

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION**Application number**3-04-013**Applicant**.....Anderson Family, c/o Galley Restaurant**Agent**Steven Puglisi, AIA**Project location**.....Lease sites 91 – 92 and 91 – 92 West, 899 Embarcadero, City of Morro Bay, San Luis Obispo County, APN 066-322-001. See Exhibit A.

Project descriptionThe applicant proposes to replace the existing Galley Restaurant and retail shop with a two-story mixed development project that includes three commercial lease spaces on the ground floor, an eight-unit inn on the second floor, eight parking spaces, and public access improvements to and along the bay frontage. The project also involves the replacement of 20 existing support piers with 8 – 14 new piers that will be installed to support the new structure and public access way. The proposed new development will encroach 16 feet further into the Morro Bay estuary than the existing development and is more specifically described as follows:

- 1) Demolition of the existing Galley Restaurant, retail shop, and supporting waterfront structures (i.e., piers) that extend into and over the bay waters;
- 2) Installation of 8 – 14 new concrete piles within the bay to support the new structure and a lateral public access way;
- 3) Construction of 2,050 square feet of commercial lease space, two public restrooms, an elevator, and stairs for a total of 2,500 square feet of ground floor development plus parking area;
- 4) Construction of eight overnight visitor-serving accommodations on the second floor totaling roughly 4,000 square feet and approximately 500 square feet of additional storage area;
- 5) Eight new parking spaces and retention of 5 existing parking spaces for a total of 13 parking spaces (2 ADA accessible);



California Coastal Commission
December 9, 2004 Meeting

Staff: M. Watson Approved by:

- 6) Construction of a new eight foot wide lateral public access along the bay frontage with a six foot vertical connection to Embarcadero Road along the northern property frontage, an 18' wide view corridor/vertical access connection to Embarcadero Road along the southern property frontage, and a lateral connection to public access amenities fronting the adjacent Otter Rock Café.

Approvals ReceivedConditional approval of a Concept Plan for Conditional Use Permit CUP 25-03R, City of Morro Bay Planning Commission, January 5, 2004; Provisional Letter of Permission (LOP) issued by Army Corp of Engineers, June 28, 2004 (Requires CZM consistency concurrence from CCC).

File documents.....CCC Coastal Development Permit file 3-04-013.

Summary of Staff Recommendation:

On January 5, 2004 the City of Morro Bay conditionally approved a Concept Plan authorizing the redevelopment of the existing Galley Restaurant and retail shop. The proposed project includes demolition of an existing visitor serving commercial structure (restaurant and retail shop) and supporting foundational piers, and construction of a new mixed-use development consisting of commercial lease space on the ground floor and an eight unit visitor serving inn on the second floor. Twenty existing foundation piers will be replaced with 8 - 14 concrete piers. The new development includes roughly 2,500 square feet of commercial lease space, public restrooms, and elevators on the first floor and approximately 4,500 square feet of visitor-serving accommodations and storage on the second level.

As approved by the City, the project includes a 16-foot extension of the existing structure over coastal waters. The proposed extension includes the new mixed use commercial retail / visitor serving building (8') and lateral public accessway (8'). As noted above, the existing concrete encased steel piers will be replaced by 8 - 14 concrete piers, half of which will be aligned beyond the extent of the existing development.

Parking improvements include installation of eight new parking spaces and retention of five existing parking spaces –two of which will be converted to support ADA accessibility, for a total of 13. This includes one parking space for each visitor-serving room and five spaces to comply with the parking requirements for the commercial floor space.

The project will provide new public access opportunities, which are considered a high priority under the Coastal Act. Public access improvements provided by the project will serve to expand lateral public access along 70 feet of bay frontage and represents a critical link within a 300-yard continuous lateral walkway along the bay. The eight-foot wide lateral public access deck will be constructed over the bay



on piers. Additionally, vertical access connections along both the north and south property frontages are proposed that will also serve to open visual corridors to the bay.

Sensitive marine resources found in the area include marine mammals and birds, which are located in or nearby areas proposed for construction activity. Otters and pelicans can be impacted by noise or construction activity. As such, mitigation measures are proposed that include hiring a "monitor" that will be present on the jobsite at all times during construction and have the authority to issue an immediate stop work order should these species be detected within in the project area. Additionally, eelgrass was detected on the lease site seaward of the existing development. The City's approval requires all activities that disturb the ocean floor (i.e., installation of pilings) to be monitored by a project biologist to ensure that impacts to eelgrass are avoided or minimized.

Replacement pilings will be constructed of pre-poured concrete and shall be driven into the ocean floor to minimize disturbance of benthic organisms. Disturbed sediments will be contained with a flexible skirt surrounding the driven pile. Additionally, material containment measures are proposed to prevent foreign materials (e.g., construction scraps, wood preservatives, concrete, and chemicals, etc.) from entering the harbor and state waters. A construction staging site located near Embarcadero Drive is required to reduce the potential for inadvertent release of fuel, oil, or other construction materials into coastal waters. Brooms, drop cloths, and other absorbent materials are required to be stored on site in order to facilitate clean up and timely response to unplanned hydrocarbon spills.

Surface water runoff will be collected on site, and will be discharged to coastal waters and thus the project has been conditioned to provide adequate water quality controls. An oil-water separator/isolator is required between all drainage water inlets and the City's storm drain system. In addition, sediment and debris control measures are required to prevent entrainment of these materials in storm water runoff.

Notwithstanding the conditions placed on the conditional approval of the City, additional measures are necessary to ensure the project will be consistent with the coastal resource protection and public access policies of the Coastal Act. Staff therefore recommends that the **Commission approve a revised project with conditions** requiring the Applicant's to provide Revised Plans, Eelgrass Mitigation, Public Access, and future Shoreline Development Stipulations. These conditions maximize the project's conformance to the coastal access and resource protection requirements of the Coastal Act by requiring:

- Revised Plans that: specifically identify the number and location of structural pilings to be placed in estuary waters, limit the seaward extent of commercial development to its existing footprint as shown in Exhibit B; show an eight foot lateral access boardwalk along the entire bay frontage and include all vertical and lateral connections to adjacent properties and Embarcadero Road; and submittal of plans for signing and railings;
- Dedication of an eight foot wide lateral public access boardwalk along the entire 70' width of bay frontage; access shall be open and available for pedestrian and general public use 24 hours each day, 365 days a year for the life of the development;



- Installation of fiberglass grid decking surfaces for the lateral access boardwalk to promote light penetration and reduce loss of eelgrass due to shading impacts;
- Ongoing monitoring of lease site area for eelgrass impacts; require development and implementation of mitigation plan if impacts are discovered; Applicant must participate in coordinated mitigation effort with Harbor District, National Estuary Program, National Marine Fisheries Service.
- A limit on future development seaward of the approved development.

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List of Exhibits

- Exhibit A Regional Location Map and Assessors Parcel Map
- Exhibit B Revised Development Footprint
- Exhibit C Planning Commission Staff Report Findings and Conditions (CUP 25-03R, 1/25/04)
- Exhibit D Tenera Eelgrass Survey Map
- Exhibit E Proposed Site Plans and Elevations
- Exhibit F Comparison of Existing and Computer Aided Site Photos

1. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-04-013 pursuant to the staff recommendation.*

***Staff Recommendation of Approval:** Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.*

***Resolution to Approve the Permit:** The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*



2. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit final plans to the Executive Director for review and approval. The Final Plans shall be in substantial conformance with the October 18, 2003 Site Plans, Elevations, and Foundation Plans prepared by Simon and Puglisi Company, which shall be revised and supplemented to comply with the following requirements:
 - a. **Final Site Plans.** Final plans shall show all components of project including:
 1. Commercial development limited to existing commercial development footprint as shown in Exhibit B;
 2. Number and location of piers, beams, grade beams (i.e., foundation plan) in site plan view; plan shall include all reference points such as lease site boundaries, top of bulkhead, approximate waterline, etc.;
 3. All building elevations; plans shall illustrate a maximum depth of 4' for the



second story deck along the western elevation;

4. 8' wide public access boardwalk along the entire width (70') of the lease site, all access connections to Embarcadero Road and adjacent properties; plans shall show the lateral access boardwalk cantilevered over the bay;
5. Parking plan showing all spaces, handicap access, etc.

b. **Lighting Plans.** The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented. Proposed lighting shall be indicated on site plans and shall be directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay). Lights shall have solid sides and reflectors to further reduce lighting impacts.

2. **Eelgrass Mitigation and Monitoring.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for Executive Director review and approval, the following eelgrass mitigation and monitoring plan that provides:

- a. Alternative construction materials. Alternative construction materials (e.g., fiberglass grid deck surfacing) shall be used as decking for the lateral public access boardwalk to allow sunlight to penetrate and reduce shading of potential eelgrass habitat. Choice of materials shall be based on the decking product that provides optimum light penetration and shall be accompanied by all methods, analysis, and supporting documentation demonstrating it is the best available technology.
- b. Elevations showing the second floor decking overlooking the bay has been reduced from 8' 6" to a maximum of 4' to reduce shading of potential eelgrass habitat.
- c. Annual Surveys. WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION OF THE PUBLIC ACCESS BOARDWALK AND ONCE PER YEAR FOR TWO YEARS THEREAFTER, the permittee shall cause an annual survey to be completed by a qualified biologist that will monitor the location and extent of eelgrass beds below and adjacent to the project. The survey shall include a map and written description of the status of eelgrass growing on site and/or an evaluation of the cause of any identified reduction in eelgrass habitat. Surveys shall be submitted to the Executive Director within 30 days of completion for review and evaluation.
- d. Mitigation. WITHIN THREE YEARS AFTER COMPLETION OF CONSTRUCTION OF THE PUBLIC ACCESS BOARDWALK, If monitoring finds that 10% or more of the eelgrass beds have been adversely affected by the project, permittee shall develop and implement a plan, subject to Executive Director review and approval that provides for



corrective mitigation measures. Mitigation measures may include contributing to a pilot project for planting of eelgrass beds in a new location including within or adjacent to the City's Mooring Area 1 eelgrass site, in coordination with the Harbor District, National Estuary Program, Department of Fish and Game, or National Marine Fisheries Service (NMFS). If coordinated corrective mitigation is not possible, the Permittee shall be required to provide individual compensatory mitigation within Morro Bay consistent with NMFS Southern California Eelgrass Mitigation Policy. The Plan shall include at a minimum the location and amount of mitigation, techniques used for planting, timing, monitoring, and minimum success criteria.

3. **Public Access.** Permittee shall ensure public access components are constructed in conformance with the approved final plans, and all facilities are open to the public concurrent with the opening of the commercial retail and visitor-serving aspects of the project. Additionally:
- a. **Public Access.** The entire eight (8) foot width of the lateral access boardwalk and all vertical access connections shall be open and available for through pedestrian access and general public use 24 hours a day, 365 days a year for the life of the development. Public restroom facilities shall be signed and opened to the public during normal business hours (e.g., 8:00 a.m. – 9:00 p.m.) for the life of the project.
 - b. **Lateral Access Connections.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, plans to connect the lateral public access along the waterfront, by a ramp, deck or other, to adjacent lateral and/or vertical access points in order to provide through public access to and along the public access waterfront boardwalk. The approved connection shall be constructed and opened for public use concurrent with the opening of the commercial retail and visitor-serving aspects of the project.
 - c. **Railing Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, plans that show the proposed railings to be used on public access walkway. Railings shall be designed to maximize views (e.g., using vertical railings spaced sufficiently apart) to allow views of harbor, ocean and dunes across wharf while maintaining pedestrian safety.
 - d. **Signage Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, signage plans. Plans shall identify the location, design and content of any signs and interpretive displays used for illustrative, educational or directional purposes. Signs should be kept relatively small in size, designed in keeping with the maritime character of the area, and placed in locations that avoid disruption of scenic coastal views. Signs should clearly identify that public coastal access is available.



4. **Shoreline Development Stipulations.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that:
- a. **No Further Seaward Encroachment.** No further seaward encroachments by development is permitted on this site.
 - b. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion, tidal scour, wave and storm events, bluff and other geologic instability, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.
5. **Compliance with Local Conditions of Approval.** Standard and Special Conditions 1, 9, 14, 16, 19, 24, 25, 26, 27, and 28 approved/required by the City of Morro Bay Conditional Use Permit 25-03R are hereby incorporated as conditions of this permit. (See Exhibit C of this report for a copy of the local conditions of approval). Any revision or amendment of these adopted conditions and mitigation measures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.
6. **Revisions and Amendments.** The Permittee shall undertake development in accordance with the approved final plans identified in Special Conditions 1 - 3. Any proposed changes to the approved final plans (including any changes in building design, public access walks, construction materials or methodology) shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that the change is immaterial or that no amendment is necessary.

