



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.

Special Meeting - Tuesday, October 29, 2024
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA

Chairperson – William Roschen

Vice-Chairperson Mike Rodriguez
Commissioner Asia King

Commissioner Joseph Ingraffia
Commissioner Eric Meyer

Public Participation:

Remote public participation is allowed in the following ways:

- *Community members may attend the meeting in person at the Morro Bay Veterans Hall*
- *Members of the public may watch the meeting and speak during the 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.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRWFUQT09>

Password: 135692

- *Or Telephone Attendee: 1 (408) 638-0968 or 1 (669) 900 6833 or 1 (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to "Raise Hand" for Public Comment*
- *Alternatively, members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Planning Commission at planningcommission@morrobayca.gov prior to the meeting. Agenda correspondence received at planningcommission@morrobayca.gov by 10 a.m. on the meeting day will be posted on the City website.*

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

PUBLIC COMMENT

Members of the audience wishing to address the Planning Commission on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Planning Commission at this time.

PRESENTATIONS

A. CONSENT CALENDAR

B. PUBLIC HEARINGS

B-1 Case No.: CUP24-04

Site Location: 431, 451, and 495 Embarcadero Road, Morro Bay, CA

Project Description: Request for Planning Commission approval for a development and redevelopment of City lease sites 49 L 49 W, 50 L 50 W, 51 L 51 W, and 52 L 52 W to include the renovation of an existing office building, demolition of existing vacation rental buildings, and construction of a new two-story building with eight (8) vacation rentals. A new water area will include one (1) new floating dock, (3) new finger slips, and one (1) finger dock space with a low floating dock for a kayak rental business. A new Harborwalk connection is proposed to connect pedestrians along the Embarcadero to Tidelands Park. This property is in the Waterfront (WF) zoning district and is within the California Coastal Commission original permit jurisdiction.

CEQA Determination: Exempt under Section 15332, Class 32 for In-Fill Development Projects.

Staff Recommendation: Recommendation to Planning Commission for approval with attached conditions.

Staff Contact: Kim Fowler, Planning Manager, 805-772-6577, kfowler@morrobayca.gov

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 at the Veteran's Memorial Building, 209 Surf Street, on November 19, 2024, at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the Department at 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 with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$326 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

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

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.

II. RECOMMENDED ACTION:

STAFF RECOMMENDS THE PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NO. CUP24-04 FOR THE DEVELOPMENT AND REDEVELOPMENT OF CITY OF MORRO BAY LEASE SITES 49 L 49 W, 50 L 50 W, 52 L 52 W AND 52 L 52 W AT 431, 451, AND 495 EMBARCADERO ROAD AS SHOWN ON PLANS DATE STAMPED AUGUST 15, 2024, BY ADOPTING PLANNING COMMISSION RESOLUTION 04-24 WHICH INCLUDES THE ATTACHED FINDINGS AND CONDITIONS OF APPROVAL (EXHIBIT A).

III. DEVELOPMENT BACKGROUND:

A marine repair shop with a permanent dock, floating dock, and water slip was approved by the city in 1974. The following year, office space was approved on the second floor. In 1976, an existing residence was demolished, and the Planning Commission approved a two-story building with a dock and floating dock, with a workshop on the ground floor and retail on the upper floor. Associated Pacific Constructors, Inc. currently occupies the building as office space.

The buildings at 451 and 471 Embarcadero were remodeled in 1993, with a change in exterior siding and roof pitch (at 471 Embarcadero).

IV. REDEVELOPMENT OPPORTUNITY:

Recognizing the need for affordable visitor-serving opportunities that provide access to the bay, as well as an economic return to the city, and desiring to solicit proposals to ensure maximization of public benefit from redevelopment and a long-term lease agreement for the site, the Morro Bay City Council and Harbor Department issued a Request for Proposals (RFP) (Exhibit C) in June 2023 for the redevelopment of 431 and 451 Embarcadero that included the following design improvement key objectives:

1. Best and highest use of both the land and water portions of the site to maximize revenues and return on investment
2. Improved viewshed and façade
3. Adds to overall tourism draw
4. Restore and/or enhance the environment, where applicable
5. Incorporation of an independent public restroom of the site, if practical
6. Include safety enhancements in the area, where applicable
7. Proposals must include:
 - a. Minimum 8' wide sidewalks and 10' wide lateral public access along the waterfront
 - b. Architectural, and perhaps functional, emphasis on fishing village/marine heritage, working waterfront, and national estuary themes
 - c. ADA compliance
 - d. Incorporation of LEED features

There were no responses to the RFP as solicited.

One response with a modified proposal was received from APC/Paul Gillen. This modification would include 495 Embarcadero (see Exhibit D, Harbor Department RFP Response Package). This is the proposed project that is discussed herein.

V. PROJECT DESCRIPTION:

APC proposes development and redevelopment of City lease sites 49 L 49 W, 50 L 50 W, 51 L 51 W and 52 L 52 W to include the renovation of an existing office building, demolition of existing vacation rental buildings, and construction of a new two-story building with eight (8) vacation rentals. A new water area will include one (1) new floating dock, (3) new finger slips, and one (1) finger dock space with a low floating dock for a kayak rental business (see Exhibit B for a full set of plans). A new Harborwalk connection is proposed to connect pedestrians along the Embarcadero to Tidelands Park. This property is in the Waterfront (WF) zoning district and is within the California Coastal Commission original permit jurisdiction. Exhibit A includes photographs of existing conditions as well as renderings of the proposed project from various viewpoints.



Figure 2: Location Key

VI. CONCEPTUAL REVIEW:

Conceptual review is an optional review process that is intended to provide information on relevant policies, zoning regulations, and procedures.

This proposed project was agendized for a Planning Commission conceptual review on June 4, 2024. Public comments in favor of the project proposal include the following:

- *The project will facilitate visitors continuing to explore an area of the Embarcadero that isn't currently well discovered*
- *The project will provide a 10' Harborwalk connection to Mariner Park*
- *The conversion of office use to retail use will increase gross rent to the harbor fund*
- *The color palette is pleasing and provides a connection to the historical onsite uses*
- *This is the only property left that can provide the kinds of operational maintenance and improvements to the waterfront with pilings and all the things that need to be done to maintain the area*
- *The design is artful and creative and compatible with much of the existing structures in Morro Bay*

- *Removing the staircase will improve the building façade/character and the view from the street*

Below is a summary of comments, both from the Planning Commission as well as members of the public, and a brief response to comments.

Comment	Response
<i>The Historical Resources Evaluation states that the existing buildings hold no historical value, but that is debatable; there is an opportunity for the city to have an independent person handle the historical value report</i>	This is addressed below in Section VIII, Environmental Review
<i>Mixed feelings about the removal of the staircase at 495 Embarcadero; architecturally it hurts the east façade, but functionally the removal seems an important piece of the puzzle</i>	Removal of the staircase facilitates a necessary widening of the sidewalk adjacent to Embarcadero Road
<i>The pedestrian thoroughway access in the tunnel structure is concerning; if there’s any opportunity to provide a cutout to increase light so it reduces the tunnel effect, that would invite more pedestrians to the water</i>	The project will be conditioned to provide sufficient lighting to minimize the appearance of a dark tunnel
<i>The east elevation view along Embarcadero Road appears to be the ‘back’ side; a bit of fenestration would be appreciated</i>	The project has been revised to include additional windows as well as landscape planters to soften the east elevation view
<i>Turn the orientation of the level two units 90 degrees to the other direction towards the Rock to provide more views from Franklin Riley Park on the bluff above; or remove the second level altogether, which people certainly say is infeasible but would get the height into conforming levels</i>	This comment has been noted
<i>It appears the Harborwalk is at about a 30-degree angle and the benches are tucked so that they can’t quite see the Rock; if there’s a way to extend that Harborwalk another 8 feet and then have a 45 degree angle connection, that would be valuable to that connection</i>	This comment has been noted
<i>One of the founding partners and prior owners of the site was Reg Whibley; if there is a historical document provided on this, he will be mentioned favorably as a longtime resident and active participant in the City of Morro Bay, and his contributions have been significant</i>	The project will be conditioned to provide a plaque and/or informational stand in memory of Reg Whibley
<i>The height limit of 17 feet should be adhered to; a viewing deck is not considered a benefit and unsure that people would actually use it</i>	This is addressed below in Section XI, Analysis
<i>The other hotels all provide off-street parking; this project should have to provide off-street parking, otherwise they’re</i>	This is addressed below in Section XI, Analysis

<i>impacting either Tidelands Park where it's recreational parking, or the other businesses like the restaurant across the street</i>	
<i>I know that private views are not protected; but there is going to be an impact to the hotel across the street and it will affect the first floor of their rooms</i>	Private views are not protected
<i>Put the parking on the first floor; put the parking underneath the rooms, keep the elevation at 17 feet</i>	This is addressed below in Section XI, Analysis
<i>Turn the current building that exists into hotel rooms as well; I don't know that we need more trinket shops but we could use some more rooms</i>	This comment has been noted
<i>Keep the buildings; they have great culture, charge bucks for those, and turn the current building into a hotel, that could be eight STRs or hotel rooms, and there's room right now for parking off-street</i>	This comment has been noted. STRs are not permitted in the Waterfront zone.
<i>I like the dark building as it is and not lightened; that's part of the character of where it is</i>	Fresh wood will darken over time and be consistent with the existing color
<i>By raising the height to 24 feet we are reducing what is already a rare resource on the Embarcadero, which is a view of the water, the spit, the Rock, and the ocean, above a first-floor roof – when a commodity gets more rare, it becomes more valuable – addressing additional community benefits should be commensurate with the resource that's being reduced – consider if the city is getting the appropriate value by raising the height</i>	This is addressed below in Section XI, Analysis
<i>I don't see the facts in the report that will really inform me as to economic feasibility and what the standards of feasibility are, so I'm hoping that I get more information about economic feasibility</i>	The topic of economic feasibility is not within the purview and scope of Planning Commission land use and zoning considerations
<i>It's great to have an additional elevated observation space but it would be great to see a design that has minimal impact to preserve any kind of viewshed from the street</i>	The exclusion of an elevated observation space will eliminate the public benefit of viewing the bay from a heightened standpoint
<i>It would be great to learn more about the existing buildings, why they're considered locally significant – I'd love to hear more from the public about that and have more time to read the historical report</i>	This topic can be explored as the discussion of a Historic Preservation Ordinance progresses

The Planning Commission voted on a motion to recommend that the Applicant return to a subsequent conceptual review meeting to have a broader discussion on public benefits and

accommodate a meeting with the Harbor Advisory Board. As the conceptual review process is optional, the Applicant ultimately elected to proceed with a formal application package with a request for approval from the Planning Commission of the project proposed herein.

VII. AUTHORIZATION/GUIDELINES:

Development proposals require both development and use permits. The proposed project is located within the California Coastal Commission's (CCC) original jurisdiction and will therefore require entitlement permitting in a two-step process.

Morro Bay Municipal Code (MBMC) Section 17.40.030.A authorizes the Planning Commission to act on a Conditional Use Permit application. The final determination by the Planning Commission on this application may be appealed to the City Council pursuant to the time periods and requirements established in the MBMC for appeals.

After obtaining a use permit from the city, the Applicant will be required to obtain a Coastal Development Permit (CDP) from the CCC prior to issuance of any building permit.

VIII. ENVIRONMENTAL REVIEW:

Projects requiring a discretionary action (such as a Conditional Use Permit) are subject to the California Environmental Quality Act (CEQA) and require review for determination of appropriate documentation. During an early stage of project review, staff requested an evaluation for historic resources to consider impacts of actions on the cultural environment, and an eelgrass survey to determine impacts to existing water habitat.

A Historical Resources Evaluation (HRE) was conducted by Long Historic Preservation Services, LLC, in June 2024 (Attachment E). This HRE assessed the buildings at 451 and 471 Embarcadero Road using the eligibility criteria for the California Register of Historic Resources (CRHR), and ultimately concluded that the buildings are not significant under any of the CRHR eligibility criteria; and are therefore not historical resources for the purposes of CEQA.

While not historical for the purposes of CEQA, the existing vacation rental buildings with their vibrant colors have been an Embarcadero mainstay since the 1990s and are considered by many Morro Bay residents to be *culturally* significant. The city, however, does not currently have an adopted Historic Preservation Ordinance and therefore does not have a system in place to identify and protect locally historic resources.

MBMC Section 17.14.080.F requires protection of wetlands, deepwater, and other water areas. The biological productivity and the quality of coastal waters shall be protected, maintained, and where feasible, restored. Additionally, special protection shall be provided to species of special biological or economic significance.

Eelgrass has been identified by the National Oceanic and Atmospheric Administration (NOAA) as a Habitat Area of Particular Concern (HAPC) for species managed under the Pacific Salmon and Pacific Groundfish Fishery Management Plans. Eelgrass habitat is valuable in the marine environment as it provides many important ecosystem functions. Because of its critical contribution to a functioning and thriving ecosystem, eelgrass habitat is a high-priority area for conservation, management, and research.

A California Eelgrass Mitigation Policy and Implementing Guidelines Report published by the NOAA Fisheries West Coast Region in October 2014 (https://media.fisheries.noaa.gov/dam-migration/cemp_oct_2014_final.pdf) included a policy statement recommending no net loss of eelgrass habitat function in California, as well as implementing guidelines to avoiding and minimizing impacts.

The Morro Bay National Estuary Program (MBNEP) is a nonprofit that works to protect and restore Morro Bay and its watershed by conducting monitoring and research to track the health of the estuary, repairing natural habitats to protect water quality and wildlife, and educating residents and visitors on how to be good stewards of the bay.

A Morro Bay Eelgrass Report was conducted by MBNEP in December 2021 (https://www.mbnep.org/wp-content/uploads/2021/12/2020-Eelgrass-Report_FINAL.pdf) and identified eelgrass as growing intermittently along the Morro Bay Embarcadero, and stated that impacts to eelgrass must be considered before any construction occurs.

Additionally, an Eelgrass Report was conducted by Tenera Environmental in October 2024 (Attachment F) to assess and confirm the current eelgrass population. This report documented a persistent band of eelgrass extending north from Tidelands Park to the south end of the project area. Historically, eelgrass has also been observed at the northern end of the project site. In accordance with California Eelgrass Mitigation Plan policies and protocols, this project will be conditioned to conduct eelgrass surveys prior to construction.

CEQA Determination: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 3 – New Construction of Limited Small New Facilities) and 15332 (In-fill Development Projects in Urban Areas). Under these exemptions, and with the environmental analysis provided, no further environmental analysis is required.

A Notice of Exemption will be filed with the San Luis Obispo County Clerk's Office upon final approval.

IX. PUBLIC NOTICE:



**CITY OF MORRO BAY
NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Morro Bay Planning Commission will hold a **PUBLIC HEARING** on **Tuesday, OCTOBER 29, 2024, at 6:00 p.m.** to consider the following matter. Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953, this public hearing is anticipated to be conducted in a hybrid format with both an in-person meeting at the Morro Bay Veterans Memorial Building, 209 Surf Street, Morro Bay, CA 93442, as well as through virtual public participation provided telephonically through Zoom. Staff reports, plans and other information related to this case are available for public review at the Community Development Department, 955 Shasta Avenue, Morro Bay, CA and on the City of Morro Bay website at www.morrobayca.gov/archive.aspx three (3) business days prior to the hearing. Ways to participate, watch, and submit public comment for this meeting are provided on the agenda.

Written comments are also accepted by the Planning Commission via email at planningcommission@morrobayca.gov or by mail prior to the meeting to the Community Development Department, c/o City Hall at 595 Harbor Street, Morro Bay, California, 93442. All agenda correspondence received by 10:00 AM on the meeting day will be posted on the city website.

B.1 Case No: Conditional Use Permit (CUP24-04)

Site Location: 431, 451, and 495 Embarcadero, Morro Bay, CA

Proposal: Request for Planning Commission approval for a development and redevelopment of City lease sites 49 L 49 W, 50 L 50 W, 51 L 51 W and 52 L 52 W to include the renovation of an existing office building, demolition of existing vacation rental buildings, and construction of a new two-story building with eight (8) vacation rentals. A new water area will include one (1) new floating dock, (3) new finger slips, and one (1) finger dock space with a low floating dock for a kayak rental business. A new Harborwalk connection is proposed to connect pedestrians along the Embarcadero to Tideland Park. This property is in the Waterfront (WF) zoning district and is within the California Coastal Commission original permit jurisdiction.

CEQA: Exempt under Section 15332, Class 32 for In-Fill Development Projects.

Staff Recommendation: Recommendation to Planning Commission for approval with attached conditions.

Staff Contact: Kim Fowler, Planning Manager, 805-772-6577, kfowler@morrobayca.gov

Airlin Singewald
Community Development Director

October 17, 2024

Notice of this item was published in the New Times SLO newspaper on October 17, 2024 (see Figure 3), a sign was posted at the site with the project number and photo simulation (see Figure 4), and all property owners and occupants of record within 500 feet of the subject site were notified of the public hearing and invited to share their concerns on this application.



Figure 3: Newspaper Notification

Figure 4: On-Site Notification

X. PROJECT BACKGROUND:

Project Team	
Applicant:	Associated Pacific Constructors, Inc. Paul Gillen 495 Embarcadero, Morro Bay, CA 93442 (805) 772-7472 paul@associatedpacific.com
Architect:	Land and Sea Interface Gene Doughty 201 Main Street, Morro Bay, CA 93442 (805) 772-8436 Land.sea.interface.morrobay@gmail.com
Land Use	
Property Location:	431 Embarcadero 451 Embarcadero 495 Embarcadero
State-granted Tidelands Lease Sites:	49 L 49 W, 50 L 50 W, 51 L 51 W and 52 L 52 W
General Plan/Coastal Local Plan Designation:	Waterfront Commercial/Industrial
Zoning Classification:	Waterfront (WF)
1996 Waterfront Master Plan (WMP):	Planning Area 3: Embarcadero Visitor Area
Surrounding Land Uses:	North: Mariner Park South: Vacant East: Embarcadero Inn and Suites West: Morro Bay Harbor
Coastal Zone:	Coastal Commission original jurisdiction. Applicants are required to obtain a Coastal Development Permit from the California Coastal Commission prior to issuance of any building permit.
Additional Regulatory Documents	Applicability
2018 Downtown Waterfront Strategic Plan (DWSP)	Not applicable
North Main Street Specific Plan	Not applicable
Beach Street Specific Plan	Not applicable
2015 Residential Design Guidelines	Not applicable
1997 Cloisters Design Guidelines	Not applicable
Seashell Estates CC&Rs	Not applicable

XI. ANALYSIS:

Within this section, **annotations in red** portray the proposed project's inconsistency with a specific development standard:

1996 Waterfront Master Plan (WMP):

The proposal is within the Waterfront Master Plan and is within Planning Area 3: Embarcadero Visitor Area. This area encompasses the Embarcadero from Beach Street to South Street between the bluff and the waterfront. This portion of the Embarcadero contains the majority of the shopping and eating establishments as well as the most intense mix of pedestrian and vehicle activity.

Design Guidelines:

Chapter 5 of the Waterfront Master Plan includes design guidelines applicable to all waterfront projects. The design guidelines require that projects consider three key areas in the design review process. Staff responses are noted below in **bold**:

1. Sidewalks that provide connection along the Embarcadero. The existing sidewalk width is non-conforming. **The WMP would require a minimum width of 8-foot sidewalks on new projects.**
2. Boardwalks. **This project proposes to provide a new 10-foot wide Harborwalk access with public seating adjacent to the building.**
3. Architectural compatibility. Architectural character should be consistent with a working fishing village character with building design treatment to include that areas adjacent to the sidewalk be pedestrian oriented with windows, entries, and display area; front façade to be in scale and character of the waterfront area; articulated wall surfaces such as board and batt, engaged pilasters, multilevel trim, cornices, and built-up fascias, varied rooflines, and use of materials and colors to break up larger building masses and large wall planes. **Project incorporates a modern maritime building design with roofline variation, horizontal plank siding, glass balconies, multiple windows, doors, and entry points for pedestrian orientation.**

Development Standards:

Waterfront (WF) Development Standards			
	Required	Proposed	Complies?
Setbacks	Front: 5 feet average Interior Side: 0 feet Exterior Side: 5 feet average Rear: Harborwalk access 10 feet	Front: 5 feet average Interior Side: 0 feet Exterior Side: 3 feet on west side (existing non-conforming) Rear: Harborwalk access 10 feet	Yes
Height	Maximum height is 17 feet or up to 25 feet may be allowed by PC with finding of significant public benefit per WMP.	Existing building at 495 Embarcadero – 24.66 feet (existing non-conforming) New building at 451 Embarcadero – 24 feet	Yes, with finding of public benefit
Roof Area Requirement: 80%> 4:12Pitch	Minimum of 80%> at 4:12 pitch	Minimum of 80%> at 4:12 pitch	Yes
Lot Coverage land side of lease	90% lot coverage for land side and 70% lot coverage on waterfront side	Existing building at 495 Embarcadero - 78% Proposed building at 451 Embarcadero – 36.5% (Not differentiated between land v. water)	Yes

The project as proposed provides amenities identified in the Waterfront Master Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography.

The project as proposed also exceeds the maximum height of 17 feet. To offset this requested height exception, the Applicant’s proposal for significant public benefit includes curb and street enhancements, a new 8’ sidewalk, new pocket park with bike rack, new wharf, second floor deck and public observation deck, public tables, chairs, benches, elevator, and a publicly accessible dock.

A finding of significant public benefit is listed in the attached Planning Commission Resolution (Exhibit A).

Zoning Code (MBMC Section 17):

Development Standards (MBMC Section 17.11):

WF Development Standards (MBMC Table 17.11.040)			
<i>Development Standard</i>	<i>Required</i>	<i>Proposed</i>	<i>Complies?</i>
Minimum Setbacks - Front	0 feet	0 feet	Yes
Minimum Setbacks – Interior Side	0 feet	0 feet	Yes
Minimum Setbacks – Corner Side	0 feet	Not applicable	Yes
Minimum Setbacks - Rear	Must allow for a minimum 10-foot boardwalk	10 feet	Yes
Maximum Lot Coverage (% of lot)	90	78	Yes

WF Supplemental Standards (MBMC Section 17.11.050)		
<i>Supplemental Standard</i>	<i>Required</i>	<i>Proposed</i>
Architectural Treatment	The architectural and landscape design of a project, including materials, shall be consistent with the character of a working fishing village. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopments.	Project materials include continued use of existing vacation rental trim colors, typical cedar siding to match existing surfaces, blue and green metal roofing, heavy timber construction to reflect marine use piers, wharfs, and concrete pilings for structural use.
	The design shall protect aesthetic environmental qualities. The design shall enhance the desirability and/or enjoyment of the immediate area.	Inclusion of the Harborwalk and observation decks maximize view opportunities of aesthetic environmental qualities and the desirability to enjoy the immediate area.
Public Access Requirements	Public access from the nearest public roadway to the shoreline and along the bay	Inclusion of the Harborwalk and observation decks provide the public with

	front shall be provided in new development projects.	access from Embarcadero Road to the bay front.
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Visual Resource Protection (MBMC Section 17.14.090):

To enhance public views and the scenic qualities of the city’s Coastal Zone, and to maintain consistency with the LCP’s Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Visual Resources and Viewsheds policies.

The proposed building addition will not contribute to bluff erosion and maintains the existing view corridor from the public right-of-way at the top of the bluff. Additionally, the proposed colors, textures, and architectural style are compatible with development on adjacent blocks and do not cause the project to stand out from surrounding built and natural features.

Fences and Freestanding Walls:

The Harborwalk along the Embarcadero currently includes a hybrid of both horizontal cable and vertical steel railings (Figure 5 at left and right). Recently, it was brought to the attention of city staff that visitors stepping and hanging on the horizontal cable railings (similar to the action depicted in Figure 5 at center) have caused damage/permanent slack to some of the individual cables.

Going forward, development projects along the Embarcadero, including this proposed project, will be conditioned to provide vertical railings to minimize the occurrence of future repairs.



Figure 5: Railing Options

Exterior Lighting and Illumination (MBMC Section 17.14.090.B):

Where exterior lighting is proposed, a plan showing the location, types, and intensity of the proposed lights is required. Additionally, all proposed lighting fixtures will be downcast, shielded, diffused, or indirect to be dark-sky compliant and avoid glare.

An exterior lighting plan is conditioned to be provided as an exhibit in the building permit package and shall include details to the satisfaction of the Community Development Director.

Landscaping (MBMC Section 17.14.090.C):

Development shall minimize the removal of existing native vegetation and shall provide for landscaping improvements that include removal of non-native and/or invasive species, and plantings of noninvasive native plants in a manner sited and designed to enhance coastal habitats and public views.

A new pocket park is proposed at the southern end of the project site (see Exhibit A). The project scope will also include landscaping planters both at the ground level and on the second-floor deck. A Landscape Plan in accordance with MBMC Section 17.25 is conditioned to be provided as an exhibit in the building permit package and shall include details to the satisfaction of the Community Development Director.

Coastal Access (MBMC Section 17.14.110):

In order to protect the public's access to the coast, and to maintain a consistency with the LCP's Land Use Plan (LCP), the proposed project will conform to all applicable Land Use Plan Coastal Access and Embarcadero policies.

Parking and Loading (MBMC Section 17.27):

Parking and loading regulations ensure that adequate off-street parking and loading facilities are provided for new land uses and major alterations to existing uses; establish standards and regulations for safe and well-designed parking unloading, and vehicular circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses; and offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand. Additionally, parking requirements may be satisfied on-site, off-site, or via in-lieu fee within the Waterfront zoning district.

As shown in the table below, onsite parking required by the ratio identified in MBMC Section 17.27.040 is calculated to be 11 spaces; however, the proposed project's proximity to both a transit stop and city-owned parking lot alleviates the necessity to provide onsite parking. This proposed project is deemed to be consistent with the city's parking regulations without providing onsite parking, and as such, no parking spaces are required or proposed.

Use	Square Footage	MCMC Section 17.27.040	
		Stall Criteria	Stall Calculation
Commercial	165 square feet of retail	1 per 300 square feet of floor area	0 stalls
Eating and Drinking Establishments	375 square feet of seating area	1 per 100 square feet of seating area plus 1 per 200 square feet of outdoor seating area in excess of 350 square feet	3 stalls
Hotels and Motels	8 rooms	1 for each guest room plus one space for each 10 rooms	8 stalls
<i>- Subtotal of Parking Stalls Required under MBMC Section 17.27.040</i>			<i>11 stalls</i>
		MCMC Section 17.27.050	
		Reduction Criteria	Reduction Calculation
		MBMC Section 17.27.050 allows a 20 percent reduction of required onsite parking spaces if the site is located within one-quarter mile of a transit stop with regular, scheduled service.	This property is located 0.24 miles from transit stop at Centennial Stairway. 11 stalls x 0.20 = 3 stall reduction
		MBMC Section 17.27.050 allows the number of required parking spaces to be waived all or in part where a use is located within 1,200 feet of a City-owned public parking facility.	This property is located 1,100 feet from the parking lot at Tidelands Park = 3 stall reduction
<i>- Subtotal of Parking Stalls Reduction</i>			<i>8 stalls</i>
<i>- Total of Parking Stalls Required</i>			<i>0 stalls</i>

Signage (MBMC Section 17.29):

The project does not propose new signage. Any new signage will require a separate master sign program and/or sign permit from the Community Development Director.

Variance Request (MBMC Section 17.44):

This project does not include a variance request.

XII. PLANNING COMMISSION ACTION:

Approval as recommended: If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve CUP24-04, stating that the proposal satisfies the requisite findings, and adopt the attached Resolution that incorporates the requisite environmental and permit findings and the conditions of approval.

Approval with modifications: If the Planning Commission intends to approve this proposal with modifications as discussed on the record, the Commission should approve a motion to approve CUP 24-04 as based on the record, direct staff to amend the staff report accordingly, stating that the amended staff report will satisfy the requisite findings, and adopt a Resolution that will incorporate the requisite environmental and permit findings and the conditions of approval, as modified by the Commission.

Denial: If the Planning Commission intends to deny this proposal, the Commission should approve a motion to deny CUP24-04, stating that the finding(s) of the proposal does not satisfy with reasons based on the record, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decisions and specific findings.

Continuation: If the Planning Commission intends to continue this proposal, the Commission should approve a motion to continue CUP24-04 and direct staff to work with the applicant to revise the proposal in the meantime.

If any Planning Commissioner or other interested party has questions or comments regarding this matter prior to the meeting, please contact Kim Fowler, Planning Manager, at 805-772-6577, or by email at kfowler@morrobayca.gov.

