



CLAUDIA MORROW
Senior Vice President
Development

RECEIVED

OCT 19 2021

City of Morro Bay
Community Development Dept.

Ms. Cindy Jacinth
City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

Re: Vistra Energy CUP Application-Response to Information Request

Dear Ms. Jacinth:

This letter responds to your August 30, 2021, letter having the subject "1290 Embarcadero –Battery Energy Storage System (BESS) Project Coastal Development Permit (CDP)/ Conditional Use Permit (CUP) application (Case File# CDP20-026 & CUP20-014) – 2nd Plan Review.

Comment # 2: Average natural grade (ANG) is not shown correctly on the site plan or title page. Update the development standards table on the title page to reflect average natural grade for each proposed building on site by using the average natural grade calculated by denoting the high and low points for each building footprint. The title page currently only lists one ANG whereas multiple new buildings are proposed. Provide average natural grade by denoting the high and low point of the building footprint for each proposed structure.

Response to Comment #2: We have updated the Conceptual Site Plan drawing to show the existing low point as well as high point of grade inside the boundary of each building. We have used this data to update the natural grade calculation in the Title Page as well as updated the natural grade numbers that show on the different building drawings. The Title Page was updated and will be provided under separate Email.

Comment #4: Setbacks dimensioned on the site plan do not correspond to the setbacks noted on the title page. Although the proposed structures will meet the minimum required setbacks, please clarify and update plan sheets accordingly.

Response to Comment #4: We have updated the Title document to list the closest structure to the property line, even if it is a T-Line Pole for the closest Front Yard Setback and the distance from the PG&E substation property line as the Side Yard Setback.

Comment #12: Elevation information was included in the resubmittal, but is not shown correctly. Elevation A-A depicts the height of the building as "building high point" of 55 feet. Calculation of average natural grade utilizing the high and low point of a building foot print would be a grade point not a vertical height data point. In the City's prior letter dated 1/21/2021, we requested that building height information be denoted by tying into the grading plan as well as provide real elevation numbers in association with average natural grade, for all finish floors, for the high point of the roof, and for the proposed roof mounted equipment. See image sample below for reference of a building illustration where maximum height is 30 feet from average natural grade.

Response to Comment #12: We have updated the drawings for the buildings and included two additional drawings for the buildings to show dimensions on each building. The location of the elevation cuts are shown on the Conceptual Site Plan.

Comment #13: Your 2/18/2021 response noted that the site is not in a 100-year flood plain. Please refer to Public Works comment letter attached dated 3/25/21 regarding that a portion of the project is located in Flood Zone AE and respond accordingly.

Response to Comment #13: The applicant will obtain a Flood Hazard Development Permit by providing the applicable information requested by the Public Works Department prior to development and construction of the project. This permit and the supporting data (i.e., Flood Certificate, Flood Proofing Certificate, and Standards of Construction) will be pursued during detailed design. To clarify the current design intent, the proposed equipment is planned to be located within the existing tank containment area, which is protected from flood inundation by an earthen berm and this area is outside of the mapped Zone AE base flood limits.

Comment #19: It appears that the project is proposing buildings that would exceed the maximum height of 30 feet for the zone district, pending revised plans that need elevation information corrected as noted above. This comment item remains outstanding and if the rooftop mechanical screening cannot be modified to fit within the maximum height, staff is open to further discussion on options for significant public benefit.

Response to Comment #19: We have updated the drawings for the building elevations with the updated natural grade numbers and the height about natural grade.

Correction #5: The rooftop mechanical screening is proposed at 10 feet (above the 30-foot building height). Additional plan detail is needed to be included in the project plans as part of the Planning Commission review. It is noted that the email received 8/30/2021 included a visual simulation of what the screening for rooftop mechanical equipment might look like. Include a plan sheet that is a cross section of roof that shows height of proposed equipment and height of screen.

Response to Correction #5: This comment is noted. More detailed design is ongoing, and this information will be submitted as it becomes available.

Correction #6: This item is unresolved. Provide additional cross section drawing through one of the buildings that includes the foundation and pilings. Provide piling detail.