3. Recommended Findings and Declarations

The Commission finds and declares as follows:



A. Project Location & Background

1. Project Location.

Until the mid-1940's, the planning area known as the Embarcadero was relatively undeveloped. Most of the small community of Morro Bay was built on the bluff tops above the tidal flats. During this time, the Department of the Navy initiated a project to construct an amphibious base in Morro Bay. Between 1942 and 1945, the north and south breakwaters at the entrance to the harbor, the two T-piers, and the inner harbor revetment (i.e., bulkhead) were constructed. The existing navigational channel was dredged and the spoils deposited behind the inner harbor revetment to create the *fill* along the Embarcadero. In the late 1940's the Navy base including all waterfront facilities were sold to the County of San Luis Obispo. Buildings began to be constructed on the Embarcadero and various docks and T-piers were occupied by a growing fleet of commercial fishing boats. In 1964, the City of Morro Bay incorporated and assumed jurisdiction over the County's waterfront land and facilities. Trusteeship of the state granted tidelands was also transferred to the City at that time.

The 10,226 square foot site that is the subject of this permit is located on the bayside of the Embarcadero in Morro Bay. (Please see Exhibit A) Morro Bay and the Embarcadero in particular has become *the* major tourist attraction of the community and a prime coastal visitor-serving destination with an estimated 1.5 million visitors annually. The Embarcadero is now largely developed with a variety of visitor serving (restaurants, gift shops) and coastal related (kayak rental, commercial and recreational fishing services, and icing facilities etc.) land uses. Parcels on the bayside of Embarcadero are leased out to individual lessees by the City that controls these properties through a lease from the State Lands Commission.

2. Project Description and Background.

This site is currently developed with a restaurant and visitor-serving retail establishment. Structural development on the site includes both one and two story buildings, approximately 4,500 square feet of site coverage, and roughly 5,700 square feet of total floor area including the waterfront dining area that extends roughly 24' out over bay waters. The site does not currently include any formal public access.

In November 2003, the City circulated a mitigated negative declaration to redevelop the site with a mixed-use commercial retail / visitor-serving development. The proposal includes the demolition of restaurant and retail buildings, removal/replacement of the structural pilings from the bay, construction of a two story, 7,000 square foot building approximately 25' in height, placement of 8 - 14 new concrete pilings, and a lateral public access boardwalk 8' in width that extends across the entire 70' bayside frontage of the site. The proposed project expands development 16' further out into coastal waters than existing. Installation of eight additional parking spaces will be added to the five already existing for a total of 13 parking spaces. Two parking spaces will be dedicated for ADA compatibility.

The site is located within an area of retained Coastal Commission jurisdiction because it is filled state



tidelands and/or open coastal waters and thus requires a Coastal Development Permit from the Commission as well as local planning approval. The City of Morro Bay conditionally approved the project on January 5, 2004 (CUP 25-03R) subject to a number of conditions. (Please see Exhibit C, City Approvals). The standard of review for new development in the Commission's original jurisdiction area is the Coastal Act, although the certified Morro Bay LCP may also be used as guidance.

B. Issues Discussion

1. Marine Resources

a. Issue

The project involves construction, demolition, and filling activities in the Morro Bay estuary that may result in adverse environmental impacts to marine resources, as well as adversely affect water quality. The project involves the removal of 20 concrete pilings and demolition of existing structures in and over open coastal waters. It also includes construction of an expanded commercial retail/visitor-serving mixed use building and a new public access boardwalk which involves installation of 8 - 14 concrete pilings directly in the Morro Bay estuary.

b. Relevant Regulatory Policy

Coastal Act Section 30230 requires that:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

c. Analysis of Marine Resources and Essential Fish Habitats

Morro Bay is a small estuary of 2,300 acres and is fed by Chorro and Los Osos Creeks, and is protected from the Pacific Ocean by a lengthy sand spit. The estuary is a nursery for many species of invertebrates and fish—some that live as adults in the ocean. The shallow water, eelgrass beds and wetlands provide protected habitat and rich food sources for birds, larvae, and fry. Marine mammals, invertebrates, fish, and seabirds make use of both the aquatic and terrestrial environments provided within the bay.

Though the central and southern portion of the bay still contain fairly large, intact, and thriving eelgrass beds, the main harbor area adjacent to the proposed development site has undergone significant changes that have altered the condition and extent of eelgrass at this location. In addition, development along the Embarcadero has resulted in changes to the historic extent of eelgrass along these shores. The waterfront



area has been heavily used by commercial and recreational fishing boats since the opening of the harbor in the mid 1940's. As a result, much of the fringing eelgrass beds and benthic environments that once existed have become fragmented and only remnant patches of eelgrass beds exist in areas where favorable ambient conditions prevail to support growth. Eelgrass thrives in a very narrow range of environmental conditions including shallow water with minimal turbidity and a mud or sandy substrate with good exposure to sunlight (i.e., minimal shading). A good example of this are the healthy eelgrass beds at the north end of the harbor adjacent to the Duke Energy intake. At this location, there is little development or disturbance of the shallow (i.e., less than 10') intertidal area. Accordingly, water clarity is good and adequate sunlight is available to support colonization and retention of eelgrass. In many instances around the harbor, structures such as buildings, piers, and docks have encroached into this shallow intertidal zone and the eelgrass has retreated.

Birds and Marine Mammals. Marine mammals that have been found in the project area include the Pacific harbor seal (*Phoco vitulina*) and the threatened California sea otter (*Enhydra lutris*). California brown pelicans (*Pelecanus occidentalis californicus*) have also been observed in and around Morro Bay, the harbor, and the project site. Seals and otters feed on fish, clams, worms and other larger invertebrates throughout the estuary.

Typically, short-term noise impacts associated with construction activities are restricted to daylight hours and are not viewed as significantly impacting the physical environment. However, disturbing animals that are listed under the Endangered Species Act or Marine Mammal Protection Act may constitute harassment. Thus, to mitigate for any impacts, the City of Morro Bay conditioned its permit to require an environmental monitor be committed to being on the job site at all times during which the pile driver is in operation. The environmental monitor will have the authority to halt any action that might result in injury or mortality of such wildlife, and will have the authority to employ non-invasive methods to discourage such animals from the area using methods approved by CDFG and USFWS (such as use of hand waving, hand clapping, herding boards, or water hoses). The "otter monitor" will determine when it is safe to resume work after the mammal has left the area. The City's conditions of approval have been incorporated into this permit by Special Condition 5. As conditioned by the City and incorporated into this recommendation, construction of the proposed development will not adversely impact birds and marine mammals and is therefore consistent with Coastal Act Section 30230.

Eelgrass Beds. As shown on Exhibit D, a small patch of eelgrass (approximately 8.1 square feet) is growing in approximately 11 feet of water in the vicinity of the proposed building and boardwalk extension, along the northwestern corner of the lease site. According to Tenera Environmental, the firm hired to survey for eelgrass, the entire patch consisted of 82 stems. More robust eelgrass patches were identified outside the area of proposed development footprint closer to shore and in between buildings, decks, and other floating docks. These patches were in water depths between 3 and 9 feet below the surface and ranged in cover between 65 – 86 square feet. If approved, the proposed mixed-use structure and public access boardwalk would be constructed over the entire mudflat area that the small eelgrass



bed is currently occupying. The eelgrass beds in the project vicinity could potentially be impacted by construction activities and/or by the shading of sunlight created by the new development.

Eelgrass (*Zostera marina*) is a marine plant that grows in clear, well-lit, shallow coastal waters and provides shelter and spawning habitat for fish and invertebrates. It is widely recognized as one of the most productive and valuable habitats in shallow marine environments. The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act set forth the Essential fish Habitat (EFH) provisions to identify and protect important habitats of federally managed marine and anadromous fish species. Eelgrass beds are considered a Special Aquatic Site (SAS) by the U.S. Army Corps of Engineers, California Department of Fish & Game, U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Eelgrass habitat is regulated under Section 404 of the Clean Water Act and is considered Essential Fish Habitat by the National Marine Fisheries Service.

The proposed project includes expanding the existing footprint of development 16' further seaward than its currently existing position to accommodate additional commercial building space and a lateral access boardwalk. In so doing, the proposed project will cover a small patch of eelgrass growing in the northwest corner of the lease site. In response to concerns from Commission staff that the project had the potential to adversely impact eelgrass, the applicant maintains that the 0.75 square meters (8.1 square feet) of eelgrass on the site is an insignificant amount and therefore, the loss would not result in a significant impact. Commission staff disagrees with this assessment. Although the area of eelgrass loss with any individual project may be relatively small, the cumulative impacts and fragmentation of eelgrass beds may be significant along highly developed shorelines such as Morro Bay. Although there is no data to suggest that eelgrass once colonized the entire western shoreline of the bay, anecdotal evidence suggests it may be true. In virtually all shallow locations along the shoreline where there is minimal disturbance from development and adequate exposure to sunlight, there appears to be eelgrass growing. Are these small fragmented patches remnants from larger continuous beds that once thrived prior to development of the harbor? It is not known. What is known is that eelgrass within the Morro Bay estuary and elsewhere in California is on the decline.

Coastal Act Section 30230 requires that marine resources be maintained, enhanced and restored. The proposed project represents redevelopment of an existing permitted structure in the same general location and footprint as the existing structures but with additional coverage for expanded commercial use and a lateral public access boardwalk. As noted above, shading of eelgrass in the developed harbor and bay is leading to both individual and cumulative adverse impacts on this valuable resource. In this particular instance, the proposed expansion of the mixed use building and public access boardwalk will result in covering or shading of 1,120 square feet of intertidal mudflat and a small bed of eelgrass growing within this area. The Commission could recommend that the Applicant revise the project plans to eliminate the additional coverage, however it is unlikely the Applicant would agree to redevelop the site and provide the proposed public access improvements further landward than what the existing use currently affords. A more amenable position may be to hold the line on commercial development (i.e., to its existing footprint) and allow for a seaward expansion to accommodate the public access



improvements. This will limit the extent of seaward expansion to only 8' and coverage/ shading to 560 square feet. Though this would reduce the potential impacts to eelgrass, it still would not be adequate to fully mitigate or avoid them. It is likely that there would continue to be impacts as the proposed boardwalk would still cover much of the eelgrass identified onsite.

To mitigate the impacts caused by installation of the public access boardwalk and associated shading of bay waters, the Applicants will be required to use translucent decking materials such as fiberglass grid decking. Fiberglass grids are being used elsewhere in an attempt to minimize impacts to eelgrass by allowing light to penetrate through the decking material and reach the eelgrass habitat below. Loss of light is the primary cause of eelgrass retreat in most development involving placement of structures in and over coastal waters. This new technology shows promising results, though the efficacy of fiberglass grids is not yet fully understood. Accordingly, the Applicant will be required to monitor the development site on an annual basis to determine if the fiberglass grid decking is providing light to promote continued growth of the eelgrass at this location or is causing shading impacts that result in further retreat of the eelgrass. If the fiberglass grid technology is not successful, the Applicant will be required to participate in a coordinated corrective mitigation effort or private individual mitigation for eelgrass impacts.

Special Condition 1a requires the Applicant to submit revised plans demonstrating the reduction in building area over coastal waters and limiting building coverage to its current footprint. Additionally, the lateral access boardwalk shall be cantilevered over the bay and limited to 8' in width. The proposed second story deck along the west elevation shall also be reduced from a maximum of 8' 6" in depth to a maximum of four feet. Changes from the plan or cross sections presented in the preliminary plans must be fully documented.

To address impacts from shading by the new public access boardwalk, special condition 2 requires the Applicant to use alternative construction materials such as a fiberglass grid deck surface that will permit a sufficient amount of light to penetrate the surface of the access decking and promote continued eelgrass survival. In addition, special condition 2 will also require the Applicant to annually monitor the location and extent of eelgrass beneath and adjacent to the project. If the monitoring finds that the eelgrass bed has been adversely impacted by the project, the permittee will be required to participate in a coordinated corrective mitigation effort (i.e., restoration) with the Harbor District, National Estuary Program, or National Marine Fisheries Service. If at such a time there is no formal established coordinated mitigation effort, the Applicant will be required to provide a private individual mitigation contribution.

