



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Regular Meeting - Tuesday, June 19, 2018
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Gerald Luhr

Vice-Chairperson Michael Lucas
Commissioner Jesse Barron

Commissioner Richard Sadowski
Commissioner Joseph Ingrassia

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

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. For Public Hearing, New Business, and Unfinished Business items, additional opportunities for public comment will be provided following the Staff Report for each such item. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

PRESENTATIONS - NONE

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. CONSENT CALENDAR

- A-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

- A-2 Approval of minutes from the Planning Commission meeting of March 20, 2018.
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

B-1 Case No.: CP0-500, UP0-440

Site Location: 3300 Panorama Drive, Morro Bay, CA

Project Description: Coastal Development Permit and Conditional Use Permit application request. The applicant proposes to demolish and remove two large holding tanks (approximately 48 feet high and 140 feet in diameter) once used by the United States Navy to store jet fuel, one water tank with a capacity of approximately 131,600-gallons, removal or decommissioning the piping attached to the tanks, pumps and the concrete foundations beneath the tanks and shotcrete on the containment berms. The applicant will provide staging areas within the bermed areas for the equipment and trucks. The project is anticipated to require some level of disturbance over approximately 5.17 acres and is expected to take 2 to 3 months to complete. The project site is located in a Single Family Residential (R-1) zone with a Planned Development (PD) Overlay. The site contains areas of environmentally sensitive habitat and is partially located in the Coastal Commission appeals jurisdiction.

CEQA Determination: The City determined the project changes warranted an updated Mitigated Negative Declaration of Environmental Impact (MND), which was prepared and available for public comment in February 2018. Mitigation Measures are recommended in several categories to reduce potential environmental impacts to a less than significant level. Copies of the MND are available for review at the Community Development Department, 955 Shasta Avenue in Morro Bay and on the City’s website at the following link:

http://www.morrobayca.gov/DocumentCenter/View/11541/Panorama-MND_Final_02_09_18

Staff Recommendation: Adopt the Mitigated Negative Declaration and Resolution 15-18 approving the demolition project subject to compliance with recommended conditions and mitigation measures.

Staff Contact: Nancy Hubbard, Contract Planner, (805) 772-6211

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on July 3, 2018 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, at Mill's/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: www.morrobayca.gov/planningcommission or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to www.morrobayca.gov/notifyme and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

APPEALS

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$277 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

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



City of Morro Bay
 Community Development Department
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions
 New Planning items or items recently updated are highlighted in yellow.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date June 19, 2018

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
Hearing or Action Ready Projects:										
1	Smothers/Fortino	570 Kings	3/23/18	UP0-517 and CP0-571	Construct two new dwelling units for an additional 1430 sq. ft. of habitable space on an R-2 parcel with an existing SFR	Under Initial Review. Need updated photosimulations. Tentatively scheduled for 7/3 PC hearing				jg
2	Paleo Genesis LLC	2901 Juniper	5/10/18	CP0-579	Admin Coastal Development Permit for existing attached accessory dwelling unit (ADU) in existing single family residence.	Under Initial Review. Project noticed 6/11. Admin action on/after 6/21				jg
3	Rhine LP & Morro 94, LLC	3300 Panorama	2/24/16	CP0-500 & UP0-440	Coastal Development Permit & Conditional Use Permit for Demolition of 3 existing tanks, related pumps and concrete	Under review. Correction letter sent 5-10-16. Environmental review complete and to be routed 7-28-16 for required 30 day period. PC 9/6/16 hearing. Reviewed and PC continued hearing to 10/4/16. Project continued to 12/6 PC meeting. Project reviewed at 1/3/17 PC hearing and continued to a date uncertain. Revised MND in progress. Draft MND available for public comment 2/28/18 to 3/30/18. Staff reviewing public comment. Public notification completed for public hearing at Planning Commission on 6-19-2018.		PN- Conditionally approved per memo dated 7/26/16		nh
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
4	Wattenbarger	2970 Juniper	6/7/18	AD0-136	Minor variance request for reasonable accomodation for the construction of an elevator in the existing garage of an SFR	Under Initial Review				jg
5	Williams	2930 Cedar	6/6/18	CP0-580/UP0-532	Coastal Development Permit & Conditional Use Permit for a 323 sq. ft. addition and 60 sq. ft. covered front porch	Under Initial Review				jg

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6	Redican	725 Embarcadero	5/23/18	UP0-359/A00-041 Precise Plan	Precise Plan CUP for conversion of 2nd floor of Rose's Landing building to a 10-unit hotel with public access improvements.	CDP approved by Coastal Commission. Precise Plan CUP application submitted 5/23/18 to be reviewed by Planning Commission. Under initial review				cj
7	Branch	845 Embarcadero	5/22/18	UP0-529	Minor Use Permit for change of use of existing commercial suite	Under Initial Review		PN- Disapproved, incomplete 5-31-2018		jn
8	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	Coastal Development Permit & Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots	Under initial review. Incomplete letter sent 6/4/18.		PN- Conditionally Approved 5/25/2018		cj
9	Krull	2575 Greenwood	4/11/18	UP0-521 / CP0-575	Administrative Coastal Development Permit & CUP for 395 sq. ft. ADU (converted from existing 2-car garage) and construct new 250 sq. ft. garage (in foot print of existing shed to be removed)	Under Initial Review. Correction Letter sent 4/30. Resubmittal received 5/9. Under review. Email sent to Agent (C. Novak) and Applicants requesting a decision as to how they want to move forward; either conform to the MBMC or apply for a variance.		PN- Conditionally Approved 6/4/2018		jg
10	Carter	2035 Bayview	4/10/18	CP0-574	Administrative CDP for Demo reconstruct. New 1,931 sq. ft. SFR with an attached 460 sq. ft. garage	Under Initial Review. Correction letter sent 5/1.				jg
11	Wood	361 Main	4/6/18	AD0-134 / UP0-526	Addition to existing residence; 2nd floor addition 386 sq. ft.; 2nd floor deck 329 sq. ft. with variance AD0-134	Under Initial Review. Correction letter sent 5/1.				jg
12	Beecham	781 Harbor	3/13/18	CP0-569	Admin CDP for demolition only of 1653 sf structure & 807sf garage	Under initial Review. Requires an historical evaluation				jg
13	Hilton	430 La Jolla	3/5/18	CP0-568	Admin CDP to Remodel existing SFR to create an Accessory Dwelling Unit	Under Initial Review. Correction letter sent 3/20/2018. Additional comments sent regarding clarify correction letter on 6/5/18.		PN-Conditionally Approved 5/31/18		jn
14	Kenney	321 Trinidad	3/2/18	UP0-515/AD0-131	Addition to a nonconforming SFR and parking exception for tandem space	Under Initial Review. Correction Letter sent 4/3				jg

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15	Scott	2940 Hemlock	2/23/18	CP0-567	Administrative Coastal Development Permit for New 1,266 sq. ft. single-family residence with ADU	Under Initial Review. Waiting on PW comments. Correction Letter sent 3/22. Resubmittal rcv'd 4/24. correction letter sent 5/15. resubmittal received 5/30		PN-Conditionally Approved 5/16/18		ig
16	Frye	3400 Toro	2/21/18	CP0-566	New single-family residence with an attached accessory dwelling unit	Under Initial Review. Waiting on PW comments. Correction Letter sent 3/20. Resubmittal rcv'd 4/2. Correction letter sent 4/23. Resubmittal rcv'd 5/31				ig
17	Matson Bay	787 Main Street & 280 Morro Bay Blvd	1/17/18	S00-130	Lot Line Adjustment	Under initial review. Deemed incomplete, letter sent to applicant 2/16/18				nh
18	Matson Bay	271 Pacific	1/17/18	S00-131	Cert of Compliance	Under initial review. Approved, recording documents in process. Waiting for signed documents from applicant				nh
19	Matson Bay	767 Main Street	1/17/18	S00-132	Cert of Compliance	Under initial review. Approved, recording documents in process. Waiting for signed documents from applicant				nh
20	Kitzman	355 Quintana Place	1/26/18	A00-000-053	Lot Tie and modification to parking lot for Culligan Water	Under initial review. Deemed incomplete, letter sent to applicant 2/21/18. Resubmittal received 6/5/18				nh
21	Johnson	128 Rennell	1/10/18	CP0-561	Demo/reconstruct 1,362 sq. ft. SFR with 496 sq. ft. garage, and 240 sq. ft. covered front porch	Incomplete letter mailed 2-9-18				nh
22	TLC Family Enterprises	833 Embarcadero	1/2/18	UP0-509	Demo/reconstruction of existing Off the Hook Building.	Under Initial Review. Correction letter sent 2/13/18. Resubmitted 5/30/18				cj
23	Di Benedetto	235 Marina	11/1/17	CP0-555/UP0-495	Coastal Development Permit & CUP for Demo/Reconstruct with new 2,228sf single family residence.	Under initial Review. Correction Letter sent 11/13. Resubmittal Received 3/12/18. Under Review. Scheduled for 4/17 PC Hearing. Continuance requested to a date uncertain because of inconsistencies with General Plan Land Use Policy LU-69. Applicant must redesign and resubmit. Requires research into MU-A allowances for new residence over 2,000 sq. ft. Resubmittal rcv'd 6/7/18 with a proposal under 2,000 sq. ft.				ig
24	Guesno	210 Atascadero	6/1/17	CP0-544 / UP0-481	Coastal Development Permit and Conditional Use Permit for commercial change in use	Under review. Correction memo sent to applicant 6-27-17. Resubmittal received 7/24/17. Incomplete letter sent 8/4/17. Plans still incomplete as of Nov 2017. Resubmittal received 1/5/18. Incomplete letter sent 2/6/18. Resubmittal received 5/25/18.		PN- Disapproved 7/5/17		nh
25	Morgan	101 Fig St.	4/12/17	UP0-476	Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project.		PN-Conditionally approved 5/11/17		nh
26	Huber	2783 Coral Ave	2/24/17	CP0-530, UP0-470, S00-127	Proposed 6 lot residential subdivision (Tentative Tract Map, CDP, and CUP application). Property located at corner of San Jacinto & Coral Ave.	Under Initial Review. Resubmitted 11-2017. RFP released for preparation of environmental (IS/MND). MND update in process. Draft initial study provided for staff review 3/16/18. Comments provided to consultant 4-6-18 to draft public review draft document. Draft Initial Study out for public review 5/11/18 to 6/11/18. Reviewing MND public comment.		PN- Not Approved per memo dated 3/16/17		nh

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27	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	Parcel map application & CDP to split 1 R-4 zoned lot in to two lots.	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review. Correction letter sent 2/18/16 with Public Works comments. Received revised info from Applicant 3-3-16. Correction sent and resubmitted 4-8-16. Met w/ Architect to discuss intent to include development of 4-plex apartments. Resubmittal rcv'd 5/10. Correction letter sent 6/14/16. Spoke with architect 8/9/2016. Resubmittal rcv'd 8/17/2016. Correction letter sent 10/13/2016. <i>Applicant now wants to remove development from proposal and process the parcel map independently of any development.</i> Waiting on updated map (4/7/2017) Rcv'd 4/17. Correction letter sent 5/30/2017. Resubmittal Received 7/10/17. Correction Letter sent 8/22. Resubmittal rcv'd 10/18/17. Applicant has chosen to again change the project. Permit expired. Applicant directed to resubmit application at meeting 12/14. Subdivision Review Committee tentatively scheduled for 1/30/18. Correction Letter sent 2/22. Resubmittal rcv'd 4/12. PW sent back. Resubmittal rcv'd 6/7		PN- Disapproved per Memo dated 5/2/2018		jg
28	Gambriel	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	New construction of 10,000sf commercial retail on vacant lot	WM. Under review. Will need Arch and Traffic reports. Resubmittal received 8/11/15. Incomplete letter sent 9/4/15. Resubmitted 2/13/18. Under Review. Incomplete letter sent 3/13/18. Resubmittal received 3/26/18. Under Review. RFP for environmental consultant concluded. Consultant selected, preparing contract documentation. Consultant engaged and has begun work on initial study. Draft MND in staff review.		PN-Conditionally Approved 2/28/2018		nh
Planning Commission Continued projects:										
29	Stollmeyer	300 & 302 Tahiti	3/16/18	CP0-563 / UP0-522	Demo existing Stollmeyers building and construct SFR with accessory dwelling unit (ADU) on each of the 2 existing legal lots on this property. / Coastal Dev Permit & Minor Use Permit	Under Initial Review. Correction Letter sent 4/13. Resubmittal rcv'd 4/20. PC meeting held on June 5. Continued to a date uncertain				jg
30	Stollmeyer	310 & 312 Tahiti	3/16/18	CP0-570 / UP0-523	Demo existing Stollmeyers building and construct SFR with accessory dwelling unit (ADU) on each of the 2 existing legal lots on this property. Minor Use Permit	Under Initial Review. Correction letter sent 4/13. Resubmittal rcv'd 4/20. PC meeting held on June 5. Continued to a date uncertain				jg
31	Erlendson	299 Sienna	9/1/17	UP0-491/AD0-123-CP0-560	Application altered. Applicant now requests Coastal Development Permit for a secondary dwelling unit to be located within the existing 2-car garage.	Under review. Correction letter sent 9/13/17. PC hearing 10/3/2017. Continued to a date uncertain with direction to work with staff prior to resubmittal. Applicant must resubmit. Under Review. Correction Letter sent 1/24/18. Resubmittal received with revised plans on 5-2-18. Letter sent 5/30				jg

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32	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj
33	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		cj
Projects Appealed or Forwarded to City Council:										
34	DeGarimore	1001 Front St.	1/29/18	A00-054	CUP to amend Precise Plan UP0-284 to allow seasonal kiosk of Virg's Landing kiosk.	Under initial review. Virg's Landing kiosk previously permitted summer of 2017 for a temporary use permit of a seasonal kiosk. Applicant application is to allow permanent seasonal use. Agendized for 4-17-18 PC hearing. Approved with conditions 4-17-18 by PC. Two appeals received. Agendized for City Council appeal hearing on 6-26-18.				cj

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35	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11 .City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg
Environmental Review										
36	Bay Pines/Shorebreak Energy	1501 Quintana	11/29/16	UP0-463/CP0-525	Coastal development permit & Conditional Use Permit for Bay Pines Solar Project.	Under Initial Review. Bio Report and Phase 1 Arch report rcv'd. Waiting for preliminary title report. Rcv'd 3/15. Sent to PW: Under Review. Correction letter sent 4/12/2017. Rcv'd email resubmittal 5/5, resubmittal under review. Requires Initial Study		PN- Conditionally Approved, 6/5/17		jg
37	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
Final Map Under Review Projects - No pending applications currently.										
Projects requiring coordination with another jurisdiction:										
38	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		

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39	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		

Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:

40	City of Morro Bay	Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit www.morrobayca.gov/planmb . Project to be complete with documents ready for adoption and certification by end of 2018.				
41	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	Zoning Text Amendment - Second Unit	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.	No review performed.			

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Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
42	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		jg
43	T-Mobile	1478 Quintana	1/30/15	UP0-403	Minor Use Permit to Modify existing wireless telecommunication site at church	JG - Under initial review. Correction letter sent 3/5/2015. JG. Partial resubmittal rcv'd via email 9/18		JW approved		jg
Grants										
44	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg
45	City of Morro Bay	City-wide			Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
46	City of Morro Bay	City-wide			Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
Projects in Building Plan Check:										
1		937	Anchor	4/20/18	B- 31957	966 sf second story addition, add 158 sf to existing garage, remod/replace existing Kit, LR, DR		BLDG Disapproved by hb on 4-25-18. MF		
2	Van Kriekan	462	Arbutus	4/4/18	B-31893	Remodel 1st & 2nd floor, new 389sf addition and new 196sf deck		PN- Approved on 5/16/2018		
3	Osborne	413	Arcadia	5/18/18	B - 32005	Remove and Replace portion of 2nd unit and R and R front porch, new electric panel, dual pane windows, water heater, harboard siding		BLDG - Disapproved by hb on 5-23-18. MF		

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
4	Bernal	154	Bayshore Dr.	3/23/18	B-31924	Convert existing deck(s) into conditioned space, adding 120 sq ft. to unit.		BLDG - Disapproved by hb (see memo) on 4-2-18. GA			
5	LaPlante	3093	Beachcomber	4/24/17	B-31487	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Sent memo correction 6-15-17. Disapproved by cj on 10-16-17.	Approved by cdl on 5-10-17	Disapproved by jb (see memo) on 10-3-17	Emailed comments on 10-20-17.	
6		1269	Berwick	4/4/18	B-31938	Adding deck to existing home & 2 windows replaced with new slider doors.	PLNG - Approved by sg on 4-6-18. MF	BLDG - Disapproved by hb on 3-9-18. MF	PW-Conditional Approval by jb on 4-13-18 (see memo)		
7		205	Bradley Ave	3/26/18	B -31927	Interior Remodel, new interior walls, replace one window for egress, new drywall, new plumbing fixtures, relocate water heater, new lighting and receptacle.	PLNG:Approved Demo permit 4/26/18. Approved Bldg permit 5/1/18. NH	BLDG - Disapproved by hb on 4-3-18. mf			
8	Hauck	206	Bradley Ave	1/5/18	B-31835	Remodel garage, frame new ceiling, drywall ceiling & walls, replace 8' x 6' 8"	Approved by jg on 1-26-18	Disapproved by hb on 1-17-18		2-5-18 - Emailed comments to property owner. PB	
9	Skalla	180	Capri	4/13/18	B31951	Remodel SFR and deck- Sddition 198 Sq.Ft. to dwelling and 177 Sq.Ft. deck.	PLNG - Approved by sg on 4-26-18. MF	BLDG - Disapproved by hb on 4-18-18 see memo. MF	PN- Disapproved 5/30/2018		
10	Tays	982	armel	6/4/18	B32030	Demo Walls, remove slabs, remove carport		PW- Disapproved by pn on 6-6-18 (see memo). MF			
11	Martin	552	Dunes	4/24/18	B-31902	81sf addition to rear of SFR			PN- Approved on 5/17/2018		
12	Ferrin	2770	Elm	5/14.18	B - 31998	Remodel SFR Master Bedroom w/bath and closet. New 1-car garage		Disapproved by hb on 5-17-18 (see memo) MF			
13	Harbor Hut	1205	Embarcadero	5/21/18	B - 32011	Estimate for: New Floating Harborwalk and floating slips, remove 5 pilings, sleeve existing pilings and install 4 new steel pilings.					
14	MMbs Lic	1215	Embarcadero	12/9/16	B-31326	Demo existing Dockside 3 and Morro Bay Landing to replace with 2 story new structure	Disapproved with plan corrections 1-5-17. CJ. Approved 11-27-17. CJ Fire: Approved by mv on 1-22-18	Plans sent to Ca, Code Check 1-5-17.Sent CA code check 11/14/17.	PN- Disapproved per memo dated 1/18/17	1-17-18 - Received resubmittal and routed to BLDG (CA Code Ck), PW & FIRE. PB	

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
15		155	Feormosa St.	4/25/18	B-31963	Kitchen Remodel		BLDG -Conditional Approval by hb on 4-30-18 (see memo) MF			
16	Mathias	2515 & 2525	Greenwood	2/16/18	B-31888	New SFR with ADU		Ca Code Check - Disapproved by Scott Martini with CCC (see memo) received on 3-12-18 PB	PN- Disapproved per memo dated 3/5/18		
17	Bulatov	2980	Hemlock	9/11/17	B-31651	Remodel existing SFR, new 1st, & 2nd floor addition(1444sq.ft.) new 310 sf deck above	Disapproved by jg on 9-8-17.	03-28-18 - Disapproved by Bldg. (hb) on 3-27-18. - GA	Disapproved by jb on 9-15-17.	1-24-18 - Received submittal & routed to BLDG (w/ soils), PLAN, PW. & FIRE (route when one is back). PB	
18	Gelman	2784	Indigo Circle	5/15/18	B - 32002	New SFR 2110 sq. ft., 663 sq. ft. garage, 275 sq. ft. patio					
19	Gelman	2784	Indigo Circle	5/21/18	B - 32010	design and install overhead fire sprinklers					
20		2890	Ironwood	4/23/18	B - 31961	12 x 14 Free-standing Outdoor Gazebo		BLDG - Conditional Approval by hb on 4-24-18. MF			
21	Frisco	391	Jamacia	4/4/18	B-31939	Reconfigure interior walls, add en suite bathroom	PLNG - Disapproved by sg (see memo) on 4-10-18. MF	Disapproved by hb on 4-12-18 (see memo). MF	PN-Approved 6/1/2018		
22	Warmerdam	2901	Juniper	12/15/17	B-31812	Single Family Alteration Remodel of existing home	Diapproved by jg 12-27-17	BLDG - CA Code Ck Disapproved on 1-16-18	PW- Disapproved by jb on 12/21/17.	1-16-18 Emailed all plan review comments & (waiver request on 1-19-18) to Trevor Miller PB	
23	Bowen	426	Kern	5/11/18	B- 31995	Remodel Front rooms of SFR, relocate kitchen & dining rooms, raise floor level of kitchen, new windows, new deck.		Disapproved by hb on 5-15-18 (see memo). MF			
24	Goldstein	142	Kodiak	1/3/18	B-31817	Addition & Remodel	Disapproved by jg on 1-12-18	BLDG - Approved by hb (with redlines). - GA	Disapproved by jbon 12-2-17	1-17-18 - Emailed all plan review comments to Architect (Goldstein) & advised of plans for p/u. PB	
25		451	La Jolla	4/11/18	B- 31946	Kitchen Remodel, replace window w/slider, replace door w/window, replace fireplace with new unit.	PLNG - Approved by sg on 4-26-18. MF	BLDG - Disapproved by hb on 4-12-18. MF			

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
26	Wright	520	LaJolla	7/21/17	B-31595	Enclose 10'x20' carport for single car garage	Disapproved by rr on 7-26-17.	Disapproved by cdl on 8/11/17.	N/A		
27	Cole	1030	Las Tunas	1/30/18	B-31852	Single Family Addition Permit	Disapproved with correction memo by nh on 2/1/18.	BLDG - Disapproved by hb on 2-1-18			
28	Sterkel	1115	Las Tunas	1/23/18	B-31845	368 sf addition, & 175 sf exterior deck	Disapproved with correction memo by nh on 2/6/18. Approved resubmittal 3/21/18, approved 3/21/18 NH.	BLDG - Disapproved by hb 4-3-18. MF			
29	Kubiak	1127	Las Tunas	5/3/18	B-31972	Interior Remodel, reonfig existing space, new plmbg,electric, enclose 30sf breezeway		BLDG - Disapproved by hb on 5-10-18. MF	PN-Disapproved 5/31/2018		
30	Boisclair	900	Main	12/19/17	B-31810	Raise existing stage 6" to add additional sound deadning. Create front of stage perimeter		BLDG - Approved by ac on 12-26-17 PB			
31	Olcott	285	Marina	10/27/17	B-31752	ADA Renovation; parking lot	Approved by sg on 11-6-17.	Approved by cdl on 11-14-17.	Disapproved by jb on 11-3-17.	Emailed comments 11/21/17	
32	Henderson	958	Marina	10/18/17	B-31732	Replace interior finish, repair & reinforce existing structure & replace electrical mechan.& plumbing systems on 2ndary unit	Under review Disapproved by rr on 11-1-17. Project requires planning entitlements.	BLDG - Disapproved by hb on 3-28-18. MF	Approved by jb on 10-23-17.		
33	Robison	1185	Main St.	1/22/18	B-31842	Residential Elevator Installation	Disapproved by sg on 1-29-18	BLDG - Disapproved by hb (see memo) on 2-16-18 PB			
34	Kinsinger	222	Main St.	11/22/17	B-31786	149 Sq. Ft. addition & interior remodel of kitchen, bath and living-room.	Disapproved by jg on 1-12-18	BLDG - Conditional Approval by hb on 4-4-18 (see memo). MF	Approved by jb on 11-22-17.		
34	Meyer	257	Main	5/7/18	B -31978	Addendum Move Counter (wt bar), changed dooe location - lower floor plan. Omitted changes in Master bedroom.					
35	Watson	480	Main	5/4/18	B-31975	Concrete walking path (approx. 225 Sq. Ft.					
36	Millerstein	844	Main St.	11/17/17	B-31781	Com. Alteration Re-enclosed storage area & upgrade to allow for office space in addition to storage upgrade exterior to match surrounding	Approved by rr on 12-8-17	BLDG - Conditional approval by hb, (submit completed unreasonable hardship form & return). PB	Approved by jb 11/22/17	1-25-18 - Received resubmittal and routed to BLDG ONLY. PB	RR

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
37		900	Main	6/6/18	B32036	Build and Install Wood framed wall and fence at NW end of prop & entry. To remove once new walls/doors installed.		Conditional Approval by hb on 6/7/18 (see memo). MF			
38	Davis	1199	Main	4/6/18	B-31942	Addition of 150 sq. ft to upper floor; install new egress window & interior door	PLNG- Approved by sg. MF	BLDG - Disapproved by hb on 4-11-18 see memo. MF	PW - Approved by jb on 4-19-18. MF		
39	Sonic	1840	Main	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. cj.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 3-16-18 PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	
40	Morro Mist LLC	2402-2446	Main	7/5/16	B-31067 through B-31089	Building Permit applications for 23 new town homes in 6 detached building clusters to include 15 one- bedroom units and 8 three bedroom units. 23 separate applications.	Disapproved. Corrections sent 8-3-16. cj. Resubmittal received and disapproved 11-28-17. Affordable Housing covenant recorded. Planning approved 4-23-18. cj.	BLDG- Approved by cdl on 8-22-17. PZ	PN- Approved		
41	Lau	2780	Main	9/15/17	B-31680	Remodel existing resteraunt/ apartment. Reduce size of restaurant by 500 sf and add that to the Apartment.	Disapproved by jg 10-18-17.	BLDG - Disapproved by hb (see memo) on 3-14-18 PB	PN-Conditionally Approved 6/6/2018	Emailed comments on 10/19/17.	
42	Biaggini	1156	Market	5/7/18	B-31844	New SFR: 1,302sf living and 576sf garage			PN- Disapproved on 5/18/2018		
43	Gotchal	615 - 317	Monterey - Marina	6/4/18	B-32031	Addendum to 31847 Change Floor Plan and Remove Window		BLDG - Cond'l Appvl by hb on 6-5-18 (see memo)			
44		970	Monterey	4/13/18	B - 31949	Add 78 sq. ft. conditioned space to exist SFR	PLNG - Approved by sg on 4-26-18. MF	BLDG - Disapproved by hb on 4-17-18. MF	PW - Disapproved by jb on 4-25-18. MF		
45	Hornburg	430	Morro Ave.	5/21/18	B -32008	Change details to match condition in field & leave upstairs door to master bedroom in original position.		Conditional Approval by hb on 5-22-18 see memo. MF			
46	Crowfoot	416	Napa	3/1/17	B-31417	Convert downstairs closet into kitchen to create secondary dwelling unit (CP0-531)	Approved by rr on 7-31-17.	BLDG-Approved by cdl on 3-29-17. PZ	PN- Disapproved per memo dated 3/29/17		
47	Wilhelm	2265	Nutmeg Ave	5/3/18	B31973	Remove 2 existing balconys, construct new deck & stairway.		Disapproved by hb on 5-8-18. MF	PN- Approved 5/31/18		
48		2584	Nutmeg Ave	2/2/18	B-31862	Retaining Wall - Approx 25' in length, staggard heights on slope at the southwest corner of property.		BLDG - Approved w/ redlines by hb on 2-8-18 PB			
49	Lewis	290	Piney Ln.	5/22/18	B 32014	New Fire Sprinklers					
50	Osborne	335	Piney	5/21/18	B - 32009	Addendum - 624 sq. ft. detached ADU, raise existing retaining wall various		Approved by hb on 5/22/18. MF			
51		335	Piney Ln.	4/23/18	B-31882	624sf Accessory Dwelling Unit			PN-Approved on 5/8/18		

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
52	Osborne	450	Piney Way	4/30/18	B-31905	Demo & Rebuild SFR with 3,008sf, 460sf garage, 214sf Deck and 58sf porch.			PN-Disapproved 6/6/2018		
53	Colmer	501	Quinn Ct,	11/16/17	B-31775	SFR- New	Disapproved by cj 12-21-17. Corrections sent 3-29-18. cj. Resubmittal under review.	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB (Emailed to Wayne & Rocky on 3-19) PB	Approved by jb on 11-30-2017		
54	Colmer	505	Quinn Ct,	11/16/17	B-31774	SFR- New	Disapproved by cj 12-21-17. Corrections sent 3-29-18. cj. Resubmittal under review.	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB (Emailed to Wayne & Rocky on 3-19) PB	Approved by jb on 11-30-2017		
55	Colmer	507	Quinn Ct,	5/17/18	B-31983	SFR- New					
56	Colmer	513	Quinn Ct,	5/17/18	B - 31984	SFR- New					
57	Colmer	517	Quinn Ct,	5/17/18	B - 31985	SFR- New					
58	Colmer	521	Quinn Ct,	5/17/18	B -31986	SFR- New					
59	Colmer	525	Quinn Ct,	5/17/18	B - 31987	SFR- New					
60	Colmer	529	Quinn Ct,	5/17/18	B - 31980	SFR- New					
61	Colmer	533	Quinn Ct,	5/17/18	B - 31981						
62	Colmer	537	Quinn Ct,	5/17/18	B - 31982						
63	Colmer	557	Quinn Ct,	11/16/17	B-31776	SFR- New	Disapproved by cj 12-21-17. Corrections sent 3-29-18. cj. Resubmittal under review.	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB (Emailed to Wayne & Rocky on 3-19) PB	Approved by jb on 11-30-2017		
64	Culligan Water	355	Quintana	5/16/18	B -32004	PV, LEED Cert, Solar, Roof mounted 8.4kW Solar System		Conditional Approval by hb on 5-17-18 see memo. MF			
65	Berry	321	Rennell St.	4/6/18	B-31941	New 544 sq. ft. SFR & 448 sq. ft attached garage.	PLNG - Approved by jg on 4-17-18. MF	BLDG- Disapproved by Ca Code Ck on 4-20-18 see memo. MF	PN- Disapproved 5/14/2018		
66	Brisson	341	Sicily	9/12/17	B-31670	Single Family Alteration	Conditional approval 9-27-17. RR	Disapproved by cdl on 9-21-17.	N/A	Emailed comments on 9/28/17	
67	Colmer	485	South Bay Blvd	5/14/18	B - 31997	Addendum to G00-048 Add for 6" tall allen block retaining wall.		Approved by hb on 5-23-18. MF	PN- Disapproved 6/5/2018		
68		340	Tulare	3/27/18	B -31932	Addendum to 31046 - Change foundation from piers and grade beams to slab on grade.		BLDG - Disapproved by hb (see memo) on 3-28-18. - GA			
69		405	Zanzibar	4/13/18	B-31950	Reconstruct exist 2nd story deck due to corrosion	PLNG - Disapproved by sg on 4-26-18 (see memo). MF	BLDG- Disapproved by hb on 4-17-18 MF	PW - Approved by jb on 4-24-18.		
70	Forde	564	Zanzibar	1/16/18	B-31837	Single Family Alteration	Disapproved by sg on 1-29-18	BLDG - Approved by hb on 3-5-18 PB			

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
Planning Projects & Permits with Final Action:										
1	Robison	1185 Main Street	4/26/18	AD0-135	Minor variance to accommodate a new elevator in an existing home that extends slightly into the existing enclosed garage space.	Under initial review. Admin public notice period 5/15/18 to 5/25/18. Minor Variance was approved and Permit issued 5/31/18				nh

AGENDA ITEM: A-2

DATE: JUNE 19, 2018

ACTION: DRAFT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MARCH 20, 2018
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Michael Lucas	Vice-Chairperson
	Richard Sadowski	Commissioner
	Joe Ingraffia	Commissioner
	Jesse Barron	Commissioner
ABSENT:	Gerald Luhr	Chairperson
STAFF:	Scot Graham	Community Development Director
	Joan Gargiulo	Assistant Planner

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

https://youtu.be/Fsh4ORTB_n4?t=1m36s

Commissioner Sadowski announced “Easter at the Rock” will be held on April 1st from 5 a.m. – 12 p.m.

Commissioner Sadowski also announced there will be a Water Reclamation Facility Citizens Advisory Committee (WRFCAC) meeting on Tuesday, April 3rd, 3 p.m. – 5 p.m. at the Veteran’s Memorial Building.

Vice-Chairperson Lucas noted there was also a meeting for the Joint Planning Commission/Harbor Advisory Board on Thursday, March 22nd, 6 p.m. at Morro Bay Community Center Multi-Purpose room.

Graham gave details of what would be discussed at the Joint Planning Commission/Harbor Advisory Board meeting.

PUBLIC COMMENT PERIOD

https://youtu.be/Fsh4ORTB_n4?t=4m45s

Bill Martony, Morro Bay resident, made comments regarding the waterfront. Martony stated the cannery and grocery store were in a residential area. Martony noted the power intake are not in Measure D and is restricted to state lands.

Vice-Chairperson Lucas closed the Public Comment period.

https://youtu.be/Fsh4ORTB_n4?t=10m13s

PRESENTATIONS - NONE

A. CONSENT CALENDAR

https://youtu.be/Fsh4ORTB_n4?t=10m19s

A-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

MOTION: Commissioner Ingraffia moved to approve the Consent Calendar. Commissioner Sadowski seconded and the motion passed (4-0).

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

https://youtu.be/Fsh4ORTB_n4?t=10m47s

B-1 Case No.: UP0-512 and AD0-130

Site Location: 220 Main Street, Morro Bay, CA

Project Description: The project is a request for Conditional Use Permit and parking exception approval for the addition of less than 10% to an existing nonconforming residential structure with a nonconforming duplex residential use in the R-1 Single-Family Residential Zoning District. Specifically, the Applicant proposes to add 149 sq. ft. to the first floor of an existing 1,982 sq. ft. residential structure. The parking exception is to allow for two tandem spaces to be located at the rear of the structure adjacent to the existing garage and to allow for the nonconforming 19 ft. width of the existing garage. The project site is located within the Coastal Commission Appeal Jurisdiction.

CEQA Determination: Categorically exempt Section 15301, Class 1

Staff Recommendation: Conditionally Approve

Staff Contact: Joan Gargiulo, Assistant Planner (805) 772-6577

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Gargiulo presented the staff report.

Vice-Chairperson Lucas opened the Public Comment period.

https://youtu.be/Fsh4ORTB_n4?t=15m50s

Mike Smith, applicants architect, explained how they came up with the design for the project.

Martony, stated he owns Glads Castle across the street from the project. Martony asked questions regarding the front setbacks and brought up issues with the parking in the area.

Betty Winholtz, Morro Bay resident, stated she supports the project, but is concerned about the parking issues for the project. Winholtz would like the city to start enforcing where properties are encroaching into the parking areas along the streets. Winholtz stated property owners have been using rock and other materials to block the right-of-way. Winholtz noted she doesn't want tandem parking to become an issue.

Vice-Chairperson Lucas closed the Public Comment period.

https://youtu.be/Fsh4ORTB_n4?t=23m57s

The Commissioners presented their questions to staff.

Discussion between the Commissioners and staff.

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MARCH 20, 2018

MOTION: Commissioner Barron moved to approve UP0-512 and Parking Exception AD0-130; request to allow 10% to an existing nonconforming residential structure with a nonconforming duplex use in the R-1 Single Family Residential Zoning District, within the Coastal Commission appeal jurisdiction. Commission Sadowski seconded and the motion passed (3-1), with Commissioner Ingrassia voting no.

https://youtu.be/Fsh4ORTB_n4?t=48m43s

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

https://youtu.be/Fsh4ORTB_n4?t=49m56s

Commissioner Sadowski thanked the Cal Citizens for Affordable Living for holding the Water Reclamation Facility workshop at the Inn at Morro Bay. Commissioner Sadowski recommended people to attend the next Water Reclamation Facility Citizens Advisory Committee (WRFCAC) meeting. Sadowski stated the City is moving in a direction where they are placing a greater health risk on the public by building a lift station across the street from the existing plant.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

https://youtu.be/Fsh4ORTB_n4?t=52m16s

Graham reminded the Commissioners about the Joint Planning Commission/Harbor Advisory Board Committee meeting on Thursday, March 22nd, 6 p.m. at the Community Center Multi-Purpose room.

G. ADJOURNMENT

The meeting adjourned at 6:53 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on April 3, 2018, at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: B-1
MEETING DATE: June 19, 2018

Staff Report

TO: Planning Commissioners

DATE: June 19, 2018

FROM: Nancy Hubbard, Contract Planner

SUBJECT: Continued review from January 3, 2017, for Coastal Development Permit (CP0-500), Conditional Use Permit (UP0-440) together with the updated (February 2018) Mitigated Negative Declaration for demolition and removal of tanks, piping, pump equipment, tank foundations and shotcrete at 3300 Panorama. A portion of the project is within the Coastal Commission Appeals Jurisdiction.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting Planning Commission Resolution 15-18 which includes findings for CP0-500, UP0-440 and adoption of the February 2018 Mitigated Negative Declaration with conditions and mitigation measures for approval of the project.

APPLICANT: Chris Mathys, agent for owners, Rhine L.P. and CVI Group, LLC

ADDRESS/APN: 3300 Panorama Drive / 065-038-001

PROJECT DESCRIPTION:

The project application is for demolition and removal of two large fuel tanks, one water tank, and removal or decommission of all associated pumps and piping. The scope of work also includes the removal of the concrete foundations beneath the tanks and the shotcrete on the berms. Some grading will be necessary to provide equipment access through the 15-20-foot high berms to the area of the work. The work is anticipated to take approximately up to 3 months and given the work timeline restrictions related to sensitive areas, the work will likely take place between August and the end of November. (See also Project Timelines)

SUMMARY OF PUBLIC PROCESS TO DATE:

The applicant originally submitted for a CDP and CUP in February 2016. There have been 4 public hearings to date:

- September 6, 2016 – Continued to a date uncertain
- October 4, 2016 – applicant requested continuance to meet with neighbors
- December 6, 2016 – discussion/no action hearing
- January 3, 2017 – Continued to a date uncertain.

All four Planning Commission Hearings provided an opportunity for public testimony and extensive discussion between Planning Commission, staff and the applicant team. The applicant also held a neighborhood meeting in October 2017 to discuss the project with the public.

PERMITTING PROCESS REQUIRED:

The applicants have applied for a Coastal Development Permit and Conditional Use Permit. The Coastal Development Permit is required pursuant to Zoning Ordinance subsection 17.12.199 which includes demolition in the definition of development. Subject to the provisions of Chapter 17.58 *Coastal Development Permits and Procedures*, development in the coastal zone, which is not exempt from permitting or allowed with an administrative permit, requires a regular coastal development permit. Approval of a coastal development permit requires a finding of consistency with the certified local coastal program. The site is also located within a Planned Development (PD) area and as such requires approval of a conditional use permit.

In addition to the planning permits described above, the project will also require permits, approval or participation agreements from the following agencies prior to the start of any work on the site:

- City of Morro Bay – Demolition Permit
- Environmental Health Division of the County of SLO Public Health Department - Hazardous Materials Storage Tank Closure Permit
- SLO Air Pollution Control District
- U.S. Fish and Wildlife Service
- Regional Water Quality Control Board
- California Department of Toxic Substances Control
- California Department of Fish and Wildlife

To meet the requirements of the participating agencies, the applicant created a team of professionals to provide research, conduct studies and create a demolition plan that they believe addresses the requirements and concerns of the public and the involved agencies. The team includes the following firms, several of which have extensive experience with decommission and demolition of gas and oil tanks.

- Bedford Enterprises and Demolition, Santa Maria (Demo contractor)
- Terra-Verde Environmental, SLO (Biologist)
- Albion Environmental, SLO (Archaeological)
- Geo-Solutions, SLO (Geotechnical/dust mitigation)
- Diversified Project Services, SLO (Civil/Transportation Engineering)
- Analytical Consulting Group, Ventura (Industrial Hygienist)
- KM Acoustic Studies, SLO (Noise Studies)
- Greenvale Tree Company, SLO (Arborist)

PROJECT SETTING: The 10-acre project site is located at 3300 Panorama Drive, at the northeast corner of the City of Morro Bay (refer to Aerial below). The site was previously used by the Department of the Navy for jet fuel storage and distribution. The site is surrounded by single-family residential development and vacant agricultural land outside City limits.



The site is within the R-1/PD/ESH zoning district (Single-Family Residential / Planned Development / Environmentally Sensitive Habitat) and designated by the General Plan and Coastal Land Use Plan (CLUP) as Medium Density Residential / Planned Development. The site includes an ESH area surrounding a blue line stream on the United States Geologic Survey maps. The stream corridor and 100 feet on either side are in the Coastal Commission’s Appeals Jurisdiction.

Site Characteristics	
Project Site Area	Approximately 10 acres
Approximate ESH Area	Approximately .68 acres of ESHA plus .95 acres if a 50-foot buffer requirement is determined appropriate.
Existing Condition	Decommissioned U.S. Navy Jet Fuel Facility
Terrain	Hillside, formerly graded to accommodate tanks and bermed containment areas
Vegetation	Non-native grassland, some riparian vegetation
Access	Panorama at Sicily and Tahiti Streets

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential/Planned Development
Base Zone District	R-1/Single Family Residential
Zoning Overlay District	PD/Planned Development and ESH (stream corridor area)
Coastal Zone	ESH area is located inside the Coastal Appeals Jurisdiction

PROJECT DISCUSSION:

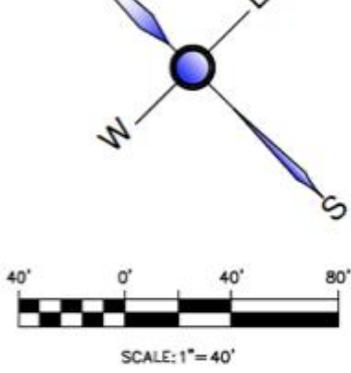
Background

The Estero Bay Defense Fuel Support Point, constructed by the Navy in the early 1960's, included an offshore tanker mooring point with a ½-mile long 16" diameter pipeline to shore, a .35-mile pipeline from the shore to the tank station at 3300 Panorama with on-site tanks and equipment, and a 98-mile long 6" pipeline from the tank site to the Lemoore Naval Air Station. The facility was closed in 1991. In 1992, the offshore mooring and undersea pipeline were removed and the fuel tanks and pipeline to Lemoore were cleared of fuel. The tank site was investigated and monitored over a period of 5 years for soil and groundwater pollution by jet fuel hydrocarbons.

In 1996 the Regional Water Quality Control Board and the California Department of Toxic Substances Control (DTSC) determined that the monitoring could cease and any remaining soil and groundwater contamination would continue to naturally biodegrade. The determination concluded that the site would not pose a health risk to any receptors under its use as a shuttered facility. In 2006, the property was declared surplus by the General Services Agency and in 2012, it was sold to the present owners / project applicants.

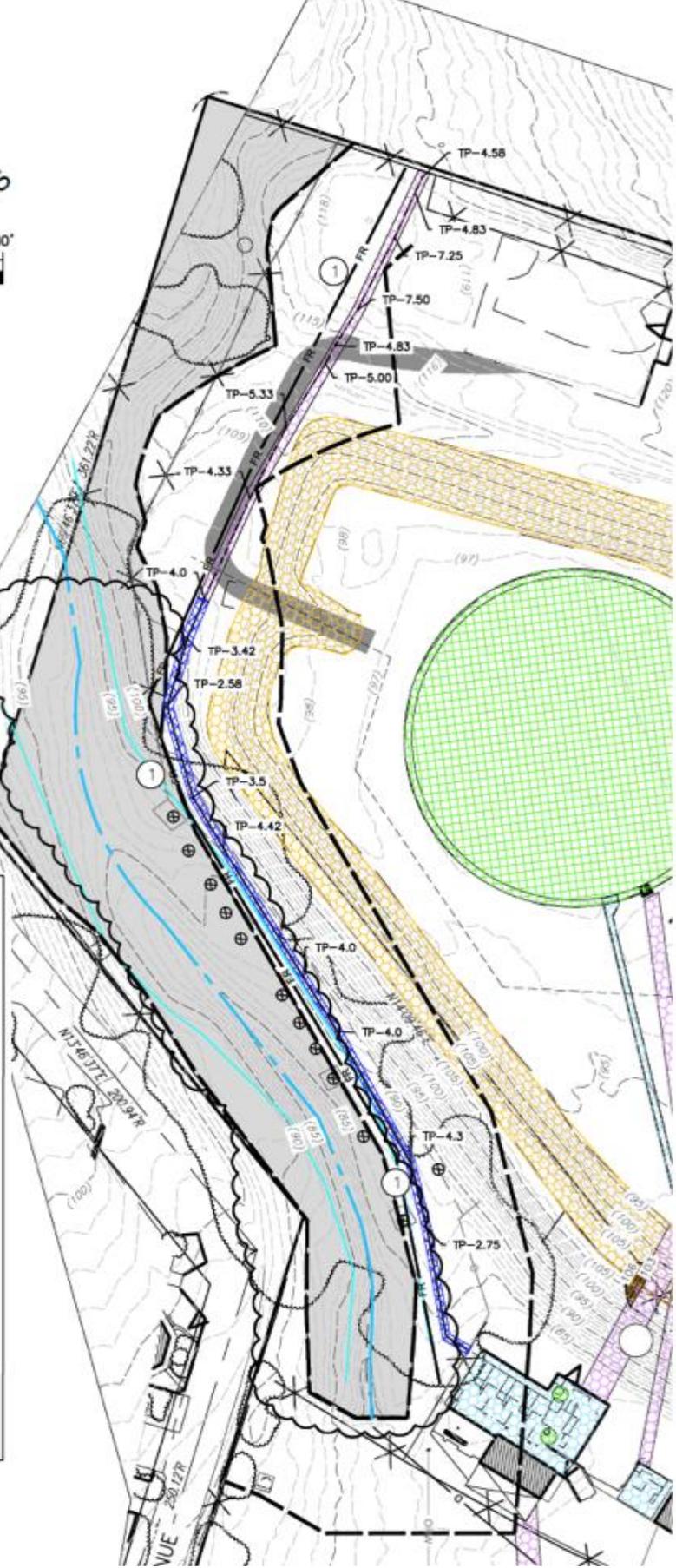
Environmentally Sensitive Habitat Overlay

The project site has an Environmentally Sensitive Habitat (ESH) Overlay designation along a coastal drainage at the northwest boundary of the site, shown on the United States Geological Survey Map as a blue-line stream. The environmentally sensitive habitat area is comprised of the stream channel and areas of adjacent riparian vegetation, collectively called the "stream corridor" and referred to as ESHA in the Mitigated Negative Declaration. A buffer area (typically 25 to 50 feet) is required along stream corridors in urban areas (Zoning Ordinance Section 17.40.040). The ESHA was mapped and staked by the Biologist to create a more precise determination of the ESHA and the related possible 50-foot buffer area recommended. Note that some of the necessary demolition construction, such as decommission and removal of the pipeline along the ESHA as well as use of the existing access road to the concrete foundation east of the bermed area, will occur within the 50-foot buffer at the northeasterly portion of the recommended buffer, but the intrusion will be short term and monitored during the duration to insure minimal impact. Following the work in that area, the fencing will be completed and no further intrusion in that area will occur. See ESHA map below.



LEGEND:

DEMO TANKS AND CONCRETE RING	
DEMO PIPING (ABOVE GROUND)	
DEMO PIPING (UNDER GROUND) AND ADD HYDROSEED. SEE DEMO NOTE 2, THIS SHEET	
DEMO BERM AND ADD HYDROSEED. SEE DEMO NOTE 2, THIS SHEET	
DEMO SHOT-CRETE AND ADD HYDROSEED. SEE DEMO NOTE 2, THIS SHEET	
ABANDON PIPELINE IN PLACE	
PATH OF TRAVEL FOR DEMO OF CONCRETE SLAB	
ESHA AREA	
FIBER ROLL	
ESHA FENCING	
FEMA 100-YEAR FLOOD ELEVATION	
CREEK CENTERLINE	



ENVIRONMENTAL DETERMINATION:

On February 28, 2018, the 30-day public review period began for the second Mitigated Negative Declaration (MND) of Environmental Impact (SCH#2016081001) prepared for this project; the first was dated July 2016. The February 2018 MND identifies potentially significant impacts associated with Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Noise, and Transportation/Circulation. The MND recommends mitigation measures that, when incorporated into the project, reduce potential impacts to a less than significant level. The full text of the February 2018 MND is attached as Exhibit C and available on line at http://www.morrobay.ca.us/DocumentCenter/View/11541/Panorama-MND_Final_02_09_18.

July 2016 IS/MND: The initial IS/MND was prepared in July 2016 and circulated for public comment. Since that time, the project description has been revised to include removal of the concrete foundations beneath the two large tanks as well as the shotcrete on the berms surrounding the containment basins for each tank. The IS/MND was revised and updated to reflect changes in project scope and updates to technical reports resulting in recirculation of the document through the State Clearinghouse. For a comparison of the changes as reflected in the MND, please see the table on pages 18-20 of the February 2018 IS/MND (Exhibit C).

Mitigation Measures: Attachment 1 to the resolution for approval (Exhibit A) lists project mitigation measures and monitoring requirements pursuant to the February 2018 IS/MND. Mitigation measures reflected in the February 2018 IS/MND reflect previous Planning Commission direction and concerns expressed by members of the public.

SPECIFIC PROJECT CONCERNS:

The following is a summary of concerns addressed in the IS/MND as well as those voiced by the Planning Commission and the public in prior public hearings:

➤ Project Phasing:

The project will be phased by virtue of the testing requirements and the segregation of materials to be hauled off the site for disposal or recycle. Following removal of the metal materials (tank, piping, pumps), the soil beneath these components will be tested prior to removal of the concrete foundations. The basis of the test results will dictate if the project can continue to the next phase – removal of the concrete foundations and shotcrete along the berms, or follow soil remediation and/or removal recommendations. There will be further review of the site conditions upon removal of the concrete components and again, the contractor will follow the recommendations to comply with the permit requirements. The final stage of the work will be finish grading, erosion control, tree planting and seeding, and if this occurs between October 15 and April 15, they will have additional erosion control measures to implement.

➤ Insurance and Bonding

The public and the Planning Commission expressed concern regarding the liability for damage to the residential property in the area and along the truck routes and the City and Applicant have agreed to liability insurance requirement of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. The Applicant shall also maintain an all-risk public liability insurance policy written on a per occurrence basis (i.e. not claims made) in a combined single limit of \$5,000,000 in which the

City is named as an insured.

The City and the Applicant have also agreed that the applicant will provide a payment and performance bond in an amount equal to 150% of the estimated cost of the work. The bond will be in favor of the City and if there should be a work stoppage for more than 14 days, not caused by the City or weather related delays, the City may provide written notice to applicant to resume work, and the Applicant will have 5 days from receipt of the written notice to resume the work, or the City may make a claim against the bond. Legal actions may cause a tolling of the time periods. If there are unforeseen conditions that cause the cost of the remaining work to be greater than the coverage of the surety bond, the City will have the right to lien the property.

➤ **Erosion/Storm Water Management/ Geology and Soils**

The project is required to meet the erosion control measures including a Stormwater Pollution Prevention Plan (for project over 1 acre) through the State Water Resources Control Board. If the project is commencing land disturbance activities between October 15 and April 15, it will be subject to additional erosion control measures, and additional inspections. See also Mitigation Measure BR-4 for site management during demolition activities.

➤ **Noise:**

Noise from demolition activities will occur over the anticipated 3 months of construction activities. The contractor plans to have workers remove the metal (and later demo the concrete) for a day or two until they have a stockpile ready to haul off the site. They will work from the top of the tanks down, with the debris falling to the center of each tank. The tank and the berm will create some sound buffer. Once there is enough material to haul away, the trucks will come in and the workers will load the trucks with the materials to be hauled away. Depending on the amount of time to load the trucks, they may make only 1-2 trips per day. As such, there should not be continuous truck activities, but rather a rotation of work on site followed by loading trucks and hauling materials away. The MND Mitigation Measure N-1 limits the use of metal cutting shears, saws and other equipment that produces sound at a level greater than 60 dB to weekdays between 8:00am until 4:00 pm. Operation of trucks or vehicles greater than 10,000 in gross weight on the site or on public streets shall be limited to Monday through Friday between 8am and 5:30pm. Typical construction hours are 7am to 7pm. To ensure that the sound levels generated are within safe limits at and beyond the property boundary, Mitigation Measure N-2 requires the contractor to monitor noise levels during construction as well as implement noise reduction measures as necessary.