Approved:



Airlin Singewald
Community Development Director

- | | |
|-----------|---|
| Exhibit A | Planning Commission Resolution 04-24 |
| Exhibit B | Full Set of Planning Exhibits |
| Exhibit C | City of Morro Bay Request for Proposals (RFP) (431 and 451 Embarcadero Redevelopment) |
| Exhibit D | RFP Response |
| Exhibit E | Historical Resources Evaluation |
| Exhibit F | Eelgrass Report |

RESOLUTION NO. PC 04-24

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FOR CONDITIONAL USE PERMIT NO. CUP24-04 FOR A DEVELOPMENT AND REDEVELOPMENT OF CITY LEASE SITES 49 L 49 W, 50 L 50 W, 51 L 51 W AND 52 L 52 W AT 431, 451 AND 495 EMBARCADERO ROAD TO INCLUDE THE RENOVATION OF AN EXISTING OFFICE BUILDING, DEMOLITION OF EXISTING VACATION RENTAL BUILDINGS, AND CONSTRUCTION OF A NEW TWO-STORY BUILDING WITH EIGHT (8) VACATION RENTALS. A NEW WATER AREA WILL INCLUDE ONE (1) NEW FLOATING DOCK, (3) NEW FINGER SLIPS, AND ONE (1) FINGER DOCK SPACE WITH A LOW FLOATING DOCK FOR A KAYAK RENTAL BUSINESS. A NEW HARBORWALK CONNECTION IS PROPOSED TO CONNECT PEDESTRIANS ALONG THE EMBARCADERO TO TIDELANDS PARK.

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing on October 29, 2024, conducted in a hybrid format with both an in-person meeting at the Morro Bay Veterans Memorial Building, 209 Surf Street, Morro Bay, CA 93442 as well as through virtual public participation provided telephonically through Zoom, for the purpose of considering the approval of CUP24-04 for a redevelopment project at 431, 451 and 493 Embarcadero Road; and

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

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

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

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

California Environmental Quality Act (CEQA)

1. That for purposes of the California Environmental Quality Act, Case No. CUP24-04 is categorically exempt under Section 15301 Class 3 for new construction of limited small new facilities, and Section 15332 for in-fill development projects in urban areas.

Conditional Use Permit Findings

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Title (Title 17) and all other titles of the Municipal Code.

The proposed office, retail, restaurant, and lodging uses (proposed use) are consistent with the Waterfront zoning district.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

The project is in compliance with the General Plan and certified Local Coastal Program

as well as the Downtown Waterfront Master Plan (WMP) and will not be detrimental to the health, safety, and general welfare of persons residing or working in the surrounding neighborhood.

3. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

The proposed use benefits the occupant and will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

4. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of Title 17.

The proposed use complies with both the Zoning Code and WMP design and development standards.

5. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.

The proposed remodel of the building at 495 Embarcadero Road, and the addition of eight (8) new vacation rental units is compatible with the surrounding waterfront businesses and reasonably foreseeable future land uses in the vicinity.

6. The site is physically suitable for the type, density, and intensity of the use being proposed.

The site is currently used as an office space and vacation rental property and therefore is physically suitable for the type, density, and intensity of the redevelopment being proposed.

Waterfront Master Plan Findings

1. The proposed project makes a positive contribution to the visual accessibility to the bay and rock and it:
 - a. Provides necessary public benefit to allow for an exception to the Waterfront Plan height limit;
 - b. Meets the Waterfront Plan maximum building coverage, bulk and scale requirements;
 - c. Preserves and enhances the views as seen from street ends;
 - d. Enhances views to waterfront through and/or around the building; and,
 - e. Maintains a pedestrian character along the Embarcadero.

On the west side of the Embarcadero, in the case of granting heights greater than 17 feet, the proposed project also provides significant public benefits pursuant to the Planned Development Overlay Zone requirements

The proposed project is a response to the city's RFP to revitalize the southern terminus of the Embarcadero and will make a positive contribution to the visual accessibility to the bay and rock as identified above.

2. The proposed project provides the amenities identified in the Waterfront Master Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography.

The proposed project provides a new Harborwalk, public observation deck, benches and tables, as well as public access to the floating docks. From these vantage points there are many opportunities for visitors to experience the views of Morro Bay.

3. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience. The project gives its occupants and the public some variety in materials and/or their application. The project contains the elements of harmony, continuity, proportion, simplicity and balance and its appearance matches its function and the uses proposed.

The architect for this project is a longtime member of the community and has designed many of the buildings along the Embarcadero; this project will include a varied frontage that is consistent with the existing streetscape and contribute positively to the working fishing village character and quality of the area.

4. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbours.

The architect for this project is a longtime member of the community and has designed many of the buildings along the Embarcadero; this project will include a varied frontage that is consistent with the existing streetscape and contribute positively to the working fishing village character and quality of the area.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit No. CUP24-04 subject to the following conditions:

STANDARD CONDITIONS:

1. Permit: Conditional Use Permit (CUP24-04) to allow development and redevelopment of City lease sites 49 L 49 W, 50 L 50 W, 51 L 51 W and 52 L 52 W to include the renovation of an existing office building, demolition of existing vacation rental buildings, and construction of a new two-story building with eight (8) vacation rentals. A new water area will include one (1) new floating dock, (3) new finger slips, and one (1) finger dock space with a low floating dock for a kayak rental business. A new Harborwalk connection is proposed to connect pedestrians along the Embarcadero to Tidelands Park. The project zoning is WF, and the property is located within the California Coastal Commission original jurisdiction.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void;

provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The Applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

BUILDING CONDITIONS:

The codes in effect during this project review include the 2022 editions of the California Building Code (CBC), California Green Building Code (CGBC), California Plumbing Code (CPC), California Mechanical Code (CMC), California Electrical Code (CEC), and the California Energy Code (CEnC). The CBC is based on the 2021 editions of the International Building Code which was published by the International Code Council. The CPC & CMC are based on the 2021 editions

of the Uniform Plumbing & Mechanical Codes which were published by IAPMO. The CEC is based on the 2020 edition of the National Electrical Code published by the National Fire Protection Association (NFPA).

GENERAL:

9. All common use public areas must be provided with vertical accessibility, and an accessible route from the public way to provided amenities.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

10. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business and Professions Code, except when otherwise approved by the Chief Building Official.
11. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
12. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
13. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code and a Statement of Special Inspections is required on the structural cover sheet. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
14. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
15. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
16. BUILDING PERMIT APPLICATION. To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.

17. The Title sheet of the plans shall include, but not limited to:
- a. Street address, lot, block, tract and Assessor Parcel Number
 - b. Occupancy Classification(s)
 - c. Construction Type
 - d. Maximum height of the building allowed and proposed
 - e. Floor area of the building(s)
 - f. Fire sprinklers, proposed or existing
 - g. Minimum building setback allowed and proposed

All construction will conform to the 2022 California Building Code (CBC), 2022 California Residential Code (CRC), 2022 California Fire Code (IFC), 2022 California Mechanical Code (CMC), 2022 California Plumbing Code (CPC), 2022 California Electrical Code (CEC), 2022 California Energy Code, 2022 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

CONDITIONS TO BE MET DURING CONSTRUCTION:

18. Site Maintenance. During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained throughout the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
19. Archaeological Materials. In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
20. Foundation Setback Verification: Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some lot types.
21. Building Height Verification: Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as

defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some site-specific projects.

22. **Existing Buildings:** Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2022 California Residential Code.

CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:

23. Prior to Building Division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card. This permit card shall then be turned into the building division for scheduling of the final building inspection.
24. Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
25. If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
26. If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
27. Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
28. Final T-24 energy reports (Certificates of Installation).

FIRE DEPARTMENT CONDITIONS:

29. Demolition Site Plan, General Notes. Provide the following notation: Fire Safety During Construction and Demolition shall be in accordance with 2022 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
30. Fire Protection Systems and Equipment. An approved automatic fire sprinkler system shall be provided throughout this project, pursuant to Morro Bay Municipal Code, Section 14.60.200.

Submit all plans and specification sheets for the required automatic fire sprinkler system to the Fire Department for review and approval prior to installation. The sprinkler system shall be in accordance with NFPA Standard 13. All Marine floating docks and gangway construction shall be in accordance with Morro Bay Municipal Code, Chapter 14.52 and 2007 California Fire Code (Section 905), a Class III Standpipe System is Required for the proposed Floating Dock.

31. Fire Alarms. Plans and specifications for the automatic fire sprinkler system and fire alarm system shall be submitted to the Fire Department for review and approval. (CFC 1001.3 and 1001.4) The fire sprinkler and alarm systems shall be supervised by a central station and constructed in accordance with NFPA 72.
32. Hood System. The exhaust hood and duct systems of all commercial ranges, fryers, broilers, and other cooking devices shall be protected by an automatic fire protection system incorporating full surface protection and automatic fuel shut-off. There shall be a remote activation device placed along the route of egress. If the building is equipped with a fire alarm system, the activation of the hood and duct system shall initiate an alarm with a separate zone.
33. Fire Department access to equipment. Rooms or areas containing controls for Electrical, FAU, Alarm and Fire Sprinkler Systems shall be identified by approved and appropriate signage for Fire Department use.
34. Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street and shall be operable from inside to provide a full, clear opening without tool. Exception 2 may apply when fully sprinklered in accordance with NFPA 13.
35. Fire Extinguishers. A minimum of one 2A-10-BC extinguisher shall be provided for each floor area, so that travel distance does not exceed 75 feet. Extinguishers shall be serviced annually and shall have a current service tag attached. (CCR, Title 19, Sec. 3.29)
36. Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction (CFC 507.1).
37. Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall not be less than the minimum specified in Table C102.1. (CFC C102.1)
38. Elevator Car to Accommodate Ambulance Stretcher. Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretched 24-inches by 84-inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3-inches high and shall be placed inside on both sides of the hoist way door frame. (MBMC 14.08.090)
39. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines.
40. Key Boxes. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the fire code official. Provide a Knox Key Box for installation to the exterior of the structure. Obtain a Knox Application from Morro Bay Fire Department during business hours.
41. Means of egress illumination. The means of egress, including the exit discharge, shall always be illuminated in the building space served by the means of egress is occupied (CFC 1006.1).

Applicant shall provide a schedule of illuminated exit signs and emergency backup lighting locations and there is a readily visible sign adjacent to the doorway stating, "This Door to Remain Unlocked during Business Hours".

42. Fire Protection for Wharves, docks, marinas, boat moorings. Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the city, and all installations shall be subject to the approval of the fire marshal of the fire department.

PUBLIC WORKS CONDITIONS:

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

43. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements. The requirements can be found in the Stormwater management guidance manual on the City's website <https://www.morrobayca.gov/DocumentCenter/View/11828/MB-Stormwater-Management-MAIN-Manual>. Submitted "Performance Requirement Determination Form" identifies the Performance No. 1 Requirement for the project. (MBMC 14.48.140)
44. Lease Line Adjustment: A lease line adjustment is required to extend western lease line due to the proposed lease boundary line adjustments and requires payment of fees, a legal description and lease exhibit created by a licensed surveyor, a City Council Resolution approving the lease line adjustment, and a signed agreement recorded with the County. (MBMC 8.14.020)
45. Right of Way: A Special Encroachment Permit Agreement or equivalent agreement is required for structures and new design items within the city right way. (MBMC 8.14.020)
46. Frontage Improvements: The installation of frontage improvements is required. Show the installation of a new City standard driveway approach per detail B-6, replacement of 8' sidewalk per detail B-5, and replacement of curb and gutter per B-1. Show and label minimum 18" asphalt cut and pave back at all portions of curb and gutter to be installed. Add note that asphalt cut and pave back will be to need replaced at nearest clean edge per Public Works inspector recommendations. (MBMC 14.44.020)
47. ADA: All existing nonconforming sidewalks must be replaced or repaired to comply with current ADA slope requirements.
48. Construction Details: Add construction details of proposed installations.
49. Debris Barrier: A Floating Debris Barrier shall be installed around the waterside perimeter of the construction site and maintained throughout the duration of the project. Note the beginning and end termini of the Floating Debris Barrier on Construction Plans. Silt screens and/ or straw waddles may be needed to prevent demolition/repair debris and sediments from entering the bay in the area of the piling repairs. The location of screens and waddles in this area should also be noted on the plans.
50. Sewer Lateral: Indicate and label if private sewer lateral pipe will be replaced or to remain in place. If the existing sewer lateral is proposed to remain in place, then perform a video inspection of the lateral (from the clean-out at structure to the connection at the sewer mainline

pipe) and submit to Public Works via flash drive, prior to building permit plan approval. Requirements for the sewer video inspection can be located on the City's website at the following location: <https://www.morro-bay.ca.us/DocumentCenter/View/13500/Private-Sewer-Line-Video-Requirements/>. Lateral shall be upgraded, repaired or replaced as required to prohibit inflow/infiltration. All repairs or replacements identified from sewer video, shall be noted on approved set of plans, prior to plan approval. (MBMC 14.07.030)

51. Water Meter: Indicate on plans location and sizes of both water meter and water lateral. Coordinate sizes with Fire Sprinkler plans. Separate residential, commercial or industrial occupancies, if situated on the same premises and not under a common roof, shall have separate service connections and meters. (MBMC 13.04.140 & 14.04.010.C)
52. Water Backflow Prevention Device: Verify and label all new or existing water backflow preventers. Water backflow preventer devices are required for fire water systems, irrigation systems (on a dedicated water meter), systems which may change in character of use (commercial rentals, etc.), gray water systems, or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is required to be an approved domestic water backflow prevention device. (MBMC 13.08.040)
53. County Cross-Connection Inspection: Add note to plan that contractor is required to contact the County Cross-Connection Control Program to confirm prevention device location and completed test form. The contractor must provide the city a copy of the test results. (MBMC 13.08.040)
54. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation, roof downspouts, and all existing and proposed drainage pipes and structures. All runoff must be directed onto vegetated areas. (CBC 107.2.1/CRC R106.1.1)
55. Utilities: Show all existing and proposed locations of the sewer lateral, water service, and water and sewer mains on the building plans. Include sizes where appropriate. Note the location of all overhead utilities and construction underground service entrances per the CBC. See attached utility maps.
56. Underground Utilities: Per MBMC 17.48.050, All utility service lines to all new development, except single-family residences, on vacant lands (including the demolition and replacement of individual structures), and to major redevelopment projects, shall be undergrounded.
57. Easements: Identify and label all easements. Provide preliminary title report to verify all easements and property boundaries.
58. Detailed Erosion and Sediment Control Plan: Required for sites greater than 1/2 acre, or for building or other site disturbance proposed on slopes over 15%, or for projects located within critical areas. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. It must include a written narrative, detailed site plan, typical drawing and details. Guidelines for the control plan may be found on the City's website at the following location: <https://www.morrobayca.gov/documentcenter/view/462/>

59. Stormwater Pollution Prevention Plan (SWPPP): The SWPPP is required for all sites over 1 acre. Prior to issuance of a building permit, the owner shall submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) and develop a SWPPP according to the requirements of a Construction General Permit. Incorporate City of Morro Bay Post Construction requirements to SWPPP. A copy of the SWPPP with the reference WDID shall be submitted to the City.
60. Inspections: Add note that erosion & sediment control inspections to be performed by the Public Works Department Inspector Matt Bishop at (805)772-6232.
61. Flood Zone Requirements: A Flood Hazard Development Permit is required. The City's Flood Hazard Prevention Ordinance describes the requirements to obtain this permit. Pertinent requirements include, but are not limited to:
- a. Submit a FEMA Elevation Certificate which will indicate the base flood elevation to be used with the proposed construction drawings. (Prior to Final Sign-off, submit an Elevation Certificate to indicate the finish elevations of the completed building.)
 - b. Verify that all mechanical and electrical machinery and controls (heating, A/C, etc.) is above BFE or flood proofed.
62. Add the following Notes to the Plans:
- a. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
 - b. It is the responsibility of the designer and contractor to verify all utility locations and connections for the project.
 - c. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permit application and requirements are available on the City's website at the following location: <https://www.morro-bay.ca.us/197/Public-Works/>.
 - A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location).
 - A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement.
 - A water encroachment permit and water meter application shall be required for new water meter installations within the City right-of-way.
 - If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by a temporary encroachment permit within the City right-of-way.

PLANNING CONDITIONS:

63. Permit Required: A Coastal Development Permit shall be submitted to the Community Development Department prior to the issuance of a building permit.

64. Floating Dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The dock shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).
65. Eelgrass Survey Required. Applicant shall be subject to the California Eelgrass Mitigation Policy (CEMP) which requires that a pre-construction survey shall be completed within 30 to 60 days prior to issuance of a building permit. A post-construction survey shall be completed within 30 days of construction completion or as otherwise determined by the National Marine Fisheries Service (NMFS) to determine amount of impact if any and CEMP-required annual reporting and mitigations. Any eelgrass habitat shall be documented and reported to the Community Development Director. If the report identifies a reduction in eelgrass coverage, a plan shall be prepared to identify the appropriate mitigations necessary and in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy, dated October 2014 or successor guiding document.
66. Pile Driving Activities. A Marine Wildlife Contingency Plan shall be developed and approved by the City of Morro Bay prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.
67. Oil Spill Response and Recovery Plan. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs) and shall be included on building plans submitted for approval:
- a. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
 - b. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)

- c. Barrel Absorbent Pads
 - d. Container Absorbent Granules
 - e. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
 - f. The work area shall be contained within a boom to prevent debris from falling into the water.
 - g. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
 - h. An Absorption Tarp shall be placed underneath any portable equipment while in use.
 - i. No equipment shall be permitted to enter the water with any petroleum products.
 - j. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
 - k. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
 - l. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.
68. Pile Driving Plan Required. Prior to issuance of a building permit, a pile driving plan and hydro acoustical noise mitigation plan shall be submitted to the Community Development Director to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).
69. Netting or Fencing. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.
70. Turbidity-Associated Impact Mitigation. To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.
71. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to

exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.

72. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
73. Architecture: Building colors and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
74. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. Prior to requesting foundation inspection, a licensed land surveyor shall verify lot boundaries and building setbacks to the satisfaction of the Community Development Director. A copy of the surveyor's Form Certification based on a boundary survey shall be submitted with the request for foundation inspection.
75. Building Height Verification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Director certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures is in accordance with the approved plans and complies with the maximum height requirements as approved for this project.
76. Inspection: The Applicant shall comply with all City conditions of approval and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.
77. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval for both the Conditional Use Permit and the Coastal Development Permit shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
78. Exterior Lighting and Illumination Plan: Exterior lighting and illumination shall comply with MBMC Section 17.14.090.B. A lighting plan including safety corridor lighting shall be identified on plans to be included with the building permit submittal. All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles. Building plans submitted for approval shall be lighting that uses cut-off, shielded, or downward fixtures (i.e., the bulb is not directly visible) and is between 2600 and 3500 Kelvin and has a CRI of 85 or greater.
79. Landscape and Irrigation Plan: A Landscape and Irrigation Plan consistent with MBMC Section 17.14.090.C shall be included with the building permit submittal.
80. Pocket Park Completion. The pocket park shall be completed and open to the public prior to the issuance of the first certificate of occupancy. A plaque and/or informational stand in memory of Reg Whibley shall be included within the boundaries of the pocket park.

- 81. Historical Interpretive Signs. Historical interpretive sign copy shall be reviewed and approved by the Community Development Director prior to issuance of the first certificate of occupancy.
- 82. Landscape and Irrigation Completion. Landscaping shall be fully installed and appropriately irrigated prior to the issuance of the first certificate of occupancy and must be maintained in a thriving condition at all times.
- 83. Trash Receptacles. A minimum of five trash cans with self-closing lids or other bird deterrent as approved by the Community Development Director shall be identified on plans to be included with the building permit submittal. It is the responsibility of the building tenant(s) to establish trash pickup accounts and services.
- 84. Bicycle Racks. A bicycle rack with a minimum capacity of holding eight (8) bicycles shall be installed within the pocket park and placed so as not to impede public pedestrian flow. The location and brand of bicycle rack shall be included with the building permit submittal. The bicycle racks shall be consistent with other city facilities or as otherwise approved by the Community Development Director.
- 85. Tables, Chairs and Benches. A minimum of four (4) public tables and 16 chairs, as well as three (3) public benches shall be available for general public use and shall be located in the general public plaza as indicated on the approved plans. It is the responsibility of the developer or his designee to ensure that theft or damage of these items are replaced within 14 days to the satisfaction of the Community Development Director.
- 86. Signage. Any new signage will require a master sign program and/or sign permit from the Community Development Director. Signs must be permitted and installed prior to each tenant receiving a certificate of occupancy.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 29th day of October, 2024, on the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Chairperson William Roschen

ATTEST

Airlin Singewald, Secretary

The foregoing resolution was passed and adopted this 29th day of October, 2024.

GENERAL NOTES

THE CONSTRUCTION COORDINATORS INFORMATION SHALL BE POSTED ON SITE

CONSTRUCTION COORDINATOR SHALL BE PAUL GILLEN
 495 Embarcadero 93442 805 772-7472
 ALL WORK SHALL BE COMPLETED IN A GOOD WORKSMANSHIP MANNER
 CONTRACTOR SHALL HAVE ON SITE 2021 COPY OF C.B.C., ALL WORK SHALL COMPLY W/ 2021 C.B.C.
 CITY OF MORRO BAY, CODES AND REQUIREMENTS, CONDITIONS OF APPROVAL CALIFORNIA COASTAL COMMISSIONS STANDARD AND SPECIAL CONDITIONS, ARMY CORPS OF ENGINEERS AND REGIONAL WATER QUALITY CONTROL BOARD
 CONTRACTOR SHALL NOTIFY ARCHITECT AND OWNER PRIOR TO CHANGES OF CONSTRUCTION FOR APPROVAL.

STORAGE OF CONSTRUCTION MATERIAL AND EQUIPMENT STAGING AREA SHALL BE LOCATED INLAND
 NOTE: CONCRETE WASHOUT SHALL BE RETURNED INTO CONCRETE TRUCK AND BE DISPOSED OFFSITE IN A APPROVED MANNER
 CONSTRUCTION PRACTICES SHALL BE AS REQUIRED BY CITY OF MORRO BAY CODES AND REQUIREMENTS, CALIFORNIA COASTAL COMMISSIONS CONDITIONS OF APPROVAL.
 SILT SCREENS SHALL BE PLACED WITHIN THE AREA OF ALL IN-WATER CONSTRUCTION OR DISTURBANCE TO REDUCE POTENTIAL TURBIDITY ASSOCIATED IMPACTS. ALL CONSTRUCTION SHALL OCCUR WITHIN THE PROJECT FOOTPRINT.

"Construction fencing proposed around shoreside lease site area for the dock construction. All work will be performed in the water. There will be no closures of the pedestrian accessways adjacent the project site during construction."

NOTE: PILING SHALL BE EMBEDDED MIN 10' OR REFUSAL AS PER SPECIAL INSPECTION & OBSERVATION AND APPROVED BY PROJECT ARCHITECT (SEE S-1)
 ARCHITECT SHALL SUBMIT REPORT TO CITY OF THE INSTALLATION OF PILES FOLLOWING INSTALLATION OF THE PILING

NOTE: SPECIAL OBSERVATIONS FOR MARINE MAMMALS BY QUALIFIED PERSONAL SHALL BE REQUIRED DURING PILING DRIVING INSTALLATION

NOTE: PRIOR TO START OF CONSTRUCTION WORK AND PRIOR TO DAILY WORK ALL PERSONAL SHALL BE BRIEFED ON BEST MANAGEMENT PRACTICES
 NOTE: A POST MEETING REPORT SHALL BE PROVIDED TO PLANNING TO DOCUMENT THAT TRAINING OCCURRED

CONCRETE SHALL BE MIN 3000 PSI

1 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering
 A sign that states "Caution: due to fluctuation of water elevation, this dock/pier is only accessible between tidal elevations of +7' to 0. Use with caution."

2 SECURITY SIGN @ TOP OF GANGWAY
 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES ON CHAIN GUARD w/ white background & blue lettering

3 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering
 INTERPRETIVE SIGNAGE TBD work with morro bay Historical Society for content

4 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering
 PUBLIC BOARDWALK TO REMAIN OPEN 24 HOURS A DAY to be located upcoast & downcoast & entrance to courtyard

5 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering

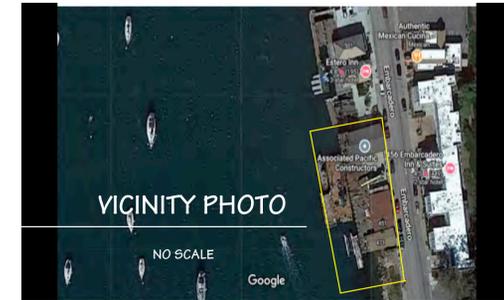
LEASE SITE DESCRIPTION

431,451,495 EMBARCADERO, Morro Bay, Calif.

EXISTING LAND LEASE SITE (50,51,52) AREA	-----5167 S.F.
EXISTING LAND LEASE SITE (49) AREA	-----1094 S.F.
EXISTING WATER LEASE SITE (50W,51W,52W) AREA	-----811 S.F.
EXISTING WATER LEASE SITE (49W) AREA	-----2500 S.F.
PROPOSED WATER LEASE SITE (49W) AREA	-----600 S.F.
PROPOSED LAND LEASE SITE (49,50,51,52) AREA	-----6261 S.F.
PROPOSED WATER LEASE SITE (49,50,51,52) AREA	-----11685 S.F.
EXISTING LAND LEASE BUILDING COVERAGE (50,51,52) AREA	-----3005 S.F. 58.1%
EXISTING LAND LEASE BUILDING COVERAGE (49) AREA	-----121 S.F. 11.1%
EXISTING LAND LEASE BUILDING COVERAGE (49,50,51,52) AREA	-----3126 S.F. 49.92%
PROPOSED TOTAL 1 ST.FLOOR LAND LEASE BUILDING COVERAGE(49,50,51,52) AREA	-----2294 S.F. 36.5%
PROPOSED LAND LEASE + WHARF (49,50,51,52) AREA	-----11453 S.F.
PROPOSED 1ST. FLOOR BUILDING COVERAGE OVER LAND LEASE+ WHARF, --	3818 S.F. 33.3 %
EXISTING LAND LEASE 2 ND FLOOR BUILDING COVERAGE(A.P.)	-----946 S.F.
PROPOSED LAND LEASE 2 ND. FLOOR VISITOR UNITS BUILDING COVERAGE	-----850 S.F.
TOTAL PROPOSED LAND LEASE 2 ND. FLOOR BUILDING COVERAGE	-----1796 S.F. 78% OF 1ST FL.
PROPOSED 2ND FLOOR DECK COVERAGE	-----740 S.F.
TOTAL LAND LEASE 2ND FLOOR COVERAGE W/ DECK	-----2536 S.F. 110% OF 1ST FL..
EXISTING WATER LEASE 2 ND FLOOR BUILDING COVERAGE(A.P.)	-----457 S.F.
PROPOSED WATER LEASE 2 ND. FLOOR BUILDING COVERAGE(A.P.)	-----457 S.F.
PROPOSED WATER LEASE 2 ND FLOOR VISITOR UNITS BUILDING COVERAGE	-----312 S.F.
PROPOSED WATER 2 ND FLOOR VISITOR UNIT DECKING COVERAGE	-----284 S.F.
PROPOSED 2ND FLOOR PUBLIC OBSERVATION DECK	-----772 S.F.
BUILDING HEIGHT	-----
EXISTING	-----ASSOCIATED BUILDING TO REMAIN----- 24.66'
PROPOSED VISITOR SERVING UNITS	-----24'-0"
VIEW CORRIDOR	-----
LEASE FRONTAGE	-----213.66 LIN. FT.
OPEN VIEW CORRIDOR	-----58.23' LIN FT. = 27.3%
VIEW CORRIDOR W/ 2 ND FLOOR OBSERVATION DECK	-----79.97' LIN.FT. = 37.5% > 30% ---O.K.
HARD LANDSCAPING	-----1244 S.F.
DROUGHT RESISTANCE LANDSCAPING	-----250 S.F.