Finally, Offshore of lease site 91 – 92 west, there are pipe segments and debris scattered on sand-mudflat. In its April 9, 2004 report prepared for the Applicant, Tenera Environmental (Tenera) noted a single patch of eelgrass growing offshore and seaward of the existing development in greater than 11 feet of water between the discarded pipe segments. Tenera also observed that eelgrass outside the area of construction was more common closer to shore (i.e., shallower water) and up the slope of the embankment between buildings, decks, and other floating docks. No explanation was given for why



eelgrass was not present in greater abundance in the offshore survey area. On May 19, 2004, Tenera prepared an Essential Fish Habitat Eelgrass Mitigation Plan at the request of the Army Corps of Engineers (ACOE). As part of its recommendation for habitat enhancement, Tenera proposed increasing the vertical relief by redistributing the existing pipe or adding more segments of pipe to promote turbulent flow in the area that would prevent young plants from being buried under an accumulation of silt. In its June 28, 2004, Provisional Letter of Permission (LOP), the ACOE, in addition to requiring coastal zone management concurrence from the California Coastal Commission, also attached special conditions to its LOP that requires the permittee to place additional pipe segments on the bay floor in the area of construction. ACOE claims that the addition of pipe segments will increase sediment deposition that will in turn promote eelgrass colonization and growth. CCC staff experts observed that the rationale given for placement of pipe by the two agencies is based on opposite mechanisms and unless there is a stronger justification for adding artificial structural for habitat enhancement than is in the Tenera report, it cannot be supported. In any case, this permit does not authorize the placement of any additional materials within coastal waters other than those necessary to provide a foundation for the approved structures. If the Applicant wishes to pursue any other development activities including placement of pipe sections and debris in the bay, an application for a Coastal Development Permit or permit amendment may be submitted.

d. Conclusion

As designed and conditioned to avoid and mitigate impacts to eelgrass beds and to minimize disturbance of resident wildlife, no significant disruption of marine resources will result. With the inclusion of mitigation measures designed to prevent adverse impacts from construction activities, and to protect essential fish habitats and resources of the marine environment, the project conforms to the marine resource protection requirements of Coastal Act Sections 30230 and 30233.

2. Fill of Open Coastal Waters

Section 30233 of the Coastal Act allows for fill of open coastal waters and estuaries for the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. The Coastal Act allows such activities where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

a. Relevant Regulatory Policies

Coastal Act Section 30233 provides in part that:

Section 30233.

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no



feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

... (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

In addition, the following complementary Coastal Act Section applies:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

b. Analysis of Proposed Project

As described above, the project involves fill in the Morro Bay estuary to construct a new and expanded commercial visitor-serving building and a lateral public access boardwalk that will provide an important link in the plan for continuous shorefront lateral access along a several block stretch of the Embarcadero. The project proposes to remove 20 existing pilings and install 8 - 14 new pilings in the intertidal mudflats seaward of the inner harbor revetment (i.e., bulkhead). The outer row of 4 - 7 pilings will be in the sand mudflat, the inner row of 4 - 7 pilings will be installed in the approximate alignment/orientation currently occupied by the existing outer row of pilings. The new pilings are oriented further seaward to support a 16-foot structural expansion/coverage over coastal waters.

The City of Morro Bay conditioned its permit to include mitigation measures regarding material containment, installation procedures, construction staging, and debris disposal. Pilings will be constructed of pre-poured concrete and driven into place with a pile driver. A flexible skirt will be used to contain disturbed sediments during installation. Heavy duty netting will be installed beneath all work areas to collect construction discards and a floating containment boom will be placed into the bay to capture all debris that falls into the water. Netting and boom will be cleaned daily or as often as necessary to prevent accumulation of debris. All wastes will be disposed of in the appropriate manner. The City's requirements are very similar to the BMPs used by the Commission and are adequate to satisfy the requirements of Coastal Act Section 30231. Special Condition 5 requires that all special conditions of the City's permit be incorporated into the conditions and requirements of this Coastal Development Permit.



With respect to the proposed new fill in the bay, Coastal Act Section 30233(a)(4) does not provide for the placement of fill (i.e., structural pilings) for an expansion of existing commercial visitor-serving uses. It does however make an allowance for the placement of fill for public recreational piers that provide public access and recreational opportunities. As noted above, the proposed project includes a request for new fill to support an expansion of commercial visitor-serving uses and public access. Though the proposed project includes fill that is not supported by the Coastal Act, it will also result in a net decrease in the number of pilings and a corresponding decrease in fill. In the Marine Resource section above, special conditions were recommended that restricted commercial development to its existing footprint, but did not specify placement or alignment of the structural pilings. Therefore, Special Condition 1a requires the Applicant to identify the number and precise location of the new pilings in site plan view on the lease sites. All reference points such the lease site boundaries, location of revetment, waterline, etc. shall be shown and highlighted. Structural pilings for the new building and lateral access shall be placed in approximately the same location/orientation as the existing piles wherever possible and spaced as far apart as practicable to prevent impacts to potential eelgrass habitat.

d. Conclusion

As conditioned to include the City's conditions of approval as part of the Commission's action on the permit, the potential for any adverse environmental impacts associated will be mitigated. Also, as conditioned to limit new fill for public access purposes only and to require placement of structural pilings in roughly the same location as those to be removed, the project conforms to the open coastal waters standards of Coastal Act Section 30233 of the Coastal Act.

3. Public Access and Recreation

a. Issue

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of the Coastal Act." The proposed project is located seaward of the first through public road and is adjacent to Morro Bay. The project includes new and expanded public access improvements including a new eight foot wide lateral public access boardwalk along the entire 70' width of bay frontage. These public access improvements are intended to improve and increase the visitor-serving uses and recreational opportunities available at this location and provide an important link in the plan for continuous shorefront access along the Embarcadero.

b. Relevant Regulatory Policies

Coastal Act Sections 30210 through 30213, and 30220 specifically protect public access and recreation. In particular:



Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Additional Coastal Act policies that provide for maximizing public access and recreational opportunities include Section 30251 regarding the protection of scenic views (see Visual Resources finding below).

c. Analysis of Public Access and Recreation

Morro Bay provides public access and recreational opportunities of regional and statewide significance. The project approved by the City includes public access amenities such as a boardwalk, 8' in width along the entire bay frontage of the lease site, an 18' foot wide view corridor/vertical access along the southern property line from Embarcadero to the boardwalk, a 6' wide vertical access along the northern property boundary from Embarcadero to the boardwalk, and public restrooms on the ground floor of the visitor-serving retail building. These amenities further the City's Local Coastal Land Use Plan and Waterfront Master Plan goals of providing lateral public access all along the waterfront from Morro Rock south to Tidelands Park. The proposed project provides lateral continuity between an approximate three-block stretch along the waterfront and triggers access across the adjacent Otter Rock Cafe. It provides an important link in a future segment of the California Coastal Trail, as identified in the Coastal Trail working group report to the Legislature, January 31, 2003.

Technically consistent with the access provisions of the City's certified LCP, the City approval includes both lateral and vertical public access improvements on this filled state tidelands site, but falls short of requiring said improvements as a condition of the permit. Condition 1 of the city's standard conditions indicates that the permit is granted for the project depicted on the plans shown in an exhibit to the staff report and held on file with the Public Services Department. Site development, including all buildings



and other features, are required to be located and designed in substantial conformance with the aforementioned exhibit unless otherwise specified in the permit. Granted, the staff report exhibit and submitted plans do identify both lateral and vertical public access improvements as well as public restrooms to be built on site, along with many other structural improvements approved by the City. However, once the permit has been issued, there is no guarantee that the improvements will be constructed, and the access amenities open and protected for public use for the life of the project. And though it is inferred that the public access improvements are required as mitigation for development impacts, the improvements are not directly linked to (i.e., required by) the conditions of approval. Accordingly, the City approved project cannot be found consistent with the Public Access policies of the Coastal Act.

In order to maximize public access and recreational opportunities and bring the project into conformance with Chapter 3 of the Coastal Act, the project is conditioned to require both the lateral and vertical public improvements identified on the project plans along with a requirement that the accessways be available for pedestrian access and general public use 24 hours a day, 365 days a year. Special Condition 3 requires the access improvements to be constructed in substantial conformance with the submitted plans and be constructed in the first phase of the project. Special Condition 3 also requires that the entire width of the boardwalk be used exclusively for pedestrian access and general public use, 24 hours each and every day, and require signing consistent with Commission/Conservancy standards for public access.

As conditioned, the proposed project is consistent with the access policies of the Coastal Act that require new development to maximize access and specifically to provide vertical and lateral access.

d. Conclusion

As proposed and conditioned by this permit, the project provides and enhances public access opportunities consistent with Coastal Act Sections 30210 - 30213, and 30220. Therefore, as conditioned to ensure that the public access improvements to and along the site are constructed and maintained in perpetuity for pedestrian access and general public use, the proposed project will maximize public access consistent with the public access and recreation policies of the Coastal Act.

4. Visual Resources

a. Issue

The project involves demolition of existing structures, and construction of new structures (including a two story mixed use building and a new lateral public access boardwalk) that may change the visual aspects of the project area.

b. Relevant Regulatory Policies

Coastal Act Section 30251 requires that:



Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Additionally, Coastal Act Section 30253(5) states that:

Section 30253(5). Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

c. Analysis of Visual Resources

The City of Morro Bay is located on the central coast of California about halfway between San Francisco and Los Angeles. It is a working fishing village situated right in the middle of Estero Bay. The City's certified LCP characterizes the visual resources as "unique" and of "spectacular visual quality," including views of the bay, sandspit, Morro Rock, the Duke Energy Plant, and a picturesque collection of commercial fishing and recreational boats. The LUP describes Morro Rock as "the landmark of the community" and "the most significant visual feature of the area." The visual resource that appears to attract the most public attention in Morro Bay is the developed "harborscape" of the Embarcadero, with its great variety of piers, commercial fishing docks, weathered wooden buildings, retail shops, restaurants and its many different vessels of all descriptions. The Embarcadero is *the* major tourist attraction of the community and a prime coastal visitor-serving destination with an estimated 1.5 million visitors annually.

The flat site lies between the bay and Embarcadero – a public road. The site is currently developed across most of its entire 70' width with a two-story commercial-retail and restaurant building nearly 22' in height. At this time views to the bay, sandspit, and Morro Rock are available only from inside the Galley Restaurant. However, due to the fact that the site and public viewing points along the Embarcadero are at the same elevation, any structural coverage more than 6' in height would obstruct views across the site to the bay.

The two-story design of the project is somewhat similar in character and is compatible in appearance and scale with the more attractive buildings along Embarcadero. The use of building offsets and articulations in addition to the view corridor between the adjacent building to the south (Otter Rock Café) serves to soften the appearance of the building and break up the mass of the structure.



Construction of the proposed mixed-use building, like the existing building, is sure to obstruct public views over a significant portion of the site, but the new design also includes an 18' wide view corridor to the bay. In addition, the City approved design includes construction of an eight-foot wide lateral public access boardwalk across the entire 70' width of bay frontage. (Please see Exhibit E) The view corridor will provide pedestrians and motorists previously unavailable peeks of the bay and sandspit when traveling along Embarcadero. The boardwalk will provide the public with unobstructed views of the bay, sandspit, and Morro Rock, and is consistent with the City's policies to provide visual and pedestrian access along the Embarcadero shoreline in all new requests for bayside development. Access to the proposed boardwalk from Embarcadero will be via an existing vertical access sidewalk along the northern frontage of the site and through the 18' view corridor between the Otter Rock Café and Galley Restaurant.

The visual character of the boardwalk decking itself may introduce some visual impacts because the alternative decking materials offer a different look than traditional wooden decking. The decking is similar to traditional decking in that it has a very small profile and thus is not likely to be very visible even from the bay itself. It will definitely be visible to persons walking directly upon it, but any minimal visual or aesthetic intrusions/impacts associated with the alternative decking materials is more than offset by the marine resource protection benefits it offers. And in fact, it may offer pedestrians small glimpses of the bay below. Accordingly, the project is consistent with Section 30251 of the Coastal Act.

d. Conclusion

Coastal Act Policy 30251 requires new development to protect views to and along the shoreline, be visually compatible with the character of the area and, where feasible, to restore and enhance visual quality in visually degraded areas. As discussed in the preceding paragraphs, the proposed project includes a boardwalk across the entire bayside frontage that will provide unobstructed views for the public to and along the Morro Bay shoreline. Additionally, a public view corridor is proposed that will provide peeks to the bay and sandspit and serve to break up the mass of the buildings along the Embarcadero. The design of the proposed project is compatible with the surrounding attractive development along this portion of Embarcadero and will restore visual quality on the currently unattractive site. The project, as conditioned by the City and the Commission herein is, therefore consistent with the policy direction of PRC Section 30251.