➤ **Air Quality:**

The Air Pollution Control District reviewed the project application and determined that the project, even with the additional work of concrete removal, is unlikely to exceed the APCD's air quality thresholds. In response to concerns regarding air quality impacts, the Applicant will follow a monitoring protocol for dust, lead, asbestos and Jet Fuel Hydrocarbons that includes visual observations at the point of disturbance by a member of the Industrial Hygienist's staff with the authority to make modifications in the work to avoid any contaminants from traveling outside of the immediate area. Additionally, there will be air sample monitoring locations along the perimeter of the site. See Mitigation Measure AQ7.

➤ **Traffic/Circulation:**

The streets have been reviewed and the pavement condition index recorded by Diversified Project Service. The likely depth of the utilities under the streets has also been mapped for all streets within the area. The Applicant has been instructed to have the trucks travel to and from the site using the same route; Highway 1 to Yerba Buena Street, then Main Street to Sicily Street. At the end of Sicily Street, the Applicant will have a security gate and a truck access road to take the trucks into the south tank recessed area.

The Applicant and Contractor will work with City Public Works to ensure that the necessary signage and safety measures are in place during higher volume truck hauling days. See Public Works Department Conditions 6, 7 and 8 in Planning Commission Resolution No. 15-18.

Trucks will be a combination of the following types to best manage the type of material and provide the best weight distribution for the load type and weight. The trucks will be weighed on site to ensure that loaded trucks are at or below the weight limitations allowed for public streets. See truck route map below.



➤ **Truck Type:**

The demolition process will be to prepare materials to be shipped (hailed in trucks). The majority of time on site for each segment of the work (metal, pumps, pipes, concrete) will be preparing materials. Once there is sufficient material to warrant haul-off, 2-3 trucks will arrive for loading. It is likely there will be several days to a week between truck activities.

For scrap metal, the contractor will use 1-3 trucks on the days needed and they will make multiple

trips if time permits. Trucks will be staggered based on load times.

For the concrete loads, it will be similar in that trucks will only be called on site when there are enough materials to haul off. Concrete loading time is less than scrap metal, so there may be more trucks depending on the quantity of materials ready to haul. There may be 1-2 days of prep between the truck hauling days.

The first truck is a roll-off, three-axle with 10 wheels. Similar in size & weight to garbage trucks. The containers can be left on site to fill with material until they are ready to transport the materials off-site. This truck can also have a trailer with a second container, adding 2 more axles and 8 tires. Smaller loads (pump demo material) can be hauled effectively in the roll-off.



There are 2 types of 5 axle end-dump truck/trailers, both with 5 axles and 18 wheels. The high-sided end-dumps would be used for hauling scrap metal. These trucks can carry more material, requiring fewer trips. The low-sided end-dump truck/trailer would be used for concrete debris.



➤ **Biological Resources:**

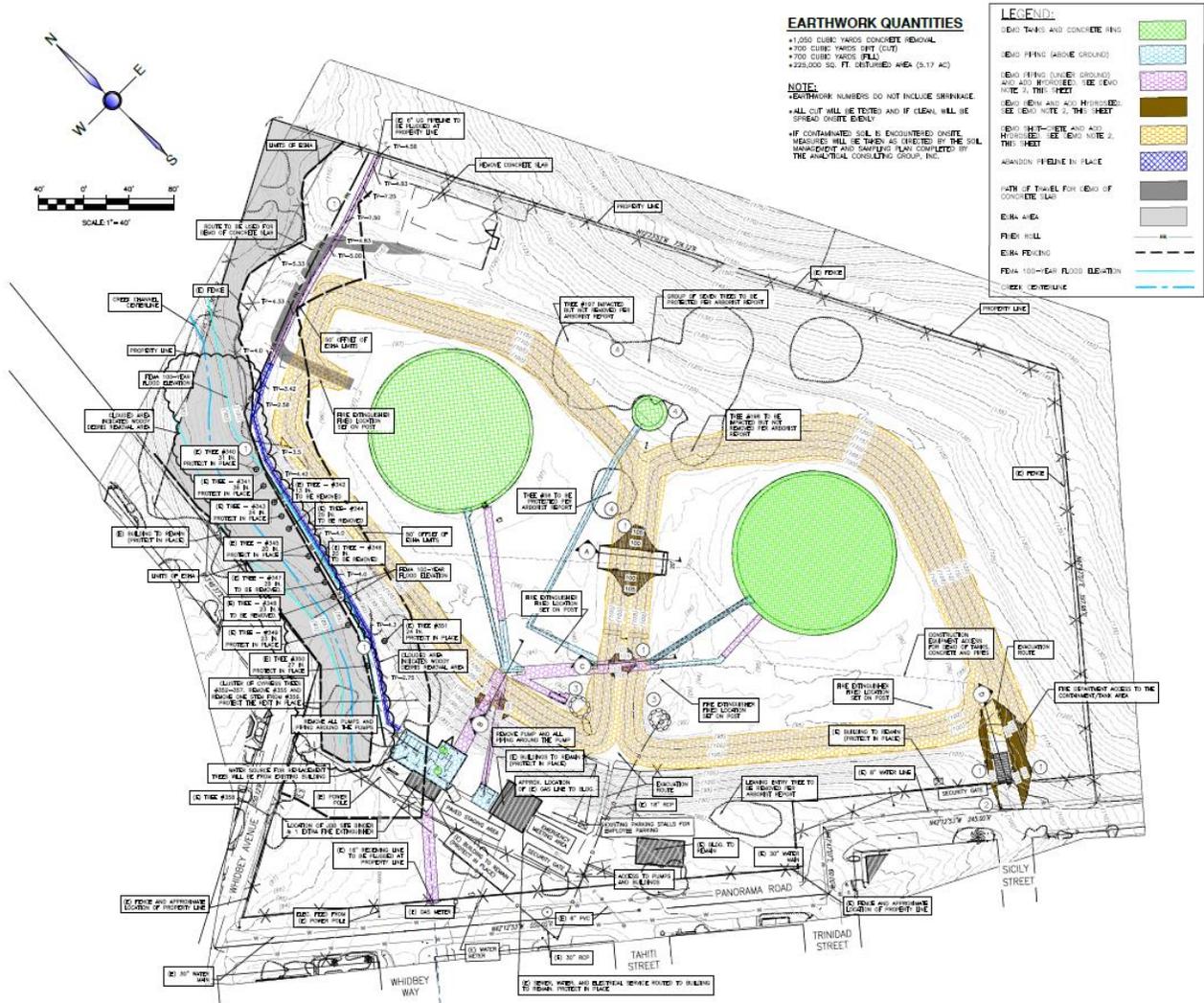
The Applicant's Arborist provided an analysis of the existing trees and recommended removal of 6 trees that were either in poor condition or too close to the area of the tank removal to survive, plus recommendation for removal of an additional 7 trees that were diseased or dying. The 5 trees closest to the tanks identified for removal were 4 Monterey cypress trees and one large Myoporum shrub. The Applicant removed five of the trees in 2017 without a permit. See photo below for the location of the trees removed.



Mitigation measure BR-7 requires replacement planting at a minimum 2:1 ratio for trees removed for this project, as recommended by the arborist. Unpermitted tree removal outside of the ESH must be replaced with 15 gallon trees at a 2:1 ratio. Unpermitted tree removal within the ESH must be replaced with 15 gallon trees at a ratio of 5:1. (Major Vegetation Guidelines). Replacement planting for trees within the ESH is 3:1 for 5 gallon or 2:1 for 15 gallon size trees. The new trees shall be watered and managed for a 3 year period, followed by a letter confirming the watering and protection. These measures shall be incorporated into a Tree Restoration Plan as part of the Demo permit submittal.

There are also significant biological concerns on this site related to habitat, riparian habitat, wetlands (stream), fish and wildlife corridors and wildlife nursery sites. A primary concern was previous lack of clarity regarding the determination of the ESHA boundaries. The ESHA has since been clearly delineated and mapped to provide an accurate depiction on the Demolition Plan and provide guidance for determination of the buffer area and management of work that may need to occur within the buffer area (pipe removal/decommissioning and concrete foundation removal). Mitigation Measure BR-4 addresses the detailed requirements to fence and protect the ESHA during construction. A *Biological Assessment Letter Report and Monitoring Plan* (Terra Verde August, 2016) was prepared outlining required awareness training for on-site workers and areas to be surveyed, protected, and monitored in compliance with recommended environmental mitigation measures BR-1 through BR-7 in the MND. The updated topographic map and ESHA boundary

determination is shown below (a larger scale of the ESHA boundary map is shown above)



The underground pipe just outside of the ESHA shown in blue on the above map will be abandoned in place in accordance with the recommendation of the MND, Arborist and Biologist. The easterly portion of the pipe shown in purple on the above map will be removed, the area restored and hydroseeded. Mitigation Measure BR-6 addresses the process and requirement necessary to perform any demo, material removal or earth moving activities between February 1 and September 15 (see also [Timeline Restrictions](#) below).

➤ **Cultural Resources:**

The site is located in an area historically occupied by the Obispeño Chumash and is considered by some to include the southern boundary of the Playano Salinan people. However, due to the extensive grading in the 1960’s when the facility was originally constructed, it is unlikely that there are any associated surface or near surface archaeological deposits. Mitigation Measure CR-1 requires awareness training on site prior to the start of the demolition project. The Applicant shall submit a Cultural Resources Monitoring Plan as part of their submittal for a Demolition Permit through the City of Morro Bay.

➤ **Hazardous Materials Monitoring:**

The tanks and pipelines were cleared of jet fuel in 1991 as part of the facility closure. Based on the *Risk-Based Closure Report* (Fluor Daniel GTI 1996) completed prior to the closure of the facility, hydrocarbons and benzene were identified in soil and groundwater samples. The report notes that the “distribution of hydrocarbons in the impacted groundwater has been monitored since 1991” and “data from the installation and monitoring of the wells indicates a rapid decrease in dissolved hydrocarbon concentrations downgradient from source areas, and relatively stable dissolved hydrocarbon concentrations near source areas.”

The report concluded that the impacts to potential groundwater receptors of hydrocarbons in groundwater migrating from the project site are considered negligible. Based on this report, the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board concurred that contamination left at the site does not pose a threat to the public health or the environment, and the site was delisted in June 1997. No further action was identified, as no further development was proposed at that time. The DTSC acknowledged that when the site is converted to residential use it should be reassessed for the presence of contaminants and the need for any additional remediation.

Where demolition is likely to disturb areas of previously documented hydrocarbon contamination, soils will be tested prior to beginning demolition activities in compliance with required Air Pollution Control District (APCD) permitting. The applicant is required to obtain an APCD Permit to Operate to address proper management of hydrocarbon contaminated soil before the start of any earthwork that may encounter subsurface contamination, in order to mitigate potential health and environmental hazards related to possible exposure. This permit will include conditions to minimize emissions from any excavation, disposal, or related process. The project must also comply with existing regulations regarding the handling and disposal of materials and soils containing, or potentially containing, lead and asbestos (both naturally occurring and demolition related).

Prior to issuance of a demolition permit the project must also meet stringent requirements for a Tank System Closure Permit from County Environmental Health. Among other things, the applicant must provide approved certification documents indicating the tanks and pipelines have been properly cleaned and rendered safe. The applicant is also required to do environmental sampling and have an approved Hazardous Waste Management Plan and Site Safety Plan. Plans are subject to approval by both the County Environmental Health Department and the City of Morro Bay Fire Department. Before demolition activities begin, fuel pipelines to and from the property will be sealed and inspected by County Environmental Health and City Fire Department personnel.

Potential airborne hazardous substances and related Mitigation Measures are also addressed in the discussion on Air Quality.

PROJECT TIMELINE RESTRICTIONS:

If the CUP, CDP and MND and related conditions and mitigation measures are approved by the Planning Commission, the applicant will complete all other permit requirements with the goal to

start the work late Summer 2018. For example, if the work was able to begin on August 15, the estimated completion date would be November 15, 2018. The following are the regulatory timeframes that will need to be considered in the various jurisdictional permits required:

- MBMC Section 12.08.070 – No tree trimming or tree removal during nesting season unless approved by the Community Development Director. Nesting Season: Feb 1 – June 30.
- FISH AND WILDLIFE: No demo, removal or earthwork during nesting season (Feb 1 to September 15) unless a Biologist determines that there are no active nests of sensitive species on the site. If nests are found (sensitive or non-sensitive species), the Biologist will determine an appropriate buffer and mitigation measures in consultation with the CA and US Fish and Wildlife Agencies.
- RAINY SEASON: October 31 to April 1. The Coastal Land Use Plan Policy 9.07 provides restrictions during this timeframe for hillside grading as well as grading with the potential for causing significant erosion or sedimentation of water bodies. SLO County identifies the rainy season as between October 15 to April 15 and grading and earthwork is not prohibited during this time, but requires more erosion control measures and an increased amount of inspections and monitoring. This will be further reviewed upon submittal of the plans for a demolition permit and possibly conditioned with additional measures in the event the work extends past October 31.

CONCLUSION:

The project is consistent with the General Plan and Local Coastal Program because, as conditioned, the demolitions will not have any substantial adverse effect on the environment or coastal resources. Furthermore, the demolition is consistent with the site's residential zoning as a first step in the potential transition from previous military use to civilian use. As conditioned, the project is also consistent with the stated goals of the zoning ordinance to promote the growth of the City in an orderly manner and to promote public health, safety and general welfare.

PUBLIC HEARING NOTICE:

Notice of a public hearing on this item was published in the San Luis Obispo Tribune newspaper on June 8, 2018, and all property owners and occupants of record within 1,000 feet of the project site were notified of the scheduled public hearing and invited to voice any concerns on this application. The project site was also posted with two public notice signs.

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440 for the proposed demolition of tanks and associated pumps, piping, and concrete at 3300 Panorama Drive, as depicted in the demolition site plan submitted to the City on May 9, 2018, by adopting Planning Commission Resolution 15-18 which includes the Findings for adoption of the Mitigated Negative Declaration and Findings, Mitigation Measures, and Conditions of Approval for the project.

EXHIBITS:

Exhibit A: Planning Commission Resolution 15-18 including Attachment A *Mitigation and Monitoring Program*

Exhibit B: Demolition Site Plan

Exhibit C: Mitigated Negative Declaration

Exhibit D: Response to Comments on the Circulated IS/MND

Planning Commissioner packets include:

Full-sized plans

EXHIBIT A

RESOLUTION NO. PC 15-18

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVING COASTAL DEVELOPMENT PERMIT (CP0-500) AND CONDITIONAL USE PERMIT (UP0-440) FOR DEMOLITION AND REMOVAL OF TANKS, PIPING, PUMPING EQUIPMENT, TANK FOUNDATIONS AND SHOTCRETE IN THE R-1/PD/ESH ZONE WHICH IS PARTIALLY WITHIN THE COASTAL APPEALS JURISDICTION AT 3300 PANORAMA DRIVE

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on September 6, 2016, October 4, 2016, December 6, 2016, January 3, 2017 and June 19, 2018 for the purpose of considering Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440 and the associated Mitigated Negative Declaration for demolition and removal of tanks, pipelines, pumping equipment, tank foundations, and shotcrete on the containment berms (“Project”); and

WHEREAS, the Project has changed from the original submittal and as such, the City required an updated Mitigated Negative Declaration of Environmental Impact which was prepared in February 2018 and is the document included in this Resolution; and

WHEREAS, the Project is anticipated to take approximately 3 months and will involve roughly 50 truckloads for removal of the tank material, pipeline and pump removal, and approximately 75 additional truckloads for removal of concrete foundations and shotcrete; and

WHEREAS, adjacent to, and within proximity of, the Project site there is an existing residential development (“residential area”); and

WHEREAS, access for heavy truck traffic to and from the Project site will be along narrow streets through the residential area, and reasonable concerns have been expressed concerning the impact of heavy trucks on these residential streets and on their underlying water and sewer infrastructure; and

WHEREAS, the applicant for the Project’s Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440 has agreed to certain insurance requirements (as provided in this Resolution) applicable to the Project’s activities, the applicant has agreed to indemnify the City of Morro Bay (as provided in this Resolution) for damage caused by the Project, and the applicant has agreed to provide a payment and performance bond in an amount equal to 150% of the estimated cost of the work; and

WHEREAS, heavy trucks are subject to compliance with the California Vehicle Code (CVC) regarding maximum weight loads which are approved for public streets and roads, and when heavy trucks exceed such maximum weight limits approved for public streets and roads, then damage to public streets and roads can occur; and

WHEREAS, the City has a legitimate interest in ensuring compliance with such maximum weight limits by heavy trucks used for the Project through a weight verification program; and

WHEREAS, the air quality of the residential area surrounding the Project site may be impacted from demolition activities, grading and vehicles emissions; and

WHEREAS, in addition to the use of various mitigation measures to ensure the maintenance of air quality in the neighborhoods surrounding the Project site, the City has a legitimate interest in also monitoring such air quality through sampling air quality in locations along the perimeter of the Project site, by the use of direct reading particle monitors on a continuous basis downwind from the Project site during demolition or grading activities, and by performing air quality monitoring involving lead and asbestos sampling at the property line during operations that disturb lead-based paint or asbestos containing materials; and

WHEREAS, notice of the public hearings were provided at the time and in the manner required by law; and

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

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

Section 1: The foregoing recitals are all true and correct, and are incorporated herein by this reference.

Section 2: Findings. Based upon all the evidence, the Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. For purposes of the California Environmental Quality Act, an Initial Study was prepared for the project which resulted in a Mitigated Negative Declaration. As noted in the project discussion during the January 3, 2017 Planning Commission Hearing, the project description and scope has undergone additional revisions and supporting technical studies have been revised. As a result of these changes, the City of Morro Bay required preparation of an updated IS/MND to thoroughly evaluate the project changes and their impacts. The resultant Mitigated Negative Declaration (the "MND") (SCH#2016081001) was routed to the State Clearinghouse for the required 30-day review and all other legal noticing and review requirements have been met. The updated MND, dated February 2018, outlines mitigation measures to be incorporated into the project to ensure the project will have a less than significant impact on the environment, the project

applicants agreed to all mitigations, and such mitigations are provided for in a Mitigation and Monitoring Program which is attached hereto as Attachment 1.

2. Revisions to mitigation measures, proposed in response to comments made by Commissioners and members of the public at duly noticed public hearings to consider the proposed demolition project at 3300 Panorama Drive (UP0-440 and CP0-500), are equivalent or more effective means of avoiding or reducing the identified potentially significant effects than the original measures and will not create more adverse effects of their own.

Coastal Development Finding

1. The project is consistent with applicable provisions of the Local Coastal Program (LCP) because, as conditioned and through mitigation measures, the demolition will not have any substantial adverse impacts on the environment or coastal resources.
2. Removal of pipelines near the stream corridor is consistent with the Morro Bay Coastal Land Use Plan environmentally sensitive habitat policies. The project as modified will decommission a portion of the existing pipeline closest to the ESH boundary and remove the portion of the pipe to the northeast. No grading is permitted within the stream channel, grading outside the stream channel but within the stream buffer is for the sole purpose of decommissioning a portion of an aging and potentially hazardous pipeline associated with the site's previous use by the U.S. Navy for storage and distribution of jet fuel, and removal of a portion of the pipeline and subsequent soil testing activities followed by installation of protective fencing along the stream corridor to reestablish the buffer area for the riparian vegetation.

Conditional Use Permit Finding

1. As conditioned, the project is in compliance with the General Plan and certified Local Coastal Program and will not be detrimental to the health, safety, and general welfare of persons residing or working in the surrounding neighborhood. The demolition is consistent with the site's residential zoning as a potential first step in the orderly transition from previous military use to a site remediated to a residential standard suitable to the Single Family Residential zoning designation.

Section 3. Action. The Planning Commission does hereby adopt the February 2018 Mitigated Negative Declaration (SCH#2016081001) and approve Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440 for property located at 3300 Panorama Drive subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated June 19, 2018, for the project at 3300 Panorama Drive (the "Property"), as depicted on plans received by the City on July 13, 2017 and an updated version received on May 9, 2018, as part of Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Demolition of tanks, pumping equipment, all associated above and below ground pipelines, concrete foundations beneath the tanks, and removal of shotcrete on the containment berms, as designated on plans and specifically conditioned herein.
2. Inaugurate Within Two Years: Unless the demolition is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless and Indemnification:
 - (a) The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City resulting from the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect

to the project. This condition and agreement shall be binding on all successors and assigns.

- (b) The applicant, as a condition of approval, shall indemnify, defend, and hold harmless the City, its officers, employees, and agents from any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liability for injuries to any person or persons or damage to property, arising at any time during or arising out of, or in any way connected with the actions or omissions of applicant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which applicant is legally liable, under the terms of this permit, unless solely caused by the gross negligence or willful misconduct of City, its officers, employees, or agents.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Construction Hours: Pursuant to MBMC 9.28.030(I) demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building shall not occur other than between the hours of seven a.m. and seven p.m. on weekdays, and eight a.m. and seven p.m. on weekends, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. However, pursuant to the requirements of the mitigation measures, the hours of work for this project will be further restricted based on the type of construction equipment in use – See Mitigation Measure N-1 of Mitigated Negative Declaration of Environmental Impact prepared February 2018.
2. Dust Control: That prior to issuance of a Building Permit for demolition, a method of control to prevent dust and wind blown particles shall be submitted for

review and approval by the Community Development Director, and shall be consistent with all applicable air quality mitigation measures.

3. Conditions of Approval on Demolition Plans: Prior to the issuance of a Building Permit for demolition, the final Conditions of Approval and the Environmental Mitigation and Monitoring Program shall be attached to the set of approved plans.
4. Construction Activity Sign: Prior to the start of any grading or demolition activity, the applicant shall post a construction sign along the Panorama frontage of the project site which is approximately 4' x 4' in size which contains applicant contact information, including a phone number and email address, a 24-hour emergency phone number, an area for a weekly work plan, estimated weekly truck trips (updated weekly), estimated daily truck trips (updated at least weekly), a map of the approved truck route, and the name and contact information of all required project monitors.
5. Grading in Dry Season Only: Consistent with Coastal Land Use Plan Policy 9.07, grading activities with the potential to cause significant erosion or sedimentation of water bodies, shall be commenced and concluded prior to the rainy season (October 31 through April 1). Plans submitted to the Building Division for demolition shall comply with all requirements for sediment catch basins, revegetation and other slope stabilization measures. All measures for capturing sediments and stabilizing slopes including revegetation shall be in place before the beginning of the rainy season.
6. Site Stabilization: Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting or native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices to the satisfaction of the Community Development Director and the City Engineer. Soil stabilization measures shall be clearly shown and described on plans submitted for demolition.
7. Grazing Prohibited: Grazing of livestock on the project site at 3300 Panorama is hereby prohibited.
8. Designated Truck Route: Project-related trucks with more than two axles shall access the site via State Route 1 to Main Street via the Yerba Buena intersection to Sicily Street. All project contractors and employees shall access the site via Tahiti Street. Employees and trucking contractors shall receive written notice regarding the approved truck route and speed. The applicant shall submit a traffic safety and management plan, together with a copy of the written notice provided to contractors and employees identifying the approved truck routes as part of the application for demolition.

9. Insurance:

- a) Commercial General Liability Insurance. The applicant and each subcontractor shall procure and maintain, at their sole cost and expense, in a form and content satisfactory to City, during the entire term of the project and as provided herein, a policy of commercial general liability insurance (occurrence form CG0001 or equivalent) written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000 per occurrence, and \$2,000,000 general aggregate. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. The Applicant shall also maintain an all-risk public liability insurance policy of not less than \$5 million, written on a per occurrence basis (i.e. not claims made) in a combined single limit in which the City is named as an insured. In the event the entirety of the project is performed by applicant's subcontractors, said subcontractors shall be required to comply with all the stated requirements herein. The applicant shall confirm subcontractors' compliance with the requirements prior to any work being performed..
- b) Automotive Insurance. Any operator of an automobile under the terms of this permit (including applicant and applicant's subcontractors) shall procure and maintain, at it/their sole cost and expense, in a form and content satisfactory to City, during the entire term of the project and as provided herein, a policy of comprehensive automotive insurance (form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent) written on a per occurrence basis for bodily injury and property damage in an amount not less than \$1,000,000. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Said policy shall include coverage for owned, non-owned, leased, hired cars and any automobile. The applicant shall be required to ensure applicant's subcontractors comply with the requirements herein.
- c) Subcontractors. Applicant shall furnish separate certificates and certified endorsements (as applicable) for each subcontractor used for the project evidencing coverage for subcontractors meeting all requirements stated herein.
- d) Notice. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without either the insurer or the insured's broker providing reasonable prior written notice by certified mail return receipt requested to the City, except for in the event that said insurance coverage is to be cancelled or amended for non-payment of premium, the insurer or insured's broker must provide ten (10) days prior written notice by certified mail return receipt requested to the City before such amendment and/or cancellation for non-payment. In the event any of said policies of insurance are cancelled, the applicant shall, prior to the cancellation date, submit new evidence of insurance in conformance with the requirements stated herein to the City.

- e) Rating. The insurance required shall be satisfactory only if issued by companies qualified to do business in California, rated “A” or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the City’s Risk Manager or other designee of the City due to unique circumstances.
 - f) No Limitation of Responsibility. The applicant agrees that the requirement to provide insurance shall not be construed as limiting in any way the extent to which the applicant may be held responsible for the payment of damages to any persons or property resulting from lawfully determined liability of the applicant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which applicant is legally liable or is otherwise responsible.
 - g) Proof of Insurance. A Building Permit for demolition will not be issued until the applicant has provided the City with Certificates of Insurance, endorsement forms as applicable, or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of and endorsement to all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to City or any party.
10. Performance Bond: The applicant shall provide evidence of a payment and performance bond equal to 150% of the estimated cost of the work, as determined by the Community Development Director. Payment and Performance Bond shall be in place and approved by the Community Development Director prior to issuance of a building or demolition permit through the City of Morro Bay.
11. Environmental Compliance Monitor: The applicant shall retain a qualified independent Environmental Compliance Specialist, approved by the City of Morro Bay, to oversee and document compliance with all approved project-related mitigation measures as well as environmental regulatory requirements pertaining to the proposed demolition activities. Job duties and reporting protocols shall be subject to approval of the Community Development Director.
12. Parking: All employee vehicles and project-related equipment and trucks shall be parked on site and not in the right-of-way, unless specifically allowed as part of an encroachment permit.
13. Portable Weight Scale: The applicant shall install a temporary truck weigh station on site to record the actual weight of trucks leaving the site which are transporting debris and other materials related to the demolition project. Applicant shall document to the satisfaction of the City that every such truck leaving the site weighs equal to or less than the permitted weight loads allowed by the California Vehicle Code and for which the trucks are licensed. City and applicant anticipate

that 5 axle end-dump (high and low sided) trailer trucks and three-axle roll-off or dump trucks licensed for no more than 80,000 pounds will be used for the project. This requirement may be modified if another means of documenting truckload weights, such as requiring dump load tickets be provided to the city, provides adequate assurance of truck weight evidence to the Community Development Director.

ENVIRONMENTAL CONDITIONS

1. The applicant shall comply with the environmental mitigation measures as detailed in the Mitigation and Monitoring Program which is attached hereto as Attachment 1.

PUBLIC WORKS CONDITIONS

1. Clean-up: Verify all equipment, hazardous waste, paints, liquids, chemicals, etc. are safely removed, if to be disturbed during demolition, prior to demolition. Provide measures to contain any possible spills and contaminated material during demolition. After removal of tanks and foundation, provide proof of clean site closure from all appropriate regulatory agencies prior to further development.
2. BMP: Utilize Best Management Practices (BMP) to address any existing remnants/stains/residue of previously stored chemicals, paints, liquids, etc., to ensure that storm runoff will not become contaminated. All hazardous materials, storage sites and hazardous waste management sites shall be cleaned or abandoned as directed by the San Luis Obispo County Environmental Health Department.
3. Storm Water Pollution Prevention Plan: A SWPPP is required for all projects over 1 acre to address all potential pollutants and their sources. Projects over 1 acre are subject to the Construction General Permit. A "Notice of Intent" must be submitted to the State Water Resources Control Board. The requirements for the General Permit and guidelines for the SWPPP can be found at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml. Submit the SWPPP WID# (Waste Identification Number) prior to Grading or Building Permit approval.
4. Utilities: Plans submitted for a building demolition permit shall clearly show all utilities and their pre- and post-demolition disposition. Where any utilities are proposed for temporary or permanent abandonment:
 - a) Stub, cap and label all sewer laterals and water lines at each connection.
 - b) Terminate all gas, phone, power, internet, cable t.v., etc. lines following all applicable utility company policy and procedures.
 - c) Indicate the locations of all remaining utility terminations (i.e. gas, sewer, water etc.).

5. Tanks: Tank removal, must be completed in compliance with all terms and conditions established by applicable outside regulatory agencies (the Air Pollution Control District and the San Luis Obispo County Environmental Health Department) which shall include but not be limited to the following:
 - a. Certification of a Pre-demolition Plan, a Demolition Plan, a Site Safety Plan, an Environmental Sampling Plan and a Hazardous Waste Management Plan prepared in accordance with 22CCR, Section 67383.3 by a Certified Industrial Hygienist, Certified Marine Chemist, Registered Professional Engineer, Registered Environmental Assessor, Class II or a Licensed Contractor who holds a current Hazardous Substance Removal Certification.
 - b. Both Pre-demolition and Demolition Plans shall include all measures identified by SLOCO EHS that are necessary to assure the safety of all workers, neighboring residents and the environment.
6. Road Assessment: The applicant shall conduct a video survey of all intended construction routes before and after demolition to document road damage that results from heavy construction traffic. If pavement deterioration is noted, the applicant will be required to use a Pavement Assessor certified by the Metropolitan Transportation Commission (MTC) to perform a formal pavement condition survey using standards established by ASTM D6433 and modified by MTC's 8AC distress protocol. Repairs shall be designed by a licensed Professional Engineer to the satisfaction of the Public Works Director/City Engineer.
7. Encroachment Permit: The applicant shall obtain an Encroachment Permit and construct a temporary construction entrance near the southwest corner of the parcel near Sicily Street.
8. Add the following Notes to the Plans for Building Permit for Demolition:
 - a. Applicant agrees that issuance and acceptance of a building permit for demolition is conditioned on applicant guarantees and warrants that any damage caused by, or arising from, such demolition activities, to City facilities (e.g. curb/berm, street, sewer line, water line), or any public improvements shall be repaired by applicant at no cost to the City of Morro Bay.
 - b. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

FIRE CONDITIONS

Emergency Response Plan

1. Applicant shall prepare and provide an Emergency Response Plan (ERP) for the planned storage tank and piping demolition and removal at the former Navy Jet Fuel Storage Site at 3300 Panorama Drive. The ERP shall be submitted to the City of Morro Bay Fire Department for review prior to any construction or deconstruction activities on site. A copy of the ERP will be maintained on-site for the duration of all site activities and include the following information:
 - a. **Emergency Response.** Potential site emergencies may be natural or man-made and include, but not limited to, fire, explosions, chemical releases or spills, civil disturbances or workplace violence, bomb threats, and other unplanned physical or chemical exposures. The ERP will include appropriate methods of emergency response and notification.
 - b. **Pre-Emergency Planning.** Site management personnel will prepare for an emergency before it happens based on site location, hazards, planned activities, weather, etc. Preventing emergencies can be accomplished through the identification and elimination of hazards.

Pre-emergency planning includes reviewing the ERP with site personnel and inspection of emergency response equipment and supplies. Prior to project commencement, the Field Project Manager (FPM) will coordinate with the City of Morro Bay Fire Department to discuss the project schedule, potential hazards and the location of hazardous materials at project site, the location of emergency response equipment, and emergency response procedures, as contained in the ERP.

- c. **Communication/Emergency Alerting and Notification.** The Field Project Manager (FPM) will have primary responsibility for responding to and correcting emergency situations. A Health and Safety Officer (HSO) will serve as alternate. The FPM and HSO will evaluate the emergency for appropriate levels of response. The FPM will announce evacuation to site personnel and contact emergency services as required.

In the event of a fire or explosion, the Morro Bay Fire Department shall be summoned immediately. Upon their arrival, the FPM will advise the fire commander of the location, nature, and identification of the hazardous materials on-site and status of a spill control program.

Following an emergency, the FPM and HSO will ensure that all reports and notifications have been prepared and submitted.

- d. **Emergency Response Roster/Directory.** The FPM shall prepare and provide an Emergency Contact Roster/Directory, include all project personnel and

emergency contact information.

- e. **Informational Attachments.** Applicant shall prepare and provide attachments containing the following information:
1. Site Location Map.
 2. Excavation Grading Plans.
 3. Spill Control Program.
 4. California Hazardous Materials Spill/Release Notification Guidance.
 5. Employee/Worker parking Location (not permitted on Panorama Drive due to narrow roadways and subject to citation).

Tank Removal: Tank demolition, removal or relocation may commence only after the local agency has given approval.

2. Submit a pre-demolition plan with information relative to the certification of both storage tanks, piping, atmosphere, and removal of all underground piping.
3. Upon approval of the closure permit application, the tank owner/operator shall carry out the proposed actions. Tank removal and sampling activities must be witnessed by representatives of the Certified Unified Program Agency (CUPA) and local agency (City of Morro Bay Fire Department).
4. Hazardous materials shall be removed from tanks and piping prior to tank demolition, removal or relocation and must be properly managed. Materials generated as the result of the rinsing or decontamination of tanks shall be managed as hazardous wastes unless a written hazardous waste determination per Title 22 California Code of Regulations §66262.11 demonstrates that the waste is non-hazardous.
5. All pumps and associated piping shall be removed.
6. The person removing the tank(s) or portions of the tank(s) shall provide tank removal/lifting equipment of a size adequate to safely lift the metal components onto the transport vehicle without dragging or otherwise causing an unsafe condition.
7. For tanks previously containing flammable/combustible materials, the person closing the tank(s) shall provide, on-site and readily accessible, at least one 40BC rated portable fire extinguisher and a properly calibrated meter capable of measuring LEL (Lower Explosive Limit) and oxygen levels.
8. Tanks previously containing flammable/combustible materials shall be made safe for demolition, removal, or relocation by the addition of dry ice (carbon dioxide) — or other methods approved by the local agency — sufficient to achieve an atmosphere of either less than 10% oxygen or less than 20% LEL. *(Note: At a minimum add 22.2 pounds of dry ice per each 1,000 gallons of tank volume;*

however, highly volatile materials may require more.)

9. Establish a procedure and documentation for atmospheric testing, in both tanks and piping to determine, achieve and maintain safe exposure levels for oxygen, flammable vapors and toxic materials, prior to demolition, during demolition, at the start of each work day, along the entire pipe length and inside and outside of each tank.
10. Identify intrinsically safe and calibrated testing equipment to confirm non-flammable and non- explosive atmosphere in the tanks and piping.
11. Establish and Identify a process for isolating all incoming and outgoing pipe lines.
12. The applicant shall be responsible for ensuring that conditions at the site provide for workplace safety, protection of the environment, and maintenance of integrity of nearby structures.
13. All tanks and piping shall be manifested and hauled by a licensed hazardous waste transporter to a permitted hazardous waste facility, whether or not they have been rinsed on site. *(Note: This does not apply to tanks which have been cleaned on-site and certified as non-hazardous in accordance with California Code of Regulations, Title 22, Division 4.5, Chapter 32.)*
14. If soil sampling is required by the local agency or CUPA, sampling must be completed by an approved third-party. Soil samples shall be analyzed by a laboratory State-certified for the required analyses and handled under a Chain-of-Custody form. Sample results without a Chain-of-Custody form shall be considered invalid and re-sampling will be required.
15. If contamination of any detectable concentration is found, further soil and groundwater investigation may be required.
16. The following information shall be submitted to the local agency within 60 days of tank removal: Analytical results from samples; copy of completed sample Chain(s)-of-Custody; site drawing(s) showing tank location(s), pipeline runs, sampling locations, and sampling depths; and a photocopy of the TSDf signed copy of each hazardous waste manifest used to transport tanks, piping, tank contents (if managed as hazardous waste), and rinseate.

Summary of Requirements to Obtain Final Tank System Closure

17. The operator of the facility at which the tank was located shall update the facility's Hazardous Materials Business Plan (HMBP) within 30 days of tank removal by electronically submitting revised Hazardous Materials Inventory information and a revised Storage Map via the California Environmental Reporting System (CERS) at cers.calepa.ca.gov or the Certified Unified Program Agency (CUPA) electronic reporting portal, if applicable.

18. The following information shall be submitted to the agency overseeing closure within 60 days of tank removal: Analytical results from samples, sample Chain(s)-of-Custody, and site drawings showing tank location(s), pipeline runs, sampling locations, and sampling depths (if sampling was required); and a copy of the TSDF-signed copy of any Uniform Hazardous Waste Manifest or Consolidated Manifest used to transport tanks, piping, tank contents, and tank/piping rinseate.

California Fire Code Requirements (CFC)

19. Fire Prevention Program Superintendent. The owner shall designate a person to be the fire prevention program superintendent who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. (CFC 3308.1)
20. Pre-Fire Plan. The fire prevention program superintendent shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such pre-fire plan. (CFC 3802.2)
21. Training. Training responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program superintendent. Submit training records of identified personnel who will be part of the program. (CFC 3308.4)
22. Emergency Communication. All personnel at the project site shall have access to a means of communication to contact the fire department. (CFC 3309.1)
23. Emergency Vehicle Access shall be provided to the demolition site. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. (CFC 3310.1)
24. Operational Permit is required to conduct cutting or welding operations within the jurisdiction. (CFC 105.6.11)
25. Hot Work shall only be conducted in areas designed or authorized for that purpose by the personnel responsible for a hot work program and approved by Morro Bay Fire Department. (CFC 3501.3)
26. Hot Work areas shall not contain combustibles or shall be provided with appropriate shielding to prevent sparks, slag or heat from igniting exposed combustibles. (CFC 3504.1.1)
27. Hot work shall not be performed on containers or equipment that contains or has contained flammable liquids, gases or solids until the containers and equipment have been thoroughly cleaned, inerted or purged: except that "hot tapping" shall be allowed on tanks and pipe lines when such work is conducted by approved

personnel. (CFC 3504.1.7)

28. A fire watch shall be provided during hot work activities and shall continue for a minimum of 30 minutes after the conclusion of the work. Morro Bay Fire Department is authorized to extend the fire watch based on the hazards or work being performed. (CFC 3504.2.1)

29. Location. The fire watch shall include the entire hot work area. Hot work conducted in areas with vertical or horizontal fire exposures that are not observable by a single individual shall have additional personnel assigned to fire watches to ensure that exposed areas are monitored. (CFC 3504.2.2)

Provide a plan for the number of personnel who will be assigned to a fire watch, given the size of the existing JP-5 tanks.

30. Individuals designated to fire watch duty shall have fire-extinguishing equipment readily available and shall be trained in the use of such equipment. These personnel shall be responsible for extinguishing fires and communicating an alarm. (CFC 3505.2.3)

Provide verification that all individuals conducting fire watch have been trained and certified in the use of fire extinguishing systems.

31. Training. Individuals responsible for performing the hot work and fire watch shall be trained in the use of portable fire extinguishing systems. (CFC 3504.2.4)

Provide verification that all individuals conducting fire watch have been trained and certified in the use of portable hand-held fire extinguishers.

32. Fire Extinguishers. A minimum of one portable fire extinguisher complying with Section 906 and with a minimum 2-A:10-B:C rating shall be accessible within 30 feet of the location where hot work is performed. (CFC 3504.2.6)

Provide the locations of all required fire extinguishers and existing fire hydrants within 100 feet of the property boundaries on the demolition plans.

33. Area Review. Before hot work is permitted and at least once per day while the permit is in effect, the area shall be inspected by those responsible for authorizing hot work operations, to ensure that it is a fire safe area. Information shown on the permit shall be verified prior to signing the permit, in accordance with CFC 105.6. (CFC 3504.3)

34. Pre-Hot Work Check. A pre-hot work check shall be conducted prior to work to ensure that all equipment is safe and hazards are recognized or protected. A report of the check shall be kept at the work site during the work and available upon request. (CFC 3504.3.1). The pre-hot work check shall determine all of the following:

- a. Hot work equipment to be used shall be in satisfactory operating condition and in good repair.
- b. Hot work site is clear of combustibles or combustibles are protected.
- c. Fire watches are assigned.
- d. Fire extinguishers are operable and available.

Provide a proposed site checklist for approval by the Morro Bay Fire Department.

35. Removal and Disposal of Tanks. Removal of aboveground and underground tanks shall be in accordance with all of the following:

- a. Flammable and combustible liquids shall be removed from the tank and connected piping.
- b. Piping at tank openings that is not to be used further shall be disconnected.
- c. Piping shall be removed from the ground.
- d. Tank openings shall be capped or purged, leaving a 1/8-inch to 1/4-inch diameter opening for pressure equalization.
- e. Tanks shall be purged of vapor and inerted prior to removal.
- f. All exterior above-grade fill and vent piping shall be permanently removed.
- g. Disposal. Tanks shall be disposed of in accordance with federal, state and local regulations.

36. Knox Lock. Where access to an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or lock to be installed in an approved location (CFC 506). Provide a Knox Lock on the access gate. Please obtain a Knox application from Morro Bay Fire Department during business hours.

37. Morro Bay Fire Department is authorized to order all site operation halted, if in the opinion of the Fire Chief or his designee, a threat to public safety, life safety hazards, wind or other conditions or violations of provisions of the Operational Permit are found. All project operations shall be required to cease immediately.

BUILDING CONDITIONS

1. Building Permit: Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Permit.
2. Demolition Debris: Prior to requesting a final inspection, the contractor shall submit to the Building Department a Demolition Debris Disposal Report, including weigh tags, demonstrating that a minimum of 50% of the demolition debris, by weight, was recycled.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 19th day of June 2018 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chairperson Gerald Luhr

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 19th day of June 2018.

Attachment A

Mitigation and Monitoring Program

Mitigation Measure AQ-1: No article, machine, equipment or other contrivance, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated or used, unless:

- a. A current Permit to Operate or temporary Permit to Operate has been obtained from the Control Officer of the San Luis Obispo County Air Pollution Control District, or
- b. The article, machine, equipment or other contrivance has been registered under the Portable Equipment Registration Program (PERP) of the California Air Resources Board, or
- c. The article, machine, equipment or other contrivance is designated as not requiring a permit by Rule 201 of the San Luis Obispo County Air Pollution Control District.

Such articles, machines, equipment, or other contrivances that may be employed during this project include, but are not limited to, internal combustion engines of 50 horsepower or greater and equipment utilized in the degassing and cleaning of fuel storage tanks and pipelines.

Monitoring AQ-1: Prior to issuance of any demolition permit by the City of Morro Bay, the applicant shall incorporate this condition as a note on the demolition plan set and shall provide the City Community Development Director with copies of all required Permits to Operate, temporary Permits to Operate, or registrations with the Portable Equipment Registration Program.

Mitigation Measure AQ-2: Petroleum Storage Tank Degassing and Removal, Removal of Hydrocarbon-Contaminated Soil, Removal of Asbestos, and Removal of Lead-Contaminated Materials: Prior to issuance of a demolition permit by the City of Morro Bay, the applicant shall:

- a. Provide the City Community Development Director with written evidence that the Environmental Health Division of the County of San Luis Obispo Public Health Department and the San Luis Obispo County Air Pollution Control District have been provided with a complete description of the proposed project, including specific descriptions of potential bio-hazards associated with removal of residual petroleum projects from the fuel tanks and pipelines, removal of hydrocarbon-contaminated soil, disassembly and removal of known or reasonably expected asbestos gaskets and pipe fittings, and removal of lead-containing paint and soil contaminated with lead-containing paint.
- b. Provide the City Community Development Director with written responses from the Environmental Health Division of the County of San Luis Obispo Public Health Department and the San Luis Obispo County Air Pollution Control District, documenting provision of any additional information requested by these agencies, as well as any actions, mitigations, conditions, or permits required.

Monitoring AQ-2: Prior to issuance of any demolition permit by the City of Morro Bay, the applicant shall:

- a. Incorporate any conditions or requirements imposed by the Environmental Health Division of the County of San Luis Obispo Public Health Department or the San Luis Obispo County Air Pollution Control District as notes on the demolition plan set, and
- b. Provide to the City Community Development Director documentation that any permits required from the Environmental Health Division of the County of San Luis Obispo Public Health Department or the San Luis Obispo County Air Pollution Control District have been obtained.

Mitigation Measure AQ-3: APCD Permitting of Hydrocarbon Contaminated Soil Processes. This project will require a San Luis Obispo County Air Pollution Control District permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This permit will include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, the applicant must contact the San Luis Obispo County Air Pollution Control District Engineering Division at 781-5912 at least 120 days before the start of excavation to begin the permitting process. In addition, the air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the San Luis Obispo County Air Pollution Control District's construction phase thresholds.

Monitoring AQ-3: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-4: Naturally-Occurring Asbestos: Prior to issuance of a demolition permit by the City of Morro Bay, the applicant shall provide the City Community Development Director with written documentation that either:

- a. The project has been granted an exemption by the Air Pollution Control Officer of the San Luis Obispo County Air Pollution Control District from the provisions of California Code of Regulations Section 93105, as provided in CCR Section 93105 (b), or
- b. An Asbestos Dust Mitigation Plan has been approved by the San Luis Obispo County Air Pollution Control District, in accordance with CCR 93105 (e)(2) and the provisions of such Asbestos Dust Mitigation Plan have been recorded as notes on the demolition plan set.

Monitoring AQ-4: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-5: Demolition/ Asbestos. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos-containing material. Asbestos-containing material could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). This project will include these activities and may be subject to various regulatory jurisdictions including the requirements stipulated in the National Emission Standards for Hazardous Air Pollutants 40 CFR 61, Subpart M – asbestos NESHAP. These requirements include, but are not limited to: (1) written notification, within at least 10 business days of activities commencing, to the San Luis Obispo County Air Pollution Control District; (2) asbestos survey conducted by a Certified Asbestos Consultant; and (3) applicable removal and disposal requirements of identified asbestos-containing material. Please contact the San Luis Obispo County Air Pollution Control District Enforcement Division at (805) 781-5912, and also go to <http://www.slocleanair.org/rules-regulations/asbestos.php> for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of <http://www.slocleanair.org/rules-regulations/asbestos.php>.

Monitoring AQ-5: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-6: Dust Control Measures. Demolition and construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Since all portions of the project site are located within 1,000 feet of sensitive receptors,

the applicant shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District's 20% opacity limit (San Luis Obispo County Air Pollution Control District Rule 401) or prompt nuisance violations (SLOAPCD Rule 402).

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Only reclaimed (non-potable) water shall be used for dust control. Please note that since water use is a concern due to drought conditions the contractor or builder shall consider the use of a San Luis Obispo County Air Pollution Control District-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation site cleanup and restoration plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered in accordance with CVC Section 23114;
- j. To prevent "track-out," install and operate a "track-out prevention device" where vehicles enter and exit unpaved ground or roads onto paved streets. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. The "track-out prevention device" can be any device or combination of devices that is effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used. Roads shall be pre-wetted prior to sweeping;
- l. Prior to any ground disturbance, sufficient water or soil stabilizers shall be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
- m. Areas to be graded or excavated shall be kept adequately wetted and/or stabilized to prevent visible emissions from crossing the property line;
- n. Storage piles shall be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;
- o. Equipment shall be washed down before moving from the property onto a paved public road;

- p. Visible track-out on the paved public road shall be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours;
- q. During site grading and/or excavation activities, if serpentinite material is encountered, the project engineering geologist shall be notified that this material has been encountered;
- r. During site excavation for investigation purposes, a water truck shall be available for dust control;
- s. All PM₁₀ (dust) mitigation measures required should be shown on grading and building plans; and,
- t. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring AQ-6: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-7: Diesel Idling Limitations. This project is in close proximity to nearby sensitive receptors (residences to the northwest, west and south). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions: To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project the applicant shall implement the following idling control techniques:

- a. Idling of diesel engines, whether installed in on-road vehicles or off-road equipment, shall not be permitted.
- b. No vehicle fitted with a diesel-powered auxiliary power system (APS) shall use such APS to power any heater, air-conditioner, or other auxiliary equipment for longer than 5 minutes.
- c. The use of equipment powered by means other than diesel engines is preferred when possible
- d. Signs that indicate that diesel idling is prohibited at the entire demolition site shall be prominently posted and enforced. Signs will include the following note, or a comparable statement: "Please note that some equipment, such as hydraulic metal shears, may require diesel-operated construction equipment to be running while the metal cutting and removal is taking place – this activity is not considered idling."

Monitoring AQ-7: Active air quality monitoring shall be conducted in accordance with the Air Monitoring Plan (AMP) prepared by Rhine LP & Morro94, LLC, and dated December 23, 2016. All monitoring reports shall be submitted to the City Community Development Department for review. Prior to issuance of a demolition permit, however, the AMP shall be:

- a. Expanded to include monitoring for asbestos, and
- b. Submitted to and approved by the San Luis Obispo Air Pollution Control District.

Mitigation Measure BR-1: Prior to issuance of demolition permits, the applicant shall submit documentation verifying designation of a qualified biological monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be responsible for the preparation, submission, and compliance with a Biological Monitoring Plan. The plan shall include procedures and policies for the following: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting

methods; (3) compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Monitoring BR-1: The City Community Development Department shall verify receipt and compliance with the approved Biological Monitoring Plan. The name and contact information of the project biological monitor shall be listed on the plans submitted for a demolition permit.

Mitigation Measure BR-2: Prior to the initiation of demolition actions, including equipment and materials staging and storage, the biological monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.

Monitoring BR-2: The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming that all project personnel have completed the required training.

Mitigation Measures BR-3: Prior to the initiation of demolition actions, including equipment and materials staging and storage, the applicant's contractors and the biological monitor shall coordinate the placement of project delineation fencing throughout the work areas. The biological monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.

Monitoring BR-3: The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming that project delineation fencing has been installed and remains in place for the duration of the project. The biological monitor shall determine when the fencing may be removed, in consultation with the City Community Development Department.

Mitigation Measure BR-4: Prior to initiation of demolition actions, including storage and use of equipment and materials within the project site, the following avoidance and mitigation measures shall be implemented minimize and/or avoid impacts to ESH as a result of proposed demolition activities:

- a. Limits of Environmentally Sensitive Habitat Area (ESH area) shall be clearly delineated using brightly colored construction fencing prior to implementation of any demolition activity. ESH fencing shall be maintained in good order until removed in accordance with the requirements of paragraph c.
- b. No equipment access, excavation, or other land disturbing activities shall occur within the limits of ESH other than approved tree trimming and removal.
- c. Equipment access, excavation, and other land disturbing activities within 50 feet of the ESH boundary shall be limited to the minimum required for removal or abandonment of the six-inch pipeline and small amount of Gunite, access to and removal of the easterly concrete foundation, tree trimming and removal of dead and diseased trees, and restoration of the land surface. The existing truck route that extends from the northern berm area through the buffer area would be used to access and remove the concrete pad. Use of this truck route would likely be short-term. Upon completion of these activities, brightly colored construction fencing shall be erected a minimum of 50 feet from the ESH boundary and no further access to this area shall be permitted, except as

necessary in the event of an emergency evacuation. This fencing shall be maintained in good order for the duration of the project. Upon erection of construction fencing 50 feet from the ESH border, construction fencing along the ESH border itself shall be removed.

