

6.9 LAND USE

6.9.1 INTRODUCTION

This section of the Application for Certification (AFC) presents an evaluation of land use issues associated with the Morro Bay Power Plant (MBPP) Modernization Project (Project) at the existing MBPP site. This section focuses on two main issues: the Project's consistency with local land use plans, ordinances, and policies, and the Project's compatibility with existing and planned uses.

The existing MBPP facilities consist of five fuel oil storage tanks and one displacement oil tank, three 450-foot-high exhaust stacks for Units 1-4, a large steam turbine generator building, and ancillary buildings and equipment (see Section 2.0 - Project Description). The Project consists of three interrelated elements: 1) demolition of the onsite fuel oil tank farm; 2) construction and operation of two new combined cycle units with a electrical generating capacity of 1200 MW; and 3) demolition of the existing power building and the three 450-foot tall stacks for Units 1-4.

Except for two off site temporary construction lay down areas and the construction /bike path bridge and access road, the Project will be completed within the physical boundary of the existing coastal-dependent industrial power plant site. Offsite transmission facilities (i.e., gas and electric transmission lines) are already in place and have sufficient available capacity to accommodate the modernized power plant. The land use planning discussion, therefore, is primarily focused within a one-mile radius of MBPP in accordance with the California Energy Commission's (Commission) guidelines (see Figure 6.9-1).

As a coastal-dependent industrial use, the Project will be in conformity with applicable laws, ordinances, regulations, and standards (LORS). Locating all the permanent features of the Project onsite (except for the construction road/bike path), as opposed to an offsite location, is consistent with the Morro Bay Coastal Land Use Plan, the Morro Bay General Plan, the Morro Bay Zoning Ordinance, and the California Coastal Act of 1976 (Coastal Act).

Reduced Site Impacts. Impacts from the Project are expected to be minimal and will result in reduced overall impacts to the environment from the new generation technology as compared to continued operation of the existing facility.

Duke Energy has designed and positioned the two new combined-cycle units for the MBPP site to minimize the height, bulk, and visual impacts of the structures, thereby significantly improving the viewshed and view-corridor views, particularly of Morro Rock. By siting the new units as far back from the coast as possible and by orienting the new units linear to the coastline, with the stacks clustered in the center of the Project's footprint, the Project will be hidden from view from the shops and restaurants located on the Embarcadero. Duke Energy's decision to remove all three of the 450-foot tall stacks and the existing power building for Units 1-4 as part of the Project will significantly improve the viewshed of Morro Rock from key vantage points. This action, along with various other design features, will ensure the Project will have a positive impact on the views of Morro Rock from Highway 1 or other high-use visitor-serving areas (see Section 6.13 - Visual Resources), as compared to the existing facilities. Accordingly, the Project will be consistent with key visual policies of the City of Morro Bay Local Coastal Plan (LCP).

Extension of the Embarcadero. A new construction road will be located such that it exits the MBPP property from the contractor's parking lot that is located to the northeast of the MBPP main gate. The exit point of the new construction road from the parking lot onto City property is about 450 feet to the northwest of the MBPP main gate. Duke Energy proposes to re-align the Embarcadero in front of the MBPP such that the new alignment will be as depicted in the City's Waterfront Master Plan (May 28, 1996) and Waterfront Boardwalk and Circulation Improvements - Project Feasibility Study (April 3, 2000). The portion of the re-aligned Embarcadero will be paved per standard City street paving specifications and routed to connect with future plans to relocate Coleman Drive behind Coleman Park as it directs traffic flow to Morro Rock.

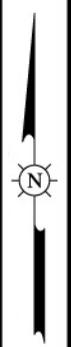
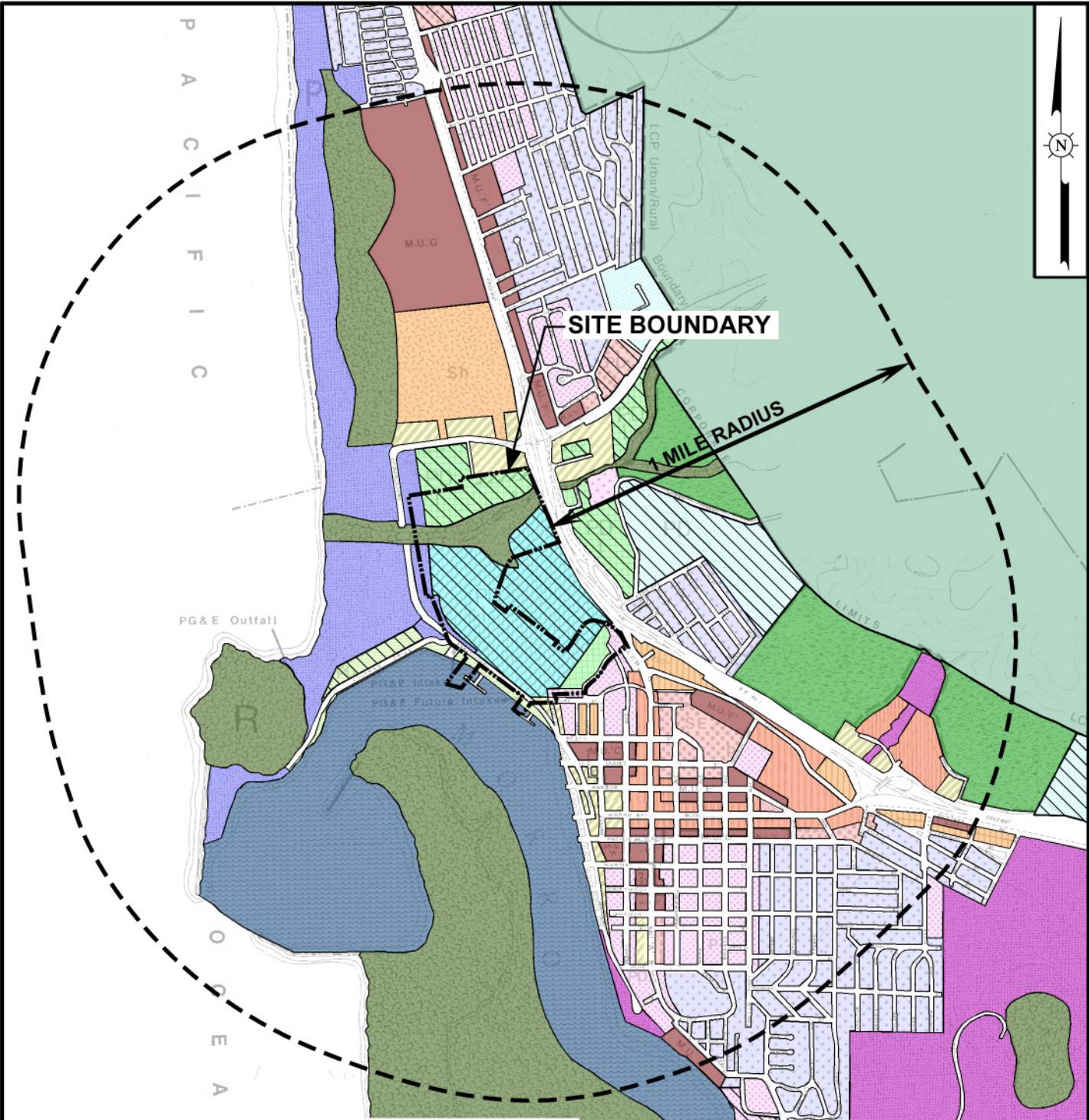
The extension of Embarcadero will direct Project vehicular traffic over an unpaved roadway constructed of crushed aggregate to a new Bridge crossing Morro Creek. Water will be used for dust control in the unpaved roadway. The existing dirt roadway ranges from a minimum of 32 feet wide to a maximum of 50 feet wide; the crushed aggregate roadway will be 24 feet wide. The bridge will connect with the existing, paved Embarcadero on the north side of Morro Creek.

Increased Coastal Access. Consistent with the requirements of the Coastal Act and the Warren-Alquist Act, the Project will improve public access by constructing new pedestrian/bicycle paths (including a bridge over Morro Creek), around the property (see Figures 6.9-2 and 6.9-3).

To improve coastal access as well as provide construction access for the Project, Duke Energy will construct a new bridge across Morro Creek. The bridge will span approximately 90 feet across Morro Creek and have foundations on either side of Morro Creek that are at grade level. At the City's request, the Bridge will be 24 feet wide. After completion of Project construction, the bridge will be used as part of a public access path for pedestrians and bicyclists and, as necessary, as access for major maintenance activities at MBPP to avoid impacts to Main Street and the Embarcadero.

In addition, public access paths, at least 10 feet wide, will be constructed consistent with the City's Waterfront Master Plan. Paralleling the extension of Embarcadero will be a poured concrete or paved, Class II bicycle and pedestrian path that will also connect with the bridge. A Class II bicycle path on the north side of Morro Creek will be striped in the existing Embarcadero right-of-way. The bike paths and bridge across Morro Creek will improve coastal access, reduce construction impacts, and provide an extensive circular trail loop around the MBPP site near the coast with significant access benefits and recreational value for the City.

Proposed Acquisition of the Den Dulk Property. Duke Energy is proposing to obtain a purchase option on the adjacent Den Dulk property (see figure 6.9.2) as a part of the Project. Should the property be acquired, it will be used to further improve coastal access, avoid potential development of sensitive habitats, provide a buffer between the new plant and public uses, and may facilitate the City of Morro Bay's implementation of its Waterfront Master Plan.



LEGEND

RESIDENTIAL	OTHER
LOW DENSITY	COM. / REC. FISHING / COM REC.
LOW/MEDIUM DENSITY	HARBOR / NAVIGATIONAL WAYS
MEDIUM DENSITY	OPEN SPACE / RECREATION
HIGH DENSITY	MIXED USES (HARBOR)
COMMERCIAL	MIXED USE AREAS
NEIGHBORHOOD	AGRICULTURE
DISTRICT	AGRICULTURE / OPEN SPACE (SAN LUIS OBISPO COUNTY DESIGNATION)
SERVICE	ENVIRONMENTALLY SENSITIVE HABITAT
VISITOR SERVING	SCHOOL
COMMERCIAL / REC. FISHING	VISITOR SERVING / DISTRICT COM-MERCIAL
INDUSTRIAL	PLANNED DEVELOPMENT
GENERAL (LIGHT)	
COASTAL DEVELOPMENT	



SCALE
1:24,000

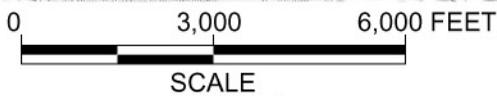
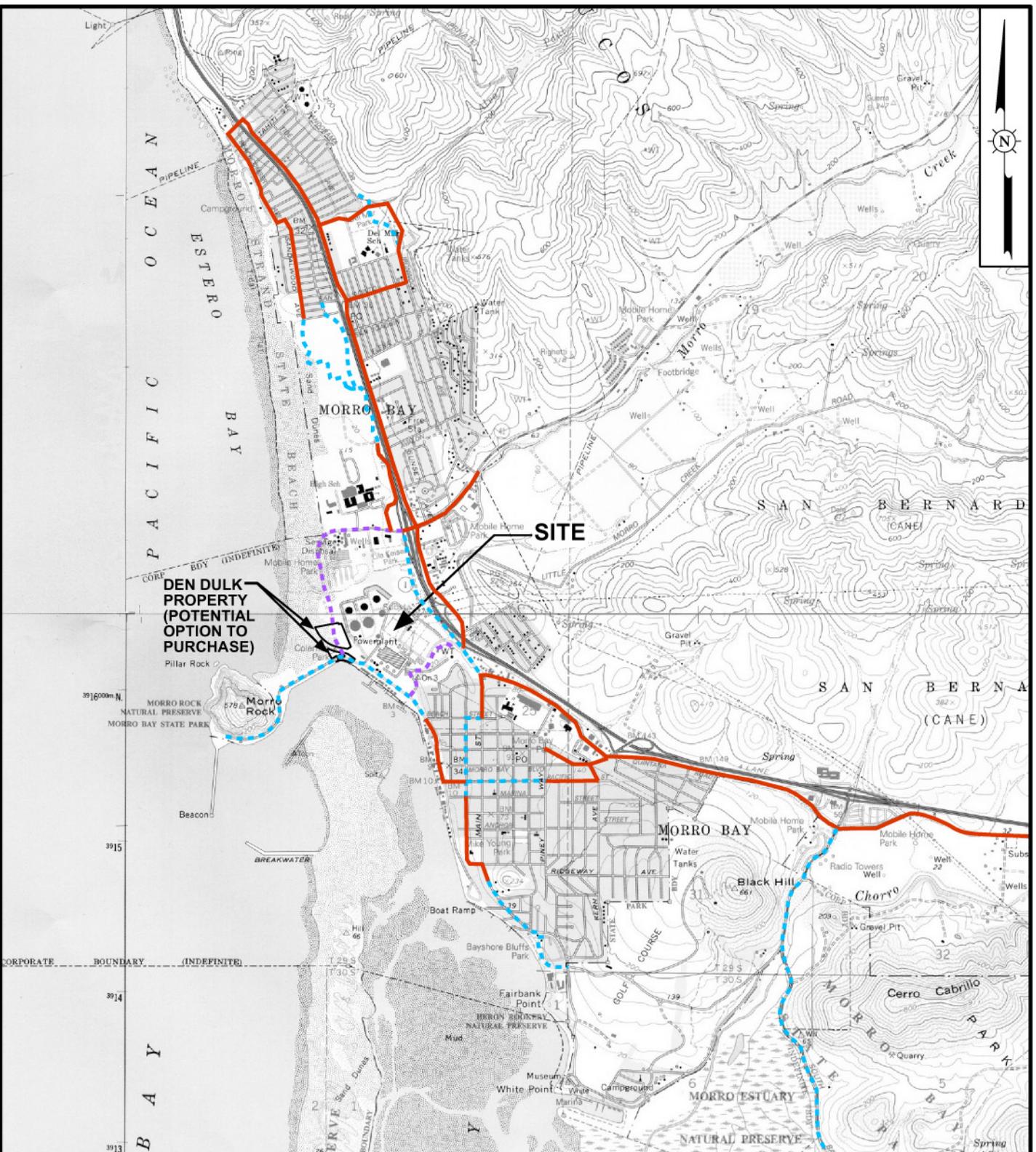
LAND USE DESIGNATIONS MAP

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT



FIGURE 6.9-1

SOURCES: USGS 7.5 MINUTE TOPOGRAPHIC MAP OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA DATED 1993 AND 1994.



LEGEND

- - - - - EXISTING BIKEWAYS
- FUTURE CITY SPONSORED BIKEWAYS
- - - - - FUTURE DUKE ENERGY PROVIDED BIKEWAYS

**CITY OF MORRO BAY
EXISTING AND FUTURE
BIKEWAY PROJECTS**

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT

REFERENCE: USGS 7.5 MINUTE TOPOGRAPHIC MAPS OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA DATED 1993 AND 1994.



FIGURE 6.9-2

Temporary offsite impacts. Duke Energy is evaluating several areas offsite to locate temporary construction lay down. Duke Energy plans to lease one or more locations in San Luis Obispo County or a neighboring city within 20 miles of the Project. The criteria for site selection include:

- industrial zoning designation,
- history of use for parking or industrial storage/construction support,
- located near major thoroughfares to minimize congestion associated with site access and departure, and
- located where the intended use for construction support will not cause high visual contrast with land uses in the immediate vicinity.

Duke will comply with all of the local land use requirements that apply to the construction lay down areas.

Addressing City Concerns and Issues about Land Use. Duke Energy's Project will meet the land use concerns and issues as expressed by the City of Morro Bay. The Project is consistent with the City's plans, ordinances, and regulations and takes several steps to improve the City's waterfront. Specifically, the Project:

- is consistent with all of the requirements of the Local Coastal Program and the City of Morro Bay General Plan and does not require an amendment to any of the City's planning documents;
- reroutes a portion of the Embarcadero to align with the route depicted in the City's Waterfront Master Plan and Waterfront Boardwalk and Circulation Improvements - Project Feasibility Study;
- improves coastal access by creating three bike and pedestrian path segments that will provide new coastal access from Highway 1, as well as create a circulation loop around MBPP;
- provides a bridge over Morro Creek (initially to be used for construction of the Project and for major maintenance activities at MBPP) that will facilitate coastal access by providing pedestrian access across Morro Creek;
- re-designs the façade of the MBPP cooling water intake structure; and
- potentially provides a purchase option on the Den Dulk property that may facilitate the City of Morro Bay's implementation of its Waterfront Master Plan.

A final issue of importance to the City of Morro Bay is a long-term planning process for the MBPP site. The February 2000 Memorandum of Understanding (MOU) between the City of Morro Bay and Duke Energy refers to a process to develop a long-term plan for the MBPP site. Upon approval of the Project and commencement of construction, Duke Energy proposes to enter into discussions with officials of the City of Morro Bay to develop a long-term site plan with the City of Morro Bay for non-industrial uses of the portion of the MBPP site currently occupied by the existing Units 1-4.

In summary, the key beneficial aspects of the Project related to land use issues are as follows:

- The Project is a modernization of the existing MBPP facility that will take the place on the existing site, reduce the physical size and scale of all major facilities, and decrease all impacts as compared to existing facilities.
- MBPP modernization is consistent with local land use plans, policies, and regulations; is given priority over other coastal-dependent industrial uses (LCP Policy 5.01); and will not require any zoning changes.
- MBPP modernization will improve public access to the coast by building multiple bike/pedestrian paths and a bridge over Morro Creek.
- MBPP modernization will not adversely impact sensitive biological, cultural, and paleontological resources.
- MBPP modernization will not require construction of additional transmission lines and will not require additional linear facilities.
- MBPP modernization will be completed within the existing MBPP site, except for construction lay down areas and public access improvements.

6.9.2 SETTING

6.9.2.1 Site and Vicinity Description

The MBPP is an existing 107-acre coastal-dependent, industrial complex located in the City of Morro Bay, San Luis Obispo County. The Coastal Act defines coastal-dependent development or use as "any development or use which requires a site on or adjacent to the sea to be able to function at all (PRC Section 30101)." The MBPP, including the cooling water discharge outfall, is zoned as Coastal-Dependent Industrial (M-2) because it needs immediate access to seawater for cooling purposes. Use of cool seawater avoids demand on the state's precious fresh water resources. Section 30260 of the Coastal Act also promotes on-site expansion for coastal-dependent facilities.

The Project's use of the site is compatible with applicable land use plans and patterns. MBPP is surrounded by light industrial, coastal-dependent industrial, commercial, marine, residential, and recreational land uses. The Project will not conflict with these uses. Highway 1 runs along the eastern boundary of the site. Embarcadero Road, Morro Bay RV storage area, Estero Bay, Morro Rock, and the Pacific Ocean are to the west of the site. A mobile home park, a fishermen gear storage area, Lila Keiser Park, and Morro Creek are located on the north side of the site. Just south are residences (approximate 900 feet from the edge of the existing power building for Units 1-4), the Veteran's Hall (approximately 780 feet from the edge of the existing power building for Units 1-4), and Embarcadero Road. The City extends to the east of MBPP. Morro Rock, a large outcropping projecting out of Morro Bay approximately 1/2-mile west of the Project site, is a visually distinctive landmark along the coast. The beach area leading up to and surrounding Morro Rock is accessible to the public.

The study area for the land use analysis for the Project includes, but is not limited to, the area within a one-mile radius of MBPP (see Figure 6.9-1), in accordance with Commission guidelines.

Duke Energy is responsible for operation of the existing MBPP. The adjacent switchyard ownership and operation has been retained by Pacific Gas & Electric Company (PG&E). A series of existing transmission lines owned and operated by PG&E extend from MBPP and connect to one of four remote PG&E electrical substations that serve millions of homes in central California. These transmission lines pass near a residential area just to the east of MBPP and extend through farmland and uninhabited open space. No additional transmission lines will be required to complete the Project.

6.9.2.2 Surrounding Land Uses

The Project (except for the temporary, offsite construction lay down areas and the bike/pedestrian path and bridge over Moro Creek) will occur within the existing MBPP boundaries. Facility operations and maintenance will not significantly impact surrounding land uses. No new activities are planned which are incompatible with this designation or inconsistent with power generation activities that have occurred at this site since the 1950s. Consequently, the Project will not disrupt, divide, or otherwise conflict with other land uses in the site area.

Existing land uses in the vicinity of MBPP are shown in Figure 6.9-4. As shown, residential development exists to the northeast, east, and southeast of MBPP in the City of Morro Bay. Much of the area developed for residential use is well buffered from potential conflicts with other types of land uses. The nearest residential areas, built after the MBPP was constructed, are located adjacent to the MBPP site boundary along Scott Street and on neighboring streets approximately 900 feet from the edge of the existing power building for Units 1-4. These residences (approximately 40) are buffered by an area of open space and landscape screening.

Commercial areas of Morro Bay are composed of a wide variety of uses, including motels, shopping, and tourist facilities, as well as commercial fishing activities and facilities along the harbor. The MBPP has little impact on commercial land uses due to its location on the northern end of the downtown and Embarcadero area.

As shown in Figure 6.9-4, agricultural land uses are found in the valleys that radiate inland from Morro Bay. Corn, avocado, beans, and dry farming are the most prominent. The hillsides around Morro Bay are predominantly devoted to open grazing.

Morro Bay visitor-serving resources include various hotels/motels, museums, golf courses, campgrounds, and recreational vehicle parks, along with commercial/recreational developments such as shopping and amusement areas that provide services for visiting tourists. The major visitor-serving resources/areas in Morro Bay are shown in Figure 6.9-5. These facilities, together with public parks and beaches, provide major opportunities for public access and recreation in the coastal area. A majority of the visitor-serving commercial facilities are located in the Main Street portion of the City, Morro Bay Boulevard, the Embarcadero and Market Street. The major visitor-serving resources in the City are Morro Rock, the Embarcadero area, Morro Bay State

Park, Morro Strand State Beach, Morro Bay Golf Course, North Morro Bay and Del Mar and Embarcadero commercial areas, and the bayfront area.

The environmental features in Morro Bay are diverse. Morro Bay is bordered on the inland side by rolling hills and narrow, well-defined valleys. These valleys are agricultural and thus provide a sense of openness. The biological characteristics of the area surrounding the MBPP include the open space to the southeast and the aquatic environment around Morro Rock. Areas of concern include wetlands, estuaries, and riparian areas, including Morro Rock Ecological Reserve, as well as dunes and other natural areas.

Sensitive Lands and Open Space areas in and around Morro Bay include Morro Rock, Fairbanks Point, Black Hill Natural Area, Morro Creek, Chorro Creek, Los Osos Creek and Morro Bay Estuary. These areas are shown in Figure 6.9-6 and described below.

