



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.  
The City shall be committed to this purpose and will provide a level of municipal service and safety  
consistent with and responsive to the needs of the public.*

**Regular Meeting - Wednesday, December 5, 2012  
Veteran's Memorial Building - 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Rick Grantham

Vice-Chairperson John Solu  
Commissioner Paul Nagy

Commissioner John Fennacy  
Commissioner Jessica Napier

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

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so at this time. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Administrative Technician at (805) 772-6261. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

**PRESENTATIONS**

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

**A. CONSENT CALENDAR**

- A-1 Approval of minutes from Planning Commission meeting of November 7, 2012  
**Staff Recommendation:** Approve minutes as submitted.

**B. PUBLIC HEARINGS**

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

- B-1 **Case No.:** Major Modification #A00-016 to Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061, Parking Exception #A00-077  
**Site Location:** 2760 Alder  
**Proposal:** Major modification to an existing CDP and CUP for a single family residential unit. The modification is for a roof deck. A parking exception is also being requested to allow a garage with less than 20’ interior width.  
**CEQA Determination:** Previous environmental approved for community housing project.  
**Staff Recommendation:** Conditionally approve  
**Staff Contact:** Cindy Jacinth, Assistant Planner, (805) 772-6577

- B-2 **Case No.:** Coastal Development Permit #CP0-301  
**Site Location:** 3072 North Main Street  
**Proposal:** The applicant is requesting a Coastal Development Permit to remove the remaining underground pipelines, removal of a circular concrete tank pad, demolish an underground concrete clarifier, removal of miscellaneous wood debris and concrete rubble at the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street.  
**CEQA Determination:** Mitigated Negative Declaration  
**Staff Recommendation:** Conditionally approve  
**Staff Contact:** Mary Reents, Contract Planner, (805) 772-6270

**C. UNFINISHED BUSINESS**

- C-1 Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.  
**Upcoming Projects:**
  1. Nutmeg Water Tank Mitigated Negative Declaration
  2. Southern California Gas Company – Coastal Permits for Advance Metering Project

**D. NEW BUSINESS**

None

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday, January 16, 2012, at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Public Services Department, 955 Shasta Avenue, for any revisions or call the department at 772-6261 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 Public Services 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 Public Services Department, Planning Division. Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill’s/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Public Services Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morro-bay.ca.us/planningcommission](http://www.morro-bay.ca.us/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.morro-bay.ca.us/notifyme](http://www.morro-bay.ca.us/notifyme) and follow the instructions.

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

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

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

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

**APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Public Services 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 \$250 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.

AGENDA ITEM: A- 1

DATE: December 5, 2012

ACTION: \_\_\_\_\_

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 7, 2012  
VETERANS MEMORIAL HALL – 6:00 P.M.

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning Manager
	Cindy Jacinth	Assistant Planner

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

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period and hearing none closed public comment period.

PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of October 17, 2012  
**Staff Recommendation:** Approve minutes as submitted.

MOTION: Commissioner Napier moved to approve the Consent Calendar. Commissioner Solu seconded and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 7, 2012

B. PUBLIC HEARINGS

B-1 **Case No.:** #SP0-153

**Site Location:** 780 Quintana

**Proposal:** The applicant is seeking approval for a Sign Exception Permit to allow 159.35 square footage of signage for McDonald's of which approximately 30 square feet will be new signage.

**CEQA Determination:** Categorically Exempt 15301, Class 1

**Staff Recommendation:** Conditionally approve sign exception permit #SP0-153

**Staff Contact:** Cindy Jacinth, Assistant Planner, (805) 772-6577

Jacinth presented the staff report.

Chairperson Grantham opened Public Comment period.

Steve Iadipaolo, Applicant's representative, stated he is available to answer questions.

Chairperson Grantham asked for clarification regarding McDonald's new operating hours. Iadipaolo clarified the drive-through would likely be open 24 hours.

Commissioner Nagy stated concern that the proposed project exceeds the allowable amount of signage, and this may be unfair to other Morro Bay businesses. Chairperson Grantham noted the current sign policy is in a state of flux and thus difficult to interpret and enforce.

Chairperson Grantham stated it is important for the public to know the new hours of the business, especially because it will be the only restaurant in town to be open 24 hours. He stated support for the argument that the new signage will increase activity in the shopping center as a whole, which would in turn support the other businesses. Grantham stated he was in favor of approval of the project.

Commissioner Napier stated she is concerned the new sign may not be in conformance with the sign ordinance when updated, which would create issues for both McDonald's and the City. She stated the new sign would probably not increase traffic because the existing signage is sufficient to inform people of the restaurant's location. Napier stated she is not in favor of approval of the project.

Commissioner Fennacy stated increased signage is necessary to inform the public the restaurant will be open 24 hours since it will attract travelers along Highway 1. He stated it may not be in conformance with the City's sign ordinance, but because the current ordinance is difficult to interpret and enforce, he stated he is in support of the project.

Commissioner Solu discussed the visibility of the building from Highway 1 as well as some of the design standards set forth by the franchisor, McDonald's. He stated McDonald's is one of the top five producers of sales tax for the City of Morro Bay. He noted the potential issues of nonconformance that could arise if the City were to approve the project before the sign ordinance is updated.

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Wold stated McDonald's current sign program is nonconforming; the Sign Ordinance allows for a Sign Exception process in these instances. She noted Taco Bell is also over the base limit of allowable signage. In order to ensure equitable treatment of businesses in the community, Wold offered to provide Commissioners with information regarding what other franchises have been afforded in the past in terms of signage. Wold stated McDonald's must adhere to the policies of both the shopping center and the City for frontage signage.

Livick provided an example illustrating how the Planning Commission granted a sign exception for Fitness Works which is also in a shopping center.

Commissioner Solu clarified the approval of the Taco Bell signs was not necessarily the right decision. He also stated the Fitness Works project and the proposed project are two very different projects that should not be compared. Solu stated the Applicant should work within the requirements of the Sign Ordinance.

Commissioner Nagy asked for clarification regarding the lineal footage of the building and the allowable sign area based on the square footage of the building. Jacinth confirmed the lineal square footage of the building is 68.75 square feet and clarified the sign ordinance calculates sign allowances based on the building length, not the property line.

**MOTION:** Chairperson Grantham moved to approve the Sign Exception Permit #SP0-153.

Commissioner Fennacy seconded the motion for discussion and the motion failed with Commissioners Napier, Nagy, and Solu voting no. (2-3).

Wold stated with the denial, findings for denial were required. Wold stated Item B of the Sign Exception Findings on page 5 of the staff report should be amended to read "the signs *are* excessive or poorly designed" and they "over-illuminate the area."

Commissioner Solu stated he does not think it is poorly designed, but it is excessive.

**MOTION:** Commissioner Nagy moved to deny the Sign Exception Permit #SP0-153, given the following findings:

- A. The current sign ordinance is in flux
- B. The proposed signs are excessive and do not meet the current standards

Commissioner Solu seconded the motion for discussion and the motion passed with Chairperson Grantham and Commissioner Fennacy voting no. (3-2).

B-2 **Case No.:** #UP0-342

**Site Location:** 901-915 Embarcadero

**Proposal:** The applicant is requesting a Conditional Use Permit to modify an existing commercial facility, which includes a proposal to increase the land lease and water leases and add the following improvements: 1) construct a new retail unit; 2) remodel and enlarge two existing restrooms 3) convert the existing glass court enclosed outdoor dining area to general public seating; 4) enlarge the existing harbor walkway and add a view

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REGULAR MEETING – NOVEMBER 7, 2012

deck; 5) install six floating docks and a gangway; 6) remove an existing aggregate sidewalk and replace with a concrete sidewalk to connect to an existing sidewalk; 7) modify existing parking spaces; and 8) construct two new posts to support an extension of the existing awning across the front of the building.

**CEQA Determination:** Mitigated Negative Declaration, State Clearinghouse #2012091063

**Staff Recommendation:** Conditionally approve Conditional Use Permit #UP0-342 and adopt Mitigated Negative Declaration

**Staff Contact:** Mary Reents, Contract Planner, (805) 772-6270

Wold presented the staff report.

Chairperson Grantham clarified the restrooms will be designated public restrooms. He stated concern about the maintenance of the restrooms, and wanted to ensure the City designates responsibility for the upkeep of the facility due to the potentially high use of the facility.

Commissioner Nagy asked for clarification regarding the allowable uses of the dock. Wold explained the parking code for vessels and stated the dock is approved for general boat docking, and not for commercial uses.

Wold stated Aesthetic Conditions A-F satisfactorily mitigate illumination, glare, or over-illumination of the site. She stated she would like Condition G to be eliminated, primarily because it unnecessarily restricts the type of signage on the site.

Commissioner Solu stated he received a letter from a concerned citizen regarding the proposed project.

Chairperson Grantham opened Public Comment period.

Cathy Novak, Applicant's representative, stated the building is not old enough to warrant complete demolition or major remodeling, hence the applicant has proposed a project to incorporate as many new amenities to the existing site as possible. The proposed plan is a concept plan; specific details will be presented to the Commission at a later time. Novak described the proposed additions and remodels associated with the project, and stated the project has been designed to enhance and support the visitor-serving uses along the waterfront and will generate additional revenues for the City.

Novak responded to questions from the general public regarding the following issues:

- Educational panels or signs explaining the “natural wonders” of the bay – Novak stated the City and Coastal Commission require new projects on the waterfront to post educational signs along the harbor walk areas. The Applicant will work with the Coastal Commission to determine appropriate locations and content of the signs, and will then bring the proposals to the Planning Commission for review.
- Proposed posts supporting the awnings and whether they will obstruct the walkway – Novak clarified there would not be any interference with the pedestrians.

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- Development extending into the channel itself – Novak stated the lease line will not go to the navigation channel, and since the docks are inside the new lease line, there will not be any interfere into the navigation channel.
- Mitigation for the fiberglass walkway does not address the shading of eel grass for the docks and boats in the surrounding area – Novak stated an eel grass study has been performed, and more studies will be performed during the different stages of construction and post-construction. She stated there is an ongoing mitigation program which will be enforced throughout the process.
- Novak explained the pile driving process and stated there will be an otter watcher which is a regular condition.
- Parking – Novak stated the City directed the Applicant to restripe Harbor Street to include compact spaces. She stated there are extra parking credits on the site because of the general public seating designation and because of the historical dock credits. The parking credits cannot be sold or transferred, and must remain with the land.

Novak clarified the approval process for the proposed project.

Novak addressed Chairperson Grantham's question regarding janitorial services on site, stating the services will continue after the remodel is completed. She stated the tables and chairs in the general seating area will be redone as part of the remodel project.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy stated he is in support of the project because it will enhance the area. He stated he has no concerns with the post and awning issues which were discussed by Novak.

Commissioner Solu further clarified the parking issue and explained how the parking credits were generated in the past. He expressed concern about the posts reducing the amount of walkable space, and suggested the applicant consider alternative designs.

Chairperson Grantham stated he is in support of the project, citing the new sidewalks and retail stores, remodeled restrooms, and new floating docks will enhance the area. He stated there is sufficient City benefit for the lease request.

Commissioner Nagy stated he is in support of the project. He expressed concern the posts would be a safety issue and suggested the applicant cantilever the awning instead of installing the posts.

Commissioner Napier stated she is in support of creating a cantilever.

Chairperson Grantham reopened Public Comment period.

Mark Allen, Applicant's project designer, stated his rationale for including the four posts in the design. He stated the posts support the canopy and incorporate the porch elements; the posts are consistent with the current theme of the building.

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Smith Held, Applicant, stated the posts are not structural, but are intended be aesthetically pleasing.

Chairperson Grantham closed Public Comment period.

Commissioners Nagy, Solu, Napier, and Fennacy expressed support for the project.

**MOTION:** Chairperson Grantham moved to adopt the Mitigated Negative Declaration, including the monitoring program in Exhibit “D,” with the elimination of Aesthetic Condition G, adopt the findings included as Exhibit “A” and approve the Conditional Use Permit #UP0-342, subject to the Conditions included as Exhibit “B.”

The motion was seconded by Commissioner Fennacy and the motion passed unanimously. (5-0).

B-3 **Case No.:** #CP0-363

**Site Location:** 460 Olive Street

**Proposal:** The applicant is seeking Coastal Development Permit approval to demolish an existing single family residence and detached garage and construct a single family home and secondary unit.

**Staff Contact:** Cindy Jacinth, Assistant Planner, (805) 772-6577

Chairperson Grantham stated this item has been pulled from the agenda and is being processed as an Administrative Coastal Development permit.

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

Wold stated 1215 Embarcadero will not be ready for the next Planning Commission meeting. Instead, 2760 Alder will be added to the next meeting’s agenda.

Chairperson Grantham asked for clarification on the Chevron project and the purpose of removing the pipes. Wold stated the pipes are old and the site needs to be remediated. Livick further clarified the property owner must to clean up the site in order to market the property.

NEW BUSINESS – None

DECLARATION OF FUTURE AGENDA ITEMS - None

ADJOURNMENT

The meeting adjourned at 7:15 pm to the next regularly scheduled Planning Commission meeting at the Veteran’s Hall, 209 Surf Street, on Wednesday, December 5, 2012 at 6:00 pm.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
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Rick Grantham, Chairperson

ATTEST:

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Rob Livick, Secretary



AGENDA NO: B-1

MEETING DATE: December 5, 2012

## Staff Report

**TO:** Planning Commissioners

**DATE:** November 29, 2012

**FROM:** Cindy Jacinth, Assistant Planner

**SUBJECT:** Major modification (#A00-019) to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a Single Family Residential Unit for a Modification to Include a Roof Deck and Parking Exception #AD0-076 to allow a garage with less than 20 foot width.

**RECOMMENDATION:**

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Major modification (#A00-019) to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 and approve Parking Exception #AD0-076 subject to the Conditions included as Exhibit "B" and the site development plans dated November 29, 2012.

**APPLICANT/AGENT:** Gilbert

**LEGAL DESCRIPTION/APN:** 068-222-026

**PROJECT DESCRIPTION:** The applicant is requesting a major modification to an existing permit for the addition of a roof deck to a single family residence. The property is currently vacant however there is an existing Coastal Development Permit #CDP-061 and Conditional Use Permit #UP0-039 approved in 2005 for a 5 unit community housing project and plans for the residences were a part of the approval. In addition, the applicant is also requesting a parking exception to allow a garage with a reduced width of 19 feet 5 inches. The house is proposed to be 1,580 square feet.

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)	South:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)
East:	Single Family Residential (R-1/S.2)	West:	Mixed Commercial Residential/Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (MCR/R-4/SP)

<b><u>Site Characteristics</u></b>	
Site Area	1,477.5 square feet
Existing Use	Vacant Parcel
Terrain	Previously graded, flat
Vegetation/Wildlife	No vegetation
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Alder Street (through lot to Birch)

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	Multiple Residential Hotel Commercial (R-4)
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	North Main Street Specific Plan
Coastal Zone	Located in the Coastal Zone, however not in the Appeals Jurisdiction nor Original Jurisdiction

**PROJECT ANALYSIS:**

*Background*

The residence proposed at 2760 Alder Street was approved as a component of a five-unit Community Housing Project that received final approval from the City Council on January 10, 2005 and was previously reviewed and approved by the Planning Commission.

The Community Housing Project divided an 11,991 square foot site into five lots, each of which is approximately 2,400 square feet. Each lot was approved to be developed with a two-story residence less than 25-feet above average natural grade of the building footprint. The plans for the approved residential units indicate that each unit would include approximately 1,800 square

feet of habitable area (900 square foot footprint) with an attached two car-garage. The project approved by both the Planning Commission and City Council was deemed to be in compliance with all development standards and did not request any exceptions. City Council findings for approval included those required for a Tract Map, Conditional Use Permit, and Coastal Development permit. Each of the newly created lots must subsequently obtain ministerial building permit approval prior to construction.

The house located at 2764 Alder Street, also a part of the 5-unit community housing project, applied for building permit approval for construction of a residential unit on April 17, 2007. Planning staff noted that the submitted plans included a roof deck that was not a component of the Community Housing Project previously approved by the Planning Commission and City Council. The proposed roof deck increased the height of the structure by approximately three feet and the requested roof deck was deemed a major modification to the approved plans. The Planning Commission granted approval for the major modification on June 4, 2007.

Another house located at 2768 Alder Street, also a part of the 5-unit community housing project, was granted approval for a major modification to allow a roof deck by the Planning Commission at its June 20, 2012 meeting. In addition, a Parking Exception was approved administratively for 2768 Alder on July 10, 2012 because the original City approvals for the 5 unit community housing project were for lots with 30 feet in width. With required side yard setbacks of 5 feet, and the 3-4” inches of wall width, the construction of a conforming garage with a 20 foot interior width is not possible. The house proposed for 2760 Alder is requesting a parking exception based on the same findings. The garage is proposed to be constructed with an interior width dimension of 19 feet 5 inches.

*Environmental Determination*

Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

*Zoning Ordinance*

The proposed project and the major modification conforms to all zoning ordinance standards. Please see the table below.

	Standards	Proposed
Front Yard Setback	15 feet	20 feet
Interior Side Yard Setback	5 feet	5 feet
Rear Yard Setback	10% of the average depth of lot with 10ft maximum and 6 ft minimum.	15 feet
Lot Coverage	60%	38%

Height	Elevation shall not exceed 25 feet however it is intended as a guideline and Planning Commission may vary from this guideline.	25 feet
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*North Main Street Specific Plan Overlay*

The North Main Street Specific Plan overlay requires that development meet the zoning regulations and standards for the zoning district and also adhere to the special requirements of the specific plan.

The Planning Commission must find the project meets all standards before approving a use permit for any use in the North Main Street Specific plan. The project must adhere to the following:

1. Mature trees preservation. *The site is vacant and does not have any mature trees, therefore this development standard does not apply.*
2. Roofline Variation, maximum height is generally two stories and gives the guidelines for 1/3 of west facing elevation shall not exceed 25 feet however it is intended as a guideline and Planning Commission may vary from this guideline. *The original house was proposed at two stories with a pitched roof. The proposed modification would be an addition of stairs leading up to a roof deck located on top of the roof. The stairs will be enclosed and have the appearance of a third floor. The provision is for a 25 foot height limit and the design of the house adheres to the height limit therefore the applicant is not requesting to exceed the height limit to add the roof deck.*

Off-Site Improvements: In approving any conditional use permit the following will be required as conditions or approval.

1. Curb, Gutter, Sidewalk and Street Trees
2. Intersection Improvement Fees
3. Landscaping Improvement Fees
4. Other Improvements
5. Deferments

*The parcel is located in a 5 unit Community House project and all public improvements were developed with the initial development including curb, gutter, sidewalk, and driveway approaches.*

In addition, the Main Street Specific Plan requires that proposed development not significantly impact scenic views from adjacent properties and significant view opportunities should be preserved and protected. When the Community Housing Project was approved, it was determined, and documented in the Negative Declaration, that the proposed structures would not significantly impact scenic views and would maintain view opportunities. The height of the roof does not exceed the maximum height limit of 25 feet which is a requirement of the North Main

Street Specific Plan.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on November 23, 2012 and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:** The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. The proposed enclosed staircase and roof deck will be under the 25 foot height limit; therefore the Planning Commission does not need to review an exception to the height limit that is only allowed with Planning Commission review and approval. The original 2005 conditions of approval still apply to the project and require that a building height certification be submitted to the Public Services Department for review.

The Staff recommends that the Planning Commission approve the requested major modification to the existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a single family residential unit for a modification to include a roof deck with the incorporation of the 2005 Planning Commission and City Council conditions of approval and the conditions of approval attached herein.

**EXHIBITS:**

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Graphics/Plan Reductions

Exhibit D – June 4, 2007 Planning Commission Packet, Major Modification at 2764 Alder

Exhibit E – June 20, 2012 Planning Commission staff report for 2768 Alder Major Modification

## **EXHIBIT A**

### **FINDINGS**

#### **SITE: 2760 ALDER AVENUE**

**PROJECT DESCRIPTION:** Major modification to an existing permit for the addition of a roof deck to a single family residence and parking exception to allow a six inch reduction in garage width from required 20 feet to 19 feet 6 inches.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- A. Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

#### **COASTAL DEVELOPMENT PERMIT FINDINGS**

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The project is not located between the nearest public road and the sea or the shoreline of any body of water, therefore does not apply.*

#### **CONDITIONAL USE PERMIT FINDINGS**

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed modification to the use, by adding a roof deck will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood because the use is a residential use in a residential area. The roof deck is within the standard design requirements.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

**PARKING EXCEPTION FINDINGS**

- A. The parking exception to allow an six inch reduction in the required 20 foot width of a garage will not constitute a grant of a special privilege with the driveway or parking limitations upon other properties in the vicinity and the reduced garage width to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use; and
  
- B. The parking exception will not adversely affect the health, safety, or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the reduced width garage because the garage can accommodate two parked vehicles; and
  
- C. The parking exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property because the City approved the 2005 community housing project with 30 foot wide lots which cannot accommodate both 5 foot side yard setback, structure wall width and a conforming 20 foot wide garage; and
  
- D. Consistent with General Plan and LCP. That the parking exception is found consistent with the intent of the general plan and land use plan of the local coastal program.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

**SITE: 2760 ALDER AVENUE**

**PROJECT DESCRIPTION:** Major modification to an existing permit for the addition of a roof deck to a single family residence and a Parking Exception for a garage with a reduced interior width of 19 feet 5 inches.

### **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated November 29, 2012, for the project depicted on plans dated November 29, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services 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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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. Compliance with Morro Bay Standards: This projects 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.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, 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.

### **PUBLIC WORKS CONDITIONS**

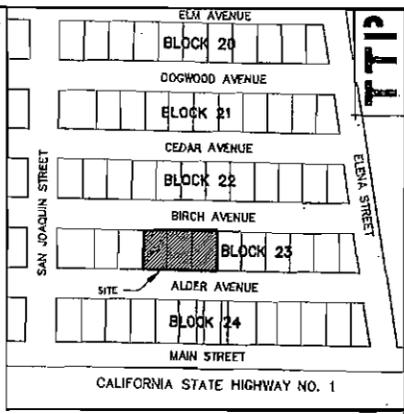
1. A City of Morro Bay Standard Erosion Control Plan shall be included with the construction drawings.

### **PLANNING CONDITIONS**

1. Previous Approvals: The previous 2005 approvals for the 5-unit community housing project shall apply to the modified project.



CONTROL LIST			
PT	NORTHING	EASTING	ELEVATION DESCRIPTION
2	24375.9532	25239.0314	100.00 CP NAT
3	24793.2779	25087.1748	89.59 CP MARIAL+TN
4	24684.2087	25100.4887	89.59 CP HAL+TN
10	24949.4810	25228.2172	105.60 CP HAL AND TN



VICINITY MAP  
NO SCALE  
**OWNERS STATEMENT**

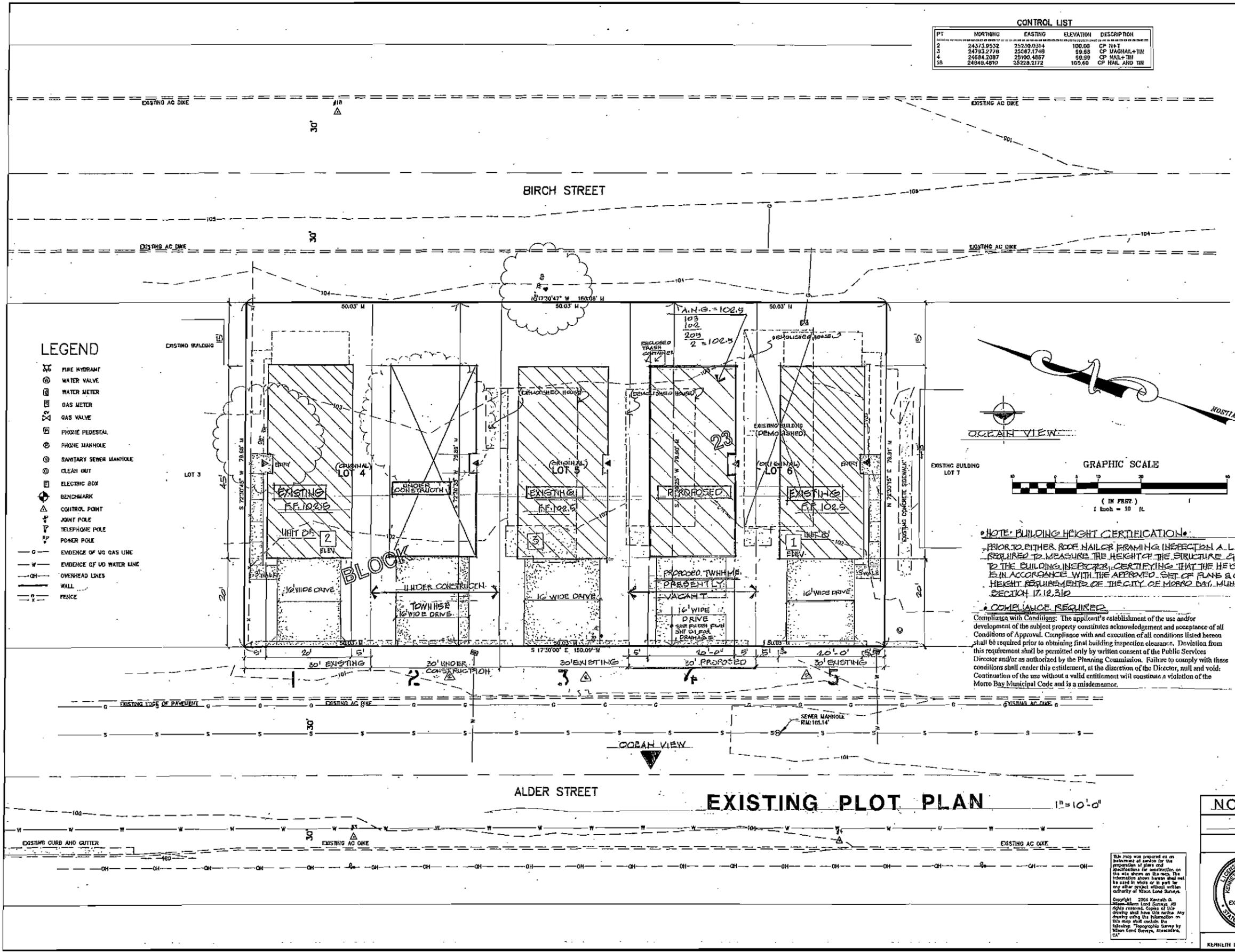
I HEREBY APPLY FOR THE APPROVAL OF DIVISION OF REAL PROPERTY SHOWN ON THIS TENTATIVE MAP AND STATE THAT I AM THE OWNER OF OR THE AUTHORIZED AGENT OF SAID OWNER, AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED: *Wendell* OATED: 8-25-04

RECEIVED

NOV 29 2012

City of Morro Bay  
Public Services Department



**LEGEND**

- ⊕ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ GAS METER
- ⊙ GAS VALVE
- ⊙ PHONE PEDESTAL
- ⊙ PHONE MANHOLE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ CLEAN OUT
- ⊙ ELECTRIC BOX
- ⊙ BENCHMARK
- ⊙ CONTROL POINT
- ⊙ JOINT POLE
- ⊙ TELEPHONE POLE
- ⊙ POWER POLE
- UG GAS LINE
- UG WATER LINE
- OVERHEAD LINES
- WALL
- FENCE

**NOTE: BUILDING HEIGHT CERTIFICATION**

PRIOR TO EITHER ROOF NAIL OR FRAMING INSPECTION A LICENSED SURVEYOR IS REQUIRED TO MEASURE THE HEIGHT OF THE STRUCTURE & SUBMIT A LETTER TO THE BUILDING INSPECTOR CERTIFYING THAT THE HEIGHT OF THE STRUCTURE IS IN ACCORDANCE WITH THE APPROVED SET OF PLANS & COMPLIES WITH THE HEIGHT REQUIREMENTS OF THE CITY OF MORRO BAY MUNICIPAL CODE SECTION 17.12.310

**COMPLIANCE REQUIRED**

Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgment and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed herein shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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.

NOTE: THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN ON THIS MAP WERE BASED ON MARKINGS MADE IN THE FIELD BY OTHERS. THERE MAY BE OTHER UNDERGROUND UTILITIES THAT EXIST ON THIS SITE THAT ARE NOT SHOWN ON THIS PLAN. CLEARLY DEFINED MARKINGS THAT EXISTED AT THE TIME OF THE SURVEY WERE LOCATED AND ARE SHOWN ON THIS PLAN.



THE BENCHMARK FOR THIS SURVEY IS A SET NAIL AND TIN HAVING AN ASSUMED ELEVATION OF 100.00'.

**EXISTING PLOT PLAN**

1"=10'-0"

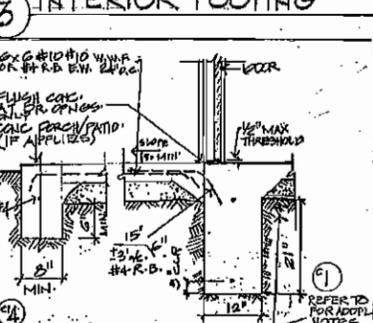
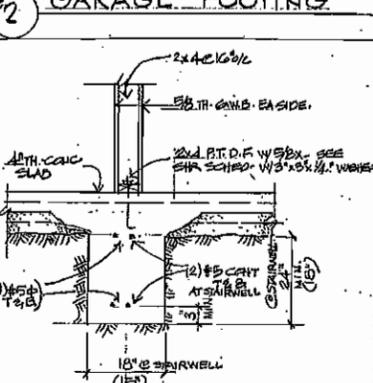
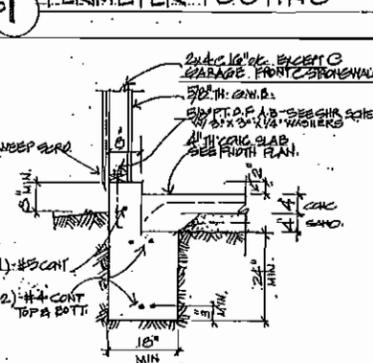
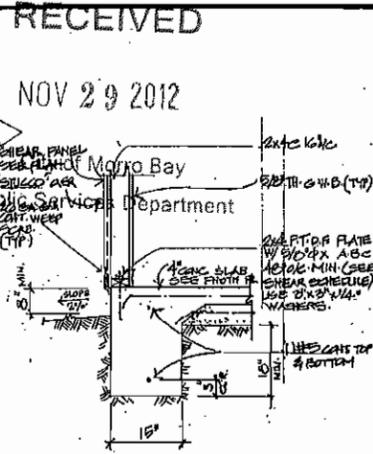
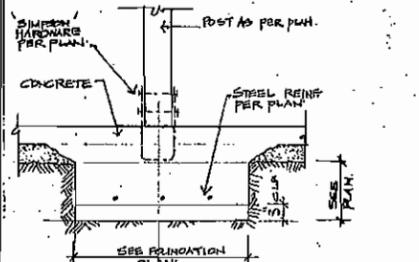
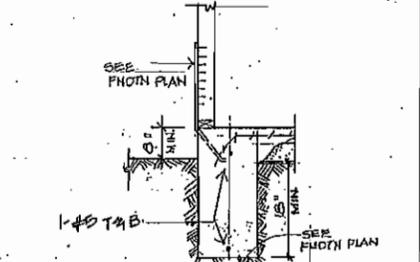
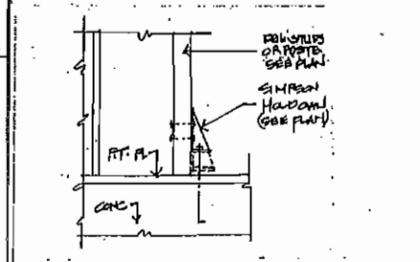
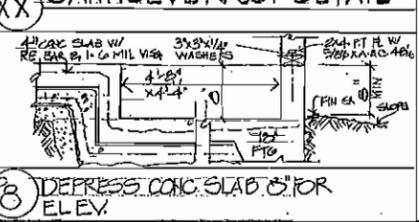
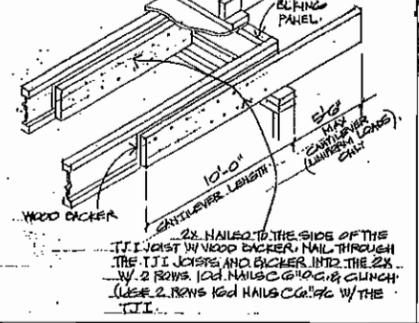
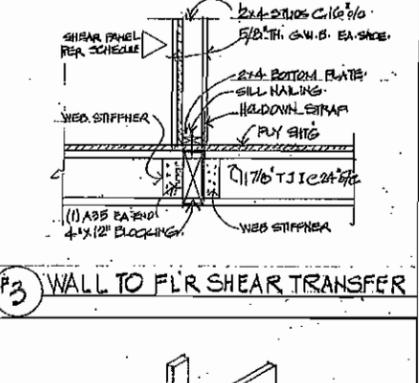
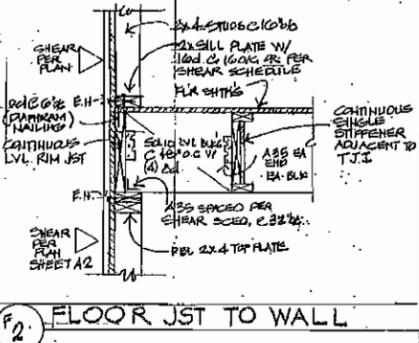
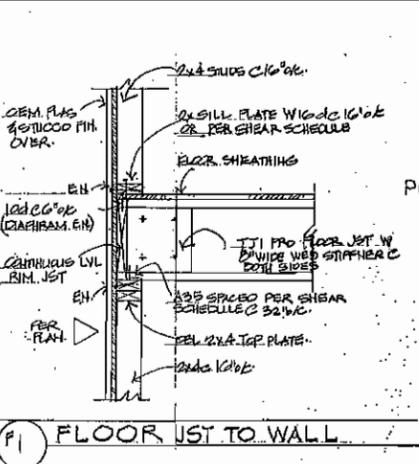
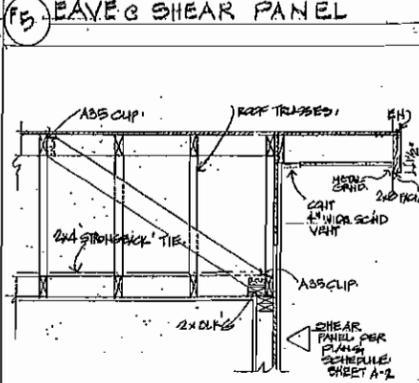
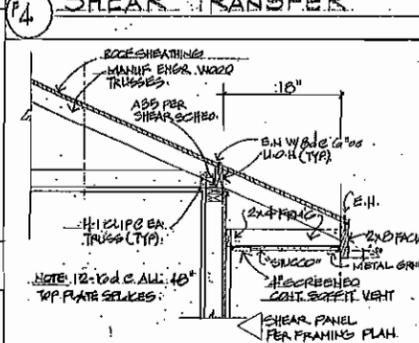
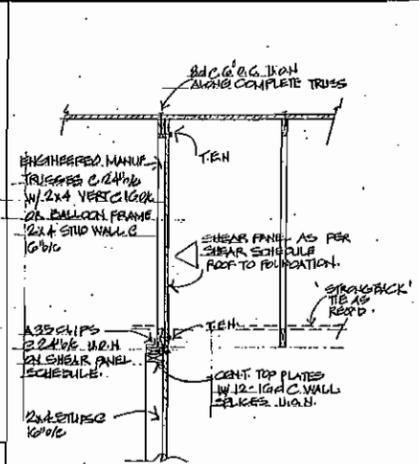
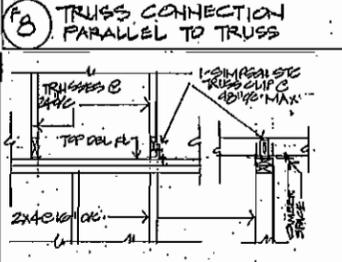
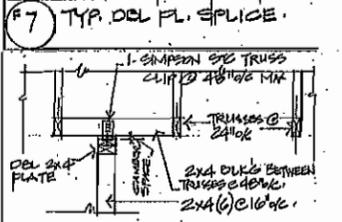
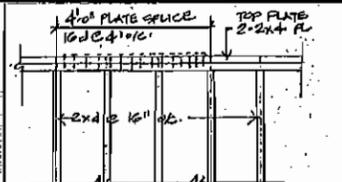
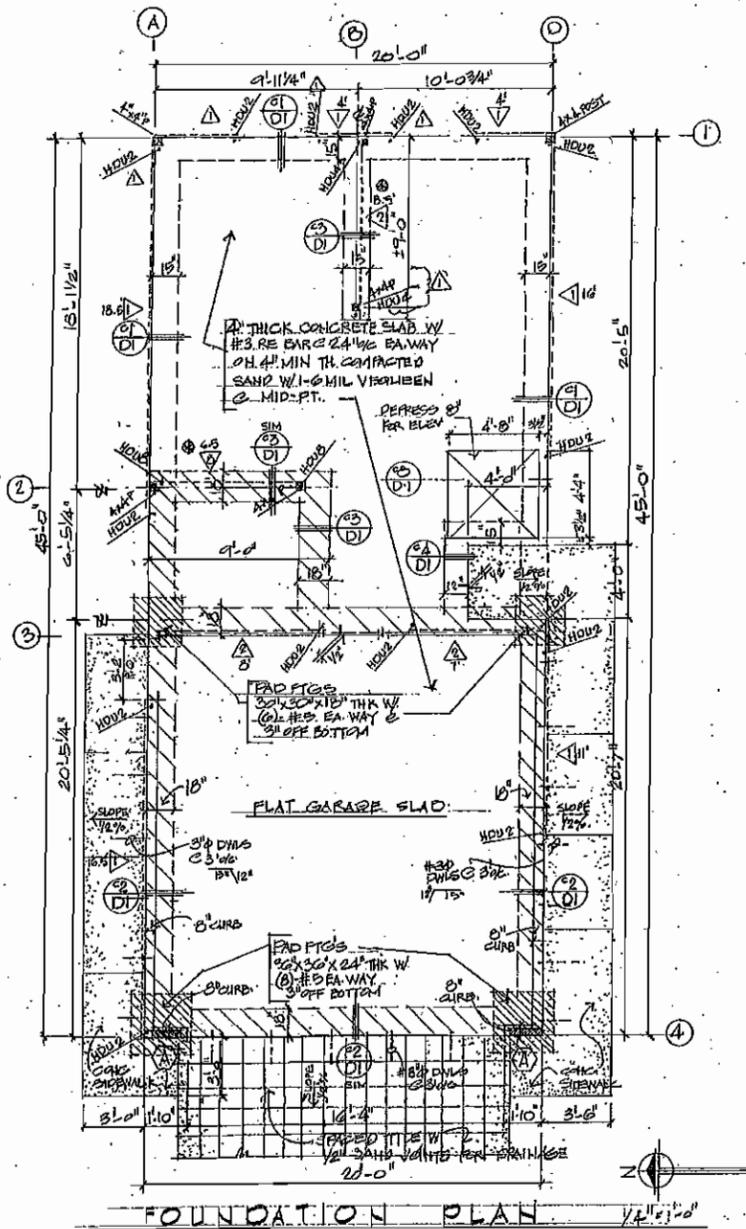
**NOTE: SEE ATTACHED FOR FINAL TRACT MAP**



