

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

**P u b l i c   N o t i c e   o f   A v a i l a b i l i t y**

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

**CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT  
CITY OF MORRO BAY**

**The City has determined that the following proposal qualifies for a**

**Negative Declaration**     **Mitigated Negative Declaration.**

**PROJECT TITLE:** 725 Embarcadero, Rose's Landing Docks

**PROJECT LOCATION:** 725 Embarcadero Road (APN# 066-352-047)

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

**CASE NO.:** UP0-359 (Conditional Use Permit)

**PROJECT DESCRIPTION:** The project located at the western extent of 725 Embarcadero (Rose's Landing) consists of expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet, and construction of a new gangway, dock, and seven (7) boat slips. With the exception of slip number one (1), which will be controlled by the Morro Bay Harbor Department, the remaining six (6) slips will be for non-commercial purposes and available as month-to-month rentals. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. No land-based activities are associated with this project.

**LEAD AGENCY:** City of Morro Bay

**CONTACT PERSON:** Cindy Jacinth, Associate Planner

**TELEPHONE:** (805) 772-6577

**ADDRESS WHERE DOCUMENT MAY BE OBTAINED:**

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

**PUBLIC REVIEW PERIOD: Begins: January 2, 2015 to February 2, 2015**

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

  
\_\_\_\_\_  
Cindy Jacinth, Associate Planner



Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Rose's Landing, 725 Embarcadero Road, Project No. UP0-359

Lead Agency: City of Morro Bay Contact Person: Cindy Jacinth
Mailing Address: 955 Shasta Avenue Phone: (805) 772-6577
City: Morro Bay Zip: 93442 County: San Luis Obispo

Project Location: County: San Luis Obispo City/Nearest Community: Morro Bay
Cross Streets: Embarcadero Road and Zip Code: 93442
Longitude/Latitude (degrees, minutes and seconds): 35 ° 21 ' 55.92" N / 120 ° 51 ' 13.18" W Total Acres: less than 1
Assessor's Parcel No.: 066-352-047 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: 1 Waterways: Alva Paul Creek
Airports: N/A Railways: Schools: Del Mar Elem. School

Document Type:

- CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ X ] Mit Neg Dec Other: [ ] FONSI

Local Action Type:

- [ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ X ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:

- [ ] Residential: Units 1 Acres
[ ] Office: Sq.ft. Acres Employees [ ] Transportation: Type
[ ] Commercial: Sq.ft. Acres Employees [ ] Mining: Mineral
[ ] Industrial: Sq.ft. Acres Employees [ ] Power: Type MW
[ ] Educational: [ ] Waste Treatment: Type repair/replace MGD
[ ] Recreational: [ ] Hazardous Waste: Type
[ X ] Water Facilities: Type Docks MGD [ ] Other:

Project Issues Discussed in Document:

- [ X ] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [ ] Water Quality
[ X ] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [ X ] Water Supply/Groundwater
[ X ] Archeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[ X ] Biological Resources [ ] Minerals [ ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
[ X ] Coastal Zone [ X ] Noise [ ] Solid Waste [ ] Land Use
[ ] Drainage/Absorption [ ] Population/Housing Balance [ X ] Toxic/Hazardous [ ] Cumulative Effects
[ ] Economic/Jobs [ ] Public Services/Facilities [ ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Waterfront/Planned Development Overlay/S.4 Design Criteria (WF/PD/S.4)

Project Description: (please use a separate page if necessary)

The project located at the western extent of 725 Embarcadero-Rose's Landing, consists of expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71ft, and construction of a new gangway, dock, and seven boat slips. With the exception of slip number one (1), which will be controlled by the Morro Bay Harbor Department, six slips are for non-commercial purposes and available as month-to-month rentals. The dock and slips would be supported by eleven new guide piles consisting of 35 - 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. No land-based activities are associated with this project.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Emergency Management Agency
- California Highway Patrol
- Caltrans District #5
- Caltrans Division of Aeronautics
- Caltrans Planning
- Central Valley Flood Protection Board
- Coachella Valley Mtns. Conservancy
- Coastal Commission
- Colorado River Board
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Energy Commission
- Fish & Game Region # 4
- Food & Agriculture, Department of
- Forestry and Fire Protection, Department of
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Native American Heritage Commission

- Office of Historic Preservation
- Office of Public School Construction
- Parks & Recreation, Department of
- Pesticide Regulation, Department of
- Public Utilities Commission
- Regional WQCB #3
- Resources Agency
- Resources Recycling and Recovery, Department of
- S.F. Bay Conservation & Development Comm.
- San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- San Joaquin River Conservancy
- Santa Monica Mtns. Conservancy
- State Lands Commission
- SWRCB: Clean Water Grants
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

**Local Public Review Period (to be filled in by lead agency)**

Starting Date January 2, 2015 Ending Date February 2, 2015

**Lead Agency (Complete if applicable):**

Consulting Firm: \_\_\_\_\_ Applicant: City of Morro Bay  
 Address: \_\_\_\_\_ Address: 595 Harbor Street  
 City/State/Zip: \_\_\_\_\_ City/State/Zip: Morro Bay, CA 93442  
 Contact: \_\_\_\_\_ Phone: 805-772-6577  
 Phone: \_\_\_\_\_

Signature of Lead Agency Representative: Cindy Jacobe Date: 12/30/14

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**City of Morro Bay**  
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**D R A F T   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 2014

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.: UP0-359

PROJECT TITLE: 725 Embarcadero Road, Rose's Landing Docks

APPLICANT / PROJECT SPONSOR:

<u>Owner:</u>  Doug Redican, 725 Embarcadero, LLC 1427 Doral Ct. San Luis Obispo, CA 93401 T 805.704.7771	<u>Applicant/Agent:</u>  Kim Prater, Steve Puglisi Architects 583 Dana Street San Luis Obispo, CA 93401 T 805.595.1962
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**PROJECT DESCRIPTION:** The project located at the western extent of 725 Embarcadero (Rose's Landing) consists of expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet, and construction of a new gangway, dock, and seven (7) boat slips. With the exception of slip number one (1), which will be controlled by the Morro Bay Harbor Department, the remaining six (6) slips will be for non-commercial purposes and available as month-to-month rentals. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay,

725 Embarcadero Road  
CASE NO.UPO-359  
DATE: December 2014

and tugged into position for pile installation. No land-based activities are associated with this project.

**PROJECT LOCATION:** The project site is located in the near marine environment at west of 725 Embarcadero Road, in Water Lease Site 82-85W, between Front and Pacific Streets within the City of Morro Bay. The ground portion of the site is within the Waterfront/Planned Development Overlay/Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H). The project is located in the Coastal Commission's Original Jurisdiction, therefore while the project is in the City's permitting jurisdiction for the required Use Permit, the Coastal Commission will take action on the Coastal Development Permit.

**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 in 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**  
 PUBLIC SERVICES DEPARTMENT  
 955 SHASTA AVENUE ♦ MORRO BAY, CA 93442  
 805-772-6261

**INITIAL STUDY AND CHECKLIST**

**I. PROJECT INFORMATION**

**Project Title:** Rose's Landing Dock and Gangway

**Project Location:** 725 Embarcadero Road (APN 066-352-047; Lease Site 82-85) & Water Lease Site 82-85W

**Case Number:** Use Permit #UP0-359

**Lead Agency:** City of Morro Bay Phone: (805) 772-6577  
955 Shasta Ave. Fax: (805) 772-6268  
Morro Bay, CA 93442  
Contact: Cindy Jacinth

**Project Applicant:** Doug Redican, 775 Embarcadero, LLC Phone: (805) 704-7771  
1427 Doral Ct. Fax: \_\_\_\_\_  
San Luis Obispo, CA 93401

**Project Agent:** Kimberly Prater, Puglisi Architects Phone: (805) 595-1962  
583 Dana Street Fax: \_\_\_\_\_  
San Luis Obispo, CA 93401

**Project Land Owner:** City of Morro Bay Phone: (805) 772-6200  
595 Harbor Street Fax: \_\_\_\_\_  
Morro Bay, CA 93443

**General Plan Designation:** Mixed Uses Harbor

**Zoning Designation:** Waterfront Planned Development Overlay (WF-PD) and Harbor (H)

**Project Description:** The project located at the western extent of 725 Embarcadero (Rose's Landing) consists of expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet, and construction of a new gangway, dock, and seven (7) boat slips. With the exception of slip number one (1), which will be controlled by the Morro Bay Harbor Department, the remaining six (6) slips will be for non-commercial purposes and available as month-to-month rentals. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. No land-based activities are associated with this project.

