



# 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, September 15, 2020 - 6:00 P.M.  
Held Via Teleconference**

Vice-Chairperson Jesse Barron  
Commissioner Michael Lucas

Chairperson Gerald Luhr

Commissioner Joseph Ingraffia  
Commissioner Susan Stewart

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

### **Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at [planningcommission@morrobayca.gov](mailto:planningcommission@morrobayca.gov) prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the "**raise hand**" feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

*Please click the link below to join the webinar:*

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcvTHlRTk9xaTlmWVNWRWFUQT09>

*Password: 135692*

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \* 9 to "**Raise Hand**" for Public Comment*

PRESENTATIONS

A. CONSENT CALENDAR

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

B. PUBLIC HEARINGS

- B-1 **Case No.:** MAJ19-005 (Major Modification to CUP440 and CDP500)  
**Site Location:** 3300 Panorama Drive, Morro Bay, CA  
**Request:** Approval of Major Modification Permit (MAJ19-005) of Conditional Use Permit UP0-440 and Coastal Development Permit CP0-500 related to the non-permitted removal of 3 small sheds containing asbestos material. The request includes additional removal of the asbestos siding from the electrical transformer building to be replaced with non-asbestos siding and roofing. The requested major modification permit will cover the after-the-fact removal of the sheds as well as the new scope of work. The project site is in a (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, but no new work will occur in either area.  
**CEQA Determination:** This project is subject to the adopted Mitigated Negative Declaration of Environmental Impact (MND) dated February 2018 and the related mitigation and monitoring plan requirements.  
**Staff Recommendation:** Approve the Major Modification MAJ19-005 with conditions of approval.  
**Staff Contact:** Nancy Hubbard, Contract Planner, (805) 772-6211, nhubbard@morrobayca.gov

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on October 6, 2020 at 6:00 p.m. via teleconference.

**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 805-772-6264 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.

This Agenda may be found on the Internet at: [www.morrobayca.gov/planningcommission](http://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](http://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 present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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.

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.



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 September 15, 2020

#	Applicant/ Property Owner	Project Address	Application 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
<b>Hearing or Action Ready Projects:</b>										
1	Hosford	775 Ridgeway	7/15/20	CDP20-010	<b>Admin CDP for conversion of existing unconditioned space in a SFR into a 700 sf accessory dwelling unit</b>	Correction letter sent 7/29/20. Resubmittal received 8/11/20 and is under review. Project complete and noticed on 8/25/20.				am
2	Lawrence	2590 Hemlock	10/25/19	CDP19-040	<b>Demo existing home, building new 2-story home with an attached ADU and garage on the ground floor.</b>	Project deemed complete September 8, 2020. Preparing for public notice period and administrative decision.				nh
3	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	<b>After the fact permit application for removal of 3 sheds and removal of existing asbestos siding and replacement with metal siding for transformer building.</b>	Submittal is under review. Deemed incomplete 8-29-19. Project submittal deemed complete. Tentatively scheduled for Planning Commission on September 15, 2020.				nh
4	Biaggini	1148 Market	8/3/20	CDP20-012/ CUP20-05	<b>CDP/CUP for new 2 story SFR w/ garage and ADU.</b>	Incomplete letter sent 8/13/20. Project deemed complete 8/27/20. Scheduled for PC hearing October 20, 2020.				nh
5	Pappas / AT&T	475 Radcliff	5/11/20	CUP20-04 / CDP 20-008	<b>CDP and CUP request for new wireless telecommunication facility to include new tower, installation of panel antennas, and associated equipment along with 300sf equipment shelter at base of telecomm tower.</b>	Incomplete letter sent 5/20/20. Resubmittal received and deemed incomplete again on 7/7/20. Resubmittal received 8/25/20. Response sent 9/8 to Applicant. Tentatively scheduled for 10/6 PC meeting.				cj
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
6	Luhr	2335 Nutmeg	8/27/20	CDP20-014	<b>Addition of an ADU to an existing Single family home</b>	Under planning review				nh
7	Appel	400 Pico	8/24/20	CDP20-013	<b>Admin CDP for garage conversion to a 408sf ADU</b>	Submittal is under review.				am
8	Eisemann	535 Atascadero Road	8/5/20	MIN20-007	<b>Request for modification of previously approved tentative map MB15-0103</b>	Under Review. Comment letter sent 8/17/20, waiting for resubmittal. Resubmittal received 8/26/20, under review.				nh
9	Pavacich	501 Marina	8/3/20	CDP20-011	<b>Existing 2 story home previously converted into two dwelling units without a permit. CDP is necessary to bring this project into conformance with General Plan and Land Use policies. Also requires after-the-fact building permit.</b>	Submittal is under review. Comment letter sent 8/21/20. Waiting for resubmittal.				nh

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10	Hurless	2290 Greenwood Ave	5/7/20	CDP20-007	Legalize ADU from prior construction. Was a previous Code Enforcement issue. Plans difficult to understand.	Correction letter sent 5/18/20. Resubmittal received June 16, 2020 under review. Project deemed incomplete, comment letter sent July 16, 2020, waiting for resubmittal.				nh
11	Bean	Unaddressed Main Street (AKA 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-047	CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street	Project deemed incomplete, comment letter sent January 7, 2020. Waiting for resubmittal.				nh
12	Gambriel	571 Embarcadero	10/14/19	MAJ19-006	Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit	Correction letter sent 11/13/2019. Awaiting resubmittal.		PN-Conditionally Approved 10/16/2019		cj
13	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	CDP for removal of major vegetation.	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				cj
<b>Projects Appealed to Planning Commission or PC Continued projects:</b>										
14	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	Coastal Development Permit & Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans. Plans resubmitted with additional information on 10-26-18. Project deemed complete. Scheduled for PC on December 18, 2018. Continued to date uncertain by PC on 12/18/18. Applicant to provide additional information. Followed up with applicant 2/3/20 - they are waiting for reports prior to resubmittal.		PN- Approved 9/4/2018		nh
15	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 recent activity.	No review performed.	BCR- 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
<b>Projects Appealed or Forwarded to City Council: None at this time</b>										
<b>Environmental Review:</b>										

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16	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	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
<b>Final Map Under Review Projects:</b>										
17	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	<b>Final Parcel map</b>	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received , review comments provided 6-5-19. Disapproved 11-5-19. Waiting for revised submittal to remove improvements not requested by CalTrans. Applicant granted an extension of the timeline to finalize the final parcel map to August 8, 2021.		PN- Disapproved 11-6-2019		nh
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
18	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. For more information or to get involved, visit <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . Public draft of combined General Plan/ LCP released May 2018 for review. Working with Coastal staff on CCC input. Reviewing final Adoption Draft. Admin Draft of EIR received and now under review. Previous City Sign Ordinance Update work completed in 2017 to be incorporated into Plan Morro Bay.				
19	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. Change recommended by PC after Council direction which led to Adoption of Ord. 585 by City Council on 5/13/14. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>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 in effect 1-1-20 which supersedes previous adopted ordinances. To be incorporated into Plan Morro Bay.</b>	No review performed.			wm
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										

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20	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo		11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	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
<b>Grants</b>											
21	California Coastal Commission, California Ocean Protection Council	City-wide		4/6/16		<b>\$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. Round 6 funding of \$60,000 received Mar 2020.</b>	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. Additional LCP grant funding received in 2020 under Round 6 for \$60,000 to complete LCP update.	No review performed.	N/A		sg
22	City of Morro Bay	City-wide				<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	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. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting.	No review performed.	N/R		cj
23	City of Morro Bay	City-wide				<b>Climate Action Plan - Implementation</b>	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
<b>Projects in Building Plan Check:</b>											
24	Nagy	2996	Alder Ave.	9/8/20	B20-0167	Landscape Plan - Change to removing astro turf and replace plants & bark		Bldg. - Plancheck			nh
25	Gulley	679	Atascadero	2/27/20	B20-0042	Add 135 sq. ft. bathroom addition.		Ready to issue			sg
26	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. Requested permit extension. Additional permit extension requested for Planning permit which expires 9/20/2020.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
27	Auerbach	3200	Beachcomber Dr.	12/30/19	B19-0277	Convert 100 sf of enclosed sun-room area to living space and add 67 sq ft of new living area. Demo kitchens and add 3 beams, new windows, siding, update electrical, water heater and forced air unit, misc, clean up.	Disapproved Jan 14, 2020, additional information provided and Planning approved building permit 4/7/20	Ready to issue			nh

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28	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior remodel.	Under review. Planning disapproved 1/31/20. Waiting for resubmittal	Bldg - Disapproved 1/15/20			nh
29	Brebes	495	Driftwood	12/20/19	B19-0269	New 3778 sf duplex homes including garages on lot with existing SFH	Pending approval of planning permits, applicant changing potential density on the site in CDP permit process.	Bldg - Disapproved 2/7/20			nh
30	Sanford	121	Easter St.	8/4/20	B20-0124	Interior remodel to include removal of interior walls located in entry and living room, new lighting and receptacles, new roof, add 64 sf to create laundry room.	Submittal under review. Planning disapproved 8/27/20. Waiting for resubmittal.	Bldg. - Approved 8/25/20			am
31	City of Morro Bay	595	Embarcadero	12/31/19	B19-0278	Commercial T.I. to former Aquarium building to meet accessibility requirements, remove asbestos from 1st floor, update electrical, mechanical and plumbing, new structural shear wall, repair concrete columns, new raised deck, stairs & railing for tasking room & brewery (Three stacks & A Rock Brewing Company.	Approved.	Bldg. - Approved 7/22/20			sg
32	City of Morro Bay	725	Embarcadero	7/28/20	B20-0116	Demolition and reconstruction of the pier structure supporting the existing harborwalk, restaurant and restaurant patio.	Approved.	Bldg. - Approved 7/28/20			cj
33	City of Morro Bay	725	Embarcadero	8/27/20	B20-0157	Addendum #2 to B18-0086 - Lobby door relocation and restaurant patio roof structure revision.		Bldg. - Approved 9/1/20			cj
34	Post	2445	Greenwood Ave.	8/5/20	B20-0125	Demo existing Single Family Residence and propose new construction Single Family Residence 2-story - 3 bedroom, and 2.5 Bath. 1868 sf of living space plus 484 sf attached garage.		Bldg. - Plancheck			nh
35	Novick	2820	Greenwood Ave.	8/25/20	B20-0151	Demo existing covered breeze way, demo exterior stairs & 60 sf of existing shed. Replace flat roof with gable truss roof, new 211 sf addition (Halls & Stairs) & add new 78 sf 2nd story deck	Submittal is under review.	Bldg. - Plancheck			am
36	Wilkie	476-A	Hill	3/26/20	B20-0057	ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit.	Correction letter sent 4/30/20. Awaiting resubmittal.	Bldg. - Approved 4/8/20			nh
37	Bailey	2565	Ironwood Ave.	7/2/20	B20-0104	Converting rear covered porch into 225 sf addition creating laundry room, bathroom, and expansion of bedroom.	Disapproved 7/9/2020.	Bldg - Disapproved 7/15/20			cj
38	Philbrick	345	Island St.	8/13/20	B20-0138	Partial demo of interior SFD. Includes drywall and insulation removal for plumbing, electric, and structural assessments.		Bldg. - Approved 8/18/20			co
39	Friesen	2390	Juniper	3/5/20	B20-0043	Build new observation deck over existing roof top. Applicant is modifying the scope of work to include a new room with an attached deck and a deck extension in the front over the driveway.	Applicate revising submittal to deck extension at front of existing home (as of 7/10/20). Awaiting resubmittal.	Bldg - Diapproved 3/12/20			nh
40	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 4/15/19		sg