5. Water Quality

Section 30231 of the Coastal Act requires that water quality be protected and, if possible enhanced by controlling storm water runoff and minimizing entrainment.

a. Relevant Regulatory Policies

Coastal Act Section 30231 provides:



Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

b. Analysis

The site is located immediately adjacent to and over the waters of Morro Bay. Construction activities associated with the development of the site and drainage and run off from the completed project could potentially result in adverse impacts on Morro Bay water quality. In particular, those activities include the demolition of existing waterfront structures (Galley Restaurant, decking, and foundation pilings), construction of the new commercial retail / visitor-serving building, new piling installation and construction of the new lateral access boardwalk. Since the project requires work in, over, and adjacent to open coastal waters, which could lead to potential adverse water quality impacts, the City attached a number of conditions to its permit CUP 25-03R to address this issue. (Please see Conditions 14, 16, 24, 25, and 28, Planning Commission Action on CUP 255-03R, January 5, 2004) These conditions require the following measures to be implemented to ensure that water quality will be adequately protected:

- installation of an oil/water separator at all drainage inlets,
- installation of an outlet structure to address silt and hydrocarbon containment,
- direct all run off to the street rather than the bay,
- the implementation of siltation and sediment control measures during construction,
- avoidance of use of the west side of the site closest to the bay for stockpiling of soil, and cleaning and refueling of equipment,
- on site storage of absorbent materials for use in the event of a fuel spill during construction., training for construction workers in how to contain a spill
- periodic review of the implementation of mitigation measures by a qualified biological monitor
- daily removal and containment of all trash and debris during construction
- use of a floating boom and netting to collect/contain scraps and floatable debris in construction area



procedures for concrete work to avoid contamination of coastal waters

As project construction will be of limited duration, and construction methods have been conditioned by the City's permit to require use of best management practices to avoid oil spills and construction materials from entering the water, the project is not expected to adversely affect water quality or any other aquatic or marine mammal species. The City's approval of the project also includes incorporation of mitigation measures identified in the approved mitigated negative declaration, adopted as part of the project, that provide improvements to the existing drainage system on-site, including the use of oil/water separators and sediment traps to ensure that storm water runoff from the parking lot and the rest of the project does not adversely affect water quality in the surrounding bay. In order to fully take advantage of these proposed measures, Special Condition 5 is attached to require that all special conditions of the City's permit be incorporated into the conditions and requirements of this Coastal Development Permit.

c. Conclusion

As conditioned by the City and incorporated into this recommendation, the construction and use of the proposed development will not adversely affect water quality of the bay and is therefore consistent with Coastal Act Section 30231.

C. California Environmental Quality Act (CEQA)

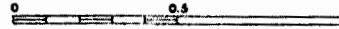
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.



MORRO BAY AREA

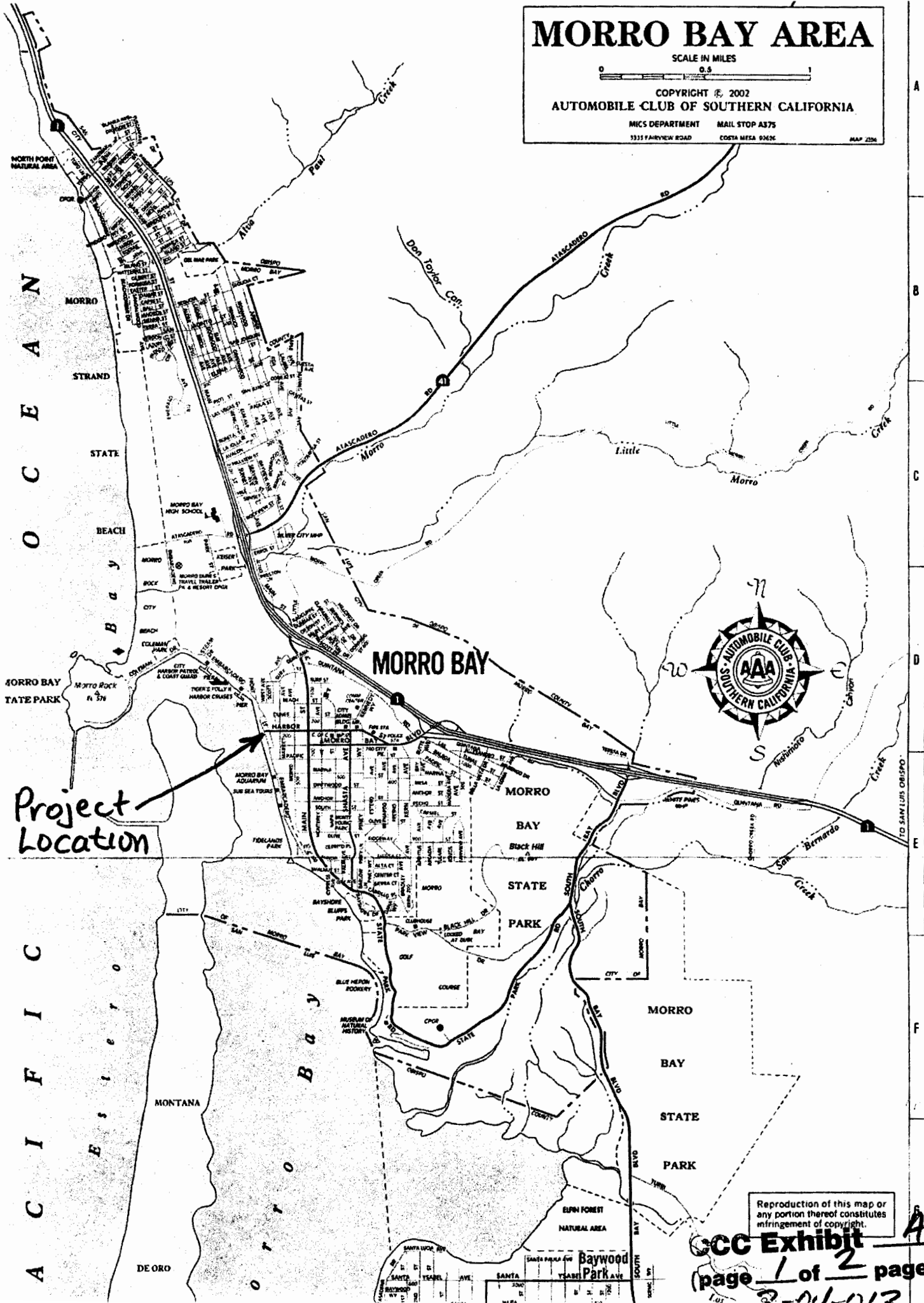
SCALE IN MILES



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AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

MICS DEPARTMENT MAIL STOP A375
3335 FAIRVIEW ROAD COSTA MESA 92626

MAP 2204



Project Location

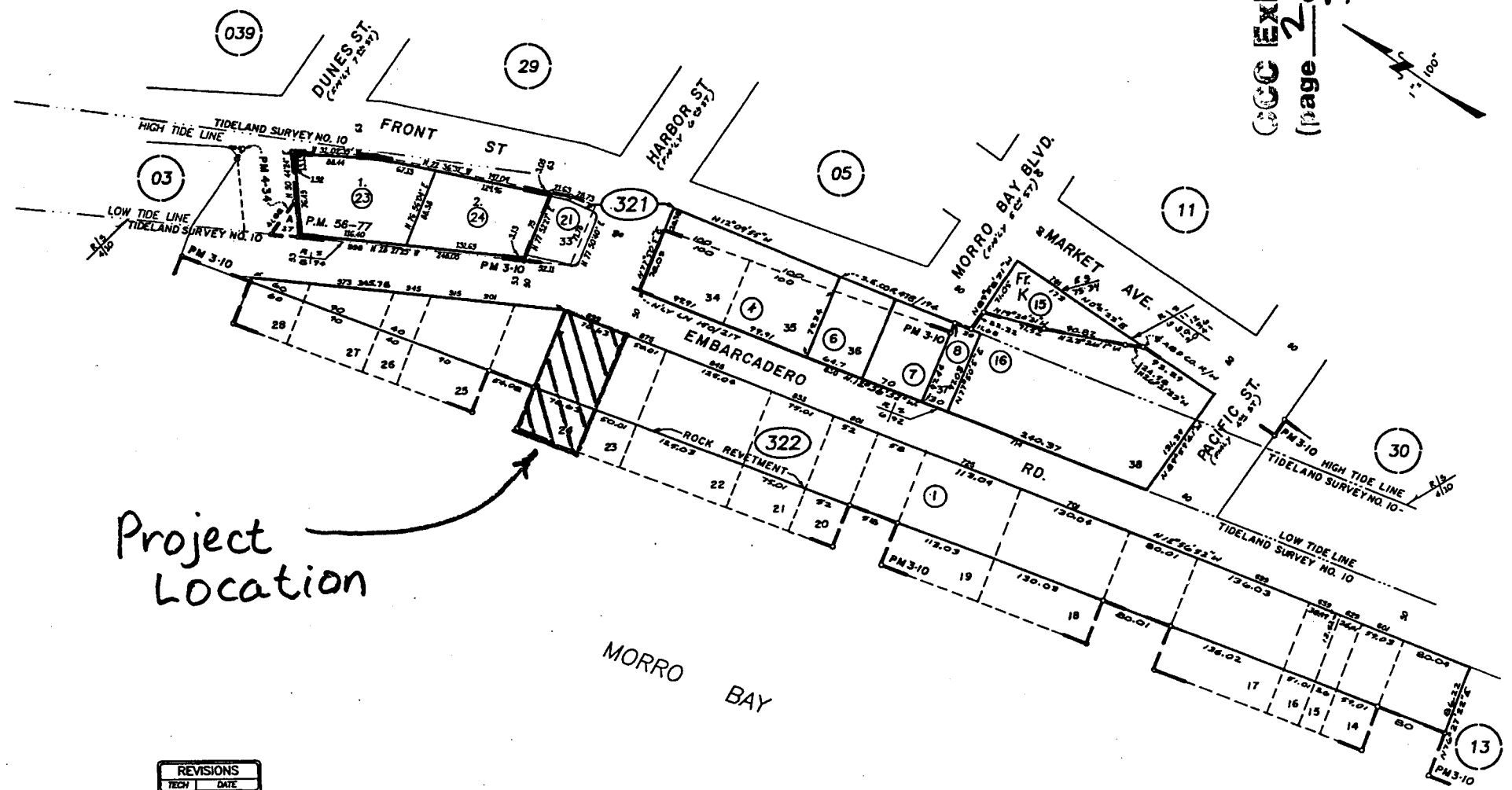
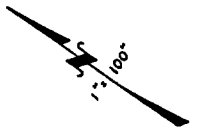


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ACC Exhibit
(page 1 of 2 pages)
2-21-12

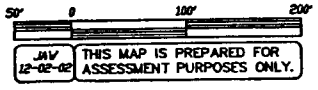
CCC Exhibit A
 (page 2 of 2 pages)
 3-04-013

066-32



Project Location

REVISIONS	
TECH	DATE
JAV	12-02-02



LANDS OF MARCH AND McALLISTER IN TOWN OF MORRO, R.M. Bk. A, Pg. 159.