LEGAL DESCRIPTION

OWNER--- ASSOCIATED PACIFIC CONTRACTORS INC.
 495 EMBACADERO, MORRO BAY
 LEASE SITE 52,51,50,49, 52W,51W,50W,49W



DEVELOPMENT STANDARDS

- BASED ON WHARF INCLUDED IN CALCULATIONS
- WATERFRONT MASTER PLAN GUIDELINE REQUIREMENTS
 - REQUIRED FRONT SET BACK - AVERAGE 5' TO RIGHT-OF-WAY-11'-9" PROVIDED
 - REQUIRED SECOND STORY 10' TO RIGHT-OF-WAY----- 17'-9" TO CURB
 - REQUIRED SECOND STORY 10' TO RIGHT-OF-WAY----- 8'-6" PROVIDED
 - REQUIRED 8' SIDEWALK-----AVERAGE 10'-0" PROVIDED
 - REQUIRED INTERIOR SIDE SETBACK-----4' PROVIDED
 - REQUIRED EXTERIOR SIDE SETBACK-----30'-50' PROVIDED
 - REQUIRED REAR-0' SETBACK, 10' FOR HARBORWALK-----10' PROVIDED
 - MAXIMUM LOT COVERAGE 1ST FLOOR 70%----- 3818 S.F. PROVIDED= 33%
 - MAX 2 ND FLOOR COVERAGE 70% OF 1ST FL-----2556 S.F. PROVIDED= 67%
 - MAXIMUM HEIGHT 25' W/ PUBLIC BENEFIT-----22', 24', 24'-10" PROPOSED
 - VIEW CORRIDOR 30% OF 213.19 LIN FT.FOR 2 STORY 58.23' PROVIDED----- 27.3%
 - VIEW CORRIDOR 30% OF 213.19 LIN FT.W/ OBSERVATION DECK 79.9' PROVIDED 37.4%
 - REQUIRED BICYCLE RACK-----3 PROVIDED
 - REQUIRED ROOF PITCH-----4/12 PROVIDED

SCOPE OF PROPOSAL

- DEMOLITION OF 3 EXISTING VISITOR SERVING UNITS
- CONSTRUCTION OF 8 NEW 384 S.F. VISITOR SERVING UNITS
- W/ ELEVATOR & STAIRS & DECKING.
- REMODEL OF EXISTING ASSOCIATED PACIFIC, BUILDING TOWARDS RESTAURANT ABOVE.
- RETAIL/KITCHEN/RESTROOM MARINE RESEARCH BELOW ,NEW ENTRY STAIRS
- INSTALL PUBLIC HARBORWALK ON NORTH SIDE TO CONNECT TO EXISTING OBSERVATION PLATFORM.
- INSTALL NEW HARBORWALK. ON THE SOUTH END TO TIE INTO EXISTING STREET SIDEWALK/ NEW OBSERVATION DECK AND POCKET PARK
- NEW 5 FLOATING SLIPS
- KAYAK RENTAL/ WHALE WATCHING
- NEW 2ND FLOOR PUBLIC OBSERVATION DECK
- PROPOSED LEASE LINE ADJUSTMENT

LEASE SITE PLAN

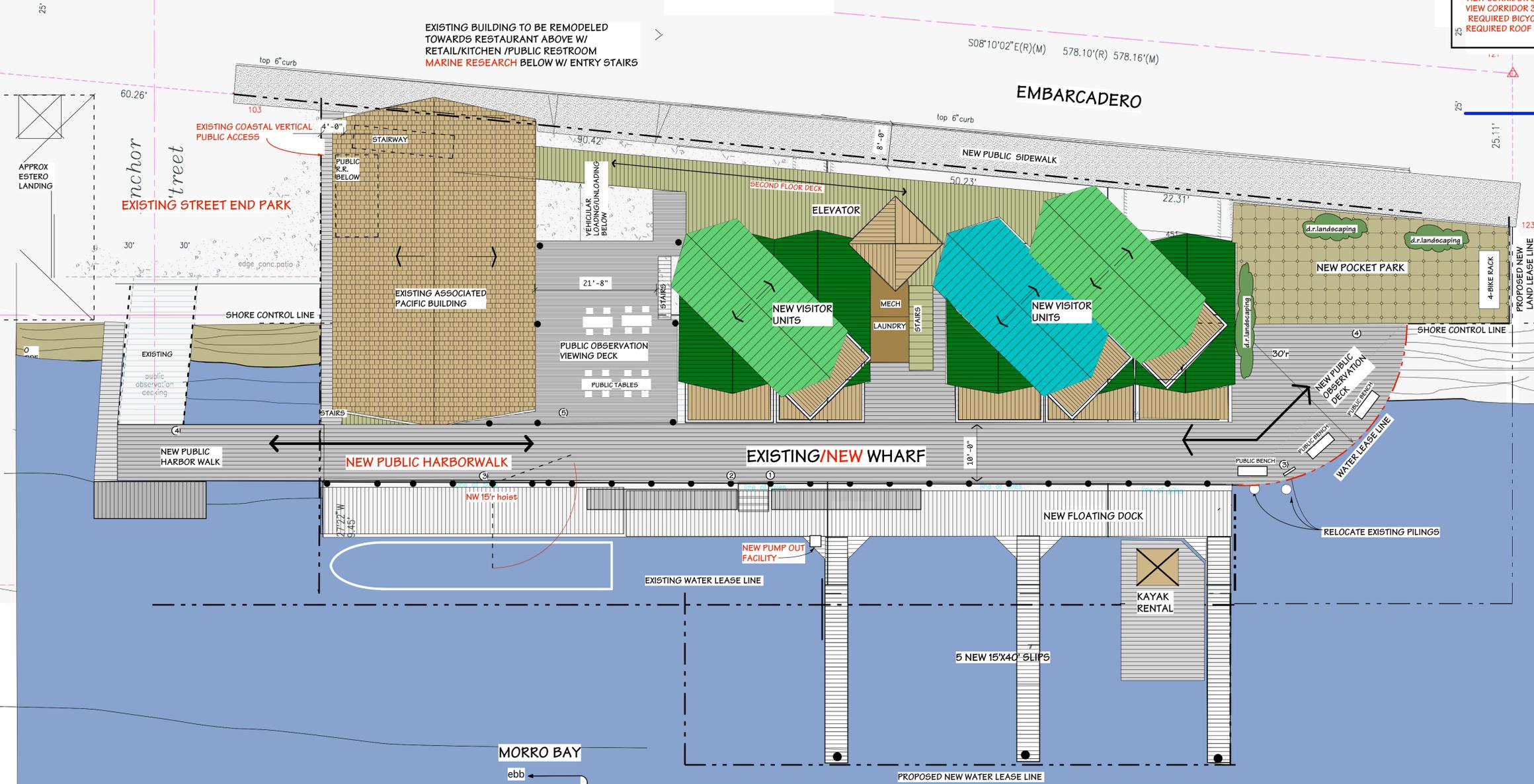


TABLE OF CONTENTS

- A-1 SITE PLAN
- GENERAL NOTED
- A-2 SURVEY OF LEASE SITES
- A-3 PROPOSED REMODEL OF EXISTING OFFICE/WORKSHOP
- A-4 LOWER FLOOR PLANS
- A-5 UPPER FLOOR PLANS
- A-6 NORTH/SOUTH ELEVATIONS
- A-7 EAST/WEST ELEVATIONS
- A-8 SITE SECTIONS
- A-9 SEAGULL VIEW
- A-10 BIRDSEYE VIEW
- A-11 COLOR AND MATERIAL



gene DOUGHTY

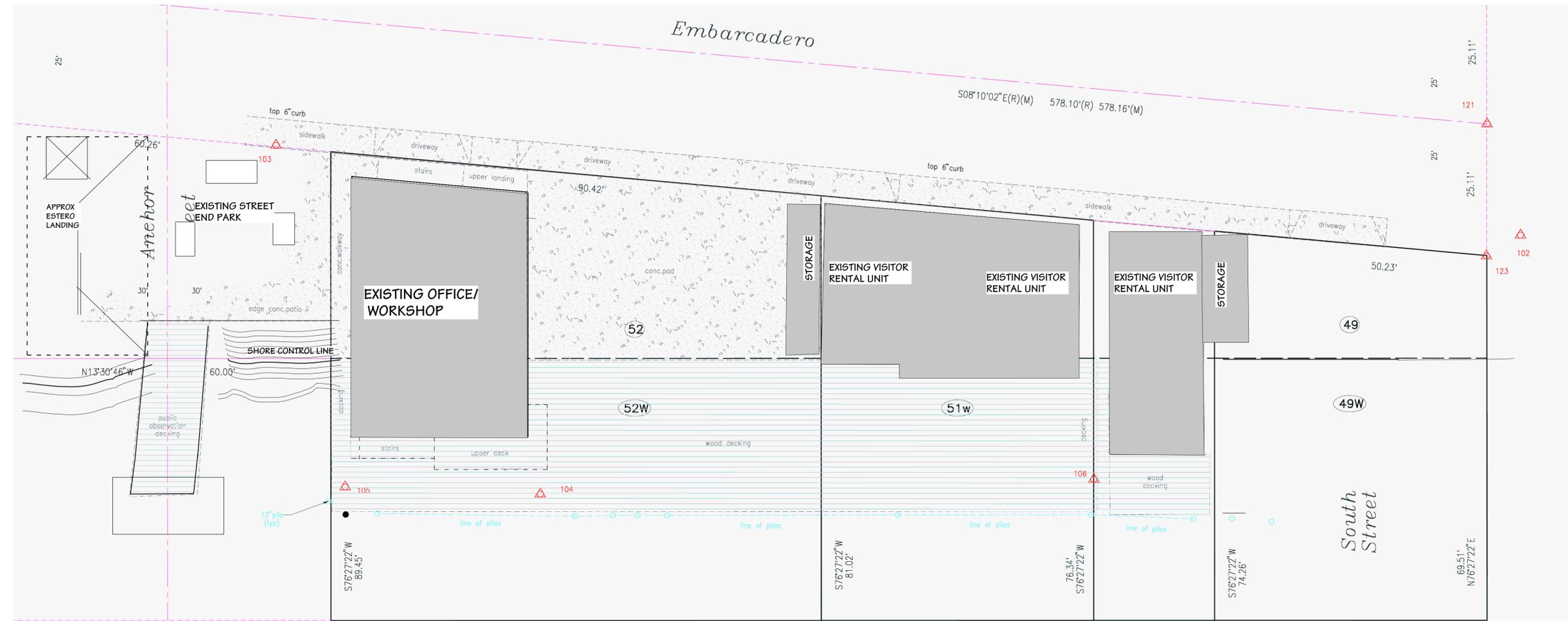
LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-805-772-6436
 C 18794

BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

SITE PLAN
 GENERAL NOTES

11-17-22
 1-22-23
 2-24-23
 3-28-23
 5-29-23
 10-14-23
 10-15-23
 SCALE AS NOTED
 DRAWING: GP

SHEET **A-1** OF 11 SHEET



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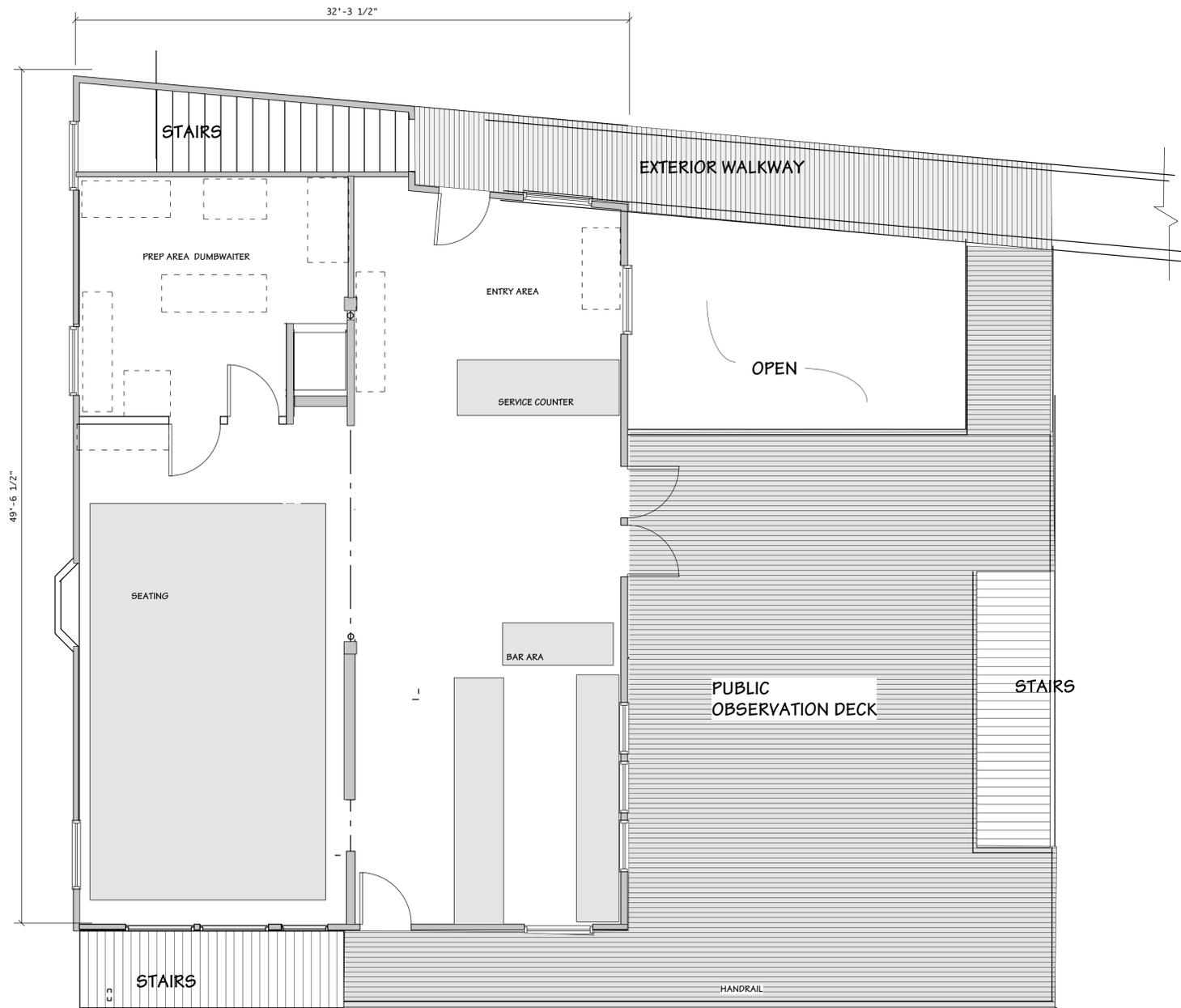
LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-805-772-8436
 C 18794

ONSHORE/OFFSHORE DEVELOPMENT FOR 495 EMBARCADERO
 PRELIMINARY SURVEY

2-5-18
 7-18-17 2-15-18
 10-11-17 2-27-18
 11-21-17 2-27-18
 1-7-18 3-5-18
 2-1-18 6-15-18
 12-27-18 11-17-22
 12-29-22
 SCALE AS NOTED
 DRAWN: GD

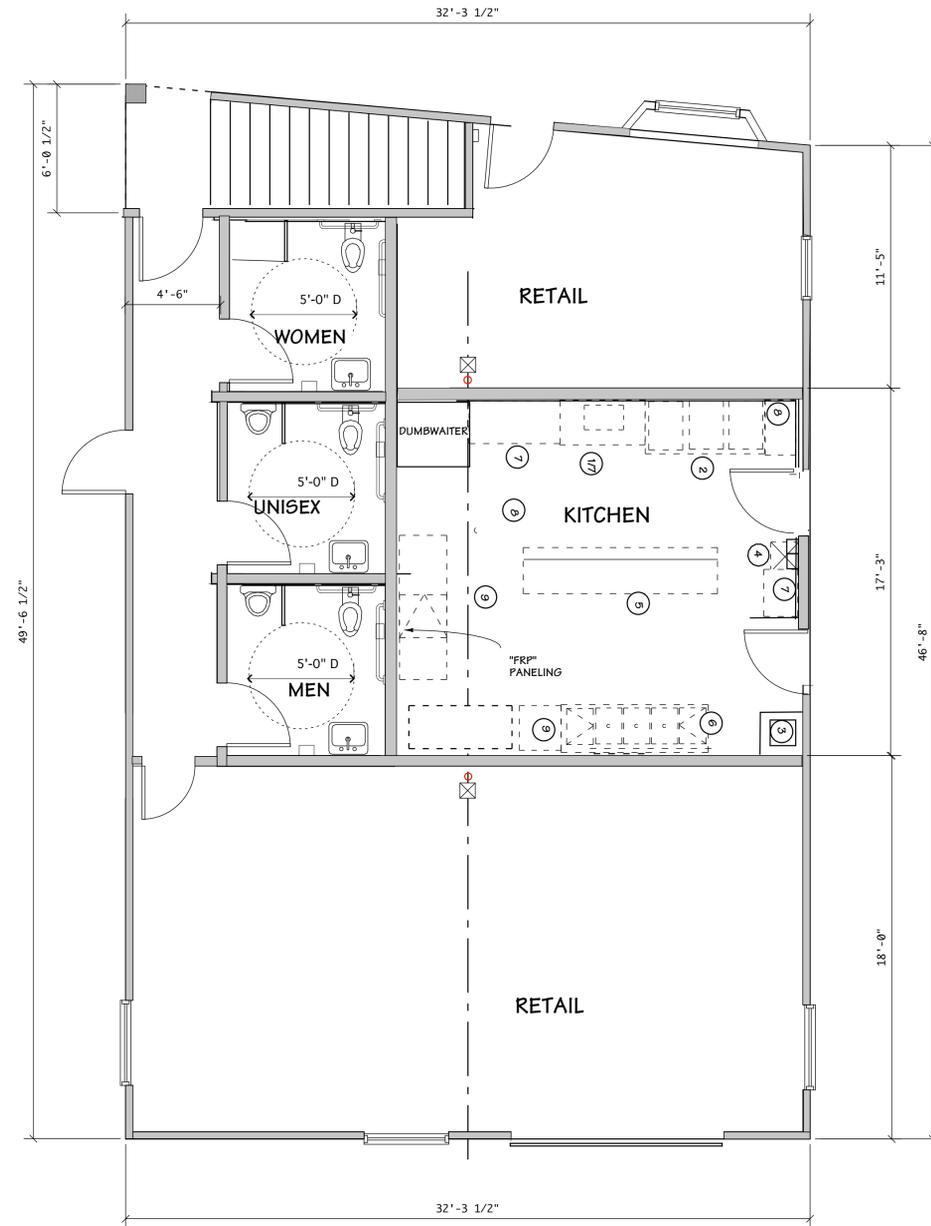
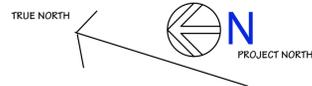
SHEET **A-2**
 OF 10 SHEET

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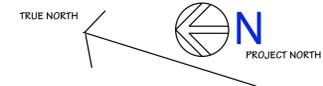
PROPOSED 2ND FLOOR

SCALE 1/4" = 1'-0"



PROPOSED 1ST FLOOR

SCALE 1/4" = 1'-0"



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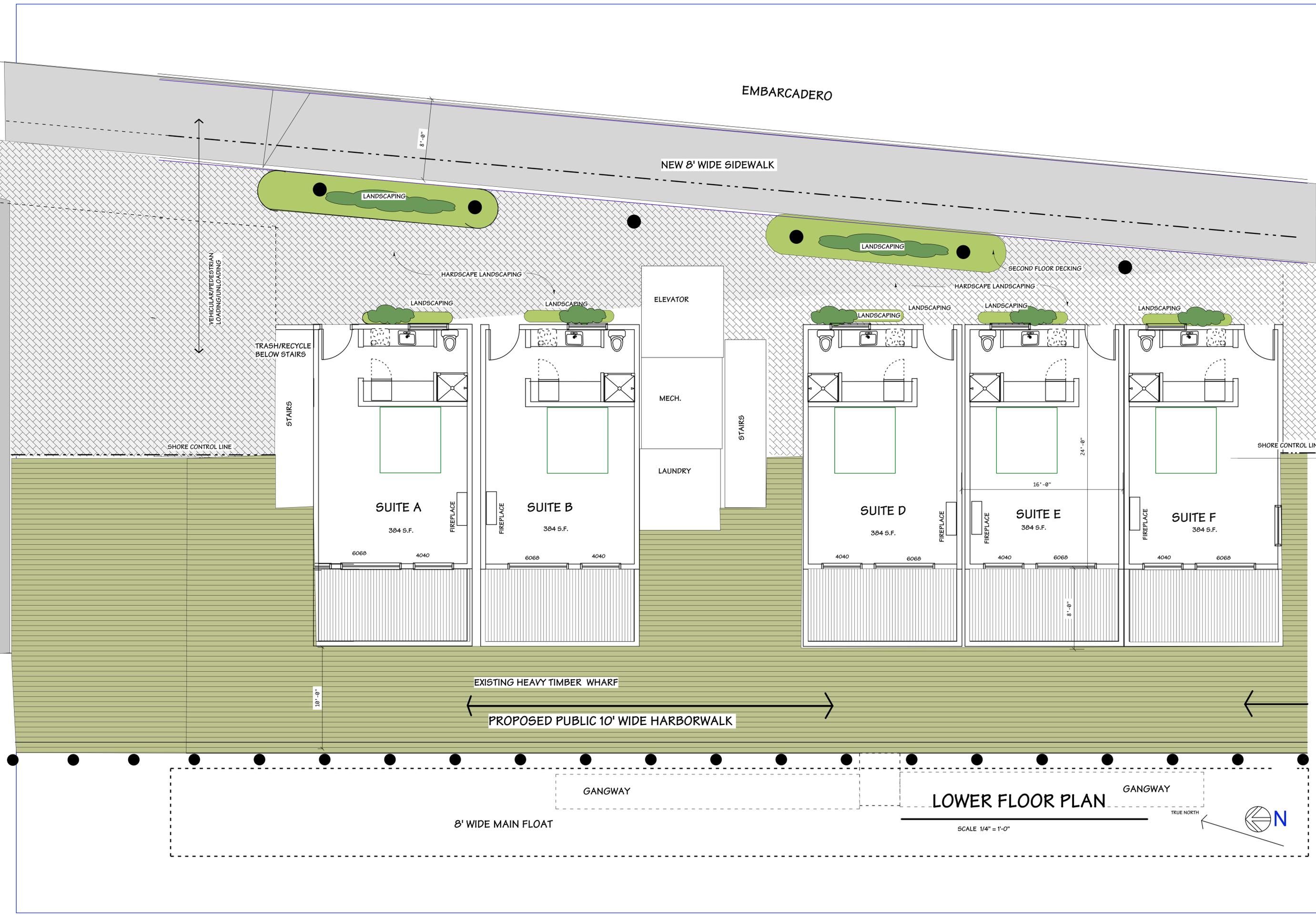
LAND/SEA INTERFACE
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 C 18794

ONSHORE/OFFSHORE DEVELOPMENT
 FOR
 495 EMBARCADERO

REMODEL OF EXISTING
 OFFICE/WORKSHOP

7-18-17 2-15-18
 10-11-17 2-27-18
 11-21-17 3-5-18
 1-7-18 6-15-18
 2-1-18 9-25-18
 12-27-18 11-17-22
 12-29-22
 SCALE AS NOTED
 DRAWN: GD

SHEET **A-3**
 OF 10 SHEET



Gene Doughty

REGISTERED PROFESSIONAL ARCHITECT
 GENE R. DOUGHTY
 No. C 18794
 EXPIRES 10-31-28
 STATE OF CALIFORNIA

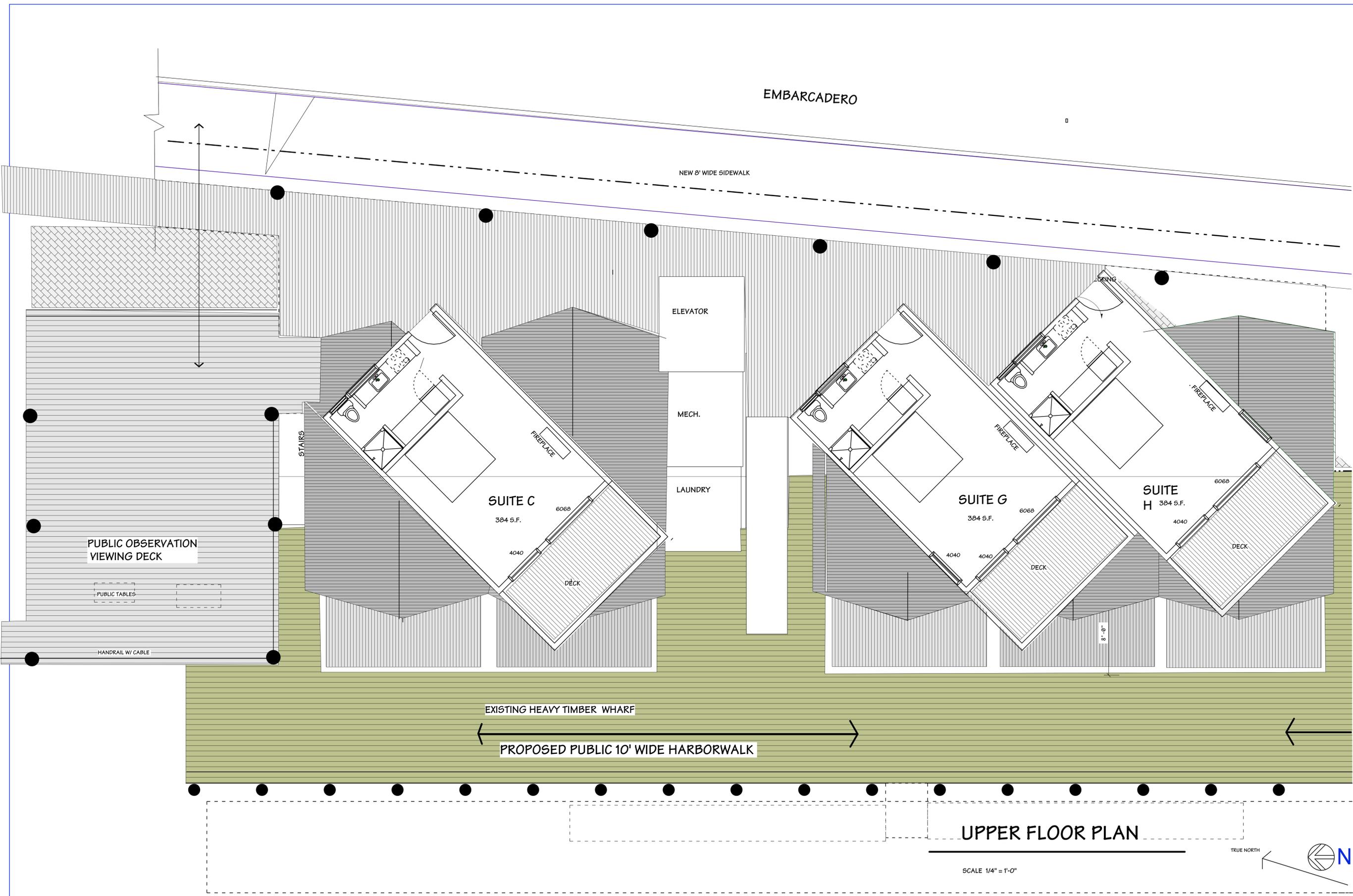
LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-805-772-8436
 C 18794

BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

LOWER FLOOR
 UNITS

11-17-22
 1-20-23
 2-24-23
 5-23-24
 5-28-24
 9-29-23
 9-29-23
 10-11-23
 10-11-23
 1-29-24
 1-29-24
 SCALE AS NOTED
 DRAWN: GP

SHEET
A-4
 OF 129 SHEET



gene DOUGHTY

Gene R. Doughty, Architect
 18794
 1-805-772-8436
 C 18794

LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-805-772-8436
 C 18794

BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

UPPER FLOOR PLANS

11-17-22
 1-20-23
 2-24-23
 5-23-24
 5-28-24
 9-28-23
 9-28-23
 10-11-23
 12-30-23
 SCALE AS NOTED
 DRAWN: GP

SHEET **A-5** OF 12 SHEET

UPPER FLOOR PLAN

SCALE 1/4" = 1'-0"





gene DOUGHTY

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LAND/SEA INTERFACE
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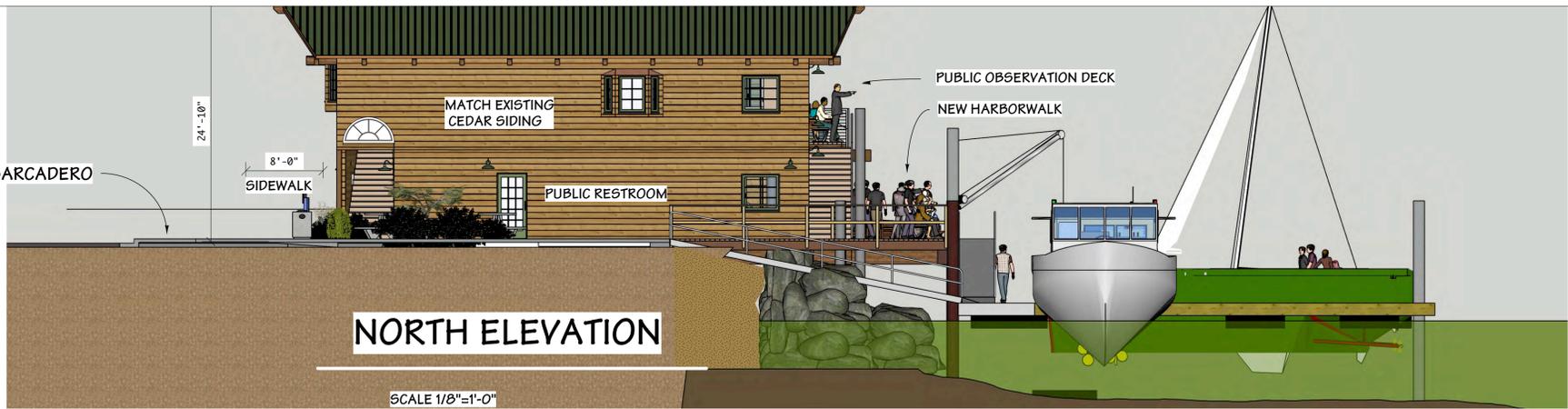
BAYSIDE LANDING AND SUITES

