

## Angie Buoncristiano

---

**From:** Mary Ann Britton [REDACTED] >  
**Sent:** Friday, November 1, 2024 9:17 PM  
**To:** Kim Fowler; Airlin Singewald  
**Cc:** Council; Sarah.MacGregor@coastal.ca.gov; Planning Commission  
**Subject:** Plan for 3300 Panorama

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

November 1, 2024

City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, California 93442  
RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

WOW! After the meeting three years ago, and all of the FACTS and CONCERNS Morro Bay residents brought forward, I figured common sense had WON. But, no! The development at 3300 Panorama is still being pushed forward. My family have been residents of North Morro Bay for the past 25 years. We are concerned about the initial construction impacts as well as the long term consequences of this site.

We have purchased and sold four different homes over the past 25 years in North Morro Bay. With each sale and purchase we received a "Map of Statutory Natural Hazard Zone." It is a KNOWN FACT that this proposed construction site is a slide zone along with drainage issues towards Tahiti and Whidbey Streets. Yes, replacement soil and decomposed granite will help AT the construction site, BUT what about the area above? It WILL be disturb. Panay, Rennel, Luzon, and Kodiak streets are all within the slide zone. Fences and power lines along Panorama are already leaning. These are all long term concerns. Will the City of Morro Bay be responsible to the families whose homes and lives are lost to slides or flooding. Will the City of Morro Bay be prepared to pay for damages for a site that is KNOWN to be dangerous? Will the developers be responsible to hold an escrow account to cover the damages to the roads, wild life, loss of homes, and lives? The HOA surely will not cover these expenses. The City of Morro Bay will be held responsible. Morro Bay is SMARTER than this.

In the short term, the concern list is equally as shocking. The construction on Blanca Street has damaged the streets extensively, and that was only to build four homes, not 46!!! The 36 trees that had to be planted due to the illegal cutting are going to be removed. WHAT? The noise, traffic, dust, and inconvenience of the four homes being built on Blanca can be felt all over the neighborhood. Now, 46

MORE are coming? NO! Safety is a HUGE issue. Our streets are so narrow. If someone is parked along the street, it is difficult for the Waste Management to get their trucks through let alone LARGE construction trucks hauling dirt and supplies in and out for months. We are a community of many retired people. Medical vehicles need to have easy access; this will not be the case if this site goes through. Has a traffic study been completed? Safety and common sense need to be the top priority.

There are too many inconsistencies in the reports. This project application and environmental review should not proceed until after the project site is remediated and released by the Regional Water Quality Control Board for development. The draft EIR should include a complete study and review of the potentially significant impacts.

Please be SMART Morro Bay and thoroughly do your homework.

Sincerely,

MaryAnn Britton

██████████ ██████████  
Morro Bay, CA 93442

██████████



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



November 1, 2024

Kim Fowler, Planning Manager  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, California 93442  
805-772-6577  
[kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

**Subject: 3300 Panorama Drive Project (Project)  
Notice of Preparation (NOP)  
State Clearinghouse No.: 2024100022**

Dear Kim Fowler:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Morro Bay, as Lead Agency, for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

---

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 2

agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515)
- Specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15).

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Morro 94 LLC

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 3

**Objective:** The Project proposes the demolition of onsite structures and the subdivision of the 10.1-acre Project site to create 46 residential lots and one common lot. Residential lots would range in size from approximately 2,800 square feet to 6,690 square feet and would be developed with a total of 46 single family residences, 16 of which would contain separate living facilities interior to the structure. Onsite vehicular access would be provided by newly created internal roadways that would provide access to residential lots throughout the site. There would be two ingress connections from the private roads on the Project site to the public street, Panorama Drive. Portions of the Project site would also be used for drainage, infrastructure, and open space.

**Location:** The 10.1-acre Project site is located at 3300 Panorama Drive in the northeast corner of the City of Morro Bay, in San Luis Obispo County. The Project site is approximately 2,000 feet east of the Pacific Ocean and is within the Coastal Zone as established by the California Coastal Commission. The Project is located within Assessor's Parcel Number (APN): 065-038-001.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Morro Bay in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

Aerial imagery of the Project site and its surroundings show the area contains three abandoned operations buildings, a control building, and an asphalt parking lot. The Project site, aside from the existing buildings, consists primarily of annual grassland and riparian habitat, with portions of the Project site supporting planted Monterey cypress (*Hesperocyparis macrocarpa*). An unnamed stream is present along the northwestern perimeter of the property which conveys flows from the upslope hillside into a culvert located north of the control building and paved parking lot, and ultimately into the Pacific Ocean. The Project site is bordered by residential housing to the northwest, west, and southwest and surrounded by undeveloped open space to the northeast, east, and southeast.

A review of the California Natural Diversity Database (CNDDDB) (CDFW 2024) and inaturalist (inaturalist 2024) shows the Project site is within the geographic range of several special-status species, including: the State fully protected white-tailed kite (*Elanus leucurus*); the State candidate burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern and federally threatened California red-legged frog (*Rana draytonii*); and the State species of special concern American badger (*Taxidea taxus*), loggerhead shrike (*Lanius ludovicianus*), coast horned lizard (*Phrynosoma blainvilli*), and northern California legless lizard (*Anniella pulchra*).

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 4

### **White-tailed Kite**

The State fully protected white-tailed kite (WTKI) may occur in the vicinity of the Project site. There were no referenced focused surveys or avoidance measures in the Biological Resources Assessment (BRA) for WTKI. As such, to avoid potential Project-related impacts to the species, CDFW recommends that a qualified biologist conduct focused surveys for nesting WTKI within a ½ mile radius around all Project activities as part of the biological studies conducted in support of the DEIR. In addition to the habitat assessment and focused surveys for WTKI, CDFW recommends the DEIR include the following:

#### **Recommended Mitigation Measure 1: White-tailed kite no-disturbance buffer**

CDFW recommends a minimum no-disturbance buffer of ½-mile be delineated around active WTKI nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

#### **Recommended Mitigation Measure 2: White-tailed kite Consultation**

In the event that WTKI are detected during surveys, consultation with CDFW is warranted to discuss Project implementation and take avoidance.

### **Burrowing Owl**

The California Fish and Game Commission (FGC) approved burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). As BUOW is now considered a candidate under CESA, CDFW recommends updating the pre-construction survey and avoidance measures for BUOW in the NOP with the following mitigation measures:

#### **Recommended Mitigation Measure 3: BUOW Preconstruction Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for BUOW within 14 days prior to the start of ground disturbing activities. As part of these surveys, CDFW recommends the qualified Biologist conduct two take avoidance (pre-construction) surveys consistent with the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012). The two surveys shall be conducted at least seven days apart, with the final survey conducted within 48 hours prior to ground disturbance. If a lapse in Project-related work of 14 calendar days or longer occurs, another take avoidance survey is recommended.

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 5

#### **Recommended Mitigation Measure 4: BUOW take authorization**

If surveys indicate the presence or potential presence of BUOW, consultation with CDFW is recommended for guidance on the development of mitigation measures such as avoidance, minimization, and mitigation. If take cannot be avoided, acquisition of an ITP pursuant to Fish and Game Code Section 2081(b) would be required to comply with CESA, prior to initiating ground-disturbing activities.

#### **Crotch's Bumble Bee**

The Project site is within the range of Crotch's bumble bee (CBB) and CDFW is aware of multiple occurrences of CBB along the Central Coast within the Project vicinity. CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements appear to be present within the Project site. As the NOP and BRA, which was prepared to inform the NOP, do not include a discussion for this species, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological studies conducted in support of the DEIR to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). In addition to the habitat assessment and focused surveys for CBB, CDFW recommends the DEIR include the following:

#### **Recommended Mitigation Measure 5: CBB Habitat Assessment**

CDFW recommends a qualified biologist conduct a habitat assessment prior to construction to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

#### **Recommended Mitigation Measure 6: CBB Surveys**

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 6

### **Recommended Mitigation Measure 7: CBB Avoidance**

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

### **Recommended Mitigation Measure 8: CBB Take Authorization**

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

### **State Species of Special Concern**

CDFW concurs with the BRA's Mitigation Measures 5 through 8 for American badger, loggerhead shrike, California red-legged frog, coast horned lizard, and northern California legless lizard and it is recommended that these measures be incorporated within the DEIR.

### **Editorial Comments and/or Suggestions**

**Nesting birds:** CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 7

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**Lake and Streambed Alteration:** Based on aerial imagery and the NOP, there is an existing stream on the Project site. CDFW would like to emphasize that any Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

**CNDDDB:** Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 8

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

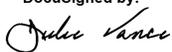
If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Morro Bay in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions regarding this letter or further coordination, please contact Evelyn Barajas- Perez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 503-5738, or by electronic mail at [evelyn.barajas-perez@wildlife.ca.gov](mailto:evelyn.barajas-perez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 9

ec: State Clearinghouse  
Governor's Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

CESA [R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov)

LSA [linda.connolly@wildlife.ca.gov](mailto:linda.connolly@wildlife.ca.gov)

Kim Fowler, Planning Manager  
City of Morro Bay  
November 1, 2024  
Page 10

## REFERENCES

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.

California Department of Fish and Wildlife. 2024. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 15 October 2024.

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.

iNaturalist. 2024. <https://www.inaturalist.org>. Accessed 17 October 2024.

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: 3300 Panorama Drive Project Morro 94, LLC (065-038-001) (Project)  
Notice of Preparation (NOP)**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
<i>White-tailed kite</i>	
<b>Mitigation Measure 2: White-tailed kite Consultation</b>	
Consult with CDFW if white-tailed kites have been detected on the Project site	
<i>Burrowing Owl</i>	
<b>Mitigation Measure 3: Pre-Project Activity Surveys</b>	
Qualified biologist conducts two take avoidance (pre-construction) surveys	
<b>Mitigation Measure 4: BUOW take authorization</b>	
Pursue an ITP if BUOW take cannot be avoided	
<i>Crotch's Bumble Bee</i>	
<b>Mitigation Measure 5: CBB Habitat Assessment</b>	
Conduct habitat assessment for CBB	
<b>Mitigation Measure 6: CBB Surveys</b>	
Conduct focused surveys for CBB	

<p><b>Mitigation Measure 8: CBB Take Authorization</b></p>	
<p>If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.</p>	
<p><b><i>During Construction</i></b></p>	
<p><b>Mitigation Measure 1: White-tailed kite no-disturbance buffer</b></p>	
<p>If active nests are found it is recommended maintain a 0.5-mile buffer</p>	
<p><b>Mitigation Measure 7: CBB Avoidance</b></p>	
<p>CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet</p>	

## Angie Buoncristiano

---

**From:** Susan Walker <[REDACTED]>  
**Sent:** Sunday, November 3, 2024 12:24 PM  
**To:** Kim Fowler; Airlin Singewald  
**Cc:** Council; sarah.macgregor@coastal.ca.gov; Planning Commission; Susan Walker  
**Subject:** 3300 Panorama Drive Project EIR Scoping

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear Ms. Fowler,

I am a resident of North Morro Bay. This letter contains my comments regarding the scope of the draft Environmental Impact Report of the 3300 Panorama project. First, the project scoping meeting Oct 17, 2024 was not properly noticed, as many residents indicated they did not receive a notice to attend. A second meeting should have been scheduled as requested, but it was not.

The study is flawed and contains conclusions that are unsupported by evidence provided. This project application and environmental review should not proceed until after the project site is remediated and released by the Regional Water Quality Control Board for development. The draft EIR should include a complete study and review of the following potentially significant impacts.

First, and most importantly to me, is the geologic risk from landslide and earthquakes. My family purchased our home on Whidbey Way 1978, we have been in this neighborhood for many years. This mountain has slide potential for years, and with the possibility of this development I very am concerned it will create an even more unstable environment. Geology reports indicate the unstable ground on the CA Coast. As the storms on the Coast become more powerful, dropping more storm water we are seeing more and more landslides up and down Hwy 1. If you are a resident here, it's impossible not to see this as a serious concern. This potential development needs to ensure the stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or the surrounding area.

The determination that Geology and Soils impacts are less than significant is not supported by the Geology report which indicates that the project site is unstable. A ten foot buffer is insufficient to protect new and surrounding homes from landslide damage. The geology and soils issues must be included and addressed further by the EI.

Second major concern is the air quality. The project site is a former site of two jet fuel tanks. This should be studied further in the EIR and I do not agree with the "less than significant" determinations. I do not want myself, my family, my grandson or my neighbors breathing toxic air because of this potential project.

Concerns about water and flooding are significant, and even the destruction of our very narrow underdeveloped, with no shoulders and no sidewalk streets. A study must address the safety issues for our children and grandchildren that play on these streets, as well as the damage to our parked vehicles and roads with the potential of 75 truckloads of fill coming through our neighborhood streets daily for months. The conclusions that the impacts will be less than significant are not supported.

Sincerely,  
Susan Walker  
POA/Robert Walker

Susan J. Walker



## Angie Buoncristiano

---

**From:** Kim Fowler <kfowler@morrobayca.gov>  
**Sent:** Wednesday, November 6, 2024 8:36 AM  
**To:** Brian Schwartz  
**Cc:** Airlin Singewald  
**Subject:** Fw: 3300 Panorama Drive Project EIR Scoping

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** Carly Burdge <[REDACTED]>  
**Sent:** Tuesday, November 5, 2024 2:13 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Subject:** Re: 3300 Panorama Drive Project EIR Scoping

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

11/5/2024

Dear Ms. Fowler,

I am a resident of North Morro Bay. This letter contains my comments regarding the scope of the draft Environmental Impact Report for the 3300 Panorama project.

I am writing to express my concerns regarding the proposed 46-unit housing development in our neighborhood. While I understand the desire to address housing needs, I believe a project of this scale could have significant environmental and social impacts on our community. I respectfully urge the council to carefully consider the following points:

#### Environmental Concerns:

- **Ecosystem Disruption:** The construction and increased residential activity threaten our sensitive coastal ecosystems, which provide habitats for a diverse array of wildlife. Disturbing these areas could lead to habitat fragmentation, pollution, and a decline in biodiversity, impacting our natural surroundings and diminishing Morro Bay's unique environmental appeal.
- **Water Resource Strain:** California's drought conditions have underscored the importance of water conservation, and Morro Bay already faces challenges managing its limited water resources. The additional demand from 46 new households could strain our water supply, potentially resulting in increased restrictions for existing residents.

#### Social Concerns:

- **Community Character:** Morro Bay is valued for its small-town atmosphere, close-knit community, and slower pace of life. Rapid increases in housing density risk altering the town's unique character, which could diminish the sense of connection and belonging that many residents cherish.
- **Increased Traffic and Infrastructure Pressure:** A large influx of new residents may lead to more traffic, overburdened infrastructure, and overcrowded public spaces, which can negatively impact daily life and diminish the quality of our shared resources and services.

While I recognize the need for housing, I believe that we should prioritize responsible, balanced growth. Smaller-scale or alternative housing solutions could help address housing needs without compromising the environment or the special community atmosphere of Morro Bay.

Thank you for considering these concerns as you evaluate the proposal. I am hopeful that we can work together to find a solution that supports sustainable development while preserving the long-term well-being of our town.

Sincerely,

Carly Burdge

## Angie Buoncristiano

---

**From:** Leslie Wyss [REDACTED] >  
**Sent:** Tuesday, November 5, 2024 10:13 AM  
**To:** Kim Fowler  
**Cc:** Airlin Singewald; sarah.MacGregor@coastal.ca.gov; Council;  
centralcoast@waterboards.ca.gov; Planning Commission  
**Subject:** 3300 Panorama Drive Project EIR Scoping

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

November 4, 2024

Ms. Kim Fowler  
Interim Planning Manager, City of Morro Bay

cc: Airlin Sinbgewald, Community Development Director, City of Morro Bay  
Sarah MacGregor, Coastal Planner, CA Coastal Commission  
Mayor & City Council, City of Morro Bay  
Chairman & Commissioners, City of Morro Bay Planning Commission  
Central Coast Regional Water Quality Control Board  
Subject: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

I am a resident of North Morro Bay. I am contacting you with my comments regarding the scope of the draft EIR for the proposed development at 3300 Panorama Dr. I was not notified of the scoping meeting held on 10/17/24. This concerns me as I own property on the corner of Whidbey St. and Panorama Drive, directly opposite the proposed site. I most certainly am a stakeholder in this matter and as a tax paying, full time resident of this town, I respectfully request that we are included in all communications from your office regarding this matter.

I have reviewed the initial study listing the potential environmental factors affected by this project. I see six out of 21 categories selected. This grossly understates the potential factors that should be investigated by the EIR. Let's require the developer to do his due diligence and cover all potential environmental hazards. I will address a few that should be included in the EIR:

**Aesthetics:** The private, gated or fenced, community is inconsistent with the small town, small scale character of this Morro Bay neighborhood. This type of development invites 2nd home owners and encourages short term rentals. This is the friendliest neighborhood I have ever lived in. To include a fenced development, with private streets, and HOA is not in keeping with the existing neighborhood. My husband and I sold a home in Cayucos to move here because of the friendly atmosphere and the fact that residents live full-time in this special Morro Bay neighborhood.

**Population and Housing AND Land Use Planning:** Is this really the type of development that the State of CA is mandating our city to provide? Will these dwellings be affordable? I suspect not. Will the ADUs be utilized to house full time residents or used as income generation as illegal short term rentals? Does this project meet the analysis of the projected housing needs of this community? Where else in the city are developments of this size proposed? Are we providing adequate sites for rental housing, factory-built housing, mobile homes and emergency shelters as the State of CA mandates?

**Wildfire AND Flooding (also affecting Utilities and Service Systems, Hydrology and Water Quality and Public Services):** The SLO County Map of Statutory Natural Hazard Zones identifies the hillside above Panorama Dr. as **Wild Land Area with Substantial Forest Fire Risk**. This map also identifies the building site as a **Special Flood Hazard Area**. These concerns are worth investigating and should be included in the EIR. With an estimated increase of 4 acres of impermeable surfaces, what increased volume of runoff water will be released into an already inadequate drainage system on Panorama Drive? Will the City be able to provide services adequate to cover increased demands?

**Transportation:** A traffic study must be completed to identify the impact to the existing neighborhood. How many car trips per day will be added? Can the existing streets handle the increased traffic? What is the impact of mitigation measures (such as street widening) to the existing homeowners? Is this in keeping with our guiding principles to create new development which fits and strengthens the unique small coastal town image and character of Morro Bay?

**Hazardous Materials, Hydrology and Water Quality AND Air Quality:** What are the impacts of construction in an area contaminated with jet fuel? This issue should be mitigated prior to the start of construction. What are the impacts of hazardous materials in the inevitable dust and particulate matter released during construction? It has come to my attention that the Regional Water Quality Control Board has not released this property for development. These dangers should be mitigated prior to RWQCB approval.

**Geology and Soils:** The danger from landslide and earthquakes must be addressed in the EIR. With climate change, we will likely see increased incidents of usually heavy rainfall. Is this really a smart location for this large development?

Please hear my concerns and include items I've mentioned above in the scope of the Draft EIR.

Sincerely,  
Leslie Wyss

██████████. Morro Bay, CA 93442

## Angie Buoncristiano

---

**From:** Kim Fowler <kfowler@morrobayca.gov>  
**Sent:** Wednesday, November 6, 2024 5:44 PM  
**To:** Jeanne Marie Colby  
**Cc:** Airlin Singewald; Kristen Headland  
**Subject:** Re: 3300 Panorama Drive Initial Study question  
**Attachments:** 2023-08-18\_Transportation Impact Study-CCTC-August 2023.pdf

See attached.

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** Jeanne Marie Colby <[REDACTED]>  
**Sent:** Wednesday, November 6, 2024 5:02 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Cc:** Airlin Singewald <asingewald@morrobayca.gov>; Kristen Headland <[REDACTED]>  
**Subject:** Re: 3300 Panorama Drive Initial Study question

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

Hi Kim, that study you referenced was conducted in 2016 in relation to removal of the fuel tanks. The one I am asking about was described differently and was done in August 2023. Could you please find that one? I have looked on the 3300 Panorama page and don't see it. Thank you,  
Jeanne Marie

Sent from my iPhone

On Nov 6, 2024, at 4:04 PM, Kim Fowler <kfowler@morrobayca.gov> wrote:

Hi Jeanne,

Thank you for the inquiry. The link to the study is provided on the [3300 Panorama page of the city's website](#); you can also access this study by clicking [here](#). Please let us know if you have any follow-up questions.

Thank you!

<Outlook-  
vq0phh3n.jpg>

**Kim Fowler, Planning Manager**

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

**City of Morro Bay | Community Development Department**

955 Shasta Avenue | Morro Bay, CA 93442

[www.morrobayca.gov/planning](http://www.morrobayca.gov/planning)

**NOTICE:** Counter Hours are Monday through Thursday 8:00 AM to 5:00 PM. Open by appointment on Friday.

---

**From:** Jeanne Marie Colby <[REDACTED]>

**Sent:** Wednesday, November 6, 2024 3:05 PM

**To:** Airlin Singewald <asingewald@morrobayca.gov>; Kim Fowler <kfowler@morrobayca.gov>; Kristen Headland <kheadland24@gmail.com>

**Subject:** 3300 Panorama Drive Initial Study question

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

Dear Mr. Singewald:

On page 75 of the Initial Study, under the transportation section, an exhibit is referenced as Appendix E:

"The transportation analysis provided herein is based on a Transportation Impact Study (TIS) completed by Central Coast Transportation Consulting for the project in August 2023. The TIS is included as Appendix E."

I am having trouble locating this. Could you tell me where, on the City's website, to look for this Transportation Impact Study?

If it is not on the city's website, could you upload it, and let me know where to look?

Thank you,

Jeanne Marie Colby

Kim Fowler, Planning Manager  
City of Morro Bay, Community Development Department

RECEIVED

NOV 06 2024

City of Morro Bay  
Community Development Dept.

Subject: 3300 Panorama Drive Project EIR Scoping

A Guiding Principle for development is that "all new and remodeled development fit into the small town scale of the community while preserving and strengthening the unique small coastal town image and character of Morro Bay."

The roads in the proposed development area are narrow. They never were intended to carry more traffic; nor do we want wider streets to take up more of our small properties. There is no safe, satisfactory ingress or egress to the planned development. Some of us do not have garages and must park in front of our homes.

This is only one aspect of the many, many concerns which would forever adversely affect the neighborhood / environment where we live. The proposed development needs to stop.

Richard and Marcy Dorflinger  
[REDACTED]  
Morro Bay

*Richard Dorflinger*  
*Marcy Dorflinger*

November 6, 2024  
City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, California 93442

RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

My name is Annette Godsey and I live at 423 Rennell St. in north Morro Bay. I am writing because I have concerns regarding the scope of the draft Environmental Impact Report for the 3300 Panorama Project. I was surprised that upon arriving home from a New York trip to discover I had missed the short notice given for an October 17, 2024 project scoping meeting. Therefore I'd like to add a few comments.

There is so much wrong and scary about this project document. Let me just mention a few concerns. Firstly, the condition of the existing streets. Huge trucks are going to travel in and out of the project creating noise, pollution and damage to the area. The streets are narrow and in disrepair with poor substructure. Accounting for 2 cars per house, there will be approximately 100 more cars using 2 or 3 streets on a daily basis along with very heavy trash, green and recycle trucks. This creates more damage to the presently weak streets, a lot more noise, and danger to pedestrians at streets with no stop signs. I have lived here for over 20 years and have witnessed how our street are in continual disrepair. The base does not support the asphalt and the result is constant potholes (And lots of them!!). We have plenty of speeding cars mixed with walkers, bikers, and pets. Add the potential of flooding and mud slides and we have trouble.

Pollution with noise and dust is also a big issue. Will soil be brought in from other areas? Will that soil be tested for toxicity and Valley Fever? I understand the soil presently there needs further cleanup as well.

Another concern of mine in this area is the removal of trees. To my knowledge these trees are Monterey Cypress (the official city tree). They house numerous species of wildlife. I know this because the city recently removed one from my front yard. We are losing our trees!!! And we are losing places where animals reside and call their home. I lost a great horned owl and many crows. Now they have to use the phone lines. At no time for any reason should we remove healthy trees. Will these trees be replaced with more trees????

What about flood damage caused by storm runoff? There is flooding history in this area. Who pays for the damaged houses and streets caused by floods and mudslides that we all know is eminent in this area especially after the hillside is altered and we are expecting heavier rainfall in the coming years. I'm not willing to pay for that damage even through emergence services expenses or through taxes.

Unless the city excepts more responsibility for this project we could have a real disaster on our hands. This responsibility could entail the city hiring a consulting firm other than Rincon who does not have a great record in our city. In any event I recommend more investigation, testing, transparency and OVERSIGHT. I would like the assurance that every day of construction there will be monitoring for proper adherence to the codes and promises. Protecting our wildlife, our neighbors and our city is of utmost importance. Being proactive also saves everyone time, money and heartache.

I have read many of the letters that have been submitted to you suggesting and recommending studies and precautions before this property is released for development. I am trusting the city to make good decisions and plan ahead for the safety of our community.

Respectfully submitted, Annette Godsey [REDACTED]  
: CC: Mayor Wixom and Morro Bay City Council; Planning Chair and Commissioners

## Angie Buoncristiano

---

**From:** mitch wyss [REDACTED]  
**Sent:** Wednesday, November 6, 2024 4:11 PM  
**To:** Kim Fowler  
**Cc:** Airlin Singewald; sarah.MacGregor@coastal.ca.gov; Council;  
centralcoast@waterboards.ca.gov; Planning Commission  
**Subject:** 3300 Panorama Drive Project EIR Scoping

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

November 4, 2024

Ms. Kim Fowler  
Interim Planning Manager, City of Morro Bay

cc: Airlin Sinbgewald, Community Development Director, City of Morro Bay  
Sarah MacGregor, Coastal Planner, CA Coastal Commission  
Mayor & City Council, City of Morro Bay  
Chairman & Commissioners, City of Morro Bay Planning Commission  
Central Coast Regional Water Quality Control Board

Dear Ms. Fowler,

I am a resident and homeowner in North Morro Bay. I am extremely concerned about the scoping process to the 3300 Panorama Project. I was not notified of the project scoping meeting held on 10/17/24 despite the fact that my property is directly adjacent to the proposed development site. My wife and I both requested a second public meeting to address the scope of the upcoming EIR on this project, but to date, we have not heard back from you.

The proposed development, with its private roads and HOA is completely inconsistent with the North Morro Bay neighborhood. A guiding principle to the Planning Division of Morro Bay states: *"All new development fit into the small town scale of the community while strengthening the unique small coastal town image and character of Morro Bay."* This proposed development could not be further from this important principle.

My primary concerns are:

1. **Slippage.** All geologic maps show this a geologically unstable area. The soils in the 10 acre building site might be mitigated, but not the large hillside above it.
2. **Water Runoff & Infrastructure.** This project is within the map of Statutory natural Hazard Zone according property disclosure reports. At least four of the 10 acres will be impermeable surfaces, paved or covered with roofs. Panorama St. is already close to overflow when there is heavy rain & runoff. With no curbs and overflowing storm drains the additional runoff will cause flooding on the properties below. This project should be on hold until released for development by the Water Quality Control Board.
3. **Traffic.** These narrow, unmarked streets already impacted by too much traffic. The EIR needs to include a traffic study. Where exactly is there room for 17 parking places on Panorama St.?
4. **Contaminated Soils.** This property was a military installation for many decades with documented leaks from jet fuels stored onsite. Toxic particulates in construction dust will affect air quality. Contaminated runoff will only push the problem further downstream where it will cause health issues for Morro Bay residents and wildlife.

This project is proposed by an out of town developer. Do not think he will use local contractors on this job. He has established relationships with contractors in Fresno and they will benefit from the work. The developer should be required to fund an escrow account of at least 100 million to cover damage from construction vehicles, erosion, drainage and landslides in the existing neighborhood. The tax payers of Morro Bay should not be liable for these issues that will impact us after this developer is long gone.

In conclusion, I believe that the City of Morro Bay is ill prepared to deal with the issues of this development. Please make sure the EIR covers the concerns that we local citizens - the homeowners and taxpayers of Morro Bay are requesting.

Sincerely,  
Mitchell Wyss

[REDACTED] Morro Bay, CA 93442

November 5, 2024

TO: Kim Fowler, Interim Planning Manager  
Morro Bay City Council  
Morro Bay Planning  
Regional Water Quality Control Board  
California Coastal Commission

FROM: Allan and Catherine Bell *AB*  
[REDACTED]  
Morro Bay, CA

RE: 3300 Panorama Development

Please address the following concerns regarding the proposed development at 3300 Panorama in Morro Bay in the Notice of Preparation:

- 1) You have indicated there is a "potential increase to stormwater runoff". The current drainage is seriously inadequate as the street fills with water and into yards during storms. This situation will naturally be exacerbated with this new development.
- 2) A traffic study needs to be scheduled. You mention there will be "25 worker trips and 33 trips for grading". When driving any of the streets involved in this project, current traffic conditions with cars on both sides of the streets, pedestrians walking since there are no sidewalks, along with very failing infrastructure, would tell us many changes need to be made.
- 3) This development will have a substantial and deleterious effect on the citizens of North Morro Bay as a result of noise, traffic, and dust pollution. We request the city establish an escrow account with \$100,000,000 for the surrounding neighborhoods from landslides, ineffective drainage, utility damage, and health problems.
- 4) Although there are 21 Environmental Factors Potentially Affected in the Notice of Preparation, you are only looking at 6 of them. All of these topics are very important and science based studies need to be used to investigate all of these issues.
- 5) Documentation in the Notice says there will be 92 new persons moving into this development, although there will be 46 new houses with 16 of them having casitas. There doesn't appear to be any allowance for children and/or other family members at these homes, nor for who will be living in the casitas. Another reason to include Population/Housing in the environmental factors potentially affected. Fire and Police Departments will be affected in so many ways.

We strongly suggest the Planning Department not pursue the EIR process at least until the property is remediated and cleared for development.

Additionally, we request that the Regional Water Quality Control Board not release the property for development until the contamination is remediated

Thanking you in advance for your follow up to the items listed above.

Should you wish to contact us, we can be reached at [REDACTED]

## Angie Buoncristiano

---

**From:** Bill Alpert [REDACTED]  
**Sent:** Friday, November 8, 2024 5:10 PM  
**To:** Kim Fowler; Airlin Singewald  
**Cc:** Council; Planning Commission; Sarah.macgregor@coastal.ca.gov  
**Subject:** 3300 Panorama Notice of Preparation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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

Dear Esteemed City Leaders, Planners and Staff,

I've have reviewed in detail the Panorama Project NOP; it is a deeply flawed document on many levels. Of most significance is what it omits, more so than its contents.

What is proposed is further study of six factors.  
Yet fully ten factors are omitted and are not proposed to be part of any further study or reports.

For example:  
Hydrology and Water Quality will not be studied. Similarly geology and soils are left off the list. This in the face of known geological problems (unstable soil) and failing or nonexistent drainage on or surrounding the Panorama site. Development of the site clearly exacerbate existing problems and may well cause new, more serious problems.

Some proposals call for remediation work as a solution to hydrological risks. Buffer zones are proposed, but unproven. What happens when the remediation fails? Historic weather events are becoming frequent occurrences.

Land Use and planning is similarly left off the list. Yet this project is unlike anything else in the City of Morro Bay. I cannot identify any other project of this scale.

Transportation is notably missing from the study. A separate but related transportation report prepared for the City of Morro Bay by a hired consultant has characterized what is likely to be a 5 fold increase in traffic as "less than significant. Notably the report has not taken into account 16 ADUs that are proposed in addition to 48 homes. As a side note, do the citizens need to pay the same consultant for an additional traffic report, since the first one is incomplete and incorrect? Did the consultant actually visit the site? Talk to any residents? Or was the report prepared in a fancy office while the writer was sipping a \$6 latte from Starbucks?

Many more important issues were left off: aesthetics, noise, recreation, utilities and service systems. Morro Bay is well known for its crumbling infrastructure, yet we won't study what impact a large development will have on these factors?

We cannot to mention legal and compliance factors. The site has not been cleared for development by other agencies. Why are we pursuing (at great cost) a project that is non conforming to statutory requirements? Are we

rushing through a process because of outside pressure? Are we trying to create revenue at the expense of our quality of life?

Most concerning for me: The City of Morro Bay does not have sufficient in-house expertise or experience to manage large projects. Instead, what we have seen over recent years is governance by consultant. An endless string of outsourced contracts some of which have ended in spectacular failure, all at great cost to the taxpayer. One doesn't have to look back far to find examples; two separate landslides at the WRF costing over a million dollars to remediate. Yet the risk potential for the site was well known in advance. Did a consultant pay for that loss? Did a contractor? Nope, we did.

Can we not learn from our errors? Panorama is just another WRF waiting to slide into our next budget deficit.

The flimsy work that is evidenced in this NOP as well as the City's failure to properly notify residents of related meetings speaks to a disregard of Morro Bay citizens. Why isn't the City's website promptly updated with this information? Would the consultant who calls 500 vehicle trips a day "less than significant" feel that way if those 500 vehicles were passing through his quiet neighborhood? Do City officials and staffers remember that they work for us, Morro Bay citizens and taxpayers? It certainly doesn't feel that way.

My appeal: PLEASE get this one right. Take the time to fully study all the risks. Are the benefits worth it? Listen to your citizens. Our needs are important too, aren't they?

Yours Truly,

William and Melanie Alpert, North Morro Bay

p.s. My footnote: a photo of a typical morning at the corner of Panorama and Yerba Buena, where many of those proposed 500 vehicles (many of them speeding) will pass every day.



November 8, 2024  
City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manger  
955 Shasta Avenue  
Morro Bay, California 93442

NOV 12 2024  
City of Morro Bay  
Community Development Dept

RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

I am a resident of North Morro Bay. I'm sending this letter to voice my concerns regarding the scope of the draft Environmental Impact report for the 3300 Panorama project. First, the project scoping meeting October 17, 2024 was not properly noticed, as many residents indicated they did not receive notice in time to attend, or at all. A second meeting should have been scheduled as we requested, but it was not.

The initial study is flawed and contains conclusions that are unsupported by evidence provided. This project application and environmental review should not proceed until after the project site was remediated and released by the Regional Water Quality Control Board for development. The draft EIR should include a complete study and review of the following potentially significant impacts.

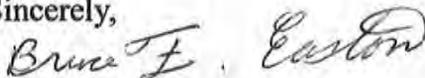
Geologic risk from landslides and earthquakes:

The ground above the proposed development is unstable and shows past ground movement. The project proposes to remediate a 10 foot buffer to allow for soil movement. Where is the documentation that guarantees the buffer zone will prevent mud slides and the safety of the residents below the buffer zone? The fence and power poles along Panorama lean down slope which is an evidence of soil movement. The draft EIR should include a complete study and review before project approval.

Aesthetics and neighborhood character:

The neighborhood roads are narrow and do not have sidewalks or curbs. Parallel parking prevents two opposing cars from passing each other safely, thus one car has to pull over and stop to allow the other car to pass. Large delivery trucks, firetrucks and garbage trucks totally block traffic because of the narrow roads. This project will increase traffic and congestion. We have many residents who walk, there are no sidewalks, so the road is the only place to walk. Many of us walk dogs and children, all walking in the roads. This will be a growing safety issue with the increase in traffic from increased traffic during construction and the completed project. Our neighborhood roads cannot support any increase in traffic. The draft EIR should include a complete study and review before project approval.

Sincerely,



Bruce F. Easton

Morro Bay, Ca 93442

CC: Mayor Wixom and Morro Bay City Council: Planning Chair and Commissioners; Sara MacGregor: Coastal Planner, California Coastal Commission.

## Angie Buoncristiano

---

**From:** Kim Fowler <kfowler@morrobayca.gov>  
**Sent:** Tuesday, November 12, 2024 9:49 AM  
**To:** Brian Schwartz  
**Cc:** Airlin Singewald  
**Subject:** Fw: CEQA Comments for 3300 Panorama Dr., Morro Bay; msg #1  
**Attachments:** signed ltr for 3300 Panorama\_20241108\_0003.pdf; Curriculum Vitae for Larry R Landis.pdf; Tank Farm Fire Code-weed control\_20241107\_0001.pdf; Historic Arsenic Herbicides-(3)\_20241107\_0003.pdf; DTSC Arsenic Strategies-4A\_20241108\_0002.pdf; DTSC PEA Guidance Manual -4B\_20241108\_0001.pdf

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** Larry Landis [REDACTED]  
**Sent:** Friday, November 8, 2024 9:04 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Cc:** Dana Swanson <dswanson@morrobayca.gov>; greg.bishop@waterboards.ca.gov <greg.bishop@waterboards.ca.gov>; tamara.purvis@dtsc.ca.gov <tamara.purvis@dtsc.ca.gov>  
**Subject:** CEQA Comments for 3300 Panorama Dr., Morro Bay; msg #1

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear Ms. Fowler, My comments are submitted pursuant to CEQA Section 21082.1, in the following six attachments:. Msg #2 will have two more attachments.

Best regards...  
Larry Landis

November 9, 2024

Ms. Kim Fowler, Manager  
Planning Division  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442  
[kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

**RE: Notice of Preparation of Draft EIR for 3300 Panorama Drive—CEQA Comments**

Dear Ms. Fowler:

I am a Morro Bay resident and a retired environmental engineer. (My *curriculum vitae* is attached.) I am writing to express my concern for the levels of residual arsenic in the soil at the site which exceed the US EPA's risk-based maximums for the protection of health and avoidance of cancer. In reviewing the Site Assessment Report prepared by the applicant's consultant (Analytical Consulting Group) dated March 31, 2022, I noticed that no consideration was given to the possibility that arsenic was used to sterilize the soil at this tank farm to minimize the risk of fire due to the presence of combustible vegetation.

I believe this is a significant oversight; and if you concur, you may wish to address this issue in the draft EIR now under preparation. By copy of this letter to the Central Coast Regional Water Quality Control Board, I am similarly suggesting consideration of this possibility in the Board's evaluation of the Request for Site Closure. In support of my concern, the following information is presented for review:

- National Fire Protection Association, Uniform Fire Code, and Department of Defense fire protection regulations and common sense dictate that weeds and other combustible vegetation cannot be allowed to grow near above-ground, flammable-liquid storage tanks (Ref/Attachment 2). In spite of this essential safety requirement applicable to literally every flammable-liquid, above-ground storage facility in the nation, no mention was noted in the Analytical Group's report for any operations or measures performed to comply with this requirement.
- Registered arsenic herbicides were commercially available and in common use to comply with this important and essential requirement at thousands of facilities, throughout most of the Morro Bay facility's active life. (Ref/Attachment 3). They would have been at least considered for use here, as well. If no arsenic herbicide was ever used, what alternative was chosen to maintain the facility free of combustible vegetation? Is there evidence to support any other alternative?
- The DTSC's Human and Ecological Risk Office (HERO) highly recommends that for areas that exceed the risk-based arsenic standard, soil screening levels should be based on a number of statistically significant soil samples from locally adjacent, uncontaminated "ambient" soil samples. (Ref/Attachment 4). On page (17) of the Analytical Group's Site Assessment Report, the high levels shown in Table (5) are dismissed as "natural", with no supporting local offsite ambient data.
- Note that herbicides applied uniformly to bare soil would not result in discrete areas of arsenic contamination, a characteristic shared with natural sources, as indicated in the Analytical Group's report. Also note that the routine application of herbicide directly under tanks would be physically impossible, potentially making the soil directly under the tanks unique from the remainder of the site with regard to residual arsenic herbicide concentration. Onsite residual arsenic concentrations should be determined in areas not directly under the tanks, if arsenic herbicide application is suspected.
- The Analytical Group's Site Assessment Report states in the General Findings on page (13) that high arsenic levels are not compounds of concern related to any of the fuel storage or pumping activities on site. This may be grammatically and technically correct, but if arsenic herbicides were applied onsite to support the fuel storage activities, the statement becomes misleading at best.
- Based on the definitions of Hazardous Waste and Solid Waste Management Unit (Ref/Attachment 5), residual arsenic from the application of herbicides would render the facility subject to corrective action and trigger a Corrective Measures Study to determine how best to remediate the site.

In summary, there may not be sufficient evidence presently in the public record to definitively *prove* that the site is contaminated with residual arsenic due to the application of arsenic herbicide. However, the present information is certainly adequate to cast reasonable doubt on the assumption that all of the arsenic onsite is present naturally; so further investigation is arguably necessary and would be prudent. Of course, the fog of time may limit avenues of inquiry that could shed light on the issue of arsenical herbicide usage, including the availability of facility records, photographs and personnel interviews. Nevertheless, there should at least be an attempt to make such inquiries; and in their absence confirm the assumptions made in the consultant's Site Assessment Report by sampling the soil in adjacent ambient locations, consistent with the DTSC's guidance to calculate the site soil screening level for arsenic. Without that, the proposal to approve the site for residential projects in spite of the exceedances of risk-based health standards has no legs and should not be approved.

Thank you for your consideration of these concerns.

Sincerely,



Larry R. Landis

██████████  
Morro Bay, CA 93442  
██████████

Attachments

1. Curriculum Vitae
- 2.A. Fire Safety Requirements for Fuel Storage Tanks (Reference National Fire Protection Association NFPA 1 and NFPA 30).
- 2.B. Department of Defense Fire Safety Criteria
3. Historic Arsenic Herbicide Usage ("Historic Arsenical Pesticide Research", 2004, US EPA Region 5 Records Center) #259803.)
- 4.A. DTSC Arsenic Strategies, 2009.
- 4.B. DTSC PEA Guidance Manual, 2015, p. (43).
- 4.C. DTSC HHRA Note 3, 2020, pp. (15-16)
5. US EPA Definitions of Hazardous Waste and Solid Waste Management Unit

CC:

[DSwanson@morrobayca.gov](mailto:DSwanson@morrobayca.gov) (for distribution to staff, council members and Planning Commission)

[Greg.Bishop@waterboards.ca.gov](mailto:Greg.Bishop@waterboards.ca.gov)

[Kelsey.Delong@waterboards.ca.gov](mailto:Kelsey.Delong@waterboards.ca.gov)

[Tamara.purvis@DTSC.ca.gov](mailto:Tamara.purvis@DTSC.ca.gov)

Curriculum Vitae for Larry R. Landis: (1969-2012) I am a retired Environmental Engineer with a BS in Chemistry (1969 Fresno State College) and an MS in Environmental Engineering (1987 USC). Over the course of my career I was employed by the Kern County Air Pollution Control District as a chemist and manager of the Technical Services Division; as an Environmental Permit Specialist for Getty Oil Company, Texaco Oil Company, and Santa Fe Energy Company; as the Health, Environmental and Safety Manager for Monterey Resources Company; and as a senior environmental engineer for Chevron USA, dealing with compliance audits and permitting for the Clean Air Act, Clean Water Act, injection wells, Storm Water, CEQA/NEPA, hazardous waste and remediation of contaminated properties, including remediation and closure of a former Class I hazardous waste disposal facility. My experience includes dealings with the California and Regional Water Quality Control Boards, the US Environmental Protection Agency, the Department of Toxic Substances Control, and Air Quality Management Districts.

Military Experience: (1967-1989) Lieutenant Commander, US Coast Guard Reserve (retired) with emphasis on Port Security and HazMat.

Registrations/Affiliations: Registered Environmental Health Specialist (#3401); American Society for Testing and Materials (ASTM); Air and Waste Management Association (AWMA).

## CHAPTER 4

# Aboveground Storage Tanks and Containers



This chapter summarizes:

- Regulations for aboveground fuel storage tanks
- Prevention of spills, overfills, and corrosion
- Containment options and drainage for tanks and containers

### 4.1 Regulatory Background

There are many overlapping federal regulations for **aboveground storage tanks (ASTs)** and containers. Unfortunately, many of these requirements are found indirectly as pieces of regulations on other topics. A few of the more important regulations with AST requirements are:

- Spill Prevention, Control and Countermeasure (SPCC) Rules (40 CFR 112) (see [Chapter 1, Environmental and Emergency Response Planning](#) and [Section 4.2](#) in this chapter)
- National Pollutant Discharge Elimination System (NPDES) (40 CFR 122) (see [Chapter 9, Wastewater and Stormwater](#))
- *International Fire Code (IFC)* published by the International Code Council
- National Fire Protection Association (NFPA) 1 – Uniform Fire Code
- NFPA 30 – Flammable and Combustible Liquids Code
- NFPA 30A – Code for Motor Fuel Dispensing Facilities and Repair Garages
- U.S. Coast Guard (USCG) requirements for transferring oil or hazardous materials in bulk (33 CFR 154)
- **Occupational Health and Safety Act (OSHA)** requirements for flammable and combustible liquids (29 CFR 1910.106)
- Requirement for hazardous waste containers (40 CFR 265, Subpart I) and tanks (40 CFR 265, Subpart J) (see [Chapter 7, Hazardous and Recycled Waste](#))

Most states have adopted the IFC or NFPA 1 as their state fire code. If your facility is located in a metropolitan area, the chances are good that your local fire department has modified and adopted the IFC or NFPA. These standards have additional requirements for designing, installing and operating ASTs containing fuels and hazardous materials. Be sure to check with your local or state fire marshal to see what guidelines they have adopted.