CITY OF MORRO BAY
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA.
 BOOK 066 PAGE 32
 JAN 13 2003

STATISTICS

LOT AREA
LAND LEASE 6,800 SF
WATER LEASE 3,200 SF
TOTAL 10,000 SF

LOT COVERAGE:
BUILDING FOOTPRINT: 6,862.8 SF
AS % OF LOT AREA: 68%

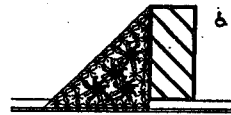
BUILDING AREA (CONDITIONED SPACE)
STREET LEVEL:
LEASE SPACE 1 1,156 SF
LEASE SPACE 2 269 SF
LEASE SPACE 3 631.8 SF
ELEV. STAIR 282 SF
BATHS 153 SF
ELECTRICAL/RUM- NOT INC
SUBTOTAL: 2,492 SF

UPPER LEVEL:
ROOMS 3,892 SF
STORAGE, LIN, ETC 512 SF
SUBTOTAL 4,404 SF
BUILDING AREA TOTAL 6,896.8 SF
BALCONIES 400 SF
CORRIDORS 800 SF

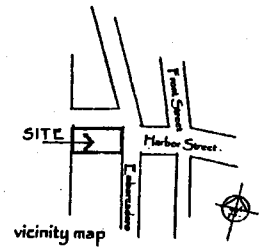
PARKING
EXISTING
ON SITE 3
ON STUB STREET 8
TOTAL EXISTING 11
EXISTING PROVIDED
1142 SF CUSTOMER USE AREA / 86 13.24

PROPOSED
ON SITE 8
ON STUB STREET 3
TOTAL PROPOSED 11
PROPOSED REQUIRED
BBQ @ 1400 - 1400 8.9
RESTAURANT 570 SF / 80 6.33
RETAIL @ 651.8 / 300 2.1
TOTAL REQUIRED 17.2

HISTORIC USE 10.88
PROPOSED USE 17.2
PROPOSED USE IS LESS THAN HISTORIC O.K.
HISTORIC PARKING PROVIDED 11
PROPOSED PARKING PROVIDED 11
PROPOSED PARKING IS GREATER THAN HISTORIC O.K.

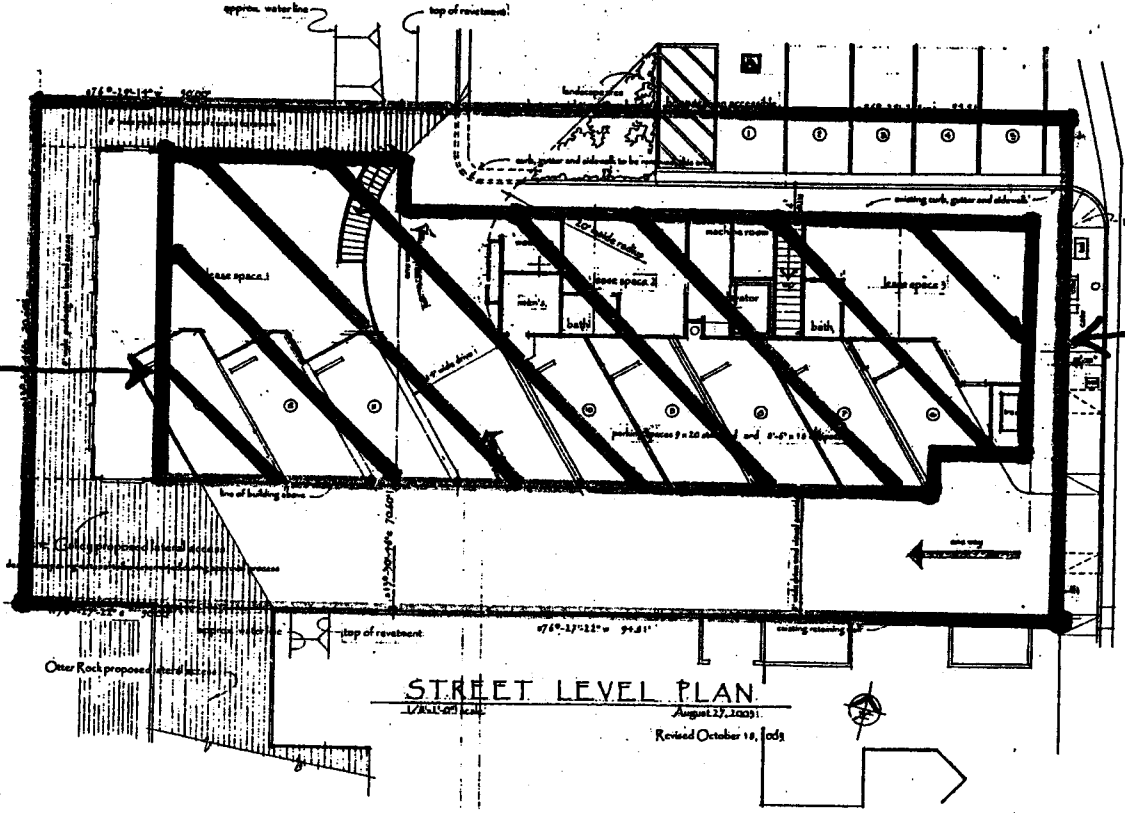


Candidate Plant List
Structural Name: Concrete Slab
Common Name: Flat Floor
* Permitted Minimum Height / Flat Concrete Slab



Revised
Development
Footprint

Lease Site
Boundary



STREET LEVEL PLAN
August 17, 2001
Revised October 18, 2003

the Galley
899 Embarcadero, Morro Bay, California

SIMON FUGLER COMPANY
ARCHITECTS
336 ENCHANTO AVENUE SHELL BEACH, CA 94949
P. 707.773.0131 F. 707.773.4400 M. 805.986.8793
STEVEN FUGLER AIA ARCHITECT C 02448

CCC Exhibit **B**
(page 1 of 1 pages)
3-04-013



- 1) EXTEND BALCONIES TO WITHIN 8" OF CURB @ SIDE
- 2) COVER BALCONIES W/ LEAVES EXTENSIONS
- 3) COVER ACCESS BALCONY
- 4) SOLAR GUARD RAIL @ BALCONIES

AGENDA ITEM: _____
ACTION: _____

**CITY OF MORRO BAY
PLANNING COMMISSION**

January 5, 2003

RECEIVED

JUL 06 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PROJECT SUMMARY

FILE NUMBERS

CUP 25-03R

LEGAL DESCRIPTION(S)

City of Morro Bay Lease Sites 91-2 & 91-2W

APN(S)

066-352-018 & 041

APPLICANT:

Rodger Anderson

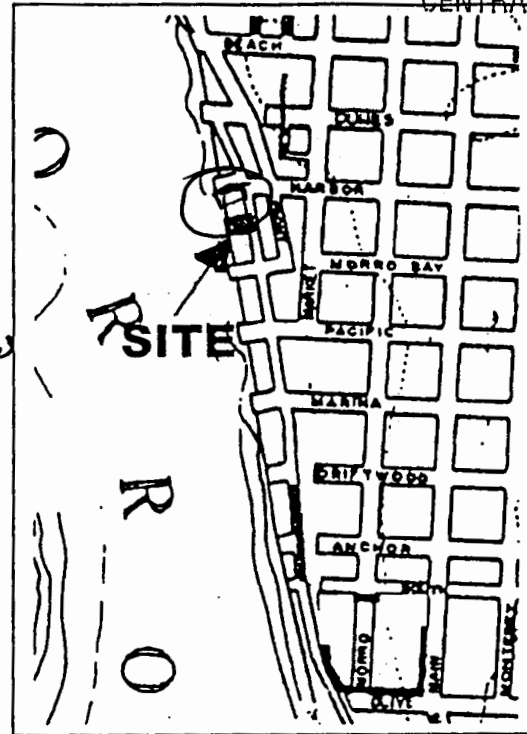
ANDERSON FAMILY

AGENT:

Simon Puglisi

ATTACHMENTS:

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan reductions, Exhibit C
4. Plans
5. Photo Simulations
6. Mitigated Negative Declaration



Vicinity Map

ISSUE SUMMARY

The applicant is proposing to replace the existing Galley restaurant with three commercial lease spaces and an eight room inn.

STAFF RECOMMENDATION

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Concept Plan for CUP 28-02, subject to the Conditions included as Exhibit "B" and the site development plans dated September 17, 2003.

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration was posted on November 21, 2003. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

BACKGROUND:

<u>Adjacent Zoning/Land Use</u>			
North:	WF/PD/S.4-Street then Restaurant	South	WF/PD/S.4-Restaurant & Gift Shop
East:	Embarcadero & Vacant lot	West:	H-Harbor

<u>Site Characteristics</u>	
Site Area	Approximately 10,226 square feet (6,696 land area and 3,530 water)
Existing Use	Restaurant and retail shop
Terrain:	Level
Vegetation/Wildlife	None, developed site
Archaeological Resources	None, fill and water
Access	Embarcadero

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Mixed Uses (Harbor)
Base Zone District	WF – Water Front
Zoning Overlay District	PD – Planned Development
Special Treatment Area	S-4 – Design Criteria
Combining District	
Specific Plan Area	No
Coastal Zone	Yes, Coastal Commission original jurisdiction

GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY

Program VR-2.2 in the Visual Resources and Scenic Highway Element, requires view easements or corridors designed to protect views to and along the ocean and scenic and coastal areas for areas identified in the plan. This is one of those identified areas and the proposal implements that requirement because the public is given access to the ocean side of the developments. This project now provides a view corridor that did not previously exist and complies with the policy.

WATERFRONT DESIGN GUIDELINES

This project is consistent with the waterfront design guidelines. The applicant has prepared the required photographs indicating how the new project will relate to its surroundings. The photographs are attached to this report. As can clearly be seen, the project will provide the view corridors required of the guidelines, that do not now exist, and the structure does not substantially impact views of the ocean and Morro Rock. The required lateral and vertical access is proposed consistent with the guidelines.

The applicant is requesting the maximum 25 foot maximum height that is permitted by the guidelines provided there is a public benefit provided by the project and that the overall viewshed characteristics will be improved or at a minimum not diminished from the public viewing locations. For a public benefit the applicant is proposing a public restroom on the site and is proposing architecture of a superior quality. The architecture provides a well articulated building character in keeping with the neighboring properties and the character along the waterfront.

Section 17.24.B. 9. for the Waterfront (WF) district required public access subject to Section 17.48.280. That section requires lateral public access of eight feet in width along the bayward side of development. This proposal is in compliance with the coastal access requirements because such an access way is proposed. The uses proposed are permitted in the WF land use category.

The site currently has a portion of the parking partially on the street and partially on the lease site. This arrangement is proposed to be retained. The proposed inn units each have a parking space provided as required by the zoning ordinance. The new project will have less parking demand from the restaurant (a high parking demand use), because the proposed restaurant area is smaller in area than the existing restaurant while the retail area, (a low parking demand use) will be increased in area. Thus, there will be a net benefit to parking from the new project. Parking requirements are clearly indicated on the project plans.

ENVIRONMENTAL ISSUES

Eelgrass: ? 6.75



The 210 square feet of eelgrass (*Zostera marina*) is classified as a Special Aquatic Site under the Clean Water Act. Eelgrass is an important foraging and rearing habitat for several species of importance. Several species of commercial or recreational importance are known to associate with eelgrass. While there are no pilings to be placed directly into the eelgrass bed, the proposed improvements on the site may impact the eelgrass due to shading from the accessway and dock. Some researchers have indicated that eelgrass can adapt to low light while others indicate that there is a decline following shading. For these reasons a mitigation measure is proposed that the eelgrass be monitored by a qualified biologist annually for three years and if any decrease in the area be mitigated on a one to one basis. While the biologist suggested this mitigation, it appears to be consistent with the Southern California Eelgrass Mitigation Policy of The National Marine Fisheries Service. In addition, mitigation measures to avoid hazardous chemicals impacting the eelgrass are proposed.

Mammals and Birds

Otters and pelicans can be impacted by noise or activity associated with the construction of the project. However, this impact is considered negligible since there is other ambient noise in the environment such as boat traffic and tourist. Harassment of the wildlife should be mitigated as well as other hazards to wildlife. Mitigation measures are proposed that reduce impacts associated with the construction that include not permitting dogs on the construction site, and covering trash and garbage receptacles.

For protected species, there are two types of potential harassment of the animals. They are basically intentional harassment and unintentional such as noise that might be caused by construction. Either is a violation of federal law. A mitigation measure is proposed that requires a person on site to watch for the animals.

Air Pollution

While the Air Pollution Control District indicated in their letter of December 22, 2003 that the project does not exceed any of the air quality thresholds they did indicate their requirements for projects under one acre in size. These requirements have been incorporated in the conditions of approval so assure that the applicant is aware of them. The APCD also provided information about building demolition and asbestos. As a requirements of a building or demolition permit the applicant is required to address the issue of asbestos abatement on the site. An asbestos report is required and proper abatement must take place as a part of the building permit.

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on, and all property owners of record within 300 feet of the subject site and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION

The proposed project is consistent with the applicable development standards of the zoning ordinance and all applicable provisions of the General Plan, Local Coastal Plan and Waterfront Design Guidelines with incorporation of recommended conditions. It has been determined to not have significant impacts on the environment with the implementation of the mitigation measures contained in the Mitigated Negative Declaration to which the applicant has agreed.