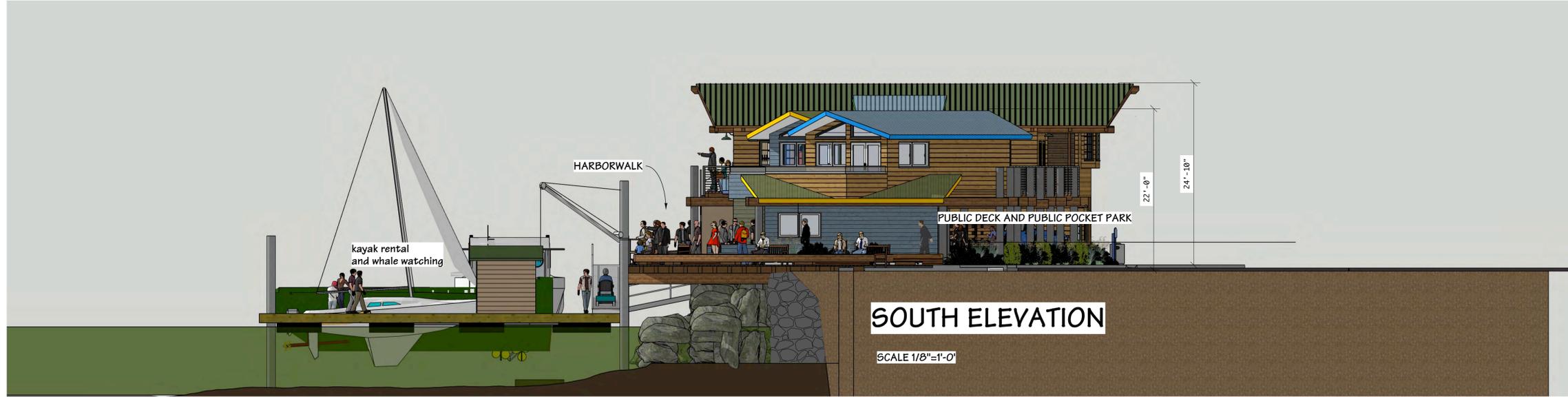
LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

**NORTH ELEVATION
 EAST ELEVATION**

11-17-22
 1-20-23
 2-24-23
 3-28-23
 5-23-24
 5-28-24
 8-1-24
 SCALE AS NOTED
 DRAWN: GP

SHEET **A-6** OF 13 SHEET





gene DOUGHTY

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LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-805-772-0436
 C 18794

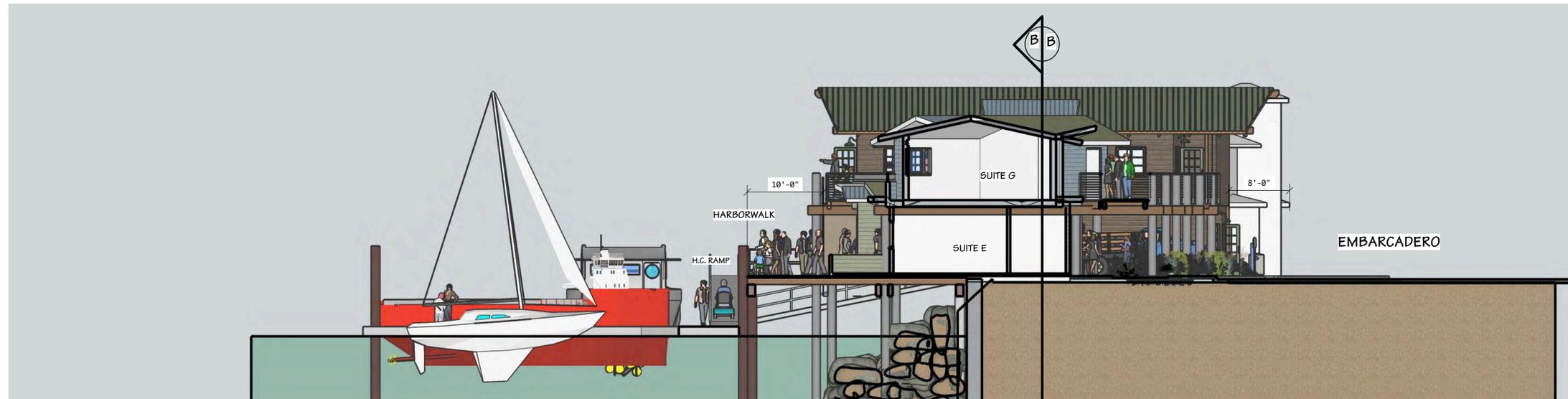
BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

WEST ELEVATION
SOUTH ELEVATION

11-17-22
 1-20-23
 2-24-23
 5-23-24
 5-28-24
 9-28-23
 9-29-23
 10-14-23
 1-28-24
 1-28-24
 SCALE: AS NOTED
 DRAWN: GP

SHEET
A-7
 OF 12 SHEET





SECTION A-A

SCALE 1/8" = 1'-0"



SECTION B-B

SCALE 1/8" = 1'-0"



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 GENE DOUGHTY-ARCHITECT C 18794
 1-805-772-0436

BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

SITE SECTION A-A
 SITE SECTION B-B

11-17-22
 1-20-23
 2-24-23
 3-29-23
 5-02-23
 10-14-23
 10-15-23
 SCALE AS NOTED
 DRAWING: GP

SHEET
A-8
 OF 10 SHEET



SEAGULL VIEW



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 C 18794

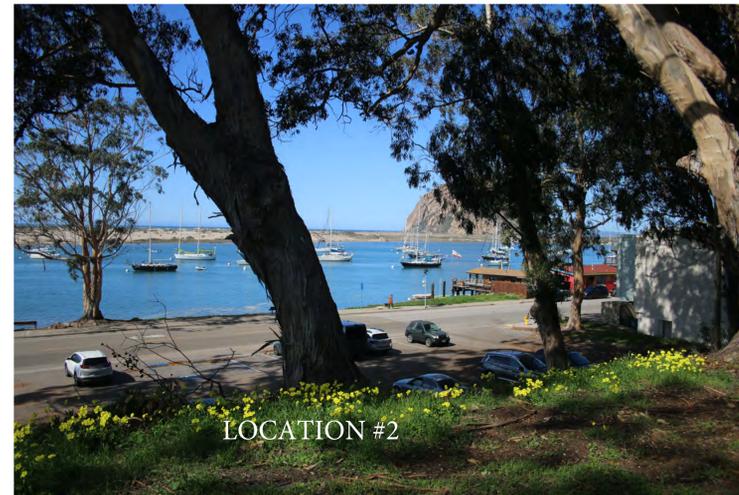
BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

11-17-22
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 2-24-23
 3-28-23
 5-23-24
 5-28-24
 SCALE: AS NOTED
 DRAWN: GP

SHEET
A-9
 OF 12 SHEET



LOCATION #1



LOCATION #2



LOCATION #3



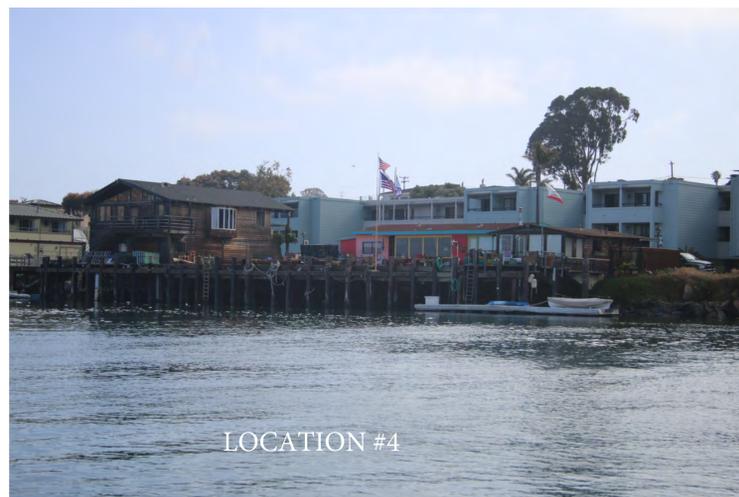
PROPOSED #1



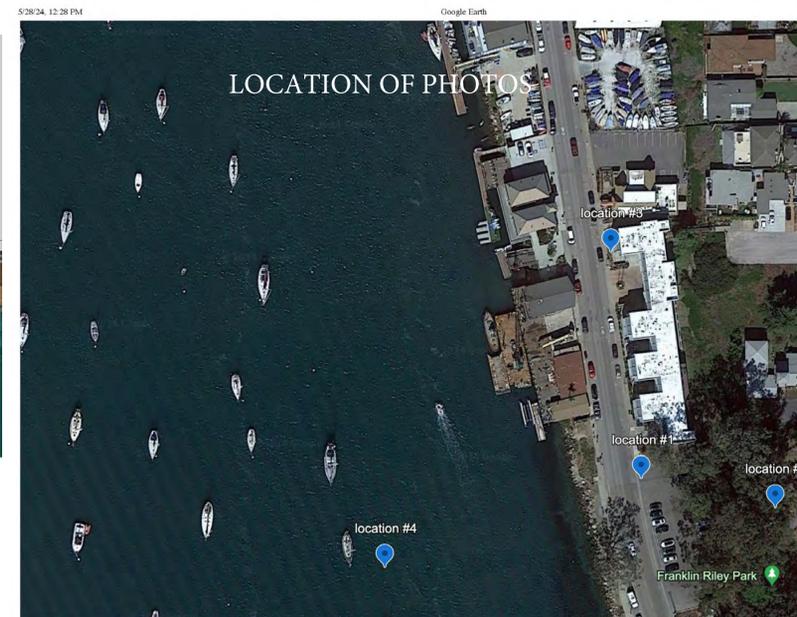
PROPOSED #2



PROPOSED #3



LOCATION #4



LOCATION OF PHOTOS



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REGISTERED PROFESSIONAL ARCHITECT
No. C 18794
EXPIRES 10-31-28
STATE OF CALIFORNIA

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT 1-805-772-0436
C 18794

BAYSIDE LANDING AND SUITES

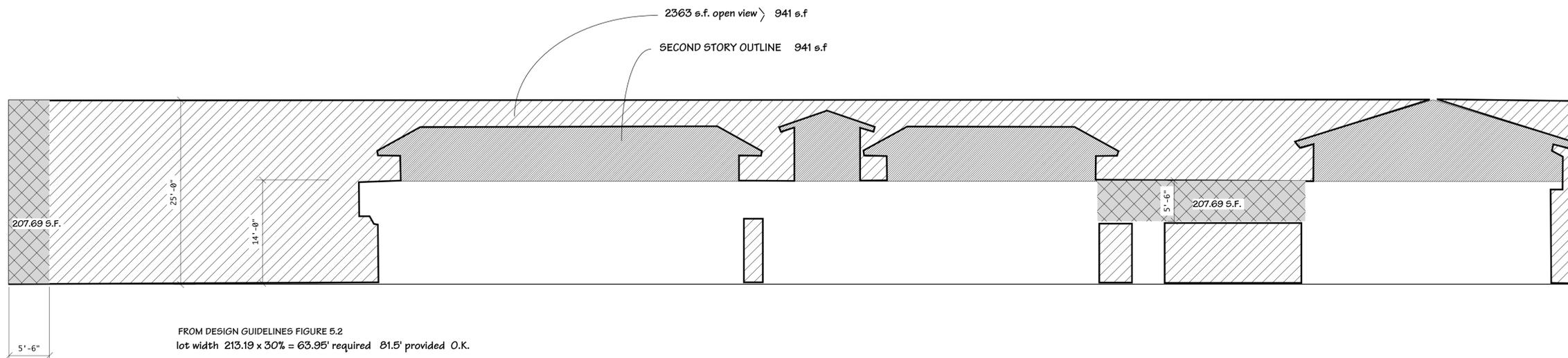
LEASE SITES 49-49W,50-50W,51-51W,52-52W

PAUL E. GILLEN

PHOTOGRAPHIC
SIMULATION

11-17-22
1-20-23
2-24-23
5-23-24
5-28-24
9-28-23
9-29-23
10-14-23
1-28-24
1-28-24
SCALE: AS NOTED
DRAWN: GP

SHEET
A-12
OF 12 SHEET



FROM DESIGN GUIDELINES FIGURE 5.2
 lot width 213.19 x 30% = 63.95' required 81.5' provided O.K.
 FROM DESIGN GUIDELINES SH 5-1 VIEW CORRIDOR DEFINED
 VERTICAL DIM OF OVERHEAD STRUCTURE--5'-6"
 213.19'-5'6" = 207.69' = 2225.5 S.F. OF OPEN VIEW CORRIDOR STILL LARGER THAN 941 S.F.



gene DOUGHTY

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 C 18794

BAYSIDE LANDING AND SUITES
 LEASE SITES 49,49W,50,50W,51,51W,52,52W
 PAUL E. GILLEN

DESIGN GUIDELINES
 PROFILES

11-17-23
 12-29-23
 1-29-24
 3-1-24
 3-1-25
 5-29-23
 9-27-23
 10-3-23
 1-29-24
 DRAWN: GDD

SHEET **A-13**
 OF 12 SHEET



City of Morro Bay Request for Proposals



50-51/50W-51W



49/49W

**Redevelopment of
Lease Site 49/49W and
Lease Sites 50-51/50W-51W
431 Embarcadero and
451 Embarcadero
Morro Bay, CA 93442
Project: MB-2023-HD01**



Exhibit C

CITY OF MORRO BAY

HARBOR DEPARTMENT

1275 Embarcadero Road
Morro Bay, CA 93442

June 15, 2023

SUBJECT: REQUEST FOR PROPOSALS FOR:

Lease Site 49/49W and Lease Sites 50-51/50W-51W
431 Embarcadero and 451 Embarcadero, Morro Bay, CA 93442

Prospective Proposers:

The City of Morro Bay invites the submittal of proposals from qualified individuals and entities (Proposer) to redevelop public land and water located on the Embarcadero for Lease Site 49/49W and Lease Sites 50-51/50W-51W, located at 431 Embarcadero and 451 Embarcadero, Morro Bay, CA 93442 (Property).

The City of Morro Bay intends to select a Proposer to redevelop the Property. The Property will be available on a long-term ground lease basis after Concept Plans for site redevelopment are approved. The existing lease on site 50-51/50W-51W expires on June 30, 2025. There is no existing lease agreement for site 49/49W. Since design, planning and permitting can take substantial time, the City may leave the existing tenant for lease site 50-51/50W-51W in place on a lease holdover until Concept Plans for site redevelopment are approved and a new lease executed with the successful respondent to this Request for Proposals (RFP).

Instructions and forms to be used in preparing a proposal are found in the information included in the RFP document. The activity schedule for the RFP is included.

For more information and a copy of the City of Morro Bay Harbor Department Lease Management Policy, as well as a copy of the City's standard lease format, visit the Harbor Department's page of the City website under "Harbor Administration and Leases." If you cannot agree to the requirements exactly as set forth in the RFP, then please do not submit a proposal.

For general questions, please contact Ted Schiafone, Harbor Director, by email at tschiafone@morrobayca.gov. Specific questions relevant to the RFP must be submitted as directed in the "Invitation to Participate" section of the RFP. It is the responsibility of any Proposer to review the City's website for any revisions or answers to questions regarding the RFP prior to submitting a proposal in order to ensure all proposals are complete and responsive.

Sincerely,

Ted Schiafone
Harbor Director

**Redevelopment of
Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01**

TABLE OF CONTENTS

INTRODUCTION..... 4

SECTION I **SITE HISTORY** 6

SECTION II **SITE DATA** 7

SECTION III **INVITATION TO PARTICIPATE**..... 9

SECTION IV **SELECTION PROCESS**..... 11

SECTION V **REQUEST FOR PROPOSALS SUBMITTAL PACKAGE** 14

SECTION VI **TENTATIVE PROPOSAL SCHEDULE** 18

SECTION VII **ATTACHMENTS**..... 19

INTRODUCTION

Purpose

The City of Morro Bay (City) is seeking proposals from qualified individuals and entities (Proposer) to redevelop Lease Site 49/49W and Lease Sites 50-51/50W-51W, public land and water located at 431 Embarcadero and 451 Embarcadero, Morro Bay, CA 93442, currently operating as vacant land and vacation rentals, and hereinafter referred to as the “Property” or the “Site.” The Site includes land and water lease sections and will be available for long-term lease after Concept Plans for the selected Proposer’s proposal are approved and a lease negotiated and executed. The term (length) and conditions of the long-term lease to be awarded as a result of this Request for Proposals (RFP) will be negotiable, depending on the investment and redevelopment plan of the Proposer. The subsequent lease agreement will become effective once approved by the City Council.

Objectives

The Morro Bay City Council has determined it is in the best interest of the City and public to consider redevelopment proposals for the Site. The City desires to have the Property redeveloped to continue to provide affordable visitor-serving opportunities that provide access to the bay, as well as an economic return to the City, while meeting modern design criteria that incorporate current planning and building codes for uses that are the most beneficial to the Embarcadero visitor-serving and business environments.

Key Objectives with the RFP are design improvements that include:

- Best and highest use of both the land and water portions of the Site to maximize revenues and return on investment.
- Improved viewshed and façade.
- Adds to overall tourism draw.
- Restore and/or enhance the environment, where applicable.
- Incorporation of an independent public restroom on the Site, if practical.
- Include safety enhancements in the area, where applicable.
- Proposals must conform to the City’s Downtown Waterfront Strategic Plan and Local Coastal Program, including, but not limited to:

- Minimum 8-foot wide sidewalks and 10-foot wide lateral public access along the waterfront
- Architectural, and perhaps functional, emphasis on fishing village / marine heritage / working waterfront / national estuary themes.
- ADA compliance.
- Incorporation of sustainability or “LEED” features, such as (but not limited to) solar, rainwater retention, drought-tolerant landscaping, recycling and waste management and stormwater runoff best management practices.

The City desires to solicit proposals to ensure maximization of public benefit from redevelopment and a long-term lease agreement for the Site. To do so, it is seeking Proposers who have the proven experience, financial resources, and professional expertise to deliver the highest quality and economically feasible project that is consistent with and best implements the land and water uses outlined in the City’s Downtown Waterfront Strategic Plan, General Plan, Local Coastal Program, Harbor Department Lease Management Policy and City Council Goals and Objectives.

SECTION I: SITE HISTORY

Tracing back to English Common law the Public Trust Doctrine establishes navigable water or lands subject to tidal influence are “sovereign,” held open to the public for commerce, fisheries or navigation. In 1942-1944, the federal government constructed a revetment along the Morro Bay waterfront and filled most of the area now known as the commercial strip along the Embarcadero. The State of California claimed ownership of the newly created land as at least a portion of it had previously been below the high tide line. After many years of dispute with private property owners, who also claimed an interest in the land, most title issues were settled in the 1950s-1960s by designating those lands west of Embarcadero Road as public trust lands owned by the State, and those lands east of Embarcadero Road as privately owned.

In 1947, the State of California granted those public trust lands in Morro Bay to the County of San Luis Obispo. The City of Morro Bay assumed trusteeship of the granted lands upon incorporation in 1964-1965. The tidelands grant in Morro Bay is in perpetuity, provided the City conforms to the terms of the legislative grant. The granted lands must be used for commerce, fisheries, navigation, recreational purposes, parklands, public access, public parking and environmental protection or enhancement. Residential use of the public lands is specifically prohibited. The City may lease out the lands to private businesses for a period up to 50 years and all revenues from such leases must be expended within the area of the granted lands for the purposes of the public trust.

It is primarily with those lease revenues the City manages the waterfront leases, provides and maintains various public, commercial fishing and other facilities and amenities, manages open spaces and the moorings in the bay and provides for the public safety with Harbor Patrol and Lifeguard services.

Lease Site 50-51/50W-51W has operated under a few different leases since the 1960’s, and the current lease expires June 30, 2025.

SECTION II: SITE DATA

Lease Site 49/49W is delineated on Exhibit A, page 3 of City of Morro Bay Resolution 119-89, and was recorded on October 10, 1989, in the Office of the County Recorder, San Luis Obispo, California. The Property is located within the visitor-serving Tidelands Trust granted lands. The designated Site, located at 431 Embarcadero, has been surveyed and contains approximately 1000 square feet of land and 2500 square feet of water.

Lease Sites 50-51/50W-51W are delineated on Exhibit A, page 3 of City of Morro Bay Resolution 119-89, and was recorded on October 10, 1989, in the Office of the County Recorder, San Luis Obispo, California. The Property is located within the visitor-serving Tidelands Trust granted lands. The designated Site, located at 451 Embarcadero, have been surveyed and contains approximately 2020 square feet of land and 3611 square feet of water.

A. Current Uses

The Site currently serves as vacant land and vacation rentals. There are public sidewalks and access on the eastern boundary of the land site.

B. Topography/Soil Conditions

The Site is generally flat on filled land, with a seawall/rock revetment leading down to the water. Investigation of land, soil, seawall, revetment, and harbor bottom conditions for suitability of the proposed development shall be the responsibility of the Proposer.

C. Hazards

The Site is subject to all conditions and hazards commonly associated with a bay/ocean-front setting including, but not limited to:

1. Flooding: the Site is not in a designated flood zone.
2. Tsunami: the Site is within the tsunami 50-foot inundation zone.
3. Earthquake: the Site is within an earthquake hazard zone.
4. Storms: the Site is subject to periodic storm conditions.
5. Tidal Overflow: the Site can be subject to periodic tidal overflow.
6. Seawalls/Revetments: subject to erosion, scouring, tidal influences and normal deterioration in the marine environment.

D. Archeology

The Site is not listed as, nor is it within 300 feet of a known archaeological site.

E. Zoning

The lease site is zoned Waterfront (WF) with Planned Development (PD) and Special Treatment (S.4) overlays. The waterfront zone is also subject to requirements in the City's Downtown Waterfront Strategic Plan, which includes design guidelines. Allowable uses in the waterfront zone can be found at Morro Bay Municipal Code (MBMC) 17.24.170 and include a mixture of visitor-serving commercial, recreational and harbor-dependent land uses. Planning entitlements require both a conditional use permit and a coastal development permit. The Planned Development overlay describes the conditional use permit process, which requires concept plan approval by both Planning Commission and the City Council. Coastal Development Permit approval is then required by the California Coastal Commission prior to Planning Commission approval of the Precise Plan. Specific submittal requirements can be found at MBMC 17.40.030. The Waterfront Master Plan document is available on the City's website at <http://www.morro-bay.ca.us/documentcenter/view/1061>.

F. Parking

There are currently zero (0) parking spaces attributed to the Site when calculating parking requirements for proposals.

SECTION III: INVITATION TO PARTICIPATE

The City is seeking proposals from Proposers with experience in commercial facilities, with the financial resources and capabilities to fund a proposed project, and whose general development approach and concept for the site best meets the City’s objectives in this Request for Proposals.

A. Proposal Process

1. All proposals must be submitted per Section V, “Request for Proposals Submittal Package.” All proposals become the property of the City and will not be returned.
2. All times referenced in the RFP are “Verizon” cell phone time.
3. Submittals will be initially screened to ensure they are complete and conform to the RFP. City staff will review and evaluate the qualifying proposals and make recommendations in a Staff Report to the Selection Panel, defined below.
4. The City will convene the Selection Panel to review the proposals, and to interview each qualified proposing party. The Selection Panel shall consist of any combination of the following, as the City Manager, in consultation with the Harbor Director, determines in the City’s best interest:
 - Members from City staff.
 - Members of the public.
 - Members of the Harbor Advisory Board and/or other constituencies.
5. The Selection Panel will make Primary and Secondary Proposers recommendations to the City Council.
6. The City Council will determine the final Primary and Secondary proposals, and approve a Consent of Landowner agreement with the Primary Proposer to begin the Concept Plan approval process. The Consent of Landowner will include specific milestones, such as, but not limited to, dates for submissions of plans and financial capacity information. If the Primary Proposer declines to participate, then the Secondary Proposer will ascend to the Primary Proposer position.
7. Concurrent with the Concept Plan approval process, City staff will begin preliminary negotiations for a long-term lease agreement with the Primary Proposer. Upon approval of the Concept Plan by the City Council, City staff will be in a position to complete lease negotiations and recommend to the City Council

approval and execution of the lease agreement. Proposing parties must assume the basic terms of the new lease agreement will be as set forth in the City's draft standard master lease format and in compliance with the Harbor Department Lease Management Policy.

B. Permitting and Project Costs

ANY AND ALL COSTS INCURRED BY A PROPOSER RELATED TO THE RFP PROCESS, INCLUDING, BUT NOT LIMITED TO, PERMITTING, DESIGN, ENGINEERING, AND PLAN PREPARATION AND SUBMITTAL WILL BE THE SOLE RESPONSIBILITY OF EACH PROPOSER. THE CITY SHALL INCUR NO COST OR LIABILITY FOR ANY COSTS RELATED TO THE RFP OR IF THE PROPOSER IS UNABLE TO COMPLETE THE PROJECT APPROVAL OR PERMITTING PROCESS.

C. City's Right to Amend RFP

The City reserves the right to amend the RFP process and the selection procedures at any time. It is the responsibility of any Proposer to review the City's website for any RFP revisions or answers to questions prior to submitting a proposal in order to ensure all proposals are complete and responsive.

D. Contact Person

RFP Packets and written inquiries regarding the RFP or the project site can be obtained by contacting:

Harbor Director Ted Schiafone, Morro Bay Harbor Department
1275 Embarcadero
Morro Bay, CA 93442
805-772-6254
tschiafone@morrobayca.gov

E. Pre-Proposal Meeting and Questions

Attendance is recommended at the Pre-Proposal Meeting and Site Walk-Through on Thursday June 22, 2023, at 10:00 a.m. starting at the Harbor Office, 1275 Embarcadero in Morro Bay. All questions on the RFP are due by 4:00 p.m. on Thursday June 29, 2023. For any questions posed, a response will be posted on the City website under the original proposal posting by 4:00 p.m. on Thursday July 6 2023.

SECTION IV: SELECTION PROCESS

The City reserves the right in its sole discretion to waive any defect or omission in any proposal that does not materially affect the terms of the response to the RFP. The City reserves the right in its sole discretion to reject any and all proposals submitted, to revise its selection process at any time, and to rescind the RFP at any time.

A. Criteria for Selection of Proposer

The City will select a Proposal on the basis of maximization of public benefit in the proposed project, in addition to the proposing party's potential to bring the project to completion and successfully operate the lease site based on financial capability and experience. The City expects to negotiate with the selected Proposer on all aspects of the development program including a long-term lease for the Property.

Important elements influencing selection of a proposal are:

- Proposal best meets the Key Objectives of the RFP.
- Maximization of public benefit of the project and best utilization of both the land and water portions of the Site.
- Demonstrated financial capability, capacity and capitalization at the time of submitting proposal to undertake the redevelopment and successfully maintain ongoing operations.
- Proven capabilities, history and expertise in commercial development and redevelopment projects.
- Professionally-prepared business plan and ten-year pro forma with industry-standard elements expected of such documents.
- Best balance between uses and requirements in the City's General Plan, Local Coastal Program, Zoning Ordinance, building codes, and design elements.
- The overall quality of the development team as evidenced by the professional reputations and experience of the principals and agents.
- Lease terms proposed.
- Knowledge and experience in economic development and revitalization.
- Experience in commercial leasing and property management.

- The architectural excellence, engineering and overall quality of previous projects of like scope and scale.
- Anticipated financial benefit to the City.
- Proposed timing and progress through the design, planning, and permitting processes in order to minimize redevelopment timeline.

Proposed uses on the Site shall be in conformance with the Tidelands Trust and consistent with current planning, zoning and land use policies of the City. The selected Proposal will be subject to the normal planning, permitting and approval processes of the City and other regulators, including, but not necessarily limited to, the California Coastal Commission, Army Corps of Engineers and Central Coast Regional Water Quality Control Board.

B. Proposer Selection

The City reserves its right to seek input from various community and business representatives, staff, and other agencies. In addition, the City may utilize the services of leading consultants in the areas of design, land and marine architecture and engineering, real estate, economics, and law to assist in the evaluation of the proposals and to negotiate a new lease.

In order to submit a proposal, a \$5,000 deposit is required as outlined in Section V. Deposits from proposing parties reviewed by the City will be held in trust during the proposal review period. After City Council selection, the City will refund Deposits from parties not in Primary or Secondary position, if any. The City will hold the Deposits from the proposing party under final Primary and Secondary consideration in trust during the approximate 12-month Concept Plan processing period. If the Primary Proposer successfully completes Concept Plan approval of the selected Proposal, then all Deposits will be fully refunded. If the Primary Proposer fails to complete Concept Plan approval within the specified time, then the City will retain the Deposit as a processing fee and the Secondary Proposer may ascend to Primary status and the remaining Deposit handled accordingly.

C. Selection Methodology

In reviewing and evaluating the qualifications of the Proposers and the Proposals, the following criteria will be considered:

1. The Proposal's compliance with the RFP – **Pass/Fail**
2. Overall quality of the conceptual design of the facilities and site plan. – **up to 15 points**
3. Proposer's financial strength and current relationships with financing sources, and demonstrated ability to finance the proposal through to completion – **up to 20 points**

4. Proposal that includes Key Objectives as outlined – **up to 20 points**
5. Demonstrated understanding of the development constraints on the Embarcadero, and market knowledge of the Morro Bay and Central Coast local and visitor serving needs – **up to 10 points**
6. Proposed lease terms, including financial benefit to the City – **up to 15 points**
7. Overall Proposer and team qualifications and experience in similar projects – **up to 15 points**
8. Proposed development schedule – **up to 5 points**

D. Exclusive Lease Negotiation

The City intends to enter into a long-term ground lease with the selected Proposer. The Harbor Department’s typical ground lease is “triple net” and includes base rent and percentage rent terms. The selected Proposer will be financially responsible for all construction activities.

