



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT
955 Shasta Avenue
Morro Bay, CA 93442

September 15, 2020

Edward Gallegos
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Major Amendment (MAJ 19-005) to #CP0-500 Coastal Development Permit & #UP0-440 Conditional Use Permit for 3300 Panorama Drive, Morro Bay (065-038-001)

Description: Major Modification to existing CPO-500 and UPO-440 for after-the-fact approval of the removal of 3 small sheds and 3 fire hydrants from the property located at 3300 Panorama. The permit approval also includes a new scope of work to remove siding from the electrical/transformer building that contains asbestos materials and replace with metal siding. One shed and one fire hydrant are located in the ESH area and half of the Electrical/transformer building is located in the ESH 50-foot buffer area. The site is zoned R-1/PD. A portion of the project is located within the Coastal Commission appeals jurisdiction.

Dear Mr. Gallegos:

The City of Morro Bay Planning Commission conditionally approved your request in a public hearing held on September 15, 2020. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. ***Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.***

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals except for those coastal development permits located in the coastal appeals jurisdiction.

Sincerely,
Scot Graham
Community Development Director

By:

Nancy Hubbard, Contract Planner



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

MAJOR MODIFICATION OF CDP and CUP

This approval is based upon the attached findings and is valid only if the attached conditions are met and only after the applicable appeal period. Failure to comply with the conditions of this permit shall, at the discretion of the Community Development Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

CASE NO: MAJ 19-005(CP0-500 and UP0-440)

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 3300 Panorama Drive

APPLICANT: Rhine LP, Morro 94, LLC

APN/LEGAL: 065-038-001

DATE APPROVED: September 15, 2020

APPROVED BY: Planning Commission

CEQA DETERMINATION: Mitigated Negative Declaration

DESCRIPTION OF APPROVAL: *Major Modification to existing CPO-500 and UPO-440 for after-the-fact approval of the removal of 3 small sheds and 3 fire hydrants from the property located at 3300 Panorama. The permit approval also includes a new scope of work to remove siding from the electrical/transformer building that contains asbestos materials and replace with metal siding. One shed and one fire hydrant are located in the ESH area and half of the Electrical/transformer building is located in the ESH 50-foot buffer area. The site is zoned R-1/PD. A portion of the project is located within the Coastal Commission appeals jurisdiction*

YOUR PROPERTY IS LOCATED IN THE CITY of Morro Bay JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) Calendar days, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE CITY COUNCIL/PLANNING COMMISSION.

YOUR PROPERTY IS LOCATED in the COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within **TEN (10) Working days following Commission receipt of this notice and after expiration of the City of Morro Bay appeal period.** Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 831-427-4863. If you have any questions, please call the City of Morro Bay Community Development Department, 772-6264.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: On or about September 26, 2020.

ATTEST: _____ DATE: September 15, 2020

**THIS IS A DISCRETIONARY APPROVAL AND DOES NOT
CONSTITUTE A BUILDING PERMIT**



CITY OF MORRO BAY COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

DATE OF NOTICE: SEPTEMBER 26, 2020

NOTICE OF FINAL CITY ACTION on
Coastal Development Permit No. MAJ19-005 (OF CP0-500 & UP0-440)

THE FOLLOWING PROJECT IS LOCATED IN THE MORRO BAY COASTAL ZONE AND A COASTAL PERMIT APPLICATION HAS BEEN ACTED ON BY THE CITY.

Applicant: Rhine LP, Morro94, LLC

Address: [REDACTED]

Project Description: Major Modification to existing CPO-500 and UPO-440 for after-the-fact approval of the removal of 3 small sheds and 3 fire hydrants from the property located at 3300 Panorama. The permit approval also includes a new scope of work to remove siding from the electrical/transformer building that contains asbestos materials and replace with metal siding. One shed and one fire hydrant are located in the ESH area and half of the Electrical/transformer building is located in the ESH 50-foot buffer area. The site is zoned R-1/PD. A portion of the project is located within the Coastal Commission appeals jurisdiction.

Project Location: 3300 Panorama Drive, Morro Bay, CA

APN: 065-038-001

Zoning: R-1/PD/ESH

Land Use Plan/General Plan: Medium Density Residential/ Planned Development

Lot Area: 10.06 Acres

Filing Date: 8/20/19

Approval Body: Planning Commission

Action Taken: Approve with conditions

Action Date: September 15, 2020

THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 831-427-4863.