**Project Location and Environmental Setting:** The project site is located in the near marine environment at west of 725 Embarcadero Road, in Water Lease Site 82-85W, between Front and Pacific Streets within the City of Morro Bay. The ground portion of the site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H). The project is located in the Coastal Commission's Original Jurisdiction,

therefore while the project is in the City’s permitting jurisdiction for the required Use Permit, the Coastal Commission will take action on the Coastal Development Permit.

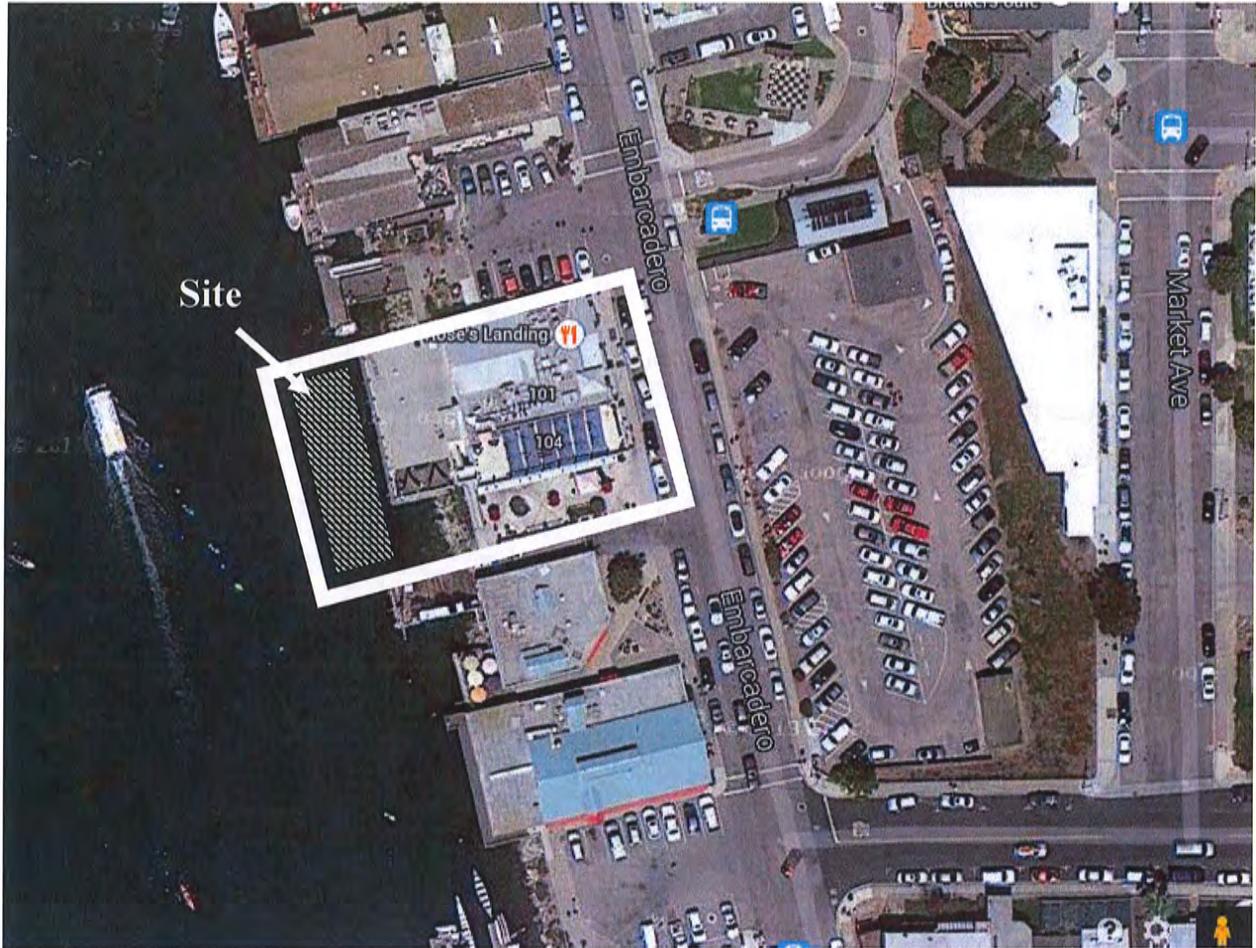
<b>Surrounding Land Use</b>			
North:	The ground portion of the site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H) ; developed with commercial and harbor uses.	East:	Visitor Serving Commercial, Planned Development Overlay Design Criteria zone (C-VS/PD/S.4); developed with commercial uses.
South:	The ground portion of the site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4). The portion over the water is zoned Harbor (H).	West:	Harbor (H) and Open Area 1(OA-1).

**Project Entitlements Requested:** The City of Morro Bay will take action on the request for a Conditional Use Permit (CUP). Because the site is within the Coastal Commission Original Jurisdiction, the Coastal Commission will take action on the Coastal Development Permit (CDP).

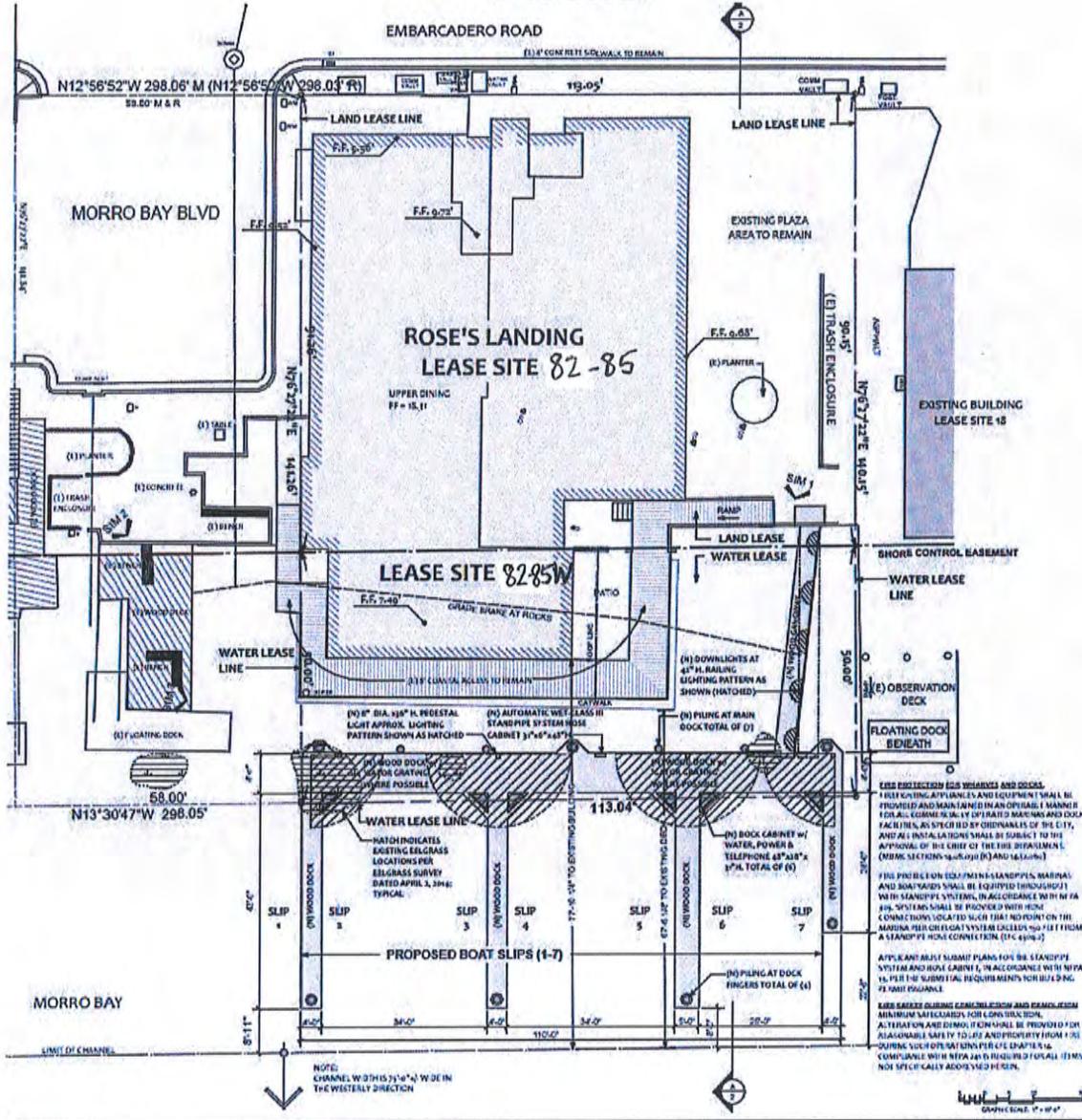
**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**  
 The City of Morro Bay is the lead agency for the proposed project. Responsible and trustee agencies may include, but are not limited to:

- Army Corps of Engineers
- Central Coast Regional Water Quality Control Board (RWQCB)
- San Luis Obispo Air Pollution Control District (SLOAPCD)

# VICINITY MAP



# SITE PLAN



# VISUAL SIMULATION PLAN

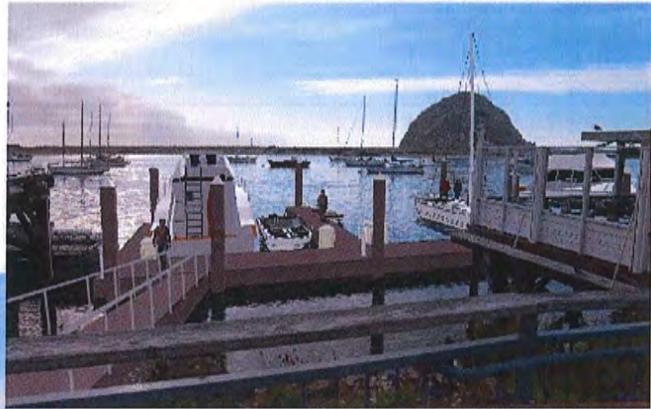


PHOTO SIMULATION 1



PHOTO SIMULATION 2

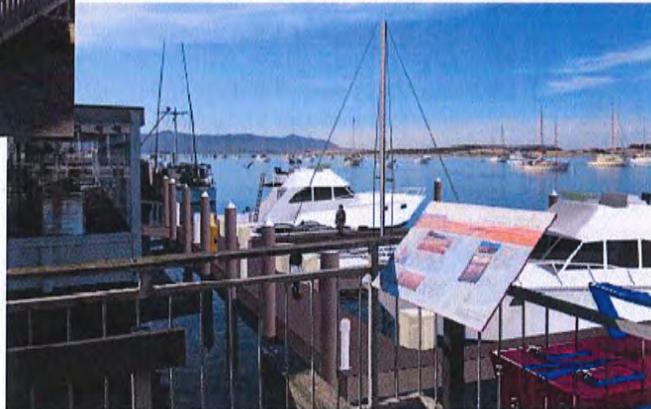
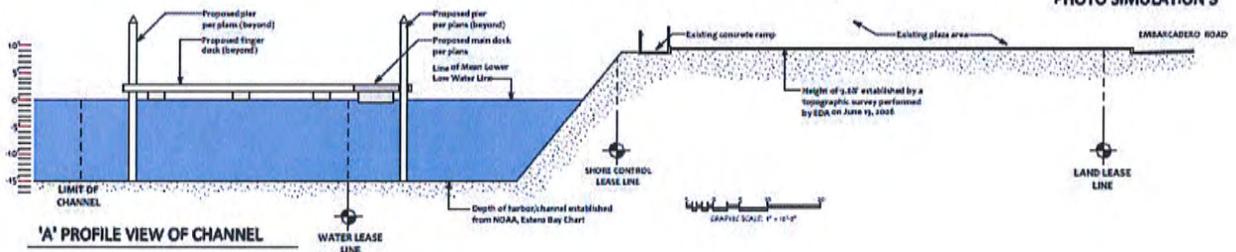


PHOTO SIMULATION 3



## 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.

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

### 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)).
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**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.	
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.	X
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 or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Cindy Jacinth  
Signature

12/29/14  
Date

Cindy Jacinth, Associate Planner

For: Rob Livick, Public Services Director



Previous Document: N/A

## 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 off-site as well as on-site, 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:  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 view of a state scenic highway?			X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Environmental Setting:

The General Plan and the Local Coastal Plan contain policies that protect the City’s visual resources. The waterfront and Embarcadero are designated as scenic view areas in the City’s Visual Resources and Scenic Highway Element. The Morro Rock, sand spit, harbor and navigable waterways are all considered significant scenic resources. To the west of the project site is Highway 1 which is identified as a “scenic highway”. This site and the neighboring properties are all developed with restaurant and retail structures, docks and viewing areas.

Impact Discussion:

a. The proposed docks and gangway are located to the west of the existing structures and public plaza, extending into and over the harbor. Similar to numerous similar structures in the vicinity, the proposed improvements can be considered as part of the vista in the working harbor. The public viewing space immediately adjacent to the site would remain and the scenic views to and from the site would not be substantially changed.

b. The project is within the Morro Bay harbor, which is not within the view shed of any state scenic highway.

c. Potential impacts to scenic vistas and the visual character and quality of the area would be less than significant. See impact discussion a, above.

d. The project is located in an already urbanized area with light sources from neighboring commercial uses, and light from vehicular circulation along neighboring streets. The proposed project includes 5 down-lights affixed to the 42-inch high railings along the gangway, and four free-standing 36-inch high bollard lights along the dock fingers to illuminate the passenger loading areas, as required by Municipal Code Section 14.52.060. The proposed light standards, as shown on page 2 of the project plans, are designed specifically for marina environments and are similar to those on existing docks in the vicinity, and will not create a substantial new source of light or glare or affect nighttime views in the area. The project will be required to conform with property development standards for lighting installations and operational standards, which prohibit light from being directed or allowed to spill off-site.

**Conclusion:** *Less than significant impact to aesthetic resources.*

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

Environmental Setting:

The existing commercial uses on the site are consistent with the zoning designation of WF/PD/S.4 and H (Waterfront Planned Development and Harbor). The property and surrounding areas are not zoned for agricultural uses. The site has not historically been used for farming nor has it been designated as prime farmland. The site is identified as urban and built up development on the San Luis Obispo County Conservation and Open Space Element (2010)..

Impact Discussion:

a-e. The site and surrounding land uses are not zoned for or suitable for agricultural uses. Also, the site does not contain agricultural soils of any importance. Therefore the project will not impact farmland and have no impacts on agricultural resources.

**Conclusion:** *No impacts to agricultural resources have been identified.*

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. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?				X

Environmental Setting: The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, Morro Bay is considered a non-attainment area for particulate matter less than 10 microns in diameter (PM10) and ozone (O<sub>3</sub>). State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD “CEQA Air Quality Handbook” (2012), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, .25 PPD of reactive organic gases, oxides or nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly.

The proposed project area is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Serpentine is a very common rock and has been identified by the ARB as having the potential to contain naturally occurring asbestos. Projects that would potentially disturb serpentine rocks are subject to the ARB Asbestos Airborne Toxics Control Measure (ATCM) for construction, Grading, Quarrying, and Surface Mining Operations.

Impact Discussion:

Operational Screening Criteria for Project Impacts:

a-c. The project includes construction of a gangway, dock, and seven (7) new boat slips, six (6) recreational and one (1) reserved for the Morro Bay Harbor Department. Only a minimal number of new vehicle trips associated with use

of the boat slips will be generated, and no production of odors is expected. The CEQA Air Quality Handbook, Table 1-1, provides both thresholds of significance for the APCD Annual Bright Line threshold (MT CO<sub>2</sub>e) and reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) for a variety of project types. Because nothing similar to boat docks is listed, the project was referred to APCD planning staff. In absence of any demolition activities or discharge of air contaminants which would be considered a nuisance, it was determined that the project emission and health risk is estimated to be is well below their CEQA.

Construction Screening Criteria for Project Impacts:

a-c) Temporary impacts from the project, including but not limited to excavation and construction activities, vehicle emissions from heavy duty equipment and naturally occurring asbestos, has the potential to create dust and emissions that exceed air quality standards for temporary and intermediate periods. Truck and equipment traffic would utilize major roadways and the number of daily vehicle trips that would be generated during construction would not add substantially to local traffic volumes.

d) Sensitive receptors within 1,000 feet of the project site include the public plaza immediately adjacent to the proposed docks. The types of construction projects that typically require a more comprehensive evaluation include large-scale, long-term projects within 1,000 feet of a sensitive receptor location. A small dock and gangway falls below the threshold required for mitigation and is considered less than significant.

e) No objectionable odors would be produced from the project during or following construction.