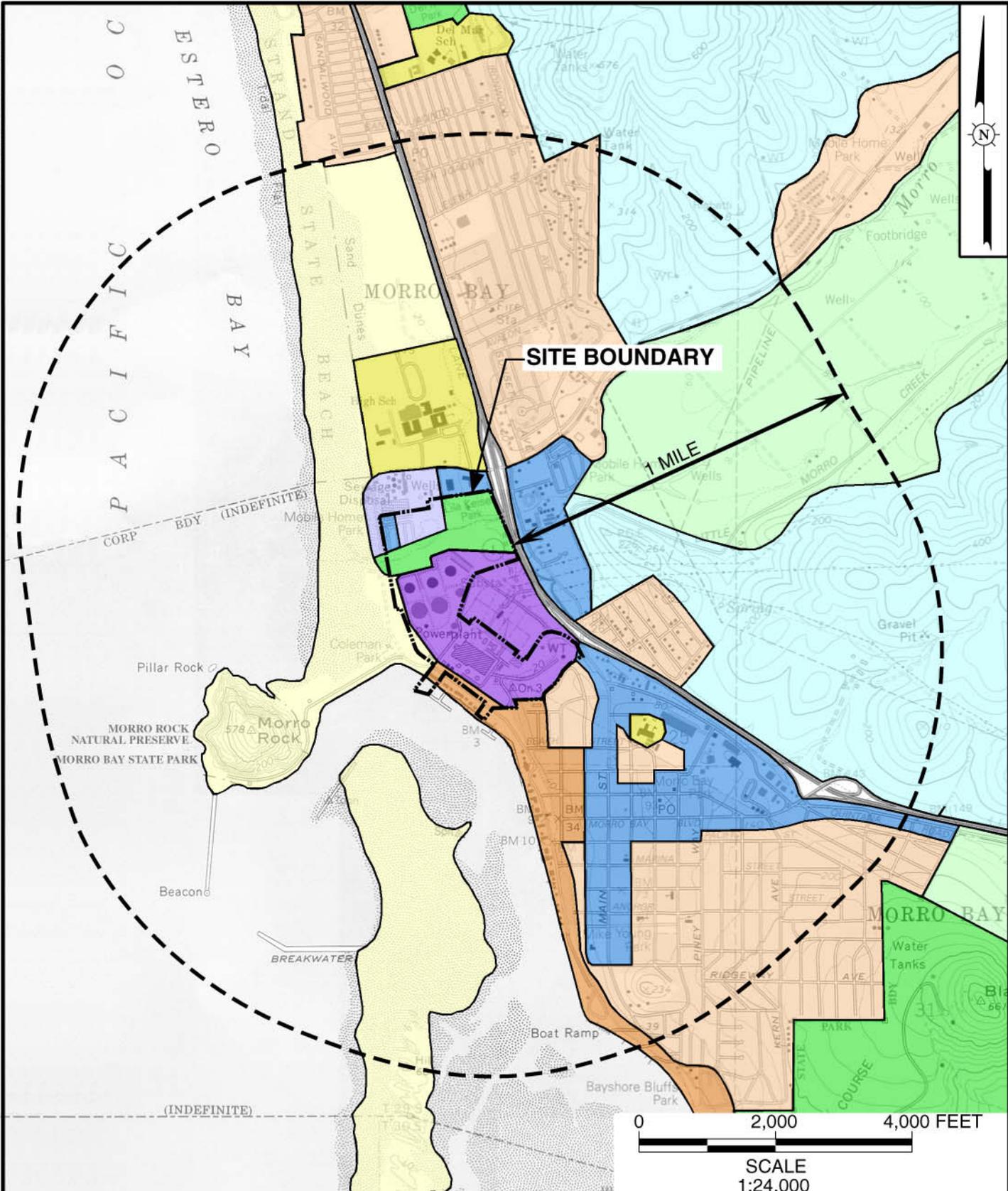
- **Morro Rock.** This is located at the mouth of Morro Bay and is the northernmost visible volcanic plug in a chain of plugs that extend from Islay Hill in San Luis Obispo to Morro Rock. Morro Rock is connected to the mainland via a man-made strand of fill materials. The ecological preserve located on Morro Rock serves as a nesting area for Peregrine falcons.
- **Fairbanks Point.** This is located at the southern end of the Morro Bay City limits and adjacent to Morro Bay State Park. The state of California has acquired Fairbanks Point property as an addition to Morro Bay State Park.
- **Black Hill Natural Area.** This upland area of Morro Bay State Park and Morro Bay Golf Course is located southeast of the City. The dominant land cover is coastal sage scrub.
- **Morro Creek, Chorro Creek, and Los Osos Creek.** These serve as important coastal resources, providing habitat for fish and other aquatic organisms, as well as food and shelter for migratory birds. The Chorro and Los Osos Creeks drain into Morro Bay Estuary south of the City. Morro Creek runs north of the Project site and drains into Estero Bay. Because of their environmental significance, the General Plan proposes to require an "open space treatment," to Morro, Chorro, and Los Osos Creeks. This treatment would require any development adjacent to it to maintain the natural characteristics of the creek (General Plan, page II-26).
- **Morro Bay Estuary.** The heart of Morro Bay's environmental setting is the Morro Bay Estuary. The Morro Bay Estuary is, for the most part, a natural estuary environment containing navigable areas and a man-made harbor. The estuary has, however, been heavily impacted by various man-made or created impacts including: the extensive dredging to open and maintain boat channels; fill closing off the natural tidal flow between Morro Rock and the beach in the vicinity of Coleman Park; extensive back bay siltation resulting from fires, scarification, and agricultural activities; erosion, causing the loss of extensive tidal wetlands; water quality degradation caused by urban growth; harbor boat discharges; agricultural runoff; and fresh water diversions from aquifer draw down and stream alternations.

Despite these impacts, the estuary serves as an important habitat for migratory birds because it is one of the few areas on the central coast suitable for supporting their needs. The estuary attracts and supports an abundance of wildlife, including some threatened and endangered species and species of special concern.

Morro Bay Estuary is part of the United States Environmental Protection Agency (EPA's) National Estuary Program (NEP). The NEP was established in 1987 by amendment to the Clean Water Act (CWA). Section 320 of the CWA outlines the program that identifies, restores and protects estuaries with national significance. The local estuary program's primary purpose is to develop a Comprehensive Conservation and Management Plan (CCMP) that addresses the environmental aspects of the estuary, describes the estuary's current status and uses, identifies major problems, and develops implementation measures that will restore and/or protect the resource. The Morro Bay NEP released the first draft of the Morro Bay CCMP in June 1999 and the final CCMP is expected in October 2000. Duke Energy has been participating in the development and review of the CCMP and the Project does not conflict with the goals of this program.

As shown in Figure 6.9-7, the Project is located outside the buffer zone for the Environmentally Sensitive Habitat (ESH) identified around Morro Creek. This AFC maps ESH and the Project has been designed to comply with all requirements to protect this ESH. These design features include locating the power block structures outside of the 100-foot buffer zones, using directional drilling for the gas pipeline intertie, placing a sound wall along the northern berm to reduce noise and create a visual screen for wildlife that may use the adjacent ESH, and placing the footings of the bridge spanning Morro Creek outside of the riparian area.

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LEGEND

	AGRICULTURE - ROW CROPS/ ORCHARDS/PRIME AGRICULTURAL LAND		BEACH/RECREATION
	AGRICULTURE - OPEN SPACE/GRAZING		POWER PLANT
	INDUSTRIAL		RESIDENTIAL
	PARK		COMMERCIAL
	SCHOOL		VISITOR SERVICES

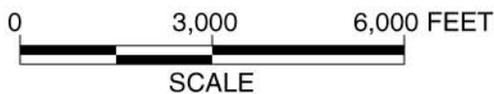
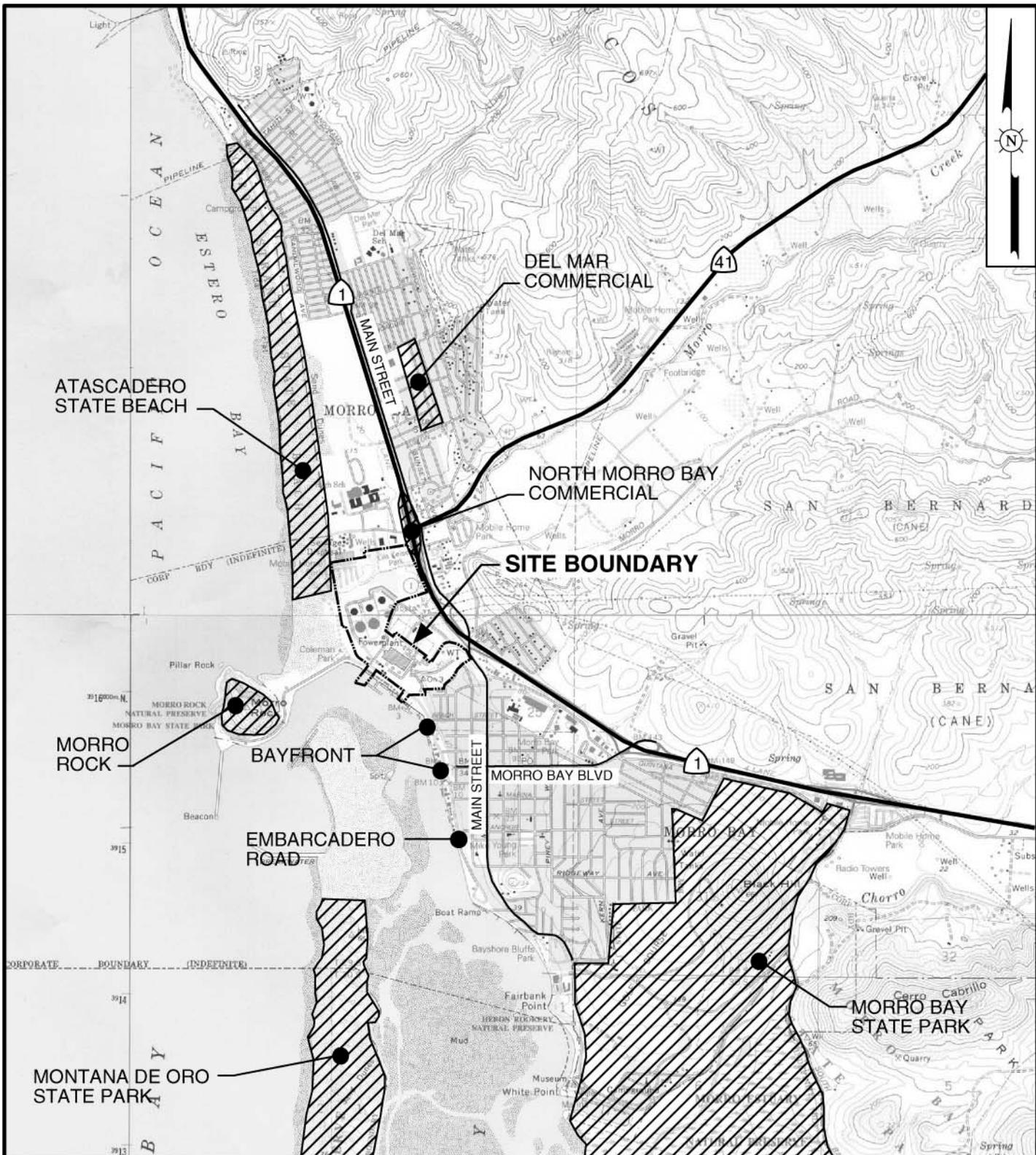
SOURCES: USGS 7.5 MINUTE TOPOGRAPHIC MAP OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA DATED 1993 AND 1994.

EXISTING LAND USES

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT



FIGURE 6.9-4



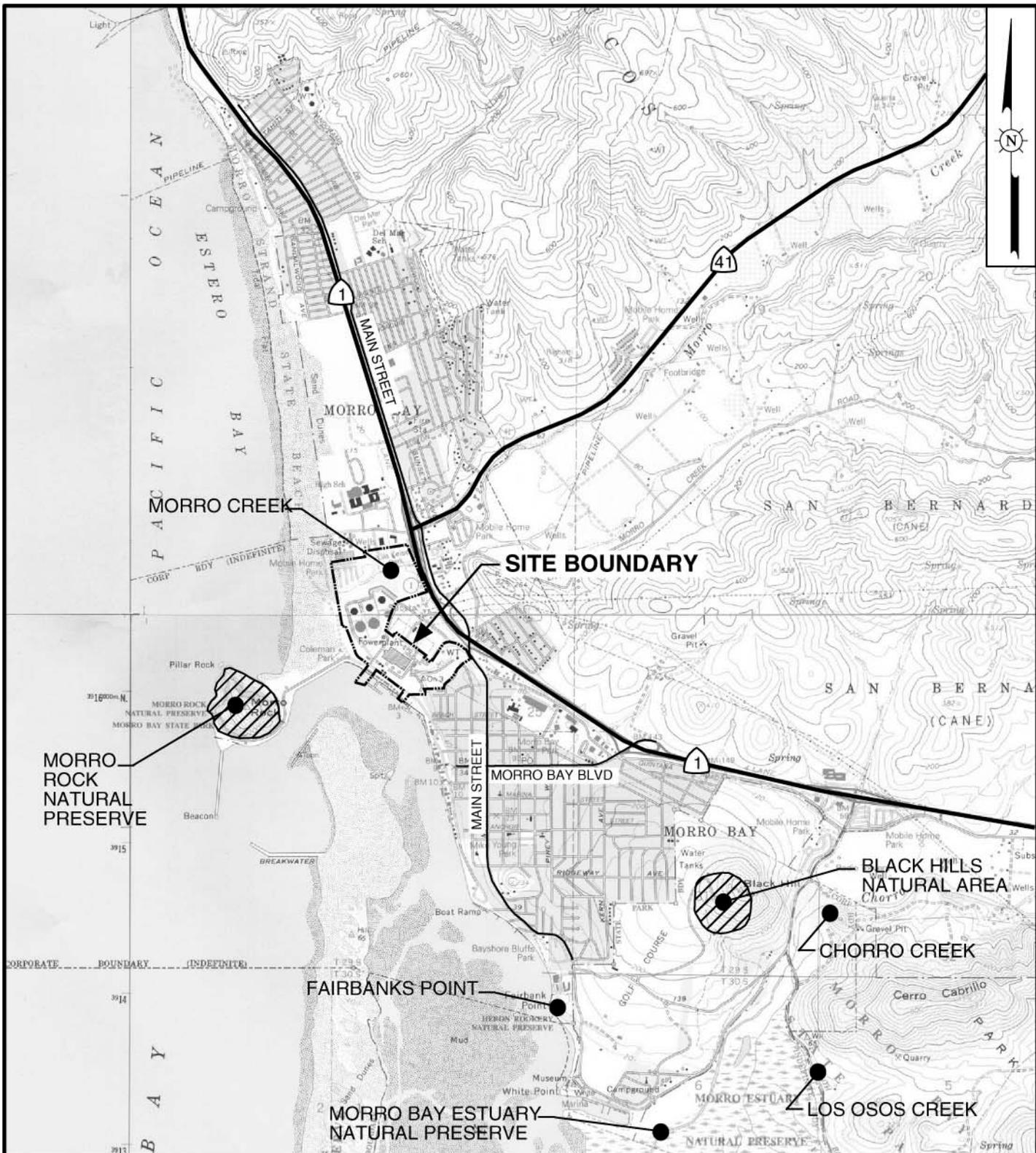
MORRO BAY MAJOR VISITOR-SERVING RESOURCES

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT



FIGURE 6.9-5

REFERENCE: USGS 7.5 MINUTE TOPOGRAPHIC MAPS OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA DATED 1993 AND 1994.



MORRO
ROCK
NATURAL
PRESERVE

SITE BOUNDARY

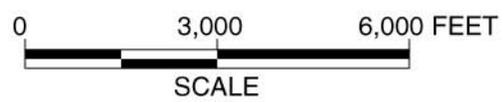
BLACK HILLS
NATURAL AREA

FAIRBANKS POINT

MORRO BAY ESTUARY
NATURAL PRESERVE

CHORRO CREEK

LOS OSOS CREEK



**MORRO BAY SENSITIVE
LANDS AND OPEN SPACE**

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT



FIGURE 6.9-6

REFERENCE: USGS 7.5 MINUTE TOPOGRAPHIC MAPS OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA DATED 1993 AND 1994.

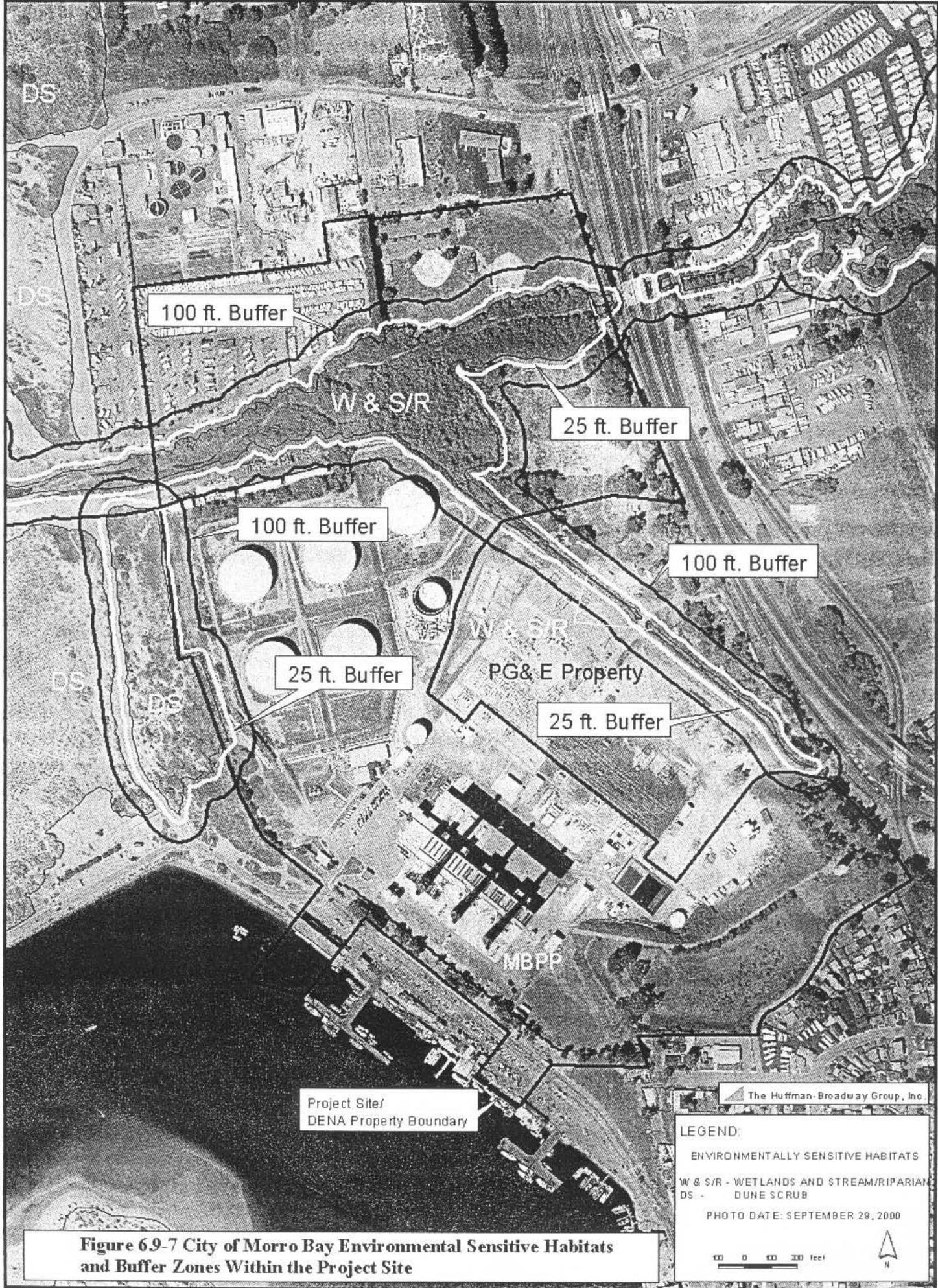


Figure 6.9-7 City of Morro Bay Environmental Sensitive Habitats and Buffer Zones Within the Project Site

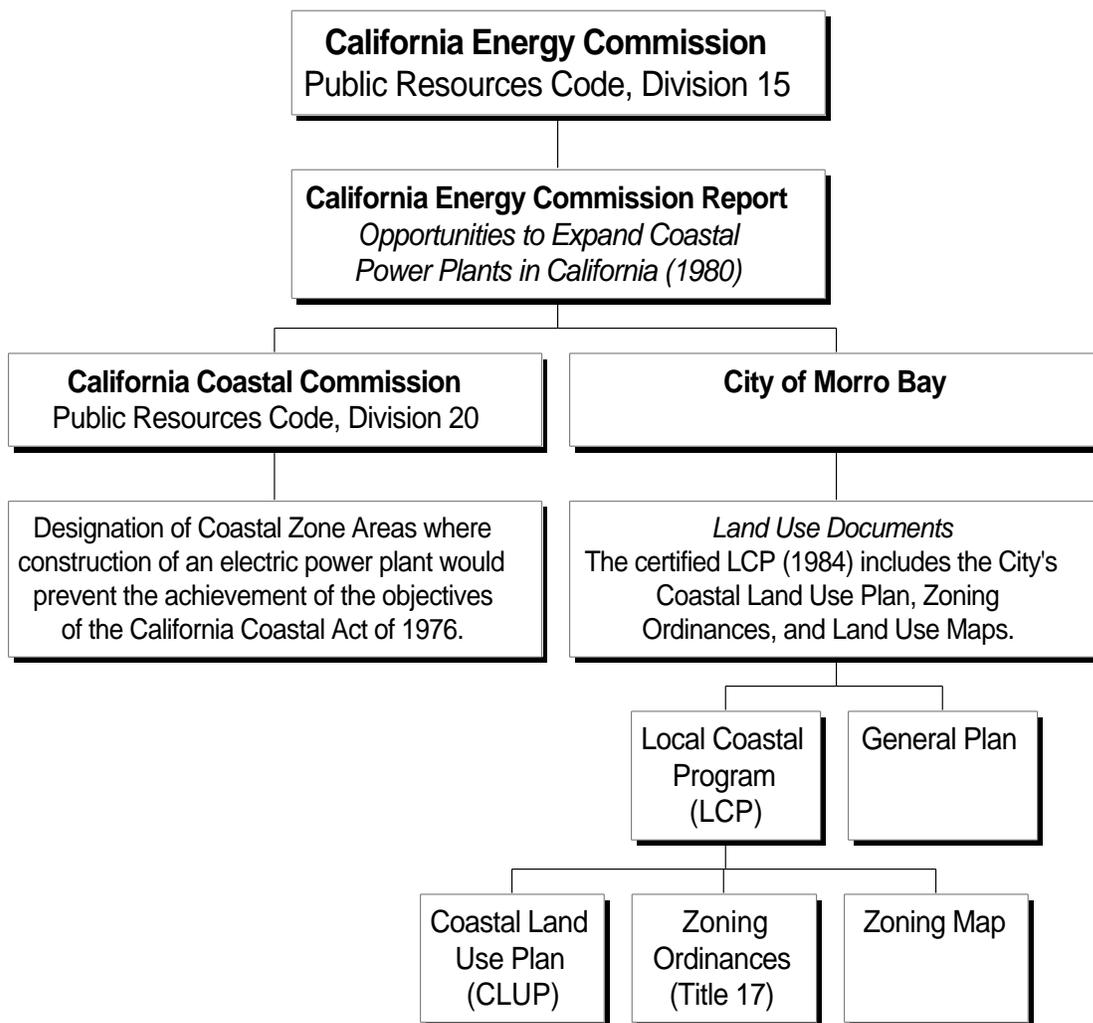
6.9.3 LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

To understand the Project's land use related issues, the governmental authorities and powers are defined to provide a contextual framework for the land use analysis. The requirements of the specific policies are described in general below. A detailed list of the policies affecting the Project and the basis for Project consistency with each are provided in Table 6.9-3.

Determination of cumulative and significant impacts is addressed in the following section, as well.

6.9.3.1 Land Use Authorities and Policies

The following chart shows the land use authorities applicable to the MBPP Project area.



State law requires that each City and/or county prepare and adopt a comprehensive General Plan for the physical development of the City or county. County jurisdictions cover rural and unincorporated areas of the state. The General Plan must be internally consistent and it must contain implementation measures to ensure its compliance. There are currently seven mandated elements that must, by state law, be included in the General Plan: land use, circulation, housing,

conservation, open space, noise and safety. The state also permits jurisdictions to adopt other elements, including: recreation, public services, scenic highways, and historic preservation. The California Government Code (Section 65302a) mandates a land use element designating the proposed general distribution, general location, and extent of the uses of the land. For areas within the Coastal Zone boundary established by the Coastal Act, additional standards and procedures (PRC Section 30510 et seq.) for preparation, approval, and certification of Local Coastal Programs (LCP) are required.