Additionally, over 35 states have their own regulatory programs that impose additional, or more stringent, AST requirements (see [Appendix 4-1](#) and [Section 4.9](#))



### The Law Says

- Motor vehicles with fuel tanks for self-propulsion (aircraft, trucks, buses, aviation ground service equipment, dozers) are not required to have secondary containment (40 CFR 112.1(d)(7)).
- Mobile refuelers that store fuel for transfer operations are required to provide containment during transfer operations. When parked or not operating, mobile refuelers should be located in areas with containment and/or diversionary structures and near spill response equipment (40 CFR 112.7(c)).
- Mobile or portable containers of petroleum greater than 55-gallon capacity, including towed bowsers when not in use, are required to have secondary containment sized to hold the capacity of the largest container (40 CFR 112.8(c)(11)). This sized secondary containment requirement also applies to totes and tanks (40 CFR 112.8(c)(2)).
- State agencies and local fire marshals require compliance with fire codes for aboveground storage of flammable and combustible liquids, such as the *International Fire Code* or the *National Fire Protection Association Standards*.





- Providing guard posts, ballards or other approved protection for tanks, piping, valves, and fitting for protection from vehicular impact
- Ensuring warning signs are visible to vehicles around pipelines
- Conducting testing of manual control valves and check valves under normal and emergency conditions
- Having operational procedures in place that require the person filling the tank to determine the remaining gallons available to reach 90% of the tank's capacity *prior* to filling the tank
- Providing spill containers at least 5 gallons in size for each fill connection
- Keeping combustible materials, drums, and barrels away from diked areas
- Removing and disposing out-of-service tanks in accordance with specific procedures
- Requiring minimum aisle space of 4 feet between piles or racks of flammable drums
- Managing bulk tank farms, wharves, bulk fuel transfers, and solvent stills in specified manners

## 4.5 National Fire Protection Association

NFPA publishes a series of codes used to design and operate tanks and other operations that may pose a fire hazard. Some states have adopted NFPA standards as their state fire code. A few of the key NFPA codes are listed below. Note that there are many other NFPA codes that may be applicable to DLA Energy operations.

- NFPA 1 – Uniform Fire Code
- NFPA 30 – Flammable and Combustible Liquids Code
- NFPA 30A – Code for Motor Fuel Dispensing Facilities and Repair Garages
- NFPA 52 – Compressed Natural Gas Vehicular Fuel Systems Code
- NFPA 57 – Liquefied Natural Gas Vehicular Fuel Systems Code
- NFPA 58 – Liquefied Petroleum Gas Code
- NFPA 303 – Fire Protection Standard for Marinas and Boatyards
- NFPA 307 – Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 326 – Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
- NFPA 329 – Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases

Consult your local or state fire chief to determine what they require. Two of these standards are discussed in more detail below.

### 4.5.1 NFPA 1 – Uniform Fire Code

NFPA 1 includes design standards for ASTs and includes some operational requirements.

NFPA 1 also has sections on many different types of operations that may be applicable to DLA Energy operations. These sections include:

- Combustible waste and refuse
- Airports and heliports
- Marinas and boatyards
- Motor fuel dispensing facilities and repair garages
- General storage
- Refueling
- Hazardous materials
- Compressed gases and cryogenic fluids
- Flammable and combustible liquids
- Flammable solids
- Liquefied petroleum gases and natural gases
- Oxidizers and organic peroxides

NFPA 1 requires the following for tanks:

- Providing an emergency action plan; training; coordinating with local authorities; shutting down storage tanks and testing associated alarms, interlocks, and controls; and posting the plan.
- Inspecting and maintaining the area around the tanks; addressing proper maintenance and inspection of fire prevention equipment; having maintenance and operational practices that control leakage and prevent spillage; keeping the area free of weeds, trash, and other combustible materials; keeping access ways clear; and keeping combustible wastes and residues in operational areas to a minimum, stored in covered metal containers, and disposed of daily.
- Labeling tanks in a specific manner. Isolated tanks have additional labeling requirements.
- Providing written procedures to prevent overfilling tanks.

### 4.5.2 NFPA 30 – Flammable and Combustible Liquids Code

NFPA 30 addresses design and operations of fixed tanks, portable tanks and containers, piping systems, facility, and wharves operations. Environment-related requirements for fixed tanks include:

- Requiring vapor detection and liquid detection alarm systems for vaulted tanks
- Defining minimum distances between tanks, other tanks, property line, and buildings
- Controlling spillage from aboveground tanks through remote impounding, diking, or double walls. Specific design requirements are provided

- Testing requirements
- Providing an emergency action plan; training; coordinating with local authorities; shutting down storage tanks and testing associated alarms, interlocks, and controls; and posting the plan
- Inspecting and keeping the area around the tanks free from weeds, trash, and other combustible materials
- Maintaining accessways
- Providing formal written procedures to prevent overfilling the tank
- Labeling tanks per specific requirements
- Securing unsupervised, isolated tanks

Specific requirements are also listed for loading and unloading operations and facilities, including tank vehicles, tank cars, and wharves.

## 4.6 U.S. Coast Guard Requirements

33 CFR 154, Facilities Transferring Oil or Hazardous Material in Bulk, applies to facilities transferring oil or hazardous materials to and from vessels with a total capacity of 250 barrels or more. The operations manual required by this regulation is detailed; some of the required environment-related information includes:

- Procedures to be followed if the cargo spills or leaks, for each specific cargo
- Description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any
- Description and location of each emergency shutdown system
- Quantity, types, location, and instructions for use of fire extinguishing systems
- Procedures for reporting and initial containment of oil or hazardous material discharges
- Summary of applicable federal, state, and local oil or hazardous material pollution laws and regulations
- Marking each transfer hose with the name or type of material that may be transferred through the hose
- Procedures for tank cleaning or stripping operations, if conducted
- Description of the vapor control system's design and operation

The regulations also address discharge containment and discuss how much discharge containment equipment is required and how quickly discharges must be removed.

33 CFR 154 requires response plans to address spills at facilities that could be expected to cause substantial harm to the environment under 33 CFR 154.1015 (note that these plans are different from the Facility Response Plans discussed in 40 CFR as mentioned in [Chapter 1, Environmental and Emergency Response Planning](#)).



UFC 3-460-01  
16 July 2019  
Change 3, 08 June 2023

# UNIFIED FACILITIES CRITERIA (UFC)

---

## DESIGN: PETROLEUM FUEL FACILITIES



## CHAPTER 8 ATMOSPHERIC STORAGE TANKS

### 8-1 INTRODUCTION.

This chapter provides guidance for the design of [bulk storage tanks](#), [operating storage tanks](#), ground vehicle fueling tanks, miscellaneous use tanks, product recovery system tanks, [contaminated fuel](#) storage tanks, and jet engine test cell fuel storage tanks. Design guidance on issues related to storage tanks such as protection, location, coatings, product recovery, and spill containment systems are also covered in this chapter. [Ballast water](#) storage tanks are covered in [Chapter 5](#) and pressurized tanks for storage of LPG are covered in [Chapter 10](#) of this UFC. This chapter generally applies to new tanks. Refer to [Chapter 12](#) for repair or refurbishment of existing tanks.

### 8-2 GENERAL REQUIREMENTS.

[Chapter 2](#), General Design Information, contains important information on fueling facilities. Do not start design of any fueling system without first becoming completely familiar with [Chapter 2](#) of this UFC.

### 8-3 GENERAL CRITERIA.

Design liquid fuel storage tanks to comply with the operational requirements of the particular Command having jurisdiction of the facility. Ensure that the design is appropriate for the mission of the facility. Consider the operational requirements of the users of the fuel.

#### 8-3.1 Materials.

All aboveground storage tanks must be constructed of steel or concrete encased steel.

#### 8-3.2 Protection.

Provide protection to preserve product quality and ensure minimal losses by evaporation, dilution, leakage, substitution, theft, [contamination](#), attack, sabotage, fire, and damage to the environment. Use aboveground steel tanks unless the mission of the facility or other practical considerations dictate that underground tanks be used. [Cut and cover](#) (buried vertical) tanks are not normally used in the CONUS. [Cut and cover](#) tanks may be required if the dispensing system is located in clear zones or explosive cordon areas. Conduct economic, operational, and mechanical analyses of remotely locating the pump house/system from the [hydrant system](#) versus constructing [cut and cover](#) tanks. For all fuel storage tanks, design in accordance with [NFPA 30, NFPA 30A, and this document](#).

#### 8-3.3 Design Requirements.

Fuel storage facilities provide an operating and reserve supply of fuel. The types and

X



# Historic Arsenical Pesticide Research

**FINAL**

Produced for

US Environmental Protection Agency  
Office of Pesticide Programs  
Grant # MM988470-01

By  
Environmental Protection Division  
Denver Department of Environmental Health

2004

arsenic acid (EPA OPP PPIS, 2002; EPA OPP PPLS, 2002; NPIRS, 2002). The label designates Commercial Chemical Company as the manufacturer. Total water soluble arsenic expressed as metallic arsenic was 39.61 percent. Arsenic trioxide equivalent was 52.3 percent. The label indicates six ounces (3/4 cup) of product was to be put in a quart jar designed for use as a siphon type garden hose sprayer; the jar was then filled with water. This mixture could be used for 1,000 square feet of turf area, resulting in approximately 25 pounds of arsenic acid applied per acre (EPA OPP PPLS, 2002). Calculations indicate one application results in approximately 148 parts per million (ppm) arsenic applied to the top centimeter of soil.

**Ferti-Lome Weed & Wild Grass Killer (registered 1963-1987)**

Ferti-Lome Weed & Wild Grass Killer has a label record indicating it should not be used on Bermuda grass lawns with less than three months growth and that it should not be used on creeping bent lawns, which indicates it was used on lawns (EPA OPP PPLS, 2002). Ferti-Lome Weed & Wild Grass Killer was a ready-to-use solution (NPIRS, 2002) manufactured by the Voluntary Purchasing Group Inc. and had 2.14 percent arsenic acid (EPA OPP PPIS, 2002; EPA OPP PPLS, 2002; NPIRS, 2002). Other names associated with this registration include 'Ferti-Lome Ready-to-Use Weed & Wild Grass Killer', and 'Ferti-Lome Multi-Purpose Weed Killer' (NPIRS, 2002). Some Ferti-Lome products were advertised in Colorado local newspapers, like the Denver Post, but none were found for the names associated with this registration see Appendix C.

Arsenic acid is a pentavalent (arsenate) form of arsenic; it cannot be distinguished from natural arsenic in the environment (PMEP, 2003b). Bacteria in soil can transform pentavalent (+5) to trivalent arsenic (+3) (Jones et al., 2000) but it is unlikely to look like it came from a smelter. So while it is possible that past use of arsenic acid products may have contributed to the total arsenic found on some residential lawns it is not consistent with other data as a primary source of arsenic.

✕ **Arsenic Trioxide (As<sub>2</sub>O<sub>3</sub>) -Code 7001**

Arsenic trioxide (white arsenic) was an ingredient listed in a recipe for an insecticidal spray printed in a local Denver newspaper in 1897, so it was in use prior to when pesticide registration was required. Arsenic trioxide was used as an herbicide, insecticide, miticide, antifoulant, and rodenticide (NPIRS, 2002). Currently arsenic trioxide is used as an insecticide to control ants, which accounts for the only two active registrations of the 27 registrations associated with arsenic trioxide; one for the ant control product and one for the technical chemical used in manufacturing the product (EPA OPP PPIS, 2002; NPIRS, 2002). Ten registrations were for rodenticides or for insecticides to control ants (EPA OPP PPLS, 2002; NPIRS, 2002).

Eight registrations were for technical chemicals used in manufacturing herbicides, insecticides, and miticides (NPIRS, 2002). Arsenic trioxide is used to manufacture sodium arsenite (Bradberry et al., 1997) and arsenic acid (US Department of Health and Human Services, 2002). In fact five companies holding technical arsenic trioxide registrations also hold registrations for products with sodium arsenite and/or products with arsenic acid in them (EPA OPP PPIS, 2002; NPIRS, 2002). One technical registration documents a transfer from one

**ACME Arsenate of Lead (registered 1968-1987)**

Label information in the EPA OPP PPLS database is not legible, however anecdotal evidence exists that bags of ACME Arsenate of Lead have been collected in Denver in chemical round-ups and that it was used for crabgrass control (VanDerLoop, 2002); similar collection observations were made by the Tri-County Health Department (Robbio-Wagner, 2004). ACME Arsenate of Lead was a wettable powder/dust (NPIRS, 2002) registered to PBI Gordon Corporation. It contained 98 percent lead arsenate (EPA OPP PPIS, 2002; NPIRS, 2002) and is listed as an insecticide, miticide, and nematocide (NPIRS, 2002). Information in the PAN Pesticides Database (2004) indicates ACME Arsenate of Lead was used on apples, pears, quinces, peaches, fruit trees, ornamental evergreens, ornamental turf, juniper, and Japanese Plum. Crabgrass is listed as a pest controlled by the product.

Lead arsenate is a likely source of residential arsenic because it was used for so long and had so many different uses. Studies have shown that lead and arsenic from lead arsenate tends to remain in the top six inches of soil. However arsenate is a pentavalent form of arsenic, which is not consistent with the speciation data from VB/I-70, so while it is a contributing factor it is not likely the primary source of arsenic on properties with high levels of arsenic.

X **Sodium Arsenite ( $\text{NaAsO}_2$ )-Code 13603**

Sodium arsenite was used as an herbicide, insecticide, miticide, and fungicide (NPIRS, 2002). A 1939 "Turf Culture" article reported a mixture of 12 quarts of dry sand and 4 ounces of sodium arsenite applied to 1,000 square feet of a Pennsylvania lawn killed all weeds except for dandelions (Grau, 1939). There were 94 registrations for products with sodium arsenite all of which are cancelled. The majority of the cancellations were in 1987 and 1988 (EPA OPP PPIS, 2002; NPIRS, 2002) coinciding with decisions made by the EPA special action review (Appendix A). Four registrations are for products to kill ants, and most of the other registrations were for non-selective weed-killers, which would poison the soil (Appendix B).

X Many weed-kill products were for use on tank farms, near roadways, as preparation for paving, at substations or other industrial areas. Some weed-kill products could also be used to control fungus on grapes, or to kill termites or trees (EPA OPP PPLS, 2002). Most labels in the EPA OPP PPLS database were dated after 1968, so products may have had additional uses prior to 1968 (see Appendix A for details).

Given post 1968 uses, even if these products were marketed for home use, application of these products is not likely to have been yard-wide distribution. Sodium arsenite is a trivalent form of arsenic that is much more soluble than arsenic trioxide. It is possible, since sodium arsenite is a form of arsenic trioxide, that the PAX Company's patent prevented marketing of sodium arsenite for crabgrass control. If so it would further indicate that no sodium arsenite products were marketed to control crabgrass prior to the PAX Company obtaining their patent. An advertisement was found in an April 1948 Denver Post for 'Triox', which was a 48 percent arsenic trioxide liquid (likely sodium arsenite) that poisoned the soil, marketed as an Ortho product (Appendix C). No further investigation was pursued for these products.

(PPIS) and the EPA OPP Pesticide Product Label System (PPLS) databases as well as searches in the National Pesticide Information Retrieval System (NPIRS) databases. Documents found on the NPIRS databases were obtained by Freedom of Information Act (FOIA) requests. Phone interviews were conducted with CENEX and Martin Resources, Inc. employees to obtain more information about PAX. From there research was done on the world-wide-web using searches on arsenic trioxide, arsenical pesticide, arsenic pesticide, and PAX in search engines and in catalogue databases. Some information was found during orchard research on neighborhoods chosen for the Sampling and Analysis Plan at the Colorado Historical Society Museum library. The first volume of Drexler's deposition to the State of Colorado was read. Some of the regulatory information came from the Denver University Law library and some from the Denver Public Library. Archived issues of the Denver Post for the first two weeks of April 1945-1948, 1950-1953, 1955, 1965, 1971, 1972 and 1973 were searched for pesticide advertisements at the Denver Public Library. Other local Colorado newspapers were searched for PAX advertisements at the Colorado Historical Society Museum Library.

### **Historic Use and Regulation of Inorganic Arsenical Pesticides**

The first recorded use of Paris Green (copper acetoarsenite) in the U.S. was to control the Colorado Potato Beetle in 1867 (Benny, 1999) in Mississippi (Cremlyn, No Date [ND]). Lead arsenate was introduced to the U.S. for insect control in 1892 (Benny, 1999; Peryea, 1998). A recipe for a spray mixture utilizing arsenic trioxide, sodium carbonate, and lime for insecticide use appeared in a Denver newspaper in 1897 (Denver Republican, 1897). In time more products utilizing a variety of forms of arsenic were marketed including arsenic acid, and sodium arsenite. Organic arsenicals are still in use today.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was passed in 1947 requiring the registration of 'economic poisons', later called pesticides. Administrative authority for the Act was given to the United States Department of Agriculture, until 1970 when the EPA was formed. Records of formulations, registrants, product use, and status of registration are available in government records after 1947. Inert ingredient information is required on registration applications but is considered confidential and is not available to the public.

EPA started a Special Review Action in 1978 of registered uses for inorganic arsenical pesticides, due to the classification of arsenic as a carcinogen. As a result of the Special Review Action most registrations for inorganic arsenicals were cancelled in 1988 (USEPA, 1988). Many companies voluntarily cancelled their registrations in 1987. Not all registrations cancelled by the review action were in production. EPA noted that none of the calcium arsenate products had been manufactured for years. A more detailed history can be found in Appendix A.

### **Identification of Arsenical Pesticides Available in the United States**

Searches were performed (2002) in the EPA OPP databases (1947-present) as well as in the NPIRS databases (1947-present) to identify available inorganic arsenical pesticides, their formulation, and uses. Fifteen different pesticide chemical codes came up for arsenic. Five codes did not have product matches. Three codes were registered for use exclusively as wood preservatives: arsenic pentoxide, arsenic acid monoammonium salt, and diarsenic acid tetrasodium salt. These codes were not investigated further because wood preservatives, although a potential source of some arsenic in residential soils, would not lead to the yard-wide

distribution found at VB/I-70 properties. Sodium arsenate had registered uses as a wood preservative and as an ant killer. Similarly since neither of these uses would lead to yard-wide distribution no further investigation of these products was performed. Products associated with the remaining six codes: arsenic acid, arsenic trioxide, calcium arsenate, copper arsenate, and two different codes for lead arsenate formed a list of inorganic arsenical pesticides. Literature references indicated use of sodium arsenite as an herbicide so performing a search on sodium arsenite identified a sixteenth code. Products containing sodium arsenite were also added to the list of inorganic arsenical pesticides. Similarly copper acetoarsenite products were added to the list. A complete list of products registered under these codes is included in Appendix B.

Two subsets of the list of inorganic arsenical pesticides were created. Label information from the EPA OPP PPLS database was used to delete products not marketed for home use to generate the first subset. This subset also included all products without labeling information. Legislative changes were made in 1968 and 1972 (documented in the history in Appendix A) that effected whether certain arsenical products could be marketed for home use or not. The labels on arsenical products may have changed to reflect new or restricted product uses compliant with the new legislation. Therefore, label information had to exist prior to 1968 for arsenic trioxide and sodium arsenite, and prior to 1972 for other forms of arsenic in order for the product to be deleted from the list for this subset. This list, which is included in Appendix B, contains all products potentially used in and around homes. The list of products potentially used in and around homes was reduced to a second subset of products potentially applied on lawns (included in Appendix B) by deleting products such as paint, ant bait, grass killers/soil sterilizers, and agricultural/garden products. Technical grade formulations used for manufacturing other products were also deleted.

#### ***Arsenic Acid (H<sub>3</sub>AsO<sub>4</sub>)-Code 6801***

Arsenic acid was commonly used as a desiccant for cotton until 1993 (PMEP, 2003a) and is used as a wood preservative; other uses included herbicide, insecticide, and miticide (NPIRS, 2002). Thirty registrations were associated with arsenic acid. Seven of the twelve wood preservative registrations are still active (EPA OPP PPIS, 2002; NPIRS, 2002). Eleven registrations were for desiccants (NPIRS, 2002). One registration was strictly for use in manufacturing purposes (EPA OPP PPLS, 2002). The remaining six product registrations were herbicides (NPIRS, 2002).

Scorch was used to control annual broadleaved weeds and grasses on non-crop areas such as parking lots, fence lines, highway and railway sites, industrial yards, and similar areas. Two registrations (Delta and Ferti Lome) had label information confirming use on lawns. Information on the remaining three soluble concentrate herbicides can be found in Appendix B, labels in the OPP database were either illegible and/or could not be verified as being associated with the registration (EPA OPP PPLS, 2002).

#### **Delta Brand Arsenic Acid F/Bermuda Lawns, F/Control of Dallis & Crab (registered 1982-1989)**

In spite of the registration dates, the label in the EPA OPP PPLS database is dated as accepted in July 1971. Delta Brand Arsenic Acid F/Bermuda Lawns, F/Control of Dallis & Crab was a soluble concentrate (NPIRS, 2002) registered to Osmose, Inc. and contained 75 percent

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
AFC Arsenious Oxide	99	Arsenic trioxide	unclassified poison, single dose	formulation intermediate	American Fluoride Corp	transferred 8/84 to 6720-289	7001	255-25	O-48
PAX 400 3 Year Crabgrass Control	25.11	Arsenic trioxide	herbicide unspecified, insecticide & miticide	granular	Martin Resources, Inc. Pax Division	8/3/53 to 7/1/87	7001 13502	3234-3	GDEC
Security Brand Tomato Dust	7 60	Cupric sulfate Calcium arsenate	fungicide	dust	Value Gardens Supply, LLC	5/5/53 to 7/28/86	13501	769-149	DCN
Security Brand Turf-Cal Granular	48	Calcium arsenate	herbicide unspecified, herbicide terrestrial, insecticide & miticide	granular	Value Gardens Supply, LLC	11/1/79 to 7/28/86	13501	769-466	DCN
Security Brand Turf-Cal Spray	70	Calcium arsenate	herbicide unspecified, herbicide terrestrial, insecticide & miticide	wettable powder	Value Gardens Supply, LLC	11/1/79 to 7/28/86	13501	769-467	DCN
Security Turf-Cal Flowable	26	Calcium arsenate	herbicide unspecified, herbicide terrestrial, insecticide & miticide	flowable concentrate	Mallinckrodt Inc.	5/22/86 to 10/10/89	13501	372-65	NPF
Security Turf-Cal Flowable	26	Calcium arsenate	herbicide unspecified, herbicide terrestrial, insecticide & miticide	flowable concentrate	Value Gardens Supply, LLC	transferred to 372-65 on 5/22/86	13501	769-500-372	A-81
Chip-Cal Granular	48	Calcium arsenate	herbicide unspecified, insecticide & miticide	granular	Rhone-Poulenc Agrochemical Division	1/15/59 to 9/27/85	13501	359-360	FR
Gro-Well Pre-Vent	48	Calcium arsenate	herbicide unspecified, insecticide & miticide	granular	J & L Adikes Inc.	2/1/61 to 9/27/85	13501	5535-35	FR
LACCO Brand Calcium Arsenate	70	Calcium arsenate	herbicide unspecified, insecticide & miticide	wettable powder / dust	Los Angeles Chemical Company	4/2/48 to 7/1/87	13501	962-93	GDEC
Calcium Arsenate	70	Calcium arsenate	insecticide & miticide	wettable powder	Helena Chemical Co.	1/1/76 to 10/24/85	13501	5905-3080	CR
Calcium Arsenate	70	Calcium arsenate	insecticide & miticide	wettable powder	Helena Chemical Co.	1/1/76 to 10/24/85	13501	5905-7878	CR
Niagra Blueberry Maggot Dust	35	Calcium arsenate	insecticide & miticide	dust	FMC Corp Agricultural Products Group	3/27/62 to 7/1/87	13501	279-1874	GDEC

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

**Final Pesticide Research Appendix B: Arsenical Products Potentially Used Around the Home**

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Zep R-59 Weed Killer	50	Sodium arsenite	herbicide unspecified	soluble concentrate	Zep Manufacturing Co. A division of Acuity Specialty Products	9/26/58 to 8/23/87	13603	1270-42	DCN
Ferti-Lome Weed & Wild Grass Killer	2.14	Arsenic acid	herbicide unspecified	solution-ready to use	Voluntary Purchasing Group Inc.	12/2/63 to 4/1/87	6801	7401-5	SRA
Arsenic Trioxide (Technical)	99	Arsenic trioxide	herbicide unspecified	Technical chemical	Tifa Limited	4/21/67 to 8/1/88	7001	1439-189	SRA
Ind-Sol 40	40	Sodium arsenite	herbicide unspecified regulator	soluble concentrate	Chemical Specialties, Inc.	1/1/76 to 9/29/88	13603	10827-4073	FIC
40% Sodium Arsenite Solution	40	Sodium arsenite	herbicide unspecified repellent or feeding depressant	soluble concentrate	Big Bee Chemical And Supply Co.	1/1/76 to 9/29/88	13603	36688-8218	FIC
Weed Killer (Sodium Arsenite Solution)	42.5	Sodium arsenite	herbicide unspecified, herbicide terrestrial	soluble concentrate	Faesy & Besthoff Inc.	3/25/48 to 7/1/87	13603	779-2	GDEC
Fasco Deflocculated Lead Arsenate Prod No 550	96	Lead arsenate $Pb_5(AsO_4)_3(OH)$	herbicide unspecified, herbicide terrestrial	wettable powder	Micro-Flo Company LLC	3/8/85 to 1/22/91	13502	51036-29	NPF
Fasco Deflocculated Lead Arsenate Prod No 550 also sold as Marman Lead Arsenate	96	Lead arsenate	herbicide unspecified, herbicide terrestrial	wettable powder	Landia Chemical Co.	3/22/79 to 9/30/87 transferred	13502	9859-121	DCN
Security Brand Turf-Cal Granular	48	Calcium arsenate	herbicide unspecified, herbicide terrestrial, insecticide & miticide	granular	Value Gardens Supply, LLC	11/1/79 to 7/28/86	13501	769-466	DCN
40% Sodium Arsenite Solution	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial, insecticide & miticide	soluble concentrate	ABC Compounding Co, Inc	10/18/71 to 7/1/87	13603	3862-43	GDEC
Security Brand Turf-Cal Spray	70	Calcium arsenate	herbicide unspecified, herbicide terrestrial, insecticide & miticide	wettable powder	Value Gardens Supply, LLC	11/1/79 to 7/28/86	13501	769-467	DCN

**RFC Reason For Cancellation (or original approval date if the registration was transferred):**

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

## Final Pesticide Research Appendix B: Arsenical Products Potentially Used Around the Home

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Scorch	75	Asenic acid	herbicide unspecified	soluble concentrate	Cerexagri, Inc.	1/23/69 to 7/1/87	6801	4581-268	GDEC
Selig's Weed Killer	44	Sodium arsenite	herbicide unspecified	soluble concentrate	Selig Industries	1/9/48 to 7/1/87	13603	491-3	GDEC
Sharp Sodium Arsenate Solution 40 Percent	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Sharp Chemical Co.	8/18/75 to 12/31/87	13603	22058-2	GDEC
Sodium Arsenite 42.5% Solution	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Good Life	11/26/56 to 7/1/87	13603	4931-33	GDEC
Sure Weed Killer	38	Sodium arsenite	herbicide unspecified	soluble concentrate	Cantol, Inc.	11/8/63 to 7/1/87	13603	5664-1	GDEC
Sure-Kill	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Wilmar Co., Inc.	3/29/63 to 12/31/87	13603	6837-30	GDEC
Unico Sodium Arsenite Weed Killer Solution	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Universal Cooperatives Inc	12/16/57 to 4/27/87	13603	1386-136	DCN
Varco Four Plus Fifty Non-Selective Concentrate	42.4	Sodium arsenite	herbicide unspecified	soluble concentrate	James Varley & Sons, LLC	11/19/63 to 1/28/87	13603	421-368	DCN
Weed - X	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Dettelbach Chemical Co	1/31/58 to 10/10/89	13603	1421-74	NPF
Weed Killer No. 50	16.5 4.5	Sodium arsenite Coal tar acids	herbicide unspecified	soluble concentrate	Cameron Baird	4/14/48 to 10/10/89	13603	551-1	NPF
Weed Killer No. 50A	33 9	Sodium arsenite Coal tar acids	herbicide unspecified	soluble concentrate	Cameron Baird	transferred to 50415-17 on 7/29/83	13603	551-88	10 Oct52
Weed Killer No. 50A	33 9	Sodium arsenite Coal tar acids	herbicide unspecified	soluble concentrate	Cameron Baird	7/29/83 to 7/1/87	13603	50415-17	GDEC
Wil-Kill Arsenical Weed Killer	20	Sodium arsenite	herbicide unspecified	soluble concentrate	Wilmar Co., Inc.	2/13/61 to 12/31/87	13603	6837-22	GDEC
Wk-90 Concentrated Non Selective Weed Killer	55.8	Sodium arsenite	herbicide unspecified	soluble concentrate	Navy Brand Manufacturing Co.	11/12/64 to 8/1/88	13603	1926-30	SRA
Xd-542 Non Selective Weed Killer	25	Sodium arsenite	herbicide unspecified	soluble concentrate	CHEMEX Chemicals & Coatings Co Inc	6/15/54 to 8/1/88	13603	4450-6	SRA

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Intracel-15	3	Arsenic acid	insecticide & miticide, fungicide	soluble concentrate	Chemical Specialties, Inc.	10/19/82 to 4/1/87	6801	45968-4	OAA
	5.5	Cu sulfate pentahydrate							
	14.6	Sodium dichromate							
Osmose Special K-33 Preservative	1.75	Copper (II) oxide	insecticide & miticide, fungicide	solution-ready to use	Osmose Inc.	Active Approval 5/11/70	6801	3008-21	
	5.03	Arsenic acid							
	3.20	Chromic acid							
Basic Copper Arsenate	91	Arsenic acid, Cu salt	insecticide & fungicide		PBI/Gordon Corp	To 2/11/1983	22801	33955-90	FR
Chilton Dripless Bottom Paint Red	1.6	Arsenic trioxide	antifouling, herbicide	solution-ready to use	Chilton Paint Company	6/6/68 to 10/10/89	7001	9881-2	NPF
	22.2	Copper (I) oxide							
Chilton Metallic Copper Paint New Dripless Blue	2.23	Arsenic trioxide	antifouling, herbicide	solution-ready to use	Chilton Paint Company	1/4/73 to 10/10/89	7001	9881-4	NPF
	26.23	Copper (I) oxide							
Chilton Metallic Copper Paint Original Formula No. 888 Red	1.5	Arsenic trioxide	antifouling, herbicide	solution-ready to use	Chilton Paint Company	6/26/69 to 10/10/89	7001	9881-3	NPF
	21.2	Copper (I) oxide							
Chilton Super Dripless #8 Bottom Paint	2.3	Arsenic trioxide	antifouling, herbicide	solution-ready to use	Chilton Paint Company	2/9/68 to 10/10/89	7001	9881-1	NPF
	27.7	Copper (I) oxide							
LACCO White Arsenic	94.6	Arsenic trioxide	herbicide terrestrial	formulation intermediate	Los Angeles Chemical Company	1/23/68 to 10/4/85	7001	962-340	FR
Arsenic Trioxide (Technical)	99	Arsenic trioxide	herbicide unspecified	Technical chemical	Tifa Limited	4/21/67 to 8/1/88	7001	1439-189	SRA
Arsenic Trioxide (Technical)	90	Arsenic trioxide	herbicide unspecified, insecticide & miticide	Technical chemical	Ametalco Inc.	6/14/67 to 7/1/87	7001	9777-1	DCN
Ant Jex Redwood Ant Stakes	0.25	Arsenic trioxide	insecticide & miticide	impregnated materials	General Pest Service Inc.	5/6/66 to 10/10/89	7001	3324-3	NPF
Arsenic Trioxide Technical	97.5	Arsenic trioxide	insecticide & miticide	Technical chemical	Grant Laboratories Inc	Active Apprvl 12/17/96	7001	1663-31	
Blue Ball Ant Killer	0.5	Arsenic trioxide	insecticide & miticide	solution-ready to use	Blue Ball Chemical Company	1/1/76 to 3/30/87	7001	422-5374	DCN
Grant's Ant Control	0.46	Arsenic trioxide	insecticide & miticide	granular	Grant Laboratories Inc	Active	7001	1663-15	A-72

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
De Weed Concentrated Killer Of Weeds	40	Sodium arsenite	herbicide unspecified	soluble concentrate	M.S.I.	transferred to 34956-21 on 5/17/88	13603	1325-60	A-72
De Weed Concentrated Killer Of Weeds	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Royal Chemical Co.	5/17/88 to 8/1/88	13603	34956-21	SRA
De Witt Formula No 102 Weed Killer	50	Sodium arsenite	herbicide unspecified	soluble concentrate	DeWitt Chemical Co.	3/20/59 to 4/30/87	13603	1269-22	CR
Deep Kill Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	NCH Corp	5/9/60 to 3/16/87	13603	1769-70	CR
Dexol Weedsol Non Selective Weed Killer	43.4	Sodium arsenite	herbicide unspecified	soluble concentrate	Value Gardens Supply, LLC	1/5/72 to 12/24/86	13603	192-90	DCN
Dolge Super Strength Weed Killer	42.7	Sodium arsenite	herbicide unspecified	soluble concentrate	C.B. Dolge Company	8/4/48 to 7/1/87	13603	1057-20	GDEC
Du Cor Formula 71 Weed Killer Concentrate	26 1.9 11	Sodium metaborate Sodium arsenite Sodium chlorate	herbicide unspecified	soluble concentrate	Du Corp Chemical Corp	1/1/76 to 8/9/85	13603	13437-4075	CR
Edco Sodium Arsenite Solution 15%	15	Sodium arsenite	herbicide unspecified	soluble concentrate	EDCO Chem Company Inc	4/19/74 to 5/1/87	13603	3040-38	DCN
Edco Sodium Arsenite Solution 40 (Colored)	40	Sodium arsenite	herbicide unspecified	soluble concentrate	EDCO Chem Company Inc	4/19/74 to 5/1/87	13603	3040-39	DCN
Em 1400 (Sodium Arsenite Solution) Non-Selective Weed & Brush Killer	48.75	Sodium arsenite	herbicide unspecified	soluble concentrate	Empire International	3/22/69 to 1/28/87	13603	5-31	DCN
Excelcide Tw-40	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Huge Company, Inc.	5/29/73 to 8/1/88	13603	2270-684	SRA
F-40 Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	NCH Corp	3/29/55 to 3/16/87	13603	1769-37	CR
Floratox 40 Tree Killer And Contact Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Wood Protection Products, Inc.	10/8/85 to 8/1/88	13603	7234-84	SRA
Floratox 40 Tree Killer And Contact Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Crown Chemical Industries	transferred to 7234-84 on 10/8/85	13603	7273-61	D-71

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

## Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Page B 12

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Lacco Sodium Arsenite Solution No. 4	43.4	Sodium arsenite	fungicide, herbicide unspecified, herbicide terrestrial	soluble concentrate	Los Angeles Chemical Company	transferred to 55146-35 on 11/3/86	13603	962-398	N-80
Lacco Sodium Arsenite Solution No. 4	43.4	Sodium arsenite	fungicide, herbicide unspecified, herbicide terrestrial	soluble concentrate	Nufarm America's Inc.	11/3/86 to 9/30/91	13603	55146-35	NPF
40% Solution Sodium Arsenite	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Value Gardens Supply, LLC	6/29/61 to 7/1/87	13603	769-287	GDEC
Arsenical Weed Killer	44	Sodium arsenite	herbicide unspecified	soluble concentrate	I. Schneid	10/13/58 to 7/1/87	13603	2155-26	GDEC
Atlas "A" A Sodium Arsenite Solution	44	Sodium arsenite	herbicide unspecified	soluble concentrate	Rhone-Poulenc Agrochemical Division	12/31/47 to 5/1/87	13603	359-1	DCN
Atlas "A6" Sodium Arsenite Solution	57.4	Sodium arsenite	herbicide unspecified	soluble concentrate	Rhone-Poulenc Agrochemical Division	1/11/54 to 5/1/87	13603	359-228	DCN
Belco Non-Selective Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Bell Chemical Company	3/3/72 to 10/10/89	13603	839-59	NPF
Bonide Sodium Arsenite Grass & Weed Killer	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Bonide Products, Inc.	11/12/58 to 8/1/88	13603	4-109	SRA
Bruhin's Non-Selective Weed Killer	45.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Bruhin & Company, Inc.	1/15/48 to 12/24/86	13603	106-1	DCN
Chapman Narsite 60	57.48	Sodium arsenite	herbicide unspecified	soluble concentrate	IBC Manufacturing, Co.	transferred to 19713-199 on 11/26/84	13603	1022-414	F-68
Chapman Narsite 60	57.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Drexel Chemical Co.	11/26/84 to 8/1/88	13603	19713-199	SRA
Chem Sen 56	66	Sodium arsenite	herbicide unspecified	soluble concentrate	Tifa Limited	7/2/74 to 10/10/89	13603	1439-234	NPF
CMC Weed Killer(Sodium Arsenite)Weed-X	40	Sodium arsenite	herbicide unspecified	solution- ready to use	Comet Manufacturing Corporation	1/10/75 to 7/1/87	13603	6294-22	GDEC

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

3

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Narsite 40	40	Sodium arsenite	herbicide unspecified	soluble concentrate	IBC Manufacturing, Co.	transferred to 19713-194 on 11/26/84	13603	1022-109	J-55
Narsite 40	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Drexel Chemical Co.	11/26/84 to 8/1/88	13603	19713-194	SRA
National Chemsearch Dk-80 Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	NCH Corp	3/5/64 to 3/16/87	13603	1769-121	CR
No-Gro Liquid Concentrate	40.4	Sodium arsenite	herbicide unspecified	soluble concentrate	Sheff Chemical & Supply Company	1/1/76 to 1/16/87	13603	10193-9447	UM
Ortho Arsenical Weed Killer (Also Triox)	55	Sodium arsenite	herbicide unspecified	soluble concentrate	The Scotts Company D/B/A The Ortho Group	8/23/48 to 10/4/85	13603	239-289	FR
Penite 35	45.9	Sodium arsenite	herbicide unspecified	soluble concentrate	Cerexagri, Inc.	5/10/63 to 7/1/87	13603	4581-205	GDEC
Permakill'weed Killer Concentrate	40.4	Sodium arsenite	herbicide unspecified	soluble concentrate	Du Corp Chemical Corp	1/1/76 to 9/29/88	13603	13437-4074	FIC
Poly Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Poly Chem, Inc.	6/29/64 to 3/25/87	13603	8047-9	DCN
S.C. Weed Killer Type "B"	20	Sodium arsenite	herbicide unspecified	soluble concentrate	KALLD Enterprises, Inc. DBA	12/19/73 to 3/26/87	13603	6762-29	DCN
Selig's Weed Killer	44	Sodium arsenite	herbicide unspecified	soluble concentrate	Selig Industries	1/9/48 to 7/1/87	13603	491-3	GDEC
Sharp Sodium Arsenate Solution 40 Percent	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Sharp Chemical Co.	8/18/75 to 12/31/87	13603	22058-2	GDEC
SMCP Sodium Arsenite "4" Solution	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Southern Mill Creek Products Co Inc.	12/29/71 to 7/1/87	13603	6720-150	GDEC
SMCP Trim-Trap Herbicide	41.7	Sodium arsenite	herbicide unspecified	soluble concentrate	Southern Mill Creek Products Co Inc.	6/12/74 to 7/1/87	13603	6720-181	GDEC
Sodium Arsenite "8"	71.4	Sodium arsenite	herbicide unspecified	soluble concentrate	Cameron Baird	10/2/72 to 10/10/89	13603	551-208	NPF
Sodium Arsenite 4	46.9	Sodium arsenite	herbicide unspecified	soluble concentrate	Cameron Baird	2/8/73 to 10/10/89	13603	551-214	NPF

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Flora-Tox 60 Tree Killer And Contact Weed Killer	55.8	Sodium arsenite	herbicide unspecified	soluble concentrate	Wood Protection Products, Inc.	10/8/85 to 8/1/88	13603	7234-88	SRA
Flora-Tox 60 Tree Killer And Contact Weed Killer	55.8	Sodium arsenite	herbicide unspecified	soluble concentrate	Crown Chemical Industries	transferred to 7234-88 on 10/8/85	13603	7273-72	A-71
Formula-444 Weed Killer	45.4	Sodium arsenite	herbicide unspecified	soluble concentrate	The State Chemical Manufacturing Co	2/11/63 to 3/13/87	13603	1685-26	DCN
Hammond's Weed Killer	30.06	Sodium arsenite	herbicide unspecified	soluble concentrate	Hammond Paint & Chem Company, Inc.	1/19/48 to 7/1/87	13603	604-17	GDEC
Hill's No. 572 Herbicide Concentrate Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Hill Manufacturing Co., Inc.	8/23/57 to 4/1/87	13603	402-53	DCN
Insecticide Sodium Arsenite Concentrate	53.86	Sodium arsenite	herbicide unspecified	soluble concentrate	Truetech, Inc	6/29/62 to 8/1/88	13603	1691-85	SRA
Kill-All Concentrated Weed & Grass Killer	42	Sodium arsenite	herbicide unspecified	emulsifiable concentrate	Bonded Chemicals Corporation	1/1/76 to 12/31/87	13603	850-10253	GDEC
Main Line Weed Killer	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Cooper Creek Chemical Corp	1/6/58 to 12/29/86	13603	363-1	DCN
Marko Kill-Ko Arsenical Weed Killer	30	Sodium arsenite	herbicide unspecified	soluble concentrate	MARKO Inc.	6/20/69 to 7/1/87	13603	10204-11	GDEC
Mwk Non-Selective Weed Killer For Cont Of Weeds, Grass And Other Veg	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Malter International Corporation	2/10/64 to 3/16/87	13603	1266-43	DCN
Napasco Sa-40 Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	NAPASCO International, Inc	transferred to 3367-87 on 5/18/83	13603	2831-4	A-68
Napasco Sa-40 Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Regency Chemical Company/Reily Chemical Division	transferred to 51033-30 on 6/26/85	13603	3367-87	M-83
Napasco Sa-40 Weed Killer	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Omnitech International, Inc.	6/26/85 to 7/1/87	13603	51033-30	GDEC

**RFC Reason For Cancellation (or original approval date if the registration was transferred):**

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Zep R-59 Weed Killer	50	Sodium arsenite	herbicide unspecified	soluble concentrate	Zep Manufacturing Co. A division of Acuity Specialty Products	9/26/58 to 8/23/87	13603	1270-42	DCN
Ind-Sol 40	40	Sodium arsenite	herbicide unspecified regulator	soluble concentrate	Chemical Specialties, Inc.	1/1/76 to 9/29/88	13603	10827-4073	FIC
Weed-X	40	Sodium arsenite	herbicide unspecified regulator	soluble concentrate	D. H. Hunter Enterprises, Inc D/B/A	1/1/76 to 12/31/87	13603	37347-4050	GDEC
40% Sodium Arsenite Solution	40	Sodium arsenite	herbicide unspecified repellent or feeding depressant	soluble concentrate	Big Bee Chemical And Supply Co.	1/1/76 to 9/29/88	13603	36688-8218	FIC
Herbicidox Weed Killer	17 2.15 0.5 18.5	Sodium arsenite Coal tar acids 2,4-D Aliphatic Petroleum Hs	herbicide unspecified, herbicide terrestrial	solution-ready to use	U.S. Borax Inc.	6/10/64 to 7/1/87	13603	1624-55	GDEC
Ind-Sol 40 Contact Weed And Tree Killer	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial	emulsifiable concentrate	Chemical Specialties, Inc.	7/9/80 to 8/1/88	13603	10827-54	SRA
Sodium Arsenite 40% Liquid Solution	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial	soluble concentrate	Stewart Pharmacal, Inc.	9/20/82 to 8/1/88	13603	45128-11	SRA
Weed Killer (Sodium Arsenite Solution)	42.5	Sodium arsenite	herbicide unspecified, herbicide terrestrial	soluble concentrate	Faesy & Besthoff Inc.	3/25/48 to 7/1/87	13603	779-2	GDEC
40% Sodium Arsenite Solution	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial, insecticide & miticide	soluble concentrate	ABC Compounding Co, Inc	10/18/71 to 7/1/87	13603	3862-43	GDEC
6840-281-2030 Insect. Sod. Arsenite Conc Fed. Specif. 0-I-579	53.86	Sodium arsenite	herbicide unspecified, insecticide & miticide	soluble concentrate	Yukon Service Company	9/5/68 to 8/1/88	13603	9791-4	SRA

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Final Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Sodium Arsenite 42.5% Solution	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Good Life	11/26/56 to 7/1/87	13603	4931-33	GDEC
Sodium Arsenite 6-Lb. Solution	55	Sodium arsenite	herbicide unspecified	soluble concentrate	G S and Robbins Co	6/6/75 to 1/29/87	13603	842-113	DCN
Sure Weed Killer	38	Sodium arsenite	herbicide unspecified	soluble concentrate	Cantol, Inc.	11/8/63 to 7/1/87	13603	5664-1	GDEC
Sure-Kill	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Wilmar Co., Inc.	3/29/63 to 12/31/87	13603	6837-30	GDEC
Unico Sodium Arsenite Weed Killer Solution	42.5	Sodium arsenite	herbicide unspecified	soluble concentrate	Universal Cooperatives Inc	12/16/57 to 4/27/87	13603	1386-136	DCN
Varco Four Plus Fifty Non-Selective Concentrate	42.4	Sodium arsenite	herbicide unspecified	soluble concentrate	James Varley & Sons, LLC	11/19/63 to 1/28/87	13603	421-368	DCN
Varco Six Plus Sixty Non Selective Concentrate	59.5	Sodium arsenite	herbicide unspecified	soluble concentrate	James Varley & Sons, LLC	8/16/72 to 1/28/87	13603	421-398	DCN
Weed - X	40	Sodium arsenite	herbicide unspecified	soluble concentrate	Dettelbach Chemical Co	1/31/58 to 10/10/89	13603	1421-74	NPF
Weed Killer No. 50	16.5 4.5	Sodium arsenite Coal tar acids	herbicide unspecified	soluble concentrate	Cameron Baird	4/14/48 to 10/10/89	13603	551-1	NPF
Weed Killer No. 50A	33 9	Sodium arsenite Coal tar acids	herbicide unspecified	soluble concentrate	Cameron Baird	transferred to 50415-17 on 7/29/83	13603	551-88	O-52
Weed Killer No. 50A	33 9	Sodium arsenite Coal tar acids	herbicide unspecified	soluble concentrate	Cameron Baird	7/29/83 to 7/1/87	13603	50415-17	GDEC
Weedex Sodium Metarsenite 41%	41	Sodium arsenite	herbicide unspecified	soluble concentrate	Good James Company	1/15/48 to 7/1/87	13603	446-1	GDEC
Wil-Kill Arsenical Weed Killer	20	Sodium arsenite	herbicide unspecified	soluble concentrate	Wilmar Co., Inc.	2/13/61 to 12/31/87	13603	6837-22	GDEC
Wk-90 Concentrated Non Selective Weed Killer	55.8	Sodium arsenite	herbicide unspecified	soluble concentrate	Navy Brand Manufacturing Co.	11/12/64 to 8/1/88	13603	1926-30	SRA
Xd-542 Non Selective Weed Killer	25	Sodium arsenite	herbicide unspecified	soluble concentrate	CHEMEX Chemicals & Coatings Co Inc	6/15/54 to 8/1/88	13603	4450-6	SRA

**RFC Reason For Cancellation (or original approval date if the registration was transferred):**

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

**Final** Pesticide Research Appendix B: Registered Inorganic Arsenical Pesticides

Product	%	Ingredient	Use	Formulation	Registrant	Registrant Dates	EPA #	EPA Reg No.	RFC
Zep R-59 Weed Killer	50	Sodium arsenite	herbicide unspecified	soluble concentrate	Zep Manufacturing Co. A division of Acuity Specialty Products	9/26/58 to 8/23/87	13603	1270-42	DCN
Ind-Sol 40	40	Sodium arsenite	herbicide unspecified regulator	soluble concentrate	Chemical Specialties, Inc.	1/1/76 to 9/29/88	13603	10827-4073	FIC
Weed-X	40	Sodium arsenite	herbicide unspecified regulator	soluble concentrate	D. H. Hunter Enterprises, Inc D/B/A	1/1/76 to 12/31/87	13603	37347-4050	GDEC
40% Sodium Arsenite Solution	40	Sodium arsenite	herbicide unspecified repellent or feeding depressant	soluble concentrate	Big Bee Chemical And Supply Co.	1/1/76 to 9/29/88	13603	36688-8218	FIC
Herbicidox Weed Killer	17 2.15 0.5 18.5	Sodium arsenite Coal tar acids 2,4-D Aliphatic Petroleum Hs	herbicide unspecified, herbicide terrestrial	solution-ready to use	U.S. Borax Inc.	6/10/64 to 7/1/87	13603	1624-55	GDEC
Ind-Sol 40 Contact Weed And Tree Killer	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial	emulsifiable concentrate	Chemical Specialties, Inc.	7/9/80 to 8/1/88	13603	10827-54	SRA
Sodium Arsenite 40% Liquid Solution	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial	soluble concentrate	Stewart Pharmacal, Inc.	9/20/82 to 8/1/88	13603	45128-11	SRA
Weed Killer (Sodium Arsenite Solution)	42.5	Sodium arsenite	herbicide unspecified, herbicide terrestrial	soluble concentrate	Faesy & Besthoff Inc.	3/25/48 to 7/1/87	13603	779-2	GDEC
40% Sodium Arsenite Solution	40	Sodium arsenite	herbicide unspecified, herbicide terrestrial, insecticide & miticide	soluble concentrate	ABC Compounding Co, Inc	10/18/71 to 7/1/87	13603	3862-43	GDEC
6840-281-2030 Insect. Sod.Arsenite Conc Fed. Specif. 0-I-579	53.86	Sodium arsenite	herbicide unspecified, insecticide & miticide	soluble concentrate	Yukon Service Company	9/5/68 to 8/1/88	13603	9791-4	SRA

**RFC Reason For Cancellation** (or original approval date if the registration was transferred):

CR	Company Request	FR	Federal Register	OAA	Other Agency Action	U	Unknown
DCN	Data Call-in Notification	GDEC	General Data Exemption Call-in	RSCN	Reg. Standard Call-in Notice	UM	Undeliverable Mail
FIC	Final Intrastate Cancellation	NPF	Non-Payment of Maintenance Fee	SRA	Special Review Action		RAS X

# Energy Delivery and Customer Solutions

## In Situ Chemical Fixation of Arsenic-Contaminated Soils and Groundwater: Pilot Study Results from an Energized Substation

### Details

Product ID      Date Published      Pages

██████████      Nov 04, 2011      22

Document Type

Technical Report

### Abstract

The remediation of arsenic-contaminated soils and groundwater remains a complex issue, especially among utilities that may have used arsenic-based herbicides for the control of vegetation inside substations, and on other portions of active generating facilities. A previous Electric Power Research Institute (EPRI) technical report, 1014056, describes an *in situ* chemical fixation (ISCF) technology developed for the treatment of arsenic in soil and groundwater under the appropriate conditions. This report discusses the results of additional laboratory and field pilot-scale work conducted to prove the efficacy of ISCF for the remediation of arsenic-contaminated soils and groundwater.