- d. Appropriate erosion and sediment control measures shall be installed and maintained for soil disturbances which could lead to sedimentation impacts to the unnamed tributary. Upon completion of demolition and removal activities, all disturbed areas adjacent to ESH shall be appropriately stabilized (i.e., erosion control hydroseed, biodegradable wattles, mulch, or similar method approved by the City of Morro Bay).
- e. Erosion control materials shall not contain monofilament materials as these materials are known to entangle wildlife.
- f. Any equipment or vehicles operated adjacent to ESH shall be checked and maintained daily, to prevent leaks that could be harmful to wildlife.
- g. Emergency spill kits shall be present at the site and personnel shall be trained in proper use of the spill kit during all demolition and removal activities. Training documentation shall be provided to the City of Morro Bay.
- h. Appropriate amounts of water and/or soil stabilizers shall be used to suppress fugitive dust during demolition and earth disturbing work, consistent with San Luis Obispo Air Pollution Control District standards.
- i. Disturbance to ESH shall be prohibited a minimum of 50 feet from the edge of ESH pending full California Environmental Quality Act, Coastal Act, and Local Coastal Program Policy analysis by the City of Morro Bay. In addition, appropriate permits (i.e., California Department of Fish and Wildlife Lake and Streambed Alteration Agreement) shall be obtained prior to work.

Monitoring BR-4: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-5: The following measures are required to avoid and/or minimize potential impacts to sensitive invertebrate, amphibian, piscine, reptilian, and mammalian species that may be present at the proposed project site:

- a. A qualified biologist shall survey the project site no more than 48 hours before the start of work activities to determine whether there is evidence of the presence of any of the following sensitive species:

Invertebrates

Morro shoulderband snail (*Helminthoglypta walkeriana*)

Insects

sandy beach tiger beetle (*Cicindela hirticollis gravida*)

globose dune beetle (*Coelus globosus*)

Morro 10-Lined june beetle (*Polyphylla species novae 'morroensis'*)

'Morro' Boisduval's blue butterfly (*Plebejus icarioides 'moroensis'*)

Fishes

coastal rainbow trout (*Oncorhynchus mykiss irideus*)

tidewater goby (*Eucyclogobius newberryi*)

Amphibians

California red-legged frog (*Rana draytonii*)

Reptiles

western pond turtle (*Emys marmorata*)

Coast horned lizard (*Phrynosoma blainvillii*)

silvery legless lizard (*Anniella pulchra pulchra*)

Mammals

Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)

big free-tailed bat (*Nyctinomops macrotis*)

western red bat (*Lasiurus blossevillii*)

pallid bat (*Antrozous pallidus*)

fringed myotis (*Myotis thysanodes*)

Yuma myotis (*Myotis yumanensis*)

long-legged myotis (*Myotis volans*)

long-eared myotis (*Myotis evotis*)

western small-footed myotis (*Myotis ciliolabrum*)

American badger (*Taxidea taxus*)

- b. If sensitive species are detected within the boundaries of the Environmentally Sensitive Habitat Area and out of harm's way, a qualified biologist shall monitor all demolition, grading, and removal activities within 50 feet of suitable habitat.
- c. If sensitive species are detected within any of the areas planned for disturbance, the biological monitor shall contact the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS) for guidance in formulating a plan as to how to proceed. No work at the site shall commence until a written plan of action has been approved by the CDFW and/or USFWS and by the Community Development Director of the City of Morro Bay.
- d. In the event that sensitive species are encountered unexpectedly during the course of project activities, work shall be immediately halted and the biological monitor shall contact the USFWS for guidance in formulating a plan as to how to proceed. No further work at the site shall commence until a written plan of action has been approved by the USFWS and by the Community Development Director of the City of Morro Bay.
- e. In the event that non-sensitive wildlife species are encountered during the course of project activities, work shall be immediately halted and such wildlife shall be allowed to leave the area unharmed of their own volition or shall be relocated to a "no-kill" wildlife rescue facility. No further work at the site shall commence until all of the encountered individuals are absent from the project site.
- f. No project-related materials and/or equipment shall be allowed within the designated ESH without prior approval of responsible regulatory agencies and amendment of the applicable Coastal Development Permit and Conditional Use Permit by the City of Morro Bay.

Monitoring BR-5: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-6: The following measures are required to avoid and/or minimize potential impacts to nesting birds which may be present at the proposed project site:

- a. Unless required to mitigate an immediate physical danger, no tree removal or trimming may be carried out during the period between February 1 and June 30. Tree trimming performed between

February 1 and June 30 for the purpose of mitigating an immediate hazard shall be confined to the minimum necessary to alleviate such hazard.

- b. No more than one week before the start of any demolition and removal activities, earth disturbance, or vegetation clearance carried out during the period between February 1 and September 15 (inclusive), a qualified biologist shall survey the project site to determine whether any active bird nests are present at the project site and to identify the species of bird occupying such nest(s). The results of such survey shall be delivered, in writing, to the office of the Morro Bay Community Development Director no less than 48 hours prior to commencement of work activity.
- c. If active nests occupied by any sensitive species are found, no work shall commence until an appropriate buffer and mitigation plan have been developed in consultation with the City, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service. For purposes of this Mitigation Measure, the following are considered to be sensitive species:

- brant (*Branta bernicula*)
- harlequin duck (*Histrionicus histrionicus*)
- common loon (*Gavia immer*)
- American white pelican (*Pelecanus erythrorhynchos*)
- California brown pelican (*Pelecanus occidentalis californicus*)
- double-crested cormorant (*Phalacrocorax auritus*)
- least bittern (*Ixobrychus exilis*)
- osprey (*Pandion haliaetus*)
- white-tailed kite (*Elanus leucurus*)
- northern harrier (*Circus cyaneus*)
- sharp-shinned hawk (*Accipiter striatus*)
- Cooper's hawk (*Accipiter cooperii*)
- ferruginous hawk (*Buteo regalis*)
- golden eagle (*Aquila chrysaetos*)
- merlin falcon (*Falco columbarius*)
- American peregrine falcon (*Falco peregrinus anatum*)
- prairie falcon (*Falco mexicanus*)
- California black rail (*Laterallus jamaicensis coturniculus*)
- western snowy plover (*Charadrius alexandrinus nivosus*)
- black oystercatcher (*Haematopus bachmani*)
- whimbrel (*Numenius phaeopus*)
- long-billed curlew (*Numenius americanus*)
- marbled godwit (*Limosa fedoa*)
- black turnstone (*Arenaria melanocephala*)
- sanderling (*Calidris alba*)
- short-billed dowitcher (*Limnodromus griseus*)
- Heerman's gull (*Larus heermanni*)
- California gull (*Larus californicus*)
- elegant tern (*Sterna elegans*)
- black Skimmer (*Rhynchops niger*)
- marbled murrelet (*Brachyramphus marmoratus*)
- ancient murrelet (*Synthliboramphus antiquus*)
- Cassin's auklet (*Ptychoramphus aleuticus*)
- rhinoceros auklet (*Cerorhinca monocerata*)
- western burrowing owl (*Athene cunicularia*)

- California spotted owl (*Strix occidentalis occidentalis*)
 - Allen's hummingbird (*Selasphorus sasin*)
 - olive-sided flycatcher (*Contopus cooperi*)
 - willow flycatcher (*Empidonax traillii*)
 - loggerhead shrike (*Lanius ludovicianus*)
 - purple martin (*Progne subis*)
 - oak titmouse (*Baeolophus inornatus*)
 - wrentit (*Chamaea fasciata*)
 - California thrasher (*Toxostoma redivivum*)
 - yellow warbler (*Dendroica petechia*)
 - large-billed savannah sparrow (*Passerculus sandwichensis rostratus*)
 - tri-colored blackbird (*Agelaius tricolor*)
- d. If active nests occupied by any non-sensitive species other than raptors are found, a buffer zone 250 feet in radius shall be established around each such active nest. Construction fencing shall be erected around the perimeter of each such buffer zone and signage shall be prominently displayed indicating that no work activity is permitted within the buffer. Construction fencing shall be maintained in place and in good repair and work activity shall remain outside of designated buffer zones until a qualified biologist has determined that the young have fledged and are no longer reliant on parental care.
- e. If active nests occupied by any non-sensitive raptor species are found, a buffer zone 500 feet in radius shall be established around each such active nest. Construction fencing shall be erected around the perimeter of each such buffer zone and signage shall be prominently displayed indicating that no work activity is permitted within the buffer. Construction fencing shall be maintained in place and in good repair and work activity shall remain outside of designated buffer zones until a qualified biologist has determined that the young have fledged and are no longer reliant on parental care.

Monitoring BR-6: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-7: Non-diseased and non-hazardous mature trees removed in conjunction with the demolition project, including those removed without permits in 2017, shall be replaced with 5- or 15-gallon trees in compliance with the City's Major Vegetation Removal, Replacement and Protection Guidelines, using in-kind and other species appropriate to the conditions of the replacement planting location at a minimum 2:1 ratio either on the project site. The timing of future replacement tree planting shall be at the discretion of the City Community Development Director. Newly planted trees onsite shall be maintained until successfully established. In the event that any of the replacement trees should die within 3 years after planting, such trees shall be removed and replaced by the applicant. Watering shall be controlled so only enough is used to initially establish the tree, and reducing to zero over a 3-year period. Once trees have been planted and prior to final inspection, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the City Community Development Department.

Monitoring BR-7: These measures shall be incorporated into a Tree Restoration Plan to be submitted as part of the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological

Monitoring Plan, the Arborist Report, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure CR-1: Prior to the initiation of demolition actions, including equipment and materials staging and storage, a qualified archaeologist shall conduct a cultural resource awareness training for construction crews and supervisors. The cultural resource awareness training shall include the following: (1) a description of the kinds of resources that may be found in the area, (2) the importance of cultural resources to the Native American community, (3) a discussion of laws pertaining to significant archaeological and historical sites, and (4) protocols to be used in the event of an unanticipated discovery.

Monitoring CR-1: The City Community Development Department shall verify receipt of documentation from the qualified archaeologist confirming that all project personnel have completed the required training.

Mitigation Measure CR-2: In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other demolition activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, a qualified archaeologist and/or paleontologist, and Native American monitor, shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring CR-2: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance.

Mitigation Measure CR-3: Prior to ground disturbance, the applicant shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior Professional Qualification Standards for archaeology, to prepare and implement a Cultural Resources Monitoring Plan. The plan shall include procedures and policies for the following: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) compliance reporting; (4) construction crew training regarding cultural resources; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The archaeological monitor and similarly qualified locally affiliated Native American representative(s) shall be present during ground-disturbing activities. The archaeological monitor shall submit a monitoring report to the City Community Development Department following completion of all required monitoring activities.

Monitoring CR-3: The City Community Development Department shall verify receipt and compliance with the approved Cultural Resources Monitoring Plan. The name and contact information of the project archaeologist shall be listed on the plans submitted for a demolition permit.

Mitigation Measure HM-1: Prior to the initiation of demolition actions, the applicant shall submit all documentation of the County of San Luis Obispo Department of Public Health Department approval of the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016). A copy of the County permit and all supporting documentation shall be available for review onsite at all times, and the applicant shall comply with all approved policies and measures identified in the document. The applicant shall comply with all existing regulations protecting public health and safety, as well as all of the following conditions required by the County in the approval letter dated March 14, 2017:

- a. The applicant shall schedule with the County of San Luis Obispo Public Health Department and City of Morro Bay Fire Department a pre-demolition safety meeting to ensure all safety measures

are in place, and that a pre-demolition safety meeting for workers has been conducted and documented.

- b. Inspections shall be scheduled with the County of San Luis Obispo Public Health Department inspector and the City of Morro Bay Fire Department, which will include certification of a safe atmosphere in the tanks and piping before demolition, inspection of piping before removal, and soil sampling beneath removed piping.
- c. The applicant shall provide copies of tank and piping atmosphere monitoring documentation to the County of San Luis Obispo Public Health Department and the City of Morro Bay Fire Department, confirming the atmosphere is safe and non-explosive, before demolition.
- d. The applicant shall provide copies of all soil sample lab analysis to the County of San Luis Obispo Public Health Department prior to contaminated soil disposal.
- e. The applicant shall consult with the County of San Luis Obispo Public Health Department and provide justification for approval before closing any pipeline in place.
- f. The applicant shall submit copies of waste disposal manifests, signed by the Treatment, Storage, and Disposal Facility (TSDF), within 45 days after disposal.
- g. Post-demolition, the applicant shall submit the following supporting documents to the County of San Luis Obispo Public Health Department:
 1. A soil assessment report from the AGT system removal that complies with all applicable guidance from the California Environmental Protection Agency (CalEPA) and the U.S. Environmental Protection Agency (USEPA), particularly the Department of Toxic Substances (DTSC) Preliminary Environmental Assessment (PEA) Manual;
 2. A Phase 1 Environmental Assessment;
 3. A work plan to perform a Phase 2 Environmental Assessment that includes environmental sampling and soil gas sampling for volatile organic compounds (VOCs) that comply with the DTSC Soil Gas Investigation Advisory, 2012;
 4. A Phase 2 Environmental Assessment Report; and
 5. A Human Health Risk Assessment that complies with all applicable guidance from CalEPA, USEPA, and the County of San Luis Obispo Public Health Department.
- h. The applicant shall coordinate to determine if a Remediation Action Plan (RAP) is required for the proposed project. A RAP may be required if environmental sampling indicates a potential unacceptable risk to future residents exists.

Monitoring HM-1: The City Community Development Department shall verify receipt of approval documentation from the County of San Luis Obispo Public Health Department, and shall verify compliance with all policies and guidelines identified in the County permit and all supporting documentation.

Mitigation Measure HM-2: Prior to initiation of demolition actions, the applicant shall prepare and submit a Spill Prevention Control and Countermeasure Plan to the City Community Development Department. The plan shall supplement the approved *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) and identify hazardous materials to be used onsite and offsite, and shall identify procedures for storage, distribution, and spill response. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering any existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination. The plan shall be implemented by the construction contractor, and verified by the Fire Chief.

Monitoring HM-2: The City Community Development Department shall verify receipt of approval documentation from County of San Luis Obispo Public Health Department, and shall verify compliance with all policies and guidelines identified in the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) in consultation with the County of San Luis Obispo.

Mitigation Measure N-1: Prior to demolition actions, the applicant shall ensure that the following standard is included on the Demolition Plan, and shall verify compliance during construction and demolition: Use of metal shears, saws, jackhammers, and other equipment that produces sound at a level greater than 60 dB LA_{max} when measured at the exterior wall of any nearby residence shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m. Operation of trucks or other vehicles greater than 10,000 pounds in gross weight, either at the project site or on public streets, shall be limited to Monday through Friday, 8:00 a.m. to 5:30 p.m.

Monitoring N-1: The construction contractor shall be responsible for complying with demolition restrictions and notifying the City Community Development Department at least 1 week prior to initiation of demolition activities. The City shall conduct periodic inspections to verify compliance.

Mitigation Measure N-2: In compliance with the recommendations included in the Construction Noise Analysis prepared for the proposed project, the following measures shall be implemented by the applicant and/or contractor to minimize short-term construction noise generated by project activities:

- a. Prior to demolition actions, the application shall develop a public outreach program. An effective public information program provides a mechanism for notifying adjacent residents of the project. The public outreach program shall describe what the project is, the proposed duration, daily hours, haul routes, etc. This program would be best accomplished with a postcard or flyer that details activities in a timeline. It should provide a phone number, e-mail address, or other way the public can submit noise concerns or complaints on the informational mailing.
- b. The contractor shall provide project level onsite worker training given by the foreman in noise sensitivity and noise-specific issues associated with the project including proper equipment operation.
- c. The contractor shall ensure noisy equipment is only used when necessary and turned off when not in use.
- d. The contractor shall avoid grouping equipment as much as possible.
- e. The contractor shall use modern equipment (Tier 3 or higher) in proper tune to the maximum extent feasible.
- f. The contractor shall use factory mufflers.
- g. Whenever possible, the contractor shall position stationary noise sources, such as generators and compressors, as far away as possible from noise sensitive areas. If relatively static equipment such as pumps, generators, compressors, etc. must be located in close proximity to sensitive receptors, the contractor shall utilize existing shielding from the large existing berm and or existing structures and support facilities.
- h. If necessary, the contractor shall monitor noise levels during construction. If noise complaints are received, the contractor shall provide noise monitoring compliance checks.
- i. The contractor shall implement reduced speed limits (15 miles per hour) for trucks travelling to, from, and through the project site.

Monitoring N-2: The construction contractor shall be responsible for complying with these measures and notifying the City Community Development Department at least 1 week prior to initiation of demolition activities. The City Engineer shall conduct periodic inspections to verify compliance. All monitoring reports shall be submitted to the City Community Development Department for review.

DEMOLITION PLAN FOR 3300 PANORAMA ROAD MORRO BAY, CA COUNTY OF SAN LUIS OBISPO, CALIFORNIA

RECEIVED 5-9-18 VIA EMAIL

EROSION CONTROL NOTES:

1. ALL EROSION CONTROL WORK SHALL CONFORM TO THE STORMWATER POLLUTION PREVENTION PLAN AS PREPARED BY DIVERSIFIED PROJECT SERVICES INTERNATIONAL, INC. WIDID NO. 340C378262-480535.
2. ALL DISTURBED SURFACES RESULTING FROM GRADING OPERATIONS SHALL BE PREPARED AND MAINTAINED TO CONTROL EROSION. THIS CONTROL MAY CONSIST OF EFFECTIVE PLANTING, SUCH AS RYE GRASS, BARLEY OR SOME OTHER FAST GERMINATING SEED. THE PROTECTION FOR THE SLOPES SHALL BE INSTALLED AS SOON AS PRACTICABLE AND PRIOR TO CALLING FOR FINAL INSPECTION. THE BUILDING OFFICIAL MAY REQUIRE WATERING OF PLANTED AREAS TO ASSURE GROWTH. WHERE IT IS DETERMINED BY THE BUILDING OFFICIAL THAT CUT SLOPES ARE NOT SUBJECT TO EROSION DUE TO THE EROSION-RESISTANT CHARACTER OF THE MATERIALS, SUCH PROTECTION MAY BE OMITTED. CHECK DAMS, CRIBBING, RIPRAP OR OTHER DEVICES OR METHODS SHALL BE EMPLOYED TO CONTROL EROSION. DUST FROM GRADING OPERATION MUST BE CONTROLLED. THE OWNER OR CONTRACTOR MAY BE REQUIRED TO KEEP ADEQUATE EQUIPMENT ON THE GRADING SITE TO PREVENT DUST PROBLEMS.
3. THIS PLAN IDENTIFIES POTENTIAL SOURCES OF POLLUTANTS OF STORM WATER, PRESENTS POLLUTION CONTROL MEASURES, AND ASSISTS IN ENSURING IMPLEMENTATION AND MAINTENANCE OF THE BEST MANAGEMENT PRACTICES (BMPs) LOCATED HEREIN. SEDIMENT IS A POTENTIAL POLLUTANT AND THE BMPs WERE SELECTED AND PLACED FOR OPTIMAL EROSION AND SEDIMENTATION CONTROL.
4. THE NEED FOR EROSION CONTROL DEVICES WILL VARY ACCORDING TO THE SEASON DURING CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PLACE BMPs WHEREVER NECESSARY TO PREVENT EROSION AND SEDIMENTATION.
5. TEMPORARY EROSION CONTROL DEVICES ARE TO BE MAINTAINED BY THE CONTRACTOR AND KEPT IN OPERATION UNTIL SUBSEQUENT PROJECT WORK ELIMINATES THEIR NEED. IT MAY BE NECESSARY TO MOVE, ADJUST, REPLACE, OR CHANGE THE SHAPE OF THE EROSION CONTROL DEVICES DURING THE COURSE OF THE PROJECT. EROSION CONTROL MEASURES SHALL NOT BE REMOVED WITHOUT APPROVAL FROM THE ENGINEER OR COUNTY INSPECTOR.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THIS PLAN AND FOR MAINTENANCE OF BMPs. ALL CONTRACTORS AND THEIR PERSONNEL WHOSE WORK CAN CONTRIBUTE TO OR CAUSE POLLUTION OF STORM WATER SHOULD BE MADE FAMILIAR WITH THIS POLLUTION PREVENTION PLAN. ADEQUATE TRAINING FOR IMPLEMENTATION OF THE MEASURES PRESENTED HEREIN SHALL BE PROVIDED BY THE CONTRACTOR TO THEIR PERSONNEL.
7. THE EROSION CONTROL DEVICES ON THIS PLAN ARE A GENERAL CONCEPT OF WHAT MAY BE REQUIRED. EROSION CONTROL DEVICES MAY BE RELOCATED, DELETED OR ADDITIONAL ITEMS MAY BE REQUIRED DEPENDING ON THE ACTUAL SOIL CONDITIONS ENCOUNTERED. EROSION CONTROL DEVICES MAY BE PLACED AT THE DISCRETION OF THE ENGINEER OR THE COUNTY INSPECTOR.
8. CHANGES IN CONSTRUCTION OR IN A CONDITION WHICH ARE NOT COVERED BY THIS PLAN SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER. THE OSD SHALL BE RESPONSIBLE FOR UPDATING THE SWPPP AND THIS EROSION AND SEDIMENTATION CONTROL PLAN AS REQUIRED, ADDRESSING THE CHANGING SITE CONDITIONS.
9. A STANDBY CREW FOR EMERGENCY WORK SHALL BE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON. NECESSARY MATERIALS SHALL BE AVAILABLE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
10. ALL PROTECTIVE DEVICES DIRECTED TO BE INSTALLED SHALL BE IN PLACE AT THE END OF EACH WORK DAY WHEN THE FIVE DAY RAIN PROBABILITY EXCEEDS 40% AS FORECAST BY THE NATIONAL WEATHER SERVICE (<http://www.noaa.gov/>).
11. THIS PLAN MUST BE KEPT ON-SITE DURING CONSTRUCTION ACTIVITY AND MADE AVAILABLE UPON REQUEST OF A REPRESENTATIVE OF THE LOCAL AGENCY.
12. CONTRACTOR WILL INSPECT BMPs BEFORE, AFTER AND EVERY 24 HOURS DURING EXTENDED STORM EVENTS. THE CONTRACTOR WILL RECORD CONDITIONS OF THE BMPs AND ANY ACTIVITIES REQUIRED FOR MAINTAINING, REPAIRING BMPs. MONITORING INCLUDES MAINTAINING A FILE DOCUMENTING ON-SITE INSPECTIONS, PROBLEMS ENCOUNTERED, CORRECTIVE ACTIONS, AND NOTES AND A REDLINE MAP OF REMEDIAL IMPLEMENTATION MEASURES. COPIES OF THESE REPORTS WILL BE KEPT ON-SITE AND WILL BE AVAILABLE FOR REVIEW.
13. THIS PLAN OFFERS METHODS FOR CONTROL OF SOIL EROSION AND SEDIMENT DURING GRADING AND CONSTRUCTION OPERATIONS. NO WARRANTY IS STATED OR IMPLIED THAT, DURING AN UNUSUAL STORM EVENT, IMPLEMENTATION OF THESE METHODS WILL PREVENT DAMAGE AS A RESULT OF SOIL EROSION. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR PROPER INSTALLATION OF BMPs, ANY AND ALL DAMAGE TO OWNER'S PROPERTY, ADJACENT PROPERTY, AND CONTRACTOR'S ON GOING WORK.
14. LOCATION OF DEBRIS RECEPTACLES, VEHICLES STAGING AREA AND MATERIALS STORAGE AREA TO BE DETERMINED BY CONTRACTOR.
15. PETROLEUM PRODUCTS, CHEMICALS, AND OTHER POTENTIAL POLLUTANT MATERIAL KEPT ON-SITE IN MINOR QUANTITIES WILL BE STORED IN WATERPROOF CONTAINERS AND CONTINUALLY MONITORED TO PREVENT LEAKS OR ACCIDENTAL RELEASES.
16. ALL MATERIAL EXCAVATED OR GRADED SHALL BE SUFFICIENTLY WATERED TO PREVENT EXCESSIVE AMOUNTS OF DUST. WATERING, USING NON-POTABLE WATER SHALL OCCUR AT LEAST TWICE DAILY WITH COMPLETE COVERAGE, PREFERABLY IN THE LATE MORNING AND AFTER WORK IS FINISHED FOR THE DAY.
17. ALL CLEARING, GRADING, EARTH MOVING, OR EXCAVATION ACTIVITIES SHALL CEASE DURING PERIODS OF HIGH WINDS SO AS TO PREVENT EXCESSIVE AMOUNTS OF DUST OR VISIBLE SITE DISTURBANCE.
18. ALL MATERIAL TRANSPORTED OFF-SITE SHALL BE EITHER SUFFICIENTLY WATERED OR SECURELY COVERED TO PREVENT EXCESSIVE AMOUNTS OF DUST.
19. THE AREA DISTURBED BY CLEARING, GRADING, EARTH MOVING, OR EXCAVATION OPERATIONS SHALL BE MINIMIZED SO AS TO PREVENT EXCESSIVE AMOUNTS OF DUST.
20. PERMANENT DUST CONTROL MEASURES DESCRIBED HEREIN SHALL BE IMPLEMENTED AS SOON AS POSSIBLE FOLLOWING COMPLETION OF ANY SOIL DISTURBING ACTIVITIES.
21. ON-SITE VEHICLE SPEED SHALL BE LIMITED TO 15 MPH FOR ANY UNPAVED SURFACE.
22. ALL UNPAVED AREAS WITH VEHICLE TRAFFIC SHALL BE WATERED AT LEAST TWICE PER DAY, USING NON-POTABLE WATER.
23. STREETS ADJACENT TO THE PROJECT SITE SHALL BE SWEEPED DAILY TO REMOVE SILT WHICH MAY HAVE ACCUMULATED FROM CONSTRUCTION ACTIVITIES SO AS TO PREVENT EXCESSIVE AMOUNTS OF DUST FROM LEAVING THE SITE.
24. DUST CONTROL SHALL COMPLY WITH SAN LUIS OBISPO COUNTY STANDARDS.
25. WHEN WINTER GRADING OPERATIONS TAKE PLACE, THE FOLLOWING MEASURES MUST BE TAKEN TO MITIGATE ACCELERATED EROSION:
 - VEGETATION REMOVAL BETWEEN OCTOBER 15TH AND APRIL 15TH SHALL NOT PRECEDE SUBSEQUENT GRADING OR CONSTRUCTION ACTIVITIES BY MORE THAN 15 DAYS. DURING THIS PERIOD, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE.
 - BETWEEN OCTOBER 15TH AND APRIL 15TH, DISTURBED SURFACES NOT INVOLVED IN THE IMMEDIATE OPERATIONS MUST BE PROTECTED BY MULCHING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
 - RUN-OFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS AND/OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE DISTURBED AREA OR SITE. THESE DRAINAGE CONTROL MEASURES MUST BE MAINTAINED BY THE CONTRACTOR AS NECESSARY TO ACHIEVE THEIR PURPOSE THROUGHOUT THE LIFE OF THE PROJECT.
 - EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH DAY'S WORK.
 - THE GRADING INSPECTOR MAY STOP OPERATIONS DURING PERIODS OF INCLEMENT WEATHER IF EROSION PROBLEMS ARE NOT BEING CONTROLLED ADEQUATELY.



CALIFORNIA AREA MAP

PROJECT SCOPE

THE PROJECT SCOPE IS DEMOLITION OF DRY AND EMPTY TANKS AND THEIR ASSOCIATED PIPING ABOVE AND UNDERGROUND.

DECLARATION OF RESPONSIBLE CHARGE

I HEREBY DECLARE THAT I AM THE ENGINEER OF RECORD FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE. THESE PLANS AND SPECIFICATIONS, TO THE BEST OF MY KNOWLEDGE, COMPLY WITH CURRENT STANDARDS. ANY ERRORS, OMISSIONS, OR OTHER VIOLATIONS OF THOSE ORDINANCES, STANDARDS OR DESIGN CRITERIA ENCOUNTERED DURING CONSTRUCTION SHALL BE CORRECTED AND SUCH CORRECTIONS REFLECTED ON CORRECTED PLANS.

DAVID W. CHANLEY R.C.E. 70849

Sheet List Table		
SHEET NO.	REV NO	SHEET TITLE
1	A	COVER SHEET
2	A	DEMOLITION PLAN
3	A	DETAIL SHEET
4	A	CONDITIONS OF APPROVAL
5	A	POST GRADING PLAN



VICINITY MAP
N.T.S.

SITE INFORMATION

APN: 065-038-001
ADDRESS: 3300 PANORAMA ROAD
MORRO BAY, CA 93442
GROSS ACREAGE: 10.06 AC
ZONING: SINGLE FAMILY RESIDENCE

PROJECT CONTACTS:

OWNER:
RHINE LP AND MORRO 94, LLC
2304 W. SHAW AVENUE, SUITE 200
FRESNO, CA 93711
PH: (559)438-9999
CONTACT: CHRIS MATHYS
MATHYS@ORFINANCIAL.NET

CIVIL:
DIVERSIFIED PROJECT SERVICES INTERNATIONAL
1998 SANTA BARBARA STREET
SAN LUIS OBISPO, CA 93401
PH: (805)250-2891
CONTACT: DAVID CHANLEY
DCHANLEY@DPSIINC.COM

GEOTECHNICAL/DUST MITIGATION PLAN:
GEO-SOLUTIONS, INC.
220 HIGH STREET
SAN LUIS OBISPO, CA 93401
PH: (805)892-2222
CONTACT: JOHN KAMMER

ARCHAEOLOGICAL STUDY:
ALBION ENVIRONMENTAL
3563 SUELDO STREET, SUITE P
SAN LUIS OBISPO, CA 93401
PH: (805)892-2222
CONTACT: SARAH NICCHITTA
SNICCHITTA@ALBIONENVIRONMENTAL.COM

BIOLOGICAL AND NESTING SURVEY:
TERRA-VERDE ENVIRONMENTAL
3785 S. HIGUERA STREET, SUITE 102
SAN LUIS OBISPO, CA 93401
PH: (805)896-5479
CONTACT: BRIAN DUGAS
BDUGAS@TERRAVERDEWEB.COM

CONTRACTOR:
BEDFORD ENTERPRISES AND DEMOLITION, INC.
1940 W. BETTERAVIA ROAD
SANTA MARIA, CA 93455
PH: (805)922-4977
CONTACT: OLIVER RIES
OLIVER@BEDFORD.COM

UNDERGROUND UTILITY STATEMENT

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS.

THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THIS DRAWING.

ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ANY SUCH INFORMATION OR DATA.

UNDERGROUND SERVICE ALERT SHALL BE CONTACTED TWO WORKING DAYS PRIOR TO CONSTRUCTION BY CALLING 811.

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS THE LINE BETWEEN 2 SET PK NAILS WITH TINS. THE BEARING BEING N14°09'46"E. THE POINTS WERE SET USING THE RTN NETWORK NAD 83, ZONE 5.

DESIGNATIONS AS FOLLOWS (LOCAL ONSITE CONTROL):

POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	2346192.1040	5708336.1290	107.24	SET PK NAIL AND TIN (LOCAL BENCHMARK)
2	2346487.6894	5708410.7189	108.32	SET PK NAIL AND TIN (LOCAL BENCHMARK)

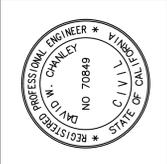
PROJECT BENCHMARK

THE BENCHMARK FOR THIS PROJECT IS A FOUND 2.5 INCH BRASS CAP ON TOP OF A CONCRETE HEADWALL NGS DESIGNATION Q1314, 1977 AT THE NORTHEAST CORNER OF THE INTERSECTION OF HWY 41 AND HWY 1, ELEVATION BEING 25.74'. NAVD 88.

BOUNDARY DISCLAIMER

THE RECORD BOUNDARY INFORMATION SHOWN HEREON IS FOR INFORMATION PURPOSES ONLY AND NOT INTENDED OR IMPLIED TO BE A FIELD BOUNDARY SURVEY.

APPROVED:	DATE
AGENCY REPRESENTATIVE	DATE



DATE	REV	APP	REVISIONS
08/12/16	A	DC	ISSUED FOR REVIEW
10/19/16	B	DC	ISSUED FOR REVIEW
05/08/17	C	DC	ISSUED FOR SUBMITTAL
11/01/17	D	DC	ISSUED FOR RE-SUBMITTAL
12/05/17	E	DC	ISSUED FOR RE-SUBMITTAL

COVER SHEET

3300 PANORAMA ROAD
MORRO BAY, CALIFORNIA

SHEET	PROJECT: 160556
1	
OF 5 SHEETS	

3300 PANORAMA DRIVE, MORRO BAY
 PERMIT #UPO-440 & CPO-500
 TANK DEMOLITION

EARTHWORK QUANTITIES

- 1,050 CUBIC YARDS CONCRETE REMOVAL
- 700 CUBIC YARDS DIRT (CUT)
- 700 CUBIC YARDS (FILL)
- 225,000 SQ. FT. DISTURBED AREA (5.17 AC)

NOTE:

- EARTHWORK NUMBERS DO NOT INCLUDE SHRINKAGE.
- ALL CUT WILL BE TESTED AND IF CLEAN, WILL BE SPREAD ONSITE EVENLY
- IF CONTAMINATED SOIL IS ENCOUNTERED ONSITE, MEASURES WILL BE TAKEN AS DIRECTED BY THE SOIL MANAGEMENT AND SAMPLING PLAN COMPLETED BY THE ANALYTICAL CONSULTING GROUP, INC.

LEGEND:

- DEMO TANKS AND CONCRETE RING
- DEMO PIPING (ABOVE GROUND)
- DEMO PIPING (UNDER GROUND) AND ADD HYDROSEED. SEE DEMO NOTE 2, THIS SHEET
- DEMO BERM AND ADD HYDROSEED. SEE DEMO NOTE 2, THIS SHEET
- DEMO SHOT-CRETE AND ADD HYDROSEED. SEE DEMO NOTE 2, THIS SHEET
- ABANDON PIPELINE IN PLACE
- PATH OF TRAVEL FOR DEMO OF CONCRETE SLAB
- ESHA AREA
- FIBER ROLL
- ESHA FENCING
- FEMA 100-YEAR FLOOD ELEVATION
- CREEK CENTERLINE

FIRE PROTECTION NOTES:

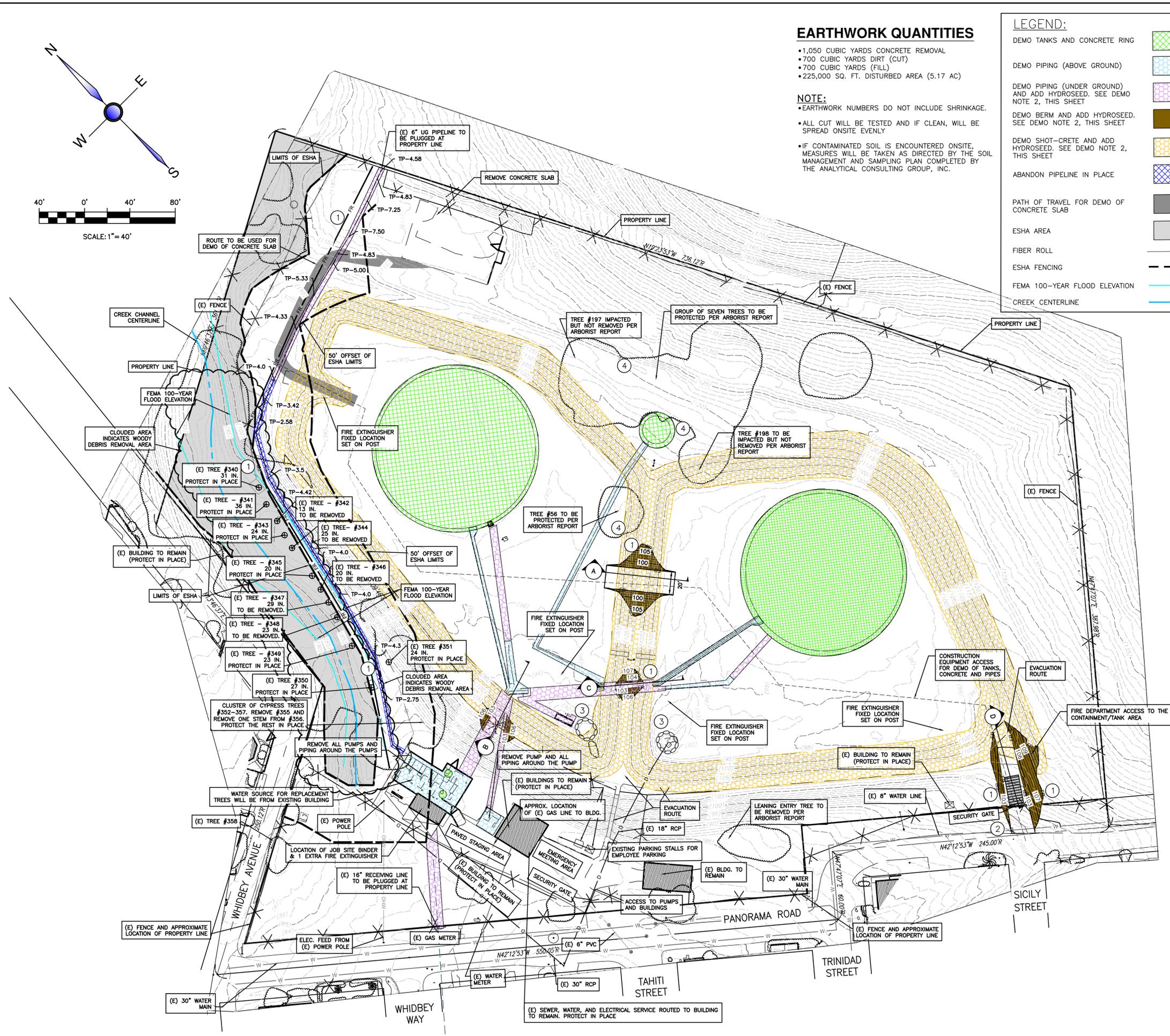
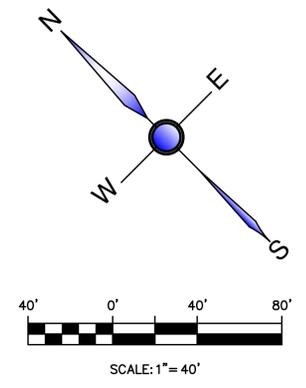
1. FIRE EXTINGUISHERS WILL ALSO BE IN MOBILE EQUIPMENT AND PLACED ON MOBILE TORCH CUTTING CARTS WITHIN 20 FEET OF ANY CUTTING OPERATIONS.

DEMOLITION NOTES:

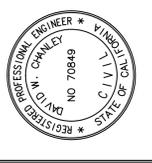
1. EXISTING TANKS ARE EMPTY AND DRY AND THEY HAVE BEEN INERTED OR PURGED.
2. HYDROSEED DISTURBED SOIL, SEE BIOLOGIST REPORT FOR HYDROSEED MIX.
3. CLEAN-UP: VERIFY ALL EQUIPMENT, HAZARDOUS WASTE, PAINTS, LIQUIDS, CHEMICALS, ETC. ARE SAFELY REMOVED PRIOR TO DEMOLITION. PROVIDE MEASURES TO CONTAIN ANY POSSIBLE SPILLS AND CONTAMINATION OF EXISTING MATERIAL DURING DEMOLITION. AFTER REMOVAL OF TANKS AND FOUNDATION, PROVIDE PROOF OF CLEAN SITE CLOSURE FROM ALL APPROPRIATE REGULATORY AGENCIES PRIOR TO FURTHER DEVELOPMENT.
4. BMP: UTILIZE BEST MANAGEMENT PRACTICES (BMP) TO ADDRESS ANY EXISTING REMNANTS/STAINS/RESIDUE OF PREVIOUSLY STORED CHEMICALS, PAINTS, LIQUIDS, ETC., TO ENSURE THAT STORM RUNOFF WILL NOT BECOME CONTAMINATED. ALL HAZARDOUS MATERIALS, STORAGE SITES AND HAZARDOUS WASTE MANAGEMENT SITES SHALL BE CLEANED OR ABANDONED AS DIRECTED BY THE SAN LUIS OBISPO COUNTY ENVIRONMENTAL HEALTH DIVISION.
5. STORMWATER POLLUTION PREVENTION PLAN: A SWPPP IS REQUIRED FOR ALL PROJECTS OVER 1 ACRE TO ADDRESS ALL POTENTIAL POLLUTANTS AND THEIR SOURCES. PROJECTS OVER 1 ACRE ARE SUBJECT TO THE CONSTRUCTION GENERAL PERMIT. A "NOTICE OF INTENT" MUST BE SUBMITTED TO THE STATE WATER RESOURCES CONTROL BOARD. THE REQUIREMENTS FOR THE GENERAL PERMIT AND GUIDELINES FOR THE SWPPP CAN BE FOUND AT:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml
 SUBMIT THE SWPPP WID# (WASTE IDENTIFICATION NUMBER) PRIOR TO GRADING OR BUILDING PERMIT APPROVAL.
6. UTILITIES:
 - a) STUB, CAP AND LABEL ALL SEWER LATERALS AND WATER LINES AT EACH CONNECTION.
 - b) TERMINATE ALL GAS, PHONE, POWER, INTERNET, CABLE T.V., ETC. LINES FOLLOWING ALL APPLICABLE UTILITY COMPANY POLICY AND PROCEDURES.
 - c) INDICATE THE LOCATIONS OF ALL REMAINING UTILITY TERMINATIONS (I.E. GAS, SEWER, WATER ETC.).
 - d) ALL UTILITIES ON PLANS ARE APPROXIMATE. CONTRACTOR TO VERIFY UTILITY LOCATIONS PRIOR TO STARTING CONSTRUCTION.
7. TANKS: TANK REMOVAL, MUST BE COMPLETED IN COMPLIANCE WITH ALL TERMS AND CONDITIONS ESTABLISHED BY APPLICABLE OUTSIDE REGULATORY AGENCIES.
8. ANY DAMAGE TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATER LINE OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF MORRO BAY.
9. NO WORK SHALL OCCUR WITHIN (OR USE OF) THE CITY'S RIGHT OF WAY WITHOUT AN ENCROACHMENT PERMIT. ENCROACHMENT PERMITS ARE AVAILABLE AT THE CITY OF MORRO BAY PUBLIC WORKS OFFICE LOCATED AT 955 SHASTA AVE. THE ENCROACHMENT PERMIT SHALL BE ISSUED CONCURRENTLY WITH THE BUILDING PERMIT.

EROSION CONTROL:

1. INSTALL FIBER ROLLS PER DETAIL SE-5 ON SHEET 3.
2. INSTALL STABILIZED ENTRANCE/EXIT PER DETAIL TC-1 ON SHEET 3.
3. INSTALL STORM DRAIN INLET PROTECTION PER DETAIL PER SE-10 ON SHEET 3.
4. INSTALL TREE PROTECTION ZONE FENCING PER TREE DETAILS ON SHEET 3.



APPROVED:



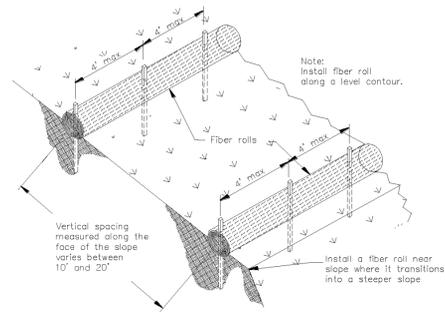
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10/19/16	B	ISSUED FOR REVIEW	DC
05/08/17	C	ISSUED FOR SUBMITTAL	DC
11/01/17	D	ISSUED FOR RE-SUBMITTAL	DC
12/05/17	E	ISSUED FOR RE-SUBMITTAL	DC

DEMOLITION PLAN
 EXISTING TANKS AND PIPING
 3300 PANORAMA ROAD
 MORRO BAY, CALIFORNIA

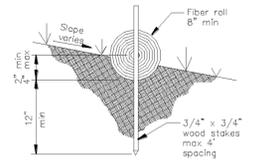
SHEET
 2
 OF 5 SHEETS
 PROJECT: 160556
 DATED: 2016-05-08

THE DELIVERY OF THIS DRAWING SHOULD NOT BE CONSIDERED TO PROVIDE AN EXPRESS WARRANTY OR GUARANTEE TO ANYONE THAT ALL DIMENSIONS AND DETAILS ARE EXACT OR TO INDICATE THAT THE USE OF THIS DRAWING IMPLIES THE REVIEW AND APPROVAL OF DPRS OF ANY FUTURE USE. ANY USE OF THIS INFORMATION IS AT THE SOLE RISK OF THE USER.

Fiber Rolls SE-5

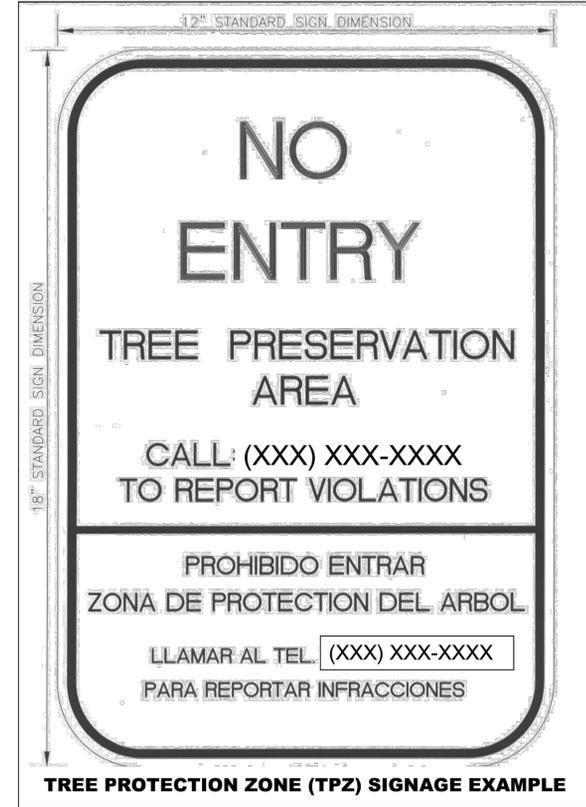
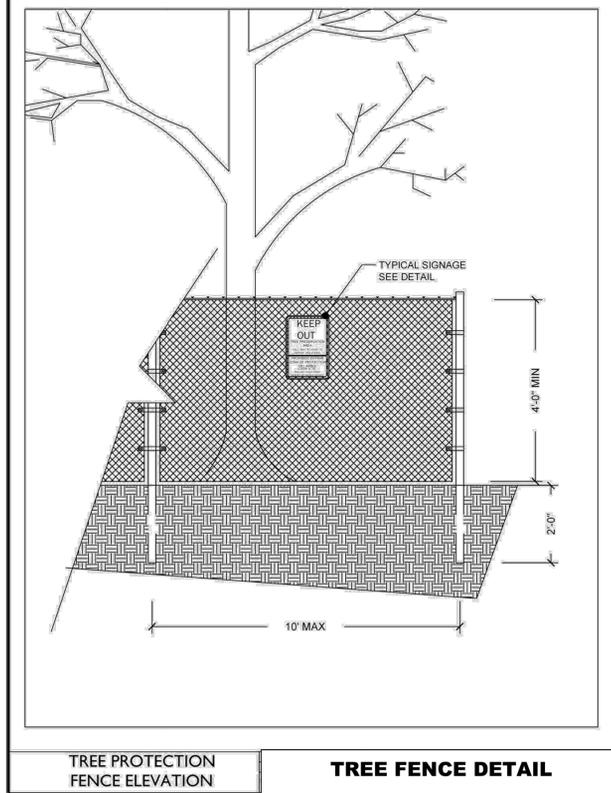
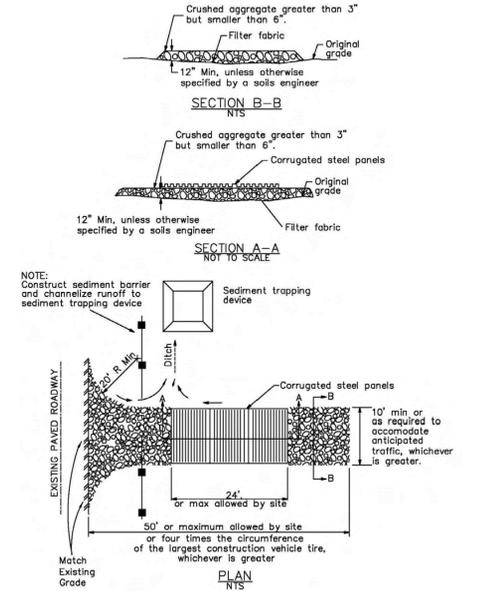


TYPICAL FIBER ROLL INSTALLATION
N.T.S.

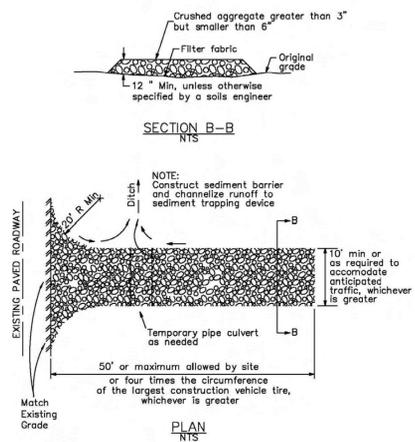


ENTRENCHMENT DETAIL
N.T.S.