6.9.3.2 State

6.9.3.2.1 Warren-Alquist Act (Public Resources Code Section 25500 et seq.)

Pursuant to Section 25529 of the Warren-Alquist Act, the Commission requires public access to coastal resources as a condition of certification of a facility proposed in the coastal zone. Section 25529 states:

When a facility is proposed to be located in the coastal zone or any other area with recreational, scenic, or historic value, the [Energy] Commission shall require, as a condition of certification of any facility contained in the application, that an area be established for public uses, as determined by the commission. Lands within such area shall be acquired and maintained by the applicant and shall be available for public access and use, subject to restrictions required for security and public safety. The applicant may dedicate such public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. The [Energy] Commission shall also require that any facility to be located along the coast or shoreline of any major body of water be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic value.

6.9.3.2.2 California Coastal Act of 1976 (Public Resources Code Section 30000 et seq.)

The Coastal Act establishes a comprehensive scheme to govern land use planning along the entire California coast. The Coastal Act sets forth general policies (PRC Section 30200 et seq.) which govern the California Coastal Commission's (CCC) review of permit applications and local plans. Specific to energy facilities, the Coastal Act requires that the CCC designate specific locations within the coastal zone where the establishment of a thermal power plant subject to the Warren Alquist Act could "prevent achievement of the objectives of the Coastal Act" (PRC Section 30413(b)). The designations are based on the potential negative impacts from thermal power plants that have generating capacities over 50 MW. The CCC's 1978 report amended in 1988, *Designation of Coastal Zone Areas Where Construction of An Electric Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976*, states that, by state law, all power plants within the Coastal Zone in 1976 cannot be deemed unsuitable for power plant. "Specific locations that are presently used for such facilities and reasonable expansion thereof shall not" be determined to prevent achievement of the objective of the Coastal Act (PRC Section 30413(b)). The MBPP, built during the 1950s and 1960s, is such a

site. Also, the Commission concluded in 1979 that the existing MBPP was a suitable site for power plant expansion (Commission, 1980).¹

The Coastal Act defines coastal-dependent development or use as "any development or use which requires a site on or adjacent to the sea to be able to function at all (PRC Section 30101)." The MBPP site is zoned Coastal-Dependent Industrial (M-2). This designation specifically relates to those industrial land uses that are given priority by the Coastal Act for location adjacent to the coastline. The MBPP is a coastal-dependent industrial facility because it needs immediate access to seawater for cooling purposes. Use of cool seawater allows the facility to avoid demand on the state's precious fresh water resources.

The Coastal Act also promotes on-site expansion for these types of facilities:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division (PRC Section 30260),

Accordingly, the Coastal Act recognizes an expansion of coastal-dependent, electrical generating facilities as a preferred land use, provided certain conditions are met (PRC Section 30264).

6.9.3.3 Local

A detailed discussion of the Project's conformity with applicable goals, policies, standards and regulations from each of the following planning documents can be found in section 6.9.4.1 of this section.

Several local documents describe goals, objectives, policies, and land use management plans relevant to the Project. These include the City of Morro Bay Coastal Land Use Plan, the City of Morro Bay General Plan, and the City of Morro Bay Zoning Ordinance (Title 17).

6.9.3.3.1 Local Coastal Program (LCP)

State law requires that cities and counties within the Coastal Zone of California must have a Local Coastal Program (LCP) (PRC Section 30500), defined as follows:

Local Coastal Program means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level (PRC Section 30108.5).

Unlike the General Plan, the LCP is to be adopted by both the local jurisdiction and the CCC and cannot be amended without the CCC's approval.

¹ *Feasibility of Expansion of Existing Coastal Zone Power Plants*, California Energy Commission, 1980.

6.9.3.3.2 Land Use Plans

Each local jurisdiction is required to adopt a Land Use Plan (or Coastal Land Use Plan) to govern future development. Section 30108.5 of the PRC defines Land Use Plan as follows:

Land Use Plan means the relevant portions of a local government's General Plan, or Local Coastal Element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

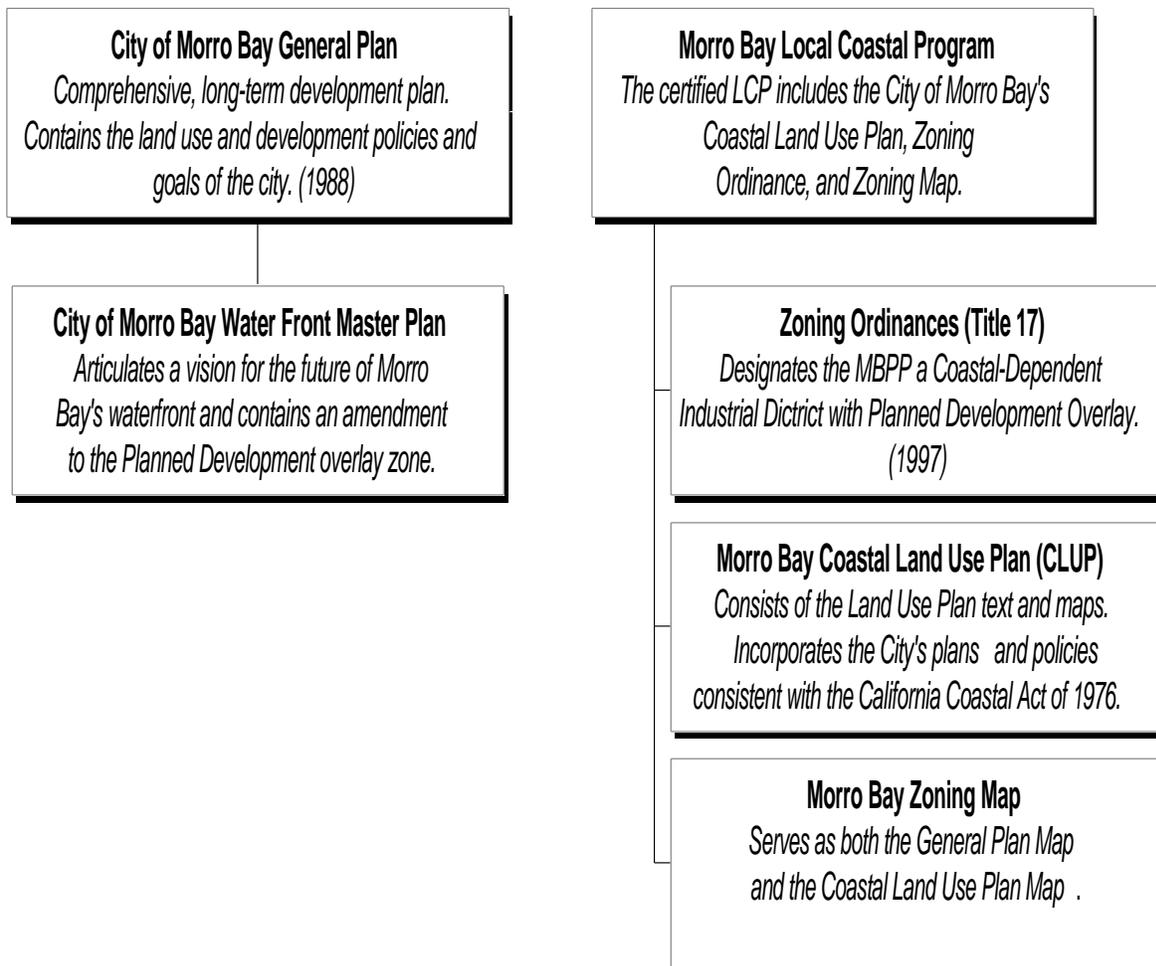
6.9.3.3.3 Zoning Ordinances

The principal means for applying LCP and General Plan policies to development is through zoning ordinances and implementing measures.

6.9.3.3.4 City of Morro Bay Land Use Policies

The following figure shows the City of Morro Bay's land use documents and policies that are applicable to the Project. These documents are discussed in greater detail below.

City of Morro Bay Land Use Policies and Documents



City of Morro Bay General Plan

The City of Morro Bay has prepared and adopted a comprehensive General Plan for its physical development. The current General Plan was adopted in 1988. The General Plan designates the MBPP site as Coastal-Dependent Industrial (M-2). The Coastal-Dependent Industrial use gives priority to the power plant modernization on the MBPP property over other coastal-dependent industrial uses. The Coastal-Dependent Industrial use gives priority to power plant expansion. Permitted interim uses include visitor access, recreational vehicle parks, parking, and recreational uses.

The General Plan also designates the following overlays on the MBPP site: Planned Development, Interim Open Space, and Environmentally Sensitive Habitat Space overlays. Nearby land use designations include Open Space/Recreation, Environmentally Sensitive Habitat, General Light Industrial, Commercial, and Low/Medium Density Residential.

Morro Bay Local Coastal Program (LCP)

The Coastal Act delegates responsibility for coastal zone management to local governments and is accomplished through the preparation of an LCP by each local government. Once prepared and adopted by the local jurisdiction, the LCP is certified by the CCC. The certified Morro Bay LCP includes the City of Morro Bay's Coastal Land Use Plan (CLUP), and the City of Morro Bay Zoning Ordinance, and Zoning Map. Elements of the Coastal Land Use Plan were incorporated into the City's General Plan. The City of Morro Bay has also developed a Waterfront Master Plan; however, this plan is not part of the certified LCP.

Coastal Land Use Plan (CLUP)

The CCC certified the City of Morro Bay's Coastal Land Use Plan (CLUP) as part of the LCP in 1984. The CLUP sets forth the City's plans and policies for coastal areas consistent with the Coastal Act. The policies of the CLUP are also internally consistent with the General Plan policies. Where there is a discrepancy between the two Plans, the Coastal Land Use Policy takes precedence.² The CLUP consists of two major portions: 1) the Land Use Plan map and text and 2) the policies necessary to ensure protection of coastal resources and the regulation of development.

The CLUP designates the MBPP site as Coastal-Dependent Industrial, permitting thermal power plants and other similar uses that must be located on or adjacent to the ocean. The CLUP states the following policy for Industrial/Energy-Related Development for Coastal-Dependent Industrial uses:

Power plant expansion on PG&E owned property [now Duke Energy property] should have priority over other coastal-dependent industrial uses. Power plant expansion shall be limited to small facilities whose location would not further affect the views of Morro Rock from State Highway One and high use visitor-serving areas consistent with Policy 12.11 of the LCP (City of Morro Bay, 1982).

² City of Morro Bay Coastal Land Use Plan, page 5.

The CLUP further clarifies the derivation of the "small" facility limitation by stating:

According to a California Energy Report entitled "Feasibility of Expansion of Existing Coastal Zone Power Plants", the power plant site is the minimal adequate for expansion of small facilities whose location would not further affect the unique view corridor of Morro Rock and the report indicates that conversion is unfeasible due to a variety of factors. The study does conclude that expansion is feasible for a small scale facility utilizing either steam turbine, the existing generating system, combined cycle or combustion turbine (City of Morro Bay, 1982).³

The derivation of the word "small" in this context comes from the Commission's 1980 assessment of this site. In its report, the Commission used an expansion classification system that concluded that a 400-MW expansion was "small." As illustrated below, the net increase in generating capacity due to the Project is 198 MW, approximately one-half of the 400-MW limit suggested in the Commission's report, *Opportunities to Expand Coastal Power Plants in California*, (Commission, 1980):

Current size of the MBPP (Units 1 through 4)	1,002 MW
Replacement of Units 1 & 2	-326 MW
Replacement of Units 3 & 4	-676 MW
Addition of Combined-Cycle Unit(s)	1200 MW
Total Increase in Generating Capacity of MBPP	198 MW

The Project design and operation will also be consistent with the requirements of CLUP Policy 12.11, which states:

Industrial development shall be sited and designed in areas specifically designated in the Land Use Plan to protect the views to and along the ocean and scenic coastal areas, to minimize land alteration, to be visually compatible with the character of the surrounding areas, and where feasible, shall include measures to restore and enhance visually degraded areas (City of Morro Bay, 1982).

The CLUP also states on page 102 that:

This section inventories the existing industrial and energy related activities and facilities within the coastal zone, as well as proposed plans to expand or modify these facilities, Figure 14 shows the location of these facilities. It must be realized that due to the dynamics of the energy situation, projecting energy demands and the necessary facilities

³ Based on conversations with Commission staff and a review of available literature, it appears that the language cited in the City of Morro Bay Land Use Plan originated in the Commission's report entitled *Opportunities to Expand Coastal Power Plants in California (1980)*, rather than the report cited.

over a long period is extremely difficult. Currently, none of the facilities discussed here are projecting expansion and when such expansions would be proposed, they will require an amendment to the Coastal Plan.

The Project is a modernization of the existing MBPP facility that will take the place on the existing site, reduce the physical size and scale of all major facilities, and decrease all impacts as compared to existing facilities. Furthermore the Project is consistent with all of the requirements of the local coastal program and the City of Morro Bay General Plan and does not require an amendment to any of the City's planning documents. The Project is consistent with all specific standard, policy, or text contained in the CLUP.

City of Morro Bay Zoning Ordinance (Municipal Code 17)

The MBPP site is zoned M-2, Coastal-Dependent Industrial, with overlay zoning Planned Development and Interim Use. This is consistent with the General Plan and the CLUP. Adjacent zoning includes M-1 (Light Industrial), R-2 (Duplex Residential), OA-1 and OA-2 (Open Area), ESH (Environmentally Sensitive Habitat areas), and C-VS (visitor servicing commercial). (See Figure 6.9-8.)

The Coastal-Dependent Industrial District (M-2) permits power plants subject to the requirements for a conditional use permit or its equivalent for new facilities. State law provides for certification of a power plant's AFC by the Commission in lieu of any local requirements to obtain a conditional use permit. Therefore, Commission certification of the Project satisfies the City requirements stated above.

The Planned Development (PD) overlay zone provides for detailed analysis in parcels that warrant special review due to their size or location. This overlay zone also is intended to allow for the modification of or exemption from the development standards of the primary zone if the modifications will result in better design or other public benefit. The PD overlay also requires a conceptual and/or a precise plan to be submitted and the applicant to follow the process for obtaining a conditional use permit. The PD overlay process allows for variance from particular standards including height standards. As stated above, the Commission certification process subsumes the requirement of a conditional use permit and satisfies this City requirement.

The Interim Use designation allows for nonpermanent structures that support visitor-related activities, commercial fishing, and temporary recreational uses on a temporary basis until the properties are needed for their principally permitted uses.

City of Morro Bay Land Use Plan Map

The Zoning Map, dated August 1985, and as subsequently amended, is the only land use map in effect in the City. The map serves as the combined General Plan and Coastal Land Use Plan Map (see Figure 6.9-8).

City of Morro Bay Waterfront Master Plan

The Waterfront Master Plan was adopted by the City Council on May 28, 1996. The plan has not been submitted to the CCC for certification. The Waterfront Master Plan articulates a vision for

the future of Morro Bay's waterfront boundary extending along the Embarcadero, excluding the MBPP property, and contains several components:

- background information about the waterfront area's history and about important issues facing this critical part of the City,
- a planning and feasibility study outlining numerous ideas for further City actions and possible capital projects between Morro Rock and Tidelands Park, and
- an amendment to the Planned Development overlay zone that requires new development to be subject to design guidelines.

Both the zoning amendments and guidelines entail changes to the City's LCP and, thus, must be forwarded to the CCC for review and approval.⁴ The design standards found in Chapter 5 of the Waterfront Master Plan have been incorporated into the City of Morro Bay Zoning Ordinances Planned Development Overlay Zone (Section 17.40.030[D] General Development Standards).

Revisions to the City of Morro Bay General Plan and CLUP

The City of Morro Bay has begun a process to revise and update its General Plan and its CLUP. As originally envisioned, the purpose of this revision is to make the two documents consistent with one another and to provide an opportunity to re-examine policies. The City of Morro Bay released its public review draft of the updated General Plan/Coastal Land Use Plan in mid-September 2000 and is planning to hold public hearings on the proposed revisions to the General Plan/Local Plan in December 2000 following the 60 day public review period. As currently proposed, the draft revisions do not change any current zoning or permitted uses at the MBPP.

6.9.3.3.5 City of Morro Bay Flood Damage Prevention Ordinance (No. 477)

To participate in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA), local communities must adopt and enforce flood hazard prevention ordinances. The City of Morro Bay has adopted a Flood Damage Prevention Ordinance (Morro Bay Ordinance No. 477, codified as Ch. 14.72 MBO). The current map shows the 100-year flood plain occurring in the lower reaches of Morro Creek watershed, including part of the Project site (see Figure 6.9-9).

As required by Ch. 14.72 of Ordinance No. 477, Duke Energy will provide the required hydrologic analysis and design specifications to meet the applicable standards and requirements of this ordinance. The applicable FEMA models and recently collected detailed topographic data will be used to ensure that: 1) the Project does not adversely affect the flood carrying capacity of Morro Creek and the base flood water surface elevation adjacent to or upstream of the Project area, and 2) the Project area and structures, including the levee system are i) reasonably safe from flooding and ii) complies with standards for anchoring, construction materials, and methods, as well as elevation and floodproofing.

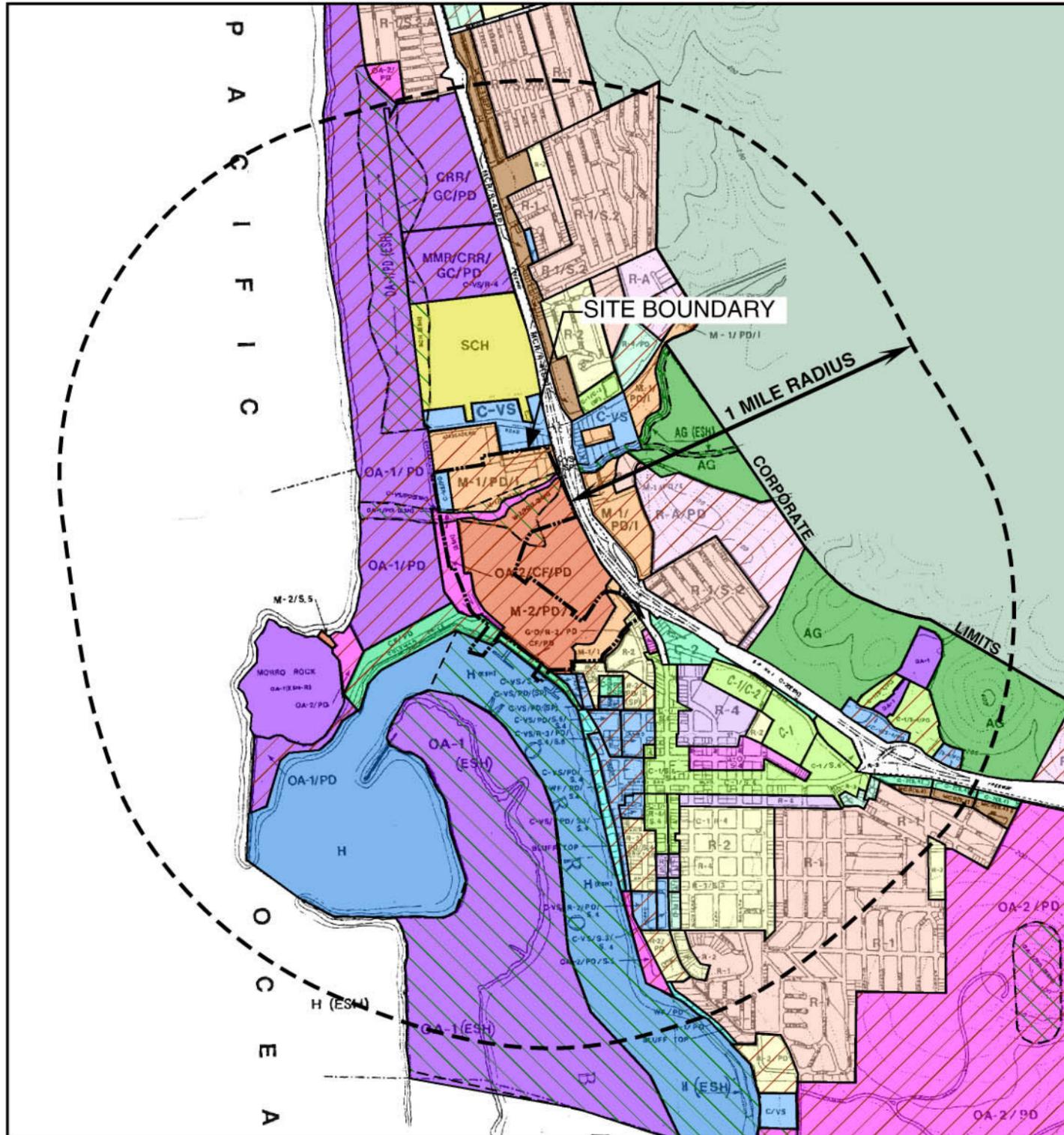
⁴ The Morro Bay city Planning Department officials have said that approval of the Waterfront Master Plan by the CCC has not been sought.

In the alternative, one or more requests will be submitted to FEMA to ensure that the applicable Flood Insurance Rate Map (FIRM) is amended or revised to reflect that the Project area is situated above the base flood elevation and, as may be necessary, the dikes and berms (levee) surrounding the Project area will be modified to meet construction and maintenance standards established by FEMA (44 C.F.R. Section 65.10(b)).

6.9.3.3.6 San Luis Obispo County Land Use Policies

The San Luis Obispo County General Plan policies, guidelines, and standards only apply to land use and development within the unincorporated areas of the county. Thus, they do not apply to the land use and development within the City limits of incorporated cities such as Morro Bay. While the county and the City may have common land use and development goals, the county has no land use authority over the City.