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41	Sonic	1840	Main St.	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. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension. Planning permit extension requested and granted to allow new permit expiration of April 2021.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
42		2460	Main St.	7/21/20	B20-0114	New accessible parking stall and ramp, minor remodel of motel office/lobby.	Planning disapproved 7/22/20. Waiting for revisions.	Bldg - Disapproved 7/22/20			nh
43	Cleath	2790	Main St.	7/2/20	B20-0106	Remove 736 sf existing building and construct new 4996 sf 8 room hotel.	Planning approved 7/27/20.	Bldg - Disapproved 7/27/20			nh
44	Shorey	1110	Marengo Dr	12/20/19	B19-0270	450 sq ft addition to guesthouse.	Disapproved pending approval of CDP19-048. CDP approved and permit issued 5/2020. Building Permit conditionally approved 6/23/20	Bldg - Approved 6/22/20			nh
45	McCutcheon	361	Mindoro St.	8/18/20	B20-0149	Replace an existing 240 sf 2nd story deck (8' X 30").		Bldg. - Approved 8/19/20			co
46	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20. Awaiting resubmittal.	Bldg - Diapproved 1/30/20			nh
47	Kolb	691	Morro Ave	7/30/20	B20-0121	1,150 S.F. TI in an existing medical office building		Bldg - Plancheck			sg
48	Singh	940	Morro Bay Blvd	5/28/20	B20-0085	Installation of an ATM machine on the exterior of the existing gas station building. Includes lighting and minor parking modifications	Under review, pending approval of Minor Modification to existing CUP/CDP. MIN permit issued 8/31/20.	Bldg -Disapproved 6/4/20			nh
49	Luhr	2335	Nutmeg Ave.	8/27/20	B20-0158	ATTACHED ADU - Construct 498 sf addition to existing SFR to be used as an ADU.		Bldg. - Plancheck			nh
50	Loe	2605	Nutmeg Ave.	7/14/20	B20-0110	Repair Driveway		Bldg - Disapproved 7/21/20			sg
51	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg - Approved 3/27/19			wu
52	Cohen	331	Orcas St	6/25/20	B20-0099	Demolish a 386 sf cottage and installation of a 990 sf manufactured home, a 336 sf (16' x 21') semi attached site built garage with rooftop deck, exterior landing and stairs to garage and exterior stairs to rooftop deck.	Planning approved 7/3/20	Bldg - Disapproved 7/15/20			nh
53	Steel	450	Piney Way	7/27/20	B20-0117	521 sf deck extension and replacement of 2 sliding glass doors and 1 window.		Bldg - Approved 8/10/20			sg
54	Scharin Family Trust Johan C. Scharin Trustee	710	Quintana	5/21/20	B20-0082	Remodel of former Dollar Tree into a new O'Reilly Auto Parts for the retail sale of automotive parts and accessories.		Bldg - Disapproved 6/11/20			wu

#	Applicant/ Property Owner	Project Address		Application 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
55	Contreras	475	Radcliff Ave.	8/4/20	B20-0122	Permit for foundations of two Tubular Steel Pole (TSP) and removal of a lattice Tower and TSP	Disapproved 8/12/20. cj	Bldg. - Approved 8/10/20			cj
56	Contreras	475	Radcliff Ave.	8/4/20	B20-0123	Permit for grading of two Tubular Steel Pole (TSP) and removal of a lattice Tower and TSP	Disapproved 8/12/20. cj	Bldg. - Approved 8/10/20			cj
57	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
58	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Conditionally approved 1/3/20	Bldg - Disapproved 1/7/20			nh
59	Parker	580	Shasta Ave	8/31/20	B20-0159	Add new detached garage	Planning under review	Bldg. - Plancheck			nh
60	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane,, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg - Approved 3/27/19			wu
61	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg - Approved 7/10/19			nh

**Planning Projects & Permits with Final Action:**

62	Singh	940 Morro Bay Blvd		5/28/20	MIN20-004	<b>Minor Modification to existing CDP/CUP to allow installation of an ATM to the exterior side of the existing gas station service building. Application includes lighting and minor changes to the parking spaces.</b>	Application received and under review. Incomplete letter sent June 23, 2020, waiting for resubmittal. Resubmittal received 8/3/20, project deemed completed, public noticing 8/18 to 8/28/20. Permit issued 8/31/20				nh
63	Brebes	495 Driftwood		6/14/19	CDP19-022/PKG19-07 (PKG voided)	<b>New duplex residential units - attached 2 story buildings each unit with attached 2 car garages. Existing home on the site will be permitted as an ADU.</b>	Project deemed incomplete 12/31/19. Applicant changing project density, waiting for resubmittal. Correction letter sent 5/25/20. Waiting for resubmittal. Applicant is considering revisions to the density back to a new duplex and existing home. Resubmittal received 7/20/20, under review. Project deemed complete on 8/19/20, public notice from 8/24 to 9/3/20. Project approved 9/4/20 and permit issued 9/6/20.				nh

<b>Staff Directory:</b>											
Scot Graham - sg	Chad Ouimet - co	Cindy Jacinth - cj	Pam Newman - pn	Nancy Hubbard - nh	Abby Miramontes - am						



AGENDA NO: B-1

MEETING DATE: September 15, 2020

# Staff Report

**TO:** Planning Commissioners

**DATE:** September 1, 2020

**FROM:** Nancy Hubbard, Contract Planner

**SUBJECT:** Approval of Major Modification (Maj19-005) to existing CPO-500 and UPO-440 for after the fact approval for the removal of 3 small sheds and 3 fire hydrants from the property and new scope work to remove asbestos siding and replace with metal siding on the existing electrical/transformer building located at 3300 Panorama. One shed, and fire hydrant were located in the ESH Buffer area. The site is zoned R-1/PD. A portion of the project is located within the Coastal Commission appeals jurisdiction.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting Planning Commission Resolution 14-20 which includes findings for the approval of MAJ19-005. MAJ19-005 continues to be subject to the requirements of the original conditions of approval and mitigation and monitoring measures approved June 19, 2018.

**APPLICANTS:** Rhine LP and Morro94, LLC

**LEGAL DESCRIPTION/APN:** 3300 Panorama Drive/APN 065-038-001

**ADDITIONAL SCOPE PROJECT HISTORY:**

An Administrative approval of a Minor Modification (MIN19-001) to an existing permit (CPO-500 and UPO-440) was granted on February 14, 2019 which included several conditions of approval and pre-requisite requirements for the removal of the 3 small sheds with siding materials containing asbestos and 3 fire hydrants.

The Permit approval action was appealed on February 25, 2019. Staff notified the Applicant that the permit had been appealed via email on February 26, 2019 (at 8:05am). On March 1, 2019, staff was informed by neighbors that the sheds had been removed from the site on or about February 27, 2019. The Applicant stated that they

Prepared By:     NH    

Department Review:

misunderstood the process and thought they had approval to proceed with the work. As Staff continued their investigation into the removal of the sheds, they learned that three fire hydrants had been removed in December 2018 by the primary contractor as part of scope of the tank removal project. The contractor said they thought the fire hydrant removal was part of the original scope of work since they were capping the water lines that supplied water to the fire hydrants. The fire hydrant removal and termination of the waterlines were done in conformance with the primary permit conditions of approval and mitigation and monitoring measures. Additionally, the fire hydrant removal work was done prior to nesting season. The 3 sheds were removed by a contractor with a valid license for asbestos abatement, including demo, removal, and toxic waste transport services.

On May 21, 2019, Planning Commission upheld the appeal with a requirement that the applicant reapply for an after-the-fact modification permit for demolition of the three sheds and three fire hydrants and removal of asbestos siding on the electrical/transformer building.

**TANK REMOVAL PERMIT UPDATE (CUP440/CDP500):**

1. The tank removal project was approved by PC on June 19, 2018.
2. A building permit (demo) was issued on September 27, 2018 and the majority of the demo work was completed by December 2018.
3. Final reporting/hazardous material removal and jurisdictional approval was received from SLO County Environmental Health in March 2020.
4. The final condition for tree mitigation planting was completed August 3, 2020.
5. The permit was deemed final on August 10, 2020.

**SHED REMOVAL AFTER-THE-FACT PERMIT REQUIREMENTS:**

The following actions were taken by staff to address the removal of the 3 sheds without a valid planning permit or building permit:

1. A stop work order was placed on the site.
2. The applicant was notified that they were in violation and were required to provide the following documentation of the work performed:
  - a. Paperwork/hazardous materials credentials for the contractor who removed the sheds and receipts from the disposal site confirming delivery of the shed materials.  
*Paperwork received, contractor confirmed to be qualified for asbestos handling, remediation, and hazardous waste transport. Paperwork was provided to confirm the sheds were taken to a hazardous waste disposal site. SLO County Environmental Health gave final approval. See Exhibit D.4*
  - b. Confirmation on the method of handling shed removal.  
*Contractor performing the work was qualified for demo and*

*handling of hazardous waste. They confirmed that they dismantled the sheds, placed materials onto a covered truck for appropriate disposal. SLO County Environmental Health was satisfied that although it was not clear if the materials were partially friable, the handling was appropriate, and disposal was to a site that accepts both friable and non-friable materials. See Exhibit D.4*

- c. Visual examination around the shed locations to confirm no remaining hazardous materials on site.

