CITY OF MORRO BAY
CITY COUNCIL
AGENDA

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

Regular Meeting – Tuesday, March 10, 2020
Veterans Memorial Hall - 5:30 P.M.
209 Surf St., Morro Bay, CA

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
RECOGNITION
CLOSED SESSION REPORT
MAYOR & COUNCILMEMBERS' REPORTS, ANNOUNCEMENTS & PRESENTATIONS
CITY MANAGER REPORTS, ANNOUNCEMENTS AND PRESENTATIONS
PRESENTATIONS-NONE

PUBLIC COMMENT PERIOD
Members of the audience wishing to address the Council 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 Council at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the City respectfully requests the following guidelines and expectations be followed:

- Those desiring to speak are asked to complete a speaker slip, which are located at the entrance, and submit it to the City Clerk. However, speaker slips are not required to provide public comment.
- When recognized by the Mayor, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Mayor, comments are to be limited to three minutes.
- All remarks should be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.
- The Council in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

A. CONSENT AGENDA

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion. The public will also be provided an opportunity to comment on consent agenda items.

A-1 APPROVAL OF MINUTES FOR THE FEBRUARY 25, 2020, CITY COUNCIL SPECIAL CLOSED MEETING; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

B. PUBLIC HEARINGS

B-1 ADOPTION OF RESOLUTION NO. 21-20 ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING COASTAL DEVELOPMENT PERMIT #CDP19-039 AND CONCEPT/PRECISE PLAN CONDITIONAL USE PERMIT NO. CUP19-13 FOR A PROPOSED NEW 83-GUESTROOM 56,538SF HOTEL AT 295 ATASCADERO ROAD IN THE C-VS/PD ZONE. THIS PROJECT IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION.; (COMMUNITY DEVELOPMENT)

RECOMMENDATION: Staff recommends the Council adopt Resolution No. 21-20, making the necessary findings for adoption of the Mitigated Negative Declaration and approval of Coastal Development Permit (CDP) No. CDP19-039 and Conditional Use Permit (CUP) No. 19-13 as Concept/Precise Plan approval, located at 295 Atascadero.

C. BUSINESS ITEMS

C-1 REVIEW PROGRESS UPDATE AND CONCEPT PLANS FROM CENTRAL COAST AQUARIUM FOR POTENTIAL FUTURE MORRO BAY AQUARIUM; (CITY MANAGER)

RECOMMENDATION: Staff recommend the City Council to: 1)Receive and file the combined Milestone #3 and #4 update from Central Coast Aquarium (CCA); and 2) Accept the Aquarium Concept Plans from Tenji and RRM; and 3) Direct City staff to return, by the second Council meeting in September, 2020, with a Consent of Landowner agreement for the Aquarium project.

C-2 DISCUSS LOCAL FIREARM SAFETY AND REGULATION; PROVIDE DIRECTION TO STAFF; (CITY ATTORNEY)

RECOMMENDATION: Staff recommends Council discuss local firearm safety and regulation, and then Council provide direction to Staff as appropriate. As discussed in detail in this report, areas of possible direction to staff include:

1. **Safety Regulations**
    a. **Safe storage laws**
    b. **Firearm owner's liability insurance**
    c. **Firearms and public property**
    d. **Firearms Businesses**
        i. **Local Firearm Dealer Permit**
        ii. **Videotaping of firearm sales**
        iii. **Regular inventory reports**
        iv. **No residential sales**
2. **Advocacy at Federal and State Levels**
3. **Gun Violence Restraining Orders ("Red Flag Laws") – local education campaign**
4. **Market Leveraging of City Firearms Purchases**

C-3 AMENDMENT TO THE FISCAL YEAR 2019/20 SALARY SCHEDULE ADDING THE CITY ENGINEER CLASSIFICATION AND APPROVING SALARY RANGE, APPROVAL OF REVISED CITY ENGINEER JOB DESCRIPTION, AND APPROVAL OF CITY ENGINEER EMPLOYMENT AGREEMENT; (CITY MANAGER)

RECOMMENDATION: Staff recommends the City Council: 1) Adopt Resolution No. 22-20 approving the proposed modification to the Fiscal Year (FY) 2019/20 salary schedule by adding the City Engineer classification to the schedule and approving salary range for this position; and 2) Approve modified job description for City Engineer; and 3) Approve the City Engineer employment agreement with Rob Livick appointing Mr. Livick as the City Engineer (minimum 6 month period) and Authorize the City Manager to execute the agreement.

D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

The next Regular Meeting will be held on **Tuesday, March 24, 2020 at 5:30 p.m.** at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

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 CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 805-772-6205 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY, CALIFORNIA DURING NORMAL BUSINESS HOURS.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.

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MINUTES - MORRO BAY CITY COUNCIL
SPECIAL CLOSED SESSION MEETING –
FEBRUARY 25, 2020 – 7:30 P.M.
CITY HALL CONFERENCE ROOM.

AGENDA NO: A-1

MEETING DATE: March 10, 2020

PRESENT:	John Headding	Mayor
	Dawn Addis	Council Member
	Robert Davis	Council Member
	Jeff Heller	Council Member
	Marlys McPherson	Council Member
STAFF:	Scott Collins	City Manager
	Rob Livick	Public Works Director
	Chris Neumeyer	City Attorney

ESTABLISH QUORUM AND CALL TO ORDER
Mayor Headding called the meeting to order at 7:57 p.m. with all members present.

SUMMARY OF CLOSED SESSION ITEMS – The Mayor read a summary of Closed Session items.

CLOSED SESSION PUBLIC COMMENT – Mayor Headding opened public comment for items on the agenda; seeing none, the public comment period was closed.

The City Council moved to Closed Session and heard the following items:

CS-1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – GOVERNMENT CODE SECTION 54956.8

Property:	Assessor Parcel No. 066-331-046
Property Negotiators:	Vistra Energy
Agency Negotiators:	Scott Collins, City Manager; Rob Livick, Public Works Director; Eric Casares, WRF Program Manager and Chris Neumeyer, City Attorney
Under Negotiation:	Price and Terms of Payment – Easement Acquisition

RECONVENE IN OPEN SESSION – The City Council reconvened in Open Session. The Council did not take any reportable action in accordance with the Brown Act.

ADJOURNMENT - The meeting adjourned at 8:17 p.m.

Recorded by:

Dana Swanson
City Clerk

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AGENDA NO:	**B-1**
MEETING DATE:	**March 10, 2020**

Staff Report

TO: **Honorable Mayor and City Council** **DATE: February 26, 2020**

FROM: **Cindy Jacinth, Senior Planner**

SUBJECT: **Adoption of Resolution No. 21-20 adopting the Mitigated Negative Declaration and approving Coastal Development Permit #CDP19-039 and Concept/Precise Plan Conditional Use Permit No. CUP19-13 for a proposed new 83-guestroom 56,538sf hotel at 295 Atascadero Road in the C-VS/PD zone. This project is located in the Coastal Commission Appeals Jurisdiction.**

RECOMMENDATION

Staff recommends the Council adopt Resolution No. 21-20, making the necessary findings for adoption of the Mitigated Negative Declaration and approval of Coastal Development Permit (CDP) No. CDP19-039 and Conditional Use Permit (CUP) No. 19-13 as Concept/Precise Plan approval, located at 295 Atascadero.

ALTERNATIVES

Alternative 1. The City Council could move to modify or delete conditions of approval from the Planning Commission's favorable recommendation.

Alternative 2. The City Council could move to deny the CDP/CUP and request and direct staff to return to Council with a resolution memorializing that denial.

FISCAL IMPACT: The project is comprised of an 83-unit hotel which would be the second largest hotel in the City. New transient occupancy taxes would provide a positive impact to City tax revenue.

BACKGROUND

Escape Hospitality, LLC (Applicant) is seeking Coastal Development Permit and Conditional Use Permit approval for construction of a new 56,358-square foot 83-guestroom hotel with indoor pool, fitness room, meeting room, interior dining and lounge areas, and on-site parking, including 92 vehicle spaces and 19 bicycle parking spaces on a vacant 2-acre lot. The hotel is proposed at 3 stories in height or 35.41 feet above average natural grade and requires a modification under the Planned Development (PD) Overlay (MBMC 17.40.030) to the 30-foot height limitation noted in the C-VS base zone district. The project also requires modification under the PD Overlay to the parking lot landscape design standards. The project is in the Commercial Visitor-Serving (C-VS/PD) zoning district and is in the Coastal Commission Appeals Jurisdiction. The proposed project was reviewed by the Planning Commission (PC) on February 4, 2020, pursuant to Morro Bay Municipal Code (MBMC) section 17.40.030 (Planned Development overlay), which requires Concept/Precise plan approval for projects on private property greater than an acre. The PC reviewed the project and voted 5-0 to forward a

Prepared By: ___CJ____	**Dept Review: ___SG__**
City Manager Review: _____	**City Attorney Review: _JWP___**

favorable recommendation with recommended conditions to the City Council as discussed below (PC Resolution 03-20, Attachment 2). The PC staff report, which discusses the project in greater detail, is provided below as an online link on the last page of this staff report.

DISCUSSION

At its February 4, 2020, meeting, the PC added seven recommended conditions of approval (Attachment 2, PC conditions 13-19). Those conditions centered around the following issues: landscaping screening, height, visual analysis, aesthetics, electric vehicle charging, and bus parking. The PC added conditions are provided below:

13. Project landscaping shall be evaluated by a third-party arborist or landscape architect to ensure viability of both the proposed trees and to assess potential impacts to the existing off-site Monterey Cypress. Evaluation shall include review of permeable paver installation specification proposed within the dripline of the Monterey Cypress for possible negative impacts to tree roots and the overall health of the trees. Landscape architect shall be chosen by City staff with report submitted to the City for review and acceptance prior to issuance of a building permit. Applicant shall pay for the cost of the peer review. City staff shall prepare a summary report for presentation to Planning Commission.

14. Revise landscaping plan to provide Monterey cypress trees within the finger planter areas within the parking lot on the east side of the property. If necessary, this can be accomplished by consolidating the parking planter areas to provide more tree planting area.

15. Applicant shall work with the School District by making an offer to provide up to 4 Monterey cypress trees at a maximum size of 24-inch box to be used as interplanting among existing row of Monterey cypress trees along the west property boundary. The peer reviewing landscape architect or arborist shall evaluate the efficacy of this concept, in light of the desire to maintain the Monterey cypress rows along the western property line. The Director, subject to concurrence by the peer reviewer, can approve a smaller tree size if it is determined that planting of smaller trees would be more appropriate to achieve the desired result.

16. The applicant shall revise the plans to remove the roof mounted mechanical equipment and to place the equipment within a mechanical well along the south elevation. To make room for the mechanical well, plans shall be revised to remove the shed roof on south elevation. The applicant shall also reduce the height of the parapet surrounding the roof, to the greatest extent feasible, while still providing screening for the roof mounted solar panels as viewed from Highway 1. The applicant shall provide revised drawings depicting both the revised south elevation and the lowered parapet prior to the project moving forward for Council review.

17. The applicant shall revise the plans to carry the corten steel around the upper portion of the rear (north) elevation. Revised elevation drawings to be submitted to the Planning Division for review by the City Council.

18. Revise plans to provide conduit and appropriately rated circuits to accommodate two additional level 3 electric vehicle charging stations on site. Conduit and circuits shall be shown on the plans submitted for building permit review.

19. Provide an exhibit to the Planning Division for inclusion in the City Council staff that shows how the parallel parking spaces located along the west property line can accommodate

a parked tour bus.

A response letter dated February 19, 2020, by the Applicant's representative, Cathy Novak Consulting was received (Attachment 3), along with revised plans (Attachment 5). The letter requests the Council either modify recommended PC conditions or delete them. The requested changes are noted below with a staff response following:

PC recommended conditions

13. *Project landscaping shall be evaluated by a third-party arborist or landscape architect to ensure viability of both the proposed trees and to assess potential impacts to the existing off-site Monterey Cypress. Evaluation shall include review of permeable paver installation specification proposed within the dripline of the Monterey Cypress for possible negative impacts to tree roots and the overall health of the trees...*

    Applicant response
    The Applicant's letter requests a modification of the PC condition. The Applicant's position is requiring an additional review by a 3rd party person, such as a landscape architect, is not reasonable and will not change the outcome. The Applicant also identifies the reason for the condition stems from a disagreement between the project landscape architect and a landscape architect consulted by the Chair of the PC. The Applicant also states the proposed landscaping meets the City's Master Tree List and State WELO (drought-tolerant) requirements. The Applicant is supportive of the second half of the condition for hiring an arborist to evaluate potential impacts associated with required excavation in the area of the pavers along the western side.

    Staff response
    Staff does not support the Applicant's request for modification to this condition. The fact the proposed trees are consistent with the City's Street Tree list has nothing to do with why the condition was placed on the project. The PC condition allows for review by either a landscape architect or arborist. Given the project's request for a height modification, and the MND discussion/mitigation on the visual resources of the area, the PC took great care to ensure the visual resources of the area would be protected. Much of the PC favorable position regarding the height modification stemmed from the fact the existing windrow of cypress trees already blocked most of the view through the site to both of Morro Rock and the ocean. The PC also indicated view impacts were reduced because of the site's location below the elevation of Highway 1. This is consistent with LCP policies 12.01 and 12.02, which require permitted development to be sited and designed to protect views to and along the ocean and scenic areas shall be visually compatible with surrounding areas. Therefore, the 3rd party review is necessary to ensure the health of the adjacent cypress trees is maintained, the proposed planting plan along the east property line achieves the desired screening upon maturity and the landscaping performs as described in the MND (Attachment 4).

14. *Revise landscaping plan to provide Monterey cypress trees within the finger planter areas within the parking lot on the east side of the property. If necessary, this can be accomplished by consolidating the parking planter areas to provide more tree planting area.*

    Applicant response
    The Applicant's letter states it is not appropriate for the Monterey Cypress trees on the east

side of the property to be included in the plan. The Applicant indicates, based on review by the project Landscape Architect, the trunk diameter of the cypress trees is too large at maturity and will overwhelm the 4-foot-wide parking planters. Even with consolidation of the planters, there may not be sufficient room to contain the large tree trunks without property or tree damage. The Applicant also indicates the project architect's position is the addition of cypress trees on east side should not be considered because mature trees provide no screening value due to crown height and openness of form and the reduction in the number of smaller canopy screen trees will compromise the effectiveness of the proposed tree screen, which requires 50% screening be achieved within 10 years.

Staff response

The Applicant's entire response to this condition is predicated on the opinion of the project landscape architect; however the applicant did not provide an actual written opinion from the project landscape architect in support of the objection. PC discussed increasing the screening of the hotel from the Highway, even if it were to cause a loss in parking because of the importance of aesthetics. The recommended condition allows for the reduction of parking planter area or consolidation of parking in order to increase screening. An increase in screening is consistent with Mitigation Measure VR-1 and would also assist with reducing the perceived large mass and rectilinear character of the hotel building. Monterey cypress trees are narrow and pyramid-shaped when young and spread with age as they grow taller which will provide screening value much like the cypress trees on the west side of the lot. Also, there are mature cypress planted all along the Highway 1 off ramp that runs adjacent to the property; and it would appear similar sized trees would provide adequate screening of the hotel given the property site sits below the level of the Highway. Staff is recommending that the condition remain as is. Given Planning Condition 13, the cypress tree concept will be reviewed and commented on by the City's peer review arborist or landscape architect, including any damage that may occur due to the growth of the new cypress trees..

15. *Work with the School District by making an offer to provide up to 4 Monterey cypress trees at a maximum size of 24-inch box to be used as interplanting among existing row of Monterey cypress trees along the west property boundary. The peer reviewing landscape architect or arborist shall evaluate the efficacy of this concept, in light of the desire to maintain the Monterey cypress rows along the western property line…*

Applicant response

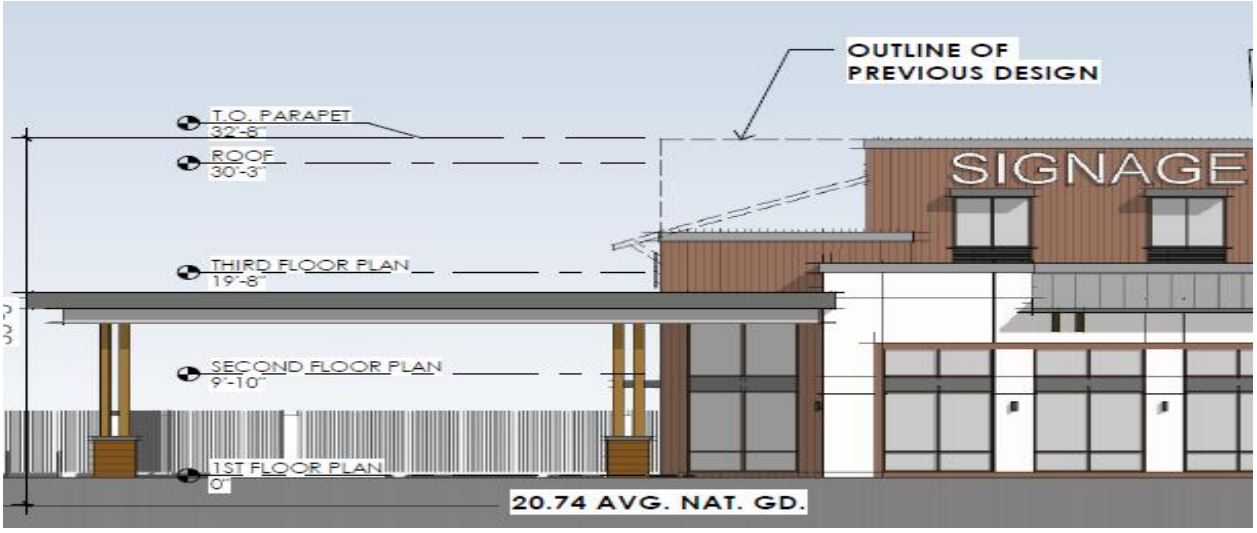
The Applicant's letter provides a detailed response to this item. Overall, they are supportive of offering to purchase up to 4 cypress trees, but at a cost not to exceed $500 per tree. However, they state consideration of interplanting trees should be left to Morro Bay High School (MBHS) and not the Applicant. They state new trees should be planted on School District property in order to avoid property-owner disputes. They object to the Applicant being required to pay for a 3rd party landscape architect or arborist to evaluate the efficacy of any tree planting plans on the MBHS property. They state landscape management should be the responsibility of MBHS and request the condition be modified to state they would only offer to purchase 4 trees and the Director is authorized to approve a School District request for smaller trees.

Staff response

Once again the Applicant asserts a position by the project Landscape Architect that is not supported by a written and stamped letter from the Landscape Architect. The PC discussion

included detailed consideration of the request for a height modification. They acknowledged the property has unique constraints, including its location in a flood plain, the fact it sits below the elevation of Highway 1, and the windrow of mature Monterey cypress trees west of the proposed building, which block the majority of views through the site. Morro Rock is designated as a significant scenic resource, and Highway 1 is a designated scenic highway. In considering the height exception, the property location and existing condition, as well as the visual analysis presented in the MND, the PC was in agreement to allow a height modification. However, the PC noted, the reason the extra height was acceptable is because of the existing windrow of trees. If the windrow of trees were not present, then the PC indicated the height exception would not likely be appropriate. The School District property is required through its own previous planning permit approvals to maintain the cypress trees. Since it is off property, the condition is simply to assist in offering to maintain the trees. A 3rd party arborist or landscape arborist would provide a neutral opinion on the efficacy of maintaining the windrow in addition to their review of the other components of the landscape plan. Lastly, the condition only requires the Applicant to work with the School District regarding these trees. If the School District decides not to have the trees placed on its property, then as long as the Applicant worked with the School District before that decision were to be made, then the condition would have been met.

16. *Revise plans to remove the roof mounted mechanical equipment and to place the equipment within a mechanical well along the south elevation. To make room for the mechanical well, plans shall be revised to remove the shed roof on south elevation. The applicant shall also reduce the height of the parapet surrounding the roof, to the greatest extent feasible, while still providing screening for the roof mounted solar panels as viewed from Highway 1. The applicant shall provide revised drawings depicting both the revised south elevation and the lowered parapet prior to the project moving forward for Council review.*



Applicant Response

The Applicant's letter notes the plans have been revised with the roof-mounted mechanical equipment relocated to the lower roof on the south elevation. The shed roof design was also removed, and a parapet is proposed to screen the equipment from view (south elevation), as

Original Design seen at 2-4-2020 PC meeting:

MORRO BAY HOTEL

Revised Design with Shed Roof Removed at Southern End:

MORRO BAY HOTEL

shown on revised Sheet A-5 and A-7 (see image below). The Applicant's letter also notes the Architect reviewed the PC recommendation to reduce the parapet height. The parapet height is already low in order to minimize the proposed height and notes the applicant needs flexibility with the design in order for structural engineering design and needs for roof slope and room for additional screening.

Staff Response
The revised design as recommended by the PC addresses the request for height modification by ensuring height is kept to a minimum by removing roof mounted mechanical equipment. The redesign of the shed roof also further minimizes view blockages at the southern end of the building. Based on the PC condition, staff would work with the Applicant to reduce the height of the upper roof parapet at time of building permit submittal, as that is when engineering for the roof will be complete.

17. *Revise plans to carry the Corten steel around the upper portion of the rear (north) elevation. Revised elevation drawings to be submitted to the Planning Division for review by the City Council.*

Applicant Response
Revised plans (Exhibit E) now show the Corten vertical siding at the north elevation on plan sheet A-8.

Staff Response
Noted

18. *Revise plans to provide conduit and appropriately rated circuits to accommodate two additional level 3 electric vehicle charging stations on site. Conduit and circuits shall be shown on the plans submitted for building permit review.*

Applicant Response
The Applicant's letter requests this condition be modified. The letter gives a detailed response stating the requirements for electrical voltage for level 3 chargers would be exponentially more than the level 2 chargers, which would require a transformer to step up the voltage to service the level 3 chargers where the level 2 chargers are at a lower voltage input. This would also require a substantial increase in total kilovolt-amps needed to supply enough power to the entire project and, thus, would double the amount of load needed to supply the charging station. The letter states that would be close to capacity for the total load for the project. The Applicant response concluded by stating it is technically difficult to do as well as a significant financial investment.

Staff Response
The Applicant's proposal offered up 7 level 2 chargers and 2 level 3 chargers (Level 3 also known as DC fast chargers). Current zoning code requirements do not require electrical vehicle charging stations. Because the project was seeking exceptions under the Planned Development overlay, the publicly available EV charging along with a suite of other public benefits is offered for the City to make a finding of greater than normal public benefit on the project. The PC noted, with the rapid change in technological advancements, it would be a benefit to provide the additional level 3 chargers in the future. Providing the conduit and circuits at installation do not require the Level 3 chargers to be installed now, but only provides

the infrastructure to make it more economical to upgrade in the future. Although the Applicant cites the difference in voltage requirements between Level 2 and Level 3, that voltage will be already required for the two level 3 chargers being provided. No supplemental report from an electrical engineer with a cost estimate for installing extra conduit and circuits was provided. Staff recommends the condition remain as is.

19. *Provide an exhibit that shows how the parallel parking spaces located along the west property line can accommodate a parked tour bus.*

Applicant Response
Plans have been revised with a dashed line shown to accommodate 3 tour buses on the west side of the parking lot as shown on Sheet A-3.

Staff Response
Noted.

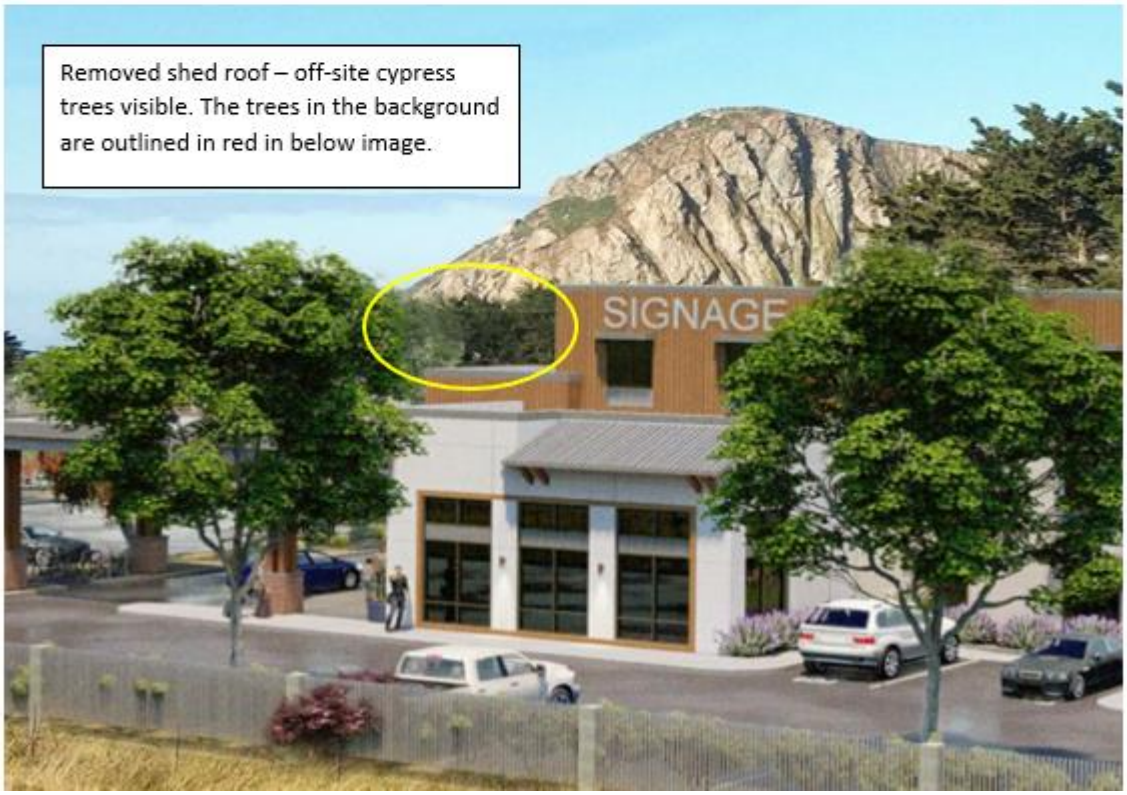
ENVIRONMENTAL
The Mitigated Negative Declaration was presented to the PC for review, which is incorporated into their favorable recommendation for project approval. The mitigation measures in all impact areas have been incorporated as conditions of approval on the project (PC Resolution, Exhibit A) and are summarized in the Mitigation and Monitoring Program (MMP) (Exhibit D), which is attached to the MND. Exhibit H of the PC staff report includes the response to comments, which was prepared by SWCA Environmental Consultants dated January 27, 2020.

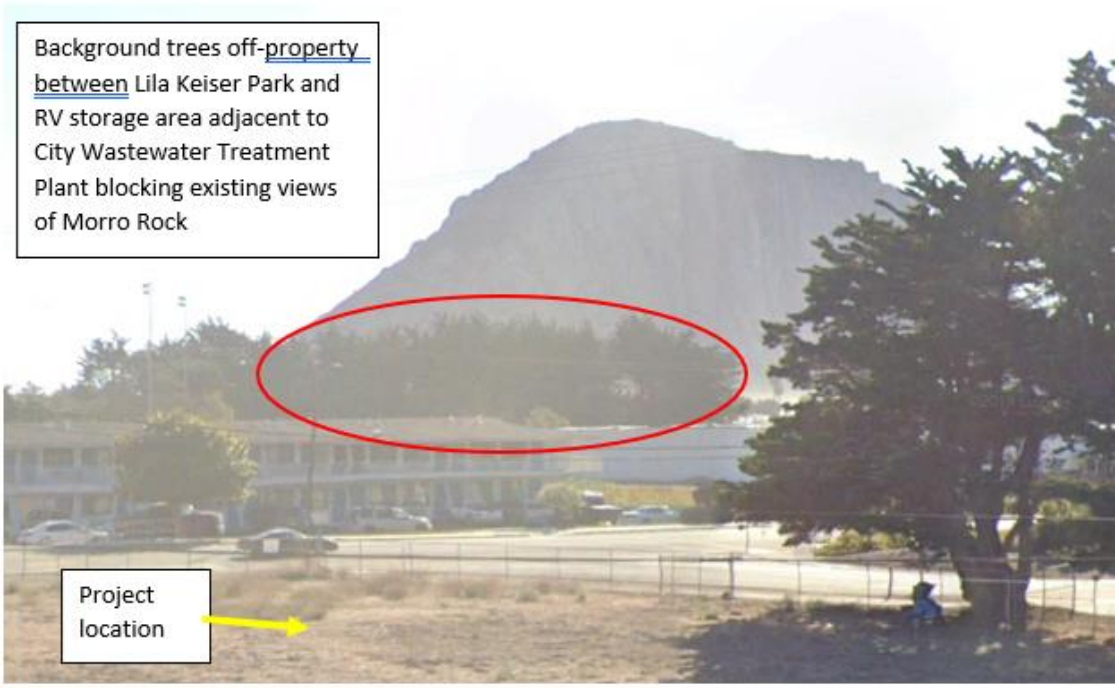
VIEW ANALYSIS
The visual analysis for the site included placing story poles on site in January 2019, as well as field reconnaissance to view the story poles from the Highway and adjacent streets and streets east of Highway 1. The story poles were left in place for 10 days prior to the PC meeting for the public and PC to view. The poles demonstrated the view blockages would occur at the southernmost portion of the site, but not further north because the existing windrow of cypress trees already block views of Morro Rock. In addition, no view impacts occur from Highway 41/Atascadero Road because the Highway 1 embankment as well as existing vegetation effectively block views of the project site. In addition, photos and video were taken from both Highway 1 (northbound and soundbound lanes), as well as adjacent streets and upland streets east of Highway 1.

Review of the project site, story pole exhibits, and photo simulations indicate the hotel structure would have minimal effect on availability of views to Morro Rock as seen from Highway 1. The bulk of the hotel structure would be seen in front of the existing row of cypress trees, which already block views to Morro Rock. A small portion of the southeast portion of the building would block views, and that has been redesigned since the 2-4-20 PC meeting to open up more views. This is depicted in the visual simulation below.

Original Design as seen at 2-4-2020 PC meeting with Shed Roof at Southern End:

Revised Design with Shed Roof Removed at Southern End:





CONCLUSION

The City's General Plan and Local Coastal Plan identify policies that aim to enhance, protect, and preserve the existing and potential visual resources of Morro Bay and its surroundings. These policies (VR-2 and VR-3 and LCP Policy 12.01 and 12.02) provide emphasis on protecting scenic and visual qualities of coastal areas, as well as siting and designing development to protect views to and along the coast and to be visually compatible with the surrounding areas. The project as proposed and as revised is visually compatible with the character of the surrounding area and does not adversely affect views because the bulk of the hotel structure would be seen in front of the existing row of cypress trees, which already block views to Morro Rock. The small portion at the southern end of the property that would partially block views was noted in the MND as representing 1 second of travel time along southbound Highway 1 and would be inconsequential in terms of its effect on the scenic vista. In addition, views of the site from points eastward are blocked by the elevation of the Highway. The project site does not impact residential streets east of the site because the property sits approximately 15 feet below the elevation of Highway 1. As revised since the 2-4-2020, PC meeting, the redesigned project removes mechanical equipment from the roof and changed the proposed roof from a shed roof to a flat roof with parapet wall as shown on plan sheet A-7 (Attachment 5). Therefore, the revised project design and recommended conditions have been designed not to diminish or detract from existing public views of Morro Rock.

The PC reviewed the project and has forwarded a favorable recommendation for final approval to City Council. The attached Council Resolution No. 21-20 reflects the PC's recommendation. As conditioned, the City Council can find for approval of the project consistent with applicable provisions of the General Plan/ LCP, and Zoning Ordinance. Staff therefore recommends approval of CDP #CDP19-039 and Concept/Precise CUP #19-13.

ATTACHMENTS:

1. City Council Resolution No. 21-20
2. Planning Commission Resolution No. 03-20 (adopted February 4, 2020)
3. Applicant Response Letter to PC recommendation dated February 19, 2020
4. Mitigated Negative Declaration, December 16, 2019 and Mitigation and Monitoring Plan
5. Plans/ Plan Reductions received February 12, 2020
6. Powerpoint presentation

ONLINE DOCUMENTS

*Complete staff report & attachments for the 2/04/2020 Planning Commission meeting available at the following link: http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5243

RESOLUTION NO. 21-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH#2019129078) WITH MITIGATION AND MONITORING PROGRAM (MMP) AND CONDITIONALLY APPROVE COASTAL DEVELOPMENT PERMIT (CDP19-039) AND CONCEPT /PRECISE PLAN CONDITIONAL USE PERMIT (CUP19-13) FOR NEW CONSTRUCTION OF 56,538SF 83 GUEST-ROOM HOTEL LOCATED AT 295 ATASCADERO ROAD, MORRO BAY HOTEL

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City Council of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on March 10, 2020, for the purpose of considering approval of Coastal Development Permit #CDP19-039 and Conditional Use Permit #CUP19-13 for the Morro Bay Hotel project located at 295 Atascadero Road in an area located in the Coastal Commission appeals jurisdiction; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on February 4, 2020, for the purpose of considering approval of Coastal Development Permit #CDP19-039 and Conditional Use Permit #CUP19-13 for the Morro Bay Hotel project located at 295 Atascadero Road in an area located in the Coastal Commission appeals jurisdiction and forwarded a favorable recommendation to the City Council pursuant to Morro Bay Municipal Code 17.40.030; and

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

WHEREAS, the City Council has duly considered all evidence, including the testimony of Escape Hospitality, LLC (Applicant), interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

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

California Environmental Quality Act (CEQA)

A. For purposes of the California Environmental Quality Act, Case No. CDP19-039/CUP19-13 is subject to a Mitigated Negative Declaration (MND) based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Land Use and Planning, Transportation, and Tribal Cultural Resources. Any impacts associated with the proposed development will be brought to a less than significant level through the mitigations contained in the MND. Additional mitigation has been added to the Mitigation and Monitoring Plan (MMP) as a result of comments received during the 30-day comment period by the County of San Luis Obispo Air Pollution Control District (APCD) and CalTrans. The addition of APCD and CalTrans

mitigations did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.

B. The MMP attached to the MND has been reviewed and determined to be adequate in mitigating or avoiding potentially significant environmental effects.

Coastal Development Permit Findings

A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project is an allowable use in its zoning district. The project is consistent with CLUP Policies 12.01 and 12.02 and General Plan Visual Resources Element policies VR-2 and VR-3 in that the project has been sited and designed to protect views to the Rock and is visually compatible with surrounding areas in that the bulk of the structure is located in front of the existing windrow of mature Monterey cypress trees and the project has been redesigned at the southern elevation to remove the shed roof and contain mechanical equipment within a parapet wall instead of being located on the roof.

B. The City Council finds the project is consistent with and in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The Morro Bay Hotel project is proposed to provide publicly available electric vehicle charging stations as public benefit which facilitates public access as further described in the staff report presented to the Planning Commission at its February 4, 2020 meeting.

Conditional Use Permit Findings

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the new construction of the hotel project has been designed with a large front setback and development pushed to the rear of the lot. The project provides for public benefit of extension of the Class 1 bike path/multi-use path to facilitate pedestrians and passers-by; new electrical vehicle charging locations; and dedication of a stub portion of the southwest property to the adjacent Morro Bay High School; and the proposed hotel project at 295 Atascadero is a permitted use within the zoning district; and the project's structures comply with all applicable project conditions and City regulations and are consistent with the City's Local Coastal Program.

B. The project will not be injurious or detrimental to property and improvements in the neighbourhood and the general welfare of the City in that the proposed hotel use will provide a visitor-serving commercial use with public benefit consistent with the character of the surrounding area.

Planned Development Overlay Finding

A. The Planning Commission finds the project as conditioned with the provision of 9 electric vehicle charging stations, which exceeds building code requirements, extension of the Class 1 bike lane/ multi-use path across the property frontage to provide a safe path of travel for bicyclists and pedestrians passing by the property which exceeds frontage improvement requirements; the dedication of a stub portion of the southwest property to be dedicated to Morro Bay High School for use as extension of their bike lane adjacent to

their eastern most vehicular entrance, and various green measures such as net zero energy goal, bike share, recycled content building materials, LED lighting, reflective roofing, permeable pavers, high performance glazing system, consist of greater than normal public benefits and results in a project with improved site design which warrants modification of the height standard to allow an increase in height from 30 feet to 35.41 feet.

B. The project also provides for 92 parking spaces with a mix of rectangular landscape parking planter areas and diamond landscape parking planter areas. This design modification improves the site design that would otherwise result because it maintains the required 92 parking spaces while also allowing for parking lot tree shading.

Architectural Consideration

A. As required by Morro Bay Municipal Code Section 17.48.200, the City Council finds the architectural treatment and general appearance of all proposed structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the City, and are not detrimental to the orderly and harmonious development of the City or to the desirability of investment of occupation in the area.

Section 2. Action. The City Council does hereby approve Coastal Development Permit #CDP19-039 and Conditional Use Permit #CUP19-13 subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated February 26, 2020, for the project at 295 Atascadero depicted on plans dated February 12, 2020, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on City Council plans submitted for CDP19-039/CUP19-13, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the Applicant, prior to the expiration of this approval, the Applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under

the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

5. Hold Harmless: The Applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the (i) 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 (ii) Applicant's failure to comply with conditions of approval. The 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 City Council. 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:

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.

2. 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.

3. 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.

4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. 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 in order 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.

5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.

6. 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.

8. Fire sprinklers, shall be required by City Codes.

9. BUILDING PERMIT APPLICATION. To apply for building permits submit three (3) sets of construction plans to the Building Division.

10. The Title sheet of the plans shall include:

    a. Street address, lot, block, track and Assessor Parcel Number.
    b. Description of use.
    c. Type of construction.
    d. Height of the building.
    e. Floor area of the building(s).
    f. Vicinity map.

    All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

    (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.)

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. SITE MAINTENANCE. During construction, the site shall be maintained so as to not infringe on neighbouring property, such as debris and dust.

2. Certification of compliance with the soils report shall be submitted to the Building Division prior to foundation approvals. A final report certifying compliance with the soils report or grading plans shall be submitted to the Building Division prior to final approvals.

3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and building height prior to framing inspection when determined necessary by the Planning Division.

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

1. 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.

Fire Department Conditions:

1. Demolition Site Plan, General Notes. Provide the following notation: Fire Safety During Construction and Demolition shall be in accordance with 2019 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.

2 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 Building Department for review and approval prior to installation. Sprinkler plans shall be submitted prior to issuance of a Building Permit. The sprinkler system shall be in accordance with NFPA Standard 13.

3. Fire Alarms. Plans and specifications for the automatic fire sprinkler system and fire alarm system shall be submitted to Public Services Division 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.

4. 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. (CFC 1001.8)

5. 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 tools (CBC 310.4). Exception 2 may apply when fully sprinklered in accordance with NFPA 13.

6. 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)

7. 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). Provide the required fire-flow requirement as contained in CFC Table B105.1(2).

8. Fire hydrant where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. (CFC 507.5.1)

9. 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)

10. 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)

11. 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. (CFC 304.3.3

12. 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 life-saving 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.

13. Obstruction and Locations. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. (CFC 507.5.4)

    Provide location of the sprinkler riser, backflow double check device, fire hydrants and fire protection equipment at site.

14. Standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access."

15. Fire Lanes. Access roads and fire lanes shall be provided and identified by approved signage to read: "Fire Lane, No Parking" stenciled over red-painted curbs and signage.

Public Works Conditions:

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

1. Existing 40' Right of Way Conversion to 20' Wide Public Utility Easement: The 66th Street Right of Way (ref. 2 MB 15), will need to be abandoned and a 20' wide public utility easement be dedicated to the City (centered on the existing 18" sewer main). Since this project is required to merge the underlying lots, use of a parcel map to finalize merger and effectuate the abandonment may be appropriate.

2. Private Sewer Lines and Easements: Per the attached "Existing Utilities" information, we have identified two separate sewer services which connect to the existing 18" sewer main and extend to the south across Atascadero Road. Show these on the plans. Also demonstrate that these private sewer lines will not conflict with the proposed underground infiltration facilities.

3. Frontage Improvements, Public Improvements and Signage and Striping Plan: Please revise the roadway "half-section" per the attached "Atascadero RoadStreet Section Exhibit". Please include a separate "Public Improvements Plan" at a larger scale (e.g. 1" = 10"), so that existing features and required frontage improvements can be identified and checked against the proposed design. This shall also include a "Signage and Striping Plan" at an acceptable scale that identifies all existing and proposed signage and striping features with appropriate dimensions.

4. Driveways: All driveway approaches used for 2-way traffic shall be a minimum of 24 feet wide.

5. City 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 ex. utilities exhibit).

6. Water Meter: Indicate and label new water meter on plans.

7. Water Backflow Prevention Device: Verify and label all proposed water backflow preventers. Devices are required for all water line connections, including fire water systems, irrigation systems on a dedicated water meter, or any plumbing system which has potential for cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is an approved domestic water backflow prevention device.

8. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070).

9. Sewer Impact: The City's "OneWater Plan" which is available at the following link; https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final identifies existing flow in the 18" sewer main adjacent to and downstream of the proposed project exceeding capacity during Peak Wet Weather Flow (PWWF). The City has defined "exceeding capacity" when the water surface elevation in the system during PWWF is above the elevation defined as three feet below the manhole rim. The Applicant shall work with the City's consultant (Carollo Engineers-Fresno Office) to model the additional flow from this proposed project into this under capacity line to verify that the resultant elevations in wastewater depth do not exceed any manhole rim elevation downstream of the project. Additionally, the Applicant shall replace the existing 18" sewer main with a 27" sewer main in its current alignment through the project site, or delay development of this portion of the site until the City constructs said improvements.

10. Flood Zone Requirements: This proposed project is located within an AE Special Flood Hazard Area (SFHA). A Flood Hazard Development Permit is required. The City's Flood Hazard Prevention Ordinance (MBMC Chapter 14.72) 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) Submit a FEMA "Floodproofing Certificate for Non-Residential Structures" 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.)

11. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website www.morro-bay.ca.us/mainmanual . Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements. This project appears to require Performance Requirement No. 1, 2, 3, and 4. Provide the completed "Appendix A - SFR Performance Requirement Determination Form" and other required performance requirement certification forms as required.

12. 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. The City of Morro Bay "Erosion and Sedimentation Control Plan Manual" which is available on the City website at the following link: https://www.morro-bay.ca.us/689/Construction-Sites

13. 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.

14. Traffic Impact Assessment: The Applicant has provided a "Draft Transportation Impact Study". This study shall be used to further analyze the traffic flows at the intersection of "Main/Hwy 41 (Atascadero Rd.)/Hwy 1". The City has initiated a project of proposed improvements at this location. The current estimated cost of the improvements are $7,550,000. The Applicant is conditioned to pay a pro rata fee proportional to increased traffic at this location. At peak hour the project contributes 30 additional trips or 1.01% of the traffic to the subject intersection. This calculates to $76,255.00 as being this proposed project's share of the intersection improvements.

15. Caltrans: Submit all comments from Caltrans regarding project requirements. Submit copy of Caltrans encroachment permit prior to building permit issuance from the City of Morro Bay.

16. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). An underground encroachment permit shall be required for installation of a sewer lateral within the City right-of-way or within a utility easement.

Additional Notes - Add the following notes to the plans. These are required for Building Permit Approval.

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. pavement surface, sidewalk, curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

Planning Conditions:

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and monitoring. The archaeological monitoring program as outlined in the Mitigation and Monitoring Report in the Mitigated Negative Declaration.

2. 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.

3. 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.

4. Architecture: Building color and materials shall be as shown on plans approved by the City Council and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.

5. 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.

6. 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.

7. 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.

8. All overhead utilities along the Atascadero Road frontage shall be undergrounded.

9. A sign program including sign design and materials specifications shall be submitted prior to City Council approval of the project.

10. A complete Lot Merger application shall be approved and recorded prior to issuance of the building permit.

11. The 9 electric vehicle charging stations (Two level 3 and Seven level 2) shall be made available for general public use and signed indicating for public use.

12. The Mitigation and Monitoring Program included in the Mitigated Negative Declaration and attached to PC Resolution 03-20 as Attachment A and also attached to the City Council staff report as Attachment D are hereby incorporated as conditions of approval.

Planning Commission Conditions:

13. Project landscaping shall be evaluated by a third-party arborist or landscape architect to ensure viability of both the proposed trees and to assess potential impacts to the existing off-site Monterey Cypress. Evaluation shall include review of permeable paver installation specification proposed within the dripline of the Monterey Cypress for possible negative impacts to tree roots and the overall health of the trees. Landscape architect shall be chosen by City staff with report submitted to the City for review and acceptance prior to issuance of a building permit. The Applicant shall pay for the cost of the peer review. City staff shall prepare a summary report for presentation to Planning Commission.

14. Revise landscaping plan to provide Monterey cypress trees within the finger planter areas within the parking lot on the east side of the property. If necessary, this can be accomplished by consolidating the parking planter areas to provide more tree planting area.

15. The Applicant shall work with the School District by making an offer to provide up to 4 Monterey cypress trees at a maximum size of 24-inch box to be used as interplanting among existing row of Monterey cypress trees along the west property boundary. The peer reviewing landscape architect or arborist shall evaluate the efficacy of this concept, in light of the desire to maintain the Monterey cypress rows along the western property line. The Director, subject to concurrence by the peer reviewer, can approve a smaller tree size if it is determined that planting of smaller trees would be more appropriate to achieve the desired result.

16. The Applicant shall revise the plans to remove the roof mounted mechanical equipment and to place the equipment within a mechanical well along the south elevation. To make room for the mechanical well, plans shall be revised to remove the shed roof on south elevation. The Applicant shall also reduce the height of the parapet surrounding the roof, to the greatest extent feasible, while still providing screening for the roof mounted solar panels as viewed from Highway 1. The Applicant shall provide revised drawings depicting

both the revised south elevation and the lowered parapet prior to the project moving forward for Council review.

17. The Applicant shall revise the plans to carry the corten steel around the upper portion of the rear (north) elevation. Revised elevation drawings to be submitted to the Planning Division for review by the City Council.

18. Revise plans to provide conduit and appropriately rated circuits to accommodate two additional level 3 electric vehicle charging stations on site. Conduit and circuits shall be shown on the plans submitted for building permit review.

19. Provide an exhibit to the Planning Division for inclusion in the City Council staff that shows how the parallel parking spaces located along the west property line can accommodate a parked tour bus.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 10th day of March, 2020 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JOHN HEADDING, Mayor

ATTEST

_____
DANA SWANSON, City Clerk

Attachment 2

AGENDA NO: B-1
EXHIBIT: A
MEETING DATE: February 4, 2020

RESOLUTION NO. PC 03-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO CITY COUNCIL TO ADOPT A MITIGATED NEGATIVE DECLARATION (SCH#2019129078) WITH MITIGATION AND MONITORING PROGRAM (MMP) AND CONDITIONALLY APPROVE CONCEPT /PRECISE PLAN APPROVAL OF COASTAL DEVELOPMENT PERMIT (CDP19-039) AND CONDITIONAL USE PERMIT (CUP19-13) FOR NEW CONSTRUCTION OF 56,538SF 83 GUEST-ROOM HOTEL LOCATED AT 295 ATASCADERO ROAD, MORRO BAY HOTEL

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on February 4, 2020, for the purpose of considering approval of Coastal Development Permit #CDP19-039 and Conditional Use Permit #CUP19-13 for the Morro Bay Hotel project located at 295 Atascadero Road in an area located in the Coastal Commission appeals jurisdiction; and

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

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

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

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

California Environmental Quality Act (CEQA)

A. That for purposes of the California Environmental Quality Act, Case No. CDP19-039/CUP19-13/LTM19-06 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Land Use and Planning, Transportation, and Tribal Cultural Resources. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigate Negative Declaration (MND). Additional mitigation has been added as a result of review during the 30- day comment period by the County of San Luis Obispo Air Pollution Control District (APCD) and has been added to the Mitigation and Monitoring Plan (MMP). The addition of APCD mitigation did not result in any additional impacts that would require re-circulation and all impacts have been reduced to a level less than significant.

B. That the Mitigation and Monitoring program attached to the Mitigated Negative Declaration has been reviewed and determined to be adequate in mitigating or avoiding potentially significant environmental effects.

Coastal Development Permit Findings

A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project is an allowable use in its zoning district.

B. The Planning Commission finds that the project is consistent with and in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The Morro Bay Hotel project is proposed to provide publicly available electric vehicle charging stations as public benefit which facilitates public access as further described in the staff report presented to the Planning Commission at its February 4, 2020 meeting.

Conditional Use Permit Findings

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the new construction of the hotel project has been designed with a large front setback and development pushed to the rear of the lot. The project provides for public benefit of extension of the Class 1 bike path to facilitate pedestrians and passers-by and that the proposed hotel project at 295 Atascadero is a permitted use within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed hotel use will provide a visitor-serving commercial use with public benefit consistent with the character of the surrounding area.

Planned Development Overlay Finding

A. The Planning Commission finds that the project as conditioned with the provision of 9 electric vehicle charging stations, extension of the Class 1 bike lane across the property frontage to provide a safe path of travel for bicyclists and pedestrians passing by the property; the dedication of a stub portion of the southwest property to be dedicated to Morro Bay High School for use as extension of their bike lane adjacent to their eastern most vehicular entrance, and various green measures such as net zero energy goal, bike share, recycled content building materials, LED lighting, reflective roofing, permeable pavers, high performance glazing system, etc. consist of greater than normal public benefits and results in a project with improved site design which warrants modification of the height standard to allow an increase in height from 30 feet to 35.4 feet.

B. The project also provides for 92 parking spaces with a mix of rectangular landscape parking planter areas and diamond landscape parking planter areas. This design modification improves the site design that would otherwise result because it maintains the required 92 parking spaces while also allowing for parking lot tree shading.

Architectural Consideration

A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures and open areas

are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

Section 2. Action. The Planning Commission does hereby forward a favorable recommendation for City Council approval of Coastal Development Permit #CDP19-039 and Conditional Use Permit #CUP19-13 subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated January 24, 2020, for the project at 295 Atascadero depicted on plans dated January 9, 2020, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on Planning Commission plans submitted for CDP19-039/CUP19-13, unless otherwise specified herein.

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:

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.

2. 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.

   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.

4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. 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 in order 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.

5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.

6. 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.

8. Fire sprinklers, shall be required by City Codes.

9. BUILDING PERMIT APPLICATION. To apply for building permits submit three (3) sets of construction plans to the Building Division.

10. The Title sheet of the plans shall include:

    a. Street address, lot, block, track and Assessor Parcel Number.
    b. Description of use.
    c. Type of construction.
    d. Height of the building.
    e. Floor area of the building(s).
    f. Vicinity map.

    All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

    (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.)

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. SITE MAINTENANCE. During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.

2. Certification of compliance with the soils report shall be submitted to the Building Division prior to foundation approvals. A final report certifying compliance with the soils report or grading plans shall be submitted to the Building Division prior to final approvals.

3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and building height prior to framing inspection when determined necessary by the Planning Division.

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

1. 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.

Fire Department Conditions:

1. Demolition Site Plan, General Notes. Provide the following notation: Fire Safety During Construction and Demolition shall be in accordance with 2019 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.

2 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 Building Department for review and approval prior to installation. Sprinkler plans shall be submitted prior to issuance of a Building Permit. The sprinkler system shall be in accordance with NFPA Standard 13.

3. Fire Alarms. Plans and specifications for the automatic fire sprinkler system and fire alarm system shall be submitted to Public Services Division 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.

4. 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. (CFC 1001.8)

5. 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 tools (CBC 310.4). Exception 2 may apply when fully sprinklered in accordance with NFPA 13.

6. 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)

7. 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). Provide the required fire-flow requirement as contained in CFC Table B105.1(2).

8. Fire hydrant where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. (CFC 507.5.1)

9. 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)

10. 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)

11. 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. (CFC 304.3.3

12. 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 life-saving 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.

13. Obstruction and Locations. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. (CFC 507.5.4)

    Provide location of the sprinkler riser, backflow double check device, fire hydrants and fire protection equipment at site.

14. Standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access."

15. Fire Lanes. Access roads and fire lanes shall be provided and identified by approved signage to read: "Fire Lane, No Parking" stenciled over red-painted curbs and signage.

Public Works Conditions:

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

1. Existing 40' Right of Way Conversion to 20' Wide Public Utility Easement: The 66th Street Right of Way (ref. 2 MB 15), will need to be abandoned and a 20' wide public utility easement be dedicated to the City (centered on the existing 18" sewer main). Since this project is required to merge the underlying lots, use of a parcel map to finalize merger and effectuate the abandonment may be appropriate.

2. Private Sewer Lines and Easements: Per the attached "Existing Utilities" information, we have identified two separate sewer services which connect to the existing 18" sewer main and extend to the south across Atascadero Road. Show these on the plans. Also demonstrate that these private sewer lines will not conflict with the proposed underground infiltration facilities.

3. Frontage Improvements, Public Improvements and Signage and Striping Plan: Please revise the roadway "half-section" per the attached "Atascadero RoadStreet Section Exhibit". Please include a separate "Public Improvements Plan" at a larger scale (e.g. 1" = 10"), so that existing features and required frontage improvements can be identified and checked against the proposed design. This shall also include a "Signage and Striping Plan" at an acceptable scale that identifies all existing and proposed signage and striping features with appropriate dimensions.

4. Driveways: All driveway approaches used for 2-way traffic shall be a minimum of 24 feet wide.

5. City 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 ex. utilities exhibit).

6. Water Meter: Indicate and label new water meter on plans.

7. Water Backflow Prevention Device: Verify and label all proposed water backflow preventers. Devices are required for all water line connections, including fire water systems, irrigation systems on a dedicated water meter, or any plumbing system which has potential for cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is an approved domestic water backflow prevention device.

8. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070).

9. Sewer Impact: The City's "OneWater Plan" which is available at the following link; https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final identifies existing flow in the 18" sewer main adjacent to and downstream of the proposed project exceeding capacity during Peak Wet Weather Flow (PWWF). The City has defined "exceeding capacity" when the water surface elevation in the system during PWWF is above the elevation defined as three feet below the manhole rim. The applicant shall work with the City's consultant (Carollo Engineers-Fresno Office) to model the additional flow from this proposed project into this under capacity line to verify that the resultant elevations in wastewater depth do not exceed any manhole rim elevation downstream of the project. Additionally, the applicant shall replace the existing 18" sewer main with a 27" sewer main in its current alignment through the project site, or delay development of this portion of the site until the City constructs said improvements.

10. Flood Zone Requirements: This proposed project is located within an AE Special Flood Hazard Area (SFHA). A Flood Hazard Development Permit is required. The City's Flood Hazard Prevention Ordinance (MBMC Chapter 14.72) 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) Submit a FEMA "Floodproofing Certificate for Non-Residential Structures" 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.)

11. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website www.morro-bay.ca.us/mainmanual . Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements. This project appears to require Performance Requirement No. 1, 2, 3, and 4. Provide the completed "Appendix A - SFR Performance Requirement Determination Form" and other required performance requirement certification forms as required.

12. 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. The City of Morro Bay "Erosion and Sedimentation Control Plan Manual" which is available on the City website at the following link: https://www.morro-bay.ca.us/689/Construction-Sites

13. 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.

14. Traffic Impact Assessment: The applicant has provided a "Draft Transportation Impact Study". This study shall be used to further analyze the traffic flows at the intersection of "Main/Hwy 41 (Atascadero Rd.)/Hwy 1". The City has initiated a project of proposed improvements at this location. The current estimated cost of the improvements are $7,550,000. The applicant is conditioned to pay a pro rata fee proportional to increased traffic at this location. At peak hour the project contributes 30 additional trips or 1.01% of the traffic to the subject intersection. This calculates to $76,255.00 as being this proposed project's share of the intersection improvements.

15. Caltrans: Submit all comments from Caltrans regarding project requirements. Submit copy of Caltrans encroachment permit prior to building permit issuance from the City of Morro Bay.

16. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). An underground encroachment permit shall be required for installation of a sewer lateral within the City right-of-way or within a utility easement.

Additional Notes - Add the following notes to the plans. These are required for Building Permit Approval.

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. pavement surface, sidewalk, curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

Planning Conditions:

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall

immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and monitoring. The archaeological monitoring program as outlined in the Mitigation and Monitoring Report in the Mitigated Negative Declaration.

2. 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.

3. 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.

4. Architecture: Building color 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.

5. 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.

6. 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.

7. 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.

8. All overhead utilities along the Atascadero Road frontage shall be undergrounded.

9. A sign program including sign design and materials specifications shall be submitted prior to City Council approval of the project.

10. A complete Lot Merger application shall be approved and recorded prior to issuance of the building permit.

11. The 9 electric vehicle charging stations shall be made available for general public use and signed indicating for public use.

12. The Mitigation and Monitoring Program included in the Mitigated Negative Declaration and attached to this Resolution 03-20 as Attachment A are hereby incorporated as conditions of approval.

Planning Commission Conditions:

13. Project landscaping shall be evaluated by a third-party arborist or landscape architect to ensure viability of both the proposed trees and to assess potential impacts to the existing off-site Monterey Cypress. Evaluation shall include review of permeable paver installation specification proposed within the dripline of the Monterey Cypress for possible negative impacts to tree roots and the overall health of the trees. Landscape architect shall be chosen by City staff with report submitted to the City for review and acceptance prior to issuance of a building permit. Applicant shall pay for the cost of the peer review. City staff shall prepare a summary report for presentation to Planning Commission.

14. Revise landscaping plan to provide Monterey cypress trees within the finger planter areas within the parking lot on the east side of the property. If necessary, this can be accomplished by consolidating the parking planter areas to provide more tree planting area.

15. Applicant shall work with the School District by making an offer to provide up to 4 Monterey cypress trees at a maximum size of 24-inch box to be used as interplanting among existing row of Monterey cypress trees along the west property boundary. The peer reviewing landscape architect or arborist shall evaluate the efficacy of this concept, in light of the desire to maintain the Monterey cypress rows along the western property line. The Director, subject to concurrence by the peer reviewer, can approve a smaller tree size if it is determined that planting of smaller trees would be more appropriate to achieve the desired result.

16. The applicant shall revise the plans to remove the roof mounted mechanical equipment and to place the equipment within a mechanical well along the south elevation. To make room for the mechanical well, plans shall be revised to remove the shed roof on south elevation. The applicant shall also reduce the height of the parapet surrounding the roof, to the greatest extent feasible, while still providing screening for the roof mounted solar panels as viewed from Highway 1. The applicant shall provide revised drawings depicting both the revised south elevation and the lowered parapet prior to the project moving forward for Council review.

17. The applicant shall revise the plans to carry the corten steel around the upper portion of the rear (north) elevation. Revised elevation drawings to be submitted to the Planning Division for review by the City Council.

18. Revise plans to provide conduit and appropriately rated circuits to accommodate two additional level 3 electric vehicle charging stations on site. Conduit and circuits shall be shown on the plans submitted for building permit review.

AGENDA NO:	**B-1**
EXHIBIT:	**A**
MEETING DATE:	**February 4, 2020**

19. Provide an exhibit to the Planning Division for inclusion in the City Council staff that shows how the parallel parking spaces located along the west property line can accommodate a parked tour bus.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 4th day of February, 2020 on the following vote: 5-0

AYES: Luhr, Barron, Lucas, Ingraffia, Stewart
NOES:
ABSENT:
ABSTAIN:

Chairperson Gerald Luhr

ATTEST

Scot Graham, Secretary

The foregoing resolution was passed and adopted this 4th day of February, 2020.

CATHY • NOVAK
consulting

RECEIVED
FEB 19 2020
City of Morro Bay
Community Development Dept.

February 19, 2020

Ms. Cindy Jacinth
City of Morro Bay Community Development Department
955 Shasta Street
Morro Bay, CA 93442

RE: Coastal Development Permit CDP19-039 & Conditional Use Permit CUP19-13
Morro Bay Hotel project, 295 Atascadero Road

Dear Cindy,

This letter is in response to the Planning Commission after action letter dated February 7, 2020 with recommendations to the City Council. I am providing responses in the same order as the letter for ease of review and consistency.

Landscaping

1. Evaluation by a 3rd party for the proposed trees and impacts to the existing off-site Monterey Cypress trees:

   Response: The applicant is requesting a modification to the PC recommendation as follows:

   Impact on existing Cypress trees: The applicant shall hire a certified arborist to evaluate the impact on the root zones and tree health of the Morro Bay High School (MBHS) Cypress trees as it relates to the deep excavation required to install the pervious pavers along the western property boundary. A report shall be provided to the City for review and acceptance prior to issuance of building permit.

   Explanation for the request:

   a. Review should be a certified arborist (rather than landscape architect) as they have more knowledge and expertise regarding likely performance given site conditions, challenges to tree health and etc.
   b. The recommendation for a third party evaluation for the proposed landscape plan was based upon comments from another landscape architect. The applicant provided a landscape plan prepared by an experienced, local landscape architect. This request for 3rd party review has come about only because of landscape architects with differences of opinion. This additional review is not a reasonable solution or request because we have a situation of dueling landscape architects. This is not

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been a requirement of other projects when there are differences of opinion.

c. There is a condition of approval that requires the screening achieve the standard as provided and it will be the responsibility of the applicant to meet that. A 3rd party review will not change that outcome.
d. The trees selected are from the City Master Tree list and meet the WELO requirements (drought-tolerant).
e. The plant materials used in the landscape plan are supported by solid data prepared by Cal Poly's "Urban Forest Ecosystems Institute."
f. The applicant is supportive of hiring a certified arborist to evaluate the potential impacts to the High School Cypress trees for the deep excavation required in the area of the previous pavers along the western side.

2. Revise landscape plan for including Monterey Cypress trees on the East side which may include consolidation of the parking planters to provide more tree planting area:

Response: The project landscape architect has explored and evaluated the concept to incorporate additional Cypress trees within the parking planter areas however has reached the conclusion that it is not appropriate for the Cypress to be included in the plan for the following reasons.

a. The trunk diameter of mature feet can exceed several feet in diameter. For example, there are 3 Cypress trees in the existing windrow that are 5 feet in diameter and 3 other trees that are 4 feet in diameter. So it is clear that the trunk size in time will overwhelm the parking planters. The existing planters are proposed a 4 feet wide and even if there is consolidation of some of the planters, there still may not be sufficient room to contain the large tree trunks without property or tree damage.
b. Root damage potential is rated as moderate by the Cal Poly "Urban Forest Ecosystem Institute" and can damage or compromise subsurface stormwater treatment facilities.
c. On the western side, note the proximity to trash enclosure and drainage facilities; Cypress trees planted to close to either will create future conflicts and/or damage.
d. The center of a proposed tree would be 10 feet from the City utility easement and with the potential growth of this type of tree, it could interfere with the future access to the easement area or impact the utilities.
e. Planting on the east side should not be considered because

i. Mature trees provide no screening value due to crown height, openness of form (mature trees "drop" lower limbs as the canopy grows taller).
ii. Reducing number of smaller canopy screen trees will compromise the effectiveness of the proposed tree screen so that achieving 50% in 10 years is less likely to occur.

3. Work with the School District by 1) making an offer to provide for new Cypress trees, 2) interplanting among existing row of Cypress trees, 3) peer review of for evaluation of this concept paid for by the applicant, and 4) approval by the Director for smaller trees:

Response: The project landscape architect and applicant have reviewed this and offers the following responses:

a. Offer to provide new Cypress trees to MBHS: The applicant is supportive of offering to purchase up to 4 Cypress at a maximum size of 24-inch box with a cost not to exceed $500 per tree.
b. Interplanting among existing row of Cypress trees: The consideration of interplanting trees among the existing trees should be left to the MBHS and not include the applicant. New windrow trees should be planted on the same property (MBHS) as existing trees so as not to cause management difficulties or disputes between multiple property owners.
c. The health of existing trees, maintenance and replacement locations should be left up the School District as part of their overall management plan and for consideration of their needs and potential issues.
d. Should the MBHS be open to working with the applicant, providing trees to assist their management of the windrow may be useful. However the applicant should not be burdened with hiring or financially responsible for a 3rd party landscape architect or arborist to evaluate the efficacy of any tree planting plans on the MBHS property. Any involvement with a 3rd party review on a property that is not owned by the applicant is not justified and could create conflict between landowners. The MBHS has a current permit that includes landscape management and is of sole responsibility for meeting the conditions of approval for that permit. The recommendation as written directly ties this applicant to the MBHS landscape management plan and future considerations for any tree planting along the property boundaries. Furthermore staff has suggested that this condition, or parts thereof, may become unenforceable if the MBHS does not want to replant a certain type of tree or in this specific area. Rather than setting up a situation whereby the MBHS and applicant are knowingly encumbered with conditions that clearly cannot be met or

are ripe for misunderstandings, the City should scale back the requirement to the request language as follows:

The applicant shall make an offer to the School District to purchase up to 4 Monterey Cypress trees at a maximum size of 24-inch box with a cost not to exceed $500 per tree. If the School District requests smaller trees, the Director is authorized to approve this request.

Height

4. The plans have been revised and the roof mounted mechanical equipment has been relocated to the lower roof. This modification also removed the shed roof and a parapet is proposed to screen the equipment from view (south elevation) per the recommendation (Sheets A-5 and A-7).

   The architects reviewed the recommendation to reduce the parapet height to the greatest extent feasible however, the parapet height is low now and it may be necessary to have this height in order to screen the roof mounted solar panels from Hwy. 1. Furthermore the applicant needs flexibility with the design since the structural engineering has not been done and there may be a need for roof slope and room for additional screening. The elevator overrun is noted on Sheet A-10 as part of the line of sight diagram and want to note that it will not be seen from the highway, parking lot or road.

North Elevation Revisions

5. The plans have been revised to show the Corten vertical siding at the rear (north) elevation as shown on Sheet A-8.

Electric vehicle charging

6. Without getting into too much technical detail, I would just like to explain the impacts of modifying the proposed mix of level 2 and level 3 EV chargers to the project.

   The level 2 chargers only need 208 volts for charging vehicles but the level 3 chargers need 480 volts for charging vehicles. So this means several things:

a. It requires a transformer to step up the voltage to service the level 3 chargers where the level 2 chargers are at a lower voltage input.
b. The level 3 chargers take much more electricity to power so therefore it increases the overall load (electricity required) at any one point in time.
c. With additional overall load requirements, the project system must be designed to handle this amount of power at the service panel.
d. The PG&E system must have the capacity and proper equipment for delivery to the project site. Large loads may require PG&E to install a bigger transformer and high voltage switches.
e. Because of the exponential difference in the voltage requirements between the level 2 and level 3 chargers, there is a substantial increase in the total Kilovolt-amps needed to supply enough power to the entire project. So in other words adding two more level 3 chargers, beyond the proposed, doubles the amount of load needed to supply the charging stations.
f. We are close to the capacity or trigger point for the total load for the project without having to look at making major changes in the electrical system. This could mean separating out the EV charging stations and having PG&E supply a separate electrical circuit just to power the chargers.
g. This is a substantial amount of EV charging and is actually more than Tesla provides as some of their smaller superchargers sites.

So in conclusion the project as proposed is at its maximum capabilities for electrical usage without substantial implications. While it may sound like a good idea to just add more fast charge level 3 stations, it is technically a difficult thing to do as well as an additional significant financial investment. There also needs to be serious consideration for the overall electrical grid and potential for major infrastructure upgrades to the PG&E system as more level 3 chargers are added to the area increasing the electrical demand and at peak hours.

<u>Bus parking</u>

7. The plans have been revised and a dashed line for (3) tour buses, where they will park on the west side, is shown on Sheet A-3.

Please let me know if you have any further questions.

Regards,

Cathy Novak

cc: Mr. Hemant Patel & Mr. Pradeep Patel
Mr. Thom Jess & Heather Wiebe

Encl:
Revised plans

CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT
955 SHASTA AVENUE ◆ MORRO BAY, CA 93442
805-772-6261

M I T I G A T E D N E G A T I V E D E C L A R A T I O N

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

December 16, 2019

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

CASE NO.: CUP19-13 / CDP19-039 / LTM19-06

PROJECT TITLE: 295 Atascadero Road, Morro Bay Hotel

APPLICANT / PROJECT SPONSOR:

Owner/Applicant:	Agent:
Escape Hospitality, LLC 590 Morro Avenue Morro Bay, CA 93442 T 805-801-1224	Cathy Novak Consulting PO Box 296 Morro Bay, CA 93442 T 805-772-9499 novakconsulting@charter.net

PREPARED BY:

SWCA ENVIRONMENTAL CONSULTANTS
1422 Monterey Street, Suite B200
San Luis Obispo, CA 93401
T 805-543-7095

SUMMARY PROJECT DESCRIPTION

Escape Hospitality, LLC (owner/applicant) proposes to construct and operate a new 56,358-square-foot hotel located at 295 Atascadero Road in Morro Bay, San Luis Obispo County, California. The hotel would provide 83 guest rooms, an indoor pool, a fitness room, a meeting room, interior dining and lounge areas, and on-site parking, including 92 vehicle parking spaces and 19 bicycle parking spaces. The hotel would be three stories in height and would require a modification pursuant to the Planned Development overlay standards in the City of Morro Bay (City) Title 17 Zoning Ordinance (MBMC 17.40.030) to allow a proposed height of 35.5 feet above average natural grade (ANG), 5.5 feet above the 30-foot ANG height limit.

The project is anticipated to require some level of disturbance over the entire 2.02-acre (88,025-square-foot) site and would require earthwork of approximately 1,650 cubic yards of cut and 3,500 cubic yards of fill. Project construction is expected to require 14–16 months to complete.

PROJECT LOCATION

The project site is located at 295 Atascadero Road, at the northwest corner of the State Route (SR-) 1 and SR-41 intersection, adjacent to Morro Bay High School. The project site is located within the C-VS (Visitor Serving Commercial/Planned Development) zoning district and designated by the City's General Plan and Coastal Land Use Plan (CLUP) as Visitor Serving Commercial. The project site is located in the Coastal Zone and is within the appealable jurisdiction of the California Coastal Commission.