The lease will outline roles, expectations, responsibilities, goals, objectives and timelines with regard to the proposed development and specific financial parameters to which both the selected Proposer and City will adhere. Proposers will be responsible for all costs associated with the RFP process including all costs incurred by the Proposer associated with the negotiation and development of the lease, as well as all costs associated with the entitlement, permitting, CEQA processing, and development. The selected Proposer will work closely with the City to establish general design parameters for the proposed development.

The City and the selected Proposer shall negotiate a long-term ground lease agreement not to exceed a term of 50 years, the maximum allowable under State law.

SECTION V: REQUEST FOR PROPOSALS SUBMITTAL PACKAGE

1. **Proposal Submittal.** All responses to the RFP must be received by U.S. mail or in person no later than 4:00 p.m. on **October 5, 2023** Postmarks and proposals submitted by facsimile or email will not be accepted.

Proposals shall be delivered in person or mailed to:

**City of Morro Bay
Attention: City Clerk
595 Harbor Street
Morro Bay, CA 93442**

Submittal envelopes shall be clearly marked “MB-2023-HD01” No fax or email proposals will be accepted.

2. **Acknowledgement Form.** Each proposing party must review, complete, and sign the attached Acknowledgement Form and include it with the Proposal.
3. **Deposit Check.** A \$5,000 Deposit check or bank draft payable to the City of Morro Bay must be included with the Proposal. Deposit disposition shall be in accordance with Section IV. B.

All Proposers must submit four copies of the following information:

A. Proposer Information

1. **Identification.** Name of the individual(s) and entity submitting the proposal and, if any, the type of entity and individuals who control the entity. Also, provide known members of development team such as architect, engineer, landscape architect, major equity investors, consultants, including project organizational and management roles in implementation of development.
2. **Experience.** Provide a brief description of the Proposer’s and key team members’ recent development experience. That experience should include projects in which the Proposer was instrumental, and which are similar to the kind of project or similar project being proposed. Please be specific and indicate references for each project.
3. **Financial and Business Data.** Provide information indicating:
 - a. How the Proposer has sufficient financial resources to undertake the project, including a statement of proof of financial capability to plan and construct the proposed project.
 - b. Bank references where appropriate. The latter may be in the form of letters of financial approval from bank or financing institutions.

- c. A minimum of three credit references.
- d. Financing for prior or current development projects.
- e. A current Credit Report, including Credit Score.
- f. If the Proposer is involved in any litigation or other disputes that could affect its ability to fulfill the terms of a commercial lease.
- g. Any other documents or reports that would assist in determining the financial condition of the Proposer.
- h. The length of time and locations at which the Proposer has operated like or other businesses.
- i. Contact information for three business references.
- j. A current or most recent Landlord reference, if applicable.

The City will independently investigate the financial background of proposing parties as agreed to in the required Acknowledgment Form.

B. Business Plan and Pro Forma

The Proposal shall include a business plan and ten-year pro forma for the entire development to include, but not be limited to, design, planning, permitting, construction, operation and maintenance, and stabilization. A description of the Proposal's financing as it pertains to the pro forma shall also be included. The Proposal should include an estimate of the total value of the project, broken down into land and water improvement values. The pro forma must reflect all income and expense line items necessary to the proper functioning of the operation, including, but not limited to, ground lease payments, with sufficient detail and clarity, for the Proposal to be properly evaluated by the City.

C. Proposal Narrative

- 1. **Narrative.** The written narrative must be included in the Proposal describing the redevelopment of the Site, the type of development envisioned and its market orientation, which best implements both the land and water elements of the Site.
- 2. **Design.** The narrative should include the basic design elements, especially as they pertain to the City's waterfront design criteria, and all current planning conditions and zoning standards.

D. Proposal Visuals

ALL DRAWINGS SHALL BE 24" X 36" BLACKLINE PRINTS WITH A HORIZONTAL LAYOUT. FOUR SETS ARE REQUIRED.

EACH 24" X 36" DRAWING SHALL ALSO BE PROVIDED IN 8 ½" X 11" BLACK AND WHITE REDUCTIONS WHICH CAN BE PHOTO-COPIED.

1. **Site Plan.** Site Plan illustrating at an appropriate scale the outline of all buildings and improvements, including proposed building locations, landscape and hardscape areas, adjoining public areas, and proposed public improvements. Tabulations in square footage and percentage of the following shall be shown on the Site Plan:
 - a. Building footprint, landscaped areas and hardscaped areas,
 - b. Individual building tabulations depicting gross floor area and gross leasable floor area as well as proposed use, and
 - c. Designation of parking designated as standard, compact, handicap and loading spaces, if applicable.
2. **4-Sided Elevations.** Four sided elevations shall be at appropriate scale and overall dimensions shall not exceed 24" X 36." All elevations shall be dimensioned to illustrate the height of roof and height of parapet. Material details shall be illustrated on those elevations.
3. **Section Drawings.** Section drawings shall be provided of all street frontages, and shall show true dimensions and the outlines of buildings on the adjoining lots. Section drawings shall include the adjacent roadway.
4. **Colored Site Plan Rendering.** A rendering utilizing the above-mentioned Site Plan shall be provided. The Site Plan rendering is intended to provide a colored overall view of the entire project.
5. **Building.** A narrative description of proposed treatment of building facades and features shall be included. If appropriate, photographs of existing buildings with similar facades may be included to further illustrate the concept.
6. **Water Portion.** Proposals must include plans, elevations and other depictions for the water portion of the Site as well.

NOTE: Each Site Plan will be considered "pre-Conceptual" and will be subject to adjustment and City-approval once a proposal has been selected and the details of the project are finalized through the planning, permitting, and negotiation processes.

E. Terms of Lease

The proposal must include an accurate estimate of the total cost of redevelopment, and a set of draft lease and business terms and conditions the Proposer would be willing to negotiate for development of the project and subsequent ground lease.

F. Schedule

Include a preliminary time schedule including any proposed phasing of land and/or water redevelopment. The schedule should include any financial scheduling, amortization, etc.

G. Ownership of Materials

All drawings, plan documents, proposals and other materials submitted by the Proposer shall become the permanent property of the City.

SECTION VI: TENTATIVE PROPOSAL SCHEDULE

ACTIVITY/Key Steps	DATE
Issue Request for Proposals	Thursday, June 15, 2023
Recommended Pre-Proposal Meeting and Site Walk-Through	Thursday, June 29, 2023
Questions Due by	Thursday, July 6, 2023
Responses to Questions Posted by	Thursday, July 13 2023
Proposals Due by	Thursday, October 12, 2023
Proposals Evaluated	October 2023
Consent of Landowner Approval Granted Winning Proposer (estimated)	November 2023
Winning Proposer Submits Complete Plans to Begin Concept Plan Approval Process (estimated)	February 2024
Concept Plans Approved, Lease Negotiation (estimated)	Spring 2024
New Lease Approved and Inaugurated (estimated)	Fall 2024
Site Redevelopment Begins (estimated)	Winter-Spring 2025
Site Redevelopment Completion (estimated)	Winter-Spring 2026

SECTION VII: ATTACHMENTS

Attachment 1: **Acknowledgement Form**

Attachment 2: **Proposer Information**

Attachment 3: **Lease Site Map**

THANK YOU FOR YOUR INTEREST IN WORKING WITH THE CITY OF MORRO BAY
ON THIS EXCITING OPPORTUNITY.

WE LOOK FORWARD TO RECEIVING YOUR PROPOSAL.

ATTACHMENT 1

**Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01**

Initial Below

1. _____ I have reviewed all of the information in this Request for Proposals, and all additions, changes and answer provided on the City’s website and agree to all of the terms and conditions outlined therein.
2. _____ I understand each proposing party must review the City’s General Plan, Local Coastal Program, and any and all planning and permitting elements as they pertain to this lease site.
3. _____ Any new lease with the City must be in the City’s approved Master Lease format and should comply with the City’s Harbor Department Lease Management Policy.
4. _____ I have reviewed the City’s Master Lease format and Harbor Department Lease Management Policy and agree the lease policy and basic lease format is acceptable for any future lease negotiations.
5. _____ I agree the City may take all steps necessary to investigate any financial information provided in response to this Request for Proposals. The City has my permission and consent to investigate such information however it deems appropriate.
6. _____ Enclosed is a check or bank counter draft in the amount of \$5,000 made out to the City as a Deposit and an indication of good faith interest for consideration in this Request for Proposals.
7. _____ I agree that check will be handled as outlined in this Request for Proposals including that the check may be retained by the City as a processing fee under certain conditions.
8. _____ The parties signing below are all the parties in interest in our proposal to the City in response to this Request for Proposals, and, if part of a partnership or other entity, affirm that they have the authority to enter into this Request for Proposals.

Printed Name

Signature

Date

Printed Name

Signature

Date

ATTACHMENT 2
PROPOSER INFORMATION
REQUEST FOR PROPOSALS
Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01

Include the personal information for all individuals or entities submitting this proposal. If a corporation or partnership, then include corporation or partnership information (*i.e.*, type, state of incorporation, articles of incorporation and by-laws, officers’/members’ names and contact information and length of time of office or membership, when registered to do business in California):

Name _____

Address _____

Phone(s) _____(home) _____(work)
_____ (cell)

Email _____

Name _____

Address _____

Phone(s) _____(home) _____(work)
_____ (cell)

Email _____

Name _____

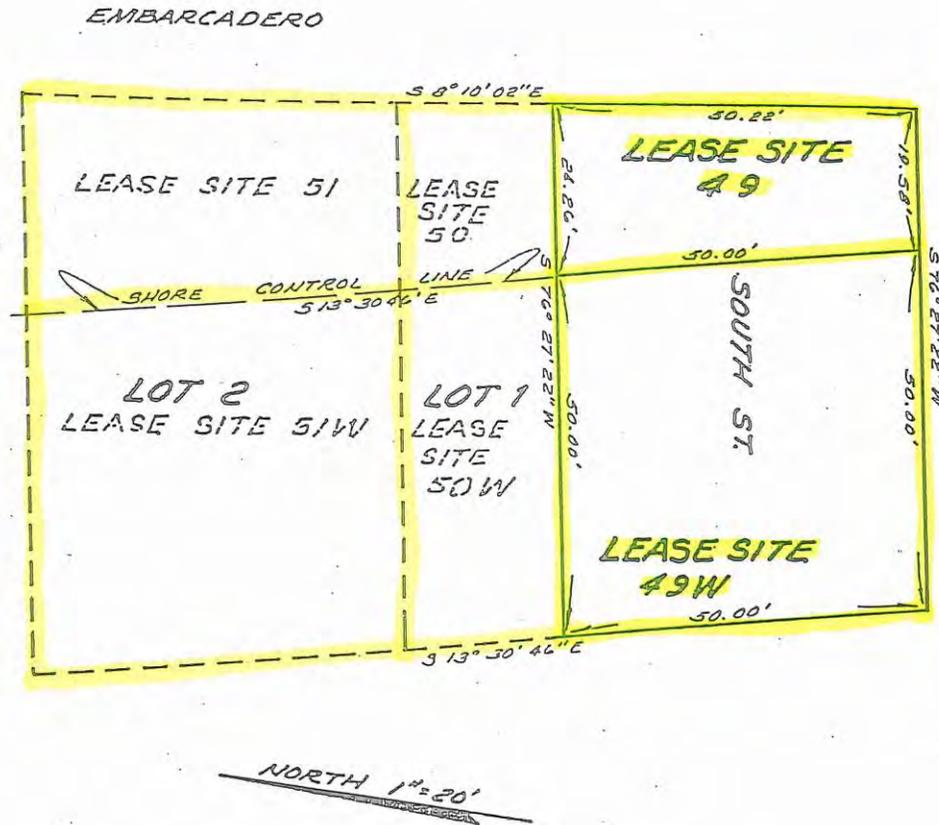
Address _____

Phone(s) _____(home) _____(work)
_____ (cell)

Email _____

ATTACHMENT 3
LEASE SITE MAP
(follows)

ATTACHMENT 3



BAYSIDE LANDING AND SUITES

City of Morro Bay

**Attn: City Clerk and Ted Schiafone, Harbor Director
595 Harbor St., Morro Bay, CA 93442**

PROPOSED DEVELOPMENT OF LEASE SITES 49 L 49 w, 50 L 50 W, 51 L 51 w AND 52 L, 52 W



Submitted by:
Paul E. Gillen

paul@associatedpacific.com

805 234 5055

10/12/2023

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Cover Letter

Signed Acknowledgement

Credit References

Introduction to Paul E. Gillen – Principal Shareholder Bayside Landing & Suites

Design/Engineering/Construction Team

Principal Financial Information on Developer

Credit References

Business References

Landlord References

Business Plan

Narrative on Design

Drawings

Site Plan

4 Side Elevations

Section Drawings

Colored Site Plan Rendering

Building

Water Portion

Proposed Terms of Lease

Schedule

Statement of Ownership of Materials

October 12, 2023

City of Morro Bay

RFP Response Date October 12, 2023

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Attn: City Clerk and Ted Schiafone, Harbor Director
595 Harbor St.
Morro Bay, CA 93442

Dear Harbor Director and Selection Panel,

This proposal is in response to the RFP request for the Redevelopment for Sites 431 and 451 Embarcadero, Morro Bay. This proposal is not only to provide for the development of the vacant lease site 49/49W and re-development of 50-51/50W-51W, but to combine my current lease sites, 52/52W, as part of an overall larger project re-development. This comprehensive project development over the multiple lease sites will transform the south end of the Embarcadero to a significant visitor destination. This proposal is contingent on all these lease sites being approved for development.

This packet includes a project description, construction estimates, my qualifications, financial assurances to attest to my financial capabilities, and other pertinent information as outlined in the RFP. The project includes new retail shops, food and beverage services, floating docks, public space and more. The plan as presented meets or exceeds the City's regulations and standards for development along the waterfront.

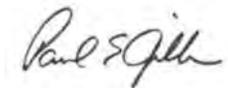
This proposal has several distinct advantages. The southern developed end of the Embarcadero has long suffered from limited visitor foot traffic, nothing really of interest from a commercial or retail perspective. This proposal creates retail, food and beverage and sweeps the HarborWalk viewing platform back onto the Embarcadero, plus eight boutique hotel rooms with spectacular southern and rock views. I am the current lease site holder of lease sites 52/52W with over 18 years in good standing with the City of Morro Bay plus I have the ability and resources to commence constructing this project sooner than other prospective developers if the agency permitting process was to go quickly. In addition, my proposal provides an abundance of comprehensive public benefit features incorporating public viewing decks, public restroom and commercial access to docks and watersports activities.

Please accept my project proposal and grant me this opportunity to construct a new project that can anchor the southern end of the Embarcadero and create a better visitor-serving and pedestrian environment.

Thank you for your time and consideration. Please feel free to contact me with any questions.

Sincerely,
Paul Gillen

Sincerely,



Paul E. Gillen
President
Associated Pacific Constructors, Inc.

ATTACHMENT 1

**Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
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Initial Below

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2. X I understand each proposing party must review the City’s General Plan, Local Coastal Program, and any and all planning and permitting elements as they pertain to this lease site.
3. X Any new lease with the City must be in the City’s approved Master Lease format and should comply with the City’s Harbor Department Lease Management Policy.
4. X I have reviewed the City’s Master Lease format and Harbor Department Lease Management Policy and agree the lease policy and basic lease format is acceptable for any future lease negotiations.
5. X I agree the City may take all steps necessary to investigate any financial information provided in response to this Request for Proposals. The City has my permission and consent to investigate such information however it deems appropriate.
6. _____ Enclosed is a check or bank counter draft in the amount of \$5,000 made out to the City as a Deposit and an indication of good faith interest for consideration in this Request for Proposals. **A check is currently in with the City from a previous application on this project.**
7. X I agree that check will be handled as outlined in this Request for Proposals including that the check may be retained by the City as a processing fee under certain conditions.
8. X The parties signing below are all the parties in interest in our proposal to the City in response to this Request for Proposals, and, if part of a partnership or other entity, affirm that they have the authority to enter into this Request for Proposals.

<u>Paul E. Gillen</u> Printed Name	 Signature	_____ Date
_____ Printed Name	_____ Signature	_____ Date

ATTACHMENT 2
PROPOSER INFORMATION
REQUEST FOR PROPOSALS
Lease Site 49/49W and Lease Sites
50-51/50W-51W, 431 Embarcadero and
451 Embarcadero, Morro Bay, CA 93442
Project: MB-2023-HD01

Include the personal information for all individuals or entities submitting this proposal. If a corporation or partnership, then include corporation or partnership information (*i.e.*, type, state of incorporation, articles of incorporation and by-laws, officers’/members’ names and contact information and length of time of office or membership, when registered to do business in California):

Name Paul E. Gillen

Address 7970 Bella Vista Rd. Atascadero, California 93422

Phone(s) 805 234 5055 (home) 805 234 5055 (work)
805 234 5055 (cell)

Email paul@associatedpacific.com

Name _____

Address _____

Phone(s) _____ (home) _____ (work)
_____ (cell)

Email _____

Name _____

Address _____

Phone(s) _____ (home) _____ (work)
_____ (cell)

Email _____

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Principal Owner/General Contractor

Paul E. Gillen - Associated Pacific Constructors, Inc.

Paul has a long history of creating and building waterfront projects. Paul's "water cooled" career started as a teenager growing up on a small Atlantic Island called Bermuda. Diving was a summer job that launched him into various commercial diving certifications, landing him a job in the North Sea as a Hyperbaric diver welder and saturation diver in the early 70s. Undertaking a range of u/w projects the likes of repairing pipelines, wet welding on platforms and salvaging sunken vessels, becoming a seasoned North Sea veteran at the age of 28 so after 7 years in the North Sea it was time to dry out a bit and it was off to various international marine construction projects around the world, landing in Singapore in the mid 80's through to the mid 90's, married and with a growing family, Paul formed a number of marine oriented business based in Singapore, assisting in the construction one of the first world class marinas in southeast Asia, a full-service boat yard and chandlery amongst numerous other varied projects in Malaysia, Thailand, Philippines and Indonesia. So leaving the tropics and returning to the US in 1994 Paul formed a new marine construction company with three other partners in Houston Texas, building power plants, marine loading terminals, bridges and wharfs on a turn-key basis throughout the Caribbean and Gulf Coast. In 2000 Paul returned to California and continued his international consulting services until teaming up with Reg Whibley in 2003 and eventually acquiring Associated Pacific Constructors (APC) in 2005. Since acquiring APC Paul has led the company the last 18 years with over \$92 million in revenue safely building and repairing marine structures from offshore platforms, pipelines, dredging, bridges, piers, and wharfs to commercial marina developments. APC has maintained a marine facility in Port of Los Angeles since 2008 and maintains a water and land lease in good standing. APC still manages the State Park Marina in Morro Bay under a

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

concession from the State of California. So, Paul has a proven commitment to Morro Bay's marine presence and believes this development would truly enhance Morro Bay's waterfront appeal.

Paul E. Gillen's Personal and Customer References

2005 to Present

Thomas H. Anderson

SVP – Regional President 1st Capital Bank

Thomas.anderson@1stcapitalbank.com (805) 712-8625 (cell)

City of Morro Bay

Rick Algert – Ex MB Harbor Master

Eric Endersby- Ex MB Harbor Master

Local Clients current and existing

(note all our customers in Morro Bay are very satisfied customers)

Cliff Branch-Owner of Boatyard and ex Otter Rock

Travis Leage-HarborWalk Plaza

Brandon Leage-GAFCO owner

Troy Leage-Harbor Hut

Giovanni DeGarimore-Giovannis Fish Market

Paul & William Van Beurden-Dutchman

Smith Held- Harbor Center -Held Properties

Clayton Gambriel – Salt Building

Doug Redican – Roses Landing

Gene Doughty – Land and Sea Interface

Cathy Novak- Cathy Novak Consulting

Construction Team Overview

Bayside Landing and Suites will operate as a Limited Liability Company (LLC) with Paul E. Gillen slated to become the Principal Shareholder. In this capacity, Mr. Gillen will assume critical responsibilities, including the selection of the management team, approval of the marketing budget, decisions related to online or cloud reservation systems, capital expenditures, and the formulation of the strategic business plan.

To ensure the seamless operation of Bayview Landing and Suites, the business will hire a General Manager. This individual will be tasked with overseeing the Profit and Loss of all revenue units, including the selection of staff for hotel front desk, maid services, maintenance services, and food services. Additionally, the General Manager will manage leases on retail and slip spaces, with previous boutique hotel experience being a valuable qualification for this role.

This future structure, with Mr. Gillen at the helm and the General Manager overseeing day-to-day operations, will ensure a well-organized and efficient management framework for Bayview Landing and Suites success in the hospitality industry.

Team

Paul E. Gillen - Principal Shareholder of a to be formed LLC.

Paul E. Gillen is a visionary entrepreneur and the driving force behind the creation of Bayside Landing and Suites. With a profound passion for Morro Bays waterfront and unwavering commitment to create a first-class facility, Paul will assemble a team of proven professionals in the hospitality management and guest serving industry to reach the objectives.

Principle Owner/Contractor

Paul E. Gillen Associated Pacific Constructors, Inc.

Paul has a long history of creating and building waterfront projects. In the mid 80's through to the mid 90's , 10 years in Singapore, Paul owned and operated several marine oriented businesses constructing one of the first world class marinas in southeast Asia, a full-service boat yard and chandlery amongst numerous other varied projects in Malaysia, Thailand, Philippines, and Indonesia. After returning to the US in 1994 Paul formed a new marine construction company with three other partners in Houston Texas, building projects throughout the Caribbean and Gulf Coast from its Houston Base. In 2000 Paul returned to California and continued his international consulting services until teaming up with Reg Whibley in 2003 and eventually acquiring Associated

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Pacific Constructors in 2005. Since acquiring APC Paul has led the company the last 18 years with over \$70 million in revenue building and repairing marine structures from offshore platforms, pipelines, piers, and wharfs to commercial marina developments.

As current sole owner of Associated Pacific Constructors, Inc. and master lease holder of Lease Site 52 & 52W, Paul plans form a new LLC corporation will be the General Contractor and Project manager for the design, permitting and construction of this project, in conjunction with the following team of consultants and engineering firms.

Architect

Gene Doughty
Land and Sea Interface
Morro Bay, Ca 93442
Land.sea.interface.morrobay@gmail.com

Permitting - Agency Liaison

Cathy Novak Consulting
CNovakConsulting@gmail.com

Environmental Consultant

Padre Associates Inc.
369 Pacific St.
San Luis Obispo, Ca. 93401
805 786-2650

Principal Investor Financial information

Paul E. Gillen will be the Principal investor and has a long-standing relationship with the Primary Banker who has attached a letter of support for this project. Paul considers his financial information highly confidential and will provide specific information after obtaining a NDA from the individual in the City of Morro Bay responsible for evaluating this information.

As an alternative the City individual may contact my banker to obtain any assurances on my financial ability to construct and execute this business plan.

THOMAS H. ANDERSON

SVP, Regional President
Office: (805) 592-2043
Mobile: (805) 712-8625

599 Higuera Street, Suite B
San Luis Obispo, CA 93401
www.1stcapital.bank

October 12, 2023

Mr. Paul Gillen, CEO
Associated Pacific Constructors, Inc.
495 Embarcadero Road
Morro Bay, CA 93442

Re: Request for Construction and Permanent Financing

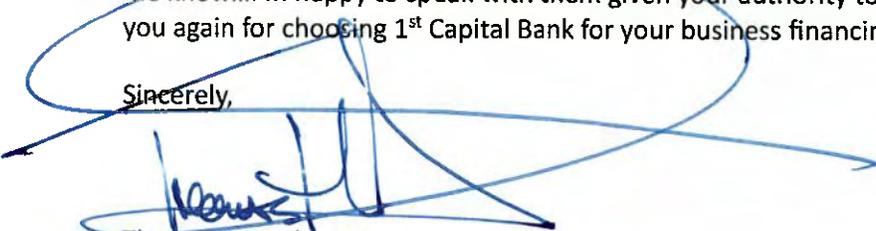
Dear Mr. Gillen:

Pursuant to our meeting on 09.20.23, Steven and I reviewed your plans, financials, and projections for the 495 Embarcadero Project to build and operate a boutique hotel property.

As your banker of roughly 20 years, I'm well-acquainted with your capacity and character to perform on your financial obligations. Your financial behavioral scores (also known as your credit scores) are impeccable. Your plans and proposal are sufficiently supported by your financial resources. Your personal cash reserves demonstrate substantial equity in excess of required levels. After reviewing your project with our senior credit officer, my confidence in your ability to carry this project to completion is in no way diminished.

We hold your financial privacy to the highest level of importance. That said, should the City of Morro Bay require anything in addition for your RFP, please let me know...I'm happy to speak with them given your authority to do so. Thank you again for choosing 1st Capital Bank for your business financing needs.

Sincerely,



Thomas H. Anderson
SVP / Regional President
1st Capital Bank
599 Higuera St, STE B
San Luis Obispo, CA 93401
805.592.2043

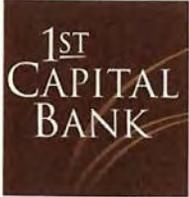


Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Credit References

Associated Pacific Constructors, Inc.

As of: Oct. 1, 2023

495 Embarcadero Tax ID #: 95-3501283, Corporation Morro Bay, CA 93442
Contractor's License #: 394886 11/30/18
Phone: (805) 772-7472 DUNS: 08-717-3118
Fax: (805) 772-5803
Email: Accounting@AssociatedPacific.com

Name or Number Contact: Robin Ludwig (805) 234-2763

The business started in 1975. Incorporated in 1980 in California. 36 years at the above referenced address. Effective January 1, 2006 the company was purchased by Paul E. Gillen through the sale of company stock. Paul is President and Chief Operating Officer and manages the daily operations.

TRADE REFERENCES:

Company	Contact	Phone	Email
Gemini Forest Products	Jill Epton	(562) 594-8948	
Cat Finance	Credit Department		NABC.customerrelations.com
Miners Hardware	Natalie	(800) 489-0158 x 112	ar@minershardware.com
Contractors Maintenance	AR	(805) 541-4558	
JD Fields	Chris Risso	(978) 505-1740	chris@jdfields.com
Techno Coatings	Jennifer Alvarez	(714) 635-1130 x 243	Jennifer.a@technocoatings.com
Bluewater Marine	Jim Booth	(619) 449-2007	jim@bluewaterdocks.com

BANK REFERENCE:

Primary Bank	Contact
1 st Capital Bank	Thomas H Anderson
599 Higuera Street, Suite B	SVP Regional President
San Luis Obispo, CA 93401	Office (805) 592-2043
www.1stcapital.bank	Mobile (805) 712-8625

Business References

City of Morro Bay

Rick Algert

Eric Endersby

City of Newport Beach

Public Works Director – Dave Webb- DAWebb@newportbeachca.gov

Harbor Resources Director – Chris Miller CMiller@newportbeachca.gov (949) 644-3043

City of Newport Beach - Harbor Master – Paul Blank pblank@newportbeachca.gov (949) 270-8158

Private Custom Home Builders Newport Beach

JC Dyer – Chris Dyer owner- chris@jcdyer.com (949) 715-8916

PMR Construction – Chris Miller owner chris@pmr-construction.com (714) 754-4111

RD Olson Development – Robert D Olson – President
bob.olson@rdodevelopment.com (949) 271-1101

City of San Clemente

Senior Civil Engineer – Amir K. Ilkhanipour IlkhanipourA@san-clemente.org-(949) 361-6140

City of Avalon

Director of Public Works – Bob Greenlaw (210) 510-0220 Ext 129
bgreenlaw@cityofavalon.com

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Landlord References

Port of Los Angeles – Waterfront and Commercial Real estate

Sr. Real Estate Officer – Kevin Kim

KKim@portla.org

Business Plan

Forecast

Revenue

The revenue is expected to begin in September 2026, following a 15-month construction phase commencing in July 2025. Our revenue streams are categorized as Hotel Room, Food Service, Beer & Wine, Marina Slips, and Retail Rental. We anticipate the first year of operation, being that it will be opening at the end of our summer season our conservative 12-month revenue is forecasted to be \$ 1,887,655, with year two \$ 2,166,895 and year three \$2,251,815. We are projecting a conservative 5% growth in revenue the following 7 years, subject to many different economic factors.

Net Profit

Our primary focus is on sustainable growth, with a target net profit percentage between %10-20%.

Financing

We have tentatively set up financing this project with a combination of the principal investor meeting the initial cash requirements of \$ 600,000 and 1st Capital Bank supporting the construction loan of up to \$2,600,000. The initial working capital will be made available by the principal shareholder of \$400,000.