*Analytical Consulting Group visited the site and observed a minor amount of debris; however, it was uncertain if that materials predated the removal of the sheds or resulted from the removal.*

- d. Soil testing in vicinity of sheds to confirm no unacceptable levels of contamination in the area.

*Soil testing around the sheds resulted in lead levels that exceed the residential limits. It cannot be determined if the lead readings resulted from the removal of the sheds or was existing prior to removal of the sheds. See Exhibit D. Staff recommends including the areas around the sheds and electrical/transformer building as part of the final evaluation of all disturbed areas on the site for a visual examination and periodic soil testing as a condition of this MAJ.*

- e. Report from Biologist confirming no nesting birds in the area and confirm that the ESH work areas had not been negatively impacted from the shed removal.

*Report provided by Pax Environmental with findings of no apparent damage to the ESH or nesting birds in the area at the time the work was done. See Exhibit D.2*

**NEW SCOPE: SIDING REMOVAL AND REPLACEMENT ON ELECTRICAL/ TRANSFORMER BUILDING:**

The only new work in this permit application is the removal and replacement of the siding on the Electrical/Transformer building. The industrial hygienist, Analytical Consulting Group, Michael Tiffany will oversee the process, which will include: encapsulating the existing siding containing asbestos material, removal of encapsulated materials, and if cutting of the siding is required, it will be with shears or snips and must be performed wet, worker protections, air monitoring and inspections. The ground surrounding the building will be protected with 2 layers of sheeting anchored to secure against wind. Replacement of the siding will be done by contractors in accordance with the terms of the to-be-applied for building permit. The removal protocol and process for the existing siding material is detailed in Exhibit B.

**PENDING CODE ENFORCEMENT ISSUE**

The following information related to Code Enforcement is to provide the Planning Commission with information regarding activities on the site but is not specifically relevant to the pending Major Modification Permit action that is pending before the Commission.

In November 2018 there was a report of a person living in the trailer in the garage on the south side of the property driveway. The property owner said they authorized it to provide security for the site during the tank removal project. The property owner applied for a Temporary Use Permit to allow one security person to live on site. Since the tank removal project was primarily completed, the TUP was denied on December 17, 2018 and the property owner was notified that the occupant of the trailer needed to vacate the site within 10 days. The City staff confirmed that the occupant of the trailer had moved out by December 28, 2018.

On June 22, 2020, there was a new report of a person living in the trailer, which is still parked in the garage building to the south of the project driveway. The property owner was notified and said that the person living in the trailer was not authorized to do so and was trespassing. The property owner filed a police report to ask for assistance in removing the trespasser from the property. Eviction action is pending, and the property owner said they would remove the trailer from the site to avoid a recurrence of this situation.

Upon inspection of the site by City staff, it was discovered that someone had connected what appeared to be a sewer line from the trailer in the garage. The property owners are being required to excavate to show the City staff where and how that sewer line is connected to the sewer main. Resolution of this is pending.

**ENVIRONMENTAL DETERMINATION**

This project remains subject to all the Conditions of Approval and Mitigation and Monitoring requirements in the Mitigated Negative Declaration adopted by Planning Commission on June 19, 2018.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on September 4, 2020 and all property owners of record within 1000 feet and occupants within 1000 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**RECOMMENDATION:**

Staff recommends that the Planning Commission *CONDITIONALLY APPROVE THE PROJECT* by adopting Resolution 14-20 which includes findings for the approval of

MAJ19-005. MAJ19-005 continues to be subject to the requirements of the original conditions of approval and mitigation and monitoring measures approved June 19, 2018.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 14-20

Exhibit B – Detailed scope of work for Asbestos siding removal from Electrical/transformer building

Exhibit C – Aerial of work areas (new scope and after-the-fact work)

Exhibit D – Documents related to MIN19-005 Appeal:

D.1 -Planning Commission Resolution 08-19 (Appeal hearing)

D.2 – Pax Environmental Post removal report

D.3 – Analytical Consulting Group Site review following shed removal

D.4 – SLO County Environmental Health Closure letter 3/4/20

# EXHIBIT A

## RESOLUTION NO. PC 14-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVAL  
OF A MAJOR MODIFICATION OF  
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMITS  
CASE NO. (MAJ 19-005) OF UP0-440 AND CPO-500  
SITE LOCATION: 3300 PANORAMA DRIVE

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing via video conference on September 15, 2020 for the purpose of considering approval of a Major Modification (MAJ19-05) of Coastal Development Permit CPO-500 and Conditional Use Permit UP0-440 for the after-the-fact approval of the removal of three asbestos sided sheds and the new scope to remove asbestos siding from the electrical/transformer building and replace with metal siding (“Project”); and

**WHEREAS**, pursuant to the Governor's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19, the City of Morro Bay Planning Commission is authorized to hold public meetings via teleconferencing and all requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived; 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, a Mitigated Negative Declaration (the “MND”) (SCH#2016081001) dated June 2018 was approved by Planning Commission on June 19, 2018 and includes a Mitigation and Monitoring Program that is a condition of approval.

Coastal Development Finding

# EXHIBIT A

1. The project is consistent with applicable provisions of the Local Coastal Program (LCP) because, as conditioned and through mitigation measures, the demolition and siding replacement will not have any substantial adverse impacts on the environment or coastal resources.

## 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.

**Section 3. Action.** The Planning Commission does hereby approve the Major Modification (MAJ19-005) to the Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440 for property located at 3300 Panorama Drive subject to the following conditions:

## **I. FINDINGS OF APPROVAL**

The Planning Commission of the City of Morro Bay has reviewed this Major Modification to the existing UP0/CDP permits and finds the following:

### California Environmental Quality Act (CEQA)

1. For purposes of the California Environmental Quality Act, the project is subject to all requirements of the final MND, prepared in February 2018 and finalized in June 2018, which 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 available on request.

## **II. CONDITIONS OF APPROVAL**

### **STANDARD CONDITIONS:**

1. Permit: Major Modification to existing CPO-500 and UPO-440 for an after-the-fact permit for removal of 3 small sheds and 3 fire hydrants from the property located at 3300 Panorama. Permit also includes proposed removal of asbestos siding material from the Electrical/Transformer building and replacing the siding and roof with a metal material. One shed, and fire hydrant that have already been removed were located in the ESH Buffer area. The site is zoned R-1/PD. A portion of the project is located within the Coastal Commission appeals jurisdiction.
2. Inaugurate Within Two Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written

# EXHIBIT A

- request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.
  4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
  5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
  6. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
  7. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
  8. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

## **PLANNING CONDITIONS:**

1. Construction Hours: Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a

# EXHIBIT A

- distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
2. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
  3. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, if any is required, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
  4. Lead Based Paint Analysis: Prior to the start of the permitted work, applicant shall provide the City with a copy of a report analyzing the paint on the electrical/transformer building. If there are any traces of lead paint found, the contractor shall follow the protocol established in the original demo permit (Monitoring AQ-2)
  5. Pre-Construction meeting: Prior to the start of the permitted work, a pre-construction meeting shall be held with the representative from Analytic Consulting Group, Inc, the contractor performing the hazardous waste removal work and a representative of the Community Development Staff.
  6. Work in the ESH: No work shall extend into the ESH. If the work is during nesting season, provisions of Mitigation Measure BR-6 shall apply.
  7. Hazardous Material handling/abatement: Applicant shall insure that all materials are removed from the site by a licensed waste disposal transport service to a permitted disposal site. Licenses and disposal ticket shall be provided to the City. Asbestos material to be removed from the electrical/transformer building does not require full containment under Federal NESHAPS, SLO County APCD or Cal/OSHA rules. The material shall be encapsulated prior to removal and removed using the 'wet removal' method.
  8. Environmental Compliance Monitoring: The applicant shall retain a qualified independent Environmental Compliance Specialist, to oversee and document compliance with all approved project related mitigation measures as well as environmental regulatory requirements pertaining to the proposed demolition activities. Consultant qualifications, duties and reporting protocols shall be subject to approval of the Community Development Director.
  9. Full Site Assessment: Analytical Consulting Group shall take the lead in performing a full site assessment following the completion of all the work. The review may require documentation filing or oversight by the (California Department of Toxic Substances Control) DTSC.

# EXHIBIT A

Planning Commission Resolution 14--20

MAJ19-05: 3300 Panorama

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10. Notice to all involved jurisdictions: The applicant and/or the applicant's consultants shall insure that all involved jurisdictions shall be notified of the proposed work related to the siding removal and replacement on the electrical/transformer building. Evidence of notification and responses providing either 'no further action' required notice, or information they require to allow the work shall be provided to the City planning staff prior to the start of the work.

NO FURTHER NEW CONDITIONS OF APPROVAL. ALL CONDITIONS OF APPROVAL AND MONITORING PLAN REQUIREMENTS ASSOCIATED WITH PERMITS UPO 440 and CPO 500 REMAIN IN FULL FORCE AND EFFECT.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15<sup>th</sup> day of September 2020 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 15<sup>th</sup> day of September 2020.

July 5, 2020

ACG Job No. I1612-1202

City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442  
Attn: Nancy Hubbard, Contract Planner

Subject: **Asbestos Abatement Workplan**

Site: **Electrical Building**  
**Former US Navy Jet Fuel Storage Site, 3300 Panorama Road, Morro Bay, California**

**Background and Summary of Work**

The project covered by this workplan is the removal of asbestos-coated metal siding from the electrical building on the subject site. The removal is to be performed by a licensed and registered asbestos abatement contractor contracted by the owner.

The electrical building consists of a switchgear room, transformer room, and carport. The carport area has exterior siding of painted galvanized-steel corrugated panels which do not contain asbestos. The roof of the building is unpainted galvanized steel with no asbestos.

The transformer room and switchgear room are walled with painted asbestos-containing galvanized-steel corrugated siding. The asbestos-containing galvanized-steel siding is a material similar to Galbestos-brand siding, which is manufactured by rolling asbestos felt into the molten zinc galvanizing, impregnating it with asphalt, and then painting it with enamel. Galbestos-type siding is present only on the exterior walls of the transformer and switchgear rooms and the wall between the transformer and switchgear rooms. The western exterior wall of the transformer and switchgear rooms is the east interior wall of the carport and is Galbestos-type siding. Most of the exterior corner flashings are also Galbestos-type material, including the flashings between roof and walls.