### Background

Often, traditional remediation methods, such as excavation of the source material, are not feasible for arsenic-contaminated soils and groundwater due to limited accessibility caused by the presence of energized equipment. Therefore, development of a minimally invasive, cost-effective, *in situ* remediation technology to treat arsenic contamination would be welcomed by the utility industry. Findings of previous EPRI technical report 1014056 included a review of available literature and a summary of limited treatability testing conducted with the ISCF technology. However, further testing was necessary to fully vet the process and ensure its success as a viable remediation alternative.

### Objective

To demonstrate the efficacy of *in situ* chemical fixation technology for the remediation of arsenic-contaminated soils and groundwater through laboratory and field pilot-scale testing.

### Approach

The project team used soil column tests in the laboratory to evaluate the success of two treatment reagents, ferrous sulfate (FS) and ferrous sulfate plus lanthanum chloride (FSLA), on arsenic-impacted soils from an active substation facility. The

### No Charge

This document is publicly available

DOWNLOAD: PDF (1.80 MB)

### Keywords

- Remediation      Arsenic      Contaminated soil
- In situ chemical fixation      Ferrous sulfate

### Notes

For further information about EPRI, call the EPRI Customer Assistance Center at (800) 313-3774 or email [askepri@epri.com](mailto:askepri@epri.com).

### Having Trouble Downloading?



team also evaluated the direct treatment of arsenic-contaminated groundwater in the field using a standard push-pull test at two site wells.

### Results

Consistent with previous results, this testing effort confirmed the viability of ISCF as a soil treatment technology to significantly reduce leaching from arsenic-impacted soils. Two different fixation reagents were tested, ferrous sulfate (FS) and ferrous sulfate plus lanthanum chloride (FSLA). Previous efforts had indicated slightly better results were achieved with FSLA, although that could not be confirmed during this test effort. On average, laboratory results from FS-treated

soils indicated a 96% reduction in the amount of arsenic leaching from impacted soils inside an active substation facility, while arsenic leaching was reduced by only 59% when using FSLA. However, this is not an adverse finding since the use of FS alone is a more cost-effective alternative for soil remediation.

The ability to reduce arsenic leaching from the source material by an average of 96% will have the added advantage of minimizing impacts to groundwater in contact with the impacted soils. However, a second focus of this study was the direct treatment of arsenic-contaminated groundwater using the FS reagent, an aspect of the technology not previously tested. In this case, reductions in arsenic concentrations of up to 88% were achieved within a relatively short period of treatment. However, as groundwater continued to flow through the untreated, impacted source materials, the effectiveness of the initial treatment began to diminish, as expected.

### Applications, Values, and Use

The electric utility industry, as well as other industries throughout the nation and the world, own thousands of arsenic-impacted sites. Arsenic treatment standards for both soil and groundwater continue to tighten as regulations become more restrictive, such as with the proposed change in the arsenic cancer slope factor. Therefore, development and acceptance of a cost-effective treatment option that can be easily applied has the potential to save the industry millions of dollars compared to conventional methods of site remediation. Based on the results of the testing described in this report, one utility recently included the use of ISCF in a Corrective Action Plan for treatment of arsenic-impacted soils beneath concrete footers inside an energized substation.

The biggest challenge is likely to remain regulatory acceptance of the ISCF technology, since limited field and lab data are available. Further field testing may be necessary to convince regulators of its success. While the source material is not removed, the ISCF process can be likened to *in situ* stabilization/solidification (ISS), which locks contaminants in place, both physically and chemically, to prevent leaching to groundwater. The advantage of ISCF is that it is both easier to implement and more cost-effective than ISS. EPRI continues to investigate and evaluate potential remediation technologies for the treatment of arsenic, with field and laboratory testing of those processes that show the greatest promise.

4A



Linda S. Adams  
Secretary for  
Environmental Protection

## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Arnold Schwarzenegger  
Governor

# Arsenic Strategies

## Determination of Arsenic Remediation Development of Arsenic Cleanup Goals

January 16, 2009

The Department of Toxic Substances Control (DTSC) oversees the environmental assessments of hazardous waste sites and proposed and existing schools. During the Preliminary Environmental Assessment (PEA) or Remedial Investigation (RI) for sites, arsenic may be identified as a chemical of concern based on comparisons to naturally occurring background concentrations. Once arsenic has been identified as a chemical of concern, a standard approach is needed to determine if remedial action is warranted and, if so, how to develop appropriate cleanup goals. The following is the suggested approach from the DTSC Human and Ecological Risk Division (HERD) for arsenic remediation on sites.

### Determination of Necessity for Remedial Action

Once arsenic concentrations have been identified to be above background levels, additional characterization may be required to determine the lateral and vertical extent of contamination. This information should be used in the decision making process for the necessity of a removal action. For the areas with elevated arsenic concentrations, if the data from the step out samples indicate that they are isolated areas (i.e., no real extent of contamination), no remedial action may be an option. For areas with high levels of arsenic concentrations, this approach may not be applicable. The complete data set for arsenic should be considered in the determination, including background, onsite ambient levels, and potential contamination.

### Development of Cleanup Goals

The following are two options for developing a cleanup goal for arsenic.

#### Option 1

The upper limit of the background data set can be selected as the cleanup goal.

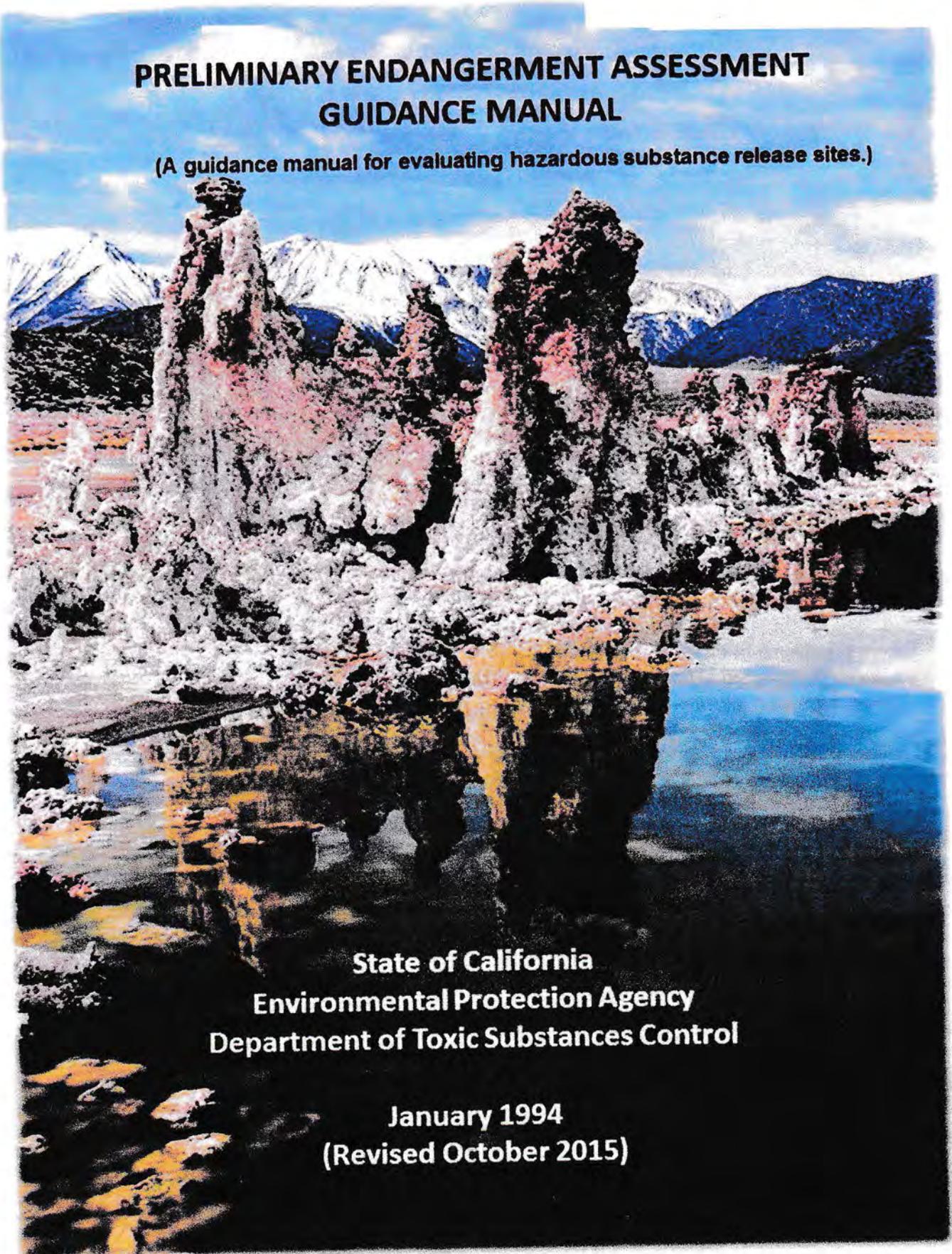
#### Option 2

Cleanup goals may be developed using the site specific data set for the project. This data set may include both the data from the site as well as background values from the immediate area. The approach uses both visual evaluation of the data plots (graphical evaluation) and statistical calculations (statistical evaluation).

4 B

# **PRELIMINARY ENDANGERMENT ASSESSMENT GUIDANCE MANUAL**

**(A guidance manual for evaluating hazardous substance release sites.)**



**State of California  
Environmental Protection Agency  
Department of Toxic Substances Control**

**January 1994  
(Revised October 2015)**

vapor sampling and use of models for evaluating TPH vapor intrusion should be discussed and agreed upon with DTSC staff. Vapor intrusion models that incorporate biodegradation are not appropriate for screening-level risk evaluation purposes.

If the PEA indicates that TPH-related compounds are the only major chemicals of potential concern, the DTSC project manager should be consulted to determine the most suitable environmental oversight agency for guidance in conducting an in-depth, site-specific evaluation.

Additional information on the evaluation of TPH in the environment may be found in the most current version of the State Water Resources Control Board's *Low-Threat Underground Storage Tank Case Closure Policy*<sup>44</sup>, the TPH chapter in the most current *User's Guide: Derivation and Application of Environmental Screening Levels*, published by the SFBRWQCB<sup>45</sup>, and the Massachusetts Department of Environmental Protection's *Characterizing Risks Posed by Petroleum Contaminated Sites: Implementation of the MADEP VPH/EPH Approach*<sup>46</sup>. Additional guidance on the evaluation of TPH at contaminated sites is forthcoming from DTSC.

- 6) **Metals:** For the purposes of this document, the term "metals" is taken to include true metals, such as cadmium and zinc; metalloid elements, such as arsenic and antimony; and selenium which is a nonmetal.
- 7) **Arsenic:** Arsenic is naturally present in soil at concentrations often greater than its risk-based screening level. Soil concentrations of arsenic may be elevated at a site because of past use or manufacture of arsenic-containing products, such as pesticides, wood preservatives, paints, dyes, electrical components and medical drugs, or as a contaminant in mine tailings. Site soil arsenic concentrations should first be compared to local background concentrations to determine whether further evaluation of this chemical is warranted, because naturally occurring background arsenic concentrations vary widely in different geographic regions. If further evaluation is necessary, it should be done in consultation with the DTSC project manager, geologist and toxicologist and may need to include the consideration of additional background data, bioavailability, end use of the property, and administrative controls. Detailed discussion on evaluating arsenic at a site is found in the most current version of DTSC's *Arsenic Strategies*<sup>47</sup>.

<sup>44</sup> State Water Resources Control Board. 2012. *Low-Threat Underground Storage Tank Case Closure Policy*. [http://www.waterboards.ca.gov/ust/lt\\_cls\\_plcy.html](http://www.waterboards.ca.gov/ust/lt_cls_plcy.html)

<sup>45</sup> San Francisco Bay Regional Water Quality Control Board. 2013. *User's Guide: Derivation and Application of Environmental Screening Levels*. Interim Final. [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/esl.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html)

<sup>46</sup> Massachusetts Department of Environmental Protection Site Cleanup Policies & Guidance Web site. 2002. *Characterizing Risks Posed by Petroleum Contaminated Sites: Implementation of the MADEP VPH/EPH Approach*. Final Policy. October 31. <http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/site-cleanup-policies-guidance.html>

<sup>47</sup> DTSC. 2009. *Arsenic Strategies, Determination of Arsenic Remediation Development of Arsenic Cleanup Goals*. January 16. <http://www.dtsc.ca.gov/AssessingRisk/upload/Arsenic-Cleanup-Goals-Jan09.pdf>

PHG, OEHHA REL, and IRIS IUR must be used in derivation of the screening levels (although the OEHHA IUR is identical in value to the IRIS IUR, the OEHHA IUR is not specified in the Toxicity Criteria Rule which then defaults to IRIS).

For beryllium and compounds, HERO applied the IRIS IUR ( $2.4E-3$  per  $\mu\text{g}/\text{m}^3$ ), the RfDo-equivalent from the PHG document ( $2E-4$  mg/kg-day), the chronic REL ( $7E-3$   $\mu\text{g}/\text{m}^3$ ), and DTSC default dermal exposure parameters (including GIABS=1) to derive DTSC-modified screening levels for soil. The DTSC-modified screening levels based on noncancer effects were calculated to be 16 mg/kg and 230 mg/kg for residential and industrial land use, respectively. For cancer, the DTSC-modified screening levels for beryllium and compounds in soil were calculated to be 1600 mg/kg and 6900 mg/kg under the residential and industrial land use scenarios, respectively, concentrations identical to the USEPA RSL derivation.

For beryllium sulfate, HERO previously applied the Cal/EPA inhalation unit risk ( $8.6E-1$  per  $\mu\text{g}/\text{m}^3$ ) for cancer to derive DTSC-modified screening levels for soil of 4.4 mg/kg and 19 mg/kg for residential and industrial land uses, respectively. However, with adoption of the Toxicity Criteria Rule, the computations now use the IRIS inhalation unit risk ( $2.4E-3$  per  $\mu\text{g}/\text{m}^3$ ) for cancer to derive screening levels for soil of 1600 mg/kg and 6,900 mg/kg, which is equivalent to the USEPA RSL values. For noncancer endpoints, the DTSC-SL and USEPA RSL for beryllium sulfate and beryllium and compounds in soil are identical. Like cadmium above, at this time we have not derived tap water screening levels for beryllium sulfate. Please consult with the DTSC toxicologist for sites where beryllium is a site-related contaminant in water.

#### **Arsenic (Soil)**

USEPA incorporates a relative bioavailability factor (RBA) into the RSL calculations for screening level concentrations for ingestion of soil-borne arsenic (a dimensionless value of 0.6, in contrast to a default value of 1.0 for all other compounds). HERO supports the use of this default RBA value for the adjustment of the ingestion of arsenic bound to soils and the DTSC-SL reflects this modification to the risk calculation. HERO has prepared HHRA Note 6 that provides recommendations for completing site-specific evaluations of the arsenic RBA in site soils.<sup>q</sup> Please consult with the DTSC toxicologist for sites where soil-borne arsenic is a site-related contaminant for the current recommendations for arsenic bioavailability. Note that risk-based screening-level concentrations of arsenic in soil are often below naturally occurring (background)

---

<sup>q</sup> <https://www.dtsc.ca.gov/AssessingRisk/humanrisk2.cfm>

4C

concentrations. Consequently, HERO strongly recommends consideration of site-specific background concentrations of inorganic constituents.

**Screening Levels and MCLs.**

As noted previously, the DTSC-SL and USEPA RSL values are derived strictly as risk-based concentrations—mathematical constructs of the exposure calculation algorithms—that may be independent of certain practical constraints (e.g., solubility, detection limits, or background concentrations). Additionally, there may be risk management considerations (such as regulatory thresholds) that affect decision-making for contaminated sites outside of the risk assessment process. Maximum Contaminant Levels (MCLs) are enforceable regulatory criteria for protection of the drinking water resource and in several examples, are at concentrations lower than risk-based screening levels. Table 4 presents the roster of analytes for which a DTSC-SL or USEPA RSL screening value exceeds an MCL regulatory criterion. These MCL criteria may need additional consideration during scoping for remedial or environmental investigations.

**TABULAR RESULTS**

HERO has calculated soil and tap water DTSC-SLs for all chemicals on the USEPA RSL roster and several additional analytes. The tabular results list the DTSC-SLs when the DTSC-SL is more stringent than the corresponding USEPA RSL; USEPA RSL values are also provided for completeness for the other combinations of receptor and endpoint when the USEPA RSL was more stringent. Screening concentrations for air were derived for all of the volatile chemicals and several other airborne contaminants, and a DTSC-SL is listed when the value is more stringent than the corresponding USEPA RSL value.

Alternatively, the USEPA on-line screening calculator available at the USEPA RSL website<sup>7</sup> can be used to calculate site-specific values using the more protective of Cal/EPA or USEPA toxicity criteria, applying assumptions consistent with HERO recommendations (e.g., route-to-route extrapolation between the oral and inhalation exposure pathways where no toxicity value is available for the inhalation route of exposure but an oral toxicity value is available), and site-specific values as agreed upon in consultation with HERO.

---

<sup>7</sup> [https://epa-prgs.ornl.gov/cgi-bin/chemicals/csl\\_search](https://epa-prgs.ornl.gov/cgi-bin/chemicals/csl_search)

Analyte	Chemical Abstracts Service Registry Number	Screening Level for Residential Soil (mg/kg), Cancer Endpoint	Reference for Screening Level for Residential Soil, Cancer Endpoint,	Screening Level for Residential Soil (mg/kg), Noncancer Endpoint	Reference for Screening Level for Residential Soil, Noncancer Endpoint	Screening Level for Commercial/Industrial Soil (mg/kg), Cancer Endpoint	Reference for Screening Level for Commercial/Industrial Soil, Cancer Endpoint,	Screening Level for Commercial/Industrial Soil (mg/kg), Noncancer Endpoint	Reference for Screening Level for Commercial/Industrial Soil, Noncancer Endpoint
Acephate	30560-19-1	--	--	76	USEPA RSL	--	--	640	DTSC-SL
Acetaldehyde	75-07-0	9.1	DTSC-SL	82	USEPA RSL	40	DTSC-SL	340	USEPA RSL
Acetochlor	34256-82-1	--	--	1300	USEPA RSL	--	--	11000	DTSC-SL
Acetophenone	98-86-2	--	--	6000	DTSC-SL	--	--	55000	DTSC-SL
Acifluorfen sodium	62476-59-9	--	--	820	USEPA RSL	--	--	6900	DTSC-SL
Acrylamide	79-06-1	0.24	USEPA RSL	130	USEPA RSL	3	DTSC-SL	1100	DTSC-SL
Alachlor	15972-60-8	9.7	USEPA RSL	630	USEPA RSL	26	DTSC-SL	5300	DTSC-SL
Aldicarb	116-06-3	--	--	63	USEPA RSL	--	--	530	DTSC-SL
Aldicarb sulfone	1646-88-4	--	--	63	USEPA RSL	--	--	530	DTSC-SL
Aldrin	309-00-2	0.039	USEPA RSL	2.3	USEPA RSL	0.18	USEPA RSL	34	DTSC-SL
alpha-HCH	319-84-6	0.086	USEPA RSL	510	USEPA RSL	0.24	DTSC-SL	4200	DTSC-SL
Ametryn	834-12-8	--	--	570	USEPA RSL	--	--	4800	DTSC-SL
Amitraz	33089-61-1	--	--	160	USEPA RSL	--	--	1300	DTSC-SL
Aniline	62-53-3	95	USEPA RSL	440	USEPA RSL	260	DTSC-SL	3700	DTSC-SL
Anthracene	120-12-7	--	--	17000	DTSC-SL	--	--	130000	DTSC-SL
Aroclor 1016	12674-11-2	6.6	USEPA RSL	4	DTSC-SL	17	DTSC-SL	29	DTSC-SL
Aroclor 1221	11104-28-2	0.2	USEPA RSL	--	--	0.53	DTSC-SL	--	--
Aroclor 1232	11141-16-5	0.17	USEPA RSL	--	--	0.49	DTSC-SL	--	--
Aroclor 1242	53469-21-9	0.23	USEPA RSL	--	--	0.58	DTSC-SL	--	--
Aroclor 1248	12672-29-6	0.23	USEPA RSL	--	--	0.58	DTSC-SL	--	--
Aroclor 1254	11097-69-1	0.24	USEPA RSL	1.2	USEPA RSL	0.59	DTSC-SL	8.4	DTSC-SL
Aroclor 1260	11096-82-5	0.24	USEPA RSL	--	--	0.6	DTSC-SL	--	--
Aroclor 5460	11126-42-4	--	--	35	USEPA RSL	--	--	260	DTSC-SL
Arsenic	7440-38-2	0.11	DTSC-SL	0.41	DTSC-SL	0.36	DTSC-SL	4.2	DTSC-SL
Asulam	3337-71-1	--	--	2300	USEPA RSL	--	--	19000	DTSC-SL
Atrazine	1912-24-9	2.4	USEPA RSL	2200	USEPA RSL	6.4	DTSC-SL	19000	DTSC-SL
Auramine	492-80-8	0.62	USEPA RSL	--	--	1.7	DTSC-SL	--	--
Avermectin B1a	65195-55-3	--	--	25	USEPA RSL	--	--	210	DTSC-SL
Azinphos-methyl	86-50-0	--	--	190	USEPA RSL	--	--	1600	DTSC-SL
Azodicarbonamide	123-77-3	--	--	8600	USEPA RSL	--	--	39000	DTSC-SL
Benfluralin	1861-40-1	--	--	370	DTSC-SL	--	--	4800	DTSC-SL

HC

- 264.531 Determination of technical impracticability.  
 264.532-264.539 [Reserved]  
 264.540 Interim measures.  
 264.541-264.549 [Reserved]  
 264.550 Management of wastes.  
 264.551 Management of hazardous wastes.  
 264.552 Management of non-hazardous solid wastes.  
 264.553-264.559 [Reserved]  
 264.560 Required notices.

### Subpart S—Corrective Action for Solid Waste Management Units

#### § 264.500 Purpose and applicability.

(a) The provisions of this subpart establish requirements for investigation and corrective action for releases of hazardous waste, including hazardous constituents, from solid waste management units.

(b) The owner or operator of a facility seeking a permit under subtitle C of RCRA must institute investigations and/or corrective action, as necessary to protect human health and the environment, for all releases of hazardous waste, including hazardous constituents, from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.

(c) Requirements for investigations and/or corrective action will be specified in the permit. The permit will contain schedules of compliance for such investigations and/or corrective action (where such cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.

(d) The owner or operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Regional Administrator that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completing such corrective action must be provided.

(e) For protection of ground water from landfills, surface impoundments, land treatment units, and waste piles that received listed or identified hazardous waste after July 26, 1982, the provisions of this subpart apply only as specifically provided herein.

(f) The provisions of this subpart do not apply to:

- (1) Permits for land treatment demonstrations using field test or laboratory analyses (see § 270.63).
- (2) Emergency permits (see § 270.61).
- (3) Permits by rule for ocean disposal barges or vessels (see § 270.60(a)).
- (4) Research, development, and demonstration permits (see § 270.65).

#### § 264.501 Definitions.

For the purpose of complying with the requirements of this subpart, the following definitions apply:

*Corrective Action Management Unit* means a contiguous area within a facility as designated by the Regional Administrator for the purpose of implementing corrective action requirements of this subpart, which is contaminated by hazardous wastes (including hazardous constituents), and which may contain discrete, engineered land-based sub-units.

*Facility* means all contiguous property under the control of the owner or operator seeking a permit under subtitle C of RCRA.

*Hazardous Constituent* means any constituent identified in appendix VIII of 40 CFR part 261, or any constituent identified in appendix IX of 40 CFR part 264.

*Hazardous Waste* means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined above.

*Release* means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

*Solid Waste Management Unit* means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

#### §§ 264.502-264.509 [Reserved]

#### § 264.510 Requirement to perform remedial investigations.

If the Regional Administrator determines that hazardous waste (including hazardous constituents) have been, are likely to have been, or, based on site-specific circumstances, are likely to be released into the environment from a solid waste management unit at the facility, the Regional Administrator may specify in the permit schedule of compliance that the permittee investigate and characterize solid waste management units and releases from solid waste management units at the facility.

#### § 264.511 Scope of remedial investigations.

(a) Investigations required under § 264.510 shall characterize the nature, extent, direction, rate, movement and concentration of releases, as required by the Regional Administrator. In addition, such investigations may include, but are not limited to, the following:

(1) Characterizations of the environmental setting at the facility, including:

- (i) Hydrogeological conditions;
- (ii) Climatological conditions;
- (iii) Soil characteristics;
- (iv) Surface water and sediment quality and other characteristics; or
- (v) Air quality and meteorological conditions.

(2) Characterization of solid waste management units from which releases have been or may be occurring, including unit and waste characteristics.

(3) Descriptions of humans and environmental systems which are, may have been, or, based on site-specific circumstances, may be exposed to release(s).

(4) Information that will assist the Regional Administrator in assessing risks to human health and the environment from releases from solid waste management units.

(5) Extrapolations of future movement, degradation and fate of contaminants.

(6) Laboratory, bench-scale or pilot-scale tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.

(7) Statistical analyses to aid in the interpretation of data required under § 264.510, in accordance with statistical methods approved by the Regional Administrator.

(b) Samples of ground water, surface water, soils, or air which are collected as part of remedial investigations

## Angie Buoncristiano

---

**From:** Brian Norris <[REDACTED]>  
**Sent:** Sunday, November 10, 2024 8:10 PM  
**To:** Kim Fowler  
**Cc:** Council; Sarah.Macgregor@coastal.ca.gov; Planning Commission; Airlin Singewald;  
North Morro Bay  
**Subject:** 3300 Panorama Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager,  
955 Shasta Avenue,  
Morro Bay, CA 93442  
November 10, 2024

RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms.Fowler,

My wife and I have been the owners of the property at 450 Java Street in North Morro Bay since 2011. I started my career as an Exploration and Mine Geologist and finished it as a Hydrographer for the Los Angeles Department of Water and Power. I would say my experience gives me some knowledge of the effects of water, earthquakes, and other geologic forces on the stability of slopes.

I believe that the initial scoping of the 3300 Panorama project has not addressed some of the very valid geologic factors that could influence the long term viability of this project. To state in the initial study that the effects of earthquakes and the potential for soil erosion and landslides are of "Less Than Significant Impact" indicates to me that the City of Morro Bay wants to "ramrod" this project to benefit the project applicant and the City's tax base rather than to actually determine if this project is environmentally viable. In fact, the project area is in an active earthquake zone and has experienced landslide and soil erosion activity in the recent past. Coupled with this is the unknown effect of groundwater movement as well as the risk of significant instability caused by winter storm surface runoff. Due to the effects of global warming, the future climate and the severity of storms is not understood and to proceed with this project without some study is, in my mind, ill advised. I can say with my experience in hydrography that groundwater can, in fact, flow uphill. To minimize the powerful effect of groundwater migration on slope stability without very careful study is also ill advised. I strongly disagree that a ten foot buffer area can stabilize an already unstable project area. For this project to proceed, a very careful study of what would be needed to make sure that this area is and remains stable would be required.

Other areas that I feel the initial project study minimizes the importance of are the effects of:

1. Noise and vibration from construction.
2. Additional traffic during and after construction especially on Yerba Buena Street but also on other streets in the area. Many of these streets are currently in bad repair and probably would degrade even more with the heavy equipment traffic that construction would require. Who would pay for the repair of any construction related

damage? There are no sidewalks in this area and the additional traffic during and after construction would be hazardous to foot traffic.

3. Possible removal of trees/vegetation that would impact aesthetics as well as creating wildlife habitat loss and further impacting slope stability.

4. The removal of the jet fuel tanks in the project area and the possibility of hazardous materials in the soil still remaining in the tank area.

I am not against development but I strongly feel that careful study is required to ensure the viability of the 3300 Panorama Project under the guidelines of the California Coastal Act.

Respectfully submitted,

Brian Norris

November 11, 2024  
City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, California 93442

RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

I am a resident of North Morro Bay. This following are my comments pursuant to the California Environmental Quality Act (CEQA), regarding the scope of the draft Environmental Impact Report for the 3300 Panorama project.

First, there were procedural defects. The project scoping meeting October 17, 2024 was not properly noticed, as many residents indicated they did not receive notice at all, or receive notice in time to attend. What are the notice requirements for the NOP stage, and have they been met? It is concerning that years go by with nothing happening, and then this important stage is rammed through in a few short weeks. A second meeting should have been scheduled as we requested, but it was not. In addition, important documents such as letters from trustee and responsible agencies, and a 2023 traffic study, were not posted to the City's website and available to the public.

There are major red flags with respect to proceeding on this project application. I urge the City to protect its residents, heed the warnings and avoid this unnecessary risk and liability.

### The City Of Morro Bay Should Halt The Application Process Until The Property Has Been Remediated And Cleared For Development.

The project site at 3300 Panorama is contaminated, and has not been cleaned up and released for development by the Regional Water Quality Control Board. The application for development should not proceed until this work is done.

The consultant, Analytical Consulting Group (Analytical), prepared a Site assessment Report and Request for Site Closure indicating they did not recommend any further investigation, but they suggested that a Soil Management Plan (SMP) be prepared to provide guidance for the proper management of any impacted soil that is encountered during redevelopment activities.

The Closure Report recommends that the SMP include a plan for removing the upper 6 to 12 inches of soil to address lead impacts, surficial soil testing of lead post-grading, and the placement of topsoil to protect against naturally occurring

asbestos associated with the onsite serpentinite.

However, it does not appear that Analytical is working with the agencies that manage toxic sites as they should be. In a letter dated November 1, 2024, the Department of Toxic Substances Control indicated that since the project site was the former Estero Bay Defense Fuel Supply Site, and hazardous materials had been released, stating,

*“An SMP alone cannot sufficiently identify and document the potential contaminants that may pose a threat to human health and the environment. DTSC recommends that a cleanup plan, a Removal Action Workplan (RAW) or Remedial Action Plan (RAP), be prepared to adequately address all site impacts after complete characterization.*

*DTSC recommends the City of Morro Bay enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a self-certified local agency, DTSC or the Regional Water Quality Control Board. If entering into one of DTSC’s voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your Regional Brownfield Coordinator.”*

The City needs to take all of these steps before proceeding with the development application. In addition,

*“DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern that meet screening levels as outlined in DTSC’s Preliminary Endangerment Assessment (PEA) Guidance Manual.*

*Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting DTSC’s Human and Ecological Risk Office (HERO) webpage.”* DTSC letter, p. 1-3

Clearly, the city needs to resolve the remediation issues before moving ahead with the developer’s application to build. The recommendations in the DTSC comment

letter dated November 1, 2024 make it clear that the city's processing of the application to build 46 homes at 3300 Panorama is premature. ALL of the above recommended steps in the DTSC letter should be taken before processing the application.

Removing the contaminated soil could release toxic dust and create other impacts to the environment and the neighborhood. The city should consider whether to undergo a separate environmental review dedicated solely to the remediation phase, while delaying the current development application until after that.

### The City Of Morro Bay Should Have Consultants That Will Advise Them Properly During The EIR Process.

Something is amiss when important hazards are downplayed by the consultants. The following chart was proposed in the Initial Study, but the residents of North Morro Bay do not agree that these are the only areas warranting further study in the EIR. Related to the 3300 Panorama Drive project, Rincon has only identified six of the possible 21 areas of significant impacts, overlooking important serious impacts to the North Morro Bay neighborhood (See Initial Study, p. 13, image below). <sup>1</sup> As I will outline in this letter, there should be many more areas studied. Even within the areas in the checked boxes, preliminary determinations have been made by Rincon that are unsupported by the evidence. Rincon has missed the most dangerous impacts and is not properly advising the City of the risks associated with this project. Risk should be “conservatively minimized” but instead it is overlooked and downplayed.

### The Project Conflicts With The Coastal Act Of 1976.

**Section 30253 of the Coastal Act states, in part:**

#### **Minimization of adverse impacts**

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

---

<sup>1</sup> Rincon Consultants previously failed to warn the city of potentially very serious impacts from the installation of a BESS. Writing a draft EIR for the BESS, Rincon failed to mention the term “thermal runaway” even once, even though the lithium-ion battery storage industry has a history of these dangerous chemical fires that cannot be extinguished.

The project will increase, NOT minimize risks to life and property in this area of high geologic risk. The fact that this is proposed as Homeowners Association development is a red flag that the owner and developer hope to avoid liability for damage to any areas that the project causes outside the confines of the project area. Who is going to pay for construction damage to the city streets in North Morro Bay, along with damage to utilities such as water and sewer pipes and the Whale Rock pipeline? Who is going to pay for landslide damage that occurs as a result of this project, but occurs in the surrounding neighborhood? The City of Morro Bay could go bankrupt over the future damage to streets, utilities and infrastructure from such an ill-advised project, threatening even its own employees' pensions.

**The Initial Study Conclusions Are Based On Flimsy, Unsupported Evidence and The Scope Of The EIR Should Be Expanded.**

Since remediation of contamination on the project site has not been done, the development EIR cannot specify the existing conditions that they're starting with. It's bad enough that the environmental impact report (EIR) will have to make guesses about possible impacts or about the effectiveness of suggested mitigation measures. But if they have to hypothesize about what the initial conditions are going to be, the application is on weak footing.

Once remediation is complete, and if the application for development is to proceed, a draft EIR to be prepared should include a complete study and review of the following potentially significant impacts, as guided by CEQA appendix G. In addition to the boxes filled in by the consultant, I have added Xs in other categories that should be addressed in the draft EIR.

## 12 Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture and Forestry Resources  | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Energy  |
| <input checked="" type="checkbox"/> Geology and Soils             | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards and Hazardous Materials    |
| <input checked="" type="checkbox"/> Hydrology and Water Quality   | <input checked="" type="checkbox"/> Land Use and Planning    | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Noise                         | <input checked="" type="checkbox"/> Population and Housing   | <input type="checkbox"/> Public Services                               |
| <input checked="" type="checkbox"/> Recreation                    | <input checked="" type="checkbox"/> Transportation           | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input checked="" type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire                            | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

### 14. I Aesthetics

North Morro Bay is a sleepy, quiet, safe, neighborhood that is dark at night, safe to walk down the middle of the street any hour of the day and in which the only sounds at night are the owls and the ocean waves. The homes are older, unique beach houses. An HOA with cookie-cutter expensive homes is out of character and will ruin the views, increase ambient light, and degrade the visual character of our neighborhood. Vehicles rushing through the narrow streets and funneling into Yerba Buena will create a dangerous bottleneck at the route 1 intersection. Please address this in the EIR, along with all the areas marked X below.

## 14.I Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>unknown</b>				
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 14.III Air Quality

The Initial Study states, “Haul trucks that would travel along Panorama Drive and other local residential roadways would potentially expose single-family residences to temporary and incremental increases in diesel particulate matter. Construction would occur over approximately 25 months, with the site preparation and grading phases of the project that would be supported by haul truck trips lasting between approximately 9 and 12 months.” Then the study concludes that impacts will be less than significant.

Since the property has not been remediated and has a layer of topsoil that is contaminated with heavy metals, arsenic, etc. there is no way the consultant can determine that air quality impacts from this soil removal will be less than significant. This must be addressed before trucks start digging up and hauling away the contaminated soil. The city must also address the impacts of possibly introducing “Valley Fever” to our neighborhood with all of the trucks carrying fill from who-knows-where.

## 14.III Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 14.IV Biological Resources

The Initial Study acknowledges potentially significant impacts to the biological resources, or plants and wildlife, in the Environmentally Sensitive Habitat Areas, or ESHA.

In a comment letter dated November 1, 2024, Julie Vance, Regional Manager of the California Department of Fish and Wildlife wrote,

*A review of the California Natural Diversity Database (CNDDDB) (CDFW 2024) and inaturalist (inaturalist 2024) shows the Project site is within the geographic range of several special-status species, including: the State fully protected white-tailed kite (*Elanus leucurus*); the State candidate burrowing owl (*Athene cunicularia*)<sup>2</sup> and*

<sup>2</sup> [How Your California Project May Be Impacted by the Burrowing Owl CESA Listing Candidacy](#)

*Crotch' bumble bee (Bombus crotchii); the State species of special concern and federally threatened California red-legged frog (Rana draytonii); and the State species of special concern American badger (Taxidea taxus), loggerhead shrike (Lanius ludovicianus), coast horned lizard (Phrynosoma blainvilli), and northern California legless lizard (Anniella pulchra).*

In order to protect the above species, CDFW encourages construction activities to avoid the nesting season, which is February 1st through September 15th. And that if the Project does move forward during nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections. However, each species needs to be monitored individually and has specific requirements for their protection and to avoid “take.”

CDFW recommends a qualified biologist do the mitigation monitoring. I would ask that as part of an escrow account required by the City and paid by the developer, mitigation monitoring is done by an independently chosen biologist who reports to the City daily with reports posted on the City’s website. In addition to the species listed above, there are owl nests and other species in the ESHA that need protection. Even when it is not nesting season, the noise will likely cause the various species in the ESHA to abandon their habitats.

#### 14.VII Geology and Soils:

The project site is in an active landslide area and also within the “Franciscan complex melange,” a geologic term describing “rock types (that) tend to be weak, intensely sheared and slightly metamorphosed sedimentary rocks or overlying unconsolidated deposits..... leading to high rates of erosion and abundant landslides.”<sup>3</sup> The Franciscan melange (“mixture”) in French, is labeled “KJfme” on the green topography map below. This type of geology is pretty much everywhere underlying the actual landslide deposits on the project site. The “Ql” areas, previous landslide deposits, and the “melange” cover the entire project site and the hills above it, and show signs of active movement.

---

<sup>3</sup> [Special Report 185 Landslides In The Highway 1 Corridor: Geology And Slope Stability Along The Big Sur](#)

## 14.VII Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Would the project:

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

unknown

unknown

Even though geologists in this area know that the Franciscan melange is prone to landslides, and that the project will be built on active landslides, the Initial Study

somehow concludes that with a ten foot buffer, landslide and erosion impacts are “less than significant.” Between the GeoSolutions Report published with the Initial Study, and the information from a local geologist, as well as a review of the US Geologic Service website, it is clear that the area above the project site is a large, active landslide area, and should not be developed. In addition, there are earthquake faults nearby and all of California is subject to earthquake activity. I have edited the above environmental checklist to indicate where I believe the impacts are actually much more serious and should be treated that way in the draft EIR.