FINDINGS OF THE ENVIRONMENTAL COORDINATOR

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

CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT
955 SHASTA AVENUE ◆ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title:	295 Atascadero Road, Morro Bay Hotel Project		
Project Location:	295 Atascadero Road (APN 066-332-003, 065-182-003, 065-182-004)		
Case Number:	Coastal Development Permit #CDP19-039, Conditional Use Permit # CUP19-13, Lot Merger # LTM19-06		
Lead Agency:	City of Morro Bay	**Phone:**	(805) 772-6577
	955 Shasta Ave.	**Email:**	cjacinth@morrobayca.gov
	Morro Bay, CA 93442		
	Contact: Cindy Jacinth		
Project Applicant/Agent:	Hemant and Pradeep Patel	**Phone:**	(805) 801-1224
	Escape Hospitality, LLC	**Email:**	hemant96@yahoo.com
	590 Morro Avenue		
	Morro Bay, CA 93442		
Project Landowner:	Hemant and Pradeep Patel	**Phone:**	(805) 801-1224
	Escape Hospitality, LLC	**Email:**	hemant96@yahoo.com
	590 Morro Avenue		
	Morro Bay, CA 93442		
General Plan Designation:	Visitor Serving Commercial		
Zoning Designation:	C-VS/PD (Visitor Serving Commercial/Planned Development)		

PROJECT LOCATION

The 2.02-acre project site is located at 295 Atascadero Road, at the northwest corner of the Highway 1 and Highway 41 intersection, within the city of Morro Bay (Figures 1 and 2). The project site is adjacent to Morro Bay High School and is surrounded by the high school to the north and west, Highway 1 to the east, and Atascadero Road to the south. The site is currently and has historically been vacant and undeveloped and is located within the C-VS/PD (Visitor Serving Commercial/Planned Development) zoning district and designated by the City of Morro Bay General Plan and Coastal Land Use Plan (CLUP) of the Local Coastal Plan (LCP) as Visitor Serving Commercial. The project site is located within the Coastal Zone boundary and is within the appealable jurisdiction of the California Coastal Commission. The topography at the project site is nearly level, with elevation ranging from approximately 20 feet above mean sea level (msl) in the northern portion of the site to approximately 22 feet above msl in the southern portion of the site near Atascadero Road.

Figure 1. Project vicinity map.

Figure 2. Project location map.

PROJECT BACKGROUND

The City of Morro Bay (City) originally received an application for the 295 Atascadero Road, Morro Bay Hotel project from Escape Hospitality, LLC (owner/applicant) on June 13, 2018. The original project was very similar to the proposed project, except that it was seeking additional height, requesting a reduction of parking, and proposing a contemporary-modern architectural style. The original project was introduced at the City Planning Commission Hearing on January 15, 2019, for a conceptual review (no action). Between the conceptual Planning Commission review on January 15, 2019, and the revised application submittal on May 17, 2019, the applicant made several changes to the project in response to initial Planning Commission feedback, including a reduction in overall height of the hotel structure, refinement of the landscaping plan, and modification of the architectural design.

The following supporting information and technical studies were prepared for the project and are included as appendices to this Initial Study/Mitigated Negative Declaration (IS/MND):

- Attachment B: *Air Quality & Greenhouse Gas Impact Study for the Proposed Morro Bay Hotel Project, Morro Bay, CA* (AMBIENT Air Quality and Noise Consulting, August 2019a)
- Attachment C: *Biological Resources Assessment for the Atascadero Road Hotel Project* (Kevin Merk Associates, LLC, May 23, 2018)
- Attachment D: *Energy Impact Study for the Proposed Morro Bay Hotel Project, Morro Bay, CA* (AMBIENT Air Quality and Noise Consulting, August 2019b)
- Attachment E: *Geotechnical Engineering Report* (Earth Systems Pacific, January 29, 2018)
- Attachment F: *Phase 1 Environmental Site Assessment* (Haro Environmental, December 7, 2017)
- Attachment G: *Acoustics Assessment of Atascadero Road Hotel Morro Bay, CA* (45dB Acoustics, May 3, 2018)
- Attachment H: *Transportation Impact Study* (Central Coast Transportation Consulting, March 2018)

A *Phase 1 Archaeological Survey* prepared by SWCA Environmental Consultants (March 2018) was also prepared for the project. The findings of the survey are summarized in this document; however, the report is not included in the technical appendix due to the confidential locational information of archaeological resources included therein.

PROJECT DESCRIPTION

Escape Hospitality, LLC (owner/applicant) proposes to construct and operate a new 56,358-square-foot hotel located at 295 Atascadero Road in Morro Bay, California. The hotel would provide 83 guest rooms within three floors—18 rooms on the first floor, 30 rooms on the second floor, and 35 rooms on the third floor. An indoor pool, fitness room, meeting room, interior dining and lounge areas, and ancillary operational areas would also be provided on the first floor. On-site parking would include 92 vehicle parking spaces and 19 bicycle parking spaces (Figure 3). Of the 92 vehicle parking spaces, 67 would be standard-sized spaces, 20 would be compact-sized spaces, and five would be Americans with Disabilities Act (ADA)-accessible spaces. The 92 vehicle parking spaces would include nine electric vehicle (EV) charging stations (see Public Benefit, below).

The project is anticipated to require some level of disturbance over the entire 2.02-acre (88,025-square-foot) site and would require earthwork of 1,650 cubic yards of cut and 3,500 cubic yards of fill. Project construction is expected to require 14–16 months to complete.

Figure 3. Site plan.

Planned Development

As noted above, the project is located in a Planned Development (PD) zoning overlay. Pursuant to the City of Morro Bay Municipal Code Section 17.40.030, the purpose of the PD overlay zone is to provide for detailed and substantial analysis of development on parcels which, because of location, size, or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone that would otherwise apply if such action would result in better design or other public benefit. The applicant is seeking project approval with modifications to several development standards in exchange for several public benefits (see Public Benefit, below).

Building Height. The hotel would be three stories in height and would require a modification from the City's allowed height limit to allow for a finished height of 35.5 feet above average natural grade (ANG). The City's C-VS zoning allows for a maximum building height of 30.0 feet above ANG, which means the project would exceed the height limit by 5.5 feet. The project site is nearly level and ranges in elevation from 20 to 22 feet above msl. The ANG of the site is 20.74 feet above msl. However, the project is within a floodplain and the base flood elevation is located at 24.5 feet above msl, 3.76 feet above the ANG of the site. Federal Emergency Management Agency (FEMA) standards require that structures be constructed with the finished floor at least 1 foot above the base flood elevation. The City requires structures be constructed with the finished floor at least 2-feet above the base flood elevation but allows structures to be constructed with a finished floor at 1 foot below the base floodplain as long as the first 3 feet of the structure are floodproofed. Because the applicant is not able to construct the structure at ANG without further height exception request, they are proposing to construct the hotel at 1 foot below the base floodplain elevation and floodproof the first 3 feet of the building, per City standards. This will require the finished floor to be located 2.76 feet above ANG (Figure 4). The hotel would be 32.67 feet tall and would therefore have a finished height of 35.5 feet above ANG.

Parking Lot Design. Onsite parking would be provided and would include 92 vehicle parking spaces and 19 bicycle parking spaces. as previously stated, of the 92 vehicle parking spaces, 67 would be standard-sized spaces, 20 would be compact-sized spaces, and five would be ADA-accessible spaces. The 92 vehicle parking spaces would include nine EV charging stations. In addition, the applicant is seeking a modification of the parking lot landscape design standard that requires trees to be planted in rectangular planter boxes after every five parking stalls (finger islands). Instead, the applicant is proposing to provide diamond-shaped tree planters, which would not be located after every five parking stalls in some areas of the parking lot. Finger islands after every five parking stalls are included along the east side of the parking lot. A shade study was provided by the applicant which showed the alternative planter locations would provide shaded cover for up to 59% of the parking stall area.

Public Benefit

In order to allow for the modification of development standards (see Planned Development, above), the applicant is proposing the following public benefits.

EV Charging Stations. The applicant is proposing to install nine EV charging stations that would be incorporated into the 92 vehicle parking spaces. These charging stations would be located closest to Atascadero Road and would be available to both hotel guests and the general public. Of the nine charging stations seven would be Level 2 (240 volt) and two would be Level 3 (direct current [DC] fast charge, 480 volt). One of the charging stations would be dedicated for ADA-accessible use.

Class I Bike Lane. The applicant is proposing to construct a Class I bike path along the street frontage of the project (Atascadero Road) to Morro Bay High School (see Figure 3). An existing Class I bike path runs along the east side of the high school, across the north side of the project site, and adjacent to and across the west side of the project site to Atascadero Road. The new bike path would be located along the south side of the project site, along Atascadero Road in the right-of-way, and would provide access from the Highway 1 southbound offramp to the

high school. The new Class I bike path would replace an existing Class II on-street striped bike lane along this portion of Atascadero Road.

Offer of Dedication to the High School. The existing bike path that runs along a portion of the western property boundary would be offered for dedication to Morro Bay High School (see Figure 3).

Other "Green" Measures. The applicant is proposing several measures that would help reduce the environmental impact of the project including:

- Solar panels on the roof (117-kilowatt [KW] system consisting of 300 390-watt panels)
- Net zero energy consumption goal for the building (does not include vehicle trips)
- Bike share program
- Recycled content building materials
- Water conserving plumbing fixtures
- Key card controlled electrical within the guest rooms
- Light-Emitting Diode (LED) lighting
- Reflective roofing
- Permeable pavers
- Recycling bins in guest rooms
- Excess bathroom product recycling program
- High performance glazing systems

Lot Merger

The project site is comprised of five underlying parcels which are proposed to be combined into a single parcel as part of project implementation.

PROJECT ENTITLEMENTS REQUESTED

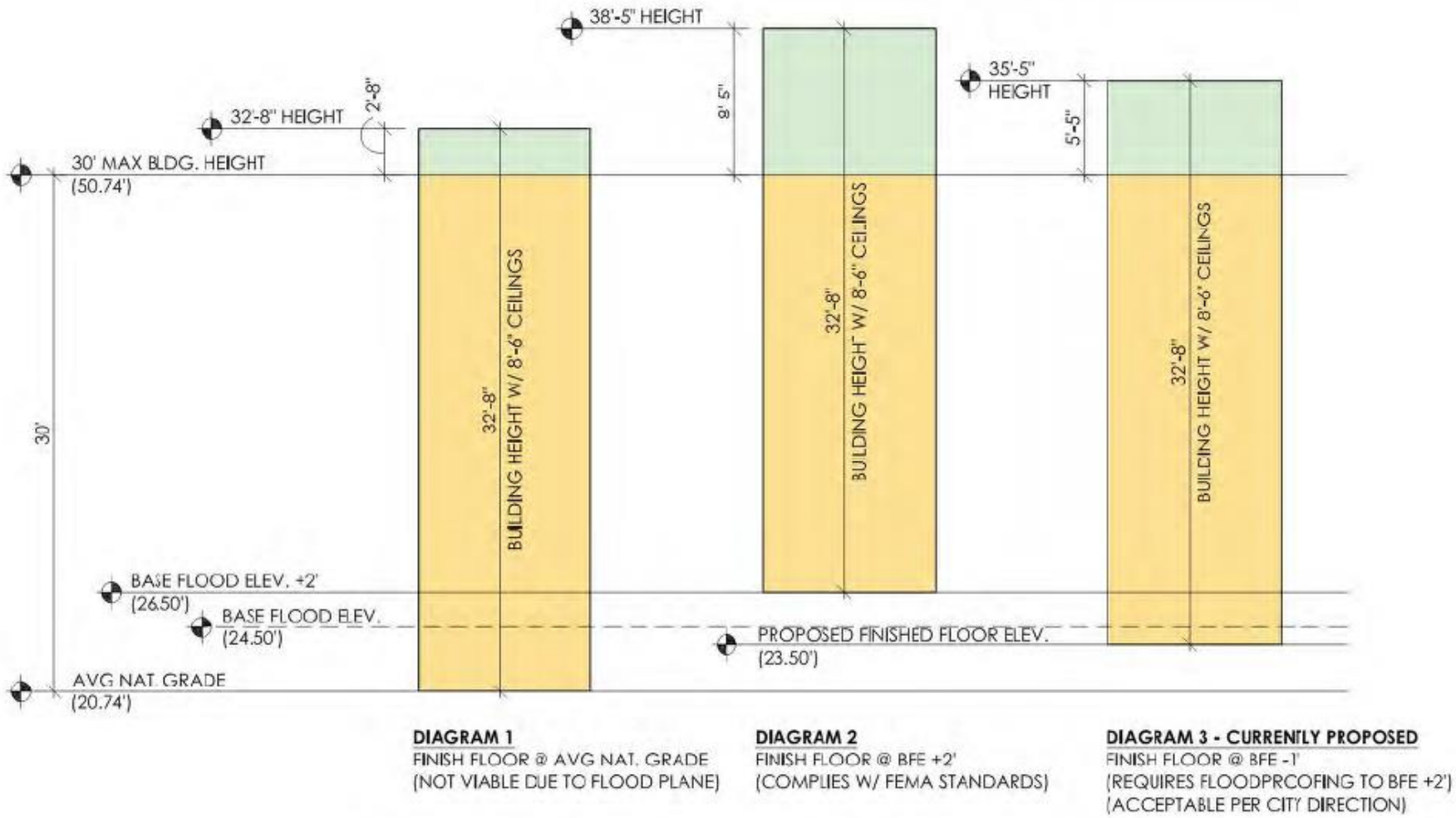
City approvals for a Coastal Development Permit (CDP), Conditional Use Permit (CUP), and voluntary lot merger are required for construction of the project.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (E.G., PERMITS, FINANCING APPROVAL, OR PARTICIPATION AGREEMENT)

The City is the lead agency for the proposed project. Responsible and trustee agencies may include, but are not limited to:

- California Coastal Commission (appealable jurisdiction)
- San Luis Obispo County Air Pollution Control District (SLOAPCD)
- Environmental Health Division of the County of San Luis Obispo Public Health Department (County Health Department)
- California Department of Transportation (Caltrans)
- Regional Water Quality Control Board (RWQCB)

Figure 4. Building height exhibit.



Source: Arris Architects 2019

II. ENVIRONMENTAL SETTING AND IMPACTS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the Environmental Checklist on the following pages.

X	1. Aesthetics	X	11. Land Use and Planning
	2. Agriculture and Forestry Resources		12. Mineral Resources
X	3. Air Quality		13. Noise
X	4. Biological Resources		14. Population and Housing
X	5. Cultural Resources		15. Public Services
X	6. Energy		16. Recreation
X	7. Geology and Soils	X	17. Transportation
X	8. Greenhouse Gas Emissions	X	18. Tribal Cultural Resources
	9. Hazards and Hazardous Materials		19. Utilities and Service Systems
	10. Hydrology and Water Quality		20. Wildfire

Fish and Game Fees

	The Department of Fish and Wildlife has reviewed the CEQA document and written no effect determination request and has determined that the project will not have a potential effect on fish, wildlife, or habitat (see attached determination).
X	The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code. This initial study has been circulated to the California Department of Fish and Wildlife for review and comment.

State Clearinghouse

X	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g., Cal Trans, California Department of Fish and Wildlife, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).

III. DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

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

Signature

Date

Cindy Jacinth

Senior Planner

For: Scot Graham

Community Development Director

[X] With Public Hearing

[ ] Without Public Hearing

Previous Document: CASE NO. CUP19-13 / CDP19-039 / LTM19-06

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact' is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 19, "Earlier Analysis," as described in (5) below, may be cross-referenced).

5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c) (3) (D)). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

    a) The significance criteria or threshold, if any, used to evaluate each question; and

    b) The mitigation measure identified, if any, to reduce the impact to less than significance.

IV. ENVIRONMENTAL CHECKLIST

1. Aesthetics

	Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?			X	
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c.	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?		X		
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

ENVIRONMENTAL SETTING

The project site is located at the northwest quadrant of the intersection of Highways 1 and 41 near the north-central section of Morro Bay, approximately 0.5 mile from the Pacific Ocean. Highway 41 begins at the project site and continues east over the hills to the city of Atascadero and beyond. West of Highway 1, Highway 41 turns into Atascadero Road and serves a variety of uses, including Morro Bay High School, a community recreation center, two hotels, a concrete plant, and recreational uses such as Morro Rock Beach, Lila Keiser Park, and Morro Dunes Recreational Vehicle (RV) Park. Main Street parallels the freeway east of Highway 1. A mix of service commercial and residential uses are seen in this area. Residential development includes both multi-unit development, single-family development, and mobile homes.

The project site is located on a coastal plain. To the west, the landform drops gently down through a dune area to beach and ocean. Inland from the site and east of Highway 1, the topography begins to rise to the coastal foothills. The area surrounding the project site is fairly well vegetated. Mature cypress, pine, and eucalyptus are the predominant tree cover in the area. Random groupings as well as scattered windrows are seen throughout the community. Native and ornamental shrubs and ground covers are visible along Highway 1, as well as the nearby developed areas. The site itself is grass covered and surrounded by chain-link fence on all sides. Wooden utility poles and overhead lines cross the parcel. Mature cypress trees line the project site to the north and west.

The project site occupies a vacant, relatively flat parcel, ranging from approximately 20–22 feet in elevation. The parcel is approximately 15 feet lower in elevation than the Highway 1 mainline. The southbound off-ramp passes by the east side the project site as it drops from Highway 1 to Highway 41. Atascadero Road borders the southern side and Morro Bay High School borders the north side of the parcel. The high school entry drive and the City Teen Center and Skate Park are to the west. A Class I bicycle lane connecting the northern part of the community with the downtown area passes by the north and west boundaries of the project site under the cypress trees.

Two hotels are located across from the project site along Atascadero Road. The hotels are two stories, with exterior balconies and modest landscaping. Streetlights follow Atascadero Road east and west of the project site.

Regulatory Context and Viewer Sensitivity

The City of Morro Bay General Plan and LCP contain policies that protect the city's visual resources. The waterfront and Embarcadero are designated as scenic view areas in the General Plan Visual Resources and Scenic Highway Element. Morro Rock, the sand spit, the harbor, and navigable waterways are all considered significant scenic resources. Highway 1, which is located immediately adjacent to the project site, is an Officially Designated State Scenic Highway as well as a National Scenic Byway and All-American Road. The following visual policies and programs not only provide a regulatory framework but are also indicators of sensitivity to visual changes proposed at the project site.

State and National Scenic Designations

In 1999 Highway 1 was designated by the State of California as an Officially Designated Scenic Highway. The County of San Luis Obispo (County) and the City promoted the designation based on the high level of existing visual quality along the corridor as well as the desire to protect its visual resources in the future. In 2003 Highway 1 was also bestowed the title of "All-American Road" in the National Scenic Byway program. This designation recognizes the visual characteristics of the Highway 1 corridor as being among the highest quality in the nation. These designations illustrate the highest level of concern and sensitivity for the aesthetics within the project area and beyond.

City of Morro Bay Coastal Land Use Plan, Chapter XIII

The City's CLUP includes a chapter on Visual Resources to address the visual quality concerns in the city. The CLUP identifies several aesthetic concerns in the community, including overhead utility lines and the protection of neighborhood character:

> ***D. Conflicts and Issues***
>
> ***3. Overhead Utility Lines***
>
> *Throughout Morro Bay's residential neighborhoods and most of its commercial areas, there seems to be a maze of overhead utility lines darting in every direction. While this problem is not unique to Morro Bay, it seems particularly acute in this community, particularly in the northern sections of the City. This web of lines serves to both:*
>
> *a) Create a jumbled, blighted appearance for those areas in which it is most predominant;*
>
> *b) Interfere with, obstruct, and in some cases render unsightly views that would otherwise be spectacular.*
>
> *Existing utility lines will continue to plague what is visually pleasant about Morro Bay and detract from property values unless a concerted effort is taken to eliminate this eyesore.*
>
> ***6. Protection of Neighborhood Character***
>
> *One of the priorities of the Coastal Act is the protection of the character of the community and its neighborhoods. Morro Bay recognizes the need to preserve the unique character of its varied neighborhoods and to create a higher quality visual environment within them. Among some of the issues that predicate the establishment of policy to preserve neighborhood character are the following:*
>
> *(d) There is a need for balancing formula governing the allowable height and bulk of residential and commercial buildings.*

The City's CLUP identifies several policies to address these concerns:

E. Visual Resource Policies

Policy 12.01: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas.

Policy 12.02: Permitted development shall be sited and designed to protect views to and along the coast and designated scenic areas and shall be visually compatible with the surrounding areas.

Policy 12.05(d): The City shall, as part of the implementation phase of the LCP, adopt new provisions to reduce allowable height and size where they interfere with views to and along State Highway One.

City of Morro Bay General Plan Visual Resources and Scenic Highway Element, Chapter IV

The Visual Resources and Scenic Highway Element of the City's General Plan and LCP establish criteria for the protection, preservation and enhancement of the city's scenic resources and identifies the scenic qualities along major roadways in Morro Bay. The element provides the following criteria and policies for the protection of scenic resources:

Assessment of Scenic Values

In order to implement the policies of the Coastal Act regarding visual resources, the City identified areas providing significant public views such as Morro Bay, Morro Rock, and the Pacific Ocean. Because man-made visual quality and natural visual quality are aesthetically pleasing and desirable in different ways, urban views are evaluated under different criteria than natural views. The criteria used for assessing views of the urban environment include such things as:

a) The enhancement of the City's character through the use of building materials and scale of the structures;

b) The compatibility with surrounding structures;

c) The preservation of public views;

d) The enhancement and definition of the City's image.

The General Plan identifies Morro Rock as the landmark of the community and the most significant visual feature of the area that can be seen from almost any location in Morro Bay.

The City's entry corridors are also important with regard to preserving and enhancing visual amenities. If the axiom that first impressions are most important is applied to Morro Bay, then entry corridors should receive considerable attention particularly when one considers that tourism is one of the principal economic bases for the City. Both Highway 1 and 41 are identified as "Entry Corridors" on Figure VR-3, Scenic Routes, of the General Plan. The intersection of Highways 1 and 41 is identified in the General Plan as a principal entryway to the city. The visual quality of this area is seriously impaired by the lack of landscaping, excessive signs, vacant and unkept properties, and overhead utilities. The General Plan states that the City should exercise strict design control over new development along these corridors to improve architectural coordination and quality. Special sign controls and landscaping requirements should be applied in these areas. Further, establishment of future utility undergrounding

districts by the City should focus on these entryways (refer to page IV-16 of the Visual Resources and Scenic Highway Element).

The General Plan identifies two policies that aim to enhance, protect, and preserve the existing and potential visual resources of Morro Bay and its surroundings:

> *Policy VR-2: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas those such as designated on Figure VR-1, shall be subordinate to the character of its setting.*
>
> *Policy VR-3: The City shall implement the Coastal Land Use Plan/Coastal Element map and policies, through the adoption of appropriate ordinances, to protect and enhance the visual resources associated with the corridors of the City's scenic highways and local designated routes.*

Project Visibility

The applicant erected story poles on the project site in advance of the conceptual Planning Commission meeting on January 15, 2019. Five story poles were placed with string-line connection to help simulate the four corners of the structure and the structure's midpoint. The story poles were representative of the proposed maximum building height of the original project design (35.42 feet).

Views from Highway 1

The project site is located at an identified "Gateway" to Morro Bay. Highway 1, which is immediately east of the site, rises in elevation as it crosses over Highway 41. This elevated vantage point provides a direct view of the project site at a viewing distance of approximately 100 feet away. Traveling in the southbound direction of Highway 1, viewers would see the project from along an approximately 700-foot section of the roadway. Vehicles traveling at the posted speed limit would experience project views for approximately 7 seconds. Bicyclists, traveling at 20 miles per hour would see the project for approximately 23 seconds.

Traveling south, Morro Rock is directly visible from Highway 1 along an approximately 0.6-mile segment adjacent to the Cloisters development north of the project. Continuing southbound, views of Morro Rock are intermittent due to mature vegetation along the highway and around the high school. In the vicinity of the project site, the existing cypress trees lining the west side of the site substantially block views of Morro Rock, except at the southern end of the parcel where the row of trees ends. From that vantage point Morro Rock can be clearly seen to the southwest along an approximately 250-foot segment of the southbound lanes. South of the Highway 41 undercrossing, views to Morro Rock once again become intermittent due to intervening vegetation and development. The story poles that were erected in January 2019 showed that a small portion of the original project design would have blocked Morro Rock while traveling southbound past the project. The project design was altered in response to preliminary feedback from Planning Commission and the revised design analyzed here would not result in blocked views of Morro Rock while traveling southbound on Highway 1.

Traveling northbound, the project site would be potentially seen along an approximately 600-foot segment of Highway 1. Due to the slight northwest angle of Highway 1 while traveling northbound, and the location of Morro Rock south of the project site, the hotel would not block views of Morro Rock while traveling northbound on Highway 1. Similar to the views in the southbound direction, the existing cypress trees around the site block most of the views of the ocean. The story poles that were previously erected showed that the hotel would not block views of the ocean traveling northbound on Highway 1 as the height of the structure would be below the tree line of the cypress trees that backdrop the project.

Views from Highway 41/Atascadero Road

Highway 41 becomes Atascadero Road west of the southbound Highway 1 on- and off-ramps. From viewpoints west of Highway 1, the roadway is immediately adjacent to the project site and can be clearly seen in the foreground. West of the project site, the southernmost portion of the project parcel is visible, while existing vegetation and development limits views to the northern end of the site. As seen from Highway 41 east of Highway 1, the embankment slopes and vegetation of the undercrossing effectively block views of the project site.

Views from Other Local Roads

The project site can be seen from a portion of Main Street north of Highway 41. From this location, the ground-plane of the site is not be visible, but the upper portion of the proposed structure would be visible across Highway 1. A glimpse of Morro Rock is available beyond the southern end of the cypress trees bordering the project site.

The project would also be seen from portions of Sunset Avenue and Hill Street east of Highway 1. The elevated viewing position of these roadways would allow for intermittent views of the project west of Highway 1.

City staff conducted a field reconnaissance to view the story poles from nearby local roads, including Sunset Avenue. The reconnaissance showed that due to the elevation of the project site approximately 16 feet below Highway 1, and the height and angle of the cypress trees on the western portion of the project site, the story poles (and therefore the hotel) did not block views of Morro Rock from residences on Sunset Avenue or other uphill streets (such as Hill Street).

The public bicycle trail would provide direct foreground views of the project as it passes along the northern and western perimeter of the site. Due to viewing distance, intervening development, and vegetation, the project would not be visible from public parks or the beach.

IMPACT DISCUSSION

Scenic vistas are generally defined as high-quality views displaying good aesthetic and compositional value that can be seen from public viewpoints. If the project substantially degrades the scenic landscape as viewed from public roads, or in particular designated scenic routes, or from other public or recreation areas, this would be considered a potentially significant impact on the scenic vista. The primary visual resource contributing to scenic vistas in the project vicinity is Morro Rock, approximately 1 mile southwest of the project site. Other visual resources along the Highway 1 corridor that contribute to scenic vistas often include views of the Pacific Ocean, the beach and shoreline, bluffs and cliffs, mature trees and other native vegetation, and the hillsides and ridges to the inland from Highway 1.

a. Views of the Pacific Ocean are not readily visible from the immediate project area because of topography, distance, and intervening vegetation and development. The inland hills contribute to the scenic vista for views toward the east. Because of the project's location west of Highway 1, views to the scenic inland hills would not be affected.

   As seen from southbound Highway 1, the project site occupies the foreground along an approximately 550-foot frontage of the highway and off-ramp. Although existing cypress trees block views to Morro Rock while traveling along most of the project frontage, no trees exist at the southernmost 120 feet of the project site. Through this gap, Morro Rock can be easily seen to the southwest. The project proposes a 35.5-foot-tall structure which steps down at its southern section. The elevation of the Highway 1 travel lanes is approximately 15 feet above the ground elevation of the project parcel. Review of the project site, story-pole exhibits, and photo simulations indicate that the hotel structure would have minimal effect on availability of views to Morro Rock as seen from the Highway 1 mainline (Figures 5 and 6). The bulk of the hotel structure would be seen in front of the existing row of cypress trees, which already block views to Morro Rock. A small portion of the southeastern corner of the building would affect the view; however,

the duration of this blockage would be approximately 1 second and would be inconsequential in terms of its effect on the scenic vista (Figure 6).

As the southbound off-ramp approaches Highway 41, it drops in elevation relative to the project site. As a result, the proposed building would occupy a greater percentage of the available view in that direction. However, as seen from the off-ramp, the existing view of Morro Rock is somewhat compromised relative to the views from the highway mainline due to the lower view angle and a greater amount of intervening development. As a result, the partial reduction of views to Morro Rock from the southbound off-ramp would be minimal.

As a result of these viewing conditions, potential impacts to the scenic vista would be less than significant.

b. A scenic resource is a specific feature or element with a high degree of memorability or landmark characteristics that contribute to the high visual quality of the corridor. In general, coastal scenic resources along Highway 1 include the Pacific Ocean, the rugged cliffs and shoreline, rock outcroppings and inland hills, vegetated creek ways, and patterns of mature native vegetation. Morro Rock is among the most memorable and iconic natural features and coastal scenic resources as seen from Highway 1 through Morro Bay and the coastal communities of northern San Luis Obispo County. The project would result in a significant impact if it were to damage or have a substantial negative effect on views of any of those specific resources as seen from Highway 1, an Officially Designated State Scenic Highway.

As mentioned previously, the project would have only a minor effect on the availability of views to Morro Rock. As seen from southbound Highway 1, the southernmost portion of the hotel would affect a small portion of Morro Rock for a viewing duration of approximately 1 second (Figures 7 and 8). It is expected that this change would be unnoticed by the casual observer.

Additionally, because of some combination of proximity, view orientation, topography, intervening vegetation, or development, potential views of other identified scenic resources as seen from Highway 1 would be not affected by the project.

Therefore, potential impacts to the scenic resources as seen from the Officially Designated State Scenic Highway would be less than significant.

c. Project-related actions would be considered to have a significant impact on the visual character of the site if they altered the area in a way that substantially changed, detracted from, or degraded the visual quality of the site or the surrounding area. The degree to which that change reflects documented community values and meets viewers' aesthetic expectations is the basis for determining levels of significance. Visual contrast and compatibility may be used as a measure of the potential impact that the project may have on the visual quality of the site. If a strong contrast occurred where project features or activities attract attention and dominate the landscape setting, this would be considered a potentially significant impact on visual character or quality of the site.

Figure 5. Existing view of the project site from southbound Highway 1 with Morro Rock in the distance.

Source: Arris Studio Architects

Figure 6. Simulation of the project from southbound Highway 1 with Morro Rock in the distance.

Source: Arris Studio Architects

The visual character of the project site and its surroundings is defined by both built and natural elements. Although the immediate project setting is characterized by suburban-type development, the views of Morro Rock, the Pacific Ocean, and the inland hills provide an awareness of a larger, natural context. These features combine for a moderately high visual quality and character. Within the project vicinity, the Highway 1/41 interchange, Atascadero Road, and Main Street corridors are seen as primarily commercial. With two existing hotels located directly across from the project site, the proposed hotel would not be an unexpected use for the area.

The proposed hotel structure would be 35.5 feet tall, which exceeds the maximum 30-foot height allowed by the City Zoning Ordinance. This three-story structure would be visually inconsistent with the two-story hotels across the street. Although the proposed structure shows some articulated features, shed-roof elements, and varied materials, its large mass and basic rectilinear box form would be apparent as seen from Highway 1. Although the building would be somewhat out-of-scale with the surrounding developments, the combination of the elevated Highway 1 viewing position relative to the site, along with the row of large cypress trees directly adjacent to the site would partially reduce the perceived size and visual mass of the project. The project plans include approximately 20 parking lot and accent trees along the east side of the structure. The trees would provide some visual filtering of the project but would not be sufficient in size or number to disguise the large visual scale of the hotel building.

Figure 7. Existing view of the project site from southbound Highway 1; existing cypress trees block views of Morro Rock.

Source: Arris Studio Architects

Figure 8. Simulation of the project from southbound Highway 1; existing cypress trees block views of Morro Rock.

Source: Arris Studio Architects

Figure 9. Existing view of the project site from the intersection of Atascadero Road and the Highway 1 southbound ramps.

Source: Arris Studio Architects

Figure 10. Simulation of the project from the intersection of Atascadero Road and the Highway 1 southbound ramps.

Source: Arris Studio Architects

The primary visual effect of the project would be that the site would go from being dominated by the mature cypress trees to being dominated by the large building. The proposed parking lot landscaping would visually reduce the visual mass of the proposed structure (JBLA Conceptual Landscape Plan February 2019 and JBLA Landscape Screening Update Letter November 2019). With implementation of the mitigation measures identified in this report, the perceived large mass and rectilinear character of the hotel building would be reduced. As a result, the project would result in significant but mitigable impacts to the existing visual character and quality of the site and its surroundings. After implementation of identified mitigation, residual impacts would be less than significant.

d. The project would result in a significant impact if it subjected viewers from public viewpoints to a substantial amount of point-source lighting visibility at night, or if the collective lumination of the project resulted in a noticeable spillover effect into the nighttime sky, increasing the ambient light over the region. The placement of lighting, source of illumination, and fixture types combined with viewer locations, adjacent reflective elements, and atmospheric conditions can affect the degree of change to nighttime views.

Night lights are currently seen throughout the area. Streetlights line Atascadero Road and the Highway 1 on- and off-ramps. Various types of lights are associated with the nearby commercial properties, and sports field lighting can be seen at Morro Bay High School and Lila Keiser Park. The project plans identify a range of outdoor lighting, including parking lot pole lighting, and bollards and sconces on the building. LED lighting would be used throughout the project, with cut-off fixtures proposed for elevated light sources. A photometric study provided by the applicant shows no light spillover onto adjacent properties.

Based on this information combined with the existing developed setting, no substantial sources of light or glare affecting day or nighttime views would occur, and potential impacts would be less than significant.

CONCLUSION

Potentially significant impacts to aesthetic resources associated with the proposed project would be less than significant with implementation of mitigation.

MITIGATION AND MONITORING

Mitigation Measure VR-1: At time of application for construction permits, the applicant shall revise the Conceptual Landscape Plan (dated February 19, 2019) by Jim Burrows Landscape Architecture to be consistent with the Landscape Screening Update Letter dated November 7, 2019 by Jim Burrows Landscape Architecture. The revised landscape plan shall provide for landscaping that provides at least 50% year-round (evergreen) screening of the structure, as viewed from Highway 1 traveling southbound (east building frontage) and taken from the vantage point as shown in Figure 5. Within five years of final inspection and occupancy, the landscaping shall provide for

25% year-round screening of the structure as viewed from Highway 1 traveling southbound. Within ten years of final inspection and occupancy and for the life of the project, the landscaping shall provide for 50% year-round screening of the structure as viewed from Highway 1 traveling southbound. In the event the landscaping does not meet or falls below these performance criteria, the applicant shall retain a qualified landscape architect to prepare and submit a revised landscape and replanting plan to fulfil this mitigation measure to the satisfaction of the City.

Mitigation Measure VR-2: Per City of Morro Bay Municipal Code section 17.48.050, all overhead utilities on the project site shall be placed underground. Prior to issuance of grading permits, the applicant shall provide revised plans showing compliance with this measure for review and approval by the City of Morro Bay Community Development Department.

2. Agricultural Resources

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

ENVIRONMENTAL SETTING

The project site is located within the C-VS/PD (Visitor Serving Commercial/Planned Development) zoning district and designated by the City's General Plan and CLUP as Visitor Serving Commercial. The site is completely vacant and there is no record of previous development. No agricultural activities are present within or proximate to the project site. Based on review of the California Department of Conservation (DOC) San Luis Obispo County Important Farmland 2016 map (DOC 2016), the project site is designated as Urban and Built-up Land.

The project site is entirely underlain by 192 Psamments and Fluvents, occasionally flooded soils. Permeability is moderately rapid or rapid, and surface runoff is very slow or slow. The hazard of water erosion is moderate and during unusually heavy storms, damaging overflow and deposition can occur. Because the profile of these soils is highly variable, on-site investigation is needed to determine practices needed to control erosion, prevent flooding, and determine suitability for range, farming, and engineering uses. This soil is classified as Not Prime Farmland by the Natural Resource Conservation Service (NRCS 2019). This soil has a CA Storie Index Rating of Grade 4 – Poor.

IMPACT DISCUSSION

a. There is no active farmland on the project site or in the project vicinity. The project site is designated as Urban and Built-up Land and does not contain soils classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP. On-site soils are designated Not Prime Farmland by the NRCS. Therefore, the project would not result in the conversion of Farmland pursuant to the FMMP to a non-agricultural use and no impacts would occur.

b. The project site does not include land within the Agriculture land use designation or land subject to a Williamson Act contract. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and no impacts would occur.

c., d. The project site does not include land use designations or zoning for forest land or timberland, nor does the project site support forest land or timberland; therefore, the project would not result in the loss or conversion of these lands to non-forest use. No impacts would occur.

e. The project is not located near Farmland or forest land and the nature of the project would not conflict with existing agricultural uses. The project would not substantially increase demand on agricultural water supplies and would not indirectly affect any proximate agricultural support facilities. Therefore, the project would not result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural uses or forest land to non-forest uses. No impacts would occur.

CONCLUSION

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. No significant impacts to agricultural resources would occur and no mitigation measures are necessary.

MITIGATION AND MONITORING

Mitigation measures are not required.

3. Air Quality

	Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a.	Conflict with or obstruct implementation of the applicable air quality plan?		X		
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X		
c.	Expose sensitive receptors to substantial pollutant concentrations?		X		
d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

ENVIRONMENTAL SETTING

This section summarizes the information in the Air Quality and Greenhouse Gas Impact Analysis prepared for the project (AMBIENT Air Quality and Noise Consulting 2019a). For more detailed information, please refer to Attachment B.

Morro Bay is in San Luis Obispo County, which is part of the South-Central Coast Air Basin (SCCAB) and within the jurisdiction of the San Luis Obispo County Air Pollution District (SLOAPCD). The climate of the SCCAB is strongly influenced by its proximity to the Pacific Ocean. Airflow around and within the basin plays an important role in the movement and dispersion of pollutants. The speed and direction of local winds are controlled by the location and strength of the Pacific high-pressure system and other global weather patterns, topographical factors, and circulation patterns that result from temperature differences between the land and the sea.

Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), and SLOAPCD. Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation.

The SLOAPCD is the agency primarily responsible for ensuring that federal and state ambient air quality standards are not exceeded and that air quality conditions within the region are maintained. Responsibilities of the SLOAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the federal and state Clean Air Acts.

As part of the California Clean Air Act, the SLOAPCD is required to develop a plan to achieve and maintain the state ozone standard by the earliest practicable date. The SLOAPCD's 2001 Clean Air Plan (CAP) addresses the attainment and maintenance of federal and state ambient air quality standards. The CAP was adopted by SLOAPCD on March 26, 2002, and outlines strategies to reduce ozone-precursor pollutants (i.e., reactive organic gas [ROG] and nitrogen oxide [NOx]) from a wide variety of sources. The CAP includes a stationary-source control program, which includes control measures for permitted stationary sources, as well as transportation and land use management strategies to reduce motor vehicle emissions and use. The stationary-source control program is administered by SLOAPCD. Transportation and land use control measures are implemented at the regional or local

level by promoting and facilitating the use of alternative transportation options, increased pedestrian access and accessibility to community services and local destinations, reductions in vehicle miles traveled, and promotion of congestion management efforts. In addition, local jurisdictions also prepare population forecasts, which are used by SLOAPCD to forecast population-related emissions and air quality attainment, including those contained in the CAP.

The SLOAPCD has developed and updated their California Environmental Quality Act (CEQA) Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result.

The SLOAPCD has established thresholds for both short-term construction emissions and long-term operational emissions. Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as NOx, ROG, greenhouse gases (GHGs), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (e.g., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (source emissions).

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The project site is located in a moderately developed area and the nearest sensitive land uses to the project site is Morro Bay High School, located immediately to the north and west of the project.

IMPACT DISCUSSION

a. According to the SLOAPCD's CEQA Air Quality Handbook (2012), a consistency analysis with the CAP is required for a program-level environmental review and may be necessary for a larger project-level environmental review, depending on the project being considered. Project-level environmental reviews that may require consistency analysis with the CAP include large residential developments and large commercial/industrial developments. For such projects, evaluation of consistency is based on a comparison of the proposed project with the land use and transportation control measures and strategies outlined in the CAP. If the project is consistent with these measures, the project is considered consistent with the CAP.

   The proposed project is not considered a large development project that would have the potential to result in a substantial increase in population or employment. In addition, the proposed project is also consistent with existing zoning designations. However, construction-generated emissions of ROG+NOx would exceed the SLOAPCD's recommended significance threshold of 137 pounds per day. Projects that exceed the SLOAPCD's recommended significance thresholds would also be considered to potentially conflict with regional air quality planning efforts. Therefore, this impact is considered potentially significant.

Table 1: Summary of Ambient Air Quality Standards and San Luis Obispo County Attainment Status

Pollutant	Averaging Time	California Standards*		National Standards*	
		Concentration*	Attainment Status	Primary[(a)]	Attainment Status
Ozone (O_3)	1-hour	0.09 ppm	Non-Attainment	–	Non-Attainment Eastern SLO County -Attainment Western SLO County
	8-hour	0.070 ppm		0.075 ppm	
Particulate Matter (PM_{10})	AAM	20 µg/m3	Non-Attainment	–	Unclassified/ Attainment
	24-hour	50 µg/m3		150 µg/m3	
Fine Particulate Matter ($PM_{2.5}$)	AAM	12 µg/m3	Attainment	12 µg/m3	Unclassified/ Attainment
	24-hour	No Standard		35 µg/m3	
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment	35 ppm	Attainment/ Maintenance
	8-hour	9 ppm		9 ppm	
	8-hour (Lake Tahoe)	6 ppm		–	
Nitrogen Dioxide (NO_2)	AAM	0.030 ppm	Attainment	0.053 ppm	Unclassified
	1-hour	0.18 ppm		100 ppm	
Sulfur Dioxide (SO_2)	AAM	–	Attainment	0.03 ppm	Unclassified
	24-hour	0.04 ppm		0.14 ppm	
	3-hour	–		0.5 ppm (1300 µg/m3)**	
	1-hour	0.25 ppm		75 ppb	
Lead	30-day Average	1.5 µg/m3	Attainment	–	No Attainment Information
	Calendar Quarter	–		1.5 µg/m3	
	Rolling 3-Month Average	–		0.15 µg/m3	
Sulfates	24-hour	25 µg/m3	Attainment	No Federal Standards	
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m3)	Attainment		
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m3)	No Information Available		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/kilometer-visibility of 10 miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70%.	Attainment		

* For more information on standards visit: http//ww.arb.ca.gov.research/aaqs/aaqs2.pdf

** Secondary Standard

Source: SLOAPCD 2017; CARB 2017a

In July 2005, the SLOAPCD adopted the Particulate Matter Report (PM Report). The PM Report identifies various measures and strategies to reduce public exposure to PM emitted from a wide variety of sources, including emissions from permitted stationary sources and fugitive sources, such as construction activities. Uncontrolled fugitive dust generated during construction may result in localized pollutant concentrations that may result in increased nuisance concerns to nearby land uses. Therefore, construction-generated emissions of fugitive dust would be considered to have a potentially significant impact.

Implementation of Mitigation Measure AQ-1 would include measures to reduce construction-generated emissions of fugitive dust, as well as mobile-source emissions associated with construction vehicle and equipment operations and evaporative emissions from architectural coatings. With implementation of mitigation, overall emissions of fugitive dust would be reduced by roughly 50–60%. These measures would also help to ensure compliance with the SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402) and would minimize potential nuisance impacts to nearby receptors. Therefore, this impact would be significant but mitigable. With implementation of identified mitigation, residual impacts would be less than significant.

b. **Short-Term Construction Emissions**

The construction of the proposed project would result in the temporary generation of emissions associated with site grading and excavation, paving, and motor vehicle exhaust associated with construction equipment and worker trips, as well as the movement of construction equipment on unpaved surfaces. Short-term construction emissions would result in increased emissions of ozone-precursor pollutants (i.e., ROG and NOx) and emissions of PM. Emissions of ozone precursors would result from the operation of on- and off-road motorized vehicles and equipment. Emissions of airborne PM are largely dependent on the amount of ground disturbance associated with site preparation activities and can result in increased concentrations of PM that can adversely affect nearby sensitive land uses.

Estimated daily and quarterly emissions associated with initial construction of the proposed project are presented in Tables 2 and 3, respectively. Construction-generated emissions in comparison to SLOAPCD significance thresholds are summarized in Table 4. As depicted, maximum daily emissions associated with construction of the proposed project would total approximately 118.8 pounds per day of ROG+NOx. Emissions of particulate matter 10 micrometers or less in diameter (PM_{10}) during construction would total approximately 5.2 pounds per day or less. Maximum quarterly construction-generated emissions would total approximately 1.0 tons of ROG+NOx and less than 0.1 tons of both Fugitive PM_{10} and DPM. Estimated construction emissions would not exceed the SLOAPCD's significance thresholds. However, if uncontrolled, fugitive dust generated during construction may result in localized pollutant concentrations that could exceed ambient air quality standards and result in increased nuisance concerns to nearby land uses. For these reasons, construction-generated emissions would be a potentially significant impact.

With implementation of Mitigation Measure AQ-1, overall emissions of fugitive dust would be reduced by approximately 50–60%. These measures would also help to ensure compliance with SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402) and would minimize potential nuisance impacts to nearby receptors. With the use of low-volatile organic compound (VOC)-content paints, maximum daily construction-generated emissions of ROG+NOx would total approximately 65 pounds per day. Mitigated emissions of ROG+NOx would not exceed SLOAPCD's daily significance threshold of 137 pounds per day (Table 5). Therefore, this impact would be significant but mitigable. With implementation of identified mitigation, residual impacts would be less than significant.

Table 2: Daily Construction Emissions Without Mitigation

Construction Activity	Construction Year	Daily Emissions (lbs)	
		$ROG+NO_X$	Exhaust PM_{10}
Site Preparation	2020	50.1	2.4
Grading/Excavation	2020	38.4	1.5
Building Construction	2020-2021	118.8	5.2
Paving	2021	13.3	0.7
Architectural Coating	2021	27.7	0.1
SLOAPCD Significance Thresholds		***137***	***7***
Maximum Daily Emissions-Year 2021		*118.8*	*5.2*
Exceed SLOAPCD Thresholds?		No	No

Maximum Daily Emissions: Assumes that building construction, paving, and application of architectural coatings could potentially occur simultaneously on any given day. Totals may not sum due to rounding. Refer to Attachment B for modeling assumptions and results.

Table 3: Quarterly Construction Emissions Without Mitigation

Quarter	Quarterly Emissions (tons)			
		PM_{10}		
	$ROG+NO_X$	Dust	Exhaust	Total
Quarter 1	1.0	0.10	0.05	0.15
Quarter 2	0.8	0.03	0.04	0.06
Quarter 3	0.9	0.03	0.04	0.07
Quarter 4	1.0	0.02	0.04	0.06
Maximum Quarterly Emissions:	*1.0*	*0.10*	*0.05*	*0.15*
SLOAPCD Significance Thresholds	***2.5***	***2.5***	***0.13***	***None***
Exceed SLOAPCD Thresholds?	No	No	No	No

To be conservative, total exhaust PM_{10} emissions were compared to SLOAPCD's DPM threshold. Totals may not sum due to rounding. Refer to Attachment B for modeling assumptions and results.

Table 4: Summary of Construction Emissions Without Mitigation

Criteria	Project Emissions*	SLOAPCD Significance Threshold	Exceed Significance Threshold?
Maximum Daily Emissions of $ROG+NO_X$	118.8 lbs/day	137 lbs/day	No
Maximum Daily Emissions of DPM	5.2 lbs/day	7 lbs/day	No
Maximum Quarterly Emissions of $ROG+NO_X$	1.0 tons/qtr.	2.5 tons/qtr.	No
Maximum Quarterly Emissions of DPM	0.05 tons/qtr.	0.13 tons/qtr.	No
Maximum Quarterly Emissions of Fugitive PM	0.1 tons/qtr.	2.5 tons/qtr.	No

* lbs/day = pounds per day, tons/qtr. = tons per quarter

Quarterly thresholds are based on the more conservative Tier 1 thresholds. Refer to Attachment B for modeling assumptions and results.

Table 5: Daily Construction Emissions with Mitigation

Construction Activity	Construction Year	Daily Emissions (lbs)	
		$ROG+NO_X$	Exhaust PM_{10}
Site Preparation	2019	20.2	1.0
Grading/Excavation	2019	26.0	0.8
Building Construction	2019–2020	65.0	2.7
Paving	2020	9.8	0.5
Architectural Coating	2020	27.1	0.1
SLOAPCD Significance Thresholds		***137***	***7***
Maximum Daily Emissions-Year 2020		*101.9*	*3.3*
Exceed SLOAPCD Thresholds?		No	No

Maximum Daily Emissions: Assumes that building construction, paving, and application of architectural coatings could potentially occur simultaneously on any given day. Totals may not sum due to rounding. Refer to Attachment B for modeling assumptions and results.

Long-term Operational Emissions

Long-term operational emissions associated with the proposed project would be predominantly associated with mobile sources. To a lesser extent, emissions associated with area sources, such as landscape maintenance activities, as well as, use of electricity and natural gas would also contribute to increased operational emissions. Unmitigated operational emissions associated with operation of the proposed project are summarized in Table 6. As depicted, maximum daily operational emissions would total approximately 10.5 pounds per day ROG+NOx, 13.3 pounds per day carbon monoxide (CO), 2.3 pounds per day of fugitive PM_{10}, and 0.1 pounds per day of exhaust PM_{10}. Maximum annual emissions would total approximately 1.9 tons/year of $ROG+NO_x$ and approximately 0.4 tons/year of fugitive PM_{10}. Operational emissions associated with the proposed project would not exceed SLOAPCD significance thresholds. As a result, this impact would be less than significant.

Table 6: Operational Emissions Without Mitigation

Operational Period/Source	Emissions						
					PM_{10}		
	ROG	NO_X	$ROG+NO_X$	CO	Fugitive	Exhaust	Total
Daily Emissions (lbs/day)							
Summer Conditions	4.8	5.7	10.5	12.7	2.3	0.1	2.4
Winter Conditions	1.2	5.9	7.2	13.3	2.3	0.1	2.4
SLOAPCD Significance Thresholds	**--**	**--**	**25**	**550**	**25**	**1.25**	**--**
Exceeds SLOAPCD Thresholds?	--	--	No	No	No	No	--
Annual Emissions (tons/year)							
Total Project Emissions	*0.9*	*1.0*	*1.9*	*2.3*	*0.4*	*0.0*	*0.4*
SLOAPCD Significance Thresholds	**--**	**--**	**25**	**--**	**25**	**--**	**--**
Exceeds SLOAPCD Thresholds?	--	--	No	--	No	--	--

Based on year 2020 operational conditions. Totals may not sum due to rounding.
Refer to Attachment B for modeling output files and assumptions.

c. Localized air quality impacts would be primarily associated with the project's contribution to localized mobile-source CO concentrations, as well as exposure to construction-generated emissions.

Localized Carbon Monoxide Concentrations

Localized concentrations of CO are of primary concern in areas located near congested roadway intersections. Of particular concern are signalized intersections that are projected to operate at unacceptable levels of service (LOS) E or F. Based on the traffic analysis prepared for this project, the proposed project would not substantially contribute to unacceptable levels of service (i.e., LOS E or F) at signalized intersections. Two of the study intersections (the Highway 41 intersections at Main Street and the Highway 1 southbound on- and off-ramps) currently operate below the LOS C/D threshold for vehicles. The addition of project traffic would increase delay at these intersections by less than 2 seconds at both locations. The City and Caltrans are pursuing a six-leg roundabout at this intersection. This project is currently in the design stage. Constructing the roundabout would result in acceptable operations (Central Coast Transportation Consulting [CCTC] 2018). In addition, the proposed project would not result in emissions of CO in excess of the SLOAPCD's significance threshold of 550 pounds per day. Therefore, this impact would be less than significant.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the CARB. In accordance with CARB Airborne Toxic Control Measures (ATCMs), prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request form, along with a copy of the geologic report, must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. ed on a review of the SLOAPCD's map depicting potential areas of NOA, the project site is not located in an area that has been identified by SLOAPCD as having a potential for NOA. As a result, this impact is considered less than significant.

Localized PM Concentrations

Implementation of the proposed project would result in the generation of fugitive PM emitted during construction. Fugitive PM emissions would be primarily associated with earth-moving, demolition, and material-handling activities, as well as vehicle travel on unpaved and paved surfaces. On-site off-road equipment and trucks would also result in short-term emissions of DPM. If uncontrolled, localized concentrations of PM could exceed air quality standards and may also result in increased nuisance impacts to nearby land uses and receptors. This impact is considered potentially significant. Idling of on-site equipment during construction would be prohibited when equipment is not in use in accordance with SLOAPCD requirements (CEQA Air Quality Handbook section 2.1.1) due to the close proximity of sensitive receptors, including the adjacent school.

Mitigation Measure AQ-1 includes measures for the control of fugitive dust emitted during project construction. Mitigation Measures AQ-2.b through AQ-2.i include additional provisions for reducing emissions of DPM from on-site mobile sources. With implementation of Mitigation Measure AQ-1 and AQ-2, this impact would be less than significant.

d. The proposed project would not result in the installation of any equipment or processes that would be considered major odor-emission sources. However, construction of the proposed project would involve the use of a variety of gasoline or diesel-powered equipment that would emit exhaust fumes. Exhaust fumes, particularly diesel exhaust, may be considered objectionable by some people. In addition, pavement coatings and architectural coatings used during project construction would also emit temporary odors. However, construction-generated emissions would occur intermittently throughout the workday and would dissipate rapidly with increasing distance from the source. As a result, short-term construction activities

would not expose a substantial number of people to frequent odorous emissions. For these reasons, potential exposure of sensitive receptors to odorous emissions would be considered less than significant.

CONCLUSION

Implementation of the proposed project would result in emissions exceeding thresholds of significance, as identified by the SLOAPCD, which would also be considered to potentially conflict with regional air quality planning efforts. Standard mitigation has been identified to reduce potential impacts. With incorporation of the mitigation detailed below, the project would result in less-than-significant impacts on air quality.

MITIGATION AND MONITORING

Mitigation Measure AQ-1: The following measures shall be implemented to minimize construction-generated emissions. These measures are based on SLOAPCD standard mitigation measures and would help to ensure compliance with the SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402). These measures shall be shown on grading and building plans:

a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.

b. To the extent locally available, prefinished building materials or materials that do not require the application of architectural coatings shall be used.

c. Reduce the amount of the disturbed area where possible.

d. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, refer to the following link from the San Joaquin Valley Air District: http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm~~see Section 4.3 of the CEQA Air Quality Handbook~~.

e. All dirt stock-pile areas should be sprayed daily as needed and covered with tarps or other dust barriers as needed.

f. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

g. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

h. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.

i. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

k. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

l. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified. ~~wheel washers at the construction site entrance, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD approved methods sufficient to minimize the track-out of soil onto paved roadways.~~

m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible.

n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

o. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

Mitigation Measure AQ-2: The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.

b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

    1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,

    2. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

c. Maintain all construction equipment in proper tune according to manufacturer's specifications;

d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

g. Electrify equipment when possible;

h. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,

i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Mitigation Measure AQ-3: City of Morro Bay entered into an agreement with Monterey Bay Community Power in January 2020 to provide 100% carbon-free and renewable energy within the City. The City's program is an opt-out program, where all customers within the City will automatically be served by Monterey Bay Community Power's carbon-free energy unless they undergo the process to actively opt out of the program. To further mitigate GHG emissions, the project applicant shall not opt out of the Monterey Bay Community Power program and shall be served by 100% carbon-free and renewable energy through that program, or an equivalent program, for the life of the project or as long as it (or an equivalent program) is available within the City.

Mitigation Measure AQ-4: To encourage car-free transportation to and around San Luis Obispo County, the project applicant shall sign up to participate in the SLO Car Free Program (or a similar program), provide incentives to car-free travelers, and promote the program in their communication tools.

4. Biological Resources

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

ENVIRONMENTAL SETTING

A Biological Resources Assessment (BRA) was prepared by Kevin Merk Associates (KMA 2018; Attachment C) and has been incorporated into the following discussion and analysis. The BRA included field surveys conducted by Principal Biologist Kevin Merk on February 9, March 26, and April 27, 2018, to determine if any special-status species had the potential to occur on-site. A literature review was also conducted to assess what species have known occurrences within the project vicinity. The review included a query of the most recent version of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) to identify reported occurrences of sensitive resources within the project vicinity. In addition to the CNDDB query, the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California (CNPS 2019) was reviewed to provide additional information on rare plants that are known to occur in the area.

The project is located on an undeveloped lot composed of weedy annual grasses and forbs surrounded by chain link fence. There are no drainages or aquatic features on-site. The field surveys conducted as part of the BRA identified disturbed annual grassland as the primary habitat type on-site. A windrow of Monterey cypress (*Hesperocyparis macrocarpa*) is present just off-site of the western and northern sides of the property, and only the outer tree canopy extends onto the site. No special-status plants were observed on-site, and none are expected to occur due to the regular cycle of disturbance from historic land uses (e.g., annual mowing) and predominance of nonnative weedy species. Based on the site's proximity to existing development, adjacency to Highway 1, and its setback from the

immediate coastline, no special-status wildlife species are expected to occur on-site. No habitats constituting Environmentally Sensitive Habitat Areas (ESHA) as defined by the City's LCP were identified.

IMPACT DISCUSSION

a. A review of potentially occurring special-status species was performed using CNDDB and CNPS searches, and through multiple field surveys of the entire project area. The CNDDB identified numerous special-status plants and plant communities of special concern that have been found to occur within the general vicinity of the property. Special-status plant communities known to occur in the area are primarily associated with coastal dune habitats farther west along the immediate coastline and include coastal dune scrub, coastal foredune, coastal and valley freshwater marsh, maritime chaparral, riparian, and serpentine bunchgrass. The disturbed nature of the site does not provide suitable habitat for any of the special-status plants or plant communities evaluated in the BRA. No special-status plants or plant communities were observed within the study area during the field surveys and they are not expected to occur on-site.

The CNDDB also identified numerous animal species with the potential to occur in the project vicinity; however, all of these species have highly specialized habitat requirements that are not present on-site. The project site does not contain any drainages or aquatic features that would otherwise provide suitable aquatic habitat for species, such as California red-legged frog (*Rana draytonii*). Since the proposed development area is highly disturbed from years of mowing, coastal scrub habitat for species such as the legless lizard (*Anniella pulchra*) and coast horned lizard (*Phrynosoma blainvillii*) is not present, and therefore reptiles known to occur in scrub habitats are not expected to occur. Based on the proximity of the site to the Pacific Ocean, the CNDDB search identified numerous coastal species that are known to occur in the coastal sand dunes to the west and southwest of the project area. However, species such as the California black rail (*Laterallus jamaicensis coturniculus*), Morro Bay blue butterfly (*Icaricia icarioides moroensis*), and western snowy plover (*Charadrius nivosus* ssp. *nivosus*) are not expected to occur on-site based on the lack of suitable habitat.

Monarch butterflies (*Danaus plexippus*) are known to overwinter in the Morro Bay area farther south of the site, and historic occurrences were identified to the north and south of the site. During the field surveys, the cypress windrow was inspected and confirmed that it did not have sufficient structure or proximity to food and water sources to create the micro-climate needed to provide suitable overwintering habitat. Windrows lack the more complex structure needed to protect butterflies and buffer them from wind and cold temperatures during winter storm events.

Other invertebrate species with known occurrences in the immediate project area include the federal endangered Morro shoulderband snail (MSS) (*Helminthoglypta walkeriana*). The MSS is associated with coastal dune and coastal sage scrub habitats occurring on sandy soils (Baywood fine sands) around the Los Osos and Morro Bay area. The site does not support suitable MSS habitat since coastal dune scrub/sage scrub habitat, ice plant mats, or clumps of veldt grass (*Ehrharta calycina*) are not present. In addition, the on-site soils are disturbed from their original sandy dune nature, and no suitable anthropogenic habitat (e.g., old debris piles) was present on-site that could provide shelter for this species. In addition, the site is separated from known occurrences to the west by existing development and the windrow of cypress trees. Cypress trees are known to create a movement barrier for the species, especially when no understory vegetation is present. Therefore, based on the lack of suitable habitat and separation from known occurrences by existing development and the Monterey cypress windrow, MSS is not expected to occur onsite.

Although no special-status wildlife species were observed during the surveys, suitable habitat for nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) was present in the Monterey cypress windrow just off-site to the west and north. The project does not propose to remove any trees as part of the project and no nests were observed during the field surveys;

however, nesting birds could be present on a seasonal basis in these trees, and construction activities as well as trimming or removing trees could adversely affect their nesting activities. Mitigation Measure BIO-1 would require preconstruction nesting surveys to avoid impacts to birds protected under the MBTA and CFCG.

The project site does not contain suitable habitat for any of the other special-status species identified in database queries. With implementation of Mitigation Measure BIO-1, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in regional or local plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service (USFWS). Therefore, impacts would be less than significant with mitigation.

b. The project site is a flat lot and does not contain any riparian or any other sensitive habitats. The project site does not support ESHA or other habitat that would support special-status species. The project would not have substantial adverse effect on any riparian habitat or other sensitive natural community identified in regional or local plans, policies, or regulations, or by the CDFW or USFWS. Therefore, no impacts would occur.

c. The project site does not support any wetlands or drainages and does not contain waters or wetland features on or near the project site that would be subject to federal or state jurisdiction. The closest drainage feature and sensitive habitat area is Morro Creek, located approximately 750 feet to the south, which is separated from the property by existing development, including two hotels and Lila Keiser Park. The project would not have a substantial adverse effect on federally or state-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; therefore, no impacts would occur.

d. The project would occur within an urban area that is mostly developed and is bound by Highway 1 to the east, Atascadero Road to the south, and Morro Bay High School to the north and west. The project area does not support any surface water resources, migratory corridors, or nursery sites. Therefore, based on the location of the project, habitat conditions, and analysis presented in the BRA, impacts to movement of native and migratory species would be less than significant.

e. The project would be located in the Coastal Zone and is subject to the City's LCP, which includes polices related to the preservation of ESHA and other sensitive biological resources. Based on the field surveys conducted as part of the BRA, no ESHA or other sensitive biological resources were identified on-site. The project does not propose to remove trees or any other activities that would otherwise conflict with any local policies or ordinances protecting biological resources. Therefore, no impacts would occur.

f. The project site is not subject to any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved state, regional, or local habitat conservation plan. Therefore, no impacts related to conflicts would occur.

CONCLUSION

Potentially significant impacts to biological resources associated with the proposed project would be less than significant with implementation of standard mitigation to avoid impacts to nesting birds.

MITIGATION AND MONITORING

Mitigation Measure BR-1: To avoid impacts to nesting birds, including raptors, for construction activities occurring between February 15 and August 31, a preconstruction survey for active bird nests shall be conducted by a qualified biologist. Surveys shall be conducted within 2 weeks prior to construction activities. If no active nests are located, construction activities can proceed. If active nests are located, then all construction work shall be

conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 50 feet for common species and up to 250 feet for raptors), slope aspect and surrounding vegetation in proximity to the nest site. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged. The qualified biologist shall document all active nests and submit a letter report to the City of Morro Bay documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures, within 14 days of survey completion or prior to first inspection, whichever occurs first.

5. Cultural Resources

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?			X	
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?		X		
c.	Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

ENVIRONMENTAL SETTING

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

A Phase 1 Archaeological Report (SWCA 2018) was prepared for the project site which included a records search at the Central Coast Information Center (CCIC) at the University of California, Santa Barbara and a pedestrian surface survey. Based on the results of the records search, numerous archaeological studies have been conducted within a 0.25-mile radius of the project site, including an intensive pedestrian field survey of the current project area. No resources were identified within or adjacent to the project area as result of that effort; however, eight previously identified prehistoric archaeological sites have been identified within a 0.25-mile radius of the project area. The closest resource is located approximately 400 feet east and is a historic property listed on the National Register of Historic Places (NRHP). During the field survey, the presence of previously undocumented, significant archaeological resources were not identified within the project area. However, the survey did identify Pismo clam, abalone, ceramic, and glass fragments that were likely associated with historic-era buildings once located near the project area.

IMPACT DISCUSSION

a. Based on the CCIC records search, the project site does not directly contain any historic resources; however, a historic property listed on the NRHP is located near the project site. All project activities would be limited to the project site and the proposed project would not cause a substantial adverse change in the significance of proximate historical resources. Therefore, impacts would be less than significant.

b, c. Based on the discussion above, and information documented in the Phase I Archaeological Report, no known archaeological resources, including human remains, are known to be present within the project site. However, the project is located in an archaeologically sensitive area and eight prehistoric archaeological

sites have been previously identified in the project vicinity, some of which contain human remains. Therefore, the project area is considered moderately sensitive for the presence of buried and/or obscured archaeological resources. Mitigation Measure CUL-1 would require the development of an Archaeological Monitoring Plan (AMP) and associated archaeological monitoring procedures during initial ground-disturbing activities. The AMP would appropriately identify and address archaeological finds encountered during construction monitoring and would include measures to avoid or reduce potential impacts to cultural resources. Implementation of these mitigation measures would ensure impacts to archaeological resources, including human remains, are avoided and minimized. Therefore, potential impacts associated with archaeological resources and the disturbance of human remains would be less than significant with mitigation.

CONCLUSION

Potentially significant impacts to cultural resources associated with the proposed project would be less than significant with implementation of identified mitigation.

MITIGATION AND MONITORING

To minimize the potential significant impacts to cultural resources, the following mitigation measure would be implemented.

Mitigation Measure CUL-1: Prior to project implementation, the applicant shall prepare an Archaeological Monitoring Plan (AMP) for review and approval by the City of Morro Bay. A standard clause shall be included in every grading and construction contract to inform contractors of this requirement. The AMP shall include, but not be limited to, the following:

a. A list of personnel involved in the monitoring activities;

b. Description of how the monitoring shall occur;

c. Description of frequency of monitoring (e.g., full time, part time, spot checking);

d. Description of what resources are expected to be encountered;

e. Description of circumstances that would result in the halting of work at the project site;

f. Description of procedures for halting work on the site and notification procedures;

g. Description of monitoring reporting procedures; and

h. Specific, detailed protocols for what to do in the event of the discovery of human remains.

Mitigation Measure CUL-2: An archaeological monitor and a representative from the Salinan Tribe of Monterey and San Luis Obispo Counties and the yak tityu tityu yak tiłhini Northern Chumash Tribe shall be present during project-related ground-disturbing activities that have the potential to encounter previously unidentified archaeological resources, as outlined in the AMP prepared to satisfy CUL-1. Archaeological and tribal monitoring may cease at any time if the qualified archaeologist, in coordination with the City's Environmental Coordinator and the tribes, determine that project activities do not have the potential to encounter and/or disturb unknown resources.

6. Energy

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		X		
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?		X		

ENVIRONMENTAL SETTING

This section summarizes information in the Energy Impact Analysis prepared for the project (AMBIENT Air Quality and Noise Consulting 2019b; Attachment E).

Energy use is typically associated with transportation, construction, and the operation of land uses. Transportation energy use is generally categorized by direct and indirect energy. Direct energy relates to energy consumption by vehicle propulsion. Indirect energy relates to the long-term indirect energy consumption of equipment, such as maintenance activities. Energy is also consumed by construction and routine operation and maintenance of land use. Construction energy relates to a direct one-time energy expenditure primarily associated with the consumption of fuel use to operate construction equipment. Energy related to land use is normally associated with direct energy consumption for heating, ventilation, and air conditioning of buildings.

The city is currently served by Pacific Gas and Electric Company (PG&E) for electricity needs. However, beginning in January 2020, the city will begin receiving electricity from Monterey Bay Community Power (MBCP), a Community Choice Energy agency that provides carbon-free electricity. MBCP energy resources consist largely of solar, wind, and hydroelectric. Roughly 34% of MBCP's 2018 total electric power mix came from renewable energy sources and 66% came from hydroelectric sources (MBCP 2019). The city is served by the Southern California Gas Company (SoCalGas) for natural gas needs. In 2017, natural gas throughput provided by SoCalGas totaled 236 billion cubic feet (Bcf). Natural gas demand has decreased over the past few years and is expected to continue to decline at a rate of 0.5% per year.

The energy impact analysis prepared by AMBIENT Air Quality and Noise Consulting (2019b; Attachment E) evaluated electricity and natural gas usage requirements associated with future development, as well as energy requirements associated with the use of on-road and off-road vehicles. The degree to which the proposed project would comply with existing energy standards, as well as applicable regulatory requirements and policies related to energy conservation, was also taken into consideration in the energy impact analysis.

IMPACT DISCUSSION

a. The long-term operation of the proposed land uses would require electricity and natural gas usage for lighting, space and water heating, appliances, water conveyance, and landscaping maintenance equipment. Indirect energy use would include wastewater treatment and solid waste removal. Project operation would include the consumption of diesel and gasoline fuel from on-road vehicles. Implementation of the proposed project would increase electricity, diesel, gasoline, and natural gas consumption associated with construction activities, as well as long-term operational activities.

Construction-Related Energy Consumption

Table 7 summarizes the levels of energy consumption associated with project construction. Construction equipment use and associated energy consumption would be typical of that commonly associated with the

construction of new land uses. As a result, project construction would not be anticipated to require the use of construction equipment that would be less energy efficient than those commonly used for the construction of similar land uses. Idling of on-site equipment during construction would be prohibited when equipment is not in use in accordance with SLOAPCD requirements and mitigation measures included as part of the air quality analysis prepared for this project. Furthermore, on-site construction equipment may include alternatively fueled vehicles (e.g., natural gas), where feasible and to the extent locally available, in accordance with mitigation measures included as part of the GHG analysis prepared for this project. Energy use associated with construction of the proposed project would be temporary and would not be anticipated to result in the need for additional capacity, nor would construction be anticipated to result in increased peak-period demands for electricity. As a result, construction of proposed project would not result in an inefficient, wasteful, or unnecessary consumption of energy. As a result, impacts are considered less than significant.

Table 7: Construction Energy Consumption

Source	Total Fuel Use (gallons)	Total MMBTU
Off-Road Equipment Use (Diesel)	31,328	4,304
On-Road Vehicles (Gasoline)	6,551	789
On-Road Vehicles (Diesel)	7,313	1,005
	Total:	**6,097**

Fuel use was calculated based, in part, on default construction schedules, equipment uses, and vehicle trips identified for the construction of similar land uses contained in the CalEEMod output files prepared for the air quality analysis conducted for this project. Refer to Attachment E for modeling assumptions and results.