**Conclusion:** *Less than significant impacts on air quality resources. The project is subject to standard construction practices, including dust control measures required by the Municipal Code and review by the APCD to address short-term air quality impacts related to construction. All permit conditions are required as notes on the plans and Public Services Department staff will monitor compliance in the normal course of reviewing plans.*

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game 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 Game or U.S. Fish and Wildlife service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?		X		
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	

e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?		X		

Environmental Setting: The project area is the marine portion of the site, northwest of, and adjacent to the Embarcadero Waterfront in the City of Morro Bay, east of Morro Rock. The proposed project includes extending the Water Lease Area an additional 43.71-feet into channel. The total lease area over the water would increase from approximately 50 feet to 93.71-feet. At this new, expanded reach the lease area would remain approximately 8-foot 11-inches from the channel at its closet point. The following description of the marine resources is based on a review of literature, previous evaluations of similar projects in the vicinity, and data collected during a reconnaissance-level biological field survey.

Morro Bay is located within the central portion of Estero Bay in San Luis Obispo County. Morro Bay is a north-south oriented, semi-enclosed, shallow, estuarine lagoon, that is approximately 4.0 miles long and 0.75 miles wide; the open water area totals approximately 2,300 acres (Morro Bay National Estuary Program 2000). Morro Bay is an area where closely inter-related habitats are linked by physical and biological processes that supports several special status terrestrial and marine plant and animal species, as well as several sensitive habitats.

Morro Bay Estuary is designated as a National and State Estuary. It is the largest semi-enclosed bay on California's central coast and supports a diverse estuarine system (US Army Corps of Engineers, 2003). The Morro Bay National Estuary has been divided into sub-habitats, the project site is located in two primary marine habitats: subtidal and eelgrass (US Army Corps of Engineers, 2003). These habitats serve varying functions and support a variety of migratory and resident fish and wildlife species.

Available data sources have reported over 250 invertebrate species and 80 fish species within Morro Bay (Chambers Group, Inc., 201). Invertebrates recorded in the Morro Bay Estuary include oligochaete and polychaete worms, mollusks, crustaceans, and echinoderms. Nineteen species of clams have been recorded in Morro Bay, with the most common bivalves including the gaper clam (*Tresus nuttallii*), deoduck (*Panope generosa*), and Washington clam (*Saxidomus nuttalli*). Fish species reported from samples taken within Morro Bay include the English sole (*Parophrys vetulus*), speckled sanddab (*Citharichthys stigmaeus*), and staghorn sculpin (*Leptocottus armatus*). Two special status fish species that are known to occur within Morro Bay include the tidewater goby and south-central California coast steelhead DPS.

Morro Bay is also a major wintering ground for migratory waterfowl and shorebirds, with over seventy-five species, including three special status species: black brant (*Branta bernicla*), brown pelican, and western snowy plover (Chambers Group, Inc., 2001). Marine mammals that have been reported in Morro Bay include the California sea lion (*Zalophus californicus*), harbor seal (*Phoca vitulina*), and southern sea otter (*Enhydra lutris*). California sea lions are common in the coastal waters of California and are frequently sighted in and around Morro Bay (Morro Bay National Estuary Program, 2000).

*Eelgrass bed*

Eelgrass (*Zostera marina*), is a flowering plant that forms beds at low intertidal and shallow-subtidal depths; eelgrass within the Morro Bay estuary can be found between zero and -3.3 feet (MLLW) tide levels (US Army Corps of Engineers, 2003). Eelgrass beds are considered to be an important habitat in the estuary (Morro Bay National Estuary Program, 2000), and Morro Bay has the largest remaining eelgrass meadow between the San Francisco Bay and Los Angeles. Because of the regional importance of the eelgrass meadows and the role that eelgrass plays in supporting life in the bay, The Morro Bay National Estuary Program has monitored eelgrass in the bay for over a decade. A recent peak in 2007 at 344 acres was followed by a steady decline. Although eelgrass

naturally oscillates over time, the recent decline to less than 20 acres in 2013 has already resulted in notable declines in reliant animal species (Morro Bay National Estuary Program, 2014).

Eelgrass provides shelter for invertebrates and juvenile fish, contributes to the detrital food chain, and is considered an essential habitat for some vertebrate and invertebrate species, including topsmelt, Pacific staghorn sculpin, shiner surfperch, arrow goby (*Clevelandia ios*), and the NMFS included unidentified young-of-year rockfish (*Sebastes* spp.) and cabezon (*Scorpaenichthys marmoratus*) (Morro Bay National Estuary Program, 2000).

A reconnaissance-level eelgrass survey was conducted by Tenera Environmental on April 2, 2014. The preliminary results of that survey confirmed the presence of eelgrass within the footprint of the proposed dock. The survey found five eelgrass patches in the immediate vicinity, the largest patch being 2.5 m<sup>2</sup> (27 ft<sup>2</sup>). Together with two earlier reconnaissance-level eelgrass surveys, conducted in 2008 and 2011, the collective observations indicate the project area supports eelgrass with abundance levels and distribution that can change over time and space, and that the open areas between the eelgrass are areas that could potentially support eelgrass.

#### *Waters of the United States*

Waters of the United States occur on-site in the form of open water habitat (i.e. Morro Bay) and are partially defined in the CFR as: "All waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide" (33 CFR 328.3(a)). Waters of the United States are subject to Section 404 of the federal Clean Water Act (CWA), as administered by the USEPA and USACE. Furthermore, waters of the United States are also subject to Section 10 of the federal Rivers and Harbors Act of 1899 where building of any obstruction in a navigable waterway is proposed. The USACE is responsible to approve the use of Department of the Army permits for the discharge of dredged or fill material into all waters of the United States and construction within navigable waters of the United States. Furthermore, the Regional Water Quality Control Board (RWQCB) is responsible for the issuance of water quality certifications for impacts to waters of the United States pursuant to Section 401 of the CWA.

#### Impact Discussion:

a. *Eelgrass*. Eelgrass, a special status plant species, occurs within the area that is proposed to be disturbed during construction of the gangway and docks. Based on the preliminary eelgrass survey, approximately 33.06 m<sup>2</sup> (355.85 ft<sup>2</sup>) of eelgrass would be impacted, as would the approximately 715.35 m<sup>2</sup> (7,700 ft<sup>2</sup>) project area, all of which is considered sedimentary habitat with water depths that could support eelgrass. Due to the special status of eelgrass and consistent with existing protocols, this is considered a potentially significant impact to existing eelgrass bed habitat and the essential habitat for some managed fish species.

*Sediment Re-suspension*. Sediment re-suspension during in-water construction activities could result in an increase in water column turbidity and an associated decrease in dissolved oxygen concentration from re-suspended sediments. Disturbed water column conditions may contribute to: a decrease in light penetration and cause a general decline in aquatic primary productivity; clogging the respiratory and feeding apparatuses of fish and filter-feeding invertebrates; altering fish distribution and behavior; and/or avoid the turbid water areas, reducing foraging opportunities of special status bird species. Although some fish may avoid the immediate area due to an increase in suspended sediments, other fish and bird species could be attracted to the area to feed on floating organisms that are removed during these operations.

Eelgrass, a plant species of concern is present within the area proposed for the dock construction. The settling of re-suspended sediment onto eelgrass could result in a potentially significant impact to the overall population within Morro Bay. Populations of the south-central California coast steelhead DPS are known to occur in Chorro Creek and Los Osos Creek and their larger tributaries. The migration route for steelhead into spawning and nursery habitats within these creeks includes the area west of the main channel. The proposed dock is unlikely to result in the direct take of steelhead, due to the species being highly mobile. However, if not controlled, increased turbidity has the potential to affect migratory behavior in the adjacent waters. Due to the availability of nearby suitable habitat, harbor seals, sea lions, birds (including special status bird species), and other mobile species are expected to avoid the immediate area during construction activities; however, some animals may be attracted to the disturbed area in search of food items that are introduced into the water column during construction activities.

With implementation of Mitigation Measures BIO 1 and 2, the introduction of additional suspended sediments and the associated increase in turbidity are not expected to result in significant impacts to marine mammal, bird, or fish species.

*Marina Wildlife and Construction Noise.* Driving sheet and guide piles would generate noise that could impact marine wildlife. In-water noise studies by Vagle (2003) suggest that the size and operating energy level of the impact or vibratory hammer, the size and length of the piles, soil conditions, water depth, and water characteristics (salinity and temperature) will all affect the sound levels produced during pile driving. Typical noise effects on marine mammals include: physical (damage of body tissues or organs); perceptual (masking of other important noises); behavioral (interruption or modification of movements or habits); chronic stress (decreased ability of individual sensitization to noise); and indirect (reduction in availability of prey, displacement). Hastings and Popper (2005) present a similar summary on the effects of human-generated noise on fish. This study suggests that while the effects of blasting have been relatively well-documented to cause physical damage to the internal and external organs of fish, the effects of noise generated by pile driving on fish are not as well-known or documented. The proposed pilings would be installed using a vibratory hammer, followed if needed by a dynamic hammer to obtain specific load requirements. Typically for guide piles in Morro Bay this has not been necessary. The vibratory hammer would be a HPSI 150, which is one of the smallest vibratory installation tools available, and has been used in the nearby marine environment on similar projects without any noticeable effects on marine mammals. Installation using a vibratory hammer employs an oscillator, with strikes taking approximately 5 minutes per pile. Because of the other construction activities occurring simultaneously, such as bolting together of the docks, driving of the 11 piles would occur over approximately 4 days. With the implementation of Mitigation Measure BIO 3, which requires development of a Marine Wildlife Contingency Plan including specific construction techniques and wildlife monitoring and reporting requirements, the mobility of fish and the relatively low in-water noise levels expected from the proposed vibratory tools would result in this impact being less than significant.