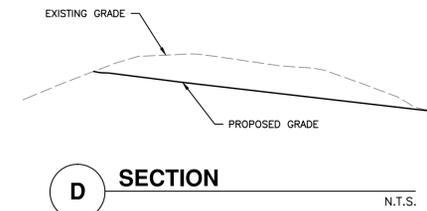
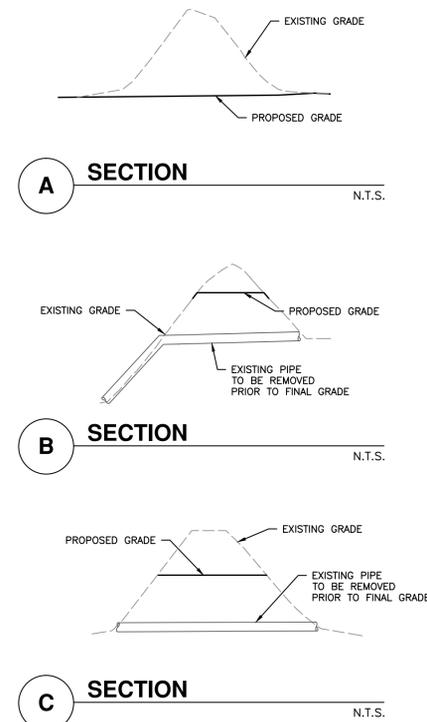
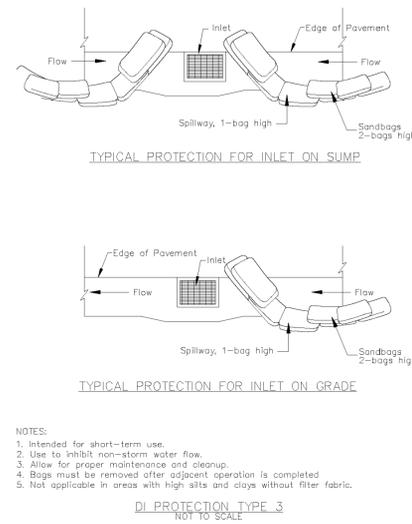
Stabilized Construction Entrance/Exit TC-1



Stabilized Construction Entrance/Exit TC-1

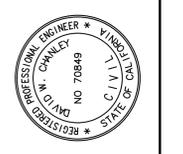


Storm Drain Inlet Protection SE-10



APPROVED: _____ DATE _____

AGENCY REPRESENTATIVE _____ DATE _____



REV	DATE	REVISIONS
A	08/12/16	ISSUED FOR REVIEW
B	10/19/16	ISSUED FOR REVIEW
C	05/08/17	ISSUED FOR RE-SUBMITTAL
D	11/01/17	ISSUED FOR RE-SUBMITTAL
E	12/05/17	ISSUED FOR RE-SUBMITTAL

DETAIL SHEET

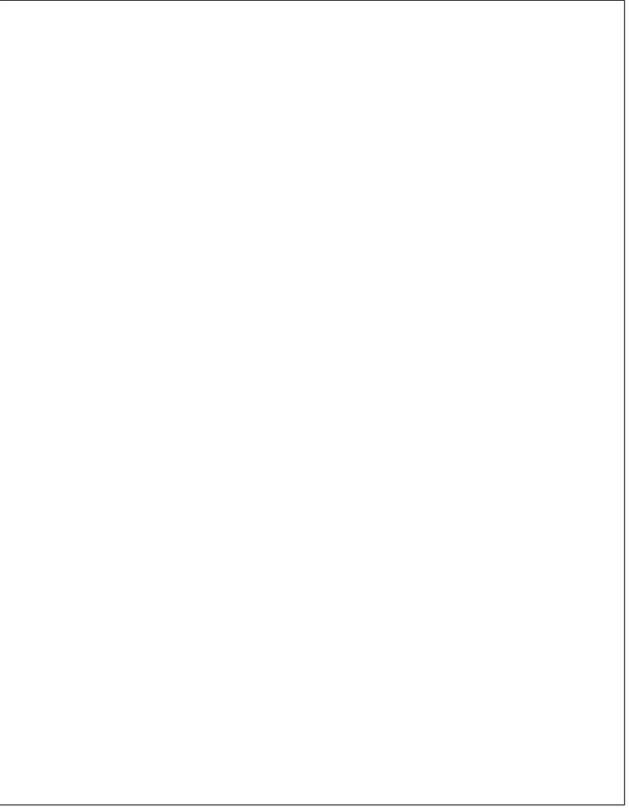
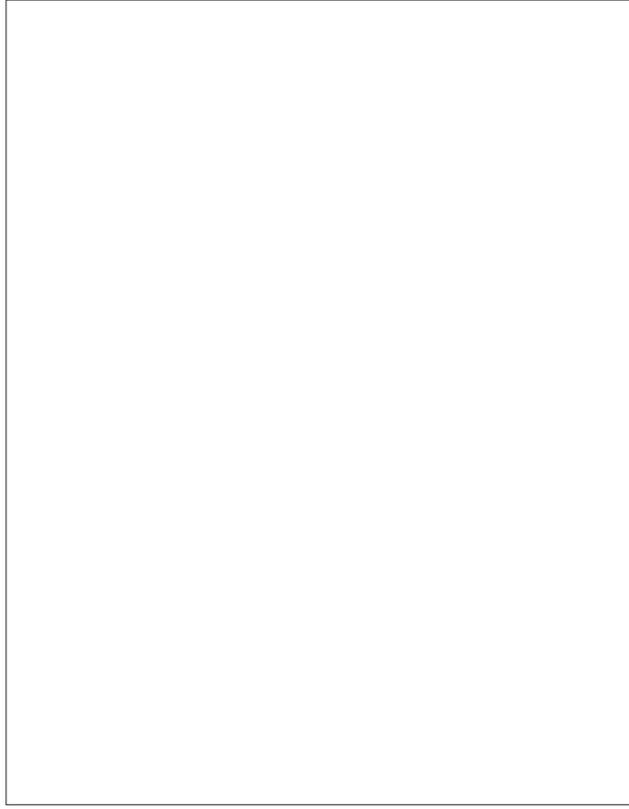
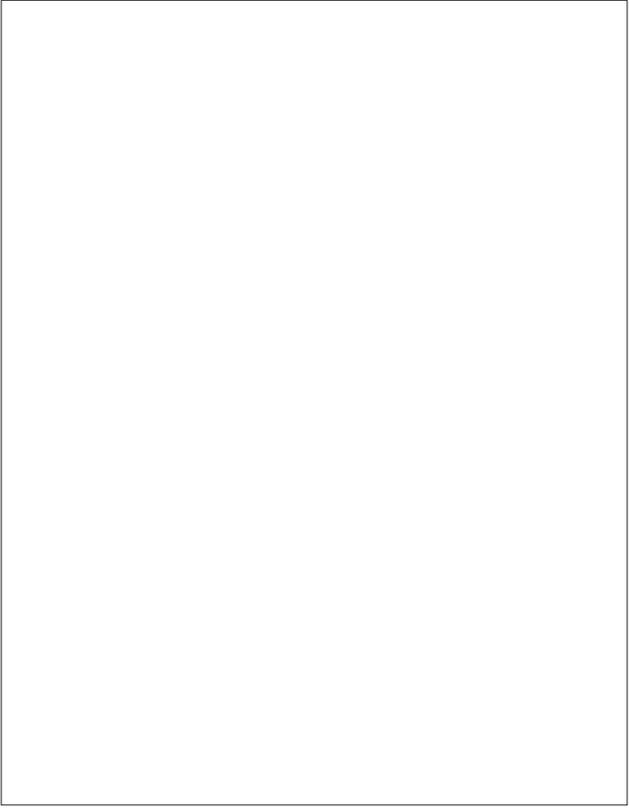
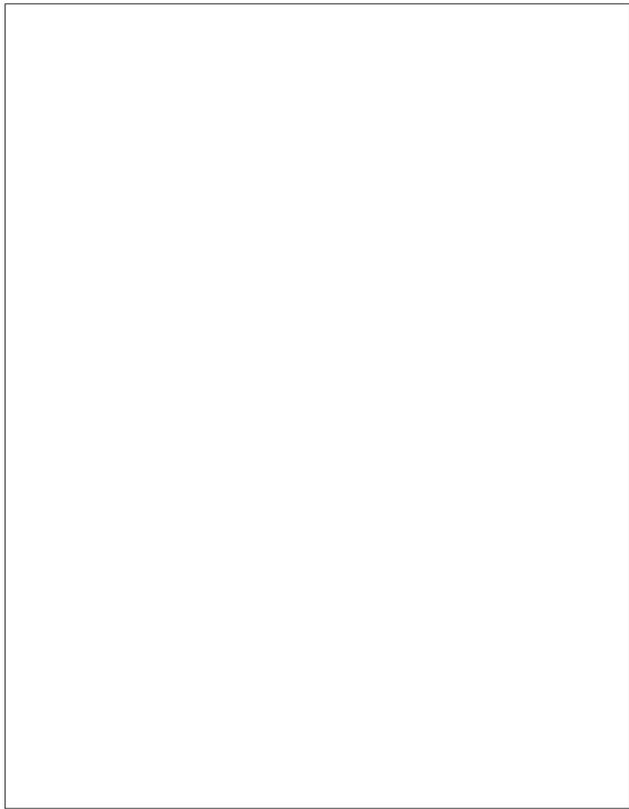
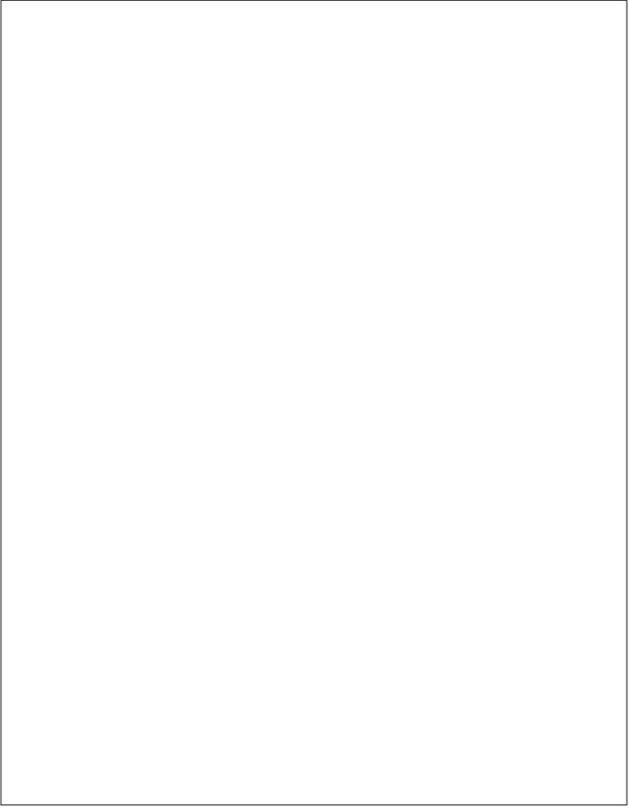
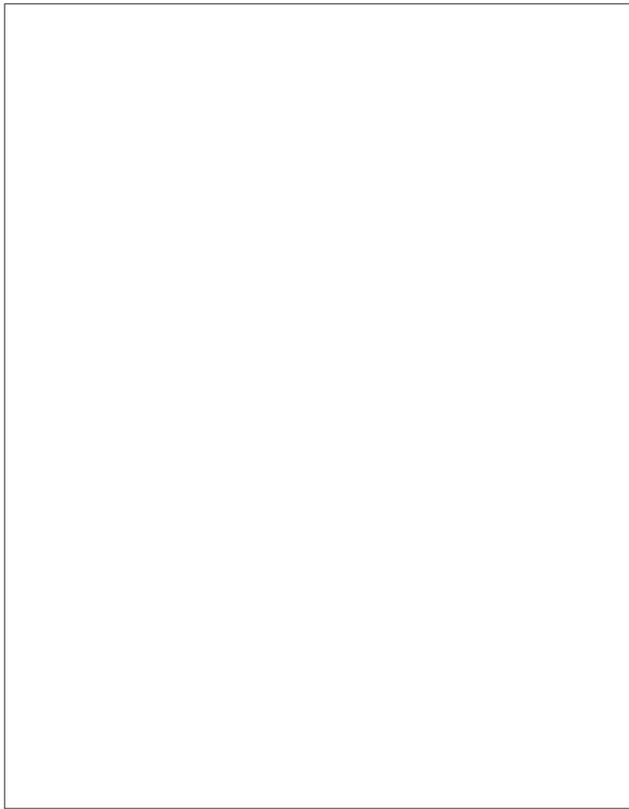
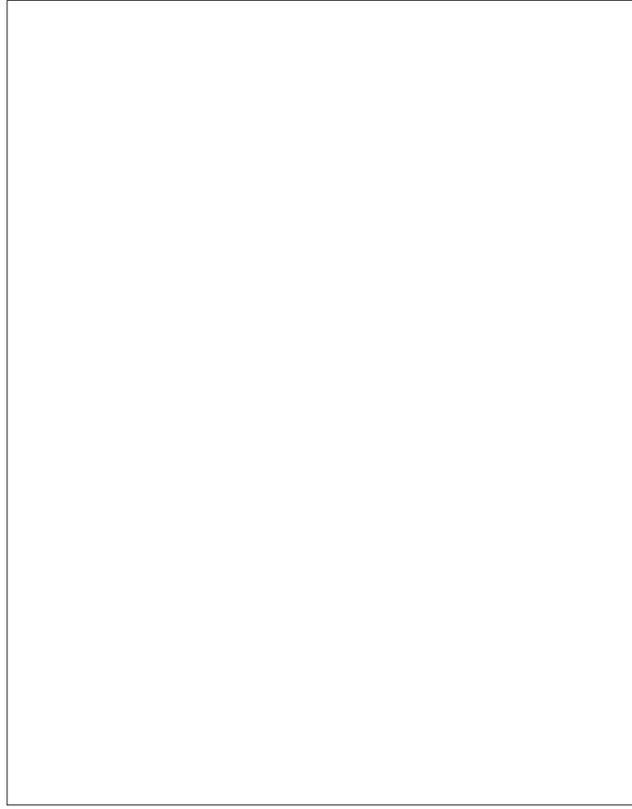
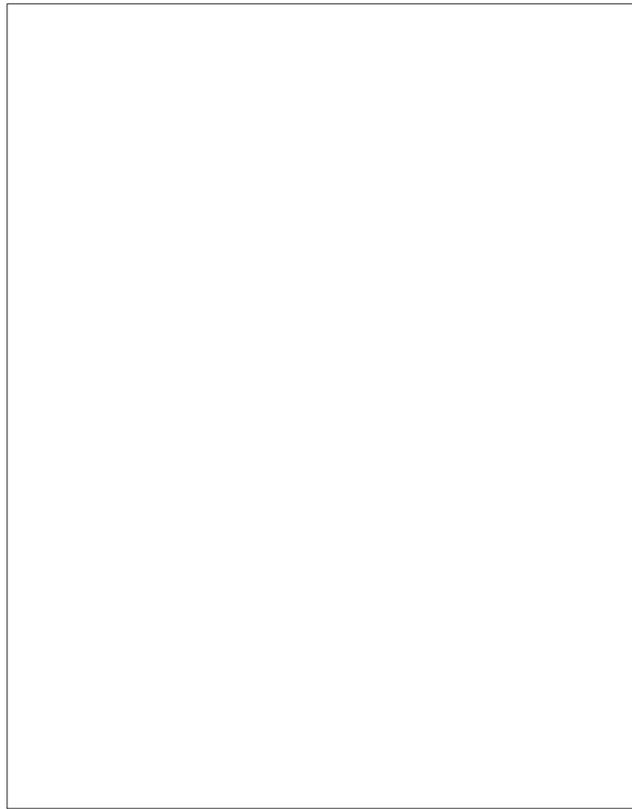
3300 PANORAMA ROAD
MORRO BAY, CALIFORNIA

SHEET 3 OF 5 SHEETS

PROJECT: 160556

PLOTTED: 2017-12-05

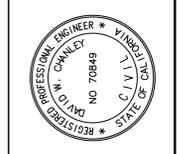
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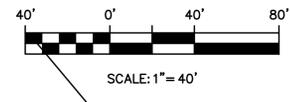
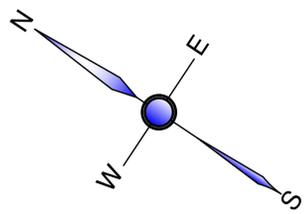
SHEET
4
OF 5 SHEETS
PROJECT: 160556

CONDITIONS OF APPROVAL
3300 PANORAMA ROAD
MORRO BAY, CALIFORNIA

DATE	REV	REVISIONS	APP
08/12/16	A	ISSUED FOR REVIEW	DC
10/19/16	B	ISSUED FOR REVIEW	DC
05/08/17	C	ISSUED FOR SUBMITTAL	DC
11/01/17	D	ISSUED FOR RE-SUBMITTAL	DC
12/05/17	E	ISSUED FOR RE-SUBMITTAL	DC



APPROVED: _____ DATE _____
 _____ AGENCY REPRESENTATIVE _____ DATE _____



LEGEND:

INSTALL HYDROSEED MIX PER TABLE BELOW.	
AREA TO BE RESTORED AND HYDROSEED PER TABLE BELOW.	

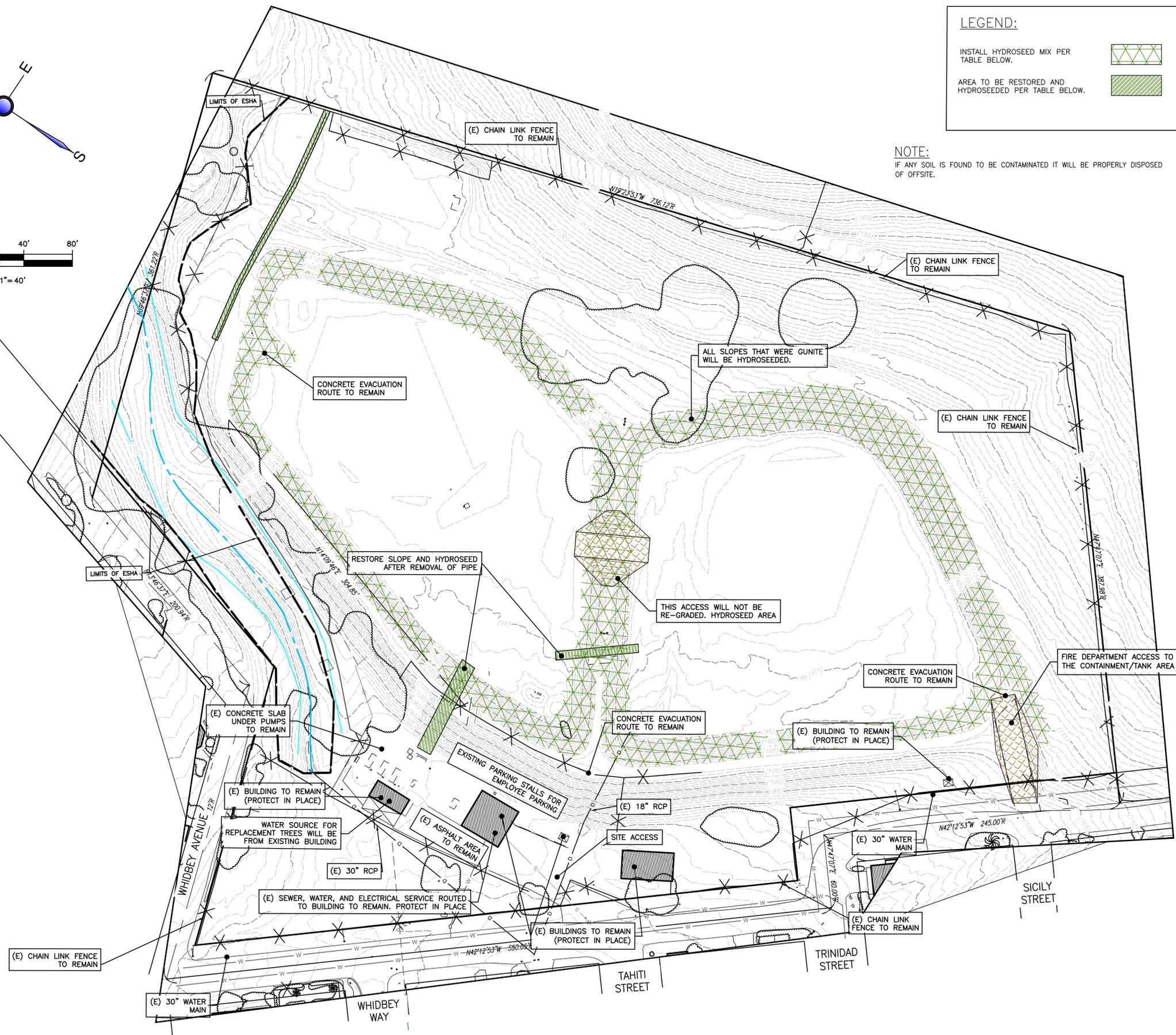
EROSION CONTROL SEED MIX

BOTANICAL NAME	COMMON NAME	QUANTITY (LBS)/ACRE
BROMUS CARINATUS	CLAMUNGA BROME	20
FESTUCA MICROSTACHYS	SMALL FESCUE	8
TRIFOLIUM CILIOLATUM	TOMCAT CLOVER	4

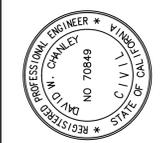
HYDROSEED MIX SHALL INCLUDE:
SEED MIX
TACKIFIER (M-BINDER)

PROVIDE PROJECT ENGINEER A MIX DESIGN FOR REVIEW AND APPROVAL PRIOR TO ORDERING PRODUCT.

NOTE:
IF ANY SOIL IS FOUND TO BE CONTAMINATED IT WILL BE PROPERLY DISPOSED OF OFFSITE.



APPROVED:



DATE	REV	REVISIONS	APP
08/12/16	A	ISSUED FOR REVIEW	DC
10/19/16	B	ISSUED FOR REVIEW	DC
05/08/17	C	ISSUED FOR SUBMITTAL	DC
11/01/17	D	ISSUED FOR RE-SUBMITTAL	DC
12/05/17	E	ISSUED FOR RE-SUBMITTAL	DC

**POST GRADING PLAN
EXISTING TANKS AND PIPING**
3300 PANORAMA ROAD
MORRO BAY, CALIFORNIA

EXHIBIT C



City of Morro Bay
COMMUNITY DEVELOPMENT DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

MITIGATED NEGATIVE DECLARATION

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

June 11, 2018

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

CASE NO.: UP0-440 and CP0-500

PROJECT TITLE: 3300 Panorama Drive, Demolition of Tanks and Associated Structures

APPLICANT / PROJECT SPONSOR:

Owner:

Rhine LP and Morro 94, LLC
2304 West Shaw Ave. #102
Fresno, CA 93711
T 559-438-9999

Applicant/Agent:

Chris Mathys
2304 West Shaw Ave. #102
Fresno, CA 93711
T 559-438-9999
Mathys@orofinancial.net

PROJECT DESCRIPTION

Rhine LP and Morro94, LLC (owners/the applicant) propose to demolish and remove two aboveground JP-5 jet fuel storage tanks (131,600 barrels, approximately 5,527,000 gallons each), an aboveground 100,000-gallon fire-water tank, and associated pumps and piping from the decommissioned fuel storage site formally known as the Defense Fuel Support Point (DFSP), located at 3300 Panorama Drive in Morro Bay, California. All piping attached to the tanks and pumps, both above and below ground, will also be removed, as well as approximately 1,050 cubic yards of concrete, including shotcrete on the rim and on the inside of the berms forming containment basins for each of the large tanks, a concrete slab at the northern corner of the site, and the concrete ring foundations beneath the tanks. The applicant proposes to use a small excavator

to access an underground pipeline within 20 feet of a designated Environmentally Sensitive Habitat (ESH), and fill the pipeline with a concrete slurry, seal both ends, and abandon this portion of piping in place. These DFSP facilities were no longer needed by the Department of Defense and were decommissioned in 1996. All tanks and pipelines have been drained, cleaned, and made inert where appropriate. Demolition of these components of the DFSP would be conducted in compliance with California Code of Regulations (CCR) Titles 8 & 22, the California Health and Safety Code (HSC), and recommended practice for entry, cleaning, and closure of petroleum tanks published by the American Petroleum Institute, under the supervision of the County of San Luis Obispo Public Health Department, San Luis Obispo County Air Pollution Control District, the City of Morro Bay Fire Department, and the City of Morro Bay.

The applicant proposes a primary staging area (for equipment and waiting trucks) to be located between the southern Navy tank and Panorama Drive, and a secondary staging area (for equipment and pump removal) near the paved entrance to the project site, adjacent to Panorama Drive. Grading will be required to create an improved entry and exit to and from the site into the southerly containment basin from Panorama Drive at the head of Sicily Street. Grading will also be necessary to cut a break through the center berm separating the two containment basins to allow truck and equipment access to the northerly tank. Some additional grading will be required to enable removal of pipelines within the berm between the northerly tank and the pump station area. The project is anticipated to require some level of disturbance over approximately 5.17 acres of the 10.6-acre site. The project is expected to require up to 3 months to complete.

PROJECT LOCATION

The project site is located at 3300 Panorama Drive, at the northeast corner of the City of Morro Bay. The project site is located within the R-1/PD/ESH (Single-Family Residential/Planned Development/Environmentally Sensitive Habitat [ESH]) zoning district and designated by the City of Morro Bay's General Plan and Coastal Land Use Plan (CLUP) as Medium-Density Residential. The ESH overlay is located along an existing drainage in the northwest portion of the project site. The project site is partially located in the Coastal Commission's Appeals Jurisdiction, due to the presence of the ESH.

FINDINGS OF THE ENVIRONMENTAL COORDINATOR

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



City of Morro Bay
COMMUNITY DEVELOPMENT DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title: 3300 Panorama Drive, Demolition of Tanks and Associated Structures Project

Project Location: 3300 Panorama Drive (APN 065-038-001)

Case Number: Coastal Development Permit #CP0-500 and Conditional Use Permit #UP0-440

Lead Agency: City of Morro Bay Phone: (805) 772-6211
955 Shasta Ave. Email: nhubbard@morrobayca.gov
Morro Bay, CA 93442
Contact: Nancy Hubbard

Project Applicant/Agent: Chris Mathys Phone: (559) 438-9999
Rhine LP Email: mathys@orofinancial.net
2304 West Shaw Ave. #102
Fresno, CA 93711

Project Landowner: Rhine LP and Morro94, LLC Phone: (559) 438-9999
2304 West Shaw Ave. #102 Email: _____
Fresno, CA 93711

General Plan Designation: Medium-Density Residential / Environmentally Sensitive Habitat

Zoning Designation: R-1/PD/ESH (Single-Family Residential/Planned Development/Environmentally Sensitive Habitat)

PROJECT LOCATION

The 10-acre project site is located at 3300 Panorama Drive, at the northeast corner of the City of Morro Bay, within the city limits (refer to Figures 1 and 2). The project site was previously used by the Department of the Navy for jet fuel storage and distribution, and is within the R-1/PD/ESH (Single-Family Residential/Planned Development/Environmentally Sensitive Habitat [ESH]) zoning district and designated by the General Plan and Coastal Land Use Plan (CLUP) as Medium-Density Residential. The ESH overlay is located along an existing drainage proximate to the northwest property boundary. The project site is partially located in the Coastal Commission’s Appeals Jurisdiction, which has jurisdiction over the coastal stream/drainage (ESH area) located within the project site, and 100 feet on either side of the stream corridor. It is surrounded by single-family residential development to the west and south, unimproved grazing land to the east and south, and unincorporated, undeveloped land designated by the County of San Luis Obispo as Agriculture land use to the north and east. The topography at the project site is sloping, with elevation ranging from approximately 80 feet above mean sea level in the southwestern portion of the site to approximately 120 feet above mean sea level in the northern portion of the site.

Figure 1. Project Vicinity



Figure 2. Project Location



Existing structures on the project site include two fuel tanks, one water tank, one pump house, an office building, a garage, multiple sheds, and appurtenant piping and fencing (refer to Figure 2). Before closure in 1991, the Defense Fuel Support Point (DFSP) facility also included an offshore tanker mooring point, 0.5 mile of submerged pipeline, 0.35 mile of underground pipeline within the City of Morro Bay, and a 98-mile pipeline that extended from Morro Bay to Lemoore Naval Air Station in Fresno County. The double-walled steel fuel tanks each hold approximately 131,600 barrels, approximately 5,527,000 gallons each, and are 140 feet in diameter. A staircase ascends the side of each tank to its roof, which has a 6-foot-high railing around its perimeter. The tanks rest on concrete pads surrounded by concrete spill containment berms. The 25-foot-diameter water tank is set between the fuel tanks on a concrete slab at the top of the containment berm and has a 100,000-gallon capacity. The 25-foot by 30-foot pump house is a single-story, side-gabled building with siding and roof in corrugated steel and is located in the southwest portion of the project site. Measuring 25 feet by 30 feet, it has a 2-over-2 steel-frame window on its east and south facades and a sliding door on its east side. A shed-roofed extension, open on the south end, projects from its west side.

Immediately to the east of the pump house is an outdoor area of piping and pumps measuring approximately 60 feet by 35 feet. The single-story cinderblock office building measures 28 feet by 30 feet. An outdoor pump and appurtenant piping is located immediately north of the office building. The corrugated metal garage measures 40 feet by 25 feet. Aerial photography suggests that the garage was built between 1979 and 1986. A west-facing 5-foot by 8-foot storage shed with corrugated metal sides and roof and shallow plain gables stands between the garage and office. The property is bounded by a chain-link fence topped with barbed wire and has previously been used for grazing by goats. Land uses surrounding the project site are identified in Table 1, below.

Table 1. Surrounding Land Uses

Direction from Project Site	Land Use
North	Single Family Residential (R-1/S.1) and Vacant Agricultural land in the County
South	Single-Family Residential (R-1/S.1) and Vacant agricultural land
East	Vacant agricultural land outside City Limits
West	Single-Family Residential (R-1/S.1)

PROJECT BACKGROUND

The City of Morro Bay (City) originally received an application for the 3300 Panorama Drive, Demolition of Tanks and Associated Structures project from Rhine LP and Morro94, LLC (the owners/applicant) on February 22, 2016. The original project proposed removal of three steel tanks and pumps located at 3300 Panorama Drive in Morro Bay, California. The project was expected to require up to 1 month to complete and would require 40 truckloads to remove demolished material, with up to six truck trips per day. The project application was deemed incomplete and was revised through a resubmittal submitted on May 20, 2016, which expanded the project to include the removal of all tanks and piping. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared based on this revised project description and was discussed at the City Planning Commission Hearing on September 6, 2016. Between Planning Commission review on September 6 and December 6, 2016, the applicant made several changes to the project description, including removing all shotcrete on the berms and the concrete ring foundations beneath the tanks, lengthening the duration of demolition to 3 months, proposing additional grading for underground pipe removal, removing the concrete slab in the northern portion of the project site, revising the estimated number of truck trips to include removal of 50 to 100 loads of additional concrete, additional grading at the entry point at Sicily Street, perimeter air quality monitoring, and a revised truck route to avoid conflicts with the Del Mar Elementary School near Highway 1 and San Jacinto Street. At the Planning Commission hearing on January 3, 2017, a list of public concerns and project deficiencies was generated. Following that hearing, the applicant also arranged for trees to be cut down on the project site that had been identified for removal in the original Arborist Report (Greenvale

Tree Company 2016) prepared for the proposed project. Five of the trees proposed for removal in the December 13, 2016, Arborist Report Addendum were cut to stumps in 2017 without a Coastal Development Permit (CDP) and contrary to the City's Major Vegetation Removal, Replacement and Protection Guidelines. In July 2017, the applicant submitted revised project materials to the City, including a new site plan based on an updated site survey. In September 2017, the applicant removed the remaining goats from the property that had been grazing and damaging onsite vegetation and drainage features.

Since the project was last discussed during the January 3, 2017, Planning Commission Hearing, the project description has undergone additional revisions and supporting technical studies have been revised. For this reason, the City has decided to prepare a revised IS/MND to thoroughly evaluate the revised project and potential impacts. The revised project description is provided below and a comparison of changes between the original project evaluated in the previous IS/MND and the revised proposed project is provided in Table 2. The following supporting information and technical studies are considered the most updated versions and are included as appendices to this IS/MND:

- Appendix A: *Demolition Site Plan* (Diversified Project Services International (DPSI), December 5, 2017)
Demolition Work Plan (Analytical Consulting Group, Inc., December 29, 2017)
Demolition Plan (Bedford Contracting, Inc., October 2016)
Panorama Gantt Chart (Analytical Consulting Group, Inc., December 14, 2017)
- Appendix B: *Biological Assessment Letter Report* (Terra Verde Environmental Consulting, June 27, 2016)
Biological Monitoring Plan (Terra Verde Environmental Consulting, August 2016)
Biological Assessment Letter (Terra Verde Environmental Consulting, October 20, 2016)
Biological Assessment Letter (Terra Verde Environmental Consulting, November 17, 2016)
Arborist Report (Greenvale Tree Company, May 18, 2016)
Arborist Report Addendum (Greenvale Tree Company, December 13, 2016)
Arborist Report (Greenvale Tree Company, August 14, 2017)
- Appendix C: *Hazardous Waste Contingency Plan* (Bedford Contracting, Inc., August 31, 2016)
Lead Compliance Plan (Analytical Consulting Group, Inc., January 24, 2017)
Soil Management and Sampling Plan (Analytical Consulting Group, Inc., February 20, 2017)
Letters from the Environmental Health Division of the County of San Luis Obispo Public Health Department (County Health Department, March 14, 2017)
- Appendix D: CalEEMod Output Files (updated December 18, 2017)
Air Monitoring Plan (Rhine LP & Morro94, LLC, December 23, 2016)
SLOAPCD Project Comments (San Luis Obispo County Air Pollution Control District, April 12, 2016)
- Appendix E: *Construction Noise Analysis* (KM Acoustic Studies, August 22, 2017)
- Appendix F: *Truck Traffic Impact Analysis* (DPSI, November 21, 2016)

PROJECT DESCRIPTION

Site Preparation and Demolition

Rhine LP and Morro94, LLC (the owners/applicant) propose to demolish and remove two large JP-5 fuel storage tanks (131,600 barrels, approximately 5,527,000 gallons each) once used by the United States Navy to store jet fuel, one approximately 100,000-gallon water tank, and associated pumps and piping from the decommissioned fuel storage site formally known as the DFSP, located at 3300 Panorama Drive in Morro Bay, California (refer to Figures 1 and 2). The following existing structures, equipment, and materials are proposed to be removed from the project site:

- two holding tanks (approximately 5,527,000 gallons each);
- one fire water tank (approximately 100,000 gallons);
- pumps and associated piping;
- aboveground and belowground 12-inch-diameter loading lines;
- aboveground and belowground 6-inch-diameter water lines connecting the water tank and the pressure pump;
- approximately six power poles with pole-mounted transformers and wiring;
- aboveground and belowground 6-inch-diameter Lemoore supply line capped at the property line and at driveways;
- aboveground pipelines; and
- approximately 1,050 cubic yards of concrete, including shotcrete on the rim and on the inside of the berms forming containment basins for each of the large tanks, a concrete slab at the northern corner of the site, and the concrete ring foundations beneath the tanks.

The following structures and site improvements would remain in place:

- all three building structures;
- driveways, steps, walkways, asphalt, and concrete in the pump area;
- water supply and storm drain lines; and
- the portion of the 6-inch diameter Lemoore pipeline located adjacent to the ESH area, which would be abandoned in place.

Site preparation would include installing temporary fencing, installing stormwater protection, and installing a trackout system at the point of entry on Sicily Street. An opening would be cut in the center berm to provide access to the north tank containment. Tanks and pipelines would be inspected and tested for gas, vapor, and residual fluids and would be cleaned, rinsed, and ventilated as needed before being certified clean and gas-free by a Certified Industrial Hygienist. The demolition process would include removing and recycling identified DFSP equipment and facilities, along with handling and disposing of any non-hazardous and/or hazardous waste generated from demolition activities. The containment berms and other modified areas within the DFSP boundaries would remain except as noted. Approximately 50 feet of the berm width would be lowered between the two large fuel tanks for construction traffic, and the berm between the pumps and tanks would be disturbed to access underground pipes.

The area between the pumps and tanks would be recontoured back to match the rest of the existing berm. Proposed project activities are designed to mitigate potential adverse impacts to annual grassland, native grassland, and ESH resources from demolition, grading, and traffic. The applicant proposes to use a small excavator to access an underground pipeline within 20 feet of designated ESH, and fill the pipeline with a concrete slurry, seal both ends, and abandon this portion of piping in place. These DFSP facilities were no longer needed by the Department of Defense and were decommissioned in 1996. All tanks and pipelines have been drained, cleaned, and made inert where appropriate. Demolition of these components of the DFSP would be conducted in compliance with California Code of Regulations (CCR) Titles 8 & 22, California Health and Safety Code (HSC) and recommended practice for entry, cleaning, and closure of petroleum tanks published by the American Petroleum Institute, under the supervision of the County of San Luis Obispo (County) Public Health Department, San Luis Obispo County Air Pollution Control District (SLOAPCD), and City of Morro Bay (City).

The applicant proposes a primary staging area (for equipment and waiting trucks) to be located between the southern Navy tank and Panorama Drive, and a secondary staging area (for equipment and pump removal) near the entrance to the project site, adjacent to Panorama Drive. Grading will be required to create an improved entry and exit to and from the site into the southerly containment basin from Panorama Drive at the head of Sicily Street. Grading would also be necessary to cut a break through the center berm separating the two containment basins to allow truck and equipment access to the northerly tank and to enable removal of pipelines within the berm between the northerly tank and the pump station area. Ground disturbance would include removal of shotcrete and fill material between the two Navy tanks, and displaced soil would be spread between the existing berm, north to south, to reduce the existing slope for safe vehicle and equipment mobility. Additional soil (approximately 135 cubic yards) would be removed to expose underground pipe to be removed and then replaced between the pump house and the tanks. Soil may be exported from the project site if it is found to be contaminated, in compliance with the Soil Management and Sampling Plan and Hazardous Waste Contingency Plan (refer to Appendix C). The project is anticipated to require some level of disturbance over approximately 5.17 acres of the 10.6-acre site. The project is expected to require up to 3 months to complete. The proposed demolition site plan is shown on Figure 3 and included in Appendix A.

Equipment

The proposed demolition process would require the use of the following equipment:

- excavators, track mounted, 10K#, 64k# and 80K# - hydraulic cutting shears would be installed and utilized, as required;
- up to three tractor-trailer trucks;
- one non-potable water truck (2,000-gallon capacity);
- one Skidsteer loader;
- one reach lift;
- waste hauling trucks;
- welding/cutting tools/intrinsically safe cutting tools (reciprocating saws) for tank access;
- welding/cutting utility trucks;
- fueling/service truck, as needed;
- dump trucks, as needed; and
- hand tools.

Excavation and Pipeline Removal

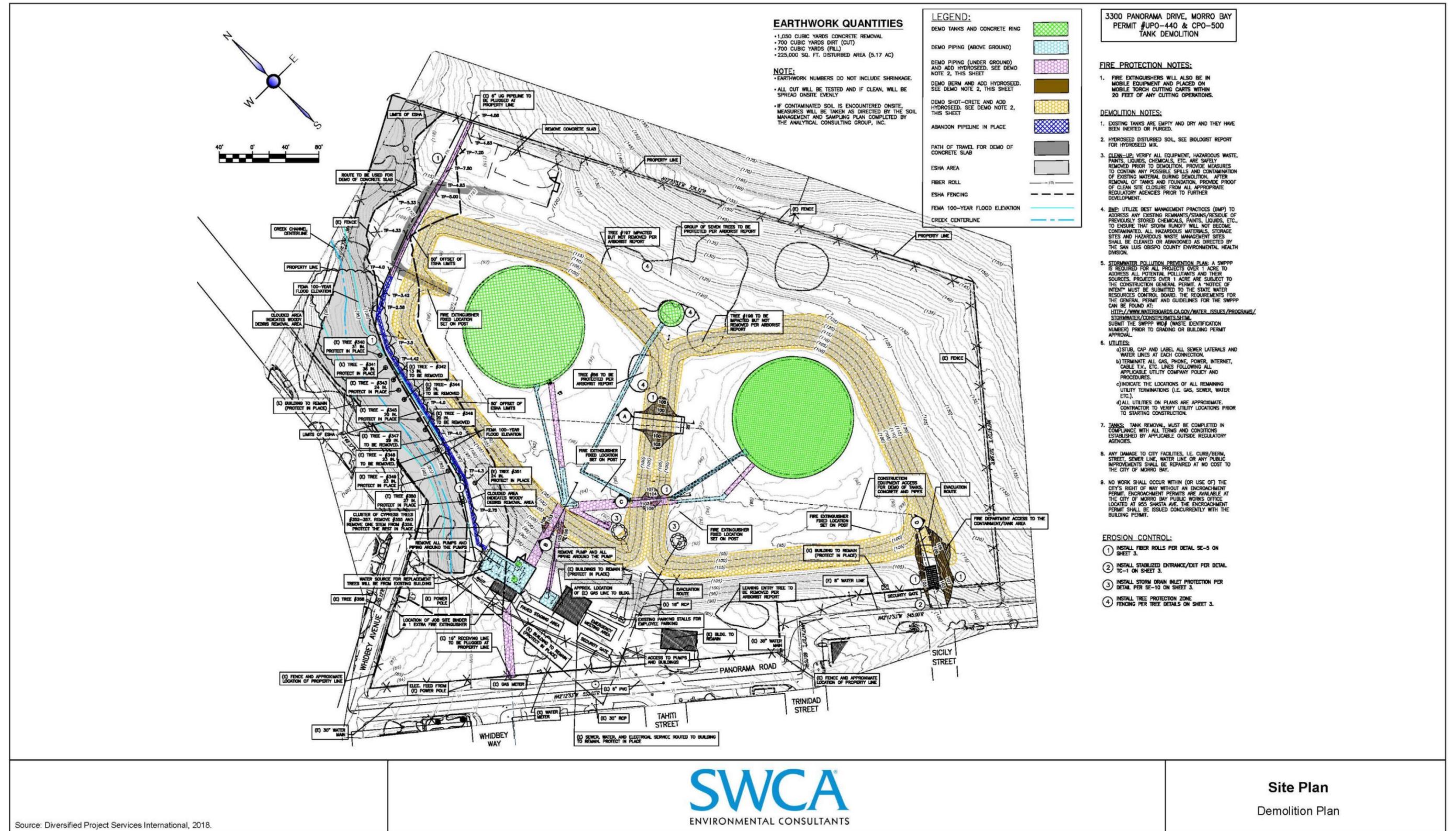
Excavation of soil would be required to expose buried pipelines for removal, remove concrete foundations, and provide vehicle and equipment access to different areas within the project site. A hydraulic excavator and/or rubber-tired loader would be used to excavate, stockpile, and load soil. Pipelines would be excavated to the depth necessary to safely tap, drain, test, certify, cut, and remove them. Pipeline depths may vary; however, the general procedure for excavation would be to excavate a trench above the pipeline. All excavation and trenching activities would be performed in accordance with the California Division of Occupational Safety and Health (OSHA) trenching and excavation regulations (8 CCR 1539–1543). The trench sidewalls would be sloped away from the center of the excavation for access and safety considerations. Sloping would be based on the depth of the trench and type of soil in accordance with OSHA standards. The area of disturbance would be limited to pipeline trenches, the tank foundations, a cut through the central berm, removal of all shotcrete, and the concrete slab in the northeast corner of the project site. Pipeline and foundation trenches would be backfilled with site soils and compacted adequately for safety. Importation of backfill material would not be required. The project site would not be re-graded during this project, other than grading necessary to access the site from the head of Sicily Street and grading necessary to access tanks and pipes between the north tank and the pump area.

The excavated overburden soil would be placed adjacent to the trench no closer than 3 feet from the edge of the slope. The overburden soil would be field-screened or chemically analyzed to determine if hydrocarbon impacts are present. Overburden exhibiting hydrocarbon impacts would be moved to the contaminated soil stockpile. Soils within the trench or below the removed pipelines that are observed by the field monitor to have visual and/or olfactory indications of hydrocarbon impacts would be sampled, documented, and left in place. Grossly impacted soils (i.e., visual, free-flowing non-aqueous phase hydrocarbon, strong hydrocarbon as observed by the field monitor during the piping or structure removal, or volatile organic compound [VOC] emissions exceeding 50 parts per million by volume [ppmv] as hexane) would be removed to prevent further contamination, nuisance odors, and fugitive emissions. The field monitor would determine, based on field observations and measurements, when the grossly impacted material has been removed. Prior to backfill, soil samples would be collected from the base of the excavation to characterize and delineate impacts for future remediation.

In the event that a pipeline cannot be removed, the following procedure would be followed to abandon the pipe in place. The City and the County would be notified of the abandonment. Additionally, a memorandum would be prepared to document the reasons for abandonment, provide details of the pipe and environmental conditions, photographic documentation, and location data. Upon approval from the aforementioned agencies, the abandonment process would proceed as follows: the pipeline would be evacuated and flushed of all contents using the procedures described in the Pre-Demolition Tank and Piping Certification Plan (included in Appendix C); following flushing, the pipeline would be grouted with a cement-bentonite slurry and the excavation backfilled using non-impacted overburden derived from the excavation; and compaction would be completed to achieve a minimum of 90% of the maximum dry density, with moisture content at or above the optimum level as determined by American Society for Testing and Materials (ASTM) Method D-1557.

Due to the close proximity of the 6-inch diameter Lemoore pipeline to the ESH area and tree root zones, the applicant's preferred alternative is to abandon this section in place by capping the ends and filling the pipe with concrete slurry. This method could include accessing the pipeline through a pothole, rinsing the pipe with water, ventilating the pipe, certification of the pipe by a Certified Industrial Hygienist, filling the pipe with cement slurry, and backfilling the pothole. Some soil disturbance would still be necessary to access the pipeline and sample the underlying soil for contaminants. However, if contamination is encountered in soil samples during the abandonment process, it may be necessary to remove the pipeline. Removal would require trenching, pipe removal and disposal, and backfilling of the trench. Both methods would require supervision and monitoring of operations and testing and certification of the pipe by a Certified Industrial Hygienist.

Figure 3. Demolition Site Plan (Updated)



Transport and Disposal

Excavated and demolished materials would be managed in accordance with applicable regulations and, wherever practical and allowable, would be recycled or reused (goal is $\geq 95\%$ of all waste materials), including tanks, piping, pumping equipment, poles, and wiring. The proposed demolition contractor, Bedford Demolition and Contracting, is an established recycler. Metal, concrete, and other demolition materials would be recycled through a local, licensed facility. All materials that cannot be recycled or reused would be properly disposed at licensed facilities. Demolished materials are expected to be taken to any of the following potential receiving facilities:

Santa Maria Area Recycling Terminal and Bedford Enterprises
1940 W Betteravia Rd.
Santa Maria, CA 93455
Distance: 53 miles from project site

Roxsand
2280 Hutton Rd.
Nipomo, CA 93444
Distance: 44 miles from project site

Cal Portland
1625 E Donovan Rd.
Santa Maria, CA 93456
Distance: 47 miles from project site

Prior to final disposal, wastes would be characterized based upon the generator's knowledge (or laboratory analyses, if necessary) to evaluate hazardous characteristics in accordance with applicable regulations. Materials determined to be hazardous, including possible pipeline fluid or residuals, would be managed in accordance with California and Federal hazardous waste regulations and disposed of at an appropriate licensed facility. The only hazardous waste anticipated to be generated during demolition activities include non-friable asbestos, lead paint removal waste, lead paint debris, and petroleum-contaminated soil. Domestic trash generated as a result of the project activities would be collected in a designated waste bin intended for landfill disposal. Petroleum-contaminated soil would be handled and disposed of in accordance with federal and State regulations based on the analytical results of waste characterization samples collected. Waste profiles would be generated by the approved disposal facility utilizing characterization samples and generator knowledge. Petroleum-contaminated soil to be disposed offsite at a Class II or III landfill would be loaded from the stockpiles into end-dump trucks using an excavator or a rubber-tired loader and transported to a receiving facility. The designated facilities for non-hazardous petroleum-contaminated soil include:

Waste Management
Kettleman Hills Facility
35251 Old Skyline Road
Kettleman City, CA 93239

Clean Harbors
Buttonwillow Landfill Facility
2500 West Lokern Road
Buttonwillow, CA 93206

Truck Trips and Hauling Route

A total of 131 round-trip truck trips are anticipated to be required to transport demolished and removed materials from the project site to an approved, local receiving facility. Truckloads for metal recycling are estimated based on a maximum trailer size of 8 feet wide by 40 feet long by 8 feet high and a net load of 20 tons. Concrete would be hauled in low-side end dump trailers with a load capacity of approximately 22 net tons. A contingency is added to

the number of truck trips to allow for unanticipated load variations. For the DFSP demolition, the following round-trip truck trips are estimated:

- Metals: 50 loads
- Concrete: 75 loads
- Debris: 4 loads
- Domestic trash and miscellaneous debris: 2 loads

Truck traffic would exit the DFSP facility and proceed directly onto Sicily Street and then right on Main Street and enter Highway 1 at Yerba Buena Street. Tahiti Street would provide a secondary route for some employees and trucks removing material from the pump area. Trucks would not be staged on residential streets and would not be allowed to idle onsite. Loads would be covered prior to exiting the site. A rumble strip is proposed at the access point onsite to minimize mud or dirt leaving the site. The proposed truck route is shown on Figure 4.

Project activities would require two to 10 onsite personnel; therefore, worker trips are conservatively estimated to include 10 round trips per day from Santa Barbara and San Luis Obispo Counties. Workers are anticipated to travel to the site on U.S. Route 101, Highway 1, Yerba Buena Street, Main Street, and Tahiti or Sicily Streets.

Personnel and Logistics

Project activities are expected to require up to 3 months to complete and require two to 10 onsite personnel. The DFSP facility is not manned; therefore, access would be coordinated. There would be two coded security gates, and locked gates, to restrict access to the site.

Resource Protection

Air Quality and Erosion Control

Due to the potential presence of contaminated soil onsite, fugitive dust generated during grading, excavation, and other project activities would be controlled in order to minimize both onsite and offsite impacts. Community exposure to dust generated from potentially impacted soil and transportation of impacted dust and nuisance dust offsite would be minimized through use of various dust control measures including the following:

- Earth-moving or dust-generating activities shall be suspended during periods of high wind or if dust control measures cannot control visible plumes.
- Water shall be misted or sprayed on surface soils while performing grading and/or excavation activities and loading transportation vehicles.
- Excavation activities shall be controlled to minimize the generation of dust.
- Vehicle speed on the site shall be limited to 15 miles per hour or less.
- Drop heights shall be limited during vehicle loading.
- All waste loads shall be tarped before trucks leave the site.
- Vehicle tires shall be cleaned prior to leaving the site.
- Any track-outs shall be cleaned at the end of each workday.
- Exposed soil stockpiles generated as a result of excavating contaminated soils shall be covered with plastic sheeting.

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal.
- Complaints about odors or dust shall be directed to the onsite representative of Analytical Consulting Group, Inc., who will report complaints and breakdowns to the SLOAPCD within 4 hours of a complaint or event. Equipment or process breakdowns, including the process of minimizing fugitive emissions from the soil excavation or stockpiles shall be reported in writing to the SLOAPCD. Records shall be kept onsite during project activities.
- Soil binder may be used if necessary to stabilize bare soil areas.

Figure 4. Proposed Truck Route



In an effort to minimize track-out, 2-inch crushed base gravel and a rumble strip would be placed at the Sicily Street point of site entry for track-out control. Straw wattles would be installed on the downslope side of the entrance, and sand bags would be placed on the downslope side of the entrance along Panorama Drive to catch any potential soil runoff and minimize erosion. Following demolition of the tanks, concrete structures, and piping, the wattles would remain in place as needed, and disturbed areas would be grass-seeded. The applicant proposes to monitor the site daily for excess dirt or mud and implement any required mitigation measures to reduce erosion and avoid sediment runoff into the creek. Mitigation measures pertaining to the minimization of fugitive dust are included in Section 3, Air Quality, and measures pertaining to erosion and runoff control are included in Section 4, Biological Resources, in the Environmental Checklist.

Biological Resources

The majority of the project site is highly disturbed, containing a mixture of non-native, annual grasses and weeds. Fuel tank containment areas are dominated by non-native annual grasses with several ornamental and Monterey cypress (*Hesperocyparis macrocarpa*) trees along with various pipeline components (refer to Appendix B). The smaller metal water tank is set between and upland of the two fuel tank areas and is surrounded by Monterey cypress trees. Operations buildings and a paved entrance are present to the south of the fuel tank containment areas bordering Panorama Drive.

An un-named drainage present along the northwestern perimeter of the property, within the designated ESH area, conveys intermittent flows from the upslope hillside into a culvert located north of the control building and paved parking lot and ultimately into the Pacific Ocean approximately 0.35 mile southwest of the project site. The drainage is mapped as a blue-line stream according to the U.S. Geologic Survey (USGS) topographic maps and is ephemeral in nature. At the northernmost portion of the property, the drainage is characterized as riparian scrub dominated by arroyo willow (*Salix lasiolepis*) with an understory of herbaceous vegetation, including California rose (*Rosa californica*), poison oak (*Toxicodendron diversilobum*), and California blackberry (*Rubus ursinus*). Further south of the riparian scrub, conditions surrounding the drainage are highly disturbed. A linear row of Monterey cypress trees is present along the top of the drainage bank interspersed with ornamental pine trees (*Pinus* sp.) along the westernmost bank. Little to no vegetation is present within understory of the Monterey cypress trees or within the drainage feature at this location. Banks of the un-named drainage and associated riparian vegetation are within the jurisdiction of the California Department of Fish and Wildlife (CDFW), while the bed of the tributary, below the ordinary high water mark, is within the jurisdiction of the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB). No adverse disturbance is proposed within the limits of ESH area for the un-named drainage as a result of project activities. The only work proposed to be performed in the ESH area in connection with the demolition project includes soil sampling using an ATV-mounted hydraulic push rig, and restoration actions such as debris removal within the drainage and tree trimming, removal, and replacement pursuant to the August 2017 Arborist Report. Soil sampling would not cause adverse disturbance to the ESH area. As discussed previously, the portion of the 6-inch diameter Lemoore pipeline located adjacent to the ESH area would be abandoned in place by filling with cement slurry, which would not require work in the ESH area. Heavy equipment will be restricted to top of bank.

