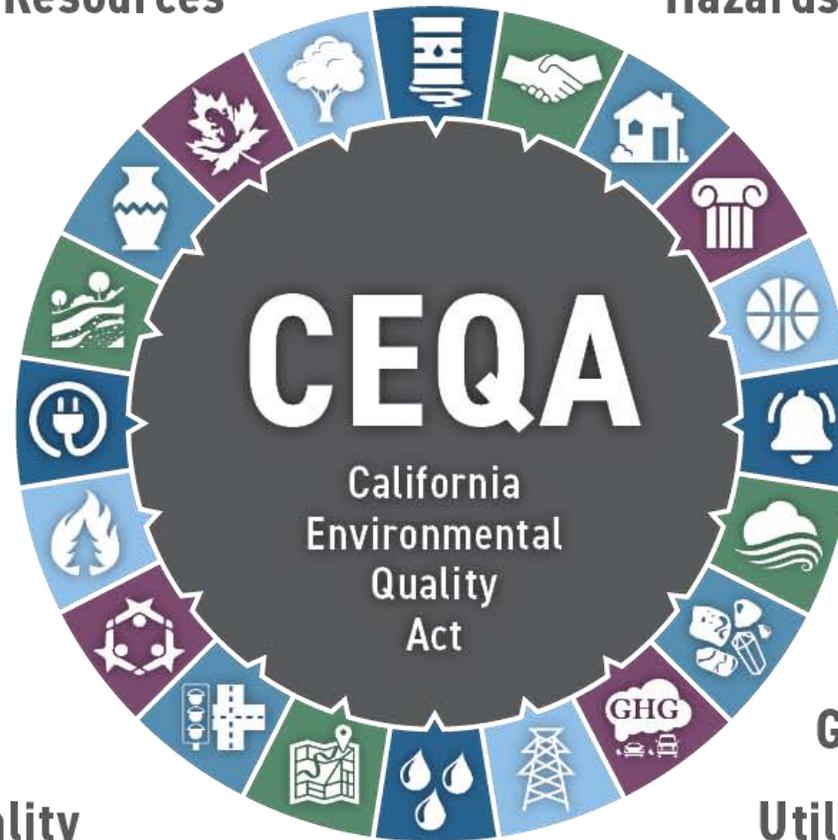
■ Wildfire

■ Public Services

■ Transportation

■ Land Use and Planning

■ Hydrology and Water Quality



Hazards and Hazardous Materials ■

Tribal Cultural Resources ■

Population and Housing ■

Aesthetics/Visual ■

Recreation ■

Noise ■

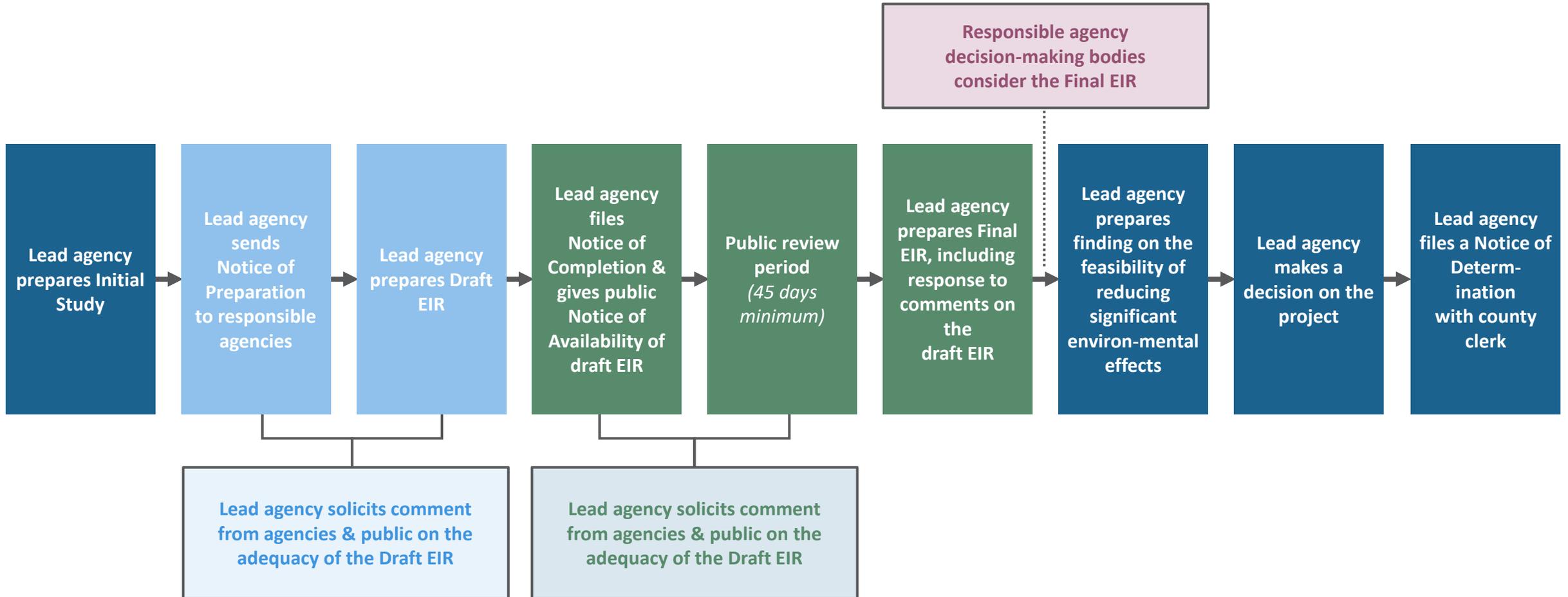
Air Quality ■

Mineral Resources ■

Greenhouse Gas Emissions ■

Utilities and Service Systems ■

CEQA Process



Final EIR Certification and CEQA Findings

- Final EIR must be certified to allow project approval
- CEQA Findings must be adopted
 - Findings are the link between the Final EIR and Plan Morro Bay
 - Describes how the Mitigation Measures are carried forward in Plan Morro Bay
 - Includes a Statement of Overriding Considerations for Significant Unavoidable (Class I) impacts
 - Included as part of Resolution



Morro Bay General Plan and LCP Update

Final Environmental Impact Report
SCH#2017111026

prepared by

City of Morro Bay
955 Shasta Avenue
Morro Bay, California 93442
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prepared with the assistance of

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February 2021



RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

Required Mitigation for Impacts

Air Quality

- Standard SLOAPCD Mitigation for Construction Equipment

Biological Resources

- PMB Policy C-1.3 Update: Avoidance and Minimization during Development
- PMB Policy OS-7.1 Update: External Impacts
- PMB Policy C-1.17 Addition: Wildlife Movement Corridors Protection

Cultural and Tribal Cultural Resources

- PMB Policy C-2.3 Update: Avoidance or Minimization of Historic, Cultural, and Archaeological Resources Impacts