*Marine Biota and Hazardous Materials.* Hazardous materials could be released as a result of project activities. The potential exists for leakage/spills from in-water and onshore construction equipment of from improper fueling or hazardous materials storage practices. A petroleum spill could result in potentially significant impacts to water quality and to the marine biota within the project site and region. . Because this project does not include any land-based activities, there are no rainwater pollution impacts from disturbed soils or stockpiles. With the implantation of Best Management Practices (BMPs) and a project-specific Oil Spill Response and Recovery Plan as recommended in Mitigation Measure BIO 4, the potential for these impacts would be less than significant.

*Marine Habitats and Biological Resources.* Potential impacts to marine habitats and biological resources could result from in-water construction activities. The intertidal habitat along the east shoreline of Morro Bay is mostly covered with existing rip-rap and, as the rocks are covered with sediment, this solid substrate provides little attachment habitat as is of limited value to intertidal biota.

The subtidal habitat consists of natural sedimentary bay-bottom areas. Installation of the 11 proposed 16-inch diameter 0.375 wall steel pipe pier pilings would result in a nominal reduction in benthic surface area. Infauna and epibiota at the base of the proposed pilings would be displaced. However, the loss of the deeper-water sedimentary habitat and associated benthic organisms is not considered significant due to the abundance of similar bay-bottom habitat and associated biota throughout Morro Bay, except for eelgrass which was previously addressed. Re-colonization of the newly-exposed sediments is expected to occur from surrounding populations. Docks and gangways will utilize “gator grating” or a similar material which allows 50% light penetration, which is suitable for re-colonization of impacted species. Furthermore, an increased number of solid structures in the form of pilings and floating docks would provide increased habitat for epibiota and is considered a beneficial effect of the proposed project.

- b. Potential impacts to eelgrass could result from in-water construction activities. See impact discussion in a, above.
- c. Potential impacts to waters of the U.S. could likely occur during construction of the dock and pilings in Morro Bay. See impact discussion in a, above. No preliminary jurisdictional delineation of wetland and non-wetland

waters of the United States has been prepared. However, the applicant will be required to obtain a permit from the U.S. Army Corps of Engineers prior to construction of dock and piling work.

d-e. No impacts were identified.

f. The proposed project would not conflict with local, regional or state plans. No known habitat conservation plans exist that would be impacted by the project. The project, through the implementation of the recommended mitigation measures, would either avoid impacts to sensitive species and habitats completely, or reduce all identified impacts to levels that would be less than significant.

**Conclusion:** *There are potentially significant impacts to Biological Resources unless mitigation is incorporated.*

**Mitigation Measures:**

**BIO 1** An eelgrass restoration plan shall be prepared in accordance with Southern California Eelgrass Mitigation Policy and submitted for approval to the Planning and Building Manager. The eelgrass restoration plan shall be submitted for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later. In addition, a pre-and post-construction survey shall be completed to determine the final areas of impact and submitted to the Planning and Building Manager. The pre-construction survey shall be submitted for review prior to issuance of a building permit.

**BIO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to lacing of these screens. All in-water, bottom-disturbing activities should occur within the pre-determined project footprint.

**BIO 3** A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

**BIO 4** A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs):

1. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:

- a. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
- b. Barrel Absorbent Pads
- c. Container Absorbent Granules
2. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
3. The work area shall be contained within a boom to prevent debris from falling into the water.
4. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
5. An Absorption Tarp shall be placed underneath any portable equipment while in use.
6. No equipment shall be permitted to enter the water with any petroleum products.
7. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
8. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
9. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

**BIO 5** Prior to issuance of building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.

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

Environmental Setting: There are over 30 surveyed archaeological sites in the incorporated boundaries of the City. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including one with a cemetery. As a result of these discoveries, cultural resource surveys are frequently required for new development sites within the city and it is not unusual that mitigation measures are required. However, unlike other known resource sites, the proposed project is located on an area characterized by fill materials and areas submerged in the bay. The Embarcadero and the portions of the bay immediately adjacent were created in the 1940s, when the U.S. Navy oversaw the dredging of the navigational channel and deposited spoils behind the inner harbor bulkhead; creating the fill areas we see today. It is highly unlikely that any cultural resources would be discovered in the fill that was placed on the site or in the shifting sand on the ocean floor.

Impact Discussion:

a-d. The property does not contain any known historic or prehistoric archaeological resources identified on city maintained resource maps, and no known archaeological resources exist within the project site. Though the site is not within an archaeologically sensitive area and additional study to determine the presence of archaeological historical resources is not required, there is the limited potential that materials (including but not limited to bedrock mortars, historical trash deposits, human burials or unique paleontological or geologic resources) could be

encountered given the proximity to the riparian corridor. Mitigation measures are recommended to ensure proper treatment of any cultural resources, should they be discovered during construction activities.

**Conclusion:** *There are potentially significant impacts to Cultural Resources unless mitigation is incorporated.*

**Mitigation Measures:**

**CULT-1:** If materials (including but not limited to bedrock mortars, historical trash deposits, and paleontological or geological resources) are encountered during excavation, work shall cease until a qualified archaeologist makes determinations on possible significance, recommends appropriate measures to minimize impacts, and provides information on how to proceed in light of the discoveries. All specialist recommendations shall be communicated to the City of Morro Bay Public Services Department prior to resuming work to ensure the project continues within procedural parameters accepted by the City of Morro Bay and the State of California.

**CULT-2:** The following actions must be taken immediately upon the discovery of human remains: Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant’s recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

6. GEOLOGY /SOILS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii Strong Seismic ground shaking?			X	
iii Seismic-related ground failure, including liquefaction?			X	
iv Landslides?				X
b. Result in substantial erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
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Environmental Setting: San Luis Obispo County, including 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. Although the area is seismically active, there are no known active faults within or adjacent to the City of Morro Bay. Morro Bay has suffered from tsunami damage several times in the past century, triggered by earthquakes or undersea landslides.

The site is located within the Tidelands area of the Morro Bay Estuary, on the coastal edge of the Santa Lucia Range, within the Coast Range Geomorphic Province of California. Areas immediately surrounding the site are developed with similar boat dock facilities. The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed site is under laid by the coarse-grained, saturated soils that lose structure do to ground shaking; resulting is a high liquefaction potential.

Impact Discussion:

a i-iv. The project consists of a new gangway and recreational dock, similar to existing uses on adjacent sites. Under the Alquist-Priolo Special Studies Zone Act, the State Geologist is required to delineate appropriately wide special studies zones to encompass all potentially and recently-active fault traces deemed sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep. In San Luis Obispo County, the special Studies Zone includes the San Andreas and Los Osos faults. To minimize this potential impact, the California Building Code and City Codes require new structures be built to resist such shaking or to remain standing in an earthquake, ensuring that the new construction will not expose a substantial amount of new structures or people to the risk of ground shaking, liquefaction potential or landslide.

b. This project is limited to construction of a gangway and dock, which will be affixed to dry land at the southern extent of an existing developed plaza. Additional ground disturbance will be limited to construction of pilings in the water lease area. Neither of these activities has the potential to cause a significant loss of topsoil.

c-d. The project is located on an urban site that is surrounded by similar development. Construction will be required to comply with all City Codes, including Building Codes, which require proper documentation of soil characteristics for designing structurally sound facilities to ensure new structures are built to resist such shaking or to remain standing in an earthquake. The Building Division of the Public Services Department routinely reviews project plans for compliance with recommendations of the soils engineering reports.

e. No wastewater disposal facilities are proposed with this project.