LEGAL DESCRIPTION:  
LOTS: APN 088-222-022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 0170980000 (9 LOTS)  
DATE: FINAL TRACT MAP PER 5002C  
FILENAME: T-119 Morro Bay Block 51 TPA PLDT

DRAWN BY: RWH SCALE: 1"=10' PROJECT: T-119 JOB NUMBER: T-119 SHEET: 1 OF 1

This map was prepared as an instrument of service for the preparation of plans and specifications for construction on the site shown on this map. The information shown herein shall not be used in whole or in part for any other project without written authority of Wilson Land Surveys.  
Copyright © 2004 Kenneth D. Wilson Land Surveys. All rights reserved. Copies of this drawing shall have the same force and effect as the original. Any drawing using the information on this map shall contain the following: Topographic Survey by Wilson Land Surveys, Atascadero, CA.



**J. A. RINALDI, ARCHITECT, A.I.A.**

3505 EL CAMINO REAL, ATASCADERO, CALIFORNIA, 95322, (805) 466-5896

NOV 29 2012

PROJECT: BEACH TOWNHOME - MOJITO BAY

FOR: J. ALDIA SILBERT

12 MOON LANE

ATASCADERO, CALIFORNIA

(805) 466-5896

DATE: 11/29/12

NO. NUMBER: 6014

SCALE: AS SHOWN

DESIGNED BY: J.A.R.

CHECKED BY: J.A.R.

DATE: 11/29/12

PROJECT: BEACH TOWNHOME - MOJITO BAY

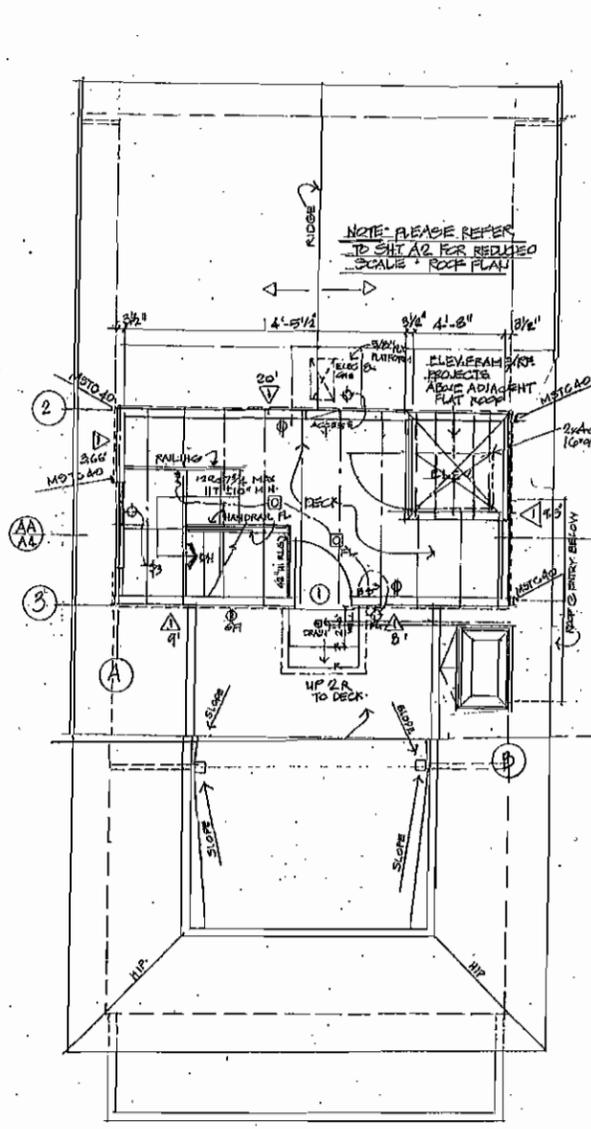
FOR: J. ALDIA SILBERT

12 MOON LANE

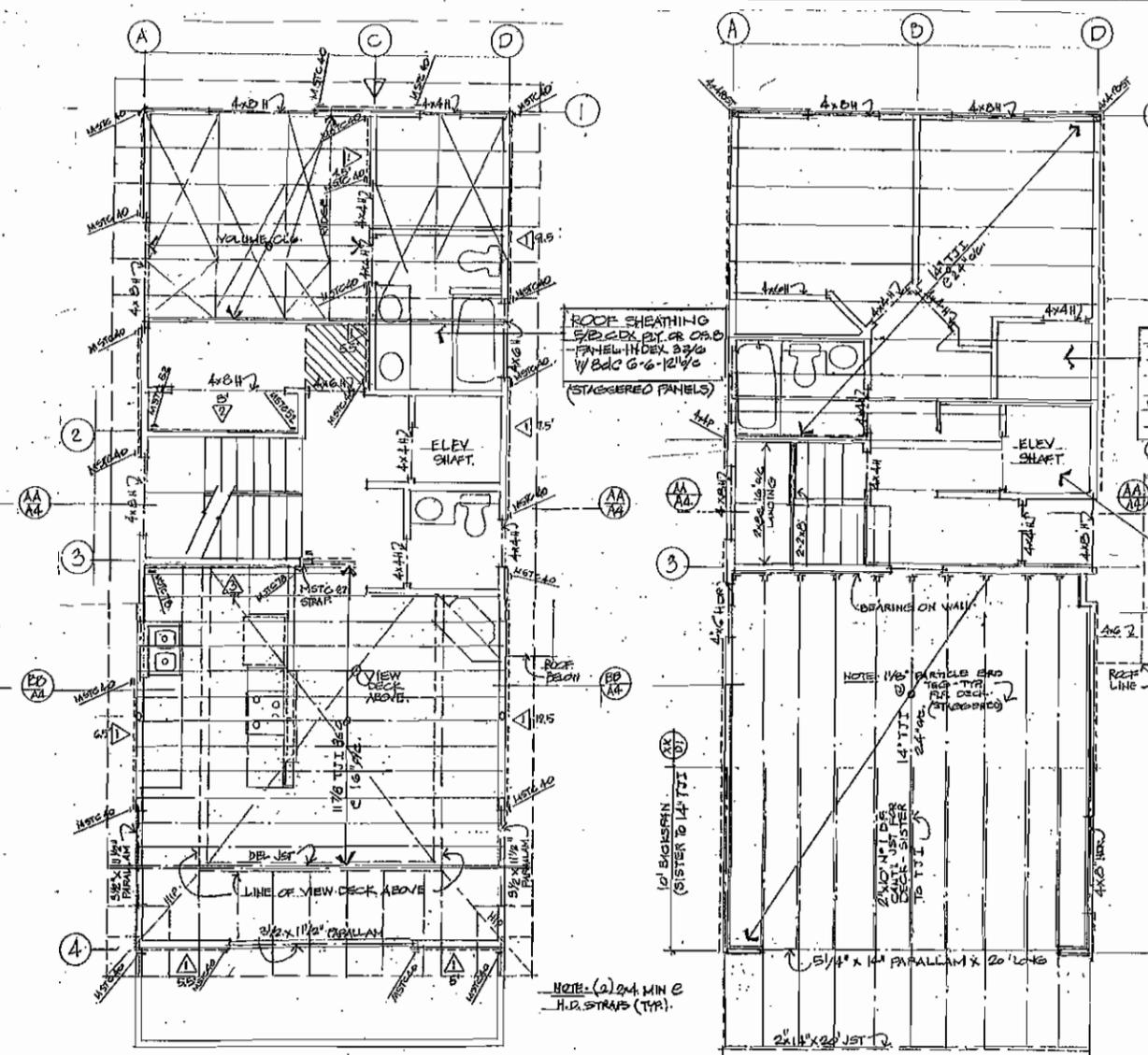
ATASCADERO, CALIFORNIA

(805) 466-5896

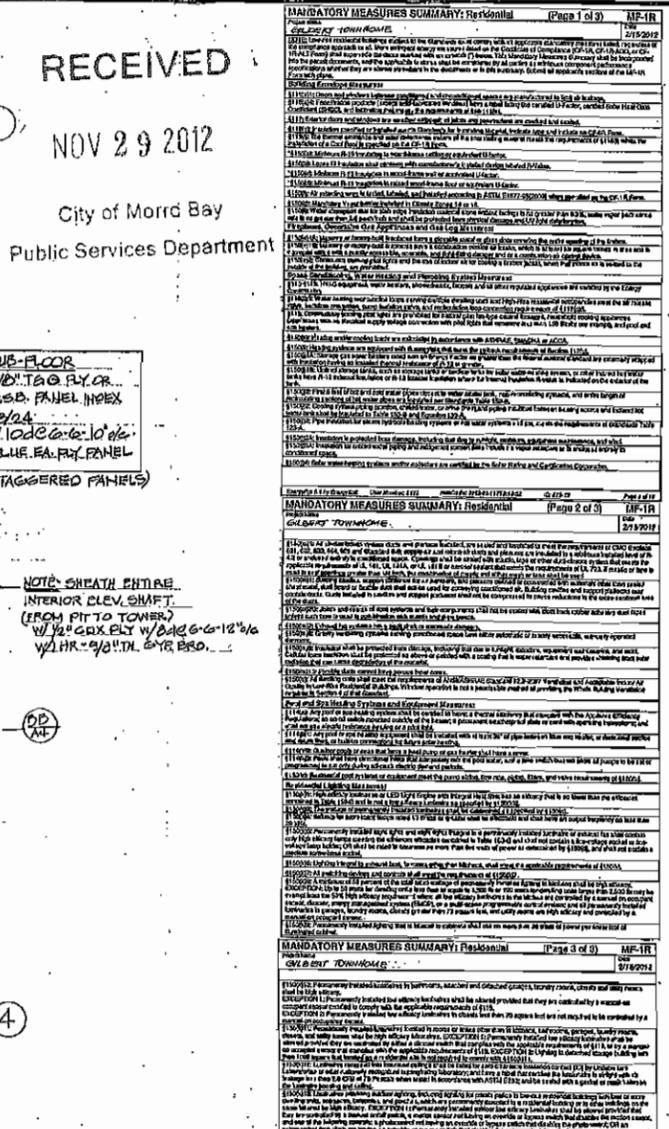




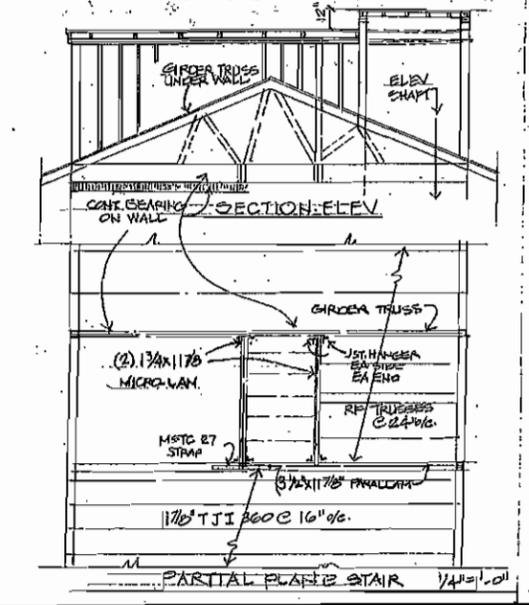
ROOF FRAMING PLAN



ROOF-FLOOR FRAMING PLAN 1/4"=1'-0"



FLOOR FRAMING PLAN



PERFORMANCE CERTIFICATE: Residential (Part 1 of 5) CF-1R

Project Name: [REDACTED] Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Inspector: [REDACTED] Date: [REDACTED]

FIELD INSPECTION ENERGY CHECKLIST

1) Yes 2) No 3) Not Inspected

Item	Insulation	Weatherstripping	Sealing	Other
Roof	2	1	1	1
Walls	2	1	1	1
Floors	2	1	1	1
Windows	2	1	1	1
Doors	2	1	1	1

FEEDBACK TABLE

Item	Factor	SHGD	Overlapping	Sealants	Status
Roof	2	2	2	2	2
Walls	2	2	2	2	2
Floors	2	2	2	2	2
Windows	2	2	2	2	2
Doors	2	2	2	2	2

INVESTIGATION

System	Model	Code	Manufacturer	Status
HVAC	Model	Code	Manufacturer	Status

PERFORMANCE CERTIFICATE: Residential (Part 2 of 5) CF-1R

Special Features Inspection Checklist

1) Yes 2) No 3) Not Inspected

Item	Value	Code
Roof	Value	Code
Walls	Value	Code
Floors	Value	Code
Windows	Value	Code
Doors	Value	Code

STATEMENT OF COMPLIANCE

The project complies with the applicable provisions of the California Building Code and the California Energy Code.

PERFORMANCE CERTIFICATE: Residential (Part 3 of 5) CF-1R

MEASUREMENTS

Item	Value	Code
Roof	Value	Code
Walls	Value	Code
Floors	Value	Code
Windows	Value	Code
Doors	Value	Code

STATEMENT OF COMPLIANCE

The project complies with the applicable provisions of the California Building Code and the California Energy Code.

CERTIFICATE OF COMPLIANCE: Residential (Part 4 of 5) CF-1R

MEASUREMENTS

Item	Value	Code
Roof	Value	Code
Walls	Value	Code
Floors	Value	Code
Windows	Value	Code
Doors	Value	Code

STATEMENT OF COMPLIANCE

The project complies with the applicable provisions of the California Building Code and the California Energy Code.

CERTIFICATE OF COMPLIANCE: Residential (Part 5 of 5) CF-1R

MEASUREMENTS

Item	Value	Code
Roof	Value	Code
Walls	Value	Code
Floors	Value	Code
Windows	Value	Code
Doors	Value	Code

STATEMENT OF COMPLIANCE

The project complies with the applicable provisions of the California Building Code and the California Energy Code.

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NOV 29 2012  
City of Morro Bay  
Public Services Department

MANDATORY MEASURES SUMMARY: Residential (Page 1 of 5) MR-1R

MANDATORY MEASURES SUMMARY: Residential (Page 2 of 5) MR-1R

MANDATORY MEASURES SUMMARY: Residential (Page 3 of 5) MR-1R

MANDATORY MEASURES SUMMARY: Residential (Page 4 of 5) MR-1R

MANDATORY MEASURES SUMMARY: Residential (Page 5 of 5) MR-1R

SHEET NUMBER 13 OF 15 SHEETS

J. A. RINALDI, ARCHITECT, A.I.A.

3506 EL CAMINO REAL, ATASCADERO, CALIFORNIA, 93422, (805) 468-5696

PROJECT: PEACH TOWNSHIPS - MORRO BAY

DRAWN BY: [REDACTED]

CHECKED BY: [REDACTED]

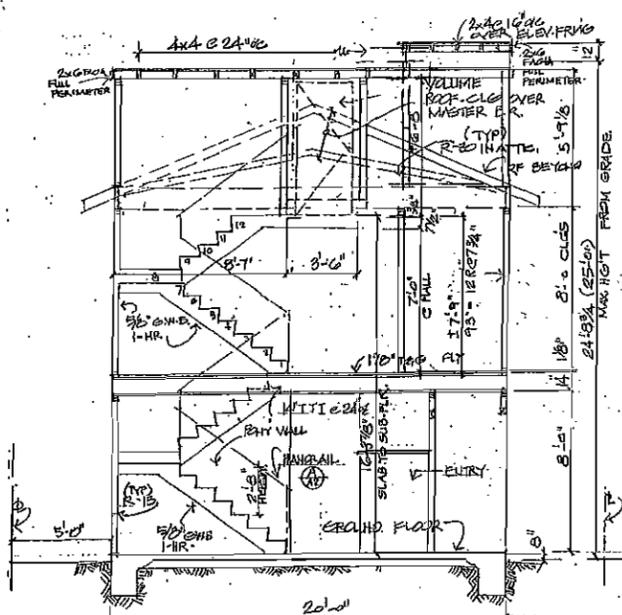
DATE: [REDACTED]

RECEIVED  
NOV 29 2012

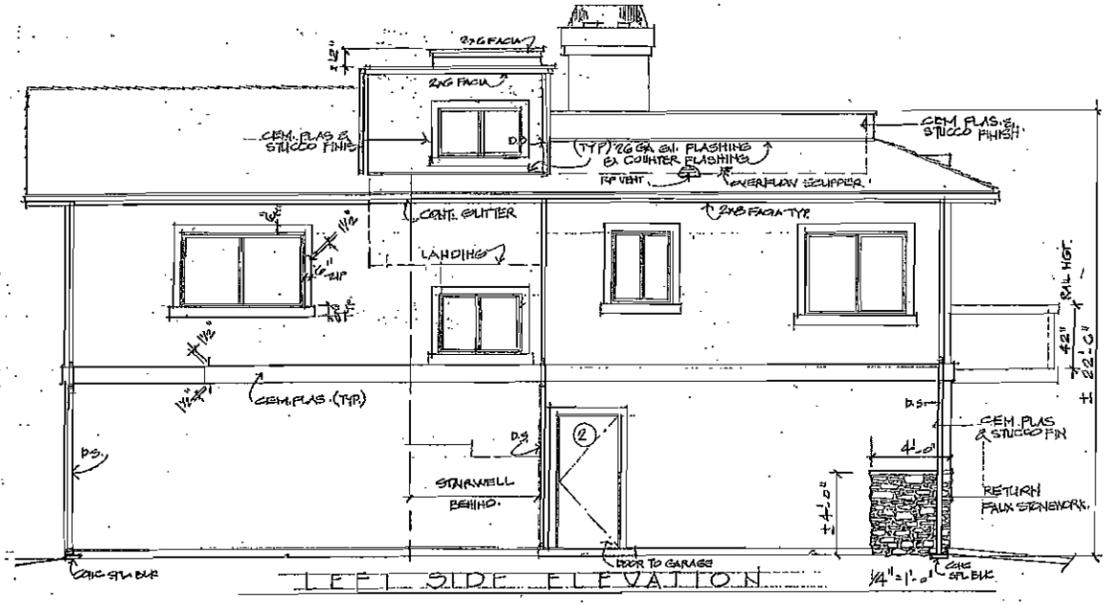
City of Morro Bay  
Public Services Department

SHEET NUMBER  
A/4  
OF 6 SHEETS

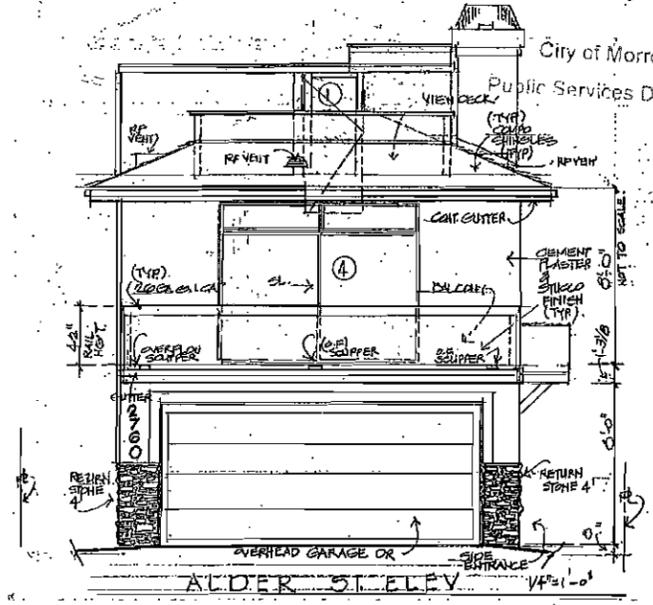
**J. A. RINALDI, ARCHITECT, A.I.A.**  
ARCHITECTS - ARCHITECTURAL PLANNING - DEVELOPMENT  
3906 EL CAMINO REAL, ATASCADERO, CALIFORNIA, 93422, (805) 466-9896



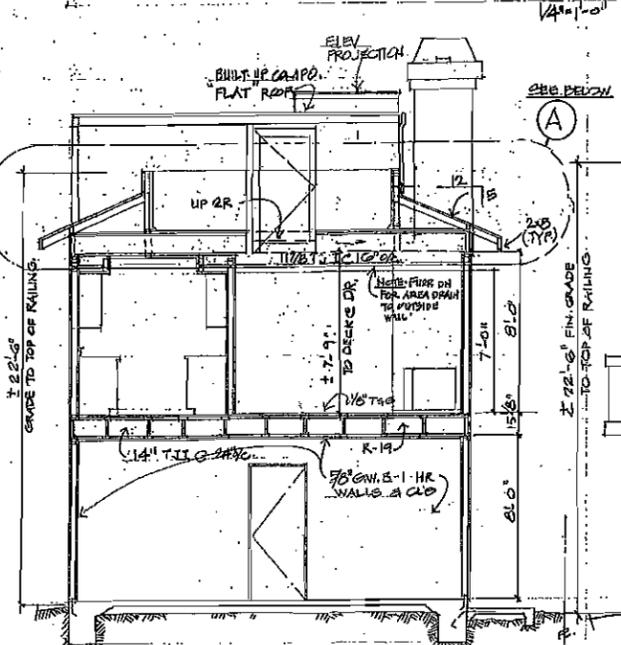
CROSS SECTION THRU STAIRWELL A-A



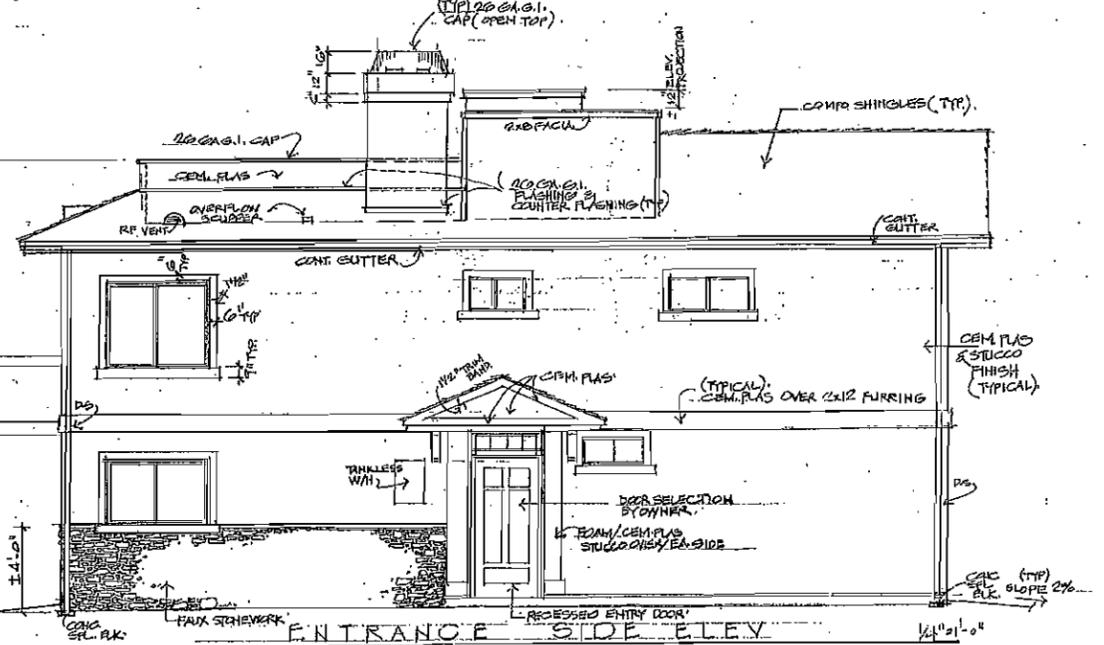
LEFT SIDE ELEVATION



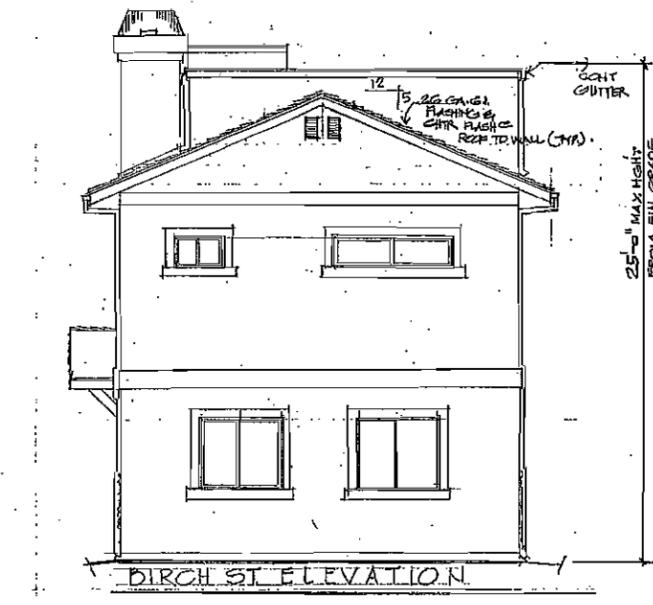
ALDER ST ELEV



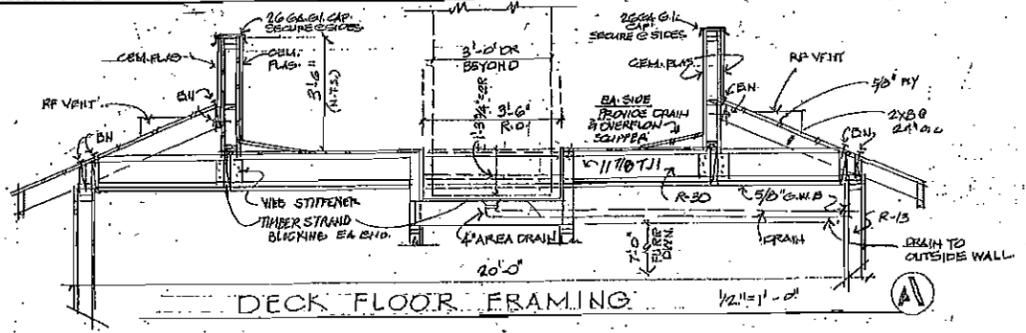
CROSS SECTION THRU VIEW DECK B-B



ENTRANCE SIDE ELEV



BIRCH ST ELEVATION



DECK FLOOR FRAMING

**NOTE - BUILDING HEIGHT CERTIFICATION**  
PRIOR TO EITHER ROOF NAILED OR FRAMING INSPECTION A LICENSED SURVEYOR IS REQUIRED TO MEASURE THE HEIGHT OF THE STRUCTURE & SUBMIT A LETTER TO THE BUILDING INSPECTOR CERTIFYING THAT THE HEIGHT OF THE STRUCTURE IS IN ACCORDANCE WITH THE APPROVED SET OF PLANS & COMPLIES WITH THE HEIGHT REQUIREMENTS OF THE CITY OF MORRO BAY MUNICIPAL CODE SECTION 17.12.310

**NOTE**  
Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Public Services. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 20 feet and shall achieve the following objectives: avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.

© RINALDI 2012

PROJECT	TEACH HOME - MORRO BAY
OWNER	CLAUDIA GILBERT
CREATED BY	EL MODO LANE
DATE	08/20/12
SCALE	AS SHOWN
DATE	08/20/12
SCALE	AS SHOWN

# EXHIBIT D



AGENDA NO:	
Meeting Date:	
Action:	

## Memorandum

**TO:** PLANNING COMMISSION                      **DATE:** JUNE 4, 2007

**FROM:** RACHEL GROSSMAN, ASSOCIATE PLANNER

**SUBJECT:** REQUESTED MAJOR MODIFICATION TO THE APPROVED COMMUNITY HOUSING PROJECT LOCATED AT 2756-2770 ALDER STREET

### RECOMMENDATION:

Staff recommends that the Planning Commission grant approval for the requested major modification and permit the residence proposed at 2764 Alder Street to construct a roof deck that shall be no taller than 30 feet above average natural grade of the building footprint.

### BACKGROUND:

The residence proposed at 2764 Alder Street was approved as a component of a five-unit Community Housing Project that received final approval from the City Council on January 10, 2005 and was previously reviewed and approved by the Planning Commission. Environmental review was completed for the proposed project, and the Negative Declaration determined that there would be no significant environmental impacts. The Community Housing Project divided an 11,991 square foot project site into five lots, each of which is approximately 2,400 square feet. Each lot was approved to be developed with a two-story residence less than 25-feet above average natural grade of the building footprint. The plans for the approved residential units indicate that each unit would include approximately 1,800 square feet of habitable area with an attached two car-garage. The project approved by both the Planning Commission and City Council was deemed to be in compliance with all development standards and did not request any exceptions. City Council findings for approval included those required for a Tract Map, Conditional Use Permit, and Coastal Development permit. Each of the newly created lots must subsequently obtain ministerial building permit approval prior to construction.

The owners of the lot located at 2764 Alder Street applied for building permit approval for construction of a residential unit on April 17, 2007. Planning staff noted that the submitted plans included a roof deck that was not a component of the Community Housing Project previously approved by the Planning Commission and City Council. The proposed roof deck would increase the height of the structure by approximately three feet and the requested roof deck was deemed a major modification to the approved plans. Therefore, the applicant is required to obtain approval from the Planning Commission for the requested major modification.

**DISCUSSION:**

The project site is located in the Multiple Residential-Professional (R-4) zone and is also governed by the Main Street Specific Plan. The R-4 zone permits buildings to be a maximum height of 30 feet above average natural grade of the building footprint. The Main Street Specific Plan (Chapter 17.40.110) also includes specific regulations regarding building height and supercedes the regulations pertinent to the R-4 zone district. Specifically, the Main Street Specific Plan states,

*The maximum height shall be generally two stories (above subterranean or semi-subterranean parking if provided) and not to exceed twenty-five feet; except that the Planning Commission may allow up to thirty feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided.*

In addition, the Main Street Specific Plan requires that proposed development not significantly impact scenic views from adjacent properties and significant view opportunities should be preserved and protected. When the Community Housing Project was approved, it was determined, and documented in the Negative Declaration, that the proposed structures would not significantly impact scenic views and would maintain view opportunities. The requested roof deck would increase the height of the structure approximately three feet for approximately one-half of the horizontal expanse of the structure, and would not impact scenic views or result in significant environmental impacts.

Though not clear on the submitted elevations, the proposed roof deck would be below the absolute maximum permitted height of 30 feet above average natural grade of the building footprint. Exhibit B illustrates that the proposed finished floor (FF) elevation is just slightly higher than the average natural grade of the building footprint and therefore, the proposed 28 foot tall structure above the finished floor elevation is nearly two feet below the maximum permitted structure height. The maximum height above average natural grade of the building footprint is more clearly illustrated on the elevations that the applicant subsequently submitted, dated May 22, 2007.