Operational Mobile-Source Energy Consumption

Operational mobile-source energy consumption would be primarily associated with vehicle trips to and from the hotel. Table 8 summarizes the total fuel use at build-out of the proposed land uses. Project related trips would adhere to Federal and State regulations that include, but are not limited to, the Low-Carbon Fuel Standard, Advanced Clean Car Program, and Low-Emission Vehicle Program, which would contribute to reductions in future fuel usage. However, the proposed project does not include measures to reduce employee or guest vehicle trips. As a result, this impact would be considered potentially significant

Table 8: Operational Fuel Consumption

Source	Total Fuel Use (gallons)	Total MMBTU
On-Road Vehicles (Diesel)	7,326	1,006
On-Road Vehicles (Gasoline)	39,788	4,792
	Total:	**5,798**

Fuel use was calculated based, in part, on VMT data for the proposed land uses derived from CalEEMod. Refer to Attachment E for modeling assumptions and results.

Operational Building-Use Energy Consumption

The proposed project would result in increased electricity and natural gas consumption associated with the long-term operation of the proposed land uses. It is important to note that the proposed buildings would be required to comply with Title 24 standards for energy-efficiency, which would include increased building

insulation and energy-efficiency requirements, including the use of energy-efficient lighting, energy-efficient appliances, and use of low-flow water fixtures.

Estimated electricity and natural gas consumption associated with proposed Project are summarized in Table 9. The proposed project would comply with the most current building energy-efficient standards (i.e., Title 24), which would result in increased building energy efficiency and energy conservation. However, without mitigation, implementation of the proposed project could result in wasteful, inefficient, and unnecessary consumption of energy. As a result, this impact is considered potentially significant.

Table 9: Operational Electricity and Natural Gas Consumption

Source	Energy Use	MMBTU/Year
Electricity Consumption	711,682 kWh/Yr.	2,428
Water Use, Treatment, and Conveyance	34,032 kWh/Yr.	22
Natural Gas Use	4,863,300 kBTU/Yr.	4,863
	Total:	**7,313**

Fuel use was calculated based, in part, on default construction schedules, equipment uses, and vehicle trips contained in the CalEEMod output files prepared for the air quality analysis conducted for this project. Refer to Attachment E for modeling assumptions and results.

Mitigation Measure GHG-1 includes measures that would result in decreased energy consumption and increase reliance on renewable energy sources. With the implementation of Mitigation Measures GHG-1, implementation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy. This impact would be less than significant with mitigation.

b. As discussed previously, the proposed project would result in the consumption of energy associated with the use of motor vehicles, equipment, electricity, and natural gas consumption. Without mitigation, the proposed project could result in increased fuel usage that could conflict with applicable plans, policies, or regulations adopted for the purpose of reducing future energy use including, but not limited to, local and state climate action plans. Adherence to current and future Title 24 energy requirements would help to reduce the project's building-use energy consumption. Additional measures would likely be required to further reduce energy usage, as well as fuel use associated with motor-vehicle trips. This impact would be considered potentially significant.

Mitigation Measure GHG-1 has been included to reduce overall operational energy consumption, including those associated with long-term operational building energy use and fuel consumption. With mitigation, operational energy consumption would be substantially reduced, beyond those required by Title 24 building energy-efficiency requirements. With mitigation, this impact would be less than significant.

CONCLUSION

With implementation of GHG-1, the project would have a less than significant impact on energy resources.

MITIGATION MONITORING

Implement **Mitigation Measure GHG-1**, detailed in Section 8, below**.**

7. Geology and Soils

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.			X	
(ii)	Strong Seismic ground shaking?			X	
(iii)	Seismic-related ground failure, including liquefaction?		X		
(iv)	Landslides?			X	
b.	Result in substantial erosion or the loss of topsoil?			X	
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		X		
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

ENVIRONMENTAL SETTING

The City of Morro Bay is located within the Coast Range Geomorphic Province, which extends along the coastline from central California to Oregon. This region is characterized by extensive folding, faulting, and fracturing of variable intensity. In general, the folds and faults of this province comprise the pronounced northwest trending ridge-valley system of the central and northern coast of California.

The City's General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. A Geotechnical Engineering Report was prepared by Earth Systems Pacific for the project (Earth Systems Pacific 2018; Attachment E) and the results are summarized in the following impact discussion.

IMPACT DISCUSSION

a-i. The nearest potentially capable fault is the Cambria fault located approximately 1.25 miles east of the project site. Based on the Alquist-Priolo Earthquake Fault Zone Maps and information available from the California Department of Conservation's website, the project site is not located within an identified Alquist-Priolo Earthquake Hazard Zone. The geotechnical engineering report prepared for the project provided recommendation for site preparation, grading, and foundations. In addition, the proposed project would be

subject to professional engineering standards and California Building Code (CBC) requirements to ensure buildings are constructed to withstand the magnitude of earthquakes that could potentially occur in that zone. The project would not expose people or structures to the rupture of any known active faults, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. Therefore, impacts would be less than significant.

a-ii. San Luis Obispo County is located in a geologically complex and seismically active region. The project site is located in area with moderately high potential for seismic activity, ground shaking, and seismic settlement. As part of the geotechnical engineering report, a seismic analysis was performed and did not identify seismic shaking as a major risk. However, the report identified liquefaction from seismic events as a concern and provided recommendations for the building's foundation. Impacts related to seismic induced liquefaction are discussed below. With the incorporation of the geotechnical recommendations provided in the report, and compliance with professional engineering standards and CBC requirements, potential seismic-related impacts would be reduced to less than significant. This requirement is detailed in Mitigation Measure GEO-1.

a-iii. The geotechnical report concluded that the primary geotechnical concern at the project site is the potential for liquefaction from seismic settlement. Due to the potential for liquefaction-induced settlement, the geotechnical report recommended that the foundations and/or subsurface conditions should be designed and/or modified to address the potential for significant settlement due to liquefaction. Recommendations provided in the report include utilizing deep foundations (i.e., piles) for structure support that would bear through the upper potentially liquefiable zone and into more dense, non-liquefiable materials at depth. Additionally, the report recommends ground improvements that consists of displacing the soil with an auger to the bottom of the liquefiable layers and injecting grout or consolidating gravel into the resulting soil voids, thus densifying the soil and allowing conventional shallow foundations to be constructed over the ground improvement elements. The project would be required to design the project to be consistent with professional engineering standards and CBC requirements to withstand seismic events that could result in liquefaction. However, based on the site's susceptibility to seismically induced liquefaction, the project would also be required to implement Mitigation Measure GEO-1, which would require that grading and building plans include measures and techniques that are consistent with the design recommendations provided by the geotechnical engineering report. With incorporation of professional engineering standards, CBC requirements, and Mitigation Measure GEO-1, potential impacts related to seismically induced liquefaction would be reduced to less than significant. Therefore, impacts would be less than significant with mitigation.

a-iv. According to the Hazards section of the City's LCP, the proposed project would not be sited in an area identified as a High Landslide Risk. Additionally, the project area is predominantly flat surrounded by gentle topography absent of significant geologic features. The proposed project would not expose people or structures to landslide risk or exacerbate or result in increased risk of landslides because it is not located in an area prone to landslides; therefore, no impacts would occur.

b. It is anticipated that the entire 2.02-acre (88,025 square-foot) site would be disturbed, requiring earthwork of approximately 1,650 cubic yards of cut and 3,500 cubic yards of fill. Site improvements include clearing, grading, and the development of a hotel and associated parking. The greatest potential for onsite erosion to occur would be during the initial site preparation and grading during construction. The geotechnical report prepared for the project identified the soils on the property to be erodible and provided recommendations during site preparation and grading for surface soil stabilization. In addition, a Storm Water Control Plan has been prepared for the site and provides design requirements and source control measures that would reduce the potential for erosion or siltation. The project would also be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement Best Management Practices (BMPs) that are designed to further prevent soil erosion during construction. The project also proposes to incorporate a bioretention

facility and other Low Impact Development (LID) techniques including pervious pavers that would help manage stormwater and prevent soil erosion. With incorporation of the design requirements and recommendations provided in the geotechnical engineering report and the SWCP, and by using LID techniques and implementing BMPs provided in the SWPPP, the project would not result in substantial erosion or loss of topsoil. Therefore, impacts would be less than significant.

c. As discussed above, the geotechnical report prepared for the project concluded that the primary geotechnical concern at the project site is the potential for seismic settlement due to liquefaction. The project would be required to design the project to be consistent with professional engineering standards and CBC requirements to withstand seismic events that could result in liquefaction. In addition, Mitigation Measure GEO-1 would require the project to prepare grading and building plans that include measures and techniques that are consistent with the design recommendations provided by the geotechnical report. Incorporation of professional engineering standards, CBC requirements, and Mitigation Measure GEO-1 would ensure the project is designed to adequately address potential impacts related to unstable geologic units. Therefore, potential impacts would be less than significant with mitigation.

d. According to the geotechnical report, site soils were determined to be expansive. Expansive soils tend to swell with seasonal increases in moisture and shrink during the dry season as subsurface moisture decreases. The volume changes that these materials undergo in this cyclical pattern can stress and damage slabs and foundations if precautionary measures are not incorporated into the design and construction procedures. The geotechnical report provided design recommendations to reduce impacts related to seismically induced liquefaction, which would also be sufficient in resisting potential stresses by expansive soils. These recommendations include a mat foundation system and replacing existing soils with imported non-expansive soils. Incorporation of professional engineering standards, CBC requirements, and Mitigation Measure GEO-1 would ensure the project is designed to adequately address potential impacts related to expansive soils. Therefore, potential impacts would be less than significant with mitigation.

e. The project would connect with the City municipal wastewater system and does not propose the use of septic tanks or alternative wastewater disposal systems. Therefore, no impacts would occur.

f. The project consists of Psamment soils which are primarily unconsolidated sand deposits. There are no known unique paleontological resources or unique geological features located within the project sites and the area has a low potential for encountering important fossils. Therefore, impacts would be less than significant.

CONCLUSION

Potentially significant impacts related to geology and soils associated with the proposed project would be less than significant with implementation of mitigation.

MITIGATION MONITORING

Mitigation Measure GEO-1: Prior to issuance of grading permits, the project applicant shall submit to the City for approval, grading and building plans prepared by a professional engineer that incorporate design methods and engineering techniques that are consistent with the recommendations provided in the Geotechnical Engineering Report prepared by Earth Systems for the project. Recommendations include, but are not limited to:

a. Utilize deep foundations (i.e., piles) for structure support so that the piles would bear through the upper potentially liquefiable zone and into more dense, non-liquefiable materials at depth.

b. Ground improvements would include displacing the soil with an auger to the bottom of the liquefiable layers and injecting grout or consolidating gravel into the resulting soil voids, thus densifying the soil; conventional shallow foundations would then be constructed over the ground improvement elements.

c. A hybrid solution involving over-excavation and reinforcement of the soil and a rigid mat foundation could also be utilized. Mat foundations distribute the structural loads over a wider area of the soil and can be designed to be sufficiently rigid such that the foundation will act as an integral unit in the event of liquefaction. The foundation should be designed to accommodate the shear and bending stresses that could result from the anticipated differential seismic settlement due to liquefaction. A relatively low bearing value is also recommended, as is a design of the foundations to accommodate a span of lost bearing at any point within the foundation.

8. Greenhouse Gas Emissions

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b.	Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

ENVIRONMENTAL SETTING

This section summarizes the information in the Air Quality and Greenhouse Gas Impact Analysis prepared for the project. For more detailed information, please refer to Attachment B.

The City of Morro Bay CAP was adopted by the City Council on January 14, 2014. The CAP is a long-range plan to reduce GHG emissions from City government operations and community activities within Morro Bay and prepare for the anticipated effects of climate change. The CAP will also help achieve multiple community goals such as lowering energy costs, reducing air pollution, supporting local economic development, and improving public health and quality of life.

According to the GHG emissions inventory identified in the CAP, in 2005, the Morro Bay community emitted approximately 169,557 metric tons of carbon dioxide equivalent GHG emissions ($MTCO_2e$), as a result of activities that took place within the transportation, residential energy use, commercial and industrial energy use, off-road vehicles and equipment, solid waste, aircraft and wastewater sectors. The largest contributors of GHG emissions were the transportation (40 percent), residential energy use (29 percent) and commercial/industrial energy use (21 percent) sectors. The remainder of emissions resulted from the solid waste (5 percent), off-road vehicles and equipment (5 percent), and wastewater (less than one percent) sectors.

In accordance with SLOAPCD-recommended significance thresholds, projects that are determined to be consistent with the GHG-reduction plan, or in this case the CAP, would be considered to have a less-than-significant impact. To assist with this determination, the CAP includes a Consistency Worksheet that identifies various “mandatory”, as well as, “voluntary” measures. All “mandatory” actions must be incorporated as binding and enforceable components of the project to be considered consistent with the CAP. If a project cannot meet one or more of the “mandatory” actions, substitutions may be allowed provided equivalent reductions can be achieved. In addition, to demonstrate consistency with the CAP Consistency Worksheet, all required measures must be incorporated as binding and enforceable components of the project.

The project proposes to install several GHG-reduction measures into the project design, including providing designated parking spaces for an alternatively fueled vehicles, installation of electric-vehicle charging stations (tier 2 and 3), and installation of a photovoltaic energy system.

IMPACT DISCUSSION

Estimated GHG emissions attributable to future development would be primarily associated with increases of CO_2 from mobile sources. To a lesser extent, other GHG pollutants, such as CH_4 and N_2O, would also be generated. Short-term and long-term GHG emissions associated with the development of the proposed project are discussed below.

a., b. **Short-term Construction GHG Emissions**

Estimated increases in GHG emissions associated with construction of the proposed project are summarized in Table 10. Based on the modeling conducted, construction-related GHG emissions would total approximately 443 $MTCO_2e$. Amortized GHG emissions, when averaged over the assumed 25-year life of the project, would total approximately 15 $MTCO_2e$/year. There would also be a small amount of GHG emissions from waste generated during construction; however, this amount is speculative. Actual emissions may vary, depending on the final construction schedules, equipment required, and activities conducted.

Table 10: Construction-Generated GHG Emissions Without Mitigation

Construction Year	GHG Emissions ($MTCO_2e$/Year)
2019	121
2020	322
Construction Total:	**443**
Amortized Construction Emissions:	*15*

Amortized emissions are quantified based on an estimated 30-year project life.
Refer to Attachment B for modeling assumptions and results.

Long-term Operational GHG Emissions

Estimated long-term increases in GHG emissions associated with the proposed project are summarized in Table 11. As depicted, operational GHG emissions for the proposed project, with the inclusion of amortized construction GHGs, would total approximately 852 $MTCO_2e$/year during the initial year of full operation (year 2021). Operational GHG emissions would decrease slightly in future years to approximately 699 $MTCO_2e$/year in 2030. A majority of the operational GHG emissions would be associated with energy use and the operation of motor vehicles. To a lesser extent, GHG emissions would also be associated with solid waste generation and water use.

Based on the modeling conducted, net increases in GHG emissions would not exceed the SLOAPCD's significance threshold of 1,150 $MTCO_2e$/year. As a result, net increases in project generated GHG emissions would not be anticipated to have a significant impact on the environment. This impact would be considered less than significant.

Table 11: Operational GHG Emissions Without Mitigation

Operational Year/Source	GHG Emissions ($MTCO_2e$/Year)
Buildout Year 2021	
Energy Use[2]	396.2
Motor Vehicles	424.8
Waste Generation	11.4
Water Use and Conveyance	4.4

Table 11: Operational GHG Emissions Without Mitigation

Operational Year/Source	GHG Emissions ($MTCO_2e$/Year)
Amortized Construction Emissions:	15
Total with Amortized Construction Emissions:	852
SLOAPCD Significance Threshold:	1,150
Exceeds Significance Threshold?	No
Year 2030	
Energy Use[2]	361.9
Motor Vehicles	312.3
Waste Generation	5.7
Water Use and Conveyance	3.9
Amortized Construction Emissions:	**15**
Total with Amortized Construction Emissions:	*699*
SLOAPCD Significance Threshold:	***1,150***
Exceeds Significance Threshold?	No

[1] Area source includes emissions associated with the application of architectural coatings, use of consumer products/agricultural products, and *landscape maintenance.*

[2] Includes adjustment for California Renewable Portfolio Standards requirements. *Does not include installation of onsite photovoltaic energy system (pending final design), which is estimated to reduce onsite energy use by roughly 20 to 25 percent.*

Refer to Attachment B for modeling assumptions and results.

As discussed previously, the City of Morro Bay CAP is a long-range plan to reduce GHG emissions from City government operations and community activities within Morro Bay and prepare for the anticipated effects of climate change. The CAP will also help achieve multiple community goals such as lowering energy costs, reducing air pollution, supporting local economic development, and improving public health and quality of life. To help achieve these goals, the CAP includes a "Consistency Worksheet", which identifies various mandatory and voluntary actions designed to reduce GHG emissions.

Mitigation Measure GHG-1.a includes all "mandatory" GHG-reduction measures, as identified in the City's CAP Consistency Worksheet. Mitigation Measure GHG-1.b includes additional measures, beyond those required by the City's CAP Consistency Worksheet, which would further reduce GHG-emissions. These additional measures include providing a designated parking space for alternatively fueled vehicles, installation of energy-efficient appliances, the installation of occupancy sensors in hotel guest rooms to reduce energy use when rooms are not occupied, designing the project site for the future installation of renewable/photovoltaic energy systems, and the use of roofing materials that have a high-solar-reflectance index.

With mitigation, which incorporates GHG-reduction measures beyond the applicable "mandatory" measures, the proposed project would be considered consistent with the City's CAP. As previously noted, and in accordance with SLOAPCD-recommended guidance, projects deemed to be consistent with the City's CAP would not be considered to have a significant impact on the environment and would not conflict with GHG-reduction planning efforts. As a result, this impact is considered less than significant with mitigation.

CONCLUSION

The project would be consistent with City of Morro Bay's CAP by implementing mandatory GHG reduction measures. With implementation of mitigation identified below, the project would not result in significant impacts related to greenhouse gas emissions.

MITIGATION MONITORING

Mitigation Measure GHG-1: The proposed project shall implement the following GHG-reduction measures, consistent with the "mandatory" measures identified in the City's CAP:

a.

1. The project shall install high efficiency lights (i.e., sodium, light-emitting diode [LED]) in parking lots, streets, and other public areas. (Note: this measure was included per SLOAPCD recommendations and is not a CAP mandatory measure but is a requirement in the recently updated building standards that will take effect on January 1, 2020).
2. The project shall provide on-site bicycle parking and/or amenities in accordance with the California Green Building Standards Code and related facilities to support long-term use (lockers, or a locked room with standard racks and access limited to bicyclists only). (CAP Measure TL-1)
3. The project shall incorporate a pedestrian access network that internally links all uses and connects all existing or planned external streets and pedestrian facilities contiguous with the project site. (CAP Measure TL-2)
4. The project shall be designed to minimize barriers to pedestrian access and interconnectivity. (CAP Measure TL-2)
5. The project shall incorporate traffic calming improvements as appropriate (e.g., marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, median islands, mini-circles, tight corner radii, etc.). (CAP Measure TL-2)
6. Three percent of construction vehicles and equipment shall be electrically powered or use alternative fuels such as compressed natural gas. (CAP Measure O-1)
7. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation. (SLOAPCD Diesel Idling Restrictions for Construction Phases)

b. The following additional GHG-reduction measures shall also be implemented, beyond the "mandatory" measures required by the City's CAP:

1. Trees to be planted shall be native and drought tolerant, beyond those required as mitigation for tree removal. (Voluntary CAP Measure T-1)
2. Install occupancy sensors in hotel guest rooms that reduce energy usage when rooms are not occupied.
3. To the extent available, install energy-efficient (e.g., EnergyStar rated) appliances. (Refer to: https://www.energystar.gov/products).
4. To the extent allowed by code, utilize roofing materials that have a high-solar-reflectance index. (https://www.epa.gov/sites/production/files/2014-06/documents/coolroofscompendium.pdf).

9. Hazards/Hazardous Materials

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d.	Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X	
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

ENVIRONMENTAL SETTING

The Hazardous Waste and Substances Site (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC) EnviroStor database tracks DTSC cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board's (SWRCB) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites.

A Phase I Environmental Site Assessment (ESA) was prepared for the project by Haro Environmental (Haro 2017; Attachment F) to identify known potential or historic recognized environmental conditions resulting from historic and/or current uses of hazardous substances or petroleum products at the project site. Based on the findings of the Phase 1 Environmental Site Assessment and a search of multiple databases including DTSC's EnviroStor database

and the SWRCB's GeoTracker system, the nearest sites that could post an environmental concern is the former Les' Exxon station at 290 Atascadero Road and the former Shell Service Station at 1840 Main Street. The project is not located within 2 miles of any public airport or private airstrip; the nearest airport to the project is the San Luis Obispo County Airport, located approximately 17 miles southeast. There nearest school is Morro Bay High School located directly north and west of the project site.

IMPACT DISCUSSION

a. The project consists of a new 56,358 square-foot hotel and associated parking and landscaping. Construction of the proposed project is anticipated to require limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Temporary storage containers (bulk above-ground storage tanks, 55-gallon drums, sheds/trailers, etc.) may be used by the project contractor for equipment refueling and maintenance purposes during construction. The transport, use, handling, and disposal of hazardous materials during construction would occur pursuant to local, state, and federal regulations to minimize risk and exposure. Operation of the hotel would be similar to that of other guest accommodations and would not require routine transport, use, or disposal of hazardous materials. Any hazardous substances associated with the project would continue to be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials; therefore, impacts would be less than significant.

b. During the construction period, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the limited nature and duration of construction activities and the small volume and low concentration of materials that would be utilized during construction. No hazardous materials would be permanently stored on site. The contractor would be required to use standard construction controls and safety procedures, which would avoid and minimize the potential for accidental release of such substances into the environment and mitigate impacts in the event of a spill or accidental release. Standard construction practices would be implemented such that any materials released are appropriately contained and remediated as required by local, state, and federal law. Therefore, potential impacts related to an accidental release of hazardous materials would be less than significant.

c. The nearest school is located directly west and north of the project site. Operation of the proposed project would not emit hazardous emissions or handle acutely hazardous materials, substance or waste; however, during construction, oils, lubricants, fuels, and other hazardous materials may be used. Given the limited building footprint and temporary duration of construction activities, potential impacts would be less than significant.

d. Based on the findings of the Phase 1 ESA, the project would be located near two sites that have been listed as having a potential environmental concern. A Shell Service Station located at 1840 Main Street was listed in multiple databases for a release of gasoline to the subsurface. As a result of the release, total petroleum hydrocarbons (TPH) and methyl tertiary butyl ether (MTBE) were detected in groundwater beneath the project site. As part of the remediation effort initiated by Central Coast Regional Water Quality Control Board (CCRWQCB), nine groundwater monitoring wells were installed. Included was a monitoring well installed at the site to assess the extent of groundwater impacts, particularly for MTBE, which was threatening water production wells owned by the city of Morro Bay. In 2008, the CCRWQCB closed the site because final concentrations were below the laboratory reporting limits. As such, the Phase 1 ESA concluded that the former presence of TPH and MTBE concentrations in groundwater beneath the project site would not pose a significant environmental threat to subsurface soil, soil vapor, or groundwater beneath the site.

Records from the State Water Resource's Control Board indicate that in 1969, four 8,000-gallon underground storage tanks (USTs) were installed across the street from the project site at the former Les' Exxon site; however, there are no records of when the USTs were removed or what the subsurface conditions of the site were at the time of their removal. The Phase 1 ESA concluded that based on the information from the groundwater monitoring wells installed for the Shell remediation effort, and because the Les' Exxon site is located at a cross-gradient location relative to the project site, the former presence of USTs at Les' Exxon site would not be expected to pose an environmental concern to soil, soil vapor, and/or groundwater beneath the project site. The project site is not included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. Further, the Phase 1 ESA did not identify recognized environmental conditions or concerns that have impacted, or pose a significant environmental threat to subsurface soil, soil vapor, or groundwater beneath the project site. Therefore, impacts would be less than significant.

e. The proposed facility is not located near any public airports or designated Airport Review Areas. The closest public airport is the San Luis Obispo County Airport, located approximately 17 miles southeast of the facility. The proposed project would not result in a safety hazard related to airport operations, flight patterns, or other airport uses or resources that would create a safety hazard for people residing or working in the project area. Therefore, no impacts would occur.

f. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. During short-term construction, large vehicles may be accessing the project site; however, access to neighboring properties including Morro Bay High School would be maintained during all construction activities. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

g. The project in a Local Responsibility Area (LRA) and would be served by the City Fire Department located approximately 1.5 miles south. The project is in an urban setting and is not in a high fire risk area. According to the City of Morro Bay's General Plan Safety Element, wildfires are generally not a major concern based on the location of development in proximity to wildland areas. Based on the location and relatively low risk of wildfires near the project site, the project would not expose people or structures to a significant risk of fire, and impacts would be less than significant.

CONCLUSION

The proposed project would not result in significant adverse impacts to Hazards and Hazardous Materials. The limited nature and duration of disturbance substantially reduces and avoids the potential for significant effects related to hazardous material contamination, emergency evacuation, and fire risk. Therefore, potential impacts would be less than significant, and no mitigation is necessary.

MITIGATION AND MONITORING

Mitigation measures are not necessary.

10. Hydrology and Water Quality

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i)	Result in substantial erosion or siltation on- or off-site;			X	
(ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv)	Impede or redirect flood flows?			X	
d.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

ENVIRONMENTAL SETTING

The Central Coast Regional Water Quality Control Board's (RWQCB) Water Quality Control Plan for the Central Coast Basin describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. The Regional Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The existing site is a vacant lot, with sparse, weedy vegetation cover. The existing site topography is relatively flat with an average slope around 1%, with multiple low spots on the site. Due to the flat nature of the site, runoff has historically remained onsite where it has eventually infiltrated through the soil. The project site does not support any wetlands or drainages and does not contain waters or wetland features on or near the project site that would be subject to state or federal jurisdiction. The closest drainage feature and sensitive habitat area is Morro Creek located approximately 750 feet to the south, which is separated from the property by existing development. According the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM, 06079C0813H, effective 05/16/2017), the project is located in Zone AE, a 100-year flood zone. This area is also assigned a Flood Hazard (FH) designation by the County of San Luis Obispo.

IMPACT DISCUSSION

a. The proposed project is located within the jurisdiction of the CCRWQCB and would be required to comply with all regulatory requirements designed to minimize and control discharges to surface and groundwater. The project would require onsite grading which could result in the erosion of onsite soils and sedimentation during heavy wind or rain events. A geotechnical report (Earth Systems, 2018) prepared for the project identified the soils on the property to be erodible and provided recommendations during site preparation

and grading for surface soil stabilization. The project proposes over one-acre of disturbance, requiring a state Construction General Permit and a Storm Water Pollution Prevention Plan (SWPPP), which would include BMPs to control the discharge of pollutants into local surface water drainages. In addition, a Storm Water Control Plan (SWCP) has also been prepared for the project and identifies source control measures to prevent potential non-stormwater discharges. The project also proposes a bioretention basin, pervious pavers, and other low-impact development (LID) treatments to control stormwater on site. By incorporating LID treatments and source control measures identified in the SWCP, inclusion of erosion control recommendations provided in the geotechnical report, as well compliance with the CCRWQCB discharge requirements and BMPs identified in the SWPPP, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, potential impacts would be less than significant.

b. The project would receive water from the City of Morro Bay, which receives a majority of its water from the State Water Project (SWP) which is derived from various rivers around the state. A small portion of the City's water is supplemented by two local groundwater basins, Morro and Chorro Basins. While most of the project's future water supply would not be derived from groundwater resources, the project would convert a small vacant lot to a developed area and place an increased demand on the City's water supply. The project proposes to implement several LID techniques and water conservation measures including water-saving plumbing fixtures, a bioretention basin, and pervious pavers that would encourage groundwater recharge and limit stormwater runoff. Because most of the project's future water supply would largely be derived from the SWP and not groundwater, and with the inclusion of LID techniques and water conservation measures, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Therefore, impacts would be less than significant.

c-i. The project proposes to develop the entire 2.02-acre site for a new hotel and associated parking. The greatest potential for onsite erosion to occur would be during the initial site preparation and grading during construction. A geotechnical report prepared for the project identified the soils on the property to be erodible and provided recommendations during site preparation and grading for surface soil stabilization. In addition, a Storm Water Control Plan has been prepared for the site and provides design requirements and source control measures that would reduce the potential for erosion or siltation. The project would also be required to prepare a SWPPP with BMPs that are designed to further prevent soil erosion during construction. The project also proposes LID techniques such as a bioretention basin and pervious pavers that would help manage stormwater and prevent soil erosion. With incorporation of the design requirements and recommendations provided in the geotechnical engineering report and the SWCP, and by using LID techniques and implementing BMPs provided in the SWPPP, the project would not result in substantial erosion or siltation on- or off-site. Therefore, impacts would be less than significant.

c-ii., iii. This project is not located immediately near surface water and is in an area subject to the City's MS-4 Stormwater Management Permit. The project design includes several drainage management areas that incorporate LID techniques to reduce and avoid stormwater runoff. The first drainage management area includes a bioretention basin, where site runoff would be directed through a combination of storm drainpipes and overland flow to the bioretention basin where it would be treated. Overland flow would travel through a combination of a valley gutters and slotted curbs located at the back of the parking area, where runoff from buildings would be directed away from the foundations in a non-erosive manner. The second drainage management area includes pervious pavers, where site runoff would be directed to the pervious paver areas through overland flow. Stormwater runoff would travel across pavement surfaces and in valley gutters to their destination point. Additionally, the SWCP prepared for the project provides design requirements and source control measures to further manage onsite runoff. Based on the project's design to include bioretention basins and pervious pavers, and by adhering to design requirements and source control measures outlined in the SWCP, the project would not substantially increase the rate or amount of surface

runoff in a manner which would result in flooding on- or off-site. Similarly, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff Therefore, impacts would be less than significant.

c-iv. The project site is primarily upland and does not include any surface water or hydrological features. The project has been designed to adequately manage stormwater through bioretention basins and pervious pavers and does not proposes any design features or activities that would impede or redirect flood flows. Therefore, impacts would be less than significant

d. The project is located in FEMA's 100-year flood hazard zone and in an area designated as a 100-year floodplain by the City's LCP. In addition, according to the Department of Conservation's Tsunami Inundation Map (Morro Bay South quadrangle) the project would be located in a tsunami inundation zone. The project would be subject to both FEMA and the City's building standards for structures within floodplain areas, which includes a design requirement to floodproof the first 3 feet of the structure. The project does not propose to store any materials that would be susceptible to the release of pollutants in the event of a flood or tsunami and would be further safeguarded by the required FEMA and the City building standards for structures within a flood inundation zone. Therefore, impacts would be less than significant.

e. As discussed above, water would be supplied to the site primarily from the SWP and further supplemented by groundwater wells. According to the City's 2018 OneWater Morro Bay Plan, there are sufficient water sources to serve the City and anticipated development until 2050 or later. The project proposes several water conservation methods and does not propose any activities that would otherwise place an excessive demand on the City's water supplies or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, impacts would be less than significant.

CONCLUSION

Potentially significant impacts related to hydrology and water quality associated with the proposed project would be less than significant.

MITIGATION AND MONITORING

Mitigation measures are not required.

11. Land Use and Planning

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Physically divide an established community?				X
b.	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		X		

ENVIRONMENTAL SETTING

The site is currently a vacant, undeveloped lot located within the C-VS/PD (Visitor Serving Commercial/Planned Development) zoning district and designated by the General Plan and City's LCP as Visitor Serving Commercial. The project site is partially located within the Coastal Zone boundary and is subject to Coastal Commission's Appeals Jurisdiction.

As noted above, the project is located in a Planned Development (PD) zoning overlay. Pursuant to the city of Morro Bay Municipal Code section 17.40.030, the purpose of the Planned Development, (PD) overlay zone is to provide for detailed and substantial analysis of development on parcels which, because of location, size, or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit. The Applicant is seeking project approval with modifications to several development standards including the finished building height for an exchange of several public benefits pursuant to the Planned Development overlay standards in the City's Zoning Ordinance (MBMC 17.40.030).

IMPACT DISCUSSION

a. The proposed project and associated uses are consistent with the underlying zoning and land use designation as described in the City's General Plan and LCP. The hotel would be located directly off Highway 1 near other hotels and would not be located within a residential neighborhood or preclude the development of future housing. The project would not divide an existing community; therefore, no impact would occur.

b. The project proposes to develop a three-story hotel with a finished height of 35.5 feet above average natural grade (ANG). However, C-VS zoning currently allows for a maximum building height of 30.0 feet above ANG, which means the project would exceed the height limit by 5.5 feet. As discussed in Section 10. Hydrology and Water Quality, the project would be located in a floodplain area as designated by FEMA. For projects located in a floodplain area, FEMA standards require that structures be constructed with the finished floor at 1 foot above the base floodplain and the City of Morro Bay's adopted floodplain ordinance requires 2 feet above base flood elevation. The City of Morro Bay allows structures to be constructed with a finished floor at 1 foot below the base floodplain as long as the first 3 feet of the structure are floodproofed. Because the applicant is not able to construct at ANG, they are proposing to construct the hotel at 1 foot below the base floodplain and floodproof the first 3 feet of the building. The project proposes to construct a 32.67-foot-tall hotel which would have a finished height of 35.5 feet above ANG.

   The project is in a Planned Development (PD) zoning overlay, which allows for the modification of or exemption from the development standards if the project would result in a better design or other public benefit (MBMC 17.40.030). As discussed in detail in the Project Description, the applicant proposes a number of public benefits including Electric Vehicle (EV) Charging Stations, an extension of a Class I bike path along the street frontage of the project, as well as several other conservation measures that would further reduce energy, water, and waste.

   The project proposes that the first 3 feet of the project be constructed to meet the City's floodproofing standards; however, this would require a height modification that would place the building 5.5 feet above what is currently allowed by the City Zoning Ordinance. The project incorporates several public benefits to justify the modification to the height standard for the project per the Planned Development overlay standards. The project would be required to include the following design recommendations and Mitigation Measure AES-1 to further reduce impacts to visual resources. Based on the proposed design, inclusion of public benefits, and Mitigation Measure AES-1, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts would be less than significant with mitigation.

CONCLUSION

The proposed project would include design features and request for a modification to the height standard to allow for development to occur within a floodplain area. In addition, the project would offer several public benefits and be required to mitigate for potential impacts related to visual resources. Therefore, the project impacts related to land use and planning would be reduced to less than significant with incorporation of mitigation.

MITIGATION AND MONITORING

With implementation of **Mitigation Measures VR-1 and VR-2**, the project would have a less-than-significant impact on land use and planning conflicts.

12. Mineral Resources

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

ENVIRONMENTAL SETTING

The General Plan and the Division of Oil, Gas, and Geothermal Resources do not delineate any resources in the area. Further, the State Mining and Geology Board has not designated or formally recognized the statewide or regional significance of any classified mineral resources in San Luis Obispo County.

IMPACT DISCUSSION

a., b. The proposed project is not in an area where significant sand and gravel mining has occurred or will occur and there are no oil wells within the area where the project is located. In addition, the project site is not delineated as a mineral resource recovery site in the general plan, any specific plan or other land use plan. This area of the City is predominantly built with urban uses and the City's General Plan does not provide for mining. The project will not result in the loss of a known mineral resource of value to the region. Therefore, no impacts would occur.

CONCLUSION

Implementation of the proposed project would not result in no impact to mineral resources.

MITIGATION AND MONITORING

Mitigation measures are not required.

13. Noise

	Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b.	Generation of excessive groundborne vibration or groundborne noise levels?			X	

	Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c.	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

ENVIRONMENTAL SETTING

Community noise levels are typically measured in terms of A-weighted decibels (dBA). A-weighting is a frequency correction that correlates overall sound pressure levels with the frequency response of the human ear. The duration of noise and the time of day at which it occurs are important factors in determining the impact of noise on communities. The Community Noise Equivalent Level (CNEL) and Day-Night Average Level (Ldn) account for the time of day and duration of noise generation. These indices are time-weighted average values equal to the amount of acoustic energy equivalent to a time-varying sound over a 24-hour period.

Title 21, Chapter 6, Article 1 of the California Administrative Code requires that all habitable rooms shall have an interior CNEL of 45 dBA or less (45dB Acoustics 2018). The City's General Plan Noise Element has a CNEL threshold for noise exposure of 60 dBA for most land uses. Additionally, the City's Zoning Ordinance contains noise limitations and specifies operations hours.

The proposed project would be located northwest of the corner of Atascadero Road and Highway 1, approximately 120 feet from the southbound lanes and directly adjacent to the southbound offramp. Based on the project's proximity to Highway 1, which is a significant noise source, an acoustic assessment was prepared by 45dB Acoustics, LLC (45dB Acoustics 2018; Attachment G). The results of the acoustic assessments are summarized below in the impact discussion.

IMPACT DISCUSSION

a. The project site would be located on an undeveloped lot directly adjacent to the southbound lanes and offramp of Highway 1. The nearest sensitive land use is Morro Bay High School located directly west and north of the project. Due to the proximity of the proposed project next to Highway 1, an acoustic assessment evaluated the potential impact of transportation noise and surrounding streets. The acoustic assessment concluded that the hotel would be exposed to CNEL levels up to approximately 68 dBA, which are considered moderately high; however, the interior noise level would be below the required CNEL level of 45 dBA. According to the California Supreme Court's decision in *California Building Industry Association v Bay Area Air Quality Management District* (S213478, December 17, 2015), CEQA generally does not require public agencies to analyze the impact existing environmental conditions might have on a project's future users or residents. However, an agency must analyze how environmental conditions might adversely affect a project's residents or users only where the project itself might worsen existing environmental hazards in a way that will adversely affect them.

Project construction and operation would occur in an area that currently experiences excessive noise levels. The project would contribute to the moderately high noise levels in the area, exacerbating ambient noise levels in the project vicinity. Construction activities associated with the proposed project would generate short-term increased noise levels due to the use of heavy construction equipment and vehicles. Mobile equipment such as dozers, excavators, loaders, etc., operate in a cyclic fashion in which a period of full power is followed by a period of reduced power, causing a difference in perceived noise levels over time. Other equipment such as generators and compressors, considered to be stationary when operating, typically

don't have different noise levels that vary over time, rather they produce sound at a steady state. The City's General Plan Noise Element does not specifically address construction related noise nor are there established thresholds defining overall maximum acceptable noise levels (Lmax) or acceptable time averaged hourly levels (Leq(h)) during construction activities.

Operational activities would include on-site traffic patterns as well as typical roof-mounted HVAC systems commonly used for heating and cooling. Noise from these activities would be consistent with noise from other nearby uses (hotels, water treatment facility) and would considerably attenuate before reaching nearby sensitive receptors. The project would not significantly exacerbate existing noise levels nor result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Therefore, impacts would be less than significant.

b. As part of the acoustic assessment prepared for the project, a vibration analysis was prepared to evaluate existing vibration impacts from Highway 1 and concluded that the current vibration levels at the project site are anticipated to be less than the human threshold of perception. The primary sources of vibration would occur during construction; however, given the distance to the nearest sensitive receptors, the type of activities proposed, and the duration of construction, the project would not result in the generation of excessive groundborne vibration or groundborne noise levels. Therefore, impacts would be less than significant.

c. The nearest airport to the project is the San Luis Obispo County Airport, located approximately 17 miles southeast. The project is not located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport and the project would not expose people residing or working in the project area to excessive noise levels. Therefore, no impact would occur.

CONCLUSION

Potentially significant impacts related to noise associated with the proposed project would be less than significant.

MITIGATION AND MONITORING

Mitigation measures are not required.

14. Population and Housing

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

ENVIRONMENTAL SETTING

The California Department of Finance's (DOF) current population estimate for the city of Morro Bay is 10,439 (DOF, Table E-1, 2019). The San Luis Obispo County Association of Governments (SLOCOG) Regional Growth Forecast 2010-2050 presents forecasts of population and employment between 2010 and 2050 for the County of

San Luis Obispo, including the city of Morro Bay. SLOCOG projects that the city will have a population of 12,261 residents and 7,433 housing units by 2050. In 1984, the citizens of Morro Bay enacted Measure F, a voter initiative that set the maximum population for the city at 12,200 and requires voter approval to increase the population above this limit. In response to Measure F, the City adopted a growth management ordinance (Ordinance No. 266) to allow fair distribution of scarce water resources and protect the city's small-town character and surrounding open space. Ordinance No. 266 mandates that building permits will be limited to a number permitting an annual increase in population that would achieve the 12,200-person goal by the year 2000. No further residential building will be permitted after a population of 12,200 has been reached unless an increase has been approved by a majority vote at a regular or special election (City of Morro Bay Housing Element Update 2019).

IMPACT DISCUSSION

a. The project proposes development of a new hotel that would accommodate up to 83 guest rooms and which would largely serve people traveling for business or tourism. The project does not propose development of any new residential units and it is anticipated that jobs associated with construction and operation of the hotel would come from the local labor pool. The project proposes to improve an existing bike trail adjacent to the project site but does not propose any other road or infrastructure improvements that would increase the area's capacity for population growth or development. Based on the type and scale of the project, it would not substantially induce unplanned population growth within the area. Therefore, impacts would be less than significant.

b. The project would be built on an undeveloped parcel zoned C-VS/PD (Visitor Serving Commercial/Planned Development). The project site is not zoned for residential use and would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, no impacts would occur.

CONCLUSION

Implementation of the proposed project would not result in significant impacts related to population and housing.

MITIGATION AND MONITORING

Mitigation measures are not required.

15. Public Services

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

Other public facilities?			X	

ENVIRONMENTAL SETTING

The City provides most of the public services, including fire and police protection, in the project area. Fire protection services are provided by the Morro Bay Fire Department, with the closest fire station located approximately 1.5 miles away at 715 Harbor Street, with an average response time of 5 minutes. Police services would be provided by the Morro Bay Police Department, located approximately 2 miles away at 850 Morro Bay Boulevard.

The City of Morro Bay is served by the San Luis Coastal Unified School District (SLCUSD), which is responsible for managing fifteen pre-schools to twelfth-grade schools that serve approximately 7,500 students. Two SLCUSD schools are located in Morro Bay: Morro Bay High School located directly adjacent to the project site at 235 Atascadero Road and Del Mar Elementary located at 501 Sequoia Street.

The City manages numerous parks within the city including Morro Rock Beach, Monte Young Park, Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tidelands Park, North Point, and Cloisters Park. In addition, Morro Bay is home to Morro Strand State Beach and Morro Bay State Park, which are managed by the California Department of Parks and Recreation, and a state marine recreational management area. Together, these recreational resources total over 5,000 acres of recreation and open space area, including 10 miles of ocean and bay front shoreline (City of Morro Bay, 2017). Approximately 95 percent of this shoreline has public lateral access, which provides active recreational opportunities for residents. Lila Keiser Park is located approximately 300 feet south of the proposed project, behind the Motel 6 and Morro Shores Inn & Suites lodging. Public access to Morro Strand State Beach is located 0.3 miles west of the project site.

A development impact fee program has been adopted to address impacts related to public facilities (City) and schools (State Government Code 65995 et seq.). The fee amounts are assessed annually by the City based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Development impact fees are used as needed to finance the construction of and/or improvements to public facilities required to the serve new development, including fire protection, law enforcement, schools, parks, and roads.

IMPACT DISCUSSION

a. Fire Protection

The project site is surrounded by existing development and would be served by the city of Morro Bay Fire Department located approximately 1.5 miles south of the of the project. The project is located in a Local Responsibility Area (LRA) in a Moderate Fire Hazard Severity Zone. The project is easily accessible by emergency vehicles and is not immediately surround by wildlands or any other features that inherently increases the risk of fire. Future construction and development of the hotel would be required to comply with applicable building and fire codes and there are no design features or activities that are proposed that would otherwise increase the risk of fire.

Additionally, the project would be required to pay its fair share of development impact fees, which would offset the development's proportional impact to fire protection services. Therefore, the project would a have a less than significant impact on fire protection services.

Police Protection

The project would continue to be served by the Morro Bay Police Department located approximately 2 miles south of the project. Activities associated with the development and operation of the new hotel are consistent with surrounding land uses and there are no unusual design features or activities proposed that would require additional security or a significant increase in police or emergency services.

Additionally, the project would be required to pay its fair share of development impact fees, which would offset the development's proportional impact to police protection services. Therefore, the project would a have a less than significant impact on police protection services. Therefore, the project would have less than significant impact on police services.

Schools

The proposed hotel would primarily serve people traveling in the local area for business or tourism, and the project workforce is anticipated to come from the local labor pool. There are no project components proposed that would result in a permanent increase in City populations; temporary hotel guests would almost entirely live in other areas and would not have include students attending local public schools. Therefore, there would be no increase in demand on local schools and their facilities as a result of the project; potential impacts would be less than significant.

Parks

The project includes the dedication of a new Class I bike trail along the frontage of the hotel that would improve bike and pedestrian access to the adjacent Morro Bay High School and proximate parks and recreational facilities accessed by residents/tourists using the bike trail system. The bike trail connects with several nearby parks and would provide a beneficial impact to these public park and recreation facilities and increase public safety. The bike trail, proximate parks and beach access are the facilities most likely to be utilized by guests at the hotel; therefore, the project would increase use and demand on these facilities. However, adequate beach access, parks and recreational facilities exists in the project vicinity to accommodate this increased demand. Additionally, the project would be required to pay its fair share of development impact fees, which would offset the development's proportional impact to park facilities. Therefore, the project would a have a less than significant impact on park facilities.

Other Public Facilities

The proposed project would serve temporary residents visiting the City and would be generally consistent with surrounding uses. As discussed in Section 14, Population/Housing, the project workers would likely be sourced from the local labor pool and would not result in significant increased demand on other surrounding public services such as libraries or City administrative services. Therefore, impacts would be less than significant.

CONCLUSION

Implementation of the project would result in less than significant impacts on public services.

MITIGATION AND MONITORING

Mitigation measures are not required.

16. Recreation

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	

b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

ENVIRONMENTAL SETTING

A variety of recreational activities including hiking, sightseeing, birdwatching, etc. are available within Morro Bay. Within the boundary of Morro Bay city limits, there are over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral access. These walkways provide active recreational activities for visitors and residents. There are also multiple improved parks and playgrounds throughout the city. The hotel would be located approximately 0.30-miles from the ocean front which would likely be the nearest attraction that occupants of the hotel would visit. In addition, the hotel would be bordered by a Class I bike path that runs along the western edge of Highway 1, providing access to nearby regional parks and other recreational and visitor-serving areas of the City.

IMPACT DISCUSSION

a., b. As noted above, the bike trail, proximate parks and beach access are the facilities most likely to be utilized by guests at the hotel; therefore, the project would increase use and demand on these facilities. However, adequate beach access, parks and recreational facilities exists in the project vicinity to accommodate this increased demand. The project would be required to pay its fair share of development impact fees, which would offset the development's proportional impact to park and recreation facilities. Additionally, although the project does not require the construction of new recreational facilities, the project is proposing, as a public benefit, to replace an existing Class II bike path along the project frontage with a new Class I bike path that would connect with an existing Class I bike path adjacent to Morro Bay High School. The extension of the bike path would result in a beneficial impact that would improve the overall circulation and safety for cyclists and would not result in an adverse physical effect on the environment as the path would be located within existing paved right-of-way. Development of the hotel and associated bike path improvements are not in themselves growth inducing and would not significantly increase the demand on parks and other recreational facilities. No additional recreational facilities are proposed. Therefore, impacts to recreational facilities would be less than significant.

CONCLUSION

Implementation of the proposed project would not result in impacts related to recreation facilities.

MITIGATION MONITORING

Mitigation measures are not required.

17. Transportation

	Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a.	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b.	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
d.	Result in inadequate emergency access?			X	

ENVIRONMENTAL SETTING

The following section is based on a Transportation Impact Study (TIS) prepared for the project by Central Coast Transportation Consulting (CCTC 2018; Attachment H). The study evaluated potential transportation impacts related to the development of a new 83-room hotel and related facilities located on the corner of Highway 1 southbound off-ramp and Atascadero Road.

The existing road network near the project includes four main roads. Highway 1 is a major north-south state highway running along the Pacific coastline of California. It separates from the US 101 on Santa Rosa Street in San Luis Obispo, CA and continues north as a four-lane arterial known as the Cabrillo Highway. It is a four-lane freeway in the project area. State Route (SR) 41 is a two-lane, southwest-northeast Caltrans facility that connects Atascadero to Morro Bay where it terminates at its junction with Highway 1. Atascadero Road is an east-west major collector with two travel lanes. The project driveway will be connected to this road, which is owned and maintained by the City of Morro Bay. Main Street is a north-south minor arterial with two travel lanes. It parallels Highway 1 from Radcliff Avenue to Zanzibar Street, allowing access to the surrounding residential and commercial areas from the highway.

Pedestrian facilities in the project area include sidewalks, crosswalks, and multi-use paths. Sidewalks are provided along the north and south sides of Atascadero Road with some discontinuous segments. There are marked crossings along the north and south sides of Atascadero Road, as well as several marked crossings connecting the two sides. There is no sidewalk fronting the project site where the driveway will be installed. Main Street has sidewalks running along the east side.

Bicycle facilities consist of separated right-of-way bike paths (Class I) and on-street striped bike lanes (Class II). The city's Bike Map identifies existing Class I bike paths fronting the north and west sides of the project site, which connect the Cloisters Community Park to Atascadero Road, and another bike path running parallel to the SR 1 southbound on-ramp. The city's Bike Map also identifies existing Class II bike lanes on Atascadero Road from the high school pedestrian crossing to the Highway 1 intersection, with a dedicated northbound bicycle crossing connecting the Class I bike path running parallel to the Highway 1 southbound on-ramp. The Class II bike lanes on Atascadero Road are discontinuous along the on- and off-ramps but continue after the Main Street intersection. Main Street has Class II bike lanes in the north and south directions.

The Morro Bay Transit operates fixed route, Call-A-Ride, and trolley services. The fixed route and trolley service both have three bus stops near the project area – two on Atascadero Road and one on Main Street at Errol. The trolley service operates Memorial Day weekend through early October. Call- A-Ride provides curb-to-curb service within the city limits on weekdays and Saturdays. Morro Bay Transit connects with the Regional Transit Authority (RTA) Routes 12 and 15 at City Park. RTA Route 15 runs north-south on Highway 1 and north on Main Street.

The City of Morro Bay does not have formal Level of Service (LOS) policies; therefore, the analysis approach for the project was developed based on Caltrans standards. The project would be located at the northwest intersection of Highway 1 and State Route 41, which are operated and maintained by Caltrans. Caltrans strives to maintain operations at the LOS C/D threshold on state-operated facilities, where LOS C is acceptable, but LOS D is not. If an existing State Highway facility is operating at LOS D, E, or F the existing service level should be maintained.

As part of the traffic analysis, traffic counts for weekday AM and PM peak hour conditions were collected at the study intersections in February and March 2018 when the high school was in session. The traffic count analysis concluded that the southbound approach to the Highway 1 southbound ramp/Atascadero Road intersection currently operates at LOS D during the AM peak hour and LOS C during the PM peak hour. The Main Street/SR 41 intersection currently operates at LOS C during AM peak hour and LOS E during the PM peak hour. The Project Driveway/Atascadero Road intersection does not currently exist and therefore no traffic information was collected.

IMPACT DISCUSSION

a. The traffic analysis included a trip generation estimate as well as an analysis of the project's impacts on the existing LOS. The project's trip generation estimate was developed using weekday daily, AM peak hour, and PM peak hour data provided in the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Based on the trip generation estimate, the project would result in a total of 670 new daily trips, with 43 occurring during AM peak hours and 49 occurring during PM peak hours.

The following intersections were analyzed during the weekday AM (7-9 AM) and PM (4-6 PM) time periods:

- Project driveway / Atascadero Road
- State Route 1 southbound ramp / Atascadero Road
- Main Street / State Route 41

Two of the study intersections currently operate below the LOS C/D threshold for vehicles. The addition of project traffic increases average delay by less than two seconds at both locations:

- SR 1 southbound ramp / Atascadero Road: With the addition of project trips, the southbound approach would remain at LOS D during AM peak hours and would be reduced from LOS C to D during PM peak hours. The 95th percentile queues would remain below two vehicles both with and without the project. The intersection would not meet the peak hour signal warrant. Restriping the southbound approach to provide a shared through/right turn lane and designated left turn lane would improve operations slightly but is not recommended due to the very minor delay reduction.
- Main Street / SR 41: The intersection of Main Street and SR 41 operates at LOS E during the PM peak hour both with and without the project. The City of Morro Bay and Caltrans are pursuing a six-leg roundabout at this intersection. This project is currently in the design stage. The design stage is funded, and construction is partially funded. Constructing the roundabout would result in acceptable operations at this intersection.

All remaining intersections would continue to operate at an acceptable service level. Multiple intersections in the immediate vicinity were evaluated to determine if the proposed project would result in queue spillback on the Highway 1 southbound off-ramps. The analysis concluded that the project would not result in queues on Atascadero Road at the Project Driveway intersection; therefore, queue spillback to the SR 1 ramp intersections is not expected.

The project would result in a slight degradation of service level during PM peak hours for the southbound approach of the Highway 1 southbound ramp/Atascadero Road intersection, resulting in an increase in delay of less than 2 seconds per vehicle. The TIS evaluated the potential for mitigating the existing and plus project deficiency at this intersection by restriping the southbound approach to include an exclusive left turn lane and a shared through-right lane. However, the TIS concluded that these improvements would have a minimal effect on vehicular delay and were, therefore, not recommended. In addition, the project includes

improving existing bicycle facilities by upgrading the existing Class II to a Class I bicycle facility, resulting in improved circulation and safety for cyclists and pedestrians.

As discussed previously, the City does not have formal LOS policies, and based on the TIS, the proposed improvements would not result in significant traffic-related impacts. While the project would cause a slight delay in PM peak hours service levels at the southbound ramp, the project would not result in a queueing issue impacting the southbound offramp and would not result in or contribute to unacceptable levels of service at signalized intersections; therefore, impacts would be less than significant. Therefore, the proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and potential impacts would be less than significant.

b. In 2013, Senate Bill 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of Senate Bill 743 and identified vehicle miles traveled (VMT) per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA. Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide. Currently, the City of Morro Bay has not yet adopted new standards or threshold targets for VMT reduction.

The traffic analysis report did not evaluate VMT, and the city has not yet established regional thresholds for VMT. It is anticipated that the project would add approximately 670 new daily trips, which would likely consist of people traveling from outside the area for business or tourism. The proposed project would not likely serve as a primary destination but would provide accommodations for people already traveling to the area who would otherwise require accommodations nearby. The project would be located directly next to the highway and is close to other attractions such as the beach, Morro Rock, and downtown Morro Bay. Because the city has not yet established regional thresholds for VMT, the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Therefore, no impact would occur.

c. The traffic study evaluated site access and on-site circulation to determine if the project could create hazardous conditions. In the original site plan and project description evaluated, the traffic study identified a deficiency specific to sight distance for cars exiting the driveway and recommend that the landscaping be modified to increase overall sight distance. In addition, the traffic study recommended that sidewalk and bicycle improvements along Atascadero Road should be unobstructed and maintain connectivity. Since the preparation of the traffic report, the project site plans, and project description have been modified to address several issues including traffic related impacts. Mitigation Measure TR-1 would require that the final project design to be submitted and reviewed by the City and/or a qualified transportation engineer to ensure that all proposed improvements are consistent with the design recommendations provided in the Transportation Impact Study prepared by CCTC for the project. Implementation of Mitigation Measure TR-1 would ensure that the final design of the project would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, impacts would be less than significant with mitigation.

d. Based on the results of the traffic study and the most recent site plan, the project would provide adequate on-site circulation and does not propose any uses or design features that would interfere with emergency access. Development of the hotel and associated improvements along Atascadero Road may result in partial lane closures; however, these activities would be temporary and adequate access along Atascadero Road

would be maintained. Therefore, the project would not result in inadequate emergency access and impacts would be less than significant.

CONCLUSION

Potentially significant impacts related to transportation and circulation associated with the proposed project would be less than significant with implementation of mitigation.

MITIGATION AND MONITORING

Mitigation Measure TR-1: Prior to issuance of construction or grading permits, the applicant shall submit for approval by the City of Morro Bay or a qualified transportation engineer designated by the City of Morro Bay, final site plans demonstrating that all proposed access and circulation improvements are consistent with the design recommendations provided in the Transportation Impact Study prepared by CCTC for the project. Project plans shall clearly denote the Caltrans right-of-way along the Highway 1 southbound off-ramp as well as along the project frontage on Atascadero Road. Any work within, over, or under the State's right-of-way, shall require an encroachment permit from Caltrans.

18. Tribal Cultural Resources

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Would the project cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

ENVIRONMENTAL SETTING

Approved in 2014, Assembly Bill (AB) 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

- Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
- Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
- Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes may have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

The City of Morro Bay (the CEQA Lead Agency) provided notification to Native American tribes affiliated with the project area pursuant to AB 52 and received responses from three tribes. The Xolon-Salinan Tribe requested a copy of recommendations and the archaeological monitoring plan during construction of the site. The yak tit^{y}u tit^{y}u yak tiłhini Northern Chumash Tribe requested archaeological and Native American monitoring. The Salinan Tribe of San Luis Obispo and Monterey Counties requested a Salinan monitor be present for all ground disturbing activities. In addition, a *Phase 1 Archaeological Report* (SWCA 2018) and pedestrian survey was conducted for the site and produced negative findings.

IMPACT DISCUSSION

a. The proposed project does not contain any known tribal cultural resources that have been listed or are eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). As discussed in Section 5, Cultural Resources, a historic property listed on the National Register of Historic Places is located near the project site; however, all project activities would be limited to the project site and the proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, no impacts to historical resources would occur.

b. The Phase 1 Archaeological Report, the pedestrian survey, and notification to affiliated tribes per AB 52 concluded that there are no known significant tribal cultural resources in the project area. However, due to the proximity to eight previously identified prehistoric archaeological sites, some of which contain human remains, the project area is considered moderately sensitive for the presence of buried and/or obscured archaeological resources. Mitigation Measures CUL-1 would require the development of an Archaeological Monitoring Plan (AMP) and associated archaeological monitoring procedures during initial ground-disturbing activities. The AMP would appropriately identify and address archaeological finds encountered during construction monitoring and would include measures to avoid or reduce potential impacts to tribal cultural resources. Therefore, potential impacts associated with tribal cultural resources would be less than significant with mitigation.

CONCLUSION

Potentially significant impacts to tribal cultural resources associated with the proposed project would be less than significant with implementation of identified mitigation.

MITIGATION AND MONITORING

With implementation of **Mitigation Measure CUL-1**, the project would have a less-than-significant impact on tribal cultural resources.

19. Utilities and Service Systems

	Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d.	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

ENVIRONMENTAL SETTING

The project proposes to develop a new 83-unit hotel with parking and associated landscaping. The project proposes to include several waste-reduction and conservation measures during the construction and operation of the facility including using recycled content for building materials, installing water conserving plumbing fixtures, installing a rooftop solar system, placing recycling bins in guest rooms, and implementing an excess bathroom product recycling program.

The project would be required to hook-up to the City's municipal water system, which would be provided by the Morro Bay Public Works Water Division. The majority of the water supplied to the City is from the State Water Project (SWP) and further supplemented by two local groundwater basins, Morro and Chorro Basins, and a desalination plant during emergencies. Based on the City's 2018 OneWater Morro Bay Plan, projected water supply is estimated to remain relatively constant through 2050.

Wastewater services within the city are currently provided by the Morro Bay Wastewater Treatment Plant which is rated for an average daily flow of 2.06 million gallons a day, serving approximately 13,300 people. Due to the existing facility's aging infrastructure, a new wastewater treatment facility is required to be built and is expected to be completed by 2023. According to the adopted OneWater Morro Bay Plan, the project would connect to an 18-inch gravity main along Atascadero Road. Current flows in the gravity sewer cause the hydraulic grade line to surge within 3 feet of the manhole rim during peak wet-weather flow events.

The City contracts with Morro Bay Garbage Service to provide residential and commercial garbage, recycling, and green waste collection services for Morro Bay. All of the City's waste is taken to Cold Canyon Landfill, which has a permitted capacity of approximately 23 million cubic yards, with an anticipated closure date of 2040.

IMPACT DISCUSSION

a. The project would be required to connect to the City's water and wastewater services. Water to the project would be supplied by the City's Public Works Department and would not require the development of additional infrastructure to supply water. Wastewater services would be provided by the Morro Bay wastewater treatment plant located near the project on Atascadero Road. Due to the biological treatment capacity, age, and location of the existing wastewater treatment facility, a new treatment facility, the Water Reclamation Facility (WRF), has been recently approved by the California Coastal Commission in July 2019 and will be located on South Bay Boulevard to serve the City and the project when it becomes operational, by March of 2023. The project would be served by an 18-inch gravity sewer located with the former 66th Street right-of-way adjacent to Atascadero Road. According to the OneWater Morro Bay Plan, the flow in the sewer exceeds capacity during peak wet weather flow events as defined in the adopted OneWater Morro Bay Plan. The sewer main is proposed to be replaced with a 27-inch diameter pipe within the next three to five years.

The project is located in an urbanized area and all other services required for the operation of the hotel are currently available and the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, impacts would be less than significant.

b. The City's water supply is mainly derived from the SWP and further supplemented by two local groundwater basins. When water is not available during SWP shutdowns and emergencies, water is further supplemented by Morro Bay's desalination plant. Contractually, Morro Bay is entitled to 1,313 acre-feet a year (AFY) of SWP water, plus an additional 174 percent "drought buffer" to ensure reliability when the SWP reduces deliveries during dry years. The "drought buffer", detailed in the Drought Buffer Water Agreement for 2,290 AFY, allows Morro Bay to receive its full 1,313 AFY allocation when the SWP can deliver at least 36.44 percent of contracted allocations.

According to the OneWater Morro Bay Plan, which provides a forecast of the city's water demand, the city is expected to have available water supply in excess of projected demand through 2050. In addition, the new water reclamation facility that is being constructed to replace the aging wastewater treatment plant would also involve a water purification facility that would further supplement the city's water needs. The project would increase demand on water supplies; however, due to the location of the project and proposed use, future development within the city, including the project, is anticipated in the OneWater Morro Bay Plan water demand projections. In addition, the project includes several water conservation measures such as water saving plumbing fixtures that would further reduce water consumption. Based on the city's current water supply and the OneWater Morro Bay Plan water demand projections, the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

c. As discussed above, wastewater treatment services would be provided to the project by the nearby Morro Bay wastewater treatment plant. However, due to its aging infrastructure, a new facility is being constructed and would serve the city and the proposed project when operational. The new facility has been designed to meet the city's current wastewater needs and includes construction of a new one million gallon per day advanced treatment facility that would further supplement the city's water demand. The project and proposed use are consistent with the city's anticipated level of development and the new facility would have adequate capacity to serve the project and existing commitments. Therefore, impacts would be less than significant.

d. Most of the solid waste associated with the project would occur during the initial construction which may include excavated soils, demolition debris, and other construction materials associated with new

development. The project proposes to implement a number of waste reduction measures including the use of recycled content for building materials, placement of recycling bins in guestrooms, and a program for recycling excess bathroom products. Sanitary services would be provided by Morro Bay Garbage Service and waste would be disposed of at the Cold Canyon Landfill. The Cold Canyon Landfill currently has a capacity of 1,650 tons per day and an estimated remaining capacity of 14,500,000 cubic yards. Currently, the estimated closure date for this landfill is December 31, 2040 (CalRecycle 2018), which has adequate permit capacity to serve the project. Based on proposed use and the existing capacity of landfill serving the project, the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, impacts would be less than significant.

e. Solid waste associated with the project would similar to that of similar hotels or commercial uses. The project does not propose any uses or activities that would otherwise result in the generation of solid waste that would conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

CONCLUSION

Implementation of the proposed project would not result in significant impacts related to utilities and service systems.

MITIGATION AND MONITORING

Mitigation measures are not required.

20. Wildfire

	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a.	Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b.	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c.	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d.	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

ENVIRONMENTAL SETTING

Fire Hazard Severity Zones (FHSZ) are defined by the California Department of Forestry and Fire Protection (CALFIRE) based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout

the city have been designated as “Very High,” “High,” or “Moderate.” The project is located in a Locally Responsible Area (LRA) in an area designated as Moderate FHSZ.

IMPACT DISCUSSION

a. The project is located in a developed area within the city of Morro Bay, with access to the site provided directly from Highway 1 and Atascadero Road. The project would be served by the Morro Bay Fire Department with the nearest station located at 715 Harbor St, which is approximately 1.5 south with an estimated response time of 5 minutes. The project would develop a hotel on a vacant lot surrounded by development and does not propose any activities or design elements that would impair an adopted emergency response plan or emergency evacuation plan. During short-term construction, improvements would occur within the right-of-way along Atascadero Road to accommodate a bike path and large vehicles would be utilizing adjacent roadways to access the project site; however, access to neighboring properties including Morro Bay High School would be maintained during all construction activities. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

b. The project would be developed on vacant land surrounded by urban development. The project is not located in an area where slope, prevailing winds, and other factors, would exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts would occur.

c. Development of the hotel would almost entirely be limited within the project parcel, with the exception of bike path improvements occurring on the north side of Atascadero Road. As such, the project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no impacts would occur.

d. As discussed previously, the project is located in an urbanized area and is not located near steep slopes or significant geologic features. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impacts would occur.

CONCLUSION

The proposed project and associated activities would not result in a significant adverse impact related to Wildfire.

MITIGATION MONITORING

Mitigation measures are not required.

21. Mandatory Findings of Significance (Section 15065)

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

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

IMPACT DISCUSSION

a. **Potential to Degrade.** The proposed project would not substantially degrade or threaten the quality of the environment, habitat, or populations of any fish or wildlife species, or important examples of California history or prehistory. The project does not propose to remove any trees as part of the project; however, nesting birds could be present on a seasonal basis in nearby trees, and construction activities as well as trimming or removing trees could adversely affect their nesting activities. Mitigation measures have been proposed to prevent or reduce potential impacts. Refer to Section 1, Aesthetics; Section 4, Biological Resources; Section 6, Geology and Soils; and Section 8, Hazards/Hazardous Materials, for additional information.

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

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

V. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

City of Morro Bay Community Development Department (Planning and Building Divisions), Public Works Department, Fire Department.
San Luis Obispo Air Pollution Control District
California Department of Toxic Substances Control

B. General Plan

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

C. References

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VI. ATTACHMENTS

- Attachment A: Summary of Mitigation Measures and Applicant's Consent to Incorporate Mitigation into the Project Description.
- Attachment B: *Air Quality & Greenhouse Gas Impact Study for the Proposed Morro Bay Hotel Project, Morro Bay, CA* (AMBIENT Air Quality and Noise Consulting, August 2019a)
- Attachment C: *Biological Resources Assessment for the Atascadero Road Hotel Project* (Kevin Merk Associates, LLC, May 23, 2018)
- Attachment D: *Energy Impact Study for the Proposed Morro Bay Hotel Project, Morro Bay, CA* (AMBIENT Air Quality and Noise Consulting, August 2019b)
- Attachment E: *Geotechnical Engineering Report* (Earth Systems Pacific, January 29, 2018)
- Attachment F: *Phase 1 Environmental Site Assessment* (Haro Environmental, December 7, 2017)
- Attachment G: *Acoustics Assessment of Atascadero Road Hotel Morro Bay, CA* (45dB Acoustics, May 3, 2018)
- Attachment H: *Transportation Impact Study* (Central Coast Transportation Consulting, March 2018)

ATTACHMENT A:
MITIGATION AND MONITORING PROGRAM

Mitigation Measure VR-1: At time of application for construction permits, the applicant shall revise the Conceptual Landscape Plan (dated February 19, 2019) by Jim Burrows Landscape Architecture to be consistent with the Landscape Screening Update Letter dated November 7, 2019 by Jim Burrows Landscape Architecture. The revised landscape plan shall provide for landscaping that provides at least 50% year-round (evergreen) screening of the structure, as viewed from Highway 1 traveling southbound (east building frontage) and taken from the vantage point as shown in Figure 5. Within five years of final inspection and occupancy, the landscaping shall provide for 25% year-round screening of the structure as viewed from Highway 1 traveling southbound. Within ten years of final inspection and occupancy and for the life of the project, the landscaping shall provide for 50% year-round screening of the structure as viewed from Highway 1 traveling southbound. In the event the landscaping does not meet or falls below these performance criteria, the applicant shall retain a qualified landscape architect to prepare and submit a revised landscape and replanting plan to fulfil this mitigation measure to the satisfaction of the City.

Mitigation Measure VR-2: Per City of Morro Bay Municipal Code section 17.48.050, all overhead utilities on the project site shall be placed underground. Prior to issuance of grading permits, the applicant shall provide revised plans showing compliance with this measure for review and approval by the City of Morro Bay Community Development Department.

Mitigation Measure AQ-1: The following measures shall be implemented to minimize construction-generated emissions. These measures are based on SLOAPCD standard mitigation measures and would help to ensure compliance with the SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402). These measures shall be shown on grading and building plans:

a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.

b. To the extent locally available, prefinished building materials or materials that do not require the application of architectural coatings shall be used.

c. Reduce the amount of the disturbed area where possible.

d. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, refer to the following link from the San Joaquin Valley Air District: http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm~~see Section 4.3 of the CEQA Air Quality Handbook~~.

e. All dirt stock-pile areas should be sprayed daily as needed and covered with tarps or other dust barriers as needed.

f. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

g. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

h. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.

i. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

k. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

l. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified. ~~wheel washers at the construction site entrance, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved methods sufficient to minimize the track-out of soil onto paved roadways.~~

m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible.

n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

o. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

Mitigation Measure AQ-2: The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.

b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
2. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

c. Maintain all construction equipment in proper tune according to manufacturer's specifications;

d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

g. Electrify equipment when possible;

h. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,

i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Mitigation Measure AQ-3: City of Morro Bay entered into an agreement with Monterey Bay Community Power in January 2020 to provide 100% carbon-free and renewable energy within the City. The City's program is an opt-out program, where all customers within the City will automatically be served by Monterey Bay Community Power's carbon-free energy unless they undergo the process to actively opt out of the program. To further mitigate GHG emissions, the project applicant shall not opt out of the Monterey Bay Community Power program and shall be served by 100% carbon-free and renewable energy through that program, or an equivalent program, for the life of the project or as long as it (or an equivalent program) is available within the City.

Mitigation Measure AQ-4: To encourage car-free transportation to and around San Luis Obispo County, the project applicant shall sign up to participate in the SLO Car Free Program (or a similar program), provide incentives to car-free travelers, and promote the program in their communication tools.

Mitigation Measure BR-1: To avoid impacts to nesting birds, including raptors, for construction activities occurring between February 15 and August 31, a preconstruction survey for active bird nests shall be conducted by a qualified biologist. Surveys shall be conducted within 2 weeks prior to construction activities. If no active nests are located, construction activities can proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 50 feet for common species and up to 250 feet for raptors), slope aspect and surrounding vegetation in proximity to the nest site. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged. The qualified biologist shall document all active nests and submit a letter report to the City of Morro Bay documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures, within 14 days of survey completion or prior to first inspection, whichever occurs first.