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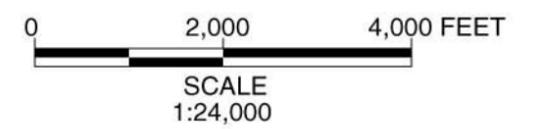


LEGEND

PRIMARY DISTRICTS	
R-A SUBURBAN RESIDENTIAL	OA-1 OPEN AREA 1 (LISTED USES)
R-1 SINGLE FAMILY RESIDENTIAL	OA-2 OPEN AREA 2 (LISTED USES)
R-2 DUPLEX RESIDENTIAL	WF WATERFRONT
R-3 MULTIPLE FAMILY RESIDENTIAL	CF COMMERCIAL/RECREATION FISHING
R-4 MULTIPLE RESIDENTIAL-PROFESSIONAL	H HARBOR
C-1 CENTRAL BUSINESS	AGR AGRICULTURE
C-2 GENERAL COMMERCIAL	MCR MIXED COMMERCIAL/RESIDENTIAL
C-VS VISITOR SERVING COMMERCIAL	SCH SCHOOL
G-0 GENERAL OFFICE	OS OPEN SPACE (SAN LUIS OBISPO COUNTY DESIGNATION)
M-1 LIGHT INDUSTRIAL	
M-2 COASTAL DEPENDENT INDUSTRIAL	

OVERLAY ZONES, COMBINING DISTRICTS

PD PLANNED DEVELOPMENT
ESH ENVIRONMENTALLY SENSITIVE HABITAT
S.1 SPECIAL BUILDING SITE AND YARD STANDARDS
S.2 SPECIAL BUILDING SITE AND YARD STANDARDS
S.3 SPECIAL MIXED USE
S.4 DESIGN CRITERIA
S.5 PRECISE PLAN AREA
S.6 COMBINING DISTRICTS
M MOBILE HOME
I INTERIM USE
R RESTRICTED
SP SPECIFIC PLAN



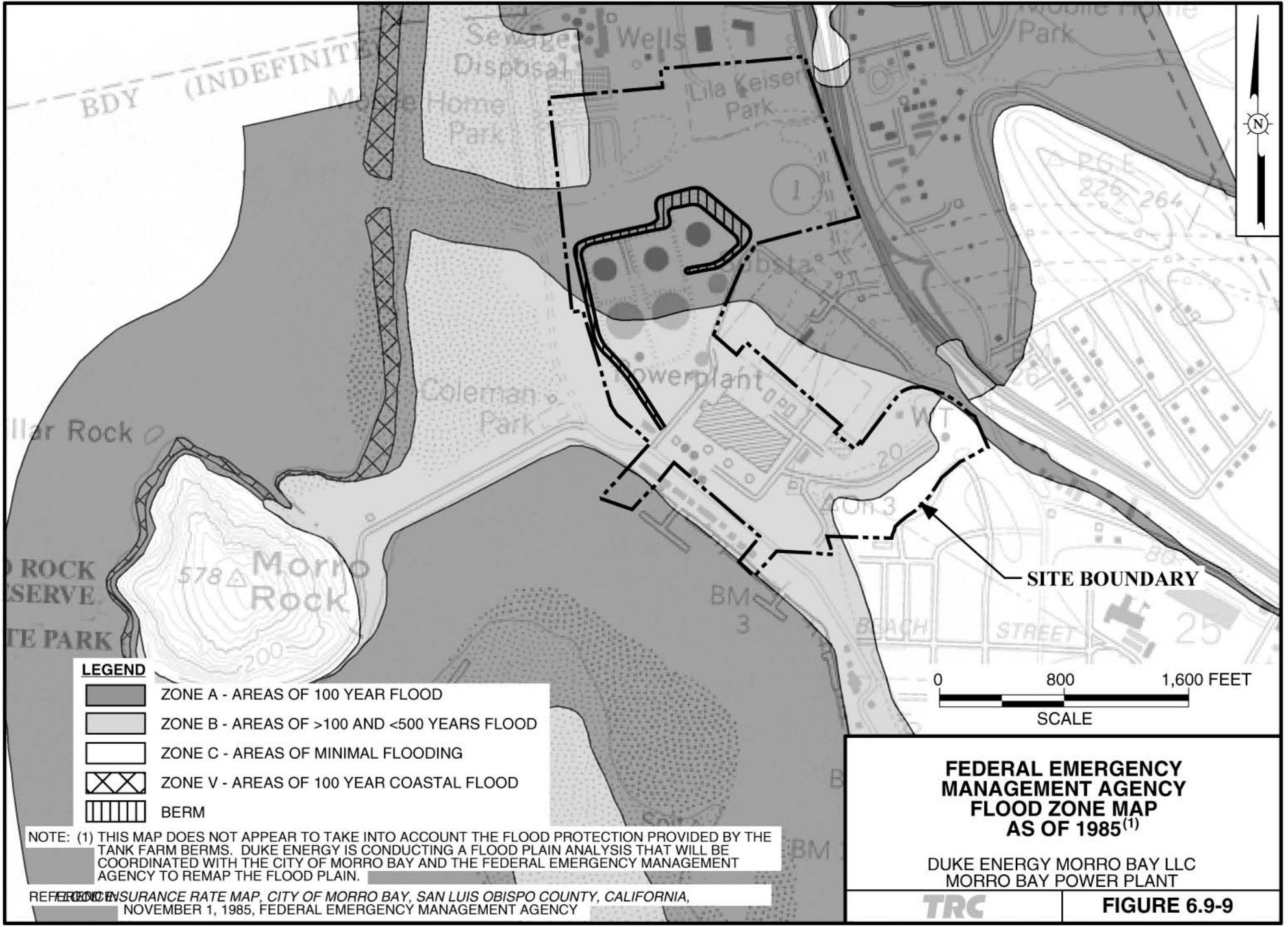
MORRO BAY VICINITY ZONING DISTRICTS MAP

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT



FIGURE 6.9-8

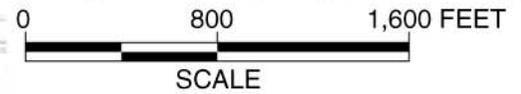
SOURCES: USGS 7.5 MINUTE TOPOGRAPHIC MAP OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA DATED 1993 AND 1994.



LEGEND

- ZONE A - AREAS OF 100 YEAR FLOOD
- ZONE B - AREAS OF >100 AND <500 YEARS FLOOD
- ZONE C - AREAS OF MINIMAL FLOODING
- ZONE V - AREAS OF 100 YEAR COASTAL FLOOD
- BERM

NOTE: (1) THIS MAP DOES NOT APPEAR TO TAKE INTO ACCOUNT THE FLOOD PROTECTION PROVIDED BY THE TANK FARM BERMS. DUKE ENERGY IS CONDUCTING A FLOOD PLAIN ANALYSIS THAT WILL BE COORDINATED WITH THE CITY OF MORRO BAY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO REMAP THE FLOOD PLAIN.



**FEDERAL EMERGENCY
MANAGEMENT AGENCY
FLOOD ZONE MAP
AS OF 1985⁽¹⁾**

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT

REFERENCE: INSURANCE RATE MAP, CITY OF MORRO BAY, SAN LUIS OBISPO COUNTY, CALIFORNIA, NOVEMBER 1, 1985, FEDERAL EMERGENCY MANAGEMENT AGENCY



FIGURE 6.9-9

6.9.4 IMPACTS

6.9.4.1 Compliance with LORS

Duke Energy is required to present an evaluation of the Project's compliance with applicable local, state, and federal laws, policies, ordinances, regulations, and procedures, and the Commission must make findings on the Project's compliance as a part of its authorization to go forward with the Project. A summary of applicable LORS pertaining to land use is provided in Section 7.4.9 and is also outlined in Table 6.9-3. The Project is consistent with applicable land use plans, policies, and regulations, including the zoning and land use designations for the site. Construction (except for the off-site lay down areas and the proposed bike/pedestrian path and bridge), operation, and maintenance of the Project, and modernization activities will occur entirely within the existing site and will be in compliance with applicable LORS pertaining to City, coastal, and energy-related land use. The temporary construction lay down areas outside the boundaries of the current Project site will be located on appropriately zoned areas and comply with the applicable City and/or county requirements. For these reasons, no impacts will result to local land use plans, policies, or regulations from implementation of the Project.

NOTE TO READER: The requirements below are copied verbatim from their source and are shown in *italics*. The basis for MBPP consistency is shown in regular text below each requirement. Since many of the City of Morro Bay General Plan and City of Morro Bay CLUP requirements are identical, to make this section more reader-friendly, only requirements under the CLUP section are shown and the General Plan section is referenced in parentheses. The full text of all requirements is listed in Table 6.9-3.

6.9.4.1.1 Warren-Alquist Act

1. Requirement

California Public Resources Code §25500

In accordance with the provisions of this division, the commission [CEC] shall have the exclusive power to certify all sites and related facilities in the state, whether a new site and related facility or a change or addition to an existing facility. The issuance of a certificate by the commission [CEC] shall be in lieu of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

Basis for MBPP Consistency

The Project is filing this AFC requesting a certificate from the Commission.

2. Requirement

California Public Resources Code §25529

As a condition of certification of any facility proposed to be located in the Coastal Zone, the CEC shall require that an area be established for public use. The CEC shall also require

that the facility be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values.

Basis for MBPP Consistency

The Project is set back from the shoreline and will permit reasonable public use of the shoreline, while protecting scenic and aesthetic values. The Project will also provide the land and develop bike paths along the shoreline including the installation of a bike and pedestrian bridge over Morro Creek connecting the Embarcadero with Atascadero Road and the City's bikeway route.

3. Requirement

California Public Resources Code §25540.6

Thermal power plants on which commission must issue a final decision on application within 12 months.

(a) Notwithstanding any other provision of law, no notice of intention is required, and the Commission shall issue its final decision on application, as specified in section 25523, within 12 months after filing of the application for certification of the power plant and related facility or facilities, or at any later time as mutually agreed by the Commission and the applicant, for any of the following:

(2) A modification of an existing facility.

Basis For MLPP Consistency

This AFC for the modernization of MBPP is a modification and replacement of an existing facility. The Project is not required to file a Notice of Intention. This AFC discusses the site selection criteria and reasons why the site was chosen.

6.9.4.1.2 California Coastal Act

4. Requirement

Policy 30253(3): New development shall be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

Basis for MBPP Consistency

AFC Section 6.2 addresses how the Project will conform to all federal and state air pollution standards.

5. Requirement

Policy 30255: Coastal-dependent developments shall have priority over other developments on or near the shoreline.

Basis for MBPP Consistency

MBPP is a coastal-dependent use.

6. Requirement

Policy 30260: Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.

Basis for MBPP Consistency

The Project will occur entirely on the existing MBPP site, except for a construction road/bike path and temporary construction laydown, and will reduce all impacts on environmental resources as compared to existing facilities.

7. Requirement

Policy 30264: Notwithstanding any other provisions of this Division, except Subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the Coastal Zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined pursuant to the provisions of Section 25516.

Basis for MBPP Consistency

In accordance with section 30413(b) and (c), the MBPP has not been designated as an inappropriate power plant site by the Commission and CCC.

6.9.4.1.3 City of Morro Bay General Plan

8. Requirement

The Morro Bay power plant does have some constraints in terms of expansion⁵. While cooling water is readily available, air quality standards may be a limiting factor. Environmental determination and an EIR would be required before expansion could occur. (p. II-16)

Basis for MBPP Consistency

The Project is a modernization and replacement of the existing facility. The Commission's AFC process is equivalent to performing an Environmental Impact Report (EIR) in conformance with the California Environmental Quality Act (CEQA). The Project AFC thoroughly evaluates environmental impacts in accordance with CEQA. Furthermore, the San Luis Obispo County Air Pollution Control District, along with the Commission, will ensure the Project's compliance with applicable air quality standards.

⁵The word "expansion" appears in many of the City of Morro Bay's planning documents. The Project is a modernization and is not an expansion. Nonetheless, the Project complies with those planning elements that refer to "expansion."

9. Requirement

II. Land Use, Open Space, and Conservation Elements

7. Industrial/Energy-Related Development

The objective of this chapter is to protect the city against any of the potential adverse impacts associated with energy development. (New, sic page II-74)

Basis for MBPP Consistency

The Project will significantly improve overall impacts associated with the MBPP, as compared to the existing facilities.

10. Requirement

II. Land Use, Open Space, and Conservation Elements

7. Industrial/Energy-Related Development

b. Coastal-Dependent Industrial Uses

Program LU-39: Industrial uses located on or adjacent to the harbor and beaches shall be regulated to protect the environment and priorities shall be established for coastal-dependent land uses.

Basis for MBPP Consistency

The Project AFC evaluates environmental impacts in accordance with CEQA. Further evaluation will occur in the Commission's CEQA-equivalent process. MBPP is a coastal-dependent industrial facility because it needs immediate access to seawater for cooling purposes.

11. Requirement

II. Land Use, Open Space, and Conservation Elements

7. Industrial/Energy-Related Development

c. Coastal-Dependent Energy Development

Program LU-40: Measures shall be taken by the city to protect against the potential adverse environmental impacts created by energy development. (New, sic)

Basis for MBPP Consistency

The Project will significantly improve overall impacts associated with the MBPP, as compared to the existing facility.

12. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

General Environmental Protection Policies

Objectives: Ensure that the delicate balance of the environment is not upset and that urbanization takes place only if protection of the environment can be guaranteed. (OS 85)

Basis for MBPP Consistency

All facilities and structures will be constructed within the existing disturbed Duke Energy property and will not encroach on sensitive lands or open space. The Project protects

environmentally sensitive habitat and complies with all applicable federal, state, and local environmental requirements.

13. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

Diking, Dredging, and Filling Policies

Program LU-54: Development along the shoreline and open sea shall be consistent with the requirements of the Coastal Act.

Basis for MBPP Consistency

The Project is consistent with the requirements of the Coastal Act as outlined in the land use section of this AFC.

14. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

Diking, Dredging, and Filling Policies

Program LU-54.1: Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for: protection of existing development; new development must ensure stability without depending on shoreline protection devices; public recreation areas; other coastal-dependent uses. Shoreline structures include revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other structures that alter natural shoreline processes. (LCP-194)

Basis for MBPP Consistency

No shoreline structures will be constructed as part of this Project.

15. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

Environmentally Sensitive Habitat Policies

Policy LU-55: All environmentally sensitive habitat areas shall be protected against adverse impacts to the maximum extent feasible. (New)

Basis for MBPP Consistency

The Project protects Environmentally Sensitive Habitats and is designed to avoid significant adverse impacts to surrounding ecosystems.

16. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

Environmentally Sensitive Habitat Policies

Policy LU-62: Development of the harbor and beach areas should preserve, protect and enhance the use of these natural resources for the public.

Basis for MBPP Consistency

The Project will not cause any negative impacts on the harbor or beach areas.

17. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

Environmentally Sensitive Habitat Policies

Program LU-62.1: All developments at or adjacent to the harbor or beach areas shall provide for physical and visual public access to these features.

Basis for MBPP Consistency

Project development provides physical and/or visual public access to the harbor or beach areas. The Project improves physical and visual access by removing the three existing 450-foot tall stacks and the existing power building for Units 1-4, constructing a bridge over Morro Creek, and creating a pedestrian and bike path circulation loop around the MBPP property.

18. Requirement

II. Land Use, Open Space, and Conservation Elements

9. Sensitive Lands and Open Space

Environmentally Sensitive Habitat Policies

Program LU-62.2: Development on or near the harbor or beaches shall take measures to reduce the abusive affects of public use of these resources, such as providing walkways view decks, stairways, waste disposal containers, and devices necessary to control public access to sensitive environmental features. (LUE 54, see also Circulation Element)

Basis for MBPP Consistency

The Project is designed to reduce the effects of public use on the harbor or beach areas and improves coastal access by creating a circulation bike/pedestrian path around the plant, including a bridge over Morro Creek.

19. Requirement

II. Land Use, Open Space, and Conservation Elements

11. Mixed Use and Overlay Designations

Policy LU-77: Mixed Use Area H: Within this area, uses allowable under any of the applicable land use and zoning designations are encouraged as primary uses of the area. Open space uses or commercial fishing support facilities may be proposed whether singly or in a mixed use pattern.

Basis for MBPP Consistency

Mixed Use Area H includes the Den Dulk property. Duke Energy is pursuing a purchase option agreement as part of the Project. The potential purchase of the property could improve coastal access, provide a buffer between the new plant and public uses, and may facilitate the City of Morro Bay's implementation of its Waterfront Master Plan.

20. Requirement

III. Circulation Element

C. Circulation Element Objectives, Policies, and Programs

7. Pipelines and Utility Transmission Lines

Policy C-37: Potential hazard and environmental problems caused by oil and gas pipelines should be reduced to the lowest level feasible.

Basis for MBPP Consistency

The Project uses existing natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and associated wetland and stream/riparian habitats and eliminate disruption of the wetland or stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland and stream/riparian habitat.

21. Requirement

III. Circulation Element

C. Circulation Element Objectives, Policies, and Programs

7. Pipelines and Utility Transmission Lines

Program C-37.1: The owners of oil and gas pipelines should be responsible for continual inspections, maintenance and replacement of their pipelines. Conditions which may lead to leaks or spills should be eliminated. Lines should be replaced when it is expected that corrosion may be sufficient to result in a leak or spill. New lines should be corrosion resistant.

Basis for MBPP Consistency

All pipelines will be properly maintained by Duke Energy staff to prevent corrosion and leaks.

22. Requirement

III. Circulation Element

C. Circulation Element Objectives, Policies, and Programs

7. Pipelines and Utility Transmission Lines

Program C-37.5: Pipeline routes should be selected so that grading and removal of native vegetation is minimized and that environmentally sensitive habitats are avoided.

Basis for MBPP Consistency

The Project uses existing natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and wetland or stream/riparian habitats and eliminate disruption of the wetland or stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland or stream/riparian habitats. Appropriate mitigation

will be implemented to restore any wetland or stream/riparian vegetation disrupted when installing the pipeline.

23. Requirement

III. Circulation Element

C. Circulation Element Objectives, Policies, and Programs

7. Pipelines and Utility Transmission Lines

Program C-37.8: All new pipeline and support facilities should be constructed underground when feasible. Existing pipelines should be buried as a condition of any development permits.

Basis for MBPP Consistency

The Project uses existing natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and wetland or stream/riparian habitats and eliminate disruption of the wetland or stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland or stream/riparian habitats.

6.9.4.1.4 City of Morro Bay Coastal Land Use Plan

24. Requirement

Chapter III. Shoreline Access and Recreation

*Policy 1.17: When PG&E property is needed for coastal-dependent energy industrial uses, a vertical (east-west) public access path for pedestrians and bicyclists no less than 10 feet in width **shall** be required as a condition of development, consistent with public safety needs and the need to protect the operations of the new facilities. A location paralleling the creek shall be allowed, provided the path does not encroach into environmentally sensitive habitat areas of buffer zones. (General Plan Policy AR-18)*

Basis for MBPP Consistency

The Project significantly improves coastal access by creating or improving three segments of a bike and pedestrian path around the plant site. Of particular importance is a bridge over Morro Creek and a new east-west bike path between Highway 1 and the Embarcadero (see Figures 6.9-2 and 6.9-3). The bridge will span Morro Creek with footings outside of the riparian area.

25. Requirement

Chapter III. Shoreline Access and Recreation

Policy 1.20: In reviewing the development proposals along the bayfront, the city shall apply the following standards and make the necessary findings to assure consistency with LUP and Chapter 3 Coastal Act Policies:

Each application for a new development or lease which would result in an increase in intensity of use, change of use, or expansion of an existing structure seaward or an increase

in height shall include a physical provision for continuous lateral access along the bayfront portion of the parcel. Each applicant for development as defined in part (1) above shall be required to provide lateral access unless the applicant can demonstrate based on engineering analysis that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.

Applications for coastal-dependent development where provisions of continuous lateral access would conflict with daily operations of the facility shall be conditioned by the city to make maximum provisions for public viewing areas and/or walkways in suitable locations on the development site. (General Plan Policy AR-20)

Basis for MBPP Consistency

The Project significantly improves coastal access by creating or improving three segments of a bike and pedestrian path around the plant site. Of particular importance is a bridge over Morro Creek and a new east-west bike path between Highway 1 and the Embarcadero.

26. Requirement

Chapter VII. Energy/Industrial Development

D. Existing Industrial and Energy Related Developments

This section inventories the existing industrial and energy related activities and facilities within the coastal zone, as well as proposed plans to expand or modify these facilities, Figure 14 shows the location of these facilities. It must be realized that due to the dynamics of the energy situation, projecting energy demands and the necessary facilities over a long period is extremely difficult. Currently, none of the facilities discussed here are projecting expansion and when such expansions would be proposed, they will require an amendment to the Coastal Plan.

Basis for Consistency

The Project is a modernization and replacement of the existing MBPP facility that will take the place on the existing site, reduce the physical size and scale of all major facilities, and decrease all impacts as compared to existing facilities. Furthermore, the Project is consistent with all of the requirements of the both the City of Morro Bay Local Coastal Program and the General Plan and does not require an amendment to any of the City's planning documents. The project is consistent with all specific standard, policy, or text contained in the CLUP.

27. Requirement

Chapter VII. Energy/Industrial Development

According to a CEC report entitled "Feasibility of Expansion of Existing Coastal Zone Power Plants," the power plant site is the minimal adequate for expansion of small facilities whose location would not further affect the unique view corridor of Morro Rock and the report indicates that conversion is unfeasible due to a variety of factors. The study does conclude that expansion is feasible for a small-scale facility utilizing either steam turbine, the existing generating system, combined cycle, or combustion. (LUP, p. 107 & 109)

Basis for MBPP Consistency

The Commission Report concluded an increase in generating capacity of < 400 MW was “small.” The Project will only increase the generating capacity of the current MBPP by 198 MW. Furthermore, the Project will improve the view corridors of Morro Rock. Accordingly, the Project is consistent with this policy.

28. Requirement

Chapter VII. Energy/Industrial Development

Section F. Policies on Energy Related Development

General Policies

Policy 5.01: The city shall designate existing PG&E parcel and the Chevron pier parcel as coastal-dependent industrial uses. Any proposals for energy development industrial uses within zones designated for general industrial development will require an amendment to the land use plan consistent with section 30515 of the Coastal Act. Power plant expansion on PG&E owned property shall have priority over other coastal-dependent industrial uses. Power plant expansion shall be limited to small facilities whose location would not further effect the views of Morro Rock from State Highway One and high use visitor-serving areas, consistent with Policy 12.11. (General Plan Policy LU-39.1)

Basis for MBPP Consistency

The Project site is zoned M-2 Coastal-Dependent Industrial because it needs immediate access to seawater for cooling purposes. The Project site is not zoned General Industrial. Accordingly, the Project does not need an amendment to the LCP. The Project is sited to not further affect the views from Highway 1 and high use visitor-serving areas. Furthermore, removal of existing power plant opens views to Morro Rock.

29. Requirement

Chapter VII. Energy/Industrial Development

Section F. Policies on Energy Related Development

General Policies

Policy 5.04: In the areas designated for industrial land uses, coastal-dependent uses shall have priority over non-coastal-dependent uses. (General Plan Program LU-39.4)

Basis for MBPP Consistency

The Project site is zoned M-2 Coastal-Dependent Industrial because the MBPP needs immediate access to seawater for cooling purposes. Therefore, this Project has priority over other non-coastal-dependent projects.

30. Requirement

Chapter VII. Energy/Industrial Development

Section F. Policies on Energy Related Development

General Policies

Policy 5.06: The routing of any new pipelines and transmission lines shall utilize whenever possible existing pipeline or transmission corridors. (General Plan Program LU-40.2)

Basis for MBPP Consistency

The Project uses existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and wetland or stream/ habitats and eliminate disruption of the associated wetland and stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland and stream/riparian habitat.

31. Requirement

Chapter VII. Energy/Industrial Development

Section F. Policies on Energy Related Development

General Policies

Policy 5.07: Except for those pipelines and transmission lines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act as defined by the State Coastal Zone Conservation Commission's interpretative guidelines adopted September 5, 1978, the City shall review and approve all proposed plans for the expansion of transmission lines and pipelines in and through City boundaries. (General Plan Program LU-40.3)

Basis for MBPP Consistency

The Project will use existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. Section 30610 (f) of the Coastal Act states that "a necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the [Coastal] commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources." The intertie is such a connection and therefore, is exempted from requiring a coastal development permit.

32. Requirement

Chapter VII. Energy/Industrial Development

Section F. Policies on Energy Related Development

General Policies

Policy 5.08: The City shall require that new pipelines and transmission lines are installed with suitable mitigation measures such as erosion control, revegetation, and other measures necessary to protect all scenic resources and habitat values. (General Plan Program LU-40.4)

Basis for MBPP Consistency

The Project uses existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and eliminate disruption of the associated wetland and stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland and stream/riparian habitat.

33. Requirement

*Chapter VII. Energy/Industrial Development
Section F. Policies on Energy Related Development
General Policies*

Policy 5.11: Due to the presence of sensitive wetlands and endangered species habitat and the city's status as a Bird Sanctuary, the city will advocate that the Coastal Commission change the recommendation of its Power Plant Siting Study to designate all areas within the city limits except the site presently occupied by the PG&E Power Plant, as unsuitable for power plant siting, and designate the city's primary coastal-dependent permitted use as commercial fishing and recreation. (General Plan Policy LU-40.7)

Basis for MBPP Consistency

The Project will be constructed project generating facilities entirely within the site previously described as the PG&E power plant. Temporary construction laydown will be located offsite and the bike path/construction bridge and associated roads and paths will be constructed offsite.

34. Requirement

*Chapter VII. Energy/Industrial Development
Section F. Policies on Energy Related Development
General Policies*

Policy 5.20: Any expansion of the PG&E power plant shall give priority to the options that would best utilize available on-site space. Additionally, no dunes areas should be disrupted unless there is no other less environmentally damaging alternative. PG&E shall contribute to the dunes stabilization program and reimburse their pro rata share of any Coastal Conservancy (or city) expenditure for dune stabilization in this area. (General Plan Policy LU-40.15)

Basis for MBPP Consistency

The Project is a modernization of the existing MBPP facility and the power generating facilities will occur entirely on the existing previously disturbed MBPP site. The least disruptive location for the construction road has been chosen through grasslands and an existing dirt road to avoid dune scrub habitat. The bridge will span Morro Creek with footings outside of the riparian area.