### The City Should Learn From The Whale Rock Pipeline Damage.

In May, 2022, Neil Farrell, Estero Bay News journalist, wrote about an incident in which the Whale Rock pipeline was damaged due to movement in the hillside near the project site at 3300 Panorama.

He wrote, *“The Whale Rock Pipeline is a so-called “bar wrapped pipeline,” made of steel pipe with a 1” thick interior concrete coating. The pipe is wrapped in half-inch rebar, rather like a Slinky, and then coated on the outside with concrete, so it’s super tough.*

*“Still, the pipeline sprang major leaks in both 2016 and 2017, which occurred in rural areas of the pipeline’s route and so did not make the news. That’s when the Commission hired Pure Technologies for \$475,000 to survey the aging line.*

*In 1995, the pipeline, as it runs along Panorama Drive on the eastern edge of North Morro Bay, sprang a major leak when the hillside moved. That hillside was identified as a major risk for movement during really wet winters, as 1994-95 was.”<sup>4</sup>*

In response, the Whale Rock Commission rerouted the pipeline down Trinidad Street to Tide Avenue, and over to Nevis Street, where it was run back uphill to rejoin the pipeline as it runs southeasterly through the hills.”

With a history of instability at the project site, resulting in major pipeline leaks, it would be irresponsible not to study geologic impacts in the EIR.

---

<sup>4</sup> [Project Would Replace Part of Whale Rock Pipeline | Estero Bay News](#)

## The City Should Learn From The Wastewater Treatment Plant Landslides.

The City knew about the landslide risk at the location of the new Wastewater Treatment Plant (WWTP), proceeded with the project despite this knowledge, and then landslides occurred. <sup>5</sup> The residents of North Morro Bay should not be subjected to this risk from potential landslides in an active landslide area, when it is avoidable.

How is it that the impacts from landslides, including the presently active Panay Landslide, which intersects the project site, are being discounted as “less than significant”? These areas will create future risk for North Morro residents and liability for the City, and the City needs to be able to count on its consultants to warn them of the dangers.

Antonio Garcia is a local geologist who has shared his concerns about potential geologic risks in and around the project site area for 3300 Panorama Drive. He indicates that the area along the east/northeast side of Panorama Road from Island Street to Yerba Buena Street, and from Panorama Road to the adjacent ridgeline to the east above North Morro Bay is an active landslide area. He will be able to describe how there is a great deal of evidence that the lower approximately 400 yards or so of the North Morro Bay Landslide Complex, including several landslide deposits and Franciscan complex melange, is an unstable and actively moving downslope. The Whale Rock pipeline leaks are additional evidence of this.

GeoSolutions, as follows, provides plenty of reason for concern in their report, and then dismisses the risk by suggesting a 10-foot buffer from past landslide areas, which is absurd on its face.

### *“4.5 Landslides*

*“Hall and Prior, 1975, Dibblee, 2006 and Wieggers, 2016 map a large landslide complex within and immediately south at the Site. During site mapping and review of recent (Plate 4) and historical aerial photography from 1937 (Figure 4) and 1963 (Figure 5), the site is located at the base of a bowl shape with serpentinite outcrops forming the head scape at the top. The landslide complex is identified as the Panay Landslide. A Structural and Kinematic Analysis of the Panay Landslide was performed by Gary Mann (Gary Mann, 1997). The referenced study identified significant reactivation of the landslide in 1982-83, 1994-95 and 1997-98 during periods of significant rainfall events. Reactivation was observed as creep in lieu of large-scale*

---

<sup>5</sup> [Why did Morro Bay officials select the site of the water recycling plant? - GEOTILL provides geotechnical, construction testing and Environmental services Indianapolis Indiana](#)

gross failure, however damages included deformation of the asphalt as well as breaking underground utilities. Based on this, the Panay Landslide is considered active. ....

*It is recommended that new development not be located on identified landslide deposits. In addition, it is recommended that a 10-foot buffer from landslide deposits be implemented for proposed structures. Graded lots may extend within the 10-buffer provided that proposed structures are located outside the buffer. It is recommended that grading and roadways not extend within the limits of the landslide."*

The map below shows landslide areas that place the project site and North Morro Bay at risk. This map is from the Geology Report, page 5. The designation "Ql" indicates active landslide areas. The designation "KJfme" indicates the Franciscan melange, also unstable and not suitable for development.

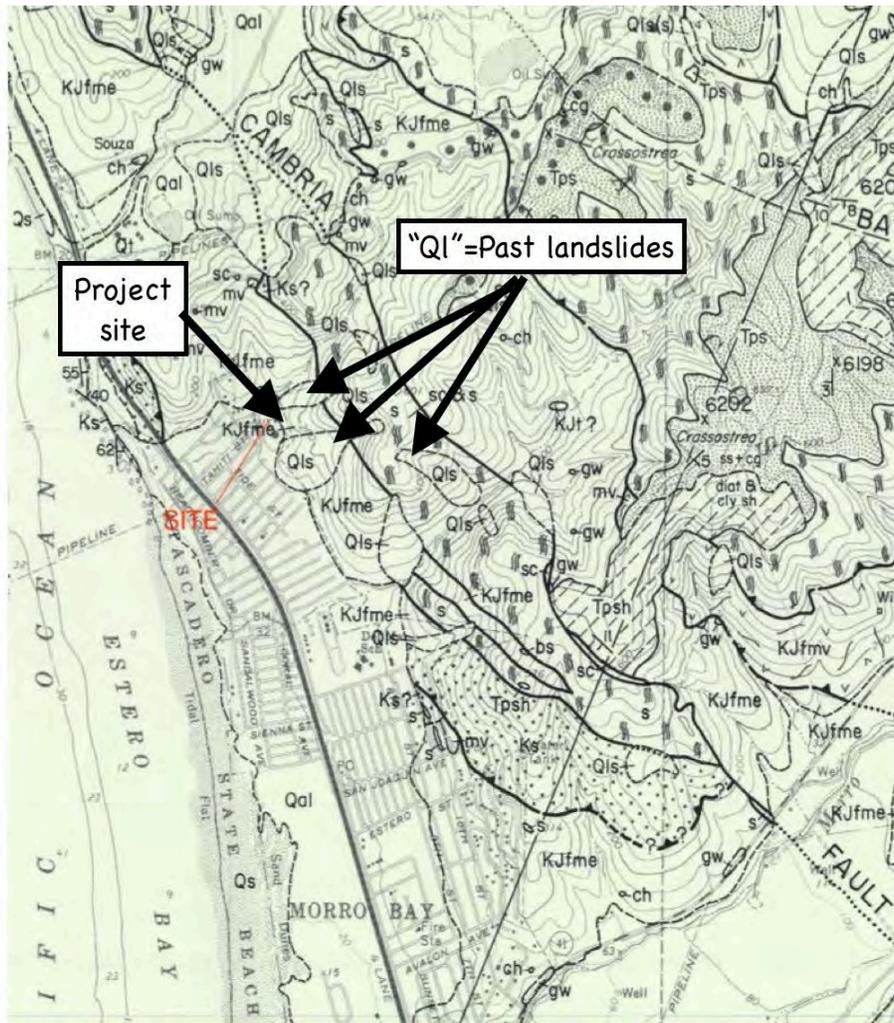


Figure 3: Geologic Map (Hall and Prior, 1975)

With climate change, storms are getting worse and more damaging. The City should be concerned with a worst case scenario, which involves significant property damage from landslides, floods and erosion, with possible loss of life, as occurred in La Conchita. A ten foot buffer is ridiculous, and even seemingly less damaging impacts, such as damaged sewer and water lines, will be very expensive to remediate.

The photo below is an image of the La Conchita landslide that killed 10 people in 2005. This is an example of what could happen from the active landslide or the melange area on the project site. A ten foot buffer would not have protected these people.



An aerial photograph of the devastating 2005 La Conchita Landslide in Ventura County, California reveals a massive landslide scar that destroyed dozens of homes and businesses, tragically killing 10 people and leaving many more homeless.

## Building on Expansive Soils Increases Geologic Risk

Section 8.1 of the Geology Report, “Expansive Soils” indicates on p. 11, “*The potential for expansive soil at the Site is very high based on laboratory testing from the concurrent Soils Engineering Report, expansion index of 141. The foundation recommendations for expansive soils should be incorporated into the design.*”

## 14.IX Hazards and Hazardous Materials

Environmental Checklist  
Hazards and Hazardous Materials

14.IX Hazards and Hazardous Materials				
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

unknown

The report by Analytical, when viewed in light of the November 1, 2024 letter by the Department of Toxic Substance Control, is inadequate. Arsenic, cobalt, lead, nickel, and mercury were above residential SLs, were found on the property, which has not yet been remediated and cleared for development. This project application should not proceed further until all of the steps outlined in the DTSC letter and set forth in this letter at p. 1-3, have been taken. No assumptions should be made that the “heavy metal concentrations are likely associated with the naturally occurring serpentinite rocks” or that the arsenic is naturally occurring. Digging up and moving this soil could present health risks to the residents of North Morro Bay, which is why the property should be remediated before this development application is processed.

### 14.X Hydrology and Water Quality



The area just below the project site is in a flood zone, and currently has inadequate drainage. The project will both destabilize the terrain and significantly increase impervious surfaces on a hill just above our neighborhood. As many of us residents in North Morro Bay know that we already have overflowing storm drains when it rains. To add more water in what is already a flood zone, will create a challenge that will be impossible to measure and mitigate effectively. The condos between Whidbey Way and Tahiti are in a flood zone (Initial Study, figure 2 p. 3) and cannot handle more.

## 14.X Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	✗	□	■	□
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	□	□	■	□
<b>unknown</b>				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	✗	□	■	□
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	✗	□	■	□
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	✗	□	■	□
(iv) Impede or redirect flood flows?	✗	□	■	□
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	✗	□	■	□
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	□	□	■	□
<b>unknown, needs further study</b>				

Therefore, the Hydrology and Water Quality chart for the draft EIR should look more like the edited chart above. Discounting these potentially significant impacts does not protect the residents of Morro Bay.

### 14.XI Land Use and Planning

The project would physically divide our neighborhood because the new development is proposed as an HOA which is not in keeping with the character of our island streets in Morro Bay. The very nature of the HOA is to build private roads and not integrate with the character of the existing neighborhood, but instead place an extra burden on us. The HOA will add further burden to the infrastructure of our established community: water supply, roads, utilities, etc. This is a series of potentially significant impacts. The Environmental Checklist should indicate potentially significant impacts, not “no impact.”

Environmental Checklist  
Land Use and Planning

<b>14.XI Land Use and Planning</b>				
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 14.XIII Noise

The Initial Study fails to adequately address the cumulative impacts of construction noise which will be extremely disruptive in North Morro Bay. The various trucks and backhoes will be in operation simultaneously and the noise will be a significant impact, not less than significant or no impact.

Environmental Checklist  
Noise

14.XIII Noise				
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 14.XIV Population and Housing

This project will most certainly introduce a substantial unplanned population growth in an area by adding 46 homes and 16 casitas. The additional population will be far more than the 92 people projected, as there will be homes with children and additional family members or renters in the casitas, and visitors. The additional traffic and burden on our utilities will not be absorbed well into this community. The

environmental checklist should include these impacts which need to be addressed in the draft EIR.

Further, none of the housing in this upscale development will truly be affordable housing, so it does not serve the city’s need for additional affordable housing. The Impacts to population will be potentially significant and should be treated that way in the draft EIR.

## 14.XIV Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 14,XVI Recreation

The project would increase the use of Del Mar Park so that it may be significantly impacted. The project would add a park on the project site, that is mostly, if not all, on an active landslide area, creating risk to all those who live around or visit the area. Construction will destabilize this part of the project area and wet winters will lead to landslides and erosion. These are impacts that must be addressed in the draft EIR.

<b>14.XVI Recreation</b>				
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14.XVII Transportation

The Project Would Make Travel On Local Roads Unsafe And Inconvenient For North Morro Bay Residents .

This issue of transportation must be studied further in the draft EIR; in fact the City should require a separate traffic study for impacts to the neighborhood in terms of safety to pedestrians as well as potential property damage from the trucks during construction. A separate study should be conducted for traffic flow once the new neighbors have moved into 46 homes and 16 casitas. One issue of great concern is that there are only two access points to Route 1 from North Morro Bay: Yerba Buena and San Jacinto, and they will be even further overburdened. I have checked boxes in Appendix G of CEQA, below, indicating my concern that potentially significant impacts are being overlooked and must be studied. The 2023 traffic study is outdated, and focuses on vehicle miles traveled and other data, not the condition of our roads and impacts on an underdeveloped traffic infrastructure.

# 14.XVII Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Under the topic of “Transportation” the Initial Study discusses circulation element consistency with respect to Plan Morro Bay. The study erroneously concludes that the addition of sidewalks on Panorama alone justifies the conclusion that the impacts to transportation would be less than significant. Panorama is also going to take all of the overflow parking. Panorama was described as a two-way traffic street, but there is only a short stretch between Whidbey Street and Tahiti where the street is wide enough for two way traffic, and after a parking lane and sidewalk are added, that may not be the case.

The Initial Study fails to acknowledge the potential safety and health hazards to North Morro Bay residents during construction. The infrastructure is underdeveloped and poorly maintained. There is no parking lane on any of our streets, contrary to Figure CIR-2C below.

On August 18, 2023 a Transportation Impact Study was conducted by RRM

Design Group, for the North Morro Bay area. The report indicates that the project is expected to generate an additional 514 vehicle trips per day. The study failed to include anything in its analysis about the current state of repair of the streets in our neighborhood or about the safety of pedestrians. Currently the local streets in North Morro Bay are in disrepair including:

- potholes that go for months or years before being filled,
- no shoulders,
- no parking lanes,
- few or no sidewalks,
- insufficient stop signs,
- no marked traffic lanes,
- only two access points to route 1 in all of the island streets, already creating bottlenecks.

There is no safe area for pedestrians which include children on bicycles, surfers, seniors walking dogs, all walking down the middle of the street. Many or most of us are walking to the beach, crossing at the Route 1 pedestrian crosswalk. We have to walk through a currently unsafe area on the first block of Yerba Buena between Main St., Route 1 and Tide. Cars are parked haphazardly, half on and half off the road. Let's face it, when you compare the condition of the local streets in North Morro Bay with the rest of town, it sometimes seems like we have been forgotten. When it's just us and the surfers and the turkeys, we have been able to manage in this less than ideal situation. But when construction trucks start carrying out contaminated soil and bringing in loads of fill, it will be even less safe, and there will be nowhere for us to go.

In addition, the condition of our local roads will cause problems with emergency access. This should be conservatively assessed by the local police and fire departments.

### The 3300 Panorama Project Conflicts With Plan Morro Bay Transportation Circulation Element

Plan Morro Bay outlines transportation goals and policies. The primary goal of the Plan Morro Bay Circulation Element is "to create a regionally connected system that facilitates safe and convenient travel for all community members, regardless of travel mode, age, or physical ability (City of Morro Bay 2021a). The Initial Study indicates that the provision of sidewalks along the project site on Panorama would enhance the pedestrian environment; "therefore, impacts would be less than significant." The Initial Study fails to address the significant adverse impacts that will result from the additional heavy equipment and construction trucks for months or years in our neighborhood, as

well as the traffic flow impacts that will occur to North Morro Bay when the new residents have moved in.

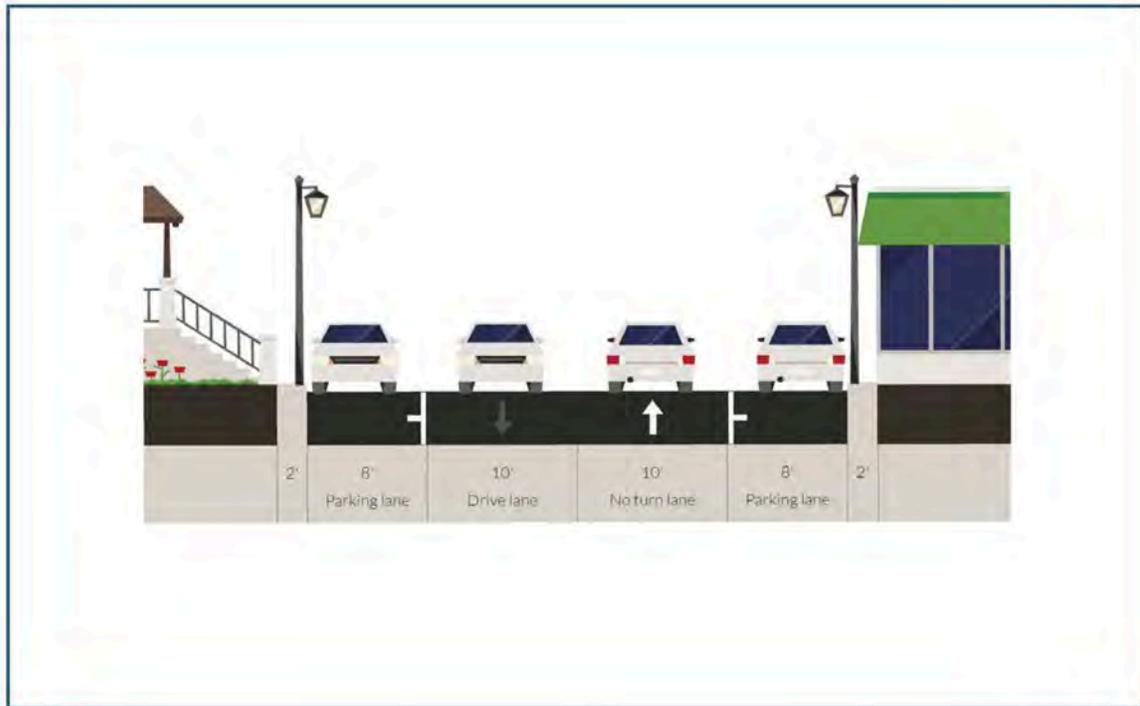


FIGURE CIR-2c  
Local Street Without Sidewalk

Plan Morro Bay, figure CIR-2c is wishful thinking, not the reality of local roads in the “island streets” or streets in the northeast corner of North Morro Bay. Our pedestrian and traffic flow is challenging to manage now, but it will be far more dangerous and difficult with this project and 514 additional vehicle trips per day. Our local roads are not adequate to withstand the impacts of this project.

#### 14.XIX Utilities and Service Systems

The project will result in new utilities and the extension of existing utilities, *including underground utilities in a landslide area*. There were two major leaks from hillside moving and causing damage to the Whale Rock pipeline under Panorama. This shows that the project creates significant risk for the new residents and the North Morro Bay residents. In addition, it is short-sighted and naive to think that we will be able to supply water in drought years to additional residents. These areas must be further addressed in the draft EIR.

## 14.XIX Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>unknown</b>			
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>unknown</b>			
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>unknown</b>			

In addition, there should also be an assessment of the current condition of all utilities in North Morro Bay, before any additional burden is placed on them.

## Conclusion

The City of Morro Bay and its North Morro Bay residents are subject to increased risk due to the potential for safety hazards and damage to life and property from the proposed housing development at 3300 Panorama Drive. I urge the City to deny the ill-advised project. If the City intends to proceed with the draft EIR, it should be expanded to include all of the issues above.

The Initial Study fails to address many potentially significant impacts and fails to acknowledge the current condition of our traffic and utilities infrastructure. Our neighborhood cannot withstand the strain of the additional burden from any development, much less one built on an active landslide area. Thus, in the unfortunate event the project is approved, the City should require an escrow account paid by the developer of \$100 million for mitigation monitoring, and for damage to the non-HOA surrounding neighborhood and our homes. This damage may occur from construction vehicles, but also from future erosion, drainage, utilities damage, and landslide damage.

Thank you for your consideration,

*Jeanne Marie Colby*

CC: Mayor Wixom and Morro Bay City Council; Planning Chair and Commissioners; Sarah MacGregor, Coastal Planner, California Coastal Commission, Kelsey DeLong, Central Coast RWQCB

Antonio F. Garcia, PhD.  
Professor of Geology  
Resident of Morro Bay since 2001

This is my public comment on scoping for 3300  
Panorama development project according to the  
California Environmental Quality Act

Dear Ms. Fowler,

I am a resident of North Morro Bay. I have lived and owned a home on Java Street in North Morro Bay since August 2001. I am a professor of geology and I have been teaching at Cal Poly since the academic year 2001-2002 (Attached is my CV). Within the discipline of geology, I specialize in geomorphology, which is the study of how geologic processes shape landscapes. My research focuses on streams and sediment transport in tectonically active areas. Because streams carve valleys, and erosion of valley slopes produces sediment that affects streams, in a few instances my research publications encompassed landslide-related processes.

The following are my comments pursuant to the California Environmental Quality Act (CEQA), regarding the scope of the draft Environmental Impact Report for the 3300 Panorama project. Based on my research and experience, I am concerned that the terrain on and above the project site is an unstable and actively moving downslope, and therefore unsuitable for development.

The checked boxes for items *a.4* and *c.* of the "Geology and Soils Environmental Checklist", which is in "Item 14.VII" of the "Panorama Drive Subdivision Project, Initial Study" (referred to as PDSPIS below) are inconsistent with the results and conclusions of a large number of peer reviewed publications. Consequently, these issues must be properly addressed in the pending Environmental Impact report (EIR).

In my letter it is shown that items *a.4* and *c.*, which the PDSPIS indicates will have "Less than Significant Impact on the local environment", will in fact have "Potentially Significant Impact" on the local environment. The conclusions regarding the Potentially Significant Impact on the local environment are based on previously published peer reviewed publications that unequivocally refute the "Less than Significant Impact" conclusions reported in the PDSPIS.

*Continues*

## **Analyses based on previously published peer reviewed publications**

### Comments on item a.4 on the Geology and Soils Environmental Checklist

The PDSPIS identifies one landslide within the proposed development Area (the Panay landslide) and one landslide adjacent to the proposed development area (referred to herein as the "NE Landslide" for convenience). The PDSPIS dismisses all landslide-related hazards as having "less than significant impact". Analyses of the hazards that refute the "less than significant impact" conclusions are presented below.

#### *Regarding the NE landslide*

The PDSPIS acknowledges that a landslide mapped by Hall and Prior (1975), and that the PDSPIS identifies as "landslide deposits" (Figure 1), exists east of the northern portion of the site. This is the NE landslide referred to above. Firstly, on page 9 of Appendix B-2 of the report, it is incorrectly stated that:

"Hall and Prior, 1975 and Wieggers, 2016 also map an additional landslide east of the northern portion of the Site within the existing drainage gully... The landslide does not extend within the property boundaries."  
(PDSPIS, Appendix B-2, p.9)

Figure 1 indicates that the landslide is within the "property boundaries" and if this project is approved, that lots 35, 36, 37, 39, 40, and 41 will be built directly on a landslide (Figure 1). Secondly, PDSPIS optimistically speculates that:

"...any reactivation of these deposits (i.e., the deposits that constitute the landslide) would mobilize material into an existing drainage gully away from the site, and there is low potential for this mapped landslide to affect the site (Appendix B-2)." (City of Morro Bay and Rincon Consultants, PDSPIS, P. 39).

*Continues*

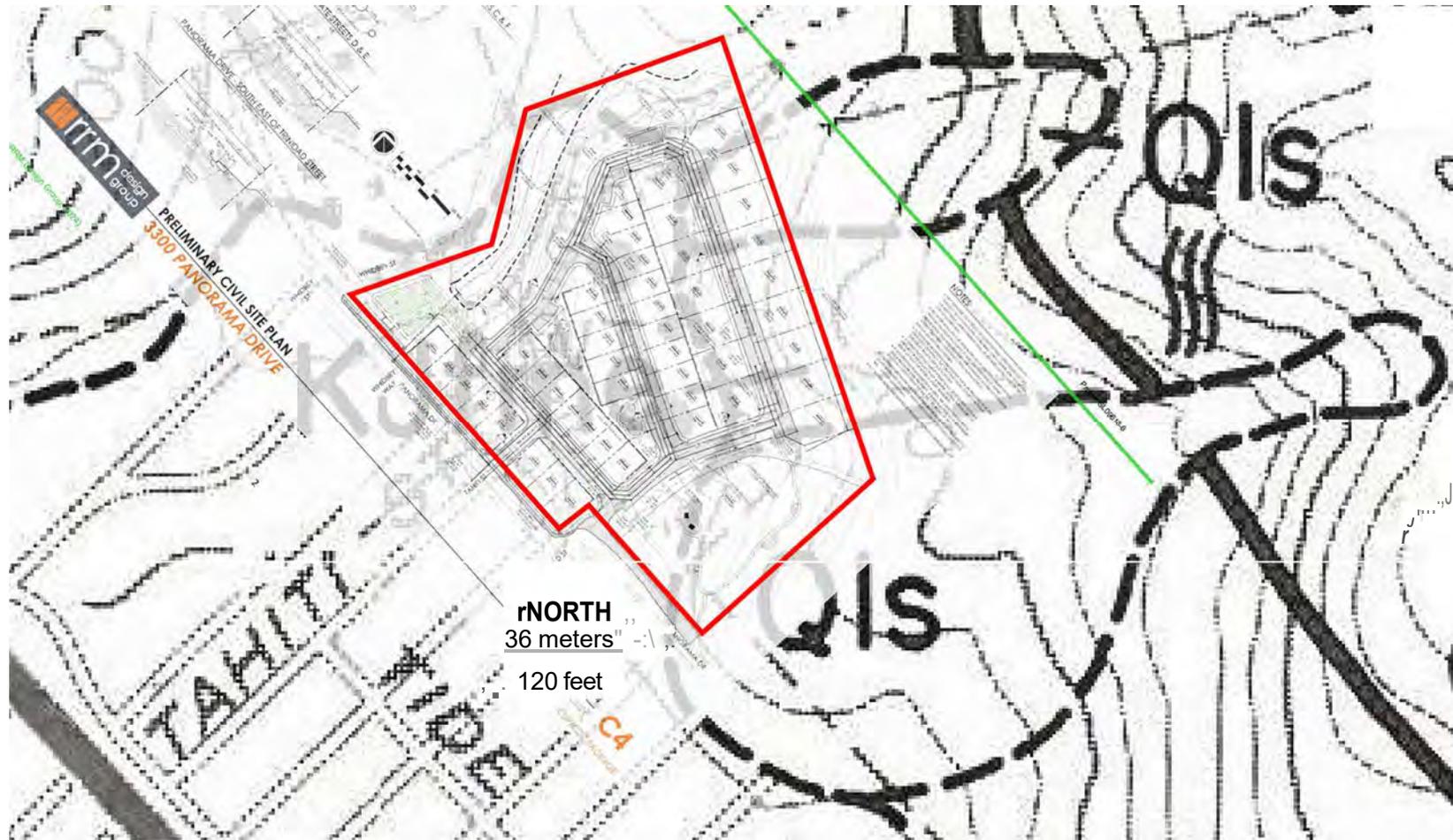


Figure 1. Translucent map of the proposed development area adopted from the PDSPIS and superposed on the geologic map of Hall and Prior (1975). The superposed relations of the maps shows that all substrate underlying the proposed development are mapped by Hall and Prior (1975) as landslides and landslide deposits (Q1s), or Franciscan Complex melange (KJfme).

The phenomenon described in the report as "...reactivated deposits in a drainage gully...", is referred to by geologists as *debris flow* (Figure 2; Highland and Bobrowsky, 2008). Debris flow moving through pre-existing channels do not always remain confined within those channels (Ritter et al, 2011; Paul et al, 2023) and unconfined debris flows cause fatalities (Stock and Dietrich, 2006) and significant damage to infrastructure along the stream channels (Highland and Bobrowsky, 2008). The debris-flow that originated from source area in Figure 2 was relatively minor and inconsequential. However, the certainty that storms having magnitudes that are the same or greater than the magnitude of the California flood of 1862 of Engstrom (1996) will occur in the coming years of 21 century is demonstrated by multiple peer-reviewed papers (Kunkel, 2003; Swain et al, 2018; Huang et al, 2020; Kirchmeier-Young and Zhang, 2020; Huang and Swain, 2022).

The California flood of 1862 is largest flood in California's recorded history (Engstrom, 1996; Huang and Swain, 2022). Gillis Canyon is within the Temblor Range in San Luis Obispo County, and approximately 5.5 km east of Shandon. Rainfall during the California flood of 1862 triggered landslides that delivered a copious amount of sediment to the principal stream that drains Gillis Canyon (García and Mahan, 2024). Along a 1.8 kilometer (1.1 mile) segment of Gillis Canyon the landslide-derived sediment completely filled the principle stream channel that drains Gillis Canyon and buried the valley floor beneath 1.5 to 2 meters (4.9 to 6.5 feet) of sand, gravel, and mud (García and Mahan, 2024).

The principal drainage of Gillis Canyon did not confine the landslide-derived sediment delivered to its stream channel during the California flood of 1862 because of the relatively large magnitude of that event (Garcia and Mahan, 2024). Therefore, peer-reviewed, published research shows that in at least one locality in San Luis Obispo County, the California flood of 1862 triggered landslides which mobilized enough sediment to completely fill a stream channel and bury the adjacent valley floor beneath 1.5 to 2 meters (4.9 to 6.5 feet) of sediment. Coupled with the likelihood that storms having magnitudes the same as or greater than the magnitude of the California flood of 1862 will be occurring with more frequency in the coming years of the 21 century, it is unlikely that all debris flow or other landslide related sediment originating from the NE landslide will

*Continues*



remain within a channel in the proposed development area. Accordingly, the conclusion the NE landslide will have "Less than Significant Impact on the local environment", is incorrect. Instead, the presence of the NE landslide in the proposed development area will have "Potentially Significant Impact" on the local environment.

*Regarding the effectiveness of a 10 foot buffer between landslide deposits and proposed structures.*

In the PDSPI, the "Panay Landslide" is the name assigned to a feature identified in the PDSPI as a large and active landslide partly within the proposed development area and south of the proposed development area (Figure 1). The Panay Landslide matches the descriptions of a large scale "slump complex" presented in the Highland and Bobrowsky (2008; Figures 3 and 4). Slump complexes are a type of landslide complex that consist of amphitheater-like escarpments which rise above landslides (identified in the PDSPI as "landslide deposits") that constitute the lower slopes of the complex and are known as earthflows (Highland and Bobrowsky, 2008; Figures 3 and 4). The earthflow that is directly above, and directly adjacent to 4 home lots designated in the PDSPI, is a textbook example of the earthflows that develop at the lower slopes of a slump complex (Highland and Bobrowsky, 2008; Figures 3, 4, and 5). The PDSPI proposes that a 10 foot buffer between structures (i.e., homes where families will live) and an active earthflow is sufficient to conclude that the active landslides constitute "less than significant impact".

In recent years it has become clear that ancient earthflows like those at the base of the Panay landslide are readily remobilized by rainfall and constitute a significant hazard to society (Ritter et al, 2011; Bierman and Montgomery, 2020). For instance, in 1995 rainfall remobilized an earthflow that composes the lower slopes of a slump complex that: (1) is comparable in scale, but smaller than the Panay landslide in Morro Bay; and (2) exists above the coastal community of La Conchita (Ventura County, California; Figure 6). The remobilized earthflow destroyed homes (Gurrola et al, 2010; Ritter et al, 2011). In 2005, another rainfall event once again remobilized the lower slopes of the slump complex as a relatively fast (10-25 meters per second) moving earthflow (Highland and Bobrowsky, 2008). The 2005 event destroyed more homes and caused 10 fatalities. (Gurrola et al, 2010; Ritter et al, 2011).

*Continues*

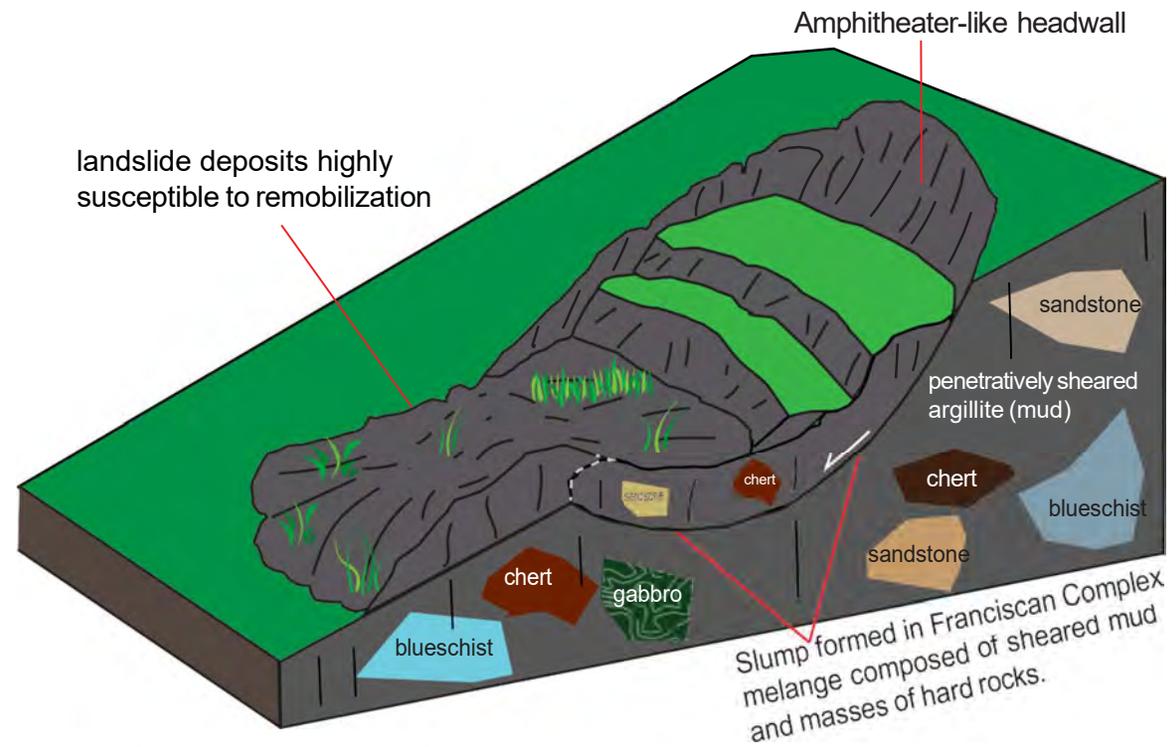


Figure 3. Schematic diagram of the Panay landslide and the rock unit in which it developed, which is known as the Franciscan Complex mélangé. The Panay landslide is a type of landslide known as a “slump complex”. Both the Panay landslide in Morro Bay and the deadly La Conchita landslide in Ventura County (discussed in text) exemplify large slump complexes (Highland and Bobrowsky, 2008) of similar scale. Note that it is difficult distinguishing between mélangé, sediment mobilized as a landslide, and landslide deposits (Wakabayashi and Dilek, 2011). In this figure the “hard blocks” referred to in the text are rendered as polygons denoted with the rocks names blueschist, chert, gabbro, and sandstone. The penetratively sheared mud is the matrix of the mélangé discussed in the text. Figure adopted and modified from Highland and Bobrowsky (2008).



sandstone

penetratively sheared  
argillite (mud)

Figure 5. Oblique aerial view toward north-northeast of the Panay landslide and the area proposed for development. The denoted "hummocky topography" is evidence of type of landslide know as an earthflow (Highland and Bobrowsky, 2008; Bierman and Montgomery, 2014), which has developed in an area mapped as Quaternary landslide (Qls) in the Hall and Prior (1975) map and referred to in the PDSPIS as "landslide deposits". Note that the fuel tanks in the view have been removed, and that earthflow formed in landslide deposits are directly above the proposed site (compare with Figure 1).



“Hummocky topography” that indicates landslide activity as an earthflow (Highland and Bobrowsky, 2008)

Panorama Drive

1994

Imagery Date: 8/23/2013 35°24'16.87" N 120°51'35.40" W elev 260 ft eye alt

Google



sandstone

penetratively sheared  
argillite (mud)

chert

blueschist

sandstone

chert

gabbro

sandstone

chert

The 2005 event mobilized an earthflow that completely buried homes and people that were approximately 90 meters (293 feet) downslope of where the earthflow originated (Figure 6; the distance was measured using the Google Earth ruler function). A great deal of research triggered by the 2005 tragedy at La Conchita indicates that the previously (before 2005) unrecognized hazards arising from remobilization of "ancient" or "paleo" landslides pose a serious threat to society (Gurrola et al, 2010; Ritter et al, 2011). The tendency for the landslides to bury homes and people hundreds of feet below the landslide source area indicates that: (1) the proposed 10 foot "buffer" is insufficient to keep citizens of Morro Bay safe; and (2) to conclude that landslides pose a "Potentially Significant Impact" to the proposed development area. Additionally, lots 8, 15, 30, 31, 5, 41, and 44 are within 30 meters/100 feet and directly downslope of the landslide deposits that compose the lower slopes of the Panay Landslide (Figure 1). Lots 35, 36, and 37 are directly downslope and juxtaposed against the lower edge of the NE Landslide, and lots 39 and 40 are entirely within the NE Landslide (Figure 1). The location of proposed lots downslope and near to landslide deposits constitute a "Potentially Significant Impact" rather than "Less than Significant Impact" as is indicated by the PDSPIS.

It must also be noted that the same environmental impacts posed by landslides to the proposed development area are also a threat to existing homes and citizens of Morro Bay. Very recently construction activity related to building the new Morro Bay water plant triggered a significant landslide at the site (Ferrell, 2020). The substrates that underly the proposed development site *and* at the Morro Bay water plant site are: (1) Franciscan Complex mélange (at the proposed development site *and* the water plant site; Hall and Prior, 1975; Wieggers, 2009); and (2) landslides formed in Franciscan Complex mélange (at the proposed development site; Hall and Prior, 1975). Landslides are more easily remobilized than the original material that the landslides are formed in (Ritter et al., 2011). Therefore, the environmental impact of landslides related to construction practices at the proposed development site *are greater* than the environmental impact of landslides at Morro Bay water plant site, which already has a problematic, expensive history of landslide activity. Given that the proposed development site is upslope of existing homes where citizens of Morro Bay Live, the impact can include possible fatalities.

*Continues*

*Final Comments on item a.4 on the Geology and Soils Environmental Checklist.*

On the basis of previously published peer reviewed publications, it is shown here that it is inappropriate to regard landslides within and adjacent to the proposed development as having “less than significant impact on the local environment”. Further investigation of landslide hazards must be included in the pending EIR.

Comments on item c. on the Geology and Soils Environmental Checklist

In addition to active landslides, the other substrate that underlies the proposed development, and which the Panay and NE landslides are formed in, is known as the Franciscan Complex *mélange* (Figure 1; KJfme on maps Hall and Prior, 1975; PDSPIS, 2024 ). Throughout coastal California the Franciscan Complex is composed of a wide variety of rocks, but in the proposed development area the Franciscan Complex consists entirely of *mélange* (Hall and Prior, 1975). This is noteworthy because safely building homes and other human-made structures on *mélange* is extremely difficult in terms construction practices and engineering (Figure 7; Medly and Zekkos, 2011). For example, the Morro Bay Water Reclamation Facility is being built almost entirely on Franciscan Complex *mélange* (City of Morro Bay, 2017; Wieggers, 2009). Prior to the start of construction, the City of Morro Bay, and presumably, the contractors building the plant were warned that land disturbance could trigger landslides at the site. Despite prior knowledge of the likelihood that slope failures could occur, a “...major landslide...” triggered by construction activities occurred at the site (Ferrell, 2020). The Geological Society of America has published an entire volume (Wakabayashi and Dilek, 2011) of peer-reviewed papers detailing, among other aspects of working with *mélange*, the physical characteristic of *mélange*, the engineering strategies and practices that should be followed when building on *mélange*, and case studies of projects hindered because they were built on *mélange* substrate.

*Mélange* consists of a matrix of relatively soft and weak, fractured and deformed mud, within which are blocks of sedimentary rocks such as sandstone, as well as crystalline igneous and metamorphic rocks (for example, Cowan, 1985; Cloos, 1990; schematically illustrated in Figure 1). The blocks much harder and stronger than the deformed mud, and are randomly distributed throughout the mud matrix. The size of the strong blocks varies from centimeter-sized pebbles to meter-sized boulders, and in some instances tens-of-meters sized masses (Medly and Zekkos, 2011).

*Continues*

## *Geopractitioner approaches to working with antisocial melanges*

Edmund W. Medley\*

*Geological Engineer, Belmont, California, USA*

Dimitrios Zekkost

*Department of Civil and Environmental Engineering, 2358 GG Brown Laboratory, 2350 Hayward Street,  
University of Michigan, Ann Arbor, Michigan 48109-2125, USA*

### ABSTRACT

Although melanges are exciting, puzzling, and controversial to geologists, it is geopractitioners and contractors who must work with them to engineer the constructed works of Society. Geopractitioners include geotechnical engineers, geological engineers, engineering geologists, and rock engineers. Melanges are the most intractable *bimrocks* (block-in-matrix rocks), complex geological mixtures composed of hard blocks of rocks surrounded by weaker matrix, and are famously exemplified by those within the Franciscan Complex of Northern California. Bimrocks also include olistostromes, weathered rocks, fault rocks, and lahars. The conventional characterization, design, and construction procedures used by geopractitioners for well-behaved stratified rocks and soils are not well suited to melanges. The considerable engineering and construction difficulties related to melanges burden Society to the extent that they can be considered "antisocial." Case histories exemplify a recommended systematic procedure for characterization, design, and construction with melanges. Geopractitioner approaches to characterizing California's chaotic Franciscan melanges are applicable to geologists and geopractitioners working in fault zones, weathered rocks, lahars, and other bimrocks, and suggestions are offered for collaborative research between geologists and geopractitioners.

Figure 7. Abstract of Medly and Zekkost (2011)

A fundamental challenge to building homes and other human-made structures on *mélange* is correctly calculating the magnitude of the load that can be supported by such a heterogeneous mix of materials. The load that a *mélange* can support is depends on the size and the sub-surface/ subterranean distribution of the hard blocks (Medley and Zekkos, 2011). Assessing the magnitude of the loads that can be supported by *mélange* requires an analysis of the abundance of hard blocks relative to the mud matrix, the sizes, shapes, and strengths of theses blocks, and the distribution of groundwater within the *mélange* (Medly and Zekkos, 2011). None of these analyses nor approaches to defining the geotechnical properties of the *mélange* at the proposed site are specified in the PDSPIS. Much or all of the analyses of *mélange* at the proposed site was completed using bore holes or trenches. These methods alone are inadequate for establishing the character of *mélange* (Figure 7; Medley and Zekkos, 2011).

The blocks within *mélange* are the strongest components of substrate underlying the proposed site. Discerning between the hard blocks and the mud matrix in the subsurface is a challenging but necessary procedure when assessing the geotechnical properties of *mélange*, such as the ability of *mélange* to support a load (Medley and Zekkos, 2011). No such analyses is reported in the PDSPIS. More significantly, in many instances it is difficult to discern landslides from *mélange* at the surface and shallow subsurface beneath a landscape (Medley and Zekkos, 2011). The failure to correctly identify the characteristics of *mélange* at a given site and thereby develop appropriate construction and engineering strategies can lead to landslide mobilization and other issues (Medley and Zekkos, 2011). Given that almost all of the substrate for the proposed project is mapped at the surface as landslides and *mélange* (Figure 1), the problem of distinguishing between landslides and *mélange* in the PDSPIS is significant. No method or strategy to distinguish *mélange* from landslide deposits are included in the PDSPIS.

The adoption of pre-existing data to complete the analyses presented in the PDSPIS, and the construction practices and the engineering approaches presented in the PDSPIS reflect ignorance regarding the fundamental problems that must be addressed to: (1) effectively assess the geotechnical properties of the Franciscan Complex *mélange*; (2) ensure safety for workers at the at construction sites;(3) ensure the safety of people and homes downslope of the proposed development area; and (4) build safe homes for society.

*Continues*

*Final Comments on item c. on the Geology and Soils Environmental Checklist*

The PDSPIS fails to acknowledge and recognize the fundamental problems that need to be addressed in terms of the geotechnical properties of *mélange*. The most basic and overarching properties of the *mélange* that are necessary to make a geotechnical assessment are not included in the report. PDSPIS does not address, acknowledge, or include engineering approaches to building structures on *mélange* that have been published on over 10 years ago. The PDPIS also fails to address, acknowledge, or recognize the significant threats posed by landslides developed in *mélange* to the proposed development site and the homes that are below the proposed development site.

**Closing Comment**

Throughout the PDSPIS there is a consistent undercurrent of downplaying geologic hazards. In one instance this downplaying led to the inclusion of nonsensical, incorrect observations and statements regarding the character of the terrain in proposed development site. For example, on page 28 of the PDPIS a sentence reads as follows:

“The project site is generally flat, located on the base of a southwest facing slope, with elevations ranging from approximately 79 to 145 feet (24 to 44 meters).”

The first phrase of the sentence is contradicted by the quantification of the topographic relief within the site that is described in the same sentence. The character of the terrain that is being proposed is illustrated in Figure 8. It is beyond the scope of this commentary to establish what is driving this trend to downplay geotechnical challenges at the proposed site. However, it demonstrated here that the conclusions regarding items *a.4* and *c.* of the “Geology and Soils Environmental Checklist” are “Less than Significant Impact on the local environment”, are contradictory to modern, peer-reviewed, published literature. Geotechnical hazards related to landslides and *mélange* must be addressed in the Pending Environmental Impact Report.