So far, five of the trees proposed for removal in the December 13, 2016, Arborist Report Addendum were cut to stumps in 2017 without a CDP and contrary to the City's Major Vegetation Removal, Replacement and Protection Guidelines. In June 2017, downed trees were logged and removed from the site. A large log (more than 1 foot in diameter and over 4 feet long) is now wedged in the drainage, apparently resulting from the work completed in June. Up to nine additional Monterey cypress trees near the tanks have the potential to be impacted by proximate demolition activities and trimming activities associated with the proposed project (refer to Appendix B). The applicant proposes to install noticeable temporary construction fencing and signage to restrict vehicle and equipment access within and adjacent to the ESH area, mature trees, and associated root zones. The Arborist Report, dated August 14, 2017 (refer to Appendix B), recommends tree trimming and removal of up to seven additional diseased and dying trees (six Monterey cypress and one pine) along the south side of the creek. The project is subject to compliance with the City's Major Vegetation Removal, Replacement and Protection Guidelines, which allow removal of diseased and hazardous trees without a permit, subject to a report by a certified arborist. Permits would

be obtained from regulatory agencies to authorize tree trimming/removal and debris removal within and adjacent to the creek feature. Work would be completed in accordance with measures provided in applicable permits for the protection of sensitive resources. Additionally, removal of trees not diseased or hazardous requires a CDP and replacement planting, either onsite or offsite. Biological monitoring would be conducted during project activities in accordance with *Biological Monitoring Plan 3300 Panorama Drive Fuel Tank Demolition Project, City of Morro Bay, San Luis Obispo County, California* prepared by Terra Verde Environmental Consulting (refer to Appendix B). Mitigation measures would be implemented to avoid and/or minimize potential impacts to biological resources resulting from proposed project activities. Mitigation measures pertaining to the protection of biological resources are included in Section 4, Biological Resources, in the Environmental Checklist.

Cultural Resources

Site workers would be given cultural resources and habitat awareness training by qualified cultural resources specialists prior to commencing ground disturbance onsite. Additionally, a qualified archeologist would observe the work as required by permit conditions. If found, artifacts would be documented, flagged, and left undisturbed. Mitigation measures pertaining to the avoidance and protection of cultural resources are provided in Section 5, Cultural Resources, in the Environmental Checklist.

Hazardous Materials

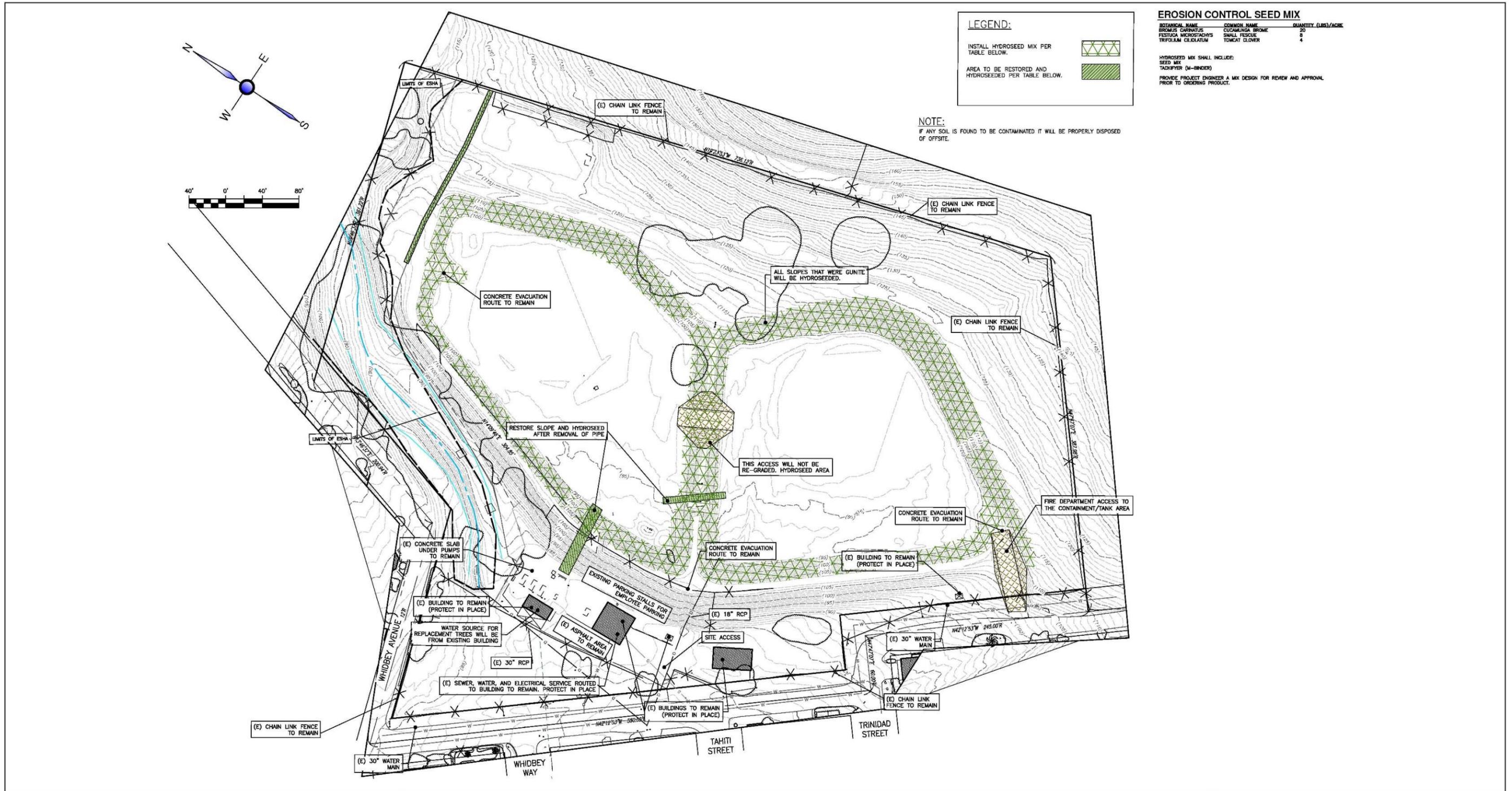
Fuel, lubricants, and other materials used to service equipment during implementation of the proposed project would be stored on a mobile service truck. No fuel or other hazardous materials would be stored onsite. Compressed gases used for welding would be properly secured on the welding truck, on a cylinder cart, or in a lift basket at all times.

Spill prevention during truck loading would be handled by the personnel performing the loading, under the supervision of the onsite supervisor. Loading material into the trucks would be performed carefully to avoid dropping or spilling material or creating significant amounts of dust. The proposed project would be implemented in compliance with the Soil Management and Sampling Plan (Analytical Consulting Group, Inc. 2017), Hazardous Waste Contingency Plan (Bedford Contracting Inc. 2016), the Asbestos Compliance Plan (HMS, Inc. 2016), and the Lead Compliance Plan (Analytical Consulting Group, Inc. 2017) prepared for the DFSP Facility (refer to Appendix C). The purpose of these plans is to protect the safety and welfare of the employees and community in the event of an emergency incident, to provide site-specific health and safety requirements for the protection of employees and subcontractors from hazards related to removal and handling of lead-based paints and coatings during project activities, and to comply with federal and State laws pertaining to hazardous waste generators with respect to preparedness and prevention for emergency events.

Site Cleanup and Restoration

Upon completion of demolition and excavation activities, the disturbed areas would be restored to existing grades (i.e., rough grade) as needed. The proposed post-grading site plan is shown on Figure 5. The disturbed areas would be hydroseeded for erosion control and restoration using a California Department of Transportation (Caltrans)-approved seed mix. Additionally, maintenance activities would be implemented to restore the creek area, such as removing debris behind the drainage grate and removing the large log that fell into the drainage during previous tree removal activities. At this time, there are no known or anticipated specific future development plans for the project site.

Figure 5. Post-Grading Site Plan



LEGEND:

INSTALL HYDROSEED MIX PER TABLE BELOW. 

AREA TO BE RESTORED AND HYDROSEED PER TABLE BELOW. 

EROSION CONTROL SEED MIX

BOTANICAL NAME	COMMON NAME	QUANTITY (LBS)/ACRE
BROMUS CARINATUS	CUCAMINGA BROME	20
FESTUCA MICROSTACHYS	SMALL FESCUE	8
TRIPOLIUM CLAVICULATUM	TOMCAT CLOVER	4

HYDROSEED MIX SHALL INCLUDE:
SEED MIX
TACKIFIER (M-BINDER)
PROVIDE PROJECT ENGINEER A MIX DESIGN FOR REVIEW AND APPROVAL PRIOR TO ORDERING PRODUCT.

NOTE:
IF ANY SOIL IS FOUND TO BE CONTAMINATED IT WILL BE PROPERLY DISPOSED OF OFFSITE.



Post-Grading Plan
Demolition Plan

Source: Diversified Project Services International, 2017.

Project Changes

A summary of key differences between the original project evaluated in the previous IS/MND and the proposed project evaluated in this IS/MND is provided in Table 2, below.

Table 2. Differences Between 2016 Project Description and Current Project Description

Project Component	2016 IS/MND	Current Project Description
Proposed project duration	1.5-2 months to complete	Up to 3 months to complete
Onsite structures and features to be demolished and/or removed from the project site	<ul style="list-style-type: none"> • Two jet fuel storage tanks • One water tank • All piping attached to the tanks, pumps, and both exposed/underground piping behind the existing pump structure • Shotcrete (24 yards) located along the center berm between the tanks • A portion of the berm located between the tanks and between the existing pump house and the tanks 	<p>In addition to all of the structures previously proposed to be demolished and/or removed, the following additional features would be demolished and/or removed:</p> <ul style="list-style-type: none"> • The concrete pad and ring foundations located beneath the existing tanks would be demolished and removed from the site. • Shotcrete located on top and inside of the containment berms would be removed from the site.
Imported/exported soil	The project description stated that no soil would be imported to or exported from the project site.	The proposed project would not include importing soil; however, the proposed project may include exporting soil from the project site if existing soils are found to be contaminated.
Tree removal	The project description included removal of up to five Monterey cypress trees and one Myoporum tree	<p>So far, five of the trees proposed for removal as part of the December 13, 2016, Arborist Report Addendum were cut to stumps during 2017 and removed from the site in June 2017.</p> <p>An Arborist Report dated August 14, 2017, recommends trimming and removal of seven additional diseased and dying trees (six Monterey cypress and one pine) along the south side of the creek.</p>
Underground pipeline removal	The project description included the use of a small excavator to access, expose, and remove an underground pipeline within 20 feet of a designated Environmentally Sensitive Area (ESA).	<p>The applicant’s preferred alternative is to abandon this section in place by capping the ends and filling the pipe with concrete slurry. This method could include accessing the pipeline through a pothole, rinsing the pipe with water, ventilating the pipe, certification of the pipe by a Certified Industrial Hygienist, filling the pipe with cement slurry, and backfilling the pothole.</p> <p>However, if contamination is encountered in soil samples during the abandonment process, it may be necessary to remove the pipeline. Removal would require trenching, removing and disposing the pipe, and backfilling the trench.</p>

Table 2. Differences Between 2016 Project Description and Current Project Description

Project Component	2016 IS/MND	Current Project Description
Truck trips	<p>The project description stated that approximately 40 round-trip truck loads required, varying from zero to six trucks per day.</p>	<p>Truckloads for metal recycling are estimated based on a maximum trailer size of 8 feet wide by 40 feet long by 8 feet high and a net load of 20 tons. Concrete will be hauled in low-side end dump trailers with a load capacity of approximately 22 net tons. A contingency is added to the number of truck trips to allow for unanticipated load variations. For the DFSP demolition, the following truck round trips are estimated:</p> <ul style="list-style-type: none"> • Metals: 50 loads • Concrete: 75 loads • Debris: 4 loads • Domestic trash and miscellaneous debris: 2 loads <p>Approximately 131 round-trip truck loads would be required for the project. All truck traffic will exit the DFSP facility and proceed directly onto Sicily Street and then right on Main Street and enter Highway 1 at Yerba Buena Street. Tahiti Street would provide a secondary route. Trucks will not be staged on residential streets. Trucks will not be allowed to idle onsite. Loads will be covered prior to exiting the site.</p> <p>Additionally, two to five worker vehicles are anticipated per day that would be staged onsite at the secondary parking area or the primary site location. Based on conservative estimates, approximately 10 round-trip worker trips per day would be anticipated for the duration of the project,</p>
Haul routes and site access	<p>The project description stated that there would be two to three trucks entering the project site along Yerba Buena Street to Panorama Drive.</p> <p>For the majority of the project, the contractor, crew, and equipment would enter the site from Highway 1 onto Yerba Buena Street to Main Street, then left onto Sicily Street to the site, with an option to use the intersection at Highway 1 and San Jacinto Street.</p>	<p>Under the proposed project, the proposed truck route would be from Highway 1 to east on Yerba Buena Street, then south onto Main Street. The primary traffic route would be on Sicily Street, where trucks would enter the site at the intersection of Sicily Street and Panorama Drive. The secondary traffic route designated for smaller vehicles used by workers and trucks removing materials from the pump area would be on Tahiti Street, where traffic would enter the secondary parking area at the intersection of Tahiti Street and Panorama Drive. The truck route no longer includes access to Main Street from the San Jacinto Street/Highway 1 intersection.</p>

Table 2. Differences Between 2016 Project Description and Current Project Description

Project Component	2016 IS/MND	Current Project Description
Air quality	Implementation of the proposed project would not result in emissions exceeding thresholds of significance, as identified by the SLOAPCD. The project would require compliance with existing regulations regarding equipment that requires a SLOAPCD permit, and the handling and disposal of materials and soils containing, or potentially containing, asbestos and lead. The project is subject to standard construction practices, including dust control measures required by the Municipal Code and SLOAPCD CEQA Handbook to address short-term air quality impacts related to demolition. All permit conditions are required as notes on the plans and Community Development Department staff will monitor compliance in the normal course of reviewing plans.	<p>The California Emissions Estimator Model (CalEEMod) model has been revised to reflect new project components and resulted in the same finding that implementation of the proposed project would not result in emissions exceeding thresholds of significance, as identified by the SLOAPCD.</p> <p>However, in response to neighborhood concerns about potential air quality impacts, the project now includes perimeter air quality monitoring in addition to the mitigation included. Dust mitigation is not anticipated to change.</p> <p>Additionally, the project scope has been revised to demolish and remove more components increased the number of anticipated truck trips depending on weight load.</p>

Project Entitlements Requested

Approvals for a CDP and Conditional Use Permit (CUP) are required for demolition of the tanks, pumps, and other structures.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)

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

- California Coastal Commission
- San Luis Obispo Air Pollution Control District (SLOAPCD)
- Environmental Health Division of the County of San Luis Obispo Public Health Department (County Health Department)
- California Department of Toxic Substances Control (DTSC)
- California Department of Fish and Wildlife (CDFW)
- Regional Water Quality Control Board (RWQCB)
- U.S. Fish and Wildlife Service (USFWS)
- City of Morro Bay Fire Department

II. ENVIRONMENTAL SETTING AND IMPACTS

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

X	1. Aesthetics		11. Mineral Resources
	2. Agricultural Resources	X	12. Noise
X	3. Air Quality		13. Population/Housing
X	4. Biological Resources		14. Public Services
X	5. Cultural Resources		15. Recreation
X	6. Geology/Soils	X	16. Transportation/Circulation
	7. Greenhouse Gas Emissions	X	17. Tribal Cultural Resources
	8. Hazards/Hazardous Materials		18. Utility/Service Systems
X	9. Hydrology/Water Quality		19. Mandatory Findings of Significance
	10. Land Use/Planning		

FISH AND GAME FEES

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

STATE CLEARINGHOUSE

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

On the basis of this initial evaluation:

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

Signature

Date

Nancy Hubbard

Contract Planner

For: Scot Graham

Community Development Director

With Public Hearing

Without Public Hearing

Previous Document: CASE NO. UP0-440 & CP0-500

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 19, “Earlier Analysis,” as described in (5) below, may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c) (3) (D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

IV. ENVIRONMENTAL CHECKLIST

1. AESTHETICS:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect on a scenic vista?		X		
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?		X		
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Environmental Setting

The City of Morro Bay General Plan and Local Coastal Plan (LCP) contains policies that protect the City’s visual resources. The waterfront and Embarcadero are designated as scenic view areas in the City’s Visual Resources and Scenic Highway Element. Morro Rock, the sand spit, the harbor, and navigable waterways are all considered significant scenic resources. Highway 1, which is located approximately 0.2 mile west of the project site, is a Caltrans-designated Scenic Highway and All-American Road. Highway 1 scenic vistas include the Pacific Ocean, Morro Rock, and the hillsides and ridgelines to the east of the city.

Existing developed features onsite, including the two large (currently empty) jet fuel tanks, water tank, large berm surrounding the tanks, chain-link fencing, and associated buildings, piping, and related infrastructure, are primarily visible from Panorama Drive, Whidbey Street, Tuscan Avenue, and the nearby residential neighborhood. Views towards the project site, as seen from Highway 1 and Main Street, are generally dominated by existing development, existing white tanks located approximately 600 feet northwest of the project site, and undeveloped hillsides and ridgelines to the north and east of the project site. The existing tanks, which are surrounded by a large, constructed earthen berm, are intermittently visible in the distance above the residential neighborhood, as seen from Highway 1.

Impact Discussion

a., b. The proposed demolition project does not include any new structural development of the site or mass grading. Removal of large structures from the project site would return existing developed views to more natural, undeveloped views. Large equipment, trucks, vehicles, exclusion fencing, staging areas, and other construction materials would be visible during the demolition process, which would occur over a period of approximately 3 months. Based on the relatively short timeframe, location, and nature of the project, and limited visibility from Highway 1, the proposed actions would not have a substantial adverse effect on a scenic vista.

As discussed in the project description, five of the trees proposed for removal as part of the December 13, 2016, Arborist Report Addendum were cut to stumps in 2017 without a CDP and contrary to the City’s Major Vegetation Removal, Replacement and Protection Guidelines. In June 2017, down trees were logged and removed. Four of these trees were located adjacent to the existing jet fuel storage tanks and two were located along the western edge of the large berm surrounding the northern tank. Pursuant to the Arborist Report, dated August 14, 2017, seven additional diseased

and dying trees (six Monterey cypress and one pine) are recommended for removal along the south side of the drainage. While the loss of the trees already removed from the site and the additional trees proposed for removal may be noticed by the public, removal was and is necessary due to interference with tank demolition, their diseased or dead condition, and potential safety hazards. The majority of the trees in the dense stand along the drainage would be protected in place and would maintain the scenic vista, which encompasses the undeveloped ridgelines and valleys to the north and east. While some trees are visible from Highway 1, a State Scenic Highway, due to the location of trees adjacent to the existing tanks and berm, and urban development located between the site and Highway 1, the loss would not substantially damage scenic resources as seen from the highway. As discussed in Section 4, Biological Resources, the applicant would be required to mitigate for the loss of non-diseased, non-hazardous trees by replacement planting at a minimum 2:1 ratio onsite or offsite. Therefore, impacts would be less than significant with mitigation.

- c. The project site is located at the northeastern edge of the city limits, and the existing visual character is industrial. The visual character between the project site and Highway 1 is urban (residential and commercial); land to the north, outside of the city limits, consists of undeveloped hillsides, valleys, and ridgelines dominated by grassland habitat, coastal scrub, riparian corridors, and clusters of mature trees. Following implementation of the demolition project, some industrial components would remain onsite, including the switchgear/maintenance shop and operators building near Panorama Drive, the chain-link perimeter fence, and large berm. The more natural-appearing components of the site, including the dense canopy along the northwestern edge of the site, and row of Monterey cypress trees north of the water tank, would also remain. Although the site would retain some features that contribute to its industrial character, and the use of large equipment onsite would impair visual quality in the short term (3 months), removal of the larger structural components would result in a site that is more visually compatible with nearby undeveloped agricultural/open space. Therefore, potential impacts would be less than significant.
- d. Construction of the proposed project would not require the use of any temporary lighting. Additionally, implementation of the proposed project would include the removal of existing light poles located along the central berm. No new permanent lighting or sources of glare are proposed. Therefore, the project would not create a new source of substantial light or glare; no impact would occur and mitigation is not required.

Conclusion

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

Mitigation and Monitoring

Implement Mitigation Measure BR-7.

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

Environmental Setting

The project site is located within the R-1/PD/ESH (Single-Family Residential/Planned Development/Environmentally Sensitive Habitat) zoning district and designated by the City’s General Plan and Coastal Land Use Plan (CLUP) as Medium-Density Residential/Environmentally Sensitive Habitat. Surrounding land uses include a residential neighborhood to the northwest, west, and southwest, and undeveloped, unincorporated land designated Agriculture to the east. The perimeter of the project site is fenced. The site previously supported a small herd of goats that provided vegetation and weed management within the site; however, the goats have been removed and the site is no longer used for grazing. No agricultural activities are present within or proximate to the project site. Based on review of the San Luis Obispo County Important Farmland 2014 map (California Department of Conservation 2014), the project site is designated as Urban and Built-up Land.

Impact Discussion

- a. Based on the project site’s designation as Urban and Built-up Land, implementation of the proposed project would not result in the conversion of Farmland to non-agricultural use. No impact would occur.

- b. The project site is zoned for Single-Family Residential/Planned Development and urban development is present to the northwest, west, and southwest. Adjacent land to the east is zoned Agriculture. The project site and surrounding areas do not support active agriculture and are not under a Williamson Act contract or County Agricultural Preserve. The proposed 3-month demolition project does not include any elements that would result in a conflict with adjacent agricultural land, should the property owner decide to implement livestock grazing or other agricultural activities. Therefore, impacts would be less than significant.
- c., d. The project site and surrounding areas do not support forestland or timberland; therefore, no impact would occur.
- e. Based on the location of the project site within an urban area, relatively short-term project duration, and lack of agricultural production and forest and timberland resources in the vicinity of the project site, the project would not involve any other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, impacts would be less than significant.

Conclusion

Implementation of the proposed project would not result in significant impacts to agricultural resources.

Mitigation and Monitoring

Mitigation measures are not required.

3. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?		X		
e. Create objectionable odors affecting a substantial number of people?			X	

Environmental Setting

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

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project-specific impacts and help determine if air quality mitigation measures are needed or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, SLOAPCD has prepared and adopted a Clean Air Plan.

The County’s air quality is measured by multiple ambient air quality monitoring stations, including four SLOAPCD-operated permanent stations, two state-operated permanent stations, two special stations, and one station operated by Tosco Oil Refinery for monitoring sulfur dioxide (SO₂) emissions. San Luis Obispo County is in non-attainment status for ozone (O₃), respirable particulate matter (PM₁₀), and vinyl chloride under the California Air Resource Board (CARB) standards. The county is in attainment status for all other applicable CARB standards. San Luis Obispo County is listed as a county in a National Ambient Air Quality Standards (NAAQS) non-attainment or maintenance area; however, this is only applicable to the eastern portion of San Luis Obispo County. The project corridor is located in the western portion of the county near the ocean and is not included in the NAAQS non-attainment or maintenance area.

SLOAPCD thresholds for determining the significance of impacts for total emissions expected from a project’s construction activities are provided in Table 3, below. SLOAPCD has discretion to require mitigation for projects that would not exceed the mitigation thresholds if those projects would result in special impacts, such as the release of diesel particulate matter (DPM) emissions or asbestos near sensitive receptors.

Table 3. APCD Thresholds of Significance for Construction Operations

Pollutant	Threshold		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG + NO _x (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM ₁₀), Dust ²	--	2.5 tons	--

Notes: ROG = reactive organic gases; NO_x = Nitrogen oxide; lbs = pounds; -- = No threshold established.

¹ Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.

² Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM₁₀ quarterly threshold.

Source: SLOAPCD 2012.

Increases in ozone pollution and respirable particulate matter in the region are attributed to automobiles and the increase in vehicle miles traveled resulting from increasing population growth in the area. Increased respirable particulate matter has also been attributed to dust from construction, demolition, and grading activities.

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. CARB has identified the following typical groups who are most likely to be affected by air pollution (i.e., sensitive receptors): children under 14 years of age, the elderly over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The project site is located in an industrial area in the city of Morro Bay and is surrounded by residential development and residential sensitive receptors.

Impact Discussion

- a. Based on the nature of the demolition project, and compliance with existing regulations related to demolition and construction actions, the project would not be inconsistent with or obstruct implementation of the Clean Air Plan.

- b., d. The project site is located adjacent to existing residential development and associated sensitive receptors. Implementation of the proposed project has the potential to generate emissions and fugitive dust through the use of construction equipment, ground disturbance, demolition and excavation activities, hauling trips, and worker trips over approximately 3 months, as described in the project description. The project would not include any operational activities or associated emissions; therefore, only a discussion of demolition and excavation (collectively referred to as construction emissions) is provided below.

Estimated construction air emissions were calculated for the proposed project using the California Emissions Estimator Model (CalEEMod). The results of the CalEEMod are included in Appendix D. The results of the unmitigated estimated construction emission calculations for the proposed project are shown in Table 4, below. It should be noted that the results are based on conservative estimations provided by the applicant and by the CalEEMod defaults; therefore, it is possible that actual project construction emissions may vary based on the finalized design and construction plans. In an effort to conservatively capture worst-case scenario emissions, it was assumed that the maximum number of workers (10) would be travelling to the project site from Santa Barbara, approximately 110 miles southeast of the project site. Additionally, it was assumed that a total of 131 round trip hauling trips would be required to haul demolished material from the project site to a local receiving recycling facility. Demolished materials are expected to be taken to any of the following potential receiving facilities:

Santa Maria Area Recycling Terminal and Bedford Enterprises
1940 W Betteravia Rd.
Santa Maria, CA 93455
Distance: 53 miles from project site

Roxsand
2280 Hutton Rd.
Nipomo, CA 93444
Distance: 44 miles from project site

Cal Portland
1625 E Donovan Rd.
Santa Maria, CA 93456
Distance: 47 miles from project site

Therefore, in an effort to conservatively estimate construction emissions, the average trip distance between the project site and these three facilities was used (48 miles).

Table 4. CalEEMod Results: Estimated Construction Emissions (Unmitigated)

Pollutant	APCD Threshold Daily (lbs/day)	APCD Threshold Quarterly Tier ¹ (tons/quarter)	APCD Threshold Quarterly Tier ² (tons/quarter)	Estimated Construction Emissions (Unmitigated) ¹	
				Project Maximum Daily Emission ² (lbs/day)	Project Quarterly Emission (tons/quarter)
ROG + NO _x (combined)	137 lbs	2.5 tons	6.3 tons	17.86	0.15
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons	1.55	0.01
Carbon monoxide (CO)	--	--	--	17.79	0.15
Fugitive Particulate Matter (PM ₁₀), Dust ³	--	2.5 tons	--	2.33	0.02

Notes: ROG = reactive organic gases; NO_x = nitrogen oxide

¹ Construction emissions are estimated based on information from the project proponent as well as the defaults used by CalEEMod. These are conservative estimations and may vary based on the final design and construction plans for the proposed project.

² Showing Maximum Daily Emission for the construction year.

³ No APCD threshold identified for construction emissions.

⁴ Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM₁₀ quarterly threshold.

Source: CalEEMod.2016.3.1

Based on the results shown in Table 4, even under the worst-case scenario conditions, unmitigated construction air emissions would be in compliance with SLOAPCD thresholds for all pollutants during the construction (demolition and excavation) phase. Compliance with existing regulations and standard mitigation measures addressing the emission of air pollutants in proximity to sensitive land uses (i.e., residential neighborhood) would mitigate potential impacts to less than significant, as discussed below.

Demolition/Construction Permit Requirements

Implementation of the project may require the use of portable equipment. Portable equipment, 50 horsepower (hp) or greater, may require California statewide portable equipment registration (issued by the CARB) or a SLOAPCD permit. Certain operations, such as degassing and cleaning of petroleum storage tanks, may also require a SLOAPCD permit. As required by mitigation identified below, the applicant would comply with SLOAPCD regulations regarding portable equipment, as necessary.

Petroleum Storage Tank Removal and Degassing

Degassing and cleaning of fuel storage tanks must be done under a SLOAPCD permit for tank degassing and cleaning equipment. In addition, the County of San Luis Obispo Public Health Department (County Health Department), which is a Certified Unified Program Agency, is required to be contacted prior to implementation of the project. The removal of the liquid product, sludge, and vapor components must be performed in a safe, controlled fashion in order to avoid nuisance odors and the uncontrolled release of gaseous hydrocarbons. Vacuum trucks or pumps used to

remove sludge and/or hydrocarbon-containing materials must be vented to a SLOAPCD permitted control system to prevent odors and hydrocarbon emissions. At this time, the applicant does not foresee a need for degassing or cleaning, as this appears to have been completed by the Navy at the time the facility was closed. The SLOAPCD concurred that the tanks were cleaned and inspected in 1992; however, additional testing will be required per the letter prepared by the SLOAPCD on April 12, 2016 (refer to Appendix D).

APCD Permitting of Hydrocarbon Contaminated Soil Processes

The project site is listed as a U.S. Environmental Protection Agency Non-National Priorities List Superfund Site (refer to Section 8 Hazards and Hazardous Materials for additional information). Prior to soil disturbance, the applicant is required to obtain a SLOAPCD permit to address proper management of the hydrocarbon-contaminated soil prior to the start of any earthwork, in order to mitigate potential health and environmental hazards related to possible exposure. This permit will include conditions to minimize emissions from any excavation, disposal, or related process. In addition, the air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the SLOAPCD's construction phase thresholds. Based on use of CalEEMod, the demolition project (including worst-case scenario trip conditions) would not exceed daily or quarterly emissions thresholds.

Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the CARB as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The APCD has identified areas throughout the County where NOA may be present (see the SLOAPCD's 2012 CEQA Handbook, Technical Appendix 4.4). The project site is located within a candidate area for NOA. Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), prior to any grading or construction activities at the site, the applicant would be required to ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the SLOAPCD. If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the SLOAPCD. More information on NOA can be found at <http://www.slocleanair.org/rules-regulations/asbestos.php>.

Demolition and Asbestos

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos-containing material (ACM). ACM could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). This project would include these activities and may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 Code of Federal Regulations (CFR) 61, Subpart M – asbestos NESHAP. These requirements include, but are not limited to: (1) written notification, within at least 10 business days of activities commencing, to the SLOAPCD; (2) asbestos survey conducted by a Certified Asbestos Consultant; and (3) applicable removal and disposal requirements of identified ACM.

The applicant submitted asbestos and lead inspection reports for the storage tanks, pump station, office, control room, and garage buildings (Hazard Management Services 2016a, 2016b). Based on

the results of the inspections, which included collection and analysis of samples, no asbestos was detected in the samples collected from the storage tanks and pump station; however, the report notes that gaskets and seals that were not accessible must be assumed to contain asbestos, in addition to potential moisture barrier coatings that may be present on sub-surface pipes. Regarding the office, control room, and garage buildings, the report noted that asbestos was detected in the carpet and glue on the floor tile and mastic, metal roof and siding panel; asbestos is assumed to be present in the metal window frames and electric cable. Lead was detected in the paint of several samples collected onsite. Handling of these materials is subject to existing regulations.

Dust Control Measures

Demolition and construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Projects including grading activities within 1,000 feet of any sensitive receptor, such as the residential neighborhood to the northwest, west, and southwest, shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the SLOAPCD's 20% opacity limit SLOAPCD Rule 401) or prompt nuisance violations SLOAPCD Rule 402).

Construction Phase Idling Limitations

This project is proximate to nearby sensitive receptors (residences to the northwest, west, and southwest), and is therefore required to implement identified mitigation measures in compliance with California and SLOAPCD diesel idling regulations to ensure that public health benefits are realized by reducing toxic risk from diesel emissions.

- e. During demolition activities, nearby sensitive receptors may experience offensive odors due to use of equipment, and diesel emissions, as discussed above. As these effects would be short-term (3 months), potential impacts are considered less than significant.

Conclusion

Implementation of the proposed project would not result in emissions exceeding thresholds of significance, as identified by the SLOAPCD. The project would require compliance with existing regulations regarding equipment that requires a SLOAPCD permit, and the handling and disposal of materials and soils containing, or potentially containing, asbestos and lead. The project is subject to standard construction practices, including dust control measures required by the Municipal Code and SLOAPCD CEQA Handbook to address short-term air quality impacts related to demolition. All permit conditions are required as notes on the plans and Community Development Department staff will monitor compliance in the normal course of reviewing plans.

Mitigation and Monitoring

Mitigation Measure AQ-1: No article, machine, equipment or other contrivance, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated or used, unless:

- a. A current Permit to Operate or temporary Permit to Operate has been obtained from the Control Officer of the San Luis Obispo County Air Pollution Control District, or
- b. The article, machine, equipment or other contrivance has been registered under the Portable Equipment Registration Program (PERP) of the California Air Resources Board, or
- c. The article, machine, equipment or other contrivance is designated as not requiring a permit by Rule 201 of the San Luis Obispo County Air Pollution Control District.

Such articles, machines, equipment, or other contrivances that may be employed during this project include, but are not limited to, internal combustion engines of 50 horsepower or greater and equipment utilized in the degassing and cleaning of fuel storage tanks and pipelines.

Monitoring AQ-1: Prior to issuance of any demolition permit by the City of Morro Bay, the applicant shall incorporate this condition as a note on the demolition plan set and shall provide the City Community Development Director with copies of all required Permits to Operate, temporary Permits to Operate, or registrations with the Portable Equipment Registration Program.

Mitigation Measure AQ-2: Petroleum Storage Tank Degassing and Removal, Removal of Hydrocarbon-Contaminated Soil, Removal of Asbestos, and Removal of Lead-Contaminated Materials: Prior to issuance of a demolition permit by the City of Morro Bay, the applicant shall:

- a. Provide the City Community Development Director with written evidence that the Environmental Health Division of the County of San Luis Obispo Public Health Department and the San Luis Obispo County Air Pollution Control District have been provided with a complete description of the proposed project, including specific descriptions of potential bio-hazards associated with removal of residual petroleum projects from the fuel tanks and pipelines, removal of hydrocarbon-contaminated soil, disassembly and removal of known or reasonably expected asbestos gaskets and pipe fittings, and removal of lead-containing paint and soil contaminated with lead-containing paint.
- b. Provide the City Community Development Director with written responses from the Environmental Health Division of the County of San Luis Obispo Public Health Department and the San Luis Obispo County Air Pollution Control District, documenting provision of any additional information requested by these agencies, as well as any actions, mitigations, conditions, or permits required.

Monitoring AQ-2: Prior to issuance of any demolition permit by the City of Morro Bay, the applicant shall:

- a. Incorporate any conditions or requirements imposed by the Environmental Health Division of the County of San Luis Obispo Public Health Department or the San Luis Obispo County Air Pollution Control District as notes on the demolition plan set, and
- b. Provide to the City Community Development Director documentation that any permits required from the Environmental Health Division of the County of San Luis Obispo Public Health Department or the San Luis Obispo County Air Pollution Control District have been obtained.

Mitigation Measure AQ-3: APCD Permitting of Hydrocarbon Contaminated Soil Processes. This project will require a San Luis Obispo County Air Pollution Control District permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This permit will include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, the applicant must contact the San Luis Obispo County Air Pollution Control District Engineering Division at 781-5912 at least 120 days before the start of excavation to begin the permitting process. In addition, the air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the San Luis Obispo County Air Pollution Control District's construction phase thresholds.

Monitoring AQ-3: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-4: Naturally-Occurring Asbestos: Prior to issuance of a demolition permit by the City of Morro Bay, the applicant shall provide the City Community Development Director with written documentation that either:

- a. The project has been granted an exemption by the Air Pollution Control Officer of the San Luis Obispo County Air Pollution Control District from the provisions of California Code of Regulations Section 93105, as provided in CCR Section 93105 (b), or
- b. An Asbestos Dust Mitigation Plan has been approved by the San Luis Obispo County Air Pollution Control District, in accordance with CCR 93105 (e)(2) and the provisions of such Asbestos Dust Mitigation Plan have been recorded as notes on the demolition plan set.

Monitoring AQ-4: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-5: Demolition/ Asbestos. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos-containing material. Asbestos-containing material could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). This project will include these activities and may be subject to various regulatory jurisdictions including the requirements stipulated in the National Emission Standards for Hazardous Air Pollutants 40 CFR 61, Subpart M – asbestos NESHAP. These requirements include, but are not limited to: (1) written notification, within at least 10 business days of activities commencing, to the San Luis Obispo County Air Pollution Control District; (2) asbestos survey conducted by a Certified Asbestos Consultant; and (3) applicable removal and disposal requirements of identified asbestos-containing material. Please contact the San Luis Obispo County Air Pollution Control District Enforcement Division at (805) 781-5912, and also go to <http://www.slocleanair.org/rules-regulations/asbestos.php> for further information. To obtain a Notification of Demolition and Renovation form go to the “Other Forms” section of <http://www.slocleanair.org/rules-regulations/asbestos.php>.

Monitoring AQ-5: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-6: Dust Control Measures. Demolition and construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Since all portions of the project site are located within 1,000 feet of sensitive receptors, the applicant shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District’s 20% opacity limit San Luis Obispo County Air Pollution Control District Rule 401) or prompt nuisance violations SLOAPCD Rule 402).

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District’s limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Only reclaimed (non-potable) water shall be used for dust control. Please note that since water use is a concern due to drought conditions the contractor or builder shall consider the use of a San Luis Obispo County Air Pollution Control District-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;

- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation site cleanup and restoration plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered in accordance with CVC Section 23114;
- j. To prevent “track-out,” install and operate a “track-out prevention device” where vehicles enter and exit unpaved ground or roads onto paved streets. “Track-Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. The “track-out prevention device” can be any device or combination of devices that is effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used. Roads shall be pre-wetted prior to sweeping;
- l. Prior to any ground disturbance, sufficient water or soil stabilizers shall be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
- m. Areas to be graded or excavated shall be kept adequately wetted and/or stabilized to prevent visible emissions from crossing the property line;
- n. Storage piles shall be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;
- o. Equipment shall be washed down before moving from the property onto a paved public road;
- p. Visible track-out on the paved public road shall be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours;
- q. During site grading and/or excavation activities, if serpentinite material is encountered, the project engineering geologist shall be notified that this material has been encountered;
- r. During site excavation for investigation purposes, a water truck shall be available for dust control;
- s. All PM₁₀ (dust) mitigation measures required should be shown on grading and building plans; and,
- t. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring AQ-6: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-7: Diesel Idling Limitations. This project is in close proximity to nearby sensitive receptors (residences to the northwest, west and south). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions: To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project the applicant shall implement the following idling control techniques:

- a. Idling of diesel engines, whether installed in on-road vehicles or off-road equipment, shall not be permitted.
- b. No vehicle fitted with a diesel-powered auxiliary power system (APS) shall use such APS to power any heater, air-conditioner, or other auxiliary equipment for longer than 5 minutes.
- c. The use of equipment powered by means other than diesel engines is preferred when possible
- d. Signs that indicate that diesel idling is prohibited at the entire demolition site shall be prominently posted and enforced.

Monitoring AQ-7: Active air quality monitoring shall be conducted in accordance with the Air Monitoring Plan (AMP) prepared by Rhine LP & Morro94, LLC, and dated December 23, 2016. All monitoring reports shall be submitted to the City Community Development Department for review. Prior to issuance of a demolition permit, however, the AMP shall be:

- a. Expanded to include monitoring for asbestos, and
- b. Submitted to and approved by the San Luis Obispo Air Pollution Control District.

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

4. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X

Environmental Setting

The applicant submitted a *Biological Assessment Letter Report* (Terra Verde, June 2016) and all subsequent reports prepared by Terra Verde for the proposed project; the results of these reports are incorporated into the discussion and analysis below. During the surveys conducted on February 25 and May 18, 2016, Terra Verde biologists and botanists assessed the property for potential waters and wetlands, special-status plant and wildlife resources, nesting birds, and roosting bats, which, if present, have potential to be impacted by the proposed project (refer to Appendix B). The June 2016 report includes identification and general mapping of all ESH areas on the project site. In February 2017, Terra Verde staff conducted a field survey within the ESH boundary and more specifically mapped the ESH boundary. The results of that survey are shown on the revised site plans for the project prepared by Diversified Project Services International (DPSI) and dated December 2017 (refer to Appendix A and Figure 3).

The majority of the project site is highly disturbed and contains a mixture of non-native annual grasses and weeds. Fuel tank containment areas are dominated by non-native annual grasses with several ornamental and Monterey cypress trees along with various pipeline components. The water tank proposed for removal is surrounded by Monterey cypress trees. An un-named ephemeral drainage located along the northwestern perimeter of the project site conveys flows from the upslope hillside into a culvert located north of the control building and paved parking lot and ultimately into the Pacific Ocean. The drainage is mapped as a blue-line stream according to the USGS topographic maps. At the northernmost portion of the property, the drainage is characterized as riparian scrub dominated by Arroyo willow (*Salix lasiolepis*) with an understory of herbaceous vegetation, including California rose (*Rosa californica*), poison oak (*Toxicodendron diversilobum*), and California blackberry (*Rubus ursinus*). Further south of the riparian scrub, conditions surrounding the drainage are highly disturbed, likely as a result of previous grazing activities onsite. A linear row of Monterey cypress trees is present along the top of the drainage bank interspersed with ornamental pine trees (*Pinus* sp.) along the westernmost bank. During the biological surveys conducted in 2016, no vegetation was present within the understory of the Monterey cypress trees or within the drainage feature at this location, also likely a result of past grazing.

As discussed previously, five trees proposed for removal as part of the December 13, 2016, Arborist Report Addendum were cut to stumps in 2017 without a CDP and contrary to the City’s Major Vegetation Removal, Replacement and Protection Guidelines. In June 2017, down trees were logged and removed. A large log (more than 1 foot in diameter and over 4 feet long) is now wedged in the streambed, apparently resulting from the work completed in June that included removal of a fallen tree near the stream. Up to nine additional

Monterey cypress trees near the tanks have the potential to be impacted by proximate demolition activities and trimming activities associated with the proposed project (refer to Appendix B). The August 2017 Arborist Report recommends trimming and removal of up to seven additional trees near the stream, which are dead or diseased. Permits will be obtained from regulatory agencies to authorize tree trimming/removal and debris removal within and adjacent to the creek feature. Work will be completed in accordance with measures provided in applicable permits for the protection of sensitive resources.

As described previously, a drainage identified as an ESH area is present along the northwest boundary of the project site. Mature trees, grasses, forbs, and shrubs are present. The un-named drainage and the associated riparian corridor (riparian scrub) are designated ESH areas by the City of Morro Bay General Plan and Local Coastal Program (1982, et seq.) and County of San Luis Obispo Estero Area Plan (2009). Within the city limits, the ESH area is mapped as an “Unnamed Creek.” The same drainage is mapped as ESH, Coastal Stream within the County of San Luis Obispo. Banks of the un-named creek and associated riparian vegetation are within the jurisdiction of the CDFW, while the bed of the tributary, below the ordinary high water mark, is within the jurisdiction of the USACE and RWQCB. One sensitive wildlife species, California red-legged frog (CRLF) (*Rana draytonii*; federally threatened and CDFW Species of Special Concern), as well as nesting birds protected by the Migratory Bird Treaty Act (MBTA), have potential to occur on the project site. A complete list of species with the potential to occur on the project site and representative site photos are included in Appendix B.

Impact Discussion

- a. Based on review of the California Natural Diversity Database (CNDDDB), 18 special-status plant species and 17 special-status wildlife species have potential to occur based on occurrences within a 5-mile radius of the project area (Terra Verde 2016). No special-status plant species were discovered during the appropriately timed botanical survey. According to the CNDDDB, nine occurrences of CRLF, a federally threatened species and a CDFW Species of Special Concern, have been documented within a 5-mile radius of the project site. The closest CRLF occurrence is at the confluence of two un-named drainages at the northern extent of the property (based on coordinates within the CNDDDB). According to the CNDDDB record, CRLF were observed in 2000 at this location, where dense scrubby vegetation such as willows, cattails, and bulrushes dominate and water quality is suitable. Breeding sites occur along watercourses with pools that persist long enough for breeding and larval development, and breeding time depends on winter rains but is usually between late November and late April. The project site is located within the current and historic range of CRLF, and is proximate to U.S. Fish and Wildlife Service (USFWS)-designated Critical Habitat.

Disturbed annual grasslands within the project site are poorly suited for CRLF; however, the un-named creek along the northern site boundary provides suitable forage, sheltering, and dispersal capability for the species. Specifically, the upper portion of the drainage supports riparian scrub, which provides suitable habitat conditions for CRLF and is protected from human-related and other disturbances by permanent fencing. Downstream of the riparian scrub portion of the un-named drainage, habitat conditions are less advantageous for CRLF. Drainage banks are steeply sloped and completely lack vegetative cover. No small mammal burrows, undercut banks, exposed root wads, or other refuge sites were noted. No deep pools (i.e., breeding habitat) were discovered in the survey area. Further, no CRLF were observed during either of the survey efforts.

Although the disturbed interior of the site (annual grasslands) are generally poorly suited for CRLF, the species is capable of dispersing up to 2 miles between aquatic habitats. Based on the CNDDDB records coupled with habitat conditions within the riparian scrub portion of the un-named drainage and dispersal capability of this species, there is low potential for CRLF to occur in the project site,

specifically in and along the un-named drainage. However, it is considered unlikely that CRLF would occupy the interior of the site (i.e., tank containment areas) due to lack of suitable habitat.

CRLF and other common wildlife species have the potential to be directly impacted by project activities through crushing, trampling, and other construction-related disturbances. To avoid and/or minimize these potential impacts to CRLF and other common wildlife species, mitigation measures are recommended below, including requirements for a pre-construction survey, biological monitoring (as warranted based on the survey), avoidance of both special-status and common wildlife, and protection of the drainage that provides potential habitat for this species.

Ornamental shrubs, Monterey cypress trees, pine trees, and building structures within the project site provide suitable nesting habitat for a variety of raptor and passerine species. Specifically, mature Monterey cypress and pine trees throughout the site offer suitable canopy and structure for nesting raptors including Cooper's hawk (*Accipiter cooperii*), a CDFW Watch List species during nesting, which has been documented within 5 miles of the project site. Numerous passerine species were identified during the survey efforts and one active barn swallow nest was observed within the rafters of the control building during the May 18, 2016, survey; this nest was expected to be fledged by the end of June. Several other inactive nests were observed in the vacant metal building near the site entrance adjacent to Panorama Drive. No roosting bats, or sign thereof, were observed within the vacant building structures, overhangs, or trees on the site. Based on current site conditions and results of the biological surveys, no other special-status wildlife species are expected to occur on the site. Mitigation for potentially nesting birds protected by the MBTA is identified below, including avoidance of the nesting season to the maximum extent feasible. If the activities cannot be timed to avoid the nesting season, a pre-construction survey is required and if nest(s) are present, buffer zone(s) shall be established. To mitigate for the loss of nesting habitat, the applicant has agreed to replace previously removed trees and trees proposed to be removed with in-kind species at a minimum 2:1 ratio either on the project site or offsite if onsite replacement is infeasible. The City's Major Vegetation Removal, Replacement and Protection Guidelines, adopted on July 9, 2007, state that, "Except in the case of an emergency...no tree should be removed during the nesting season, which is February 1 through June 30." The guidelines require replacement for unpermitted tree removal at a ratio of two 15-gallon trees for every tree removed from an area outside identified ESH. Unpermitted tree removal in an ESH zone requires replacement at a ratio of five 15-gallon trees for every tree removed.

Based on the location of the project, habitat conditions, and analysis presented in the *Biological Assessment Letter Report* (Terra Verde 2016) and subsequent letters and reports prepared by Terra Verde for this project, potentially significant impacts to special-status species would be less than significant with implementation of identified mitigation measures.

- b., c. The un-named drainage present along the northwestern portion of the site is mapped ESH, and is within the jurisdiction of CDFW, USACE, and RWQCB. The northern portion of the drainage is comprised of riparian scrub dominated by willow scrub habitat. Lower portions of the drainage are deeply incised and lack of significant vegetation. Impacts to the drainage feature and associated ESH may occur during demolition and removal work via sedimentation, introduction of pollutants, and deposition of fugitive dust. Equipment access and excavation work is likely to temporarily disturb soils in the vicinity of ESH; specifically, pipe removal work north of the control building and near the culvert entrance would be located near the drainage bank. Disturbed soils may be washed into the drainage during the subsequent rain season or directly discharged while exposing underground piping. Equipment operating near ESH has potential to introduce petroleum-based pollutants associated with equipment leaks, spills, or line breaks. Additionally, dismantling and exposing piping could result in inadvertent discharges into the waterway. Lastly, fugitive dust

impacts may occur to the un-named drainage and associated vegetation during earthmoving, demolition of shotcrete covered slopes, and concrete removal. Avoidance and mitigation measures are identified below to minimize and/or avoid impacts to ESH as a result of proposed actions.

Based on the location of the project, habitat conditions, and analysis presented in the *Biological Assessment Letter Report* (Terra Verde 2016) and subsequent letters and reports prepared by Terra Verde for this project, potentially significant impacts to ESH would be less than significant with implementation of identified mitigation measures.

- d. As noted above, the project site provides habitat for nesting birds. Impacts to nesting birds, including those protected by Fish and Game Code and the MBTA, may occur if demolition and removal, ground disturbance, or vegetation removal occurs during the typical nesting period (February 1 to September 15). (The City specifies a nesting period of February 1 through June 30. See discussion above under subsection a.). Potential direct impacts include nest disruption or abandonment from vegetation clearing or trimming, construction noise, and equipment vibration. Indirect impacts to nesting birds may include loss of nesting and foraging habitats.

Based on the location of the project, habitat conditions, and analysis presented in the *Biological Assessment Letter Report* (Terra Verde 2016) and subsequent letters and reports prepared by Terra Verde for this project, potentially significant impacts to native and migratory species would be less than significant with implementation of identified mitigation measures.

- e. The City's LCP includes ESH polices, which are applicable to the project due to the ESH designation along the northwestern property boundary. Relevant policies are discussed below.

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.

As described above (refer to Response b, c), implementation of the project has the potential to result in pollutant discharge within mapped ESH, and mitigation is identified to ensure compliance with this policy.

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 wetlands 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.

The boundaries of the onsite ESH are generally identified in the City's LCP. The Biological Assessments and Monitoring Plan prepared by Terra Verde (refer to Appendix B) include an analysis of the project's potential impacts on sensitive habitats, consistent with this policy.

Boundaries of the onsite ESH are shown on the project site plans based on field surveys conducted by Terra Verde in February 2017. The applicant has agreed to avoid any direct adverse impacts to resources within the ESH boundary. Demolition actions within 100 feet of ESH would be limited to the removal of piping and associated infrastructure, including ground disturbance to access subsurface pipeline(s), which could be considered a “restorative” measure, which is an allowed use under Section 30233(c) of the Coastal Act. Mitigation measures are identified below, which would reduce the potential for degradation of the un-named creek/drainage.

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 [Wildlife] 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 [Wildlife]. If a setback area is adjusted downward mitigation measures developed in consultation with the Department of Fish and [Wildlife] shall be implemented.

Proposed actions within 100 feet of mapped ESH include: removing pumps and associated piping, abandoning a section of underground pipeline in place, trimming and removal of trees identified in the August 2017 Arborist Report, and using equipment to remove one of the large Navy tanks. No new permanent structures are proposed within 100 feet of mapped ESH, consistent with this policy. Mitigation measures are identified below, which would reduce the potential for degradation of the un-named creek/drainage.

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 [Wildlife] 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.

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.

The project site is located at the city limits, and the site is a transition from the dense urban development associated with the residential neighborhood and the undeveloped hillside to the north and east. No new uses or structures are proposed within 50 feet of the un-named creek (and mapped ESH); actions within 50–100 feet of the creek are limited to the demolition and removal of pumps, piping, and tanks and associated equipment use, as well as selected tree trimming and removal. The Navy tanks are located within a depressed area, and are surrounded by a large earthen berm, which would help contain any accidental pollutants from flowing towards the creek. In addition, mitigation is identified below, which would further ensure protection of waters and habitat present along the creek corridor. Therefore, the project appears consistent with the intent of this policy.

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.

As noted above, the project does not include the construction or placement of structures within the stream corridor except for fencing, which is allowed, and mitigation is identified below to protect the habitat values of the creek and associated ESH. Compliance with existing regulations and identified mitigation measures would adequately protect mapped ESH during and following proposed demolition activities. The demolition actions would generate noise during the use of large equipment; however, the project is anticipated to require approximately 3 months to complete, and would not result in a permanent effect to species potentially present within and proximate to ESH.