The surface paint on the Galbestos-type siding is cracked or “alligatored” over much of the exterior surface, especially where exposed to sunshine. Cracking and minor peeling of the paint has exposed the asbestos-asphalt layer beneath in some places. The asbestos-containing layer is non-friable even where exposed by weathering – it cannot be reduced to powder by hand pressure. Visual inspection of the ground surrounding the electrical building showed no evidence of debris or paint flakes. While the material is considered non-friable at present, it may become friable at the edges during demolition unless stabilized.

The Galbestos-type siding is attached to the steel framing of the building with screws. In some areas, framing, electrical conduits, and other obstructions will make removal of the panels difficult without cutting the material.

# EXHIBIT B

## **Work Area Preparation**

1. All work will be performed in a regulated area delineated with "Danger: Asbestos" signs and tape. No one other than certified asbestos workers, supervisors, site surveillance technicians and asbestos consultants will be allowed to enter the regulated area.
2. Prior to beginning work all electrical power in the building shall be disconnected and locked out by a qualified electrician. One circuit may be left energized for use during the project, provided that it is clearly labeled and no energized conductors will be exposed to water during the project. It is preferable to bring job power to the building from the outside. All power in the work area must be protected by GFCI.
3. The ground surface inside the carport and to a distance of 3 feet on the outside of the building will be HEPA vacuumed to remove debris and paint flakes.
4. The ground surface outside the building will be covered with two layers of minimum 6-mil polyethylene sheeting to a distance of 5 feet from the building. The sheeting will be anchored or weighted to secure it against wind.
5. A decontamination unit will be installed inside the carport. All areas of the carport used for the decontamination chamber, waste storage, and equipment storage shall be covered with 2 layers of minimum 6-mil plastic sheeting on the floor.
6. All material and equipment storage (except for asbestos waste) will be inside the carport or the steel shed building.
7. The site preparation will be inspected by the CAC or CSST prior to beginning asbestos removal.
8. The floor/ground sheeting will not be removed until cleared by the CAC/CSST.

## **Removal Procedures**

1. Electrical boxes, conduits, and other objects that are blocking removal of siding shall be removed prior to encapsulation where necessary. ACM shall not be disturbed during this process.
2. The asbestos-containing siding will be stabilized prior to removal with an asbestos removal encapsulant such as Foster 32-61 or a penetrating encapsulant such as Foster 22-P. The encapsulant shall be applied full-strength in accordance with manufacturers directions to all ACM surfaces using pump sprayers or an airless sprayer. The encapsulant shall be allowed to dry before beginning removal.
3. Removal may begin after the encapsulant is dry.
4. The ACM siding and flashing will be removed intact by removing the screws holding it to the framing. Removal of screws using a power screwdriver is preferred where feasible. Where necessary, screw heads may be broken off with a rivet buster or chisel. Damage to the ACM must be held to a minimum. Any removal method which may disturb the asbestos layer must be done wet (under a stream from a pump sprayer) or with HEPA vacuum-shrouded tools.
5. Panels may be cut, if necessary, using shears or snips only. Saws shall not be used. Power shears or snips are permissible. Cutting must be performed wet.



## EXHIBIT B

6. If cutting of steel framing is required it may be done using a power saw as long as care is taken not to contact the ACM with the saw.
7. Any visible ACM debris created during removal shall be cleaned up immediately using a HEPA vacuum and wet wiping.
8. The abatement contractor will pick up and place adequately-wet ACM debris into labeled asbestos disposal bags. The waste will be double-bagged.
9. Panels may not be folded for disposal unless they are wetted during the folding.
10. If panels are cut or folded, or the ACM is damaged during removal, the damaged areas will be encapsulated.
11. Following removal of all ACM, the building interior and exterior plastic sheeting shall be cleaned using HEPA vacuuming and wet wiping.
12. Following visual inspection and air sampling by the CAC/CSST, the building interior shall be treated with lockdown encapsulant.

### **Waste Disposal**

1. Waste bins will be placed adjacent to or within the carport for loading.
2. Intact siding panels and flashing will be placed in a covered roll-off bin lined with 6-mil plastic sheeting. The plastic sheeting will be wrapped over the material and secured with tape after loading. The bin shall be covered and locked when not in use.
3. Friable asbestos debris will be double-bagged, labeled and placed in a covered and locked roll-off bin or vehicle labeled in accordance with DTSC, EPA, and DOT regulations. Loose ACM debris, PPE, rags, HEPA vacuum bags, the inner layer of containment, etc. will be considered hazardous friable asbestos waste.
4. Friable asbestos waste shall be placed in a separate bin or vehicle from the nonfriable siding and flashing material.
5. Non-friable asbestos waste shall be transported under a non-hazardous waste manifest to a Class 2 or Class 3 landfill that is authorized to accept non-friable asbestos waste.
6. The friable hazardous waste will be transported by a licensed hazardous waste hauler under a Uniform Hazardous Waste Manifest from the site to a landfill authorized to accept friable asbestos waste.

### **Worker Training, Protection and Decontamination**

1. The abatement contractor's employees will be certified asbestos abatement workers or supervisors. Documentation of worker and supervisor AHERA training and certification and state registration will be onsite during the work.
2. Workers performing asbestos abatement activities shall have training, medical examinations, medical screenings, respiratory protection fit testing as well as all other industry related regulatory requirements pertaining to these types of activities. It shall be the responsibility of the asbestos abatement contractor to impose and enforce all such requirements.
3. All workers performing asbestos activities will have documentation of respirator fit testing and medical clearance.



## EXHIBIT B

4. All workers performing asbestos activities will be protected at a minimum with half-face negative pressure air-purifying respirators equipped with HEPA (P-100) filters.
5. All workers performing asbestos activities will wear disposable coveralls, rubber boots or disposable boot covers, hard hats, safety glasses and gloves.
6. Before leaving the regulated area, all workers will remove gross contamination from suits, disposable gloves, gloves, and shoe covers using a HEPA-vacuum or wet rags and place them in an asbestos disposal bag.
7. Equipment and non-disposable PPE including rubber boots, hard hats, and safety glasses will be decontaminated by HEPA vacuuming and/or wet-wiping.
8. Workers will shower in accordance with Cal-OSHA regulations when leaving the regulated area.

### **Air Monitoring and Inspection Procedures**

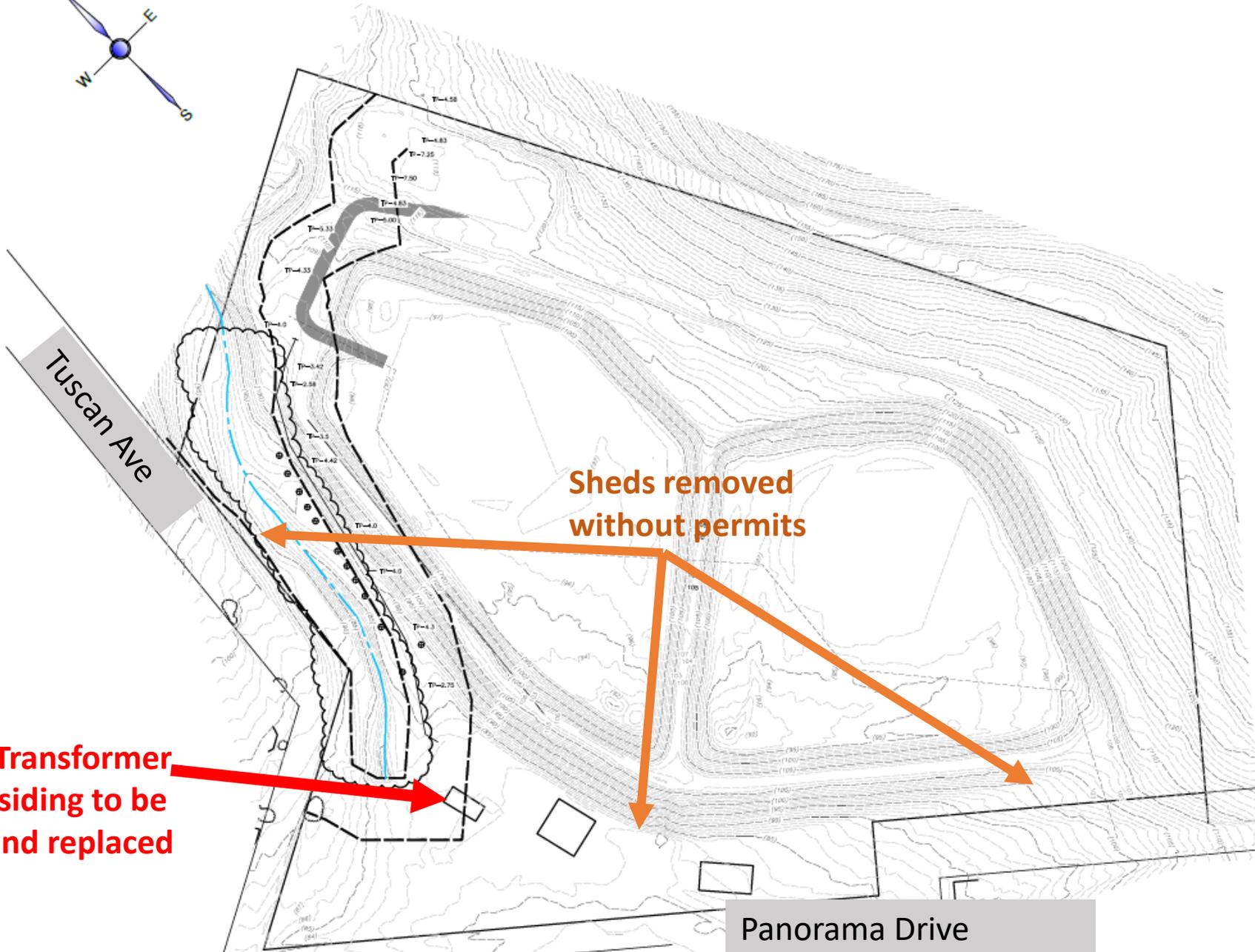
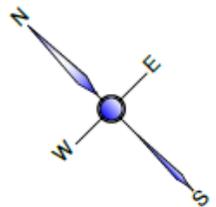
1. ACG will provide a Cal/OSHA Certified Asbestos Consultant and/or a CSST working under direct supervision of a CAC to assure compliance with regulatory and contractual requirements and this plan. ACG will report to the City of Morro Bay.
2. ACG will provide a pre-abatement visual inspection of the work area preparation, engineering controls, and worker protection.
3. ACG will observe the removal work on a daily basis, verifying compliance with work practice requirements.
4. ACG will provide a visual clearance of the work area following removal and cleanup.
5. ACG will collect air samples outside the enclosure on a daily basis. Air samples will be analyzed on a 24-hour turnaround using transmission electron microscopy.
6. ACG will collect clearance air samples inside the work area following visual clearance. Clearance air samples will be analyzed on a 24-hour turnaround using transmission electron microscopy.
7. A project monitoring report will be generated including detailed observations and air sample results collected by ACG during the abatement activities.