**list of references cited on following pages**



ard

## References Cited

- Bierman, P.R., Montgomery, D.R., 2020. Key Concepts in Geomorphology. W.H. Freeman Macmillan, 526 p.
- City of Morro Bay, 2017. Master Water Reclamation Plan.
- City of Morro Bay and Rincon Consultants, 2024. Panorama Drive, Subdivision Project Initial Study.
- Cloos, M., 1990, Evolution of the geological interpretation of the Franciscan Complex in the San Francisco Bay region: A comparison of cross-sections, in Bilodeau, B.J., and Davis, S.O., eds., Geologic Guidebook to the Point Reyes Area, Northern California: Bakersfield, California, American Association of Petroleum Geologists, Pacific Section, p. xxiii-xxxi.
- Cowan, D.S., 1985, Structural styles in Mesozoic and Cenozoic mélanges in the Western Cordillera of North America: Geological Society of America Bulletin, v. 96, p. 451-462, doi:10.1130/0016-7606(1985)96<451: SSIMAC>2.0.CO;2.
- Engstrom, W.N., 1996. The California storm of January 1862, Quaternary Research, v. 46, p. 141–148, <https://doi.org/10.1006/qres.1996.0054>.
- Ferrell, N., 2020. Major Landslide At City's WRF Site. Estero Bay News, Volume 2, Issue 12, July 2-July 15 2020. <https://esterobaynews.com/wp-content/uploads/2020/07/EBN-7-2-20.pdf>
- García, A.F., Mahan, S.A, 2024. Storm-driven sedimentation and dynamics of a sediment slug in an ephemeral stream: Influence on sediment routing systems within source areas. Geosphere v. 20, N. 1. <https://doi.org/10.1130/GES02683.1>
- Gurrola, L.D., DeVecchio, D.E., and Keller, E.A., 2010. Rincon Mountain megaslide: La Conchita, Ventura County, California. Geomorphology v. 114 p. 311–318.
- Hall, C.A., Prior, S.W., 1975. Geologic Map of the Cayucos-San Luis Obispo Region, San Luis Obispo County, California: U.S. Geological Survey, Miscellaneous Field Studies Map, MF 686, Scale 1:24000.
- Highland, L.M., and Bobrowsky, P., 2008. The Landslide Handbook— A Guide to Understanding Landslides. United States Geological Survey Circular 1325.
- Huang, X., and Swain, D.L., 2022. Climate change is increasing the risk of a California megaflood. Science advances 8, eabq0995 12 August 2022.

X. Huang, D. L. Swain, A. D. Hall, (2020). Future precipitation increase from very high resolution ensemble downscaling of extreme atmospheric river storms in California. *Sci. Adv.* 6, eaba1323.

Kirchmeier-Young, M.C., Zhang, X., Human influence has intensified extreme precipitation in North America. (2020). *Proc. Natl. Acad. Sci.* 117, 13308– 13313).

Kunkel, K. E. North American trends in extreme precipitation. (2003, *Nat. Hazards* 29, 291–305.

Paul, L.R., Scorpio, V., Michel, G.P., Comiti, F., Zanandrea, F., and Schwarz, H., 2023. The effects of debris flow on structural sediment connectivity: case studies in the Italian Alps and in Southern Brazil. EGU General Assembly 2023, Vienna, Austria, 23–28 Apr 2023, EGU23-12999, <https://doi.org/10.5194/egusphere-egu23-12999>, 2023.

Medley, E.W., and Zekkos, D., 2011. Geopractitioner approaches to working with antisocial melanges, in Wakabayashi, J., and Dilek, Y., eds. *The Geological Society of America Special Paper 480*, p. 261-277.

Ritter, D.F., Kochel, R.C., Miller, J.R., 2011. *Process Geomorphology*, 5<sup>th</sup> edition. Waveland Press, 652 p.

Stock, J.D., and Dietrich, W.E., 2006. Erosion of steepland valleys by debris flows, *Geological Society of America Bulletin*, v. 118, p. 1125-1148.

D. L. Swain, B. Langenbrunner, J. D. Neelin, A. Hall, (2018). Increasing precipitation volatility in 21st-century California. *Nat. Clim. Chang.* 8, 427– 433).

Wakabayashi, J., and Dilek, Y., eds., 2011. *Mélanges, Processes of Formation and Societal Significance*. The Geological Society of America Special Paper 480.

Wieggers, M.O., 2009, Geologic map of the Morro Bay South 7.5' quadrangle, San Luis Obispo County, California: A digital database: California Geological Survey, Preliminary Geologic Maps PGM-09-03, scale 1:24,000.

Abbreviated resumé  
Antonio F. García

SUMMARY:

Geomorphologist, Quaternary geologist, geology teacher.

EDUCATION:

2001: PhD in Geological Sciences, The University of California, Santa Barbara.

1996: MS in Earth and Planetary Sciences, The University of New Mexico.

1994: BS in Geology (Magna Cum Laude), San José State University.

THESES:

Doctoral thesis title:

Quaternary stream incision and topographic development in the eastern Alpujarran Corridor, Betic Cordillera, southern Spain (Almería)

MS thesis title:

Active tectonic deformation and late Pleistocene and Holocene geomorphic and soil profile evolution in the Dosewallips River drainage basin, Olympic Mtns., western Washington State

SELECT WORK EXPERIENCE / POSITIONS HELD:

June 2012 - present	Professor, Physics Department, Cal Poly State University, San Luis Obispo, California
June 2007 – June 2012	Associate professor, Physics Department, Cal Poly State University, San Luis Obispo, California
August 2001 – June 2007	Assistant professor, Physics Department, Cal Poly State University, San Luis Obispo, California

PUBLISHED MANUSCRIPTS AND SELECT PRESENTATIONS:

**Garcia, A.F.**, and Onderdonk, N., 2024 variations in rates of Quaternary denudation in the Rainbow Basin area, Mojave desert, constrained by IRSL geochronology on fluvial terraces and fan deposits. GSA Fall 2024 Conference Abstract, Anaheim, California.

**Garcia, A.F.**, and Mahan, S.A., 2024. Storm-driven sedimentation and dynamics of a sediment slug in an ephemeral stream: Influence on sediment-routing systems within source areas. *Geosphere*, v. 20, No. 1, p.214-236, <https://doi.org/10.1130/GES02683.1>

Emily O. Ross, Jacqueline E. Reber, Sarah J. Titus, and **Antonio F. Garcia**, 2024. Using a landscape fingerprint to identify changes in fault-slip behavior. *Geology* (2024) 52 (11): 841–845. <https://doi.org/10.1130/G52156.1>

Onderdonk, N., **García, A.F.**, Kelty, C., Farris, A., Tyler, E., and Slatten, C., 2022. The topographic development of a compressional mountain belt, the western Transverse Ranges of California, is a combination of localized uplift along individual structures and regional uplift from deeper shortening. *Geosphere* <https://doi.org/10.1130/GES02505.1>.

Ross, E.O., Reber, J.E., Titus, S.J., and **García, A.F.**, 2022. Did the Gabilan Mesa form because of the change in slip behavior on the San Andreas Fault? *Presented by E.O. Ross at the GSA Connects 2022 meeting IN 2020*. <https://gsa.confex.com/gsa/2022AM/webprogram/Paper380475.html>.

Onderdonk, N., Farris, **A., Garcia**, A.F., Jung, C., Kelty, C., McGregor, I., Pytlewski, A., Slatten, C., Tutterow, E., Tyler, E., 2020. Separating regional uplift from local uplift in an actively deforming compressional mountain range; the western Transverse Ranges of California. *Presented by Prof. Onderdonk at the GSA national conference in October 2020*.

**Garcia, A. F.**, Dean, D., and Mahan, S.A., 2017. Deducing geomorphic process and the character of paleoclimate from surficial geology and geochronology based on optically stimulated luminescence (OSL)

dating. Geological Society of America, Abstracts with Programs V. 49, Issue 6, Abstract no. 53-6.

**García, A. F.**, and Mahan, S. A., 2014. The notion of climate-driven strath-terrace genesis assessed via dissimilar stream-process response to late Quaternary climate. *Geomorphology* v. 214, p.223-244.

**García, A. F.**, and Mahan, S. A., 2012. The influence of upper-crust lithology on topographic development in the central Coast Ranges of California. *Geomorphology* v. 138, p. 243-262.  
doi:10.1016/j.geomorph.2011.09.009

**García, A. F.**, and Mahan, S. A., 2010. Exploring the roles of discharge and bedload composition in strath terrace formation through a naturally occurring experiment in the California Coast Ranges. *1000 word, 4 figure, peer-reviewed contribution to a Geomorphology Case Study on-line archive*. URL is  
<<http://serc.carleton.edu/vignettes/index.html>>.

**García, A. F.**, and Mahan, S. A., 2010. Landscape response in the California Coast Ranges to the stormy conditions of the Pleistocene to Holocene climatic transition. *1000 word, 4 figure, peer-reviewed contribution to a Geomorphology Case Study on-line archive*. URL is  
<<http://serc.carleton.edu/vignettes/index.html>>.

**García, A. F.**, and Mahan, S. A., 2009. Sediment storage and transport in Pancho Rico Valley during and after the Pleistocene-Holocene transition, Coast Ranges of central California (Monterey County). *Earth Surface Processes and Landforms*, v. 34, p. 1136-1150.

Stokes, M., and **García, A. F.**, 2009. Late Quaternary sedimentation and erosion patterns along the Rancho Marino coastal range front, Cambria, central-southern Pacific Coast Ranges, California, USA. *Journal of Quaternary Science* v. 24, p. 728-746. DOI: 10.1002/jqs.1243.

**García, A. F.**, 2006. Thresholds of strath genesis deduced from landscape response to stream piracy by Pancho Rico Creek in the Coast Ranges of central California. *American Journal of Science*. V. 306, p.655-681

**García, A. F.**, and Stokes, M., 2006. Late Pleistocene highstand and recession of a small, high altitude pluvial lake, Jakes Valley, central Great Basin, USA. *Quaternary Research*, v. 65, p. 179-186.

**García, A. F.**, Zhu, Z., Ku, T.L., Chadwick, O.A., and Chacón Montero, J., 2004. An incision wave in the geologic record, Alpujarran Corridor, southern Spain (Almería). *Geomorphology*, v. 60, p. 37-72.

**García, A. F.**, Zhu, Z., Ku, T.L., Sanz de Galdeano, C., Chadwick, O.A., and Chacón Montero, J., 2003. Tectonically driven landscape development within the eastern Alpujarran Corridor, Betic Cordillera, SE Spain (Almería). *Geomorphology*, v. 50, p. 83-110.

**García, A. F.**, 2001, Quaternary stream incision and topographic development in the eastern Alpujarran Corridor, Betic Cordillera, southern Spain (Almería) [Ph.D. thesis]: Santa Barbara, The University of California, 214 pp.

Pazzaglia, F.J., **García, A. F.**, Pederson, J.L. and Toya, C., 1998, Geology of the Jemez Pueblo 7.5' quadrangle, Sandoval County, New Mexico, New Mexico Bureau of Mines and Mineral Resources, Open-file Geologic Map OF-GM 14, scale 1:24,000.

**García, A. F.**, 1996. Active tectonic deformation and late Pleistocene and Holocene geomorphic and soil profile evolution in the Dosewallips River drainage basin, Olympic Mtns., western Washington State. MS thesis, University of New Mexico. 152 pp.

**García, A. F.**, 1995. Development of corrugations on off-road motorcycle trails, San Benito County, California. *California Geology*, May/June, v. 48, no. 3, p. 72-78.

#### *Technical report*

**García, A. F.**, and Chadwick, O. A., 2000. Landform and surficial geologic map of the Sedgwick Natural Reserve (south of the Little Pine Fault), Santa Barbara County, California. Available from the first author or from the Map and Imagery Library, University of California, Santa Barbara, 1:12,000 scale.

**dbarker@bcsquared.com**

---

**From:** [REDACTED]  
**Sent:** Wednesday, November 13, 2024 4:00 PM  
**To:** 'broschen@morrobayca.gov'; 'mrodriguez@morrobayca.gov';  
'jingraffia@morrobayca.gov'; 'aking@morrobayca.gov'; 'emeyer@morrobayca.gov'  
**Cc:** 'kfowler@morrobayca.gov'  
**Subject:** 3300 Panorama Drive Project

City of Morro Bay  
Community Development Department  
Planning Department Commissioners and Kim Fowler  
955 Shasta  
Morro Bay CA. 93442

RECEIVED  
NOV 18 2024  
City of Morro Bay  
Community Development Dept.

Regarding: Comments and Concerns  
CASE NO: CPO-500, UPO-440  
3300 Panorama Drive

We need a neighborhood park, not high-density vacation condominiums shoe-horned into an area of single-family homes.

The U.S. Navy offered to sell the property to the City of Morro Bay for \$1.00. The residents in the surrounding neighborhood viewed this offer as an opportunity to develop a much-needed park in an area of postage-stamp lots. We lost our opportunity for our park when the city turned down the Navy's offer and re-zoned the property from industrial to high-density development. This was short-sighted and not in the interests of residents of our city.

The 3300 Panorama Project is an the extremely high-density project like vacation condominiums. These condo's will probably be marketed as vacation timeshares. Individual Timeshare units are not subject to the city STR (short term rental) ordinance. The city will not get transient occupancy tax revenue from this project. The surrounding residents will not get access to open space or a usable park due to the privately owned alleyways, roads, and limited guest parking spaces in the development.

Our neighborhoods will get more traffic, crumbling streets, and cave-ins that block what is left of our roads. We have dangerous failing utility poles and lines that catch fire. The utility lines and poles were supposed to be put under ground by 2004. The funds, that were set aside for under-grounding utilities, were used for other purposes elsewhere in the city.

This is a private gated condominium project masquerading as a single-family residential development. The project building density, narrow alleyways, with 90 to 100 cars parked in the project, and only two private exist roads to Panorama Drive make this project a fire trap.

This project proposal is a lose-lose outcome for the Panorama Drive neighborhood residents and the City of Morro Bay.

This project should not be approved. No further development should be allowed.

The general plan allows us to explore outright purchase of the existing property as it is. This option would benefit the public interest.

Please enter these comments into the meeting and project record. I appreciate your time and consideration in this matter.

Sincerely,

Deborah L.K. Barker

[REDACTED]

Cayucos, CA 93430

Nov. 13, 2024

To Morro Bay City Officials,

I am writing this letter today to voice my opposition to the construction of the housing tract in north Morro Bay. My main concern is the impact that the traffic for the Panorama project will have on our neighborhood. The intersection of Yerba Buena and Main Street is already a problem due to the City allowing people to park on the street in front of the Condominiums on this corner. There is only room for 1 vehicle to pass at a time on Yerba Buena. This parking problem should have been taken care of last year, but parking was allowed by the city. Now you ask that we have hundreds of heavy equipment trucks pass through here daily and for years on end. This is unacceptable, the streets in North Morro Bay are already too small and are in bad shape. The amount of dump trucks coming through will literally destroy the streets. I had heard in the past that there was supposed to be a new road installed strictly for the new housing project. Apparently, this is not true. Our streets cannot sustain such a project! Is the developer going to pay to fix and repave all of our streets every year in the affected area?

There are large numbers of people who walk on these streets every day, the hundreds of trucks on this road will be noisy and dangerous for any pedestrians, as there are not stop signs on every intersection in North Morro Bay. Yerba Buena is a heavy foot traffic street. This will be extremely dangerous for any foot traffic and for anyone pulling in and out of their homes in this area. This project seems to be badly planned and managed. It appears that there are no concerns for the safety and peace in our neighborhood.

This project has nothing to do with low income housing, I see that it has 17 ADU's attached to it. This will not help the housing crisis. These are expensive homes, not affordable housing.

Also, we have been told over and over that there is a WATER SHORTAGE here in Morro Bay. So, I cannot water my yard, but the city can install 47 new homes and 17 ADU's. Where is this water coming from? Are you drilling new wells for this community? This is not going to help our community. Where is the concern for our citizens who pay the taxes and pay for the utilities here in Morro Bay. There seems to be none.

I would like to see a traffic impact report for this project be done, to prove this project is viable and safe!

Thank you,

Phil and Lora Gomes

[REDACTED]

November 13, 2024

City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, California 93442

RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

I am a resident and homeowner in North Morro Bay. This letter contains my comments regarding the scope of the draft Environmental Impact Report for the 3300 Panorama project.

I'm very concerned about this project's high potential to negatively impact our neighborhood, both during and after its construction.

**During Construction Concerns:**

- Over 4,600 truckloads of Import Soil: The "Site Preparation and Construction" section of the report identifies over 46,000 Cubic Yards of Import Soil, which will be delivered over the course of an entire year. This is an incredibly large number of trucks rolling through our narrow neighborhood streets, every day for an entire year. This is an unacceptably large number of trucks for an unacceptably large amount of time. I'm very concerned about the safety of our neighborhood kids, pets, and neighbors with this information.
- Noise and Dust: The incredibly large amount of Import Soil will require spreading and compaction, which will undoubtedly create a large amount of dust and noise throughout our neighborhood. Again, every day for an entire year.
- Subsequent Trucks and Noise: After enduring the full year of Import Soil Grading, then the construction of the 46 homes can begin, which will require many additional trucks of materials, including multiple concrete trucks. Since these new homes would be built up the newly built-up embankment, the noise from the construction of these homes will resonate over the entire neighborhood for an unstated amount of time.

**Post Construction Concerns:**

- Not in Context with the rest of the neighborhood: This proposed development is very different from the rest of our current neighborhood. The number of private roads within the tightly packed development will appear uninviting compared to the existing public roads. The "cookie-cutter" style of numerous (46) homes, perched on a hillside above the existing neighborhood, does not fit the existing context of our neighborhood.
- Hydraulics/Hydrology: As stated in the Report, up to 3.7 Acres of new Impervious Areas will be added to this drainage basin. During a 100yr Storm, this has the potential to add an incredibly large amount of water to the downstream drainages. The homes along Tahiti Street are already within a High Risk Area, according to FEMA Flood Hazard Maps. Although the report states that it will be ensured that "post-development stormwater runoff does not exceed pre-developed existing conditions", the very small detention basin shown on the displays does not appear adequate for attenuating those flows. Also the basin is shown to be constructed directly in line with the creek's natural flow, which could present failures to the basin if the creek exceeds its constraints during heavy flows.
- Shallow Groundwater Concerns: The report states that the proposed BioRetention Basin would retain the flows from a 5yr (95%) storm, allowing the water to infiltrate into the soil. Larger storm runoffs would be attenuated with this same basin. This neighborhood is known to have a shallow Franciscan Clay layer, which could impede the on-site infiltration and send the flow subsurface to neighboring downstream properties. This should be investigated.

- Retention Basin Above or Below Grade? It's difficult to determine from the provided mapping if the BioRetention Basin will be dug down below the natural grade, or built up. It appears that it's above grade. If so, this could present a significant flooding risk to the downstream neighbors if this basin was to be overwhelmed and breached with large flows from both the new development and the natural creek.

Finally, about six months ago I attended a public meeting with the Planning Commission, where the Developer had presented this proposed project to the community and the Commission was hearing public comments. There was resounding community opposition to this project, and the vast majority of Planning Commission obviously disliked the development. The developers were told by the Commission that they needed to "do better", and significantly revise the project. The current project, presented in the Draft EIR, appears to be exactly the same as the project rejected by the Planning Commission and community. Why? Also, I did not receive the mailed notice of the October 17 Public Hearing of this project until that same afternoon/evening. I found the "notice" after the time that the meeting had started, and was unable to attend. This seemed rather unethical; as if this meeting was snuck in at the last minute because the previous Planning Commission public meeting met with such significant public opposition.

I do hope that you listen to the concerns of this community regarding this project.

Sincerely,

*Mark Cresswell, P.E.*

██████████

CC: Mayor Wixom and Morro Bay City Council; Planning Chair and Commissioners; Sarah MacGregor, Coastal Planner, California Coastal Commission

November 13, 2024

City of Morro Bay  
955 Shasta Avenue  
Morro Bay, California 93442

RE: 3300 Panorama Drive Project  
Attn: Kim Fowler, Interim Planning Manager

Dear Ms. Fowler,

We are residents of North Morro Bay and very concerned about this project. There's so much wrong with it that it's hard to decide where to begin, but let's start with the hillside. It doesn't take a geologist to see that the hill has and will come down. Statements in the geologist report indicate just that, but your report shows this is less than significant. At best this is an understatement and at most it's a grossly naive or misrepresented statement. There are past geologist maps and reports indicating this is a landslide zone. The only thing holding some of that hill are the trees and they're planning to take them out. Man made efforts to control this mountain are no match for mother nature. There's a great risk to life and property here. Who will be responsible and where will the liability lie should such a catastrophic event happen?

They're proposing cutting 13,800 cubic yards of dirt from the hillside, then importing 48,085 cubic yards totaling 59,885 cubic yards of dirt that has to be moved around and compacted. This will cause an incredible amount of dust and noise for an incredible amount of time. The vibrations alone may bring down some of that hill above. Even if it's compacted right, there are under ground waterways that may find their way through and destabilize the soil. There are several places in the neighborhood now where the water surfaces in the roads, on peoples properties and in garages. The road on Tuscan between Zanzibar and Yerba Buena is a perfect example. The city has to repave and patch it every couple of years.

Where will this imported dirt come from and what kind of foreign matter will be in it? The blowing dust and dirt can carry valley fever and other lung diseases throughout the neighborhood and city. This is very concerning considering how long this will go on for.

Now let's talk about getting the imported dirt to the site. The tiny roads in our neighborhood barely accommodate 2 cars passing and we're talking 2,500 truck and trailer loads of heavy dirt running up and down our streets for months. Think for a moment about the impact of that. The roads will be ruined, the utilities under the roads will surely have some damage. There's a 30' diameter water line under those roads that comes from Whale Rock Reservoir that feeds the Men's colony and Cal Poly which broke in 1999 causing extensive damage from the flood of water and broken pieces of pipe that went with it. What about the noise and the traffic problems it will cause with people just trying to come and go to their homes? What if there was an emergency and fire trucks or ambulances needed to get through, or we had to evacuate? When only one home is being built in this established neighborhood it causes disruptions and bottlenecks. A project of this scale in this neighborhood would be unimaginable and cause the residents and the city more problems than anyone is prepared to handle.

We have a great view of the cypress trees and bird wildlife that roost or nest in these trees, and it's abundant. Among others we see hawks, falcons and even a pair of golden eagles that frequent here. One

time we saw a couple of California condors that roosted for the night. Every morning before it gets light you can hear the owls hootin to each other. There's several protected species in this grove and waterway that have been identified. What will happen to them?

Only a few of the boxes of environmental factors are checked and they're marked less than insignificant. Nearly every single one is significant and some are extremely significant! We surely hope you give this project careful scrutiny and consideration. Please protect our city and citizens of Morro Bay. We're counting on you.

Thank you, Sincerely,  
Bob & Betsy Mastro



November 14, 2024

City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, CA 93442

Re: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

I am a resident of and homeowner in North Morro Bay (360 Tahiti). This letter contains my comments regarding the scoping of the draft Environmental Impact Report for the 3300 Panorama project. I am also writing to express concern that the project scoping meeting on October 17, 2024, was not properly noticed, as many residents indicated they did not receive notice in time to attend, or at all. I did not receive my notice until the evening of. During the week, I arrive home from work between 6:00-8:00 at night and check my mailbox once arriving home at the end of the workday. The notice was not in my mailbox the evening before. A second meeting should have been scheduled as many residents requested, but it was not.

The North Morro Bay neighborhood surrounding the 3300 Panorama Drive Project is home to residents from various walks of life and professional backgrounds including engineers, scientists, attorneys, healthcare professionals etc, both retired and currently in practice. It is no surprise that we who have made North Morro Bay home will advocate for the coastal environment and for the health, safety, and well-being of our neighbors and future residents. Please consider the following:

The application process should not move forward until the property has been safely remediated and cleared for development. Reference letter dated November 1, 2024 the Department of Toxic Substances and Control stating “*An SMP alone cannot sufficiently identify and document the potential contaminants that may pose a threat to human health and the environment*”.

I have read through the initial study and find it flawed, incomplete, and containing conclusions that are unsupported by evidence. It is concerning that only 6 of the 21 environmental factors potentially affected (Section 12 page 13) were checked. In my opinion, all factors should be checked and included in the draft EIR. Due to the short notice and my limited time outside of my weekly work hours, I am not writing a response for each of the 21 items I feel should be included. I am writing a response to those factors which I feel highest health/safety/wellbeing and hazard potential to our North Morro Bay neighborhood/community and all residents living on the island streets and Panorama surrounding the proposed 3300 Panorama development. Please consider the following Environmental Factors to be included to expand the scope of the EIR:

1. Air Quality: with consideration of:
  - A. Valley Fever: **There is no mention of Valley Fever in the report.** The impact report states that this project includes moving, digging, spreading, compacting existing

soil with grading the current site (berms, leveling, terracing, etc), *and* importing (dumping, spreading, compacting etc. )soil... **Fact: Moving existing soil plus importing soil exponentially increases the risk of spores becoming airborne.**

- ✓ How will county guidelines regarding Valley Fever be followed?

Fact: Sensitive populations (elderly, children, those with underlying health issues) reside in the neighborhood surrounding 3300 Panorama. Including several such residents who live right across the street from the project site.

- ✓ What is the plan to prevent the occurrence of Valley Fever??
- ✓ From the SLO County public health website: *“Valley Fever, otherwise known as Coccidioidomycosis or Cocci, is a disease caused by inhaling the spores of a fungus that grows in soil and dirt, called Coccidioides. The fungus becomes airborne when dirt is moved via digging, wind, or other activities that create dust. Once in the air, it can be inhaled by people or animals. This fungus is highly endemic (i.e., regularly occurring) to Arizona and primarily found in the central valley and central coast regions of California, including San Luis Obispo County”.*

B. What steps will be taken to minimize and prevent fugitive dust and particulate matter when *digging/disking/grading* existing soil, hauling, **dumping, compacting imported soil??** (The report makes no comment on dust from the haul trucks dumping the imported dirt at the site). Consideration of the undue burden and impact of fugitive dust that will be placed on already sensitive populations causing increased respiratory and health issues for the following community members (**real people, not just numbers**):

- ✓ The elderly
- ✓ Increases health risks for those with pre-existing conditions such as heart-related issues, asthma, COPD, diabetes, autoimmune diseases, cancer, etc.
- ✓ Infants and children living in the surrounding neighborhood.

C. The initial study states that soil grading and soil hauling phase of the project is expected to last 9-12 months.

- ✓ 9-12 months is much longer than the less than a month it took to tear down the jet fuel tanks. A year. 365 days of grading, hauling, and dumping dirt, day in and day out. 365 days of exposing and putting at risk the neighborhood residents including those considered sensitive receptors.

D. Wind patterns: The report *does not* mention the **high winds** which are *common* in Morro Bay. High and variable winds are especially common in North MB.

Fact: The wind direction and force changes not only with seasons of a year, but also from day to day, morning to night. **Offshore winds**, and sometimes **cross winds**

occur during times when it is not blowing **onshore**. Winds occur in NMB with variability in direction and variability in force (mild, moderate, strong, etc).

In my opinion Rincon's report paints an inadequate picture of Morro Bay as a Mediterranean environment. Morro Bay weather does not compare to SLO. Morro Bay weather does not compare to Santa Barbara.

- ✓ Will soil grading, hauling, dumping occur on "high" wind days?
- ✓ What extra precautions will be taken to prevent spread of fugitive dust and particulate during high winds? Especially during off-shore winds.
- ✓ What extra precautions will be taken to prevent exposure of residents, and workers to Valley Fever on high wind days?

2-4. (2)Transportation, (3) Emissions, and (4)Noise: With consideration of the 9-12 month grading and dirt haul/import phase:

FACT: The number of haul trucks per day during the grading and soil hauling phase (the developer stated up to 75 trucks per day at a past planning commission meeting, 33 trucks per day was reported in this initial study)

- 33-75 haul trucks and soil dumps *daily* for 9-12 months (aka 1 year).
- 12 hour construction days 5 days per week 7:00 a.m. to 7:00 p.m Monday through Friday as stated in the initial study.
- 11 hour construction day 2 days per week 8:00 a.m. to 7:00 p.m. as stated in the initial study
- The math: 75 trucks in a 12 hour day = 6 trucks up and down our streets an hour. 6 trucks in and then 6 trucks out = **12 trucks total in a given hour.**
  - 33 trucks in a 12 hour day = 3 trucks in and 3 trucks out = **a total of 6 trucks in a given hour.**

FACT: This is a substantial increase in traffic, especially truck traffic on the small narrow island streets of North Morro Bay. The only other large vehicle truck traffic includes:

- A. The school bus which is twice per day 8:00 a.m and 3:00 p.m Monday-Friday.
- B. The garbage and recycling trucks 1 day per week and up and down my street twice and then gone for the remainder of the week. Both are not comparable to the haul trucks on Site Preparation phase, or the delivery trucks and cement trucks on the Construction phase

FACT: The large number of trucks on our small narrow island streets not only increase traffic, and cause bottle necks, but large vehicle traffic hauling large amounts of soil which may or may not be contaminated. This potentially:

- ✓ Puts the safety of our neighborhood children who ride their bikes, walk, play ball, etc in our typically quiet island streets with minimal traffic.
- ✓ Puts residents at increased risk for car accidents starting from backing out of our driveways to navigating the numerous large trucks in the narrow island streets and intersections multiple times per day.

- ✓ Makes our neighborhood less safe to walk, walk our dogs, or ride bikes due to the numerous large trucks coming and going 12 hours a day, for 9-12 months.
- ✓ I disagree with the initial study reporting that vehicle emissions/exhaust are not significant. *How is that the case when truck traffic is going up significantly?? For potentially a year. Further study of impact of high truck traffic/exhaust, dirt hauling on air quality, noise, transportation, health, and safety is needed.*
- ✓ Noise from the construction of the 46 homes will resonate over all of the surrounding North Morro Bay Neighborhood due to the would be newly built-up embankments and given the geography of the surrounding hillsides and environment.

5. Recreation: As pertains to the grading and dirt hauling phase

FACT: North MB residents and visitors walk, jog, ride bikes, ride skateboards, walk their dogs throughout the neighborhood all throughout the day.

FACT: North MB residents and visitors walk from the island streets using the crosswalk at Yerba Buena and Highway 1 to access the beach.

- ✓ Our access to healthy recreation activities and points of interest as stated above will be affected and limited by this project. Especially during the grading and dirt hauling phase lasting the stated 9-12 months, and likely following 15 months after during the construction phase.
- ✓ Recreation and safe accessibility is another potentially impacted factor affected by this project.

6. Hydrolics/Hydrology: With concern of the impact to our surrounding neighborhood which sits in a 100 year flood zone and a 500 year flood zones. Existing homes and lives in these already high risk areas according to FEMA Flood Hazard Maps.

- a. The potential for the 46 home development to add a potential large amount of water on the downstream drainages and put at risk the existing homes and residents.
- b. The initial study includes only vague statements that it will ensure post-development stormwater does not exceed pre-development and discussion surrounding the basin etc. More calculations and hydraulic engineering information seems warranted.
- c. The proposed basin sits right in line with the existing creek. Seems risky when heavy rains and water flow occurs
  - ✓ Please expand the EIR scope to include Hydrolics/Hydrology for the health and safety of residents and property owners.

7. Geology and Soils: With concern of areas of the project being built on known known active landslide areas, and the many surrounding active landsides coupled with soil make-up of Franciscan Clay and Ménage and the potential to impact underground utilities and unknown danger to new home and existing neighborhood homes. This combined with the hydrolics/hydrology unknowns is essential to include in the scope of EIR.
8. Aesthetics: The HOA with 46 tightly packed and cookie cutter homes does not fit the character of the existing neighborhood. Nor does it's streets fit the grid of the existing island streets and will cause undue traffic burden to Yerba Buena and the Highway 1 access point for both vehicle traffic and foot traffic. Please include in the EIR. North Morro Bay is not Fresno. North Morro Bay is not SLO

Last point of view: The Project Conflicts with the Coastal Act of 1976.

**Section 30253 of the Coastal Act states, in part:**

New Development shall do all of the following:

- a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- b) *Assure the stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

As a North Morro Bay resident and homeowner, I have significant concerns regarding the proposed the 3300 Panorama project and its potential health and safety risks it seems to place on my neighbors, our coastal environment and sensitive areas, our children, my family, and my home. I sincerely hope that North Morro Bay residents are truly heard by the City of Morro Bay, the Planning Commission, the Coastal Commission, and the developer. We do not take lightly the risks due to the potential hazards stated above which potentially impact the health, safety, lives, and property of all individuals who call North Morro Bay home.

Thank you for your time and consideration.

Sincerely,  
*Amy Cresswell*  
Amy Cresswell



CC: Mayor Wixom and Morro Bay City Council; Planning Commission Chair and Commissioners; Sarah MacGregor, Coastal Planner, California Coastal Commission.

Gillian Burdge

██████████  
Morro Bay, CA 93442

██████████  
November 14, 2024

City of Morro Bay  
Attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, CA 93442

**RE: Request for Environmental Impact Report Scope for 3300 Panorama Drive Project**

Dear Ms. Fowler,

I am writing to request that the Environmental Impact Report (EIR) for the proposed development at 3300 Panorama Drive fully address a range of environmental factors identified in the Initial Study. A thorough and rigorous analysis is necessary to ensure that the project does not adversely affect the community and environment. My specific concerns are outlined below, organized by each potentially affected environmental factor.

**1. Aesthetics**

The Initial Study’s assessment of “less than significant” impact on scenic vistas, visual character, and light pollution is insufficient, especially given the project’s visibility from surrounding areas and its location in the Coastal Zone. The EIR should evaluate the visual impact of the proposed terraced residential structures and new light sources on daytime and nighttime views.

**2. Agriculture and Forestry Resources**

Although the project site is designated for residential use, the EIR should confirm there is no potential impact on nearby agricultural resources, water resources for agricultural uses, or any forestry resources.

**3. Air Quality**

The Initial Study may have underestimated air quality impacts during construction due to a significant volume of truck traffic and grading. The EIR should address cumulative emissions of particulate matter (PM10), diesel exhaust, and potential impacts on sensitive receptors, including those from prolonged construction periods.

**4. Biological Resources**

The project site overlaps with Environmentally Sensitive Habitat Areas (ESHA) and supports riparian vegetation and other sensitive habitats. The EIR should evaluate the effects of construction on habitat connectivity, potential impacts on migratory species, and the presence of endangered species, as well as the long-term implications of removing native trees.

## **5. Cultural Resources**

Given the extensive grading and excavation, the potential for unintentional impacts on undiscovered archaeological and historical resources is significant. An extended cultural resource assessment and monitoring plan should be required for the entire grading phase to avoid inadvertent damage.

## **6. Energy / Greenhouse Gas Emissions**

While the Initial Study determined impacts to energy consumption and greenhouse gas emissions to be “less than significant,” the EIR should provide a detailed analysis of projected GHG emissions during construction and operation. Specific mitigation strategies, like utilizing renewable energy sources and reducing truck idling times, should be incorporated.

## **7. Geology and Soils**

The project site is within a known landslide area with unstable soils and expansive soil types. A 10-foot buffer from landslide-prone areas is insufficient, posing significant risk to residents. We request a more comprehensive geotechnical study in the EIR to determine adequate setbacks and long-term site stability measures.

## **8. Hazards and Hazardous Materials**

As a former fuel storage area, the project site may contain soil contamination. Given that the Regional Water Quality Control Board (RWQCB) has not finalized site clearance, it would be premature to proceed without a full remediation plan in place. The EIR should address contamination concerns and provide an updated remediation strategy to safeguard residents and construction workers.

## **9. Hydrology and Water Quality**

The Initial Study’s conclusion that hydrology impacts are minimal lacks supporting evidence. Increased impervious surfaces from development may exacerbate runoff, erosion, and flood risks. A comprehensive hydrology study, with mitigation measures for potential impacts on water quality, is critical.

## **10. Land Use and Planning**

The EIR should examine consistency with local plans, particularly Plan Morro Bay and the Coastal Act. The project must ensure it adheres to zoning requirements, public access, and environmental protections specified for developments in the Coastal Zone.

## **11. Mineral Resources**

Although mineral resources are not expected to be present, the EIR should confirm this through a brief assessment to prevent conflicts with future mineral extraction interests.

## **12. Noise**

Construction activities, especially extensive grading and truck traffic, will generate substantial noise, affecting nearby residences and wildlife. The EIR should evaluate cumulative noise impacts, both short-term (construction) and long-term (residential use), and establish a noise mitigation plan.

## **13. Population and Housing**

The EIR should include an analysis of the project’s impacts on local population density, housing demand, and availability. With 46 new homes planned, the project could alter housing affordability, rental markets, and demand for public services in the area.

**14. Public Services**

An influx of new residents will increase demand for public services, including fire, police, education, and emergency services. The EIR should include an analysis of the project's potential impact on local infrastructure and services and recommend necessary improvements or service expansions.

**15. Recreation**

Increased population density and limited open space may place additional strain on local recreational areas. The EIR should assess the project's recreational impacts and explore options for expanding recreational amenities for residents.

**16. Transportation and Traffic**

The Initial Study's analysis does not adequately address traffic impacts, particularly from construction-related truck traffic. The EIR should include a full traffic impact study for both the construction and operational phases, addressing potential congestion, road wear, and safety hazards, especially given the narrow residential streets in the area.

**17. Tribal Cultural Resources**

The EIR should include consultation with local Native American tribes to ensure potential tribal cultural resources are respected. Any findings or concerns raised by tribal representatives should be documented and included in mitigation measures.

**18. Utilities and Service Systems**

The project will place added strain on utilities and service systems, such as water supply, wastewater, and electricity. The EIR should assess capacity and propose necessary upgrades or conservation measures to sustainably accommodate the new development.

**19. Mandatory Findings of Significance**

The Initial Study dismisses many potential cumulative impacts without sufficient analysis. The EIR should carefully assess and address cumulative impacts across all categories, especially with regards to increased population density, public service demands, and environmental health risks.

In summary, the Initial Study inadequately addresses potentially significant impacts across numerous environmental factors. I urge the City of Morro Bay to ensure a comprehensive EIR that thoroughly evaluates and mitigates these impacts to safeguard our community and environment.

Thank you for considering these concerns. I look forward to seeing a responsible and complete analysis of the 3300 Panorama Drive project's environmental impact.

Sincerely,  
Gillian Burdge

**CC:**

- Mayor Wixom and Morro Bay City Council
- Morro Bay Planning Commission
- Sarah MacGregor, Coastal Planner, California Coastal Commission

## Angie Buoncristiano

---

**From:** Kim Fowler  
**Sent:** Thursday, November 21, 2024 9:59 AM  
**To:** Angie Buoncristiano  
**Subject:** Fw: 3300 PANORAMA Project NOP

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** j.burke@charter.net [REDACTED] >  
**Sent:** Thursday, November 14, 2024 3:32 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Subject:** 3300 PANORAMA Project NOP

You don't often get email from j.burke@charter.net. [Learn why this is important](#)

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

Dear City Leaders, Planners, and Staff,

I am writing regarding my concerns for the planned Panorama Project NOP.

First, landslide danger. The site is located on an inherently unstable geologic region. No mention is made in the studies regarding hydrology and water quality. Erosion and drainage issues have not been addressed and there have not been proposed adequate buffer zones for mitigation to the surrounding neighborhoods should weather events, floods, soil erosion, earthquakes or landslides occur. Who will be responsible should a La Conchita episode occur? Morro Bay could not afford to be responsible.

Second, Transportation has not been addressed in the study. That end of Morro Bay has extremely narrow streets already and adding any additional traffic to this neighborhood would be taxing. Nor does it factor in the extra 16 ADUs which will no doubt also have inhabitants that will use the roads. There is inadequate proposed extra parking for residents as well.

Third, effect on infrastructure has not been addressed, and who will be paying for additional wear and tear on our aging systems?.

Also, such issues as aesthetics, noise, recreation, utilities and service systems have not been addressed.

Please study ALL of the risks and consider immediate as well as long term consequences of this project.

Sincerely,  
Jennifer Burke, North Morro Bay

## Angie Buoncristiano

---

**From:** Miriam Ebner [REDACTED] >  
**Sent:** Thursday, November 14, 2024 3:33 PM  
**To:** Planning Commission  
**Subject:** 3300 Panorama Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

To whom it may concern,

I would like you to consider the following issues in regards to the proposed project at 3300 Panorama:

1. Potential for more landslides, which is already an issue in some areas during heavy rain. Also, the streets currently experience heavy run-off during these times.
2. Due to narrow streets traffic is often difficult to navigate.

Sincerely,

Miriam Ebner

## Angie Buoncristiano

---

**From:** jon elliott [REDACTED]  
**Sent:** Thursday, November 14, 2024 9:33 PM  
**To:** planningcommission@morrobayca.gov  
**Subject:** 46 units on Panorama

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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

Morro Bay Planning Commission:

As a neighbor below the proposed project on Yerba Buena St I am opposed to the project as presented. The condition of our streets and infrastructure is failing. The water lines going to the Blanca water tanks are leaking and have caused major damage to my and my neighbors property and several others above me. I have asked serval times to see the layout of the water lines and have been told that they were put in before many homes were in the area and that the lines do not have a clear path and may run under infrastructure. The water that leaked out causes damage to the street as well.

Prior to this I lived at Panorama and Blanca where literally a river ran through the basement entering at Blanca and exiting on Dawson.

To have one way roads with little to no parking in the development in not consistent with our neighborhood.

To continue and extend the current streets up to that property and add homes similar to the homes below could make sense to me if infrastructure was improved. The project as is does not.

In addition the other studies show problems with the proposed project.

Please consider a revised plan and listening to the many neighbors that this will affect.

Jon and April Elliott  
[REDACTED]

11/14/2024

To: Kim Fowler, Interim Planning Manager Airlin Singewald, Community Development Director

From: Ed Griggs, Morro Bay resident

Subject: CEQA-Notice Of Preparation, Public Comment, 3300 Panorama Drive, APN 065-038-001

Morro Bay, California 93442

Dear Ms Fowler, Mr. Singewald

I live on Whidbey St. directly across the street from the north boundary of the property at 3300 Panorama Drive.

As an effected stateholder, living adjacent to the property, I was heavily involved in the Tank Demolition Permit(#CP0-500 & UP0-440) application process. I was part of a larger community effort(Morro Bay Stakeholders) to question the fundamental issues that came to light in the process of the application process. This information is important and relative to the current 3300 Panorama - Vesting Tentative Tract No.3190 (Subdivision project), NOP and overall scoping process.

The same people that applied for the Demolition Permit(#CP0-500 & UP0-440), funded the current Initial Study. The same pattern of inadequate information exhibited by the people during the tank removal is now occuring in the Initial Study by Rincon Consultants, Inc., hired by Morro 94, LLC.

It took considerable effort on the part of the Morro Bay Stakeholders to hold the LLPs accountable so our interests and the interests of the greater Morro Bay Community were protected. Now, the same level of proactive involvement on the part of our community will be necessary to protect our citizens interests and the City of Morro Bay.

After reviewing the Initial Study by Rincon Consultants, I find that the same level of inadequacy as in the tank demotition process.

The first issue that I wish to address is the fact that a Notice of Preparation has been advanced at all. In the NOP, the "Project Issues Discussed", many issues that need discussion are not checked, and the ones that are checked are inadequately addressed. Also the yellow notification cards sent out to residents were sent out too late(just days before the Nov. 17th Planning Commission meeting), and many residents, including myself did not receive one at all!

At the November 7, 2023, Planning Commission Meeting, "Conceptual Review" at which Debbie Rudd of RRM Design Group first proposed 46 units at 3300 Panorama, I read a letter addressing: infrastructure issues; geologic issues, and liability issues concerning the project. Currently, neither the Nov 7th 2023 Planning Commission Meeting, its agenda or minutes are included in the "Current Projects" section on the City of Morro Bay, Planning Departments "Additional 3300 Panorama Project Files" website. Nor can I find a copy of my letter, also dated Nov 7th, 2023 to the Planning Commission, which I submitted personally to City Clerk Dana Swanson to insure its inclusion at the meeting, or any other letters to the Planning Commission in the Project Issues Discussed.

11/14/24

Kim Fowler

Planner

Community Development Department

City of Morro Bay

Responses to NOP for 3300 Panorama Dr., Morro Bay, CA. 93442

Dear Kim,

I have the following questions and/or concerns about the NOP for this property.