Mitigation Measure CUL-1: Prior to project implementation, the applicant shall prepare an Archaeological Monitoring Plan (AMP) for review and approval by the City of Morro Bay. A standard clause shall be included in every grading and construction contract to inform contractors of this requirement. The AMP shall include, but not be limited to, the following:

a. A list of personnel involved in the monitoring activities, including a City-approved archaeologist, a Native American monitor of Chumash descent, and a Native American monitor of Salinan descent;

b. Description of how the monitoring shall occur;

c. Description of frequency of monitoring (e.g., full time, part time, spot checking);

d. Description of what resources are expected to be encountered;

e. Description of circumstances that would result in the halting of work at the project site;

f. Description of procedures for halting work on the site and notification procedures;

g. Description of monitoring reporting procedures; and

h. Specific, detailed protocols for what to do in the event of the discovery of human remains.

Mitigation Measure CUL-2: An archaeological monitor and a representative from the Salinan Tribe of Monterey and San Luis Obispo Counties and the yak tityu tityu yak tiłhini Northern Chumash Tribe shall be present during project-related ground-disturbing activities that have the potential to encounter previously unidentified archaeological resources, as outlined in the AMP prepared to satisfy CUL-1. Archaeological and tribal monitoring may cease at any time if the qualified archaeologist, in coordination with the City's Environmental Coordinator and the tribes, determine that project activities do not have the potential to encounter and/or disturb unknown resources.

Mitigation Measure GEO-1: Prior to issuance of grading permits, the project applicant shall submit to the City for approval, grading and building plans prepared by a professional engineer that incorporate design methods and engineering techniques that are consistent with the recommendations provided in the Geotechnical Engineering Report prepared by Earth Systems for the project. Recommendations include, but are not limited to:

a. Utilize deep foundations (i.e., piles) for structure support so that the piles would bear through the upper potentially liquefiable zone and into more dense, non-liquefiable materials at depth.

b. Ground improvements would include displacing the soil with an auger to the bottom of the liquefiable layers and injecting grout or consolidating gravel into the resulting soil voids, thus densifying the soil; conventional shallow foundations would then be constructed over the ground improvement elements.

A hybrid solution involving over-excavation and reinforcement of the soil and a rigid mat foundation could also be utilized. Mat foundations distribute the structural loads over a wider area of the soil and can be designed to be sufficiently rigid such that the foundation will act as an integral unit in the event of liquefaction. The foundation should be designed to accommodate the shear and bending stresses that could result from the anticipated differential seismic settlement due to liquefaction. A relatively low bearing value is also recommended, as is a design of the foundations to accommodate a span of lost bearing at any point within the foundation.

Mitigation Measure GHG-1: The proposed project shall implement the following GHG-reduction measures, consistent with the "mandatory" measures identified in the City's CAP Consistency Worksheet:

a.

1. The project shall install high efficiency lights (i.e., sodium, light-emitting diode [LED]) in parking lots, streets, and other public areas. (Note: this measure was included per SLOAPCD recommendations and is not a CAP mandatory measure but is a requirement in the recently updated building standards that will take effect on January 1, 2020).

2. The project shall provide on-site bicycle parking and/or amenities in accordance with the California Green Building Standards Code and related facilities to support long-term use (lockers, or a locked room with standard racks and access limited to bicyclists only). (CAP Measure TL-1)

3. The project shall incorporate a pedestrian access network that internally links all uses and connects all existing or planned external streets and pedestrian facilities contiguous with the project site. (CAP Measure TL-2)
4. The project shall be designed to minimize barriers to pedestrian access and interconnectivity. (CAP Measure TL-2)
5. The project shall incorporate traffic calming improvements as appropriate (e.g., marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, median islands, mini-circles, tight corner radii, etc.). (CAP Measure TL-2)
6. Three percent of construction vehicles and equipment shall be electrically powered or use alternative fuels such as compressed natural gas. (CAP Measure O-1)
7. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation. (SLOAPCD Diesel Idling Restrictions for Construction Phases).

b. The following additional GHG-reduction measures shall also be implemented, beyond the "mandatory" measures required by the City's CAP:

1. Trees to be planted shall be native and drought tolerant, beyond those required as mitigation for tree removal. (Voluntary CAP Measure T-1)
2. Install occupancy sensors in hotel guest rooms that reduce energy usage when rooms are not occupied.
3. To the extent available, install energy-efficient (e.g., EnergyStar rated) appliances. (Refer to: https://www.energystar.gov/products).
4. To the extent allowed by code, utilize roofing materials that have a high-solar-reflectance index. (https://www.epa.gov/sites/production/files/2014-06/documents/coolroofscompendium.pdf).

Mitigation Measure TR-1: Prior to issuance of construction or grading permits, the applicant shall submit for approval by the City of Morro Bay or a qualified transportation engineer designated by the City of Morro Bay, final site plans demonstrating that all proposed access and circulation improvements are consistent with the design recommendations provided in the Transportation Impact Study prepared by CCTC for the project. Project plans shall clearly denote the Caltrans right-of-way along the Highway 1 southbound off-ramp as well as along the project frontage on Atascadero Road. Any work within, over, or under the State's right-of-way, shall require an encroachment permit from Caltrans.

Acceptance of Mitigation Measures by Project Applicant:

Applicant	1/30/2020 Date

Attachment 5

MORRO BAY HOTEL

ARRIS STUDIO ARCHITECTS
1327 Archer Street, Suite 220
SAN LUIS OBISPO, CA 93401
T 805/547.2240 F 805/547.2241

MORRO BAY HOTEL
MORRO BAY, CA

COVER

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-0**

PROJECT DATA

ADDRESS:	ATASCADERO ROAD MORRO BAY, CA 93442
APN:	066-332-003, 065-182-003 & 004
ZONING:	C-VS / PD (VISITOR SERVICING COMMERCIAL/PLANNED DEVELOPMENT)
ENTITLEMENTS:	CONDITIONAL USE PERMIT & COASTAL DEVELOPMENT PERMIT REQUIRED
USE PROPOSED:	HOTEL
OCCUPANCY GROUP PROPOSED:	R-1
CONSTRUCTION TYPE PROPOSED:	TYPE V-A
SPRINKLERS PROPOSED:	YES (NFPA-13)
NUMBER OF STORIES:	3 STORIES
BUILDING HEIGHT ALLOWED:	30'-0" ABOVE AVERAGE NAT. GD.
BUILDING HEIGHT PROPOSED:	35'-5" ABOVE AVERAGE NAT. GD. (SEE A-11 FOR BUILDING HEIGHT EXHIBIT)
MINIMUM FRONT YARD SETBACK:	10 FT
PROVIDED FRONT YARD SETBACK:	96'-8"
MINIMUM SIDE YARD SETBACK (EXTERIOR):	20% OF LOT WIDTH (5 FT MIN - 10 FT MAX) = 172'-9" x 20% = 34'-6"
PROVIDED SIDE YARD SETBACK (EXTERIOR):	10 FT
MINIMUM SIDE YARD SETBACK (INTERIOR):	0 FT
PROVIDED SIDE YARD SETBACK (INTERIOR):	39'-0"
AVG. NAT. GRADE	20.74 FT
FINISHED FLOOR HEIGHT	23.50 FT
30 FT ABOVE AVERAGE NATURAL GRADE	50.74 FT
35.41 FT ABOVE AVERAGE NATURAL GRADE	56.16 FT (PUBLIC BENEFIT - SEE SHEET A-15)
HOTEL ROOMS:	
1ST FLOOR:	18 GUEST ROOMS
2ND FLOOR:	30 GUEST ROOMS
3RD FLOOR:	35 GUEST ROOMS
TOTAL:	83 GUEST ROOMS
PARKING SPACES REQUIRED:	
1 PER ROOM + 1 FOR EACH 10 ROOMS:	83 + 9 = 92 SPACES
COMPACT PARKING SPACES:	
ALLOWED COMPACT SPACES:	92 X 25% = 23 SPACES
PROVIDED COMPACT SPACES:	20 SPACES
PARKING SPACES PROVIDED:	
STANDARD SPACES:	67
COMPACT SPACES:	20
ACCESSIBLE SPACES:	5
TOTAL PARKING SPACES PROVIDED	92 SPACES
REQUIRED BIKE PARKING:	1 BIKE / 5 PARKING SPACES
PROVIDED BIKE PARKING:	19 BIKE PARKING
FAR CALCULATION:	
1ST FLOOR:	19,522 SF
2ND FLOOR:	18,755 SF
3RD FLOOR:	18,081 SF
TOTAL:	56,358 SF
SITE AREA:	88,021 SF (2.02 ACRES)
PROVIDED FAR:	0.64
REQUIRED LANDSCAPING:	PARKING LOT LANDSCAPING - 5%
PROVIDED LANDSCAPING:	
15,472 S.F. / 88,021 S.F.	0.18
MAXIMUM LOT COVERAGE:	60% (HOTEL) , 80% (PARKING)
PROVIDED LOT COVERAGE:	
HOTEL:	20,952 S.F. / 88,021 S.F.= 0.24
PARKING:	51,597 S.F. / 88,021 S.F.= 0.58

SIGNAGE:	
ALLOWED SIGNAGE SF:	1 SF OF SIGNAGE / 1 LF OF BUILDING FRONTAGE
SOUTH ELEVATION:	77'-10" = 77 SF OF SIGNAGE / 2 = 38.5 SF
EAST ELEVATION:	299'-3" = 299 SF OF SIGNAGE
TOTAL ALLOWED SIGNAGE:	337.5 SF
PROPOSED SIGNAGE SF:	
SOUTH ELEVATION :	55 SF
EAST ELEVATION:	55 SF
MONUMENT SIGNAGE:	LOCATED >5 FT FROM PROPERTY LINE AT SITE ENTRANCE
HEIGHT:	6'-0"
LENGTH:	7'-6"
WIDTH:	1'-6"
SF OF SIGN:	45 SF
TOTAL PROPOSED SIGNAGE:	155 SF

PROJECT DESCRIPTION

THIS PROJECT PROPOSES THE CONSTRUCTION OF A NEW 3-STORY, TYPE V-A, 83 GUESTROOM HOTEL BUILDING, AND NEW ONSITE PARKING ON AN EXISTING VACANT LOT.

AMENITIES INCLUDE AN INDOOR POOL, PORTE COCHERE, MEETING ROOM, INTERIOR DINING AND LOUNGE AREAS, AND FITNESS ROOM.

SEE A LIST OF THE PUBLIC BENEFITS PROPOSED FOR THE PROJECT BELOW.

PROJECT DIRECTORY

OWNER: **ESCAPE HOSPITALITY, LLC**
590 MORRO AVE.
MORRO BAY, CA. 93442
PHONE: (805)801-1224
CONTACT: HEMANT PATEL & PRADEEP PATEL
EMAIL: HEMANT96@YAHOO.COM

ARCHITECT: **ARRIS STUDIO ARCHITECTS**
1327 ARCHER STREET, SUITE 220
SAN LUIS OBISPO, CA. 93401
PHONE: (805)547-2240
CONTACT: THOM JESS
EMAIL: TJESS@ARRIS-STUDIO.COM

PLANNER: **CATHY NOVAK CONSULTING**
PO BOX 296
MORRO BAY, CA. 93443
PHONE: (805)772-9499
CONTACT: CATHY NOVAK
EMAIL: NOVAKCONSULTING@CHARTER.NET

ELECTRICAL: **JMPE ELECTRICAL ENGINEERING**
156 W. ALAMAR AVE.
SANTA BARBARA, CA. 93105
PHONE: (805)569-9216
CONTACT: JOHN MALONEY
EMAIL: MALONEY@JMPE.NET

CIVIL: **WALSH ENGINEERING**
979 OSOS STREET, SUITE F4
SAN LUIS OBISPO, CA. 93401
PHONE: (805)319-4948
CONTACT: MATT WALSH
EMAIL: MATT@WALSHENGINEERING.NET

LANDSCAPE: **JBLA**
979 OSO STREET, SUITE B6
SAN LUIS OBISPO, CA. 93401
PHONE: (805)439-3209
CONTACT: JIM BURROWS
EMAIL: JIM@JBLA-SLO.COM

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ELECTRICAL

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CIVIL

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EX1.0	STORY POLE EXHIBIT

LANDSCAPE

L-1	CONCEPTUAL LANDSCAPE PLAN
L-2	PROPOSED PLANT MATERIALS & WATER EFFICIENT LANDSCAPE WORKSHEET
L-3	PARKING SHADE STUDY

PUBLIC BENEFIT

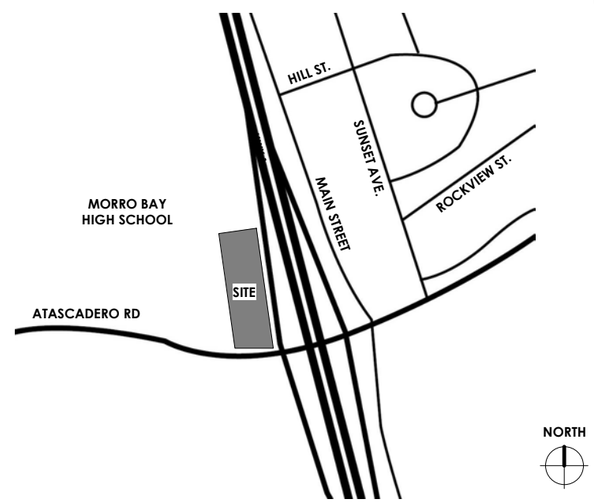
EV CHARGING STATIONS:
(9) EV CHARGING STATIONS TOTAL WILL BE OPEN TO THE PUBLIC. THE PROJECT WILL PROVIDE (7) LEVEL-2 CHARGING STATIONS AND (2) LEVEL-3 CHARGING STATIONS AT THE FRONT OF THE SITE ALONG ATASCADERO ROAD. THE PROJECT IS PROVIDING AN ADDITIONAL ACCESSIBLE PARKING SPACE DEDICATED TO ONE OF THE (9) EV CHARGERS.

CLASS I BIKE LANE:
SAFE BIKE ACCESS CONNECTING THE INTERSECTION FROM THE BIKE TRAIL TO MORRO BAY HIGH SCHOOL.

DEDICATION TO HIGH SCHOOL:
THE SOUTHWEST CORNER WHERE THE EXISTING BIKE PATH ENTERS THE PROPERTY OF MORRO BAY HIGH SCHOOL WILL BE DEDICATED TO THE HIGH SCHOOL

ADDITIONAL GREEN MEASURES:
- SOLAR PANELS ON THE ROOF
- NET ZERO ENERGY CONSUMPTION GOAL
- BIKE SHARE
- RECYCLED CONTECT BUILDING MATERIALS
- WATER CONSERVING PLUMBING FIXTURES
- KEY CARD CONTROLLED ELECTRICAL WITHIN THE GUEST ROOMS
- LED LIGHTING
- REFLECTIVE ROOFING
- PERMEABLE PAVERS
- RECYCLING BINS IN GUEST ROOMS
- EXCESS BATHROOM PRODUCT RECYCLING PROGRAM
- HIGH PERFORMANCE GLAZING SYSTEMS

VICINITY MAP



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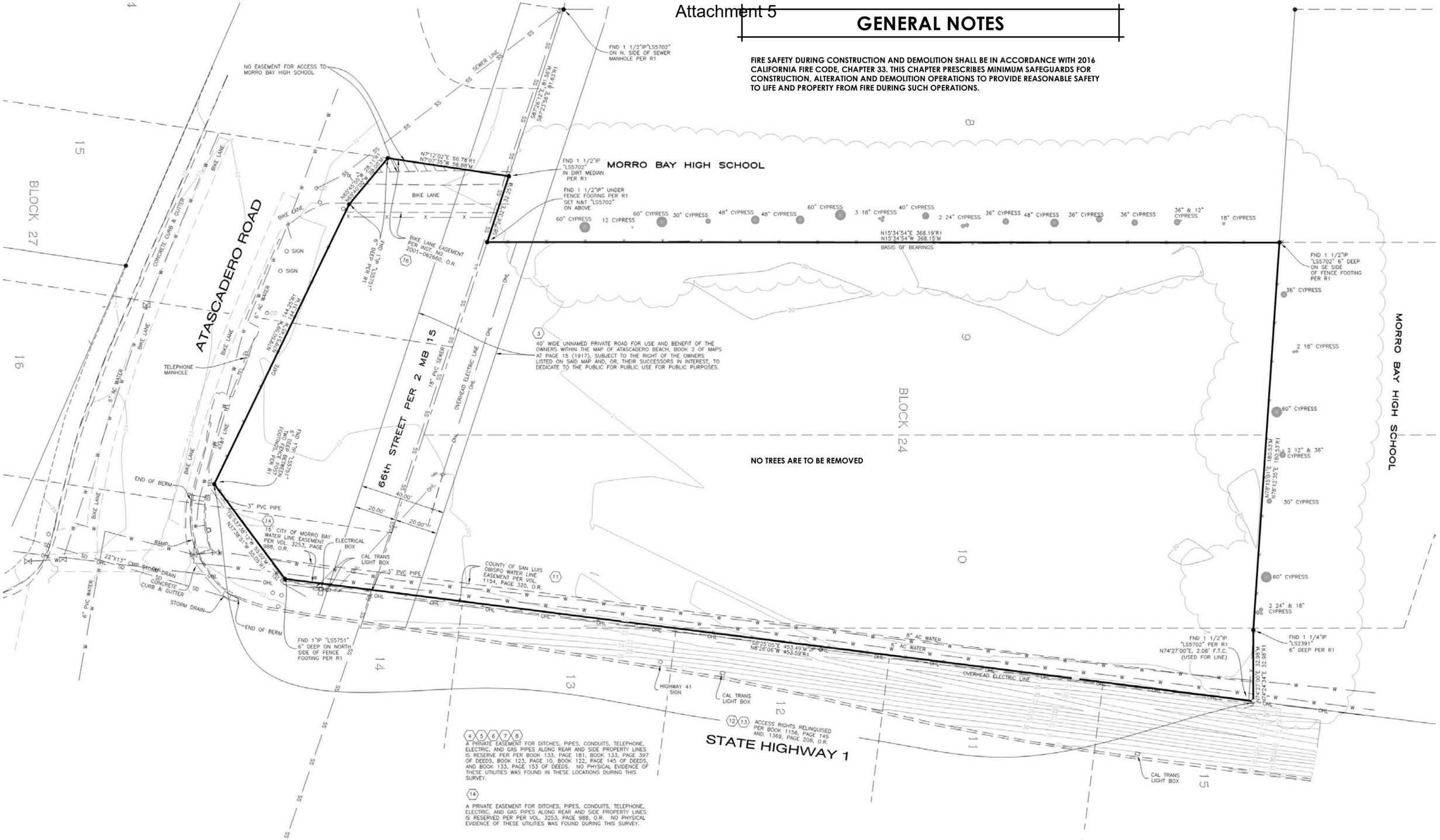
MORRO BAY HOTEL
MORRO BAY, CA
PROJECT DATA

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-1**

GENERAL NOTES

FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION SHALL BE IN ACCORDANCE WITH 2016 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.



NO TREES ARE TO BE REMOVED

EXISTING & DEMOLITION PLAN - SEE SURVEY FOR MORE INFORMATION

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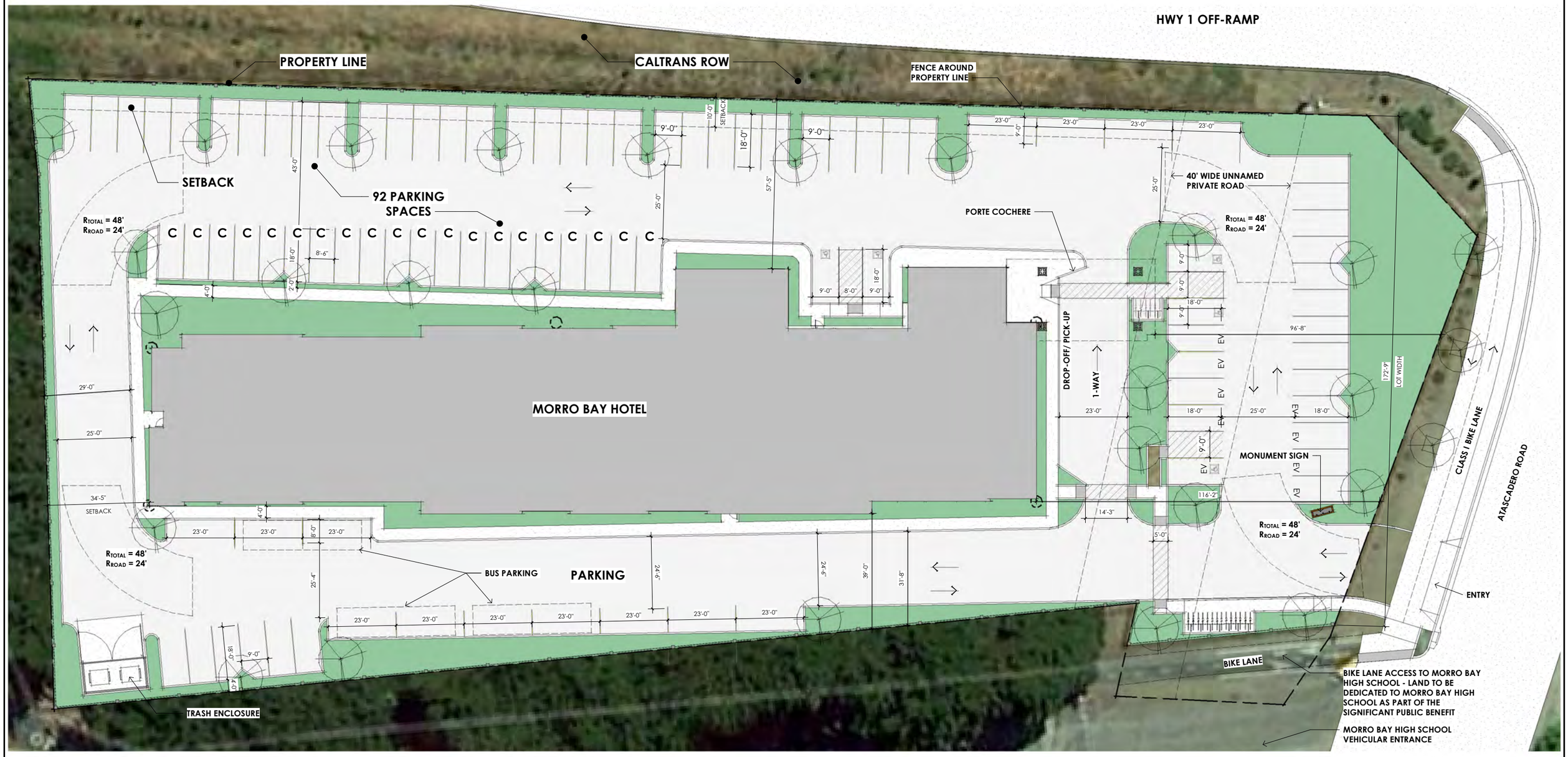
MORRO BAY, CA

DEMOLITION PLAN

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-2**



1 **SITE PLAN**
1/16" = 1'-0"

TRUE NORTH

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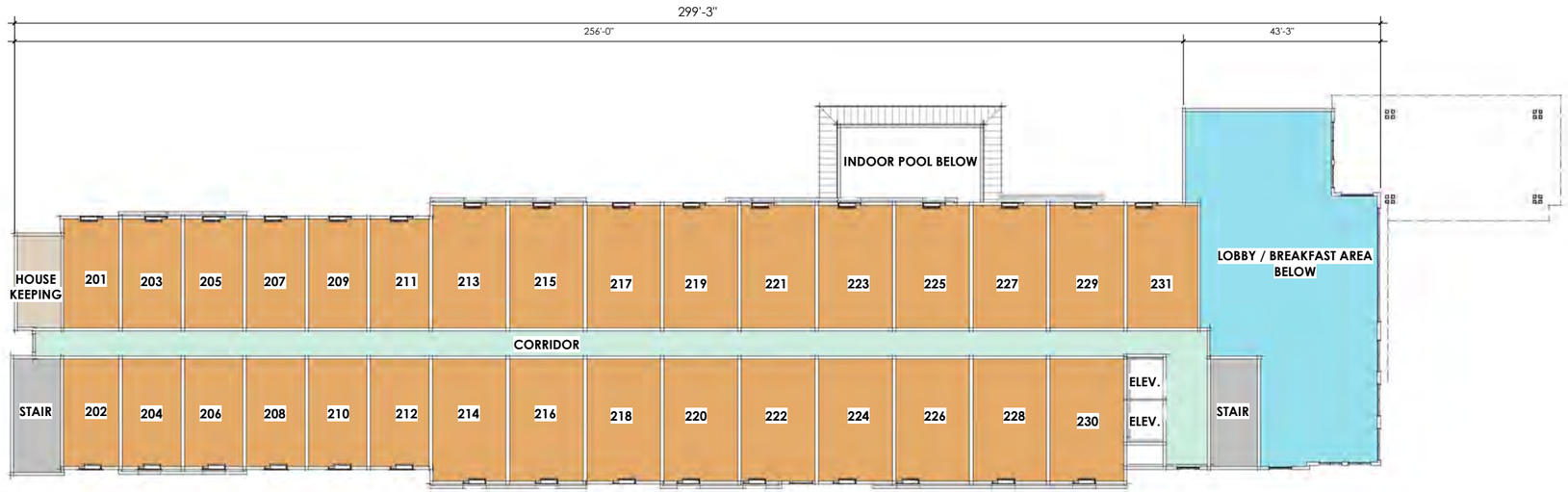
PROPOSED SITE PLAN

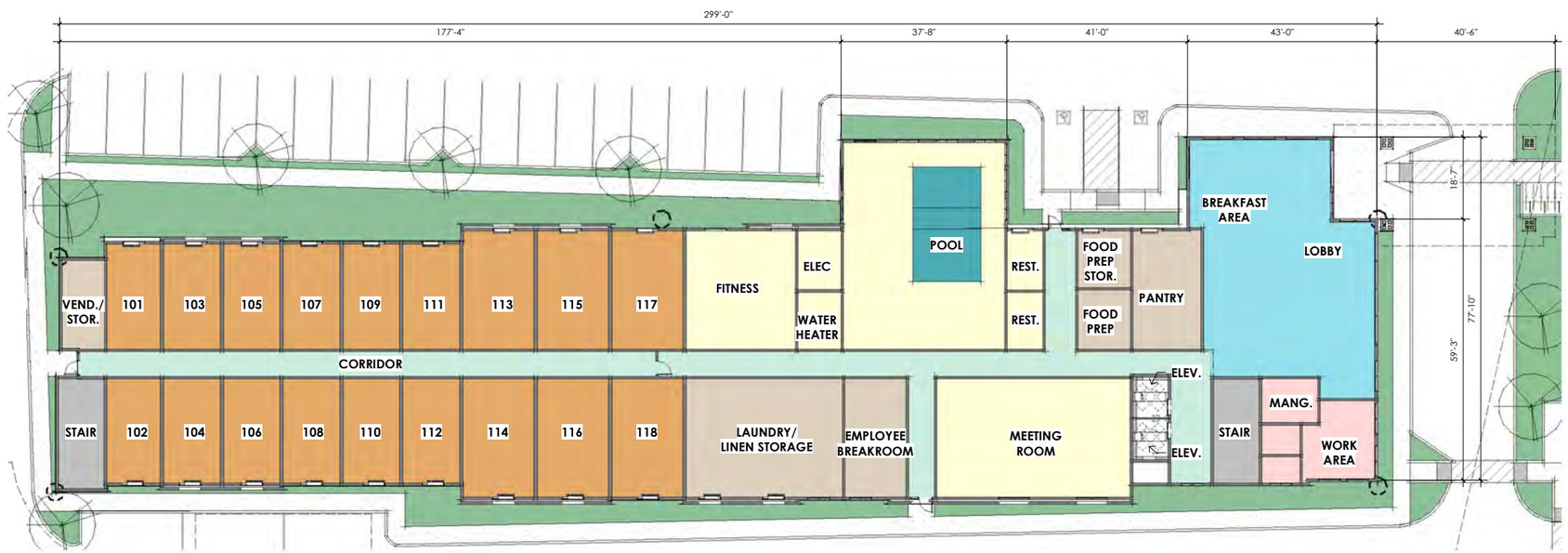
Date 02/12/2020
Scale 24x36: 1'-0" = 1/16"
11x17:
Sheet **A-3**



2 SECOND FLOOR PLAN

1/16" = 1'-0"

TRUE NORTH



1 FIRST FLOOR PLAN

1/16" = 1'-0"

TRUE NORTH

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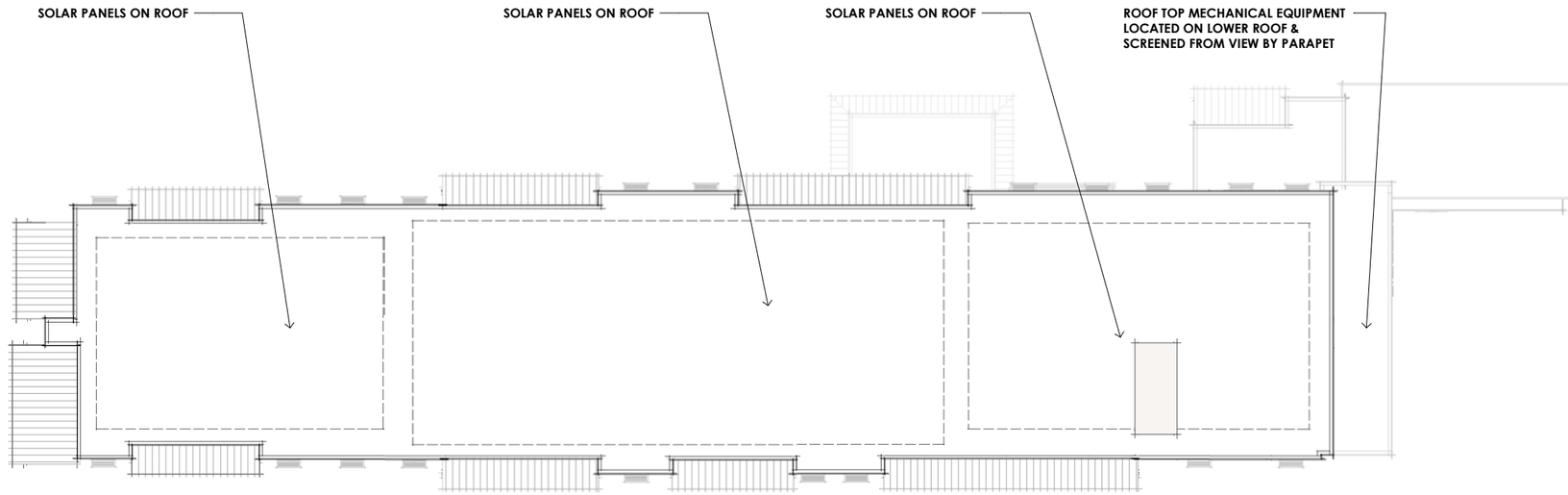
FLOOR PLANS

Date 02/12/2020

Scale 24x36: 1'-0" = 1/16"
11x17:

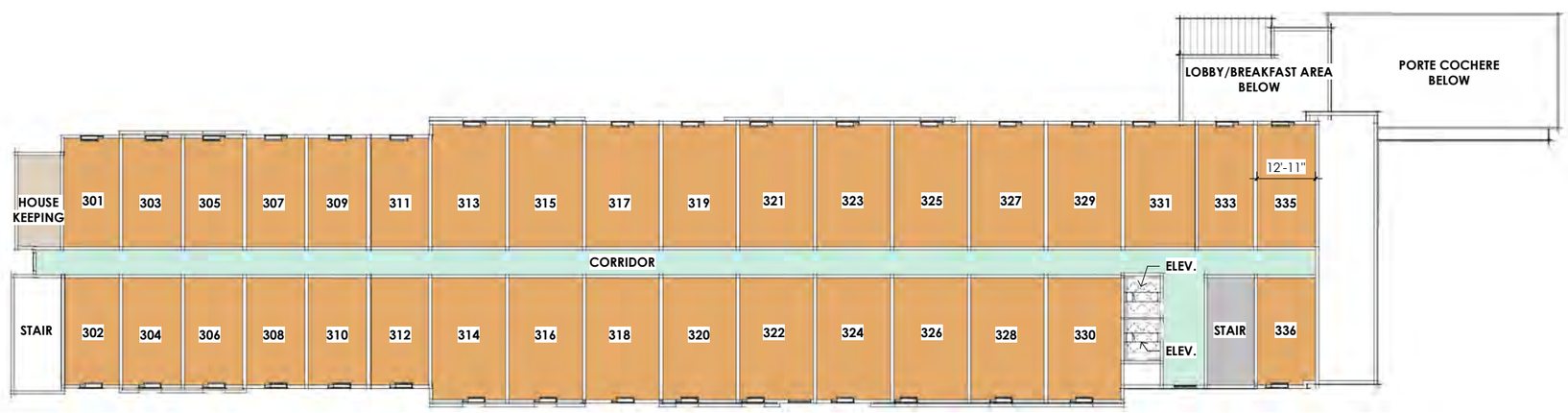
Sheet **A-4**

Attachment 5



2 **ROOF PLAN**
1/16" = 1'-0"

TRUE NORTH



1 **THIRD FLOOR PLAN**
1/16" = 1'-0"

TRUE NORTH

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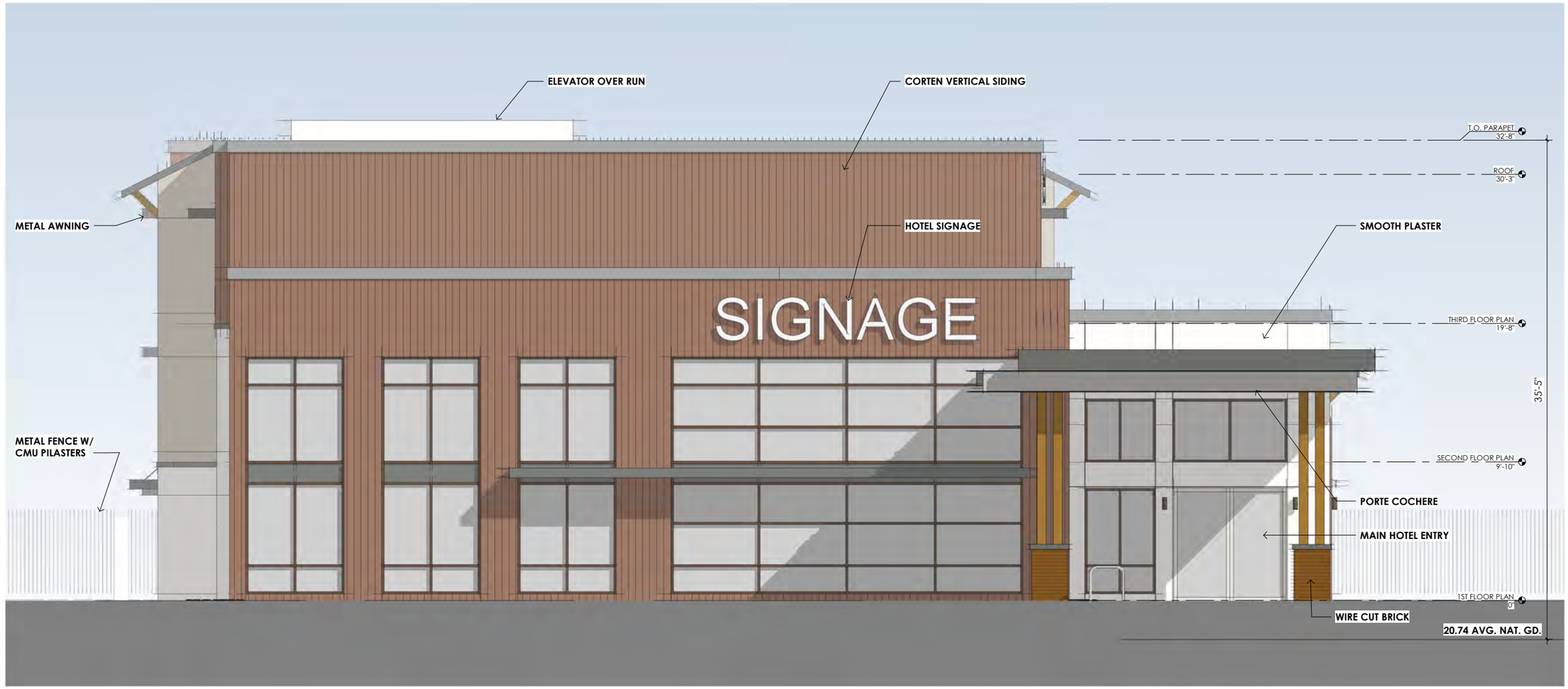
FLOOR PLANS

Date 02/12/2020
Scale 24x36: 1'-0" = 1/16"
11x17:
Sheet **A-5**



1 **SOUTH ELEVATION**
1/4" = 1'-0"

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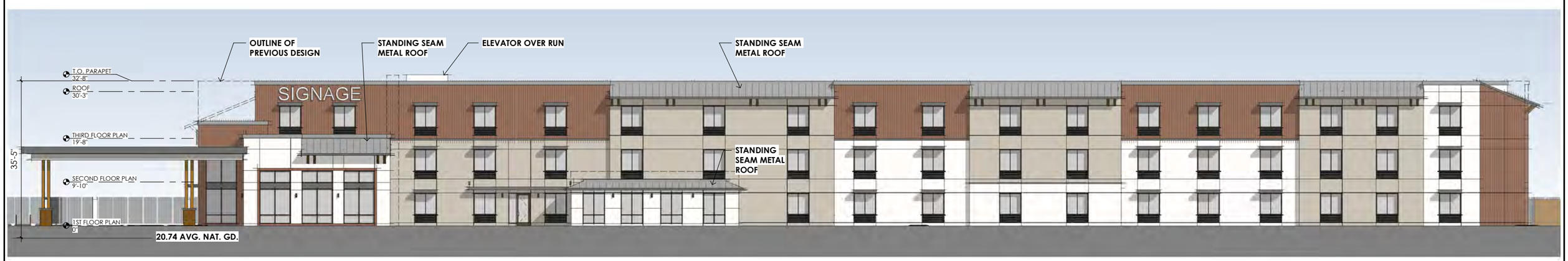
ELEVATIONS

Date 02/12/2020
Scale 24x36: 1"-0" = 3/32"
11x17:
Sheet **A-6**

Attachment 5

2 EAST ELEVATION - SOUTH

1/4" = 1'-0"



1 OVERALL EAST ELEVATION

3/32" = 1'-0"

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ELEVATIONS

Date 02/12/2020

Scale 24x36: 1'-0" = 1/8"
11x17:

Sheet **A-7**

1 **NORTH ELEVATION**
1/4" = 1'-0"

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ELEVATIONS

Date 02/12/2020
Scale 24x36: 1'-0" = 1/8"
11x17:
Sheet **A-8**

Attachment 5

2 **WEST ELEVATION - SOUTH**
1/4" = 1'-0"

1 **OVERALL WEST ELEVATION**
3/32" = 1'-0"

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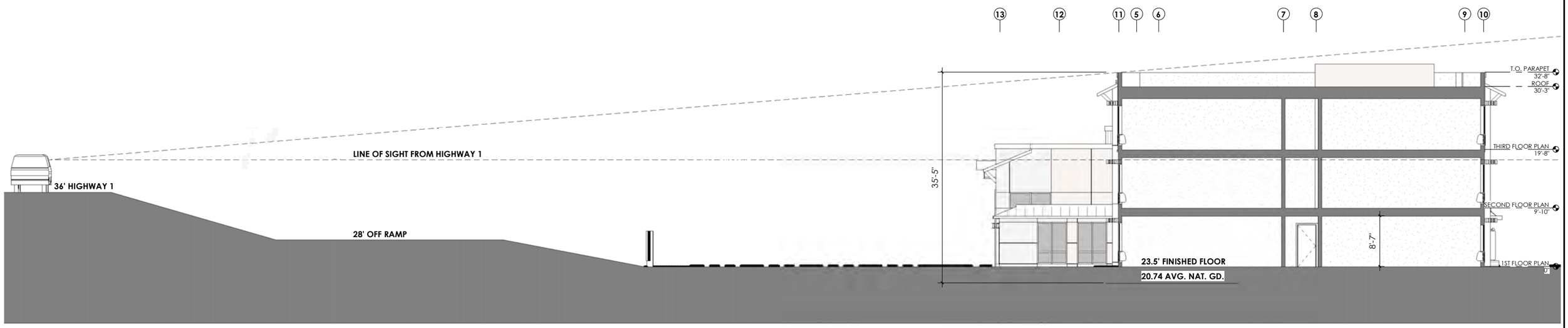
ELEVATIONS

Date 02/12/2020
Scale 24x36: 1'-0" = 1/8"
11x17:
Sheet **A-9**



2 **BUILDING HEIGHT STUDY & LINE OF SIGHT FROM HIGHWAY**
1/8" = 1'-0"

- AMENITIES
- BOH
- CORRIDOR
- GUESTROOM
- LOBBY / BREAKFAST AREA

1 **SECTION**
3/32" = 1'-0"

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SECTION

Date 02/12/2020
Scale 24x36: 1'-0" = 3/32"
11x17:
Sheet **A-10**

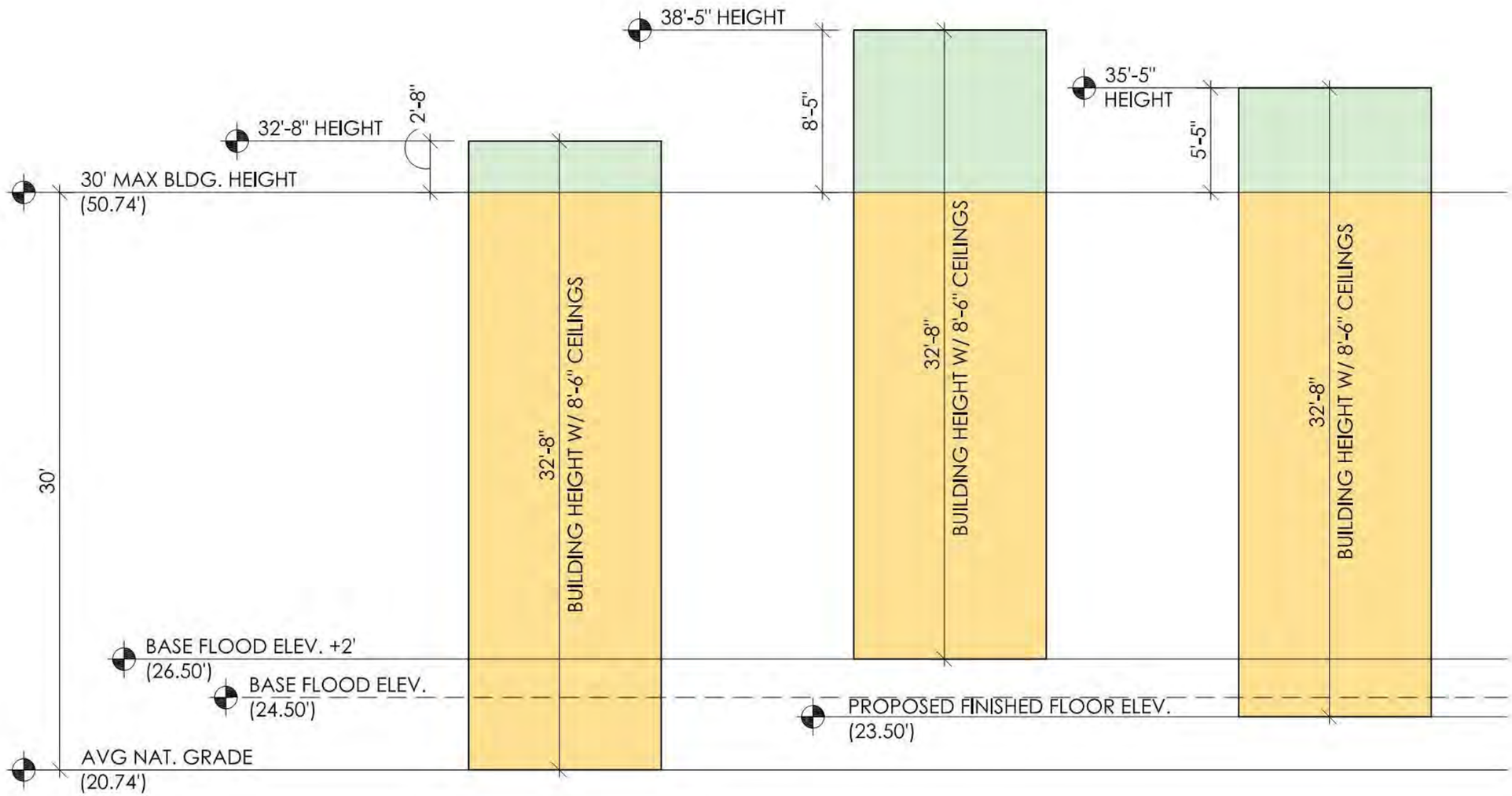

DIAGRAM 1
FINISH FLOOR @ AVG NAT. GRADE
(NOT VIABLE DUE TO FLOOD PLANE)

DIAGRAM 2
FINISH FLOOR @ BFE +2'
(COMPLIES W/ FEMA STANDARDS)

DIAGRAM 3 - CURRENTLY PROPOSED
FINISH FLOOR @ BFE -1'
(REQUIRES FLOODPROOFING TO BFE +2')
(ACCEPTABLE PER CITY DIRECTION)

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BUILDING HEIGHT EXHIBIT

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-11**

SHED ROOF:
AEP SPAN "SPANSEAM"
STANDING SEAM METAL -
COOL OLD TOWN GRAY

CORTEN VERTICAL
CORRUGATED SIDING:
RUSTWALL STREAKED RUST
7/8"

PAINTED METAL : SW 7068
GRIZZLE GRAY

FIELD PAINT 2: SW 7028
INCREDIBLE WHITE

FIELD PAINT 1: SW 7030
ANEW GRAY

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MATERIAL BOARD

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-12**

VIEW FROM ATASCADERO ROAD

VIEW FROM SOUTH BOUND OFF RAMP

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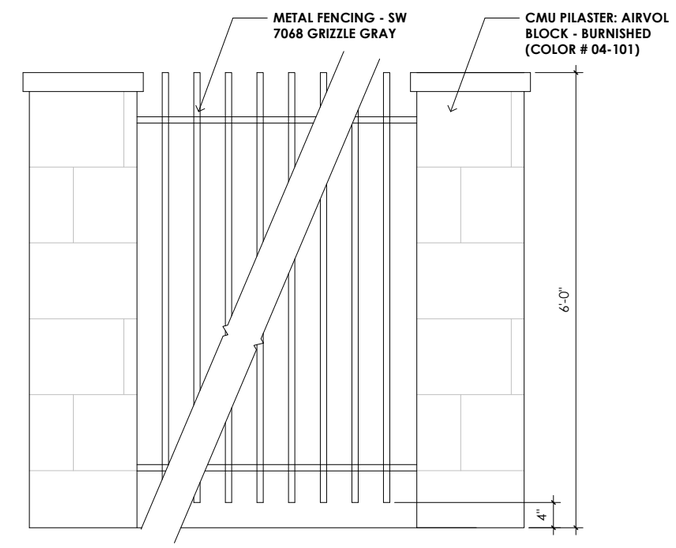
MORRO BAY, CA

RENDERINGS

Date 02/12/2020
Scale 24x36:
11x17:
Sheet **A-13**

PROPOSED FENCE ALONG OFF RAMP



FENCE AT OFF RAMP

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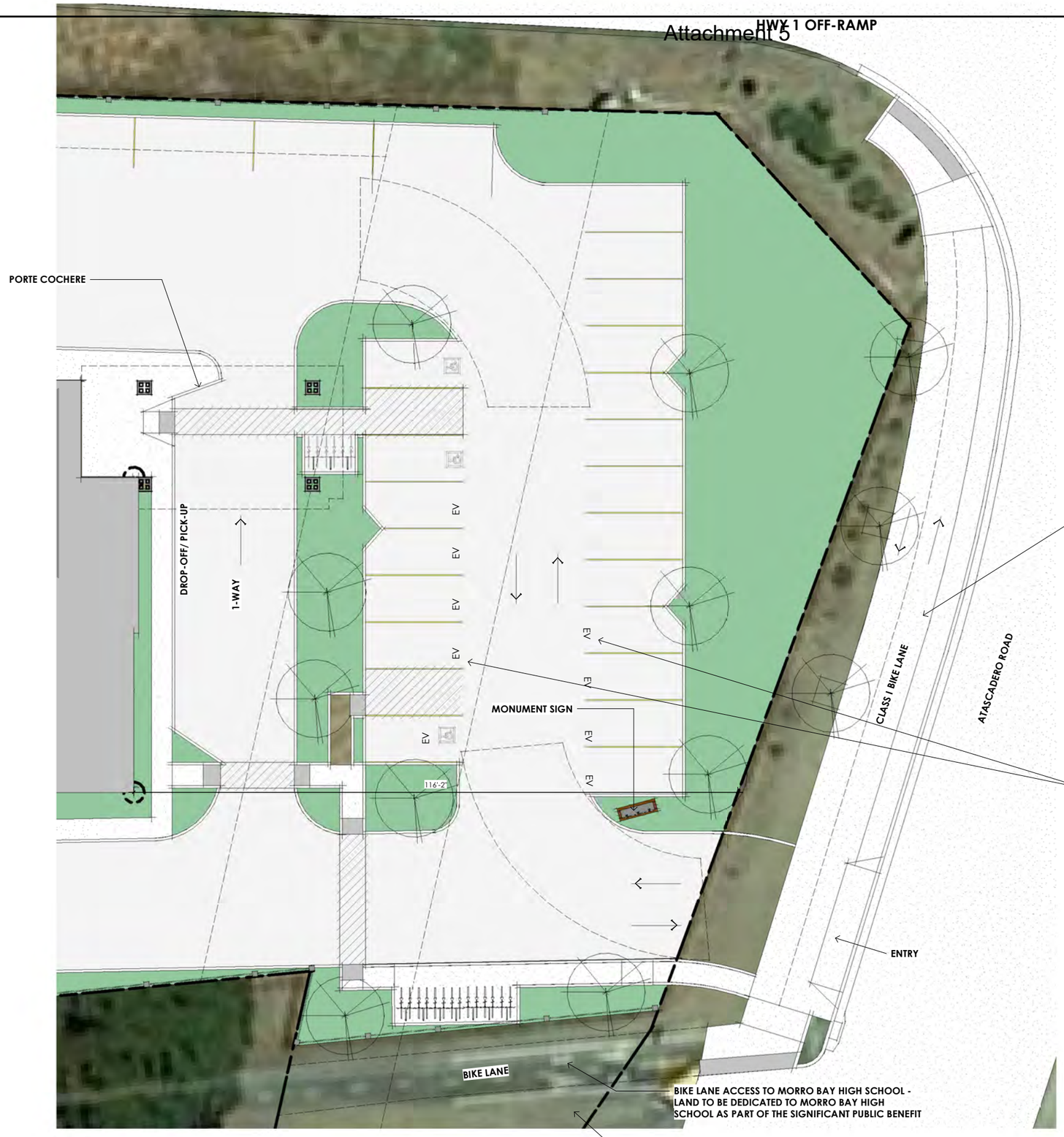
FENCE DETAILS

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-14**



1. PUBLIC BENEFIT:
CLASS 1 BIKE LANE ALONG THE STREET FRONTAGE OF THE PROJECT TO PROVIDE A SAFE PATH FOR BICYCLISTS FROM THE INTERSECTION AT THE HWY 1 OFF RAMP TO MORRO BAY HIGH SCHOOL.

2. PUBLIC BENEFIT:
(9) EV CHARGING STATIONS TOTAL WILL BE OPEN TO THE PUBLIC. THE PROJECT WILL PROVIDE (7) LEVEL-2 CHARGING STATIONS AND (2) LEVEL-3 CHARGING STATIONS AT THE FRONT OF THE SITE ALONG ATASCADERO ROAD. THE PROJECT IS PROVIDING AN ADDITIONAL ACCESSIBLE PARKING SPACE DEDICATED TO ONE OF THE (9) EV CHARGERS.

BIKE LANE ACCESS TO MORRO BAY HIGH SCHOOL - LAND TO BE DEDICATED TO MORRO BAY HIGH SCHOOL AS PART OF THE SIGNIFICANT PUBLIC BENEFIT

MORRO BAY HIGH SCHOOL VEHICULAR ENTRANCE

1 **PUBLIC BENEFIT PLAN**
3/32" = 1'-0"

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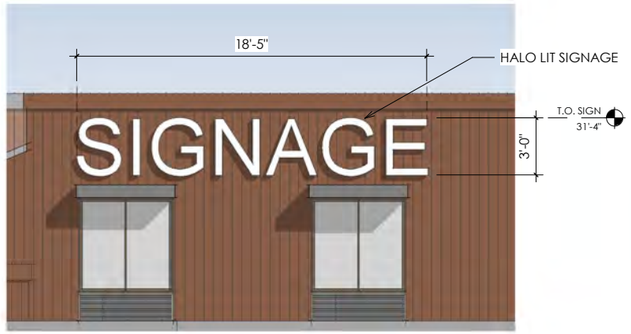
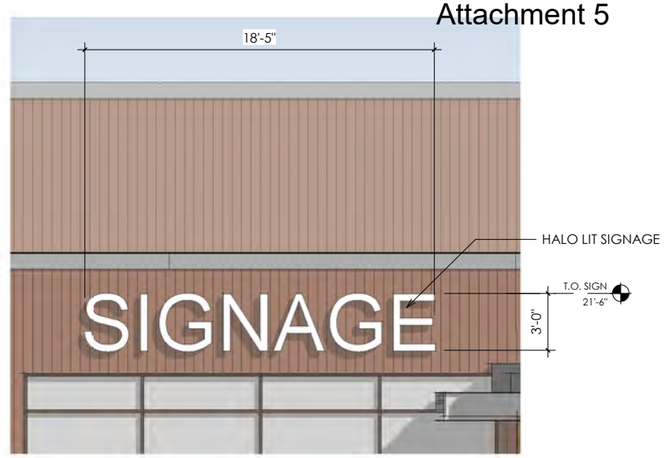
PUBLIC BENEFIT

Date 02/12/2020
Scale 24x36: 11x17:
Sheet **A-15**

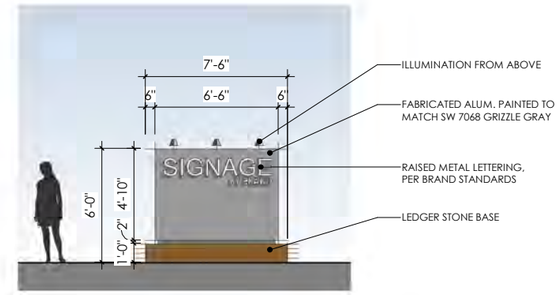
Attachment 5



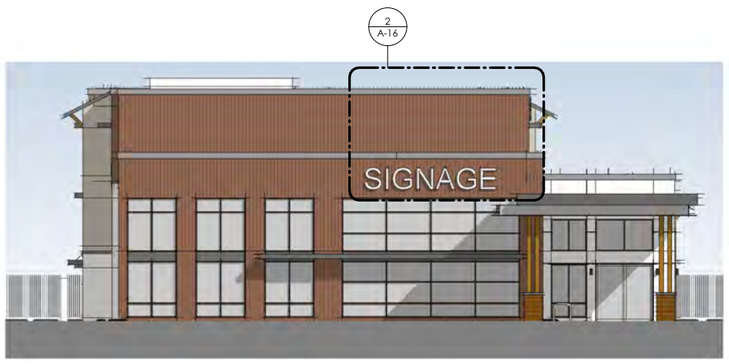
1 EAST ELEVATION - SURFACE SIGNAGE = 57 SF
1/4" = 1'-0"



2 SOUTH ELEVATION - SURFACE SIGNAGE = 57 SF
1/4" = 1'-0"

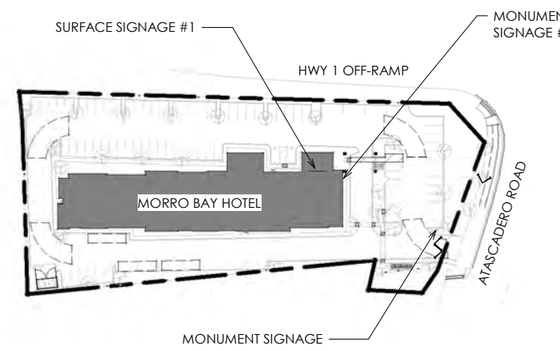


3 MONUMENT SIGN
1/4" = 1'-0"



4 SOUTH ELEVATION
3/32" = 1'-0"

KEY PLAN



5 EAST ELEVATION - SOUTH
3/32" = 1'-0"

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MORRO BAY, CA

SIGNAGE PROGRAM

Date 02/12/2020
Scale 24x36: 1/4" = 1'-0"
11x17:
Sheet **A-16**

FIXTURE SCHEDULE

TYPE	MANUFACTURER AND CATALOG NUMBER	LED MODULE TYPE	LED MODULE COLOR	LED MODULE WATTS	DRIVER	OPTIC/LENS	REMARKS
A 21	BEGA 24035/19537 DARK BRONZE			21	ELECTRONIC	CLEAR GLASS	WALL MOUNTED
B 20	BEGA 99857/99622 DARK BRONZE			20	ELECTRONIC	CLEAR GLASS	DIRECTIONAL BOLLARD
C 20	BEGA 99856/99622 DARK BRONZE			20	ELECTRONIC	CLEAR GLASS	BOLLARD
S1 71	LITHONIA DSXO LED P340KBLC/MVOLTDS330-DDB-D1FP			71	ELECTRONIC	FLAT CLEAR	CUTOFF PARKING LOT LIGHT
S2 71	LITHONIA DSXO LED P340KRCCO/MVOLTDS330-DDB-D1FP			71	ELECTRONIC	FLAT CLEAR	CUTOFF PARKING LOT LIGHT
S3 71	LITHONIA DSXO LED P340KLCCO/MVOLTDS330-DDB-D1FP			71	ELECTRONIC	FLAT CLEAR	CUTOFF PARKING LOT LIGHT
S4 71	LITHONIA DSXO LED P340KT5W/MVOLTDS330-DDB-D1FP				ELECTRONIC	FLAT CLEAR	CUTOFF PARKING LOT LIGHT

GENERAL NOTES

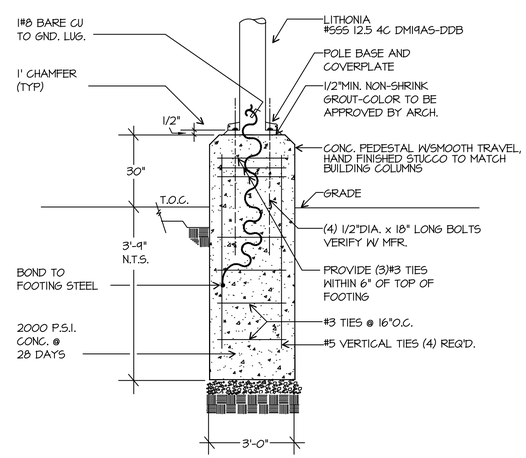
1. VISIT JOB SITE AND VERIFY EXISTING CONDITIONS PRIOR TO BID.
2. THE ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE 2016 CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES. WHERE PLANS CALL FOR A HIGHER STANDARD THAN APPLICABLE CODES, THE PLANS SHALL GOVERN.
3. CONDUIT RUNS ARE SHOWN DIAGRAMMATICALLY. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD TO SUIT FIELD CONDITIONS.
4. ALL ELECTRICAL EQUIPMENT, APPLIANCES AND LIGHTING FIXTURES SHALL BE LISTED BY A RECOGNIZED TEST LAB AND BEAR THAT LABEL OF APPROVAL.
5. CONTRACTOR SHALL FURNISH, INSTALL AND CONNECT ALL MATERIAL AND EQUIPMENT FOR THIS WORK UNLESS OTHERWISE NOTED.
6. FURNISH DISCONNECT SWITCHES AT REMOTE MOTORS.
7. ALL SPACES AS INDICATED ON PANELS OR SWITCHBOARDS SHALL BE COMPLETE WITH HARDWARE AND BUSSING FOR FUTURE BREAKER OR SWITCH.
8. CHECK ARCHITECTURAL PLANS FOR DOOR SWINGS BEFORE INSTALLING SWITCH OUTLETS.
9. GROUNDING AND BONDING SHALL BE PER CODE PLUS ANY ADDITIONAL PROVISIONS SPECIFIED OR SHOWN ON DRAWINGS.
10. ALL CONDUIT RUNS SHALL CONTAIN A CODE SIZED GREEN GROUND WIRE.
11. THESE PLANS ARE NOT COMPLETE UNTIL APPROVED BY THE AUTHORITY HAVING JURISDICTION.
12. ALL CONDUCTORS SHALL BE IN CONDUIT.
13. ALL CONDUCTORS SHALL BE COPPER WITH TYPE THHN/THWN INSULATION.
14. COORDINATE WITH SERVING ELECTRICAL UTILITY COMPANY AND MAKE PROVISIONS FOR ELECTRICAL SERVICE ACCORDINGLY. INCLUDE ALL SERVICE COSTS AND UTILITY COMPANY CHARGES IN BID.
15. COORDINATE WITH SERVING TELEPHONE UTILITY COMPANY AND MAKE PROVISIONS FOR TELEPHONE SERVICE ACCORDINGLY. INCLUDE ALL SERVICE COSTS AND ANY UTILITY COMPANY CHARGES IN BID.
16. COORDINATE WITH SERVING CABLE TELEVISION COMPANY AND MAKE PROVISIONS FOR CABLE TELEVISION ACCORDINGLY. INCLUDE ALL SERVICE COSTS AND ANY UTILITY COMPANY CHARGES IN BID.
17. ALL PERMITS SHALL BE OBTAINED AND PAID FOR BY CONTRACTOR.

SYMBOLS

- CONDUIT EXISTING
- CONDUIT CONCEALED IN WALL OR CEILING
- CONDUIT CONCEALED UNDER FLOOR OR BELOW GRADE
- CONDUIT STUBBED OUT AND CAPPED
- CONDUIT TURNED UP
- CONDUIT TURNED DOWN
- HATCH MARKS INDICATE NO. OF #12 WIRES IN CODE SIZED CONDUIT (3) MAX. IN 1/2" C., (5) MAX. IN 3/4" C., (8) MAX. IN 1"C., NO MARKS = 2#12.
- A-3 HOME RUN: LETTER INDICATES PANEL, NUMBER(S) INDICATES CIRCUIT(S).
- SAWCUT
- GROUND CONNECTION
- DISTRIBUTION SWITCHBOARD OR PANEL
- PANEL, BRANCH CIRCUIT TYPE, SURFACE AND FLUSH
- SIGNAL TERMINAL CABINET, SURFACE & FLUSH
- FLUORESCENT FIXTURE
- 2 OUTLET DATA: BAR INDICATES WALL MOUNT, LETTER INDICATES SWITCH CONTROL, NO. INDICATES CIRCUIT.
- SURFACE FIXTURE ON FLUSH OUTLET.
- RECESSED FIXTURE WITH JUNCTION BOX FOR THRU WIRING
- EXIT LIGHT WITH ARROWS AS SHOWN ON PLANS, WALL AND CEILING MOUNT.
- LOW LEVEL EXIT SIGN, +6" AFF, +4" FROM DOOR JAMB
- A 100 LIGHT FIXTURE DESIGNATION, LETTER INDICATES TYPE, NO. INDICATES WATTAGE. SEE FIXTURE SCHEDULE.
- FC 1 MECHANICAL EQUIPMENT DESIGNATION. SEE MECHANICAL DRAWINGS.
- SPECIAL RECEPTACLE - SEE PLAN
- M METER
- FLUSH FLOOR RECEPTACLE
- RECEPTACLE, DUPLEX, 15A, 125V, NEMA 5-15R +18" U.N.O.
- DUPLEX RECEPTACLE MTD. ABOVE BACKSPLASH
- DUPLEX RECEPTACLE W/LOWER HALF SWITCHED
- GFI GROUND FAULT CIRCUIT INTERRUPTING RECEPTACLE
- DOUBLE DUPLEX RECEPTACLE
- CEILING RECEPTACLE
- RECEPTACLE, DUPLEX, 20A, 125V, NEMA 5-20R +18" U.N.O.
- J JUNCTION BOX 4" SQUARE, 1-1/2" DEEP U.N.O.
- T THERMOSTAT F.B.O. +48"
- 2 MOTOR, NO. INDICATES HORSEPOWER
- CLOCK OUTLET +7'-6" U.N.O.
- DISCONNECT SWITCH, NON-FUSED
- F DISCONNECT SWITCH FUSED HORSEPOWER RATED OR SIZED AS NOTED
- COMBINATION MAGNETIC STARTER WITH DISCONNECT SWITCH AND FUSES
- MAGNETIC MOTOR STARTER W/OVERLOADS IN EACH PHASE
- D DIMMER W/INTEGRAL "ON-OFF" SW.
- PUSHBUTTON
- PC PHOTOCELL
- SD SMOKE DETECTOR
- TELEPHONE/COMPUTER/DATA OUTLET, TWO GANG BOX W/1 GANG COVERPLATE & GROMMETED OPENING +18" U.N.O.
- TV CABLE TV OUTLET +18" U.N.O.
- M MOTION SENSOR
- $ EXISTING SWITCH
- S SINGLE POLE SWITCH
- ^{2} DOUBLE POLE SWITCH
- ^{3} THREE WAY SWITCH
- ^{P} SWITCH W/PILOT LT.
  (QUIET TOGGLE TYPE RATED AT 20A 120/277V A.C. +42" U.N.O.)
- ^{M} MANUAL MOTOR STARTER

FACP	FIRE ALARM CONTROL PANEL
GFI	GROUND FAULT CIRCUIT INTERRUPTING
LST	LABOR SAVING TANDEM
MLO	MAIN LUGS ONLY
W/	WITH
C.O.	CONDUIT ONLY
W.P.	WEATHERPROOF
F.B.O.	FURNISHED BY OTHERS, INSTALL & CONNECT
U.N.O.	UNLESS NOTED OTHERWISE
N.E.C.	NATIONAL ELECTRICAL CODE
N.I.C.	NOT IN CONTRACT
(E)	EXISTING
(N)	NEW
(R)	REMOVE
(RL)	RELOCATE
S/M	SURFACE MOUNT
U/G	UNDERGROUND
CWP	COLD WATER PIPE
AFF	ABOVE FINISHED FLOOR
HACR	HEATING AND AIR CONDITIONING RATED CIRCUIT BREAKER
N.L.	NIGHT LIGHT

NOTE: NOT ALL SYMBOLS SHOWN ARE USED ON THIS PROJECT.



POLE BASE DETAIL (A)
SCALE: NONE

JMPE
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LIGHTING DESIGN
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156 W. ALAMAR AVE.
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email : maloney@jmpe.net
www.jmpe.net

REGISTERED PROFESSIONAL ENGINEER JOHN MALONEY EXP. 06/30/2019 ELECTRICAL STATE OF CALIFORNIA

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CLIENT

PROJECT
MORRO BAY HOTEL
MORRO BAY, CA.
GENERAL NOTES, SYMBOLS, SCHEDULES & DETAILS

#	REVISION	DATE

PROJECT

DATE
OCT 29, 2018

SHEET
E0.1

STATE OF CALIFORNIA
OUTDOOR LIGHTING
CEC-NRCC-LTO-01-E (Revised 04/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-01-E
Outdoor Lighting	(Page 1 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

A. General Information

Project Address: MORRO BAY , CA. — Total Illuminated Hardscape Area: 51,300

Phase of Construction: ☑ New Construction ☐ Addition ☐ Alteration

Outdoor Lighting Zone (LZ): ☐ LZ-1 ☐ LZ-2 ☑ LZ-3 ☐ LZ-4

I have confirmed with the AHJ which LZ applies to this site. For default lighting zone designations, see Title 24 Part 6, §10-114

B. Lighting Compliance Documents (check box for each document included)

For detailed instructions on the use of this and all Energy Efficiency Standards compliance documents, refer to the Nonresidential Manual published by the California Energy Commission.

- ☑ NRCC-LTO-01-E — Certificate of Compliance
- ☑ NRCC-LTO-02-E — Outdoor Lighting Controls Certificate of Compliance
- ☑ NRCC-LTO-03-E — Outdoor Lighting Power Allowance Certificate of Compliance
- ☐ NRCC-LTO-04-E — Outdoor Lighting Existing Conditions Certificate of Compliance

C. Summary of Allowed Outdoor Lighting Power

		Watts
01	**Sum Total ALLOWED** Outdoor Lighting Wattage from NRCC-LTO-03-E, page 1 Alterations with NO increase of connected lighting load may instead use the allowed wattage from NRCC-LTO-04, page 2.	3109
	Complies ONLY if **Installed** (Box 02) ≤ **Allowed** (Box 01)	
02	**Sum Total INSTALLED** Outdoor Lighting Wattage from NRCC-LTO-01-E, page 3.	1557

D. Declaration of Required Installation Certificates

Declare by checking all Installation Certificates that will be submitted. (Retain copies and verify compliance documents are completed and signed.)

- ☑ NRCI-LTO-01-E - Must be submitted for all buildings — ☐ Field Inspector
- ☐ NRCI-LTO-02-E - Must be submitted for a lighting control system, or for an Energy Management Control System (EMCS), to be recognized for compliance. — ☐ Field Inspector

E. Declaration of Required Certificates of Acceptance

Declare by checking all of the Certificates of Acceptance that will be submitted. (Retain copies and verify compliance documents are completed and signed.)