Prepared by  
Analytical Consulting Group, Inc.

Michael R. Tiffany, CAC, CIH, PG  
Certified Asbestos Consultant No. 15-5398  
Certified Industrial Hygienist No. 5056



EXHIBIT C



**Electrical/Transformer building – siding to be removed and replaced**

**Sheds removed without permits**

**Panorama Drive**

**Tuscan Ave**

# EXHIBIT D.1

## RESOLUTION NO. PC 08-19

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION UPHOLDING THE APPEAL OF MINOR MODIFICATION (MIN19-001) OF UPO- 440 AND CPO-500 PERMITS ALLOWING REMOVAL OF SHEDS, FIRE HYDRANTS AND RELATED TERMINATION OF WATER LINES AT 3300 PANORAMA DRIVE

**WHEREAS**, Rhine LP and Morro94, LLC applied for a minor modification of the existing CPO-500 and UPO-440 permit on January 14, 2019 for removal of 3 small sheds, 3 fire hydrants, and termination of related waterlines; and

**WHEREAS**, the City of Morro Bay administratively approved the minor modification (MIN19-001) on February 14, 2019, following the end of the 10-day public notification period; and

**WHEREAS**, Carole Truesdale, Kristen Headland and Dan Sedley submitted an appeal of the City's approval of MIN19-001 on February 25, 2019 (Appeal); and

**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 May 7, 2019, for the purpose of considering the Appeal; and

**WHEREAS**, notice of the public hearing was 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 appellant, applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

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

A. The fire hydrant removal, which was part of the scope of MIN19-001, was performed several months prior to the approval of MIN19-001 and was therefore performed without a valid permit.

B. Morro Bay Municipal Code section 17.58.090 states that decisions on coastal development permits do not become effective until after the 10-day appeal period has passed and that the effective date of a permit is suspended if an appeal is filed. Because an appeal was filed regarding the approval of MIN19-001 within the 10-day appeal period, MIN19-001 has not yet become effective.

# EXHIBIT D.1

Planning Commission Resolution 08-19

Appeal of MIN 19-001

Page 2

Nonetheless, applicant has already removed the sheds from the site. As with the fire hydrant removal, this work was performed without a valid permit.

C. MIN19-001 was properly issued by the Director and was consistent with the originally approved permit considering the information submitted in the minor modification application and in light of Condition of Approval No. 3 of Resolution No. PC 15-18, which states that "Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director."

D. However, the Commission finds that, unbeknownst to the City, information submitted in the minor modification application was incomplete insofar as it did not indicate that some of the proposed work had already been performed. Moreover, since the applicant performed all of the proposed work, ***including removal of asbestos materials***, without valid permits, approval of the modification may require additional environmental review and additional conditions of approval not included in MIN19-001. ***(Italics section added by Planning Commission 5/21/19)***

E. In light of findings (A) through (D), the scope of the requested modification is not properly categorized as a "minor change" and therefore an administrative Minor Modification permit is not the appropriate vehicle for consideration of the additional scope of work.

**Section 2: Action.** The Planning Commission does hereby uphold the appeal of MIN19-001 for the property located at 3300 Panorama Drive and revokes MIN19-001 effective immediately. Pursuant to Condition of Approval No. 3 of Resolution No. PC 15-18, and Morro Bay Municipal Code section 17.58.120, the Planning Commission recommends that the applicant should reapply to the Planning Commission for an amendment to the existing CUP/CDP for the work completed without a valid permit within 30 days from the date of action on this Resolution.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 21st day of May 2019 on the following vote:

AYES: Lucas, Stewart, Barron, Ingraffia, Luhr

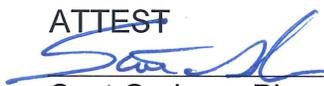
NOES:

ABSENT:

ABSTAIN:

  
Chairperson Gerald Luhr

ATTEST

  
Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted on this 21st day of May 2019.



Environmental, Inc.

---

226 West Ojai Ave., Ste. 101, #157

Ojai, California 93023

805.570.4451

www.paxenviro.com

April 2, 2019

Chris Mathys  
Rhine LP and Morro 94 LLC  
2141 Tuolomne Street  
Fresno, CA 93721

**RE: Post-Demo Biological Survey Results for a Fuel Tank Demolition Project at 3300 Panorama Drive, Morro Bay, California.**

**Introduction**

Pax wildlife biologist (Colleen Del Vecchio), who is familiar with the species of region, conducted a post-demolition nesting bird and impacts survey on March 13, 2019 at 3300 Panorama Drive, Morro Bay, California (APN: 065-038-001) (Figure 1). The survey was conducted per requirements of the City of Morro Bay outlined in their Code Violations notice, dated March 6, 2019. The purpose of the survey was to identify active bird nests within, or in close proximity to the project site, and note any land disturbances from removal of the structures. The survey included a visual search of all vegetation, trees, and buildings, as well as monitoring birds for evidence of breeding behavior, including: copulation, carrying food or nesting materials, nest building, adult agitation or feigning injury, feeding chicks, removal of fecal sacks, and other characteristic behaviors that indicate the presence of an active nest. Demolition of the tank structures, shed, and removal of two trees occurred the week of February 25, 2019.

**Environmental Setting**

The fuel tank area consists of two steel fuel tanks surrounded by concrete covered earthen berms which form two separate tank basins (Figure 3). Scattered Monterey cypress trees (*Cupressa macrocarpa*) are present within each of the tank basins along with occasional ornamental trees. Disturbed, non-native annual grassland covers each of the basin floors along with various pipeline components and drainage facilities. An unnamed drainage borders the northernmost tank basin area with stands of Monterey cypress and arroyo willow (*Salix lasiolepis*) trees along the unnamed creek corridor. The unnamed creek is a blue line channel described as an intermittent and seasonally flooded riverine system. This area is considered environmentally sensitive habitat (ESHA) (Figure 3). A third, much smaller metal water tank is set between and upland of the two fuel tank basins and is surrounded by Monterey cypress trees. Operations buildings and a paved entrance are also present to the south of the fuel tank basins.

## EXHIBIT D.2

### Pre-Demolition Monitoring

Initial construction on the site began September 24, 2018. Pax biologist, Ryan Ganjtomari, conducted a WEAP (Workers Environmental Awareness Program) training focusing on the potential for special-status species, nesting birds, and protections for the ESHA zone. Construction that day consisted of staking and installing the ESHA fence and a second crew testing pipes for chemical residue, so that they could be safely removed. Again, Mr. Ganjtomari monitored on September 25, 2018. Crews finished installing the ESHA fencing and cleaned up all materials from testing the pipes. Additionally, a Monterey cypress had its lower branches trimmed for access to the 6 inch pipeline, to begin removal. A nesting bird survey was completed prior to any tree trimming, the results were negative.

December 5, 2018 Pax biologist, Bradley Youngerman, surveyed the work area for potential impacts to the ESHA zone, and surveyed two trees that would be removed from the southern portion of the ESHA. One of the trees was a Monterey cypress that failed at the base and fell south across the creek. The second was a dead pine tree (*pinus* sp.) that was standing on the north side of the drainage. The crew did not remove the trees during this monitoring visit. Crews were filling the fire hydrant water pipes with concrete and cleaning up the project site.

### Post-Demolition Survey Results

Time of Survey: 1030

Weather Conditions: Sunny, winds 2-3mph, 61°F

A California Department of Fish and Wildlife (CDFW) CNDDDB Search was completed to address the potential for special-status species prior to the survey (Figure 2). Building eaves, trees, shrubs and other suitable habitat features were thoroughly examined during the survey for nesting birds. The following avian species were observed during the survey: northern mockingbird (*Mimus polyglottos*), house finch (*Carpodacus mexicanus*), California scrub-jay (*Aphelocoma californica*), black phoebe (*Sayornis nigricans*), Eurasian collared dove (*Streptopelia eacaeto*), red-tailed hawk (*Buteo regalis*), cliff swallow (*Petrochelidon pyrrhonota*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), white-crowned sparrow (*Zonotrichia leucophrys*), Townsend's warbler (*Setophaga townsendi*), California towhee (*Melospiza crissalis*), Say's phoebe (*Sayornis saya*), American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), prairie falcon (*Falco mexicanus*), great horned owl (*Bubo virginianus*), and golden-crowned sparrow (*Zonotrichia atricapilla*). Additional wildlife observations included California ground squirrel (*Otospermophilus beecheyi*), monarch butterfly (*Danaus plexippus*; 6 individuals), Sierran treefrog (*Pseudacris sierra*; vocalizations), and racoon (*Procyon lotor*; tracks). No roosting bats or evidence thereof, were found.

In the ESHA zone, there was no significant impacts to vegetation or soil within the woodland. The creek was flowing during the site visit. Where the shed was removed, in the west central section of the ESHA, the recommended access route was used through the existing gate, and minimum soil and vegetation impacts were observed, the concrete foundation remains (Figure 4, Photo 7). Where the 6 inch pipeline was removed, the soil is compacted, however the vegetation is re-growing. The fallen Monterey cypress was removed that fell south over the creek and the dead pine on the top of the north bank, crews used the recommended access route to limit impact to the water course (Photo 6). Some debris remains within the creek; however, this debris was present prior to any work activities beginning. There was no construction related impacts

## EXHIBIT D.2

observed to the creek, the banks were covered with vegetation.