Report prepared by: Greig S. Cummings, Planning Manager

S:\Planning\Projects\Embarcadero 899 The Galley\Stf rpt 899 emb.doc

EXHIBIT A

FINDINGS

California Environmental Quality Act (CEQA)

- A. This approval is for a replacement of the restaurant and retail area as indicated in the approved plans and as amended by these conditions of approval.

Special Use Permit Findings

- B. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff memorandum; and
- C. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and
- D. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, as indicated in the attached staff memorandum and will provide public road and drainage improvements consistent with City Public Works Department requirements.
- E. The applicant is providing a public benefit with the provision of a public restroom on site and the superior architectural quality of the project. Because of the public benefits the project is being granted the maximum height limit of 25 feet.

EXHIBIT B

CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report for the project, January 5, 2004, for the project depicted on the attached plans labeled "Exhibit C", dated, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.

2. **Inaugurate Within Two Years:** Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director of Public Services, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. **Changes:** Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Director of Public Services. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. **Compliance with the Law:** (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. **Hold Harmless:** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. **Compliance with Conditions:** Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director of Public Services and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. **Acceptance of Conditions:** Prior to obtaining a building permit and within thirty (30) days of the effective date of this permit, the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

8. Colors and Materials: Prior to issuance of a building permit, the Director of Public Services shall ensure compliance of all exterior colors and materials, including dock materials as approved on the attached Exhibit(s). All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.
9. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
10. Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Public Services All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 20 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.
11. Signage: No signs are approved as a part of this permit.
12. Lease Boundary Verification. It is the owner's responsibility to verify lease lines. —

PUBLIC WORKS

13. Off-Site Public Improvements: Are required for as set forth in MBMC Section 14.44. Prior to building permit issuance the Applicant shall (1) submit cost estimates calculated on the City provided Engineering Estimate Worksheet for review by the Engineering Division, (2) deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements, and (3) complete the City's minor improvement agreement.
Applicant shall install the following frontage public improvements:
 - a. Concrete drive approach and 10 ft. wide sidewalk on the east site frontage.
 - b. ADA handicap ramp at the north east corner and crosswalk.
 - c. Concrete drive approach and 6 ft. wide sidewalk on the north site frontage.
14. Oil-Water Separator: To reduce pollution to creek, bay and ocean waters, the applicant shall install an oil-water separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.
15. Multi-use Drive Approach: It is recommended that the trash dumpster area be designed to incorporate the new drive approach for accessing the dumpster. A standard encroachment permit is required for construction of the new drive approach.
16. Sediment and Debris Control: Control measures shall prevent sediment or debris from entering the City right of way, roadway, or adjacent properties. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.
17. Water Backflow Prevention Device: Not required for normal single family residential uses. Devices are required for irrigation systems on a dedicated water meter; systems which may change in character of use (commercial rentals, etc.); gray water systems; or any plumbing system which

has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. If required, the Applicant is responsible for the installation of an approved domestic water backflow prevention device per MBMC chapter 13.08. Should the Applicant need further information, the City's contracted inspection provider can be reached at: (805) 781-5544, Office of Cross-Connection Inspector, S.L.O. County Health Agency, 2156 Sierra Way, San Luis Obispo, Ca. 93406.

18. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. Please indicate on the plans Water Pressure Reducer: Applicant's plumber shall install a pressure reducer on the lease site.
19. Construction Dumpster: If a construction dumpster is used, the dumpster location shall be on private property, unless allowed on City property by an encroachment permit.
20. Sewer Protection: During and after structure demolition, the sanitary sewer lateral shall be sealed and protected from intrusion.
21. Engineering Checking and Inspection Costs: the Applicant agrees to pay invoiced amounts for reimbursement to the City for it's payment of the direct cost of checking, inspection, and other provided work related to this project performed by contracted engineering services.
22. Encroachment Permits: Are required and issued by the Engineering Division, prior to construction in or use of land in the City right-of-way.
 - Standard Encroachment Permit,
For standard construction (driveway, sidewalk, etc.) per City standards. Current fee \$71.82
 - Sewer Encroachment Permit,
For sewer and lateral work in the City right-of-way. Current fee \$71.82
 - Special Encroachment Permit,
Required for non-standard work or encroachments (walls, fences, stairs, etc.) in the City right-of-way. Current fee \$35.91 plus applicable direct costs checking, administration, and recording.
23. Repair & Replacement of Public Improvements: Prior to project completion the Applicant shall repair curb, street, or any public improvements which were damaged as a result of construction operations for this project. Curb, berm, gutter or other improvements as required shall be installed at abandoned or illegal drive approach areas

PLANNING

24. To reduce the potential for inadvertent release of fuel from construction areas to aquatic habitats, avoid all cleaning and refueling of equipment and vehicles near the western lease site boundary. Stage and re-fuel vehicles only in appropriate marked construction staging areas, preferably offsite or near Embarcadero Drive. Absorbent materials, such as booms and drop cloths, should be stored on site to allow construction crews to respond to unplanned hydrocarbon spills in a timely manner. Construction crews shall be briefed on the purpose, application, and location of absorbent materials prior to project implementation.
25. Avoid leaving trash on the worksite. All trash on-site shall be placed into a covered receptacle to discourage wildlife foraging. Accessible trash will encourage pelicans and domestic animals to visit the project site. Pets shall not be brought to, nor allowed on, the worksite.
26. Prior to building permit approval, revise the plans to clearly show a ten foot setback from the front property line for the first floor and a ten foot setback for the second floor. Also, indicate that there is a twenty-foot inside turning radius on the driveway. *5'*
ALSO 8' WIDE CONDITION

AIR QUALITY

26. The following dust mitigation measures must be undertaken at the start and maintained through the duration of the construction or grading:
- Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less;
 - Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
 - Areas to be graded or excavated must be kept adequately wetted to prevent visible emission from crossing the property line;
 - Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile.
 - Equipment must be washed down before moving from the property onto a paved public road; and
 - Visible track-out on the paved public road must be cleaned using wet sweeping of a HEPA filter equipped vacuum device within twenty-four (24) hours.

ENVIRONMENTAL

BIOLOGICAL RESOURCES:

27. All work that disturbs the ocean floor (i.e., installation of pilings) shall be monitored by the project biologist to ensure that impacts to Eelgrass are avoided or minimized to that described in the Eelgrass Survey. The project biologist shall submit a monitoring report to the Public Services Department prior to the final building inspection. Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times that the pile driver is in operation. The contract or other written agreement between the applicant and "otter watcher" shall authorize and encourage the "otter watcher" to order an immediate stop work in the event that a sea otter is detected in the project area. Pile driving activities shall not be resumed until after the sea otter has left the project area. Finally, the selection of "otter watchers" shall be as approved by the Public Services Director.

HYDROLOGY/WATER QUALITY:

28. Pilings shall be constructed of pre-poured concrete and shall be implanted into the ocean floor with a pile driver, as opposed to jetting. In the past, Coastal Development Permit applications issued by the California Coastal Commission have required the following additional mitigation measures. The applicant shall also comply with these conditions, as required or modified by the Coastal Commission. With this mitigation, the project would not have the potential to have significant water quality impacts.
- Material Containment. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on

or beneath fixed wharf decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris.

Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

- b. Piling Installation Procedures. Piling installation will be performed in accordance with Department of Fish and Game recommendations. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. All piles will be driven into place with a pile driver. Disturbed sediments shall be contained with a flexible skirt surrounding the driven pile.
- c. Procedures for Concrete Work. If pile installation, or any other portion of the operations and maintenance program, requires the pouring of concrete in, adjacent to, or over the water, the following methods shall be employed to prevent uncured concrete from entering the harbor or other state waters:
 - i. Complete dewatering of the pour site, within a caisson or other barrier; the site to remain dewatered until the concrete is sufficiently cured to prevent any significant increases in the pH of adjacent waters; or,
 - ii. The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form, and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with the following California Department of Fish and Game recommendations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.
 - iii. In each case involving such concrete pours in or near the harbor or other state waters, a separate wash out area shall be provided for concrete trucks and for tools. The wash out area(s) shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters which empty into such bodies of water.

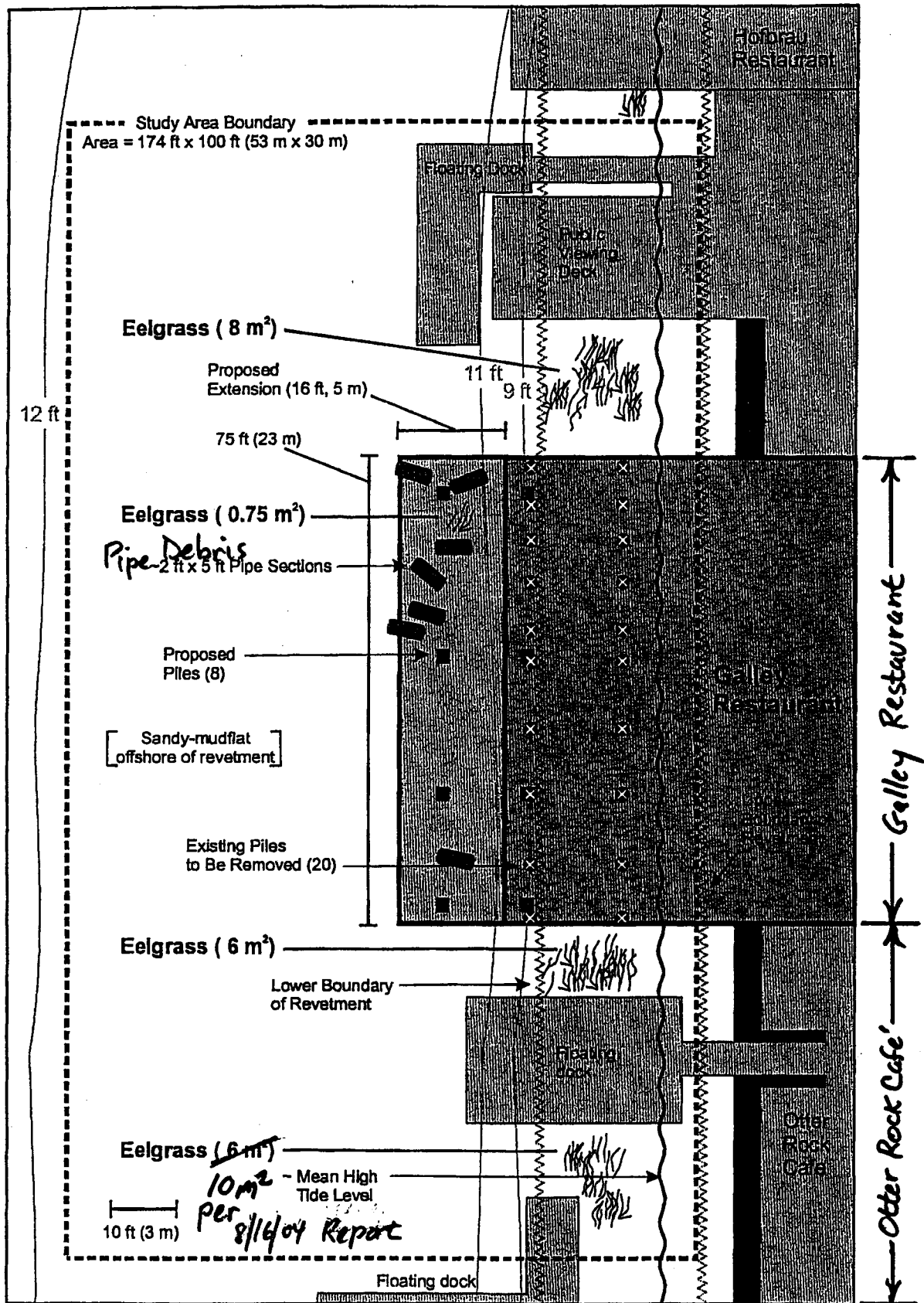


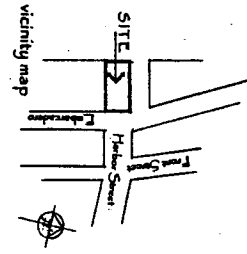
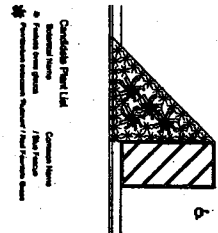
Figure 3. Survey area of the Galley Restaurant.