- ☑ NRCA-LTO-02-A - Must be submitted for outdoor lighting controls. — ☐ Field Inspector

F. Schedule of Luminaires Exempt from the Outdoor Lighting Power Requirements in §140.7

01	02
Name or Symbol	Description of exempt luminaire in accordance with the exemptions

STATE OF CALIFORNIA
OUTDOOR LIGHTING
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CERTIFICATE OF COMPLIANCE	NRCC-LTO-01-E
Outdoor Lighting	(Page 2 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

G. Schedule of Luminaires Exempt from the Cutoff Requirements in §130.2(b)

01	02
Name or Symbol	Description of exempt luminaire in accordance with the exemptions

H. Schedule of Luminaires Exempt from the Outdoor Lighting Control Requirements in §130.2(c)

01	02
Name or Symbol	Description of exempt luminaire in accordance with the exemptions

STATE OF CALIFORNIA
OUTDOOR LIGHTING
CEC-NRCC-LTO-01-E (Revised 04/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-01-E
Outdoor Lighting	(Page 3 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

I. Outdoor Lighting Schedule and Field Inspection Energy Checklist

Luminaire Schedule		Installed Watts					Location	Cutoff	Field Inspector	
01	02	03	04		05	06	07	08	09	
Name or Item Tag	Complete Luminaire Description	Watts per Luminaire	How wattage was determined: CEC Default from MAX	According to §130.0(c)	Number of Luminaires	Total Installed Watts in this area (03 x 05)	Primary Function area in which these luminaires are installed (Outdoor Lighting Zone)	BUG Rating	Pass	Fail
A	LED SCONCE	21	☐	☑	12	252	FACADE	UH: UL: FVH: BVH: FH: BH:	○	○
B	LED BOLLARD	20	☐	☑	10	200	WALKWAYS	UH: UL: FVH: BVH: FH: BH:	○	○
C	LED BOLLARD	20	☐	☑	2	40	WALKWAYS	UH: UL: FVH: BVH: FH: BH:	○	○
				INSTALLED WATTS PAGE TOTAL:		492	Enter sum total of all pages (**Sum Total INSTALLED** Outdoor lighting wattage) into NRCC-LTO-01-E; Page 1		1557	

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CERTIFICATE OF COMPLIANCE	NRCC-LTO-01-E
Outdoor Lighting	(Page 3 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

I. Outdoor Lighting Schedule and Field Inspection Energy Checklist

Luminaire Schedule		Installed Watts					Location	Cutoff	Field Inspector	
01	02	03	04		05	06	07	08	09	
Name or Item Tag	Complete Luminaire Description	Watts per Luminaire	How wattage was determined: CEC Default from MAX	According to §130.0(c)	Number of Luminaires	Total Installed Watts in this area (03 x 05)	Primary Function area in which these luminaires are installed (Outdoor Lighting Zone)	BUG Rating	Pass	Fail
S1	LED POLE LIGHT	71	☐	☑	10	710	PARKING LOT	UH: UL: FVH: BVH: FH: BH:	○	○
S2	LED POLE LIGHT	71	☐	☑	2	142	PARKING LOT	UH: UL: FVH: BVH: FH: BH:	○	○
S3	LED POLE LIGHT	71	☐	☑	1	71	PARKING LOT	UH: UL: FVH: BVH: FH: BH:	○	○
				INSTALLED WATTS PAGE TOTAL:		923	Enter sum total of all pages (**Sum Total INSTALLED** Outdoor lighting wattage) into NRCC-LTO-01-E; Page 1		1557	

STATE OF CALIFORNIA
OUTDOOR LIGHTING
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CERTIFICATE OF COMPLIANCE	NRCC-LTO-01-E
Outdoor Lighting	(Page 4 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

I. Outdoor Lighting Schedule and Field Inspection Energy Checklist

Luminaire Schedule		Installed Watts					Location	Cutoff	Field Inspector	
01	02	03	04		05	06	07	08	09	
Name or Item Tag	Complete Luminaire Description	Watts per Luminaire	How wattage was determined: CEC Default from MAX	According to §130.0(c)	Number of Luminaires	Total Installed Watts in this area (03 x 05)	Primary Function area in which these luminaires are installed (Outdoor Lighting Zone)	BUG Rating	Pass	Fail
S4	LED POLE LIGHT	71	☐	☑	2	142	PARKING LOT	UH: UL: FVH: BVH: FH: BH:	○	○
			☐	☐		0		UH: UL: FVH: BVH: FH: BH:	○	○
			☐	☐		0		UH: UL: FVH: BVH: FH: BH:	○	○
				INSTALLED WATTS PAGE TOTAL:		142	Enter sum total of all pages (**Sum Total INSTALLED** Outdoor lighting wattage) into NRCC-LTO-01-E; Page 1		1557	

STATE OF CALIFORNIA
OUTDOOR LIGHTING
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CERTIFICATE OF COMPLIANCE	NRCC-LTO-01-E
Outdoor Lighting	(Page 4 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

DOCUMENTATION AUTHOR'S DECLARATION STATEMENT

1. I certify that this Certificate of Compliance documentation is accurate and complete.

Documentation Author Name: JOHN MALONEY PE — Documentation Author Signature:
Company: JMPE — Signature Date:
Address: 156 W. ALAMAR AVE. SUITE A — CEA Certification Identification (if applicable):
City/State/Zip: SANTA BARBARA, CA. 93105 — Phone: (805) 569-9216

RESPONSIBLE PERSON'S DECLARATION STATEMENT

I certify the following under penalty of perjury, under the laws of the State of California:

1. The information provided on this Certificate of Compliance is true and correct.
2. I am eligible under Division 3 of the Business and Professions Code to accept responsibility for the building design or system design identified on this Certificate of Compliance (responsible designer).
3. The energy features and performance specifications, materials, components, and manufactured devices for the building design or system design identified on this Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the California Code of Regulations.
4. The building design features or system design features identified on this Certificate of Compliance are consistent with the information provided on other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with this building permit application.
5. I will ensure that a completed signed copy of this Certificate of Compliance shall be made available with the building permit(s) issued for the building, and made available to the enforcement agency for all applicable inspections. I understand that a completed signed copy of this Certificate of Compliance is required to be included with the documentation the builder provides to the building owner at occupancy.

Responsible Designer Name: JOHN MALONEY PE — Responsible Designer Signature:
Company: JMPE — Date Signed:
Address: 156 W. ALAMAR AVE. SUITE A — License: E013083 / 06-30-2019
City/State/Zip: SANTA BARBARA, CA. 93105 — Phone: (805) 569-9216

STATE OF CALIFORNIA
OUTDOOR LIGHTING CONTROLS
CEC-NRCC-LTO-02-E (Revised 04/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-02-E
Outdoor Lighting Controls	(Page 1 of 3)
Project Name: MORRO BAYHOTEL	Date Prepared: 10-29-18

A. Mandatory Outdoor Lighting Control Declaration Statements

Check all that apply:

- ☑ Lighting shall be controlled by self-contained lighting control devices which are certified to the Energy Commission according to the Title 20 Appliance Efficiency Regulations in accordance with §1110.9(a).
- ☐ Lighting shall be controlled by a lighting control system or energy management control system in accordance with §110.9. An Installation Certificate shall be submitted in accordance with §130.4(b).
- ☑ All lighting controls and equipment shall comply with the applicable requirements in §110.9 and shall be installed in accordance with the manufacturer's instructions in accordance with §130.0(d).
- ☑ Part-Night Outdoor Lighting Controls, as defined in Section 100.1(b), shall meet the requirements in Section 110.9(b)5.
- ☐ All outdoor incandescent luminaires rated over 100 watts, determined in accordance with Section 130.0(c), shall be controlled by a motion sensor.
- ☐ All outdoor luminaires rated for use with lamps greater than 150 lamp watts, determined in accordance with Section 130.0(c), shall comply with Uplight and Glare requirements in accordance with Section 130.2(b)
- ☑ All installed outdoor lighting shall be controlled by a photocontrol or outdoor astronomical time-switch control, or other control capable of automatically switching OFF in accordance with Section 130.2(c)1.
- ☑ All installed outdoor lighting shall be circuited and independently controlled from other electrical loads by an automatic scheduling control in accordance with Section 130.2(c)2.
- ☑ All installed outdoor lighting, where the bottom of the luminaire is mounted 24 feet or less above the ground, shall be controlled with automatic lighting controls in accordance with Section 130.2(c)3.
- ☐ For Outdoor Sales Frontage, an automatic lighting control shall be installed in accordance with Section 130.2(c)4.
- ☑ For Building Facade, Ornamental Hardscape and Outdoor Dining lighting, an automatic lighting control shall be installed in accordance with Section 130.2(c)5
- ☑ Before an occupancy permit is granted for the newly constructed building or for the addition, or for any altered outdoor lighting controls, shall be certified as meeting the Acceptance Requirements for Code Compliance in accordance with §130.4.(a). Outdoor lighting controls shall comply with the applicable requirements of Section 130.2(c) and Reference Nonresidential Appendix NA7.8.

STATE OF CALIFORNIA
OUTDOOR LIGHTING CONTROLS
CEC-NRCC-LTO-02-E (Revised 04/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-02-E
Outdoor Lighting Controls	(Page 2 of 3)
Project Name: MORRO BAYHOTEL	Date Prepared: 10-29-18

B. Mandatory Outdoor Lighting Control Schedule and Field Inspection Checklist

Outdoor Lighting Control Schedule		Standards Complying With (✓ all that apply, or leave empty if Exempted)								Field Inspector	
01	02	03	04	05	06	07	08	09	10	11	
Location and Application of Luminaires Being Controlled	Type/ Description of Lighting Control (i.e. outdoor motion sensor, outdoor photocontrol, outdoor astronomical time-switch control, automatic scheduling control, part-night outdoor lighting control)	# of Units	§130.2(a)	§130.2(c)1	§130.2(c)2	§130.2(c)3	§130.2(c)4	§130.2(c)5	Verified/ Exempted	Pass	Fail
ALL EXTERIOR	PHOTOCELL	1	•						☑	○	○
									☐	○	○
									☐	○	○
									☐	○	○
									☐	○	○
									☐	○	○
									☐	○	○
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									☐	○	○

STATE OF CALIFORNIA
OUTDOOR LIGHTING CONTROLS
CEC-NRCC-LTO-02-E (Revised 04/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-02-E
Outdoor Lighting Controls	(Page 3 of 3)
Project Name: MORRO BAYHOTEL	Date Prepared: 10-29-18

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Address: 156 W. ALAMAR AVE. SUITE A — CEA Certification Identification (if applicable):
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STATE OF CALIFORNIA
OUTDOOR LIGHTING POWER ALLOWANCES
CEC-NRCC-LTO-03-E (Revised 07/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-03-E
Outdoor Lighting Power Allowances	(Page 1 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

A. OUTDOOR LIGHTING POWER ALLOWANCE SUMMARY

1. General Hardscape Lighting Power Allowance (Site Total from Section B of NRCC-LTO-03-E) — 1. 3109.25
2. Additional Specific "use it or lose it" Lighting Power Allowances listed in each of these cells shall be identical to total allowed watts determined in Section C1 to C-4 of NRCC-LTO-03-E.

PER APPLICATION from Section C-1		PER UNIT LENGTH (SALES FRONTAGE) from Section C-2		PER HARDSCAPE AREA (ORNAMENTAL LIGHTING) from Section C-3		PER SPECIFIC AREA from Section C-4.		
0	+	0	+	0	+	0	=	2. 0

3. **Sum Total ALLOWED** Outdoor Lighting Wattage (add rows 1 and 2) — 3. 3109.25

B. GENERAL HARDSCAPE LIGHTING POWER ALLOWANCE FROM TABLE 140.7-A

Area Wattage Allowance (AWA)				Linear Wattage Allowance (LWA)			Initial Wattage Allowance (IWA)	Total General Hardscape Lighting Allowance
01	02	03	04	05	06	07	08	09
Name of Area	Illuminated Hardscape Area	AWA Per Square Foot	AWA (302 x 803)	Perimeter Length of General Hardscape	LPA per Linear Foot	LWA (303 x 806)	IWA (Watts)	804 + 807 + 808
GENERAL HARDSCAPE	51300	.04	2052	1535	.35	537.25	520	3109.25
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
			0			0		0
							TOTAL	3109.25

STATE OF CALIFORNIA
OUTDOOR LIGHTING POWER ALLOWANCES
CEC-NRCC-LTO-03-E (Revised 07/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-03-E
Outdoor Lighting Power Allowances	(Page 2 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

C. ADDITIONAL "USE IT OR LOSE IT" OUTDOOR LIGHTING POWER ALLOWANCES FOR SPECIFIC APPLICATIONS

- ☐ The additional specific outdoor lighting power allowance shall be the smaller of the allowed lighting power or the actual lighting power used.
- ☐ Use Outdoor Lighting Zone (OLZ) that is documented on page 1 of NRCC-LTO-01-E to calculate the specific wattage allowances.

C-1. WATTAGE ALLOWANCE PER APPLICATION – Table 140.7-B

- ☐ Available only for qualifying locations, which include Building Entrances or Exits; Primary Entrances to Senior Care Facilities, Police Stations, Hospitals, Fire Stations, and Emergency Vehicle Facilities; Drive Up Windows; Vehicle Service Station Uncovered Fuel Dispenser, ATM Machine Lighting
- ☐ If more than one luminaire type is used per location, use multiple rows for that location

01	02	03	04	05	06	07	08	09	10
	ALLOTTED WATTS		DESIGN WATTS						
Name of Location for Which Allowance is Claimed	Number of Qualifying Locations	Wattage Allowance per Qualifying Location	Allotted Watts (02 x 03)	Luminaire Code or Symbol	Luminaire Description	Luminaire Quantity	Watts per Luminaire	Design Watts (07 x 08)	Allowed Watts (smaller of 04 or 09)
			0					0	
			0					0	
			0					0	
			0					0	
						Sum total allowance per application on this site:			0

C-2. WATTAGE ALLOWANCE PER UNIT LENGTH (Sales Frontage) from Table 140.7-B

- ☐ If more than one luminaire type is used per location, use multiple rows for that location

01	02	03	04	05	06	07	08	09	10
	ALLOTTED WATTS		DESIGN WATTS						
Name of Location for Which Allowance is Claimed	Linear Feet of Sales Frontage	Wattage Allowance per Linear Foot	Allotted Watts (02 x 03)	Luminaire Code or Symbol	Luminaire Description	Luminaire Quantity	Watts per Luminaire	Design Watts (07 x 08)	Allowed Watts (smaller of 04 or 09)
			0					0	
			0					0	
			0					0	
			0					0	
						Sum total allowance for sales frontage on the site:			0

STATE OF CALIFORNIA
OUTDOOR LIGHTING POWER ALLOWANCES
CEC-NRCC-LTO-03-E (Revised 07/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-03-E
Outdoor Lighting Power Allowances	(Page 3 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

C-3. WATTAGE ALLOWANCE PER SQUARE FOOT OF HARDSCAPE AREA (Ornamental Lighting) – Table 140.7-B

- Allowance for the total site illuminated hardscape area. Luminaires qualifying for this allowance shall be rated for 100 watts or less as determined in accordance with Section 130.0(c), and shall be post-top luminaires, lanterns, pendant luminaires, or chandeliers.
- If more than one luminaire type is used per location, use multiple rows for that location

01	02	03	04	05	06	07	08	09	10
	ALLOTTED WATTS		DESIGN WATTS						
Name of area for which ornamental allowance is claimed	Square Feet of Hardscape	Wattage Allowance per Square Foot	Allotted Watts (02 x 03)	Luminaire Code or Symbol	Luminaire Description	Luminaire Quantity	Watts per Luminaire	Design Watts (07 x 08)	Allowed Watts (smaller of 04 or 09)
			0					0	
			0					0	
			0					0	
			0					0	
						Sum total allowance for ornamental lighting on the site:			0

C-4. WATTAGE ALLOWANCE PER SQUARE FOOT OF SPECIFIC AREA - Table 140.7-B

- Allowances for Building Facades; Outdoor Sales Lots; Vehicle Service Station Hardscape; Vehicle Service Station Canopies; Sales Canopies; Non-sales Canopies; Tunnels; Guard Stations; Student Pick-up/Drop-off zone: Outdoor Dining; Special Security Lighting for Retail Parking and Pedestrian Hardscape.
- If more than one luminaire type is used per location, use multiple rows for that location

01	02	03	04	05	06	07	08	09	10
	ALLOTTED WATTS		DESIGN WATTS						
Name of Location for Which Allowance is Claimed	Illuminated Area of Application	Wattage Allowance per Square Foot	Allotted Watts (02 x 03)	Luminaire Code or Symbol	Luminaire Description	Luminaire Quantity	Watts per Luminaire	Design Watts (07 x 08)	Allowed Watts (smaller of 04 or 09)
			0					0	
			0					0	
			0					0	
			0					0	
						Sum total allowance for specific area on the site:			0

STATE OF CALIFORNIA
OUTDOOR LIGHTING POWER ALLOWANCES
CEC-NRCC-LTO-03-E (Revised 07/18) — CALIFORNIA ENERGY COMMISSION

CERTIFICATE OF COMPLIANCE	NRCC-LTO-03-E
Outdoor Lighting Power Allowances	(Page 4 of 4)
Project Name: MORRO BAY HOTEL	Date Prepared: 10-29-18

DOCUMENTATION AUTHOR'S DECLARATION STATEMENT

1. I certify that this Certificate of Compliance documentation is accurate and complete.

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Company: JMPE — Signature Date:
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Company: JMPE — Date Signed:
Address: 156 W. ALAMAR AVE. SUITE A — License: E013083 / 06-30-2019
City/State/Zip: SANTA BARBARA, CA. 93105 — Phone: (805) 569-9216

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Arris STUDIO ARCHITECTS
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1306 JOHNSON AVENUE
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THOMAS E. JESS ARCHITECT #C27608
STEPHEN A. RIGGIR ARCHITECT #C33672
ARCHITECT OF RECORD/CONSULTANT

CLIENT

PROJECT
MORRO BAY HOTEL
MORRO BAY, CA.

OUTDOOR LIGHTING COMPLIANCE FORMS

#	REVISION	DATE

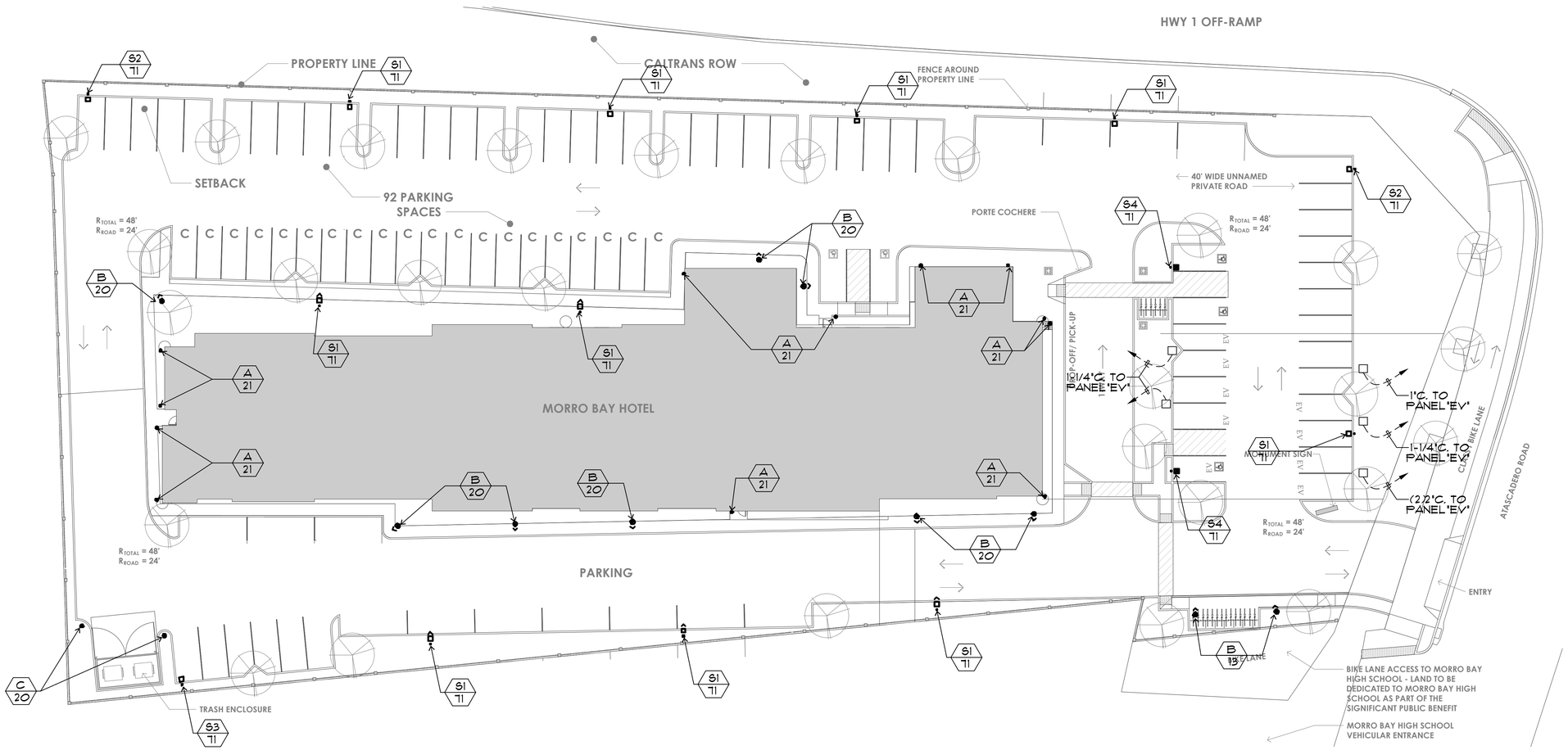
JMPE
ELECTRICAL ENGINEERING
LIGHTING DESIGN
CA REGISTRATION NO E13083
18553
156 W. ALAMAR AVE.
SUITE B
SANTA BARBARA CA 93105
(805) 569-9216
FAX (805) 569-2405
email : maloney@jmpe.net
www.jmpe.net

REGISTERED PROFESSIONAL ENGINEER — JOHN MALONEY — E013083 — EXP. 06/30/2019 — ELECTRICAL — STATE OF CALIFORNIA

PROJECT

DATE
OCT 29, 2018

SHEET
E0.2



SITE LIGHTING PLAN

SCALE: 1" = 20'-0"

0 5 10 20 40

JMPE
ELECTRICAL ENGINEERING
LIGHTING DESIGN
CA REGISTRATION NO E13083
18553
156 W. ALAMAR AVE.
SUITE B
SANTA BARBARA CA 93105
(805) 569-8216
FAX (805) 569-2405
email : maloney@jmpe.net
www.jmpe.net

REGISTERED PROFESSIONAL ENGINEER
JAMES MALONEY
No. E013083
EXP. 06/30/2019
ELECTRICAL
STATE OF CALIFORNIA

Arris STUDIO ARCHITECTS
ADDRESS
1306 JOHNSON AVENUE
SAN LUIS OBISPO, CA 93401
CONTACT
805.547.2240
ARRIS-STUDIO.COM
THOMAS E. JESS ARCHITECT #C27608
STEPHEN A. BIGOR ARCHITECT #C33672
ARCHITECT OF RECORD/CONSULTANT

THE INCLUDED DRAWINGS, SPECIFICATIONS, IDEAS, DESIGNS & ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF ARRIS STUDIO ARCHITECTS AND NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF ARRIS STUDIO ARCHITECTS. VISUAL CONTACT WITH THESE DRAWINGS OR SPECIFICATIONS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. SUBMITTAL OF THESE DOCUMENTS FOR PUBLIC AGENCY REVIEW SHALL NOT BE CONSIDERED A WAIVER OF ARRIS STUDIO ARCHITECTS' RIGHTS. ARRIS STUDIO ARCHITECTS COPYRIGHT 2006-2018

CLIENT

PROJECT

MORRO BAY HOTEL

MORRO BAY, CA.

SITE LIGHTING PLAN

#	REVISION	DATE

PROJECT

DATE OCT 29, 2018

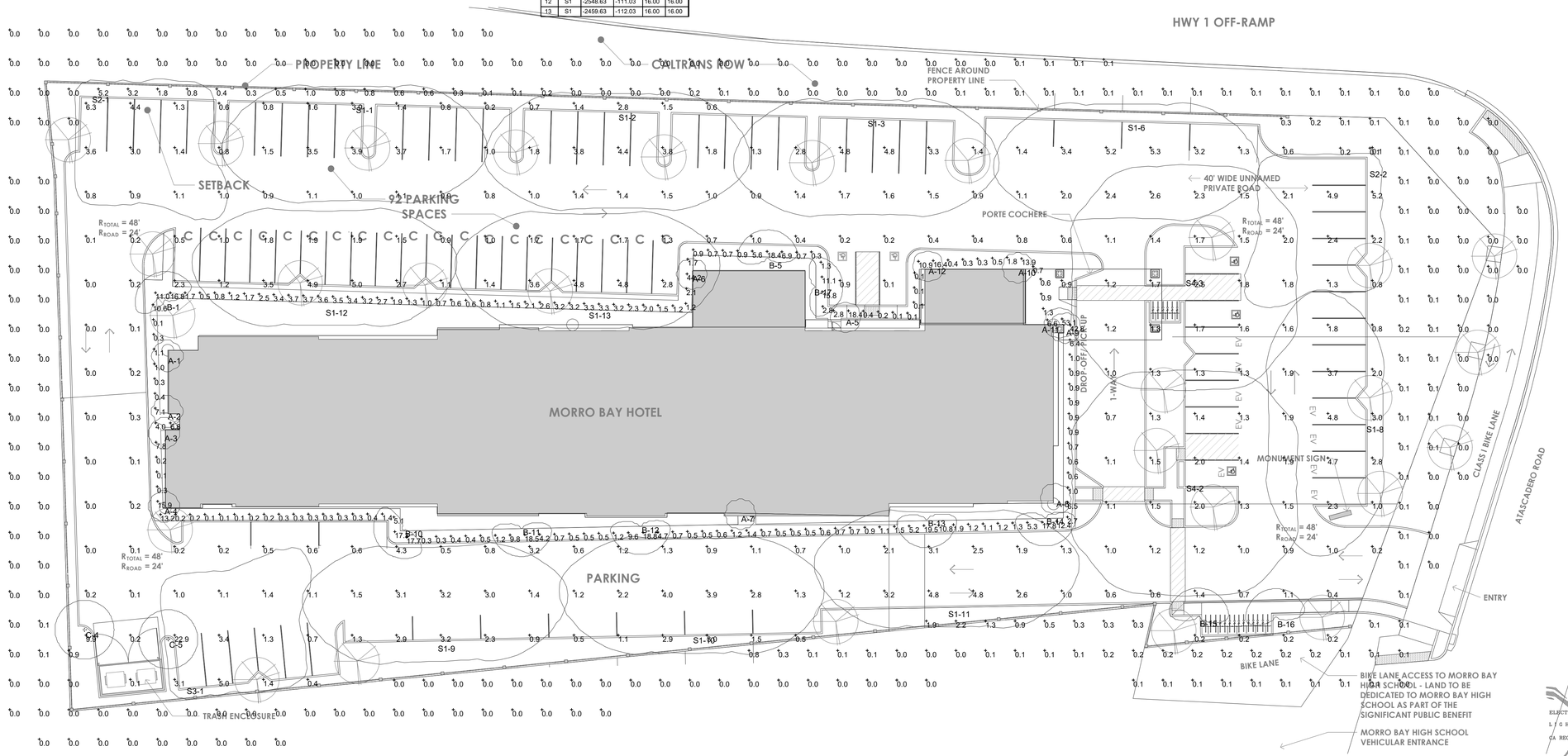
SHEET

E1.0

Schedule									
Symbol	Label	QTY	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage
	A	12	24035/19537 WIRING BOX	Wall mounted luminaires with fully shielded light source. Die-cast aluminum construction with clear tempered glass. Luminaires mount over custom BEGA19 537 linear recessed wiring box. This box can be shipped ahead of the luminaire. Integral 120V-277V electronic LED driver. LED color temperature available in 2700K, 3000K, 3500K, or 4000K	LED 18,1W	1	1725.007	0.95	21
	B	10	99 857 BOLLARD TOP/99622(SHAFT)	LED system bollards - shielded 180° Bollards with directed 180° light distribution constructed die-cast aluminum. Clear glass diffuser and pure anodized aluminum reflector. Integral 120V - 277V electronic LED driver, 0-10V dimming.	LED 16,5W	1	923.4279	0.95	19.8
	C	2	99856 BOLLARD TOP/99622(SHAFT)	Bollards with directed 360° light distribution constructed die-cast aluminum. Clear glass diffuser and pure anodized aluminum reflector.	LED 16,5W	1	1838.271	0.95	19.8
	S1	10	DSX0 LED P3 40K BLC MVOLT/DS330 XXX D1 FP MATCH FBC AB-DRILL FOR DSX0	DSX0 LED P3 40K BLC MVOLT	LED	1	6925.194	0.95	71
	S2	2	DSX0 LED P3 40K RCCO MVOLT/DS330 XXX D1 FP MATCH FBC AB-DRILL FOR DSX0	DSX0 LED P3 40K RCCO MVOLT	LED	1	5152.961	0.95	71
	S3	1	DSX0 LED P3 40K LCCO MVOLT/DS330 XXX D1 FP MATCH FBC AB-DRILL FOR DSX0	DSX0 LED P3 40K LCCO MVOLT	LED	1	5152.961	0.95	71
	S4	2	DSX0 LED P3 40K T5W MVOLT/DS330 XXX D1 FP MATCH FBC AB-DRILL FOR DSX0	DSX0 LED P3 40K T5W MVOLT	LED	1	8712.234	0.95	71

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
SITE LIGHTING	+	1.8 fc	22.9 fc	0.0 fc	N/A	N/A
SPILL LIGHT	+	0.1 fc	5.2 fc	0.0 fc	N/A	N/A
WALKWAY	+	4.1 fc	53.1 fc	0.1 fc	531.0:1	41.0:1

Luminaire Locations					
		Location			
No.	Label	X	Y	Z	MH
1	A	-2601.68	-126.29	6.50	6.50
2	A	-2601.76	-145.07	6.50	6.50
3	A	-2602.84	-152.46	6.50	6.50
4	A	-2602.84	-177.18	6.50	6.50
5	A	-2372.40	-113.27	6.50	6.50
6	A	-2424.31	-98.61	6.50	6.50
7	A	-2407.88	-179.86	6.50	6.50
8	A	-2301.30	-174.69	6.50	6.50
9	A	-2297.95	-116.85	6.50	6.50
10	A	-2314.13	-96.52	6.50	6.50
11	A	-2299.99	-115.18	6.50	6.50
12	A	-2344.49	-95.99	6.50	6.50
1	B	-2602.32	-107.91	3.50	3.50
5	B	-2398.68	-93.79	3.50	3.50
10	B	-2521.74	-184.62	3.50	3.50
11	B	-2481.91	-184.07	3.50	3.50
12	B	-2441.75	-183.36	3.50	3.50
13	B	-2344.92	-181.08	3.50	3.50
14	B	-2304.82	-180.47	3.50	3.50
15	B	-2252.98	-215.05	3.50	3.50
16	B	-2226.78	-215.22	3.50	3.50
17	B	-2383.35	-102.89	3.50	3.50
4	C	-2629.69	-218.95	3.50	3.50
5	C	-2601.41	-222.18	3.50	3.50
1	S1	-2538.38	-39.97	16.00	16.00
2	S1	-2449.55	-42.51	16.00	16.00
3	S1	-2365.34	-44.63	16.00	16.00
6	S1	-2277.37	-45.93	16.00	16.00
8	S1	-2195.45	-149.27	16.00	16.00
9	S1	-2510.71	-224.74	16.00	16.00
1	S2	-2627.65	-36.50	16.00	16.00
2	S2	-2194.32	-62.88	16.00	16.00
1	S3	-2595.56	-239.01	16.00	16.00
2	S4	-2258.84	-169.28	16.00	16.00
3	S4	-2259.00	-99.83	16.00	16.00
10	S1	-2424.38	-221.93	16.00	16.00
11	S1	-2338.05	-213.04	16.00	16.00
12	S1	-2548.63	-111.03	16.00	16.00
13	S1	-2459.63	-112.03	16.00	16.00



SITE LIGHTING PHOTOMETRIC PLAN

SCALE: 1" = 20'-0"

0 5 10 20 40

Arris STUDIO ARCHITECTS
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CLIENT
-

PROJECT
MORRO BAY HOTEL
MORRO BAY, CA.
SITE LIGHTING PHOTOMETRIC PLAN

#	REVISION	DATE

JMPE
ELECTRICAL ENGINEERING
LIGHTING DESIGN
CA REGISTRATION NO E13083
18553
156 W. ALAMAR AVE.
SUITE B
SANTA BARBARA CA 93105
(805) 569-9216
FAX (805) 569-2405
email : maloney@jmpe.net
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REGISTERED PROFESSIONAL ENGINEER
EDWARD J. MALONEY
EXP. 06/30/2019
ELECTRICAL
STATE OF CALIFORNIA

PROJECT
DATE
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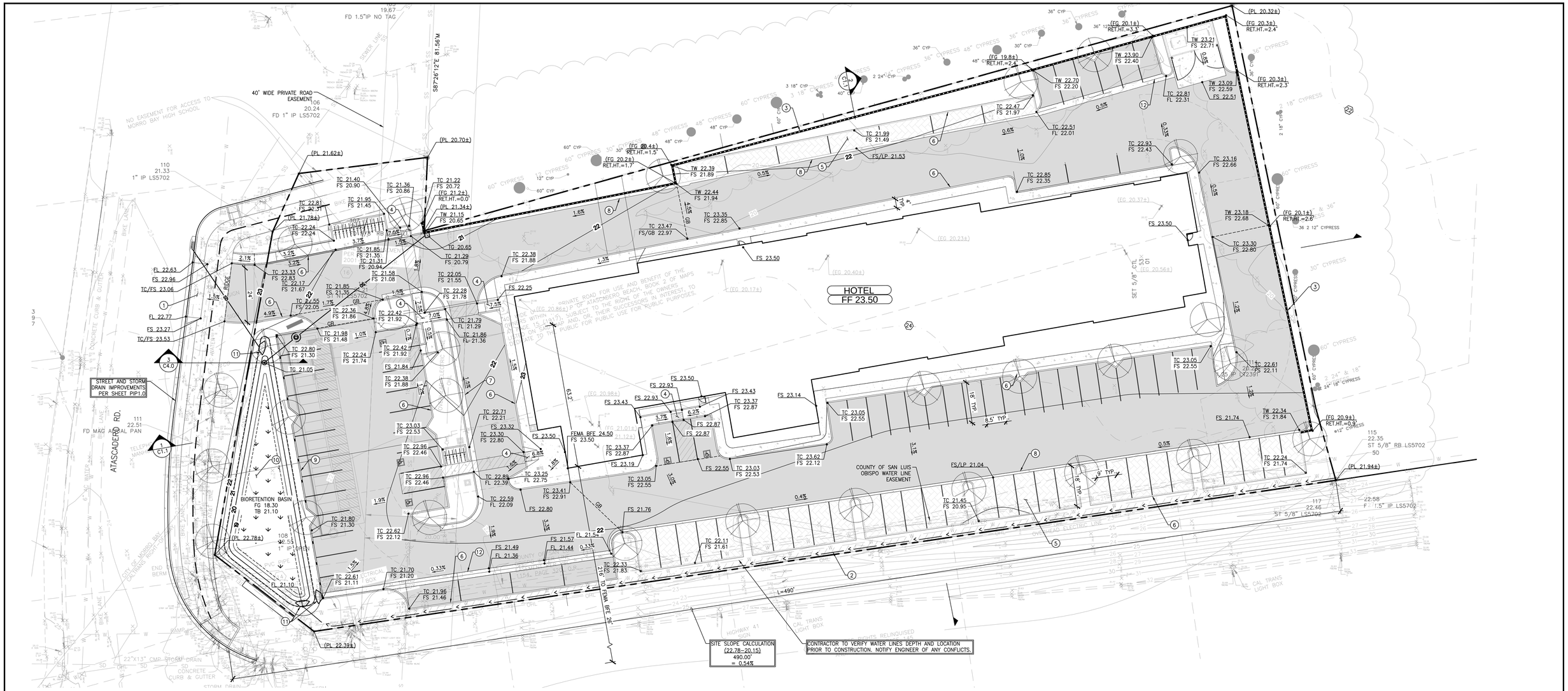


GENERAL LEGEND

- EXISTING/PROPOSED CENTERLINE (℄)
- EXISTING PROPERTY LINE (EX. ℙ)
- PROPOSED PROPERTY LINE (ℙ)
- PROPOSED SETBACK LINE
- EXISTING/PROPOSED EASEMENT
- PROPOSED SAWCUT
- GUTTER FLOWLINE
- PROPOSED CURB AND GUTTER
- PROPOSED SLOTTED CURB
- PROPOSED RETAINING WALL. HEIGHT PER PLAN.
- PROPOSED CONCRETE PAVEMENT/HARDSCAPE
- PROPOSED ASPHALT CONCRETE PAVEMENT
- PROPOSED GRAVEL
- PROPOSED PERVIOUS PAVEMENT

GRADING LEGEND

- GB _ _ RIDGE _ _ HINGE — GRADE BREAK
- // CUT FILL — DAYLIGHT OF GRADING LIMITS (CUT/FILL LINE)
- > — SWALE
- 100 — CONTOUR MAJOR
- 100 — CONTOUR MINOR
- DEEPENED FOOTING. HEIGHT PER PLAN.
- TOP OF SLOPE
- 2:1 TOE OF SLOPE

STORM DRAIN LEGEND:

- —50LF12"SD@0.5%— STORM DRAIN PIPE LENGTH, SIZE AND SLOPE (SD)
- LIMIT OF TRIBUTARY AREA FOR STORMWATER BMP'S
- PROPOSED SLOT/TRENCH DRAIN
- PROPOSED BIO RETENTION BASIN
- ENERGY DISSIPATOR
- HEADWALL/ENDWALL
- DROP INLET
- MANHOLE
- CLEANOUT

GRADING KEY NOTES:

1. COMMERCIAL DRIVEWAY PER CITY STD. B-6.
2. VEGETATED SWALE.
3. RETAINING WALL PER STRUCTURAL PLANS BY OTHERS. RETAINED HEIGHT PER PLAN.
4. ADA RAMP PER CAL TRANS STD. PLAN RSP A88A.
5. PERVIOUS PAVER SECTION PER DETAIL 4 ON SHEET C3.0.
6. 6" CURB PER CITY STD. B-2.
7. 6" CURB AND GUTTER PER CITY STD. B-1.
8. 12" CONCRETE STRIP.
9. 6" SLOTTED CURB.
10. BIO-RETENTION BASIN PER DETAIL 3 ON SHEET C3.0.
11. COBBLE ENERGY DISSIPATOR.
12. 3' WIDE VALLEY GUTTER.

GRADING GENERAL NOTES:

A. SEE STORM DRAIN AND UTILITY INFORMATION ON SHEET C2.0.

B. ALL CLEARING, GRUBBING, SITE PREPARATION, OVER-EXCAVATION, EARTHWORK, ENGINEERED FILL, GEOTEXTILE MATERIAL, AND MATERIAL TESTING SHALL BE IN COMPLIANCE WITH THE GEOTECHNICAL ENGINEERING REPORT BY EARTH SYSTEMS PACIFIC, DATED JANUARY 29, 2018.

C. ESTIMATED EARTHWORK QUANTITIES:

CUT	FILL	NET
1,650 CY	3,500 CY	1,850 CY (FILL)

NOTE: THE CUT AND FILL QUANTITIES SHOWN ABOVE ARE FOR PERMIT PURPOSES ONLY. THE CONTRACTOR SHALL, AFTER EXAMINING THE GRADING PLAN, SOILS REPORT AND TERRAIN, PREPARE HIS/HER ESTIMATE INDEPENDENTLY OF THE ENGINEER'S ESTIMATE.

D. PROPOSED SITE DISTURBANCE: 86,500 SF.

E. 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.

F. NO WORK SHALL OCCUR WITHIN (OR USE OF) THE CITY'S RIGHT OF WAY WITHOUT AN ENCROACHMENT PERMIT. ENCROACHMENT PERMITS ARE AVAILABLE AT THE CITY OF MORRO BAY PUBLIC WORKS OFFICE LOCATED AT 955 SHASTA AVE.

G. EXISTING LOT MERGER IN PROGRESS, EXISTING INTERIOR LOT LINES TO BE DELETED.

H. SEE SHEET PIP1.0 FOR OFFSITE STREET AND STORM DRAIN IMPROVEMENTS.

LOW IMPACT DESIGN MEASURES

LOW IMPACT DESIGN PRACTICES SHOWN ON THIS PLAN INCLUDE STORMWATER RUNOFF REDUCTION, TREATMENT, AND RETENTION WITH THE USE OF TWO PERVIOUS PAVER AREAS, UNDERGROUND INFILTRATION CHAMBERS AND A BIORETENTION BASIN. THE PERVIOUS PAVERS ARE LAID WITH OPEN JOINTS WITH PERMEABLE AGGREGATES ON TOP OF A LARGER GRADED STONE TO PROMOTE STORAGE AND INFILTRATION IN THE UNDERLYING SOILS. THE CHAMBERS CONSIST OF 31 BURIED UNITS THAT ARE SURROUNDED BY STONE. THE SYSTEM IS DESIGNED TO RETAIN STORMWATER AND INFILTRATE INTO THE SOILS BELOW. THE BIORETENTION BASIN UTILIZES A LAYER OF BIOSOIL MIX AND VEGETATION FOR INITIAL FILTRATION TREATMENT OVER A LAYER OF AGGREGATE BASE TO RETAIN STORM WATER AND INFILTRATE TO THE UNDERLYING SOILS. THE STORMWATER CONTROL MEASURES NOTED HAVE BEEN SIZED IN ACCORDANCE WITH THE CITY OF MORRO BAY'S STORMWATER MANAGEMENT GUIDANCE MANUAL FOR LOW IMPACT DEVELOPEMENT AND POST-CONSTRUCTION REQUIREMENTS.

FEMA FLOOD ZONE NOTES:

- BFE — BASE FLOOD ELEVATIONS SHOWN PURSUANT TO FEMA FIRM PANEL 813H (SHEET 813 OF 2050). PROPOSED BUILDING FINISH FLOOR ELEVATION IS A MINIMUM OF 2 FEET ABOVE THE BASE FLOOD ELEVATION PURSUANT TO THE CITY OF MORRO BAY MUNICIPAL CODE.
- BASE FLOOD CONTOURS PURSUANT TO FEMA FIRM PANEL REFERENCED HERON.

POST-DEVELOPEMENT SURFACES

SURFACE TYPE	AREA	PERCENTAGE OF SITE AREA
BUILDING/ROOF	21,175 SF	24%
ASPHALT	37,740 SF	43%
HARDSCAPE	6,638 SF	8%
LANDSCAPE/PERVIOUS AREAS	22,472 SF	25%
TOTAL SITE AREA	88,025 SF	100%

0 20' 40'
SCALE: 1" = 20'

811 Know what's below. Call 811 before you dig.

NOTE: UTILITIES SHOWN WERE PLOTTED FROM OBSERVED EVIDENCE AND PLANS OBTAINED FROM UTILITY PROVIDERS. EXACT LOCATIONS AND QUANTITIES MAY VARY. THE CONTRACTOR SHALL CALL 811 FOR UTILITY LOCATING SERVICES PRIOR TO EXCAVATION AND USE EXTREME CAUTION WHEN EXPOSING UTILITIES. ANY DAMAGE TO EXISTING UTILITIES WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

NO.	DATE	REVISIONS

WALSH ENGINEERING
WALSHENGINEERING.NET (805) 319-4948
1108 GARDEN STREET, SUITE 202-204 SAN LUIS OBISPO, CA 93401

ESCAPE HOSPITALITY, LLC

ATASCADERO ROAD HOTEL

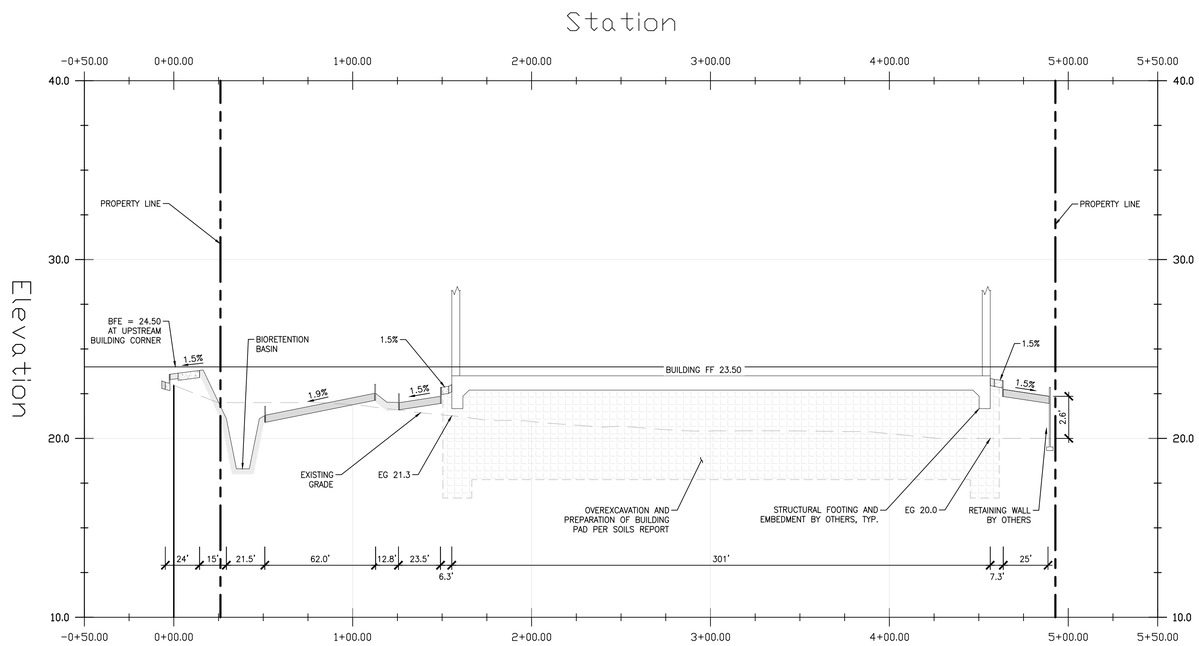
233 ATASCADERO ROAD, MORRO BAY, CA 93442

REGISTERED PROFESSIONAL ENGINEER MATTHEW R. WALSH C 79026 CIVIL STATE OF CALIFORNIA
NOT FOR CONSTRUCTION

DESIGNED BY: KKE
DRAFTED BY: KKE
CHECKED BY: MRW
DATE: 02/21/19

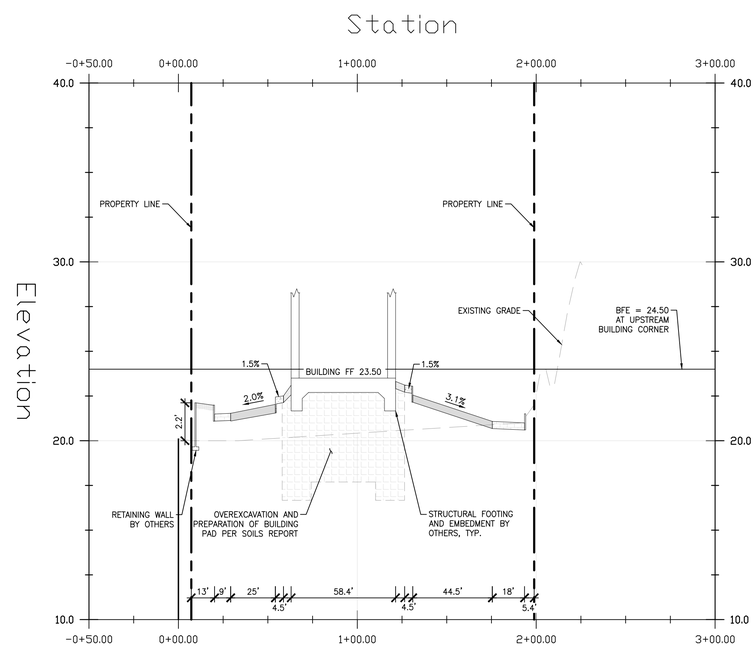
GRADING AND DRAINAGE

SHEET C1.0



1
C1.0

HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=4'



2
C1.0

HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=4'

NO.	DATE	REVISIONS
△		
△		
△		
△		

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WALSHENGINEERING.NET (805) 319-4948
1108 GARDEN STREET, SUITE 202-204 SAN LUIS OBISPO, CA 93401

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MATTHEW R. WALSH
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CIVIL
STATE OF CALIFORNIA
NOT FOR CONSTRUCTION

DESIGNED BY: KKE
DRAFTED BY: KKE
CHECKED BY: MRW
DATE: 02/21/19

SITE CROSS SECTIONS

SHEET
C1.1

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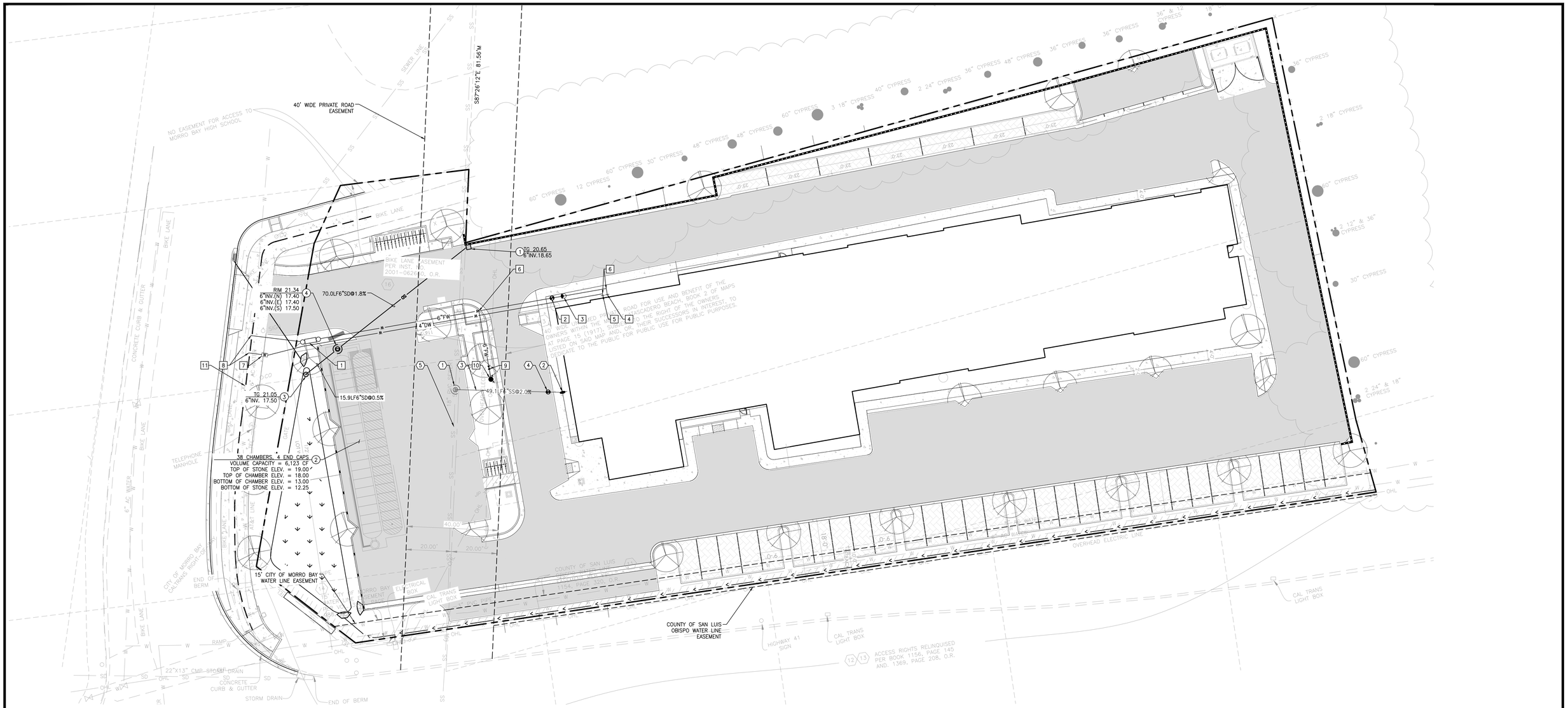

GENERAL LEGEND

- EXISTING/PROPOSED CENTERLINE (℄)
- EXISTING PROPERTY LINE (EX. ℞)
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- PROPOSED ASPHALT CONCRETE PAVEMENT
- PROPOSED GRAVEL
- PROPOSED PERVIOUS PAVEMENT

WATER LEGEND:

- 6"DW — DOMESTIC WATER SERVICE AND SIZE (DW)
- 8"FW — FIRE WATER SERVICE AND SIZE (FW)
- GATE VALVE
- FIRE HYDRANT (FH)
- POST INDICATOR VALVE (PIV)
- FIRE DEPARTMENT CONNECTION (FDC)
- BACKFLOW DEVICE FOR FIRE SERVICE (RPZ OR DDC)
- BACKFLOW DEVICE FOR DOMESTIC SERVICE (RPZ)
- DOMESTIC WATER METER
- IRRIGATION METER (DESIGN BY OTHERS)

SANITARY SEWER LEGEND:

- 75LF6"SS@2.0% — SANITARY SEWER PIPE LENGTH, SIZE AND SLOPE (SS)
- SANITARY SEWER MANHOLE (SSMH)
- SANITARY SEWER CLEANOUT TO GRADE (SSCO)
- SANITARY SEWER BACKWATER VALVE

DRY UTILITY LEGEND:

- G — E — OH — JT — DRY UTILITY SERVICE
- PB — PROPOSED PULL BOX
- PROPOSED STREET LIGHT
- PROPOSED SITE LIGHT

WATER KEY NOTES

1. DOUBLE CHECK BACKFLOW PREVENTER DEVICE.
2. POST INDICATOR VALVE (PIV).
3. FIRE DEPARTMENT CONNECTION (FDC).
4. DOMESTIC WATER SERVICE. SEE M.E.P. PLANS FOR CONTINUATION WITHIN 5' OF BUILDING.
5. FIRE WATER SERVICE. SEE M.E.P. PLANS FOR CONTINUATION WITHIN 5' OF BUILDING TO FIRE RISER ROOM.
6. CONCRETE THRUST BLOCK PER CITY STD. W-2.
7. 4" DOMESTIC WATER METER PER CITY STD. W-3.
8. TIE IN TO EXISTING WATER MAIN. MAINTAIN 2' MIN. SEPARATION BETWEEN CONNECTIONS.
9. GATE VALVE.
10. FIRE HYDRANT PER CITY STD. W-1.
11. EXISTING 6" AC WATER MAIN.

SANITARY SEWER KEY NOTES

1. SANITARY SEWER MANHOLE PER CITY STD. S-3.
2. SANITARY SEWER CLEANOUT TO GRADE.
3. SEWER LATERAL PER CITY STD. S-1.
4. SANITARY SEWER BACKWATER VALVE TO GRADE, PER CPC. VERIFY LOCATION WITH BUILDING INSPECTOR.
5. EXISTING 18" PVC SEWER MAIN. CONTRACTOR TO VERIFY INVERT ELEVATIONS.

STORM DRAIN KEY NOTES

1. 8"x8" TRAFFIC-RATED DROP INLET.
2. STORMTECH MC-4500 CHAMBER SYSTEM PER SPECIFICATIONS ON SHEET C3.0.
3. BEEHIVE OVERFLOW INLET AT BIORETENTION BASIN.
4. 24" MANHOLE PER CITY STD. C-9.

UTILITY GENERAL NOTES

A. ALL EXISTING DRY UTILITIES TO BE UNDERGROUNDED PER MBMC 17.48.050. ALL ELECTRIC DISTRIBUTION AND COMMUNICATIONS LINES LOCATED ON OR IMMEDIATELY ADJACENT TO THE PROJECT SITE SHALL BE UNDERGROUNDED IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATION OF THE CALIFORNIA PUBLIC UTILITES COMMISSION.

B. UNOBSTRUCTED ACCESS TO FIRE HYDRANTS SHALL BE MAINTAINED AT ALL TIMES. THE FIRE DEPARTMENT SHALL NOT BE DETERRED OR HINDERED FROM GAINING IMMEDIATE ACCESS TO FIRE PROTECTION EQUIPMENT OR FIRE HYDRANTS.

C. SEE SHEET PIP1.0 FOR OFFSITE STREET AND STORM DRAIN IMPROVEMENTS.

0 20' 40'
SCALE: 1" = 20'

811 Know what's below. Call811 before you dig.

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NO.	DATE	REVISIONS
1		
2		
3		
4		

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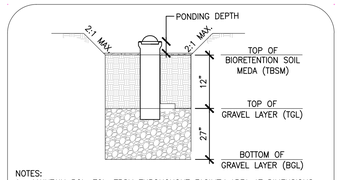
DESIGNED BY: KKE
DRAFTED BY: KKE
CHECKED BY: MRW
DATE: 02/21/19

UTILITY PLAN

SHEET C2.0

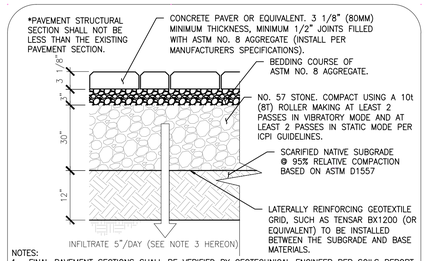
saved: 2/21/2019, plotted: 2/21/2019, path: s:\projects_eng\2018250_morro_bay_hotel_atascadero_rd\drawings\utility.dwg



NOTES:
1. MAINTAIN BGL, TGL, TBSM THROUGHOUT FACILITY AREA AT DIMENSIONS HEREON.
2. BSM SHALL ACHIEVE A LONG TERM, IN PLACE INFILTRATION RATE OF AT LEAST 5 INCHES PER HOUR.
3. SEE PLANS FOR ALL ELEVATIONS AND SLOPES.
4. SCARIFY SUBGRADE BEFORE INSTALLING BIORETENTION AREA AGGREGATE AND BSM
5. FACILITY EXCAVATION TO ALLOW FOR SPECIFIED SOIL AND MULCH DEPTHS TO ACHIEVE FINISHED ELEVATIONS PER PLAN
6. COMPACT EACH 6" LIFT OF BSM WITH LANDSCAPE ROLLER OR BY LIGHTLY WETTING. IF WETTING, ALLOW TO DRY OVERNIGHT BEFORE PLANTING.
7. DO NOT WORK WITHIN BIORETENTION AREA DURING RAIN OR UNDER WET CONDITIONS.
8. KEEP HEAVY MACHINERY OUTSIDE BIORETENTION AREA LIMITS

1 BIO RETENTION AREA CROSS SECTION

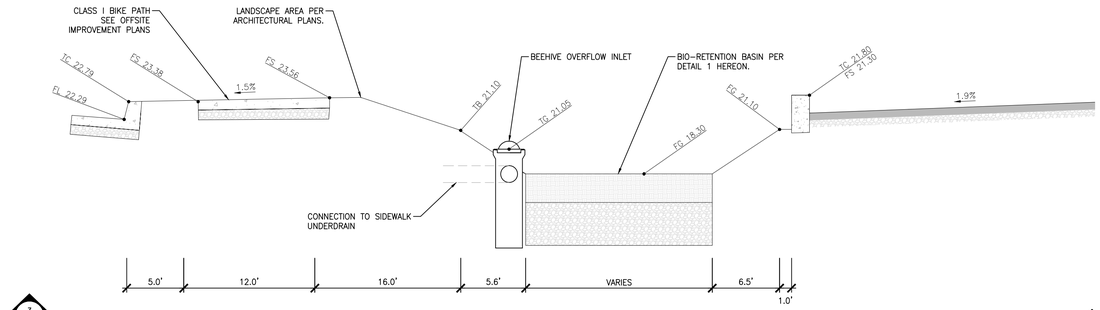
NTS



NOTES:
1. FINAL PAVEMENT SECTIONS SHALL BE VERIFIED BY GEOTECHNICAL ENGINEER PER SOILS REPORT.
2. PAVEMENT SECTIONS, PREPARATION OF SUBGRADE, AND EARTHWORK SHALL COMPLY WITH THE SOILS REPORT OR GEOTECHNICAL RECOMMENDATIONS.
3. PERFORM FIELD TESTING DURING CONSTRUCTION TO VERIFY INFILTRATION OF 5" PER DAY PER SLO COUNTY PCR HANDBOOK SECTION 3.2. NOTIFY ENGINEER OF RESULTS.
4. DESIGN SHOWN HEREON PER MANUFACTURERS RECOMMENDATIONS (AIR VOL BLOCK DRAWING ICPI-68) TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER.

2 PERVIOUS PAVEMENT SECTION

NTS



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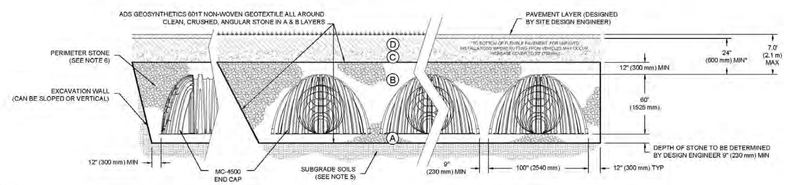
ACCEPTABLE FILL MATERIALS: STORMTECH MC-4500 CHAMBER SYSTEMS

MATERIAL LOCATION		DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	**FINAL FILL:** FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER	ANY SOIL/ROCK MATERIALS, NATIVE SOILS, OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C	**INITIAL FILL:** FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 24" (600 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE. MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER.	AASHTO M145[1] A-1, A-2-4, A-3 OR AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10	BEGIN COMPACTIONS AFTER 24" (600 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 12" (300 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS.
B	**EMBEDMENT STONE:** FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE.	CLEAN, CRUSHED, ANGULAR STONE, NOMINAL SIZE DISTRIBUTION BETWEEN 3/4-2 INCH (20-50 mm)	AASHTO M43[1] 3, 4	NO COMPACTION REQUIRED.
A	**FOUNDATION STONE:** FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE, NOMINAL SIZE DISTRIBUTION BETWEEN 3/4-2 INCH (20-50 mm)	AASHTO M43[1] 3, 4	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. [2,3]

PLEASE NOTE:
1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 9" (230 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.



NOTES:

1. MC-4500 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
2. MC-4500 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
3. "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.
4. THE "SITE DESIGN ENGINEER" REFERS TO THE ENGINEER RESPONSIBLE FOR THE DESIGN AND LAYOUT OF THE STORMTECH CHAMBERS FOR THIS PROJECT.
5. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
6. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
7. ONCE LAYER 'C' IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.

Atascadero Road Hotel
233 Atascadero Road Hotel
DATE: 08/15/2018 DRAWN: NE
PROJECT # Tod CHECKED: —

REV	DRW	CHK	DESCRIPTION

StormTech
ISO 9001:2008 CERTIFIED | ISO/TS16949 | CT | IAPMO

ADS
4640 TRUEMAN BLVD
HILLIARD, OH 43026
1-800-733-7473

SHEET 3 OF 6

NO.	DATE	REVISIONS
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WALSH ENGINEERING
WALSHENGINEERING.NET (805) 319-4948
1108 GARDEN STREET, SUITE 202-204 SAN LUIS OBISPO, CA 93401

ESCAPE HOSPITALITY, LLC

ATASCADERO ROAD HOTEL

233 ATASCADERO ROAD, MORRO BAY, CA 93442

REGISTERED PROFESSIONAL ENGINEER MATTHEW R. WALSH C 79026 CIVIL STATE OF CALIFORNIA
NOT FOR CONSTRUCTION

DESIGNED BY: KKE
DRAFTED BY: KKE
CHECKED BY: MRW
DATE: 08/08/18

SECTIONS AND DETAILS

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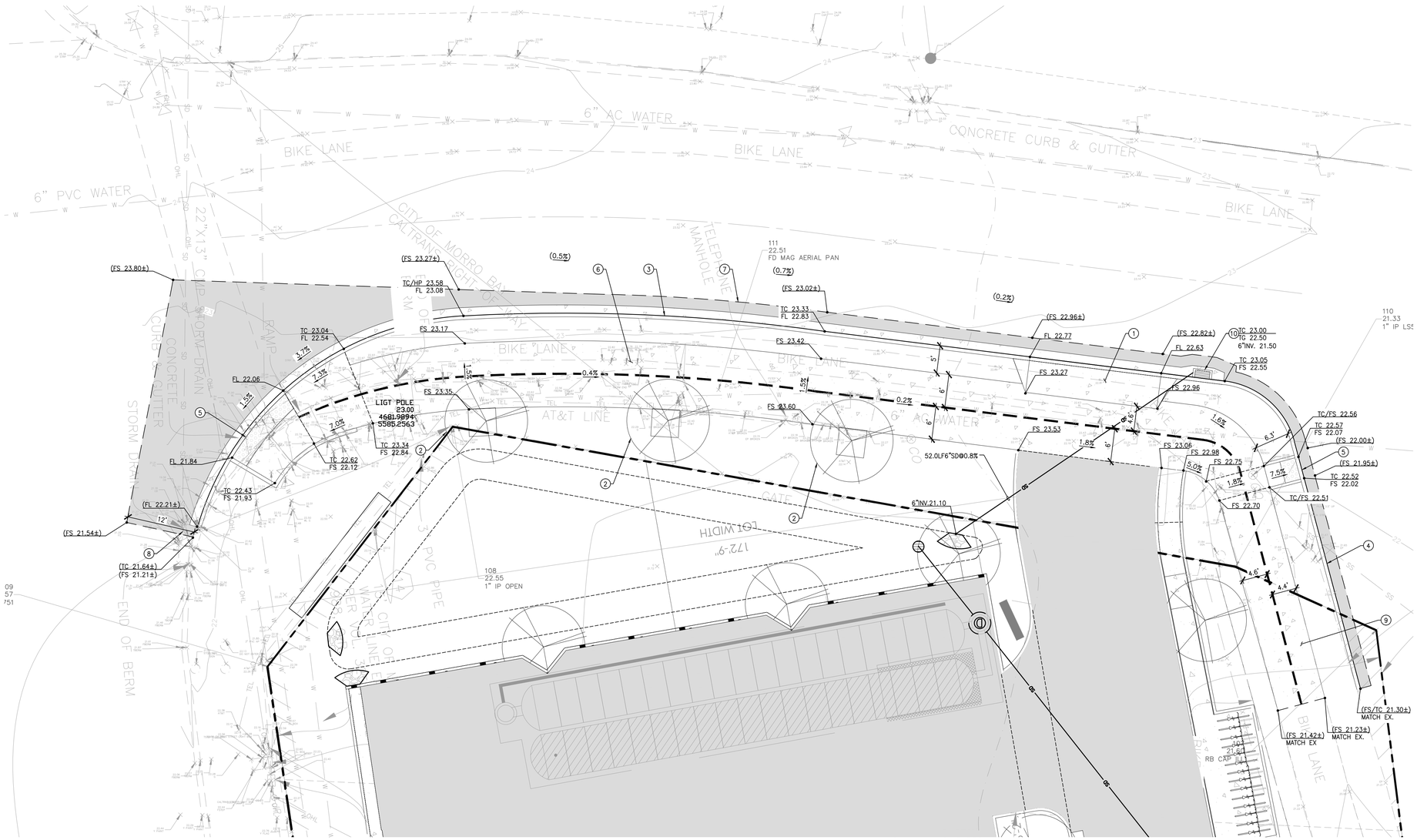

GENERAL LEGEND

- EXISTING/PROPOSED CENTERLINE (℄)
- EXISTING PROPERTY LINE (EX. ℞)
- PROPOSED PROPERTY LINE (℞)
- PROPOSED SETBACK LINE
- EXISTING/PROPOSED EASEMENT
- PROPOSED SAWCUT
- GUTTER FLOWLINE
- PROPOSED CURB AND GUTTER
- PROPOSED SLOTTED CURB
- PROPOSED RETAINING WALL. HEIGHT PER PLAN.
- PROPOSED CONCRETE PAVEMENT/HARDSCAPE
- PROPOSED ASPHALT CONCRETE PAVEMENT
- PROPOSED GRAVEL
- PROPOSED PERVIOUS PAVEMENT

GRADING LEGEND

- GB RIDGE HINGE — GRADE BREAK
- CUT FILL — DAYLIGHT OF GRADING LIMITS (CUT/FILL LINE)
- SWALE
- 100 — CONTOUR MAJOR
- 100 — CONTOUR MINOR
- DEEPENED FOOTING. HEIGHT PER PLAN.
- TOP OF SLOPE
- 2:1 TOE OF SLOPE

STORM DRAIN LEGEND:

- 50LF12"SD@0.5% — STORM DRAIN PIPE LENGTH, SIZE AND SLOPE (SD)
- LIMIT OF TRIBUTARY AREA FOR STORMWATER BMP'S
- PROPOSED SLOT/TRENCH DRAIN
- PROPOSED BIO RETENTION BASIN
- ENERGY DISSIPATOR
- HEADWALL/ENDWALL
- DROP INLET
- MANHOLE
- CLEANOUT

GRADING KEY NOTES:

1. DRIVE APPROACH PER CITY STD. B-6.
2. STREET TREES PER CITY STD. B-12.
3. 6" CURB AND GUTTER PER CITY STD. B-1.
4. 6" CURB PER CITY STD. B-2.
5. ADA RAMP PER CAL TRANS STD. RSP A88A.
6. CLASS I MULTI-USE PATH.
7. SAWCUT AND PAVEOUT.
8. EXISTING CATCH BASIN, PROTECT IN PLACE.
9. EXISTING BIKE PATH, REMOVE AND REPLACE.
10. STORM DRAIN INLET PER CITY STD. C-1.