As indicated previously and illustrated on the photosimulation for the approved Community Housing Project, all five residential units have very similar floor plans and façades that would result in cookie cutter style development along this portion of Alder Avenue. The proposed roof deck provides additional visual interest to the residence and breaks up the monotony of development approved as a component of the Community Housing project. As required by the Main Street Specific Plan, the requested roof deck provides roofline variation to the approved project and the additional height is necessary in order to facilitate the construction of an enclosed staircase.

**Exhibits:**

- Exhibit A – Letter of request from the applicant
- Exhibit B – Allowable Building Height Exhibit
- Exhibit C – Proposed Elevations
- Exhibit D – Photosimulation for approved Community Housing Project
- Exhibit E – Approved Findings and Conditions of Approval
- Exhibit F – City Council Minutes of January 10, 2005

**EXHIBIT A:**  
**LETTER OF REQUEST FROM APPLICANT**

Brian T. Healey  
1474 San Diego Loop  
Grover Beach, CA 93433  
805-431-0339

May 7, 2007

**RECEIVED**

**MAY 08 2007**

City of Morro Bay  
Public Services Department

City of Morro Bay  
Planning Department  
955 Shasta Avenue  
Morro Bay, CA

City of Morro Bay  
Public Services Department

**MAY 18 2007**

**RECEIVED**

Re: Assessor Parcel No. 068-222-027  
2764 Alder Street, Morro Bay, CA  
Lot No. 5

To Whom It May Concern:

This letter is sent to request approval for a modification to the existing plan for the above referenced property which was previously approved by the Morro Bay Planning Department.

If you have any questions or require additional information to make your determination please do not hesitate to contact me.

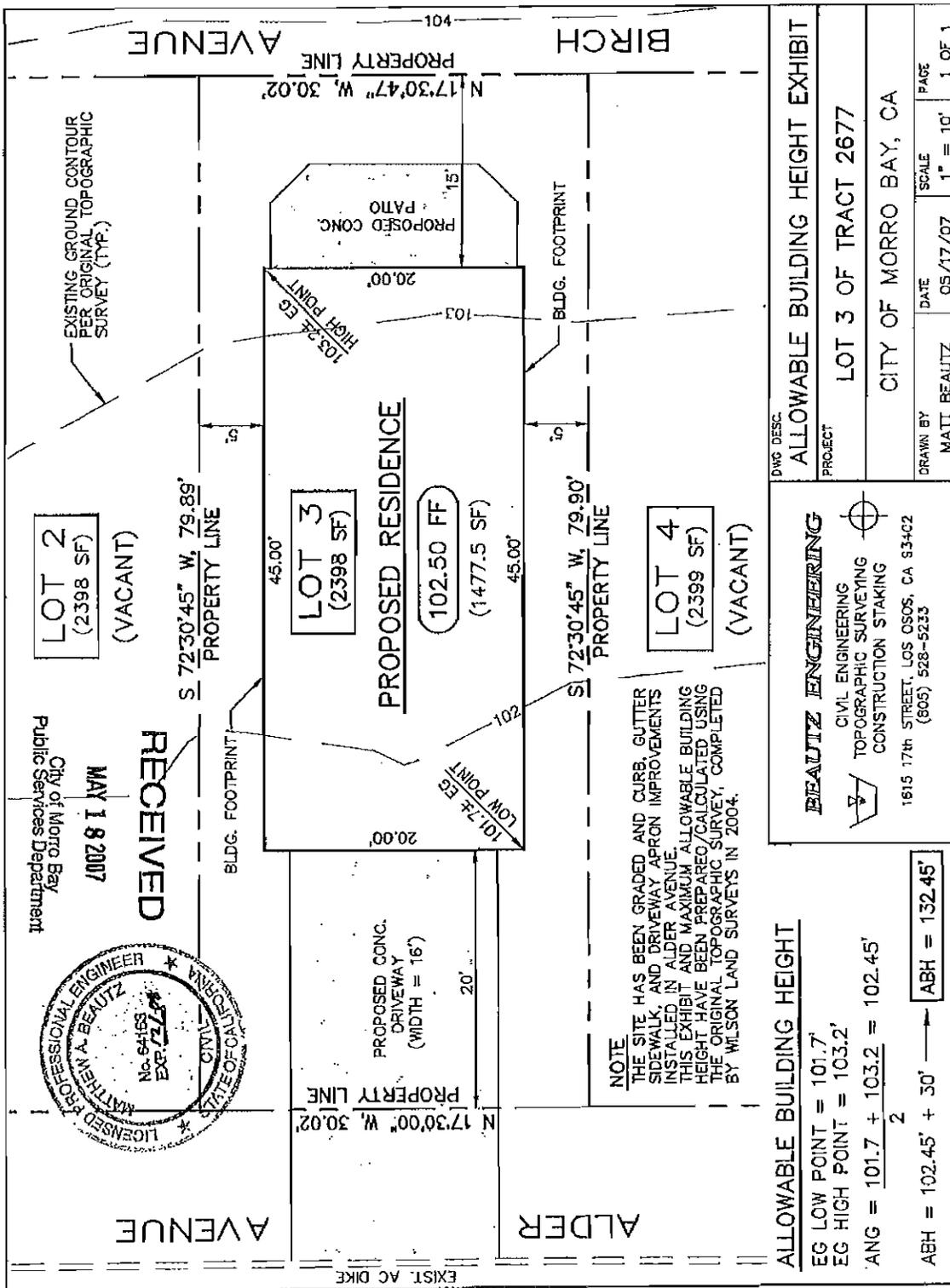
Thank you in advance for your consideration and professional courtesy in this regard.

Very truly yours,

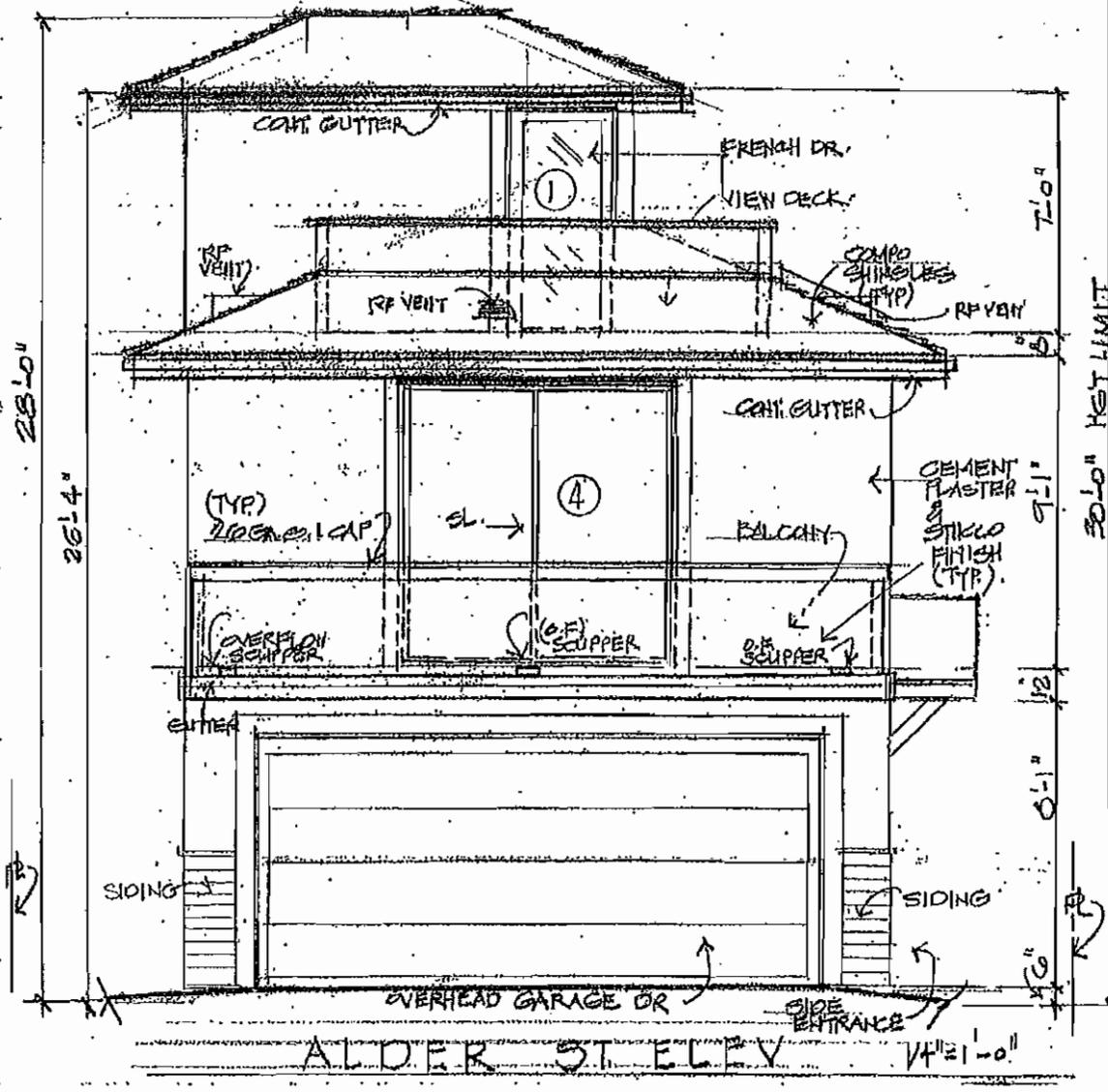
Brian T. Healey  
Owner

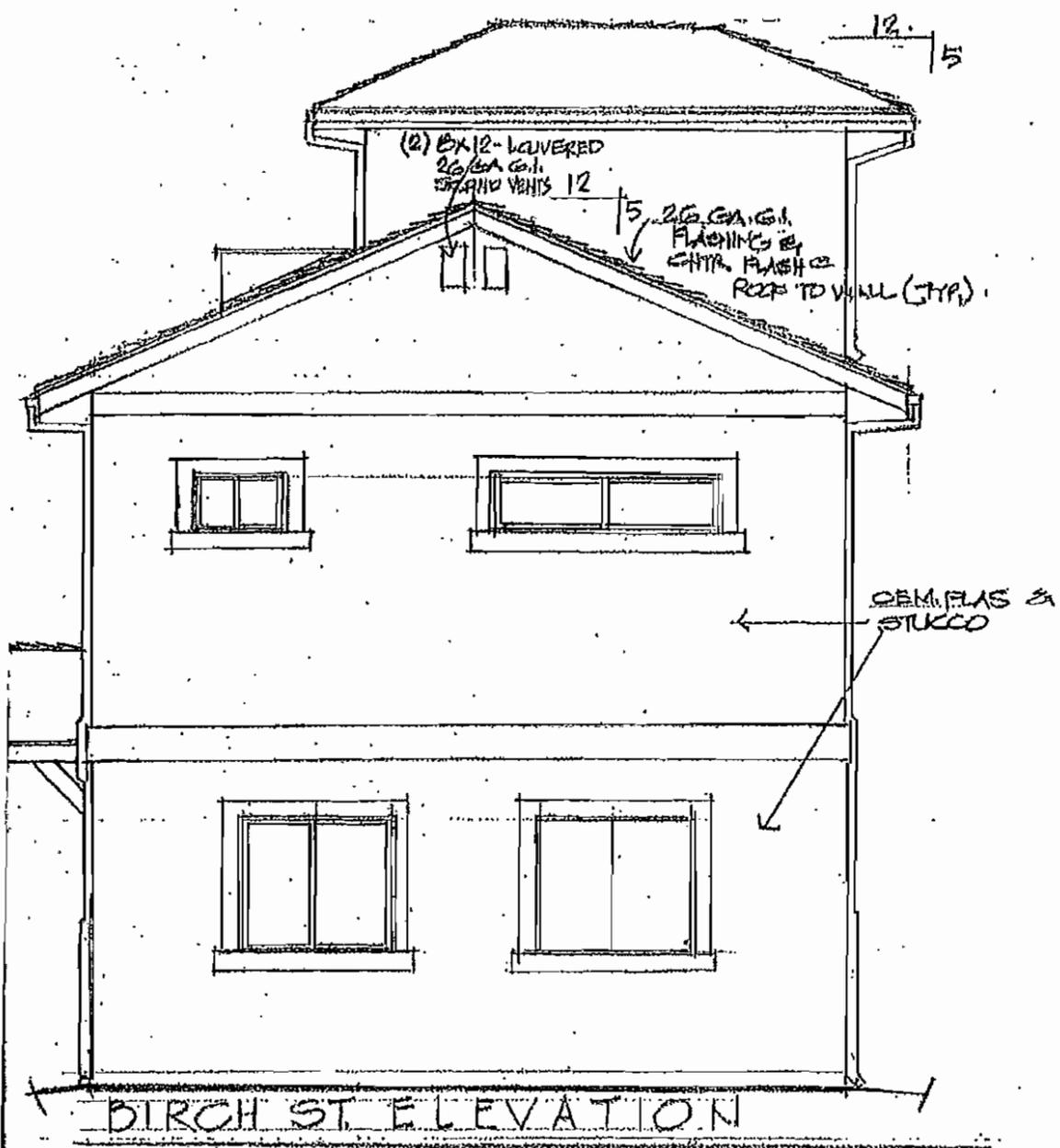


**EXHIBIT B:  
ALLOWABLE BUILDING HEIGHT**

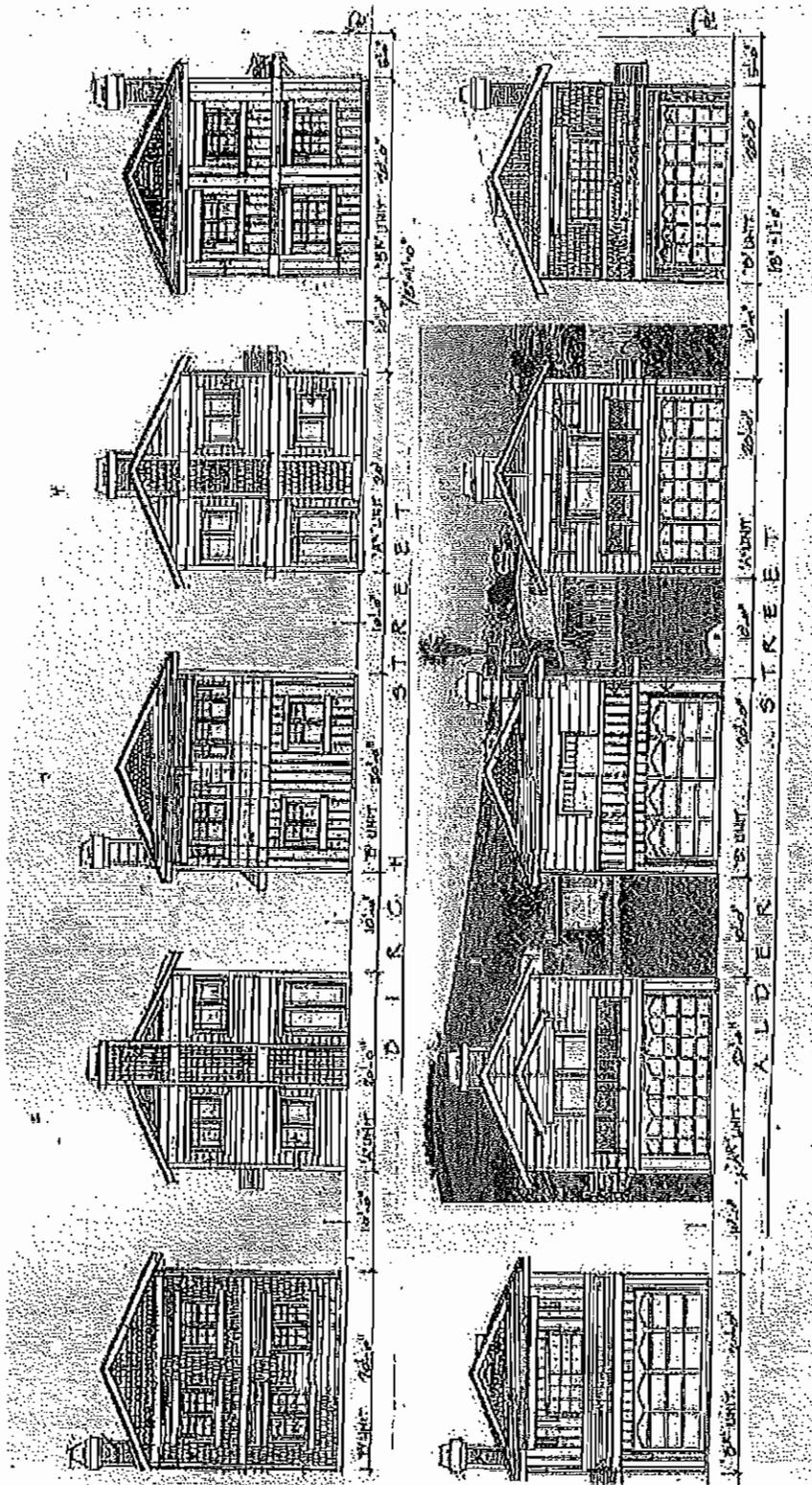


**EXHIBIT C:  
ELEVATIONS**





**EXHIBIT D:**  
**PHOTOSIMULATION FOR APPROVED COMMUNITY HOUSING PROJECT**



**EXHIBIT E:**  
**FINDINGS**

**California Environmental Quality Act (CEQA)**

- A. That for purposes of the California Environmental Quality Act, Case No. S00-027/UP0-039/CP0-061 was determined through a Negative declaration that the proposed project does not have the potential to create significant adverse effects on the environment.

**Subdivision Map Act Findings**

- B. The proposed map to create a five-unit community housing project, where two new parcels will have detached single-family residences is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- C. The design and improvements to create three detached single-family residences with a common open space easement for the proposed subdivision is consistent with the General Plan and Coastal Land Use Plan because all public improvements will be constructed and an agreement will be recorded for joint access.
- D. The site is physically suitable for the type and density of development proposed because the site is zoned for multi-family residential and consistent with the land use designation.
- E. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.
- F. The design of the subdivision and improvements will not cause serious public health problems.
- G. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public.
- H. As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas are in keeping with the character of the surrounding area pursuant to 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district; and
- I. The City has available adequate water to serve the proposed subdivision based upon the water regulations and water equivalency table Exhibit A, enforced at the time of approval of the tentative parcel map pursuant to the certified Water Management Plan and General Plan LU-22.1.

**Conditional Use & Coastal Development Permit Findings**

- J. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff report; and
- K. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the

neighborhood of such proposed use as the project is consistent with all applicable zoning and plan requirements as indicated in the attached staff report; and

- L. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be conducted consistent with all applicable City regulations, as indicated in the attached staff report.

### **Community Housing Findings**

- M. Pursuant to Section 17.49.060 (MBMC), the City Council finds all provisions of Chapter 17-49 and Title 17 are met by the project given the project has provided for private and common open space as well as the other standards specified in the staff report;
- N. The proposed project is consistent with the General Plan and Coastal Land Use Plan because a five-unit community housing project is allowed and meets the density for that zone district;
- O. There exist facts adequate to make finding required under Government Code Section 66473.5 and 66474 stated above;
- P. The City Council also finds that the overall design and physical condition of the project will result in a project which is aesthetically attractive, safe, and of quality construction;
- Q. The community housing project fully complies with the special application requirements, development standards, and other specific provisions applicable to the project as set forth by section 17.49; and
- R. The City requirements for the provisions of affordable housing have been met in that the project is exempt from inclusionary requirement.

### **CONDITIONS OF APPROVAL**

#### **STANDARD CONDITIONS**

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

A request for a Tentative Tract Map, Conditional Use Permit, and Coastal Development Permit to subdivide three existing lot into five parcels for the purpose of creating a five-unit community housing project on the property located at 2756 Alder Ave. Site development, including all buildings and other features, shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services 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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or 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: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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. Building Height Certification. Note on the site plan prepared for the building permit, "Prior to either roof nail or framing inspection a licensed surveyor is required to measure the height of the structure and submit a letter to the building inspector, certifying that the height of the structure is in accordance with the approved set of plans and complies with the height requirements of the City of Morro Bay, Municipal Code Section 17.12.310."
8. Open Space Easement: Prior to map recordation, the applicant shall show the area of common open space easement.
9. Park Fees: Prior to building permit issuance, the applicant agrees to pay park in-lieu-fees for the construction of two new lots.
10. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
11. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
12. Screening of Equipment/Utility Meters/Fencing: All roof-mounted air conditioning, or heating equipment, vents, ducts and/or utility meters shall be screened from view from adjoining public

streets in a manner approved by the Director of Planning and Building. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.

13. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
14. Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Public Services. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 20 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.
15. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
16. 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 and implementation of any protective measures as determined by the Director of Planning & Building.
17. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
18. Domestic Water Pressure Reducer: The Applicant's plumber shall install a pressure reducer on the private property portion of the project if in his judgment his static water pressure readings indicate such device should be required. (Water pressure zones in Morro Bay vary from 40 to 120 psi.)
19. Tract Map: \$205.20 fee. The City Master Fee Schedule requires the Applicant pay a Map Fee of \$205.20 + direct costs for checking, inspection, and other provided work performed by contracted engineering services. The final map shall be furnished on Mylar and in electric format. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings.
20. Traffic Impact Fee: \$4,925. Pursuant to the Circulation Element of the General Plan and MBMC Section 17.71, prior Tract Map recordation the Applicant shall pay to the City an impact fee of \$4,925 toward the construction of future improvements on Main at the intersections of Highway 41 and at San Jacinto which have an identified cost of \$980,000 and \$620,000 respectively. The fee is proportionate to the increased in peak traffic flows at these locations generated by the proposed five single family residences as determined by the Engineering Division per Institute of Transportation Engineers Handbook data.
21. Sewer Master Plan Impact Fee: \$837.45. Prior to Tract Map recordation permit, the Applicant shall pay to the City an impact fee of \$837.45 toward the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The

Engineering Division has determined the increased demand on the municipal sewer system, which would result from the proposed project. The determination was made using 5.0 Water Equivalency Units. (1 WEU per proposed single family residence)

22. Off-Site Public Improvement Plans and Agreement: Are required on Alder and Birch as set forth in MBMC Sections 16.16, 17.71, and 14.44. Prior to Tract Map recordation the Applicant shall (1) submit public improvement plans designed by a civil engineer registered in California for approval by the City, (2) include the general notes provided by the City upon the improvement plans, (3) submit cost estimates calculated on the City provided Engineering Estimate Worksheet of the off-site improvements for review by the Engineering Division, (4) deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements, and (5) complete the City's improvement agreement and its insurance requirements. Existing concrete frontage public improvements may remain except for portions, which may be in need of repair, or do not meet City specification. (6) prior to project completion sign off, record drawings shall be furnished on Mylar and in electronic format CD. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings.
- a. Public Improvements:
  - b. Title 16 states: Improvements to be installed by each subdivider shall include the following:
  - c. Curb, gutter, sidewalk and walkways;
  - d. Water lines, gas and other utility services to serve each lot and stubbed to property line prior to paving;
  - e. Fire Hydrants;
  - f. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to paving;
  - g. Storm sewers, drains and channel improvements;
  - h. Silt basins or other forms of erosion control;
  - i. Paved streets;
  - j. Ornamental streetlights;
  - k. Street trees not less than one tree per lot, average spacing fifty feet on center;
  - l. Street signs at all block number changes and at locations approved by the city engineer;
  - m. Street and barricades, walls or fencing where required;
  - n. Stop or yield signs where street intersects with a major street or at other locations required by the subdivision committee;
  - o. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. Transmission lines may be placed underground at the option of the developer or utility and concurrence of the commission.
23. Drive Approach & ADA: A drive approach in the right-of-way shall meet ADA requirements and the City Standard Specifications. A standard drive approach has a slope of 9%. A 6' wide pedestrian path and its 2% maximum side slope (same as sidewalk) shall continue through a 4' wide area of the drive approach. If possible, the path through the drive approach should be no closer than 6' to the street flow line or start of drive approach.
24. Erosion and Sedimentation Control Plan Required: The Plan shall be approved by the City prior to Tract Map recordation. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.

25. Sewer Lateral For New Structure: A dedicated sewer lateral is required for each unit.
26. Grading & Drainage Plan: Prior to Tract Map recordation a grading and drainage plan, prepared by Applicant's engineer shall be submitted for approval by the Engineering Division. Calculations shall demonstrate that the proposed on-site drainage facilities will handle the peak runoff from a 25-year storm. The Applicant shall construct on-site inlets and drainage facilities in accordance with City standards.
27. Construction Dumpster: If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit in the right of way area.
28. Repair & Replacement of Public Improvements: Prior to project completion the Applicant shall repair curb, street, sewer line, water line, or any public improvements, which were damaged as a result of construction operations for this project. Curb, berm, gutter, or other improvements as required shall be installed at abandoned or illegal drive approach areas.
29. Sediment and Debris Control: Control measures shall prevent sediment or debris from entering the City right of way, roadway, or adjacent properties. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.
30. Sewer Backwater Valve: New construction requires that a sewer backwater valve shall be installed on site for each lateral to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. Please indicate on the plans.
31. Engineering Checking and Inspection Costs: the Applicant agrees to reimburse the City for the direct cost of checking, inspection, and other provided work related to this project performed by staff or contracted engineering services.
32. Encroachment Permits: Are required and issued by the Engineering Division, prior to any construction in or use of land in the City right-of-way.

**EXHIBIT F:**  
**CITY COUNCIL MINUTES OF JANUARY 10, 2005**

**MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING - JANUARY 10, 2005**

The City Council requested a redesign of this project go before the Planning Commission.

**B-2 CONSIDERATION OF CONDITIONAL APPROVAL OF PROPOSED FIVE-  
LOT RESIDENTIAL COMMUNITY HOUSING PROJECT LOCATED AT  
2756 ALDER AVENUE; (PUBLIC SERVICES)**

Associate Planner Mike Prater stated the proposed project would be constructed in two phases. The first phase is under way to construct two of the single-family residential units on two of the three existing lots. This phase qualified for an administrative Coastal Development Permit. The second phase would reconfigure the existing three lots to create a five-unit community housing project. Each lot would be approximately 2,400 square feet with a 1,800 square foot residential unit, including a two-car garage. The project site size is approximately 11,991 square feet in area and zoned for multi-family residential development at a density of 1,800 square feet of gross area per unit, which equates to 6 units. The project will meet all development standards and will not be asking for any exceptions. On November 15, 2004, the Planning Commission considered the application at a regularly scheduled public hearing. The Planning Commission received public testimony, closed the public hearing and took an action recommending approval of the Tract Map, Coastal Development Permit and Conditional Use Permit for the project unanimously. The Commission's action included adding two conditions: 1) landscape and maintenance plan illustrating how the project's future homeowners will utilize the space as a common area while appearing to maintain the character of a single-family neighborhood; and 2) provide a Tract Map showing the 5,000 square feet of common open space as an easement. Mr. Prater recommended the City Council accept the Planning Commission's recommendation to conditionally approve the project.

Tim Moscardi, applicant, stated the project allows for six units, however, he is planning to build five. He reviewed an updated map for Council information including the open space per unit. Mr. Moscardi stated he is not requesting any variances for this project.

Mayor Peters opened the hearing for public comment.

Frank DeVine stated the only community housing aspect of this project is the sparse common open space area. He said parking standards should be raised before approving high-density projects. Mr. DeVine stated the General Plan requires that the proposed development should match the development that already exists, and this proposed project is not in character with the neighborhood. He said this is too much building on this size property, and it should be reduced.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – JANUARY 10, 2005

Susan Heinemann stated she is opposed to this 5-unit housing project. She said this development does not provide an ample common area, and thus does not meet the criteria for community housing. Ms. Heinemann requested Council return this project to the newly appointed Planning Commission for further review.

Roy Kline stated he is opposed to this community housing project. He said this project would cram five 2-story houses on what are three parcels in a residential area, which is unacceptable. Mr. Kline stated these homes would be too expensive for low-income residents to afford.

Ken Vesterfelt stated this applicant has the right to build on this property. He said property values are extremely high and difficult to build low-income housing.

Dan Kaufman stated this project would improve the neighborhood.

Frank Gilbert stated this project was proposed to have a positive impact on Morro Bay.

Mayor Peters closed the public comment hearing.

Councilmember Baxley stated this project meets all planning regulations and he supports the project.

Councilmember Winholtz stated she would like to see six units built on the three lots that would provide affordable housing. She said it would be more physically responsible to place the garages facing Birch Street, which is a less busy street.

Councilmember DeMeritt stated this area has small lots and she does not know why the City would want to take three small lots and turn them into six smaller lots. She said building a primary residence with a secondary unit would provide the affordable housing critically needed in the City. Councilmember DeMeritt stated the proposed common open space does not meet the criteria described in the code.

Councilmember Peirce stated North Morro Bay use to be known as Del Mar, and it has unique lot sizes. He said affordable housing is needed, and these smaller houses will be more affordable than a larger house.

Mayor Peters stated this neighborhood has a lot of variation in housing size because it is in transition. She said an apartment building would be denser than this project, and this project would benefit the neighborhood and support affordable housing.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – JANUARY 10, 2005

MOTION: Councilmember Baxley moved the City Council accept the Planning Commission recommendation to conditionally approve the five-lot residential community housing project located at 2756 Alder Avenue. The motion was seconded by Councilmember Peirce and carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

Mayor Peters called for a break at 9:08 p.m.; the meeting resumed at 9:15 p.m.

# EXHIBIT E



**AGENDA NO: B-1**  
**MEETING DATE: June 20, 2012**

## Staff Report

**TO:** Planning Commissioners **DATE:** June 14, 2012

**FROM:** Sierra Davis, Assistant Planner

**SUBJECT:** Major modification to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a Single Family Residential Unit for a Modification to Include a Roof Deck.

**RECOMMENDATION:**

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Major modification to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 subject to the Conditions included as Exhibit "B" and the site development plans dated June 7, 2012.

**APPLICANT/AGENT:** Moscardi

**LEGAL DESCRIPTION/APN:** 068-222-024

**PROJECT DESCRIPTION:** The applicant is requesting a major modification to an existing permit for the addition of a roof deck to a single family residence. The property is currently vacant however there is an existing Coastal Development Permit #CDP-061 and Conditional Use Permit #UP0-039 approved in 2005 for a 5 unit community housing project and plans for the residences were a part of the approval.

**PROJECT SETTING:**

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)	South:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)
East:	Single Family Residential (R-1/S.2)	West:	Mixed Commercial Residential/Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (MCR/R-4/SP)

<b><u>Site Characteristics</u></b>	
Site Area	1,477.5 square feet
Existing Use	Vacant Parcel
Terrain	Previously graded, flat
Vegetation/Wildlife	No vegetation
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Alder Street (through lot to Birch)

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	Multiple Residential Hotel Commercial (R-4)
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	North Main Street Specific Plan
Coastal Zone	Located in the Coastal Zone, however not in the Appeals Jurisdiction not Original Jurisdiction

**PROJECT ANALYSIS:**

*Background*

The residence proposed at 2768 Alder Street was approved as a component of a five-unit Community Housing Project that received final approval from the City Council on January 10, 2005 and was previously reviewed and approved by the Planning Commission.

The Community Housing Project divided an 11,991 square foot site into five lots, each of which is approximately 2,400 square feet. Each lot was approved to be developed with a two-story residence less than 25-feet above average natural grade of the building footprint. The plans for the approved residential units indicate that each unit would include approximately 1,800 square

feet of habitable area (900 square foot footprint) with an attached two car-garage. The project approved by both the Planning Commission and City Council was deemed to be in compliance with all development standards and did not request any exceptions. City Council findings for approval included those required for a Tract Map, Conditional Use Permit, and Coastal Development permit. Each of the newly created lots must subsequently obtain ministerial building permit approval prior to construction.

The house located at 2764 Alder Street, also a part of the 5-unit community housing project, applied for building permit approval for construction of a residential unit on April 17, 2007. Planning staff noted that the submitted plans included a roof deck that was not a component of the Community Housing Project previously approved by the Planning Commission and City Council. The proposed roof deck increased the height of the structure by approximately three feet and the requested roof deck was deemed a major modification to the approved plans. The Planning Commission granted approval for the major modification on June 4, 2007.

*Environmental Determination*

Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

*Zoning Ordinance*

The propose project and the major modification conforms to all zoning ordinance standards. Please see the table below.

	Required	Proposed
Front Yard Setback	15 feet	20 feet
Interior Side Yard Setback	5 feet	5 feet
Rear Yard Setback	10% of the average depth of lot with 10ft maximum and 6 ft minimum.	15 feet
Lot Coverage	60%	38%
Height	Elevation shall not exceed 25 feet however it is intended as a guideline and Planning Commission may vary from this guideline.	25 feet

*North Main Street Specific Plan Overlay*

The North Main Street Specific Plan overlay requires that development meet the zoning regulations and standards for the zoning district and also adhere to the special requirements of the specific plan.

The Planning Commission must find the project meets all standards before approving a use permit for any use in the North Main Street Specific plan. The project must adhere to the following:

1. Mature trees preservation. *The site is vacant and does not have any mature trees, therefore this development standard does not apply.*
2. Roofline Variation, maximum height is generally two stories and gives the guidelines for 1/3 of west facing elevation shall not exceed 25 feet however it is intended as a guideline and Planning Commission may vary from this guideline. *The original house was proposed at two stories with a pitched roof. The proposed modification would be an addition of stairs leading up to a roof deck located on top of the roof. The stairs will be enclosed and have the appearance of a third floor. The provision is for a 25 foot height limit and the design of the house adheres to the height limit therefore the applicant is not requesting to exceed the height limit to add the roof deck.*

Off-Site Improvements: In approving any conditional use permit the following will be required as conditions or approval.

1. Curb, Gutter, Sidewalk and Street Trees
2. Intersection Improvement Fees
3. Landscaping Improvement Fees
4. Other Improvements
5. Deferments

*The parcel is located in a 5 unit Community House project and all public improvements were developed with the initial development including curb, gutter, sidewalk, and driveway approaches.*

In addition, the Main Street Specific Plan requires that proposed development not significantly impact scenic views from adjacent properties and significant view opportunities should be preserved and protected. When the Community Housing Project was approved, it was determined, and documented in the Negative Declaration, that the proposed structures would not significantly impact scenic views and would maintain view opportunities. The height of the roof does not exceed the maximum height limit of 25 feet which is a requirement of the North Main Street Specific Plan.

**PUBLIC NOTICE:** Notice of this item was published in the San Luis Obispo Tribune newspaper on June 9, 2012 and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:** The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. The proposed enclosed staircase and roof deck will be under the 25 foot height limit; therefore the Planning Commission does not need to

review an exception to the height limit that is only allowed with Planning Commission review and approval. The original 2005 conditions of approval still apply to the project and require that a building height certification be submitted to the Public Services Department for review.

The Staff recommends that the Planning Commission approve the requested major modification to the existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a single family residential unit for a modification to include a roof deck with the incorporation of the 2005 Planning Commission and City Council conditions of approval and the conditions of approval attached herein.