35. Requirement

*Chapter VII. Energy/Industrial Development
Section F. Policies on Energy Related Development
General Policies*

Policy 5.21: Substantial landscaping and screening to mitigate the visual impacts of existing and future facilities; with particular emphasis on screening the facilities located between the power plant and Highway One. (General Plan Policy LU-40.16)

Basis for MBPP Consistency

This AFC considers visual impacts and aspects of the Project in the visual resources section, including specified landscaping and screening. See Section 6.13 for a full discussion of Visual Resources.

36. Requirement

Chapter VII. Energy/Industrial Development

Section F. Policies on Energy Related Development

Specific Planning Area Policies, Area 3 - Bayfront

Policy 5.22: The city shall insist that the present operation and any further expansion of the PG&E Plant conform to the standards of the Federal and State pollution control requirements and emission levels be maintained. (General Plan Policy LU-40.17)

Basis for MBPP Consistency

The Project is a modernization of the existing MBPP facility. The AFC demonstrates how the Project will conform to applicable federal and state air pollution standards in Section 6.2.

37. Requirement

Chapter X Hazards

Section D. Hazards Policies

Policy 9.03: All development, including construction, excavation and grading, except for flood control projects and agricultural uses shall be prohibited in the 100-year floodplain areas unless off-setting improvements in accordance with HUD regulations are required.

Development within floodplain areas shall not cause further stream channelization, alignment modifications, or less riparian habitat values consistent with Section 30236 of the Coastal Act. Permitted development shall be consistent with all applicable resource protection policies contained in the Coastal Act and the city Land Use Plan.

The Land Use Map shall designate the flood prone lands at the western limits of the Morro and Chorro Valleys for agricultural use.

Development in the flood prone areas within the city shall include finished floor elevations two feet above the 100 year flood elevation. The heights of permitted development shall be compatible with the character of the surrounding areas and not conflict with the scenic and visual qualities. (General Plan Program S-4.1)

Basis for MBPP Consistency

The Project will be sited and designed to comply with flood plain requirements. If necessary, existing berms will be improved, but will not be expanded into Environmentally Sensitive Habitat. The facility will be designed for construction in the flood plain or the flood plain maps will be modified.

38. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.01: Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (General Plan, ESH Policies, page II-89) The City shall either

prepare a wetlands/estuarine map or, if funding does not permit such preparation, adopt the National Wetland Inventory by U.S. Fish and Wildlife Service dated 1979, as the mapping illustration of the wetland and estuarine areas contained within City boundaries. If the City adopts the National Wetland Inventory Mapping as their LUP wetlands habitats and types, all proposed development located within 100 feet of the mapped wetland boundaries shall be required to submit additional mapping based on U.S. Fish and Wildlife and Coastal Commission Statewide Interpretive Guidelines done by a qualified biologist. The additional mapping will be submitted for review and approval from U.S. Fish and Wildlife and the California Department of Fish and Game. After public agency approval has been obtained, the City shall define buffer areas except where biologists identify the need for a greater buffer to protect the overall wetland system or a particular resource. Developments permitted within wetland and/or buffer areas are limited to the uses listed in Section 30233(c) of the Coastal Act. (General Plan Program LU-55.1)

Basis for MBPP Consistency

The Project is sited and designed to prevent significant adverse impacts to adjacent environmentally sensitive habitats or areas. This AFC maps the Environmentally Sensitive Habitat areas and appropriate buffers and improvements to protect these areas are incorporated into the Project (see Figure 6.9-7).

39. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.02: Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall maintain the habitats' functional capacity. (General Plan Program LU-55.2)

Basis for MBPP Consistency

The Project is sited and designed to minimize impacts to adjacent Environmentally Sensitive Habitat areas.

40. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.04: No land division shall be allowed in the environmentally sensitive habitat areas of wetlands, sand dunes, stream beds and endangered wildlife habitats as designated on Figures 6 and 28, unless the land division is for the express and sole purpose of transferring the property to a public management agency or for some other bonafide conservation purpose. (General Plan Program LU-55.3)

Basis for MBPP Consistency

The Project will be carried out without any land division that will affect Environmentally Sensitive Habitat.

41. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.05: Prior to the issuance of a coastal development permit, all projects on parcels containing environmentally sensitive habitat as depicted on the Land Use Plan map or habitat map included within the LUP and on the adopted U.S Fish and Wildlife wetland inventory map, or projects on parcels within 250 feet of all designated areas (except wetland where projects on parcels within 1000 feet is the criterion), or projects having the potential to affect an environmentally sensitive habitat area must be found to be in conformity with the applicable habitat protection policies of the Land Use Plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by a proposed project. Projects which could adversely impact an environmentally sensitive habitat area shall be subject to adequate environmental impact assessment by a qualified biologist(s). In areas of the city where sensitive habitats are suspected to exist but are not presently mapped or identified in the city's Land Use Plan, projects shall undergo an initial environmental impact assessment to determine whether or not these habitats exist. Where such habitats are found to exist, they shall be included in the city's environmentally sensitive habitat mapping included within the LUP. (General Plan Program LU-55.4)

Basis for MBPP Consistency

This AFC maps all Environmentally Sensitive Habitat areas (see Figure 6.9-7). The Project complies with all the applicable habitat protection policies of the Land Use Plan.

42. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.06: Buffering setback areas a minimum of 100 feet from sensitive habitat areas shall be required. In some habitat areas setbacks of more than 100 feet shall be required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails. Such projects shall be subject to review and comment by the department of Fish and Game prior to commencement of development within a setback area. For other than wetland habitats, if subdivision parcels would render the subdivided parcel unusable for its designated use, the setback area may be adjusted downward only to a point where the designated use is accommodated but in no case is the buffer to be less than 50 feet. The lesser setback shall be established in consultation with the Department of Fish and Game. If a setback area is adjusted downward mitigation measures developed in consultation with the Department of Fish and Game shall be implemented. (General Plan Program LU-55.4)

Basis for MBPP Consistency

The Project will provide an appropriate buffer setback areas for Environmentally Sensitive Habitats areas (see Figure 6.9-7). No permanent power generating structures will be located in the buffer areas except for the construction road (that will eventually become a bike/pedestrian path) and existing levees on the north, west, and east sides of the MBPP site

that were constructed over 40 years ago to provide flood protection. As a design improvement the Project will install a sound wall on top of the northern berm that will decrease noise and visual Project impacts on for wildlife that may use the ESH area. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitats by locating the support structures outside of sensitive habitat.

43. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.10: Only native vegetation shall be planted in the habitat areas of rare or endangered species. Where feasible, use of drought tolerant plants of a native variety shall be used in coastal zone areas. (General Plan Program 55.7)

Basis for MBPP Consistency

All revegetation associated with the Project will use native species (see Section 6.13 for more information on landscaping).

44. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.14: A minimum buffer strip along all streams shall be required as follows: (1) a minimum buffer strip of 100 feet in rural areas; (2) a minimum buffer strip of 50 feet in urban areas. If the applicant can demonstrate that the implementation of the minimum buffers on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer may be adjusted downward only to a point where the designated use can be accommodated, but in no case shall the buffer be reduced to less than 50 feet for rural areas and 25 feet for urban areas. Only when all other means to project modifications are found inadequate to provide for both the use and the larger minimum buffer. The lesser setback shall be established in consultation with U.S. Fish and Wildlife and the California Department of Fish and Game and shall be accompanied by adequate mitigations. The buffer area shall be measured landward from the landward edge of riparian vegetation or from the top of the bank (e.g., in channelized streams). Maps and supplemental information may be required to determine these boundaries. (General Plan Program LU-55.8)

Adjustments to the minimum buffer must protect the biological productivity and water quality of the streams. Assessment of impact shall include, but not be limited to the following factors: (a) Soil type and stability of stream corridors; (b) How surface water filters into the ground; (c) Slope of land on either side of the stream; and (d) Location of the 100-year flood plain boundary.

Where riparian vegetation has been previously removed, except for stream channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible. (General Plan Program LU 55.9)

Basis for MBPP Consistency

The Project power generation structures will be placed outside of the 100 foot buffer areas. The existing berms will be retained for flood protection. A sound wall will be added as a

design improvement on top of the northern berm to reduce sound and act as a visual screen for wildlife. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitat by locating support structures outside of sensitive habitat.

45. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.15: No structures shall be located within the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of riparian habitat; necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and development where the primary function is the improvement of fish and wildlife habitat. Bridges (when support structures are located outside the critical habitat areas) may be permitted when no alternative route/location is feasible. All development shall incorporate the most protective mitigations feasible. (General Plan Program LU-55.10)

Basis for MBPP Consistency

The Project includes construction of a bridge over Morro Creek to improve public access. This is the least disruptive location for the bridge because it links with an existing dirt road rather than disrupting dune scrub habitat. The bridge will not have structures in critical habitat and will incorporate the most protective mitigations feasible. No other structures will be constructed in or over the wetland and stream/stream corridor.

46. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.16: All permitted development, including dredging, filling, and grading within stream beds and setback buffer areas shall be limited to activities necessary for the construction of uses specified in Policy 11.15. When such activities require removal of riparian plant species, revegetation with local native riparian species shall be subject to review and comment by U.S. Fish and Wildlife Service and the Department of Fish and Game. (General Plan Program LU-55.11)

Basis for MBPP Consistency

The Project will comply with the buffer zone requirements and maintain existing buffers. The bridge over Morro Creek is allowed in Policy 11.15. California native plants will be used for revegetation. Selection of California native plant species will be done in coordination with the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

47. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.17: The Biological productivity of the city's environmentally sensitive habitat areas shall be maintained and, where feasible, restored through maintenance and enhancement of the quality and quantity of Morro and Chorro groundwater basins and through prevention of interface with surface water flow. Stream flows adequate to maintain riparian and fisheries habitat shall be protected. (General Plan Program LU 55.12)

Basis for MBPP Consistency

The Project will maintain Environmentally Sensitive Habitat areas and Morro groundwater basin. The Project will not impact the stream flow of Morro and Willow Camp Creeks. The grading plan shows drainage away from Morro and Willow Camp Creeks (see Section 8.2.1 Site Grading and Drainage for more information).

48. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.19: No vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, and other disturbances. (General Plan Program LU-55.14)

Basis for MBPP Consistency

The Project will only allow limited pedestrian traffic in wetlands that is regulated and incidental to the permitted use. The Project will not result in significant adverse impacts to Environmentally Sensitive Habitat areas or adjacent wetlands.

49. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.20: Coastal dune habitats shall be preserved and protected from all but resource-dependent, scientific, educational and passive recreational use. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if revegetation is made a condition of project approval. Such revegetation shall be with native plants propagated from the disturbed sites or from the same species at adjacent sites. (General Plan Program LU-58.2)

All non-authorized motor vehicles shall be prohibited in beach and dune areas. A buffer strip, a minimum of 50 feet in width in urban areas, and 100 feet in non-urban areas shall be maintained between the dune habitat and adjacent development. All permitted uses shall be regulated and restrictions enforced to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, restriction of hours of operations of public or private facilities. For all permitted uses within dune habitat areas, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary or established through historical public use, well-defined footpaths or boardwalks shall be developed and used. (General Plan Program LU-57.2)

Basis for MBPP Consistency

The Project will not disturb dune scrub habitat or disrupt critical bird habitats during breeding and nesting seasons in connection with building the construction road. The least disruptive location for the construction road has been chosen through grasslands avoiding dune scrub habitat. An existing dirt road alignment will be used for the construction road and bike/pedestrian path. The road alignment will be staked by qualified biologists to ensure dune scrub habitat will be avoided. Motorized vehicles will be confined to the construction road for the Project. The Project will maintain the existing buffer zones for dune scrub habitat (see Figure 6.9-7).

50. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.22: The precise location and thus boundary line of Environmentally Sensitive Habitat areas shall be determined based upon a field study paid for by the applicants and performed by the City or City's consultants and approved by City council and/or their appointed designee prior to the approval of development on the site, including, but not limited to, a division of land, provision of public access, or restoration of the ESH. (General Plan Policy LU-60.0)

Basis for MBPP Consistency

This AFC delineates the boundaries of Environmentally Sensitive Habitat areas (see Figure 6.9-7) and the Project complies with applicable requirements to protect sensitive habitats.

51. Requirement

Chapter XII Environmentally Sensitive Habitat Areas

Section E. Environmentally Sensitive Habitat Area Policies

Policy 11.23: As a condition of approval of development prior to commencement of any development, property owners/applicants shall dedicate appropriate permanent easement over portions of the property determined to be sensitive habitat, such as dunes, beach, wetlands, or riparian corridor. (General Plan Program LU-61)

Basis for MBPP Consistency

Upon certification of this Project and Duke Energy's decision, in its sole discretion, to proceed with construction, the Project will provide a conservation easement over the Environmentally Sensitive Habitat areas that are a part of the existing MBPP site.

52. Requirement

Chapter XIII Visual Resources

Section E. Visual Resources Policies

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

degraded areas. New development in highly scenic area such as those designated on Figure 31, shall be subordinate to the character of its setting. (General Plan Policy VR-2)

Basis for MBPP Consistency

MBPP is designated on Figure 31 as an area of visual significance. Duke Energy designed the Project to enhance visual views and make the modernized facility subordinate to the natural coastal setting. This AFC considers visual impacts and aspects of the Project in the visual resources section and outlines design features as appropriate. The Project will significantly improve views and viewsheds, as compared to existing facilities.

53. Requirement

Chapter XIII Visual Resources

Section E. Visual Resources Policies

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

The Embarcadero (as defined in Policy 2.03)

Downtown commercial area.

The criteria shall include the following specific requirements and shall be applied to proposed projects on a case-by case basis during architectural review:

Building height/bulk relationship compatible with existing surrounding uses; landscaping to restore and enhance visually degraded areas using native and drought resistant plant and tree species; Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock; Any other requirements applicable from Coastal Commission conceptual approval of the Urban Waterfront Restoration Plan. (General Plan Program VR-2.1)

Basis for MBPP Consistency

This AFC considers visual impacts and aspects of the Project in the visual resources section and outlines design features as appropriate (see Section 6.13). The Project will be in compliance with Policy 12.02.

54. Requirement

Chapter XIII Visual Resources

Section E. Visual Resources Policies

Policy 12.06: New development in areas designated on Figure 31 as having visual significance shall include as appropriate the following:

Height/bulk relationships compatible with the character of surrounding areas or compatible with neighborhoods or special communities which, because of their unique characteristics, are popular visit destination points for recreation uses.

Designation of land for parks and open space in new developments which because of their location are popular visitor destination points for recreation uses. View easements or corridors designed to protect views to and along the ocean and scenic and coastal areas. (General Plan Program VR-2.2)

Basis for MBPP Consistency

The Project area is shown on Figure 31 of the City's CLUP. The Project will improve the height/bulk relationships, coastal access for recreational users, and view corridors, as compared to the existing facilities.

55. Requirement

Chapter XIII Visual Resources

Section E. Visual Resources Policies

Policy 12.11: Industrial development shall be sited and designed in areas specifically designated in the Land Use Plan to protect views to and along the ocean and scenic coastal areas, to minimize land alteration, to be visually compatible with the character of the surrounding areas, and where feasible, shall include measures to restore and enhance visually degraded areas. In addition, industrial development shall be subordinate to the character of its setting. (General Plan Program VR-3-3)

Basis for MBPP Consistency

This AFC considers visual impacts and aspects of the Project in the visual resources section and outlines design features as appropriate (see section 6.13). By removing the three 450-foot tall stacks and the existing power building for Units 1-4, the Project will significantly enhance views and reduce visual impacts.

6.9.4.1.5 City of Morro Bay Zoning Ordinance (Municipal Code Section 17)

56. Requirement

Chapter 17.24 Primary Districts

17.24.150 Coastal-Dependent Industrial (M2) District

Municipal Code Section 17.24.150: Thermal power plant and support facilities which must be located on or adjacent to the sea in order to function (may be allowed with the appropriate permits and licenses).

Conditional Use Permit is Required.

Thirty foot building height limit. (For new construction only. Does not apply to replacement or repair of existing structures).

Basis for MBPP Consistency

The MBPP is a coastal-dependent industrial facility. The AFC certification process will subsume the City's Conditional Use Permit and Planned Development requirements. The new combined-cycle units will be replacements for the existing structures.

57. Requirement

Chapter 17.40 Special Treatment Overlay and Combining Districts and Specific Plans

17.40.030 Planned Development (PD) Overlay Zone

Municipal Code Section 17.40.030 (C): Permitted Uses. Subject to the granting of a Conditional Use Permit for conceptual and/or precise plan of development: 1. Any principal or conditional use which is allowed by the primary zoning district is a permitted use.

Basis for MBPP Consistency

The primary zoning district is Coastal-Dependent Industrial (M-2) District. The AFC certification process will subsume Conditional Use Permit and Planned Development requirements.

58. Requirement

Chapter 17.40 Special Treatment Overlay and Combining Districts and Specific Plans

17.40.030 Planned Development (PD) Overlay Zone

Municipal Code Section 17.40.030 (D) (General Development Standards): The standards for development within a PD Overlay Zone shall be those of the base zoning District, provided however, that standards may be modified by the Planning Commission or city Council as they relate to: building heights, yard requirements; and minimum lot area for dwelling units in the density range provided that any specific design criteria of the General Plan and Coastal Land Use Plan, applicable to the property, is not exceeded. For those areas of the provisions of housing for the elderly or low/moderate income families, provisions of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the Coastal Land Use policies.

Basis for MBPP Consistency

The Project conforms with the policies of the CLUP and the requirements of the base zoning district.

59. Requirement

Chapter 17.40 Special Treatment Overlay and Combining Districts and Specific Plans

17.40.040 Environmentally Sensitive Habitat (ESH) Overlay Zone

C. Uses Allowed Only with a Conditional Use Permit

1. *Wetlands: The following are conditionally permitted uses in wetlands: road and bridge replacements, very minor, incidental public facilities when there is no other feasible, environmentally less-damaging alternative; other scientific and education work; restorative measures; and commercial mariculture where no alteration of the wetland is necessary.*
3. *Sand Dunes, Sandspits: The following are conditionally permitted uses: road and bridge replacements, incidental public facilities such as buried cables or pipelines where there is no other feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effect.*
4. *Stream Corridors: The following are conditionally permitted uses: controlled public access including public trails within the buffer; necessary pipelines and water supply projects where no alternative location exists; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; road and bridges where no alternative route/location is feasible and if support structures are not sited in the environmentally sensitive habitat.*

Basis for MBPP Consistency

The Commission's certification process will subsume the need for a conditional use permit from the City of Morro Bay. The Project will not impact surrounding wetlands or the Morro and Willow Camp Creek corridors. The Project will not disturb dune scrub habitat in

connection with building the construction road. The least disruptive location for the construction road has been chosen through grasslands to avoid dune scrub habitat.

60. Requirement

Chapter 17.40 Special Treatment Overlay and Combining Districts and Specific Plans

17.40.040 Environmentally Sensitive Habitat (ESH) Overlay Zone

D. Special ESH Zone Standards

3. Buffers required, general

- a. Wetlands: The minimum buffer surrounding wetlands shall be one hundred (100) feet. Review area: minim of two hundred fifty (250) feet.*
- b. Streams: The minimum buffer for streams shall be one hundred feet (100) in non urban areas and fifty feet (50) in urban areas.*
- c. Sand Dunes: The minimum buffer for sand dunes shall be one hundred (100) feet, in non urban areas and fifty (50) feet in urban areas.*

6. Reducing buffers

- a. In all cases, except for wetlands, buffers may be reduced in accordance with the following standards if the application of the buffer specified in Section 17.40.040.D.4 on a previously subdivided parcel would render that subdivided parcel unusable for its designated use.*
- b. Accommodation of designated use: Buffers may be reduced only to the point where the designated use is accommodated but in no case shall it be less than fifty (50) percent of the width called for in Section 17.40.040.D.4. Said reduction in setbacks may be permitted by the City, as provided above, only after consultation with the California Department of Fish and Game; the applicant shall implement as part of the development all mitigation measures deemed necessary for habitat protection after such consultation. All permitted reductions in buffer areas shall be found consistent with Policies 11.01, 11.05, 11.06, and 11.14 of the Coastal Land Use Plan. (Ord. 263 § 1 (part), 1984)*

7. Uses in buffer area

- a. General: The uses permitted in buffers shall generally be limited to those permitted in the adjacent habitat area.*
Permanent structures: no permanent structures shall be permitted within buffer areas except for those of a minor nature such as: (2) in other districts: a) at grade improvements for pedestrian or equestrian trails; b) instructional or informational signs; c) designated observation areas, or other public access or educational facilities; d) fences; e) eaves. Applications for all such improvements shall be submitted to the department of fish and game for review and comment before the issuance of a coastal development permit. (ord. 263 § 1 (part), 1984)

Basis for MBPP Consistency

The Project will use appropriate buffers; no permanent power generation structures will be located in the buffer zones. The Project may need to reinforce the existing flood control berms. The Project will construct a mitigating sound wall on top of the northern berm that will also reduce noise and visual impacts to wildlife that may utilize adjacent Environmentally Sensitive Habitat areas.

61. Requirement

Chapter 17.40 Special Treatment Overlay and Combining Districts and Specific Plans

17.40.040 Environmentally Sensitive Habitat (ESH) Overlay Zone

D. Special ESH Zone Standards

8. *Subdivisions prohibited: The further subdivision of any ESH area shall be prohibited except where the sensitive habitat area is to be transferred in fee to a public agency for a wildlife refuge or for a wildlife management area. (Ord. 263 § 1 (part), 1984)*

Basis for MBPP Consistency

The Project will not subdivide any Environmentally Sensitive Habitat areas.

62. Requirement

Chapter 17.40 Special Treatment Overlay and Combining Districts and Specific Plans

17.40.040 Environmentally Sensitive Habitat (ESH) Overlay Zone

D. Special ESH Zone Standards

9. *Performance Standards: All other sections of this Chapter notwithstanding, no uses shall be permitted unless the following performance standards are met, as applicable, in new developments:*
 - a. *Significant Adverse Effects: New development shall not result in significant adverse effects upon habitat values.*
 - b. *Revegetation: Where permitted uses require the removal of riparian or dune related plant species, such removal shall be limited to the minimum amount necessary and revegetation with (1) native vegetation in the habitat areas of rare or endangered species, or (2) native, drought-tolerant plants where determined feasible and approved by the City. All such proposals calling for removal of vegetation and subsequent revegetation shall be submitted to the Department of Fish and Game for review and comment.*
 - c. *Walkways, Trails and Similar Uses: Walkways, bicycle trails, overlooks and other structures for nature study and passive recreational use shall be designed to minimize the disturbance of wildlife and vegetation. For example, in dune areas elevated walkways may be required.*
 - g. *Other Agency Permits: Prior to any construction, alteration or other improvement in areas designated as wetlands or estuaries the following shall be presented to the City: (1) 404 Permit: A Section 404 permit (or its equivalent successor) from the U.S. Army Corps of Engineers. (2) Letter from CDFG: A letter from the California State Department of Fish and Game stating compliance with Section 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code. (Ord. 263 § 1 (part), 1984)*

Basis for MBPP Consistency

The Project will comply with applicable performance standards required for Environmentally Sensitive Habitat areas. No significant adverse impacts will be created by the Project. Revegetation will be with native species. The Project includes creating and improving bike/pedestrian paths around the plant and a bridge over Morro Creek to improve public access while minimizing impact to the environment. The Project does not need to obtain a Section 404 permit authorization from the U.S. Army Corps of Engineers (Corps) or a

Section 1603 Stream Bed Alteration Agreement/permit from the CDFG for any terrestrial impacts to Corps regulated Waters of the U.S. (including wetlands) or CDFG streambed. The project bridge crossing will require administrative review and a possible permit authorization by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act. The Commission's AFC review process will ensure compliance with CEQA and other applicable environmental law.