In the east side of the project area where the water tanks are located, one active nest (i.e., nests containing eggs or chicks) was observed in the stand of Monterey cypress. A great horned owl nest was observed in the crotch of one of the trees (Figure 3). Limbs on that tree were cut prior to construction in September/February to expose the shotcrete for removal (Photo 4). Both owls were observed, one roosting on the branches of the tree, the other flushed from the crotch of the tree. This species natural history indicates only the female incubates eggs, while the male roosts nearby in the tree<sup>1</sup>. The eggs were not visible in the nest from the ground. Based on the observed behaviors, the pair is likely nesting. Additionally, based on the timing of nesting for this species, they likely began nesting in February and are incubating eggs. In the southern extent of this species range, incubation typically begins as early as mid-February. Pellets and white wash were observed near the base of the tree.

All three tanks were removed off site along with all associated ancillary structures. With the recent storm events, one portion of the hillside where the shot-crete berm was washed out. The fuel holding tank areas are growing in with vegetation, minimum earthwork was completed leaving the area in the same basin shape it was previously.

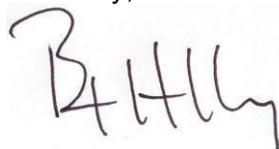
### Conclusion

Project demolition activities of the fuel tanks and associated ancillary structures had minor impact to the existing land. The ESHA had less than significant impact from removal of the shed and removal of the trees, no signs of construction are visible following the spring rain and significant growth of vegetation.

An active nest of great horned owls was observed in the stand of Monterey Pines on the east side of the project area, in the vicinity of where all three of the tanks were removed.

Please contact me if you have any questions regarding this assessment.

Sincerely,



Brian E. Holly

Principal/Senior Ecologist

---

<sup>1</sup>Artuso, C., C. S. Houston, D. G. Smith, and C. Rohner (2013). Great Horned Owl (*Bubo virginianus*), version 2.0. In *The Birds of North America* (A. F. Poole, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bna.372>

# EXHIBIT D.2

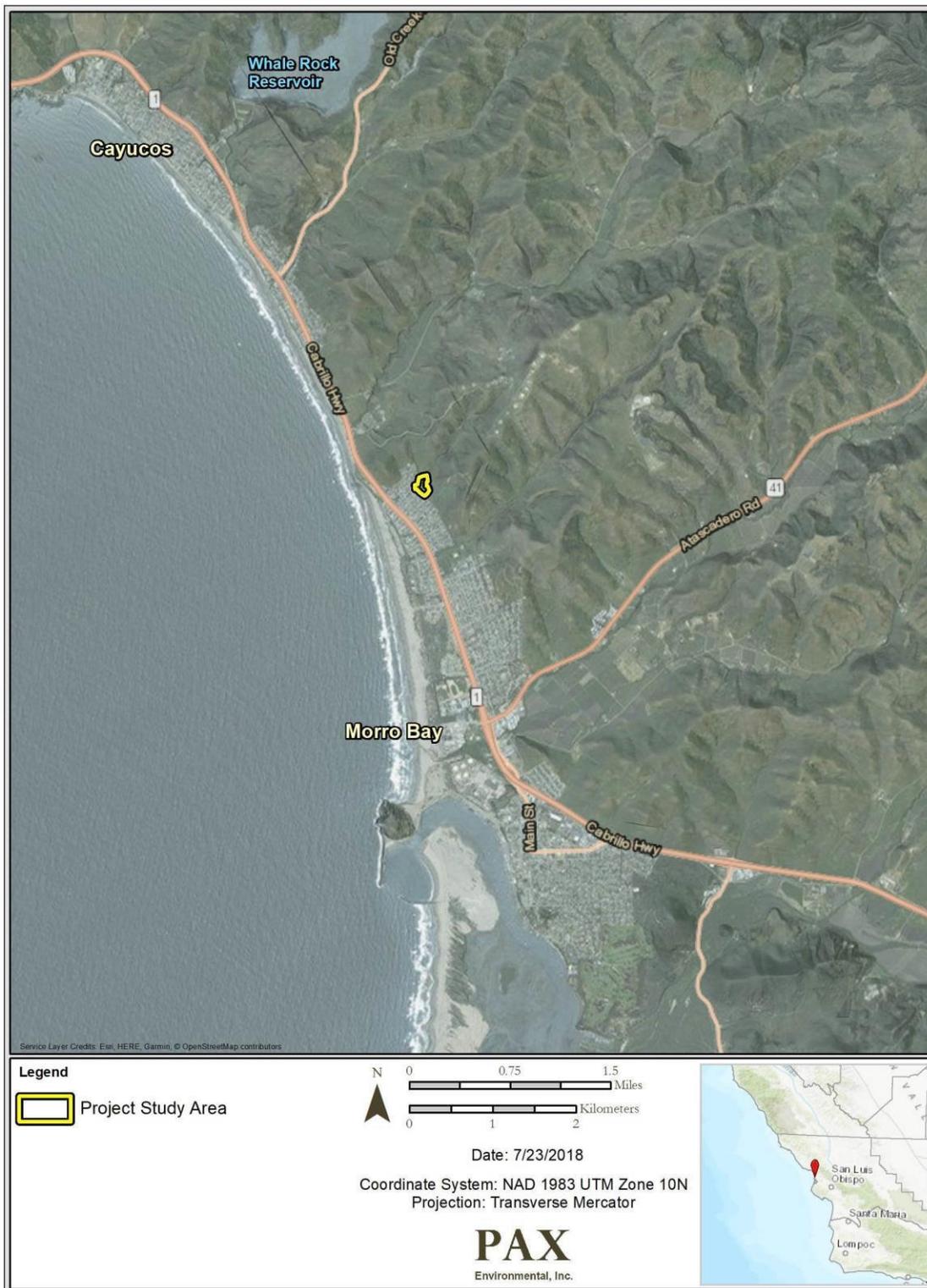


Figure 1. Project vicinity map.

# EXHIBIT D.2

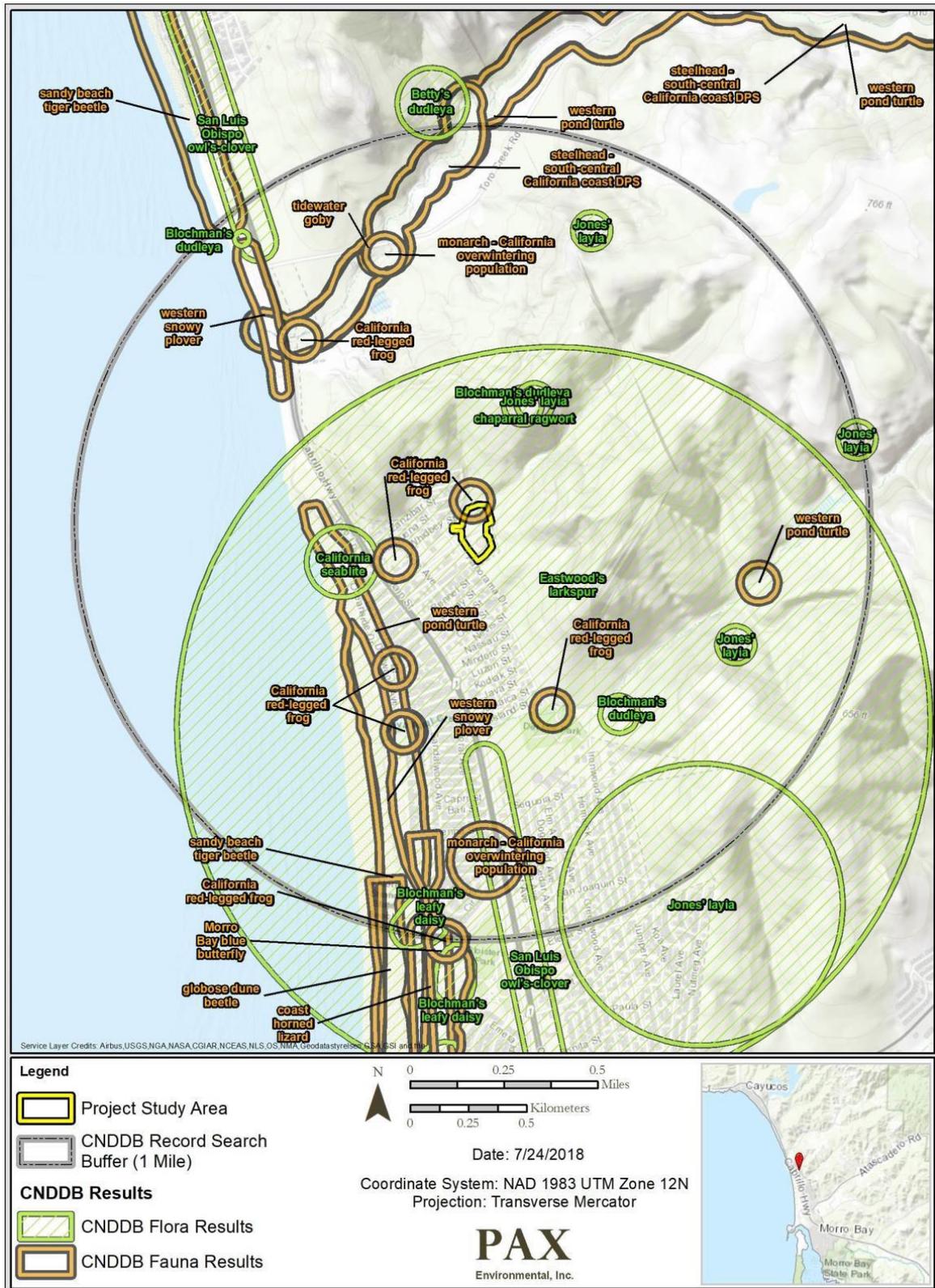


Figure 2. Project location and CNDDB overlay.