**EXHIBITS:**

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Graphics/Plan Reductions

Exhibit D – June 4, 2007 Planning Commission Packet, Major Modification at 2764 Alder

## EXHIBIT A

### FINDINGS

#### SITE: 2768 ALDER AVENUE

**PROJECT DESCRIPTION:** Major modification to an existing permit for the addition of a roof deck to a single family residence.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

#### COASTAL DEVELOPMENT PERMIT FINDINGS

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The project is not located between the nearest public road and the sea or the shoreline of any body of water, therefore does not apply.*

#### CONDITIONAL USE PERMIT FINDINGS

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed modification to the use, by adding a roof deck will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood because the use is a residential use in a residential area. The roof deck is within the standard design requirements.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

**SITE: 2768 ALDER AVENUE**

**PROJECT DESCRIPTION:** Major modification to an existing permit for the addition of a roof deck to a single family residence.

### **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated June 20, 2012, for the project depicted on plans dated June 7, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services 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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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. Compliance with Morro Bay Standards: This projects 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.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, 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.

## **PLANNING CONDITIONS**

1. Previous Approvals: The previous 2005 approvals for the 5-unit community housing project shall apply to the modified project.



AGENDA NO:

MEETING DATE: December 5, 2012

# Staff Report

**TO:** Planning Commissioners

**DATE:** November 30, 2012

**FROM:** Mary Reents, Contract Planner

**SUBJECT:** CP0-301; Chevron Environmental Management Company (Chevron) is requesting a Coastal Development Permit to remove the remaining underground pipelines, removal of a circular concrete tank pad, demolish an underground concrete clarifier, remove miscellaneous wood debris and concrete rubble at the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street.

## **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the following:

- A. Approve and certify the Mitigated Negative Declaration (SCH# 2012101084) and approve the monitoring program that is attached to the Mitigated Negative Declaration; and
- B. Approve the Coastal Development Permit (CP0-301) for the removal and disposal of a series of remnant oil terminal facilities as described in the Project Description of the Mitigated Negative Declaration and as shown on the Concept Plan attached as Exhibit D, and subject to the findings contained in Exhibit A and Conditions of Approval in Exhibit B.

## **PROJECT REQUEST:**

The applicant (name) is requesting a Coastal Development Permit for the removal of remnant facility piping and several concrete features from the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street. Currently the site is an open, level field surrounded by barbed wire fencing. The site appears to be regularly mowed and maintained. Some evidence of prior terminal facilities is visible, but the majority of these features are below ground. On-site trees are located mostly around the project perimeter.

Prepared By: \_\_\_\_\_

Department Review: \_\_\_\_\_

**LEGAL DESCRIPTION**

APN(S) 065-149-001  
 ZONING R-3; Multi-Family Residential,Planned Development Overlay  
 GENERAL PLAN Moderate Density Planned Development

**APPLICANT:** Chevron Environmental Management Co.  
 6111 Bollinger Road BR1&-Room 3424  
 San Ramon, CA 94583

**AGENTS:** Eric Snelling  
 Padre Associates, Inc.  
 369 Pacific Street  
 San Luis Obispo, CA 93401

**PROJECT SETTING AND DESCRIPTION:**

The project site is 9.99 acres and rectangular in shape. The project site formerly included numerous above ground and subsurface facilities associated with the terminal and petroleum product storage. The applicant will require a grading permit from the City prior to commencing with the removal of piping and concrete.

<b><u>Site Characteristics</u></b>	
Existing Use	Former Texaco Morro Bay Sales Terminal; open space
Terrain	Relatively flat terrain
Vegetation/Wildlife	Disturbed, ruderal habitat and Alva Paul Creek riparian corridor
Archaeological Resources	Presence of shell midden and isolated material within 300 feet of site
Access	North Main Street

<b><u>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</u></b>	
General Plan/Coastal Plan Land Use Designation	Multi-family residential/Planned Development
Base Zoning District	R-3
Zoning Overlay District	PD/I
Special Treatment Area	ESH; Alva Paul Creek; Interim Open Space

Combining District	None
Specific Plan Area	North Main Street
Coastal Zone	Alva Paul Creek is within Appeals Jurisdiction of the Coastal Commission (100 Feet from the creek)

### Description of Improvements

Pipelines: The proposed project includes the removal of the remaining underground pipelines as summarized in the following table. It also includes removal of a 24-inch thick, 20 foot diameter circular concrete tank pad, a demolished underground concrete clarifier, miscellaneous wood debris, and concrete rubble. As shown on the table below, approximately 4,385 linear feet of existing oil, gas, and water pipelines would be removed with the exception of approximately 50 linear feet of drain pipe extending into Alva Paul Creek. If needed, the pipeline segments will be drained of any fluids and flushed prior to removal. The pipeline segment end points will be isolated and cut, and then be uncovered by excavating a trench to the existing pipeline depth. As the pipeline is removed from the trench, a spill containment device will be placed under the pipeline to catch any residual fluids and the fluids removed using a vacuum truck and then transported to an approved disposal area. Once the segments are removed, trenches will be backfilled and scrap pipelines will be temporarily stored in on-site holding bins and transported off site for recycling or disposal.

### **Materials Removal Schedule (refer to Table 1-1 in the MND, Page 5 for volume of fluid and oily water)**

<b>Pipeline/Materials</b>	<b>Diameter (inches)</b>	<b>Linear Feet</b>
<i>Pipeline</i>	1	500
<i>Pipeline</i>	2	565
<i>Pipeline</i>	3	795
<i>Pipeline</i>	4	549
<i>Pipeline*</i>	10	1,314
<i>Pipeline*</i>	16	487
<i>Pipeline</i>	4	175
<i>Concrete Pad</i>	N/A	N/A
<i>Concrete Clarifier</i>	N/A	N/A
<i>Wood Debris**</i>	N/A	N/A
<i>Miscellaneous Concrete Debris</i>	N/A	N/A
<b>Total</b>		4,385
*Indicates Presence of Asbestos		
** Indicates Presence of Lead Based Paint		
<i>Source: Padre, 2011c</i>		

Excavation: During pipeline removal, multiple areas at the project site will be excavated. The total

surface disturbance at the project site will be approximately 21,811 square feet, or approximately 0.5 acres. The total volume of excavated soil is estimated at 1,211 cubic yards of soil. An equal amount of soil will be imported to the site to backfill any excavations of contaminated soil (approximately 540 tons).

Asbestos and Lead-based Paint Surveys and Abatement: Prior to demolition of each pipeline, a state certified and licensed asbestos contractor will survey and abate any asbestos-containing material in accordance with state guidelines. The applicant has submitted an Asbestos Abatement Work Plan to the SLOAPCD for all proposed asbestos abatement activities. Prior to removal of wood debris, any loose or flaking lead-based paint will be removed in accordance with California Division of Occupational Safety and Health regulations.

Waste management/Disposal: A Contaminated Materials management Plan has been prepared to identify procedures and protocols to be implemented during the course of field activities for pipeline fluids, scrap metal, concrete waste, contaminated soil, treated wood waste, asbestos waste and lead waste. The materials would be collected on site and then transported to the appropriate facilities. It is estimated that the proposed project will result in the removal of approximately 54 tons of scrap pipe, 95 tons of concrete rubble and up to 540 tons of total petroleum hydrocarbon-affected soil. An estimated 113 truck trips will be necessary to transport the estimated 1,289 tons of material.

Site Restoration: A Site Restoration Plan has been prepared and is a component of the project description. Following completion of pipeline removal activities, the excavations will be backfilled and compacted to match the surrounding topography. The area will be re-seeded following completion of demolition and removal activities.

Alva Paul Creek Drain Pipe Segment: A restoration plan is included for the segment of drain pipe that is located within the bank of the Alva Paul Creek. Removal of this portion of the pipeline is planned for a later date. This segment of pipeline would require approvals from California Department of Fish and Wildlife (name change as of January 1, 2013), U.S. Army Corps of Engineers, Los Angeles District, and the Regional Water Quality Control Board. The proposed project does not include this activity as part of this request, but the Mitigated Negative Declaration includes a review of the potential environmental effects of this action, which with implementation of the Site Restoration Plan for the creek would reduce impacts to insignificance.

Project Schedule: The proposed project will occur during the summer months when the adjacent school is not in session; active pip removal would occur over a four-to-six week period once construction actively begins. Equipment estimated to be used during project work activities include an excavator with a shear, an excavator, a front end loader, sheep's foot compactor and a water truck (a total of 5 pieces of equipment).

Agency Permits: The proposed project will require a Permit to Operate from SLO APCD. The applicant will submit a HESHAP demolition notification form, asbestos survey report, and an Asbestos Abatement Work Plan to the APCD for the asbestos abatement activities at the project site. The project applicant will submit the project Contaminated Materials Management Plan to the

County of San Luis Obispo Environmental Health Services for review and approval prior to initiation of the proposed project activities.

**BACKGROUND:**

Texaco historically utilized the site as a crude oil terminal from 1936 to 1958, which was used for storage of crude oil prior to transfer to tanker vessels via a pipeline from the project site to the Pacific Ocean. From 1961 to 1977, the facility was converted and used as a bulk terminal for storage of refined products, including gasoline and diesel fuel. The site formerly included numerous above ground structures, including four above ground storage tanks (ASTs), two 10- inch diameter underground pipelines used to transfer product between the terminal and ships offshore, a ballast pond used to store ship ballast, and a 550-gallon underground storage tank (UST) and dispenser. Operations at the project site were discontinued in October 1977 and above ground structures were removed or abandoned in place. The site contains approximately 4,385 linear feet of pipeline with diameters ranging from one to 16 inches. The objective of the proposed project is to properly decommission and remove the on-site pipeline segments and other remnant infrastructure in a safe and environmentally-sensitive manner.

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act. The MND was submitted to the California State Clearinghouse for public and agency review on October 30, 2012, and the public review period ended on November 29, 2012. The environmental impacts identified in the MND that were mitigated to insignificance with the mitigation measures incorporated into the project by the applicant were Air Quality, Biological Resources, Cultural Resources, Hazards/Hazardous Materials and Noise. Exhibit C attached is a copy of the initial study. Background reports are available for public review at the Public Works Department, 955 Harbor Street, Morro Bay, CA 93442 and include the following plans submitted as part of the project description as well as addressing mitigation and monitoring for the project:

- Project Execution Plan
- Traffic Safety Plan
- Contaminated Materials Management Plan
- Site Restoration Plan

The MND contains extensive mitigation measures to reduce potential impacts to insignificance. These have been incorporated into the Conditions of Approval for the project, as given in Exhibit B. A summary of the impacts and the mitigation measures is given in the table as follows:

<b>Identified Impact</b>	<b>Mitigation Measures (summary)</b>
<i>Air Quality</i> -Exposure to pollution	MM3-1a standard fugitive dust minimizing measures
	MM3-1b APCD permitting requirements

	MM3-2 Geologic evaluation for asbestos (NOA) And Asbestos Dust Mitigation Plan, Asbestos Health and Safety Program apvd by APCD
	MM3-3 Emissions reducing measures
<b>Biological Resources</b> -Special Status Species and migratory wildlife issues	MM4-1-Restoration Plan
	MM4-2 Excavation outside nesting bird season and biological monitoring if nesting bird present
<b>Biological Resources</b> -Riparian Habitat-Alva Paul Creek	MM4-3 Pre-construction surveys for Monarch butterflies if construction during overwintering period
	MM4-4 Fish surveys if water flowing in creek at time of drain pipe removal or restoration to be conducted by qualified biological monitor trained in fisheries work. If steelhead trout found, contact NMFS for conservation bank
	MM4-5-Southwestern pond turtle surveys prior to creek restoration activities
	MM4-6 Coast range newt and California red-legged frog protocol-level surveys prior to restoration activities in creek corridor
<b>Biological Resources</b> -Wetlands Protection	MM4-7a Bright orange construction fencing around perimeter of all jurisdictional wetland features included in construction plans
	MM4-7b Worker education program
	MM4-7c Use of equipment and vehicles limited to specific areas and staging areas
	MM4-7d Erosion control measures to prevent erosion to Alva Paul Creek
	MM4-7e Designated refueling and maintenance areas
	MM4-7f Inspection of construction equipment
<b>Cultural Resources</b> -Adverse change in significance of historical, paleontological, cultural resource	MM5-1 Archaeological Monitoring Plan; archaeological monitoring and Native American participation
	MM5-2 If paleontological resources discovered, notify City and retain qualified paleontologist
<b>Cultural Resources</b> -Remains Discovered	MM5-3 Cease activities if remains uncovered and notify County Coroner
<b>Hazards/Hazardous Materials</b> -Create hazard	MM8-1 Obtain APCD permit to address proper management of any hydrocarbon contaminated soil
<b>Noise</b> -Exposure to or generate noise levels	MM12-1 Limit construction hours to between 7:00 AM to 7:00 PM

<b><i>Mandatory Finding of Significance</i></b>	Revisions in the project have been made to or agreed to by the project proponent to mitigate to insignificance issues found to have a significant effect on the environment
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Note that the removal of the drain pipe into Alva Paul Creek is evaluated in the MND, but the applicant is deferring removal of this pipe to a future phase of the project.

Comments received during the public review period: No comments were received during the public review period.

**ANALYSIS:**

**Proposed Uses:** The proposed request is consistent with the City’s objective of removing impediments to sound planning and reduce the potential for health and safety issues in the community. By remediating this property, it will the property owner to provide a use for the property consistent with the current general plan designation as multi-family residential planned development and will revegetate and restore Alva Paul Creek as necessary to ensure that environmental issues have been addressed.

**Consistency with Plans and Policies:** Based on the review of background data given above, the project appears consistent with General Plan, Local Coastal Plan goals, policies and implementation measures.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on Friday, November 23, 2012, and all property owners of record within 300 feet of the project site were notified on this evening’s public hearing and invited to voice any concerns on this application.

**CONCLUSION:**

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan. No modifications or exceptions to City development requirements are proposed.

Report prepared by: Mary B. Reents

Attachments:

1. Findings-Exhibit A
2. Conditions of Approval-Exhibit B
3. Mitigated Negative Declaration-Exhibit C
4. Development Plans-Exhibit D

## **EXHIBIT A: FINDINGS**

### **CP0-301;**

#### **Chevron Environmental Management Company (Chevron) Coastal Development Permit Removal of Remnant Oil Terminal Facilities, 3072 North Main Street**

A request for a Coastal Development Permit to remove the remaining underground pipelines, removal of a circular concrete tank pad, demolish an underground concrete clarifier, remove miscellaneous wood debris and concrete rubble at the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street.

#### **California Environmental Quality Act (CEQA)**

- A. That for purposes of the California Environmental Quality Act, Case No. CP0-320 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Hazards/Hazardous Materials and Noise. With the implementation of required conditions of approval included in the Mitigated Negative Declaration, the environmental impact of the proposed development will be less than significant.
- B. Changes have been incorporated in the project which avoid or substantially lessen the significant environmental effect, and have been included as conditions of approval, given herein as Exhibit B.

#### **Coastal Development Permit Findings**

- C. Since the project is a removal of existing pipelines and remnant uses of an industrial use in the R-3 zone, the project is removing a use that is currently inconsistent with the certified Coastal Land Use plan and General Plan for the the City of Morro Bay, thereby bringing the property into consistency with the Multifamily Residential designation in the Coastal Land Use Plan and General Plan.

#### **General Findings**

- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working along North Main Street in that the proposed remediation project will remove pipelines, cement pads and debris that could be detrimental to the public and the project would comply with all applicable project conditions and City regulations.
- E. The project will not be injurious or detrimental to property and improvements along the North Main Street and the general welfare of the City in that the proposed remediation will provide additional public benefit by removing an obstacle to the current land use designation of multifamily residential planned development, and is consistent with the character of the existing community.

- F. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the remediation project would clean up property that would then be available for residential use within the zoning district applicable to the project site and said structure complies with all applicable project conditions and City regulations.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

**CP0-301;**

#### **Chevron Environmental Management Company (Chevron) Coastal Development Permit Removal of Remnant Oil Terminal Facilities, 3072 North Main Street**

A request for a Coastal Development Permit to remove the remaining underground pipelines, removal of a circular concrete tank pad, demolish an underground concrete clarifier, remove miscellaneous wood debris and concrete rubble at the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street.

### **STANDARD CONDITIONS**

1. **Permit:** This permit is granted for the land described in the staff report referenced above, and all attachments thereto, dated November 30, 2012, for the project depicted on the attached plans labeled "Exhibit D", dated December 2008, on file with the Public Services Department, as modified by these conditions of approval.
2. **Inaugurate Within Two Years:** Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services 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:** Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. **Compliance with the Law:** (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. **Hold Harmless:** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or

applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed herein shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.

### **FIRE CONDITIONS**

8. Site Emergency Plan and Liaison: Prior to commencement of removal project, the applicant shall prepare a Site Emergency Plan and shall retain a trained and designated person as liaison to the City of Morro Bay Fire Chief to aid in pre-planning responses and the identification of locations where hazardous materials are located. The liaison shall have access to materials safety data sheets and be knowledgeable in the site emergency procedures and be able to follow the protocol for handling emergencies as given in the Site Emergency Plan.
9. Ignition Source Controls: Smoking shall be prohibited within 25 feet of any outdoor storage areas.
10. Hazard Identification Signs: Individual containers, cartons, or packages shall be conspicuously marked or labeled in accordance with nationally recognized standards.

### **BUILDING DIVISION CONDITIONS**

11. Prior to construction, the applicant shall submit a complete application to the building division and obtain the required building permit.

### **PUBLIC WORKS CONDITIONS**

12. At the time of grading permit application, a detailed erosion and sediment control plan shall be submitted and shall follow the City of Morro Bay's erosion and sediment control plan guidelines.

## **PLANNING DEPARTMENT CONDITIONS**

13. **County, State and Federal Permits:** The applicant shall obtain all necessary county, state and federal permits prior to commencement of removal project and shall show proof to the satisfaction of the Public Services Director.
14. **Department Liaison:** Prior to commencement of the Project and at the time of Grading Permit Application, the applicant shall provide the name of a liaison that will be responsible for interface between the Planning/Building Departments during the entire length of the project. This liaison will be responsible for ensuring compliance with all city regulations and enforcement of the environmental conditions of the project. The liaison shall have the authority of the applicant to stop or delay work if needed to meet the conditions of approval. The liaison shall weekly update the Public Works Director or his appointee on the progress of the project. The liaison shall also be responsible for responding to any citizen complaints.
15. **Timing:** The removal of pipelines shall occur during the summer months when Del Mar School is not in session. Project start up activities that do not involve hazardous materials or grading may commence when school is in session. Should the project not be completed prior to the start of school, the Public Works Director shall determine, in conjunction with the County Health Department, determine if removal activities would be detrimental to the health and safety of the students. If work should be considered detrimental, remaining pipeline removal work effort shall cease until the following summer. Revegetation and restoration work effort is not subject to this condition.
16. **Staging:** Location of staging areas shall be reviewed and approved by the Public Works Director prior to commencement of the project.
17. **Environmental Fees:** Within four days of certification of the Mitigated Negative Declaration, the applicant shall submit a check made payable to the County Clerk for the following fees: \$2,101.50 for the California Department of Fish and Wildlife, plus the \$50 County Clerk filing fee for the Notice of Completion, for a total of 2151.50. The City of Morro Bay shall file the Notice of Completion with the County Clerk to comply with state requirements.

## **ENVIRONMENTAL CONDITIONS**

18. **Environmental Conditions:** The applicant shall incorporate the environmental mitigation measures agreed upon to mitigate the project to a level of insignificance; these conditions are listed in the attached "Attachment A" following this condition. In addition, the applicant shall conduct the required monitoring as established for each mitigation measure and confirm compliance with these conditions to the satisfaction of the Environmental Coordinator.

## VII. ATTACHMENTS

### Attachment “A”

#### SUMMARY OF REQUIRED MITIGATION MEASURES

##### AIR QUALITY

**MM 3-1a** During construction the project applicant shall implement the following fugitive dust minimizing measures:

- Reduce the amount of the disturbed area where possible;
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers with rumble strips for flooded basin type wheel washers or low pressure or high pressure type wheel washer with no rumble strips, where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- All  $PM_{10}$  mitigation measures required should be shown on grading and building plans; and,
- The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

**MM 3-1b** Prior to commencement of construction, the project applicant shall contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements for proposed equipment to be used.

**MM 3-2** Prior to commencement of construction activities, the project applicant shall contract with a qualified

geologist to prepare a geologic evaluation to determine if naturally occurring asbestos is present within the area proposed to be disturbed. If there is no naturally occurring asbestos present, an exemption request must be filed with the APCD prior to site disturbance. If naturally occurring asbestos is determined present, the project applicant must comply with all requirements outlined in the Asbestos ATCM, which may include, but not be limited to, preparation of a Asbestos Dust Mitigation plan and an Asbestos Health and Safety Program. These plans would be subject to review and approval by APCD.

**MM 3-3** During the construction phase, the project applicant shall implement the following emissions reducing measures:

a) Limit idling of gasoline powered construction equipment and delivery vehicles to a maximum of three (3) minutes (emissions reduction range of 25 to 40 percent (CAPCOA 2010)). Idling of diesel powered equipment shall be prohibited at all times;

b) When feasible, the transporting of removed material shall be scheduled to minimize transport time during peak traffic hours (between 7:30 a.m. and 8:30 a.m. Monday through Thursday; between 7:30 a.m. and 9:30 a.m. on Fridays; and between 2:00 p.m. and 3:00 p.m. Monday through Friday) in congested areas, in order to increase vehicle fuel efficiency;

c) Post signs and enforce idling restrictions on the project site;

d) Following consultation with SLOAPCD, and to the extent agreed upon by the City and SLOAPCD, alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be employed by at least 15 percent of the fleet if feasible (GHG emissions reduction range of to 22 percent (CAPCOA 2010)).

**Monitoring:** Prior to issuance of any permits, the City shall verify evidence that the project applicant has filed an exemption for Asbestos ATCM with APCD or that an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program have been approved by the APCD; all construction equipment properly permitted through APCD, and that Asbestos NESHAP fees have been paid to the APCD.

Building inspector shall monitor implementation of asbestos dust mitigation and asbestos health and safety mitigation (if applicable), equipment usage and maintenance measures during routine site inspections.

**BIOLOGICAL RESOURCES:**

**MM 4-1** The Final Site Restoration Plan (Padre 2009) shall be fully implemented to mitigate for vegetation removal activities and impacts to the Alva Paul Creek bank associated with excavation and removal of the existing pipeline. This plan shall be submitted for approval by appropriate regulatory agencies prior to commencement of work along the stream bank.

**MM 4-2** Construction activities shall take place outside of the nesting bird season (i.e., March through August). If construction activities occur within the nesting bird season, a qualified biologist to conduct preconstruction surveys for nesting raptors and migratory birds (including: Yellow-billed Cuckoo, Yellow Warbler, California horned lark, California black rail, Cooper's hawk, and Ferruginous Hawk) up to 30 days prior to construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. The construction zone shall include all areas where construction-related activities will occur including staging areas. These requirements shall be included in the final construction plans/specifications and monitored by the building inspector. If construction is conducted outside the nesting season, then surveys for nesting migratory birds and raptors are not needed.

If an active raptor nest is identified within the 250-foot radius or if an active migratory bird nest is located within a 100-foot radius of construction-related activities and construction must take place during the breeding season; the project applicant shall contract with a qualified biologist to establish a buffer zone which is to be confirmed by the appropriate resource agency. A qualified wildlife biologist shall monitor the nest to determine when the young have fledged and submit bi-weekly reports to the

INITIAL STUDY AND CHECKLIST – 3072 North Main Street

CASE NO. CP0-301

DATE: January 11, 2012

City throughout the nesting season. The biological monitor shall have the authority to cease construction if there is any sign of distress to the raptor or migratory bird. Reference to this requirement and the MBTA shall be included in the construction plans/specifications and monitored by the building inspector during construction.

**MM 4-3** If pipeline removal and restoration activities are to occur within the stream corridor or 50 foot stream corridor buffer during the overwintering period for Monarch butterflies (between October and February), the project applicant shall be required to contract with a qualified biologist to conduct pre-construction surveys for the butterfly (in any form: adult, egg, caterpillar, chrysalis). If no form of Monarch butterflies are determined present, no further mitigation is necessary. If Monarch butterflies are determined to be present, removal and rehabilitation activities shall be scheduled to occur outside of the overwintering period (between March 1 through September 30).

**MM 4-4** If pipeline removal and creek restoration activities are to occur when water is flowing in the Alva Paul Creek, a quality biologist shall be contracted to consult with the National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) regarding impacts to special-status fish (i.e. South-central California Coast steelhead). If fish surveys are determined necessary, the project applicant shall contract with a qualified biological monitor, trained in fisheries work, to conduct fish surveys at the appropriate time of the year in order to obtain accurate survey results for the special-status fish. The surveys shall include the direct project area, and at least 100 feet upstream and downstream of the project area boundaries.

If steelhead trout are found in or near the project area the NMFS shall be contacted immediately before proceeding with any work. The NMFS representative shall provide guidance with appropriate removal or avoidance measures (i.e. "herding" of fish) to provide for the continuation of construction. Any loss of steelhead habitat as a result of the proposed project will be compensated at a minimum 3:1 ratio through purchase of credits at a nearby NOAA/NMFS-approved conservation bank for steelhead. Documentation that the necessary credits have been purchased must be received by NOAA/NMFS prior to construction.

**MM 4-5** Prior to commencement of creek restoration activities, the project applicant shall contract with a qualified biologist to conduct pre-construction surveys for individuals and nests of the Southwestern pond turtle. If individuals are found within a 250 feet of the project area, they shall be moved to suitable habitat at least 500 feet outside of the affected area. If a pond turtle nest is found within the survey area, construction activities shall not take place within 100 feet of the nest until the eggs have hatched, or the eggs have been moved to an appropriate location.

**MM 4-6** Prior to commencement of creek restoration activities (and pipeline removal from the creek area), the project applicant consult with a qualified biologist (approved by the U.S. Fish and Wildlife Service and California Department of Fish and Game) to conduct protocol-level surveys for Coast range newt and California red-legged frog. If both species are not found, then no further mitigation is necessary. If either one of these species is found, then the project applicant shall contract with a qualified biologist to consult with USFWS and CDFG. While final determination of mitigation requirements will occur during consultation with USFWS/CDFG, it is anticipated that mitigation will include preparation and implementation of a habitat impact assessment for Coast range newt and California red-legged frog that meets state and federal permit requirements for an incidental take. The habitat impact assessment shall clearly identify, qualify and quantify Coast range newt and/or California red-legged frog habitat on the project site that will be directly and indirectly impacted by the proposed project. The habitat impact assessment shall include mitigation and management steps to reduce the loss of individual special status species, avoid disturbance or removal of special status habitat, create additional habitat as necessary, and avoid invasion of non-native species.

**MM 4-7a** Prior to commencement of any construction activity near jurisdictional wetland features that may be impacted, the project applicant shall install bright orange construction fencing (Environmental Sensitive Area [ESA] fencing) or a similar protective barrier around the perimeter of all such features. The barrier fencing will remain in place for the duration of construction activity. Reference to this requirement shall

be included in the construction plans/specifications and monitored by the building inspector during construction.

- MM 4-7b** A worker education program shall be prepared and presented to all construction personnel at the beginning of the project. The program shall discuss sensitive species with potential to occur in the construction zone. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures.
- MM 4-7c** The use of heavy equipment and vehicles shall be limited to the proposed project limits, existing roadways, and defined staging areas/access points. At no time will heavy equipment operate within the stream channel. The boundaries of each work area shall be clearly defined and marked with visible flagging and/or orange protective fencing.
- MM 4-7d** Erosion control measures shall be implemented to prevent erosion and sedimentation impacts to Alva Paul Creek. Silt fencing, in conjunction with other methods, shall be used to prevent erosion and siltation as well as runoff and associated residual water from entering the waterways.
- MM 4-7e** During project activities, equipment refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from the adjacent Alva Paul Creek channel. Straw bales, sandbags, and absorbent pads shall be available to prevent water and/or spilled fuel from entering drainages. In addition, all equipment and materials shall be stored/stockpiled away from the swale.
- MM 4-7f** Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

Monitoring: During routine inspections, the City Building Inspector shall ensure that all construction related activities are limited to identified construction zones, including staging areas; that all exclusion zones/buffer areas are clearly marked with orange fencing; erosion control measure are in place; and that equipment is being properly maintained and staged.

Prior to commencement of pipeline removal and creek restoration activities, the City shall confirm that all necessary pre-construction surveys for nesting migratory birds and raptors, Monarch butterflies, and Southwestern pond turtle, have been conducted.

If nests are determined present during construction activities, a Qualified Biologist shall monitor any nests to determine when the young have fledged and submit bi-weekly reports to the City throughout the nesting season.

Prior to commencement of pipeline removal and creek restoration activities, the Project Applicant shall submit to the City evidence of consultation, necessary requirements fulfilled, and permits obtained from NOAA/NMFS, USACE, CDFG, RWQCB.

Project Applicant shall annually submit monitoring report to the CDFG and City of Morro Bay to ensure successful revegetation.

#### **CULTURAL RESOURCES:**

- MM 5-1** Prior to issuance of any permits allowing ground disturbance, the applicant shall submit to the City of Morro Bay Planning Department an Archaeological Monitoring Plan for review and approval. The Archaeological Monitoring Plan shall identify under what circumstances various means of monitoring are warranted (i.e. field observation, data recording, data recovery, archaeological excavation, photography, laboratory analysis and cataloging, ancillary special studies, and production of a written report that meets current professional archaeological standards). In addition, the Archaeological Monitoring Plan shall include and specify methods for addressing the following: Native American participation; monitoring procedures; handling of discovered archaeological deposits; discovery of human remains; and reporting of monitoring results and curation of materials. Preparation of the Archaeological Monitoring Plan and subsequent monitoring activities shall be conducted by a qualified archaeologist.
- MM 5-2** During construction activities, if any paleontological resources (i.e., fossils) are discovered, all work in the immediate vicinity must stop and the City of Morro Bay shall be immediately notified. A qualified

INITIAL STUDY AND CHECKLIST – 3072 North Main Street

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paleontologist shall be retained by the project applicant to evaluate the finds and recommend appropriate mitigation for the inadvertently discovered paleontological resources. The City will consider the mitigation recommendations of the qualified paleontologist. The project applicant shall implement a measure or measures that are deemed feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation or other appropriate measures.

**MM 5-3** If human remains are discovered during construction activities, all work must stop in the immediate vicinity of the find, the City of Morro Bay must be notified and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, and the procedures outlined in CEQA Guidelines Section 15064.5(d) and (e) shall be followed.

Monitoring: The Archaeological Monitoring Plan shall be included in the construction documents and staff shall verify compliance during routine site inspections.

Upon discovery of paleontological resource or human remains, the City shall be contacted. Discovery of human remains requires the City to notify the County Coroner in accordance with Section 7050.5 of the California Health and Safety Code. The County Coroner shall notify the Native American Heritage Commission.

**HAZARDS/HAZARDOUS MATERIALS**

**MM 8-1:** Prior to commencement of earthwork, the project applicant shall obtain permit from APCD to address proper management of any hydrocarbon contaminated soil. This permit shall include conditions to minimize emissions from any excavation, disposal or related process.

Monitoring: To the extent feasible, the City of Morro Bay shall contact the APCD Engineering Division at (805) 781-5912 within 120 days prior to the start of excavation to begin the permitting process for hydrocarbon contaminated soil.

**NOISE**

**MM 12.1** Construction activities shall be limited to the hours of 7:00 A.M. to 7:00 P.M. Monday through Friday and all large construction equipment shall be equipped with "critical" grade noise mufflers. All necessary measure to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcel do not exceed 70 dBA. Hours of construction activities shall be noted on the grading and construction plans. If noise levels exceed 70 dBA at the property line immediately adjacent to sensitive noise receptors, necessary measures (e.g. acoustical barriers) shall be taken to reduce noise levels below 70 dBA.

Monitoring: The Public Services Department will review the above required mitigation and ensure project compliance.

Acceptance of Mitigation Measures by Project Applicant:

  
\_\_\_\_\_  
Applicant  
John Westenberg

10/16/12  
Date



**City of Morro Bay**  
PUBLIC SERVICES DEPARTMENT  
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442  
805-772-6261

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**P R O P O S E D 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**

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY  
955 Shasta Avenue  
Morro Bay, California 93442  
805-772-6210

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

CASE NO.: CP0-301

PROJECT TITLE: Former Texaco Morro Bay Sales Terminal Piping Removal and Remediation Project  
PROJECT LOCATION: 3072 North Main Street

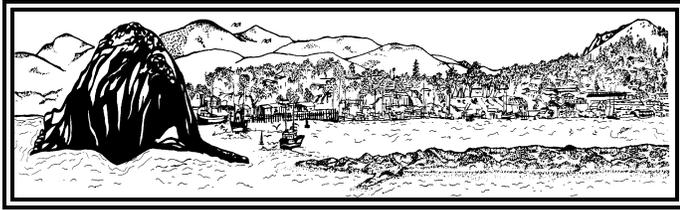
APPLICANT / PROJECT SPONSOR: Chevron Environmental Management Company

PROJECT DESCRIPTION: Removal and disposal of a series of remnant oil terminal facilities on a 10 acre site, including: remaining underground pipelines; a 24-inch thick, 20-foot diameter circular concrete tank pad; a demolished underground concrete clarifier; miscellaneous wood debris; and concrete rubble.

FINDINGS OF THE: Environmental Coordinator

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





**City of Morro Bay**  
PUBLIC SERVICES DEPARTMENT  
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442  
**805-772-6261**

## INITIAL STUDY AND CHECKLIST

### I. PROJECT INFORMATION

<b>Project Title:</b>	<u>Former Texaco Morro Bay Sales Terminal Piping Removal and Remediation Project</u>		
<b>Case Number:</b>	<u>CP0-301</u>		
<b>LEAD AGENCY:</b>	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6211</u>
	<u>955 Shasta Ave</u>	Fax:	<u>(805) 772-6268</u>
	<u>Morro Bay, CA 93442</u>		<u>Kathleen Wold</u>
<b>Project Applicant:</b>	<u>Chevron Environmental Management Co.</u>	Phone:	<u>(925) 543-2358</u>
	<u>6111 Bollinger Road BR1Y-Room 3424</u>	Fax:	<u></u>
	<u>San Ramon, CA 94583</u>		<u>Michael Malloux</u>
<b>Project Landowner:</b>	<u>Chevron Environmental Management Co.</u>	Phone:	<u>(805) 441-3552</u>
<b>Project Designer/Agent:</b>	<u>Padre Associates, Inc.</u>	Phone:	<u>(805)786-2650 Ext. 12</u>
	<u>369 Pacific Street</u>	Fax:	<u>(805)786-2651</u>
	<u>San Luis Obispo, CA 93401</u>		<u>Eric Snelling</u>

### 1.0 OVERVIEW

The project applicant, Chevron Environmental Management Company (Chevron), is seeking approval of a Coastal Development Permit and Grading Permit from the City of Morro Bay (City) for the removal of remnant facility piping and several concrete features from the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street, Morro Bay, California (Project Site). Refer to **Figure 1 - Site Location Map**, for the location of the Project Site.