1. Why are “Public Services”, “Transportation”, and “Utilities and Service Systems” not part of the Study Areas for the CEQA?
2. I ask because I am concerned about the capacity of our existing infrastructure to support the new units and ADU’s. Can you explain which and to what extent any existing public services need to be modified to support the project? Please confirm the developer will be paying for all required improvements (water, power, streets, improvements, etc).
3. How does CEQA define the “transportation area” for this development? Do the appropriate number of bus stops, etc. exist---or will changes need to be made?  
Does the transportation study designation include evaluation of the condition, width, and safety of the surrounding roads and street improvements, or does this fall under another category? Has a transportation analysis been completed? Please clarify.
4. The impact of roughly 100 cars per day driving on the narrow and marginally improved streets on the adjacent north Morro Bay

neighborhood is a major health and safety issue, **and a major significant impact that must and can be remediated.**

5. There is also **substantial evidence** that the neighborhood streets do not comply with City construction standards, and curbs and gutters are rare. Many streets are just composed of a few inches of pavement placed on the soil below. The streets do not comply with current street width standards so parked vehicles routinely project into the street, where kids are routinely playing. A greater number of cars on these streets also raises the question of speeders racing from the project down to Main Street. This health and safety concern is at the top of my list of environmental concerns.
  
6. The only **reasonable remedy** to this risk is to **widen and rebuild at least two of the streets which connect the project to Main Street.** Speed bumps and other traffic calming devices need to be included. **These improvements need to be in place** after underground utilities have been installed and before any earth moving trucks or other construction vehicles access the site from Main Street.

Respectfully,



Jeff Heller



Morro Bay, CA

Cc: C. Wixom, Y. Kimball

November 14<sup>th</sup>, 2024  
City of Morro Bay  
attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue  
Morro Bay, CA 93442

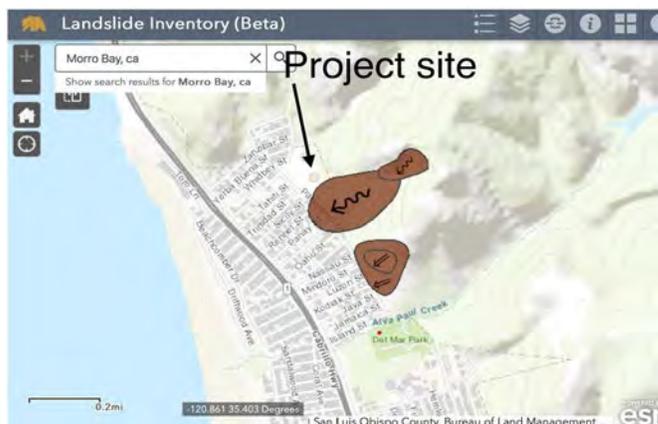
RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

As a home owner in North Morro Bay, I'm writing to express some concerns and comment on the scope of the draft EIR (Environmental Impact Report) and proposed development on 3300 Panorama Drive in Morro Bay. I am one of the many residents that did not receive proper notification of the project scoping meeting on 10/17/24 and was not able to be a part of it. As a tax payer and homeowner within a stone's throw distance from the proposed site, these are concerns for me.

The initial study appears to have a number of flaws and unsupported conclusions. This project application and environmental review should not proceed until the project site is remediated and released by the Regional Water Quality Control Board for development. The draft EIR should also include a complete study and review of the following potentially significant impacts vs just the six completed. A few missing areas as follows:

**GEOLOGICAL RISKS:** Similar to others in North Morro Bay, it has been a challenge to secure required insurance coverage for my home due to insurance company concerns over the very hill this proposed site is located on. Landslides, earthquakes, flooding are all concerns for that hill and those currently below it. Climate change is sure to have an even larger impact these days. The hillside above Panorama Drive is identified in the SLO County maps as being in a hazardous zone for both excessive water (special flood hazard area) and fires (wild land area with significant forest fire risk). This is concerning and should warrant additional research in the EIR. Previous research indicates the proposed building site is a special flood hazard area. With the estimated increase of four acres of impermeable surface, how will an already inadequate drainage system handle even more demand.



**WATER, AIR QUALITY AND HAZARDOUS MATERIALS:** Do we know what the impacts of the construction in an area contaminated with jet fuel? This represents another issue that should be mitigated prior to the beginning of any construction. What are the impacts of the inevitable dust and matter that gets into the air during

construction? Has the Regional Water Quality Control Board approved or released this project for development? Again, something that should be mitigated prior to approval.

*CHARACTER AND AESTHETICS:* A private gated community does not align with the small-town vibe we have here in North Morro Bay. If I wanted to live in a neighborhood like that, I would have stayed in Los Angeles. Not to mention, these sorts of 'homes' will simply promote the second home and short term rental activity. Is this really the type of neighborhood we are looking for? Will these homes be affordable?

*TRANSPORTATION:* Can the current street handle an increase in traffic that this project guarantees? A traffic study must be completed to identify the impact to the existing neighborhood on already underdeveloped streets, shoulders and sidewalks. How many car trips per day will be added in addition to large equipment for months at a time? What will the impact of 75 truckloads of fill coming through N Morro Bay do to our neighborhood? Who will have to pay to rectify this issue? Is this really what we are looking for from our small coastal town? The city should require an escrow account paid by the developer to cover damage to the neighborhood that will occur from construction vehicles as well as future erosion, drainage utility and landside damage to our neighborhood.

Would appreciate these concerns being taken into consideration.

Sincerely,

*Derek Mahoney*

Derek Mahoney

██████████ Morro Bay, CA 93442

CC: Mayor Wixom and morro Bay City Council, Planning Chair and Commissioners, Sarah MacGregor, Coastal Planner, California Coastal Commission

[kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

[asingewald@morrobayca.gov](mailto:asingewald@morrobayca.gov)

[sarah.MacGregor@coastal.ca.gov](mailto:sarah.MacGregor@coastal.ca.gov)

[council@morrobayca.gov](mailto:council@morrobayca.gov)

[PlanningCommission@morrobayca.gov](mailto:PlanningCommission@morrobayca.gov)

November 14<sup>th</sup>, 2024  
City of Morro Bay  
attn: Kim Fowler, Interim Planning Manager  
955 Shasta Avenue Morro Bay, CA 93442

RE: 3300 Panorama Drive Project EIR Scoping

Dear Ms. Fowler,

I am a home owner in North Morro Bay and I'm writing to express some concerns and comment on the scope of the draft EIR (Environmental Impact Report) and proposed development on 3300 Panorama Drive in Morro Bay. I am one of the many residents that did not receive proper notification of the project scoping meeting on 10/17/24 and was not able to be a part of it. As a tax payer and homeowner just two streets over from this project, these are concerns for us.

The initial study appears to have a number of flaws and unsupported conclusions. This project application and environmental review should not proceed until the project site is remediated and released by the Regional Water Quality Control Board for development. The draft EIR should also include a complete study and review of the following potentially significant impacts vs just the six completed. We've commented on a few missing areas below:

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Aesthetics                         | <input checked="" type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Biological Resources               | <input checked="" type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology /Soils              |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions           | <input checked="" type="checkbox"/> Hazards & Hazardous Materials      | <input checked="" type="checkbox"/> Hydrology / Water Quality   |
| <input checked="" type="checkbox"/> Land Use / Planning                | <input checked="" type="checkbox"/> Mineral Resources                  | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Population / Housing               | <input checked="" type="checkbox"/> Public Services                    | <input checked="" type="checkbox"/> Recreation                  |
| <input checked="" type="checkbox"/> Transportation/Traffic             | <input checked="" type="checkbox"/> Tribal Cultural Resources          | <input checked="" type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |   |

**GEOLOGICAL RISKS:** Similar to others in North Morro Bay, it has been a challenge to secure required insurance coverage for my home due to insurance company concerns over the very hill this proposed site is located on. Landslides, earthquakes, flooding are all concerns for that hill and those currently below it. Climate change is sure to have an even larger impact these days. The hillside above Panorama Drive is identified in the SLO County maps as being in a hazardous zone for both excessive water (special flood hazard area) and fires (wild land area with significant forest fire risk). This is concerning and should warrant additional research in the EIR. Previous research indicates the proposed building site is a special flood hazard area. With the estimated

increase of four acres of impermeable surface, how will an already inadequate drainage system handle even more demand.



**WATER, AIR QUALITY AND HAZARDOUS MATERIALS:** Do we know what the impacts of the construction in an area contaminated with jet fuel? This represents another issue that should be mitigated prior to the beginning of any construction. What are the impacts of the inevitable dust and matter that gets into the air during construction? Has the Regional Water Quality Control Board approved or released this project for development? Again, something that should be mitigated prior to approval.

**CHARACTER AND AESTHETICS:** A private gated community does not align with the small-town vibe we have here in North Morro Bay. If I wanted to live in a neighborhood like that, I would have stayed in Los Angeles. Not to mention, these sorts of 'homes' will simply promote the second home and short term rental activity. Is this really the type of neighborhood we are looking for? Will these homes be affordable?

**TRANSPORTATION:** Can the current street handle an increase in traffic that this project guarantees? A traffic study must be completed to identify the impact to the existing neighborhood on already underdeveloped streets, shoulders and sidewalks. How many car trips per day will be added in addition to large equipment for months at a time? What will the impact of 75 truckloads of fill coming through N Morro Bay do to our neighborhood? Who will have to pay to rectify this issue? Is this really what we are looking for from our small coastal town? The city should require an escrow account paid by the developer to cover damage to the neighborhood that will occur from construction vehicles as well as future erosion, drainage utility and landside damage to our neighborhood.

Would appreciate these concerns being taken into consideration.

Sincerely,

*Bill and Bonnie Shirkey*

Bill and Bonnie Shirkey

██████████ Morro Bay, CA 93442

CC: Mayor Wixom and morro Bay City Council, Planning Chair and Commissioners, Sarah MacGregor, Coastal Planner, California Coastal Commission

[kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

[asingewald@morrobayca.gov](mailto:asingewald@morrobayca.gov)

[sarah.MacGregor@coastal.ca.gov](mailto:sarah.MacGregor@coastal.ca.gov)

[council@morrobayca.gov](mailto:council@morrobayca.gov)

[PlanningCommission@morrobayca.gov](mailto:PlanningCommission@morrobayca.gov)

## Angie Buoncristiano

---

**From:** debbie spencer <[REDACTED]>  
**Sent:** Thursday, November 14, 2024 11:16 PM  
**To:** Planning Commission  
**Subject:** STOP 3300 PANORAMA SUBDIVISION PROJECT!!

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear Planning Commission:

I am a North Morro Bay resident, and I strongly oppose the above proposed project. It would disrupt the natural habitat and the beauty of our area. When we purchased here in 2002, we were told that the proposed area was subject to landslides, that the mountainside consists of a high content of shale. We do not need that type of hazard in our area or our town. Our water bill is already very high, and we self-regulate our water consumption. This is a precious resource in our town and this project would spread thin this limited commodity. Our north side of town was planned with very narrow streets. Traffic congestion not only related to the construction of the proposed units, but with the additional traffic of these new residents (of a 46 unit complex) will compound our already heavily traveled streets.

Thank you for your consideration of our concerns,

William and Deborah Spencer

[REDACTED]  
Morro Bay, CA

## Angie Buoncristiano

---

**From:** [REDACTED]  
**Sent:** Friday, November 15, 2024 2:57 PM  
**To:** Planning Commission  
**Subject:** ENVIRONMENTALLY SENSITIVE HABITAT AREA 3300 PANORAMA DR. PROPOSED SUBDIVISION PUBLIC COMMENTS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from jackanapes@aol.com. [Learn why this is important](#)

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

### ENVIRONMENTALLY SENSITIVE PROTECTED AREA:

### 3300 PANORAMA DR. 46-UNIT PROPOSED SUBDIVISION

The environmentally sensitive habitat area of the 3300 46-unit proposed subdivision in Morro Bay, is shown on the color-coded map on page three of the Initial Study of the proposed subdivision. Any comments from the public due by November 15, 2024, are to address the site's environmental impact.

Many houses in this part of Morro Bay overlook the designated stand of trees on the proposed subdivision site. **On November 14, 2024, a hawk (matching the Swainson Hawk description) was seen** in the tallest pine tree in the environmentally sensitive habitat area of 3300 Panorama Dr., between 10:30 a.m. to 11:00 a.m. The hawk was initially observed on the tallest limb and after approximately 10 minutes moved to the third limb from the top.

**On November 15, 2024, two hawks, matching the Swainson hawk description (a pair) landed** on the top of the same tallest pine tree in the ESHA of 3300 Panorama Dr. proposed site location. This was 10:48 a.m. after a drone flying nearby disturbed them. The drone was picked up by a man in a utility vest, driving a black SUV. Continuous sighting of these hawks occurs.

For the past 5 years, the tall trees surrounding this site have seen pairs of hawks and raptors. Hawks and raptors are listed in the California, State and Federally Listed Endangered and Threatened Animals of California, October 2024, by the *State of California Department of Fish and Wildlife*. Swainson Hawks have been registered and seen at Del Mar Park, Morro Bay, very close to this site (ebird.org/species/swahaw/L461210).

These trees are known as some of the tallest stands in the area. These trees fulfill the requisite desired nesting spots of raptors. The Endangered Species Act and Migratory Bird Treaty Act (U.S. Fish and Wildlife Service, 2023), protect the nesting and foraging habitat of endangered or

protected species of birds and wildlife. On the list (October 2024), are the California condor (fully protected) and the Swainson Hawk (*Buteo swainsoni*). Also, many protected birds and species travel from Morro Bay Rock to this destination. The Initial Study on the proposed 46-unit subdivision states there are adverse environmental **potentially significant impacts** for these species. The sensitive regulations specify that no significant disruption of habitat values is permitted in environmentally sensitive habitats (ESH areas). There are buffer zones that are not being met in this Initial Study.

Will there be a substantial adverse effect on habitat modifications, on sensitive species, or an adverse effect on riparian habitat? Is there interference with established migratory wildlife corridors or wildlife nursery sites?

Mitigation of Impact studies by Department of Fish and Game Code Section 2081 Management Authorizations and California Environmental Quality Act, and Fish and Game Code Section 2090 states:

“During project review the Department should consider whether a proposed project will adversely affect suitable foraging within a ten (10) mile radius of an active (used during one or more of the last 5 years) Swainson’s hawk nests(s).”

There are also mitigation rules for loss of habitat for hawks and raptors under these same Management Authorizations. Projects within 1-10 miles of an active nest tree must provide certain percentages of habitat management lands for each acre of urban development (Department of Fish and Game “*Staff Report Regarding Mitigation for Impacts to Swainson Hawks /Buteo swainsoni*”, 3).

This same site has a natural water channel from the above hillside that feeds to the property. It has had lots of water in it the last 5 years due to the many rainstorms. It is not clear that the site has proper buffers to manage this riparian habitat.

The lack of domestic water is notable. The neighborhood does not have enough water from the tanks at the North end of Morro Bay (closest to the site). During drought, the City of Morro Bay limits water use to inhabitants, indoors and out.

The Indigenous Indian tribes may have cultural and archeological interest in preserving this site.

Parking and traffic on the narrow streets to this proposed site need to be considered. Currently, there is so much street parking, due to limited garages, that the streets are very narrow (leading to homeowners putting ‘no parking’ signs in front of their houses). In addition to parking problems, the disruption of trying to bring in new water and service lines will create years of disruptions (further disrupting sensitive habitat areas). Zoning cannot be changed to remove an ESH

Neighborhood of Morro Bay

**Figure 2 Project Location**



# **STATE AND FEDERALLY LISTE AND THREATENED ANIMALS**

October 2024



Which hawks an endangered species in central X



All Images News Videos Shopping Forums Web More

Showing results for Which hawks an endangered species in central **California?**  
Search instead for Which hawks an endangered species in central Calif?

AI Overview

The Swainson's hawk (*Buteo swainsoni*) is a threatened species in California, and the majority of the state's population lives in the Central Valley. The California Fish and Game Commission listed the Swainson's hawk as threatened in 1983 due to a decline in population and loss of habitat. <sup>e</sup>



The Swainson's hawk population in California has declined by an estimated

Show more v

## Swainson's hawks

The most recognized threat to Swainson's hawks in the loss of their native foraging and breeding grounds. As important foraging areas are converted to urban landscapes or other unsuitable habitat, the aptitud for the landscape to support breeding pairs decreases.



California Department of Fish and Wildlife (.gov)

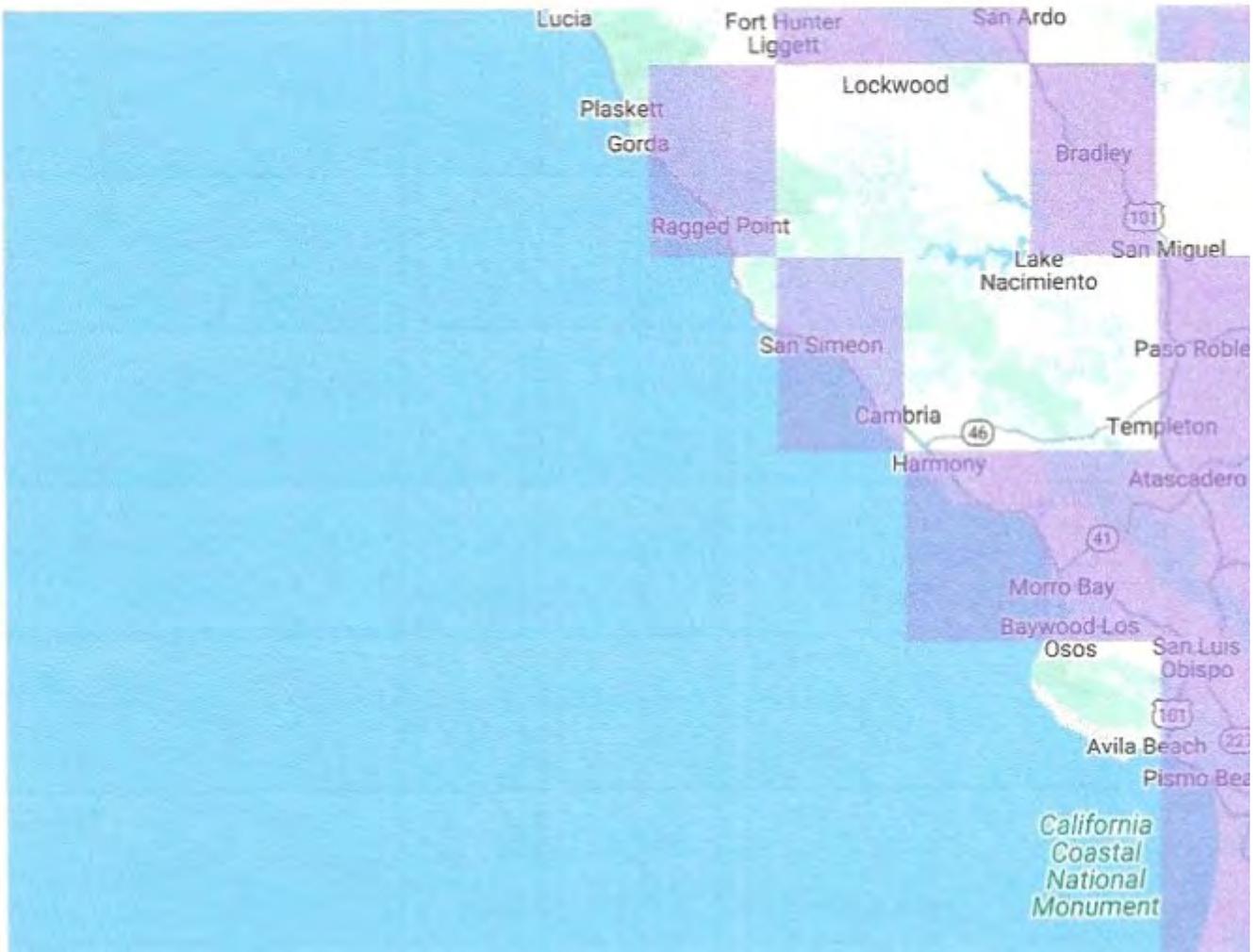
https://wildlife.ca.gov/Conservation/Birds

[Sign in to see your stats](#)

## Weekly Bar Chart

J F M A M J J A

## Range Map



**Swainson Hawk:**



State of California

## Memorandum

To : Div. Chiefs - IFD, BDD, NHD, WMD  
Reg. Mgrs. - Regions 1, 2, 3, 4

From : Department of Fish and Game

Subject : Staff Report Regarding Mitigation for Impacts  
(*Buteo swainsoni*) in the Central Valley

I am hereby transmitting the Staff Report Regarding Mitigation for Impacts to Swainson's Hawk in the Central Valley of California for your use in reviewing Environmental Quality Act [CEQA] and other 2081 Management Authorizations and 2090 Management Authorizations that may affect Swainson's hawk habitat in the Central Valley. The staff report has been developed during the review of the Environmental Services Division (ESD) and Wildlife Management Division (WMD) and has been sent out for public review on 10/15/81 and redrafted as appropriate.

Either the mitigation measures in the Staff Report may be used or project specific measures may be developed. Project specific mitigation measures may be developed by Divisions/Regions or by project sponsor. However, such mitigation measures must

**Staff Report regarding Mitigation  
for Impacts to Swainson's Hawks (Baldwin's Hawk)  
in the Central Valley of California**

The Legislature and the Fish and Game Commission have developed regulatory mandates which, if implemented, are intended to address population declines of threatened and endangered species. The Department of Fish and Game (Department) could judge the effectiveness of measures designed to offset impacts to Swainson's hawks in the Central Valley (Central Valley Regions) has prepared this report. To ensure compliance with State policy, mitigation requirements which are consistent with the following: (1) Department comments to Lead Agencies and project specific Environmental Quality Act (CEQA); (2) Fish and Game Commission Authorizations (Management Authorizations); and (3) Fish and Game Commission Consultations with State CEQA Lead Agencies.

The report is designed to provide the Department (including CEQA Lead Agencies and project proponents) the context in which the Department (ESD) will review proposed project specific mitigation measures. The report includes "model" mitigation measures which have been judged consistent with standards and legal mandates of the Legislature and Fish and Game Commission. Mitigation measures, tailored to specific projects, may be developed. Implementation of mitigation measures consistent with this report should be consistent with the conservation goals for the Swainson's hawk and should be consistent with conservation planning efforts currently underway.

Department.

3. To mitigate for the loss of foraging habitat (as Management Authorization holder/project sponsor) on Department of Fish and Wildlife Management (HM) lands to the Department by:

(a) Projects within 1 mile of an active nest tree:

- one acre of HM land (at least 1 acre) shall be met by fee title acquisition or easement allowing for the active management of the land remaining 90% of the HM land easement [acceptable to the Department] and other suitable habitats which provide forage for Swainson's hawk) for each acre of development at a 1:1 ratio; or

- One-half acre of HM land (all costs to be met by fee title acquisition or easement [acceptable to the Department]) shall be provided for the management of the habitat for project mitigation for each acre of development at a 2:1 ratio.

(b) Projects within 5 miles of an active nest tree shall provide 0.75 acres of HM land for each acre of development authorized (0.75:1 ratio). All HM lands protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable

## Angie Buoncristiano

---

**From:** Kim Fowler  
**Sent:** Thursday, November 21, 2024 10:04 AM  
**To:** Angie Buoncristiano  
**Subject:** Fw: 330o Panorama Drive NOP Comments Case #: TTM22-02/CUP22-05/CDP22-003

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** Mitch Dallas <[REDACTED]>  
**Sent:** Friday, November 15, 2024 3:38 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Subject:** 330o Panorama Drive NOP Comments Case #: TTM22-02/CUP22-05/CDP22-003

You don't often get email from mitchdallas@hotmail.com. [Learn why this is important](#)

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

Hi Kim,

I want to submit the following comments on the Initial Study/NOP on the proposed development on Panorama Drive in North Morro Bay.

Aesthetics; The proposed development would have a potential significant impact to the view, visual character, visual quality and view shed. The baseline environmental setting of the viewshed is what currently exists today which is a view of substantial tall California native trees (habitat for multiple species) and hills all the way up to the ridgeline that is the backdrop of our neighborhood. The tanks are gone and no longer should be considered as the environmental setting. The initial study is flawed because, our neighborhood is surrounded by open space that is in no way is considered urban with many publicly assessable viewpoints due to the fact that the entire neighborhood sees the open space and trees when looking east or uphill if your prefer. The open space is used for cattle grazing and is part of the charm and aesthetic quality of the neighborhood. The adjacent land is non-urban and this proposed development would further encroach into the non-urban open space viewshed and substantially degrade the visual character and quality for the public. With the proposed development, this view, visual character and visual quality will be lost or significantly degraded and altered. There will be a significant impact that must be studied and addressed by at least a Visual Impact Assessment (VIA) detailing the impacts from multiple vantage points of all affected users with visual simulations and how the significant visual impacts will be avoided or otherwise mitigated. Furthermore, the current proposal of importation of a massive amount of fill soil for the sole purpose for achieving ocean views is completely out of line with the existing topography and would introduce significant impacts to the existing visual character, visual quality and view shed with man-made elements such as structures and un-natural grades that are not in alignment with the existing and surrounding topography and appearance. In addition, more light from the street lights and homes will further impact the dark night skys that are a significant part of the existing visual character. The scenic vistas of the hillsides associated with the Officially designated Scenic Hwy 1 and California State Park at Morro Stand State Beach will also have the potential to be significantly degraded and

needs to be studied and include visual simulations from multiple vantage point in the VIA as part of the CEQA analysis and CDP application.

Air Quality; There is no mention of Valley Fever / coccidioidomycosis in the initial study. How will our community/sensitive receptors be protected from this with upwards of 70 fill soil truck trips per day and the earthwork/grading that would occur? The 70 truck trips per day was identified during a community meeting held at the Morro Bay Planning Commission earlier this year held at the Vet's hall that I attended with many of our community members.

In addition, our streets will undoubtedly be damaged with all the heavy weight truck trips of fill soil and an air quality analysis of the impacts from the resurfacing of our streets needs to be conducted and addressed as a potentially significant impact. All those truck trips will destroy our local roads and leave them in even worse condition than they are currently in. The amount of diesel exhaust in the neighborhood during construction will be elevated to unsafe levels throughout the duration of construction resulting in air quality impacts that are potentially significant. How will that be mitigated?

Biological Resources; The project site is within and or adjacent to known breeding locations and habitat for the California red-legged frog. The location seems to meet the primary constituent elements required to be considered Critical Habitat under the Federal Endangered Species Act. How and where will impacts to the California red-legged frog Critical Habitat be mitigated and at what ratio?

Hazards; There is no mention of Valley Fever / coccidioidomycosis in the initial study. How will the potential to import Valley Fever be addressed relative to the proposed importation of massive amounts of fill soils through our neighborhood and the required earthwork/grading to achieve ocean views for the new homes? The ocean views are not worth the risk to public health that Valley Fever poses to our community/sensitive receptors. There has been a recent surge in Valley Fever cases in SLO Co and surrounding counties.

Hydrology; How will increased impervious surfaces and the run off associated with it be addressed? The existing channelized drainage can barely facilitate the run off now. How will the run off be treated from a storm water BMP treatment perspective?

Transportation; A traffic study on the traffic volumes and flow in and around Yerba Buena and Hwy1 needs to be conducted because currently, there are issues at peak times even without the construction traffic and increased housing.

Please let me know how these issues are being addressed and resolved?

Please let me know if there are any questions.

Thanks,  
Mitch

Mitch Dallas  
  
Morro Bay CA  
93442  
805-459-2907

## Angie Buoncristiano

---

**From:** Wendy Gault <[REDACTED]>  
**Sent:** Friday, November 15, 2024 12:15 PM  
**To:** Planning Commission  
**Subject:** Proposed Subdivision 3300 Panorama Dr

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from wendygault@gmail.com. [Learn why this is important](#)

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

Dear Planning Commission

Please do not allow the 46-unit subdivision of 3300 Panorama Dr to proceed. We need to save our wildlife habitat from being disrupted in any way.

This development plan threatens our local environment, including a stand of tall trees home to endangered hawks and other raptors. Swainson Hawks, recently observed in the area, are federally protected. The site also features a natural water channel and sensitive riparian habitat that may face disruption. This area has experienced flooding during past extreme hurricane storms.

Concerns include:

- Disruption to wildlife and migratory bird habitats
- Insufficient water resources and increased drought risks
- Traffic and parking issues on already narrow streets
- Prolonged disruptions from construction of new service lines

At this time I can only hope that you have the wisdom to make the right choices for our precious environment.

Sincerely,  
Wendy Gault

November 15, 2024

RECEIVED

Ms. Kim Fowler, Manager  
Planning Division  
City of Morro Bay  
955 Shasta Ave.  
Morro Bay, CA 93442  
[kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

NOV 14 2024

City of Morro Bay  
Community Development Dept.

RE: Notice of Preparation of Draft EIR for 3300 Panorama Drive – CEQA Comments

Dear Ms. Fowler:

As owners and residents of the property at [REDACTED], Morro Bay, CA 93442, [REDACTED], we have three safety concerns.

The first safety concern is the unstable hills in which this project is to be built. For example: The three landslides the City of Morro Bay encountered when building our new Water Reclamation Facility. In 1995, the Whale Rock Reservoir pipeline ran along Panorama Drive on the eastern edge of North Morro Bay and it had sprang a major leak when the hillside moved. The hillside was identified as a major risk for movement during really wet winters, as were the years 1994-1995. The company Geo Solutions found the land was still sliding and the pipeline ruptured hence the rerouting of the pipeline away from that area. For this new project a 10 ft. buffer, cutting into the toe of the hill will make it more unstable and we do not want to lose any people's lives or homes like in the town of La Conchita, California. La Conchita in 1995 and again in 2005 experienced landslides with loss of 10 peoples lived. This paleo landslide area would be a liability to the City of Morro Bay if you do not do your due diligence and question the insufficient conclusions found on the Rincon report. It might be prudent to hire a second consultant to ensure the safety of our residents and make sure Morro Bay would not go bankrupt if such an occurrence happened.

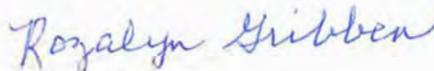
The second safety concern would be that this was a jet fuel site and was not released yet for development, and if it has not been remediated then this project should be halted, and further testing be done. The hauling of 75 truckloads of dirt for three months seems like a maximum risk to the citizens of Morro Bay. Hauling dirt would send dust into our air and if it is contaminated be harmful to the quality of life and health to Morro Bay residents.

Our third safety concern is drainage because we live in a flood zone. We have to pay flood insurance and our narrow streets and lack of infrastructure such as gutters, sidewalks, sufficiently paved streets, etc. would impact us greatly. We do not believe this is a viable area for this project to be built and we wish you to reconsider allowing it to move forward.

Sincerely,



Kenneth Gribben



Rozalyn Gribben

[REDACTED], Morro Bay, CA 93442

**Date:** 11/15/2024

**To:** Airlin Singewald, Community Development Director  
Kim Fowler, Planning Manager

**From:** Donald and Kristen Headland, Morro Bay Residents

**Subject:** **CEQA – Notice of Preparation**  
**Public Comments - 3300 Panorama Drive, APN 065-038-001**

My husband and I live in North Morro Bay. The following are our comments pursuant to the California Environmental Quality Act (CEQA), regarding the scope of the draft Environmental Impact Report for the 3300 Panorama project.

We have lived in our home for thirty-four years. We raised our children here and now enjoy having family and grandkids at our home.

Our neighborhood is in the northeast corner of Morro Bay, located away from the busy downtown center. The Land Use designation is residential single RS-A, 4-7 units per acre, on 40X60 lots.

Our neighborhood has twenty-two streets. Main Street is the only exit route in the event of an emergency.

We have many young families with children, working class, or retired residents in our part of town.

Our neighborhood is always active with families with children, people walking to and from the beach, people on bikes, scooters or skateboards, and lots of people walking their dog or out for daily exercise.

We have the enjoyment of our nearby beach and Del Mar Park, all within walking distance from our homes. We have always considered our corner of northeast Morro Bay as a quiet residential area.

For the past seven years, we have witnessed earth sliding down above Panorama Drive. The telephone poles and chain link fence along Panorama Drive are leaning and the pavement in our streets keeps cracking that indicate the earth movement. Our neighborhood is full of underground water streams. You can tell where the underground water flows because plants flourish without being watered.

**The proposed 46 residential subdivision is located in the HISTORICAL LANDSLIDE ZONE.**

**We are concerned that the soil on and above 3300 Panorama Drive is unstable and actively moving downslope, therefore unsuitable for residential development.**

Is the City of Morro Bay legally liable if a landslide occurs and lives are lost or homes are damaged?

Are the property owners legally liable if a landslide occurs and lives are lost or homes are damaged?

**In our opinion, the Land Use designation and Zoning should be changed from Residential Single- RS-A to Open Space for the health and public safety of our neighborhood.**

**We are requesting the City of Morro Bay take every precaution to protect the lives and property of the citizens of North Morro Bay.**

My name is Antonio F. García, and I have lived and owned a home on \_\_\_\_ Street in North Morro Bay since August 2001. I am a professor of geology and I have been teaching at Cal Poly since academic year 2001-2002. Within the discipline of geology, I specialize in geomorphology, which is the study of how geologic processes shape landscapes. My research focuses on streams and sediment transport in tectonically active areas. Because streams carve valleys, and erosion of valley slopes produces sediment that affects streams, in a few instances my research publications encompassed landslide-related processes. I have been teaching students about landslides at the introductory level since 2001, and at more advanced levels since 2003. In my teaching I have used the herein named North Morro Bay Landslide Complex as an example of terrain that is unsuitable for development since at least academic year 2002- 2003 (I have attached an excerpt of my PowerPoint presentation [also saved a .pdf file] used for this lecture; this letter is also attached as a .pdf file).

As used in this discussion, the North Morro Bay Landslide Complex is the area that extends along Panorama Road from Island Street to Tahiti Street, and from Panorama Street to the adjacent ridgeline above North Morro Bay. There is a great deal of evidence that the lower approximately 400 yards or so of the North Morro Bay Landslide Complex is unstable and actively moving downslope.

Power-line posts and fences along Panorama are conspicuously tilted, which indicates slope movements occurring after those structures were built. Since I moved here in 2001, I have seen the embankment on the northeast/upslope embankment of Panorama Road fail regularly during winter rains. The evidence for failure is the presence of vegetation and mud on Panorama Road, and a corresponding area on the adjacent embankment that lacks vegetation. Also, the Panorama Road embankment impinges collectively on Panorama Road during Winter rains, which is evinced by conspicuous narrowing of the road: abundant automobiles tracks reveal that they are forced to regularly drive through mud that overlies pavement and is typically a foot or so deep.

From a broader perspective, the North Morro Bay Landslide Complex is a “paleolandslide”. A paleolandslide is a landslide that first moved thousands of years ago, and is relatively large scale. As early as 2011 college textbooks noted that paleolandslides are a serious threat to society because the sediment they are composed of is easily remobilized. One tragic example of a landslide that issued forth from the lower part of a paleolandslide occurred in the community of La Conchita in Ventura County. Evidence for prehistoric landslides issuing

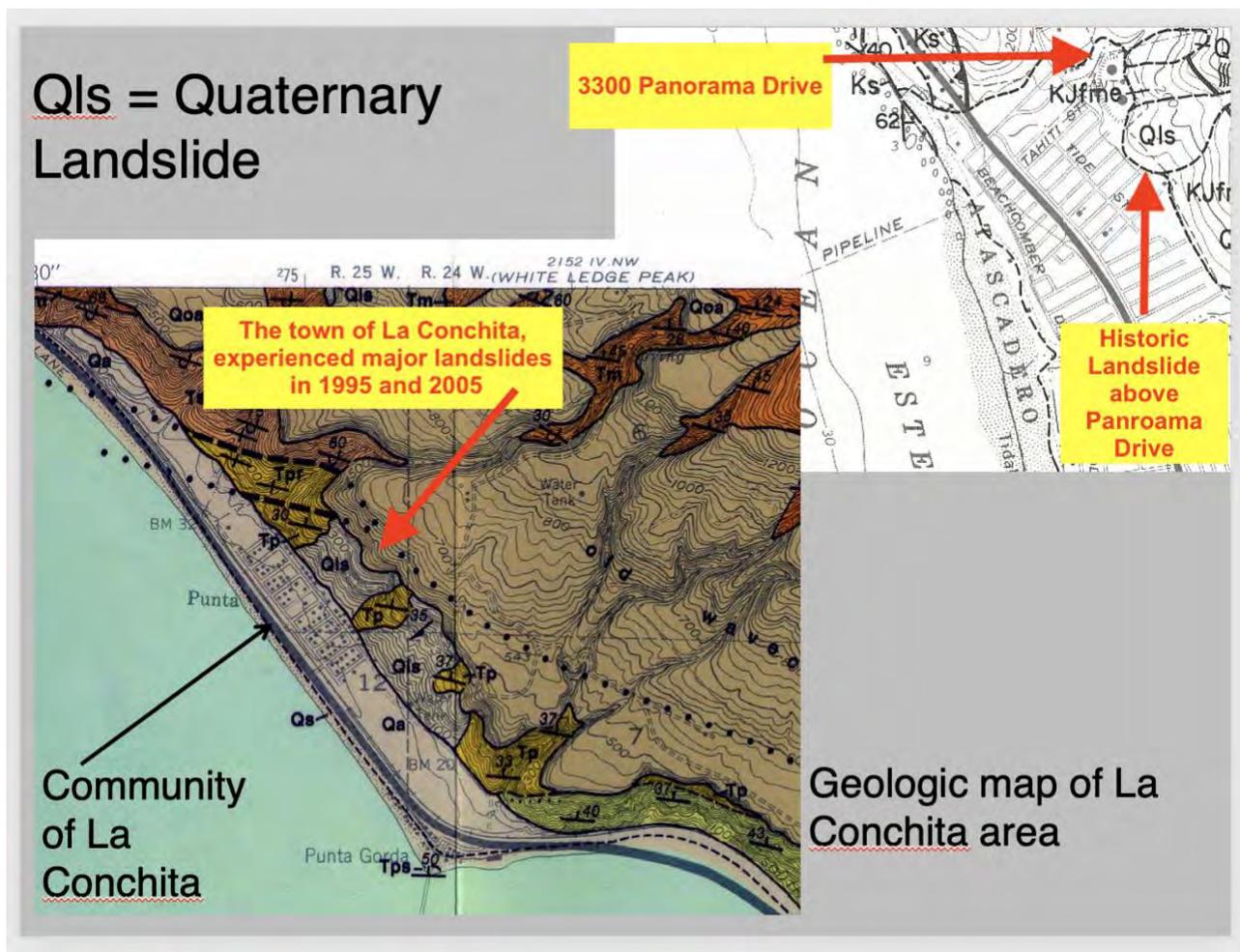
forth from the lower part of the Paleolandslide is clear, but was evidently ignored by developers. The Community also ignored a landslide 1995 that moved slowly (hundreds of feet in a few hours), and therefore caused infrastructure damage but no loss of life. However, a fast-moving landslide in 2005 killed 10 people.

There is evidence that like the lower part of the La Conchita paleolandslide, the lower part of the North Morro Bay Landslide Complex is susceptible to remobilization that is capable of causing damage. Major landslides originating in the lower part of the North Morro Bay Landslide Complex in 1983 and 1995 caused 10s of thousands of dollars of damage. Given what we now know about the threat posed by paleolandslides, it is clear that no human structures should be added to the North Morro Bay Landslide Complex.

Antonio F. García

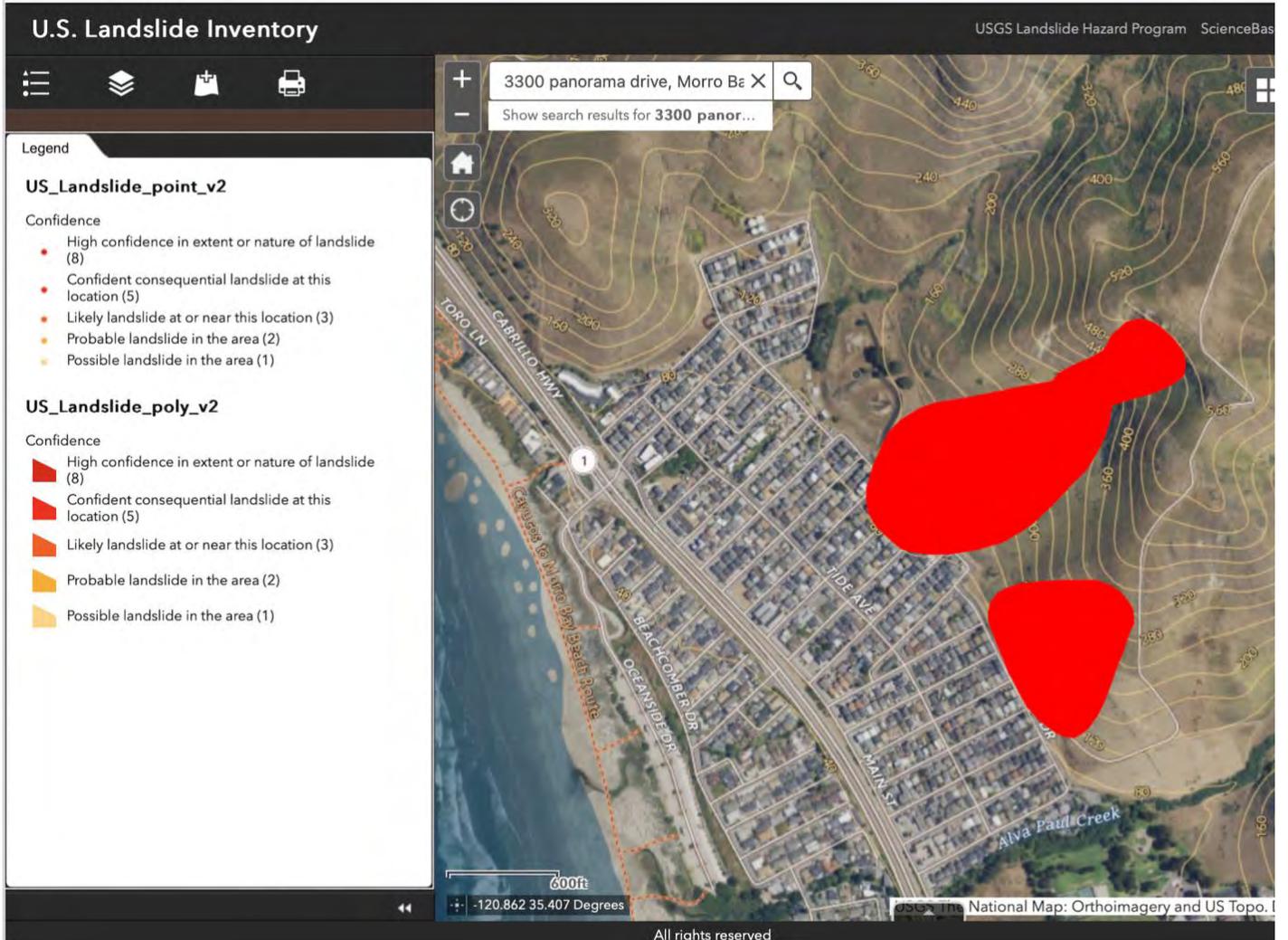
The [La Conchita Landslide](#) and the [2014 Oso Landslide](#) was a catastrophic event where people lost their lives and homes were destroyed. <https://pubs.usgs.gov/of/2005/1067/pdf/OF2005-1067.pdf>

### The City of Morro Bay has the same soil as the town La Conchita



# Map of the 1983 and 1995 landslides above Panorama Drive

<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=ae120962f459434b8c904b456c82669d>



# Newspaper Articles from the 1983 Morro Bay Landslides

San Luis Obispo, Telegram Tribune, March 10, 1983

## Morro sued in 2 mudslide damage cases

The owners of two north Morro Bay homes which were severely damaged this winter by mudslides filed claims Tuesday totaling \$700,000 against the city of Morro Bay.

owner of a home at Panay St. and represented by attorney has asked the city for \$100,000 for repair of her home, \$25,000 for loss of its use, and \$75,000 for mental anguish.

The suit names the city, chief building inspector and then City Administrator because the building permit for the home was issued in during tenure.

Attorney was a member of the City Council

The claim alleges that the city failed to comply with own building codes which prohibits issuing of a building permit unless "minimum construction stan-

dards for seismic safety" are met, said City Administrator

Specifically, the claim says the city should not have allowed the home to be built without requiring the foundation design to be done by a registered engineer or a licensed architect.

In the second claim, of Orcas St. are asking for \$100,000 for repair of their home and \$400,000 for emotional shock and upset. Their attorney is of Paso Robles.

The claim, which was filed against the city only, alleges that damage to the home was caused by "improper construction" and that the city's inspection of the home was "negligent."

Furthermore, the claim states, the city allowed houses to be built in an area known to be "geologically unsafe."

San Luis Obispo, Telegram Tribune, March 10, 1983

## MB home in danger of sliding

By Dan Stephens  
Staff Writer

say one more heavy rain and their home will go sliding lickety-split down the hill.

Recent downpours have turned the earth under their split-level home on in north Morro Bay into a greased track. So far the sliding has caused \$20,000 damage to their home. Other houses also have been damaged in that area.