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. MAJ 19-005 (CP0-500 & UP0-440)

SITE LOCATION: 3300 PANORAMA DRIVE, MORRO BAY, CA

APPLICANT NAME: Rhine LP, Morro94, LLC

APPROVAL BODY: COMMUNITY DEVELOPMENT DIRECTOR

DATE OF ACTION: 9/15/20

I, AS AGENT FOR RHINE LP AND MORRO94, LLC, the undersigned, have read and reviewed the conditions of approval imposed by the Approval Body in its action approving Case Number: MAJ 19-005 (CP0-500 & UP0-440)

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

APPLICANT'S SIGNATURE

DATE

RESOLUTION NO. PC 14-20

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

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing via video conference on September 15, 2020 for the purpose of considering approval of a Major Modification (MAJ19-05) of Coastal Development Permit CP0-500 and Conditional Use Permit UP0-440 for the after-the-fact approval of the removal of three asbestos sided sheds and the new scope to remove asbestos siding from the electrical/transformer building and replace with metal siding (“Project”); and

WHEREAS, pursuant to the Governor's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19, the City of Morro Bay Planning Commission is authorized to hold public meetings via teleconferencing and all requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived; and

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

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

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

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

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

California Environmental Quality Act (CEQA) Finding

1. For purposes of the California Environmental Quality Act, a Mitigated Negative Declaration (the “MND”) (SCH#2016081001) dated June 2018 was approved by Planning Commission on June 19, 2018 and includes a Mitigation and Monitoring Program that is a condition of approval.

Coastal Development Finding

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

Conditional Use Permit Finding

1. As conditioned, the project is in compliance with the General Plan and certified Local Coastal Program and will not be detrimental to the health, safety, and general welfare of persons residing or working in the surrounding neighborhood.

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

I. FINDINGS OF APPROVAL

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

California Environmental Quality Act (CEQA)

1. For purposes of the California Environmental Quality Act, the project is subject to all requirements of the final MND, prepared in February 2018 and finalized in June 2018, which outlines mitigation measures to be incorporated into the project to ensure the project will have a less than significant impact on the environment, the project applicants agreed to all mitigations, and such mitigations are provided for in a Mitigation and Monitoring Program which is available on request.

II. CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. Permit: Major Modification to existing CPO-500 and UPO-440 for an after-the-fact permit for removal of 3 small sheds and 3 fire hydrants from the property located at 3300 Panorama. Permit also includes proposed removal of asbestos siding material from the Electrical/Transformer building and replacing the siding and roof with a metal material. One shed, and fire hydrant that have already been removed were located in the ESH Buffer area. The site is zoned R-1/PD. A portion of the project is located within the Coastal Commission appeals jurisdiction.
2. Inaugurate Within Two Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim,

action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
8. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

PLANNING CONDITIONS:

1. Construction Hours: Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
2. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
3. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, if any is required, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
4. Lead Based Paint Analysis: Prior to the start of the permitted work, applicant shall provide the City with a copy of a report analyzing the paint on the electrical/transformer building. If there are any traces of lead paint found, the contractor shall follow the protocol established in the original demo permit (Monitoring AQ-2)
5. Pre-Construction meeting: Prior to the start of the permitted work, a pre-construction meeting shall be held with the representative from Analytic Consulting Group, Inc, the

contractor performing the hazardous waste removal work and a representative of the Community Development Staff.

6. Work in the ESH: No work shall extend into the ESH. If the work is during nesting season, provisions of Mitigation Measure BR-6 shall apply.
7. Hazardous Material handling/abatement: Applicant shall insure that all materials are removed from the site by a licensed waste disposal transport service to a permitted disposal site. Licenses and disposal ticket shall be provided to the City. Asbestos material to be removed from the electrical/transformer building does not require full containment under Federal NESHAPS, SLO County APCD or Cal/OSHA rules. The material shall be encapsulated prior to removal and removed using the 'wet removal' method.
8. Environmental Compliance Monitoring: The applicant shall retain a qualified independent Environmental Compliance Specialist, to oversee and document compliance with all approved project related mitigation measures as well as environmental regulatory requirements pertaining to the proposed demolition activities. Consultant qualifications, duties and reporting protocols shall be subject to approval of the Community Development Director.
9. Full Site Assessment: Analytical Consulting Group shall take the lead in performing a full site assessment following the completion of all the work. The review may require documentation filing or oversight by the (California Department of Toxic Substances Control) DTSC.
10. Notice to all involved jurisdictions: The applicant and/or the applicant's consultants shall insure that all involved jurisdictions shall be notified of the proposed work related to the siding removal and replacement on the electrical/transformer building. Evidence of notification and responses providing either 'no further action' required notice, or information they require to allow the work shall be provided to the City planning staff prior to the start of the work.

NO FURTHER NEW CONDITIONS OF APPROVAL. ALL CONDITIONS OF APPROVAL AND MONITORING PLAN REQUIREMENTS ASSOCIATED WITH PERMITS UP0 440 and CP0 500 REMAIN IN FULL FORCE AND EFFECT.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of September 2020 on the following vote:

AYES: Lucas, Stewart, Ingraffia, Luhr

NOES: Barron

ABSENT:

ABSTAIN:

Chairperson Gerald Luhr

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 15th day of September 2020.