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 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 [Wildlife].

Implementation of the demolition project would require the removal of structures and piping within 50–100 feet of the creek, which may require approvals from the USACE, RWQCB, and CDFW if project activities would result in alterations to the un-named drainage, riparian corridor, or have the potential to impact special-status species. The proposed project would require ground disturbance to access underground pipes and infrastructure. Project activities proposed within the ESH area include soil sampling, tree trimming and removal, and removal of debris within the un-named drainage. These activities would not result in adverse impacts to the ESH area. Permits would be

obtained from regulatory agencies to authorize tree trimming/removal and debris removal within and adjacent to the creek feature. Work would be completed in accordance with measures provided in applicable permits for the protection of sensitive resources. Heavy equipment will be restricted to top of bank and all project activities within and adjacent to the ESH area would be monitored by a qualified biologist. Mitigation is identified below, which would further ensure protection of waters and habitat present along the creek corridor. Therefore, the project appears consistent with the intent of this policy.

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 quantity and quality of Morro and Chorro groundwater basins and through prevention of interference with surface water flow. Stream flows adequate to maintain riparian and fisheries habitat shall be protected.

The project does not include any actions that would adversely affect groundwater recharge or surface water flow. In addition to preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), the applicant is required to implement erosion, sedimentation, and spill prevention, clean-up, and contingency plans to ensure protection of surface and subsurface waters. As discussed in Section 8 Hazards/Hazardous Materials, the applicant is required to comply with all RWQCB, County Health Department, and Department of Toxic Substances Control (DTSC) regulations regarding contaminated soils. Compliance with identified mitigation measures and existing regulations would ensure protection of water quantity and quality.

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.

The boundaries of the onsite ESH are identified in the City's LCP, and this boundary was further delineated on the project site plan prepared by DPSI, based on data from an onsite survey conducted in February 2017 by Terra Verde.

Based on the discussion above, the project is consistent with the City's General Plan and Local Coastal Program, and would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant.

- f. The project site is not subject to any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. Impacts would be less than significant.

Conclusion

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

Mitigation and Monitoring

Mitigation Measure BR-1: Prior to issuance of demolition permits, the applicant shall submit documentation verifying designation of a qualified biological monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be

responsible for the preparation, submittal, and compliance with a Biological Monitoring Plan. The plan shall include procedures and policies for the following: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Monitoring BR-1: The City Community Development Department shall verify receipt and compliance with the approved Biological Monitoring Plan. The name and contact information of the project biological monitor shall be listed on the plans submitted for a demolition permit.

Mitigation Measure BR-2: Prior to the initiation of demolition actions, including equipment and materials staging and storage, the biological monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.

Monitoring BR-2: The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming that all project personnel have completed the required training.

Mitigation Measures BR-3: Prior to the initiation of demolition actions, including equipment and materials staging and storage, the applicant's contractors and the biological monitor shall coordinate the placement of project delineation fencing throughout the work areas. The biological monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.

Monitoring BR-3: The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming that project delineation fencing has been installed and remains in place for the duration of the project. The biological monitor shall determine when the fencing may be removed, in consultation with the City Community Development Department.

Mitigation Measure BR-4: Prior to initiation of demolition actions, including storage and use of equipment and materials within the project site, the following avoidance and mitigation measures shall be implemented minimize and/or avoid impacts to ESH as a result of proposed demolition activities:

- a. Limits of Environmentally Sensitive Habitat Area (ESH area) shall be clearly delineated using brightly colored construction fencing prior to implementation of any demolition activity. ESH fencing shall be maintained in good order until removed in accordance with the requirements of paragraph c.
- b. No equipment access, excavation, or other land disturbing activities shall occur within the limits of ESH other than approved tree trimming and removal.
- c. Equipment access, excavation, and other land disturbing activities within 50 feet of the ESH boundary shall be limited to the minimum required for removal or abandonment of the six-inch pipeline and small amount of Gunite located in this zone, tree trimming and removal of dead and diseased trees, and restoration of the land surface. Upon completion of these activities, brightly colored construction fencing shall be erected a minimum of 50 feet from the ESH boundary and no

further access to this area shall be permitted, except as necessary in the event of an emergency evacuation. This fencing shall be maintained in good order for the duration of the project. Upon erection of construction fencing 50 feet from the ESH border, construction fencing along the ESH border itself shall be removed.

- d. Appropriate erosion and sediment control measures shall be installed and maintained for soil disturbances which could lead to sedimentation impacts to the un-named tributary. Upon completion of demolition and removal activities, all disturbed areas adjacent to ESH shall be appropriately stabilized (i.e., erosion control hydroseed, biodegradable wattles, mulch, or similar method approved by the City of Morro Bay).
- e. Erosion control materials shall not contain monofilament materials as these materials are known to entangle wildlife.
- f. Any equipment or vehicles operated adjacent to ESH shall be checked and maintained daily, to prevent leaks that could be harmful to wildlife.
- g. Emergency spill kits shall be present at the site and personnel shall be trained in proper use of the spill kit during all demolition and removal activities. Training documentation shall be provided to the City of Morro Bay.
- h. Appropriate amounts of water and/or soil stabilizers shall be used to suppress fugitive dust during demolition and earth disturbing work, consistent with San Luis Obispo Air Pollution Control District standards.
- i. Disturbance to ESH shall be prohibited a minimum of 50 feet from the edge of ESH pending full California Environmental Quality Act, Coastal Act, and Local Coastal Program Policy analysis by the City of Morro Bay. In addition, appropriate permits (i.e., California Department of Fish and Wildlife Lake and Streambed Alteration Agreement) shall be obtained prior to work.

Monitoring BR-4: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-5: The following measures are required to avoid and/or minimize potential impacts to sensitive invertebrate, amphibian, piscine, reptilian, and mammalian species that may be present at the proposed project site:

- a. A qualified biologist shall survey the project site no more than 48 hours before the start of work activities to determine whether there is evidence of the presence of any of the following sensitive species:

Invertebrates

Morro shoulderband snail (*Helminthoglypta walkeriana*)

Insects

sandy beach tiger beetle (*Cicindela hirticollis gravida*)

globose dune beetle (*Coelus globosus*)

Morro 10-Lined june beetle (*Polyphylla species novae 'morroensis'*)

'Morro' Boisduval's blue butterfly (*Plebejus icarioides 'moroensis'*)

Fishes

coastal rainbow trout (*Oncorhynchus mykiss irideus*)

tidewater goby (*Eucyclogobius newberryi*)

Amphibians

California red-legged frog (*Rana draytonii*)

Reptiles

western pond turtle (*Emys marmorata*)

Coast horned lizard (*Phrynosoma blainvillii*)

silvery legless lizard (*Anniella pulchra pulchra*)

Mammals

Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)

big free-tailed bat (*Nyctinomops macrotis*)

western red bat (*Lasiurus blossevillii*)

pallid bat (*Antrozous pallidus*)

fringed myotis (*Myotis thysanodes*)

Yuma myotis (*Myotis yumanensis*)

long-legged myotis (*Myotis volans*)

long-eared myotis (*Myotis evotis*)

western small-footed myotis (*Myotis ciliolabrum*)

American badger (*Taxidea taxus*)

- b. If sensitive species are detected within the boundaries of the Environmentally Sensitive Habitat Area and out of harm's way, a qualified biologist shall monitor all demolition, grading, and removal activities within 50 feet of suitable habitat.
- c. If sensitive species are detected within any of the areas planned for disturbance, the biological monitor shall contact the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS) for guidance in formulating a plan as to how to proceed. No work at the site shall commence until a written plan of action has been approved by the CDFW and/or USFWS and by the Community Development Director of the City of Morro Bay.
- d. In the event that sensitive species are encountered unexpectedly during the course of project activities, work shall be immediately halted and the biological monitor shall contact the USFWS for guidance in formulating a plan as to how to proceed. No further work at the site shall commence until a written plan of action has been approved by the USFWS and by the Community Development Director of the City of Morro Bay.
- e. In the event that non-sensitive wildlife species are encountered during the course of project activities, work shall be immediately halted and such wildlife shall be allowed to leave the area unharmed of their own volition or shall be relocated to a "no-kill" wildlife rescue facility. No further work at the site shall commence until all of the encountered individuals are absent from the project site.
- f. No project-related materials and/or equipment shall be allowed within the designated ESH without prior approval of responsible regulatory agencies and amendment of the applicable Coastal Development Permit and Conditional Use Permit by the City of Morro Bay.

Monitoring BR-5: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-6: The following measures are required to avoid and/or minimize potential impacts to nesting birds which may be present at the proposed project site:

- a. Unless required to mitigate an immediate physical danger, no tree removal or trimming may be carried out during the period between February 1 and June 30. Tree trimming performed between

February 1 and June 30 for the purpose of mitigating an immediate hazard shall be confined to the minimum necessary to alleviate such hazard.

- b. No more than one week before the start of any demolition and removal activities, earth disturbance, or vegetation clearance carried out during the period between February 1 and September 15 (inclusive), a qualified biologist shall survey the project site to determine whether any active bird nests are present at the project site and to identify the species of bird occupying such nest(s). The results of such survey shall be delivered, in writing, to the office of the Morro Bay Community Development Director no less than 48 hours prior to commencement of work activity.
- c. If active nests occupied by any sensitive species are found, no work shall commence until an appropriate buffer and mitigation plan have been developed in consultation with the City, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service. For purposes of this Mitigation Measure, the following are considered to be sensitive species:

- brant (*Branta bernicula*)
- harlequin duck (*Histrionicus histrionicus*)
- common loon (*Gavia immer*)
- American white pelican (*Pelecanus erythrorhynchos*)
- California brown pelican (*Pelecanus occidentalis californicus*)
- double-crested cormorant (*Phalacrocorax auritus*)
- least bittern (*Ixobrychus exilis*)
- osprey (*Pandion haliaetus*)
- white-tailed kite (*Elanus leucurus*)
- northern harrier (*Circus cyaneus*)
- sharp-shinned hawk (*Accipiter striatus*)
- Cooper's hawk (*Accipiter cooperii*)
- ferruginous hawk (*Buteo regalis*)
- golden eagle (*Aquila chrysaetos*)
- merlin falcon (*Falco columbarius*)
- American peregrine falcon (*Falco peregrinus anatum*)
- prairie falcon (*Falco mexicanus*)
- California black rail (*Laterallus jamaicensis coturniculus*)
- western snowy plover (*Charadrius alexandrinus nivosus*)
- black oystercatcher (*Haematopus bachmani*)
- whimbrel (*Numenius phaeopus*)
- long-billed curlew (*Numenius americanus*)
- marbled godwit (*Limosa fedoa*)
- black turnstone (*Arenaria melanocephala*)
- sanderling (*Calidris alba*)
- short-billed dowitcher (*Limnodromus griseus*)
- Heerman's gull (*Larus heermanni*)
- California gull (*Larus californicus*)
- elegant tern (*Sterna elegans*)
- black Skimmer (*Rhynchops niger*)
- marbled murrelet (*Brachyramphus marmoratus*)
- ancient murrelet (*Synthliboramphus antiquus*)
- Cassin's auklet (*Ptychoramphus aleuticus*)
- rhinoceros auklet (*Cerorhinca monocerata*)
- western burrowing owl (*Athene cunicularia*)

- California spotted owl (*Strix occidentalis occidentalis*)
 - Allen's hummingbird (*Selasphorus sasin*)
 - olive-sided flycatcher (*Contopus cooperi*)
 - willow flycatcher (*Empidonax traillii*)
 - loggerhead shrike (*Lanius ludovicianus*)
 - purple martin (*Progne subis*)
 - oak titmouse (*Baeolophus inornatus*)
 - wrenit (*Chamaea fasciata*)
 - California thrasher (*Toxostoma redivivum*)
 - yellow warbler (*Dendroica petechia*)
 - large-billed savannah sparrow (*Passerculus sandwichensis rostratus*)
 - tri-colored blackbird (*Agelaius tricolor*)
- d. If active nests occupied by any non-sensitive species other than raptors are found, a buffer zone 250 feet in radius shall be established around each such active nest. Construction fencing shall be erected around the perimeter of each such buffer zone and signage shall be prominently displayed indicating that no work activity is permitted within the buffer. Construction fencing shall be maintained in place and in good repair and work activity shall remain outside of designated buffer zones until a qualified biologist has determined that the young have fledged and are no longer reliant on parental care.
- e. If active nests occupied by any non-sensitive raptor species are found, a buffer zone 500 feet in radius shall be established around each such active nest. Construction fencing shall be erected around the perimeter of each such buffer zone and signage shall be prominently displayed indicating that no work activity is permitted within the buffer. Construction fencing shall be maintained in place and in good repair and work activity shall remain outside of designated buffer zones until a qualified biologist has determined that the young have fledged and are no longer reliant on parental care.

Monitoring BR-6: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-7: Non-diseased and non-hazardous mature trees removed in conjunction with the demolition project shall be replaced with 5- or 15-gallon trees in compliance with the City's Major Vegetation Removal, Replacement and Protection Guidelines, using in-kind and other species appropriate to the conditions of the replacement planting location at a minimum 2:1 ratio either: (1) on the project site; (2) offsite; or (3) some combination of onsite and offsite planting approved as part of UP0-440 and CP0-500. Newly planted trees onsite shall be maintained until successfully established. In the event that any of the replacement trees should die within 3 years after planting, such trees shall be removed and replaced by the applicant. Watering shall be controlled so only enough is used to initially establish the tree, and reducing to zero over a 3-year period. Once trees have been planted and prior to final inspection, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the City Community Development Department.

Monitoring BR-7: These measures shall be incorporated into a Tree Restoration Plan to be submitted as part of the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological

Monitoring Plan, the Arborist Report, and receipt of documentation from the biological monitor confirming compliance.

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

Environmental Setting

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

A records search and surface survey were conducted for the project (Albion Environmental 2016). Based on the results of the records search, no prior archaeological studies have been conducted within the project site, and seven archaeological studies have been conducted within a 0.25-mile radius. The record search identified no cultural resources within the project area and only identified a single isolated artifact with a 0.25-mile radius. Albion conducted an intensive pedestrian survey of the project site. Throughout the Project Area, ground surface visibility was limited, and varied between completely obscured and 5% visibility. Due in part to heavy vegetation cover, past re-contouring of the landscape, imported fill, and the existing structures located on the subject parcel, visual inspection of the project site revealed no evidence of intact prehistoric or historic-era archaeological deposits. No anthropogenic soils were observed and no evidence of prehistoric shell midden was observed during the field survey. Although field conditions were less than ideal to conduct a pedestrian survey, the field reconnaissance identified two new cultural resources—an American Period ranch and a Cold War era U.S. Navy jet fuel facility. The American Period, generally defined as the years from 1848 to Present, began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo.

Due to the extensive landscape modification of the project site during construction of the U.S. Navy jet fuel facility, intact subsurface prehistoric or historic-era archaeological deposits are not likely to exist within the current study area (Albion Environmental 2016). Although evidence of historic-era artifacts were observed during the field survey, at least two of the three shell concentrations are located on or near the tank reservoir berms, and therefore cannot be in situ. Moreover, the remaining artifacts were observed in clearly disturbed locations on top of apparent imported soils, berms, and altered landscapes. Therefore, the

project site does not likely contain subsurface archaeological deposits associated with the American Period ranch (Albion Environmental 2016).

DFSP Estero Bay was constructed in 1961. The fuel tanks, water tank, office building, and pump building appear to be part of the original facility. The garage building was added between 1979 and 1986. Based on the historic evaluation of the property (including State Department of Parks and Recreation [DPR] Primary Record, Building, Structure, and Object Record forms completed by Daniel Shoup, Archaeological/Historical Consultants), the DFSP is located in its original location and apparently retains its original facilities. It appears to possess integrity of location, workmanship, feeling, association, and setting. The integrity of design and materials has been compromised by the removal of the mooring dock and pipelines that served the facility, making it unable to fulfil its original purpose as a fuel storage facility (Shoup 2016).

In order to be eligible for the California Register of Historical Resources (CRHR), and considered a historic resource under CEQA, a property must meet one of the CRHR's four criteria of significance. DFSP Estero Bay does not appear eligible under Criterion 1 (Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States); although the facility was part of an important historical trend (the development of military infrastructure during the Cold War), it was one of at least eight tank farms and pipeline facilities constructed by the Naval Fuel Office at San Pedro during the early 1960s, and one of hundreds around the country. It does not appear to be eligible under Criterion 2 (Resources that are associated with the lives of persons important to local, California, or national history) because historical research identified no such persons as having been associated with the facility during its period of operation. DFSP Estero Bay does not appear eligible under Criterion 3 (Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values) because the onsite buildings are not architecturally distinctive, and the double-walled steel fuel storage tanks are among thousands of similar structures constructed in California during the period of significance. The buildings themselves are unlikely to be considered eligible under Criteria 4 (Yield information important to history or prehistory). For these reasons, DFSP Estero Bay does not appear eligible for the CRHR (Shoup 2016), and the structures are not considered historic resources pursuant to CEQA.

Impact Discussion

- a. Based on the discussion above, and information documented in the DPR forms (Shoup 2016), the site does not contain any known built environment historic resources as defined in State CEQA Guidelines Section 15064.5. Therefore, no impact would occur as a result of proposed demolition actions.

- b., d. Based on the discussion above, and information documented in the *Phase I Cultural Resource Inventory* (Albion Environmental 2016), no known archaeological resources are present within the project site. In addition, the project would consist of the demolition and removal of above and below ground structures located on and within previously disturbed soils.

While the potential for resource and human remains discovery is low, projects such as this have the risk of unintentionally impacting cultural resources. Therefore, the applicant has agreed to retain a qualified archaeologist to conduct a cultural resource awareness training for construction crews and supervisors prior to commencement of demolition activities. If previously unidentified cultural materials are unearthed, the applicant has agreed to halt work within the area of the find until a qualified archaeologist can evaluate the nature and significance of the find.

New legislation, Assembly Bill (AB) 52, effective July 1, 2015, requires formal consultation with Native American tribes in order to protect tribal cultural resources. Consultation initiation letters were sent to six local tribes with connection to Morro Bay. Of these local tribes, one responded by email, stating that: "I read the letter and I understand that it appears highly unlikely that there are intact cultural resources. But, cultural resources are important even if not intact. I recommend that an archaeologist be present at the time of demolition of the tanks, piping and associated equipment" (Mona Tucker, yak tit^yu tit^yu Northern Chumash Tribe, June 1, 2016).

- c. The project site does not contain any known unique paleontological resources or geologic features identified on city-maintained maps. In addition, the site has been significantly modified to support the installation of the tanks and associated infrastructure to be demolished and removed. Therefore, the potential for significant paleontological resource discovery is low. In the event of an unanticipated discovery, the applicant would comply with identified mitigation, including halting work within the area of the find and allowing for evaluation by a paleontologist.

Conclusion

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

Mitigation and Monitoring

Mitigation Measure CR-1: Prior to the initiation of demolition actions, including equipment and materials staging and storage, a qualified archaeologist shall conduct a cultural resource awareness training for construction crews and supervisors. The cultural resource awareness training shall include the following: (1) a description of the kinds of resources that may be found in the area, (2) the importance of cultural resources to the Native American community, (3) a discussion of laws pertaining to significant archaeological and historical sites, and (4) protocols to be used in the event of an unanticipated discovery.

Monitoring CR-1: The City Community Development Department shall verify receipt of documentation from the qualified archaeologist confirming that all project personnel have completed the required training.

Mitigation Measure CR-2: In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other demolition activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, a qualified archaeologist and/or paleontologist, and locally affiliated Native American monitor, shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring CR-2: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance.

Mitigation Measure CR-3: Prior to ground disturbance, the applicant shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior Professional Qualification Standards for archaeology, to prepare and implement a Cultural Resources Monitoring Plan. The plan shall include procedures and policies for the following: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) compliance reporting; (4) construction crew training regarding cultural resources; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The archaeological monitor and similarly qualified locally affiliated Native American representative(s) shall be present during ground-disturbing activities.

The archaeological monitor shall submit a monitoring report to the City Community Development Department following completion of all required monitoring activities.

Monitoring CR-3: The City Community Development Department shall verify receipt and compliance with the approved Cultural Resources Monitoring Plan. The name and contact information of the project archaeologist shall be listed on the plans submitted for a demolition permit.

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

Environmental Setting

The site is located in the vicinity of the San Luis Range of the Coast Range Geomorphic Province of California. The Coast Ranges lie between the Pacific Ocean and the Sacramento-San Joaquin Valley and trend northwesterly along the California Coast for approximately 600 miles between Santa Maria and the Oregon border. Locally, the site is located within fill, landslide deposits, alluvial deposits, and Franciscan Complex units.

San Luis Obispo County, including the city of Morro Bay, is located within the Coast Range Geomorphic Province, which extends along the coastline from central California to Oregon. This region is characterized by extensive folding, faulting, and fracturing of variable intensity. In general, the folds and faults of this

province comprise the pronounced northwest trending ridge-valley system of the central and northern coast of California.

The City's General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The southeastern portion of the site is located within an area of high landslide risk. Typically, a geotechnical report would be required; however, the project is limited to the demolition and removal of structural elements, does not involve mass grading, and does not include the construction of new structures.

Impact Discussion

- a., c., d. The project consists of demolition and grading activities during a 3-month period to enable the removal of subsurface pipelines, and does not include the construction of new structures. Therefore, the demolition project would not expose people or structure to potential adverse effects associated with fault rupture, ground shaking, or liquefaction. Although the project site is located immediately downslope of a high landslide risk area, no actions (such as mass grading or changes to the site topography or drainage patterns) are proposed that would reasonably trigger a landslide. In addition, due to the nature of the project (limited to demolition), the project would not result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, impacts would be less than significant and mitigation measures are not required.
- b. The proposed project would result in the disturbance of approximately 5.17 acres of the 10.6-acre site. Ground disturbance would include the demolition, removal, and recycling of identified DFSP equipment and facilities, along with excavation, handling, and disposal of any non-hazardous and/or hazardous waste generated from demolition activities. Equipment and facilities identified for removal consists of aboveground structures (e.g., tanks, pipelines, pumps, utilities poles, fencing, shotcrete located on top of and inside the containment berms, and the existing concrete pad and the ring foundations beneath the tanks) and some underground piping. The containment berms and other modified areas within the DFSP boundaries will remain except as noted. Approximately 50 feet of the berm width would be lowered between the two large fuel tanks for construction traffic, and the berm between the pumps and tanks will be disturbed to access underground pipes. No soil would be imported to the project site, and soil would only be exported from the project site if found to be contaminated during excavation and demolition activities. Erosion control measures proposed by the applicant include the use of waddles and sand bags. Following demolition of the tanks, structures, and piping, the waddles would remain in place as needed, and disturbed areas would be grass seeded. At the point of entry, all traffic will access the site on pavement and will cross the proposed rumble strip. Straw waddles will be installed on the downslope side of the entrance, and sand bags will be placed on the downslope side of the entrance along Panorama Drive to catch any potential soil runoff. The applicant proposes to monitor the site daily for excess dirt or mud, and implement any required remediation to avoid sediment runoff into the creek. Potential impacts associated with erosion and loss of top soil would be less than significant based on compliance with City erosion and sedimentation control measures, a RWQCB-approved SWPPP, and implementation of Mitigation Measure BR-4.
- e. The proposed project does not include any features that would necessitate wastewater disposal. Septic tanks or alternative wastewater systems are not proposed and will not be used on the site.

Conclusion

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

Mitigation Monitoring

Implement Mitigation Measure BR-4.

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

Impact Discussion

In January 2014, the City adopted a Climate Action Plan, which provides a qualitative threshold consistent with AB 32 Scoping Plan measures and goals. As identified in the SLOAPCD’s CEQA Handbook (April 2012), if a project is consistent with an adopted Qualified Greenhouse Gas (GHG) Reduction Strategy (i.e., a Climate Action Plan) that addresses the project’s GHG emissions, it can be presumed that the project will not have significant GHG emission impacts and the project would be considered less than significant. This approach is consistent with State CEQA Guidelines Sections 15064(h)11 and 15183.5(b). The City’s Climate Action Plan was developed to be consistent with State CEQA Guidelines Section 15183.5 and SLOAPCD’s CEQA Handbook to mitigate emissions and climate change impacts, and serves as a Qualified GHG Reduction Strategy for the City.

- a., b. In the short-term, the proposed project would result in minor increases in GHG emissions during the demolition process (approximately 86.44 metric tons). Such an increase would not individually contribute to global climate change; however, it would contribute considerably to the cumulative or global emission of GHGs. Standard City Construction Regulations will apply to this project, which include requirements that a minimum 6% of construction vehicles and equipment be electrically-powered or use alternative fuels such as compressed natural gas, and compliance with stringent requirements are identified for diesel equipment, including diesel idling limitations on the project site due to proximity to sensitive resources (refer to Section 3 Air Quality). As the project is limited to demolition activities during a 3-month period, no long-term GHG emissions would result. Therefore, potential impacts would be less than significant.

Conclusion

Implementation of the proposed project would not result in significant impacts related to greenhouse gas emissions.

Mitigation Monitoring

Mitigation measures are not necessary.

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

Environmental Setting

The project site is identified as a U.S. Environmental Protection Agency (EPA) Superfund Site (EPA ID: CA2971590029); however, the site is not included on the EPA’s National Priorities List, which identifies hazardous waste sites in the United States eligible for long-term remedial action (cleanup) financed under the federal Superfund program. The project site’s current Non-National Priorities List (Non-NPL) status is listed as “Federal Facility Site Inspection Review Start Needed.” The site was, and is presumed to be, contaminated with total petroleum hydrocarbons (TPH) as a result of the site’s previous use a jet fuel storage facility (Envirostor ID: 40970001; Site Code: 200262) (DTSC 2016). No liquids or other materials are present within the tanks to be demolished and removed. Based on review of Envirostor, the soil contamination was discovered in August 1981. Based on the *Risk-Based Closure Report* (Fluor Daniel GTI 1996) completed prior to the closure of the facility, hydrocarbons and benzene were identified in both soil and groundwater samples. The report notes that the “distribution of hydrocarbons in the impacted groundwater has been monitored since 1991” and “data from the installation and monitoring of the wells indicates a rapid decrease in dissolved hydrocarbon concentrations downgradient from source areas, and relatively stable dissolved hydrocarbon concentrations near source areas” (Fluor Daniel GTI 1996). The

report concluded that the impacts to potential groundwater receptors of hydrocarbons in groundwater migrating from the project site are considered negligible. Based on this report, the DTSC and RWQCB concurred that contamination left at the site does not pose a threat to the public health or the environment. No further action was identified, as no further development was proposed at that time.

The applicant provided a *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016), which was prepared to “protect the safety and welfare of the employees and community in the event of an emergency incident and to comply with federal and state laws pertaining to hazardous waste generators with respect to preparedness and prevention for emergency events.” The plan provides guidance in the event of fire, explosion, spill, or release of hazardous waste. In addition to contaminated soil, other potentially hazardous materials onsite include batteries, used oil, florescent bulbs, and thermostats. In addition to this report, the applicant has submitted an Aboveground Hazardous Materials Storage Tank and Piping Closure permit application to the County Health Department, and has received preliminary approval from the County. Materials containing asbestos and lead, and the potential presence of naturally occurring asbestos, are addressed in Section 3, Air Quality.

Impact Discussion

- a. Contaminated soils and materials would be transported offsite to approved receiving facilities during the 3-month project duration, and such transport would be conducted pursuant to the *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) and under the regulation of the SLOAPCD, County Health Department, and DTSC. Based on compliance with existing regulations, potential impacts would be less than significant.
- b., c, d. As noted above, TPH jet fuel and benzene contamination is currently present in the site’s underlying soils and groundwater. The project site is located within 0.25 mile of the Central Coast Montessori Preschool. All ground-disturbing and demolition activities are subject to existing regulations, including the County’s approval of the applicant’s Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016), as acknowledged in the County Health Department’s letter dated March 14, 2017 (refer to Appendix C). Based on continued review and regulatory oversight by the County, compliance with the approved contingency plan and requirements stipulated in the County’s March 14, 2017, letter, and implementation of air quality monitoring and lead and asbestos mitigation measures, potential impacts would be less than significant with mitigation.
- e., f. The project site is not located within an airport land use plan or within 2 miles of a public airport. The project site is not located within the vicinity of a private airstrip. No impacts would occur.
- g. Based on the location of the project site, construction of the proposed project would not conflict with any regional evacuation or emergency response plan.
- h. The project is proposed adjacent to an urban setting and is not in a high fire risk area. The project site is located within the Medium Fire Hazard Zone (County Safety Element) and would be served by the City Fire Department. Potential fire risk in this urban/wildland transition zone includes accidental ignition sources (i.e., sparks) from equipment. The site is subject to weed abatement requirements of the City Fire Department. In addition to the applicant’s submitted *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016), the applicant would comply with standard practices during construction to minimize the potential for incidental fires, including inspection of equipment, maintenance of fire extinguishers throughout the site, and vegetation clearance to reduce fuel load potential. Based on compliance with the submitted

contingency plan, and compliance with existing City regulations (including the City of Morro Bay Fire Department's Fire Code conditions for demolition), the project would not expose people or structures to a significant risk of fire, and impacts would be less than significant.

Conclusion

Potentially significant impacts related to hazards and hazardous materials associated with the proposed project would be less than significant with implementation of mitigation.

Mitigation and Monitoring

Mitigation Measure HM-1: Prior to the initiation of demolition actions, the applicant shall submit all documentation of the County of San Luis Obispo Department of Public Health Department approval of the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016). A copy of the County permit and all supporting documentation shall be available for review onsite at all times, and the applicant shall comply with all approved policies and measures identified in the document. The applicant shall comply with all existing regulations protecting public health and safety, as well as all of the following conditions required by the County in the approval letter dated March 14, 2017:

- a. The applicant shall schedule with the County of San Luis Obispo Public Health Department and City of Morro Bay Fire Department a pre-demolition safety meeting to ensure all safety measures are in place, and that a pre-demolition safety meeting for workers has been conducted and documented.
- b. Inspections shall be scheduled with the County of San Luis Obispo Public Health Department inspector and the City of Morro Bay Fire Department, which will include certification of a safe atmosphere in the tanks and piping before demolition, inspection of piping before removal, and soil sampling beneath removed piping.
- c. The applicant shall provide copies of tank and piping atmosphere monitoring documentation to the County of San Luis Obispo Public Health Department and the City of Morro Bay Fire Department, confirming the atmosphere is safe and non-explosive, before demolition.
- d. The applicant shall provide copies of all soil sample lab analysis to the County of San Luis Obispo Public Health Department prior to contaminated soil disposal.
- e. The applicant shall consult with the County of San Luis Obispo Public Health Department and provide justification for approval before closing any pipeline in place.
- f. The applicant shall submit copies of waste disposal manifests, signed by the Treatment, Storage, and Disposal Facility (TSDF), within 45 days after disposal.
- g. Post-demolition, the applicant shall submit the following supporting documents to the County of San Luis Obispo Public Health Department:
 1. A soil assessment report from the AGT system removal that complies with all applicable guidance from the California Environmental Protection Agency (CalEPA) and the U.S. Environmental Protection Agency (USEPA), particularly the Department of Toxic Substances (DTSC) Preliminary Environmental Assessment (PEA) Manual;
 2. A Phase 1 Environmental Assessment;
 3. A work plan to perform a Phase 2 Environmental Assessment that includes environmental sampling and soil gas sampling for volatile organic compounds (VOCs) that comply with the DTSC Soil Gas Investigation Advisory, 2012;
 4. A Phase 2 Environmental Assessment Report; and
 5. A Human Health Risk Assessment that complies with all applicable guidance from CalEPA, USEPA, and the County of San Luis Obispo Public Health Department.

- h. The applicant shall coordinate to determine if a Remediation Action Plan (RAP) is required for the proposed project. A RAP may be required if environmental sampling indicates a potential unacceptable risk to future residents exists.

Monitoring HM-1: The City Community Development Department shall verify receipt of approval documentation from the County of San Luis Obispo Public Health Department, and shall verify compliance with all policies and guidelines identified in the County permit and all supporting documentation.

Mitigation Measure HM-2: Prior to initiation of demolition actions, the applicant shall prepare and submit a Spill Prevention Control and Countermeasure Plan to the City Community Development Department. The plan shall supplement the approved *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) and identify hazardous materials to be used onsite and offsite, and shall identify procedures for storage, distribution, and spill response. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering any existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination. The plan shall be implemented by the construction contractor and verified by the Fire Chief.

Monitoring HM-2: The City Community Development Department shall verify receipt of approval documentation from County of San Luis Obispo Public Health Department, and shall verify compliance with all policies and guidelines identified in the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) in consultation with the County of San Luis Obispo.

9. HYDROLOGY/WATER QUALITY Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?		X		
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X	
d. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	

e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f.	Otherwise substantially degrade water quality?		X		
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?			X	

Environmental Setting

Surface hydrology follows previously constructed drainage swales and existing topography, and generally flows towards an un-named creek located along the northwestern perimeter of the project site. This drainage conveys flows from the upslope hillside into a culvert located north of the control building and paved parking lot and ultimately into the Pacific Ocean. The drainage is mapped as a blue-line stream according to the USGS topographic maps; no water was present in the drainage during field inspections. A portion of the project site, containing and proximate to the un-named drainage, is located with Federal Emergency Management Agency (FEMA) flood hazard zone AE (100-year flood zone). This area is also assigned a Flood Hazard (FH) designation by the County.

Impact Discussion

- a., f. The project proposes demolition actions proximate to an un-named drainage. The use of equipment and the disturbance of contaminated soils and groundwater may result in erosion and down-gradient sedimentation or the accidental release of fuels, oils, or other materials, which may discharge into the un-named drainage. Mitigation is recommended to address these potential impacts. Based on the location of the project and implementation of required erosion control measures, a SWPPP, and the proposed contingency plan, no violations of any water quality standards or waste discharge requirements are expected. Impacts would be less than significant.
- b. The proposed project is limited to demolition and would not require the long-term use of City water supplies. Water trucks would be provided for dust suppression during demolition actions. No depletion of groundwater supplies or effects on groundwater recharge would result, and impacts would be less than significant.
- c., d. Implementation of the demolition project would not include any adverse modification of existing drainage patterns onsite. The removal of the shotcrete in between the two Navy tanks would not affect surrounding drainage patterns or flows to and from the un-named drainage. As discussed in the project description, upon completion of demolition and excavation activities, the disturbed areas would be stabilized or restored to existing grades, i.e., rough grade, as needed. The disturbed areas would be hydroseeded for erosion control, and restoration and maintenance activities would be implemented to restore the creek area, such as removing debris behind the stream grate and removing a large log that fell into the creek during previous tree removal activities. These

maintenance activities would ultimately result in a beneficial effect on the onsite drainage. Therefore, potential impacts would be less than significant.

- e. The project is limited to demolition actions, and would not include the creation of new impervious surfaces. The project would not create or contribute runoff beyond existing conditions. Therefore, potential impacts would be less than significant.
- g., h. Portions of the project location are within FEMA’s 100-year flood hazard area; however, the project is limited to the demolition and removal of existing structures and infrastructure onsite. No new housing, structures, or any other features are proposed within the flood zone. The project would not impede or redirect floodwaters, or increase the base elevation of the existing flood zone. Therefore, no impact would occur.
- i. The project does not place structures or people in a high flood hazard area and is not within an area that would be affected by a levee or dam failure. No impact would occur.
- j. The project is not proposed in an area subject to inundation by seiche or tsunami, and would not include any new structures that could be exposed to mudflow hazards. Impacts would be less than significant.

Conclusion

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

Mitigation and Monitoring

Implement Mitigation Measures HM-1 and HM-2.

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

Environmental Setting

The project site is located at the northeast corner of the city of Morro Bay. The site was previously used by the Department of the Navy for jet fuel storage and distribution. The site is within the R-1/PD/ESH (Single-Family Residential/Planned Development / Environmentally Sensitive Habitat) zoning district and designated by the General Plan and Coastal Land Use Plan (CLUP) as Medium-Density Residential /

Environmentally Sensitive Habitat. The ESH overlay is located along an existing drainage proximate to the northwest property boundary. The project site is partially located in the Coastal Commission’s Appeals Jurisdiction, due to the presence of the coastal stream/drainage (ESH). Surrounding uses include residences to the north, west, and south. Undeveloped land is located to the northwest.

Impact Discussion

- a. The proposed project includes the demolition, excavation, and removal of existing tanks, pumps, pipelines, and associated infrastructure. The project would not divide an existing community; therefore, no impact would occur.
- b. The proposed project would not include any new uses. Implementation of the project would require ground disturbance, potentially creating fugitive dust, which may result in a nuisance affecting adjacent sensitive receptors (residents). Mitigation is recommended to reduce the potential for dust, and subsequent effects (refer to Section 3, Air Quality). A portion of the project site is located within an ESH overlay; no actions would occur within ESH with the exception of soil sampling and restoration activities discussed in the Project Description; however, demolition and ground disturbance is proposed within 50-100 of the ESH boundary. ESH policy consistency is addressed in Section 4, Biological Resources, and mitigation is presented to mitigate potential impacts to less than significant. The project would require disturbance of soils and potentially groundwater contaminated by the previous use of the site; compliance with existing regulations would address potential land use impacts related to hazardous materials (refer to Section 8 Hazards/Hazardous Materials). Demolition activities would generate noise and groundborne vibration. While such activities are not inconsistent with City Noise Element policies, mitigation has been incorporated to limit public exposure to excessive noise (refer to Section 12, Noise). Based on implementation of recommended mitigation, impacts would be less than significant and no significant land use impacts would occur due to compliance with existing policies and regulations.
- c. There are no habitat conservation plans or natural community conservation plans that apply to the project site. No impacts would occur.

Conclusion

Implementation of the proposed project would not result in significant impacts related to land use and planning.

Mitigation and Monitoring

Mitigation measures are not required.

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

Environmental Setting

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

Impact Discussion

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

Conclusion

Implementation of the proposed project would not result in significant impacts to mineral resources.

Mitigation and Monitoring

Mitigation measures are not required.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?			X	
b. Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?		X		
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e. For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Environmental Setting

This section is based on a Construction Noise Analysis that was prepared for the proposed project (KM Acoustic Studies 2017), included in Appendix E. Ambient sound levels were measured on January 27, 2017, in order to serve as a reference point to which a comparison can be made with estimated noise levels associated with proposed demolition activities. Ambient levels included noise contributions from all sources of normal neighborhood activities plus noise generated by traffic on local neighborhood streets and to a lesser degree Highway 1. Measured ambient levels were between 48 and 52 a-weighted decibels (dBA) equivalent continuous sound level (L_{eq}). The project site is developed with an abandoned industrial use and is surrounded by sensitive residential noise receptors.

Some planning jurisdictions have guidelines established in order to help evaluate construction noise, with established thresholds defining overall maximum acceptable noise levels (L_{max}) or acceptable time averaged hourly levels ($L_{eq(h)}$) during construction activities. However, the City's General Plan Noise Element does not specifically address construction related noise nor do any of the City's community noise ordinances that were referenced.

Often used for long range planning purposes, the Community Noise Equivalent Level (CNEL) or Day-Night Average Sound Level (L_{dn}) methodologies would not be good evaluation techniques in this case because either metric is a 24-hour time-averaged exposure level, adjusted with various penalties assigned for evening and or night operations. Since there will not be evening (7:00 p.m.–10:00 p.m.) or night (7:00 p.m.–7:00 a.m.) activities at the site, a more relevant evaluation technique should be used. The Federal Highway Administration (FHWA) and Caltrans use the hourly average noise level ($L_{eq(h)}$), in assessing construction-related noise in their environmental documents. Consistent with those agencies, $L_{eq(h)}$ was used in quantifying estimated hourly noise levels for this project.

Construction noise evaluation can vary considerably in terms of scope and desired outcome and can broadly be categorized as follows:

- No criteria specified;
- Qualitative criteria, “Noise levels shall not cause a disturbance”;
- Relative criteria, “Noise levels shall not exceed ambient noise levels by more than x dB”;
- Absolute criteria, “Maximum noise levels shall not exceed x dB”; and
- Criteria containing a combination absolute and relative noise level limits.

For this project, because it is in a relatively quiet residential area, and projected to last for up to 3 months, a maximum not-to-exceed level of +25 dBA $L_{eq(h)}$ over baseline, with an average level of up to +20 dBA $L_{eq(h)}$, threshold was utilized for day-to-day operations at the project site over baseline conditions.

Due to the complexity associated with quantifying construction noise at the project site because of all the different types of activities, potential operation of several large and small pieces of equipment at a time, how equipment might be grouped, equipment operating locations within the site with respect to varying distances from sensitive receptor locations, time based usage factors of equipment, existing shielding provided by buildings and berms, varying topography, etc., the FHWA Roadway Construction Noise Model (RCNM) was utilized in this evaluation. The program enables the calculation of construction noise levels in more detail than manual methods while avoiding the need to collect extensive amounts of project-specific

input data. Using the RCNM, predicted noise levels can be evaluated at any distance from the project site using specific user inputs.

Impact Discussion

- a. Construction activities associated with the proposed project would generate short-term increased noise levels due to the use of heavy construction equipment and vehicles. Mobile equipment such as dozers, excavators, loaders, etc., operate in a cyclic fashion in which a period of full power is followed by a period of reduced power, causing a difference in perceived noise levels over time. Other equipment such as generators and compressors, considered to be stationary when operating, typically don't have different noise levels that vary over time, rather they produce sound at a steady state.

As described, the tank removal portion of the project would include one excavator operating most of the time. The contractor anticipates using two excavators occasionally and would only have two heavy equipment operators onsite at a time, so only two machines would be operating occasionally together, with the potential addition of a water truck.

A busy day of the tank removal portion of the project was simulated with the default equipment type being selected in the RCNM with two excavators, two dump trucks, a generator, and a compressor all operating within the site at the same time. The excavators and dump trucks were placed near the tanks, and the stationary equipment was modeled at 50 feet from a residence. The RCNM predicted that an average hourly level of approximately 69 dBA could reasonably be expected under these inputs for the closest receptor. For noise monitoring location #1 (refer to Appendix E), this would mean up to a 20-decibel (dB) increase over ambient levels, which would be well within the 25 dB increase suggested earlier.

This analysis is considered very conservative because it is highly unlikely that both a high-power generator and compressor would ever be operating in unison that close to a residence with all the other things happening at the same within the site. A distance of 50 feet was considered to be the closest distance at which a residence would be located to the project boundary, and thus the most potentially impacted.

Truck traffic would generate up to 131 round trip hauling trips. Periods of active truck trips would alternate with periods of onsite demolition activity. Averaged out over the course of 3 months, hauling trips would have a limited impact on the residential area.

For the concrete pad and soil/demolition debris removal portions of the project, the contractor anticipates using an excavator with a hydraulic breaker ram to bust up the concrete, with two other excavators with thumb attachments to stockpile and loadout trucks. There would also be truck trips generated by this portion of the project to haul materials from the project site, similar to the tank removal portion of the project. This portion of the project is only expected to last approximately 2 weeks.

The RCNM modeling prediction for this portion of the project included two excavators, a hydraulic breaker ram, and two dump trucks. Again, it is highly unlikely that all of this equipment would be grouped closely together and operating at the same time within the project site. Nonetheless, this was considered a conservative analysis and the model predicted roughly 62 dBA L_{eq} at a receptor distance of 200 feet under the above user inputs. As with the tank removal, any number of predictions could be made by changing equipment types and distances to sensitive receptor locations.

No long-term noise generation would occur. To ensure short-term construction noise generated by the proposed project is minimized, mitigation measures including public outreach, time constraints, noise sensitivity training, and use of equipment regulations are incorporated below. The measures outlined below have been evaluated for effectiveness based on the short-term nature of the project, the feasibility, ease of implementation, cost, and reasonableness of the measure. Therefore, project impacts would be less than significant with implementation of the mitigation.

- b. The proposed project could result in limited groundborne vibration and noise during the short-term demolition phase (3 months). The loudest activities would include demolition of the existing tanks, which may include the use of metal shears (approximately 85 dB as measured 50 feet from the source) and jackhammers, which can generate up to 89 dB of noise as measured 50 feet from the source (FHWA 2011). Residents proximate to the project site may be adversely affected during the use of such equipment; however, the effects would be short term. To reduce potential exposure, the applicant has agreed to limit use of shears, saws, and jackhammers to weekdays between 8:00 a.m. and 4:00 p.m. Therefore, potential impacts would be less than significant with implementation of mitigation.
- c. Implementation of the project would not result in any new permanent sources of noise. No impact would occur.
- d. The project would create temporary increased noise levels in the project vicinity above those existing without the project due to construction activities (refer to a. and b., above). Therefore, potential impacts would be less than significant with implementation of mitigation.
- e., f. The proposed project is not located within an airport land use plan or proximate to a private airstrip; no impact would occur.

Conclusion

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

Mitigation and Monitoring

Mitigation Measure N-1: Prior to demolition actions, the applicant shall ensure that the following standard is included on the Demolition Plan, and shall verify compliance during construction and demolition: Use of metal shears, saws, jackhammers, and other equipment that produces sound at a level greater than 60 dB LA_{max} when measured at the exterior wall of any nearby residence shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m. Operation of trucks or other vehicles greater than 10,000 pounds in gross weight, either at the project site or on public streets, shall be limited to Monday through Friday, 8:00 a.m. to 5:30 p.m.

Monitoring N-1: The construction contractor shall be responsible for complying with demolition restrictions and notifying the City Community Development Department at least 1 week prior to initiation of demolition activities. The City shall conduct periodic inspections to verify compliance.

Mitigation Measure N-2: In compliance with the recommendations included in the Construction Noise Analysis prepared for the proposed project, the following measures shall be implemented by the applicant and/or contractor to minimize short-term construction noise generated by project activities:

- a. Prior to demolition actions, the application shall develop a public outreach program. An effective public information program provides a mechanism for notifying adjacent residents of the project. The public outreach program shall describe what the project is, the proposed duration, daily hours, haul routes, etc. This program would be best accomplished with a postcard or flyer that details activities in a timeline. It should provide a phone number, e-mail address, or other way the public can submit noise concerns or complaints on the informational mailing.
- b. The contractor shall provide project level onsite worker training given by the foreman in noise sensitivity and noise-specific issues associated with the project including proper equipment operation.
- c. The contractor shall ensure noisy equipment is only used when necessary and turned off when not in use.
- d. The contractor shall avoid grouping equipment as much as possible.
- e. The contractor shall use modern equipment (Tier 3 or higher) in proper tune to the maximum extent feasible.
- f. The contractor shall use factory mufflers.
- g. Whenever possible, the contractor shall position stationary noise sources, such as generators and compressors, as far away as possible from noise sensitive areas. If relatively static equipment such as pumps, generators, compressors, etc. must be located in close proximity to sensitive receptors, the contractor shall utilize existing shielding from the large existing berm and or existing structures and support facilities.
- h. If necessary, the contractor shall monitor noise levels during construction. If noise complaints are received, the contractor shall provide noise monitoring compliance checks.
- i. The contractor shall implement reduced speed limits (15 miles per hour) for trucks travelling to, from, and through the project site.

Monitoring N-2: The construction contractor shall be responsible for complying with these measures and notifying the City Community Development Department at least 1 week prior to initiation of demolition activities. The City Engineer shall conduct periodic inspections to verify compliance. All monitoring reports shall be submitted to the City Community Development Department for review.

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

Environmental Setting

The City of Morro Bay has a population of 10,234 based on data from the 2010 Census. The population has remained relatively constant over the last decade, down approximately 1.1% from 10,350 in 2000 (California Department of Finance, Table E-4).

The San Luis Obispo County Council of Governments (SLOCOG) allocates housing production goals for the County and incorporated cities based on their fair share of the region’s population and employment, which is outlined in the SLOCOG 2008 Regional Housing Needs Plan. The plan designated a Regional Housing Needs Allocation (RHNA) of 180 of the total 4,885 housing units to the City over the 2007–2014 planning period (SLOCOG 2008). The City’s 2009 Housing Element showed the city’s capacity to accommodate all 180 allocated units, and a remaining surplus of lands suitable to develop as many as 400 additional units.

Impact Discussion

- a. Implementation of the proposed project would have no effect on existing housing and would not displace any people. No impacts would occur as a result of the proposed project.
- b. Refer to a., above. No impacts would occur.
- c. The project does not include any infrastructure or other growth-inducing elements. The project is limited to demolition of existing industrial structures. No new construction is proposed as part of this project. No impacts would occur.

Conclusion

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

Mitigation and Monitoring

Mitigation measures are not required.

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

Environmental Setting

The project site lies within the sphere of influence of the City; therefore, the City provides most of the public services, including fire and police protection. The San Luis Coastal Unified School District operates an elementary school and a high school within the city.

Impact Discussion

a-f. The proposed project would not result in additional demand for public services or utilities. During demolition, there would be a potential demand for fire protection in the unlikely event an incident occurs that requires emergency response. Based on compliance with the submitted contingency plan, and compliance with existing City regulations (including the City of Morro Bay Fire Department’s Fire Code conditions for demolition), the project would not expose people or structures to a significant risk of fire, and impacts would be less than significant. The project site would continue to be served by the City of Morro Bay Police Department and implementation of the proposed project would not place an increased demand on police services. The project would have no effect on schools, parks, or other services.

Potential impacts to street paving and underlying infrastructure along the designated travel route are evaluated in the *Truck Traffic Impact Analysis* (DPSI 2016) included in Appendix F. The applicant has agreed to a video inspection of the proposed traffic route before and after demolition. Any damage to road surfaces must be repaired by the applicant at no cost to the City. Please refer to discussion under Section 16 *Traffic and Circulation*.

Conclusion

The project is not anticipated to result in impacts related to public services. Potential impacts to roads and transportation infrastructure would be less than significant with implementation of mitigation.

Mitigation and Monitoring

Implement Mitigation Measures HM-1, HM-2, and TR-1.

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

Environmental Setting

A variety of recreational activities including hiking, sightseeing, birdwatching, etc. are available within Morro Bay. Within the boundary of Morro Bay City limits, there are over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral access. These walkways provide active recreational activities for visitors and residents. There are also multiple improved parks and playgrounds throughout the city.

Impact Discussion

a., b. The project is limited to the demolition of existing tanks, pumps, pipelines, and associated infrastructure, and no increase in demand on parks and other recreational facilities is anticipated. No additional recreational facilities are proposed.

Conclusion

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

Mitigation Monitoring

Mitigation measures are not required.

16. TRANSPORTATION/CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?				X
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?				X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
e. Result in inadequate emergency access?		X		

16. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?				X

Environmental Setting

This section is based on the Demolition Plan, included in Appendix A, and the *Truck Traffic Impact Analysis* (DPSI 2016), included in Appendix F, prepared for the proposed project. The project site is located adjacent to Panorama Drive. As discussed in the project description and the Demolition Plan, truck traffic associated with the project would primarily access the DFSP facility primarily via Sicily Street, Main Street, and Highway 1 at Yerba Buena Street. Trucks would not be staged on residential streets and would not be allowed to idle onsite. Tahiti Street would provide secondary access to the site.

Potential impacts to street paving and underlying infrastructure along the designated travel route are evaluated in the *Truck Traffic Impact Analysis* (DPSI 2016). Two aspects to consider when evaluating condition of the roads are fatigue and aging. Pavement fatigue is caused by the application of loads, which can lead to fatigue failure. The fatigue failure is usually expressed as the breaking up of the pavement. The City’s Pavement Management Plan notes that aging of pavement is characterized by the breakdown of aggregates leading to the pavement becoming brittle, which “results in additional cracking from loaded vehicles” (Pavement Management Plan 2011). The City has rated the condition of streets in the city using the Pavement Condition Index (PCI). The PCI is a numerical rating of road segments with zero being the worst and one-hundred the best condition. The pavement fatigue and smoothness of the road are measured with the PCI. The City’s Pavement Management Program aims to improve and/or maintain an average PCI of 70 for all city streets from the current average of 66 (Streets Summit Update to Council 2016).