"The dirt the house is built on sits on clay and when the clay's dry it's hard as a rock, but when it wet it's slick like grease," explained as he eyeballed the damage.

Plus the soil has soaked up all the rain it can.

Round 1 came last Thursday night.

"We were sleeping and we started hearing some creaking. I knew what it was right away. We heard bricks tumbling and dirt falling," said.

Sure enough, the next morning he saw his concrete home cracked and twisted.

The bathroom broke in half, dropped 5 feet with part of it in the driveway.

Another part of the driveway split and dropped 2 feet.

Plus one corner of the foundation was teetering.

The sewage line was the only survivor among his utility hookups, he said. But luckily, he was able to rig temporary systems for water, electricity and heat.

said all that's bad enough, but it's not the worst part.

"The worst thing is there's not a thing we can do about the sliding. When the flow of water stops coming down the hill that's our signal that the soils dry and we can start shoring up the foundation. But I figure that'll be at least two weeks," he said.

Maybe two weeks... forecasters say more Pacific storms are on the way. So the pray for dry weather.

Today building in-



DAN STEPHENS/TELEGRAM TRIBUNE

inspects a spot where earth has been washed out from under his bathroom.

spector for Morro Bay, was to gather soil samples from the home to determine how far crews will have to dig to hit something solid to brace the home.

But all this mudslide stuff is new to and to Morro Bay, although he's learning quickly. So far he's visited several homes that are rooted in sliding mud — homes on Orcas and Panay streets, down the hill from the

"We're sitting here not knowing what's going on," said. "We've never seen anything like this before."

As soon as the slides began, summoned geologists

who've collected dirt samples from the areas.

"Until we hear from the geologists all we can say is for people to hire their own engineers to come out and look at their piece of property," said.

In other words residents are on their own.

And that's the way the have handled it.

"For a retired couple in their 60s to have something like this happen to them, it's a financial disaster," said.

That means no help from insurance. It doesn't cover mudslides.

"All we can hope for is if the house goes down the hill, a spark will cause a fire. That way, the insurance will cover it," joked.

Despite living in a rickety home, waiting for the final blow, the have no intentions of giving up their view of the sea.

As said, "You have to look at things philosophically... this is the price you pay for the view."

Besides, the ace in the hole is their motor home parked in their damaged driveway.

"It's packed and ready to go," said.



**On Tuscan Ave. the street continues to collapsed due to ongoing earth movement**



The hillside across from Tuscan Ave has earth slippage due to earth movement



The leaning telephone poles on Orcas Street is a sign of earth movement



The leaning chain link fence on Panorama Drive is a sign of the earth movement



The Cambria Earthquake Fault line runs near 3300 Panorama Drive

<https://maps.conservation.ca.gov/cgs/fam/>



Map from Plan Morro Bay noting the Cambria Fault above Panorama Drive



FIGURE PS-2

Regional Fault Lines

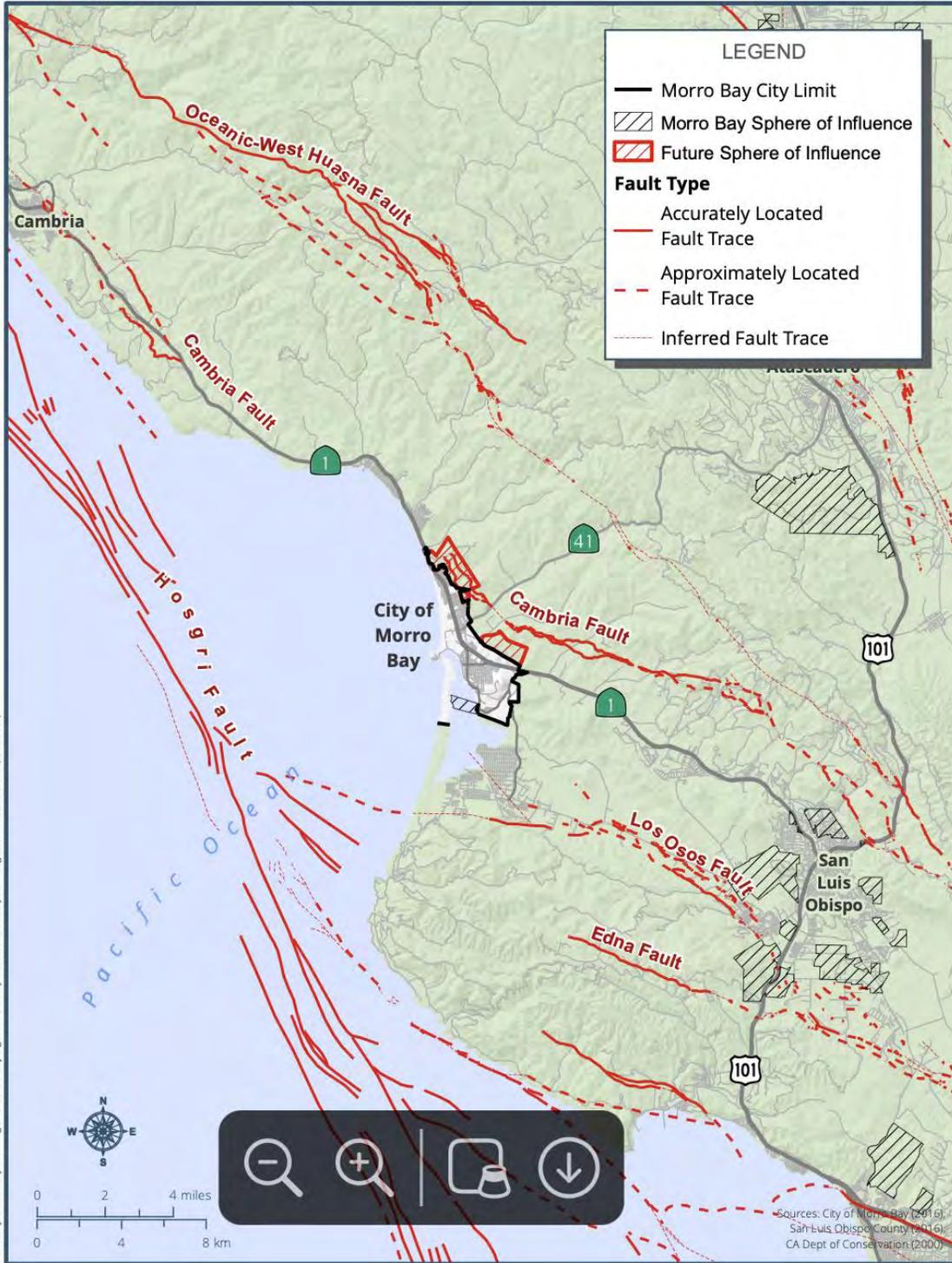




Figure 4: Historical Aerial Photograph (1937)

We have lived in our home for 34 years and love being near the ESHA with the seasonal stream. We've observed all of the wildlife living or migrating through the area.

During the rainy season when the stream is flowing with water, there are hundreds of croaking frogs.

In Plan Morro Bay, study [Environmentally Sensitive Habitat Area \(ESHA\), Review and Current Conditions Mapping](#) the California Red-Legged Frog has special status species protection in the ESHA at 3300 Panorama Drive.

On page 35, Rivers and Streams, Several creeks and their tributaries flow through the City and terminate into the Morro Bay Estuary or directly into the Pacific Ocean within the City's coastal zone. These waterways include Chorro Creek, Morro Creek, Alva Paul Creek, and Toro Creek as well as several unnamed creeks with a bed and bank.

Willow riparian woodland and willow scrub often occurs along both perennial and intermittent streams. Some of these areas overlap portions of California red-legged frog, steelhead, and tidewater goby critical habitat. The multi-layered riparian vegetation, available water supply, and vegetative cover make these areas essential habitat for several special status species.



**FIGURE 3A**

Special Status Species and Sensitive Natural Communities, as Reported by CNDDDB

**Arborist Report, 4.2 - Tree Removal “Thirty-five trees are proposed for removal in favor of the proposed development project.” We do not want these 35 trees to be cut down/ removed.**

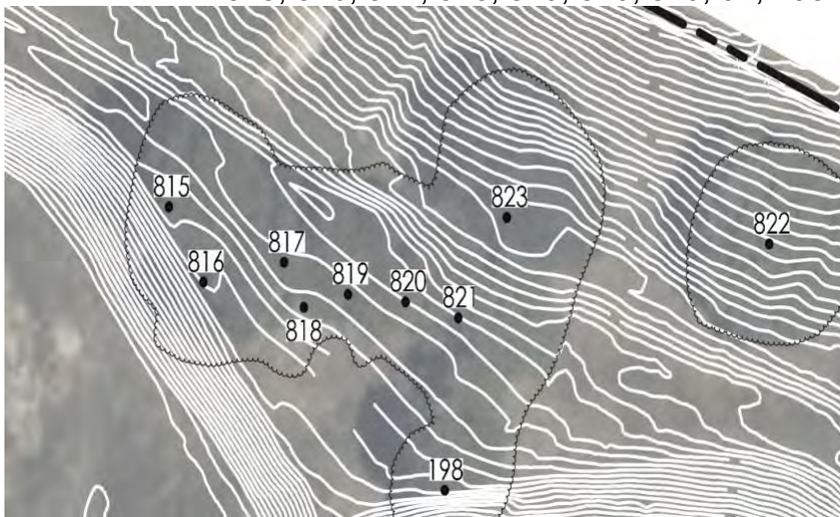
For 27 years, the City of Morro Bay has been dedicated as a [Tree City](#).

Last year during the annual Morro Bay Bird Festival, a van stopped on Tuscan Avenue. Around 15-20 people got off the bus to view the ESHA at 3300 Panorama Drive. This group was lucky because they spotted a Great Horned Owl fly from the Monterey Cypress trees that line the ESHA stream.

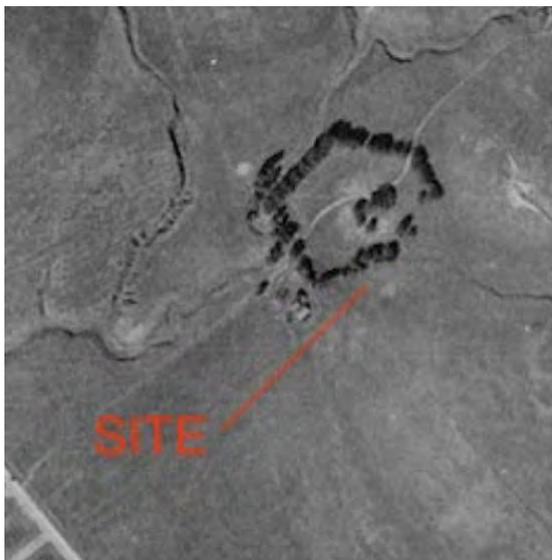
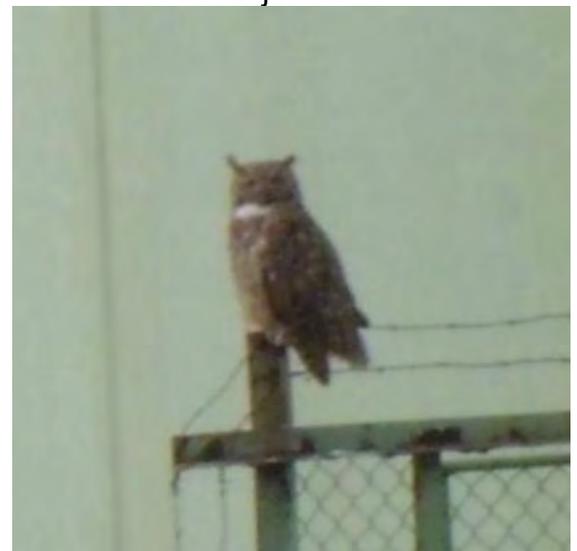
There has been a grove of [Monterey Cypress](#) trees on the property for over 50 years.

The trees numbered 815, 816, 817, 818, 819, 820, 823, 82, and 198 are slated to be removed for the proposed housing development. These trees are part of a habitat for the wildlife and should not be cut down.

Grove of 50 plus year old Monterey Cypress trees planned to be removed 815, 816, 817, 818, 819, 820, 823, 82, 198



Great Horned Owl next to a jet fuel tanks



View the photo on page 8, Figure 4: Historical Aerial Photograph (1937), the person who put this report together, used a red mark-up tool to write the word “SITE” to indicate where 3300 Panorama Drive is located.

It's possible that the Monterey Cypress trees in this photo could be the trees still on the property at 3300 Panorama Drive.

**WE FEEL THESE TREES SHOULD BE PROTECTED FROM REMOVAL.**

**THE CITY SHOULD HIRE THEIR OWN GEOLOGIST / HYDROLOGIST TO EVALUATE THE RISK OF BUILDING IN THE PANORAMA DRIVE LANDSLIDE ZONE FOR THE REASON NOTED BELOW:**

IN THE GEOLOGY AND SOILS DOCUMENT FOR THE PROPOSED PROJECT, THE REPORT NOTES "DIRECT OR INDIRECTLY CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING RISK OF LOSS, INJURY OR DEATH INVOLVING:" #4 UNDER THE CATEGORY OF LANDSLIDES, THE DOCUMENT STATES "LESS THAN SIGNIFICANT IMPACT". THIS SHOULD BE NOTED AS A SIGNIFICANT IMPACT. THE STUDY IS INCORRECT IN IT'S ASSESSMENT.

Why is this Notice of Preparation (NOP) being rushed through without proper Notice? We've talked to over 25 citizens who stated they never received the yellow NOP postcard of the 10/17/2024 for the public meeting.

Have you contacted the SLO [Air Pollution Control District](#) to assist with the monitoring of contaminated soil, dust during earth movement, and for the safety of workers and residents?

The proposed site preparation and grading of the site will involve around nine-thousand cubic yards of material to be moved about which will require dust control and watering. Hundreds of thousands of gallons of water will be needed to achieve compaction at the site. That would be considered unreasonable use according to §100 of the California Water Code. Where's the water coming from? The city drinking water supply?

The intent is to establish the base elevation for the structures after grading the site; this will raise the height of each structure. This was proposed to the Planning Commission who rejected the concept. The base grade is what exists today before any finish grading takes place. Their grading plans (sheets C-8 through C-11) are out of compliance.

Transportation/traffic is not included in your list of topics to cover in the EIR evaluation. This is a must due to the narrowness of and lack of foundation under the streets designated as the ingress and egress.

Why wasn't the [Notice Of Preparation](#), dated 09/30/2024, submitted to the [CEQA State Clearing House](#) posted on the city website under Current Planning Projects? There was a lack of public transparency in the practice of openly and honestly disclosing information to the Morro Bay citizens.

What's going to happen to the proposed building time schedule the runs from June to February Nesting Season?

Historically, all documents related to a project have been posted on the city website, under Current Planning Project. How can the public be informed regarding a proposed building project if we cannot view documents generated or received at the Morro Bay Community Development Department? Please place all documents related to a building project on the city website under Current Planning Projects.

The following documents are missing in this section; Planning Commission Hearing on 11/07/2023, CEQA Clearinghouse notice on 10/01/2024, DTSC 11/01/2024 NOP response Letter, 11/01/2024, Native American Heritage Commission, 10/04/2024, Department of Fish and Wildlife.

Documents should be placed on the city website as soon as they are received by the Planning Development Department. Also, the *Notify Me* email system should send out emails to citizens that want to stay informed. Why did this not happen when the 09/30/2024 Notice Of Preparation was issued?

**The subjects noted in red should be part of the NOP process.**

## 12 Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards and Hazardous Materials
<input checked="" type="checkbox"/> Hydrology and Water Quality	<input checked="" type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources
<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input checked="" type="checkbox"/> Utilities and Service Systems	<input checked="" type="checkbox"/> Wildfire	<input checked="" type="checkbox"/> Mandatory Findings of Significance

### Impacts to our neighborhood:

Major change to the neighborhood character- **earth movement at 3300 Panorama Drive is not safe.**

Landslide Zone- **Require a new GEOLOGY REPORT TO INVESTIGATE LANDSLIDE RISKS.**

**ALSO A HYDROLOGY AND WATER QUALITY REPORT SHOULD BE DONE.**

Leaning fence and telephone poles- **A SAFETY ISSUE DUE TO SOIL SLIDING DOWN HILL**

Narrow streets with no sidewalk, curbs or gutters- **PUBLIC SAFETY**

Limited Parking on site, no consideration for the current neighbors-**PUBLIC SAFETY**

Infrastructure: Water, Sewer, Electricity, Gas, Garbage Pick-up- **will impact our neighborhood, can this be provided by the companies?**

Old sewer lines-**How is the city going to replace all of the sewer lines in North Morro Bay?**

Fleeing wildlife- **THERE SHOULD BE A WILDLIFE PRESERVATION AND PROTECTION PLAN**

Traffic flow- **TRAFFIC REPORT NOT ACCEPTABLE, SEE PAGE 20, HIRE ANOTHER CONSULTANT.**

Traffic Report notes 500 plus new cars traveling in our neighborhood- **THIS IS TOO MUCH TRAFFIC ON OUR NARROW STREET, POSES A SAFETY HAZARD FOR PEDESTRIANS**

Hazardous Waste-**DTSC CLOSURE LETTER HAS NOT BEEN RELEASED BY THE CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD WITH APPROVAL FOR DEVELOPMENT**

Grading / Dust control- **IS THERE AN NOP LETTER FROM THE SAN LUIS OBISPO POLLUTION CONTROL DISTRICT?**

Water runoff- **THERE SHOULD BE A HYDROLOGY AND WATER QUALITY REPORT**

Construction Traffic- **WHAT STREETS WILL THE TRUCKS USE? PUBLIC SAFETY**

Soil Movement- **RISK OF VALLEY FEVER, HOW MUCH WATER WILL BE REQUIRED?**

Fill in dirt-**FILL DIRT SHOULD NOT BE ALLOWED DUE TO LANDSLIDE RISK**

Trucks and Narrow Streets-**PUBLIC HAZARD**

**TRAFFIC CONGESTION AT THE INTERSECTION OF SAN JACINTO ST.AND YERBA BUENA ST INTERSECTION-IS THERE AN NOP CAL TRANS REPORT?**

Main Street is the only evacuation route in the event of a landslide-**REQUEST A POLICE AND FIRE DEPARTMENT IMPLEMENTATION PLAN IN THE EVENT OF AN UNEXPECTED EVENT**

Use of extra police, fire department, and schools- **IS THERE AN NOP REPORT FROM THE SCHOOL DISTRICT, MORRO BAY POLICE DEPARTMENT AND MORRO BAY FIRE DEPARTMENT? IS THERE A NEED OF ADDITIONAL STAFF TO ACCOMMODATE 46 NEW FAMILY HOMES WITH 16 ADU'S?**

Grading plan should be redone with no soil import-**DUE TO THE RISK OF A LANDSLIDE**

Fire Hazard-**FIRE HAZARD, OUR LOTS ARE 40X60, WE HAVE HAD FOUR HOUSE FIRES IN OUR NEIGHBORHOOD WHERE THE ADJACENT HOMES CAUGHT ON FIRE**

Trees- **NO MORE TREES SHOULD BE CUT DOWN**

Lower density-**SHOULD NOT BUILD IN A LANDSLIDE ZONE-PUBLIC SAFETY RISK**

Damage to road from trucks-**WHO WILL FIX THE STREETS?**

**NO TO ADU's-THE PROJECT DESIGN IS NOT WILLING TO PROVIDE ADEQUATE PARKING**

**NO TO THIS PROJECT- 100 FOOT ESHA BUFFER, PRESERVE THE ESHA FOR THE WILDLIFE**

Flood Plain Overflow- **THE PANORAMA HILLSIDE IS ALWAYS DRAINING WATER. SCOTT COLLINS, FORMER CITY MANAGER, STATED IN 2023 "WE JUST HAD A 500 YEAR FLOOD". THE OVERFLOW RAIN WATER COULD DAMAGE PROPERTY IN THE NEIGHBORHOOD,**

At the 11/07/2023, Morro Bay, Planning Commissioners, the Chairperson gave a summary at the end of the conceptual review meeting. The chairperson providing feedback to RRM Design representative, stated that based on the commissioner and public comments we suggest you consider reducing the amount of proposed grading with a design revision. We would like to see alternatives to narrow center streets and provide more information regarding substandard size lot benefits. Items to consider include timeliness of construction, density, traffic issues, bikeways and sidewalks, and additional items to the community benefit package.

#### CENTRAL COAST WATER BOARD COMMENTS:

“The Site Assessment Report and Request for Site Closure and case-related documentation is currently being evaluated by the Central Coast Water Board to determine if any residual site impacts left in place meet the criteria for unrestricted case closure (for residential Land Use).

The Central Coast Water Board has not completed the review and has not determined if the Site is suitable for the proposed redevelopment project involving residential use; the Site remains listed as an open Cleanup Program Site.

The Central Coast Water Board will contact the property owners once we complete our evaluation to determine if additional investigation or remedial efforts are warranted before being converted to residential Land Use, as proposed for the redevelopment project.”

THE Notice of Preparation was premature, the City of Morro Bay should wait for the CENTRAL COAST WATER BOARD to complete their soil contamination investigation.

WE RECOMMEND THAT THE GENERAL PLAN CHANGE THE LAND USE DESIGNATION FROM RESIDENTIAL SINGLE RS-A TO OPEN SPACE. THE RISK OF A CATASTROPHIC LANDSLIDE THAT WILL HAPPEN IN THE FUTURE DUE TO CLIMATE CHANGE WITH UNPREDICTABLE WEATHER SHOULD BE TAKEN INTO CONSIDERATION.

#### **Can the City of Morro Bay review?**

[H.R.8810 - National Landslide Preparedness Act](#) 116th Congress (2019-2020)

Shown Here:

Public Law No: 116-323 (01/05/2021)

National Landslide Preparedness Act

This bill directs the U.S. Geological Survey (USGS) to establish a National Landslide Hazards Reduction Program to identify and understand landslide hazards and risks, reduce losses from

landslides, protect communities at risk of landslide hazards, and help improve communication and emergency preparedness.

The USGS shall, among other things

- develop and publish a national strategy for landslide hazards, risk reduction, and response in the United States (including territories);
- develop and maintain a publicly accessible national landslide hazard and risk inventory database;
- expand the early warning system for debris flow; and
- establish emergency response procedures for the rapid deployment of federal scientists, equipment, and services to areas impacted by a significant landslide event.

The USGS may provide grants to research, map, assess, and collect data on landslide hazards.

The National Science Foundation may provide grants to eligible entities for landslide research.

The USGS (1) shall advance the identification, mapping, research, and monitoring of subsidence and groundwater resource accounting, particularly in areas affected by drought; (2) shall establish the 3D Elevation Program and the 3D Elevation Federal Interagency Coordinating Committee; and (3) may make grants and enter into cooperative agreements to facilitate the improvement of nationwide coverage of 3D elevation data.

Suggestion for the City of Morro Bay to request grant money to have the Panorama hills mapped with 3D imaging. The deadline date to submit your applications is 01/15/2025.

<https://www.usgs.gov/news/technical-announcement/usgs-seeks-landslide-risk-reduction-proposals-fy25>

USGS is soliciting project proposals for Fiscal Year 2025 grants on landslide risk reduction science. The grants will help advance landslide research capabilities.

From October 15, 2024, to January 15, 2025, the U.S. Geological Survey is soliciting project proposals for Fiscal Year 2025 landslide risk reduction science grants. The grants are part of a new effort to advance our nation's landslide capabilities by providing federal assistance to local, state, Tribal and territorial governments seeking to reduce landslide risk.

The USGS is looking for project proposals focused on landslide risk reduction and is authorized to distribute \$1 million total in federal assistance to local, state, Tribal and territorial governments.

Interested organizations can apply online at [GRANTS.GOV](https://www.grants.gov) under **Funding Opportunity Number G25AS00032**.

Can we receive an email to inform us that the city is interested in this grant money to have the Panorama hills surveyed? Thank you



**MEMORANDUM**

Date: August 18, 2023  
 To: Tim Walters and Aden Ferillo, RRM Design Group  
 From: Michelle Matson and Joe Fernandez, CCTC  
 Subject: **3300 Panorama Drive, Morro Bay – Transportation Impact Study**

This memorandum summarizes the transportation impact analysis for the proposed development at 3300 Panorama Drive in the City of Morro Bay.

**The project will have 48 single family homes with 16 Accessory Dwelling Units.**

**SUMMARY AND RECOMMENDATIONS**

The proposed project would construct 48 single-family detached dwelling units northeast of Panorama Drive between Whidbey Street and Sicily Street on an existing 10 acre parcel formerly used for Navy Jet Fuel Storage currently zoned residential. The proposed project is expected to generate 514 new vehicle trips per weekday, including 38 AM peak hour trips and 50 PM peak hour trips.

The project would have a less than significant impact on vehicle miles traveled (VMT). *Disagree with "less than significant impact"*

The project proposes access points by extending Tahiti Street and Trinidad Street north of Panorama Drive. We recommend the sight distance be checked consistent with City standards during preparation of the public improvement plans. Stops signs should be considered on Panorama Drive at the two t-intersections with Trinidad Street if the sight distance is not met. **Two Stop signs 120 feet apart?**

**PROJECT CONDITIONS**

The following section summarizes the project trip generation, collision history, VMT, site access, and circulation.

**Trip Generation**

The Institute of Transportation Engineers' (ITE) *Trip Generation Manual* 11th Edition was used to estimate the project trip generation as summarized in **Table 1**.

**Table 1: Trip Generation**

Project Trip Generation								
Land Use	Size	Daily Total	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single-Family Detached <sup>1</sup>	48 DU	514	10	28	38	31	19	50
<b>Total Vehicle Trips</b>		<b>514</b>	<b>10</b>	<b>28</b>	<b>38</b>	<b>31</b>	<b>19</b>	<b>50</b>

DU = Dwelling Unit; ITE = Institute of Transportation Engineers.  
 1. ITE LU Code #210, Single-Family Detached Housing. Fitted curve equations used.  
 Source: ITE Trip Generation Manual, 11th Ed.

The proposed project is expected to generate 514 new vehicle trips per weekday, including 38 AM peak hour trips and 50 PM peak hour trips. Project trips would primarily use the State Highway 1/Yerba Buena Street

(805) 316-0101  
 895 Napa Avenue, Suite A-6, Morro Bay, CA 93442

intersection. Less than ten percent of project trips are estimated to use the State Highway 1/San Jacinto Street intersection. No accessory dwelling units (ADUs) are proposed.

**Correction, RRM Design Plan notes 16 Accessory Dwelling Unit's.**

**Collision History**

Traffic collision data was obtained from the Statewide Integrated Traffic Records System (SWITRS) for Main Street, Panorama Drive, Trinidad Street, Tahiti Street, and Yerba Buena Street in the vicinity of the project. Between 2016 and 2021, no collisions were reported on Panorama Drive, Trinidad Street, Tahiti Street, and Yerba Buena Street. On Main Street between Yerba Buena Street and San Jacinto Street, the following collisions were reported: **I attempted to double check this data. It could take up to 45 days to get a reply.**

- Four collisions at the Main Street/San Jacinto Street intersection including three sideswipe and one rear end collision. Two of the four collisions occurred over 100 feet south of the intersection including one driving under the influence (DUI).
- Two collisions at the Main Street/Sequoia Drive intersection including one rear end collision and one sideswipe collision due to DUI.
- One sideswipe collision with a parked motor vehicle north of Sequoia Drive.
- Two DUI collisions near Vashon Street.
- One rear end due to DUI near Island Street.
- One sideswipe due to improper passing near Trinidad Street.
- One sideswipe collision due to an automobile right-of-way violation at Yerba Buena Street

No pedestrian or bicycle collisions occurred on Main Street. Additional enforcement could be considered due to the pattern of DUIs. There are no additional collision patterns or recommendations.

Traffic collision data at the State Highway 1 intersections with Yerba Buena Street and San Jacinto Street were obtained from the Traffic Accident Surveillance and Analysis System (TASAS) as shown in **Table 2**.

**Table 2: State Highway 1 Intersection Collision Analysis**

<b>State Highway 1 Intersection Collision Analysis</b>									
<b>Intersection</b>	<b>Total Collisions</b>			<b>Actual Rate<sup>1</sup></b>			<b>State Ave Rate</b>		
	<b>F</b>	<b>F+I</b>	<b>All</b>	<b>F</b>	<b>F+I</b>	<b>All</b>	<b>F</b>	<b>F+I</b>	<b>All</b>
<b>State Highway 1 &amp; Yerba Buena Street</b>	0	3	7	0.000	0.08	0.20	0.002	0.16	0.33
<b>State Highway 1 &amp; San Jacinto Street</b>	0	3	11	0.000	0.07	0.25	0.002	0.16	0.33

I = Injury, F = Fatality.  
 1. 2016-2021 included. Rates are in units of collisions per million vehicles entering (MVE) for intersections.  
 Source: Traffic Accident Surveillance & Analysis System (TASAS).

The fatal, injury, and total collision rates at the intersections between 2016 and 2021 were lower than the state average rates for similar facilities and there are no recommendations.

**How about at the corner of Yerba Buena Street and Main Street? There are near miss auto collisions with cars, bike riders and pedestrians. This traffic study notes “no recommendations”.**

**Can we see a summary of each accident on Hwy 1 and Yerba Buena Street ?**

**Vehicle Miles Traveled**

The SLOCOG Regional Travel Demand Model was applied to estimate potential project impacts to vehicle miles traveled (VMT). Thresholds for VMT impacts were developed based on guidance from the State Office of Planning and Research (OPR)<sup>1</sup>, which suggests a threshold of 15 percent below the regional average residential VMT per capita for residential projects. The regional average, using the 2020 model year, is 13.40 residential VMT per capita. The corresponding threshold is 85 percent of the average, or 11.39 VMT per capita.

The project is a part of a larger Traffic Analysis Zone (TAZ) in the model. The TAZ includes the area roughly bounded by Highway 1, Zanzibar Street, Panorama Drive, and Island Street. With the project, residential uses in this TAZ generate 10.91 residential VMT per capita as shown in **Table 3**. This is below the threshold and indicates a less-than-significant impact to VMT. This is consistent with previous findings by SLOCOG (SLOCOG, 2018) which show that residential uses in the City of Morro Bay produce residential VMT per capita below the recommended threshold.

**Table 3: VMT Analysis**

Project Only VMT Analysis					
Scenario	Daily Model		VMT Efficiency Metrics		
	Project TAZ Trips <sup>1</sup>	Project TAZ VMT	Residential VMT	Population in TAZ	Res VMT/ Capita
2020 No Project	5,179	27,468	16,043	1,483	10.82
2020 With Project	5,631	30,168	17,722	1,624	<b>10.91</b>
<i>Project Delta</i>	<i>452</i>	<i>2,701</i>	<i>1,678</i>	<i>141</i>	

Source: SLOCOG TDM.

**Site Access & Circulation**

**Correction - Panorama Drive is a narrow residential street, with one way flow at a time.**

Panorama Drive is a two-lane residential road with intermittent dike and off-street parking. There is no posted speed limit adjacent to the project site and there are no existing or proposed bikeways on Panorama Drive. The other roads near the project are also local roads, carrying volumes well below their capacity and serving to connect nearby homes to State Highway 1 and other destinations.

The August 2023 site plan proposes access points at Tahiti Street and Trinidad Street. We recommend the access points be constructed by extending the existing centerline of the roadways southwest of Panorama Drive. Due to the topography and narrow roadway width, access points or driveways on Panorama Drive south of Trinidad Street are not recommended and are not currently proposed. We also recommend the on-site private road centerlines be extended through intersections. **Is this a code to extend a centerlines through the intersections?**

Other local roadways near the project are relatively narrow, with parked vehicles requiring one-way flow at times. This serves to slow local traffic as drivers navigate the narrow available space. There are two existing 90 degree turns on Panorama Drive at Trinidad Street. With the extension of Trinidad Street, the two-t-intersections of Panorama Drive could become side street yield or stop controlled. However, adjacent intersections and most intersections in the neighborhood are currently uncontrolled and no collisions have been reported.

<sup>1</sup> California Governor’s Office of Planning and Research (OPR). December 2018. *Technical Advisory on Estimating Transportation Impacts in CEQA*

Per the City's Standard Specifications, "the minimum sight distance over any segment of the roadway shall be 200 feet unless approved by the Engineer." The stopping sight distance for 30 miles per hour (MPH) in the Caltrans Highway Design Manual (HDM) is also 200 feet. Stops signs should be considered on Panorama Drive at Trinidad Street if the sight distance is not met consistent with California Manual on Uniform traffic control devices (CAMUTCD) guidance.

The project will be required to complete frontage improvements consistent with City standards on Panorama Drive. During preparation of the public improvement plans, the sight distance is anticipated to be met at the access points but should be checked at the driveways, access points, and along Panorama Drive, as detailed plans are prepared.

**This parking paragraph does not take into consideration that there will be sixteen ADU's for this project.** Approximately half of the homes will have four parking spaces including two covered spaces. The remaining homes will have two covered spaces and an additional 20 parking spaces will be available on the private roads for residents and guests. In addition, parking is available on Panorama Drive for guests.

The nearest transit stop to the project site is at the corner of Main Street and Tahiti Street. It serves the Morro Bay Transit Fixed Route service Monday through Friday 6:25 a.m. - 6:45 p.m.

## ATTACHMENTS

TASAS Tables

## REFERENCES

- California Department of Transportation. 2021. California Manual on Uniform Traffic Control Devices, 2014 Edition, Revision 6.
- \_\_\_\_\_. 2020. Highway Design Manual, Seventh Edition.
- California Governor's Office of Planning and Research (OPR). December 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA.
- Central Coast Transportation Consulting (CCTC). March 2018. Morro Bay Circulation Element Update.
- City of Morro Bay. February 2012. 2011 Morro Bay Bicycle & Pedestrian Master Plan.
- \_\_\_\_\_. October 1987. Standards and Specifications of the City of Morro Bay.
- Institute of Transportation Engineers (ITE). 2021. Trip Generation Manual, 11th Edition.
- San Luis Obispo Council of Governments (SLOCOG). March 13, 2018. SLOCOG Working Paper: Analysis and Methodology for SB 743.

We look forward to your response to our questions.

Thank you for your time in this important matter.

Respectfully,

*Donald and Kristen Headland*

Donald and Kristen Headland

Morro Bay Residents

cc:

Mayor Wixom and City Council

Dana Swanson, City Clerk,

Chairperson and Planning Commissioners

Sarah MacGregor, Coastal Planner

Sarah Treadwell, Central Coast Water Board

Sheila Soderberg, Central Coast Water Board

Greg Bishop, Central Coast Water Board

November 14, 2024

City of Morro Bay

Attn: Airline Singewald, Community Development Department Director; Kim Fowler, Planning Manager

955 Shasta Avenue

Morro Bay, California 93442

November 14, 2024

Michelle C. H. Leicester-Cadaret

[REDACTED]

Morro Bay, CA 93442

[REDACTED]

[REDACTED]

**RE: CEQA - Notice of Preparation  
Public Comments - 3300 Panorama Drive Project, APN 065-038-001**

Dear Mr Singewald and Ms Fowler,

I am a full-time resident of North Morro Bay. I am contacting you with my comments regarding the scope of the draft EIR for the proposed development at 3300 Panorama Drive. I was not notified of the scoping meeting which was held on 11 October 2024. This concerns me as a resident ofon Trinidad St., one of the streets this project will severely impact.

The proposed 46 residential subdivision is located in the **HISTORICAL LANDSLIDE ZONE!!**

Over the past five years, I have witnessed the earth shifting above Panorama Drive. It is especially visible within the large depressed area directly above Sicily St. This continuous geological movement in this area has caused the pavement to crack, buckle and sink at the top of Trinidad St. which the City has had to do numerous large repairs. There are also underground aquifers throughout the hillside. These are apparent with the grasses, bushes, and flora flourishing in an otherwise dry portion of the hill.

I'm extremely concerned that the soil above Panorama Drive which is geologically referred to as 'Franciscan melange', is unstable and actively moving downslope, therefore unsuitable for residential development.

This is noted in the document below which Cal Poly Geology Professor, Antonio Garcia clearly states and uses as lecture material:

My name is Antonio F. García, and I have lived and owned a home on \_\_\_\_ Street in North Morro Bay since August 2001. I am a professor of geology and I have been teaching at Cal Poly since the academic year 2001-2002. Within the discipline of geology, I specialise in geomorphology, which is the study of how geologic processes shape landscapes. My research focuses on streams and sediment transport in tectonically active areas. Because streams carve valleys, and erosion of valley slopes produces sediment that affects streams, in a few instances my research publications encompassed landslide-related processes. I have been teaching students about landslides at the introductory level since 2001, and at more advanced levels since 2003. In my teaching, I have used the herein-named North Morro Bay Landslide Complex as an example of terrain that has been unsuitable for development since at least the academic year 2002- 2003 (I have attached an excerpt of my PowerPoint presentation [also saved a .pdf file] used for this lecture; this letter is also attached as a .pdf file).

As used in this discussion, the North Morro Bay Landslide Complex is the area that extends along Panorama Road from Island Street to Tahiti Street, and from Panorama Street to the adjacent ridgeline above North Morro Bay. There is a great deal of evidence that the lower approximately 400 yards or so of the North Morro Bay Landslide Complex is unstable and actively moving downslope.

Power-line posts and fences along Panorama are conspicuously tilted, which indicates slope movements occurring after those structures were built. Since I moved here in 2001, I have seen the embankment on the northeast/upslope embankment of Panorama Road fail regularly during winter rains. The evidence for failure is the presence of vegetation and mud on Panorama Road, and a corresponding area on the adjacent embankment that lacks vegetation. Also, the Panorama Road embankment impinges collectively on Panorama Road during Winter rains, which is evinced by conspicuous narrowing of the road: abundant automobile tracks reveal that they are forced to regularly drive through mud that overlies pavement and is typically a foot or so deep.

From a broader perspective, the North Morro Bay Landslide Complex is a “paleo landslide”. A paleo landslide is a landslide that first moved thousands of years ago and is relatively large scale. As early as 2011 college textbooks noted that paleo landslides are a serious threat to society because the sediment they are composed of is easily remobilized. One tragic example of a landslide that issued forth from the lower part of a paleo landslide occurred in the community of La Conchita in Ventura County. Evidence for prehistoric landslides issuing

forth from the lower part of the Paleo Landslide is clear but was ignored by developers. The Community also ignored a landslide in 1995 that moved slowly (hundreds of feet in a few hours) and therefore caused infrastructure damage but no loss of life. However, a fastmoving landslide in 2005 killed 10 people.

There is evidence that like the lower part of the La Conchita paleo landslide, the lower part of the North Morro Bay Landslide Complex is susceptible to remobilization that is capable of causing damage. Major landslides originating in the lower part of the North Morro Bay Landslide Complex in 1983 and 1995 caused 10s of thousands of dollars of damage.

Given what we now know about the threat posed by paleo landslides, it is clear that no human structures should be added to the North Morro Bay Landslide Complex.

Antonio F. García

A Past slide on Panorama Street(Panay slide area) required the county to reconstruct the Whale Rock Reservoir pipeline and have it rerouted down Trinidad Street. This incident should speak volumes about the dangers of disturbing an already volatile geological area.

Geologic risks have a major potential impact on our neighbourhood! Landslide potential cannot and should not be so easily dismissed.

### **1975 Topographical Map of North Morro Bay.**

The map below shows landslide areas that place the project site and North Morro Bay at risk. This map is from the Geology Report, page 5. The designation “Q1” indicates active landslide areas. The designation “KJfme” indicates the Franciscan melange, which is also unstable and unsuitable for development.



## **Transportation Report**

This study is significantly flawed!!

500+ vehicle trips on the North Morro Bay streets is a huge amount of traffic in our quiet area. Not factored into this study is the significant increase in traffic during the summer months when our city is inundated with tourists. Also Not reflected in the report is the number of vehicle trips associated with short-term rentals(legal and illegal). The daily turnover already creates an issue for our area and the city. Has an NOP been done by CalTrans regarding the impact of increased traffic at the intersection of Yerba Buena/San Jacinto streets and HWY 1??

The increased traffic this proposed development will create along with the lack of stop signs and pedestrian crossings in North Morro Bay is a recipe for disaster!!

## **Construction Noise**

Noise levels during the remediation and construction phases will be unacceptable to residents in North

Morro Bay, and are inconsistent with Plan Morro Bay. The initial study indicates that there will be 33

truckloads of fill per day during construction, which is approximately four per hour during an eight-hour workday. In a meeting during 2023, the developer indicated there would be 75 truckloads of fill coming through North Morro Bay daily for 3 months, and this is AFTER 6-12 inches of contaminated soil is removed by trucks. The additional construction noise from backhoes and other construction equipment will be a constant nuisance and interfere with the residents as well as wildlife in the ESHA. Conclusions that the impacts will be less than significant are not supported.

## **Numerous areas in the EIR study were not addressed:**

- Impact of the increased water run-off from Panorama Street **under** the condo complex, **under** Tide Street west to the end of Whitbey St. Then through a heavily unmaintained tree area. Continuing **under** Yerba Buena, Hwy 1(CalTrans), Torro Way where the culvert discharges the runoff onto the beach. **There should be a Hydrology and Water Quality report.**
- Major changes to the neighbourhood character.
- Limited parking on sight and the impact of the already problematic parking issues. How will this be addressed?
- Infrastructure: Sewer, Water, Gas, Electricity, weekly Garbage pick-up. How will this be addressed?
- Old sewer lines/sewerlines: Especially the Main Street line which has already experienced a failure.
- Hazardous waste: The recent DTSC Closure Letter to the City of Morro Bay has not yet been released by the Central Coast Regional Quality Control Board with approval for this development.

- Impact on Community Resources: What will the impact be on our police and fire departments?
- Impact on SLCUSD: Has an NOP been done on the impact on Del Mar Elementary School, Los Osos Middle School and Morro Bay High School??

The City of Morro Bay and By and the residents of North Noth Morro Bay are subject to increased risk due to the potential for safety hazards and damage to life and property from the proposed 3300 Panorama housing development. **I urge the City to deny the project!**

The initial study fails to address many critical and significant impacts on itsit'd residents and fails to acknowledge the current conditions of our traffic and utility infrastructure. Our neighbourhood cannot withstand the additional impact of this development, let alone it being built in a known landslide area.

Thank you for your consideration,

Michelle C. H. Leicester-Cadaret

Cc: Mayor Wixom and Morro Bay City Council, Morro Bay Planning Commissioners, Sarah MacGregor, California Coastal Commission

## Angie Buoncristiano

---

**From:** Donna Matchette <[REDACTED]>  
**Sent:** Friday, November 15, 2024 8:21 AM  
**To:** Planning Commission  
**Subject:** Proposed development project in sensitive wildlife corridor

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

I wish to add my objection and concerns for a proposed development on 3300 Panorama Drive, Morro Bay. The development would disrupt a sensitive wildlife habitat and is subject to flooding. While we need to consider suitable housing projects in our community, it should not be done at the expense of further eroding the habitat we have for protected wildlife species. Many animals and birds can only survive in certain areas that have sufficient food sources and shelter from humans and predators. This sensitive environmental corridor does just that, habitat necessary for the survival of raptors in particular. Please protect this area from development.

Thank you,

Donna Matchette  
[REDACTED], Morro Bay, CA 93442

Sent from [Mail](#) for Windows

November 14, 2024

City of Morro Bay  
Attn: Kim Fowler, Planning Manager  
955 Shasta Avenue  
Morro Bay, California 93442

**RE: Comments – 3300 Panorama Drive Subdivision Project NOP**

Dear Ms. Fowler,

Thank you for the opportunity to comment on the 3300 Panorama Drive Subdivision Notice of Preparation (NOP). The 46 residential units, in addition with 16 casitas, that are proposed on the 10-acre Project site will greatly affect the long-established single-family residential neighborhood in north Morro Bay.

The following issues need to be further studied in the Project EIR:

The proposed Project impervious surfaces appear to be much more than the stated “approx. 4 acres” (and “3.7 acres,” page 54, Initial Study) of the 10 acres of Project property. Please correctly calculate all tops of retaining walls, roofs, sidewalks, streets, patios, driveways, parking spaces for guests, and other impervious surfaces on Project site and Panorama Drive Project parking areas, when calculating stormwater runoff amounts.

Due to excessive drainage changes caused by the Project, explain the potential exposure to flooding of properties downslope to those Project drainage changes.

Address the issue of during rainstorms, collected percolated stormwater drainage for the entire Project site will likely overcome the 4-inch PVC pipe that is planned to flow to the existing drainage channel on the north western boundary of Project site.

What is the backup plan for the clogged 4-inch PVC pipe in the event of a heavy rainstorm?

The neighborhood west and southwest of Project site has an existing high-water table. Explain how the Project stormwater runoff percolation area will not affect the existing neighborhood high-water table during intensive rainstorms.

Explain the offsite path of the “existing drainage channel” on the northwestern Project site boundary as it flows to the sea and/or the City’s storm drainage system. Where is the drainage system’s path, and ultimate end for the Project site surface water runoff?

Explain how the “existing drainage channel” can accommodate the heavy rainstorm runoff from Project site.