# EXHIBIT D.2



**Figure 3:** Project site, ESHA boundary, and active nesting area.

# EXHIBIT D.2



**Figure 4:** Tree and shed removal area with recommended access route.

## EXHIBIT D.2



**Photo 1:** Fuel tank 1 removed, facing northeast.



**Photo 2:** Fuel tank 2 removed, facing southeast.

## EXHIBIT D.2



**Photo 3:** Small water tank removed, facing east.



**Photo 4:** Trimmed Monterey cypress facing north.

## EXHIBIT D.2



**Photo 5:** Removal of 6" pipeline, facing east.



**Photo 6:** Creek with flowing water, wo trees removed (circled in red) west of ESHA, facing east.

EXHIBIT D.2



**Photo 7:** Shed and fire hydrants removed on edge of ESHA, facing northwest.

October 24, 2019

City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442  
Attn: Nancy Hubbard, Contract Planner

Subject: Cost Estimate for Asbestos Abatement Monitoring Services

Site: Former US Navy Jet Fuel Storage Site, 3300 Panorama Road, Morro Bay, California

Analytical Consulting Group, Inc. (ACG) is pleased to present this cost estimate for environmental compliance monitoring services for the above referenced project. This estimate follows a request from Ms. Nancy Hubbard, Contract Planner with the City of Morro Bay Community Development Department. ACG proposes to provide industrial hygiene and environmental services on an as-requested basis to assist the City in monitoring compliance with County of San Luis Obispo, City of Morro Bay, and other agency requirements for asbestos and/or lead-based paint removal at the subject site. Specifically, ACG will provide monitoring, sampling and reporting as required by the Air Monitoring Plan, Asbestos Compliance Plan, Lead Compliance Plan, SLO County asbestos regulations, and Cal/OSHA regulations. ACG will also visually monitor the remediation contractor's environmental compliance on a continuous basis during the project.

The project covered by this estimate is the removal of asbestos-coated metal siding from the electrical building, also identified as the garage building. The removal is to be performed by a licensed and registered asbestos abatement contractor contracted by the owner.

ACG proposes to perform the following requested services:

- ◆ Provide a qualified Environmental Compliance Monitor to act on behalf of the City to monitor the owner's and contractor's compliance with environmental requirements during the project. The monitor will be either a California Certified Asbestos Consultant (CAC) or a Certified Site Surveillance Technician (CSST) working under supervision of a CAC.
- ◆ Provide on-site observation and perform perimeter air monitoring and reporting for dust and asbestos in accordance with the Air Monitoring Plan.
- ◆ Perform lead monitoring and reporting in accordance with the Lead Compliance Plan.
- ◆ Provide community noise monitoring during demolition activities if requested by the City.
- ◆ Provide liason with permitting agencies, owner, and contractor, including attendance at meetings, when requested by the City.
- ◆ Provide a project report including air monitoring results.

ACG proposes to perform the above services on a time and materials basis in accordance with the existing contract for this project. The cost estimate is presented below.

# EXHIBIT D.3

## FEE SCHEDULE

### Industrial Hygiene and Environmental Services

#### PROFESSIONAL FEES

Certified Industrial Hygienist .....	\$ 130.00/hr
Professional Geologist .....	\$ 125.00/hr
Associate Industrial Hygienist/CSST/Lead Inspector .....	\$ 120.00/hr
Field Technician.....	\$ 85.00/hr
Clerical & drafting .....	\$ 55.00/hr

#### EQUIPMENT

5-gas (VOC, combustible, H <sub>2</sub> S, CO <sub>2</sub> , O <sub>2</sub> ) meter.....	\$ 75.00/day
Photoionization detector (PID) .....	\$ 75.00/day
Dust monitoring instrument .....	\$100.00/day
Sound level meter .....	\$ 50.00/day
Sampling pumps .....	\$ 25.00/day
Rented equipment .....	cost+15%

#### OUTSIDE EXPENSES

Laboratory analysis .....	cost+15%
Other outside expenses .....	cost+15%

## COST ESTIMATE

### Three Days of Asbestos Removal

Environmental Compliance Monitor, daily rate up to 10 hours including pumps.....	\$ 1,300.00/day
Asbestos sample analysis, TEM, 12-hr rush..... 4/day @ \$205.00/ea =	\$ 820.00/day
Mobilization, per round trip.....	\$ 750.00/trip
Per Diem .....	\$ 150.00/day
Report.....	\$ 500.00

**Three-day cost estimate including sample analysis .....\$ 8,060.00**

This cost estimate assumes that the asbestos removal and clearance inspection is completed on the second day and tear-down and cleanup occurs on the third day. The total cost will depend on the duration of the project and the actual sampling load. The cost estimate does not include noise monitoring or lead sampling, or pre-job consulting and meetings. Terms are net 30 days for all invoices. Invoices will be submitted upon completion of plans or reports; or weekly for ongoing monitoring work.

We appreciate the opportunity to be of service to you. Should you have any questions or desire any additional information, please contact the undersigned.

Respectfully submitted,

Michael R. Tiffany, President  
Analytical Consulting Group, Inc.





March 4, 2020

Rhine LP & CVI Group, LLC  
Oro Financial of California, Inc.  
Chris Mathys, Manager  
David Fiske, Agent for Service of Process  
2304 W Shaw #102  
Fresno, CA 93711

Morro94, LLC  
Robin Solley, Agent for Service of Process  
Edward Gallegos, Project Manager  
2141 Tuolumne St., Suite J  
Fresno, CA 93721

**FOLLOW UP TO NOTICE OF VIOLATION HEARING SUMMARY  
HAZARDOUS MATERIALS STORAGE TANK CLOSURE  
PERMIT 40-2027-2A-AGT AND HAZARDOUS WASTE REMOVAL FROM THE  
FORMER NAVY JET FUEL STORAGE SITE  
3300 PANORAMA DRIVE, MORRO BAY, CA**

This letter is to reconcile the information requested in the Notice of Violation Hearing Summary letter dated September 24, 2019. The letter requested these items:

1. The hazardous waste determination used by Portney to validate the asbestos to be non-friable.
2. The quantity of asbestos removed.
3. The asbestos removal workplan.
4. Portney Environmental & Demolition's contractor credentials.
5. Asbestos removal notification provided to applicable agencies.

In a non-dated letter from Jeff Portney, except for item 2 above, the above enumerated items are addressed as follows:

Asbestos friability

Galbestos is a non-friable asbestos containing material. In its original condition this is a true statement; however, after years of environmental exposure, it typically becomes friable. Two separate Certified Industrial Hygienists: Michael Tiffany and Jeffrey Olsen, recently concluded the condition of the asbestos containing material (Galbestos) was friable. Mr. Tiffany working on behalf of the City of Morro Bay, and Jeffrey Olsen working on your behalf.

Asbestos removal workplan

The work to remove the structures and disposal methods were addressed. The waste asbestos containing material was disposed of at a landfill authorized to accept the material. It was shipped off under a non-hazardous waste manifest.

Portney Environmental & Demolition's contractor credentials

The California State Contractor's license was provided.

## D.4

### Quantity of removed asbestos and other agency notifications

The non-hazardous waste manifest was reviewed. The amount of asbestos containing material is illegible on the manifest; therefore, the amount of material is unknown. Failure to notify the Air Pollution Control District (APCD) on the demolition of the structure was addressed. It is inferred that no notification relating to asbestos removal was made to APCD, the agency of jurisdiction, because Portney identified the material as non-friable, making notification unnecessary.

Because no representative from this agency was involved in overseeing the removal of the structures with asbestos containing material, no opinion is rendered on the condition of the asbestos. The landfill where it was disposed has a permit from the Regional Water Quality Control Board for its disposal, thus the waste was disposed in an approved location. A concern remains in the proper identification of asbestos state: friable versus non-friable by Portney Environmental and Demolition, Inc. If friable, that would make the waste hazardous waste and its transportation and manifesting falls under the authority of the Department of Toxic Substances Control (DTSC). Employee exposure to asbestos containing material falls under the authority of California Occupation Safety and Health Administration (Cal-OSHA). Therefore, referrals will be made to those agencies regarding the actions of Portney Environmental and Demolition, Inc.

The conditions for the removal of the aboveground tanks under permit #40-2027-2A-AGT issued by this agency have been satisfied.

As stated to you previously, please apply to the California State Department of Toxic Substances Control (DTSC) (<https://dtsc.ca.gov/brownfields/>) to oversee the assessment and potential mitigation if you plan to redevelop your property. DTSC stated in their December 20, 1996 determination letter that the site would need to be reevaluated if the owner plans to redevelop the site to residential use.

If you have questions, please contact me at (805) 781-4917, [lchandler@co.slo.ca.us](mailto:lchandler@co.slo.ca.us) or Aaron LaBarre at (805) 781-5595, [alabarre@co.slo.ca.us](mailto:alabarre@co.slo.ca.us).

Sincerely,



Linnea Chandler, R.E.H.S.  
Environmental Health Specialist III  
Certified Unified Program Agency

Cc:

Scot Graham, Community Development Director, City of Morro Bay  
Nancy Hubbard, Contract Planner, City of Morro Bay  
Tim Fuhs, San Luis Obispo County Air Pollution Control District  
Michael Tiffany, Analytical Consulting Group, Inc.



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT

Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

September 24, 2019

Rhine LP & CVI Group, LLC  
 Oro Financial of California, Inc.  
 Chris Mathys, Manager  
 David Fiske, Agent for Service of Process  
 2304 W Shaw #102  
 Fresno, CA 93711

Morro94, LLC  
 Robin Solley, Agent for Service of Process  
 2141 Tuolumne St., Suite J  
 Fresno, CA 93721

**NOTICE OF VIOLATION HEARING SUMMARY  
 HAZARDOUS MATERIALS STORAGE TANK CLOSURE  
 PERMIT 40-2027-2A-AGT AND HAZARDOUS WASTE REMOVAL FROM THE  
 FORMER NAVY JET FUEL STORAGE SITE  
 3300 PANORAMA DRIVE, MORRO BAY, CA**

On Friday, June 7, 2019, an office hearing was held to discuss the failure to submit required documentation:

1. Tank and piping atmosphere monitoring.
2. Soil sampling laboratory results and assessment report.
3. Waste disposal:
  - a. Tank cleaning fluid (rinsate).
  - b. Contaminated soil.
  - c. Hazardous waste.
  - d. A hazardous waste determination for the asbestos removed from the site.

No representative from the subject site attended the hearing in person as requested. We believed we received an affirmative reply to attend in person. However, Chris Mathys and I spoke by telephone. Mr. Mathys explained, he was in New Mexico and he thought the presence of his representative Michael Tiffany would satisfy our attendance requirement. I explained to Mr. Mathys that attendance of principal responsible parties; those who can negotiate compliance agreements, are required to attend office hearings in person.