6.9.4.2 Compatibility with Existing and Planned Land Uses

Land use designations in and around MBPP are described by the City of Morro Bay Coastal Land Use Plan, General Plan, and Zoning Ordinance. Land use designations and definitions within the study area are presented in Table 6.9-1 and shown in Figure 6.9-1. Land use designations within a one-mile radius of the Project site include the following:

- Industrial: Light (M-1) and Coastal-Dependent (M-2)
- Residential: Suburban (R-A), Single Family (R-1), Duplex (R-2), Multiple Family (R-3), Hotel (R-4)
- Commercial: Fishing (CF), Visitor Serving (C-VS), Central Business (C-1), General Commercial (C-2)
- General Office (GO)
- Agricultural (AG)
- Open Area (O-A)
- Waterfront (WF)
- Environmentally Sensitive Habitat (ESH)

Zoning districts (primary and special) that reflect the land use categories within the study area are defined in Table 6.9-2 and shown in Figure 6.9-8.

Zoning districts can be combined with special overlay zones that apply special standards. The special zones within a one-mile radius of the Project site include the following:

- Planned Development Overlay (PD)
- Environmentally Sensitive Habitat Overlay (ESH)
- Special Treatment (S)
- Interim Uses (I)

According to the City of Morro Bay Public Services Department, Planning Division, only one zoning change was recently made within either the MBPP one-mile radius study area or within five miles of the MBPP. The site (known as the Caratan/Colmer site) is within the MBPP one-mile study area and is bounded by South, Main, and Olive streets. This zoning change was approved by the Coastal Commission and City of Morro Bay in April 2000 and involved a zoning and General Plan designation change from visitor-serving and mixed visitor serving/residential uses to a residential land use designation.

TABLE 6.9-1

LAND USE DESIGNATIONS⁽¹⁾

LAND USE DESIGNATION	DEFINITION
Residential	
Limited Density	Up to 2 dwelling units per acre.
Low Density	Up to 4 dwelling units per acre.
Low/Medium Density	Between 4 and 7 dwelling units per acre.
Medium Density	Between 7 and 15 dwelling units per acre.
High Density	Between 15 and 27 dwelling units per acre.
Commercial	
Neighborhood	Commercial uses which cater to the daily needs of residents within a 1-to-2-mile radius. Typical land uses are grocery and convenience food stores, laundries, hardware, and drug stores.
District	Commercial uses which cater to the needs of more than one neighborhood. It would provide for suitable land area, primarily in the Central Morro Bay Planning Area, for commercial businesses offering major household and personal goods and services.
Service	Some forms of light industrial/manufacturing uses particularly relating to commercial fishing needs. Specifically, it is intended to encourage the continuation of boat building land uses and fish processing which does not require canning or extensive cooking facilities.
Visitor Serving	Tourist intensive uses at major destination points in the City or at locations easily accessible to travelers along State Highway One. Visitor-serving uses that should be developed in those areas designated as such are hotels/motels, overnight RV facilities, restaurants, gift shops, goods and supply stores, commercial recreation, and other uses typically found to accommodate tourist needs and activities.
Mixed Commercial/Harbor Dependant Land Use	A mixture of visitor-serving commercial uses and harbor dependent land uses. Examples of land uses that would be accommodated in this category are sportfishing facilities, fish stores, dockage for commercial fishing boats, restaurants, gift shops, visitor access and facilities, some fish processing facilities requiring the use of ocean water, recreational boat dockage, and other similar activities.
Comm./Recreation Fishing	Development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or is clearly incidental thereto.
Industrial	
General (Light)	Land uses which do not require materials or equipment which emit excessive air, audio, water, or land pollutants or would require considerable outdoor storage, are allowable in this designation. Land uses which specifically cater to commercial fishing and regional needs, such as machine shops, auto mechanic shops, black smith, cold storage, ware housing and food processing, light manufacturing, component assembling and small parts processing.
Coastal Development	Industrial land uses which are given priority by the Coastal Act of 1976 for location adjacent to the coastline. Examples of uses in this designation are thermal power plants, seawater intake structures, discharge structures, tanker support facilities and other similar uses which must be located on or adjacent to the sea in order to function.
Interim/Open Space	This designation allows interim or temporary land uses in both industrial categories until such time as the area is needed for its primary use.

TABLE 6.9-1

**LAND USE DESIGNATIONS⁽¹⁾
(Continued)**

LAND USE DESIGNATION	DEFINITION
Other	
Harbor/Navigational Ways	Area of the City covered by seawater and includes the mouth of the Bay to the southern city limits. Uses allowed in the harbor are those which must be located on the water in order to function, including intake and discharge structures, mariculture, commercial, and recreational boating and support facilities, visitor-serving uses where public access is enhanced or facilitates coastal-dependant use, open space for navigation, habitat preservation, and viewshed.
Open Space/Recreation	Open space which is not defined environmentally sensitive habitat and is intended to accommodate more intensive recreational activities.
Mixed Uses (Other)	Including neighborhood and visitor commercial/high density residential/professional.
Agriculture	Agricultural land for the cultivation of plant crops and the raising of animals. Lands eligible for this designation shall include lands with prime soils, prime agricultural land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.
Environmentally Sensitive Habitat	Areas in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development.
New Land Use Categories	
Limited Density Residential/Golf Course	Golf courses and related facilities such as club houses, pro-shops, maintenance buildings, parking areas, and irrigation systems, and also provides for passive recreation activities including walking and bicycle paths, picnic areas, play areas, and similar quiet recreational activities.
Mariculture and Maritime Research/Limited Density Residential/Golf Course	Areas within the City that, because of their location adjacent to sources of seawater and their relationship to adjacent land uses, have been determined to be suitable for the propagation and rearing of ocean fish and shellfish. Uses allowed in these areas are coastal dependent mariculture activities that must be served by seawater intake and discharge pipelines in order to function, and includes other directly related uses.
Overlays <i>Provide for land uses that which are specific to certain locations within the City and which are allowable in more than one land use designation.</i>	
Planned Development (PD)	Requires that any development must occur in accordance with a precise developmental plan, which has received discretionary City approval. If the overlay involves residential uses, they shall be developed in accordance with the density established under the residential land use designation.
Restricted (R)	Identifies those sensitive habitats within the City which have resources so environmentally sensitive that even passive recreational uses must be prohibited. Such areas included the Morro Rock Peregrine Falcon area, the heron rookery near the Stocking site, and the wetlands portion of the Bay.
Park (P)	Identifies where public parks exist or are proposed.
School (S)	Applied to areas devoted to public school sites
Public/Institutional (P/I)	Identifies the location of facilities which serve the public such as government buildings, power, plant and transmission substations, and the City wastewater treatment facility; and quasi-public institutions such as hospital or facilities of civic, cultural, or religious nature.

98-710/Rpts/AFC(Text)/TbIs&Figs (8/19/99/jb)

(1) Source: City of Morro Bay Coastal Land Use Plan

TABLE 6.9-2

ZONING DISTRICTS WITHIN THE STUDY AREA⁽¹⁾

ZONING DISTRICT	DESCRIPTION
Industrial	
Light (M-1)	Industrial development wherein manufacturing and other industries can locate and operate while maintaining an environment minimizing offensive or objectionable noise, dust, odor, or other nuisances, all well designed and properly landscaped.
Coastal Dependent (M-2)	Industrial development wherein manufacturing and other industries which require a site on or close to the ocean or harbor can locate and operate while maintaining an environment minimizing offensive or objectionable noise, dust, odor, or other nuisances, all well designed and properly landscaped.
Residential	
Suburban (R-A)	Estate lot homes and small scale agricultural uses; parcels of land larger than more typical single-family residential lots, where livestock, poultry, and small animals may be raised in limited number for home use or for pleasure.
Single Family (R-1)	Applied to existing single family residential areas of the City to provide for housing which is consistent and harmonious with existing development and to underdeveloped areas of the City in which topography, access, services, utilities, and general conditions make the area suitable and desirable for single-family home development.
Duplex (R-2)	Applied in areas of the City where moderate densities can be physically accommodated and where consistent with the surrounding are of development and where needed utilities and services can be provided.
Multiple Family (R-3)	Applied where it is reasonable to permit varying intensities of residential development.
Hotel (R-4)	Applied in those areas of the City where it is reasonable to permit a mixture of hotels and motels along with apartment, condominiums, and other similar uses to allow higher density apartment projects and, where appropriate, hotel, motel, community housing developments, and professional offices.
Commercial	
Commercial/Recreational Fishing (CF)	The purpose is to promote and accommodate both the commercial fishing industry and noncommercial recreational fishing activities in appropriate waterfront areas.
Visitor Serving (C-VS)	For commercial uses intended primarily to serve the needs of tourists and visitors and not to include commercial uses of a general nature oriented towards residents.
Central Business (C-1)	The purpose is to designate and promote the orderly development of the business District as a central retail shopping facility for the primary market area. Mixed commercial/residential uses shall be encouraged in the central business District.
General Commercial (C-2)	District for heavier types of commercial and semi-industrial uses which do not specialize in pedestrian traffic and are more appropriately located away from the central business District and where effective measures are taken to protect any adjacent residential zones from adverse impacts of commercial uses such as noise vibration and from uses which may be visually incompatible.
General Office (GO)	The purpose is to accommodate public, general business, and professional offices and commercial uses that complement and support office development along with residential uses that are compatible with office and commercial uses.

TABLE 6.9-2

**ZONING DISTRICTS WITHIN THE STUDY AREA⁽¹⁾
(Continued)**

ZONING DISTRICT	DESCRIPTION
Agricultural (AG)	The purpose is to provide for the continuation of agricultural uses in suitable areas and for supplemental commercial uses that may be necessary to support such agricultural activities. New development in this District shall also be suited and designed to protect and enhance scenic resources associated with the rural character of agricultural lands.
Open Area (O-A)	The purpose is to provide for the maintenance of areas in a natural state and preservation of scenic values and the utilization of natural features and resources of the area and Bay for the recreational and aesthetic benefit of the public. The District is divided into two subzones OA-1 and OA-2. The OA-2 District allows for a wider range of recreational uses than the OA-1 District.
Water Front (WF)	The purpose is to provide for the continued mixture of visitor serving commercial and recreational and harbor-dependent land uses appropriate waterfront areas.
Special Zones	
Planned Development Overlay (PD)	The purpose is to provide for detailed, substantial analysis of development on parcels that warrant special review. Also intended to allow for the modification of or exemption from the development standards of primary zone that would otherwise apply if such action would result in better design or other public benefit.
Environmentally Sensitive Habitat Overlay (ESH)	The purpose is to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. ESH zones shall extend not only over an ESH area itself but shall also include buffers necessary to ensure continued protection of the habitat areas.
Special Treatment (S)	The purpose is to provide standards to permit development of properties that, because of their location, size, or configuration, require unique design criteria.
Interim Uses (I)	Certain properties being held for future use may be approved for interim uses to allow for proper utilization of the land.

98-710/Rpts/AFC(Text)/TbIs&Figs (8/16/99/mc)

⁽¹⁾ Source: City of Morro Bay Zoning Ordinance

6.9.4.3 Cumulative Land Use Impacts

6.9.4.3.1 Cumulative Impacts

In addition to the Project, Duke Energy is planning one other activity in the vicinity of MBPP in the near-term: demolition of the offsite fuel oil storage tanks. This activity will occur under a County permit. As stated above, the MBPP is located entirely in an area designated and zoned as Coastal-Dependent Industrial (M-2), including the outfall. No cumulative land use impacts will occur as a result of the offsite tank demolition and the Project, considered together.

As discussed in detail in Section 6.0 - Environmental Information, there are 17 known proposed land use development projects within five miles of the MBPP. According to the City of Morro Bay's Public Services Department, Planning Division, there has only been one recent zoning change in the vicinity of the MBPP study area and it will not impact the Project.

The major and small projects within the prescribed study area are described in Section 6.0 - Environmental Information.

The City of Morro Bay, County of San Luis Obispo and Caltrans were contacted to identify offsite public and private projects in the immediate Morro Bay area and in the broader area of San Luis Obispo County which have the potential to have a cumulative impact when combined with the Project at MBPP. Based on the information obtained, potential cumulative projects are described briefly in Section 6.1.4 for the purpose of this AFC. The locations of these cumulative projects are shown in Figures 6.1-1 (those in the City of Morro Bay) and 6.1-2 (those in San Luis Obispo County).

No cumulative land use impacts have been identified as it is reasonable to assume that approval of the cumulative projects by the City of Morro Bay will require that the projects are consistent with applicable land use policies and the City of Morro Bay General Plan, CLUP, and zoning ordinance. The Project and the offsite projects within a five-mile radius are consistent with the City of Morro Bay General Plan and related policies including permitted uses in the City of Morro Bay Zoning Ordinance.

6.9.4.3.2 Significance Criteria

An impact may be considered to have a significant effect on the environment if "[a] proposed project has the potential to degrade any quality of the environment" (PRC Section 21083[a]; 14 CCR Section 15065[a]). Additional significance criteria are based on the Commission Guidelines, Appendix G, CEQA Guidelines, Environmental Checklist Form (adopted January 1, 1999) and on performance standards or thresholds adopted by responsible agencies. The significance criteria are primarily based on CEQA Guidelines, Appendix G, Environmental Checklist Form (adopted January 1, 1999), and on performance standards or thresholds adopted by responsible agencies and on the Commission's Rules of Practice.

An impact may be considered significant if the Project results in:

- conflict with adopted environmental plans and goals of the community where the Project is located,
- disruption or division of the physical arrangement of the established community,
- generation of substantial growth or displacement of a large number of people,
- conflict with established recreational, educational, religious, or scientific uses in the area,
- conflict with any applicable habitat conservation plan or natural community conservation plan,
- conflict with existing zoning for agricultural uses,
- disruption or noise causing adverse effects to the development of future land uses,
- disruption of traffic that would restrict access and adversely affect land uses, or
- disruption of visual resources, affecting other land uses such as recreation.

6.9.4.3.3 Determination of Significance

Based on a review of the applicable LORS and the Project scope, the AFC finds that the Project will not have any significant land use impacts. As previously discussed: 1) the Commission indicates that the MBPP is suitable for an increase in generating capacity; and 2) the Project is in accordance with applicable LORS and will not have any adverse environmental impacts due to land use.

In summary, the land use impacts of the Project have been considered and the findings are as follows:

- The Project will be consistent with adopted environmental plans and goals of the City of Morro Bay. The Project will protect Environmentally Sensitive Habitat.
- The Project will not cause disruption or division of the physical arrangement of the established community.
- The Project will not cause substantial growth or displacement of a large number of people.
- The Project will be consistent with established recreational, educational, religious, or scientific uses in the area.
- The Project will be consistent with any applicable habitat conservation plan or natural community conservation plan. The Project activities will be consistent with the goals of the draft Comprehensive Conservation Management Plan for the Morro Bay Estuary. The Project will not adversely impact the Morro Bay Estuary.

- The Project will be consistent with existing zoning for agricultural uses.
- The Project will not cause disruption or noise which causes adverse effects to the development of future land uses.
- The Project will not cause disruption of traffic that would restrict access and adversely affect land uses.
- The Project will not cause disruption of visual resources affecting other land uses such as recreation.

6.9.4.3.4 Construction Related Impacts

Construction impacts associated with the new combined cycle unit portion of the Project will be temporary and will last approximately 31 months. The construction activities will be focused on the site only and will not disrupt or divide any surrounding land uses.

Temporary construction traffic will be local on streets and highways in the area associated with construction employees and material deliveries. These impacts will not be significant (see Section 6.11 - Traffic and Transportation), as they will generally occur during off-peak periods and will not disrupt area land uses. Other typical construction impacts such as noise, dust, and visual effects will be short-term, limited to the site only, and will have little or no offsite impacts.

To provide additional construction access for the Project, Duke Energy will construct a bridge across Morro Creek. After completion of Project construction, the bridge will be used as part of a public access path for pedestrians and bicyclists; and, as necessary, as access for major maintenance activities at MBPP to avoid impacts to Main Street and the Embarcadero. The public access path will be constructed consistent with the City's Waterfront Master Plan. This path will link with a path along the shoreline side of the MBPP as well as with a bike path on the Highway 1 side of MBPP. The bike path bridge across Morro Creek will reduce construction impacts, as well as provide an extensive circle trail near the coast with significant access benefits and recreational value for the City.

6.9.4.3.5 Operations and Maintenance-Related Impacts

Project operations and maintenance are expected to result in no additional employees in the county. (See Section 6.10 - Socioeconomics, for additional information on population impacts.)

6.9.4.3.6 Project Design Features

As discussed in the other sections of Section 6.0 - Environmental Information, various Project design and operational features related to land use issues have been incorporated into the Project to avoid potentially significant impacts.

6.9.4.3.7 Significant Unavoidable Adverse Impacts

No significant unavoidable adverse impacts will occur to land use due to the construction or operation and maintenance of the Project.

6.9.5 MITIGATION

No significant land use impacts are expected as a result of the Project. The impact analysis assumes implementation of Project design features, as appropriate, where land use issues result in impacts with respect to Section 6.2 - Air Quality, Section 6.11 - Traffic and Transportation, Section 6.12 - Noise, Section 6.6 - Biological Resources and Section 6.13 - Visual Resources.

Based on the above analysis, the analysis in the other sections of Section 6.0, and the Project design and operational features, no mitigation measures are required for land use.

6.9.6 REFERENCES

California Coastal Act of 1976, as amended.

California Coastal Commission Regulations.

California Coastal Commission. *Designation of Coastal Areas Where Construction of an Electric Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976*, September 1978. Revised 1984. Re-adopted December 1985.

California Energy Commission. *Opportunities to Expand Coastal Power Plants in California*. 1980.

City of Morro Bay. *Proposed Land Use Plan of the Local Coastal Program (Morro Bay Coastal Land Use Plan)*. October 1982.

City of Morro Bay. *City of Morro Bay General Plan*. 1988.

City of Morro Bay. *Waterfront Master Plan*. 1996.

City of Morro Bay. *Zoning Ordinance (Municipal Code Section 17)*. February 6, 1997.

Conversations with Paul Crawford, Crawford, Multari, Clark & Mohr, regarding Local Coastal Plan updates. May 20, 1999.

Conversations with the City of Morro Bay Department of Planning and Building. 1999-2000.

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
CALIFORNIA ENERGY COMMISSION, WARREN ALQUIST ACT (PRC Section 25000 et seq.) (WAA)				
WAA 25500	In accordance with the provisions of this division, the commission [CEC] shall have the exclusive power to certify all sites and related facilities in the state, whether a new site and related facility or a change or addition to an existing facility. The issuance of a certificate by the commission [CEC] shall be in lieu of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.	YES	The Project is filing this AFC requesting a certificate from the CEC.	Entire AFC
WAA 25529	As a condition of certification of any facility proposed to be located in the Coastal Zone, the CEC shall require that an area be established for public use. The CEC shall also require that the facility be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values.	YES	The Project is set back from the shoreline and will permit reasonable public use of the shoreline, while protecting scenic and aesthetic values. The Project will also provide the land and develop bike paths along the shoreline including the installation of a bike and pedestrian bridge over Morro Creek connecting the Embarcadero with Atascadero Road and the City's bikeway route.	6.9 Land Use, Introduction
WAA 25540.6	Thermal power plants on which commission must issue a final decision on application within 12 months. Notwithstanding any other provision of law, no notice of intention is required, and the Commission shall issue its final decision on application, as specified in section 25523, within 12 months after filing of the application for certification of the power plant and related facility or facilities, or at any later time as mutually agreed by the Commission and	YES	This AFC for the modernization of MBPP is a modification and replacement of an existing facility. The Project is not required to file a Notice of Intention. This AFC discusses the site	6.9 Land Use, Introduction; 5.0 Alternatives

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	(a) the applicant, for any of the following: (2) A modification of an existing facility. (b) Projects exempted from the notice of intention requirement pursuant to paragraph (1), (4), or (5) of Subdivision (a) shall include, in the AFC, a discussion of the applicant's site selection criteria, any alternative sites that the applicant considered for the project, and the reasons why the applicant chose the proposed site.		selection criteria and reasons why the site was chosen.	
CALIFORNIA COASTAL ACT (PRC Section 30000 et seq.) (CCA)				
CCA 30253(3)	New development shall be consistent with the requirements imposed by an air pollution control district or the State ARB as to each particular development.	YES	The AFC addresses how the Project will conform to all federal and state air pollution standards.	6.2 Air Quality
CCA 30255	Coastal-dependent developments shall have priority over other developments on or near the shoreline.	YES	MBPP is a coastal-dependent use.	6.9 Land Use, Introduction
CCA 30260	Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.	YES	The Project will occur entirely on the existing MBPP site, except for a construction road/bike path and temporary construction laydown, and will reduce all impacts on environmental resources as compared to existing facilities.	2.0 Project Description; 6.9 Land Use, Introduction
CCA 30264	Notwithstanding any other provisions of this Division, except Subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the Coastal Zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an	YES	The MBPP has been designated as an appropriate power plant site by the California Energy Commission and the California Coastal Commission.	6.9 Land Use, Introduction

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	applicant's service area which have been determined pursuant to the provisions of Section 25516.			
CITY OF MORRO BAY - GENERAL PLAN				
GP Text	The Morro Bay power plant does have some constraints in terms of expansion. While cooling water is readily available, air quality standards may be a limiting factor. Environmental determination and an EIR would be required before expansion could occur. (p. II-16)	YES	The Project is a modernization and replacement of the existing facility. The Commission's AFC process is equivalent to performing an Environmental Impact Report (EIR) in conformance with the California Environmental Quality Act (CEQA). The Project AFC thoroughly evaluates environmental impacts in accordance with CEQA. Furthermore, the San Luis Obispo County Air Pollution Control District, along with the Commission, will ensure the Project's compliance with applicable air quality standards.	6.0 Environmental Impacts; 6.2 Air Quality; 6.9 Land Use
II. Land Use, Open Space, and Conservation Elements				
7. Industrial/Energy-Related Development				
GP Objective	To protect the City against any of the potential adverse impacts associated with energy development. (New, <i>sic</i> page II-74)	YES	The Project will significantly improve overall impacts associated with the MBPP, as compared to the existing facilities.	6.9 Land Use, Introduction

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
<i>Coastal-Dependent Industrial Uses</i>				
GP Policy LU-39	Industrial uses located on or adjacent to the harbor and beaches shall be regulated to protect the environment and priorities shall be established for coastal dependent land uses.	YES	The Project AFC evaluates environmental impacts in accordance with CEQA. Further evaluation will occur in the Commission's CEQA-equivalent process. MBPP is a coastal-dependent industrial facility because it needs immediate access to seawater for cooling purposes.	6.0 Environmental Information; 6.9 Land Use, Introduction
GP Program LU-39.1	The City shall designate the existing PG&E parcel and the Chevron pier parcel as coastal-dependent industrial uses. Any proposals for energy-dependent industrial uses within zones designated for general industrial development will require an amendment to the land use plan consistent with Section 30515 of the Coastal Act. Power plant expansion on PG&E owned property shall have priority over other coastal dependent industrial uses. Power plant expansion shall be limited to small facilities whose location would not further affect the views of Morro Rock from Highway One and high use visitor-serving areas, consistent with Policy 12.11 of the LCP. (Land Use Plan policy # 5.01) (LCP 122)	YES	The Project site is zoned M-2 Coastal-Dependent Industrial because it needs immediate access to seawater for cooling purposes. The Project site is not zoned General Industrial. Accordingly, the Project does not need an amendment to the LCP. The Project is sited to not further affect the views from Highway 1 and high use visitor-serving areas. Furthermore, removal of existing power plant opens views to Morro Rock.	6.9 Land Use, Introduction
GP Program LU-39.4	In the areas designated for industrial land uses, coastal-dependent uses shall have priority over non-coastal-dependent uses. (Land Use Plan policy # 5.04) (LCP 123)	YES	The Project site is zoned M-2 Coastal-Dependent Industrial because the MBPP needs immediate access to seawater for cooling purposes.	6.9 Land Use, Introduction