Address how the onsite and offsite landslide risks will affect the proposed Project, the surrounding neighborhood, and hillsides.

Explain any Project improvements to the narrow Panorama Drive, and Whidbey Street.

Describe/show pedestrian paths/access into Project site from the Project parking areas on Panorama Drive.

Show Existing Project Site Topo Elevations at 2 ft. intervals on a readable map.

Show Project Site Grading Plan Topo Elevations at 2 ft. intervals on a readable map.

Show Final Project Topo Elevations at 2 ft. intervals and Building Finished Floor Elevations on a readable map.

Explain how the Project density and massing of building structures is compatible with the existing long-established surrounding neighborhood.

The project will tie into existing water and sewer mains. Has the City verified that the mains can accommodate the additional load capacity for the proposed 46 units and 16 casitas?

Address likely potential damage to existing infrastructure – sewer mains, water mains, during construction vehicle trips; and limited load capacity of sewer mains after Project Completion.

Explain how “429 daily trips” is a “minor increase in vehicle traffic along SR1, Panorama Drive, and other area roadways” such as Trinidad and Tahiti Streets.

Address Project construction ramifications during nesting season in the ESHA.

Address emergency response plans and evacuation plans in the case of a fire on Project site; and in the case of a wildfire in surrounding undeveloped areas during offshore winds that are very common in Morro Bay.

Address noise issues during earth moving and grading the site, and during construction.

Thank you for this opportunity to request the above list of issues are addressed in the 3300 Panorama Drive Subdivision Project EIR.

Sincerely,

Tina Metzger

Cc: Morro Bay City Council  
Morro Bay Planning Commission  
California Coastal Commission

## Angie Buoncristiano

---

**From:** Kim Fowler  
**Sent:** Thursday, November 21, 2024 10:04 AM  
**To:** Angie Buoncristiano  
**Subject:** Fw: 3300 Panorama Dr Project EIR Scoping

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** Kenna Morris [REDACTED] >  
**Sent:** Friday, November 15, 2024 2:29 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Subject:** 3300 Panorama Dr Project EIR Scoping

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

November 15, 2024

Dear Kim Fowler, Planning Manager, City of Morro Bay, Community Development Department

I am a resident of Morro Bay, on Whidbey St. just down from the proposed development. Many of my neighbors were not able to attend the last meeting because no notices were sent. Luckily, several of us heard about it from other sources. Had those notices been sent to all residents in a timely manner, I suspect there would have been two to three times the turnout. My immediate concern is that the Application process for this development is moving way too fast before the basic due diligence can be performed. Is this intentional? The current report by Vistra, who clearly is in a position of Conflict of interest, is obviously biased, inaccurate and incomplete. We, the residents of Morro Bay need to see multiple things happen before we are assured we have all the FACTS prior to approval of this project: Most importantly: we need independent consultants, geologists and specialists who are NOT affiliated with Rincon, to perform extensive studies of the Geology, Soil Contamination/Remediation- done by certified geologists, Air Quality, ESHA sensitive habitat-performed by Fish & Wildlife, possible Noise and light contamination caused by the proposed project, to see if problems exist in this area BEFORE any approval of this project is remotely considered. A five minute walk to the area shows obvious slide areas to the naked eye. There is one culvert directing water under the road, which regularly backs up and floods during heavy rains. There is documented evidence of several active landslides here, actually called the Panay Landslide. The ludicrous suggestion that a 10ft buffer would be enough of a solution to make the new houses safe from the effect of a landslide is faulty, uneducated and risky. To my knowledge the past landslides of 1975, 1982, 1995, 1997 and 2006 did not follow any tidy little path, confining itself to a pre-set trajectory. Landslides are an act of nature, and go where the weight of rain, rock and soil dictate. To assume otherwise could prove life threatening to the inhabitants. After the development is complete, who pays for the clean up of a life threatening landslide, that was predicted BEFORE the homes were built? The developer or City of Morro

Bay? That kind of avoidable disaster could bankrupt the City, which would then dissolve our financial resources for salaries and retirement pensions. When certified geologists are telling you this is an ACTIVE LANDSLIDE, why would anyone risk building there and be subject to a class action lawsuit? The City of Morro Bay needs INDEPENDENT consultants that we can trust to give the City of Morro Bay facts and legitimate data before ANY approval of this project can be considered. Don't forget, the current site is still CONTAMINATED from the jet fuel tanks that were there. Until that toxic soil is remediated and declared safe to develop, all movement of this project needs to come to a halt. Just cleaning up that space, which has documented: cobalt, lead and arsenic may take months if not years. Care must be taken during this remediation to protect against any spillage or air contamination. Furthermore, any incoming fill dirt must be tested for contaminants. Why wasn't all this done at the time of the tank removal? Whoever removed the tanks, should have done the soil remediation. Let's not continue to let these serious, life threatening infractions continue. Do the right, ethical thing: halt any processing of the 3300 Panorama Dr Project until ALL the independent scientific studies by EXPERTS are completed. Because, only then can an objective, safe and ethical decision be made.

Respectfully,  
Kenna Morris

  
Morro Bay, Ca 93442

## EIR CONCERN COMMENTS for COMB Planning Department Consideration

Being a member of the public and resident in close proximity of 3300 Panorama, I have listed below some of my specific items of concern, should this project be approved and move forward. I have made effort to limit my comments to items that I believe could have potential significant changes to the environment that may occur as a direct result of 3300 Panorama project development.

1. **Complete and thorough verification and clearance of all residual contaminants** from former site utilization as industrial aviation fuel storage facility. Especially since the proposed project will be on top of this former land use and the possibility of unmitigated pollutants migrating into residential dwellings.
2. **Additional load demand** placed upon existing utility infrastructure, including;
  - a. Electrical grid
  - b. Sanitary sewer
  - c. Surface water runoff
  - d. Domestic water distribution
  - e. Communication network
3. **Water supply** adequacy for fire/life safety peak use.
4. **Traffic congestion.** With the development and increased vacation rental activity and other density factors, traffic and parking in this neighborhood is becoming more and more problematic, roadway widths at times reduced to one car width. The increased traffic load for proposed housing development should include occupants AND all support traffic associated with the project; such as trash, deliveries, repair vendors, guests, vacation rentals, etc... Condition will exist during and after construction.
5. **Roadway surface durability (flexible paving).** The roadway surface traffic index rating is likely not sufficient to withstand the additional load and will require replacement at an earlier date, becoming an additional burden for homeowners NOT profiting from this development.
6. **Fugitive dust control.** The measures taken during the aviation fuel storage tanks and associated support buildings were wholly inadequate. My house was coated with dirt and required considerable effort and expense to achieve pre-demolition activity condition.
7. **Alternate habitat for affected species** after removal of support buildings for industrial fuel storage facility. Owls are no longer seen with near the frequency after the tank removal. I am not sure that alternative habitat for native bat population was provided in sufficient type & quantity as now they are roosting in the houses along Panorama; something I never witnessed in the 30 years I was present in the pre-tank demo time frame.
8. **Geologic stability** in areas in and proximate to existing landslide complex.
9. Construction activity in and proximate to the whale Rock underground distribution pipeline that runs parallel to chain link fencing along Panorama Drive.
10. **Noise pollution** added to neighborhood.
11. **Light pollution** added to neighborhood.
12. **Animal control.** Pets are allowed to roam free during hours of darkness in ever increasing numbers, resulting in significant unwanted deposits in non-pet owner's planters. Also, the roaming felines will surely eliminate the remaining ground nesting fowl.

Thank you for considering my areas of potential environmental impact concern.

Thomas Oliver

██████████  
Morro Bay, CA  
██████████

20241115

November 15, 2024

Ms. Kim Fowler

Interim Planning Manager, City of Morro Bay

cc: Airlin Sinbgewald, Community Development Director, City of Morro Bay Sarah MacGregor, Coastal Planner, CA Coastal Commission

Mayor & City Council, City of Morro Bay

Chairman & Commissioners, City of Morro Bay Planning Commission Central Coast Regional Water Quality Control Board

Subject: 3300 Panorama Drive Project EIR Scoping Dear Ms. Fowler,

I am a resident of North Morro Bay, and reside in the 300 block of Trinidad Street. I am writing to you regarding the scope of the draft EIR for the proposed development at 3300 Panorama Drive, located on the hill directly behind my neighborhood. My first concern is that I was not notified of the scoping meeting held on 10/17/24, so did not have the opportunity to attend.

This concerns me as a property owner and full-time resident, and I request that I'd be included in any future meeting and other pertinent information notifications.

As I reviewed the initial study listing the potential environmental factors, I was amazed and disappointed by the few categories selected by the consultant on the project. There are only 6 out of 21 categories selected, which even to a layperson is glaringly irresponsible and incomplete. The consultant/developer should be required to cover all potential environmental hazards in the EIR, including the following:

**Aesthetics:** The private, gated or fenced, community is inconsistent with the small town, small scale character of this Morro Bay neighborhood. This type of development invites 2nd home owners and encourages short term rentals. This is the friendliest neighborhood I have ever lived in. To include a fenced development, with private streets, and HOA is not in keeping with the existing neighborhood.

**Population and Housing AND Land Use Planning:** I doubt this is the type of development that the State of CA is mandating our city to provide, and if so, they will not be affordable for many or most. Does this project meet the analysis of the projected housing needs of this community? Where else in the city are developments of this size proposed? Are we providing adequate sites for rental housing, factory-built housing, mobile homes and emergency shelters as the State of CA mandates?

**Wildfire AND Flooding (also affecting Utilities and Service Systems, Hydrology and Water Quality and Public Services):** The SLO County Map of Statutory Natural Hazard Zones identifies the hillside above Panorama Dr. as Wild Land Area with Substantial Forest Fire

**Risk.** This map also identifies the building site as a Special Flood Hazard Area. These concerns are worth investigating and should be included in the EIR. With an estimated increase of 4 acres of impermeable surfaces, what increased volume of runoff water will be released into an already inadequate drainage system on Panorama Drive and down the perpendicular streets such as mine? Will the City be able to provide services adequate to cover increased demands?

**Transportation:** A traffic study must be completed to identify the impact to the existing neighborhood. How many car trips per day will be added? Can the existing streets handle the increased traffic? What is the impact of mitigation measures (such as street widening) to the existing homeowners? Is this in keeping with our guiding principles to create new development which fits and strengthens the unique small coastal town image and character of Morro Bay?

**Hazardous Materials, Hydrology and Water Quality AND Air Quality:** What are the impacts of construction in an area contaminated with jet fuel? This issue should be mitigated prior to start of construction. What are the impacts of hazardous materials in the inevitable dust and particulate matter released during construction? It has been noted that the Regional Water Quality Control Board has not released this property for development. These dangers should be mitigated prior to RWQCB approval.

**Geology and Soils:** The danger from landslide and earthquakes must be addressed in the EIR. With climate change, we will likely see increased incidents of unusually heavy rainfall. And earthquakes are a constant threat. Is this really a smart location for this large development?

Thank you for attending to my concerns regarding the scope of the Draft EIR.  
Sincerely,

  
Morro Bay, CA 93442

## Angie Buoncristiano

---

**From:** caryl pearson [REDACTED] >  
**Sent:** Friday, November 15, 2024 4:33 AM  
**To:** Planning Commission  
**Subject:** Subdivision planned on Panorama

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

If you allow this to be built, it will be obvious to everyone that you don't give a damn about our beautiful, sensitive environment and the creatures that live there.

Caryl Pearson  
[Yahoo Mail: Search, Organize, Conquer](#)



## **PUBLIC COMMENTS**

**SUBMITTED REGARDING**

**3300 PANORAMA DR.**

**Proposed subdivision,**

**Morro Bay, CA**

3300 Panorama Drive, a proposed 46-unit subdivision in Morro Bay, CA clearly states in its initial planning stages that a) in its Biological Resources (14.1V) and Mandatory Findings of Significance (14.XX1) studies, and b) Tribal Cultural Resource studies (14.XV111) there is a **potentially significant (adverse) impact on environmental and cultural issues.**

In the Initial Study, provided by Morro Bay's current planning projects, page three, Figure 2 Project Location, the colored map clearly shows a designated area for an "environmentally sensitive habitat area" (ESHA). California has a list of state and federally endangered and threatened animals and birds (dated October 2024). Animals and birds are analyzed for their current and future standing and survival ability.

"The most recognized threat to [hawks/ raptors] is the loss of their native foraging and breeding grounds. As important foraging areas are converted to urban landscapes or other unsuitable habitat, the aptitude to support breeding pairs decreases" (California Dept of Fish and Wildlife/<https://wildlife.ca.gov>).

"...suitable nesting habitat [must] continue to be available...accomplished by protecting existing habitat from destruction or disturbance" (Id) The Department of Fish and Game (Department), during project review for recovery plans "should consider whether a proposed project will adversely affect suitable foraging habitat within a ten (10) mile radius of an active... nest" ([wildlife.ca.gov/Conservation](https://wildlife.ca.gov/Conservation)). "No new disturbances (e.g. heavy equipment operation associated with construction use...new rock crushing activities) [that] is not a normal occurrence during the nesting season" should be increased to ½ a mile buffer from the nesting area to urban development according to Management Conditions (A. Petrovich Jr., State of California, Department of Fish and Game).

Nesting hawks have been seen in the trees depicted in the Initial Study, location map, in the color-coded "Environmentally Sensitive Habitat Area." Said sensitive environmental area is part of the project location of the 3300 Panorama Dr, site.

Tribal heritage is another concern at the 3300 Panorama site. The Initial study also highlights past and future historical site significance and whether it would create a change in tribal cultural significance. Page 79 of the Initial Study states there is a **potentially significant impact** for the site becoming a listing or being eligible as a historical and/or archeological resource in the California Register (Public Resource Code Section 5020.1(k) or Code Section 5024.1) regarding the significance to California Native American tribes. Of the tribes mentioned, the Northern Chumash Tribe, the yak tityu tityu yak tithini Northern Chumash Tribe, Santa Ynez Band of Chumash Indians, and the Xolon Salinan Tribes may have an interest or be impacted.

The amount of domestic water needed by a 46-unit subdivision may be underrated by the Initial Study. The nearby water tanks do not currently seem to supply all the houses in the area. In drought conditions, the neighborhoods receive notice to curb water use, including outdoor water use. If the projected water supply and demand use estimates for the next 25 years, (Table 10, Morro Bay Initial Study, page 82) are analyzed, the demand totals barely go up over the next 25 years and the numbers don't appear realistic. An anonymous City of Morro Bay member says the existing water tanks in far northeastern Morro Bay cannot support that number of additional homes. Where does the needed extra water come from? And at what cost of disruption to the neighborhood? How long to get a new wastewater treatment facility? There is talk of diversion or a culvert for the creek that delivers wastewater from a hill. Is there enough open space around this water channel to be effective?

Will there be a demand for wider roads and access to the project site? Currently, this proposed location in Morro Bay has parking problems. Houses in the area, usually have 1 car garages and most households end up with vehicles parked on the street. The streets are narrow and traffic is impeded. Extra traffic will make it worse.

Geological soils and Biological Resources (table 14.IV) show a **potentially significant impact**. Will there be a substantial adverse effect on habitat modifications, on sensitive species, or an adverse effect on riparian habitat? Is there interference with established migratory wildlife corridors or wildlife nursery sites? According to the Endangered Species Act and Migratory Bird Treaty Act, Morro Bay has state and federally-listed endangered and threatened species.

Any current Agriculture or Open Space land must remain in the same zoning classification to protect Morro Bay's way of life. From past City of Morro Bay zoning ordinances, agricultural zoning is to remain constant within city limits and no zoning changes are allowed in habitat-sensitive areas (City of Morro Bay Zoning Ordinance, Sections 17.11 and 17.19, 2005, and updated zoning ordinances).

"It is the intent of the General Plan/ Local Coastal Plan to maintain agricultural lands within the City limits, prevent these limits from being converted to non-agricultural uses..." (Id. Sec 17.11). "Environmentally sensitive habitat standards shall extend not only over an ESH area itself but shall include buffers necessary to ensure continued protection of the habitat areas...the ESH standards may apply to areas not currently mapped as ESH designation "(Id. Sec 17.19). Is there enough open space to accommodate the endangered, protected wildlife and their nesting and forage areas per the General plan, ESH standards, and Department of Fish and Game Management Authorizations?

The sensitive regulations specify that no significant disruption of habitat values is permitted in ESH areas.

Besides raptors being endangered in Southern and Central California, there are threatened hawks and other wildlife species. One such hawk is known as the Swainson Hawk or *Buteo swainsoni*. There was an up to 93% loss to their foraging grounds and protection of their nesting sites is key. Mitigation of Impact studies by Department of Fish and Game Code Section 2081 Management Authorizations and California Environmental Quality Act, and Fish and Game Code Section 2090 states:

"During project review the Department should consider whether a proposed project will adversely affect suitable foraging within a ten (10) mile radius of an active (used during one or more of the last 5 years) Swainson's hawk nests(s)."

There are also mitigation rules for loss of habitat for hawks and raptors under these same Management Authorizations. Projects within 1-10 miles of an active nest tree must provide certain percentages of habitat management lands for each acre of

urban development (Department of Fish and Game "*Staff Report Regarding Mitigation for Impacts to Swainson Hawks /Buteo swainsoni*", 3).

Other wildlife residing in the treed area (ESH protected) as part of project 3300 Panorama Dr include a wild turkey population and California condors or *Gymnogyps californianus* (a fully protected bird under the State and Federally Listed Endangered and Threatened Animals of California, October 2024). The condors prefer tall trees and larger undeveloped areas to forage. This condor has been registered in the Morro Bay location. Condors need safe places to nest and forage for food and are protected under the Endangered Species Act and the Migratory Bird Treaty Act (U.S. Fish and Wildlife Service, 2023).

Wild indigenous turkeys also live, breed, and nest in the fenced area adjacent to the ESHA designated on the Project Location Map of 3300 Panorama Dr. (Figure 2 of Initial Study). This fenced area protects the turkeys from coyotes and other predators for safe habitat. The turkeys also forage in the adjacent dryland and farmland fields, the same foraging lands as the other protected birds.

As the Project Location site is designated an ESHA, other threatened or endangered species may be affected in this same area. There are roosting bats in the local vicinity and monarch butterflies, which need habitat and are targeted for conservation, located in the area.

For the reasons above, the effect on threatened or endangered species and their foraging and habitat areas, the biological resources, the cultural impact on Indigenous tribes, the effect on domestic water available in the region, zoning, roads, and planning for Morro Bay, the 46-unit development does not fit our neighborhood.

  
504 422 2102  
Morro Bay, CA

## Resources

California, (2024). State and Federally Listed Endangered and Threatened Animals of California October 2024. *State of California Department of Fish and Wildlife*.

California Department of Fish and Wildlife, (2024). Swainson's Hawks. *Morro Bay Endangered Hawk Species*. <https://www.wildlife.ca.gov/Conservation>

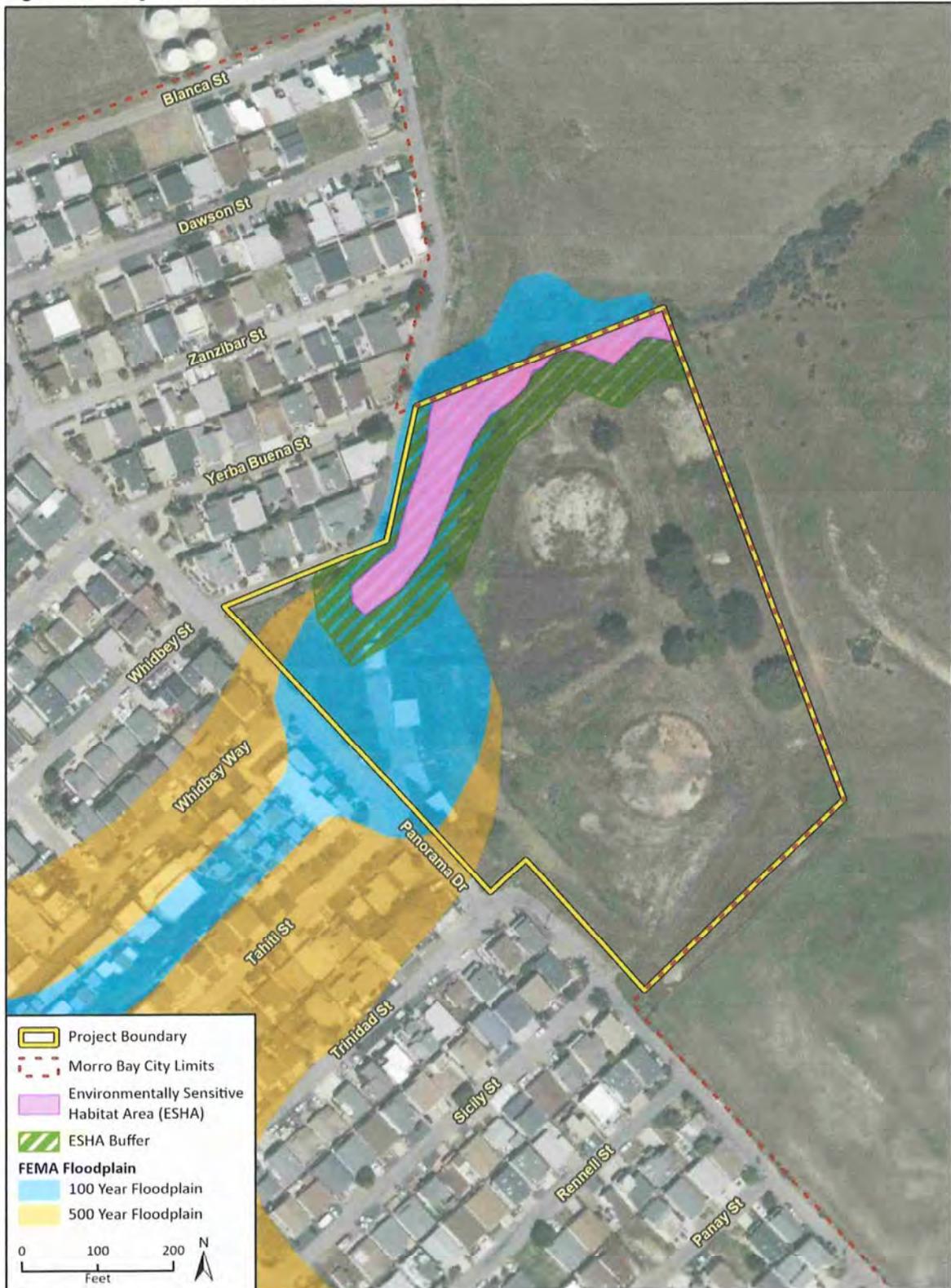
City of, Morro Bay. (2005). Zoning Ordinance. *Local Coastal Program and Coastal Implementation Plan Regulations and Sections 17.11 and 17.19*  
<https://www.morrobayca.gov/DocumentCenter/View->, pages 1-353

Morro Bay CA gov, Planning Projects (2024). 3300 Panorama Dr. *Initial Study*.  
<https://www.morrobayca.gov/842/current-planning-projects>

Petrovich, A., Jr. (1994). *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks, Management Authorizations*. State of California Department of Fish and Game.

U.S. Fish and, W. S. (2023). California Condor. *Morro Bay Endangered Animal Species*.  
<https://www.fws.gov/species/california-condor-gymnogyps-californianus>

Figure 2 Project Location



Imagery provided by Microsoft Bing and its licensors © 2024.  
Additional data provided by U.S. Geological Survey National Hydrography Dataset, 2023; FEMA, 2023.

**STATE AND FEDERALLY LISTED ENDANGERED  
AND THREATENED ANIMALS OF CALIFORNIA**

October 2024

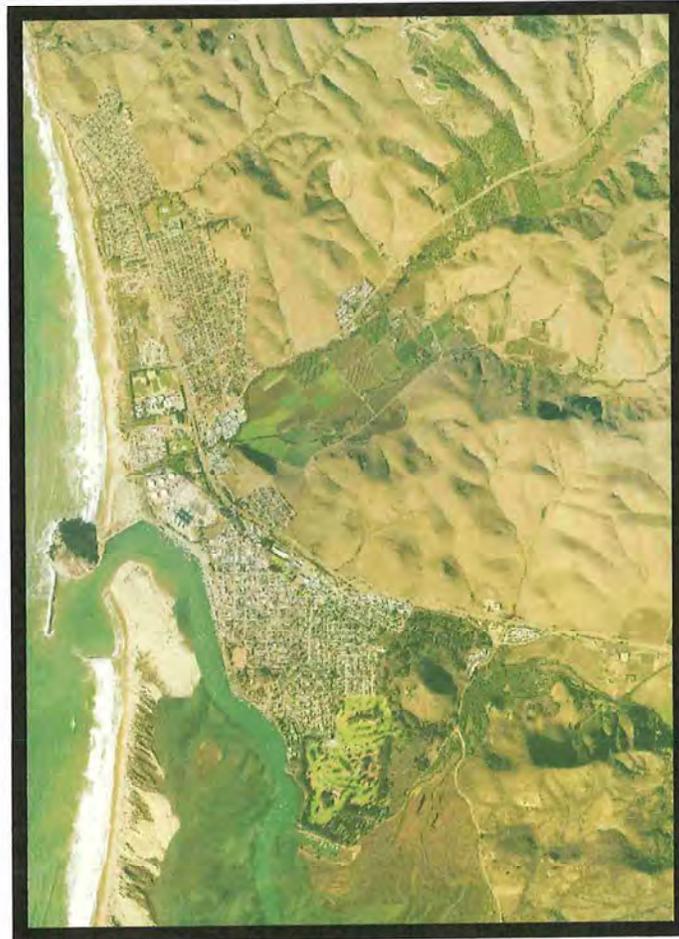
State of California  
Natural Resources Agency  
Department of Fish and Wildlife  
Biogeographic Data Branch  
California Natural Diversity Database (CNDDDB)

State and Federally Listed Endangered and Threatened Animals of California – October 2024

Taxon	Common Name	State Status	State List Date	State Fully Protected	Federal Status	Federal List Date	Notes
<i>Phoebastria albatrus</i>	short-tailed albatross				<u>FE</u> FE	20000830 19700603	Synonymous with <i>Diomedea albatrus</i> . First appeared on the 19700603 list of Endangered foreign species, but was not noted to occur in the United States. It was left off the 19701013 list of Endangered native species. This was an oversight that wasn't corrected until the USFWS specifically listed it on 20000830.
<i>Pelecanus occidentalis californicus</i>	California brown pelican	<u>SDR</u> SE	20090603 19710627		<u>FDR</u> FE	20091217 19700603	Recovered. Federal nomenclature: Brown pelican ( <i>Pelecanus occidentalis</i> ).
<i>Gymnogyps californianus</i>	California condor	SE	19710627	Fully Protected	FE	19670311	
<i>Aquila chrysaetos</i>	golden eagle			Fully Protected			
<i>Buteo swainsoni</i>	Swainson's hawk	ST	19830417				
<i>Elanus leucurus</i>	white-tailed kite			Fully Protected			
<i>Haliaeetus leucocephalus</i>	bald eagle	<u>SE</u> (rev) SE	19801002 19710627	Fully Protected	<u>FDR</u> FT FE (rev) FE	20070808 19950811 19780316 19670311	The Post-delisting Monitoring Plan will monitor the status of the bald eagle over a 20 year period with sampling events held once every 5 years. Listed as the southern bald eagle, <i>Haliaeetus leucocephalus leucocephalus</i> , in the Fully Protected statute.
<i>Falco peregrinus anatum</i>	American peregrine falcon	<u>SDR</u> SE	20091104 19710627		<u>FDR</u> FE	19990825 19700603	Recovered

# CITY OF MORRO BAY

## ZONING ORDINANCE



Local Coastal Program and Coastal Implementation Plan

AUGUST 2005

## Chapter 17.19 Environmentally Sensitive Habitat

---

### Sections:

- 17.19.010 Purpose
- 17.19.020 Uses Allowed without a Conditional Use Permit
- 17.19.030 Uses Allowed Only with a Conditional Use Permit
- 17.19.040 Special ESH Standards

### 17.29.010 Purpose

The purpose of the environmentally sensitive habitat (ESH) standards is to protect and preserve areas in which plant and/or animal life or its habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development.

Environmentally sensitive habitat standards shall extend not only over an ESH area itself but shall also include buffers necessary to ensure continued protection of the habitat areas. Only uses dependent on the sensitive resources and which do not result in significant disruption of habitat values shall be permitted in the ESH areas. The ESH standards may apply to areas not currently mapped as ESH designation.

New uses and expansions of existing uses allowed in the primary zone classification shall not be permitted unless specifically listed as allowed in the ESH areas. Proposed uses may require review and approval by the State Department of Fish and Game. Proposed uses may require permits from the Dept. of Fish and Game or may be prohibited.

### 17.19.010 Uses Allowed Without a Conditional Use Permit

- A. **Wetlands.** The following uses are permitted in wetlands: wildlife refuge; wildlife habitat management; noncommercial clamming and related activities on mudflats; passive recreation; noncommercial fishing and other educational or scientific activities including bird watching and nature study on the waters covering mudflats during high tides.
- B. **Estuary.** The following uses are permitted in estuaries: wildlife refuge; wildlife habitat management; educational or scientific studies including bird watching and nature study; and passive recreational uses, including boating and fishing.
- C. **Sand Dunes, Sandspits.** The following are permitted uses on sand dunes and sandspits: wildlife refuge; wildlife habitat management; passive recreation that does not significantly impair dune vegetation; scientific and educational activities.

## Chapter 17.11 AG Agricultural District

---

### Sections:

- 17.11.010 Purpose and Applicability
- 17.11.020 Land Use Regulations
- 17.11.030 Development Regulations
- 17.11.040 Conversion of Agricultural Lands
- 17.11.050 Required Findings
- 17.11.060 Review of Plans

### 17.11.010 Purpose and Applicability

The specific purpose of the AG Agricultural District is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals and as a buffer around the community and urban development. It is the intent of the General Plan/Local Coastal Plan to maintain agricultural lands within the City limits, prevent these lands from being converted to non-agricultural uses, and work with appropriate jurisdictions to maintain the maximum amount of prime agricultural land in the region. Consistent with the General Plan/Local Coastal Plan, lands in the AG district include areas with prime soils, prime agricultural lands, lands in existing agricultural use, lands with agricultural potential, and lands under Williamson Act contracts.

### 17.11.020 Land Use Regulations

Table 17.11 – A prescribes the land use regulations for agricultural districts. The regulations for each district are established by letter designations as follows:

“P” – Uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” – Uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by number designations listed at the end of Table 17.11 – A.

“M” – Uses subject to a minor use permit following discretionary review by the Public Services Director.

“C” – Uses subject to a conditional use permit following discretionary review and public hearing by the Planning Commission.

The approval of a coastal development permit (CDP) pursuant to the administrative provisions of Division V may still be required even for uses that are allowed as-of-right and designated with a “P.” The “Additional Regulations” column includes specific



Which hawks an endangered species in central Calif? X



All Images News Videos Shopping Forums Web More Tools

Showing results for Which hawks an endangered species in central California? Search instead for Which hawks an endangered species in central Calif?

AI Overview

Learn more

The Swainson's hawk (Buteo swainsoni) is a threatened species in California, and the majority of the state's population lives in the Central Valley. The California Fish and Game Commission listed the Swainson's hawk as threatened in 1983 due to a decline in population and loss of habitat.



Raptors - California Department of Fish and Wildlife State Threatened and Endangered Raptors \* California Condor. \* Bald Eagle. \* Swainson's Hawk. \* Northern Spotted Owl. \* E... California Department of Fish and Wildlife

The Swainson's hawk population in California has declined by an estimated

Swainson's Hawks in California The Swainson's hawk (Buteo swainsoni) was listed as a...

Show more

## Swainson's hawks

The most recognized threat to Swainson's hawks in the loss of their native foraging and breeding grounds. As important foraging areas are converted to urban landscapes or other unsuitable habitat, the aptitude for the landscape to support breeding pairs decreases.

California Department of Fish and Wildlife (.gov) https://wildlife.ca.gov Conservation Birds

### Swainson's Hawks in California

About featured snippets Feedback

#### People also ask

- Are hawks endangered in California?
What kind of hawks are endangered?
What kind of hawks are in Central California?
Why is the Swainson's hawk endangered?

Feedback

California Department of Fish and Wildlife (.gov) https://wildlife.ca.gov Conservation Birds

### Raptors - California Department of Fish and Wildlife

Other California Raptors · Cooper's Hawk · Sharp-shinned Hawk · Ferruginous Hawk · Osprey · Harris' Hawk · Merlin · Peregrine Falcon · Prairie Falcon ...



us fish and wildlife california endangered condors 2023



All News Images Videos Forums Shopping Web More Tools

Schedule Location Date

AI Overview

Learn more

Here's some information about the California condor in 2023 from the U.S. Fish and Wildlife Service (USFWS):

Population

As of December 2023, there were 561 California condors in the world, with 344 living in the wild.

Threats

The number of condors in the wild declined in 2023 due to highly pathogenic avian influenza.

California Condor HPAI Response Update - May 12, 2023 | U.S. Fish & Wildlife Service

May 12, 2023

U.S. Fish and Wildlife Service

2023 California Condor 5 year review - AWS

Aug 26, 2023 - It is our assessment that we no longer need an

Show more

August 25, 2023

The U.S. Fish and Wildlife Service's Incident Command Team, in collaboration with partner agencies, continues to develop and implement conservation strategies to help California condors considering Highly Pathogenic Avian Influenza (HPAI). Vaccination trials of condors in managed care continues.

U.S. Fish and Wildlife Service (.gov) https://www.fws.gov/program/southwest-california-c...

Southwest California Condor Flock HPAI Information Updates

About featured snippets Feedback

People also ask

How many California condors are there in 2023?

What is the current status of the California condors?

How many California condors are left in 2024?

Are California condors recovering?

Feedback

U.S. Fish and Wildlife Service (.gov) https://www.fws.gov/program/california-condor-reco...

California Condor Recovery Program

The Recovery Program is working to establish robust self-sustaining populations of condors within the historical distribution.

Condor HPAI Information · About Us · Get Involved · Initiatives

AI Overview

Learn more

Yes, California condors can be found in Morro Bay, California:

- **Morro Coast Audubon Society:** A member of the society reported seeing a condor circling Hollister Peak near Morro Bay in the 1950s.
- **Los Padres National Forest:** California condors can be found in this forest.
- **Morro Bay bird sanctuary:** This sanctuary protects over two dozen endangered

Show more

Morro Coast Audubon Society  
https://www.morrocoastaudubon.org › 2016/08 › califor...

### California Condors: Back from the Brink

Aug 2, 2016 — Discover the latest update on the **endangered California Condor** and how a remote, historic fire-lookout was transformed into a field research site.

Missing: https:// morrobayca

Morro Coast Audubon Society  
https://www.morrocoastaudubon.org › 2018/05 › recolle...

### 1950 California Condor Sighting

May 10, 2018 — (**California condors** (*Gymnogyps californianus*) were listed as **endangered** under the Federal **Endangered** Species Act on March 11, 1967. As of Oct 31 ...

Missing: https:// morrobayca

Morro Bay National Estuary Program  
https://www.mbnep.org › Blog

### Endangered Species of Morro Bay

Apr 7, 2023 — Species like the Southern sea otter, **Morro Bay** kangaroo rat, and steelhead have protected status in our watershed.

Missing: morrobayca eenders

### People also ask

What animals are endangered in Morro Bay?

How many California condors are left in 2024?

What is the current status of the California condors?

What do condors eat?

Feedback

Morro Bay  
https://www.morrobay.org › listing › morro-bay-nation...

### Morro Bay National Estuary

# Memorandum

To : Div. Chiefs - IFD, BDD, NHD, WMD  
Reg. Mgrs. - Regions 1, 2, 3, 4

Date : November 8, 1994

From : Department of Fish and Game

Subject: Staff Report Regarding Mitigation for Impacts to Swainson's Hawks  
(*Buteo swainsoni*) in the Central Valley of California

I am hereby transmitting the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California for your use in reviewing projects (California Environmental Quality Act [CEQA] and others) and in developing 2081 Management Authorizations and 2090 Biological Opinions which may affect Swainson's hawk habitat in the Central Valley. The staff report has been developed during the last 18 months by the Environmental Services Division (ESD) in cooperation with the Wildlife Management Division (WMD) and Regions 1, 2, and 4. It has been sent out for public review on several occasions and redrafted as appropriate.

Either the mitigation measures in the staff report may be used or project specific measures may be developed. Alternative project specific mitigation measures proposed by the Department Divisions/Regions or by project sponsors will also be considered. However, such mitigation measures must be submitted to ESD for review. The review process will focus on the consistency of the proposed measure with Department, Fish and Game Commission, and legislative policy and with laws regarding raptors and listed species. ESD will coordinate project specific mitigation measure review with WMD.

If you have any questions regarding the report, please contact Mr. Ron Rempel, Program Supervisor, Habitat Conservation Planning and Endangered Species Permitting, Environmental Services Division at (916) 654-9980.

COPY Original signed by  
A. Petrovich, Jr.

For  
Boyd Gibbons  
Direction

Enclosure

cc: Mr. Ron Rempel  
Department of Fish and Game  
Sacramento

file; d, exfile, esd, chron  
Vouchilas/seh/pdl SRPBUTEO.DS1

Department.

3. To mitigate for the loss of foraging habitat (as specified in this document), the Management Authorization holder/project sponsor shall provide Habitat Management (HM) lands to the Department based on the following ratios:

(a) Projects within 1 mile of an active nest tree shall provide:

one acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk) for each acre of development authorized (1:1 ratio); or

One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on-the HM lands) for each acre of development authorized (0.5:1 ratio).

(b) Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

(c) Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio). All HM lands- protected under this requirement may be protected through fee title acquisition or a conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

4. Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM land acre (adjusted annually for inflation and varying interest rates).

Some project sponsors may desire to provide funds to the Department for HM land protection. This option is acceptable to the extent the proposal is consistent with Department policy regarding acceptance of funds for land acquisition. All HM lands should be located in areas which are consistent with a multi-species habitat conservation focus. Management

## 14.IV Biological Resources

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

# 14.XXI Mandatory Findings of Significance

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

a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

As discussed in Section 14.IV, Biological Resources, Section 14.V, Cultural Resources, and Section 14.XVIII, *Tribal Cultural Resources*, construction of the project has the potential to significantly impact biological resources, cultural resources, and tribal cultural resources. These issues will be further studied in an EIR.

**POTENTIALLY SIGNIFICANT IMPACT**

## 14.XVIII Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
<p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Analysis

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

Many important cultural resources, such as tribal cultural resources, do not leave an archaeological footprint or have physically identifiable manifestations. Therefore, it is vital to evaluate possibility of

to high nitrate levels. Additionally, a desalination plant supplements the City’s water supply in drought conditions (City of Morro Bay 2021b).

The City’s 2020 UWMP provides water supply and demand estimates for the next 25 years based on existing land uses. Table 10 summarizes projected water supply and demand across normal, single dry, and multiple dry years through 2045, in terms of acre-feet per year (AFY).

**Table 10 City of Morro Bay Projected Water Supply and Demand**

	Year				
	2025	2030	2035	2040	2045
<b>Normal Year</b>					
Supply Totals	3,151	3,151	3,151	3,151	3,151
Demand Totals	1,333	1,366	1,400	1,445	1,445
Difference	1,818	1,785	1,751	1,706	1,706
<b>Single Dry Year</b>					
Supply Totals	1,702	1,702	1,702	1,702	1,702
Demand Totals	1,333	1,366	1,400	1,445	1,445
Difference	369	336	302	257	257
Multiple Dry Years	Year				
	2025	2030	2035	2040	2045
<b>First Year</b>					
Supply Totals	3,151	3,151	3,151	3,151	3,151
Demand Totals	1,333	1,366	1,400	1,445	1,445
Difference	1,818	1,785	1,751	1,706	1,706
<b>Second Year</b>					
Supply Totals	2,967	2,967	2,967	2,967	2,967
Demand Totals	1,333	1,366	1,400	1,445	1,445
Difference	1,634	1,601	1,567	1,522	1,522
<b>Third Year</b>					
Supply Totals	1,702	1,702	1,702	1,702	1,702
Demand Totals	1,333	1,366	1,400	1,445	1,445
Difference	369	336	302	257	257

Notes: water volumes shown in AFY

Source: City of Morro Bay 2021b

### *Stormwater/Wastewater*

The project site is currently vacant and there are no stormwater/wastewater drainage systems onsite. Wastewater in the City is currently treated at the Morro Bay – Cayucos Wastewater Treatment Plant (WWTP), which is owned and operated through a Joint Powers Agreement by the City of Morro Bay and the Cayucos Sanitary District. Between 2013 and 2017, the WWTP had a 5-year average flow of 0.94 million gallons per day (mgd) (City of Morro Bay 2017). However, the WWTP is nearing capacity, and after plans to expand the WWTP became infeasible, the City planned to construct a new Water Reclamation Facility (WRF). The WRF is designed to have a capacity of 1 mgd and would receive, store, and treat the full influent wastewater flows from the City in

## Angie Buoncristiano

---

**From:** Kim Fowler  
**Sent:** Thursday, November 21, 2024 10:00 AM  
**To:** Angie Buoncristiano  
**Subject:** Fw: NOP for 3300 Panorama

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** betty winholtz [REDACTED] >  
**Sent:** Friday, November 15, 2024 12:10 AM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Subject:** NOP for 3300 Panorama

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

Ms. Fowler:

In addition to the 6 items identified in the NOP to be studied in the EIR, the following items should be evaluated for 3300 Panorama:

- Hydrology and Water Quality
- Land Use and Planning
- Transportation
- Wildfire

I am unclear why these categories were chosen to be included:

- Cultural Resources
- Tribal Cultural Resources

Sincerely,  
Betty Winholtz

## Angie Buoncristiano

---

**From:** Kim Fowler  
**Sent:** Thursday, November 21, 2024 10:05 AM  
**To:** Angie Buoncristiano  
**Subject:** Fw: nop comment for 3300 Panorama

### Kim Fowler, Planning Manager

Phone: 805-772-6577 | Email: [kfowler@morrobayca.gov](mailto:kfowler@morrobayca.gov)

---

**From:** betty winholtz [REDACTED] >  
**Sent:** Friday, November 15, 2024 4:18 PM  
**To:** Kim Fowler <kfowler@morrobayca.gov>  
**Subject:** nop comment for 3300 Panorama

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

Dear Ms. Fowler:

SAVE THE PARK (STP) has been a local non-profit 501c3 registered with the State of California for over 20 years. Our mission "is to understand and protect parks and park-like areas that are important for the well being of natural systems, plant and animal species, and the residents and visitors to the North Coast of San Luis Obispo County."

To that end, this is STP's comment for the record regarding 3300 Panorama's Notice of Preparation. As is delineated on City and developer documents, the ESH on the property's north side is well-acknowledged and should left untouched receiving the maximum setback of 100 feet. In addition, there is another area on the property that also deserves acknowledgement and protection. That is the group of 9 mature Monterey Cypress, potentially 88 years old or older. Monterey Cypress is the City's designated City Tree.

Both the ESH and the 9 Monterey Cypress need comprehensive evaluation when the Biological Resources section of the EIR is addressed. To be complete, this examination should evaluate both for Vegetation, Wildlife, Habitat, Wildlife Corridors, and Riparian habitat and species.

STP asks to be put on any mailing list regarding 3300 Panorama. You may reach STP through my email: [REDACTED]

We look forward to reviewing the DEIR.

Sincerely,  
Betty Winholtz, President  
SAVE THE PARK

## Angie Buoncristiano

---

**From:** Katarina Thomas [REDACTED] >  
**Sent:** Saturday, November 16, 2024 6:37 AM  
**To:** Planning Commission  
**Subject:** 3300 Panorama

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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

Hello, I am concerned about the above named development. How can anyone be safe knowing the development is in a geological unstable area? Just looking at the land and the slope can see the potential for landslides. I live on Luzon Street and am terrified of the possibility of flooding, landslides, and additional traffic and water usage in the area. Please reconsider this project and cancel for the sake and safety of the community.

Thank you,

Katarina Thomas

Sent from my iPhone

## Angie Buoncristiano

---

**From:** Blake Frino [REDACTED] >  
**Sent:** Sunday, November 17, 2024 4:08 PM  
**To:** Planning Commission  
**Subject:** Go with compassion

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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

To Whom It May Concern:

I am writing to request development at 3300 Panorama Drive not the cut as it threatens our local environment, including the many tall trees that are home to endangered hawks and other raptors. Swainson Hawks, recently observed in the area, are federally protected. The site also features a natural water channel and sensitive riparian habitat that may face disruption. This area has experienced flooding during past extreme hurricane storms.

In addition, other concerns are: • Disruption to wildlife and migratory bird habitats • Insufficient water resources and increased drought risks • Traffic and parking issues on already narrow streets • Prolonged disruptions from construction of new service lines

I hope that you move forward with compassion as opposed to money and not impose development on Panorama Drive.

Thank you,

Blake Frino-Gerl  
Sent from my iPhone