**The following reports and/or documents were reviewed:**

- Post-Removal Soil Assessment Report Removal of Aboveground Tank System Former Navy Jet Fuel Storage Site, 3300 Panorama Drive Morro Bay, California, dated April 21, 2019, prepared by Michael Tiffany of Analytical Consulting Group, Inc.
- Removal of Aboveground Tank System Former Navy Jet Fuel Storage Site 3300 Panorama Drive Morro Bay, California, report dated May 31, 2019, prepared by Michael Tiffany of Analytical Consulting Group, Inc.
- Post-removal Inspection-Former Hose-shed Locations Former Navy Jet Fuel Storage Site 3300 Panorama Drive Morro Bay, California report dated April 25, 2019, prepared

**Environmental Health Services**

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

[www.slopublichealth.org/ehs](http://www.slopublichealth.org/ehs)

## D.4

by Michael Tiffany of Analytical Consulting Group, which included bulk asbestos analysis

- Inspection of Office, Control Room and Garage Buildings for Demolition 3300 Panorama Drive, Morro Bay, CA report dated May 13, 2016, prepared by Jeffrey Olsen of Hazard Management Services, that included an asbestos survey for buildings 1, 2, paint storage shed and garage with analytical results.
- Non-hazardous waste manifest for non-friable asbestos waste, February 27, 2019. This manifest identifies the transporter as Portney Construction and the Paso Robles Landfill as the receiving facility.

### Review results:

- Oil sand disposal records were submitted.
- Soil sampling results from the piping and tank removal do not indicate that immediate action is necessary at this time due to the current land use. However, the data shall be included when performing the assessment that is required if the site is to be redeveloped to another use.
- The final waste determination for the asbestos removed from the site appears to be incorrect.
  - Two professional consultants confirmed the asbestos to be friable and is regulated as a hazardous waste. The report from Hazard Management Services referenced above confirms the material from the hose sheds contained friable asbestos above 1%. The "Post-removal Inspection-Former Hose-shed Locations" report from Michael Tiffany referenced above also identifies the sheds to contain asbestos above 1%. In conjunction with reviewing the reports, Ms. Chandler confirmed with Jeffrey Olsen of Hazard Management Services and Michael Tiffany of Analytical Consulting Group, Inc. that the material from the sheds or like material was friable asbestos.
  - The manifest provided for the removed asbestos indicates the waste is non-hazardous waste. The manifest from the site, indicates non-friable asbestos. In accordance with appendix X of California Code of Regulations Title 22, asbestos is presumed hazardous until determined otherwise. California Code of Regulations Title 22, section 66261.24 defines friable asbestos of 1% or greater to be hazardous waste.
  - The State Water Resources Control Board advised Ms. Chandler that the Paso Robles Landfill Paso Robles Landfill is permitted to accept friable and non-friable asbestos.
- These conclusions do not include determinations from other oversight agencies such as the City of Morro Bay and the County Air Pollution Control District.

Within 30 days, submit the following documentation:

1. The hazardous waste determination used by Portney to validate the asbestos to be non-friable.
2. The quantity of asbestos removed.
3. The asbestos removal workplan.
4. Portney Environmental & Demolition's contractor credentials.

5. Asbestos removal notification provided to applicable agencies.

Failure to comply with requirements of hazardous waste control law may result in formal enforcement action in accordance with Section 25187 and 25404.1.1 of the California Health and Safety Code by this agency or a referral to the District Attorney's Office for enforcement.

As stated to you previously, please apply to the California State Department of Toxic Substances Control (DTSC) (<https://dtsc.ca.gov/brownfields/>) to oversee the assessment and potential mitigation if you plan to redevelop your property. DTSC stated in their December 20, 1996 determination letter that the site would need to be reevaluated if the owner plans to redevelop the site to residential use.

If you have questions, please contact Ms. Linnea Chandler at (805) 781-4917, [lchandler@co.slo.ca.us](mailto:lchandler@co.slo.ca.us) or me at (805) 781-5595, [alabarre@co.slo.ca.us](mailto:alabarre@co.slo.ca.us).

Sincerely,



Aaron LaBarre, R.E.H.S.  
Supervising Environmental Health Specialist  
Certified Unified Program Agency

Cc:

Scot Graham, Community Development Director, City Of Morro Bay  
Tim Fuhs, San Luis Obispo County Air Pollution Control District  
Michael Tiffany, Analytical Consulting Group, Inc.



# Planning Commission

**MAJOR MODIFICATION**

**MAJ19-005**

**TO EXISTING PERMITS:**

**UPO-440 & CPO-500**

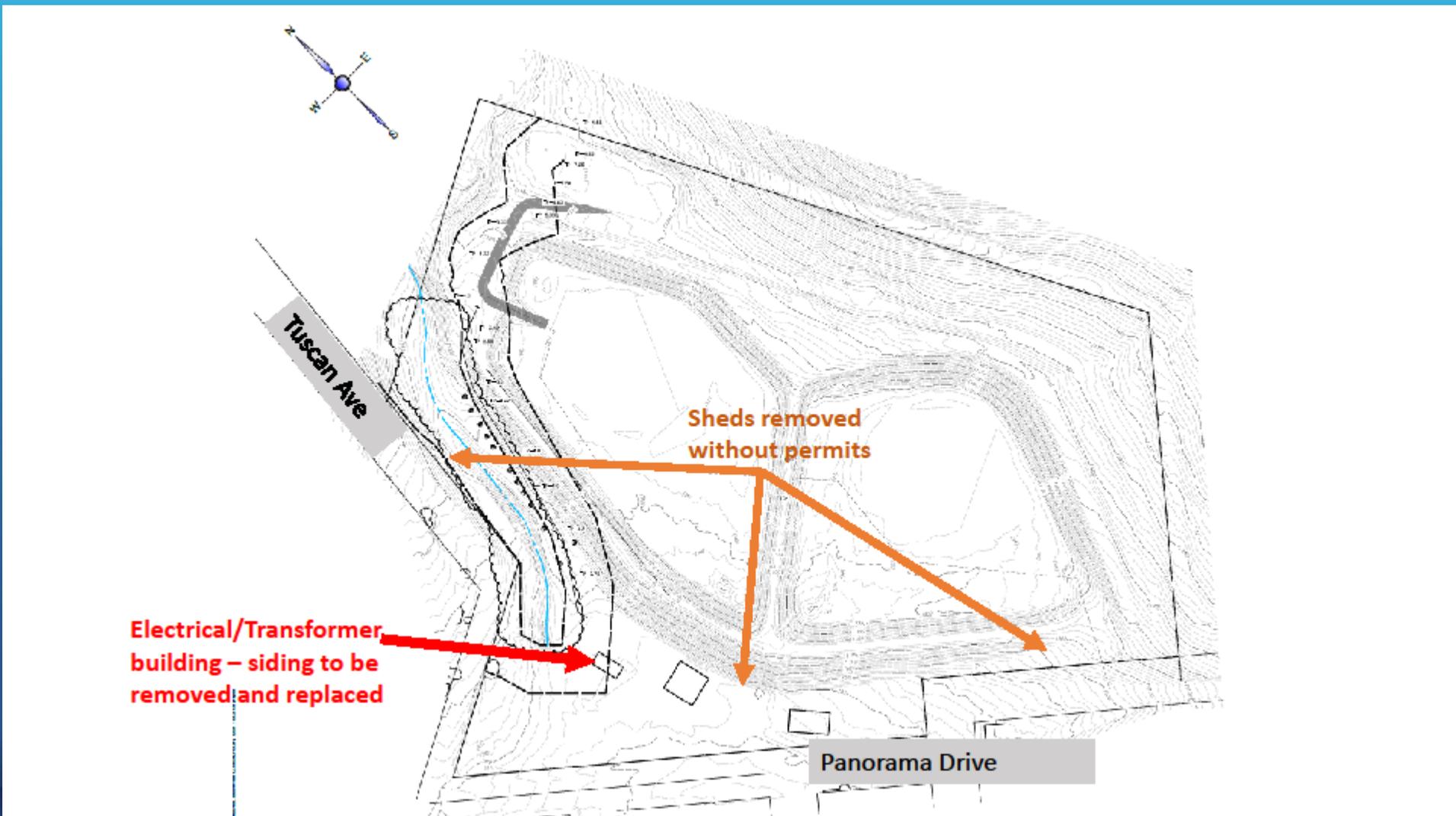
**SEPTEMBER 15, 2020**

3300 Panorama Dr



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# WORK AREAS



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# MAJ 19-005 SCOPE: AFTER-THE-FACT APPROVAL OF WORK PERFORMED WITHOUT PERMITS

- Three sheds formerly used to store fire hoses were removed in February 2019
- A fire hydrant connected to a private water source was next to each shed
- The sheds were constructed of steel framing with galvanized steel siding coated with asbestos felt and lead based paint, similar to a product called Galbestos.



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## MAJ 19-005 SCOPE: Siding replacement – Electrical/Transformer building

### Summary of Scope of work:

- Removal of asbestos containing siding and replace with metal siding
- Method of removal – encapsulate/wet system for any cutting (shears or snips only)
- Project oversight and monitoring by Industrial Hygienist, Michael Tiffany
- For the portion of the building in the ESHA 50-foot setback area, the Monitoring and Mitigation Plan (from MND) requires a biologist investigation prior to demo to ensure no species habitat will be disturbed.



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# AFTER-THE-FACT APPROVAL OF FIRE HYDRANT REMOVAL



Fire Hydrants were removed by the primary tank removal contractor in Fall 2018 when the private water tank and the related water lines to the hydrants were removed. He thought it was part of the scope because he was removing the source and to leave fire hydrants on the site that were not connected to any water source seemed irresponsible.

# AFTER-THE-FACT PERMIT REQUIREMENTS

1. The City issued a 'Stop Work' order on the site.
2. The City requested and received the following reports:
  1. Qualifications of contractor who removed the sheds
  2. Confirmation of the disposal site that received the shed materials
  3. Confirmation of the method used for removal of the sheds
  4. Visual Examination and testing in the area of the shed removal (Analytical Consulting Group)
  5. Report from Biologist confirming condition of the ESHA and no negative impact on nesting birds
  6. Documentation from APCD and SLO County Environmental Health confirming satisfactory resolution of notice of violations previously issued.



The City Planning Staff  
recommendation is for  
Conditional APPROVAL of  
MAJ 19-005 by adopting  
Resolution 14-20



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