Galley Restaurant
Otter Rock Cafe

CC Exhibit D
(page 1 of 1 pages)
3-04-013

STATISTICS

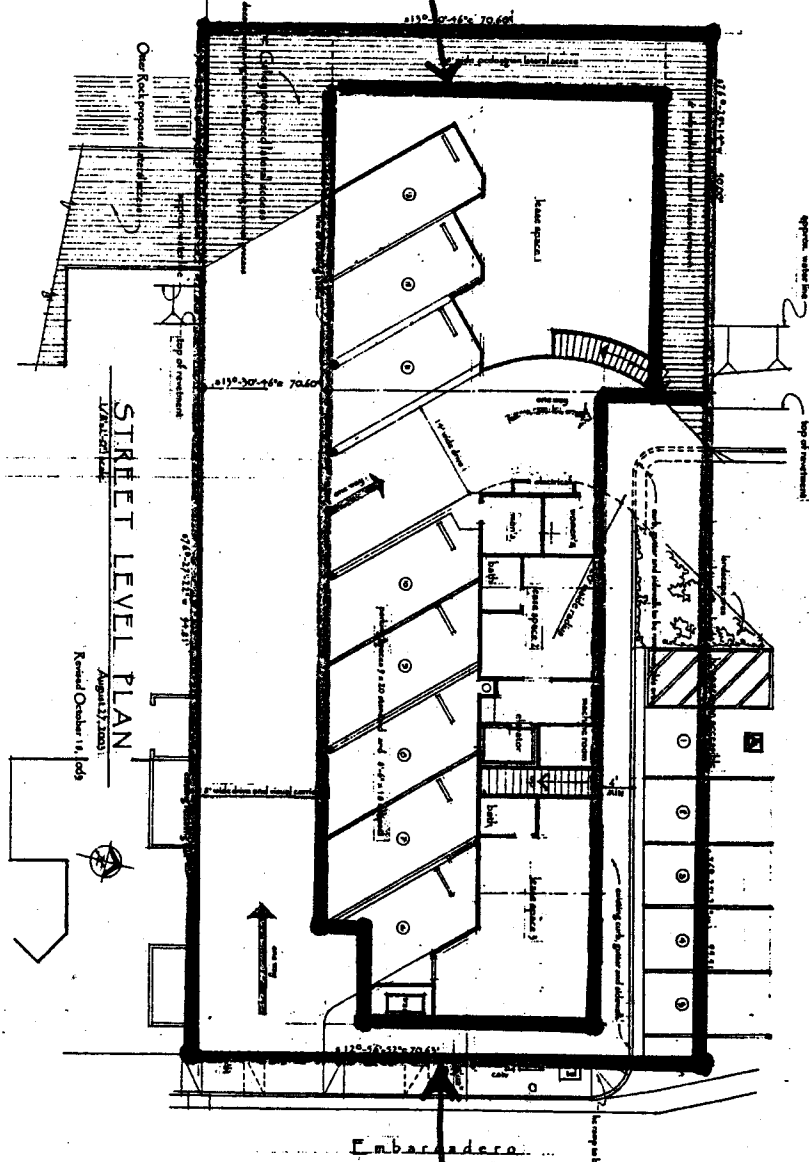
LOT AREA	1,484 SF	PROPOSED	1,484 SF
LAND USE	3,428 SF	EXISTING	1,484 SF
TOTAL	4,912 SF	ON STUB STREET	1,484 SF
LOT COVERAGE	23.2%	TOTAL EXISTING	1,484 SF
BUILDING FOOTPRINT	4,912 SF	TOTAL PROPOSED	1,484 SF
AS % OF LOT AREA	333%	TYPE OF EXISTING USE	1,484 SF
BUILDING AREA (CONDITIONED SPACE)			
STREET LEVEL	1,184 SF	PROPOSED	1,184 SF
UPPER LEVEL	3,728 SF	ON STUB STREET	1,184 SF
STORAGE, L.M. ETC	1,184 SF	PROPOSED	1,184 SF
BUILDING AREA TOTAL	4,912 SF	PROPOSED REQUIRED	1,184 SF
BASED ON	200 S.F.	MAX. # UNIT / LOT	6.0
CONCRETE	400 SF	MAX. # UNIT / STUB	2.0
		MAX. # UNIT / LOT	6.0
		MAX. # UNIT / STUB	2.0
		TOTAL PROPOSED	12.0
		PROPOSED USE	12.0
		PROPOSED USE IS LESS THAN HISTORIC O.K.	
		HISTORIC PARKING PROVIDED	11
		PROPOSED PARKING IS GREATER THAN HISTORIC O.K.	

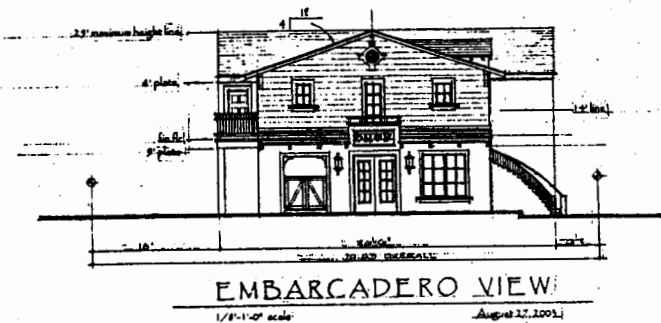


Proposed Development Footprint

Lease Site Boundary

the Galley
899 Embarcadero, Morro Bay, California

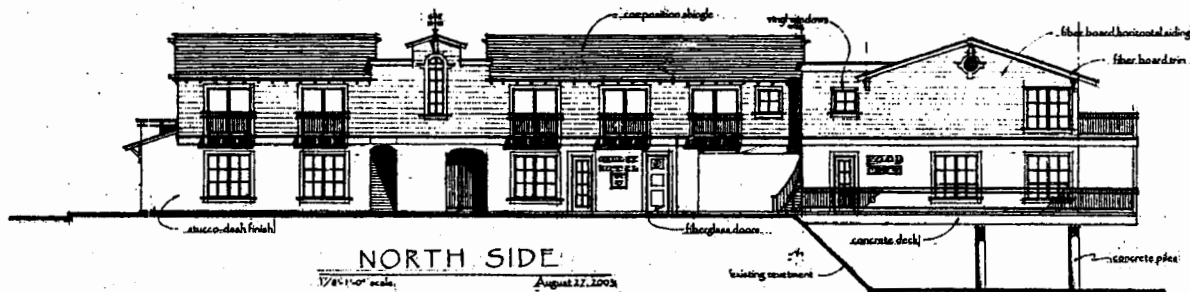




EMBARCADERO VIEW

1/8"=1'-0" scale

August 27, 2003

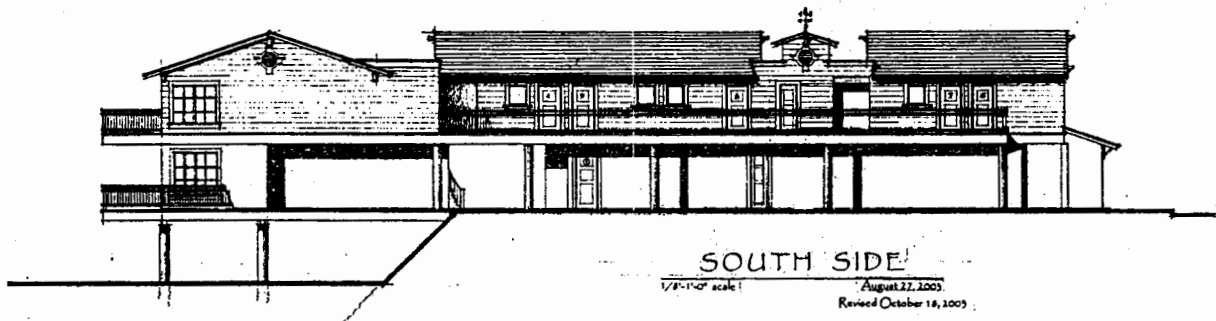


NORTH SIDE

1/8"=1'-0" scale

August 27, 2003

Revised October 18, 2003

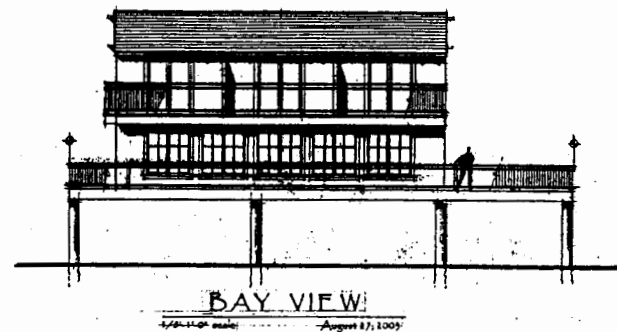


SOUTH SIDE

1/8"=1'-0" scale

August 27, 2003

Revised October 18, 2003



BAY VIEW

1/8"=1'-0" scale

August 27, 2003

the Galley

899 Embarcadero, Morro Bay, California

Proposed Elevations

SIMON PUGLISI COMPANY
ARCHITECTS

236 ENCANTO AVENUE SHELL BEACH, CA 93449

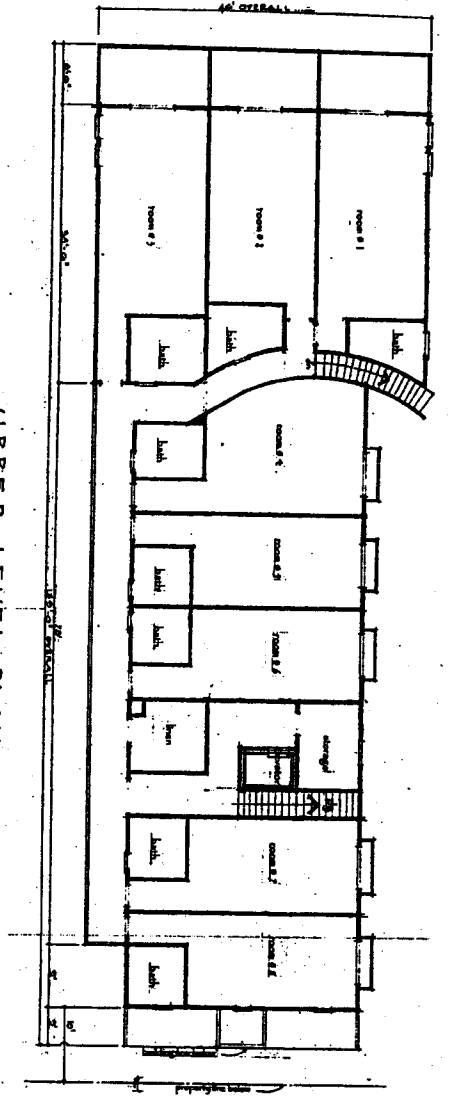
T. 805.773.0151 F. 805.773.4406 AL. 805.886.8793

STEVEN PUGLISI AIA ARCHITECT C 12.138

CCC Exhibit E

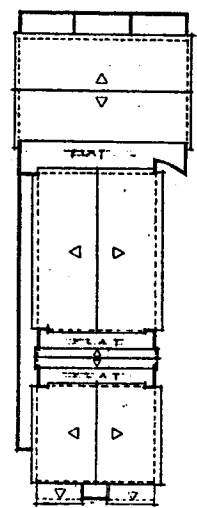
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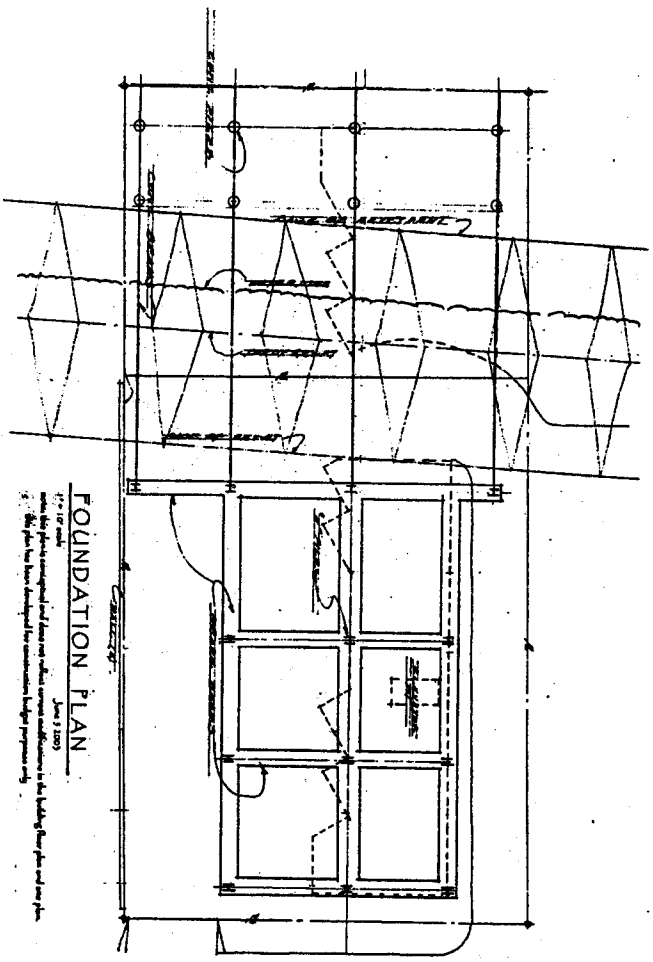
UPPER LEVEL PLAN

1/2" = 1'-0" scale
 August 17, 2003
 Revised October 14, 2003



DAKOTA 4th SLOPE ROOF
 ROOF PLAN

1/4" = 1'-0" October 13, 2003
 Roof area: 10,000 sq. ft. and 100,000 sq. ft. of roof to be replaced at \$1.50/sq. ft.
 400 sq. ft. of roof to be replaced at \$1.50/sq. ft. of roof to be replaced at \$1.50/sq. ft.
 Proposed roof calculation is as follows:
 Proposed roof 100,000 sq. ft.
 Existing roof 400 sq. ft.
 Total roof 100,400 sq. ft.