0 10' 20'
SCALE: 1" =10'

811 Know what's below. Call 811 before you dig.

NOTE: UTILITIES SHOWN WERE PLOTTED FROM OBSERVED EVIDENCE AND PLANS OBTAINED FROM UTILITY PROVIDERS. EXACT LOCATIONS AND QUANTITIES MAY VARY. THE CONTRACTOR SHALL CALL 811 FOR UTILITY LOCATING SERVICES PRIOR TO EXCAVATION AND USE EXTREME CAUTION WHEN EXPOSING UTILITIES. ANY DAMAGE TO EXISTING UTILITIES WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

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NOT FOR CONSTRUCTION

DESIGNED BY: KKE
DRAFTED BY: KKE
CHECKED BY: MRW
DATE: 02/21/19

STREET AND STORM DRAIN IMPROVEMENTS

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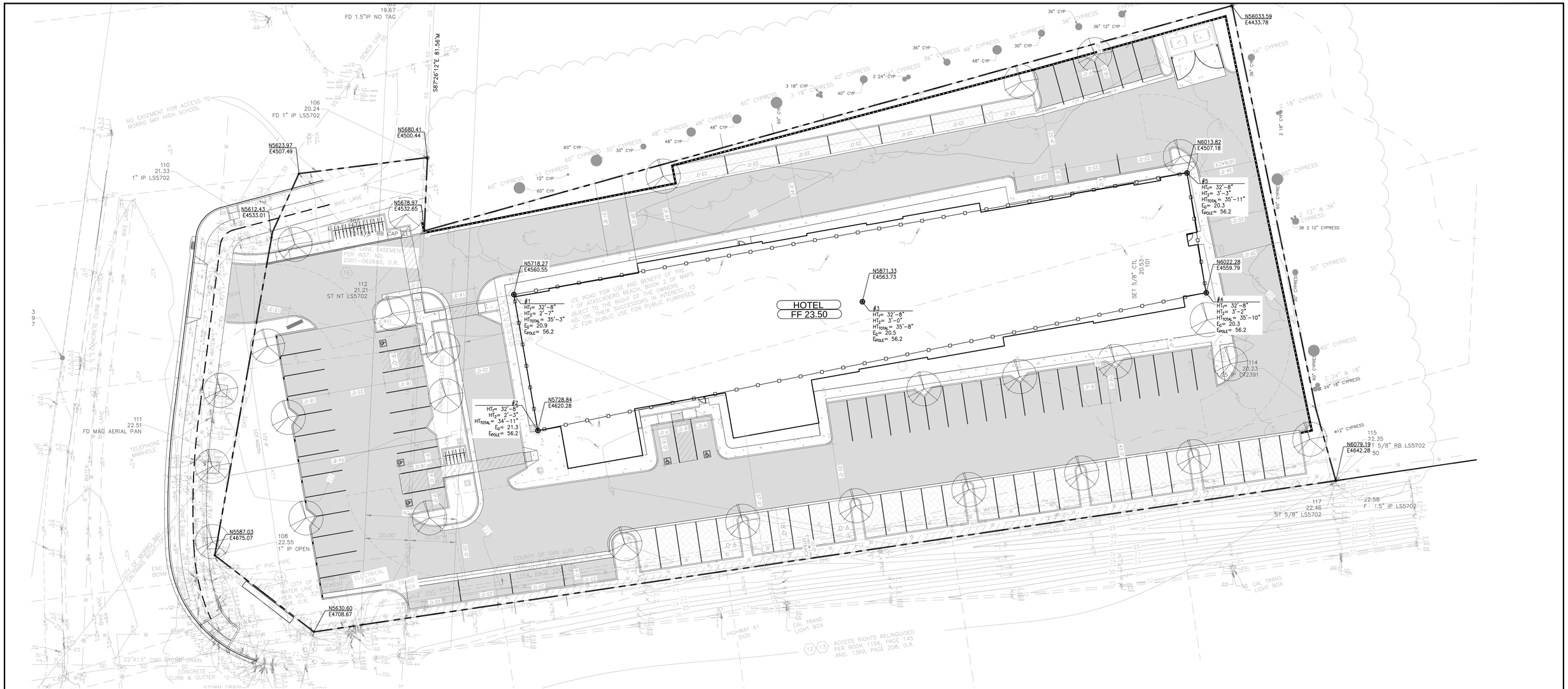

LEGEND

1. HT_1 = DESIGN FINISH FLOOR TO TOP OF PARAPET/ROOF
2. HT_2 = DESIGN FINISH FLOOR TO EXISTING NATURAL GRADE.
3. $HT_{TOTAL} = HT_1 + HT_2$ = STORY POLE HEIGHT.
4. E_G = EXISTING GRADE AT STORY POLE LOCATION.
5. E_{POLE} = ELEVATION AT TOP OF POLE.

#1 N E
HT_1=
HT_2=
HT_{TOTAL}=
E_G=
E_{POLE}=

POLE NUMBER AND HEIGHT/ NORTHING AND EASTING

STRINGLINE

STORY POLE LOCATION

SURVEY AND MAPPING

THE TOPOGRAPHIC SURVEY AND MAPPING INFORMATION, INCLUDING BUT NOT LIMITED TO EXISTING SURFACE FEATURES, PROPERTY LINES, RIGHT-OF-WAY, CENTERLINE, EASEMENTS, AND RECORD INFORMATION, SHOWN ON THESE IMPROVEMENT PLANS WERE PROVIDED BY THE SURVEY BELOW. A COPY WAS PROVIDED TO BY THE PROFESSIONAL LAND SURVEYOR OR OWNER UPON THE START OF OUR DESIGN. A COPY OF SAID SURVEY IS ON FILE WITH THE DESIGN ENGINEER. WALSH ENGINEERING ASSUMES NO RESPONSIBILITY FOR INCORRECT, INACCURATE OR INSUFFICIENT INFORMATION SUPPLIED TO US AT THE TIME OF PROJECT DESIGN OR PROJECT REVISIONS.

TITLE: "TOPOGRAPHIC MAP"
DATED: 11/19/2018

MBS LAND SURVEYS
3559 SOUTH HIGUERA STREET
SAN LUIS OBISPO 93401
(805) 594-1960

BENCHMARK

THE BENCH MARK FOR THIS PROJECT IS DESIGNATION FV1103 AT THE INTERSECTION OF MAIN ST. AND ATASCADERO RD. SET IN THE TOP AND 1' EAST OF OF THE WEST END OF THE NORTH CONCRETE HEADWALL.

ELEVATION = 25.47' (NAVD88)

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PROJECT IS BASED ON FOUND MONUMENTS ALONG LOTS 8 AND 9. THAT BEARING BEING N15°34'54"W.

0 20' 40'
SCALE: 1" = 20'

811 Know what's below. Call 811 before you dig.

NOTE: UTILITIES SHOWN WERE PLOTTED FROM OBSERVED EVIDENCE AND PLANS OBTAINED FROM UTILITY PROVIDERS. EXACT LOCATIONS AND QUANTITIES MAY VARY. THE CONTRACTOR SHALL CALL 811 FOR UTILITY LOCATING SERVICES PRIOR TO EXCAVATION AND USE EXTREME CAUTION WHEN EXPOSING UTILITIES. ANY DAMAGE TO EXISTING UTILITIES WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

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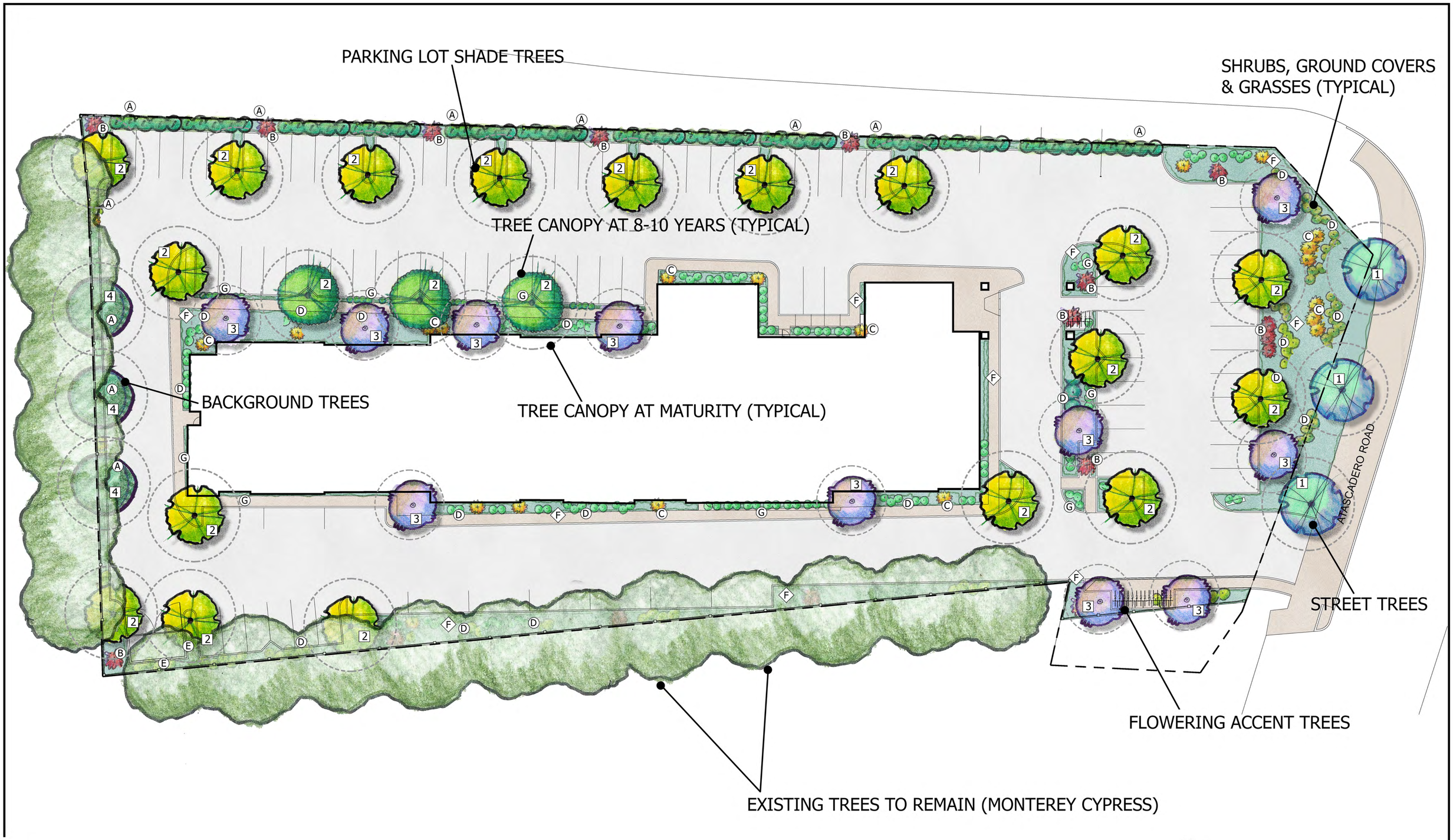
DESIGNED BY: KKE
DRAFTED BY: KKE
CHECKED BY: MRW
DATE: 02/21/19

STORY POLE EXHIBIT

SHEET
EX1.0



Jim Burrows
Landscape Architecture
979 Osos Street, Suite B6, San Luis Obispo CA 93401
805.439.3209 www.jbla-slo.com

DATE: 02/19/2019 JBLA # 18-101

NORTH

SCALE: 1/16" = 1'-0"

0 16 32 48 64

CONCEPTUAL LANDSCAPE PLAN

Client:
Escape Hospitality, LLC
590 Morro Ave.
Morro Bay, CA. 93442

L-1

MORRO BAY HOTEL
ATASCADERO ROAD
MORRO BAY, CA 93401

PROPOSED TREES – Design Notes

WATER USE*

TREES

ARBUTUS 'MARINA' — STRAWBERRY MADRONE — L
Height: 40-50'; Spread: 30-40'; erect or spreading canopy.
Moderate growth rate (1-2' per year). Branch strength: strong. Drought tolerant.
Good parking lot tree (root intrusion: low).
Evergreen. Flowers: showy pink (year-round). Bark red brown, exfoliating or smooth.

ARBUTUS UNEDO — STRAWBERRY TREE — L
Height: 20-35'; Spread: 20-35'; erect or spreading canopy.
Moderate growth rate (1-2' per year). Branch strength: strong. Drought tolerant.
Good parking lot tree (root intrusion: low).
Evergreen. Flowers: showy white (Fall-Winter). Bark striking red brown, exfoliating or smooth.

CALLISTEMON VIMINALIS — WEEPING BOTTLEBRUSH — L
Height: 15-20'; Spread: 15-20'; weeping, low canopy.
Fast growth (3' per year). Branch strength: medium. Attractive weeping form. Drought tolerant.
Good parking lot tree (root intrusion: low). Utility-friendly tree.
Evergreen. Flowers: showy red (Spring-Summer)

CASSIA LEPTOPHYLLA — GOLDEN MEDALLION TREE — L
Height: 20-25; Spread: 30'; broad crown form.
Fast growth (3' per year). Branch strength: medium. Attractive dark green foliage. Drought tolerant.
Good parking lot tree (root intrusion: low). Litter issue: dry fruit pods
Semi-evergreen. Flowers: long spikes of deep yellow, 3" wide flowers (July-August)

CERCIS OCCIDENTALIS — WESTERN REDBUD — L
Height: 10-20; Spread: 10-20; low branching, vase-shaped form.
Medium growth rate. Drought tolerant, resists oak root rot,
Good parking lot tree (root intrusion: low)
Deciduous. Flowers: brilliant magenta flowers (spring) Fall color: yellow to red. California native.

ERIOBOTRYA DEFLEXA — BRONZE LOQUAT — L
Height: 15-30'; Spread: 15-30'; multi-branching form. Good parking lot tree (root intrusion: low)
Fast-growing with broad crown. Attractive large, leathery green leaves, new growth copper colored.
Evergreen. Flowers: garlands of creamy white flowers (fall) Drought tolerant.

METROSIDEROS EXCELSA / NEW ZEALAND CHRISTMAS TREE — L
Height: 30-35'; Spread: 30-35'; erect or spreading with low canopy.
moderate growth (2' per year). Branch strength: medium. Attractive weeping form. Drought tolerant.
Evergreen. Flowers: showy red (Spring-Summer). Root intrusion: moderate.

PYRUS CALLERYANA 'ARISTOCRAT' — ARISTOCRAT PEAR — M
Height: 30-40'; Spread: 20'; erect or spreading with high canopy.
Fast growth (2-3' per year). Branch strength: medium. Attractive upright branching structure
Deciduous. Flowers: showy white (Spring and Winter). Root intrusion: moderate.

QUERCUS AGRIFOLIA — COAST LIVE OAK — VL
Height: 20-70'; Spread: 30-80'. Dense, round crown.
Slow to moderate growth. Subject to oak root rot, can have aggressive roots (root intrusion: high).
Evergreen. Dense foliage. Extremely drought tolerant, California native. Litter issue: dry leaves & acorns

ULMUS PARVIFOLIA 'DRAKE' — DRAKE EVERGREEN ELM — L
Height: 35-45'; Spread:35-50'. Spreading or weeping, high canopy, good shade tree.
Very fast growth (3' or more per year, 30' in 5 yrs). Susceptible to Dutch elm disease, relatively few pests.
Branch strength: Medium. Root intrusion: moderate, shallow roots
Evergreen to partly deciduous.

***WATER-USE EVALUATION OF PLANT MATERIALS**
WATER USE OF PROPOSED PLANTS HAVE BEEN EVALUATED USING THE "WATER USE CLASSIFICATION OF LANDSCAPE SPECIES" (WUCOLS IV, UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.)

Reference: https://selectree.calpoly.edu/

Water Conservation Notes

The following water conservation techniques shall be employed in this Project:

- Water conserving plants, defined as "Low" in the "Water Use Classification of Landscape Species" (WUCOLS IV, University of California Cooperative Extension), shall be utilized in 75% of the total plant area.
- Irrigation system shall be separated into distinct hydrozones based on plant material types, exposure and orientation.
- Soil amendments and mulch shall be utilized to improve water holding capacity of soil.
- Automatic irrigation system shall utilize "smart controller" technology with water budgeting feature to adjust water application based on soil moisture and/or local weather data.
- Lawn is limited to active-use areas or is not used not used.

Statement of Water Conserving Irrigation Design

The following principles of irrigation design utilized on this project are directed specifically as conserving water and improving the efficiency of the irrigation system:

- All irrigation shall be drip or dripline emitters. No overhead spray heads will be used.
- Irrigation hydrozones shall be adjusted according to water needs and weather.
- Utilization of irrigation system master valve.
- Utilization of irrigation system "smart controller" with water budgeting feature.
- Utilization of irrigation system flow sensor.
- Utilization of rain shut-off device connected to irrigation controller.
- Utilization of backflow prevention assemblies, installed in accordance with local codes and screened from view as much as possible by landscape design features.

To help maintain the irrigation efficiency as intended in the design, Irrigation system shall be tested and maintained on a monthly basis by the maintenance staff.

Water Efficient Landscape Worksheet

California Water Efficient Landscape Worksheet

Reference Evapotranspiration (ET_o)	39.9	Project Type	Non-Residential		0.45

Hydrozone # / Planting Description[a]	Plant Factor (PF)	Irrigation Method[b]	Irrigation Efficiency (IE)[c]	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU)[d]
Regular Landscape Areas							
Med Water Use Trees	0.4	Bubbler	0.77	0.52	-	0	0
Low Water Use	0.2	Drip	0.81	0.25	15,472	3820	94505
Med Water Use	0.4	Drip	0.81	0.49	-	0	0
High Water Use	0.8	Overhead	0.75	1.07	-	0	0
				Average	***Total***	***Total***	
				0.25	15,472	3,820	

Average ETAF for Regular Landscape Areas : In Compliance

Special Landscape Areas					
SLA-1	[redacted]	1	-	0	0
		Totals	0	0	

Total Landscape Area	15,472
Statewide ETAF	0.25
ETWU Total	94,505
Maximum Allowed Water Allowance (MAWA)[e]	172,236

ETAF Calculations

Regular Landscape Areas	
Total ETAF x Area	3820
Total Area	15472
Average ETAF	0.25

All Landscape Areas	
Total ETAF x Area	3820
Total Area	15472
Average ETAF	0.25

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

0.45	Non-Residential
0.55	Residential
0.81	Drip
0.75	Overhead

Percentage of MAWA
55%

Plant List

	ABBREV	SIZE	BOTANICAL NAME / COMMON NAME	*WUCOLS RATING
1	**STREET TREES (Per City of Morro Bay, Street Tree List 2010)**			
	ARB 'M'	24"B	ARBUTUS 'MARINA' / STRAWBERRY MADRONE (STD. FORM)	L
	MEL QUI	15G	MELALEUCA QUINQUINERVIA / CAJEPUT TREE (STD. FORM)	L
	ULM PAR 'D'	15G	ULMUS PARVIFOLIA 'DRAKE' / DRAKE EVERGREEN ELM (STD. FORM)	M
2	**PARKING LOT SHADE TREES (Per City of Morro Bay Master Tree List)**			
	ARB UNE	24"B	ARBUTUS UNEDO/ STRAWBERRY TREE (STD. FORM)	L
	CER OCC	24"B	CERCIS OCCIDENTALIS / WESTERN REDBUD (STD. FORM)	L
	MEL QUI	15G	MELALEUCA QUINQUINERVIA / CAJEPUT TREE (STD. FORM)	L
	MET EXC	24"B	METROSIDEROS EXCELSA / NEW ZEALAND CHRISTMAS TREE (STD	)L
3	**FLOWERING ACCENT TREES (Per City of Morro Bay Master Tree List)**			
	ERI DEF	24"B	ERIOBOTRYA DEFLEXA / BRONZE LOQUAT (LB FORM)	L
	PYR CAL 'A'	15G	PYRUS CALLERYANA 'ARISTOCRAT' / ARISTOCRAT PEAR (STD. FORM)	M
4	**BACKGROUND TREES (Per City of Morro Bay Master Tree List)**			
	CAL VIM	24"B	CALLISTEMON VIMINALIS / WEEPING BOTTLEBRUSH (STD. FORM)	L
	QUE AGR	24"B	QUERCUS AGRIFOLIA / COAST LIVE OAK (STD. FORM)	VL
A	**SCREEN SHRUBS (5-8' HEIGHT)**			
	ARC DEN 'HM'	5G	ARCTOSTAPHYLOS DENSIFLORA 'HOWARD MCMINN' / MANZANITA	VL
	CEA 'C'	5G	CEANOTHUS 'CONCHA' / CONCHA WILD LILAC	L
	HET ARB	5G	HETEROMELES ARBUTIFOLIA / TOYON	VL
	MYR CAL	5G	MYRICA CALIFORNICA / PACIFIC WAX MYRTLE	L
B	**UPRIGHT ACCENT SHRUBS (SINGULAR ACCENT)**			
	ARB UNE 'EK'	5G	ARBUTUS UNEDO 'ELFIN KING'/ DWARF STRAWBERRY TREE	L
	COT COG	15G	COTINUS COGGYGRIA / SMOKE TREE	L
C	**ACCENT SHRUBS (SMALL GROUPS OF 3 TO 5)**			
	AGA ATT 'N'	5G	AGAVE ATTENUATA 'NOVA' / BLUE FOXTAIL AGAVE	L
	AGA DES 'V'	5G	AGAVE DESMETIANA 'VARIEGATA' / VARIEGATED SMOOTH AGAVE	L
	COR AUS 'RS'	5G	CORDYLINE AUSTRALIS 'RED SENSATION'/NEW ZEALAND CABBAGE TREE	L
	KNI UVA	5G	KNIPHOFIA UVARIA / RED HOT POKER	L
	YUC GLO 'W'	5G	YUCCA GLORIOSA 'WALBRISTAR' / BRIGHT STAR YUCCA	L
D	**MEDIUM-HEIGHT SHRUBS (3-4' HEIGHT)**			
	ANI 'BR'	5G	ANIGOZANTHOS 'BIG RED' / RED KANGAROO PAW	L
	CAL 'LJ'	5G	CALLISTEMON 'LITTLE JOHN' / DWARF BOTTLEBRUSH	L
	CHO TEC	5G	CHONDROPETALUM TECTORUM / CAPE RUSH	L
	RHA CAL 'MSB'	5G	RHAMNUS CALIFORNICA 'MOUND SAN BRUNO' / DWARF COFFEEBERRY	L
	ROS OFF 'TB'	5G	ROSMARINUS OFFICINALIS 'TUSCAN BLUE' / ROSEMARY	L
	SAL GRE 'FR'	5G	SALVIA GREGGII 'FURMAN'S RED' / AUTUMN SAGE (RED)	L
	SAL MIC 'HL'	5G	SALVIA MICROPHYLLA 'HOT LIPS' / HOT LIPS SAGE	L
E	**VINES**			
	BOU 'SDR'	5G	BOUGAINVILLEA 'SAN DIEGO RED' / BOUGAINVILLEA (RED)	L
	ROS BAN 'L'	5G	ROSA BANKSAEA 'LUTEA' / LADY BANKS ROSE	L
F	**GROUND COVER**			
	A	18"OC	ACHILLEA 'PAPRIKA'/ PAPRIKA YARROW	L
	B	36" OC	ANIGOZANTHOS 'BUSH RANGER' / RED KANGAROO PAW	L
	C	60" OC	BACCHARIS PILULARIS 'TWIN PEAKS' / PROSTRATE COYOTE BRUSH	VL
	D	4' OC	BERBERIS THUNBERGII 'CRIMSON PIGMY'/ NCN	L
	E	48" OC	BOUGAINVILLEA 'ROSENKA' / BOUGAINVILLEA (ORANGE-PINK)	L
	F	30" OC	CAREX TUMULICOLA / BERKELEY SEDGE	L
	G	8' OC	CEANOTHUS 'YANKEE POINT' / CARMEL CEANOTHUS	L
	H	6' OC	ROSMARINUS OFFICINALIS 'HUNTINGTON CARPET' / (NCN)	L
	I	3' OC	SALVIA 'DARA'S CHOICE / DARA'S CHOICE SAGE	L
	J	12" OC	SENECIO MANDRALISCAE / BLUE CHALK STICKS	L
G	**GRASSES**			
	BOU GRA 'BA'	1G	BOUTELOUA GRACILIS 'BLONDE AMBITION' / BLUE GRAMMA GRASS	L
	CAL ACU 'KF'	1G	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'/FEATHER REED GRASS	L
	FES MAI	1G	FESTUCA MAIREI / ATLAS FESCUE	L
	LEY CON 'CP'	1G	LEYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE WILD RYE	VL
	SES AUT	1G	SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS	M

MULCH
MULCH ALL GROUND COVER AND PLANTER AREAS WITH 3" MINIMUM LAYER 'WALK-ON' BARK.

NOTE: PLANT LIST IS FOR CONVENIENCE ONLY; IN CASE OF DISCREPANCY BETWEEN THE PLAN AND THE SCHEDULE, THE PLAN SHALL PREVAIL.

LEGEND
VL = VERY LOW WATER USE
L = LOW WATER USE
M = MEDIUM WATER USE
H = HIGH WATER USE
G = GALLONS
B = BOX
STD. = STANDARD FORMS
LB = LOW BRANCHING FORM

***WATER-USE EVALUATION OF PLANT MATERIALS**
WATER USE OF PROPOSED PLANTS HAVE BEEN EVALUATED USING THE "WATER USE CLASSIFICATION OF LANDSCAPE SPECIES" (WUCOLS IV, UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.)

Grasses

Bouteloua 'Blonde Ambition' · Calamagrostis 'Karl Foerster' · Festuca mairei · leymus 'Canyon Prince' · Sesleria autumnalis

Shrubs

Anigozanthos Big Red · Arbutus unedo 'Elfin King' · Archtostaphylos Howard McMinn · Chondropetalum tectorum · Cordaline Red Sensation · Cotinus coggygria · Kniphofia uvaria · Rhamnus Mound San Bruno · Salvia Hot Lips · Yucca gloriosa 'Walbristar'

Ground Covers

Achillea Paprika · Anigozanthos Bush Ranger · Baccharis Twin Peaks · Berberis Crimson Pygmy · Bougainvillea Rosenka · Carex tumulicola · Ceanothus Yankee Point · Rosmarinus Huntington Carpet · Salvia Dara's Choice · Senecio mandraliscae

Trees

Arbutus 'Marina' · Arbutus unedo · Callistemon viminalis · Cercis occidentalis · Eriobotrya deflexa · Melaleuca quinquinervia · Metrosideros excelsa · Pyrus calleryana 'Aristocrat' · Quercus agrifolia · Ulmus parvifolia 'Drake'

Jim Burrows
Landscape Architecture
979 Osos Street, Suite B6, San Luis Obispo CA 93401
805.439.3209 www.jbla-slo.com

DATE: 02/19/2019 JBLA # 18-101

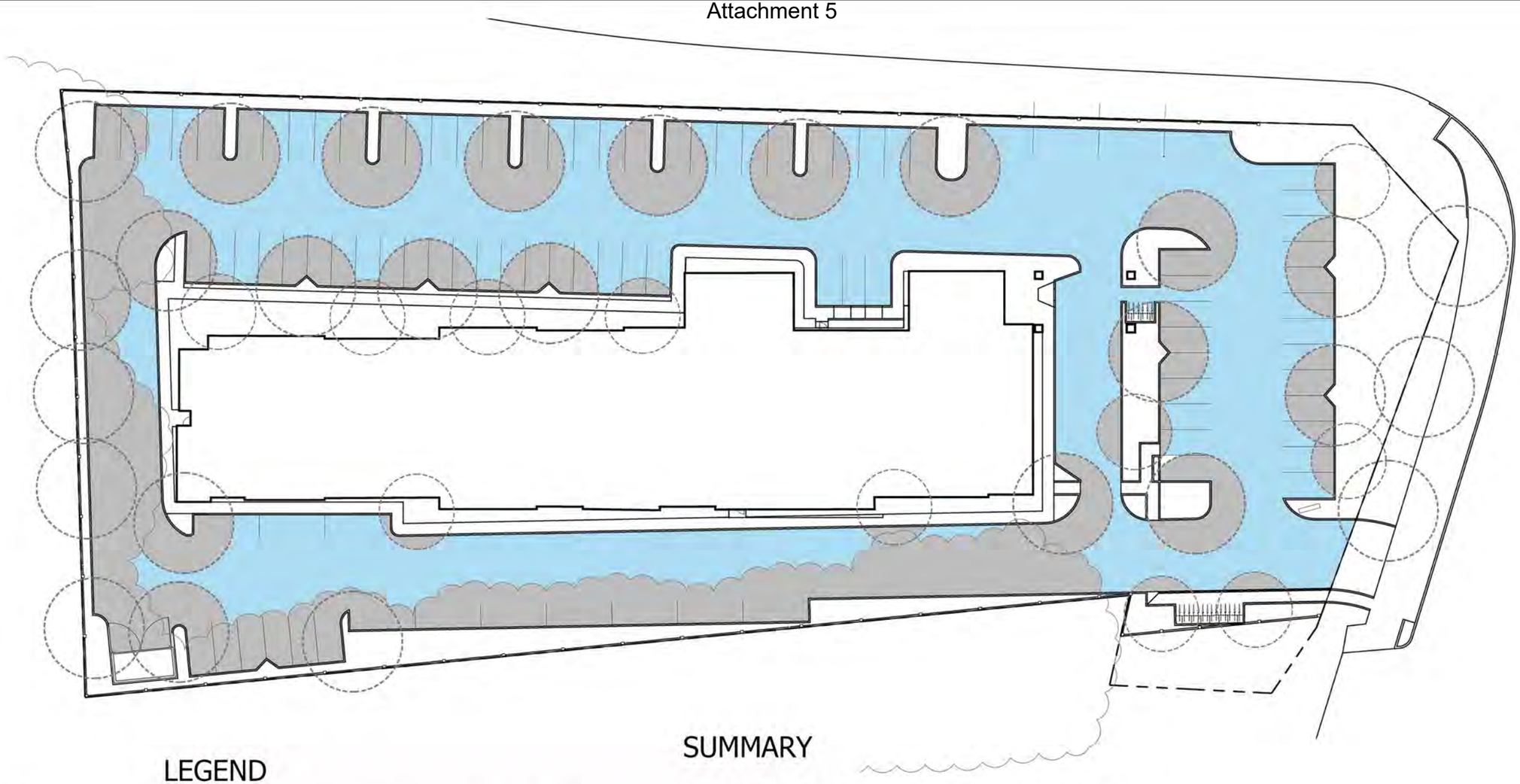
Client:
Escape Hospitality, LLC
590 Morro Ave.
Morro Bay, CA. 93442

L-2

PROPOSED PLANT MATERIALS
& WATER EFFICIENT LANDSCAPE WORKSHEET

MORRO BAY HOTEL
ATASCADERO ROAD
MORRO BAY, CA 93401

Attachment 5



LEGEND

- Tree Canopy at Mature Size
- Shaded Portion of Parking (59%)
- Unshaded Parking (41%)

SUMMARY

Parking Lot (Stalls & Driveways): 45,301 sf
Shaded Portion of Parking Lot: 21,089 sf (47%)
Unshaded Portion of Parking Lot: 24,212 sf (53%)

Parking Stalls: 15,514 sf
Shaded Portion of Parking Stalls: 9,145 sf (59%)
Unshaded Portion of Parking Stalls: 6,396 sf (41%)

JBLA
Jim Burrows
Landscape Architecture
978 Cedar Street, Suite 100 San Luis Obispo, CA 93401
805.419.3209 www.jblaslo.com

DATE: 02/19/2019 JBLA # 18-101

PARKING SHADE STUDY

Scale: 1" = 40'-0"

Client:
Escape Hospitality, LLC
590 Morro Ave.
Morro Bay, CA. 93442

L-3

MORRO BAY HOTEL
ATASCADERO ROAD
MORRO BAY, CA 93401

City of Morro Bay City Council

295 ATASCADERO ROAD
CUP19-13 & CDP19-039
COASTAL DEVELOPMENT & CONDITIONAL USE PERMIT

NEW CONSTRUCTION OF 83-GUESTROOM HOTEL 56,358SF ON A VACANT 2 ACRE LOT

APPLICANT: ESCAPE HOSPITALITY, LLC
AGENT: CATHY NOVAK CONSULTING
MARCH 10, 2020

MORRO BAY
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City of Morro Bay City Council

MORRO BAY
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MBMC 17.40.030 – PD Overlay

- The Planned Development Overlay requires Concept/Precise Plan approval for projects on private property greater than an acre.
- The Overlay allows for modification of development standards by Planning Commission or City Council upon a finding of greater than normal public benefit.
- Requested modifications include height and parking lot landscape design standards.

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Planning Commission conditions

13. Landscaping evaluated by 3rd party arborist or landscape architect.

- Applicant requests a modification to this condition based on unreasonableness and asserts project is consistent with City's master tree list and drought tolerant requirements.

- Staff response: Given the request for height modification, PC condition allows for review in order to ensure protection of visual resources.

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Planning Commission conditions

14. Provide Monterey cypress trees along east side of property.

- Applicant states planting Monterey cypress on east side not appropriate with insufficient room and could impact 50% screening requirement.

- Staff response: Condition allows for reduction of parking planter area or consolidation of parking in order to increase screening consistent with mitigation requirements. This will be reviewed by the peer review arborist.

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Planning Commission conditions

15. Work with SLCUSD to offer up to 4 Monterey cypress trees to be used as interplanting.

- Applicant objects to condition requirement to pay for 3rd party to evaluate efficacy and that it should be sole responsibility of School District.

- Staff response: PC discussed in detail request for height modification and unique site constraints. Extra height acceptable based on location of Monterey cypress trees. Although windrow of trees off-property, PC condition requires offer to School to assist with tree maintenance.

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Planning Commission conditions

16. Remove roof-mounted mechanical equipment & relocate to lower roof on south elevation by removing shed roof design.

- Applicant response included revised plans relocating roof-mounted mechanical equipment. Parapet proposed to screen equipment from view.

- Staff response: Redesign of shed roof on south elevation addresses PC condition. Redesign is to ensure height is kept to minimum.

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Planning Commission conditions

17. Extend corten steel around upper portion of north elevation.

- Revised plans now show corten steel siding at north elevation.

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Planning Commission conditions

18. Provide conduit & circuits to accommodate 2 additional level 3 EV charging stations.

- Applicant requests this condition to be modified based on increased financial costs and electrical voltage for level 3 chargers.

- Staff response: Current zoning does not require EV charging, though CBC requires infrastructure for 5. Applicant proposes additional number of EV charging as benefit under the PD overlay. Providing conduit and circuits at installation does not require additional numbers to be installed now but provides infrastructure to make it more economical to upgrade in the future.

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Planning Commission conditions

19. Show on plans an area to accommodate tour bus parking.

- Plans revised to indicate accommodation of potential 3 tour buses on west side of parking lot.

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Original Design:

Original Design seen at 2-4-2020 PC meeting:

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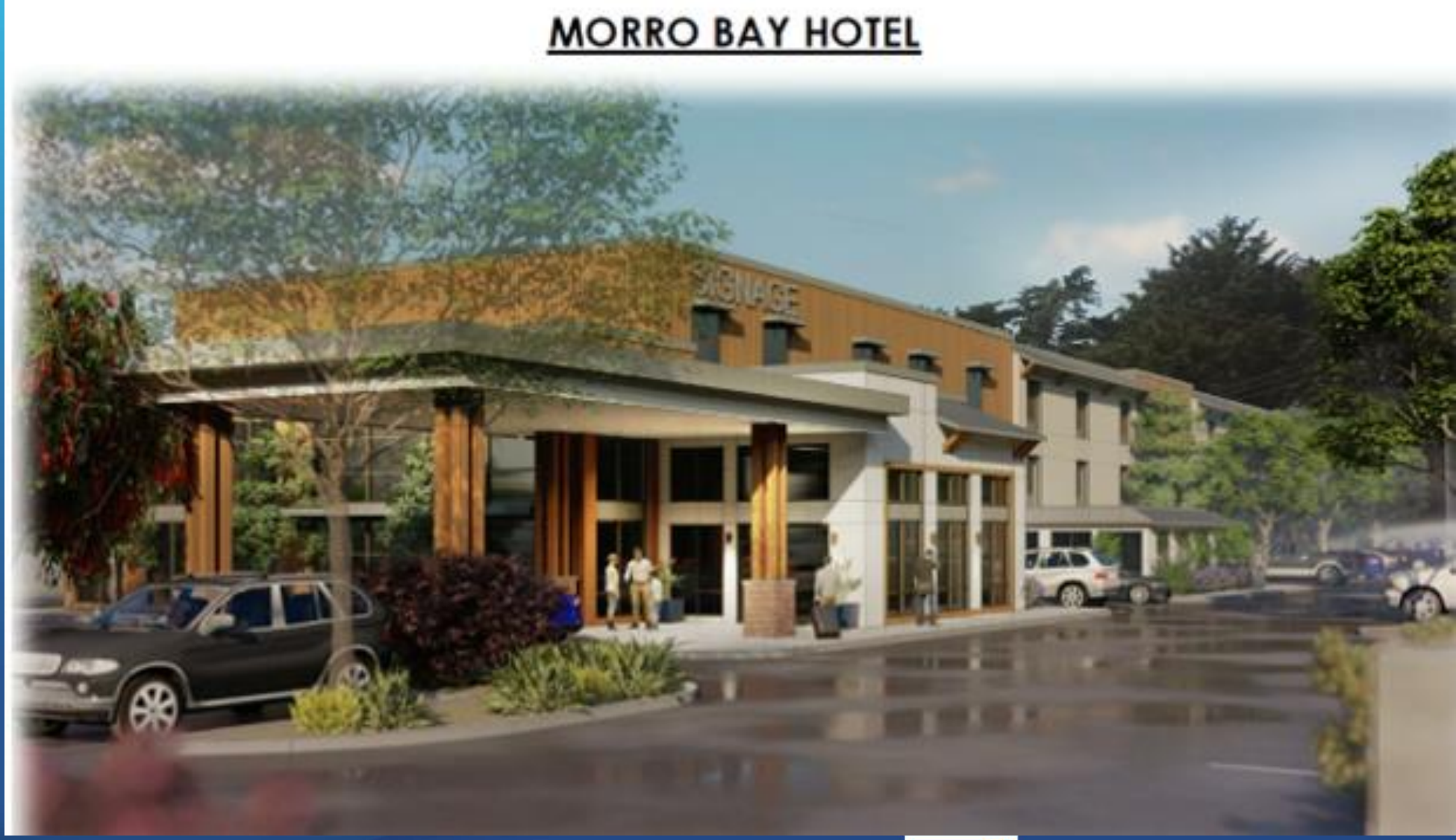
Revised Design :

Revised Design with Shed Roof Removed at Southern End:



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Original Design as seen at 2-4-2020 PC meeting with Shed Roof at Southern End:

Revised Visual Simulation/

View from Southbound Hwy 1 off ramp

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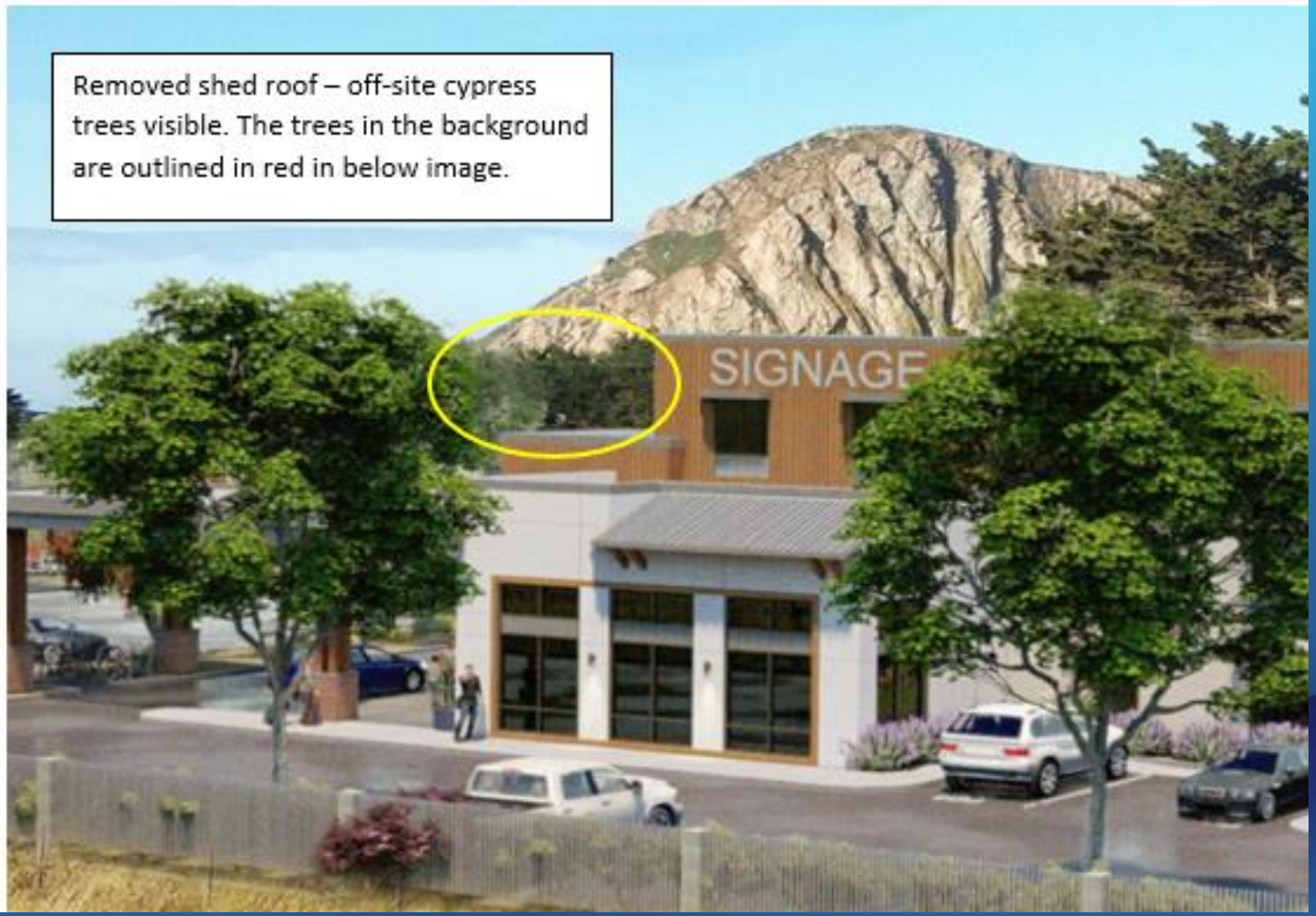
Revised Design with Shed Roof Removed at Southern End:



Revised Visual Simulation/

View from South bound Hwy 1 off ramp

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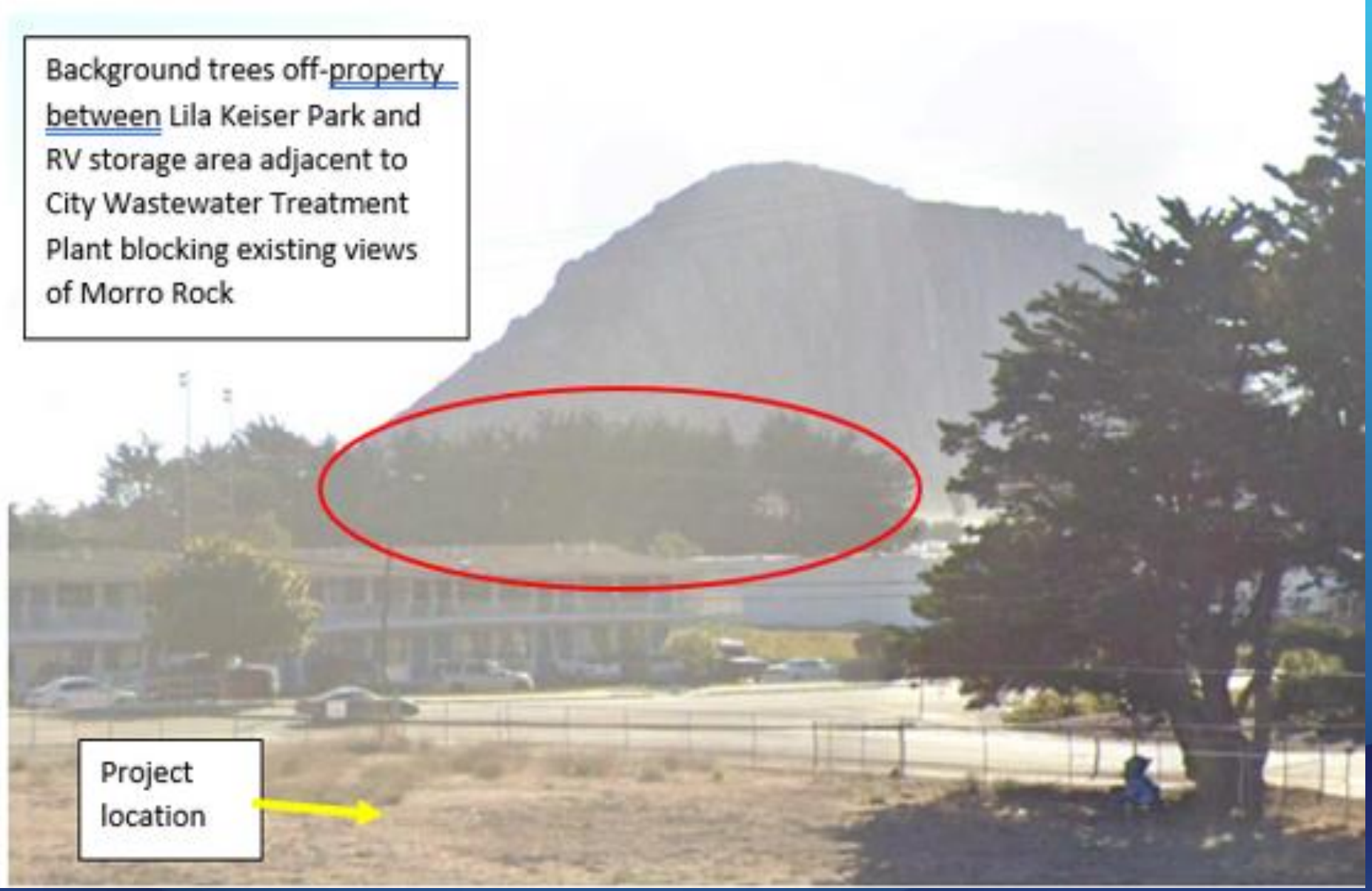
Project Location



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Environmental Review

- An initial study was prepared which resulted in a Mitigated Negative Declaration (MND). The MND was circulated to the State Clearinghouse and responsible agencies for the required 30 day period which ended January 24, 2020. Two letters were received from SLO County Air Pollution Control District & Caltrans. Their comments have been incorporated into the Mitigation & Monitoring Plan (MMP). With mitigation, all impacts have been reduced to less than significant.

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PUBLIC BENEFIT

- Nine electric-vehicle (EV) charging stations open to the public. This include 7 Level 2, and 2 Level 3 stations. This includes one of the EV stations to be ADA accessible. EV charging stations would be available to the public.

- Extension of the Class 1 bike lane across the property frontage. Intent of improvements would be as a 12 foot multi-use path for bicyclists and pedestrians.

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PUBLIC BENEFIT

- Proposes a dedication of a stub portion to MBHS for use as extension of their bike lane adjacent to their eastern driveway entrance.

- Various green measures such as net zero energy goal, bike share, recycle content building materials, LED lighting, reflective roofing, permeable paves, high performance glazing system, etc.

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General Plan / LCP Consistency

Project located in Planning Area 5 – Morro Rock of the GP Land Use Element LCP Coastal Land Use Plan which acknowledge commercial visitor-serving uses and Visual Resource Policies 12.01 and 12.02 address protection of scenic and visual qualities of coastal areas.

View analysis – Story pole placement and field visits from both Highway and adjacent streets and east of Highway 1 demonstrated that view blockages would have minimal effect on availability of views to Morro Rock.

MND analysis concluded that the revised design would have minor effect of approx. 1 second of view blockage to travelers on southbound Hwy 1.

Revised shed roof further minimizes view impacts.

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Conclusion

- City Council adopted major City goals for 2019-2020 include Goal #1: Achieve Economic and Fiscal Sustainability.
- Revised project and plans addresses previous Planning Commission input
- Due to PD overlay, modification of development standards is allowed with finding of greater than normal benefit.
- Modifications are requested for height and parking design standards.

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Conclusion

- Applicant has proposed public benefit that meets finding of greater than normal including electric vehicle charging for general public use, extension of Class 1 bike lane/multi-use path, dedication of property to School District, as well as numerous green building features incorporated into plans.

- The revised project design and recommended conditions have been designed to not diminish or detract from existing public views of Morro Rock.

- The resulting project supports the request for modification by providing an overall better design that fits site constraints.

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Staff Recommendation:

Planning Commission has forwarded a favorable recommendation which is reflected in the Council resolution No. 21-20. Staff recommends approval of CDP #19-039 and CUP #19-13 and adoption of the Mitigated Negative Declaration with Mitigation and Monitoring Plan.

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AGENDA NO: C-1

MEETING DATE: March 10, 2020

Staff Report

TO: **Honorable Mayor and City Council** **DATE: March 5, 2020**

FROM: **Scott Collins, City Manager**

SUBJECT: **Review Progress Update and Concept Plans from Central Coast Aquarium for Potential Future Morro Bay Aquarium**

RECOMMENDATION

Staff recommend the City Council

1) Receive and file the combined Milestone #3 and #4 update from Central Coast Aquarium (CCA);
2) Accept the Aquarium Concept Plans from Tenji and RRM;
3) Direct City staff to return, by the second Council meeting in September, 2020, with a Consent of Landowner agreement for the Aquarium project.

ALTERNATIVES

None.

FISCAL IMPACT

There is no fiscal impact related to the recommendation.

BACKGROUND

At its the March 12, 2019, meeting, Council approved the City of Morro Bay moving forward in a partnership with CCA and Cal Poly's Center for Coastal Marine Sciences in pursuing a new Aquarium project on the waterfront, based on the proposal and an economic market and feasibility study presented by CCA. Included in that approval was a one-year timeline to include four milestones:

1) Concept / Philanthropic Plan presented to Council within 90 days.
2) Business Marketing Plan presented to Council within 180 days.
3) Concept / Philanthropic Plan update presented to Council at 270 days.
4) Final report at the end of one year with regard to further decisions on moving forward.

Also, on March 12, 2019, the Council appointed a sub-committee consisting of Mayor Headding and Councilmember Addis to, in part, to assist the CCA in their philanthropic and other efforts.

At its June 25, 2019, the Council was presented with the 90-day Milestone #1 report in agenda item C-1. That report included an update on process, design/engineering consultant RRM's proposal for Aquarium architectural concept design, consultant Tenji Aquarium Design's proposal for aquarium exhibit design, and a March 13 to June 18, 2019, project activity report from CCA highlighting accomplishments to date. The Council did not take any formal action on this item.

Prepared By: ___SC_____	**Dept Review: _____**
City Manager Review: _____	**City Attorney Review: __CFN____**

At the October 8, 2019, Council meeting, CCA provided the 180-day milestone #2 report. That report included a detailed Morro Bay Aquarium Business Marketing Plan, as well as an update on fundraising efforts and CCA's pledge to move forward with developing the Aquarium Exhibit and Architectural Design Plans through a stakeholder process and in consultation with Tenji Aquarium Design and RRM. During that same meeting, CCA announced the funding goal had been met for the creation of the concept plan.

CCA, with the assistance of RRM and Tenji and City staff, pulled together a broad range of stakeholders, including Cal Poly faculty, Cal Poly Pier manager, and staff from both the Morro Bay National Estuary Program and California State Parks, to participate in two-day design charrettes in November 2019, that served as the conceptual basis for the plans. CCA and consultants took that input and developed draft concept plans that have been reviewed by stakeholders, including representatives from Cal Poly's Center for Coastal Marine Sciences, as well as the City Council sub-committee and staff. Based upon that input, changes were made to the concepts, and the product of that inclusive process is now being presented to City Council in the form of high level plans.

Staff has attached 3rd and 4th Quarter report for Council review. CCA combined the two quarters into one report for the sake of efficiency. In partnership with the City, CCA has checked all the boxes outlined by City Council in March of 2019; most critically, is the development of plans for a future Morro Bay Aquarium that is before Council to review.

DISCUSSION

The concept package (attached) represents a significant step forward for the proposed project. The package is a joint submittal of architectural renderings by RRM and aquarium exhibits by Tenji and reflect the input gathered during the design charrette process.

According to the designers, "a new aquarium in Morro Bay tells the story that no other community can tell: the story of two extreme and exciting environmental contrasts where the calmness of the estuary differs drastically from the wildness of the open ocean and how the marine species depend upon each environment to thrive. The goal of the aquarium is to focus on the unique estuary and open ocean environment by providing opportunities for immersive, interactive marine science learning in order to encourage good stewardship of the estuary and the ocean now and into the future."

The concept design envisions around 20 individual hands-on, interactive exhibits with living aquatic features on the first floor, including one exhibit that extends outdoors and can be viewed from the Harborwalk by the public. The second floor is planned to include flexible classroom and meeting space, a small administrative and volunteer office area, and open spaces that would feature temporary exhibits or interactive wet and dry exploration tables. Cal Poly's interests are represented in the plan with a proposed dock area and easy access to the classrooms from the dock for teaching and research purposes. A sublevel is necessary to house the 'back of the house' life support systems for the aquarium operation in order to maximize the first level exhibit space for the visitor (Package page A-7).

The estimated project cost is still being developed by the designers and will be shared with City Council on March 10th during the project presentation. In addition, CCA and City staff are reviewing issues related to seawater intake and outfall with the Central Coast Regional Water Quality Control Board in regard to permitting, as well as potential seawater discharge to the City sewer system if the system can sufficiently process the amount of seawater proposed for discharge. Some

information may be available as a result of on-going discussions and; if so, then will be presented at the meeting on March 10th. Final design decisions about a seawater system will be made after this research is complete, but the water system has been designed to be flexible.

The architectural renderings presented by RRM include three requested exceptions as they relate to height, view corridor, and second-floor alignment; and they were discussed in detail in advance with City staff and are explained on the attached concept package page A-11.

City staff recommends City Council review and accept the Aquarium Exhibit and Architectural Design Plans, as submitted by RRM and Tenji. They represent an extensive amount of effort and engagement with stakeholders, and include improvements made to those plans as result of significant input. If constructed, then the Aquarium as proposed, would provide a welcome new amenity to the largest tourist serving area of the City.

Staff further recommends Council direct staff to develop a Consent of Landowner (COL) agreement over the coming months to bring back to Council for review. The COL would include potential terms for the lease site and include objective milestones for the Council to monitor the progress of the project. That approach will provide time for CCA's Board of Directors to review the unified concept package in late March and to formally engage Cal Poly on their interest in supporting the project. Staff would return with recommended terms for the COL and an update from CCA within the next several months. The concept plan will serve as basis for the capital fundraising campaign, which would begin in earnest once a COL is approved.

ATTACHMENTS

1. Morro Bay Project Combined 3rd and 4th Quarter Activity Report, October 1, 2019 – March 1, 2020
2. Unified Aquarium Exhibit and Architectural Design Concept Package

OUR MISSION

To cultivate a community dedicated to ocean stewardship through education, engagement, and action.

Morro Bay Project Combined Third & Fourth Quarter Activity Report:

October 2, 2019 to March 3, 2020

Submitted to City of Morro Bay by Christine Johnson, Executive Director, Central Coast Aquarium

- ✓ October 8**:** Central Coast Aquarium (CCA) presented the second quarter update to the City of Morro Bay including the presentation of the **Morro Bay Aquarium Business Plan**.

  And, **CCA announced the funding goal had been met, $38,200, for the Concept Design Plan Phase**. Donors included Cal Poly along with several Morro Bay businesses from tourism, hotel, and retail sectors.

- ✓ October 10: **Based on successful fundraising, CCA executed two contracts** as previously proposed. First was for an Architectural Concept Design Core and Shell from RRM Design Group: $19,200. Second was for an Aquarium Exhibit Concept Plan from Tenji Aquarium Design: $18,000. Working in tandem, RRM Design will be the local firm helping with shell and core architectural design while Tenji will use a "rapid design process via a charrette whose goal is to develop pre-design parameters for future development and create a drawing package and narrative that sets the foundation for all future design phases."

- ✓ October 18: First planning meeting for the Concept Design Charrette process with CCA, City Staff, RRM and Tenji. **Scheduled the two-day design charrette to occur Morro Bay on November 18 and 19.**

- ✓ November 5 & 6: CCA Team visits regional aquariums ahead of planning charrette for ideas, inspiration and advice. The following facilities were toured: Santa Barbara Sea Center, Roundhouse Aquarium in Manhattan Beach, California Science Center in Los Angeles, Cabrillo Marine Aquarium in San Pedro, Aquarium of the Pacific in Long Beach, Heal the Bay Aquarium in Santa Monica.

- ✓ November 11: CCA conference call with Tenji for charrette planning.

- ✓ November 12: CCA Team makes final visit to a regional aquarium ahead of planning charrette for ideas, inspiration and advice. Visited Seymour Marine Discovery Center on campus at UC Santa Cruz.

- ✓ November 17: **CCA hosted kickoff of Concept Design Charrette Process for donors** to the project and gathered feedback on the following in advance of the charrette: *What **values** do we want to share with visitors? What **affective/emotional experiences** do we want visitors to carry away with them? How do we want the audience to be **different as a result of their Morro Bay Aquarium experience**?* These responses were shared at the charrette.

- ✓ November 18 & 19: **Completed a very successful two-day Design Concept Planning Charrette in Morro Bay** using the Fire Department conference room. Attendees over the two-day process: Tenji Aquarium Designers, RRM Architects, City of Morro Bay key staff members; CCA staff and key volunteers; Cal Poly faculty and Cal Poly Pier manager; CA State Parks staff member; Morro Bay National Estuary Program staff member.

- ✓ December 5: Conference Call with Tenji, RRM and CCA for status update on Concept Design Plan progress.

- ✓ December 11: Meeting with CCA and City Council Aquarium Subcommittee for status update on Concept Design Plan progress.

- ✓ December 12: Meeting with RRM Architects, CCA, and City Staff to review City's waterfront development guidelines.

- ✓ December 16: CCA Board of Directors received Concept Design Plan status update at December Board Meeting.

- ✓ December 20: CCA hosted Morro Bay Tourism Department staff for behind-the-scenes tour of Avila aquarium.

- ✓ January 13: Phone call between CCA and Morro Bay Mayor for status update on Concept Design Plan in process.

- ✓ January 17: Phone call between CCA and Morro Bay City Manager for status update on Concept Design Plan in process.

- ✓ January 24: CCA Board of Directors received Concept Design Plan status update at January Board Meeting.

- ✓ January 27: Phone call between CCA, RRM, and Tenji for status update on Concept Design Plan.

- ✓ February 11: CCA met with City Staff Team for status update on Concept Design Plan.

- ✓ February 21: Meeting with CCA, Tenji, Cal Poly, City Staff regarding intake/outfall/discharge for seawater system including discussion about permitting process.

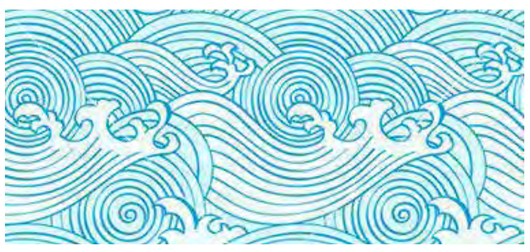
- ✓ March 10: CCA presents Third & Fourth Quarter Update to the City of Morro Bay and the community at the City Council Meeting, which is the **presentation of the completed Architectural and Aquarium Exhibit Concept Design Plan for a new Morro Bay Aquarium.**

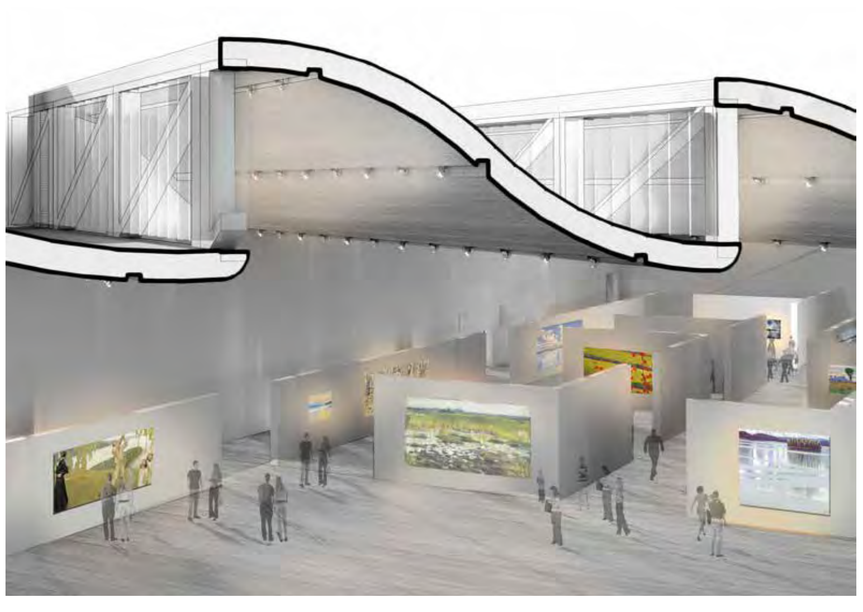
MORRO BAY AQUARIUM

MORRO BAY CONTEXT IMAGES

1645-01-CO19
03 MARCH 2020

A1





TENJI INC

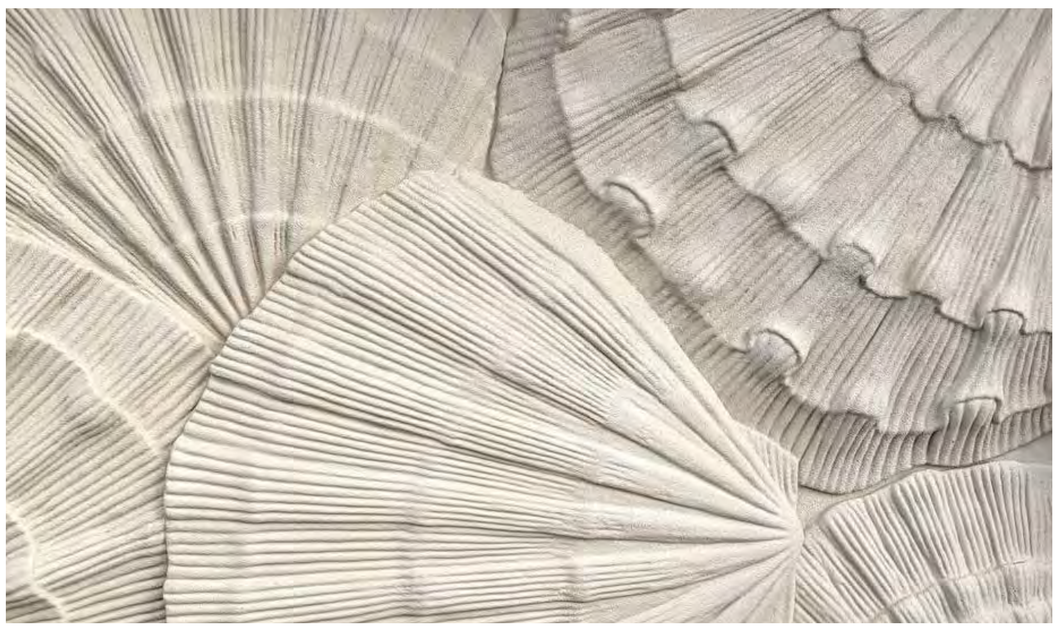
rrm design group

MORRO BAY AQUARIUM

WHARF TYPOLOGY AND INSPIRATIONAL IMAGES

1645-01-CO19
03 MARCH 2020

A2



MORRO BAY AQUARIUM

PLAZA / ART INSPIRATION

1645-01-CO19
03 MARCH 2020

A3

STATISTICS

SITE AREA: 11,346 SF. = 0.26 ACRES

LAND USE COVERAGE ALLOWED: 70% = 7,942 SF
PROPOSED: 7,463 SF

MAX. ALLOWED HEIGHT: 17 FT. OR 25' WITH PUBLIC BENEFIT PROVIDED
MAX. PROPOSED HEIGHT: 26'-3" FT.
REQUIRED SETBACKS: 5' FRONT AVG. STREET LEVEL
10' FRONT SECOND LEVEL
0' SIDE
0' REAR
FRONT AVERAGE CALCULATION: 86.8'*5' = 434 SF SETBACK
PROVIDED: 500 SF > 434 SF OK. DIAGONAL DASHED AREA
REQ. & PROPOSED FRONT SIDEWALK: 8'-0"
REQ. & PROPOSED WATER BOARDWALK: 10'-0"
REQ. 80% OF ROOF MUST HAVE MINIMUM 4:12 SLOPE 88% PROPOSED OVER 4:12 SLOPE
12% PROPOSED AT 1:12 SLOPE

BUILDING STATS:

BASEMENT LEVEL: 3,591 SF
GROUND LEVEL: 7,463 SF
SECOND LEVEL: 5,224 SF (70% OF GROUND FLOOR)
GRAND TOTAL: **16,278 SF**

PARTICULARLY APPLICABLE DESIGN GUIDELINES HIGHLIGHTED:
1. OVERLAY DISTRICT ITEM "A"= 80% OF ALL ROOFS FOR BOTH ONE AND TWO STORY STRUCTURES SHALL BE SLOPING WITH A MINIMUM 4:12 PITCH
2. CHAPTER 5: FIGURE 5.3: "VIEW CORRIDOR EXAMPLE - WATERFRONT - CRITERIA FOR CORNER LEASE SITES"

EXCEPTIONS REQUESTED:

PROPOSED HEIGHT: +1'-3" OVER 25'-0" TO ACCOMMODATE NEEDED 14' CEILING HEIGHTS FOR TANK EXHIBITS.