Response to Correction #6: The Applicant is in the process of conducting geotechnical investigations to better inform the project design. Additional cross sections will be provided once the results of the investigation have been incorporated.

Correction #7: As noted above, the land use for the property has been changed in the GP/LCP update from coastal-dependent industrial to visitor-serving commercial, both of which are land uses that are inconsistent with the proposed project. Email correspondence sent on July 21, 2021 advised your agent that the application will need to be revised to include a request for a GP/LCP amendment. Title sheet of plans should be revised to reflect new land use designations.

Response to Correction #7: This comment is noted. The Applicant and City staff, including legal counsel are in discussions regarding the appropriate path forward on this issue.

Correction #8: Staff has reviewed the technical studies submitted in support of the application. In addition, these reports have been provided to Rincon Consultants. Your response to the RFI requested by Rincon was received via email today 8/30/2021 and has been forwarded to Rincon for review and evaluation. Please provide clarification on the following staff notes:

- The 2/3/2021 Protocol Survey Report for MSS noted that three surveys for MSS were done in December 2020 and January 2021 and notes that per USFWS protocol an additional two surveys would be done for the 2020-2021 season. Provide an update to verify if the 2 additional surveys were done, and no-take concurrence authorization by USFWS (Ms. Julie Vanderweir). The No-take concurrent request dated March 9, 2016 is for a different, much smaller project and does not reference the current protocol surveys performed earlier this year.
- The traffic study prepared by ATE dated February 2, 2021 includes three Access Scenarios showing construction traffic and/or employee traffic through either Beach Street or Quintana. No scenario however is shown that directs all construction trip traffic and employee trip traffic via Quintana. Provide further justification why project impacts (construction and employee trips) cannot be limited to Quintana Rd only. Staff recommends that both construction and employee traffic avoid Beach Street and Embarcadero due to the limited access especially during busy tourist season timeframes. This is also based on the impacts described in the traffic report during shift changes. In addition, the traffic report notes that construction traffic is not expected to occur on

weekend but may occur depending on project considerations. Please note that any construction or employee traffic that would occur on weekend would be limited to Quintana Road only due to heavy tourist traffic volume that occurs the majority of the year including during the 4-6pm traffic times noted in the ATE report.

- The 2/17/2021 resubmittal included a geologic hazards and resources report with no cover letter or notation on who prepared this report and when. Please clarify and provide the complete report.
- Page 24 of the above referenced geologic report notes that an engineering geology report will be developed as part of project siting design and developed in conformance with the 1998 California Building Code (CBC). Revise report to reflect conformance with the 2019 CBC which is the current code cycle we follow.
- What is the current status of the draft soil management plan prepared by Terraphase Engineering and dated October 2020. Has it been approved by DTSC as noted in the DTSC Responsiveness Summary dated 12/21/2020?
- What is the status of the groundwater evaluation submitted to DTSC on 9/24/2020?

Response to Correction #8:

- A revised version of the Biological Resources Report has been provided for your review.
- The comments regarding traffic are noted. The traffic report examined several scenarios in order to inform the CEQA review.
- The DTSC approved the Final Soil Management Plan on July 21, 2021 (Attachment B).
- The DTSC approved the Final Screening Level Risk Assessment Report for Groundwater on August 25, 2021 (Attachment C).
- DTSC opened the public comment period on October 13, 2021 and a public hearing will be held via Zoom on November 16, 2021. The public comment period will close on December 9, 2021. Following review of all public comments, DTSC will prepare a Responsiveness Summary and provided no significant issues are raised by the public, move forward to record the LUC for the tank farm area segment of AOC-1.

As always, please do not hesitate to call me or Perry Fontana if you have any questions.

Sincerely,

Claudia Morrow

Claudia Morrow
Senior Vice President
Vistra Corp

Attachment A-Revised Drawings

Provided under separate Email

Attachment B-Approved Soil Management Plan

Attachment C- Approved Final Screening Level Risk Assessment Report for Groundwater