

EXHIBIT A

RESOLUTION NO. PC 15-18

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

California Environmental Quality Act (CEQA) Finding

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

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

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

Coastal Development Finding

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

Conditional Use Permit Finding

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

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

STANDARD CONDITIONS

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

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

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

PLANNING CONDITIONS

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

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

9. Insurance:

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

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

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

ENVIRONMENTAL CONDITIONS

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

PUBLIC WORKS CONDITIONS

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

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

FIRE CONDITIONS

Emergency Response Plan

1. Applicant shall prepare and provide an Emergency Response Plan (ERP) for the planned storage tank and piping demolition and removal at the former Navy Jet Fuel Storage Site at 3300 Panorama Drive. The ERP shall be submitted to the City of Morro Bay Fire Department for review prior to any construction or deconstruction activities on site. A copy of the ERP will be maintained on-site for the duration of all site activities and include the following information:

- a. **Emergency Response.** Potential site emergencies may be natural or man-made and include, but not limited to, fire, explosions, chemical releases or spills, civil disturbances or workplace violence, bomb threats, and other unplanned physical or chemical exposures. The ERP will include appropriate methods of emergency response and notification.
- b. **Pre-Emergency Planning.** Site management personnel will prepare for an emergency before it happens based on site location, hazards, planned activities, weather, etc. Preventing emergencies can be accomplished through the identification and elimination of hazards.

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

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

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

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

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

emergency contact information.

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

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

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

however, highly volatile materials may require more.)

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

Summary of Requirements to Obtain Final Tank System Closure

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

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

California Fire Code Requirements (CFC)

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

- personnel. (CFC 3504.1.7)
28. A fire watch shall be provided during hot work activities and shall continue for a minimum of 30 minutes after the conclusion of the work. Morro Bay Fire Department is authorized to extend the fire watch based on the hazards or work being performed. (CFC 3504.2.1)
29. Location. The fire watch shall include the entire hot work area. Hot work conducted in areas with vertical or horizontal fire exposures that are not observable by a single individual shall have additional personnel assigned to fire watches to ensure that exposed areas are monitored. (CFC 3504.2.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BUILDING CONDITIONS

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

Chairperson Gerald Luhr

ATTEST

Scot Graham, Community Development Director

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

Attachment A

Mitigation and Monitoring Program

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Invertebrates

Morro shoulderband snail (*Helminthoglypta walkeriana*)

Insects

sandy beach tiger beetle (*Cicindela hirticollis gravida*)

globose dune beetle (*Coelus globosus*)

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

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

Fishes

coastal rainbow trout (*Oncorhynchus mykiss irideus*)

tidewater goby (*Eucyclogobius newberryi*)

Amphibians

California red-legged frog (*Rana draytonii*)

Reptiles

western pond turtle (*Emys marmorata*)

Coast horned lizard (*Phrynosoma blainvillii*)

silvery legless lizard (*Anniella pulchra pulchra*)

Mammals

Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)

big free-tailed bat (*Nyctinomops macrotis*)

western red bat (*Lasiurus blossevillii*)

pallid bat (*Antrozous pallidus*)

fringed myotis (*Myotis thysanodes*)

Yuma myotis (*Myotis yumanensis*)

long-legged myotis (*Myotis volans*)

long-eared myotis (*Myotis evotis*)

western small-footed myotis (*Myotis ciliolabrum*)

American badger (*Taxidea taxus*)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