Key Assumptions used in this Business Plan

- Average Hotel Room Rates adjusted per seasonality.
- Combined TOT at 14 ½ %
- Food Service 3%
- Beer and Wine 5%
- Marina Slips 10%
- Retail Sublet of space 3-5%
- Annual Min Rental \$ 60,000.
- 50 year lease term

BAYSIDE LANDING AND SUITES
Revenue Projections
YEAR 3

	August	September	October	November	December	January	February	March	April	May	June	July		
Hotel Units														
Occupancy Rate per month	100%	80%	80%	70%	70%	70%	70%	65%	80%	90%	90%	100%	Percentage of Occupancy	
Revenue	\$ 73,200.00	\$ 58,560.00	\$ 58,560.00	\$ 51,240.00	\$ 51,240.00	\$ 51,240.00	\$ 51,240.00	\$ 47,580.00	\$ 58,560.00	\$ 65,880.00	\$ 65,880.00	\$ 73,200.00	\$ 706,380.00	ANNUAL ROOM REVENUE
Days Occupancy	292.8	234.24	234.24	204.96	204.96	204.96	204.96	190.32	234.24	263.52	263.52	292.8	2825.52	ANNUAL TOTAL DAYS OCCUPANCY
IT Management Software	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	\$ 18,000.00	Annual management software
Direct Costs	\$ 7,027.20	\$ 5,621.76	\$ 5,621.76	\$ 4,919.04	\$ 4,919.04	\$ 4,919.04	\$ 4,919.04	\$ 4,567.68	\$ 5,621.76	\$ 6,324.48	\$ 6,324.48	\$ 7,027.20	\$ 67,812.48	ANNUAL COST
Management	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 120,000.00	Annual Management
Net Operating Income	\$ 54,672.80	\$ 41,438.24	\$ 41,438.24	\$ 34,820.96	\$ 34,820.96	\$ 34,820.96	\$ 34,820.96	\$ 31,512.32	\$ 41,438.24	\$ 48,055.52	\$ 48,055.52	\$ 54,672.80	\$ 500,567.52	Net Profit before tax and depreciation
refer below detail TOT PER NIGHT PER RM	\$ 10,614	\$ 8,491	\$ 8,491	\$ 7,430	\$ 7,430	\$ 7,430	\$ 7,430	\$ 6,899	\$ 8,491	\$ 9,553	\$ 9,553	\$ 10,614	\$ 102,425.10	TOT BED TAX PAID CITY OF MB
Light food service														
100 meals day	80%	80%	80%	70%	70%	70%	70%	65%	80%	90%	90%	100%	% of Revenue of 100%	
Av \$20 per meal	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,300.00	\$ 1,600.00	\$ 1,800.00	\$ 1,800.00	\$ 2,000.00		Daily Revenue by Month
Monthly Rev	\$ 48,000.00	\$ 48,000.00	\$ 48,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 39,000.00	\$ 48,000.00	\$ 54,000.00	\$ 54,000.00	\$ 60,000.00	\$ 567,000.00	Annual Revenue 6 day week
Monthly DC	\$ 19,200.00	\$ 19,200.00	\$ 19,200.00	\$ 16,800.00	\$ 16,800.00	\$ 16,800.00	\$ 16,800.00	\$ 15,600.00	\$ 19,200.00	\$ 21,600.00	\$ 21,600.00	\$ 24,000.00	\$ 226,800.00	Direct Cost
Wait Staff 2 persons	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	\$ 171,600.00	Labor
Fast Food, Delicatessen 5%	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,100.00	\$ 2,100.00	\$ 2,100.00	\$ 2,100.00	\$ 1,950.00	\$ 2,400.00	\$ 2,700.00	\$ 2,700.00	\$ 3,000.00	\$ 28,350.00	Percentage Gross 5%
Net Operating Income	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 2,500.00	\$ 4,600.00	\$ 4,600.00	\$ 6,700.00	\$ 26,850.00	Net Profit before tax and depreciation
Beer and Wine														
150 x \$25	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,625.00	\$ 2,625.00	\$ 2,625.00	\$ 2,625.00	\$ 2,437.50	\$ 3,000.00	\$ 3,375.00	\$ 3,375.00	\$ 3,750.00		
6 days week	\$ 78,000.00	\$ 78,000.00	\$ 78,000.00	\$ 68,250.00	\$ 68,250.00	\$ 68,250.00	\$ 68,250.00	\$ 63,375.00	\$ 78,000.00	\$ 87,750.00	\$ 87,750.00	\$ 97,500.00	\$ 921,375.00	Annual Revenue 6 day week
DC at .40	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 27,300.00	\$ 27,300.00	\$ 27,300.00	\$ 27,300.00	\$ 25,350.00	\$ 31,200.00	\$ 35,100.00	\$ 35,100.00	\$ 39,000.00	\$ 368,550.00	Direct Cost
Wait Staff 2 persons	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 198,000.00	Labor
Beer and Wine 10% gross	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00	\$ 6,825.00	\$ 6,825.00	\$ 6,825.00	\$ 6,825.00	\$ 6,337.50	\$ 7,800.00	\$ 8,775.00	\$ 8,775.00	\$ 9,750.00	\$ 92,137.50	Beer and Wine at 10%
Monthly Net	\$ 22,500.00	\$ 22,500.00	\$ 22,500.00	\$ 17,625.00	\$ 17,625.00	\$ 17,625.00	\$ 17,625.00	\$ 15,187.50	\$ 22,500.00	\$ 27,375.00	\$ 27,375.00	\$ 32,250.00	\$ 262,687.50	Net Profit before tax and depreciation
Marina Slips														
4 slips at 50	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 4,505.00	\$ 54,060.00	Annual Revenue
1 slip at 65	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 975.00	\$ 11,700.00	Annual Revenue
total Revenue	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 5,480.00	\$ 65,760.00	Sip Revenue
Direct Cost	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,200.00	Direct Costs R and M
marina slips 10% gross	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 548.00	\$ 6,576.00	Slips at 10%
Net Income	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 57,984.00	Net Profit before tax and depreciation
Retail Rental														
Downstairs 1,200 sq ft	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 3,240.00	\$ 38,880.00	annual Revenue
Direct Costs	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 2,400.00	Direct Costs
Percentage of retail sales 3-5%	?	?	?	?	?	?	?	?	?	?	?	?	?	tenant retail sales percentage tax ?
Net Income	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 36,480.00	Net Income
Public Restrooms														
240 sq ft	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 720.00	\$ 8,640.00	
Maintainance	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 1,800.00	Annual Cost maintain public restroom
Cost per month provided FOC to city	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 870.00	\$ 10,440.00	
SUMMARY														
Hotel	\$ 54,672.80	\$ 41,438.24	\$ 41,438.24	\$ 34,820.96	\$ 34,820.96	\$ 34,820.96	\$ 34,820.96	\$ 31,512.32	\$ 41,438.24	\$ 48,055.52	\$ 48,055.52	\$ 54,672.80	\$ 706,380.00	Revenue
Food Service	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ (650.00)	\$ 2,500.00	\$ 4,600.00	\$ 4,600.00	\$ 6,700.00	\$ 567,000.00	Net
Beer and Wine	\$ 22,500.00	\$ 22,500.00	\$ 22,500.00	\$ 17,625.00	\$ 17,625.00	\$ 17,625.00	\$ 17,625.00	\$ 15,187.50	\$ 22,500.00	\$ 27,375.00	\$ 27,375.00	\$ 32,250.00	\$ 921,375.00	Net Profit before tax and depreciation
Marina Slips	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 4,832.00	\$ 65,760.00	Net Profit before tax and depreciation
Retail Rental (not retail sales)	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 3,040.00	\$ 38,880.00	Net Profit before tax and depreciation
Annual Cost maintain Public Restr	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (150.00)	\$ (1,200.00)	Cost to maintain public restroom
Utility Costs	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (1,300.00)	\$ (15,600.00)	Utility Costs
Property Insurance	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (2,100.00)	\$ (25,200.00)	Property Insurance
Minium Annual Rental	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (5,000.00)	\$ (60,000.00)	Annual Minimum Rent estimate
Bank Mortgage Payment	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (17,000)	\$ (204,000.00)	
	\$ 61,994.80	\$ 48,760.24	\$ 48,760.24	\$ 35,167.96	\$ 35,167.96	\$ 35,167.96	\$ 35,167.96	\$ 28,371.82	\$ 48,760.24	\$ 62,352.52	\$ 62,352.52	\$ 75,944.80	\$ (109,432.50)	Food, Beer/Wine, Marina Slips, Percentage Rent
increase in staff wages													Year 3	\$ 2,299,395
increase in room rates average to \$ 300 per night													Revenue	\$ 366,711
increase in marina slip per ft rate to \$17/ft per month 268 ft total.													Net	16%
Utility cost increase, toilet maintainence and property insurance														Revenue and Cost increase annually 5%

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Project description:

Current Setting:

The proposed combined project sites in our proposal are:

- 495 Embarcadero Lease sites 52/52 W The property is located on the western side of Embarcadero Road and adjacent to the city park known as Mariner Park and the Estero Inn north of the park.
 - Land 3,185 sq ft,
 - Water 4,500 sq. ft,
 - Total 7,685 sq ft.
- 451 Embarcadero Lease sites 50-51/50-51W The vacation rental site has single story buildings with a wood wharf and a single floating dock.
 - Land 2,020 sq ft,
 - Water 3,611 sq. ft.
 - Total 5,631 sq. ft.
- 431 Embarcadero (currently vacant site)
 - Land 1,650 sq. ft.
 - Water 1,300 sq. ft.
 - Total 2,950 sq ft

Currently Lease sites of 50 and 51 are an old single story visitor serving motel with these other uses in their lease: "Visitor serving motel. Design, sales, repair of marine electronic and instrumentation equipment. Rental of dock space, use of work dock, operation of mooring inspection & installation service. Retail sales, marine construction materials, sails, marine woodworking & repair, diving service & marine and general engineering services. Sail loft.

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

These structures are most likely 1940-50 vintage and have no value in restoring. They have no foundations or pile support pier structure worth retaining. We are proposing demolition of the entire two lease sites for our development.

495 Embarcadero, Lease site 52/52W currently is the office and workshop of Associated Pacific Constructors, Inc. and both the building and pier structure are in very good structural condition. The pier was completely rebuilt two years ago and upgraded to support the 60-ton hydraulic crane of APC at a cost of \$300,000. It is the intention of this development proposal to incorporate the existing building and pier into the new plan. By way of background information, the capital improvement money spent for this work has been a “paper” credit for the 495 Embarcadero master lease and should receive commiserate lease years at the time of a new lease.

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

Project Summary:

Summary: The Associated Pacific Constructors, Inc. (APC) building has been used for many years for marine construction business with offices on the second floor and equipment with material storage on the first floor. The wood wharf has been used for vessel tie-up and supports a large crane to load materials on the barges and other marine equipment necessary to carry out the business operations.

Associated Pacific is in the process of downsizing their construction operations so the lease site now lends itself to a redevelopment of not only this site but proposing a larger and more cohesive project that will encompass the current vacation rentals and vacant lease parcels to the south.

First, the APC building will be remodeled in the following ways:

1. Remove the existing stairs that currently encroaches into the sidewalk area which will allow for an 8-foot-wide sidewalk.
2. Relocate the front entry for the second floor to the northeast (inside) corner of the building. This new upstairs entry will be open and readily seen by pedestrians walking south along the Embarcadero and will create an inviting atmosphere.
3. The first floor will include a public restroom located on the north side, two retail units on the east and west sides, and the food preparation and delicatessen.

The second floor will become the beer /wine and light food service equipped with a dumbwaiter to serve the food from the first floor. There will be a takeout window located on the south side which the public will have access to from the new observation/view deck.

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

4. A new window will be added to the first-floor west side of the building to provide a pedestrian and customer experience while walking along the new HarborWalk.
5. The existing building has a wooden wharf on the west side however it is not open to the public due to the current construction operations. The project as proposed will open this area as the HarborWalk and provide a new connection to Mariner Park.
6. The current configuration to access the APC building from Mariner Park is along the north side of the APC building and is only 4 feet wide. The project as proposed will construct a new 10-foot wide HarborWalk from the end of the park view deck to the APC building and new HarborWalk. This new connection will vastly improve the pedestrian harbor side walkway in this area.
7. The building will retain the existing wood siding exterior and marine type appearance.

Second, the existing vacation rental buildings will be demolished and a new 2 story building with 8 vacation rentals will be constructed.

The following are highlights for the new building:

1. There are 5 units located on the first floor and 3 units located on the second floor.
2. The first-floor units will have an east to west orientation while the second-floor units are angled and will have more of a north/south orientation.

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

3. The angled or offset units from the first floor to the second floor create better articulation for the site by eliminating a long, large flat expanse of the building.
4. Each of the units will have a deck on the west side with views of the harbor and/or southward towards Montana de Oro.
5. A connecting second floor walkway along the east side of the building to the APC building will allow for installation of one elevator unit to service the rental units, the public observation deck and new restaurant. This combination of use will provide a better layout for both the APC building and rental units as there will not be the need to take additional space for a second elevator and therefore lose potential retail or other business space.
6. In addition, this second-floor walkway will be connected to a 20 foot plus wide public observation/view deck. This view deck will be accessed from four points. 1) Set of stairs on the north side of the rental building, 2) The elevator, and 3) Two from the second floor of the APC building.

The view deck will have a public seating area to allow visitors a chance to relax and enjoy the views. While there will be a “takeout” window installed to the delicatessen style light food and snacks, there will be clear signage that the area is open to the public with no purchase necessary and no wait service allowed. This is consistent with the other waterfront projects that have been approved over the years. This new public deck will only cover the second floor and will be open underneath to allow for a pedestrian

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

view corridor and for vehicle loading/unloading space off the Embarcadero.

7. To be consistent with the existing APC building and current rentals, each of the proposed room doors facing the Embarcadero will be painted bright and colorful as they are now and will also have the wood siding exterior.

Third, the existing waterside of both the APC and rental unit buildings are being used for large and small vessel tie-up with a wharf and floating docks.

The new proposed water area will include the following:

1. A new 162' foot long, 8-foot-wide floating dock parallel to the existing wharf. This includes a long tie-up for larger boats that could include fishing or work boats.
2. 3 new 4' x 40' finger slips. Will allow mono hull and multi hull yachts, recreational or commercial boats to tie up.
3. One finger dock space is proposed with a low floating dock for a kayak rental business. There will be a low-profile building on the dock for the kayak office and storage space. This set up is similar in nature to the one constructed at the "Boatyard" down the street.

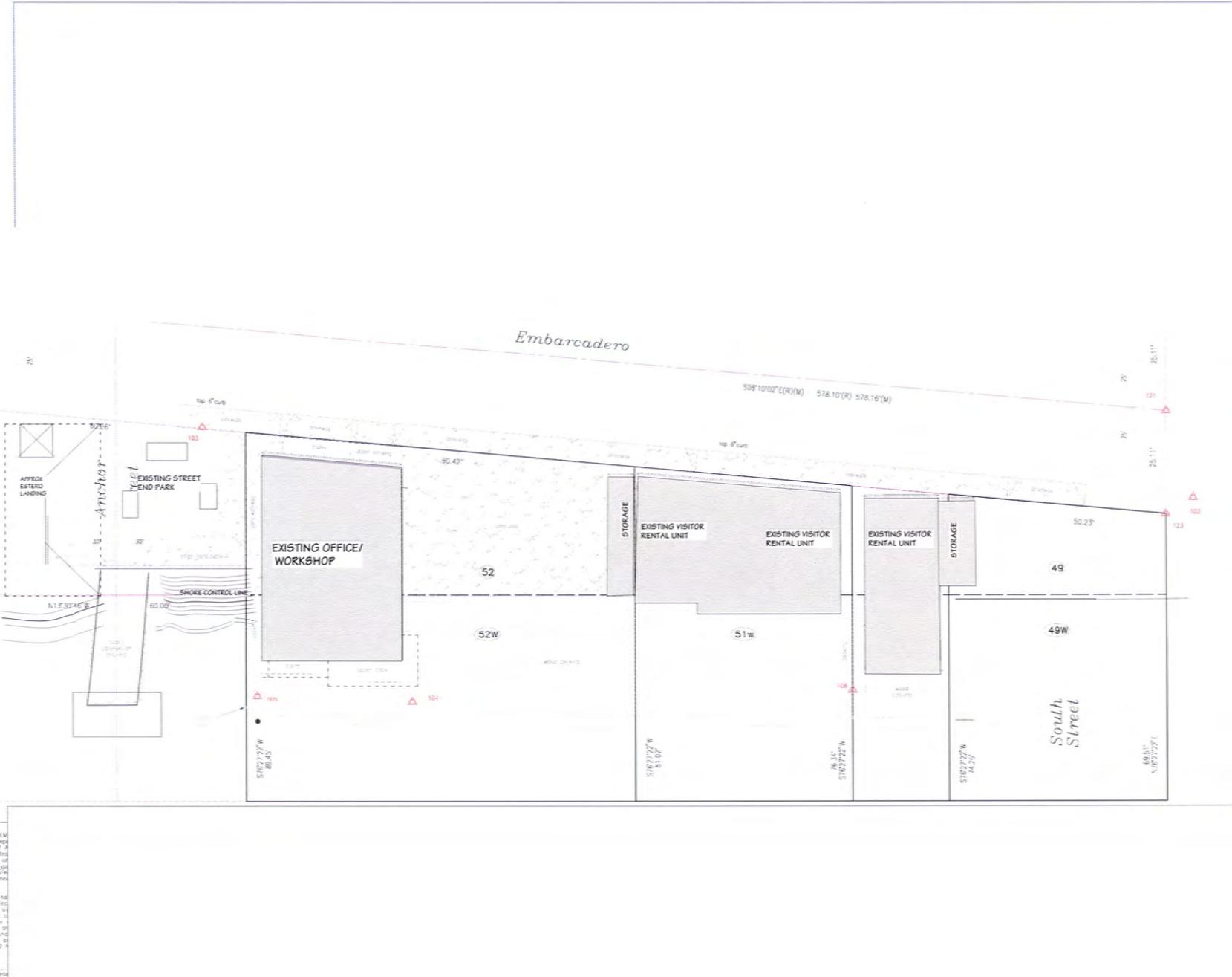
Fourth, the existing lease site, #49 to the south is a vacant parcel. The following are proposed improvements to this area:

1. This parcel on the land side is relatively small at 1,650 sq. ft. and has made it difficult for applicants to propose a development in that space. In addition, there is a very large eelgrass bed offshore which

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

makes it nearly impossible to develop or construct any floating docks in this location. Overall, because of the site constraints, the city has not received any formal proposal for development over the years. With the APC proposal to take over this lease, it makes much more sense to utilize this area for public benefit and connection to the other proposed development as provided above.

An angled HarborWalk connection can be made to the Embarcadero for pedestrians to continue to Tidelands Park. This decking will conform to the current light penetration standards to enhance the promotion of eelgrass, as well as the waterfront standards, specifically height and coverage. This area of the Embarcadero has a progressively smaller land side lease area to develop which significantly limits the ability of applicants to propose a feasible project. The challenges and costs associated with most of the development being supported on a pile structure as opposed to a slab on grade greatly increase the difficulty and costs. Paul Gillen and Associated Pacific are uniquely qualified and experienced to accomplish this challenge in a cost effective and timely manner. This applicant has incorporated many aspects to the project to meet the objectives of the waterfront master plan and community needs. The applicant believes that this project overall will be a big benefit to the city and a welcome redevelopment.



gene doughty

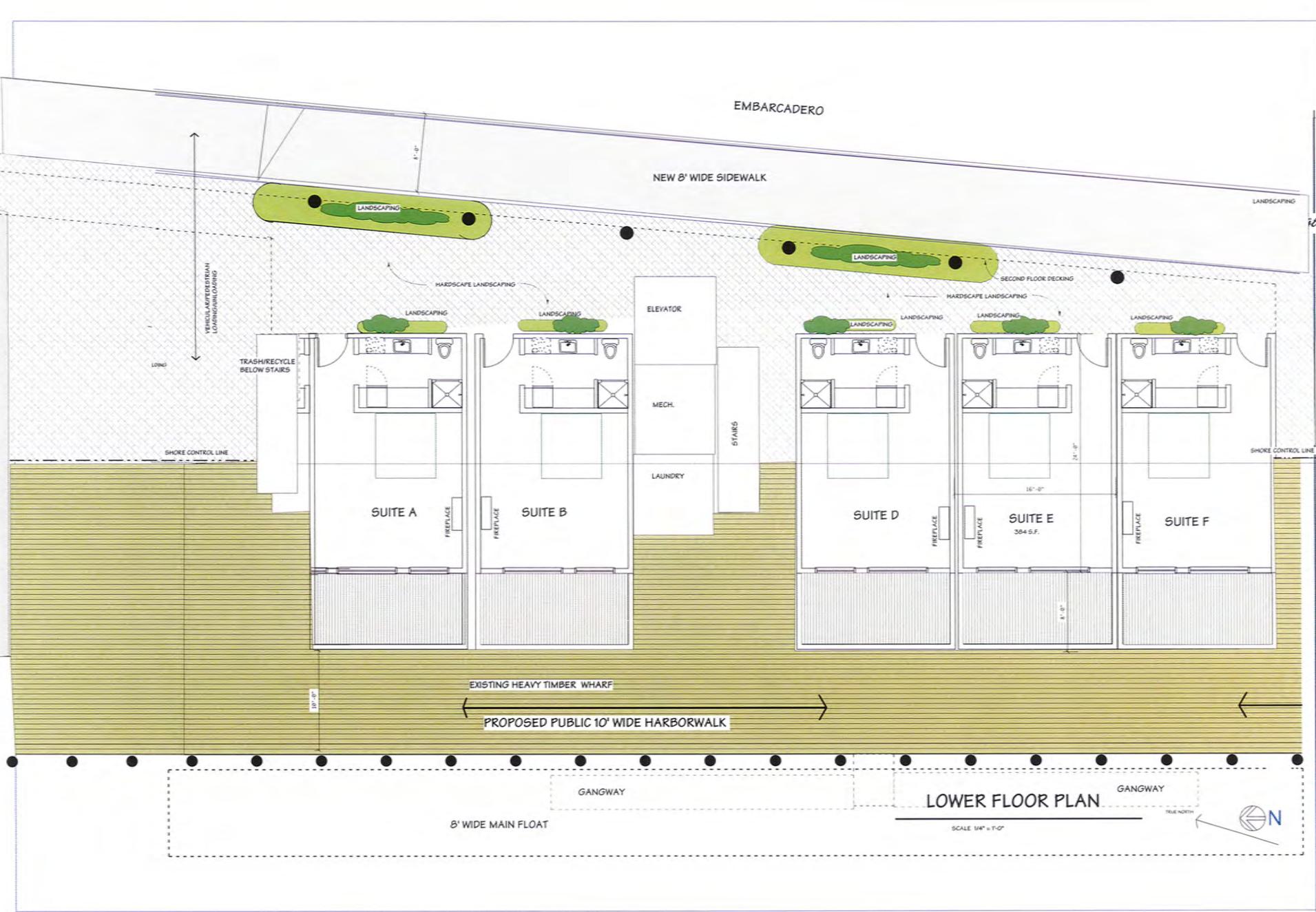
LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT 1-800-778-4436
 C. 18794

BAYSIDE LANDING AND SUITES
 LEASE 01ED-49-49W-50-50W/51-51W/52-52W
 PAUL E. GILLEN

PRELIMINARY SURVEY

DATE: 10/29/24
 TIME: 10:00 AM
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 TYPICAL: 10'

SHEET **A-2**
 OF 11 SHEETS



GENE DOUGHTY

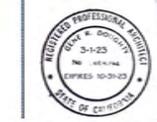
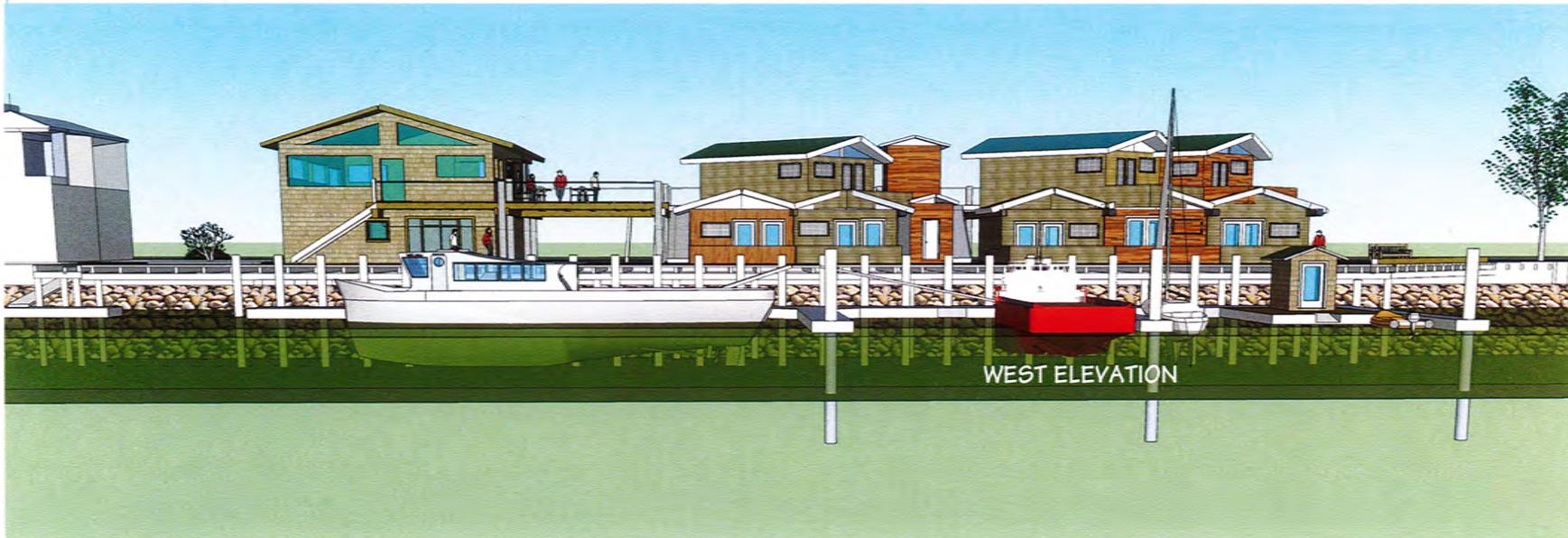
LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT C 18794
 1-800-772-8436

BAYSIDE LANDING AND SUITES
 LEASE SITES 40-41/49-50/55/51/52/53/54
 PAUL E. GILLEN

LOWER FLOOR UNITS

DATE: 10/23/24
 DRAWN BY: J. GILLEN
 CHECKED BY: P. GILLEN
 SCALE: AS SHOWN
 SHEET NO: 10/23/24

A-4
 OF 11 SHEETS



GENE DOUGHTY

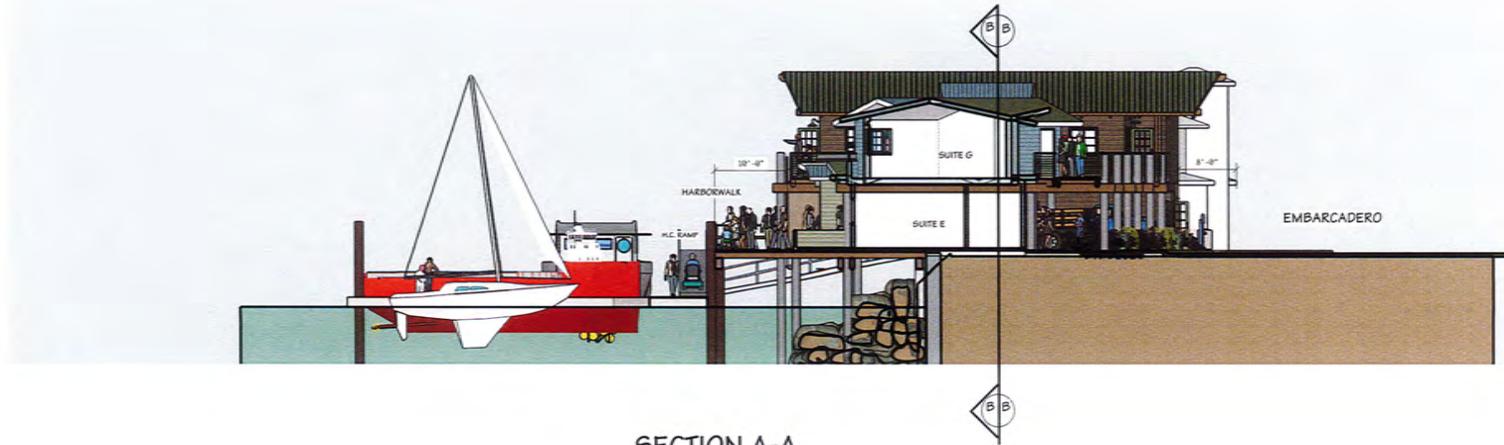
PAUL E. GREEN
LEASE BATES 48-BW-20-000-D1-BW-25-25W

LAND/SEA INTERFACE
GENE DOUGHTY ARCHITECTS INC. 10/29/24

BAYSIDE LANDING AND SUITES
LEASE BATES 48-BW-20-000-D1-BW-25-25W
PAUL E. GREEN

EAST ELEVATION
WEST ELEVATION

DATE: 10/29/24
BY: G.D.
CHECKED: P.E.G.
SCALE: AS SHOWN
SHEET: A-7
OF 110 SHEETS



SECTION A-A

SCALE 1/8" = 1'-0"



SECTION B-B

SCALE 1/8" = 1'-0"



gene doughty

LAND/SEA INTERFACE

BAYSIDE LANDING AND SUITES

SITE SECTION A-A
SITE SECTION B-B

SHEET A-B

OF 10 SHEET



SEAGULL VIEW



gene doughty

LAND/SEA INTERFACE
GENE DOUGHTY ARCHITECT C. 19794
1-800-772-6426

BAYSIDE LANDING AND SUITES
LEASE SITES 49, 49W, 50, 50W, 51, 51W, 52, 52W
PAUL E. GILLEN

SEAGULL VIEW

DATE: 10/24/24
SCALE: AS SHOWN
BY: G.D.
CHECKED BY: G.D.
PROJECT NO.: 24-001
SHEET NO.: 11 OF 11

SHEET
A-9
OF 11 SHEETS

Exhibit D



TYPICAL CEDAR SIDING TO MATCH EXISTING



EXISTING COLORS TO BE USED FOR ACCESS COLORS, TRIM, DOORS ETC.