#### Project Background/Objective

Texaco historically utilized the site as a crude oil terminal from 1936 to 1958, which was used for storage of crude oil prior to transfer to tanker vessels via a pipeline from the project site to the Pacific Ocean. From 1961 to 1977, the facility was converted and used as a bulk terminal for storage of refined products, including gasoline and diesel fuel. The site formerly included numerous above ground structures, including four above ground storage tanks (ASTs), two 10-inch diameter underground pipelines used to transfer product between the terminal and ships offshore, a ballast pond used to store ship ballast, and a 550-gallon underground storage tank (UST) and dispenser. Operations at the project site were discontinued in October 1977 and the above ground structures were removed or abandoned in place. The site contains approximately 4,385 linear feet of pipeline with diameters ranging from one to 16 inches. The objective of the proposed project is to properly decommission and remove the on-site pipeline segments and other remnant infrastructure in a safe and environmentally-sensitive manner.

### 1.1 PROJECT DESCRIPTION

The proposed project includes the removal of the remaining underground pipelines, a 24-inch thick, 20 foot diameter circular concrete tank pad, a demolished underground concrete clarifier, miscellaneous wood debris, and concrete rubble. An *Execution Plan* has been prepared by Padre Associates, Inc. that summarizes how the removal and remediation activities

are to occur, which is included in **Appendix A**. The following section describes the asbestos and lead abatement activities, demolition procedures, disposal activities, equipment requirements, proposed schedule, site restoration, and required permits for the project. All of these components and project actions together constitute the project description.

**Demolition**

Pipeline locations, dimensions, alignment and contents have been field verified (Padre 2008a). **Figure 2 – Site Plan** shows the location of the assessed petroleum and water pipelines, concrete pad, and other debris. The piping and materials scheduled for demolition during this project are summarized in **Table 1-1**.

**Table 1-1  
Materials Removal Schedule**

Debris Type	Pipeline Diameter (inches)	Length (feet)	Fluid Contents (gallons)	Barrels of Oily Water	Asbestos	Lead Based Paint	Material
Pipeline	1	500	16.3	0.296	No	No	Steel
Pipeline	2	565	0	0	No	No	Steel
Pipeline	3	795	247.52	4.5	No	No	Steel
Pipeline	4	549	97.62	1.77	No	No	Steel
Pipeline	10	1314	1287.86	23.42	Yes	No	Steel
Pipeline	16	487	1039.31	18.9	Yes	No	Steel
Pipeline	4	175	<1	<1	No	No	Clay
Concrete Pad	N/A	N/A	N/A	N/A	No	No	Concrete
Concrete Clarifier	N/A	N/A	N/A	N/A	No	No	Concrete
Wood Debris	N/A	N/A	N/A	N/A	No	Yes	Wood
Miscellaneous Concrete Debris	N/A	N/A	N/A	N/A	No	No	Concrete

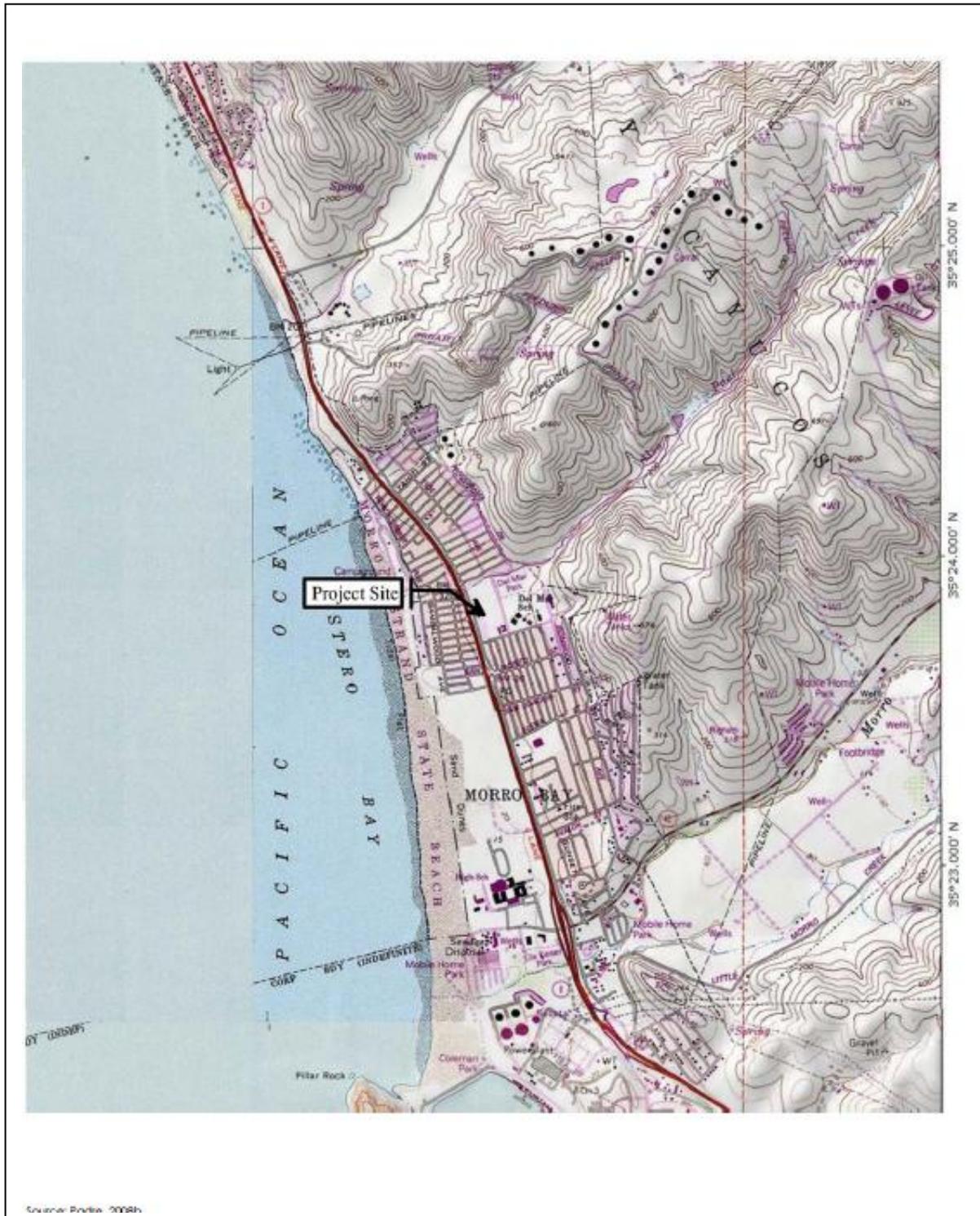
Source: Padre, 2011c

As summarized in **Table 1-1** and shown in **Figure 2 – Site Plan**, the proposed project would remove approximately 4,385 linear feet of existing oil, gas, and water pipelines located on the project site. The project applicant intends to remove all known existing pipelines and all intra-facility petroleum piping with the exception of approximately 50 lineal feet of drain pipe extending into Alva Paul Creek. If needed, the pipeline segments will be drained of any fluids and flushed prior to removal. The pipeline segment endpoints will be isolated and cut, and then be uncovered by excavating a trench to the existing pipeline depth. As the pipeline is removed from the trench, a spill containment device will be placed under the pipeline to catch any residual fluids. Any liquids drained from the pipeline into the containment device will be removed using a vacuum truck and transported to a licensed facility for disposal or recycling. The pipeline segments will be cut into manageable pieces and the ends will be wrapped in plastic to prevent further spillage. Once the pipe segments are removed, trenches will be backfilled. Scrap pipelines will be temporarily stored in on-site holding bins and transported off-site for recycling or disposal. A *Contaminated Materials Management Plan* has been prepared by Padre Associates, Inc. to ensure proper handling and disposal of these materials (**Appendix B**).

A 4-inch steel pipeline currently extends from the project site into the bank of adjacent Alva Paul Creek. This pipeline appears to be open ended and does not appear to be coated with asbestos containing materials. Due to the location of this pipeline within the banks of the creek, the removal of this segment will require additional permits from the California

Department of Fish and Game (CDFG), U.S. Army Corps of Engineers, Los Angeles District (USACE), and the Regional Water Quality Control Board (RWQCB).

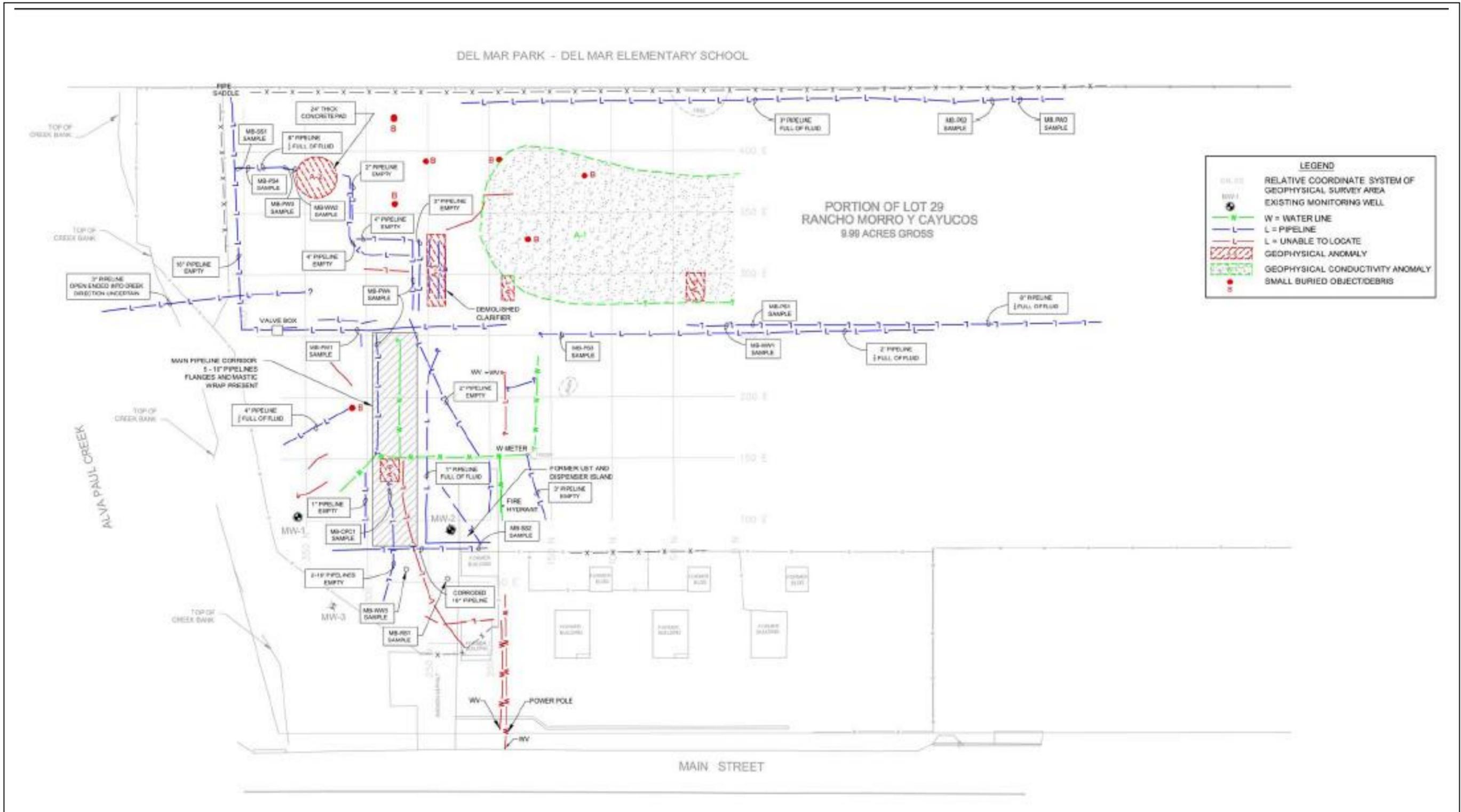
**FIGURE 1**  
**SITE LOCATION MAP**



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**FIGURE 2  
SITE MAP**



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## INITIAL STUDY AND CHECKLIST – 3072 North Main Street

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### Excavation

During pipeline removal multiple areas at the project site will be excavated. The total area of surface disturbance at the project site will be approximately 21,811 square feet, or approximately 0.5-acres. The total volume of excavated soil is estimated at 1,211 cubic yards (cy) of soil (Padre, 2011c).

### Asbestos and Lead-Based Paint Surveys and Abatement

Prior to demolition of each pipeline, a state-certified and licensed asbestos contractor will survey and abate any asbestos-containing material (ACM) identified. Any suspect material found at the project site, which may be concealed in-place, will be presumed to be an ACM unless additional laboratory analysis refutes this presumption. The asbestos abatement activities will be conducted in accordance with federal, state, and local asbestos regulations (Padre, 2011b). The project applicant will submit a NESHAP demolition notification form, asbestos survey report, and an Asbestos Abatement Work Plan to the San Luis Obispo County Air Pollution Control District (APCD) for all proposed asbestos abatement activities.

Prior to removal of wood debris, any loose or flaking lead-based paint will be removed (abated) in accordance with State of California, Division of Occupational Safety and Health (DOSH) regulations (Title 17, CCR, 35001 et seq.) (Padre, 2011b).

### Waste Management/Disposal Trips

As noted above, Padre Associates, Inc. prepared a *Contaminated Materials Management Plan* in January 2011 that summarizes procedures and protocols to be implemented during the course of the field activities. In addition, a *Traffic Safety Plan* was prepared by Padre Associates, Inc. that provides transportation routes for disposal activities. Both of these documents are included in **Appendix B**. The following section briefly describes the waste types, handling, and disposal methods to be implemented during the course of the project.

**Pipeline Fluids** - Pipeline fluids will be temporarily stored on-site in portable storage tanks pending waste characterization. Pipeline fluids will be transported under the appropriate waste manifest to Chemical Waste Management in Kettleman Hills, California.

**Scrap Metal** - The proposed project is estimated to generate approximately 54 tons of scrap metal. Scrap pipelines will be temporarily stored in on-site holding bins and transported off-site for recycling or disposal. Scrap metal will be transported to licensed metal recyclers in either the Bakersfield or Los Angeles areas.

**Concrete Waste** - The project is estimated to generate up to 95 tons of concrete rubble. Concrete waste will be transported to Negranti Construction in Cayucos for crushing and recycling.

**Contaminated Soil** - The precise quantity of contaminated soil is unknown at this time but is estimated for planning purposes to be approximately 30 percent of the total soil excavated, or 400 cubic yards (540 tons) of material. In the event that soils are encountered with total petroleum hydrocarbon (TPH) concentrations in excess of 100 milligrams per kilogram (mg/kg), the contaminated material will be segregated from other materials, chemically characterized, and then transported to an appropriate receiving facility for proper disposal or treatment and recycling. Soil stockpiles will be placed on plastic sheeting and covered with an APCD-approved vapor emissions control product to reduce fugitive emissions. Uncontaminated soil will be used to backfill the excavation areas. The project applicant does not propose to excavate more impacted soil than what is required to remove the subject pipelines.

**Treated Wood Waste** - Treated wood waste will be handled and disposed in accordance with federal and state regulations based on the analytical results of waste characterization samples collected.

**Asbestos Waste** - Pipelines coated with ACM will be handled and disposed as non-friable asbestos waste in accordance with federal and state regulations.

**Lead Waste** - Any paint chips collected during the course of the project will be temporarily stored on-site in 55-gallon Department of Transportation (DOT) drums and transported off-site in accordance with federal and state regulations.

It is estimated that the proposed project will result in the removal of approximately 54 tons of scrap pipe, 95 tons of concrete rubble, and up to 540 tons of TPH-affected soil. An equal amount of soil will be imported to the site to backfill excavations (Padre, 2011c). The estimated number of truck trips required to complete the project are summarized in **Table 1-2**.

**Table 1-2  
Estimated Truck Trips**

<b>Material</b>	<b>Weight (tons)</b>	<b>Number of Truck Trips</b>
Piping Fluids	235 (63,000 gallons)	15
Piping	54	5
Concrete	95	4
Soil Export	540	36
Soil Import	600	50
Miscellaneous Debris (asbestos and lead waste)	5	3
<b>Total:</b>	<b>1,289</b>	<b>113</b>

Source: Padre, 2011c

**Site Restoration Procedures**

A *Site Restoration Plan* prepared by Padre Associates, Inc. in 2009 is included in **Appendix C**. Site restoration is a component of the project description. Following completion of pipeline removal activities, the excavations will be backfilled and compacted to match the surrounding topography. The area will be re-seeded following completion of the demolition and removal activities. In addition, significant restoration activities will occur along the bank of the Alva Paul Creek where a 4-inch steel pipeline may be removed at a later date. At this time, the applicant has indicated that the portion of drain pipe (approximately 50 lineal feet) within the creek area will remain in place and may be removed as a separate phase of the project. When this section of drain pipe is removed, restoration activities are proposed to stabilize the creek bank and restore the riparian habitat areas affected by pipeline removal. The restoration activities include: placing protective fencing around the perimeter of the restoration area and silt fencing as necessary; conducting pre-activity surveys to determine the presence of special status species; pre-activity training for workers; recontouring of the creek bank to a 1:1 slope; placement of erosion control fabric; planting of erosion control seed mix within the upper slopes; and planting of arroyo willow cuttings along the creek channel in bundles (Padre, 2009a). These restoration activities will require approval and permits from the California Department of Fish and Game (CDFG), U.S. Army Corps of Engineers, Los Angeles District (USACE), and the Regional Water Quality Control Board (RWQCB).

**Equipment & Schedule**

Equipment estimated to be used as part of the proposed piping removal project is based on the work activities described above. However, equipment may be subject to modifications based on the contractor selected to perform construction activities and specific equipment availability at the time of project execution. In some cases, an equivalent piece of equipment may be utilized that serves the same purpose or function of those listed below (Padres, 2011c):

<u>Equipment Type</u>	<u>Number</u>
Excavator with shear	1
Excavator	1
Front End Loader	1
Sheep's Foot Compactor	1
Water Truck	1

According to Padre Associates, Inc , the proposed project will occur during the summer months when the adjacent school is not in session; active pipe removal would occur over a four-to-six week period once construction actively begins.

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**Permit Summary**

The project applicant is requesting the approval of a Coastal Development Permit (City of Morro Bay), for the proposed remediation and restoration activities. As the project activities would affect less than one acre of land, coverage under the State Water Resources Control Board's General Construction Storm Water Permit will not be required. Standard best management practices (BMPs) and erosion control measures would be implemented to minimize the potential for storm water runoff from construction/disturbed areas. However, the removal and restoration of piping extending into the Alva Paul Creek bank will also require permits and authorization from the USACE, CDFG, and the RWQCB.

The proposed project will require a Permit to Operate from San Luis Obispo County Air Pollution Control District (APCD). The project applicant will submit a NESHAP demolition notification form, asbestos survey report, and an Asbestos Abatement Work Plan to the APCD for the asbestos abatement activities at the project site. The project applicant will submit the project *Contaminated Materials Management Plan* to the County of San Luis Obispo Environmental Health Services for review and approval prior to initiation of the proposed project activities.

**II. ENVIRONMENTAL SETTING AND IMPACTS**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated", as indicated by the Environmental Checklist:

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

Environmental Setting:

This project site is 435,164.4 square feet (9.99 acres) and rectangular in shape. The project site is designated for high-density residential land uses and currently zoned for Multiple-Family Residential (R-3) development with a Planned Development (PD) overlay subject to the Specific Plan process. The site is bounded by Alva Paul Creek to the north, North Main Street to the west, Del Mar Park and Elementary School to the east, and Sequoia Street and residential land use to the south.

As described previously, the project site is the location of the former Texaco Sales Terminal, which terminated operations in October 1977. The project site formerly included numerous above ground and subsurface facilities associated with the terminal and petroleum product storage. Currently the site is an open, level field surrounded by barbed wire fencing. The site appears to be regularly mowed and maintained. Some evidence of the prior terminal facilities are visible, but the majority of these features are below ground. On-site trees are located mostly around the project perimeter. Alva Paul Creek is a densely vegetated riparian corridor. The existing conditions of the project site are shown in **Figures 3a and 3b – Existing Conditions-Site Photos**.

Surrounding Land Uses

North: Alva Paul Creek  
 South: Residential

East: Park and School  
 West: North Main Street, Residential

### FIGURE 3A EXISTING CONDITIONS-SITE PHOTOS



Photo A. Project Site looking south at adjacent residential and school uses.



Photo B. View of project site looking southwest from Del Mar Park with Morro Rock in the background.

Source: Padre, 2008b

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**FIGURE 3B**  
**EXISTING CONDITIONS-SITE PHOTOS**



Photo A. Northeastern corner of project site looking northeast at adjacent Del Mar Park.



Photo B. Access road on western extent of project site looking east toward adjacent Del Mar Park.

Source: Parks, 2009a

INITIAL STUDY AND CHECKLIST – 3072 North Main Street  
CASE NO. CP0-301  
DATE: October 25, 2012

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### III. ENVIRONMENTAL CHECKLIST

#### 1. AESTHETICS

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

**Environmental Discussion:**

The project site is located less than 100-feet east of State Route 1, a designated State Scenic Highway. According to the Morro Bay General Plan, the adjacent Del Mar Park is considered to be an area of visual significance (Morro Bay, 1982). The park provides vistas and views over the subject site; however, no scenic vistas are present at the site itself.

**Impact Discussion:**

a., b., c., and d.) The proposed project would remove abandoned underground pipelines, concrete slabs, and debris remaining on the site from the former Texaco Sales Terminal. Removal of these remnant facilities and remediation of the site as proposed would improve visual site conditions by including site-specific restoration for replacement of lost riparian habitat, augmentation and at a later phase, removal of the 50 lf of pipe in the creek corridor would improve visual site conditions by site specific restoration of lost riparian habitat and natural recovery of the willow woodland and creek habitats, and removal of remaining above ground facilities and debris. Although the site will temporarily be viewed as “construction” site, site activities will only occur over a matter of weeks. With remediation and replanting, the totality of all project actions will provide a beneficial impact to visual character of the area. There would be **no impact** to a scenic vista or scenic resources, nor would the project result in a new source of light or glare.

**Mitigation and Residual Impact:**

The proposed project would have no adverse impact on the aesthetics of the area; therefore no mitigation measures are required.

**2. AGRICULTURAL AND FORESTRY RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**Environmental Discussion:**

The project site and the surrounding parcels are developed urban sites that are currently not suitable, zoned, or used for agriculture or forestry uses.

**Impact Discussion:**

**a., b., c., d., e.)** According to the *San Luis Obispo County Important Farmland Map 2006*, the project site is located in an urban/built-up area (NRCS, 2008). According to the *City of Morro Bay Zoning Map* (January, 2010), the project site is currently zoned for residential development and surrounded by land zoned for residential and commercial development and open area. According to the *California Department of Forestry and Fire Protection’s Management Landscape Map* (2003), the project site is located in an area designated urban. Therefore, the proposed project would not result in a loss of or conflict with any agricultural or forest lands or uses. There would be **no impact** to agricultural and forestry resources.

**Mitigation and Residual Impact:**

The proposed project would result in no impact to agricultural or forestry resources; therefore, no mitigation measures are required.

### 3. AIR QUALITY

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

#### **Environmental Setting:**

According to the Air Resources Board (ARB), the project site lies within the South Central Coast Air Basin (SCCAB). The portion of this air basin located within San Luis Obispo County is managed by the Air Pollution Control District (APCD) of San Luis Obispo County. According to the *Clean Air Plan* (CAP) (2001) prepared by APCD, the project site is located within the Coastal Plateau region of the air basin.

The coastal plateau is about five to ten miles wide and varies in elevation from sea level to about 500 feet. It is bounded on the northeast by the Santa Lucia Mountain Range. Rising sharply to about 3,000 feet at its northern boundary, the Santa Lucia Range gradually winds southward away from the coast, finally merging into a mass of rugged features on the north side of Cuyama Canyon.

The climate of the area is characterized as Mediterranean, with warm, dry summers and cooler, relatively damp winters. In the vicinity of the project site, mild temperatures are the rule throughout the year due to the influence of the Pacific Ocean. Maximum summer temperatures average approximately 70 degrees Fahrenheit (F) while minimum winter temperatures average from the low 30s.

Pollutant concentrations at any one location tend to vary widely over time due to changing meteorological conditions and variations in source emission rates. The California Air Resources Board (ARB) and U.S. Environmental Protection Agency (U.S. EPA) assign designations as to whether or not areas are in attainment with air quality standards. The state assigns designations based on data collected for all criteria pollutants designated for the State and National standards. **Table 3-1** summarizes the state and national attainment designations for pollutants.

**Table 3-1  
State and National Attainment Status**

Pollutant	State Designation	National Designation
Ozone (O <sub>3</sub> )	Nonattainment	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> )	Attainment	Attainment

**Table 3-1  
State and National Attainment Status**

Pollutant	State Designation	National Designation
Fugitive Particulate Matter (PM <sub>10</sub> )	Nonattainment	Attainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment	Attainment
Sulfates	Attainment	N/A
Lead (Pb)	Attainment	Attainment
Hydrogen Sulfide	Attainment	N/A
Visibility Reducing Particulates	Unclassified	N/A

*Notes: N/A = Not Applicable*  
Source: ARB, 2010; U.S. EPA, 2011

Sensitive receptors are located nearby. A school and a park are located adjacent to the eastern boundary of the project site, while residential development is located to the north of the site on the opposite side of Alva Paul Creek and adjacent to the southern and southwestern boundaries of the project site.

**Impact Discussion:**

**a., b., and c.)** The proposed project would result in construction activities that may result in short-term construction emissions; however, due to the nature of the proposed activities, the proposed project would result in no operational emissions. In addition, the proposed project would result in the abatement of asbestos containing materials, which are subject to regulations of the APCD.

**Short-Term Construction Emissions**

Short-term construction emissions would be associated with earthwork activities, operation of construction equipment, and truck trips generated during construction. Construction activities would result in the disturbance of approximately 21,811 square feet (0.5 acres) and excavation of approximately 1,211 cubic yards (yds<sup>3</sup>) of soil (Padre, 2011c). Approximately 1,314 linear feet (LF) of 10-inch steel pipeline and approximately 487 LF of 16-inch steel pipeline may contain asbestos (Padre, 2011c). Equipment required to perform the construction activities has been estimated to include one of each of the following: excavator with shear; excavator; front end loader; sheep’s foot compactor; and water truck. In addition, it is estimated that it will require approximately 113 truck trips to remove and dispose of approximately 54 tons of scrap pipe, 95 tons of concrete, and up to 540 tons of contaminated affected soil (soils containing more than 100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbon) (Padre, 2011). It is estimated that the abatement and demolition activities will occur over a four to six week period.

The emissions associated with the proposed construction activities and equipment were estimated using URBEMIS 2007 (version 9.2.4), an emission calculating tool approved by the APCD. Output from this modeling program is included in **Appendix D**. Estimated emissions were compared to the APCD’s daily thresholds of significance for short-term construction impacts. **Table 3-2** summarizes the results of the proposed project’s estimated emissions compared to the thresholds of significance.

**Table 3-2  
Estimated Short-Term Construction Emissions and Thresholds of Significance**

<b>Pollutant</b>	<b>Estimated Emissions (Pounds/Day)</b>	<b>APCD Threshold of Significance (Pounds/Day)</b>	<b>Exceeded?</b>
ROG + NO <sub>x</sub> (combined)	34.47	137	<b>NO</b>
Diesel Particulate Matter (DPM)	1.28	7	<b>NO</b>
Fugitive Particulate Matter (PM <sub>10</sub> ) Dust	2.42	Not Applicable	<b>Not Applicable</b>
Greenhouse Gases (CO <sub>2</sub> , Methane (CH <sub>4</sub> ))	67.39 (CO <sub>2</sub> )	Not Established	<b>Not Applicable</b>

*Notes: Daily emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.*

Source: PMC URBEMIS Data, August 2011; APCD 2009

As shown in **Table 3-2**, the proposed project would result in short-term construction emissions that would not exceed the APCD’s thresholds of significance ambient air quality standards. Therefore, the proposed project would not violate any air quality standard.

Criteria Pollutants

As noted above, the basin is designated as nonattainment with State standards for ozone O<sub>3</sub> and fugitive particulate matter (PM<sub>10</sub>). The State standards are as follows: 0.09 ppm (180 µg/m<sup>3</sup>) for 1-hour O<sub>3</sub>; 0.07 ppm (137 µg/m<sup>3</sup>) for 8-hour O<sub>3</sub>; 50 µg/m<sup>3</sup> for 24-hour PM<sub>10</sub>; and 20 µg/m<sup>3</sup> for annual arithmetic mean PM<sub>10</sub>. ROG and NO<sub>x</sub> are precursors for O<sub>3</sub>. Although O<sub>3</sub> is not estimated by URBEMIS, the combined sum of ROG and NO<sub>x</sub> can provide a guide as to whether or not there is the potential for O<sub>3</sub> to be generated. During construction, the proposed project would result in a total of approximately 0.57 tons of ROG and NO<sub>x</sub> (combined) and 0.04 tons of PM<sub>10</sub>. At these levels, the proposed project would not be considered a cumulatively considerable net increase in criteria pollutants for which the basin is designated nonattainment.

However, the proposed project would include grading operations within 1,000 feet of sensitive receptors. In order to ensure that fugitive dust emissions do not exceed the APCD’s 20 percent opacity limit (APCD Rule 401) and generate off-site nuisance violations (APCD Rule 402), measures to control dust and particulates have been provided below. In addition, the use of portable equipment with 50 horsepower or greater may require California statewide portable equipment registration or an APCD permit. At this time is unknown exactly what equipment will be used during construction. Implementation of mitigation provided below would ensure that all equipment used on the project site is properly permitted.

Toxic Air Contaminants

Proposed demolition activities could result in potential negative air quality impacts if improper handling, demolition, and disposal of asbestos containing material (ACM) occurs. In addition, naturally occurring asbestos (NOA) is commonly present within serpentine and ultramafic rocks found throughout the County. Both ACM and NOA are considered toxic air contaminants.

According to the project description prepared by Padres Associates, Inc. in May 2011, approximately 1,801 LF of steel pipeline containing asbestos materials is present on the project site. The presence of ACM requires the project applicant to comply with the requirements stipulated in the NESHAP (40 CFR 61 Subpart M – asbestos NESHAP). These requirements include but are not limited to: submitting to the APCD a NESHAP demolition notification form; having an asbestos survey report conducted by a Certified Asbestos Inspector; and preparation and implementation of an Asbestos Abatement Work Plan for the asbestos abatement activities. This process would regulate the handling and disposal of asbestos to ensure that any potential risk of exposure to asbestos is minimized. In order to ensure compliance with the APCD’s NESHAP requirements, it is recommended that the City condition the proposed project to provide evidence that the Asbestos NESHAP fees have been paid to the APCD prior to the issuance of any permits.

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According to the Air Resources Board's *Air Toxics Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations* and the APCD's map of *Naturally Occurring Asbestos Zones*, a geologic analysis is necessary to determine if serpentine rock is present prior to commencement of any grading activities at the site. Grading projects in serpentine rock larger than 1 acre requires preparation of a Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program, which is subject to review and approval by APCD. All subject project applicants should complete a Construction and Grading Project form. If Naturally Occurring Asbestos is not present, an Exemption form must also be filed with the APCD.

### Conclusion

The proposed project would not violate any air quality standards or result in a net increase in criteria pollutants for which the basin is designated in nonattainment. However, there is the potential to release in toxic air contaminants such as asbestos if not properly managed,, which would be considered a **potentially significant impact**. Implementation of mitigation measures **MM 3-1a,b**, **MM 3-2**, and **MM3-3** provided below would reduce this impact to a **less than significant** level. Therefore, the proposed project, as conditioned, would be considered have a **less than significant impact** on the air quality plan, criteria pollutants, and ambient air quality.

**d., and e.)** Sensitive receptors such as a school, park, and residential development are located north and southeast of the project site. The residential land uses would be more affected by emissions from existing mobile sources generated along the roadways between the project site and residential uses than from emissions generated onsite from construction equipment/activities. Construction activities would be concentrated primarily to the northern and northeastern portions of the project site. Based on the emissions modeling, construction-related emissions will be of short duration, and do not represent "substantial pollutant concentrations" that will negatively affect adjacent properties. The closest potential sensitive receptors – the school and park – do not have active use facilities or concentrations of children immediately adjacent to the project site. Therefore, the proposed project would not result in pollution concentrations that would affect substantial numbers of people. This would be considered a **less than significant impact**.

The APCD recognizes that public health risks can generally be reduced by idle limitations for both on and off-road equipment. To ensure emissions are minimized to the greatest extent possible, the APCD recommends a series of standard idle restricting measures, including: locating staging and queuing more than 1,000 feet from sensitive receptors; prohibiting the idling of diesel equipment within 1,000 feet of sensitive receptors; encouraging the use of alternative fueled equipment; and posting signs specifying that no idling is allowed for more than five consecutive minutes. Due to the size of this project site, it is not feasible to prohibit the idling of diesel equipment and locating staging areas within 1,000 feet of sensitive receptors. For this reason, the *Traffic Safety Plan* proposes to implement the following staging restrictions and incorporate the following measures into the project:

- 1) Prohibit more than two haul trucks at the project site at any one time;
- 2) Haul trucks shall stage in designated areas located in the northwestern portion of the project site (as shown in Plate 4 of **Appendix B-2**); and
- 3) If more than two haul trucks are required for a given operation, additional haul trucks shall stage outside of the City of Morro Bay and contacted by radio when the staging area becomes available.

Implementation of these restrictions would locate the staging area approximately 300 feet from the nearest residential land uses, approximately 500 feet from the park and approximately 600 feet from the school. Furthermore, implementation of emission reducing measures recommended by CAPCOA would minimize short-term construction emissions being generated adjacent to sensitive receptors. These measures would including: limiting idling of construction equipment, haul trucks, and diesel powered engines; minimize hours of operation; and promote the use of alternative fueled construction vehicles/equipment to extent feasible. Implementation of the APCD's standard construction measures and mitigation measure **MM 3-3** provided below would ensure that the number of people and concentrations of short-term emissions are minimized, and that all impacts are maintained at a **less than significant** level.

### Mitigation and Residual Impact:

**MM 3-1a** During construction the project applicant shall implement the following standard fugitive dust minimizing measures, as applicable to the project:

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- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers with rumble strips for flooded basin type wheel washers or low pressure or high pressure type wheel wash with no rumble strips, where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,
- The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

**MM 3-1b** Prior to commencement of construction, the project applicant shall contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements for proposed equipment to be used.

Implementation of the above mitigation measures would ensure that fugitive dust emissions do not exceed a 20 percent opacity limit and that all construction equipment is properly permitted. Therefore, short-term construction generated fugitive dust emissions and construction permitting requirements would be reduced to a less than significant level.