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			Therefore, this Project has priority over other non-coastal-dependent projects.	
<i>Coastal-Dependent Energy Development</i>				
GP Policy LU-40	Measures shall be taken by the City to protect against the potential adverse environmental impacts created by energy development. (New, sic)	YES	The Project will significantly improve overall impacts associated with the MBPP, as compared to the existing facility.	6.0 Environmental Information
GP Program LU-40.2	The routing of any new pipelines or transmission lines shall utilize whenever possible existing pipeline or transmission line corridors. (LCP 124)	YES	The Project uses existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and wetland or stream/ habitats and eliminate disruption of the associated wetland and stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to	6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			the wetland and stream/riparian habitat.	
GP Program LU-40.3	Except for those pipelines and transmission lines exempted from coastal development permits under Section 30610(d) and (f) of the Coastal Act as defined by the State Coastal conservation Commission's interpretative guidelines adopted September 5, 1978, the City shall review and approve all proposed plans for the expansion of transmission lines and pipelines in and through City boundaries.	YES	The Project will use existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. Section 30610 (f) of the Coastal Act states that "a necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the [Coastal] commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources." The intertie is such a connection and therefore, is exempted from requiring a coastal development permit.	6.9 Land Use
GP Program LU-40.4	The City will require that new pipelines and transmission lines are installed with suitable mitigation measures such as erosion control, revegetation, and other measures necessary to protect all scenic resources and habitat values.	YES	The Project uses existing transmission lines and natural gas pipelines. The Project	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and eliminate disruption of the associated wetland and stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland and stream/riparian habitat.	
GP Program LU-40.7	Due to the presence of sensitive wetlands and endangered species habitat and the City's status as a Bird Sanctuary, the City will advocate that the Coastal Commission change the recommendation of its Power Plant Siting Study to designate all areas within the City limits except the site presently occupied by the PG&E power plant, as unsuitable for power plant siting, and designate the City's primary coastal-dependent permitted use as commercial fishing and recreation. (Land Use Plan policy # 5.11) (LC125)	YES	The Project will be constructed project generating facilities entirely within the site previously described as the PG&E power plant. Temporary construction laydown will be located offsite and the bike path/construction bridge and associated roads and paths will be constructed offsite.	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
GP Program LU-40.15	Any expansion of the PG&E power plant shall give priority to the options that would best utilize available on-site space. Additionally, no dunes areas should be disrupted unless there is no other less environmentally damaging alternative. PG&E shall contribute to the dunes stabilization program and reimburse their pro rata share of any Coastal Conservancy (or City) expenditure for dune stabilization in this area. (Land Use Plan policy # 5.20) (LCP 126-127)	YES	The Project is a modernization of the existing MBPP facility and the power generating facilities will occur entirely on the existing previously disturbed MBPP site. The least disruptive location for the construction road has been chosen though grasslands and an existing dirt road to avoid dune scrub habitat. The bridge will span Morro Creek with footings outside of the riparian area.	6.9 Land Use, Introduction
GP Program LU-40.16	As a condition of any expansion of the PG&E power plant, the City will require substantial landscaping and screening to mitigate the visual impacts of existing and future facilities; with particular emphasis on screening the facilities located between the power plant and Highway One. (Land Use Plan policy # 5.21) (LCP 127) (See also Circulation Element)	YES	This AFC considers visual impacts and aspects of the Project in the visual resources section, including specified landscaping and screening. See Section 6.13 for a full discussion of Visual Resources.	2.0 Project Description; 6.13 Visual Resources
GP Program LU-40.17	The City shall insist that the present operation and any further expansion of the PG&E Plant conform to the standards of the Federal and State pollution control requirements and emission levels be maintained. (Land Use Plan policy # 5.22) (LCP 127)	YES	The Project is a modernization of the existing MBPP facility. The AFC demonstrates how the Project will conform to applicable federal and state air pollution standards in Section 6.2.	6.2 Air Quality

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
<i>Sensitive Lands and Open Space</i>				
GP Objective	Ensure that the delicate balance of the environment is not upset and that urbanization takes place only if protection of the environment can be guaranteed. (OS 85)	YES	All facilities and structures will be constructed within the existing disturbed Duke Energy property and will not encroach on sensitive lands or open space. The Project protects environmentally sensitive habitat and complies with all applicable federal, state, and local environmental requirements.	6.6B Terrestrial Biology, 6.9 Land Use
GP Policy LU-54	Development along the shoreline and open sea shall be consistent with the requirements of the Coastal Act.	YES	The Project is consistent with the requirements of the Coastal Act as outlined in the land use section of this AFC.	6.9 Land Use, Introduction
GP Program LU-54.1	Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for: protection of existing development; new development must ensure stability without depending on shoreline protection devices; public recreation areas; other coastal-dependent uses. Shoreline structures include revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other structures that alter natural shoreline processes. (LCP-194)	YES	No shoreline structures will be constructed as part of this Project.	2.0 Project Description
GP Objective	Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.	YES	The Project is sited and designed to prevent significant adverse impacts to adjacent environmentally sensitive habitats or areas.	6.6B Terrestrial Biology, 6.9 Land Use
GP Policy	All environmentally sensitive habitat areas shall be protected against adverse impacts to the maximum extent feasible. (New)	YES	The Project protects Environmentally Sensitive	6.6B Terrestrial Biology,

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
LU-55			Habitats and is designed to avoid significant adverse impacts to surrounding ecosystems.	6.9 Land Use
GP Program LU-55.2	Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall maintain the habitat's functional capacity.	YES	The Project is sited and designed to minimize impacts to adjacent Environmentally Sensitive Habitat areas.	6.6B Terrestrial Biology, 6.9 Land Use
GP Program LU-55.3	No land divisions shall be allowed in the environmentally sensitive habitat areas of the wetlands, sand dunes, stream beds and endangered wildlife habitats as designated in Figures__ and GP-6, unless the land division is for the express and sole purpose of transferring the property to a public management agency or for some other bona-fide conservation purpose.	YES	The Project will be carried out without any land division that will affect Environmentally Sensitive Habitat.	6.6B Terrestrial Biology, 6.9 Land Use
GP Program LU-55.4	Buffering setback areas a minimum of 100 feet from sensitive habitat areas shall be required. In some habitat areas, setbacks of more than 100 feet shall be required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails. Such projects shall be subject to review and comment by the Department of Fish and Game prior to commencement of development within a setback area. For other than wetland habitats, if application of the 100-foot buffer on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the setback area may be adjusted downward only to a point where the designated use is accommodated but in no case is the buffer to be less than 50 feet. The lesser setback shall be established in consultation with the Department of Fish and Game. If a setback area is adjusted downward, mitigation measures developed in consultation with the Department of Fish and Game shall be implemented.	YES	The Project will provide an appropriate buffer setback areas for Environmentally Sensitive Habitats areas (see Figure 6.9-7). No permanent power generating structures will be located in the buffer areas except for the construction road (that will eventually become a bike/pedestrian path) and existing levees on the north, west, and east sides of the MBPP site that were constructed over 40 years ago to provide flood protection. As a design improvement the Project will install a sound	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			wall on top of the northern berm that will decrease noise and visual Project impacts on for wildlife that may use the ESH area. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitats by locating the support structures outside of sensitive habitat.	
GP Program LU-55.7	Only native vegetation shall be planted in the habitat areas of rare or endangered species. Where feasible, use of drought tolerant plants of a native variety shall be used in coastal zone areas.	YES	All revegetation associated with the Project will use native species.	Section 6.13 Landscaping
GP Program LU-55.8	A minimum buffer strip along streams shall be required as follows: 1) a minimum buffer strip of 100 feet in rural areas; 2) a minimum buffer strip of 50 feet in urban areas. If the applicant can demonstrate that the implementation of the minimum buffer on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer may be adjusted downward only to a point where the designated use is accommodated but in no case is the buffer to be less than 50 feet for rural areas and 25 feet for urban areas. Only when all other means of project modification are found inadequate to provide for both the use and the minimum buffer. The lesser setback shall be established in consultation with the U.S> Fish and Wildlife and the California Department of Fish and Game and shall be accompanied by adequate mitigations. The buffer area shall be measured landward from the landward edge of riparian vegetation or from the top of the bank (e.g., in channelized streams). Maps and supplemental information may be required to determine these boundaries. (LCP 221)	YES	The Project power generation structures will be placed outside of the 100 foot buffer areas. The existing berms will be retained for flood protection. A sound wall will be added as a design improvement on top of the northern berm to reduce sound and act as a visual screen for wildlife. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitat by	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			locating support structures outside of sensitive habitat.	
GP Program LU-55.9	Adjustments to the minimum buffer must protect the biological productivity and water quality of the streams. Assessment of impact shall include, but not be limited to the following factors: (a) Soil type and stability of stream corridors; (b) How surface water filters into the ground; (c) Slope of land on either side of the stream; and (d) Location of the 100 year flood plain boundary. Where riparian vegetation has been previously removed, except for stream channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.	YES	The Project power generation structures will be placed outside of the 100 foot buffer areas. The existing berms will be retained for flood protection. A sound wall will be added as a design improvement on top of the northern berm to reduce sound and act as a visual screen for wildlife. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitat by locating support structures outside of sensitive habitat.	6.6B Terrestrial Biology, 6.9 Land Use
GP Program LU-55.10	No structures shall be located within the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of riparian habitat; necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and development where the primary function is the improvement of fish and wildlife habitat. Bridges (when support structures are located outside the critical habitat areas) may be permitted when no alternative route/location is feasible. All development shall incorporate the most protective mitigations feasible. (LCP 212)	YES	The Project includes construction of a bridge over Morro Creek to improve public access. This is the least disruptive location for the bridge because it links with an existing dirt road rather than disrupting dune scrub habitat. The bridge will not have structures in critical habitat and will	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			incorporate the most protective mitigations feasible. No other structures will be constructed in or over the wetland and stream/stream corridor.	
GP Program LU-55.11	All permitted development, including dredging, filling, and grading within stream beds and setback buffer areas shall be limited to activities necessary for the construction of uses specified in the above policy [Program LU-55.10]. When such activities require removal of riparian plant species, revegetation with local native riparian species shall be required. Projects which would cause the removal of vegetation shall be subject to review and comment by U.S. Fish and Wildlife Service and the Department of Fish and Game.	YES	The Project will comply with the buffer zone requirements and maintain existing buffers. The bridge over Morro Creek is allowed in Policy 11.15. California native plants will be used for revegetation. Selection of California native plant species will be done in coordination with the U.S. Fish and Wildlife Service and the California Department of Fish and Game.	6.6B Terrestrial Biology, 6.9 Land Use
GP Program LU-55.12	The Biological productivity of the city's environmentally sensitive habitat areas shall be maintained and, where feasible, restored through maintenance and enhancement of the quality and quantity of Morro and Chorro groundwater basins and through prevention of interface with surface water flow. Stream flows adequate to maintain riparian and fisheries habitat shall be protected.	YES	The Project will maintain Environmentally Sensitive Habitat areas and Morro groundwater basin. The Project will not impact the stream flow of Morro and Willow Camp Creeks. The grading plan shows drainage away from Morro and Willow Camp Creeks.	8.2.1 Site Grading and Drainage
GP Program	No vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. New development adjacent to	YES	The Project will only allow limited pedestrian traffic in	6.6B Terrestrial Biology,

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
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(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
LU-55.14	wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, and other disturbances.		wetlands that is regulated and incidental to the permitted use. The Project will not result in significant adverse impacts to Environmentally Sensitive Habitat areas or adjacent wetlands.	6.9 Land Use
GP Program LU-57.2	All non-authorized motor vehicles shall be prohibited in beach and dune areas. A buffer strip, a minimum of 50 feet in width in urban areas and 100 feet in non-urban areas shall be maintained between the dune habitat and adjacent development. All permitted uses shall be regulated and restrictions enforced to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, restriction of hours of operation of public or private facilities. For all permitted uses within dune habitat areas, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary or established through historical public use, well-defined footpaths or boardwalks shall be developed and used. (LCP 213)	YES	The Project will not disturb dune scrub habitat or disrupt critical bird habitats during breeding and nesting seasons in connection with building the construction road. The least disruptive location for the construction road has been chosen through grasslands avoiding dune scrub habitat. An existing dirt road alignment will be used for the construction road and bike/pedestrian path. The road alignment will be staked by qualified biologists to ensure dune scrub habitat will be avoided. Motorized vehicles will be confined to the construction road for the Project. The Project will maintain the existing buffer zones for dune scrub habitat (see Figure 6.9-7).	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
GP Program LU-58.2	Coastal dune habitats shall be preserved and protected from all but resource-dependent, scientific, educational, and passive recreational use. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if revegetation is made a condition of project approval. Such revegetation shall be with native plants propagated from the disturbed sites or from the same species at adjacent sites. (LP 213)	YES	The Project will not disturb dune scrub habitat or disrupt critical bird habitats during breeding and nesting seasons in connection with building the construction road. The least disruptive location for the construction road has been chosen through grasslands avoiding dune scrub habitat. An existing dirt road alignment will be used for the construction road and bike/pedestrian path. The road alignment will be staked by qualified biologists to ensure dune scrub habitat will be avoided. Motorized vehicles will be confined to the construction road for the Project. The Project will maintain the existing buffer zones for dune scrub habitat (see Figure 6.9-7).	6.6B Terrestrial Biology, 6.9 Land Use
GP Policy LU-60.0	The precise location and thus boundary line of Environmentally Sensitive Habitat areas shall be determined based upon a field study paid for by the applicants and performed by the City or the City's consultants and approved by City Council and/or their appointed designee. Prior to the approval of development on the site, including but not limited to, a division of land, provision of public access, or restoration of the ESH. (LCP 213)	YES	This AFC delineates the boundaries of Environmentally Sensitive Habitat areas (see Figure 6.9-7) and the Project complies with applicable requirements to protect sensitive habitats.	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
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(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
GP Policy LU-61	As a condition of approval of development and prior to commencement of any development, property owners/applicants shall dedicate appropriate permanent easements over portions of the property determined to be sensitive habitat, such as dunes, beach, wetlands, or riparian corridor. (CDP 213)	YES	Upon certification of this Project and Duke Energy's decision, in its sole discretion, to proceed with construction, the Project will provide a conservation easement over the Environmentally Sensitive Habitat areas that are a part of the existing MBPP site.	6.6B Terrestrial Biology; 6.9 Land Use
GP Policy LU-62	Development of the harbor and beach areas should preserve, protect and enhance the use of these natural resources for the public.	YES	The Project will not cause any negative impacts on the harbor or beach areas.	6.0 Environmental Information
GP Program LU-62.1	All developments at or adjacent to the harbor or beach areas shall provide for physical and visual public access to these features.	YES	Project development provides physical and/or visual public access to the harbor or beach areas. The Project improves physical and visual access by removing the three existing 450-foot tall stacks and the existing power building for Units 1-4, constructing a bridge over Morro Creek, and creating a pedestrian and bike path circulation loop around the MBPP property.	2.0 Project Description; 6.13 Visual Resources, Summary
GP Program LU-62.2	Development on or near the harbor or beaches shall take measures to reduce the abusive affects of public use of these resources, such as providing walkways view decks, stairways, waste disposal containers, and devices necessary to control public access to sensitive environmental features. (LUE 54, see also Circulation Element)	YES	The Project is designed to reduce the effects of public use on the harbor or beach areas and improves coastal access by creating a	6.0 Environmental Information

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			circulation bike/pedestrian path around the plant, including a bridge over Morro Creek.	
11. Mixed Use and Overlay Designations				
GP Policy LU-77	Mixed Use Area H: Within in this area, uses allowable under any of the applicable land use and zoning designations are encouraged as primary uses of the area. Open space uses or commercial fishing support facilities may be proposed wither singly or in a mixed use pattern.	YES	Mixed Use Area H includes the Den Dulk property. Duke Energy is pursuing a purchase option agreement as part of the Project. The potential purchase of the property could improve coastal access, provide a buffer between the new plant and public uses, and may facilitate the City of Morro Bay's implementation of its Waterfront Master Plan.	6.9 Land Use
III. Circulation Elements				
7. Pipelines and Utility Transmission Lines				
GP Policy C-37	Potential hazard and environmental problems caused by oil and gas pipelines should be reduced to the lowest level feasible.	YES	The Project uses existing natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
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(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			underneath Willow Camp Creek to prevent disturbance of the stream bed and associated wetland and stream/riparian habitats and eliminate disruption of the wetland or stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland and stream/riparian habitat.	
GP Program C-37.1	The owners of oil and gas pipelines should be responsible for continual inspections, maintenance and replacement of their pipelines. Conditions which may lead to leaks or spills should be eliminated. Lines should be replaced when it is expected that corrosion may be sufficient to result in a leak or spill. New lines should be corrosion resistant	YES	All pipelines will be properly maintained by Duke Energy staff to prevent corrosion and leaks.	6.9 Land Use
GP Program C-37.5	Pipeline routes should be selected so that grading and removal of native vegetation is minimized and that environmentally sensitive habitats are avoided.	YES	The Project uses existing natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
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(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			of the stream bed and wetland or stream/riparian habitats and eliminate disruption of the wetland or stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland or stream/riparian habitats. Appropriate mitigation will be implemented to restore any wetland or stream/riparian vegetation disrupted when installing the pipeline.	
GP Program C-37.8	All new pipeline and support facilities should be constructed underground when feasible. Existing pipelines should be buried as a condition of any development permits.	YES	The Project uses existing natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and wetland or stream/riparian habitats	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
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(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			and eliminate disruption of the wetland or stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland or stream/riparian habitats.	
CITY OF MORRO BAY - COASTAL LAND USE PLAN (LUP)				
Chapter III. Shoreline Access and Recreation				
LUP Policy 1.17	When PG&E property is needed for coastal-dependent energy industrial uses, a vertical (east-west) public access path for pedestrians and bicyclists no less than 10 feet in width shall be required as a condition of development, consistent with public safety needs and the need to protect the operations of the new facilities. A location paralleling the creek shall be allowed, provided the path does not encroach into environmentally sensitive habitat areas or buffer zones.	YES	The Project significantly improves coastal access by creating or improving three segments of a bike and pedestrian path around the plant site. Of particular importance is a bridge over Morro Creek and a new east-west bike path between Highway 1 and the Embarcadero (see Figures 6.9-2 and 6.9-3). The bridge will span Morro Creek with footings outside of the riparian area.	6.9 Land Use
LUP Policy 1.20	In Reviewing the development proposals along the bayfront, the City shall apply the following standards and make the necessary findings to assure consistency with LUP and Chapter 3 Coastal Act Policies: Each application for a new development or lease which would result in an increase in intensity of use, change of use, or expansion of an existing structure		The Project significantly improves coastal access by creating or improving three segments of a bike and pedestrian path around the plant site. Of particular	

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
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(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	<p>seaward or an increase in height shall include a physical provision for continuous lateral access along the bayfront portion of the parcel. Each applicant for development as defined in part (1) above shall be required to provide lateral access unless the applicant can demonstrate based on engineering analysis that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources...</p> <p>(4) Applications for coastal –dependent development where provisions of continuous lateral access would conflict with daily operations of the facility shall be conditioned by the City to make maximum provisions for public viewing areas and/or walkways in suitable locations on the development site.</p>	YES	importance is a bridge over Morro Creek and a new east-west bike path between Highway 1 and the Embarcadero.	6.9 Land Use
Chapter VII. Energy/Industrial Development				
LCP text	<p>D. Existing Industrial and Energy Related Developments</p> <p>This section inventories the exiting industrial and energy related activities and facilities within the coastal zone, as well as proposed plans to expand or modify these facilities, Figure 14 shows the location of these facilities. It must be realized that due to the dynamics of the energy situation, projecting energy demands and the necessary facilities over a long period is extremely difficult. Currently, none of the facilities discussed here are projecting expansion and when such expansions would be proposed, they will require an amendment to the Coastal Plan.</p>	YES	The Project is a modernization and replacement of the existing MBPP facility that will take the place on the existing site, reduce the physical size and scale of all major facilities, and decrease all impacts as compared to existing facilities. Furthermore, the Project is consistent with all of the requirements of the both the City of Morro Bay Local Coastal Program and the General Plan and does not require an amendment to any of the City's planning documents. The project is	6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			consistent with all specific standard, policy, or text contained in the CLUP.	
LCP text	According to a CEC report entitled "Feasibility of Expansion of Existing Coastal Zone Power Plants," the power plant site is the minimal adequate for expansion of small facilities whose location would not further affect the unique view corridor of Morro Rock and the report indicates that conversion is unfeasible due to a variety of factors. The study does conclude that expansion is feasible for a small-scale facility utilizing either steam turbine, the existing generating system, combined cycle, or combustion. (LUP, p. 107 & 109)	YES	The Commission Report concluded an increase in generating capacity of < 400 MW was "small." The Project will only increase the generating capacity of the current MBPP by 198 MW. Furthermore, the Project will improve the view corridors of Morro Rock. Accordingly, the Project is consistent with this policy.	6.9 Land Use
<i>F. Policies on Energy Related Development</i>				
<i>General Policies</i>				
LCP Policy 5.01	The City shall designate existing PG&E parcel and the Chevron pier parcel as coastal-dependent industrial uses. Any proposals for energy development industrial uses within zones designated for general industrial development will require an amendment to the land use plan consistent with section 30515 of the Coastal Act. Power plant expansion on PG&E owned property shall have priority over other coastal dependent industrial uses. Power plant expansion shall be limited to small facilities whose location would not further effect the views of Morro Rock from State Highway One and high use visitor-serving areas, consistent with Policy 12.11. (General Plan policy # LU-39.1)	YES	The Project site is zoned M-2 Coastal-Dependent Industrial because it needs immediate access to seawater for cooling purposes. The Project site is not zoned General Industrial. Accordingly, the Project does not need an amendment to the LCP. The Project is sited to not further affect the views from Highway 1 and high use visitor-serving areas. Furthermore, removal of existing power plant opens	6.9 Land Use, Introduction; 6.13 Visual Resources

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			views to Morro Rock.	
LCP Policy 5.04	In the areas designated for industrial land uses, coastal-dependent uses shall have priority over non-coastal dependent uses. (General Plan Program LU-39.4)	YES	The Project site is zoned M-2 Coastal-Dependent Industrial because the MBPP needs immediate access to seawater for cooling purposes. Therefore, this Project has priority over other non-coastal-dependent projects.	6.9 Land Use
LCP Policy 5.06	The routing of any new pipelines and transmission lines shall utilize whenever possible existing pipeline or transmission corridors.	YES	The Project uses existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and wetland or stream/ habitats and eliminate disruption of the associated wetland and stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to	6.9 Land Use, Introduction

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			the wetland and stream/riparian habitat.	
LCP Policy 5.07	Except for those pipelines and transmission lines exempted from coastal development permits under Section 30610 (d) and (f) of the Coastal Act as defined by the State Coastal Zone Conservation Commission's interpretative guidelines adopted September 5, 1978, the City shall review and approve all proposed plans for the expansion of transmission lines and pipelines in and through City boundaries.	YES	The Project will use existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. Section 30610 (f) of the Coastal Act states that "a necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the [Coastal] commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources." The intertie is such a connection and therefore, is exempted from requiring a coastal development permit.	6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
LCP Policy 5.08	The City will require that new pipelines and transmission lines are installed with suitable mitigation measures such as erosion control, revegetation, and other measures necessary to protect all scenic resources and habitat values.	YES	The Project uses existing transmission lines and natural gas pipelines. The Project includes the construction of one onsite high pressure gas pipeline intertie to connect the modernized facility to the existing PG&E high pressure gas manifold system. This pipeline will be located underground by boring underneath Willow Camp Creek to prevent disturbance of the stream bed and eliminate disruption of the associated wetland and stream/riparian vegetation. Use of boring equipment to install the high pressure gas pipeline will avoid significant adverse impacts to the wetland and stream/riparian habitat.	6.6B Terrestrial Biology, 6.9 Land Use
LCP Policy 5.11	Due to the presence of sensitive wetlands and endangered species habitat and the City's status as a Bird Sanctuary, the City will advocate that the Coastal Commission change the recommendation of its Power Plant Siting Study to designate all areas within the City limits except the site presently occupied by the PG&E Power Plant, as unsuitable for power plant siting, and designate the City's primary coastal-dependent permitted use as commercial fishing and recreation. (General Plan policy # LU-40.7)	YES	The Project will be constructed project generating facilities entirely within the site previously described as the PG&E power plant. Temporary construction laydown will be located offsite and the bike	6.9 Land Use, Introduction