PROPOSED VIEW CORRIDOR ADJUSTMENT: 60 DEGREE ANGLED TRANSPARENT BUILDING DISPLAY OF SHARK FOR PUBLIC BENEFIT. ENCROACHMENT REDUCES VIEW CORRIDOR BY A MAXIMUM OF 10%= 194 SF OF GROUND FLOOR SPACE ONLY. ANGLE BEGINS AT A 32'6" FRONT SETBACK AND AT A 25'-3" REAR SETBACK

PROPOSED SECOND FLOOR SETBACK VARIATION: 25% LENGTH OF SECOND FLOOR HAS A 0'-0" SETBACK TO PROVIDE CONTEXTUAL COMMERCIAL ARCHITECTURE ALONG THE EMBARCADERO

TENJI INC

rrm design group

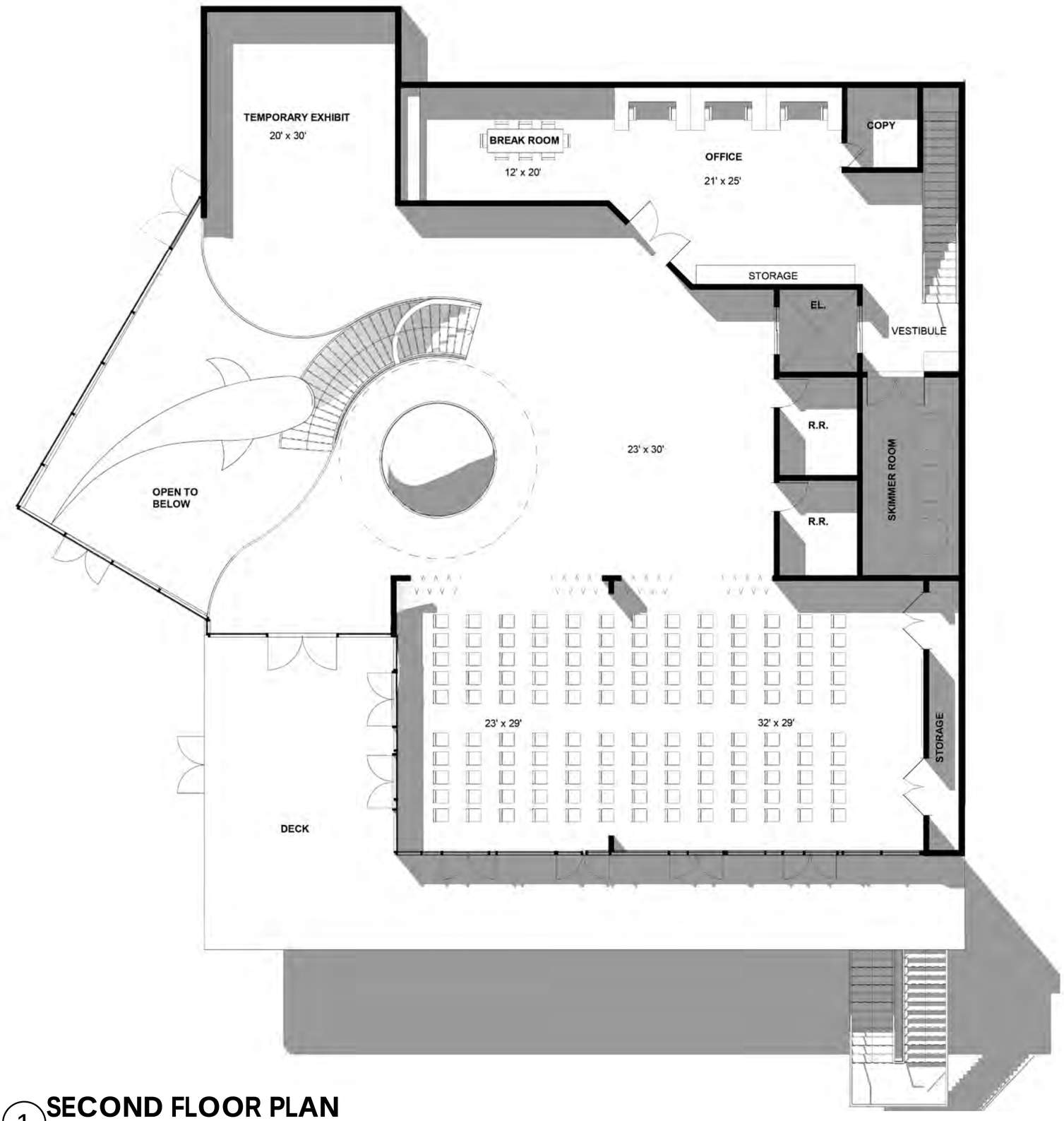
MORRO BAY AQUARIUM

GROUND FLOOR AND SITE PLAN

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

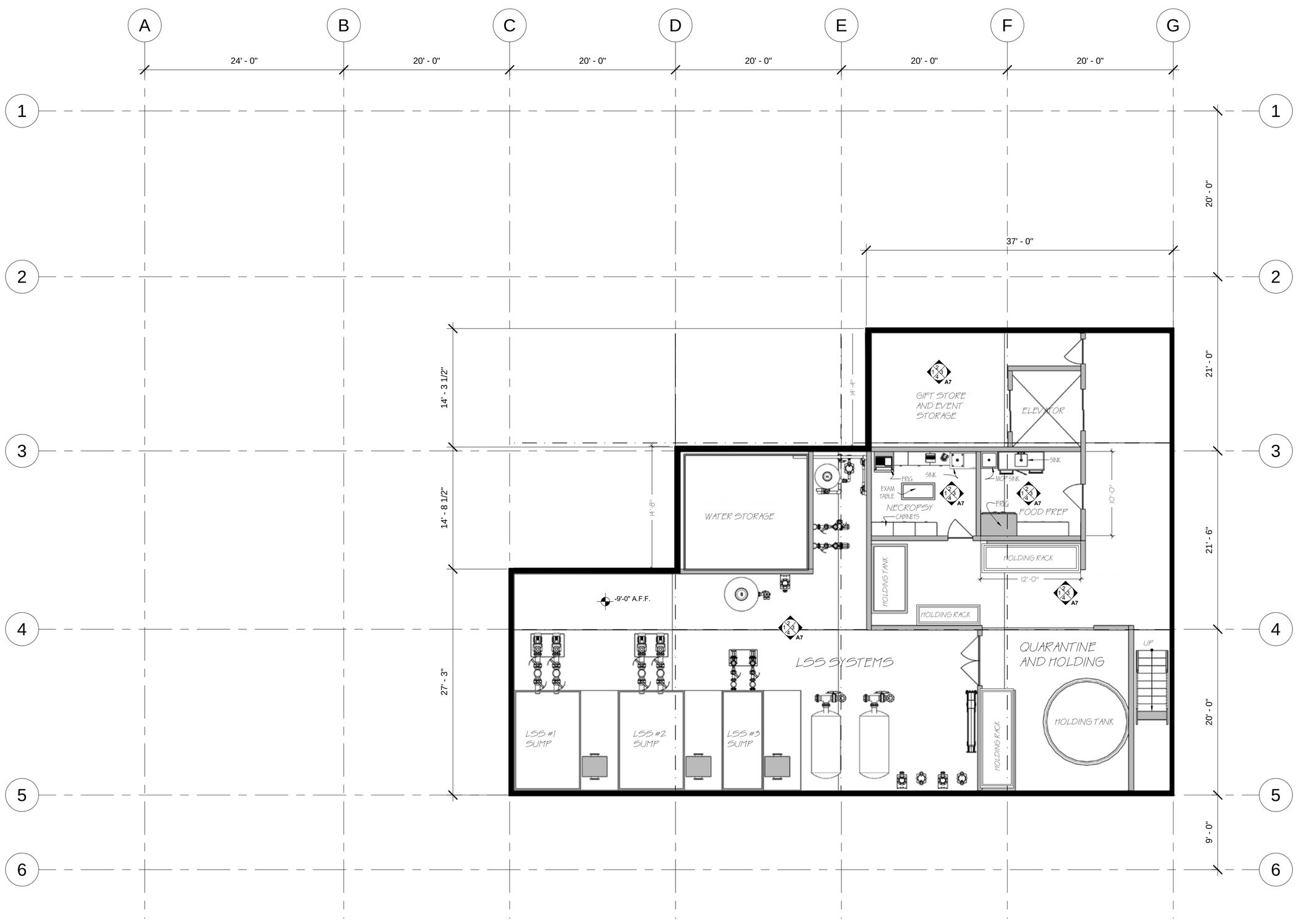
1645-01-CO19
03 MARCH 2020

A4



1 SECOND FLOOR PLAN

1/8" = 1'-0" (24 X 36 SHEET)



2 BASEMENT FLOOR PLAN

1/8" = 1'-0" (24 X 36 SHEET)

MORRO BAY AQUARIUM

SECOND AND BASEMENT FLOOR PLANS

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

1645-01-CO19
03 MARCH 2020

A5

1 EMBARCADERO ELEVATION

2 PLAZA ELEVATION

2 BAY FRONT ELEVATION

TENJI INC

rrm design group

MORRO BAY AQUARIUM

ELEVATIONS

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

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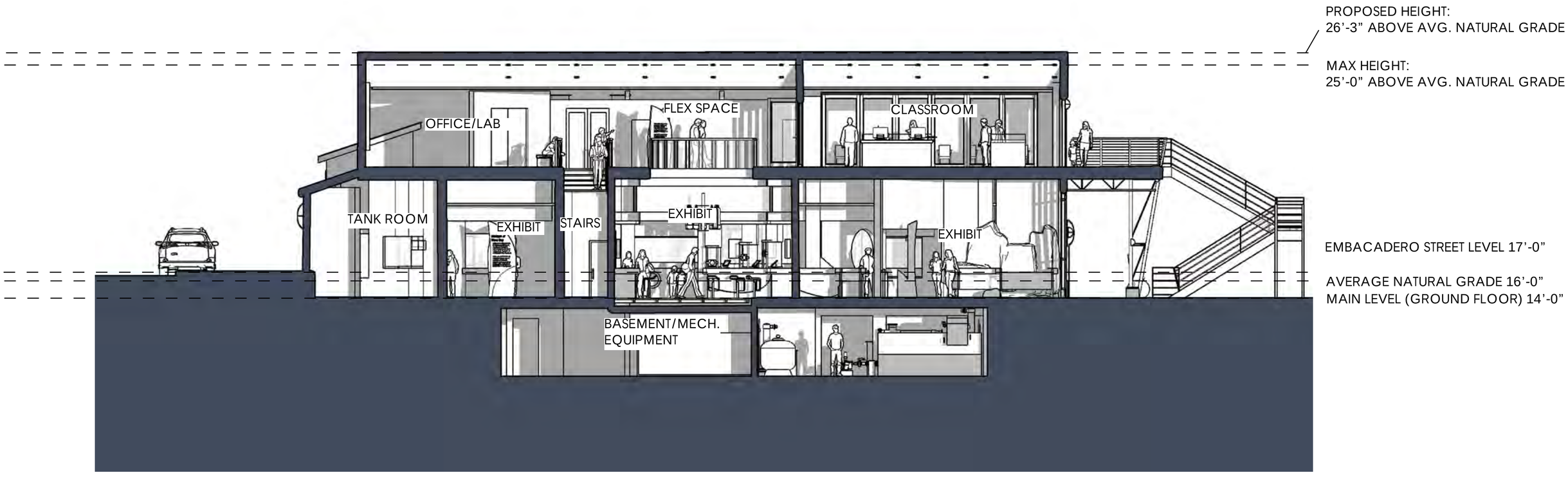
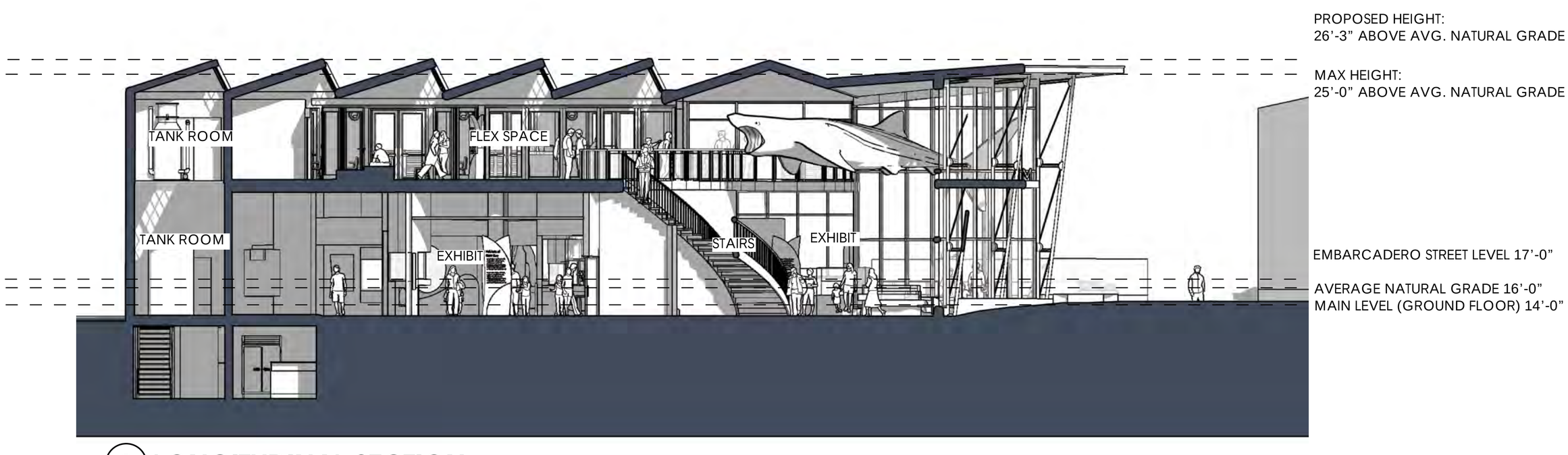
A6



1 **CROSS SECTION**



2 **LONGITUDINAL SECTION**

HEIGHT CALC:

LOW POINT OF SITE: 15'-0"
HIGH POINT OF SITE: 17'-0"

AVG. NATURAL GRADE:
(15' + 17') / 2 = 16'
MAX. ALLOWED HEIGHT= 41'-0"
MAX PROPOSED HEIGHT= 43'-2"

*HEIGHTS BASED OFF ROUGHLY OBSERVED

TERRAIN ELEVATIONS ABOVE SEA LEVEL

TENJI INC
rrm design group

MORRO BAY AQUARIUM
ELEVATION AND SECTION

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

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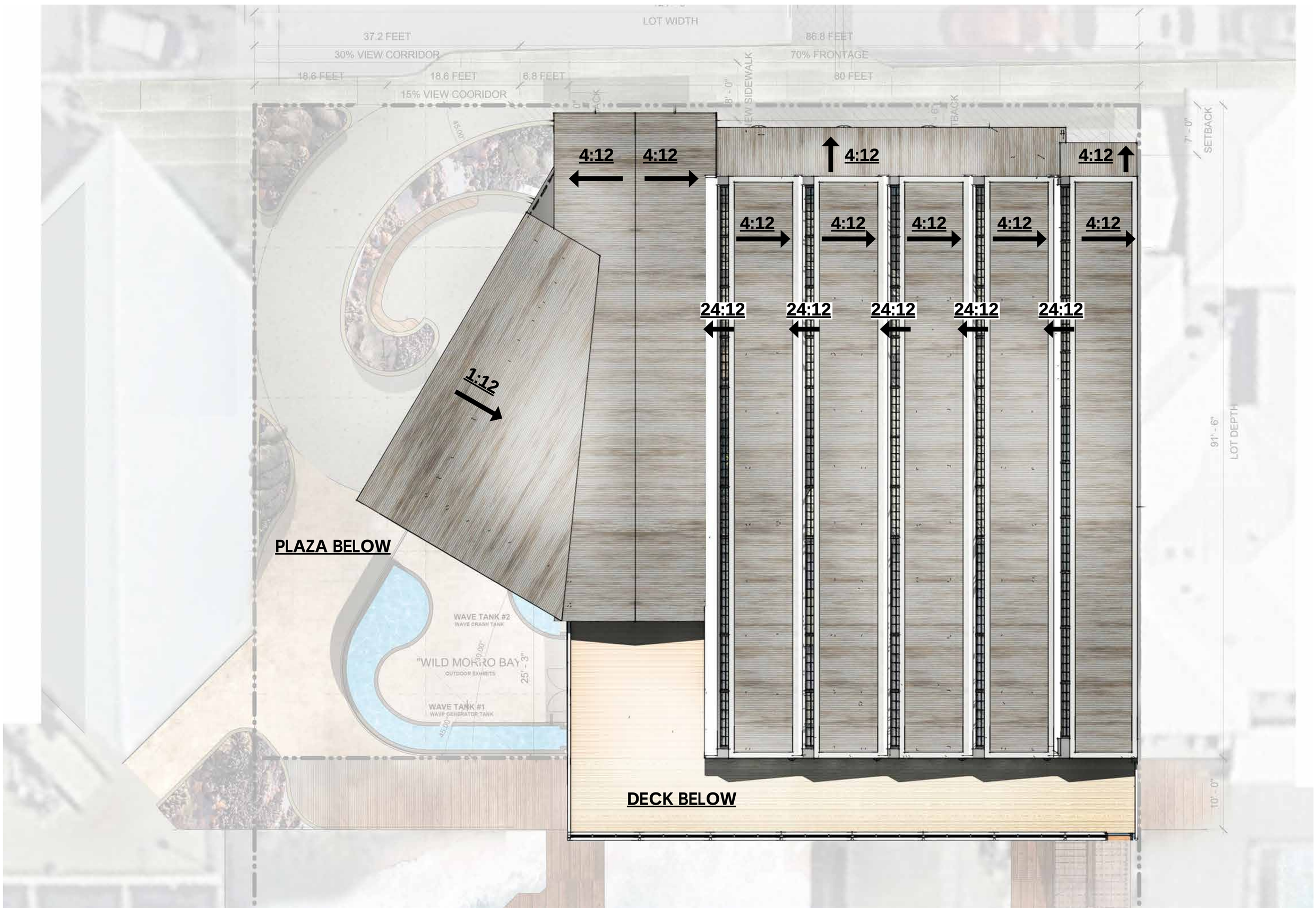
03 MARCH 2020

A7

① VIEW FROM EMBARCADERO



② ROOF PLAN

REQ. 80% OF ROOF MUST HAVE MINIMUM 4:12 SLOPE 88% PROPOSED OVER 4:12 SLOPE
12% PROPOSED AT 1:12 SLOPE

TENJI INC

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MORRO BAY AQUARIUM

EXTERIOR PERSPECTIVES & ROOF PLAN

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

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A8

1 VIEW FROM BAY BOARDWALK APPROACH AT PLAZA

2 VIEW FROM BAY

TENJI INC

rrm design group

MORRO BAY AQUARIUM

GROUND FLOOR PLAN

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

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03 MARCH 2020

A9

1 **VIEW FROM SECOND FLOOR FLEX EXHIBIT SPACE**

2 **VIEW FROM LOBBY**

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rrm design group

MORRO BAY AQUARIUM
INTERIOR PERSPECTIVES

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

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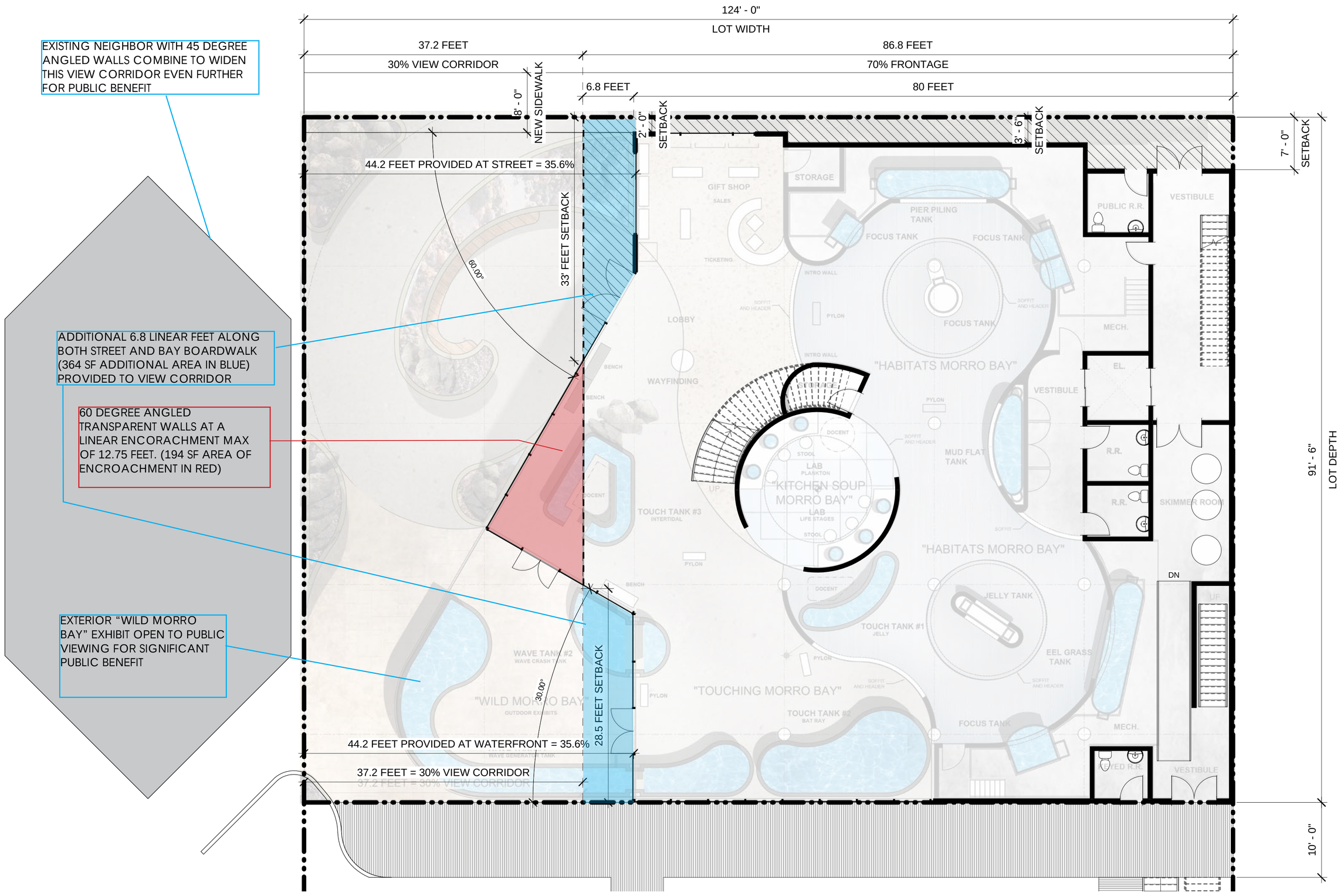
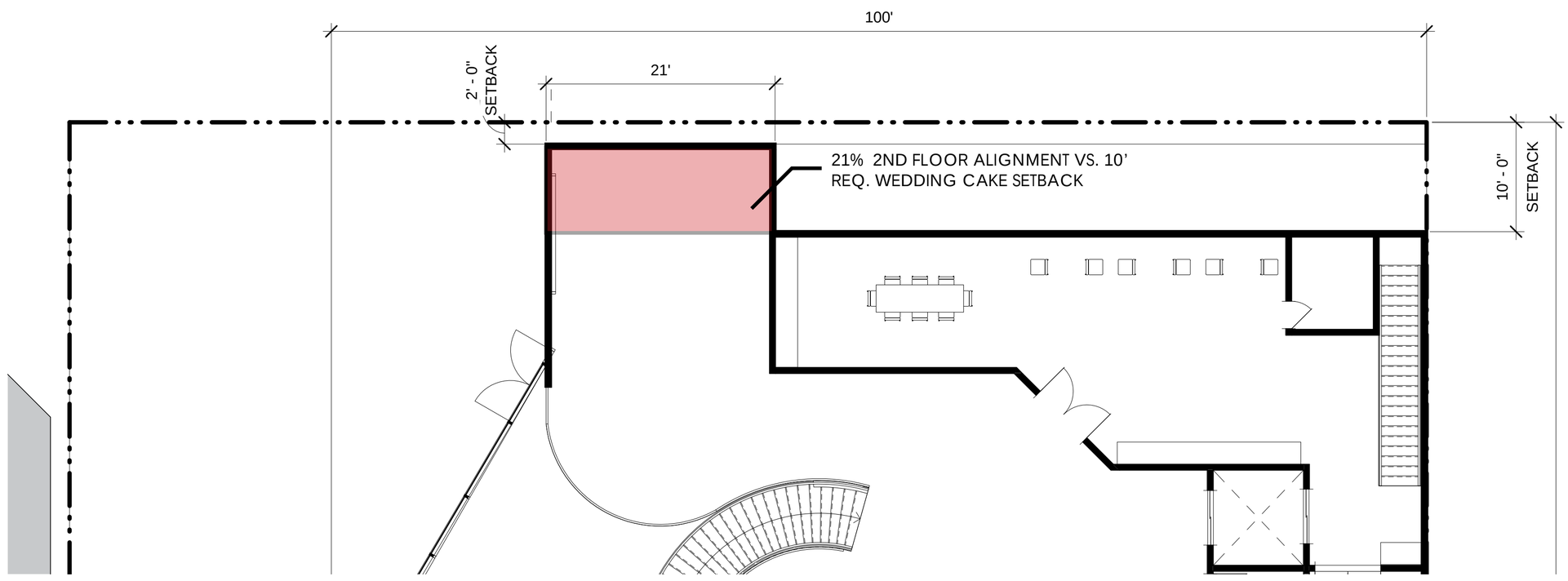
03 MARCH 2020

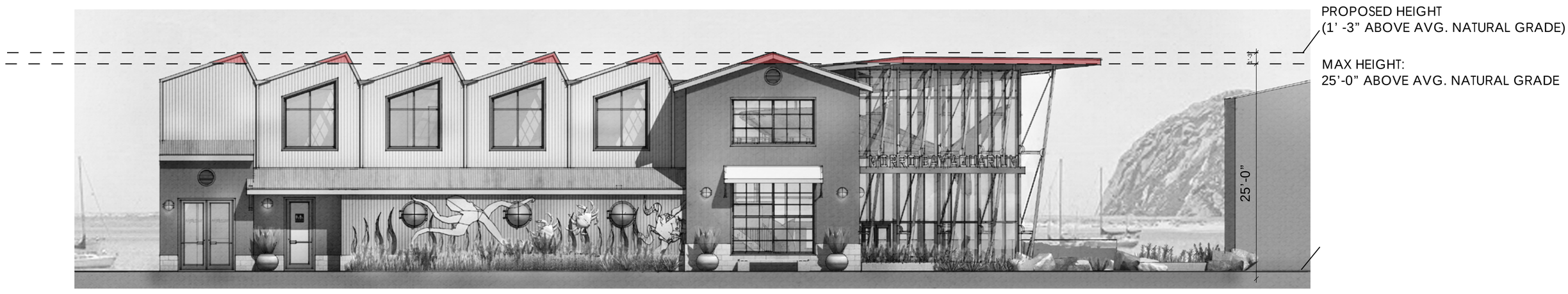
A10



1 **VIEW CORRIDOR EXCEPTION:** PROPOSING 5.6% LARGER (6.8 FEET) LINEAR VIEW CORRIDOR WIDTH ON SITE AT STREET AND WATERFRONT. AFTER A 33' FOOT SETBACK, PROPOSING A 60 DEGREE ANGLED TRANSPARENT ENCROACHMENT. THIS TRANSPARTENT PORTION OF THE BUILDING IS SPECIFICALLY DESIGNED TO PROVIDE SIGNIFICANT PUBLIC AMENITY VIA VIEWS OF BASKING SHARK DISPLAY BOTH FROM THE EMBARCADERO AND THE BAY BOARDWALK. NO SECOND FLOOR SPACE PROPOSED. BUILDING WILL BE BUILT OF TRANSPARENT GLAZING SYSTEM WITHIN THIS VIEW CORRIDOR. SEE EMBARCADERO RENDERING ON SHEET A8. PROJECT INCLUDES THE DEISGN OF A PUBLIC PLAZA WITH VIEWS INTO EXTERIOR "WILD MORRO BAY" EXHIBIT FOR ADDITIONAL SIGNIFICANT PUBLIC BENEFIT ALONG THE WATERFRONT.



2 **TWO-STORY MASSING ALIGNMENT.** PROPOSING AN ALIGNMENT OF THE SECOND AND GROUND FLOOR TO CREATE A TWO-STORY STOREFRONT IN ORDER TO FIT THE CHARACTER OF THE STREET FRONT ALONG THE EMBARCADERO. A FULLY "WEDDING-CAKE" SECOND FLOOR SETBACK DOES NOT ALIGN WITH THE EXISTING ARCHITECTURAL STREET CHARACTER OF MORRO BAY'S EMBARCADERO. THIS EXCEPTION SPECIFICALLY AIMS TO PROVIDE A RELIEF, PROPER PROPORTIONS, AND VARIATION IN THE FRONT ELEVATION ALONG THE EMBARCADERO. IT REPRESENTS 21% OF THE FRONT BUILDING FACADE.



3 **MAX BUILDING HEIGHT:** PROPOSING A 1'-3" MAX HEIGHT INCREASE ABOVE ALLOWED 25'-0" MAXIMUM HEIGHT. THIS INCREASE IS ONLY BRIEFLY NEEDED IN THE TOP PORTIONS OF EACH GABLE AND A MINIMAL LENGTH OF THE BASKING SHARK DISPLAY. THIS HEIGHT EXCEPTION IS BEING ASKED DUE TO TWO FACTORS: (1.)THE BUILDING IS TALLER AS IT COMPLIES WITH MIN 80% 4:12 ROOF SLOPE PER THE DESIGN GUIDELINES. SEE ROOF PLAN ON SHEET A8. (2.) THE PROPOSED PLATE HEIGHTS ARE NECESSARY DUE TO THE NATURE OF AN AQUARIUM THAT NEEDS 14'-0" CLEAR SPACE FOR ITS AQUARIUM TANK DESIGN, MAINTENANCE AND SERVICING.

HEIGHT CALC:

LOW POINT OF SITE: 15'-0"
HIGH POINT OF SITE: 17'-0"

AVG. NATURAL GRADE:
(15' + 17') / 2 = 16'
MAX. ALLOWED HEIGHT= 41'-0"
MAX PROPOSED HEIGHT= 43'-2"

*HEIGHTS BASED OFF ROUGHLY OBSERVED TERRAIN ELEVATIONS ABOVE SEA LEVEL

TENJI INC

rrm design group

MORRO BAY AQUARIUM

EXCEPTIONS EXHIBITS

1/8" = 1'-0" (24X36 SHEET)
0 4 8 16
1/16" = 1'-0" (12X18 SHEET)

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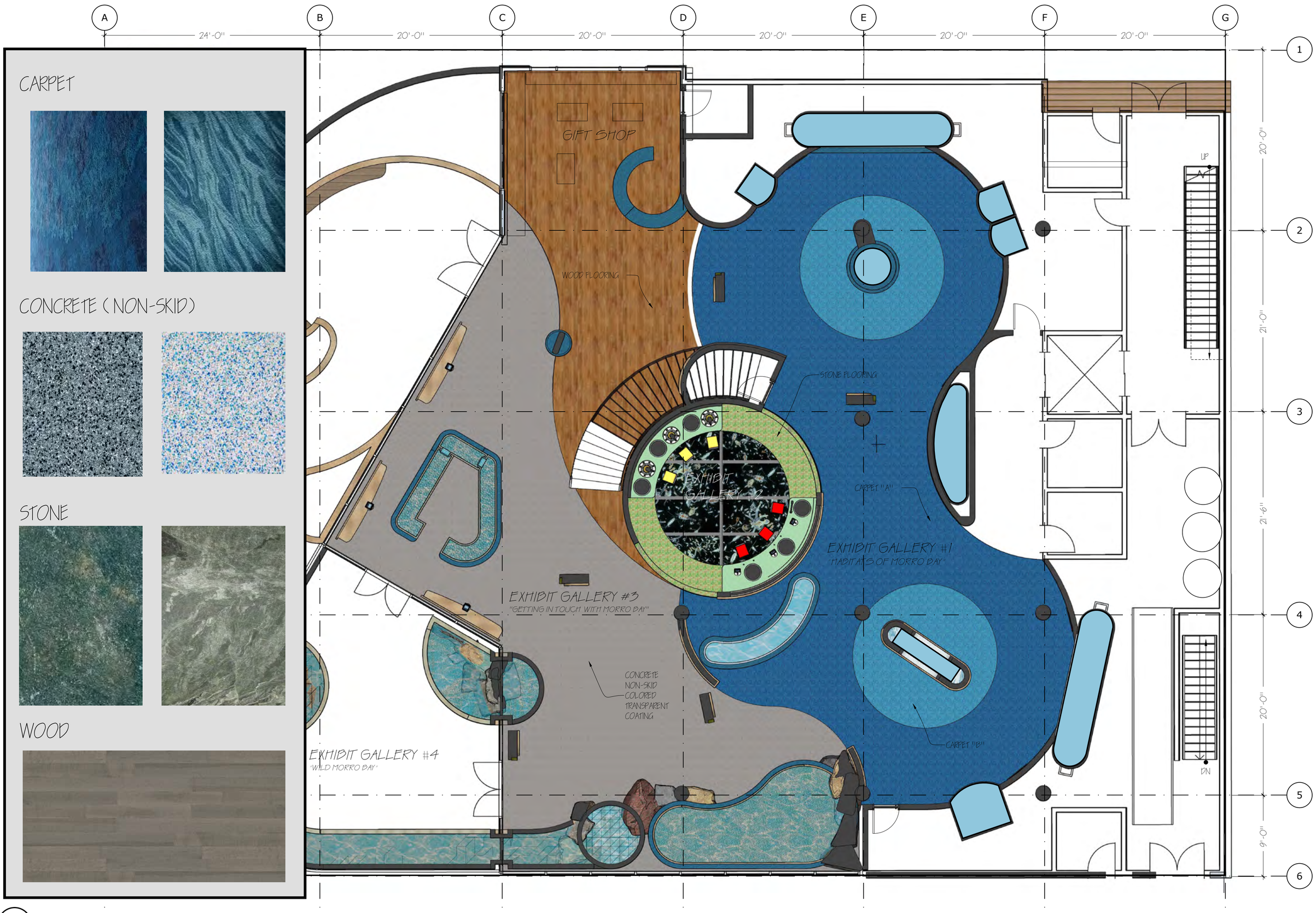
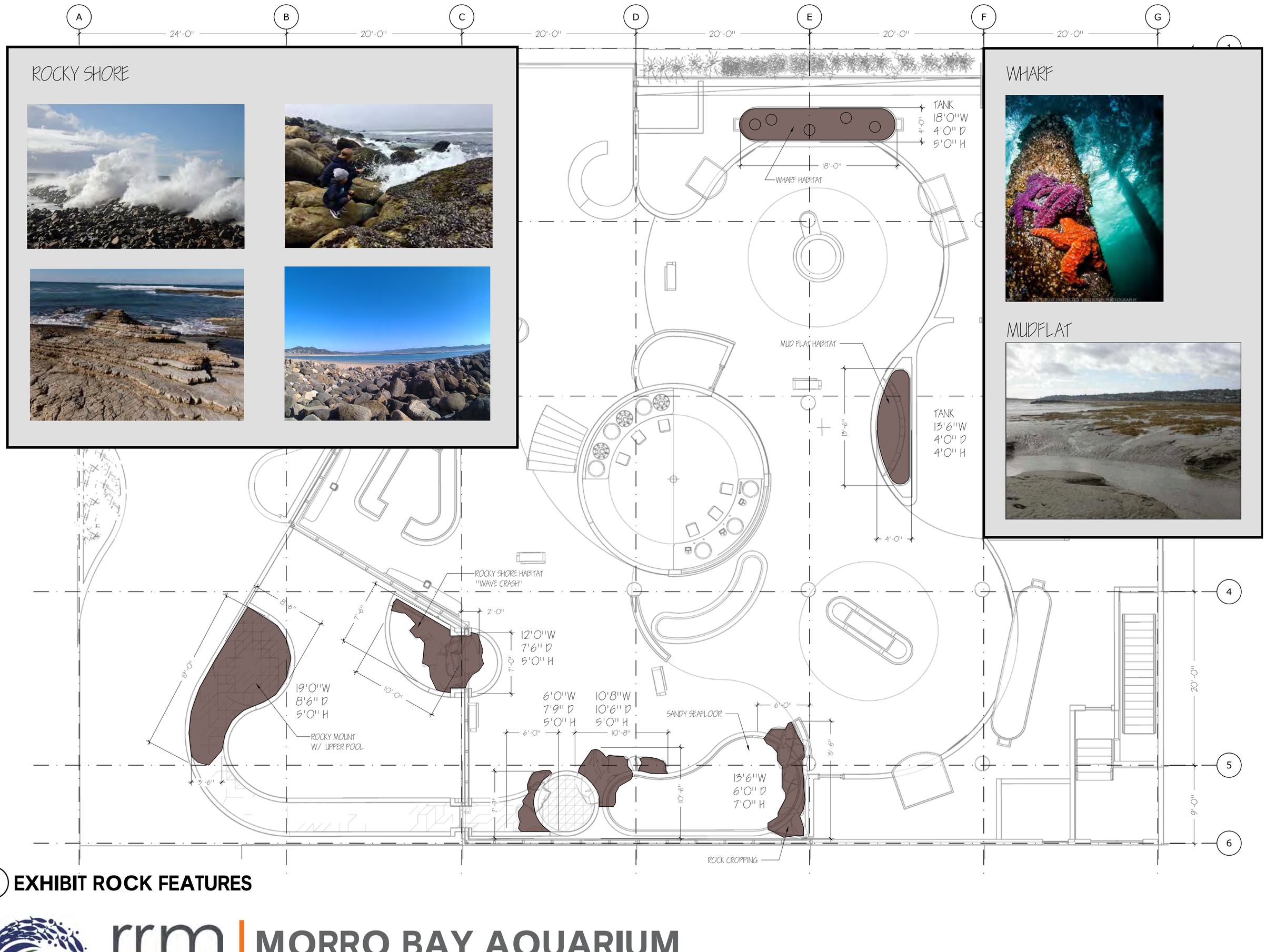
A11



1 **EXHIBIT SPACE FLOORING**



2 **EXHIBIT ROCK FEATURES**

TENJI INC

rrm design group

MORRO BAY AQUARIUM

PROPOSED INTERIOR CONCEPTS

1645-01-CO19
03 MARCH 2020

A12

VIDEO MICROSCOPE

MAGNIFIER SLIDER

TOUCH TANKS

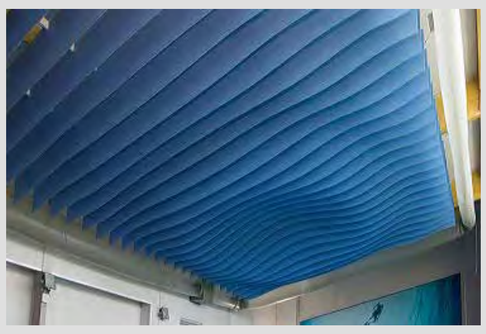
MECHANICAL INTERACTIVE

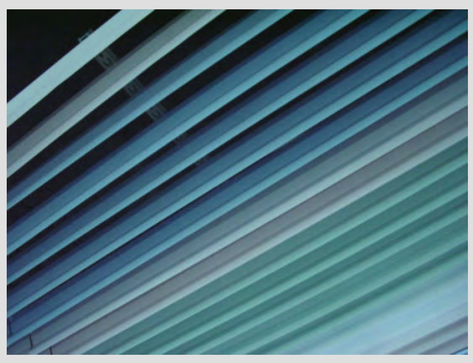
VIDEO FLOOR SYSTEM

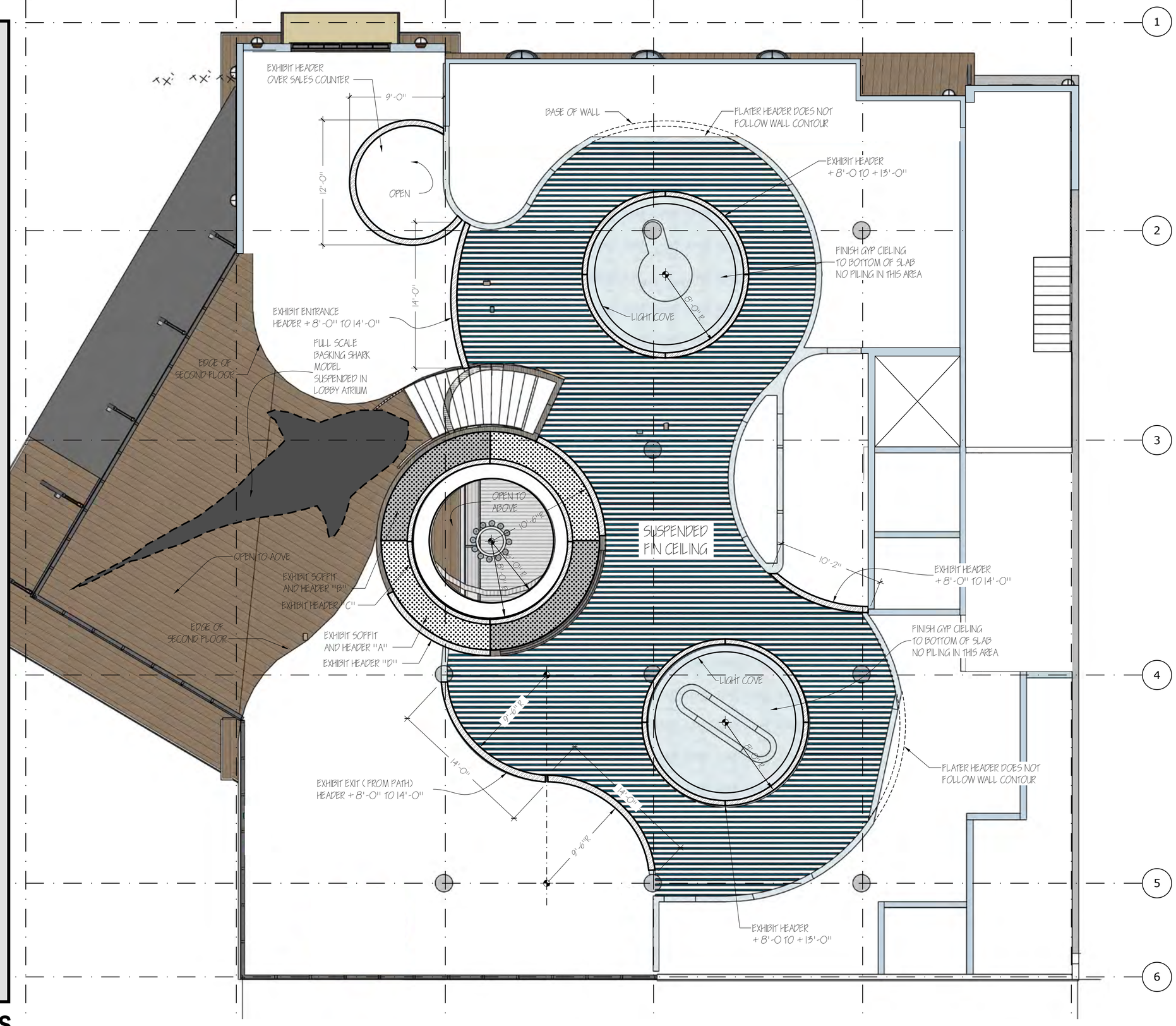
FLEXIBLE LED SYSTEM

1 **EXHIBIT INTERACTIVE FEATURES**

FIN CEILING







2 **EXHIBIT CEILING FEATURES**

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MORRO BAY AQUARIUM

PROPOSED INTERIOR CONCEPTS

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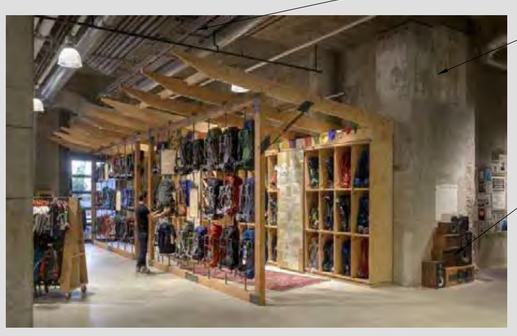
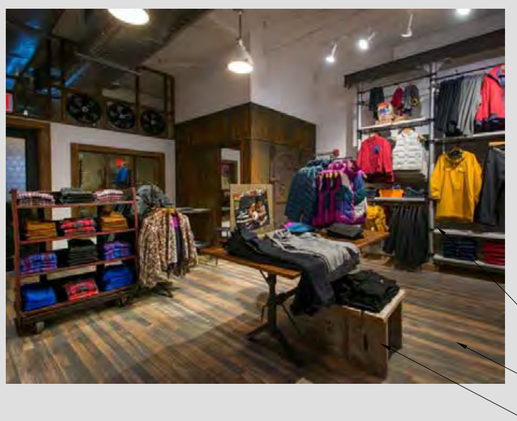
A13

STORE FIXTURES





3D TITLE LETTERING

GLASS ENTRY PANELS TO LIMIT SIZE OF OPENING BUT TO ALLOW SIGHTLINES THROUGH TO MERCH

EXPOSED MECHANICAL SYSTEMS

INDUSTRIAL ARCH MATERIALS

EXPOSED ARTIFACTS

WINDOWS

HANGING MERCH BETWEEN ARCH SYSTEMS

STEEL ARCH STRUCTURE

WALL UNITS

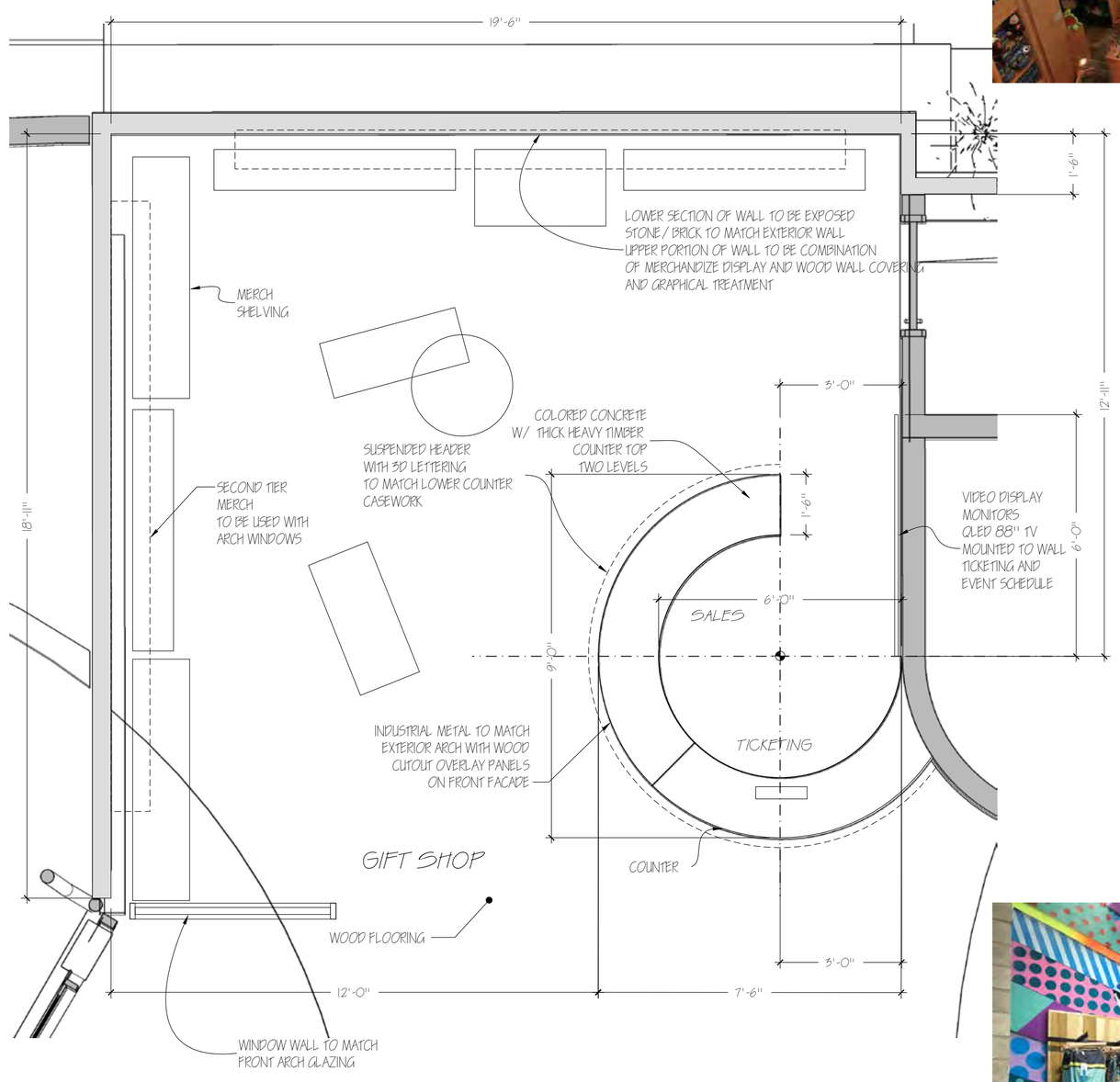
WOOD FLOORING

SIMPLE LOCAL ARTIFACTS

HANGING ART

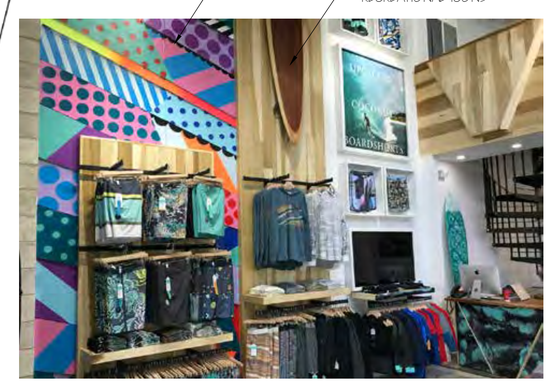
STACK MERCH

FREESTANDING RACKS

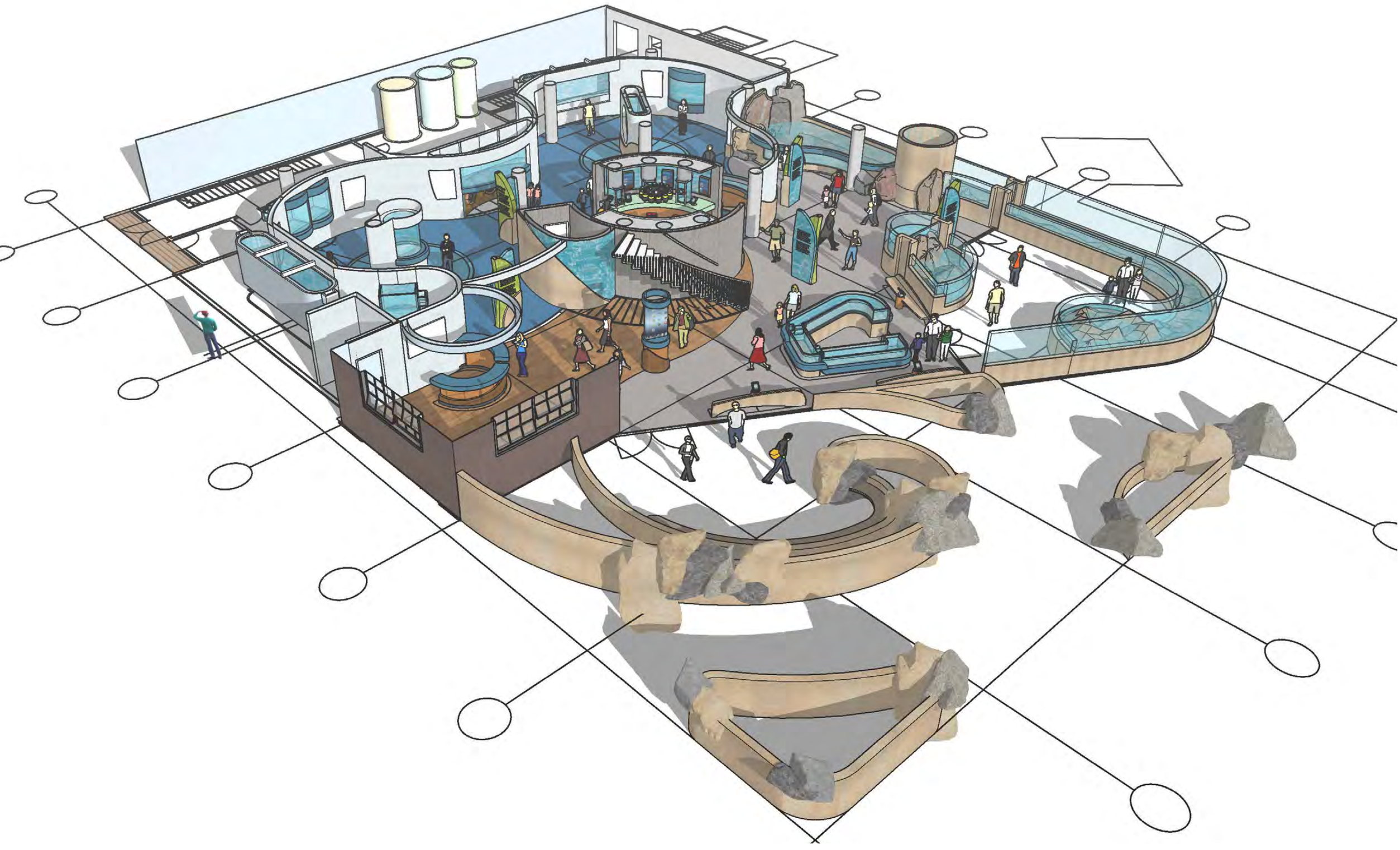


COLORFULL BANNERS

RECREATIONAL ICONS



1 GIFT SHOP FEATURES



2 GROUND FLOOR EXHIBIT SPACE - AXO 3D FLOOR PLAN

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MORRO BAY AQUARIUM

PROPOSED INTERIOR CONCEPTS

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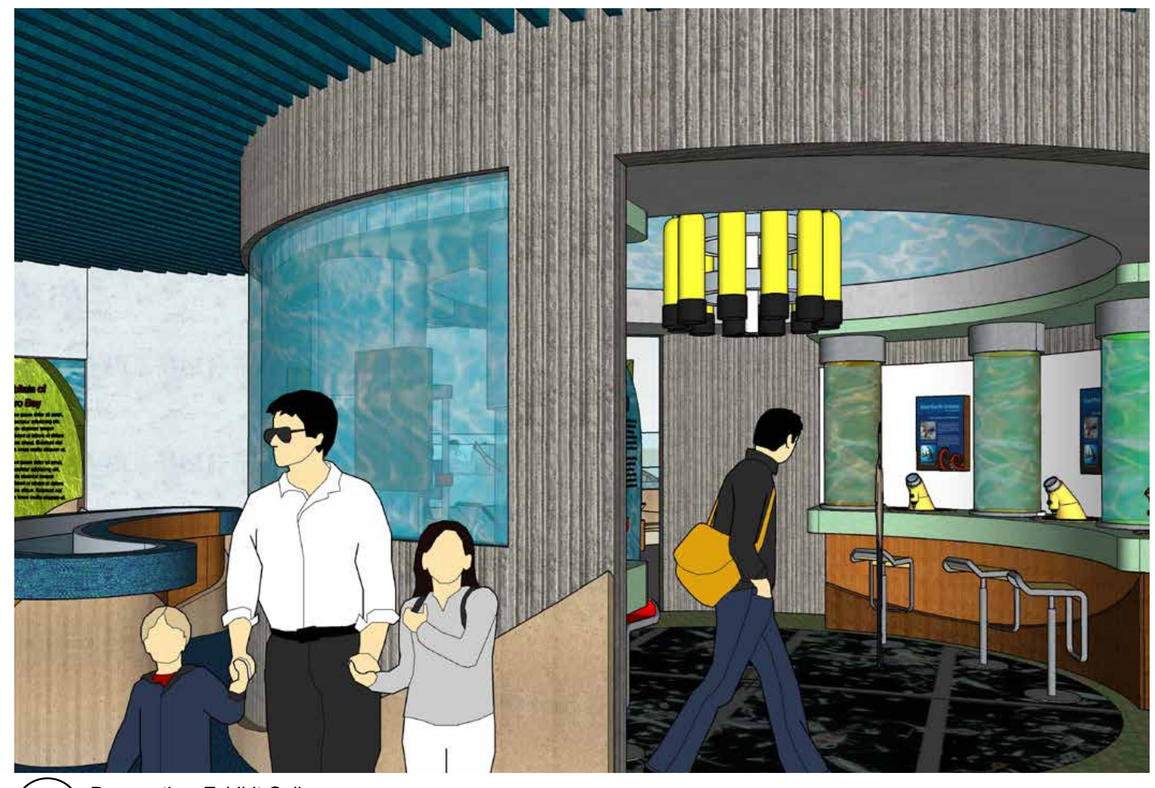
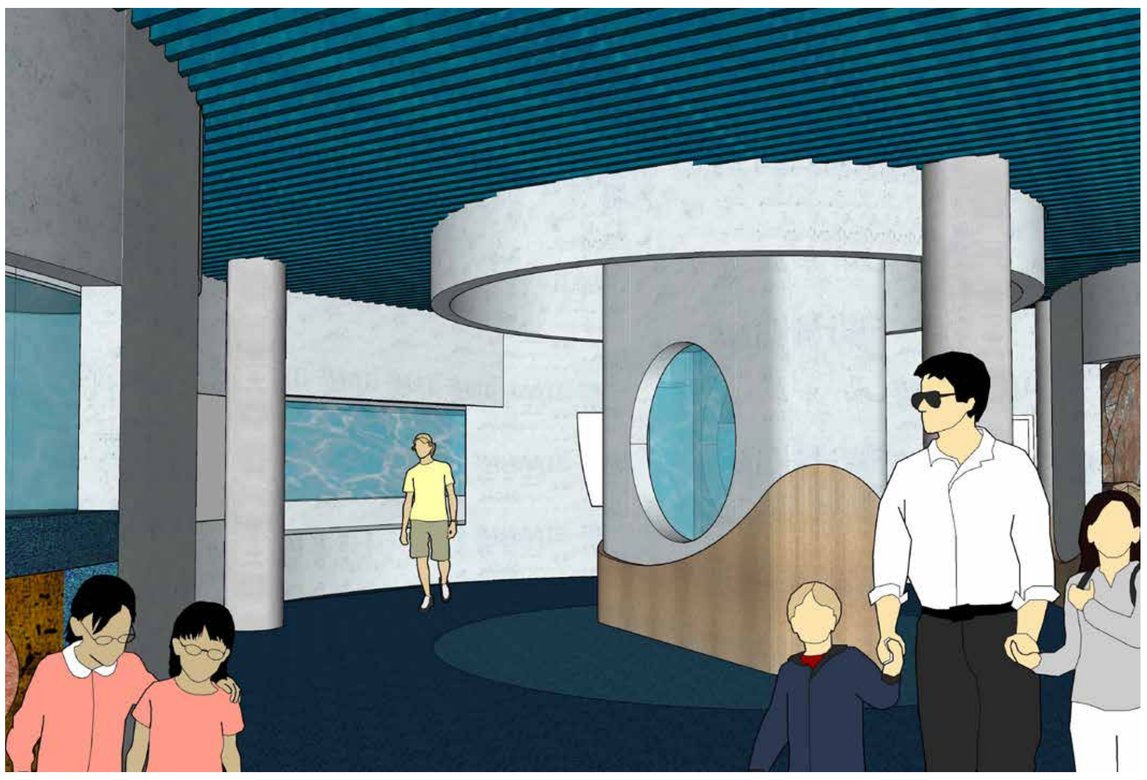
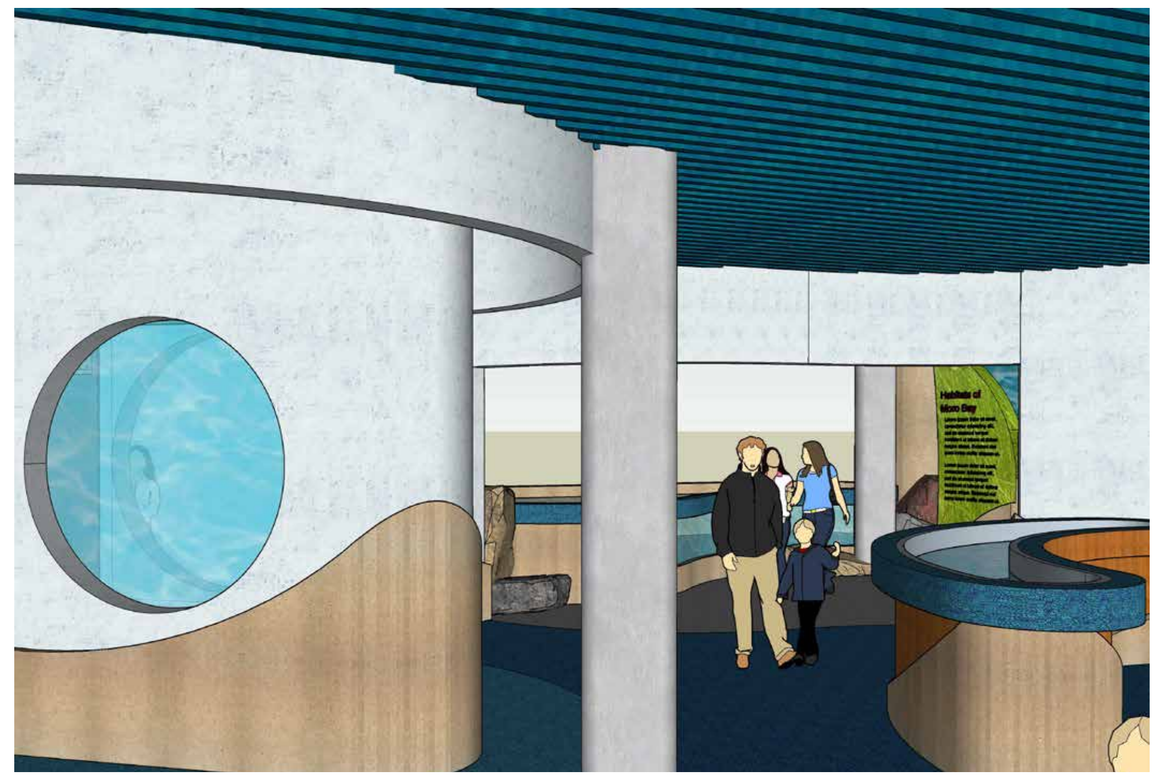
3 Perspective: Exhibit Gallery
Scale: NTS



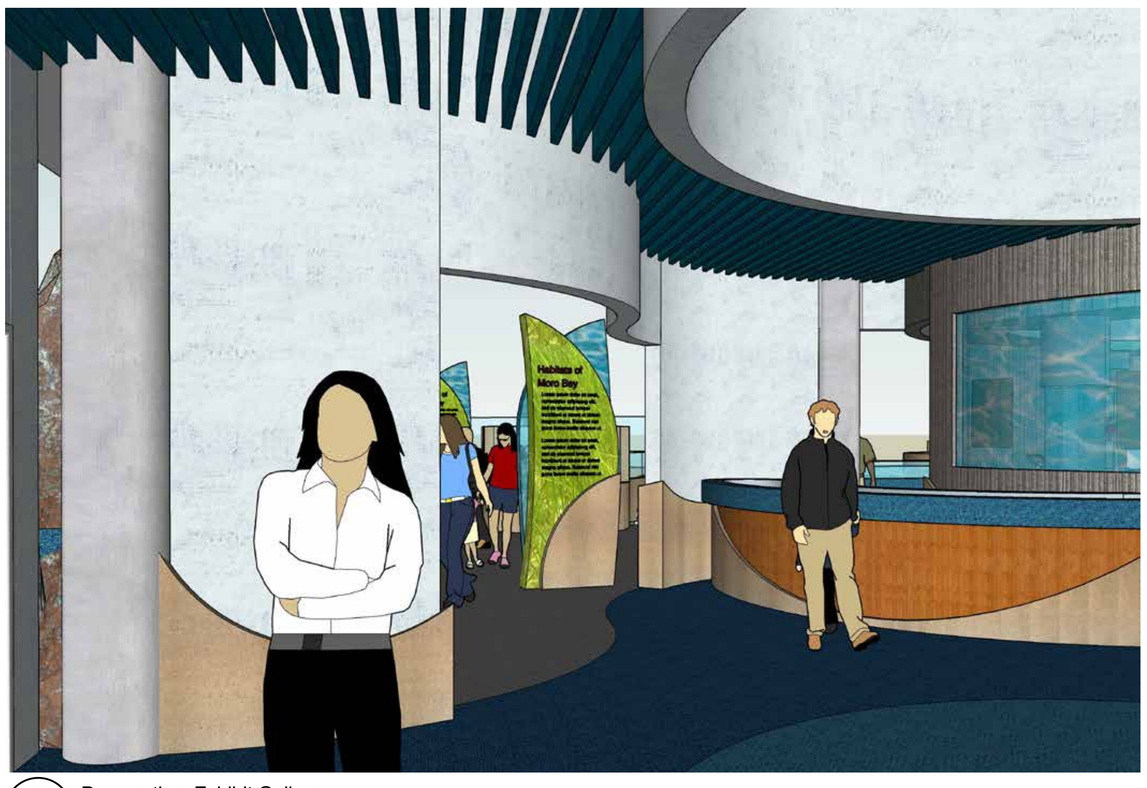
4 Perspective: Exhibit Gallery
Scale: NTS



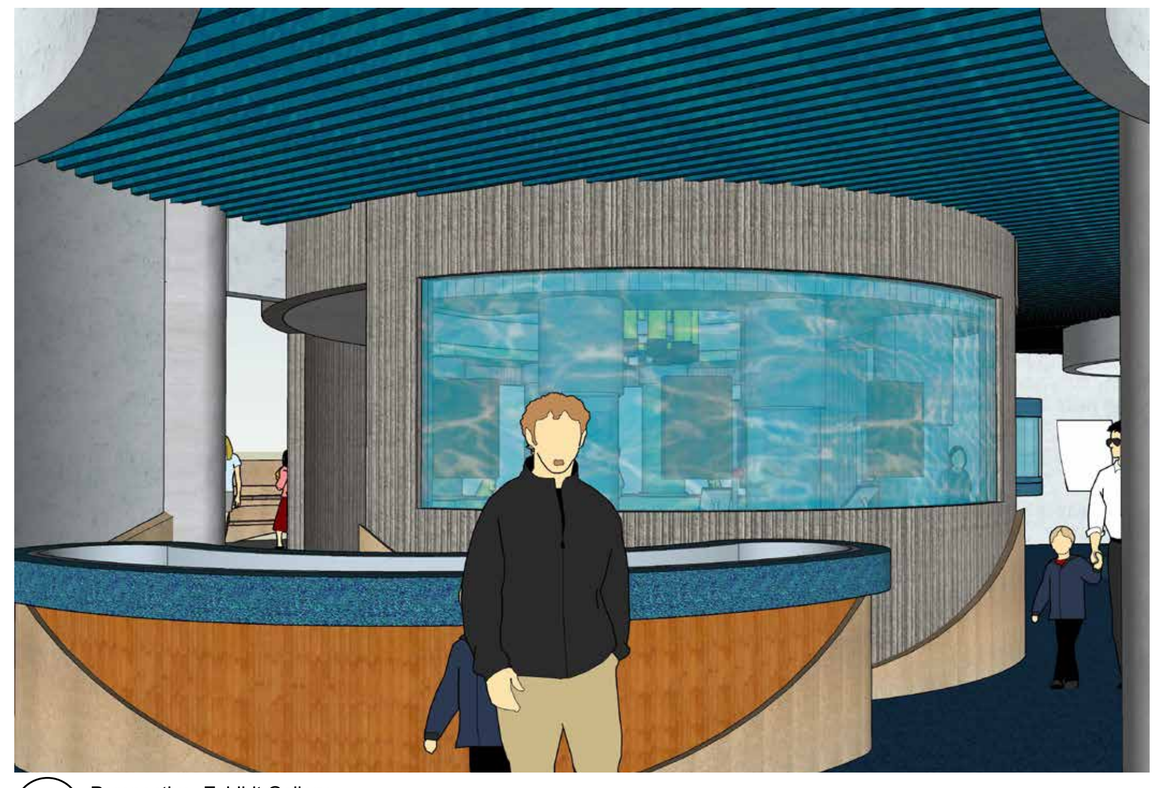
1 Perspective: Exhibit Gallery
Scale: NTS



2 Perspective: Exhibit Gallery
Scale: NTS



3 Perspective: Exhibit Gallery
Scale: NTS



4 Perspective: Exhibit Gallery
Scale: NTS

1 Perspective: Exhibit Gallery
Scale: NTS

2 Perspective: Exhibit Gallery
Scale: NTS

TENJI INC

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MORRO BAY AQUARIUM

PROPOSED INTERIOR CONCEPTS

1645-01-CO19
03 MARCH 2020

A15

AGENDA NO: C-2

MEETING DATE: March 10, 2020

Staff Report

TO: **Honorable Mayor and City Council** **DATE: March 3, 2020**

FROM: **Chris F. Neumeyer, City Attorney**

SUBJECT: **Discuss Local Firearm Safety and Regulation; Provide Direction to Staff**

RECOMMENDATION

Staff recommends Council discuss local firearm safety and regulation, and then Council provide direction to Staff as appropriate. As discussed in detail in this report, areas of possible direction to staff include:

1. Safety Regulations
    a. Safe storage laws
    b. Firearm owner's liability insurance
    c. Firearms and public property
    d. Firearms Businesses
        i. Local Firearm Dealer Permit
        ii. Videotaping of firearm sales
        iii. Regular inventory reports
        iv. No residential sales
2. Advocacy at Federal and State Levels
3. Gun Violence Restraining Orders ("Red Flag Laws") – local education campaign
4. Market Leveraging of City Firearms Purchases

ALTERNATIVES

Council could choose to not provide any direction to Staff.

FISCAL IMPACT

Local firearm regulation may create additional administrative costs and/or enforcement costs for the City. Staff recommends Council consider directing staff to provide, as lawfully available, for cost recovery through assessment of related fees.

01181.0001/634971.4
Prepared By: __CFN ___ **Dept Review: _____**

City Manager Review: _SC _ _ City Attorney Review: __CFN _____

BACKGROUND/DISCUSSION

Council requested a staff report be presented in early 2020 on lawful local government action to address firearm safety and to possibly regulate firearms. This request was made in the wake of multiple mass shootings which have continued to occur in the nation.

This staff report provides a recent history of mass shootings and other firearm-related deaths, federal constitutional rights and state law concerning firearms, current City law and policies concerning firearms and mass-shootings, and possible options for local government action including municipal firearm regulation (as allowed by federal and state law).

I. Mass Shootings and Other Firearm-Related Deaths

In recent years multiple mass shootings have occurred in the United States, including:

- On May 23, 2014, six people were killed and 14 were injured by a gunman in Santa Barbara, California.
- On October 1, 2017, a lone gunman massacred 59 people at the Route 91 Harvest music festival in Las Vegas, Nevada.
- On October 27, 2018, a gunman killed 11 people at a synagogue in Pittsburgh, Pennsylvania.
- On November 7, 2018, a gunman opened fire in a bar full of college students in Thousand Oaks, California, resulting in the deaths of 13 people.
- On May 31, 2019, a gunman killed 12 people and injured four others at a city public works building in Virginia Beach, Virginia.
- On July 28, 2019, 16 people were shot and three were killed, including a gunman and two children, at the Gilroy Garlic Festival in Gilroy, California.
- On August 3, 2019, 22 people were killed and 24 were injured at a Walmart in El Paso, Texas by a gunman.
- On August 4, 2019, a gunman killed ten people and injured 27 outside of a bar in Dayton, Ohio.
- On December 10, 2019, a shootout occurred at kosher grocery store in Jersey City, New Jersey, resulting in the deaths of five people and injury of three.
- On February 26, 2020, a gunman opened fire at the Molson Coors brewery complex in Milwaukee, Wisconsin, killing five people before taking his own life.

According to the National Safety Council, "gun-related deaths from preventable, intentional and undetermined causes totaled 39,773 in 2017, a 2.9% increase from 38,658 deaths in 2016."[1]

And, while receiving less coverage in the media, suicide deaths are the most common firearm related fatalities, accounting for 60% of deaths related to firearms.[2] Data also indicates that access to a firearm increases the risk of death by suicide by three times.[3]

II. Federal Constitution and State Law Preemption Restrict Local Firearm Regulation

A. Second Amendment Rights

The Second Amendment to the United States Constitution reads in full: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The meaning of the Second Amendment is the subject of vigorous legal debate amongst constitutional scholars. Nevertheless, the United States Supreme Court in 2008 in a 5-4 decision affirmed the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home. (*D.C. v. Heller* (2008) 554 U.S. 570.) The *Heller* decision held unconstitutional a law in the District of Columbia which effectively banned handgun possession in the home.

However, as further explained in the *Heller* decision, "[l]ike most rights, the right secured by the Second Amendment is not unlimited… nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." (*Id.* at 626-627.)

Subsequent to the *Heller* decision, lawsuits have been filed against regulations which are alleged to be in violation of the Second Amendment. For example, a federal district court (in a decision now on appeal) has held California's ban on firearm magazines holding more than 10 rounds of ammunition violates the Second Amendment. (*Duncan v. Becerra*, (S.D. Cal. 2017) 265 F. Supp. 3d 1131.)

B. California Law and Local Government Regulation

1. California Constitution and State Firearm Regulation

The California Constitution does not have a section equivalent to the federal Second Amendment.

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1 https://injuryfacts.nsc.org/home-and-community/safety-topics/guns/.

2 Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of recently available data: 2013 to 2017, https://everytownresearch.org/gun-violence-america/#foot_note_4.

3 Anglemyer A, Horvath T, Rutherford G. The accessibility of firearms and risk for suicide and homicide victimization among household members: A systematic review and meta-analysis. *Annals of Internal Medicine*. 2014; 160(2): 101-110, https://everytownresearch.org/gun-violence-america/#foot_note_6.

The California Supreme Court held in 2000 that the right to bear arms is not one of the rights recognized in the California Constitution's declaration of rights, and the right to bear arms may not be implied from the constitutional recognition of the inalienable rights to defend life and protect property. (*Kasler v. Lockyer* (2000) 23 Cal. 4th 472.)

At present, the State of California arguably has the most robust firearms regulations in the United States. These include universal background checks, gun dealer licensing, an assault weapon prohibition, safety training for firearm purchasers, gun show regulations, waiting periods, state collection and maintenance of firearm sale records and handgun design safety standards.

2. Federal and State Restrictions on Local Firearm Regulation

In 2010 the United States Supreme Court affirmed that the Second Amendment applies to state and local governments. (*McDonald v. City of Chicago*, Ill. (2010) 561 U.S. 742.) Thus, both the State of California and local governments are restricted by the Second Amendment in passage of laws to regulate firearms.

California's local governments are further restricted by state preemption of some (but not all) local firearms laws. "A review of the gun law preemption cases indicates that the [California] Legislature has preempted discrete areas of gun regulation rather than the entire field of gun control." (*Great W. Shows, Inc. v. Cty. of Los Angeles* (2002) 27 Cal. 4th 853, 861.)

A California appellate court reached the general conclusion "the Legislature has intended to preempt only narrow areas of firearms control … state law tends to concentrate on specific areas, leaving unregulated other substantial areas relating to the control of firearms, indicat[ing] an intent to permit local governments to tailor firearms legislation to the particular needs of their communities. … Finally, the Legislature's response to cases upholding local weapons legislation against a preemption challenge itself is persuasive evidence that it has no intention of preempting areas of weapons laws not specifically addressed by state statute." (*Suter v. City of Lafayette* (1997) 57 Cal. App. 4th 1109, 1119–20.)

For example, Government Code section 53071 preempts local regulations concerning the registration or licensing of firearms. California courts have affirmed this preemption means cities cannot require local permits for firearms, yet likewise a county may regulate the usage of firearms in parks and recreation areas. (*Fiscal v. City & Cty. of San Francisco* (2008) 158 Cal. App. 4th 895; *Calguns Found., Inc. v. Cty. of San Mateo* (2018) 218 Cal. App. 4th 661.)

III. City Law and Policies Concerning Firearms and Mass-Shootings

Chapter 9.16 ("Dangerous or Deadly Weapons") of the Morro Bay Municipal Code renders the general discharge of firearms within City limits unlawful.

In response to the threat of mass shootings, the Morro Bay Police Department ("MBPD") has adopted Policy 412 entitled "Rapid Response and Deployment." (See Attachment No. 1.)