FOUNDATION PLAN

1/4" = 1'-0" scale
 June 2, 2003
 Note: The plan shows conceptual and does not reflect any conditions in the building floor plan and roof plan.
 All plan lines have been developed from construction field photographs only.

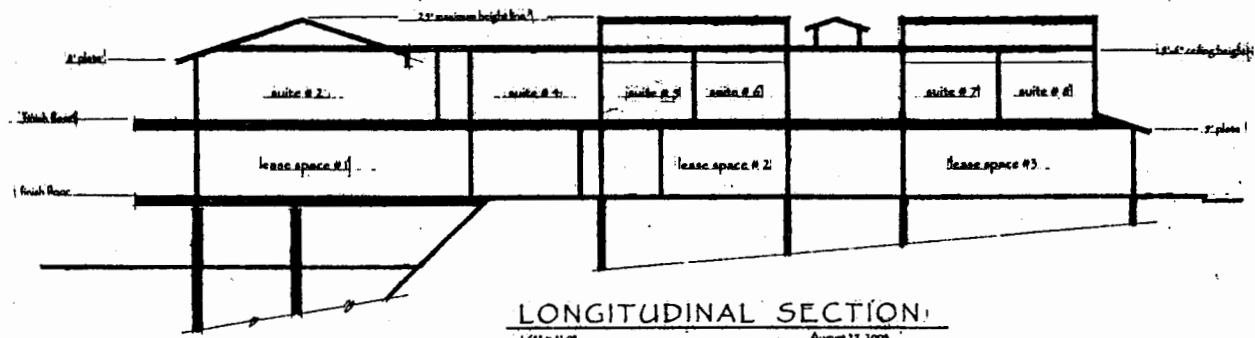
Proposed

SIMON ROBERT COMPANY
 200 JACKSON AVENUE - SUITE 1000
 F. M. 70200 - F. M. 70400 N. 000 000 000
 SIMON ROBERT ARCHITECT C.S.T.M.

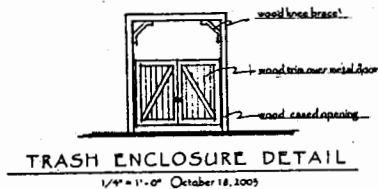
the Galley

899 Embarcadero, Morro Bay, California

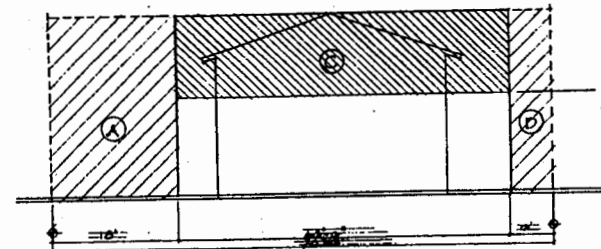
OCC Exhibit E
 (page 3 of 4 pages)
 3-04-013



LONGITUDINAL SECTION
1/8" = 1'-0" August 17, 2009



TRASH ENCLOSURE DETAIL
1/4" = 1'-0" October 18, 2009



VIEW CORRIDOR STUDY
1/8" = 1'-0" August 17, 2009

corridor width study
70.53 x 308 = 21,527 required 18'-0" = 20' proposed OK
corridor area study
A = B must be larger than C required
A = 18 x 25 = 450 sq ft, B = 6 x 25 = 150 C = 46.5 x (25-14) = 511.5
450 + 150 = 600 is greater than 511.5 OK

the Galley

899 Embarcadero, Morro Bay, California

SIMON FUGLISI COMPANY
ARCHITECTS

226 ENCANTO AVENUE SHELL BEACH, CA 93449

P. 805.773.0151 F. 805.773.4406 M. 805.886.8793

STEVEN FUGLISI AIA ARCHITECT C 12,948

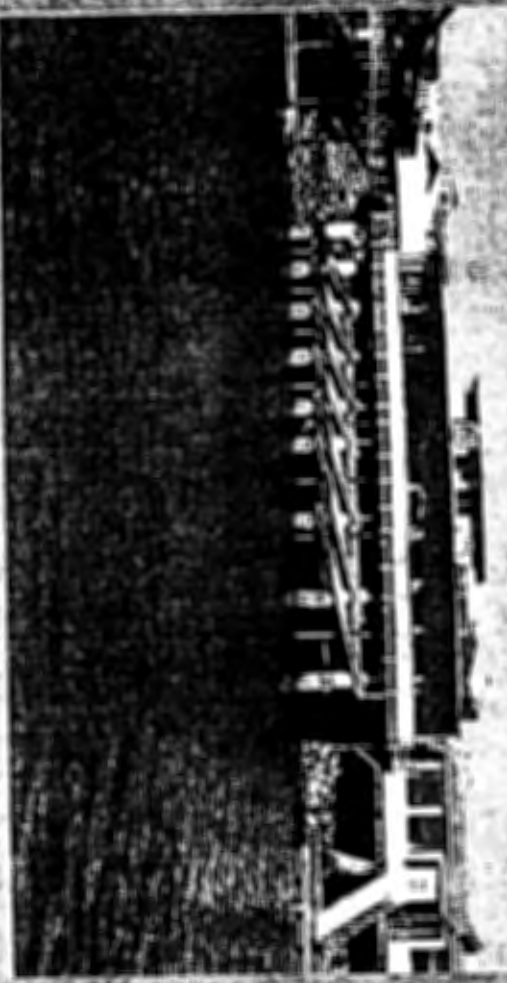
Proposed

CCC Exhibit E
(page 4 of 4 pages)
3-04-013

Galley Restaurant

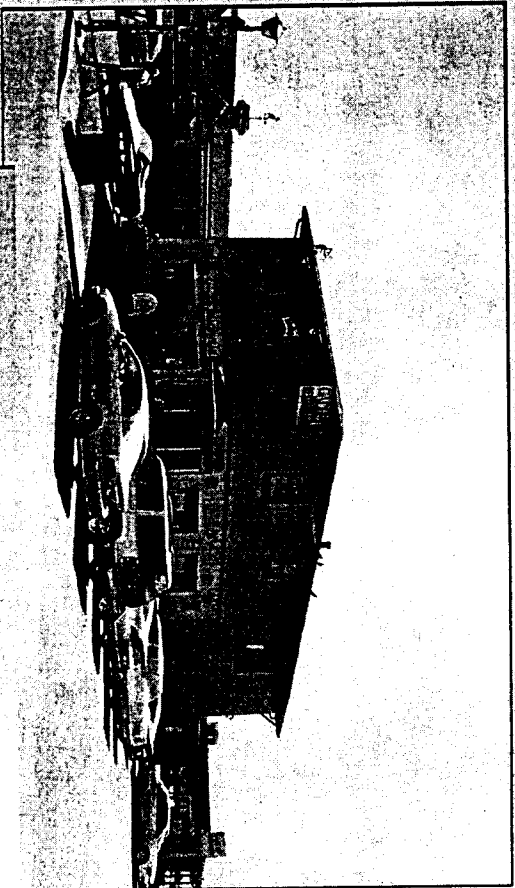


Galley Restaurant

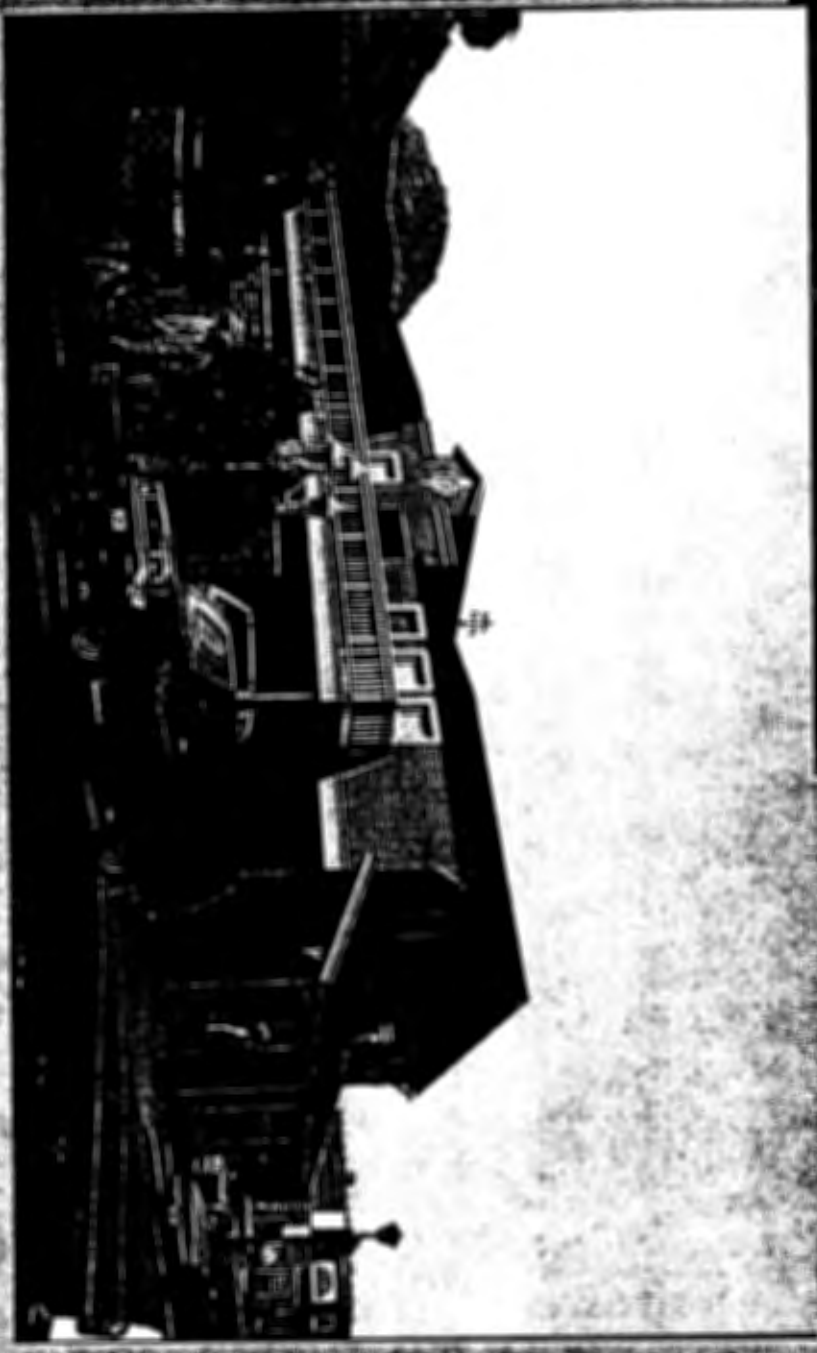


Three views of the Galley Restaurant from the Morro Bay estuary.

Existing and proposed
North elevations.



Existing and proposed
South elevations: note Morro
Rock in the background.



Existing and proposed
East elevations with Morro
Rock in the background.