TYPICAL SUITE COLORS



HEAVY TIMBER CONSTRUCTION TO REFLECT MARINE USE, PIERS, WHARFS



CONCRETE PILING FOR STRUCTURAL USE



TYPICAL BLUE METAL ROOFING



TYPICAL GREEN METAL ROOFING



gene DOUGHTY

10000 Wilshire Blvd
Suite 1000
Beverly Hills, CA 90210
Tel: 310.274.1111
Fax: 310.274.1112
www.landseainterface.com

LAND/SEA INTERFACE
GENE DOUGHTY ARCHITECT
C 1878A
1-800-772-8456

BAYSIDE LANDING AND SUITES
LEASE SITES 400-400-500-500-500-500-500-500
PAUL E. GILLEN

COLOR AND MATERIAL BOARD

NO. 01
DATE 10-29-24
BY G.D.
CHECKED BY G.D.
SCALE AS SHOWN
DRAWN BY

SHEET
A-11
OF 11 SHEET

Proposed Lease Terms

Proposed Lease Terms of Lease sites 52/50/51 and 49 under one a new Lease Agreement

Considerations

- 1) Currently the south end of the Embarcadero has very little retail traffic appeal. Any development of retail businesses will be slow in building traffic and will not attract the level of revenue or draw for several years.
- 2) Cost of development of any project over these sites will take special engineering methodology and will be at least double the cost of a “conventional slab on grade” foundation.
- 3) Given the small land footprint for construction, virtually all construction materials must be staged offsite and moved onto site on a just in time basis. Another added cost for construction.
- 4) All these factors make this development site costly and difficult to construct. This also leads to Paul Gillen and Associated Pacific Constructors, Inc. being the most qualified and capable group to execute this project in a timely and cost-effective manner.

These are the general Terms of Lease being proposed by the proposer.

- Lease Term 50 years – approximately \$2.5-\$3 million investment
- Minimum Annual Base rent will not commence until final occupancy permit is issued. It will be based on final development costs.
- Following gross % reductions to allow business to build profitably.
 - Hotel TOT - no change proposed combined 14.5%
 - food and beverage – 3% for first 5 years
 - Restaurant 3%
 - Snack Bar , Delicatessen 2.5%
 - Fast Food, Convenience Food 2.5%
 - Bar/Lounge, Beer & Wine Sales 5%
 - Retail Sales and Service – Tennant 3%
 - Fish and Seafood
 - Retail Sales 3%

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

- Wholesale Sales 0%
 - Moorings, Ties and Slips 10%
 - Two liveaboard
 - Boat Repair and Sales 1%
 - Motel / Hotel Per TOT
 - All other uses 2.5%
- No Dedicated Parking requirement

Exhibit D

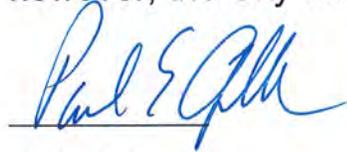
Preliminary Development Schedule
 Bayside Landing & Suites
 Lease Sites 49, 50/51 and 52
 Land and Water

ID	Task Name	Duration	Start	Finish
1	Submittal of RFP	0 days	Thu 10/12/23	Thu 10/12/23
2	Award and Consent of Landowner	0 days	Fri 12/29/23	Fri 12/29/23
3	Submit Project for CUP	0 days	Fri 12/29/23	Fri 12/29/23
4	Planning Commission Approval	111 days	Fri 12/29/23	Fri 5/31/24
5	City Council Approval	30 days	Mon 6/3/24	Fri 7/12/24
6	Start of Agency Submittal for Approval	0 days	Fri 7/12/24	Fri 7/12/24
7	Obtain Agency Approval	200 days	Mon 7/15/24	Fri 4/18/25
8	City Permit is issued	47 days	Mon 4/21/25	Tue 6/24/25
9	Demo/Start Construction	33 days	Wed 6/25/25	Fri 8/8/25
10	Foundation/Primary Utilities	65 days	Mon 8/11/25	Fri 11/7/25
11	Framing and Roof Structure	45 days	Mon 11/10/25	Fri 1/9/26
12	Marina and Gangways	20 days	Mon 1/19/26	Fri 2/13/26
13	Rough Utilities	30 days	Tue 1/20/26	Mon 3/2/26
14	Interior build out	45 days	Tue 2/17/26	Mon 4/20/26
15	Final Interior Exterior Finishes	50 days	Tue 4/7/26	Mon 6/15/26
16	Finish Electrical Plumbing	45 days	Tue 6/2/26	Mon 8/3/26
17	Final Inspections	6 days	Tue 8/4/26	Tue 8/11/26
18	Furnishing and Prep	14 days	Wed 8/12/26	Mon 8/31/26
19	Grand Opening Official Launch	0 days	Mon 8/31/26	Mon 8/31/26

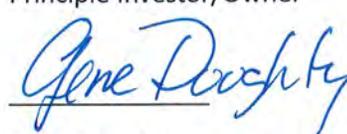
Paul E. Gillen
 10/12/23

Exhibit D
BAYSIDE LANDING AND SUITES
495 EMBARCADERO
MORRO BAY, CA. 93442

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Paul E. Gillen
Principle Investor/Owner



by Paul Gillen
10/9/23

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HISTORICAL RESOURCE EVALUATIONS OF 451 AND 471 EMBARCADERO ROAD, MORRO BAY, CALIFORNIA

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TABLE OF CONTENTS

1.0 INTRODUCTION 1

 1.1 Purpose of the Investigation 1

 1.2 Personnel Qualifications 1

2.0 HISTORIC CONTEXT 5

 2.1 History of San Luis Obispo County 5

 2.2 History of Morro Bay 5

 2.3 Property Specific History 7

3.0 METHODS 9

 3.1 Fieldwork 9

 3.2 Archival Research 9

 3.3 Maps and Aerial Photography Review 9

 3.4 Regulatory Setting 9

 3.4.1 California Register of Historical Resources 9

4.0 PHYSICAL DESCRIPTION 11

 4.1 Architectural Style – American Vernacular and Modern 11

 4.2 451 Embarcadero Road 11

 4.2.1 East Elevation 11

 4.2.2 South Elevation 12

 4.2.3 West Elevation 12

 4.2.4 North Elevation 13

 4.3 471 Embarcadero Road 14

 4.3.1 East Elevation 14

 4.3.2 South Elevation 15

 4.3.3 West Elevation 15

 4.3.4 North Elevation 17

5.0 EVALUATIONS 18

 5.1 Evaluation of 451 Embarcadero Road 18

 5.1.1 Criterion 1 18

 5.1.2 Criterion 2 18

 5.1.3 Criterion 3 18

 5.1.4 Criterion 4 19

 5.1.5 Integrity 19

5.2 Evaluation of 471 Embarcadero Road..... 19

5.2.1 Criterion 1..... 19

5.2.2 Criterion 2..... 19

5.2.3 Criterion 3..... 20

5.2.4 Criterion 4..... 20

5.2.5 Integrity..... 20

6.0 FINDINGS..... 21

6.1 Conclusions..... 21

6.2 Recommendations..... 21

7.0 REFERENCES CITED..... 22

FIGURES

Figure 1 Vicinity Map 2

Figure 2 Location Map..... 3

Figure 3 Aerial View of Project..... 4

Figure 4 East elevation, facing Embarcadero Road, view southwest. 11

Figure 5 South elevation, view north. 12

Figure 6 Detail of south elevation, view northwest. 12

Figure 7 Southeast elevation, view west..... 13

Figure 8 View of north and west elevations, view southeast. 13

Figure 9 North elevation with neighboring building, view southwest..... 14

Figure 10 East elevation, view northwest. 15

Figure 11 South elevation, view northwest. 15

Figure 12 West elevation, view east..... 16

Figure 13 Detail view of alcove, view east. 16

Figure 14 North elevation, view southeast. 17

1.0 INTRODUCTION

At the request of Paul Gillen of Associated Pacific Constructors, Inc., Long Historic Preservation Services, LLC (LHPS) completed a Historical Resources Evaluation (HRE) of the buildings at 451 Embarcadero Road, Assessor's Parcel Numbers (APN) 066-137-014, tidelands lease site 50/50W; and 471 Embarcadero Road, APN 066-137-002 respectively, tidelands lease site 51/51W, in Morro Bay (Figures 1-3). To complete the HRE, LHPS evaluated the buildings using the eligibility criteria for the California Register of Historical Resources (CRHR).

1.1 Purpose of the Investigation

The proposed project may include demolition of two single story buildings and the expansion of Associated Pacific Constructors (APC) business onto the property. This investigation is part of preliminary due diligence on behalf of APC. If the proposed project requires a discretionary permit from the City of Morro Bay (City), the City is accountable under the California Environmental Quality Act (CEQA), to consider the impacts of actions on the cultural environment (Public Resource Code [PRC] 5020 and 21000 et. seq. and California Code of Regulations [CCR] 15000 et. seq.). Therefore, applicants are required to assess potential impacts of proposed projects on historical resources. The investigation results provided herein will assist future development planning for the property and document the assessment of potential impacts to cultural resources under CEQA.

1.2 Personnel Qualifications

LHPS Principal Architectural Historian Amber Long (M.A) prepared this HRE. Ms. Long has over 11 years of experience in cultural resource management and meets the Secretary of the Interior's Standards as a historian and architectural historian. She conducted a site visit and archival research, prepared eligibility evaluations, and authored this report. She is approved for listing on the San Luis Obispo County Qualified Consultant List and a resume is available upon request.

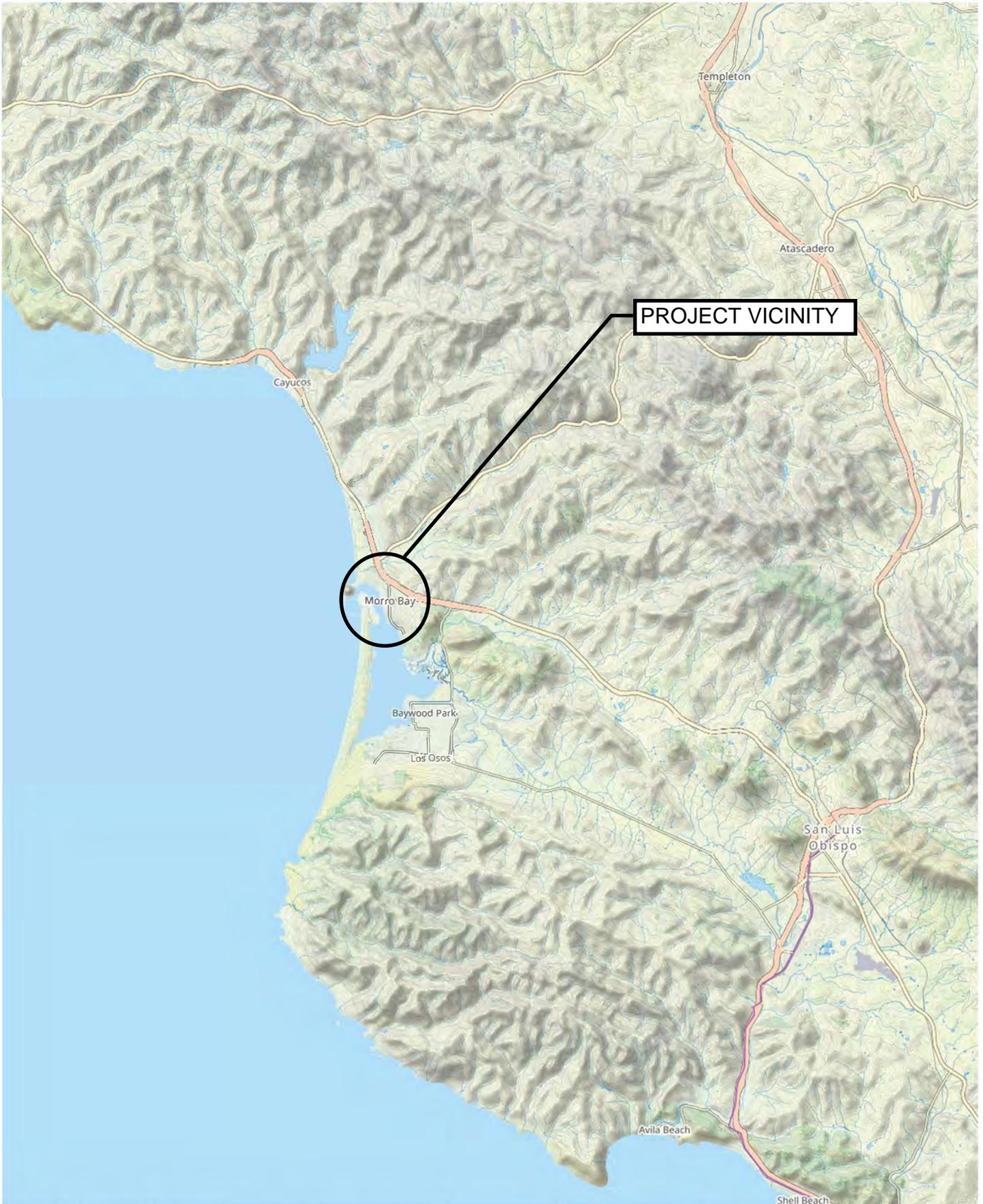
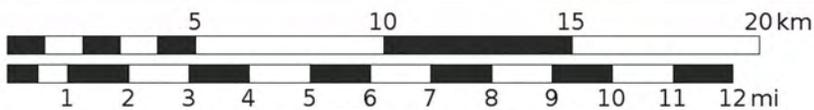


Figure 1: Vicinity Map

WGS84

UTM Zone 10S



Scale **1:200000** 1 inch = 3.2 miles



MN 12.2°



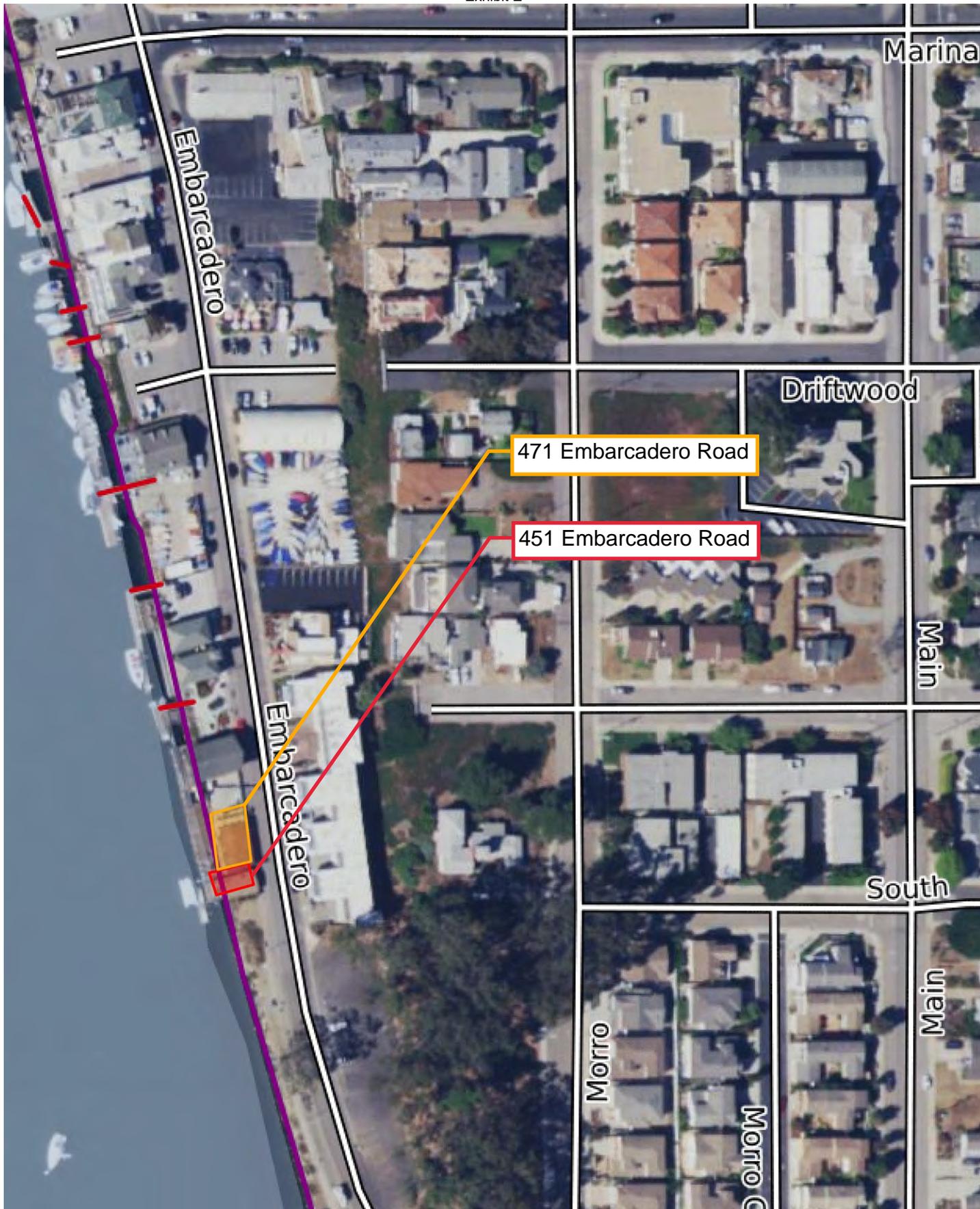


Figure 3: Aerial View
 WGS84
 UTM Zone 10S



Scale **1:1600** 1 inch = 133 feet
 PC_2024-10-29 Page 118

451 and 471 Embarcadero Road, Morro Bay



2.0 HISTORIC CONTEXT

This chapter provides a partial history of San Luis Obispo County, Morro Bay, and the buildings at 451 and 471 Embarcadero Road to create a historic context through which the properties will be evaluated. Historic contexts are historical patterns that can be identified through consideration of the history of the property and the surrounding area (National Park Service, 2002).

2.1 History of San Luis Obispo County

European exploration of the central coast began with the expedition of Juan Rodriguez Cabrillo, who sailed the California coast in 1542 (Angel, 1883). It was not until 1769 with the overland expedition of Gaspar de Portolá that long-term contact between the Northern Chumash and Europeans was initiated. This expedition resulted in the founding of two missions in Northern Chumash territory: San Luis Obispo de Tolosa in 1772 and San Miguel Arcángel in 1797. The missions had a significant and direct impact on the indigenous people, who suffered the combined effects of forced acculturation, disease, and outright conflict (Angel, 1883).

California became a Mexican territory in 1822. Mexican authorities opened the door to foreign trade and immigration in California. The beneficiaries of this policy were predominantly the missions, which could legally expand their hide and tallow trade to foreign merchants (Hoover, Rensch, Rensch, & Abeloe, 1990). The Colonization Act of 1824 and the Supplemental Regulations of 1828 afforded private individuals—both Mexican nationals and immigrants—the right to obtain title to land, although mission lands were not available. Immigrant-friendly laws directly contributed to the migration and eventual permanent presence of Anglo-Americans in California. The Secularization Act of 1833 officially ended the church's monopoly of prime California lands and redistributed the mission estates to private individuals in the form of land grants. Land grants surrounding Morro Bay included Rancho Canada de Los Osos (southeast), Ranch San Luisito (east), Rancho San Bernardo (north), and Rancho Morro y Cayucos (north). Pockets of open land available for public settlement between rancho boundaries often drew a concentration of settlers. One such area became Morro Bay (Hammond, 2010). California became a state in 1850 and with that San Luis Obispo County was created.

2.2 History of Morro Bay

Franklin Riley was the first to homestead in Morro Bay, arriving from Cambria in 1864 (Hammond, 2010). He built the first house in town at what is now Morro Street between Morro Bay Boulevard and Harbor Street (Robinson, 1957). In 1870, Riley commissioned a survey of the 160-acre homestead that plotted out streets and lots, which became the town of Morro Bay. Like the neighboring towns of Cambria and San Simeon, local trade in Morro Bay was heavily dependent on steamship traffic (Hammond 2010). During the 1870s, schooners were often seen picking up wool, potatoes, barley, and dairy products (Robinson 1957). Morro Bay continued to grow, drawing more settlers with available public land and room for farming. By the turn of the century, recreation was an important part of the local economy (Hammond 2010). Prompted by the intense heat in the interior valleys of the state, large groups traveled to the coast to camp and spend the summer. Following World War I, the local and national economies were booming. The Coast Highway, now State Route 1, was completed in 1922. New housing subdivisions were surveyed (Gates & Bailey, 1982). The Great Depression brought an abrupt halt to development in Morro Bay and new subdivisions sat empty for decades (Gates & Bailey 1982; Hammond 2010).

In 1933, the U.S. Army Corps of Engineers (ACOE) surveyed Morro Bay's waterfront to determine if creating a breakwater across the north channel between the shore and Morro Rock was feasible for creating a harbor (Silloway, 2021). If a case could be made that a harbor would help connect the industry of the Central Valley, then the National Industrial Recovery Act might fund the project. Instead, Public Works Administration funds were used and the north breakwater was completed in 1936. Fruitless efforts to gain additional funding for more improvements to the harbor continued until 1941, when the U.S. Navy appropriated money to build a Section Base in cooperation with the U.S. Coast Guard, in anticipation of U.S. entry into World War II. The Navy built bulkheads using fill dredged from the harbor that created new land for facilities to service patrol craft. The project was the beginning of a permanent harbor facility for ocean-related activities (Silloway, 2021).

Work on the harbor halted in May 1943 when the Navy ran out of appropriated funding (Silloway, 2021). The Navy determined that the patrol boats based out of Port San Luis were adequate to patrol Central Coast waters and concluded the Section Base in Morro Bay was no longer useful. The Morro Bay Chamber of Commerce stepped in to support the creation of a Harbor District to complete the harbor. San Luis Obispo County supervisors entertained the idea of a county wide Harbor District; however, in November 1943 the U.S. House of Representatives approved the completion of the harbor to support the offensive strategy of the war. In March 1944, Congress appropriated funds to build an amphibious training base at the Section Base. Between the spring of 1944 and August 1945, more than 45,000 troops and 5,000 officers received training in amphibious warfare. The base was decommissioned in 1945 and given to the Coast Guard. The harbor took its current shape when the trestle bridge to the sandspit, built by the U.S. ACOE in 1942, was removed in 1947 (Silloway, 2021).

After World War II, very few businesses existed on the waterfront and ownership of the tidelands south of the Section Base was under dispute (Silloway, 2021). Tidelands were defined as the lands between high and low tides, submerged lands, and navigable waterways, and were public lands managed by a government jurisdiction (Silloway, 2022). The dispute over public versus private ownership of the tidelands would not be resolved until 1968 as local landowners felt their land included tidelands property. In 1946, the State Lands Commission granted San Luis Obispo County a 15-year lease of the tidelands and in 1947 Senate Bill 1558 passed, granting management of the tidelands to the County. In 1949, the Navy declared the Section Base surplus property and the City purchased the 120-acre site from the Navy. Morro Bay grew substantially after this due to factors such as the establishment of the commercial fishing industry around the harbor, an increasing population of returning veterans, and tourism to the coast and local state parks (Historic Resources Group 2013; Silloway, 2022). In 1953, Pacific Gas and Electric began development of their steam generating power plant on the former Navy property (Bailey & McGuire, 2017).

The original intent of the tidelands grant policy was to foster harbor development, focusing on facilities for commerce and navigation (Silloway, 2022). Permitted uses were water dependent and residential uses were prohibited, although leases were not well enforced. Modifications to the policy in the 1950s and 60s allowed for recreational uses. During that time the development of the waterfront was slow, with open lots on the south end through the 1960s. The County was lax in administering the terms of the leases until 1961, when May Pipkin filed a lawsuit against the County to terminate their authority over the tidelands. Pipkin and 22 plaintiffs argued that the upland owners of lands adjacent to the tidelands had valid claims of ownership over the tidelands. Morro Bay was incorporated in 1964, and management

of the tidelands was transferred to the City. A compromise in the lawsuit was achieved in March 1968 that declared that parcels east of the easterly edge of Embarcadero Road were private and those to the west were part of the tidelands grant administered by the City. The City also agreed to make \$175,000 of improvements to the harbor. This agreement still shapes the harbor where tideland leases run from Coleman Park to Tidelands Park (Silloway, 2022).

In 1963 quarrying was prohibited on Morro Rock. In 1965, 4,500 acres were sold to the state to create Montana de Oro State Park and in 1968 Morro Rock was declared State Historical Landmark #821. In 1970, the city council approved an ordinance making Morro Bay a bird sanctuary. An alarm system was installed on Morro Rock in 1975 to protect nesting peregrine falcons and in 1976 the Redwood Centennial Staircase and oversized chessboard were built on Embarcadero Road (Bailey & McGuire, 2017).

2.3 Property Specific History

Information on the property specific history was found primarily in documents provided by the City Clerk's office including copies of the tideland leases, board resolutions, and planning documents. The history of the lease sites is separated until 1986 when APC took ownership of both lease sites in addition to lease site 52/52W where the business is now physically located.

451 Embarcadero Road. 451 Embarcadero Road is tidelands lease site 50/50W and is the southernmost tidelands lease site on Embarcadero Road. The original lease included 72 feet of frontage, but the County took back the southerly 50 feet for "roadway purposes" leaving only 22 feet of frontage. The County leased the site to Lee Knight Jordan and Kathryn Houston Jordan on March 13, 1961. The precise build date of the single-family residence is unknown. Reg Whibley, future owner, believed it was built sometime in the 1960s. The City Directory for 1961 states the Jordan's address as 400 Embarcadero and identified Lee as a geologist (R. K. Polk and Company, 1961). Newspapers relate that Jordan requested an extension of time to complete construction per the terms of his lease in September 1961, but it was denied (Grover City Press, 1961). By 1969, the Jordan's were living in Santa Barbara (R. K. Polk and Company, 1969). The Jordan's sold the lease to Arthur R. and Elaine Fry on October 26, 1971. Arthur Fry was a general surgeon and opened his office in Morro Bay in 1970 (San Luis Obispo Telegram-Tribune, 1970). In 1972, Fry received approval to use part of the residence for an underwater maintenance survey operation (San Luis Obispo Telegram-Tribune, 1972).

In 1977, Reg Whibley, Edward Strasser and Arthur Fry founded Associated Divers, processor to APC, at 451 Embarcadero Road (San Luis Obispo County Telegram-Tribune, 1977). Reg Whibley majored in Industrial Arts at California State Polytechnic University (Cal Poly) in San Luis Obispo and became a teacher at Morro Bay High School. He was also a fisherman and was appointed to the first Morro Bay Harbor Advisory Committee in 1979 (San Luis Obispo County Telegram-Tribune, 1979; The Tribune, 2020). On February 18, 1983, Reg Whibley and Edward Strasser doing business as Associated Divers Construction purchased the lease. Strasser was a professor in the Industrial Technology Department at Cal Poly from 1960 to 1984 (Five Cities Times-Press-Recorder, 1985). On May 24, 2004, Reg Whibley purchased the lease back from the company, then known as APC.

471 Embarcadero Road. 471 Embarcadero Road is tidelands lease site 51/51W. The County leased the site to Robert and Mary Batteiger on January 23, 1961, and they built the duplex the same year. The Batteiger's fished commercially, and Robert was a carpenter. Their address in 1961 was 405 Embarcadero

(R. K. Polk and Company, 1961). Robert passed away in 1975 and on February 1, 1976, the lease was converted to a city lease under Mary Batteiger's name. Mary Batteiger sold the lease to APC on June 12, 1986. APC requested a permit to build a new work dock along the back sides of lease sites 50/50W, 51/51W, and 52/52W. A special condition of the permit was that they rebuild and reconstruct the revetements and seawall beneath the lease sites.

On June 17, 1991, APC

proposed exterior upgrades to the buildings at 451 and 471 Embarcadero Road, including horizontal wood siding to connect the buildings visually, with light blue walls and white wood trim, and conversion of the garage to a carport. The details of the project were revised several times and in 1993 a project was approved that converted both residential buildings into a motel complex. The single-family residence at 451 Embarcadero Road was the manager's unit and the duplex at 471 Embarcadero Road became two motel rooms. The pitch of the duplex's roof was raised eight inches, and the garage was not converted to a carport. The duplex was never painted the approved color scheme, however the City approved the vibrant colors after the fact.

3.0 METHODS

LHPS conducted several tasks to complete the HRE, including a pedestrian survey to photo document the property, archival research, and reviews of historic maps and aerial photography. LHPS then evaluated the significance of the residence within the historic context developed through background research. These methods are described in greater detail below.

3.1 Fieldwork

On April 2, 2024, Amber Long, Principal Architectural Historian, conducted a pedestrian survey of 451 and 471 Embarcadero Road and photo documented the buildings. Photo documentation was done using digital photography.