- PMB Goal C-2 Update: Cultural Resources Study Implementation Action

Noise

- PMB Policy N-3.5 & N-3.6 Addition: Construction Vibration Control Measures and Notification

Transportation

- PMB “Planned Circulation Improvements” Addition: Pedestrian Facility Improvements
- PMB Policy CIR-1.8 Update: Pedestrian Facility Improvements

Significant and Unavoidable (Class I) Impacts

Air Quality

- Clean Air Plan consistency
- Cumulative air quality impacts

Transportation/Circulation

- Vehicle miles traveled
- Cumulative transportation impacts

Maximum feasible mitigation required for all Class I impacts

All other impacts mitigated below significance thresholds with required Mitigation Measure

Statement of Overriding Considerations

The City Council hereby finds and determines that...

- It is imperative to balance competing goals in adopting PMB and certifying the Final EIR.
- The Final EIR has identified and discussed significant effects that may occur as a result of the General Plan and LCP Update.
- The City has made a reasonable and good faith effort to eliminate or substantially mitigate potential environmental impacts.
- The alternatives evaluated in the Final EIR would not achieve the General Plan and LCP Update vision and values and/or provide specific economic, social, or other benefits that outweigh any environmental benefits of the alternatives.
- The economic, social and other benefits of the General Plan and LCP Update outweigh remaining environmental impacts and render potential significant impacts acceptable.
- The project objectives and community values that would be achieved from implementation of the General Plan and LCP Update outweigh the proposed project's unavoidable environmental risks.