The streets of interest for the proposed truck route have been rated by the City of Morro Bay using the PCI (refer to Appendix F). Main Street’s PCI rating is divided with a PCI rating of 37 (Category IV - Poor) north of Vashon Street and a PCI rating of 88 (Category I – Very Good) south of Vashon Street. Sicily Street has a PCI rating of 84 and Tahiti Street has a PCI rating of 67, both in Category I – Very Good.

Impact Discussion

- a., b. Based on the nature of the project, it would not conflict with any applicable plan, ordinance, or policy related to transportation or circulation. No long-term operational trips would be generated. Therefore, no impact would occur.
- c. The project would not have any effect on area flight patterns, as no new uses are proposed. No impact would occur.
- d., e. The project site would be accessed via existing, public, residential roadways. The project is expected to require approximately 3 months to complete. Over this time, a total of approximately 131 round-trip truck loads would be required, as discussed in the Demolition Plan. Truckloads for metal recycling are estimated based on a maximum trailer size of 8 feet wide by 40 feet long by 8 feet high and a net load of 20 tons. Concrete would be hauled in low-side end dump trailers with a load capacity of approximately 22 net tons. A contingency was added to the number of truck trips

to allow for unanticipated load variations. For the DFSP demolition, the following truck round trips are estimated:

Metals: 50 loads

Concrete: 75 loads

Debris: 4 loads

Domestic trash and miscellaneous debris: 2 loads

Demolition activities would require two to 10 onsite personnel; therefore, worker trips are conservatively estimated to include 10 round trips per day from Santa Barbara and San Luis Obispo Counties. Workers are anticipated to travel to the site on U.S. Route 101, Highway 1, Yerba Buena Street, Main Street, and Sicily or Tahiti Streets.

For the majority of the project, the contractor, crew, and equipment will enter the site from Highway 1 onto Yerba Buena Street to Main Street, and then left onto Sicily Street to the site. A rumble strip is proposed at access point onsite to minimize mud or dirt leaving the site. While this project is short-term, the increased presence of large equipment and haul trucks on roadways currently used by residents may have a significant impact related to hazards and emergency access and evacuation. Based on the site's proximity to a residential neighborhood, implementation of a Construction Staging and Traffic Management Plan is recommended to mitigate potential impacts to less than significant. Therefore, project impacts would be less than significant with implementation of mitigation.

- f. The project would not conflict with any adopted plans, policies, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would occur.

Conclusion

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

Mitigation and Monitoring

In addition to Mitigation Measure N-2, the following measures shall be implanted to reduce potential impacts related to transportation and circulation associated with the proposed project.

Mitigation Measure TR-1: Prior to initiation of demolition actions, the applicant shall prepare and submit a Construction Staging and Traffic Management Plan for approval by the City Community Development Department. The plan shall be implemented during construction, and shall include, but not be limited to, the following elements:

- a. All employees shall be notified of the designated truck route and staging area locations.
- b. Vehicle speed on the site shall be limited to 15 miles per hour or less.
- c. On-street parking shall not occur during project activities.
- d. Vehicle or equipment queuing shall not occur in a manner that would block or restrict on-street traffic.

- e. Before and after video inspection of the proposed truck route. Any damage, to City facilities (e.g., curb/berm, street, sewer line, water line) or any public improvements caused by, or arising from, proposed demolition activities shall be repaired by applicant at no cost to the City of Morro Bay.

Monitoring TR-1: The construction contractor shall be responsible for complying with traffic mitigation measures and notifying the City Community Development Department at least 1 week prior to initiation of construction activities. Public Works staff shall conduct periodic inspections to verify compliance.

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

Environmental Setting

Refer to Section 5, Cultural Resources, for a discussion of the cultural setting in the project area.

Impact Discussion

- a., b. Based on the discussion in Section 5, Cultural Resources, and information documented in the *Phase I Cultural Resource Inventory* (Albion Environmental 2016), no known resources listed or eligible for listing in the CRHR, or in a local register of historical resources, or determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, are present within the project site. In addition, the project would consist of the demolition and removal of above and below ground structures located on and within previously disturbed soils.

While the potential for resources is low, projects such as this have the risk of unintentionally impacting tribal cultural resources. Therefore, the applicant has agreed to retain a qualified archaeologist to conduct a cultural resource awareness training for construction crews and supervisors prior to commencement of demolition activities. If previously unidentified resources are unearthed, the applicant has agreed to halt work within the area of the find until a qualified archaeologist can evaluate the nature and significance of the find.

Additionally, AB 52, effective July 1, 2015, requires formal consultation with Native American tribes in order to protect tribal cultural resources. Consultation initiation letters were sent to six local tribes with connection to Morro Bay. Of these, one tribe responded by email, stating that: “I read the letter and I understand that it appears highly unlikely that there are intact cultural resources. But, cultural resources are important even if not intact. I recommend that an archaeologist be present at the time of demolition of the tanks, piping and associated equipment” (Mona Tucker, yak titʻu titʻu Northern Chumash Tribe, June 1, 2016). Impacts are considered less than significant with mitigation.

Conclusion

Implementation of the proposed project would not result in significant impacts to archaeological resources.

Mitigation and Monitoring

Implement Mitigation Measures CR-1 and CR-3.

18. UTILITIES & SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Environmental Setting

The project site is developed with existing infrastructure, including stormwater drainage, water supply, and sewer service infrastructure. The City contracts with Morro Bay Garbage Service to provide residential and commercial garbage, recycling, and green waste collection services for Morro Bay. All of the City’s waste

is taken to Cold Canyon Landfill. The project will comply with federal, state, and local statutes and regulations related to solid waste disposal, diverting materials from the demolition activities to local, approved receiving recycling facilities as feasible.

Impact Discussion

- a. The project would not require connection to existing city wastewater collection and treatment facilities, and would not include an onsite system. Therefore, there would be no impact.
- b. The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Existing water supply infrastructure would be left in place on the project site. There are no known future development plans for the project site; therefore, no impact would occur.
- c. The proposed project does not require or include the construction of additional stormwater management facilities. Existing stormwater drainage infrastructure would be left in place on the project site. There are no known specific future development plans for the project site; therefore, no impact would occur.
- d. The project would use a non-potable water truck during short-term demolition and excavation activities; however, the project would not require operational use of City water supply. There are no known future development plans for the project site; therefore, no impact would occur.
- e. The project would not require the use of the City's wastewater treatment facility; therefore, no impact would occur.
- f. Based on the short-term (3 months) duration of proposed demolition activities, limited quantity of demolition materials, and high percentage of materials proposed to be recycled (goal is $\geq 95\%$), the proposed project's permanent impact on capacity at local receiving recycling and landfill facilities and other hazardous waste-approved facilities would be minimal. Local facilities are expected to be able to meet the additional demand and impacts are considered less than significant.
- g. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste; therefore, impacts would be less than significant.

Conclusion

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

Mitigation and Monitoring

Mitigation measures are not required.

IV. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

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

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

Impact Discussion

- a. **Potential to Degrade.** The proposed project would not substantially degrade or threaten the quality of the environment, habitat, or populations of any fish or wildlife species, or important examples of California history or prehistory. Potential adverse effects to the environment associated with the project include the potential contamination, disturbance, runoff, or sedimentation into an un-named ephemeral drainage, which is designated ESH. Mitigation measures have been proposed to prevent or reduce potential impacts. Refer to Section 4, Biological Resources; Section 6, Geology and Soils; and Section 8, Hazards/Hazardous Materials, for additional information.
- b. **Cumulative.** Project-specific impacts, when considered along with, or in combination with, other impacts, do not rise to a level of significance. Project impacts are limited and no substantial cumulative impacts resulting from other projects were identified.
- c. **Substantial Adverse.** The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Project impacts are limited and standard mitigation measures would be incorporated that would reduce any potential impacts to a less-than-significant level.

V. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

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

B. General Plan

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

C. Other Sources of Information

x	Field work/Site Visit	x	Ag. Preserve Maps
x	Staff knowledge/ calculations	x	Flood Control Maps
x	Project Plans, December 5, 2017	X	Archaeological maps and reports
x	Applicant project statement/description and submittal/resubmittal letters	x	Soils Maps/Reports
x	Report of AWP Activity Completion (June 30, 1997)	x	Published geological maps
x	Greenvale Tree Company, Arborist Reports: May 18, 2016 / December 13, 2016 Addendum / August 14, 2017	x	Topographic maps
x	Terra Verde Environmental Consulting, Biological Assessment Letter, June 27, 2016 / Biological Monitoring Plan, August, 2016 / Biological Assessment Letter October 20, 2016 / Biological Assessment Letter November 17, 2016 /	x	County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, April 2012
x	Bedford Contracting Inc., Contingency Plan for Discovered Hazardous Waste, June 2016	x	Federal Emergency Management Agency Flood Insurance Rate Maps, Map Numbers 06079C0811G and 06079C0813G November 16, 2012
x	Albion Environmental, Phase I Cultural Resources Inventory, March 2016	x	California State Water Resources Control Board website, Geotracker, viewed February 1, 2016
x	Department of Parks and Recreation 523 Form, Primary Record prepared by Daniel Shoup, Archaeological/Historical Consultants, June 13, 2016	x	Department of Toxic Substances Control website, Envirostor, viewed July 11, 2016
x	Fluor Daniel GTI, Risk-Based Closure Report, September 23, 1996	x	Geosolutions, Inc., Dust Mitigation Plan, May 18, 2016 / Email re geology of the project site, April 20, 2016
x	Hazard Management Services, Inspection of Storage Tanks and Pump Station for Demolition, Inspection of Office, Control Room, and Garage Buildings for	x	DPSI, Truck Traffic Impact Analysis, November 21, 2016

	Demolition, May 13, 2016 (Asbestos and Lead)		
x	KM Acoustic Studies, Construction Noise Analysis, August 22, 2017	x	Analytical Consulting Group, Inc.: Air Monitoring Report, December 30, 2016 / Demolition Work Plan, December 29, 2017 / Morro94 Panorama Gantt Chart Hazardous Materials Storage Tank System Cleaning /Cutting Application to San Luis Obispo County Health Dept., January 18, 2017

VI. ATTACHMENTS

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

Attachment A

Mitigation and Monitoring Program

Mitigation Measure AQ-1: No article, machine, equipment or other contrivance, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated or used, unless:

- a. A current Permit to Operate or temporary Permit to Operate has been obtained from the Control Officer of the San Luis Obispo County Air Pollution Control District, or
- b. The article, machine, equipment or other contrivance has been registered under the Portable Equipment Registration Program (PERP) of the California Air Resources Board, or
- c. The article, machine, equipment or other contrivance is designated as not requiring a permit by Rule 201 of the San Luis Obispo County Air Pollution Control District.

Such articles, machines, equipment, or other contrivances that may be employed during this project include, but are not limited to, internal combustion engines of 50 horsepower or greater and equipment utilized in the degassing and cleaning of fuel storage tanks and pipelines.

Monitoring AQ-1: Prior to issuance of any demolition permit by the City of Morro Bay, the applicant shall incorporate this condition as a note on the demolition plan set and shall provide the City Community Development Director with copies of all required Permits to Operate, temporary Permits to Operate, or registrations with the Portable Equipment Registration Program.

Mitigation Measure AQ-2: Petroleum Storage Tank Degassing and Removal, Removal of Hydrocarbon-Contaminated Soil, Removal of Asbestos, and Removal of Lead-Contaminated Materials: Prior to issuance of a demolition permit by the City of Morro Bay, the applicant shall:

- a. Provide the City Community Development Director with written evidence that the Environmental Health Division of the County of San Luis Obispo Public Health Department and the San Luis Obispo County Air Pollution Control District have been provided with a complete description of the proposed project, including specific descriptions of potential bio-hazards associated with removal of residual petroleum projects from the fuel tanks and pipelines, removal of hydrocarbon-contaminated soil, disassembly and removal of known or reasonably expected asbestos gaskets and pipe fittings, and removal of lead-containing paint and soil contaminated with lead-containing paint.
- b. Provide the City Community Development Director with written responses from the Environmental Health Division of the County of San Luis Obispo Public Health Department and the San Luis Obispo County Air Pollution Control District, documenting provision of any additional information requested by these agencies, as well as any actions, mitigations, conditions, or permits required.

Monitoring AQ-2: Prior to issuance of any demolition permit by the City of Morro Bay, the applicant shall:

- a. Incorporate any conditions or requirements imposed by the Environmental Health Division of the County of San Luis Obispo Public Health Department or the San Luis Obispo County Air Pollution Control District as notes on the demolition plan set, and
- b. Provide to the City Community Development Director documentation that any permits required from the Environmental Health Division of the County of San Luis Obispo Public Health Department or the San Luis Obispo County Air Pollution Control District have been obtained.

Mitigation Measure AQ-3: APCD Permitting of Hydrocarbon Contaminated Soil Processes. This project will require a San Luis Obispo County Air Pollution Control District permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This permit will include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, the applicant must contact the San Luis Obispo County Air Pollution Control District Engineering Division at 781-5912 at least 120 days before the start of excavation to begin the permitting process. In addition, the air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the San Luis Obispo County Air Pollution Control District's construction phase thresholds.

Monitoring AQ-3: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-4: Naturally-Occurring Asbestos: Prior to issuance of a demolition permit by the City of Morro Bay, the applicant shall provide the City Community Development Director with written documentation that either:

- a. The project has been granted an exemption by the Air Pollution Control Officer of the San Luis Obispo County Air Pollution Control District from the provisions of California Code of Regulations Section 93105, as provided in CCR Section 93105 (b), or
- b. An Asbestos Dust Mitigation Plan has been approved by the San Luis Obispo County Air Pollution Control District, in accordance with CCR 93105 (e)(2) and the provisions of such Asbestos Dust Mitigation Plan have been recorded as notes on the demolition plan set.

Monitoring AQ-4: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-5: Demolition/ Asbestos. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos-containing material. Asbestos-containing material could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). This project will include these activities and may be subject to various regulatory jurisdictions including the requirements stipulated in the National Emission Standards for Hazardous Air Pollutants 40 CFR 61, Subpart M – asbestos NESHAP. These requirements include, but are not limited to: (1) written notification, within at least 10 business days of activities commencing, to the San Luis Obispo County Air Pollution Control District; (2) asbestos survey conducted by a Certified Asbestos Consultant; and (3) applicable removal and disposal requirements of identified asbestos-containing material. Please contact the San Luis Obispo County Air Pollution Control District Enforcement Division at (805) 781-5912, and also go to <http://www.slocleanair.org/rules-regulations/asbestos.php> for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of <http://www.slocleanair.org/rules-regulations/asbestos.php>.

Monitoring AQ-5: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-6: Dust Control Measures. Demolition and construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Since all portions of the project site are located within 1,000 feet of sensitive receptors,

the applicant shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District's 20% opacity limit San Luis Obispo County Air Pollution Control District Rule 401) or prompt nuisance violations SLOAPCD Rule 402).

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Only reclaimed (non-potable) water shall be used for dust control. Please note that since water use is a concern due to drought conditions the contractor or builder shall consider the use of a San Luis Obispo County Air Pollution Control District-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation site cleanup and restoration plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered in accordance with CVC Section 23114;
- j. To prevent "track-out," install and operate a "track-out prevention device" where vehicles enter and exit unpaved ground or roads onto paved streets. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. The "track-out prevention device" can be any device or combination of devices that is effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used. Roads shall be pre-wetted prior to sweeping;
- l. Prior to any ground disturbance, sufficient water or soil stabilizers shall be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
- m. Areas to be graded or excavated shall be kept adequately wetted and/or stabilized to prevent visible emissions from crossing the property line;
- n. Storage piles shall be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;
- o. Equipment shall be washed down before moving from the property onto a paved public road;

- p. Visible track-out on the paved public road shall be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours;
- q. During site grading and/or excavation activities, if serpentinite material is encountered, the project engineering geologist shall be notified that this material has been encountered;
- r. During site excavation for investigation purposes, a water truck shall be available for dust control;
- s. All PM₁₀ (dust) mitigation measures required should be shown on grading and building plans; and,
- t. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring AQ-6: All air quality mitigation measures shall be shown as notes on the demolition plan set. The City Community Development Department shall verify receipt of documentation demonstrating compliance.

Mitigation Measure AQ-7: Diesel Idling Limitations. This project is in close proximity to nearby sensitive receptors (residences to the northwest, west and south). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions: To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project the applicant shall implement the following idling control techniques:

- a. Idling of diesel engines, whether installed in on-road vehicles or off-road equipment, shall not be permitted.
- b. No vehicle fitted with a diesel-powered auxiliary power system (APS) shall use such APS to power any heater, air-conditioner, or other auxiliary equipment for longer than 5 minutes.
- c. The use of equipment powered by means other than diesel engines is preferred when possible
- d. Signs that indicate that diesel idling is prohibited at the entire demolition site shall be prominently posted and enforced. Signs will include the following note, or a comparable statement: "Please note that some equipment, such as hydraulic metal shears, may require diesel-operated construction equipment to be running while the metal cutting and removal is taking place – this activity is not considered idling."

Monitoring AQ-7: Active air quality monitoring shall be conducted in accordance with the Air Monitoring Plan (AMP) prepared by Rhine LP & Morro94, LLC, and dated December 23, 2016. All monitoring reports shall be submitted to the City Community Development Department for review. Prior to issuance of a demolition permit, however, the AMP shall be:

- a. Expanded to include monitoring for asbestos, and
- b. Submitted to and approved by the San Luis Obispo Air Pollution Control District.

Mitigation Measure BR-1: Prior to issuance of demolition permits, the applicant shall submit documentation verifying designation of a qualified biological monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be responsible for the preparation, submittal, and compliance with a Biological Monitoring Plan. The plan shall include procedures and policies for the following: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting

methods; (3) compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Monitoring BR-1: The City Community Development Department shall verify receipt and compliance with the approved Biological Monitoring Plan. The name and contact information of the project biological monitor shall be listed on the plans submitted for a demolition permit.

Mitigation Measure BR-2: Prior to the initiation of demolition actions, including equipment and materials staging and storage, the biological monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.

Monitoring BR-2: The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming that all project personnel have completed the required training.

Mitigation Measures BR-3: Prior to the initiation of demolition actions, including equipment and materials staging and storage, the applicant's contractors and the biological monitor shall coordinate the placement of project delineation fencing throughout the work areas. The biological monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.

Monitoring BR-3: The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming that project delineation fencing has been installed and remains in place for the duration of the project. The biological monitor shall determine when the fencing may be removed, in consultation with the City Community Development Department.

Mitigation Measure BR-4: Prior to initiation of demolition actions, including storage and use of equipment and materials within the project site, the following avoidance and mitigation measures shall be implemented minimize and/or avoid impacts to ESH as a result of proposed demolition activities:

- a. Limits of Environmentally Sensitive Habitat Area (ESH area) shall be clearly delineated using brightly colored construction fencing prior to implementation of any demolition activity. ESH fencing shall be maintained in good order until removed in accordance with the requirements of paragraph c.
- b. No equipment access, excavation, or other land disturbing activities shall occur within the limits of ESH other than approved tree trimming and removal.
- c. Equipment access, excavation, and other land disturbing activities within 50 feet of the ESH boundary shall be limited to the minimum required for removal or abandonment of the six-inch pipeline and small amount of Gunitite, access to and removal of the easterly concrete foundation, tree trimming and removal of dead and diseased trees, and restoration of the land surface. The existing truck route that extends from the northern berm area through the buffer area would be used to access and remove the concrete pad. Use of this truck route would likely be short-term. Upon completion of these activities, brightly colored construction fencing shall be erected a minimum of 50 feet from the ESH boundary and no further access to this area shall be permitted, except as

necessary in the event of an emergency evacuation. This fencing shall be maintained in good order for the duration of the project. Upon erection of construction fencing 50 feet from the ESH border, construction fencing along the ESH border itself shall be removed.

- d. Appropriate erosion and sediment control measures shall be installed and maintained for soil disturbances which could lead to sedimentation impacts to the un-named tributary. Upon completion of demolition and removal activities, all disturbed areas adjacent to ESH shall be appropriately stabilized (i.e., erosion control hydroseed, biodegradable wattles, mulch, or similar method approved by the City of Morro Bay).
- e. Erosion control materials shall not contain monofilament materials as these materials are known to entangle wildlife.
- f. Any equipment or vehicles operated adjacent to ESH shall be checked and maintained daily, to prevent leaks that could be harmful to wildlife.
- g. Emergency spill kits shall be present at the site and personnel shall be trained in proper use of the spill kit during all demolition and removal activities. Training documentation shall be provided to the City of Morro Bay.
- h. Appropriate amounts of water and/or soil stabilizers shall be used to suppress fugitive dust during demolition and earth disturbing work, consistent with San Luis Obispo Air Pollution Control District standards.
- i. Disturbance to ESH shall be prohibited a minimum of 50 feet from the edge of ESH pending full California Environmental Quality Act, Coastal Act, and Local Coastal Program Policy analysis by the City of Morro Bay. In addition, appropriate permits (i.e., California Department of Fish and Wildlife Lake and Streambed Alteration Agreement) shall be obtained prior to work.

Monitoring BR-4: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-5: The following measures are required to avoid and/or minimize potential impacts to sensitive invertebrate, amphibian, piscine, reptilian, and mammalian species that may be present at the proposed project site:

- a. A qualified biologist shall survey the project site no more than 48 hours before the start of work activities to determine whether there is evidence of the presence of any of the following sensitive species:

Invertebrates

Morro shoulderband snail (*Helminthoglypta walkeriana*)

Insects

sandy beach tiger beetle (*Cicindela hirticollis gravida*)

globose dune beetle (*Coelus globosus*)

Morro 10-Lined june beetle (*Polyphylla species novae 'morroensis'*)

'Morro' Boisduval's blue butterfly (*Plebejus icarioides 'moroensis'*)

Fishes

coastal rainbow trout (*Oncorhynchus mykiss irideus*)

tidewater goby (*Eucyclogobius newberryi*)

Amphibians

California red-legged frog (*Rana draytonii*)

Reptiles

western pond turtle (*Emys marmorata*)

Coast horned lizard (*Phrynosoma blainvillii*)

silvery legless lizard (*Anniella pulchra pulchra*)

Mammals

Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)

big free-tailed bat (*Nyctinomops macrotis*)

western red bat (*Lasiurus blossevillii*)

pallid bat (*Antrozous pallidus*)

fringed myotis (*Myotis thysanodes*)

Yuma myotis (*Myotis yumanensis*)

long-legged myotis (*Myotis volans*)

long-eared myotis (*Myotis evotis*)

western small-footed myotis (*Myotis ciliolabrum*)

American badger (*Taxidea taxus*)

- b. If sensitive species are detected within the boundaries of the Environmentally Sensitive Habitat Area and out of harm's way, a qualified biologist shall monitor all demolition, grading, and removal activities within 50 feet of suitable habitat.
- c. If sensitive species are detected within any of the areas planned for disturbance, the biological monitor shall contact the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS) for guidance in formulating a plan as to how to proceed. No work at the site shall commence until a written plan of action has been approved by the CDFW and/or USFWS and by the Community Development Director of the City of Morro Bay.
- d. In the event that sensitive species are encountered unexpectedly during the course of project activities, work shall be immediately halted and the biological monitor shall contact the USFWS for guidance in formulating a plan as to how to proceed. No further work at the site shall commence until a written plan of action has been approved by the USFWS and by the Community Development Director of the City of Morro Bay.
- e. In the event that non-sensitive wildlife species are encountered during the course of project activities, work shall be immediately halted and such wildlife shall be allowed to leave the area unharmed of their own volition or shall be relocated to a "no-kill" wildlife rescue facility. No further work at the site shall commence until all of the encountered individuals are absent from the project site.
- f. No project-related materials and/or equipment shall be allowed within the designated ESH without prior approval of responsible regulatory agencies and amendment of the applicable Coastal Development Permit and Conditional Use Permit by the City of Morro Bay.

Monitoring BR-5: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-6: The following measures are required to avoid and/or minimize potential impacts to nesting birds which may be present at the proposed project site:

- a. Unless required to mitigate an immediate physical danger, no tree removal or trimming may be carried out during the period between February 1 and June 30. Tree trimming performed between

February 1 and June 30 for the purpose of mitigating an immediate hazard shall be confined to the minimum necessary to alleviate such hazard.

- b. No more than one week before the start of any demolition and removal activities, earth disturbance, or vegetation clearance carried out during the period between February 1 and September 15 (inclusive), a qualified biologist shall survey the project site to determine whether any active bird nests are present at the project site and to identify the species of bird occupying such nest(s). The results of such survey shall be delivered, in writing, to the office of the Morro Bay Community Development Director no less than 48 hours prior to commencement of work activity.
- c. If active nests occupied by any sensitive species are found, no work shall commence until an appropriate buffer and mitigation plan have been developed in consultation with the City, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service. For purposes of this Mitigation Measure, the following are considered to be sensitive species:

- brant (*Branta bernicula*)
- harlequin duck (*Histrionicus histrionicus*)
- common loon (*Gavia immer*)
- American white pelican (*Pelecanus erythrorhynchos*)
- California brown pelican (*Pelecanus occidentalis californicus*)
- double-crested cormorant (*Phalacrocorax auritus*)
- least bittern (*Ixobrychus exilis*)
- osprey (*Pandion haliaetus*)
- white-tailed kite (*Elanus leucurus*)
- northern harrier (*Circus cyaneus*)
- sharp-shinned hawk (*Accipiter striatus*)
- Cooper's hawk (*Accipiter cooperii*)
- ferruginous hawk (*Buteo regalis*)
- golden eagle (*Aquila chrysaetos*)
- merlin falcon (*Falco columbarius*)
- American peregrine falcon (*Falco peregrinus anatum*)
- prairie falcon (*Falco mexicanus*)
- California black rail (*Laterallus jamaicensis coturniculus*)
- western snowy plover (*Charadrius alexandrinus nivosus*)
- black oystercatcher (*Haematopus bachmani*)
- whimbrel (*Numenius phaeopus*)
- long-billed curlew (*Numenius americanus*)
- marbled godwit (*Limosa fedoa*)
- black turnstone (*Arenaria melanocephala*)
- sanderling (*Calidris alba*)
- short-billed dowitcher (*Limnodromus griseus*)
- Heerman's gull (*Larus heermanni*)
- California gull (*Larus californicus*)
- elegant tern (*Sterna elegans*)
- black Skimmer (*Rhynchops niger*)
- marbled murrelet (*Brachyramphus marmoratus*)
- ancient murrelet (*Synthliboramphus antiquus*)
- Cassin's auklet (*Ptychoramphus aleuticus*)
- rhinoceros auklet (*Cerorhinca monocerata*)
- western burrowing owl (*Athene cunicularia*)

- California spotted owl (*Strix occidentalis occidentalis*)
 - Allen's hummingbird (*Selasphorus sasin*)
 - olive-sided flycatcher (*Contopus cooperi*)
 - willow flycatcher (*Empidonax traillii*)
 - loggerhead shrike (*Lanius ludovicianus*)
 - purple martin (*Progne subis*)
 - oak titmouse (*Baeolophus inornatus*)
 - wrenit (*Chamaea fasciata*)
 - California thrasher (*Toxostoma redivivum*)
 - yellow warbler (*Dendroica petechia*)
 - large-billed savannah sparrow (*Passerculus sandwichensis rostratus*)
 - tri-colored blackbird (*Agelaius tricolor*)
- d. If active nests occupied by any non-sensitive species other than raptors are found, a buffer zone 250 feet in radius shall be established around each such active nest. Construction fencing shall be erected around the perimeter of each such buffer zone and signage shall be prominently displayed indicating that no work activity is permitted within the buffer. Construction fencing shall be maintained in place and in good repair and work activity shall remain outside of designated buffer zones until a qualified biologist has determined that the young have fledged and are no longer reliant on parental care.
- e. If active nests occupied by any non-sensitive raptor species are found, a buffer zone 500 feet in radius shall be established around each such active nest. Construction fencing shall be erected around the perimeter of each such buffer zone and signage shall be prominently displayed indicating that no work activity is permitted within the buffer. Construction fencing shall be maintained in place and in good repair and work activity shall remain outside of designated buffer zones until a qualified biologist has determined that the young have fledged and are no longer reliant on parental care.

Monitoring BR-6: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological Monitoring Plan, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure BR-7: Non-diseased and non-hazardous mature trees removed in conjunction with the demolition project, including those removed without permits in 2017, shall be replaced with 5- or 15-gallon trees in compliance with the City's Major Vegetation Removal, Replacement and Protection Guidelines, using in-kind and other species appropriate to the conditions of the replacement planting location at a minimum 2:1 ratio either on the project site. The timing of future replacement tree planting shall be at the discretion of the City Community Development Director. Newly planted trees onsite shall be maintained until successfully established. In the event that any of the replacement trees should die within 3 years after planting, such trees shall be removed and replaced by the applicant. Watering shall be controlled so only enough is used to initially establish the tree, and reducing to zero over a 3-year period. Once trees have been planted and prior to final inspection, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the City Community Development Department.

Monitoring BR-7: These measures shall be incorporated into a Tree Restoration Plan to be submitted as part of the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance with the approved Biological

Monitoring Plan, the Arborist Report, and receipt of documentation from the biological monitor confirming compliance.

Mitigation Measure CR-1: Prior to the initiation of demolition actions, including equipment and materials staging and storage, a qualified archaeologist shall conduct a cultural resource awareness training for construction crews and supervisors. The cultural resource awareness training shall include the following: (1) a description of the kinds of resources that may be found in the area, (2) the importance of cultural resources to the Native American community, (3) a discussion of laws pertaining to significant archaeological and historical sites, and (4) protocols to be used in the event of an unanticipated discovery.

Monitoring CR-1: The City Community Development Department shall verify receipt of documentation from the qualified archaeologist confirming that all project personnel have completed the required training.

Mitigation Measure CR-2: In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other demolition activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, a qualified archaeologist and/or paleontologist, and Native American monitor, shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

Monitoring CR-2: These measures shall be included as notes on the demolition plan set, for review and approval by the City Community Development Department. The City Community Development Department shall verify compliance.

Mitigation Measure CR-3: Prior to ground disturbance, the applicant shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior Professional Qualification Standards for archaeology, to prepare and implement a Cultural Resources Monitoring Plan. The plan shall include procedures and policies for the following: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) compliance reporting; (4) construction crew training regarding cultural resources; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The archaeological monitor and similarly qualified locally affiliated Native American representative(s) shall be present during ground-disturbing activities. The archaeological monitor shall submit a monitoring report to the City Community Development Department following completion of all required monitoring activities.

Monitoring CR-3: The City Community Development Department shall verify receipt and compliance with the approved Cultural Resources Monitoring Plan. The name and contact information of the project archaeologist shall be listed on the plans submitted for a demolition permit.

Mitigation Measure HM-1: Prior to the initiation of demolition actions, the applicant shall submit all documentation of the County of San Luis Obispo Department of Public Health Department approval of the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016). A copy of the County permit and all supporting documentation shall be available for review onsite at all times, and the applicant shall comply with all approved policies and measures identified in the document. The applicant shall comply with all existing regulations protecting public health and safety, as well as all of the following conditions required by the County in the approval letter dated March 14, 2017:

- a. The applicant shall schedule with the County of San Luis Obispo Public Health Department and City of Morro Bay Fire Department a pre-demolition safety meeting to ensure all safety measures

are in place, and that a pre-demolition safety meeting for workers has been conducted and documented.

- b. Inspections shall be scheduled with the County of San Luis Obispo Public Health Department inspector and the City of Morro Bay Fire Department, which will include certification of a safe atmosphere in the tanks and piping before demolition, inspection of piping before removal, and soil sampling beneath removed piping.
- c. The applicant shall provide copies of tank and piping atmosphere monitoring documentation to the County of San Luis Obispo Public Health Department and the City of Morro Bay Fire Department, confirming the atmosphere is safe and non-explosive, before demolition.
- d. The applicant shall provide copies of all soil sample lab analysis to the County of San Luis Obispo Public Health Department prior to contaminated soil disposal.
- e. The applicant shall consult with the County of San Luis Obispo Public Health Department and provide justification for approval before closing any pipeline in place.
- f. The applicant shall submit copies of waste disposal manifests, signed by the Treatment, Storage, and Disposal Facility (TSDF), within 45 days after disposal.
- g. Post-demolition, the applicant shall submit the following supporting documents to the County of San Luis Obispo Public Health Department:
 1. A soil assessment report from the AGT system removal that complies with all applicable guidance from the California Environmental Protection Agency (CalEPA) and the U.S. Environmental Protection Agency (USEPA), particularly the Department of Toxic Substances (DTSC) Preliminary Environmental Assessment (PEA) Manual;
 2. A Phase 1 Environmental Assessment;
 3. A work plan to perform a Phase 2 Environmental Assessment that includes environmental sampling and soil gas sampling for volatile organic compounds (VOCs) that comply with the DTSC Soil Gas Investigation Advisory, 2012;
 4. A Phase 2 Environmental Assessment Report; and
 5. A Human Health Risk Assessment that complies with all applicable guidance from CalEPA, USEPA, and the County of San Luis Obispo Public Health Department.
- h. The applicant shall coordinate to determine if a Remediation Action Plan (RAP) is required for the proposed project. A RAP may be required if environmental sampling indicates a potential unacceptable risk to future residents exists.

Monitoring HM-1: The City Community Development Department shall verify receipt of approval documentation from the County of San Luis Obispo Public Health Department, and shall verify compliance with all policies and guidelines identified in the County permit and all supporting documentation.

Mitigation Measure HM-2: Prior to initiation of demolition actions, the applicant shall prepare and submit a Spill Prevention Control and Countermeasure Plan to the City Community Development Department. The plan shall supplement the approved *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) and identify hazardous materials to be used onsite and offsite, and shall identify procedures for storage, distribution, and spill response. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering any existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination. The plan shall be implemented by the construction contractor, and verified by the Fire Chief.

Monitoring HM-2: The City Community Development Department shall verify receipt of approval documentation from County of San Luis Obispo Public Health Department, and shall verify compliance with all policies and guidelines identified in the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application and *Contingency Plan for Discovered Hazardous Waste* (Bedford Contracting, Inc. 2016) in consultation with the County of San Luis Obispo.

Mitigation Measure N-1: Prior to demolition actions, the applicant shall ensure that the following standard is included on the Demolition Plan, and shall verify compliance during construction and demolition: Use of metal shears, saws, jackhammers, and other equipment that produces sound at a level greater than 60 dB LA_{max} when measured at the exterior wall of any nearby residence shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m. Operation of trucks or other vehicles greater than 10,000 pounds in gross weight, either at the project site or on public streets, shall be limited to Monday through Friday, 8:00 a.m. to 5:30 p.m.

Monitoring N-1: The construction contractor shall be responsible for complying with demolition restrictions and notifying the City Community Development Department at least 1 week prior to initiation of demolition activities. The City shall conduct periodic inspections to verify compliance.

Mitigation Measure N-2: In compliance with the recommendations included in the Construction Noise Analysis prepared for the proposed project, the following measures shall be implemented by the applicant and/or contractor to minimize short-term construction noise generated by project activities:

- a. Prior to demolition actions, the application shall develop a public outreach program. An effective public information program provides a mechanism for notifying adjacent residents of the project. The public outreach program shall describe what the project is, the proposed duration, daily hours, haul routes, etc. This program would be best accomplished with a postcard or flyer that details activities in a timeline. It should provide a phone number, e-mail address, or other way the public can submit noise concerns or complaints on the informational mailing.
- b. The contractor shall provide project level onsite worker training given by the foreman in noise sensitivity and noise-specific issues associated with the project including proper equipment operation.
- c. The contractor shall ensure noisy equipment is only used when necessary and turned off when not in use.
- d. The contractor shall avoid grouping equipment as much as possible.
- e. The contractor shall use modern equipment (Tier 3 or higher) in proper tune to the maximum extent feasible.
- f. The contractor shall use factory mufflers.
- g. Whenever possible, the contractor shall position stationary noise sources, such as generators and compressors, as far away as possible from noise sensitive areas. If relatively static equipment such as pumps, generators, compressors, etc. must be located in close proximity to sensitive receptors, the contractor shall utilize existing shielding from the large existing berm and or existing structures and support facilities.
- h. If necessary, the contractor shall monitor noise levels during construction. If noise complaints are received, the contractor shall provide noise monitoring compliance checks.
- i. The contractor shall implement reduced speed limits (15 miles per hour) for trucks travelling to, from, and through the project site.

Monitoring N-2: The construction contractor shall be responsible for complying with these measures and notifying the City Community Development Department at least 1 week prior to initiation of demolition activities. The City Engineer shall conduct periodic inspections to verify compliance. All monitoring reports shall be submitted to the City Community Development Department for review.

Mitigation Measure TR-1: Prior to initiation of demolition actions, the applicant shall prepare and submit a Construction Staging and Traffic Management Plan for approval by the City Community Development Department. The plan shall be implemented during construction, and shall include, but not be limited to, the following elements:

- a. All employees shall be notified of the designated truck route and staging area locations.
- b. Vehicle speed on the site shall be limited to 15 miles per hour or less.
- c. On-street parking shall not occur during project activities.
- d. Vehicle or equipment queuing shall not occur in a manner that would block or restrict on-street traffic.
- e. Before and after video inspection of the proposed truck route. Any damage, to City facilities (e.g., curb/berm, street, sewer line, water line) or any public improvements caused by, or arising from, proposed demolition activities shall be repaired by applicant at no cost to the City of Morro Bay.

Monitoring TR-1: The construction contractor shall be responsible for complying with traffic mitigation measures and notifying the City Community Development Department at least 1 week prior to initiation of construction activities. Public Works staff shall conduct periodic inspections to verify compliance.

Acceptance of Mitigation Measures by Project Applicant:

Applicant	Date
------------------	-------------

EXHIBIT D



City of Morro Bay
COMMUNITY DEVELOPMENT DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

RESPONSE TO COMMENTS ON THE
CIRCULATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

The letters of comment for the 3300 Panorama Drive, Demolition of Tanks and Associated Structures Project Initial Study and Proposed Mitigated Negative Declaration (MND) are provided below, with the responses following the individual letters. Letters of comment are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the responses to those comments.

3300 Panorama Drive
CASE NO. UP0-440 & CP0-500
DATE: June 2018

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MND 18.PC 1. Response to: Sarah Carvill, Coastal Planner, Coastal Commission (Santa Cruz) (March 30, 2018)

Telephone comment summary: Received information, everything looks fine.

- 1.1 Thank you for your comment. No revisions to the IS/MND are necessary in response to this comment.

MND 18.PC 2. Response to: Ruth Kapka, Appraiser (March 14, 2018)

Telephone comment summary: General questions about the scope of the proposed project.

- 2.1 Thank you for your comment. No revisions to the IS/MND are necessary in response to this comment.

MND 18.PC 3. Response to: Kathern Belt, General Public (March 7, 2018)

Telephone comment summary: Interested in purchasing a home in the neighborhood; general questions about the scope, timing, etc.

- 3.1 Thank you for your comment. No revisions to the IS/MND are necessary in response to this comment.

MND 18.PC 4. Response to: Freddy Romero, Santa Ynez Tribal (March 6, 2018)

Telephone comment summary: No comment, will defer to local tribes.

- 4.1 Thank you for your comment. No revisions to the IS/MND are necessary in response to this comment.



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT
Jeff Hamm *Health Agency Director*
Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

March 30, 2018

City of Morro Bay Community Development Department
Attn: Nancy Hubbard
955 Shasta Ave
Morro Bay, CA 93442

Draft Mitigated Negative Declaration for 3300 Panorama Drive, Morro Bay, CA

Dear Ms. Hubbard,

The following are comments produced during the review of the Mitigated Negative Declaration for the subject site:

1. Notice of Intent Document:
 - a. The statement on the first page "The sources of potential future releases from the facility have been eliminated..." The tanks do not have product and it was reported the product was removed from the pipelines but we are unsure if all product was removed from the entire piping system. It is possible some product or residual in piping may exist.
 - b. The last sentence on the first page should state CCR Title 22 not CCR Title 33.
2. Draft Mitigated Negative Declaration Document
 - a. The sentence on page 2 should state CCR Title 22 not CCR Title 33.
 - b. The first paragraph, last sentence on page 2 should include the City of Morro Bay Fire Department.
 - c. Page 7 Appendix List: Should list any City of Morro Bay Fire Department, Fire Code conditions for the demolition. A Fire agency has authority to stop work if unsafe conditions exist during the demolition.
 - d. Page 9, first paragraph:
 - i. 6th sentence: The same comment from 1a above applies.
 - i. 7th sentence: The same comment from 1b above applies.
 - e. Page 9 second paragraph:
 - i. 5th sentence should include a reference to the soil management plan and hazardous waste contingency plan.
 - f. Page 12, second paragraph:
 - i. 2nd sentence: should include possible pipeline fluid or residuals.

5.1

5.2

County of San Luis Obispo Health Agency

2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211
www.slopublichealth.org

- g. Page 16, fourth paragraph, 3rd sentence: should include the soil management and sampling plan
 - h. Page 20, last section: should include the City of Morro Bay Fire Department.
 - i. Page 59, Condition b: these inspections should include the City of Morro Bay Fire Department.
 - j. Page 59, Condition c: this certification should also be provided to the City of Morro Bay Fire Department.
 - k. Page 59, Condition g, item 5: this was indicated as a potentially required future assessment according to our June 24, 2016 letter.
 - l. Page 90, Condition b: these inspections should include the City of Morro Bay Fire Department.
 - m. Page 90, Condition c: this certification should also be provided to the City of Morro Bay Fire Department.
 - n. Page 90, Condition g, item 5: this was indicated as a potentially required future assessment according to our June 24, 2016 letter.
 - o. General comment: The project applicant can apply to this agency for a time extension of the Aboveground Hazardous Materials Storage Tank and Piping Closure permit.
3. Appendix C
- a. We could not locate any permits or declarations on Fire Code Requirements for the AST Demolition Process.

5.2
(cont'd)

5.3

Please contact Tricia Atkins at (805) 781-1105 or me for questions at 805-781-5595

Sincerely,



Aaron LaBarre, REHS
Supervising Environmental Health Specialist
Hazardous Materials Program

County of San Luis Obispo Health Agency

2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211
www.slopublichealth.org

MND 18.PC 5. Response to: Aaron LaBarre, County of San Luis Obispo Health Department (March 30, 2018)

- 5.1 Thank you for your comment. The participation of the County of San Luis Obispo Public Health Department in the public review of this document is appreciated. The commenter states that the tanks do not have product and that it was reported the produce was removed from the pipelines, but the department is unsure if all product was removed from the entire piping system. The commenter states that it is possible some product or residual may exist in piping. The commenter also states that the reference to CCR Title 33 should be CCR Title 22.

The statement “The sources of potential future releases from the facility have been eliminated...” has been removed from the IS/MND in response to this comment (refer to Page 9). Additionally, the references to CCR Title 33 have been revised to reference CCR Title 22 (refer to Pages 2 and 9).

- 5.2 The commenter includes several recommended revisions to the IS/MND including revisions to the Project Description, Section 8 (Hazards/Hazardous Materials) and Appendix A.

All of the commenter’s suggested revisions have been incorporated. All references to CCR Title 33 have been revised to reference CCR Title 22 (refer to Pages 2 and 9). The City of Morro Bay Fire Department has been included in the list of supervising agencies (refer to Page 2). The impact analysis related to wild land fires and demand for fire protection has been revised to reference compliance with the City of Morro Bay Fire Department’s Fire Code conditions for demolition (refer to Pages 58 and 69). The statement “The sources of potential future releases from the facility have been eliminated...” has been removed from the IS/MND in response to this comment (refer to Page 9). The Project Description has been revised to include compliance with the Soil Management and Sampling Plan and Hazardous Waste Contingency Plan (refer to Page 9). The Transport and Disposal section has been revised to include a reference to possible pipeline fluid or residuals (refer to Page 12). The Resource Protection (Hazardous Materials) section of the Project Description has been revised to include compliance⁴ with the Soil Management and Sampling Plan (refer to Page 16). The “Other Public Agencies Whose Approval is Required” section has been revised to include the City of Morro Bay Fire Department (refer to Page 20). Mitigation Measure HM-1 (conditions b and c) has been revised to include inspection and certification by the City of Morro Bay Fire Department (refer to Pages 58, 88, and 89).

- 5.3 The commenter states that they were unable to locate any permits or declarations on Fire Code Requirements for the AST Demolition Process. The impact analysis related to wild land fires and demand for fire protection has been revised to reference compliance with the City of Morro Bay Fire Department’s Fire Code conditions for demolition (refer to Pages 58 and 69).

RE: Panorama
Project

- 1) Performance Bond
in place
- 2) Please have a
name & phone #
posted for questions
@ site
- 3) Timeline for Project
completion.

CATHY & ALAN BELT
allancathybelt@
gmail.com

RECEIVED

MAR 30 2018

City of Morro Bay
Community Development Dept.

6.1

6.2

6.3

Nancy Hubbard

From: Nancy Hubbard
Sent: Friday, March 30, 2018 2:28 PM
To: allancathybelt@gmail.com
Cc: Nancy Hubbard
Subject: 3300 Panorama

Thank you for stopping into the office today with your comments/questions.

The following is a brief response:

1. The applicant has stated that they are willing to obtain a performance bond and likely that will be a condition of the permit, when and if issued.
2. There will be a person assigned to manage all neighborhood communication during construction and that contact information will be posted on the site.
3. The timeline is unknown at this time. However, the expectation is that the work will be less intense than original proposed and will likely span over a 3-4 month period.

I hope I have addressed your concerns. Please let me know if I can be of any further assistance.

Nancy Hubbard
Contract Planner
805-772-6211
nhubbard@morrobayca.gov

MND 18.PC 6. Response to: Cathy and Allen Belt (March 30, 2018)

- 6.1 Thank you for your comments. The commenter requests that a performance bond be in place. The project applicant has stated that they are willing to obtain a performance bond and likely that will be a condition of the permit, when and if issued. This requirement will be incorporated as a condition of approval for the project.
- 6.2 The commenter requests that a name and phone number be posted for questions at the site. The applicant has confirmed that there will be a person assigned to manage all neighborhood communication during construction and the contact information will be posted at the site. This requirement will be incorporated as a condition of approval for the project.
- 6.3 The commenter requests a timeline for project completion. The timeline for the proposed project is unknown at this time; however, work activities are expected to require 3 to 4 months to complete.

Comments Regarding the 3300 Panorama Drive Mitigated Negative Declaration (MND)

Carole Truesdale

Fri 3/30/2018 11:01 PM

To:nhubbard@morrobayca.gov <nhubbard@morrobayca.gov>;

Cc:Carole Truesdale <carole_wing_slo@hotmail.com>;

RECEIVED

MAR 30 2018

City of Morro Bay
Public Works Department

Dear Ms. Hubbard,

Comments Regarding the 3300 Panorama Drive Mitigated Negative Declaration (MND)

Page 3: (bottom paragraph) Project Site is **NOT** "surrounded by high-density residential to the west and south." There are existing Single-Family homes, which are one and two-stories. Please correct.

7.1

Page 11: Site Demolition Map fails to show location of Sicily Street and its relation to Project Site.

7.2

Page 13: Security Gates will be located exactly where on Project Site? Please show on Maps and describe in document.

7.3

Page 16: Why is the property owner spending vast amounts of money to clear the Project site, if he has "... no known or anticipated specific future development plans for Project Site.?" Please explain.

7.4

Page 17: Map fails to show location of Sicily Street on Map.

7.5

Page 19: Table fails to state number of truck trips per day.

7.6

Page 21: "Environmental Setting and Impacts #18 Utility/Service Systems" should have been checked for "Potentially Significant Impact" because of existing old water & sewer pipes under the streets that may be damaged by the proposed heavy truck loads; and the potential for loss of water/sewer services during their repair or replacement. The affected streets are Sicily St., Main St., Tahiti St., Yerba Buena, Panorama St.

7.7

Page 28: The Project Site property owner must address the possibility of implementing a Single-Family Planned Development on the Project Site. The Project Mitigated Negative Dec. fails to address this important issue. This is

7.8

called "piecemealing of project" under CEQA. An EIR must include an analysis of the environmental effects of future expansion or other action if it is a reasonably foreseeable consequence of the initial project (a Demolition Project), and the future expansion or action (a Single Family Planned Development) will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Please address this issue.

7.8
(cont'd)

Page 31: Will Highway 41 be the route to haul demolished material to the North County Recycling Center in Paso Robles? What route will be taken?

7.9

Page 73: Who is responsible for the Before & After Video Inspections water, sewer pipes, street conditions, of proposed truck routes? How will the Before & After conditions be documented, and by whom? Where will the videos be on file?

7.10

Page 76: Where will the proposed non-potable water truck get its non-potable water?

7.11

Page 77: The Project has impacts that are cumulatively considerable - the incremental effects of probable future projects such as a Single-Family Planned Development subdivision. This issue must be addressed.

7.12

Thank you for responding to my questions...my contact email is:
carole_truesdale@hotmail.com.

Kind regards,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

MND 18.PC 7. Response to: Carole Truesdale (March 30, 2018)

- 7.1 Thank you for your comments. The commenter requests that the statement "...surrounded by high-density residential to the west and south" be revised to reflect single-family homes which are one and two stories.

This sentence has been revised to state that the project site is surrounded by single-family residential development (refer to Page 3).

- 7.2 The commenter states that the Site Demolition Map fails to show the location of Sicily Street and its relation to the project site.

The Site Plan has been revised to show the location of Sicily Street and access gates. The updated Site plan is included in the Final IS/MND.

- 7.3 The commenter requests that the locations of the security gates be shown on project maps and described in the document.

Refer to Response to Comment 7.2 above.

- 7.4 The commenter asks why the property owner is spending vast amounts of money to clear the project site if he has no known or anticipated specific future development plans for the project site.

The inquiry concerning the property owner's intentions for investing in demolition to clear the property of the long-abandoned jet fuel facilities is not relevant to an appropriate environmental analysis of the impacts of the project. There are no current proposals for any further development of the property beyond the removal of the tanks, piping, and concrete as detailed in the Project Description. Removing the tanks may be required for any future different use of the site. However, the potential for a future use of the property does not change the scope or nature of the demolition activities being proposed under the project.

- 7.5 The commenter states that the Post-Grading Plan Map does not show the location of Sicily Street.

Refer to Response to Comment 7.2 above.

- 7.6 The commenter states that Table 2 fails to state the number of truck trips per day.

Table 2 on Page 19 details the total number of each type of truck trip and its relevant load type. That is further detailed on pages 71 and 72 of the MND. The total number of truck trips is projected to be 131 round trips. Assuming the project takes the entire 90 projected days to complete, the average daily round trips for the trucks would be 1.5. Assuming the work can be completed in 60 days, the average round trip for trucks would be 2.2. It is not likely that the peak number of daily round trips for trucks during the project would total more than 15-20 in any one day, though, based on existing work plan schedules, it is unlikely such a peak would actually occur.

- 7.7 The commenter states that the "Environmental Setting and Impacts #18 Utility/Service Systems" should have been checked for "Potentially Significant Impact" because of existing old water and sewer pipes under the streets that may be damaged by the proposed heavy truck loads and the potential for loss of water/sewer services during their repair or replacement.

The detailed topics that the checklist recommends be assessed under the Utilities/Service Systems section are set forth on page 75 in Table 18 of the MND. Based on the findings of the Truck Traffic Impact Analysis prepared for the proposed project by DPSI (included as Appendix F to the Draft IS/MND), loading fatigue of the pavement from truckloads should not be a concern along the proposed primary and secondary traffic

routes. The primary and secondary traffic route (a majority Main, Tahiti, and Sicily Street) all have high Pavement Condition Index (PCI) ratings (Category I – Very Good), indicating that road conditions are capable of handling the proposed traffic to and from the proposed project. The trucks that are proposed to be used are five-axle vehicles (tandem rear axles) with dual wheels, which will reduce the pavement fatigue damage by spreading out the loads. A typical garbage truck has a front axial weight of 20,000 pounds and 35,000 pounds distributed over the tandem rear axles. The proposed five-axle trucks that will be used for the demolition have a lighter 12,000 pounds distributed to the front axle and 34,000 pounds distributed over each tandem rear axle even though they are carrying a heavier load. Therefore, the point loading on the sewer and water mains from the proposed five-axle trucks would make the weight over each axle lighter than a typical garbage truck. Also, for every trip over the pavement, a standard garbage truck does more harm to the fatigue of the road than each trip from the 5 axle semi-truck trailer. The MND properly determines that as to each of those items, there is either no impact or a less-than-significant impact. It would therefore be inaccurate to revise the checklist on page 21 to state that the MND determined there was a potentially significant impact to old water and sewer pipes because that is not consistent with the assessment conducted for the MND.