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			path/construction bridge and associated roads and paths will be constructed offsite.	
LCP Policy 5.20	Any expansion of the PG&E power plant shall give priority to the options that would best utilize available on-site space. Additionally, no dunes areas should be disrupted unless there is no other less environmentally damaging alternative. PG&E shall contribute to the dunes stabilization program and reimburse their pro rata share of any Coastal Conservancy (or City) expenditure for dune stabilization in this area. (General Plan policy # LU-40.15)	YES	The Project is a modernization of the existing MBPP facility and the power generating facilities will occur entirely on the existing previously disturbed MBPP site. The least disruptive location for the construction road has been chosen though grasslands and an existing dirt road to avoid dune scrub habitat. The bridge will span Morro Creek with footings outside of the riparian area.	6.9 Land Use, Introduction
LCP Policy 5.21	Substantial landscaping and screening to mitigate the visual impacts of existing and future facilities; with particular emphasis on screening the facilities located between the power plant and Highway One. (General Plan policy # LU-40.16)	YES	This AFC considers visual impacts and aspects of the Project in the visual resources section, including specified landscaping and screening.	2.0 Project Description; 6.13 Visual Resources
<i>Specific Planning Area Policies, Area 3 - Bayfront</i>				
LCP Policy 5.22	The City shall insist that the present operation and any further expansion of the PG&E Plant conform to the standards of the Federal and State pollution control requirements and emission levels be maintained. (General Plan policy # LU-40.17)	YES	The Project is a modernization of the existing MBPP facility. The AFC demonstrates how the Project will conform to applicable federal and state air pollution standards in Section 6.2.	6.2 Air Quality

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
Chapter X Hazards				
<i>D. Hazards Policies</i>				
LCP Policy 9.03	<p>All development, including construction, excavation and grading, except for flood control projects and agricultural uses shall be prohibited in the 100-year floodplain areas unless off-setting improvements in accordance with HUD regulations are required. Development within floodplain areas shall not cause further stream channelization, alignment modifications, or less riparian habitat values consistent with Section 30236 of the Coastal Act. Permitted development shall be consistent with all applicable resource protection policies contained in the Coastal Act and the city Land Use Plan.</p> <p>The Land Use Map shall designate the flood prone lands at the western limits of the Morro and Chorro Valleys for agricultural use.</p> <p>Development in the flood prone areas within the city shall include finished floor elevations two feet above the 100 year flood elevation. The heights of permitted development shall be compatible with the character of the surrounding areas and not conflict with the scenic and visual qualities.</p>	YES	The Project will be sited and designed to comply with flood plain requirements. If necessary, existing berms will be improved, but will not be expanded into Environmentally Sensitive Habitat. The facility will be designed for construction in the flood plain or the flood plain maps will be modified.	6.9 Land Use
Chapter XII Environmentally Sensitive Habitat Areas				
<i>E. Environmentally Sensitive Habitat Area Policies</i>				
LCP Policy 11.01	<p>Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. The City shall either prepare a wetlands/estuarine map or, if funding does not permit such preparation, adopt the National Wetland Inventory by U.S. Fish and Wildlife Service dated 1979, as the mapping illustration of the wetland and estuarine areas contained within City boundaries. If the City adopts the National Wetland Inventory Mapping as their LUP wetlands habitats and types, all proposed development located within 100 feet of the mapped wetland boundaries shall be required to submit additional mapping based on U.S. Fish and Wildlife and Coastal Commission Statewide Interpretive Guidelines done by a qualified biologist. The additional mapping will be submitted for review and approval from U.S. Fish and Wildlife and the</p>	YES	The Project is sited and designed to prevent significant adverse impacts to adjacent environmentally sensitive habitats or areas. This AFC maps the Environmentally Sensitive Habitat areas and appropriate buffers and improvements to protect these areas are incorporated into the Project (see Figure 6.9-7).	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	California Department of Fish and Game. After public agency approval has been obtained, the City shall define buffer areas except where biologists identify the need for a greater buffer to protect the overall wetland system or a particular resource. Developments permitted within wetland and/or buffer areas are limited to the uses listed in Section 30233(c) of the Coastal Act.			
LCP Policy 11.02	Development in area adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall maintain the habitats' functional capacity.	YES	The Project is sited and designed to minimize impacts to adjacent Environmentally Sensitive Habitat areas.	6.6B Terrestrial Biology, 6.9 Land Use
LCP Policy 11.04	No land division shall be allowed in the environmentally sensitive habitat areas of wetlands, sand dunes, stream beds and endangered wildlife habitats as designated on Figures 6 and 28, unless the land division is for the express and sole purpose of transferring the property to a public management agency or for some other bonafide conservation purpose.	YES	The Project will be carried out without any land division that will affect Environmentally Sensitive Habitat.	6.6B Terrestrial Biology; 6.9 Land Use
LCP Policy 11.05	Prior to the issuance of a coastal development permit, all projects on parcels containing environmentally sensitive habitat as depicted on the Land Use Plan map or habitat map included within the LUP and on the adopted U.S Fish and Wildlife wetland inventory map, or projects on parcels within 250 feet of all designated areas (except wetland where projects on parcels within 1000 feet is the criterion), or projects having the potential to affect an environmentally sensitive habitat area must be found to be in conformity with the applicable habitat protection policies of the Land Use Plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by a proposed project. Projects which could adversely impact an environmentally sensitive habitat area shall be subject to adequate environmental impact assessment by a qualified biologist(s). In areas of the City where sensitive habitats are suspected to exist but are not presently mapped or identified in the city's Land Use Plan, projects shall undergo an initial environmental impact assessment to determine whether or not these habitats exist. Where such habitats are found to exist, they shall be included in the City's environmentally sensitive habitat mapping included within the LUP.	YES	This AFC maps all Environmentally Sensitive Habitat areas (see Figure 6.9-7). The Project complies with all the applicable habitat protection policies of the Land Use Plan.	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
LCP Policy 11.06	Buffering setback areas a minimum of 100 feet from sensitive habitat areas shall be required. In some habitat areas setbacks of more than 100 feet shall be required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails. Such projects shall be subject to review and comment by the department of Fish and Game prior to commencement of development within a setback area. For other than wetland habitats, if subdivision parcels would render the subdivided parcel unusable for its designated use, the setback area may be adjusted downward only to a point where the designated use is accommodated but in no case is the buffer to be less than 50 feet. The lesser setback shall be established in consultation with the Department of Fish and Game. If a setback area is adjusted downward mitigation measures developed in consultation with the Department of Fish and Game shall be implemented.	YES	The Project will provide an appropriate buffer setback areas for Environmentally Sensitive Habitats areas (see Figure 6.9-7). No permanent power generating structures will be located in the buffer areas except for the construction road (that will eventually become a bike/pedestrian path) and existing levees on the north, west, and east sides of the MBPP site that were constructed over 40 years ago to provide flood protection. As a design improvement the Project will install a sound wall on top of the northern berm that will decrease noise and visual Project impacts on for wildlife that may use the ESH area. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitats by locating the support structures outside of sensitive habitat.	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
LCP Policy 11.10	Only native vegetation shall be planted in the habitat areas of rare or endangered species. Where feasible, use of drought tolerant plants of a native variety shall be used in coastal zone areas.	YES	All revegetation associated with the Project will use native species.	6.13 Landscaping
LCP Policy 11.14	<p>A minimum buffer strip along all streams shall be required as follows: (1) a minimum buffer strip of 100 feet in rural areas; (2) a minimum buffer strip of 50 feet in urban areas. If the applicant can demonstrate that the implementation of the minimum buffers on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer may be adjusted downward only to a point where the designated use can be accommodated, but in no case shall the buffer be reduced to less than 50 feet for rural areas and 25 feet for urban areas. Only when all other means to project modifications are found inadequate to provide for both the use and the larger minimum buffer. The lesser setback shall be established in consultation with U.S. fish and Wildlife and the California Department of Fish and Game and shall be accompanied by adequate mitigations. The buffer area shall be measured landward from the landward edge of riparian vegetation or from the top of the bank (e.g., in channelized streams). Maps and supplemental information may be required to determine these boundaries.</p> <p>Adjustments to the minimum buffer must protect the biological productivity and water quality of the streams. Assessment of impact shall include, but not be limited to the following factors: (a) Soil type and stability of stream corridors; (b) How surface water filters into the ground; (c) Slope of land on either side of the stream; and (d) Location of the 100 year flood plain boundary.</p> <p>Where riparian vegetation has been previously removed, except for stream channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.</p>	YES	The Project power generation structures will be placed outside of the 100 foot buffer areas. The existing berms will be retained for flood protection. A sound wall will be added as a design improvement on top of the northern berm to reduce sound and act as a visual screen for wildlife. A clear span bridge will be constructed over Morro Creek and will protect sensitive wetland and stream/riparian habitat by locating support structures outside of sensitive habitat.	6.6B Terrestrial Biology, 6.9 Land Use
LCP Policy 11.15	No structures shall be located within the stream corridor except: public trails located within a buffer when no alternative location is feasible but outside of riparian habitat; necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing	YES	The Project includes construction of a bridge over Morro Creek to improve public access. This is the least disruptive location for	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	development; and development where the primary function is the improvement of fish and wildlife habitat. Bridges (when support structures are located outside the critical habitat areas) may be permitted when no alternative route/location is feasible. All development shall incorporate the most protective mitigations feasible.		the bridge because it links with an existing dirt road rather than disrupting dune scrub habitat. The bridge will not have structures in critical habitat and will incorporate the most protective mitigations feasible. No other structures will be constructed in or over the wetland and stream/stream corridor.	
LCP Policy 11.16	All permitted development, including dredging, filling, and grading within stream beds and setback buffer areas shall be limited to activities necessary for the construction of uses specified in Policy 11.15. When such activities require removal of riparian plant species, revegetation with local native riparian species shall be subject to review and comment by U.S. Fish and Wildlife Service and the Department of Fish and Game.	YES	The Project will comply with the buffer zone requirements and maintain existing buffers. The bridge over Morro Creek is allowed in Policy 11.15. California native plants will be used for revegetation. Selection of California native plant species will be done in coordination with the U.S. Fish and Wildlife Service and the California Department of Fish and Game.	6.6B Terrestrial Biology, 6.9 Land Use
LCP Policy 11.17	The Biological productivity of the city's environmentally sensitive habitat areas shall be maintained and, where feasible, restored through maintenance and enhancement of the quality and quantity of Morro and Chorro groundwater basins and through prevention of interface with surface water flow. Stream flows adequate to maintain riparian and fisheries habitat shall be protected.	YES	The Project will maintain Environmentally Sensitive Habitat areas and Morro groundwater basin. The Project will not impact the stream flow of Morro and	8.2.1 Site Grading and Drainage

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			Willow Camp Creeks. The grading plan shows drainage away from Morro and Willow Camp Creeks.	
LCP Policy 11.19	No vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, and other disturbances.	YES	The Project will only allow limited pedestrian traffic in wetlands that is regulated and incidental to the permitted use. The Project will not result in significant adverse impacts to Environmentally Sensitive Habitat areas or adjacent wetlands.	6.6B Terrestrial Biology, 6.9 Land Use
LCP Policy 11.20	Coastal dune habitats shall be preserved and protected from all but resource-dependent, scientific, educational and passive recreational use. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if revegetation is made a condition of project approval. Such revegetation shall be with native plants propagated from the disturbed sites or from the same species at adjacent sites. All non-authorized motor vehicles shall be prohibited in beach and dune areas. A buffer strip, a minimum of 50 feet in width in urban areas, and 100 feet in non-urban areas shall be maintained between the dune habitat and adjacent development. All permitted uses shall be regulated and restrictions enforced to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, restriction of hours of operations of public or private facilities. For all permitted uses within dune habitat areas, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary or established through historical public use, well-defined footpaths or boardwalks shall be developed and used.	YES	The Project will not disturb dune scrub habitat or disrupt critical bird habitats during breeding and nesting seasons in connection with building the construction road. The least disruptive location for the construction road has been chosen through grasslands avoiding dune scrub habitat. An existing dirt road alignment will be used for the construction road and bike/pedestrian path. The road alignment will be staked by qualified biologists to ensure dune scrub habitat will be avoided. Motorized	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
			vehicles will be confined to the construction road for the Project. The Project will maintain the existing buffer zones for dune scrub habitat (see Figure 6.9-7).	
LCP Policy 11.22	The precise location and thus boundary line of Environmentally Sensitive Habitat areas shall be determined based upon a field study paid for by the applicants and performed by the City or City's consultants and approved by City council and/or their appointed designee prior to the approval of development on the site, including, but not limited to, a division of land, provision of public access, or restoration of the ESH.	YES	This AFC delineates the boundaries of Environmentally Sensitive Habitat areas (see Figure 6.9-7) and the Project complies with applicable requirements to protect sensitive habitats.	6.6B Terrestrial Biology, 6.9 Land Use
LCP Policy 11.23	As a condition of approval of development prior to commencement of any development, property owners/applicants shall dedicate appropriate permanent easement over portions of the property determined to be sensitive habitat, such as dunes, beach, wetlands, or riparian corridor.	YES	Upon certification of this Project and Duke Energy's decision, in its sole discretion, to proceed with construction, the Project will provide a conservation easement over the Environmentally Sensitive Habitat areas that are a part of the existing MBPP site.	6.6B Terrestrial Biology, 6.9 Land Use
Chapter XIII Visual Resources				
<i>E. Visual Resources Policies</i>				
LCP Policy 12.01	The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance	YES	MBPP is designated on Figure 31 as an area of visual significance. Duke Energy designed the Project to enhance visual views and	6.13 Visual Resources

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	visual quality in visually degraded areas. New development in highly scenic area such as those designated on Figure 31, shall be subordinate to the character of its setting.		make the modernized facility subordinate to the natural coastal setting. This AFC considers visual impacts and aspects of the Project in the visual resources section and outlines design features as appropriate. The Project will significantly improve views and viewsheds, as compared to existing facilities.	
LCP Policy 12.02	Permitted development shall be sited and designed to protect views to and along the coast and designated scenic areas and shall be visually compatible with the surrounding areas. Specific design criteria shall be established for the following areas: The Embarcadero (as defined in Policy 2.03) Downtown commercial area. The criteria shall include the following specific requirements and shall be applied to proposed projects on a case-by case basis during architectural review: Building height/bulk relationship compatible with existing surrounding uses; landscaping to restore and enhance visually degraded areas using native and drought resistant plant and tree species; Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock; Any other requirements applicable from Coastal Commission conceptual approval of the Urban Waterfront Restoration Plan.	YES	This AFC considers visual impacts and aspects of the Project in the visual resources section and outlines design features as appropriate (see Section 6.13). The Project will be in compliance with Policy 12.02.	6.13 Visual Resources
LCP Policy 12.06	New development in areas designated on Figure 31 as having visual significance shall include as appropriate the following: Height/bulk relationships compatible with the character of surrounding areas or compatible with neighborhoods or special communities which, because of their unique characteristics, are popular visit destination points for recreation uses.	YES	The Project area is shown on Figure 31 of the City's CLUP. The Project will improve the height/bulk relationships, coastal access for recreational users,	6.13 Visual Resources

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	Designation of land for parks and open space in new developments which because of their location are popular visitor destination points for recreation uses. View easements or corridors designed to protect views to and along the ocean and scenic and coastal areas.		and view corridors, as compared to the existing facilities.	
LCP Policy 12.11	Industrial development shall be sited and designed in areas specifically designated in the Land Use Plan to protect views to and along the ocean and scenic coastal areas, to minimize land alteration, to be visually compatible with the character of the surrounding areas, and where feasible, shall include measures to restore and enhance visually degraded areas. In addition, industrial development shall be subordinate to the character of its setting.	YES	This AFC considers visual impacts and aspects of the Project in the visual resources section and outlines design features as appropriate (see section 6.13). By removing the three 450-foot tall stacks and the existing power building for Units 1-4, the Project will significantly enhance views and reduce visual impacts.	6.13 Visual Resources
CITY OF MORRO BAY ZONING ORDINANCE (Municipal Code Section 17) (MC)				
Coastal Dependent Industrial (M2) District				
MC 17.24.150	Thermal power plant and support facilities which must be located on or adjacent to the sea in order to function (may be allowed with the appropriate permits and licenses). Conditional Use Permit is Required. Thirty foot building height limit. (For new construction only. Does not apply to replacement or repair of existing structures).	YES	The MBPP is a coastal-dependent industrial facility. The AFC certification process will subsume the City's Conditional Use Permit and Planned Development requirements. The new combined-cycle units will be replacements for the existing structures.	6.9 Land Use, Introduction

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
Planned Development (PD) Overlay Zone				
MC 17.40.030 (C)	Permitted Uses. Subject to the granting of a Conditional Use Permit for conceptual and/or precise plan of development: 1. Any principal or conditional use which is allowed by the primary zoning district is a permitted use.	YES	The primary zoning district is Coastal-Dependent Industrial (M-2) District. The AFC certification process will subsume Conditional Use Permit and Planned Development requirements.	6.9 Land Use
MC 17.40.030 (D)	General Development Standards The standards for development within a PD Overlay Zone shall be those of the base zoning District, provided however, that standards may be modified by the Planning Commission or City Council as they relate to: building heights, yard requirements; and minimum lot area for dwelling units in the density range provided that any specific design criteria of the General Plan and Coastal Land Use Plan, applicable to the property, is not exceeded. For those areas of the provisions of housing for the elderly or low/moderate income families, provisions of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the Coastal Land Use policies.	YES	The Project conforms with the policies of the CLUP and the requirements of the base zoning district.	6.9 Land Use
MC 17.40.040	C. Uses Allowed Only with a Conditional Use Permit 1. Wetlands: The following are conditionally permitted uses in wetlands: road and bridge replacements, very minor, incidental public facilities when there is no other feasible, environmentally less-damaging alternative; other scientific and education work; restorative measures; and commercial mariculture where no alteration of the wetland is necessary. 3. Sand Dunes, Sandspits: The following are conditionally permitted uses: road and bridge replacements, incidental public facilities such as buried cables or pipelines where there is no other feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effect.	YES	The Commission's certification process will subsume the need for a conditional use permit from the City of Morro Bay. The Project will not impact surrounding wetlands or the Morro and Willow Camp Creek corridors. The Project will not disturb dune scrub habitat in connection with building the construction	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	4. Stream Corridors: The following are conditionally permitted uses: controlled public access including public trails within the buffer; necessary pipelines and water supply projects where no alternative location exists; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; road and bridges where no alternative route/location is feasible and if support structures are not sited in the environmentally sensitive habitat.		road. The least disruptive location for the construction road has been chosen through grasslands to avoid dune scrub habitat.	
MC 17.40.040	D. Special ESH Zone Standards 3. Buffers required, general a. Wetlands: The minimum buffer surrounding wetlands shall be one hundred (100) feet. Review area: minim of two hundred fifty (250) feet. b. Streams: The minimum buffer for streams shall be one hundred feet (100) in non urban areas and fifty feet (50) in urban areas. c. Sand Dunes: The minimum buffer for sand dunes shall be one hundred (100) feet, in non urban areas and fifty (50) feet in urban areas. 6. Reducing buffers a. In all cases, except for wetlands, buffers may be reduced in accordance with the following standards if the application of the buffer specified in Section 17.40.040.D.4 on a previously subdivided parcel would render that subdivided parcel unusable for its designated use. b. Accommodation of designated use: Buffers may be reduced only to the point where the designated use is accommodated but in no case shall it be less than fifty (50) percent of the width called for in Section 17.40.040.D.4. Said reduction in setbacks may be permitted by the City, as provided above, only after consultation with the California Department of Fish and Game; the applicant shall implement as part of the development all mitigation measures deemed necessary for habitat protection after such consultation. All permitted reductions in buffer areas shall be found consistent with Policies 11.01, 11.05, 11.06, and 11.14 of the Coastal Land Use Plan. (Ord. 263 § 1 (part), 1984)	YES	The Project will use appropriate buffers; no permanent power generation structures will be located in the buffer zones. The Project may need to reinforce the existing flood control berms. The Project will construct a mitigating sound wall on top of the northern berm that will also reduce noise and visual impacts to wildlife that may utilize adjacent Environmentally Sensitive Habitat areas.	6.6B Terrestrial Biology, 6.9 Land Use

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

Policy #	POLICY	IS PROJECT CONSISTENT WITH POLICY?	BASIS FOR CONSISTENCY WITH PROGRAM, POLICY, OR REGULATION	WHERE DISCUSSED IN AFC?
	<p>7. Uses in buffer area</p> <p>a. General: The uses permitted in buffers shall generally be limited to those permitted in the adjacent habitat area.</p> <p>Permanent structures: no permanent structures shall be permitted within buffer areas except for those of a minor nature such as: (2) in other districts: a) at grade improvements for pedestrian or equestrian trails; b) instructional or informational signs; c) designated observation areas, or other public access or educational facilities; d) fences; e) eaves. Applications for all such improvements shall be submitted to the department of fish and game for review and comment before the issuance of a coastal development permit. (ord. 263 § 1 (part), 1984)</p>			
MC 07.40.040	<p>D. Special ESH Zone Standards</p> <p>8. Subdivisions prohibited: The further subdivision of any ESH area shall be prohibited except where the sensitive habitat area is to be transferred in fee to a public agency for a wildlife refuge or for a wildlife management area. (Ord. 263 § 1 (part), 1984)</p>	YES	The Project will not subdivide any Environmentally Sensitive Habitat areas.	6.6B Terrestrial Biology, 6.9 Land Use
MC 17.40.040	<p>D. Special ESH Zone Standards</p> <p>9. Performance Standards: All other sections of this Chapter notwithstanding, no uses shall be permitted unless the following performance standards are met, as applicable, in new developments:</p> <p>a. Significant Adverse Effects: New development shall not result in significant adverse effects upon habitat values.</p> <p>b. Revegetation: Where permitted uses require the removal of riparian or dune related plant species, such removal shall be limited to the minimum amount necessary and revegetation with (1) native vegetation in the habitat areas of rare or endangered species, or (2) native, drought-tolerant plants where determined feasible and approved by the City. All such proposals calling for removal of vegetation and subsequent revegetation shall be submitted to the Department of Fish and Game for review and comment.</p> <p>c. Walkways, Trails and Similar Uses: Walkways, bicycle trails, overlooks and</p>		The Project will comply with applicable performance standards required for Environmentally Sensitive Habitat areas. No significant adverse impacts will be created by the Project. Revegetation will be with native species. The Project includes creating and improving bike/pedestrian paths around the plant and a bridge over Morro Creek to improve public access while	

TABLE 6.9-3
LAND USE PLANS AND POLICIES SPECIFIC TO
MORRO BAY POWER PLANT PROJECT
(Continued)

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	<p>other structures for nature study and passive recreational use shall be designed to minimize the disturbance of wildlife and vegetation. For example, in dune areas elevated walkways may be required.</p> <p>g. Other Agency Permits: Prior to any construction, alteration or other improvement in areas designated as wetlands or estuaries the following shall be presented to the City: (1) 404 Permit: A Section 404 permit (or its equivalent successor) from the U.S. Army Corps of Engineers. (2) Letter from CDFG: A letter from the California State Department of Fish and Game stating compliance with Section 1601 and 1603 (or their equivalent successors) of the State Fish and Game Code. (Ord. 263 § 1 (part), 1984)</p>	YES	<p>minimizing impact to the environment. The Project does not need to obtain a Section 404 permit authorization from the U.S. Army Corps of Engineers (Corps) or a Section 1603 Stream Bed Alteration Agreement/permit from the CDFG for any terrestrial impacts to Corps regulated Waters of the U.S. (including wetlands) or CDFG streambed. The project bridge crossing will require administrative review and a possible permit authorization by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act. The Commission's AFC review process will ensure compliance with CEQA and other applicable environmental law.</p>	<p>6.6B Terrestrial Biology, 6.9 Land Use</p>

98-710/Rpts/AFC(Text)/TbIs&Figs (8/20/99/ks)