**MM 3-2** Prior to commencement of construction activities, the project applicant shall contract with a qualified geologist to prepare a geologic evaluation to determine if naturally occurring asbestos is present within the area proposed to be disturbed. If there is no naturally occurring asbestos present, an exemption request must be filed with the APCD prior to site disturbance. If naturally occurring asbestos is determined present, the project applicant must comply with all requirements outlines in the Asbestos ATCM, which may included, but not be limited to, preparation of a Asbestos Dust Mitigation plan and an Asbestos Health and Safety Program. These plans would be subject to review and approval by APCD.

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Implementation of the above mitigation measure would ensure that exposure to naturally occurring asbestos is minimized by confirming whether or not naturally occurring asbestos is present and if so providing measures to minimize exposure and disturbance of these materials. Therefore, this impact would be reduced to a **less than significant** level.

**MM 3-3** During the construction phase, the project applicant shall implement the following emissions reducing measures:

- a) Limit idling of gasoline powered construction equipment and delivery vehicles to a maximum of three (3) minutes (emissions reduction range of 25 to 40 percent (CAPCOA 2010)). Idling of diesel powered equipment shall be prohibited at all times;
- b) When feasible, the transporting of removed material shall be scheduled to minimize transport time during peak traffic hours (between 7:30 a.m. and 8:30 a.m. Monday through Thursday; between 7:30 a.m. and 9:30 a.m. on Fridays; and between 2:00 p.m. and 3:00 p.m. Monday through Friday) in congested areas, in order to increase vehicle fuel efficiency;
- c) Post signs and enforce idling restrictions on the project site;
- d) Following consultation with SLOAPCD, and to the extent agreed upon by the City and SLOAPCD, alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be employed by at least 15 percent of the fleet if feasible (GHG emissions reduction range of to 22 percent (CAPCOA 2010)).

Implementation of the these measure would minimize emissions during construction by limiting idling, minimize travel during peak traffic hours and use of alternative-fueled vehicles/equipment as feasible, which would reduce short-term emission impacts to a **less than significant** level.

**Monitoring:**

Prior to issuance of any permits, the City shall verify evidence that the project applicant has filed an exemption for Asbestos ATCM with APCD or that an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program have been approved by the APCD; all construction equipment properly permitted through APCD, and that Asbestos NESHAP fees have been paid to the APCD.

Building inspector shall monitor implementation of asbestos (as applicable) and dust mitigation, asbestos health and safety program (if applicable), equipment usage and maintenance measures during routine site inspections.

**4. BIOLOGICAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?		X		
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X

Padre Associates, Inc. prepared a *Biological Resources Survey Report, Project Execution Plan* and a *Site Restoration Plan* in February 2009, as well as a *Spring Botanical Survey letter* report in June 2009. These documents were reviewed by PMC in September 2011. These reports have been summarized herein and are included in **Appendix C**. The *Biological Resources Survey Report* analyzed a biological study area (BSA) that included the project site and the Alva Paul Creek corridor approximately 100-feet upstream and downstream from the project site.

**Environmental Setting:**

The project site lies between the foothills of the Santa Lucia Range and the Pacific Ocean. Nearby biological resources include Toro Creek, located approximately 1.3-miles north of the project site; and Morro Creek, located approximately 1.3-miles to the south. Alva Paul Creek is located along the northern boundary of the project site and flows westerly from rolling hills with oak savanna and open grassland, currently grazed by cattle, through the Del Mar Park and the project site, which outfalls to the Pacific Ocean approximately 0.3-miles to the west.

A majority of the project site contains disturbed, ruderal habitat that is regularly maintained/mowed as required by the California Department of Fire (CDF) for fire clearance. Therefore, biological resources on a majority of the project site are limited, and primarily associated with the Alva Paul Creek riparian corridor. This corridor is considered to be an environmental sensitive habitat area in the *City of Morro Bay Local Coastal Program*.

### Vegetative Communities

According to Padre Associates, Inc. the site contains three vegetative communities that potentially support 12 special-status wildlife species; birds of prey; and other protected birds. The vegetative communities are classified as Riparian Scrub, Ruderal, and Ornamental, as shown on **Figure 4 – Vegetative Communities**, and are discussed below in further detail.

**Ornamental.** Ornamental plant species have been planted along the Alva Paul Creek banks and within the Del Mar Park, immediately east of the project site, and along the site's western boundary. Ornamental habitat consists of blue gum (*Eucalyptus globulus*), Monterey cypress (*Cupressus macrocarpa*), pampas grass (*Cortaderia jubata*), mock orange (*Pittosporum undulatum*), Victorian box (*Myoporum laetum*), and other non-native species. Some of the cypress and blue gum trees provide potential habitat for many species of birds, which could use the trees for nesting, feeding, roosting, and hawking sites.

**Riparian Scrub.** Riparian scrub habitat occurs along the banks of Alva Paul Creek. Riparian scrub habitat within and adjacent to the project site is primarily comprised of sapling (<20 feet high) arroyo willow (*Salix lasiolepis*) and coyote brush (*Baccharis pilularis* var. *consanguinea*), but also includes wild radish (*Raphanus sativus*), greater periwinkle (*Vinca major*), fennel (*Foeniculum vulgare*) and California blackberry (*Rubus ursinus*). The riparian scrub community along Alva Paul Creek is considered a sensitive resource by San Luis Obispo County, and intermittent streams containing this habitat type are subject to the jurisdiction of the California Department of Fish and Game (CDFG) (Fish and Game Code 1600 et seq.) (Padre, 2009a).

**Ruderal.** Ruderal plant communities are all influenced to some degree by human activities, such as mowing for weed control and fire prevention which occurs annually within the project limits. Most successful weeds produce large quantities of seeds and readily invade disturbed sites, and many species have features that allow their seeds to be widely dispersed. Ruderal plant species observed in the project site include, but are not limited to, bristly ox-tongue (*Picris echioides*), barley (*Hordeum murinum*), soft chess brome (*Bromus hordeaceus*), black mustard (*Brassica niga*) ripgut grass (*Bromus diandrus*), and Bermuda buttercup (*Oxalis pes-caprae*).

### Regional Plant Species of Concern

Plant species of concern are either listed as endangered or threatened under the Federal or California Endangered Species Acts, considered rare under the California Native Plant Protection Act, or considered rare (but not legally listed) by resources agencies, professional organizations, and the scientific community. According to botanical surveys conducted by Padre Associates, Inc. in June 2009, no special status plant species were observed or expected to occur on the project site (Padre, 2009c) (**Appendix C**).

### Wildlife/Fauna

The riparian corridor of the Alva Paul Creek is considered to have good wildlife habitat value (Padre, 2009a). The dense vegetation may provide foraging, nesting, and a movement corridor for a high concentration of wildlife and the intermittent water present within the stream channel provides habitat for a variety of fish and amphibians.

**FIGURE -4**  
**VEGETATIVE COMMUNITIES**



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### Regional Wildlife Species of Concern

According to Padres Associates, Inc., 12 special-status wildlife species have been identified to have the potential to occur within the project site. Wildlife species of concern are those species that are either: listed, proposed for listing, or are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act; species that meet the definitions of rare or endangered species under the CEQA; species listed or proposed for listing by the State of California as threatened and endangered under the California Endangered Species Act (CESA); species of special concern to the California Department of Fish and Game (CDFG); and species that are fully protected in California under the CDFG Code (Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]). Potential special-status wildlife on the project site include: Monarch butterfly (*Danaus plexippus*), South-central California coast steelhead (*Oncorhynchus mykiss irideus*), Southwestern pond turtle (*Clemmys marmorata pallida*), Coast Range newt (*Taricha torosa torosa*), California red-legged frog (*Rana aurora draytonii*), Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*), Yellow Warbler (*Dendroica petechia brewsteri*), California horned lark (*Eremophila alpestris actia*), California black rail (*Laterallus jamaicensis coturniculus*), Cooper's hawk (*Accipiter cooperii*), and Ferruginous Hawk (*Buteo regalis*). In addition, birds of prey and other protected birds species have the potential to occur within the project site. The only special status species observed on the project site were Monarch butterfly and birds of prey such as American Kestrel, turkey vulture and red-tailed hawk, observed in January 2009. More detailed information regarding these species may be found within the Biological Resources Survey included in **Appendix C**.

### Migration Corridors and Wildlife Movement

The Alva Paul Creek riparian corridor provides continuous wildlife habitat with dense vegetation that protects the stream channel. According to Padres Associates, Inc., Alva Paul Creek allows for the dispersion of aquatic and semi-aquatic organisms during periods of intermittent stream flow.

### Potential Jurisdictional Features

Alva Paul Creek qualifies as jurisdictional waters of the United States pursuant to Section 404 of the Clean Water Act. The width of the creek averages between two and four feet from the Ordinary High Water Mark (OHWM) on the north and south banks; however at one location, approximately 19 square feet of the bank has been eroded. At this location the creek is approximately 45 feet wide, and roots of large cypress trees and approximately 11 feet of pipeline buried 1.5 feet below the surface have been exposed as shown in **Figure 5 – Pipeline at Alva Paul Creek**. Near the exposed pipeline, the depth of the creek bank to the stream bottom is approximately 6.8 feet.

### **Impact Discussion:**

a.) According to the *Biological Resources Survey Report*, noise, dust and construction traffic generated by the proposed project may temporarily disrupt foraging activities and/or result in mortality of less mobile species. Although no special status plant species were observed, the site contains habitat that may support a number of special-status wildlife species, including: South-central California coast steelhead (*Oncorhynchus mykiss irideus*), Southwestern pond turtle (*Clemmys marmorata pallida*), Coast Range newt (*Taricha torosa torosa*), California red-legged frog (*Rana aurora draytonii*), Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*), Yellow Warbler (*Dendroica petechia brewsteri*), California horned lark (*Eremophila alpestris actia*), California black rail (*Laterallus jamaicensis coturniculus*), Cooper's hawk (*Accipiter cooperii*), and Ferruginous Hawk (*Buteo regalis*). In addition, monarch butterflies and birds of prey such as American kestrel, turkey vulture and red-tailed hawks were observed to be present on the project site. Although monarch butterflies are not a special-status species, over-wintering monarch butterflies are considered to be a "special animal" by the CDFG and their wintering sites are classified as "restricted range; rare" in California. Some specific birds of prey and all nesting sites are protected under the Migratory Bird Treaty Act (MBTA).

Implementation of the proposed project would result in pruning of non-native, ornamental Monterey Cypress trees within the riparian scrub area, which may result in temporary impacts to monarch butterflies and birds of prey. Nearby construction activities on the project site may indirectly affect wildlife species, primarily birds, through short-term noise and erosion impacts primarily associated with excavation and hauling activities. Construction noise generated on the project site may result in birds abandoning nests if construction activities were to occur during the breeding season. Excavation of pipelines may expose soils near the stream bank, which could result in erosion and sedimentation or water turbidity

downstream. For these reasons, implementation of the proposed project would result in potential disturbance of special status wildlife species, which would be considered a **potentially significant short-term impact**.

Measures recommended in the *Biological Resources Survey Report* have been reviewed by PMC and incorporated below, which would reduce this impact to a **less than significant** level. The *Project Execution Plan* also describes the project applicant's methods to protect biological resources during implementation of the proposed project. These methods include: providing a representative onsite during activities to ensure compliance with issued permits and applicable regulations; conducting a pre-construction survey to ensure that no bird nests containing viable eggs or fledglings will be disturbed during the project; conducting demolition activities to avoid a take of birds protected under the MBTA; conducting a brief biological resource education program for construction crews prior to commencement of construction activities; on-site monitoring of construction activities and biological protection measures; coordination with the U.S. Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), California Coastal Commission, and County; implementation of site-specific Restoration Plan; installation of orange plastic fencing along the outer boundary of work areas within 100-feet of Alva Paul Creek and seasonal wetland areas; and monitoring of construction activities within 100-feet of Alva Paul Creek and seasonal wetland.

**b., c., and d.)** The proposed project would include disturbance of the Alva Alva PaulCreek, which contains a riparian scrub habitat, serves as a migratory wildlife corridor, is considered to be jurisdictional waters by USACE and CDFG, and is designated environmentally sensitive habitat area in the Morro Bay Local Coastal Program. Specifically the proposed project will result in the removal of a 4-inch pipeline that currently penetrates the stream bank. Approximately 11 feet of this pipeline, which is buried 1.5 feet below the surface, has been exposed due to erosion of approximately 19 square feet of the southern bank of the creek. The proposed project would remove pipeline and stabilize the bank through restoration of the riparian scrub habitat. The pipeline removal, bank stabilization, and restoration activities would physically alter waters of the United States under USACE and jurisdictional waters under CDFG. For this reason, the applicant would remove this section of pip in a later phase after obtaining all necessary permits.

According to the *Site Restoration Plan*, restoration activities would include: placing protective fencing around the perimeter of the restoration area; conducting pre-activity surveys to determine the presence or absence of special status species (CRLF, southwestern pond turtle, Cooper's hawk, and two-striped garter snake); installation of silt fencing as necessary; pre-activity training for workers; recontouring of bank to have a 1:1 slope; placement of erosion control fabric; planting of erosion control seed mix within the upper slopes and surrounding areas; and planting of arroyo willow cuttings along the creek channel in bundles. At no time will an excavator be allowed within the channel.

Restoration work is planned to occur in late fall to winter to ensure optimum survival rates. Maintenance will include weeding twice a year for a three year period and irrigation for a two year period. An annual monitoring report shall be submitted to the CDFG and City of Morro Bay to ensure successful revegetation. All plantings shall have a minimum 80 percent survival rate the first year and 100 percent survival rate thereafter. Replacement planting will be required if survival rates are not met. Implementation of the *Site Restoration Plan* would require permits and authorization from the USACE, CDFG, and the RWQCB. Implementation of the *Site Restoration Plan* as proposed, as well as compliance with the permit requirements, will ensure that short-term disturbances associated with the creek restoration activities are reduced to a **less than significant** level. To ensure appropriate permits and approvals are obtained, it is recommended that the proposed project be conditioned to submit copy of permits obtained from the USACE, CDFG and RWQCB prior to commencement of pipeline removal from the creek and creek restoration activities.

Implementation of the proposed project, as conditioned, would temporarily impact but ultimately improve riparian scrub habitat and creek conditions following restoration. Mitigation measures provided below would ensure that restoration and pipeline removal activities minimize their potential impact to Alva Paul Creek riparian habitat, wildlife corridor, jurisdictional waters, and environmentally sensitive habitat area to a **less than significant** level.

**e.)** According to the Morro Bay Local Coastal Program, the Alva Paul Creek is an environmentally sensitive habitat area. Implementation of the proposed project would improve existing degraded conditions within this environmentally sensitive habitat area by removing an abandoned pipeline and restoring the creek bank. The *Site Restoration Plan* has been prepared to ensure that restoration activities do not result in additional impacts to sensitive species and to ensure no loss of riparian habitat. In addition, no trees are planned for removal. Therefore, the proposed project would not conflict within any local policies or ordinance protecting this resource and this would be considered a **less than significant impact**.

**FIGURE 5**  
**PIPELINE AT ALVA PAUL CREEK**



Photo A. Exposed pipe extending through southern bank of Alva Paul Creek (Aspect: south).



Photo B. Exposed pipe and eroded Alva Paul Creek bank (Aspect: north).

Source: Padre, 2009a

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f.) There is no applicable habitat conservation plan or natural community conservation plan for the project site; therefore, the proposed project would have **no impact** on such a plan.

**Mitigation and Residual Impact:**

**MM 4-1** The Final Site Restoration Plan (Padre 2009) shall be fully implemented to mitigate for vegetation removal activities and impacts to the Alva Paul Creek bank associated with excavation and removal of the existing pipeline. This plan shall be submitted for approval by appropriate regulatory agencies prior to commencement of work along the stream bank.

**MM 4-2** Construction activities shall take place outside of the nesting bird season (i.e., February 1st through June 30th). If construction activities occur within the nesting bird season, a qualified biologist to conduct preconstruction surveys for nesting raptors and migratory birds (including: Yellow-billed Cuckoo, Yellow Warbler, California horned lark, California black rail, Cooper’s hawk, and Ferruginous Hawk) up to 30 days prior to construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. The construction zone shall include all areas where construction-related activities will occur including staging areas. These requirements shall be included in the final construction plans/specifications and monitored by the building inspector. If construction is conducted outside the nesting season, then surveys for nesting migratory birds and raptors are not needed.

If an active raptor nest is identified within the 250-foot radius or if an active migratory bird nest is located within a 100-foot radius of construction-related activities and construction (must take place during the breeding season); the project applicant shall contract with a qualified biologist to establish a buffer zone which is to be confirmed by the appropriate resource agency. A qualified wildlife biologist shall monitor the nest to determine when the young have fledged and submit bi-weekly reports to the City throughout the nesting season. The biological monitor shall have the authority to cease construction if there is any sign of distress to the raptor or migratory bird. Reference to this requirement and the MBTA shall be included in the construction plans/specifications and monitored by the building inspector during construction.

Implementation of the these measures would minimize potential impacts to nesting migratory birds and/or raptors by requiring pre-construction surveys if work was to occur during the nesting season. If nests are determined present, appropriate buffers would be established and the nests would be monitored. Implementation of this mitigation measure would ensure that any nesting birds are not under distress, which would reduce the potential impacts to migratory birds, raptors and special status birds to a **less than significant** level.

**MM 4-3** If pipeline removal and restoration activities are to occur within the stream corridor or 50 foot stream corridor buffer during the overwintering period for Monarch butterflies (between October and February), the project applicant shall be required to contract with a qualified biologist to conduct pre-construction surveys for the butterfly (in any form: adult, egg, caterpillar, chrysalis). If no form of Monarch butterflies are determined present, no further mitigation is necessary. If Monarch butterflies are determined to be present, removal and rehabilitation activities shall be scheduled to occur outside of the overwintering period (between March 1 through September 30).

Implementation of the these measures would minimize potential impacts to overwintering Monarch butterflies by requiring pre-construction surveys and avoidance if work is to occur when butterflies are overwintering (between October and February).

**MM 4-4** If pipeline removal and creek restoration activities are to occur when water is flowing in the Alva Paul Creek, a quality biologist shall be contracted to consult with the National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) regarding impacts to special-status fish (i.e. South-central California Coast steelhead). If fish surveys are determined necessary, the

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project applicant shall contract with a qualified biological monitor, trained in fisheries work, to conduct fish surveys at the appropriate time of the year in order to obtain accurate survey results for the special-status fish. The surveys shall include the direct project area, and at least 100 feet upstream and downstream of the project area boundaries.

If steelhead trout are found in or near the project area the NMFS shall be contacted immediately before proceeding with any work. The NMFS representative shall provide guidance with appropriate removal or avoidance measures (i.e. “herding” of fish) to provide for the continuation of construction. Any loss of steelhead habitat as a result of the proposed project will be compensated at a minimum 3:1 ratio through purchase of credits at a nearby NOAA/NMFS-approved conservation bank for steelhead. Documentation that the necessary credits have been purchased must be received by NOAA/NMFS prior to construction.

Implementation of the these measure would minimize potential impacts to South-central California Coast steelhead fish by requiring consultation with NOAA and NMFS if creek restoration work would occur when water is flowing. Fish surveys would be conducted by a qualified biologist if determined necessary by NOAA and/or NMFS. Implementation of this mitigation measure would ensure that physical improvements to the Alva Paul Creek would not result in loss of South-central California Coast steelhead, which would reduce the potential impacts to special-status fish species to a **less than significant** level.

**MM 4-5** Prior to commencement of creek restoration activities, the project applicant shall contract with a qualified biologist to conduct pre-construction surveys for individuals and nests of the Southwestern pond turtle. If individuals are found within a 250 feet of the project area, they shall be moved to suitable habitat at least 500 feet outside of the affected area. If a pond turtle nest is found within the survey area, construction activities shall not take place within 100 feet of the nest until the eggs have hatched, or the eggs have been moved to an appropriate location.

Implementation of the these measure would minimize potential impacts to individual Southwestern pond turtles and their nests by requiring pre-construction surveys. If determined present, individuals shall be relocated to suitable habitat and if nest are present construction activities shall be restricted within 100-feet of the nest until the eggs have hatched or been relocated to an appropriate location. Implementation of this mitigation measure would ensure that physical improvements to the Alva Paul Creek would not result in loss of Southwestern pond turtles, which would reduce the potential impacts to special-status reptile species to a **less than significant** level.

**MM 4-6** Prior to commencement of creek restoration activities (and pipeline removal from the creek area), the project applicant shall consult with a qualified biologist (approved by the U.S. Fish and Wildlife Service and California Department of Fish and Game) to conduct protocol-level surveys for Coast range newt and California red-legged frog. If neither species is found, then no further mitigation is necessary. If either one of these species is found, then the project applicant shall contract with a qualified biologist to consult with USFWS and CDFG. While final determination of mitigation requirements will occur during consultation with USFWS/CDFG, it is anticipated that mitigation will include preparation and implementation of a habitat impact assessment for Coast range newt and California red-legged frog that meets state and federal permit requirements for an incidental take. The habitat impact assessment shall clearly identify, qualify and quantify Coast range newt and/or California red-legged frog habitat on the project site that will be directly and indirectly impacted by the proposed project. The habitat impact assessment shall include mitigation and management steps to reduce the loss of individual special status species, avoid disturbance or removal of special status habitat, create additional habitat as necessary, and avoid invasion of non-native species.

Implementation of the these measures would minimize potential impacts to individual Coast range newt and California red-legged frog by requiring protocol-level surveys and development of a sanctioned mitigation strategy. If determined present, a qualified biologist shall consult with USFWS and CDFG to determine mitigation requirements, which may include preparation and implementation of a habitat impact assessment that meets state and federal permit requirements for an incidental take. The habitat impact assessment shall include mitigation and management steps to reduce the loss of individual special status species, avoid disturbance or removal of special status habitat, create additional habitat as necessary, and avoid invasion of non-native species Therefore, implementation of this mitigation measure would reduce the potential impacts to special-status amphibian species to a **less than significant** level.

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- MM 4-7a** Prior to commencement of any construction activity near jurisdictional wetland features that may be impacted, the project applicant shall install bright orange construction fencing (Environmental Sensitive Area [ESA] fencing) or a similar protective barrier around the perimeter of all such features. The barrier fencing will remain in place for the duration of construction activity. Reference to this requirement shall be included in the construction plans/specifications and monitored by the building inspector during construction.
- MM 4-7b** A worker education program shall be prepared and presented to all construction personnel at the beginning of the project. The program shall discuss sensitive species with potential to occur in the construction zone. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures.
- MM 4-7c** The use of heavy equipment and vehicles shall be limited to the proposed project limits, existing roadways, and defined staging areas/access points. At no time will heavy equipment operate within the stream channel. The boundaries of each work area shall be clearly defined and marked with visible flagging and/or orange protective fencing.
- MM 4-7d** Erosion control measures shall be implemented to prevent erosion and sedimentation impacts to Alva Paul Creek. Silt fencing, in conjunction with other methods, shall be used to prevent erosion and siltation as well as runoff and associated residual water from entering the waterways.
- MM 4-7e** During project activities, equipment refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from the adjacent Alva Paul Creek channel. Straw bales, sandbags, and absorbent pads shall be available to prevent water and/or spilled fuel from entering drainages. In addition, all equipment and materials shall be stored/stockpiled away from the swale.
- MM 4-7f** Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

Implementation of the above mitigation measures would reduce potential indirect impacts to special-status species and sensitive habitat by requiring implementation of best management practices and construction management techniques to reduce potential loss of species or habitat. These measures would minimize disturbance of sensitive species/habitat by restricting the location of construction activities and use of heavy equipment and educating the construction crew regarding; reducing potential sedimentation by implementing erosion control measures; and minimizing potential contamination by restricting locations of equipment fueling and maintenance, and requiring routine inspections of equipment. In addition, the project site will be restored to its baseline values and the City will monitor the project to ensure mitigation compliance.

Implementation of these mitigation measures would reduce any potential indirect impacts associated with the proposed project to a **less than significant** level.

**Monitoring:**

During routine inspections, the City Building Inspector shall ensure that all construction related activities are limited to identified construction zones, including staging areas; that all exclusion zones/buffer areas are clearly marked with orange fencing; erosion control measure are in place; and that equipment is being properly maintained and staged.

Prior to commencement of pipeline removal and creek restoration activities, the City shall confirm that all necessary pre-construction surveys for nesting migratory birds and raptors, Monarch butterflies, and Southwestern pond turtle, have been conducted.

If nests are determined present during construction activities, a Qualified Biologist shall monitor any nests to determine when the young have fledged and submit bi-weekly reports to the City throughout the nesting season.

Prior to commencement of pipeline removal and creek restoration activities, the Project Applicant shall submit to the City evidence of consultation, necessary requirements fulfilled, and permits obtained from NOAA/NMFS, USACE, CDFG, RWQCB.

Project Applicant shall annually submit monitoring reports to the CDFG and City of Morro Bay until plantings and replantings meet the survival criteria of 80 percent the first year and 100 percent thereafter. In addition, no single plant species shall constitute more than 50 percent of the vegetation cover, no woody invasive species shall be present, and herbaceous invasive species shall not exceed 5 percent cover within the Restoration Areas. Once the performance and replanting criteria has been met, monitoring shall cease.

**5. CULTURAL RESOURCES**

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

Archaeological Surface (*Phase I*) and Subsurface (*Phase II*) Surveys were conducted on the project site by Thor Conway Heritage Discoveries Inc.(TCHD) in January 2009 and December 2010, respectively, which are incorporated herein and included in **Appendix E**.

**Ethno-Historical Setting:**

The entire San Luis Obispo area, including the project site, was home to the Northern Chumash, or *Obispeno*, for over 9,000 years. The Chumash were gatherers and fishermen. The settlement pattern was somewhat dispersed in the area. A historic Chumash village known as *Chotcagua* appears to have been located in the Morro Bay area. Researchers have suggested that *Chotcagua* was situated in the Los Osos area (TCHD, 2009) or in the Morro Bay area at the mouth of Morro Creek. During Portola’s expedition in 1769, he observed about sixty people living at the Chumash village named *Chotcagua* (TCHD, 2009). By the late 1770, the Spanish began to replace the aboriginal settlements of the area with the first mission founded by San Luis Obispo Creek, on Chumash territory in 1772. By 1803 most of the numerous Obispeno Chumash groups had moved away from their traditional villages to the vicinity of the mission (TCHD, 2010). Mission records indicate that *Chotcagua* may have been abandoned in the early 1800’s (TCHD, 2009).

Along the coast between Morro Bay and Los Osos at least 30 prehistoric Chumash settlements have been discovered. While the prehistory of the Morro Bay area is abundantly present it is poorly known. A review of records at the Central Coast Information Center located at U.C.S.B. in Santa Barbara were identified that eight archaeological sites have been documented with three of those being located near the mouth of Morro Creek on the Morro Bay Power Plant property. Details regarding the previously discovered sites in the area are provided in the surveys included in **Appendix E**.

**Project Site Setting:**

During the Chumash era, the project site was a coastal terrace at the mouth of Alva Canyon. Fresh water from Alva Paul Creek and the nearby beach and ocean food resources attracted the Chumash. However, very little original vegetation remains on the project site due the site being disturbed through development of the former Texaco Sales Terminal.

The *Phase I* identified the presence of shell midden materials and scattered, isolated cultural material within 300 feet of the project site (CA-SLO-2589) (THCD, 2010). Based on the surface findings and recommendations, a *Phase II* subsurface survey was conducted. The Phase II was conducted with Native American oversight and produced positive results for the presence of cultural resources within 300 feet of the project site. However, no intact cultural deposit were identified.

Visible signs of past grading, capping of soils and excavation of numerous utility trenches provide evidence of the site being disturbed. Due to the documented prior disturbances, mitigation excavations were not recommended. However, all prehistoric archaeological sites, whether intact or highly disturbed, retain the potential to contain burials and ceremonial objects (THDC, 2010).

**Impact Discussion:**

a.) According to the *Phase I Archeological Surface Survey* conducted in January 2009, no historic materials over fifty years old were located on the project site with the exception of a case bottle fragment dating to the 1920s (THDC, 2009). Therefore, the project site does not meet the criteria of a historic resource pursuant to CEQA Guidelines Section 15064.5 and the proposed project would result in **no impact** to historic resources.

b., and d.) The project site is located within 300 feet of a recorded archaeological site. Therefore, there is the potential for the site to contain burial, ceremonial or other objects, which would be considered a **potentially significant impact**. According to the *Phase II*, the development of an archaeological monitoring plan and subsequent archaeological monitoring was recommended. In order to ensure these recommendations are followed, mitigation has been provided below.

c.) The project site contains no unique geologic features and has undergone surface and subsurface surveys. Neither of these surveys documented the presence of unique paleontological resources. However, due to the location of the site being adjacent to a stream and near the ocean there is the potential for paleontological resources to be discovered during excavation, which would be considered a potentially significant impact. Therefore, mitigation has been provided below.

**Mitigation and Residual Impact:**

**MM 5-1** Prior to issuance of any permits allowing ground disturbance, the applicant shall submit to the City of Morro Bay Public Services Department an Archaeological Monitoring Plan for review and approval. The Archaeological Monitoring Plan shall identify under what circumstances various means of monitoring are warranted (i.e. field observation, data recording, data recovery, archaeological excavation, photography, laboratory analysis and cataloging, ancillary special studies, and production of a written report that meets current professional archaeological standards). In addition, the Archaeological Monitoring Plan shall include and specify methods for addressing the following: Native American participation; monitoring procedures; handling of discovered archaeological deposits; discovery of human remains; and reporting of monitoring results and curation of materials. Preparation of the Archaeological Monitoring Plan and subsequent monitoring activities shall be conducted by a qualified archaeologist.

Implementation of mitigation measure **MM 5-1** would ensure that any construction activities that would result in the disturbance of archaeological resources associated with archaeological site (CA-SLO-2589) are monitored and appropriate recording of any significant findings are made. Therefore, the potential for the proposed project to result in a substantial adverse change in archaeological resources and/or disturb any human remains would be reduced to a **less than significant** level.

**MM 5-2** During construction activities, if any paleontological resources (i.e., fossils) are discovered, all work in the immediate vicinity must stop and the City of Morro Bay shall be immediately notified. A qualified paleontologist shall be retained by the project applicant to evaluate the finds and recommend appropriate mitigation for the inadvertently discovered paleontological resources. The City will consider the mitigation recommendations of the qualified paleontologist. The project applicant shall implement a measure or measures that are deemed feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation or other appropriate measures.

Implementation of the above mitigation measure would ensure that all work is stopped upon discovery of paleontological resources until a qualified paleontologist can evaluate the find and provide appropriate measures to avoid, preserve, excavate, document, or curate the resources, which would reduce this impact to a **less than significant** level.

**MM 5-3** If human remains are discovered during construction activities, all work must stop in the immediate vicinity of the find, the City of Morro Bay must be notified and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be

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Native American, the coroner shall notify the Native American Heritage Commission, and the procedures outlined in CEQA Guidelines Section 15064.5(d) and (e) shall be followed.

Implementation of the above mitigation measure would ensure that all work be stopped upon discovery of human remains during implementation of the proposed project. Appropriate authorities would be contacted and consultation with native American Heritage Commissions would occur as necessary, which would reduce this impact to a **less than significant** level.

**Monitoring:**

The Archaeological Monitoring Plan shall be included in the construction documents and staff shall verify compliance during routine site inspections.

Upon discovery of paleontological resource or human remains, the City shall be contacted. Discovery of human remains requires the City to notify the County Coroner in accordance with Section 7050.5 of the California Health and Safety Code. The County Coroner shall notify the Native American Heritage Commission.

**6. GEOLOGY/SOILS**

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

**Environmental Setting:**

The project site is relatively level, ranging from 45 to 55 feet above mean sea level. It is located on the lower southwestern slope of the Santa Lucia Range that is underlain by the Franciscan Formation, which is composed primarily of shale and conglomerates of the Jurassic and Cretaceous periods. The soils on the project site consist mainly of Cropley clay at about a two percent slope. According to the Web Soil Survey (NRCS), this soil is moderately well drained and has a low erosion rating. The San Andreas Fault is located approximately 41 miles at its closest point from the City.

**Impact Discussion:**

**a.i)** According to the Alquist-Priolo Earthquake Fault Zoning Map and other substantial evidence, the project site is not located across the trace of an active fault. More importantly, the project would not result in the construction of habitable structures that would place people or property at risk. Therefore, the proposed project would result in **no impacts** with respect to rupture of a known earthquake fault.

**a.ii) through a.iv), c.)** According to the Safety Element of the General Plan (Figures S-2, S-3, S-4), the project site is not subject to landslides or other types of slope failure, is not within the area for potential ground shaking, or in a location of high landslide risk. The proposed project entails the removal of abandoned pipelines, a circular concrete tank pad, underground concrete clarifier, wood debris and concrete rubble. The proposed project also includes remediation and restoration of the site. Since no additional construction or replacement structures are proposed, no impacts will occur with respect to earthquake faults or seismic activity, or other soil-related stability issues. Therefore, the potential risk of exposure to hazards associated with strong seismic ground shaking, landslides, or slope failure would be considered **less than significant**.

**b.)** As discussed under Section 4, Biological Resources, the eroded southern creek bank has exposed approximately 11 feet of pipeline. This exposed pipeline is proposed to be removed. A *Site Restoration Plan* has been prepared by Padre Associates, Inc. in February 2009 to mitigate for impacts associated with the removal of the pipeline. Implementation of the *Site Restoration Plan* includes specific erosion control measures for the restoration areas, including the contouring of sloped areas within the stream channel following pipeline removal. Replanting activities would include a seed mix of fast germinating annuals along the upper slopes and surrounding areas, and willow cuttings along the drainage channel. The erosion control seed mix is intended to provide immediate stabilization of the topsoil along the re-contoured area and to further minimize silt and sedimentation of the drainages. An erosion control fabric (i.e., jute netting or equivalent), will be placed over the re-contoured slope to provide slope stabilization and immediate erosion control. The *Site Restoration Plan* requires an annual monitoring report be submitted to the CDFG. Replacement planting is required if there is a survival rate less than 80 percent within the first year and 100 percent thereafter.

Other portions of the project site located outside the *Site Restoration Plan* area shall also be disturbed during the removal of pipelines, clarifier and concrete pads. It is estimated that the proposed project will result in the total disturbance of 21,811 square feet (0.5 acres) of surface area. Approximately 1,211 cubic yards of soil will be excavated. Since the project activities would affect less than one acre of land, coverage under the State Water Resources Control Board's General Construction Storm Water Permit will not be required. However, these areas shall be subject to the requirements of Chapter 14.48 of the Morro Bay Municipal Code, which requires applicants to design, construct and install stormwater control facilities meeting the requirements of Section 14.48.020 pursuant to the City's standards. Section 14.48.020 requires preparation of an erosion control plan and implementation of standard construction best management practices (BMPs). Implementation of the an erosion control plan and the proposed *Site Restoration Plan* would ensure that the proposed project minimizes the loss of topsoil. The minimal area disturbance, restoration measures incorporated into the project, and required compliance with the city's Municipal Code would ensure that the proposed project would not result in a substantial loss of topsoil and this would be considered a **less than significant impact**.