**Conclusion:** *Impacts related to Geology and Soils will have less than significant impact.*

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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		
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Environmental Setting: In January of 2014 the City of Morro Bay adopted Climate Action Plan, which provides a qualitative threshold consistent with AB 32 Scoping Plan measures and goals. As identified in the APCD’s CEQA Handbook (April 2012), if a project is consistent with an adopted Qualified GHG Reduction Strategy (i.e. a CAP) that addresses the project’s GHG emissions, it can be presumed that the project will not have significant GHG emission impacts and the project would be considered less than significant. This approach is consistent with CEQA Guidelines Sections 15064(h) 11 and 15183.5(b). The City’s CAP was developed to be consistent with State CEQA Guidelines Section 15183.5 and APCD’s CEQA Handbook to mitigate emissions and climate change impacts, and serves as a Qualified GHG Reduction Strategy for the City of Morro Bay. Appendix C of the CAP contains a CAP Compliance Worksheet, which has been used to demonstrate project-level compliance.

Impact Discussion:

a - b. In the short-term, the proposed project could result in minor increases in emission of greenhouse gases during the construction process. Such an increase would not individually contribute to global climate change; however, it would contribute incrementally to the cumulative or global emission of GHGs. Standard City Construction Regulations will apply to this project, which include requirements that 1) a minimum six percent of construction vehicles and equipment be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor will limit idling of construction equipment to three minutes and post signs to that effect. These are measures O-1 from the City’s adopted Climate Action Plan.

The proposed project is consistent with the land use diagram and policy provisions of the City’s General Plan, and will result coastal-dependent recreational facilities located in close proximity to transit, services and employment centers. City policies recognize that infill development allows for more efficient use of existing infrastructure and Citywide efforts to reduce greenhouse gas emissions.

**Conclusion:** *There are potentially significant impacts to Greenhouse Gas Emissions unless mitigation is incorporated.*

Mitigation Measures:

**GHG 1** Requirements to limit Greenhouse Gas emissions shall apply to this project which include to the greatest extent feasible: 1) a minimum of six percent of construction vehicles and equipment shall be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor shall limit idling of construction equipment to three signs and post signs to the effect.

8. HAZARDS/HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

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

Environmental Setting: The residents of Morro Bay are subject to a variety of natural and human-caused hazards. Natural hazards are processes such as earthquakes, landslides, and flooding, and have been occurring for thousands, even millions of years. These natural processes have played an essential role in shaping the topography and landscape of Morro Bay, and become “hazards” when they disrupt or otherwise affect the lives and property of people. Human caused hazards often occur as a result of modern activities and technologies. These potential hazards can include the use of hazardous materials which may be released into the environment due to accident during both the construction or operation phase.

Impact Discussion:

a-b. The proposed project includes a new gangway, dock, and recreational boat slips, and associated site improvements, and will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or 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. Hazardous materials from petroleum-fueled construction equipment used to complete the proposed activities or utilized by boats occupying the proposed slips could be released as a result of project activities. Please see the impact discussion in Biological Resources 4 (a) and recommended Mitigation Measure BIO 4, and impact discussion in Section 9: Hydrology and recommended Mitigation Measure 1, below.

c. There are no existing or proposed schools within one-quarter mile of the site.

d. The project site is not located in the vicinity of any known hazardous material sites and is not listed as having been a hazardous site.

e-f. The project is not located in the vicinity of an airport.

g-h. The project does not involve any interference with emergency response plans, creation of any potential public health or safety hazard, or exposure to hazards from oil or gas wells and pipeline facilities. The project does not include any activities which could result in contamination of a public water supply. No hazardous materials or other such hazardous conditions exist on-site nor are any proposed.

**Conclusion:** *With the implementation of Mitigation Measures BIO 4 HYDRO 1, impacts related to Hazards and Hazardous Materials will have less than significant impact.*

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

Environmental Setting:

The site is located in the southwestern portion of the Morro Hydrologic Subarea (Morro Basin) of San Luis Obispo County. The Morro Basin is an 810-acre area, extending from the coastline to the convergence of the Morro and Little Morro Valleys. Morro Creek, an ephemeral stream with headwaters in the Santa Lucia Range, is the primary stream draining Morro Basin. Basin recharge is infiltration of precipitation and from tributary watersheds upstream on the Morro and Little Morro Creeks. Morro Bay contains approximately 2,100 acres of water surface at low tide and approximately 6,500 acres at high tide, leaving approximately 980 acres of tidal mud flat and approximately 470 acres of salt marsh. The water quality of Morro Bay is affected by presence of nutrients, toxic substances, hydrocarbons, bacteria, heavy metals, suspended sediment, and turbidity. Studies by various authors also suggest that Morro Bay is subjected to a relatively rapid increase in sedimentation. Morro Bay, Los Osos and Chorro Creek

are listed as “impaired waters” under the federal Clean Water Act, Section 303(d). These water areas, and the Morro Bay Estuary, are also listed as waters impaired by sedimentation/siltation, and are the subject of a Total Maximum Daily Load (TMDL), which is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

**Impact Discussion:**

a, c, f. In-water activities including construction of the 11 pilings could result in construction debris accumulation and an increase in water turbidity and an anticipated decrease in dissolved oxygen concentration. However, substantial turbidity occurs naturally in the Bay, particularly following surface water runoff from Chorro Creek and Los Osos Creek during winter storms. Tidal scour also contributes to the natural turbidity and is a major contributor during the spring tide periods when the change in tidal levels, rate of tidal exchange, and current speed are highest. Turbidity generated from project activities will likely contribute a relatively minor increase to the naturally turbid waters, however the material being re-suspended may have a higher chemical or biological oxygen demand and therefore result in a short-term, potentially significant decrease in dissolved oxygen levels. These effects are, however, expected to be localized around the project activities. Also see the impact discussion in Section 4: Biological Resources, above. Mitigation Measures HYDRO 1 and 2 have been recommended to reduce the potential of turbidity-associated impacts.

Petroleum-fueled construction equipment will be utilized to complete the proposed activities. The potential exists for leakage/spills from in-water and onshore equipment or from improper fueling or hazardous materials storage practices. A petroleum spill could result in potentially significant impacts to water quality and to the marine biota within the project site and region. Please refer to the impact discussion in Section 4: Biological Resources, and Mitigation Measure BIO 4, above, implementation of which will be satisfactory to reduce the potential of petroleum leakage/spills impacts. No further mitigation is required.

The proposed docks would provide slips for six recreational boats and one Harbor Department vessel. The potential for hazardous materials associated with these uses include diesel fuel, oil, lubricants and other cleaning supplies for vessel maintenance. These hazardous materials have the potential to create a significant impact on the public or the environment, however, the Harbor department regularly enforces existing best practices and standards meant to reduce the risk of accident from the routine transport, use, or disposal of hazardous materials in marine environments. With enforcement of these existing standards no additional mitigation is required.

b. No water use would result with the project.

c, d, g, h. This is an underwater site within the Tidelands area, which will not introduce any housing or other populated uses to the site. Therefore, the potential for flooding impacts is less than significant.

**Conclusion:** *There are potentially significant impacts to Hydrology and Water Quality unless mitigation is incorporated.*

**Mitigation Measures:**

**HYDRO 1:** Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

**HYDRO 2:** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

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

**Environmental Setting:** The project site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4) and the Harbor (H) zone, areas which are defined by the City’s Local Coastal Program as being reserved for harbor-dependent uses, or those uses that must be located on the water in order to function, including recreational boat dock usage. The project is located in the Coastal Commission’s original jurisdiction.

**Impact Discussion:**

- a. The project is limited to a new gangway, docks, and boat slips located within City land and water lease area in the Tidelands area. The project will not result in any loss of access or otherwise physically divide the community.
- b. The proposed boating facilities at this site can be found consistent with the General Plan, Zoning Ordinance, California Coastal Act, Local Coastal Program and Municipal Code. The WF/PD and H designated areas of the City’s Local Coastal Program allow for boating facilities with the approval of Conditional Use and Coastal Development Permits. Because the site is within the Coastal Commissions’ original jurisdiction area, following City or Morro Bay Planning Commission approval of the Use Permit, the project will be forwarded to Coastal Commission for processing of the Coastal Development Permit.
- c. The proposed project would not conflict with any known habitat conservation plan or natural community conservation plan. Please see the impact discussion in Section 4: Biological Resources.

**Conclusion:** *No impacts to Land Use and Planning have been identified.*

11. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Result in the loss of availability of 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 the County of San Luis Obispo.

**Impact Discussion:**

a-b. The project is not proposed 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 area 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 fully built up and

the general plan does not provide for mining. Therefore the project will not result in the loss of a known mineral resource of value to the region and impacts would be less than significant.