3.2 Archival Research

LHPS conducted archival research to develop the historic context of the property using tidelands lease information provided by the City Clerk through a Public Records Act request. Newspaper archives were searched using Newspapers.com. Ancestry.com was used to obtain demographic information regarding the lease holders. Local history books *Morro Bay: Then and Now* by Roger Castle and Gary Ream, and *Morro Bay's Yesterdays* by Dorothy Gates and Jane Bailey were consulted as well as websites focusing on the history of Morro Bay such as the Historical Society of Morro Bay and Old Morro Bay websites. In-house archives were also searched.

3.3 Maps and Aerial Photography Review

Historic U.S. Geological Survey topographic maps of Morro Bay were reviewed to discern the patterns of development and were accessed online. Historic aerial photography was also reviewed through the University of California, Santa Barbara's Aerial Photography archive, accessed online. Historic Sanborn fire insurance maps were reviewed through the Library of Congress.

3.4 Regulatory Setting

The buildings at 451 and 471 Embarcadero Road were evaluated for eligibility for listing on the CRHR. Per CEQA, a historical resource is one that is listed on or eligible for listing on the CRHR.

3.4.1 California Register of Historical Resources

The evaluation for listing on the CRHR uses the following criteria for determining historical significance (California Office of Historic Preservation, 2020):

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource must also, except in rare circumstances, be 50 years old or older. In addition, the resource must retain enough of its historic character to convey the reason for its significance, also known as integrity. The seven aspects of integrity must be addressed, which are defined as follows (National Park Service, 2002):

1. Location is the place where the historic property was constructed or the place where the historic event occurred;
2. Design is the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting is the physical environment of a historic property;
4. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
6. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time;
7. Association is the direct link between an important historic event or person and a historic property.

"Integrity is based on significance: why, where, and when a property is important" (National Park Service, 2002). Only after significance is fully established is the issue of integrity addressed. Ultimately, the question of integrity is answered by whether the property retains sufficient character-defining features to continue to convey its historical significance. It is important to note that structural integrity is not considered in the analysis of historical integrity.

4.0 PHYSICAL DESCRIPTION

The buildings at 451 and 471 Embarcadero Road are a combination of the American Vernacular and Modern architectural styles. They were built on tideland leases operated by the City. The east side of the sites are on land created by fill from dredging the harbor and stone quarried from Morro Rock before and during World War II. The west side of the sites are on piers that were later connected with decking, over the harbor.

4.1 Architectural Style – American Vernacular and Modern

The American Vernacular architectural style includes simple geometric forms, uncomplicated roofs, walls clad in one dominant material, and was popular beginning in 1930 through today (McAlester, 2020, pp. 753-755). The Modern architectural style, sometimes known as Contemporary, includes low-pitched gable roofs with wide overhanging eaves, windows in the gable or just below the roofline, use of natural materials, broad expanses of uninterrupted wall surface, and was popular from 1945 to 1990 (McAlester, 2020, p. 629).

4.2 451 Embarcadero Road

The building at 451 Embarcadero Road was used as a residence and then the manager's unit for the duplex at 471 Embarcadero Road. Three walls are clad in horizontal rows of wood shingles with a low-pitched gable roof and overhanging exposed eaves.

4.2.1 East Elevation

Due to the unique orientation of the site, the primary elevation of the building is the one seen from the public right of way, facing east on Embarcadero Road, and not the entry on the north elevation (Figure 4). The east elevation has two aluminum sliding windows with wood trim. The gable is filled with two panes of glass. Horizontal wood boards block the view of the foundation. A vertical board-and-batten style fence is on the left (south) side of the building.



Figure 4 East elevation, facing Embarcadero Road, view southwest.

4.2.2 South Elevation

The south elevation faces Tidelands Park and is partially hidden by the vertical board-and-batten fence (Figure 5). Two fixed, solid paned windows and one sliding vinyl window are visible on the harbor side, with wood planks and metal railing beneath them. One sliding vinyl window and a door opening fitted with an old submarine hatch style door are within the area surrounded by the fence (Figure 6). Within the fenced area is a small wood cabinet affixed to the wall and patio space with wood decking.



Figure 5 South elevation, view north.



Figure 6 Detail of south elevation, view northwest.

4.2.3 West Elevation

The west elevation faces the harbor and has three fixed floor-to-ceiling windows and one door with a full light window (Figure 7). The shallow gable has two fixed panes of glass and a carved wooden decoration at the ridge.



Figure 7 Southeast elevation, view west.

4.2.4 North Elevation

The north elevation was difficult to photograph due to the proximity of the neighboring building and the edge of the deck. Towards the harbor (west) is a large, fixed picture window, a vinyl sliding window and the front door with a half-moon shaped front step (Figure 8). A vertical wood gate separates the building from the neighboring building (Figure 9).



Figure 8 View of north and west elevations, view southeast.



Figure 9 North elevation with neighboring building, view southwest.

4.3 471 Embarcadero Road

The duplex at 471 Embarcadero Road was residential before being converted for motel use. There is a combination of siding including horizontal wood siding, vertical wood siding, and board-and-batten siding. The low-pitched roof has narrow, exposed eaves.

4.3.1 East Elevation

The east elevation faces Embarcadero Road and is clad in horizontal wood siding (Figure 10). Two Dutch style entry doors are recessed from the elevation and reached by a brick step and concrete landing. A small louvered window is on each wall perpendicular to the entry doors. Three glass blocks create a window to the left (south) of the entryway. There is a fixed picture window with a transom above, an asymmetric window with two sections that include wood shutters and a utility window, and a sliding window with a fixed transom above. A single-wide, roll up garage door is at the north end of the building.



Figure 10 East elevation, view northwest.

4.3.2 South Elevation

The south elevation has horizontal wood and board-and-batten siding. The window is louvered with a fixed sidelight.



Figure 11 South elevation, view northwest.

4.3.3 West Elevation

The west elevation faces the harbor and is clad in board-and-batten siding (Figure 12). There is a pair of fixed picture windows and an entry door with a fixed window on the top half. There is also a ribbon of five fixed picture windows. The fifth window has a transom with a sliding window and is around the

corner in an alcove with three doors (Figure 13). The door to the right leads to one motel unit. There is a sliding vinyl window past the alcove on the left (north) end.



Figure 12 West elevation, view east.



Figure 13 Detail view of alcove, view east.

4.3.4 North Elevation

The north elevation has horizontal wood siding and a storage unit with a shed roof and vertical wood paneling. There is an access door in the center of the storage unit made of wood paneling.



Figure 14 North elevation, view southeast.

5.0 EVALUATIONS

This chapter provides the analysis for the eligibility evaluations, that focus on the archival information provided in the historic context and property specific history up through 1974, the 50-year age limit for historic significance per CEQA.

5.1 Evaluation of 451 Embarcadero Road

The evaluation uses the CRHR criteria provided Section 3.4.1 to determine if 451 Embarcadero Road is eligible for listing in the CRHR, and therefore, considered a historical resource under CEQA.

5.1.1 Criterion 1

The precise date of construction of the single-family unit is unknown but archival research narrowed the date down to the 1960s. It was built on a tideland lease site and the system of tideland leases was hotly contested during the 1960s and development of the waterfront was slow. Residential uses were prohibited on the lease sites, but people lived on the sites regardless until the leases came under fire by the Pipkin lawsuit in 1961. The property is tied to the history of the harbor, the Embarcadero, and tideland leases by the virtue of its location. However, to be significant under Criterion 1, a property must be associated with an important event defined in the historic context (National Park Service 2002, 12). The simple association of the property to an important event or pattern of history is not enough. The association itself must be significant. The archival record revealed little information specific to this lease site through 1974. Whether the Jordan's lived onsite is uncertain, and the Fry's had another home in Morro Bay. Arthur Fry, Reg Whibley, and Edward Strasser founded Associated Divers, the predecessor to Associated Pacific Constructors on the property in 1977, less than 50 years ago. The property is not significantly associated with any events or patterns of history. Therefore, 451 Embarcadero Road is **not significant** under Criterion 1.

5.1.2 Criterion 2

The first lease owners, Lee Jordan and Kathryn Jordan owned the lease until 1971. Lee was a geologist, and records are unclear if the Jordan's lived on the property. Arthur and Elaine Fry purchased the lease in 1971. Arthur was a local surgeon and one of the founders of Associated Divers at 451 Embarcadero in 1977, the predecessor to Associated Pacific Constructors. Reg Whibley and Edward Strasser were his partners. Edward Strasser was an Industrial Technology professor at California State Polytechnic University. Reg Whibley was a fisherman and teacher at Morro Bay High School during the early 1970s. To be significant under Criterion 2, the building must be associated with the productive life of a person important to the past and be illustrative of their important achievements (National Park Service 2002, 14). Reg Whibley was involved in management of the harbor and became more prominent in the years after 1974. However, 451 Embarcadero Road was not illustrative of his productive life. Arthur Fry's productive life achievements were related to his career as a surgeon. Edward Strasser is associated with the property after 1974. Their productive lives associated with the property did not result in important achievements. Therefore, 451 Embarcadero Road is **not significant** under Criterion 2.

5.1.3 Criterion 3

The residence currently exhibits the American Vernacular and Modern architectural styles. Permit information from 1993 describes the plan for conversion of 451 and 471 Embarcadero Road into a motel, which involved changing all siding to horizontal wood siding. The current siding is horizontal wood

shingling; however, it cannot be confirmed if this is the original siding or was introduced later. To be significant under Criterion 3, a property must embody the distinctive characteristics of the type, period, or method of construction, represent the work of a master, possess high artistic value, or be a component of a historic district (National Park Service 2002, 17). The residence at 451 Embarcadero Road does not meet any of these requirements; therefore, is **not significant** under Criterion 3.

5.1.4 Criterion 4

This criterion is most relevant for archaeological sites, but it can be applied to built environment resources if further study has the potential to yield more information that cannot be obtained from other sources. Historical information about the American Vernacular and Modern architectural styles are prevalent, and further study of the building would not add any new information to the historic record. Therefore, the residence at 451 Embarcadero Road is not significant under Criterion 4 for built environment resources.

5.1.5 Integrity

The integrity of a resource is only assessed when a resource is determined to be significant under one of the criteria above. The residence at 451 Embarcadero Road is not significant under any of the CRHR criteria; therefore, integrity will not be addressed.

5.2 Evaluation of 471 Embarcadero Road

The evaluation uses the CRHR criteria provided Section 3.4.1 to determine if 471 Embarcadero Road is eligible for listing in the CRHR, and therefore, considered a historical resource under CEQA.

5.2.1 Criterion 1

The duplex was built on a tidelands lease site in 1961. The system of tideland leases was hotly contested during the 1960s and development of the waterfront was slow. Residential uses were prohibited on the lease sites, but people lived on the sites regardless until the leases came under fire by the Pipkin lawsuit in 1961. The property is tied to the history of the harbor, the Embarcadero, and tideland leases by the virtue of its location. However, to be significant under Criterion 1, a property must be associated with an important event defined in the historic context (National Park Service 2002, 12). The simple association of the property to an important event or pattern of history is not enough. The association itself must be significant. The archival record revealed little information specific to this lease site through 1974. The lease was sold to Associated Pacific Constructors in 1986, less than 50 years ago. The property is not significantly associated with any events or patterns of history. Therefore, 471 Embarcadero Road is **not significant** under Criterion 1.

5.2.2 Criterion 2

The duplex was built by Robert and Mary Batteiger in 1961. The Batteiger's fished commercially, and Robert was a carpenter. Their address in 1961 was listed 405 Embarcadero, so it cannot be confirmed whether they lived in the duplex (R. K. Polk and Company, 1961). Robert passed away in 1975 and the lease was converted to Mary's name in 1976. Mary sold the lease to Associated Pacific Constructors in 1986 and the archival record did not reveal any further information about the Batteiger's productive lives. To be significant under Criterion 2, the building must be associated with the productive life of a person important to the past and be illustrative of their important achievements (National Park Service 2002, 14). Therefore, 471 Embarcadero Road is **not significant** under Criterion 2.

5.2.3 Criterion 3

The duplex currently exhibits the American Vernacular and Modern architectural styles. Permit information from 1993 describes the plan for conversion of 451 and 471 Embarcadero Road into a motel, which involved changing all siding to horizontal wood siding. The current siding is horizontal wood siding on the north, east, and part of the south elevations. The remaining siding is the earlier board-and-batten. The 1993 permit also included raising the pitch of the building by 8 inches. To be significant under Criterion 3, a property must embody the distinctive characteristics of the type, period, or method of construction, represent the work of a master, possess high artistic value, or be a component of a historic district (National Park Service 2002, 17). The duplex at 471 Embarcadero Road does not meet any of these requirements; therefore, is **not significant** under Criterion 3.

5.2.4 Criterion 4

This criterion is most relevant for archaeological sites, but it can be applied to built environment resources if further study has the potential to yield more information that cannot be obtained from other sources. Historical information about the American Vernacular and Modern architectural styles are prevalent, and further study of the building would not add any new information to the historic record. Therefore, the duplex at 471 Embarcadero Road is not significant under Criterion 4 for built environment resources.

5.2.5 Integrity

The integrity of a resource is only assessed when a resource is determined to be significant under one of the criteria above. The duplex at 471 Embarcadero Road is not significant under any of the CRHR criteria; therefore, integrity will not be addressed.

6.0 FINDINGS

The following conclusions and recommendations constitute the findings of the investigation.

6.1 Conclusions

The buildings at 451 and 471 Embarcadero Road currently exhibit the American Vernacular and Modern architectural styles, however, planning documents detail a remodel from 1993 that changed exterior siding and the pitch of the roof at 471 Embarcadero Road. The history of the properties is vague, indicating their lack of association to significant events, trends in history, or important individuals. Reg Whibley became an important person in the community after 1974 and neither property is illustrative of any potentially significant associations with Whibley. The buildings are not significant under any of the CRHR eligibility criteria; therefore, they are **not recommended eligible** for listing on the CRHR and are not historical resources for the purposes of CEQA.

6.2 Recommendations

No further built environment investigations are recommended for either site. Any proposed projects that include substantial remodel or demolition of the buildings will not be considered a significant impact under CEQA.

7.0 REFERENCES CITED

- Angel, M. (1883). *History of San Luis Obispo County California*. Oakland, California: Thompson and West.
- Bailey, J., & McGuire, S. (2017). *Timeline*. Retrieved May 2024, from Historical Society of Morro Bay: <https://historicalmorrobay.org/a-timeline/>
- California Office of Historic Preservation. (2020). California Register of Historical Resources. Retrieved September 5, 2023, from https://ohp.parks.ca.gov/?page_id=21238
- Five Cities Times-Press-Recorder. (1985, February 13). Arroyo Man is Among Emeritus Faculty Group. Arroyo Grande, California.
- Gates, D., & Bailey, J. (1982). *Morro Bay's Yesterdays*. Morro Bay, California: El Morro Publications.
- Grover City Press. (1961, September 14). Arroyo Grande, California.
- Hammond, J. W. (2010). *Cultural Landscape Report fo Morro Bay State Park Campground*. State of California, Department of Parks and Recreation. Olmsted Center for Landscape Preservation, National Park Service. Retrieved August 31, 2023, from https://www.google.com/books/edition/Cultural_Landscape_Report_for_Morro_Bay/okr9YUGmP30C?hl=en&gbpv=1&dq=Cultural%20Landscape%20Report%20for%20Morro%20Bay&pg=PR3&printsec=frontcover
- Historic Resources Group. (2013). *City of San Luis Obispo: Citywide Historic Context Statement*. Pasadena: Historic Resources Group.
- Hoover, M. B., Rensch, H. E., Rensch, E. G., & Abeloe, W. N. (1990). *Historic Spots in California* (4th ed.). Stanford, California: Stanford University Press.
- McAlester, V. S. (2020). *A Field Guide to American Houses*. New York: Alfred A. Knopf.
- National Park Service. (2002). *How to Apply the National Register Criteria for Evaluation*. Department of the Interior, National Park Service, Washington D.C.
- R. K. Polk and Company. (1961). *Polk's San Luis Obispo - Paso Robles City Directory*. Los Angeles: R. K. Polk and Company.
- R. K. Polk and Company. (1969). *Polk's Santa Barbara City Directory*. Monterey Park: R. K. Polk and Company.
- Robinson, W. W. (1957). *The Story of San Luis Obispo*. Los Angeles, California: Title Insurance and Trust Company.
- San Luis Obispo County Telegram-Tribune. (1977, July 5). File No. 77701 Fictitious Business Name Statement. San Luis Obispo, California.
- San Luis Obispo County Telegram-Tribune. (1979, June 25). MB Harbor Committee Appointed. San Luis Obispo, California.

San Luis Obispo Telegram-Tribune. (1959, January 23). Morro Bay. San Luis Obispo, California.

San Luis Obispo Telegram-Tribune. (1970, May 15). San Luis Obispo, California.

San Luis Obispo Telegram-Tribune. (1972, November 28). San Luis Obispo, California.

Silloway, G. (2021, March). *The Struggle to Build a Harbor*. Retrieved May 2024, from Historical Society of Morro Bay: <https://historicalmorrobay.org/hidden-history/to-build-a-harbor-in-morro-bay/>

Silloway, G. (2022, May). *Who Owns the Embarcadero? The Story of the Tidelands Grant in Morro Bay*. Retrieved May 2024, from Historical Society of Morro Bay: <https://historicalmorrobay.org/who-owns-the-embarcadero/>

The Tribune. (2020, August 19). Reggie Whibley. San Luis Obispo, California.

October 2, 2024

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

Subject: Description of eelgrass at the proposed Associated Pacific Constructors Bayside Landing and Suites Project; TENERA document ESLO2024-28.1

Dear Mr. Gillen:

This letter is in response to your request for information on the occurrence of eelgrass at the site of your Associated Pacific Constructors Bayside Landing and Suites Project. It can be used for the City of Morro Bay to continue its permitting process for this project. There is existing information to draw from.

Maps of eelgrass in Morro Bay created from aerial surveys by the Morro Bay National Estuary Program (MBNEP) show how much eelgrass has changed in abundance and distribution over time in the bay; the maps appear in Figure 3 of the 2022 MBNEP Morro Bay Eelgrass Report. I copied-pasted the figure into this letter and added labeling to direct the reader to the project site (**Attachment 1**). The maps show a very narrow but relatively persistent band of eelgrass extending north from Tidelands Park to the south end of your project area.

I also found eelgrass inside the north end of the project area in 2019 for pile repair work at your wharf, and I traced what appears to be eelgrass in the project area revealed in a Google Earth image (**Attachment 2**). I also visited your project site on Saturday September 28, 2024 during the lowest tide that day. This was to look for eelgrass from the sea surface and take photographs. However, the tide level was not low enough to see the bottom clearly and if any eelgrass was attached to the seabed; the water was very turbid, there was sun glare reflection off the water, and mats of drift eelgrass floating on the water blocked seeing into the water in most places. However, some attached eelgrass was partially visible proximate to your floating dock at the south end of your project (**Attachment 3**), and you mentioned that there has always been some eelgrass in that area from what you can recall. You also said to me that eelgrass is still present at the north end of the project area, as what I observed in my 2019 survey.

It is also possible that eelgrass that is constantly submerged (subtidal eelgrass) has never occurred underneath where three dock fingers and a kayak platform are planned to be installed. Eelgrass was not detected in that area in an MBNEP sidescan survey done to search for subtidal eelgrass (**Attachment 4**). One reason is that it might be too deep with limited light for eelgrass to occur in that area.

This letter description of eelgrass in your project area is not to serve as the authorized/formal pre-construction baseline survey completed in accordance with California Eelgrass Mitigation Policy (CEMP) protocols.¹ It is much too early before construction, as eelgrass may further change by the time your project becomes permitted and when construction is to start. The pre-construction eelgrass survey for this project and completed in accordance with CEMP protocols will include maps of eelgrass, descriptions of patch and bed sizes and configurations, locations, coverage metrics, and stem (turion) densities. The survey will also need to be completed within 60 days before the start of construction, but a period other than 60 days can be evaluated and allowed on a case-by-case basis.

The U.S. Army Corps of Engineers permit for this project will likely include a special condition requirement being a pre-construction eelgrass survey needs to be completed in accordance with CEMP protocols. It might be a special condition requirement regardless of having prior information. Please call if you have any questions.

Sincerely,



Project Scientist/Manager, Tenera Environmental
Mobile: (805) 550-1449
Email: skimura@tenera.com

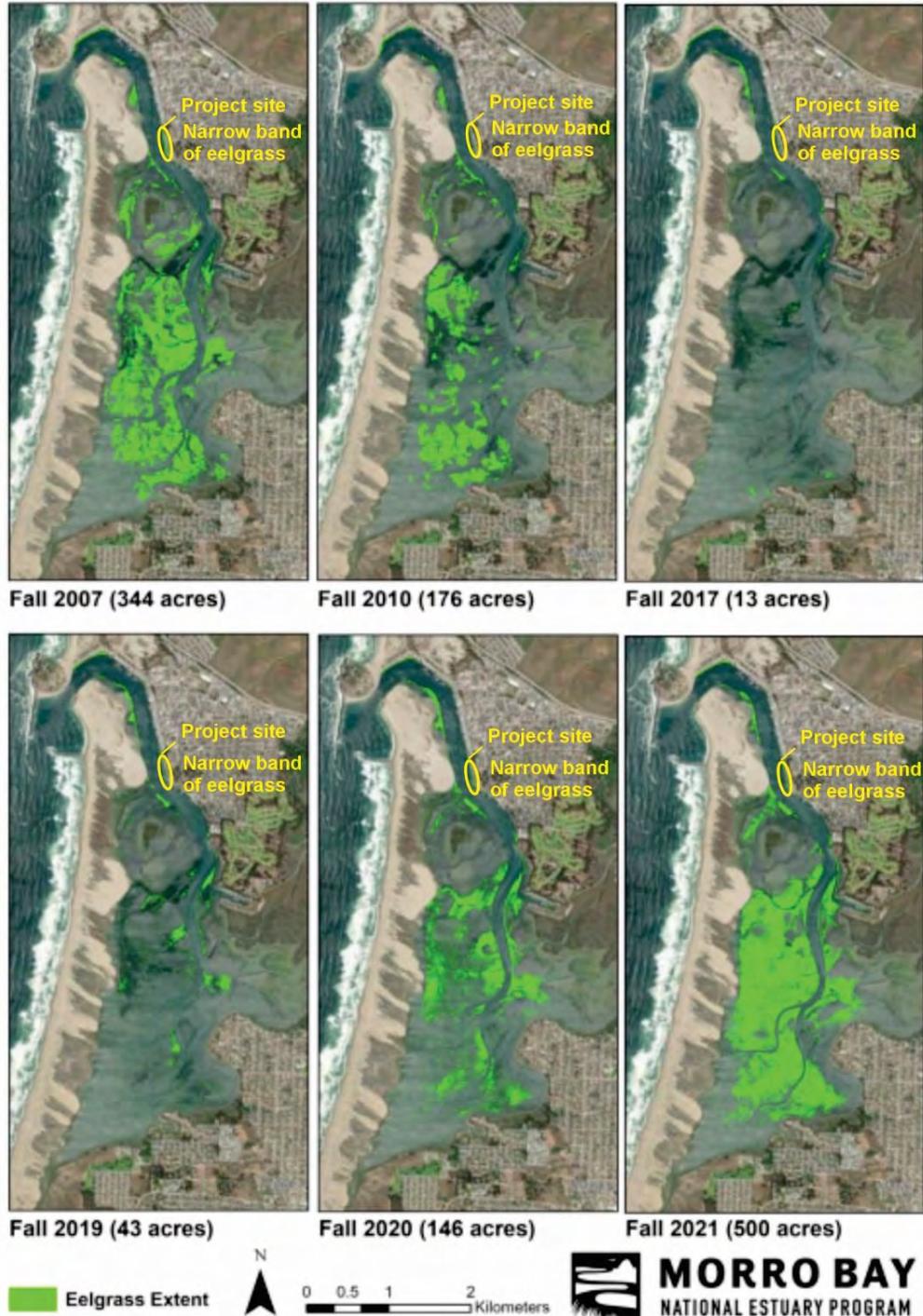
cc: Gery Cox, Tenera Environmental

Attachments: 1) Eelgrass in Morro Bay from Morro Bay National Estuary Program surveys
2) Eelgrass known and suspected at the north and south ends of the project area
3) Eelgrass seen on September 28, 2024 from the surface at the south end of the project
4) Subtidal sdescan survey for eelgrass

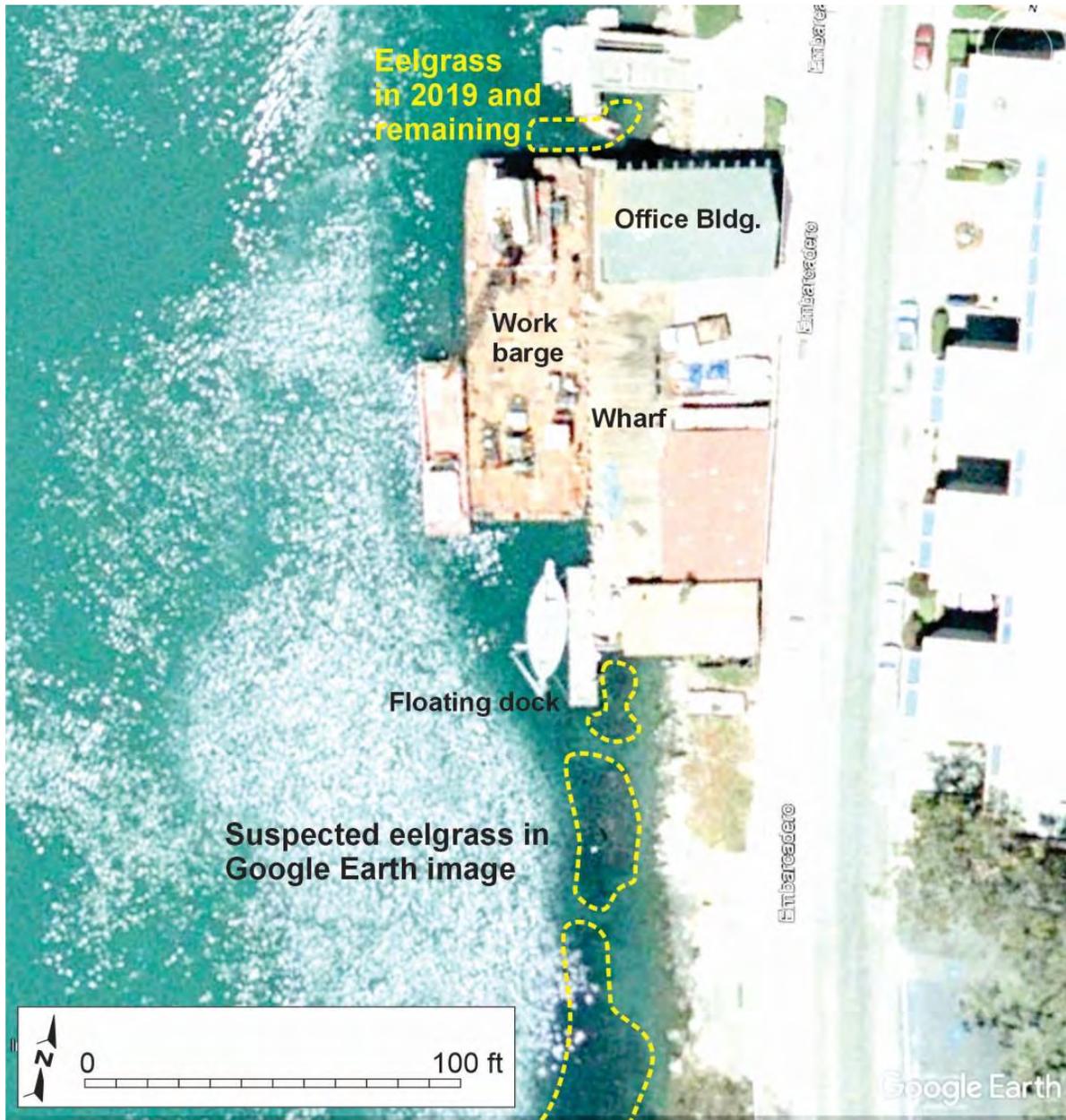
¹ https://media.fisheries.noaa.gov/dam-migration/cemp_oct_2014_final.pdf

Eelgrass in Morro Bay from Morro Bay National Estuary Program Surveys Showing Eelgrass South of Project Site

Source: Figure 3, 2022 Morro Bay Eelgrass Report, November 2023
https://library.mbnep.org/wp-content/uploads/2023/11/2022-Eelgrass-Report_FINAL.pdf



Eelgrass North and South Ends of the Project Area



- Eelgrass found on August 13, 2019 in a survey for pile repair work: Tenera Document ESLO 2019-22.
- Google Earth image (2017) with eelgrass hand traced. Image resolution was much less in other years.

**Eelgrass Seen from the Surface on September 28, 2024
at the South End of the Project**



Subtidal Sidescan Survey for Eelgrass on April 2017

No eelgrass was detected offshore of the project site

Source: Figure 2, 2017 Morro Bay Eelgrass Report, October 2018
<https://www.mbnep.org/wp-content/uploads/2018/10/2017-Eelgrass-Report-Final.pdf>