**d.)** The proposed project would not result in the development of structures on the project site that would be expose life or property to hazards associated with expansive soils; therefore, there would be **no impact** associated with expansive soils.

**e.)** Neither septic tanks or alternative wastewater disposal systems are proposed in association with the project; therefore, **no impacts** would occur.

**Mitigation and Residual Impact:**

Compliance with Municipal Code standards and implementation of the proposed *Site Restoration Plan* will reduce any potential impacts to a level of insignificance. Because no significant impacts on geology or soils would result, no mitigation measures are required.

**7. GREENHOUSE GAS EMISSIONS**

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

**Environmental Setting:**

Global climate change has become a major concern in recent years. While the exact effects of global climate change are not known, the best scientific opinions believe that over the next century the average temperature on the planet will increase between 2 and 5 degrees Celsius (3½ to 9 degrees Fahrenheit). Some potential long-term consequences of this increase in temperature include substantial increases in sea level, increased drought and desertification, reductions in global agriculture and food supplies, impacts to existing ecosystems, and a possible re-initiation of an ice age. California will probably be most affected by increasing sea levels, extended drought conditions, increased flooding, and more severe wildfires.

Given the planet-wide causes of global climate change, it is unlikely that any substantial reduction in the rate or magnitude of climate change is possible at the local level. Long-term solutions to global climate change will probably require extensive reductions in the use of fossil fuels and the increases in the use of alternate energy sources. On the level of a small scale development project, there are a number of items that could help minimize the severity of the adverse effects of global climate change. These items include increased energy efficiency (including the use of light colored/highly reflective roof materials), enhanced land use connectivity (between work, services, school and recreation), reductions in vehicle miles driven, increases in mass transit use, and increased open space conservation.

The U.S. EPA is the federal agency responsible for implementing the Clean Air Act. Prior to 2007, the U.S. EPA did not have regulations addressing GHGs. However, California has passed several bills related to greenhouse gas emissions and climate change including AB 1493 (passenger vehicle GHG emission reductions), AB 32 (the California Global Warming Solutions Act of 2006), SB 1368 (utility GHG emission reductions), SB 97 (requiring climate change analysis under CEQA), the California Climate Action Registry, SB 1078 (electricity from renewable sources), SB 375 (land use and transportation planning), Executive Order S-3-05 (acknowledges potential impacts of climate change on state), and Executive Order S-13-08 (the Climate Adaptation and Sea Level Rise Planning Directive). In June of 2005, Governor Schwarzenegger issued a landmark Executive Order establishing progressive greenhouse gas emissions targets for the entire state, including reducing GHG emissions to 2000 levels by 2010; to 1990 levels by 2020, and; to 80% below 1990 levels by 2050. To support these reduction targets, the California legislature adopted the California Global Warming Solutions Act of 2006, also known as AB 32. The law requires the California Air Resources Board (CARB) to develop regulatory and market mechanisms that will reduce greenhouse gas emissions to 1990 levels by 2020. In December 2008, CARB approved the AB 32 Scoping Plan outlining regulatory and market mechanisms to achieve the goal of AB 32. The plan cites local government action as an integral partner to achieving the State’s goals. Additional bills targeting climate change include SB 97 (Dutton, Chapter 185, Statutes of 2008), which requires the Governor’s Office of Planning and Research (OPR) to development guidelines for the California Environmental Quality Act (CEQA) pertaining to the mitigation of GHG emissions or the effects of GHG emissions.

**Impact Discussion:**

a) The San Luis Obispo Air Pollution Control District (SLOAPCD), which is responsible for establishing and enforcing local greenhouse gas-related rules and regulations that address the requirements of State laws, does not have an adopted threshold of significance for construction-related GHG emissions. However, quantification and disclosure of construction-generated GHG emissions that would occur during construction is recommended (SLOAPCD 2009, p. 2-2). As the proposed project the remediation / removal of existing infrastructure, no operational GHG emissions would be generated. However, the proposed project would directly generate short-term GHG emissions.

The approximate quantity of daily GHG emissions generated by this proposed action is depicted in **Table 7-1**. The table indicates that CO<sub>2</sub> would be the primary GHG emitted. Methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) would also be emitted, but these emissions would be substantially less in volume, based on their emissions profile.

**Table 7-1  
Greenhouse Emissions (Pounds per Day)**

Project Phase	Carbon Dioxide (CO <sub>2</sub> )	Nitrous Oxide (N <sub>2</sub> O)	Methane (CH <sub>4</sub> )	Hydrofluorocarbons (HFCs)	Perfluorocarbons (PFCs)	Sulfur Hexafluoride (SF <sub>6</sub> )	CO <sub>2</sub> e
Site Work	4,200	0.11	0.24	Negl.	Negl.	Negl.	4,238
Truck Trips <sup>1</sup>	150	Negl.	Negl.	Negl.	Negl.	Negl.	151
<b>Total</b>	<b>4,350</b>	<b>0.11</b>	<b>0.24</b>	<b>Negl.</b>	<b>Negl.</b>	<b>Negl.</b>	<b>4,389</b>

Note: Negl. = Emissions of this GHG would be negligible from this source category (less than 0.06 pounds per day)

<sup>1</sup> Project duration estimated at 6 weeks maximum. Projected 113 truck trips and 5,125 vehicle miles traveled divided by 30 (number of work days in 6 week period) for pounds per day quantification

Source: URBEMIS 2007v.9.2.4; California Climate Action Registry General Reporting Protocol Version 3.1 (January 2009) (**Appendix D**)

**Table 7-2** depicts the contribution of annual GHG emissions in metric tons for each activity that would generate GHG based upon the projected number of days estimated for each construction activity.

**Table 7-2  
Greenhouse Gas Emissions  
(Metric Tons per Year)**

Project Phase	Carbon Dioxide Equivalent (CO <sub>2</sub> e) Metric Tons
Site Work	62
Truck Trips	2
<b>Total</b>	<b>64</b>

Source: URBEMIS 2007v.9.2.4; California Climate Action Registry General Reporting Protocol Version 3.1 (January 2009) (**Appendix D**)

**Tables 7-1** and **7-2** summarize the GHG emissions that would result from implementation of the proposed project. While SLOAPCD does not have an adopted significance thresholds for construction-related GHG emissions, estimated GHG emissions that would occur during construction have been disclosed in order to assist in the determination of significance for GHG emission impacts in relation to meeting AB 32 GHG reduction goals. In addition, it is recommended that all construction projects incorporate best management practices. Mitigation measures identified by the California Air Pollution Control Officers Association (CAPCOA) to offset or reduce global warming impacts in their August 2010 technical advisory, *Quantifying Greenhouse Gas Mitigation Measures* have been provided below.

b.) The City is subject to compliance with the Global Warming Solutions Act (AB 32). As identified above, the proposed project is simply a one-time remediation/removal of existing infrastructure, which would not result in the generation of operational GHG emissions. While project implementation would generate construction-related GHG emissions, best management practices which have been identified by CAPCOA to offset or reduce global warming impacts in their August

2010 technical advisory, *Quantifying Greenhouse Gas Mitigation Measures* would be incorporated. Therefore, the proposed project would not conflict with AB 32 and this impact is **less than significant**.

**Mitigation and Residual Impact:**

Implementation of the proposed project would not exceed any thresholds of significance; therefore, no mitigation measures are required.

**8. HAZARDS/HAZARDOUS MATERIALS**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X	
e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
f. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Environmental Setting:**

According to the Department of Toxic Substance Control (DTSC), the only documented hazardous material site in the City of Morro Bay is at the Morro Bay Power Plant (MBPP) at 1290 Embarcadero. This site is a historical hazardous waste facility that has been closed.

According to the DTSC database, the project site is not listed as a hazardous materials site. However, this site was previously developed and utilized as a bulk terminal for storage of crude oil, gasoline and diesel fuel, and residual hazardous materials are known to be present. The remaining infrastructure and identified hazardous materials associated present on the project site are summarized in **Table 8-1**.

**Table 8-1  
Existing Hazardous Materials**

Debris Type/Material	Pipeline			Volume (cy)	Hazards Present		
	Length (Feet)	Fluid Contents (Gallons)	Oily Water (Barrels)		Asbestos	Lead	TPH
Steel Pipeline 1-inch	500	16.3	0.296	0.18	NO	NO	
Steel Pipeline 2-inch	565	0	0	0.65	NO	NO	
Steel Pipeline 3 inch	795	27.52	4.5	1.97	NO	NO	
Steel Pipeline 4-inch	549	97.62	1.77	2.25	NO	NO	
Steel Pipeline 10-inch	1314	1,287.86	23.42	30.67	YES	NO	
Steel Pipeline 16-inch	487	1,039.31	18.9	25.18	YES	NO	
Steel Pipeline 4-inch	175	<1	<1	0.86	NO	NO	
Concrete Pad	n/a	n/a	n/a	23.27	NO	NO	
Concrete Clarifier	n/a	n/a	n/a	≈44.75	NO	NO	
Wood Debris	n/a	n/a	n/a	≈2.00	NO	YES	
Misc. Concrete Debris	n/a	n/a	n/a	≈36.00	NO	NO	
Contaminated Soil <sup>1</sup>	n/a	n/a	n/a	400	Unknown		

Notes: TPH = total petroleum hydrocarbons

1. The quantity of contaminated soil is unknown but is estimated to be approximately 30 percent of the total soil excavated or 400 cubic yards (540 tons)

Source: Padre, 2011b

Approximately 2,470 gallons of potentially hazardous fluids, approximately 50 barrels of oily water, approximately 56 cubic yards of asbestos containing materials (ACM) and approximately 12 cubic yards of lead based paint materials (LBPM) have been identified. In addition, it is estimated that approximately 30 percent (approximately 400 cubic yards or 540 tons) of the total soil to be excavated may be contaminated with total petroleum hydrocarbons.

According to the California Department of Forestry and Fire Protection (Cal-Fire), the project site is not located within a Very High Fire Hazard Severity Zone (Cal-Fire, 2009).

**Impact Discussion:**

**a., b., c., and d)** As previously mentioned and summarized in **Table 8-1**, there are hazardous materials present on the project site, which is located adjacent to a school. The objective of the project site is to finish decommissioning the former Texaco Sales Terminal through the removal of remaining underground pipelines and associated infrastructure in a safe and environmentally sensitive manner. In an effort to reach these objectives, a *Traffic Safety Plan* and a *Contaminated Material Management Plan* were prepared for the proposed project by Padres Associates, Inc., which are included in **Appendix B**.

Although the proposed project would not result in the routine transport, use or disposal of hazard materials it will result in short-term transport and disposal of hazard materials. Various carriers will be required to properly remove and dispose of the remaining infrastructure and hazardous materials from the project site. It is estimated that this process will require approximately 113 truck trips, which will dispose of the material in four different locations as summarized in **Table 8-2**.

**Table 8-2  
Transport and Disposal of Hazardous Materials**

<b>Material</b>	<b>Disposal Location</b>	<b>Miles from Project Site</b>	<b>Number of Truck Trips</b>	<b>Total Miles</b>
Pipeline Liquid	Vacuum Truck Buttonwillow, CA	80	15	1,200
Concrete	Negranti Construction Cayucos	5	4	20
Soil Import			50	250
Soil Export	Waste Management Kettleman City	70	36	2,520
Miscellaneous Debris (treated wood waste, asbestos waste, lead waste)			3	210
Piping	Hugo Neu-Proler Corp. Terminal Island	185	5	925
<b>Totals:</b>			<b>113</b>	<b>5,125</b>

Source: Padre 2011c; Google Earth 2011

Implementation of the *Traffic Safety Plan* will address hours of operation, non-peak hauling hours, truck staging and limits to upon daily haul loads. All haul trucks shall be end dump trucks or covered roll-off bins that are registered hazardous waste haulers. The *Traffic Safety Plan* provides designated truck routes for entering and exiting each disposal facility as well as the project site.

Implementation of the *Contaminated Material Management Plan* would require the following: preparation of a Health and Safety Plan (HASP); consultation with San Luis Obispo County Environmental Health Services Department (SLOEHS); de-gassing and decommissioning of pipelines in accordance with the applicant’s existing Permit to Operate (PTO, No. 735) with the APCD; field monitoring for contaminated soil during excavation; sample collection and analysis of suspect soils and wood debris; monitoring and management of stockpiled contaminated soils; implementation of dust control measures; asbestos abatement and removal; quality assurance and quality control procedures for the field and laboratory; laboratory chemical analysis; waste management of contaminated soil, treated wood debris and asbestos waste; and reporting requirements.

Disturbance of hydrocarbon contaminated soil would be subject to the APCD’s permitting requirements for processing any hydrocarbon contaminated soil. Implementation of the mitigation measure provided below would ensure property management of hydrocarbon contaminated soil.

The purpose and design of the project is to identify and remove any hazardous materials and remnant infrastructure. The project will therefore have a clear beneficial impact to the site and surrounding land uses. Implementation of both the *Contaminated Material Management Plan* and *Traffic Safety Plan* will ensure that the removed materials do not pose a significant hazard to the public or environment during the decommissioning process, and will ensure proper handling and disposal of these materials. All related impacts are **less than significant impact**.

**e.)** The proposed project would not change the current land use or alter any evacuation routes. Therefore, would have **no impact** on the implementation of any adopted emergency response or evacuation plan.

**f.)** As noted above, according to Cal-Fire the project site is not within a Very High Fire Hazard Severity Zone (Cal-Fire, 2009). In addition, the project site contains no existing structures, nor would the proposed project result in the construction of structures. Therefore, there would be **no impact** associated with exposure of people or structure to wildland fires.

**Mitigation and Residual Impact:**

**MM 8-1:** Prior to commencement of earthwork, the project applicant shall obtain permit from APCD to address proper management of any hydrocarbon contaminated soil. This permit shall include conditions to minimize emissions from any excavation, disposal or related process.

The proposed project, as conditioned and completed, would result in less than significant impact to hazards/hazardous materials; therefore, no additional mitigation measures are required.

**Monitoring:**

To the extent feasible, the City of Morro Bay shall contact the APCD Engineering Division at (805) 781-5912 within 120 days prior to the start of excavation to begin the permitting process for hydrocarbon contaminated soil.

**9. HYDROLOGY/WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X	
d. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i. Inundation by seiche, tsunami, or mudflow?				X

**Environmental Setting:**

The project site is located in the southern portion of the Morro Hydrologic Subarea (Morro Basin) of San Luis Obispo County. The Morro Basin is an 810-acre area, extending from the coastline to the convergence of the Morro and Little Morro Valleys. Morro Creek, an ephemeral stream with headwaters in the Santa Lucia Range, is the primary stream draining Morro Basin. Basin recharge is infiltration of precipitation and from tributary watersheds upstream on the Morro and Little Morro Creeks. The project site is not located within the 100 year floodplains defined by Figure S-1 in the City of Morro Bay’s Safety Element of the General Plan.

Water supply for the City of Morro Bay has principally been provided by the State Water Project since 1997. However, alternative sources of water can be derived for limited periods of time from groundwater from the Morro and Chorro Basins and/or the City of Morro Bay desalination plant.

The project site is located on the lower southwestern slope of the Santa Lucia Range. The ground surface at the project site generally slopes toward the west to northwest. The area in the vicinity of the project site drains via the Alva Paul Creek, which flows west towards the Pacific Ocean, located approximately 2,000 feet west of the project site. Historical groundwater monitoring data obtained from the three groundwater monitoring wells constructed at the project site indicate groundwater elevations ranging from approximately 18 to 25 feet below ground surface. According to the *Contaminated Materials Management Plan* prepared by Padres Associates, Inc., the groundwater wells have identified no sources of existing groundwater contamination (Padre, 2007b).

**Impact Discussion:**

**a., and b.)** There are no existing potable water or wastewater demands associated with the project. The proposed project would not result in the construction of any structures and therefore would have **no impact** on water quality standards, waste discharge, or groundwater supplies and/or recharge.

**c., d., and f.)** The northern boundary of the project site is located along the Alva Paul Creek. Erosion has occurred along a portion of the bank, and the removal of pipeline from the bank will require ground disturbance and clearing in that immediate area. The *Site Restoration Plan* identifies the specific measures that will be taken to restore this area as part of the project description. These measures include replanting vegetation within the stream channel and along the bank to stabilize the area and to divert flow from the previously eroded area. As discussed previously, these activities will require permits and authorizations from the USACE, CDFG, and the RWQCB. Implementation of mitigation measure **MM 4-5** would ensure that all permits are secured prior to commencing work in the stream channel.

Removal of the pipeline from the streambed and implementation of the *Site Restoration Plan* would reduce the potential for future erosion and sedimentation, restore the riparian habitat, and generally improve water quality within the Alva Paul Creek after completion. Implementation of erosion control plan and BMPs as required by the municipal code will ensure that water quality is not degraded during construction activities. For these reasons, the project as proposed would result in **less than significant impacts** associated with drainage or water quality.

**e.)** Stormwater and precipitation either infiltrates into the ground or, during intense storm events, sheet flows across the site in a north to northwest direction towards the roadway and creek. The proposed project would not significantly alter the existing permeability or drainage characteristics of the site, and therefore would have **no impact** on the capacity of existing stormwater drainage facilities.

**g., h., and i.)** The proposed project would not result in the development of housing or other structures. There would be **no impacts** associated with flooding, sieche, tsunami or mudflow.

**Mitigation and Residual Impact:**

The proposed project, as conditioned, would result in less than significant impact to hydrology/water quality; therefore, no additional mitigation measures are required.

**10. LAND USE AND PLANNING**

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

**Environmental Setting:**

Almost the entire City of Morro Bay, including the project site, is located within the Coastal Zone and is subject to the Local Coastal Program (LCP). The project site is located within the Del Mar planning area of the LCP. According to the *Morro Bay Land Use Map (1997)* (for the *General Plan* and *LCP*), the project site is designated for “high-density residential” land uses. According to the *Morro Bay Zoning Map (2010)*, the project site is currently zoned for “Multiple-Family Residential” (R-3) development with a Planned Development (PD) overlay, and within the North Main Street Specific Plan area. The site was previously developed and utilized as a crude oil terminal. From 1961 to 1977 the site was used as a bulk terminal for storage of refined products, including gasoline and diesel fuel. Established neighborhoods, a park, and school surround the site on three sides.

**Impact Discussion:**

- a.) The proposed project would result in **no impact** to the existing community or neighborhood continuity.
- b.) The proposed project would remove remaining infrastructure and debris associated with the former terminal for crude oil, gasoline and diesel fuel. Portions of the Alva Paul Creek that have eroded and contain piping would also be remediated. The project would mitigate environmental impacts associated with previous land uses. Remediation of site hazards, removal of environmental hazards and enhancing natural resources are all components of the plan that are consistent with policies of both the General Plan and LCP. Therefore, the proposed project would not conflict with existing land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect and this would be considered a **less than significant impact**.
- c.) There is no applicable habitat conservation plan or natural community conservation plan in effect in the vicinity of the project site.

**Mitigation and Residual Impact:**

The proposed project, as conditioned, would result in less than significant impact to land use and planning; therefore, no mitigation measures are required.

**11. MINERAL RESOURCES**

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

**Environmental Setting:**

a., and b.) According to the Morro Bay General Plan and Local Coastal Program, there are no significant mineral resources within the City (Morro Bay, 1988; Morro Bay 1982).

**Impact Discussion:**

No mineral resources are located within the City; therefore, the proposed project would have **no impact** on mineral resources.

**Mitigation and Residual Impact:**

The proposed project would have no impact to mineral resources; therefore, no mitigation would be necessary.

**12. NOISE**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?			X	
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?			X	
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

**Environmental Setting:**

The City of Morro Bay may be considered a relatively quiet environment, with the most significant sources of community noise related to traffic and transportation. The City’s General Plan Noise Element threshold for traffic noise exposure is 60dB for most land uses. Chapter 17.52 of the *City of Morro Bay Zoning Ordinance*, provides performance standards. This section provides noise requirements with general limitations, operational hours, criteria for review of development projects, noise mitigation, and requirements for noise reduction measures and acoustical analysis.

There are several noise sensitive uses are located within the vicinity of the project site; specifically the park and school located east of the project site, as well as residential units located to the north and south. Highway 1 is a significant source of ambient noise. The project site currently contains no noise-generating sources.

**Impact Discussion:**

a., b., and d.) According to the Morro Bay General Plan, the western boundary of the project site is located within the 80 Ldn contour of Highway 1. There are no uses on the project site that would generate or be subject to existing noise. However, the proposed project would result in the generation of short-term construction noise, which may effect adjacent sensitive receptors, which include a school, park and residential land uses. Following construction activities, the ambient noise levels at the project site are anticipated to return to near pre-project levels, because no new uses or structures are proposed to be constructed.

Activity and equipment associated with demolition, excavation and remediation will temporarily increase ambient noise levels within and around the project site. Increases in daytime noise levels will be experienced with the use of construction equipment such as excavators, front end loader, haul trucks, and water trucks. It is estimated that during a normal work day, approximately 18 loads of material will be hauled offsite to an approved disposal facility for approximately a seven day period. Depending on the activities performed and equipment usage requirements, combined average-hourly noise levels at construction sites typically range from approximately 65 to 89 dBA Leq at 50 feet (EPA, 1971). Assuming a maximum construction noise level of 89 dBA Leq and an average attenuation rate of 6 dBA per doubling of distance from the source, construction activities located within approximately 100 feet of noise-sensitive receptors could reach levels of approximately 83 dBA Leq, which would exceed the normally acceptable levels for short durations. At this attenuation rate, noise levels of 77 dBA Leq may be experienced at 200 feet, and 71 dBA Leq at 300 feet.

The Municipal Code restricts construction activities to the between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, and 8:00 AM to 7:00PM Saturday and Sunday. This standard was established to reduce impacts to adjacent residential uses related to noise. The *Traffic Safety Plan* was prepared by Padre Associates, Inc. in February 2011 (see **Appendix B**) limits the hours of construction activities to between 7:00A.M. to 5:00P.M. Monday through Friday, which is more conservative than the Municipal Code. In addition, the *Traffic Safety Plan* proposes staging restrictions such as prohibiting more than two (2) haul trucks at the project site at any one time; siting a staging area in the northwest corner; and requiring that additional haul trucks be staged outside the City of Morro Bay. Furthermore, implementation of mitigation measure **MM 3-3** limits idling of gasoline powered equipment and vehicles to three (3) minutes and prohibits the idling of diesel powered equipment and vehicles.

Most of the temporary noise generation will occur several hundred feet away from sensitive receptors, as the piping infrastructure is concentrated in the northwest corner of the site. However, noise levels may temporarily exceed the normally acceptable noise levels at nearby sensitive receptors, which would be considered a **potentially significant impact**. Implementation of the following mitigation measures would reduce potentially significant short-term impacts to a less than significant level.

c.) The proposed project would not result in a permanent increase noise levels, as the nature of the proposed project only involves temporary construction activities with no development of new uses.

**Mitigation and Residual Impact:**

**MM 12.1** Construction activities shall be limited to the hours of 7:00 A.M. to 7:00 P.M. Monday through Friday and all large construction equipment shall be equipped with “critical” grade noise mufflers. All necessary measure to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcel do not exceed 70 dBA. Hours of construction activities shall be noted on the grading and construction plans. If noise levels exceed 70 dBA at the property line immediately adjacent to sensitive noise receptors, necessary measures (e.g. acoustical barriers) shall be taken to reduce noise levels below 70 dBA.

Implementation of the above mitigation measures would further ensure that noise generated during construction does not exceed 70 dBA at the nearest parcel, consistent with the Municipal Code. These measures combined with the implementation of the *Traffic Safety Plan*, and mitigation measure **MM 3-3** would reduce any potential short-term noise

impacts to a **less than significant** level. The proposed project would not result in a permanent increase noise; therefore, no additional mitigation measure are necessary.

**Monitoring:**

The Public Services Department will review the above required mitigation and ensure project compliance.

**13. POPULATION AND HOUSING**

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

**Environmental Setting:**

The proposed project contains no existing residential development. However, the project site is designated for high-density residential land uses and currently zoned for “Multiple-Family Residential” (R-3) development subject to the Specific Plan process.

**Impact Discussion:**

a., b., and c.) No housing is located on the project site. The proposed project would not require displacement of any surrounding residential uses, population or housing stock. In addition, the proposed project does not propose to construct any housing or infrastructure to support future development of housing. Therefore, the proposed project would have **no impact** on population and housing.

**Mitigation and Residual Impact:**

**The proposed project would result in no impact to population and house; therefore, no mitigation measures are required.**

**14. PUBLIC SERVICES**

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

c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

**Environmental Setting:**

Local public services such as police and fire protection, parks and recreation facilities and other governmental services are provided by the City of Morro Bay. The City’s Del Mar Park is located adjacent to the project’s northeastern. This nine acre neighborhood park includes basketball courts, amphitheater, roller hockey rink, children’s play area, horseshoe pits, barbecue and picnic areas, the Jodi Giannini Family Dog Park, and open grass areas. Alva Paul Creek flows through this park upstream from the project site.

Schools in the area are located within the San Luis Coastal Unified School District. The nearest school is Del Mar Elementary School, located adjacent to the southeastern boundary of the project site. This school has an enrollment of approximately 448 students attending Kindergarten through sixth grade.

**Impact Discussion:**

a. through e.) The proposed project would result in no development that that would increase the demand on public services or governmental facilities, impact performance standards, or cause the construction of new buildings or facilities. Nor would the project result in alterations to the adjacent Del Mar Park or Elementary School facilities. Therefore, there would be **no impact** associated with new or physically altered governmental facilities.

**Mitigation and Residual Impact:**

The proposed project would result in no impact to population and house; therefore, no mitigation measures are required.

**15. RECREATION**

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

**Environmental Setting:**

As previously discussed in Section 14, Public Services, the project site is located adjacent to Del Mar Park. There are no recreational facilities located on the project site.

**Impact Discussion:**

a., and b.) As previously identified, the proposed project would not result in an increased demand for park use, nor would it result in the construction or expansion of existing facilities. Therefore, the proposed project would have **no impact** on recreation facilities.

**Mitigation and Residual Impact:**

The proposed project would result in no impact to recreation facilities; therefore, no mitigation measures are required.

**16. TRANSPORTATION/CIRCULATION**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?			X	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X	
e. Result in inadequate emergency access?				X
f. Result in inadequate parking capacity?				X
g. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X

**Environmental Setting:**

The project site is located along and accessed from North Main Street between Sequoia Street and Island Street. The closest State Route 1 on- and off-ramps are located approximately ¼ mile south of the project site at the intersection of San Jacinto Street.

**Impact Discussion:**

**a., and b.)** The only trips associated with the proposed project would be a short-term increase in truck trips during demolition activities. These trips would not exceed the capacity or affect the levels of service of the existing roadway network. Temporary increases in traffic are considered a **less than significant impact**.

**c.)** The closest airport is located in San Luis Obispo approximately 15 miles southeast of the project site. The proposed project would have **no impact** on air traffic patterns.

**d.)** The proposed project would result in the disposal of approximately 104 loads of debris to three different offsite locations: Waste Management in Kettleman City; Hugo Neu-Proler Corporation in Terminal Island; and Negranti Construction in Cayucos. It is estimated that approximately 18 loads will be hauled offsite for a duration of approximately seven days. The trip distribution summary is provided in **Table 8-2**.

The primary traffic safety issue is the safe and controlled movement of construction vehicles and trucks in and out of the site. A *Traffic Safety Plan* was prepared by Padre Associates, Inc. in February 2011 (**Appendix B**), to minimize project related traffic impacts. This plan provides specific truck routes to be taken to each of the three disposal locations; limits the hours of operations between 7:00 A.M. and 5:00 P.M. Monday through Friday; and provides specific staging restrictions on the project site. The staging restrictions limit the number of haul trucks allowed at the project site at any one time to two; require trucks to be staged in the northwestern portion of the project site; and requires any en-route trucks beyond the two allowed truck limit be stage outside of the City until another truck leaves the site. Furthermore, implementation of

mitigation measure **MM 3-3** would minimize the transport time occurring during peak traffic hours in congested areas (i.e. Terminal Island). Implementation of the *Traffic Safety Plan* would ensure that short-term increase in trips associated with the disposal of demolition debris does not result in incompatible uses or hazards. Truck trips associated with proposed project would result in **less than significant** impact.

**e., f., g.)** The proposed project would not result in an increased need for parking or alternative transportation. In addition, the proposed project not require or interfere with existing emergency access. Therefore, the proposed project would have **no impact** on parking, alternative transportation policies, or emergency access.

**Mitigation and Residual Impact:**

The proposed project would result in no impact to transportation and circulation. With implementation of the Traffic Safety Plan as proposed, no mitigation measures are required.

**Monitoring:**

The Traffic Safety Plan will be made a component of the final project plans.

**17. UTILITIES & SERVICE SYSTEMS**

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

**Environmental Setting:**

There are no existing wastewater, water or solid waste disposal demands associated with the project site. The site is primarily a vacant field with some vegetation and minor impervious surfaces associated with the existing concrete tank pad. Stormwater runoff generated on the project site or upslope either infiltrates into the ground or during intense storm events sheet flows across the site to the roadway and creek.

**Impact Discussion:**

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**a., and e.)** There is no existing or proposed wastewater demand associated with the project site; therefore, the proposed project would not result in the need for new wastewater treatment facilities and would have **no impact** on existing wastewater treatment requirements or facilities.

**b., and d.)** There is no water demand associated with the project; however, there are existing water lines on the project site. These lines appear to have been for fire protection associated with previous land use. These lines will be removed with implementation of the proposed project. The project not result in the need for new water facilities or supply, and would have **no impact**.

**c.)** The project will not alter the drainage pattern or permeability of the site, other than removing the impervious concrete pad. The project will have **no impact** on storm water facilities..

**f., and g.)** Although there is no existing demand for solid waste disposal at the site, the proposed project will result in demolition activities that will result in the generation of debris that will need to be disposed. Solid waste materials generated during demolition will include: approximately 54 tons of scrap metal; a maximum of 95 tons of concrete rubble; approximately 400 cubic yards (540 tons) of contaminated soil; treated wood waste; and asbestos coated pipelines. In addition to the solid waste materials, fluids retrieved from the abandoned pipelines shall also be disposed. Because the materials to be disposed contain materials that may pose health and safety hazards, a *Contaminated Materials Management Plan* was prepared and is incorporated into the project. These materials would be removed in accordance with federal and state regulations, which are specifically discussed in Section 8, Hazards/Hazardous Materials. These materials need to be disposed of in specialized facilities, and will not impact the capacity of local landfills.

All solid waste materials that do not pose a health and safety hazard are proposed to be recycled at various locations. The scrap metal will be transported to licensed metal recyclers in either the Bakersfield or Los Angeles areas. The concrete rubble will be transported to Negranti Construction in Cayucos for crushing and recycling. Therefore, the proposed project would not result in an increased demand on a landfill, and the proposed recycling of removed materials would be consistent with federal, state and local regulations to reduce disposal of solid wastes. This would be considered a **less than significant impact**.

**Mitigation and Residual Impact:**

The proposed project would result in less than significant impacts to utilities and service system; therefore, no mitigation measures are required.

**IV. INFORMATION SOURCES**

**4.1 COUNTY/CITY/FEDERAL DEPARTMENTS CONSULTED:**

San Luis Obispo County Air Pollution Control District

**4.2 GENERAL PLAN**

<input checked="" type="checkbox"/> Land Use Element	<input type="checkbox"/> Conservation Element
<input type="checkbox"/> Circulation Element	<input checked="" type="checkbox"/> Noise Element
<input checked="" type="checkbox"/> Seismic Safety/Safety Element	<input checked="" type="checkbox"/> Local Coastal Plan and Maps
<input checked="" type="checkbox"/> Zoning Ordinance	

**4.3 OTHER SOURCES OF INFORMATION**

<input checked="" type="checkbox"/> Field work/Site Visit	<input checked="" type="checkbox"/> Ag. Preserve Maps (SLO Co. 2008)
<input type="checkbox"/> Calculations	<input type="checkbox"/> Flood Control Maps
<input checked="" type="checkbox"/> Project Plans	<input checked="" type="checkbox"/> Other studies, reports(see below)
<input checked="" type="checkbox"/> Traffic Study (Safety-see below)	<input checked="" type="checkbox"/> Zoning Maps
<input type="checkbox"/> Records	<input type="checkbox"/> Soils Maps/Reports
<input type="checkbox"/> Grading Plans	<input checked="" type="checkbox"/> Plant maps
<input type="checkbox"/> Elevations/architectural renderings	<input checked="" type="checkbox"/> Archaeological maps and reports
<input type="checkbox"/> Published geological maps	<input checked="" type="checkbox"/> Forestry Map (2003)
<input type="checkbox"/> Topographic maps	<input checked="" type="checkbox"/> Clean Air Plan (2001)

**Applicant Provided Reports**

**Appendix A**

Padre Associates, Inc. (Padre). 2011c. *Former Texaco Sales Terminal Piping Removal Project Description*, dated May 2011.

2008b. *Project Execution Plan, Facility Abandonment Project, Former Texaco Sales Terminal, Morro Bay, California*, dated December 2008.

**Appendix B**

Padre Associates, Inc. (Padre). 2006a. *Letter-Report, Supplemental Groundwater Assessment Activities, Former Texaco Sales Terminal Morro Bay, California*. Report dated September 26, 2006.

2007a. *Fourth Quarter 2006 Groundwater Monitoring Report Former Texaco Sales Terminal, Morro Bay, California*. Report dated January 15, 2007.

2007b. *First Quarter 2007 Groundwater Monitoring Report Former Texaco Sales Terminal, Morro Bay, California*. Report dated April 6, 2007.

2007c. *Second Quarter 2007 Groundwater Monitoring Report Former Texaco Sales Terminal, Morro Bay, California*. Report, dated June, 2007.

2008a. *“Letter-report, Summary of Petroleum and Water Pipeline Assessment Activities at the Former Texaco Sales Terminal, located at 3072 North Main Street, Morro Bay, San Luis Obispo County, California,”* dated December 30, 2008.

2011a. *Traffic Safety Plan for the Facility Piping Removal Project, Former Texaco Sales Terminal, Morro Bay, San Luis Obispo County, California*, dated January 2011.

2011b. *Contaminated Materials Management Plan for the Facility Piping Removal Project, Former Texaco Sales Terminal, Morro Bay, San Luis Obispo County, California*, dated January 2011.

**Appendix C**

Padre Associates, Inc. (Padre). 2009a. *Biological Resources Survey Report, Facility Piping Removal Project, Former Texaco Sales Terminal, Morro Bay, California*, dated February 2009.

2009b. *Site Restoration Plan for the Facility Piping Removal Project, Former Texaco Sales Terminal, Morro Bay, California*, dated February 2009.