**Conclusion:** *No impacts to Mineral Resources have been identified.*

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?			X	
b. Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
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 expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Environmental Setting:** The City of Morro Bay may be considered a relatively quiet environment, the most significant sources of noise being related to traffic and transportation. The City’s General Plan Noise Element threshold for noise exposure is 60dB for most land uses. The City’s Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. The propagation of noise underwater can vary greatly in consideration of water depth, temperature, salinity, and other factors, including attenuation effect caused by existing in-water noise-generating activities that are common in an active harbor, such as that found in Morro Bay.

**Impact Discussion:**

a - d. The proposed project involves the installation of eleven (11) new guide piles consisting of 35 – 55-foot by 16-inch diameter 0.375 wall steel piles to support a new dock and gangway. Installation of these piles would occur over approximately 4-days, with each pile taking approximately 5 minutes to install. During this time noise and ground-borne vibration generated by the pile driver and other construction equipment would be generated. As discussed in Section 4: Biological Resources, a vibratory hammer would be the primary tool used for installation, followed if needed by a dynamic hammer to obtain specific load requirements. The particular vibratory hammer selected would be a HPSI 150, which is one of the smallest vibratory installation tools available, which has been used in the nearby marine environment on similar projects without any noticeable effects on marine mammals.

Pursuant to the Noise Element of the City’s Local Coastal Program, all construction work must be confined to daylight hours, between 7:00 am and 7:00 pm. Customary construction standards will be imposed on the project, including limited hours of activity and reduce other measures to reduce the noise levels of equipment during construction.

As discussed in Section 4: Biological Resources, and above, with implementation of Mitigation Measure BIO 3, the potential for construction-related noise to impact marine mammals has been reduced to less than significant. Operational phase uses are limited to the seven proposed boat slips, which would not introduce any significant new source of noise to the vicinity. Therefore, no impacts to people in the vicinity will occur. Title 17 Table 17.52.030(1) provides performance standards as it relates to noise levels allowed to occur at the site.

e,f. The project is not within the boundaries of an adopted airport land use plan, within two miles of a public airport, or a private airstrip.

**Conclusion:** *With the implementation of Mitigation Measure BIO 3, impacts related to Noise will be less than significant.*

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

**Environmental Setting:** The project site is within the Waterfront/Planned Development Overlay Design Criteria zone (WF/PD/S.4) and the Harbor (H) zone, areas which are defined by the City’s Local Coastal Program as being reserved for harbor-dependent uses, or those uses that must be located on the water in order to function, including recreational boat dock usage.

**Impact Discussion:**

a - c. The project involves the expansion of the Water Lease Area and construction of a gangway, dock and seven boat slips (six for recreational boats and one for Harbor Department use). There is no existing housing on the site or the immediate vicinity which would be affected; therefore the project would not displace a people or housing units. The proposed facilities would be served by existing improvements along the Embarcadero, and therefore would not be considered growth-inducing.

**Conclusion:** *No impacts related to Population and Housing has been identified.*

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

Environmental Setting: The project site lies within the sphere of influence of the City of Morro Bay; therefore the City of Morro Bay provides most of the public services; The Morro Bay Fire Department provides fire response and prevention services as well as responding to chemical spills, injuries, and vehicle accidents for the City of Morro Bay, and Police protection services are provided by the Morro Bay Police Department. The San Luis Coastal Unified School District operates an elementary school and a high school within the City.

Impact Discussion:

a. Fire protection services for the site are provided by the Morro Bay Fire Department (MBFD). The proposed dock and boat slips would not include any unusual fire protection concerns, such as storage of significant quantities of flammable materials or toxic chemicals. The structure will be constructed to meet current fire code requirements, including provision of an automatic Wet-Class III Standpipe System, and is not expected to result in adverse physical impact that would change or increase fire protection needs. In the event of an emergency at the site the MBFD would be required to provide fire protection or other emergency services.

b. Police protection services for the site would be similar to those currently provided by the Morro Bay Police Department in the immediate vicinity. Vandalism, theft of materials and equipment and burglary would be of potential concern.

c. The project is limited to the expansion of the water lease area and construction of a new dock and recreational/Harbor District boat slips, which will not involve the construction of residences that will generate demand for schools. The school districts in the state have the authority to collect fees at the time of issuance of building permits to offset the costs to finance school site acquisition and school construction, and are deemed by State law to be adequate mitigation for all school facility requirements. Any increases in demand on school facilities caused by the project are considered to be mitigated by the district's collection of adopted fees at the time of building permit issuance.

d. The Waterfront (WF) and Harbor (H) zone area is reserved for those uses that must be located on the water in order to function, or as accessory uses to a land based/shore facilities, such as docking facilities for recreational fishing and excursion boats. The proposed dock and boat slips would be consistent with all City General Plan and Coastal policies and programs, as it would provide these services adjacent to existing visitor serving and coastal dependent uses.

e, f. The scope of the project is limited to the provision of a new gangway, dock and boat slips, which would provide access from an existing public plaza into the harbor, which would not affect any transportation infrastructure or other governmental services.

Conclusion: *No impacts related to Public Services have been identified.*

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

**Environmental Setting:** A variety of recreational activities including hiking, sightseeing, birdwatching, fishing, kayaking, etc. are available within the City of 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 recreational docks and buoys, parks and playgrounds throughout the City. Man-made shoreline structures make up approximately 20% of the shoreline area. The project site is on a City lease-site, and includes approximately 113-feet of bay frontage.

**Impact Discussion:**

a-b. Expansion of the water lease area and construction of the new gangway, dock and boat slips will provide six leasable boat slips for recreational users (and one slip for the Harbor Department). Any increase in demand on parks and other recreational facilities attributable to visitors utilizing these slips will be negligible, and no additional recreational facilities will be required to serve these users.

**Conclusion:** *No impacts related to Recreation facilities have been identified.*

16. TRANSPORTATION/CIRCULATION		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?				X
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways				X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?				X
g.	Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				

Environmental Setting: The City of Morro Bay is primarily a residential and commercial community that is bisected by Highway 1, a major regional roadway. Another major roadway is Highway 41, which carries travelers east of the City. The two most used roadways are Highway 1 and Main Street. Most traffic generated in the city is on the local streets. The project is located in the Tidelands area, and is accessed either by boat or via the Embarcadero.

Impact Discussion:

a-b. The project does not conflict with any applicable circulation system plans, nor will it add substantial demand on the circulation system or conflict with any congestion management programs or any other agency's plans for congestion management. Expansion of the water lease area and construction of six recreational boat slips and one Harbor Department boat slip will not significantly increase the traffic trips to and from the site, and existing streets have sufficient unused capacity to accommodate any added vehicular traffic without reducing existing levels of service. The proposed project would not result in a significant impact with regard to increased vehicular trips and does not conflict with performance standards provided in City adopted plans or policies. The project will also contribute to overall impact mitigation for transportation infrastructure by participating in the Citywide Transportation Impact Fee program. The largest impact on traffic levels and circulation effectiveness would be affected in large part due to the construction activity and equipment associated with the project, which will temporarily result in minor increases in traffic to and from the site. All construction staging and work itself would occur from a barge, which is loaded and prepared at the APC dock in Morro Bay. Once construction is complete, traffic volumes and impacts will return to substantially the same level as exist currently.

c. The project includes expansion of the water lease area and construction of a new gangway, dock and seven new boat slips, and will not result in any changes to air traffic patterns.

d. The project has been designed to meet City Engineering Standards and will not result in safety risks. The project will ADA compliant access per City Engineering Standards, and connect directly to the existing public plaza adjacent to the Embarcadero.

e. The project has been reviewed by the City Fire Marshal to ensure adequate emergency access has been provided, and that the required Standpipe is appropriately located.

f. Parking for the proposed boat slips is required in addition to the other existing visitor-serving uses within the land-lease portion of the site. Existing uses, which include a mix of retail, restaurant, entertainment businesses, generate a parking requirement of 96 spaces. The proposed use generates an additional requirement of eight (8) spaces, for a total site requirement of 104 parking spaces. This total requirement is three (3) less than the 107 existing parking credits for the site, which are composed of 87 historical parking credits and 20 paid in-lieu parking spaces.

g. The proposed project site is located in the water lease area of Morro Bay, adjacent to the Embarcadero. The Embarcadero provides sidewalks and vehicular lanes for cars, busses and trolleys. The project will not decrease performance or safety in the area, as the traffic patterns will remain unchanged. The project is consistent with policies supporting alternative transportation due to the site's location within the City's urban center, and its proximity to shopping, parks and services.

