

Seashell Cove Residential Project
CASE NO. MAJ21-002
DATE: May 2022



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

**R E S P O N S E T O C O M M E N T S O N T H E C I R T C U L A T E D
I N I T I A L S T U D Y / M I T I G A T E D N E G A T I V E
D E C L A R A T I O N**

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

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MND Comment Letter 1. Vince Kirkhuff, San Luis Obispo Air Pollution Control District (April 7, 2022).

From: Vince Kirkhuff <vkirkhuff@co.slo.ca.us>
Sent: Thursday, April 07, 2022 12:15 PM
To: Cindy Jacinth <cjacinth@morrobayca.gov>
Cc: Andrew Mutziger <amutziger@co.slo.ca.us>; Ashley S. Goldlist <AGoldlist@co.slo.ca.us>
Subject: Seashell Cove Residential Project General Plan Amendment CASE NO.: MAJ21-002

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Cindy Jacinth,

The SLO County APCD appreciates the opportunity to comment on the Mitigated Negative Declaration for the Seashell Cove Residential Project General Plan Amendment (CASE NO.: MAJ21-002). This project is a proposed General Plan/LCP Coastal Land Use Plan land use designation change from Low Density Residential to High Density Residential to facilitate the future development of a multi-family residential project on a currently vacant project site in the City of Morro Bay. The General Plan/LCP Coastal Land Use Plan amendment would necessitate a rezone of project site from R-A/PD (Suburban Residential/Planned Development) to R-4/PD (Multifamily Residential-HotelProfessional/Planned Development). The project site includes ten existing parcels for a total project site size of 4.7 acres. The land use and zoning designation changes would increase the allowable density of the project site from up to 4 dwelling units per acre to up to 27 dwelling units per acre. No development has been proposed at this time.

The APCD encourages balance of residential and commercial infill within the existing urban reserve lines (URLs) and village reserve lines (VRLs), as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Increasing density can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. The APCD supports the project proponents on their proposed changes which will increase density within the URL, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy.

Thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 805-781-5912.

Vince Kirkhuff | *Air Quality Specialist*
SLO County Air Pollution Control District
3433 Roberto Court, SLO 93401
805-781-4247 • SLOCleanAir.org



Response to MND Comment Letter 1. Vince Kirkhuff, San Luis Obispo Air Pollution Control District (April 7, 2022).

Thank you for your comment. The participation of San Luis Obispo Air Pollution Control District in the public review of this document is appreciated. No revisions to the IS/MND are necessary in response to this comment.

MND Comment Letter 2. Gavin McCreary, Department of Toxic Substances Control (April 15, 2022).



SENT VIA ELECTRONIC MAIL

April 15, 2022

Ms. Cindy Jacinth
City of Morro Bay
955 Shasta Avenue
Morro Bay, California 93442
CJacinth@morrobay.ca.gov

MITIGATED NEGATIVE DECLARATION FOR THE SEASHELL COVE PROJECT –
DATED MARCH 3, 2022 (STATE CLEARINGHOUSE NUMBER: 2022040028)

Dear Ms. Jacinth:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Seashell Cove Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to mining or suspected mining or former mining activities, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations

Ms. Cindy Jacinth
April 15, 2022
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onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#).

3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Response to MND Comment Letter 2. Gavin McCreary, Department of Toxic Substances Control (April 15, 2022).

Thank you for your comment. The participation of the Department of Toxic Substances Control in the public review of this document is appreciated.

1. No known hazardous waste or substances have been released on the project site. Construction activities and future residential uses would not result in significant releases of hazardous waste or substances. The transport, use, handling, and disposal of hazardous materials during construction would occur pursuant to local, state, and federal regulations. See IS/MND page 42.
2. The project site has not been used for mining activities.
3. Grading quantities are unknown at this time, including whether import of soil will be necessary. Portions of the project site have been previously graded. The City will be responsible for reviewing any future grading plans associated with future development on this project site, including whether any import of soil would be required.
4. Given the location and physical characteristics of the site, no agricultural or weed abatement activities involving organochlorinated pesticides are expected to have occurred on the project site.

No revisions to the IS/MND are necessary in response to this comment.

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MND Comment Letter 3. Patti Dunton, Salinan Tribe (April 18, 2022).

-----Original Message-----

From: info@salinantribe.com <info@salinantribe.com>

Sent: Monday, April 18, 2022 4:25 PM

To: Cindy Jacinth <cjacinth@morrobayca.gov>

Subject: Re: Notice of Availability for Land Use / Zoning Change MND for Seashell Cove /Theresa Rd, Morro Bay

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Greetings Cindy, We have reviewed the proposed rezoning and do not have any concerns. We do have concerns if any ground disturbing activities are proposed with the rezoning. As you may know the site is near many recorded cultural sites and areas where human remains have been unearthed. For these reasons we would request that all ground disturbing activities must be monitored by a cultural resource specialist from our tribe.

Xayatspanikan,
Patti Dunton, Tribal Administratort

Response to MND Comment Letter 3. Patti Dunton, Salinan Tribe (April 18, 2022).

Thank you for your comment. The participation of the Salinan Tribe in the public review of this document is appreciated. The Phase 1 Archaeological Report (Conway 2000) prepared for the project site did not identify any known archaeological resources and tribal consultation pursuant to AB 52 and SB 18 did not identify any tribal cultural resources that would be affected by the proposed project. Mitigation Measure CUL-1 provides measures to be undertaken in the event of inadvertent resource discovery during construction. Mitigation Measure CUL-1 has been revised to include a provision that a culturally affiliated local Native American tribal monitor to be present during initial ground disturbing activities to aid in identification of inadvertent resource discovery. See IS/MND page 33.