2009c. *Letter-Report, Spring Botanical Survey for the Former Texaco Morro Bay Sales Terminal, Morro Bay, California*. June 24, 2009.

**Appendix D**

PMC. 2011. URBEMIS modeling output.

**Appendix E**

Thor Conway Heritage Discoveries, Inc.(TCHD), 2009. *Archaeological Surface Survey of the Former Texaco Sales Terminal, 3072 North Main Street, Morro Bay, San Luis Obispo County, California*, dated January 26, 2009.

2010. *Archaeological Subsurface Testing at the Former Texaco Sales Terminal, 3072 North Main Street, Morro Bay, San Luis Obispo County, California*, dated December 15, 2010.

**4.4 OTHER REFERENCES**

Air Pollution Control District of San Luis Obispo County (APCD). 2009. *CEQA Air Quality Handbook*. December 2009.

California, State of. Department of Forestry and Fire Protection (Cal-Fire). 2009. *Fire and Resource Assessment Program (FRAP) Fire Hazard Severity Map*. March 17, 2009.

California, State of. Department of Forestry and Fire Protection (Cal-Fire). 2003. *California Department of Forestry and Fire Protection's Management Landscape Map*. 2003.

California, State of. Air Resources Board (ARB). 2010. *Area Designations Maps / State and National website*. Last updated September 2010. <http://www.arb.ca.gov/desig/adm/adm.htm>

Natural Resource Conservation Service (NRCS). 2008. *San Luis Obispo County Important Farmland Map 2006*.

U.S. Environmental Protection Agency (EPA). 1971. *Noise from Construction Equipment and Operations, Building Equipment and Home Appliances*.

U.S. Environmental Protection Agency (EPA). 2011. *The Green Book Nonattainment Areas for Criteria Pollutants website*. Last updated April 21, 2011. <http://www.epa.gov/air/oaqps/greenbk/index.html>.

**V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)**

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

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

**Impact Discussion:**

Implementation of all mitigation measures presented herein would reduce all potential impacts to the environment and human beings to a less than significant level, as evidenced in the preceding discussions. The applicant has agreed to incorporate the mitigation measures and monitoring plan presented herein into the project description. The proposed project would result in less than significant cumulative impacts.

**VI. DETERMINATION**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

The Planning Commission found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project MAY have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

With Public Hearing  Without Public Hearing

**Previous Document :** NONE

**Project Evaluator :** Mary B. Reents, Contract Planner

\_\_\_\_\_  
Signature October 25, 2012  
Initial Study Date

Mary B. Reents, Contract Planner  
Printed Name

City of Morro Bay  
Lead Agency

**VII Attachments**

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

**VIII Under Separate Cover**

## VII. ATTACHMENTS

### Attachment “A”

#### SUMMARY OF REQUIRED MITIGATION MEASURES

##### AIR QUALITY

MM 3-1a During construction the project applicant shall implement the following fugitive dust minimizing measures:

- Reduce the amount of the disturbed area where possible;
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers with rumble strips for flooded basin type wheel washers or low pressure or high pressure type wheel washer with no rumble strips, where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,
- The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

MM 3-1b Prior to commencement of construction, the project applicant shall contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements for proposed equipment to be used.

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MM 3-2 Prior to commencement of construction activities, the project applicant shall contract with a qualified geologist to prepare a geologic evaluation to determine if naturally occurring asbestos is present within the area proposed to be disturbed. If there is no naturally occurring asbestos present, an exemption request must be filed with the APCD prior to site disturbance. If naturally occurring asbestos is determined present, the project applicant must comply with all requirements outlines in the Asbestos ATCM, which may included, but not be limited to, preparation of a Asbestos Dust Mitigation plan and an Asbestos Health and Safety Program. These plans would be subject to review and approval by APCD.

MM 3-3 During the construction phase, the project applicant shall implement the following emissions reducing measures:

a) Limit idling of gasoline powered construction equipment and delivery vehicles to a maximum of three (3) minutes (emissions reduction range of 25 to 40 percent (CAPCOA 2010)). Idling of diesel powered equipment shall be prohibited at all times;

b) When feasible, the transporting of removed material shall be scheduled to minimize transport time during peak traffic hours (between 7:30 a.m. and 8:30 a.m. Monday through Thursday; between 7:30 a.m. and 9:30 a.m. on Fridays; and between 2:00 p.m. and 3:00 p.m. Monday through Friday) in congested areas, in order to increase vehicle fuel efficiency;

c) Post signs and enforce idling restrictions on the project site;

d) Following consultation with SLOAPCD, and to the extent agreed upon by the City and SLOAPCD, alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be employed by at least 15 percent of the fleet if feasible (GHG emissions reduction range of to 22 percent (CAPCOA 2010)).

Monitoring: Prior to issuance of any permits, the City shall verify evidence that the project applicant has filed an exemption for Asbestos ATCM with APCD or that an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program have been approved by the APCD; all construction equipment properly permitted through APCD, and that Asbestos NESHAP fees have been paid to the APCD.

Building inspector shall monitor implementation of asbestos dust mitigation and asbestos health and safety mitigation (if applicable), equipment usage and maintenance measures during routine site inspections.

**BIOLOGICAL RESOURCES:**

MM 4-1 The Final Site Restoration Plan (Padre 2009) shall be fully implemented to mitigate for vegetation removal activities and impacts to the Alva Paul Creek bank associated with excavation and removal of the existing pipeline. This plan shall be submitted for approval by appropriate regulatory agencies prior to commencement of work along the stream bank.

MM 4-2 Construction activities shall take place outside of the nesting bird season (i.e., March through August). If construction activities occur within the nesting bird season, a qualified biologist to conduct preconstruction surveys for nesting raptors and migratory birds (including: Yellow-billed Cuckoo, Yellow Warbler, California horned lark, California black rail, Cooper’s hawk, and Ferruginous Hawk) up to 30 days prior to construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. The construction zone shall include all areas where construction-related activities will occur including staging areas. These requirements shall be included in the final construction plans/specifications and monitored by the building inspector. If construction is conducted outside the nesting season, then surveys for nesting migratory birds and raptors are not needed.

If an active raptor nest is identified within the 250-foot radius or if an active migratory bird nest is

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located within a 100-foot radius of construction-related activities and construction must take place during the breeding season; the project applicant shall contract with a qualified biologist to establish a buffer zone which is to be confirmed by the appropriate resource agency. A qualified wildlife biologist shall monitor the nest to determine when the young have fledged and submit bi-weekly reports to the City throughout the nesting season. The biological monitor shall have the authority to cease construction if there is any sign of distress to the raptor or migratory bird. Reference to this requirement and the MBTA shall be included in the construction plans/specifications and monitored by the building inspector during construction.

**MM 4-3** If pipeline removal and restoration activities are to occur within the stream corridor or 50 foot stream corridor buffer during the overwintering period for Monarch butterflies (between October and February), the project applicant shall be required to contract with a qualified biologist to conduct pre-construction surveys for the butterfly (in any form: adult, egg, caterpillar, chrysalis). If no form of Monarch butterflies are determined present, no further mitigation is necessary. If Monarch butterflies are determined to be present, removal and rehabilitation activities shall be scheduled to occur outside of the overwintering period (between March 1 through September 30).

**MM 4-4** If pipeline removal and creek restoration activities are to occur when water is flowing in the Alva Paul Creek, a quality biologist shall be contracted to consult with the National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) regarding impacts to special-status fish (i.e. South-central California Coast steelhead). If fish surveys are determined necessary, the project applicant shall contract with a qualified biological monitor, trained in fisheries work, to conduct fish surveys at the appropriate time of the year in order to obtain accurate survey results for the special-status fish. The surveys shall include the direct project area, and at least 100 feet upstream and downstream of the project area boundaries.

If steelhead trout are found in or near the project area the NMFS shall be contacted immediately before proceeding with any work. The NMFS representative shall provide guidance with appropriate removal or avoidance measures (i.e. “herding” of fish) to provide for the continuation of construction. Any loss of steelhead habitat as a result of the proposed project will be compensated at a minimum 3:1 ratio through purchase of credits at a nearby NOAA/NMFS-approved conservation bank for steelhead. Documentation that the necessary credits have been purchased must be received by NOAA/NMFS prior to construction.

**MM 4-5** Prior to commencement of creek restoration activities, the project applicant shall contract with a qualified biologist to conduct pre-construction surveys for individuals and nests of the Southwestern pond turtle. If individuals are found within a 250 feet of the project area, they shall be moved to suitable habitat at least 500 feet outside of the affected area. If a pond turtle nest is found within the survey area, construction activities shall not take place within 100 feet of the nest until the eggs have hatched, or the eggs have been moved to an appropriate location.

**MM 4-6** Prior to commencement of creek restoration activities (and pipeline removal from the creek area), the project applicant consult with a qualified biologist (approved by the U.S. Fish and Wildlife Service and California Department of Fish and Game) to conduct protocol-level surveys for Coast range newt and California red-legged frog. If both species are not found, then no further mitigation is necessary. If either one of these species is found, then the project applicant shall contract with a qualified biologist to consult with USFWS and CDFG. While final determination of mitigation requirements will occur during consultation with USFWS/CDFG, it is anticipated that mitigation will include preparation and implementation of a habitat impact assessment for Coast range newt and California red-legged frog that meets state and federal permit requirements for an incidental take. The habitat impact assessment shall clearly identify, qualify and quantify Coast range newt and/or California red-legged frog habitat on the project site that will be directly and indirectly impacted by the proposed project. The habitat impact assessment shall include mitigation and management steps to reduce the loss of individual special status species, avoid disturbance or removal of special status habitat, create additional habitat as necessary, and avoid invasion of non-native species.

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- MM 4-7a** Prior to commencement of any construction activity near jurisdictional wetland features that may be impacted, the project applicant shall install bright orange construction fencing (Environmental Sensitive Area [ESA] fencing) or a similar protective barrier around the perimeter of all such features. The barrier fencing will remain in place for the duration of construction activity. Reference to this requirement shall be included in the construction plans/specifications and monitored by the building inspector during construction.
- MM 4-7b** A worker education program shall be prepared and presented to all construction personnel at the beginning of the project. The program shall discuss sensitive species with potential to occur in the construction zone. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures.
- MM 4-7c** The use of heavy equipment and vehicles shall be limited to the proposed project limits, existing roadways, and defined staging areas/access points. At no time will heavy equipment operate within the stream channel. The boundaries of each work area shall be clearly defined and marked with visible flagging and/or orange protective fencing.
- MM 4-7d** Erosion control measures shall be implemented to prevent erosion and sedimentation impacts to Alva Paul Creek. Silt fencing, in conjunction with other methods, shall be used to prevent erosion and siltation as well as runoff and associated residual water from entering the waterways.
- MM 4-7e** During project activities, equipment refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from the adjacent Alva Paul Creek channel. Straw bales, sandbags, and absorbent pads shall be available to prevent water and/or spilled fuel from entering drainages. In addition, all equipment and materials shall be stored/stockpiled away from the swale.
- MM 4-7f** Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

*Monitoring:* During routine inspections, the City Building Inspector shall ensure that all construction related activities are limited to identified construction zones, including staging areas; that all exclusion zones/buffer areas are clearly marked with orange fencing; erosion control measure are in place; and that equipment is being properly maintained and staged.

Prior to commencement of pipeline removal and creek restoration activities, the City shall confirm that all necessary pre-construction surveys for nesting migratory birds and raptors, Monarch butterflies, and Southwestern pond turtle, have been conducted.

If nests are determined present during construction activities, a Qualified Biologist shall monitor any nests to determine when the young have fledged and submit bi-weekly reports to the City throughout the nesting season.

Prior to commencement of pipeline removal and creek restoration activities, the Project Applicant shall submit to the City evidence of consultation, necessary requirements fulfilled, and permits obtained from NOAA/NMFS, USACE, CDFG, RWQCB.

Project Applicant shall annually submit monitoring report to the CDFG and City of Morro Bay to ensure successful revegetation.

**CULTURAL RESOURCES:**

- MM 5-1** Prior to issuance of any permits allowing ground disturbance, the applicant shall submit to the City of Morro Bay Planning Department an Archaeological Monitoring Plan for review and approval. The Archaeological Monitoring Plan shall identify under what circumstances various means of monitoring are warranted (i.e. field observation, data recording, data recovery, archaeological excavation, photography, laboratory analysis and cataloging, ancillary special studies, and production of a written report that meets current professional archaeological standards). In addition, the Archaeological Monitoring Plan shall include and specify methods for addressing the following: Native American participation; monitoring procedures; handling of discovered archaeological deposits; discovery of human remains; and reporting of monitoring results and curation of materials. Preparation of the Archaeological Monitoring Plan and subsequent monitoring activities shall be conducted by a qualified

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archaeologist.

**MM 5-2** During construction activities, if any paleontological resources (i.e., fossils) are discovered, all work in the immediate vicinity must stop and the City of Morro Bay shall be immediately notified. A qualified paleontologist shall be retained by the project applicant to evaluate the finds and recommend appropriate mitigation for the inadvertently discovered paleontological resources. The City will consider the mitigation recommendations of the qualified paleontologist. The project applicant shall implement a measure or measures that are deemed feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation or other appropriate measures.

**MM 5-3** If human remains are discovered during construction activities, all work must stop in the immediate vicinity of the find, the City of Morro Bay must be notified and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, and the procedures outlined in CEQA Guidelines Section 15064.5(d) and (e) shall be followed.

*Monitoring:* The Archaeological Monitoring Plan shall be included in the construction documents and staff shall verify compliance during routine site inspections.

Upon discovery of paleontological resource or human remains, the City shall be contacted. Discovery of human remains requires the City to notify the County Coroner in accordance with Section 7050.5 of the California Health and Safety Code. The County Coroner shall notify the Native American Heritage Commission.

**HAZARDS/HAZARDOUS MATERIALS**

**MM 8-1:** Prior to commencement of earthwork, the project applicant shall obtain permit from APCD to address proper management of any hydrocarbon contaminated soil. This permit shall include conditions to minimize emissions from any excavation, disposal or related process.

*Monitoring:* To the extent feasible, the City of Morro Bay shall contact the APCD Engineering Division at (805) 781-5912 within 120 days prior to the start of excavation to begin the permitting process for hydrocarbon contaminated soil.

**NOISE**

**MM 12.1** Construction activities shall be limited to the hours of 7:00 A.M. to 7:00 P.M. Monday through Friday and all large construction equipment shall be equipped with “critical” grade noise mufflers. All necessary measure to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcel do not exceed 70 dBA. Hours of construction activities shall be noted on the grading and construction plans. If noise levels exceed 70 dBA at the property line immediately adjacent to sensitive noise receptors, necessary measures (e.g. acoustical barriers) shall be taken to reduce noise levels below 70 dBA.

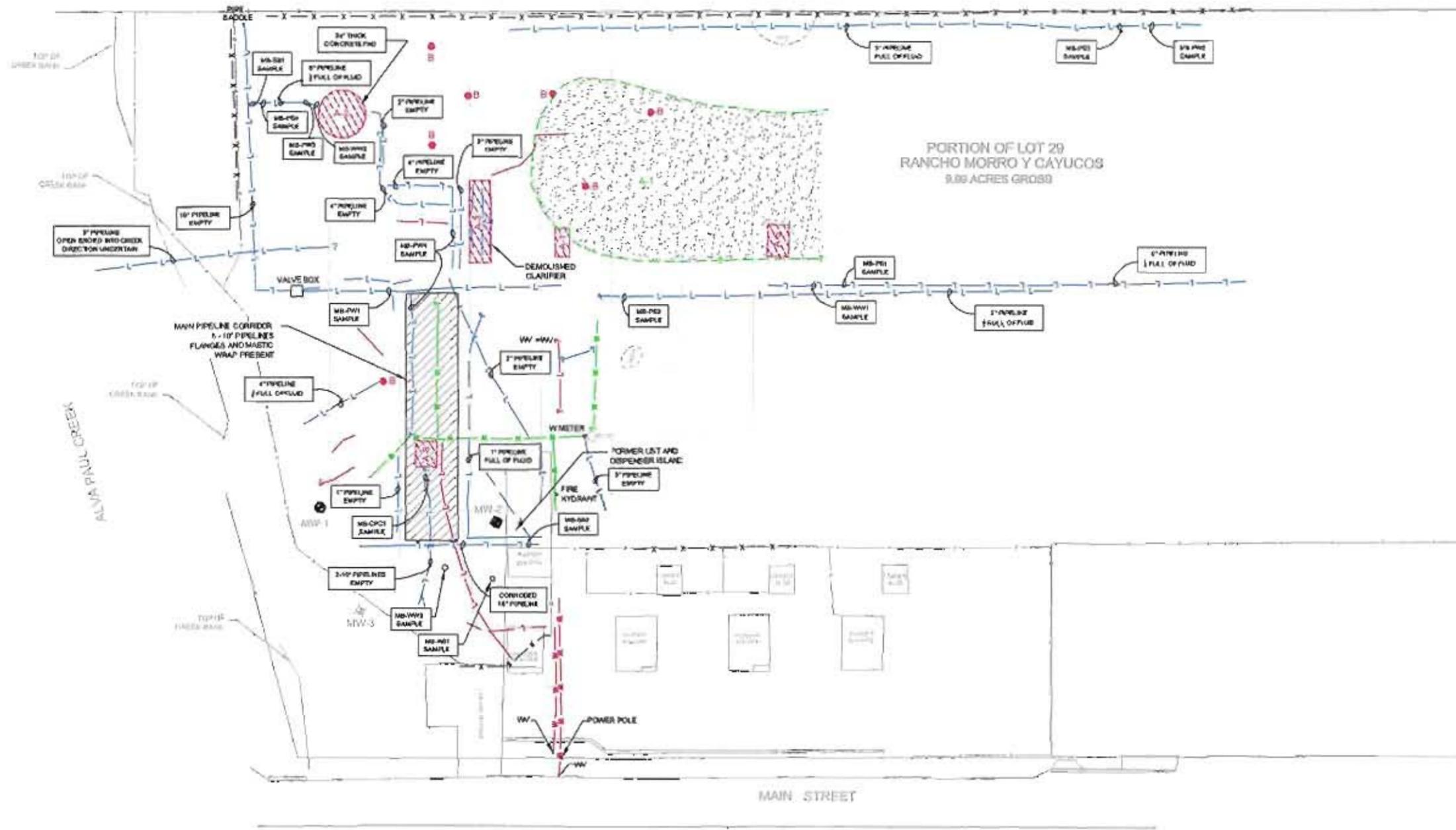
*Monitoring:* The Public Services Department will review the above required mitigation and ensure project compliance.

**Acceptance of Mitigation Measures by Project Applicant:**

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

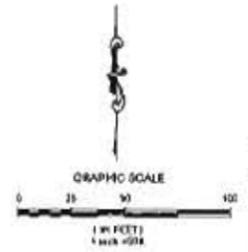
DEL MAR PARK - DEL MAR ELEMENTARY SCHOOL



PORTION OF LOT 29  
RANCHO MORRO Y CAYUCOS  
9.89 ACRES GROSS

**LEGEND**

- RELATIVE COORDINATE SYSTEM OF GEOPHYSICAL SURVEY AREA
- EXISTING MONITORING WELL
- W = WATER LINE
- L = PIPELINE
- L = UNABLE TO LOCATE
- GEOPHYSICAL ANOMALY
- GEOPHYSICAL CONDUCTIVITY ANOMALY
- SMALL BURIED OBJECT/DEBRIS



DATE	REFERENCE DRAWINGS	ENGINEER	CHECKED
		R.S. RASMUSSEN	
		11/08	

**padre**  
associates, inc.  
ENGINEERS, GEOLOGISTS &  
ENVIRONMENTAL SCIENTISTS

**PIPELINE MAP**  
FORMER TEXACO SALES TERMINAL  
3072 NORTH MAIN STREET  
MORRO BAY, CALIFORNIA

PROJECT NO.	0601-0321	DATE	DECEMBER 2008	DWG. NO.	PLATE 2
SCALE	AS NOTED				



City of Morro Bay  
Public Services/Planning Division  
Current Project Tracking Sheet

Agenda No: C-1  
Meeting Date: December 5, 2012

This tracking sheet shows the status of the work being processed by the Planning Division

New Planning Items or items recently updated are highlighted in yellow. Building permit updates are highlighted in green.

Approved projects are deleted on next version of log.

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
1	Chevron	3072	12/31/08	CP0-301	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested information submitted 2/9/11. Submitted requested documents 2/9/11. Applicant returned comments 12/7/11. Staff will address comments. Document to applicant for review 1/19/12. Agent said Chevron is working on how to address alternative fuel mitigation measures. 2/22/12. They will follow up with the City.	SD-Requested additional documentation 4/29/10. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11. Accepted proposal 6/29/11. Staff mail request letter for fees 7/19/11. Received Environmental Document and is under review 9/16/11. Sent document back for comments and corrections 10/14/11. Consulting firm making final changes and corrections 10/24/11. APCD submitted comments 11/1/2011. Sent to applicant for review 11/7/11. Comments sent to consultant 1/10/12. Document returned to staff 1/12/12. Applicant challenging the environmental mitigations. MR - Reviewed concerns with mitigations; clarified issues in early August 2012 and sent email to applicant's representative. MND submitted to State Clearinghouse. Public review ends 11-29-12	Not applicable	Not applicable	Not applicable
2	Gilbert	2760	10/18/12	AD0-077 A00-016	Parking Exception and Major Modification to construct a 2 story home with roof deck	Corrections issued for CDP and requested narrative describing parking exception request. To be heard at 12/5/12 PC meeting. CJ			
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>									
3	Drinkwater	301 Main	11/2/12	S00-116	Certificate of Compliance for portion of APN.	Under review. Applicant to submit a copy of the deed for the subject lots.			

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
4	So Cal Gas Company	City Wide	10/10/12	CP0-382, CP0-383, CP0-384, CP0-385	Advance Metering Project - 4 separate locations	Incomplete letter sent 11-29-12. Various sites	No Comments to date	No Comments to date	
5	Perry	3202 Beachcomber	9/8/11	CP0-381	Coastal Development Permit. Demo/Reconstruct new home with basement in SZA overlay.	KW-Planning requested status of CDP for house and LLA for parcels. Item scheduled for July 18 2012. Applicant requested a continuance to August 15, 2012. P.C. approved height at 9-19-12 PC Meeting. CDP application submitted.	Building approved 10/29/12	Flood study approved 6/18/12	No Comments to date
6	Fowler - MMGS, LLC	1215	10/16/12	UP0-058	Precise Plan	Under review. Precise plan different from approved concept plan. Applicant to re-submit. Applicant to submit letter from CCC stating proposal in substantial conformance.			
8	LaPlante	3063 Beachcomber	11/3/11	CP0-365	New SFR. Resubmittal and Phase 1 Arch report 2/8/12	SD- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. Applicant has requested a meeting on August 9, 2012 to review environmental study request. MR- Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant will provide MND fees with submittal of Biological report. 8/9/12 MR met with applicant and owner to discuss environmental issues. Would require a detailed MND. Applicant is still considering preparation of Biological Report.	No Comments to date	comments submitted 1/18/2012	No Comments to date
9	Lemos	1320 Main Street	6/1/12	CUP0-373/CP0-350	New Commercial Building	MR- Met with applicant - revising plans to leave storage ebuilding as in in order to reduce potential environmental impacts. Applicant submitted letter in August 2012 to City Council requesting purchase or easement of city property for access to existing facility. Submittal received 11/9/12		BCR- requested revised drainage and flood study from developer	
Projects in Process									

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
9	Shirkey	341 News	9/27/12	CP0-378	Admin Coastal Development Permit for a new single family residence	Plans reviewed and deemed incomplete. Corrections sent 10/24/12. Met with applicant 11/6/12 to review needed corrections. Resubmittal received 11-27-12. C.J.	Conditional approval	Conditional approval.	n/a
Environmental Review									
11	Sequoia Court Estates	670	4/3/12	UP0-349 & S00-112	Parcel Map, 3 parcels and an open space parcel. A revised subdivision map was submitted for review on August 6, 2012.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing. Applicant submitted a revised plan reducing the number of lots, and is providing additional information as requested addressing City requested information. Additional information submitted: waiting for biological report. Report should be submitted in September 2012. Map shows property partially outside coastal zone. Needs drainage plans. MF: Second incomplete letter sent 11/13/12. MND in preparation.			
12	City of Morro Bay	Nutmeg	1/18/12	UP0-344	Environmental. 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. Will go to Planning commission in January 2013 for certification of MND and then referred back to SLO County.	Not applicable	BCR- drainage study required for impact on City storm drain facilities	Not applicable
13	City of Morro Bay	Morro Bay State Park	3/8/12		Environmental Review of the Morro Bay State Park Waterline Interconnect Project	MR-Reviewed request and determined the project needed MND; major issues are archaeological and presence of habitat for Morro Shoulderband Dune Snail. Waiting for Archaeological surface survey and Shoulderband Snail Protocol survey. Expect by May 2013.	Not applicable	Not applicable	Not applicable
Grants									

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
14	Community Development Block Grant (CDBG) / HOME Program through Urban County Consortium		11/13/12		CDBG Applications received 10/12/12. Nine applications received. Draft funding recommendations to be adopted at 11/13/12 City Council Meeting	Application recommended for funding is Pedestrian Accessibility Improvements for City of Morro Bay. Council approved on 11-13 funding for Senior Nutrition and Pedestrian Accessibility.	Not applicable	Not applicable	Not applicable
15	Morro Rock Ramp Grant- Recreation & Park Department		11/7/12		Grant application due 1/7/13 for grant funding for Morro Rock Ramp improving pedestrian access	Under environmental review. MR: Project requires an MND. Will be noticed 12/3/12 for 30 day review. Will require a 1/2/12 PC meeting or special meeting to certify MND and approve project. Project placed on hold	Not applicable	Not applicable	Not applicable
16	Sustainable Communities	City-wide			\$900,000 Grant application due Feb. 2013 for funding for long-range planning activities including LCP updates, General Plan.	In process			
Project requiring coordination with another jurisdiction									
17	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	WWTP Upgrade. Submitted 7/1/08. Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent redrafting. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010. City Council Meeting on January 11, 2011. Project heard before CCC on March 11, 2011, and additional studies and materials are required. City working with consultant to provide information. Workshops held on 6/27/2011 and 6/28/2011 to receive comments on the proposed Wastewater Treatment Plant (WWTP) Upgrade Project alternatives analysis process; candidate evaluation criteria, and preliminary site identification. Adm. draft of fine screen analysis completed. Staff and consultants currently working with CCC staff for De Novo hearing tentatively scheduled for an October 2012 CCC meeting.	Planning portion of project complete	Not applicable	BOR-Flood analysis shows no impact of sea level rise and storm surge on 100-year flood levels. Results reported to Coastal Commission	No Comments to date
Projects Continued Indefinitely, No Response to Date or Incomplete Letter or inactive									

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
18	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Applicant resubmitted additional material on 9/30/2008. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Applicant to provide revised site plan. Staff is processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant on 2/23/2011. Staff met with applicant on January 27, 2011 and reviewed new drawings, left meeting with the applicant indicating they would be resubmitting new plans based on our discussions.	KW--incomplete 12/15/05. Incomplete 3/7/07. Incomplete Letter sent 6/27/07. Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011.	Not applicable	An abandonment of Front street necessary. To be scheduled for CC mtg.	Not applicable
19	Nicki Fazio	360 Cerito	08/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal. Planning Commission continued to a date uncertain. Project folder given to Rob S.	Deemed withdrawn letters to be sent to provide response to City by 12/31/12. MR: Deemed Withdrawn letter sent November 20, 2012			
20	Redican	801/833 Embarcadero	08/20/12	UP0-212	Request to Rebuild Docks-Pre-Application meeting. No formal submittal at this time.	MR: RL and MR met with applicant regarding redesign of dock area. Parking study is complete, but final findings are still not confirmed - EB			
21	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center.	KW-Submitted 5/15/08. Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDF granted by CCC. Waiting for Precise Plan submittal. Applicant has submitted a request for a time extension on November 4, 2010. Extension granted, now expires 12/11/11. No active submittal. Applicant has requested a second one year extension which is scheduled for action at the 12/7/2011 P.C. meeting. Planning Commission approved time extension, will expire on December 11, 2012.			

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22	Ron McIntosh	190 Olive	8/26/08	UP0-232 & CP0-288	New SFR. Submitted 8/26/08. Resubmitted 12/10/08. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	KW-Inc. Letter 9/24/08. 1/9/09 request for more information. Deemed withdrawn letters to be sent to provide response to City by 12/31/12. MR: Send deemed withdrawn letter on November 20, 2012.				
23	James Maul	530, 532, 534 Morro Ave	3/12/10	SP0-323 & UP0-282	Parcel Map. CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable. MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Eisler for further information.				
<b>Abandonments</b>										
24	Fry	3450 Toro Ln	11/5/12	E00-103	Partial abandonment of Toro Ln. north of Yerba Buena to North Point tract	RL- under review. Notification sent to utilities. Response due 12/20/12.				
<b>Projects going forward to Coastal Commission for review</b>										
<b>Projects Appealed to City Council</b>										
25	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in SZA overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing.				
<b>Projects in Building Plan Check</b>										
24	Gilbert	2760 Alder St.	10/23/12	B-29799	New SFR		BC- RTI pending planning approvals			
25	LaPlante	3099 Beachcomber	11/3/11	B-29586	New SFR	SD-Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/20/12. MR: Met with applicant to go over environmental issues.	BC- Application on hold during planning process			

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26	Morgan	2930 Dogwood	10/4/12	B-29798	SFR Demo/ Reconstruct		BC- returned for corrections 11/16/2012		
27	Whibley	451 Embarcadero	6/1/20112	B-29715	Fire Sprinklers		TP- resubmitted w/ Collings		
28	Yacht Club	541 Embarcadero	9/11/12	B-29765	Remove and replace gangway		BC- issued 11/14/2012		
29	Imani	571 Embarcadero	4/23/12	B-29695	Commercial alteration, addition	CJ- Incomplete Memo 11/26/2012 sent to applicant	BC- resubmitted 11/5/2012.		
30	Hall	2234 Emerald Circle	12/2/10	B-29359	New SFR	SD-Incomplete Memo 12/21/10.	BC- application extended, awaiting resubmittal.		
31	Deganimore	1001 Front	6/14/12	B-29723	Water site improvements		BC-RTI pending CCC conforming plans approval, parking agreement.		
32	Methodist Church	3000 Hemlock	8/16/12	B-29752	Construct new modular classroom, sitework.		BC- returned for corrections 10/1/2012		
33	Sturgill	1885 Ironwood	12/29/11	B-29677	14 new townhouses		BC- RTI		
34	Erwin	375 Las Vegas	7/23/12	B-29738	SFR Addition		BC- ready to issue 11/5/2012		
35	Hoover	301 Main	10/30/12	B-29801	Addendum to B-29563 to reposition carport on site and attach roof to building.		BC- issued 11/19/2012		
36	Holcomb	3230 Main	8/6/12	B-29747	Commercial Change of Occupancy and Sitework for Montesson daycare.		BC- code enforcement letter sent, met with Holcomb and Brown		
37	Harper	999 Main	5/16/12	B-29711	Commercial addition	KW - Incomplete Memo 5/29/12.	BC- corrections 11/19/2012		
38	Storm	1029 Monterey	5/3/12	B-29702	Partial Demo/ Reconstruct of MFR dwelling	KW-under review	BC- returned for corrections 7/3/2012		
39	Markowitz	589 Morro Avenue	8/17/11	B-29549	Roof Deck	SD-Resubmittal 9/20/11. A major modification shall be pursued. Plans returned to Brian, because the plans were incomplete. Incomplete memo 10/3/11.	BC- application on hold during planning process.		
40	Fennacy	500 Morro Bay	3/15/12	B-29567	Construct kitchen, walk-up serving window and site improvements		BC- RTI pending amendments to planning approvals.		
41	City of Morro Bay	850 Morro Bay	8/20/12	B-29753	Remove and Replace communications tower		BC- conditionally approved, pending final construction plans.	BCR-Maintenance & Repair	

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42	Frantz	499 Nevis	9/23/12	B-29510	New SFR		BC- application on hold during planning process.		
43	City of Morro Bay	2481 Nutmeg	10/11/12	B-29793	Retaining Wall in ROW		BC- comments to BR via email 10/18/2012.		
44	McGonagill	690 Olive	6/7/12	B-29248	SFR Addition		BC- spoke with applicant 8-30-2012, regarding outstanding items and intentions to proceed.		
45	Thomas	634 Piney Way	10/9/12	B-29800	SFR Addition		BC- returned for corrections 11/8/2012		

Final Map Under Review

46	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11. Applicant resubmitted CCRS. Incomplete submittal as of 1/23/12. Resubmitted 4/4/2012	KW--Comments given to applicant, held meeting on 9/27/2011 regarding comments. Biological being review by applicant to address drainage issues. Biological Report approved by Planning as well as the CCRs.		DH - map check complete, NOR given to agent, Imprv. Agreement being finalized for bonding.	
47	Medina	3390 Main	10/7/11	Map	Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12	SD-Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist.			
48	Strugill	1885 Ironwood		Map	Final Map: Submitted on 6/26/12 complete application.	MR- review map and gave corrections on CC&RS		DH - reviewed map gave corrections on 8/15	

Projects & Permits with Final Action

7	City of Morro Bay	In the public right of way on Atascadero Road between Hwy 1 and MBHS	9/18/12	CPD-377	Morro Bay to Cayucos Connector Gap Closures. Coastal Development Permit	Under review. MR- Reviewing for environmental determination (10/15/12). MR: Categorical Exemption filed on 11/15/12 and site posted for Admin CPO. 10 day appeal period ends 11/25/12. Permit issued 11/28/12.			
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1	Vallely	460	10/24/11	CP0-363	Demo/Rebuild. Resubmittal 11/11/11. Applicant resubmitted plans and archeological report on 8/28/12.	Permit issued 11/19/12.	Building conditional approval	comments submitted 11/22/11	No Comments to date
2	Morgan	2930	10/10/12	CP0-379	Admin Coastal Development Permit for a new single family residence	Permit issued 11/20/12	Building conditional approval	Public Works approved. 10/18/12	No Comments to date
3	Meissner	380	10/11/12	CP0-380 and ADO-076	Coastal Development and Parking Exception for a single family residence with tandem parking	Permit issued 11/20/12			
4	Dooley	565	7/21/11	ADO-078	Parking Exception	Due to Surveyor error, garage constructed smaller than 20' foot width. Permit to be issued 11/20/12.	N/a	n/a	n/a
5	Hough	281	3/19/12	Appeal UPO-348/CP0-372	New Single family residence. With removal of two existing eucalyptus trees.	SD-Met with applicant on 4/18th. The project is hearing ready. Appeal scheduled for July 10, 2012 CC.	Building Comments- 3/28/2012. Fire comments-4/23/2012	PW-Comments- 4/2/2012	Not applicable