**Conclusion:** *No impacts related to Transportation and Circulation has been identified.*

17. UTILITIES & SERVICE SYSTEMS  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X

**Environmental Setting:** The project involves expansion of the water lease area and construction of a new gangway, dock and boat Water connection will be limited to that of the required Automatic Wet-Class III Standpipe System, and six (6) dock cabinets to serve the slip tenants, located at the base of each dock finger. Construction activities would result in minimal solid waste generation involving framing and scrap materials. To the extent feasible, materials would be diverted to recycling facilities to minimize the disposal of solid waste. The project would comply with federal, state, and local statues and regulations related to solid waste. Local waste collection services dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its services area. The project will comply with federal, state, and local statutes and regulations related to solid waste disposal, diverting materials from the demolition activities to recycling facilities as feasible.

**Impact Discussion:**

a, b, c, e. The proposed project would result in a minor increase in demand on City infrastructure, including water and wastewater facilities, from those utilizing the proposed boat slips. Users of the slips would most likely take advantage of existing restrooms within the land lease portion of the site, which have adequate capacity to serve the expanded use. Storm water facilities exist in the vicinity of the project site, and it is not anticipated the proposed project will result in the need for new facilities or expansion of existing facilities which could have significant environmental effects. This project has been reviewed by the City's Utilities Department and no resource/infrastructure deficiencies have been identified.

d. The land lease portion of the project site is currently serviced by the Morro Bay/Cayucos Wastewater Treatment Facility and the resulting project will not cause a substantial increase in the amount of water that is required to be treated. The treatment facilities can accommodate the current and proposed water and wastewater volumes, and new construction or expansion of treatment facilities not necessary as a result of this project.

f-g. The current production of solid waste is unlikely to increase with the addition of seven new boat slips to the existing visitor-serving uses. To help reduce the waste stream generated during the construction phase of this project, the City requires that pursuant to Assembly Bill (AB) 939, at least 50% of all waste going to the landfill be recycled. The incremental additional waste stream generated by this project is not anticipated to create significant impacts to solid waste disposal.

**Conclusion:** *Impacts related to Utilities and Service Systems will have less than significant impact.*

#### IV. 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
<b>a) Potential to degrade:</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
<b>b) Cumulative:</b> 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	
<b>c) Substantial adverse:</b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Environmental Setting: The project is consistent with the Local Coastal Program (which includes the General Plan, Local Coastal Plan and Zoning Regulations) and with the implementation of the recommended mitigation measures does not have the potential to substantially degrade the quality of the environment, as evidenced in the preceding discussions.

Impact Discussion:

a) The project includes expansion of a water lease space and construction of a new gangway, dock, and seven boat slips in an area of the city identified as appropriate for coastal-dependent and visitor-serving uses. Without mitigation, the project could have the potential to have adverse impacts on all of the issue areas checked in the Table on Page 6. As discussed above, potential impacts to biological and cultural resources will be less than significant with incorporation of recommended mitigation measures.

b) The project is consistent with the Local Coastal Program, including the General Plan, Local Coastal Plan and Zoning Ordinance, which identifies this site as appropriate for residential uses, and which supports infill development utilizing existing infrastructure. The proposed project will not result in cumulatively considerable impacts.

c) With the incorporation of a mitigation measures, the project will not result in substantial adverse impacts on humans.

**V. INFORMATION SOURCES:**

**A. County/City/Federal Departments Consulted:**

City of Morro Bay Public Services Department (Planning, Building, and Public Works Divisions), Fire Department.  
San Luis Obispo Air Pollution Control District

**B. City Documents**

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	x	Climate Action Plan
x	Municipal Code		

**C. Other Sources of Information**

x	Field work/Site Visit	x	County of San Luis Obispo Conservation and Open Space Element, 2010
x	Staff knowledge/ calculations	x	Flood Control Maps
x	Project Plans	x	Eelgrass Reconnaissance survey, prepared by Tenera Environmental, April 2, 2014
x	Applicant project statement/description	x	Zoning Maps
x	APCD email from Gary Arcemont, Air Quality Specialist, November 5, 2014	x	Morro Bay National Estuary Program, State of the Bay, 2014
x	Elevations/architectural renderings	x	Archaeological maps and reports
x	Published geological maps	x	Morro Bay Low Impact Development Boat Haul-Out and Large Vessel Service Yard Mitigated Negative Declaration, dated July 2009.
x	Topographic maps		
x	DOT Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish, February 2009.	x	County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, April 2012

**VI. ATTACHMENTS**

A – Summary of Mitigation Measures and Applicant’s Consent to Incorporate Mitigation into the project.

## Attachment A SUMMARY OF REQUIRED MITIGATION MEASURES & MONITORING PLAN

### **BIOLOGICAL RESOURCES**

**Mitigation Measure BIO 1** An eelgrass restoration plan shall be prepared in accordance with Southern California Eelgrass Mitigation Policy and submitted for approval to the Planning and Building Manager. The eelgrass restoration plan shall be submitted for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later. In addition, a pre-and post-construction survey shall be completed to determine the final areas of impact and submitted to the Planning and Building Manager. The pre-construction survey shall be submitted for review prior to issuance of a building permit.

- **Monitoring Plan, BIO 1:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Public Service Department planning staff will be responsible for reviewing the pre-construction survey prior to issuance of any building permits. The post-construction survey shall be submitted to the City Planning and Building Manager for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measure to offset such reduction within the eelgrass beds in the project area at a 1.2:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

**Mitigation Measure BIO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to lacing of these screens. All in-water, bottom-disturbing activities should occur within the pre-determined project footprint.

- **Monitoring Plan, BIO 2:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 3:** A Marine Wildlife Contingency Plan shall be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea

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

- **Monitoring Plan, BIO 3:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Marine Wildlife Contingency Plan and documentation that it has been approved by the NMFS, USFWS, and CDFW shall be submitted along with the applications for construction permits. The biological monitor shall submit a weekly monitoring report to the City, including a summary of each day's activities, summary of any violations or inconsistencies with the mitigation measures/conditions of approval, any remediation actions undertaken by the applicant/construction manager, any verbal or written correspondence with regulatory agencies, and photo-documentation. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 4** A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs):

1. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
  - a. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
  - b. Barrel Absorbent Pads
  - c. Container Absorbent Granules
2. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
3. The work area shall be contained within a boom to prevent debris from falling into the water.
4. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
5. An Absorption Tarp shall be placed underneath any portable equipment while in use.
6. No equipment shall be permitted to enter the water with any petroleum products.
7. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
8. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
9. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted

- **Monitoring Plan, BIO 4:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. The Oil Spill Response and Recovery Plan shall be submitted along with the applications for building permits and reviewed by the Public Service Department planning staff and Fire Department for adequacy. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure BIO 5** Prior to issuance of building permits, the applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.

- **Monitoring Plan, BIO 4:** Construction plans shall clearly note the above mitigation measure on project plans and be clearly visible to contractors and City staff. Submittal of all required outside agencies regulatory permits shall be reviewed by the Public Service Department planning staff.

### **CULTURAL RESOURCES**

**Mitigation Measure CULT 1** If materials (including but not limited to bedrock mortars, historical trash deposits, and paleontological or geological resources) are encountered during excavation, work shall cease until a qualified archaeologist makes determinations on possible significance, recommends appropriate measures to minimize impacts, and provides information on how to proceed in light of the discoveries. All specialist recommendations shall be communicated to the City of Morro Bay Public Services Department prior to resuming work to ensure the project continues within procedural parameters accepted by the City of Morro Bay and the State of California.

- **Monitoring Plan, CULT 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure CULT 2** The following actions must be taken immediately upon the discovery of human remains:

Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

- **Monitoring Plan, CULT 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

### **GREENHOUSE GAS EMISSIONS**

**Mitigation Measure GHG 1** Requirements to limit Greenhouse Gas emissions shall apply to this project which includes to the greatest extent feasible: 1) a minimum of six percent of construction vehicles and equipment shall be electrically-powered or use alternative fuels such as compressed natural gas, and 2) The contractor shall limit idling of construction equipment to three signs and post signs to the effect.

- **Monitoring Plan, GHG 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type of construction vehicles to be used shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

### **HYDROLOGY AND WATER QUALITY**

**Mitigation Measure HYDRO 1** Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

- **Monitoring Plan, HYDRO 1:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of

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project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the catchment netting or fencing shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Mitigation Measure HYDRO 2** To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

- **Monitoring Plan, HYDRO 2:** Construction plans shall clearly note the above mitigation measure on Sheet 1 of project plans and be clearly visible to contractors and City staff. Details pertaining to the type, location, and method of securing the silt screens shall be provided on construction documents. Public Service Department staff will periodically inspect the site for continued compliance with the above mitigation measure.

**Acceptance of Mitigation Measures by Project Applicant:**

Donny Peduca                      12/24/14  
**Applicant**                                      **Date**