Further, there is also no substantial evidence in the record to support a conclusion that there is any potentially significant impact to those City facilities due to the use of the streets by the trucks. Nevertheless, the MND incorporates Mitigation Measure TR-1, which requires both a video inspection of the proposed truck traffic route, and a requirement that the project owner repair any damage to City facilities (including sewer and water lines underlying the streets of the truck route) caused by the demolition activities. While this matter is properly addressed in a different topic category from what the commenter references, it is nevertheless addressed. The MND fully supports the determination that these potential impacts of the project are less than significant with the incorporated mitigation.

- 7.8 The commenter states that the property owner must address the possibility of implementing a single-family planned development on the project site and states that the MND fails to address this important issue.

This comment is incorrect in its assertion that the property owner must address the possibility of implementing a single-family development on the project site. First, and most importantly, there is not any current pending proposal for a single-family development. Second, the commenter incorrectly relies on a claim that the MND's failure to address some future potential use of the property violates legal standard prohibiting "piecemealing" of projects. Those relevant legal standards were initially formulated by the California Supreme Court in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376.

The Supreme Court in *Laurel Heights* sought a standard that balanced two important considerations. The Court recognized the principle that environmental evaluations of an activity should not be submerged by chopping a project into many little ones that have minimal environmental impact. However, the Court also gave deference to "the fact that premature environmental analysis may be meaningless and financially wasteful." (*Laurel Heights Improvement Assn., supra, at p.396*)

As a result, the Court established the following standard, which it emphasized was very much based on the facts of each case. Specifically, CEQA compliance requires an analysis of environmental effects of future expansion or other action only if two factors are both satisfied: (1) the other action is a reasonably foreseeable ***consequence*** of the initial project; and, (2) the future expansion or action is significant in that it will ***likely change the scope or nature*** of the initial project or its environmental effects (emphasis added). Absent these two circumstances, a future potential action need not be considered in the evaluation of environmental impacts of a proposed project. (*Laurel Heights Improvement Assn., supra, at p. 396*)

Removal of the long unused, and blighting facilities on the site will not create the consequence of future residential development on the site. Such future development will, if and when it occurs, be a consequence

of the zoning designations that are already allocated to the site. Removal of the tanks may be required for a new future different use of the site. However, that removal does not create a residential use as a direct consequence. The first of the two *Laurel Heights* standards cited above is therefore not satisfied.

In addition, any future residential development project will not change the scope or nature of the intended removal of the long-abandoned jet fuel storage and distribution system. The remediation standards that are assured by the permits involve stringent requirements for a Tank System Closure Permit that includes environmental sampling, an approved Hazardous Waste Management Plan and Site Safety Plans. Nothing in the Record suggests that the standards to be satisfied by these remediation requirements, or the environmental impacts associated with such remediation requirements, are being impacted by any pending development proposal. The remediation standards may be informed by the site's present zoning (and its adjacency to existing residential uses). However, those circumstances are part of the existing environmental baseline with respect to the remediation standard evaluations. They are not the result of any foreseeable future project. The second of the two *Laurel Heights* standards cited above is therefore also not satisfied.

Other relevant CEQA cases have confirmed that "[W]here future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences." *Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 855. (Cited by *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 738 and *Rio Vista Farm Bureau Center v. County of Solana* (1992) 5 Cal.App.4th 351, 372).

This matter involves a Mitigated Negative Declaration, not an EIR. However, the legal standard remains the same. Where, as here, there is no pending development proposal for the site, and where such future development proposal would have no foreseeable impact on the nature of the tank removal project, no purpose would be served by the pure speculation of assessing a future unknown residential development as part of the present Permit evaluations. Issuance of the Permits makes no new commitment by the City to future residential development on the site. In addition, issuance of the Permits will not hinder future decision making with respect to the environmental consequences of any future residential development.

CEQA Guidelines Section 15165 address the analysis required for multiple and phased projects. That Guideline does not require analysis of an aspect of a project that is part of some larger undertaking that an agency is not pursuing or approving.

"The fact that the Guideline refers to "projects ... to be undertaken" confirms that it is intended to apply only to a project component that an agency is proposing to implement. It does not extend to preliminary plans, feasibility studies or contemplated development the agency is not proposing to approve or undertake". [*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358, at FN 9]

It is true that remediation activities will be conducted on a site zoned for future residential use. However, no changes are being proposed to any existing land use policies, and there is no pending project for any residential development of the site. Any evaluation of the potential environmental impacts of future residential development of the site are no more known now than they were at the time such zoning was allocated to the site. CEQA was presumably satisfied at the time such zoning was adopted. No change is being proposed to such zoning, no land division is sought, and no use that is reliant on the existing zoning is being approved. No further assessment of the environmental impacts of the existing zoning is therefore required. (See generally, *Black Property Owners Assn. v. City of Berkeley* (1994) 22 Cal.App.4th 974, 985).

Some Courts have applied a slightly different standard concerning whether a development project is being piecemealed. Those Courts have evaluated whether the current development activity has "independent utility". If it does, then that project will be considered as the relevant project even where there is some,

albeit speculative, future development that is dependent on the current project. (*Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.41 712, 736-737; *Planning and Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.41h 210, 148.) It is clear that removal of the blighting tanks, and further remediation of the site, provides independent utility irrespective of any potential future residential development.

- 7.9 The commenter asks if Highway 41 will be the route used for hauling demolished material to the North County Recycling Center in Paso Robles.

The North County Recycling Center in Paso Robles was used as a reasonable example at the time the MND was prepared because the final local receiving recycling facility had not yet been determined. Currently, the demolished materials are anticipated to be hauled to one of the following three potential facilities:

Santa Maria Area Recycling Terminal
and Bedford Enterprises
1940 W Betteravia Rd.
Santa Maria CA 93455

Roxsand
2280 Hutton Rd
Nipomo CA 93444

Cal Portland
1625 E Donovan Rd
Santa Maria CA 93456

The truck route is expected to be Highway 1 South to Highway 101 South.

- 7.10 The commenter asks who will be responsible for the before & after video inspections of water, sewer pipes and street conditions along proposed haul routes and questions how the before and after conditions will be documented, by whom, and where they will be maintained.

The MND includes Mitigation Measure TR-1, which specifies that the Public Works staff will conduct periodic inspections to verify compliance with the mitigation measure. As a result, the City is responsible to ensure that the required before and after video inspections of relevant City facilities is completed. The relevant videos would constitute public records of the City.

- 7.11 The commenter asks where the proposed non-potable water truck will get its non-potable water.

The intention is to use municipal water from the onsite service or a hydrant meter. If either of those water sources provide "potable water" versus non-potable water", the reference to the non-potable water truck in the equipment list on page 9 of the MND, as well as references to nonpotable water on pages 36 and 76 of the MND should be revised to delete reference to nonpotable. It is also important to confirm that the reference to non-potable was not intended to reflect use of reclaimed water. Our contractors have investigated the potential of using reclaimed water for the uses described for non-potable water in the MND. That contact was conducted with the Morro Bay/Cayucos Wastewater Treatment Plant and the Los Osos Water Recycling Facility. Neither facility offers reclaimed water to the public. As far as we know, there is no local source for reclaimed water. It is on that basis that the intention is to use municipal water from the onsite service or a hydrant meter.

- 7.12 The commenter states that the project has cumulatively considerable impacts related to the incremental effects of probable future projects such as a single-family planned development subdivision and requests that this issue be addressed.

Please refer to Response to Comment 7.7, above for a discussion pertaining to the project description and piecemealing.

Nancy Hubbard

From: Kristen Headland <DonKris@Charter.Net>
Sent: Friday, March 30, 2018 4:36 PM
To: Nancy Hubbard
Subject: 3300 PANORAMA DRIVE, MORRO BAY

Hello Nancy,

I have review the new documents for 3300 Panorama Drive and would like to point out an error. On Saturday June 24, 2017 and Sunday, June 25, 2017 several trees were cut down on the property. The Planning Department's new documents report that the trees were cut down in February 2017. I filed a City Code Violation regarding the illegal cutting down of the trees and you have my document. Why do you believe these trees were cut down in February 2017?

8.1

Thank You
Kristen Headland

MND 18.PC 8. Response to: Kristen Headland (March 30, 2018)

- 8.1 Thank you for your comment. The commenter states that several trees were cut down on the property on June 24-25, 2017, not in February 2017 as stated in the Draft IS/MND. The IS/MND has been revised to reflect this correction (refer to Pages 7, 15, and 25).

March 27, 2018

Mr. Joseph W. Pannone, Esq.
Morro Bay City Attorney

City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Re: CASE NO.: UP0-440 and CP0-500, Draft Mitigated Negative Declaration

Mr. Pannone,

The Revised Draft Mitigated Negative Declaration (February 16, 2018) ignores the violation of the CEQA piecemealing provision. The applicant, Chris Mathys stated at the last Planning Commission Hearing on the application (January 3, 2017) that he and his associates planned to develop the site for residential housing, after the tanks were removed. Furthermore in earlier documents, he referred to the various phases (Phase I, Phase II) of the project, once again alluding to the continued development of the project beyond the removal of the tanks.

The CEQA law requires that an EIR be prepared for the entire project start to finish, including the demolition of the tanks, through the building of houses in the R-1 zoned property. The Draft Mitigated Negative Declaration dated February 16, 2018, fails to reconcile the requirement of a proper EIR.

The piecemealing violation was first brought to our attention by the law office of Cynthia Hawley at the MB Planning Commission hearing on January 3rd, 2017. The violation was reinforced by the same law office in March of 2017, clarifying the issue of piecemealing and the protocol for preparing an EIR vs a MND.

As we understand the current draft MND, the director of the Morro Bay City Community Development Department, Mr. Scot Graham, is the local administrator of CEQA regarding the Revised Draft Mitigated Negative Declaration.

Our questions: As there is no stated purpose in the MND regarding the removal of the tanks, is the applicant planning to turn the site into a park, return it to its natural state, proposing development? How does the Community Development Department-Planning Division plan on reconciling the piecemealing violation of CEQA regarding CP0-500, UP0-440?

We would appreciate a written response to our question as soon as possible. The ten day response time required for properly submitted documents will be perfectly adequate.

Morro Bay Stakeholders: Ed Griggs, Kristen Hedland, Annie Pavarski, Carole Truesdale
Carole Truesdale, Ed Griggs, Kristen Hedland, Annie Pavarski

Attachments: Comments on the Proposed Approval of CP0-500, UP0-440 January 2017
Application of the California Environmental Quality Act, March, 2017

CC: MB City Council; Planning Commission; Nancy Hubbard; Planning & Development; City of Morro Bay Lead Contact Agency, City Manager

9.1

**Application of the California Environmental Quality Act to the proposed
demolition of jet fuel infrastructure and residential development at
3300 Panorama Avenue in the City of Morro Bay.**

**What is the difference between a negative declaration and an
environmental impact report (EIR)?**

According to the California Resources Agency:¹

A Negative Declaration is a document that states, upon completion of an initial study, that there is no substantial evidence that the project may have a significant effect on the environment.

An EIR is an informational document which will inform the public agency decision-makers and the public generally of:

- the significant environmental effects of a project
- possible ways to minimize significant effects
- reasonable alternatives to the project

The negative declaration is required to provide a description of the proposed project and make findings related to environmental conditions. It includes a copy of the initial study, which provides enough environmental information to support the findings that there is no substantial evidence that the project may have a significant effect on the environment. A mitigated negative declaration includes mitigation measures that are added to the project that purportedly avoid or reduce potentially significant effects to a level of insignificance.

The EIR, on the other hand, is "the heart of CEQA." An EIR is prepared when a project *may* cause a significant effect on the environment and serves to inform the public and the agency of the environmental impacts a project *may* cause. *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795.

"The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." The mitigation measures and alternatives are the core of the EIR. *Citizens of Goleta Valley v Board of Supervisors* (1990) 52 Cal.3d 553.

The only way to analyze the impacts of this project and to avoid and/or mitigate them is through an EIR.

¹ http://resources.ca.gov/ceqa/flowchart/lead_agency/EIR-ND.html

Along with other alternatives, an EIR is required to consider the "no project" alternative – the cancellation of the project – and to identify the environmentally superior alternative. CEQA Guidelines Article 9, Contents of Environmental Impact Reports.

How does the agency decide between a negative declaration and an EIR?

According to the California Resources Agency as cited above:

A Negative Declaration can be prepared only when there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment. CEQA section 21080 and CEQA Guidelines section 15070.

An EIR must be prepared when there is substantial evidence in the record that supports a fair argument that significant effects may occur. CEQA section 21080; Guidelines section 15384 (fair argument); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.

CEQA requires a specific sequence of steps.

The first step is a determination of whether CEQA applies to a project. Once a project application is accepted as complete, a preliminary environmental evaluation is required to determine whether a project is subject to CEQA. (Guidelines §15060)

If CEQA does apply, the next step is to determine whether an Environmental Impact Report is required. This determination is made "... either during preliminary review under §15060 or at the conclusion of an initial study..." (Guidelines §15081) In this case, the City of Morro Bay determined that an EIR was not required based on information in the Initial Study.

Under Guidelines §15064 "If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR." (According to the Public Resources Code, use of the word "shall" means an act is mandatory.)

If, for example, the Initial Study in the 3300 Panorama Project shows that there is substantial evidence that the proposed project may have a significant effect on the environmentally sensitive habitat area on the site, an EIR is required under CEQA. In this case, while the City admits that the demolition and removal of pipeline will occur in the ESHA setback area and may impact ESHA on the site, it did not prepare an EIR to analyze those possible impacts in violation of CEQA.

The City also did not consider substantial evidence in light of the whole record of the proposed project. It did not consider the fact that the property is a superfund site and that disturbance of the infrastructure and soil may cause harms to soil,

water, air, and humans. And, it did not consider the whole project including the second phase of residential development and whether the whole project may have an effect on the environment. More on the requirement for an EIR is in the report provided to the City.

The failure to include the whole Project in the environmental review results in serious violations of CEQA, denies the public its right to participate in an informed decisionmaking process, and threatens potential harms to public environmental resources and, in this case, to humans because the property is a superfund site.

What is piecemealing?

Piecemealing is the segmentation of the environmental review of a project for the purpose of evading environmental considerations of the project as a whole.

Is the City of Morro Bay piecemealing the environmental review of planned development of the 3300 Panorama site?

Yes. The demolition and removal of the jet fuel infrastructure is the first step toward residential development of the site and the City is reviewing the demolition in isolation from the residential development in order to evade consideration of the environmental impacts of the project as a whole.

What are the laws that back this up?

CEQA Guidelines (California Code of Regulations) Section 15003(h) states that:

(h) The lead agency must consider the **whole** of an **action**, not simply its constituent parts, when determining whether it will have a significant environmental effect.

Case law is clear that piecemealing occurs when the project being reviewed is the first step toward future development. (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 398)

Here are some examples:

- Annexation of land into a city so it could be rezoned for development. (California Supreme Court in *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 269-270)
- Rezoning land as the first step to approval of a specific development project. (*City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 244)
- Approval of road and sewer construction “to provide a catalyst for further development”. “...construction of the roadway and utilities cannot be considered in isolation from the development it presages.” (*City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1337)

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Prepared by the law office of Cynthia Hawley
For the Morro Bay Stakeholders
March 2017

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In the case of *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, the California Supreme Court set aside an EIR for failing to analyze the impacts of the reasonably foreseeable second phase of a multi-phased project.

How are the decision makers affected by piecemealing the whole project into two separate projects?

Because this project has been piecemealed into phases and the demolition phase is being analyzed separately for environmental impacts and project approval, the Planning Commissioners and the Council Members risk:

- a precommitment to the next phase of the project – the residential development phase;
- loss of an open mind for later review of data and analysis of the residential development of the site for which the first phase has already been approved;

Case law has linked “precommitment” to a lack of transparency. (Pugsley, *Timing is Everything: Ensuring Meaningful CEQA Review by Avoiding Improper “Precommitment” to a Project*, California Environmental Law Reporter, Matthew Bender, May 2009, p. 244.)

How do you determine what amounts to the whole project?

A proposed project is part of a larger project for CEQA purposes if the proposed project is a crucial functional element of the larger project such that, without it, the larger project could not proceed. *Communities for a Better Environment v. City of Richmond* (2010)184 Cal.App.4th 70, 99.

Where the expansion of the sewer system was a required or crucial element of a residential development without which the development could not go forward, the EIR had to consider the environmental effects of the sewer expansion. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729-731.

Clearing the site by demolition and removal of the jet fuel infrastructure is part of the residential development – the whole project – for purposes of CEQA review of environmental impacts because it is the first step toward the residential development and it is a required element of the residential development that could not go forward without it.

Should the project description in the Initial Study include a description of the foreseeable residential development for which the demolition of the jet fuel infrastructure is the first step?

Yes. The purpose of the Initial Study is to determine whether an environmental

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impact report or a negative declaration is required by CEQA. Since a "project under CEQA means "... the whole of an action...." (CEQA Guidelines section 15378) a project description is required to include the whole action. A negative declaration is legally inadequate where it does not address the impacts of anticipated future plans. This is one reason why an EIR is required for this proposed project.

"Where an agency fails to provide an accurate project description ... a negative declaration is inappropriate." (Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1202)

"...an EIR must include a analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376.

The law is clear that a failure to provide information required by CEQA – such as a project description of the whole project – is a violation of CEQA. The purposes of CEQA are subverted if material necessary for informed decisionmaking and informed public participation is omitted. *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892.

The environmental review within the Initial Study of the proposed 3300 Panorama project must include the future residential development because that second phase is a reasonably foreseeable consequence of the clearing of the property by demolition of the jet fuel infrastructure and the foreseeable residential development will change the scope and nature of the demolition and its environmental effects.

Therefore, it does not matter whether the property owners claim that they haven't decided yet whether they will build residences on the site or that they might sell the property to another owner or that the owners have not filed an application to develop the property with residences for which it is zoned. None of these are the test for whether the foreseeable future residential development must be included in the environmental review of the demolition phase of the whole project.

Should the City approve the Negative Declaration where the project description did not include the whole project?

No. The City of Morro Bay may legally decide whether a negative declaration or an EIR is required only after a description of the whole project is included in the initial study. And, as a practical matter, without a description of the whole project – the demolition and the residential development – it is impossible for the Planning Commission, the City Council and the public to decide whether an EIR is required.

**COMMENTS ON THE PROPOSED APPROVAL OF CDP #CPO 500 AND
CONDITIONAL USE PERMIT #UPO-440**

Demolition of military jet fuel tanks, piping and pump equipment at 3300 Panorama

Prepared by Cynthia Hawley, Attorney

January 3, 2018

The Planning Commission should deny the project application for the following reasons.

The whole project is being unlawfully piecemealed.

This project amounts to pre-construction preparation for residential development of the site. Under CEQA a "Project means the whole of an action" that has a potential for causing a direct or indirect change in the physical environment. CEQA forbids piecemealing environmental review of a project. It prohibits segmentation of the environmental review of a whole action for the purpose of evading environmental considerations of the project as a whole. In the case of *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, the California Supreme Court set aside an EIR for failing to analyze the impacts of the reasonably foreseeable second phase of a multi-phased project.

The demolition and removal of structures is not a stand-alone project. Rhine LP and Morro 94, LLC or CVI Group, LLC (see below) are not clearing the property of jet fuel tanks and delivery systems on soil known to be contaminated with toxic jet fuel for the benefit of the community. As a matter of law, the whole project that has the potential for causing direct or indirect changes in the environment includes the reasonably foreseeable next phase of residential development of the site for which the site is now being cleared.

In addition, the City staff's recommendation to unlawfully approve the proposed segment of the whole project is a denial of the public's right to participate in an informed decision making process - to know and deliberate information about the whole project including the potential environmental effects of the whole project and mitigation measures to reduce those effects.

For example, according to the staff report, in 1997 the Regional Water Quality Control Board indicated that no further action was identified, as no further development was proposed at that time and in the mid 1990s the California Department of Toxic Substance Control (DTSC) "... acknowledged that when the site is converted to residential use it should be reassessed for the presence of contaminants and the need for additional remediation (p.11) If the City approves the first phase of the project - preparation of the site for residential development as if clearing the property was not part of the conversion to residential use - the conversion will have occurred without

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reassessment of the soil and water for the presence of contaminants and of the need for additional remediation / mitigation. By this piecemealing the City would evade environmental considerations of the project as a whole in violation of CEQA.

The City must, as a matter of law under CEQA step back and require the developers to prepare a permit application that contains information about the whole project including demolition of existing structures, reassessment of the site for the presence of contaminants, determination of potentially needed remediation, and the residential development.

The project requires an environmental impact report (EIR) under CEQA.

According to the California Supreme Court, "...since the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact."¹

In this case, the City's own Initial Study Mitigated Negative Declaration shows that the land in question was used for storage and pipeline transport of jet fuel and is currently a US EPA Superfund site. The land is presumed to be contaminated at this time with total petroleum hydrocarbons and a 1996 report identified hydrocarbons and benzene in soil and groundwater samples. As noted above, in 1997, "No further action was identified" because "...no further development was proposed at that time" and it is "...acknowledged that when the site is converted to residential use it should be reassessed for the presence of contaminants and the need for additional remediation" as noted above.

This substantial evidence in the record provides a fair argument that excavation and disturbance of the soil on this site may have a significant effect on the environment including air quality and water quality and an EIR is required. Even if the project could legally be segmented to allow permitting the demolition of above and below ground structures in isolation of the whole project (which it cannot), an EIR would be required based on the evidence in the record.

Current information, data, and analyses related to soil and water contamination and to the effects the disturbance of the soil and potential release of toxic materials may have on groundwater and air directly adjacent to existing residential development must be provided within an environmental impact report.

¹ *Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; CEQA Guidelines, California Code of Regulations §15064.

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The Mitigated Negative Declaration is inadequate because it does not assess whether the project could exacerbate the contamination that is already present.

According to the California Supreme Court, CEQA requires an agency such as the City of Morro Bay to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present.² Note that the law requires evaluation of existing conditions. In this case the City wrongly relies on the results of tests from two decades ago and on tests that may be carried out after project approval and outside of the informed public decision-making process required by CEQA. The law also requires an evaluation of the existing soil and water contamination; that is, collection and analyses of samples and assessments of whether disturbance of the site could exacerbate the hazards already posed by the contamination. No such evaluation of existing conditions has been carried out by the City. Accordingly, the City must require preparation of an EIR that includes evaluation and assessment of whether the whole project could exacerbate hazards that are already present.

The Mitigated Negative Declaration unlawfully precludes informed public decision-making and engages in deferred mitigation.

Fundamental purposes of CEQA are to provide informed public decision making processes that disclose and analyze potential harms that a project may cause to the environment and provide mitigation measures to reduce potential harms before a project is approved. The process the City describes violates these fundamental purposes.

For example, in the face of the admitted likelihood that the project will “disturb areas of previously documented hydrocarbon contamination” the City proposes to approve the project and then, after the project is approved and outside of the public decision-making process, require the applicant to test soils and “mitigate potential health and environmental hazards related to possible exposure” by way of adhering to the requirements of a permit issued by the Air Pollution Control District. (p.11-12)

In addition, the applicants have not submitted an application to County Environmental Health and there is no approved Aboveground Hazardous Materials Storage Tank and Piping Closure permit. Informed public decision making and development of effective mitigation measures depend on analysis of information contained in this application.

² *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 388.

This post-approval gathering and analysis of information and data and post-approval development of mitigation measures precludes the fundamental requirement of CEQA for informed public decision-making prior to project approval and amounts to deferred mitigation.

The statement that the “project site is partially located in the Coastal Commission’s Appeals Jurisdiction” is legally incorrect, misleading and should be corrected.

The City makes multiple statements that the “project site is partially located in the Coastal Commission’s Appeals Jurisdiction.” This claim is meaningless and serves only to cloud the fact that the demolition of the jet fuel infrastructure is appealable to the Coastal Commission.

According to Coastal Act §30603 “types of development” are appealable. Whether a project is appealable depends on whether that type of development is listed in section 30603. A development that is located within 100 feet of any stream is one type of development listed as appealable to the Coastal Commission in section 30603. The proposed development is within 100 feet of a stream and the City’s approval of that development is therefore appealable to the Coastal Commission.

There is nothing “partial” about it and the claim that the “project site is partially located in the Coastal Commission’s Appeals jurisdiction” without immediate clarification that the project is appealable to the Coastal Commission simply provides fodder for needless legal dispute. The City should change all of these false and misleading statements to the straightforward statement that “The project is appealable to the Coastal Commission because it is located within 100 feet of a stream.”

The proposed development is in violation of the Coastal Act and the City’s Local Coastal Program because it is not consistent with the City’s policies for protection of environmentally sensitive habitats.

Policy 11.06 requires buffering setbacks of 100 feet from the boundary of the ESHA and prohibits development within this setback. “Development” for the purposes of the coastal act and issuance of a coastal development permit “...includes grading, removing, dredging, mining, or extraction of any materials; ... demolition, or alteration of the size of any structure ...” Extraction of materials and demolition of any structure are prohibited within the 100 foot setback by the City’s LCP. Development that may be permitted within the setback is subject to review and comment by the California Department of Fish and Wildlife prior to commencement of the development.

The Initial Study admits that “Proposed actions within 100 feet of mapped ESHA [the setback area] include: removal of pumps and associated piping, pipeline(s), and use of equipment to remove one of the large Navy tanks.” Review and comment by the

9.2
(cont'd)

Department of Fish and Wildlife that might allow the development within the setback of the stream does not seem to exist. Mitigation of harms in this context is not relevant. The project is explicitly not consistent with Policy 11.06, yet the City does not make a finding to disclose this inconsistency. Instead, even though no new structures are proposed in this phase of the development, the City makes the irrelevant finding that “No new permanent structures are proposed within 100 feet of mapped ESHA, consistent with this policy” giving the false impression that the project is consistent with Policy 11.06.

The project is also inconsistent with Policy 11.06 because this policy allows reduction of the setback only under certain conditions related to subdivisions that do not exist here and a “downward adjustment” of a setback must be established in consultation with the Department of Fish and Wildlife. Again, the Initial Study and MND appear to make no claim of such a consultation.

Policy 11.14

The Initial Study’s analysis of consistency with Policy 11.14 – which also requires the minimum buffer setback from ESHA – admits that “... actions within 50-100 feet of the creek are limited to the demolition and removal of pumps, piping, and tanks and associated equipment use.” The IS does not make a finding that the project is consistent with these requirements of Policy 11.14. It admits the inconsistency. Policy 11.14 also requires assessment of specific factors in relation to protection of biological productivity and water quality of streams including:

- (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.

The City does not claim to have assessed these factors and does not make a finding that the project is consistent with this requirement of Policy 11.14. The finding made is that “...the project appears consistent with the intent of this policy.” The project is not consistent with the requirements of Policy 11.14.

The list of supporting documents and reports on the City’s web site is incomplete as reports on contamination relied upon by the City are not included.

An informed public decision making process depends on access – by the public and decision makers – to all documents and reports relied upon by the City to prepare the Initial Study Mitigated Declaration, the staff report and the recommended actions. While the City’s web site provides links to, for example, multiple biological reports,

9.2
(cont'd)

multiple reports on birds, an arborist report, historic reports, a traffic impact analysis, a demolition site plan, and an air monitoring plan, reports related to jet fuel contamination of soil and groundwater on the site is conspicuously missing. The City should include digital access to the following on its web site along with all other supporting documents:

- 1996 Risk-Based Closure Report prepared by Flour Daniel.
- 2016 Contingency Plan for Discovered Hazardous Waste by Bedford Contracting, Inc.
- Documentation of the County of San Luis Obispo Environmental Health Services approval of the Aboveground Hazardous Materials Storage Tank and Piping Closure permit application.

There is a conflict between what is reported to the Governor's Office of Planning and Research (OPR) State Clearinghouse and the Initial Study.

The Planning Commission staff report at pages 5-6 states that "The MND identifies potentially significant impacts associated with Air Quality, Biological Resources, Cultural Resources, Hazards/Hazardous Materials, Hydrology/Water Quality, Noise, and Transportation/Circulation.

The "Project Issues" reported to the OPR State Clearinghouse are Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Coastal Zone, Drainage/Absorption, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Minerals, Noise, Population/Housing Balance, Public Services, Recreation/Parks, Schools/Universities, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Water Supply, Wetland/Riparian, Growth Inducing, Landuse, Cumulative Effects

Claiming project "issues" related to inducing growth, landuse, cumulative effects, water supply, population/housing balance, etc. gives the Clearinghouse and any observer the impression that this negative declaration encompasses environmental review of a phase of the project – residential development of the site – that is not in fact addressed in this negative declaration. This kind of discrepancy creates unnecessary confusion in an already complex and highly contested area of law and municipal activity. The City should correct the list provided to the State Clearinghouse to match the list in the MND.

There is a contradiction in the documents as to who is the property owner / applicant that must be rectified.

The City's staff report states that the owner / applicant, which is represented by an agent, is Rhine L.P. and CVI Group, LLC. However, the application states that the owner / applicant is Rhine LP and Morro 94, LLC. The correct legal ownership of the property

9.2
(cont'd)

must be provided for liability purposes. First, Standard Condition 5 requires the "applicant" to indemnify and hold harmless the City in the case of any claim or action as a result of the City's decision related to the project, etc. The correct applicant must be identified in order to enforce this condition. Second, the correct applicant / property owner must be identified for service of process as required by CEQA in the event that litigation under CEQA against the City results from the City's decision.

9.2
(cont'd)

MND 18.PC 9. Response to: Letter Presented at City Council Hearing from Ed Griggs, Kristen Headland, Annie Pavarski, and Carole Truesdale, Morro Bay Stakeholders, with Additional Comments Prepared by Cynthia Hawley, Attorney (March 27, 2018)

9.1 Thank you for your letter. We apologize for not responding within the ten days you requested and causing you to feel the need to send a follow-up letter. The Morro Bay Stakeholders' (hereafter referred to as "Stakeholders") correspondence raised concerns regarding the Draft Initial Study/Mitigated Negative Declaration ("IS/MND"), for the proposed demolition of tanks and associated structures at 3300 Panorama Dr., Morro Bay pursuant to UP0-440 and CP0-500 (referred to herein as "project").

As a preliminary observation, we extend our appreciation and respect for the active role of the Stakeholders in the City's civic affairs. Participation by citizenry is key to a healthy and vibrant community.

1. After Removal of the Tanks There Are No Definitive Plans for Project Site

The Stakeholders' correspondence asks what the plans of the applicant are for the project site after the demolition project is complete. That question seems to imply there are definite plans that have already been made, prepared and settled upon for the use of the project site once the tanks are removed. The City is unaware of any such plans and the applicant has not indicated in any concrete fashion such plans are definitive.

We next address the following statement in the Stakeholders' correspondence: "The applicant, Chris Mathys stated at the last Planning Commission Hearing on the application (January 3, 2017) that he and his associates planned to develop the site for residential housing, after the tanks were removed. Furthermore, in earlier documents he referred to the various phases (Phase 1, Phase 2) of the project, once again alluding to the continued development of the project beyond the removal of the tanks."

City staff reviewed the video recording made of the January 3, 2017, Morro Bay Planning Commission hearing concerning the demolition project. After such review, it is unclear where in the record the applicant stated definitive plans to develop the site for residential housing after the tanks were removed. Review does reveal the applicant referred to the existing zoning designation of the subject site. The applicant also stated residential development purposes *could* be proposed for the project site *after* the project site is completely clean and cleared. However, such a statement is not evidence that the applicant (or any other specific third party) has definitive plans to develop the site for residential housing.

The Stakeholders' correspondence also inquires as to what the specific plans of the applicant after the tanks are removed. As of the date of this letter, the City has not received any application from either the referenced applicant or any other applicant for proposed development at the project site subsequent to the conclusion of the project. If such applications are received in the future, then the City will proceed to conduct appropriate and applicable CEQA review of such an application.

The project site is located within the R-1/PD/ESH (Single-Family Residential/Planned Development/Environmentally Sensitive Habitat [ESH]) zoning district and designated by the General Plan and Coastal Land Use Plan as Medium-Density Residential. As the R-1 designation indicates, the district is intended for single-family home development. Within that allowed use

there is a wide range of possible developments that include factors such as lot size, building height, home size, and other standards.

No meaningful CEQA analysis can be done when there are no definitive plans for development of the project site. At the present, it simply is unknown what proposed development, if any, and by whom, may or may not be sought for the project site in the future. In short, with no specific plans to actually develop the project site, there is no ability to prepare a project description, which would then be subject to CEQA analysis. Without that necessary first step, there is no proposed scope or details that can be subject to environmental analysis.

When “future development is unspecified and uncertain, the EIR is not required to include speculation about future environmental consequences of such development.” In fact, “environmental analysis may be meaningless and financially wasteful.” (*Laurel Heights Improvement Assn. v. Regents of Univ. of California*, (1988) 47 Cal. 3d 376, 395-396.) (Analysis equally applicable to an IS/MND.)

The present matter under review is similar to the situation reviewed in 2001 by an appellate court in *Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs*. In that case, an EIR was certified for a proposed airport development. Petitioners then alleged (among other issues) the EIR did not properly address future developments that may occur concerning possible runways and taxiways. The appellate court held the project description in the EIR could exclude the construction of a new runway, new high-speed taxiway, and the extension of a runway. That appellate court reasoned those:

projects existed only as concepts in long-range plans that were subject to constant revision. The record is silent with regard to any meaningful planning, decision-making, or any other activity by the [lead agency] moving forward with implementation of any such long-range plans. These are simply statements that at some undefined point in the future, the [lead agency] might try to undertake these projects.” (*Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs*, (2001) 91 Cal. App. 4th 1344, 1361–62.) (Emphasis added.)¹

Similarly, any future development of the project site is speculative at present and is subject to revision; so, there has been no meaningful planning or decision making on the scope and breadth of any possible development. It remains unclear who will even hold title to the property if and when development is proposed.

2. No “Piecemealing” of CEQA Analysis

The Stakeholders’ correspondence asks how the City plans to address an alleged “piecemealing” violation of CEQA concerning CP0-500 and UP0-440. CEQA forbids “piecemeal” review of the

¹ See also *Nat'l Parks & Conservation Assn. v. Cty. of Riverside* (1996) 42 Cal. App. 4th 1505, 1518, (landfill EIR could omit detailed analysis of processing plants because “it is not known where they will be situated and who will be operating them.”); *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712, 736, disapproved on another ground in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 576, fn. 6, 38 Cal.Rptr.2d 139, 888 P.2d 1268 (highway EIR could omit detailed analysis of “anticipated,” but “still contingent,” expansion).

significant environmental impacts of a project. (*Aptos Council v. Cty. of Santa Cruz* (2017) 10 Cal. App. 5th 266, 277.)

The issue is whether the project (as proposed by CP0-500 and UP0-440 for demolition of tanks and associated structures at 3300 Panorama Dr., Morro) is actually, for purposes of CEQA analysis, part of a larger project that is *also* subject to current CEQA review. The answer is no.

The seminal 1988 California Supreme Court decision in *Laurel Heights Improvement Assn. v. Regents of Univ. of California* established a two-prong test for determining whether CEQA mandates environmental analysis of a potential future action. The test is “if:

(1) it is a reasonably foreseeable consequence of the initial project; **and**

(2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 396.) (Emphasis added.)

As concerns the first prong, the potential for residential development of the project site is a consequence of the *existing* zoning. The potential for residential development, however, is not a consequence of simply removing the tanks. While removing the tanks may be required before there is residential development, such development is not a consequence of tank removal.

More importantly, addressing the second prong, any potential subsequent residential development of the project site has no impact on the scope or nature of the current project or its environmental effects. The existing environmental requirements for the project to proceed do not change whether there is future residential development. The same standards apply regardless of whether there is no subsequent development, the applicant sells the property, or someone develops the property (whether the applicant or a third party).

The *Laurel Heights Improvement Assn.* court went on to hold without both of the two factors referenced above being present, potential future action need not be considered at the present time in CEQA analysis.

Because there is no identifiable “piecemealing” of the subject project, there is nothing for the Morro Bay Community Development Department-Planning Division to reconcile in that regard.

The *Laurel Heights Improvement Assn.* holding also pointed out, if potential future action is not considered at the present time, then it will need to be addressed in subsequent CEQA analysis performed on any potential future project. (*Laurel Heights Improvement Assn., supra*, at p. 285.)

As such, it should go without saying of course, any potential future applications to develop the project site for single-family homes, or for any other use, will be subject to applicable CEQA analysis (just like any other project).

The concerns expressed by the Stakeholders may be addressed by the fact that any proposed future development of the project site for single-family residential units (or any other use) - being a separate project - will require its own submission to the applicable CEQA process.

In closing, we would again like to express our appreciation for the civic engagement and activity of the Morro Bay Stakeholders. We believe this response fully addresses the concerns raised by your correspondence. Thank you for your continued interest in your community.

- 9.2 The Stakeholders included supplemental information pertaining to the application of CEQA to the proposed project. Please refer to Response 9.1 above. No revisions have been made to the IS/MND in response to this comment.

Nancy Hubbard

From: don headland <donkrs88@yahoo.com>
Sent: Friday, March 23, 2018 3:18 PM
To: Aaron Labarre; Tricia Atkins; Carole Truesdale; Annie Pivarski; Ed Grigg; Bill Alpert; Scot Graham; Scott Collins; Nancy Hubbard
Subject: Jet Fuel Demolition Project CPO-500 & UPO-440, 3300 Panorama Drive, Morro Bay, CA
Attachments: CEQAnet - 3300 Panorama Drive, Demolition of Tanks and Associated Structures project.pdf; 2.16.2018.Mitigated Negative Declaration 3300 Panarama.pdf.pdf

Hello Mr. Labarre and Ms. Atkins,

The City of Morro Bay released a new "Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration" for the Jet Fuel Demolition project, CPO-500 & UPO-440 located at 3300 Panorama Drive, Morro Bay, CA. Please see attached copies. There are changes to the new Draft Mitigated Negative Declaration dated February 16, 2018. I would like to know if you have any concerns.

10.1

The demolition site sits in a residential neighborhood so the neighbors and I are concerned for our health and safety. Not to mention the children that use Panorama Drive as their walking route to Del Mar Elementary School and neighbors that use this route for daily walks. I live one-hundred feet from 3300 Panorama Drive and also speak for neighbors who live across the street from this property.

10.2

Your department has been very helpful in reassuring us that this project will be observed by the San Luis Obispo Environmental Health Services to ensure the health and safety of the public and surrounding neighborhoods. We are very grateful for your willingness to meet with us in the past to answer questions and ease our concerns.

10.3

Have you had a chance to review the new Draft Mitigated Negative Declaration dated February 16, 2018? I understand the Hazardous Materials Storage Tank Closure Permit expired on 03-14-2018. Has a new one been issued? If so, may I have a copy of the new permit? Do you have any concerns regarding the new MND?

10.4

Thank you for all your assistance in this all important matter.

Respectfully,

Kristen Headland

498 Yerba Buena Street

Morro Bay, CA., 93442

MND 18.PC 10. Response to: Kristen Headland, Email to County of San Luis Obispo Environmental Health Services, Aaron Labarre and Tricia Atkins (March 23, 2018)

- 10.1 Thank you for your comments. The commenter inquires if the City has any concerns about the new Draft MND dated February 16, 2018. The City has identified all potential impacts associated with the proposed project and has included feasible mitigation measures to address impacts where appropriate in the IS/MND.
- 10.2 The commenter states that the demolition site sits in a residential neighborhood and the commenter expresses concern for the health and safety of neighbors and children that use Panorama Drive as their walking route to Del Mar Elementary School.

As stated in the IS/MND, the project will be required to comply with federal and State laws pertaining to hazardous materials and with the Hazardous Waste Contingency Plan, the Lead Compliance Plan, and the Soil Management and Sampling Plan prepared for the proposed project (refer to Appendix C). Implementation of the project will require implementation of: Mitigation Measures AQ-1 through AQ-7, which would reduce potential air quality impacts to be less than significant; Mitigation Measures HM-1 and HM-2, which would reduce potential impacts related to hazards and hazardous materials to be less than significant; and TR-1, which would designate truck routes, staging areas, queuing areas, and restrict vehicle speeds. Additionally, the truck route proposed in the February 2018 IS/MND is a revised route compared to previously considered routes, specifically designed to avoid conflicts with pedestrians and vehicles travelling to and from the Del Mar Elementary School.

- 10.3 The commenter expresses gratitude for the City's willingness to answer questions and ease public concerns. These comments are noted and do not require revisions to the IS/MND. The City is pleased to have coordinated with the commenters.
- 10.4 The commenter asks if the City has reviewed the new IS/MND dated February 16, 2018 and asks if a new Storage Tank Closure Permit has been issued and requests a copy. The City prepared the new MND and does not have any concerns that are not addressed in the IS/MND. All potential impacts have been adequately addressed through the inclusion of appropriate mitigation measures. A new Storage Tank Closure Permit has not been issued; however, the existing permit may be able to be extended upon request by the project applicant.



Air Pollution Control District
San Luis Obispo County

RECEIVED

MAR 21 2018

City of Morro Bay
Community Development Dept.

March 19, 2018

Ms. Nancy Hubbard
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

SUBJECT: 3956-2: APCD Comments Regarding the Rhine LP Fuel Tank Demo (UPO-440 and CPO-500)

Dear Ms. Hubbard:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 3300 Panorama Drive in Morro Bay. The project as proposed involves demolition of two empty fuel tanks and one water tank along with associated pipes, pumps, concrete work and equipment that were used by the Navy to store and transport jet fuel. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

11.1

APCD submitted a CEQA comment letter on this project on April 12, 2016, and it appears that all recommendations from that letter have been incorporated into the revised draft mitigated negative declaration. The proposed changes to the project do not materially affect our recommendations; however, we would emphasize that **all of the comments contained in our previous letter continue to apply to this project**, especially regarding any permissible activities, to wit:

Hydrocarbon Contaminated Soil

This project will require an APCD permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This permit will include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, the applicant should contact the APCD Engineering & Compliance Division at (805) 781-5912 120 days before the start of excavation to begin the permitting process.

11.2

Project Referral for Rhine LP Fuel Tank Demo
March 19, 2018
Page 2 of 2

Petroleum Storage Tank Removal and Degassing

If degassing and cleaning of the fuel storage tanks is required, it must be done under an APCD permit for tank degassing and cleaning equipment. For more information concerning permit requirements, please contact the Engineering & Compliance Division at (805) 781-5912.

11.3

Naturally Occurring Asbestos

The project site is in a candidate area for Naturally Occurring Asbestos (NOA.) The applicant had a geologic report and dust mitigation plan prepared for this site by GeoSolutions, Inc. on May 18, 2016, which was submitted to the APCD. Based on that geologic report, the site is not exempt and must comply with all requirements of the ARB Asbestos Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. **Pursuant to the ATCM and mitigation measure number 3 of the project dust mitigation plan, the owner or operator shall notify the APCD immediately but not later than the next business day if naturally-occurring asbestos, serpentine, or ultramafic rock is encountered on the project site.** Notification shall be directed to the APCD Engineering & Compliance Division at (805) 781-5912.

11.4

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



Vince Kirkhuff
Air Quality Specialist

VJK/agj

cc: Mr. Chris Mathys
Dora Drexler, Enforcement Division, APCD
Tim Fuhs, Enforcement Division, APCD
Brian Auger, Engineering Division, APCD

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MND 18.PC 11. Response to: Vince Kirkhuff, San Luis Obispo County Air Pollution Control District (March 19, 2018)

- 11.1 Thank you for your comment. The participation of the San Luis Obispo County Air Pollution Control District (APCD) in the public review of this document is appreciated. The commenter provides a brief summary of the project, describes the APCD's role as a commenting agency in the CEQA process, and references the APCD's comment letter previously prepared for the project on April 12, 2016. The commenter acknowledges that all of the APCD's recommendations from the April 12, 2016 letter have been incorporated into the February 16, 2018 Draft IS/MND and states that the proposed changes to the project do not materially affect the APCD's original recommendations. The commenter emphasizes that all of the comments contained in the April 12, 2016 letter continue to apply to this project. The APCD's comments are noted. No revisions to the IS/MND are necessary in response to this comment.
- 11.2 The commenter states that the project will require an APCD permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This comment is noted. The applicant will contact the APCD Engineering & Compliance Division before the start of excavation to begin the permitting process.
- 11.3 The commenter states that, if degassing and cleaning of the fuel storage tanks is required, it must be done under an APCD permit for tank degassing and cleaning equipment. This comment is noted. The applicant will contact the APCD Engineering & Compliance Division before the start of excavation to begin the permitting process for tank degassing and cleaning equipment if degassing and cleaning of the fuel storage tanks is required.
- 11.4 The commenter states that, pursuant to the Air Toxics Control Measure (ATCM) and mitigation measure number 3 of the project dust mitigation plan, the owner or operator shall notify the APCD immediately but not later than the next business day if naturally-occurring asbestos, serpentine, or ultramafic rock is encountered on the project site. This comment is noted. The applicant will contact the APCD Engineering & Compliance Division APCD immediately but not later than the next business day if naturally-occurring asbestos, serpentine, or ultramafic rock is encountered on the project site.

Nancy Hubbard

From: Kristen Headland <donkris@charter.net>
Sent: Wednesday, March 14, 2018 9:29 AM
To: Nancy Hubbard
Subject: 3300 Panorama Drive Project

Hello,

Can you provide me copies of "the project description has undergone additional revisions and supporting technical studies have been revised" ? I live near this project and would like to know what more about revisions or reports regarding this project.

Thank You,
Kristen Headland

12.1

Nancy Hubbard

From: Nancy Hubbard
Sent: Thursday, March 15, 2018 9:49 AM
To: 'Kristen Headland'
Subject: RE: 3300 Panorama Drive Project

Kristen,

All of the documents related to the additional studies and information are posted on the website under current planning projects.

<http://www.morro-bay.ca.us/842/Current-Planning-Projects>

There are over 500 pages of data related to this project and the research and studies that have occurred over the past several years, however, I think the Draft Mitigated Negative Declaration (first document in the list under 3300 Panorama) is the best summary of what is being requested and how that will occur. The tables and narrative from page 13 to 18, I think cover most of the detail. Let me know if you need further help.

The full set of documents are also available in the Community Development offices at 955 Shasta Ave if you prefer to stop by and take a look at a hard copy.

Nancy Hubbard
Contract Planner
805-772-6211
nhubbard@morrobayca.gov

From: Kristen Headland [mailto:donkris@charter.net]
Sent: Wednesday, March 14, 2018 9:29 AM
To: Nancy Hubbard <nhubbard@morrobayca.gov>
Subject: 3300 Panorama Drive Project

Hello,

Can you provide me copies of "the project description has undergone additional revisions and supporting technical studies have been revised" ? I live near this project and would like to know what more about revisions or reports regarding this project.

Thank You,

Kristen Headland

MND 18.PC 12. Response to: Kristen Headland (March 14, 2018)

- 12.1 Thank you for your comment. The commenter requested copies of the project description and supporting technical studies for the revised project. The City provided additional information and the link to access the Draft IS/MND and supporting technical studies on March 15, 2018. No revisions to the IS/MND are required in response to this comment.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

March 30, 2018

Nancy Hubbard
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: 3300 Panorama Drive, Demolition of Tanks and Associated Structures project
SCH#: 2016081001

Dear Nancy Hubbard:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on March 29, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

13.1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-445-0613 FAX 1-916-558-3164 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016081001
Project Title 3300 Panorama Drive, Demolition of Tanks and Associated Structures project
Lead Agency Morro Bay, City of

Type MND Mitigated Negative Declaration
Description Rhine LP and Morro 94, LLC proposes to demolish and remove two aboveground JP-5 jet fuel storage tanks (131,600 barrels, approx 5,527,000 gallons each, (aboveground 100,000 gallon fire-water tank, and associated pumps and piping from the decommissioned fuel storage site formally known as the Defense Fuel Support Point, located at 3300 Panorama Dr in Morro Bay, CA. All piping attached to the tanks and pumps, both above and below ground, will also be removed, as well as approx 1,050 cy of concrete, including shotcrete on the rim and on the inside of the berms forming containment basins for each of the large tanks, a concrete slab at the northern corner of the site, and the concrete ring foundation beneath the tanks.

Lead Agency Contact

Name Nancy Hubbard
Agency City of Morro Bay
Phone (805) 772-6211 **Fax**
email
Address 955 Shasta Avenue
City Morro Bay **State** CA **Zip** 93442

Project Location

County San Luis Obispo
City Morro Bay
Region
Lat / Long 35° 24' 21.4" N / 120° 51' 47.9" W
Cross Streets Panorama Dr, Tahiti St
Parcel No. 065-038-001
Township 29S **Range** 10E **Section** 14 **Base** MDBM

Proximity to:

Highways 1
Airports
Railways
Waterways Unnamed drainage, Pacific Ocean
Schools Del Mar ES
Land Use single fam res/planned dev/environmentally sensitive habitat; medium density res

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Office of Emergency Services, California; Resources, Recycling and Recovery; State Water Resources Control Board, Division of Drinking Water, District 6; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 02/28/2018 **Start of Review** 02/28/2018 **End of Review** 03/29/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

**MND 18.PC 13. Response to: Governor’s Office of Planning and Research,
State Clearinghouse and Planning Unit (March 30, 2018)**

- 13.1 Thank you for your comment. The participation of the Governor’s Office of Planning and Research State Clearinghouse and Planning Unit in the public review of this document is appreciated. The commenter states that the review period closed on March 29, 2018 and no state agencies submitted comments by that date. The commenter also acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. No revisions to the IS/MND are required in response to this comment.

Salinan Tribe

Of San Luis Obispo and Monterey Counties

Contemporary Lead
Gary Pierce
805-610-0037



Traditional Lead
John Burch
805-858-8199

March 29, 2018

City of Morro Bay
Attn: Nancy Hubbard
955 Shasta Ave.
Morro Bay, Ca 93422

Subject: Native Salinan consultation for the 3300 Panorama Drive, Demolition of Tanks and associated Structures.

Greetings Nancy,

I have reviewed the proposed project and the Draft Mitigated Negative Declaration.

14.1

I have a couple of changes I would like made. First to Section 5. CULTURAL RESOURCES, under Mitigation and Monitoring on page 53 in Mitigation Measure CR-2: in the fifth sentence I would like the wording "Native American monitor" changed to Playano Salinan and Obispeno Chumash. Also, in Mitigation Measure CR-3: in the eighth sentence I would like the wording "Native American representative", changed to Playano Salinan and Obispeno Chumash as these are the Native people culturally affiliated to the project area as stated on page 50 of the Environmental Setting, and as the Native American Heritage Commission states that cultural monitors should be culturally affiliated to the project site.

14.2

Thanks so much,
Patti Dunton
Patti Dunton, Tribal Administrator

7070 Morro Road, suite A, Atascadero CA 93422; info@salinatribe.com

*Mailed
3/30/18
Rec'd
4-2-18*

MND 18.PC 14. Response to: Salinan Tribe of San Luis Obispo and Monterey Counties, Patti Dunton (March 29, 2018)

- 14.1 Thank you for your comment. The participation of the Salinan Tribe of San Luis Obispo and Monterey Counties in the public review of this document is appreciated.
- 14.2 The commenter requests that text in Mitigation Measures CR-2 and CR-3 be revised to be “Playano Salinan and Obispeno Chumash” instead of “Native American monitor” and “Native American representative”. The text in Mitigation Measures CR-2 and CR-3 has been revised to state “locally affiliated Native American monitor” and “locally affiliated Native American representative”, respectively.