As stated in Section 412.1 ("Purpose and Scope") of Policy 412, "Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law

enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment."

Other policies adopted by the MBPD that concern firearms include: Policy 342, "Gun Violence Restraining Orders," which provides guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (See Attachment No. 2); and, Policy 207, "License to Carry a Firearm," which provides the MBPD process for applying for a Carry Concealed Weapon ("CCW") license (See Attachment No. 3). See below for further discussion concerning both gun violence restraining orders ("GVRO") and CCW licenses.

IV. Firearm Safety and Regulation at Local Level

A. <u>Safety Regulations</u>

Gun safety regulations are one area of local regulation of firearms to consider. Some local regulation (rather than prohibition) of firearms for safety reasons have been found lawful by the courts.

Below are some examples of gun safety regulations. If Council directs staff to pursue one or more of these options, Council will be advised (as appropriate) at a later date on potential exposure to litigation through adoption of any such policies.

1. Safe Storage Laws

Safe storage laws are intended to prevent accidental shootings, suicides, and theft of firearms. Under current state law, the owner of a firearm is required to keep unattended firearms in a secure container or disabled ***if*** the owner lives with a person who cannot legally possess a firearm. (Penal Code § 25100.)

Some cities have adopted local laws mandating firearm owners store ***all*** unattended firearms in a residence in a locked container or with a locking device to prevent access by unauthorized users. Cities that have adopted such local laws include Los Angeles, San Francisco, Santa Cruz, Solana Beach, Sunnyvale, Tiburon, Palm Springs, Oakland and San Diego. Gun rights advocates claim such local regulations infringe on Second Amendment rights. Proponents of these laws say they save lives.

The federal Ninth Circuit Court of appeal in 2014 upheld San Francisco's gun safety storage law which "provides that '[n]o person shall keep a handgun within a residence owned or controlled by that person unless' (1) 'the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice,' or (2) '[t]he handgun is carried on the person of an individual over the age of 18.'." (*Jackson v. City & Cty. of San Francisco*, (9th Cir. 2014) 746 F.3d 953, 958.)

Council could authorize staff to review this potential regulation in depth and as appropriate bring back a firearm safe storage ordinance stricter than state law.

2. Firearm Owners Liability Insurance

An emerging area of local regulation is a requirement for all firearm owners to carry liability

insurance for their firearms. Legal exposure to the City by adoption of such a policy is unclear.

The approach would be like a requirement for automobile owners to maintain liability insurance. Insurance would be obtained through either existing policies (like a homeowner's or renter's policy) or through a standalone policy. Presumably insurance premiums would be lower or higher based on factors such as taking firearm safety classes, prior records of criminal violence, etc. Accidental injuries caused by use of the firearm would be subject to coverage by the liability insurance (though not intentional acts by the owner).

The City of San Jose recently explored this option, with a public discussion in that city starting in August 2019, weeks after two children from San Jose were killed in the Gilroy mass shooting (see above). That proposal provides for penalties for noncompliance, like California law concerning auto insurance requirements (which renders operation of a motor vehicle without insurance a misdemeanor and imposes fines and other penalties for noncompliance). San Jose further proposed that firearm owners unable or unwilling to secure firearm insurance could pay a fee to the City instead which would be used for funding of gun safety program.

One wrinkle in this approach is maintaining strict privacy of fee payment to avoid creating a de facto gun registry requirement for firearm owners (which is not available as a regulatory option for local governments under California law). Furthermore, gun rights advocates have threatened to take the City of San Jose to court over the proposal if adopted.

Staff can pursue further review and analysis of this issue at direction of Council, including further review of legal exposure to City if such a policy were adopted.

3. Firearms and Public Property

California law prohibits the carrying of loaded firearms in public places or on public streets in cities. (Penal Code §§ 17030, 25850(a).) This prohibition is subject to certain exceptions, including for the carrying of a concealed and loaded handgun by a carry concealed weapon ("CCW") licensee. (Penal Code § 26010.)

Council may want to address the issue of whether CCW licensees should be allowed to carry firearms on public property (which is otherwise allowed by their license, with the exception of certain locations like polling places).

For example, after intense discussion, the City of Fresno on February 13, 2020 adopted an ordinance to expressly prohibit the possession of all concealed firearms at City Hall or any City owned or leased building, including by CCW licensees. (Fresno Municipal Code § 9-2601.)

Reasons for such a policy include the argument that less firearms means more safety. For example, as reported in the Fresno Bee on January 16, 2010, Fresno Police "Chief Andy Hall said he's happy to see the city is taking a proactive stance rather than waiting to react to violence. While saying CCW holders are good citizens, Hall said they are a complication for any officers responding to an active scene." The new Fresno ordinance also requires that police officers are always stationed at City Hall.[4]

4 https://www.fresnobee.com/news/local/article239335893.html

However, others argue that CCW licensees can and do save lives and prevent criminal activities. Recent examples of the use of firearms by citizens to stop crime and even potential mass shootings include:

- January 13, 2020 – Tonopah, AZ – "Good Samaritan" legally carrying a gun shoots man attacking an Arizona State Trooper who was ambushed next to freeway.

- December 30, 2019 – White Settlement, TX – A firearms instructor who trained others in his Texas church to use guns to protect the congregation fatally shot a gunman seconds after he opened fire during a service.

- December 26, 2018 – Springfield, MO – CCW holder saves officer during exchange of gunfire when officer tries to reload his firearm. CCW holder exits residence and shoots suspect who had already shot at officers.

- October 29, 2018 – Birmingham, AL – A dad armed with a pistol stopped what could have been a mass shooting inside an Alabama McDonald's when he took down a masked gunman who stormed in and opened fire.

- May 25, 2018 – Oklahoma City, OK – Armed bystanders shoot a gunman who opened fire in a restaurant, striking three people inside the restaurant from a position outside the front door. The gunman ran from the scene when two bystanders got their guns from their vehicles and confronted the man and fatally shot the attacker.

- March 28, 2018 – River North Chicago, Il – An armed suburban man with a CCW license intervened in a 3-on-1 beating and robbery. Three suspects in surgical masks attack the victim when a passing motorist who saw the robbery pulled over, unholstered his concealed firearm and intervened in the attack. The three offenders fled the area.

The California Supreme Court in 2002 affirmed that local governments "may ban possession of guns on its property." (*Nordyke v. King* (2002) 27 Cal. 4th 875, 885.) A similar conclusion was reached in an appellate court decision in 2013 when that court held a county may prohibit firearms in county owned parks. (*Calguns Found., Inc. v. Cty. of San Mateo* (2013) 218 Cal. App. 4th 661.)

If Council desired to prohibit CCW permittees from carrying concealed handguns on some or all public property, the simplest manner of enacting this type of regulation is to list public property where possession of all firearms is prohibited, such as at municipal parks and/or municipal buildings in the City. The Cities of Cupertino and Campbell prohibit the possession of firearms in city parks. (Cupertino Municipal Code § 13.04.130(J); Campbell Municipal Code § 13.04.170.) The City of Mountain View prohibits firearms in all city parks and city recreational facilities. (Mountain View Municipal Code § 38.9.)

Another approach is to prohibit the possession and/or firing of firearms in city limits with carefully carved out exceptions consistent with the Second Amendment and State law.

The City of Palo Alto has such a local regulation. Palo Alto Municipal Code § 9.08.010 simply prohibits firearms in city limits, with some exceptions, such as recognition Penal Code section 25605(a) provides that adults may carry "anywhere within the citizen's or legal resident's place of

residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident, any handgun." This type of local regulation is more subject to legal challenge as it must provide exceptions for all areas protected by both State law and the Second Amendment.

The MBPD reached out to neighboring communities to determine what policies, if any, those cities have concerning CCWs and public property. Paso Robles, Grover Beach, Arroyo Grande, Atascadero and San Luis Obispo reported no current policies that restrict a private citizen from lawfully carrying a firearm with a valid CCW.

Council could direct staff to bring back an ordinance prohibiting firearms on all or some public property within the City.

4. Firearms Businesses

Cities have the authority to regulate certain aspects of firearms businesses in the interests of promoting the public health, safety and welfare. (*Suter v. City of Lafayette* (1997) 57 Cal. App. 4th 1109.) Below are examples of such regulations adopted by some California cities. Council could direct staff to bring back an ordinance containing regulations for firearms businesses for further discussion.

a) Local Firearms Dealer Permit

A city can require by local ordinance that firearms dealers (in addition to receiving federal and state licenses) secure a local permit for the operation of a firearms business. Local oversight can seek to make certain that such businesses are following federal, state and local law as well as operating responsibly and safely. Conditions of the permit could include specified gun safety regulations (such as videotaping of sales and regular inventory reporting, as discussed below).

This is a common local regulation. Examples of cities with local firearms dealer permits include Alameda, Burbank, Corona, Fremont, Hayward, Long Beach, Los Angeles, Oakland, Palo Alto, Salinas, San Francisco, San Diego, San Rafael, Santa Barbara, Santa Cruz and Solana Beach.

b) Videotaping of Firearm Sales

A local requirement to videotape firearms sales can potentially provide law enforcement with evidence needed to solve certain firearm-involved crimes such as robberies and straw purchases.

Walmart began voluntarily videotaping firearm sales in 2008. In 2021, Illinois will become the first state to adopt this regulation statewide. Several California cities, including Campbell, Emeryville, San Carlos and San Francisco, have adopted this local regulation.

c) Regular Inventory Reports

Law enforcement can be assisted in solving crimes involving firearms, and illegal trafficking in firearms can be deterred, through a requirement that local firearms dealers regularly report their inventory to local law enforcement.

Cities with such a requirement include Campbell, Emeryville, Los Angeles, Oakland and Santa Monica.

d) No Residential Sales

Many cities in California have adopted prohibitions on the sale of firearms from residential areas or from one's home. The intent is to ensure that firearm transactions occur within regular business establishments to discourage illegal sales. Cities that have such prohibitions include Antioch, Burbank, Calabasas, Chino, Emeryville, Hollister, Long Beach, Los Angeles, Oakland, Palo Alto, Piedmont, Pleasanton, Roseville, San Jose, Santa Cruz and Stockton.

B. Advocacy at Federal and State Levels

As detailed above, local firearm regulation is restricted by both federal and state laws. If the Council desires broad changes in firearm regulation, the greatest change would need to come from both federal and state legislation.

No substantial federal firearm regulations have passed Congress since 1994. For example, the federal government previously had a nationwide assault weapons ban (passed in 1994), yet that prohibition lapsed in 2004 when it was not renewed by Congress. Similarly, advocates of increased firearm regulation have called for broader federal regulation of gun shows as well as an expansion of federal background checks for the purchase of firearms.

At the state level, California arguably has the strictest regulation of firearms in the nation. Nevertheless, advocates of greater firearm regulation believe California can do more in this area, for example to "increase funding to community violence prevention programs and address the ways some residents manage to skirt existing gun regulations." (https://lawcenter.giffords.org/gun-laws/state-law/california/.)

Council could authorize advocacy positions to be taken by the City Council for greater firearm regulation at both the federal and state levels.

C. Gun Violence Restraining Order Awareness

Over fifteen states have adopted so-called "red flag laws," which allow individuals like family members and law enforcement officers to petition a court for the temporary removal of firearms from individuals determined to be a threat to themselves or others.

Effective January 1, 2016 California law provides for family and household members, as well as law enforcement officers, to seek Gun Violence Restraining Orders ("GVRO") against individuals who are believed to pose a significant danger to themselves or others by having access to firearms. Beginning September 1, 2020, the law will also allow employers, coworkers and teachers to also seek GVROs.

If a judge makes the determination that the individual does poses a danger to themselves or others, then a court order can be issued prohibiting that individual from having possession or access to firearms for a limited period of time.

The new GVRO laws also generally require that all local law enforcement agencies adopt by January 1, 2021 written policies and procedures concerning use GVROs. The Morro Bay Police Department has adopted such a policy. (See Attachment No. 2.)

Advocates for “red flag laws” argue they save lives from both suicide and homicide (especially mass shootings). A study in 2018 by “a team of psychiatrists led by Duke University’s Dr. Jeffrey Swanson examined the efficacy of Connecticut’s [“red flag law”] policy. Swanson’s team estimated that for every 10 to 20 gun seizures, one suicide was prevented. Another study, looking at Connecticut and Indiana’s [“red flag”] laws, found marked decreases in the states’ gun suicide rates — 7.5 and 13.7 percent, respectively — following implementation. Neither of the aforementioned studies found [“red flag laws”] to have a measurable effect on homicides. But reports examining the impact of more recent laws present compelling anecdotal evidence that they have the capacity to prevent mass violence. An August 2019 study that looked at red flag laws in California between 2016 and 2018 found that 21 of the petitions disarmed potential mass shooters. While the study’s authors noted that it’s impossible to know if violence would have actually occurred if these people were never disarmed, they wrote that ‘the cases suggest that this urgent, individualized intervention can play a role in efforts to prevent mass shootings.’”[5]

Critics question the effectiveness of such laws in the first place, and on a more fundamental level argue that these laws infringe on Second Amendment rights. Critics also voice concerns about government overreach, as “red flag laws” can results in court orders for the seizure of property and the infringement of rights against individuals that have not been charged with a crime or have not been diagnosed as mentally ill. Concerns about due process are underscored by a study done on “red flag laws” in Indiana. A study was conducted on an “Indiana statue [that] allows police to seize firearms without a warrant if the officer believes a person meets the law's definition of ‘dangerous.’… The court dismissed 29% of cases at the initial hearing, closely linked to the defendant's presence at the hearing. In subsequent hearings of cases not dismissed, the court ordered the destruction of the firearms in 72% of cases, all when the individual did not appear in court, and dismissed 24% of the cases, all when the individual was present at the hearing.”[6]

The Council may desire staff engage in educational efforts to inform the local community of the availability of this new law.

D. <u>Market Leveraging</u>

One approach to gun safety is to use market leverage to change the conduct of firearm manufacturers. The idea is that purchases of firearms by cities for law enforcement come with a mandate that the sellers adhere to specified gun safety requirements and/or provide information on current practices.

For example, Jersey City, New Jersey in 2014 made a requirement, to bid on that city’s contract for law enforcement firearms, for companies to detail what they do to comply with state and federal background check laws, as well as explain what is done with old firearms. The requirement was meant to encourage voluntary private business activity seeking an end to illegal or straw purchases of firearms.

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5 https://www.thetrace.org/2020/02/states-are-embracing-red-flag-laws-for-gun-owners-heres-how-they-work/

6 https://www.ncbi.nlm.nih.gov/pubmed/25827648

For a city the size of Morro Bay such an approach would presumably work best if done through a regional (or even statewide) coalition of cities agreeing on the same approach.

Also, private groups have been attempting to create coalitions of cities and other public agencies which purchase firearms to bring pressure on firearm manufacturers to adopt more robust safety technologies and more accountable distribution practices.

For example, the organization Do Not Stand Idly By has enlisted 132 jurisdictions (as of December 10, 2018) throughout the United States to sign onto a Request from Information to major gun manufacturers, including the cities of Los Angeles, Oakland, Sacramento, San Francisco and Stockton.[7] (See Attachment No. 4)

At direction of Council, staff could explore market-based approaches for promotion of gun safety and bring back to Council a more detailed briefing along with options for regional, statewide and/or national efforts.

CONCLUSION

Staff recommends that the City Council consider the options detailed above and provide further direction to staff as appropriate.

ATTACHMENTS

1. MBPD Policy 412 - Rapid Response and Deployment
2. MBPD Policy 342 - Gun Violence Restraining Orders
3. MBPD 207 - License to Carry a Firearm
4. Request for Information from Firearm Manufacturer
5. Staff Presentation

7 http://donotstandidlyby.org/what-public-officials-can-do/

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

412.2 POLICY

The Morro Bay Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

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(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Operations Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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412.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Gun Violence Restraining Orders

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

342.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

342.2 POLICY

It is the policy of the Morro Bay Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

342.3 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.

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6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to the Support Services Manager for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

342.4 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

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Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

342.4.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

342.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

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(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Support Services Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

342.5.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS
If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Police Records for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

342.6 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

342.7 SUPPORT SERVICES MANAGER RESPONSIBILITIES

The Support Services Manager is responsible for ensuring:

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(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

342.8 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

342.9 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

342.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

342.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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342.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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License to Carry a Firearm

207.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

207.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

207.2 POLICY

The Morro Bay Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

207.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

(a) Be a resident of the City of Morro Bay (Penal Code § 26150; Penal Code § 26155).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).

(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Provide proof of ownership or registration of any firearm to be licensed.

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

(j) Complete required training (Penal Code § 26165).

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207.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
   (a) Require the applicant to complete the package before any further processing.
   (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
   (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Morro Bay for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
2. Full payment of the remainder of the application fee will be required upon issuance of a license.
3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be

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issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

(d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Chief of Police or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

207.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.
2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

(c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

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(d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

207.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Morro Bay (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

207.6 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:

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(a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.
2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

207.6.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
4. Committing any crime.

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5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
8. Loading the permitted firearm with illegal ammunition.

(b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

207.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

207.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a firearm.

(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

207.6.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a renewal by:

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(d) Paying a non-refundable renewal application fee.

Once the Chief of Police or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

207.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

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207.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

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REQUEST FOR INFORMATION

Local, state and other governmental bodies in the United States are conducting reviews of their firearms procurement practices to ensure that future purchases of firearms achieve the maximum benefit to taxpayers in terms of public safety. As part of this process, these jurisdictions are seeking information from companies that manufacture firearm models that are currently purchased by public-sector agencies or that are suitable for use by such agencies. The following information is requested regarding each manufacturer's capabilities and practices with respect to safety.

DISTRIBUTION PRACTICES IN THE UNITED STATES

1. What are the company's standards and criteria for selecting dealers authorized to sell the company's firearms? Please list any specific standards in terms of security, recordkeeping, employee training, and cooperation with law enforcement.

2. How does the company respond when one of its firearms is determined to have been used in a crime? How does the company use its federal crime gun trace results to evaluate dealers with whom it does business? How does the company respond when gun traces show a pattern of disproportionate numbers of crime guns being sold by particular dealers?

3. Would the company be willing to work with public officials and law enforcement agencies to establish networks of authorized dealers in the United States that maintain high standards in the following areas?

   a. Employee training to detect "straw buyers"
   b. Record keeping of inventory and all transactions
   c. Security measures to deter gun theft
   d. Education of buyers regarding gun safety and storage
   e. Prompt and complete responses to gun trace requests.

4. What efforts does the company currently undertake to prevent its firearms from being stolen from distributors, transporters or dealers, or from being sold or conveyed to individuals not legally permitted to own a firearm? Would the company be willing to establish, if it has not already done so, gun re-purchase or trade-in programs that reduce the number of its products sold second-hand on the internet and in other private sales?

5. What safety products (e.g. trigger locks), if any, does the company include with guns sold in the United States? Please provide descriptions of these products and how they are distributed.

NEW TECHNOLOGIES TO IMPROVE GUN SAFETY AND ASSIST LAW ENFORCEMENT

1. Please provide a detailed overview of the company's activities and goals with respect to gun safety technologies. Please include description of any technologies currently used by the company or now in development that would prevent or deter the use of a gun by unauthorized users, make a gun more difficult for a child to fire, or prevent accidental discharge of a gun. Please describe the extent to which these technologies are already incorporated into the company's products, and projections for bringing new technologies to market.

2. Please provide an overview of the company's activities and goals, if any, with respect to bullet microstamping capabilities and any other technologies that enhance ballistics tracing by law enforcement. Please include current uses of these technologies, and plans and projections regarding future use.

3. Would the company be willing to demonstrate its gun safety technologies and capabilities at a U.S. Gun Safety Expo?

LOCAL FIREARM SAFETY AND REGULATION

Presented by
Chris F. Neumeyer, City Attorney
March 10, 2020

RECOMMENDATION – DISCUSS AND PROVIDE DIRECTION AS APPROPRIATE

1. Safety Regulations
   a) Safe storage laws
   b) Liability insurance
   c) Firearms on public property
   d) Businesses (permits, videotape sales, inventory reports, residential sales)
2. Advocacy at Federal and State levels
3. Gun Violence Restraining Orders – education
4. Market Leveraging of City Firearm Purchases

** And, Provide for Cost Recovery as Lawful

MASS SHOOTINGS AND FIREARM RELATED DEATHS

- Council requested report on lawful local government action concerning firearm safety and regulation in wake of continuing mass shootings throughout nation (including in Santa Barbara, Thousand Oaks, and Gilroy)

- Annually about 40,000 firearm related deaths nationally

- Suicides account for almost 60% of deaths related to firearms

A&W

SECOND AMENDMENT RIGHTS

- "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." – U.S. Constitution, Second Amendment

- *D.C. v. Heller* (2008) 554 U.S. 570 – U.S. Supreme Court affirms Second Amendment protects right to possess a firearm with limits

- *Duncan v. Becerra*, (S.D. Cal. 2017) 265 F. Supp. 3d 1131.) – California firearms law struck down

A&W

CALIFORNIA LAW AND STATE FIREARM REGULATION

- California Constitution does not have a section equivalent to federal Second Amendment
- *Kasler v. Lockyer* (2000) 23 Cal. 4th 472 – California Supreme Court holds no right to bear arms in State Constitution
- California regulation of firearms – universal background checks, gun dealer licensing, assault weapon ban, gun show regulation, waiting periods, sale records, safety design standards

A&W

FEDERAL AND STATE RESTRICTIONS ON LOCAL FIREARM REGULATION

- *McDonald v. City of Chicago, Ill.* (2010) 561 U.S. 742 – U.S. Supreme Court affirms Second Amendment applies to States and local govts

- California State law preemption of some local firearms laws
  - "A review of the gun law preemption cases indicates that the [California] Legislature has preempted discrete areas of gun regulation rather than the entire field of gun control." (*Great W. Shows, Inc. v. Cty. of Los Angeles* (2002) 27 Cal. 4th 853, 861.)

A&W

CITY LAW AND POLICIES

- Chapter 9.16 ("Dangerous or Deadly Weapons") of the Morro Bay Municipal Code renders general discharge of firearms within City limits unlawful

- MBPD Policy 412 - Rapid Response and Deployment
- MBPD Policy 342 - Gun Violence Restraining Orders
- MBPD 207 - License to Carry a Firearm

SAFETY REGULATIONS – SAFE STORAGE LAWS

- Intended to prevent accidental shootings, suicides, and theft of firearms
- Penal Code § 25100 requires unattended firearms be secured *if* live with person who cannot legally possess a firearm
- Stricter local law permissible such as *always* keep firearms secure (*Jackson v. City & Cty. of San Francisco*, (9th Cir. 2014) 746 F.3d 953, 958.)

SAFETY REGULATIONS – FIREARM OWNERS LIABILITY INSURANCE

- Require firearm owners to carry liability insurance for firearms. Unclear legal exposure.
- Accidental injuries caused by firearm use would be subject to coverage by the liability insurance (though not intentional acts by the owner)
- City of San Jose in 2019 explored this option
- Cannot be a de facto gun registry requirement

SAFETY REGULATIONS – FIREARMS AND PUBLIC PROPERTY

- Cannot carry loaded firearms in public places or on public streets in cities. (Penal Code §§ 17030, 25850(a).) Carrying of a concealed and loaded handgun by a carry concealed weapon ("CCW") licensee is an exception. (Penal Code § 26010.)
- City of Fresno banned CCWs in February, 2020 from City buildings on basis less guns saves lives
- Examples of CCW holders stopping crime
- Cities can prohibit CCWs on public property (*Nordyke v. King* (2002) 27 Cal. 4th 875, 885.)
- SLO County cities surveyed do not restrict CCWs

SAFETY REGULATIONS – FIREARMS BUSINESS

- Cities may regulate firearms businesses (*Suter v. City of Lafayette* (1997) 57 Cal. App. 4th 1109.)

- Common local regulation to require a local permit to operate a firearms business

- Options include:
  a) Local Firearms Dealer Permit
  b) Videotaping of Firearm Sales
  c) Regular Inventory Reports
  d) No Residential Sales

ADVOCACY AT FEDERAL AND STATE LEVELS

- Local firearm regulation (as discussed) is restricted by both federal and state laws
- If Council desires broad changes in firearm regulation, the greatest change would need to come from both federal and state legislation
- Federal changes could include broader federal regulation of gun shows as well as an expansion of federal background checks for the purchase of firearms
- State changes could include more community violence prevention and tighter regulations

GUN VIOLENCE RESTRAINING ORDERS / "RED FLAG LAWS"

- Over fifteen States have "red flag laws" for court orders to restrict access to firearms by those deemed a threat to self or others
- California law provides for family and household members, as well as law enforcement officers, to seek Gun Violence Restraining Orders ("GVRO") against individuals who are believed to pose a significant danger to themselves or others by having access to firearms
- Debate over GVROs and "red flag laws"
- Council could provide for community education

MARKET LEVERAGING

- Use market leverage to change the conduct of firearm manufacturers
- Jersey City NJ in 2014 added bidding requirement for law enforcement firearms contracts to explain how combat illegal or straw firearm purchases
- Some cities would see greater effectiveness with group efforts
- Private groups have organized coalitions

RECOMMENDATION – DISCUSS AND PROVIDE DIRECTION AS APPROPRIATE

1. Safety Regulations
   a) Safe storage laws
   b) Liability insurance
   c) Firearms on public property
   d) Businesses (permits, videotape sales, inventory reports, residential sales)
2. Advocacy at Federal and State levels
3. Gun Violence Restraining Orders – education
4. Market Leveraging of City Firearm Purchases

** And, Provide for Cost Recovery as Lawful

QUESTIONS

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AGENDA NO: C-3
MEETING DATE: March 10, 2020

Staff Report

TO: **Honorable Mayor and City Council** **DATE: March 4, 2020**

FROM: **Scott Collins, City Manager**

SUBJECT: **Amendment to the Fiscal Year 2019/20 Salary Schedule Adding the City Engineer Classification and Approving Salary Range, Approval of Revised City Engineer Job Description, and Approval of City Engineer Employment Agreement**

RECOMMENDATION

Staff recommends the City Council:

1) Adopt Resolution No. 22-20 approving the proposed modification to the Fiscal Year (FY) 2019/20 salary schedule by adding the City Engineer classification to the schedule and approving salary range for this position; and
2) Approve modified job description for City Engineer; and
3) Approve the City Engineer employment agreement with Rob Livick appointing Mr. Livick as the City Engineer (minimum 6 month period) and Authorize the City Manager to execute the agreement.

ALTERNATIVES

None.

FISCAL IMPACT

The current Public Works Director will vacate the Director position on March 20, 2020 and fill the proposed modified City Engineer position beginning March 21, 2020. There is roughly a $33,500/year difference in salary between the Public Works Director and City Engineer positions. With this change, the City will save the General Fund approximately $8,000 for the remainder of FY 2019/20. The City Manager will fill the Public Works Director position vacancy with an existing City staff member on an interim or acting basis. The acting director will receive a temporary assignment incentive pay of 5% above their current salary for taking on the added managerial duties (approximately $2,000 impact to the General Fund for the remainder of FY2019/20). The cost of the incentive pay will be absorbed through the salary savings identified above.

BACKGROUND/DISCUSSION

On February 25, 2020, the City Council held a special study session to review the ten-year financial forecast update and overall City's long-term financial position. As part of that staff report, organizational concerns, structures and opportunities were discussed, including that going forward, as staff is initiating the FY 2020/21 budget development process with respect to the City's current financial condition, that every department would be analyzed and asked to look at the services they provide and ask, "is this a service that needs to continue?" and if yes, does the department need to

Prepared By: ___SC_____	**Dept Review: _____**
City Manager Review: ___SC_____	**City Attorney Review: __MCH____**

continue to provide the service in the way that we are now? As outlined in that staff report, we will be asking if there are better ways to provide the service, or newer ways to provide the service, or a service model that more accurately aligns with the community needs of Morro Bay. The City remains committed to being innovative and creative, to the extent possible, to achieve efficiencies and service delivery under a model that most meets the needs and expectations of the Morro Bay community.

In addition, the City is committed to succession planning, and providing staff with opportunities to grow in their careers and be competitive in developing their careers within the City as we have outstanding staff who are skilled in their fields, committed and loyal assets to the City. As such, the City Manager is preparing the Public Works Department for a transition to meet the mounting public works related challenges and opportunities facing the City in the coming years. Below is a summarized list of the current and future challenges and opportunities:

- Completing Utility projects, such as the WRF and OneWater CIP projects
- Assessment of the backlog of capital project needs across the City (parks, streets, facilities, etc.)
- Increasing number of mandates from Feds and State
- Competition for external resources (grant funding)
- Succession Planning

The City needs to ensure the Department is properly structured and prepared to meet these challenges and take advantage of current and future opportunities. The City Manager believes this is best accomplished, from an efficiency and cost standpoint, by adding the City Engineer position on a temporary basis. To fill this position, the current Public Works Director will be reclassified into a reactivated City Engineer position, thereby vacating the Director position.

Filling the City Engineer position requires the City Council to adopt an amended salary schedule for Fiscal Year (FY) 2019/20 by adding the classification to the schedule and approving a salary range for this position. Staff is also requesting that City Council approve an updated job description for the position, as the job description has not been updated since 2000.

Additionally, reclassification of the current Public Works Director to the position of City Engineer entails approval of a City Engineer Employment Agreement between the City and Mr. Livick. This agreement would terminate his existing employment contract (from 2010 as Public Services Director) and establish the terms and conditions of his employment by the City as City Engineer.

The following briefly summarizes the City Engineer Employment Agreement:

- Appointment would be effective March 21, 2020, at which time the prior employment contract would automatically terminate.
- Base salary at Step 5 of the City Engineer salary range: annual salary of $123,748.
- Benefits generally equivalent to the City's unrepresented management employees.
- At-will employment status, except that the City Engineer could not be terminated, except for cause, for 6 months. Thereafter, the employment term is indefinite and can be terminated by the employee or City at any time.
- One-time cash out of vacation, floating holiday and administrative leave allowed, up to ½ of leave on the books.

In the next six months, the City will evaluate the structure and needs of the Public Works Department and determine the optimal structure to best meet the needs of the City. Oversight of the Public Works

Department will be temporarily assigned to the Finance Director, who will serve as both Finance Director and Acting Public Works Director. The Acting Public Works Director will oversee duties such as engineering, consolidated maintenance, environmental services and general fund capital projects components of the department. The City Manager will oversee the Utilities Division, with the Utilities Manager continuing to oversee the day to day operations of the water, collections, and sewer systems, but reporting directly to the City Manager, affording the opportunity to assess the long-term needs and structure of the Utilities Division, given the new water reclamation facility and how those needs may integrate into the overall Public Works Department.

During this transition period, the Acting Public Works Director, with the assistance of the City Manager, will conduct an internal review of Public Works Department to determine its needs and develop a plan to address those needs prior to recruiting for a permanent Public Works Director. Part of the review will determine the proper role for the future Public Works Director, to include determining if the Public Works Director should also be the lead Civil Engineer for the City as is the current practice. The City Manager anticipates that it will take 4 to 6 months to complete that review, provide recommendations to Council and implement any needed changes.

The City Manager believes this approach provides stability for the organization (retaining the skill sets, knowledge and expertise of Mr. Livick) and opportunities for current staff, all while providing the City a cost-effective path to transition and set the PW Department up to address the current and future challenges. The PW Department will maintain stability by retaining Mr. Livick in the City Engineer position to ensure that new projects get off the ground and that current projects have the requisite engineering oversight and review to be completed satisfactorily (WRF as a prime example). At the same time, the City will conduct the needed review to determine how best to resource, organize and equip the Public Works Department moving forward.

The Public Works Department is full of competent, dedicated and well-trained staff. They are poised to meet these challenges with a good transition plan in place. The City will conduct a recruitment process, which would be available for both internal and external candidates, after this review is completed and the optimal structure is in place, helping to set up the new permanent Director and the Department for lasting success.

CONCLUSION

Staff recommends that the City Council 1) Adopt Resolution No. 22-20 approving the proposed modification to the Fiscal Year (FY) 2019/20 salary schedule by adding the City Engineer classification to the schedule and approving salary range for this position; and 2) Approve the modified job description for City Engineer; and 3) Approve the City Engineer employment agreement with Rob Livick appointing Mr. Livick as the City Engineer (minimum 6 month period) and Authorize the City Manager to execute the agreement.

ATTACHMENTS

1) Resolution No. 22-20 approving the modified FY 2019/20 Schedule
2) City Engineer Employment Agreement with revised Job Description provided as Exhibit A

RESOLUTION NO. 22-20

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
APPROVING UPDATED FISCAL YEAR 2019-20 SALARY SCHEDULE; AND
RESCINDING RESOLUTION NO. 77-19**

**T H E C I T Y C O U N C I L
City of Morro Bay, California**

WHEREAS, the California Public Employees' Retirement System (CalPERS) requires that all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with Title 2, California Code of Regulations (CCR), section 570.5, and meeting all of the following requirements:

1. Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;

2. Identifies the position title for every employee position;

3. Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;

4. Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;

5. Is posted as the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;

6. Indicates an effective date and date of any revisions;

7. Is retained by the employer and available for public inspection for not less than five years; and

8. Does not reference another document in lieu of disclosing the pay rate; and

WHEREAS, Council adopted Resolution No. 77-19 on September 10, 2019 to approve the Fiscal Year 2019-20 Salary Schedule; and

WHEREAS, the City now desires to update its publicly available pay schedule, attached hereto as Exhibit A, to add the City Engineer job classification.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay as follows:

1. Resolution No. 77-19 is hereby rescinded; and
2. The Combined Salary Schedules, attached hereto as Exhibit A, are hereby approved and adopted. The Combined Salary Schedules attached hereto shall be effective March 21, 2020.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of March 2020 by the following vote:

AYES:
NOES:
ABSENT:

_____
JOHN HEADDING, Mayor

ATTEST:

_____
DANA SWANSON, City Clerk

CITY OF MORRO BAY
COMBINED SALARY SCHEDULE
FISCAL YEAR 2019-20

TITLE	GROUP	STEP 1 Annual	STEP 2 Annual	STEP 3 Annual	STEP 4 Annual	STEP 5 Annual	STEP 6 Annual
ACCOUNT CLERK IN-TRAINING	S	32,460	34,084	35,788	37,577	39,456	
ACCOUNT CLERK I	S	39,243	41,206	43,266	45,429	47,701	
CONSOLIDATED MAINTENANCE WRK I	S	39,243	41,206	43,266	45,429	47,701	
OFFICE ASST. III	S	39,243	41,206	43,266	45,429	47,701	
OFFICE ASST. IV	S	42,428	44,550	46,777	49,116	51,572	
ACCOUNT CLERK II	S	44,079	46,283	48,598	51,027	53,579	
CONSOLIDATED MAINTENANCE WRK II	S	44,079	46,283	48,598	51,027	53,579	
PERMIT TECHNICIAN	S	45,143	47,400	49,770	52,258	54,871	
ACCOUNT CLERK III	S	47,210	49,570	52,049	54,651	57,384	
CONSOLIDATED MAINTENANCE WRK III	S	47,210	49,570	52,049	54,651	57,384	
ADMINISTRATIVE TECHNICIAN	S	48,044	50,446	52,969	55,617	58,398	
PERMIT TECHNICIAN - CERTIFIED	S	48,044	50,446	52,969	55,617	58,398	
SUPPORT SERVICES TECHNICIAN	S	48,044	50,446	52,969	55,617	58,398	
PROPERTY EVIDENCE CLERK	S	48,044	50,446	52,969	55,617	58,398	
MECHANIC	S	49,581	52,060	54,663	57,396	60,266	
RECREATION COORDINATOR	S	49,581	52,060	54,663	57,396	60,266	
HUMAN RESOURCES ANALYST I	C	54,690	57,425	60,296	63,311	66,477	
SUPPORT SERVICES COORDINATOR	C	54,690	57,425	60,296	63,311	66,477	
HARBOR PATROL OFFICER	S	54,777	57,516	60,392	63,412	66,582	
ENGINEERING TECHNICIAN III	S	56,158	58,966	61,914	65,010	68,260	
RECREATION SUPERVISOR	S	56,158	58,966	61,914	65,010	68,260	
UTILITY OPERATOR	S	56,245	59,057	62,010	65,110	68,366	
ASSISTANT PLANNER	S	56,508	59,334	62,300	65,415	68,686	
BUILDING INSPECTOR	S	58,765	61,704	64,789	68,028	71,430	
EXECUTIVE ASSISTANT/DEPUTY CLERK	C	58,765	61,704	64,789	68,028	71,430	
FIREFIGHTER	F	59,065	62,018	65,119	68,375	71,794	

UTILITY OPERATOR MC (MULTIPLE CERT)	S	60,182	63,191	66,351	69,668	73,152	
SENIOR ACCOUNTING TECHNICIAN	C	61,087	64,142	67,349	70,716	74,252	
POLICE SUPPORT SERVICES MANAGER	M	61,087	64,142	67,349	70,716	74,252	
HARBOR BUSINESS COORD	S	61,169	64,228	67,439	70,811	74,351	
POLICE OFFICER	P	65,152	68,410	71,830	75,422	79,193	83,152
HARBOR PATROL SUPERVISOR	S	64,523	67,749	71,136	74,693	78,428	
FIRE ENGINEER	F	64,573	67,802	71,192	74,752	78,489	
ENGINEERING TECHNICIAN IV	S	65,765	69,053	72,506	76,131	79,938	
ASSISTANT ENGINEER	S	65,765	69,053	72,506	76,131	79,938	
ASSOCIATE PLANNER	S	65,765	69,053	72,506	76,131	79,938	
BUILDING INSPECTOR/PLANS EXAMINER	S	65,765	69,053	72,506	76,131	79,938	
CONSOLIDATED MAINT FIELD SUPV	S	65,765	69,053	72,506	76,131	79,938	
HUMAN RESOURCES ANALYST II	C	65,765	69,053	72,506	76,131	79,938	
LEAD UTILITY OPERATOR	S	67,080	70,434	73,955	77,653	81,536	
MANAGEMENT ANALYST	M	67,153	70,510	74,036	77,738	81,624	
POLICE DETECTIVE	P	68,410	71,831	75,422	79,194	83,153	87,311
POLICE SCHOOL RESOURCE OFFICER	P	68,410	71,831	75,422	79,194	83,153	87,311
POLICE SENIOR OFFICER	P	68,410	71,831	75,422	79,194	83,153	87,311
POLICE CORPORAL	P	69,045	72,497	76,122	79,928	83,924	88,120
FIRE CAPTAIN	F	74,227	77,939	81,836	85,927	90,224	
ASSOCIATE CIVIL ENGINEER	S	75,629	79,411	83,381	87,550	91,928	
WASTEWATER SYSTEMS SUPV	S	75,629	79,411	83,381	87,550	91,928	
BUDGET/ACCOUNTING MANAGER	M	78,532	82,458	86,581	90,910	95,456	
CONSOLIDATED MAINTENANCE SUPT	M	78,532	82,458	86,581	90,910	95,456	
ENVIRONMENTAL PROGRAMS MANAGER	M	78,532	82,458	86,581	90,910	95,456	
INFORMATION SYSTEMS TECHNICIAN	M	78,532	82,458	86,581	90,910	95,456	
RECREATION SERVICES MANAGER	M	78,532	82,458	86,581	90,910	95,456	
SENIOR PLANNER	M	78,532	82,458	86,581	90,910	95,456	
TOURISM MANAGER	M	78,532	82,458	86,581	90,910	95,456	
POLICE SERGEANT	P	81,251	85,314	89,580	94,059	98,762	103,700
PLANNING MANAGER	M	86,387	90,706	95,241	100,003	105,003	
SENIOR CIVIL ENGINEER	M	86,387	90,706	95,241	100,003	105,003	
FIRE MARSHAL	F	88,114	92,520	97,146	102,003	107,103	

CITY CLERK/HR MANAGER	M	100,603	105,633	110,914	116,460	122,283	
CITY ENGINEER	M	101,808	106,898	112,243	117,856	123,748	
COMMUNITY DEVELOPMENT MANAGER	M	101,808	106,898	112,243	117,856	123,748	
UTILITY DIVISION MANAGER	M	101,808	106,898	112,243	117,856	123,748	
POLICE COMMANDER	M	114,300	120,015	126,015	132,316	138,932	
DEPUTY CITY MANAGER	E	124,785	131,025	137,576	144,455	151,677	
COMMUNITY DEVELOPMENT DIRECTOR	E	124,785	131,025	137,576	144,455	151,677	
FINANCE DIRECTOR	E	124,785	131,025	137,576	144,455	151,677	
PUBLIC WORKS DIRECTOR	E	129,439	135,911	142,706	149,842	157,334	
HARBOR DIRECTOR	E	131,853	138,446	145,368	152,636	160,268	sworn
FIRE CHIEF	E	131,853	138,446	145,368	152,636	160,268	sworn
POLICE CHIEF	E	131,853	138,446	145,368	152,636	160,268	sworn
CITY MANAGER	E	174,465	178,826	183,297	187,879	192,576	

Updated 3/5/20, Effective 3/10/20

CITY OF MORRO BAY

CITY ENGINEER

EMPLOYMENT AGREEMENT

This CITY ENGINEER EMPLOYMENT AGREEMENT (hereinafter referred to as the "AGREEMENT") is entered into and made effective the 21st day of March, by and between the CITY OF MORRO BAY, a general law city and municipal corporation (hereinafter referred to as the "CITY") and Robert A. Livick, an individual (hereinafter referred to as "EMPLOYEE"). For purposes of this AGREEMENT, CITY and EMPLOYEE may be collectively referred to as the "Parties" or individually as a "Party."

R E C I T A L S

WHEREAS, pursuant to Morro Bay Municipal Code ("MBMC") section 2.12.090, the City Manager of the City of Morro Bay (hereinafter the "City Manager") has the authority to appoint any officers and employees of the CITY, except the City Attorney; and

WHEREAS, pursuant to MBMC section 2.32.040(H), the City Engineer position is exempt from the CITY's Personnel System established in MBMC Chapter 2.32; and

WHEREAS, the duties of the City Engineer are set forth in full in Exhibit "A" to this AGREEMENT; and

WHEREAS, pursuant to Resolution No. 57-09, which was adopted on December 14th, 2009, Employee was appointed by the City Council as the CITY's City Engineer; and

WHEREAS, pursuant to the "City of Morro Bay Agreement For Professional Services—Public Services Director" between the CITY and EMPLOYEE entered into on June 29th, 2010 (hereafter "the Public Services Director Employment Agreement"), EMPLOYEE was appointed to be the CITY's Public Services Director (now referred to as the position of "Public Works Director/Engineer"); and

WHEREAS, the CITY and EMPLOYEE have mutually agreed to terminate the Public Services Director Agreement, and to enter into this Agreement, whereby EMPLOYEE would be appointed by the City Manager to serve as the CITY's City Engineer effective March 21, 2020 pursuant to the terms and conditions of this Agreement; and

WHEREAS, EMPLOYEE has the required level of education, experience, skills and expertise to serve as the City Engineer of the CITY; and

WHEREAS, EMPLOYEE desires to perform and assume responsibility for the provision of City Engineer services to the CITY; and

WHEREAS, the Parties now wish to state the terms and conditions of EMPLOYEE's provision of City Engineer professional services to the CITY through this AGREEMENT; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the CITY and EMPLOYEE hereby agree as follows:

A G R E E M E N T

1.0 EMPLOYMENT & DUTIES

1.1 Duties. The City Manager hereby appoints and employs EMPLOYEE as City Engineer for the CITY to perform the functions and duties of that position, as described in Exhibit "A" to this AGREEMENT and such other legally permissible and proper duties and functions as the City Manager shall, from time to time, direct or assign to EMPLOYEE. CITY reserves the right to amend the job description for City Engineer attached hereto as Exhibit "A", which defines City Engineer functions and duties, as it deems necessary and appropriate, without requiring EMPLOYEE's acquiescence or an amendment of this AGREEMENT. EMPLOYEE agrees to perform all such functions and duties to the best of EMPLOYEE's ability and in an efficient, competent, and ethical manner.

1.2 Work Schedule. It is recognized that EMPLOYEE is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times, and must devote a great deal of time outside the normal office hours to the business of the CITY. EMPLOYEE acknowledges that proper performance of the duties of City Engineer will require EMPLOYEE to generally observe normal business hours (currently 8:00 a.m. to 5:00 p.m., Monday through Friday, including a standard one-hour lunch period), as set by the CITY and as may be duly revised from time-to-time by the CITY, and will also often require the performance of necessary services outside of normal business hours. EMPLOYEE may be required to attend City Council meetings, which are presently scheduled for the 2nd and 4th Tuesdays of each month beginning at 5:30 p.m. EMPLOYEE's compensation (whether salary or benefits) is not based on hours worked. Furthermore, the City Engineer position remains an "exempt" classification under the overtime provisions of the federal Fair Labor Standards Act ("FLSA") and EMPLOYEE shall not be entitled to any compensation for overtime nor subject to such overtime provisions of the FLSA.

1.3 FLSA Exempt Status. EMPLOYEE acknowledges and agrees that the City Engineer position is that of an exempt employee of the CITY for the purposes of the FLSA.

1.4 Other Activities. EMPLOYEE shall focus EMPLOYEE's professional time, ability, and attention to the CITY's business during the term of this AGREEMENT. EMPLOYEE shall not engage, without the express prior written consent of the City Manager, in any other business duties or pursuits whatsoever, or directly or indirectly render any services of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise, that is or may be competitive with the CITY, that might cause a conflict-of-interest with the CITY, or that otherwise might interfere with the business or operation of the CITY or the satisfactory performance of the functions and duties of the City Engineer.

1.5 At-will Employment Status. EMPLOYEE shall serve at the will and pleasure of the City Manager and understands that by accepting the City Engineer appointment,

EMPLOYEE is an "at-will" employee and shall be subject to summary dismissal without any right of notice or hearing, including any so-called due process pre-disciplinary "Skelly" hearing. The CITY may terminate EMPLOYEE at any time in accordance with Section 3.4 below.

1.6 Exemption from Personnel System. MBMC §2.32.040(H) expressly exempts the City Engineer position from the CITY's Personnel System established in MBMC Chapter 2.32. EMPLOYEE understands, acknowledges and agrees that EMPLOYEE is exempt from the CITY's Personnel System.

1.7 Termination of Public Services Director Employment Agreement. The CITY and EMPLOYEE entered into the Public Services Director Employment Agreement on June 29th, 2010. The CITY and EMPLOYEE mutually agree that as of the Effective Date of this AGREEMENT, the Public Services Director Employment Agreement, including all amendments thereto, shall automatically be terminated and be of no further force and effect. The CITY and EMPLOYEE further agree that the CITY shall have no obligation to pay EMPLOYEE severance as provided in Section 3(a) of the Public Services Director Employment Agreement, as EMPLOYEE is being appointed to the position of City Engineer pursuant to the terms and conditions of this AGREEMENT and being allowed a one-time leave cash-out as described in Section 5.2(e) of this AGREEMENT.

2.0 COMPENSATION AND REIMBURSEMENT

2.1 Base Salary. For the services rendered pursuant to this AGREEMENT, EMPLOYEE's base salary shall be at Step 5 of the salary range for the position of City Engineer, which is currently One Hundred Twenty-Three Thousand Seven Hundred Forty-Eight Dollars ($123,748.00) ("Salary"). The Salary shall be paid on a pro-rated basis bi-weekly at the same time as other employees of the CITY are paid, effective the first full pay period after the Effective Date of this AGREEMENT as provided in Section 3.1 hereof. Such Salary shall be subject to normal and proper withholdings as determined by state and federal law and shall be subject to payroll taxes, workers' compensation, Medicare deductions of 1.45%, and other payroll-related liability costs.

2.2 Salary Review. The City Manager and EMPLOYEE agree to endeavor to conduct an annual Salary review concurrently with the annual performance evaluation set forth in Section 4.2 hereof.

2.3 Salary Adjustment. Following the annual performance evaluation set forth in Section 4.2 hereof and the annual salary review set forth above in Section 2.2, the City Manager may increase EMPLOYEE's base salary through Step advancements based on the results of those annual reviews. Any adjustments in the base salary and/or benefits following the annual performance evaluation under Section 4.2 and review under Section 2.2 shall be at the sole discretion of the City Manager and in accordance with the pay schedule for the position of City Engineer adopted by the City Council.

2.4 Business Expense Reimbursements. CITY shall reimburse EMPLOYEE for reasonable and necessary travel, subsistence, and other CITY related business expenses incurred by EMPLOYEE in the performance of his duties. All reimbursements shall be subject to

and in accordance with California law, the CITY's adopted policies, and IRS rules for reporting compensation through payroll or reimbursement through accounts payable.

3.0 TERM

3.1 Commencement & Effective Date. EMPLOYEE shall commence service as the City Engineer for the CITY effective March 21, 2020 ("Effective Date").

3.2 Term. The City shall not terminate EMPLOYEE for six (6) months following the Effective Date (i.e. not prior to September 22, 2020), unless such termination is for cause as defined in Section 3.4(a) below. Thereafter, CITY employs EMPLOYEE indefinitely on an at-will basis until his services are terminated as provided for herein.

3.3 Termination by EMPLOYEE. EMPLOYEE may terminate this AGREEMENT at any time, provided EMPLOYEE provides the City Manager with at least thirty (30) days' advance written notice. In the event EMPLOYEE terminates this AGREEMENT, EMPLOYEE expressly agrees that EMPLOYEE shall not be entitled to any severance pay.

3.4 Termination by CITY. The City Manager's right to terminate EMPLOYEE pursuant to this Section 3.4 shall not be subject to or in any way limited by the CITY's Personnel Rules and Regulations, or any subsequent related resolutions, or past CITY practices related to the employment, discipline or termination of the CITY's employees. EMPLOYEE expressly waives any rights provided for the position of City Engineer under the CITY's Personnel Rules and Regulations, Municipal Code, or under other local, state or federal law to any other form of pre- or post-termination hearing, appeal, or other administrative process pertaining to termination. Nothing herein shall be construed to create a property interest, where one does not exist by rule of law in the position of City Engineer. Notwithstanding this Section 3.4, upon appointment to the City Engineer position, EMPLOYEE remains an at-will employee serving at the pleasure of the City Manager.

(a) Termination by CITY for Cause. The CITY may terminate this AGREEMENT at any time by providing EMPLOYEE with five (5) business days' written notice of the termination for cause and the facts and grounds constituting such cause. The term "cause" shall be defined to include any misconduct materially related to performance of official duties, including but not be limited to any of the following: (1) willful or persistent material breach of duties or inattention to duties, (2) résumé fraud or other acts of material dishonesty, (3) unauthorized or excessive absence or leave, (4) conviction of a misdemeanor involving moral turpitude (i.e., offenses contrary to justice, honesty, or morality) or abuse of position, (5) conviction of a felony under California law, (6) violation of the City's anti-harassment policies and/or a finding that legally prohibited personal acts of harassment against a City official or employee or legally prohibited personal acts of discrimination against a City official or employee has occurred, (7) violation of state law or the City's Municipal Code or ordinances, rules, and regulations, (8) use or possession of illegal drugs in violation of state law and/or City policy, (9) engaging in conduct tending to bring embarrassment or disrepute to the City, (10) any illegal or unethical act involving personal gain, including conviction of theft or attempted theft, (11) significant mismanagement of City finances, (12) any pattern of repeated, willful and intentional failure to carry out materially significant and legally constituted directions or policy decisions of

the City Council or City Manager, (13) gross misfeasance or gross malfeasance, or (14) any similar cause. For any of the foregoing, the CITY may, in its discretion, place EMPLOYEE on paid or unpaid administrative leave until resolution. If the CITY terminates for cause this AGREEMENT and the services of EMPLOYEE hereunder, the CITY shall have no obligation to pay EMPLOYEE any severance.

(b) Termination by CITY Without Cause. By providing EMPLOYEE at least thirty (30) days' prior written notice thereof, the CITY may terminate EMPLOYEE effective at any time on or after September 22, 2020 without cause but rather based upon management reasons such as implementing the CITY's goals or policies, including but not limited to: i) change of administration, or ii) incompatibility of management styles. If the CITY terminates this AGREEMENT without cause and the services of EMPLOYEE hereunder, the CITY shall have no obligation to pay EMPLOYEE any severance.

4.0 PERFORMANCE EVALUATIONS

4.1 Purpose. The performance review and evaluation process set forth herein is intended to provide review and feedback to EMPLOYEE so as to facilitate a more effective management of the CITY. Nothing herein shall be deemed to alter or change the employment status of EMPLOYEE as City Engineer (as set forth in Section 1.5 above), nor shall this Section 4.0 be construed as requiring "cause" to terminate this AGREEMENT, or the services of EMPLOYEE hereunder.

4.2 Annual Evaluation. The City Manager shall endeavor to conduct a formal or informal review and evaluate the performance of EMPLOYEE on an annual basis during July of each calendar year, using an evaluation form to be approved by City Manager. Such performance review and evaluation shall be conducted concurrently with an annual base salary review provided for in Section 2.2 hereof, and in accordance with the purpose noted in Section 4.1 above.

4.3 Written Summary. The City Manager may, at his or her sole discretion, elect to provide a written summary of each performance evaluation to EMPLOYEE within two (2) weeks following the conclusion of the performance review and evaluation process.

5.0 BENEFITS AND OTHER COMPENSATION

5.1 Professional Development. The CITY recognizes its obligation to EMPLOYEE's professional development, and agrees that EMPLOYEE shall be given adequate opportunities to develop and maintain skills and abilities as a city engineer. EMPLOYEE is expected and encouraged to and does agree to participate in professional organizations and to attend area and regional meetings and conferences related to matters of interest to the CITY consistent with the time required for such attendance in relationship to EMPLOYEE's other responsibilities as determined by the City Manager. The City Manager hereby agrees to budget an amount to be determined in the exercise of the City Manager's sole discretion to pay the cost, travel and subsistence expense of EMPLOYEE for professional and/or official travel, meetings, and occasions adequate to continue professional development of EMPLOYEE and to adequately pursue necessary official functions for the CITY. EMPLOYEE shall be responsible for

maintaining any professional certifications recognized as necessary or desirable in the performance of the duties hereunder.

5.2 Paid Leave.

(a) Sick Leave: EMPLOYEE shall accrue one (1) day paid sick leave per month. Sick leave days equal eight (8) hours. EMPLOYEE may convert up to ninety-six (96) hours of unused, accumulated sick leave into paid vacation once during the following fiscal year on a ratio of two sick leave hours for one vacation hour. At least one-hundred sixty (160) hours shall remain in EMPLOYEE's sick leave bank to be eligible for a conversion or for a conversion to be authorized. In addition, the right to convert does not carry over or rollover from calendar year to calendar year; failure to request conversion, in any calendar year, eliminates the right to do so for that calendar year. Sick leave that is compensated or converted to vacation cannot be used towards the California Public Employees' Retirement System ("CalPERS") sick leave credit option at retirement.

EMPLOYEE shall be entitled to receive cash payment for up to 50% of unused sick leave upon resignation of employment, provided that such amount shall not exceed $4,500 and provided that EMPLOYEE provides the CITY at least thirty (30) days written notice of intent to resign. (No cash out of sick leave shall be provided in the event of termination.) Sick leave time must be taken off on an hour by hour basis equaling EMPLOYEE's actual time off during normal business hours, regardless of accumulation rates.

(b) Vacation Leave. EMPLOYEE shall be entitled to annual vacation leave in accordance with years of CITY service, as follows:

Service Years	**Vacation Days**
21+	20

Upon separation, for any reason, EMPLOYEE shall be entitled to one hundred percent (100%) of the unused vacation leave on the books then existing, at the EMPLOYEE's current hourly rate of pay. Unused vacation leave may be carried over into the following year to a maximum accrual of three hundred (300) hours. Any hours exceeding the maximum accumulation will be paid out in December of each fiscal year. EMPLOYEE may exercise the option to convert into cash a maximum of forty (40) hours of accrued vacation leave each fiscal year. Such conversion shall be computed at EMPLOYEE's then-current base hourly rate on an hour per hour basis, with thirty (30) days' written notice to payroll. Vacation leave time must be taken off on an hour by hour basis equaling EMPLOYEE's actual time off during normal business hours, regardless of accumulation rates.

(c) Holiday Leave. EMPLOYEE shall be granted the following holidays: New Year's Day, Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving Day, and Christmas. In addition, two (2) floating holidays will be credited to EMPLOYEE's Holiday Leave bank July 1st each year. EMPLOYEE may accumulate up to a

maximum of forty-eight (48) hours holiday time. Hours of holiday accumulated over forty-eight (48) hours will be paid out in December. Holiday time is a compensable leave, and any hours remaining in the employee's holiday bank will be paid out upon separation from CITY service, at EMPLOYEE's current hourly rate of pay. Floating holiday leave time must be taken off on an hour by hour basis equaling EMPLOYEE's actual time off during normal business hours, regardless of accumulation rates.

(d) Administrative Leave. EMPLOYEE shall be provided seventy-two (72) hours of administrative leave per fiscal year, to be credited to EMPLOYEE every year on July 1. Up to twenty-four (24) hours of administrative leave may be rolled over into the following fiscal year, not to exceed ninety-six (96) total banked hours of accrued leave in any fiscal year. The time during the fiscal year at which EMPLOYEE may take administrative leave shall be determined by the City Manager. Administrative leave is a compensable leave, and any hours remaining in EMPLOYEE's administrative leave bank will be paid out upon separation from CITY service, at EMPLOYEE's current hourly rate of pay. Administrative leave time must be taken off on an hour by hour basis equaling EMPLOYEE's actual time off during normal business hours, regardless of accumulation rates.

(e) One-Time Leave Cash-Out. By providing written notice to the City Manager and the Human Resources Department within ten (10) calendar days following the Effective Date, Employee shall be allowed to elect to cash out up to one-half (1/2) of his administrative, floating holiday, and vacation leave on the books as of February 28, 2020. Leave cash out will be provided at Employee's base hourly rate of compensation for the position of Public Works Director in effect as of February 28, 2020 (i.e. $75.64 per hour). Employee's leave balances and maximum cash-out for purposes of leave conversion pursuant to this Section 6.2(e) are as follows:

Leave Type	**Leave Balance Total (Hours)**	**½ Leave Balance (Hours)**	**Maximum Cash-Out**
Admin-istrative	82.0	41.0	$3,101.24
Floating Holiday	48.0	24.0	$1,815.36
Vacation	349.2	174.6	$13,206.74

5.3 Health & Welfare Benefits.

EMPLOYEE shall receive the following contribution toward the purchase of CalPERS health insurance, which includes the required CalPERS contribution:

Employee only - up to $715/month or cost of insurance, whichever is less
Employee + 1 – up to $1,135/month or cost of insurance, whichever is less

Employee + family - up to $1,460/month or cost of insurance, whichever is less

Additionally, EMPLOYEE shall receive the following contributions toward the purchase of Life, Vision and Dental insurances:

	Life	**Vision**	**Dental**	**Total**	**Bank**	**EE Pays**
Employee only	$8.70	$ 8.73	$ 56.68	$ 74.11	$ 71.18	$ 2.93
Employee + 1	$8.70	$ 16.40	$156.84	$181.94	$170.19	$11.75
Employee + 2+	$8.70	$ 23.34	$156.84	$188.888	$176.67	$12.21

5.4 Retirement.

(a) Retirement Plan. EMPLOYEE is a "classic member" as defined by CalPERS and as mandated by the Public Employees' Pension Reform Act of 2013. Accordingly, EMPLOYEE shall continue to participate in the CITY's Tier I CalPERS Retirement Program with the 2.7% at 55 formula with the CITY's CalPERS contract options for this plan, which include the following: 1) Unused sick leave credit (Government Code §20965); 2) Military Service Credit (Government Code §21024 & §21027); 3) Final Compensation 1 year (Government Code §20042); 4) 1959 Survivor Benefit, Level 4 (Government Code §21574); and 5) Pre-Retirement Option 2W Death Benefit (Government Code §21548).

(b) Employee Contribution. EMPLOYEE shall be responsible for the full member contribution for EMPLOYEE's CalPERS retirement plan, which is currently 8%, deducted on a pre-tax basis.

5.5 Deferred Compensation. EMPLOYEE shall have the option to participate in the deferred compensation program offered by the City, subject to the terms and conditions of the 1978 Revenue Act and Section 457 of the Internal Revenue Code. The City will contribute One Thousand Five Hundred Dollars ($1,500) per calendar year to the deferred compensation program which shall be paid on a pro-rated basis bi-weekly.

5.6 Bonding. CITY shall bear the full cost of any fidelity or other bonds required for EMPLOYEE under any law or CITY ordinance.

5.7 Life Insurance. EMPLOYEE shall be entitled to a $50,000.00 life insurance policy.

5.8 Long-Term Disability ("LTD") Insurance Program. The CITY shall provide LTD to EMPLOYEE and pay the cost for the plan.

5.9 Business Equipment. The CITY will provide to EMPLOYEE any job-related personal tools or equipment, such as a computer, desk, land-line phone, file cabinets, table and chairs etc., that serve the professional development of EMPLOYEE and/or is needed to perform EMPLOYEE'S functions and duties. Upon termination, for any reason, EMPLOYEE shall return all business equipment to CITY no later than EMPLOYEE's last day of employment.

CITY shall provide Fifty Dollars ($50) per month cell phone reimbursement for EMPLOYEE's use of his own cell phone for City business. EMPLOYEE shall be responsible for any personal income tax that may result from that reimbursement.

5.10 Education Incentives. The CITY agrees to reimburse the costs for job-related and job-required certifications, correspondence courses, and licenses upon successful completion of the examination or course by the employee, having written authorization in advance from the City Manager. This shall include application fees, examination fees, and certificate fees. Renewal fees may be paid in advance by the CITY. This provision does not apply to continuing education requirements.

6.0 INDEMNIFICATION

To the extent mandated by the California Government Code, the CITY shall defend, hold harmless, and indemnify EMPLOYEE against any tort, professional liability, claim or demand, or other legal action arising out of an alleged act or omission occurring in the performance of EMPLOYEE's services under this AGREEMENT. This section shall not apply to any intentional tort or crime committed by EMPLOYEE, to any action outside the course and scope of EMPLOYEE's employment, or any other intentional or malicious conduct or gross negligence of EMPLOYEE.

7.0 OTHER TERMS- CONDITIONS OF EMPLOYMENT

The City Manager, in consultation with EMPLOYEE, shall establish any such other terms and conditions of employment as he or she may determine from time to time, provided such terms and conditions: i) do not exceed the maximum salary for the position of City Engineer, ii) do not exceed benefits approved by the City Council for the City's unrepresented management employees, and iii) are reduced to writing and signed by EMPLOYEE and the City Manager.

8.0 GENERAL PROVISIONS

8.1 Entire AGREEMENT. This AGREEMENT represents the entire AGREEMENT and understanding between the Parties and supersedes any and all other agreements and understandings, either oral or in writing, between the Parties with respect to EMPLOYEE's employment by the CITY and contains all of the covenants and agreements between the Parties with respect to such employment. No ordinances or resolutions of CITY governing employment, including the Personnel System, shall apply unless specified herein. Each Party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by either Party, or anyone acting on behalf of either Party, which are not embodied herein, and that no other agreement, statement or promises not contained in this AGREEMENT shall be valid or binding upon either Party.

8.2 Amendment. This AGREEMENT may be amended at any time by the mutual consent of the Parties by an instrument in writing.

8.3 Notices. Any notice required or permitted by this AGREEMENT shall be in writing and shall be personally served or shall be sufficiently given when served upon the other Party as sent by United States Postal Service, postage prepaid and addressed as follows:

To CITY:	To EMPLOYEE:
City Manager City of Morro Bay 595 Harbor Street Morro Bay, California 93442	Robert A. Livick [On file with Human Resources Dept.]

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the United States Postal Service.

8.4 Conflicts Prohibited. During the term of this AGREEMENT, EMPLOYEE shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of EMPLOYEE's duties under this AGREEMENT. EMPLOYEE shall comply with all requirements of law, including but not limited to, Sections 87100 *et seq*., Section 1090 and Section 1126 of the Government Code, and all other similar statutory and administrative rules.

8.5 Effect of Waiver. The failure of either Party to insist on strict compliance with any of the terms, covenants, or conditions of this AGREEMENT by the other Party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

8.6 Partial Invalidity. If any provision in this AGREEMENT is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

8.7 Governing Law. This AGREEMENT shall be governed by and construed in accordance with the laws of the State of California, which are in full force and effect as of the date of execution and delivery by each Party hereto.

8.8 Government Code §§ 53243 - 53243.4. Assembly Bill 1344, which was subsequently enacted as Government Code §§ 53243 - 53243.4, sought to provide greater transparency in local government and institute certain limitations on compensation paid to local government executives. These statutes also require that contracts between local agencies and its employees include provisions requiring an employee who is convicted of a crime involving an abuse of his or her office or position to provide reimbursement to the local agency. These statutes are incorporated herein by reference. Accordingly, the Parties agree that it is their mutual intent to fully comply with these Government Code sections and all other applicable law as it exists as of the date of execution of this AGREEMENT and as such laws may be amended from time to time thereafter. Specifically, the following Government Code sections are called out and hereby incorporated by this AGREEMENT:

§53243. Reimbursement of paid leave salary required upon conviction of crime involving office or position.

§53243.1. Reimbursement of legal criminal defense upon conviction of crime involving office or position.

§53243.2. Reimbursement of cash settlement upon conviction of crime involving office or position.

§53243.3. Reimbursement of noncontractual payments upon conviction or crime involving office or position.

§53243.4. "Abuse of office or position" defined.

EMPLOYEE represents that EMPLOYEE has reviewed, is familiar with, and agrees to comply fully with each of these provisions if any of these provisions are applicable to EMPLOYEE, including that EMPLOYEE agrees that any cash settlement or severance related to a termination that EMPLOYEE may receive from the CITY shall be fully reimbursed to the local agency if EMPLOYEE is convicted of a crime involving an abuse of EMPLOYEE's office or position.

8.9 Independent Legal Advice. The CITY and EMPLOYEE represent and warrant to each other that each has received legal advice from independent and separate legal counsel with respect to the legal effect of this AGREEMENT, or had the opportunity to do so, and the CITY and EMPLOYEE further represent and warrant that each has carefully reviewed this entire AGREEMENT and that each and every term thereof is understood and that the terms of this AGREEMENT are contractual and not a mere recital. This AGREEMENT shall not be construed against the Party or its representatives who drafted it or who drafted any portion thereof.

IN WITNESS WHEREOF, the City of Morro Bay has caused this AGREEMENT to be signed and executed on its behalf by its City Manager, and duly attested by its officers thereunto duly authorized, and EMPLOYEE has signed and executed this AGREEMENT, all in triplicate.

CITY OF MORRO BAY

_____

Scott Collins, City Manager

ATTEST:

_____

Dana Swanson, City Clerk

APPROVED AS TO FORM:

_____
Christopher Neumeyer, City Attorney

EMPLOYEE

_____
Robert A. Livick

EXHIBIT A

CITY OF MORRO BAY

CITY ENGINEER JOB DESCRIPTION

DEFINITION

Under administrative direction of the Public Works Director, to plan, organize and direct the City's Engineering Division of the Public Works Department; perform complex and professional engineering work for environmental, water, sewer, street, and other public works projects and programs ensuring technical competence and compliance with all current codes and criteria; supervise support staff; serve as project manager as needed; and to do related work as required. This position serves as the "City Official" designated to the Board of Professional Engineers, Land Surveyors and Geologists of having "Responsible Charge" for all municipal Engineering and Land Surveying Activities.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Plans, organizes and directs the activities in the Engineering Division.
2. Acts as City's Traffic Engineer, Floodplain Administrator and Surveyor.
3. Reviews private project development plans for compliance with codes, regulations, and standards; ensures adequacy of applications for permits and compliance with approved plans in coordination with the Community Development Department.
4. Determines applicable codes, regulations, and requirements for assigned projects.
5. Coordinates the preparation of, or develops, engineering plans and specifications; coordinates required advertising for bids; reviews construction bids and makes necessary recommendations based on lowest and best bids, competency of contractors, vendors and consultants, and the selection criteria.
6. Provides project management for the construction of municipal public works projects; oversees assigned projects to ensure contractor compliance with time and budget parameters for the project.
7. Prepares sanitary wastewater, water, storm drainage, and street system maps, data bases, and comprehensive plans.
8. Maintains and approves the engineering standards and specifications and infrastructure records.
9. Assures as-built records of projects, and documents necessary changes for the operation and maintenance programs.
10. Responds to public or other inquiries relative to engineering requirements on specific projects and other information.
11. Reviews utility permits, street use (encroachment) permits, franchise utility permits, etc.
12. Maintains regular contact with consulting engineers, construction project engineers, City, County, State and Federal agencies, professional and technical groups and the general public regarding division activities and services.

13. Assists in the evaluation of transportation and traffic impacts of development proposals, permits, rezones, plats, etc.; prepares traffic, utility and other studies and reports.
14. Provides intersection signal and channelization design.
15. Develops the pavement management systems.
16. Coordinates sidewalk inspection, maintenance and enforcement programs.
17. Monitors inter-governmental actions affecting public works operations.
18. Assists in the training of other city personnel in public works design and construction techniques.
19. Assists in the management of departmental personnel including interviews, selection, training, evaluations, and discipline.
20. Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Thorough knowledge of civil engineering principles, practices and methods as applicable to a municipal setting; considerable knowledge of applicable City policies, laws, and regulations affecting Division activities; considerable skill in arriving at cost estimates on complex projects; skill in operating the listed tools and equipment.

Ability to:

Ability to communicate effectively, orally and in writing, with employees, consultants, other governmental agency representatives, City officials and the general public; ability to conduct necessary engineering research and compile comprehensive reports.

Education and Experience:

Graduation from a four-year college or university with a degree in civil engineering or closely related field and minimum of four years previous professional civil engineering experience; or any equivalent combination of education and experience.

Must be physically capable of moving about on construction work sites and under adverse field conditions.

Possession and maintenance of a Registered Professional Civil Engineer license in the State of California.

Desirable: Possession and maintenance of a Licensed Professional Land Surveyor license in the State of California.

Must possess a valid California driver's license.

TOOLS & EQUIPMENT USED

Personal computer, including word processing, spreadsheet, and data base and computer-aided-design software; standard drafting tools; surveying equipment including level, theodolite and electronic distance measuring devices; motor vehicle; telephone; mobile radio; fax and copy machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use developments, construction sites, or public works facilities. Hand-eye coordination is necessary to operate drafting instruments, computers and various pieces of office equipment.

While performing the duties of this job, the employee is occasionally required to stand; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to site; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and smell.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet to moderate.

SELECTION GUIDELINES

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required.
The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by the Morro Bay City Council on January 10, 2000.

Revisions approved by the Morro Bay City Council on March 10, 2020.